

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, DECEMBER 18, 2017 TIME: 6:15 PM

AGENDA

- **6:15PM – WORK SESSION ON PUBLIC PROCESS REGARDING DEVELOPMENT OF MCINTYRE PROPERTY**

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

PRESENTATIONS

1. Portsmouth High School Holiday Ensemble
2. Presentation and Recognition of Outgoing City Councilors
3. Mayor's Blue Ribbon Committee on Sister Cities and Citizen Diplomacy – Karina Quintans, Chair
4. Citywide Neighborhood Committee Re: Dilapidated Properties

V. ACCEPTANCE OF MINUTES – NOVEMBER 20, 2017

VI. PUBLIC COMMENT SESSION

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

- A. Public Hearing/Adoption of Resolution Appropriating from Bond Premium the Sum of One Million Two Hundred Sixty-Nine Thousand One Hundred Forty-Eight Dollars and Forty-Three Cents (\$1,269,148.43) to be applied to Municipal Complex Improvements

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

- B. Public Hearing/Adoption of Resolution Authorizing the Application of Unexpended Proceeds of the Borrowing for the Hobbs Hill Landing Water Tank Replacement Project, in the amount of Five Hundred Eighty Five Thousand, Eight Hundred Ninety-Six Dollars and Seventy-Five Cents (\$585,896.75), to pay costs of Water Main Replacement Projects

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

- C. Public Hearing Adoption of Resolution Authorizing a Supplemental Appropriation from Unassigned Fund Balance for Necessary Expenditures Related to Contractual Obligations - \$27,167.00

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

VIII. APPROVAL OF GRANTS/DONATIONS

- A. Portsmouth Police Department Grant
- Acceptance of Grant from the Bureau of Justice Assistance for the Bulletproof Vest Partnership 2017 - \$5,109.81 (**Sample motion – move to approve and accept the Grant to the Portsmouth Police Department, as presented**)

IX. CONSENT AGENDA

(ANTICIPATED ACTION - MOVE TO ADOPT CONSENT AGENDA)

- A. Request for License to Install Projecting Sign from Michelle Graham owner of Pretty Little Things for property located at 21 Vaughan Mall (**Anticipated action – move to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request**)

Planning Director's Stipulations:

- **The license shall be approved by the Legal Department as to content and form;**
 - **Any removal or relocation of projecting sign, for any reason, shall be done at no cost to the City; and**
 - **Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works**
- B. Letter from Jd Dorr, Seacoast Outright, requesting permission to hold Portsmouth PRIDE 2018 on Saturday, June 23, 2018 (**Anticipated action – move to refer to the City Manager with power**)
- C. Letter from Jennie Halstead, My Breast Cancer Support, requesting permission to hold the 10th Annual race on Sunday, September 16, 2018 (**Anticipated action – move to refer to the City Manager with power**)

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. (See E-mail Correspondence)
- B. Letter from Patricia Bagley regarding October 16th Public Dialogue Minutes

- C. Request from Portsmouth Police Department for the Disposal of outdated Radio Equipment (***Sample motion – move to approve the Disposal of outdated Radio Equipment***)
- D. Letter from Assistant Mayor-Elect Lazenby, Councilors-Elect Roberts, Reynolds and Becksted regarding McIntyre Project
- E. Letter from Thomas Clairmont regarding Portsmouth 400

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

City Manager’s Items Which Require Action:

- 1. Request for Approval of the Tentative Agreement between the Portsmouth School Board and the Portsmouth School District’s Non-Supervisory Cafeteria Personnel – American Federation of State and County Municipal Employees Local #1386
- 2. School Department Teacher’s Retirement Incentive
- 3. Acceptance of Sanderson Drive as a city street (constructed as part of the subdivision off of Spinney Road)
- 4. Request for Approval of Agreements, Licenses and Easements Re: 25 Maplewood Avenue

City Manager’s Informational Items:

- 1. Events Listing
- 2. Special Meeting December 20, 2017 Re: McIntyre Development
- 3. City Opens Seasonal Boater Application Round for Prescott Park Docks

B. MAYOR BLALOCK

- 1. *Appointments to be Voted:
 - Appointment of Mary Lou McElwain (current alternate) as a Regular member to the Parking & Traffic Safety Committee
 - Appointment of Ralph DiBernardo as an Alternate to the Parking & Traffic Safety Committee
 - Reappointment of Jody Record to the Planning Board
 - Appointment of John Kennedy to the Mayor’s Blue Ribbon Committee on Sustainable Practices
 - Appointment of Lana Bluege to the Mayor’s Blue Ribbon Committee on Sustainable Practices

C. ASSISTANT MAYOR SPLAINE

- 1. *Board of Ethics Selection and Financial Disclosure Form Submission

D. COUNCILOR LOWN

1. Parking & Traffic Safety Committee Action Sheet and Minutes of the December 7, 2017 meeting (***Sample motion – move to accept and approve the action sheet and minutes of the December 7, 2017 Parking & Traffic Safety meeting***)

E. COUNCILOR DENTON

1. *Renewable Energy Committee Update

XII. MISCELLANEOUS/UNFINISHED BUSINESS

XIII. ADJOURNMENT

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

**Indicates Verbal Report*

INFORMATIONAL ITEMS

What neighbors should do about dilapidated homes

Larry Cataldo

Paul Mannle

Citywide Neighborhood Committee

Introduction

- What motivated this report
- More serious problems in past years
 - In the recent past, there were 15 or more complicated cases, today only about 5
 - Of the hundreds of complaints each year, very few are difficult to resolve
- State laws and City ordinances appear adequate
 - See attached appendix
- Providing a “kit” for neighbors to follow

Examples of Neighborhood Complaints

- Missing/broken doors and windows
- Unregistered cars on lawn and sidewalk
- Unkempt lawn and bushes
- Old machinery/junk on lawn
- Collapsing walls
- Broken fence
- Police activity
- 'Blue plastic covering boats'



Possible Causes

- Hoarding
- Poor mental and physical health
- Lack of funds
 - Mortgage and debt problems
 - Liens and taxes in arrears
- Divorce (with mother/father at home)
 - Delayed settlements
 - Joint ownership difficulties
- Absentee owner (property taxes up to date)

Some of these point to individual tragedies, leaving owners with very little freedom of choice and/or “will” to keep the property maintained

Best Strategies

Before filing a complaint:

- Concerned neighbors reach out to the home owner

- One or two persons knock on the door
- ‘Can we help or seek help?’



See next slide
on Community
services

- Form a neighborhood “action” group and offer to:

- Cut the grass and rake the lawn
- Repair a broken window, door or fence
- Paint the house
- Repair stairs
- Help raise money for more serious problems



- Ask the owner if he/she wants an insurance waiver

- There may not be any homeowners insurance

Public Assistance for Residents At Risk

- Housing Resources – 4 organizations
- Food Pantries – 4
- Meals – 4 including Meals on Wheels
- Clothing, Furniture & Household Items – 5
- Legal Help – 4
- Medical Help – 6
- Emergency Housing – 4
- Employment Services – 2

Special
handout
available

A host of special programs provided by the:
NH Bureau of Elderly and Adult Services

- BEAS
- Home Care
 - Meals on Wheels
 - Transport assistance
 - Abuse investigation
 - Services for disabled

Best Strategies (Cont'd)

If a complaint must be filed:

- Concerned neighbors using this guide, can call the City for help

	Citizen Complaint	Initial Contact See notes at bottom	
1	Dwelling and grounds create a public nuisance	Zoning/Health	Since there are no property maintenance
2	Dwelling becomes an attractive nuisance - attracting children on property that poses a hazard	Police/Zoning	May require the owner to board up doors
3	Utilities, plumbing, heating or sewerage disconnected, destroyed, removed, or rendered ineffective	Zoning/Health	If the building and grounds are not being maintained, must board up the dwelling and fence-in the property
4	Dwelling vacant for more than two consecutive years, and not maintained to code	Zoning	Must be boarded up and fenced-in to prevent trespassing
5	Dwelling shows signs of posing a serious threat to the safety, health and/or general welfare of the community	Health	Documenting becomes very important. E.g. photos, videos, etc.
6	Dwelling and premises attract illegal activity, such as drug dealing	Police/Zoning	See # 2 above
7	Structure and grounds are a fire hazard	Fire	
8	Dwelling/structure has missing, broken or boarded up windows or doors	Zoning	

Special
handout
available

- 33 typical complaints with initial contacts and comments
- List of city employees with phone numbers

City Attorney Robert Sullivan: "99% of the complaints can be resolved by contacting city officials."

Best Strategies (Cont'd)

- When contacting the City
 - Provide photos, videos and other evidence
 - Document if children are living in filthy conditions
- Be mindful that there are no regulations that forbid:
 - Uncut grass
 - Peeling paint on the dwelling
 - A number of “registered” vehicles on the lawn
 - Other unsightly appearances

The City can only act on health or safety problems

Best Strategies (Cont'd)

- Ask the Citywide Neighborhood Committee for help
- Ask the City Attorney to summarize/review the case
 - To explain legally what can and cannot be done
 - Provide any new evidence
- Offer to work with the City to resolve the problem
- Follow up with the City and keep neighbors informed

Special
handout
available

Suggestions that sometimes don't work

- Writing letters and making public comment to the City Manager and City Council
 - They only turn the matter over to the City Attorney
- Hiring an attorney to represent the group
 - Adds more time to the process and can be costly
 - Does not guarantee that the problems would be resolved

The Final Thoughts

- Some cases difficult for the City to resolve
 - Must be a safety and public health problem
 - A few problems can last years
 - ‘As long as the property taxes are paid’
- NEIGHBORS HELPING NEIGHBORS



Proposal:

- ✓ Request that this material be posted on the City's Website

Appendix on State Laws and Portsmouth Ordinances

Content Summary/Subject Headings

Laws and Ordinances

- New Hampshire Laws - RSA
 - 147 Nuisances and health/safety
 - Defines nuisances on toilets, drains, rubbish and waste
 - Owner rights if Health Officer to order removal of nuisances
 - Requires adequate toilets
 - Discusses “offensive matter” such as unburied animals and putrid substances
 - 155A – NH Building Code
 - Only about public buildings
 - 155B - Hazardous and Dilapidated Building
 - Details on building and fire codes
 - Repair and removal of hazardous buildings
 - Refusals and denials
 - Enforcement of judgments
 - Removing personal properties if building is being razed

Laws and Ordinances (cont'd)

- Portsmouth Ordinances (Chapters)
 - 3.101-102 Nuisances/Notices (duties of Health Officer)
 - 3.401 Noise Control
 - 5.9 Fire Codes
 - 9.501 Public Way Obstructions
 - Blocking sidewalks and streets
 - 10 Zoning (Land Use Regulations)
 - Environmental protection standards
 - Fire and building requirements
 - Housing Enforcement Officers
 - Compliance
 - Preserving the rights of citizens
 - 10.430 Use Regulations (see temporary uses and accessory storage (vehicles and boats))
 - Non-commercial boat storage
 - Temporary structures
 - Indoor Storage
 - Outdoor storage and 9 consecutive months
 - Vehicle parking on premises – only one commercial vehicle – no limits on registered cars
 - No Machinery on property zoned residential

Laws and Ordinances (cont'd)

- 14 Housing Codes

 - Full definition of a dwelling unit

 - Lodging units & rented rooms defined

 - Department of inspectors

 - Procedures when making an inspection

 - Right to refuse inspection

 - Rental inspections every three years

 - Inspections when apartment is vacated

 - Single family home exempted from smoke detection units

- 14.108 Dangerous Buildings

 - List of at least 10 defects defining a dangerous building

 - Addresses light and sanitation issues

 - Adequate entrance and exit ways

- 14.112 Duties of Housing Code Inspector

Best Ways to Resolve Dilapidation Problems in your Neighborhood

Before calling the City

- ✓ Several neighbors reach out to occupants
 - Find out what is going on and offer to help
 - ✓ Form a Neighborhood Group to help clean-up and fix-up the property
 - ✓ Offer to reach out to the City to address health and other problems
 - See attached Community Resource Sheet
-

- ✓ If no response or outright refusal of any help, one or more neighbors can file a 'complaint' with the City (e.g., with Jason Page) for an initial inspection and determination (see attached worksheet on the appropriate contacts)
 - Include any photos, other evidence of the problem(s)
 - Follow up on requests and keep a log
- ✓ Contact one of your Citywide Neighborhood Committee members for assistance
 - See City of Portsmouth website for member list (City Clerk – Boards and Commissions - Neighborhood Steering Committee)
- ✓ A neighborhood group can meet with the City Attorney
 - Find out why or why not the City can **legally** act on existing complaints
 - Provide new evidence
- ✓ Offer to work with the City to help resolve the problem(s)
- ✓ Follow-up with City officials and keep neighbors informed

Suggestions that may not work

Asking the City Council or City Manager to intervene

- Both will refer the matter to the City Attorney's Office

Hiring a neighborhood attorney to seek relief

- Can delay the adjudication of any complaints in Court
- Can be costly and possibly result in no resolution

Community Resources

Housing Resources

Portsmouth Housing Authority: 436-4310, 245 Middle St. (Public Housing & Section 8 Certificates)
NH Housing Finance Authority: 1-800-640-7239 ext. 283 (Section 8 Certificates)
The Housing Partnership: 516-0590, 155 Islington St.
Security Deposits: Rockingham Community Action – 431-2911; Strafford Community Action – 749-5160

Food Pantries

Operation Blessing: 430-8561, 600A Lafayette Road (M, Th, F)
Family Service Association: 436-0641
Seacoast Community Church: 436-8623, 397 Lafayette Road
Salvation Army: 436-2606, 15 Middle Street

Meals

Salvation Army Soup Kitchen: (M, W, Th, F, S, S; 5:00-6:00 p.m.; Breakfast M-F; 7:30-8:15 a.m.)
Seacoast Community Church: Lafayette Road: Tuesday noon
St. John's Church, Chapel St.: Thursday noon
NH Bureau of Elderly & Adult Services – Meals on Wheels: 433-8300 (1-800-821-0326)

Clothing, Furniture & Household Items

Family Service Association
Operation Blessing
Salvation Army
Goodwill Store: Lafayette Road, South Gate Plaza
New Generations Thrift Shop: 436-4989, 568 Portsmouth Ave., Greenland

Legal Help

NH Legal Assistance: 431-7411
NH Pro Bono: 1-800-639-5290
NH Bar Assoc. "Lawline" Hotline: 1-800-868-1212
Legal Advice Referral Center: 1-800-639-5290
Disabilities Rights Center: 1-800-834-1721

Medical Help

SeaCare: 430-4910, 772-8119
Lion's Club (Glasses): 742-7424
Info Link (Prescriptions): 1-888-499-2525 or 422-8220
Families First: 422-8208
Seacoast Mental Health Center: 431-6703
DentalNet: 772-8119

Emergency Housing

Homeless Outreach: 1-800-852-3388 or days, 431-2911
Cross Roads House: 436-2218, 600 Lafayette Road
My Friend's Place: 749-3017, 368 Washington St., Dover
A Safe Place (Shelter, Safe Homes for domestic violence victims & children): 436-7924

Employment Services

NH Dept. of Employment Security: 436-3702, 200 Lafayette Road
State of NH Vocational Office: 436-8884, 30 Maplewood Avenue

Utility Bills

Neighbors Helping Neighbors; 436-3896

Senior Citizen Services

NH Bureau of Elderly & Adult Services: 433-8300, 50 International Drive
(Home care, meals on wheels, transportation assistance, abuse investigation, services for disabled)

Portsmouth Contact Sheet for Dilapidated Homes

	Citizen Complaint	Initial Contact	Comments
1	Dwelling and grounds create a public nuisance	Code/Health	There must be a health/safety issue present for the City to act.
2	Dwelling becomes an attractive nuisance - attracting children on property that poses a hazard	Police	May require the owner to board up doors and windows and fence in the property.
3	Utilities, plumbing, heating or sewerage disconnected, destroyed, removed, or rendered ineffective	Code/Health	If the building and grounds are not being used for a long time (e.g., bank foreclosure), owner(s) must board up the dwelling and fence-in the surrounding property.
4	Dwelling vacant for more than two consecutive years, and not maintained to code	Code	Must be boarded up and fenced-in to prevent crime related issues. Often finding the owner can be problematic.
5	Dwelling shows signs of posing a serious threat to the safety, health and/or general welfare of the community	Code/Health	Documenting becomes very important. E.g., children living in filth.
6	Dwelling and premises attract illegal activity,	Police	See # 2 above
7	Structure and grounds are a fire hazard	Fire	
8	Dwelling/structure has missing, broken or boarded up windows or doors	Code	
9	Building has structurally faulty foundation	Code	
10	Dwelling has seriously damaged or missing siding	Code	
11	Dwelling has unrepaired fire or water damage	Code/Health/Fire	
12	Dwelling is a rodent harborage and/or infestation	Health	Documenting becomes very important. E.g., evidence of the little pests
13	Structure open to the elements as a result of damage, dilapidation, or decay	Code	The structure may have to be condemned, which can be a lengthy protracted process.
14	Structure is unable to provide shelter or serve the purpose for which it was constructed due to damage, dilapidation, or decay	Health/Code	See #13 above.
15	Weeds or similar vegetation is allowed to reach and remain at a height of 36 inches or greater for 30 or more days	None	Since there are no property maintenance codes, a complaint can be effective only if there is a health/safety issue. Neighbor helping neighbor is an option.
16	Dead, decayed, diseased, or damaged trees constituting a hazard or danger to persons or property	Public Works - Trees	Contact Public Works if any trees/ bushes extend onto the sidewalk or street
17	Property has any combination of five or more pieces of mechanical equipment stored in public view (zoned residential)	Code	May be classified as a junkyard which is prohibited in a residential-zoned neighborhood
18	Signs of collapsing or deteriorating exterior walls, roofs, stairs, porches, handrails, railings, basement hatchways, chimneys, flues, or floors	Code	Neighbors should inquire if the resident(s) need some volunteer help.
19	Foundation walls, crumbling stone or brick contain open cracks and breaks	Code	
20	Poorly maintained overhang extensions, including but not limited to canopies, marquees, signs, awnings, stairways, fire escapes, standpipes, and exhaust ducts, which contain rust or other decay	Fire/Code	
21	Evidence of fence, broken or rotted boards or in an otherwise dilapidated condition	DW if affecting sidewalk	Must be repaired if it is a health or safety issue. This is a neighbor helping neighbor opportunity.
22	"Premises create a substantial and unreasonable interference with the use and enjoyment of nearby premises"	City Attorney/Code	Could be the beginning of a neighborhood blight; complaints should be well documented.
23	Commercial parking lots left in a state of disrepair or abandonment	None	There may not be a specific code but it could be a safety issue if not fenced-in
24	Vacant buildings or structures left unsecured or unguarded against unauthorized entry	Police	The building and premises must be secured
25	Unauthorized storage or accumulation of junk, trash, rubbish, boxes, paper, plastic, debris, refuse or excessive wood waste debris of any kind on the exterior premises	Health	May also present a neighbor helping neighbor opportunity.

26	Parking of inoperable, abandoned and/or unregistered motor vehicles including cars, trucks, boats, motorcycles, or other inoperable machinery,	Code	Unregistered, poorly maintained or junk vehicles are not allowed in a residential area for more than 60 days.
27	Presence of a number of dirt piles on lawn for many months.	None	
28	Graffiti is clearly visible from the street	None	
29	Noticeable odor of rotting vegetation and/or sewage	Health	
30	Children living inside dilapidated, poorly maintained dwelling	Health/Code	Try to provide evidence. This will help the Health Officer
31	Excessive noise late at night	Police	
32	Swimming pool with broken fence	Code	
33	Several boats in the yard with ugly blue tarps on them	None	There is no codes that forbids this. For a residential zone, there is a 9 month storage limit.
34	There are always four "registered" vehicles on the lawn	None	The zoning code does not specify the number of registered vehicles can be parked on private property
35	Too many people living in this unit - noisy at all hours of the day.	Code/Police	There are specific codes on the number of occupants

Portsmouth City Contacts

Code Enforcement Officer	Jason Page	610-7279
Health Officer	Kim McNamara	610-7273
City Attorney	Robert Sullivan	610-7204
City Manager	John Bohenko	610-7202
Chief Building Inspector	Robert Marsilia	610-7261
Plumbing Inspector	Brian Kiely	610-7264
Electrical Inspector	John Plourde	610-7265
Fire Chief	Steve Achilles	427-1515
Bureau of Fire Prevention		427-1515
Police Chief	Robert Merner	427-1500
Community Policing	Det. Rochelle Navelski	427-1500
Public Works Director	Peter Rice	427-1539
PW General Foreman	Todd Croteau (Trees)	766-1428

Prepared by Larry Cataldo, Member - Citywide Neighborhood Committee
12/7/2017

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, NOVEMBER 20, 2017

PORTSMOUTH, NH
TIME: 6:30PM

At 6:30 p.m. a Work Session was held regarding Portsmouth Listens Study Circles.

I. CALL TO ORDER

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

II. ROLL CALL

Present: Mayor Blalock, Assistant Mayor Splaine, Councilors Perkins, Dwyer, Pearson, Cyr and Denton

Absent: Councilors Lown and Spear

III. INVOCATION

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

IV. PLEDGE OF ALLEGIANCE

Chief Achilles led in the Pledge of Allegiance to the Flag.

PRESENTATIONS

1. Rockingham County Update – Kevin St. James, Rockingham County Commissioner

Commissioner St. James provided an update on Rockingham County. He reported that Rockingham County employs 700 employees with a budget of \$81,000,000.00. He spoke to services provided to the City through the nursing home and the jail system. He also addressed that the County is changing their fiscal year and this year they will have an 18 month budget but nothing will change with the billing to communities.

2. Coakley Landfill Group Update – Robert P. Sullivan, City Attorney

Environmental Planner Britz provided an update regarding the Coakley Landfill Group. He spoke to the upkeep of landfill site. He reported no contaminants were found in drinking water wells. He addressed the deep bedrock study being conducted near the site which will have multiple steps. He also spoke regarding the November 15th meeting held by the group at North Hampton and the meeting is on-line and urged people to review it.

Councilor Pearson said some of the surrounding States have lowered the water contamination and would like to know the level for New Hampshire. Environmental Planner Britz said it is currently 70 parts per trillion is what the State has adopted. He said that Vermont has a lower level.

Councilor Perkins said she has heard that the bedrock study is a key piece of this. Environmental Planner Britz said the study will be in phases and the information is available on the website.

City Attorney Sullivan reported that he will be attending the Sub commission meeting on the Cancer Cluster and speaking regarding the Coakley Landfill.

Councilor Dwyer said she learned more about the process and phases at the November 15th meeting in North Hampton. She said we need to understand the topography of the test sites. She suggested possibly holding a Work Session on these matters.

Environmental Planner Britz informed the Council that the November 15th meeting held in North Hampton is available on-line and is a good resource.

Councilor Denton said he would like to have a site walk of the area for the new City Council.

V. ACCEPTANCE OF MINUTES – OCTOBER 2, 2017

Councilor Perkins moved to approve and accept the minutes of the October 2, 2017 City Council meeting. Seconded by Councilor Pearson and voted.

VI. PUBLIC COMMENT SESSION

Pat Bagley said residents are asking for a vision and mission statement before moving forward with the McIntyre Building. She asked why we are rushing to decide and that one public comment session was not enough on the project. She spoke opposed to metering the parking lot on Parrott Avenue. She asked why is the Council rushing to have a first reading on an ordinance for Parrott Avenue at the next Council meeting. Ms. Bagley said we would be violating the Langdon Trust for the Parrott Avenue lot.

Mary Lou McElwain said she agrees with the Editorial Board and letters in the newspaper on holding off on making a decision on the McIntyre site. She said we should collaborate with UNH on this matter and having a Portsmouth Listens Forum would be great. Ms. McElwain said she would like to see a 3D rendering of the site.

Erik Anderson spoke to the Fire Officers and Firefighters contracts and the process. He said he is not opposed to the contracts but he feels there needs to be more information regarding the contracts and the process for the residents. He stated that 85% of the costs are fixed with the contract.

Bill Downey said the McIntyre site is a big deal for the City. He said he feels strongly that the process has been limited. He stated he would like to see a pedestrian experience at the site and that this is a wonderful opportunity but more creativity is needed.

Paige Trace said much work has been done on the McIntyre Building but the public would like more transparency. She said the McIntyre Building is a monument and this building would be a benefit to our tax base but it is one of many things that need to be transparent. She would like another public input session on this matter.

Acting City Manager Colbert Puff said any income from uses of the McIntyre Building do get credited to a special revenue account.

VII. PUBLIC HEARINGS ON ORDINANCES AND/OR RESOLUTIONS

- A. Public Hearing/Second reading Re: Zoning Ordinance Amendments – Off Street Parking – Chapter 10, Article 11 – Site Development Standards; Article 15 – Terms of General Applicability and Article 8 – Supplemental Use Standards

Mayor Blalock read the legal notice.

Planning Director Walker said the amendments are related to the zoning parking supply to serve development needs without compromising community character. She said they would adjust off-street parking requirements to account for variables in public supply. She state strategies for determining adjusting parking requirements for different scale projects would be done and shared parking provisions and site coverage maximums would be reviewed.

She outlined the general goals:

- Support other zoning amendments (e.g. Gateway Mixed Use Districts)
- Update to be consistent with industry best management practices
- Housekeeping – to improve internal consistency with land use requirements

She addressed Residential Requirements for the Number of Required Parking Spaces:

<u>Dwelling Unit Floor Area</u>	<u>Required Parking Spaces</u>
Less than 500 sq. ft.	0.5 spaces per unit
500-750 sq. ft.	1.0 space per unit
Over 750 sq. ft.	1.3 spaces per unit

She provided an overview of Number of Required Parking Spaces:

- Simplified table of maximum allowed parking spaces
- Added ability of Planning Board to grant a conditional use permit (CUP) for exceed maximum or provide less than minimum based on parking demand analysis
- Share parking provision

She addressed Additional Article 11 and Article 15 Revisions:

- 10.1114: Allow tandem parking spaces for residential uses
- 10.1116: Added bike parking requirements for most uses
- Article 15: Updated definitions

She spoke to second reading – Revisions since first reading:

- Change the residential parking ratio for the Downtown Overlay District to 1.3 spaces/unit
- Reduce parking requirement for dwellings over 750 sq. ft. to 1.3 unit
- Add a requirement for additional visitor spaces
- Change eating & drinking places requirement back to 1 per 100 sq. ft.
- Add provision to allow Planning Board (by conditional use permit) to grant a reduction in the required minimum parking spaces
- Reduce maneuvering aisle width to 22 feet in parking garages and for aisles serving fewer than 7 spaces

Councilor Denton asked about adding a section for affordable housing. Planning Director Walker said parking space demand is a resolution of or ability to get to your job without a vehicle. She said it is less about affordability and more about other options to get places without a vehicle.

Councilor Perkins said any development downtown would generally benefit from the ordinance.

Councilor Dwyer said we need to get the purposes into the ordinance and why we are making these changes together with maneuvering lanes. Planning Director Walker said the maneuvering aisle widths have been reduced from 24 to 22 with 7 or less parking spaces. She said we need to provide minimum standards for development.

Mayor Blalock opened the public hearing and called speakers to come forward.

Peter Loughlin spoke to the allowances of accessory developments and potential impact to every neighborhood in the City. He said he would like to gauge the long term impact of the change. He said the impact of the change of our streets cannot be under planned for parking and its effect on the neighborhood. We need to wait two or three years before making these changes for parking.

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

Councilor Dwyer said she would like to hear what the affected change is for accessory dwellings. Planning Director Walker said the dwelling unit floor area is less than 500 sq. ft. and would require 0.5 spaces per units, 500 to 750 sq. ft. would need 1.0 space per unit and over 750 sq. ft. 1.3 spaces would be required per unit.

Councilor Perkins moved to pass second reading and schedule a third and final reading on the proposed Zoning Ordinance Amendments to the off-street parking regulations at the December 4, 2017 City Council meeting, as presented. Seconded by Councilor Denton.

Second Reading – Revisions since First Reading:

- Change the residential parking ration for the Downtown overlay District to 1.3 spaces/unit
- Reduce parking requirement for dwellings over 750 sq. ft. to 1.3/unit
- Add a requirement for additional visitor spaces
- Change eating and drinking places requirement back to 1 per 100 sq. ft.
- Add provision to allow Planning Board (by conditional use permit) to grant a reduction in the required minimum parking spaces
- Reduce maneuvering aisle width to 22 feet in parking garages and for aisles serving fewer than 7 spaces

Councilor Dwyer requested the Planning Department to report back regarding parking for Accessory Dwelling Units.

City Attorney Sullivan said we should postpone second reading and have Planning Department come back at the next meeting with an amendment.

Assistant Mayor Splaine moved to postpone second reading until the next meeting. Seconded by Councilor Denton.

Councilor Cyr said it is possible to make technical changes that will impact measurements on our streets.

Councilor Perkins said she would not move to postpone for the amendment. She said we need to encourage more affordable housing in the City.

Councilor Pearson said she agrees with Councilor Perkins on supporting the ordinance as is.

On a roll call vote 5-2, motion passed. Assistant Mayor Splaine, Councilors Dwyer, Cyr, Denton and Mayor Blalock voted in favor. Councilor Perkins and Pearson voted opposed.

- B. Public Hearing/Second reading Re: Gateway Mixed Use District Zoning Amendments – Chapter 10, Article 5B – Gateway Mixed Use Districts; Article 5A – Character-Based Zoning; Article 4 – Zoning Districts and Use Regulations

Mayor Blalock read the legal notice.

Planning Director Walker said the amendments to the ordinance as based on the Master Plan. She outlined the vision for corridor areas:

- Connections to surrounding neighborhoods
- Lively gateways to the City
- Efficient, people-friendly design
- Reduced need for automobile trips
- Village centers
- Pedestrian and bike infrastructure
- Easy access to shopping, services and employment
- Sustainable site design standards
- Public infrastructure and transit

She also outlined the housing actions:

- Encourage mixed-use development in existing commercial areas
- Promote mixed-income family housing with incentive zoning provisions
- Encourage creation of smaller housing units
- Support mixed-use redevelopment of suitable Portsmouth Housing Authority properties

She addressed Housing Policy Committee recommendations:

Housing Policy Key Principles

- Housing choice and affordability
- Protect local character and heritage of neighborhoods
- Focus on suitable areas
- Encourage infill development and mix of uses where appropriate

Planning Director Walker reported zoning amendments for Gateway Mixed Use Districts will be done on Article 4: (REVISE) Zoning Districts and Use Regulations; Article 5B (NEW) Gateway Mixed Use Districts; Article 5A (REVISE) Character-Based Zoning and Article 7: (REVISE) Delete Gateway Planning Unit Development.

Gateway Corridor (G1)

The purpose of this district is to facilitate a broad range of housing types together with compatible commercial, fabrication, and civic uses in a high-quality pedestrian environment with moderate to high density.

Gateway (G2)

This district is intended to facilitate a broad range of residential and mixed use development at a pedestrian scale and moderate density providing commercial uses that benefit residents of the district and surrounding neighborhoods along major corridors.

Planning Director Walker informed the City Council that the St. James Church property has been removed from the gateway. She spoke to the purpose of Gateway Mixed Use Districts. She provided an outline of the building types as follows:

- Cottage
- Paired House
- Gateway Townhouse
- Apartment Building
- Live-Work/Shop Building
- Small Commercial Building
- Large Commercial Building
- Mixed-Use Building
- Flex Space/Fabrication Building
- Community Building

She also spoke to development sites which include:

- Pocket Neighborhood Development
- Mixed Use Development
- General Residential Development
- General Commercial Development

She addressed density bonus incentives by conditional uses permit and requirements. She indicated bonus incentives by conditional use permit include workforce housing, parking and pedestrian access and circulation.

Second Reading – Revisions since 1st Reading

- *Purpose statement has been expanded to reiterate the goals of the City's recently adopted Master Plan*
- *Clarification of requirements for building setbacks, internal separation between buildings, and no-build buffers on the perimeter of development sites*

- *Inserted a maximum building length requirement for residential and mixed uses building types*
- *Created general standards for front lot line occupation*
- *Modified the requirement for a front addition on a pre-existing building to be less restrict in order to encourage redevelopment*
- *Expanded which standards can be modified by the Planning Board in granting a conditional use permit for a density bonus incentive*

Councilor Dwyer spoke to community space having a minimum of 10% requirement. Planning Director Walker said you can have more open space. Councilor Dwyer said the Planning Board will review a space and could require an expansion of the community space. Planning Director Walker said buildings have set back requirements. Councilor Dwyer asked about rental units. Planning Director Walker said they are consistent with what the State requires.

Mayor Blalock opened the public hearing and called for speakers to come forward.

Bill Wagner said everyone agrees that the St. James Church property should not be in the gateway. Planning Director Walker said the property has been removed from the gateway.

David Choate said he is concerned with two components for workforce housing. He said you need a seller to take a lower price on the sale of the property and the criteria of the area needs to be met. He addressed the density burden and the workforce housing should be increased from 10% to 30% to receive the bonuses. He stated companies want to come to Portsmouth. He spoke to the utility structure to support projects as a reason for locating to the City, transportation and said the City should look at more properties that are in favor of workforce housing.

Dan Rawling said he is pleased to see these changes to the zoning ordinance. He said he is in favor of village centers and seeking affordability. He said three goals should be stated and circulation statements are important. He encouraged walkability in creating centers.

John O'Leary said we are concentrating on the benefits versus the costs. He spoke to workforce housing and the example of the former housing at the former Pease Air Force Base. He spoke to long term impacts on our budget and he would like an analysis of the costs before any vote is taken.

Dave Cosgrove spoke in favor of the zoning for the land from Echo Avenue to Farm Lane.

Rick Becksted said we should not give away parking spaces. He feels the ordinance needs more time before passage. He said it is important to get this right and once the changes are made there is no going back. He said we were told if we created more housing it would bring more money into the city. Mr. Becksted inquired if we have the means for more developments and the impact they would create on our infrastructure.

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

Councilor Perkins asked if we could respond to having a village center.

Mr. Brovitz, Consultant, said there are differences for G1 and G2 and they can review the table one more time and make them more walkable and also look at open space. He would like to look at them and come back to the Council.

Planning Director Walker said to do village centers and neighborhood centers requires a public investment and there are limits to what we can do.

Councilor Dwyer moved to postpone second reading until the December 4, 2017 City Council meeting for the Planning Board to report back with clarification regarding the percentage of affordable residential units and the creation of village and neighborhood centers. Seconded by Assistant Mayor Splaine.

Assistant Mayor Splaine said he likes the idea of more neighborhoods in the City. He said we need to have more substantial housing.

Councilor Perkins said she supports the motion and that this has been a two-year process. She said this is a first step to implementing the Master Plan.

Motion Passed.

At 9:50 p.m., Mayor Blalock called for a brief recess. At 9:55 p.m., Mayor Blalock called the meeting back to order.

- C. Public Hearing/Second reading to Amend Chapter 12 by Adopting the 2009 International Building Code and 2009 International Residential Code to Replace the Existing 2006 Versions and to Amend Chapter 15 by Adopting the 2009 International Plumbing and Mechanical Codes to Replace the Existing 2006 Version. This also include local amendments to the 2014 National Electrical Code

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

Mayor Blalock read the legal notice.

Acting City Manager Colbert Puff said a request from the City Council was a draft of guiding principles which she reviewed with the Council. She stated that the codes have gone through substantial review process and are adopted by the State.

Councilor Dwyer thanked Acting City Manager Colbert Puff for the guiding principles. She said she would like to see the Council adopt the most recent State of New Hampshire Codes and that we regularly enforce the codes.

Building Inspector Marsilia reviewed the codes with the City Council and said that this is to adopt the 2009 edition to the codes. He said the codes have administrative changes. He advised the Council that the ordinance includes local amendments that are tailored to the City. He spoke to amending the 2014 Electrical Code to prohibit NM cable (trade name Romex) from commercial installations, to prohibit service entrance cable (SER) in commercial installations and to require GFCI protection for certain residential installations (including, for example, in kitchens, bathrooms, garages and basements), to better protect the public health and safety.

Mayor Blalock open the public hearing and called for speakers.

Karen Forbes said she is looking for numbers to support the need for the change to the Romex. She said the second sentence in the code should be changed to reflect the international building code. She feels it will defer people from using her client's product.

Al Lawrence, Madbury, NH spoke opposed to some of the electrical code proposal. He said he is in favor of adopting the national code. He spoke to the significant changes this code makes. He said there are price impacts with the changes which add additional cost to home owners.

David Childs, Madbury, NH spoke opposed to the changes for the GFCI's.

Steve Barrett, South Berwick, spoke opposed to the electrical portions of the code. He said we should not be making such strict changes.

Ned Reynolds said it is becoming difficult to do business in the City. He asked the Council to take another look at this ordinance and speak to people that are in the trade before moving forward.

David Childs, Madbury, NH spoke opposed to the ordinance.

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

Building Inspector Marsilia spoke in favor of the GFCI requirement in the ordinance and said that they are necessary. He also informed the City Council that the State has made Romex more restrictive.

Electrical Inspector Plourde addressed the issue brought forward by speakers. He spoke to GFCI's included in residential units for ranges, dryers, etc. He said safety would be added by adopting these codes. He said the amendment is necessary. He also addressed RCM cables and said the different in cost is not great.

Chapter 12:

Councilor Dwyer moved to amend the form of the ordinance amending Chapter that went to first reading as set forth in the memorandum from the Legal Department to the Acting City Manager dated November 15, 2017. Seconded by Councilor Denton.

Councilor Pearson said if we are going to follow State requirements we should not be stricter than the State.

Motion passed. Councilor Pearson voted opposed.

Councilor Denton moved to pass Chapter 12 as amended and to bring forward for third and final reading at the December 4, 2017 City Council meeting. Seconded by Councilor Cyr and voted.

Amendment to effective date of the ordinance shall take effect as of January 1, 2018.

Chapter 15:

Councilor Denton moved to amend the form of the ordinance amending Chapter 15 that went to first reading as set forth in the memorandum from the Legal Department to the Acting City Manager dated November 15, 2017. Seconded by Councilor Dwyer and voted.

Amendments to Chapter 15:

- *Amendment to effective date of the ordinance shall take effect as of January 1, 2018*
- *Amend subsection 5.6.3.4 by deleting the following sentence at line 1141 through 1143 and replace with the sentence below:*

~~Corrugated stainless steel tubing may only be used in 1 and 3 family dwelling units and townhouses with firewalls constructed per Section 7006 of the 2009 International Building Code.~~

Corrugated Stainless Steel' Tubing must be installed in accordance with the manufacturers' installation instructions for specific construction types. A third party inspection may be required pursuant to Chapter 17, Section 1704 of the International Building Code.

- Incorporate the following amendment to correct the date of the current version of the NATIONAL ELECTRICAL CODE by amending Chapter 15, Part IV of the Ordinance: Part IV – NATIONAL ELECTRICAL CODE 2017
- The City of Portsmouth adopts the State Building Code, which adopts by reference The National Electrical Code, 2017 (NEC) as Chapter 15, Part IV

Councilor Dwyer moved to pass Chapter 15 as amended and to bring forward for third and final reading at the December 4, 2017 City Council meeting. Seconded by Councilor Denton.

Councilor Dwyer said she appreciates the desire for the need for consistency and we have had issues with wiring downtown and we need to have these public safety issues addressed. She said we have a great deal of permits issued in the City and she supports the extra safety measures in the codes.

Mayor Blalock passed the gavel to Assistant Mayor Splaine.

Mayor Blalock said we need to stand by our Electrical Inspector. He said if something is going to make things safer he supports it.

Assistant Mayor Splaine returned the gavel to Mayor Blalock.

On a roll vote 5-2, motion passed. Councilors Perkins, Dwyer, Cyr, Denton and Mayor Blalock voted in favor. Assistant Mayor Splaine and Councilor Pearson voted opposed.

At 10:30 p.m., Councilor Cyr moved to suspend the rules in order to continue the meeting beyond 10:00 p.m. Seconded by Councilor Denton and voted.

- D. Public Hearing/Second reading to Amend Chapter 5, Fire Department and Prevention Regulation which includes Adoption of 2015 International Fire Code to Replace the Existing 2006 International Fire Code

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

Deputy Chief Roediger spoke to housekeeping updates made to the ordinance. He spoke to fire national requirements and said the State is utilizing the 2009 edition and the City is using the 2006 edition. He reported that the department is required to follow the State of New Hampshire Code.

Councilor Denton spoke to the requirement of a three foot corridor around the ridge of the roof for solar panels. Deputy Chief Roedgier said the path ways are required to the ridge of the roof and 6 foot of space. The three feet is required all away around.

Councilor Denton asked about the cost of a sprinkler system. Deputy Chief Roedgier said a sprinkler system would be under \$2.00 a foot.

Mayor Blalock opened the public hearing and called for speakers.

James Hasselback, Brentwood, NH, said the access path way and ventilation is a change that will negatively impact the City and solar use. He said the recommendation is based on the desire to address a concern that is no longer a concern. He said the existing systems in the City are sufficient.

George Frocks spoke opposed to the solar changes in the ordinance. He said renewable energy is important to the sustainability in the City. He is opposed to Article 9, it does not make for safer path ways. He said you are adding expenses without any benefit. He said this is a hardship for owners and the codes should not be in excess of what the State requires.

David Childs, Madbury, NH, spoke opposed to the solar changes in the ordinance.

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

Fire Chief Achilles said the Fire Department is not anti-solar, their concern is about access. He said the firefighters do not want to go through solar panels and they need to manage that during a fire. He reported currently the State does not address solar but they feel it is necessary for our codes.

Councilor Perkins asked if there is something that could be more middle ground.

Fire Chief Achilles said you need to have access to the ridge of the roof and they need vertical ventilation.

Councilor Dwyer said this is about roof access for multiple purposes. She asked if there is a way for a clear access approach.

Councilor Denton said he would support a zoning change relative to solar.

Councilor Cyr said the State has not adopted the State Fire Code and asked if the approach exists where Section 605 nearly mirrors the National Code. Fire Chief Achilles said he is concerned if you remove Section 605 from the ordinance. He said if we eliminate it we will have control issues.

Councilor Denton move to amend the form of the ordinance amending Chapter 5 that went to first reading as set forth in the memorandum from the Legal Department to the Acting City Manager dated November 15, 2017. Seconded by Councilor Dwyer and voted.

Amendments to Chapter 5:

- Amend Chapter 5, Article IX by deleting the first paragraph at lines 26 through 299 and replacing it with the following:
~~The City of Portsmouth formally adopted Saf C 6000 (The State Fire Code) published by the National Fire Protection Association, by adopting by reference the Life Safety Code 2015 Edition and the Uniform Fire code NFPA1, 2009 Edition, as published by the National Fire Protection Association and as amended by the State Board of Fire Control.~~

The City of Portsmouth formally adopted the “New Hampshire Fire code”. This includes the NH code of Administrative Rules, Chapter Saf-C 6000 and is defined in NH RSA 153:VI-a as the adoption by reference of the Life Safety Code 2015 Edition and the Uniform Fire Code NFPA1, 2009 Edition, as published by the National Fire Protection Association and as amended by the State Board of Fire Control.
- Amendment to effective date of ordinance shall take effect as of January 1, 2018.

Councilor Denton moved to postpone second reading to provide an alternative for a review process to allow more solar. Seconded by Councilor Dwyer.

Councilor Dwyer said that we want more solar in the City and we should work at a way and find a middle ground.

Mayor Blalock passed the gavel to Assistant Mayor Splaine.

Mayor Blalock said he wants to make sure that we are safe.

Assistant Mayor Splaine returned the gavel to Mayor Blalock.

Councilor Cyr said other places have adopted the National Fire Code and the research should be done.

Councilor Denton said he would like to look at applying standards for one area versus another.

Councilor Pearson requested the staff provide visual aids to allow the City Council to see what the Fire Department is referring to relative to the solar matter.

On a roll call vote 6-1, motion passed. Assistant Mayor Splaine, Councilor Perkins, Dwyer, Pearson, Cyr and Denton voted in favor. Mayor Blalock voted opposed.

Assistant Mayor Splaine moved to suspend the rules in order to take up Item XI. A.1. – Request for Approval of the Tentative Agreement between the Fire Commission and the Firefighters Association of Portsmouth, New Hampshire Local #1313 Tentative Agreement and XI. A-2. – Request for Approval of the Tentative Agreement between the Fire Commission and The Portsmouth Professional Fire Officers Association Tentative Agreement and further remove the items from the City Manager’s Consent Agenda. Seconded by Councilor Denton and voted.

- A.1. Request for Approval of the Tentative Agreement between the Fire Commission and the Firefighters Association of Portsmouth, New Hampshire Local #1313 Tentative Agreement

Assistant Mayor Splaine moved to accept the proposed Tentative Agreement or a one-year extension to the existing contract between the Portsmouth Fire Commission and the Firefighters Association of Portsmouth, New Hampshire Local #1313 until June 30, 2019. Seconded by Councilor Denton and voted.

- A.2. Request for Approval of the Tentative Agreement between the Fire Commission and The Portsmouth Professional Fire Officers Association Tentative Agreement

Assistant Mayor Splaine moved to accept the proposed Tentative Agreement for a one-year extension to the existing contract between the Portsmouth Fire Commission and The Portsmouth Professional Fire Officers Association until June 30, 2019. Seconded by Councilor Pearson and voted.

- E. Second reading of Proposed Ordinance Amendments to Chapter 4 Pertaining to the City’s Food Licensing and Regulations by Striking Article I-V in its entirety and replace with new language (*Postponed from September 5, 2017 City Council Meeting*)

Councilor Dwyer moved to amend the form of the ordinance that was passed at first reading on August 27, 2017 and was amended at second reading on October 16, 2017 as set forth in the redline amendments to the proposed ordinances included in the agenda packet at item VII. E. Seconded by Councilor Cyr and voted.

Councilor Cyr moved to pass Chapter 4 as amended and to bring forward for third and final reading at the December 4, 2017 City Council meeting. Seconded by Councilor Denton.

Acting City Manager Colbert Puff said she met with the NHLRA with Health Officer McNamara. Health Officer McNamara informed the City Council that we agreed in concept to exempt certain transfers to trusts from the definition of change of ownership and to create a Food Licensing Board of Appeals. She said the City did not agree to revise the provisions of the ordinance regarding dogs on decks, enclosing outdoor bars and Health Department Guidelines.

Councilor Dwyer said she would like to define guidelines. Health Officer McNamara said guidelines are not defined well.

Discussion occurred regarding the outdoor enclosures for the bar and food areas.

Mike Somers from NHLRA spoke to outdoor bars and the challenge to meet the requirements. He also addressed the other issue around guidelines. He said guidelines would allow the City to draft policies in some area.

Assistant Mayor Splaine asked City Attorney Sullivan if we pass second reading and are on third reading could the Council make amendments. City Attorney Sullivan said it would require a suspension of the rules with a two-thirds vote.

Motion passed.

VIII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Police Department Grants & Donation:
- Donation from the Estate of Geraldine Webber – Final Disbursement of Funds to the Portsmouth Police Department - \$2,663.47
 - Internet Crimes Against Children Task Force Grant – ICAC Task Force satellites in NH - \$264,256.00
 - NH Highway Safety Grants
 - a. STEP Grant for Traffic Enforcement - \$15,940.28
 - b. DWI Patrol Grant - \$14,547.00
 - c. Pedestrian/Bicycle Patrol Grant - \$6,157.20
 - d. Sobriety Checkpoints Grant - \$7,426.56
 - e. Distracted Driving Grant - \$7,157.20

Councilor Denton moved to accept and approve the grants and donation to the Portsmouth Police Department, as presented. Seconded by Councilor Pearson and voted.

B. Acceptance of Fire Department Donations:

- Donation of a disbursement check in the amount of \$188,129.88 from the Estate of Geraldine W. Webber. This donation is the final disbursement of funds to the Portsmouth Fire Department
- Donation from G. Willikers LLC in the amount of \$55.00 for fire prevention and awareness costs

Councilor Perkins moved to accept and approve the donations to the Portsmouth Fire Department, as presented. Seconded by Councilor Cyr and voted.

C. Acceptance of Community Development Block Grant Funds

Councilor Pearson moved to accept and expend a Community Development Block Grant (CDBG) in the amount of \$513,580 from the U.S. Department of Housing and Urban Development. Seconded by Councilor Dwyer and voted.

D. Acceptance of Donation Re: John McMaster Memorial Bench

Councilor Perkins moved to accept and approve the donation for the John McMaster Memorial Bench, as presented. Seconded by Councilor Cyr and voted.

E. Acceptance of sponsorship for Zagster Bike Share Station from Portwalk Place for \$9,000.00 per year for two years

Councilor Perkins moved to accept and approve the sponsorship from Portwalk Place for the Zagster Bike Share Station. Seconded by Councilor Cyr and voted.

IX. CONSENT AGENDA

- A. Letter from Emily Christian, National Multiple Sclerosis Society requesting permission to hold the 2018 Bike MS NH Seacoast Escape on Saturday, August 25, 2018 (***Anticipated action – move to refer to the Acting City Manager with power***)
- B. Letter from Lilia Potter-Schwartz requesting to hold the 3rd Annual Race To Educate on Sunday, May 27, 2018 at 12:30 p.m. (***Anticipated action – move to refer to the Acting City Manager with power***)
- C. Request for License to Install Projecting Sign from Friends of the Music Hall owner of The Music Hall for property located at 28 Chestnut Street

(Anticipated action – move to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request)

Planning Director’s Stipulations:

- ***The license shall be approved by the Legal Department as to content and form;***
- ***Any removal or relocation of projecting sign, for any reason, shall be done at no cost to the City; and***
- ***Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works***

- D. Request for License to Install Projecting Sign from VPC LLC owner of Office Resources for property located at 28 Deer Street ***(Anticipated action – move to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request)***

Planning Director’s Stipulations:

- ***The license shall be approved by the Legal Department as to content and form;***
- ***Any removal or relocation of projecting sign, for any reason, shall be done at no cost to the City; and***
- ***Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works***

- E. Request for License to Install Projecting Sign from Jamer Realty Inc. owner of The Wilder for property located at 174 Fleet Street ***(Anticipated action – move to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request)***

Planning Director’s Stipulations:

- ***The license shall be approved by the Legal Department as to content and form;***
- ***Any removal or relocation of projecting sign, for any reason, shall be done at no cost to the City; and***

• Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works

- F. Request for License to Install Projecting Sign from Andover Portland Avenue Assoc. LLC owner of Pretty Little Things for property located at 10 Vaughn Mall (***Anticipated action – move to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request***)
Planning Director's Stipulations:
- The license shall be approved by the Legal Department as to content and form;***
 - Any removal or relocation of projecting sign, for any reason, shall be done at no cost to the City; and***
 - Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works***

Councilor Cyr moved to adopt the Consent Agenda. Seconded by Councilor Perkins and voted.

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- B. Letter from Greg Mahanna, Pheasant Lane Homeowners Association expressing their, opposition to the proposed expansion of the Gateway Mixed Zoning area, specifically, the inclusion of the St. James church property in the mixed-use expansion
- C. Letter from Paul Harrington, Diocese of Manchester, regarding Expansion of Gateway Corridor
- E. Letter from Mike Somers, President and CEO, New Hampshire Lodging & Restaurant Association, regarding the update of Chapter 4, Articles I-V of the ordinances of the City of Portsmouth
- F. Letter from Karyn P. Forbes, Attorney-at-Law, Shaheen & Gordon, regarding Proposed amendment to Chapter 15, Part III, Fuel Gas Installations

Councilor Cyr moved to accept and place the letters on file. Seconded by Councilor Perkins and voted.

- D. Letter from Neil Robinson request for a quit claim to release the City's interest in the paper street portions of Moffat Street adjoining property located at 170 Swett Avenue

Councilor Perkins moved to refer to the Planning Board for report back. Seconded by Councilor Cyr and voted.

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. ACTING CITY MANAGER

The City Council agreed to remove Item XI. A.9. – Request to Reschedule November 27, 2017 Work Session re: McIntyre Property from the Acting City Manager's Consent Agenda.

- 9. Request to Reschedule November 27, 2017 Work Session Re: McIntyre Property

Assistant Mayor Splaine asked if we are going to make a decision before the end of the term to reopen and reestablish the process.

Acting City Manager Colbert Puff said the City Council will have the next Public Dialogue Session regarding the McIntyre Project. She said there is no set schedule to select a developer. She said that this is the beginning and not the end, there will be at least another hearing before making a decision.

Mayor Blalock said we are not in a position to pick a plan and the process should continue into the next City Council.

Councilor Perkins said she agrees with Mayor Blalock. She said the residents are not understanding where we are and we should have more public input and then a hearing.

Councilor Perkins moved to reschedule the Work Session to Wednesday, November 29, 2017 and that the Pubic Dialogue on the December 4, 2017 City Council meeting be dedicated to the McIntyre Project. Seconded by Councilor Dwyer.

Councilor Dwyer said we need to select a partner to acquire the building. She spoke regarding hearing more on capacity and design.

Assistant Mayor Splaine said we should not be choosing a partner right now. He said he liked the process outlined by Acting City Manager Colbert Puff and said we need to come up with a vision for a plan.

Councilor Pearson spoke regarding the Prescott Park Committee and said the reason why the design was well received is because the partner was there at every point of the process and vision.

Councilor Perkins said we need to start to put out a time line and the plan for public input.

3. Report Back from Planning Department Re: Involuntarily Merged Lot at 346 Bartlett Street (***Anticipated action – move to accept the Planning Board’s recommendation, as presented***)

Planning Board’s Recommendation

- *Restore the involuntarily merged lots to their premerger status as requested*
4. Holiday Parking (***Anticipated action – move to authorize the City Manager to implement a 7-day free holiday parking period from December 18th to December 24th***)
 6. Report Back Re: Community Home Solutions PILOT Agreement (***Anticipation action – move to authorize the City Manager and the City Assessor to negotiate a PILOT Agreement with Community Home Solutions and bring it back for City Council action***)
 7. Request to Dispose of Surplus Vehicles and Equipment (***Anticipated action – move to authorize the City Manager to dispose of surplus vehicles and equipment using GovDeals***)
 8. Request Re: Installation of Fencing and Signage for the Jay Smith Memorial Garden, the Lower State Street Pocket Park (***Anticipated action – move to approve the aforementioned request, authorize the City Manager to execute any necessary documents, and further, the group to apply to the Historic District Commission and the Trustees of the Trust***)

Assistant Mayor Splaine moved to adopt the Acting City Manager’s Consent Agenda. Seconded by Councilor Cyr and voted.

The City Council agreed to remove Item XI. A.5. – Charles Lassen’s Proposal for dock Space from the Acting City Manager’s consent Agenda.

5. Charles Lassen's Proposal for Dock Space

Councilor Perkins move to approve the proposed Agreement, and further, authorize the City Manager to proceed with executing the document. Seconded by Councilor Dwyer and voted.

B. MAYOR BLALOCK

1. Appointment to be Considered:
 - Appointment of Adrienne Harrison (current alternate) as Regular member to the Conservation Commission
 - Appointment of Nathalie Morison as an Alternate member to the Conservation Commission
 - Reappointment of Jim Lee to the Zoning Board of Adjustment
 - Appointment of Peter McDonell (current alternate) as a Regular Member to the Zoning Board of Adjustment

The City Council considered the appointments listed above which will be acted upon at the December 4, 2017 City Council meeting.

2. Appointments to be Voted:
 - Appointment of Cyrus Beer as an Alternate to the Historic District Commission
 - Reappointment of Dana Levenson to the Economic Development Commission

Assistant Mayor Splaine moved to reappoint Cyrus Beer as an Alternate to the Historic District Commission and reappoint Dana Levenson to the Economic Development Commission. Seconded by Councilor Dwyer and voted.

3. Resignations:
 - Matthew Cardin from the Conservation Commission
 - Fred "Ted" Gray, Jr. from the Parking & Traffic Safety Committee effective December 31, 2017

Assistant Mayor Splaine moved to accept with regret the resignations of Matthew Cardin from the Conservation Commission and Fred "Ted" Grady, Jr. from the Parking & Traffic Safety Committee effective December 31, 2017. Seconded by Councilor Cyr and voted.

4. Appointment of City Councilors to the Joint Budget Committee

Mayor Blalock announced the Councilor Perkins and Councilor Dwyer will be serving on the Joint Budget Committee.

D. COUNCILOR LOWN

1. Parking & Traffic Safety Committee Action Sheet and Minutes of the November 2, 2017 meeting

Councilor Dwyer moved to accept and approve the Action Sheet and Minutes of the November 2, 2017 Parking & Traffic Safety Committee meeting. Seconded by Councilor Cyr and voted.

E. COUNCILOR CYR

1. Parrott Avenue Parking – half employee parking/half metered parking to be when the Foundry Plan Garage is completed and the City has instituted the residential parking program

Councilor Cyr said the intent is to provide additional parking relief.

Councilor Cyr moved to bring back for First Reading at the December 4, 2017 city Council meeting. Seconded by Councilor Denton.

Assistant Mayor Splaine said he opposes the motion. He said there is time between now and when the new garage is constructed to look at this matter. He would like to hear something about residential parking before the end of this City Council term.

Councilor Dwyer said she likes having the Isles of Shoals for parking for employees because it provides the people with parking downtown. She said we need a residential parking program in place which is a low cost option for employee's downtown.

Mayor Blalock passed the gavel to Assistant Mayor Splaine.

Mayor Blalock said we are working on a residential parking program and a plan for employee's parking. He said metering would be to control it and we need something more like the Isle of Shoals lot. He suggested maybe something like that for Parrott Avenue but this matter should be left to the next City Council.

Assistant Mayor Splaine returned the gavel to Mayor Blalock.

Acting City Manager Colbert Puff asked Parking Manager Fletcher to come forward and speak regarding the Parrott Avenue lot.

Parking Manager Fletcher said Parrott Avenue lot fills up by 8:30 a.m. He reported that 93% are employees using the lot. He said metering is an option but another way would be to look at a hanging tag system in the vehicle. He said a placard that would be used for day time and night time.

Councilor Cyr said he wanted to bring this forward to keep it in the City Council minds. He said this was not to have something implemented. He withdrew the motion and Councilor Denton withdrew his second.

F. COUNCILOR DENTON

1. Motion for City Staff to report back on the role the Liquor Enforcement Board plays in regards to the State Liquor Commissions' liquor license letter requirement, what in the Fire code could lead people to believe a "No Dancing Policy" existed and any potential changes to either the Liquor Enforcement Boards' policies or the Fire Code that could result in more establishments allowing dancing

Councilor Denton moved that City Staff report back on the role the Liquor Enforcement Board plays in regards to the State Liquor Commissions' liquor license letter requirement. Seconded by Assistant Mayor Splaine.

Councilor Dwyer said we do not need a report back and we heard the issue for an occupancy issue not a liquor issue.

Acting City Manager Colbert Puff said the Liquor Commission was created by the City Manager to look at liquor permits and we meet to have a written agreement made.

Councilor Denton withdrew his motion and Assistant Mayor Splaine his second. He requested that information on the Liquor Committee be posted to the website.

XII. MISCELLANEOUS/UNFINISHED BUSINESS

XIII. ADJOURNMENT

At 12:25 p.m., Councilor Cyr moved to adjourn. Seconded by Councilor Perkins and voted.



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

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday December 18, 2017 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH, on a Resolution Appropriating from Bond Premium the Sum of One Million Two Hundred Sixty-Nine Thousand One Hundred Forty-eight Dollars and Forty-three Cents (\$1,269,148.43) to be applied to Municipal Complex Improvements. The complete Resolution is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

KELLI L. BARNABY, MMC/CNHMC
CITY CLERK

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday December 18, 2017 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH, on a Resolution Appropriating from Bond Premium the Sum of One Million Two Hundred Sixty-Nine Thousand One Hundred Forty-eight Dollars and Forty-three Cents (\$1,269,148.43) to be applied to Municipal Complex Improvements. The complete Resolution is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

KELLI L. BARNABY, MMC/CNHMC
CITY CLERK

PM00327638

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

RESOLUTION #

A RESOLUTION APPROPRIATING FROM BOND PREMIUM THE SUM OF ONE MILLION TWO HUNDRED SIXTY-NINE THOUSAND ONE HUNDRED FORTY-EIGHT DOLLARS AND FORTY-THREE CENTS (\$1,269,148.43) TO BE APPLIED TO MUNICIPAL COMPLEX IMPROVEMENTS.

RESOLVED:

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

THAT, bond premium in the amount of **One Million Two Hundred Sixty-Nine Thousand One Hundred Forty-Eight Dollars and Forty-Three Cents (\$1,269,148.43)** be and hereby is appropriated to be applied to Municipal Complex Improvements, and such sum representing the amount of **One Million Two Hundred Sixty-Nine Thousand One Hundred Forty-Eight Dollars and Forty-Three Cents (\$1,269,148.43)** be appropriated from bond premium the City received from the sale of previously issued General Obligation bonds (after payment of underwriter's discount) that is allocable to the municipal complex improvements.

THAT, the expected useful life of the project is determined to be at least 20 years.

THAT, this resolution shall take effect upon its passage.

APPROVED BY:

JACK BLALOCK, MAYOR

ADOPTED BY CITY COUNCIL

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

SECTION 7.14-AMENDMENTS TO BUDGET AFTER ADOPTION

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

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday December 18, 2017 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH, on a Resolution Authorizing the Application of Unexpended Proceeds of the Borrowing for the Hobbs Hill Landing Water Tank Replacement Project, in the amount of Five Hundred Eighty Five Thousand, Eight Hundred Ninety-six Dollars and Seventy-five Cents (\$585,896.75), to pay costs of Water Main Replacement Projects. The complete Resolution is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

KELLI L. BARNABY, MMC/CNHMC
CITY CLERK

Legal Notice

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday December 18, 2017 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH, on a Resolution Authorizing the Application of Unexpended Proceeds of the Borrowing for the Hobbs Hill Landing Water Tank Replacement Project, in the amount of Five Hundred Eighty Five Thousand, Eight Hundred Ninety-six Dollars and Seventy-five Cents (\$585,896.75), to pay costs of Water Main Replacement Projects. The complete Resolution is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

KELLI L. BARNABY, MMC/CNHMC
CITY CLERK

PM00327640

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

RESOLUTION # –

**A RESOLUTION AUTHORIZING THE APPLICATION OF UNEXPENDED
PROCEEDS OF THE BORROWING FOR THE HOBBS HILL LANDING
WATER TANK REPLACEMENT PROJECT, IN THE AMOUNT OF \$585,896.75,
TO PAY COSTS OF WATER MAIN REPLACEMENT PROJECTS.**

RESOLVED:

THAT, the sum of **Five Hundred Eighty Five Thousand, Eight Hundred Ninety-Six Dollars and Seventy-Five Cents (\$585,896.75)** is appropriated to pay costs of water main replacement projects, and for the payment of all other costs incidental and related thereto;

THAT, to meet this appropriation, the sum of \$585,896.75 is hereby transferred from amounts borrowed to pay costs of the Hobbs Hill Landing Water Tank Replacement Project, which are no longer needed to complete that project, in accordance with the Municipal Finance Act;

THAT That the expected useful life of the project to be undertaken with these funds is determined to be at least twenty (20) years, and;

THAT this Resolution shall take effect upon its passage.

APPROVED:

JACK BLALOCK, MAYOR

ADOPTED BY CITY COUNCIL

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

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday December 18, 2017 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH, on a Supplemental Appropriation in accordance with Section 7.14 of the City Charter to raise and appropriate Twenty-seven Thousand One Hundred Sixty-Seven Dollars (\$27,167.00) from Unassigned Fund Balance Regarding Collective Bargaining Agreements. The complete Resolution is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

KELLI L. BARNABY, MMC/CNHMC
CITY CLERK

Legal Notice

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday December 18, 2017 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH, on a Supplemental Appropriation in accordance with Section 7.14 of the City Charter to raise and appropriate Twenty-seven Thousand One Hundred Sixty-Seven Dollars (\$27,167.00) from Unassigned Fund Balance Regarding Collective Bargaining Agreements. The complete Resolution is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

KELLI L. BARNABY, MMC/CNHMC
CITY CLERK

PN-00327636

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

RESOLUTION # -

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

RESOLVED:

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

THAT, the City Council has determined that the sum of up to **Twenty-Seven Thousand One Hundred Sixty-Seven (\$27,167.00) Dollars** is to be appropriated from Unassigned Fund Balance to defray the expenditures related to contractual obligations for the Fiscal Year ending in June 30, 2018.

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

APPROVED BY:

JACK BLALOCK, MAYOR

ADOPTED BY CITY COUNCIL

KELLI BARNABY, MMC/CNHMC
CITY CLERK

SECTION 7.14-AMENDMENTS TO BUDGET AFTER ADOPTION

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

PORTSMOUTH POLICE DEPARTMENT

MEMORANDUM

RECEIVED

DEC 11 2017

CITY MANAGER
PORTSMOUTH, NH

DATE: DECEMBER 8TH, 2017
TO: JOHN P. BOHENKO, CITY MANAGER
FROM: BRENNA CAVANAUGH, CHAIR, PORTSMOUTH POLICE COMMISSION
ROBERT M. MERNER, CHIEF OF POLICE
RE: BULLETPROOF VEST PARTNERSHIP 2017 GRANT AWARD, BUREAU OF JUSTICE
ASSISTANCE


At the November 30th, 2017 Police Commission meeting, the Board of Police Commissioners approved and accepted the following grant:

A grant in the amount of \$5,109.81 for the Bulletproof Vest Partnership 2017 Award has been received from the Bureau of Justice Assistance.

We submit the information to you pursuant to City Policy Memorandum #94-36, for the City Council's consideration and approval at their next meeting.

We respectfully request this item be placed on the December 18th, 2017 city council meeting agenda.

Respectfully submitted,


Kathleen M. Levesque
Office of the Chief

copies: Board of Police Commissioners
Finance Director Judie Belanger

Admin. Mgr. Karen Senecal
Business Asst. Tammie Perez

Karen Senecal

**BULLET PROOF VEST
PARTNERSHIP GRANT**

From: owner-bvp-list@ojp.usdoj.gov on behalf of
Sent: Thursday, October 26, 2017 6:16 PM
Subject: Bulletproof Vest Partnership 2017 Awards

Dear BVP applicant,

The Bureau of Justice Assistance (BJA) is pleased to inform you that your agency will receive an award under the Fiscal Year (FY) 2017 Bulletproof Vest Partnership (BVP) solicitation. These funds have been posted to your account in the BVP System. A complete list of FY 2017 BVP awards is available at: <http://www.ojp.usdoj.gov/bvpbasi/>.

The FY 2017 award may be used for National Institute of Justice (NIJ) compliant armored vests which were ordered after April 1, 2017. The deadline to request payments from the FY 2017 award is August 31, 2019, or until all available funds have been requested. Awards will not be extended past that date, and any unused funds will be forfeited.

Please see the following websites for a list of NIJ compliant vests:

Ballistic Vests: <http://nij.gov/nij/topics/technology/body-armor/compliant-ballistic-armor.htm>

Stab Resistant Vests: <http://nij.gov/nij/topics/technology/body-armor/compliant-stab-armor.htm>

As a reminder, all jurisdictions that applied for FY 2017 BVP funding certified that a mandatory wear policy was in place for their jurisdiction. BJA will be conducting reviews of the mandatory wear policies as funds are requested from the BVP System. For more information on the BVP mandatory wear policy, please see the BVP Frequently Asked Questions document: <http://www.ojp.usdoj.gov/bvpbasi/docs/FAQsBVP MandatoryWearPolicy.pdf>

Additionally, uniquely fitted armor is a new requirement in 2017. In the BVP Program, "uniquely fitted vests" means protective (ballistic or stab-resistant) armor vests that conform to the individual wearer to provide the best possible fit and coverage, through a combination of: 1) correctly-sized panels and carrier, determined through appropriate measurement, and 2) properly adjusted straps, harnesses, fasteners, flaps, or other adjustable features. The requirement that body armor be "uniquely fitted" does not necessarily require body armor that is individually manufactured based on the measurements of an individual wearer. In support of the Office of Justice Programs' efforts to improve officer safety, the American Society for Testing and Materials (ASTM) International has made available the *Standard Practice for Body Armor Wearer Measurement and Fitting of Armor (Active Standard ASTM E3003)* available at no cost. The *Personal Armor Fit Assessment checklist*, is excerpted from ASTM E3003.

Finally, please visit the following page for checklists and guides for each step of the BVP process: <http://ojp.gov/bvpbasi/bvpprogramresources.htm>.

For questions regarding the BVP Program or your award, please do not hesitate to contact the BVP Help Desk at vests@usdoj.gov or 1-877-758-3787.

Thank you

BVP Program Support Team
Bureau of Justice Assistance

BVP

STATUS

This "Status" page shows any pending actions that must be completed prior to program deadlines. It also provides you with payment(s) status for tracking your requests for approved funds.

- Red !'s indicate your attention is needed in order to complete a task for action.

CURRENT ACTIVITY STATUS

Application

✓ Approved by BVP

[View Details](#)

ATTN	Fiscal Year	Award Amount	Total Paid	Total Requests	Eligible Balance	Expiration Date
	2017	\$5,109.81	\$0.00	\$0.00	\$5,109.81	08/31/2019

M E M O R A N D U M

TO: John Bohenko, City Manager

FROM: Juliet T. H. Walker, Planning Director *JTW*

DATE: December 7, 2017

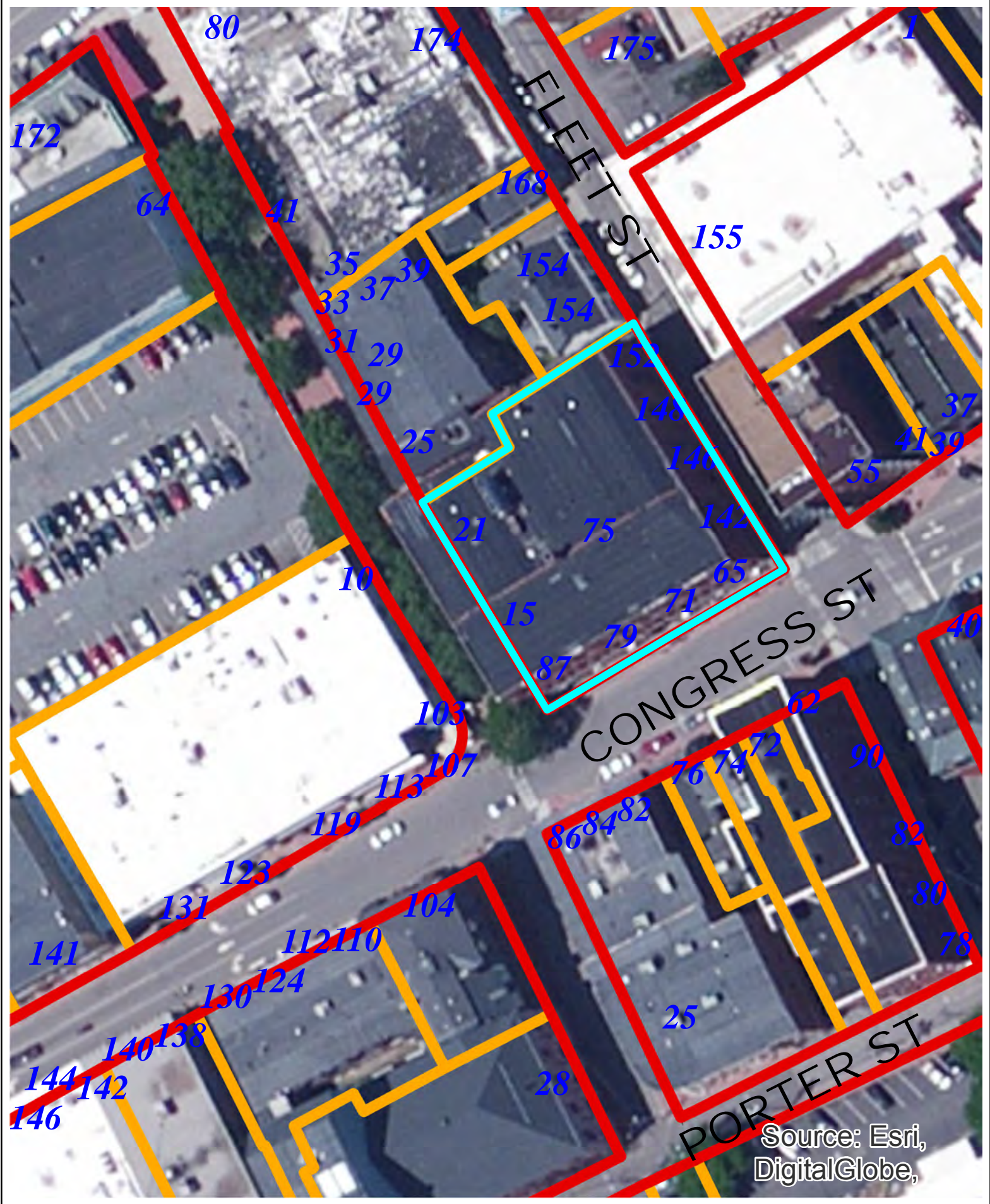
RE: City Council Referral – Projecting Sign
Address: 21 Vaughn Mall
Business Name: Pretty Little Things
Business Owner: Michelle Graham

Permission is being sought to install a projecting sign that extends over the public right of way, as follows:

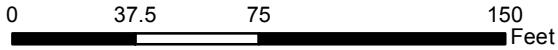
Sign dimensions: 36" x 36"
Sign area: 9 sq. ft.

The proposed sign complies with zoning requirements. If a license is granted by the City Council, no other municipal approvals are needed. Therefore, I recommend approval of a revocable municipal license, subject to the following conditions:

1. The license shall be approved by the Legal Department as to content and form;
2. Any removal or relocation of the sign, for any reason, shall be done at no cost to the City; and
3. Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the sign, for any reason, shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works.



Source: Esri,
DigitalGlobe,



Map produced by Planning Department 11-29-17

**Request for Projecting Sign License
21 Vaughn Mall**



PortsmouthSign.com
603-436-0047

REVISION:

All orders under \$250 include 1 revision only. All orders over \$250 include 3 revisions only. Additional revisions will be charged at \$25 per revision.

PLEASE NOTE:

Designs are NOT actual size and color may vary depending on printer and/or monitor.

12/717

I understand this Order Form is the final production order and replaces all previous drawings, notes and verbal instructions to this job. Standard vinyl & paint colors will be used. Custom colors and specific matches to PMS colors will be an additional fee. I have carefully reviewed this form and verify that it contains all necessary specifications and represents my order. I authorize fabrication according to this approval.

RETURN SIGNED TO: service@portsmouthsign.com

SIGNATURE: _____ Date: _____

Member of:



GREATER
PORTSMOUTH
CHAMBER OF COMMERCE

the **Greater**
York Region
Chamber of Commerce

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Shop Use
Only

Qty: SS DS

Materials:

Background Color:

Vinyl Color:
HP Int

Other:





Seacoast Outright

P.O. Box 842 Portsmouth, NH 03802 - (603) 552 - 5824
www.SeacoastOutright.org Jessd@SeacoastOutright.org

Dear Mayor Blalock and Council Members:

On behalf of myself, the Board of Directors, the youth, and the many residents of Portsmouth and our surrounding towns who support Seacoast Outright, I would like to extend deep and sincere gratitude for the City's time, support, and dedication in helping us to establish and execute the First Annual Portsmouth PRIDE in 2015 and remaining so helpful and supportive for each annual Portsmouth PRIDE since. This event has reached thousands in our community, and has grown to be a greater success than we ever could have dreamed four years ago.

We were honored, at PRIDE 2015, to receive the Mayor's Award from former Mayor Robert Lister, for our work with LGBTQ+ youth. In June 2017, an estimated 4,000 people attended Portsmouth PRIDE (doubling the estimate of 2,000 in 2015), and it was again incredibly well-received by the region. Many businesses in town incorporated the PRIDE theme in their locations and people of all ages came together to celebrate the inclusivity of all members of our community. Our favorite result, of course, was the incredible show of support that this "City of the Open Door" put forward for its youth.

Just as we had hoped, Portsmouth PRIDE has become the signature event needed to keep Seacoast Outright strong and well-recognized within a community that appreciates diversity and values its youth. As we look forward to June 23, 2018, we are extremely excited to make Portsmouth PRIDE 2018 an even greater success. There has perhaps never been a time in recent memory when the coming together of a community to demonstrate its support for its LGBTQ+ youth has been more important.

We were proud to have hosted another event that was safe, fun and family-friendly and that is what we will do once again. Attached, you'll find a rough timeline and description of our vision for 2018.

Both the location change to Strawberry Banke and the more structured march down Court Street were a great success. We hope to march as a giant rainbow down State Street in 2018. We've enclosed a map with our proposed route and we are excited to work together with you to establish the best plan for Portsmouth PRIDE 2018.

We look forward to answering any questions, and meeting with the City to approve our Fourth Annual event!

Jd Dorr
Pronoun: they/them
Executive Director, Seacoast Outright

Pip Clews
Chair

Sarah Buckley
Secretary

Christine Stilwell
Treasurer

Lindsey Archila

Mercy Carbonell

Kathleen Cavalaro

Linda Fishbaugh

Joyce Kemp

Rebecca Sanborn

Jd Dorr
Executive Director

PRIDE 2018 Event Proposal

We are requesting your approval to host a fourth annual community-based and family-friendly Portsmouth PRIDE event on Saturday June 23, 2018.

Walkers will gather at the Portsmouth Public Library. We are seeking your permission to temporarily block off the Portsmouth PRIDE march route [proposed in attached map as: Parrott Ave to Junkins Ave, Junkins Ave from Parrott to Pleasant Street, Pleasant St from Junkins to State Street, State Street from Pleasant to Marcy Street and Marcy Street from State Street to the entrance of Strawberry Banke] for approximately 30 minutes from 3:15pm to 3:45pm in order for walkers to proceed as a group from the Portsmouth Library/Middle School parking lot to the main gathering site at Strawberry Banke. There will be no floats, only individuals marching in celebration of our LGBTQ+ youth, with some banners and signage for each color of the rainbow.

We are hoping that after how well our Court Street march went in 2017, and with the Sarah Long Bridge fully functioning once again, that we can bring the march closer to Market Square by proceeding down State Street in 2018.

Event Timeline:

Saturday, June 23, 2018

2:00 pm – 6:00 pm — Portsmouth PRIDE event booths open (Strawberry Banke site)

3:15 pm – 3:45 pm — Portsmouth PRIDE March (Portsmouth Public Library lawn to Strawberry Banke)

3:45 pm – 6:00 pm — Speaking program, followed by entertainment (Strawberry Banke site)

All day — Out & About (Promoting patronage of restaurants and businesses throughout downtown)

7:00 pm – 9:00pm — Youth PRIDE Post-Party (site TBD)

8:00 pm – 11:59pm — Portsmouth PRIDE 21+ After Party (site TBD)

Event Description

Portsmouth PRIDE March

Our marchers will gather at the Portsmouth Public Library on Parrott Ave and, at 3:15pm, will march to the main event location at Strawberry Banke, route to be determined with city input. Our rainbow-forming color teams have become an anticipated trademark of the Portsmouth PRIDE march, and we will be repeating this element again in 2018. We hope to march as one unified rainbow again this year, gathering at the main location to celebrate in our signature rainbow crowd. There will not be any floats, only individual marchers with co-captains carrying the banner for each color of the rainbow, as in prior events.

Portsmouth PRIDE Program

The stage program at Strawberry Banke will begin around 3:45pm and will include brief remarks and a few musical/entertainment performances. The official stage program will run until 6pm, under the sound guidelines required at Strawberry Banke to not disturb the surrounding neighborhood. At 6pm, the event at main location will end and transition into "Out & About."

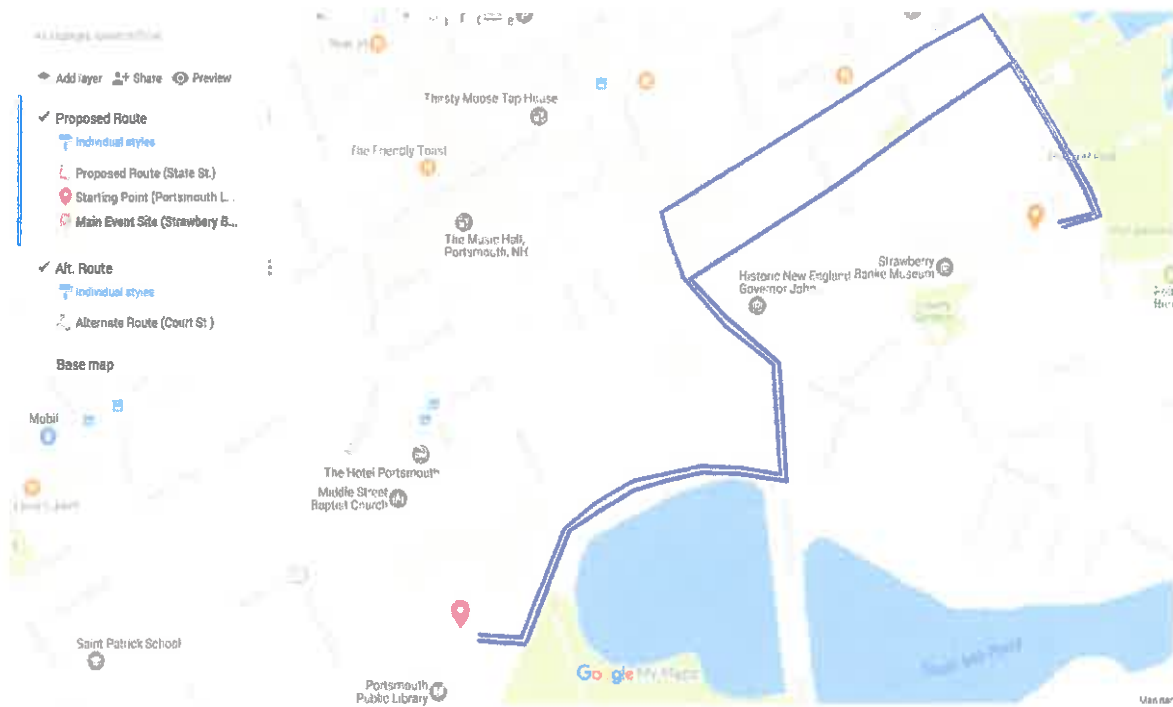
Out & About

Out & About is from 5-9pm, where attendees are encouraged to visit stores and restaurants throughout the downtown area, with locations highlighted who have actively partnered with Portsmouth PRIDE to offer discounts and specials in celebration of PRIDE.

PRIDE Youth Post-Party and 21+ After Party

There will be two parties after the main event and Out & About. The youth after party, for those under 21, will take place at a location to be determined (last year, this took place at Seacoast Rep North) and will feature alcohol-free dancing and celebration. The 21+ after party will also take place at a location to be determined (last year, at 3S Artspace) from 8pm-midnight, with a DJ and special VIP reception from 7pm-8pm.

Proposed Portsmouth PRIDE 2018 March Route



We would love to work together to find a route that makes the most sense for the city. Here are our proposed routes:

Preferred Route (Parrott > Junkins > Pleasant > State > Marcy)

This .82-mile route is our preferred march route. It contains great visibility both on the Parrot Ave stretch (as seen from City Hall Hill) and the corner turning from Pleasant Street to State Street is in view of Market Square, which will add some visibility to crowds downtown.

Alternate Route (Parrott > Junkins > Pleasant > Court > Marcy)

This .80-mile route is the alternate march route that was used in 2017, so State Street would remain open for emergencies with the Sarah Long Bridge not operational. It offers less visibility to the downtown/Market Square area on the smaller Court Street, which is why our team greatly prefers the State Street route. It also joins Court Street at Pleasant, so is not blocking the Fire Station (as we would if joining at Rogers).

Starting Point (Portsmouth Library/Middle School Lot)

This lot was used as our main gathering and starting point last year and it was very successful. It's a well-known spot with nearby parking options and plenty of room for our marchers to gather.

Proposed Route (Parrott > Junkins > Pleasant > State > Marcy)

We will be entering Strawberry Banke from the main entrance point across from Prescott Park. This access point to our main event site gives plenty of room for our marchers to enter through a rainbow balloon archway.



December 13, 2017

Portsmouth NH City Council
C/o City Manager's Office
1 Junkins Ave
Portsmouth NH 03801

Dear Mr. Bohenko,


My name is Jennie Halstead. I am the Executive Director of My Breast Cancer Support and the Race Director of the Celebrate Pink 5k Walk & Run.

I am writing this letter to ask the City Council consider approval of our 10th Annual race which we propose take place on Sunday September 16th 2018. Registration for the race begins at 7.30 am and the race will commence at 9 AM at Portsmouth Middle School.

Thank you for your consideration, as well as the support you have provided for this event over the last 9 years.

Best Regards,

Jennie Halstead

Jennie Halstead
Executive Director, Survivor 

CITY COUNCIL E-MAILS

December 5, 2017 – December 14, 2017

December 18, 2017 CITY COUNCIL MEETING

Below is the result of your feedback form. It was submitted by Mike Casino (casinom@comcast.net) on Monday, December 4, 2017 at 10:46:12

address: 135 Bow St, Portsmouth

comments: City Council Members

Thank you for your efforts to make reuse of the McIntyre a successful project that will benefit the city for many years to come. Based on what I have observed thus far I feel good about the questions being asked by the Council and the overall approach.

As a resident of the immediate neighborhood on Bow St. I first want to emphasize that providing adequate parking for any redevelopment must receive the highest priority. There's already so much competition for on-street parking that to omit this from reuse of the site would be devastating for those of us already grappling with this on-going problem. I suggest reuse of the site include both on-site, underground parking, as well as mandatory shuttle service to an off-site location for any demand that can't be accommodated on-site.

Second, I think reuse of the site should focus on redevelopment of the existing building and maximizing the remainder of the land for public benefit. Any secondary building development on the site should be ancillary to these first two goals. I like the idea of more street-front development on Bow and Penhallow Streets but the scale of such development should match existing buildings and determined only after meeting the public use goal. I can accept the City receiving lower and/or delayed financial benefit in order to achieve these goals.

Finally, I find it difficult to determine if one of the existing consulting firms should be selected now or if more consideration should be given to process versus final product. Perhaps we should consider hiring a firm to do public input process and more accurately estimate site remediation costs before selecting a development firm who will no doubt have some biases about potential development options.

Thank you for your consideration.

Regards,
Mike Casino
135 Bow St
Portsmouth

includeInRecords: on

Engage: Submit

Below is the result of your feedback form. It was submitted by Gerald Duffy (gduffy44@gmail.com) on Tuesday, December 5, 2017 at 05:06:01

address: 428 Pleasant St., Unit 3, Portsmouth

comments: Dear Councilors:

Later on today I'll submit some positive ideas and a proposal from a group of residents for creating a comprehensive process for deciding on how best to develop the McIntyre site. I hope you'll give them due consideration. But first I need to get something off my chest.

I'd like to express my utter surprise and disappointment to read in this morning's Herald that after the "public dialogue" session last evening the Council voted later to hold a special session on December 20 to go ahead and select a development partner anyway, without serious and detailed consideration of the strong opposition to that idea.

The decision itself isn't the end of the world, but the process you undertook is extremely problematic. Why would you solicit public comment when you, as a body, apparently had no intention of taking any of it seriously? (I'm trying to be generous, but I see no other way to read the situation.) Had the process been respectful, you would have allocated adequate time to consider and evaluate residents' views and the public would then have had the right to see that you had done so.

Anyone who has engaged with this project knows how hard this Council has worked to get the project to this point. However, you have also heard from many citizens who care about this project that they would prefer to wait on the choice of a partner until the community has a clearer idea of exactly what it wants for the site. Most of the comments in the circle I was in yesterday supported a pause. A straw poll confirmed the point. I'm left with the feeling that the Council was more invested in its own work to date on this project than in listening to and seriously considering strong public input about the idea of pausing the process.

The Council's call for input from residents yesterday now seems like an hollow gesture and an insult to those residents who took their time to attend. If you're going to ask for contributions from the public, the process needs complete integrity. The relationship between people and their government these days is very fragile indeed and we need to take every opportunity to strengthen that bond. Unless I was confident of the good faith of the Council I would personally think twice about attending a similar session in the future.

Warm regards,
Gerald Duffy

includeInRecords: on

Below is the result of your feedback form. It was submitted by Francis Breen (gundalow@comcast.net) on Tuesday, December 5, 2017 at 06:20:44

address: 121 Bow Street

comments: I have noted, with some trepidation, the progress of the McIntyre acquisition project. The return of the property to the City is a watershed moment for the downtown, the likes of which we will not likely see again. The opportunity exists to maximize public space, while minimizing private development, which would serve to tie in the market square area to the waterfront, effectively completing what is currently a somewhat fractured downtown nucleus.

While the north end development scheme has favored maximizing space, resulting in an "anywhere USA" series of homogenized structures, we should think long and hard before we let that model spread any further into the downtown. Portsmouth is a tourist town, and tourists don't come here to see and experience the

same things they can see and experience anywhere else. If we are to remain special, then we need to act accordingly.

The McIntyre parcel is a golden opportunity to create green space, complete with fountains, a modest performance area, children's activities, and the like. Perhaps it could become a home for the old state house? Maybe a colonial heritage exhibit? The possibilities are endless, but once we let it go to yet another hotel/condo monolith, we will never have the opportunity again.

The notion that the McIntyre shell will have to remain in place should be a challenge rather than fait accompli. Surely it is laden with asbestos and other hazardous materials. Surely there is enough political horsepower in the City and State to lobby the current administration to override the ridiculous "historic" designation passed down by the GSA.

I also caution against deciding on a developer at this stage of the project. It may serve the greater good to put together a commission, with representatives from the Council, business community, art and performance community, Historic Commission, and residents, to be charged with coming up with a vision for the space. Then engage with a developer who is committed to converting that vision into a plan. Selecting a developer at this point will inevitably result in the developer trying to steer the project toward their vision and strengths, with a natural bias toward profit.

I firmly believe that the process should be slowed down, diversified, and inclusive of all stakeholders.

Sincerely,
Frank Breen

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by Ned Raynolds (nedr64@gmail.com) on Tuesday, December 5, 2017 at 19:40:38

address: 110 Aldrich Rd

comments: Dear colleagues,

One of, if not THE most dominant themes of our recent Council campaign season was that the declining availability of workforce housing is one of Portsmouth's greatest challenges. We can't stand by and allow Portsmouth to become a city of the rich, filled with wonderful restaurants and a lively arts and cultural scene, while all the people who actually PROVIDE the meals and drinks and the arts and culture we enjoy have to live in Rochester and Somersworth and beyond.

The McIntyre building/site is the greatest opportunity for downtown redevelopment -- with the highest degree of direct City control and choice -- that we will likely EVER see.

Why are we not directly connecting these two dots?

If the McIntyre building could become a boutique hotel, as 2 of the 3 developers have proposed, surely it could become a microapartment building, for considerably less cost. Yes, it would produce less revenue, but we seem to all be agreed that revenue maximization is not our paramount objective. Addressing the City's greatest need should be, and in my view, this is it (downtown and arts/cultural workforce housing). The rest of the site could be used for the necessary higher-revenue-producing uses ... perhaps even a boutique hotel, built from scratch on a different part of the site! (Citizens of Portsmouth might be willing to "swallow" another downtown hotel or some luxury condos on the site IF they saw them as necessary to providing the

overall revenue stream required to support addressing the City's greatest need: downtown and arts/cultural workforce housing). Along with appropriate amounts of retail and public/open space of course.

Looking at the building from the outside, if every window corresponded to 1 micro-apartment (not double-counting the corners), I count 17 by 5 by 3 levels = 255. The likely number of possible apartments is probably less -- I've never been inside the building so know nothing of the floor plates. But even if it were 200, or 150 microapartments, that would be significant number and a hugely symbolic move by the City. In addition, that workforce living downtown would also surely contribute mightily to year-round liveliness /the downtown economy. The money those workers would otherwise spend on transportation to their far-flung homes would instead be spent right here in Portsmouth.

Would you please include this request in your list of "What Ifs?" that you are asking the 3 Developers to respond to in the next few weeks? I hope you feel its at least worth asking about.

Thank you.

Ned

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by Effie Malley (effie.malley@gmail.com) on Thursday, December 7, 2017 at 09:00:12

address: 428 Pleasant St., Unit 3, Portsmouth

comments: From resident-contributors:
Reagan Ruedig, Brian Murphy, Effie Malley, Bill Downey, Gerald Duffy

[Note: If the City selects a partner soon, the proposal still applies to the process we propose. The role of the chosen partner would be integrated into this process.]

Introduction

This proposal follows the public dialog conducted at City Hall on December 4, 2017.

- We acknowledge the hard work already done by the City on this project.
- We recognize some City Councilors and staff feel pressure to select a development partner before year's end.
- We believe that there has been too little public education for this complex, landmark project and insufficient clarity about what the community wants for this site.

McIntyre Building: Vision to Implementation The redevelopment of the McIntyre site is a unique opportunity to realize our community's aspirations in the heart of the city and create a project that will make future generations proud. A revised and more comprehensive process could serve as a model of public leadership to determine the city's future by creating a civic vision which informs the development.

Recommendation: 3-step process over 3 months

1. Listening and Learning

Using the Portsmouth Listens demonstrated success, the City sponsors an in-depth facilitated community discussion to identify residents' aspirations for how best to use the McIntyre site. This stage serves to educate residents and help them navigate the project's complexities. Residents learn about the building, its history and significance, and about the various components of a redevelopment proposal, including the conditions imposed by the federal government as part of this handover. The Portsmouth Listens processes

enable informed citizens to express their ideas in the form prioritized possibilities. These possibilities become the baseline for the second stage..

2. From Listening to Focusing

The next stage takes the results of the Portsmouth Listens phase and translates the public’s intentions into alternative scenarios. Residents may work together, compete, and even conflict. Assisted by an independent third-party facilitator, this stage sorts through possibilities, resolves differences, and eliminates less viable options. Based on these tighter, more focused results, viable alternatives are sketched out for all to see. The public can then compare and contrast the options – ideally in visual form – and evaluate and further narrow down the field. The result of this process — one or two prioritized well-thought-through viable alternatives — forms the basis of the final stage.

3. Charrette with Design Professionals

This stage harnesses the skills of the City’s pool of talented professionals who reside here and are eager to contribute knowledge and expertise to this City-defining project. The City forms a charrette of professional architects, landscape architects, engineers, and urban designers who live, work, and play here. In sessions that offer complete public access and invite maximum participation, this group takes the results of the second stage and works as a design team. The product of this stage is a fleshed-out concept plan, built on a foundation of citizen aspirations, respectful of the constraints of a complex project, and presented graphically for a clear understanding. At this point, the development partner begins its work to make the plan reality.

includeInRecords: on

Engage: Submit

Below is the result of your feedback form. It was submitted by marie lyford (marie03801@comcast.net) on Thursday, December 7, 2017 at 13:06:44

address: 5 opal ave

comments: I have heard that you plan on picking a development partner for the McIntyre building before the end of this year. As a resident, I feel that this is rushed and that more input from the residents is needed before picking the firm to develop this important parcel of land. Please slow down and do NOT pick a development partner before we residents can weigh in on this. Thanks you.

includeInRecords: on

Engage: Submit

Below is the result of your feedback form. It was submitted by R. W. Wright (Wrightski@aol.com) on Saturday, December 9, 2017 at 07:37:07

address: 30 Sudbury St.

comments: Please.....ladies and gentlemen of this council.....TAKE YOUR TIME REGARDING THIS VERY IMPORTANT PROJECT!!

If, for any other reason than to show Jack and Jim the RESPECT for their perspective on this issue, you need to relax and TAKE YOUR TIME!!! It took us 10 years to get the garage done, a few months for the new council would be most logical and prudent.

LISTEN to us!!

Respectfully submitted,

R. Wright

includeInRecords: on

Below is the result of your feedback form. It was submitted by O'ROURKE-FEENEY (jimfourke@comcast.net) on Saturday, December 9, 2017 at 12:53:59

address: 180 PORPOISE LN, PORTSMOUTH

comments: December 8, 2017

HELLO? HELLO? ANYONE LISTENING?

Not councilors Spear, Lown, Dwyer, Pearson, Kwoka. Deaf ears to the outpouring of requests to leave the selection of a developer to the McIntyre project to the incoming city council.

We echo the many others who've spoken out: develop a vision first; include broad and thoughtful resident input; stop the breakneck speed rushing to select a developer when we don't even have the building yet; pick a developer of hotels and you'll get a hotel; choosing a partner before having a vision will leave you with a powerful entity to lobby you to its specialty.

As to Mr. Spear's expressed fears (Portsmouth Herald, 12/6/17), that if we don't act before Christmas "people will drop out of the process and we'll end up not having any choice" Really? Where'd that come from? Or his other rationale, i.e., "to delay comes with risk". Fact is, life comes with risk. In this situation, rushing into a hasty and unnecessary shotgun marriage to one developer now likely carries a higher risk.

What is this lame duck power play all about? What's behind it? Have the Russians hacked into City Hall? There must be a behind the scenes puppeteer pulling the strings with a motive not shared with the public. It doesn't pass the smell test. This is the kind of stuff that undermines voter trust in city staff and elected officials and raises suspicions about lack of transparency in government.

Rather than hold a special meeting on December 20, why not show the show courage and integrity and do the right thing at your December 18 meeting. Rescind your vote to select a developer on December 20 and spend that night enjoying the candlelight stroll instead.

Thank you so much, Mayor Blalock and Assistant Mayor Splaine for listening and responding to residents. We hope three other councilors will Margaret O'Rourke and John Feeney Portsmouth

includeInRecords: on

Engage: Submit

Below is the result of your feedback form. It was submitted by Richard Walent (rwalent@gmail.com) on Saturday, December 9, 2017 at 14:18:27

address: 97 Pinehurst Rd

comments: Please wait until January 2018 to chose a developer. Donâ€™t rush!

includeInRecords: on

Engage: Submit

Below is the result of your feedback form. It was submitted by Joanne Ravgiala (jorav@icloud.com) on Saturday, December 9, 2017 at 15:56:43

address: 1275 Maplewood Ave #23

comments: In choosing candidates for city council. I was most concerned with those who would spend my hard earned tax dollars wisely.

Shuttle Parking- a environmentally friendly but impractical, not consumer friendly. Good solution for downtown employee perhaps.

It seems the city parking policies discourage the use of small downtown businesses by increasing rates and having 750 of 900 spaces used by "Individual" pass holders in Hanover Street Garage. As a 28 year resident of Portsmouth, I am frustrated by the lack of parking MAY-October.

The McIntyre Building

Please NOT ANOTHER hotel. Workforce housing unrealistic. It seems from what I have read the Kane proposal is the best so far. Whatever proposal is approved. PLEASE make sure ENOUGH parking is provided.

Hotels-

I am strongly in favor of instituting a municipal hotel room tax. Saying the state should share some the of 9% rooms tax may seem good campaign rhetoric, but is highly unlikely.

includeInRecords: on

Engage: Submit

Below is the result of your feedback form. It was submitted by Sandra Walent (snwalent@gmail.com) on Saturday, December 9, 2017 at 16:39:06

address: 97 Pinehurst

comments: Delay the vote on the McIntyre project. We don't need another high end hotel or more luxury condos. Why the rush to vote??? I've read the reasoning for this rush to a decision none of which seems reasonable to me.

includeInRecords: on

Engage: Submit

Below is the result of your feedback form. It was submitted by Shaun Rafferty (glencar019@aol.com) on Sunday, December 10, 2017 at 10:55:12

address: 1157 South Street, Portsmouth, NH

comments: Please allow the residents of Portsmouth the opportunity to fully discuss and to express their opinions on the future of the McIntyre building. Why is the selection of a developer being rushed?

includeInRecords: on

Engage: Submit

Below is the result of your feedback form. It was submitted by Michele Milne (michelemilne@aol.com) on Sunday, December 10, 2017 at 15:35:52

address: 127 Spinnaker Way

comments: I would like to add my support to the many citizens of Portsmouth that would like to slow down the process of discussing the development of the McIntyre Property until the new Council is seated in 2018. We voted for knowledgeable and involved citizens, and they should have a vote in this process. There is no reason to rush such an important decision! Please continue the dialogue on the McIntyre Property so that all new Councilors can be, and should be, involved in the decision-making! Thank you!

includeInRecords: on

Engage: Submit

Below is the result of your feedback form. It was submitted by Carolyn Trosky-Absher (rctrab@yahoo.com) on Sunday, December 10, 2017 at 20:45:04

address: 113 Essex Ave.

comments: I am totally opposed to the present council passing any decisions regarding the development of the stated area in question. The new council members should study and make the sensible decision. Haste easily becomes waste. Already, the city has multiple hotels and concrete slabs that are detracting from the unique appeal of our lovely city.

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by Michael Frandzel (mbfrandzel@gmail.com) on Monday, December 11, 2017 at 07:45:50

address: 404 Union St.

comments: There is one thing the citizens of Portsmouth totally agree upon with regard to the McIntyre Building. WE DO NOT WANT THIS COUNCIL TO SELECT A DEVELOPER!

NO valid reason has been given for this rush, none.
It sure looks suspicious.

It is the next council that will have to work with the developer, not this one in its last 3 weeks in office.

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by Cliff Lazenby (cliffLazenby@gmail.com) on Monday, December 11, 2017 at 11:19:21

address: 303 McKinley Rd, Portsmouth, NH

comments: [This is being sent on behalf of Cliff Lazenby, Doug Roberts, Ned Reynolds and Rick Becksted]

As the four incoming City Councilors in Portsmouth, we believe that public confidence in the process of choosing a partner for the McIntyre redevelopment project is paramount. We also believe that additional public input and further definition of the City's vision for the property will benefit any potential partners, maximizing the chances of a successful partnership with whichever is ultimately chosen. While we understand that continued progress is vital to keeping this precious opportunity on track, we urge the current City Council to reconsider its determination to pick a partner on Dec. 20.

We respect and have been closely following the process that the Council and City staff have conducted up to this point. We understand that too much delay in choosing a development partner introduces risk that the City will not be approved to receive the property and could incur significant taxpayer expenses. However, we are familiar with the details and feel confident that with continued support from City staff, public input, and the knowledge of the current Councilors, the entire incoming City Council will be well-equipped to follow through in a way that is most beneficial to Portsmouth residents for generations to come.

We also respect that the current City Council has every right to make a decision until its term expires Dec. 31. However, we encourage the Council to instead use its scheduled Dec. 20th special meeting to conduct a public work session to achieve the following near-term objectives and leave a legacy of strengthened community confidence in the process and enhanced prospects for success:

First, start to map out the public education and input process that will take place before and after choosing a development partner. There is concern whether the public has had adequate opportunity to be heard. There also is confusion about the opportunities and limits of the McIntyre project. Engagement starts with understanding the issues. The public will benefit from learning more about complexities of the project, the challenges of public-private partnership development, and the related timelines. City Councilors and staff will learn more about priorities and vision from the public. Perhaps the process could be facilitated by a third party, as with various Master Plan processes.

Second, establish a public timeline for achieving key milestones leading up to the City's application for the property under the Historic Monuments program. This should include a deadline for choosing a development partner by the end of February 2018.

We understand that there are many steps that have to take place between choosing the developer, negotiating a development agreement, planning project details with the public, submitting the Historic Monuments application, and receiving final approval to take over the property.

We have time to strengthen the community fabric that will support this project and believe it will be well worth it to do so.

Respectfully,
Assistant Mayor-Elect Cliff Lazenby
City Councilors-Elect Doug Roberts, Ned Reynolds, Rick Becksted

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by Elizabeth Knies Storm (elizabeth.knies.storm@gmail.com) on Monday, December 11, 2017 at 13:07:44

address: 24 Osprey Dr, Portsmouth

comments: Dear Councilors,

I want to second Jim Splaine's recommendation that you do not rush to choose a developer on December 20, but rather wait until the newly elected council members are seated in January. I have been following the process as reported in the Portsmouth Herald. Two want "boutique hotels" with luxury condos and retail space; the third wants residential units and retail space. As a long-time resident of Portsmouth, I couldn't be more dismayed that this is the "vision" put forward. Please allow more time for public input before you vote on this highly important project.

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by Joan Christy (saga311@myfairpoint.net) on Tuesday, December 12, 2017 at 05:55:49

address: 576 Sagamore Ave.

comments: I am totally in agreement with the writers of the two letters to the Portsmouth Herald in yesterday's paper (12/11/2017) concerning the development of the McIntyre Building. Their sentiments, so well put, perfectly reflect what many of us long time Portsmouth residents are thinking.

Please go down in the annals of our city's history by doing the right thing for the city and the future residents of our wonderful town by the sea. Rescind your vote to choose a developer on December 20th. What happens to that building is crucially important to the city.

It was on our list of topics up for discussion when I took part in the first "Portsmouth Listens" meetings years ago, so I realize that the "what to do..." question has been around for a long time. It can stay around a bit longer, certainly until the end of the year.

Thank you for your consideration of this matter and for your service to our city.

Joan Christy

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by Jashan Ahuja (jashan.ahuja11@gmail.com) on Tuesday, December 12, 2017 at 11:56:44

address: 41 Atkinson St, Box 7, Portsmouth, NH, 03801

comments: Greeting Council Members,

My name is Jashan Ahuja and I am a resident of Portsmouth who greatly enjoys the community that exists in our town.

I am writing regarding the approach we, as a town, are taking to re-developing the McIntyre building. I understand that the goal is to pick a developer on December 20th, with the goal of continuing the concept and design process with the input of the chosen developer. I also understand that the town does not want to lose the building, and that the developer will help financially by taking on 100% of the cost.

All that said, I want to make sure that we, as a town, do not miss out on a rare opportunity to shape the heart of our town for generations to come. My previous professional experience has led me to believe that defining a vision, even a very high-level vision, is an important first step, as that vision will drive the partners that you work with and the approach to deliver project success. In our case with the McIntyre building, a vision first would allow us to pick a developer that has a specific skill-set and can best deliver on the vision. For example, if we want to build a public park we might select a developer who has designed parks previously. If we want to build a hotel, we might select a developer who has that experience instead. Once the high-level vision is defined, we can still open up the bidding process to developers, and the developer can still assume 100% of the costs, but would just know more precisely what they are expected to build.

My concern, and the concern of many other Portsmouth residents, is that signing a developer first will restrict our options to those that the developer is willing to build, regardless of the amount of public input that is provided to said developer. Signing a developer up-front does mean that something will happen with the McIntyre building and that the costs are covered, and I understand that appeal to the council. However

that "something" could be something that the majority of Portsmouth residents do not want, and I ask if that would be worth it?

So what do Portsmouth residents want? It is far from official and certainly not formal, but I conducted a poll on December 11th in the Facebook group titled "The (un)Official City of Portsmouth, NH". The group has 8,879 members, as of this morning, and the poll received close to 100 responses from active and engaged community members around town. As of December 12th, the results of the poll are as follows:

- 1) Affordable Housing - 52
- 2) Public Park - 29
- 3) Public Art Space - 16
- 4) Pick a Developer First - 12
- 5) Small Business/Artist Incubator Space - 11
- 6) Outdoor Concert Arena - 10
- 7) Parking Lot - 5
- 8) Luxury Apartments - 2
- 9) Boutique Hotel - 1
- 10) Hotel Chain - 0

Note, option (4) was a write-in option. I have included it for complete transparency, though I struggle to define it in the same list of options, as it doesn't actually at all define what residents would like to see done with the building.

So what is the key finding above, if the results are indicative of wider town opinions, which I acknowledge is an assumption I am making. The main concern of residents is that this prime opportunity to shape our downtown will be wasted on building another hotel or more luxury apartments. Both of these things have their place and have contributed to Portsmouth grow. But both have also contributed to higher prices and to forcing out long-time Portsmouth residents who love and care about this city. The results of the poll suggest that this has reached a limit of sorts. And the concern is that the developer-first approach will ignore the main possibilities that residents want to see come from the McIntyre building. The top 3 options are "Affordable Housing", a "Public Park, and a "Public Art Space", closely followed by a "Small Business/Artist Incubator Space". All of these are exciting options, and all of them are less lucrative for a developer. Indeed I understand that a Public

Park would even need an additional source of funding (for example raising business taxes downtown). But at very least, affordable housing should be viable for a developer to build, and profit from, even if not their first choice. Many cities have affordable housing restrictions and developers still clamor to build in them.

Thus, in conclusion, I implore to you re-consider the "Developer-First" approach, even though it would be a bold change to make at this stage. But if we are too far committed to selecting a developer then I ask you to please make it very clear to the developer that public opinion must be heard during the conception and visioning process, and that public opinion includes "Affordable Housing" at the very top of the list. Indeed, please pick a developer that will not just listen, but is actually willing to build "Affordable Housing" if that ends up as the top choice of Portsmouth residents and the council.

If you have any questions for me please feel free to reach out to me.

Thank you for your time.

Jashan Ahuja
(Portsmouth Resident)

includeInRecords: on

Below is the result of your feedback form. It was submitted by David hudlin (dhudlin@hotmail.com) on Wednesday, December 13, 2017 at 11:20:25

address: 260 Miller ave

comments: Council,

I'm following up regarding the 2017 commercial assessments. I'm very disappointed in the entire lack of follow through on issues/questions that are important to residents. It's apparent that the approach has been to ignore the legitimate questions that we need answers to, in hopes that it will simply go away. Mark my words that taxpayers are outraged and will remain diligent. I've asked questions over the past three months that have gone unanswered by both the Assessor/City manager. I've also asked you to advocate for taxpayers to ask probing questions of the Commercial assessor (Traub), and he was given a free pass. Do you realize that when I first approached the assessor in late Aug regarding the Commercial assessments, she insisted that my data was incorrect and that commercial assessments increased 16%! I insisted that my data set, which I provided to you, was a representative sample size and that I showed a 6% increase. I then met with the Deputy City manager to share my data, and she said she was under the impression that the increase was 14%!!! How is it possible that nobody understands the data nor the impact. This is why I explained that the ave. commercial property was realizing a 3.5% tax reduction. Why wasn't this understood within the city, and why wasn't it communicated to residents? Why wasn't it explained during the residential assessment forum? I'll tell you why...because it would have outraged residents. It was only AFTER I met with the city manager and Finance director, did they decide to present the impact and show how Commercial was getting a tax reduction of 3.5% and residents a 11% increase.

Going forward we need to:

1. Communicate the preliminary assessment results for BOTH residential and commercial clearly so we all understand what the impact is to BOTH tax bases
2. Require the assessor to breakdown the % increase by property type and neighborhood for Commercial, just as is done for residential
3. Require the Commercial assessor (Traub), as part of the contract, to make himself available to taxpayers to answer questions regarding his assumptions/methodology. Just like the Vision appraisal did for residential.

We need full transparency and disclosure EARLY in the process. I'm sick of the city promoting the fact that the tax rate dropped by x\$ and x%, as if that means anything. What matters is how much the assessments as a % are increasing for BOTH commercial and residential compared to the % increase in the operating budget.

I've asked the Assessor several times the following questions and haven't yet received an answer:

1. How is it possible that prime downtown properties increased 5.8% - the same as the overall commercial increase?
2. I gave her specific multifamily properties located in prime residential areas classified as commercial which had very low increases. She acknowledged and said she would follow through...never heard back
3. How is it possible that the Portsmouth commercial property valuation increase is almost identical to the Rockingham county average, when Portsmouth, according to the CBRE market data, is outperforming all other markets?

What are you going to say to taxpayers, if in two years, we have another assessment with similar results and our tax bills increase another 10+% and commercial goes down? There will much pain & suffering and a taxpayer revolt. You'd better get ahead of this now and start figuring a plan. You'd better make it a point to imbed yourselves in the process from day one and not "defer" to the experts and be blissfully ignorant throughout the process. The "expert" is supposed to be the City assessor. She "defers" to Traub. He doesn't have to answer to the public. The Department of Revenue just rubber stamps the assessment. There's no one asking the hard questions....That's YOUR job!! You're supposed to be advocating for us. It shouldn't take a taxpayer like me to connect the dots and do all the work.

Dave

includeInRecords: on

Engage: Submit

Below is the result of your feedback form. It was submitted by Marya Danihel (mdanihel@comcast.net) on Wednesday, December 13, 2017 at 11:37:10

address: 55 Gates St.

comments: Why the rush to choose a developer for the McIntyre Building? Your push to do this before the end of the year leaves no time for adequate public comment. Moreover, choosing the developer before the project is putting the cart before the horse. One wonders who will benefit from this unseemly haste, which will not be forgotten in future elections.

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by Catherine and Richard DiPentima (cathrich3@mufairpoint.net) on Thursday, December 14, 2017 at 09:49:51

address: 16 Dunlin Way Portsmouth

comments: I am asking that the decision on the building be delayed because:
We need something unique that reflects the values of this great city like the African Burial Ground etc, Public input is needed not just DEVELOPER input The citizens need a council that they trust, not one that is beholden-integrity is at stake here!

Thank you!

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by Ted (Ristaino) on Friday, December 15, 2017 at 10:46:09

address: 35 FW Hartford Dr

comments: I wish to add my voice to Councilor Lown's thoughts in Thursday's Portsmouth Herald regarding picking a developer for the above mentioned project.
I believe this council has been deliberate and thoughtful through this process thus far and if you are prepared to vote on partner then you should proceed. After all, this is why you were elected in the first place.
Some of the interested parties have long standing ties to the community and have contributed substantially to the area with several well designed and constructed projects.
I take exception to the four in-coming councilors (all of whom I voted for)wanting to delay the process especially when they believe (according to the Herald) that the new council could select a partner by the end of February, 60 days does not seem like "slowing down the process" to me.
Keep up the good work and thank you for your service our great city.

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by Penny Reynolds (preynolds21@comcast.net) on Friday, December 15, 2017 at 13:00:25

address: 21 Prospect Street

comments: Dear City Councilors,

You already know my feelings about your desire to vote on a partner for the development of the McIntyre building. To reiterate I am not in favor of a decision on the partner at this time.

If it had not been brought to our attention by the Portsmouth Herald, many of the residents of Portsmouth would not know that this decision was even taking place. There has been no buy in by us. I have not seen one letter to the editor in support of deciding before the public has some input. The one input session this summer is not enough to make a decision, and I don't know why you would think it is.

All the plans presented maximize the development of the site. They follow the same development pattern as the North End development, big buildings to the edge of the sidewalk. Several presentations don't even include parking. Instead they propose using the existing parking garages for their valet parking.

The City Council and the land-use boards have been very welcoming to this kind of development. If you are wondering why there is so much push back with your decision to go ahead without input from the public, you only have to look at what has happened in the North End. We would like to trust that you are looking after the best interests of all Portsmouth residents but I am not so sure.

Sincerely,
Penny Reynolds

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by John Tabor (Jtscn@comcast.net) on Sunday, December 17, 2017 at 13:41:34

address: 55 Pleasant Point Drive

comments: Dear Councilor Dwyer and fellow councilors,

Thank you for your follow-up to the Portsmouth Listens offer to work with the City concerning public input on the McIntyre project. We wanted to respond to your concerns and share more detail with you and the City Council about the possibilities we see for public input. We are not surprised that the City is already considering a public input process as public input has been a hallmark of governance in Portsmouth. We envision a process that would give broad citizen input that is properly informed about the property's opportunities and constraints and done by the end of February.

Portsmouth Listens is proposing a study circle dialogue on the McIntyre project to supplement all forms of community input. As has been done over the past 18 years, community dialogues supplement public hearings, surveys, individual letters and e-mails from citizens and any other form of public input that will provide the City Council with as much information as possible so that its final decision is what is best for Portsmouth. Portsmouth Listens purpose and goal has always been "to be a neutral convener of dialogue on issues critical to making Portsmouth the best place to live, work and play for everyone."

Thank you for the feedback that "to get us where we need to go toward an actual plan for the site ...the process will need to be more targeted in content and structured more inclusively than the typical Portsmouth Listens process". Portsmouth Listens believes it is essential to have a community vision of what

the property should be before moving to an “actual” plan. The McIntyre property is the last, large open space in downtown Portsmouth. What does the community want it to be?

“Targeted and structured in content,” we believe, should not in any way constrain open dialogue where everyone’s views are welcome. The whole purpose of a dialogue is to create a “marketplace of ideas.” All opinions are welcomed at first, but a participant’s idea is made richer or even discarded in the deliberation that follows as the group works to form a conclusion. The best ideas typically rise to the top by consensus and are then passed on to the decision makers. Also, we think there is benefit to engaging a “neutral facilitator” independent of the city.

Portsmouth Listens wholeheartedly agrees that this dialogue and any other must be inclusive. We constantly strive to recruit participants representing all parts of our community through continuous ads, social media, door-to-door leafletting and word of mouth. In past dialogues, we have mailed recruitment pieces to every city household, and McIntyre is of such magnitude. Moreover, full inclusiveness is a problem in all democratic process. Participation in democracy is ultimately voluntary. Only 25-30% of eligible voters turn out for municipal elections and very few turn out at public hearings on even the most important issues such as the budget. It is therefore even more critical to have multi-faceted processes available for citizen participation.

Residents who have participated in study circles over the last 19 years number more than 1,000 we estimate. It is true that many return for new dialogues. But they are informed and engaged citizens willing to give many hours of their time per dialogue to “study” the issue and offer what they believe will help make the city better. They have diverse experience and opinions.

Unlike broad-based instruments such as surveys, study circle participants’ conclusions are well reasoned and supported by specific findings. For example, in response to whether to “renovate or relocate” the Portsmouth Middle School, most participants supported renovation based on Master Plan values to conserve open space and preserve historic buildings.

Given the long-term significance of the McIntyre project, it is critically important to obtain as much broad based public input as possible. To get the most participation, we are proposing a single half day session. We have hosted a few half day dialogues in the past. We would envision a Saturday session, and a similar session during a weekday evening to allow those not available on the weekend to participate.

While not wedded to any particular framework, our preliminary considerations are as follows:

- Kickoff: As usual, the Kickoff will include the information about the issue. It will include a “101” presentation by the City about all aspects of the McIntyre project. This information will be incorporated in an online database that will be available to participants before and during the deliberative session. Participants will also receive the Discussion Guide so they can prepare for the deliberative session.
- The Deliberative Session: Participants will be divided up in small facilitated groups. The Discussion Guide will be designed to develop the group’s findings and recommendations. Each group will report out to the other groups at the end of the deliberative session. Council members will be invited to attend, and if time permits, engage participants through interactive sessions (like the candidate forum format the City Council recently incorporated in its public comment session).
- Report Outs: As with the typical study circle, we will ask each group to prepare brief written report that will be presented to the City Council and published locally.

Final development of the process will require, as usual, working with the City to develop the necessary database and process. We believe we can implement such a process by early February and have final reports presented to the City Council by the end of February.

In sum, we hope to create a process that is neutral and unbiased, timely, inclusive, open to all ideas and responsible. Educating a large number of citizens and allowing them to participate in a positively focused process will build goodwill and support for any resulting plan for the property in 2019. We also think this is an issue for which a broad cross-section of residents would commit a day for facilitated public dialogue. If you have any questions, please do not hesitate to contact us. Thank you for your consideration.

Sincerely,
Portsmouth Listens

Jim Noucas and John Tabor, Co-chairs

includeInRecords: on
Engage: Submit

For the City Clerk, to be included in the Council packet for December 18, 2017.

December 7, 2017



Honorable Mayor and City Councilors:

I am asking for the Council to take under discussion, during the December 18th Council meeting, the recording of public dialogue sessions. Minutes taken during public dialogue reflect the skeleton of the discussion, and the City Clerks do a fine job. Minutes are not intended, however, to translate tone and personal exchanges. I will cite two examples for your consideration.

During the second half of the October 16th public dialogue, the minutes accurately state that Group B continued discussion regarding Portsmouth Listens and the upcoming zoning ordinance approval process. The minutes do not include that Councilor Dwyer told me in hostile manner to stop lecturing her.

A second example occurred on December 4th during the summarization of public dialogue. Councilor Pearson's summary was accurate, but did not include or represent the strong voice of our group to delay choosing a development partner. It was as much a part of the dialogue as the questions about the GSA process.

The dialogues not only should be recorded the same as public comment, but they need to be. As much as you want these dialogues to evolve, they currently lack in transparency and accountability.

Thank you for your consideration.

Patricia Bagley

Patricia Bagley
213 Pleasant St

Cc: Robert Sullivan, Esq.

PORTSMOUTH POLICE DEPARTMENT

MEMORANDUM

RECEIVED
DEC 11 2017
CITY MANAGER

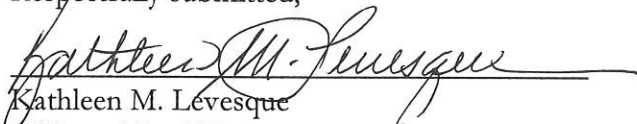
DATE: DECEMBER 8TH, 2017
TO: JOHN P. BOHENKO, CITY MANAGER
FROM: BRENNA CAVANAUGH, CHAIR, PORTSMOUTH POLICE COMMISSION
ROBERT M. MERNER, CHIEF OF POLICE
RE: DISPOSAL OF OUTDATED RADIO EQUIPMENT

At the November 30th, 2017 Police Commission meeting, the Board of Police Commissioners approved and accepted the following disposition of outdated equipment:

2-Way Communications has agreed to issue a credit in the amount of \$3,000 for Motorola Quantar and ASTRO TAC radio units that are 15+ years old to keep the radios for spare parts in their inventory for wires and miscellaneous pieces.

We submit the information to the City Council for their approval in accordance with City practice governing the disposal of city property and equipment. We respectfully request this item be placed on the December 18th, 2017 City Council meeting agenda.

Respectfully submitted,


Kathleen M. Lévesque
Office of the Chief

Attachments: Letter from 2-Way Communications Service, Inc.
Minutes of the 11-30-17 Police Commission Meeting

copies: Board of Police Commissioners
Finance Director Judie Belanger

Admin. Mgr. Karen Senecal
Business Asst. Tammie Perez



November 10, 2017

Portsmouth Police Department
ATTN: Karen Senecal
3 Junkins Ave
Portsmouth, NH 03801

Hi Karen,

The City's communications system upgrade project is wrapping up, and the last of the legacy communications equipment has been decommissioned. This equipment includes the radio transmitters & receivers, dispatch console, microwave network, associated cabling, and hardware. Your legacy equipment ranges from 10 to 20 years old, and the vast majority is no longer supported by the manufacturer. As a service provider, 2-Way still services these legacy systems.

With these two points in mind, we are proposing to purchase a handful of your legacy Motorola Quantar and ASTRO TAC units to put in our spare parts inventory for \$3000.00. This payment will be in the form of a credit issued to the Portsmouth Police account here at 2-way. In addition, we will dispose of the remainder of your legacy equipment at no additional cost (or hassle) to the city.

Since the radio project itself, and subscriber radio purchases (portables and mobiles) are actually state contract transactions between the city and Motorola, the credit cannot be applied to these items. If this solution is acceptable to the City, we will proceed with the disposal and credit issuance as soon as possible. If you have any questions, please don't hesitate to contact me.

Sincerely,

Nick Hamel
Sales Manager

Attached: City's Leacy Radio Inventory

2-Way Communications Service, Inc.
23 River Road, Newington NH 03801
1-800-441-6288 Fax: 603-431-4832 www.2-way.biz



City of Portsmouth, NH Legacy FNE Inventory

Items in green to be purchased by 2-Way

Item	Qty	2-Way
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Dispatch

Centracom Gold Series CIE	4	
Operator Position PC w/ ELO Monitor	4	
CEB card cage	4	
CEB power supply	2	
CEB interface panel	2	
Digital Interface Unit	4	
AstroTac comparator	2	1
CTI comparator display interface	1	
HP Switch	1	
RAD FPS-8	2	2
RAD FCD-T1LC	2	2
RAD Ipmux-24	2	

Penthouse

Cambium PTP	2	
Dragonwave Horizon Lite	1	
Quantar base station	3	2
Duplexer	2	
HP switch	1	

Spinney

Quantar repeater	1	1
Duplexer	1	
RAD SPS-3	1	
Cisco router	1	
Dragonwave Horizon Lite	1	

Peeverly

Quantar repeater	1	1
Quantar receiver	1	
Duplexer	1	
RAD SPS-3	2	2
Cisco router	2	
Cambium PTP	2	

Portsmouth Hospital

AstroTac receiver	2	
SPS-3	2	
Cisco router	1	
Cambium PTP	2	

Hobbs

Quantar repeater	2	
RAD SPS-3	2	
Cisco router	1	
Cambium PTP	2	

Portwalk

Quantar Repeater	2	
RAD FCD-T1LC	2	
RAD Ipmux-24	2	
HP Switch	1	
Cambium PTP	1	

Station 1

AstroTac receiver	1	
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Station 2

AstroTac receiver	1	
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PORTSMOUTH POLICE COMMISSION
MINUTES OF THE NOVEMBER 30TH, 2017 MONTHLY POLICE
COMMISSION MEETING

5:30 p.m. Public Session – Eileen Dondero Foley Council Chambers

Brenna Cavanaugh, Chair
Joseph J. Onosko
Joe Plaia

- I. **CALL TO ORDER:** The November 30th, 2017 monthly Police Commission meeting was called to order at 5:35 p.m. in the Eileen Dondero Foley Council Chambers. (An archived video of the meeting is available on the city's website.)

The following people were present: Commissioners Cavanaugh, Onosko, and Plaia, Chief Robert Merner, Admin. Manager Karen Senecal, Exec. Assistant Kathleen Levesque, members of the public.

- II. **PLEDGE OF ALLEGIANCE:** Commissioner Onosko led the Pledge of Allegiance.

III. **MOTION TO SUSPEND THE RULES**

The Chair asked for a motion to suspend the rules to allow for the Swearing-In of Auxiliary Officer Jon Allan during this portion of the meeting.

Action: Commissioner Onosko moved to suspend the rules to allow for the Swearing-In of Auxiliary Officer Jon Allan at this time.

Seconded by Commissioner Plaia.

On a Voice Vote: The motion passed to suspend the rules to allow for the Swearing-In of Auxiliary Officer Jon Allan at this time.

Chief Merner administered the Oath of Office to Auxiliary Officer Jon Allen and Officer Allan became the 15th active Portsmouth Police Auxiliary Unit Officer.

IV. ACCEPTANCE OF THE MINUTES

The Chair asked for a motion to accept the minutes.

Action: Commissioner Plaia moved to accept the minutes of the October 19th, and October 24th, 2017 Police Commission meetings.

Seconded by Commissioner Onosko.

On a Voice Vote: The motion passed to accept the minutes of the October 19th and October 24th, 2017 Police Commission meetings.

V. PUBLIC COMMENT: : (The following is a brief summary of each person's comments and represents the speaker's personal opinion. The entire meeting can be viewed online by going to the city's website and clicking "Channel 22", and then clicking on "Archived 2012, 2013, 2014, 2015, 2016, and 2017 meetings.")

There was no public comment.

VI. UNFINISHED BUSINESS:

1. Disposal of Outdated Radio Equipment.

Action: Commissioner Plaia moved to accept the proposal from 2-Way Communications for a \$3,000 credit to the Portsmouth Police Department account for a limited number of Motorola Quantar and ASTRO TAC units for spare parts, and the disposal of the remaining outdated equipment.

Seconded by Commissioner Onosko.

On a Voice Vote: The motion passed to accept the proposal from 2-Way Communications for a \$3,000 credit to the Portsmouth Police account for a limited number of Motorola Quantar and ASTRO TAX units for spare parts, and disposal of the remaining outdated equipment.

VII. NEW BUSINESS:

A. POLICE COMMISSION:

No new business.

B. CHIEF OF POLICE:

1. Accreditation Update – Chief Merner reviewed a timeline of the Department's accreditation progress to date. The department is 91% compliant with CALEA standards. A copy of this timeline is included in the meeting packet attached to these minutes.

2. Monthly Traffic Data Report: In reviewing traffic stats for the month of November, Chief Merner said that YTD we have stopped over 9,000 vehicle stops.

3. Grants:

A grant in the amount of \$5,109.81 for the Bulletproof Vest Partnership 2017 Award has been received from the Bureau of Justice Assistance.

Action: Commission Onosko moved to accept the grant in the amount of \$5,109.81 from the Bureau of Justice Assistance for the Bulletproof Vest Partnership and forward to the City Council for their action.

Seconded by Commission Plaia.

On a Voice Vote: The motion passed to accept the grant in the amount of \$5,109.81 from the Bureau of Justice Assistance for the Bulletproof Vest Partnership and forward to the City Council for their action.

VIII. MISCELLANEOUS BUSINESS:

Chief Merner respectfully requested the permission of the Commission to purchase two different types of safety equipment, with monies from the donation received by the Department from the Webber Estate.

Chief Merner described the first type of equipment, which would be Public Order equipment. This equipment allows officers to set up a line of separation between opposing opinion groups present at the same event, when there is reason to believe protesters and counter-protesters could clash. The cost of the Public order equipment and training would be \$25,229.75.

The second type of safety equipment is officer badging and hat shields. Chief Merner explained that at the present time, Officers have no single number by which to identify them. Currently they each have a radio number, a hat shield number, and an IMC number (IMC is the police records system). Two of these three numbers change as people are hired or they retire, so these numbers have changed frequently over the last decade. He explained how this sets up a serious officer safety situation, and an accountability gap. For example, when an officer triggers a panic alarm on his or her radio, by Standard Operating Procedures, to cancel the alarm, the officer needs to answer with their correct radio number. Any deviation from this is intended to alert dispatch to the need for emergency assistance.

In addition, the new badging system creates consistent identification throughout all administrative and court platforms. It also provides every officer with clear identification in more than one place on their uniform, so whether it is a traffic stop, or the confusion of an emergency, the public has at least two ways to get an officer's ID number, either on the hat shield, or the uniform.

Standardizing the officer badging system would cost \$14,664.40.

Action: Commissioner Onosko moved to bring the request forward for discussion.

Seconded by Commissioner Plaia.

The motion was brought forward for discussion.

First Proposal:

Commissioner Plaia said the potential for a Charleston-type event to happen here is just as real as it is anywhere else. Proactive policing is always better than reactive policing. Commissioner Plaia said he is in agreement with Chief Merner.

Commissioner Onosko asked if the equipment will be purchased for every officer. Chief Merner said each officer will be trained and have their own set of equipment so that it fits them and will work without adjustments in an emergency.

The Chair called for a vote on the request.

On a Roll Call Vote: The motion carried to purchase public order equipment and training for every Portsmouth Police Officer at a cost of \$25,229.75. The vote was as follows:

Commissioner Cavanaugh:	"Aye"
Commissioner Onosko:	"Aye"
Commissioner Plaia:	"Aye"

Second Proposal:

Safety of the officers & the safety of the public – Replacing the current officer identification system with a uniform numbered badging system of

visual & administrative identification in accordance with industry standards. Chief Merner explained the justification for this purchase.

The Chair asked for a motion to bring the item forward for discussion.

Action: Commissioner Onosko moved to discuss replacing the current system of office identification.

Seconded by Commissioner Plaia.

Commissioner Onosko said he felt this was an outstanding use of the Webber monies. This project directly impacts officer safety. He sees it as a lasting legacy to Mrs. Webber.

Commissioner Plaia felt being able to identify officers readily brings this into the realm of safety equipment, for both the officers and the public.

Commissioner Cavanaugh said Chief Merner's example was a good one. The Chair said she supports changing the badges but not the hats. She said she doesn't see how that fits in. She felt the hat shields are an accessory.

Commissioner Onosko added he felt that having a second form of identification is indeed a form of public safety.

Chief Merner said the hat shield is often more readily visible in a situation.

The Chair called for a vote:

On a Roll Call Vote: The motion passed to replace the current officer identification system with a uniform numbered badging system of visual & administrative identification in accordance with industry standards, at a cost of \$14,664.40. The vote was as follows:

Commissioner Cavanaugh:	"Nay"
Commissioner Onosko:	"Aye"
Commissioner Plaia:	"Aye"

IX. MOTION TO ADJOURN:

The Chair announced the next Police Commission meeting is scheduled for December 19th, 2017 at 5:30 p.m. in City Council Chambers.

There being no further business before the Commission, the Chair asked for a motion to adjourn.

Police Commission Meeting
November 30th, 2017

Action: Commissioner Onosko moved the November 30th, 2017 Police Commission meeting be adjourned.

Seconded by Commissioner Plaia.

On a Voice Vote: The motion passed to adjourn the November 30th, 2017 Police Commission meeting at 6:15 p.m.

END OF MEETING

December 11, 2017

To the Editor:

As the four incoming City Councilors in Portsmouth, we believe that public confidence in the process of choosing a partner for the McIntyre redevelopment project is paramount. We also believe that additional public input and further definition of the City's vision for the property will benefit any potential partners, maximizing the chances of a successful partnership with whichever is ultimately chosen. While we understand that continued progress is vital to keeping this precious opportunity on track, we urge the current City Council to reconsider its determination to pick a partner on Dec. 20.

We respect and have been closely following the process that the Council and City staff have conducted up to this point. We understand that too much delay in choosing a development partner introduces risk that the City will not be approved to receive the property and could incur significant taxpayer expenses. However, we are familiar with the details and feel confident that with continued support from City staff, public input, and the knowledge of the current Councilors, the entire incoming City Council will be well-equipped to follow through in a way that is most beneficial to Portsmouth residents for generations to come.

We also respect that the current City Council has every right to make a decision until its term expires Dec. 31. However, we encourage the Council to instead use its scheduled Dec. 20th special meeting to conduct a public work session to achieve the following near-term objectives and leave a legacy of strengthened community confidence in the process and enhanced prospects for success:

First, start to map out the public education and input process that will take place before and after choosing a development partner. There is concern whether the public has had adequate opportunity to be heard. There also is confusion about the opportunities and limits of the McIntyre project. Engagement starts with understanding the issues. The public will benefit from learning more about complexities of the project, the challenges of public-private partnership development, and the related timelines. City Councilors and staff will learn more about priorities and vision from the public. Perhaps the process could be facilitated by a third party, as with various Master Plan processes.

Second, establish a public timeline for achieving key milestones leading up to the City's application for the property under the Historic Monuments program. This should include a deadline for choosing a development partner by the end of February 2018.

We understand that there are many steps that have to take place between choosing the developer, negotiating a development agreement, planning project details with the public, submitting the Historic Monuments application, and receiving final approval to take over the property.

We have time to strengthen the community fabric that will support this project and believe it will be well worth it to do so.

Respectfully,
Assistant Mayor-Elect Cliff Lazenby
City Councilors-Elect Doug Roberts, Ned Reynolds, Rick Becksted

Manager Bohenko
Mayor Blalock
Members of the Portsmouth City Council
December 13, 2017

After hearing of the institution of Portsmouth 400, and the seed money contributed by the City, I wrote the letter on the back to the executive director, hoping to start a fund and generate interest to enable an “author in waiting” to be identified and tasked with writing Portsmouth history from 1973 to 2023.

Now, almost one year later, I have heard/read nothing about what should be considered a worthwhile project. Many contemporaries who have lived through this period are willing to give their perspective, but the time to start is now, not as we start the celebration, only sixty months away.

Since I have failed in my endeavor, I am asking you to embrace the concept of a written record of the current fifty year segment of Portsmouth history and encourage the Historical Society to take the lead in this proposal.

Thanks,



Thomas Clairmont MD
Portsmouth

Portsmouth Historical Society
Kathleen Soldati, Executive Director
January 4, 2017

Congratulations on being named the lead group for the “development, management and execution” of Portsmouth 400, an exciting milestone in Portsmouth history.

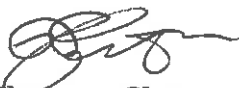
I have read both volumes of *They Came to Fish*, the late Ray Brighton’s wonderful story of Portsmouth from 1623 to 1973. He describes in great detail the celebrations that took place in 1823, 1873, 1923, and a little about 1973. Mayor Frank Jones spent \$180,000 of his own money (in ~~19~~16 dollars) in 1873. I asked Mayor Blalock to match this but he declined! I am pleased to see the City has put some seed money to get you started on this project.

I believe it is important for Portsmouth history from 1973-2023 to be documented in detail by an interested author to continue Brighton’s work. Perhaps the family would allow the updated book to be sold as Volume III of the set. With so many contemporaries available for interview and the archives of the Portsmouth Herald this would be worthwhile task. However, since the book is unlikely to be a best seller, some guarantee should be made to entice an author to write it.

Portsmouth has a long history of supporting worthwhile community projects like the Music Hall, the steeple on the North Church, and more recently Save the Indoor Portsmouth Pool. Portsmouth 400 will be able to raise considerable money. I enclose a check as an initial donation, hoping that part of this money will be placed in the “author in waiting” fund.

Many cities have interesting banners on their street lights and other locations promoting various causes. I would like to see a design contest for the Portsmouth 400 banner which would be placed around town for the period from now to 2023 and beyond.

Finally, since Prince Charles was present for the 1973 celebration it would seem appropriate to invite Prince William (perhaps King by then) and his wife and children to join us for this momentous event.




Thomas Clairmont MD
575 F W Hartford Dr
Portsmouth

**CITY OF PORTSMOUTH
PORTSMOUTH, NH 03801**

Office of the City Manager

Date: December 14, 2017

To: Honorable Mayor Jack Blalock and City Council Members

From: John P. Bohenko, City Manager 

Re: City Manager's Comments on December 18, 2017 City Council Agenda

Work Session:

6:15 p.m.

1. **Public Process Re: Development of the McIntyre Property.** As requested by the City Council, on Monday evening, at 6:15 p.m., there will be a Work Session regarding the public process for the development of the McIntyre property. The Mayor has asked that Councilor Chris Dwyer lead the discussion on this matter given her experience with the Prescott Park Master Plan. The public process for the Prescott Park Master Plan was well received by all those who participated in it. Councilor Dwyer will have an outline for the public process which will be available on Monday evening.

Presentations:

1. **Portsmouth High School Holiday Ensemble.** The Portsmouth High School Holiday Ensemble will perform at Monday's City Council meeting.
2. **Presentation to Outgoing City Councilors.** The Mayor will make a presentation to outgoing City Council Members – Councilor Brad Lown; Councilor Eric Spear; Councilor and Councilor Joshua Cyr and he will recognize Assistant Mayor Jim Splaine for his years of service.

3. **Mayor's Blue Ribbon Committee on Sister Cities and Citizen Diplomacy.** On Monday evening, Karina Quintans, Chair of the Mayor's Blue Ribbon on Sister Cities and Diplomacy, will give a report to the City Council regarding this matter.
4. **Citywide Neighborhood Committee Re: Dilapidated Properties.** Paul Mannle and Lawrence Cataldo, members of the Citywide Neighborhood Committee will make a presentation to the City Council regarding dilapidated properties.

Acceptance of Grants and Donations:

1. **Acceptance of Police Department Grant.** [Attached under Section VIII of the Agenda is a memorandum](#), dated December 8, 2017, from Kathleen M. Levesque, Executive Assistant, Office of the Police Chief; at the November 30, 2017 Police Commission meeting, the Board of Police Commissioners approved and accepted the following grant:
 1. A grant in the amount of \$5,109.81 for the Bulletproof Vest Partnership 2017 Award has been received from the Bureau of Justice Assistance.

The Police Commission submits the information to the City Council pursuant to City Policy Memorandum #94-36, for the City Council's consideration and approval at this evening's City Council meeting.

I recommend the City Council move to accept and approve the grant to the Portsmouth Police Department, as presented. Action on this matter should take place under Section VIII of the Agenda.

Items Which Require Action Under Other Sections of the Agenda:

1. **Public Hearings of Resolutions.**
 - 1.1 **Public Hearing/Adoption Re: Resolution Appropriating from Bond Premium the Sum of One Million Two Hundred Sixty-Nine Thousand One Hundred Forty-Eight Dollars and Forty-Three Cents (\$1,269,148.43) to be applied to Municipal Complex Improvements.** As a result of the December 4, 2017 City Council meeting, I am bringing back for public hearing and adoption the proposed [attached Resolution](#) Appropriating from Bond Premium the Sum of One Million Two Hundred Sixty-Nine Thousand One Hundred Forty-Eight Dollars and Forty-Three Cents (\$1,269,148.43) to be applied to Municipal Complex Improvements.

The Department of Public Works is requesting allocation of \$1,269,148.43 towards improvements of the City's Municipal Complex. In 2014, City Staff completed a facilities evaluation of the Municipal Complex which identified capital needs at the facility. These needs included the façade of the 1962 portion of the City Hall Complex, upgrades to the Complex's electrical service and motor control center as well as a number of other items. The bond premium will be used to supplement the

façade project as well as begin the upgrade of the Municipal Complex's electrical service.

The façade project was driven by a structural evaluation that showed the brick façade was at risk of complete failure. Temporary repairs were made to secure the façade to allow the City time to design a permanent facade replacement. The façade project was bid and the project was awarded to Harvey Construction Corporation and work began in the late summer of 2017. As part of the initial work polychlorinated biphenyls (PCBs) were detected in excess of what was anticipated in the caulking around the windows and concrete panels of the façade. Although staff and the public are not at risk of exposure to the PCBs, removal and disposal of the additional material is required. The removal and disposal of the PCBs resulted in an additional \$755,000 of unanticipated cost.

In addition to the façade project costs, the electrical system at the Municipal Complex suffered breakdowns in July and in October of this year which resulted in extended power outages at the Municipal Complex. These outages highlighted the need to upgrade this system in order to ensure reliable government operations. The balance of the bond premium will be used to design and start the upgrade of the Municipal Complex's electrical system. Additional funds to upgrade the electrical service are anticipated and will be requested in the FY 19 CIP.

Two-thirds vote is required for adoption of this proposed Resolution.

I recommend the City Council move to adopt the proposed Resolution, as presented. Action on this item should take place under Section VII of the Agenda.

- 1.2 **Public Hearing/Adoption Re: Resolution Authorizing the Application of Unexpended Proceeds of the Borrowing for the Hobbs Hill Landing Water Tank Replacement Project, in the amount of Five Hundred Eighty Five Thousand, Eight Hundred Ninety-Six Dollars and Seventy-Five Cents (\$585,896.75), to pay costs of Water Main Replacement Projects.** As a result of the December 4, 2017 City Council meeting, I am bringing back for public hearing and adoption the proposed [attached Resolution](#) Authorizing the Application of Unexpended Proceeds of the Borrowing for the Hobbs Hill Landing Water Tank Replacement Project, in the amount of Five Hundred Eighty Five Thousand, Eight Hundred Ninety-Six Dollars and Seventy-Five Cents (\$585,896.75), to pay costs of Water Main Replacement Projects.

The City received authorization from the City Council to issue a bond in the amount of \$3.5 Million on March 3, 2014. These funds were requested based on estimated construction costs for the replacement of the Hobbs Hill Water Tank. The project bids received came in under budget and the project is now complete. There is \$585,896.75 remaining in the bond balance.

The City staff would like to reallocate this funding to a water main replacement project as part of an unanticipated Department of Transportation project on Woodbury Avenue in Newington. This will fund the replacement of a water main in the limits of the DOT project area that has needed multiple repairs. The lifespan of the new water main will exceed 50 years.

Two-thirds vote is required for adoption of this proposed Resolution.

I recommend the City Council move to adopt the proposed Resolution, as presented. Action on this item should take place under Section VII of the Agenda.

1.3 **Public Hearing/Adoption Re: Supplemental Appropriation for the School Department Collective Bargaining Agreements.** As a result of the December 4, 2017 City Council meeting, I am bringing back for public hearing and adoption the [attached proposed Resolution](#) for a Supplemental Appropriation for the School Department Collective Bargaining Agreements.

During the budget process, the City Council approved a contingency of \$100,000 for collective bargaining. During the budget process, it was discussed that in the event the City were to settle contracts in FY 18 that exceeded the amount allocated, the City Council in accordance with the City Charter may approve a supplemental appropriation from the Unassigned Fund Balance.

To date, the City has allocated the full \$100,000 to cover the costs of the AFSCME 1386B and the Paraprofessionals’ contract. Since these contracts were approved, the City Council has approved the School Custodian contract for a cost of \$20,014.

Subsequent to this public hearing and if adopted by the City Council, under the City Manager’s Action Items, is a request for approval of the proposed Tentative Agreement. The total cost of this contract if approved would be \$7,153.00. Therefore, I would request that the City Council approve a supplemental appropriation of \$27,167 for FY 18. [See attached proposed Resolution.](#) The breakdown is as follows:

The total costs for the remaining contracts that would impact the General Fund are:

School Custodians	\$20,014
School Cafeteria Workers	\$ 4,079
School Cafeteria Managers	<u>\$ 3,074</u>
Total	\$27,167

Two-thirds vote is required for adoption of this proposed Resolution.

I recommend the City Council move to adopt the proposed Resolution, as presented. Action on this item should take place under Section VII of the Agenda.

Consent Agenda:

1. **Request for Licenses to Install Projecting Sign.** Attached under Section IX of the Agenda are requests for projecting sign licenses (see attached memorandums from Juliet Walker, Planning Director):

➤ Michelle Graham, owner of Pretty Little Things, located at 21 Vaughan Mall

I recommend the City Council move to approve the aforementioned Projecting Sign License as recommended by the Planning Director and, further, authorize the City Manager to execute the License Agreement for this request. Action on this item should take place under Section IX of the Agenda.

City Manager's Items Which Require Action:

1. **Request for Approval of the Tentative Agreement between the Portsmouth School Board and the Portsmouth School District's Non-Supervisory Cafeteria Personnel – American Federation of State and County Municipal Employees Local #1386.** The Portsmouth School Board has reached a Tentative Agreement with the Portsmouth School District's Non-Supervisory Cafeteria Personnel – American Federation of State and County Municipal Employees Local #1386 from July 1, 2017 to and including June 30, 2020.

For your information and to facilitate discussion regarding this matter, [attached please find the following documents:](#)

- A letter from Thomas Closson, City Negotiator recommending this Tentative Agreement;
- Cost Analysis showing the cost to implement this Tentative Agreement, if approved; and,
- Copy of the contract showing the insertions and deletions to implement the Tentative Agreement, if approved.

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

<http://files.cityofportsmouth.com/files/hr/SchCafeteriacontract20182020draft.pdf>

I recommend the City Council move to accept the proposed Tentative Agreement between the Portsmouth School Board Portsmouth School District's Non-Supervisory Cafeteria Personnel – American Federation of State and County Municipal Employees Local #1386 from July 1, 2017 to and including June 30, 2020.

2. **School Department Teacher Retirement Incentive.** In an attempt to achieve savings without compromising education, the School Board approved a retirement incentive package, subject to the approval of the City Council. The purpose of this program was to provide an incentive to long-term employees who are eligible to retire. The savings would

be achieved by replacing employees at the top of the pay scale with new employees who would be paid at a lower rate.

On Monday, December 18, 2017, I am requesting that the City Council approve the request from the Portsmouth School Board to offer a retirement incentive to teachers. The details are outlined below:

Eligible members who have fifteen (15) years or more service in the district by the end of the 2017-18 school year, and who file an irrevocable commitment to retire from the district on or before February 9, 2018 and who actually retire under the NHRS at the end of the 2017-18 school year can receive

a one-time payment of \$12,000.

Any eligible members who have less than fifteen (15) years or more service in the district by the end of the 2017-18 school year, and who file an irrevocable commitment to retire from the district on or before February 9, 2018 and who actually retire under the NHRS at the end of the 2017-18 school year can receive

a one-time payment of \$10,000.

I recommend the City Council move to approve the proposed School Department Teacher Retirement Incentive for FY18, as presented.

3. **Acceptance of Sanderson Drive as a City Street.** Attached is a memorandum from Planning Director Juliet Walker regarding the acceptance of Sanderson Drive as a City street. Also, attached is a letter from the City's consulting engineer, Underwood Engineers, confirming that the road has been constructed to City standards. Based on the letter from Underwood Engineers, Director of Public Works Peter Rice recommends that the road be accepted as a public way.

I recommend the City Council move to accept Sanderson Drive as a City street.

4. **Request for Approval of Agreements, Licenses and Easements Re: 25 Maplewood Avenue.** The former Shaines and McEachern law office building located at the corner of Hanover Street and Maplewood Avenue is scheduled to be demolished and replaced with a new building to be owned by the Provident Bank. The Planning Board has approved the site plan for the proposed Provident Bank building. The actual construction of the bank building calls for several agreements, licenses and easements which must be approved by the City Council. Moreover, the Construction Management and Mitigation Plan (CMMP) proposed by the developer also requires City Council approval in that it will close public sidewalks along Hanover Street and Maplewood Avenue for the construction period. The CMMP will also close the access way now connecting Hanover Street to the Worth parking lot for the period of February 15, 2018 through August 15, 2018 for use as a work and lay down area. Each of the foregoing is briefly described below:

- a) **NO BUILD EASEMENT AREA - See Attached:** Under this Agreement the City would agree that it would not place or erect any permanent principal buildings or structures on that portion of the Worth parking lot adjacent to the Provident Bank building **as shown on the Proposed Easement and Licensing Plan** contained in the agenda packet (along with a draft of the No Build Easement Area and other documents). In general, the purpose of this agreement is to create an open-space between the bank building and any possible future City building in order to satisfy building code requirements which relate to the size of the windows which might be constructed on the bank building.
- b) **EASEMENT AREA FOR BUILDING ENCUMBRANCE (Maplewood/Hanover) - See Attached:** The purpose of this Easement would be to allow Provident Bank to build a four hundred and eighty-five± square foot (485± sq. ft.) building encumbrance located over the City sidewalk on the easterly side of Maplewood Avenue and the southerly side of Hanover Street **as shown on the proposed Easement and Licensing Plan** previously referenced. The building encumbrance over the sidewalks will be, “above the first story” of the Provident Bank building.
- c) **EASEMENT AREA FOR BUILDING ENCUMBRANCE (Hanover/Worth Lot Access) - See Attached:** The purpose of this Easement would be to allow Provident Bank to build a one hundred forty± square foot (140± sq. ft.) building encumbrance located over the City property on the southerly side of Hanover Street and the westerly side of the Worth Lot Access **as shown on the proposed Easement and Licensing Plan** previously referenced. The building encumbrance over the sidewalk and access will be “above the first story” of the Provident Bank building.
- d) **SIDEWALK AND PARKING EASEMENT DEED – See Attached:** Under this proposed Easement the Provident Bank would grant to the City of Portsmouth a Sidewalk and Parking Easement over certain of its land allowing the City to construct and maintain a public sidewalk, landscaping and associated public parking on areas entirely surrounding the Provident Bank building **as shown on the Proposed Easement and Licensing Plan**. It should be noted that the initial construction of the sidewalks will be performed by the Provident Bank. One feature of this easement is to recognize that a small portion of the Worth parking lot appears to encroach upon the land of Provident Bank and this document will provide the City with an Easement allowing that parking to continue.
- e) **UTILITY EASEMENT DEED – See Attached:** Under this Easement the City would grant Public Service Company of New Hampshire d/b/a Eversource Energy with a Utility Easement for the purpose installing, maintaining and repairing an electricity transformer and associated improvements on land of the City consisting of one hundred seventy-six square feet (176 sq. ft.) of land located in the Worth parking lot **as shown on the Easement and Licensing Plan**. The installation of the transformer is necessary for the Provident Bank building.

- f) **Construction Management and Mitigation Plan:** The City requires the developer of the Provident Bank building to enter into a Construction Management and Mitigation Plan agreement in an effort to facilitate construction in a manner which minimizes traffic and other types of disruption in the area surrounding the project. In this case, one element of the Plan requires City Council approval. Specifically, [included with the documentation in the agenda packet is a “Construction Licensing Plan”](#), under which the City would authorize the developer of the Provident Bank building to close the access driveway from Hanover Street to the Worth parking lot for the period of February 15, 2018 to August 15, 2018 as a work and lay down area. The CMMP as proposed would also allow the developer to close and use public sidewalks adjacent to the building along Hanover Street and Maplewood Avenue for the construction of staging and to create a public safety buffer. The remaining items in the CMMP have been prepared at a staff level and are too bulky to include in the Council packet. However, Council approval is required to create the two licenses required by the CMMP and described above.

All the documents provided in connection with this agenda item are provided in draft form to allow minor adjustments to be made prior to final execution with the understanding that any such adjustments shall be consistent with the form and intent of the documents which have been presented to the City Council.

In order for these documents to be effective as intended they will need to be properly recorded in the chain of title to the Provident Bank property. This recording would be handed under the supervision of the Planning and Legal Departments.

I recommend the City Council move to authorize the City Manager to negotiate and execute the agreements, licenses and easements in connection with the Provident Bank building project at 25 Maplewood Avenue, as presented.

Informational Items:

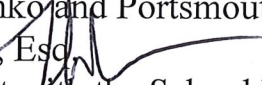
1. **Events Listing.** For your information, [attached is a copy of the updated Events Listing](#) from December 18, 2017 through 2018. In addition, this can be found on the City’s website.
2. **City Council Special Meeting December 20, 2017 Re: McIntyre Development.** Subsequent to the regular City Council meeting on Monday, a Special Meeting of the City Council has been set for Wednesday, December 20, 2017 at 6:30 p.m., regarding the development of the McIntyre property. [See attached posted notice.](#)
3. **City Opens Seasonal Boater Application Round for Prescott Park Docks.** For your information, [attached is a news release](#) announcing that the City has opened the Seasonal Boater Application Round for Prescott Park Docks.



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ALBANY, NY	GRAND RAPIDS, MI	MORRISTOWN, NJ	RALEIGH-DURHAM, NC
ALBUQUERQUE, NM	GREENVILLE, SC	NEW ORLEANS, LA	RAPID CITY, SD
ATLANTA, GA	HARTFORD, CT	NEW YORK, NY	RICHMOND, VA
AUSTIN, TX	HONOLULU, HI	NORFOLK, VA	SACRAMENTO, CA
BALTIMORE, MD	HOUSTON, TX	OMAHA, NE	SAINT LOUIS, MO
BIRMINGHAM, AL	INDIANAPOLIS, IN	ORANGE COUNTY, CA	SALT LAKE CITY, UT
BOSTON, MA	JACKSONVILLE, FL	ORLANDO, FL	SAN DIEGO, CA
CHICAGO, IL	LAS VEGAS, NV	OVERLAND PARK, KS	SAN FRANCISCO, CA
CINCINNATI, OH	LONG ISLAND, NY	PHILADELPHIA, PA	SEATTLE, WA
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DETROIT, MI	MINNEAPOLIS, MN	PROVIDENCE, RI	

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

To: City Manager Bohenko and Portsmouth City Council
 From: Thomas M. Closson, Esq. 
 Re: Tentative Agreement with the School District's Non-Supervisory Cafeteria Personnel – AFSCME Local 1386
 Date: November 28, 2017

I am pleased to recommend the tentative collective bargaining agreement that the City's negotiating team has reached with the School District's Non-Supervisory Cafeteria Personnel ("the Union"). The following is a summary of the material terms in the current collective bargaining agreement that will change if this tentative agreement is approved:

<u>CBA Article</u>	<u>Change</u>
Overtime Rate – Article 6	Change first sentence to read <i>"All employees shall receive time and one-half for all hours worked over forty (40) in any one week."</i>
Disciplinary Procedure – Article 12	Add the following additional specified reasons for disciplinary action: <i>"K. Falsifying timecards; L. Failure to complete the annual training required by the USDA."</i>
Suspension – Article 15	Change the date of removal of suspensions from the personnel file from after 2 years to after 3 years.
Leave of Absence – Article 21	In fifth paragraph, change "she" to "she/he."
Bereavement Leave – Article 22	In the five (5) working day category for available

	bereavement leave, add “son-in-law” and “daughter-in-law.”
Health And Dental Insurance – Article 29	Effective July 1, 2019 – premium cost share of 90% School District/10% Employee on Cigna Yellow Plan with Choicefund. Also add ACA protection language.
Probationary Period – Article 48	Increase probationary period to ninety (90) work days with possible increase to one hundred and thirty five (135) days. Also change references to “Personnel Department” to “Human Resources Department.”
Education Incentive – Article 54	Replace second sentence with the following: <i>“The School Board shall also pay employees, at their regular hourly rate, for all training hours that the School District requires.”</i>
Salary Schedule – Article 60	COLA adjustments to salary schedule using current calculation (10 year rolling average CPI-U) of no less than 2% and no more than 5% on July 1, 2017, July 1, 2018, and July 1, 2019.
Longevity Schedule – Article 61	COLA adjustments to longevity schedule using current calculation (10 year rolling average CPI-U) of no less than 2% and no more than 5% on July 1, 2017, July 1, 2018, and July 1, 2019.
Job Descriptions – Articles 62, 63, 64 and 65	Add <i>“Maintains training hours required by the USDA”</i> to all.
Duration of Agreement – Article 68 (and elsewhere as needed)	Change to <i>“July 1, 2017 through June 30, 2020.”</i>

I will be happy to answer any questions that you may have about this tentative agreement.

Cafeteria Employees

Cafeteria Employees					
COLA		2.00%	2.00%	2.00%	
<i>Note: Health Insurance savings- not included</i>					
	FY17 Base year	FY18	FY19	FY20	Total for 3 year
<i>Current Agreement</i>					
Salaries	175,199.20	186,660.75	194,644.55	194,644.55	575,949.85
Longevity	2,264.00	2,807.00	2,866.00	3,409.00	9,082.00
Sub Total	177,463.20	189,467.75	197,510.55	198,053.55	585,031.85
FICA	11,002.72	11,747.00	12,245.65	12,279.32	36,271.97
Medicare	2,573.22	2,747.28	2,863.90	2,871.78	8,482.96
Sub Total	13,575.93	14,494.28	15,109.56	15,151.10	44,754.94
Cost of Current Contract	191,039.13	203,962.03	212,620.11	213,204.65	629,786.79
		12,922.90	8,658.07	584.54	22,165.51
		6.76%	4.24%	0.27%	
				11.60%	From FY18-FY20
				3.87%	Avg % Change

Additional Cost Proposed from TA					
COLA on base salaries		3,733.22	7,863.64	11,913.80	23,510.66
Longevity		56.14	115.79	208.66	380.58
Total Cost		3,789.36	7,979.43	12,122.46	23,891.24
Medicare		54.95	115.70	175.78	346.42
FICA		234.94	494.72	751.59	1,481.26
Total FICA, Medicare		289.89	610.43	927.37	1,827.68
Total Cost Rollout of Tentative Agreement over FY17		4,079.24	8,589.85	13,049.83	25,718.92
				6.83%	From FY18-FY20
				2.28%	Avg % Change
Budget to Budget Change per Tentative Agreement Only		4,079.24	4,510.61	4,459.98	13,049.83
		2.00%	2.08%	3.92%	
				6.83%	From FY18-FY20
				2.28%	Avg % Change
Proposed Current Annual Budget & Tentative Agreement		208,041.27	221,209.96	226,254.48	655,505.71
Combined Annual Change		17,002.14	13,168.69	5,044.52	35,215.34
		8.90%	6.33%	2.28%	
				18.43%	From FY18-FY20
				6.14%	Avg % Change

SCHOOL CAFETERIA AGREEMENT

BETWEEN

THE PORTSMOUTH SCHOOL BOARD

PORTSMOUTH, NEW HAMPSHIRE

&

PORTSMOUTH MUNICIPAL EMPLOYEES, LOCAL #1386

NON-SUPERVISORY CAFETERIA PERSONNEL

OF THE

AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES

COUNCIL 93, AFL-CIO

July 1, 2017 – June 30, 2019~~20~~

WORKING AGREEMENT

This Agreement made and entered into by the Portsmouth School Board and Local #1386 of the American Federation of State, County, Municipal Employees, AFL-CIO (hereinafter called the UNION) representing the Cafeteria employees of the Portsmouth School Board (SAU 52).

WITNESSETH

Whereas the UNION has been established as the certified bargaining representative by the Public Employee Labor Relations Board for the purpose of collective bargaining under the provision of RSA 273-A and is the exclusive representative of all non-supervisory cafeteria employees of the Portsmouth School Board who are enrolled on the Board's payroll.

Cooks
Bookkeeper
School Food Assistant

1. Management's Rights

The direction of department operations and the determination of the methods and the means by which such operations are to be conducted shall be the function of management. All rights and responsibilities not specifically modified by this Agreement shall remain the function of management and the Board and in accordance with the provisions of RSA 273:1:XII.

It shall be the right of the UNION, however, to present and process grievances of its members whose wages, working conditions, or status of employment are changed as a result of management's exercising the above mentioned rights, whenever such grievances exist.

2. Hours Of Work

The normal work week shall consist of any five (5) consecutive days, Monday through Friday. The normal work day hours shall be between 6:30 A.M. and 2:00 P.M. depending on the hours the school is scheduled.

3. Scheduling Change

In the event it is necessary to change an individual employees work schedule it may be changed for one hour, provided a weeks notice is given in advance to the employee affected, stating the duration of the change. Overall schedule changes shall be discussed with the Union prior to implementation and as much advanced notice as possible shall be given to the unit employees.

4. Hours Generally

Generally, a cafeteria employee's hours of work will reflect the hours the school is open.

5. Overtime

The Food Service Director will determine if a supervisor and/or bargaining unit employee is needed on all extra school kitchen use. This is to be done on a rotating basis.

Overtime shall be granted in the building where it occurs first on the basis of qualifications and rotated on the basis of seniority among those signing up for it.

6. Overtime Rate

All employees shall receive time and one-half for all hours worked ~~over eight (8) in any one (1) day and over forty (40) in any one week.~~ All hours worked off-schedule on catering jobs not paid by the School Department shall be at overtime rates.

7. Overtime List/Distribution

All employees desiring to work overtime shall place their names on an overtime list once a year. This list shall be posted by the School Board for the first three (3) weeks of September to allow employees to sign the sheet. Overtime shall be granted in the building where it occurs first and on the basis of qualifications.

8. Overtime/Call-In

When employees are called in to work outside of their regularly scheduled working hours, they shall be paid at their regular hourly rate for the time worked.

9. Promotions and Transfers

The Food Service Director reserves the right and shall have the right to make promotions and transfers primarily on the basis of ability, experience, performance, attitude, and appearance but shall be governed by District seniority when equal qualifications are present. Similarly qualified internal candidates shall be given preference over outside non-bargaining unit candidates.

All employees who are successful candidates for a vacancy or new job will be given a reasonable opportunity to learn that job.

Vacancies and new jobs that are to be filled shall be posted for five (5) working days in each school to allow employees the opportunity to apply for said position. All vacancies and new jobs that are to be filled, must be filled within thirty (30) working days after the expiration of the posting period.

If the employee fails to learn the job, management shall have the right to transfer the employee back to his or her previous job for a period not to exceed thirty (30) calendar days. Further, any employee who is promoted under this section shall have a one (1) week period to try the new position during which period the employee may elect to return to his or her previous job at the employee's option. This provision shall also apply to promotions outside the unit so that any

employee who returns to the unit by exercising an option or because the employee fails to learn the new job shall not lose seniority in the unit.

10. Job Posting

Job posting shall include job specifications, job location, shift and hours, if the job is permanent with a permanent rating and whether or not the job which is to be filled is open because a person has been granted a leave of absence. All postings are to be dated, indicating month, day, and year.

After the position is awarded, the name of the person who has been awarded the position shall be posted for five (5) working days. Any candidate who has applied for the posted position may, in writing, request a meeting with the Food Service Director to discuss the reason(s) why she/he was not selected. Said meeting should take place no later than five (5) working days after the written request has been received.

The Vice-President and Shop Steward shall receive copies of all unit vacancies and new jobs. If vacancies or new jobs are not to be filled or cannot be filled, the Food Service Director shall notify the Vice-President and the Shop Steward no later than thirty-five (35) work days after the position was posted.

Vacancies will be filled in the following order:

1. from current staff utilizing the procedures set forth in this Section 10;
2. from the recall list employees on layoff; and
3. from employees returning from extended leave of absence without pay.

11. Non-Selection

The proceeding procedure shall be followed in all transfers and vacancies whether temporary (over thirty (30) days) or permanent.

12. Disciplinary Procedure

All disciplinary actions shall be applied in a fair manner and shall be consistent with the infraction for which disciplinary action is being applied.

All suspensions and discharges must be stated in writing with reason stated and a copy given to the employee, the Vice-President and the Shop Steward at the time of suspension or discharge.

Disciplinary action shall follow this order:

- A. Verbal warning
- B. Written warning
- C. Suspension without pay
- D. Discharge

However, the above sequence need not be followed if an infraction is sufficiently severe to merit immediate suspension or discharge. An employee may be suspended or discharged without written or verbal warning for the following reasons:

- A. Misconduct during employment
- B. Incompetency or inefficiency
- C. Failure to perform assigned duties
- D. Disobedience to his superior
- E. Failure to observe rules and regulations
- F. Incompatibility with other employees
- G. Unauthorized absence from work
- H. Being under the influence of liquor or illegal drugs while on duty
- I. Drinking intoxicating beverages and/or using illegal drugs on duty
- J. Falsifying sickness or any other cause of absence
- K. Falsifying timecards
- L. Failure to complete the required training hours required by USDA

13. Just Cause

No employee shall be penalized, disciplined, suspended, reprimanded, adversely evaluated, reduced in rank or compensation, or deprived of any advancement without just cause.

14. Written Reprimand

Written reprimands will not be removed from personnel files. After the period of one (1) year from the date of a written reprimand, provided there are no similar infractions committed during the intervening period, a written reprimand will not be considered as the basis for other discipline. However, if the discipline involves misconduct of any type against a minor, this limitation will not apply.

15. Suspension

Suspensions will not be removed from personnel files. After the period of ~~two~~-three (23) years from the date of a suspension, provided there are no similar infractions committed during the intervening period, a suspension will not be considered as the basis for other discipline. However, if the discipline involves misconduct of any type against a minor, this limitation will not apply.

16. Personal Days

Employees may receive two (2) paid personal days for business which cannot be transacted any other time. Whenever possible, a twenty-four (24) hour notice shall be given. No employee shall take a personal day preceding or subsequent to any vacation period or school holiday or an election day unless upon approval from the Food Service Director. Personal days are to be

requested on an appropriate form supplied by the School Board. Abuse of personal days for reasons other than those stated above (business) may be enough for disciplinary action.

17. Sick Leave Accumulation

Sick leave without loss of pay or other benefits shall be computed at the rate of one (1) day per month for ten (10) days per year and may be accumulated to a maximum of seventy-five (75) days. It shall be credited to an employee's record only after it is earned. Sick leave accumulation shall be reported to employees in writing via their paychecks.

Sick leave will be recorded on the basis of average daily hours worked at the time sick leave is earned and charged on the basis of average daily hours worked at the time the leave is used.

The maximum hours that may be accumulated will be four hundred and fifty (450) hours. Sick leave adjustments for employees who accumulate leave exceeding four hundred and fifty (450) hours will be made each June.

18. Sick Leave (Overtime)

All paid sick leave taken shall be counted as hours worked when computing overtime.

19. Sick Leave (Use)

Sick leave shall be used for self, or up to fifteen (15) days per year may be used when imperative, to care for a member of the employee's immediate family. Immediate family shall include spouse, child or parent. This may be extended under extenuating circumstances by the Superintendent of Schools.

20. Sick Leave (Pay Back)

The School Board agrees to pay sixty percent (60%) of the accumulated sick days and a cash payment at the present per diem rate, to any employee who retires from the Portsmouth School Department. This retirement is governed by standards of retirement under the New Hampshire State Retirement System. Any employee who voluntarily resigns his/her employment after ten (10) years of continuous service will receive sixty percent (60%) of his/her sick leave, the only exception being if an employee is discharged for just cause. One hundred percent (100%) payback of all sick leave accumulated upon the death of the employee. Employees hired after July 1, 1996 shall not receive any sick leave payback upon retirement, termination, or death.

The parties agree that in the event the City Council or the School Board appropriates money to use to buy out a portion of employees Sick Leave Accounts each employee may accept a buyout of any portion he/she voluntarily agrees to in writing based upon the terms offered. The parties recognize that if limited buyout funds are available, buyout offers will be made to employees based upon seniority.

21. Leave Of Absence

After one (1) year of employment and upon the approval of the Director of Food Service, a leave of absence may be granted.

The leave shall be without pay or other benefits. The leave may be granted for such reasons as Personal, Illness or Educational reasons and shall not exceed one (1) year.

Employee will be able to return to position held at the time of the leave. A temporary position will be posted for the duration of the leave.

An extension of the leave may be granted if the employee has been continuously employed for more than three (3) years in the Portsmouth Lunch Program.

Employee will be able to return to any OPEN position for which she/he is qualified.

Requests for leave must be received no less than THIRTY (30) days prior to the date of the request for such leave to begin except in an emergency situation.

All requests shall be in writing stating the beginning and return dates and the reasons for the requested leave.

No leave shall be granted during the months of September or June.

22. Bereavement Leave

Bereavement leave of seven (7) working days with pay shall be granted full-time or permanent part-time employees in the event of the death of her/his:

Husband/Wife/Civil Union Partner
Child

Bereavement leave of five (5) working days with pay shall be granted in the event of the death of her/his:

Parent Mother-in-Law
Sister Father-in-Law
Brother Son-in-Law
Daughter—in-Law

Bereavement leave of three (3) working days with pay shall be granted in the event of the death of her/his:

Brother-in-Law Nephew

Sister-in-Law	Ward or other relative living
Grandmother	in the household of the employee
Grandfather	Uncle
Aunt	Niece

Extensions may be granted upon request of the employee to the Food Service Director.

23. Union Business

The School Board agrees to allow UNION representatives, stewards, and/or aggrieved employees reasonable time, without loss of pay, during regular working hours for the purpose of processing grievances provided such time away from work does not interfere with the work of the department. The UNION representatives shall obtain prior permission from the Lunch Director, or an authorized representative, to absent themselves from work before leaving a work site and shall obtain prior permission of the immediate supervisor involved before interrupting the work of an employee located at a different work site.

Time lost by representatives of the UNION on grievance settlement or negotiations shall be paid by the School Board as provided for in RSA 273-A:II.

One employee, if elected as a delegate to either the AFSCME International Convention, New Hampshire Public Employee Council 93 Convention, or the New Hampshire State Labor Council Convention, shall be allowed a leave of absence, with pay, not to exceed one (1) working day per year.

24. Uniforms

A selection of the uniform will be made by a committee of three (3) union representatives and one (1) manager.

The final uniform selection will be subject to approval of the Director.

Three (3) uniforms shall be issued to each employee in September of each year.

If an employee does not take his/her full three uniform allowance he/she may receive reimbursement for approved work shoes and or pants with proof of purchase in accordance with the following schedule:

5-6 uniform pieces	\$0 toward shoes
3-4 uniform pieces	\$65 toward shoes
1-2 uniform pieces	\$90 toward shoes
0 uniform pieces	\$100 toward shoes

25. Holidays

Employees are entitled to the following paid holidays:

Labor Day	Columbus Day*
Teacher's Convention	Veteran's Day
Thanksgiving Day	Day after Thanksgiving
Memorial Day	Teacher's Workshop Day
Martin Luther King's Birthday*	*If a non-school day.
Christmas Day (effective 2011-12 school year)	

26. Holiday Pay

In order to qualify for the holiday pay referred to above, an employee must have worked the last scheduled work day before the holiday and the first scheduled work day after the holiday, except in the case of sick leave supported by a doctor's note.

If the above named holidays fall on a Saturday, then the preceding Friday shall be considered as the holiday. If the holiday falls on a Sunday, then the following Monday shall be considered as the holiday.

27. Holiday (Overtime)

All hours paid on a holiday shall be counted as hours worked for the purpose of computing overtime.

28. Physical Exams

If physical examinations are required of employees beyond their probationary period, all costs and requirements of the examination shall be at the School Board's expense and definition. The employee shall be required to submit to the School Board a certificate or a reasonable facsimile, which sets forth the results of the physical examination within thirty (30) days from the day the physical was conducted.

29. Health and Dental Insurance

Effective September 1, 2014, or as soon as practicable thereafter, the City will offer full-time employees the Consumer Driven Health Plan (CDHP) issued by Cigna Insurance under its SchoolCare Plan of the New Hampshire Health Care Coalition. The employee's premium cost share for the CDHP (single, 2-person or family option) will be 5% of the total premium. The City's premium cost share will be 95% of the total premium. Effective July 1, 2019 the employee's premium cost share for the Yellow Plan with Choicefund will be 10% of the total premium. The School's premium cost share will be 90%.of the total premium. The City will pay 100% of single dental insurance coverage for bargaining unit members through Cigna.

If at any time the total premium cost for any of the Yellow plans offered by the City exceeds the threshold level for assessment of the Affordable Care Act's Cadillac Tax, the parties will reopen the contract on the issue of health insurance only. If the parties are not able to agree on a plan that does not exceed the threshold level for assessment of the Affordable Care Act's Cadillac Tax, the

Union and the City will each select a plan that does not exceed the threshold level for assessment of the Affordable Care Act's Cadillac Tax and submit each plan to a mutually agreed upon arbitrator who will then select which plan the City will then adopt. If the re-opener is triggered, the School Department will cooperate and assist the Union to obtain health insurance bids from the companies selected by the Union, to the extent possible.

The Union agrees to participate in a City-wide committee to explore health insurance options. Any recommendations shall be subject to the ratification process for both parties.

Should the parties agree in writing to establish a cafeteria style plan dealing in insurance issues during the course of this six (6) year contract – such plan would only become effective if ratified by the Association, approved by the School Board and approved by the City Council.

Effective as soon as possible after final approval of this contract, the School Board will offer employees the option of participating in an IRS 125 (Premium Conversion Plan) so employees may pay their portion of the premium with pretax dollars. (Applicable to co-pay attributed to 95 if possible).

Employees who are not otherwise eligible for coverage because they work less than thirty (30) hours will be provided the option of purchasing such coverage at the School Board's cost via payroll deduction in accordance with procedures established by the business department. A part-time employee may purchase health insurance in this manner only if he or she earns net wages greater than the cost of the insurance.

30. Life Insurance

Life insurance may be purchased by the employee at his/her expense at one (1) or two (2) times his/her base salary. This insurance will be at the School Board's group rate.

31. Seniority (Definition)

There shall be two (2) types of seniority:

- a. District seniority
- b. Classification seniority

District seniority shall relate to the time an employee has been continuously employed by the District.

Classification seniority shall relate to the length of time an employee has been employed in a particular grade classification.

32. Seniority (Lay-Offs)

District seniority shall prevail in matters concerning lay-offs and rehiring. Qualified and available permanent employees shall be reinstated before new employees are hired. Recall rights for laid off employees shall terminate on the happening of:

- a) the expiration of eighteen (18) months from the date of layoff; or
- b) the refusal to accept a job which is offered pursuant to this recall provision, whichever occurs first.

33. Seniority (Promotions & Transfers)

District seniority shall be the type considered in matters concerning promotions and transfers as set forth in this Agreement.

34. Seniority Bumping Rights

No employee shall have the right to replace another employee in any classification by virtue of District seniority alone, except that, in the event of the permanent lack of work in any classification, those employees concerned in that classification shall be assigned to the next lower classification for which they have District seniority. Displaced employees in those lower categories shall have the same rights of reassignment as referred to in this Section. It is understood that an employee may not bump an employee in a higher job category.

35. Seniority List

Upon receiving a promotion, an employee's name shall be entered at the bottom of that particular classification seniority list to which she/he has been promoted, regardless of her/his District seniority, and she/he shall be considered to be the junior employee in that classification regardless of the District seniority of other employees already in that job, until such time as other promotions are made into this classification. The Union shall receive a copy of the bargaining unit seniority list by the end of September each year.

36. Bulletin Boards

The School Board shall provide a bulletin board in each school for the posting of notices of the School Board addressed to its employees and notices of the UNION addressed to its members. The School Board shall locate its bulletin boards in convenient places in the schools. No notice shall be posted in or around School Board property except on such boards and then only after approval by the School Board as being suitable for posting and until it shall have been signed by the UNION President or Secretary. Copies of all UNION notices will be sent to Central Office - Attention of Director of Food Service.

37. Grievance Definition

A grievance shall mean an alleged violation, misinterpretation, or misapplication with respect to one (1) or more employees of any provision(s) of this Agreement.

38. Grievance Time Frame Occurrence

A grievance must be filed by the employee(s) within ten (10) working days of its occurrence or when the employee(s) by reasonable diligence became aware of its occurrence.

39. Grievance Procedure

Grievances shall be processed in the following manner:

- a. An employee (or UNION) who has a grievance shall discuss the grievance with her/his steward. All grievances must be in writing and on an official grievance form.
- b. An initial meeting will be held among the aggrieved employee, UNION representative, and the School Food Service Director, with a written decision to be rendered within five (5) working days.
- c. An unfavorable decision at Step "b" may be appealed in writing to the Superintendent of Schools with five (5) working days. The Superintendent shall have five (5) working days to render a written decision.
- d. An unfavorable decision at Step "c" may be appealed to the School Board in writing. The request for a hearing must be sent in writing to the School Board within ten (10) working days of the unfavorable decision rendered under Step "c".
- e. Should the decision of the School Board be unsatisfactory, the grievance may be taken to arbitration under the rules of the American Arbitration Association. However, if an arbitrator cannot be mutually agreed to, an arbitrator shall be chosen using the PELRB's procedure. The decision of the arbitrator shall be final and binding on the parties as to the matter in dispute. Should the Union wish to submit a grievance to arbitration, it must notify the School Board in writing within four (4) weeks following the Union's receipt of the School Board's answer in Step "d" or it will be considered untimely and the Union's right to arbitration shall be waived.

The arbitrator shall have no authority to alter, amend, modify, change, add to or delete from the provisions of this agreement.

The parties agree that any arbitrators award rendered under this agreement may be subject to review as set forth in RSA 542.

- f. Grievances shall be submitted separately to arbitration and no more than one (1) shall be the subject of a single proceeding unless otherwise agreed to by both parties.

40. Arbitrator's Expense

The expense of the arbitrator shall be borne equally by both parties.

41. Grievance Time Limit

If said grievance is not reported and/or processed within the time limit set forth in this Article, the matter shall be dismissed and no further action shall be taken with respect to such grievance.

The above time may be extended or by-passed by mutual written agreement of the parties.

42. Grievance Decisions

All decisions regarding wages, wage rates, hours worked and not worked, promotions, transfers, and new jobs shall be retroactive to the date the grievance first occurred.

43. Pre-Arbitration Procedure

If the UNION is not satisfied with the disposition of the grievance by the School Board, or if no decision has been rendered within the specified time limits, and prior to the submission of the grievance to arbitration, a representative of the Department involved, Superintendent's Office, School Board, and the UNION will meet to determine if the grievance can be settled without arbitration.

44. Bonding Of Employees

The School Board will provide that those employees whose duties include responsibility for the handling of monies will be bonded and that those employees will be rendered safe from prosecution if those monies are destroyed, stolen, damaged, or lost through no fault of negligence of the employee in charge.

45. Stability of Agreement

Should any Article, Section or portion thereof of this agreement be declared invalid because it is in conflict with a Federal or State Law or be held unenforceable by any court of competent jurisdiction, such determination shall apply only to the specific Article, Section, or Portion thereof specified in the decision. The parties to this Agreement agree to meet to negotiate only on the specific Article, Section or Portion thereof which has been declared invalid or unenforceable, but neither party is required to make concessions in order to reach agreement on the specific Article, Section or Portion thereof in question.

46. Lunch Breaks/Meals

The School Board shall provide, at its cost, one (1) meal per day to each employee covered by this agreement.

Employees who work four (4) hours or more shall be entitled to one ten (10) minute break and employees working six (6) hours or more shall be entitled to an additional ten (10) minute break. The time for taking breaks will vary within each school and shall be mutually agreed on. The breaks called for herein will be on District time.

It will be the employee's responsibility to notify the supervisor at their break time. If the supervisor decides that a break cannot be taken, the employee will be paid for the time.

47. Mileage

Commencing with the execution date of this Agreement, the School Board agrees that employees required to work in more than one (1) school per day shall be reimbursed at the IRS rate per mile. Employees will track their mileage on a daily basis and turn in a log to the Food Service Director in June and December of each year.

48. Probationary Period

All new employees hired after the commencement of this Agreement shall serve a probationary period of ~~ninety sixty (60)~~ 90 work days, which may be increased to ~~ninetyone hundred and thirty five (90)~~ 135 work days at the discretion of the Food Service Director and reported to the ~~Personnel~~ Human Resources Director and reported to the ~~Personnel~~ Human Resources Department, and shall have no seniority rights during this period but shall be subject to all other clauses of this Agreement. All employees who have worked said probation period days shall be known as regular employees and the probationary period shall be considered part of the seniority time.

It is understood that employees during their probationary period are considered to be employees at will and may be discharged with or without cause.

49. Worker's Compensation

Workers' Compensation benefits will be provided as specified in the New Hampshire Statutes.

50. Civil Leave for Juror or Witness Service

Any employee called as a juror or witness shall be paid the difference between the fee received for such services and the amount of straight time earnings lost by the employee by reason of such service. Satisfactory evidence must be submitted to the employee's immediate supervisor. Payment of meals and/or mileage shall not be considered as part of the fee for the purpose of this Agreement.

All time spent while serving on jury duty shall be counted as hours worked.

51. Evaluations

All employees shall be evaluated at least once per employment year.

Prior to May 1st each employee shall receive a written copy of her/his annual evaluation. Such an evaluation shall be ongoing and shall be administered by the employee's supervisor and/or the Director of Food Services.

After the evaluation has been completed a conference shall be held during working hours to discuss the evaluation report.

The employee shall have the right to attach a written response to the evaluation within thirty (30) days of the evaluation.

52. Plus Rate

Employees who work in a higher classification for three or more consecutive days shall be compensated at the same step in the higher classification as they were on before the temporary assignment. When Plus Rate pay is applicable, the employee will be paid for each hour worked retroactive back to the first day.

An employee may be assigned temporarily, for a period not to exceed thirty (30) calendar days, to the work of any position of the same or lower grade without a change in pay.

Assignments to higher paying job classifications, temporary or otherwise, shall be in accordance with the Promotion and Transfer Article of the Agreement.

All new positions, promotions, or transfers beyond a period of thirty (30) days shall be posted on the School Board bulletin boards for a period of at least five (5) working days and any interested employee shall have the opportunity to apply for said position, promotion, or transfer.

53. Meetings

Any meeting which are called by the Food Service Director or any management personnel, acting on behalf of the Director, at which mandatory employee attendance is required shall be held on School Board time. It shall be mandatory for employees to attend said meeting(s).

54. Education Incentive

The School Board shall pay the cost of any workshop or class that its employees are required to attend. ~~The rate of pay shall be the employee's regular hourly rate for all hours attended~~The School Board shall also pay employees, at their regular hourly rate, for all training hours that the School District requires. When the School Board requires its employees to become certified, the School Board shall pay for any workshop necessary to complete and/or retain certification.

The School Department will reimburse up to one hundred dollars (\$100.00) annually for courses taken by employees on their own time which are related to their jobs. To receive reimbursement, the course must receive prior approval of the Director of Food Services and the employee must successfully complete the course. The annual budget for reimbursement shall be one thousand dollars (\$1,000.00).

The District will adopt a cross-training program within each school.

55. Contracting and Sub-Contracting Out

The School Board recognizes the concern of the UNION in regard to contracting or subcontracting out work which results in a reduction of the work force, therefore, during the term of this Agreement the School Board agrees not to contract out or subcontract out any work normally performed by members of the bargaining unit covered by this Agreement.

56. Dues Deduction

Upon the presentation of a signed authorization card by the employee to the Superintendent, the School Board agrees to deduct the official dues or representative fee of said UNION from the wages of each employee covered by this Agreement and pay the total amount of dues collected to the Treasurer of Local #1386 once a month, along with a statement indicating who has paid dues and/or representative fees.

The UNION will keep the School Board informed of the correct name and address of the Treasurer and Stewards of Local #1386, AFSCME.

If employees have no check coming to them, or if their checks are not large enough to satisfy the dues, then no deduction will be made for them. In no case will the School Board attempt to collect fines or assessments for the UNION beyond the regular dues.

57. Union Security

It is recognized that the negotiations for and administration of the Agreement entails expenses which appropriately should be shared by all employees who are beneficiaries of this Agreement. To this end, if an employee in the bargaining unit does not join the UNION, such employee will as a condition of employment by the School Board execute an authorization for the deduction of a "representative fee" which shall be a sum equivalent to the membership dues and retained for a scholarship fund. Award will be made to a graduating senior at Portsmouth High School who has matriculated in the Vocational Education program and who has a family member who is a member of AFSCME Local 1386.. The committee to award the scholarship shall be made up of two (2) administrators, two (2) members of the UNION, and one (1) member of the "representation fee" group, and the scholarship shall be given in the name of AFSCME.

58. Notice of Intent to Terminate

Employees NOT intending to return to work for the next school year shall notify the Food Service Director by the first Monday in July.

59. Family Medical Leave Act And Maternity Leave

The parties agree that the provisions of the Family Medical Leave Act of 1993 shall apply to all bargaining unit members. The Family Medical Leave Act gives employees the right to take time away from work in the event of certain illness or injuries to the employee and/or to care for family members as defined by the Act.

EXAMPLES:

- A. To care for newborns or recently adopted children
- B. To care for a foster child
- C. To take time off for employee's own serious health problems.
- D. To care for a spouse, parent or child with a serious health problem.

The parties recognize that the School Board in due course will adopt a policy implementing procedures for complying the FMLA.

Upon application of the employee, a maternity leave of absence without pay shall be granted to permanent, full-time female employees who have been employed at least one (1) year before said application, said leave to commence at the time recommended by the employee's attending physician and to extend for a period not to exceed one (1) year after the birth of the child.

If an employee who has been granted a maternity leave of absence in accordance with this provision shall fail to return to work upon the expiration of such leave of absence, she shall be deemed to have voluntarily terminated her employment, unless she has been certified by her physician as being physically unable to perform her duties.

An employee shall be entitled to use her accumulated sick leave benefits with pay until she has depleted that accumulation. The date of entitlement shall commence from the date of confinement or the birth of the child, during which time the employee is certified as being unable to perform her regular duties, as verified by an affidavit of the attending physician every thirty (30) days. Requests for such sick leave benefits must be submitted in writing to the SAU no later than thirty (30) days after the date of confinement, in order to be eligible for sick leave benefits.

All benefits to which the cafeteria employee was entitled at the start of the leave, including accumulated sick leave, shall be restored upon return to work. When an employee is on a non-paid leave status, the cafeteria employee may keep health benefits in force under the present

carrier while on leave by paying the premium cost to the School Department on a schedule suggested by the Business Administrator not to exceed one year as set forth above.

60. Salary Schedule

Employees who receive a Level I certification from the School Nutrition Association will receive a salary that is equal to 2% above their base pay.

Food Service Workers Rate Scale

2017-2018

7/1/2017

<u>STEP</u>	<u>90 Days</u>	<u>Certified 90 Days</u>	<u>After 90 Work Days</u>	<u>Certified After 90 Work Days</u>	<u>After One Year</u>	<u>Certified After One Year</u>	<u>After Two Years</u>	<u>Certified After Two Years</u>
<u>Cook</u>	<u>12.58</u>	<u>12.82</u>	<u>13.19</u>	<u>13.45</u>	<u>13.78</u>	<u>14.04</u>	<u>15.58</u>	<u>15.92</u>
<u>Bookkeeper</u>	<u>11.90</u>	<u>12.51</u>	<u>12.93</u>	<u>13.21</u>	<u>13.50</u>	<u>13.82</u>	<u>15.34</u>	<u>15.64</u>
<u>Assistant</u>	<u>11.50</u>	<u>11.73</u>	<u>12.14</u>	<u>12.38</u>	<u>12.68</u>	<u>12.94</u>	<u>14.45</u>	<u>14.70</u>

COLA Adjustment

Effective July 1, 201~~48~~, ~~July 1, 2015~~ and July 1, 201~~69~~ a COLA adjustment percentage increase shall be computed which shall not be less than 2% nor more than 5%.

The COLA Adjustment percentage shall be determined by the rolling ten (10)-year average increase in the CPI-U for the Boston-Brockton-Nashua—MA-NH-ME-CT all items index as computed by the Bureau of Labor Statistics of the U.S. Department of Labor for the most recent calendar year preceding the July 1 adjustment. BLS’s calendar year for this index is November through November, it is not published on a December to December basis. The reference base is 1982-1984 equals 100 until BLS updates the reference base at which time the parties agree to adopt the official reference based as used by BLS.

Thus, if the rolling ten (10)-year average of the CPI-U for the Boston SMSA is 1.5% the applicable COLA adjustment would be 2%; if it is 3.5% the applicable COLA adjustment would be 3.5%; if it is 5.5% the applicable COLA adjustment would be 5.0%.

Applicability After Contract Expires: It is clearly understood that in the event that the three year Working Agreement expires without a successor Working Agreement being settled prior to July 1, 201~~720~~ that no further COLA adjustments after July 1, 201~~69~~ will be generated under the Working Agreement even if the Working Agreement has an evergreen clause. It is further agreed that continuation of COLA adjustments are not to be deemed “status quo” as the term has been used by the PELRB in the event that a successor agreement has not been settled by July 1, 201~~720~~.

61. Longevity Schedule

Effective	2014/2015	<u>2017/2018</u>
5 YRS	\$464.	<u>\$554</u>
10 YRS	\$490	<u>\$585</u>
15 YRS	\$516.	<u>\$616</u>
20 YRS	\$541	<u>\$646</u>
25 YRS	\$567	<u>\$677</u>
30 YRS	\$593	<u>\$708</u>

Effective July 1, 201~~4~~8 and each July 1 thereafter through July 1, 201~~7~~9, the Longevity Schedule will be adjusted in accordance with the rolling ten (10)-year COLA average as described in Article 60.

FOOD SERVICE POSITIONS

62. Cook

Prepares hot and cold food and/or baked products Follows standardized recipes
Uses all food preparation equipment
Assists in determining quantities of food to prepare
Anticipates future needs and prepares products accordingly
Stores food
Cleans equipment and work area
Serves food to students and teachers
Assists in taking inventory
Reports to Manager for jobs as assigned
May take over for Manager in her absence
Washes utensils, pots, pans
Cleans equipment
Cleans work area
Washes and dries laundry
Wipes tables
Sweeps kitchen floor
Puts away supplies

Maintains training hours required by USDA

Qualifications: Prefer six (6) months of quantity cooking experience.

63. Bookkeeper

Prepares all financial records
Sells tickets and handles cash
Prepares bank deposits
Prepares and serves breakfast
Prepares and portions lunch desserts

Assists in preparing and portioning food for satellite operation
Serves food to students and teachers
Assists in taking inventory
May take over for Manager in her absence
Reports to Manager for jobs as assigned
Washes utensils, pots, pans
Cleans equipment
Cleans work area
Washes and dries laundry
Wipes tables
Sweeps kitchen floor
Puts away supplies
Maintains training hours required by USDA

Qualifications: Prefer six (6) months experience keeping records and handling cash.

64. School Food Assistant (SFA)

Prepares simple food items not requiring recipes
Portions food
Assists Cook (Baker)
Serves food to students and teachers
May assist in handling cash and selling tickets
Washes utensils, pots, pans
Cleans equipment
Cleans work area
Washes and dries laundry
Wipes tables
Sweeps kitchen floor
Puts away supplies
Maintains training hours required by USDA
Reports to Manager for jobs as assigned

Qualifications: Entry level position

65. Satellite Position

Sells tickets and handles cash
Prepares all financial records
Prepares bank deposit
Prepares simple food items not requiring recipes
Portions foods
Serves food to students and teachers
Washes utensils, pots, pans

Cleans equipment
Cleans work area
Wipes tables
Sweep kitchen floor
Puts away supplies
Supervises volunteers/students
Orders supplies
Maintains training hours required by USDA

66. School Nutrition Association Membership

The School Department will provide an annual membership to the School Nutrition Association.

67. Copies

All employees, including new employees upon successful completion of their probation, shall be provided with a copy of this Agreement and all appendices at the expense of the School Department. The Union Steward shall comply with the provision not later than thirty (30) calendar days after the signing of this Agreement for the contract year.

68. Duration Of Agreement

This Agreement shall be in full force and effect from July 1, 2014~~7~~ to and including June 30, 2017~~20~~ and shall continue from year to year thereafter unless written notice of desire to cancel or terminate the Agreement is served by either party upon the other at least one hundred twenty (120) days prior to the budget submission date. Where no such cancellation or termination notice is served, and the parties desire to continue this Agreement but also desire to negotiate changes and/or revisions in this Agreement, either party may serve upon the other a notice at least one hundred twenty (120) days prior to budget submission date of February 2, advising that such party desires to revise or change terms and conditions of such Agreement. This Agreement shall remain in full force and effect until such changes and/or revisions have been agreed upon.

APPENDIX

PORTSMOUTH CAFETERIA EMPLOYEES

BUMPING PROCEDURE

Positions: Cook - Bookkeeper - Food Service Assistant
Cook has: 6 years District Seniority

1 year Classification Seniority

Step 1 LATERAL MOVEMENT: If displaced cook has more Classification seniority than another cook - displaced cook takes cook position at new school - cook that is now displaced (bottom of Classification list) bumps to next lower classification for which they are qualified (bookkeeper) using District seniority.

Step 2 BUMPING DOWNWARD: If original displaced cook is at the bottom of that particular classification list then she "bumps" down into bookkeeper classification using seniority to bump least senior (district seniority) bookkeeper. Least senior bookkeeper then "bumps" least senior food service assistant resulting in last in first out.

LATERAL GOVERNED BY CLASSIFICATION

BUMP GOVERNED BY DISTRICT*

- This procedure would follow whether full or part-time employees or a mix thereof was used.
- Bumps down as long as qualified by using district seniority.

SIGNATURES

Executed this _____ day of _____, 20147

For the Portsmouth School District

Leslie Stevens
Chairperson
Portsmouth School Board

Thomas M. Closson
City Negotiator

~~Edward McDonough~~Steve Zadrevac
Superintendent of Schools

Deborah Riso
Director of School Nutrition

For the Non-Supervisory Cafeteria Personnel AFSCME, Council 93, AFL-CIO

~~Harriett Spencer~~Chris Kilmer
AFSCME Council 93

~~Nathan Campbell~~Mike Finn
AFSCME Local #1386

~~Frances Flanders Lange~~Juliann Lehne
Negotiating Team

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MEMORANDUM

TO: JOHN P. BOHENKO, CITY MANAGER
FROM: JULIET T.H. WALKER, PLANNING DIRECTOR *JTW*
SUBJECT: ACCEPTANCE OF SANDERSON DRIVE AS CITY STREET
DATE: 12/13/2017

Recommended City Council Action

Vote to accept Sanderson Drive as a City street.

Background

In a letter dated December 4, 2017, Attorney Loughlin submitted a request to the City on behalf of Spinney Road Land Holdings, LLC to initiate the process for acceptance of Sanderson Drive as a public way.

This road was constructed as part of a subdivision off of Spinney Road that was approved by the Planning Board on October 16, 2014. The subdivision approval was for 5 new house lots, 3 non-building lots, and the creation of a public way (Sanderson Drive).

Attached to this memo is a letter from City's consulting engineer, Underwood Engineers, confirming that the road has been constructed to City standards. Based on this letter, the Director of Public Works recommends that the road be accepted as a public way.

Peter J. Loughlin

ATTORNEY AT LAW

LEONARD COTTON HOUSE • STRAWBERRY BANKE
144 WASHINGTON STREET
P.O. BOX 1111
PORTSMOUTH, NH 03802-1111

TELEPHONE 603-431-6466
FAX 603-436-4079

E-MAIL
peter.loughlin@pjllaw.com

December 4, 2017

VIA EMAIL:

Juliet T.H. Walker, Planning Director
Portsmouth Municipal Complex
1 Junkins Avenue
Portsmouth, NH 03801

Re: Sanderson Drive


Dear Juliet:

On October 16, 2014, the Portsmouth Planning Board approved a 5 lot subdivision near the intersection of Spinney and Middle Roads. Installation of all utilities and the construction of the roadway began in 2015.

This past summer, the finish coat of pavement was installed and all final landscaping was completed. Certificates of Occupancy have been issued for all of the five new homes. This letter is respectfully submitted to initiate the process for the acceptance of the street as a public way by the City.

In accordance with the Regulations of the City, Spinney Road Land Holdings, LLC is prepared to post the required security for the roadway and other improvements for the next two (2) years.

Respectfully submitted,
SPINNEY ROAD LAND HOLDINGS, LLC

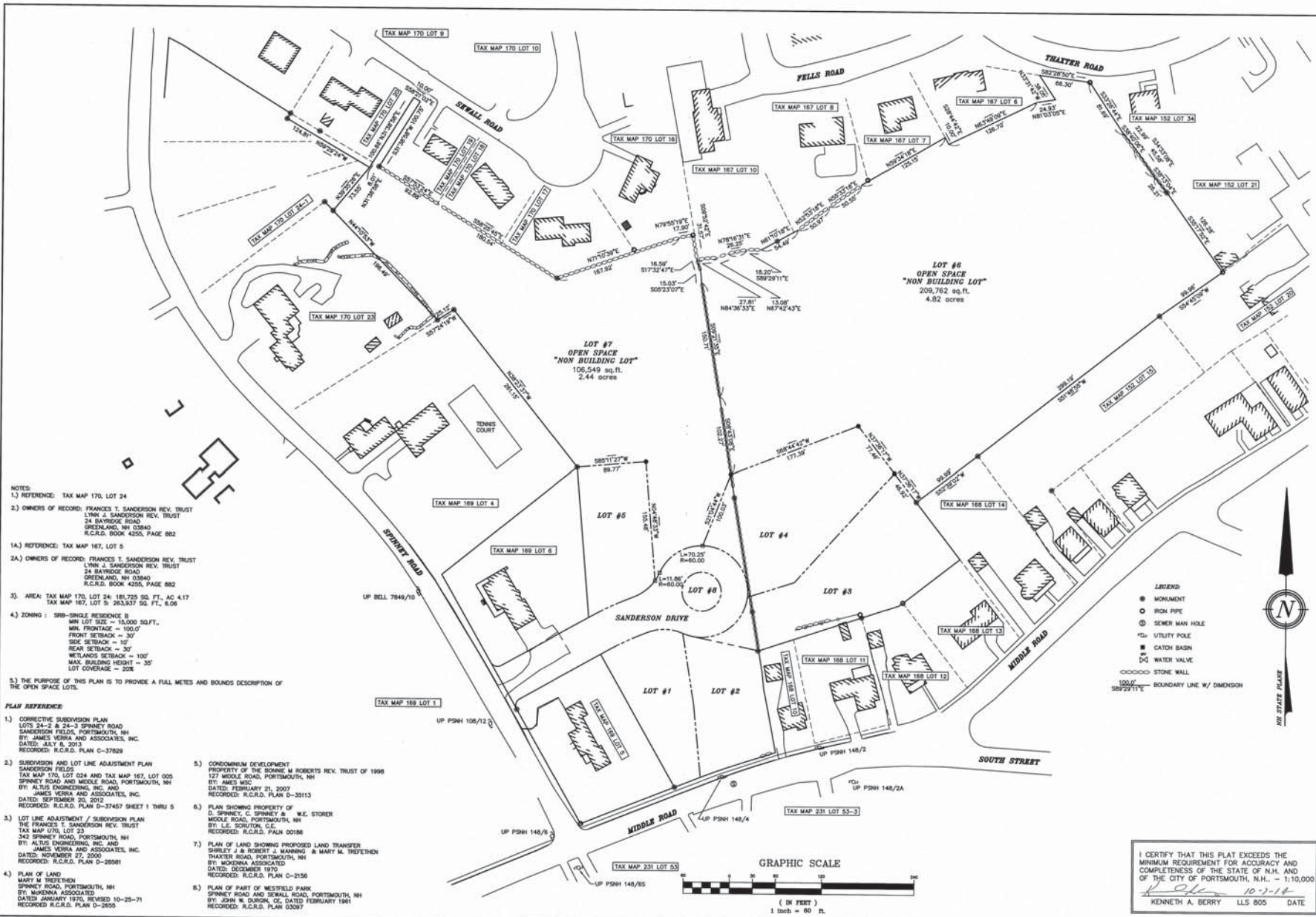


Peter J. Loughlin

PJL/dea

Cc: Spinney Road Land Holdings, LLC
Berry Engineering
Peter Rice, Public Works Director
David Desfosses, Project Manager

SpinneyRd\2017-12-04 Ltr to Walker Re Acceptance of Street



- NOTES:
- 1.) REFERENCE: TAX MAP 170, LOT 24
 - 2.) OWNERS OF RECORD: FRANCES T. SANDERSON REV. TRUST
L'INN J. SANDERSON REV. TRUST
24 BAYBROOK ROAD
GREENLAND, NH 03040
R.C.R.D. BOOK 4250, PAGE 882
 - 1A.) REFERENCE: TAX MAP 167, LOT 5
 - 2A.) OWNERS OF RECORD: FRANCES T. SANDERSON REV. TRUST
L'INN J. SANDERSON REV. TRUST
24 BAYBROOK ROAD
GREENLAND, NH 03040
R.C.R.D. BOOK 4250, PAGE 882
 - 3.) AREA: TAX MAP 170, LOT 24: 181,725 SQ. FT., AC 4.17
TAX MAP 167, LOT 5: 283,937 SQ. FT., 6.06
 - 4.) ZONING : SRB - SINGLE RESIDENCE B
MIN. LOT SIZE - 15,000 SQ.FT.
MIN. FRONTAGE - 100.07'
FRONT SETBACK - 35'
SIDE SETBACK - 10'
REAR SETBACK - 30'
WETLANDS SETBACK - 100'
MAX. BUILDING HEIGHT - 35'
LOT COVERAGE - 20%
 - 5.) THE PURPOSE OF THIS PLAN IS TO PROVIDE A FULL METES AND BOUNDS DESCRIPTION OF THE OPEN SPACE LOTS.

- PLAN REFERENCE:
- 1.) CORRECTIVE SUBDIVISION PLAN
LOTS 24-2 & 24-3 SPRINNEY ROAD
SANDERSON FIELDS, PORTSMOUTH, NH
BY: JAMES VERRA AND ASSOCIATES, INC.
DATED: JULY 8, 2013
RECORDED: R.C.R.D. PLAN C-37829
 - 2.) SUBDIVISION AND LOT LINE ADJUSTMENT PLAN
SANDERSON FIELDS
TAX MAP 170, LOT 024 AND TAX MAP 147, LOT 005
SPINNEY ROAD AND MIDDLE ROAD, PORTSMOUTH, NH
BY: ALDIS ENGINEERING, INC. AND
JAMES VERRA AND ASSOCIATES, INC.
DATED: SEPTEMBER 22, 2013
RECORDED: R.C.R.D. PLAN D-37457 SHEET 1 THRU 5
 - 3.) LOT LINE ADJUSTMENT / SUBDIVISION PLAN
THE FRANCES T. SANDERSON REV. TRUST
TAX MAP 170, LOT 23
342 SPINNEY ROAD, PORTSMOUTH, NH
BY: ALDIS ENGINEERING, INC. AND
JAMES VERRA AND ASSOCIATES, INC.
DATED: NOVEMBER 27, 2000
RECORDED: R.C.R.D. PLAN D-28981
 - 4.) PLAN OF LAND
MARY M. TREFETHEN
SPINNEY ROAD, PORTSMOUTH, NH
BY: MOKONNA ASSOCIATED
DATED: JANUARY 1970, REVISED 10-25-71
RECORDED: R.C.R.D. PLAN D-2895

- 5.) CONDOMINIUM DEVELOPMENT
PROPERTY OF THE BOONIE M. ROBERTS REV. TRUST OF 1998
127 MIDDLE ROAD, PORTSMOUTH, NH
BY: JAMES MCG
DATED: FEBRUARY 21, 2007
RECORDED: R.C.R.D. PLAN D-35113
- 6.) PLAN SHOWING PROPERTY OF
C. SPINNEY, C. SPINNEY & W.E. STORER
MIDDLE ROAD, PORTSMOUTH, NH
BY: L.E. SOULTON, C.E.
RECORDED: R.C.R.D. PLAN 00186
- 7.) PLAN OF LAND SHOWING PROPOSED LAND TRANSFER
SHIRLEY J. & ROBERT J. WANNING & MARY M. TREFETHEN
THAYER ROAD, PORTSMOUTH, NH
BY: MOKONNA ASSOCIATED
DATED: DECEMBER 1870
RECORDED: R.C.R.D. PLAN C-2156
- 8.) PLAN OF PART OF WESTFIELD PARK
SPINNEY ROAD AND SERRANO ROAD, PORTSMOUTH, NH
BY: JOHN W. DURSON, CE, DATED FEBRUARY 1981
RECORDED: R.C.R.D. PLAN 03097

LEGEND:

- MONUMENT
- IRON PIPE
- ⊙ SINKER MAN HOLE
- ⊕ UTILITY POLE
- ⊗ CATCH BASIN
- ⊘ WATER VALVE
- ⊚ STONE WALL
- 100/100 BOUNDARY LINE W/ DIMENSION

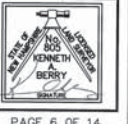
GRAPHIC SCALE
1 inch = 80 ft.

I CERTIFY THAT THIS PLAT EXCEEDS THE MINIMUM REQUIREMENT FOR ACCURACY AND COMPLETENESS OF THE STATE OF N.H. AND OF THE CITY OF PORTSMOUTH, N.H. - 1:10,000
K. Berry 10-2-18
KENNETH A. BERRY LLS 805 DATE

#2	10-7-14	ADD LOT IN CULTURE-SIC
#1	7-16-14	REVISE PER TAC/LE COMMENT
REVISION	DATE	DESCRIPTION

SUBDIVISION PLAN (SHEET 2)
FOR
SPINNEY ROAD LAND HOLDINGS, LLC
FRANCES T. SANDERSON REV. TRUST & L'INN J. SANDERSON REV. TRUST
TAX MAP 170, LOT 24 & MAP 167 LOT 5

BERRY SURVEYING & ENGINEERING
335 SECOND CROWN POINT ROAD
BARRINGTON, N.H. 332-2863
SCALE : 1 IN. EQUALS 80 FT.
DATE : JUNE 1, 2014
FILE NO. : DB 2013-078



Juliet T.H. Walker

From: Peter H. Rice
Sent: Wednesday, December 13, 2017 12:23 PM
To: Juliet T.H. Walker
Cc: Dave Desfosses; Terry L. Desmarais; Todd J. Croteau
Subject: FW: Sanderson Drive
Attachments: Desfosses - Sanderson Acceptance Ltr.pdf

Juliet:

We recommend acceptance of Sanderson Drive as requested by the site developer. Attached please find a copy of our independent engineers review which indicates the development is in accordance with City requirements.

I am available at your convenience to discuss this matter further.

Peter

1978.00

December 11, 2017

Mr. David J. Desfosses
Project Manager
Public Works Department
680 Peverly Hill Road
Portsmouth, New Hampshire 03801

Re: *Roadway Acceptance*
Sanderson Fields Subdivision
 Portsmouth, New Hampshire

Dear Mr. Desfosses,

In accordance to the third party agreement dated October 28, 2015, Underwood Engineers periodically observed the installation of a new roadway and underground utilities the new street known as Sanderson Drive. Specifically work observed included the following:

- Drainage system (including pipes and structures).
- Water distribution system, including testing.
- Low pressure sewer system, including testing.
- Placement of roadway gravels, including compaction testing.
- Pavement installations
- Erosion control measures and overall site maintenance while work was completed

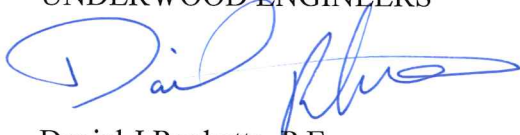
Although we were not present full time, based on observations during our site visits, it is our opinion that the work completed is consistent with City of Portsmouth specifications and general industry standards. We take no exception to the roadway being accepted by the City.

Please let us know if you have any further questions.

Very truly yours,

Mr. David Desfosses
December 11, 2017
Page 2

UNDERWOOD ENGINEERS



Daniel J Rochette, P.E.
Senior Project Engineer



Ryan P. Houle, E.I.T
Project Engineer

Cc: Juliet Walker, Planning Director
Peter Rice, P.E., Director of Public Works
David Smith, Graystone Builders



NO BUILD EASEMENT AREA

NOW COMES THE CITY OF PORTSMOUTH, a municipality whose address is 1 Junkins Avenue, Portsmouth, New Hampshire, 03801, (hereinafter "City"), and **THE PROVIDENT BANK, a Massachusetts** savings bank, with an address of 5 Market Street, P.O. Box 37, Amesbury, Massachusetts 01913 , (hereinafter "Landowner"), and its successors and assigns; and,

WHEREAS, the parties herein agree as follows:

The City shall not place or erect any permanent principal buildings or structures on a certain portion of property, to wit:

A certain "No-Build Easement" area over and of the City of Portsmouth lying easterly of but not adjacent to Maplewood Avenue (a public way) and southerly of but not adjacent to Hanover Street (a public way) in Portsmouth, County of Rockingham, State of New Hampshire, said "No-Build" area being shown as "Proposed 348 SF 'No-Build' Area On City Of Portsmouth Land" on a plan prepared by James Verra and Associates, Inc. and Altus Engineering, Inc., entitled, "Proposed Easement and Licensing Plan, owner: The Provident Bank", dated November 7, 2017, said plan is recorded at the Rockingham County Registry of Deeds as Plan _____, bounded and described as follows:

Beginning at the northeast corner of said `No-Build Easement' area, said point is the southeast corner of land now or formerly of The Provident Bank and bears South 53° 29' 09" West (NH State Plane Coordinate System) 31.28 feet, South 41° 09' 25" East 79.19 feet and South 39° 43' 49" East 34.30 feet from a found railroad spike at the northwest corner of land now or formerly of Bendetson Portsmouth Realty Trust at land of the City of Portsmouth on the southerly side of Hanover Street;

Thence over land of the City of Portsmouth on the following courses:

South 32° 00' 24" East 4.50 feet to a point;
South 59° 14' 58" West 86.82 feet to a point:
South 15° 10' 56" West 5.91 feet to a point:
North 74° 41' 38" West 9.00 feet to a point at land of The Provident Bank;

Thence by land of said Provident Bank North 57° 59' 36 East 97.24 feet to the true point of beginning.

Said "No-Build Easement" area contains 348 S.F.

The granting of this Agreement was approved by a vote of the Portsmouth City Council on _____.

Being a portion of the premises conveyed to the City of Portsmouth by Deed recorded in Rockingham County Registry of Deeds, Book 4701, Page 534.

Signed this ___ day of _____, 2017.

City of Portsmouth

By:

The Provident Bank

By:

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

Personally appeared this ___ day of _____, 2017, _____, duly authorized on behalf of the City of Portsmouth, who acknowledged that he executed the foregoing instrument as its free act and deed for the purposes contained herein.

Before me,

Notary Public

My commission expires:

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

Personally appeared this ____ day of _____, 2017, _____
_____, duly authorized on behalf of The Provident Bank, who acknowledged
that he executed the foregoing instrument as its free act and deed for the purposes
contained herein.

Before me,

Notary Public

My commission expires:

DRAFT

EASEMENT AREA FOR BUILDING ENCUMBRANCE

NOW COMES THE CITY OF PORTSMOUTH, a municipality whose address is 1 Junkins Avenue, Portsmouth, New Hampshire, 03801, (hereinafter "Grantor"),

for consideration paid, grants to The PROVIDENT BANK, a Massachusetts savings bank with a mailing address of 5 Market Street, PO Box, 37, Amesbury, MA 01915 (hereinafter "Grantee"),

AN EASEMENT FOR BUILDING ENCUMBRANCE OVER PUBLIC RIGHT OF WAY further bounded and described as follows:

A certain building encumbrance over the easterly side of Maplewood Avenue (a public way) and the southerly side of Hanover Street (a public way) in Portsmouth, County of Rockingham, State of New Hampshire, said building encumbrance being shown as 'Proposed 485 SF +/- Building Encumbrance Over Public ROW' on a plan prepared by James Verra and Associates, Inc. and Altus Engineering, Inc., entitled, "Proposed Easement and Licensing Plan, "owner:" The Provident Bank", dated November 7, 2017, said plan is recorded at the Rockingham County Registry of Deeds as Plan _____, bounded and described as follows:

Beginning at the corner of said easement on the southerly side of Hanover Street at the northeast corner of land now or formerly of The Provident Bank said point bears South 53° 29' 09" West (NH State Plane Coordinate System) 31.28 feet from a found railroad spike at the northwest corner of land now or formerly of Bendetson Portsmouth Realty Trust and land of the City of Portsmouth on the southerly side of Hanover Street;

Thence by land of said Provident Bank on the following courses:

South 53° 48' 25" West 66.25 feet to a point of curvature; by the arc of a tangential curve concave to east having an arc length of 29.03 feet, a radius of 22.00 feet, the cord of said curve bears South 16° 00' 26" West 26.97 feet to a point on the easterly side of Maplewood Avenue; South 21° 47' 33" East 48.85 feet to a point; thence over said Maplewood Avenue and Hanover Street on the following courses:

North 30° 45' 02" West 24.11 feet to a point; North 21° 45' 02" West 29.98 feet to a point of curvature; by the arc of a tangential curve concave to the east having an arc length of 24.57 feet, a radius of 28.92 feet, the chord of said curve bears North 16° 19' 26" East 23.84 feet to a point; North 54° 14' 58" East 67.68 feet to a point, South 82° 45' 02" East 4.62 feet to the true point of beginning.

Said building encumbrance contains 485 S.F.

The purpose of this Easement is to permit the building over on the property of the Grantee above the first story to encroach upon the easement area as shown on the approved plan referenced above. Said Easement to expire when the Building shown on the Plan no longer exists.

The granting of this Easement Area for Building Encumbrance was approved by a vote of the Portsmouth City Council on _____.

THIS IS NOT HOMESTEAD PROPERTY.

Signed this ___ day of _____, 2017.

City of Portsmouth

By: _____

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

Personally appeared this ___ day of _____, 2017, _____, duly authorized on behalf of the City of Portsmouth, who acknowledged that he executed the foregoing instrument as its free act and deed for the purposes contained herein.

Before me,

Notary Public

My commission expires:

EASEMENT AREA FOR BUILDING ENCUMBRANCE

NOW COMES THE CITY OF PORTSMOUTH, a municipality whose address is 1 Junkins Avenue, Portsmouth, New Hampshire, 03801, (hereinafter "Grantor"),

for consideration paid, grants to **THE PROVIDENT BANK**, a Massachusetts savings bank with a mailing address of 5 Market Street, PO Box 37, Amesbury, MA 01915 (hereinafter "Grantee"),

AN EASEMENT FOR BUILDING ENCUMBRANCE OVER CITY OF PORTSMOUTH LAND, further bounded and described as follows:

A certain building encumbrance over land of the City of Portsmouth southerly of Hanover Street (a public way), easterly of and adjacent to land of The Provident Bank in Portsmouth, County of Rockingham, State of New Hampshire, said building encumbrance being shown as 'Proposed 140 +/- SF Easement Area Building Encumbrance Over City of Portsmouth Land' on a plan prepared by James Verra and Associates, Inc. and Altus Engineering, Inc., entitled, "Proposed Easement and Licensing Plan, "owner:" The Provident Bank", dated November 7, 2017, said plan is recorded at the Rockingham County Registry of Deeds as Plan _____, bounded and described as follows:

Beginning at the corner of said easement on the southerly side of Hanover Street at the northeast corner of land now or formerly of The Provident Bank said point bears South 53° 29' 09" West (NH State Plane Coordinate System) 31.28 feet from a found railroad spike at the northwest corner of land now or formerly of Bendetson Portsmouth Realty Trust and land of the City of Portsmouth on the southerly side of Hanover Street;

Thence over land of said City of Portsmouth on the following courses:

South 82° 45' 02" East 3.72 feet to a point;
South 39° 45' 02" East 106.68 feet to a point;
South 09° 44' 58" West 0.79 feet to a point at land of said Provident Bank;

Thence by land of said Provident Bank on the following courses;

North 39° 43' 49" West 30.74 feet to a point;
North 41° 09' 25 West 79.19 feet to the true point of beginning.

Said building encumbrance contains 140 S.F.

The purpose of this Easement is to permit the building over the property of the Grantee above the first story to encroach upon the easement area, as shown on the approved Plan referenced above. Said Easement to expire when the Building shown on the Plan no longer exists.

The granting of this Easement for Building Encumbrance was approved by a vote of the Portsmouth City Council on _____.

THIS IS NOT HOMESTEAD PROPERTY.

Signed this ___ day of _____, 2017.

City of Portsmouth

By: _____

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

Personally appeared this ___ day of _____, 2017, _____, duly authorized on behalf of the City of Portsmouth, who acknowledged that he executed the foregoing instrument as its free act and deed for the purposes contained herein.

Before me,

Notary Public

My commission expires:

SIDEWALK AND PARKING EASEMENT DEED

NOW COMES The PROVIDENT BANK, a Massachusetts savings bank with a mailing address of 5 Market Street, PO Box, 37, Amesbury, MA 01915 (hereinafter "Grantor"),

for consideration paid, grants to **THE CITY OF PORTSMOUTH**, a municipality whose address is 1 Junkins Avenue, Portsmouth, New Hampshire, 03801, (hereinafter "Grantee"),

A SIDEWALK AND PARKING EASEMENT over land of the Grantor as follows:

A certain easement of land lying on the easterly side of Maplewood Avenue and the southerly side of Hanover Street in Portsmouth, County of Rockingham, State of New Hampshire, said easement being shown as "Proposed 928 +/- SF Sidewalk and Parking Easement Over Land of Provident Bank" on a plan prepared by James Verra and Associates, Inc. and Altus Engineering, Inc., entitled, "Proposed Easement and Licensing Plan, "owner:" The Provident Bank", dated November 7, 2017, said plan is recorded at the Rockingham County Registry of Deeds as Plan_____, bounded and described as follows:

Beginning at the southwest corner of land of the Provident Bank and land of the City of Portsmouth on the easterly side of Maplewood Avenue, thence by Maplewood Avenue North 21° 47' 33" West (NH State Plane Coordinate System) 23.78 feet to a point at the proposed building as shown on said plan;

Thence by the proposed building as shown on said plan southeasterly, northeasterly, northerly and southwesterly 305 feet more or less to a point on the southerly side of Hanover Street;

Thence by Hanover Street North 53° 48' 25" East 66.25 feet to a point at land of the City of Portsmouth;

Thence by land of the City of Portsmouth on the following courses:

South 41° 09' 25" East 79.19 feet to a point;

South 39° 43' 49" East 34.30 feet to a point;

South 57° 59' 36" West 119.41 feet to the point of beginning.

Said easement contains 928 S.F. +/-.

The purpose of this **SIDEWALK AND PARKING EASEMENT** is to allow the Grantee to construct, reconstruct or maintain a Public Sidewalk, landscaping and associated Public Parking at 25 Maplewood Avenue, as shown on a entitled, “ _____ ”, prepared by _____, dated _____.

The granting of this Easement Deed was approved by a vote of the Portsmouth City Council on _____.

For reference to the Grantor’s title, see Deed of The Provident Bank recorded in Rockingham County Registry of Deeds, Book 5789, Page 624

THIS IS NOT HOMESTEAD PROPERTY.

Signed this ___ day of _____, 2017.

The Provident Bank

By: _____

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

Personally appeared this ___ day of _____, 2017, _____, duly authorized on behalf of The Provident Bank, who acknowledged that he executed the foregoing instrument as its free act and deed for the purposes contained herein.

Before me,

Notary Public

My commission expires:

UTILITY EASEMENT DEED

NOW COMES THE CITY OF PORTSMOUTH, a municipality whose address is 1 Junkins Avenue, Portsmouth, New Hampshire, 03801, (hereinafter "Grantor"),

for consideration paid, grants to **PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE d/b/a EVERSOURCE ENERGY**, Corporation duly established by law, with a mailing address of PO Box 330 , Manchester, New Hampshire, 03105, (hereinafter "Grantee"), and its successors, with QUITCLAIM covenants,

A UTILITY EASEMENT located at 25 Maplewood Avenue, Portsmouth, Rockingham County, New Hampshire, as follows:

A certain utility easement for the purpose of installing, maintaining and repairing an electricity transformer and associated improvements over land of the City of Portsmouth lying easterly of but not adjacent to Maplewood Avenue (a public way) and southerly of but not adjacent to Hanover Street (a public way) in Portsmouth, County of Rockingham, State of New Hampshire, said easement being shown as 'Proposed 176 SF Utility Easement' on a plan prepared by James Verra and Associates, Inc. and Altus Engineering, Inc., entitled, "Proposed Easement and Licensing Plan, "owner:" The Provident Bank", dated November 7, 2017, said plan is recorded at the Rockingham County Registry of Deeds as Plan _____, bounded and described as follows:

Beginning at the northeast corner of said easement, said point is the southeast corner of land now or formerly of The Provident Bank and bears South 53° 29' 09" West (NH State Plane Coordinate System) 31.28, South 41° 09' 25" East 79.19 feet and South 39° 43' 49" East 34.30 feet from a found railroad spike at the northwest corner of land now or formerly of Bendetson Portsmouth Realty Trust at land of the City of Portsmouth on the southerly side of Hanover Street;

Thence by land of the City of Portsmouth on the following courses:

South 38° 58' 06" East 16.50 feet to a point;
South 57° 59' 36" West 12.00 feet to a point;
North 30° 17' 38" West 16.39 feet to a point at land of said Provident Bank;

Thence by land of said Provident Bank North 57° 59' 36" East 9.51 feet to the true point of beginning.

Said easement contains 176 S.F.

The granting of this Easement Deed was approved by a vote of the Portsmouth City Council on _____.

For reference to the Grantor's title, see Deed of _____

THIS IS NOT HOMESTEAD PROPERTY.

Signed this ___ day of November, 2017.

City of Portsmouth

By: _____


STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

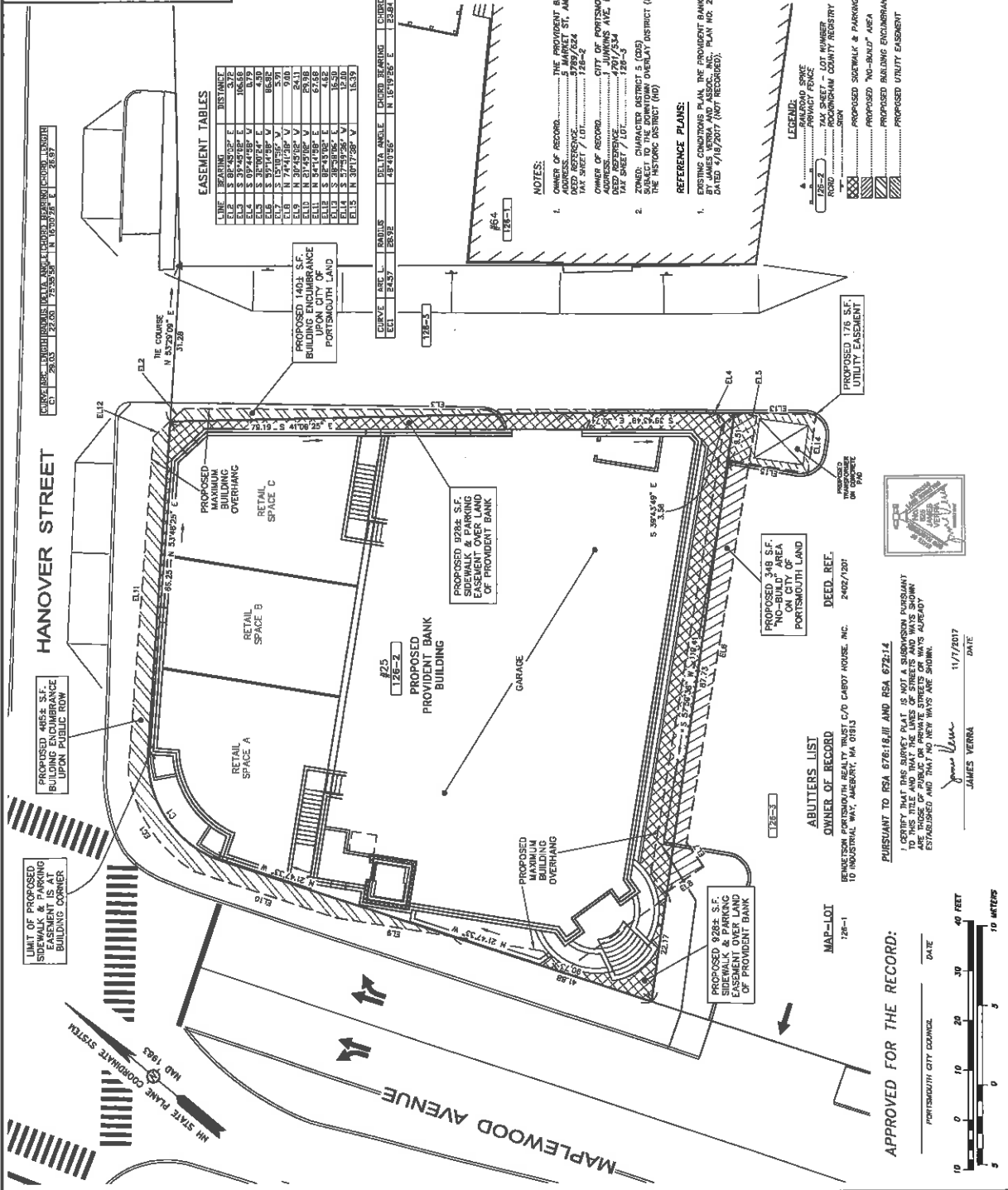
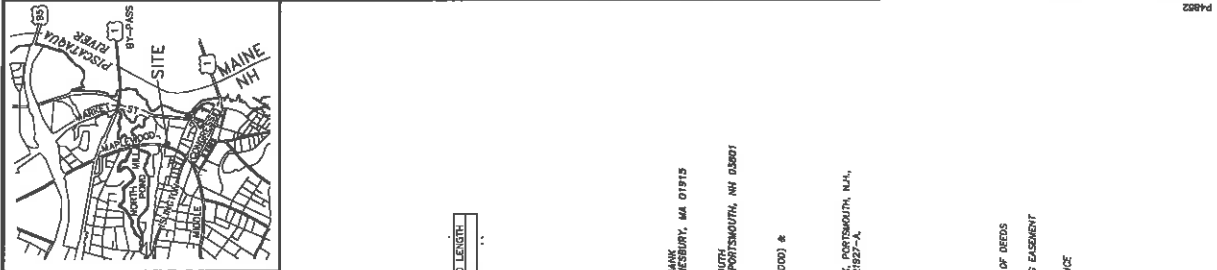
Personally appeared this ___ day of _____, 2017, _____, duly authorized on behalf of the City of Portsmouth, who acknowledged that he executed the foregoing instrument as its free act and deed for the purposes contained herein.

Before me,

Notary Public

My commission expires:

RECORD: James Verra and Associates, Inc. LAND SURVEYORS 101 SHUTTICK WAY - SUITE 2 NEWINGTON, N.H. 03801 - 7878 JOB NO: 2187-A PLAN NO: E107-42	ENGINEER:  ALTUS ENGINEERING, INC. 145 WINDY HOLLOW PORTSMOUTH, NH 03801 (603) 424-3388 WWW.ALTUS-ENG.COM	ISSUED FOR: INITIAL SUBMISSION ISSUE DATE: NOVEMBER 7, 2017 REVISIONS: BY DATE 0 N/A, SUBMITTED ENCL 11/7/17	DRAWN BY: JCS APPROVED BY: JAV DRAWING FILE: E107-42.DWG SCALE: 22" x 34" - 1" = 10' 11" x 17" - 1" = 20' OWNER: THE PROVIDENT BANK 5 MARKET STREET AMESBURY, MA 01815	ADDRESS: 25 MAPLEWOOD AVENUE, LLC C/O STEVEN WILSON 41 INDUSTRIAL DRIVE EXETER, N.H. 03833	ADDRESS: THE PROVIDENT BANK BUILDING 25 MAPLEWOOD AVENUE PORTSMOUTH, N.H. ASSESSOR'S PARCEL MAP 128-LOT 2
---	---	--	--	---	--



EASEMENT TABLES

LINE	BEARING	DISTANCE
E1.2	S 81°40'20" E	3.72
E1.3	S 37°17'20" E	10.65
E1.4	S 31°07'24" E	4.30
E1.5	S 31°14'06" V	0.54
E1.6	N 74°41'06" V	9.00
E1.9	N 30°45'06" V	24.11
E1.10	N 31°48'06" V	23.28
E1.11	S 82°45'06" E	4.82
E1.13	S 38°30'06" E	16.30
E1.15	N 30°11'26" V	15.39

CURVE	ARC	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
E1.1	E 24.37	89.56	48°40'58"	N 15°19'26" E	25.84

NOTES:

- OWNER OF RECORD: THE PROVIDENT BANK
 DEED REFERENCE: 9789/224
 ADDRESS: 5 MARKET ST. AMESBURY, MA 01815
 TAX SHEET / LOT: 128-2
- OWNER OF RECORD: CITY OF PORTSMOUTH
 DEED REFERENCE: 4701/324
 ADDRESS: 41 INDUSTRIAL DRIVE
 TAX SHEET / LOT: 128-3

ZONED: CHARACTER DISTRICT 5 (CDS)
 THE HISTORIC DISTRICT (HD)

REFERENCE PLANS:

- EXISTING CONDITIONS IN PL THE PROVIDENT BANK, PORTSMOUTH, N.H., BY JAMES VERRA AND ASSOC., INC. PLAN NO. 2187-A, DATED 4/18/2017 (NOT RECORDED).

LEGEND:

- RAILROAD SPUR
- PRIVACY FENCE
- EXISTING SIDEWALK
- EXISTING SIDEWALK OR DRIVEWAY
- PROPOSED SIDEWALK & PARKING ENCLOSURE
- PROPOSED "NO-BUILD" AREA
- PROPOSED BUILDING ENCLOSURE
- PROPOSED UTILITY EASEMENT

HANOVER STREET

PROPOSED PROVIDENT BANK BUILDING

GARAGE

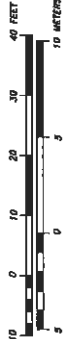
MAP--LOT 128-1

ABUTTERS LIST
 OWNER OF RECORD
 BENJAMIN PORTSMOUTH REALTY TRUST C/O CAROL HOUSE, INC.
 10 INDUSTRIAL WAY, AMESBURY, MA 01813

PURSUANT TO RSA 676:18, II AND RSA 672:14
 I CERTIFY THAT THIS SURVEY PLAN IS NOT A SUBDIVISION PURSUANT TO RSA 676:18, I, II AND III, NOR DOES IT AFFECT ANY RIGHTS OR INTERESTS IN REAL ESTATE ALREADY ESTABLISHED AND THAT NO NEW WAYS ARE SHOWN.

James Verra
 JAMES VERRA
 DATE: 11/7/2017

APPROVED FOR THE RECORD:
 PORTSMOUTH CITY COUNCIL
 DATE





120 GREAT STREET
PORTSMOUTH, NH 03801
PH: 603-438-3338
WWW.ALTUS-ENG.COM

APPROVAL
DATE: DECEMBER 5, 2017
REVISIONS
BY: DATE
NO. DESCRIPTION
1 11/26/17
2 12/05/17

DRAWN BY: JKH
APPROVED BY: JKH
DRAWING FILE: 032622.DWG
SCALE:
22' x 34' - 1" = 10'
11' x 17' - 1" = 20'

CLIENT:
THE PROVIDENT BANK
5 MARKET STREET
AMESBURY, MA
01815

APPLICANT:
25 MAPLEWOOD AVENUE, LLC
C/O STEVEN WILSON
41 INDUSTRIAL DRIVE
EXETER, N.H.
03833

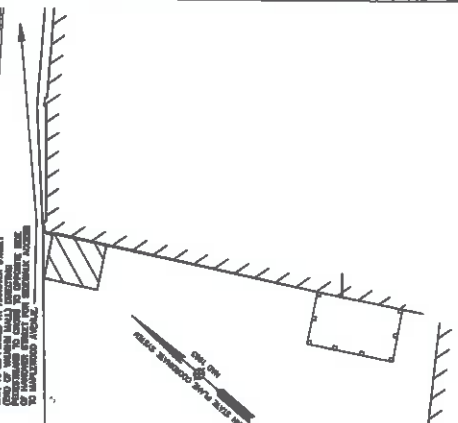
PROPOSED SITE DEVELOPMENT PLANS
25 MAPLEWOOD AVENUE
PORTSMOUTH, N.H.
ASSESSOR'S PARCEL MAP 128-LOT 2

TITLE:
CONSTRUCTION LICENSING PLAN

SHEET NUMBER:
1 OF 1

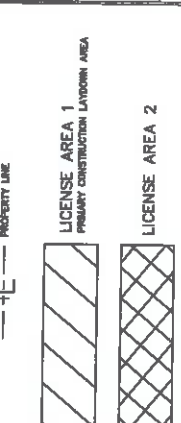


PRIMARY CONSTRUCTION TRAFFIC ROUTE



ONE TO BE PLACED AT MAINWAY STREET END OF MAPLEWOOD AVENUE TO MAINTAIN STREET TO MAINTAIN ACCESS TO IMPROVED SIDEWALK.

SEE SHEET 1 OF 1 (APPROVED SITE PLANS) FOR EXISTING FEATURES



NOTE: TEMPORARY IMPROVEMENTS FOR THE CONSTRUCTION OF THE PROPOSED BUILDING SHALL BE PERFORMED IN ACCORDANCE WITH THE CONSTRUCTION LICENSING PLAN AND SHALL BE IN ACCORDANCE WITH THE CONSTRUCTION LICENSING PLAN.



HANOVER STREET

MAPLEWOOD AVENUE

PROPOSED BUILDING
SEE ARCH. DWGS.

NOTE:
TRUCKS & PORT-OLLETS
SHALL BE LOCATED IN THE BUILDING ENVELOPE.

THE WINE SPACE AREA ON A PORTIONS THEREOF
AT A TIME PERIODS OF A FEW DAYS
AT A TIME PERIODS OF A FEW DAYS
COORDINATION W/ CITY PARKING DIVISION SHALL
TAKE PLACE PRIOR TO EACH USE.

CONTRACTOR TO INSTALL A FENCE ALONG
SIDE OF MAPLEWOOD AVENUE TO MAINTAIN
ACCESS TO IMPROVED SIDEWALK
AND TO BE LOCATED AT THE END OF EACH
BLOCK.

ONE TO BE PLACED AT MAINWAY STREET
END OF MAPLEWOOD AVENUE TO MAINTAIN
ACCESS TO IMPROVED SIDEWALK
AND TO BE LOCATED AT THE END OF EACH
BLOCK.

CONSTRUCTION TO MAINTAIN ACCESS TO IMPROVED SIDEWALK
AND TO BE LOCATED AT THE END OF EACH
BLOCK.

P14622

Event Listing by Date

Starting Date: 12/18/2017

Ending Date: 12/31/2018

Start End	Type Description	Location	Requestor	Vote Date
12/31/2017 12/31/2017	CELEBRATIC Barbara Massar is the contact for this event.	Market Square	Pro Portsmouth - First Night	8/21/2017
3/17/2018 3/17/2018	RACE Matt McFarland is the contact for this event mcfarland@rmdavis.com	TBD	St. Patrick School - Clover Ru	12/ 4/2017
3/25/2018 3/25/2018	ROAD RACE Donald Allison is the contact for this event.	Starts at Traip Academy in Kittery, ME thru town	Eastern States 20 Mile	12/ 4/2017
4/14/2018 4/14/2018	ROAD RACE Nick Diana is the contact for this event. This event begins and ends at New Castle Great Island Commons. The start is 9:00 a.m.	Starts and Ends at New Castle Commons	Nick Diana	6/19/2017
4/14/2018 4/14/2018	WALK Emily Christian is the contact for this event.	Little Harbour School - start and finish	National Multiple Sclerosis So	10/16/2017
5/ 6/2018 5/ 6/2018	FAIR Barbara Massar, Executive Director is the contact for this event. This event is Pleasant Street - State Street to Market Square; no parking on Market Street - Bow Street to Isle Shoals Steam Co. entrance. This event is from Noon to 4:00 p.m.	Downtown	Children's Day	8/21/2017
5/ 6/2018 5/ 6/2018	RIDE Contact: Melissa Walden, Associate of Development 207-624-0306 Cycle the Seacoast - First riders leaving Redhook Brewery at 7:00 a.m. and the last rider will be in around 3:00 p.m.		American Lung Association	8/21/2017
5/27/2018 5/27/2018	FUND Lilia-Potter-Schwartz is the contact for this event. This is a triathlon at begins at Portsmouth High School	Portsmouth High School	Education to All Children	11/20/2017
6/ 9/2018 6/ 9/2018	FESTIVAL Barbara Massar is the contact for this event. This event begins at 9:00 a.m. to 4:00 p.m.	Market Square	Market Square Day - Pro Portsm	8/21/2017
6/ 9/2018 6/ 9/2018	ROAD RACE Barbara Massar is the contact for this event. The road race starts at 9:00 a.m. in Market Square	Starts in Market Square	Market Square Road Race - Pro	8/21/2017
6/16/2018 6/16/2018	RACE Kaity Stanton, Special Events Manager is the contact for this event. Raindate: June 17, 2018	Pleasant Street	Big Brothers Big Sisters of NH	9/18/2017
6/23/2018 6/23/2018	ROAD RACE Contact: Stephanie Puls, Development Coordinator, Special Events spulis@komennewengland.org (774)-512-0403 This event begins and ends at Great Bay Community College	Great Bay Community College	Susan G. Komen New Hampshire R	10/ 2/2017

Event Listing by Date

Starting Date: 12/18/2017

Ending Date: 12/31/2018

Start End	Type Description	Location	Requestor	Vote Date
6/30/2018 6/30/2018	MUSIC Barbara Massar is the contact for this event. This event begins at 5:00 to 9:30 p.m.	Pleasant Street - Summer in the Street Music Serie	Pro Portsmouth	8/21/2017
7/7/2018 7/7/2018	FESTIVAL Barbara Massar is the contact for this event. This event is part of the Summer in Street Series. It begins at 5:00 to 9:30 p.m.	Downtown - Pleasant Street	Pro Portsmouth - Summer in the	8/21/2017
7/14/2018 7/14/2018	MUSIC Barbara Massar, Executive Director is the contact for this event. This event begins at 5:00 p.m. to 9:30 p.m.	Pleasant Street - Summer in the Street Music Serie	Pro Portsmouth	8/21/2017
7/21/2018 7/21/2018	MUSIC Barbara Massar is the contact for this event. The event begins at 5:00 p.,m. to 9:30 p.m.	Market Square - Pleasant Street	Summer in the Street Music Ser	8/21/2017
7/28/2018 7/28/2018	MUSIC Barbara Massar is the contact for this event. This event begins at 5:00 p.m. to 9:30 p.m.	Market Square - Pleasant Street	Summer in the Streets Music Se	8/21/2017
8/25/2018 8/25/2018	BIKE TOUR Emily Christian, Logistics Manager is the contact for this event.	Route 1A South	National Multiple Sclerosis So	11/20/2017



Portsmouth City Council Notice of Meeting

Please be advised that the City Council will be meeting on Wednesday, December 20, 2017 at 6:30 p.m. in the Eileen Dondero Foley Council Chambers regarding Development of McIntyre Property.

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

CITY OF PORTSMOUTH



City Opens Seasonal Boater Application Round for Prescott Park Docks

December 14, 2017

PORTSMOUTH – Applications for the seasonal boat slips at the Prescott Park docks will be accepted at the City of Portsmouth City Clerk’s Office from December 15th, 2017 through January 31st, 2018. Applications can be found on the City of Portsmouth’s website at <https://www.cityofportsmouth.com/prescottpark/prescott-park-docks>.

Each year 12 boat slips are made available for seasonal rental. Slips are first awarded to Portsmouth residents using a lottery system. If there are any remaining slips available after the Portsmouth Resident drawing, a second lottery is then held for non-residents. Notification will be sent out to all applicants who have been selected through the lottery drawings, which is scheduled for February 1st.

In addition, to the seasonal slip rental, dock space is also available in the Park for the boating public throughout the boating season. Additional information about rates and policies can be found at <https://www.cityofportsmouth.com/prescottpark/prescott-park-docks>.

ACTION ITEMS

PARKING and TRAFFIC SAFETY COMMITTEE MEETING

8:00 A.M. – December 7, 2017
City Hall – Conference Room A

MEMBERS PRESENT: Brad Lown, Chairman
John Bohenko, City Manager
Peter Rice, Director of Public Works
James Heinz, Deputy Fire Chief
Frank Warchol, Police Captain
Ted Gray, Vice Chairman
Members: Harold Whitehouse, Ronald Cypher, Shari
Donnermeyer and Mary Lou McElwain

CITY STAFF PRESENT: Eric Eby, Parking and Transportation Engineer
Benjamin Fletcher, Parking Director

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

Temporary Action Items requiring an ordinance during the annual omnibus:

Action Item: VI.B. – Approve 15-minute space at 33 Deer Street.

1. Accepted and placed on file meeting minutes from November 2, 2017.
2. Accepted and placed on file financial report (totals through October 31, 2017).
3. Public Comment: Two Speakers: Robert Najjar and Charles McMahon
4. (VI.A.) **Action Item:** Request for NO PARKING on Dennett Street at Hunters Hill Avenue, by Cheryl Coviello. – **VOTED** to have staff collect data, evaluate, and report back at the next meeting.
5. (VI.B.) **Action Item:** Request for 15-minute space at 33 Deer Street, by NH iPhone Repair. – **VOTED** to approve the request for a 15-minute space at 33 Deer Street.

VOTED to review 15-minute spaces to determine the appropriate length of time for short-term spaces.

6. (VI.C.) **Action Item:** Request for NO PARKING near 30 Brewster Street, by Kelly Hurd. – **VOTED** to have staff collect data, evaluate, and report back.

Public Comment. One Speaker: Thomas Hudson

7. (VII.A.) **Action Item:** Report back on traffic not yielding to pedestrians in crosswalk on Middle Road at Essex Avenue. – **VOTED** to increase the visibility of the crosswalk by repainting and lengthening the existing 6 ft. stripes to 8 ft. to make it appear larger to approaching motorists.
8. (VII.B.) **Action Item:** Report back on request for an In-Street Pedestrian Crossing Sign at the existing crosswalk on Borthwick Avenue at Greenland Road. – No action required by the Committee.

9. Public Comment: No Speakers.

10. Adjournment – At 8:55 a.m., **VOTED** to adjourn.

Respectfully submitted by:

Amy Chastain
Secretary to the Committee

MEETING MINUTES

PARKING and TRAFFIC SAFETY COMMITTEE MEETING

8:00 A.M. – December 7, 2017
City Hall – Conference Room A

I. CALL TO ORDER:

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

II. ROLL CALL:

Members Present:

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

Staff Advisors Present:

Parking and Transportation Engineer, Eric Eby
Parking Director, Benjamin Fletcher

III. ACCEPTANCE OF THE MINUTES:

Harold Whitehouse moved to accept the meeting minutes of November 2, 2017.
Seconded by Ted Gray. **Motion passed 9-0.**

IV. FINANCIAL REPORT:

Public Works Director Rice moved to accept the financial report dated October 31, 2017.
Seconded by Harold Whitehouse. **Motion passed 9-0.**

Harold Whitehouse asked about free parking for the holiday season. The Committee was informed that on-street and public lot parking would be free beginning Monday, December 18th, through Sunday, December 24th.

V. PUBLIC COMMENT:

Robert Najar presented a handout to the Committee titled, "Driving for a Pleasant Portsmouth Campaign". He stated he was inspired by Mr. Whitehouse's idea for a pace car and bumper

sticker. He outlined his concept and goals. They included: driving the posted speed limit, looking for opportunities to extend courtesies, slowing down around children, cyclists and pedestrians, avoiding using vehicle horns and encouraging others to adopt these practices and attitudes. He suggested distributing bumper stickers to participants. He also suggested meeting with the parent-teacher associations (PTAs) to encourage participation. City Manager Bohenko recommended referring this topic to City staff for discussion and evaluation. He thanked Mr. Najjar for presenting his ideas.

Charles McMahon thanked City staff and Committee members for attending the November 30th public meeting on the Echo Avenue Neighborhood. He stated the neighborhood residents continue to support any action that would remove vehicle access to Echo Avenue from the Spaulding Turnpike.

VI. NEW BUSINESS:

A. Request for NO PARKING on Dennett Street at Hunters Hill Avenue, by Cheryl Coviello. Eric Eby stated a site visit was conducted on Tuesday, December 5th. Cars were parked on Dennett Street in the area of interest. Originally, a NO PARKING HERE TO CORNER sign was to be posted according to state law, twenty (20) feet from the corner. However, poor sight lines and limited visibility extend beyond twenty (20) feet. Eric Eby recommended collecting additional data on sight line distance and vehicle speeds to determine the additional NO PARKING area needed.

Shari Donnermeyer and Mary Lou McElwain expressed support for increasing the area for NO PARKING due to safety issues.

Harold Whitehouse moved to have staff collect data, evaluate, and report back at the next meeting. Seconded by Shari Donnermeyer. **Vote 9-0, to have staff collect data, evaluate, and report back at the next meeting.**

B. Request for 15-minute space at 33 Deer Street, by NH iPhone Repair. Eric Eby stated the owner of NH iPhone Repair made the request. A site visit was conducted on Tuesday, December 5th. The area was fully parked on Tuesday morning and is in the high occupancy metered parking zone. He stated the parking spaces are 3-hours maximum. The Committee approved the removal of one 15-minute space in front of 22 Deer Street at the February 2, 2017, meeting. City Manager Bohenko supported the request for a 15-minute space to encourage downtown retail businesses.

Ronald Cypher stated there were ample spaces on Deer Street and patrons could walk to the business. Mr. Cypher motioned to deny the request for a 15-minute space at 33 Deer Street. Seconded by Harold Whitehouse.

Mary Lou McElwain asked if an inventory of 15-minute spaces could be completed due to the number of requests for 15-minute spaces. The Committee discussed extending some 15-minute spaces to 20 and/or 30 minutes. Parking Director Fletcher stated the IPS meters could be adjusted from 15 minutes to 20 or 30 minutes. Public Works Director Rice commented that the

15-minute meters could be reprogrammed to the 3-hour rate when businesses closed. Signage would be needed to explain the transition from the short-term rate to long-term rate.

Ronald Cypher stated that the hydrant in front of 33 Deer Street prohibits patrons from parking directly in front of it and they would need to walk from another meter to get to the business. He reaffirmed his motion to deny the request. Public Works Director Rice supported the request because a 15-minute space previously existed across the street until earlier this year.

Harold Whitehouse motioned to table the request for a 15-minute space at 33 Deer Street to allow staff time to report back at the next meeting. Seconded by Ted Gray.

Public Works Director Rice stated the question about metered time could be addressed separately from the request for a 15-minute space. He supported the request for a space and would not support the motion to table. Deputy Fire Chief Heinz also expressed support for a 15-minute space at 33 Deer Street.

Vote 2-7, to table the request for a 15-minute space at 33 Deer Street to allow staff time to report back at the next meeting. The motion failed. Harold Whitehouse and Ted Gray voted to table the request.

Vote 1-8, to deny the request for a 15-minute space at 33 Deer Street. The motion failed. Ronald Cypher voted to deny the request.

Shari Donnermeyer moved to approve the request for a 15-minute space at 33 Deer Street. Seconded by Public Works Director Rice. **Vote 8-1, to approve the request for a 15-minute space at 33 Deer Street.** Ronald Cypher voted opposed.

City Manager Bohenko moved to review 15-minute spaces to determine the appropriate length of time for short-term spaces. Public Works Director Rice seconded. **Vote 9-0, to review 15-minute spaces to determine the appropriate length of time for short-term spaces.**

C. Request for NO PARKING near 30 Brewster Street, by Kelly Hurd. Eric Eby stated the area is near the former Brewster Street rooming house. The roadway was reconstructed this fall. The street is narrow and only allows for parking on one side, which can hinder vehicles exiting from driveways. He stated parking is at a premium in the area.

City Manager Bohenko motioned to suspend the rules to allow for public comment. Seconded by Public Works Director Rice. **Vote 9-0, to suspend the rules to allow for public comment.**

Thomas Hudson thanked the Committee for visiting the site on Tuesday. He supported the NO PARKING area. He expressed concern about the narrow roadway, regarding emergency vehicle access, and vehicles parking away from the curb due to snow.

Eric Eby recommended collecting data, evaluating the area and reporting back with findings. City Manager Bohenko concurred. He also requested City staff work with the neighborhood on the issue.

Shari Donnermeyer moved to have staff collect data, evaluate and report back. Seconded by Harold Whitehouse. **Vote 9-0, to have staff collect data, evaluate and report back.**

Chairman Lown presented Vice Chair Ted Gray with a plaque commemorating his service on the Parking and Traffic Safety Committee. He served from March 1994 to December 2017. The Committee recessed for a reception for Chairman Lown and Vice Chair Gray. This was their final meeting on the Committee.

VII. OLD BUSINESS:

A. Report back on traffic not yielding to pedestrians in crosswalk on Middle Road at Essex Avenue. Eric Eby stated City staff visited the site to observe traffic conditions and collected data on traffic volume, speeds, sight lines and pedestrian usage of the crosswalk. He stated the greatest number of pedestrians observed was 7 pedestrians in one hour. The average vehicle speed was measured at 31 mph, with a posted speed limit of 30 mph. There are two advance warning signs for the crosswalk in each direction on Middle Road. He stated the white crosswalk bars on the pavement are very narrow. He recommended that the visibility of the crosswalk be enhanced by repainting and lengthening the existing stripes to make it appear larger to approaching motorists. This work would be done when weather permits.

Harold Whitehouse moved to increase the visibility of the crosswalk by repainting and lengthening the existing 6 ft. stripes to 8 ft. to make it appear larger to approaching motorists. Seconded by Shari Donnermeyer. **Vote 9-0, to increase the visibility of the crosswalk by repainting and lengthening the existing 6 ft. stripes to 8 ft. to make it appear larger to approaching motorists.**

B. Report back on request for an In-Street Pedestrian Crossing Sign at the existing crosswalk on Borthwick Avenue at Greenland Road. Eric Eby stated Cindy Fessenden requested a sign at the crosswalk at the November 2nd meeting. He stated there was concern that large trucks would hit it due to the 90 degree curve of the roadway. A sign was installed at the crosswalk and remains intact. He stated he would continue to monitor it. No action required by the Committee.

VIII. PUBLIC COMMENT:

No public comment.

IX. MISCELLANEOUS:

City Manager Bohenko thanked Chairman Lown for his leadership and service to the Committee and citizens. Committee members concurred.

City Manager Bohenko informed the Committee that a Chairman would be elected at the January 4, 2018, meeting.

X. ADJOURNMENT – at 8:55 a.m., **VOTED** to adjourn.

Respectfully submitted by:

Amy Chastain
Secretary to the Committee