

# CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH  
DATE: MONDAY, AUGUST 23, 2021 TIME: 6:00PM

*Members of the public also have the option to join the meeting over Zoom, a unique meeting ID and password will be provided once you register. To register, click on the link below or copy and paste this into your web browser:*

[https://us06web.zoom.us/webinar/register/WN\\_oiNBPqt4Q8qWwOv0xfoBvQ](https://us06web.zoom.us/webinar/register/WN_oiNBPqt4Q8qWwOv0xfoBvQ)

## **6:00PM – ANTICIPATED NON-PUBLIC SESSION:**

1. ACQUISITION OF REAL ESTATE – RSA 91-A:3, I (d)
2. DEER STREET ASSOCIATES (DSA) – RSA 91-A:3, I (d)
3. MCINTYRE – RSA 91-A:3, I (d)
4. CONSENT DECREE & SAGAMORE AREA SEWER PROJECT – RSA 91-A:3, I (d)

## AGENDA

- I. WORK SESSION – THERE IS NO WORK SESSION THIS EVENING
- II. PUBLIC DIALOGUE SESSION [when applicable – every other regularly scheduled meeting] – **N/A**
- III. CALL TO ORDER [7:00 p.m. or thereafter]
- IV. ROLL CALL
- V. INVOCATION
- VI. PLEDGE OF ALLEGIANCE
- VII. ACCEPTANCE OF MINUTES – AUGUST 2, 2021; NOVEMBER 16, 2020 & NOVEMBER 23, 2020 (*Sample motion – move to accept and approve the minutes of the August 2, 2021; November 16, 2020 and November 23, 2020 City Council meetings*)
- VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS
  - A. \*Recognition of Finance Director and Finance Department for GFOA Triple Crown Medallion
- IX. PUBLIC COMMENT SESSION – (*participation may be in person or via Zoom*)
- X. PUBLIC DIALOGUE SUMMARY [when applicable] – **N/A**
- XI. PUBLIC HEARING AND VOTE ON ORDINANCE AND/OR RESOLUTIONS

### First Reading of Ordinance:

- A. First Reading of Proposed Ordinance Amendments to Chapter 7, Article IX, Section 7.901 – Penalties, Forfeitures and Separability (*Sample motion – move to pass first reading, and to schedule a public hearing and second reading of these ordinance amendments at the September 7, 2021 City Council meeting*)

## Public Hearings of Ordinance and Resolutions with Adoption:

- B. ORDINANCE AMENDING CHAPTER 1, ARTICLE IV – COMMISSIONS AND AUTHORITIES, SECTION 1.414 AUDIT COMMITTEE *(Continued from the August 2, 2021 City Council meeting)*

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

*(Sample motion – move that the City Council continue the public hearing and second reading at the September 7, 2021 City Council meeting)*

- C. RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF THE CITY UNDER THE MUNICIPAL FINANCE ACT AND/OR PARTICIPATION IN THE STATE REVOLVING FUND (SRF) LOAN OF UP TO THIRTEEN MILLION NINE HUNDRED THOUSAND DOLLARS (\$13,900,000.00) RELATED TO WATER LINE UPGRADES, WATER TRANSMISSION MAIN REPLACEMENT, ISLINGTON STREET IMPROVEMENTS PHASE 2, WILLARD AVENUE UPGRADES AND UNION STREET RECONSTRUCTION *(Rescheduled Public Hearing at the August 2, 2021 City Council meeting with new amount)*

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

*(Sample motion – move to adopt the Resolution to be bonded as presented)*

## **XII. MAYOR BECKSTED**

1. Appointments to be Considered:
  - Marylou McElwain reappointment to the Parking and Traffic Safety Committee
  - Stephen Pesci reappointment to the Parking and Traffic Safety Committee
  - Harold Whitehouse reappointment to the Parking and Traffic Safety Committee
  - Mark Syracuse appointment to the Parking and Traffic Safety Committee
2. \*Appointments to be Voted:
  - Jason Brewster to the Peirce Island Committee
  - Deborah Chag to the Trees and Public Greenery Committee

## **XIII. CITY COUNCIL MEMBERS**

### **A. ASSISTANT MAYOR SPLAINE**

1. \*What Initiatives and Approaches can the City of Portsmouth take to encourage vaccinations and other responses to reduce the spread of COVID-19 and Variants?

## **B. COUNCILOR WHELAN**

1. Parking & Traffic Safety Committee Action Sheet and Minutes of the July 8, 2021 meeting (***Sample motion – move to accept and approve the Action Sheet and Minutes of the July 8, 2021 Parking & Traffic Safety Committee meeting***)

## **C. COUNCILOR LAZENBY & COUNCILOR TABOR**

1. Creation of Energy Advisory Committee (***Sample motion – move to approve the creation of the Portsmouth Energy Advisory Committee (PEAC) in the form of a Mayor’s Blue Ribbon Committee (BRC) with appointments by September 20. The PEAC mission will be to research the risks and opportunities of a Community Power program for Portsmouth under RSA 53-E, which allows towns and cities to aggregate their customer demand and purchase electricity in bulk for savings and a more rapid shift to renewables. PEAC will report back to the City Council with an assessment and recommendations, including whether to join the Community Power Coalition of New Hampshire (CPCNH). If the Council votes to proceed, PEAC will guide creation of a Community Power Plan per RSA 53-E, with input from at least two public hearings, for final approval by City Council vote***)

## **D. COUNCILOR KENNEDY**

1. \*Portsmouth Cemeteries (***Sample motions: 1) move to set up a blue ribbon committee for cemeteries with six citizens and one Councilor. 2) move to have the City Manager set up a site walk of the North Cemetery for Council and staff***)
2. \*Skate Board Park (***Sample motion – move to have the City Manager and staff work with the skate board park committee on a fund raising event for October 20, 2021. Given, the committee would like to use Portsmouth city property for part of the event***)
3. \*Law Suits (***Sample motion – move to have an update on every lawsuit that is currently filed against the city. With a date of a report back by September 7, 2021***)

## **E. COUNCILOR TRACE**

1. \*Work Session Re: Zoning (***Sample motion – move to have a work session with Planning Department on the same topics proposed for a work session at Planning Board Meeting this week to include Wetland Buffer Zone; types of Zoning currently within the downtown; types of Gateway Zoning; and zoning affecting perimeter residential areas in Portsmouth. The work session also to include types of necessary zoning to facilitate affordable and workforce housing***)
2. \*Traffic Calming (***Sample motion – move to have a report back as soon as possible from appropriate City Departments on what can be done to create safer and slower streets for residents in the Echo Avenue area. Specifically traffic calming with Woodbury Avenue in the same manner as was achieved with Maplewood Avenue***)

## **XIV. APPROVAL OF GRANTS/DONATIONS**

- A. \*Acceptance of Memorial Bench Donation in Memory of Pat Bertrand - \$2,200.00 (***Sample motion – move to accept and approve the Memorial Bench Donation in memory of Pat Bertrand, as presented***)

## XV. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

### A. CITY MANAGER CONARD

#### City Manager's Items Which Require Action:

1. Approval of School Paraeducators Collective Bargaining Agreement
2. Approval of School Cafeteria Collective Bargaining Agreement
3. Temporary Construction License for 409 Franklin Pierce Highway, LLC, 205 Market Street

## XVI. CONSENT AGENDA

### *(Proper Motion for Adoption of Consent Agenda - move to adopt the Consent Agenda)*

- A. Letter from Melissa Walden, American Lung Association, requesting permission to hold the 13<sup>th</sup> annual American Lung Association Cycle the Seacoast ride on Sunday, May 1, 2022 ***(Anticipated action – move to refer to the City Manager with Authority to Act)***
- B. Letter from Hershey Hirschkop, Seacoast Outright, requesting permission to hold Portsmouth PRIDE on Sunday, October 10, 2021 ***(Anticipated action – move to refer to the City Manager with Authority to Act)***
- C. Request for License to Install Projecting Sign for owner David Ronka of Closette for property located at 72A Congress Street ***(Anticipated action - move to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request)***

#### Planning Director's Stipulations

- ***The license shall be approved by the Legal Department as to content and form;***
  - ***Any removal or relocation of projecting sign, for any reason, shall be done at no cost to the City; and***
  - ***Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works***
- D. Request for License to Install Projecting Sign for owner Gretchen DesAutels of A Pleasant Shoppe, LLC for property located at 79 Congress Street ***(Anticipated action - move to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request)***

#### Planning Director's Stipulations

- ***The license shall be approved by the Legal Department as to content and form;***



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

**XVII. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS**

- A. Email Correspondence (***Sample motion – move to accept and place on file***)
- B. Letter from the Coakley Landfill Group (CLG) requesting the City Council join the CLG to allow the public to access meetings remotely
- C. Letter from Steven Smith, Chairman, Board of Selectman, Town of Greenland, requesting the City Council join the Town of Greenland to allow the public to access Coakley Landfill meetings remotely
- D. Letter from Tricia Donohue, Portsmouth Community Garden, requesting support to fund the water installation in proposed community garden
- E. Letter from Tom Morgan regarding bicycle infrastructure designs

**XVIII. CITY MANAGER’S INFORMATIONAL ITEMS**

- 1. Update on Development of Audit Committee Ordinance
- 2. Report Back on Status of Mosquito Spraying
- 3. \*Update of NH HB 220
- 4. Report Back on Rainbow Crosswalks
- 5. Report Back from the Legal Department on Knights of Columbus Boot Drive
- 6. \*Status Update on Cate Street and Bartlett Street Intersection
- 7. Response to Comments Regarding City Finances

**XIX. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING**

**XX. ADJOURNMENT [at 10:30 p.m. or earlier]**

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

*\*Indicates verbal report*

## CITY COUNCIL MEETING

MUNICIPAL COMPLEX  
DATE: MONDAY, AUGUST 2, 2021

PORTSMOUTH, NH  
TIME: 7:00PM [or thereafter]

### III. CALL TO ORDER

Mayor Becksted called the meeting to order at 7:12 p.m.

### IV. ROLL CALL

PRESENT: Mayor Becksted, Assistant Mayor Splaine, Councilors McEachern, Whelan, Lazenby, Kennedy, Huda, Tabor and Trace

### V. INVOCATION

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

### VI. PLEDGE OF ALLEGINANCE

Mayor Becksted led in the Pledge of Allegiance to the Flag.

### VII. ACCEPTANCE OF MINUTES – MAY 4, 2021 & JULY 12, 2021

**Councilor McEachern moved to accept and approve the minutes of the May 4, 2021 and July 12, 2021 City Council meetings. Seconded by Councilor Whelan and voted.**

Discussion among the City Council occurred regarding meetings that take place with a quorum and whether minutes should be kept of the meeting. City Attorney Sullivan explained keeping of minutes and said if the City Council would like a policy, one would need to be written and brought forward for the Council to review.

### VIII. RECOGNITION AND VOLUNTEER COMMITTEE REPORTS

#### IX. PUBLIC COMMENT SESSION

Bob Lister spoke regarding the increased noise around Woodbury Avenue neighborhoods. He said there are significant noise issues relating to the Pannaway neighborhood. He said years ago a stockade fence was installed but never maintained and there needs to be more done to help with the noise. He asked the City Council to work with the state and neighborhood to begin a conversation on the noise issues and that he would like to see the City Council conduct a walk of the neighborhood.

Bruce Schlieper spoke to the traffic in the area of Rockingham Avenue. He said there is a report from the NH DOT which indicates the noise in the area is unacceptable. He requested something be done to address this issue.

Justin Richardson said he is three houses off of I-95 and he knew there was noise prior to purchasing his home but he did not understand what the noise would actually be like in the area. He said the installation of a sound barrier is important to the residents in the neighborhood. He spoke in support of a site walk and he suggested having the NH Delegation involved in this matter.

Michelle Wirth spoke on the Neighborhood Parking Plan and said there was not correct data or collection of information collected that the program would work. She also spoke to the issue of cars moving from parking in one neighborhood to another and how it furthers the problems that exist. She spoke opposed to the plan and having it in place.

Pat Bagley thanked the City Council and staff for navigating the City through this difficult time with COVID. She said she is grateful for the leadership shown by the City Manager and staff and for everyone working collectively for the betterment of the City.

Roy Helsel asked why the City accepts property in the wetlands and why is the City granting variances. He expressed his concerns regarding this matter.

Scott Forte provided a sheet of data regarding COVID cases from the CDC. He spoke to the various age groups and stated there is a 95% survival rate. He also addressed the categories of deaths and said wearing masks will not help children.

Nicole LaPierre said pushing parking into other neighborhoods is an acknowledgement that there is a problem. She said a great deal of time has been put in place regarding the parking issues in the area of the Islington Creek Neighborhood. She said the parking plan is a pilot and it is an ideal location for this pilot. She spoke to creating a mechanism to review the data in order to have a proactive response versus a reactive one.

Susan Saurman asked about the mosquito control program and spraying. She said she lives near the bog and there are issues with mosquitos and would like to know when spraying will occur.

Peter Somssich spoke in support of sound barriers for I-95. He also spoke in favor of a site walk for Pannaway neighborhood.

Josh Denton asked the City Council to support the Optional Tax Credit for Combat Service Resolution before them this evening. He said there is not an estimate available on the cost of the credit because we do not know the number of people that would apply.

Ken Goldman spoke regarding the parking problem and said it should treat everyone equal. He said we will need data collected to see if the parking patterns change. He suggested reviewing data and polling the neighborhood to see if they want this program.

Mark Phillips, Newington, NH spoke regarding Hodgdon Lane being used for the West End Yards development when that name currently exists off of Woodbury Avenue. He said another name should be selected.

Bill Downey said the McIntyre process has been corrupted and there is a lack of transparency. He said he has asked for the underlying data for the current design of the McIntyre and has yet to receive the information. He asked Mayor Becksted to produce the information.

Shawn George spoke regarding the need for sound barriers near I-95. He said the traffic and noise continues to increase for the New Franklin neighborhood.

Tracy George said she cannot open her windows due to the traffic and noise near I-95. She said she would like attention given to this matter.

Patrick McCartney said the noise is an issue and it is important to have noise barriers installed. He said the noise and traffic is effecting property values in the neighborhood.

Ryan Cress spoke in support of the installation of a sound barrier. He said residents cannot have a conversation in their front yards due to the noise. He requested the City Council take a walk through the neighborhood.

**Councilor Kennedy moved to suspend the rules to take up Item XIII. D.2. – Ask the City Manager to set up a date for a Site Walk for the New Franklin/Jewel’s Neighborhood. Seconded by Councilor McEachern and voted.**

**Councilor Kennedy moved to set a date for a Site Walk of the New Franklin/Jewel’s Neighborhood and invite Representative in Congress; State Representatives, State Senator, US Senators, and the Legislative Committee to attend and provide a detailed history of the area. Seconded by Councilor Huda.**

City Manager Conard said she would provide a more detailed and thorough history of the area at the next City Council meeting.

**Motion passed.**

## **XI. PUBLIC HEARINGS AND VOTE ON ORDINANCE AND/OR RESOLUTIONS**

### Public Hearings of Ordinance and Resolutions with Adoption:

- A. ORDINANCE AMENDING CHAPTER 1, ARTICLE IV – COMMISSIONS AND AUTHORITIES, SECTION 1.414 AUDIT COMMITTEE

Mayor Becksted said we are continuing the public hearing.

City Manager Conard said the City Attorney's office and staff were charged to work with the Audit Committee and stated we have not agreed on language and we would like to continue the work.

Mayor Becksted open the public hearing and called for speakers.

David MacDonald said he has served on the Audit Committee since its inception. He addressed the Resolutions and said the City is into some issues with credit rating due to the amount and number of Resolutions approved.

Dick Bagley said the auditing world is different from municipal to outside businesses. He said the Audit Committee should select the Auditor and every firm recommends you change auditors every five years. He said the auditor's opinion stands on its own. He recommended the City Manager serve on the committee and participate which is in the best interest of the City. He also recommended considering internal controls.

Mark Brighton said this is a simple way to act in compliance with the City Charter. He stated nowhere in section 7.4 does it mention city staff. He said the City Manager has no business being part of the committee. He recommended that accounting and banking experience should be part of the committee. He stated that we need to take action this evening on this matter.

Alice Cornish White spoke in support of the Audit Committee which manages and controls finances. She said that all financials should be monitored by an independent auditor. She stated that internal controls need to be reviewed and part of the process.

Christopher White said he is honored to serve on the Mayor's Blue Ribbon Audit Committee with his financial background assisting in the process. He said the city's level of indebtedness is large and could affect the bond rating. He said the City management should not be in control over the auditor. He expressed concerns with the City Auditor being in place for 25 years.

After three calls and no further speakers, Mayor Becksted did not close the public hearing.

**Councilor Huda moved to remove Section B and replace it with the new Section B and C to be in compliance with a City Auditor. Seconded by Councilor Kennedy.**

Councilor Tabor spoke opposed to the motion and stated it needs to be the City Council's responsibility and Councilor Huda has made it clear that it is the governing body's role to select an Audit Committee. He said in accordance with GFOA requirements it should be a subcommittee of the City Council.

Councilor McEachern spoke to the survey of other communities regarding an Audit Committee and 63% reported they did not have such a committee. He said it is the City Council's job to select an Audit Committee.

Councilor Kennedy said for clarification, if you look at other communities they have finance committees which are similar to an Audit Committee. She said that she feels staff should not select the Audit Committee.

City Manager Conard said we do not have a negative debt and we are low overall less than 3% with a triple A bond rating.

Councilor McEachern said the comments from Councilor Kennedy are illustrated. He stated the Audit Committee Ordinance has a large scope and he does not know how any organization would not be accountable for there is a belief that auditors are doing something wrong.

Councilor Tabor said we need additional time to clarify what we are doing.

Assistant Mayor Splaine thanked Councilor Huda for bringing this to the City Council's attention and stated we may be looking at this differently than we should. He suggested that the audit function is a City Council function.

Deputy City Attorney Woodland said there is a question on who should sit as members. She stated that GFOA recommends the governing body in terms of procurement process. She said we know how to do procurement proposals could be brought to the City Council and review selection criteria. She said staff can do its role to bring qualified candidates forward for review. She said there is concern about new section C on procedures on receiving complaints and addressing them.

Councilor Huda spoke regarding independence being the most important thing with the process. She stated that duties do not circumvent staff. She said the City Council must follow the Charter and Administrative Code.

Councilor Trace said her concern is compliance with the City Charter. She said we have responsibility to make sure the City is on sound ground and we could go to the community to help the City Council get some advice. She said ultimately it is the City Council's responsibility and it is better to continue this on another night.

**Councilor Whelan moved to continue the public hearing and second reading at the August 23, 2021 City Council meeting. Seconded by Councilor Kennedy and voted.**

**Councilor Huda move to suspend the rules to take up Item 1 under City Manager's Informational Items – Report Back on Updated Debt Limit Calculation as Requested by Councilor Kennedy. Seconded by Councilor Kennedy and voted. Councilor Lazenby voted opposed.**

City Manager Conard spoke to the debt ratio and said the authority to bond allows us to move forward.

Councilor Kennedy would like to see what we have done in the last 6 months to know where we are right now.



Finance Director Belanger reported that the debt limit will be presented in the June 30<sup>th</sup> audit. She said the current debt limit for school and other general government is 35% of the legal debt limit. She stated we have 65% allowable debt.

Councilor Tabor said given the debt we have and what we are voting on this evening do you see an issue with our triple A bond rating. Finance Director Belanger stated that we stay far below the debt limit for the State. She spoke to the policy to stay under 10% for the City. She advised the Council that we are looked at favorably by Standard and Poors.

**B. RESOLUTION AUTHORIZING A BOND ISSUE, AND/OR NOTES OF UP TO FOUR HUNDRED THOUSAND (\$400,000.00) DOLLARS FOR COSTS RELATED TO THE UPGRADE OF THE POLICE FACILITY**

Mayor Becksted opened the public hearing and called for speakers.

Councilor Lazenby asked at what point do we look at a new space for the Police Department. He also asked when we stop putting funds into the facility. Councilor McEachern said we need to make the station habitable until we find a new station.

Dick Bagley said he would support the bonding and at the end of the day we have a difficult environment for people to work in and the Council is responsible for fixing it. He expressed concerns regarding the amount of money and bond projects that we did not use. He stated he would support all the bonds being requested this evening.

After three calls and no further speakers, Mayor Becksted closed the public hearing.

**Assistant Mayor Splaine moved to adopt the Resolution to be bonded as presented. Seconded by Councilor McEachern and voted.**

**C. RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF UP TO ONE MILLION ONE HUNDRED THOUSAND DOLLARS (\$1,100,000.00) FOR COSTS RELATED TO SCHOOL FACILITIES IMPROVEMENTS**

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

Dick Bagley said we need to do whatever is necessary to get kids back into the classrooms again. He said we need to make sure the air quality is right and other structural needs are addressed.

After three calls and no further speakers, Mayor Becksted closed the public hearing.

**Assistant Mayor Splaine moved to adopt the Resolution to be bonded as presented. Seconded by Councilor McEachern.**

Councilor Kennedy said COVID funds may be used for air handlers and perhaps that is something we should fund through the COVID monies to be received.

Nathan Lunney, School Department, spoke to the projects that would be funded through this bond. He spoke to air quality and climate control importance at New Franklin and Dondero Schools.

**Motion passed.**

- D. RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF UP TO THIRTEEN MILLION THREE HUNDRED THOUSAND DOLLARS (\$13,300,000.00) FOR COSTS RELATED TO PRESCOTT PARK MASTER PLAN IMPLEMENTATION, STREET AND SIDEWALK UPGRADES

Mayor Becksted read the legal notice, declared the public hearing open and called for speakers. After three calls and no speakers, Mayor Becksted closed the public hearing.

**Assistant Mayor Splaine moved to adopt the Resolution to be bonded as presented. Seconded by Councilor McEachern.**

Public Works Director Rice reported that the numbers are generated through a paving program and the recommendation is to continue with \$2,000,000.00 each year.

Councilor Huda said the schedule tells her that we are behind on paving. Public Works Director Rice said we have a back log of road work of \$17,000,000.00 due to COVID. Councilor Huda asked if the funds would be expended. Public Works Director Rice said they would.

Councilor Kennedy asked for another update on CIP funding. She asked what will happen with Prescott Park and if the formal gardens would be touched. Public Works Director Rice said the funding does not include the gardens. He said the City Council approved the gardening plans and one of the phases is to relocate the formal gardens. He said the phased program is on the website and was presented to the City Council previously.

**Motion passed.**

At 9:55 p.m., Mayor Becksted called for a brief recess. At 10:05 p.m., Mayor Becksted called the meeting back to order.

- E. RESOLUTION AUTHORIZING THE BORROWING OF UP TO SIX MILLION THREE HUNDRED THOUSAND DOLLARS (\$6,300,000.00) THROUGH THE ISSUE OF BONDS AND/OR NOTES FOR COSTS RELATED TO THE UPGRADE OF THE HANOVER PARKING FACILITY

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

**Councilor Kennedy moved to adopt the Resolution to be bonded as presented. Seconded by Councilor Huda.**

Dick Bagley spoke in support of the Resolution. He spoke to social media and the impact it has on projects.

After three calls and no further speakers, Mayor Becksted closed the public hearing.

**Motion passed.**

- F. RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF THE CITY UNDER THE MUNICIPAL FINANCE ACT AND/OR PARTICIPATION IN THE STATE REVOLVING FUND (SRF) LOAN OF UP TO TWELVE MILLION DOLLARS (\$12,000,000.00) RELATED TO WATER LINE UPGRADES, WATER TRANSMISSION MAIN REPLACEMENT, ISLINGTON STREET IMPROVEMENTS PHASE 2, WILLARD AVENUE UPGRADES AND UNION STREET RECONSTRUCTION

City Manager Conard said after requesting this item and publishing the legal notice we learned that the price was increasing by \$1.9 million and we will need to bring this back for another public hearing at the next City Council meeting.

**Councilor Kennedy moved to amend the Resolution amount to Thirteen Million Nine Hundred Thousand Dollars (\$13,900,000.00) and reschedule the public hearing and adoption to the August 23, 2021 City Council meeting. Seconded by Councilor Lazenby.**

Deputy Public Works Director Goetz said the increase is due to the permit from the Army Corp and DES and there was to be a silk curtain but the method has changed. He advised the City Council that there is a 30 day comment period, not a public hearing, with the Army Corp.

**Motion passed.**

- G. RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF THE CITY UNDER THE MUNICIPAL FINANCE ACT AND/OR PARTICIPATION IN THE STATE REVOLVING FUND (SRF) LOAN OF UP TO TWELVE MILLION FOUR HUNDRED FIFTY THOUSAND DOLLARS (\$12,450,000.00) FOR COSTS RELATED TO SEWERLINE UPGRADES, PEASE WASTEWATER TREATMENT FACILITY, WASTEWATER PUMPING STATIONS, MECHANIC STREET PUMPING STATION, MARJORIE STREET WASTEWATER PUMPING STATION, SEWER SERVICE FUNDING FOR A SAGAMORE AVENUE AREA SEWER EXTENSION, ISLINGTON STREET IMPROVEMENTS PHASE 2, WILLARD AVENUE UPGRADES AND UNION STREET RECONSTRUCTION

Mayor Becksted read the legal notice, declared the public hearing open and called for speakers. After three calls and no speakers, Mayor Becksted closed the public hearing.

**Councilor Lazenby moved to adopt the Resolution to be bonded as presented. Seconded by Councilor Trace.**

Councilor Kennedy asked when the public hearing will be on the Mechanic Street Pumping Station. Public Works Director Rice said we are not changing the site at all so there is no public meeting on this matter.

Councilor Kennedy advised Public Works Director Rice that there is a concern regarding the odor coming from the treatment plant.

**Councilor Kennedy moved to suspend the rule to continue the meeting beyond 10:30 p.m., Seconded by Councilor McEachern and voted. Assistant Mayor Splaine voted opposed.**

## **XII. MAYOR BECKSTED**

1. Appointments to be Considered:
  - Jason Brewster to the Peirce Island Committee
  - Deborah Chag to the Trees and Public Greenery Committee

The City Council considered the appointments of Jason Brewster to the Peirce Island Committee and Deborah Chag to the Trees and Public Greenery Committee to be voted on at the August 23, 2021 City Council meeting.

2. Appointment of New Members for the Mayor's Blue Ribbon Skate Park Committee. These students will be supporting the committee while our seniors are off to college.
  - John Flynn
  - Jesse Court
  - Henry Purple

**Councilor Kennedy moved to appoint John Flynn, Jesse Court, and Henry Purple to the Mayor's Blue Ribbon Skate Park Committee. Seconded by Councilor Huda and voted.**

## **XIII. CITY COUNCIL MEMBERS**

### **A. ASSISTANT MAYOR SPLAINE**

1. "Portsmouth Outdoors Year-Round"

Assistant Mayor Splaine requested a report back from the City Manager on what Portsmouth Outdoors Year-Round would look like. No action taken.

2. North Mill Pond Land Availability

Assistant Mayor Splaine requested the City Manager provide a report back in the next month or two on land availability at the North Mill Pond. No action taken.

3. Rainbow Crosswalks

Assistant Mayor Splaine indicated he would bring this item back at a future meeting before the end of this year. No action taken.

**B. COUNCILOR McEACHERN**

1. Public Access to Water / Shoreline in Portsmouth

**Councilor McEachern moved that the City Manager identifies public access to waterfront and marks waterfront access and overflow areas with signage. Seconded by Assistant Mayor Splaine.**

Councilor McEachern said he would like Portsmouth to mark their waterfront, access areas, and overflow areas.

Councilor Kennedy said she would like to have neighborhood meetings were applicable, prior to signs being installed.

Councilor McEachern said he would like all areas identified and placed on the City website.

**Motion passed.**

2. Work Session with Portsmouth Housing Authority

**Councilor McEachern moved to request a work session with the PHA to discuss below market rate housing opportunities and funding sources available to the City of Portsmouth. Seconded by Assistant Mayor Splaine.**

Councilor McEachern said there is a lot we could discuss on how do we bond and move on some of the statutes.

Assistant Mayor Splaine said that this is an excellent idea and he would like to see us work towards work force housing and dormitory housing.

Councilor McEachern said the work session would be to discuss bonding options available to the City.

Councilor Kennedy said she would like questions brought forward on what the definition is for fair market value.

**Motion passed.**

3. Acknowledge Portsmouth Resident Michelle Sechser and her accomplishments at the 2020 Tokyo Summer Games

Councilor McEachern recognized Portsmouth resident Michelle Sechser and her partner Molly Reckford for their accomplishments at the 2020 Tokyo Summer Games. No action taken.

### **C. COUNCILOR WHELAN**

#### **1. Action Item Needing Approval by City Council:**

- Request to review Islington Creek Neighborhood Parking Program Summary

**Councilor Whelan moved to adopt for six months the Islington Creek Neighborhood Parking Program Summary, as amended to include south side of Islington Street between Dover and Bridge Street, as a temporary parking regulation. Seconded by Councilor Trace.**

Councilor Whelan said the neighborhood has been looking for relief due to all the development that has happened in the North End. He stated we have listened to the residents and finally are at a point where a majority are in favor of the plan. He said this is a pilot program. He stated that Parking Director Fletcher and City Manager Conard will be able to make adjustments, if necessary. He said this could be a model for the rest of the City. Councilor Whelan stated that a parking permit does not guarantee a parking space on street but a way to hunt for spots.

Councilor Kennedy said messages were sent expressing concern with non-residents. Councilor Whelan said no non-residents will be issued a permit because the permit is tied to the vehicle registration.

Parking Director Fletcher said counts have been taken since 2017 and counts are taken three times throughout the day.

Discussion followed regarding aspects of the program and that it will be governed as it is currently.

Councilor Huda asked about the \$100,000.00 for the start of the program. Parking Director Fletcher said a previous City Council voted to expend the \$100,000.00.

Councilor Whelan advised the City Council that the program is free for the first six months.

**On a roll call vote 8-1, motion passed. Assistant Mayor Splaine, Councilors McEachern, Whelan, Kennedy, Huda, Tabor, Trace and Mayor Becksted voted in favor. Councilor Lazenby voted opposed.**



2. Parking & Traffic Safety Committee Action Sheet and Minutes of the July 22, 2021 meeting

**Councilor Whelan moved to accept and approve the Action Sheet and Minutes of the July 22, 2021 Parking & Traffic Safety Committee meeting. Seconded by Councilor Trace and voted. Councilors Kennedy and Huda voted opposed.**

**D. COUNCILOR KENNEDY**

2. Ask the City Manager to set up a date for a Site Walk for the New Franklin/Jewel's Neighborhood

Councilor Kennedy requested that the City Manager schedule a date for a Site Walk for the New Franklin/Jewel's Neighborhood and would like to invite the Legislative Delegation.

**E. COUNCILOR HUDA**

1. The Final FY21 Budget Surplus/Deficit Amounts by Budget Unit Estimate @ June 30, 2021: Police, Fire, Municipal, School

Councilor Huda requested the final FY21 Budget Surplus/Deficit Amounts by Budget Unit Estimate at June 30, 2021 for the Police, Fire, Municipal and School Departments.

City Manager Conard advised Councilor Huda that the auditor's will not be in place until August and we will honor the request as soon as we have the information available.

Councilor Huda said she is asking for estimates.

No motion taken.

**F. COUNCILOR TRACE**

1. A report from City Manager and Head of Planning Department on the number of Conditional Use Permits (CUP's) issued in the last four years. Along with a discussion of the impact on development in the city due to issuance of the CUP's

**Councilor Trace moved for a report back from City Manager and Head of Planning Department on the number of Conditional Use Permits (CUP's) issued in the last four years, along with a discussion of the impact on development in the city due to issuance of the CUP's. Seconded by Assistant Mayor Splaine and voted.**

2. A report by City Manager/Planning Department on the number of upcoming/ongoing development projects and the number of living units/office space per project and the number of parking spaces provided per development where appropriate

Councilor Trace requested a report back by the City Manager/Planning Department on the number of upcoming/ongoing development projects and the number of living units/office spaces per project and the number of parking spaces provided per development where appropriate. No action taken.

3. Report on possibility of a joint work session with nonprofits providing shelter, services and help to those of our city who find themselves homeless

**Councilor Trace moved to hold a joint work session with nonprofits providing shelter, services and help to those of our city who find themselves homeless. Seconded by Assistant Mayor Splaine.**

Councilor Lazenby requested that city staff attend the session.

**Motion passed.**

#### **XIV. APPROVAL OF GRANTS/DONATIONS**

- A. 2018 Homeland Security Grant Program Award – EMS Warm Zone Equipment – Fire Department - \$6,000.00

**Assistant Mayor Splaine moved to accept and approve the grant for the Fire Department in the amount of \$6,000.00 as presented. Seconded by Councilor Kennedy and voted.**

#### **XV. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION**

##### **A. CITY MANAGER CONARD**

1. Sale of Surplus Police Vehicles and DPW Equipment

**Assistant Mayor Splaine moved to approve the disposal of the items listed on the attached table in the Council Packet through the GovDeals online auction website. Seconded by Councilor McEachern and voted.**

2. Request for First Reading of Proposed Ordinance Amendments to Chapter 7, Article IX, Section 7.901 – Penalties, Forfeitures and Separability

**Assistant Mayor Splaine moved to schedule a first reading regarding these ordinance amendments at the August 23, 2021 City Council meeting. Seconded by Councilor Whelan and voted.**

3. 60 Penhallow Street (Brick Market) Temporary Construction License Extension

**Assistant Mayor Splaine moved that the City Manager be authorized to execute and accept the temporary construction license for the term of August 1, 2021 to January 31, 2022 for use of the sidewalks on Daniel Street and Penhallow Street that immediately abut 60 Penhallow and three (3) parking spaces on Daniel Street for a five day term of August 2, 2021 through August 6, 2021 as requested. Seconded by Councilor Whelan.**

Councilor Kennedy said we owe it to the neighborhood to have time to work and speak with developers and have a neighborhood meeting before this moves forward.

Assistant Mayor Splaine said City Manager Conard could work with developers without holding a neighborhood meeting.

Deputy City Attorney Woodland said the concerns have been addressed with the developer and they would be willing to hold a neighborhood meeting on this matter.

**Motion passed. Councilors Kennedy and Huda voted opposed.**

4. 55 Hanover Street Temporary Construction License

**Councilor Lazenby moved that the City Manager be authorized to execute and accept the temporary construction license for the term of nine days from August 3-6, 2021 and August 9-13, 2021 for use of two 15 minute parking spaces that immediately abut 55 Hanover Street as requested. Seconded by Councilor Whelan and voted.**

5. Acquisition of Sewer Line Easements and Proposed Release of Paper Street

**Councilor McEachern moved to refer these easement requests, and the request to release the paper street known as Ruth Street where it abuts 28 Thornton Street, to the Planning Board for its review and recommendation. Seconded by Councilor Whelan and voted.**

## **XVI. CONSENT AGENDA**

- A. Request for License to Install Projecting Sign for owner Scott Prevost of Viacals LLC, DBA Cowabunga Media for property located at 55 Congress Street (***Anticipated action - move to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request***)

**Planning Director's Stipulations**

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

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

- B. Letter from Donna Hepp, Granite State Wheelmen, Inc., requesting permission to hold the 47<sup>th</sup> annual Seacoast Century Bicycle Ride on Saturday, September 25, 2021  
***(Anticipated action – move to refer to the City Manager with Authority to Act)***

**Councilor Lazenby moved to adopt the Consent Agenda. Seconded by Councilor Whelan and voted.**

## **XVII. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS**

- A. Email Correspondence

**Assistant Mayor Splaine moved to accept and place on file. Seconded by Councilor Huda and voted.**

- B. Letter from Matthew Reichl requesting a quit claim from the City to release its interest in the “paper street” portions of Sylvester Street adjoining his parcels at 15 Marjorie Street

**Assistant Mayor Splaine moved to refer to the Planning Board and Assessor for report back. Seconded by Councilor Whelan and voted.**

- C. Letter from Linda Conti, Seacoast Jazz Society, requesting permission to hold a street performance in two locations on Sunday, August 15, 2021 and Sunday, August 22, 2021 from Noon to 2:00 p.m.

**Councilor Kennedy moved to refer to the City Manager with Authority to Act. Seconded by Assistant Mayor Splaine and voted.**

- D. Letter from Josh Denton, Commander V.F.W. Post 168, requesting that the City Council pass an Optional Tax Credit for Combat Service Resolution

**Assistant Mayor Splaine moved to refer to the Legal Department and Assessor for a projection of cost with a report back. Seconded by Councilor Whelan and voted.**

- E. Letter from Brian Walsh, Knights of Columbus, requesting permission to hold a Boot Drive on Saturday, September 11, 2021

**Assistant Mayor Splaine moved to refer to the Legal Department. Seconded by Councilor McEachern and voted.**

## **XVIII. CITY MANAGER'S INFORMATIONAL ITEMS**

2. Report Back on Bartlett Street and Cate Street Intersection as Requested by Mayor Becksted

Mayor Becksted ask for clarification on meetings with residents on where we stand.

Public Works Director Rice said the intersection is challenging and a complex issue. He said we are working with design engineers overall and reported that the intersection is working well but one section is an area of concern for the crosswalks. He stated we are working with the engineer on modifications and adjusting the island for distance. Public Works Director Rice said he should be able to report back at the August 23, 2021 City Council meeting.

Councilor Kennedy said the yellow lines are causing confusion for people.

Councilor McEachern requested to hear the pros and cons to the crosswalk and whether there is an ability for a speed table or any alternative measures that were considered for the current crosswalk. Also, if there are any steps or measures to be taken to promote the new flow of traffic and break the habit of people just going up Bartlett Street.

Councilor Lazenby asked about the naming of the street. City Manager Conard said the staff went to the state and received approval by the DOT. Public Works Director Rice said the home on Hodgdon Way has been changed to a Woodbury Avenue address.

Mayor Becksted asked about the spraying for mosquitos. Public Works Director Rice said he would provide a report back regarding this issue.


Councilor Kennedy requested that more education on mosquito spraying be included in the City Manager's Newsletter.

## **XIX. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING**

Mayor Becksted and the City Council congratulated the 8-10 year old Little League State Champions and Legion Post 6 State Champions.

## **XX. ADJOURNMENT**

**Assistant Mayor Splaine moved to adjourn at 12:05 a.m. Seconded by Councilor Whelan and voted.**



KELLI L. BARNABY, MMC/CNHMC  
CITY CLERK

## CITY COUN/CIL MEETING

MUNICIPAL COMPLEX  
DATE: MONDAY, NOVEMBER 16, 2020

PORTSMOUTH, NH  
TIME: 7:00PM [or thereafter]

### Remote Meeting via Zoom Conference Call

To register in advance for this meeting, click on the link below or copy and paste it into your web browser:

[https://zoom.us/webinar/register/WN\\_X7SHHgF0RaOC2BlmAYwvva](https://zoom.us/webinar/register/WN_X7SHHgF0RaOC2BlmAYwvva)

You are required to register in advance to join the meeting over Zoom, a unique meeting ID and password will be provided once you register. Please note, this meeting will also be broadcast on the City's YouTube Channel. Public comments for the Council's consideration can be emailed in advance via the City's web site: <https://www.cityofportsmouth.com/citycouncil/contact-all-city-councilors>.

Per NH RSA 91-A:2 III (b) the Chair has declared COVID-19 Outbreak an emergency and has waived the requirement that a quorum be physically present at the meeting pursuant to the Governor's Executive Order 2020-04, Section 8, as extended by Executive Order 2020-20, and Emergency Order #12, Section 3. Members will be participating remotely and will identify their location and any person present with them at that location. All votes will be by roll call.

Mayor Becksted recited that this is a Remote Meeting via Zoom Conference Call. Per NH RSA 91-A:2 III (b) the Chair has declared COVID-19 Outbreak an emergency and has waived the requirement that a quorum be physically present at the meeting pursuant to the Governor's Executive Order 2020-04, Section 8, as extended by Executive Order 2020-20 and Emergency Order #12, Section 3. Members location. All votes will be by roll call.

- I. **WORK SESSION – *THERE IS NO WORK SESSION THIS EVENING***
- II. **PUBLIC DIALOGUE SESSION [*when applicable – every other regularly scheduled meeting*] – **POSTPONED****
- III. **CALL TO ORDER**

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

### IV. **ROLL CALL**

Present: Mayor Becksted, Assistant Mayor Splaine (7:43PM), Councilors Whelan, Lazenby, Kennedy, Huda, Tabor and Trace

Absent: Councilor McEachern

### V. **INVOCATION**

Mayor Becksted asked everyone to join a moment of silent prayer for Councilor McEachern's family.

### VI. **PLEDGE OF ALLEGIANCE**

Mayor Becksted led in the Pledge of Allegiance of the Flag.



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

**IX. PUBLIC COMMENT SESSION**

Gerald Duffy spoke regarding the Ethics Board findings and said it is astounding that the City Council is not taking any action against Councilor Kennedy. He said the issue will be hanging out there and the residents will not forget.

Jane Zill said that the Sewer Ordinance is confusing to the residents for the Sagamore Avenue Extension Project. She spoke to the upcoming sewer ordinance and proposed changes.

Kevin Dwyer thanked Mayor Becksted and City Council for granting the extension for outdoor dining. He said his restaurant was able to make rent because of the extension. He asked the Council to consider extending the outdoor dining until December, which is a revenue maker for restaurants.

Andrew Bagley said we owe a debt of gratitude to the Ethics Board and their findings deserve respect. He stated Councilor Kennedy had a letter sent from her attorney threatening two City Councilors to recuse themselves from voting on the report from the board.

Sheridan Lloyd spoke regarding the Sewer Extension Project of Sagamore Avenue. She said there are 91 properties involved in the project and the project may need to be extended due to the winter weather.

Mark Brighton said he agrees with Gerald Duffy and will make sure that people don't forget the Ethics Board and what happened, as well as those behind the complaint.

**XI. PUBLIC HEARINGS AND VOTES ON ORDINANCES AND/OR RESOLUTIONS**

First Reading of Ordinances:

- A. First Reading of Ordinance amending Chapter 7, Article III, Section 7.330 – No Parking – Chase Drive: northerly side, from Michael Succi Drive to a point 30 feet delete on either side and insert west of the driveway located at 355 Chase Drive

**Councilor Tabor moved to pass first reading and schedule a public hearing and second reading at the December 7, 2020 City Council meeting. Seconded by Councilor Kennedy.**

**On a roll call vote 7-0, motion passed. Assistant Mayor Splaine was not present for the vote.**

## Public Hearing/Second Reading of Ordinance

- B. ORDINANCE AMENDING CHAPTER 7, ARTICLE IVA, SECTION 7-A.402: - BUS STOPS DESIGNATED – HANOVER STREET: SOUTHERLY SIDE OF HANOVER STREET ~~90 FEET EAST OF~~ FROM FLEET STREET TO A POINT 285 FEET EAST OF FLEET STREET
- **PRESENTATION – PORTSMOUTH & COAST**
  - **CITY COUNCIL QUESTIONS**
  - **PUBLIC HEARING SPEAKERS**
  - **ADDITIONAL COUNCILOR QUESTIONS AND DELIBERATIONS**

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

Rad Nichols, COAST, said the expansion is part of the overall system redesign of COAST. He further reported on changes and said a number of spaces will be needed for the vehicles to line up end to end. He thanked the City for their support.

Michael Williams, COAST, said that this HUB came from a public process, which was significant.

After three calls and no speakers, Mayor Becksted closed the public hearing.

Mayor Becksted said he understands the intent of this but he has never seen 6 buses stopped at one time. He is disturbed that we will be losing parking spaces. He spoke to the 4 spaces we are losing and the loss of revenue. He stated he would not support the ordinance.

Councilor Kennedy expressed concern with the loss of spaces.

City Manager Conard spoke to the benefits provided by COAST as well as the economic benefits we receive.

*Assistant Mayor Splaine arrived to the meeting at 7:43 p.m.*

Councilor Kennedy said she would like to look at the creation of a transportation HUB.

**Councilor Lazenby moved to pass second reading and to schedule a third and final reading at the December 7, 2020 City Council meeting. Seconded by Councilor Whelan.**

**On a roll call vote 7-1, motion passed. Assistant Mayor Splaine, Councilors Whelan, Lazenby, Kennedy, Huda, Tabor and Trace voted in favor. Mayor Becksted voted opposed.**

C. ORDINANCE AMENDING CHAPTER 7, ARTICLE XI, SECTION 7.1100 – SPEED LIMITS E: SPEED LIMIT: 25 MPH BY THE ADDITION OF SOUTH STREET, FROM MIDDLE ROAD TO LAFAYETTE ROAD

- PRESENTATION
- CITY COUNCIL QUESTIONS
- PUBLIC HEARING SPEAK3ERS
- ADDITIONAL COUNCILOR QUESTIONS AND DELIBERATIONS

Mayor Becksted read the legal notice, declared the public hearing open and called for speakers. With no speakers, Mayor Becksted declared the public hearing closed.

**Councilor Whelan moved to pass second reading and to schedule a third and final reading at the December 7, 2020 City Council meeting. Seconded by Councilor Lazenby.**

Councilor Huda asked if we are going up or down on the speed limit. Mayor Becksted said the speed limit is moving from 30 MPH to 25 MPH.

Councilor Kennedy said she would like to see consideration of lowering the speed limit on Middle Road.

Councilor Whelan said traffic calming measures are in place. Mayor Becksted said he would like to hear about the results of the traffic calming measures.

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

D. ORDINANCE AMENDING CHAPTER 7, ARTICLE III, SECTION 7.330 – NO PARKING BY THE ADDITION OF DEARBORN STREET: EASTERLY SIDE, FROM THE NORTH MILL POND RUNNING NORTHERLY FOR A DISTANCE OF 25 FEET

- PRESENTATION
- CITY COUNCIL QUESTIONS
- PUBLIC HEARING SPEAK3ERS
- ADDITIONAL COUNCILOR QUESTIONS AND DELIBERATIONS

Mayor Becksted read the legal notice, declared the public hearing open and called for speakers. After three calls and no speakers, Mayor Becksted declared the public hearing closed.

**Councilor Tabor moved to pass second reading and to schedule a third and final reading at the December 7, 2020 City Council meeting. Seconded by Councilor Huda.**

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

E. ORDINANCE AMENDING CHAPTER 11, ARTICLE II – SEWERS, SECTION 11.203 AND SECTION 11.204 – WAIVER FROM CONNECTION TO PUBLIC SEWER

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

**Councilor Lazenby moved to pass second reading and schedule a third and final reading at the December 7, 2020 City Council meeting. Seconded by Councilor Whelan.**

Councilor Huda asked if we could address the question brought forward by Sheridan Lloyd regarding winter weather.

Deputy City Attorney Woodland said 90 days was thought to be long enough but if you wish to make it 120 days to get us beyond the winter weather we could do that.

Discussion followed regarding the timing of the project and what happens if a property is sold. Deputy City Attorney Woodland said that these are simple requirements and we would expect the title to be clear and the mortgages are recorded in the court.

Mayor Becksted expressed concerns regarding sewer versus gravity feed and that you can't force someone into a pump system. Deputy City Attorney Woodland said that this is a low pressure system. She spoke to additional changes that would be brought forward in the future for a new comprehensive ordinance. She did indicate she would bring forward an amendment relative to winter weather.

**Councilor Kennedy moved to postpone second reading until December 7, 2021 for inclusion of additional language for the deferring connection during winter months. Seconded by Councilor Huda.**

**On a roll call vote 8-0, motion to postpone passed. Motion to postpone takes precedent over original motion.**

- F. Third and Final Reading of Ordinance amending Chapter 7, Article VI – Loading Zones, Section 7.601 – Limited Hours Loading Zones – Pleasant Street: easterly side, beginning 94 feet south of the southerly curb line of Daniel Street and running southerly for a distance of 45 feet

**Councilor Kennedy moved to adopt the third and final reading. Seconded by Councilor Huda.**

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

- G. Third and Final Reading amending Chapter 7, Article III – Traffic Ordinance Section 7.336 – One-Way Streets deletion of Parker Street: northerly from Tanner Court to Hanover Street

**Councilor Kennedy moved to adopt the third and final reading. Seconded by Councilor Huda.**

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

- H. Third and Final Reading of Ordinance amending Chapter 7, Article III – Traffic Ordinance, Section 7.330 – No Parking – Little Harbor Road: Both sides of the roadway, beginning at the east side of the Wentworth Coolidge Mansion driveway, running easterly for a distance of 155 feet to the gate at the end of the pavement

**Councilor Tabor moved to adopt the third and final reading. Seconded by Councilor Whelan.**

Councilor Kennedy said she has some questions about the over parking of spaces at Wentworth Coolidge Mansion and weddings at the chapel. She said their needs to be consideration when there are functions at Wentworth Coolidge Mansion or the chapel requiring parking for weddings.

Councilor Whelan said he has not heard of any issues. He said there is a reason for the ordinance because there have been cars blocking the gate entrance. Councilor Kennedy said there are concerns with functions and suggested issuing special permissions for parking during functions.

City Manager Conard said she could reach out to Wentworth Coolidge Mansion when there are events. City Attorney Sullivan said it is not clear how it could be done. Councilor Kennedy said she would like to look at options for parking meters.

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

- I. Third and Final Reading of Ordinance amending Chapter 7, Article III – Traffic Ordinance, Section 7.326 – Limited Parking – 15 Minutes – Daniel Street: Southerly side, deletion of first five and insert three metered spaces deletion of east from Market Square and insert running between 102 and 160 feet west of Penhallow Street and Hanover Street: deletion of northerly side, first two spaces east from Bridge Street

**Councilor Whelan moved to adopt the third and final reading. Seconded by Councilor Huda.**

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

## **XII. MAYOR BECKSTED**

1. Appointments to be Considered:
  - Reappointment of Peter Weeks to the Trustees of the Trust Funds
  - Reappointment of Philip Cohen to the Economic Development Commission
  - Appointment of Devan Quinn to the Peirce Island Committee
  - Appointment of Andrew Samonas to the Conservation Commission

The City Council considered the appointments listed above and will take action on them at the December 7, 2020 City Council meeting.

2. Appointments to be Voted:
  - Appointment of Karen Bouffard to the Historic District Commission as an Alternate
  - Reappointment of Robert Marchewka to the Economic Development Commission

**Councilor Kennedy moved to appoint Karen Bouffard to the Historic District Commission as an Alternate and the reappointment of Robert Marchewka to the Economic Development Commission. Seconded by Councilor Huda.**

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

3. Resignations
  - Mary Morin from the Citizen Response Task Force
  - Jane Wright from the Conservation Commission

**Councilor Kennedy moved to accept the resignations with a letter of regret to Mary Morin from the Citizen Response Task Force and Jane Wright from the Conservation Commission. Seconded by Councilor Huda.**

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

4. Holiday House Decorating Contest

Mayor Becksted announced that he will be reintroducing the Holiday House Decorating Contest which will be overseen by the Citywide Neighborhood Committee.

5. Ordinance Amendment Re: Plastic Bag Ban

Mayor Becksted said he would like to have first reading and public hearing at the December 7, 2020 City Council meeting. He said he is pushing this matter off until the legislature can look into the matter.



**Councilor Trace moved both ordinances pass first reading and brought forward for a public hearing and second reading at the December 7, 2020 City Council meeting. Seconded by Councilor Huda.**

Councilor Lazenby expressed concerns because the ordinance was not drafted by our Legal Department and there are some questions. He said he would not be supporting the motion to pass first reading.

Assistant Mayor Splaine said he would support holding a public hearing on this matter but would also support the delaying of the plastic bag ban. He said the danger exists for stores that would be handling the reusable bags during COVID.

Councilor Tabor said it is not a citywide bag ban it is just on City property. He reported that the average person throws away 1,500 bags per year.

Councilor Trace said it is not just City property, one applies across the City. She said we need to see what the legislature does concerning this matter.

City Attorney Sullivan said there are two ordinances and the second one is to regulate single use containers.

**On a roll call vote 6-2, motion passed. Assistant Mayor Splaine, Councilors Whelan, Kennedy, Huda, Trace and Mayor Becksted voted in favor. Councilors Lazenby and Tabor voted opposed.**

**Councilor Lazenby moved to suspend the rules in order to take up Item XVII A. – Presentation by Health Officer Kim McNamara regarding COVID-19 Update. Seconded by Councilor Kennedy and voted.**

## **XVII. PRESENTATIONS & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS**

### **A. Presentation by Health Officer Kim McNamara regarding COVID-19 Update**

Health Officer McNamara provided a brief presentation reviewing the current COVID-19 numbers in State of New Hampshire and the number of cases in the City of Portsmouth. She reported on the work for a vaccine and who are expected to receive the first tier.

Assistant Mayor Splaine asked Health Officer McNamara if the Governor would be implementing a mandate for face coverings. Health Officer McNamara said that she has heard the Governor maybe thinking of that but the disruption is a large concern.

Councilor Trace asked if there is a sense of the allocation numbers per state for the vaccine. Health Officer McNamara said that is not known to us yet.

Discussion followed regarding the number of cases and the gathering of groups.

Councilor Lazenby asked Police Chief Newport how are things going with the mask mandate in place and would he support the mandate going beyond January. Chief Newport said that it is about education right now and he feels the mandate should stand.

### **XIII. CITY COUNCIL MEMBERS**

#### **A. ASSISTANT MAYOR SPLAINE**

1. Face Covering Requirement

Assistant Mayor Splaine deferred his item to have Councilor Lazenby's item acted upon.

#### **D. COUNCLOR LAZENBY**

1. Extension of Mask Mandate

**Councilor Lazenby moved to pass first reading and hold second reading and public hearing at the December 7, 2020 City Council meeting. Seconded by Assistant Mayor Splaine.**

Councilor Lazenby spoke in support of the motion.

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

#### **A. ASSISTANT MAYOR SPLAINE**

2. Waste Water Treatment 2050

**Assistant Mayor Splaine moved that the City Council ask the City Manager to initiate discussions with area communities for long-term cooperative planning for Waste Water Treatment on a regional basis using evolving technologies. Seconded by Councilor Lazenby.**

Assistant Mayor Splaine spoke regarding a need to do something for Peirce Island. He said we need to work with other communities. He said we also know that the current plants will need to be changed in thirty to forty years and we need to begin now to look at evolving technology.

Mayor Becksted said he applauds the efforts but not sure it is time to do this with the pandemic. He said we need to take one step at a time and future planning is great but a thorough discussion will take place some point in time.

City Manager Conard said you bond with colleagues in times like this and she will add it to the plate of items.

Councilor Trace said there are more than one or two that worked hard on these issues. She said what Assistant Mayor Splaine is looking for can be done but right now we spent \$100 million and we are keeping our fingers crossed that the bugs survive one winter.

Councilor Whelan said 10 years ago he participated in trying to bring everyone together in the seacoast and no one wanted to participate. He said we just spent \$100 million and we need to make it work.

Assistant Mayor Splaine said we need to start somewhere and open up the dialogue.

Mayor Becksted said that this is just a request of the City Manager and a motion is not necessary.

Assistant Mayor Splaine asked the City Manager to initiate discussions with area communities for long-term cooperative planning for Waste Water Treatment on a regional basis using evolving technologies.

## **B. COUNCILOR McEACHERN**

### 1. Report Back on the Establishment of Ad Hoc Advisory Group Re: Public Art Acquisition

City Manager Conard said the Ad Hoc Committee met on November 5<sup>th</sup> to discuss the sculpture. She explained the site for the sculpture is an appropriate location.

**Councilor Trace moved that the City Council provide a vote of support to the Ad Hoc Committee that was charged with looking at the sculpture for the McEachern Park. Seconded by Councilor Whelan.**

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

### 2. Extending outside dining to end of December

Mayor Becksted said he does not know the intent of this request.

Councilor Lazenby said he would like to table this item until next week.

Assistant Mayor Splaine said he feels we can find more year round outside uses. He asked the City Manager if something could be worked out beyond December. City Manager Conard said she would need City Council approval to allow public dining beyond November without a barrier.

City Attorney Sullivan said City Council approval is needed for this and could be provided for particular locations.

Councilor Huda would request when the Department of Public Works removes barriers and that we put back the 15 minutes pickup area with appropriate signage as quickly as possible.

The City Council agreed to take this matter up next week.

**C. COUNCILOR WHELAN**

1. Action Item Needing Approval by City Council:
  - Report Back on Traffic Calming Request on Chevrolet Avenue

Councilor Whelan said we have had requests around the areas of Hannaford's and Brewery Lane but we need a more comprehensive plan due to the density of the area. He said the plan would be for Chevrolet Avenue, Brewery Lane and Albany Street areas.

Councilor Huda said she would like an estimate.

Councilor Whelan said he would get that information for the next meeting and report back.

No action taken.

2. Parking, Traffic & Safety Action Sheet and Minutes of the October 8, 2020 meeting

**Councilor Whelan moved to accept and approve the Parking, Traffic & Safety Action Sheet and Minutes of the October 8, 2020 meeting. Seconded by Councilor Tabor.**

**On a roll call vote 5-3, motion passed. Assistant Mayor Splaine, Councilors Whelan, Lazenby, Tabor and Trace voted in favor. Councilors Kennedy, Huda and Mayor Becksted voted opposed.**

**E. COUNCILOR KENNEDY**

1. Work Session Re: Peirce Island

Councilor Kennedy said she has questions regarding Peirce Island and would request a work session.

**Councilor Kennedy moved to establish a work session on Peirce Island to include the Peirce Island Committee. During this meeting the following should be included but not limited to: The treatment plant, public art, return of the Dog Park, Peirce Island Bridge, and vegetation clean up. Seconded by Councilor Huda.**

City Manager Conard said the work session would take place after the first of the year.

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

## **F. COUNCILOR TABOR**

### 1. Ethics Board Observations/Recommendations for the Future

Councilor Tabor spoke regarding the recommendation of the Ethics Board. He explained the process that was followed. He expressed concerns regarding the 6-3 vote of the City Council not to accept the Ethics Board Report. He said only the Ethics Board has firsthand evidence and the report should have been accepted by the Council. He spoke to an amendment of the ordinance that the findings of the Ethics Board must be recorded by and accepted by the City Council. He also said that the person who has the ethics complaint should not be allowed to vote on the findings of the board and that the board should have three to five members. He further stated that he and City Attorney Sullivan felt these things were needed in the ordinance.

Assistant Mayor Splaine said we need to look at the ordinance. He was on the Charter Commission and dealt with this at a couple of meetings and said it needed to be a detailed ordinance. He said the matter was referred to the 1988 City Council and was brought forward. He said we could look at amending the ordinance and have a work session on this matter at the beginning of the year.

**Assistant Mayor Splaine moved to take the Ethics Board report and accept the report submitted and place it on the record of the City Council. Seconded by Councilor Tabor.**

Mayor Becksted said he would not be in support of the motion.

City Attorney Sullivan said that the report is a public document.

Mayor Becksted said we do not need to do any more as a City Council.

Assistant Mayor Splaine said as long as the City Attorney feels it is on file he is fine with not moving the motion forward.

Councilor Lazenby thanked Councilor Tabor and the Ethics Board for meeting on this matter because there is a need to address these issues.

No action taken.

## **G. COUNCILOR LAZENBY & COUNCILOR TABOR**

### 1. Diversity and Inclusion Training

**Councilor Lazenby moved to request the City Manager to schedule Diversity and Inclusion Training for Elected Officials and members of Boards and Commissions. Seconded by Assistant Mayor Splaine.**

Councilor Lazenby said City Manager Conard shared with the City Council training that had been taken with staff on this matter. He said he would like to see the City Council have this training.

City Manager Conard reported that the training is \$1,750.00 and it is a 2 hour class.

Councilor Kennedy spoke to taking the training at her place of employment and offered to provide the training to everyone free of charge.

**On a roll call vote 7-1, motion passed. Assistant Mayor Splaine, Councilors Whelan, Lazenby, Kennedy, Tabor, Trace and Mayor Becksted voted in favor. Councilor Huda voted opposed.**

## **XV. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION**

### **A. CITY MANAGER CONARD**

2. Ratification of Assistant Fire Chief Employment Agreement

**Councilor Lazenby moved to ratify the agreement with Assistant Fire Chief, William McQuillen, as presented. Seconded by Councilor Whelan.**

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

6. Temporary Construction License for 111 Maplewood Avenue, LLC for Property Located at 145 Maplewood Avenue

City Manager Conard reported that 17 parking spaces are needed to be encumbered from November 2<sup>nd</sup> through December 23<sup>rd</sup>.

**Councilor Lazenby moved to authorize the City Manager to execute and accept the temporary license for 111 Maplewood Avenue, LLC as submitted. Seconded by Councilor Whelan.**

Councilor Huda said in the last paragraph of the term it allows for an extension without City Council approval for a one time extension. She made a friendly amendment that if an additional extension should be taken it would come back to the City Council for approval. Councilor Lazenby declined the friendly amendment to the motion.

**Councilor Huda moved to strike from the agreement the sentence that does not require City Council approval for a one time extension. Seconded by Councilor Kennedy.**

Assistant Mayor Splaine said he opposes the amendment.

Councilor Huda asked about the second extension and if it is granted automatically. City Attorney said it would.

Councilor Kennedy said she will support Councilor Huda on this motion to amend. She said we need to give people close parking during these times.

Councilor Huda moved to amend the motion further to strike the word “may” and replace it with the word “will”. No second received.

**On a roll call vote 3-5, motion to amend failed to pass. Councilors Kennedy, Huda and Trace voted in favor. Assistant Mayor Splaine, Councilors Whelan, Lazenby, Tabor and Mayor Becksted voted in favor.**

**On a roll call vote 7-1, main motion passed. Assistant Mayor Splaine, Councilors Whelan, Lazenby, Kennedy, Tabor, Trace and Mayor Becksted voted in favor. Councilor Huda voted opposed.**

8. Request for Public Hearing for Five Bond Resolution Authorizations
  - General Fund – Police Facility Improvements - \$400,000.00
  - General Fund – School Facility Improvements - \$1,000,000.00
  - General Fund – Outdoor Pool and City Street and Sidewalk Upgrades - \$3,640,000.00
  - Water Fund – FY21 Water Projects - \$3,600,000.00
  - Sewer Fund – FY21 Sewer Projects - \$5,250,000.00

City Manager Conard said that this will allow for a public hearing on December 7<sup>th</sup>.

Finance Director Belanger said that this is for 5 bonds from the Capital Improvement Plan. She explained that a public hearing is necessary and spoke to our triple A bond rating, which allows us a low interest rate for bonding. She further stated it is important to note, that the projects cannot move forward without bond authorizations. Finance Director Belanger advised the City Council that a full presentation would be held prior to the public hearing at the December 7, 2020 City Council meeting.

**Councilor Lazenby moved to authorize the City Manager to bring back for public hearing and adoption the various proposed CIP projects to be bonded, as presented, for the December 7, 2020 City Council meeting. Seconded by Councilor Whelan.**

Councilor Huda said she would like additional information brought forward at the public hearing for the City Hall HVAC improvements and how that interacts with the Police Department HVAC system.

Councilor Kennedy said she would like to see an overview of where we are financially in order to make these decisions. She would also like to know where we are at with tax bills, to look at the larger picture before moving forward with the bonds.

Finance Director Belanger said the summary monthly reports are provided with that information. City Manager Conard said we can provide a wide view of where we are at for the December 7<sup>th</sup> City Council meeting.

Councilor Tabor said he would like to see where we budgeted to be at to date in fund balance and where we actually are. Finance Director Belanger said she would provide a report back on fund balance.

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

**XX. ADJOURNMENT**

**Councilor Lazenby moved at 10:40 p.m. to post pone the remainder of the agenda items until next Monday, November 23, 2020. Seconded by Councilor Huda.**

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

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

KELLI L. BARNABY, MMC/CNHMC  
CITY CLERK



## CITY COUN/CIL MEETING

### Continuation of November 16, 2020 City Council Meeting

MUNICIPAL COMPLEX

DATE: MONDAY, NOVEMBER 23, 2020

PORTSMOUTH, NH

TIME: 7:00PM [or thereafter]

#### Remote Meeting via Zoom Conference Call

To register in advance for this meeting, click on the link below or copy and paste it into your web browser:

[https://zoom.us/webinar/register/WN\\_k4uhh4WdR\\_iBkbCR4V0bwg](https://zoom.us/webinar/register/WN_k4uhh4WdR_iBkbCR4V0bwg)

You are required to register in advance to join the meeting over Zoom, a unique meeting ID and password will be provided once you register. Please note, this meeting will also be broadcast on the City's YouTube Channel. Public comments for the Council's consideration can be emailed in advance via the City's web site:

<https://www.cityofportsmouth.com/citycouncil/contact-all-city-councilors>.

Per NH RSA 91-A:2 III (b) the Chair has declared COVID-19 Outbreak an emergency and has waived the requirement that a quorum be physically present at the meeting pursuant to the Governor's Executive Order 2020-04, Section 8, as extended by Executive Order 2020-20, and Emergency Order #12, Section 3. Members will be participating remotely and will identify their location and any person present with them at that location. All votes will be by roll call.

Mayor Becksted recited that this is a Remote Meeting via Zoom Conference Call. Per NH RSA 91-A:2 III (b) the Chair has declared COVID-19 Outbreak an emergency and has waived the requirement that a quorum be physically present at the meeting pursuant to the Governor's Executive Order 2020-04, Section 8, as extended by Executive Order 2020-20 and Emergency Order #12, Section 3. Members location. All votes will be by roll call.

#### ~~I. WORK SESSION – THERE IS NO WORK SESSION THIS EVENING~~

#### ~~II. PUBLIC DIALOGUE SESSION [when applicable – every other regularly scheduled meeting] – **POSTPONED**~~

#### III. CALL TO ORDER

Mayor Becksted called the meeting to order at 7:00 p.m.

#### IV. ROLL CALL

Present: Mayor Becksted, Assistant Mayor Splaine, Councilors McEachern, Whelan, Lazenby, Kennedy, Huda, Tabor and Trace

#### V. INVOCATION

Mayor Becksted asked everyone to join a moment of silent prayer and asked everyone to be kind to everyone and asked that the Soretto family be in everyone's thoughts this evening.

#### VI. PLEDGE OF ALLEGIANCE

Mayor Becksted led in the Pledge of Allegiance of the Flag.

### XIII. CITY COUNCIL MEMBERS

#### **B. COUNCILOR McEACHERN**

##### 3. McEachern Park

Councilor McEachern said the neighborhood contributions have made the views of the sculpture and park better. He said he is pleased with the input he heard and the steps taken by the neighborhood.

No action required.

##### 2. Extending outside dining to end of December

Councilor McEachern said at the outset he wanted to extend the outside dining to the end of December. He said we are taking an incremental approach to this.

**Councilor McEachern moved to extend outdoor dining in the City of Portsmouth where possible until the end of December knowing that there is going to be externalities that we would leave to the City Manager with the help of the Citizens Response Task Force to be able to address those on a case by case basis, and the City Council would revisit this at the end of the year. Seconded by Assistant Mayor Splaine.**

Councilor McEachern said we would need to deal with snow removal and we could look at this again in January.

Councilor Lazenby said he would like to hear from the task force on their feelings regarding outside dining and provide a recommendation to the City Council on that topic.

City Manager Conard said the Co-Chair will present more formally at the December 7, 2020 City Council meeting. She stated the task force would support the restaurants that can continue serving outside for dining through December. She advised the City Council that Public Works Director Rice is planning to remove the barriers at the end of November from the streets.

Mayor Becksted said we received a great deal of information from the task force on this matter. He said he wants to give the task force time at the next City Council meeting to discuss this with the City Council.

Assistant Mayor Splaine said he supports the motion as this is a win/win and we need to help our business community. He said he would like to do this on a year round basis. He asked the City Manager if we go through the end of December what are the initial plans for beginning the process for March next year.

City Manager Conard said that the task force wants to be as supportive as possible. She stated that Valerie Rochon from the Chamber of Commerce would like to bring forth opening as early as March 1<sup>st</sup>. Assistant Mayor Splaine said he would like to discuss this at the December 7, 2020 City Council meeting.

Councilor Kennedy asked what would need to be done in terms of liability issues by extending the outside dining.

City Attorney Sullivan said the liability was for the Bridge Street Parking Lot so we have no liability except for the City's policy with Primex.

Councilor Kennedy expressed concern with snow removal. City Attorney Sullivan said the snow removal would be a question for the restaurants and they would need to check with their insurance company.

Councilor Whelan said he supports Councilor McEachern's motion and we should support outside dining until the end of December.

Councilor Lazenby said the task force is not represented this evening and we should have a written statement from them for the next City Council meeting on their opinion on the next phase of the task force.

Mayor Becksted said we can have a hearty discussion at the December 7, 2020 City Council meeting and at the December 21, 2020 Council meeting by outlining a sunset date for the end of the year.

Councilor Trace said she supports the motion.

Mayor Becksted said he supports the motion but expressed concerns regarding snow removal by businesses. He said ice needs to be a consideration because that is a different thing to deal with.

Councilor Huda said she would like to see an agreement outlining what the businesses are responsible for to include snow and ice removal.

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

#### **XIV. APPROVAL OF GRANTS/DONATIONS**

- A. Approval of Moose License Plate Conservation Grant for FY21 (\$9,760.00)

**Councilor McEachern moved to accept this grant from the New Hampshire State Library, as presented. Seconded by Councilor Lazenby.**

City Manager Conard gave credit to the staff for working on obtaining this grant.

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

- B. Approval of New Hampshire Internet Crimes Against Children Task Force (ICAC) from the Federal FY '20 Forensic Shield-COVID Cares Act Grant - \$1,000,000.00

**Councilor Lazenby moved to accept this grant as presented, and authorize the City Manager to expend these funds subject to the terms of any offer, rules, or regulation pertaining to such funds in cooperation with the Police Department. Seconded by Councilor Kennedy.**

Mayor Becksted spoke to the importance of this grant.

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

- C. Approval of Bureau of Justice Assistance Patrick Leahy Bulletproof Vest Partnership Grant - \$5,999.88

**Councilor Tabor moved to accept this grant as presented. Seconded by Councilor Lazenby.**

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

- D. Approval of Federal Office of Juvenile Justice & Delinquency Prevention Grant (OJJDP)

**Councilor Kennedy moved to accept this grant as presented. Seconded by Councilor Huda.**

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

## **XV. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION**

### **A. CITY MANAGER CONARD**

- 1. Approval of 2021 Council Meeting Calendar

City Manager Conard spoke to the change for the January 14<sup>th</sup> Diversity Training for the Boards and Commissions and a Budget Work Session on January 19<sup>th</sup>.

Councilor Huda said she would like an additional Budget Work Session prior to the CIP Work Session.

**Councilor Lazenby moved to approve this calendar as presented. Seconded by Councilor McEachern.**

Councilor Lazenby said he does not want to add a January 4<sup>th</sup> Work Session.

**Councilor Kennedy moved to amend the motion to hold a Budget Work Session the first week in January. Seconded by Councilor Huda.**

Councilor Kennedy said by the first of January we would have an idea on revenues and tax collection numbers. She stated she would like to have that meeting.

Councilor McEachern said he would like to get the information by January 4<sup>th</sup> and still have the Work Session on January 14<sup>th</sup> as time will come quickly.

City Manager Conard said we will have as much information as we can and what we can provide for numbers in December.

Councilor Huda said we need to look at where we are and where we were and how much we have to date on the CIP moving forward.

Assistant Mayor Splaine said he agrees with Councilor Huda and we need to get as much information as possible. He said we had a tough budget year and we need to look at what is coming forward.

Councilor Tabor said he supports Councilor Huda's request because we are at unusual times and may need more than one CIP Work Session.

**On a unanimous roll call vote 9-0, motion to amend passed.**

**On a unanimous roll call vote 9-0, main motion as amended passed.**

3. Request to Name Private Unnamed Street Located Off Gosling Road

City Manager Conard advised the City Council that the requestor would like to name of the street to be Jacona Road.

**Councilor Tabor moved to approve the request for naming of the previously unnamed private road to Jacona Road. Seconded by Councilor Whelan.**

Councilor Kennedy asked what does the name mean and whether it was a positive or negative tone. She also inquired if the list of street names was reviewed before selecting the name put forward by the requestor.

Planning Director Walker said the name has an historical reference of a ship that was out in our areas of water. She stated that the department makes sure the name is appropriate before bringing it forward.

Councilor Kennedy said the Council needs to understand the names better when a request is being made.

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

#### 4. Parking Agreement for Deer Street Associates

City Manager Conard said the City purchased the land and it is a requirement of the agreement that there be parking spaces in the Foundry Garage.

Staff Attorney McCourt provided an explanation of the 68 paid parking passes to Deer Street Associates (DSA). He said it allows on-street parking off site in the Foundry Garage. He advised the Council that the City agreement is for 68 parking spaces and is for the life of the agreement. He spoke to the various lots owned by Deer Street Associates and discussed those that have site review approval in place.

Denis Robinson updated the City Council on the status for lots 3 and 6. He stated that lot 3 is a hotel and lot 6 is for multi-uses.

Councilor Huda asked why DSA needs parking for vacant lots. She stated that a foundation in the ground is far from a certificate of occupancy.

Mr. Robinson said it is part of the approval process that parking is provided for the building permit and having a parking agreement signed.

Staff Attorney McCourt stated that DSA would start payments on parking spaces when DSA starts receiving benefit.

Discussion followed on extensions granted and the approval process. Also discussed was what would happen if the property was sold and whether the right to the 68 spaces travels with the property. Staff Attorney McCourt said the parking spaces would go with the lot. Councilor Huda said does that mean lots 3 and 6 would stay with the lots through the end of the contract. Staff Attorney McCourt said that is correct. Planning Director Walker stated the Parking Agreement is already committed to and the agreement would need to go into effect. She stated we would not have the legal ability to hold off the approval.

Mayor Becksted asked if it was necessary to vote on the agreement now or could we wait and see what happens with the other lots. Staff Attorney McCourt said there is no hard deadline today but the document is the product of great negotiations and he does not know what would change over time.

Mr. Robinson said the parking spaces do not need to go to all the spaces. Lots 4 and 5 would not have access because the spaces are already being used. It does not need to be divided between the four lots.

Councilor Kennedy said it makes a stronger case that two lots would not have ample parking and we would look at all four lots that would be commercial spaces and 68 split up between lots accordingly. We need to come up with a plan before the lots are built on.

Planning Director Walker said some land use would still be needed to meet parking requirements for lots 4 and 5 that would need to provide parking onsite. Because the Planning Board approved lots 3 and 6. The City Council needs to be careful not to conflict with the land use approvals and would become an issue because parking would be taken away.

**Councilor McEachern moved to authorize the City Manager to execute a parking agreement with Deer Street Associates in a form substantially similar to the document presented and to modify the language in Section 1, that if parking passes were provided to Deer Street Associates in another parking facility, not in Foundry Garage, that it be done at the City's option only. Seconded by Councilor Tabor.**

Councilor McEachern said we need to move forward and honor our word by granting the agreement. He said he supports the agreement because we are part of the delay and he does not want to be.

City Attorney Sullivan said the agreement was to be in place at the completion of the garage.

Mayor Becksted asked do they retain ownership of the 68 spaces after the signing of the agreement. City Attorney Sullivan said each space becomes obligated and they go to the lots. Mayor Becksted asked if there would be any renegotiation if the property is sold. City Attorney Sullivan said no. He further stated if buildings are not built, the spaces belong to DSA.

**On a roll call vote 3-6, motion failed to pass. Councilors McEachern, Lazenby and Tabor voted in favor. Assistant Mayor Splaine, Councilors Whelan, Kennedy, Huda, Trace and Mayor Becksted voted opposed.**

5. Request to Schedule First Reading on Floodplain Overlay District Zoning Maps

City Manager Conard explained the change and requested to reschedule first reading for December.

**Councilor McEachern moved to schedule first reading on the proposed amendments to the Floodplain Overlay District for the December 7, 2020 City Council meeting. Seconded by Councilor Tabor.**

Planning Director Walker advised the City Council that a flood plain representative will be here at the December meeting to answer questions by the Council. She said that the Council is required to accept the map and ordinance change for residents to have flood insurance in order to get a mortgage for the property.

Councilor Kennedy said she has a hard time having a public hearing and second reading during the week of Christmas. Planning Director Walker said she would not bring a public hearing at the end of December if this time line wasn't required by January 15<sup>th</sup>. She said we are required to follow the State Flood Office and FEMA for timing. She stated we could push things out one meeting.

**Councilor Whelan moved to schedule first reading on the proposed amendments to the Floodplain Overlay District for the December 7, 2020 City Council meeting. Seconded by Councilor McEachern.**

Councilor Whelan said that this is critical and we need to get this on the books and have first reading.

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

7. Revocable License for 241 South Street

City Manager Conard explained that the granite steps for this property are in the City's right-of-way and the work around this would be to have an agreement for a Revocable License.

**Councilor Kennedy moved to authorize the City Manager to execute and deliver a Revocable License allowing the owners of 241 South Street to replace granite steps on City property consistent with the decision of the Historic District Commission as described in Land Use Application LU-20-185. Seconded by Councilor Whelan.**

Mayor Becksted said he would not support the motion because you can reset the steps. Councilor Trace said if the steps were reset they would not meet the code.

Planning Director Walker stated this is being done to meet code.

Councilor Trace spoke to the character of historical charm of the steps.

Councilor Whelan said this was debated by the Historic District Commission and let's grant the license to the home owners, we can't second guess our land use boards.

Councilor McEachern said we need to trust our boards and they should have working steps.

**On a roll call vote 5-4, motion passed. Assistant Mayor Splaine, Councilors McEachern, Whelan, Lazenby and Tabor voted in favor. Councilors Kennedy, Huda, Trace and Mayor Becksted voted opposed.**

9. 60 Penhallow Street (Brick Market) Amended Temporary Construction License

City Manager Conard spoke to the request for an amended temporary construction license.

Councilor Kennedy spoke to the impact this would have on other businesses. City Manager Conard stated the road closure will allow less impact.

Planning Director Walker said outdoor dining could be accommodated longer and direct outreach must be done depending on the decision by the City Council.



**Councilor Kennedy moved that the developer reach out to the properties in the area and provide information on the data received to the City Council to make a decision at the next meeting. Seconded by Councilor Huda.**

Councilor McEachern asked that we time deliveries to the businesses during certain hours due to the construction. Planning Director Walker said we would work on that issue. Councilor McEachern said he would support a motion that developers work with businesses and on a timed schedule for deliveries.

Councilor Trace asked if there is any discussion with developers holding off on this until after the holiday.

Councilor Kennedy said we need to take a month to reach out to businesses on the construction. She said there was no communication beforehand with businesses. Councilor Huda said she agrees with Councilor Kennedy.

Mayor Becksted said he agrees to gather more information.

**On a roll call vote 6-3, motion passes. Assistant Mayor Splaine, Councilors McEachern, Kennedy, Huda, Trace and Mayor Becksted voted in favor. Councilors Whelan, Lazenby and Tabor voted opposed.**

## **XVI. CONSENT AGENDA**

- A. Request for License to Install a Projecting Sign for owner Helen Marks for Spiritual Reader & Advisor for property located at 90 Fleet Street (***Anticipated action - move to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request***)

### **Planning Director's Stipulations**

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

Councilor Kennedy moved 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

Seconded by Councilor Huda.

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

- B. Request for License to Install two Projecting Signs for owner John Reece for Fidelity Investments Center for property located at 54 Maplewood Avenue ***(Anticipated action - move to approve the aforementioned Projecting Sign Licenses 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***

**Planning Director's Stipulations**

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

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

**Councilor Kennedy moved to approve *the aforementioned Projecting Sign Licenses 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**

**Seconded by Councilor Huda.**

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

**C. 89-99 Foundry Place (aka 181 Hill Street, "Lot 6") Easements**

**Councilor Lazenby moved to grant authority for the City Manager to accept the easement deeds and plans for community space in a form similar to those attached. Seconded by Councilor Kennedy.**

**On a roll call vote 6-3, motion passed. Assistant Mayor Splaine, Councilors McEachern, Whelan, Lazenby, Kennedy and Tabor voted in favor. Councilors Huda, Trace and Mayor Becksted voted opposed.**

**D. 1600 Woodbury Avenue – Sidewalk and Signal Easements**

**Councilor Lazenby moved to authorize the City Manager to accept a signal and sidewalk easement over land at 1600 Woodbury Avenue from DPF 1600 Woodbury Ave., LLC in a form similar to the attached. Seconded by Councilor Huda.**

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

E. 160 Court Street (Portsmouth Housing Authority) – Community Space Easements

City Manager Conard said the easements are outlined in her comments and they have been approved by the Planning Board.

**Councilor Lazenby moved to grant authority for the City Manager to accept the easement deeds and plans for community space in a form similar to those attached. Seconded by Councilor Tabor.**

Councilor Huda asked how the spaces were achieved and if they were taken away from current spaces for Feaster Apartments.

Planning Director Walker explained that community spaces have to be open to the public and they are located where the new building will be built. She said there is a park and current sidewalks at the location as well.

Mayor Becksted said he has concerns on this matter. He asked if we are providing the funds for a park or for Portsmouth Housing Authority. He said he sees problems occurring with this.

**On a roll call vote 6-3, motion passed. Assistant Mayor Splaine, Councilors McEachern, Whelan, Lazenby, Tabor and Trace voted in favor. Councilors Kennedy, Huda and Mayor Becksted voted opposed.**

**XVII. PRESENTATIONS & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS**

B. Update on the Portsmouth Citizens Response Task Force *(to include recommendation re: extended use of outdoor dining)*

City Manager Conard advised that a report will be provided at the December 7, 2020 City Council meeting.

C. Memo from Citizen Response Task Force Endorsing Extension of Mask Ordinance

City Manager Conard advised the City Council that discussion will take place at the December 7, 2020 City Council meeting.

D. Paper Street Request from Glenn Lael re: 45 Cliff Road

**Councilor Kennedy moved to refer to the Planning Board for report back. Seconded by Councilor Huda.**

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

E. Email Correspondence

**Councilor Kennedy moved to accept and place on file. Seconded by Councilor Huda.**

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

- F. Letter from John Akar, CAVA requesting permission to continue the use of space on Commercial Alley for 4 tables through the month of December

City Manager Conard advised the Council that no action was necessary.

**XVIII. CITY MANAGER'S INFORMATIONAL ITEMS**

1. Update on Draft Great Bay Total Nitrogen General Permit

City Engineer Desmarais said the letter was a follow up to a long process. He stated in January the EPA used draft permit for storm water and the Waste Water Treatment Facility. He said from discussion with Rochester, Dover and other areas the EPA indicate some modifications were made and they were moving the permit from draft final to the EPA headquarters regardless of final details. He advised the Council that we have permits in the works that are important to move along.

Councilor Trace asked if there have been discussions with the State of Maine and whether they were headed to the same standards of those on the New Hampshire side. City Engineer Desmarais said Maine is a delegate with the Department of Environmental Protection overseeing permitting and as a result of that there is a difference between states that permit would not cover those discharges.

Councilor McEachern stated that Maine defaults to the federal government.

City Engineer Desmarais said New Hampshire, Massachusetts default to Department of Environmental Protection (DEP) in Region I and Maine relies on DEP as a state agency.

Councilor Trace asked City Engineer Desmarais when we might get the final permit or does he anticipate anything out of the ordinary. City Engineer Desmarais said the letter was to move things along. He stated we are hoping to move forward before a major shift in administration.

**XIX. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING**

Councilor McEachern thanked the City Council and Mayor Becksted for the more than generous baby gift. Mayor Becksted said the gift was well deserved.

Mayor Becksted spoke regarding the Holiday Decorating Contest and expressed his thanks to Ricci Lumber, Home Depot and Lowe's for their \$500.00 gift cards.

**XX. ADJOURNMENT**

**At 10:10 p.m., Councilor Kennedy moved to adjourn. Seconded by Councilor Trace.**

Mayor Becksted wished everyone a happy and safe Thanksgiving.

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

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

KELLI L. BARNABY, MMC/CNHMC  
CITY CLERK

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, Article IX, Section 7.901 – **PENALTIES** of the Ordinances of the City of Portsmouth be amended as follows (deletions from existing language **stricken**; additions to existing language **bolded**; remaining language unchanged from existing):

**ARTICLE IX: PENALTIES, FORFEITURES AND SEPARABILITY**

**Section 7.901: PENALTIES**

- A. Any person violating any of the provisions of this Chapter or any rule or regulation made by the Chief of Police pursuant thereto, except the rules and regulations found in Section 7.105 and except those rules referenced in paragraph B, C, D, E, F **and H G** of this provision, shall be subject to a fine or not more than \$300 upon conviction therefore in the Portsmouth District Court.
- B. Notwithstanding any other provision of this Ordinance, any person violating an emergency order issued by the Chief of Police pursuant to Section 7.303 or Section 7.321 shall forfeit to the City of Portsmouth within forty-eight (48) hours of such violation the sum of \$50. In the event that such forfeiture is not made within thirty (30) days of the violation date, then the forfeiture shall be paid to the City of Portsmouth in the amount of \$75. In the event of failure to make such forfeiture, said person shall be subject to a fine of not more than \$100 upon conviction therefore in the 10<sup>th</sup> Circuit Court, District Division.
- C. Any person receiving more than ten (10) parking violations in one (1) year, July 1 to June 30 inclusive, shall forfeit an additional charge for each subsequent violation in the amount of \$25. In the event that this additional forfeiture of \$25 is not made within thirty (30) days of the date of the violation triggering the \$25 forfeiture, then the forfeiture amount shall become \$50.
- D. Notwithstanding any other provisions of this Ordinance, any person violating the following sections of this Chapter or any rule made by the Chief of Police pursuant thereto, shall forfeit to the City of Portsmouth within thirty (30) days of such violation the amount designated below. In the event that the forfeiture amounts not paid within thirty (30) calendar days of the violation, then the forfeiture shall be the sum listed below. In the event of failure to make such forfeiture, said person shall be subject to a fine of not more than \$100.00 upon conviction.

<u>Section</u>	<u>Parking Violation</u>	<u>Fine Amount Within 30 Days</u>	<u>Fine Amount After 30 Days</u>
7.102, 7.105 (A) (C)	Expired Meter	\$35.00	\$55.00
7.328.1	Utilization of Multiple Spaces	\$25.00	\$50.00
7.315 (A)	Parking Within an Intersection	\$25.00	\$50.00
7.315 (B)	Parked in Crosswalk	\$25.00	\$50.00
7.315 (C)	Parked within 15 feet of a Fire Hydrant	\$25.00	\$50.00
7.315 (D)	Parked Within 15 Feet of Fire Station Driveway	<del>\$15.00</del> \$25.00	<del>\$30.00</del> \$50.00
7.315 (E)	Parked Blocking Driveway	\$25.00	\$50.00
7.315 (F)	Parked on Sidewalk	\$25.00	\$50.00
7.315 (G)	Obstructing Traffic During Construction Activity	<del>\$15.00</del> \$25.00	<del>\$30.00</del> \$50.00
7.315 (H)	Double Parking	<del>\$15.00</del> \$25.00	<del>\$30.00</del> \$50.00
7.315 (I)	Violating Traffic Signs Prohibiting Parking	\$25.00	\$50.00
7.315 (J)	Parked, Wrong Direction	<del>\$15.00</del> \$25.00	<del>\$30.00</del> \$50.00
7.316	Back to Curb	<del>\$15.00</del> \$25.00	<del>\$30.00</del> \$50.00
7.319	Distance from Curb	<del>\$15.00</del> \$25.00	<del>\$30.00</del> \$50.00
7.320	Obstructing Street	\$25.00	\$50.00
7.325	30 Minute Parking	\$35.00	\$55.00
7.326	15 Minute Parking	\$35.00	\$55.00



7.327	Limited Parking - Two Hours	\$35.00	\$55.00
7.329	Limited Parking – Four Hours	\$35.00	\$55.00
7.330	Parked in No Parking Area	\$35.00	\$55.00
7.331	Parking Too Close to Intersection	<del>\$20.00</del> \$25.00	<del>\$40.00</del> \$50.00
7.601	Limited Hours Loading Zones	\$35.00	\$55.00
7.602	24-Hour Loading Zones	\$35.00	\$55.00
7.1504	Parking in Fire Lane	\$25.00	\$50.00
7.1603	Resident Only Parking	\$25.00	\$50.00

- E. Notwithstanding any other provision of this Ordinance, the owner or operator of a vehicle unlawfully parked in areas designated as reserved for parking for the walking disabled pursuant to Section 7.1200 shall forfeit to the City of Portsmouth within thirty (30) days of such violation \$250. In the event that the payment of the forfeiture is not made within thirty (30) days of the violation, then the forfeiture shall be in the amount of \$300. In the event of failure to make such forfeiture, said person shall be subject to a fine of not more than \$300 upon conviction therefore in the 10<sup>th</sup> Circuit Court, District Division.
- F. Overnight Parking - Winter. Notwithstanding any other provisions of this Ordinance, any person violating the provisions of Section 7.321(A) or an emergency snow ban as directed by the Director of Public Works under Section 7.321(B) shall forfeit to the City of Portsmouth within thirty (30) days of such violation the sum of \$35. In the event that payment of such forfeiture amount is not made within thirty (30) days of the violation, then the forfeiture amount shall be \$55. In the event of failure to make such forfeiture, said person shall be subject to a fine of not more than \$100 upon conviction therefore in the 10<sup>th</sup> Circuit Court, District Division.
- G. Notwithstanding any other provision of this Ordinance, the owner or operator of a vehicle violating the provisions of Section 7.335 (72 hour parking restrictions) or 7.1000 (Tow Zone) shall forfeit to the City of Portsmouth within thirty (30) days of such violation \$50. In the event that the payment of forfeiture is not made within thirty (30) days of the violation, then the forfeiture shall be in the amount of \$100. In the event of failure to make such

forfeiture, said person shall be subject to a fine of not more than \$150 upon conviction thereof in the 10<sup>th</sup> Circuit Court, District Division.

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

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

This ordinance shall take effect upon its passage.

APPROVED:

\_\_\_\_\_  
Rick Becksted, Mayor

ADOPTED BY COUNCIL:

\_\_\_\_\_  
Kelli L. Barnaby, City Clerk

**Portsmouth**  
Parking Fine Schedule

Description	Last Updated	Current		Recommended		Peer Town	
		Fine	After 30 days	Fine	After 30 days	Averages - Rounded Fine	After 30 days
Session Expired 15 & 30 Minute; (formerly) 1 - 4 hr	5/17/2021	\$ 35.00	\$ 55.00	\$ 35.00	\$ 55.00	\$ 20.00	\$ 38.78
72 hr parking	1/1/2013	\$ 50.00	\$ 100.00	\$ 50.00	\$ 100.00	\$ 26.43	\$ 53.67
<b>Parked within 15 ft of Fire Station</b>	<b>1/1/2013</b>	<b>\$ 15.00</b>	<b>\$ 30.00</b>	<b>\$ 25.00</b>	<b>\$ 50.00</b>	<b>\$ 40.83</b>	<b>\$ 52.50</b>
Parked on Sidewalk	1/1/2013	\$ 25.00	\$ 50.00	\$ 25.00	\$ 50.00	\$ 37.00	\$ 72.86
<b>Obstructing Traffic During Construction</b>	<b>1/1/2013</b>	<b>\$ 15.00</b>	<b>\$ 30.00</b>	<b>\$ 25.00</b>	<b>\$ 50.00</b>	<b>\$ 28.75</b>	<b>\$ 46.67</b>
<b>Double Parking</b>	<b>1/1/2013</b>	<b>\$ 15.00</b>	<b>\$ 30.00</b>	<b>\$ 25.00</b>	<b>\$ 50.00</b>	<b>\$ 26.11</b>	<b>\$ 52.67</b>
<b>Parked in Wrong Direction</b>	<b>1/1/2013</b>	<b>\$ 15.00</b>	<b>\$ 30.00</b>	<b>\$ 25.00</b>	<b>\$ 50.00</b>	<b>\$ 25.00</b>	<b>\$ 61.67</b>
<b>Back to Curb</b>	<b>1/1/2013</b>	<b>\$ 15.00</b>	<b>\$ 30.00</b>	<b>\$ 25.00</b>	<b>\$ 50.00</b>	<b>\$ 22.14</b>	<b>\$ 47.50</b>
<b>Distance from Curb</b>	<b>1/1/2013</b>	<b>\$ 15.00</b>	<b>\$ 30.00</b>	<b>\$ 25.00</b>	<b>\$ 50.00</b>	<b>\$ 22.00</b>	<b>\$ 51.67</b>
Parked in No Parking Area	5/17/2021	\$ 35.00	\$ 55.00	\$ 35.00	\$ 55.00	\$ 30.83	\$ 63.13
<b>Parked Too Close to Intersection</b>	<b>1/1/2013</b>	<b>\$ 20.00</b>	<b>\$ 40.00</b>	<b>\$ 25.00</b>	<b>\$ 50.00</b>	<b>\$ 32.22</b>	<b>\$ 69.17</b>
Emergency Snow Ban	5/17/2021	\$ 35.00	\$ 55.00	\$ 35.00	\$ 55.00	\$ 63.33	\$ 123.33
Parking Within an Intersection	1/1/2013	\$ 25.00	\$ 50.00	\$ 25.00	\$ 50.00	\$ 35.00	\$ 70.00
Parking in Crosswalk	1/1/2013	\$ 25.00	\$ 50.00	\$ 25.00	\$ 50.00	\$ 38.33	\$ 80.00
Blocking Fire Hydrant	1/1/2013	\$ 25.00	\$ 50.00	\$ 25.00	\$ 50.00	\$ 51.92	\$ 101.25
Parked Blocking Driveway	1/1/2013	\$ 25.00	\$ 50.00	\$ 25.00	\$ 50.00	\$ 32.92	\$ 70.00
Obstructing Street	1/1/2013	\$ 25.00	\$ 50.00	\$ 25.00	\$ 50.00	\$ 31.88	\$ 61.67
Parked in Fire Lane	1/1/2013	\$ 25.00	\$ 50.00	\$ 25.00	\$ 50.00	\$ 48.64	\$ 93.75
10 or More Parking Violations in 1 yr	1/1/2013	\$ 25.00	\$ 50.00	\$ 25.00	\$ 50.00	\$ 66.67	\$ 100.00
Parked in ADA	1/1/2013	\$ 250.00	\$ 300.00	\$ 250.00	\$ 300.00	\$ 238.46	\$ 365.63
Resident Parking Only	1/1/2013	\$ 25.00	\$ 50.00	\$ 25.00	\$ 50.00	\$ 32.50	\$ 57.29
Protest Fee (NSF)	1/1/2013	\$ 30.00	\$ -	\$ 30.00	\$ -	\$ 30.00	\$ -
HC/Time Zone	1/1/2013	\$ 15.00	\$ 30.00	\$ 15.00	\$ 30.00	\$ 20.00	\$ 50.00
Vet/Time Zone	1/1/2013	\$ 15.00	\$ 30.00	\$ 15.00	\$ 30.00	\$ 27.50	\$ 55.00
Multiple Spaces	1/1/2013	\$ 25.00	\$ 50.00	\$ 25.00	\$ 50.00	\$ 31.43	\$ 60.00
Boot Removal Fee	1/1/2013	\$ 150.00	\$ -	\$ 150.00	\$ -	\$ 85.71	\$ -
Commercial Loading Zone	5/17/2021	\$ 35.00	\$ 55.00	\$ 35.00	\$ 55.00	\$ 42.00	\$ 96.67

ORDINANCE #  
THE CITY OF PORTSMOUTH ORDAINS

**Chapter 1, Article IV COMMISSIONS AND AUTHORITIES**

**Section 1.414      AUDIT COMMITTEE**

There shall be a permanent Audit Committee established and maintained for the purpose of advising the City Council on the adherence to the City Charter – Section 7.4 INDEPENDENT AUDIT.

- A.      **Membership and Term:** The Audit Committee shall have five (5) members who shall be appointed by the Mayor and confirmed by the City Council, of which one member shall be a City Councilor. Audit Committee members shall possess experience in finance, accounting, auditing, and/or financial management and reporting. All members shall be independent of both City management and any auditing firm which may be under contract with the City. In order to enhance the integrity of the financial reporting, the independence of each member will be maintained throughout the duration of their term on the Audit Committee. In the event of a vacancy in a member position on the Audit Committee, a qualifying individual shall be appointed to fill the remainder of the term of the vacant member. The initial terms of the members of the Committee shall be for three (3) year terms except that the length of the initial terms to be staggered as follows: In year of initial appointment: three (3) members shall be 3-year terms and two (2) members shall be 2-year terms. Thereafter, all members shall serve a term of three (3) years. All members shall be residents of the City of Portsmouth throughout their term on the Audit Committee.
- B.      **Duties and Powers:** The primary purpose of the Audit Committee is to procure, liaise and oversee the work of the City's external Auditor. The Audit Committee shall provide oversight of the financial reporting process, audit process, risk management, governance and the City's internal controls in compliance with laws and regulations. As such, the Committee will be directly responsible for the solicitation of proposals, selection of and recommendation to the City Council for appointment and retention of the external auditing firm. The Audit Committee is authorized to engage the services of financial experts, legal counsel, and other appropriate specialists as necessary to fulfill its responsibilities, subject to funding provided by the City Council.

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

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

This ordinance shall take effect upon its passage.

APPROVED:

\_\_\_\_\_  
Rick Becksted, Mayor

ADOPTED BY COUNCIL ON \_\_\_\_\_, 2021

\_\_\_\_\_  
Kelli L. Barnaby, City Clerk

ORDINANCE #  
THE CITY OF PORTSMOUTH ORDAINS

**Chapter 1, Article IV COMMISSIONS AND AUTHORITIES**

**Section 1.414      AUDIT COMMITTEE**

There shall be a permanent Audit Committee established and maintained for the purpose of advising the City Council on the adherence to the City Charter – Section 7.4 INDEPENDENT AUDIT.

- A.      **Membership and Term:** The Audit Committee shall have five (5) members who shall be appointed by the Mayor and confirmed by the City Council, two of which shall be City Councilors. Audit Committee members, other than the City Councilors, shall possess experience in finance, accounting, auditing, and/or financial management and reporting. All members shall be independent of both City management and any auditing firm which may be under contract with the City. In order to enhance the integrity of the financial reporting, the independence of each member will be maintained throughout the duration of their term on the Audit Committee. In the event of a vacancy in a member position on the Audit Committee, a qualifying individual shall be appointed to fill the remainder of the term of the vacant member. The initial terms of the members of the Committee shall be for three (3) year terms except that the length of the initial terms to be staggered as follows: In year of initial appointment: three (3) members shall be 3-year terms and two (2) members shall be 2-year terms. Thereafter, all members shall serve a term of three (3) years. All members shall be residents of the City of Portsmouth throughout their term on the Audit Committee.
- B.      The Audit Committee's duties shall be to:
1.      Develop the scope of work for audit and non-audit services in any Request for Proposal for auditing services;
  2.      Evaluate and rank each firm's proposal based on the selection process defined in the Request for Proposal for auditing services;
  3.      Recommend to the City Council one or more independent auditors for selection by the City Council;
  4.      Develop a contract for the engagement of auditing services;
  5.      Schedule review meetings during the term of the auditor engagement to ensure timeliness and contractual performance and address any issues that may arise during the course of the audit; and

6. In the event the auditor identifies any serious exceptions, the Audit Committee shall assist and advise the City Council with regard to next steps, any need for external consultants or advisors, and any other related duties assigned to it.
- C. The Audit Committee will develop such procedures as it deems necessary for the receipt and resolution of complaints regarding accounting, internal accounting controls or auditing matters.

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

This ordinance shall take effect upon its passage.

APPROVED:

\_\_\_\_\_  
Rick Becksted, Mayor

ADOPTED BY COUNCIL ON \_\_\_\_\_, 2021

\_\_\_\_\_  
Kelli L. Barnaby, City Clerk

## LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, August 23, 2021 at 7:00 p.m., at the Portsmouth Municipal Complex in the Eileen Dondero Foley Council Chambers, Portsmouth, NH, on a proposed Resolution Authorizing a Bond Issue and/or Notes of the City under the Municipal Finance Act and/or Participation in the State Revolving Fund (SRF) Loan of up to Thirteen Million Nine Hundred Thousand Dollars (\$13,900,000.00) related to Water Line Upgrades, Water Transmission Main Replacement, Islington Street Improvements Phase 2, Willard Avenue Upgrades and Union Street Reconstruction. The complete Resolution is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

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

### LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, August 23, 2021 at 7:00 p.m., at the Portsmouth Municipal Complex in the Eileen Dondero Foley Council Chambers, Portsmouth, NH, on a proposed Resolution Authorizing a Bond Issue and/or Notes of the City under the Municipal Finance Act and/or Participation in the State Revolving Fund (SRF) Loan of up to Thirteen Million Nine Hundred Thousand Dollars (\$13,900,000.00) related to Water Line Upgrades, Water Transmission Main Replacement, Islington Street Improvements Phase 2, Willard Avenue Upgrades and Union Street Reconstruction. The complete Resolution is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

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

August 7, 2021



**CITY OF PORTSMOUTH  
TWO THOUSAND TWENTY ONE  
PORTSMOUTH, NEW HAMPSHIRE**

**RESOLUTION # XX-2021**

**A RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF THE CITY UNDER THE MUNICIPAL FINANCE ACT AND/OR PARTICIPATION IN THE STATE REVOLVING FUND (SRF) LOAN OF UP TO THIRTEEN MILLION NINE HUNDRED THOUSAND DOLLARS (\$13,900,000) RELATED TO WATER LINE UPGRADES, WATER TRANSMISSION MAIN REPLACEMENT, ISLINGTON STREET IMPROVEMENTS PHASE 2, WILLARD AVENUE UPGRADES AND UNION STREET RECONSTRUCTION.**

**RESOLVED:**

**THAT**, the sum of up to **Thirteen Million Nine Hundred Thousand Dollars (\$13,900,000)** is appropriated for Water Line Upgrades, Water Transmission Main Replacements, Islington Street Improvements Phase 2, Willard Avenue Upgrades and Union Street Reconstruction, including the payment of costs incidental or related thereto;

To meet this appropriation, the City Treasurer, with the approval of the City Manager is authorized to borrow, on a competitive or negotiated basis, up to **Thirteen Million Nine Hundred Thousand Dollars (\$13,900,000)** through the issuance of bonds and/or notes of the City under the Municipal Finance Act and/or a loan program offered through the State of New Hampshire Department of Environmental Services, identified as the State Revolving Fund Loan.

**THAT** the expected useful life of this project is determined to be at least twenty (20) years, and;

**THAT** this Resolution shall take effect upon its passage.

**APPROVED:**

**\_\_\_\_\_  
RICK BECKSTED, MAYOR**

**ADOPTED BY CITY COUNCIL**

**\_\_\_\_\_  
KELLI BARNABY, MMC/CNHMC  
CITY CLERK**

## EF-02-WD-78: ANNUAL WATER LINE REPLACEMENT

Department	Public Works – Water Division
Project Location	Citywide
Project Type	Upgrade of a Facility
Commence FY	Ongoing
Priority	O (Ongoing)
Impact on Operating Budget	Negligible (<\$5,001)

Evaluation Criteria	Satisfy
Identified in Planning Document or Study – <a href="#">Water System Master Plan 2013</a>	Y
Improves Quality of Existing Services	
Provides Added Capacity to Existing Services	
Addresses Public Health or Safety Need	
Reduces Long-Term Operating Costs	
Alleviates Substandard Conditions or Deficiencies	Y
Provides Incentive to Economic Development	
Responds to Federal or State Requirement	
Eligible for Matching Funds with Limited Availability	

**Description:** The water distribution system consists of more than 150 miles of pipe. Many of the older pipes are 50 to 100 years old, undersized and at the end of their design life. Pipes are replaced programmatically as part of water specific capital projects, roadway reconstruction and prior to annual paving. This item will fund the purchase of pipe, valves and associated materials used to replace those pipes. Bond funds for large full road reconstruction projects.

Useful Website Links:

- [Public Works Homepage](#)
- [Water Department](#)
- [FY21-26 CIP page](#)

	FY22	FY23	FY24	FY25	FY26	FY27	Totals 22-27	6 PY's Funding	Totals
GF	0%						\$0	\$0	\$0
Fed/ State	0%						\$0	\$0	\$0
Bond/ Lease	85%	\$1,000,000	\$1,000,000		\$1,000,000		\$3,000,000	\$5,500,000	\$8,500,000
Other	0%						\$0	\$0	\$0
Revenues	15%						\$0	\$1,500,000	\$1,500,000
PPP	0%						\$0	\$0	\$0
Totals		\$1,000,000	\$0	\$1,000,000	\$0	\$0	\$3,000,000	\$7,000,000	\$10,000,000

## EF-18-WD-82: WATER TRANSMISSION MAIN REPLACEMENT

Department	Public Works – Water Division
Project Location	Citywide
Project Type	Rehabilitation of a Facility
Commence FY	2015
Priority	A (needed within 0 to 3 years)
Impact on Operating Budget	Negligible (<\$5,001)



**Description:** This project consists of design and construction of water transmission mains beneath Little Bay to replace existing mains, which are over 60 years old. Preliminary investigations of the existing water mains and valves have identified degraded conditions. Due to the importance of this water main, this project is necessary to ensure water is continuously supplied from Madbury to Portsmouth and service is not disrupted. Previous funding was used for permitting and design, and FY22 funds will be used for construction.

**Useful Website Links:**

- [Water Projects Page](#)
- [Water Department](#)
- [Public Works Homepage](#)
- [FY21-26 CIP page](#)

Evaluation Criteria	Satisfy
Identified in Planning Document or Study – <a href="#">Newington Transmission Main Alternative Report 2017</a>	Y
Improves Quality of Existing Services	Y
Provides Added Capacity to Existing Services	
Addresses Public Health or Safety Need	
Reduces Long-Term Operating Costs	
Alleviates Substandard Conditions or Deficiencies	
Provides Incentive to Economic Development	
Responds to Federal or State Requirement	Y
Eligible for Matching Funds with Limited Availability	

	FY22	FY23	FY24	FY25	FY26	FY27	Totals 22-27	6 PY's Funding	Totals
GF	0%						\$0	\$0	\$0
Fed/ State	0%						\$0	\$0	\$0
Bond/ Lease	96%	\$5,400,000					\$5,400,000	\$850,000	\$6,250,000
Other	0%						\$0	\$0	\$0
Revenues	4%						\$0	\$250,000	\$250,000
PPP	0%						\$0	\$0	\$0
Totals		\$5,400,000	\$0	\$0	\$0	\$0	\$5,400,000	\$1,100,000	\$6,500,000

**FY22 Request updated to \$7,300,000**

**COM-03-PW-94**

**ISLINGTON STREET IMPROVEMENTS PHASE 2**  
**Combined: General Fund-Water Fund-Sewer Fund**

Department	Public Works Department
Project Location	Islington Street from Albany Street to Congress Street
Project Type	Rehabilitation of a Facility
Commence FY	2020
Priority	A (needed (needed within 0 to 3 years))
Impact on Operating Budget	Negligible (<\$5,001)

Evaluation Criteria	Satisfy
Identified in Planning Document or Study: <a href="#">Long Term Control Plan Update 2010</a> ; <a href="#">CSO Supplemental Compliance Plan 2017</a>	Y
Improves Quality of Existing Services	Y
Provides Added Capacity to Existing Services	Y
Addresses Public Health or Safety Need	
Reduces Long-Term Operating Costs	
Alleviates Substandard Conditions or Deficiencies	
Provides Incentive to Economic Development	Y
Responds to Federal or State Requirement	
Eligible for Matching Funds with Limited Availability	

Useful Website Links:
<ul style="list-style-type: none"> <li>• <a href="#">Public Works Department</a></li> <li>• <a href="#">Sewer Department</a></li> <li>• <a href="#">FY21-26 CIP Page</a></li> </ul>



**Description:** This project funds work related to reconstruction on Islington Street. It will be completed in phases. Phase 1A is from the Route 1 Bypass to Albany Street and was previously funded. Phase 1B is from Albany Street to Dover Street and funding was identified in FY21. Phase 2 is from Dover Street to Congress Street and is estimated to cost an additional \$6.9 million in FY27.

The project includes water, sewer, drainage and streetscape modifications. Funding for this work will come from the water and sewer enterprise funds and the general fund (property taxes). Phases 1A and 1B are required by the City's Supplemental Compliance Plan for sewer separation.

**ISLINGTON STREET IMPROVEMENTS PHASE 2  
 Combined: General Fund-Water Fund-Sewer Fund**

	FY22	FY23	FY24	FY25	FY26	FY27	Totals 22-27	6 PY's Funding	Totals
<b>General Fund</b>									
Fed/ State	0%						\$0	\$0	\$0
GF-Capital Outlay	1%						\$0	\$200,000	\$200,000
GF-Bond/ Lease	37%						\$2,300,000	\$4,640,000	\$6,940,000
Other	0%						\$0	\$0	\$0
PPP	0%						\$0	\$0	\$0
Revenues	0%						\$0	\$0	\$0
Bond/Lease	29%						\$2,300,000	\$3,150,000	\$5,450,000
PPP	0%						\$0	\$0	\$0
Revenues	0%						\$0	\$0	\$0
Bond/Lease	32%						\$2,300,000	\$3,650,000	\$5,950,000
PPP	0%						\$0	\$0	\$0
<b>Water</b>									
Total General Fund	39%						\$2,300,000	\$4,840,000	\$7,140,000
Total Water Fund	29%						\$2,300,000	\$3,150,000	\$5,450,000
Total Sewer Fund	32%						\$2,300,000	\$3,650,000	\$5,950,000
<b>Totals</b>							<b>\$6,900,000</b>	<b>\$11,640,000</b>	<b>\$18,540,000</b>



**COM-19-PW-98**

**WILLARD AVENUE**

Combined: General Fund-Water Fund-Sewer Fund

Department	Public Works Department
Project Location	Willard Avenue, Orchard Street, Ash Street (Willard to Orchard)
Project Type	Rehabilitation of a Facility
Commence FY	2020
Priority	A (needed within 0 to 3 years)
Impact on Operating Budget	Negligible (<\$5,001)



Evaluation Criteria	Satisfy
Identified in Planning Document or Study: <a href="#">Long Term Control Plan Update 2010</a>	Y
Improves Quality of Existing Services	Y
Provides Added Capacity to Existing Services	
Addresses Public Health or Safety Need	Y
Reduces Long-Term Operating Costs	
Alleviates Substandard Conditions or Deficiencies	Y
Provides Incentive to Economic Development	
Responds to Federal or State Requirement	Y
Eligible for Matching Funds with Limited Availability	

Useful Website Links:

- [Public Works Department](#)
- [Sewer Department](#)
- [FY21-26 CIP page](#)

**Description:** This project funds work related to the City's ongoing combined sewer separation program. The project includes water, sewer and drainage upgrades along with streetscape modifications on Willard Avenue, Orchard Street, and a portion of Ash Street. A portion of Willard Avenue has already been reconstructed following sewer separation in 2015. This project will also complete this area of the Lincoln Avenue area drainage basin to Middle Street.

Permitting and design were funded previously. FY22 funds will be used for construction.

Funding for this work will come from the water and sewer enterprise funds. Road restoration and sidewalks will be completed using available general funds allocated for annual paving and sidewalks.

Combined: General Fund-Water Fund-Sewer Fund

	FY22	FY23	FY24	FY25	FY26	FY27	Totals 22-27	6 Yr's Funding	Totals
<b>General Fund</b>									
Fed/ State	0%						\$0	\$0	\$0
GF-Capital Outlay	0%						\$0	\$0	\$0
GF-Bond/ Lease	19%						\$1,200,000	\$0	\$1,200,000
Other	0%						\$0	\$0	\$0
PPP	0%						\$0	\$0	\$0
Revenues	2%						\$0	\$150,000	\$150,000
Bond/Lease	29%						\$1,800,000	\$0	\$1,800,000
PPP	0%						\$0	\$0	\$0
Revenues	2%						\$0	\$150,000	\$150,000
Bond/Lease	48%						\$3,000,000	\$0	\$3,000,000
PPP	0%						\$0	\$0	\$0
<b>Water</b>									
Total General Fund	19%						\$1,200,000	\$0	\$1,200,000
Total Water Fund	31%						\$1,800,000	\$150,000	\$1,950,000
Total Sewer Fund	50%						\$3,000,000	\$150,000	\$3,150,000
<b>Totals</b>							<b>\$6,000,000</b>	<b>\$300,000</b>	<b>\$6,300,000</b>

# COM-17-PW-100

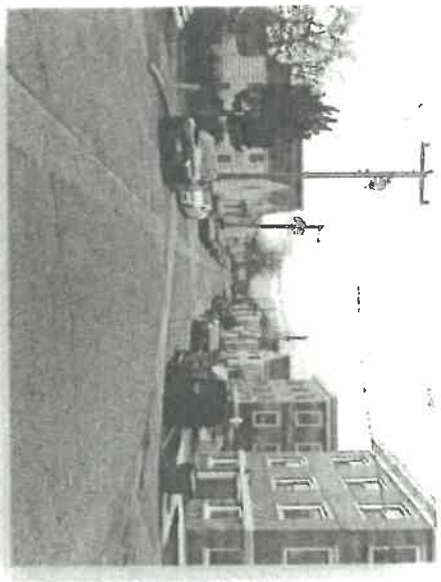
Department	Public Works Department
Project Location	Union Street from Middle Street to State Street
Project Type	Rehabilitation of Existing Facilities
Commence FY	2017
Priority	A (needed within 0 to 3 years)
Impact on Operating Budget	Negligible (<\$5,001)

Evaluation Criteria	Satisfy
Identified in Planning Document or Study: <u>Long Term Control Plan Update 2010: CSO Supplemental Compliance Plan 2017</u>	Y
Improves Quality of Existing Services	Y
Provides Added Capacity to Existing Services	
Addresses Public Health or Safety Need	Y
Reduces Long-Term Operating Costs	Y
Alleviates Substandard Conditions or Deficiencies	Y
Provides Incentive to Economic Development	
Responds to Federal or State Requirement	
Eligible for Matching Funds with Limited Availability	

Useful Website Links:
<ul style="list-style-type: none"> <li>• <a href="#">Wastewater &amp; Sewer Projects Page</a></li> <li>• <a href="#">Public Works Department</a></li> <li>• <a href="#">Sewer Department</a></li> </ul>

## UNION STREET RECONSTRUCTION

Combined: General Fund-Water Fund-Sewer Fund



**Description:** This project is part of the City's Long Term Control Plan in accordance with the EPA Supplemental Compliance Plan. The project includes water, sewer, drainage and streetscape modifications on Union Street from Middle Street to State Street. The project will also address side streets, including Coffins Court and sections of Austin Street. Additional sewer funding will be used from the previous CIP sewer project (EF-17-SD-95 Union Street Reconstruction).

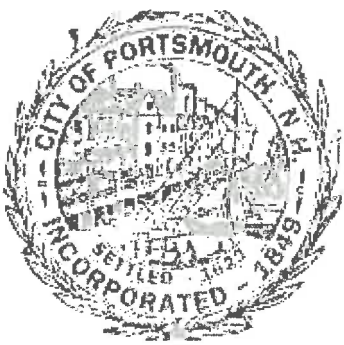


**COM-17-PW-100**

**UNION STREET RECONSTRUCTION**

Combined: General Fund-Water Fund-Sewer Fund

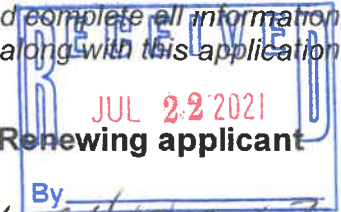
	FY22	FY23	FY24	FY25	FY26	FY27	Totals 22-27	6 PY's Funding	Totals
<b>General Fund</b>									
Fed/ State	0%						\$0	\$0	\$0
GF-Capital Outlay	0%						\$0	\$0	\$0
GF-Bond/ Lease	22%						\$1,000,000	\$0	\$1,000,000
Other	0%						\$0	\$0	\$0
PPP	0%						\$0	\$0	\$0
Revenues	0%						\$0	\$0	\$0
Bond/Lease	34%						\$1,500,000	\$0	\$1,500,000
PPP	0%						\$0	\$0	\$0
Revenues	3%						\$0	\$150,000	\$150,000
Bond/Lease	40%						\$1,100,000	\$700,000	\$1,800,000
PPP	0%						\$0	\$0	\$0
<b>Water</b>									
<b>Sewer</b>									
Total General Fund	22%	\$0	\$0	\$0	\$0	\$0	\$1,000,000	\$0	\$1,000,000
Total Water Fund	34%	\$0	\$0	\$0	\$0	\$0	\$1,500,000	\$0	\$1,500,000
Total Sewer Fund	44%	\$0	\$0	\$0	\$0	\$0	\$1,100,000	\$850,000	\$1,950,000
<b>Totals</b>		<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$3,600,000</b>	<b>\$850,000</b>	<b>\$4,450,000</b>



# 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: Parking and Traffic Safety

Name: Marglou McElwain Telephone: cell 603 498 3063

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

Street address: 259 SMOYTH ST.

Mailing address (if different): \_\_\_\_\_

Email address (for clerk's office communication): ML259@comcast.net

How long have you been a resident of Portsmouth? 22 years in 10/21

Occupational background:  
retired P.D.

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

Reasons for wishing to continue serving: We are making positive changes for the safety of pedestrians and bicyclists - my main reason for joining this committee in 2014.



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

NAACP, FOSE  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

- 1) Mary Jo Monahan Mt. Vernon St, 603 817 8876  
Name, address, telephone number
- 2) Yadhi Gray South St. 603 591 0280  
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: Mary Lou Brown Date: 7/21/21

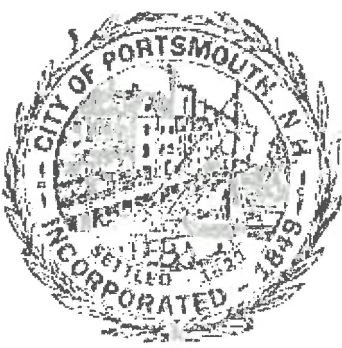
CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 9-17-2024

Annual Number of Meetings: 9 (2024) Number of Meetings Absent: 1

Date of Original Appointment: 8-9-2019

**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: PARKING & TRAFFIC SAFETY

Renewing applicant  
By \_\_\_\_\_

Name: STEPHEN T. PESCI Telephone: 603-502-5086

Could you be contacted at work? YES/NO - If so, telephone# 603-862-4207

Street address: 200 Thornton St.

Mailing address (if different): —

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

How long have you been a resident of Portsmouth? 34 years

Occupational background:

Regional, land-use & transportation planning  
professional for 30 years. Degree in  
Community Development (BS) and Public Admin (MPA)  
Currently employed at UNH in Stewardship Office.

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

Reasons for wishing to continue serving: \_\_\_\_\_

The Committee is in the midst of several ongoing  
projects, like NPP, that I would like to con-  
tinue to contribute to. I believe I offer a  
balanced perspective and positive contribution.



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

Ward 1 Clerk  
NH Planners Association  
American Planning Association  
SABR

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

- 1) Harold Whitehouse, 58 Humphrey's Ct, 603-436-8485  
Name, address, telephone number
- 2) Bruce Doty, 17 Whidden St, 603-431-8578  
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: MAR Date: 7/26/2021

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 9-17-2024  
Annual Number of Meetings: 9 (2022) Number of Meetings Absent: 1  
Date of Original Appointment: 8/20/2018

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

**Stephen T. Pesci**  
200 Thornton Street  
Portsmouth New Hampshire 03801

voice: (603) 502-5086  
email: stevepesci@gmail.com

---

**Education:**

1992 **University of New Hampshire, Durham:**  
1987 **Master of Public Administration**, Department of Political Science (GPA 3.77/4.00)  
**Bachelor of Science, Community Development** (GPA 3.12/4.00)  
Department of Resource Economics and Community Development

**Employment:**

- 2001-current **Special Project Director: University of New Hampshire, Durham**
- policy, technical and planning for Campus Planning, Transportation Services, Vice President for Finance & Administration and University Sustainability Institute.
  - development of transportation demand management (TDM) strategies - transportation system infrastructure improvements, feasibility studies for parking and transit expansion, consultant oversight/coordination for Campus Master Plan, traffic modeling and wayfinding programs
  - design, development and tracking of alternative fleet fuel programs, emissions inventories
  - grant coordination and project management of FHWA, FTA and DOE projects totaling over \$12 million. Coordination with NH DOT, Environmental Services and Energy and Planning
- 2001- current **Independent Consultant**
- technical and project assistance to consulting firms, Universities, DOTs and municipal clients in the fields of emissions inventory, transit, bicycle, pedestrian, rail, community design and transportation/parking demand management
- 1993-2001 **Asst. Director/MPO Coordinator: Strafford Regional Planning Commission, Dover, NH**
- oversight of transportation planning, budget and policy work for a dual agency Metropolitan Planning Organization in southeastern New Hampshire
  - coordination of a staff in implementation of ISTEA/TEA-21 requirements among 35 communities including development of Long-Range Plan, Transportation Improvement Programs and ongoing public involvement, education/outreach efforts
  - technical and managerial experience in air quality conformity; pedestrian and bicycle planning, rail station development, transit system analysis, travel demand forecasting and consultant selection/project management
- 1992-1993 **Project Manager: Fugro-McClelland - Portsmouth, NH; Struktor - Fortaleza, Brazil**
- GIS/LIS project management for multi-national engineering consulting firms focusing on municipal government and natural resource systems
- 1989-1992 **Senior Planner: Strafford Regional Planning Commission - Dover, New Hampshire**
- environmental, transportation, community planning, capital improvement programs and economic development projects, reports and analyses
  - GIS/LIS Specialist - data development and output in coordination with NH GRANIT
- 1985-1987 **General Manager: WUNH-FM - Durham, New Hampshire**
- administration and planning at a 5000 watt, non-commercial, community radio station
- 1986-1987 **Research Coordinator: AEL Associates - Dover, New Hampshire**
- designed research/survey instruments/develop & present analyses for clients

**State, Community and Professional Service:**

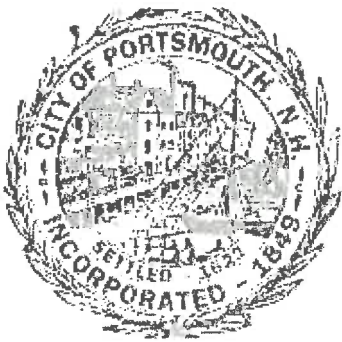
**New Hampshire Rail Transit Authority:** representing Town of Durham-UNH (2007-current)  
**Kellogg Fellowship in International Development:** Partners of the Americas (1995-1997)  
leadership and NGO development training in Latin America and the Caribbean  
**AIDS Response Seacoast:** Board of Directors (1995-1997)  
**Cooperative Alliance Seacoast Transportation (COAST):** Board Member (1990-1995)

**Languages:**

English (native), French (basic) and limited Brazilian Portuguese

**Software:**

Windows/Mac ios Office, Box, Meridian and web/media software, FTA grant management



# 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

RECEIVED  
JUL 21 2021  
Renewing applicant  
By \_\_\_\_\_

Committee: (T. P. S.) TRAFFIC - PARKING - SAFETY

Name: HAROLD WHITEHOUSE Telephone: (603) 436-8495

Could you be contacted at work?  YES  NO - If so, telephone# RETIRED - AT HOME

Street address: 58 HUMPHREY CT. PORTSMOUTH, N.H.

Mailing address (if different): SAME AS ABOVE

Email address (for clerk's office communication): NA!!

How long have you been a resident of Portsmouth? LIFE - (93 YRS.)

Occupational background:

① RETIRED - PRESS - MAN - TYPE SETTER / PORTSMOUTH HERALD / 25 YRS.

② RETIRED CARPENTER - PORTSMOUTH NAVAL SHIPYARD / 22 YRS.

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

Reasons for wishing to continue serving: AS THE CITY GROWS AT A FAST PACE, THIS COMMITTEE IS ONE OF THE MOST IMPORTANT, ESPECIALLY WHEN IT COMES TO BRING COMMON SENSE FORWARD - H.H.

OVER  
➔



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

TOO NUMEROUS TO LIST. 30 YRS. AS  
AN ELECTED OFFICIAL!!

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

- 1) AMY BAKER / HUMPHREY CT. / 617-416-3009  
Name, address, telephone number
- 2) JOHN SIMMON / STRAWBERRY BANK / 205-5474  
Name, address, telephone number  
*(COTTON HOUSE)*

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.

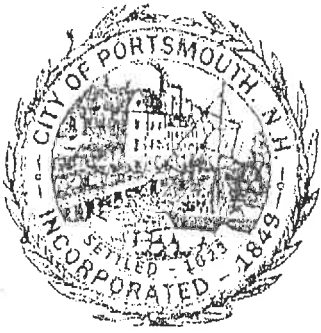
Signature: Harold Whitehouse Date: 7/21/2021

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 09-19-2029  
 Annual Number of Meetings: 9 Number of Meetings Absent: 1  
 Date of Original Appointment: 12-19-2011

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: SEE COVER LETTER

Name: \_\_\_\_\_ Telephone: \_\_\_\_\_

Could you be contacted at work? YES/NO If so, telephone # \_\_\_\_\_

Street address: \_\_\_\_\_

Mailing address (if different): \_\_\_\_\_

Email address (for clerk's office communication): \_\_\_\_\_

How long have you been a resident of Portsmouth? \_\_\_\_\_

Occupational background:

ATTACHED COVER LETTER

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

ATTACHED

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



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: ATTACHED

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

ATTACHED

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

1) TED ALEX RYE, NH 603-205-1806  
Name, address, telephone number

2) MIKE MARCONI, 19 COLEMAN DR. DENNISTON, NH  
Name, address, telephone number 603-205-5811

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: NOV. 12 17

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

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

December 12, 2019

TO: City of Portsmouth  
Rick Becksted Mayor-Elect  
Kelli Barnaby, City Clerk

FROM: Mark Syracuse  
52 Taft Road, Mail: PO Box 8272  
Portsmouth, NH 03802  
603.431.4669. Mobile: 603-674-4669  
mark@applepaintingrestoration.com

RE: Appointment Application:  
Parking and Traffic Safety Committee  
Citywide Neighborhood Committee

Hello Kelli and Mayor-Elect, Rick Becksted,

This is a support document/resume to my enclosed Appointment Application.

I've been a resident of Portsmouth since 1973, self employed contractor since 1984, volunteer firefighter in New Castle, May 1998 to June 2017 and was on the original Pierce Island Blue Ribbon when it was conceived by the late Mayor Eileen Foley.

My interests are to be on the Parking and Traffic Safety Committee and or Citywide Neighborhood Committees in 2020.

I have a considerable amount of experience and knowledge of the streets, safety and traffic issues as a 45 year resident of Portsmouth and as a First Responder for 19 years. I stay current on the issues and needs of Elwyn Park and Ward 4.

My tenure as a firefighter ended June 2017. I gave myself a couple of years to think of how I can volunteer my time serving the Portsmouth community. I'm a self-employed contractor, parent to my 17 year son, Matthew that has a flexible parenting schedule and can control my professional schedule and leisure time.

I'm committed to attend meetings and on site discussions with residents and members of the committee(s) as I did every Monday night for 19 years as a volunteer firefighter in New Castle.

Member of the Portsmouth Yacht Club, Portsmouth Elks and have been an active participant as a non-Rotarian with the Portsmouth Rotary Club community service projects since the 1980's.

Please note: I will be participating on a Rotarian mission with [rotaplast.org](http://rotaplast.org) in Narnaul, India, November 17-December 1, 2019 and will not be available to communicate until December 2, 2019.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Mark Syracuse".

Mark Syracuse

**PARKING and TRAFFIC SAFETY COMMITTEE  
ACTION SHEET**

3:00 P.M. – July 8th, 2021  
Conference Room A

---

PRESENT: City Councilor/Chairman Peter Whelan, City Manager Karen Conard,  
Public Works Director Peter Rice, Fire Chief Todd Germain,  
Police Captain Mike Maloney  
Members: Steve Pesci, Jonathan Sandberg, Erica Wygonik, Harold  
Whitehouse

ABSENT: Mary Lou McElwain

CITY STAFF: Parking Director Ben Fletcher, Assistant Attorney  
Jane Ferrini

- I. Financial Report – **On unanimous roll call 9-0, voted** to accept and approve the financial report as presented.
- II. Public Comment Session – There were 5 speakers: Barbara Destefano (Brewery Lane Traffic Study, repainting of crosswalks), Bill Downey (Moped ticketing on sidewalks, McIntyre Building lower lot parking, Holiday parking), Brian Johnson (Information item VIII D; inquiring if new intersection at Cate Street and Bartlett Street will have flashing beacons, Suggests brush clearing around pedestrian signs at Bartlett Street and Islington Street), Elizabeth Bratter (Brewery Lane Traffic Study), Robin Husslage (Neighborhood Parking Program feedback).
- III. Presentation by Liz Oltman with TEC; Brewery Lane Traffic Study.
- IV. Proposed all-way STOP control at intersection of Brewery Lane and Jewell Court.  
**On unanimous roll call 9-0, voted** to approve all-way STOP control at intersection of Brewery Lane and Jewell Court.
- V. Proposed all-way STOP control at intersection of Cass Street, Chevrolet Avenue and Lovell Street.  
**On unanimous roll call 9-0, voted** to refer back to staff for recommendation following a pilot effort with camera and temporary signage.
- VI. Discussion of one-way traffic flow on Brewery Lane and Chevrolet Avenue.  
**On unanimous roll call 9-0, voted** to table item
- VII. Request for safety improvements at crosswalk on Middle Road at Kensington Road and Monroe Street, by Virginia von Muhlen.  
**On unanimous roll call 9-0, voted** to refer to staff for report back at future meeting.
- VIII. Holiday parking discussion, by Parking Director Ben Fletcher. - *Informational item, no action required.*

- IX. Request for two 1-hour limit spaces on Portwalk Place, by Seacost Spine & Sports Injuries. **On unanimous roll call 9-0, voted** to have staff install cameras at location, and report back.
  - I. Report back on time limit for handicap vehicles in downtown on-street parking spaces. - *Informational item, no action required.*
  - II. Monthly accident report from Police Department. - *Informational item, no action required.*
  - III. Bike and vehicular traffic volume data. – *Informational item, no action required.*
  - IV. Maplewood Avenue pedestrian signal project update. – *Informational, no action required.*
  - V. Bartlett Street/Cate Street reconfiguration. – *Informational, no action required.*
  - VI. Aldrich Road traffic calming measures discussion by Director or Public Works Peter Rice. – *Informational, no action required.*
  - VII. PTS Action Items. – *Informational, no action required.*
- VIII. Adjournment – At 4:44 p.m., **on unanimous roll call 9-0, voted to adjourn.**

Respectfully submitted by:  
Shanleigh McGonagle, Department of Public Works

## MEETING MINUTES

### **PARKING and TRAFFIC SAFETY COMMITTEE**

3:00 PM – July 8, 2021

Conference Room A

---

#### **I. CALL TO ORDER:**

Chairman Peter Whelan called the meeting to order at 3:00 p.m.

#### **II. ATTENDANCE BY ROLL CALL:**

##### Members Present:

City Councilor/Chairman Peter Whelan

City Manager Karen Conard

Public Works Director Peter Rice

Fire Chief Todd Germain

Police Captain Mike Maloney

Steve Pesci

Jonathan Sandberg

Erica Wygonik

Harold Whitehouse

##### Member Absent:

Mary Lou McElwain

##### City Staff Present:

Assistant Attorney Jane Ferrini

Parking Director Ben Fletcher

#### **III. FINANCIAL REPORT:**

Jonathan Sandberg moved to accept and approve the financial report as presented, seconded by Harold Whitehouse. **On unanimous roll call, motion passed 9-0.**

#### **IV. PUBLIC COMMENT:**

Barbara Destefano commented on Brewery Lane traffic study. She commented that she found it strange the study was done during midst of Covid-19 pandemic as she did not feel it would give an accurate representation of the traffic that goes on there. She is in favor of a four-way stop at Brewery Lane and Jewel Court. She is in favor of all-way stop at Chevrolet Lane and Lovell and Cass. She commented Cass should be only one way parking, though it was not in the study, but particularly in the winter, it is difficult to maneuver through street with cars parked on both sides. She commented that there needs to be a continuation of the sidewalk on Chevrolet to meet up with the rest of the sidewalk. City needs to repaint all their crosswalks, she has noticed that some are nearly invisible. She noted another at Albany/Cass/State was hardly visible, she put in a notice to the website and it has been painted promptly.

Bill Downey questioned if there was a ticketing policy for mopeds on sidewalks. He has noted several times where they have been scattered and cluttered- particularly on Bow and Penhallow. He asked if parking enforcement are permitted to ticket mopeds if they are

egregious. He also requested to know if anyone had questioned from the GSA if we could use the lower parking spaces at the McIntyre Building Monday-Friday. He comments it's great to have on weekends.

In regards to the Holiday Parking item, he questioned if it is possible to put messaging on the screen at the meter, "Happy Holidays, parking is free." He states there was a lot of confusion over the weekend.

Chairman Peter Whelan responded that the GSA still has control of the McIntyre Building. The Sample agreement with the City allows for parking during the weekend, but due to security, not during the week. When and if the FBI leaves, which is supposed to happen in September, the City will control that parking, and it will be available 7 days a week. That's all we know at this point, and we will probably have another meeting with the GSA in 2-3 weeks.

The policy on mopeds is that they cannot impede access on the sidewalk, to a business, or block sidewalks, and if they are then the moped will be ticketed. Parking Director Ben Fletcher added that the rules and regulations for this are posted on ParkPortsmouth.com and the City has been handing out fliers and warning tickets to make people aware of the rules and regulations for mopeds.

In response to the Holiday Parking questions, Parking Director Ben Fletcher commented that he would respond further in the discussion later in the meeting, but stated that it is possible to use the devices to have the messaging, but it is not efficient and very difficult for the requests to be accurate with the City's vendors.

Brian Johnson commented information item VIII D; inquiring if the new intersection at Cate Street and Bartlett Street will have flashing beacons. Suggested brush clearing around pedestrian signs at Bartlett Street and Islington Street. Stated that new sign on Bartlett coming from Islington cannot be seen due to tree branches.

Elizabeth Bratter commented on the Brewery Lane traffic study. Stated that she appreciates and approves of the stop signs that were put in, and feels they were necessary and help to slow down traffic. She has grave concerns about making Chevrolet Avenue and Brewery Lane one-way. People complain that cars move slowly through those roads as the space is tight, but that's really what you want there. There are a lot of pedestrians moving through there. There are a lot of people on foot, a lot of people on mopeds moving through there. She commented that she feels, the slower the cars go, the better. It has been her experience that when traffic slowing methods are installed after the fact, they are less effective at controlling traffic flow for safety. She also stated she is concerned about fire trucks getting through if the roads were to be made narrower. Other thing she is concerned about is making Brewery Lane one way out of Pick and Pay, and making Chevrolet Avenue one way into it, is that you're going to be moving cars that normally come down Brewery Lane, into a more residential area. It also creates Pick and Pay's parking lot as a street.

Has concerns about Cate Street. Cars don't know there are people crossing there. It would be interesting to see if they're lighted, and how well they work. I hope it can be a moving project, that if neighbors notice things that those will be addressed as they go along. She comments that she is looking forward to hearing more about Parking Director Ben Fletcher's report on the Neighborhood Parking Program.



Robin Huslage commented on the Neighborhood Parking Program. Would like to encourage the Parking and Traffic Safety Committee to include the pilot program for the Islington Creek neighborhood and if approved by City Council, and a pilot program is launched, it would be immensely helpful to have an easy way for feedback to be provided so tweaks can be made along the way. She suggested it would be very helpful to collect the persons address or other identifier. So it could be determined if from a resident, visitor, a downtown worker, business owner- so we know who is having the issue.

## **V. NEW BUSINESS:**

### Presentation by Liz Oltman with TEC, Brewery Lane Traffic Study

Liz Oltman, Director of Transportation Planning with TEC, presented the Brewery Lane Traffic Study findings. Purpose was to evaluate the Brewery Lane area for parking occupancy, circulation, and pedestrian safety. Area studied was bounded by Islington Street in the east, Chevrolet Avenue in the west, Cass Street to the north, and Plaza 800 to the south. The data collected included turning movement counts at all internal intersections, automatic traffic recorder counts along Brewery Lane, Albany Street, and Chevrolet Avenue. Historic data had been provided by the City, so even though the data was collected in March 2021, when school was still hybrid, and some business were still not at full occupancy, there was good historic knowledge from previous counts that the City provided. A parking occupancy count was done on a weekday afternoon for several hours, and on Saturday, late to midafternoon period. Looked at sight distances at intersections, and watched pedestrian circulation and pathways throughout the area.

Parking On street parking was observed to be full along Albany Street between Islington and Brewery lane most often when they were out there. Around 60-70% along Cass Street. The parking spaces that were delineated along Brewery Lane were open. Private parking lots had a lot of capacity available, they would be functionally full at around 90% and none of them were close to that threshold. This provides an opportunity for shared parking in the area if that continues to be the case.

Vehicular Circulation throughout the area, Brewery Lane, adjusted for Covid, generates about 2000 vehicles a day. Chevrolet Lane about 1900 vehicles a day. Brewery Lane daily, is about 60% northbound, and Chevrolet shows that people coming from the east on Cass Street are using Chevrolet to enter and exit from the Plaza 800 and the residential development (new apartment units). The intersections operate well, as far as level of service goes. There was not a lot of delay or queuing at the intersections. Pedestrian circulation was observed, they do stay on the sidewalks- where sidewalks are available. However, there is such low traffic volumes, at least right now, hourly, that pedestrians cross not in cross walk areas. They cross midblock, they cross at an angle across intersections. It's not the safest thing, but right now, the development levels are such that hourly volumes feel safe for pedestrians doing that, however not ideal situation to continue.

All-way stop control looked at for 2 existing intersections; Brewery Lane/Jewell Court and Chevrolet/Cass/Lovell. Found that the volume warrants are not met at the intersections per the METCD requirements, however, the METCD does allow for a safety warrant where sight distances are restricted from the side streets. Both intersections sight distances are restricted at both locations, so adding an all-way stop control at these locations would benefit the safety of the side street traffic, promote vehicle safety, promote pedestrian visibility because it will allow the implementation of crosswalks on all of the stop bars, on all

approaches, in those locations and really encourage pedestrians to use those crosswalks in those locations and not cross at an angle. It is not a primary use but it does also have a bit of a traffic calming effect.

One Way Alternatives The first alternative looked at was Brewery Lane and Chevrolet as a one way pair. Brewery Lane northbound and Chevrolet Avenue southbound does mirror the existing traffic flow, it wouldn't affect the operations of the traffic intersections. One way traffic flow does help reduce the number of pedestrian conflict points- pedestrians don't have to look in both directions to cross the street. However, both streets are relatively wide, so TEC would recommend if one way pair was considered, on street parking should be considered as well to reduce the visible width of the roadways, and maintain slow vehicle speeds. Fire Department would need to approve on street parking in this area, which is restricted in some parts of Brewery Lane. There wouldn't be a lot of diversion of traffic. It's something to consider, from a circulation stand point, and if new on street parking was desirable by new businesses in the area.

There is sufficient width on Chevrolet Avenue to put a sidewalk on the west side between Cass Street and where the sidewalk currently ends. Also looked at one way alternative pair on Albany Street and Jewell Court, but quickly dismissed that alternative due to concerns about putting extra traffic entering Jewell Court from Islington Street and having the left turn queue back up into Islington Street at Bartlett. However, this scenario would allow adding sidewalk on Albany Street between Brewery and Islington and maintain on street parking. Albany Street in that area is only 26 feet wide, so if the City were to add sidewalk and parking, two way traffic flow could not be maintained.

Recommendation is broken down into 2 Phases. The first phase is things that can be implemented easily.

### Phase 1

New crosswalks where sidewalks are missing or crosswalks are faded (northbound Brewery Lane at Jewell and Albany Street Extension at Brewery Lane). All-way stop control at the two intersections. Maintain Cass Street parking because of traffic calming properties. Post 25 MPH speed limits on both Brewery Lane and Chevrolet Avenue. Because the 85<sup>th</sup> percentile speed are below that can be posted.

### Phase 2 (More construction and more time).

Construct sidewalk along Albany Street – likely would remove on street parking to maintain two way traffic flow. Consider one-way traffic flow to provide on-street parking and reduce pedestrian conflict.

### Questions

Harold Whitehouse asked what “reduce pedestrian conflict points” refers to in one-way scenario. Liz Oltman explained that currently pedestrians have to look left and right at an intersection. If the intersection were one-way only, the pedestrians would only have to look one way.

Jonathan Sandberg questioned if we know if there is adequate parking now. Liz Oltman commented right now it seems there is sufficient off street parking in the private lots in the area. If there were more street level retail they might be more amenable to more on street

parking in front of their businesses, but if that is not the direction that the area is going then there seems to be sufficient off street parking at this time.

Steve Pesci stated he feels one way traffic would not enhance pedestrian safety as he has observed in this neighborhood wider streets have resulted in higher speeds, wiping out pedestrian safety. He commented he does not feel Chevrolet Avenue should be considered for one way, and is concerned with the Hannaford parking lot becoming a street. It is already noticeably busier there, the thru-way corridors in that lot are already pretty tight. He does not know how private property owner would feel about increasing that as a street through way. Steve commented he feels the most dangerous area is the Jewell Court and Islington intersection. He wants to be sure whatever we do discourages or prohibits lefts into and out of Jewell Court onto Islington Street.

Liz Oltman responded that she believes left turns are restricted out, currently. She believes it is well signed for that. Steve interjected and stated it's the in, that's a problem. Liz Oltman responded that she did not know the volume off the top of her head, but that this could be diverted to Albany Street or to Cass Street. She reiterated introducing the one way pair. If considered, the City would want to look at on-street parking at the same time to visually reduce the width.

Steve Pesci commented that he is concerned there would be no demand for those parking spaces on Chevrolet Avenue, and they would be empty 90% of the time, and you would be relying on paint to change people's behavior.

Director of Public Works Peter Rice commented that he wanted to remind everyone why this study was done; at the time, the concern was availability of parking. One of the big questions was, how can we reconfigure this space to possibly generate more parking for the area. He commented as can be seen in a later part of the agenda, we are not recommending pursuing this, it's just a discussion. He also wanted to make all aware that the easements have been secured to create the sidewalk down Chevrolet Avenue and that should be completed by the end of summer or early fall, which will be a significant safety improvement. He concluded that a study of this type is to look at options, not saying, "you shall."

Erica Wygonik asked if Chevrolet Avenue was a private road. Liz Oltman responds that it is. Erica comments that she shares a lot of Steve's concerns for the idea of one-way but asked if we had the authority to execute. Liz Oltman responds the City would have to work with the owner.

A. Proposed all-way STOP control at intersection of Brewery Lane and Jewell Court

Public Works Director Peter Rice moved to approve the recommendation. Jonathan Sandberg seconded.

**On unanimous roll call 9-0, voted** to approve all-way STOP control at intersection of Brewery Lane and Jewell Court.

B. Proposed all-way STOP control at intersection of Cass Street, Chevrolet Avenue and Lovell Street.

Public Works Director Peter Rice moved to approve the motion as presented, seconded by Steve Pesci.

Erica commented that she agrees with the benefits of putting all-way stops here, but any time an all way stop isn't meeting the volume warrant, there is a lot of concern that people are not paying attention to the stop sign. These are changes that are easy to make, and easy to unmake if they're not a good idea. She asked that the City monitor for people running the stop signs, which may pose a bigger safety concern.

Harold Whitehouse asked if these are considered action items by the City Council, Chairman Peter Whelan said yes. He asked if they were separate from the minutes, Chairman Whelan explained that we distill these down for the City Council to vote.

Fire Chief Todd Germain is concerned as a resident; he lives at this intersection. He is not opposed to the proposed stop sign, but is concerned with the queuing up of traffic blocking driveways and with parking continuing on both sides of the street, it may cause congestion going towards Islington Street. He is also concerned about the noise of traffic continuously stopping and starting at this intersection. He is unsure if the people who live at this intersection know if this change is being proposed.

Chairman Peter Whelan asked if we should table it, Fire Chief Germain could have the opportunity to talk to his neighbors. Public Works Director Peter Rice modified his motion to try a pilot effort with temporary signage, advance notice, put traffic cameras up, and monitor the interaction and come back with recommendation on whether it is appropriate to make it permanent. Chairman Whelan questioned if this modification was ok by the second, Steve Pesci confirmed that this was ok.

Harold Whitehouse asked if there was a timeline for the pilot. Public Works Director Peter Rice questioned if Harold meant for the pilot to be implemented, or duration of the pilot would run. Harold confirmed for how long it would run. Public Works Director Peter Rice suggested a month or two months. Fire Chief Todd Germain suggested 90 days, as he feels that's a good measure of traffic moving through there. Public Works Director Peter Rice commented we would want to do advanced noticed of the change, so people could understand what was being done.

Public Works Director Peter Rice requested to ask Liz Oltman a question. He asked if there was any benefit to a three way stop; from Islington Street, Chevrolet Avenue, and Lovell Street, but no fourth one. Liz Oltman responded she finds three way stops are confusing for people and that would be her concern. She recommends in the one or two spaces between Chevrolet Avenue and Lovell Street that parking be restricted there when all way stop signs installed, so people could see in all directions. Jonathan Sandberg comments he does not find it overly problematic as it is now, he does not see the added safety benefit of the four way stop, but he is ok with the pilot as long as it is just a pilot. He would not support permanently implementing, especially not without talking with the neighborhood.

**On a unanimous roll call 9-0 voted** to refer back to staff for recommendation following a 90 day pilot effort with camera and temporary signage.

C. Discussion of one-way traffic flow on Brewery Lane and Chevrolet Avenue.

Public Works Director Peter Rice moved to table the item. Jonathan Sandberg seconded. Erica Wygonik stated she feels at this point in time there is not the demand for parking. Feels that the sidewalks in progress will improve pedestrian safety but thinks further discussion may be needed once activity returns to normal. Chairman Peter Whelan agreed that tabling would allow to make future adjustments.

**On unanimous roll call 9-0, voted** to table item.

D. Request for safety improvements at crosswalk on Middle Road at Kensington Road and Monroe Street, by Virginia von Muhlen.

Harold Whitehouse moved to approve the motion as presented. (?? seconded)

**On unanimous roll call 9-0, voted** to refer to staff for report back at future meeting.

E. Holiday parking discussion, by Parking Director Ben Fletcher. - *Informational item, no action required.*

Benjamin Fletcher stated that the way the Chapter 7 Ordinance is written is that the City charges for parking all days of the year with the exceptions being for enforcement on nationally recognized federal holidays. The reason this went into effect years ago was to give a bonus to the residents, was never intended to be extended to the tourist traffic, which is about 95% of parking traffic at this time. City does about \$30,000 on a holiday, so going to 11 federal holidays next year including Juneteenth, assuming it is added, it would be around \$330,000 loss of revenue next year, in addition to which the City would have to pay overtime for staff to get out and put bags on and off 264 meters and order a large enough supply to do so. The other goal is to have the turnover rate at the 3 hour mark, currently the City has a 94% turn rate at the 3rd hour so it is very successful with Stay & Pay but during free holiday parking at Christmas-time people tend to park and not leave, causing gridlock and congestion and the increase of carbon footprint and pedestrian safety. Benjamin Fletcher recommends no changes.

Erica Wygonik requested clarification on whether or not enforcement on holidays was being suggested. Benjamin Fletcher clarified that currently we do not enforce on federal holidays and he does not seek to change that, the suggestion was to somehow mark the meters stating that parking was free for the holidays which is not accurate to Chapter 7. He stated in response to the question earlier regarding changing the meters to read a holiday message it is technically possible but complicated and difficult to do in an accurate and timely manner through the parking vendors the City uses. The last time the City attempted it the message stayed on the meter for 3-4 days. Stated we have received no complaints on this.

## VI. OLD BUSINESS:

### A. Report Back on Islington Street Parking Program

Benjamin Fletcher stated that newest iteration of NPP was introduced in Mar 2020, is being revisited this year after Covid tabled the request for a year; have received requests for changes in that time to one more similar to the 2019 model. First change is to consider every street in the Islington Creek neighborhood, inclusive of Islington Street on the north side only. Includes entire neighborhood rather than just streets included earlier. Public requests: a 6 month pilot, that a permit is a hunting license and not a guarantee, that all streets be

included in the neighborhood pilot, all Islington Creek residents and business eligible for 3 permits per participating residence or business, and one guest permit, permits subject to annual renewal, participation is not required, and enforcement would take place from 9 am to 8 pm daily. Any fees would be approved by the Council and we would use the event pass model from the 2019 model, meaning each household could request up to 4 one day passes if they were going to have a large number of guests. Peter Whelan added that City Manager is empowered to make changes on the fly so if there is a business that needs extra passes or we need to tweak the program a bit the City Manager can step in. Have been working on it for 4 years, will see how it goes at the end of the pilot. Have had 2 neighborhood meetings, primary voiced concern was including all streets in neighborhood.

Steve asked about 3 permits per participating residence, does that mean per lot/housing unit. Benjamin Fletcher stressed that it is per dwelling. A duplex would be entitled to 6. Peter Rice said it is per vehicle, if they only have one vehicle they can have only one. Steve has concerns that people will line up vehicles to take advantage. Steve asked what the rational carrying capacity limit is for residents. Peter Whelan brought up Heinemann Lot charging and tightening parking in the area. Jonathan suggested a graduated fee system for more permits to discourage multiple cars. Peter Rice said pilot program will not have a fee but if we go forward with it the fee would be determined, has already factored cost into parking budget. Steve feels it is encouraging more cars being brought into neighborhood as a policy and a practice. Todd Germain asked Ben if there would be arrangements for a resident who uses a vehicle not registered to that address. Ben Fletcher said in 2019 determined a lease vehicle if you could prove residency would be allowed. Karen Conard asked Ben what he thought reasonable rollout of the program would be. Ben said we've done legwork ahead of time; a lot of the physical work, creating signs, setting up a database, updating the paperwork to reflect the changes had been done. He thinks within 3.5 weeks it could be ready. Steve stressed that there be some tracking of the cost to implement and enforce even if we're not implementing payment at this time, feels it is important to the City Council to know the time and money before making any decisions.

Peter Rice moved to pass the item on to the City Council for a 6 month pilot program. Harold Whitehouse seconded.

**On unanimous roll call 9-0, voted** to pass on to City Council for a 6 month pilot program.

B. Request for two 1-hour limit spaces on Portwalk Place, by Seacost Spine & Sports Injuries.

Benjamin Fletcher explained that our transportation associate Andy Rosenberg had placed cameras in this area to see how the space was being utilized. What was noticed was that the area was not properly used because the other cars were over-parking on either side of the center space. The City re-striped the area and are putting camera back up to monitor usage and report back. Peter Rice moved to have staff install cameras and location and report back. Harold Whitehouse seconded. Harold asked about jurisdiction on Portwalk Place, it is a private street but the City handles enforcement.

**On unanimous roll call 9-0, voted** to have staff install cameras at location, and-report back.

C. Report back on time limit for handicap vehicles in downtown on-street parking spaces. - *Informational item, no action required.*

Assistant Attorney Jane Ferrini said a month or so ago the committee asked how handicap parking is impacted by stay and pay program. Generally we would enforce using the hour limitations but when we changed to stay and pay we technically don't have an hour limit on parking. Wanted to make sure we checked with the Governor's Office on Disability. Jane explained what the stay and pay program was, where the goal for the pricing was 3 hours for a current rate and rate goes up after. We are not obligated to provide free parking all day simply because we have the stay and pay system. We are obligated to provide a reasonable amount of hours for the free parking required under statute; the guideline in the packet was put together by commission on disability.

Various suggestions are provided. Jane stated that the committee needs to come up with a reasonable number of hours and then it needs to be codified in an ordinance. Ben said we have received many calls that people are parking all day, he recommends that we return to the previous 3 hour limit. Harold asked if there was any dialogue about service disabled veterans, Jane said they are considered the same. Ben clarified that the ADA symbol is what is required, regardless of the plate type or whether it is a placard. Ben clarified that the vehicles are electronically chalked in order to track their parking times, says the city cannot charge for ADA parking but we are looking to create a reasonable limit on the free parking. Jane noted that it is everywhere, not just on street metered parking. Ben clarified that there is free parking for ADA plates/placards in the garages for 24 hours. Jane stressed that both would need to be addressed in the ordinance. Peter Rice recommended that Jane Ferrini develop the draft ordinance and bring it back to the Committee, and at the same time Ben can investigate what it would mean to have it apply to the Hanover and Foundry Garages and whether the hardware can handle it and what operational changes it would entail.

D. Monthly accident report from Police Department. - *Informational item, no action required.*

Police Captain Mike Maloney stated that in May of last year there were 47 crashes during covid, we are back up to 78 which is more the normal number, down 6 from 2019. Numbers are continuing to increase across the board as people and traffic continue to get back out. There were no bicycle related accidents in May, there was one motor vehicle versus pedestrian accident which occurred into a parking lot, was backing up and struck pedestrian in parking lot. Numbers are trending normal, statistically there are a lot in parking lots which are difficult to enforce. Last few months there has been a significant jump in alcohol related accidents which have been particularly concerning. A cruiser the night before was hit by an impaired driver.

**VII. INFORMATIONAL:**

A. Maplewood Avenue pedestrian signal project update. – *Informational, no action required.*

Benjamin Fletcher addressed the safety concerns at the intersection at Maplewood Avenue with Hanover Street and Islington and Congress in regards to pedestrian safety, traffic footage was analyzed between 12pm on 6.3.21 to 12am on 6.7.21. In a typical 24 hour period, an average of 1200 pedestrian crossings were observed taking place at those intersections. With the total of observation time being 86 hours, about 4300 pedestrian crossings took place. They were watching for when a pedestrian begins to cross and the vehicle begins to turn ahead of (in front of/in the path of) that pedestrian. In the 86 hours they did not see an instance of a vehicle cutting off a pedestrian in the roadway. The time reduction at the intersections seems to be something everyone is pleased with and we have not seen any situations so far where it seems dangerous.

B. Bartlett Street/Cate Street reconfiguration. – *Informational, no action required.*

Peter Rice stated that as part of the Hodgson Way/ Cate Street extension project this intersection is going to get reconfigured. Currently the through traffic goes underneath the railroad and up Bartlett Street. In the new configuration the through traffic will now be going onto Cate Street and Hodgson Way. Bartlett Street coming out of town will have a slip lane that will be curved island and the right hand turn coming out of town will go onto Bartlett, the island will act as a pedestrian refuge. There are two stop bars coming down Bartlett onto Cate, and the final configuration of the layout may adjust a bit. Once Hodgson Way is opened up to traffic will put barrels out in the area and see how traffic is flowing in the area. Work will start the end of next week, the 19th, then will start on the next area.

Harold asked if in CIP budget. It was in a previous CIP. Harold asked if we could get money from contractor. Peter said they have paid for half the road.

C. Aldrich Road traffic calming measures discussion by Director or Public Works Peter Rice. – *Informational, no action required*

Peter Rice said one of the concerns there was previous action to allow for raised intersection at Boss Ave, was comfortable with moving forward prior to a full traffic calming for the area. Included calming as part of CIP request, now going to move forward with raised intersection in near future, already have a contractor, will be making a CIP for the rest of the project later.

PTS Open Action Items (Ben)

- 1) Request for traffic signal at intersection of Lafayette and Hoover. Was being undertaken by Walker. Not a PTS item at this time. Removed from list.
- 2) Request to examine speed of vehicles on Sagamore Avenue approaching South Street, voted to refer to staff to report back. Waiting for a future meeting and if the topic will reemerge doesn't have to be on list. Took it off list.
- 3) Recent accidents at the intersection of Marcy Street and Mechanic. Nick Cracknell item, fence should be removed. Stop sign is way back on Mechanic Street. Should be addressed by PTS.
- 4) Request for all-way stop at intersection of Jewell Court and Brewery Lane. Discussed today.
- 5) Chase Drive request to prohibit parking on north side of roadway. Monitor for event traffic. From 2019; took off list.
- 6) Request for Sagamore Avenue south of Sagamore Grove request for no parking on the west side, has to do with golden egg, can be tabled until it resurfaces with the development of that property.
- 7) Discussion of speed limit legal requirements on city gateway roads. Has a taskforce been set as recommended; leave on list.
- 8) Loading zone hours 3 hours Pleasant St, have recommendations coming pending a discussion with City Manager and Peter Rice; leave on.
- 9) Request for 15 minute parking spaces on Hanover Street and the Vaughan Mall Lot, voted to table 6/6/19; removed item.
- 10) Congress at Fleet land use change, was already done, restriping and loading zone put in; removed from list.
- 11) Request for parking space and bike lane at 60 Lafayette road, tabled until final bike lane suggestions are made, data is in progress of being assessed.
- 12) Request to remove 10 metered spaces on Deer Street between Bridge St and Deer



- St, can be tabled until more development occurs in the area; removed from list.
- 13) Request to remove 2-hour time limit on Islington between Cornwall and Rockingham, NPP should take care of it; removed from list.
  - 14) Request to eliminate access to Spaulding turnpike at Frank Jones neighborhood, has been done on a temporary basis, waiting for DOT to make it permanent, has been done for a while but is finished from the standpoint of the City.
  - 15) Request for crosswalk Grafton Road (Pease item) doesn't pertain to PTS; removed from list.

### **MISCELLANEOUS**

Jonathan Sandberg requested an explanation as to whether Ben Fletcher is taking over for Eric Eby. Position is posted publicly, haven't heard at this point, Peter will be checking. Intent is to hire and fill the position.

Meetings will be in Conference Room A at 3 pm for next few months but may change later.

### **VIII. ADJOURNMENT:**

Harold Whitehouse moved to adjourn. Peter Rice seconded. **On a unanimous roll call 9-0, voted to adjourn.**

Respectfully submitted by:

Kathryn Chodor and Shanleigh McGonagle, Department of Public Works

## **Motion to create Energy Advisory Committee to study a Community Power program**

*Councilor Tabor and Councilor Lazenby -- August 17, 2021*

*Sample Motion: Approve the creation of the Portsmouth Energy Advisory Committee (PEAC) in the form of a Mayor's Blue Ribbon Committee (BRC) with appointments by September 20. The PEAC mission will be to research the risks and opportunities of a Community Power program for Portsmouth under RSA 53-E, which allows towns and cities to aggregate their customer demand and purchase electricity in bulk for savings and a more rapid shift to renewables. PEAC will report back to the City Council with an assessment and recommendations, including whether to join the Community Power Coalition of New Hampshire (CPCNH). If the Council votes to proceed, PEAC will guide creation of a Community Power Plan per RSA 53-E, with input from at least two public hearings, for final approval by City Council vote.*

**Composition:** PEAC will consist of two councilors, two city staff as chosen by the city manager, one member of the Mayor's BRC on Sustainability, and at least three citizens. Those citizens ideally will have expertise in the energy sector in general, finance, data analysis/modelling, and/or legal. The opportunity to serve on PEAC would be noticed to the public.

**Process:** PEAC first will evaluate the feasibility of Portsmouth Community Power and present those findings to the Council. An assessment of joining the CPCNH will be part of those findings. If the council decides to proceed further, PEAC will guide creation of a Community Power plan per RSA 53-E. The PEAC plan will address universal access, reliability, equitable treatment of all customers, operational structure, funding, rate setting, the method for entering and terminating agreements, and all other requirements of RSA 53-E -- it will be the "business plan" for a Community Power program. If accepted by the council, the city would begin implementation (by May 2022 at the earliest). While a BRC sunsets with the council term, we would recommend PEAC be renewed in January by the next Mayor and City Council.

**Background:** A central goal of a Portsmouth Community Power program would be to easily allow residents and businesses to switch to a higher proportion of clean, renewable power to reduce our city's carbon footprint.

In 2019, New Hampshire became the 10<sup>th</sup> state to enable Community Choice Aggregation by cities and towns. HB 53-E allows communities to pool their residents' electricity purchasing to lower rates and increases use of renewables. Hanover, Lebanon, Nashua, Keene and Harrisville have voted to create Community Power programs. Exeter, Dover, Rye, and others are in process.

Community Power programs use the existing utility for distribution of purchased power. The city or town can buy electricity supply directly through a broker, or combine with other communities to further aggregate demand. The CPCNH has been formed for this latter purpose. CPCNH is a non-profit entity forming to serve as a cooperative of its partner cities and towns. They promise a "back shop" with sophisticated energy purchasing, vendor vetting, risk management, as well as startup assistance. They also hope to create a market for solar, hydro and wind power projects in New Hampshire which could be sold to residents of member municipalities.

The majority of towns that have voted to create Community Power programs have joined the CPCNH, which at present has no cost to taxpayers and no commitments until a municipality contracts for supply.

After the public has been engaged, and a Community Power program has procured energy supply, every resident is mailed a notice that the new program will be their default supplier unless they "opt out" to stay with the investor-owned utility. Customers who already have contract suppliers can "opt in." Portsmouth Community Power would appear as the energy supplier on a customer's monthly Eversource bill.

States that have Community Choice Aggregation have seen a reduction in electric rates. As of 2017, there were 5 million customers served reliably and often for less cost. Significantly, 21% of the power sold was from renewables (<https://www.nrel.gov/docs/fy19osti/72195.pdf>).



**COMMUNITY  
POWER COALITION  
OF NEW HAMPSHIRE**

*For Communities, By Communities*

**WELCOME BOOKLET &  
FREQUENTLY ASKED QUESTIONS**

*Community Power Coalition of New Hampshire*

A Non-Profit for Municipal and County  
Community Power Aggregations

June 2021





## Mission Statement

---

To foster resilient New Hampshire communities by empowering them to realize their energy goals through civic engagement, public education and technical assistance.

## Values Statements

---

In carrying out its mission, the Coalition is guided by the following values:

1. Embody an inspiring vision for New Hampshire's energy future.
2. Support communities to reduce energy costs and pursue economic vitality by harnessing the power of competitive markets and innovation.
3. Support communities to implement successful energy and climate policies and to promote the transition to a carbon neutral energy system.
4. Balance the interests of member communities who are diverse in demographics, geography and their energy goals.
5. Use our shared expertise, leadership and skills to educate, empower and build the capacities of our members.
6. Help communities demystify the power sector to make informed decisions.
7. Facilitate collaboration and teamwork by championing diversity, equity and inclusion of people and communities of all kinds.



## Table of Contents

<i>MISSION STATEMENT</i> .....	2
<i>VALUES STATEMENTS</i> .....	2
<i>INTRODUCTION</i> .....	4
1. <i>WHAT IS COMMUNITY POWER?</i> .....	5
2. <i>WHAT IS COMMUNITY POWER COALITION OF NH (CPCNH / THE COALITION)?</i> .....	6
3. <i>WHO CAN BE A MEMBER OF CPCNH?</i> .....	6
4. <i>WHAT ARE THE BENEFITS OF COMMUNITY POWER?</i> .....	7
5. <i>WHAT IS THE PROCESS FOR LAUNCHING A COMMUNITY POWER PROGRAM?</i> .....	8
6. <i>HOW TO DOES A CITY OR TOWN JOIN CPCNH?</i> .....	8
7. <i>WHAT IS THE JOINT POWERS AGREEMENT AND WHERE CAN I FIND IT?</i> .....	8
8. <i>ARE THERE ANY COSTS TO JOIN CPCNH?</i> .....	9
9. <i>WILL EVERYONE BE REQUIRED TO USE CPCNH POWER?</i> .....	10
10. <i>WILL MY CURRENT UTILITY CONTINUE TO DELIVER MY ELECTRICITY?</i> .....	10
11. <i>WHAT ARE SOME CONSIDERATIONS FOR JOINING THE CPCNH?</i> .....	10
12. <i>ARE THERE EXAMPLE MOTIONS FOR JOINING THE COALITION?</i> .....	11
<i>ABOUT THE COALITION</i> .....	12





## Introduction

---

This document provides a brief introduction to Community Power and the Community Power Coalition of New Hampshire (CPCNH, or, “The Coalition”) and answers Frequently Asked Questions.

Community Power – authorized under NH RSA 53-E, Relative to Aggregation of Electric Customers by Municipalities and Counties – presents a significant opportunity to stabilize and lower long-term energy costs and increase the ability of communities to benefit from development of local renewable energy resources.

The Coalition was created as a public nonprofit to empower our state’s cities, towns and counties to fully realize the benefits of Community Power by pooling their resources, knowledge and expertise. Community leaders are invited to follow up by visiting [www.cpcnh.org](http://www.cpcnh.org) or by reaching out to any of the members of the Coalition’s Organizing Group.





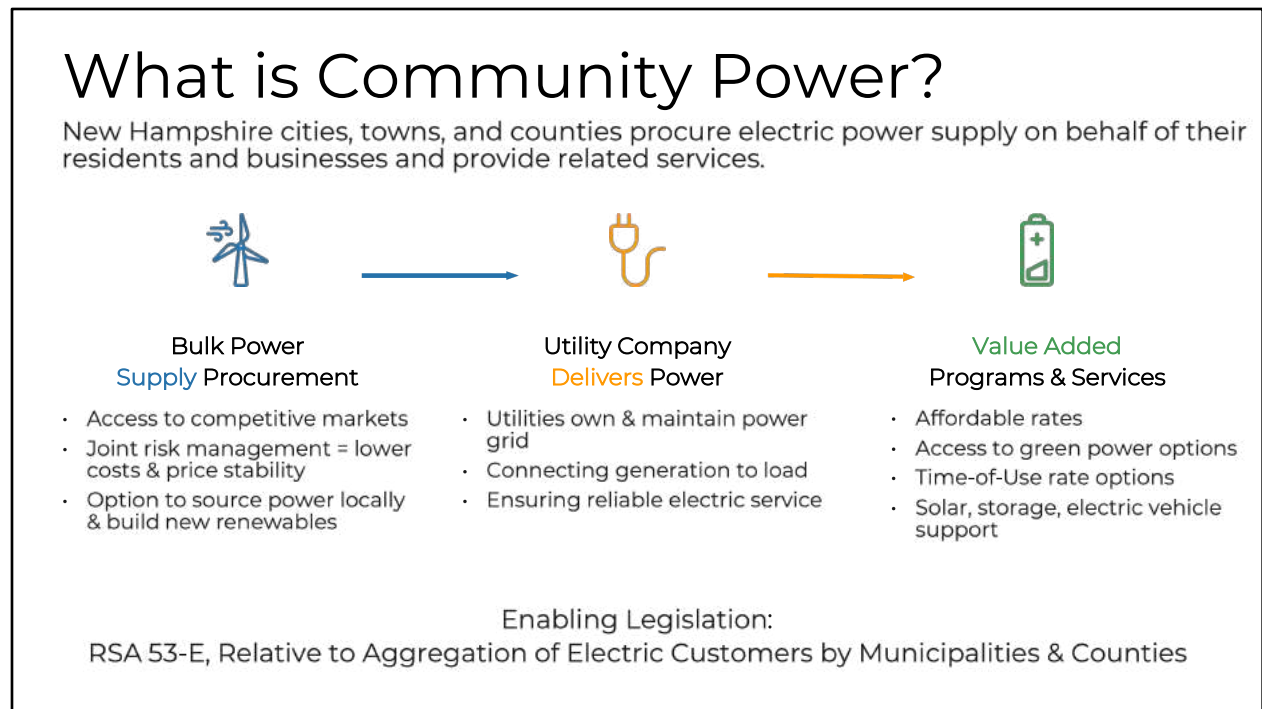
# 1. What is Community Power?

Community Power, authorized by [NH RSA 53-E](#), is a program that allows local governments to procure electric power on behalf of their residents, businesses, and municipal accounts from alternative suppliers. Community Power is sometimes referred to as “Community Choice Aggregation.”

Community Power empowers towns, cities and counties to choose where their electricity comes from and how it is generated on behalf of their residents and businesses. In many states across the country, municipalities and counties have launched regional Community Power programs as a means of taking control of their combined electricity purchases, both to reduce the cost to consumers and to push for production of more renewable energy.

There are three main components of Community Power:

1. **Bulk Electricity Purchases.** Communities pool together purchasing power to make large electricity buys jointly. Bulk purchasing can stabilize and lower costs, while expanding choices such as renewable energy options.
2. **Electric Distribution Utilities.** Under Community Power programs, the existing utility provider (Eversource, Unitil, Liberty, New Hampshire Electric Coop) continues to deliver power and provide electric distribution and transmission services.
3. **Value Added Retail Products & Services.** Community Power can create a number of benefits for residents and businesses including: affordable rates, green power options, demand response and time varying rates, greater access to rooftop solar, home energy storage or other technology innovations.





## **2. What is Community Power Coalition of NH (CPCNH / the Coalition)?**

---

Community Power Coalition of New Hampshire (CPCNH, or, “The Coalition”) is a public nonprofit in formation, designed “For Communities, By Communities.” The Coalition was created so that municipalities and counties across New Hampshire could:

1. Streamline implementation by collaborating across a statewide network of peers;
2. Share services and staff support across member cities, towns and counties;
3. Participate in joint power solicitations and project development opportunities (e.g., community solar + storage);
4. Speak with one voice in state policy affairs relating to energy issues.

New Hampshire cities, towns and counties may join CPCNH as members by vote of their governing body. CPCNH is structured as a tax-exempt governmental instrumentality governed by member municipalities and counties. New Hampshire cities, towns, and counties who join as Members of CPCNH may appoint representatives to the agency’s Board of Directors, ensuring a governance structure that maintains operational and financial transparency. All founding members will be directly represented on CPCNH’s Board until more than twenty-one members join, at which point directors will be elected by vote of the members at annual meetings. All meetings of CPCNH will comply with NH’s Right-to-Know Law ([NH RSA 91-A](#)).

CPCNH’s scale and structure as a Joint Powers Agency is what allows it to provide its members with continuous, expert management of a diversified portfolio of short- to long-term energy contracts negotiated with multiple competing suppliers. This approach is more “hands on” and flexible in terms of risk management compared to Community Power programs in some other states, where a municipality will typically: hire a broker on an individual basis, contract with a single electricity supplier at a fixed-price for a 1-to-3-year term, and hope that the program results in cost savings for customers on average (compared to how utility default service rates change over the length of contract).

The founding members of the CPCNH include the cities of Nashua and Lebanon, the Towns of Exeter, Hanover and Harrisville, and Cheshire County. Several other communities across the state are in the process of adopting the Joint Powers Agreement and joining the CPCNH.

Visit the CPCNH website for more info: [Community Power Coalition of New Hampshire \(cpcnh.org\)](#)

## **3. Who Can be a Member of CPCNH?**

---

New Hampshire cities, towns, counties and jointly operated Community Power Aggregations can be members of CPCNH.

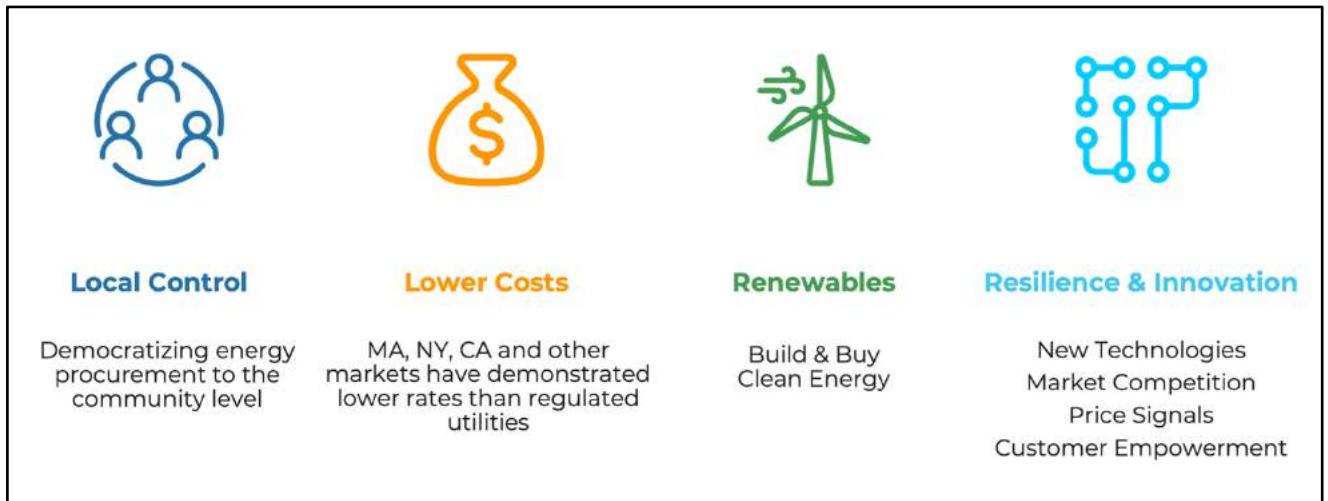




## 4. What are the Benefits of Community Power?

The main benefits of Community Power are:

- **Local Control:** Community Power presents an opportunity for cities and towns to have greater choice in sourcing their electricity, and gives them the local control authorities to meet their respective energy goals.
- **Lower Costs:** Community Power can lower energy costs by giving cities and towns access to competitive market options for power supply. Other Community Power markets have demonstrated an ability to supply power at rates that are lower than or at parity with the regulated utility.
- **Renewable Energy:** Community Power can enable cities and towns to procure more renewable energy on the open market. It also creates opportunities to contract directly with existing local renewable energy systems, or, to contract for development of new local generation such as solar or solar + storage to supply power to their program.
- **Resilience & Innovation:** Community Power can also facilitate greater resiliency and “retail innovation.” Programs can empower customers with more options including lower energy supply rates, green power options, time-based rate options, or other programs for residents and businesses including options for modern technologies like rooftop solar and battery storage (net metering alternatives), electric vehicle charging, energy efficiency options, and more. These programs can help “shift load” to off-peak times, provide backup power during outages, and lower procurement costs for the program as a whole.



The Community Power Law, NH RSA 53-E, allows municipalities and counties to enter Intermunicipal Agreements, such as for the aggregation of electric customers. A number of cities and towns in NH are forming Community Power Coalition of New Hampshire (CPCNH, aka, “The Coalition”) based on national best practices in order to maximize the benefit of Community Power for all cities and towns in NH. By becoming



a member of the Coalition, cities and towns can gain a greater economy of scale and access to lower rates for the default energy supplier of all residents, businesses and municipal accounts while also offering more options so people could choose greener energy if they wish.

Just as it is possible today, it would still be possible for any account holder to opt-out of the CPCNH power and choose a different supplier.

## 5. What is the Process for Launching a Community Power Program?

---

There are three basic steps in the process for a city or town to launch a Community Power program.

- **Step 1: Join the Coalition.** The first step is for the Governing Body (Select Board, City Council, Town Council) to adopt the CPCNH's Joint Powers Agreement to join the Coalition. There is no cost to joining the Coalition. By joining the Coalition, communities join a statewide network of peers and experts, and gain support towards developing Community Power Plans and launching programs.
- **Step 2: Form a Committee and Develop a Community Power Plan.** The second step is the Governing Body (Select Board, City Council, Town Council) to establish a Community Power Committee to create a Community Power Plan detailing the structure and goals of the program. The Community Power Committee may be a sub-committee of an existing committee.
- **Step 3: Local Legislative Approval of Community Power Plan.** The final step is to get local legislative authorization through Town Meeting, City Council or Town Council approval and adoption of the Community Power Plan. CPCNH works with member cities and towns to customize its template Community Power Plan to their specific local policy goals and objectives.

## 6. How to Does a City or Town Join CPCNH?

---

To join the Coalition, a Governing Body (e.g., Select Board) votes to authorize adoption of the Joint Powers Agreement and appoints a representative to the CPCNH Board.

## 7. What is the Joint Powers Agreement and Where Can I Find it?

---

The Joint Powers Agreement is a contract among counties, cities and towns and the corporate charter of the Community Power Coalition of New Hampshire. It is authorized under [NH RSA 53-A](#), relative to inter-municipal agreements.

The Joint Powers Agreement establishes a new legal entity, controlled by its members, and delegates certain authorities to it. The Joint Powers Agreement



includes the Articles of Agreement and Bylaws of the new nonprofit. It establishes the general purpose, authorities, structure, Board of Directors, committees, cost-sharing principles, liability protections, and other aspects of the organization.

Under the Joint Powers Agreement, CPCNH is authorized to:

- Jointly exercise certain municipal authorities to promote the common good, general welfare and economic vitality across Member communities;
- Provide supportive services and technical assistance to Member's Community Power programs; and
- Promote public education and civic engagement.

As of June 2021, Hanover, Lebanon, Exeter, Nashua, Harrisville and Rye have joined the Coalition by vote of governing body to adopt the Joint Powers Agreement. Several other communities are anticipated to join over the coming months. The NH Attorney General has approved the Joint Powers Agreement as compliant with NH law.

The CPCNH Joint Powers Agreement can be downloaded at [www.cpcnh.org/about](http://www.cpcnh.org/about) under "Join the Coalition."

## **8. Are There Any Costs to Join CPCNH?**

---

No. Joining the CPCNH through signing the Joint Powers Agreement (JPA) doesn't cost anything and doesn't commit a city or town or its residents to the programs of the CPCNH. Only after a subsequent adoption of the Community Power Plan (via a vote at Town Meeting, by City Council, or by Town Council) would the default energy provider be switched to CPCNH.

Municipalities are under no financial obligation until they execute a cost-sharing agreement. Municipalities may withdraw from the Coalition prior to entering into a cost-sharing agreement without any financial obligation, and withdraw at any time thereafter subject to the terms, conditions and continuing obligations specified in the cost-sharing agreement.

Community Power programs are self-funded from the revenue received from participating customers:

- Members will be able to launch Community Power programs at no upfront expense through the CPCNH
- Program implementation and ongoing operating costs for each Member will be recovered post-launch through revenues from electricity sales.
- All costs will be recovered in the customer rates set by each Member.

There are no taxpayer funds required for a community and its residents to take power supply services through CPCNH. The cost to operate programs will be recovered through revenues associated with electricity sales (i.e., a small portion of the energy supply rate paid by each participating electric customer).

CPCNH Members are expected to appoint a representative to the organization's Board of Directors.



## 9. Will Everyone Be Required to Use CPCNH Power?

---

No. If a city or town joins CPCNH and adopts a Community Power Plan, then the default energy provider for all of that city or town's customers will be CPCNH (instead of Eversource, Liberty, NH Electric Coop, or Unitil).

Just as it is possible today for an individual to choose a different energy supplier, any customer will be able to opt-out of the CPCNH default and choose to use a utility's default supplier or another competitive energy supplier.

## 10. Will my Current Utility Continue to Deliver my Electricity?

---

Yes, your current incumbent electric utility (Eversource, Liberty, Unitil, NH Electric Cooperative) will continue to own the transmission and distribution system including all electricity substations, power lines, utility poles, transformers, the electricity feed to your home and your meter. The utility will still be responsible for reliability and responding to power outages. The utility will continue to be compensated fairly for its services of maintaining the grid.

New Hampshire is a deregulated state which means that the incumbent electric utility that provides your service owns all the transmission and distribution equipment, maintains these systems and bills you for the electricity you use. The incumbent utilities purchase the electricity they supply from independent electricity generators, bidding their electricity business on the open market on a periodic basis.

## 11. What are Some Considerations for Joining the CPCNH?

---

- Joining the CPCNH is the first step towards launching a Community Power Program. There is **no risk** and **no down-side** to joining the CPCNH. By joining the Coalition, a community gains access to the statewide network of peers and experts to support Community Power planning. If/when a community moves forward with adopting a Community Power Plan (e.g., town meeting), that community can then **benefit from Coalition's shared services and economy of scale.**
- **There is no cost to join CPCNH.** A community may withdraw from the Coalition at any time. All costs will be recovered through revenues from electricity sales (not from general funds or tax payer funds). In order to take power supply and other service through the Coalition, a town/city must subsequently agree to a separate "Cost-Sharing Agreement."
- **Significant due diligence, work, and expertise went into the drafting of the Joint Powers Agreement, based on national best practices.** Member communities are shielded from liability because the agreement creates a new



legal entity, a governmental instrumentality, that holds the liabilities. The Joint Powers Agreement was drafted in partnership with legal firm Duncan Weinberg Genzer Pembroke, who has 50 years of expertise in public power. The Joint Powers Agreement has been approved by the NH Attorney General as compliant with New Hampshire law.

- **The potential up-side for Community Power and the Coalition is large.** Through the Coalition Model, communities pool resources, gain access to a higher class of national vendors who will want to provide services to the agency. The Coalition model achieves a **greater economy of scale** than a community could achieve on its own. By joining the Coalition, communities build the body of strength of the Coalition and contribute to its success, which can include lowering costs, building local renewables and collaborating on public advocacy to improve NH energy market / policies.

## 12. Are There Example Motions for Joining the Coalition?

---

Yes. Examples motions for joining CPCNH:

[Hanover Select Board, 1/25/21, Item 4](#)

[Lebanon City Council, 2/3/21, Item G](#): *“Councilor Bronner MOVED, that the Lebanon City Council hereby authorizes the City Manager to enter into an intermunicipal agreement known as the “Joint Powers Agreement” under the provisions of New Hampshire RSA 53-A to create the Community Power Coalition of New Hampshire (CPCNH) for the purpose of supporting member municipalities and counties in developing and implementing electric aggregation plans, pursuant to RSA 53-E, as well as related statutory authorities. BE IT FURTHER MOVED, that the Mayor, in consultation with the City Manager, is authorized to appoint a City representative and an alternate to the CPCNH Membership and Board of Directors.”*

[Exeter Select Board, 5/10/21, Item 6.b](#): *“Ms. Gilman moved that Exeter join the newly formed Community Power Coalition and further authorize the Town Manager to sign the Joint Powers Agreement.”*

[Nashua Board of Aldermen, 5/11/21, R-21-133 \(page 4\)](#): *“Authorizing the City of Nashua to enter into a Joint Powers Agreement of Community Power Coalition of New Hampshire.”*

[Harrisville Select Board, 5/28/21](#): *“a) Regarding Community Power, Andrea Hodson restated the committee’s recommendation that the town join CPCNH, the Community Power Coalition, allowing the town at no cost to access their technical expertise along with other municipalities. Following discussion, Kathy Scott moved to join the Community Power Coalition of NH, as recommended by the Electric Aggregation Committee. Jay Jacobs seconded. All voted in favor. Andrea Hodson will sign the Joint Powers Agreement when the document is ready.”*





## About the Coalition

Beginning in 2019, an ad-hoc work group known as the “Coalition Organizing Group” met regularly to research national best practices and explore the viability of establishing a new public power nonprofit to share services across municipalities and counties. The Coalition Organizing Group has been led by the following municipal and county staff and officials:



**Clifton Below**  
Assistant Mayor  
City of Lebanon



**Doria Brown**  
Energy Manager  
City of Nashua



**Julia Griffin**  
Town Manager  
Town of Hanover



**April Salas**  
Sustainability Director  
Town of Hanover



**Rod Bouchard**  
Deputy Administrator  
Cheshire County

Additional municipal partners include: Tad Montgomery, Energy & Facilities Manager and Everett Hammond, Assistant Public Works Director for the City of Lebanon; Cheshire County Administrator Christopher Coates; Selectwoman Andrea Hodson and Electric Aggregation Committee member Ned Hulbert from the Town of Harrisville; and Mary Day Mordecai, Growing Edge Partners.

The Coalition has been supported by technical and community advisors including:



**Henry Herndon**  
(formerly) Director of  
Local Energy Solutions  
Clean Energy NH



**Dori Drachman**  
Co-founder  
Monadnock  
Sustainability Hub



**Samuel Golding**  
President  
Community Choice  
Partners



**Dr. Amro Farid**  
Associate Professor  
Thayer School of Engineering  
Dartmouth College

Members of the Coalition’s Organizing Group have:

- Participated and often led discussions in the Community Power informal rule drafting process hosted by the Public Utilities Commission;
- Intervened in regulatory proceedings and legislative hearings to represent the interests of communities and customers, such as by advocating for expanded data access in the Commission’s Statewide Data Platform docket (DE 19-197), and successfully negotiating the clarification and expansion of key Community Power authorities in House Bill 315
- Assessed power agency design best practices — in terms of community governance and competitive operating models — by interviewing elected



officials, senior staff and vendors operating Community Power programs in other states (such as the Redwood Coast Energy Authority and Silicon Valley Clean Energy in California), along with representatives from public power associations (such as the American Public Power Association and the Vermont Public Power Supply Authority) and other industry experts; and

- Hosted a virtual summit on Community Power that was attended by over eighty representatives from thirty-one municipalities, collectively representing one-quarter of the state's default electricity market.

In the second half of 2020, the City of Lebanon and Town of Hanover, in collaboration with the Organizing Group, after reviewing six responses to a Request for Qualifications, retained the law firm of Duncan, Weinberg, Genzer & Pembroke and worked with firm president Michael Postar Esq. and subcontracted New Hampshire counsel to draft the Coalition's Joint Power Agreement. Duncan Weinberg are national leaders with over 50 years of public power legal guidance. In January 2021, the New Hampshire Attorney General approved the Coalition's governance agreement as conforming to state law.

In February 2021, the City of Lebanon using previously secured grant funding and in collaboration with the Coalition's Organizing Group contracted with Henry Herndon (formerly the Director of Local Energy Solutions at Clean Energy New Hampshire) and Samuel Golding of Community Choice Partners, Inc., to provide implementation support services prior to launch. Services include supporting municipalities throughout the Community Power approval and formation process, and conducting competitive solicitations for the services, credit support and electricity procurement required to launch and operate member Community Power programs.

The Coalition will contract with qualified vendors and credit-worthy suppliers to cover the upfront cost of implementing Community Power programs, the expense of which is expected to be amortized and recovered in member program's rates and charges to participating customers for a specified term. Similar at-risk and performance-based contract structures have been used to successfully launch and operate programs in other Community Power markets.

To ensure effective management of business operations, as well as enhanced transparency and oversight, the Coalition plans to hire a small number of qualified staff.



## CITY OF PORTSMOUTH

City Hall, One Junkins Avenue  
Portsmouth, New Hampshire 03801  
kconard@cityofportsmouth.com  
(603) 610-7201

Karen S. Conard  
City Manager

**Date:** August 19, 2021

**To:** Honorable Mayor Rick Becksted and City Council Members

**From:** Karen S. Conard, City Manager *KSC*

**Re:** City Manager's Comments on City Council Agenda of August 23, 2021

---

### *VIII. Recognitions and Volunteer Committee Reports:*

#### **A. Recognition of Finance Director and Finance Department for GFOA Triple Crown Medallion:**

I am proud to report that the City has earned the Government Finance Officers Association (GFOA) Triple Crown Medallion for Excellence in Financial Reporting for FY21. Portsmouth is the only municipality in New Hampshire to receive the Triple Crown Medallion and one of just four municipalities in New England, and this recognition is one of the highest achievements in governmental accounting and financial reporting.

### *XI. Public Hearings and Votes on Ordinances and/or Resolutions:*

#### **A. First Reading of Proposed Ordinance Amendments to Chapter 7, Article IX, Section 7.901 – Penalties, Forfeitures, and Separability:**

In its ongoing effort to ensure compliance with applicable City Ordinances, the Parking Division deploys a citation protocol with a view to encouraging residents and visitors to pay the meter system for the use of City-managed parking inventory. The citation protocol includes patrolling the City's parking spaces to ensure payment, and to issue parking citations when payment is not made, or a driver has allowed their session to expire without renewal. The four most common citations were updated via City Council passing of third reading on May 17, 2021.

During discussions regarding the four most common citations, it was further discussed that a number of additional violation categories were similarly in need of an update. Research of surrounding towns shows that Portsmouth lagged behind peer averages in several violation categories. To address the issue of modernizing the fine structure for safety violations, the Parking Division presented the **attached fine schedule** and **proposed ordinance amendments** to the Parking and Traffic Safety Committee on June 3, 2021, resulting in a unanimous vote to forward to the City Council for first reading.



*I recommend that the City Council move to pass first reading, and to schedule a public hearing and second reading regarding these ordinance amendments at the September 7, 2021 City Council meeting.*

**B. Continued Public Hearing and Second Reading of Ordinance Amending Chapter 1, Article IV – Commissions and Authorities, Section 1.414 Audit Committee:**

A memorandum from the Acting Deputy City Manager/Deputy City Attorney Woodland on the status of the ordinance drafting is included under **Informational Items in this report**. It includes a proposed revised draft of the ordinance, which the Mayor’s Blue Ribbon Audit Committee has not yet had an opportunity to review, along with additional information on other NH communities as well as recommendations from the Government Finance Accounting Organization.

*I recommend that the City Council move to continue the public hearing and second reading at the September 7, 2021 City Council meeting.*

**C. Public Hearing for Resolution Authorizing a Bond Issue and/or Notes of the City Under the Municipal Finance Act and/or Participation in the State Revolving Fund (SRF) Loan of Up to Thirteen Million Nine Hundred Thousand Dollars (\$13,900,000) Related to Water Line Upgrades, Water Transmission Main Replacement, Islington Street Improvements Phase 2, Willard Avenue Upgrades and Union Street Reconstruction:**

Based on the City’s consulting engineer’s current total project cost estimate for the Little Bay Water Transmission Main Replacement (FY22 CIP Project EF-18-WD-82), the City learned of the need to increase the bonding resolution for this project from \$5.4 million to \$7.3 million due to the type of construction necessary to meet the regulatory requirements for reducing the amount of disturbance the construction will have on the wetlands and the Little Bay waters. The original design and cost estimate called for the installation of turbidity curtains to contain sediment while in water excavation occurs for the pipeline. The design now calls for installation of a temporary sheet pile cofferdam to contain sediment during excavation which will reduce the temporary impacts to the salt marsh zone. A temporary trestle structure has also been designed to enable access of the large construction equipment.

Due to the increase of the estimated cost of this project, an **amended resolution** is attached for \$13,900,000.00.

*I recommend that the City Council move to adopt the proposed resolution to be bonded as presented.*

***XIV. Approval of Grants/Donations:***

**A. Acceptance of Memorial Bench Donation in Memory of Pat Bertrand- \$2,200:**

Dorothy Buell, representing a group of donors, wishes to donate a memorial bench in memory of Pat Bertrand to be placed alongside the walking path at the Peirce Island dog off leash area. This donation has been reviewed by the Department of Public Works and is recommended for acceptance by the City Council this evening.

*I recommend that the City Council move to approve and accept the donation for a bench in memory of Pat Bertrand, as presented.*

## ***XV. City Manager's Items which Require Action:***

### **1. Approval of School Paraeducators Collective Bargaining Agreement:**

Attached is the tentative collective bargaining agreement with the School Department Paraeducator Employees.

*As recently discussed in non-public session, I recommend that the City Council move to ratify the agreement as presented with the School Department Paraeducator Employees.*

### **2. Approval of School Cafeteria Collective Bargaining Agreement:**

Attached is the tentative collective bargaining agreement with the School Department Non-Supervisory Cafeteria Employees.

*As recently discussed in non-public session, I recommend that the City Council move to ratify the agreement as presented with the School Department Non-Supervisory Cafeteria Employees.*

### **3. Temporary Construction License for 409 Franklin Pierce Highway, LLC, 205 Market Street:**

Owner 409 Franklin Pierce Highway, LLC, under ENCM 21-50, is performing interior and exterior improvements and repair work for water damage at 205 Market Street, shown on the City of Portsmouth's Assessor's Map as Tax Map 0018-0001 ("Subject Property"). The owner has encumbered the sidewalk in front of the subject property with pass through staging for 30 consecutive working days in order to perform improvements and repairs consistent with the Historic District Commission's Administrative Approval (LUHD-342). During the 30 day term of the encumbrance permit, the owner has experienced delays in the receipt of materials and discovered substantially more water damage to the subject property that will require more time than initially anticipated to repair. In order to encumber the sidewalk beyond 30 days, a license approved by the City Council is required.

The owner, through its August 13, 2021 letter attached, has requested to encumber the 360 square feet of sidewalk in front of 205 Market Street for 93 days (August 28 through November 28, 2021). Licenses are subject to the "License Fee for Encumbrance of City Property" policy. Under this policy, a daily fee is calculated per square foot of encumbered sidewalk (360 square feet x .05 = \$18 a day x 93 days = \$1,674). However, when the public has access to the License Area through pass through staging, license fees are typically waived.

The Legal and Planning Departments have reviewed and approved the form of the attached License.

Recommendations:

- If the Council agrees to grant the temporary construction license to encumber the sidewalk along 205 Market Street, an appropriate motion would be:

To recommend that the City Manager be authorized to waive the license fee and execute and accept the temporary construction license for the term of 93 days to encumber the sidewalk with pass through staging at 205 Market Street as requested.

## *XVI. Consent Agenda:*

### **C. Projecting Sign License – 72A Congress Street:**

Permission is being sought to install a projecting sign at **72A Congress Street** that extends over the public right of way, as follows:

Sign dimensions: 36” x 24”

Sign area: 6 sq. ft.

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

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

### **D. Projecting Sign License – 79 Congress Street:**

Permission is being sought to install a projecting sign at **79 Congress Street** that extends over the public right of way, as follows:

Sign dimensions: 40” x 28”

Sign area: 7.78 sq. ft.

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

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

### ***XVIII. City Manager's Informational Items:***

1. **Update on Development of Audit Committee Ordinance:**

Acting Deputy City Manager/Deputy City Attorney Woodland has prepared an [update on the status of the development of an Audit Committee ordinance](#).

2. **Report Back on Status of Mosquito Spraying:**

As requested at the August 2, 2021 City Council meeting, the following is a report back on the City's current mosquito control program. As part of cost cutting measures in the Fiscal Year 2021 and 2022 budgets, the City's mosquito program was adjusted to eliminate adulticiding (i.e. road spraying for nuisance mosquitos) and to focus on larvicide and monitoring for mosquito borne diseases. This adjustment to the program saved approximately \$56,000/year. Larvicide has been shown to be most effective in controlling mosquito borne illnesses as opposed to adulticiding spraying. Monitoring for mosquito borne illnesses is done in conjunction with the State of New Hampshire's Division of Health Services.

Staff has recently reached out to the City's mosquito control contractor, Dragon Mosquito Control Inc., to explore the cost of resuming road spraying for nuisance mosquitos. The owner of the company, Sarah MacGregor, said they would put together a proposal to do the work. However, she wanted us to know that the adulticide product is not on hand and must be ordered, that staffing is challenging and that scheduling the work may take a few weeks. She also wanted us to know that the spraying season typically ends in late September. She further cautioned that the spraying program does not address the mosquitos in residents' back yards and that given the unique conditions the mosquito populations are unusually high this year.

In addition, Ms. MacGregor indicated that the heavy rains in July combined with hot weather resulted in additional monitoring and larvicide applications.

Attached are a [summary of monitoring results, monitoring and larvicide applications and information related to things residents can do to help minimize mosquitos around their homes](#).

3. **Update on NH HB 220:**

Assistant City Attorney Ferrini will be providing a verbal update on the Assistant Mayor Splaine's request for mandatory vaccinations for City employees and the impact of NH HB 220 on this request. At this time, the New Hampshire Municipal Association is advising municipalities to proceed with extreme caution on mandating vaccinations for employees, as the legislative history on the bill indicates that the bill could be interpreted differently and there is not uniform interpretation throughout the State.

4. **Report Back on Rainbow Crosswalks:**

Please find attached a [report back on the proposal of a rainbow crosswalk in the City](#).

5. **Report Back from the Legal Department on Knights of Columbus Boot Drive:**

In regards to the Knights of Columbus' request for a boot drive in Market Square on September 11, 2021, the Legal Department has prepared a [report back and recommendation](#).

6. **Status Update on Cate Street and Bartlett Street Intersection:**

At the August 2, 2021 City Council meeting, the Council requested a report back on the status of the Bartlett Cate Street intersection modification. The modification was designed by the engineering firm Fuss and O'Neil to improve traffic and pedestrian safety in conjunction with the creation of Hodgdon Way. Hodgdon Way, the new roadway from Cate Street to the Route 1 Bypass, was created in part as a response to resident requests to reduce truck and vehicle traffic in the Bartlett Street Neighborhood. The design was peer reviewed for the City by the traffic engineering firm TEC and approved by the City's Planning Board. The design was stamped by the Professional Engineer of Record.

The approved design was implemented on July 16, 2021. The current configuration has been done in a manner to allow for an adjustment period during which the Department of Public Works (DPW) is monitoring the traffic pattern to confirm the effectiveness of the modified roadway. DPW has collected traffic video of the intersection including the pedestrian crosswalks which the Engineer of Record will review. Analysis of the data is done both manually and by a traffic analysis program.

City Staff are working with the design engineers to determine the function of the intersection as currently configured and what if any modifications are needed to improve its operation. Due to staffing challenges and schedule conflicts this work is anticipated to take approximately three to four weeks.

City Staff and the Design Engineer will provide a formal presentation of their findings and recommendation to Council at the September 20, 2021 Council meeting. This report back will include the pros and cons of the crosswalk location and whether there is an ability for traffic calming such as a speed table or any alternative measures for the current crosswalk or relocated crosswalk. In addition, the report back will include possible measures to promote the new flow of traffic to break the habit of people just going up Bartlett Street.

7. **Response to Comments Regarding City Finances:**

Please find attached a [memorandum in response to comments regarding City finances](#).

**WORKING AGREEMENT**

**BETWEEN THE**

**PORTSMOUTH SCHOOL DISTRICT  
PARAEDUCATORS**

**AND THE**

**PORTSMOUTH BOARD OF EDUCATION**

**JULY 1, 2021 THROUGH JUNE 30, 2023**

**TABLE OF CONTENTS**

<b><u>ARTICLE</u></b>	<b><u>PAGE</u></b>
WITNESSETH_____	4
Article 1: RECOGNITION_____	4
Article 2: NON-DISCRIMINATION_____	5
Article 3: SCOPE AND SEVERABILITY_____	6
Article 4: ASSOCIATION RIGHTS_____	6
4.1: Association Leave_____	6
4.2: Bargaining Unit Information_____	6
4.3: Bulletin Boards_____	7
4.4: Copy Equipment_____	7
4.5: Dues Deductions_____	7
Article 5: WORKERS COMPENSATION_____	7
Article 6: HEALTH AND SAFETY_____	8
Article 7: INSURANCE_____	8
7.1: Liability_____	8
7.2: Medical Insurance_____	9
7.3: Medical Insurance Eligibility_____	10
7.4: Dental Insurance_____	10
7.5: Dental Insurance Eligibility_____	10
7.6: Life Insurance_____	10
7.7: Long Term Disability_____	10
Article 8: DISCIPLINARY PROCEDURE_____	10
Article 9: GRIEVANCE PROCEDURE_____	11
Article 10: SICK LEAVE_____	14
Article 11: PERSONAL DAYS_____	15

Article 12: PROFESSIONAL DAYS	16
Article 13: CHILDCARE/CHILD BIRTH LEAVE	16
Article 14: LEAVE OF ABSENCE	16
Article 15: BEREAVEMENT LEAVE	17
Article 16: HOLIDAYS	18
Article 17: LONGEVITY	18
Article 18: SENIORITY	19
Article 19: JURY DUTY	20
Article 20: JOB POSTINGS	20
Article 21: HOURS OF WORK	20
Article 22: COLLEGE COURSE TUITION REIMBURSEMENT	22
Article 23: CATEGORIES OF EMPLOYMENT	23
Article 24: DURATION	23
Article 25: RESIGNATIONS	24
Article 26: STEPS	24
Article 27: COPIES OF AGREEMENT	24
Article 28: MILITARY LEAVE	24
Article 29: WAGES	24
Paraeducator Wage Scale	25
Interpreter/Tutor Wage Scale	25
Article 30: EVALUATIONS	26
SIGNATURES	27



This AGREEMENT made and entered into by the School District of School Administrative Unit No. 52, City of Portsmouth, and the Portsmouth School District Paraeducator Association, NEA/NH, hereinafter called the ASSOCIATION, do hereby reach agreement.

Whenever used in this agreement, the "employee" shall refer to the following: Paraeducator, Special Education, (including but not limited to paraeducator for any person with a learning disability, and students with autism), Library, computer, and clerical guidance, per PELRB certification.

This AGREEMENT represents the entire agreement between the parties hereto and may not be modified in whole or in part except by an instrument in writing duly executed by both parties.

#### **WITNESSETH**

Whereas, the Association establishes itself as the exclusive representative of the paraeducator employees of the Portsmouth School District who are on regular active duty for the District and enrolled on the District's payroll, now therefore, the parties hereto contract and agree with each other as a result of collective bargaining, as follows:

#### **ARTICLE 1 RECOGNITION**

**1.1** Whenever used in this AGREEMENT, the word employees shall refer only to a person(s) actively and regularly engaged in District work or enrolled on the regular payroll of the School District of the City of Portsmouth, New Hampshire.

**1.2** The District hereby recognizes that the Association is the sole and exclusive representative of the certified NEA/NH unit, as defined by the New Hampshire Public Employees Labor Relations District (PELRB), pursuant to RSA 273-A. It is agreed that management and supervisory employees of the District are excluded from this unit.

The parties agree that any additions/deletions to the bargaining unit outlined above via the negotiations process shall be memorialized in the Recognition Article of this Agreement and shall be filed with the NH PELRB on the effective date of any contract which contains such changes.

**1.3** A paraeducator is defined as any person hired for a position for which professional certification is not required. Paraeducators shall be paid according to the negotiated salary schedules outlined in Article 29 (Wages) of this agreement. Paraeducators and professional staff shall work

together to provide quality education to the students in the Portsmouth schools.

**1.4** Whenever the Portsmouth School District rehires a person previously employed in this bargaining unit following a break of employment of one (1) year or more (except for the reasons listed below), these employees shall serve a probationary period and shall be classified as a new employee for benefits and seniority purposes.

A. Illness resulting in total/temporary disability due to the employee's regular work with the School District, certified to by an affidavit from Worker's Compensation carrier.

B. Illness not the result of the employee's misconduct resulting in total/temporary disability, certified to by a physician's affidavit.

C. Duty with the Armed Forces.

D. Reduction in Force.

The probationary period will be no less than seventy-five (75) student contact days. During this period the employee shall be granted leave in accordance with the contract in each of the following categories with permission of the immediate supervisor:

Professional Days  
Sick Days  
Bereavement Leave

All other contract provisions and benefits, except those that are specifically defined as excluded/reduced in any manner in other articles within this agreement shall be granted to the employee upon completion of sixty (60) consecutive days.

Employees shall have no seniority rights during this period. All employees who have successfully completed the probationary period shall be known as permanent employees, and the probationary period shall be considered part of the seniority time. Termination of employment during the probationary period or any extension thereof may not be challenged through the grievance procedure or the PELRB.

## **ARTICLE 2**

### **NON-DISCRIMINATION**

2.1 The District agrees that the provisions of this AGREEMENT shall be applied to all employees without discrimination on account of race, color, religion, sex, sexual orientation, disability, age, marital status, Veteran status, national origin, physical handicap, or any status protected by federal or New Hampshire Law, or City of Portsmouth's Ordinance Harassment/Discrimination Policy [Harassment \(cityofportsmouth.com\)](http://cityofportsmouth.com), except where age or physical condition are bona fide qualifications for employment. There shall be no intimidation or coercion of employees who exercise their rights to bargain collectively through the Association because of their membership therein or their activities in behalf of the Association in accordance with the provisions of RSA 273-A.

### **ARTICLE 3 SCOPE AND SEVERABILITY**

3.1 Should any article, section, or portion thereof, of this AGREEMENT be in violation of a State law or be held unlawful and unenforceable by any court of competent jurisdiction, such decision of the court shall apply only to the specific article, section, or portion thereof directly specified in the decision. Upon issuance of such a decision, the parties agree to immediately negotiate a substitute for the invalidated article, section or portion thereof. The obligation to negotiate in good faith shall not compel either party to agree to a proposal or to make a concession.

### **ARTICLE 4 ASSOCIATION RIGHTS**

#### **4.1 ASSOCIATION LEAVE**

When an employee is elected President of the Paraeducator Association and has work which involves being away from the employee's work with the School Department, that employee or his or her designee shall at the written request of the Union be granted up to a maximum of two (2) workdays per year for Association Leave.

#### **4.2 BARGAINING UNIT INFORMATION**

The Parties agree that the District shall provide the President of the Association the following information electronically in EXCEL format for each bargaining unit member bi-annually: (on or before September 15<sup>th</sup> and again on or before January 15<sup>th</sup> of each year)

Employee name, date of hire, position, work location, classification, salary schedule step, Full or part time status, number of annually paid hours, wage rate, home mailing address

(including street, city/town, state and zip code), home phone, stipends and work e-mail address.

Furthermore, the parties agree that during negotiation years that the information provided shall include information pertaining to individual bargaining unit employees elected insurance plans (e.g. Single, 2p, Family), the total cost of each plan and the total amount each employee is responsible for monthly and annually for the plan the elected.

The Association agrees that the School District will be held harmless for providing the information outlined above.

#### **4.3 BULLETIN BOARDS**

The Association shall be provided its own bulletin board(s). Association bulletin boards shall be afforded space in teachers break rooms at each building. The Association and its representatives shall have the exclusive right to post notices of activities and matters of the Association concern on the Association bulletin boards at each location.

#### **4.4 COPY EQUIPMENT**

The District agrees to allow the use of its copying equipment to members of the Paraeducator Unit when the purpose is the provide notice to and information to its membership. This work will be performed during a time when the machines are not in use, when the employee is off-duty and the materials will be supplied by the Association.

#### **4.5 DUES DEDUCTION**

The District agrees to deduct Association dues from all employees who are covered by this AGREEMENT, and who agree to such deduction when joining the Association. The District agrees to send said dues, along with a statement indicating who has paid these dues to the Association Treasurer. Before dues are deducted, the District shall require written authorization from the employees to do so. Such authorization is to be provided by the ASSOCIATION. The Union is to provide all necessary representation required by labor law to all employees covered by this Agreement, regardless of whether the employee pays dues to become a member of the union. The District shall notify the Association of the name and employment date of any new employee within 30 days of their employment. The District shall notify the Association within thirty (30) days of any employee who leaves employment before the end of the school year. Any employee wishing to cease deductions shall provide written notice to do

so. Such notice will be provided to the District from the Association immediately upon receipt of request.

**ARTICLE 5  
WORKERS' COMPENSATION**

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

**ARTICLE 6  
HEALTH AND SAFETY**

6.1 The District shall make regulations to ensure the safety and health of its employees during their working hours of employment.

6.2 The District will establish a "Study Committee" at the start of the 2020-2021 school year. Employees from each classification in the bargaining unit will have a seat on the committee. This committee will be charged with studying instances of student assault on staff within the district and will be responsible for producing recommendations to address instances of assault and protocol to reduce such instances. Recommendations will be provided prior to the start of the 2021-2022 school year.

6.3 The Parties agree that the safety of students and employees are of paramount importance in the school district. Therefore, all employees will receive all safety and security training which is provided to other employees in the District.

6.4 All Paraeducators will be provided with a fob for exiting and entering their assigned building.

6.5. The School Department and the Association agree to meet during the Unit's non-working hours to discuss issues of mutual concern. These meetings may be requested by either party to this AGREEMENT, with notice as to the issues to be discussed. Advance notice shall be given indicating the following by both the Association and the School Department, so that an AGENDA can be provided prior to the meeting; time, place and topic(s) to be discussed, the number of people and who will attend the meeting.

**ARTICLE 7  
INSURANCE**

**7.1 Liability**

The District shall save harmless all employees from financial liability arising out of any claim, suit, criminal

prosecution or judgment against them because they are an employee of the Portsmouth School District or because of an act taken by them in the course of their employment.

The above shall not apply in cases where an employee is guilty of gross negligence or gross irresponsibility. An employee who has been found guilty of gross negligence or gross irresponsibility by the employer may appeal such decision through the grievance procedure. Should said appeal find in favor of the employee, the employer shall make the employee whole in terms of all financial liability or loss and all costs related to the alleged negligence or irresponsibility and the subsequent appeal.

## **7.2 Medical Insurance**

- A. For employees scheduled to work thirty (30) or more hours per week the District will pay ninety-five percent (95%) of the single or two-person premium for SchoolCare's Yellow Plan with ChoiceFund.

The District will pay eighty (80%) of the Family plan; Effective July 1, 2019 the District will pay ninety-three percent (93%) of the single or two-person premium for SchoolCare's Yellow Plan with ChoiceFund. The District will pay eighty percent (80%) of the family plan.

- B. For employees scheduled to work more than twenty-five (25) hours or more but less than thirty (30) hours per week:

Effective July 1, 2017 the District will pay eighty-five percent (85%) of the single plan for SchoolCare's Yellow Plan with Choicefund. Two person and Family plans are available at the same District dollar contributions as the single person plan.

- C. The Association agrees to participate in a City-wide committee to explore health insurance options.
- D. The District need not provide health insurance coverage if the employee is already covered under the health insurance plan provided by the Portsmouth School District or the City of Portsmouth. If an employee is found to have dual coverage, the employee must pay back to the District an amount equal to the premiums paid by the District during this time.
- E. All employee contributions to the health insurance premiums and to dependent care coverage and other

medical expenses allowable under law shall be by payroll deduction pursuant to the provisions of Section 125 of the Internal Revenue Code.

F. Should the parties agree in writing to establish a cafeteria style plan dealing in insurance issues during the course of this agreement, such plan would only become effective if ratified by the Association, approved by the School District and approved by the City Council.

**7.3 Eligibility for Medical insurance:** First of the month after date of hire.

**7.4 Dental**

The District shall pay one hundred percent (100%) of Cigna Dental Plan or an equivalent plan for individual coverage or 2 person coverage. This will apply to all employees scheduled to work for twenty-five (25) or more hours per week.

**7.5 Eligibility for Dental insurance:** First of the month after date of hire.

**7.6 Life Insurance**

The district shall provide one hundred percent (100%) of Term Life Insurance for each paraeducator who has completed their probationary period and is working fifteen hours a week or more equal to three (3x) the annual salary of the paraeducator or a minimum of forty-five thousand dollars (\$45,000.00).

It is understood that employees age 70 and over will have this benefit reduced in accordance with the certificate schedule attached. This provision will not apply to those individuals listed in the Memorandum of Understanding which will be signed when this contract is executed and which is attached.

**7.7 Long Term Disability**

The District will purchase income protection insurance for each paraeducator who has completed the probationary period and who works twenty-five (25) hours per week or more. This insurance will begin no sooner than the 91st day of disability. Payments shall equal 66 2/3% of the monthly salary of the paraeducator at the date of disability. Said insurance will run until age 65 and shall be coordinated with social security benefits. This provision shall be effective 30 days after this contract is approved by the City Council.

**ARTICLE 8**  
**DISCIPLINARY PROCEDURES**

- 8.1 All disciplinary actions shall be applied in a fair manner and shall be consistent with the infraction for which disciplinary action is taken.
- 8.2 All suspensions and discharges must be stated, in writing, with the reason stated, and a copy given to the employee at the time of suspension or discharge.
- 8.3 Disciplinary action shall normally follow this order:
- a. An oral warning
  - b. A written warning
  - c. Suspension without pay
  - d. Discharge
- 8.4 Subject to the language of this AGREEMENT, a suspension or discharge of an employee shall rest with the Superintendent of Schools.
- 8.5 No employee shall be penalized, disciplined, suspended, reprimanded, adversely evaluated, reduced in rank or compensation, or deprived of any advancement without just cause.
- 8.6 Unless the misconduct involved a minor, the personnel record of an employee will be cleared of written reprimand after period of two years from the date of the reprimand, providing there are no similar infractions committed during the intervening period.
- 8.7 Unless the misconduct involved a minor, the personnel record of an employee will be cleared of suspension notices after a period of three years from the date of suspension, providing no similar infractions have been committed during the intervening period.
- 8.8 All employees shall have the right to review their records upon twenty-four (24) hours' notice to the personnel office.
- 8.9 No written material concerning an employee's conduct, service, character or personality while on the job shall be placed in the employee's personnel file unless the employee has had an opportunity to read and initial the actual copy to be filed with the understanding that such signature merely signifies that the material has been read and in no way indicates agreement.



**ARTICLE 9  
GRIEVANCE PROCEDURE**

- 9.1** A grievance for the purpose of this AGREEMENT is a complaint against the employer by an employee(s) or the Association with respect to the meaning and/or application of a provision(s) of this AGREEMENT.
- 9.2** Failure at any step of this procedure to communicate the decision on a grievance within the specified time limits shall permit the aggrieved employee to proceed to the next step, except at the BOARD level. A decision on the grievance at the BOARD level shall be rendered within the time limit set forth or the grievance shall be deemed favorable to the grievant. Failure at any step of this procedure to appeal a grievance to the next step within the specified time limits shall be deemed to be acceptance of the decisions rendered at that step.
- 9.3** A grievance must be filed within ten (10) working days of its occurrence or within ten (10) working days of the time the employee, by reasonable diligence, learned of its occurrence. Grievances shall be processed in the following manner:

**STEP I** Any employee who has a grievance shall discuss it first with the employee's immediate supervisor, if applicable, in an attempt to resolve the matter informally at that level. An Association representative may be present if requested. A decision shall be rendered the aggrieved in five (5) working days. This decision shall be in writing.

**STEP II** An unfavorable decision by the immediate supervisor may be appealed in writing to the Assistant Superintendent within five (5) working days. A meeting shall be held between the parties as soon as possible after the written appeal, but within five (5) working days, and the Assistant Superintendent shall have five (5) working days to render a decision in writing.

**STEP III** An unfavorable decision by the Assistant Superintendent may be appealed in writing to the Superintendent within five (5) working days. A meeting shall be held between the parties as soon as possible after the written appeal, but within five (5) working days, and the Superintendent shall have five (5) working days to render a decision in writing.

**STEP IV** If the grievance is not resolved to the grievant's satisfaction, he/she and the Association, no later than five (5) working days after receipt of the Superintendent's decision, may request a review by the BOARD. The request shall be submitted in writing through the Superintendent of Schools, who shall attach all related papers and forward the request to the BOARD. The BOARD shall review the grievance and hold a hearing within thirty (30) working days. A decision in writing shall be rendered within fifteen (15) calendar days of the hearing.

**STEP V** If the Association is not satisfied with the disposition of the grievance by the Board of Education, or if no decision has been rendered within the specified time limits, and prior to the submission of the grievance to arbitration, representatives of the department involved, Superintendent's Office, and School Board, and the Association will meet to determine if the grievance can be settled without arbitration.

**STEP VI** Should the decision of the District of Education be unsatisfactory, any dispute, claim, or grievance arising out of or relating to the interpretation or the application of this AGREEMENT may be submitted to arbitration under the Voluntary Labor Arbitration Rules of the American Arbitration Association. The parties further agree to accept the Arbitrator's award as final and binding upon them. The cost of said arbitration will be borne equally by both parties regardless of the outcome. All decisions involving wages, wage rates, promotions, transfers, hours worked and not worked, shall be retroactive to the date the grievance first occurred. The Association will notify the Board of Education in writing of its intention to appeal for arbitration within ten (10) working days of receiving the Board's decision.

**9.4** Any step may be by-passed by mutual agreement or failure to respond.

**9.5** Any party may appeal a decision of an arbitrator to the courts pursuant to RSA-542.

- 9.6 An arbitrator acting under the grievance procedure shall have no authority to alter, amend, change or modify any of the terms of this agreement.

**ARTICLE 10  
SICK LEAVE**

- 10.1 For paraeducators who have been employed in the District for three (3) or less years, sick leave without loss of pay or benefits shall be computed at the rate of ten (10) days per year. It will be credited to an employee's record at the beginning of the employment year.
- 10.2 Effective July 1, 2009, after three (3) years in the Portsmouth School System, sick leave will be computed at the rate of eleven (11) days per year. It will be credited to an employee's record at the beginning of the employment year.
- 10.3 Sick leave shall be used for self or when imperative, to care for an immediate member of the employee's family. Effective July 1, 2009 employees may utilize no more than fifteen (15) sick days in any school year to care for a family member. In the event of prolonged absence as a result of accident or illness, the Superintendent will consider circumstances that might warrant extension of full or partial sick pay.
- 10.4 In such cases where a full day is not needed for sick leave, only the hours used will be charged to the paraeducator.
- 10.5 Employees who have completed three years of service will be allowed to use up to ten (10) sick days before it is actually earned or accrued for use for the employee's illness or injury. It is understood that once additional leave is earned that it will be debited against any negative balances. Additionally, if an employee leaves the School Department with a negative balance, the employee will be responsible for reimbursing the School Department the cost of the negative balance.
- 10.6 The DISTRICT agrees to pay fifty five percent (55%) of all accumulated sick days in a cash payment at the per diem rate which the paraeducator last earned to any paraeducator who separates from the system with at least ten (10) years of service in the system. This percentage will be based on a maximum of ninety (90) days. The maximum number of sick days that may be accumulated will be one hundred and fifteen (115) days.

- 10.7 The parties agree that all paraeducator employees hired after July 1, 1996 shall not receive any payout for accumulated sick leave upon termination or retirement.
- 10.8 Whenever possible, prior notice of retirement will be given by February 1st of the year preceding the last work year for employees entitled to a payout.
- 10.9 The District agrees to notify each paraeducator in writing of accumulated sick leave days once a year during the month of September.
- 10.10 Beginning July 1, 1999, the parties agree that for the purpose of leave time accrual, utilization, accumulation and sick leave bank, leave time will be recorded in hours. Hours will mean the actual number of hours used or earned. Conversion from days to hours will be based on the number of hours per day reflected on the Intent to Employ on any given year.

**10.11 Sick Bank**

- A. A sick leave bank shall be established into which each employee may each year donate from one (1) to five (5) days from an employee's unused accumulated sick leave. Days will be donated between the first day of school and September 15<sup>th</sup>. When necessary, additional donations will be added midyear.
- B. The sick leave bank may accumulate to one thousand fifty (1050) hours.
- C. A Sick Bank Chairperson shall be appointed from the membership. The District shall keep a record of the total number of days (hours) in the Sick Leave Bank.
- D. Only employees who have donated to the sick bank shall be eligible to request to draw from the sick bank, unless an exception has been granted by the Chairperson of the Sick bank. Decisions regarding sick bank made by the chairperson shall be final and not subject to the grievance procedure.
- E. In the event that any member has used all of their accumulated sick leave and has been out of work without pay for five consecutive workdays because of extended or chronic illness, they shall apply to the Sick Bank Chairperson for additional days to be taken from the Bank.
- F. The Sick Bank Chairperson will forward the request to the Human Resources Department for disbursement.

- G. Employees are not eligible to draw from the sick leave bank if the serious health condition is compensable under workers' compensation.

**ARTICLE 11  
PERSONAL DAYS**

- 11.1** Employees may take two (2) personal leave days for business which cannot be transacted any other time. Whenever possible, twenty-four (24) hour notice shall be given. No employee shall take a personal day preceding or subsequent to any vacation period or school holiday or on election day or in the month of June unless upon approval from the Superintendent of Schools. An employee may take the equivalent hours rather than a full day.
- 11.2** Unused Personal Days will be credited toward the employee's accumulated sick days at the beginning of the school year.

**ARTICLE 12  
PROFESSIONAL DAYS**

- 12.1** Employees may be granted two (2) professional days at the discretion of their Building Principal. These days shall be used exclusively for the purpose of enrichment of the employee's job or position. These shall be paid days. Additional professional days may be granted with the approval of the Building Principal.
- 12.2** Professional days must be approved by the employee's immediate supervisor and/or program manager at least twenty-four (24) hours in advance.

**ARTICLE 13  
CHILD CARE/CHILD BIRTH LEAVE**

- 13.1** Upon application of the employee to the Superintendent of Schools, a child care leave of absence of up to one(1) years shall be granted to employees who have been employed at least one (1) year before said application. An employee on such leave, upon returning, shall be offered a similar category of employment, as indicated by the prior job description.
- 13.2** Employees shall be entitled to draw accumulated sick leave benefits during this period of disability surrounding childbirth.
- 13.3** All benefits to which an employee was entitled to at the time of the approved child care leave shall be restored to them upon returning to work.

13.4 Employees returning from childcare leave shall notify the employer by April 1 of the year for return to the school in the following September.

**ARTICLE 14  
LEAVE OF ABSENCE**

14.1 Upon approval of the Superintendent of Schools a Leave of Absence may be granted. The leave shall be without pay or other benefits. Leave may be granted for such reasons as Personal, Illness, or Educational reasons and will not exceed two (2) years.

An extension of the above Leave of Absence may be granted if:

The employee has been continuously employed for more than three (3) years in the Portsmouth School System.

14.2 Any paraeducator returning from a Leave of Absence shall return only at the beginning of a school year, unless otherwise provided for.

14.3 While on Leave of Absence, the paraeducator will notify the School Department by April 1 of the leave year as to the employee's intention of returning to work in September.

14.4 All requests, extensions or renewals shall be in writing and responded to in writing.

14.5 All benefits to which an employee was entitled at the time of the approved leave shall be restored to them upon returning to work.

**ARTICLE 15  
BEREAVEMENT**

15.1 Bereavement Leave will be granted as follows without loss of pay or benefits:

Not to exceed three (3) days:

1. brother-in-law
2. sister-in-law
3. grandparent
4. aunt or uncle
5. nieces or nephews
6. a blood relative or ward residing in the same household

Not to exceed five (5) days:

1. parents
2. sister
3. brother
4. parents-in-law

Not to exceed seven (7) days:

1. husband, wife or civil union partner
2. child

Bereavement leave may be granted if approved by the Superintendent for the death of a close friend. The Superintendent shall have the discretion to set the number of day(s) allowed based on the circumstance.

**15.2** Extensions may be granted by application to the Superintendent.

**ARTICLE 16  
HOLIDAYS**

Each paraeducator shall be entitled to nine (9) paid holidays as follows:

Thanksgiving  
Day After Thanksgiving  
Christmas  
New Years  
Martin Luther King Day  
Memorial Day  
Labor Day (effective 2014-15)  
Columbus Day  
Veterans' Day (effective 2014-15)

**ARTICLE 17  
LONGEVITY**

**17.1** Longevity will be based on the following schedule for years of consecutive service to the School Department.

6 - 10 years	\$ 611
11 - 15 years	\$ 771
16 - 20 years	\$ 933
21 - 25 years	\$ 1094
26 - 30 years	\$ 1256



30+ years	\$ 1302

The longevity payment will be incorporated into employees' regular paychecks as part of their wages and will increase on July 1, of each year by the 10-year rolling COLA average, as described in Article 29.

17.2 Should an eligible employee for any reason, need to terminate employment prior to the longevity benefit payment, this benefit shall be prorated on a monthly basis.

**ARTICLE 18  
SENIORITY**

18.1 An employee's seniority shall commence with the last date of hire and continue as long as the employee is employed by the Portsmouth School District in the bargaining unit.

18.2 An employee shall not forfeit seniority during absences caused by the following:

- a. Illness resulting in total/temporary disability due to the employee's regular work with the School District, certified to by an affidavit from Worker's Compensation carrier.
- b. Illness not the result of the employee's misconduct resulting in total/temporary disability, certified to by a physician's affidavit.
- c. Leave of Absence granted by the Superintendent of Schools.

18.3 Seniority shall be defined as continuous years of service within the bargaining unit counted from the last date of hire.

18.4 Seniority shall be a determining factor in all layoffs. It is the intent of the School District to continue the use of seniority as a determining factor in all layoffs.

18.5 If an employee is offered an opportunity for recall to a job which he or she has previously performed, and for the same number of hours and the employee refuses to accept the position, it shall result in the employee being dropped from the recall list.

18.6 Employees laid off shall be placed on a recall list for twenty-four (24) months after the date of the layoff. Employees shall be recalled based on seniority. If a

certification is required for a job only an employee with the certification will be eligible for recall.

**ARTICLE 19  
JURY DUTY**

- 19.1** Employees serving on a jury shall be guaranteed their regular daily pay from the SAU. The employee shall forward to the Payroll Department of the SAU all reimbursements for such services, exclusive of what personal expenses (e.g. travel) are incurred. When such reimbursement is greater than the regular daily pay of the employee, the employee shall retain only the excess amount.
- 19.2** Employees who are subpoenaed by the School District or City as a witness in civil or criminal court proceedings, shall be granted such leave. Employees shall be guaranteed their regular daily pay from the SAU. The employee shall forward to the Payroll Department all reimbursements for such services, exclusive of what personal expenses are incurred (e.g. travel). When such reimbursement is greater than the regular daily pay of the employee, the employee shall retain only the excess amount.

**ARTICLE 20  
JOB POSTINGS**

- 20.1** All unit vacancies, promotions and new jobs must be posted for six (6) working days in each school, so that all employees will have an opportunity to apply for these jobs.
- 20.2** Job postings shall include job specifications, range of pay, hours worked, and job location, and if the position is permanent or temporary.
- 20.3** The District will take the Associations input into consideration when reviewing and updating job descriptions for this unit.
- 20.3** The District shall provide space for bulletin boards for the posting of notices of the District addressed to the employees and notices of the Association addressed to the members.
- 20.4** During the summer months when schools are not in session, the unit vacancies shall be posted on the bulletin boards at Central Office and copies shall be sent to the President of the Paraeducator unit. The Union will provide the summer addresses of the President of the Paraeducator Unit.

**Article 21**  
**ASSIGNMENTS AND INTRODUCTIONS**

The parties agree that Paraeducators, Interpreters/Tutors and Literacy/Title I Tutors serve a critical role in the success of students. Accordingly, once assignments are made, the District will make a good faith effort to advise all parents/families of the educators who will be working with their child(ren).

**ARTICLE 22**  
**HOURS OF WORK**

- 22.1** It is agreed that the paraeducator shall, with notification to the Business Office by the end of the previous year, be paid on a biweekly basis for a total of twenty-two (22) or twenty-six (26) pay periods starting in September of their employment year.

Those employees who elect to be paid on a biweekly basis for a total of twenty-six (26) pay periods starting in September of their employment year shall be paid four (4) of their last five (5) checks on the same day as the teachers receive their final checks. The remaining check will be paid as soon as possible thereafter but not later than the last day in June.

- 22.2** The work year for paraeducator shall be at least 185 days or the same number of teacher/student contact days whichever is greater. It is understood that the paraeducator work year will include two days for pre-preparation before the student year begins, two days of in-service training, and one non-student contact day during the school year. It is further understood that holidays as cited in Article 18 are in addition to the regular work year.
- 22.3** All bargaining unit members shall be notified with "intent to employ" no later than the last school day of each year in compliance with RSA 189 14(h).

Paraeducators in state/federally funded positions (outside funding) shall be notified within twenty-one (21) days of funding confirmations.

If budget problems cause a reduction in the number of staff, a two weeks' notice will be given.

**HOURS OF WORK AND OVERTIME**

**21.4** Employees starting times, and hours to be worked are set up as deemed necessary by the Superintendent of Schools, building principals, or supervisors, according to the individual school and program needs.

Hours to be worked shall be set forth on the individual work agreement issued to each employee as provided in Article 21.3 above.

**21.5** Except in the case of extreme emergency conditions, the employee workday shall be scheduled between the hours of 7:30 A.M. and 4 P.M.

It is understood that all hours worked by an employee are to be listed on their timesheet and that the employee will be paid for all hours worked.

**21.6** Paraeducators who volunteer and are selected to support students on overnight activities shall be paid their regular hourly rate during all hours that they are actively assisting/supervising the student(s). Any overtime incurred shall be paid at one and one-half times their regular hourly rate per the Fair Labor Standards Act. (FLSA) Employees will receive a fifty dollar (\$50.00) stipend for each overnight.

Paraeducators will provide documentation of their worked hours including a copy of the trip itinerary and verification of their hours worked signed by the trip sponsor/supervisor. It is understood that such activities are voluntary and there will be no reprisals against any employee who declines such activities.

**21.7** Those paraeducators who are required to travel between District buildings during the workday are entitled to submit a request for mileage reimbursement at the rate approved by the IRS.

**21.8** Except in the case of an emergency a paraeducators may not be required to replace a teacher as the person charged with the responsibility for a classroom of students.

**21.9** Employees employed 35 hours or more during the 2008-09 school year and with eight (8) or more years of service as of September 1, 2008, shall not have their work week reduced to below 35 hours.

**21.10** Employees will receive a 15-minute paid break each day.

**21.11** Employees will receive an uninterrupted 30-minute lunch break each day. If the employee is required to be with a child during the lunch break, the lunch period will be paid.

**ARTICLE 22**  
**COLLEGE COURSE TUITION REIMBURSEMENT**

**22.1**

A. Each school year during this Agreement, the School District will budget and make available \$5,250 for college course tuition reimbursement. B. Employees who have been employed by the School District for at least one year may request approval for college course tuition reimbursement. In order to receive approval, a requested course must be job related and must be considered and approved in advance by the building principal and Central Office Designee.

B. On a "first come, first served" basis, and subject to the overall annual budget of \$5,250, the District will reimburse up to three credit hours per employee, capped at the in-state tuition rate currently charged by Granite State College.

C. Course reimbursement will be paid within four (4) to six (6) weeks upon proof of registration. If a paraeducator drops a course, he/she must notify Central Office immediately and must reimburse the district either through payroll deduction or cash payment within two (2) weeks of said notification. The Paraeducator must provide official evidence, within two (2) weeks of receiving notification, of a minimum grade of B or better. If said grade is not obtained, the Paraeducator must reimburse the District either through payroll deduction or cash payment on a mutually-acceptable schedule.

**22.2 Workshop Payment**

A. Each school year during this Agreement, the School District will budget and make available \$6,750 for professional workshops.

B. Employees may request approval for payment for professional workshops. In order to receive approval, a requested course must be job related and must be considered and approved in advance by the building principal and Central Office Designee.

C. Payments will be on a "first come, first served" basis, and subject to the overall annual budget of \$6,750. The District will pay up to \$300 per workshop, per paraeducator.

D. The District will make every effort to pay for the workshops prior to the employee's attendance. Employees will be required to reimburse the district for workshops that are paid for, but not attended.

E. Money left in the Workshop Payment account at the end of the year will be used to reimburse employees who have taken

approved college courses which were not funded.

22.3 The District may offer an employee the opportunity to participate in training, and subsequently to test, to become certified as a Registered Behavior Technician (RBT). The District will pay for such training and testing. Those Paraprofessionals who maintain RBT certification shall be paid an additional Three dollars (\$3.00) per hour differential. The District reserves the sole discretion to choose which, if any employees are extended this offer.

**ARTICLE 23  
CATEGORIES OF EMPLOYMENT**

23.1 The District agrees that if new categories of employment are added to the bargaining unit, the wages and working conditions will be the same as the provisions of this AGREEMENT.

**ARTICLE 24  
DURATION OF AGREEMENT**

24.1 This AGREEMENT shall be in full force and effect from July 1, 2021 to and including June 30, 2023 and shall continue from year to year thereafter unless written notice of desire to cancel or terminate the AGREEMENT is served by either party upon the other at least one hundred twenty (120) days prior to the date of expiration as provided in Chapter 273-A; 3:11A (PELRB). Where no such cancellation or termination notice is served, and the parties desire to continue this AGREEMENT but also desire to negotiate changes or revisions in this AGREEMENT, either party may serve upon the other a notice at least one hundred twenty (120) days prior to budget submission date, as provided in Chapter 273-A; 3:11 (PELRB), advising that such a party desires to revise or change terms or conditions of such AGREEMENT and specifies the articles to be renegotiated. The AGREEMENT shall remain in full force and effect until such changes and revisions have been agreed upon.

**ARTICLE 25  
RESIGNATIONS**

25.1 Because of prorated pay, a written resignation must be received by the immediate supervisor a minimum of two (2) weeks prior to the effective date of resignation. Employees who work through the end of the school year and provide notice of resignation prior to June 30 shall be continued on the District's health insurance plan in July and August upon advance payment of premium co-pay.

**ARTICLE 26  
STEPS**

**26.1** Salary steps shall equal years of service. When hiring paraeducator the District may give up to five (5) years of credit on the salary schedule for experience as a teacher or comparable educational professional.

**ARTICLE 27  
COPIES OF AGREEMENT**

**27.1** All paraeducator employees shall be provided with a copy of this working AGREEMENT. Supervisors shall provide each new employee with a schedule of hours of work and their job description.

**ARTICLE 28  
MILITARY LEAVE**

**28.1** An employee called to serve a training tour of duty or for emergency (flood, hurricanes, riots, etc. or upon the call of the Governor of the State of New Hampshire) with the National Guard or Armed Reserves will suffer no loss of pay or fringe benefits and will be paid the difference between the fee received for such service and the amount of straight time earnings lost by reason of such service. This shall be limited to eleven (11) work days per school year.

**ARTICLE 29  
WAGES**

COLA Adjustment

Effective July 1, 2021 through June 30, 2023, wage increases for employees in this bargaining unit shall be as follows:

Paraeducator Wage increase:

2021-2022: Rolling COLA, plus step, and addition of Step 7  
(Step7= \$22.38)

2022-2023: Rolling COLA, plus step (includes new Step 7)

Interpreter Tutor Wage increase:

2021-2022: Rolling COLA Plus Step  
2022-2023: Rolling COLA Plus Step

Literacy/Title I Tutor Wage increase:

2021-2022 Rolling COLA plus Step  
2022-2023 Rolling COLA Plus Step



The annual COLA adjustment percentage increase shall be computed which shall not be less than 2% nor more than 5%.

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

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

The wage scales for Paraeducators shall be:

July 1, 2021	
Step	Rate
1	\$15.07
2	\$15.90
3	\$16.78
4	\$17.71
5	\$18.69
6	\$21.94
7	\$22.38

The wage scales for Interpreters/Tutors shall be:

July 1, 2021	
Step	Rate
1	\$23.47
2	\$24.94
3	\$26.32

4	\$29.15
---	---------

The Wage Scales for Literacy/Title I Tutors shall be:

July 1, 2021		
Step	Non-Certified	Certified
1	\$18.12	\$20.12
2	\$18.91	\$21.01
3	\$19.78	\$21.95
4	\$20.67	\$22.95
5	\$21.88	\$23.99
6	\$25.12	\$27.23

Applicability After Contract Expires: It is clearly understood that in the event that the Working Agreement expires without a successor Working Agreement being settled prior to July 1, 2023 that no further COLA adjustments after July 1, 2023 will be generated under the Working Agreement even though the Working Agreement has an evergreen clause. It is further agreed that continuation of COLA adjustments are not to be deemed "status quo" as the term has been used by the PELRB in the event that a successor agreement has not been settled by July 1, 2023.

Should there be a difficulty in hiring, the District may, after consultation with the Association, eliminate the first step of the paraeducator pay scale. This may only occur once and should it occur, this language will become null and void. Should there be any employees on the first step of the paraeducator pay scale if/when the step is eliminated, those employees would immediately be moved up to the new first step.

**ARTICLE 30  
EVALUATIONS**

**30.1.** The parties recognize the importance of a procedure for evaluating the performance of both newly employed and experienced paraeducators for the purpose of identifying individual strengths, weaknesses and for improving the level of instruction in the school district.

**30.2.** The District shall provide copies of any evaluation forms and/or associated documentation at the beginning of the school year. The District shall also communicate to the employees the process for evaluations. If the evaluation process needs revision, input from the association will be sought and considered. Changes to the evaluation process shall, upon adoption by the School Board, be sent to the Association President.

**30.3.** Evaluations will be done by the employee's Building Administrator in conjunction with the employee's immediate supervisor. Such evaluation shall be ongoing and will be done on evaluation forms with the objective of meeting the roles and responsibilities of the job. Prior to May 15<sup>th</sup> each employee shall receive a written copy of the employee's annual evaluation. A conference between the immediate supervisor and/or Building Administrator and the employee will be held to discuss the evaluation.

**30.4.** No evaluation that has not been shown to the employee may be placed in the employee's file. The employee shall sign the evaluation; however, such signature shall indicate only that the evaluation has been reviewed by the employee and shall not necessarily indicate concurrence with the contents. The employee will have the right to attach a written response to the evaluation.

**30.5.** If a paraeducator is found in need of improvement and the District determines that training will improve proficiency, the District will provide opportunities for training to enhance proficiency.

**SIGNATURES**

Signed this \_\_\_\_\_ day of July 2021.

For the Portsmouth  
School District

For the Portsmouth  
Paraeducators'  
Association NEA/NH

\_\_\_\_\_  
Chairman, School Board

\_\_\_\_\_  
President, Association's  
Negotiating Committee

\_\_\_\_\_  
Superintendent of Schools

City Negotiator

SCHOOL CAFETERIA AGREEMENT  
BETWEEN

THE PORTSMOUTH SCHOOL BOARD  
PORTSMOUTH, NEW HAMPSHIRE

PORTSMOUTH MUNICIPAL EMPLOYEES, LOCAL #1386  
NON-SUPERVISORY CAFETERIA PERSONNEL

OF THE

AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES  
COUNCIL 93, AFL-CIO



July 1, 2021 - June 30, 2022

## CONTENTS

	Working Agreement	1
	Witnesseth	1
1	Management Rights	1
2	Hours of Work	1
3	Scheduling Change	2
4	Hours Generally	2
5	Overtime	2
6	Overtime Rate	2
7	Overtime List / Distribution	2
8	Overtime / Call-In	2
9	Promotions and Transfers	3
10	Job Posting	3
11	Non-Selection	4
12	Disciplinary Procedure	4
13	Just Cause	5
14	Written Reprimand	5
15	Suspension	5
16	Personal Days	5
17	Sick Leave Accumulation	6
18	Sick Leave (Overtime)	6
19	Sick leave (Use)	6
20	Sick Leave (Pay Back)	6
21	Leave of Absence	7
22	Bereavement Leave	7
23	Union Business	8
24	Uniforms	9
25	Holidays	9
26	Holiday Pay	9
27	Holiday (Overtime)	10
28	Harassment / Discrimination Policy	10
29	Health and Dental Insurance	10
30	Life Insurance	11
31	Seniority	11
32	Seniority (Lay Offs)	11
33	Seniority (Promotions and Transfers)	11
34	Seniority Bumping Rights	12

35	Seniority List	12
36	Bulletin Boards	12
37	Grievance Definition	12
38	Grievance Time Frame Occurrence	13
39	Grievance Procedure	13
40	Arbitrator's Expense	14
41	Grievance time Limit	14
42	Grievance Decisions	14
43	Pre-Arbitration Procedure	14
44	Bonding of Employees	14
45	Stability of Agreement	15
46	Lunch Breaks / Meals	15
47	Mileage	15
48	Probationary Period	15
49	Worker's Compensation	16
50	Civil Leave for Juror or Witness Service	16
51	Evaluations	16
52	Plus Rate	16
53	Meetings	17
54	Education Incentive	17
55	Contracting and Sub-Contracting Out	17
56	Union Dues and Other Deductions	18
57	Union Security	19
58	Notice of Intent To Terminate	19
59	Family Medical Leave Act and Maternity Leave	19
60	Salary Schedule	20
61	Longevity Schedule	21
62	Cook	21
63	Book Keeper	22
64	School Food Assistant (SFA)	22
65	Satellite Position	23
66	School Nutrition Association Membership	23
67	Copies	23
68	Duration of Agreement	23
	Signature Page	24
	Appendix A	
	Appendix B	

	Appendix C	
--	------------	--



## **WORKING AGREEMENT**

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

### **WITNESSETH**

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

Cooks  
Bookkeeper  
School Food Assistant

### **1 - Management's Rights**

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

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

### **2 - Hours Of Work**

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

### **3 - Scheduling Change**

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

### **4 - Hours Generally**

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

### **5 - Overtime**

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

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

### **6 - Overtime Rate**

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

### **7 - Overtime List/Distribution**

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

### **8 - Overtime/Call-In**

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

## **9 - Promotions and Transfers**

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

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

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

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

## **10 - Job Posting**

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

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

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

Vacancies will be filled in the following order:

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

### **11 - Non-Selection**

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

### **12 - Disciplinary Procedure**

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

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

Disciplinary action shall follow this order:

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

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

- A. Misconduct during employment
- B. Incompetency or inefficiency
- C. Failure to perform assigned duties
- D. Disobedience to his superior

- E. Failure to observe rules and regulations
- F. Incompatibility with other employees
- G. Unauthorized absence from work
- H. Being under the influence of liquor or illegal drugs while on duty
- I. Drinking intoxicating beverages and/or using illegal drugs on duty
- J. Falsifying sickness or any other cause of absence
- K. Falsifying timecards
- L. Failure to complete the required training hours required by USDA

### **13 - Just Cause**

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

### **14 - Written Reprimand**

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

### **15 - Suspension**

Suspensions will not be removed from personnel files. After the period of three (3) years from the date of a suspension, provided there are no similar infractions committed during the intervening period, a suspension will not be considered as the basis for other discipline. However, if the discipline involves misconduct of any type against a minor, this limitation will not apply.

### **16 - Personal Days**

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

line solution supplied by the School Board. Abuse of personal days for reasons other than those stated above (business) may be enough for disciplinary action.

### **17 - Sick Leave Accumulation**

Sick leave without loss of pay or other benefits shall be computed at the rate of one (1) day per month for ten (10) days per year and may be accumulated to a maximum of one hundred fifteen (115) days. It shall be credited to an employee's record only after it is earned. Sick leave accumulation shall be reported to employees in writing via their paychecks.

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

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

### **18 - Sick Leave (Overtime)**

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

### **19 - Sick Leave (Use)**

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

### **20 - Sick Leave (Pay Back)**

The School Board agrees to pay sixty percent (60%) of the accumulated sick days and a cash payment at the present per diem rate, to any employee who retires from the Portsmouth School Department. This retirement is governed by standards of retirement under the New Hampshire State Retirement System. Any employee who voluntarily resigns his/her employment after ten (10) years of continuous service will receive sixty percent (60%) of his/her sick leave, the only exception being if an employee is discharged for just cause. One hundred percent (100%) payback of all sick

leave accumulated upon the death of the employee. Employees hired after July 1, 1996 shall not receive any sick leave payback upon retirement, termination, or death.

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

### **21 - Leave of Absence**

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

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

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

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

Employee will be able to return to any OPEN position for which she/he is qualified. Requests for leave must be received no less than THIRTY (30) days prior to the date of the request for such leave to begin except in an emergency situation.

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

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

### **22 - Bereavement Leave**

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

Husband/Wife/Civil Union Partner  
Child

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

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

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

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

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

### **23 - Union Business**

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

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

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



## **24 - Uniforms**

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

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

Upon hire the School District will supply each new employee an introductory “kit” of appropriate uniforms.

Each year thereafter the employee shall receive an annual stipend for the purpose of purchasing replacement uniform components, and shoes.

Full time employees shall receive \$200.00 annually.

Part Time Employees shall receive \$150.00 annually.

For the purpose of this section “Part-Time” is defined as employees working less than 29 hours weekly when school is in session.

## **25 - Holidays**

Employees are entitled to the following paid holidays:

Labor Day	Columbus Day/Indigenous Peoples Day*
Two (2) Teachers Workshop Day	Veterans Day
Thanksgiving Day	Day After Thanksgiving
Memorial Day	
Martin Luther King’s Birthday*	*If a non-school day
Christmas Day (effective 2011-2012 school year)	

## **26 - Holiday Pay**

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

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

### **27 - Holiday (Overtime)**

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

### **28-Harassment or Discrimination Policy**

The parties agree that members of the bargaining unit are subject to the City's Harassment/Discrimination Policy.

### **29 - Health and Dental Insurance**

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

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

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

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

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

### **30 - Life Insurance**

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

### **31 - Seniority (Definition)**

There shall be two (2) types of seniority:

- a. District seniority
- b. Classification seniority

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

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

### **32 - Seniority (Lay-Offs)**

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

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

### **33 - Seniority (Promotions & Transfers)**

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

### **34 - Seniority Bumping Rights**

No employee shall have the right to replace another employee in any classification by virtue of District seniority alone, except that, in the event of the permanent lack of work in any classification, those employees concerned in that classification shall be assigned to the next lower classification for which they have District seniority.

Displaced employees in those lower categories shall have the same rights of reassignment as referred to in this Section.

It is understood that an employee may not bump an employee in a higher job category.

### **35 - Seniority List**

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

### **36 - Bulletin Boards**

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

### **37 - Grievance Definition**

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

### **38 - Grievance Time Frame Occurrence**

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

### **39 - Grievance Procedure**

Grievances shall be processed in the following manner:

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

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

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

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

#### **40 - Arbitrator's Expense**

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

#### **41 - Grievance Time Limit**

If said grievance is not reported and/or processed within the time limit set forth in this Article, the matter shall be dismissed and no further action shall be taken with respect to such grievance. The above time may be extended or by-passed by mutual written agreement of the parties.

#### **42 - Grievance Decisions**

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

#### **43 - Pre-Arbitration Procedure**

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

#### **44 - Bonding Of Employees**

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

#### **45 - Stability of Agreement**

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

#### **46 - Lunch Breaks/Meals**

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

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

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

#### **47 - Mileage**

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

#### **48 - Probationary Period**

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

period days shall be known as regular employees and the probationary period shall be considered part of the seniority time.

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

#### **49 - Worker's Compensation**

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

#### **50 - Civil Leave for Juror or Witness Service**

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

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

#### **51 - Evaluations**

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

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

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

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

#### **52 - Plus Rate**

Employees who work in a higher classification for three or more consecutive days shall be compensated at the same step in the higher classification as they were on before



the temporary assignment. When Plus Rate pay is applicable, the employee will be paid for each hour worked retroactive back to the first day.

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

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

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

### **53 - Meetings**

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

### **54 - Education Incentive**

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

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

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

### **55 - Contracting and Sub-Contracting Out**

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

#### **56 – Union Dues and Other Deductions**

- A. Upon receipt of signed authorization from employees who are subject to this agreement, the employer shall deduct from the employee's pay dues payable by such employees to the Union. Such authorization shall be for the life of the Contract and shall be continued thereafter if a contract exists between the City and the Union. The deductions shall be remitted to the Union no later than ten (10) days from the date on which the deduction was made. The City shall furnish the Union with a record of each deduction showing the amount and the employees from whom such deduction was made. [As authorized by NH RSA 275:48 (b) (1)]

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

- B. Employees who decline membership in the Union will be required to declare, in writing, their rejection using the "Membership Rejection Statement" attached to this document in appendix "X", which outlines certain benefits that will not be available to the non-member, as well as costs and fees the non-member may be required to pay for access to Union representation. Employees who are members who choose to discontinue membership in the Union may "opt out" in writing during the month of June each year.

The exclusive representative may require a non-member to pay for the reasonable costs and fees, including arbitrator fees and related attorney fees for grieving or arbitrating a matter arising under an agreement negotiated pursuant to this section and brought at the non-member's request. The exclusive representative may require non-members to pay any anticipated proportional costs and fees prior to a grievance or arbitration hearing. Failure to pay costs and fees shall relieve the exclusive representative of further responsibility to the non-member regarding the matter.

An exclusive representative's duty of fair representation to a public employee who is in the bargaining unit shall be limited to the negotiation and enforcement of the terms of agreements with the public employer.

- C. The employer agrees to deduct from the wages of any employee who is a member of the Union a PEOPLE deduction as provided for in a written authorization. Such authorization must be executed by the employee and may be revoked by the employee at any time by giving written notice to both the employer and the Union.

The employer agrees to remit any deductions made pursuant to this provision promptly to the Union together with an itemized statement showing the name of each employee from whose pay such deductions have been made and the amount deducted during the period covered by the remittance. [This deduction is authorized by NH RSA 275:48 I. (e)]

- D. The employee shall provide the opportunity for Union officials to meet with newly hired employees, without charge to the pay or leave time of the employees, for a minimum of 30 minutes, not later than 10 calendar days after the date of hire.

#### **57 - Union Security**

It is recognized that the negotiations for and administration of the Agreement entails expenses which appropriately should be shared by all employees who are beneficiaries of this Agreement.

#### **58 - Notice of Intent to Terminate**

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

#### **59 - Family Medical Leave Act And Maternity Leave**

The parties agree that members of the bargaining unit are subject to the City's Family Medical Leave Policy.

## **60 - Salary Schedule**

The Salary Schedule is incorporated into this agreement as Appendix B

### **COLA Adjustment**

As reflected in the Salary Schedule in Appendix B, effective July 1, 2021 a COLA adjustment percentage increase shall be computed which shall not be less than 2% nor more than 5%.

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

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

Applicability After Contract Expires: It is clearly understood that in the event that the three year Working Agreement expires without a successor Working Agreement being settled prior to July 1, 2022 that no further COLA adjustments after July 1, 2021 will be generated under the Working Agreement even if the Working Agreement has an evergreen clause. It is further agreed that continuation of COLA adjustments are not to be deemed "status quo" as the term has been used by the PELRB in the event that a successor agreement has not been settled by July 1, 2022.

In the event the Federal Minimum Wage is increased above the lowest step in the pay scale for this agreement, the parties agree to reopen the contract to discuss the issue of wages.

### **61 - Longevity Schedule**

Effective	2021-2022
5 YRS	\$601
10 YRS	\$635
15 YRS	\$668
20 YRS	\$700
25 YRS	\$734
30 YRS	\$768

The Longevity Schedule will be adjusted annually in accordance with the rolling ten (10)-year COLA average as described in Article 60.

### **FOOD SERVICE POSITIONS**

#### **62 - Cook**

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

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

### **63 – Bookkeeper**

Prepares all financial records Sells tickets and handles cash Prepares bank deposits  
Prepares and serves breakfast  
Prepares and portions lunch desserts  
Assists in preparing and portioning food for satellite operation  
Serves food to students and teachers  
Assists in taking inventory  
May take over for Manager in her absence  
Reports to Manager for jobs as assigned  
Washes utensils, pots, pans  
Cleans equipment  
Cleans work area  
Washes and dries laundry  
Wipes tables  
Sweeps kitchen floor  
Puts away supplies  
Maintains training hours required by USDA  
Qualifications: Prefer six (6) months experience keeping records and handling cash.

### **64 - School Food Assistant (SFA)**

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

### **65 - Satellite Position**

Sells tickets and handles cash  
Prepares all financial records  
Prepares bank deposit  
Prepares simple food items not requiring recipes  
Portions foods  
Serves food to students and teachers  
Washes utensils, pots, pans  
Cleans equipment  
Cleans work area Wipes tables  
Sweep kitchen floor  
Puts away supplies  
Supervises volunteers/students  
Orders supplies  
Maintains training hours required by USDA

### **66 - School Nutrition Association Membership**

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

### **67 - Copies**

An electronic copy of this document shall be maintained on the School District and/or the City's Web Site for the duration of the agreement.

### **68 - Duration Of Agreement**

This Agreement shall be in full force and effect from July 1, 2021 to and including June 30, 2022 and shall continue from year to year thereafter unless written notice of desire to cancel or terminate the Agreement is served by either party upon the other at least one hundred twenty (120) days prior to the budget submission date. Where no such cancellation or termination notice is served, and the parties desire to continue this Agreement but also desire to negotiate changes and/or revisions in this Agreement, either party may serve upon the other a notice at least one hundred twenty (120) days prior to budget submission date of February 2, advising that such party desires to revise or change terms and conditions of such Agreement. This Agreement shall

remain in full force and effect until such changes and/or revisions have been agreed upon.

SIGNATURES

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 2021

For the Portsmouth School District

\_\_\_\_\_  
Patrick Ellis  
Chairperson  
Portsmouth School Board

\_\_\_\_\_  
Juliann Lehne  
Unit Vice President  
AFSCME Local 1386

\_\_\_\_\_  
Steve Zadrevac  
Superintendent of Schools

\_\_\_\_\_  
Ernest Castle  
Staff Representative  
AFSCME Council 93

\_\_\_\_\_  
Thomas . Closson  
City Negotiator



APPENDIX A  
PORTSMOUTH CAFETERIA EMPLOYEES  
BUMPING PROCEDURE

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

1 year Classification Seniority

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

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

LATERAL GOVERNED BY CLASSIFICATION

BUMP GOVERNED BY DISTRICT\*

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

APPENDIX B

WAGE SCALE

APPENDIX C

CITY OF PORTSMOUTH  
HARASSMENT/DISCRIMINATION POLICY

**LICENSE AGREEMENT**  
**409 FRANKLIN PIERCE HIGHWAY, LLC**

The City of Portsmouth (hereinafter "City"), a municipal corporation with a principal place of business of 1 Junkins Avenue, Portsmouth, New Hampshire 03801, for good and valuable consideration as set forth herein, hereby grants this Revocable License to 409 Franklin Pierce Highway, LLC (hereinafter "Licensee" or "Owner") with a principal place of business at P.O. Box 399 Nottingham, NH 03290, New Hampshire, pursuant to the following terms and conditions:

1. **Areas of License and Use:** The Owner owns the land, with buildings and other improvements thereon, in the City of Portsmouth, Rockingham County, State of New Hampshire, located at 205 Market Street, shown on the City of Portsmouth's Assessor's Map as Tax Map 0118/0001 ("Subject Property"). For the Owner's title to the Subject Property, see Rockingham County Registry of Deeds at Book 6229, Page 1271.

The City authorizes Licensee to temporarily use the sidewalks that abut the Subject Property along 205 Market Street more particularly described in the attached Exhibit A. This area is the License Area.

2. **Use:** Licensee shall make use of the License Area for the purpose of interior and exterior improvements and to repair water damage for property located at 205 Market Street.
3. **Term:** The license for the License Area shall be for 93 days (August 28, 2021 through November 28, 2021).

Licensee may terminate this License prior to the end of the term by returning License Area to safe and effective use by the public prior to the expiration of the term of this License. The Licensee shall contact the Director of Public Works for a determination that the License Area has been temporarily returned to safe and effective use. Failure to remove all vehicles, barriers, materials and equipment and to return the License Area to the City in the manner prescribed under this License at the end of the term may result in enforcement action by the City.

4. **Notice:** Licensee shall provide notice to the City's Director of Public Works when Licensee assumes control and use of the License Area and again when it returns the License Area to the City's control and use.

5. **License Fees:** Licenses are subject to the City license fees in accordance with City Council Policy No. 2018-02 entitled "License Fee for Encumbrance of City Property". A license is required when the licensed area has been encumbered beyond 30 days. The License Fee Policy provides that the Licensee will be charged a daily fee of \$0.05 per square foot of encumbered sidewalk.

The License Area includes the sidewalk in front of the Subject Property on 205 Market Street. The license area is 360 square feet. The encumbered sidewalk has pass through staging for public access.

The License Fee is calculated as \$18 a day (360 square feet x \$.05 = \$18) x 93 days = \$1,674. However, when the public has access to the License Area through pass through staging, license fees are typically waived.

Because it is in the City's interest that the Licensed Area be returned to the public use as soon as possible, if the License Area is returned to the City prior to the end of the License Term, the City will refund the Licensee the portion of the License Fee paid but not used.

6. **Indemnification:** Licensee agrees to indemnify and hold harmless the City of Portsmouth for any and all property damage, bodily injury or personal injury which arises as a result of its utilization of the Licensed Areas. This obligation survives termination or revocation of this Agreement.
7. **Insurance:** At all times the Licensee shall maintain insurance for bodily injury and property damage in the amount of at least \$1,000,000 per occurrence. Licensee will provide proof of insurance to the City during the term of this Agreement and the City will be named as an additional insured.
8. **Maintenance of Area:** During the term of this Agreement, Licensee shall maintain the License Area in a safe, neat and orderly fashion and shall take such actions as are necessary to protect the public safety. The Licensee shall secure the perimeter of the License Area and take such other measures as may be necessary for pedestrian and vehicular safety during use of the Licensed Areas.
9. **Damage:** Licensee agrees to remedy any damage to the License Area caused by the Licensee's activities. The work will be performed by Licensee to City specifications and survive the terms of this License Agreement. The City may elect to accept reasonable reimbursement from the Licensee in lieu of remedy.

10. **Compliance with Other Laws:** This Agreement does not relieve Licensee from compliance with any other local, state or federal laws or regulations or conditions imposed by any local board. Failure to abide by any local, state or federal laws or regulations or any condition of site plan and may at the City's discretion, result in revocation.
  
11. **Revocation:** The City may terminate this Agreement or any provision contained in this agreement on 72 hours written notice if Licensee fails to meet the terms and conditions of this License or if the public interest requires such termination. No 72 hour written notification is required by the City if it is an emergency.
  
12. **Contractor and Subcontractor Parking:** Licensee understands and agrees that its contractors and subcontractors for the project shall not use on-street parking. Language will be inserted in Licensee's vendors and suppliers Purchase Orders and Trade Subcontracts that make the prohibition against parking on City streets mandatory. Contractor shall limit/ manage construction vehicles and deliveries to avoid disruption to businesses, particularly during the holiday season. Contractor may use loading zones for active loading and unloading of materials, equipment and tools.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2021

**City of Portsmouth**

By: \_\_\_\_\_  
 Karen Conard  
 City Manager

Pursuant to vote of the City Council  
 of \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

**409 Franklin Pierce Highway, LLC**

By: \_\_\_\_\_  
 David Calkins, Agent for Owner

409 Franklin Pierce Highway LLC  
David Calkins  
PO Box 399  
Nottingham NH 03290  
RE: 205 Market Street  
Permit: ENCM-21-50

City of Portsmouth NH  
City Council

Request for license to extend encumbrance on city property.

Council,

My name is David Calkins, and I am an agent of 409 Franklin Pierce HWY LLC, the owner of 205 and 187 Market Street in Portsmouth. We currently have an encumbrance permit for staging along the front of 205 Market Street. The permit was issued on July 20<sup>th</sup>, we began erecting staging on the 21<sup>st</sup> and completed the staging on July 30<sup>th</sup>. The staging was necessary to allow complete access to the front of the building (Market Street side), so we could assess the extent of water damage and repairs needed at the soffit level.

We have completed our exploratory demolition and have discovered significant water damage and complete failure of the entire brick soffit and dentil detail. The brick soffit and dentil detail will need to be dismantled brick by brick to preserve the original bricks, while allowing access to the roof system so we can correct the water infiltration areas. This effort has now shifted from masonry contractors replacing, repairing, and repointing to incorporating other trades as well.

The parameters of the work have not exceeded the approvals we were granted by the HDC on June 9<sup>th</sup> under LUHD-342, however the extent of the repair has increased. Due to the increased amount of work, we are respectfully requesting to extend our encumbrance permit to a license allowing us to continue our work and the staging to remain on Market Street.

We would respectfully request a 3-month extension to allow us to complete all our work and dismantle the staging from Market Street. As the owners of the property, we understand time is of the essence and we want to complete this work as expeditiously as possible. However, given the historical significance of the building and the extreme delays we are seeing in material availability we have requested a 3-month extension. We will remove the staging and close out the permit as soon as possible if we finish prior to the extension.

We are looking to continue the encumbrance upon the Market Street sidewalk in front of our building, 205. We own 187 Market Street which is the parking lot next to 205 Market Street, so we are not impacting any of the city's parking resources. Additionally, there are (2) parking spaces on the left or West side of 205 Market Street were Ceres Street outlets onto Market Street. This provides addition relief and space, so we are not impacting any parking resources or flow to the traffic in the area.

The staging we currently have erected has pass through frames at the sidewalk level, so we are not impeding pedestrian traffic. The staging footprint is approximately 6' wide by 60' long for a total encumbrance of 360 square feet. The passageway under the staging is approximately 5' wide by 7' tall, allowing full unrestricted access to all pedestrian traffic.

Lastly, the building (205 Market Street) is currently unoccupied while we conduct interior and exterior improvements. This dramatically reduces the pedestrian traffic and use of the sidewalk in that area of Market Street.

We hope you will consider our request a reasonable one and grant the extension for 3 additional months.

I have included pictures of the staging currently installed so you can see the extent of the encumbrance as well as the passage area for pedestrian traffic. I have included the original scope as approved by the HDC, as well as a write up on the additional scope required.

Thank you very much for your time and consideration in our request.

409 Franklin Pierce HWY LLC  
David Calkins

8/13/2021









August 4, 2021

City of Portsmouth  
Attn: Karen Conard  
1 Junkins Avenue  
Portsmouth, NH 03801

Dear Karen:

The 13<sup>th</sup> annual American Lung Association Cycle the Seacoast ride is scheduled for Sunday, May 1<sup>st</sup>, 2022. With nearly 400 cyclists expected we are looking forward to a very exciting day.

The first riders will be leaving Cisco Brewers Portsmouth at 7:00 a.m. and the last rider will be in around 3:30 p.m. I have included the turn-by-turn route that goes through Portsmouth. We plan to maintain the same route as in year's past but will update you with a final version as soon as it has been completed. We will be supplying our own safety and first aid volunteers with the assistance of the Port City Amateur Radio Club. I will be sending a copy of the \$250,000 insurance coverage from the Novick Group where you will be listed as an additional insured.

If you need anything else from me, please do not hesitate to let me know. Please let me know if you have any suggestions for police support along the route. We look forward to another safe and successful year. Thank you.

Sincerely,

Melissa Walden  
Development Manager  
Melissa.Walden@Lung.org  
207-624-0306

<b>Cycle The Seacoast - 2019 - 100 Mile Route</b>			
<b>Segment distance</b>	<b>Directions</b>	<b>Notes</b>	<b>City/Town</b>
	<b>START FROM PORTSMOUTH</b>		Portsmouth
0.1	Left onto Corporate Drive		Portsmouth
1.1	Left on Ashland Rd	<b>RM - Cyclist 7-10am</b>	Portsmouth
0.2	2 signs for cycle path - each end		Portsmouth
0.3	Right to stay on Ashland Rd		Portsmouth
0.3	Right onto Rockingham Ave		Portsmouth
0.1	Left onto Woodbury Ave		Portsmouth
0.1	Right onto Edmond Ave		Portsmouth
0.4	Right onto Maplewood Ave		Portsmouth
0.7	Continue onto Middle St		Portsmouth
0.2	Left onto State St	<b>RM 7am - 10:30am (all routes)</b>	Portsmouth
0.5	Right onto Marcy St	<b>RM 7am - 10:30am (all routes)</b>	Portsmouth
0.3	Left to stay on Marcy St		Portsmouth
0.0	Bear Left at triangle		Portsmouth
0.5	Continue into New Castle Ave		Portsmouth
2.8	CAUTION - METAL GRATE BRIDGE Wentworth Bridge	<b>New Castle Police - see 25 mi.</b>	New Castle
1.1	Left @ T onto Sagamore, Route 1A	<b>Portsmouth Police   RM 7 - 11am (all routes)</b>	Portsmouth
0.5	Circle - 3rd exit onto 1A/Pioneer Rd	<b>Rye Police   RM 7 - 11am (all routes)</b>	Rye
	<b>RETURN TO PORTSMOUTH</b>		
1.5	<b>REST STOP - Tate &amp; Foss Real Estate</b>		Rye
0.1	Left onto Lang Rd	<b>RM - 9:30am - 3:00pm (all routes)</b>	Rye
1.3	Left off Lang behind Service Credit Uni	<b>Portsmouth Police   RM 10 - 3pm (all routes)</b>	Portsmouth
0.2	Right onto Longmeadow Rd		Portsmouth
0.0	Cross Route 1 onto Ocean Rd		Portsmouth
1.9	Cross Route 33 Stay on Ocean Rd	<b>Greenland Police - see 25 mi.</b>	Greenland
0.3	Right onto Portsmouth Ave		Greenland
0.0	Cross Railroad Tracks		Greenland
1.0	Left onto Bike Path	<b>RM - 10:30am - 3pm (all routes)</b>	Portsmouth
1.6	Exit Bike Path Right onto Corporate		Portsmouth
1.6	Right into Cisco Brewers		Portsmouth



# Seacoast Outright

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

July 30, 2021

Honorable Mayor Rick Becksted  
Portsmouth City Council  
City Hall, 1 Junkins Avenue  
Portsmouth, NH 03801

Dear Mayor Becksted and Council Members:

We can all agree this has been a challenging year. PRIDE 2020 was virtual, and our recent June 26<sup>th</sup> event, in partnership with the Prescott Park Arts Festival, while well attended and successful by many measures, was limited in number (thankfully) due to pandemic restrictions. We are very grateful for the support of the City and agree it was too soon for a larger event, but we all missed having our traditional parade downtown, and the marketplace at the Strawberry Banke Museum.

That being said, we are hopeful, even now with yet another surge, that by October 10<sup>th</sup> we will be able to host our usual parade and gathering for the LGBTQ community and our allies. Portsmouth PRIDE is now an annual, signature event bringing thousands of participants to the City, and ensuring that Seacoast Outright serves our LGBTQ youth, and continues to receive support for our programming.

We would love to bring Portsmouth PRIDE back to the City of Portsmouth on **Sunday October 10<sup>th</sup>**.

We look forward to answering your questions and meeting with the City to approve plans for our 7<sup>th</sup> PRIDE!

Thank you,

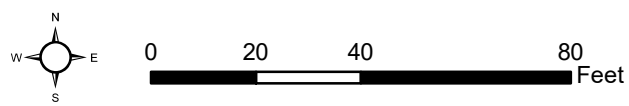
Hershey Hirschkop, Executive Director

---

**Executive Director:** Hershey Hirschkop  
**Board of Directors:** Joyce Kemp - Board Chair  
Sarah Buckley - Secretary  
Gonzalo Cedeno - Board Member  
Linda Fishbaugh - Board Member

Christine Stilwell - Treasurer  
Michael Haley - Board Member  
Lee Hoginski - Board Member  
Yasamin Safazadeh - Board Member





**Request for license  
72A Congress Street**



 PortsmouthSign.com <b>603-436-0047</b>	<b>REVISION:</b> All orders under \$250 include 1 revision only. All orders over \$250 include 2 revisions only. Additional revisions will be charged at \$25 per revision.  <b>PLEASE NOTE:</b> Designs are NOT actual size and color may vary depending on printer and/or monitor.	<b>6/9/2021</b>  I understand this Order Form is the final production order and replaces all previous drawings, notes and verbal instructions to this job. Standard vinyl & paint colors will be used. Custom colors and specific matches to PMS colors will be an additional fee. I have carefully reviewed this form and verify that it contains all necessary specifications and represents my order. I authorize fabrication according to this approval.  SIGNATURE: _____ Date: _____	Member of:  GREATER <b>PORTSMOUTH</b> CHAMBER OF COMMERCE the <b>Greater York Region</b> Chamber of Commerce
---	--	--	---

©COPYRIGHT 2019, BY PORTSMOUTH SIGN COMPANY. All designs and custom artwork remain the property of Portsmouth Sign Company until the order is complete and paid in full.

Shop Use Only	Qty: SS <input type="checkbox"/> DS <input type="checkbox"/>	Materials:	Background Color:	Vinyl Color: HP <input type="checkbox"/> Int <input type="checkbox"/>	Other:
---------------	--	------------	-------------------	---	--------






PortsmouthSign.com  
603-436-0047

**REVISION:**  
All orders under \$250 include 1 revision only.  
All orders over \$250 include 2 revisions only.  
Additional revisions will be charged at \$25 per revision.

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


6/6/2021

RETURN SIGNED TO: [service@portsmouthsign.com](mailto:service@portsmouthsign.com)


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

SIGNATURE: \_\_\_\_\_ Date: \_\_\_\_\_

Member of:

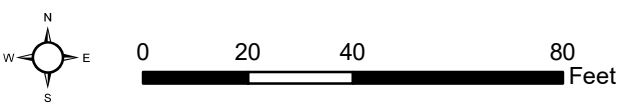


GREATER PORTSMOUTH CHAMBER OF COMMERCE



©COPYRIGHT 2019, BY PORTSMOUTH SIGN COMPANY. All designs and custom artwork remain the property of Portsmouth Sign Company until the order is complete and paid in full.

Shop Use Only	Qty:	Materials:	Background Color:	Vinyl Color:	Other:
	SS <input type="checkbox"/> DS <input type="checkbox"/>			HP <input type="checkbox"/> Int <input type="checkbox"/>	



**Request for license  
79 Congress Street**



existing (removed)



proposed

vinyl on painted mdo  
28" x 40"  
2 sided



## CITY COUNCIL E-MAILS

Received: August 23, 2021 (after 5:00 pm..) – August 19, 2021 (before 9:00 a.m.)

### August 23, 2021 Council Meeting

Below is the result of your feedback form. It was submitted by Robin Rousseau ([robinrousseau@aol.com](mailto:robinrousseau@aol.com)) on Tuesday, August 3, 2021 at 15:52:52

-----  
address: 90 Fleet Street

comments: I have over 25 years working with audit committees. As CPA working as a Director of Internal Auditor for two global public companies and audit for PWC, Grant Thornton and Ernst and Young, I can tell you that the City of Portsmouth has grown to the size of a mid-cap public company. As a result, there needs to be additional oversight over financial reporting. Most councilors have an overloaded schedule and don't have sophisticated financial expertise. We are lucky in this city to have some financial experts who have stepped up to the plate to volunteer their time to participate for the audit committee.

After hearing about the Council meeting last night, it occurred to me that some councilors may not understand that an audit committee needs to be independent of management. It is considered a financial oversight committee. I have attached an explanation of what an audit committee is below. Most major cities in the US have an audit committee. Due to our explosive growth, it would be in our best interest to add this committee as well.

What Is an Audit Committee?

An audit committee is one of the major operating committees of a company's (city's) Board of Directors (city council) that is in charge of overseeing financial reporting and disclosure.

Committee members are made up of Independent outside directors (independent of management) including a minimum of one person who qualifies as a financial expert.<sup>1</sup> KEY TAKEAWAYS

- An audit committee is made of members of a company's board of directors and oversees its financial statements and reporting. For a local government, there should be on City Council Member and at least one independent financial expert from the community.
- An audit committee must include outside board members (City Council Members) as well as those well-versed in finance or accounting in order to produce honest and accurate reports.
- Committee members must sign off on the company's books and take responsibility for any misreporting.
- 

How an Audit Committee Works

The audit committee works closely with auditors to ensure that company's (city's) books are correct and that no conflicts of interest exist between auditors or any outside consulting firms employed by the company (city). Ideally, the chair of the audit committee will be a Certified Public Accountant (SPA). Often, however, a CPA is not available for the audit committee, let alone a member of the board of directors (city council). The audit committee should include a financial expert, but this qualification is typically met by a retired banker, even though that person's ability to catch fraud may be less than expert. The audit committee should meet at least four times a year in order to review the most recent audit, either in-person or via teleconferencing. An additional meeting should be held if other issues need to be addressed.<sup>2</sup> Audit committees maintain communication with the company's (city's) chief financial officer and controller. The committee has the authority to initiate special investigations in cases where it is determined that accounting practices are problematic or suspect, or when serious issues arise with employees. An internal auditor could assist the committee in such efforts. If there is no internal auditor on staff, the committee may hire outside resources such as a legal and/or independent accounting firm to assist with the special investigation.

The audit committee's role includes the oversight of financial reporting, the monitoring of accounting principles, the oversight of any external auditors, regulatory compliance and the discussion of risk management policies with management.

Committee members may change from time to time, depending on the movement of personnel on or off the board or change of committee assignments. Participation on a city audit committee would be done on a voluntary basis.

Audit Committee Hazards

The audit committee must take its responsibilities very seriously. Financial reporting, compliance and risk management are subject to a number of hazards, especially when the company (city) is a large organization with thousands of personnel and reporting systems. Exogenous threats such as cyber hacking are under the purview of an audit committee, making its job even more challenging. Cybersecurity should be an increasing focus for audit committees in corporate boardrooms everywhere.

includeInRecords: on

---

Below is the result of your feedback form. It was submitted by Ken Goldman ([krgoldman@comcast.net](mailto:krgoldman@comcast.net)) on Wednesday, August 4, 2021 at 14:12:20

-----  
address: 271 Islington Street

comments: City Councilors,

At Monday's City Council Meeting, I was disappointed in the discussion prior to the vote on the Islington Creek Neighborhood Parking Program Pilot.

First of all, I was surprised and disappointed by the lack of discussion of, or support for, Councilor Lazenby's recommendation of setting metrics for this pilot program. What is the purpose of a pilot program if you don't lay out ahead of time the metrics that will determine success or failure, or whether the program was even needed in the first place? Given that the parking occupancy rates in Islington Creek already fall far below the 85% level that normally indicates the need for such a program, what data is going to be used to determine if the program should continue? I respectfully request that the City Council work with the Parking Department to set out the metrics and goals, disseminate them early in the program, and abide by the results indicated by the data collected.

As was mentioned several times during the City Council Meeting, and in emails to the City Council, in 2019 the neighborhood was polled to determine if this program was truly desired by the Islington Creek Neighborhood. This poll fell well short of the 75% approval rating required. Before implementing this program in 2021, no such poll was taken. Listening to the public comments, and reading the emails sent to the City Council, I noted that several of my neighbors expressed opposition to the program. Sadly, their objections were never mentioned during the discussion of the program. Therefore, I respectfully request that, prior to the end of the six month pilot program, the entire Islington Creek Neighborhood be polled on whether or not the residents want the program to continue. Early on in the program, the level of neighborhood approval required to continue the program should be specified and disseminated to the neighborhood. The results of this poll should be the most important data that is collected.

Thank you for your time and attention,

Ken Goldman

271 Islington Street

includeInRecords: on

---

Below is the result of your feedback form. It was submitted by Mike Sullivan ([Msully61@comcast.net](mailto:Msully61@comcast.net)) on Thursday, August 5, 2021 at 13:43:46

-----  
address: 12 mariette dr.

comments: Could you please spray for mosquitoes around the playground around the area of the Maple Haven; Both are very bad at night! Thank you for your time.

includeInRecords: on

---

Below is the result of your feedback form. It was submitted by Winthrop D Smith ([Smith485@comcast.net](mailto:Smith485@comcast.net)) on Friday, August 6, 2021 at 20:09:06

-----  
address: 485 F W Hartford Drive

comments: Please spray against mosquitos for the health and life of the Portsmouth residents (and taxpayers). Please assume you implicit responsibility and liability!

includeInRecords: on

Below is the result of your feedback form. It was submitted by Elizabeth Knies Storm ([elizabeth.knies.storm@gmail.com](mailto:elizabeth.knies.storm@gmail.com)) on Monday, August 9, 2021 at 15:30:57

---

address: 24 Osprey Drive

comments: Dear Councilors -- I just want to tell you how wonderful it feels to drive down Middle Street with the cars parked against the curb! It looks like what it's meant to be-- a thoroughfare through our beautiful town. THANK YOU for remedying the situation.

includeInRecords: on

---

Below is the result of your feedback form. It was submitted by Patrick Ganz ([apatrickg@comcast.net](mailto:apatrickg@comcast.net)) on Tuesday, August 10, 2021 at 20:01:44

---

address: 54 Hillside Drive, Greenland

comments: On a visit to Strawberry Banke, I recall standing in a "1940s general store" while finding myself in awe as I read of the countless sacrifices made by ordinary Americans during World War II. That spirit of giving for the greater good came to mind when I learned of Assistant Mayor Jim Splaine's commendable proposal to require Portsmouth city employees to either be vaccinated or undergo regular testing for Covid-19. In fact, asking a vaccine-hesitant individual to set aside a few seconds a week for testing to keep others safe strikes me as a comparatively small sacrifice.

Regrettably, Mayor Rick Becksted and Councilor Paige Trace have respectively characterized the proposal as "very concerning" and "invasive." Despite what I believe are good intentions in the name of personal liberty, both individuals are arguing for "freedom to" while neglecting the other half of the equation, which is "freedom from." Personal liberties must run paramount when choices rest solely within the domain of the individual's journey – how to worship, where to live, whom to marry, or what clothing to wear. However, when the individual's choice will prove harmful to others, such as driving too fast or polluting, the "it's my own journey" contention vaporizes.

My questions to the councilors who oppose this fair-minded proposal are as follows :

- 1) How is a few seconds of testing each week "invasive" compared to the invasiveness of a deadly virus?
- 2) If there is such concern, why not raise voices about the five vaccines already required of students in order to attend the city's public schools?
- 3) Why would we follow the path of American communities in which the lack of vaccinations is causing Covid cases to spiral out of control while causing unspeakable suffering?
- 4) How can your conscience square your policy position with the knowledge of the 3,600 American health care workers who died in the first year of the virus to protect Covid patients?

Finally, which position embodies the values that led America to victory in World War II - the "it's all about me" navel-gazing at the center of mandate-opposition, or the "I must live for a purpose greater than myself" ethos at the heart of Assistant Mayor Splaine's proposal?

I have faith that the resistant councilors will reexamine their early positions and opt to do what is right, and I commend the Assistant Mayor for embracing a path forward that embodies the best of the American spirit.

Patrick Ganz

Greenland resident, Portsmouth city taxpayer, Portsmouth city employee

includeInRecords: on

---

Below is the result of your feedback form. It was submitted by Justin C Richardson ([justin@nhwaterlaw.com](mailto:justin@nhwaterlaw.com)) on Wednesday, August 11, 2021 at 19:48:52

---

address: 586 Woodbury Avenue

comments: Hon Mayor Becksted and City Councilors:

Thank you for hearing us last week and considering taking steps to have noise mitigation installed on I-95.

I was not able to attend the walk at Panaway Manor, but one of my neighbors who also spoke, Bruce Schlieper on Rockingham Ave, provided me with the NHDOT's 2012 Noise Study. Here is a link to the NHDOT Study on my google drive account which includes a letter from the DOT saying that the noise levels are considered excessive, but

they do not plan to fix anything unless the Federal Government pays for it. Essentially the NHDOT policy is: "We built it; too bad; better luck next time."

<https://drive.google.com/drive/folders/1QHssD4zpuQtVpxEDBGakxjLrHryiG-VI?usp=sharing>

I think the City should consider hiring a consultant to peer review the study. I think there are flaws to it, but the biggest flaw is that it has done nothing for a decade while the problem continues to get worse. The DOT Study shows the highway noise levels at peak times are 70 decibels at my house, which is the equivalent of a vacuum cleaner running, all the time. Not a fancy vacuum cleaner by Miele. More likely a clunky old-Hoover that your parents gave you when you went to college.

I hope the City can urge our state and federal legislators to make funding available to solve this. The 2012 cost is \$27,000 per effected house. The DOT proposed Alternative 9 would reduce sound levels by 8 db at my house. If that turns out to be true, it would substantially improve the neighborhood and property values by much more than the cost.

Please consider hiring a noise consultant review the NHDOT study and urge our state and federal legislators to take action. Thank you.

-Justin

includeInRecords: on

---

Below is the result of your feedback form. It was submitted by Peter Somssich ([peter.somssich@gmail.com](mailto:peter.somssich@gmail.com)) on Friday, August 13, 2021 at 19:04:16

-----  
address: 34 Swett Ave,

comments: Requirement for City Employees and Contractors to be Vaccinated or Tested

Dear City Councilors,

I would like to provide you with some input below regarding a possible requirement for city employees and contractors to be vaccinated or to be regularly tested, which I believe is a good idea moving forward.

- 1) As you have probably heard, many organizations in NH, e.g. hospitals and some businesses, are joining national entities such as retailers and teacher's unions to require that their employees or members either be fully vaccinated or be available for regular Covid testing.
- 2) It would seem obvious that these organizations have made the decision, in light of the highly contagious Delta-Variant, to insist that their employees and members protect themselves and their customers from possibly contracting Covid from them. They fear an outbreak in their organization would lead to a shortage of staff (already often in short supply) and would label the organization as negligent in protecting both staff and customers.
- 3) The City of Portsmouth, with relative lean staffing, is in a similar situation and cannot afford a Covid outbreak that results in the quarantining of staff members for 14 days, when their services are needed for the people of Portsmouth.
- 4) In addition, the City would not want to be held liable if a customer of its services were to contract Covid from a city employee.
- 5) Also, there will not be much help from State government on this front. Governor Sununu has self-restricted his emergency powers for any future 4th wave. He signed into law several bills, which restrict his authority and requires him to act only together with the legislature in such cases ( such action would be slow). One bill he signed also rebated all of the fines paid by businesses who violated his own rules, after numerous warnings. It is highly unlikely that with that credibility he can impose fines on businesses in the future, even though it might be warranted.
- 6) For all of these reasons I strongly urge the council to act and pass municipal employee and contractor requirements for Portsmouth, without waiting for the state or the federal government to mandate such requirements.

Thank you, Rep. Peter Somssich  
34 Swett Ave [REDACTED]

includeInRecords: on

Below is the result of your feedback form. It was submitted by Andrew Bagley ([Abagley21@gmail.com](mailto:Abagley21@gmail.com)) on Saturday, August 14, 2021 at 19:06:33

---

address: 40 Chauncey Street

comments: Dear Honorable Mayor, Assistant Mayor and City Councilors, I know there was no holiday parking last year, will it be making a return at all this year?

Best regards,

Andrew Bagley.

includeInRecords: on

---

Below is the result of your feedback form. It was submitted by Elizabeth Dinan ([dinanroom@gmail.com](mailto:dinanroom@gmail.com)) on Sunday, August 15, 2021 at 07:29:58

---

address: 639 Maplewood Ave

comments: City Councilors,

When the late Paul McEachern was winning the public's right to access Sander's Poynt, he convinced the Superior Court to instruct the Wentworth to install signs announcing the area is open to the public.

Similar signs would be helpful at pocket parks/greenways that are added by developers as bargaining chips (for example the new public corner at 111 Maplewood Ave.). It doesn't hurt to ask after the fact, or in process. Thanks for considering this.

includeInRecords: on

---



August 10, 2021

Portsmouth City Council  
c/o The City Clerk  
Junkins Avenue  
Portsmouth, NH 03801

Dear Portsmouth City Council,

We are requesting that this item be added to the August 22, 2021, Portsmouth City Council meeting agenda.

Since the Emergency Order has been lifted which allowed for hybrid/remote meetings of the Coakley Landfill Group (CLG), one of the members of the Executive Board is able to access the meetings remotely, but no one from the public or local, municipal, or state officials are able to do so. New Hampshire and the rest of the country are experiencing an increasing number of COVID-19 cases and face the uncertainty of the immunization status of all individuals who may attend the CLG's meetings, and the spread of more contagious and infectious variants of COVID-19.

Further, at the June 2021 meeting Portsmouth City Attorney Robert Sullivan said, "I personally would like to schedule one meeting each year in Boston." The participants discussed that the September 2021 meeting may be held in Boston.

These actions, if not explicit violations, certainly do not comply with the spirit of the Right to Know Law which is intended to allow access to the public who fund the CLG. Some community members also bear the burden of past and present exposure to toxic chemicals leaching from the dump. Due to the continuing pandemic, the citizens most impacted are likely to be more vulnerable to COVID-19 and unable to attend in-person meetings.

We respectfully request that the Portsmouth City Council join us in pressing the CLG to reconsider these actions and allow the public to access the meetings remotely.

Sincerely,

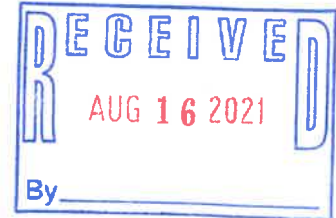
Asst. Mayor Jim Splaine  
Hon. Mindi Messmer, Rye  
Hon. John Tuthill  
NH House Representative Renny Cushing, Democratic Minority Leader, Hampton  
NH House Representative Mike Edgar, Hampton  
NH House Representative David Meuse, Portsmouth



**BOARD OF SELECTMEN**  
Town of Greenland • Greenland, NH 03840  
11 Town Square • PO Box 100  
Phone: 603.431.7111 • Fax: 603.430.3761  
Website: greenland-nh.com

August 10, 2021

Portsmouth City Council  
c/o The City Clerk  
Junkins Avenue  
Portsmouth, NH 03801



Dear Portsmouth City Council,

We are requesting that this item be added to the August 22, 2021, Portsmouth City Council meeting agenda.

Since the Emergency Order has been lifted which allowed for hybrid/remote meetings of the Coakley Landfill Group (CLG), one of the members of the Executive Board is able to access the meetings remotely, but no one from the public or local, municipal, or state officials are able to do so. New Hampshire and the rest of the country are experiencing an increasing number of COVID-19 cases and the spread of more contagious and infectious variants of COVID-19.

Further, at the June 2021 meeting Portsmouth City Attorney Robert Sullivan said, "I personally would like to schedule one meeting each year in Boston." The participants discussed that the September 2021 meeting may be held in Boston.

These actions, if not explicit violations, certainly do not comply with the spirit of the Right to Know Law which is intended to allow access to the public who fund the CLG. Some community members also bear the burden of past and present exposure to toxic chemicals leaching from the dump. Due to the continuing pandemic, the citizens most impacted are likely to be more vulnerable to COVID-19 and unable to attend in-person meetings.

We respectfully request that the Portsmouth City Council join us in pressing the CLG to reconsider these actions and allow the public to access the meetings remotely.

Sincerely,

Steven Smith  
Chairman, Board of Selectman





August 17, 2021

Dear Ms. Conard, Mayor Rick Becksted, City Council Members, and Ms. Barnaby,

I am writing to you today as Chair of Steering Committee for the Portsmouth Community Garden, requesting support to fund the water installation into the proposed community garden.

### **Background**

In March of this year, we started exploring the idea of a creating a community garden in Portsmouth. With the help of Peter Rice, we quickly narrowed our search to the strip of city land between Rte. 33 and the Ride-Share Parking lot. This city-owned land is currently unused, has plenty of sun, parking, and great visibility from Rte. 33. The only thing it is lacking is a water line into the garden space. The city Water Division visited the site and provided a \$7,130 quote to install water, broken down as follows:

- \$2,041 for labor
- \$1,120 for equipment
- \$700 for parts (including double check backflow device)
- \$500 for meter pit
- \$2,769 for hydrants (1 at each end of the garden)

**The Steering Committee respectfully requests the City of Portsmouth fund the cost of the water installation.**

Please note some of the following key points of our initiative:

- Our mission – To create a community space where individuals and local organizations can grow food in a peaceful, respectful and inclusive environment.
- City of Portsmouth would license this land to the Portsmouth Community Garden to use as a public space where community members can grow food for individual use.
- The Portsmouth Community Garden established Gather Food Pantry as a Fiscal Sponsor until our own 501(c)3 status is approved. All paperwork has been filed with the state and the IRS.
- We are in the process of transitioning from a Steering Committee to a formal Board of Directors governance structure.

- We have received \$8,000 in donations to date including a large donation from the Portsmouth Rotary Club, and smaller donations from community individuals and the Great Island Garden Club. This money is earmarked for the start-up of the garden including the following: fence, raised beds, soil, compost, insurance, and water usage fees.
- The soil has been tested through the UNH Cooperative Extension and shows no toxins.
- We plan to have 30 beds (plots) available on a first-come basis, communicated in a variety of methods with a nominal fee to rent a bed. We also plan to reserve some beds to grow food for Gather and other food pantry services in Portsmouth.
- Individuals wanting a bed will not be turned away due to inability to pay.
- Our timeline is to build the garden this Fall for opening in Spring 2022. We have two groups of volunteers, the Portsmouth Rotary Club and Lonza Biologics, committed to the build-out.

The Portsmouth Community Garden Steering Committee has worked hundreds of hours to date to make this a reality. Our hope is that you see the benefit of a community garden for Portsmouth and support us!

Thank you for your consideration.

Regards,

Tricia Donohue, Chair, Steering Committee, Portsmouth Community Garden

August 17, 2021

Portsmouth City Council  
City Hall  
Portsmouth, NH

RE: New Bicycle Lanes Along Maplewood and Market

Honorable Mayor & Council:

Please do not construe the following as criticism of your work on the Council. All nine of you are doing a fine job, and I am grateful for your time and effort. Rather, this letter concerns bicycle infrastructure designs generated by the City's Planning Department.

The bicycle lanes alongside 111 Maplewood (the former Portsmouth Herald building) are hazardous for bicyclists. To illustrate the problem, the photo below shows a Subaru Forrester with its door extended 4.25' into the new 6' wide bicycle lane. That leaves a bicyclist with little maneuvering room to avoid the door. The bicyclists' safest alternative would be to ride in the motor vehicle travel lane, an option that would likely frustrate and anger those motorists who do not perceive the danger posed by the bicycle lane's proximity to parked vehicles.



This buffer-less type of bicycle lane design is popular in Massachusetts among that state's policy makers. In 2014, Portsmouth's Planning Department proposed such a design for Maplewood. I objected at the time, pointing out that this design had just killed a bicyclist in Durham. He had been doored. The Town of Durham promptly removed its new bike lanes, and Portsmouth eventually shelved its Maplewood proposal.

Well, it's back again. A case of amnesia, perhaps? Was nothing learned from the Middle Street dooring episode? Or the Durham fatality?

The new bike lanes on Market Street are problematic as well. The photo below shows a 3.5' wide bicycle lane sandwiched between a 10.5' wide travel lane and a 8.75' wide turning lane. The posted speed limit is 25 mph, however the design speed is quite a bit higher, as evidenced by the expanse of obstruction-free pavement. The City also installed a similar configuration just south of Bohenko Gateway Park.



Painted stripes on the roadway provide the bicyclist with no protection from a motorist who is impaired or momentarily distracted.

The stripes that separate the lanes are dashed, not solid. This allows an indecisive tourist to abruptly cross from one travel lane to the other. Such a maneuver would be reckless, but perfectly legal because your planners specified dashed lines instead of solid lines.

The vertical granite curbs on the right prevent bicyclists from seeking safe passage along the side of Market St. Prior to this purported improvement, bicyclists could avoid danger by riding along the periphery. Alas, now they are sandwiched between two motor vehicle travel lanes.

As you may be aware, nationwide studies have shown that when a motor vehicle traveling at 20 mph collides with a bicyclist, the latter has a 90% chance of surviving. At 30 mph, the odds are down to 50%, and at 40 mph they are 10%.

This sandwich lane configuration is popular in Massachusetts where that state's leadership has repeatedly declined to prioritize bicyclist safety, and where it is lawful for motorists to drive within inches of bicyclists.



In contrast, here in NH and in Maine and in 33 other states, motorists are required by law to maintain a 3-foot buffer from bicyclists (NH RSA 265:143-a). How does a motorist in Market Street's 8.75' turning lane honor the 3-foot buffer? The only way to comply would be to reduce one's speed to match that of the bicyclist. In the real world, that is simply not going to happen where the posted speed limit is 25 mph. This design flaw is a consequence of your planners imposing Massachusetts design principles on our community, with no regard for NH law.

As you know from experience, if the Council were to question the wisdom of this approach, your planners would likely respond by bringing in more Massachusetts experts (at our expense) to proclaim that everything is just fine.

During the past decade, Portsmouth spent considerable sums on bicycle infrastructure. Regrettably, poor design decisions have made it more dangerous to ride a bicycle at several locations in the city. This record of problematic designs is at odds with City Council Policy #2013-1, Complete Streets. The term was defined by the Council in 2013 as follows:

*"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 a street.*

"Safe" and "safely" are the operative words here, as are "all ages and abilities" Would you permit your young child or grandchild to ride a bicycle in the new 3.5' sandwich lane? Of course not. Obviously, City staff disregarded the Council's policy.

Cities around the world are persuading their citizens to rely less on motor vehicles and more on bicycles. This transformative change is made possible by new bicycle infrastructure that is not just safe, but importantly, perceived to be safe. Montreal's remarkable success in this regard provides us with a great model worth emulating. No need to reinvent the wheel.

In Portsmouth, bicycle policy is largely driven by a vocal lobby of bicycle enthusiasts, aged 20 to 50 or so, who tend to be less risk averse than the general population, and who also seem to be perfectly content with Massachusetts design standards. Hence, we are not seeing the transformative change in Portsmouth that is everywhere evident in Montreal.

If we are going to effectively mitigate our impact on the climate, we must do better than this.

I respectfully request that the City Council refer this letter to the Parking & Traffic Safety Committee, and ask for a report back. Thank you for your consideration.


A handwritten signature in black ink, appearing to read 'Tom Morgan', written in a cursive style.

Tom Morgan  
39 Richards Avenue

**CITY OF PORTSMOUTH  
LEGAL DEPARTMENT  
MEMORANDUM**

DATE: August 17, 2021

TO: KAREN S. CONARD, CITY MANAGER

FROM: SUZANNE M. WOODLAND, ACTING DEPUTY CITY MANAGER / DEPUTY CITY ATTORNEY 

RE: UPDATE ON DEVELOPMENT OF AUDIT COMMITTEE ORDINANCE

---

**Draft Ordinance**

At the August 2, 2021 City Council meeting, City Councilors and the public again had the opportunity to consider a proposed ordinance to establish a standing audit committee. From that discussion, there appeared to be two threads of concern, one relating to the membership of the audit committee and the other related to duties. Specifically, there appeared to be a preference that all, or at least a majority, of the audit committee members consist of City Councilors. In addition, there was sensitivity that the scope of the duties be appropriate and respectful of the roles of the City Council, City Manager and Finance Director as defined by Charter and the Administrative Code (no “mission creep”). In order to try to advance consideration, the attached revised draft ordinance has been prepared, but as of this date, the Mayor’s Blue Ribbon Audit Committee has not yet had an opportunity to consider this draft at a scheduled meeting.

**Commitment and Compliance with City Charter**

As I understand it, you, as City Manager, are committed to issuing a Request for Proposals (RFP) for auditing firms in the late fall of 2021 with adequate time for a robust selection process. Much work was done this year such that issuance of an RFP should be an efficient process. A standing audit committee would give those City Councilors interested in this process a venue for participation and conversation on this important topic. Alternatively, if the City Council were to forgo creation of a standing audit committee, the Finance Department would conduct the procurement process and the City Manager would bring forward to the City Council one or two qualified firms to the whole City Council for selection. The auditing firm would report to the whole City Council at the conclusion of the audit as in previous years. The City can thus comply with the Charter Requirements without an audit committee.

Attached are four documents to further assist the City Council in its consideration of next steps:

1. Proposed draft City Ordinance Chapter 1, Article IV Commissions and Authorities, Section 1.414 Audit Committee prepared August 16, 2021;
2. Additional Background of NH Communities;
3. Audit Survey of all NH Municipalities as of August 17, 2021; and
4. Additional Background Information on Auditing of Governmental Entities.

cc: Judie Belanger, Finance Director

ORDINANCE #  
THE CITY OF PORTSMOUTH ORDAINS

**Chapter 1, Article IV COMMISSIONS AND AUTHORITIES**

**Section 1.414      AUDIT COMMITTEE**

There shall be a permanent Audit Committee established and maintained for the purpose of assisting the City Council with its implementation of Section 7.4, INDEPENDENT AUDIT of the City Charter.

- A.      Membership and Term:
1. The Audit Committee shall consist of six (6) members. Five (5) members shall be City Councilors appointed by the Mayor. One member shall be from the public, but that member shall be nonvoting. To the extent practical, the members shall possess experience in finance, accounting, auditing, and/or financial management and reporting, with governmental finance experience being preferred. The member of the public shall serve for a two (2) year term.
  2. All members shall be independent of both City management and any auditing firm which may be under contract with the City. In order to enhance the integrity of the financial reporting, the independence of each member will be maintained throughout the duration of their term on the Audit Committee. All members shall be residents of the City of Portsmouth throughout their term on the Audit Committee.
- B.      Within the context of the City's procurement process and the responsibilities of the City Manager and Finance Department under the City Charter and other sections of these ordinances, the Audit Committee's duties shall be to:
1. Assist with the development of the scope of work for audit and non-audit services in any Request for Proposal for auditing services;
  2. Assist with the evaluation and ranking of firms based on the selection process defined in the Request for Proposal for auditing services; and
  3. Recommend to the full City Council one or more independent auditors for selection by the City Council.
  4. Meet with the auditing firm after it has completed its annual audit for the purpose of evaluating the work and making recommendations to the City Council or City Manager.

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

This ordinance shall take effect upon its passage.

APPROVED:

\_\_\_\_\_  
Rick Becksted, Mayor

ADOPTED BY COUNCIL ON \_\_\_\_\_, 2021

\_\_\_\_\_  
Kelli L. Barnaby, City Clerk

DRAFT



### **ADDITIONAL BACKGROUND ON NH COMMUNITIES**

In the drafting of new ordinances, it is often the case that City staff will look to other New Hampshire communities for examples as to form and to get input on their experience. To that end, and consistent with the request of Councilor Lazenby at the July 12, 2021 City Council meeting, the City has been investigating how other New Hampshire communities have been managing their audit responsibilities. To that end, an initial report on findings was provided as an informational item in the August 2, 2021 City Council Agenda Packet. **An updated spreadsheet with a 65% response rate is attached.**

In summary, staff has been unable to identify a single town or municipality in NH that has an audit committee. Many towns in the State follow RSA 32:16 *Duties and Authority of the Budget Committee*. The duties set forth in this statutory section do not include responsibilities for selecting or overseeing the independent auditor. The City of Portsmouth has used in the past either a Joint Budget Committee or a Meeting of the Whole to establish and recommend to the City Council guidelines for the fiscal year budget. It is thus important to keep in mind that budget committees and finance committees typically do not involve themselves in the selection or oversight of the auditor.

Councilor Kennedy correctly pointed out that the August 2, 2021 information did not include information concerning some of the municipalities that are closer in size to Portsmouth. Since that time, the staff has reached out to those communities referenced by Councilor Kennedy at the August 2, 2021 meeting. Councilor Kennedy pointed specifically to Deerfield, Exeter, Laconia, and Nashua.

Information on those communities is as follows.

**Deerfield (Independent Auditor - Melanson since 2008):** The Town of Deerfield has a Municipal Budget Committee. The committee works with the Board of Selectmen and other officers and department heads to estimate costs, revenues anticipated, and services. This committee is not involved with the annual audit process or selection of the independent auditors.

<https://www.townofdeerfieldnh.com/municipal-budget-committee>

**Exeter (Independent Auditor - Melanson since 2007):** The Town of Exeter has a Budget Recommendations Committee (BRC). <https://www.exeternh.gov/bcc-brc> Members are nominated at town deliberative session and voted in by town ballot. The BRC makes recommendations to the Select Board for the budget process only and has no role with regard to the independent auditors.

**Laconia (Independent Auditor - Melanson since 2008):** Laconia's Administrative Code §13-1 describes the method of the selection of the independent auditor.

**§ 13-1 Selection of independent auditor.**

An independent auditor shall be selected by a process involving the solicitation of qualifications or proposals and otherwise conforming to the City's current and adopted Purchasing Procedures.<sup>[1]</sup> The City administration shall seek and obtain qualification statements or written proposals from accounting firms, and, upon completion of the City administration's review of these proposals, the City Manager shall recommend the appointment of an independent auditor to the City Council. The City Council shall then accept or reject the City Manager's recommendation. The auditor shall be a certified public accountant experienced in municipal accounting. During the auditor's term of service, the auditor shall not be associated with city government in any other capacity.

Laconia has a Finance Committee which is not involved in the annual independent audit process:

**§ 31-1 Finance Committee.**

There shall be appointed at the commencement of each municipal term a Standing Committee on Finance, consisting of at least three members of the City Council.

**§ 31-2 Duties of Finance Committee.**

The Finance Committee shall have the following powers and duties:

- A. To conduct surprise audits, investigations or inspections as the Committee deems necessary or proper to ensure adequate protection and proper use of public funds.
- B. To approve all loans to the City which are authorized by the City Council and report the same to the City Manager.

In speaking with the Laconia Finance Director, the Finance Committee consists of three members all which are City Councilors. The Finance Committee has not requested any surprise audits, investigations or inspections in the last 10 years (and beyond that time is unknown). This committee does not oversee the functions of the annual independent audit.

**Nashua (Independent Auditor -Melanson since 2002)** Nashua has a Finance Committee which has limited involvement with the audit.

**§ 5-122 Composition; duties.**

[NRO 1975, T. 4, § 1001; NRO 1987, § 2-766; amended 2-13-2001 by Ord. No. O-01-125]

- A. The finances and accounts of the City shall be under the supervision of a Finance Committee composed of the Mayor and three Aldermen at Large and three ward Aldermen. The three ward Aldermen and three Aldermen at Large shall be appointed by the President of the Board of Aldermen and the Mayor shall act as Chairman.
- B. The Finance Committee shall meet on the first and third Wednesday of every month, unless this date falls on a holiday, in which case the meeting shall be held on the first regular business day following the holiday. The Mayor may change the date of the Finance Committee meeting if the warrant is the only item on the agenda or call a special meeting of the Finance Committee, duly noticed. The Committee shall supervise the finances and accounts of the City. The Committee shall carefully examine and audit all accounts and demands properly laid before it to determine that they were charged to appropriate funds and accounts. [Amended 11-28-2006 by Ord. No. O-06-46; 8-12-2008 by Ord. No. O-08-22; 9-27-2011 by Ord. No. O-11-85]

In some years, the auditors will report the final audit to the Finance Committee which then provides the report to the governing body. Last year the auditors presented directly to the City Council. In speaking with Nashua's Chief Financial Officer, the Finance Committee focuses on the procurement process. The oversight of the audit process is conducted by the Senior Manager in the Accounting Department and under the CFO.

*Audit Committee Survey: As of July 27, 2021, the following question was sent to the 234 NH Communities: " Does your community have an Audit Committee, Finance Committee or any other committee which oversees the independent auditing firm and its process then reports back to your governing body?"*

Yes (% of Responses)	No (% of Responses)	Total Responded (% of Communities Responded)	Number of Municipalities in NH
0	151	151	234
0%	100%	65%	

Note: Blue Highlight Denotes New Hampshire's 13 Cities

Community	City or Town	Population (2019 Est.)	Audit Committee? (Yes/No) (Blank = No Response)	Other Finance Committee?	Is the Financial Committee Involved in the selection or oversight of the Independent Auditors - or - the Audit Process?	Notes /Charge
Acworth	Town	907		Budget Committee	No involvement with the independent audit functions or selection of the firm.	Assists with the budget process only. No annual audit involvement.
Albany	Town	753		None Found	N/A	
Alexandria	Town	1,651	No	None Found	N/A	
Allenstown	Town	4,368	No	Budget Committee	No involvement with the independent audit functions or selection of the firm.	Operates under RSA 32
Alstead	Town	1,961		None Found	N/A	
Alton	Town	5,361	No	Budget Committee	No involvement with the independent audit functions or selection of the firm.	Operates under RSA 32. The Budget Committee meets every year starting in November through January to recommend and review the Town and School budgets. The committee members are elected and operate under RSA 32 Municipal Budget Law. They are composed of 7 members, which includes an ex-officio from the School Board and the Board of Selectmen. No Audit involvement.
Amherst	Town	11,599		None Found	N/A	Members of Andover's Budget Committee are elected by legislator body, with the exception of the two members representing the Select Board and School Board, which are appointed by their respective Boards.
Andover	Town	2,372	No	Budget Committee	No involvement with the independent audit functions or selection of the firm.	The job of the Budget Committee is to review the budgetary recommendations of the governing body and adjust those recommendations as they feel is appropriate for the betterment of the town. It is the Budget Committee's recommendation that you are presented with and asked to vote on at Town Meeting each year.
Antrim	Town	2,646	No	None Found	N/A	
Ashland	Town	2,099		Budget Committee	No involvement with the independent audit functions or selection of the firm.	The Ashland Budget Committee operates under RSA 32. The principal duty of the Committee, according to RSA Chapter 32, is to review the proposed budgets and the warrant articles requesting appropriations for the Town of Ashland and its utilities, and the Ashland School District. The process includes a public hearing on the Committee's initial decisions. The Committee then recommends its own version of the annual budget and expresses its opinions on the warrant articles to the voters, who have the final say on the budget and warrant articles. No Audit Functions
Atkinson	Town	7,115	No	Budget Committee	No involvement with the independent audit functions or selection of the firm.	Committee operates under RSA 32

Community	City or Town	Population (2019 Est.)	Audit Committee? (Yes/No) (Blank = No Response)	Other Finance Committee?	Is the Financial Committee Involved in the selection or oversight of the Independent Auditors – or – the Audit Process?	Notes / Charge
Auburn	Town	5,653	No	Budget Committee	No involvement with the independent audit functions or selection of the firm.	The Town of Auburn operates under the standards of the Municipal Budget Law (RSA 32:1).
Barnstead	Town	4,740	No	Budget Committee	No involvement with the independent audit functions or selection of the firm.	The budget committee operates under the authority granted by RSA 32, the Municipal Budget Act. The primary responsibility of a municipal budget committee is to assist its voters in the prudent appropriation of public funds. To do so, the committee reviews budgets prepared by both the town's governing bodies (Board of Selectmen and School Board).
Barrington	Town	9,123		Budget Advisory Committee	No involvement with the independent audit functions or selection of the firm.	Advisory Committee Only - works on budget. No audit functions.
Bartlett	Town	2,837	No	None Found	N/A	
Bath	Town	1,114		Budget Committee	No involvement with the independent audit functions or selection of the firm.	No Audit functions
Bedford	Town	23,011	No	None Found	N/A	
Belmont	Town	7,353	No	Budget Committee	No involvement with the independent audit functions or selection of the firm.	
Bennington	Town	1,489		Budget Committee	No involvement with the independent audit functions or selection of the firm.	The role of the Budget Advisory Committee is to advise the Board of Selectmen and the Town Administrator on budgetary matters as they prepare an operating budget to present to the residents of Bennington for a Town vote. The Budget Advisory Committee conducts regular meetings in the fall/early winter months, at which the public is encouraged to attend and contribute in thoroughly reviewing and analyzing the Town's proposed operating budget, as well as evaluating Town operations and budgetary practices. Throughout the process, the Board of Selectmen and the Budget Advisory Committee work cooperatively with each other to ensure that all the respective budgets will serve the community's needs.
Benton	Town	377		None Found	N/A	
Berlin	City	10,167	No	None Found	N/A	
Bethlehem	Town	2,591		None Found	N/A	
Boscawen	Town	4,049	No	Budget Advisory Committee	No involvement with the independent audit functions or selection of the firm.	The Boscawen Budget Advisory Committee operates under RSA 32. The committee meets in the months of January and February to review the town's proposed operating budget for the ensuing fiscal year. This process is with the Board of Selectman with an annual review from each of the Town's Departments. The Budget Committee will then recommend the annual budget for a vote at the annual town meeting every March.
Bow	Town	7,903	No	Budget Committee	No involvement with the independent audit functions or selection of the firm.	The Budget Committee reviews the annual budget submission of the Board of Selectmen and the School Board of SAU 67, and presents a recommended annual budget for a vote at the annual Town Meeting every March.
Bradford	Town	1,690	No	Budget Committee	No involvement with the independent audit functions or selection of the firm.	Operates under RSA 32

Community	City or Town	Population (2019 Est.)	Audit Committee? (Yes/No) (Blank = No Response)	Other Finance Committee?	Is the Financial Committee Involved in the selection or oversight of the Independent Auditors – or – the Audit Process?	Notes / Charge
Brentwood	Town	4,610	No	Budget Committee	No involvement with the independent audit functions or selection of the firm.	Operates under RSA 32.
Bridgewater	Town	1,106	No	None Found	N/A	
Bristol	Town	3,124		Budget Committee	No involvement with the independent audit functions or selection of the firm.	The Budget Committee operates under RSA 32 and has seven members elected for three-year terms. They are responsible for preparing and presenting the town budget. In order to prepare the budget, the committee communicates with department heads and other town officials regarding estimated costs, anticipated revenues, services performed to the extent deemed necessary. The Budget Committee is also responsible to conduct public hearings required under RSA 32:5.
Brookfield	Town	735		None Found	N/A	
Brookline	Town	5,387	No	Finance Committee	No involvement with the independent audit functions or selection of the firm.	From the Town "We have a finance committee but they do not oversee the auditor."
Campton	Town	3,405	No	None Found	N/A	
Canaan	Town	3,987		Budget Committee	No involvement with the independent audit functions or selection of the firm.	The basic responsibility of the Budget Committee is to prepare the annual budget for submission to the annual town meeting of the voters. A major source of information used in development of the budget is the governing body's (Select Board) recommendations to the Budget Committee.
Candia	Town	3,967	No	Budget Committee	No involvement with the independent audit functions or selection of the firm.	The Budget Committee operates under RSA 32 and its role is to recommend the Town's annual budget for citizen's to vote on in March.
Canterbury	Town	2,404	No	Budget Committee	No involvement with the independent audit functions or selection of the firm.	The Budget Committee is an advisory committee and meets with the Board of Selectmen several times throughout the year. They review the proposed budget for the Town of Canterbury submitted by the Selectmen and various departments. The result is a recommended budget presented to the public at the public budget hearing(s). Incorporating any changes as the result of the Public Hearing, the budget is then presented to the voters at Town Meeting.
Carroll	Town	818	No	None Found	N/A	
Center Harbor	Town	1,091		None Found	N/A	
Charlestown	Town	5,154	No	Finance Committee	No involvement with the independent audit functions or selection of the firm.	From the town: "Our Finance Committee is charged with reviewing the budget and working with the Selectboard. We do not work with the auditors."
Chatham	Town	344	No	Elected Auditor	N/A	Elected Town Auditor Only
Chester	Town	5,298	No	Budget Committee	No involvement with the independent audit functions or selection of the firm.	Operates under RSA 32
Chesterfield	Town	3,705		Budget Committee	No involvement with the independent audit functions or selection of the firm.	Oversees Town and School Budgets.
Chichester	Town	2,630	No	Budget Committee	No involvement with the independent audit functions or selection of the firm.	Oversees Town Budget.

Community	City or Town	Population (2019 Est.)	Audit Committee? (Yes/No) (Blank = No Response)	Other Finance Committee?	Is the Financial Committee Involved in the selection or oversight of the Independent Auditors – or – the Audit Process?	Notes / Charge
Claremont	City	13,246	No	Finance Committee	No involvement with the independent audit functions or selection of the firm.	The Finance Committee does not oversee the audit process. "Claremont's Finance Committee is only an advisory committee with limited input. The committee has no interaction with the audit firm. Claremont does NOT have an audit committee (per their Finance Director).
Clarksville	Town	278		None Found	N/A	
Colebrook	Town	2,323	No	None Found	N/A	
Columbia	Town	779	No	None Found	N/A	
Concord	City	42,982	No	Finance Committee	No involvement with the independent audit functions or selection of the firm.	The Finance Committee does not oversee the audit process. It reviews the proposed budget and make a recommendation, as amended, to the full City Council for adoption
Conway	Town	10,215	No	Budget Committee	No involvement with the independent audit functions or selection of the firm.	Conway's budget committee oversees the preparation of the budget and approves the proposed budget and default budget. They do not have any audit functions. The auditor is hired through a contract every 3 years.
Cornish	Town	1,654	No	None Found	N/A	
Croydon	Town	778	No	None Found	N/A	There are no such committees in Croydon (per the Select Board Chair)
Dalton	Town	1,001		None Found	N/A	
Danbury	Town	1,199	No	Internal Auditors	N/A	Danbury has two internal auditors working together and they elect one each year.
Danville	Town	4,553	No	Budget Committee	No involvement with the independent audit functions or selection of the firm.	The Budget Committee does not oversee or interact with the Audit or Auditor. Their only involvement is the acceptance of the proposed budget for the Auditor (amount is per the proposed contract).
Deerfield	Town	4,659	No	Municipal Budget Committee	No involvement with the independent audit functions or selection of the firm.	The charge of the Municipal Budget Committee is budget only.
Deering	Town	1,939		Budget Advisory Committee	No involvement with the independent audit functions or selection of the firm.	The Town of Deering has an Advisory Budget Committee. The committee is purely advisory and has none of the statutory duties or authority of an official budget committee.
Derry	Town	33,249	No	Fiscal Committee	The Committee receives a copy of the audit upon completion. There is no other interaction with the audit process nor with the independent auditor.	The Fiscal Committee Does not have any voice or part of the RFP process, audit is overseen by staff. The Committees only interaction is the receipt of the audit upon the publishing of the Comprehensive Annual Financial Report. Committee is made up of staff, chair of the Trust Funds and 1 Town Council Rep
Dorchester	Town	3,405		None Found	N/A	
Dover	City	31,795	No	Joint Fiscal Committee	No involvement with the independent audit functions or selection of the firm.	The Joint Fiscal Committee does not have a role in the audit process.



Community	City or Town	Population (2019 Est.)	Audit Committee? (Yes/No) (Blank = No Response)	Other Finance Committee?	Is the Financial Committee Involved in the selection or oversight of the Independent Auditors – or – the Audit Process?	Notes / Charge
Dublin	Town	1,593	No	Budget Committee	No involvement with the independent audit functions or selection of the firm.	The members of the Dublin Budget Committee are elected for staggered terms of three years. In addition, one member is appointed from the Board of Selectman. Although the Committee meets quarterly to review the current budget, most of their work is done between September 1 and Town Meeting in March of the following year. The Budget Committee is responsible for presenting the recommended Town budget at Town Meeting in March. The Board of Selectmen also present their Town budget, which may or may not differ from the Budget Committee version.
Dummer	Town	304	No	None Found	N/A	
Dunbarton	Town	2,909	No	None Found	N/A	
Durham	Town	16,085	No	None Found	N/A	
East Kingston	Town	2,424	No	None Found	N/A	
Easton	Town	418	No	None Found	N/A	Easton does not have a committee to oversee audits. The Select Board acts in this capacity with assistance from the Treasurer.
Eaton	Town	418	No	None Found	N/A	
Effingham	Town	1,498	No	Budget Committee	No involvement with the independent audit functions or selection of the firm.	The Budget Committee prepares an independent budget for annual Town Meeting.
Ellsworth	Town	86	No	None Found	N/A	
Enfield	Town	4,714	No	Budget Committee	Receives a report from the auditor upon completion of the audit. Does not oversee or perform any audit functions.	The Budget Committee gathers financial reports for the town and receives a presentation by the Independent Auditor upon preliminary completion of the audit in order to review the Town's financials. Staff is involved with the engagement of the auditors. The meeting with the committee is in order for them to have questions answered by the Auditor but not to oversee or in any way change the audit. Due to the timeline of the release of the final audit, the committee is presented the draft report.
Epping	Town	7,031	No	Budget Committee	No involvement with the independent audit functions or selection of the firm.	The Municipal Budget Committee is a committee of nine elected individuals, plus a representative from the Board of Selectman and the School Board from the community. They review the Board of Selectmen's and School Boards proposed annual budgets and determine the budget that will go before the voters at the Annual Town Meeting in March.
Epsom	Town	4,787	No	Budget Committee	No involvement with the independent audit functions or selection of the firm.	No information regarding the committee is available for the public (online) but a review of all available minutes yields no mention of engagement, interaction or oversight of the audit or its process or the auditor themselves by this committee.
Errol	Town	296	No	None Found	N/A	
Exeter	Town	15,382	No	Budget Recommendations Committee	No involvement with the independent audit functions or selection of the firm.	Members are voted in by ballot (elected position), makes recommendations for the Budget Process only. No interaction with the audit.
Farmington	Town	6,883	No	Budget Committee	No involvement with the independent audit functions or selection of the firm.	Committee members do not meet with the Auditors, they provide advice on the annual budget to the governing body.
Fitzwilliam	Town	2,418	No	None Found	N/A	
Francestown	Town	1,585	No	Budget Advisory Committee	No involvement with the independent audit functions or selection of the firm.	The responsibility of the Francestown Budget and Advisory Committee is to formulate and recommend an annual operating budget that will best meet the present and future needs of the Town of Francestown. The Committee will also advise the Selectmen on financial and other issues as requested.
Franconia	Town	1,132	No	None Found	N/A	

Community	City or Town	Population (2019 Est.)	Audit Committee? (Yes/No) (Blank = No Response)	Other Finance Committee?	Is the Financial Committee Involved in the selection or oversight of the Independent Auditors – or – the Audit Process?	Notes / Charge
Franklin	City	8,714	No	Finance Committee	No involvement with the independent audit functions or selection of the firm.	Finance committee does not oversee the audit process.
Freedom	Town	1,596	No	None Found	N/A	No information regarding the committee is available for the public (online) but a review of all available minutes yields no mention of engagement, interaction or oversight of the audit or its process or the auditor themselves by this committee. There is a note of the committee receiving a copy of the audit in 2017.
Fremont	Town	4,765	No	Budget Committee	No involvement with the independent audit functions or selection of the firm.	The Committee is not involved with the Audit Process. They review submitted budgets and make their committee recommendations.
Gilford	Town	7,255	No	Budget Committee	No involvement with the independent audit functions or selection of the firm.	The Budget Committee prepares the Town budget, reviews expenditure requests and revenue estimates. They meet periodically to review the budget statement. They hold at least one public hearing for each budget.
Gilmanston	Town	3,809		Budget Committee	No involvement with the independent audit functions or selection of the firm.	
Gilsum	Town	826		Budget Committee	No involvement with the independent audit functions or selection of the firm.	The budget Committee's function is to assist the voters in the prudent appropriation of public funds.
Goffstown	Town	17,938	No	Budget Committee	No involvement with the independent audit functions or selection of the firm.	The Budget Committee meets with the School District and Town to review proposed budgets.
Gorham	Town	2,819	No	Budget Committee	No involvement with the independent audit functions or selection of the firm.	
Goshen	Town	822		Budget Committee	No involvement with the independent audit functions or selection of the firm.	The Town of Goshen operates under the standards of the Municipal Budget Law (RSA 32:1).
Grafton	Town	1,371		Budget Committee	No involvement with the independent audit functions or selection of the firm.	The committee is only concerned with the town budget and has no interaction with the audit process, the auditor procurement, or engagement.
Grantham	Town	3,044	No	None Found	N/A	
Greenfield	Town	1,777	No	Budget Advisory Committee	No involvement with the independent audit functions or selection of the firm.	
Greenland	Town	4,146		Budget Committee	No involvement with the independent audit functions or selection of the firm.	The committee is only concerned with the town budget and has no interaction with the audit process, the auditor procurement, or engagement.
Greenville	Town	2,079	No	None Found	N/A	
Groton	Town	610		None Found	N/A	



Community	City or Town	Population (2019 Est.)	Audit Committee? (Yes/No) (Blank = No Response)	Other Finance Committee?	Is the Financial Committee Involved in the selection or oversight of the Independent Auditors – or – the Audit Process?	Notes / Charge
Hampstead	Town	8,741	No	Budget Committee	No involvement with the independent audit functions or selection of the firm.	The Hampstead Budget Committee functions in an advisory capacity according to NH RSA 32:24 and is not a municipal budget committee. It is comprised of five members, each elected to a three-year term.
Hampton	Town	15,207		Municipal Budget Committee	No involvement with the independent audit functions or selection of the firm.	
Hampton Falls	Town	2,428	No	None Found	N/A	
Hancock	Town	1,665		Budget Advisory Committee	No involvement with the independent audit functions or selection of the firm.	
Hanover	Town	11,502	No	Finance Committee	Financial statements are provided to members.	Their advisory role is to weigh in on budget matters. Past Areas of Focus have involved capital reserve funds and undesignated fund balance levels.  Historically, they have had no control over the independent audit process. The auditor has historically attended a meeting upon request to educate the committee on the audit or a particular area of interest (such as OPEB). This limited engagement has been the only interaction with the auditors the committee has had.
Harrisville	Town	965	No	None Found	N/A	
Hart's Location	Town	46		None Found	N/A	
Haverhill	Town	4,663	No	None Found	N/A	
Hebron	Town	628	No	None Found	N/A	
Henniker	Town	4,922	No	Budget Advisory Committee	No involvement with the independent audit functions or selection of the firm.	The Town of Henniker has an Advisory Budget Committee. The committee is purely advisory and has none of the statutory duties or authority of an official budget committee.
Hill	Town	1,102	No	Budget Committee	No Audit Functions Found	Reviewed Budget Committee Minutes available, no interaction with the audit process or the Independent Auditor.
Hillsborough	Town	5,992		None Found	N/A	
Hinsdale	Town	4,058	No	Budget Committee	No Audit Functions Found	Reviewed over a year's worth of Meeting Minutes and found no interaction with the Audit Process or the Independent Auditor.
Holderness	Town	2,131	No	Budget Committee	No Audit Functions Found	No information available on the Committee on the website. Reviewed over 1 year's worth of meeting minutes and found no interaction with the town auditor or any interaction with the Independent Auditor.
Hollis	Town	7,962	No	Budget Committee	No involvement with the independent audit functions or selection of the firm.	Hollis is a Municipal Budget Act town (and School), meaning the elected members of the Hollis Budget Committee are responsible for the creation and presentation to voters of the operating budgets for the Town and Hollis School District. (the Hollis Brookline Cooperative School District has an independent Coop Budget Committee), as well as review and make recommendations on the financial issues to the voters, Selectmen and School Board.
Hooksett	Town	14,650	No	Budget Committee	No involvement with the independent audit functions or selection of the firm.	Operates under RSA 32
Hopkinton	Town	5,712	No	Budget Committee	No involvement with the independent audit functions or selection of the firm.	Prepares the town budget only.

Community	City or Town	Population (2019 Est.)	Audit Committee? (Yes/No) (Blank = No Response)	Other Finance Committee?	Is the Financial Committee Involved in the selection or oversight of the Independent Auditors – or – the Audit Process?	Notes / Charge
Hudson	Town	25,514		Budget Committee	No involvement with the independent audit functions or selection of the firm.	The Budget Committee operates under RSA 32 and has nine members elected for three-year terms. They are responsible for preparing and presenting the town budget.
Jackson	Town	849	No	None Found	N/A	To prepare the budget for submission to each annual or special meeting of the voters of Jaffrey. To confer with the Town administration and officers, department heads and other officials, relative to estimated costs, revenues anticipated, and services performed to the extent deemed necessary by the budget committee.
Jaffrey	Town	5,424	No	Budget Committee	No involvement with the independent audit functions or selection of the firm.	
Jefferson	Town	1,134		None Found	N/A	
Keene	City	23,429	No	Finance, Organization and Personnel Committee (FOP)	Authorization to negotiate and execute a contract with the auditor is given by the FOP. No other interaction with the audit process or independent auditor is had by this committee.	The engagement of the independent audit is through the City Manager with the Finance Director overseeing the audit. The FOP committee has no oversight. The RFP and selection of the independent auditor is handled by the Finance Department with the City Manager. The selected firm is then brought forward to the FOP committee who makes the recommendation to the Council to vote in favor of granting the City Manager authority to do all things necessary to negotiate and execute a contract with the selected firm.
Kensington	Town	2,146	No	None Found	N/A	
Kingston	Town	6,240	No	Budget Committee	No involvement with the independent audit functions or selection of the firm.	Budget Process only.
Laconia	City	16,709	No	Finance Committee	No involvement with the independent audit functions or selection of the firm.	
Lancaster	Town	3,542	No	None Found	N/A	
Landaff	Town	424	No	None Found	N/A	
Langdon	Town	697		None Found	N/A	
Lebanon	City	14,079	No	None Found	N/A	
Lee	Town	4,483		Budget Advisory Committee	No involvement with the independent audit functions or selection of the firm.	Budget Advisory Only
Lempster	Town	1,184	No	None Found	N/A	
Lincoln	Town	1,748	No	Budget Committee	No Audit Functions Found	Reviewed over a year's worth of Meeting Minutes and found no interaction with the Audit Process or the Independent Auditor.
Lisbon	Town	1,688	No	None Found	N/A	
Litchfield	Town	8,634	No	Budget Committee	No involvement with the independent audit functions or selection of the firm.	The Litchfield Budget Committee operates under New Hampshire RSA Chapter 32 Municipal Budget Law Section 32:16 and Committee Bylaws.
Littleton	Town	5,939		Budget Committee	No involvement with the independent audit functions or selection of the firm.	To advise the Board of Selectmen and the School Board on matters related to the preparation of their respective operating budgets and other appropriations.

Community	City or Town	Population (2019 Est.)	Audit Committee? (Yes/No) (Blank = No Response)	Other Finance Committee?	Is the Financial Committee Involved in the selection or oversight of the Independent Auditors – or – the Audit Process?	Notes / Charge
Londonderry	Town	26,266	No	Budget Committee	No involvement with the independent audit functions or selection of the firm.	7 elected members - advise the Town Council and School board on matters related to the budget. They have no interaction with the audit process.
Loudon	Town	5,684	No	None Found	N/A	
Lyman	Town	548	No	None Found	N/A	
Lyme	Town	1,729		Budget Committee	No involvement with the independent audit functions or selection of the firm.	Lyme is a "budget act" Town and therefore has a Budget Committee which is responsible for reviewing the proposed budgets of the Board of Selectmen and School Board; holding public hearings on the proposed budgets and any warrant articles that require the expenditure of moneys; and then making its recommendations to the Town and School District Meetings. It is the Budget Committee's proposed budget that is then debated and acted upon by the voters at these meetings.
Lyndeborough	Town	1,727		Budget Committee	No involvement with the independent audit functions or selection of the firm.	The Budget Committee convenes to review departmental requests for funding each year. The committee will recommend the annual operating budget to the town to be voted on at the Town Meeting in March.
Madbury	Town	1,846	No	Internal Auditors	N/A	Elected
Madison	Town	2,648	No	Budget Advisory Committee	No involvement with the independent audit functions or selection of the firm.	The Advisory Budget Committee was created by Town Meeting in 1991 pursuant to NH RSA 32. The committee is charged with responsibility to review proposed municipal and school budgets and to prepare an annual report for Town Meeting indicating approval or disapproval of each money related warrant article.
Manchester	City	110,712	No	Internal Auditor (Hired-Vacant for 3 years)	N/A	Internal Auditor works with the City Solicitor (Legal) who selects the auditor.
Marborough	Town	2,143	No	None Found	N/A	
Marlow	Town	748	No	None Found	N/A	
Mason	Town	1,428		None Found	N/A	
Meredith	Town	6,420		None Found	N/A	
Merrimack	Town	26,237	No	None Found	N/A	
Middleton	Town	1,812		Budget Advisory Committee	No Audit Functions Found	No Committee description is listed on the website but a review of over 1 years worth of meeting minutes yields zero mentions of the independent auditor, the annual audit or any auditor selection.
Milan	Town	1,345		None Found	N/A	
Milford	Town	16,003	No	Budget Advisory Committee	No involvement with the independent audit functions or selection of the firm.	Each year the Town Moderator appoints 9 persons, each a resident of Milford, to comprise the Town Budget Advisory Committee. The role of the Budget Advisory Committee is to advise the Board of Selectmen, and the Town Administrator, on budgetary matters as they prepare an operating budget to present to the residents of Milford, NH for a town vote.
Milton	Town	4,617	No	Budget Committee	No Audit Functions Found	Reviewed the meeting minutes for over a 1 year period. Staff discussed the annual audit of the school with the Committee but no actions were taken - informational only.
Monroe	Town	813	No	None Found	N/A	
Mont Vernon	Town	2,601		Budget Committee	No involvement with the independent audit functions or selection of the firm.	The budget committee in Mont Vernon is an advisory committee. They are charged with advising the Selectmen and the Town Residents on their perception of the merits of the proposed budget.

Community	City or Town	Population (2019 Est.)	Audit Committee? (Yes/No) (Blank = No Response)	Other Finance Committee?	Is the Financial Committee Involved in the selection or oversight of the Independent Auditors – or – the Audit Process?	Notes / Charge
Moultonborough	Town	4,129		Budget Advisory Committee	No involvement with the independent audit functions or selection of the firm.	The Moultonborough Advisory Budget Committee (ABC) mission is to provide the community and governing bodies with independent review and objective analysis of the annual budget. ABC's review and analysis results will provide all groups, involved in preparing budget elements, with constructive recommendations on their planned budgets and spending practices.
Nashua	City	88,872	No	Finance Committee	Committee receives a verbal presentation upon completion of the audit. No involvement with the audit process nor other interaction with the independent auditor.	The Finance Committee has no part in the audit process. Finance Committee does not write the RFP or oversee the audit, work mostly in procurement (25k and over contracts). They receive the audit report as a verbal presentation upon completion of the Audit. Committee is made up of all Aldermen and Alderwomen
Nelson	Town	737	No	None Found	N/A	
New Boston	Town	5,857	No	Finance Committee	No involvement with the independent audit functions or selection of the firm.	Makes Recommendations about Budgets to Town Officials and the School Board - no audit roles.
New Castle	Town	968	No	Budget Committee	No Audit Functions No involvement with the independent audit functions or selection of the firm.	The Budget Committee operates under RSA 32 and consists of three (3) members (one position per year for a three-year term) who are elected by the town to serve along with an appointed Select Board and School Board member.
New Durham	Town	2,641		Budget Committee	No involvement with the independent audit functions or selection of the firm.	Operates under RSA 32
New Hampton	Town	2,298	No	None Found	N/A	
New Ipswich	Town	5,328		Budget Advisory Committee	No involvement with the independent audit functions or selection of the firm.	Budget Advisory Only
New London	Town	4,117	No	Budget Committee	No involvement with the independent audit functions or selection of the firm.	
Newbury	Town	2,193	No	None Found	N/A	
Newfields	Town	1,723		None Found	N/A	
Newington	Town	800	No	Budget Committee	No Audit Functions Found	Reviewed of all available minutes found no interaction with the Audit or its process nor the Independent Auditor.
Newmarket	Town	9,460	No	Budget Committee	No involvement with the independent audit functions or selection of the firm.	Budget Committee - 9 elected by the town and 1 rep from each the town council and school board. Budget Process only.
Newport	Town	6,480	No	Budget Advisory Committee	No involvement with the independent audit functions or selection of the firm.	Town ordinances nor minutes list the Budget Advisory Committee having any involvement with the Independent Audit. Independent Auditor's report is presented to the Select Board and Town Manager.
Newton	Town	4,967	No	None Found	N/A	

Community	City or Town	Population (2019 Est.)	Audit Committee? (Yes/No) (Blank = No Response)	Other Finance Committee?	Is the Financial Committee Involved in the selection or oversight of the Independent Auditors – or – the Audit Process?	Notes / Charge
North Hampton	Town	4,582	No	Budget Committee	No involvement with the independent audit functions or selection of the firm.	
Northfield	Town	4,884	No	Budget Committee	No involvement with the independent audit functions or selection of the firm.	Members of Northfield's Budget Committee are appointed by the Town Moderator, with the exception of the three members representing the Selectboard, Northfield Sewer District and Highlands Village District, which are appointed by their respective Boards.  The job of the Budget Committee is to review the budgetary recommendations of the governing body and adjust those recommendations as they feel is appropriate for the betterment of the town. It is the Budget Committee's recommendation that you are presented with and asked to vote on at Town Meeting each year.
Northumberland	Town	2,251		None Found	N/A	
Northwood	Town	4,300	No	Budget Committee	No involvement with the independent audit functions or selection of the firm.	The Budget Committee operates under RSA 32 and meets every year to recommend and review the Town, School, and Water District budgets. The Committee is composed of 16 members, which includes ex-officio members from the Board of Selectmen, School Board, Northwood Cove Village District, and Water District.
Nottingham	Town	5,144		Budget Committee	No involvement with the independent audit functions or selection of the firm.	The Municipal Budget committee operates in accordance with RSA 32.
Orange	Town	337		None Found	N/A	
Orford	Town	1,258	No	Budget Advisory Committee	No involvement with the independent audit functions or selection of the firm.	
Ossipee	Town	4,436		Budget Committee	No involvement with the independent audit functions or selection of the firm.	Operates under RSA 32
Pelham	Town	14,032		Budget Committee	No involvement with the independent audit functions or selection of the firm. Operates under RSA 32	Welcome to the Pelham Budget Committee Website. Within these pages you will find information about current Budget Committee Members, our meeting schedule, RSAs which establish our authority and our meeting minutes.
Pembroke	Town	7,093	No	Budget Committee	No involvement with the independent audit functions or selection of the firm.	The responsibility of the Budget Committee is to prepare a budget for submission to each annual or special meeting of the voters of the Town of Pembroke as well as the Pembroke School District.
Peterborough	Town	6,716		Budget Committee	No involvement with the independent audit functions or selection of the firm.	It shall be the duty of the Budget Committee to: Explain the tax impact of monies raised at each Town Meeting. Review and evaluate warrant articles based on short and long term ramifications, and make recommendations pertaining to same.
Piermont	Town	790		None Found	N/A	
Pittsburg	Town	888	No	None Found	N/A	
Pittsfield	Town	4,096	No	None Found	N/A	
Plainfield	Town	2,443	No	Finance Committee	No involvement with the independent audit functions or selection of the firm.	

Community	City or Town	Population (2019 Est.)	Audit Committee? (Yes/No) (Blank = No Response)	Other Finance Committee?	Is the Financial Committee Involved in the selection or oversight of the Independent Auditors – or – the Audit Process?	Notes / Charge
Plaistow	Town	7,749		Budget Committee	No involvement with the independent audit functions or selection of the firm.	Operates under RSA 32
Plymouth	Town	6,911	No	None Found	N/A	
Portsmouth	City	22,206	No	Joint Budget Committee (JBC)	The JBC has no involvement in the audit process nor interaction with the auditor.	JBC is an optional subset committee of the council to review budget recommendations and preliminary numbers.
Randolph	Town	308		None Found	N/A	
Raymond	Town	10,489		Budget Committee	No involvement with the independent audit functions or selection of the firm.	The Budget Committee, as established under RSA 32:15, consists of 5 elected at large members and 2 ex officio members, one each from the School Board and Board of Selectmen. (2014 Warrant Article 22). At large members shall serve staggered terms of 3 years and are elected at Town Meeting.
Richmond	Town	1,179	No	None Found	N/A	
Rindge	Town	6,244	No	Budget Advisory Committee	No Audit Functions Found	No Committee description is listed but a review of all available minutes of this committee show no mention of the town's independent Audit, the Auditor or any involvement in the audit process.
Rochester	City	30,992	No	Finance Committee	The Committee Receives a presentation by the Independent Auditors upon completion of the audit, no other interaction with the audit process or independent auditor occurs.	Finance Committee is made up of 7 of the 13 City Council Members They have no role in the audit process until the audit is complete. The decision, RFP process, and selection is entirely handled by the City Manager and the Deputy City Manager/Director of Finance & Administration. Once the audit is complete, the independent auditor presents the Final Financial statements to the Finance Committee who then passes the audit to the City Council by February 1st. At that time, if the Council so chooses, the Independent Auditors will present the audit to the City Council in a work session setting in February.
Rollinsford	Town	2,579	No	Budget Committee	No involvement with the independent audit functions or selection of the firm.	Operates under RSA 32
Roxbury	Town	224		None Found	N/A	
Rumney	Town	1,498		None Found	N/A	
Rye	Town	5,479		Budget Committee	No involvement with the independent audit functions or selection of the firm.	
Salem	Town	29,957	No	Budget Committee	No involvement with the independent audit functions or selection of the firm.	The Budget Committee serves in an advisory capacity and reviews the proposed operating budgets, capital and warrant articles for the Town of Salem and the Salem School District. The Committee then recommends or suggests modifications to the budget to the voters, who have the final say on the ballot and at the Town Meeting.
Salisbury	Town	1,424	No	Budget Committee	No Audit Functions Found	Reviewed the meeting minutes for over a 1 year period. No involvement with the town audit or independent auditor was found.

Community	City or Town	Population (2019 Est.)	Audit Committee? (Yes/No) (Blank = No Response)	Other Finance Committee?	Is the Financial Committee Involved in the selection or oversight of the Independent Auditors – or – the Audit Process?	Notes / Charge
Sanbornton	Town	3,005	No	Budget Committee	No involvement with the independent audit functions or selection of the firm.	The Committee consists of seven at large citizen members, two ex officio members representing the selectmen and the school board, and two alternates for the ex officio members. The selectmen and the school board appoint the ex officio members and their alternates. The at large members are elected at the annual town elections in March. When an at large position is vacant, new members may be appointed until the next annual election by a majority vote of the Committee.
Sandown	Town	6,473	No	Budget Committee	No involvement with the independent audit functions or selection of the firm.	Operates under RSA 32
Sandwich	Town	1,357	No	None Found	N/A	
Seabrook	Town	8,904	No	Budget Committee	No involvement with the independent audit functions or selection of the firm.	Operates under RSA 32
Sharon	Town	360		None Found	N/A	
Shelburne	Town	379	No	None Found	N/A	
Somersworth	City	11,844	No	Finance Committee		City Staff drafts the RFP and does the interview process with the firms. Staff presents the qualified candidates and their pricing to the Committee and the Committee grants authorization to enter into a contract with one of the firms. There is no other interaction with the audit process nor the independent auditors by this committee.
South Hampton	Town	826		None Found	N/A	
Springfield	Town	1,344		Budget Committee	No involvement with the independent audit functions or selection of the firm.	Reviewed the meeting minutes for over a 1 year period. No involvement with the town audit or independent auditor was found.
Stark	Town	573		None Found	N/A	
Stewartstown	Town	1,040		None Found	N/A	No Town Website
Stoddard	Town	1,277		None Found	N/A	
Strafford	Town	4,179		None Found	N/A	
Stratford	Town	768	No	None Found	N/A	
Stratham	Town	7,559	No	Budget Advisory Committee	No involvement with the independent audit functions or selection of the firm.	Budget only.
Sugar Hill	Town	583		None Found	N/A	
Sullivan	Town	699		Budget Committee	No involvement with the independent audit functions or selection of the firm.	Operates under RSA 32
Sunapee	Town	3,489		Budget Advisory Committee	No involvement with the independent audit functions or selection of the firm.	Budget Advisory Only
Surry	Town	760		Budget Committee	No involvement with the independent audit functions or selection of the firm.	Budget only.
Sutton	Town	1,881	No	Budget Committee	No involvement with the independent audit functions or selection of the firm.	Operates under RSA 32



Community	City or Town	Population (2019 Est.)	Audit Committee? (Yes/No) (Blank = No Response)	Other Finance Committee?	Is the Financial Committee Involved in the selection or oversight of the Independent Auditors – or – the Audit Process?	Notes / Charge
Swanzy	Town	7,398	No	None Found	N/A	
Tamworth	Town	2,918	No	None Found	N/A	
Temple	Town	1,404		Budget Advisory Committee	No involvement with the independent audit functions or selection of the firm.	The Budget Advisory Committee (BAC) is staffed by up to 6 members who are elected to 3-year terms on a rotating basis. Our primary mission is to work annually with the town departments, committees, and boards to prepare and propose a Town Budget for approval by the Board of Selectmen in February and ultimately by the tax payers at Town Meeting in March.
Thornton	Town	2,611	No	Budget Committee	No involvement with the independent audit functions or selection of the firm.	The Budget Committee meets weekly from October through January to review the Selectmen's proposed budget for the coming year. The committee may recommend the Selectmen's budget, or they may recommend a change to particular sections of the budget. When the town votes at town meeting, they are voting on the Budget Committee's recommended budget. The Budget Committee also recommends that voters approve or not approve any warrant articles that involve appropriating money.
Tilton	Town	3,673	No	Budget Committee	No involvement with the independent audit functions or selection of the firm.	The Budget Committee creates the budget to be voted on at Town Meeting in March.
Troy	Town	2,140	No	Budget Committee	No involvement with the independent audit functions or selection of the firm.	Reviews Selectmen's proposed budget and makes recommendations, they do not have any interaction with the audit process.
Tuftonboro	Town	2,423	No	Budget Committee	No Audit Functions Found	Reviewed the meeting minutes for over a 1 year period. No involvement with the town audit or independent auditor was found.
Unity	Town	1,605		None Found	N/A	
Wakefield	Town	5,141	No	Budget Committee	No Audit Functions Found	Reviewed the meeting minutes for over a 1 year period. No involvement with the town audit or independent auditor was found.
Walpole	Town	3,863		None Found	N/A	
Warner	Town	2,915		Budget Committee	No involvement with the independent audit functions or selection of the firm.	The Budget Committee reviews the proposed budget for the Town as submitted by the Selectmen and various departments. The result is a recommended budget presented to the public at the Public Budget meeting.
Warren	Town	930	No	None Found	N/A	
Washington	Town	1,143		None Found	N/A	
Waterville Valley	Town	248	No	None Found	N/A	
Weare	Town	8,951	No	Finance Committee	No involvement with the independent audit functions or selection of the firm.	Finance Committee has no role in the audit process. The Finance Committee evaluates the financial and budgetary recommendations of the Board of Selectmen and the Weare School District and reports its recommendations thereon, explaining the tax impact such proposals will have on the Town's tax rate.
Webster	Town	1,902		None Found	N/A	
Wentworth	Town	925		None Found	N/A	
Westmoreland	Town	1,748		None Found	N/A	
Whitefield	Town	2,379	No	None Found	N/A	
Wilmot	Town	1,383	No	None Found	N/A	
Wilton	Town	3,746	No	Budget Committee	No involvement with the independent audit functions or selection of the firm.	The Town of Wilton operates under the RSA Chapter 32, Municipal Budget Law.
Winchester	Town	4,349	No	Budget Committee	No Audit Functions Found	Reviewed the meeting minutes for over a 1 year period. No involvement with the town audit or independent auditor was found.
Windham	Town	14,792		None Found	N/A	



Community	City or Town	Population (2019 Est.)	Audit Committee? (Yes/No) (Blank = No Response)	Other Finance Committee?	Is the Financial Committee Involved in the selection or oversight of the Independent Auditors – or – the Audit Process?	Notes / Charge
Windsor	Town	222	No	None Found	N/A	
Wolfeboro	Town	6,312	No	Budget Committee	No involvement with the independent audit functions or selection of the firm.	Operates under RSA 32
Woodstock	Town	1,380		Budget Committee	No Audit Functions Found	Reviewed the meeting minutes for over a 1 year period. No involvement with the town audit or independent auditor was found.

## **ADDITIONAL BACKGROUND INFORMATION ON AUDITING OF GOVERNMENTAL ENTITIES**

As the City Council evaluates the form and duties of an audit committee the following additional information is provided regarding the engagement of auditors for governmental entities.

### **GFOA Best Practices Audit Procurement**

The Government Finance Officers Association (GFOA) recommends multiyear agreements:

- “Governmental entities should enter into multiyear agreements of at least five years in duration when obtaining the services of independent auditors. . . . Such agreements allow for greater continuity and help to minimize the potential for disruption in connection with the independent audit.”
- “Multiyear agreements can also help to reduce audit costs by allowing auditors to recover certain “startup” costs over several years, rather than over a single year”
- “While there is some belief that auditor independence is enhanced by a policy requiring that the independent audit firm be replaced at the end of each multiyear agreement, unfortunately, the frequent lack of competition among audit firms fully qualified to perform public-sector audits could make a policy of mandatory audit firm rotation counterproductive.”
- “Governments may consider requesting that senior engagement staff, such as engagement partners and senior managers, be rotated to provide a fresh perspective.”

### **NHMA “Better Understanding the Financial Statement Audit” by Stephen J. Gauthier. Oct 2009.**

The New Hampshire Municipal Association (NHMA) contributed the above-titled article to the October 2009 Town & City Magazine for local municipal governmental agents. The author created a list of “Ten Common Points of Misunderstanding” when discussing the Financial Statement Audit. Numbers Nine and Ten within this list address the acquisition of new audit services:

- Number 9:
  - “In an initial audit of a set of financial statements, the new auditors must incur substantial costs to gain an understanding of and document the environment in which the government operates and its framework of internal control. In subsequent years, the auditor typically needs only to update that understanding and documentation.”
- Number 10:
  - “Mandatory auditor rotation may pose special risks in the public sector (do not force yourself into a bad position)”
  - “Many people believe that periodically changing audit firms offers real advantages such as a fresh outlook and greater independence from

management. Accordingly, many private-sector business enterprises and not-for-profits mandate that a new audit firm be selected periodically. The potential benefits of auditor rotation depend on the presence of a sufficient number of qualified firms being interested in performing the audit. Unfortunately such is often not the case in the public sector, where the highly specialized character of governmental GAAP and governmental auditing standards often severely restrict the number of qualified firms in a given location.”

- “A policy of mandatory auditor rotation, when applied to state and local governments could force a government into the position of hiring a less than fully qualified replacement for its current independent auditor.”
- “Many of the potential benefits of auditor rotation could be achieved by rotating the personal assigned to the engagement within the current auditing firm.”

**Portsmouth Current Practices**

The City of Portsmouth along with many other communities in the State of New Hampshire requires an auditor rotation plan. The “Audit Team” members are changed out regularly. The Audit Team consists of the Principal Partner (1<sup>st</sup> year as Principal for the Portsmouth’s audit), a Supervisor (2 years with Portsmouth), a Senior Staff Account (2 years with Portsmouth), and 2 Staff Accountants (1<sup>st</sup> year with Portsmouth).

**The Certificate of Achievement (COA) Award**

In the State of New Hampshire there are 234 Cities and Towns. The City of Portsmouth is one of seven (7) communities in the state to be awarded the GFOA’s award for its Comprehensive Annual Financial Report. The following table lists the seven communities, the entity type, the number of awards, and their most current audit firm are listed below:

Entity	Entity Type	Number of Awards (As of the 2019 ) <sup>i</sup>	Audit Firm (for most recent audit completed)
<b>Bedford</b>	Town	16	Melanson of Merrimack, NH
<b>Concord</b>	City	26	Melanson of Merrimack, NH
<b>Derry</b>	Town	24	Melanson of Merrimack, NH
<b>Dover</b>	City	15	Melanson of Merrimack, NH
<b>Keene</b>	City	2	Melanson of Merrimack, NH
<b>Nashua</b>	City	15	Melanson of Merrimack, NH
<b>Portsmouth</b>	City	28	Melanson of Merrimack, NH

---

# Dragon Mosquito Control, Inc.

## Monthly Update

### July 2021

Yes, the mosquitoes are bad. Thanks to all the rain, mosquitoes are using every conceivable habitat including salt marshes, swamps, ditches, woodland pools, containers and catch basins. Mosquitoes thrive in hot, wet weather. New Hampshire had the hottest June on record and July was the wettest. Many towns in southern NH have received over a foot of rain. That's triple the average rainfall amount. Constant rain created repeated mosquito hatches in July delivering Dragon crews a difficult task.

This year, salt marshes demand extra attention. Lunar tides, a tropical storm and never-ending rain kept us returning to salt marshes. No sooner did we finished spraying after the flood tides than Elsa came through dumping three more inches of water resulting in another mosquito hatch from the salt marshes.

It's not only mosquitoes that are having a good summer. Greenhead flies were also terrible in July. Fortunately, their numbers have died down making a trip to the beach more enjoyable.

In July, Dragon crews have:

- Checked freshwater wetlands for mosquito larvae and treat when needed with Bti
- Surveyed salt marshes after tidal flooding and heavy rains
- Treated salt marshes with Bti
- Trapped, processed and identified adult mosquitoes
- Sent select adult mosquito species to the State Lab in Concord for disease testing

The State Lab has begun testing mosquitoes for Eastern Equine Encephalitis (EEE) and West Nile Virus (WNV). No WNV or EEE positives have been confirmed in NH as of the end of July. New Hampshire's mosquito testing for Jamestown Canyon Virus (JCV) continues. Mosquito batches from Derry, Kingston, Dunbarton and Canterbury have tested positive for JCV. The latest arboviral surveillance bulletin is attached. Information about EEE, WNV and JCV can be found on the New Hampshire Department of Human Services website at <https://www.dhhs.nh.gov/dphs/cdcs/arboviral/publications.htm>.

This active mosquito season is expected to continue. Avoid mosquito bites by wearing light-colored loose clothes; cover as much skin as possible and use repellent. Dump out standing water to reduce the number of mosquitoes and prevent mosquito-borne illnesses. We've attached an information sheet with more details.

# Town of Portsmouth

## Activity Report

July 2021

<b>Date</b>	<b>Activity</b>
7-01	Picked up light trap at Harvard St Dog Park
7-01	Picked up light trap at South St Cemetery
7-01	Picked up light trap at Dondero Elementary School, Van Buren Ave
7-01	Picked up light trap on Lafayette Rd
7-01	Picked up Zika surveillance trap at Dondero Elementary School. Van Buren Ave
7-01	Picked up Zika surveillance trap at South St Cemetery
7-02	Adult mosquitoes identified and processed
7-05	Set out light trap at Harvard St Dog Park
7-05	Set out light trap at South St Cemetery, Rte 1A
7-05	Set out light trap at Dondero Elementary School, Van Buren Ave
7-05	Set out light trap at Lafayette Rd
7-05	Set out Zika surveillance trap at Dondero Elementary School. Van Buren Ave
7-05	Set out Zika surveillance trap at South St Cemetery, Rte 1A
7-06	Survey 550 Peverly Hill Rd - YMCA Salt Marsh
7-06	Larvicide 550 Peverly Hill Rd - YMCA Salt Marsh
7-06	Survey 45 Elwyn Rd - Urban Forestry Salt Marsh
7-06	Larvicide 45 Elwyn Rd - Urban Forestry Salt Marsh
7-06	Survey 1 Greenleaf Woods Dr - Greenleaf Salt Marsh
7-06	Larvicide 1 Greenleaf Woods Dr - Greenleaf Salt Marsh
7-06	Survey 815 Lafayette Rd - iHeart Salt Marsh
7-06	Larvicide 815 Lafayette Rd - iHeart Salt Marsh
7-06	Survey Jones Ave - Headlands Salt Marsh
7-06	Larvicide Jones Ave - Headlands Salt Marsh
7-06	Picked up light trap at Harvard St Dog Park
7-06	Picked up light trap at South St Cemetery
7-06	Picked up light trap at Dondero Elementary School, Van Buren Ave
7-06	Picked up light trap on Lafayette Rd
7-06	Picked up Zika surveillance trap at Dondero Elementary School. Van Buren Ave
7-06	Picked up Zika surveillance trap at South St Cemetery
7-07	Adult mosquitoes identified and processed
7-08	Adult mosquitoes sent to State Lab for disease testing
7-09	Survey 980 Lafayette Rd - Bratskellar Salt Marsh
7-09	Survey 125 Bartlett St - Bartlett Salt Marsh
7-09	Survey 50 Clough Dr - Little Harbor School Salt Marsh
7-09	Larvicide 50 Clough Dr - Little Harbor School Salt Marsh
7-09	Survey 141 Mirona Rd - Bear Paw Salt Marsh

# Town of Portsmouth

## Activity Report

July 2021

<b>Date</b>	<b>Activity</b>
7-09	Larvicide 141 Mirona Rd - Bear Paw Salt Marsh
7-12	Set out light trap at Harvard St Dog Park
7-12	Set out light trap at South St Cemetery, Rte 1A
7-12	Set out light trap at Dondero Elementary School, Van Buren Ave
7-12	Set out light trap at Lafayette Rd
7-12	Set out Zika surveillance trap at Dondero Elementary School. Van Buren Ave
7-12	Set out Zika surveillance trap at South St Cemetery, Rte 1A
7-13	Picked up light trap at Harvard St Dog Park
7-13	Picked up light trap at South St Cemetery
7-13	Picked up light trap at Dondero Elementary School, Van Buren Ave
7-13	Picked up light trap on Lafayette Rd
7-13	Picked up Zika surveillance trap at Dondero Elementary School. Van Buren Ave
7-13	Picked up Zika surveillance trap at South St Cemetery
7-14	Survey 980 Lafayette Rd - Bratskellar Salt Marsh
7-14	Larvicide 980 Lafayette Rd - Bratskellar Salt Marsh
7-14	Survey 125 Bartlett St - Bartlett Salt Marsh
7-14	Larvicide 125 Bartlett St - Bartlett Salt Marsh
7-14	Survey Jones Ave - Headlands Salt Marsh
7-14	Larvicide Jones Ave - Headlands Salt Marsh
7-14	Survey 815 Lafayette Rd - iHeart Salt Marsh
7-14	Larvicide 815 Lafayette Rd - iHeart Salt Marsh
7-14	Survey 45 Elwyn Rd - Urban Forestry Salt Marsh
7-14	Larvicide 45 Elwyn Rd - Urban Forestry Salt Marsh
7-14	Survey 1 Greenleaf Woods Dr - Greenleaf Salt Marsh
7-14	Larvicide 1 Greenleaf Woods Dr - Greenleaf Salt Marsh
7-14	Survey 550 Peverly Hill Rd - YMCA Salt Marsh
7-14	Larvicide 550 Peverly Hill Rd - YMCA Salt Marsh
7-14	Adult mosquitoes identified and processed
7-15	Adult mosquitoes sent to State Lab for disease testing
7-19	Set out light trap at Harvard St Dog Park
7-19	Set out light trap at South St Cemetery, Rte 1A
7-19	Set out light trap at Dondero Elementary School, Van Buren Ave
7-19	Set out light trap at Lafayette Rd
7-19	Set out Zika surveillance trap at Dondero Elementary School. Van Buren Ave
7-19	Set out Zika surveillance trap at South St Cemetery, Rte 1A
7-20	Picked up light trap at Harvard St Dog Park

# Town of Portsmouth

## Activity Report

July 2021

<b>Date</b>	<b>Activity</b>
7-20	Picked up light trap at South St Cemetery
7-20	Picked up light trap at Dondero Elementary School, Van Buren Ave
7-20	Picked up light trap on Lafayette Rd
7-20	Picked up Zika surveillance trap at Dondero Elementary School. Van Buren Ave
7-20	Picked up Zika surveillance trap at South St Cemetery
7-21	Adult mosquitoes identified and processed
7-21	Survey behind 32 Boss Ave - swamp
7-21	Larvicide behind 32 Boss Ave - swamp
7-21	Survey 980 Lafayette Rd - Bratskellar Salt Marsh
7-21	Larvicide 980 Lafayette Rd - Bratskellar Salt Marsh
7-21	Survey 45 Elwyn Rd - Urban Forestry Salt Marsh
7-21	Larvicide 45 Elwyn Rd - Urban Forestry Salt Marsh
7-21	Survey 550 Peverly Hill Rd - YMCA Salt Marsh
7-21	Larvicide 550 Peverly Hill Rd - YMCA Salt Marsh
7-21	Survey 1 Greenleaf Woods Dr - Greenleaf Salt Marsh
7-21	Larvicide 1 Greenleaf Woods Dr - Greenleaf Salt Marsh
7-21	Survey 815 Lafayette Rd - iHeart Salt Marsh
7-21	Larvicide 815 Lafayette Rd - iHeart Salt Marsh
7-21	Survey Jones Ave - Headlands Salt Marsh
7-21	Larvicide Jones Ave - Headlands Salt Marsh
7-22	Adult mosquitoes sent to State Lab for disease testing
7-26	Set out light trap at Harvard St Dog Park
7-26	Set out light trap at South St Cemetery, Rte 1A
7-26	Set out light trap at Dondero Elementary School, Van Buren Ave
7-26	Set out light trap at Lafayette Rd
7-26	Set out Zika surveillance trap at Dondero Elementary School. Van Buren Ave
7-26	Set out Zika surveillance trap at South St Cemetery, Rte 1A
7-26	Survey 141 Mirona Rd - Bear Paw Salt Marsh
7-26	Larvicide 141 Mirona Rd - Bear Paw Salt Marsh
7-26	Survey 980 Lafayette Rd - Bratskellar Salt Marsh
7-26	Larvicide 980 Lafayette Rd - Bratskellar Salt Marsh
7-26	Survey 50 Clough Dr - Little Harbor School Salt Marsh
7-26	Larvicide 50 Clough Dr - Little Harbor School Salt Marsh
7-26	Survey 125 Bartlett St - Bartlett Salt Marsh
7-26	Larvicide 125 Bartlett St - Bartlett Salt Marsh
7-26	Survey Curriers Cove - Curriers Cove Salt Marsh

# Town of Portsmouth

## Activity Report

July 2021

<b>Date</b>	<b>Activity</b>
7-26	Larvicide Curriers Cove - Curriers Cove Salt Marsh
7-26	Survey 550 Peverly Hill Rd - YMCA Salt Marsh
7-26	Larvicide 550 Peverly Hill Rd - YMCA Salt Marsh
7-26	Survey Jones Ave - Headlands Salt Marsh
7-26	Larvicide Jones Ave - Headlands Salt Marsh
7-26	Survey 815 Lafayette Rd - iHeart Salt Marsh
7-26	Larvicide 815 Lafayette Rd - iHeart Salt Marsh
7-27	Picked up light trap at Harvard St Dog Park
7-27	Picked up light trap at South St Cemetery
7-27	Picked up light trap at Dondero Elementary School, Van Buren Ave
7-27	Picked up light trap on Lafayette Rd
7-27	Picked up Zika surveillance trap at Dondero Elementary School. Van Buren Ave
7-27	Picked up Zika surveillance trap at South St Cemetery
7-29	Adult mosquitoes identified and processed
7-30	Adult mosquitoes identified and processed

Total survey requests for the month of July: 0

Total no spray requests for the month of July: 1

The State Lab began disease testing in July: no positive results in Portsmouth as of 7-31-2021

No mosquito samples have tested positive for EEE or West Nile Virus in the State of New Hampshire to date. Please refer to the Arboviral Surveillance Bulletin for details.



New Hampshire Arbovirus Surveillance Bulletin #6

ROUTINE TEST RESULTS  
MMWR Week 30 June 25 2021 – July 31, 2021

HUMANS		Number Tested	WNV Positive <sup>¥</sup>	EEEV Positive <sup>¥</sup>	JCV Positive <sup>¥</sup>	POW Positive <sup>¥</sup>
CURRENT YEAR	Week	4	0	0	0	0
	YTD	15	0	0	0	0
Prior Years	2020	33	0	0	5	0
	2019	35	0	0	3	2
	2018	30	0	0	1 <sup>€</sup>	0
	2017	31	1 <sup>£</sup>	0	4	1
	2016	31	0	0	0	1

<sup>¥</sup> Confirmatory testing completed by the Centers for Disease Control and Prevention (CDC). There is a delay between testing and result confirmation.

<sup>£</sup> Testing performed by commercial laboratory

<sup>€</sup> Infection likely acquired out of state.

		Number Tested	WNV Positive	EEEV Positive
CURRENT YEAR	Week	0	0	0
	YTD	1	0	0
Prior Years	2020	7	0	0
	2019	19	1	2
	2018	13	4	0
	2017	7	0	0
	2016	10	0	0

MOSQUITO BATCHES*		Number Tested	WNV Positive	EEEV Positive
CURRENT YEAR	Week <sup>‡</sup>	293	0	0
	YTD	762	0	0
Prior Years	2020	1988	2	0
	2019	5610	1	16
	2018	4945	32	6
	2017	4176	9	0
	2016	1773	1	0

\* A mosquito batch is a collection of mosquitoes sorted by species, date of collection, and trap location.

‡ This week, mosquitoes were submitted from Cheshire, Hillsborough, Rockingham and Strafford for routine surveillance.

**JAMESTOWN CANYON VIRUS MOSQUITO TEST RESULTS**  
**MMWR Week 30 July 25, 2021 – July 31, 2021**

MOSQUITO BATCHES*		Number Tested	JCV Positive
CURRENT YEAR	Week ‡	217	2
	YTD	1,359	9

Note: Testing for WNV and EEEV will not begin until July 1, 2021 as part of routine surveillance. For the 2021 arboviral surveillance season, collections of mosquitoes for JCV surveillance began May 12, 2021. These mosquito collections are separate from those collected for our routine WNV and EEEV. Mosquito testing for JCV will occur as the New Hampshire Public Health Laboratories staff have the availability to complete testing as it is not part of our routine surveillance program. JCV mosquito data will be reported out as it is available through this bulletin. JCV surveillance in 2021 is part of a pilot project in collaboration with Cornell University, Northeast Regional Center of Excellence in Vectorborne Diseases (NEVBD), and the New Hampshire Division of Forests and Lands. We are grateful for their support. Additional information about this project can be found here: <https://www.dhhs.nh.gov/dphs/cdcs/arboviral/results.htm>.

**TEST RESULT SUMMARIES**  
**2021 YEAR TO DATE**

**MOSQUITO BATCHES**

This year, only mosquito batches containing >1 individual were accepted for testing.

Town or City	Date Collected	Species	Virus Result
Bow	06/08/2021	<i>Aedes excrucians</i>	Jamestown Canyon Virus
Canterbury	06/11/2021	<i>Aedes abserratus</i>	Jamestown Canyon Virus
Dunbarton	06/17/2021	<i>Aedes sticticus</i>	Jamestown Canyon Virus
Derry	06/24/2021	<i>Aedes excrucians</i>	Jamestown Canyon Virus
Kingston	06/30/2021	<i>Aedes canadensis</i>	Jamestown Canyon Virus
Canterbury	05/27/2021	<i>Anopheles punctipennis</i>	Jamestown Canyon Virus
Dunbarton	07/07/2021	<i>Aedes excrucians</i>	Jamestown Canyon Virus
Canterbury	07/20/2021	<i>Aedes excrucians</i>	Jamestown Canyon Virus
Canterbury	07/20/2021	<i>Coquillettidia perturbans</i>	Jamestown Canyon Virus

**ANIMALS**

There have been no animal cases of EEEV or WNV identified in New Hampshire in 2021 to date.

**HUMANS**

There have been no human cases of EEEV, WNV, JCV, or POW identified in New Hampshire in 2021 to date.

**Data notes:**

1. Data provided are those for which final results are available. Data are current as of 8/05/2021.
2. Test results include only those specimens tested with results finalized during the week being reported on. Pending results from the previous week are not included.
3. Prior years' data is cumulative.

# Prevent Mosquito Bites

## Dump Out Standing Water

Many mosquito problems in your neighborhood are likely to come from water-filled containers that residents can help to eliminate. All mosquitoes require water to reproduce. Be sure to dump any standing water around your house.

- Even the smallest of containers that collect water can breed hundreds of mosquitoes. They don't need much water to lay their eggs. (bottles, barrels, buckets, overturned garbage cans, lids, etc.)
- Dispose of tires responsibly. Check with tire dealers in your area. Tires can breed thousands of mosquitoes.
- Drill holes in the bottom of recycling containers.
- Clean pet water dishes regularly.
- Change the water in birdbaths at least once a week.
- Canoes and other boats should be turned over.
- Avoid water collecting on pool covers.
- Remove abandoned pools and hot tubs.
- Empty water collected in tarps around the yard or on woodpiles.
- Clear roof gutters of debris.

## Protect Yourself

Wear light colored, loose fitting clothing. Some mosquito species are attracted to dark clothing and some can bite through tight-fitting clothes.

- Use air conditioning or screens on windows and doors to keep mosquitoes outside.
- Turn off your porch light. It may help keep mosquitoes out of your house.
- Wear long sleeves and pants.
- Avoid being outside at dusk and dawn when possible.
- Use Repellent: Choose a mosquito repellent that has been registered by the Environmental Protection Agency. Registered products have been reviewed, approved, and pose minimal risk for human safety when used according to label directions. Three repellents that are approved and recommended are:
  - DEET (N,N-diethyl-m-toluamide)
  - Picaridin (KBR 3023)
  - Oil of lemon eucalyptus (p-methane 3, 8-diol, or PMD)

## Protect Your Animals

- Vaccinate your horses, donkeys, llamas and alpacas for West Nile Virus and Eastern Equine Encephalitis.
- Consult your veterinarian about heartworm prevention for your dogs and cats.



# City of Portsmouth

*Department of Public Works*



## MEMORANDUM

---

**TO:** Karen Conard – City Manager

**FROM:** Benjamin Fletcher, Director- Parking Division  
Peter Rice, Director- Department of Public Works

**DATE:** 8.16.21

**SUBJECT:** Rainbow Crosswalks

---

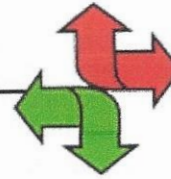
It has come to the attention of the Parking Division that there is a desire among some Portsmouth constituents for crosswalk areas to be re-designed by adding color to the white cross hatch markings that denote the zone where pedestrians and vehicles are likely to encounter one another.

After some research, it has been determined that the Federal Highway Association (FHWA) is steadfastly against changing known color patterns in locations that govern traffic, primarily citing safety reasons. Please see the attached, including highlighted portions on page two, that detail further what can and cannot be done in a crosswalk, per the FHWA.

In a recent meeting with the Arts committee, the Parking Division did engage in these conversations, relaying the concerns of the FHWA, and recommending that the Committee focus on alternative locations for proposed artwork.

Attachment: FHWA Uniform Traffic Code

# Manual on Uniform Traffic Control Devices (MUTCD)



[resources](#) > [interpretations](#)

## Interpretation Letter 3(09)-24(I) – Application of Colored Pavement

[PDF Version](#), 2.8MB

PDF files can be viewed with the [Acrobat® Reader®](#).



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

## Memorandum

Subject: **INFORMATION:** MUTCD – Official Ruling 3(09)-24(I) –  
Application of Colored Pavement

Date: August 15, 2013

From: **Original signed by:** Robert L. Rupert for  
Jeffrey A. Lindley  
Associate Administrator for Operations

In Reply Refer HOTO-1  
To:

To: Federal Lands Highway Division Engineers  
Division Administrators

**Purpose:** Through this memorandum, the Federal Highway Administration's (FHWA) Office of Transportation Operations (HOTO) is issuing an Official Interpretation of Chapter 3G of the *Manual on Uniform Traffic Control Devices for Streets and Highways* (MUTCD) on the approved uses of colored pavement. For recordkeeping purposes, this Official Ruling has been assigned the following number and title: "3(09)-24(I) – Application of Colored Pavement."

**Background:** The FHWA is concerned that considerable ambiguity continues regarding how colored pavement can be used, especially between the white transverse lines of a legally marked crosswalk.

Colored pavements consist of differently colored road paving materials, such as colored asphalt or concrete, or paint or other marking materials applied to the surface of a road or island to simulate a colored pavement. Colored pavement is a traffic control device when it attempts to communicate with any roadway user or when it incorporates retroreflective properties. Colored pavement can also be a purely aesthetic treatment. When used in this manner, colored pavement is not a traffic control device provided that it does not attempt to communicate with the motorist or incorporate elements of retroreflectorization.

**Colored Pavement in Crosswalks:** In the late 1990s, the marketplace introduced and promoted aesthetic treatments for urban streetscape environments that included the opportunity to install a range of colors and a multitude of patterns. The most popular opportunity to implement these treatments was between the legally marked transverse lines of crosswalks. This was typically done as part of larger efforts by cities to enhance the aesthetics of an area that could include decorative luminaires, street furniture, sidewalk art, etc. These crosswalk treatments were publicized and marketed as a method to increase conspicuity of the crosswalk that would translate into increased safety and a reduction of pedestrian deaths. In December 2001, the FHWA issued its first Official Ruling<sup>1</sup> regarding the use of these



aesthetic treatments, which concluded that crosswalk enhancements of this type had no such discernible effect on safety or crash reduction.

The marketplace looked to capitalize on advancements in pavement retroreflectivity in the mid-2000s, and further advocated for these aesthetic treatments on public streets as a way to increase crosswalk visibility. This included the benefits of the increased recognition of crosswalks both during the day and at night since the materials were designing retroreflective properties into the aesthetic treatments. In 2004 and in 2005, the FHWA issued two separate but related Official Rulings<sup>2, 3</sup> concluding that incorporating retroreflectivity into an aesthetic crosswalk treatment renders it an official traffic control device. Further, these Official Rulings continued to discourage implementation of such treatments and also concluded that these enhancements still had no increased effect on safety or contributed to a reduction in pedestrian deaths.

The evolution of crosswalk treatments continued into the form of "crosswalk art" because it was becoming a common misconception that as long as the white transverse lines were present—thereby legally marking the crosswalk—then the agency was free to treat the interior portion of the crosswalk as it desired. In 2011, the FHWA issued an additional Official Ruling<sup>4</sup> that crosswalk art—defined as any freeform design to draw attention to the crosswalk—would degrade the contrast of the white transverse lines against the composition of the pavement beneath it. In deviating from previous Official Rulings on the matter that concluded an increased factor of safety and decreased number of pedestrian deaths were not evident after installation, this 2011 Official Ruling stated that the use of crosswalk art is actually contrary to the goal of increased safety and most likely could be a contributing factor to a false sense of security for both motorists and pedestrians.

*Federal Hwy Assoc*

The FHWA's position has always been, and continues to be that subdued-colored aesthetic treatments between the legally marked transverse crosswalk lines are permissible provided that they are devoid of retroreflective properties and that they do not diminish the effectiveness of the legally required white transverse pavement markings used to establish the crosswalk. Examples of acceptable treatments include brick lattice patterns, paving bricks, paving stones, setts, cobbles, or other resources designed to simulate such paving. Acceptable colors for these materials would be red, rust, brown, burgundy, clay, tan or similar earth tone equivalents. All elements of pattern and color for these treatments are to be uniform, consistent, repetitive, and expected so as not to be a source of distraction. No element of the aesthetic interior treatment is to be random or unsystematic. No element of the aesthetic interior treatment can implement pictographs, symbols, multiple color arrangements, etc., or can otherwise attempt to communicate with any roadway user.

Patterns or colors that degrade the contrast of the white transverse pavement markings establishing the crosswalk are to be avoided. Attempts to intensify this contrast by increasing or thickening the width of the transverse pavement markings have been observed in the field. These attempts to increase contrast are perceived to be efforts to circumvent the contrast prerequisite so that an intentional noncompliant alternative of an aesthetic interior pattern or color can be used. Further techniques to install an empty buffer space between an aesthetic treatment and the interior edge of the white transverse crosswalk markings have also been observed in the field. This strategy is also perceived to be an attempt to circumvent FHWA's prior position on contrast. However, an empty buffer space between a subdued-colored, uniform-patterned aesthetic treatment can be implemented to enhance contrast between the aesthetic treatment and the white transverse pavement markings. When used properly, buffer spaces can be an effective tool to disseminate a necessary contrast in order to visually enhance an otherwise difficult to discern white transverse crosswalk marking, provided that the aesthetic treatment conforms to the conditions in the preceding paragraph.

**Colored Pavement in Medians:** Several agencies nationwide have used aesthetic colored pavement in medians that separate opposite directions of travel. These treatments are typically simulated red brick patterns or pavers. This is allowable if the median is closed to traffic. Where the center portion of the roadway functions to facilitate turns or operates as a two-way left turn lane, aesthetic treatments cannot be used in that center area in accordance with Paragraph 3 of Section 3G.01 in the MUTCD. Further, provisions elsewhere in Part 3 of the MUTCD require or recommend the turning functions of turn lanes or two-way left turn lanes to be marked with pavement word markings or arrows where applicable. The use of aesthetic colored patterns or pavers in these lanes simulates a supplemental background to standard turn markings and is an attempt to enhance conspicuity of the median thereby serving as communication with the motorist. This practice to use aesthetic treatments is disallowed since the median is open to traffic.

**Colored Pavement for Islands:** Where an island is designated as a traffic-control device, curbs, pavement edges, pavement markings, channelizing devices, or other devices are used. Islands are most commonly used to separate traffic movements or to provide pedestrian refuge. Regardless of whether the island is raised or flush with the roadway surface, islands are a potential for providing aesthetic qualities. Islands that separate movements of traffic and choose to incorporate colored pavement into interior sections or to the top surface of their design are to comply with Item A or B of Paragraph 3 of Section 3G.01. This would be applicable when the island is used to address a need to facilitate traffic that would otherwise have difficulty navigating the roadway if the island was absent.



Islands that are intentionally aesthetic in nature only are to be designed similar to those aesthetic treatments for crosswalks as described above. The most common applications of these purely aesthetic treatments are pedestrian refuge islands and textured raised buffers between a bikeway and a motorized vehicular lane.

**Colored Pavement for Bicycle Lanes:** Green colored pavement is approved for use in bicycle lanes only to enhance the conspicuity of where bicyclists are required to operate, and areas of the bicycle lane where bicyclists and other roadway traffic might have potentially conflicting weaving or crossing movements. Approval to use green colored pavement shall be in accordance with Paragraph 17 of Section 1A.10 in the 2009 MUTCD.

The FHWA issued an Interim Approval (IA-14) for the use and application of green colored pavement on April 15, 2011. The information provided in the IA-14 memorandum remains in effect.

The use of green colored pavement in a bicycle facility other than a legally marked bicycle lane is either not approved or is experimental. FHWA's Bicycle and Pedestrian Web site ([http://www.fhwa.dot.gov/environment/bicycle\\_pedestrian/guidance/design\\_guidance/mutcd\\_bike.cfm](http://www.fhwa.dot.gov/environment/bicycle_pedestrian/guidance/design_guidance/mutcd_bike.cfm)) can be helpful in determining what is or is not approved and what is experimental. Agencies that desire to use bicycle facilities that are experimental are required to submit their request for approval in accordance with paragraphs 3, 4 and 8 through 10 of Section 1A.10 in the MUTCD.

The FHWA is aware that agencies might be using green colored pavement to supplement, fill in or outline parking stalls for electric vehicle charging stations in order to express the agency's commitment to environmentally friendly initiatives. Use of green colored pavement for this purpose is not allowed. Although the applicability of the MUTCD may be limited in certain settings involving parking stalls, agencies are encouraged to adhere to the MUTCD with respect to disallowing green colored pavement in parking facilities for the purpose of maintaining uniformity among similar facilities.

**Colored Pavement on Freeways and Expressways:** The FHWA is aware of agencies nationwide using colored pavement on higher speed facilities as a method to visually differentiate the shoulder or special-use lanes from the general-purpose lanes, to demarcate the exit gore area, or to differentiate a ramp terminal from the mainline facility. The FHWA maintains the position that contrasting techniques on high-speed facilities have no other intention than to communicate with the motorist, regardless of whether elements of retroreflectivity are implemented for the colored pavement.

Additionally, the 2011 edition of the American Association of State Highway and Transportation Officials' A Policy on the Geometric Design of Highways and Streets discusses various methods of contrasting the shoulder with the adjacent pavement traveled way. The policy states that with regard to bituminous pavements, "the use of edge lines as described in the Manual on Uniform Traffic Control Devices... reduces the need for shoulder contrast." Edge lines separating shoulders from the traveled way on Interstate routes have been required by the MUTCD since 1971, supplanting the practice of using contrasting material for shoulders when an edge line was optional. Therefore, there should be little need for such a contrast that cannot be accommodated by the allowable pavement colors prescribed by the MUTCD.

If a need to provide contrast on a high-speed facility has been determined, then that contrast can be accomplished by a number of alternatives. Asphalt mixtures can be tinted to provide a shade of grey. White colored pavement can also be implemented. Paragraph 3 of Section 3G.01 in the MUTCD allows the use of white colored pavement for exit gore areas and right-hand shoulders. In the event that the main traveled way is concrete, an asphalt top layer could be applied to the shoulder to provide contrast.

**Colored Pavement for Public Transit Systems:** The use of red colored pavement for public transit systems such as streetcar and/or bus-only lanes is currently experimental. The use of colored pavement in these settings requires approval from the FHWA's Office of Transportation Operations. Agencies that desire to experiment with colored pavement should only do so where an engineering study can determine that increased travel speeds will be expected by the public transit vehicle, reduced overall service time through the corridor will be expected by the public transit vehicle, and the implementation of the colored pavement to a converted general purpose lane in the traveled way will not adversely affect the traffic flow in the remaining general purpose lanes.

**Blue Colored Pavement:** Blue is not a colored pavement and is not to be used as such in accordance with Paragraph 3 of Section 3G.01. Blue as it applies to a pavement marking is exclusively reserved for the background color in the international symbol of accessibility parking symbol (see Figure 3B-22) and for the supplemental pavement marking lines that define legal parking spaces reserved for use only by persons with disabilities as provided in Paragraph 5 of Section 3A.05.

Applying blue colored pavement to entire stalls or entire areas of parking reserved for persons with disabilities is to be avoided. Although the applicability of the MUTCD may be limited in certain settings involving parking stalls, agencies are encouraged to adhere to the MUTCD with respect to blue colored pavement in parking facilities for the purpose of maintaining uniformity among similar facilities.



**Purple Colored Pavement:** Purple is not approved for use as a colored pavement in any application, including toll facility environments. Purple as a pavement marking color is permitted in accordance with Paragraphs 5 and 6 of Section 3E.01 of the MUTCD.

**Chromaticity Coordinates:** The acceptable ranges of chromaticity coordinates that define the standard colors for pavement markings are found in the [Appendix to Subpart F of 23 CFR 655—Alternate Method of Determining the Color of Retroreflective Sign Materials and Pavement Marking Materials](#).

Acceptable ranges for the chromaticity coordinates defining the color green for use as a pavement marking are provided in the IA-14 memo dated April 15, 2011.

**Conclusion:** Chapter 3G of the 2009 MUTCD contains provisions regarding the use of colored pavements. If colored pavement is used to regulate, warn, or guide traffic or otherwise attempts to communicate with the roadway user, the colored pavement constitutes a traffic control device. Agencies cannot intentionally exclude elements of retroreflectivity as part of a systematic process to classify the color pavement as a purely aesthetic treatment in order to circumvent the provisions of Chapter 3G.

Paragraph 3 of Section 3G.01 in the MUTCD limits the use of colored pavement used as a traffic control device to the colors yellow and white. Interim Approval IA-14 permits the use of green colored pavement for marked bicycle lanes. All other colors for use on highway pavement in the right-of-way are either disallowed or are experimental as described above, unless the colored pavement is a purely aesthetic treatment and makes no discernible attempt to communicate with a roadway user.

cc:

Associate Administrators  
Chief Counsel  
Chief Financial Officer  
Directors of Field Services  
Director of Technical Services

---

<sup>1</sup> MUTCD Official Ruling 3-152 (I) as Memorandum of Action, December 7, 2001 [ Return to [note 1.](#) ]

<sup>2</sup> MUTCD Official Ruling 3-169 (I) – Section 3B.19 Retroreflective Colored Pavement, September 1, 2004 [ Return to [note 2.](#) ]

<sup>3</sup> MUTCD Official Ruling 3-178 (I) – Retroreflective Colored Pavement – Additional Clarification, April 27, 2005 [ Return to [note 3.](#) ]

<sup>4</sup> MUTCD Official Ruling 3(09)–8 (I) – Colored Pavement Treatments in Crosswalks, May 3, 2011. [ Return to [note 4.](#) ]





**CITY OF PORTSMOUTH  
LEGAL DEPARTMENT  
MEMORANDUM**

DATE: AUGUST 17, 2021

TO: KAREN S. CONARD, CITY MANAGER

FROM: TREVOR P. MCCOURT, STAFF ATTORNEY *TPM*

RE: KNIGHTS OF COLUMBUS REQUEST  
USE OF PUBLIC SPACE FOR A BOOT DRIVE

---

At the August 2, 2021 City Council meeting, the Knights of Columbus (the "Knights"), a charitable organization, requested to use public space to conduct a tootsie roll boot drive. Specifically, the Knights requested to use a portion of Market Square on September 11, 2021, to collect donations from passing motorists in a boot, in exchange for tootsie rolls. The City Council has requested a report back from the Legal Department, and for the following reasons it is my recommendation that the Knights' follow the same processes the Salvation Army follows when conducting their fundraising drives in public spaces during the holiday season.

Before Salvation Army volunteers use public sidewalks to solicit donations for their charity, the Salvation Army writes to the City Council asking permission and identifying specific areas for their activities. Historically, the City Council has granted permission by license for these solicitations on public sidewalks. If the Knights wish to use City sidewalks for their boot drive, they should follow this procedure.

Furthermore, consistent with City Council Policy No. 2009-05, the Knights may use the portion of sidewalk in front of the North Church for solicitations without the City's permission, so long as they do not erect any obstructions, and they use the space at a reasonable time and in a reasonable manner.

It is also my recommendation that the Knights not be permitted to solicit within the public right of way. Upon consultation with Gilles Bissonnette, Legal Director of ACLU of New Hampshire, it is clear that in the interest of protecting public safety, solicitations of donations, which includes so-called panhandling, not be permitted within the public right of way. Under First Amendment law, a municipality may enact and enforce restrictions impacting protected speech to promote traffic safety, so long as the restrictions are content neutral and narrowly tailored to ensure safe roadways. See Petrello v. City of Manchester, Opinion No. 2017 DNH 173 (2017). Should the City permit the Knights or any other charitable organization to solicit donations while within in a public roadway, but prohibit others such as panhandlers from doing the same, the City could run afoul of protected First Amendment rights.

Cc: Robert P. Sullivan, City Attorney

## FINANCE DEPARTMENT



## MEMORANDUM

To: Karen S. Conard, City Manager  
From: Judie Belanger, Director of Finance and Administration  
Date: August 17, 2021  
Re: Response to comments regarding City Finances

During the public hearing on August 2, 2021 regarding the audit committee ordinance, two of the Mayor's Blue Ribbon Audit Committee Members spoke regarding the City's finances. The following will provide information to mitigate any concerns of the City Council and taxpayers regarding the City's credit worthiness.

## Expressed Concern:

*"The City is presently in some danger of credit rating difficulty due to the amount of debt already incurred. The proposed new debt will aggravate that problem.....for this reason the City council should defer as far as possible authorization of additional debt until such time as the sum of the currently outstanding debt and proposed new debt is set at a value which maintains the City's AAA bond rating. Except in emergencies, the City should always maintain a debt level which preserves the most favorable bond rating and therefore the most favorable bond rate."*

## Response:

The City is not in danger of credit rating difficulty due to the amount of debt already incurred. First, prior to each bond sale, the City is rated by Standard & Poor's rating agency. This process includes the evaluation of the overall City's financial health and the local economy. The rating agency examines the City's structural balance conservative budgeting techniques, fund balance policies, established stabilization reserves, debt management policies, liquidity management, succession and contingency planning and the local economy. Second, the City complies with State law relative to debt limit. Third, the City has a long-standing policy to use no more than 10% of annual appropriations toward net debt service payments.

Standard & Poor's rating agency affirmed the City's AAA bond rating in March 2021 prior to issuing bonds in April 2021. The Mayor's Blue Ribbon Audit Committee requested and received a copy of the rating report. Here are a few highlights from the report regarding debt service.

*"We rate the city higher than the nation because we believe Portsmouth can maintain better credit characteristics than the nation in a stress scenario based on its predominantly locally derived revenue base and our view that pledged revenue supporting debt service on the bonds is at limited risk of negative sovereign intervention."*

“Overall net debt is low at 1.9% of market value, and approximately 71.4% of the direct debt is scheduled to be repaid within 10 years, which are in our view positive credit factors”. Following this issuance, Portsmouth will have about \$132 million in net direct debt outstanding, excluding amounts fully self-supported from water and sewer funds. Officials anticipate issuing about \$47 million in debt in fiscal 2022, a large portion of which will be for water and sewer purposes and offset by utility rates and charges. The largest general government improvement on the horizon is a new police station, but debt associated with that facility is not yet authorized. Despite ongoing issuance plans, we believe the city’s debt profile will remain manageable given the more than 71% of principal retired in 10 years and regular rate adjustments in the water and sewer fund that will provide sufficient coverage to maintain self-supporting calculations.”

The City complies with State law which helps municipalities to maintain manageable levels of debt. The applicable State statutes include:

- a. RSA 33:4-a Municipal excluding School, no more than 3% of valuation equalized by the commissioner of revenue administration.
- b. RSA 33:6-d Exclusion from Debt limit waste site cleanups.
- c. RSA 33:4-a School indebtedness no more than 7% of valuation equalized by the commissioner of revenue administration.
- d. RSA 33:5-a Water indebtedness no more than 10% of valuation equalized by the commissioner of revenue administration.
- e. RSA 33:5-b Sewage indebtedness shall not be included in a debt limit calculation

The Following table provides that debt limit calculation as of June 30, 2021 on a budgetary basis.

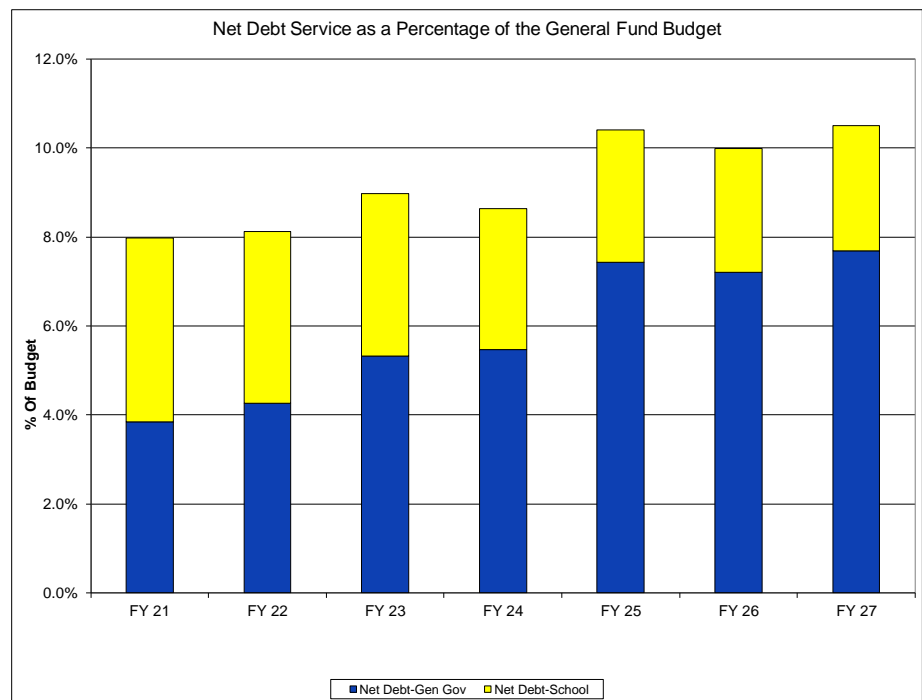
Purpose	<u>Percent of</u>	<u>Maximum</u>	<u>Bonds Outstanding</u>	<u>Authorized Unissued</u>	<u>Total Gross Debt</u>	<u>% of Legal</u>
	<u>Allowable Debt</u>	<u>Debt Limit</u>	<u>as of June 30, 2021</u>	<u>as of June 30, 2021</u>	<u>as of June 30, 2021</u>	<u>Debt Service Used</u>
	<u>Limit</u>					
Municipal	3.00%	\$213,597,134	\$58,619,200	\$16,025,000	\$74,644,200	35%
Landfill closure (1)	N/A			4,641,897	4,641,897	N/A
School	7.00%	\$498,393,312	43,311,300	500,000	43,811,300	9%
Water	10.00%	\$711,990,446	31,716,156	1,450,000	33,166,156	5%
Sewer (1)	N/A		52,408,089	86,300,000	138,708,089	N/A
Total		<u>\$1,423,980,892</u>	<u>\$186,054,745</u>	<u>\$108,916,897</u>	<u>\$294,971,642</u>	

(1) Exempt from Debt Limit

Finally, it is the City’s long-standing policy to use no more than 10% of annual appropriations toward net debt service payments. By identifying a maximum net debt service as a percentage of total General Fund appropriations, management and policy makers have a tool to ensure debt is managed responsibly. This 10% calculation considers all future debt including that debt not yet authorized from identified projects in the Capital Improvement Plan. For FY22, net debt service as a percentage of budget is 8.13%.

**Net Debt Service as a Percentage of the General Fund Budget**

	<u>FY 21</u>	<u>FY 22</u>	<u>FY 23</u>	<u>FY 24</u>	<u>FY 25</u>	<u>FY 26</u>	<u>FY 27</u>
Existing Debt Service-School	6,671,350	6,518,518	6,303,100	4,447,450	4,316,100	4,104,325	3,924,394
Existing Debt Service-Gen Gov	6,479,090	7,151,372	6,201,028	5,752,403	4,834,252	4,295,103	3,206,853
Projected Debt Service-School	-	-	120,000	418,000	486,000	537,750	903,500
Projected Debt Service-Gen Gov	-	-	2,315,625	2,982,556	6,844,113	7,235,325	8,884,036
<b>Total Gross Debt Service</b>	<b>13,150,440</b>	<b>13,669,890</b>	<b>14,939,753</b>	<b>13,600,409</b>	<b>16,480,465</b>	<b>16,172,503</b>	<b>16,918,783</b>
Debt Service Related Revenues-Schools	(1,757,196)	(1,757,196)	(1,757,196)	(740,974)	(740,974)	(740,974)	(740,974)
Debt Service Related Revenues-Gen Gov	(1,900,000)	(1,900,000)	(1,700,000)	(1,600,000)	(1,500,000)	(1,400,000)	(932,387)
Net Debt-School	4,914,154	4,761,322	4,665,904	4,124,476	4,061,126	3,901,101	4,086,920
Net Debt-Gen Gov	4,579,090	5,251,372	6,816,653	7,134,959	10,178,365	10,130,428	11,158,502
<b>Total Net Debt</b>	<b>9,493,244</b>	<b>10,012,694</b>	<b>11,482,557</b>	<b>11,259,435</b>	<b>14,239,491</b>	<b>14,031,529</b>	<b>15,245,422</b>
<b>Total Projected General Fund Budget</b>	<b>119,115,338</b>	<b>123,209,033</b>	<b>127,999,483</b>	<b>130,293,879</b>	<b>136,924,463</b>	<b>140,487,571</b>	<b>145,229,338</b>
<b>Total Percentage Net Debt Service of Budget:</b>	<b>7.97%</b>	<b>8.13%</b>	<b>8.97%</b>	<b>8.64%</b>	<b>10.40%</b>	<b>9.99%</b>	<b>10.50%</b>



The low debt margin in accordance with the State RSA, manageable debt repayment schedule following the City’s debt policy, and the statements from Standard & Poor’s, all serve to point out that the City is not in any danger of losing its AAA bond rating due to the amount of debt already incurred. In Standard & Poor’s opinion, the City has in place the planning tools with respect to debt which will preserve the most favorable bond rating and bond rates.

**Expressed Concern:**

*“Other rating agencies give the City a lower quality rating, why? For starters the city’s post-retirement benefits are significant, also the city’s level of indebtedness is significant projecting out meeting its’ several consent decrees will require the City to issue more debt. This may adversely affect the City’s bond rating ... .”*

Response:

The City does not use other rating agencies therefore, there are no “other” rating agencies giving the City a lower quality rating for new bond issues. Each bond issue is rated separately and on its own. From 2013 and prior, (more than 8 years ago) the City did utilize both Standards & Poor’s (S&P) and Moody’s Investors Services (MIS) rating agencies. In 2013, Standard & Poor’s and Moody’s rated the City “AAA” (the highest obtainable rating with S&P) and “Aa1” (second highest obtainable rating with Moody’s) respectively. Both are outstanding ratings. Although the City no longer uses MIS when issuing new bonds, MIS is obligated to provide an Annual Comment without in in depth analysis of the Aa1 rating until all such bonds that were issued under their rating have matured. This will not change the rating assigned back in 2013. Investors of current bond issues prepare their bids in accordance with the City’s AAA bond rating assigned by S&P resulting in outstanding bond rates. Below is the history of both S&P and MIS ratings assigned to the City of Portsmouth from 1991 to 2013. As demonstrated in the tables below, in the early 1990’s, the City ratings were poor. Ratings began to improve over time as a result of implementation of long-term financial planning tools, increased fund balance, improved economy, and residential and commercial growth.

INVESTMENT GRADE RATINGS		
Standard & Poor's	Moody's	
AAA	Aaa	Prime
AA+	Aa1	High Grade
AA	Aa2	
AA-	Aa3	
A+	A1	Upper Medium Grade
A	A2	
A-	A3	
BBB+	Baa1	Lower Medium Grade
BBB	Baa2	
BBB-	Baa3	
BB and lower	Ba and lower	Junk

Standard & Poor's		Moody's	
Year	City of Portsmouth	Year	City of Portsmouth
2013	AAA	2013	Aa1
2012	AA+	2012	Aa1
2011	AA+	2011	Aa1
2010	AA+	*2010	Aa1
2009	AA+	2009	Aa2
2008	AA	2008	Aa2
2007	AA	2007	Aa3
2006	AA	2006	Aa3
2005	AA	2005	Aa3
2004	AA-	2004	Aa3
2003	AA-	2003	Aa3
2002	AA-	2002	Aa3
2001	A+	2001	A1
2000	A+	2000*	A1
1999	A	1999	A
1998	A	1998	A
1997	A	1997	A
1996	A	1996	A
1995	A	1995	Baa1
1994	A	1994	Baa1
		1993	Baa
		1992	Ba
		1991	Ba

Moody's Investment Group changed their rating system to no longer using A as a rating

Standard & Poor’s continues to label Portsmouth with a stable outlook.