

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: TUESDAY, JANUARY 16, 2018 TIME: 6:00PM

AGENDA

- 6:00PM – NON PUBLIC SESSION IN ACCORDANCE WITH RSA 91-A:2, I (a) REGARDING STRATEGY OR NEGOTIATIONS WITH RESPECT TO COLLECTIVE BARGAINING – THE ASSOCIATION OF PORTSMOUTH TEACHERS TENTATIVE AGREEMENT
- 6:15PM – WORK SESSION RE: FY19 BUDGET GUIDELINES

I. CALL TO ORDER

II. ROLL CALL

III. INVOCATION

IV. PLEDGE OF ALLEGIANCE

- Approve City Council Rules and Orders
- Ratify City Council Policies and Procedures
- Ratification of Blue Ribbon Committees
- Code of Ethics Lot Drawing for City Council Representative

PRESENTATION

1. Presentation of Comprehensive Annual Financial Report (CAFR) – Scott McIntire, Melanson & Heath <http://files.cityofportsmouth.com/finance/cafr17.pdf>

V. ACCEPTANCE OF MINUTES – DECEMBER 4, 2017; DECEMBER 18, 2017; DECEMBER 20, 2017 AND JANUARY 2, 2018

VI. PUBLIC COMMENT SESSION

VII. APPROVAL OF GRANTS/DONATIONS

- A. Donation to Portsmouth Police Department from Newburyport Five Cent Savings Bank – \$500.00 (**Sample motion – move to accept and approve the donation to the Portsmouth Police Department, as listed**)

VIII. CONSENT AGENDA

(ANTICIPATED ACTION - MOVE TO ADOPT CONSENT AGENDA)

- A. Letter from Jeremiah Gould, Runner's Alley requesting permission to hold the 21st Annual Runner's Alley/Redhook Brewery Memorial 5k on Sunday, May 27, 2018 at 11:00 a.m. (**Anticipated action – move to refer to the City Manager with power**)

IX. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. (See E-mail Correspondence)
- B. Letter from Richard Ade and Daniel Plummer, Ocean Properties & Two International Group reiterating their interest in the McIntyre Project
- C. Letter from Mayor Thomas Koch, City of Quincy, Massachusetts regarding the McIntyre Project
- D. Letter from Mayor Joseph Curtatone, City of Somerville, Massachusetts regarding the McIntyre Project
- E. Letter from Thomas Coakley regarding Police Commission Vacancy
- F. Letter from Mayor Brian Arrigo, City of Revere regarding the McIntyre Project
- G. Letter from Jim Splaine regarding various issues

X. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

City Manager's Items Which Require Action:

- 1. Request for Action regarding McIntyre Property
- 2. Report Back from Planning Board Re: Paper Street Request for 170 Swett Avenue
- 3. Request for First Reading of Ordinances Re: Charter Amendment Drafts
- 4. Proposed Acquisition of Bellamy Reservoir Source Water Protection Land Conservation Easement with the Southeast Land Trust
- 5. Establish Work Session Re: Residential Parking
- 6. Request to Establish Guidelines for FY19 Budget

City Manager's Informational Items:

- 1. Events Listing
- 2. Capital Improvement Project Work Session – January 29th

B. MAYOR BLALOCK

1. Appointment of Steering Committee Members for McIntyre
McIntyre Public Input Blue Ribbon Steering Committee Charge & Appointments

Guided by the City Council's Public Input Process, the 7 member Steering Committee's charge is to sponsor, oversee and implement a public input process in coordination with the City staff; second, assemble the priorities and principles resulting from the process and report back to the City Council. The input will be used in the crafting of successful application to the National Park Service to transfer of the property from the General Services Administration (GSA) to the City under the Historic Monument Program. The Committee's work should be completed by April 9, 2018.

2. Police Commission Vacancy (*See attached memorandum from City Attorney Robert Sullivan*)

Option #1

The City Council may determine to follow the provisions in the Municipal Charter under which Reverend Arthur Hilson would automatically accede to fill the position created by the resignation of Joseph Plaia. In this case the City Clerk would swear in Reverend Hilson. A court challenge might then arise, initiated by either the State of New Hampshire or any other person who feels that Reverend Hilson is not entitled to the position as a matter of law.

Option #2

As in 2015 the City Council could determine to acquiesce to the position advanced by the Office of the Attorney General and disregarding the Municipal Charter in favor of following the provisions of RSA 105-C:3. Under this option the City Council would fill the vacancy on the Police Commission by appointing an individual to serve until the next regular municipal election.

3. Appointments to be Considered:
 - Reappointment of Lawrence Cataldo to the Neighborhood Steering Committee
 - Reappointment of Paul Mannle to the Neighborhood Steering Committee
 - Reappointment of Jeffrey Kisiel to the Planning Board
 - Reappointment Jay Leduc to the Planning Board
 - Appointment of Steve Gray to the Cable Television & Communications Commission
 - Appointment of Peter Weeks to the Trustee of the Trust Funds
4. Information Only City Council Schedule 2018
5. Information Only Board & Commission Assignments for City Council

C. COUNCILOR ROBERTS

1. New Sources of Revenue

D. COUNCILOR PEARSON

1. Revisit Proposal to Improve Civic Engagement

E. COUNCILOR DENTON

1. *Safe Station (*Motion – For City Staff to begin exploring and report back on the potential need, associated costs, and steps required to set up a ‘Safe Station’ in Portsmouth*)

F. COUNCILOR PERKINS

1. Previous City Council Rule #47 – Appointments to Boards and Commissions: Unless otherwise required by statute or ordinance, the Mayor Shall not bring forward for re-appointment to any Board or Commission the name of any person who shall have served ten (10) or more consecutive years on the same Board or Commission prior to the effective date of the requested reappointment.

XI. MISCELLANEOUS/UNFINISHED BUSINESS

XII. ADJOURNMENT

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

**Indicates Verbal Report*

INFORMATIONAL ITEMS

(There are no Informational Items on Agenda this evening)

FY 2019 BUDGET SCHEDULE

September 2017

21 Thursday 7:00 PM Planning Board Meeting - Presentation on CIP Process and Schedule

October 2017

13 Friday Citizen Submission Deadline for CIP Projects

November 2017

3 Friday Departments Submission Deadline for CIP Projects
 16 Thursday 6:30 PM Planning Board Public Information Meeting on CIP
 29 Wednesday 8:30 AM Joint Budget Committee Meeting #1

December 2017

6 Wednesday 11:00 AM CIP Advisory Committee meets with Departments - *Prioritize Capital Requests*
 13 Wednesday 8:00 AM Joint Budget Committee Meeting #2

January 2018

2 Tuesday 7:00 AM **City Council Meeting - New City Council Innauguration**
 16 Tuesday 7:00 PM **City Council Work Session - Establish Budget Guidelines**
 18 Thursday 7:00 PM Planning Board Meeting - Adoption of the CIP - *CIP Presentation*
 23 Tuesday 7:00 PM School Board Public Hearing #1 on the proposed budget
 29 Monday 6:30 PM **City Council Work Session on CIP - CIP Presentation**

February 2018

13 Tuesday 5:30 PM * Fire Department Public Hearing on the proposed budget
 13 Tuesday 7:00 PM School Board Public Hearing #2 on the proposed budget
 14 Wednesday 7:00 PM Police Commission Public Hearing on the proposed budget
 20 Tuesday 7:00 PM **City Council Meeting**- Public Hearing on the CIP - *No presentation*
 - *See presentation recorded from the January 29th City Council Work Session*

March 2018

5 Monday 7:00 PM **City Council - Adoption of the CIP**

April 2018

25 Wednesday Proposed Budget document to be submitted to the City Council

May 2018

2 Wednesday 6:30 PM **City Council Meeting - Public Hearing on Budget**
 9 Wednesday 6:30 PM **City Council Work Session - Public Safety (Police and Fire) Budget Review/Listening Session**
 10 Thursday 6:30 PM **City Council Work Session - School Department Budget Review/Listening Session**
 14 Monday 6:30 PM **City Council Work Session - General Government Departments/Listening Session**
 16 Wednesday 6:30 PM **City Council Work Session - Water and Sewer Departments/Listening Session**
 23 Wednesday 6:30 PM ** **City Council Work Session - Budget Review**
 30 Wednesday 6:30 PM ** **City Council Work Session - Budget Review Follow Up (if necessary)**

June 2018

4 Monday 7:00 PM **City Council Meeting - Adoption of Budget**

All Meetings, Work Sessions, and Public Hearings will be held in the Eileen Dondero Foley Council Chambers with the exception of the following:

* Fire Station 2 (3010 Lafayette Road)

** Conference Room A - City Hall (1 Junkins Ave)

All Meetings, Work Sessions, and Public Hearings will be recorded and televised on Channel 22, as well as available through the City's YouTube Channel and the City Website.

MINUTES

JOINT BUDGET COMMITTEE MEETING (JBC)

CITY OF PORTSMOUTH, NEW HAMPSHIRE

1 JUNKINS AVENUE

DATE: Wednesday, December 13, 2017

TIME: 8:00 A.M.

Eileen Dondero Foley Council Chambers

Municipal Complex

Present:

Voting Members: Mayor Jack Blalock, City Councilors – Chris Dwyer and Rebecca Perkins; School Board Members – Ann Walker and Kristin Jeffrey; Fire Commission Member – Jennifer Matthes; Police Commission Member – Joe Plaia

Non-voting Ex-officio Members: City Manager John P. Bohenko; Finance Director Judie Belanger; Superintendent of Schools Steve Zdravec; Fire Chief Steven Achilles; Police Chief Robert Merner

I. Call to Order – Mayor Jack Blalock, Chair, JBC

Mayor Jack Blalock called the JBC meeting to order at 8:05 a.m.

II. Approval of Minutes of November 29, 2017

City Manager Bohenko moved to approve the November 29, 2017 JBC meeting minutes, and Councilor Dwyer seconded. The motion passed unanimously.

III. Opportunity for Elected Officials' Comments (Non-JBC Members)

Mayor Blalock gave elected officials (Non-JBC members) an opportunity to speak. Seeing no one rise, he turned the floor over to City Manager John Bohenko.

IV. Review of Preliminary 2019 Budget – (City Manager John Bohenko and Finance Director Judie Belanger)

He also gave a background of what the JBC had done the year before. In not wanting the departments to raise their operating budgets by more than 4%, any new initiatives – including new staffing or any new items outside the usual budget – were detailed in a separate memorandum. The City Manager then presented to the City Council a status quo budget that did not increase or decrease services. He suggested the JBC have that same discussion this year, as that worked well in the previous year. He added that the overall budget increase for last year for both operating and non-operating sides of the budget was about 1.85%.

Mayor Blalock agreed with the City Manager's suggestion, and asked the JBC to consider having the departments present their status quo budgets and to separate any additions.

Councilor Dwyer asked about timeframe, and City Manager Bohenko clarified the logistics. He said last year the JBC made the recommendation, and City Council agreed with that. When he sent his memorandum to the department heads, he asked them to put together a similar budget to the prior year, with the new staff or initiative request documented separately. The Council was able to determine cost increases with a status quo budget and identify what it would mean to add new staff or a new initiative. The City Manager said he was able to clarify in the work sessions the details of new requests.

Councilor Dwyer agreed it was logical but it confused new Councilors last year. She said it was a good idea but it was important to make sure everyone was on the same page.

City Manager Bohenko responded that there would be a more extensive work session series this year with departments covered on different nights, and new initiatives would be identified early on. Mayor Blalock agreed and said work sessions focusing on one department at a time would hopefully eliminate confusion and late hour additions.

Councilor Dwyer emphasized they were also asking departments to take hard looks at efficiencies and potential reductions so the term status quo was misleading.

The City Manager agreed and said he would talk to departments about potential adjustments to their budgets. It was important to note the City had already started doing this with the Capital Improvement Plan (CIP). He gave an example of reallocating resources due to new federal mandates regarding storm water requirements. He told departments if they can stay within their budgets and reallocate resources, it would be acceptable. He said he would address that, and the Mayor said the City would revisit that.

Finance Director Belanger began the presentation on the preliminary FY19 budget, which will run from July 1, 2018 through June 30, 2019. She said they worked with the departments to come up with the numbers, but there was still work to be done.

She summarized the long term financial policies that she presented at the first JBC meeting of November 29, 2017 and recapped that the total budget is made up of both the operating and non-operating sides. She specified that the focus at this second meeting was the operating side of the budget, which includes all the services provided by the municipal departments, Fire, Police and School.

The Finance Director said there were still nine unsettled contracts for the 16 Collective Bargaining Units, so they would discuss collective bargaining contingencies that might need to be budgeted in.

She shared that the COLA number has not come out yet, but she expected it this week. She said all the preliminary numbers presented were utilizing the 2% for COLA adjustments for any contracts that are settled.

She said the retirement rates are the same as last year, but retirement would be adjusted by any COLA adjustments or increases associated with the contracts. She said they used the 10-year rolling average, and each department was asked to budget 5.47% in their operating budget.

Finance Director Belanger said they have kept Leave at Termination stable for the last couple of years but they will look at that and Health Insurance before putting together the final budget.

The increase for workers compensation is 6% overall for City-wide but 4.9% is the overall increase for the general fund, so each department utilized these numbers presented to them within their operating budget.

There were some impacts to the General Government side of the budget due to COLA, Health, Dental and Retirement increases, Operating expenses and legal fees. So the General Government budget is 2.6%, but PMA, SMA and non-union employees are not included in this budget as far as COLA adjustments are concerned. So if collective bargaining funds of \$112,000 are added, it will bring the General Government budget to 3.18%.

The Finance Director said the Police Department budget is coming in at 3% without collective bargaining. Police has three contracts that expire on June 30th, so they are looking at a collective bargaining contingency of \$167,000, or 4.5% with collective bargaining. Last year Police had two positions to fill, and it was recommended they fill those mid-year. This year Police will fund those positions for a full 12 months, which had an impact on the budget. A reduction of \$40,000 from Parking and Transportation also impacted the Police budget.

For the Fire department all the contracts are settled through 2019, so no collective bargaining contingencies are needed. That operating budget is coming in at 3.1%. The Fire Department also has impacts due to COLA, Health, Dental, Retirement increases and a reduction from Parking & Transportation of \$25,000.

The School Department has contracts for Administrators, Teachers, Clericals, and Custodial Supervisors that will end at end of this fiscal year, and those contracts are still unsettled. They are looking at a collective bargaining contingency of a little over \$600,000. The School Department operating budget is coming in at 4% without the collective bargaining contingency. They have the same impacts as Fire and Police, but they also have increases in Special Education costs. Maintenance costs associated with the high school and middle schools are also increasing, and a reduction in the Parking and Transportation transfer of \$50,000. They utilized a \$150,000 transfer last year so the City is reducing that over a three year period. Increases are coming in at 4% and with additional collective bargaining contingencies a little over 5%.

The Total Operating Preliminary Budget is coming in at 3.5% which also includes a transfer to the indoor pool of \$150,000. Last year there was a transfer to Prescott Park of a little over \$30,000, and this year there will be a \$10,000 increase to that, so it is also included in the operating budget. With collective bargaining the City is looking at a 4.5% increase over last year.

On the Non-Operating side of the budget, there are some large increases, but as the City Manager said earlier, the City can look at the high increases like rolling stock and IT equipment replacement. This also includes a county tax increase of 6.6%. That number is not given to the City until later in the budget process, but it is important to ensure enough funding for that. Overall, the operating side of the budget is 10%.

City Manager Bohenko stated that on capital outlay, for example, the City tries to have a goal of 2% of the prior year's budget.

Finance Director Belanger said the combined preliminary budget on the operating side is 3.5% without a collective bargaining contingency, and on the non-operating side 10.2% -- so a 5% overall increase. Including the collective bargaining contingencies results in a 5.8% overall budget increase.

Councilor Dwyer asked for clarification on if the changes are not yet included and if these numbers are worst case scenarios, and City Manager Bohenko said that was correct.

V. Set Goals for Recommendation of Operating Budget Guidelines to the City Council

The City Manager asked the Mayor to describe how they are setting goals and asked the JBC to direct him on how to proceed.

Mayor Blalock described that the City was asking departments for a budget that is not cutting people, and not cutting services. In addition to that, each department should produce a separate document which would define any new initiatives, and both scenarios would be addressed simultaneously. If a new person or service is to be added, the City either adds more money or makes a cut somewhere. He said they also want to establish a goal for department heads to come back with.

City Manager Bohenko reminded the JBC about the public hearings for various departments prior to the budgets getting to the City Council and said those may be televised. He wanted to make sure everyone was on board with the schedule before adjourning the JBC meeting.

Councilor Dwyer commented there is a higher than typical collective bargaining contingency that they will have to allow for. She would recommended 3.25% as a number for departments to be working with. City Manager Bohenko asked for clarification on if Councilor Dwyer meant the 3.5% or the 5.8% with collective bargaining. Councilor Dwyer said she was looking at collective bargaining separately. Her recommendation was for the Operating budget to be in the 3-3.25% range as a starter.

Fire Chief Achilles said these numbers are preliminary and the Fire Department is still trying to calculate health care changes due to family status changes. He added that the 3.1% is preliminary and he said he thought the department was within the 3.25%

City Manager Bohenko said it is a working document, it is still important to have a goal, and this would be a reasonable goal to have.

Mayor Blalock agreed it was good to establish a goal, but it may be putting too much pressure on the School Department. He does not want to see any services cut, and the biggest part of the budget is the School Department. He said he was thinking more about 4% because 3.25% is aggressive. Mayor Blalock is hoping to see an enhancement of services and personnel. The people of the City have great ideas. The majority of them are pleased with what the City does, but many times they are looking for that one more thing.

Councilor Dwyer said she appreciates what Fire Chief Achilles said, but she did not intend for the 3.25% to be a ceiling. For instance, the School Department may not be able to make up the

\$150,000 for transportation. Having a goal does not mean the City is cutting services – it means taking a hard look at all the lines.

City Manager Bohenko requested some direction from the JBC. If the operating budget is capped at 3.25% before non-operating and Collective Bargaining are inserted, and the overall budget is capped at a total of 4%, he thinks that would work. He would then work to reduce that end of the budget on the non-operating side, and they would have to sharpen their pencils on the collective bargaining side. He summarized that he is thinking 3.25% on the operating side, with 4% overall including non-operating and collective bargaining.

Mayor Blalock agreed with that approach.

Councilor Dwyer said she was not talking 4% overall.

Chief Merner had a question on if the 3.25% was inclusive of the bargaining agreements, but the City Manager had already answered his question. City Manager Bohenko said 3.25% was before collective bargaining.

Councilor Perkins said she would like to see the departments' budgets and what they need to provide their services. She would also like to see the policy driving those decisions, and would like that to be transparent to the Council in order to understand what those concerns are that are driving the numbers.

City Manager Bohenko recapped from earlier in the meeting. During the individual work sessions the departments would come in with proposals separate from their budget if they are going over and above the budget. The Council would look at that in the work sessions. If everyone liked that approach, the City Manager can include that in the budget memorandum to the department heads when the time comes.

Superintendent Zdravec appreciates the collaborative work done with the City Manager and said he thinks having a goal is a good thing, provided they can have a conversation as to what their services would look like. The reality is the School Department has a drastic reduction in outside funds that they can expect. It is costing them significantly more to keep the same amount of services. The School Department is meeting to look at shifting things. They are comfortable with the budget guideline, with the understanding they want to keep the same level of personnel and services.

City Manager Bohenko suggested Superintendent Zdravec communicate the loss of funds to the Council. As federal money goes away and it is folded into the general fund, it affects the tax rate, and the population needs to know certain federal or state money no longer exists. He said they can track how it affects the City and should educate the City Council on those issues, as a certain advocacy may come out of that.

Mayor Blalock agreed and said the budget process is complex, as is the relationship between the budget and funding sources. They need to match up eventually, but the JBC meeting is about the budget.

City Manager Bohenko added that when the JBC hold these meetings, the City does not have the impact of the revenue side because those numbers are not yet available. He asked the School

Department and the Superintendent to provide a list of funding that has changed to inform people. He said this was also happening with the Public Works budget due to a storm water management mandate coming down.

Mayor Blalock said the City Council will hold a work session on January 16, 2018 to establish budget guidelines. The JBC meets to develop a recommendation to give to Council.

Councilor Dwyer asked if the JBC needs to set an overall budget guideline at this point or if that was the Council's work. City Manager Bohenko would like to see the operating side of the budget have some target, then afterwards talk about items new to budget.

Mayor Blalock said it would be helpful to the Council to present a recommendation from the JBC.

Councilor Perkins said she agreed with having a target, but suggested leaving the budget goal to the Council. She has heard from the public that the City needs to watch the budget. There will be hard choices this year, and it is important to stay transparent.

City Manager Bohenko explained how he views what has been said: First he intends to work with department heads to maintain an operating budget under the 3.5% and get down to the goal of 3.25% without the collective bargaining. The next step would be working on adjustments with department heads on the non-operating side of the budget to bring the number down. Then finally, work on collective bargaining, but it will be up to the Council to decide where to go with that. He said he believes he has the direction he needs and asked if everyone understood the process.

Mayor Blalock said this is a chance to weigh in.

School Board Member Kristen Jeffrey asked when the work sessions are, and City Manager Bohenko answered May. He referred to the FY 2019 Budget Schedule, and clarified that early on, the School Board has two public hearings in January and February. That would be the School's opportunity to explain their concerns. Then at the work session in May, the School Department could have it culled down to what to present to Council.

City Manager Bohenko reviewed the FY2019 budget schedule, which will be posted on the website. Going forward the City Manager would like to provide a memorandum on January 16, 2018 to the Council to explain what was discussed at the JBC meeting and to provide preliminary numbers. He asked for any schedule changes from departments.


IX. Adjournment

The meeting adjourned at 8:55

Respectfully submitted,
Marian Steimke, Recording Secretary

**CITY OF PORTSMOUTH
PORTSMOUTH, NH**

Office of the City Manager

TO: Honorable Mayor Jack Blalock and City Council Members
FROM: John P. Bohenko, City Manager 
DATE: January 3, 2018
SUBJECT: Rules and Orders of the Portsmouth City Council

Attached are the existing Rules and Orders of the City Council for your review and consideration. The City Council is required to take action on these at its January 16, 2018 meeting.

If you should have any questions, please do not hesitate to contact me.

cc: Kelli L. Barnaby, City Clerk

Adopted with no further revision January 4, 2010.
Adopted with amendment to Rule 23 January 17, 2012
Adopted with amendment to Rule 23 January 13, 2014
Adopted with amendment to Rule 4, 7, & 37 January 25, 2016



RULES AND ORDERS

OF THE

PORTSMOUTH CITY COUNCIL

REVISED RULES AND ORDERS OF THE PORTSMOUTH CITY COUNCIL

RULE 1. MEETING NIGHTS

The regular meetings of the City Council shall be on the first and third Mondays of each month at some time between 7:00 o'clock and 8:30 o'clock in the evening to be set by the Council. Work sessions may commence at any time after 6:00 p.m. and the regular council meeting may commence at any time after 7:00 p.m. (See Charter section 4.4). (AMENDED 4/2/90 TO AGREE WITH THE CITY CHARTER) (AMENDED 1/9/06)

RULE 2. SPECIAL MEETINGS

Special meetings may be called by written request of five or more members of the Council, by the Mayor, or by the City Manager.

The City Clerk shall prepare a notice of the special session stating the time and the place and this notice shall be served personally upon each member of the Council and the City Manager, or left at their usual place of residence at least twenty-four (24) hours before the time of the meeting.

It shall also be the duty of the City Clerk, immediately upon receipt of written request for a special meeting to make every diligent effort to notify each member of the Council in person, either by telephone or otherwise of such special session. The City Clerk shall also post notices of the special meeting in a conspicuous place in City Hall and shall make every effort to publicize the meeting by way of local news media. Only matters set forth in the notice of the meeting shall be discussed and/or acted upon.

RULE 3. WORK SESSIONS

Upon request of the Mayor or five or more members of the Council, the Council may meet in "work sessions." Each work session shall be devoted exclusively to subjects for which the preliminary receipt and discussion of information is deemed appropriate. No formal vote shall be taken on any matter under discussion, nor shall any Council member enter into a commitment with another respecting the vote to be taken at a subsequent meeting of the Council; provided, however, that nothing herein shall prevent a polling of the Council or the taking of any informal vote on any matter under discussion. Work sessions shall be open to the public, and notice procedures for regular meetings shall be followed.

RULE 4. COUNCIL MEETING AGENDA

All reports, communications, ordinances, resolutions, or other matters to be submitted to the Council shall, by 12:00 noon on Wednesday prior to each Council meeting be delivered to the City Clerk whereupon the City Clerk shall immediately arrange or cause to be arranged a list of such matters according to the Order of Business. Each member of the Council may place a single item of business under the name of that Councilor unless further items are approved in advance by the Mayor. The City Clerk shall furnish each member of the Council, City Manager, and City Attorney with a copy of the Agenda by 5:00 p.m. on Thursday prior to each Council meeting, and shall make copies of the Agenda available in the Office of City Clerk for the public by that time. (AMENDED 1/5/98) (AMENDED 1/25/2016)

RULE 5. CALL TO ORDER

The Mayor shall take the chair at the hour appointed for the meeting and shall call the members to order. A roll call shall be taken to determine if a quorum be present.

RULE 6. CHAIRING OF MEETING

In the absence of the Mayor, the Assistant Mayor shall preside during that meeting or until the Mayor arrives. In the absence of both the Mayor and the Assistant Mayor, the Councilor present who received the largest plurality in the last election shall preside during that meeting or until the Mayor or Assistant Mayor arrives.

RULE 7. ORDER OF BUSINESS

The business of all regular meetings of the Council shall be transacted in the following order, unless the Council by vote of at least two-thirds of the members present, shall suspend the rules and change the order:

- I. Work Session
- II. Call to Order [7:00 p.m. or thereafter]
- III. Roll Call
- IV. Invocation
- V. Pledge of Allegiance
- VI. Volunteer Committee Reports
- VII. Acceptance of Minutes
- VIII. Public Comment Session
- IX. Public Hearings and Votes on Ordinances and/or Resolutions
- X. Approval of Grants/Donations
- XI. Consent Agenda
- XII. Presentation and Consideration of Written Communications and Petitions
- XIII. Reports and Communications from City Officials
 - A. CITY MANAGER
Items Which Require Action Under Other Sections of the Agenda
City Manager's Items Which Require Action

B. MAYOR

C. CITY COUNCIL MEMBERS

(A single item of business per Council member unless further items are approved in advance by the Mayor.)

XIV. Miscellaneous Business Including Business Remaining Unfinished at Previous Meeting

XV. Adjournment [at 10:00 p.m. or earlier]

(ADOPTED NEW ORDER OF BUSINESS 1/9/06; AMENDED 1/25/2016; AMENDED 08/21/2017)

RULE 8. CONSIDERATION OF MOTIONS

When a motion is made and seconded, it shall be considered by the Council, and not otherwise.

RULE 9. WRITTEN MOTIONS/ROLL CALL

Every motion shall be reduced to writing if the Chair so directs; or if any member of the Council requests it; and upon request of any member the roll call shall be called upon any question before the Council.

RULE 10. DIVISION OF QUESTION

The Division of a question may be called for when the motion contains two or more independent parts.

RULE 11. READING

When the reading of a paper is called for and the same is objected to by any member, it shall be determined by vote of the Council.

RULE 12. ADJOURNMENT

The Chair shall consider a motion to adjourn always in order, the time of the next meeting having been agreed on. Such motion shall be decided without debate.

RULE 13. DISPOSITION OF MOTIONS

After a motion is seconded, and stated by the Chair, it shall be disposed of by vote of the Council unless the mover withdraws it before a decision or amendment.

RULE 14. MOTIONS DURING DEBATE

When a question is under debate, only the following motions shall be received: Adjourn; take a recess; raise a question of privilege; call for orders of the day; lay on the table; the previous question; limit or extend limits of debate; postpone definitely or to a certain time; commit or refer or recommit; amend; postpone indefinitely; questions of order and appeal; suspend the rules; object to consideration of questions; division of a question; division of the assembly.

RULE 15. ORDER OF QUESTIONS

The Chair shall put all questions in the order in which they are moved, unless the subsequent motion shall be previous in its nature; except in naming sums and fixing times, the largest sum and the longest time shall be put first.

RULE 16. MOTION FOR RECONSIDERATION

A motion for the reconsideration of a vote shall be open to debate, but such motion shall not be considered unless made by a member voting with the majority, nor unless such motion is made at the meeting at which such vote is passed, or notice of such motion is given at said meeting, in which case the motion shall be made at the next meeting; and only one motion for the reconsideration of any vote shall be permitted.

RULE 17. TABLING

No motion which has been tabled at a current or prior Council meeting may be acted upon after being removed from the table at a current meeting; but such action must be withheld until the next regular Council meeting which agenda will show the item of business.

RULE 18. SPEAKING PRIORITY

When two or more members rise at once, the Chair shall then name the member who is entitled to the floor.

RULE 19. SPEAKING

When any member is about to speak in debate or to deliver any matter to the Council, and respectfully address the presiding officer; the member shall confine themselves to the question under debate, and avoid personalities. The member shall sit down as soon as done speaking. (AMENDED 4/2/90) (AMENDED 1/10/2000)

RULE 20. INTERRUPTION OF SPEAKING MEMBER

No member shall be interrupted by another, but by rising to a call to order, to correct a mistake, or for explanation. But if any member in speaking, or otherwise, transgress the Rules of the Council, the Mayor shall or any member may call the offending member to order who shall immediately sit down, unless permitted to explain; and the Council, if appealed to, shall decide on the case, and without debate.

RULE 21. CONFLICTS OF INTEREST

No member shall vote or serve on any committee or any question as to which the member has a direct, personal and pecuniary interest.

RULE 22. VOTING REQUIRED

Every member present when a question is put, if not excluded by interest, shall vote. No member shall leave a meeting without permission, if their presence is necessary to make a quorum.

RULE 23. COMMITTEE NOMINATION

Except for the committees created solely by the Mayor, the Mayor shall submit for approval by the City Council all nominations of non City Councilors to committees. All nominations shall be laid on the table until the next regularly scheduled Council meeting. The Mayor shall make all appointments of the City Councilors to committees.

*(ADOPTED 1/22/96; AMENDED 1/17/2012; AMENDED 1/13/2014)

RULE 24. COMMITTEE MEMBERSHIP

No member shall be obliged to be on more than two committees at the same time nor to be chairman of more than one.

RULE 25. SPECIAL COMMITTEES AND COMMITTEE RESPONSIBILITIES

All special committees of the Council shall consist of three members, unless a different number be ordered. It shall be the duty of every committee of the Council to whom a subject is specially referred to report thereon within the time limit set by the Council or to request an extension thereof. No report shall be received unless presented in writing, signed by a majority of the committee and agreed to in committee actually assembled.

RULE 26. COMMITTEE MEETINGS

No Committee shall sit during the sitting of the Council without special leave.

RULE 27. COMMITTEE OF THE WHOLE

The City Council may resolve itself of the Whole, at any time, upon a motion of a member made for the purpose; and in forming a Committee of the Whole, the Mayor may leave the Chair and appoint some member to preside in the Committee; and when the Committee of the Whole shall have gone through the subject referred to them, they shall rise, and the Chairperson, or any other member that the Committee may order, shall report their proceedings to the Council.

RULE 28. COMMITTEE OF THE WHOLE PROCEEDINGS

The rules of proceedings in the Council shall be observed in Committee of the Whole, so far as they may be applicable; but no member shall speak twice to any question until every member choosing to speak shall have spoken.

RULE 29. ORDINANCES

All bylaws passed by the City Council shall be termed "ordinances", and the enacting style shall be: "The City of Portsmouth Ordains." Each ordinance shall be identified by a number and a short title, and the effective date shall be specified in it.

RULE 30. ORDINANCE PROCEDURE

Each Ordinance shall pass through the following stages, to wit: There shall be a first reading for information. If the first reading is passed, the Council shall, consistent with public notice requirements of law, set a time and place for a public hearing and consideration of second and third readings. An ordinance may be rejected at any stage in its progress. No ordinance shall be amended except on second reading. Passage of the third reading shall constitute final passage.

RULE 31. ORDERS AND RESOLUTIONS

In all votes by which the City Council shall express anything by way of command the form of expression shall be "Ordered" and whenever it shall express opinions, principles, facts or purposes, the form shall be "Resolved." Resolutions prepared in writing prior to introduction shall be identified by a short title.

RULE 32. TAXING, SPENDING, AND BORROWING

Each order or resolution authorizing the levying of a tax, the expenditure of money, or the borrowing of money shall have two separate readings and a public hearing with notice as required by law.

RULE 33. RECORD RETENTION OF RESOLUTIONS AND ORDINANCES

When an ordinance or resolution shall have passed the City Council, it shall receive the signature of the Mayor. It shall be enrolled in the City records of the City Clerk, and the original ordinance or resolution shall be placed in some safe deposit in the archives of the City.

RULE 34. CITY CLERK

The City Clerk shall attend all Council meetings, except work sessions and executive sessions, and shall keep a record of procedures of the Council by recording the motions and votes thereon. The City Clerk shall make notes of the general content of the remarks by members of the Council, the Mayor, and the City Manager and not their specific detail. The City Clerk shall note in the minutes all reports, memorials and other papers submitted to the Council by their title or brief description of the purport. The City Clerk shall cause to be recorded through the use of appropriate recording device the business of all Council meetings, said recordings to be maintained by the City Clerk as a public record for a period of three years. Preservation of the recordings and custody of all recordings shall be the sole responsibility of the City Clerk who shall prepare such rules for use as the Clerk deems necessary or appropriate to the discharge of the above responsibility.

RULE 35. SEATING ARRANGEMENT DURING COUNCIL MEETINGS

Council seats shall be assigned by the Mayor. Council members who wish to exchange seats may do so upon request to the Mayor. Seating arrangement may be changed at any time the Mayor wishes. (AMENDED 10/29/90)

RULE 36. PROCEDURE FOR QUESTIONS TO THE CITY ATTORNEY

Whenever a City Councilor has a question of the City Attorney, during a City Council Meeting, on the Council Rules, the Portsmouth City Charter or on Parliamentary Procedure, they shall, through the Chair, be given the immediate right to state their question.

RULE 37. HOUR CITY COUNCIL MEETINGS TO CONCLUDE

City Council meetings shall conclude no later than 10:30 P.M. or at such time as any agenda item being discussed at 10:00 P.M. is acted upon. Any agenda items under the name of the City Manager which have not been voted upon by the Council as of 10:00 p.m. shall be treated thereafter as Consent Agenda items, applying Council Rule 46 as completely as the situation allows. If because of this rule any agenda items remain to be taken up, the Council shall recess the meeting to a time certain at which recessed meeting the remainder of the agenda shall be acted upon unless a majority of the Council wishes to suspend in order to continue. (AMENDED 1/9/06) (AMENDED 1/25/2016)

RULE 38. NOTICE TO COUNCIL REGARDING APPOINTMENT QUALIFICATIONS

All nominees to positions on boards or commissions of the City shall submit in writing, on a form as provided by the City Clerk, information regarding their occupational backgrounds, the nature of their nominations, and their reasons for wishing to serve. Such form shall accompany the agenda in which the nomination is to be made and shall be delivered to City Council members in accordance with Rule No. 4.

RULE 39. SUSPENSION OF RULES

No standing rule or order of the Council shall be suspended unless a two-thirds majority of the members of the Council present shall consent thereto, for a specific purpose; nor shall any rule or order be repealed or amended without one week's notice being given of the motion therefore, or unless a two-thirds majority of the Council shall concur therein.

RULE 40. PARLIAMENTARY AUTHORITY

Except where specifically controlled by Charter, Statute, Ordinance or these Rules, proceedings of the City Council shall be conducted pursuant to the parliamentary authority of the most recent revision of Roberts Rules of Order, Newly Revised, published by Scott, Foresman & Co.

RULE 41. ADDRESS BY PUBLIC

Members of the public-at-large may address the Council on any issue being discussed by the Council after a motion to allow same has been made by any Council member and passed by a majority vote, provided that no person shall speak for more than five (5) minutes.

RULE 42. PUBLIC'S RIGHT TO KNOW GUARANTEED

All letters, memos, reports and other information provided or circulated to the City Council by staff members or received as communications to the Mayor and City Council from any person shall be included with the Agenda packet of a City Council meeting and made publicly available by 5:00 p.m. on Friday prior to each Council meeting, or if sent separately to Council members shall be made publicly available in the Office of City Clerk. Exempt under this Rule are those documents which would not be deemed public records under the New Hampshire Right to Know Law (RSA 91-A) or personal communications. (AMENDED 1/27/92)

In addition to the foregoing, any e-mails which are received by the City on behalf of the entire City Council shall be entered into the public record by the City Clerk. Any person addressing an e-mail to the entire City Council shall be provided with the option to have such person's e-mail entered into the City Council packet and public comment record for the meeting. Only e-mails which include the name and address of the sender shall be provided to the City Council and thus be subject to the rule. Any public comment received by e-mail subject to this rule shall be updated after the Council agenda packet is released and prior to noontime on the day of the Council meeting to which the packet is addressed. Any public comments received after such noontime deadline shall be distributed to the individual Councilors, but shall not become part of the public record of the meeting. (ADDED 08/21/2017)

RULE 43. PUBLIC COMMENT SESSION

A. Public Comment:

A Public Comment session shall appear on the agenda of every other regular Council meetings (to be alternated with Public Dialogue sessions). This session shall be a period of time not to exceed forty-five minutes during which any member of the public may have three minutes to address any single topic which that member of the public has identified to the City Clerk prior to the commencement of the meeting. Comments shall be limited to one topic per person per meeting. Speakers may not defer any of their allotted speaking time to any other person. All speakers must register in person (not electronically or telephonically) with the City Clerk prior to the City Council meeting. Residents, business owners and taxpayers of the City shall be given speaking priority over any other speaker. Any person abusing the provisions of this rule may be prohibited from speaking at future public comment sessions by a majority vote of the City Council. Any provision of this rule may be modified on a per case basis by majority vote of the Council.

* Comments for which a public hearing is scheduled under the same agenda shall not be permitted.

- The Chair reserves the right to select speakers of different issues to be permitted to speak in order to provide a form of various topics to be presented.
*(ADOPTED 1/18/94).

B. Public Dialogue:

The City Council shall hold a Council – Public Dialogue session during the period which is forty-five minutes (45) before any otherwise scheduled City Council business, on the night of every other regularly scheduled Council meeting (to be alternated with Public Comment Sessions). At such Council - Public Dialogue Sessions the Council, the City Manager and any appropriate staff as determined by the City Manager shall welcome all interested individuals for an informal dialogue session. The purpose of this session is to provide an opportunity for members of the public to directly interact with members of the Council, the City Manager and any appropriate staff as determined by the City Manager from time to time. By vote of the Council, such Council - Public Dialogue sessions may be scheduled to be held at other times and in other locations in the City beyond City Hall. All Council - Public Dialogue sessions shall be held in accordance with RSA 91-A, the Right-to-Know Law by notice being made and minutes being taken. (AMENDED 08/21/2017)

RULE 44. NAMING OF MUNICIPAL BUILDINGS, PARKS AND FACILITIES

The procedure to be followed in naming municipal buildings, parks and facilities shall be that a written request be submitted to the Mayor by the City Councilors or resident who proposes the naming of any municipal building, park or facility. The Council shall then schedule a work session to deliberate concerning that request. In general, it shall be deemed inappropriate to name complete municipal buildings after actual persons, although portions of buildings may be so named. Subsequent to the work session, the request shall then be placed on the next available Council agenda for a vote of the full City Council. (ADOPTED 8/14/2000)

RULE 45. PUBLIC HEARINGS

City Council public hearings shall be subject to the following terms and conditions:

- A. The order in which speakers shall be called, the duration of time permitted for each person to speak and the number of opportunities which any person shall be provided to speak on any issue may be regulated by the Mayor in the interest of legislative efficiency.
- B. All speakers must limit their presentation to the issue for which the public hearing has been called. Any speaker not in compliance with this provision shall be ruled out of order by the Mayor.
- C. The order of presentation of all public hearings shall be as follows:
 - 1. Any presentation related to the public hearing offered by the City administration
 - 2. City Council questions and deliberation regarding the subject matter of the public hearing
 - 3. Public hearing speakers
 - 4. Additional Council questions and deliberations
- D. Subsequent to the process described above, any public hearing which results in the requirement of a City Council vote shall be immediately followed by that vote

(ADOPTED 5/6/2002; AMENDED 05/01/2017; AMENDED 08/21/2017)

RULE 46. CONSENT AGENDA


The agenda for any regular meeting of the City Council may include a section entitled "Consent Agenda". The Consent Agenda shall consist of items of City Council business which the Mayor, the City Manager and the City Clerk have previously determined to be routine in nature. All Consent Agenda items shall identify the action which it is anticipated will be taken by the City Council on it. Any item of business shall be removed from the Consent Agenda and placed elsewhere on the Council agenda for the same meeting at the request of any member of the City Council. All recommended actions on Consent Agenda items shall be deemed to have been taken by the City Council on the passage of a motion, "to adopt the Consent Agenda". (ADOPTED 1/9/06).

¹

¹ Rule #47 – Appointments to Boards and Commissions was repealed by the City Council on March 18, 2008.

**CITY OF PORTSMOUTH
PORTSMOUTH, NH**

Office of the City Manager

TO: Honorable Mayor Jack Blalock and City Council Members
FROM: John P. Bohenko, City Manager 
DATE: January 3, 2018
SUBJECT: City Council Policies

Attached are the existing City Council Policies for your review and consideration. The Policies will need to be ratified by the City Council, and seek action at the January 16, 2018 City Council meeting.

If you should have any questions, please do not hesitate to contact me.

cc: Kelli L. Barnaby, City Clerk



CITY COUNCIL POLICY

| POLICY # | POLICY NAME | EFFECTIVE DATE | RATIFIED |
|----------|--|-------------------|--------------------------|
| 2012-01 | Appointments to City Boards and Commissions - 1 year residency | February 21, 2012 | 1/13/2014; 01/11/2016 |
| 2012-02 | Use of City Property for Sidewalk Cafes Providing Alcohol Service | March 19, 2012 | 1/13/2014; 01/11/2016 |
| | 2013 | | |
| POLICY # | POLICY NAME | EFFECTIVE DATE | RATIFIED |
| 2013-01 | Complete Streets Policy | October 7, 2013 | 1/13/2014; 01/11/2016 |
| 2013-02 | Bicycle Friendly Community Policy | October 7, 2013 | 1/13/2014; 01/11/2016 |
| 2013-03 | Walk Friendly Community Policy | October 7, 2013 | 1/13/2014; 01/11/2016 |
| | 2014 | | |
| POLICY # | POLICY NAME | EFFECTIVE DATE | RATIFIED |
| 2014-01 | First Reading on Ordinance Amendments | January 13, 2014 | 1/11/2016 |
| 2014-02 | Public Art Referral | June 16, 2014 | 1/11/2016 |
| | 2015 | | |
| POLICY # | POLICY NAME | EFFECTIVE DATE | RATIFIED |
| | THERE WERE NO POLICIES ADOPTED | | |
| | 2016 | | |
| POLICY # | POLICY NAME | EFFECTIVE DATE | RATIFIED |
| 2016-01 | Non-Meetings | January 25, 2016 | n/a |
| 2016-02 | Non-Meetings with Legal Counsel | December 5, 2016 | n/a |
| 2016-03 | Housing Policy | December 19, 2016 | n/a |
| | 2017 | | |
| POLICY # | POLICY NAME | EFFECTIVE DATE | RATIFIED |
| 2017-01 | Complete Street Demonstration Project Policy | May 1, 2017 | n/a |

CITY OF PORTSMOUTH
CITY COUNCIL POLICY No. 2017-01

COMPLETE STREET DEMONSTRATION PROJECT POLICY

WHEREAS, a core commitment of the City's Complete Street Policy is to incorporate Complete Street principles into the City's Master Plan, area plans, transportation plans, the Zoning Ordinance and Site Plan Review Regulations, standards and specifications documents, and other plans, manuals, rules, regulations and programs as appropriate.

WHEREAS, City staff have been working with the Parking & Traffic Safety Committee to develop a Neighborhood Traffic Calming Program that provides a process and guidance for considering and implementing a variety of traffic calming measures in response to neighborhood concerns and requests.

WHEREAS, the City Council recognizes that it will be beneficial to enable non-municipal groups and organizations, hereby known as Project Sponsors, to undertake demonstration projects in public rights-of-way;

NOW THEREFORE, the City Council adopts the following policy:

I. DEFINITIONS

Demonstration Project

A demonstration project is a short-term street or sidewalk design project that is designed in accordance with the City's Complete Street Policy and/or Walk and Bicycle Friendly Community Policies.

Project Sponsor

A project sponsor is the entity applying for permission to implement a demonstration project. A project sponsor may be an individual, group, or business entity that has the ability to satisfy the requirements included herein.

II. SITE REQUIREMENTS, CLEARANCE AND ACCESS

(1) Demonstration projects may only be located in the public right-of-way on roads under City jurisdiction.

(2) Project shall be located on a road with a speed limit that is 30 MPH or less.

(3) Projects shall be designed to minimize interference with access to and service of public utilities, utility covers, valves, building standpipes, fire hydrants, and other services and operations located within or accessed from the public right-of-way.

(4) Projects should not block or limit driveway access, unless the driveway owner specifically permits use of their driveway for the demonstration. Such permission must be illustrated by a letter of support.

(5) Demonstration Projects shall maintain or improve the existing level of accessibility to individuals with disabilities per the Americans with Disabilities Act Accessibility Guidelines (ADAAG).

(6) Demonstration projects shall not be located in proximity to ongoing construction projects within the public right-of-way.

(7) No street or public right-of-way shall be blocked for project installation unless specifically allowed by the Portsmouth Department of Public Works (DPW).

III. FUNDING

(1) The Project Sponsor shall be responsible for all related project materials and elements. In some scenarios, the City of Portsmouth may provide funding or in-kind support to benefit the project, but financial support from the City is not guaranteed or required.

IV. COMMUNITY SUPPORT

(1) Demonstration projects must demonstrate community support from property owners/businesses in the impacted area adjacent to the project site. Support must be demonstrated through individual letters or petition.

(2) The Project Sponsor must provide individual letter(s) of support from any property owners/businesses whose property access will be impacted by the demonstration.

V. PERMITTING AND NOTIFICATION

(1) Initial Project Request: Project Sponsor shall submit initial project request at least 3 months from the desired implementation date. DPW will review the proposal and confirm compliance with applicable laws/regulations. DPW will also review to determine that the Demonstration Project will have minimal impact on access to and service of public utilities, utility covers, valves, building standpipes, fire hydrants, and other services and operations located within or accessed from the public right-of-way. Once receiving initial approval from the DPW, the Project Sponsor shall revise materials in response to DPW feedback and submit a demonstration project application.

(2) Project Application: The Project Sponsor shall submit a complete permit application to DPW a minimum of 2 months before desired implementation date. If DPW determines the application to be complete, the Public Works Director shall review the application and make a recommendation for approval or denial to the City Manager.

(3) Project Approval: Once receiving a recommendation, the City Manager may grant or deny the project permit or refer the application to the City Council. At any time during the project application and approval process, the project may be referred to the Parking & Traffic Safety Committee for input.

(4) Upon receiving permit approval, the Project Sponsor shall notify all households and businesses within 300' of the proposed project location at least 7 days before the planned installation date, via a flyer or letter.

(5) Any temporary changes to on-street parking will be subject to review and approval by the Department of Public Works Parking Division.

(6) The Project Sponsor shall post a project information sign at the project site for the duration of the project. The sign shall be reviewed and approved by DPW.

VI. STEWARDSHIP

(1) The Project Sponsor shall comply with all applicable traffic laws or other relevant city or state laws or ordinances. DPW will identify any concerns related to compliance with applicable laws and ordinances when reviewing the Project Sponsor's initial project request.

(2) The Project Sponsor shall designate a primary contact person who can be reached by the City 24/7 for the duration of the project in case of emergencies or unexpected issues/concerns. This person must be available for a site inspection once the project has been installed, and must be willing and able to troubleshoot should adjustments be necessary.

(3) The Project Sponsor is responsible for any property damage that occurs as a direct result of the demonstration project.

(4) The Project Sponsor is required to submit a certificate of insurance that meets city insurance requirements and that names the city as certificate holder as well as an additional insured for the duration of the event. In cases where the City is a co-sponsor of the proposed project, the City may waive the insurance requirement.

(5) The Project Sponsor shall remove all elements/features of the Demonstration Project and restore the project site to its original conditions by the end of the permit period. If the Project Sponsor fails to remove the project and its various elements within the agreed time frame, the City will do so at the expense of the Project Sponsor, and Partner may be considered ineligible to lead future Demonstration Projects. If an emergency situation requires the City to remove or damage parts of the project before the end of the permit period, the City will not be held liable for damages to the project elements.

(6) The Project Sponsor shall communicate with affected neighbors and attempt to resolve any concerns that may arise during the project's duration. The Project Sponsor shall notify DPW about any concerns raised during the project's duration.

(7) The Demonstration Project permit shall be revocable by the Public Works Director if the project no longer meets the intent of the approved Demonstration Project proposal.

(8) All Project Sponsors shall collect data and monitor use of the demonstration project using methods approved by DPW in advance of the project's implementation. A report, including a summary of the data collected, the raw data collected, and an evaluation of the effectiveness of the project, shall be provided to the DPW at the conclusion of the project.

This policy shall take effect upon the passage by the City Council.

Adopted by the Portsmouth City Council on: May 1, 2017.


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

CITY OF PORTSMOUTH

CITY COUNCIL POLICY No. 2016-03

HOUSING POLICY

WHEREAS, the goals of the City of Portsmouth, as expressed in its 2025 Master Plan, include encouraging walkable mixed-use development, adapting the housing stock to accommodate changing demographics and accommodating the housing needs of the City's current and future workforce; and

WHEREAS, the City Council finds that construction of additional housing is critical to the City's continuing economic and civic vitality by supplying a new generation of workforce, attracting talent and new business, preserving affordability for long term residents to remain in the City, and increasing our resident base to allow for greater variety of participation in our City Boards, Committees, Commissions and Departments; and

WHEREAS, the City Council recognizes that in support of this objective it will be beneficial to provide guidance to City Boards, Committees and Departments as to interpretation of City regulations and ordinances, project approval and review, staff approval of permits and guidance to developers, and other City involvement in the housing process;

NOW THEREFORE, the City Council adopts the following policy (the "Housing Policy" or "this Policy"):

I. VISION

Portsmouth will support a housing stock that addresses greater housing supply and variety, including an adequate supply of workforce and moderate-income housing; reflects and enhances the City's historical development patterns; provides a human-scale design ¹that allows for vibrancy of civic life; and allows for optimal investment in and use of public infrastructure.

II. CORE COMMITMENT

¹ Human-scale design, in this context, refers to the size and proportions of buildings along a street being tailored to the comfort and usability of people walking nearby.

The City of Portsmouth will promote the design, construction, operation and maintenance of residential development appropriate for a variety of different residents, including the elderly and seniors, families, young professionals, seasonal and service industry workers, and people with disabilities; and will make efforts to ensure that housing costs are affordable to a wide range of income levels.

The City of Portsmouth will approach planning and zoning as an opportunity to expand the housing stock and provide increased variety to address the needs of those who work in Portsmouth and its region.

III. KEY PRINCIPLES

In planning for development and reviewing proposals for new residential developments, the City will apply the following principles:

1. **HOUSING CHOICE AND AFFORDABILITY:** Residential growth in the City should include a range of housing types to address the needs of different household types, lifestyles and income levels.
2. **CHARACTER AND HERITAGE:** New residential development should be sympathetic to the local heritage and character of each area, and should incorporate quality built form and streetscapes, including pedestrian-friendly environments.
3. **HOUSING TARGET AREAS:** The City will identify housing target areas that are suitable for more residential development and will focus studies, detailed zoning changes and development controls to guide future development in each of these areas. Context-sensitive standards which address design will accompany each target area.
4. **INFILL DEVELOPMENT:** Outside housing target areas, the City will promote infill development of residences (and, where appropriate, mixed-uses) within existing neighborhoods by rezoning to promote and allow established, traditional development patterns.

IV. FOCUS AREAS

In keeping with the 2025 Master Plan, this Policy recognizes that different solutions are appropriate for different types of areas and neighborhoods within the City. Therefore, the application of this Policy will vary accordingly by focus area, as follows:

1. **URBAN CORE:** The Urban Core, consisting of the historic Downtown and the North and West Ends, accommodates apartments, condominiums and affordable housing in existing and new mixed-use buildings.
2. **CORRIDORS:** On the City's current major corridors—Lafayette Road/Route 1, Woodbury Avenue/Market Street, and (to a lesser extent) the Route 1 Bypass—provide opportunities to integrate new multifamily residential and mixed-use developments into existing commercial environments and create additional centers of activity.
3. **URBAN NEIGHBORHOODS:** The dense walkable neighborhoods close to the Urban Core provide housing in various sizes and tenancy types. The variety of options helps to preserve neighborhood character, provides affordable housing options, and allows for reduced automobile usage due to proximity to the Downtown and West End. New development in these neighborhoods will consist of small-scale infill and “missing middle” redevelopment.
4. **SUBURBAN NEIGHBORHOODS:** Portsmouth's low-density suburban neighborhoods provide a range of housing stock from luxury to affordable. These neighborhoods are suitable for incremental infill development including accessory dwelling units.

V. LAND USE REGULATIONS AND PERMITTING

To apply Key Principles from this Policy to each focus area and housing target area, the City will consider the following changes to land use regulations and the permitting process:

1. **DENSITY:** The City will incorporate historical land use patterns and human-scale development principles into local land use regulations (Zoning Ordinance, Site Plan Review Regulations, Subdivision Rules and Regulations) and permitting processes, as well as other standards, plans, rules, regulations and programs as appropriate.
2. **PARKING:** The City will review parking requirements in housing target areas and specific neighborhoods, revise land use regulations as appropriate to reduce housing development costs while preventing street congestion, and proactively seek parking infrastructure solutions or shared parking arrangements that can be substituted for individual unit parking requirements.

3. **IMPACT ON AFFORDABILITY:** Recognizing that local land use regulations can have a direct impact on housing development costs, all Boards, Committees, Commissions and Departments should consider the impacts of their actions on housing affordability within legal guidelines, and should coordinate with each other to the extent possible to provide advice consistent with this Policy.
4. **PERMIT STREAMLINING:** Private investment in the City's housing stock should be encouraged and the development process be minimally burdensome on individual property owners to comply with City regulations. Minor site or building changes should not necessarily trigger requirements for review by City Boards or Commissions. All Boards, Committees, Commissions and Departments should review local land use regulations and other requirements so that de minimis changes may be approved administratively.

VI. IMPLEMENTATION

The City views this Housing Policy as integral to everyday planning and decision-making practices and processes. To this end:

1. **APPLICATION:** The Planning Department and other relevant departments, agencies or committees shall incorporate this Policy's principles into the City's Master Plan and other appropriate plans, and manuals, checklists, decision trees, rules, regulations, and programs as appropriate, requesting funds through the annual City Budget or City Council when necessary.
2. **REGULATORY AUDIT:** The Planning Department and Department of Public Works shall review the City's Zoning Ordinance, Site Plan Review Regulations, Subdivision Regulations and permitting processes, to ensure that they effectively implement this Policy.
3. **PROFESSIONAL DEVELOPMENT:** When available, the City shall encourage staff professional development and training on best practices in planning, zoning, and principles through attending conferences, classes, seminars and workshops.
4. **COLLABORATION:** The City shall promote project coordination among City departments and agencies in implementing the Housing Policy in order to better use fiscal resources and produce the best results.
5. **MUNICIPAL INVESTMENT AND PUBLIC INFRASTRUCTURE:** The City should support new workforce housing development in designated areas through provision

of capital improvements and services, and proactively submit projects which support these principles to the annual Capital Improvement Plan process.


6. ANNUAL REPORTS: The Planning Department shall make an annual report to the City Council showing progress made in implementing this policy. This policy shall take effect upon passage by the City Council.

VII. PERFORMANCE MEASURES

The Housing Policy should be continuously evaluated for success and opportunities for improvement. This policy encourages the regular evaluation and reporting of progress through the following performance measures:

- Reduction in the affordability gap for rental and ownership units relative to income levels in the housing market area. Reduced applications for variances required to build workforce housing
- Increased density in new residential construction or applications for residential construction
- Reduced processing time for applications/permitting for new housing development

Adopted by the Portsmouth City Council on: **December 19, 2016**



Kelli L. Barnaby, MMC/CNHMC
City Clerk

ATTACHMENT: MASTER PLAN STRATEGIES

The following housing strategies related to the theme of Diversity are identified in the Master Plan:

- 3.1.1 Develop regulations for accessory dwelling units that promote affordable housing for all income levels and protect neighborhood character.
- 3.1.2 Implement housing rehabilitation programs using CDBG and other funds to improve housing stock.
- 3.1.4 Identify locations and conditions under which live/work units can be safely and appropriately allowed.

- 3.2.1 Streamline the approval process for affordable housing in order to reduce development costs.
- 3.2.2 Promote the development of mixed-income multifamily housing in appropriate locations with incentive zoning provisions, such as reductions in parking requirements and increased maximum heights.
- 3.2.3 Support the activities of housing agencies in the development of affordable housing.
- 3.2.4 Provide incentives for low- to moderate-income first-time homebuyers to purchase homes in Portsmouth.
- 3.2.5 Encourage the creation of smaller housing units, such as micro-units.
- 3.2.6 Encourage businesses to establish employer-assisted housing programs.
- 3.2.7 Support mixed-use redevelopment of suitable Portsmouth Housing Authority properties for long-term viability.



CITY OF PORTSMOUTH

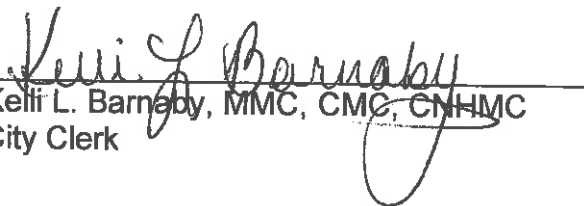
CITY COUNCIL POLICY No. 2016 - 02

POLICY REGARDING "NON-MEETINGS WITH LEGAL COUNSEL"

The City Council shall not hold a "Non-Meeting" as provided for under the New Hampshire Right-to-Know, "91-A-2(b) Consultation with Legal Counsel" unless the City Attorney initiates and defines the scope of the meeting.

This policy shall take effect upon the passage by the City Council.

Adopted by the Portsmouth City Council on December 5, 2016.


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



CITY OF PORTSMOUTH

CITY COUNCIL POLICY No. 2016 - 01

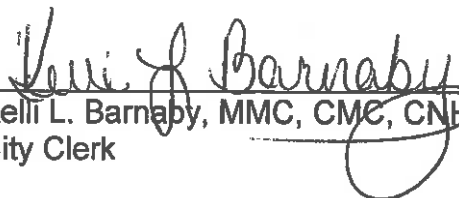
POLICY REGARDING "NON-MEETINGS"

It is the policy of the Portsmouth City Council that 'non-meetings' will be held only when necessary in order to discuss 'strategy or negotiations with respect to collective bargaining,' or 'consultation with legal counsel,' as allowed under the New Hampshire Right-To-Know Law, and that when they are held:

- (1) The purpose of the 'non-meeting' will be publicly disclosed in a motion;
- (2) A public roll-call vote will be taken prior to going into the 'non-meeting;'
- (3) Discussion in the 'non-meeting' will be limited to that topic and no other topic;
- (4) A record will be kept of when the 'non-meeting' begins, ends, and who is in attendance and that shall be a permanent public record.

This policy shall take effect upon the passage by the City Council.

Adopted by the Portsmouth City Council on January 25, 2016.


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



CITY OF PORTSMOUTH

CITY COUNCIL POLICY No. 2014 - 01

POLICY REGARDING FIRST READING ON ORDINANCE AMENDMENTS

WHEREAS, historically, the City Council has followed the process for submitting proposed ordinances as stated below;

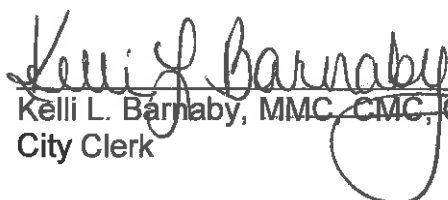
NOW THEREFORE, the City Council adopts the following policy:

Any proposed ordinance to be acted on by the City Council shall be submitted one meeting in advance of any first reading and that the proposed ordinance is submitted to the Legal Department to draft in the City Ordinance format. Further, that all appropriate Departments, Boards and Commissions be advised of the ordinance prior to first reading and when necessary, request a report back.

This policy shall take effect upon the passage by the City Council.

Adopted by the Portsmouth City Council on: January 13, 2014.

Ratified by the Portsmouth City Council on: January 11, 2016.


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



CITY OF PORTSMOUTH

CITY COUNCIL POLICY No. 2014 - 02

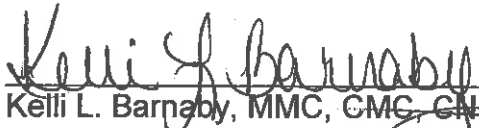
POLICY REGARDING PUBLIC ART

WHENEVER from any source an issue relating to Public Art should be brought to the attention of the City Council, that matter will be referred to Art Speak for an advisory report.

This policy shall take effect upon the passage by the City Council.

Adopted by the Portsmouth City Council on **June 16, 2014**.

Ratified by the Portsmouth City Council on January 11, 2016.


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

CITY OF PORTSMOUTH
CITY COUNCIL POLICY No. 2013 – 01

COMPLETE STREETS POLICY

WHEREAS, an objective of the City of Portsmouth’s 2005 Master Plan is to “ensure that all transportation projects in Portsmouth provide for full consideration of all modes (automobile, truck, bicycle, pedestrian, transit) in their design, as appropriate;” and

WHEREAS, the City Council recognizes that in support of this objective it will be beneficial to provide guidance to City Boards, Committees and Departments as to project planning, design standards, implementation and monitoring;

NOW THEREFORE, the City Council adopts the following policy:

I. VISION

Streets and roadways in the City of Portsmouth will be convenient, safe and accessible for all transportation users, including pedestrians, bicyclists, transit vehicles and riders, children, the elderly, and people with disabilities.

II. CORE COMMITMENT

Definition

“Complete Streets” means streets that are designed and operated to enable safe access for all users, so that pedestrians, bicyclists, motorists, and public transportation users of all ages and abilities are able to safely move along and across as street.

All Users and Modes

The City of Portsmouth will plan for, design, construct, operate and maintain appropriate facilities for pedestrians, bicyclists, transit vehicles and riders, children, the elderly, and people with disabilities in all new construction and retrofit or reconstruction projects subject to the exceptions contained herein.

Planning

The City will incorporate Complete Streets principles into the City’s Master Plan, area plans, transportation plans, the Zoning Ordinance and Site Plan Review Regulations, standards and specifications documents, and other plans, manuals, rules, regulations and programs as appropriate. Implementation of projects supported by adopted plans shall be a priority under this policy.

Projects and Phases

The City of Portsmouth will approach every transportation improvement and project phase as an opportunity to create safer, more accessible streets for all users. These phases include, but are

not limited to: planning, programming, design, right-of-way acquisition, construction engineering, construction, reconstruction, operation and maintenance.

Complete Streets principles will be applied on all new City projects and privately funded developments, and incrementally on existing streets through a series of small improvements and activities over time.

Maximum financial flexibility is important to implement Complete Streets principles. All sources of transportation funding, public and private, should be drawn upon to implement Complete Streets within the City of Portsmouth.

It is understood that maintenance activities do not necessarily trigger requirements for major street improvements and should not be expected to do so. However, maintenance activities do present some opportunities that can improve the environment for other roadway users.

Exceptions

Complete Streets principles will be applied in all street construction, retrofit, and reconstruction projects except in unusual or extraordinary circumstances contained below. Even under the conditions outlined below, a project's impact will be evaluated for the effect it would have on the usefulness of the street for all users, now and in the future, and the ability to implement other adopted plans in the future.

- 1 Where pedestrians and bicyclists are prohibited by law from using the facility.
In this case, alternative facilities and accommodations shall be provided within the same transportation corridor, and the ability to reasonably and conveniently cross the facility will be part of the facility design and construction.
- 2 Where existing right-of-way does not allow for the accommodation of all users.
In this case alternatives shall be explored such as obtaining additional right-of-way, use of revised travel lane configurations, paved shoulders, signage, traffic calming, education or enforcement to accommodate pedestrians, cyclists, transit vehicles and riders and persons with disabilities.
- 3 Where the cost of establishing walkways or bikeways or other accommodations would be disproportionate to the need, particularly if alternative facilities are available within a reasonable walking and/or bicycling distance.
- 4 Where application of Complete Streets principles is unnecessary or inappropriate because it would be contrary to public safety and increase risk of injury or death.
- 5 Where the construction is not practically feasible or cost effective because of unreasonable adverse impacts on the environment or on neighboring land uses, including impact from right-of-way acquisition.
- 6 Ordinary maintenance activities designed to keep street and other transportation assets in serviceable condition or when interim measures are implemented on temporary detour or haul routes. However, all temporary detours shall comply with temporary traffic control requirements of the Manual of Uniform Traffic Control Devices.

- 7 Ordinary public works or utility maintenance activities, including, but not limited to: water, sewer and storm sewer main repairs; installation of new or removal of existing water or sewer service lines, installation or repair of fire hydrants, installation or repair of private utility fixtures.

Exclusive of exceptions 6 and 7 above, any determination that a project that will not meet Complete Streets principles based on the above exceptions will have said determination reviewed and confirmed by City Council.

III. BEST PRACTICES

Design Guidance and Flexibility

The City shall follow accepted or adopted design standards and use the best and latest design standards available, including:

- American Association of State Highway and Transportation Officials (AASHTO)
 - *Guide for the Development of Bicycle Facilities* (4th Edition, 2012)
 - *Guide for the Planning, Design and Operations of Pedestrian Facilities* (2004)
- American Planning Association (APA)
 - *Complete Streets: Best Policy and Implementation Practices* (2010)
- American Planning Association (APA) & American Society of Civil Engineers (ASCE)
 - *U.S. Traffic Calming Manual* (2009)
- Federal Highway Administration (FHWA)
 - *Manual of Uniform Traffic Control Devices* (MUTCD)
 - *PEDSAFE: Pedestrian Safety Guide and Countermeasures Selection System*
- Institution of Transportation Engineers (ITE)
 - *Designing Walkable Urban Thoroughfares: A Context Sensitive Approach* (2010)
 - *Neighborhood Street Design Guidelines* (2010)
- National Association of City Transportation Officials (NACTO)
 - *Urban Bikeway Design Guide* (2nd Edition, 2012)
 - *Urban Street Design Guide* (2013)
- U.S. Architectural and Transportation Barriers Compliance Board (the Access Board)
 - *Accessible Rights-of-Way: A Design Guide*
- Active Transportation Alliance
 - *Complete Streets Complete Networks: A Manual for the Design of Active Transportation*

Context Sensitivity

The implementation of this Policy shall reflect the context and character of the surrounding built and natural environments, and enhance the appearance of such.

Performance Measures

Complete Streets should be continuously evaluated for success and opportunities for improvement. This policy encourages the regular evaluation and reporting of progress through the following performance measures:

- User data – bike, pedestrian, transit and traffic
- Crash data

- Use of new projects by mode
- Compliments and complaints
- Linear feet of pedestrian accommodations built
- Number of ADA accommodations built
- Miles of bike lanes/trails built or striped
- Number of transit accessibility accommodations built
- Number of street trees planted
- Number of exemptions from this policy approved

IV. IMPLEMENTATION

The City views Complete Streets as integral to everyday transportation decision-making practices and processes. To this end:


1. The Planning Department, Department of Public Works, and other relevant departments, agencies or committees shall incorporate Complete Streets principles into the City's Master Plan, the Pedestrian and Bicycle Master Plans, and other appropriate plans, and other manuals, checklists, decision trees, rules, regulations, and programs as appropriate.
2. The Planning Department and Department of Public Works shall review current design standards, including subdivision and site plan review regulations, to ensure that they reflect the best available design guidelines, and effectively implement Complete Streets.
3. When available, the City shall encourage staff professional development and training on non-motorized transportation issues through attending conferences, classes, seminars, and workshops.
4. City staff shall identify current and potential future sources of funding for street improvements and recommend improvements to the project selection criteria to support Complete Streets projects.
5. The City shall promote project coordination among City departments and agencies with an interest in the actives that occur within the public right-of-way in order to better use fiscal resources.
6. The Planning Department shall make an annual report to the City Council showing progress made in implementing this policy.

This policy shall take effect upon the passage by the City Council.

Adopted by the Portsmouth City Council on: **October 7, 2013.**

Ratified by the Portsmouth City Council on: **January 13, 2014.**

Ratified by the Portsmouth City Council on: **January 11, 2016.**


Kelli L. Barnaby, MMC, CMC, CNP/MC
City Clerk

CITY OF PORTSMOUTH

CITY COUNCIL POLICY No. 2013 – 02

BICYCLE FRIENDLY COMMUNITY POLICY

WHEREAS, a goal of the City of Portsmouth’s 2005 Master Plan is to “provide for safe and convenient bicycle and pedestrian circulation throughout the City;” and

WHEREAS, in support of that goal, an objective of the Master Plan is to “incorporate and formalize bicycle/pedestrian needs into city transportation planning, policies and ordinances;” and

WHEREAS, the City Council recognizes that increasing bicycle use can:

- Improve the environment by reducing the impact on residents of pollution and noise, limiting greenhouse gases, and improving the quality of public spaces.
- Reduce traffic congestion by shifting short trips out of single occupancy motor vehicles. This will also make our City more accessible for public transport, walking, essential car travel, emergency services, and deliveries.
- Save lives by creating safer conditions for bicyclists and as a direct consequence improve the safety of all other road users.
- Increase opportunities for residents of all ages to participate socially and economically in the community, regardless of income or ability.
- Boost the economy by creating a community that is an attractive destination for residents, tourists and businesses.
- Enhance recreational opportunities, especially for children, and further contribute to the quality of life in the community.
- Improve the health and well being of the population by promoting routine physical activity.

NOW THEREFORE, the City Council adopts the following policy:

Accommodating bicycles and improving safe bicycle travel shall be integrated into municipal decision-making, practices and processes in order to:

1. Provide safe and convenient bicycle access to all parts of the community through a network of on-and off-street facilities, low-speed streets, and secure parking.
2. Establish information programs to promote bicycling for all purposes and to communicate the many benefits of bicycling to residents and businesses.

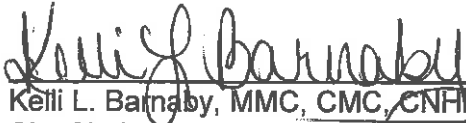
3. Make the City a model employer by encouraging bicycle use among its employees.
4. Ensure all city policies, plans, codes, and programs are updated and implemented to take advantage of every opportunity to create a more bicycle-friendly community.
5. Educate all road users to share the road and interact safely.
6. Enforce traffic laws to improve the safety and comfort of all road users, with a particular focus on behaviors and attitudes that cause motor vehicle/bicycle crashes.
7. Promote intermodal travel between public transport and bicycles.

This policy shall take effect upon the passage by the City Council.

Adopted by the Portsmouth City Council on: **October 7, 2013.**

Ratified by the Portsmouth City Council on: January 13, 2014.

Ratified by the Portsmouth City Council on: January 11, 2016.


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

CITY OF PORTSMOUTH

CITY COUNCIL POLICY No. 2013 – 03

WALK FRIENDLY COMMUNITY POLICY

WHEREAS, the City Council recognizes the benefits of walking as a key element of a healthy, efficient, socially inclusive and sustainable community, and

WHEREAS, all people should be able to walk safely and to enjoy high quality public spaces in the City of Portsmouth anywhere and at anytime; and

WHEREAS, the City Council is committed to reducing the physical, social and institutional barriers that limit walking activity;

NOW THEREFORE, the City Council adopts the following policy:

Municipal decision-making, practices and processes shall be carried out in order to further the following objectives:

- Provide clean, well-lit sidewalks free from obstruction, and with sufficient opportunities to cross roads safely and directly;
- Ensure seating is provided in outdoor public spaces in quantities and locations that meet the needs of all users;
- Provide protection for pedestrians from weather and climate elements with landscaping and facilities as appropriate (for example shade or shelter);
- Provide coherent and consistent information and signage systems to support exploration and discovery on foot;
- Build and maintain high-quality networks of connected, functional and safe walking routes between residential areas and local destinations;
- Provide an integrated, extensive and well-equipped public transportation service with vehicles which are fully accessible to all potential users and public transport stops and interchanges with easy, safe and convenient pedestrian access and supportive information;
- Encourage a pedestrian-friendly driving culture with targeted campaigns and enforcement of road traffic laws;
- Maintain reduced motor vehicle traffic speeds in residential areas, shopping areas, around schools, and in other areas with a high frequency of pedestrian traffic;

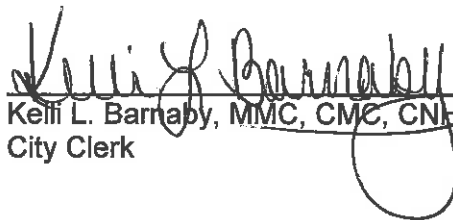
- Reduce the impact of busy roads by installing sufficient safe crossing points, ensuring minimal waiting times and enough time to cross for the slowest pedestrians;
- Ensure that facilities designed for cyclists and other non-motorized modes do not compromise pedestrian safety or convenience;
- Involve all relevant agencies at all levels to recognize the importance of supporting and encouraging walking and to encourage complementary policies and actions;
- Actively encourage all members of the community to walk whenever and wherever they can as a part of their daily lives.

This policy shall take effect upon the passage by the City Council.

Adopted by the Portsmouth City Council on: **October 7, 2013.**

Ratified by the Portsmouth City Council on: January 13, 2014.

Ratified by the Portsmouth City Council on: January 11, 2016.


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



CITY OF PORTSMOUTH

CITY COUNCIL POLICY No. 2012 - 01

POLICY REGARDING APPOINTMENTS TO CITY BOARDS AND COMMISSIONS

WHEREAS, the City Council believes that familiarity with the City of Portsmouth is a beneficial prerequisite to service on City Boards and Commissions;

NOW THEREFORE, the City Council adopts the following policy:


It is generally the policy of the City Council of the City of Portsmouth to appoint to membership on City Boards and Commissions only those persons who have resided in the City of Portsmouth for a cumulative total of at least one (1) year.

This policy shall take effect upon the passage by the City Council.

Adopted by the Portsmouth City Council on: **February 21, 2012**.

Ratified by the Portsmouth City Council on: January 13, 2014.

Ratified by the Portsmouth City Council on: January 11, 2016.


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

CITY OF PORTSMOUTH
CITY COUNCIL POLICY No. 2012-02

POLICY REGARDING USE OF CITY PROPERTY FOR SIDEWALK CAFE'S
PROVIDING ALCOHOL SERVICE

WHEREAS, the City Council allowed the pilot use of City property by two sidewalk cafe's providing alcohol service during the 2011 summer season; and

WHEREAS, the City Council recognizes the benefit to residents, businesses, visitors and the City's economic vitality of allowing sidewalk cafe's with alcohol service on City property; and

WHEREAS, the City Council desires to balance said benefits of sidewalk cafe's with the safety, desires, and convenience of the public at large; and

WHEREAS, the City Council also recognizes that the City has the inherent authority to regulate any obstructions on City sidewalks and any intrusions into City sidewalks; and

WHEREAS, the City Council recognizes the authority of the State to regulate alcohol service.

NOW THEREFORE, the City Council adopts the following policies, criteria and standards with regard to the use of City property for sidewalk cafe's providing alcohol service:

1. Requests for use of City property for sidewalk cafe's providing alcohol service shall be made in writing to the City Council on an annual basis by May 1st with no expectation of continued year-to-year use of the sidewalk area on a continuing basis.
2. Such requests shall include a dimensioned site plan of the existing conditions, including a depiction of public infrastructure such as curb lines, light poles, bike racks, street trees, tree grates, manhole covers, meters, licensed A-frame signs, adjacent on-street parking and loading zones, adjacent accessible sidewalk curb cuts and the like. Such requests shall also include a dimensioned site plan depicting the proposed table/chair layout plan for the sidewalk café, dimensioned routes of travel within the sidewalk café area and on the adjoining public sidewalk, as well as detail sheets for the proposed enclosure system, tables, chairs, lighting, trash receptacles, and the like.
3. The terms and conditions of any such requests that are approved by the City Council in any given year shall be described in an annual Area Service Agreement, which includes a clear depiction of the area approved for sidewalk café use, with said Area Service Agreement to be signed by the City Manager and the party or parties making the request.
4. The term of the Area Service Agreement should be for no more than six (6) months and shall typically run mid-April thru mid-October.
5. Area Service Agreements shall not be assignable to other parties.
6. Use of the Area subject to the Area Service Agreement (the "Area") may be precluded, modified or made subject to any such terms and conditions as may be determined by the City in order to accommodate special municipal events.

7. A ten dollar (\$10.00) per square foot fee will be charged for the Area subject to the Area Service Agreement and the fee shall be for the entire 6 month season with no proration of the fee. The minimum fee for the season shall be \$2,000 even if the size of the Area subject to the Agreement is less than 200 square feet. The fee shall be due and payable to the City of Portsmouth prior to authorization to use the Area.
8. The Area specified for sidewalk café use in the Area Service Agreement shall be restored upon termination of the Area Service Agreement at season's end. Specifically, at season's end, the enclosure system, tables, chairs and all other materials in their entirety shall be removed from the City-owned area with the area left in an unobstructed, undamaged, clean and sanitary condition at no cost to the City.
9. Sidewalk cafés on City property shall indemnify and hold harmless the City of Portsmouth and shall maintain and provide insurance of the types and amounts specified by the City's Legal Department.
10. Sidewalk cafe's shall not damage sidewalks, curbing, bike racks, street trees, light poles, trash containers, utilities or any other City amenities or infrastructure, or make same inaccessible for public use or maintenance purposes.
11. Sidewalk cafe's may utilize the Area for authorized purposes during their normal business hours, except that all tables within the Area shall be cleared of all food and alcoholic beverages by 10:30 p.m. 7 days a week with no alcohol served within the Area subsequent to one-half hour before the foregoing closure times.
12. Sidewalk café operators shall agree at all times to comply with all laws, rules and regulations of the NH State Liquor Commission and all other local, state and federal laws. Approval of the Area Service Agreement by the State Liquor Commission is required. Alcoholic beverage violations shall be self-reported to the State Liquor Commission.
13. Sidewalk cafe's shall only serve alcoholic beverages to patrons who are seated at a table and who are ordering a substantial meal with service at tables conducted by wait staff only.
14. Sidewalk café operators will agree that they shall be solely responsible for compliance with the Americans with Disabilities Act.
15. The Area Service Agreement may be suspended at the sole discretion of the City on an administrative basis.
16. The Area Service Agreement may be revoked in its entirety, excepting for indemnity provisions, by the City by vote of the City Council.

17. Sidewalk cafe's with alcohol service should meet the following site design standards:

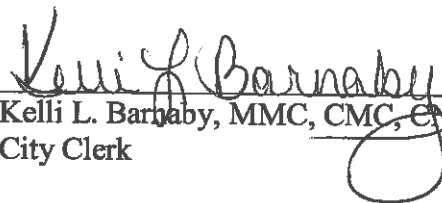
- Be separated from the public pedestrian space on the adjacent municipal sidewalk by an enclosure system consisting of heavy duty black decorative metal materials or equivalent as approved by the City Manager or his designee; special attention shall be paid to the method used to support the enclosure system in order to avoid damage to public property and insure public safety; the minimum height of the enclosure system shall be 30 inches and the maximum height shall be 36 inches.
- Sidewalk cafe's shall have no audio or visual or entertainment of any type located outside, and no visual entertainment shall be situated on the inside of the building in such a manner that it is directed to patrons in the sidewalk café.
- Sidewalk café seating shall be appurtenant and contiguous to a doorway accessing the main restaurant facility with service provided within the Area approved by the City, and the adjacent public pedestrian way shall not be crossed in order to provide alcohol or food service to additional areas.
- The internal dimensions and table/chair layout of the sidewalk café Area must allow for the passage of customers and wait staff and shall, in any event, meet ADA requirements.
- Sidewalk cafe's must provide a 5-foot radius clearance from the center of restaurant doorways (exterior) and doorways shall be kept clear at all times and a 5-foot minimum clear pedestrian path in front of restaurant doorways (exterior) shall be maintained at all times.
- The enclosure system, tables and chairs shall be movable/non-permanent.
- In Market Square the minimum width for the pedestrian way adjacent to the Area shall be 10-feet to 12-feet depending on site conditions. In all other areas where sidewalk cafe's are allowed the width for the pedestrian way adjacent to the Area shall, at a minimum, be 5-feet and, in any event, meet ADA, but will depend on site conditions. The pedestrian way in both instances shall allow for and provide clear unimpeded passage and access along the Area. The pedestrian way shall be located entirely on the public sidewalk and shall meet criteria that ensure pedestrian safety, usability and ADA compliance. In no event shall the Area interfere with accessibility or public safety, including safe lines of sight for drivers.
- Canopies over the sidewalk café shall not be allowed unless they are completely supported by hardware on the building structure, that is, there shall be no vertical supports in or around the sidewalk café; table umbrellas without logos are allowed, but must not extend beyond the Area.
- No advertising of any kind shall be allowed in the Area.
- No improvements or personal property located within the Area shall extend on or over any municipal property located outside the Area.

18. Smoking should not be allowed in the sidewalk café Area.

19. Sidewalk café operators shall agree at all times to comply with all local laws, rules, regulations and orders including, but not limited to the following:
- Health Department to approve outdoor food service operations and cleaning operations, with the Area to be left in a clean and sanitary condition at all times and garbage contained at all times in covered receptacles. The Area shall be left in clean condition at close of business with all garbage removed in its entirety from the Area, and any ground debris swept up, at close of daily business. No food prep, grilling, service windows, service counters, wait stations, or bus buckets shall be allowed in the Area and no condiments, paper products or the like shall be stored on the tables in the Area. Health Department shall review/approve that kitchen facilities are sufficient to support additional seating.
 - Inspections Department shall review/approve that bathroom facilities are sufficient to support outdoor sidewalk café seating. Permits shall be sought from the Inspections Department for any proposed Area lighting.
 - A Place of Assembly inspection and updated Place of Assembly permit shall be required from the Fire Department and the Fire Department shall review/approve means of egress.
20. No Area Service Agreement should be approved by the City except in conformance with the foregoing.
21. The above are policy guidelines that will serve as the basis for Area Service Agreements, which may include other terms and conditions deemed by the City to be in the public interest.
22. The number and location of sidewalk café's on City sidewalks shall be at the sole unfettered discretion of the City Council acting in the public interest and no entitlement is created by this policy for any party to have a sidewalk café at any location.

This policy shall take effect upon the passage by the City Council.

Adopted by the Portsmouth City Council on **March 19, 2012**.
Ratified by the Portsmouth City Council on January 13, 2014.
Ratified by the Portsmouth City Council on January 11, 2016.
Amended by the Portsmouth City Council on February 21, 2017


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



CITY OF PORTSMOUTH

CITY COUNCIL POLICY No. 2010 - 01

POLICY REGARDING FLAGS PROJECTING OVER CITY PROPERTY ¹

WHEREAS, the City Council recognizes that there are safety and aesthetic concerns attendant to the placement of flags over the City's rights-of-way; and

WHEREAS, the City Council recognizes that there is an inherent inter-relationship between such flags and sandwich board signs placed on sidewalks in front of City businesses as well as projecting signs placed over municipal sidewalks by City businesses; and

WHEREAS, the City Council also recognizes that the City has the inherent authority to regulate any obstructions on City sidewalks and any intrusions into municipal airspace over streets and sidewalks; and

WHEREAS, the City Council desires to balance the signage needs of City businesses with aesthetics and the safety and convenience of the public at large.

NOW THEREFORE, the City Council adopts the following policy:

- A. Neither a sandwich board sign nor a flag which is allowed by the City to project over a City sidewalk or right-of-way should be deemed to be a sign for zoning purposes. (This element of the policy should ultimately be formalized in an amendment to the Zoning Ordinance.)
- B. A business should be allowed the option of either a flag projecting from the building in which the business is located over a City sidewalk or a sandwich board sign placed in front of the business on the City sidewalk, but not both.
- C. Flags should not exceed 12 square feet in area, and should maintain at least 7 feet of clearance above the sidewalk at all times.
- D. Sandwich board signs should not exceed 8 square feet in area on each side.

- E. Sandwich board signs (as well as other sidewalk obstructions) should only be allowed where a continuous path of travel at least four (4) feet wide can be maintained.
- F. The City Manager is requested to adopt procedures to streamline the approval process as much as possible consistent with prudent management in order to reduce waiting times for approvals of projecting signs, flags and sandwich board signs.
- G. Permanent signs projecting over City rights-of-way should be authorized only through a revocable license determined by the City Council with prior administrative review by City staff.
- H. Flags and sandwich board signs should be authorized through an annual permit process, including fees appropriate to represent the administrative cost of reviewing applications and issuing permits.
- I. The City Council hereby delegates the authority to issue an initial license for a flag or sandwich board sign to the City Manager or his designee. Under the delegated authority, City officials should apply the above standards approved by the City Council to the initial license application for a flag or sandwich board sign and send copies of applications and licenses to the City Council. Thereafter, licenses should be presented to the City Council in an omnibus package for annual renewal.
- J. No flag, sandwich board sign or projecting sign should be allowed by the City except in conformance with the foregoing.

¹ The Legislative intent was to exempt "Branded Areas" i.e., Deer Street and State Street

This policy shall take effect upon the passage by the City Council.

Adopted by the Portsmouth City Council on **February 1, 2010**.

Ratified by the Portsmouth City Council on January 17, 2012.

Ratified by the Portsmouth City Council on January 13, 2014.

Ratified by the Portsmouth City Council on January 11, 2016.


Kelli L. Barnaby, MMC, CMC, CNP/MC
City Clerk



CITY OF PORTSMOUTH

CITY COUNCIL POLICY No. 2010 - 02

POLICY REGARDING SIDEWALKS AND DRIVEWAY APRONS

WHEREAS, there are aesthetic and cost concerns regarding any municipal decision to construct, repair or replace sidewalks using either brick or concrete; and

WHEREAS, the determination of the materials to be used in sidewalk construction repair and replacement must be made early in the design and engineering process in order to accommodate the City's bidding and contractual policies; and

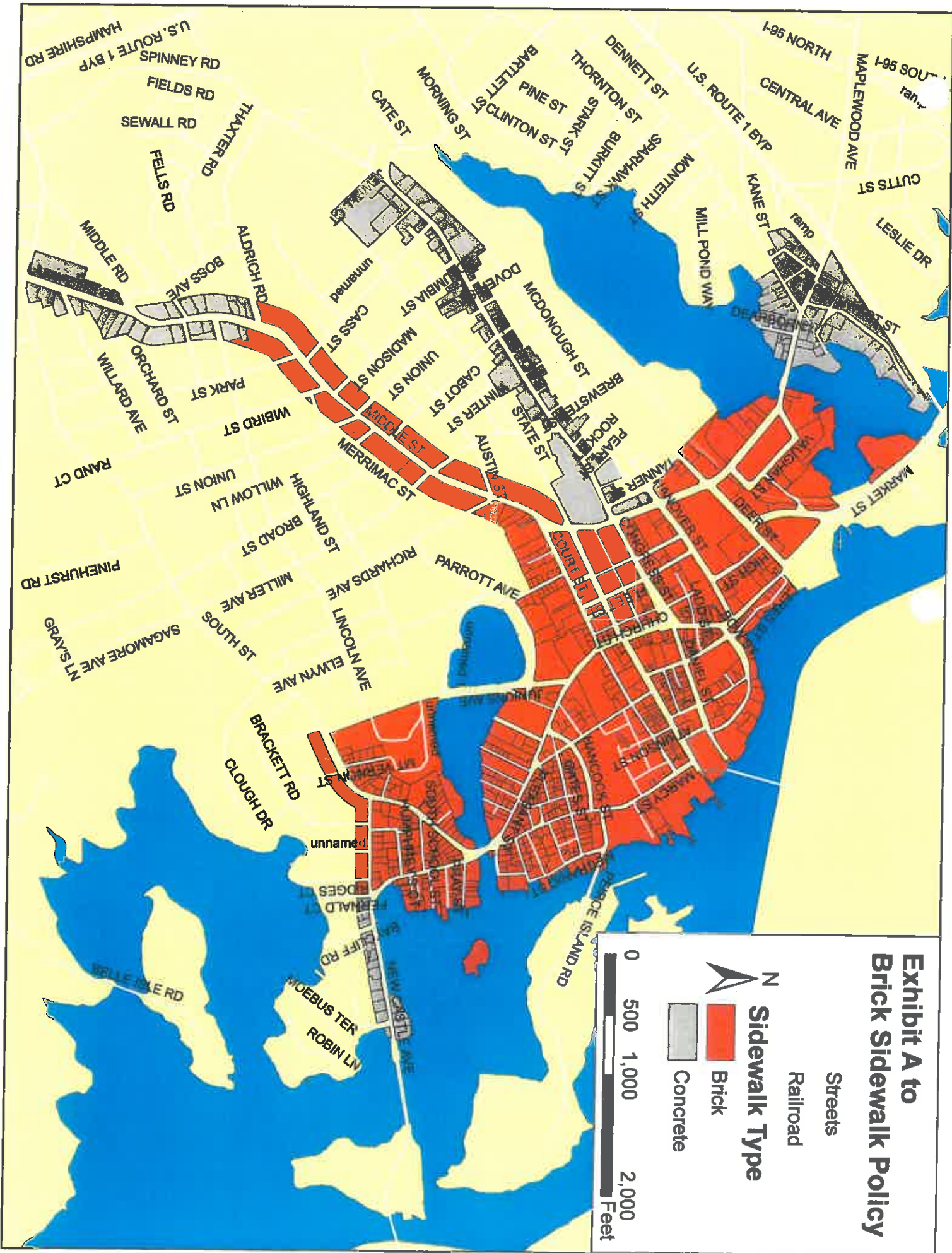
WHEREAS, a request for a variance from this sidewalk policy regarding standard materials and typical sidewalk and driveway details (Exhibit B) will be made to the Director of Public Works; and

WHEREAS, there may be additional costs for variances from this policy that will be paid by the benefiting parties.

NOW THEREFORE, the City Council adopts the following policy:





- A. Whenever sidewalks are constructed, repaired or replaced in the City the following shall apply:
1. Sidewalks within the Historic District will be brick, with the exception of the following streets which will be concrete:
 - a. Islington Street,
 - b. New Castle Avenue east of Marcy Street,
 - c. Middle Street and Lafayette Road south of Aldrich Road; and
 - d. All streets west of the easterly shore of the North Mill Pond, with the exception of Nobles Island.

(All as shown on Exhibit A attached hereto.)
 2. Sidewalk material for sidewalks located outside the Historic District which have historically been brick will be determined by vote of the City Council.
 3. Where a sidewalk is located both within the Historic District and outside of the Historic District, the relative portion of the sidewalk that is greater in length shall determine whether the sidewalk shall be brick or concrete.



Sidewalks

Material


-  Asphalt
-  Brick
-  Concrete
-  No Sidewalk



4. The preferred standard material for all other sidewalks will be concrete.
5. Driveway aprons in the City shall be continuous bituminous asphalt from the edge of road to property line. Sidewalks, if any, shall terminate on either side of driveway apron.

This policy shall take effect upon the passage by the City Council.

Adopted by the Portsmouth City Council on **May 17, 2010**.
Ratified by the Portsmouth City Council on January 17, 2012.
Ratified by the Portsmouth City Council on January 13, 2014.
Amended by the Portsmouth City Council on January 20, 2015.
Ratified by the Portsmouth City Council on January 11, 2016.


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



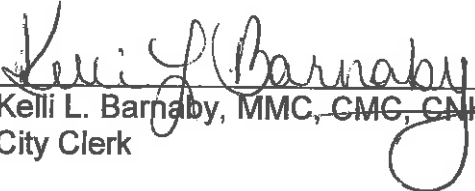
CITY OF PORTSMOUTH

CITY COUNCIL POLICY No. 2009-01

There shall be established a policy by the City Council that the Recreation Board, Peirce Island Committee, Conservation Commission, and other Blue Ribbon Committees as deemed necessary meet on a quarterly basis with the Chairman of the aforementioned Boards and Commissions, along with their City Council liaison. (Quarterly meetings to take place March, June, September and December.) Subsequent to the quarterly meetings, the chairman of the aforementioned Boards and Commissions shall report to the City Council at their next available meeting. The quarterly meetings shall be for the purpose of reviewing mutual concerns and bringing those to the attention of the City Council.

This policy shall take effect upon the passage of the City Council.

Adopted by the Portsmouth City Council on **April 6, 2009**.
Ratified by the Portsmouth City Council on January 19, 2010.
Ratified by the Portsmouth City Council on January 17, 2012.
Ratified by the Portsmouth City Council on January 13, 2014.
Ratified by the Portsmouth City Council on January 11, 2016.


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



CITY OF PORTSMOUTH

CITY COUNCIL POLICY No. 2009-03

Projecting Sign Policy

WHEREAS, the City of Portsmouth has an interest in regulating all use of City property at, above and below ground level; and

WHEREAS, it is common for individuals in the City to erect projecting signs over streets and sidewalks of the City; and

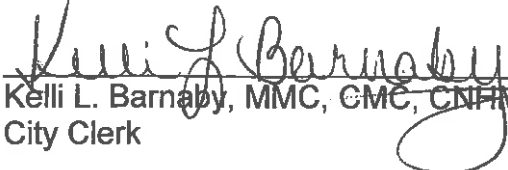
WHEREAS, the City Council desires to adopt a policy which both protects the municipal interest in the air-space above its property and provides persons who wish to erect projecting signs in that air-space a process by which municipal approval for those signs may be secured expeditiously;

NOW THEN, the Council of the City of Portsmouth hereby adopts the following projecting sign policy.

1. Requests for the construction of signs over City property shall be submitted in the first instance to the Planning Director;
2. The Planning Director shall then report its recommendation with respect to the sign to the City Council for approval or denial,
3. Upon approval of the City Council a revocable license in the form approved by the City's Legal Department may be issued including, but not limited to, the following terms and conditions:
 - a. All costs related to the construction and/or removal of the sign shall be borne by the applicant.
 - b. The License shall be for an indefinite term.

This policy shall take effect upon the passage of the City Council.

Adopted by the Portsmouth City Council on: **May 4, 2009**.
Ratified by the Portsmouth City Council on January 19, 2010.
Amended by the Portsmouth City Council on March 21, 2011.
Ratified by the Portsmouth City Council on January 17, 2012.
Ratified by the Portsmouth City Council on January 13, 2014.
Ratified by the Portsmouth City Council on January 11, 2016.


Kelli L. Barnaby, MMC, CMC, CNP/MC
City Clerk



CITY COUNCIL POLICY NO. 2009-04

WHEREAS, the City of Portsmouth currently has a collection of ordinances regulating "hawkers and peddlers" seeking to sell food and non-food items from a location that is not fixed; and

WHEREAS, in order to improve communication with vendors and hawkers and facilitate enforcement, the Vendors' Committee has proposed that the City Council adopt a policy that both identifies vending locations compliant with the existing ordinances and establishes maximum vending cart sizes.

NOW THEREFORE there shall be established a policy by the City Council relating to hawkers and peddlers providing as follows:

The seven locations on public sidewalks within the Central Business Districts A and B that are suitable as vending locations for licensed hawkers and peddlers are identified on the attached Exhibit 1.

All other locations within Central Business Districts A and B are deemed not appropriate under the existing ordinances and vendors and hawkers are prohibited from setting up carts, stands and like at such other unapproved locations.

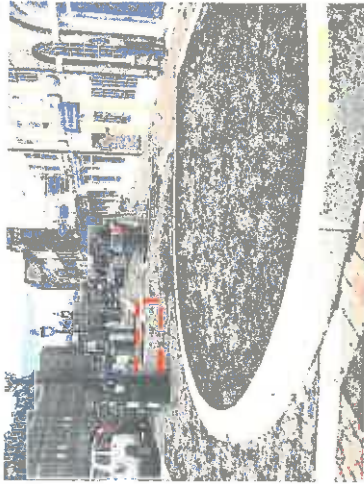
The size of vending carts shall not exceed 52" wide and 48 inches long not including the tongue of the cart.

Consistent with the existing ordinance, all vending locations, both inside and outside the Central Business District, are available to the first licensed vendor who arrives in the space after any period of vacancy. Vending locations cannot be reserved.

There shall be no vending or hawking from any municipal parking areas including metered parking spaces, public parking lots, or the parking garage.

This policy does not affect or address mobile/canteen trucks that vend on private property.

This policy does not affect or address vending on property under the control of Prescott Park.



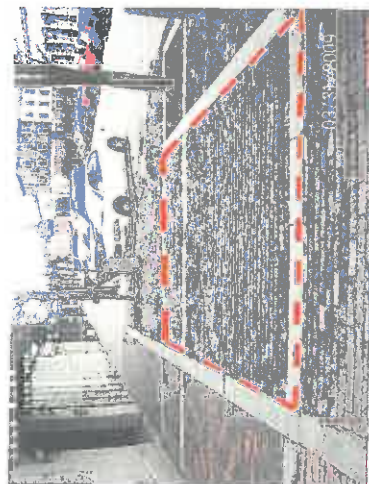
1

In front of 8 Market Square



2

In front of 1 Pleasant Street



3

In front of 15 Pleasant Street



4

In front of 55 Congress Street



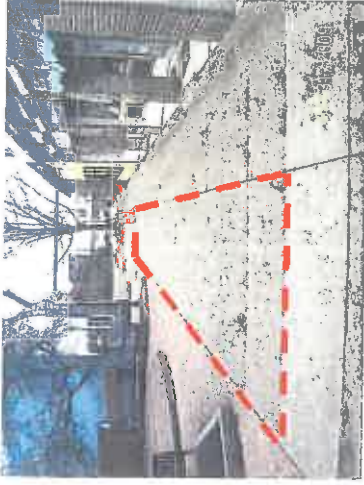
5

Outside the Ladd Street side of the parking garage



6

Outside the parking garage on Hanover Street



7

Vaughan Mall

**This space can accommodate 2 carts.*

Vendors cannot block the stage during a performance.


There are seven locations on public sidewalks in the Downtown Business District that are suitable as vending locations for licensed hawkers and peddlers as identified in this brochure.

All other locations in the Downtown Business District are deemed not appropriate and vendors and hawkers are prohibited from setting up carts, stands and the like at any other locations.

Nothing in this policy supersedes or limits any special permission that the City Council may grant to organizers of community events, such as Pro Portsmouth, who may establish additional vending locations during such special events.

This policy shall take effect upon passage of the City Council.

Adopted by the Portsmouth City Council on: **May 18, 2009**.
Ratified by the Portsmouth City Council on: January 19, 2010.
Ratified by the Portsmouth City Council on: January 17, 2012.
Ratified by the Portsmouth City Council on: January 13, 2014.
Ratified by the Portsmouth City Council on: January 11, 2016.


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



CITY OF PORTSMOUTH

CITY COUNCIL POLICY No. 2009-02

Group Parking License Discount Policy

Any request for a group license per Section 7.402 of the City Ordinance will be considered on a case by case basis. To be eligible, the company requesting the group license shall be locating or expanding its corporate headquarters in the city's downtown. The primary element of analysis is that the request will benefit the city's overall vitality and economy. Criteria for consideration of a group license shall include the following:

- The proposal is in accordance with the goals of the Master Plan.
- The entity requesting the group license will purchase 25 or more passes in publicly owned, leased, and operated parking facilities.
- The entity requesting the group license seeks to expand or locate its corporate headquarters in the City of Portsmouth or offers some other articulable benefits to the city.
- Approval of the group license shall be based on the availability of spaces in publicly owned and/or operated parking facilities and on the overall percentage of monthly leased spaces in these facilities.
- Terms of the license shall be revisable every two years.
- Monthly group licenses shall be issued for one of two categories:
 - 1) 24 hours Monday through Friday 7 AM -7 AM
 - 2) 12 hours Monday through Friday 7 AM -7 PM

Weekday group license discount rates shall be in accordance with the following:

| Number of employees | Monthly discount |
|---------------------|------------------|
| 25 - 75 | 10% |
| 76 - 125 | 20% |
| 126 - 175 | 30% |
| 176 - 225 | 40% |
| > 225 | 50% |

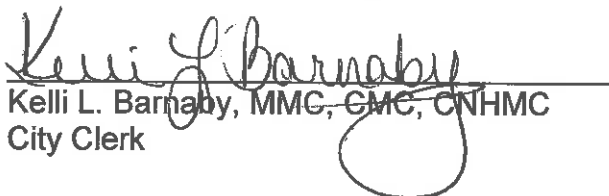


The process for group license requests shall be a written request to the City Manager, reviewed by city staff for consistency with eligibility criteria and EDC recommendation to the Manager and City Council with final approval by the City Council at a regularly scheduled meeting.

Being ever mindful of the many small and independent Portsmouth businesses that contribute significantly to the local economy and to the uniqueness of downtown, yet are unlikely to be large enough to qualify for a group license, it is advised that the group license discounts shall be granted sparingly.

This policy shall take effect upon the passage of the City Council.

Adopted by the Portsmouth City Council on **April 20, 2009**.
Ratified by the Portsmouth City Council on January 19, 2010.
Ratified by the Portsmouth City Council on January 17, 2012.
Ratified by the Portsmouth City Council on January 13, 2014.
Ratified by the Portsmouth City Council on January 11, 2016.


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



CITY OF PORTSMOUTH

CITY COUNCIL POLICY No. 2009-05

Policy Regarding Public Gatherings in Market Square

WHEREAS, Market Square in downtown Portsmouth has developed by past public use into a public forum in which expressive conduct such as public gatherings, speech making, the carrying of political signs and other forms of expressive conduct are constitutionally protected; and

WHEREAS, Market Square is a place in which numerous businesses operate, many people reside and the streets and sidewalks are heavily travelled by persons and vehicles; and

WHEREAS, the City Council seeks to balance the need of people and vehicles to travel on, near or through Market Square safely against the protected expressive conduct created by the public forum which Market Square has become; and

WHEREAS, the City Council has been advised that it may adopt content neutral reasonable time, place and manner restrictions on the use of Market Square for expressive conduct so long as such restrictions are narrowly tailored to accomplish the legitimate government concern of protecting public safety and maintaining the safe and orderly conduct of citizen travel and business activity in Market Square, and alternate means of expressive conduct exist; and

WHEREAS, the City Council has the authority to regulate obstructions and other activities on the City streets and sidewalks (City ordinances Chapter 8, Article, I, Section 8.106); and

NOW THEN, the City Council of the City of Portsmouth duly convened, does hereby adopt the following policy regarding expressive conduct in Market Square:

1. The area affected by this policy is all of the streets and sidewalks in the area where Market Street, Daniel Street, Pleasant Street, Church Street and Congress Street (collectively, "the protected area") convene, expressly inclusive of the sidewalk area in front of the North Church;

2. The protected area may be utilized at any reasonable time and in any reasonable manner without prior permission from the City by any person or by a group of people provided that there is no interference with pedestrian or vehicular travel on the street or sidewalk.
3. Should any person or group desire to place an obstruction of any kind or type or the use of electronic amplification upon the City sidewalk or right of way, that person or group should submit the request in writing to the City Manager who shall have the authority to approve the same.
4. The City Manager shall have authority to approve the use of the Vaughn Mall for gatherings involving obstructions and/or amplification with such reasonable terms and conditions as the City Manager may determine to be necessary to safeguard public travel and the conduct of lawful business activity within or near the gathering or event.
5. The City Manager shall have authority to approve the use of that portion of Pleasant Street from Porter Street to Market Square (being the same area used for summer-in-the-street activities) for gatherings involving obstructions and/or amplification with such reasonable terms and conditions as the City Manager may determine to be necessary to safeguard public travel and the conduct of lawful business activity within or near the gathering or event.
6. The City Manager shall have the authority to assess the organizing person or group actual costs directly related to the use of the space. The costs are limited to police details for any necessary traffic control and wages for any public works personnel required for set up and clean-up. The assessment of costs is most likely to arise with the use of Pleasant Street which requires street closure and redirecting of traffic. In no event shall costs include police protection for public safety. The assessment of costs may be appealed to the City Council.
7. Consistent with past practice, all other requests for obstructions or encumbrances of the sidewalk, public spaces and roadways require City Council approval; short-term occupation permits for construction purposes excepted.

This policy shall take effect upon the passage by the City Council.


Adopted by the Portsmouth City Council on July 20, 2009.

Ratified by the Portsmouth City Council on January 19, 2010.

Ratified by the Portsmouth City Council on January 17, 2012.

Ratified by the Portsmouth City Council on January 13, 2014.

Ratified by the Portsmouth City Council on January 11, 2016.


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



CITY OF PORTSMOUTH

CITY COUNCIL POLICY No. 2009-06

PUBLIC ART ACQUISITION POLICY

The City of Portsmouth is committed to acquiring public art by donation, acquisition or commission. Only original work will be considered for acceptance.

The City Council desires that Art-Speak be charged with the formation of a standing committee, whose role will be to oversee the acquisition and de-accession (removal) of public art for all city departments¹. This committee will consist of between 7 and 11 members and will consist of Art-Speak Board Members (minimum of two), city staff, and community members.

The standing committee will evaluate proposed donations, acquisitions or commissions based on the following criteria:

- The quality of the artwork.
- Appropriateness of the size, scale and materials for the site(s)
- Availability of an appropriate site.
- Costs of installation and maintenance of artwork.
- Condition and durability of the artwork.
- Aesthetic merit.
- Inclusion of a mandatory maintenance plan (including materials used and proper care for such materials)

All donated, acquired or commissioned works of *outdoor* art must include a cash stewardship donation of at least 10% of the cost of the artwork which will be added to the Public Art Trust for ongoing stewardship of public art. *Indoor* art may or may not require a stewardship donation, depending on the type of art. The standing committee will determine if a stewardship donation is required for a given piece of indoor art, and if so, the amount of the donation. If the artwork is donated, the committee will determine the value of the artwork.

¹ The Trustees of the Portsmouth Public Library have their own policy for art acquisition. Art-speak will defer to the Trustees of the Library for art acquisition at the Library.

Art-Speak, along with recommendations from appropriate city boards, city staff, and/or committees, will review and recommend pieces of public art to the City Council for acceptance. All final decisions on acceptance shall be made by the City Council.

Suitable donations will be accepted unconditionally and free of all obligations and encumbrances. The City reserves the right to relocate donated artwork from time to time; and to not display a donated piece of art. Works from the collection may be considered for removal if they are in poor condition, damaged or deteriorated beyond reasonable repair or conservation.

As pieces of public art are acquired, they will be entered into the City Art and Artifact Index maintained by Portsmouth Public Library staff. If a piece is decommissioned, the date and reason for withdrawal will also be so recorded. Changes of location, whether temporary or permanent will be recorded in the Art and Artifact Index.

This policy shall take effect upon the passage by the City Council.

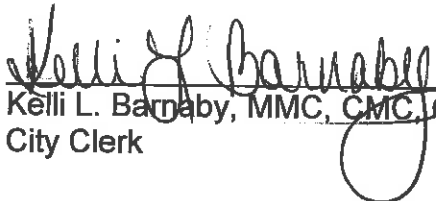
Adopted by the Portsmouth City Council on **December 21, 2009**.

Ratified by the Portsmouth City Council on January 19, 2010.

Ratified by the Portsmouth City Council on January 17, 2012.

Ratified by the Portsmouth City Council on January 13, 2014.

Ratified by the Portsmouth City Council on January 11, 2016.



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

Memo

To: City Council Members
From: Mayor Jack Blalock
Date: January 9, 2018
Re: Ratification of Mayor's Blue Ribbon Committee

Below is a list of the Blue Ribbon Committees that I am requesting to be ratified by the City Council on Tuesday, January 16, 2018.


1. African Burying Ground Stewardship Blue Ribbon Committee
2. Citywide Neighborhood Steering Blue Ribbon Committee
3. New Parking Garage Committee
4. Renewable Energy Policy Blue Ribbon Committee
5. Sister Cities and Citizen Diplomacy Blue Ribbon Committee
6. Sustainable Practices Blue Ribbon Committee

If you have any questions, please feel free to contact me. Thank you for your consideration of my request.

cc: John P. Bohenko, City Manager
Kelli L. Barnaby, City Clerk
Robert P. Sullivan, City Attorney

**CITY OF PORTSMOUTH
PORTSMOUTH, NH**

Office of the City Manager

TO: Honorable Mayor Jack Blalock and City Council Members
FROM: John P. Bohenko, City Manager 
DATE: January 9, 2018
SUBJECT: Board of Ethics

In accordance with Chapter 1, Article VIII, Section 1.804 the Code of Ethics ordinance requires the appointment of a Board of Ethics. This Board shall consist of five persons: one member each selected by lot from the City Council, School Board, Police Commission and Fire Commission and the City Attorney (ex officio) or such other legal counsel (ex officio) that the Board should decide. The Board member shall be drawn at the first meeting of the calendar year of each of the governing bodies. Therefore, on Tuesday, January 16, 2018 City Clerk Barnaby will be conducting the Code of Ethics Lot Drawing for the City Council Representative.

If you should have any questions, please do not hesitate to contact me.

cc: Kelli L. Barnaby, City Clerk
Robert P. Sullivan, City Attorney



102 Perimeter Road
Nashua, NH 03063
(603)882-1111
melansonheath.com

Additional Offices:
Andover, MA
Greenfield, MA
Manchester, NH
Ellsworth, ME

To the Honorable Mayor and City Council
City of Portsmouth
1 Junkins Avenue
Portsmouth, NH 03801

We have audited the financial statements of the City of Portsmouth, New Hampshire (the City) as of and for the year ended June 30, 2017 and have issued our report thereon dated December 12, 2017. Professional standards require that we advise you of the following matters relating to our audit.

Our Responsibility in Relation to the Financial Statement Audit

As communicated in our engagement letter, our responsibility, as described by professional standards, is to form and express opinions about whether the financial statements that have been prepared by management with your oversight are presented fairly, in all material respects, in conformity with accounting principles generally accepted in the United States of America. Our audit of the financial statements does not relieve you or management of your respective responsibilities.

Our responsibility, as prescribed by professional standards, is to plan and perform our audit to obtain reasonable, rather than absolute, assurance about whether the financial statements are free of material misstatement. An audit of financial statements includes consideration of internal control over financial reporting as a basis for designing audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control over financial reporting. Accordingly, as part of our audit, we considered the internal control of the City solely for the purpose of determining our audit procedures and not to provide any assurance concerning such internal control.

We are also responsible for communicating significant matters related to the audit that are, in our professional judgment, relevant to your responsibilities in overseeing the financial reporting process. However, we are not required to design procedures for the purpose of identifying other matters to communicate to you.

We have provided our findings noted during our audit in a separate letter to you dated December 12, 2017.

Planned Scope and Timing of the Audit

We conducted our audit consistent with the planned scope and timing we previously communicated to you.

Compliance with All Ethics Requirements Regarding Independence

The engagement team and others in our Firm have complied with all relevant ethical requirements regarding independence. Safeguards that have been applied to eliminate threats to independence or reduce them to an acceptable level include annual certification by all Firm staff of independence.

Qualitative Aspects of the Entity's Significant Accounting Practices

Significant Accounting Policies

Management has the responsibility to select and use appropriate accounting policies. A summary of the significant accounting policies adopted by the City is included in the notes to the financial statements. There have been no initial selection of accounting policies and no changes in significant accounting policies or their application during the year ended June 30, 2017. No matters have come to our attention that would require us, under professional standards, to inform you about (1) the methods used to account for significant unusual transactions and (2) the effect of significant accounting policies in controversial or emerging areas for which there is a lack of authoritative guidance or consensus.

Significant Accounting Estimates

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's current judgments. Those judgments are normally based on knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ markedly from management's current judgments.

The most sensitive accounting estimates affecting the financial statements are:

- Net pension liability, including related deferred outflows and inflows of resources.
- Estimated lives and depreciation methods for depreciable assets.
- Collectability of receivables.
- Net OPEB obligation.
- Estimated liability for potential tax refunds.
- Landfill liability.
- Fair value of investments.
- Net OPEB obligation.

Management's estimates of the above are based on various criteria. We evaluated the key factors and assumptions used to develop these estimates and determined that it is reasonable in relation to the basic financial statements taken as a whole and in relation to the applicable opinion units.

Financial Statement Disclosures

Certain financial statement disclosures involve significant judgment and are particularly sensitive because of their significance to financial statement users. We noted no particularly sensitive disclosures affecting the City's financial statements.

Identified or Suspected Fraud

We have not identified or obtained information that indicates that fraud may have occurred.

Significant Difficulties Encountered during the Audit

We encountered no significant difficulties in dealing with management relating to the performance of the audit.

Uncorrected and Corrected Misstatements

As an added service to the City, we assisted in compiling the government-wide financial statements, including consolidating various funds into governmental activities, converting to the accrual basis of accounting, and recording all long-term assets, long-term liabilities, and net position classifications. This consolidation and conversion process was based on information from the City's accounting records.

For purposes of this communication, professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that we believe are trivial, and communicate them to the appropriate level of management. Further, professional standards require us to also communicate the effect of uncorrected misstatements related to prior periods on the relevant classes of transactions, account balances or disclosures, and the financial statements as a whole and each applicable opinion unit. Management has corrected all identified misstatements.

In addition, professional standards require us to communicate to you all material, corrected misstatements that were brought to the attention of management as a result of our audit procedures. None of the misstatements identified by us as a result of our audit procedures and corrected by management were material, either individually or in the aggregate, to the financial statements taken as a whole or applicable opinion units.

Disagreements with Management

For purposes of this letter, professional standards define a disagreement with management as a matter, whether or not resolved to our satisfaction, concerning a financial accounting, reporting, or auditing matter, which could be significant to the City's financial

statements or the auditors' report. No such disagreements arose during the course of the audit.

Representations Requested from Management

We have requested certain written representations from management, which are included in the letter dated December 21, 2016.

Management's Consultations with Other Accountants

In some cases, management may decide to consult with other accountants about auditing and accounting matters. Management informed us that, and to our knowledge, there were no consultations with other accountants regarding auditing and accounting matters.

Other Significant Matters, Findings or Issues

In the normal course of our professional association with the City, we generally discuss a variety of matters, including the application of accounting principles and auditing standards, operating and regulatory conditions affecting the entity, and operational plans and strategies that may affect the risks of material misstatement. None of the matters discussed resulted in a condition to our retention as the City's auditors.

Other Information in Documents Containing Audited Financial Statements

Pursuant to professional standards, our responsibility as auditors for other information in documents containing the City's audited financial statements does not extend beyond the financial information identified in the audit report, and we are not required to perform any procedures to corroborate such other information. However, in accordance with such standards, we have read the information (if applicable) and considered whether such information, or the manner of its presentation, was materially inconsistent with the presentation in the financial statements.

Our responsibility also includes communicating to you any information which we believe is a material misstatement of fact. Nothing came to our attention that caused us to believe that such information, or its manner of presentation, is materially inconsistent with the information, or manner of its presentation, appearing in the financial statements.

This report is intended solely for the information and use of the governing body and management of the City and is not intended to be and should not be used by anyone other than these specified parties.

Sincerely,



December 12, 2017

CITY OF PORTSMOUTH, NEW HAMPSHIRE

Management Letter

For the Year Ended June 30, 2017

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Additional Offices:
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Ellsworth, ME

To the Honorable Mayor and City Council
City of Portsmouth
Portsmouth, New Hampshire

In planning and performing our audit of the financial statements of the City of Portsmouth, New Hampshire as of and for the year ended June 30, 2017, in accordance with auditing standards generally accepted in the United States of America, we considered the City of Portsmouth's internal accounting control over financial reporting (internal control) as a basis for designing our auditing procedures for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control. Accordingly, we do not express an opinion on the effectiveness of the City's internal control.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A material weakness is a deficiency or combination of deficiencies in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis.

Our consideration of internal control was for the limited purpose described in the first paragraph and was not designed to identify all deficiencies in internal control that might be material weaknesses. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

During our audit, we became aware of certain matters that we believe represent opportunities for strengthening internal controls and operating efficiency. The recommendations that accompany this letter summarize our comments and suggestions concerning those matters.

The City's written responses to our comments and suggestions have not been subjected to the auditing procedures applied in the audit of the financial statements and, accordingly, we express no opinion on it.

The purpose of this communication, which is an integral part of our audit, is to describe for management and those charged with governance, including those overseeing the financial reporting process, the scope of our testing of internal control and the results of that testing. Accordingly, this communication is not intended to be and should not be used for any other purpose.

Melanson Heath

December 12, 2017

CURRENT YEAR RECOMMENDATIONS:

1. Enhance School Department Payroll Monitoring

After each pay period, the City's Payroll Coordinator sends system-generated City payroll journals to the Human Resources Department for monitoring purposes. However, currently the School Department's payroll coordinator does not perform this same necessary step.

A key principal in internal control includes whether the organization selects, develops, and performs ongoing and/or separate evaluations to ascertain whether the components of internal control are present and functioning. Monitoring is most effective when performed by management and personnel independent of the performance of the normal internal control process.

We recommend that the City enhance its payroll monitoring procedures by including School Department payroll in the same monitoring procures applied to the City's payroll.

City's Response:

The City agrees and is working with the School Department to implement a formal system for reviewing and monitoring payroll journals associated with the School payroll.

2. Review Access to City's General Ledger

During the fiscal year 2017 audit process, we determined that the City reviews employees' accesses to components of the financial management system upon new hire or termination; however, not upon job reclassification within the City. As a result, certain employees may be assigned to access components of the system which may be incompatible with their present job descriptions, which could result in a potential lack of segregation of duties.

We recommend that the City review select employee roles for up-to-date job descriptions to ensure that accesses assigned are compatible.

City's Response:

The Information Technology division sets the rights and permissions in the City's financial software system for each new employee relative to their job responsibilities. When an employee terminates employment with the City, the employee is locked out of the City's network and cannot access the system. However, when an employee is reclassified to a new position, there is no formal process to review prior permissions which may not be relative to the new job responsibilities. The City will create a formal process of communication between Human Resources and Information Technology to review the proper permissions associated with the reclassified employee's new job functions.

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, DECEMBER 4, 2017

PORTSMOUTH, NH
TIME: 5:45 PM

Public Dialogue Session Re: McIntyre Project– Table A

Assistant Mayor Splaine, Councilors Perkins and Lown were seated at the table. Councilor Perkins explained that this Public Dialogue will be regarding the McIntyre Project.

The members of the public were asked to introduce themselves and begin discussing their concerns and/or questions related to the McIntyre Project.

Gerald Duffy spoke regarding local residents and architects and said the process feels like it is premature to select a developer unless they're willing to work with extended processes. He suggested holding a session similar to Portsmouth Listens to receive more input from residents on how they feel this project should proceed. Mr. Duffy recommended holding a design charrette to be used to come forward with scenarios and then hand them off to a developer.

Councilor Perkins said she is looking forward to hearing from everyone this evening. She said if a developer was picked now there would be a great deal of public input and listening by the City Council.

Bill Downey thanked the City Council for this dialogue session. He said the input process has not been adequate. He suggested hiring a consultant to create a vision for the project. He stated some members of the public do not want to feel like this project is a runaway train.

Zelita Morgan said we need to start with a vision and the City should reclaim a space for the public in the downtown.

Diane Stradling said if the federal government does not want the building how much negotiation has to take place. She stated people don't care for the façade of the building. She asked if we could go back and say we no longer want the building and what would happen.

Deputy City Manager Colbert Puff said we could have the building if we want to acquire the building, or someone else would take the building as it currently appears. She stated the federal government needs to make sure it does not have a deferential impact on the building. She informed the group that the building is on the National Registry because it is over 50 years old. Deputy City Manager Colbert Puff advised the group the only way for the building to be removed from the Registry would be if something devastating happens such as a natural disaster, fire, etc.

Rick Becksted asked about the difference between the McIntyre building and the Doble Center process.

City Manager Bohenko explained the Doble Center went under a base realignment closure act (BRCA) and the 106 process. He informed the group that the Doble Center went under a recordation similar to what we did with the former Library and Doble is currently before the Army Corps of Engineers.

Cliff Lazenby asked how the design of the building works in conjunction with the GSA.

Deputy City Manager Colbert Puff reported the GSA wants the building to be vacated by December 2018 or January 2019. She also explained the historic application process and how that process would proceed.

Mr. Lazenby asked if we were at risk of losing the building if we don't file the application.

Deputy City Manager Colbert Puff said if we were not ready GSA would dispose of the property to someone else.

Councilor Perkins spoke to the application process and the time for the public process.

Gerald Duffy said there is a way to look at buildings with a process developed by Reagan Ruedig.

Aubrey Gewehr asked if there are restrictions on the property with the transfer to the GSA.

Deputy City Manager Colbert Puff spoke to the conveyance and the public benefit of the building. She addressed the building renovations and said there are few restrictions on the use. She indicated if the new use is income producing all benefits would come back to the City and be deposited for park renovations. She also spoke to the character defining points of the project.

Tom Fierily said people are discounting office space and they should not. He stated people would love to be in downtown. He said you need to build a place that people can live, work and play. He said that there is more economic stability with office building and multiple tenants.

Joanna Kelley said she is concerned that the majority of the building would become a hotel and people do not want to see another hotel. She stated it is disheartened to see 2 out of the 3 proposals were just for the development of a hotel.

Zelita Morgan said you could have open community space at the site and develop an outdoor farmer's market or create an area where start-up businesses can go. She said we need to reclaim who we are as a City.

Sarah LaChance spoke regarding selecting a partner and the process being used.

Deputy City Manager Colbert Puff said the City must remain in conveyance in order to keep the building.

Councilor Perkins said that the proposals we are receiving are telling us to bring the site up to its use. She said the proposals that we have seen does not mean that they're the proposals we will use. She stated we want the partners to be flexible.

Rick Becksted said less is more in this case. He stated the more there is the more overhead expenditures there will be. He expressed concern that the developers have stated that they do not want to be responsible for the parking at the site.

Erik Anderson expressed concern regarding the process does not look at a vision for the project. He stated you could create affordable housing but not subsidized housing. He said whatever direction you go cannot be at the expense of the residents and the community.

Councilor Lown said the City Council does not have to choose from the 3 proposals. He said we want the developer to be flexible. He said the City Council has made no decision.

Tony Lane asked what the City is committed to with the process. He said the City needs to choose a vision for the project.

Councilor Lown said we are committed to a relationship with developers. He said we are not committing to anything and the City Council will make a decision based on listening to the public.

Assistant Mayor Splaine said when we develop a relationship with someone you develop a partnership of what the design would be from the developers.

Mark Brighton asked if the City was satisfied with the process.

Assistant Mayor Splaine said public dialogue should continue and he still feels rushed to make a decision. He does not understand those that are not for public participation and does not want this to be jammed through.

Bill Downey said people are confused by the process and it has been inadequate. He said there needs to be a public charrette. He said there is much that could be done to this building to make it one of the jewels in the City.

Zelita Morgan said the developers have not had a vision and how do we know what they can do with a vision. She said the process needs to be opened up to the community.

Rick Becksted said we should wait until February to allow more public input and during that time develop a vision. He feels that the current process is backwards.

Cliff Lazenby asked if there is another view point. He said there is room for the process to continue.

Councilor Perkins said we have been working on this for a year and have followed a smooth process. She said she doesn't feel that we have enough information tonight to make a decision but questions can be answered in the next few weeks. She understands there are challenges going either way.

Bill Downey said you should do an industrial charrette followed by a public dialogue session.

Mayor Blalock said that this is the beginning of the process.

Diane Stradling said Portsmouth Listens would be willing to have a public dialogue and report back their findings to the City Council in a 4 week time period.

Assistant Mayor Splaine said we did not have the developers come in with a vision.

Jason Buchense said we need to move forward on this and not lose out on the building.

Public Dialogue Session Re: McIntyre Project – Table B

Councilors Pearson, Spear and Cyr were seated at the table B. Councilor Pearson explained that this Public Dialogue will be regarding the McIntyre Project.

Mike Casino stated he is a neighborhood resident and that parking is the most important issue and should be available on-site or via a shuttle. He stated that the majority of the building should be benefiting to the public and include open space and public access.

Councilor Spear stated he agrees with much of that and that there will be time to work on the fundamentals in the upcoming year with community discussions in the next 6-8 months. He stated that currently we are looking for who will make a good partner.

Mr. Casino stated that is separating the public input from the developer and feels that a consultant should be hired to do a charrette as has been done with other projects. He stated this process is based on preconceived notions.

Mary Lou McElwain stated she agrees with the open space idea and asked about an e-mail from Councilor Dwyer which stated that a developer needs to be in place before the GSA will release the building.

Councilor Spear clarified that we need to have a plan and in order to have a plan, we need a partner.

Ms. McElwain stated it is important to clarify that and that it seems like this has been done in a rush.

Councilor Pearson explained that there were originally 7 firms who answered the RFQ and now it is down to 3 that chose to stay through the end of the process.

Jan McCracken stated she attended the meeting with the 3 presentations and found them interesting but feels that the newspaper article was based on the writer's preference. She continued that it isn't clear if the post office is being maintained on the site.

Councilor Pearson stated that it may not be in the exact location but we are looking to keep it on-site.

Councilor Spear stated that in the RFQ it is meant to stay there. Regarding parking, he feels there were a lot of good ideas with a wide range breadth from 65-150 spaces.

Blair McCracken stated that only Ocean Properties presented parking as being self-sufficient on-site and feels that parking is already a problem and does not feel that valet parking is the answer either. Secondly, he stated that while the 2nd parking garage is being built, we should start thinking about the next site and this is an opportunity to look at other options such as underground, mechanized parking, and add green space as well. He stated we do not need another hotel and feels that when the next recession hits, there will be a lot of vacancies in the hotels we have now.

Councilor Pearson asked his opinion of the other firms.

Mr. McCracken stated that none of these 3 firms are proposing green space so he isn't in favor of any of these 3.

Councilor Pearson asked what should happen if none of these 3 are chosen.

Mr. McCracken stated that the process should be opened up again submitting proposals on what the City wants to see on the site.

Councilor Cyr asked about taxpayer funding and development of green space stating that some things pay for others.

Mr. McCracken stated that we are spending 23 million on a garage, but a similar one elsewhere is being done for 13 million.

Jon Wyckoff stated he agrees that these 3 developers may not be the ones chosen and feels that the city has reached a point of “the Peter principle” rising to its own level of incompetence. He continued that this isn’t meant as an insult but there are so many projects that are going on, Doble Center, refacing city hall, the WWTF, etc. and feels that we do not need to own this property. He stated we should reject this offer and let another entity take it on who will then go through the land use boards.

Councilor Spear stated that the Council had thought about that and we are not under any obligation to take it, and then the GSA would auction it off and then the developer would have to go through the land use boards and it would still be taxed. He stated the down side would be that without the city involvement, the public input process would stop. He stated that with the city involvement we have control of the process.

Bob Vaccaro, stated he loves the opportunity for the public discussion and likes the city to be involved in this because developers would go for high-end uses such as condos and restaurants and have no diversity. He stated he likes the idea of a hostel or micro units as well as public space by the tug boat corner of the property.

Councilor Pearson asked if he saw any of the presentations, which he replied he did not.

Scott Forte stated out of the 3 presentations he liked Kane’s activated space on the first floor and also like the views. He stated that regarding the Ocean Properties proposal, there was too much brick in the middle which blocked the views.

Pat Bagley asked for clarification of Ms. McElwains’ question and why we need a partner now but don’t get the property for another year.

Councilor Pearson explained that the current tenants will be there until the end of 2018 and we need to have a plan in place so the GSA knows what we are proposing for the transfer of the property.

Ms. Bagley continued that public input is key to the process and would like to see the 3 developers present to the public and have the public be able to ask questions of the developers and receive answers.

Councilor Spear explained that the Council is proxy for the public and have been asking the questions received from the public.

Ms. Bagley asked why have any public input at all.

Councilor Spear stated that this is a very expensive process for the developers and out of 7 companies 3 remain and more may still dropout, but we don’t want to choose by last man standing. He stated by choosing a partner, it will be someone that is willing to be in it for the long haul.

Ms. Bagley continued that of the 3 proposals Ocean Property was the most realistic in terms of parking but feels that they all have their own agendas and monetary issues they have to deal with. She stated she left the presentation meeting thinking that this may be an albatross.

Councilor Cyr stated he understands that this is a very complicated project without any specific details yet, but we are looking for vision, perspective and interests aligning. He stated that this will out-last all of us and the details will change but we have to pick someone who is willing to work with us and who the city is comfortable working with.

Councilor Pearson stated that the Prescott Park Master Plan process which had Weston and Sampson set a high bar for public engagement and she will not settle for less than that during this process.

Ms. Bagley asked who of the 3 did Councilor Pearson like.

Councilor Pearson stated that they all had different levels of experience, etc. but feels that the public inclusion is most important.

Councilor Spear stated that this is different than the Prescott Park process because the developer will be making a profit, although it will be capped and the remainder will come back to the city. He stated if we decide that this isn't working for us, then we can drop out but he doesn't think that will happen, but it is better than auctioning it off to the highest bidder.

Paige Trace stated that the city would like the post office to be included but it's not required so how do the residents of the south end know that it will still be there because people like to walk there. Secondly, she stated she doesn't want to see another Portwalk Place with plastic covering the building and not knowing what is going on there. Next, she asked if it is possible to have the GSA give a public presentation on how the monuments program works because it is confusing. She stated her understanding is that the profits are supposed to go to monuments or other historic areas. Finally, she stated that one of the 3 groups thought that they would be able to purchase the property but Deputy City Manager Colbert Puff said that is not the case and it is the whole property that we either take it all or none of it.

Councilor Spear stated that the City Council will do everything they can to have the post office on the property.

Councilor Pearson stated that regarding another Portwalk Place, we didn't have the Code Compliance Officer in place then that we have now.

Councilor Cyr stated that the most important thing is that the legal document defines the relationship and protects us and specifies the terms.

Ms. Trace stated she still wants someone from the federal government who can answer questions for the public.

Dan Rawling stated that in looking at the proposals he likes the Redgate/Kane proposal due to the diversity of uses because we need more diversity than more restaurants, t-shirt shops etc. He stated the other proposals had open spaces that were really private spaces for the people who would be living there. He stated that the city needs to look at zoning on this site as well. He stated that most of the proposals had large development on Bow Street side and small on Daniel Street but he feels it should be reversed, but that is what current zoning allows and they are reluctant to add height because of the zoning and citizen response.

Kerry Vautrot - Portsmouth Historic Society Advocate, stated that there needs to be a reality check through this process and we should not be setting the Historic District Commission up to fail. Secondly, she stated that the RFQ's were too vague and they aren't able to answer questions that were asked about specifics. She continued that there was a missed opportunity to have a Portsmouth Listens type input on the project and she feels that the majority of the developers didn't understand the cultural resources aspect.

Resident – stated that none of the groups had a clue about Portsmouth and feels there was a lack of direction. She stated they all spent a lot of money on plans that are useless to Portsmouth. She continued that this is a unique space and should not be a hotel, restaurant or condos and we need to figure out what we need that we do not already have. She concluded that a particular group of developers, Redgate/Kane, were scoffing at people and were arrogant.

Jennifer Lombardo asked what the deadline is to present a plan to GSA. Councilor Pearson stated we have not been given a deadline yet but the tenants will be leaving at the end of 2018.

Ms. Lombardo asked why the urgency to vote on a partner on 12/18 then. She stated she feels it is manipulative of the current City Council to force this vote. Finally, she stated that giving the public only 45 minutes to comment on this when the developers each were given an hour to present is not reasonable.

Esther Kennedy – stated that there were charrettes for both the Prescott Park Master Plan and Zoning and agrees that 45 minutes is not enough time to hear the voices of the public. She stated there should be a charrette for this project as well.

Mayor Blalock stated there will still be a lot of time and opportunity for public input and this is just the beginning. He stated he is also not in favor of choosing a partner on December 18th.

Mayor Blalock closed the Public Dialogue at 6:35 p.m.

NON PUBLIC SESSION IN ACCORDANCE WITH RSA 91-A:2, I (a) REGARDING STRATEGY OR NEGOTIATIONS WITH RESPECT TO COLLECTIVE BARGAINING – SCHOOL DISTRICT’S NON-SUPERVISORY CAFETERIA PERSONNEL – AFSCME LOCAL 1386

At 6:45 p.m., Mayor Blalock called the Council to the Dais.

In attendance at the dais were Mayor Blalock, Assistant Mayor Splaine, Councilors Lown, Pearson, Spear, Cyr and Denton.

The following motion was taken in public session in the Eileen Dondero Foley Council Chambers.

Assistant Mayor Splaine moved to enter into Non Public Session in accordance with RSA 91-A:2, I (a) regarding Strategy or Negotiations with Respect to Collective Bargaining – School District’s Non-Supervisory Cafeteria Personnel – AFSCME Local 1386 Seconded by Councilor Pearson and voted.

Conference Room A

COUNCIL PRESENT: Mayor Blalock, Assistant Mayor Splaine, Councilors Lown, Pearson, Spear, Cyr and Denton

STAFF PRESENT: John P. Bohenko, City Manager, Dianna Fogarty, Human Resources Director, Tom Closson, Negotiator; Steve Bartlett, School Department Business Administrator, Valerie French, Deputy City Clerk

Negotiator Closson reviewed the Tentative Agreement with School District’s Non-Supervisory Cafeteria Personnel – AFSCME Local 1386.

At 6:55 p.m., Mayor Blalock closed the Non-Meeting.

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, DECEMBER 4, 2017

PORTSMOUTH, NH
TIME: 7:00 PM

I. CALL TO ORDER

Mayor Blalock opened the meeting at 7:05 p.m.

II. ROLL CALL

Members Present: Mayor Blalock, Assistant Mayor Splaine, Councilors Perkins, Dwyer (arrived at 8:40 p.m.), Lown, Pearson, Spear, Cyr and Denton

III. INVOCATION

IV. PLEDGE OF ALLEGIANCE

Mayor Blalock asked for a moment of silence in memory of Rabbi David Senter. He then led the Pledge of Allegiance.

PRESENTATION

1. Strategic Planning Committee for Vaughan-Worth-Bridge Revitalization – David Moore, Assistant City Manager

Assistant City Manager Moore introduced Bob Uhlig of Halvorson Design Partnership and Ted Touloukian of Touloukian Touloukian Architecture and Urban Design who gave a brief presentation on the final report and recommendations of the Strategic Planning Committee for Vaughan-Worth-Bridge Revitalization.

Mayor Blalock thanked Mr. Uhlig and Mr. Touloukian for their presentation. He also thanked the members of the Blue Ribbon Committee as well as Assistant City Manager David Moore.

Councilor Denton referred to the proposed buildings on the Bridge Street and Worth Lot Sites asking who would own them. Assistant City Manager Moore explained that this is a vision plan and not detailed. He explained that the inclusion of the buildings are to show potential for revenue potential and adding to the urban experience, but would be up to the city to decide how to exercise the potential uses.

Councilor Denton asked if this would be a part of the 6-year CIP process. Assistant City Manager Moore stated yes.

Assistant Mayor Splaine stated this was an excellent presentation and discussed the history of the area. He stated that he feels this would be a better use of the area than putting the parking garage on the Worth Lot and feels vindicated in that decision.

Councilor Cyr stated that having a 3-D model of this would help people to visualize and put it in context. He stated that part of the expression is the finished parking garage and a model would help. Assistant City Manager Moore stated that this would be an additional investment if this vision goes forward.

Councilor Perkins moved to suspend the rules to move Item XI.D.1., Adoption of Final Report and Vision of the Strategic Planning Committee for Vaughan-Worth-Bridge Revitalization, on the agenda for action. Seconded by Assistant Mayor Splaine and voted.

Councilor Perkins moved to adopt the final report and vision of the Strategic Planning Committee for Vaughan-Worth-Bridge Revitalization, seconded by Assistant Mayor Splaine.

Councilor Perkins stated it was a pleasure to serve as the Chair of the committee and work with the members. She stated that the investment in the new parking garage serves as a starting point and creates predictability for private businesses in the area. She stated that this is a unique public space and we need to empower the City Manager to include funds in the CIP to move forward with private/public uses.

Assistant Mayor Splaine stated he is encouraged by this and feels that in 10-15 years people will look back at this as something significant and if not for this vision, we would have more development without preserving open space which is important to the City.

Councilor Lown stated he will support this, and feels that this is similar to the McIntyre Lot, in that the vision is being approved.

Motion passed unanimously.

V. ACCEPTANCE OF MINUTES – October 16, 2017 and November 9, 2017

Councilor Lown moved to accept and place on file the minutes of the October 16, 2017 and November 9, 2017 City Council meetings, seconded by Councilor Cyr.

Councilor Pearson commended the City Clerk and Deputy City Clerk on their transcriptions of the public dialogue minutes.

Motion passed.

VI. PUBLIC DIALOGUE SUMMARY – McIntyre Project

Assistant Mayor Splaine stated that there were approximately 20 people in his group and heard that there is a lot of confusion about the process and the proposals. He continued that the consensus is that there should be more dialogue before choosing a partner. He suggested using the Portsmouth Listens process to get more public input and participation and answer questions instead of trying to defend a point of view. He stated that the current and future City Council should “bite their tongues” until more public input is received.

Councilor Lown stated that he heard very helpful comments and feels that the Councilors listened 98% of the time and spoke 2%.

Councilor Pearson stated that questions were asked and were answered and that people did give their ideas but also asked the Councilors for their opinions of the developers. She agrees that there is confusion regarding what will be allowed by the GSA and how much influence the city has including whether the Post Office will remain there.

Mayor Blalock passed the gavel to Assistant Mayor Splaine who recognized the Mayor to speak.

Mayor Blalock stated he goes back and forth stating he likes the concept and it is a work in progress, but also agrees that the Council needs to do more listening. He stated that there should not be point – counter-point back and forth, but answering questions and clarifying misunderstandings. He would like to see the process continue to evolve.

Councilor Perkins stated that there is a huge role for dialogue and feels it is the purpose of this format and is a productive piece of the process.

Assistant Mayor Splaine stated it isn't our job to show how smart we are.

VII. ORDINANCES AND/OR RESOLUTIONS

- A. 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 (*Postponed from November 20, 2017 City Council meeting*)

Councilor Perkins moved to adopt the proposed amendments to first reading as prescribed in the memorandum from Planning Director Juliet Walker, dated November 29, 2017.

Councilor Perkins requested clarification on the size of maneuvering isles which Planning Director Walker explained was meant to be a compromise between requiring less space and ensuring enough room for emergency vehicles.

Motion passed. (*Assistant Mayor Splaine was away at time of vote.*)

Councilor Perkins moved to pass second reading of the proposed amendments to Articles I, 11 and 15 regarding off-street parking regulations as amended. Seconded by Councilor Pearson. Motion passed unanimously. (*Assistant Mayor Splaine was away at time of vote.*)

Councilor Lown moved to suspend the rules to conduct third and final reading of the ordinance as amended. Motion passed on a 7-0 roll call vote. (*Assistant Mayor Splaine was away at time of vote.*)

Councilor Lown moved to pass third and final reading on the proposed amendments to Articles 8, 11 and 15 regarding off-street parking regulations. Seconded by Councilor Perkins and voted.

- B. Second reading Re: Gateway Mixed Use District Zoning Amendments – Chapter 10, Article 5B – Gateway Mixed Use Districts; Article 5A – Character-Based Zoning; and Article 4 – Zoning Districts and Use Regulations (*Postponed from November 20, 2017 City Council meeting*)

Councilor Lown moved to adopt the proposed amendments to first reading as prescribed in the memorandum from Planning Director Juliet Walker, dated November 29, 2017, seconded by Councilor Perkins.

Councilor Perkins asked for clarification of several sections, which were provided by Planning Director Walker.

Councilor Perkins stated that she and Councilor Dwyer would like to see the Title of Chapter 10, Article 5B, be amended to add "Neighborhood"

Councilor Perkins moved to amend Title of Chapter 10, Article 5B by adding "Neighborhood" to read as follows: Gateway/Neighborhood Mixed Use Zoning Districts. Seconded by Councilor Pearson and voted.

Councilor Perkins moved adopt the proposed amendments to first reading as prescribed in the memorandum from Planning Director Juliet Walker, dated November 29, 2017, as amended. Seconded by Councilor Lown and voted.

Councilor Perkins moved to pass second reading of the proposed amendments to Articles 4, 5A and 7 and to adopt new Article 5 B, Gateway/Neighborhood Mixed Use Zoning Districts as amended. Seconded by Councilor Pearson and voted.

Councilor Perkins moved to pass suspend the rules to conduct third and final reading of ordinance as amended. Seconded by Councilor Lown and voted on an 8-0 roll call vote.

Councilor Perkins moved to pass third and final reading on the proposed amendments to Articles 4, 5A and 7 and to adopt a new Article 5B, Gateway/Neighborhood Mixed Use Zoning Districts as amended. Seconded by Councilor Lown and passed unanimously.

- C. 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 (*Postponed from November 20, 2017 City Council meeting*)

Fire Chief Achilles reviewed a power point presentation regarding Solar Photovoltaic Installation guidelines and explained that there are a couple of sections that the City of Portsmouth wants to include in our ordinance regarding access pathways and residential systems.

Councilor Denton asked about a potential amendment regarding the access pathways.

Fire Chief Achilles explained that firefighters need ability to egress quickly on the other side of the roof if the ladder is not accessible and doesn't want to impede their ability to get off the roof.

Discussion ensued regarding possible amendments and their potential impact.

Councilor Lown moved to amend the form of the ordinance amendment to Chapter 5 that went to first reading as set forth in the memorandum from Fire Chief Achilles to the City Manager dated November 28, 2017. Seconded by Councilor Perkins and voted.

Councilor Lown moved to suspend the rules to conduct third and final reading. Seconded by Councilor Cyr and passed on an 8-0 roll call vote.

Councilor Lown moved to pass third and final reading of Chapter 5 as amended. Seconded by Councilor Perkins and voted. *The ordinance change will take effect January 1, 2018.*

- D. Third and final 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 includes local amendments to the 2014 National Electrical Code

Councilor Lown moved to pass third and final reading for Chapter 12 as amended at the November 20, 2017 City Council meeting. Seconded by Councilor Cyr and voted.

Councilor Lown moved to pass third and final reading for Chapter 15 as amended at the November 20, 2017 City Council meeting. Seconded by Councilor Denton and voted.

The ordinances will take effect January 1, 2018.

- E. Third and final 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

Councilor Spear moved to pass third and final reading of the proposed Ordinance as amended at the November 20, 2017 City Council meeting. Seconded by Councilor Pearson and voted.

VIII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Moose License Plate Conservation Grant - \$9,966.00

Councilor Perkins moved to accept and approve the grant award, as presented. Seconded by Councilor Pearson and voted.

IX. CONSENT AGENDA

Councilor Lown moved to adopt the Consent Agenda as presented. Seconded by Councilor Pearson and voted.

- A. Letter from Matthew McFarland, Saint Patrick Academy requesting permission to hold the 5th annual 5k Road Race on Saturday, March 17, 2018 at 10:30 a.m. (***Anticipated action – move to refer to the City Manager with power***)
- B. Letter from Donald Allison, Eastern States 20 Mile requesting permission to hold the Eastern States 20 Mile Road Race on Sunday, March 25, 2018 (***Anticipated action – move to refer to the City Manager with power***)
- C. Acceptance of Fire Department Donation – Elizabeth Kler - \$25.00 (***Anticipated action – move to accept and approve the donation to the Portsmouth Fire Department, as presented***)

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. (*See E-mail Correspondence*)

Councilor Pearson moved to accept and place on file. Seconded by Councilor Cyr and voted.

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

1. Request to Establish a Public Hearing 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

Public Works Director Rice explained the façade project work began last summer and there were polychlorinated biphenyls (PCBs) detected in excess of what was anticipated in the caulking around the windows and concrete panels of the façade. He continued that 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.

City Manager Bohenko stated that 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. He stated that a public hearing is required.

Councilor Pearson voted to authorize the City Manager to bring back for public hearing and adoption at the December 18, 2017 City Council meeting the aforementioned resolution. Seconded by Councilor Cyr and voted.

2. Request to Establish a Public Hearing 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

Councilor Lown moved to authorize the City Manager to bring back for public hearing and adoption at the December 18, 2017 City Council meeting the aforementioned proposed resolution. Seconded by Councilor Perkins and voted.

3. Request to Establish a Public Hearing Re: Supplemental Appropriation for the School Department Collective Bargaining Agreements

Councilor Pearson moved to schedule a public hearing for the December 18, 2017 City Council meeting, seconded by Councilor Dwyer.

Councilor Dwyer asked if we have a sense of how many units are going to settle in 2018. City Manager Bohenko stated this is the only one, the others will expire in June 2018 so will be part of the FY 2019 budget and were listed in the last Council packet.

Motion passed.

4. Report Back from Planning Board Re: Request for Restoration of Involuntarily Merged Lots at 737 Woodbury Avenue

Councilor Lown moved to accept the Planning Board's recommendation that 737 Woodbury Avenue be restored to its premerger status as two lots, and municipal zoning and tax maps be updated to identify the premerger status of the lots as described in deeds recorded at the Rockingham County Registry of Deeds and shown on the standard property survey prepared by Easterly Survey dated 10/04/2017). Seconded by Councilor Perkins and voted.

City Manager's Informational Items:

1. Events Listing
2. Peirce Island Wastewater Treatment Facility Upgrade Construction Update
3. Arts Reinvestment Agreement Metrics
4. Guiding Principles for Code Adoption in Portsmouth

Mayor Blalock stated that City Manager Bohenko deserves credit for a well-run city and being able to pay for infrastructure projects with savings from other projects.

B. MAYOR BLALOCK

1. Appointments to be Considered:
 - 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

The aforementioned appointments were considered and will be voted at the December 18, 2017 City Council meeting.

2. Appointments to be Voted:
 - Appointment of Adrienne Harrison (current alternate) as Regular member to the Conservation Commission – term to expire 04/01/2018 (filling unexpired term)
 - Appointment of Nathalie Morison as an Alternate member to the Conservation Commission – term to expire 04/01/2020
 - Reappointment of Jim Lee to the Zoning Board of Adjustment – term to expire 12/01/2022
 - Appointment of Peter McDonell (current alternate) as a Regular Member to the Zoning Board of Adjustment – term to expire 12/01/2022

Councilor Perkins moved to approve the aforementioned appointments. Seconded by Councilor Lown and voted.

3. Budget Schedule FY19

Mayor Blalock explained that the budget schedule was reviewed at the Joint Budget Committee meeting and it was decided to eliminate the all-day Saturday session and add more night-time meetings giving the public more opportunity to speak on specific department budgets.

City Manager Bohenko stated that any questions that the public may have during these specific sessions can then be answered during the over-all budget discussions. He stated that also included, are listening sessions at each of these meetings for feedback which were suggested by Councilor Dwyer.

Councilor Dwyer stated that she would like to have the next Council look at changing the sequence of the scheduling and the rationale of why the public hearings are held before the Council discussions.

City Manager Bohenko asked that everyone review the schedule and let him know if there are any conflicts.

4. McIntyre Project Next Steps

Mayor Blalock stated that he feels this process is very important and needs to be decided sooner than later, but feels more public input is needed. He stated that the public is confused as to the process versus the plan and does not want to take action this month, but will abide by the Council's wishes. He stated he would like to set the first meeting in February 2018 to choose a partner or to not go forward with the project. He emphasized that this will not be the end of public input, but similarly to the Prescott Park Master Plan, we will have a partner helping with the process going forward.

Councilor Dwyer stated this is the first time she heard anyone say anything about not going forward.

Mayor Blalock clarified that he misspoke and retracts that comment, he is stating he is adamant that we need to pick a partner for this public space.

Assistant Mayor Splaine stated he generally agrees with the Mayor to let the next City Council choose, and feels we do have good examples of visioning programs including the Vaughan-Worth-Bridge Revitalization, West End charrettes, form-based zoning and Prescott Park Master Plan. He stated we should utilize Portsmouth Listens and 2020 visioning as a starting point. He stated we should be asking the developers for their 2050 visions and let the 4 new councilors participate in the process.

Councilor Perkins stated she understands the concerns raised, but she doesn't want to change the process that has already been followed. She agrees that there needs to be more public input but is concerned with even a short delay becoming longer.

Deputy City Manager Colbert Puff stated she has forwarded the questions from the City Council to Barry Abramson who is awaiting the responses from the developers to ascertain the feasibility of their partnering with the City. She stated one of the questions they are being asked is what they will do if not able to demolish the Post Office building. She stated she is awaiting Council direction as to when this information needs to be ready.

Councilor Dwyer stated it will be hard to know if we will be ready to decide without those answers so suggested the Council outline the public process for the public's information and wait for the answers before setting the next Council action date. She stated this is not to delay the process, but is giving people confidence that these questions are being answered and they will be able to give more input. City Manager Bohenko clarified that the consultant is not available for the 12/18/17 Council meeting so another meeting would have to be set and suggested 12/20/17.

Councilor Lown stated he agrees with the 12/20/17 date and also understands the Mayor's rationale for not deciding this month, but feels that the 4 new Councilors will need to come up to speed in a month and will certainly have more questions of their own. He stated we are trying to build a relationship with a developer and that needs to begin.

Councilor Pearson agrees with Councilor Lown that this Council has been working on this for a long time and wonders if there are risks to delaying and is the GSA waiting.

Deputy City Manager Colbert Puff stated that the direction from the GSA is that the tenants are vacating in December 2018 and they are watching the process as we go and understand certain steps need to be taken.

Councilor Pearson continued that out of 7 qualified partners at the beginning, there were only 3 proposals and wonders if we risk losing more if delayed.

Deputy City Manager Colbert Puff stated she did hear from one of the companies that dropped out that it was due to the long process and the 3 left have also conveyed concern with the length of time to make a selection, but are all still interested and want what is best for the city.

Mayor Blalock stated we need to submit an application to the National Parks Service and in order to submit that application, we need to have an idea of who we will be working with and a conceptual idea and RFP before the GSA vacates the building in December 2018.

Deputy City Manager Colbert Puff stated there are examples of applications on-line and explained that the Parks Service is looking for details on how we will treat the historic monuments and if the proforma is feasible and financial capability of preserving the site.

Councilor Cyr stated he is fairly concerned with the limited time left but doesn't care if he makes the decision or not. He just wants people to understand the time constraint and feels we need to pick a partner to be part of the ongoing public input process.

Councilor Spear moved to establish a Special Meeting on December 20, 2017 (time to be determined) to select a development partner for the McIntyre Project, seconded by Councilor Lown.

Councilor Spear stated that we can make promises to hold a meeting but this has been an issue for 10 years and now the end-game is in sight, but nothing should be assumed. He continued that we should try to decrease the uncertainty and once they are picked people can start getting involved with site design. He continued that people love the Prescott Park master plan process, but they didn't pick the company and if we wait too long, we risk people dropping out.

Councilor Denton agrees that picking a developer will help start the process going forward and would be open to making a decision on December 20th if we have the answers from the developer.

Assistant Mayor Splaine stated that the 4 new Councilors didn't just move to Portsmouth and are already up to date on the process and should be intimately involved in the process. He stated that he feels people are trying to count the votes between the 2 Councils' and there is uncertainty, but he doesn't feel we are in desperate need of choosing a development partner, but do need someone who can lead a discussion on the vision of the project. He stated the next Council should make the decision because they will have to live with it and he is stunned that the majority of this Council is willing to take this vote.

Councilor Dwyer stated we shouldn't conflate the issue of who is making the decision with the issue at hand which is that the public is more concerned with having input on the design. She stated she doesn't want to lose this opportunity as it hasn't only been a year, but agrees that we need to get really clear on the public input process going forward and would like the intention of the motion clear that the Council will be prepared to select a development partner.

Mayor Blalock passed the gavel to Assistant Mayor Splaine.

Mayor Blalock stated he will oppose the motion and would rather wait until February 5th.

Motion passed on a 7-2 roll call vote. Assistant Mayor Splaine and Mayor Blalock voted opposed.

Councilor Dwyer moved to have a first draft creating the public process to follow, prepared by city staff, to be presented for Council review at the December 18, 2017 Council meeting, possibly during a work session prior to the regular meeting. Seconded by Councilor Pearson and voted.

C. ASSISTANT MAYOR SPLAINE

1. "Of Flags and Tools"

Assistant Mayor Splaine requested the City Manager to report back at some date in the future on the possible purchase of all-weather flags to be hung on light poles on a 24/7 year-round basis. He also requested that a Tool Lending Area be looked into being established, possibly at the recycling center.

D. COUNCILOR PERKINS

1. Adoption of Final Report and Vision of the Strategic Planning Committee for Vaughan-Worth-Bridge Revitalization ***(Action taken previously)***

E. COUNCILOR DENTON

1. Volkswagen Settlement

Councilor Denton reviewed the draft letter to Governor Sununu regarding the Volkswagen diesel emissions settlement requesting consideration to use the maximum allowance of up to 15% to build out electric vehicle charging infrastructure.

Councilor Denton moved to adopt the draft letter to Governor Sununu with the addition of 2 individuals to be copied on the letter, Robert Scott, Commissioner, Environmental Services Department and Jared Chicoine, Agency Director to the Office of Energy Planning. Seconded by Council Spear and voted.

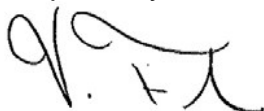
XII. MISCELLANEOUS/UNFINISHED BUSINESS

Mayor Blalock asked the City Council to stay to retake the City Council photo as Councilor Dwyer was not present for the first take.

XIII. ADJOURNMENT

Councilor Perkins moved to adjourn at 9:55 p.m. Seconded by Councilor Cyr and passed unanimously.

Respectfully submitted,



Valerie A. French, Deputy City Clerk

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, DECEMBER 18, 2017

PORTSMOUTH, NH
TIME: 6:15PM

At 6:15PM, a Work Session was held on the Public Process regarding Development of the McIntyre Property.

I. CALL TO ORDER

At 7:10 p.m., Mayor Blalock called the meeting to order.

II. ROLL CALL

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

III. INVOCATION

Mayor Blalock asked everyone to join in a moment of silent prayer in memory of former Assistant Mayor Noelle Clews and former State Representative Michael O'Keefe who recently passed away.

IV. PLEDGE OF ALLEGIANCE

Assistant Mayor Splaine led in the Pledge of Allegiance to the Flag.

PRESENTATIONS

1. Portsmouth High School Holiday Ensemble

Portsmouth High School Holiday Ensemble performed 4 holiday songs for the City Council.

2. Presentation and Recognition of Outgoing City Councilors

Mayor Blalock expressed his thanks on behalf of the City Council for the years of service to the City Council by Assistant Mayor Splaine, Councilors Lown, Spear and Cyr. City of Portsmouth chairs were presented to Councilors Lown, Spear and Cyr for their service to the City. Assistant Mayor Splaine chose not to have a chair.

3. Mayor's Blue Ribbon Committee on Sister Cities and Citizen Diplomacy –
Karina Quintans, Chair

Karina Quintans provided a brief presentation on the work of the Mayor' Blue Ribbon Committee has done since its establishment in June. She announced that there will be a forum on Sister Cities and Citizen Diplomacy in March, 2018 at the Library. She also advised the City Council she would provide recommendations from the Committee to the City Council in June or September, 2018.

4. Citywide Neighborhood Committee Re: Dilapidated Properties

Citywide Neighborhood Committee members Lawrence Cataldo and Paul Mannle provided a report on what neighbors should do about dilapidated homes. Mr. Mannle spoke to providing a "kit" for neighbors to follow that have this type of issue in their neighborhood. Mr. Cataldo reviewed best strategies to follow if a complaint must be filed. The final thoughts were stressing that neighbors helping neighbors is important in these matters and can go a long way to resolving the problem.

V. ACCEPTANCE OF MINUTES – NOVEMBER 20, 2017

Councilor Cyr moved to accept and approve the minutes of the November 20, 2017 City Council meeting. Seconded by Councilor Pearson and voted.

VI. PUBLIC COMMENT SESSION

Roy Helse spoke to walkability in the City and requested sidewalks to be installed the length of Lafayette and Peverly Hill Roads. He said that sidewalks should also be installed from neighborhoods to get to the downtown. He also requested that sidewalks be treated by the Public Works Department so that individuals can walk on them without ice build up.

Larry Cataldo spoke regarding the McIntyre Building and would like an independent expert to come in to help and advise the Council with the project. He urged the current City Council to not make a decision on the project and to let the new City Council be given the ability to make the decision.

Kerry Vautrot, Portsmouth Advocates, said that the McIntyre project is all about selecting a partner. She said that the Advocates recommend that an historic preservationist be part of the project. She said there needs to be compatible design with the buildings surrounding the McIntyre and the project needs to go through all the land use boards.

Ralph DiBernardo thanked the City Council for the Work Session and stated that the McIntyre building should already be owned by the City. He said we have no obligation to accept a developer and the choice cannot be delayed any longer.

Jeffrey Cooper said he does not see a need to rush to a decision for a partner with the McIntyre project. He said all of the partners have focused on a 4 – 5 story building and he does not feel the developers are in the public interest. He stated residents are fearful of what happened in the North End. He urged the City Council to let the next City Council make the decision on a partner.

Rick Becksted said he is pleased with the stages recommended by Councilor Dwyer for the project. He said to begin with a developer now limits us. He said we must keep the process moving forward but the Council should not pick a partner.

Mark Brighton said the public is doubtful about the process. He said if anyone of the City Councilors spoke to a developer or friend of a developer then the Councilor needs to recuse themselves from the process.

Arthur Clough said you need to have an order to the process for choosing a developer. He said the Council is looking to select a developer before having a vision. He said a meeting on the McIntyre project by the City Council should not be held on December 20, 2017.

Michael Frandzel thanked the City Council for its Work Session this evening. He said taking a vote on the developer before the next City Council seems wrong and it will change the dynamic of how the City Council will work together. He said the new City Council needs to be involved in the process.

Esther Kennedy said she is concerned with the process. She said not enough input has been held on the McIntyre project. She asked why the Council is rushing to make a decision. She encouraged the City Council to stop and have the vote by the next City Council.

Blair McCracken said we are not ready to move forward or to choose a partner for the McIntyre project. He is pleased that a process was outlined this evening by Councilor Dwyer.

Bill Downey said there is a flaw in the process for the McIntyre project. He said the Council should incorporate an Industrial Charrette for the project. He stated that 75% of the residents do not want this project to move forward at this point.

Steve Barndollar said the process should be delayed until the next City Council. He said there needs to be good sense to hold off on making a decision on the project. He suggested putting a Blue Ribbon Committee together for the project and extend the process by 90-120 days. He said we need a project that is different from the downtown Portwalk development.

John Tabor said regardless of the sequence of decisions everyone feels public input is vital. He said Portsmouth Listens feels a vision should go forward and that the guiding principles are supported by Portsmouth Listens. He stated that Portsmouth Listens

would like to hold a one day public input session and move into small input dialogues. He said they would engage 100 people and allow for the broadest benefit for the Council with a report back to the City Council by February.

Mayor Blalock closed the Public Comment Session. Susan Denenberg said she arrived late but would like the opportunity to speak. Mayor Blalock open the Public Comment Session up for Ms. Denenberg to speak.

Susan Denenberg said there are environmental problems with the McIntyre Building. She spoke to a public benefit for the project.

At 8:35 p.m., Mayor Blalock declared a brief recess. At 8:45 p.m., Mayor Blalock called the meeting back to order.

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**

Mayor Blalock read the legal notice.

Public Works Director Rice provided a summary of what funds will be expended on. He said a number of significant problems exist with the complex. He spoke to the façade of the building along with the electrical system need to be upgraded.

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

Councilor Dwyer asked if we were no longer going to use this building would we still need to do the upgrades. City Manager Bohenko said the façade would need to be replaced, the windows need replacing and the electrical system, so yes they would need to happen.

Councilor Dwyer moved to adopt the proposed Resolution, as presented. Seconded by Councilor Cyr.

On a unanimous roll call 9-0, motion passed.

- 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 Cent (\$585,896.75), to pay costs of Water Main Replacement Projects

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

Mayor Blalock read the legal notice.

Deputy Public Works Director Goetz spoke to the bonding Resolution for the replacement of Hobbs Hill Water Tank. He said the staff recommended to reallocate the funds to water main replacement projects.

Mayor Blalock opened the public hearing and called for speakers. With no speakers, Mayor Blalock declared the public hearing closed.

Councilor Pearson moved to adopt the proposed Resolution, as presented. Seconded by Councilor Cyr. On a unanimous roll call 9-0, motion passed.

- 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**

Mayor Blalock read the legal notice.

Human Resource Director Fogarty explained that the appropriation is to fund two contracts by the School Department.

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

Councilor Cyr moved to adopt the proposed Resolution. Seconded by Councilor Pearson.

On a unanimous roll call 9-0, motion passed.

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

Councilor Dwyer moved to approve and accept the Grant to the Portsmouth Police Department, as presented. Seconded by Councilor Perkins and voted.

IX. 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)***

Assistant Mayor Splaine moved to adopt the Consent Agenda. Seconded by Councilor Cyr and voted.

X. PRESENTATION AND COMMUNICATIONS FROM CITY OFFICIALS

A. *(See E-Mail Correspondence)*

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

B. Letter from Patricia Bagley regarding October 16th Public Dialogue Minutes

Assistant Mayor Splaine moved to refer to the City Attorney and City Clerk for report back. Seconded by Councilor Denton.

Assistant Mayor Splaine said the Council spoke three months ago about whether to record the public dialogue sessions. He said we need some kind of process for recording. He said how detailed do we need to be on the minutes. He would like the City Clerk to offer suggestions to recording the sessions.

Councilor Spear said he would vote opposed to the motion. He said we are fulfilling the Right-to-Know requirements with the minutes provided. He said we wanted a broader way to have communication and some people do not want to have themselves recorded on a device because they are uncomfortable.

Councilor Dwyer said we have had no more than four at a table during the discussion. She said there is no requirement of videoing or recording of the sessions. She said we have tried so much to be transparent.

Councilor Cyr said you could split the groups up with one in the Chambers and one in Conference Room A. He said he does not find it helpful in the format it is currently. He stated there is not enough time to have a dialogue and it was not effective.

Mayor Blalock passed the gavel to Assistant Mayor Splaine.

Mayor Blalock said the public dialogue is a work in progress and minutes are taken and reflect the general conversation. He does not see a problem with a report back.

Assistant Mayor Splaine returned the gavel to Mayor Blalock.

Councilor Pearson said we checked with the City Attorney to make sure that we are covering the Right-to-Know law.

City Attorney Sullivan said he referred to the New Hampshire Municipal Association and was advised that minutes would need to be kept and the minutes that have been prepared are adequate to reflect the discussion.

On a roll call vote 5-4, motion passed. Assistant Mayor Splaine, Councilors Dwyer, Pearson, Denton and Mayor Blalock voted in favor. Councilors Perkins, Lown, Spear and Cyr voted opposed.

- C. Request from Portsmouth Police Department for the Disposal of outdated Radio Equipment

Councilor Cyr moved to approve the Disposal of outdated Radio Equipment. Seconded by Councilor Dwyer and voted.

- D. Letter from Assistant Mayor-Elect Lazenby, Councilors-Elect Roberts, Reynolds and Becksted regarding McIntyre Project

Councilor Lown moved to accept and place the letter on file. Seconded by Councilor Dwyer and voted.

- E. Letter from Thomas Clairmont regarding Portsmouth 400

City Manager Bohenko said he has spoken with Kathleen Soldati and they will meet to discuss Dr. Clairmont's idea.

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

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

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

Councilor Lown moved 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. Seconded by Councilor Pearson and voted.

2. School Department Teacher's Retirement Incentive

City Manager Bohenko asked Superintendent of School Zdravec to come forward and speak to this matter.

Superintendent Zdravec said the incentive was voted by the School Board to move forward. He said these terms are the same as when this incentive was last offered in 2015. He said that this provides the School Department with better information to move forward as well as seeing some savings in next year's budget.

Councilor Lown moved to approve the proposed School Department Teacher Retirement Incentive for FY18, as presented. Seconded by Councilor Dwyer and voted.

3. Acceptance of Sanderson Drive as a city street (constructed as part of the subdivision off of Spinney Road)

City Manager Bohenko requested Planner Director Walker to come forward and speak to the project.

Planning Director Walker said this is for the approval of Provident Bank on 25 Maplewood Avenue. She spoke to the approval involving some encroachments and set back requirements.

City Attorney Sullivan said there is a small utility easement as well.

Councilor Perkins moved 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. Seconded by Councilor Cyr and voted.

City Manager's Informational Items

City Manager Bohenko said that an agenda will be prepared for the December 20, 2017 meeting regarding the McIntyre Building. Mayor Blalock said it would be a two-part agenda to formalize the public input session and follow format with the second part to possibly vote on a Memorandum of Understanding with a developer.

Councilor Spear said it would work better to have a work session format for the meeting and then move up to the dais and vote on the matter.

Mayor Blalock announced the meeting will begin at 6:30 p.m.

Councilor Dwyer said one of the goals was to receive public input moving forward and asked if there were any substantive changes that the Council would like to make to the process put forth.

Councilor Spear suggested having a time line for the three stages.

Councilor Spear requested that a report on the Pedestrian Plan be part of the Capital Improvement Plan for FY19 review.

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

Councilor Spear moved to appoint Mary Lou McElwain as a Regular member to the Parking & Traffic Safety Committee until September 17, 2018 filling the unexpired term of Ted Gray; appointment of Ralph DiBernardo as an Alternate to the Parking & Traffic Safety Committee until August 4, 2020; and the reappointment of Jody Record to the Planning Board until December 31, 2020. Seconded by Councilor Perkins and voted.

- 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

Mayor Blalock announced the appointments of John Kennedy and 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

Assistant Mayor Splaine reminded the City Council on the establishment of a Board of Ethics at the beginning of January. He said the board consists of five people with members from the City Council, School Board, Police and Fire Commissions to be selected by lot.

Assistant Mayor Splaine requested a report back from City Attorney Sullivan regarding the Financial Disclosure Form Submission and the ordinance. City Manager said the report back will be at the January 16, 2018 City Council meeting.

D. COUNCILOR LOWN

1. Parking & Traffic Safety Committee Action Sheet and Minutes of the December 7, 2017 meeting

Councilor Pearson moved to accept and approve the action sheet and minutes of the December 7, 2017 Parking & Traffic Safety meeting. Seconded by Councilor Cyr and voted.

E. COUNCILOR DENTON

1. Renewable Energy Committee Update

Councilor Denton provided an update regarding the Renewable Energy Committee and reported that they have held five meetings. He reported that they will be providing their policy in February to the City Council. Mayor Blalock advised the City Council the Blue Ribbon Committee will sunset in February, 2018.

XII. MISCELLANEOUS/UNFINISHED BUSINESS

Assistant Mayor Splaine requested a report back to the City Council at the January 16, 2018 City Council meeting on the following items regarding Coakley Landfill:

- What is contained in the contract for the Coakley Landfill Group Lobbyist;
- The amount the Lobbyist will be paid;
- What the Lobbyist will be doing and the process for deciding the kind of legislation the Lobbyist will be speaking on behalf of the Coakley Landfill Group

XIII. ADJOURNMENT

At 9:45 p.m., Councilor Lown moved to adjourn. Seconded by Councilor Spear and voted.



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

SPECIAL CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: WEDNESDAY, DECEMBER 20, 2017

PORTSMOUTH, NH
TIME: 6:30PM

I. CALL TO ORDER

Mayor Blalock called the meeting to order at 6:30 p.m.

II. ROLL CALL

Present: Mayor Blalock, Assistant Mayor Splaine, Councilors Perkins, Dwyer, Lown, Pearson, Spear, Cyr and Denton (6:35 p.m.)

III. ESTABLISH PUBLIC PROCESS FOR DEVELOPMENT OF MCINTYRE PROPERTY

A. Discussion/Action

Councilor Dwyer said we need to specify the roles of participants as outlined.

Role of Facilitators

The Committee will be assisted by skilled and impartial facilitators from Weston & Sampson who are familiar with the community. The facilitators, along with City staff, will be responsible for keeping the agreed upon process on track recapping input and materials from meeting to meeting and stage to stage; and managing the online tools for collecting public input and making it visible for all.

Role of the City Council

City Councilors are encouraged to attend and participate in as many of the sessions as possible. As a body, the City Council will be the recipient of the Committee's report back, which will be used by the City Council in developing the City's application to the Historic Monument Program.

Role of the Steering Committee

Steering Committee members will work with the City staff and facilitators to assemble the community input resulting from the process and represent the community process at the work session with the City Council. Regular updates from Council representatives on the Steering Committee to the full City Council will keep communication open with the full Council.

Role of the Public

Members of the public will be invited and encouraged to attend sessions and avail themselves of various input opportunities to share their ideas and hopes for the McIntyre project. Also, recognizing the “cumulative” nature of the process, the public is encouraged to make special effort to attend or view online the “Stage 1” program.

Mayor Blalock stated he would need guidelines from the City Council on the makeup of the Blue Ribbon Committee. City Manager Bohenko asked if a report back could be made at the January 16, 2018 City Council meeting. Mayor Blalock said he would not be entertaining applications until the endorsement of the City Council has been made.

Assistant Mayor Splaine said it is imperative that the two City Councilors on the Committee have no conflict of interest, no one from the construction or development field.

Mayor Blalock stated that the make-up of the Committee would be funneled through Deputy City Manager Colbert Puff.

Councilor Spear said he feels the next City Council should provide a guiding principle on the amount of money to be spent.

Councilor Dwyer said that exists within the RFP and that it is clear in the RFP that we did not want this to cost taxpayers anything.

Councilor Spear said he is not sure we need to involve the land use boards, an example would be for a variance. City Manager Bohenko said that would be up to the City Council. Councilor Spear agrees to go through the Planning Board process but not the Historic District Commission. He said he fears going through the process and getting to April and May the Historic District Commission may not support the project and instead of going to the Historic District after everything is done, is there a way to incorporate them as part of the process from the beginning.

Assistant Mayor Splaine said a new City Council will have different dynamics. He does not want to see any way to exclude the Boards, such as Planning Board and Historic District Commission because we need their oversight.

Mayor Blalock said we want to involve the land use boards in the project. He said we need something by May or June to get the application to the GSA. He said we would have public process take place and provide a variety of ways for people to take part in the process.

Councilor Dwyer said to include members of the land use boards along the way is a great idea.

Mayor Blalock said it may make sense to have a member of the Historic District Commission as part of the Blue Ribbon Committee.

Councilor Cyr asked where the land use board would be part of the timeline. Councilor Dwyer said when the City and partner prepare the application to the Parks Service which would be between April and July.

Deputy City Manager Colbert Puff said she agrees with Councilor Dwyer.

Councilor Cyr said some of the stages may have multiple events. Councilor Dwyer said yes.

Mayor Blalock said we want to adopt the process which is good for moving forward. He said people want to be involved and to become part of the process.

Councilor Lown moved to recommend the new City Council follow the procedures as laid out by Councilor Dwyer to receive public input. Seconded by Councilor Denton.

Assistant Mayor Splaine said he has no problem with the process but would not support requiring something of the new City Council. He feels that the new City Council should look at the process before making a vote but he likes the concept.

Mayor Blalock passed the gavel to Assistant Mayor Splaine.

Mayor Blalock said it would be important for the City Council to make a recommendation. He said it provides us with a place to start and we need to work towards the application and clear path to acquire the property.

Assistant Mayor Splaine returned the gavel to Mayor Blalock.

Councilor Dwyer said that there are five City Councilors that will be moving forward to the new City Council.

Assistant Mayor Splaine said the City Council needs to get away from the panic idea and have the progress move forward step by step.

Mayor Blalock informed the City Council that one of the new City Councilors has a conflict of interest so only eight Councilors will vote on the project.

On a roll call vote 8-1, motion passed. Councilors Perkins, Dwyer, Lown, Pearson, Spear, Cyr, Denton and Mayor Blalock voted in favor. Assistant Mayor Splaine voted opposed.

Assistant Mayor Splaine moved to adjourn. No second was received.

IV. CONSIDERATION OF DEVELOPMENT PARTNER FOR THE MCINTYRE PROPERTY

A. Discussion/Action

Councilor Dwyer said we need to affirm whether the City is a candidate to move forward and make an application for the property. She stated the RFP was a test for developers, this is a step for the City Council to put a plan forward and move on. She said that this is different from other processes. She said the public put us in a position that taxpayers would need to put in a great deal of money but we would not do that. She said the process is not corrupt it shows a weak civic fabric. She questioned whether this process is for the City and she said it may not be.

Councilor Pearson said she agrees with Councilor Dwyer. She said we inherited some really big projects from the other City Council. She said we needed to move forward with decisions. She asked why the City Council is putting themselves through this.

Councilor Spear said during a public dialogue session speakers were so upset with the idea of hotels they did not want anything to do with the project. He said this requires leadership by the City Council. He said there are constraints on the project that limit the possibility for this project. He does not know if the public is up to this. Councilor Spear said the City needs to be resolved in the monument process because it is better than giving up. He said he wants to do what he can to make sure we have the best shot of getting a filed application.

Mayor Blalock passed the gavel to Assistant Mayor Splaine.

Mayor Blalock said we as a City Council and a City have the resolve to move forward. He does not want to see an opportunity missed. He said we don't know what we want except in concept. He said the first few months of public comment will be good. Mayor Blalock said he would like Deputy City Manager Colbert Puff to speak to why we need to get an application in.

Assistant Mayor Splaine returned the gavel to Mayor Blalock.

Councilor Cyr said that it is a good question for the new City Council. He feels the public process will provide insight. He said he has faith we can move forward.

Councilor Denton said he would like to try the public process with maybe help by the public to support the process.

Councilor Perkins said she agrees with moving forward. She stated this should be an engaging process but it has not been. She said if we don't succeed it will go to a private team.

Assistant Mayor Splaine said he is not cynical of what the City Council has done on this. He said this should be the decision of the new City Council. He stated every controversial issue we have dealt with have resulted in the issues being resolved for the better.

Councilor Lown said he has been disappointed with the debate. He spoke to the history of the process and said we need to try the process and move forward.

Mayor Blalock asked Deputy City Manager Colbert Puff to speak to the process and what the City Council needs to do in the next four to five months.

Deputy City Manager Colbert Puff said the GSA will open this up to the market if we do not move forward. She explained the federal government needs to make sure the public is gaining a benefit with the monument program. She informed the City Council that the public benefit is through the preservation process. She stated in order to make an application many elements were intended to fit into an application. She stated we need to have specified through the application process being able to prove we are in a position to take over operation of the building and maintain it for the future. Deputy City Manager Colbert Puff said the application would become a binding document after acceptance when the City makes an application we are committing being ready to move forward.

Councilor Lown moved to recommend a particular developer to the next City Council. Seconded by Councilor Spear.

Councilor Lown said this is the next step and we would then enter into a Memorandum of Understanding and the next City Council is free to do what they want.

Councilor Dwyer said we need to know what the criteria is to select what partner.

Councilor Perkins asked if the motion would start the discussion with one of the teams.

Councilor Lown said nothing will happen in the next ten days. He said he does not have in mind that this City Council would do anything with a developer.

Councilor Cyr said he is not there to make a decision yet.

Councilor Denton said on selected a developer we could work with all three and then pick one. He said that would not be possible because it would cost the City money.

Councilor Perkins said she would like to hear from staff.

Deputy City Manager Colbert Puff said the questions have been brought forward for the developer. She stated Barry Abramson is here to speak to the answers provided by the developers. She said none of the teams are here to speak. She said the RFP was looked at with information provided by developers. She said the staff in trying to weigh the merits of the teams, the teams were all strong and have experiences and exhibited an interest in working with the City. She said we have checked their references and they continue to come in. Deputy City Manager Colbert Puff reviewed responses from the teams and their experiences. She also spoke to the designs by the teams and the overall understanding of the project. She advised the City Council all the teams were very close.

Mr. Abramson said in terms of the real estate experience Leggat McCall Properties has an edge. He spoke to each team proposals from hotels, office space, and downtown housing. He addressed leasing properties without parking and the effect which gave no consensus of opinion. He reviewed the prices for rents and stated that there is a significant risk for housing and much less risk with retail or hotel. Mr. Abramson stated over the two to three year period a hotel looks like a more solid bet for development. He spoke to a hotel being something that downtowns would be thrilled to get clearly there is a sense in the City that you already have enough hotels and that office space would work better. He addressed the tax revenue the City would receive for either venture. He advised the City Council that all three teams are solid developers and that there is opposition to make any of these projects a positive undertaking.

Deputy City Manager Colbert Puff said they went back to the monument program that there is no total removal of the one story wing. She addressed the removal of the loading dock. She said developers would be open to that and would walk through various design solutions through us.

Mr. Abramson said a limited amount of time would need to be given for the Memorandum of Understanding and selecting someone does not mean you are locked in with them.

Councilor Spear said the staff has indicated we can't make a wrong decision. He said he feels the City Council should initiate the process with a developer to work out a term sheet and Memorandum of Understanding with the next City Council. He said the City should be better served with moving forward and making a decision.

Councilor Denton asked staff if we should recommend or vote on a developer.

City Manager Bohenko said you heard from the staff on the three developers and said that this is a major decision and policy decision for the City Council. He stated that staff would like to have something in place by January 16th or February 5th at the latest.

On a roll call vote 5-4, motion passed. Councilors Perkins, Dwyer, Lown, Spear and Denton voted in favor. Assistant Mayor Splaine, Councilors Pearson, Cyr and Mayor Blalock voted opposed.

Councilor Lown moved to recommend Leggat McCall Properties as the developer for the McIntyre Property to the new City Council. Seconded by Councilor Spear.

Councilor Dwyer said the responses to questions and adaptability Leggat McCall had a completely inappropriate response to work with us and make changes. She said the responses should have been yes.

Mayor Blalock passed the gavel to Assistant Mayor Splaine.

Mayor Blalock said he would not vote on a developer this evening.

Assistant Mayor Splaine returned the gavel to Mayor Blalock.

Assistant Mayor Splaine said the new City Council should have the dialogue to make a better decision.

Councilor Spear suggested that we flesh out all the discussions.

Councilor Perkins said she is trying to weigh the information for office to retail.

City Manager Bohenko said he heard from Mr. Abramson you need to weigh the risk that can effect what the City will receive for compensation. He said are we prepared to adjust the position.

Deputy City Manager Colbert Puff said the Council needs to define the economic goal.

Mr. Abramson said they could provide the elements of costs and the impact of the downtown parking. He said traffic is an issue and an office building provides for more traffic.

Councilor Denton said Leggat McCall is the safer risk but he would rather go with Redgate/Kane and said we need to find someone respective.

Councilor Lown said this is just a recommendation. He said we could study this and have more data and comparison.

Councilor Dwyer said the recommendation needs to be on a majority vote.

Councilor Spear said the question and answers were very important. He addressed the answers from Ocean Properties provided long detailed answers, where he did not understand some of Redgate/Kane answers.

Councilor Perkins said more public input could be a benefit. She said Redgate/Kane were successful with creating a public space.

Councilor Cyr said he would not support the motion because of the team. He said he does not feel there will be a majority picked.

Councilor Lown said there are three great developers. He stated let's see if there are five votes for a developer.

Councilor Pearson said she will not be voting on any team. She said she no longer supports this.

Councilor Spear said Leggat McCall does not have the votes so we should withdraw the motion. Councilor Lown said he does not want to withdraw the motion and asked for a roll call vote.

On a roll call vote 2-7, motion failed to pass. Councilors Lown and Spear voted in favor. Assistant Mayor Splaine, Councilors Perkins, Dwyer, Pearson, Cyr, Denton and Mayor Blalock voted opposed.

Councilor Spear moved to recommend Redgate/Kane to the next City Council as the developer for the McIntyre Property. Seconded by Councilor Denton.

Councilor Spear said he supports Redgate/Kane and they preserve the façade of the building. He said that this is a policy choice for the City Council.

On a roll call vote 5-4, motion passed. Councilors Perkins, Dwyer, Lown, Spear and Denton voted in favor. Assistant Mayor Splaine, Councilors Pearson, Cyr and Mayor Blalock voted opposed.

City Manager Bohenko said we have a recommendation before us and we will work with the new City Council on how to proceed with the Memorandum of Understanding.

Councilor Dwyer recommended at the January 16, 2018 City Council meeting that this decision be taken up or reviewed allowing additional information. She said the new City Council should lead the discussion and vote on this and decide to reaffirm. She said that this matter should be taken up at the beginning of the meeting.

City Manager Bohenko said we will bring the new City Council up to speed and the staff can brief the new City Councilors on the proposals.

Assistant Mayor Splaine said the new City Council needs to be involved in the process and this was clearly a recommendation. He stated a recommendation is a lower step on the podium pole and urged the Council not to be upset with dialogue.

Mayor Blalock said the City Council has been phenomenal. He said the City Council has done a great deal of work and will miss the four City Councilors leaving. He said the City Council will move forward on January 16, 2018 or February 5, 2018 at the latest.

V. ADJOURNMENT

At 8:45 p.m., Assistant Mayor Splaine moved to adjourn. Seconded by Councilor Cyr and voted.



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

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, JANUARY 2, 2018

PORTSMOUTH, NH
TIME: 7:00PM [or thereafter]

I. CALL TO ORDER

Mayor Blalock called the meeting to order at 7:00 p.m.

II. ROLL CALL

Present: Mayor Blalock, Assistant Mayor Lazenby, Councilors Roberts, Pearson, Dwyer, Denton, Perkins, Reynolds and Becksted

III. INVOCATION BY REVEREND HILSON, NEW HOPE BAPTIST CHURCH

Reverend Hilson of New Hope Baptist Church conducted the Invocation.

POSTING OF THE COLORS

Members of the Portsmouth Police and Fire Departments Honor Guard held a procession and posted the colors.

IV. PLEDGE OF ALLEGIANCE

Mayor Blalock led in the Pledge of Allegiance to the Flag.

STAR-SPANGLED BANNER

Wendell Purrington sang the Star Spangled Banner.

Welcoming Remarks by the Honorable United States Senator Margaret Hassan

The Honorable United States Senator Margaret Hassan provided welcoming remarks to the City Council.

Cara Wry from Senator Shaheen's office was recognized for representing the Senator who was unable to attend this evening.

OATH OF OFFICE

City Clerk Barnaby administered the Oath of Office to the following officials who were elected at the November 7, 2017 Municipal Election.

A. FIRE COMMISSION

Commissioner Richard Gamester
Commissioner Jennifer Mosher-Matthes

B. POLICE COMMISSION

Commissioner James Splaine
Commissioner Joe Onosko

C. SCHOOL BOARD

Kristin Jeffrey, Tara Kennedy, Jeffrey Landry and Brian French. Nancy Novelline Clayburgh was unable to attend due to a family medical issue.

D. CITY COUNCIL

1. Councilors Doug Roberts, Nancy Pearson, Chris Dwyer, Josh Denton, Rebecca Perkins, Ned Raynolds, Rick Becksted
2. Assistant Mayor Cliff Lazenby
3. Mayor Jack Blalock

V. ADDRESS BY MAYOR JACK BLALOCK

Good evening and Happy New Year!!!

Welcome family, friends, neighbors, City Councilors, Police and Fire Commissioners, City Manager John Bohenko, City Clerk Kelli Barnaby, City staff and department heads, and **all special** guests.

I would like to thank Senator Maggie Hassan for her attendance and thoughtful words, as well as Cara Wry representing Senator Shaheen, Portsmouth's Fire and Police Honor Guards, and Wendell Purrington for their special participation in tonight's events.

It is an **incredible honor** to be here delivering my **second** inaugural speech as your mayor. It is also **humbling** to be validated by a community who endorses your leadership and Council's accomplishments. To be able to continue my tenure as Portsmouth's Mayor is a great privilege and duty that I take very seriously. Two years ago, I stood before you here and emphasized the importance of engaged civic participation. I feel we accomplished this with **a respectful, transparent process** that engage Portsmouth residents.

For example, we have witnessed tangible results and defined plans thanks to creative collaboration between the community, City Staff and City Council. The following developments keep the interests of our residents and local businesses at the forefront:

- the Prescott Park Master Plan;
- the Housing Committee and new zoning recommendations;
- the new Parking Garage Committee, construction of Foundry Place Garage and its nearby neighborhood improvements;
- the Vaughan-Worth-Bridge Committee; and
- the Business Retention and Expansion program.

We have been able to create forward motion on many long-awaited needs such as these in large part to residents offering their valuable input. Community involvement will be equally important in the future as this new City Council evaluates and determines the future of the McIntyre Federal Building.

It is also crucial for Portsmouth to not lose sight of the bigger picture and uphold certain values. I have always been proud of this City's spirit; it is why I decided to never establish a home elsewhere; why I continued a business here and raised a family here. I am passionate about this City and **proud** to be referred to as "**The People's Mayor.**"

In this past term, we have also witnessed unique and questionable decisions by our country's administration regarding:

- the Paris Climate agreement;
- LGBTQ rights; and
- Sanctuary cities – to name a few.

Not only as Mayor, but as a family man and citizen, it is important to me that all individuals in our community are welcome and treated equally, **and that together we work continuously towards a healthier environment.** In this past term I have vehemently expressed that this City will continue to:

- Uphold the standards of the Paris Climate agreement;
- Be a welcoming city to immigrants and others; and
- Host events such as Portsmouth PRIDE, and celebrate and encourage individuality.

This is another component of community involvement and a reason why we must remain outspoken, respectful and tuned in on a local level in order to maintain our integrity, as well as day-to-day amenities and comforts that we take for granted.

With that said, the work of this past City Council would not have been as successful if it didn't include the participation of our vocal citizenry as well as the expertise provided by City Manager John Bohenko and City staff. We are very fortunate to have staff of this caliber that executes operations that ensure stability, sustainability and connectivity. In just two years we have witnessed many developments that include the:

- maintenance of the City's AAA bond rate;
- start of constructing a second parking garage;
- renovating our wastewater treatment plant;
- renewal of the Market Street gateway;
- installation of LED street lights citywide, and solar energy arrays at Portsmouth High School and Madbury Water Treatment Plant;
- expansion of recycling and composting initiatives;
- recreation improvements including new tennis courts, field lighting and dog park; and
- introduction of a bike share program and plans for future public bike paths.

Over the years, we have also been fortunate to have loyal ongoing service from City Councilors. In this new term, we say goodbye to four City Councilors who decided to step down. I would like to express my gratitude to **Joshua Cyr, Brad Lown, Eric Spear and Jim Splaine.** It was a pleasure to have **Joshua Cyr** on Council last term after years of community involvement. We also say **farewell to veterans** of the Council:

- **Brad Lown**, after four terms in Council;
- **Eric Spear**, after five terms in Council including one as Mayor; and
- **Jim Splaine**, after eight terms in Council, five of those as Assistant Mayor – who is by no means slowing down and will serve Portsmouth's Police Commission.

Portsmouth is very fortunate to have such talented, dedicated citizens, and I know their commitment to service will continue in other roles.

I am very proud to welcome **four new City Councilors**, all who have become well known for their passion for Portsmouth and noticeable participation in City development. **A big congratulations** to our **new Assistant Mayor Cliff Lazenby**, **returning Councilor Ned Reynolds** and **new Councilors Doug Roberts and Rick Becksted** – and a **warm welcome back to Councilors Nancy Pearson, Josh Denton, Chris Dwyer and Rebecca Perkins**. I look forward to this new chapter of challenges and opportunities and I am eager to begin our work together.

I would like to close by thanking my wife Pam, my children Richard and Jaclyn, and my brother Jim and sister Janie for their unwavering support. **Thank you again to everyone here for their support as well, and thank you to all community members for playing a role in what Portsmouth is today.** I am honored to serve as Mayor for another term, collaborating with **all of you** to keep Portsmouth healthy and vibrant.

VI. BENEDICTION BY REVEREND HILSON, NEW HOPE BAPTIST CHURCH

Reverend Hilson performed the Benediction.

VII. ADJOURNMENT

At 7:40 p.m., Mayor Blalock adjourned the meeting.



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

PORTSMOUTH POLICE DEPARTMENT

MEMORANDUM

RECEIVED

DEC 23 2017

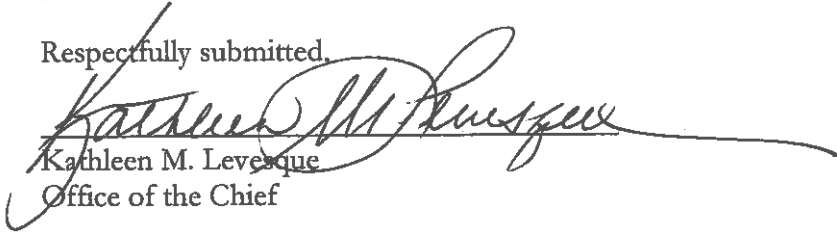
DATE: DECEMBER 20TH, 2017
TO: JOHN P. BOHENKO, CITY MANAGER
FROM: BRENNNA CAVANAUGH, CHAIR, PORTSMOUTH POLICE COMMISSION
ROBERT M. MERNER, CHIEF OF POLICE
RE: DONATION FROM NEWBURYPORT FIVE CENT SAVINGS BANK

At the December 19th, 2017 Police Commission meeting, the Board of Police Commissioners approved and accepted the following donation:

A \$500 donation from Newburyport Five Cent Savings Bank.

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 City Council meeting agenda for the January 16th, 2018 regular City Council meeting.

Respectfully submitted,


Kathleen M. Levesque
Office of the Chief

Attachments:

copies: Board of Police Commissioners
Finance Director Judie Belanger

Admin. Mgr. Karen Senecal
Business Asst. Tammie Perez

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ACCEPTANCE OF THE MINUTES OF THE MEETING HELD ON:

November 28th, 2017. (Anticipated Action: A motion will be made to accept the minutes of the November 28th, 2017 meeting.)

IV. PUBLIC COMMENT

Individual comment is limited to five minutes.

V. UNFINISHED BUSINESS: None.

VI. NEW BUSINESS:

A. POLICE COMMISSION:

No new business.

B. CHIEF OF POLICE:

1. Accreditation Update
2. Monthly Traffic Data

3. Donation:

- a.) A donation in the amount of \$500 has been received from the Newburyport Five Cent Savings Bank. (Anticipated Action: A motion will be made to accept the donation of \$500 from the Newburyport Five Cent Savings Bank and forward to the City Council for their action.)

4. Financial Report – Karen Senecal
 - a. Grant Applications Update
 - b. Facilities Report

C. PATROL DIVISION:

This report is included in the commission packet.

VII. COURT OFFICE REPORT

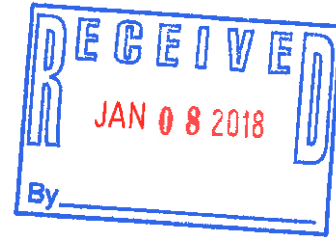
This report is included in the commission packet.

VIII. MISCELLANEOUS/OTHER BUSINESS: None



RUNNER'S ALLEY

Supporting Your Every Step



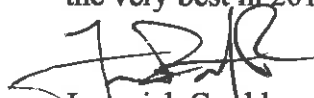
December 28th, 2017

Dear Mayor Blaylock/City Council,

Plans for the 21th Annual Runner's Alley/Redhook Brewery Memorial 5k are beginning to take shape, and once again we look for your approval to hold the race. This year's race is scheduled for May 27, 2018 at 11:00AM. All the logistics remain the same with the start and finish continuing to be at the Redhook Brewery. One hundred percent of the proceeds from the race will be donated to Krempels Center, based out of the Community Campus here in Portsmouth. If you are not familiar with Krempels Center, I urge you to visit their website for a truly moving picture of what they are all about (www.krempelscenter.org).

We look forward to your support once more, with almost 2000 runners last year as well as thousands of supporters and volunteers, we're very excited for an even better year! Voted as one of New England's top 100 races by New England Runner Magazine this race attracts runners and visitors from all over New England making it a wonderful asset to the entire Portsmouth community. Please consider granting us your permission to conduct another successful event, while raising seriously needed funds for an incredibly inspiring nonprofit organization, Krempels Center. The Runner's Alley/Redhook Race has always given 100% of its proceeds to charity and will continue to do so. As always we will work closely with the police department and the PDA to ensure we are abiding by all necessary rules and regulations.

Thank you for your time and consideration, wishing you and the City of Portsmouth all the very best in 2018!


Jeremiah Gould
Runner's Alley

CITY COUNCIL E-MAILS

December 19, 2017 – January 11, 2018

JANUARY 16, 2018 CITY COUNCIL MEETING

(Updated 01/16/2018 @ 1:30 p.m. – new content begins on Page 11)

Below is the result of your feedback form. It was submitted by Brian Kelly (brianbkelly87@gmail.com) on Monday, December 18, 2017 at 12:14:29

address: 40 Whidden Street

comments: Good morning councilors and future councilors.

Unfortunately I will not be able to join you this evening, though I look forward to being possibly able to come on Wednesday. I wanted to make sure you heard my thoughts on the McIntyre building. File it wherever you want.

I can't help but notice that the process this particular "crisis" has followed is remarkably similar to the Wastewater Treatment Facility "crisis" a couple years ago - a long and complicated process is derailed at the last minute by bad-faith actors. Someone splits the narrative into factions "for the people" and "against the people". Accusations of corruption fly all over while staying just vague enough not to have to back them up with any objective reality. It's deja vu. I like how the last one played out. Not sure if I'll like this one.

Now, I'm sure the sitting council will have bunch of people at the meeting tonight, some of them informed, some of them not, just like we did then. Just like then, you'll have to decide whether you cave to what appears to be popular pressure or whether you exercise your own judgement. I personally don't think you were elected to be voting barometers of the opinions of all of Portsmouth, but that's me. I don't know how you could even begin to do that. There are probably more effective ways of doing direct democracy, if that's what we're up to. You can each decide what you think you were elected to do, obviously.

I personally think that we should go ahead with picking a developer, and we should do it for the following reasons:

Public opinion is mixed. I've been out there looking, and from what I can tell there is no consensus on what the public wants in that space. Even an idea you would think would be easy, like "we don't want a hotel", melted in the face of that developer coming out of nowhere with a suddenly popular plan for a park and hotel. Coverage of the issue is incomplete, and barring some effort to clarify and inform more substantial than anything that we've done before, you'll be fighting misinformation the whole way. Trying to bring the public to a consensus and form a plan on an accelerated schedule is going to ultimately undermine that plan as you are going to lose a high percentage of support through the elimination of ideas. The idea that a plan will come out of this process stronger isn't a foregone conclusion.

We are still bad at public processes that incorporate ideas for the public. The Prescott Park BRC is our poster child for public input, but let's not forget that bad-faith actors in our community attempted to sabotage it at every turn through every means available. Even now, it's a constant slugfest to keep the popular vision for the park and festival on track and sustainable while it works its way through the committee.

There is no reason to believe that the same bad faith wouldn't happen here, or that it wouldn't be successful. Are you absolutely certain that, coming out of this process, we won't land in the same place, with the same people saying the same thing "the people haven't been heard."? I'm not at all.

Anyway, let's say I'm imagining that. I'm not, but for the sake of argument: We then have to walk out of the process with a feasible vision that is attractive to developers and taxpayers. Not to do so would be to invite either failure or another kerfuffle. I don't know how we would expect to come out of a visioning process with a feasible plan for a developer without the input of a developer.

Consequences for failure are high. If we blow the deal, we have far less control over what goes there. I know my One Portsmouth monthly bribes are good, but not good enough to say that I want a developer driving with ownership of the building. Sorry Steve!

By delaying, we legitimize the process it took to get there. Behavior has to matter. Fomenting public anger with innuendo and doublespeak to gain a political end is, frankly, despicable. I'd love to see this last tantrum as a swan song for gutter politics and not as a textbook example of how to throw mud until you get what you want. To do so would undermine every decision we have to make going forward.

Unfortunately this behavior taints the participation of everyone involved, even the good guys. I know there's a desire to keep that sort of behavior at arm's length while still benefiting from it, but it just looks gross and undermines everyone's faith in the process and in government. We can't wonder why participation and faith are low when we allow that sort of cynicism to fester. There may have been legitimate reasons for delaying, but the 'how' and has to be as important as the 'what' and 'why'.

I don't know what you're going to do. If you do go forward with a visioning process before choosing a developer, using the Prescott Park BRC as a model, with avenues for online participation, seems like the best way. I would shy away from any sort of design competition if we want a developer involved at all. If you're just going to bond it and do it ourselves, then sure. Whatever you do, you have to counter misinformation aggressively, and keep a code of conduct to make sure nobody gets chased out of the process.

As always, we need two things - parking and affordable housing - as much as we can get, as fast as we can possibly get it. I know most of you know this, but it never hurts to say. After that, green space is fine and might be cute there.

I would urge you all to anticipate the very probable legal challenges and give the GSA a heads-up to see how that might affect things. I know it's cold, but hell hasn't frozen over yet. This is standard procedure in Portsmouth now. Let's be sure to dot the I's so we don't get dunked on.

To the new guys - I appreciate your anxiousness to get started. That being said, your lame-ducking of the current council reduces the useful time of any council by about 10%. Setting that precedent is bad. I voted for a couple of you based on what I thought was good judgement. I hope you'll show better judgement in the future.

Sincerely,
Brian Kelly
Councilor-un-elect

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by Stephen & Karin Barndollar (stephenbarndollar1@gmail.com) on Monday, December 18, 2017 at 12:35:55

address: 120 Ridges Ct, Portsmouth

comments: We would urge the present City Council to delay the vote on the choice of a developer for a period of 90-120 days after the inauguration of the new Council.. The residents of Portsmouth, including the current Mayor and Ass.. mayor, and the newly named elected four council members , have all voiced their opposition to a vote at the 12/20/17 meeting.

There are still many issues of air rights, discussion of a public park and garden , space, the land lease value, and the many various building options voiced by a multitude of City residents.

I would urge you to create a city resident committee of people from each of the neighborhood groups, along with 2-3 interested architects from this city, to meet and review the RFQ's to come up with several alternative designs of what the building facade and land / garden areas should look like.

We need to slow down the process and. Have more public input. Thank you.

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 18, 2017 at 14:02:33

address: 24 Osprey Dr

comments: Thank you for your responses to my previous note. I finally think I understand why there's been a problem between the council's view of the developers and the public view of the public. It's because all three developers proposed a specific plan in keeping, one assumes, with their own expertise and motives. None of them said "My experience with such-and-such prepares me to address the vision of the people of Portsmouth." No wonder we were confused! For me to swing over to the council's side, however, I'd need to have something of that nature IN WRITING (i.e. a contractual agreement). I don't have a personal vision for the McIntyre Bldg., having been happy with it in its present state as a federal building with a post office, social security office, etc. I don't think it's "beautiful" in the least, but since the city wouldn't be allowed to tear it down, it's going to be a challenge. I just hope the council bears in mind that the residents of Portsmouth DO NOT want (or need) more hotels and luxury condominiums. Whether the McIntyre Bldg. would be suitable for workforce housing. So far, we're better at expressing what we don't want than what we do want. Thanks for your time.

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by Rep. Mindi Messmer (mmessmer@me.com) on Monday, December 18, 2017 at 18:20:14

address: PO Box 22134

comments: I wanted to express my concerns relating to a recent conversation while leaving the Legislative Office Building with a Mr. Wallace who is a lobbyist who works for Rath, Young and Pignatelli. After attending my Cancer Cluster Commission meeting, when asked why he was there he said: "you are not going to like this but I was hired by CLG to fight your PFC legislation."

This is of great concern to me that CLG would essentially use Portsmouth taxpayer money to fight legislation intended to protect the taxpayers of the City of Portsmouth seemingly without the knowledge of the City Council or the taxpayers.

Rep. Mindi Messmer

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by Kerry Vautrot (advocates@portsmouthhistory.org) on Tuesday, December 19, 2017 at 06:21:54

address: 10 Middle Street

comments: The little red light was going off when I spoke last night, so I didn't get to state my last, and most important comment. On behalf of Portsmouth Advocates, the historic preservation advocacy arm of the Portsmouth Historical Society, we request that you postpone selection until there is sufficient opportunity for both you and the public to review the responses from the developers about the flexibility of the program prior to selecting a preferred partner. Please see below for additional information.

We've heard you loud and clear that this is all about selecting a partner, not a project. The unfortunate thing is that the proposals and subsequent presentations made by potential partners were so specific—complete with renderings, a defined design aesthetic, assumptions about the historic preservation requirements, and a pro forma that dictates the density of new construction.

With our mission to preserve the integrity of Portsmouth's historic built environment we are chiefly concerned about three things as you move forward in this process:

1. Preservation of the historic McIntyre Building. This contributing resource to the National Register Historic District represents the new Formalism introduced in mid-twentieth century architecture. With its thoughtful details, like its bracketed cornice, fenestration pattern and material choices, this building actually echoes the historic buildings around it. The building, including the post office portion and significant interiors, must be protected under the Monuments Program—yet only one of the proposals indicated that they planned to keep the one story section. Furthermore, only one of the development teams—and a different team at that--included a historic preservation consultant as part of their team. Given the coordination with the National Park Service and New Hampshire State Historic Preservation Office, we feel it is critical that the public private partnership have a historic preservationist as part of the team from the get-go. Based on the discrepancies in the proposals and the presentations, we worry that the requirement to meet the Secretary of the Interior's Standards for the Treatment of Historic Properties, though stated in the RFP, is not well understood by any of the applicant.
2. Compatible new design within the historic district. This parcel is surrounded by significant historic properties and ensuring that any new construction on the site is compatible with its historic environs should be paramount. The proposals demonstrate a lack of understanding about what would likely be approved for construction at the State and Federal levels within this, most sensitive, portion of the historic district.
3. The design should go through the local land use boards. The RFP states that the City will assist in obtaining local regulatory approvals and that consultation with the HDC will be required. Despite the fact that the City will own this property, the HDC should be more than a consulting party in this process—they should be an approving entity. Please ensure that this becomes a requirement moving forward.

In closing, we are concerned that the program for each developer is solidified to the point that future comments to make the development more compatible with its historic environment won't be meaningful. A flexible program will be essential to ensuring that the design can maximize the adaptive reuse of the McIntyre Building and the compatibility of new design. Questions to this effect were posed to the development teams at the November presentation. You should postpone your selection of a partner until the Council and the public has an opportunity to actually hear and see the responses. Only after evaluating these answers can we comment on which respondent, if any, would be a suitable partner for the city.

Very respectfully,

Kerry Vautrot, Chair
Portsmouth Advocates

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by Zelita Morgan (zelita.morgan@gmail.com) on Wednesday, December 20, 2017 at 07:46:26

address: 39 Richards Avenue

comments: Dear Councilors,

Thanks for the replies received on previous communication seeking clarification on the criteria you are using to select a partner.

I must say the absence of cohesiveness between the responses is, in and by itself, the most compelling argument as to why no vote on a developer should happen. There was NO ALIGNMENT whatsoever on the criteria you are using.

Of special note I would like to highlight how liberally "expert" and "expertise" have been used, without proper and needed disclosure of the parameter(s) defining either in the context of the McIntyre redevelopment.

You were voted on for many reasons, none of which includes the arbitrary exclusion of a due public input on the vision for the McIntyre, before seeking, let alone choosing, a developer/partner.

I would like to end my comments by thanking both Mayor Blalock and Assistant Mayor Splaine for their continued support to postpone this vote and allow a public vision to be brought forward.

Wishing you and your loved ones a peaceful holiday season.

Sincerely,
Zelita Morgan
includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by Mary Lou McElwain (ml259@comcast.net) on Wednesday, December 20, 2017 at 10:42:01

address: 259 South Street

comments: We continue to object to a vote this evening by the present city council members in choosing a development team for the McIntyre building.

First of all, your choice to vote this eve, when community events are occurring all over town means that residents will not be at this meeting. Hopefully, you have heard from many and are reading the letters to the editor.

I am concerned that you will choose the self-serving Two International Place/Ocean Properties group who presented the most offensive design with no consideration at all to the community, despite the insistence that many in the group live in Portsmouth. Lisa DeStefano will be a member of that team. Just look at the ugly buildings DeStefano Architects have participated in : Port Walk Place, condos (still empty) at the end of State St, and the monstrosity on Islington St. to name three standouts (no pun intended). I don't think we need to see more! And Joe Almeida is a member of her company.....does he get special consideration for all his years on the HDC? Certainly hope not.

This rush feels an awful lot like the tax law rewrite that has been shoved down our throats as of last eve. The timing is rather ironic. Considering the number of letters to the editor and a Portsmouth Herald editorial, I wonder how many comments you have received in favor of your vote this eve?

Also, please look carefully at an "out of the box" design by architect Doug Greene, a UNH grad. We need more input like his. Please do not vote on a development team this evening.

Thank you.

Mary Lou and Bob McElwain

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by Brenna Cavanaugh (cavanaughbrenna@gmail.com) on Wednesday, December 20, 2017 at 18:48:42

address: 140 Summer St

comments: December 20, 2017

Honorable Mayor and City Councilors,

The resignation of Commissioner Plaia effective immediately leaves the Police Commission, for the second time in my term, disbanded for the next eleven days. This council or the next council will select an individual to carry out the balance of Commissioner Plaia's term. I respectfully request to be considered for appointed to the vacant seat. It would be my pleasure and an honor to serve the city's residents as a police commissioner for the next two years.

The institutional knowledge and oversight acumen acquired during my tenure would benefit the Chief, the department, the City of Portsmouth and its' residents. Additionally, my experience and current knowledge of existing practices would offer the benefit of continuity. As we all know, the Portsmouth Police Department has endured a series of leadership gaps and upheaval in recent years. It is vital to sustain the much-needed stability and progression the department has finally seen the past two years.

Selecting me to fill the two-year balance remaining on Commissioner Plaia's term would eliminate the need for a new council, which already has many other important topics of business to address. Appointing me to this vacancy would benefit the city council and the department, as there would not have to be an interruption in regular business. I thank you for your consideration.

Respectfully Submitted,

Brenna Cavanaugh
includeInRecords: on

Engage: Submit

Below is the result of your feedback form. It was submitted by Mary Lou McElwain (ml259@comcast.net) on Thursday, December 21, 2017 at 07:55:15

address: 259 South Street

comments: I stand corrected . At the council meeting when the teams made presentations, I thought Lisa DeStefano and Joe Almeida were sitting with the Two International/Ocean group. This morning's Herald set me straight. However, that doesn't change my opinion of DSA designs in Portsmouth.

Thanks to each of you for your hours upon hours of diligent work.

Good tidings to all.

Mary Lou McElwain

includeInRecords: on

Engage: Submit

Below is the result of your feedback form. It was submitted by Jim Splaine (jimsplaineportsmouth@gmail.com) on Friday, December 29, 2017 at 13:55:24

address: 201 Oriental Gardens, Portsmouth, NH

comments: I would like to be among the first to congratulate each of you on your election to the 2018-2019 Portsmouth City Council.

As I finish my past two terms, I'm reminded that where you sit is only very temporary. Through the years (16) that I have spent on the Council off-and-on since 1970, I have got OFF the Council 4 times -- once when I was defeated for reelection in 1971, and the other 3 times when I did not run for reelection. That has given me a good perspective that indeed, your seat is only temporarily. That's the way it is in our democracy. And that's a good thing!

I have written a commentary summarizing some of my experiences during the past four years on what may be considered controversial issues. I offer my thoughts to you with the hope that no matter how "heated" the discussions you face in the next two years may become, that you appreciate that it is part of the process of governing, and is indeed the definition of democracy. We should not be afraid of disagreement, argument, even passionate debate. And an 8-1 or a 7-2 vote can be as valuable to the governing process as a 9-0 vote of full consensus can be.

I hope you encourage the public to participate in every way possible as you undertake your deliberative and decision-making process. We are all in this together.

Thank You -- Jim Splaine

Portsmouth:
Democracy At Its Best

As I finish up four years as Portsmouth Assistant Mayor, I thought I could offer some observations about the health of our local democratic process, which sometimes comes into question.

I have found that civic engagement and the active involvement of our citizens is alive and well in our community. We should be proud of the energy of our residents. No matter the issue, there are lots of views and voices, and that is something to be excited about.

It also bodes well for our future.

Doris "Granny D." Haddock, the N.H. woman who at age 90 walked from California to Washington, D.C. to fight for clean elections, often said "Democracy is hard work." It is. Either we, as citizens, participate in it -- or it fades away. She also spoke of "The Power of One." Each of us has that power.

In Portsmouth, we participate. We each matter. When we talk with one another, we learn from one another. I'm optimistic about our future, provided we continue to encourage intense citizen engagement.

The more controversial local issues of the past few years show how active citizen participation has made decision-making better.

The recent discussion about redevelopment of the McIntyre Federal Building was a bit messy, and some people got very upset, on all sides. But because of an involved public, the City Council decided to wait to choose a development partner until the newly-elected Council members can be directly involved and more visioning accomplished. That's a good thing.

And during the past four years or so, we saw much discussion about our police department, and the way some people were treated. Because of public engagement, significant reforms were made. By the way, thank you, John and Diane Connors, and Paul McEachern, among others.

Other heated subjects during the two terms I spent on this City Council were "Uber," and how to keep our traditional taxi cabs in business; the Worth Lot, and how to keep it available without a parking garage built on

it so that other visions and options could be considered; and the Waste Water Treatment Plant, which in the process of dialogue, including with South End neighbors, became better than it otherwise would have been.

Then there were several Downtown development projects. Our process of citizen oversight, while it could be better, with our boards and commissions have improved proposals through an evolutionary process of evaluating impact, need, and historical perspective.

Yet other controversial issues were the Deer-Bridge Parking Center, and the use of Prescott Park, and the arts festival that brings thousands of people to our community in summer months. The "collective we," including neighbors (for goodness sake, let's stop accusing people of being "NIMBY" because our neighborhoods are important -- that's where we all live), improved both projects. Democracy worked.

The controversy over "non-meetings," indeed heated at times and I saw that up-close-and-personal since I was in the middle of it all, resulted in the City Council no longer using such procedures, and instead properly following the "non-public session" process allowed by the N.H. Right-To-Know Law. That allows confidentiality when needed, yet protects our citizens' right-to-know when it's responsible to do so.

Portsmouth citizens are engaged. We do it in person at meetings of the Council and boards and commissions, demonstrating for causes in Market Square, taking marches over the Memorial Bridge on even very cold days, making Facebook posts -- sometimes angrily but usually contributing important positive dialogue and critical thinking about issues -- and writing letters to the editor or simply catching up with one another on the streets and coffee houses.

We're doing okay.

In fact, we're doing great and we should welcome all that discussion. By all. On any issue. And at any time. Because we're all in this together.

A government is only as good and effective as the passionate involvement of its citizens. It's not always pretty. But it's all part of the democratic, and governing, process.

I have often said that I don't blindly trust our government -- at any level -- to always do good deeds. At times, it can be abusive to our citizens. We should be skeptical about what it does, or may do, or could do. But I do trust that by involving as many people as who want to be included in the dialogue helps whatever actions our government does.

In our community, we take our government seriously. From my observation, the fabric of Portsmouth democracy is strong. And it's getting stronger.

Thank You,

Jim Splaine
Citizen Activist

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by Bess Mosley (bessm@comcast.net) on Tuesday, January 2, 2018 at 08:46:33

address: 302 Springbrook Circle

comments: Dear 2018 City Council,

Thank you all for your service to Portsmouth and congratulations to the new councilors.

I understand that with the resignation of Joe Plaia from the Police Commission, the City Council has a role in filling the seat. If it is permissible for you to simply appoint someone to serve out the balance of Mr, Plaia's term, please appoint Brenna Cavanaugh.

Brenna Cavanaugh was the single most influential reformer responsible for the transition we have watched unfold in our Police Dept since 2013. Her motivation was honorable and righteous in 2013 and has remained so since.

I think there can be no doubt that had she run for re-election she would have easily won. We will all be well served if Brenna Cavanaugh is returned to the Police Commission.

Thank you again for your service to the city.

Bess Mosley

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by Jim Splaine
(jimsplaineportsmouth@gmail.com) on Wednesday, January 10, 2018 at 07:35:41

address: 201 Oriental Gardens, Portsmouth, NH

comments: Portsmouth:
Democracy At Its Best

As I finish up four years as Portsmouth Assistant Mayor, I thought I could offer some observations about the health of our local democratic process, which sometimes comes into question.

I have found that civic engagement and the active involvement of our citizens is alive and well in our community. We should be proud of the energy of our residents. No matter the issue, there are lots of views and voices, and that is something to be excited about.

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And during the past four years or so, we saw much discussion about our police department, and the way some people were treated. Because of public engagement, significant reforms were made. By the way, thank you, John and Diane Connors, and Paul McEachern, among others.

Other heated subjects during the two terms I spent on this City Council were "Uber," and how to keep our traditional taxi cabs in business; the Worth Lot, and how to keep it available without a parking garage built on it so that other visions and options could be considered; and the Waste Water Treatment Plant, which in the process of dialogue, including with South End neighbors, became better than it otherwise would have been.

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Yet other controversial issues were the Deer-Bridge Parking Center, and the use of Prescott Park, and the arts festival that brings thousands of people to our community in summer months. The "collective we," including neighbors (for goodness sake, let's stop accusing people of being "NIMBY" because our neighborhoods are important -- that's where we all live), improved both projects. Democracy worked.

The controversy over "non-meetings," indeed heated at times and I saw that up-close-and-personal since I was in the middle of it all, resulted in the City Council no longer using such procedures, and instead properly following the "non-public session" process allowed by the N.H. Right-To-Know Law. That allows confidentiality when needed, yet protects our citizens' right-to-know when it's responsible to do so.

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In our community, we take our government seriously. From my observation, the fabric of Portsmouth democracy is strong. And it's getting stronger.

Thank You,

Jim Splaine
Citizen Activist

includeInRecords: on

Engage: Submit

Below is the result of your feedback form. It was submitted by Frank Breen (gundalow@comcast.net) on Thursday, January 11, 2018 at 05:43:11

address: Bow Street, Portsmouth

comments: Hi,

I would like to congratulate all of you on your re-election to, or first term on, the Council.

My purpose in writing is to encourage you to remain open to the unique and watershed possibilities presented to the City vis a vis the McIntyre project. It would seem to me, that anything short of converting the parcel into a space that is in concert with the surrounding neighborhood, with a slant toward public use and historic presentation, would be a huge loss for the City.

Development in the north end has transformed that area into "Anytown" USA. Which is not to say that there isn't any place for such development, but to let it encroach into the core of the City would be a big mistake. We must be very careful not develop our way out of the very reason why people want to visit here. Tourists may stay at the hotels in the north end, but they don't spend their time there. They visit to enjoy the City's historic colonial core, open spaces, and cultural richness.

I also implore you not to accept the GSA's assertion that the current shell must be preserved. It is by any measure an out of character eyesore. Certainly, there exists enough political clout between the City and State to convince the current administration to reverse the decision. (Especially given the President's penchant for railing against "government overreach".) This issue should be vigorously pursued before moving forward in choosing a developer. The outcome is too important to the success of the project to simply acquiesce without a concerted effort to the contrary. I suggest that the process be slowed down until every possible avenue for removing the shell has been run to ground.

Lastly, I encourage you to be very careful in your dealings with the development candidates. Their priorities are profit driven, the City's are not. Any tax revenue we receive will be more than we currently do. The more important consideration should be the adding of another jewel, that we can all enjoy and be proud of, to the crown that is Portsmouth.

Thanks, and regards,
Frank Breen

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by Tim Kenney (tkenney@nhml.com) on Friday, January 12, 2018 at 15:34:50

address: 72 Porpoise Way

comments: The evacuation route has about six feet of snow piled up against the locked gate. The Boat road has been plowed, but the snow pile kind of makes a smooth exit impossible in the unlikely event of an evacuation. Can this get dealt with? I called the PD a week ago and they said they would call Public Works, but that was a week ago.

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by Jim Splaine
(jimsplaineportsmouth@gmail.com) on Monday, January 15, 2018 at 16:21:38

address: 201 Oriental Gardens, Portsmouth, NH

comments: Monday, January 15, 2018

To: The Portsmouth City Council

(Per policy, I have to state that the following thoughts are offered as my own opinion, and not as a viewpoint of the Portsmouth Police Commission.)

I am pleased to team up with Rye State Representative Mindi Messmer and others in urging the Portsmouth City Council to get serious about your oversight of issues relating to the Coakley Landfill Group. As part of that concern, I also urge you to formally endorse legislation that will require the Coakley Landfill Group to live up to the transparency obligations of the N.H. Right-To-Know Law. Not to do so is unforgivable and unconscionable.

The Coakley Landfill Group has been in the news for quite some time. It is a collective of several area communities, Portsmouth being the major one, overseeing the Coakley Landfill, which was used for years but closed decades ago as a dump.

I have already sent a previous letter to the Portsmouth City Council, which is on your agenda for Tuesday night's meeting, asking for information about the Coakley Landfill Group. It is a follow-up to a request I made at the December 18th Council meeting, the final meeting of this past year when I was still on the Council.

At that meeting, and in my follow-up letter, I ask for three pieces of information:

1. A copy of the contract between the Coakley Landfill Group, of which Portsmouth is a major participant, and a lobbyist who has been hired;
2. The amount being paid to the lobbyist;
3. What kind of work the lobbyist will do and legislation the lobbyist will support or oppose, and who decides.

I also ask that the City Council formally support legislation that is being sponsored by Rye State Representative Mindi Messmer, Sen. Martha Fuller Clark, Portsmouth State Rep. Laura Pantelakos, Hampton State Rep. Renny Cushing, and others requiring that the Coakley Landfill Group follow the requirements of the N.H. Right-To-Know Law.

Protecting our environment for the future is vitally important. Receiving this information, and getting on top of the role of what the Coakley Landfill Group does, contributes to that future.

Two upcoming relevant bills concerning Coakley are House Bill 1701 and House Bill 1766.

Here is a streamlined edited text of the Coakley/N.H. Right-To-Know Law legislation, and area sponsors (for full text of bill, click on the N.H. WEBSITE link given):

HOUSE BILL 1701, "AN ACT making the Coakley Landfill Group subject to the provisions of RSA 91-A (the N.H. Right-To-Know Law statute).

SPONSORS: Rep. Cushing, Rockingham County 21; Rep. Bean, Rock. 21; Rep. McConnell, Ches. 12; Rep. Messmer, Rock. 24; Rep. Pantelakos, Rock. 25; Rep. R. Tilton, Rock. 37; Rep. Emerick, Rock. 21; Sen. Innis, Dist 24; Sen. Fuller Clark, Dist 21; Sen. Feltes, Dist 15.

COMMITTEE: House Judiciary

ANALYSIS: This bill requires the commissioner of the department of environmental services to require the Coakley Landfill Group to submit its records pertaining to the remediation at the site of the Coakley Landfill. The records shall be subject to RSA 91-A (the N.H. Right-To-Know Law statute).

1 New Section; Department of Environmental Services; Coakley Landfill Group. Amend RSA 21-O by inserting after section 3 the following new section:

21-O:3-a Coakley Landfill Group; Records. The commissioner shall require the Coakley Landfill Group which is composed of certain municipalities and which is responsible for remediation at the Coakley Landfill to submit to the department all records pertaining to the remediation. The records submitted pursuant to this section shall be subject to the provisions of 91-A.

=====

Here is a streamlined edited text of the legislation calling for further remediation of the Coakley Landfill (for full text of bill, click on the N.H. WEBSITE link given):

House Bill 1766, "AN ACT relative to remediating the Coakley Landfill in Greenland."

SPONSORS: Rep. Messmer, Rockingham County 24; Rep. Cushing, Rock. 21; Rep. Bean, Rock. 21; Rep. Edgar, Rock. 21; Rep. T. Le, Rock. 31; Rep. P. Gordon, Rock. 29; Sen. Fuller Clark, Dist 21.

COMMITTEE: House Environment and Agriculture

ANALYSIS: This bill requires the department of environmental services to order the parties responsible for dumping hazardous waste in the Coakley Landfill to undertake certain remedial actions.

1 Findings.

I. "Responsible Parties" means 78 organizations which dumped hazardous waste from off-site locations. Responsible parties are listed here:

The parties the Coakley Landfill Group (CLF) are comprised of:

- (a) The city of Portsmouth (53.6 percent),
- (b) The town of North Hampton (4 percent),
- (c) The town of Newington (5.5 percent),
- (d) Generators (20 percent),
- (e) Transporters (16.9 percent).

II. The general court finds:

(a) The Coakley Landfill Superfund site is a 92-acre site located in Greenland, New Hampshire. Approximately 27 acres of the landfill was capped in 1992. Since that time, the responsible parties have been conducting groundwater monitoring in response to requirements in a groundwater management permit (GMP). The following was taken from the United States Environmental Protection Agency (EPA) Record of Decision:

(b) The Coakley Landfill was permitted by the state of New Hampshire between 1971 and 1985. In 1983, the state ordered the landfill closed. Landfill operations ceased in July of 1985 after investigations conducted by the EPA and state of New Hampshire raised concerns about contamination originating from Coakley Landfill. In 1983, EPA proposed to list Coakley Landfill on the National Priority List. The site was listed on the National Priority List in 1986.

(c) Record of Decisions were issued in 1990 and 1994, for Operating Units 1(OU-1) and 2 (OU-2), respectively. The Record of Decision for Operating Unit 1 included a cap over 27 acres of the landfill and a wait and see approach for groundwater and surface water migration termed "monitored natural attenuation" for OU-2. The remedy selected for OU-2 was the second least costly approach for remediation. The landfill does not have a liner underneath.

(d) OU-2 (management of migration) addresses groundwater contamination which has migrated from the landfill. A feasibility study (FS) was conducted in 1990 and evaluated 4 alternatives to control migration of contaminated groundwater which included:

(1) MM-1 minimal no-action (fencing and monitoring) Estimated Time for Design and Construction: None Estimated Capital Cost (1994 Dollars); \$ 0 Estimated Annual Operation and Maintenance Costs: \$98,000 Estimated Total Cost Over 30 Years (1993 Dollars); \$1,212,000

(2) MM-2: Limited Action, Natural Attenuation and Groundwater Monitoring Estimated Time for Design and Construction; 1 year Estimated Capital Cost (1993 Dollars): \$301,000 Estimated Annual Operations and Maintenance Costs; \$ 98,000 Estimated Total Cost Over 30 Years (1993 Dollars): \$ 1,412,000

(3) MM-3: Groundwater Treatment/On-site Disposal in Conjunction with OU-1 Groundwater Treatment System.

Estimated Time for Design and Construction; 2 years Estimated Capital Cost (1993 Dollars); \$ 586,000

Estimated Annual Operation and Maintenance Costs: \$ 151,000 Estimated Total Cost Over 30 Years (1993 Dollars); \$ 2,067,000

(4) MM-4 capping/on-site groundwater pretreatment/on site groundwater treatment and disposal.

Estimated Time for Design and Construction; 2 years Estimated Capital Cost (1993 Dollars); \$ 1,438,000

Estimated Annual Operation and Maintenance Costs: \$ 196,000 Estimated Total Cost Over 30 Years (1993 Dollars); \$ 3,232,000

(e) MM-2, one of the lowest cost remedies, was the selected remedy in the 1994 Record of Decision. This response action selected includes utilizing natural attenuation to remediate the contaminated groundwater plume; groundwater monitoring; and using institutional controls (ICs) to prevent use of contaminated groundwater.

(f) The OU-2 remedy effectiveness is predicated on the ability of chemicals to biodegrade naturally. Perfluorinated chemicals (PFCs) do not biodegrade and are very persistent in the environment. PFCs are migrating in site groundwater into private, public and commercial supply wells and at high levels into surface water bodies which are used for recreation and fishing. Therefore, OU-2 is no longer an effective remedial strategy.

(g) The department of environmental services regulates site contamination through a groundwater management permit (GMP). The GMP manages migration of contaminants within the groundwater management zone (GMZ) which has been expanded over time to include areas where contaminated groundwater has migrated away from the landfill. The Task Force concluded that the GMZ borders do not sufficiently define the extent of PFC- contaminated groundwater to the North, South, East, or West. Therefore, public water supplies of the towns of Hampton, North Hampton, Rye, and Greenland are threatened. Recently, PFCs were detected at 87 parts per trillion in one well that serves the town of Hampton. Aquarion Water Company shut the well down. Other adjacent wells saw annual total PFC increases of 2 to 3 times from previous year.

(h) This excerpt from the 1994 Management of Migration (MOM) (CDM, 1994) summarizes MM-4 in the following way: “The preliminary design of the extraction system would consist of wells constructed just upgradient of the wetlands west of the Coakley Landfill site or near the outermost plume. During final design, additional wells to speed the treatment process may be installed radially around the Coakley Landfill. The exact number of wells would be determined in the design phase. For costing purposes, the extraction system is proposed to include 6 shallow outwash wells or an interceptor trench drain of approximately 2,000 linear feet, 4 deeper till wells, and 3 bedrock extraction wells. Figure 6-1 showed the locations of the proposed extraction wells. Collected groundwater would be pumped through pipes constructed from the wells to the location of the OU-2 treatment facility.” The cost of this remedy was estimated at approximately \$3,200,000 (CDM, 1994 Management of Migration Remedial Investigation/Feasibility Study (RI/FS) Report “ Volume 3 of 3).

(i) On July 7, 2017 the department of environmental services issued correspondence stating the following:

“First, and in the near term, the department of environmental services believes that signage to alert the public to the presence of contaminants in the adjacent wetlands, seasonally flooded railroad bed, and the uppermost reach of Berrys Brook is appropriate. We have discussed this issue with the (EPA) and are working with them to determine how to best accomplish this.

Second, with regard to the expressed concerns about potential impacts to fish in Berrys Brook, the department of environmental services believes that additional work needs to be completed, in concert with the department of fish and the game determine whether the surface water quality in the lower reaches of the brook poses any risk to recreational anglers who catch and consume the stocked brown trout or other species from the brook. Since early May, the department of environmental services has been engaged with USEPA on this topic. The department of fish and game is currently working to address a number of relevant questions developed by USEPA about the fisheries. Once that information is received, we will work with USEPA and the department of fish and game to determine how best to address this question.

Third, the department of environmental services believes that actions need to be implemented at the site to provide additional removal or containment of the contamination, in order to mitigate these surface water quality impacts. In the long run, this will be the most reliable way to limit exposure to site contaminants via the surface water pathway.”

(j) The original MM-4 remedy cost analysis included treatment for metals and volatile organic compounds (VOCs) which according to current data would not be required. The current treatment system would include granular activated carbon (GAC) to treat PFCs.

Cost for GAC system including filters and media (approximately 300 gallons per minute [GPM] treatment capacity) = \$535,000 (2017 dollars) Since the system would be designed to control migration off-site only with reinjection it is possible that one filter systems would be required at a cost of \$535,000 (original equipment cost in ROD is \$155,000 resulting in an increased cost for treatment of \$380,000) and total increase to approximately \$3,800,00. In 2017 dollars the capital cost would be approximately \$7,000,000.

2 Imminent Hazard Declared. The general court finds that an imminent hazard exists under RSA 147-A relating to the Coakley Landfill Superfund site due to threats to public and private drinking water in the towns of Hampton, North Hampton, Rye, and Greenland, and the surface water bodies that flow through all seacoast towns, including but not limited to: Hampton, North Hampton, Rye, Greenland, and Portsmouth. To address the imminent hazard relating to the Coakley Landfill Superfund site:

I. The department of environmental services shall compel the parties responsible for the dumping of hazardous waste at Coakley Landfill to implement remedial option MM-4 as detailed in the May 23, 1994 management of migration Remedial Investigation/Feasibility Study prepared by the United States Environmental Protection Agency within 1 year of the effective date of this act.

II. The department of environmental services shall compel the parties responsible for the dumping of hazardous waste at Coakley Landfill to complete an analysis of the water and fish in Berry's Brook in order to

determine whether the fish are safe for public consumption. Such analysis shall be completed prior to the next department of fish and game stocking following the effective date of this act.

=====

I have often observed that there is nothing on this planet more important than the way we treat one another. The second most important thing is the way we treat our planet.

In twenty and thirty years, people who call the Seacoast Area "home" will look back at the actions of the Portsmouth City Council and N.H. State Legislature in 2018 and either credit us with being visionaries in acting positively and proactively, or being critical of our continued ignorance, arrogance, and avoidance.

Please, act to support oversight of the Coakley Landfill Group by backing the N.H. Right-To-Know Law legislation, as well as responsible remediation efforts for the Coakley Landfill. We caused the problem, now we have to remedy it. We're all in this together.

Thank You,

Jim Splaine
Citizen Activist

Here is the State of New Hampshire Legislative WEBSITE link to House Bill 1701, N.H. Right-To-Know Law bill, full text:

http://gencourt.state.nh.us/lsr_search/billText.aspx?id=1479&type=4

Here is the State of New Hampshire Legislative WEBSITE link to House Bill 1766, remediating the Coakley Landfill, full text:

http://gencourt.state.nh.us/lsr_search/billText.aspx?id=1523&type=4

includeInRecords: on

Engage: Submit



Ocean Properties Hotels, Resorts & Affiliates
1000 Market Street, Building One Suite 300, Portsmouth, NH 03801
603-559-2101

Two International Group
1 New Hampshire Avenue, Suite 101, Portsmouth, NH 03801
603-436-8686

December 29, 2017

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

Dear Councilors:

We understand that an important part of your agenda is to commence working with a developer for the McIntyre site. We want to reiterate our interest in the project. We feel we are well-suited to work with the City to deliver a solution for the redevelopment that creates vibrancy, balancing design and public use with sustainable and reliable economic outcomes, and does not burden the City with parking or traffic concerns. No matter which developer you select, we want you to know as fellow residents that we are invested in the success of this project and will do what we can to support the City in this endeavor.

We are happy to present to the new Council or answer any questions at your convenience.

Please contact either one of us at the phone numbers listed above or via email at rich.ade@oceanprop.com or dan@twointernationalgroup.com.

Happy New Year!

Sincerely,

Richard C. Ade

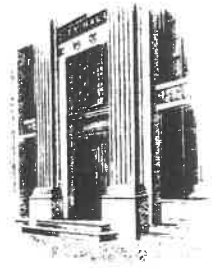
Richard C. Ade
Executive Vice President
Ocean Properties Hotels, Resorts & Affiliates

Daniel L. Plummer

Daniel L. Plummer
President
Two International Group



City of Quincy
City Hall
Office of the Mayor



Thomas P. Koch
Mayor

December 20, 2017

To the City Council and Community of Portsmouth:

Four years ago, the City of Quincy confronted a situation very much like the one Portsmouth faces with the Thomas J. McIntyre building – a sizeable piece of property in a very desirable location at the heart of our downtown opened up, and we wanted to be sure we got the absolute best use for our community.

I am very pleased to say that the six-story retail, restaurant and residential development – West of Chestnut – that emerged from the team managed by the principals of Redgate and its affiliate Gate Residential has been everything we hoped for: a hub for a revitalization of our community that pulls together residents, shoppers and diners in a vibrant setting.

I understand that you are now weighing proposals for the McIntyre building. I wanted to let you know that our experience with the principals of Redgate was positive. The men and women of Redgate listened to our concerns and responded to them. We wanted this project to help drive foot traffic, attract young people to our community and enhance nightlife. With two restaurants and a café, a fitness center, 169 residential units and an average tenant age of 28, Redgate has delivered all of that and more.

Our local newspaper recently ran a story about the positive way that West of Chestnut is changing downtown and stopped pedestrians to ask what they thought – and the upbeat answers they gave help to make all the work worthwhile.

I don't know much about the competition to redevelop the McIntyre building, but I can tell you that for us, working with Redgate principals was a positive, cooperative experience that has led to a better, more robust downtown.

Sincerely,

Thomas P. Koch
Mayor



CITY OF SOMERVILLE, MASSACHUSETTS
JOSEPH A. CURTATONE
MAYOR

December 20, 2017

To the City Council and Community of Portsmouth:

I am pleased to provide you with this letter regarding the City of Somerville's familiarity with the Redgate development team and our experiences working with the team on several important and transformative projects.

In Somerville we are proud of the years of effort that have contributed to the transformation of our city into one of the most desirable urban communities in the Northeast. The role of private developers has been critical to our success and the manner by which developers engage with our community and approach working with the city is very important.

For example, in creating the Maxwell's Green apartment project just outside Somerville's Davis Square, principals from Redgate and its affiliate Gate Residential were attuned to the needs and preferences of our community from the very start and respectful of our design standards. The dialogue was always open and neighborhood input was taken seriously evidenced by the fine residential community that Maxwell's Green has become. The dynamic urban lifestyle and community-friendly open space and other positive features of the development have made it a model for similar projects in other cities and towns.

Currently, Redgate is working with the City of Somerville on the proposed redevelopment of the Somerville Housing Authority's Clarendon Hill project and continues to be a positive example of how cooperation and collaboration serve the interests of all parties and stakeholders in a major development.

Sincerely,



Joseph A. Curtatone
Mayor

CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
(617) 625-6600, EXT. 2100 • TTY: (866) 808-4851 • FAX: (617) 625- 3434 • www.somervillema.gov
E-MAIL: mayor@somervillema.gov



Thomas P. Coakley
236 Bartlett St.
Portsmouth NH, 03801

January 08, 2017

Mayor Blaylock and City Councilors,

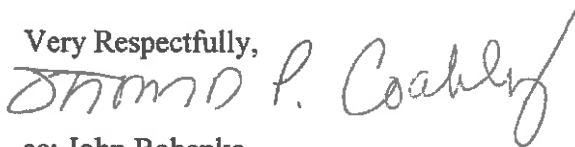
The immediate resignation of Commissioner Plaia on December 20, 2017, leaves the Police Commission currently dissolved. The nonexistence of a functioning police commission oversight is an unfortunate disservice to our police department and community. I formally request to be considered for appointment to the current vacant seat, and to remain in tenure for the remainder of the term. In August 2015, I submitted a City of Portsmouth, N.H. Boards and Commissions application to be considered for the interim appointment of the then vacant police commission seat left by former Commissioner Gerry Howe's resignation. I participated in the city appointed review panel process, which led to a vote appointing Wayne Lehman for the vacancy until the 2015 elections. In the fall of 2015, I campaigned to be elected for the open four-year term as Police Commissioner finished second to Mr. Plaia.

During the past year I became aware a commission vacancy would occur. Subsequently due to the unknown timeline of the vacancy, I chose not to participate in the 2017 city elections. By choosing to appoint me as the commissioner to fulfill the remaining two-year balance of Commissioner Plaia's term will compliment commissioners Onosko and Splaine, the Chief, the Department, the City of Portsmouth and our residents.

I am a mid-level Manager at the Portsmouth Naval Shipyard, and would be bringing to our community over 17 years of experience and knowledge performing effective management and oversight of worker resource requirements and associated funding. I forecast, plan, and maintain multiple fiscal year department budgets. Administratively, I perform internal investigations, address complaints, misconduct, personnel and security issues, and violations of federal policies.

Being a lifelong resident of our city, it would be an honor to serve our community, working alongside fellow commissioners, our Police Department, City Council and residents. I would continue to promote community support, respect, cooperation, and most importantly the health of public attitudes. Please understand this committed request to serve my community isn't just for the next two years, hopefully it will be for many years to come. I thank you for your consideration.

Very Respectfully,



cc: John Bohenko
Attorney Sullivan
Chief Merner



received
12/21/17

CITY OF REVERE

Brian M. Arrigo
Mayor

December 19, 2017

The Honorable Jack Blalock, Mayor
City of Portsmouth
1 Junkins Avenue
Portsmouth, NH 03801

Dear Mayor Blalock:

I'm fortunate to have the opportunity to work with Redgate and its affiliate Gate Residential on an exciting project –205 Revere Beach Parkway – that is currently under construction in the City of Revere.

From the start, Redgate has been a tremendous partner – listening to residents and working with elected and business leaders to create a project that best fits our community. The end result will be a 195-unit residential community and a much-needed hotel ideally located within walking distance of the beach and public transportation. It will feature outstanding amenities – including a top floor bar and lounge, fitness center, outdoor pool, doggie daycare and pet concierge services – that will attract new residents and visitors to our city.

Just as important, Redgate is playing a key role in transforming a site, home to a former grocery store, that has been vacant for more than five years. Redgate's vision and commitment to this project also helped us secure a highly competitive grant from the state to invest in necessary infrastructure and pedestrian connectivity improvements.

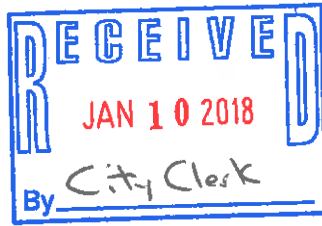
I understand that you are currently in the process of choosing a partner for an important project in your community. As you make that decision, I'd like you to know that working with the principals at Redgate is a positive, collaborative and productive experience. Their expertise and willingness to incorporate feedback from the community has made it possible for us to create an exciting vision and project that will benefit a key neighborhood in our city.

Regards,

Brian M. Arrigo
Mayor

c: City Manager: John P. Bohenko
Deputy City Manager: Nancy Colbert Puff

/ld



Jim Splaine <jimsplaineportsmouth@gmail.com>

Letter To The Portsmouth City Council -- Wednesday, January 10, 2018

Jim Splaine <jimsplaineportsmouth@gmail.com>
To: Jim Splaine <jimsplaineportsmouth@gmail.com>

Wed, Jan 10, 2018 at 8:30 AM

Wednesday, January 10, 2018

To The Portsmouth City Council

As you begin the first formal meeting of what during the coming two years will number about 50, not including Worksessions and all those budget meetings, I want to wish you the best of times. Your seats will only be temporary, which means I hope that you remember to listen to those thousands of us who do not fill a seat right now. You will, again, be "one of us" one day.

There are a couple of issues that I raised at the final regular meeting of the previous City Council on Monday, December 18, 2017. I mention them here as a reminder, if necessary:

1. BOARD OF ETHICS. Item #25 in the City Clerk's "Action Sheet" reported on my request:

Board of Ethics Selection and Financial Disclosure Form Submission – Assistant Mayor Splaine provided a reminder of the selection by lot for the Board of Ethics at the first Actions Taken At The City Council Meeting in January for the City Council, School Board, Police and Fire Commissions. Assistant Mayor Splaine request a report back from City Attorney Sullivan regarding the Financial Disclosure Form Submission and the ordinance.

COAKLEY LANDFILL LOBBYIST: Item #28 in the City Clerk's "Action Sheet" reported on my request:

Coakley Landfill Lobbyist – Assistant Mayor Splaine requested a report back to the City Council at the January 16, 2018 City Council meeting on the following items regarding Coakley Landfill:

- *What is contained in the contract for the Coakley Landfill Group Lobbyist;*
- *The amount the Lobbyist will be paid;*
- *What the Lobbyist will be doing and the process for deciding the kind of legislation the Lobbyist will be speaking on behalf of the Coakley Landfill Group.*

I also think that it is imperative that the Coakley Landfill Group be subject to the requirements of the N.H. Right-To-Know Law. I understand that there may be legislation introduced in the 2018 Legislative Session requiring such, and I would hope that the City Council formally support that bill.

Finally for this letter, I hope that you will continue to provide for the long-established "Public Comment" part of the City Council Agenda. It was back in 1990 that I proposed that concept, and it has worked well at allowing thousands of our citizens to address the Council at formal meetings.

The "Public Dialogue" sessions that have begun during the past three months fill a purpose too. In a commentary in The Portsmouth Herald in December of 2012, I had first proposed such sessions, and I am pleased the Council finally adopted the approach. But in my commentary, I suggested the dialogue be based more on the "Portsmouth Listens" process.

As such, I urge Council members to do more listening and less defense of their own positions. Passing on corrective and supplemental information is fine, but a Councilor being defensive and confronting the public is not. Otherwise, in the 45 minutes allowed to the dialogue, we citizens are more restricted in the views we can express.

I think it would serve democracy better if "Public Comment" was returned to an every-regular-meeting schedule, as it was for over 30 years and which many other governing bodies do -- with "Public Dialogue" being an add-on once-a-month or more often, as the Council may be able to schedule.

Thank You,




Jim Splaine

Jim Splaine
Citizen Activist

**CITY OF PORTSMOUTH
PORTSMOUTH, NH 03801**

Office of the City Manager

Date: January 11, 2018
To: Honorable Mayor Jack Blalock and City Council Members
From: John P. Bohenko, City Manager 
Re: City Manager's Comments on January 16, 2018 City Council Agenda

Non Public Session:

6:00 p.m. Non-Meeting Re: Strategy or Negotiations with Respect to Collective Bargaining – RSA 91-A:2, I (a) – Association of Portsmouth Teachers.

Work Session:

6:15 p.m.

1. **FY19 Budget Process and Proposed Budget Guidelines.** On Tuesday evening, at 6:15 p.m., I requesting a work session to discuss the FY19 Budget process and proposed budget guidelines. The JBC is established for the purposes of advising the City Manager and the City Council on issues pertaining to the development of the Annual Budget.

7 Voting Members

- Mayor Jack Blalock
- (2) City Councilors – Chris Dwyer and Rebecca Perkins
- (2) School Board Members – Ann Walker and Kristin Jeffrey
- Fire Commission Member – Jennifer Matthes
- Police Commission Member – Joseph Onosko

5 Non-voting Ex-officio Members

- City Manager John P. Bohenko
- Finance Director Judie Belanger
- Superintendent of Schools Steve Zadravec
- Fire Chief Steven Achilles
- Police Chief Robert Merner

Charge of the JBC

- The JBC shall advise the City Manager and City Council on the adoption of guidelines for the preparation of the proposed FY19 budget by January 2018.
- City Staff will provide information to the Committee on factors impacting the development of the municipal budget.
 - Health Insurance rates
 - Retirement rates
 - Contractual Obligation impacts
 - Any and all other costs which would impact the Operating Budget
- The Committee shall not assume responsibilities of the City Manager or the City Council as outlined in the City Charter.

I have [attached](#) for your information a copy of the budget schedule and draft minutes of the Joint Budget Committee meeting of December 13, 2017 at which budget guidelines were discussed for FY19. Further, on Tuesday evening, Judie Belanger Finance Director will provide the City Council with a presentation on preliminary budget estimates for FY19.

Presentations:

1. **Presentation of Comprehensive Annual Financial Report (CAFR) – Scott McIntire, Melanson & Heath.** On Tuesday evening, Scott McIntire of Melanson, Heath & Company, P.C. will report on the Annual Audit and Financial Statements for the Year Ending June 30, 2017. I have [attached a copy of the City’s Comprehensive Annual Financial Report \(CAFR\)](#) which includes the financial statements for the fiscal year ending June 30, 2017 (Annual Audit). Also, [attached is the Governance Letter and Management Letter](#) for the year ending June 30, 2017, prepared by our auditor <http://files.cityofportsmouth.com/finance/cafr17.pdf>.

Acceptance of Grants and Donations:

1. **Acceptance of Police Department Grant.** The Portsmouth Police Department has received a donation in the amount of \$500.00 from Newburyport Five Cents Savings Bank.

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 VII of the Agenda.

City Manager's Items Which Require Action:

1. **Request for Action regarding McIntyre Property.** At its January 16th meeting, the City Council has two items to follow up from the former Council's special meeting of December 20th:
 - A. To decide to accept the recommendation of implementing a public input process, as outlined in the [attached document](#); and
 - B. To decide whether to endorse the recommendation of the Redgate/Kane group as the preferred partner for the City to explore options for the redevelopment of the McIntyre site.

The criteria for selection of a private partner, as outlined in the City's Request for Proposals, is as follows:

- Responsiveness to submission requirements
- Comparable development experience
- Strength of entity members/completeness of the team
- Understanding of required project work and schedule
- Financial capacity
- The extent to which the overall redevelopment proposal meets or is likely to meet the City's objectives, as outlined in Section IV.

[Attached](#) is an updated matrix which outlines each proposal as submitted. The former Council conducted interviews with each proposer on two occasions: one on September 9th (available for review on YouTube). In addition, each proposer submitted qualifications to the City which are available on the City's McIntyre website.

City staff has reviewed each proposal in detail, and has checked references for each team. In addition, recent communication with staff at the National Park Service (NPS) has indicated that demolition of the one-story Post Office would not be acceptable, but that the addition of a low tower on top of the existing wing and/or the removal of a portion of the wing towards the back might be acceptable. The City's team feels that each of the three proposers has the financial capacity, experience, and commitment to assist the City in fulfilling its goals for redevelopment of the site. Barry Abramson, the City's real estate development consultant, has summarized his analysis of the proposal from a market feasibility/overall financial perspective in the [attached](#).

I would recommend the City Council move to:

1) Ratify the public input process as outlined, and

2) Endorse the selection of Redgate/Kane as the preferred partner for the McIntyre Project

2. **Report Back from Planning Board Re: Paper Street Request for 170 Swett Avenue.**

At the November 20, 2017 City Council meeting, the Council considered a letter dated September 25, 2017 from Neil Robinson ([see attached](#)), owner of 170 Swett Avenue, requesting a quitclaim from the City of Portsmouth to release its interest in the paper street portions of Moffat Street that abut this property ([see attached memorandum from Planning Director Juliet Walker](#)).

The City Council voted to refer this to the Planning Board for a recommendation. [Attached is a map](#) which shows the lot, also this paper street abuts a city-owned lot. Though not currently improved as a road, the paper street in question provides the only direct potential access to the City lot. Swett Avenue is currently improved (paved) up to the intersection with the paper street portion of Moffat Street, but not beyond that point. The owner of 170 Swett Avenue did not provide additional legal analysis regarding the status of the paper street and, therefore, whether the City has interest to release has not been confirmed. Similarly, no legal analysis has been provided to determine whether other parties have legal interest and/or ownership of this paper street. After consultation with the Public Works Director and in consideration of maintaining access to the City-owned lot, the Planning Director recommended denying the request to release any interest the City may have. The Planning Board considered this request at the December 21, 2017 meeting and voted to recommend that the City Council deny the request.

I recommend the City Council vote to deny the request to release City interest in the paper street portions of Moffat Street that adjoin 170 Swett Avenue.

3. **Request for First Reading of Ordinances Re: Charter Amendment Drafts.** At the election of November 7, 2017 the voters of the City adopted two charter amendments which had been placed on the ballot by the City Council. In each case the charter amendment calls for the adoption by the City Council of a new ordinance or ordinances. [Attached please find a memorandum](#) from City Attorney Sullivan relevant to the wording of each charter amendment and proposed outline of an ordinance which would implement this amendment.

If the City Council wishes to proceed forward in accordance with the City Attorney's memorandum the following motions are suggested:

Charter Amendment 1 – Move to direct the City Attorney to draft an ordinance amendment as presented to bring forward for first reading at the February 5, 2018 City Council meeting.

Charter Amendment 2 – Move to direct the City Attorney to draft an ordinance amendment as presented to bring forward for first reading at the February 5, 2018 City Council meeting.

4. **Proposed Acquisition of Bellamy Reservoir Source Water Protection Land Conservation Easement with the Southeast Land Trust.** The City's Water Division has been actively working on identifying and acquiring properties adjacent to the City's surface water supply, the Bellamy Reservoir ([see attached map](#)). The City has partnered with Southeast Land Trust (SELT) for the negotiation, due diligence, installment payments for payment of the Purchase Price, and completion of a conservation easement on the approximately 72-acre Olson Property (property number 3 on the map) in order to benefit the protection of one of the City's primary water supplies. The purchase price is \$390,000. During the negotiations of this purchase, the City staff submitted this project to be considered for inclusion in the first round of funding for the state's Drinking Water and Groundwater Trust Fund. Subsequently, the project was approved for \$200,000 of funding, approximately 50% of the purchase price.

The subject parcel is ranked as the third most valuable parcel with respect to protection of the Bellamy Reservoir based on an assessment of abutting parcels. The parcels on this map are ranked based on parcel size, percent wetlands, developability, slope, length of shoreline, proximity to water supply intake, and aesthetics. This ranking approach is intended to assist with the prioritization of protection efforts as they pertain to the land surrounding the reservoir. Development has the potential to greatly affect surface water quality through direct impacts of chemical runoff, septic system leachate, and stormwater sediment loading, and indirect affects in terms of higher nutrient loading which can cause an increased likelihood of harmful algal blooms and impacts to dissolved oxygen concentrations. For these reasons, efforts to protect land that has the greatest potential to impact water quality, such as Mr. Olson's property, is important for the long-term management of the Portsmouth water supply.

City Council's authority is requested for the following:

- 1) Execute a Purchase and Sale Agreement for the purchase of the conservation easement;
- 2) Execute an Agreement with the Southeast Land Trust (SELT) to administer the transaction for a cost of \$33,130;
- 3) Establish a public hearing for February 5, 2018 to fund the purchase of land through a use of water enterprise fund net position; and,
- 4) Enter into Grant Agreement with the State of New Hampshire's Drinking Water and Groundwater Trust Fund to receive \$200,000 towards the purchase of the easement.

The value of the conservation easement was appraised as \$390,000.00 by McManus & Nault Appraisal Company, Inc. Mr. Olson agreed to that purchase price.

The next step in this process will be to finalize the Agreement and it will then be put before the City Council for a vote. A separate two-thirds vote of the City Council following a public hearing will be needed in order to utilize water enterprise fund net position for this purchase.

I recommend the City Council take the following actions:

- 1) *Move to authorize the City Manager to negotiate a Purchase & Sale Agreement for the conservation easement and agreement with the Southeast Land Trust for this acquisition;*
- 2) *Move to establish a public hearing for February 5, 2018 to utilize \$223,130 from the water enterprise fund net position; and,*
- 3) *Move to authorize the City Manager to enter into a Grant Agreement to accept \$200,000 from the State of New Hampshire's New Hampshire Drinking Water and Groundwater Trust Fund's Land Conservation Grant and Loan Program to be put toward this purchase.*

5. **Establish Work Session Re: Residential Parking.** I am requesting that the City Council establish a Work Session for February 5, 2018 at 6:00 p.m. to review the information regarding a Residential Parking Program. Ben Fletcher Parking Manager for the City will lead the discussion on this matter.

I recommend the City Council move to establish a Work Session on February 5, 2018 at 6:00 p.m.

6. **Request to Establish Guidelines for FY19 Budget.** Subsequent to the Work Session this evening, I am requesting the City Council establish budget guidelines for the FY19 Budget. Action is requested on this matter.

Informational Items:

1. **Events Listing.** For your information, [attached is a copy of the updated Events Listing](#) from January 16, 2018 through 2018. In addition, this can be found on the City's website.
2. **Capital Improvement Plan Work Session – January 29th.** The City Council will be conducting a Work Session regarding the FY19-24 six year Capital Improvement Plan on Monday, January 29, 2018 at 6:30 p.m. in the Eileen Dondero Foley Council Chambers. [\(See Attached Agenda\).](#)

MCINTYRE PROJECT PUBLIC INPUT PROCESS

DECEMBER 20, 2017

Goal: To involve the public in developing consensus-based overall guiding principles and a set of prioritized site options for the future McIntyre block. This work will be used by the City Council and its development partner in crafting a successful application to the National Park Service for transfer of the property from the General Services Administration (GSA) to the City under the Historic Monument Program.



Blue Ribbon Steering Committee: A small Committee will be appointed with two charges: First, sponsor, oversee and implement the public input process in coordination with the City staff; second, assemble the priorities and principles resulting from the process and report back to the City Council.

Role of Facilitators: The Committee will be assisted by skilled and impartial facilitators from Weston & Sampson who are familiar with the community. The facilitators, along with City staff, will be responsible for keeping the agreed upon process on track; recapping input and materials from meeting to meeting and stage to stage; and managing the online tools for collecting public input and making it visible for all.

Role of the City Council: City Councilors are encouraged to attend and participate in as many of the sessions as possible. As a body, the City Council will be the recipient of the Committee's report back, which will be used by the City Council in developing the City's application to the Historic Monument Program.

Role of the Steering Committee: Steering Committee members will work with the City staff and facilitators to assemble the community input resulting from the process and represent the community process at the work session with the City Council. Regular updates from Council representatives on the Steering Committee to the full City Council will keep communication open with the full Council.

Role of the Public: Members of the public will be invited and encouraged to attend sessions and avail themselves of various input opportunities to share their ideas and hopes for the McIntyre project. Also, recognizing the "cumulative" nature of the process, the public is encouraged to make special effort to attend or view online the "Stage 1" program.

Product & Timeline: The Steering Committee, in coordination with the City staff and facilitators, will report back on prioritized site options and guiding principles. The City Council will hold a work session with the Steering Committee on the report product prior to a public hearing. A description of the project timeline can be found following the description of the phases.

THREE STAGE PROCESS

The process described below is designed to be interactive and cumulative, that is, each stage builds upon the former. In order to jump start the public process and better ensure the City can meet critical timelines (described in the next Timelines section), Stage 1 below can take place with or without a development partner selected.

As the stages move forward, presence of the development partner will be important, to assist the Partner in deepening their understanding of community's preferences for the site as well as contribute technical and fiscal information and visualizations to help demonstrate issues, concepts, and tradeoffs.

| |
|---|
| STAGE 1: FOUNDATIONAL INFORMATION – OPEN-ENDED INPUT AND LEARNING |
|---|

Purpose: This stage will lay the foundation for future discussions by developing a working knowledge of various details that have been part of the McIntyre project to date in order that all participants are able to operate from the same basic information, and are given a chance to a) ask any questions at the beginning of the process, and b) offer guiding principles and preferred site options (to be further explored in Stage 2).

Structure: Each session would include 30-45 minutes of presentation at the start with Q & A to follow. The second half of the event would focus on raising ideas from the public to be explored in the next stage of the public process.

Presentation/materials available online/distributed would include:

- General Services Administration (GSA)'s Real Estate Transfer Process, Obligations, and Timeline
- Historic Monument Program Regulations
- Secretary of the Interior Guidelines for Historic Rehabilitation
- Local Real Estate Market Conditions
- Elements of a Public-Private Partnership
- Status of City's Recent Public-Private Partnership RFP

| | |
|-----------------|--|
| STAGE 2: | FOCUSED DISCUSSIONS OF PREFERRED SITE OPTIONS |
|-----------------|--|

Purpose: Explore in-depth the preferred site options identified by the public in Stage 1 in terms of preservation requirements, market conditions, financing potential, and associated trade-offs (e.g., traffic congestion, implications of costs to City, changing view sheds, economic impacts).

Focused discussions (panels with mix of City’s project team and invited local experts or other format) to explore the different options (e.g., housing, office and retail, and civic uses/open space) with the benefit of visualizations. Meetings will begin with a brief outline of topics by Weston & Sampson/City’s McIntyre Team; and be followed-by facilitated discussion.

Framework: Assisted by facilitators from Weston & Sampson and the City’s McIntyre team, the discussions will explore consideration of concepts and ideas raised by the public during Stage 1 through the lenses of architecture/historic preservation; public realm and associated amenities; economic market conditions/project financing.

Collect feedback (in all forms) on preferred site options following discussions. Assess consensus on and then augment/refine guiding principles.

| | |
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| STAGE 3: | SUMMARY OF CONSENSUS ON GUIDING PRINCIPLES AND PRIORITY-SETTING FOR SITE OPTIONS |
|-----------------|---|

Purpose: To articulate a shared understanding of the community’s priorities for the site’s future use, within a detailed context of factors that pertain to project viability. Further, to prepare the results of this work for submittal to the City Council through the Steering Committee.

Framework: Using feedback tools (e.g., preference voting) engage participants in discussions of priorities for combinations of site options and final review/refinement of guiding principles. Moderated by Weston & Sampson, these sessions will aim to establish community priorities, assemble common principles that underlie the priorities to guide decision-making into the future, and assess (broadly) factors that may impact viability (e.g. unknowns – environment, process, financial viability, partner interest).

These sessions may take a variety of forms found useful to respond to the issues and opportunities requiring community discussion.

At least two opportunities to participate in televised summary convenings.

MEMORANDUM

TO: Nancy Colbert Puff
Deputy City Manager, City of Portsmouth

FROM: Barry Abramson

SUBJECT: Evaluation of Proposals for McIntyre Property

DATE: January 11, 2018

This memorandum summarizes our evaluation of the proposals submitted in response to the City's Stage II RFP for the McIntyre Property in downtown Portsmouth. Our evaluation focused on the real estate and financial elements of the proposals, based on the original proposals submitted November 6, 2017 and proposers' responses to the City's follow-up questions and requests for clarification submitted by proposers on December 15, and 20, 2017. Proposer qualifications were evaluated by City staff and all of the proposers appear to possess sufficient experience and capability to carry out their proposed projects, assuming the projects prove financially feasible.

Proposals were submitted by three development teams:

- Leggat McCall Properties
- A Joint Venture of Ocean Properties Hotels & Two International Group
- A Joint Venture of Redgate & The Kane Company

The key aspects of the proposals are discussed below, followed by exhibits summarizing:

- Development Program
- Development Cost, Market Assumptions & Est. Real Estate Taxes
- Proposed Financial Terms
- Rent Adjustments and Comments by proposers in response to program and design alternatives posed by the City

Program. The major programmatic characteristics of the proposals are summarized as follows:

Leggat McCall Properties – This is the largest program at almost 238,000 gross square feet¹. The McIntyre Building would be redeveloped for a 98-key boutique hotel with restaurants

¹ – References to gross square footage for this and other proposals exclude parking and basement

and 2,000 square feet of retail. New development would comprise 120 units of rental apartments and the bulk of the project's 23,128 square feet of retail space (approximately half proposed for a food market) plus artist stalls. 184 parking spaces would be supplied below grade.

Ocean Properties Hotels/Two International Group – This project is smaller (172,000 gross square feet) but also features a mix of hotel (120-keys in McIntyre and an addition), rental apartments (34 units) and commercial space (29,460 square feet of retail and office), with 239 parking spaces (nearly all below-grade).

Redgate/Kane – This proposal is the smallest at 149,505 gross square feet and takes a significantly different programmatic approach by proposing redevelopment of the McIntyre Building's upper floors for office (43,075 square feet) with ground floor retail (25,820 square feet). New development would include 19,510 square feet of retail (bringing the total retail program to 45,330 square feet) and 50 condos (which could be switched to 63 rental apartments if indicated by challenges with marketability due to the land lease, GSA prohibitions, or City preference). Only 67 parking spaces (mostly below-grade) are proposed which would serve the residential component.

The programmatic differences between the proposals set the stage for significant differences in design, market/feasibility risk, and financial outcome to the City.

Development Cost. Tracking with the greater magnitude of its program, Leggat McCall's proposed project has substantially higher development cost than the other proposals (approximately \$84 million versus \$66 and \$68 million for the other two proposals). Estimated total development costs for the proposals reflect many differences in program and other factors, making detailed analysis and comparison problematic at this stage. These development cost estimates must be regarded as preliminary and subject to potentially significant refinement based on refinements to program, design, value engineering, and other factors. However, we note that the TDCs are comparable on a dollar per net (rentable) square foot basis.

Market Viability. As indicated by recent market experience in downtown Portsmouth, residential and hotel appear to be market-feasible uses and the market pricing assumed by the proposers appear to be generally consistent with market experience, implying relatively limited market risk for these uses.

Retail is also a strong use in downtown, though the magnitudes of addition to supply to be absorbed and the rents assumed in the proposals vary considerably, with Redgate/Kane's proposal taking the most aggressive (and potentially problematic) stance. Its 45,000 square feet of retail space would represent a very sizable addition to a downtown inventory, estimated to be somewhere in the low hundred thousands of square feet, raising some concern for both the project's ability to absorb the space and the impact on the existing downtown retail supply. Redgate/Kane's estimated retail rents of \$45 per square foot on

triple net basis for such a large infusion of space appear to be pushing the market, with this concern only somewhat mitigated by the above-standard tenant improvement allowance that is assumed to be provided.

The major market question in the proposals is Redgate/Kane's proposed redevelopment of the McCintyre Building's upper floors for office. The downtown office market, comprised primarily of Class B and C space with only a relatively modest amount of Class A space, is healthy with minimal vacancy and a lack of available contiguous space of significant size (e.g. more than 3,500 square feet) for lease, pushing tenants out of downtown. However, two proposers (Leggat McCall and Two International), with extensive experience in office development and leasing, feel strongly that the limitations of the building, particularly very limited windows, and the inability to provide on-site parking for office tenants would strongly inhibit leasing and feasibility.

Redgate/Kane maintains that there is a strong pent-up market of tenants eager to lease blocks of space in a newly redeveloped building in this amenity-rich downtown location and that the availability of public parking nearby at the High Hanover Garage would satisfy tenants' parking expectations, allowing the project to command rents at or even above the top of the downtown market for Class A space with on-site (or owner-provided permit) parking. This market challenge would be compounded to the extent that the developer or its financing sources require space be pre-leased prior to construction (Redgate Kane proposes a 50% threshold), requiring likely multiple (fairly large, for downtown, and credit-worthy) tenants to commit well in advance of space being available for occupancy

Interviews conducted with realtors knowledgeable about the downtown office market yielded varying opinions ranging from support for Redgate/Kane's market assumptions to skepticism unless the project can provide a significant amount of tenant parking requirements on-site or, at least, in the form of landlord-provided parking permits at the Hanover High Garage (a cost not assumed in the proposer's underwriting), and even then, concern about the ability to achieve the target rental rate.

The above issues do not rule out successful preleasing and implementation of the Redgate/Kane proposal, but they do indicate its somewhat speculative nature and the sense that it poses the most risk among the proposals as to its successful implementation. A designation, significant predevelopment work, and serious preleasing effort would be required to determine the outcome.

Real Estate Taxes. Estimated assessed values and real estate taxes were developed in consultation with the City Assessor. These estimates should be considered illustrative for comparative purposes and may vary from ultimate assessments which would be based on the specific characteristics of the selected project.

Real estate taxes appear to present the greatest opportunity for the City to realize financial benefit from the project. The proposed development programs yield estimated real estate

taxes in a fairly narrow range. Estimated stabilized year annual taxes (in \$2018) range from \$850,000 for Ocean/Two International to \$980,000 for Leggat McCall, with Redgate/Kane falling in between at \$900,000. Hotel and residential condos are estimated to be the highest (assessed) value uses. If the residential component in the Redgate/Kane proposal is switched to rental, the estimated stabilized year tax for this project would be significantly reduced to \$570,000.

Proposed Terms. The major financial terms are proposed rent and allowance or allocation for environmental costs. Leggat McCall proposes the highest base rent – \$450,000 as well as a participation in upside. Redgate/Kane offers an annual base rent of \$360,000 (\$300,000 if its residential component is switched to rental) or a one-time pre-paid rent of \$4,500,000. Both of these two proposers’ base rents are proposed to escalate 10% every 5 years. Ocean/Two International proposes rent in the form of percent of gross revenues with a percentage escalating over time which their estimates indicate would grow to approximately \$350,000 by year 7. This percentage rent would be considered less reliable than the fixed base rent in the other proposals.

The proposers’ very different allowances for abatement and environmental remediation could significantly impact their ability to hold to the proposed rents (or, should such costs be less than the allowance, potentially provide an opportunity for increase in rent that can be paid to the City). Redgate/Kane provides for the strongest allowance at \$2,700,000, with Leggat McCall at \$1,050,000 and Ocean/Two International at only \$500,000.

It should be noted that other budgeted cost components could provide cushion to absorb overages in remediation or, if underestimated, cause for proposers to need to reduce rents. In this regard, Leggat McCall’s sitework and demo budget of \$6,130,000 versus much lower estimates specified by the other proposers could be meaningful.

Rent Adjustment for Potential Program and Design Alternatives. The City asked proposers to supplement their original proposals with rent adjustments for various program and design alternatives. Proposers’ responses are presented in the fourth exhibit. In some cases, the proposers did not provide adjustments where the alternative was not applicable or the proposer did not consider it to be viable. For the rent adjustments that have been presented, it should be noted that multiple adjustments would be additive and, in some instances, could push the rent payment to the City that the project could support below zero, indicating infeasibility or a need for tax reduction or other support.

Real estate tax adjustments for a limited amount of community space or affordable housing requirements would be estimated to result in relatively marginal reductions in tax revenues, and reductions in programmed square feet would yield tax decreases that could be estimated on a pro rata basis based on the per use tax assumptions presented in the exhibit.

Summary. The proposed projects and terms represent a starting point for negotiation and community process. Any of the proposals could be collaboratively molded to yield a project

which provides strong design and a high level of activation including community-oriented uses, especially on the ground floor. Negotiation may also provide an opportunity to improve financial outcome to the City and/or support additional community-desired program or design changes.

Ultimately, the selection may hinge in large part on whether the City feels strongly about giving office use (reinforcing downtown as an employment center) a chance to succeed, or, it feels risk, financial, and other concerns, or the positive programmatic aspects of hotel use (such as activation and visitor-generated economic activity) warrant opting for a proposal that reuses McIntyre for that use.

Should the City opt for the office-oriented proposal, we recommend that terms of the designation be negotiated to strongly incentivize the proposer to maximize the preleasing effort, with any potential subsequent proposed change to an alternate use subject to the City's discretion.

McIntyre Property RFP
Comparative Proposal Summary - Program

| Proposal Developer | Linden Square Leggat McCall Properties hotelAVE - hotel partner | | | Ocean Properties Hotels & Two International Group JV | | | SoBow Square LLC Redgate & The Kane Company JV | | |
|---|--|---|----------------|---|--|----------------|--|-------------------------------------|----------------|
| Program | Rehab | New | Total | Rehab+Addtn | New | Total | Rehab | New | Total |
| Residential | | | | | | | | | |
| Gross SF | | 152,312 | 152,312 | | 47,954 | 47,954 | | 61,100 | 61,100 |
| Net SF (units) | | 108,236 | 108,236 | | 37,691 | 37,691 | | 51,950 | 51,950 |
| # Units | | 122 | 122 | | 34 | 34 | | 50 | 50 |
| Unit Type, Mix | | rental apts: primarily 1- & 2-bed | | | rental apts: mostly one-bed & studios | | condos: | 42 1- & 2-bed & 8 THs | |
| NSF/Unit | | 887 | 887 | | 1,109 | 1,109 | | 1,039 | 1,039 |
| | | | | | | | lf rental: | 63 units @ 825 SF/unit | |
| Hotel | | | | | | | | | |
| # rooms | 98 | | 98 | 120 | | 120 | | | - |
| Gross SF | 62,270 | | 62,270 | 95,005 | | 95,005 | | | - |
| Net SF | 47,154 | | 47,154 | 64,958 | | 64,958 | | | - |
| | | includes 15,500 SF of restaurants | | | includes 2,944 SF bar | | | | |
| Office Gross, Net SF | | | | | | | 43,075 | | 43,075 |
| Retail/Rest Gross, Net SF | 2,032 | 21,096 | 23,128 | 14,701 | 14,759 | 29,460 | 25,820 | 19,510 | 45,330 |
| | | plus artist stalls | | | | | | | |
| Total Gr SF (excl parkg, basement) | 64,302 | 173,408 | 237,710 | 109,706 | 62,713 | 172,419 | 68,895 | 80,610 | 149,505 |
| Total Net SF | 49,186 | 129,332 | 178,518 | 79,659 | 52,450 | 132,109 | 68,895 | 71,460 | 140,355 |
| Parking # Spaces | | 184 | 184 | | 239 | 239 | | 75 | 75 |
| | | 2 levels structured | | | 236 in 2 levels structured & 3 surface | | | 67 partially structured & 8 surface | |
| | | 122 resi (1/unit), 62 retail, valet hotel | | | for project and public | | | All for residtl @ 1.5/unit | |

McIntyre Property RFP
Comparative Proposal Summary - Development Cost, Market Assumptions & Est. Real Estate Taxes

| Proposal Developer | Linden Square Leggat McCall Properties hotelAVE - hotel partner | Ocean Properties Hotels & Two International Group JV | SoBow Square LLC Redgate & The Kane Company JV |
|-------------------------------|---|---|--|
| Total Development Cost | \$83,683,467 | \$65,930,618 | \$67,600,000 |
| \$/GSF | \$352 | \$382 | \$452 |
| \$/NSF | \$469 | \$499 | \$482 |
| Budget Allocation for: | | | |
| Abatement | \$400,000 | | |
| Contaminated soil removal | \$650,000 | \$500,000 | \$2,700,000 |
| Total | \$1,050,000 | | |
| Other sitework, | Sitework & demolition: \$6,130,000 | Sitework: \$1,200,000 | Demolition: \$1,600,000 |
| Market Assumptions | | | |
| Residential | | | |
| Rental | Avg Monthly \$2,917 | \$3,326 | \$2,829 |
| | \$/SF \$3.29 | \$3.00 | \$3.60 |
| Condo | Avg Price | | \$782,000 prior to discount for land lease |
| | \$/SF | | \$753 (to be further evaluated) |
| Hotel | ADR \$234 | \$225 | |
| | Stabl Occ Rt 80% | 79% | |
| Office | Rent, TI /SF | \$36 Mod Gross (\$30 NNN*), \$45 TI | \$27 NNN, \$60 TI* |
| Retail | Rent, TI /SF \$20 NNN, \$30 TI | \$40 Mod Gross (\$34 NNN*), \$45 TI | \$45 NNN, \$90 TI* |
| | | * NNN based on proposer's est exp carry | * high TI supports some rent premium |
| Real Estate Taxes | | | |
| (Est Stabilized Yr \$2011) | | | |
| Resi Rental mkt rate | \$3,000 | \$370,000 | \$100,000 |
| Resi Condos mkt rate | \$10,400 | | \$520,000 |
| Office | \$3.50 | \$0 | \$150,000 |
| Retail | \$5.00 | \$120,000 | \$230,000 |
| Hotel | \$5,000 | \$490,000 | \$0 |
| Total | \$980,000 | \$850,000 | \$900,000 |
| | | | \$570,000 |
| | | | <u>If Resi Condos</u> |
| | | | <u>If Resi Rental</u> |

**McIntyre Property RFP
Comparative Proposal Summary - Proposed Financial Terms**

| Proposal Developer | Linden Square Leggat McCall Properties hotelAVE - hotel partner | Ocean Properties Hotels & Two International Group JV | SoBow Square LLC Redgate & The Kane Company JV | | | | | | | | | |
|---|---|---|--|-----------|------------------|-------------|-----------|------------------|-------------|-----------|------------------|--|
| <p>Responsibility for Costs</p> <p>Base Rent</p> <p>annual:</p> <p>Participation Rent (subordinated)</p> | <p>LMP will bear all responsibility for site redevelopment, including ... environmental remediation expenditures...</p> <p>LMP will conduct thorough environmental and site due diligence prior to finalizing project budget, which may affect base ground lease payments</p> <p style="text-align: right;">\$450,000 escalating 10% every 5 yrs</p> <p>25% of remaining proceeds once respective parcel has achieved cumulative unleveraged return on cost of 12% (cash flow) or cumulative unleveraged IRR of 12% (sale)</p> | <p>Developer will bear all costs of development and operation of the project, subject to limitations set forth below</p> <p>Developer and City will evaluate adjustments to rental stream if development costs are materially different than anticipated to extent it affects Developer's reasonable return</p> <p>City will bear cost over \$500,000 in form of discount to ground rent or deferred RE taxes</p> <p style="text-align: center;">None</p> <p>Rent abated 1st 3 yrs following CO Yr 4 - 1% of Gross Revenues Yr 5 & 6 - 2% of Gross Revenues Thereafter - 3% of Gross Revenues</p> <p>Participation Rent Based on Developer Est Gross Revenues:</p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td>Yr 4</td> <td>1%</td> <td>\$110,000</td> </tr> <tr> <td>Yr 5</td> <td>2%</td> <td>\$220,000</td> </tr> <tr> <td>Yr 7</td> <td>3%</td> <td>\$350,000</td> </tr> </table> | Yr 4 | 1% | \$110,000 | Yr 5 | 2% | \$220,000 | Yr 7 | 3% | \$350,000 | <p>Est.demo and abatement costs represent best estimate based on what is known today</p> <p>Contingencies for environmental, geotechnical, property condition, any required upgrades to infrastructure</p> <p>Orig Proposal - Prepaid \$4.5M ground lease payment or alternatively an annual ground rent based on profitability level of project</p> <p style="text-align: center;">If Resi is condos: \$360,000 If Resi is rental: \$300,000 escalating 10% every 5 years</p> <p>Additional annual payment based on profits above a "reasonable rate of return"</p> |
| Yr 4 | 1% | \$110,000 | | | | | | | | | | |
| Yr 5 | 2% | \$220,000 | | | | | | | | | | |
| Yr 7 | 3% | \$350,000 | | | | | | | | | | |

**McIntyre Property RFP
Comparative Proposal Summary - Rent Adjustments & Comments re. Program, Design Alternatives**

| Proposal Developer | Linden Square Leggat McCall Properties hotelAVE - hotel partner | Ocean Properties Hotels & Two International Group JV | SoBow Square LLC Redgate & The Kane Company JV |
|---|--|---|--|
| 1.a. 10,000SF Comty Use | Some combination of History Museum/ gathering space and/or District Hall concept -\$200,000 | No pro forma analysis or proposals for ground rent adjustments Lost retail rent of \$350,000 - \$400,000/yr (= approx amount of est stabilized % rent) | Recommend similar gather space to District Hall If on 2nd flr: -\$235,000 If on 1st flr: -\$360,000 |
| 1.b. McIntyre as Office | Feel there are too many impediments to make office a viable use | Would evaluate if City subsidizes cost of providing more parking and guaranty spaces in High-Hanover | N/A |
| 1.c. McIntyre as Office w no other dev on site | Same response as for 1.b. | Would need subsidy, including no developer risk for remediation | -\$285,000 |
| 1.d. 10,000 office if McIntyre not dev as office | Office on upper floors of residential or hotel building highly inefficient, given need for separate lobbies, elevators, egress stairs. 11,000 sf proposed for a market could be converted to office but difficult to create successful office in this location District Hall concept would be a better office-oriented option | Believe feaible in 14,759 SF of office/retail | N/A |
| 1.e. 10% of residential afford @ 80% | 12 affordable units: -\$270,000 | 4 affordable of 34 total units Believe feasible without significant trade-offs | Condo - 5 affordable units: -\$235,000 Rental - 6 affordable units: -\$175,000 |
| 2. Scale, Open Space, Steeple View | If reduce building on NE -\$80,000 corner from 5 to 4 stories (decrease 22,000 GSF, 22 units) To maintain view of steeple from Market Street, building on NE corner would need to be 1 - 2 two stories; If critical, LMP will respond to financial ramifications | Increase massing, density in other parts of site and/or less open space | Only 3 stories and 65 ft of frontage proposed on Bow St. Could explore stepping back to accommodate church view by relocating displaced units to replace PO space (may not be feasible) |
| 3. If can't demo 1-story PO | Alternatives including 1-story on Daniel St with enclosed 9,000 SF community space replacing open plaza (\$2mm cost) | Lose up to 64 parking spaces, garage entry | Would lose Linden St, some retail. Could explore increasing density of residential building |
| If no Hotel in McIntyre | Don't believe office is financially viable use | Might consider rental apartments with office/retail ground flr; requires addtl parking on-site or guaranteed at High-Hanover | N/A |
| If Hotel Only in McIntyre, not addition | N/A | Apartments likely next best use; possibly micro-units; preferably long term stay | N/A |

ASSUMPTIONS AND LIMITING CONDITIONS

- Information provided by others for use in this analysis is believed to be reliable, but in no sense is guaranteed. All information concerning physical, market or cost data is from sources deemed reliable. No warranty or representation is made regarding the accuracy thereof, and is subject to errors, omissions, changes in price, rental, or other conditions.
- The Consultant assumes no responsibility for legal matters nor for any hidden or unapparent conditions of the property, subsoils, structure or other matters which would materially affect the marketability, developability or value property.
- The analysis assumes a continuation of current economic and real estate market conditions, without any substantial improvement or degradation of such economic or market conditions except as otherwise noted in the report.
- Any forecasts of the effective demand for space are based upon the best available data concerning the market, but are projected under conditions of uncertainty.
- Since any projected mathematical models are based on estimates and assumptions, which are inherently subject to uncertainty and variation depending upon evolving events, The Consultant does not represent them as results that will actually be achieved.
- The report and analyses contained therein should not be regarded as constituting an appraisal or estimate of market value. Any values discussed in this analysis are provided for illustrative purposes.
- The analysis was undertaken to assist the client in evaluating and strategizing the potential transaction discussed in the report. It is not based on any other use, nor should it be applied for any other purpose.
- Possession of this report or any copy or portion thereof does not carry with it the right of publication nor may the same be used for any other purpose by anyone without the previous written consent of The Consultant and, in any event, only in its entirety.
- The Consultant shall not be responsible for any unauthorized excerpting or reference to this report.
- The Consultant shall not be required to give testimony or to attend any governmental hearing regarding the subject matter of this report without agreement as to additional compensation and without sufficient notice to allow adequate preparation.



MEMORANDUM

TO: JOHN P. BOHENKO, CITY MANAGER
FROM: JULIET T.H. WALKER, PLANNING DIRECTOR *JTW*
SUBJECT: REQUEST TO RELEASE CITY INTEREST IN THE PAPER STREET
PORTIONS OF MOFFAT STREET ADJOINING 170 SWETT AVENUE
DATE: 1/8/2018

Recommended City Council Action

Vote to deny the request to release City interest in the paper street portions of Moffat Street that adjoin 170 Swett Avenue.

Background

At the November 20, 2017 City Council meeting, the Council considered a letter dated September 25, 2017 from Neil Robinson, owner of 170 Swett Ave, requesting a quit claim from the City of Portsmouth to release its interest in the paper street portions of Moffat Street that abut this property. The City Council voted to refer this to the Planning Board for a recommendation.

A paper street is one which shows on a plan, especially the City tax map, but which does not exist on the ground. The most common way for that situation to come about is when a street is “dedicated” to public use by a landowner recording a plan showing the street. This happened frequently in the days before planning board approval was required for the recording of plans. A street so dedicated becomes a public street only when “accepted” by the City. The acceptance can be formal, often by vote of the City Council, or by implication based on City use and maintenance of the street.

For a street dedicated (shown on a recorded plan) before 1969, the dedication was automatically terminated if the City did not accept the street within 20 years. The owners of lots fronting on those paper streets may have implied easements to use the paper streets for access and development, but such easements do not override local zoning and subdivision regulations.

The status of “paper streets” in the City is an issue that arises from time to time, usually when the owners of an abutting parcel wish to expand their property, or when a developer wishes to construct a public street within the paper street alignment. When these requests are referred to the Planning Board for comment, the Planning Department generally relies on legal analysis presented by the owner to determine the status of the paper street. Such requests are typically also reviewed with the City Attorney to confirm any legal interpretation, and with the Department of Public Works to

identify any City interest that may exist in the paper streets (such as sewer or stormwater infrastructure).

Mr. Robinson's packet also included an exhibit (labeled 26 Moffat Street & Swett Avenue) showing portions of Woodworth and Swett (shown in hatch) that were previously released by the City Council at the Planning Board's recommendation. Though in the same general area, these portions are not contiguous with the portion requested by Mr. Robinson.

Planning Board Recommendation

As shown on the lot map below, this paper street also abuts a city-owned lot. Though not currently improved as a road, the paper street in question provides the only direct potential access to the City lot. Swett Avenue is currently improved (paved) up to the intersection with the paper street portion of Moffat Street, but not beyond that point. The owner of 170 Swett Ave did not provide additional legal analysis regarding the status of the paper street and, therefore, whether the City has interest to release has not been confirmed. Similarly, no legal analysis has been provided to determine whether other parties have legal interest and/or ownership of this paper street. After consultation with the Public Works Director and in consideration of maintaining access to the City-owned lot, the Planning Director recommended denying the request to release any interest the City may have. The Planning Board considered this request at the December 21, 2017 meeting and voted to recommend that the City Council deny the request.

Sept. 25
August 7, 2017

Request for Release of Paper Street



I, Neil Robinson owner of property 170 Swett Ave request for a quit claim from the City of Portsmouth NH to release its interest in the "paper street" portions of Moffat Street adjoining our property at 170 Swett Avenue.

The lots and streets in this subdivision originated in 1902 as Prospect Park. The area of Moffat Street has remained undeveloped due to being mostly wetland south of the 170 Swett Ave property.

The area mentioned has been maintained by me for the last 32 years to keep the weeds and vines from encroaching onto my land.

Map-Lot 243-15.

Thank you, Neil Robinson


603-433-4617

nerometalart@comcast.net

swett



| Property Information | |
|----------------------|--------------------|
| Property ID | 0243-0015-0000 |
| Location | 170 SWETT AVE |
| Owner | ROBINSON NEIL H JR |

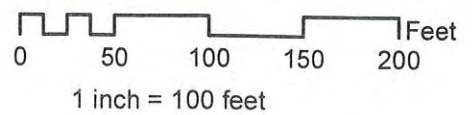

 MAP FOR REFERENCE ONLY
 NOT A LEGAL DOCUMENT
 City of Portsmouth, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.
 Parcels updated 4/1/2016
 Properties updated 09/12/2017

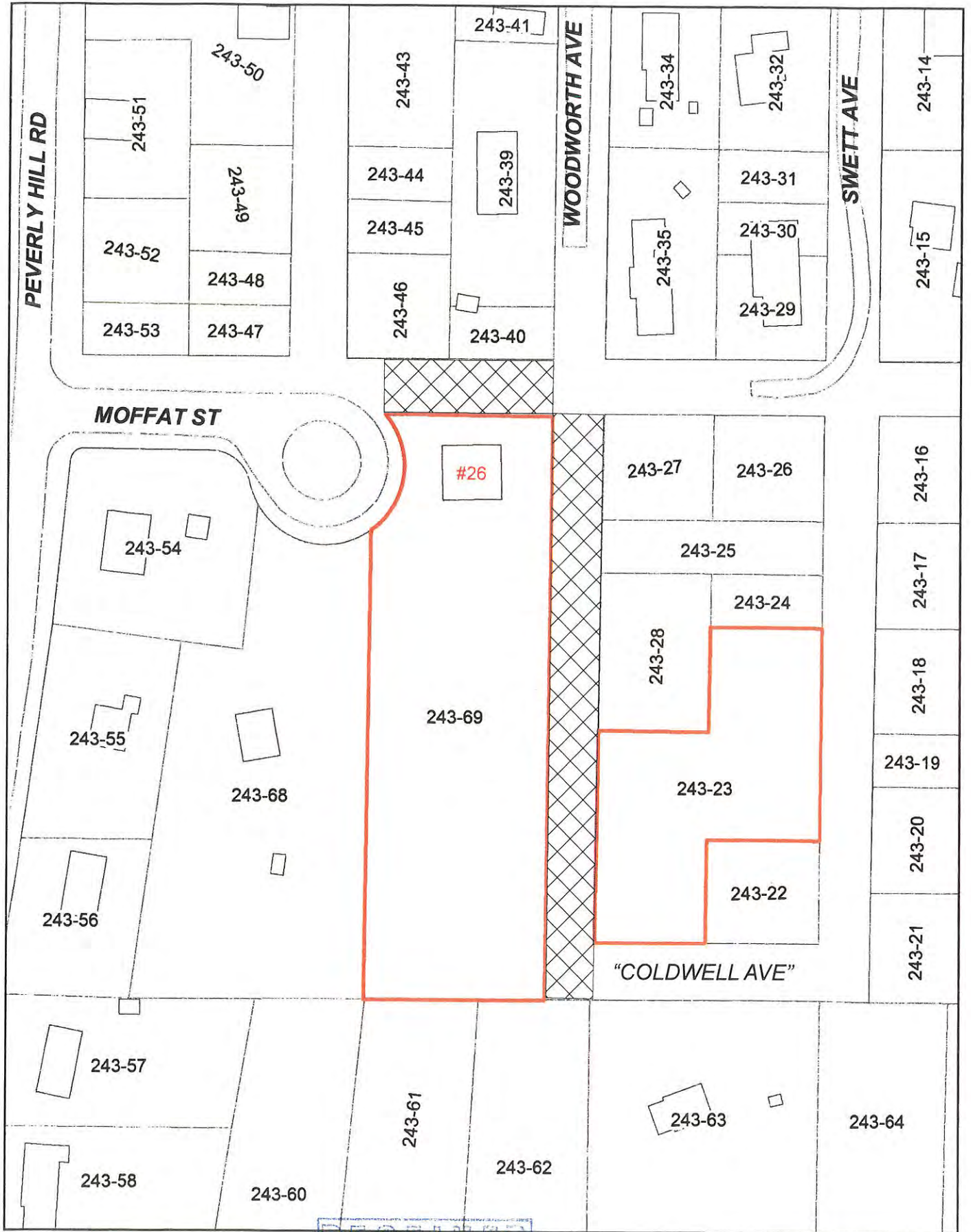




26 Moffat Street & Swett Avenue

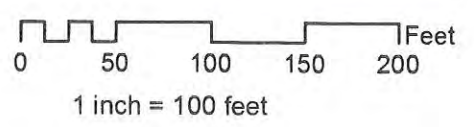
RECEIVED
 SEP 25 2011
 By _____





26 Moffat Street & Swett Avenue

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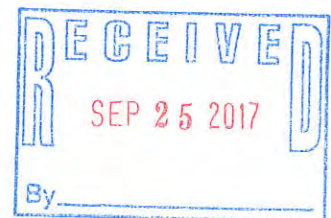
Swett Ave / Moffat Street

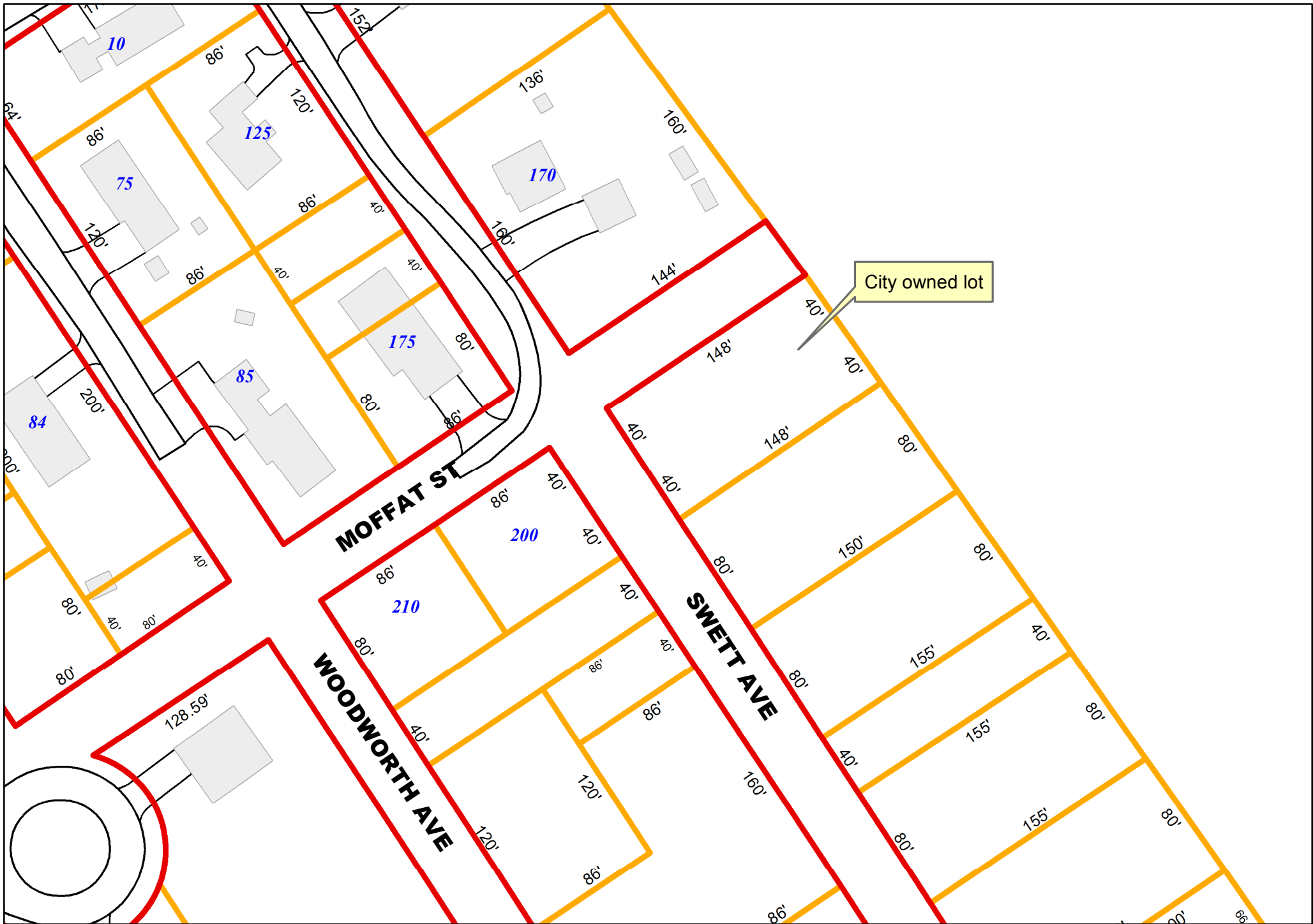


MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

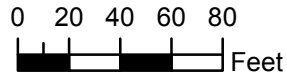
City of Portsmouth, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Parcels updated 4/1/2016
Properties updated 09/12/2017





City owned lot




CITY OF PORTSMOUTH

LEGAL DEPARTMENT

MEMORANDUM

DATE: January 8, 2018

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: ROBERT P. SULLIVAN, CITY ATTORNEY
KELLI L. BARNABY, CITY CLERK 

RE: IMPLEMENTATION OF CHARTER AMENDMENT #1 AND CHARTER AMENDMENT #2 AS ADOPTED BY REFERENDUM ON NOVEMBER 7, 2017

At the election of November 7, 2017 the voters of the City adopted two charter amendments which had been placed on the ballot by the City Council. In each case the charter amendment calls for the adoption by the City Council of a new ordinance or ordinances. Below you will find the relevant wording of each charter amendment and a proposed outline of an ordinance which would implement that wording. If the City Council is in agreement with the proposed outlines, then specific ordinance language will be drafted and brought in for first reading at the next available Council meeting.

In each case it should be voted that the charter amendment allows the Council latitude in ordinance adoption.

Charter Amendment #1:

Proposed Charter Amendment #1 adopted by the voters requires that the City's Conflict of Interest ordinances be amended by the addition of the following (addition bolded in **red**):

E. A requirement that each candidate for City Council and every political action committee supporting one or more candidates for City Council report contributions and expenditures prior to Election Day, including the candidate's total monetary expenditures for that election and the total monetary expenditures for each candidate or slate of candidates by the political action committee. The report of monetary contributions to the candidate or by a political action committee shall identify each contributor by name, address and amount of contribution.

It appears that in order to implement this Charter provision the City's existing **ELECTION CANDIDATE FINANCIAL DISCLOSURE** contained at Section 1.902 of the ordinances would have to be amended by the creation of provisions "with respect to candidates for the City Council and political action committees" alone, as distinct from the School Board, Police and Fire Commissions. The new provision(s) must accomplish the following:

1. Define the term Political Action Committee. One possible definition might be, "(a) Political Action Committee is any political committee organized for the purpose of raising and spending money to elect or defeat candidates to the Portsmouth City Council" (www.opensecrets.org/pacs).
2. Create a provision which would require both City Council candidates and political action committees to report contributions and expenditures made prior to election day. The reporting requirement will include the candidate's total monetary expenditures for that election and the total monetary expenditures for each candidate or slate of candidates by any political action committee. The ordinance might authorize the City Clerk create a form for approval by the Council, which would then be completed by each candidate and each political action committee in the manner currently required by Section 1.902. The form may be complex, as it will include not only contribution information but also the expenditure information now required by the Charter. The form would also require that each candidate or political action committee identify each contributor by name, address and amount of contribution. If authorized by the City Council, the ordinance will be drafted to simply track the Charter Amendment as closely as possible without elaboration unless the Council instructs otherwise.

Charter Amendment #2:

Proposed Charter Amendment #2 adopted by the voters requires that the City's Conflict of Interest ordinances be amended by the addition of the following (additions bolded in red):

A. Mandatory financial disclosure by all police, school, municipal officials, whether appointed or elected, of current personal sources of income and all **Portsmouth related** capital assets including, but not limited to, stock and real estate holdings and interests, in a sworn statement before the City Clerk at least biannually or before assuming office. **For the purposes of financial disclosure the term "municipal officials" in this provision shall include members of the City Council, Police Commission, Fire Commission, School Board, Planning Board, Zoning Board of Adjustment and Historic District Commission.**

It appears that in order to implement this Charter provision the City's existing **ELECTION CANDIDATE FINANCIAL DISCLOSURE** contained at Section 1.902 of the ordinances would have to be amended by the creation of an entirely new ordinance section under which the term "Municipal Officials" is defined to include members of the City Council, Police Commission, Fire Commission, School Board, Planning Board, Zoning Board of Adjustment and Historic District Commission. Those persons will be required to disclose all Portsmouth related capital assets as defined in the amendment. Again, an option would be that the ordinance authorize the City Clerk to prepare a form which tracks the Charter Amendment. The form would be completed by all of the municipal officials described above and kept on file in the office of the City Clerk. The Charter language appears to require that the ordinance compel such disclosure by all members of each Council, Board and Commission, which would extend to City staff members who serve on those Boards and Commissions.

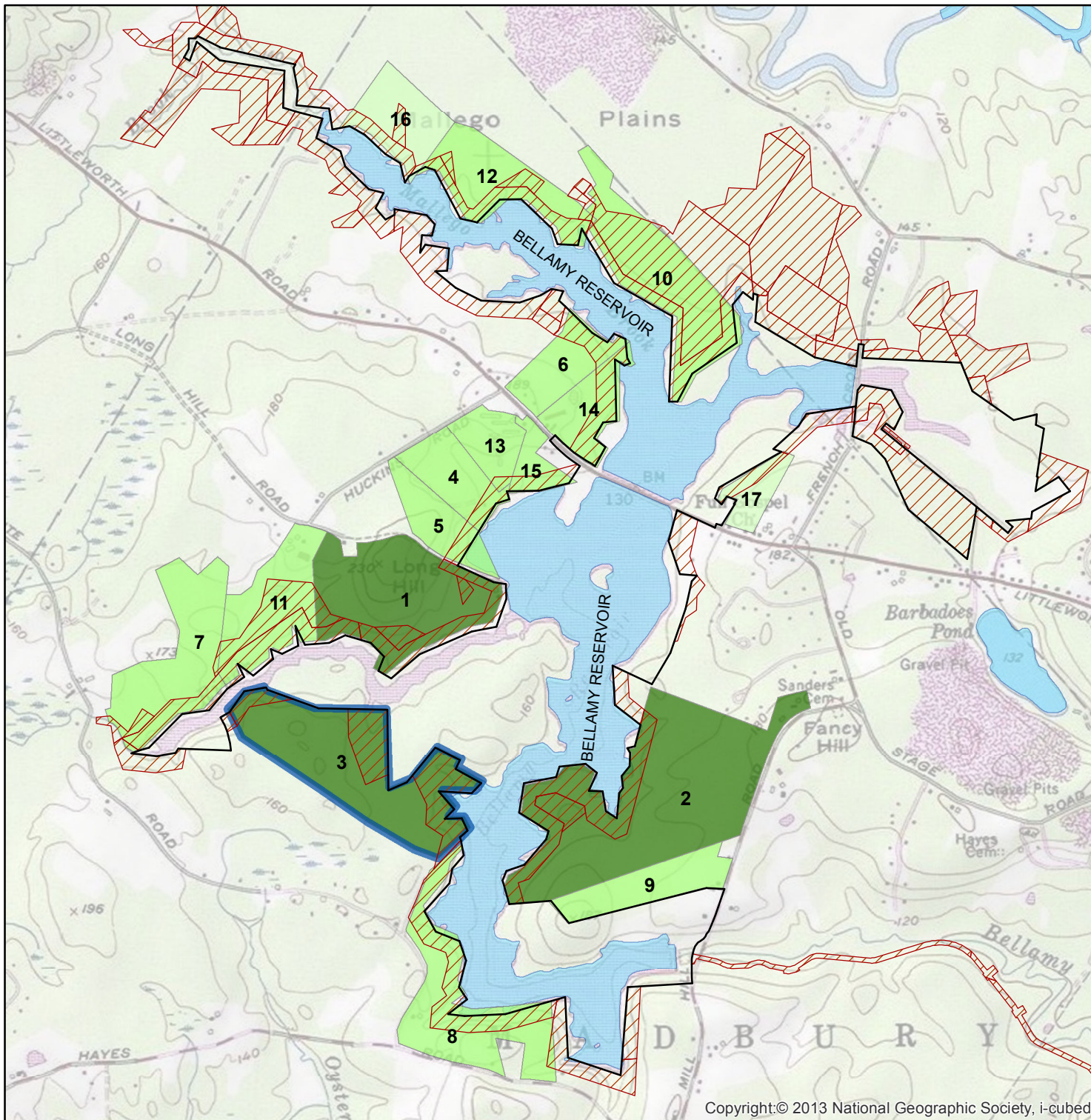
Again, if authorized by the City Council an ordinance would be drafted which simply tracks the Charter Amendment language as closely as possible.

If the City Council wishes to proceed forward in accordance with this memorandum, we would recommend the following motions:





Charter Amendment 1 – Move to direct the City Attorney to draft an ordinance amendment as presented to bring forward for first reading at the February 5, 2018 City Council meeting.

Charter Amendment 2 – Move to direct the City Attorney to draft an ordinance amendment as presented to bring forward for first reading at the February 5, 2018 City Council meeting.

Bellamy Reservoir Key Parcels For Source Protection Draft - May 2017






Legend

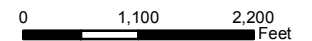
-  Olson Property
-  Portsmouth Property Bounds
-  Flowage Easement
-  Surface Water

Target Parcels for Protection

Rank - labeled by priority

-  <10
-  10 - 19
-  >20

*Parcel ranking is based on scores for size, wetlands, developability, slope, length of shoreline, proximity to intake, and aesthetics



Event Listing by Date

Starting Date: 1/16/2018
Ending Date: 12/31/2018

| Start End | Type Description | Location | Requestor | Vote Date |
|------------------------|--|--|--------------------------------|------------|
| 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 Kaitly 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 | PRIDE This event begins at the Portsmouth Public Library and continues as one rainbow down the streets leading to Strawberry Banke. | Library to Strawberry Banke | Seacoast Outright | 12/18/2018 |
| 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: 1/16/2018

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 |
| 9/16/2018 9/16/2018 | RACE Jennie Halstead, Executive Director if the contact. This race begins at 7:30 a.m. with registration Start of the race: 9:00 a.m. | Portsmouth Middle School | My Breast Cancer Support | 12/18/2017 |



CITY OF PORTSMOUTH

Municipal Complex
1 Junkins Avenue
Portsmouth, New Hampshire 03801
(603) 431-2000

CITY COUNCIL WORK SESSION

DATE: MONDAY, JANUARY 29, 2018

LOCATION: CITY HALL – EILEEN DONDERO FOLEY COUNCIL CHAMBERS

TIME: 6:30 PM

SUBJECT: CAPITAL IMPROVEMENT PLAN

A G E N D A

- I. Call to Order – Jack Blalock, Mayor
- II. Introduction – John P. Bohenko, City Manager
- III. Review of Projects FY19 – FY24 – Various Department Heads
- IV. Questions and Discussion
- V. Adjournment

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

NOTICE TO MEMBERS OF THE PUBLIC WHO ARE HEARING IMPAIRED: If you require assistance, contact Dianna Fogarty, Human Resources Director, at 603-610-7270, one week before the meeting to make arrangements.

Please Bring your CIP Document

CITY OF PORTSMOUTH

LEGAL DEPARTMENT

MEMORANDUM



DATE: January 9, 2018
TO: JOHN P. BOHENKO, CITY MANAGER
FROM: ROBERT P. SULLIVAN, CITY ATTORNEY
RE: VACANCY ON THE POLICE COMMISSION

A handwritten signature in black ink, appearing to be "R. Sullivan", written over the "FROM" line of the memorandum.

The recent resignation of Joseph Plaia from the Portsmouth Police Commission raises a conflict of law issue with regard to the method by which the vacancy on the Commission is to be filled. The conflict is between a process dictated by the City Charter and a different process perhaps outlined under state law. This conflict is not new. It arose in 2015 and was resolved by the City in a manner which produced an appointment to the Police Commission but left open the question of what law properly applies. This memorandum will as succinctly as possible describe the issue, the actions taken in the past by the City and the decision which needs to be made at the present time by the City Council.

THE ISSUE

Amendment E of the City Charter (attached) describes the composition and operation of the Police Department, including the Police Commission. In pertinent part, Amendment E reads, "In the event that a vacancy should appear on the Board, then the next runner-up candidate established of the last, most recent Board election, shall assume the balance of the vacated term". Under the straightforward application of that Charter provision Reverend Arthur Hilson would automatically assume the position vacated by Joseph Plaia for the balance of Mr. Plaia's vacated term. Reverend Hilson was the runner-up at the election of November 7, 2017 receiving 858 votes.

In contrast to the foregoing provision from the Municipal Charter, by letter dated August 7, 2015 addressed to Secretary of State William Gardner, Assistant Attorney General Stephen LaBonte opined that, "when a vacancy occurs on an elected police commission the vacancy is filled by appointment of the municipality's governing body until the next regular municipal election, RSA 105-C:3 (I)." Attorney LaBonte's letter as well as a copy of RSA 105-C are attached hereto.

Also attached hereto is a copy of a memorandum from this office dated August 24, 2015 providing an overview of the conflict of law issue and some of the serious complications which it interjects into the operation of municipal government. These complications include essentially the elimination of the current Police Commission as approved by the City's electorate. That memo also describes the resolution of the issue in 2015. That resolution was that the City Council acquiesced to the opinion from the Office of the Attorney General and made the appointment to fill the vacancy on the Police Commission. However, this action was taken, "to avoid either inviting or initiating litigation with the State" and not because the City choose to abandon any provision of its municipal charter. Rather, from that time to the present the City Clerk has annotated all copies of the City Charter by footnoting the sentence in Charter Amendment E which reads that vacancies on the Board of Police Commissioners should be filled by, "the next runner-up candidate". The footnote reads,

By letter dated August 7, 2015 addressed to Secretary of State William Gardner from Assistant Attorney General Stephen G. LaBonte given as a directive to the City by the Secretary it is written, "when a vacancy occurs on an elected police commission the vacancy is filled by appointment of the municipality's governing body until the next regular municipal election, RSA 105-C:3(I).

The purpose of including the footnote in copies of the Municipal Charter which also contain the language which would fill a vacancy on the Police Commission by appointment of the next runner-up is to highlight the unresolved issue of law.

Opinions issued by attorneys for the City, the State or private parties might and do vary in good faith on this legally complex issue. A definitive resolution can only be achieved by resort to litigation between the City, the State and any other interested parties (for example, Reverend Arthur Hilson). In 2015 a decision was made that it would not be in the best interest of the City to conduct or invite that litigation at that time.

PRESENT CHOICES BEFORE THE CITY COUNCIL

Because it is a major policy decision for the City to determine whether to follow the provisions of the Municipal Charter as written or to disregard the Charter and follow the opinion of the Attorney General's Office, the matter is one which should be resolved by the City Council, the City's policymaking body.

Option #1:

The City Council may determine to follow the provisions in the Municipal Charter under which Reverend Arthur Hilson would automatically accede to fill the position created by the resignation by Joseph Plaia. In this case the City Clerk would swear in Reverend Hilson. A court challenge might then arise, initiated by either the State of New Hampshire or any other person who feels that Reverend Hilson is not entitled to the position as a matter of law.

Option #2:

As in 2015 the City Council could determine to acquiesce to the position advanced by the Office of the Attorney General and disregarding the Municipal Charter in favor of following the provisions of RSA 105-C:3. Under this option the City Council would fill the vacancy on the Police Commission by appointing an individual to serve until the next regular municipal election.

CONCLUSION

Based on all of the foregoing as well as a review of file materials it would now appear appropriate for the issue as described herein to be placed before the City Council so that the Council may either endorse the appointment of Reverend Arthur Hilson to the Police Commission in accordance with the provisions of the City Charter, itself appoint whatever individual the Council believes would best serve the City in that position, or emulate the action of the 2015 Council by making an appointment simply to avoid possible litigation with the State but without waiving or litigating Charter Amendment E at the present time..

As noted above, there is no question that the opinion from the Office of the Attorney General, with which I respectfully disagree, has been rendered in good faith. That opinion might or might not be upheld by the Court if subjected to litigation. A copy of this memorandum is being provided to the Attorney General.

attachments

cc: Gordon J. MacDonald, Attorney General

h:\rps\city manager\memo re-police commission vacancy

AMENDMENT E - POLICE DEPARTMENT (POLICE COMMISSION)

GENERALLY

Notwithstanding any other provisions of the Revised Charter, the following department of City government shall be separately identified as Charter Department, and shall be administered in accordance with the provisions of this Article.

POLICE DEPARTMENT (POLICE COMMISSION)

The policy-making body for the Police Department in the City of Portsmouth shall be a Police Commission. The Police Commission shall consist of three persons to be elected in accordance with the following.

APPOINTMENT/ELECTION TERMS

Should an elected Police Commission be approved on November 5, 1991, the Mayor of the City of Portsmouth shall appoint the first board of three Commissioners who shall assume office commencing on January 1, 1992 through January 1, 1994. In order to establish a legal and proper cycle of election in accordance with New Hampshire law, hereinafter, the first elected Board of Police Commissioners shall be elected in November, 1993 as follows:

The two candidates receiving the highest and second highest number of votes shall assume terms of four years. The candidate receiving the third highest number of votes shall assume a term of two years.

Thereinafter, each Commissioner shall be elected for a term of four years. All Police Commissioners elected from 1993 and onwards shall be elected at large and without party affiliation and may be elected for more than one term of office. In the event that a vacancy should occur on the Board, then the next runner-up candidate established out of the last, most recent Board election, shall assume the balance of the vacated term. In the event that the list of candidates from the last election available to fill vacancies becomes depleted, then the Mayor shall appoint any necessary Commissioners.¹

ELIGIBILITY

Any person presently residing within the City of Portsmouth for not less than two years shall be deemed eligible to seek election to the Board of Commissioners.

REMOVAL

Any member of the Police Commission may be removed from office for just cause by a two-thirds vote of the City Council following a public hearing.

INCOMPATIBLE OFFICES

No member of the Police Commission shall serve on the Commission while receiving compensation from or holding any other public office within the City of Portsmouth.

QUORUM (VOTES)

All questions put before the Police Commission shall be decided by a single majority vote of the Commission. At least three members of the Commission shall be present at any meeting to constitute a quorum.

¹ By letter dated August 7, 2015 addressed to Secretary of State William Gardner from Assistant Attorney General Stephen G. LaBonte given as a directive to the City by the Secretary it is written, "When a vacancy occurs on an elected police commission the vacancy is filled by appointment of the municipality's governing body until the next regular municipal election. RSA 105-C:3,(I)".

POWERS

The Police Commission shall appoint such permanent patrol officers, sergeants, captains, commanders, and police chief, as they deem necessary. The Commission shall have authority to consider and act upon any complaint and/or employee grievance(s) brought to it through such procedures. Where the Commission determines there to be sufficient cause, the Commission may, after a hearing consistent with the requirements of due process, discipline or remove any employee of the Police Department against whom such a complaint has been brought. Appeals from such decisions shall be heard pursuant to such grievance procedures as shall be established by the Commissioners or as prescribed in respective collective bargaining agreements. The commission shall assume all administrative responsibilities, which would otherwise be vested in the City Manager under this charter relating to the administration of the Department. Such power to include, but not limited to, the following:

- A. Determine the number, location and type of facilities and installations, subject to the approval of the City Council
- B. To determine the size of the work force and increase or decrease it's size, subject to the approval of the City Council

ORGANIZATION

The Police Commission shall, beginning January 1992, convene meeting annually in the month of January for organizational purposes. The Commission shall choose one of its members to serve as chairperson. The Commission shall choose one of its members to serve as clerk. No one member may simultaneously serve as chairperson and clerk. (AMENDED BY REFERENDUM VOTE NOVEMBER 6, 2001).

RULES AND REGULATIONS

The Commission shall make such rules and regulations for their own proceedings and the administration of the Police Department, as they deem advisable.

COMPENSATION

The Police Commissioners shall receive such compensation as the City Council may from time to time determine.

ANNUAL BUDGET

The Police Commission shall, beginning in January of 1992 (and annually thereafter), hold a public hearing prior to the finalization of its budgetary considerations so as to discover the will of the people with respect to such matters. The Commission shall then submit its annual budget request to the City Council in accordance with the remaining provisions of this Charter. The salaries and benefits of all officers and employees of the Police Department shall be considered by the Commission through timely discussion with the recognized bargaining units of said officers and employees. The Commission shall utilize such negotiator as shall be provided by this Charter, or in the absence of a Charter provision, by the City Council. The Commissioners shall then recommend the agreed upon settlement to the City Council for final approval or denial. Should it be denied, the Commission would then be required to enter into further discussion with the recognized bargaining units until such time as a settlement is reached and ultimately ratified by the City Council. The chairperson of the Commission, or his/her designees, shall report at least semi-annually to the City Council on the state of the Police Department and its operation. Such reports shall include a summary of the Department's budget, workforce, equipment, promotions, retirements and other related matters. The Commission, in its discretion, may allow the police chief to submit a letter to the Council as part of any such report. (AMENDED BY REFERENDUM VOTE NOVEMBER 6, 2001). (ADOPTED BY REFERENDUM VOTE NOVEMBER 5, 1991)

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

August 7, 2015

Hon. William M. Gardner
Secretary of State
State House, Room 204
107 North Main Street
Concord, N.H. 03301

Re: Police Commission Vacancy

Dear Mr. Secretary:

You have requested that I opine as to the proper mechanism for which a municipality operating under a city form of government may fill vacancies within its police commission.

Under the New Hampshire Constitution, the Legislature has plenary control over municipalities. *City of Manchester School Dist. v. City of Manchester*, 150 N.H. 664, 666 (2004). As such, municipalities have only the powers delegated to them by the State. *Id.* Prior to 1913 local police commissions were established through special legislation where the commissioners would be appointed by the governor and council. 13-15 N.H.P. § 502. In 1913, the Legislature adopted legislation unifying the laws relating to police commissions in the cities of Manchester, Nashua, Portsmouth, Laconia, Somersworth, Dover, Berlin and the Town of Exeter. *Id.*

In 1981, the Legislature granted the authority to establish police commissions to the remaining municipalities with the passage of RSA Chapter 105-C. See 1981 N.H. Laws 277:1. RSA 105-C:1 provides that "[a]ny town which adopts [RSA Chapter 105-C] may establish a police commission, consisting of 3 commissioners, who shall have been residents of the town for at least 3 years immediately preceding the date of their election or appointment." Although the RSA 105-C:1 specifies towns, RSA 44:2, expands the statute's application to cities.¹

¹ RSA 44:2 Provisions Applicable. - All provisions of statutes, now made or hereafter enacted relating to towns, shall be understood to apply to cities; and all provisions relating to the selectmen and town clerks of towns shall be construed to apply to the mayor and aldermen and clerks of cities, respectively, unless a different intention appears.

Source. GS 40:2. GL 44:2. PS 46:2. PL 50:2. RL 62:2.

Police commissioners are chosen by either the plurality at the municipal election or by appointment of the governor with consent of the council. RSA 105-C:2, (II). As set by RSA 105-C:3, (I), police commissioners typically hold office for a term of 3 years, however, the Legislature has authorized municipalities operating under a city form of government to set the term of office for city officials. RSA 44:11 ("all ward and city officers who are chosen by the people shall hold their respective offices for the term and from the day fixed by law or ordinance"). When a vacancy occurs on an elected police commission the vacancy is filled by appointment of the municipality's governing body until the next regular municipal election. RSA 105-C:3, (I). A vacancy occurring on an appointed police commission is filled by appointment of the governor, with the approval of the council, for the duration of the unexpired term.

If you have any further questions regarding this matter, please do not hesitate to contact

me

Sincerely,



Stephen G. LaBonte
Assistant Attorney General
Civil Bureau
(603) 271-3658
Fax: (603) 223-6296

TITLE VII

SHERIFFS, CONSTABLES, AND POLICE OFFICERS

CHAPTER 105-C

POLICE COMMISSIONS

Section 105-C:1

105-C:1 Establishment Authority. – Any town which adopts this chapter may establish a police commission, consisting of 3 commissioners, who shall have been residents of the town for at least 3 years immediately preceding the date of their election or appointment.

Source. 1981, 277:1, eff. June 16, 1981.

Section 105-C:2

105-C:2 Referendum. – The following questions shall be submitted to the voters of a town on the regular ballot for the election of town officers if a petition is presented to the selectmen in accordance with RSA 39:3 requesting the same:

- I. "Shall the government of the police department of the town of _____ be entrusted to a police commission?"
- II. "If so, shall such police commissioners be chosen by:
 - (a) Popular election at town election; or
 - (b) Appointment of the governor with consent of the council?"

Source. 1981, 277:1, eff. June 16, 1981.

Section 105-C:3

105-C:3 Establishment. –

I. If a majority of those voting in a town in any town election answer the question posed in RSA 105-C:2, I in the affirmative and select the method of establishment set out in RSA 105-C:2, II(a), the voters of such town shall, at the next succeeding annual town election, elect such a police commission. The term of office of each such commissioner shall be for 3 years, except that of the first commission elected under this chapter in any town, one member shall be elected to serve a term of one year and one member shall be elected to serve a term of 2 years. Any vacancy occurring on the commission shall be filled by appointment of the board of selectmen until the next regular annual town meeting.

II. If a majority of those voting in a town in any town election answer the question posed in RSA 105-C:2, I in the affirmative and select the method of establishment set out in RSA 105-C:2, II(b), the governor, with the consent of the council, shall promptly appoint such a commission. The term of office of each such commissioner shall be for 3 years, except that of the first commission appointed under this chapter in any town, one member shall be appointed to serve a term of one year and one member shall be appointed to serve a term of 2 years. Any vacancy occurring on the commission shall be filled by appointment of the governor, with the approval of the council, for the duration of the unexpired term.

III. No person holding office as a selectman, treasurer, collector of taxes, auditor, highway agent, or head of a police department shall be elected or appointed as a police commissioner under this section.

Source. 1981, 277:1, eff. June 16, 1981.

Section 105-C:4

105-C:4 Duties; Powers. – It shall be the duty of the police commissioners to appoint such police personnel, including police officers, staff, constables and superior officers, as they deem necessary and to fix such persons' compensation. The commissioners shall make and enforce all rules necessary for the operation of the police force in the manner most beneficial to the public interest. The commissioners may at any time remove police personnel for just cause and after a hearing satisfying the requirements of due process, which cause shall be specified in an order of removal except that special police officers appointed and designated as such shall serve at the pleasure of the commission and may be removed for other than just cause.

Source. 1981, 277:1, eff. June 16, 1981.

Section 105-C:5

105-C:5 Prohibition; Police in Office. – After the election and qualification of the police commissioners under this chapter, no chief of police, police officers, constables or superior officers shall be appointed in any town adopting this chapter except as provided in this chapter. Any chief of police, police officer, constable, or superior officer in office on the date the commission has been duly established, shall be deemed to have been appointed by the commission, subject to the terms and conditions of his original appointment.

Source. 1981, 277:1, eff. June 16, 1981.

Section 105-C:6

105-C:6 Compensation. – Police commissioners shall serve without compensation but shall be reimbursed for all actual expenses incurred in the discharge of official duties.

Source. 1981, 277:1, eff. June 16, 1981.

Section 105-C:7

105-C:7 Option to Rescind Action. – Any town which has voted to establish a police commission under this chapter may rescind such action by submission of an article in the town warrant as provided in RSA 39:3.

Source. 1981, 277:1, eff. June 16, 1981.


CITY OF PORTSMOUTH

LEGAL DEPARTMENT

MEMORANDUM

DATE: August 24, 2015

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: ROBERT P. SULLIVAN, CITY ATTORNEY 

RE: CHARTER INTERPRETATION SUBSEQUENT TO SECRETARY OF STATE VERBAL INSTRUCTION ON AUGUST 10, 2015

This memorandum is written to assist members of the municipal government and the public in interpreting the City Charter subsequent to Secretary of State William Gardner's verbal directive of July 29, 2015 (communicated to the City via the Portsmouth Herald), regarding the process for filling vacancies on the Police Commission. The verbal directive was reduced to writing on August 10, 2015 by the Secretary. That communication included a letter dated August 7, 2015 from his counsel (copy attached).

The instruction from the Office of Secretary of State to disregard that provision in Charter Amendment E adopted by the voters on November 6, 2001 came to the City in an unorthodox manner. Apparently, Elizabeth Dinan, a newspaper reporter, contacted the Secretary directly and in conversation he indicated to her that he felt the relevant portion of the City Charter was in violation of state law. At that point no contact or request for input had been made by anyone in state government with anyone in City government. Upon reading the Secretary's opinion in the newspaper, I called his office and spoke with him. He contacted the Attorney General's office. This led to the directive attached to this memorandum.

Under the unorthodox process described in the previous paragraph, the breadth of the Secretary's pronouncement is not clear. A narrow view would be that he has overruled the Charter process for filling a vacancy because the process to fill a Police Commission vacancy Charter Amendment E is not consistent with RSA 105-C, the statute relied upon by the Secretary's directive. A broader reading would be that the Secretary has overruled Charter Amendment E completely as it was not adopted in accordance with RSA 105-C, but rather was adopted under RSA 49:B. This would have the effect of eliminating the Police Commission entirely. A third possibility is that the Secretary has ruled that the City must now follow the provisions of RSA 105-C in its entirety even though on its face it applies to towns, notwithstanding that Portsmouth is a City. This alternative would create a different commission than the one we have now.

The differences between the type of police commission created by Charter Amendment E for the City and the type of police commission created under RSA 105-C for towns are nearly universal. They include the term of office for commissioners and, most importantly, the duties and powers of commissioners. A Charter Amendment E police commission, for example exercises both administrative and policymaking authority over the Police Department. An RSA 105-C police commission does not appear to have either of those powers, at least not expressly. Nor does RSA 105-C detail the relationship between the police department and the remainder of the municipal government such as described in detail under Charter Amendment E. Therefore, lack of clarity on the question of what type of police commission we now have in the City of Portsmouth creates a serious problem for the governance of the City.

A complete copy of Charter Amendment E as well as RSA 105-C are attached to illustrate the difference between the two.

It is my belief that the paramount policy consideration for the City should be to as fully as possible, and to the greatest extent allowed by law, implement the will of the voters of the City in adopting Charter Amendment E. However, it is advisable to avoid either inviting or initiating litigation with the State. Under that analysis we should give the Secretary's instruction a narrow view so that it relates only to the process of filling vacancies on the Police Commission. It has been confirmed by e-mail dated August 21, 2015 from Attorney LaBonte of the Office of the Attorney General that the Secretary's direction was limited to answering that question. In all other respects, Charter Amendment E should be treated as valid and effective for defining a form of government for the City of Portsmouth unless or until either further directives are received from the Secretary or the matter is resolved by a Court of competent jurisdiction.

With regard to the term to be served by the member of the Police Commission appointed by the City Council to fill the vacancy created by the resignation of Commissioner Gerald Howe, Attorney LaBonte indicates that the Secretary of State has advised that the City look to RSA 669:61 (III) for guidance (copy attached). That statute is characterized by the State to require that any vacancy which occurs prior to the beginning of the filing of the period for a "town election" should be filled by the election immediately subsequent to the filing period. Therefore, in the current situation the appointment of a Commissioner by the City Council would run until the election which occurs on November 3, 2015, at which time two (2) Police Commissioners would then be elected. One of which is the position already scheduled to be on the ballot. The second would be to fill the remainder of the term created by the resignation of Commissioner Howe. In this manner, among other benefits, the staggering of commission terms required by the City Charter would be maintained:

A synthesis of all of the foregoing is that:

1. As soon as possible the City Council should appoint a member of the Police Commission to serve until the election on November 3, 2015.

2. At the election of November 3, 2015 there should be two (2) Police Commission positions on the ballot. The first for a full term of four (4) years and a second to fill the remainder of Commissioner Howe's term of two (2) years.
3. The commissioner elected for the two year term may be sworn into office immediately following the Canvass of the Vote and serve the remaining two (2) years of Gerald Howe's term.
4. The commissioner elected for the four (4) year term of office would take office on January 1, 2016.

Pending either further instruction from the Secretary of State or the result of any judicial determinations which might be made regarding the situation described in this memorandum, I am requesting the City Clerk annotate all available copies of the City Charter by footnoting the sentence in Charter Amendment E which reads, "In the event that a vacancy should occur on the Board, then the next runner-up candidate established at the last, most recent Board election, shall assume the balance of the vacated term." The footnote should read, "By letter dated August 7, 2015 addressed to Secretary of State William Gardner from Assistant Attorney General Stephen G. LaBonte given as a directive to the City by the Secretary it is written, 'When a vacancy occurs on an elected police commission the vacancy is filled by appointment of the municipality's governing body until the next regular municipal election. RSA 105-C:3, (1)'".

A copy of this memorandum is being provided to the Secretary of State and Attorney Stephen G. LaBonte. Their input on the issues discussed herein would be of major value and it is invited.

attachment

cc: William Gardner, Secretary of State
Stephen G. LaBonte, Esq.

TITLE LXIII ELECTIONS

CHAPTER 669 TOWN ELECTIONS

Filling of Vacancies

Section 669:61

669:61 Vacancies in Town Offices. —

I. Whenever a vacancy as defined in RSA 652:12 occurs in any elective town office or whenever a town neglects or refuses to fill an elective town office, said vacancy shall be filled by the action of that body or person authorized by law to appoint or elect such officer for a term ending upon the election and qualification of his successor, unless otherwise provided. Unless otherwise provided, at said next annual town election, the voters of the town shall then elect an officer for the full term provided by law or the balance of an unexpired term provided by law, as the case may be. If a town then refuses or neglects to fill said office, a vacancy shall be deemed again to exist.

II. Nothing in this section shall be deemed to empower a town to find that a vacancy exists, in the case of a contested election or recount, until the rendering of a final judgment by a court of competent jurisdiction or by the ballot law commission as to such contested election in accordance with RSA 652:12, V, or until the recount has been concluded.

III. For the purposes of paragraph I, and with respect to those offices elected by official, non-partisan ballot, the term "next annual town election" shall mean the next annual town election for which the nomination filing period, as set forth in RSA 669:19, begins subsequent to the occurrence of the vacancy. Any vacancy which occurs between the beginning of the filing period and the town election shall not be filled by official ballot until the annual town election the following year.

IV. The legislative body of a town may adopt or rescind the optional procedure in this paragraph for filling vacancies in elective town offices. If the authorized person or body does not make an appointment to fill the vacancy pursuant to paragraph I within 45 days after at least one legally-qualified person has applied in writing for such appointment, then upon the filing of a petition with the selectmen signed by the number of voters required under RSA 39:3 for the warning of a special town meeting, presented not less than 90 days before the next annual town meeting, the selectmen shall call a special election to fill the vacancy. The special election shall be subject to the provisions of RSA 39:3 and other applicable provisions governing town elections. The person elected at the special election shall serve for a term ending upon the election and qualification of his or her successor. Unless otherwise provided, at the next annual town election, the voters of the town shall elect an officer for the full term provided by law or the balance of an unexpired term provided by law, as the case may be. If the town then refuses or neglects to fill the office, a vacancy shall be deemed again to exist.

Source. 1979, 410:1. 1981, 520:4. 1994, 112:2. 2008, 267:1, eff. Aug. 25, 2008.

BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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



Committee: NEIGHBORHOOD STEERING COMMITTEE

Name: LAWRENCE CATALDO Telephone: 908-528-3933

Could you be contacted at work? YES/NO - If so, telephone# 603-430-3762

Street address: 133 ISLINGTON STREET UNIT 10

Mailing address (if different): _____

Email address (for clerk's office communication): LARRYCATALDO@YAHOO.COM

How long have you been a resident of Portsmouth? 12 YEARS

Occupational background:

SENIOR BUSINESS CONSULTANT

EXECUTIVE MANAGER FOR PLANNING - CONSTRUCTION

TELECOM DIRECTOR - REGULATORY MATTERS

TEACHING EXPERIENCE: COLLEGE, HIGH SCHOOL, CORPORATE

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

Reasons for wishing to continue serving: I WISH TO GIVE BACK.

MY EXPERIENCE FOR THIS BEAUTIFUL CITY. HAVING

AN OPPORTUNITY TO WORK ON THIS COMMITTEE, I CAN UNDERSTAND

BETTER WHAT MY NEIGHBORS ARE MOST CONCERNED ABOUT.

OVER
➔

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

STRAWBERRY BANK MUSEUM / MEMBER - VOLUNTEER

PORTSMOUTH HISTORICAL SOCIETY

PS 21

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

1) PAUL MANNLE, 1490 ISLINGTON ST 498-9320
Name, address, telephone number

2) LAWRENCE FERDON, 14 HANCOCK ST. 433-1104
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature: Lawrence J. Cataldo Date: 12/15/2017

CITY CLERK INFORMATION ONLY:

new term Expiration Date: 12/31/2019

Annual Number of Meetings: 8 (2017) Number of Meetings Absent: 3

Date of Original Appointment: 2/1/2016

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



CITY OF PORTSMOUTH, N.H.
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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



Committee: Citywide Neighborhood Steering

Name: Paul M. Mannle Telephone: 603-498-9230

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

Street address: 1490 Islington Street

Mailing address (if different): same as above

Email address (for clerk's office communication): p-mannle@yahoo.com

How long have you been a resident of Portsmouth? 27+ years

Occupational background:

Data Specialist - IKUN LLC, 30+ years in financial services (operations, systems, data analysis, reconciliations)

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

Reasons for wishing to continue serving: To continue + improve upon the work the committee has done during my tenure, to improve resident + neighborhood outreach + engagement, + to always advocate for the protection + preservation of the quality of our neighborhoods.



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

CNSC - 3 years, Portsmouth history Steering Committee
- 3 years, Portsmouth history Study Circles TX participant,
B21 Tactical Urbanism volunteer 2x,

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

- 1) Nancy Clayburgh 405 FW Hartford Dr. 436-6525
Name, address, telephone number
- 2) Lenore Weiss-Bronson 828 Woodbury Ave 531-0410
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature: Paul W. Munk Date: 12/13/2017

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 12/31/2019
Annual Number of Meetings: 8 (2017) Number of Meetings Absent: 4
Date of Original Appointment: 6/1/15

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



CONSIDERATION

CITY OF PORTSMOUTH, N.H.
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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



Committee: PLANNING BOARD

Name: JEFFREY KISTEL Telephone: (603) 770-2763

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

Street address: 30 ELM COURT

Mailing address (if different):

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

How long have you been a resident of Portsmouth? 4 1/2 YEARS

Occupational background:

JLK SERVICES LLC, GENERAL CONTRACTING & HOME REMODELING

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

Reasons for wishing to continue serving: CONTINUE TO TACKLE THE GW ZONING
CHANGES TO SUPPORT AND ENCOURAGE WORKFORCE HOUSING PROJECTS,
TO BE A PART OF THE MCINTYRE BUILDING PROCESS, TO HELP
CREATE A WEST END THAT IS FOR THE RESIDENTS AND TO BE A
STRONG VOICE IN DEVELOPING MORE RECREATION FIELDS.



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

FUTURES BOARD OF ADVISORS

PPMTV BOARD OF MEMBER

6000 INITIATIVE FOUNDING BOARD MEMBER

CIP SUBCOMMITTEE MEMBER

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

1) JOHN FORMELLA (850) 375-1707 939 MARLEWOOD AVE
Name, address, telephone number

2) JOE ALMEIDA (603) 502-8605 160 MAIN STREET NEWCASTLE
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature:  Date: 11/9/17

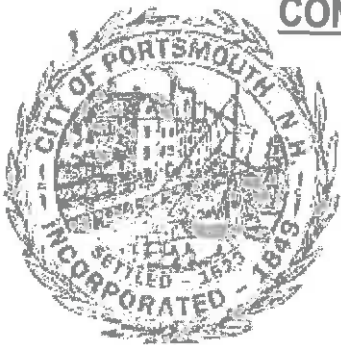
CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 12/31/2020

Annual Number of Meetings: 19 Number of Meetings Absent: 3

Date of Original Appointment: 1-20-2015

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

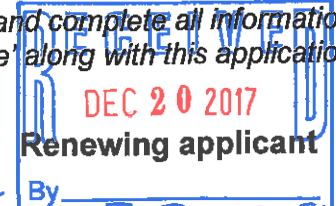


CONSIDERATION

CITY OF PORTSMOUTH, N.H.
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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



Committee: PLANNING BOARD

Name: JAY LEDUC Telephone: 603-312-6880

Could you be contacted at work? YES/NO - If so, telephone # (SEE ABOVE)

Street address: 873 MAPLEWOOD AVE.

Mailing address (if different): _____

Email address (for clerk's office communication): JAY_LEDUC@HOTMAIL.COM

How long have you been a resident of Portsmouth? 18+ YEARS

Occupational background:

ENGINEER - ENVIRONMENTAL SYSTEMS
DIRECTOR OF EHS

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

Reasons for wishing to continue serving: IT PROVIDES GREAT
SATISFACTION TO BE ABLE TO CONTRIBUTE TO THE (GROWTH AND) CONTINUED
SUCCESS OF THE CITY



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

No OTHERS


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

1) DAVE KING, STATE ST. PORTSMOUTH, NH 603-582-2834
Name, address, telephone number

2) KRISTEN CAMPBELL, CABOT ST. PORTSMOUTH, NH 603-205-1568
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature:  Date: 2/18/17

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 12/31/2020
Annual Number of Meetings: 19 Number of Meetings Absent: 10
Date of Original Appointment: 5-6-2013

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



CITY OF PORTSMOUTH, N.H.
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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



Committee: CABLE TELEVISION + COMMUNICATIONS

Name: STEVE GRAY Telephone: 603 387-2488

Could you be contacted at work? YES NO If so, telephone # SAME AS ABOVE

Street address: 82 DRIFTWOOD LANE PORTSMOUTH

Mailing address (if different): _____

Email address (for clerk's office communication): gray.steven@COMCAST.NET

How long have you been a resident of Portsmouth? 32 YEARS

Occupational background:

10 years EXECUTIVE MANAGEMENT PHH HOMERUNTY (NOW REALOGY) CT.
30 years BUSINESS OWNER CURRY REALTORS ALTON BAY

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

ONLY AS A CABLE CONSUMER.
I DO HOLD GRADUATE DEGREES IN COMMUNICATIONS
AND AN MBA



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

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

Reasons for wishing to serve: AREA OF INTEREST

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

FORMER PHS PARENT ADVISORY COMMITTEE MEMBER.
FORMER MEMBER OF SEACOAST ROTARY CLUB

FORMER VOLUNTEER/MENTOR AT THE CLASS HOME

PRESENTLY SEACOAST COORDINATOR/VOLUNTEER FOR

THE IN-CONTROL DRIVING FAMILY FOUNDATION.
(ADVANCES DRIVING TRAINING FOR TEENS)

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

(Portsmouth references preferred)

1) MAYOR JACK BEALOCK
Name, address, telephone number

2) ATTORNEY & COUNCIL MEMBER BRADLEY M. LOUN 45 BEACON HILL ROAD 431 1993
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature: Steven B. Gray Date: 11/14/17

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

CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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



Committee: Trustee of the Trust Funds

Name: Peter g. Weeks Telephone: 436-5059

Could you be contacted at work? YES/NO If so, telephone# 431-3140

Street address: 677 Dennett Street Unit 1

Mailing address (if different): PO Box 673 Portsmouth NH 03802

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

How long have you been a resident of Portsmouth? Born + Raised in Portsmouth
Raised my family here. Have lived at current address since
September 2014
Occupational background:

Have been in the Real Estate Consultancy
Business since 1974

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

School Board 1968-1971, City Council 1976-
1983, Asst Mayor 1980-81 Mayor 1982,83, Police
Commission 1986-1991, Past Member of the Board
of Adjustment, Past Member of the Economic Commission,
Past Chairman of the Futures Advisory Board



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

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

Reasons for wishing to serve: I believe my past service of the Board I have served will be beneficial in assist of the Trustees in assuring that we spend and invest the funds given the best return within the limits of the law.

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

Member of Rotary, Serve as Treasurer of Patrick Dowow Products Inc

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

1) John Lyons Falls Road Portsmouth NH (603) 270-6103
Name, address, telephone number

2) George Curiale 18 Congress St Portsmouth NH (603) 498-9832
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature: [Signature] Date: 1-8-18

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

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

2018 SCHEDULE OF CITY COUNCIL MEETINGS AND WORK SESSIONS

Regular Meetings - 7:00 p.m.

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

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

March *5 and 19
*(Adoption of CIP)

April 2 and April 16

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

June *4 and 18
*Adoption of Budget

July 9 (One meeting in July)

August 6 and 20

September 4 (Tuesday) and 17

October 1 and 15

November 19 (One meeting in November due to Election)

December 3 and 17

Work Sessions - 6:30 p.m.

January 29th (CIP Work Session)

May 9th (Public Safety – Police & Fire
Budget/Listening Session)
(Wednesday @ 6:30 p.m.)

May 10th (School Dept. Budget/Listening
Session) (Thursday @ 6:30 p.m.)

May 14th (General Gov. Dept. Budget/
Listening Session) (Monday @ 6:30 p.m.)

May 16th (Water & Sewer Dept. Budget/
Listening Session) (Wednesday @ 6:30 p.m.)

May 23rd (Budget Review)
(Wednesday @ 6:30 p.m.) (Conf. Rm A)

May 30th (Budget Review Follow Up)
(If necessary) (Wednesday @ 6:30 p.m.)
(Conference Room A)

| | |
|---|--|
| Committee Assignments for 2018-2019 Selection Sheet | Mayor Blalock dated: 12/20/2017 |
| Chamber of Commerce | Nancy Pearson |
| Cooperative Alliance for Seacoast Transportation (COAST) | Ned Raynolds |
| Economic Development Commission | Cliff Lazenby & Nancy Pearson |
| Fees Schedule Study Committee | Chris Dwyer & Ned Raynolds |
| Historic District Commission | Doug Roberts |
| Legislative Delegation - Subcommittee (3 + Mayor) | Mayor, Cliff Lazenby, Chris Dwyer & Josh Denton |
| Neighborhood Steering Committee, Citywide | Cliff Lazenby & Rick Becksted |
| Parking and Traffic Safety Committee | Doug Roberts |
| Pease Development Authority Liaison | Rick Becksted |
| Pease Development Authority - Port Subcommittee | Ned Raynolds |
| Peirce Island Committee | N/A |
| Planning Board | Rebecca Perkins |
| Recreation Board | Rick Becksted |
| Rockingham Planning Commission | Ned Raynolds & Rick Becksted |

| | |
|--|---|
| | |
| Committee Assignments for 2018-2019 Selection Sheet | Mayor Blalock dated: 12/20/2017 |
| | |
| Renewable Energy Policy Blue Ribbon Committee | Josh Denton |
| | |
| Sustainable Practices, Blue Ribbon Committee | Josh Denton |
| | |
| Veterans Organization | Josh Denton |
| | |
| <i>Subcommittee Assignments</i> | <i>Council Representatives</i> |
| <i>400th Anniversary Committee</i> | Chris Dwyer |
| <i>Joint Budget Committee (2 + Mayor)</i> | Mayor, Rebecca Perkins & Chris Dwyer |
| | |

New Sources of Revenue

During the run-up to the recent election, a number of candidates, including myself, talked about how the City might look for new sources of revenue to slow the increase of property taxes.

The City already has a number of efforts going. The EDC, responding to a City Council referral, is looking at ways to increase the amount of commercial property, which in theory would reduce homeowner taxes. The Legislative Committee will likely again see what can be done to get Portsmouth its fair share of the Meals & Rooms Tax.

Also, during the recent election campaign residents made other suggestions, such as changing the sewer rates, and others inquired about the tax rate for businesses at Pease Tradeport.

So I'd like to request a report back summarizing City efforts. The report could also respond to suggestions that have made and list any additional possibilities. If staff want to comment on the advisability of particular options, that could be included. Or we could leave that for future discussions.

I realize that if getting new revenue were easy it probably would have been done already. However, I think addressing the issue directly could be an important step in focusing attention on the issue and communicating that the Council and staff are exploring all options to keep the tax rate under control.

Recommendations to increase modes of communication between City Council and residents

Many residents want to be more informed and more involved in city business, but either don't know how, or don't have the time. The more opportunities we can provide that meet them on their terms, the more likely a larger segment of the population will engage. Communities across the country have the same issue and some have tried different approaches such as the ones outlined below. Most people today have access to tools that can connect them to the city in an instant, and we should do more to utilize this technology.

1. **Bring City Hall to the Community** – When City Hall is difficult to access due to a set location and service hours, citizen engagement declines. As a result, some municipalities across the country are having staff and services set up shop outside of City Hall. Portsmouth should consider scheduling occasional City Council meetings in each of the five wards, especially if a topic of importance is taking place in that ward. We saw good participation and some new faces when the Citywide Neighborhood Committee held forums across each of the wards over the last 18 months.
2. **Expand Opportunities to Opt In** – Often, when city council is deliberating on a major issue, interactions are limited to a consistent group of vocal citizens. In an effort to get broader involvement, **Portsmouth should launch an online platform that allow citizens to sign up once, select a series of topics of interest, such as affordable housing or parking, and request a text or email alert when those topics come up on an agenda at any public meeting.** If they cannot make the meeting, they will at least know the topic will be discussed and can choose from a variety of communication modes to provide input. (Email, online feedback form, social media, etc.)
3. **Conduct Virtual Meetings on Social Media**– Portsmouth can engage citizens via social media outlets such as Twitter or Facebook for a scheduled time period. Users can ask questions and get instant feedback regarding important issues. Vancouver's Mayor, Gregor Robertson for example, hosts Twitter town halls on topics such as homelessness, and housing affordability. The first such Twitter town hall took place days before the Vancouver civic elections, when Mayor Robertson—using the hashtag #askgregor—hosted a high profile virtual town hall meeting at the offices of Hootsuite, a Vancouver-based social media company. Portsmouth is a digitally rich community and we could partner with any number of local digital agencies to set something up with the city on an ongoing basis. This hits a demographic that we rarely see in person at city hall.

* Comments for which a public hearing is scheduled under the same agenda shall not be permitted.

- The Chair reserves the right to select speakers of different issues to be permitted to speak in order to provide a form of various topics to be presented. *(ADOPTED 1/18/94).

RULE 44. NAMING OF MUNICIPAL BUILDINGS, PARKS AND FACILITIES

The procedure to be followed in naming municipal buildings, parks and facilities shall be that a written request be submitted to the Mayor by the City Councilors or resident who proposes the naming of any municipal building, park or facility. The Council shall then schedule a work session to deliberate concerning that request. In general, it shall be deemed inappropriate to name complete municipal buildings after actual persons, although portions of buildings may be so named. Subsequent to the work session, the request shall then be placed on the next available Council agenda for a vote of the full City Council. (ADOPTED 8/14/2000)

RULE 45. PUBLIC HEARINGS

City Council public hearings shall be subject to the following terms and conditions:

- A. The order in which speakers shall be called, the duration of time permitted for each person to speak and the number of opportunities which any person shall be provided to speak on any issue may be regulated by the Mayor in the interest of legislative efficiency.
- B. All speakers must limit their presentation to the issue for which the public hearing has been called. Any speaker not in compliance with this provision shall be ruled out of order by the Mayor.

(ADOPTED 5/6/2002).

RULE 46. CONSENT AGENDA

The agenda for any regular meeting of the City Council may include a section entitled "Consent Agenda". The Consent Agenda shall consist of items of City Council business which the Mayor, the City Manager and the City Clerk have previously determined to be routine in nature. All Consent Agenda items shall identify the action which it is anticipated will be taken by the City Council on it. Any item of business shall be removed from the Consent Agenda and placed elsewhere on the Council agenda for the same meeting at the request of any member of the City Council. All recommended actions on Consent Agenda items shall be deemed to have been taken by the City Council on the passage of a motion, "to adopt the Consent Agenda". (ADOPTED 1/9/06).

RULE 47. APPOINTMENTS TO BOARDS AND COMMISSIONS

Unless otherwise required by statute or ordinance, the Mayor shall not bring forward for re-appointment to any Board or Commission the name of any person who shall have served ten (10) or more consecutive years on the same Board or Commission prior to the effective date of the requested reappointment. (ADOPTED 3/19/07).