

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, SEPTEMBER 20, 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_KIYHuvWdRqircChaQFigBQ

6:00PM – ANTICIPATED NON-PUBLIC SESSION:

1. MCINTYRE - 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 (*There are no minutes on this evening for acceptance*)
- VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS
 - A. Recognition of Salt Pile Rescue
- 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

Public Hearings of Ordinances & Resolutions:

- A. RESOLUTION AUTHORIZING THE ISSUANCE OF REFUNDING BONDS OF UP TO ELEVEN MILLION SIX HUNDRED AND FIFTY THOUSAND DOLLARS (\$11,650,000.00) TO REFINANCE CERTAIN OUTSTANDING BONDS OF THE CITY SO AS TO REDUCE INTERESTS COSTS, AND TO PAY ALL COSTS INCIDENTAL AND RELATED THERETO (*Two-thirds vote required*)
 - PRESENTATION
 - CITY COUNCIL QUESTIONS
 - PUBLIC HEARING SPEAKERS
 - ADDITIONAL COUNCILOR QUESTIONS AND DELIBERATIONS

- B. RESOLUTION AUTHORIZING THE ISSUANCE OF REFUNDING BONDS OF UP TO ONE MILLION SIX HUNDRED THOUSAND DOLLARS (\$1,600,000.00) TO REFINANCE CERTAIN OUTSTANDING BONDS OF THE CITY SO AS TO REDUCE INTERESTS COSTS, AND TO PAY ALL COSTS INCIDENTAL AND RELATED THERETO (*Two-thirds vote required*)

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

First Reading of Ordinances:

- C. First Reading of Ordinance amending Chapter 7, Article XI, Section 7.1100 – Speed Limits sub-section E – Speed Limit: 25 MPH – Chevrolet Avenue
- D. First Reading of Ordinance amending Chapter 7, Article XII, Section 7.1200 – Parking for the Walking Disabled

Third and Final Reading of Ordinances:

- E. Third and Final Reading of Ordinance amending Chapter 1, Article IV, Section 1.414 – Audit Committee
- F. Third and Final Reading of Ordinance amending Chapter 7, Article IX, Section 7.901 – Penalties, Forfeitures and Separability

XII. MAYOR BECKSTED

1. Appointments to be Considered:
 - Kevin Charette, Energy Advisory Committee
 - Ben D’Antonio, Energy Advisory Committee
 - Tom Rooney, Energy Advisory Committee
 - Peter Somssich, Energy Advisory Committee
 - Allison Tanner, Energy Advisory Committee
2. *Appointments to be Voted:
 - Alan Gold reappointment to the Economic Development Commission
 - Marsha Filion reappointment to the Board of Library Trustees
3. Note from Dana Levenson – Not seeking reappointment to Economic Development Commission

XIII. CITY COUNCIL MEMBERS

A. COUNCILOR McEACHERN

1. *Request a report back from the Legal Department on interpretation of Tier 1 Highway Project Qualifications
2. *Resuming the use of video inspections to help with backlog

B. COUNCILOR WHELAN

1. Action Items Needing Approval by City Council:

- Request for Approval of Executed Valet Agreements of Portwalk Hampton and Portwalk Marriott (***Sample motion – move to approve agreements***)
2. Parking & Traffic Safety Committee Action Sheet and Minutes of the September 2, 2021 meeting (***Sample motion – move to accept and approve the Action Sheet and Minutes of the September 2, 2021 Parking & Traffic Safety Committee meeting***)
3. McIntyre Committee Update

C. COUNCILOR LAZENBY & COUNCILOR TABOR

1. Portsmouth Energy Advisory Committee

D. COUNCILOR HUDA

1. Sagamore Creek Sewer Extension Project (***Sample motion – move for a report back from the City Manager to the residents and the Council at the October 4th City Council meeting on the status of the Sagamore Creek Sewer Extension Project***)

Questions to be Addressed:

- ***What were the results of the core sample testing?***
 - ***Has the results of testing changed the cost of the project?***
 - ***Current count of residents opting to participate?***
 - ***Current cost estimate of the project?***
 - ***Current cost estimate per resident count for those residents opting in?***
 - ***Are there any changes in the process or progress of this project that the residents & Council should be made aware of?***
2. Per the City Charter 7.4 – Independent Audit “Reporting to the City Council”

FY21 Melanson Audit Contract:

- I request a copy of the final signed, executed, FY21 Melanson Audit Contract to be included in the Council packet of 9/20/21 for the Council to review.
- I request a progress update from staff to the City Council on the status of the FY21 Audit to be included in the Council packet of 9/20/21 for the Council to review.

(as the communication channel was diverted to City staff & the MBRAC has no visibility to the current process)

Questions to be Addressed:

- ***Has the planning meeting phase of the FY21 Audit been completed?***
- ***When will the auditors be starting the on-site testing?***
- ***Have there been any requested changes made by Melanson?***

(Sample motion – move that the City of Portsmouth join the New England Government Finance Officers Association)

(It is free & will enable the City access to more certified public accounting firms that perform municipal audits)

E. COUNCILOR TRACE

1. *Report back on “The new Bartlett Street intersection cross walk”

XIV. APPROVAL OF GRANTS/DONATIONS

- A. Memorial Plaque Donation in Honor of Kate Crowell
- B. *A Grant to the Portsmouth Police Department from the State Department of Justice for the New Hampshire Internet Crimes Against Children (ICAC) Task Force - \$500,000.00
- C. *A Grant to the Portsmouth Police Department from the New Hampshire Department of Safety for nine different highway safety initiatives - \$17,641.00

XV. CITY MANAGER’S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

City Manager’s Items Which Require Action:

1. Borthwick Forest Easements
2. Authorization of Purchase and Sale for Acquisition of Community Campus

XVI. CONSENT AGENDA

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

- A. Letter from Anna Howard, Women’s March Seacoast Org., requesting permission to hold the Women’s March on Saturday, October 2, 2021 ***(Sample motion – move to refer to the City Manager with Authority to Act)***

XVII. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Email Correspondence ***(Sample motion – move to accept and place on file)***

XVIII. CITY MANAGER’S INFORMATIONAL ITEMS

1. Report Back on Bartlett and Cate Street Intersection
2. Report Back on Conditional Use Permits
3. Additional Information Regarding Resolutions for Callable Bonds as presented on September 7, 2021
4. *Eversource Public Coordination Meeting for Little Harbor Road Tree Removal
5. Funding Request from the Mayor’s Blue Ribbon Committee on Arts and Non-Profits

XIX. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

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

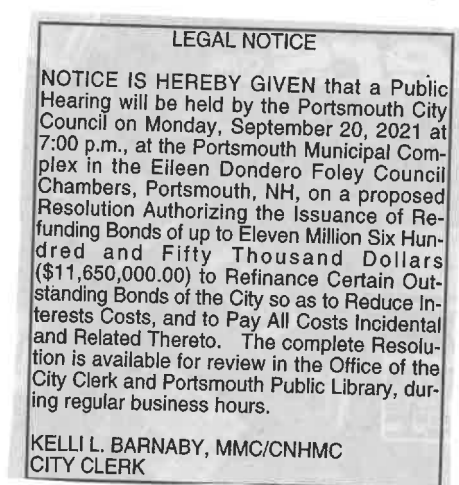
**KELLI L. BARNABY, MMC/CNHMC
CITY CLERK**

**Indicates verbal report*

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, September 20, 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 the Issuance of Refunding Bonds of up to Eleven Million Six Hundred and Fifty Thousand Dollars (\$11,650,000.00) to Refinance Certain Outstanding Bonds of the City so as to Reduce Interests Costs, and to Pay All Costs Incidental and Related Thereto. 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



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

RESOLUTION # _____

A RESOLUTION AUTHORIZING THE ISSUANCE OF REFUNDING BONDS OF UP TO ELEVEN MILLION SIX HUNDRED AND FIFTY THOUSAND DOLLARS (\$11,650,000) TO REFINANCE CERTAIN OUTSTANDING BONDS OF THE CITY SO AS TO REDUCE INTERESTS COSTS, AND TO PAY ALL COSTS INCIDENTAL AND RELATED THERETO.

BE IT RESOLVED:

THAT in order to reduce interest costs associated with the outstanding portion of the City's \$22,500,000 General Obligation Capital Improvement Bonds for the construction of the Middle School dated December 14, 2011 (the "Refunded Bonds"), the City is authorized to issue refunding bonds in the amount of up to ELEVEN MILLION SIX HUNDRED AND FIFTY THOUSAND DOLLARS (\$11,650,000) to refinance all or any portion of the Refunded Bonds, and to pay associated interest costs, redemption premium and all issuance expenses associated therewith, such refunding bonds to be issued by the City Treasurer, with the approval of the City Manager, and otherwise in accordance with the Municipal Finance Act.

THAT the discretion of fixing the dates, maturities, rates of interest, forms and other details of such refunding bonds is hereby delegated to the City Treasurer with the approval of the City Manager.

THAT this resolution shall take effect upon its passage.

APPROVED:

RICK BECKSTED, MAYOR

**ADOPTED BY CITY COUNCIL:
MARCH 22, 2021**

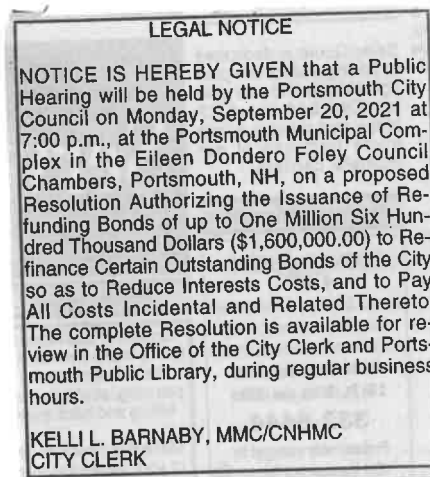
**KELLI L. BARNABY, MMC/CHHMC
CITY CLERK**

Note: This authorization requires a 2/3 vote by roll call.

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, September 20, 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 the Issuance of Refunding Bonds of up to One Million Six Hundred Thousand Dollars (\$1,600,000.00) to Refinance Certain Outstanding Bonds of the City so as to Reduce Interests Costs, and to Pay All Costs Incidental and Related Thereto. 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



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

RESOLUTION # _____

A RESOLUTION AUTHORIZING THE ISSUANCE OF REFUNDING BONDS OF UP TO ONE MILLION SIX HUNDRED THOUSAND DOLLARS (\$1,600,000) TO REFINANCE CERTAIN OUTSTANDING BONDS OF THE CITY SO AS TO REDUCE INTERESTS COSTS, AND TO PAY ALL COSTS INCIDENTAL AND RELATED THERETO.

BE IT RESOLVED:

THAT in order to reduce interest costs associated with the outstanding portion of the City's \$3,000,000 General Obligation Capital Improvement Bonds for the Peirce Island Waste Water Treatment Plant upgrades dated December 14, 2011 (the "Refunded Bonds"), the City is authorized to issue refunding bonds in the amount of up to ONE MILLION SIX HUNDRED THOUSAND DOLLARS (\$1,600,000) to refinance all or any portion of the Refunded Bonds, and to pay associated interest costs, redemption premium and all issuance expenses associated therewith, such refunding bonds to be issued by the City Treasurer, with the approval of the City Manager, and otherwise in accordance with the Municipal Finance Act.

THAT the discretion of fixing the dates, maturities, rates of interest, forms and other details of such refunding bonds is hereby delegated to the City Treasurer with the approval of the City Manager.

THAT this resolution shall take effect upon its passage.

APPROVED:

RICK BECKSTED, MAYOR

**ADOPTED BY CITY COUNCIL:
MARCH 22, 2021**

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

Note: This authorization requires a 2/3 vote by roll call.

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, Article XI, Section 7.1100 – **SPEED LIMITS** sub-section E of the Ordinances of the City of Portsmouth be amended as follows (deletions from existing language **stricken**; additions to existing language **bolded**; remaining language unchanged from existing):

Section 7.1100: SPEED LIMITS

E. Speed Limit: 25 MPH

Chevrolet Avenue

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

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, Article XII, Section 7.1200 – **PARKING FOR THE WALKING DISABLED** 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 XII: PARKING FOR THE WALKING DISABLED

Section 7.1200: PARKING FOR THE WALKING DISABLED

- A. The City Council may designate portions of any street, alley, public way, public park, ~~or~~ municipal parking lot **or municipal parking facility** within the City of Portsmouth as reserved – for parking vehicles displaying special license plates, ~~decals~~ **or cards windshield placards** issued to persons with walking disabilities pursuant to state law (“**Authorized Vehicles**”);
- B. Such reserved parking ~~areas~~ **spaces (“Reserved Parking Spaces”)** shall be marked by the international accessibility symbol. **Parking spaces that are not marked by the international accessibility symbol are unreserved parking spaces (“Unreserved Parking Spaces”)**;
- C. ~~No vehicle shall be parked in areas designated as reserved parking for the walking disabled unless it displays the requisite license plate, decal or card.~~ **Only Authorized Vehicles may park in Reserved Parking Spaces.**
- D. It shall not be a defense to a complaint alleging failure to display the required **special** license plate, ~~decal~~ **or card windshield placard** that the owner or operator neglected to display an otherwise valid **special license** plate, ~~decal~~ **or card hanging windshield placard.**
- E. **Authorized Vehicles parked in Reserved Parking Spaces in parking meter zones are entitled to a three (3) hour free parking session during enforcement hours, 9:00 a.m. through 8:00 p.m. Monday through Saturday, and between 12:00 p.m. through 8:00 p.m. on Sundays. Authorized Vehicles that remain in the Reserved Parking Space after the three (3) hour free parking session has expired shall be considered unlawfully parked and subject to the penalties and enforcement provisions of this Chapter. If the Authorized Vehicle is moved to a different Reserved Parking Space or an Unreserved Parking Space during the hours of enforcement in the same day, it will not be entitled to an additional three (3) hour free parking session.**

- F. Authorized Vehicles parked in Unreserved Parking Spaces in parking meter zones are entitled to a three (3) hour free parking session during enforcement hours, 9:00 a.m. through 8:00 p.m. Monday through Saturday, and between 12:00 p.m. through 8:00 p.m. on Sundays. Authorized Vehicle may remain in the same Unreserved Parking Space after the three (3) hour free parking session has expired if the parking meter is paid for a parking session. Authorized Vehicles that fail to pay for a parking session after the three (3) hour free parking session has expired shall be considered unlawfully parking and subject to the penalties and enforcement provisions of this Chapter. If the Authorized Vehicle is moved to a Reserved Parking Space or a different Unreserved Parking Space during the hours of enforcement in the same day, it will not be entitled to an additional three (3) hour free parking session.**

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

ORDINANCE#

THE CITY OF PORTSMOUTHORDAINS

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) voting members who shall be appointed by the Mayor and confirmed by the City Council, two members shall be City Councilors. The City Manager shall be a member of the Committee with voice, non-voting. 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. Duties and Powers: The primary purpose of the Audit Committee is to recommend an external auditor to the City Council. In the event the auditor identifies any serious exceptions, the Audit Committee shall advise and work with the City council as to next steps.

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:

Kelli L. Barnaby, 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 10th 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	\$15.00 \$25.00	\$30.00 \$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	\$15.00 \$25.00	\$30.00 \$50.00
7.315 (H)	Double Parking	\$15.00 \$25.00	\$30.00 \$50.00
7.315 (I)	Violating Traffic Signs Prohibiting Parking	\$25.00	\$50.00
7.315 (J)	Parked, Wrong Direction	\$15.00 \$25.00	\$30.00 \$50.00
7.316	Back to Curb	\$15.00 \$25.00	\$30.00 \$50.00
7.319	Distance from Curb	\$15.00 \$25.00	\$30.00 \$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	\$20.00 \$25.00	\$40.00 \$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 10th 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 10th 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 10th 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

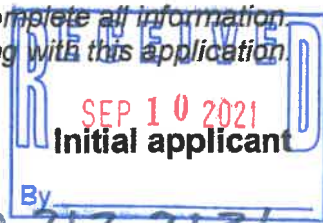
Description	Last Updated	Current		Recommended		Peer Town	
		Fine	After 30 days	Fine	After 30 days	Averages - Rounded Fine	After 30 days
Session Expired 15 & 30 Minute; (formerly) 1 - 4 hr	5/17/2021	\$ 35.00	\$ 55.00	\$ 35.00	\$ 55.00	\$ 20.00	\$ 38.78
72 hr parking	1/1/2013	\$ 50.00	\$ 100.00	\$ 50.00	\$ 100.00	\$ 26.43	\$ 53.67
Parked within 15 ft of Fire Station	1/1/2013	\$ 15.00	\$ 30.00	\$ 25.00	\$ 50.00	\$ 40.83	\$ 52.50
Parked on Sidewalk	1/1/2013	\$ 25.00	\$ 50.00	\$ 25.00	\$ 50.00	\$ 37.00	\$ 72.86
Obstructing Traffic During Construction	1/1/2013	\$ 15.00	\$ 30.00	\$ 25.00	\$ 50.00	\$ 28.75	\$ 46.67
Double Parking	1/1/2013	\$ 15.00	\$ 30.00	\$ 25.00	\$ 50.00	\$ 26.11	\$ 52.67
Parked in Wrong Direction	1/1/2013	\$ 15.00	\$ 30.00	\$ 25.00	\$ 50.00	\$ 25.00	\$ 61.67
Back to Curb	1/1/2013	\$ 15.00	\$ 30.00	\$ 25.00	\$ 50.00	\$ 22.14	\$ 47.50
Distance from Curb	1/1/2013	\$ 15.00	\$ 30.00	\$ 25.00	\$ 50.00	\$ 22.00	\$ 51.67
Parked in No Parking Area	5/17/2021	\$ 35.00	\$ 55.00	\$ 35.00	\$ 55.00	\$ 30.83	\$ 63.13
Parked Too Close to Intersection	1/1/2013	\$ 20.00	\$ 40.00	\$ 25.00	\$ 50.00	\$ 32.22	\$ 69.17
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



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: Energy Advisory Committee

Name: Kevin Charette Telephone: 860 712 7136

Could you be contacted at work? YES NO If so, telephone# Retired 2018

Street address: 37 South St. Portsmouth NH 03801

Mailing address (if different): _____

Email address (for clerk's office communication): KTC@Comcast.net

How long have you been a resident of Portsmouth? 1 yr 3mos - moved to city last June from CT in retirement.

Occupational background:

- 37 years in electric + gas utility business
- Eversource Energy - 4 million customers in NH, CT + MA
- Customer Service Director - 20 years - See brief Resume Attached.

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

Responsibilities included maintaining relationship and supporting the approx. 60 competitive electric service suppliers doing business in New England. My team was engaged in several community electric aggregations in MA.



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: The scope of the commission seems to align with my work experience and I may be able to add value toward an informed recommendation to the City Council.

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

Having recently moved to Portsmouth from CT, and with Covid hopefully getting behind us soon, I am looking for opportunities.

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

- 1) Steve Mirabella 3 Lucy CT N. Haven CT 06473
Name, address, telephone number 475 434 2859
- 2) Ken Millerd 330 Benedict Dr. S. Windsor CT 06074
Name, address, telephone number 860 841 3349

Work
colleagues

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: Karin T. Charette Date: 9/9/21

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

Please submit application to the City Clerks Office, 1 Junkins Avenue, Portsmouth, NH 03801
6/27/2012

KEVIN CHARETTE

37 SOUTH STREET
PORTSMOUTH, NH 03801
860-721-7136 (CELL)
KTC@COMCAST.NET

Background

Recently retired electric and gas utility customer service director with significant experience across all aspects of customer operations in NH, CT and MA; including, call centers, metering and billing. Responsible for utility's interface with the competitive electric energy suppliers providing supply options to our 3.2 million electric customers. Also have experience with enterprise project management, process improvement, emergency response, corporate merger integration and internal control systems.

Education

Fairfield University – Bachelor of Science (B.S.), Finance

Rensselaer Polytechnic Institute – Masters of Business Administration (M.B.A)

Experience

Eversource Energy (formally Northeast Utilities)

Customer Service Director, 1998 – 2018

Responsible for residential and business call centers, metering, billing, payment processing, credit and collections, competitive energy supplier support and new customer connections within various organizational structures. Also led multiple enterprise operational and IT projects. Responsibilities included significant interface with state utility regulators.

Call Center Manager, 1996 – 1998

Led utility's largest 24x7 call center

Internal Audit Manager, 1992 – 1996

Responsible for development and execution of the annual corporate audit plan.

Boards and Volunteering

American Red Cross CT and RI Chapter Board Member, 2004 – 2017

CT Special Olympics Winter Games 1990 - 2018



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.*



Energy Advisory Committee

Committee: _____

Ben D'Antonio

(603) 828-8977

Name: _____ Telephone: _____

same

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

97 Middle Rd, Portsmouth, NH 03801

Street address: _____

Mailing address (if different): _____

Email address (for clerk's office communication): bdantonio@me.com

Nine years (Feb '12)

How long have you been a resident of Portsmouth? _____

Occupational background:

I am an energy attorney and analyst with 20 years of work experience, 13 of in economic regulation of the electric power sector and 7 years in financial services. I have a bachelor's degree in economics and finance, a master's degree in environmental law, and a law degree. I have been a member of the Massachusetts bar since 2008 and have practiced at the Federal Energy Regulatory Commission on behalf of the states.

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

I am currently Manager of Transmission Strategy and Economic Analysis for Eversource. I was recently Senior Counsel and Analyst with the New England States Committee on Electricity for 10 years, with a focus on wholesale markets and transmission planning. Before that, I worked on regional and federal affairs for the Massachusetts Department of Public Utilities (their version of the PUC) and as an energy and environment fellow with the Regulatory Assistance Project, a non-profit consultancy and thinktank comprised of former regulators. I was also on Mayor Blalock's Renewable Energy Policy Committee and helped developed the committee's report and related recommendations.



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

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

Reasons for wishing to serve: _____

I love the City of Portsmouth. I enjoy working in the public interest and would be happy to help the City of Portsmouth evaluate options for sustainable and affordable energy usage. I am personally interested in working on solutions that mitigate the impacts of energy use on the environment. _____

Please list any organizations, groups, or other committees you are involved in:
I am supporting Senator Watters' Commission to Study Offshore Wind and Port Development and its Transmission sub-committee under Representative Harrington.
I am a member of the Energy Bar Association, the Institute of Electrical and Electronic Engineers (IEEE), and the Massachusetts Bar.
I am President of the Seacoast Lacrosse Club and unofficial commissioner of the Seacoast Area Youth Lacrosse League.
I was an Assistant Registrar and Ballot Official for Ward 2 in the last election.

Please list two character references not related to you or city staff members:
(Portsmouth references preferred)
1) Susan Denenberg, 44 Wibird St, (603) 957-1944
Name, address, telephone number
Greg Martin, 369 Pleasant St, (603) 759-8730
2) _____
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Benjamin S D'Antonio 9/10/2021
Signature: _____ Date: _____

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
6/27/2012



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: _____

Initial applicant

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:

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

 OVER

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: _____

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

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

1) _____
Name, address, telephone number

2) _____
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature: _____ Date: _____

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

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

6/27/2012



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: Portsmouth Energy Advisory Committee

Name: Peter Somssich Telephone: 603-436-5221

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

Street address: 34 Swett Ave.

Mailing address (if different): _____

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

How long have you been a resident of Portsmouth? 21 years

Occupational background:

I have an MS and a PhD in physics and have been working at various institution both in the USA and Germany as a scientist since 1976. My studies and my employment have often involved issues surrounding energy and advanced energy technologies. Currently I am serving as a State Representative from Portsmouth on the Science Technology & Energy Committee of the NH House.

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

While I personally know some of the individuals of the Sustainability Committee and have interacted with them in the past, I have not been involved specifically with PEAC.



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

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

Reasons for wishing to serve: _____

I believe that both my professional background and my prior training could be put to good use as a member of the PEAC.

As a prior member of the NH Offshore Wind Commission and an STE member currently, I have good contacts to individuals who are involved with Community Power efforts in other municipalities.

Having served as a State Rep, I have realized that much more can be accomplished on a local level in the areas of energy, than waiting for the legislature to act.

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

Aside from my obligations as a State Rep., I am not involved in any significant way with other local organizations or committees.

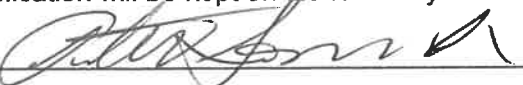
Please list two character references not related to you or city staff members:
(Portsmouth references preferred)

1) Attorney Damon Thomas, 40 Dodge Ave. tel. 433-6203
Name, address, telephone number

2) Bert Cohen, 28 Mark St., 315-8962
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature:  Date: 9/10/2021

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

Please submit application to the City Clerks Office, 1 Junkins Avenue, Portsmouth, NH 03801
6/27/2012



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: MAYOR'S BLUE RIBBON PORTSMOUTH ENERGY ADVISORY COMMITTEE

Name: Allison Tanner Telephone: 603.431.4147

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

Street address: 380 Greenleaf Ave

Mailing address (if different): _____

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

How long have you been a resident of Portsmouth? 43 years

Occupational background:

I have recently retired from my job at Corning incorporated as a Product Development Scientist/Inventor/Manager. I have also worked as a Registered Nurse, and my husband and I owned and operated Greencare Tree and Ground service for several years.

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

I performed lots of research before we decided to install a solar hot water system as well as photovoltaic panels. I also did research when our oil burner needed to be replaced, and instead chose a pellet boiler system so that we could reduce reliance on fossil fuels. I am aware of our energy usage and options other than Eversource. However, at this point, not much more than that. I believe this committee is supposed to determine whether Portsmouth should belong to a consortium of communities that could potentially buy energy at lower cost, or from alternative sources of energy generation.

➡ OVER

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: _____

This is a topic of interest to me, and since I have recently retired, I have more time on my hands. I do not know the chairman of this committee to be able to ask about the time commitment, but I believe at this point that I would have the time.

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

Conservation Commission member

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

1) Barbara McMillan 84 Hillside Dr. Portsmouth, 433-6438

Name, address, telephone number

2) Samantha Collins 820 Middle Rd, Portsmouth 828-7643

Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature: Allison Tanner Date: 9/10/21

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

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

6/27/2012

Kelli L. Barnaby

From: Dana Levenson
Sent: Monday, September 13, 2021 1:59 PM
To: Kelli L. Barnaby
Subject: EDC reappointment

Hi Kelli

After many years of serving on the EDC, I have decided not to seek appointment for an additional term. It is time for some younger, new faces. I have thoroughly enjoyed my tenure on the EDC and the opportunity to serve with so many talented and community minded staff and commissioners.

Thank you for all you do.

Dana Levenson

**PARKING and TRAFFIC SAFETY COMMITTEE
ACTION SHEET**

3:00 P.M. – September 2nd, 2021
Conference Room A

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

CITY STAFF: Parking Director Ben Fletcher

ACTION ITEM FOR CITY COUNCIL

- | |
|--|
| <ul style="list-style-type: none">• Request for Approval of Executed Valet Agreements of Portwalk Hampton and Portwalk Marriott. |
|--|

1. Financial Report – Accepted and placed on file financial report dated July 31, 2021.

2. Public Comment Session – There were 8 speakers: Chuck Collins (Little Harbor Road Analysis), Lisa Oakes (Little Harbor Road Analysis, Little Harbor Dog Waste, Bartlett Street Traffic Change), Liza Hewitt (Middle Road Traffic Calming Pilot, Bike Route on Lincoln Positive Feedback), Kelly Shaw (Banfield Road Speeding, Box Truck Usage and Traffic), Robert Najjar (Little Harbor Road Speeding), Matt Glenn (Bike Lanes and Passes at Route 1 Bypass), Paige Trace (Speeding on Woodbury Avenue), Andrew Bagley (Cross Inquiry for Chapel Street and Bow Street, Codifying Veteran Parking, First Time Offender Parking Tickets).

3. Request for Approval of Executed Valet Agreements Portwalk Hampton. Portwalk Marriott.
Voted to approve agreements as shown and move to City Council for approval.

4. Request for RRFB at Wentworth Road (1B) and Sagamore Street.
Voted to revisit after area is rebuilt, pending sidewalk installation along Route 1B.

5. Request for Traffic Calming and Speed Controls on Little Harbor Road.
Voted to have staff place radar device further down Road, analyze results and report back.

6. Request for RRFB (flashing beacon) at crosswalk(s) situated at Marcy and Pleasant (Sanders Fish Mkt.).
Voted to have staff complete on-site visit, and review data to assess need for RRFB (flashing beacon) and report back.

7. Request for traffic calming measures on Sherburne Road, by residents of Sherburne Road
Voted to have staff continue to monitor and report back.

8. Request to review site distance at intersection of Washington and Pleasant.
Voted to accept Public Works Director Peter Rice's recommendation, based on review, for no action at this time.
9. Cate Street and Bartlett Street progress update by Public Works Director Peter Rice.
- Informational, no action required.
10. Monthly accident report from Police.
- Informational, no action required.
11. Bike and vehicular traffic volume data.
- Informational, no action required.
12. Two Traffic Signals at Borthwith Avenue, Hodgdon Brook, and Coakley Road and Cotage Street at Route 1 Bypass. – *Informational, no action required.*
13. PTS Action Items.
- Informational, no action required.
14. Adjournment – At 4:07 p.m., **Voted** to adjourn.

Respectfully submitted by: Shanleigh McGonagle

MEETING MINUTES

PARKING and TRAFFIC SAFETY COMMITTEE

3:00 P.M. – September 2, 2021

CONFERENCE ROOM A

CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE

*Members of the public also have the option to join the meeting over Zoom
(See below for more details)**

3:00 PM

MINUTES

Sept. 2nd, 2021

I. CALL TO ORDER

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

II. ATTENDANCE

Members Present:

City Councilor/Chairman Peter Whelan

City Manager Karen Conard

Public Works Director Peter Rice

Fire Chief Todd Germain

Police Captain Mike Maloney

Mary Lou McElwain

Steve Pesci

Jonathan Sandberg

Harold Whitehouse

Erica Wygonik (Alternate)

Absent

City Staff Present:

Parking Director Ben Fletcher

III. FINANCIAL REPORT

Parking Director Ben Fletcher commented that this was the financial report through July 31, 2021, and they are at 11% of the annual revenue. They are off to a good start.

Harold Whitehouse moved to accept the financial report dated July 31, 2021, and place on file, seconded by Mary Lou McElwain. On a unanimous roll call, motion passed 9-0.

IV. PUBLIC COMMENT (15 MINUTES)

Chuck Collins of 3 Little Harbor Rd. commented that he had not seen the impact results of the roadway, so he requested to speak after that is discussed in the agenda. Chairman Peter Whelan confirmed that the public could come up and speak after it was presented.

Lisa Oaks of 315 Little Harbor Rd. commented that she was also interested in the impact analysis results. The road should continue to be monitored. Ms. Oaks also commented that the Bartlett St. intersection was confusing and would create accidents.

Liza Hewitt of 726 Middle Rd. commented on the traffic calming pilot program. Ms. Hewitt questioned if there would be a formal review at some point about the progress. The new RFB has been a gamechanger. Blocking the right off Middle St. has also been great. They have made a big difference. Ms. Hewitt was concerned that the bollards may come down for the winter. It could be confusing if they are removed. Ms. Hewitt has not seen a big difference in speed on her end of Middle Rd. The bump outs have not made a huge difference. There has not been as much of a police presence down there either. The speed limit should be 25 mph. It's 25 mph on Middle St., Woodbury Ave., and Maplewood Ave. It should be 25 mph here too. The new bike route on Lincoln Ave. is very safe.

Kelly Shaw of Banfield Rd. commented on several concerns. Cars are going too fast on Banfield Rd. They are still speeding even with construction going on. Box trucks are supposed to use Route 1, but they are still using Banfield Road multiple times a day. Ms. Shaw was also concerned about tractor trailer trucks at 375 Banfield Rd. It is zoned industrial, but the sightlines are greatly reduced. Banfield Rd. is not built to sustain this level of truck traffic. It is dangerous to have them on a rural road. These trucks should all be on Route 1. The amount of development in the gateway area is also concerning. This will add more traffic and speeding to the area and there is not enough of a police force to monitor it.

Robert Najar of 10 Martine Cottage Rd. commented that there was a lot of pedestrian traffic on that Little Harbor Rd. Cars are speeding off Sagamore Ave. and continue to speed onto Little Harbor Rd. It would be helpful to add signage warning about pedestrians. This road is in the CIP to be repaved. When that project happens, it may make sense to add a speed table.

Matt Glenn of 34 Harrison Ave. commented that the multiuse pathway on Hodgson Way does not continue onto Borthwick Ave. People must cross a multi lane road to get there. Mr. Glenn questioned if they would include a crosswalk and light there. A bike box may make sense as well. Mr. Glenn also addressed the safe routes to school on Lincoln Ave. The route should direct bikers to take a left on Park St. and a right Mendum Ave. for a safer crossing.

Paige Trace of 27 Hancock St. spoke as a resident. Ms. Trace requested that the Parking, Traffic and Safety Committee address the speeding on Woodbury Ave. in the October agenda. More people are taking Woodbury Ave. because of the new speed tables on Maplewood Ave. Ms. Trace suggested adding speed tables to Woodbury Ave. as well. Woodbury Ave. is a straight shot and people don't go 25 mph.

Andrew Bagley of 40 Chauncey St. commented that in the past a crosswalk has been requested at the intersection of Chapel St. and Bow St. It is a risky area to cross. The free veteran parking should be codified. Mr. Bagley questioned if the people should be forgiven for their first parking ticket.

V. NEW BUSINESS

(No public comment during Committee discussion without Committee approval.)

A. Request for Approval of Executed Valet Agreements

a. PortwalkHampton

b. Portwalk Marriott

Parking Director Ben Fletcher commented that these were standard agreements that are typically renewed each year. The contracts have been reviewed by Assistant City Attorney Jane Ferrini. These need to be approved by PTS and then they go to City Council.

Mary Lou McElwain clarified that each request would have 3 spaces. Parking Director Ben Fletcher confirmed that was correct. Mary Lou McElwain noted that it looked like the Marriott currently had 6 spaces marked for valet. Parking Director Ben Fletcher responded that they would review what is out there compared to the contract and ensure they comply.

Mary Lou McElwain questioned if the \$1500 fee should be increased. Parking Director Ben Fletcher responded that cost was determined by the Fee Committee. Public Works Director Peter Rice noted that they could review that with the Fee Committee, but the fee has already been set for this year. The fee is calculated by the on-street rates, and nothing has changed there. Nothing would be warranting a change on this. It is a private street. The revenue generated from this street goes to the property owner after the City takes out the operations cost.

Public Works Director Peter Rice moved to approve agreements as shown and move to City Council for approval, seconded by Jonathan Sandberg. On a unanimous roll call, motion passed 9-0.

B. Request for RRFB at Wentworth Road (1B) and Sagamore.

Parking Director Ben Fletcher commented that there was a discussion about whether to put a crosswalk across in this location. Currently, there is no sidewalk there. It is not good practice to install a crosswalk without a sidewalk. The recommendation is to revisit this when the block is rebuilt. If a sidewalk is put in with that project, then a crosswalk could be put in.

Harold Whitehouse moved to revisit after area is rebuilt, pending sidewalk installation along Route 1B, seconded by Mary Lou McElwain. On a unanimous roll call, motion passed 9-0.

VI. OLD BUSINESS

A. Request for Traffic Calming and Speed Controls on Little Harbor Road. Sample Motion: Staff to report collected data and recommend at 9.2.21 meeting.

Parking Director Ben Fletcher commented that they monitored Little Harbor Rd. The results were nearly identical for the weekday and weekend. The slowest speed was 8 mph and the highest was 34 mph. The average speed was 21 mph and the 85th percentile was 25 mph.

Mary Lou McElwain questioned if the device recorded bikes passing by. Parking Director Ben Fletcher responded that the device tracks the size of vehicles. Anything less than 9 feet in length is programmed to be treated as a bike. This is different than the flashing "your speed is" sign.

Mary Lou McElwain commented that adding caution pedestrian signage would be helpful for that road.

Chairman Peter Whelan questioned where the monitoring device was placed on Little Harbor Rd. Parking Director Ben Fletcher responded that it was placed about 250 meters down the road from its intersection with Sagamore, on the right.

Lisa Oaks of 315 Little Harbor Rd. requested that they move the device further down the road. Chairman Peter Whelan confirmed that they could continue monitoring.

Chuck Collins of 3 Little Harbor Rd. commented that this road did not have an outlet. There should be a caution pedestrian sign. Most vehicles are traveling down there for recreational purposes. The speed on Little Harbor Rd. is 30 mph, but it should be slower. It should be posted as a 15-mph recreational use roadway. Mr. Collins was concerned that the road would be widened when the City resurfaced it, and the cars would travel even faster.

Parking Director Ben Fletcher confirmed they would move the tracking device further down the road for additional monitoring.

Mr. Pesci commented that this could lead to a broader discussion about speed limits in the City. It may make sense to lower this to 25 mph as opposed to the default.

Harold Whitehouse questioned if they could post a 15-mph speed limit. Public Works Director Peter Rice responded that the State does not allow anything without a warrant study done to justify reducing the speed from 30 to 25 mph. Speed limits lower than that throughout the City are not enforceable. Putting it up there may make people feel better and drive slower. However, police are hesitant to enforce that unless there is a concurrent issue. This street is seeing average speeds of 21 mph, so that is encouraging. Speed tables are not effective at speeds of 25 mph. They do well to get people to go below 30 mph. Speed tables are designed for 25 mph speeds. There are no plans to widen the road.

City Manager Karen Conard moved to have staff place radar device further down Road, analyze results and report back, seconded by Erica Wygonik. On a unanimous roll call, motion passed 9-0.

Chuck Collins questioned if they could monitor pedestrian traffic as well. Public Works Director Peter Rice confirmed they could add a camera.

B. Request for RRFB (flashing beacon) at crosswalk(s) situated at Marcy and Pleasant (Sanders Fish Mkt.).

Parking Director Ben Fletcher commented that they would like to do a site visit to see if the footprint and sightlines allow for this. They will report back after that.

Public Works Director Peter Rice moved to have staff complete on-site visit, and review data to assess need for RRFB (flashing beacon) and report back, seconded by Mary Lou McElwain. On a unanimous roll call, motion passed 9-0.

C. Request for traffic calming measures on Sherburne Road, by residents of Sherburne Road.

Parking Director Ben Fletcher commented that they have not had an opportunity to address this yet. The goal will be to get the radar out onto Sherburne Ave. to monitor speed and try to address this for the October meeting.

Mary Lou McElwain moved to have staff continue to monitor and report back, seconded by Harold Whitehouse. On a unanimous roll call, motion passed 9-0.

D. Request to review site distance at intersection of Washington and Pleasant

Public Works Director Peter Rice commented that this intersection has been monitored and reviewed previously. This was brought forward because a resident requested that it be brought forward again. It is tight in that area. The sight distance is adequate and based on review the recommendation is to take no action.

Mary Lou McElwain moved to accept Public Works Director Peter Rice's recommendation, based on review, for no action at this time, seconded by Mr. Pesci. On a unanimous roll call, motion passed 9-0.

VII. INFORMATIONAL

1. Cate Street and Bartlett Street progress update by Public Works Director Peter Rice.

Public Works Director Peter Rice commented that they were going to be presenting a full review on September 20, 2021, at the City Council Meeting. The major concern is the crosswalk along the slip lane at the intersection. Despite that concern, the intersection is functioning very well. It can handle the tractor trailer trucks. People are learning the new intersection and being aware to watch and yield for through traffic. They are collecting traffic data on the intersection now. The goal was to create a through lane out to the Bypass.

Jonathan Sandberg questioned why the slip lane was needed. Public Works Director Peter Rice responded that if it was not there, then it would create a pinch point for cars taking a left off the Bypass and going up Bartlett. It would cause a backup at the Islington St. intersection. The slip lane prevents a backup and allows through traffic to continue onto the Bypass. The intent was to keep traffic moving and create less congestion.

Mary Lou McElwain commented that the volume from all the developments in the area should be considered as well. It is unclear how thoroughly this is discussed prior to a development going in.

Harold Whitehouse questioned what jurisdiction PTS had over the increase in traffic. Eventually it will be a serious problem. Chairman Peter Whelan responded that traffic is addressed through the TAC and Planning Board process. They can request traffic studies.

2. Monthly accident report from Police.

Police Captain Mike Maloney commented that July had 93 total crashes and 57 of those were reportable. In 2019 there were 105 accidents. There were no reported bike or pedestrian accidents in July, but there was a serious one in August.

Bike and vehicular traffic volume data.

Parking Director Ben Fletcher commented that they have continued to monitor traffic and it has increased peaking in July then dipping in August. The numbers are still below what it was in 2019 numbers.

PTS Action Items.

Harold Whitehouse questioned if they could paint the words “look up” in the crosswalks on Maplewood Ave. and Congress St. and Maplewood Ave. and Deer St. Chairman Peter Whelan confirmed that they could bring that up in the October Meeting.

VIII. MISCELLANEOUS

A. Two Traffic Signals at Borthwick Avenue, Hodgdon Brook, and Coakley Road and

Chairman Whelan commented that there has been an issue with those two intersections signals being off in timing. Public Works Director Peter Rice commented that they were State controlled signals. One is a temporary signal that will be replaced with a permanent one. The State is aware of the issue.

Jonathan Sandberg questioned if there were plans to remove the signal at Coakley St. and Cottage St. Public Works Director Peter Rice responded that is identified as a long-term project in the CIP. They need to work with DOT to see if it's warranted. If this issue of queuing through the intersection continues, then it will be good indication that it's needed.

Mary Lou McElwain commented that a heavy volume of traffic equals impatient drivers. There needs to be more enforcement.

Erika Wygonik questioned who was in charge of the crossing guards for the schools. Parking Director Ben Fletcher responded that they work with the schools to schedule crossing guards. Parking Director Ben Fletcher confirmed he could direct Erika Wygonik to the correct person to discuss the schedule.

Chairman Whelan commented that Tom Morgan wrote a letter to the Council about bike lanes on Woodbury Ave. Paige Trace raised the idea of speed tables on Woodbury Ave. Those can be discussed at the next meeting.

Steve Pesci commented that the Cate St. and Bartlett St. intersection was working very well. The most dangerous point is when something is newly installed. The slip lane may need different signage to alert unexpecting drivers. It will be good to see the final design. Some people are abusing the click and fix by sending a note every time there is a truck on Bartlett St. Local deliveries are still allowed. They are legally able to use it.

Public Works Director Peter Rice commented that the sidewalks on Chevrolet Ave. were complete.

Parking Director Ben Fletcher questioned if they should continue to have meetings at 3 p.m. or go back to 8 a.m. Chairman Peter Whelan responded they should go back to 8 a.m.

IX. ADJOURNMENT

Harold Whitehouse moved to adjourn at 4:07 p.m., seconded by Mary Lou McElwain. On a unanimous roll call, motion passed 9-0.

Respectfully submitted by:

Becky Frey

Acting Parking, Traffic and Safety Secretary



THOMAS J. MCINTYRE FEDERAL BUILDING

Portsmouth, New Hampshire
Revised Concept Plan
National Park Service Preliminary Review
August 2021
PUBLIC RELEASE



PRINCIPLE 

Cover Letter



Rick Becksted
Mayor

CITY OF PORTSMOUTH

Municipal Complex
1 Junkins Avenue
Portsmouth, New Hampshire 03801
mayorbecksted@gmail.com
(603) 610-7200

August 4, 2021

Dennis Montagna, PhD, Acting Program Lead
History and Preservation Assistance
Historic Surplus Property Program – Region 1
National Park Service
1234 Market Street, 20th Floor
Philadelphia, Pennsylvania 19107

Dear Dennis;

It is with great privilege that I submit this presentation to you on behalf of the City of Portsmouth. The presentation before you is the culmination of thousands of hours of community involvement. It has the endorsement of the McIntyre Subcommittee and the Portsmouth City Council. We believe that as presented, this design will provide the greatest benefit to the Thomas J McIntyre Building and to the City of Portsmouth. It is creative yet historically respectful. Thank you for agreeing to review the presentation.

Sincerely,

Rick Becksted,
Mayor of the City of Portsmouth

Introduction

Dear Dennis:

It is with great pleasure that the City of Portsmouth's McIntyre Subcommittee, in conjunction with our consultants, urban planning and design firm Principle Group, submits this preliminary architectural plan for the preservation and revitalization of the Thomas J. McIntyre Federal Building. As explained below, this preliminary plan has evolved with extensive community input and with the utmost care to and respect for the historic fabric of this property, a contributing structure to the National Register-listed Portsmouth Downtown Historic District.

As you can see on the enclosed maps, the McIntyre Building is within the heart of our downtown, a block from the intersection now known as Market Square. This is not only the physical crossroad for downtown but has become the economic and social center for the area, a busy commercial retail and office location with thriving street activity. When the Federal government chose 80 Daniel Street as the location for a new federal building in the early 1960s, they chose to be part of this centrally located activity. However, this new construction meant the city lost an entire block of eighteenth- and nineteenth-century buildings as well as part of the City's colonial street pattern with the removal of Linden Street. With the exception of the Post Office functions, the citizens also lost access to activity on the site. While there is not universal agreement in Portsmouth about the merit of the architecture of the McIntyre Building, there is universal agreement that this Building and site is historically important to the City of Portsmouth and its residents and, with the property being made available to the City as Historic Surplus Property, we now may be able to recapture some of what was lost to the City all of those years ago and to weave this site both physically and economically back into the fabric our City. It is our goal to gain your feedback and input as we enter into the process of submitting a new application reflecting this new proposed development

plan in the very near future.

It is important that the National Park Service realize that this is a community-driven plan, born from many hours of Portsmouth community feedback and participation in a process which spanned over 14,000 hours over seven months during the pandemic shutdowns; surveys and community Zoom meetings were conducted in over 22 Portsmouth Listens-facilitated groups. Based on this extensive and intensive community input, the new proposed development plan reflects the will of the community and is backed by the Portsmouth City Council who voted 8 to 1 to endorse this plan.

We recognize that preserving the historic character of the McIntyre Building is the primary goal of the Historic Surplus Property Program and we have attempted to do this via new and innovative approaches to this design while keeping the project relevant and vital to our community and faithful to the robust participation by Portsmouth residents. It is the fervent wish of the community to see this exciting and unique, yet historically respectful, plan come to fruition. It is hoped that with the advice of the National Park Service, submission of the new proposed plan through a formal application to the General Services Administration's Historic Surplus Property Program will become an appropriate reality in the near future.

Why is there a new plan? A Brief History

In 2016, the General Services Administration (GSA) declared the Thomas J. McIntyre Federal Building, located at 80 Daniel Street, to be surplus property, opening the potential opportunity for the City to revitalize this 2.1-acre site in the heart of downtown by acquisition through the Historic Surplus Property (HSP) Program. It was determined

by the City that given the size and scope of the project, the City should work with a partner with real estate development expertise and management capabilities to produce this project.

In 2018, the City of Portsmouth and SoBow Square LLC (the City's potential leasee subject to GSA approval) signed a Development Agreement for this project and subsequently submitted an application to the National Park Service (NPS) to obtain the property at no-cost as Historic Surplus Property. The final plan submitted in 2019 was a mix of uses: retail in the ground floor of the Main Building and offices in the upper floors, apartments and retail in new construction along Bow Street, all separated by walkways and a hardscape plaza. A portion of the One-Story Section would be demolished to provide an access driveway. At the time, the density and mass of the new construction along Bow Street – including a five-story apartment tower – incurred community opposition as well as concerns from the NPS.

Residents also felt there was not enough public space and benefit in what was, after all, public land. A petition to “revisit” the SoBow Square LLC plan garnered 600 signatures – enough under the city's charter to force a public hearing and re-vote. But the previous council defended the SoBow Square LLC proposal and voted to move forward. That fall, in an election with higher than usual turnout, voters replaced five incumbent City Council Members who favored the original plan with five new Council Members who wanted to revisit the plan.

The new council halted the project by voting to reject the draft form of the ground lease contained in the Development Agreement. The developer then sued the City arguing that the prior City Council's Development Agreement and vote bound the City to move ahead. After a legal disagreement, the City and developer agreed to pause the litigation to come up with a compromise plan.

As a first step, the McIntyre Subcommittee of City Council and SoBow Square LLC agreed to send a survey to every home, asking residents if they wanted more public space (even if it cost the city more), less mass and density on Bow Street, or to keep the existing plan. The survey had 3,495 responses out of approximately 18,000 surveys mailed, almost the size of a municipal election turnout. The residents said decisively they wanted more public space, less mass and density on Bow Street, and the retention of the post office. Only 17% of the respondents favored the 2019 SoBow Square LLC plan.

Based on the results of the survey, the Subcommittee and developer next agreed to a public process to determine the wants and desires for the enhanced public space. Portsmouth Listens, a non-profit neutral convener of citizen dialogues, agreed to create “study circles” (residents in facilitated groups) to explore the community values they wanted to be reflected in the vision for the site. Every household in the city was invited to participate via a postcard mailing. Hundreds did, meeting on Zoom in 22 facilitated groups on multiple nights through the winter holidays and reporting their findings to the City Council (citizen presentations at https://www.cityofportsmouth.com/sites/default/files/2021-01/02%20Presentations%20Groups%201%20-%202022%20Study%20Circles_sm.pdf).

To turn these community values and visions into a physical plan for the site, the City engaged Principle Group. This design process also added a roundtable of local designers and an iterative charrette process via Zoom engaging the Portsmouth Listens participants to review sketches and rate them on surveys. The Community Plan that resulted was the consummation of over 14,000 hours of citizen engagement and blended elements from eight conceptual designs into one final version combining the best features of all as guided by online voting and discussion.

The elements drawn from the eight concepts that were identified as most important in any new development and inform the new design are:

- Aesthetics and design
- Places for people
- Connectivity
- Gathering space
- Economically resilient
- Useful and local
- Sustainability
- Historic
- Retain Post Office function at this location

We believe this new plan does all of the above, a far cry from walled asphalt and brick barrier created by urban renewal in 1967.

The New Proposed Plan

As with the previous plan, the new proposed plan strives to meet the Secretary of the Interior’s “Standards for Rehabilitation.” This is a delicate balance in this particular project given the amount of existing surface parking lot that is not character-defining and that now provides an opportunity to recreate a sense of urban space in this area of downtown Portsmouth. In addition, while the design is evaluated against the Secretary’s “Standards,” the “Application to Obtain Real Property for Historic Monument Purposes” has additional evaluative factors of use, capability and financial plan. The City is committed to the reincorporation of this site into our common public experience and have put forth enormous efforts to achieve this goal.

The package before you is a conceptual “Preservation Plan,” just one section of the three-part “Program of Preservation and Utilization.” The floor plans are conceptual at this time. Without a preliminary evaluation of this proposed new plan, the financial plan cannot be developed and is, therefore, not included in this package. This does not mean, however, that the City deems this section of the Application to be immaterial to the success of the project. On the contrary, a sound financial plan is critical to the viability of the project in perpetuity. Not only does our development partner need to agree to the execution of the new plan but the financial aspects will need to be reexamined as to its financial viability. Eventually the City can look forward to having the property out of federal hands and back on the tax rolls. The upfront costs of rehabilitation will be high with asbestos abatement required, necessary building code updates and the creation of a new underground parking facility. The City has committed to increased financial support for this project if this helps to guarantee its success. Eventually we expect there will be excess income from the project and these funds will be dedicated to preservation-related projects within the City. With the extraordinary effort the City put forth to create a plan produced by and for our citizens, we then need to ensure this project can move forward by extending the same level of effort in developing our financial plan and to address the concerns of the NPS with our previous financial plan.

This new proposed plan has not yet been reviewed by our Historic District Commission. Once we obtain feedback from the NPS and have a plan that can move forward as an “Application to Obtain Real Property for Historic Monument Purposes,” we will seek Commission review and, hopefully, endorsement.

The new plan includes commercial, retail, residential and public space. The Main Building will be rehabilitated with a focus on the retention of historic materials and spaces as well as the repair of the damaged and failing cornice and columns at the main entry. New retail spaces will be created at the rear of the ground floor with the loading dock providing an area for outdoor dining overlooking the new covered public market. One new retail opening will be created facing Penhallow Street near the loading docks. To create year-round space for public use, a new passage from Daniel Street to the rear of the building will be created called the Winter Garden. This linear space will provide a connection directly from Daniel Street to the public market in the center of the site. This will require some alterations to a small area of exterior wall facing Daniel Street, alterations to two bays of the loading docks, replacement of the existing flat roof with glass, and removal of interior partitions, most from 1997 renovations. The glass roof over the winter garden is drawn setback 15'-11" from the One-Story Section roof below.

A three-story addition will be added to the One-Story Section of the McIntyre Building to facilitate pedestrian connectivity between the proposed new and existing structure and to increase activity over the entire site. Importantly, it will also increase the financial viability of the project. The new proposed construction will be structurally separate from the One-Story Section. The proposed addition has a some undulation in its façade but the closest point is 12'-9" setback from the edge of the One-Story Section below. The next step is 18'-3" and the last step is 21'-3" setback from the One-Story Section below. The only historic material that will be removed is the roof, a non-character-defining feature. The massing, scale, size, materials and architectural features are visually compatible with the Main Building as well as the overall historic district. The new service lane between the McIntyre Building and Old City Hall along the eastern boundary of the site is in approximately the location of Linden Street, removed in 1967 when the McIntyre Building was constructed. This access lane can also

act as an additional pedestrian thruway, re-establishing that historic pathway. A new two-and-a-half-story building will be constructed along Bow Street, curving around the east side of the site to connect with the new construction on the One-Story Section of the McIntyre Building. The reduced height of this building preserves existing views of the Main Building from the north. The new construction will join with the existing building at a ground floor lobby which will lead to the fourth-story Public Observation Deck, providing rooftop access and views of the Piscataqua River for the enjoyment of the community. A covered Market Hall will be located between the building on Bow Street and the rear of the Main Building. The Market Hall is designed so that the view of St. John's Church is visible from the traditional viewshed as one looks west from the Market and Bow Street intersection, across the site from Penhallow Street.

Differences from 2019 Plan

Mindful of the surrounding historic context and the financial feasibility of the overall project, as currently designed, the new proposed plan represents a nearly 20% reduction in overall density and volume from the 2018 plan. The former plan contained four- and five-story buildings on the site along Bow and Penhallow Streets; in this plan, the building heights have been lowered to three-and-a-half and four-stories. These are more consistent with the existing surrounding buildings on Bow and Penhallow Streets and provide less obstructed views of the Main Building from the north. In contrast to the relatively limited and confined public spaces in the 2018 plan, this new design proposes a new and unique public Market Hall building, a public piazza and public roof deck, a series of public plazas and alleyways, and enhanced public access across the site and up to Chapel Street. The One-Story Section is sensitively retained with the new construction on top impacting the roof and the 1997 interior renovations.

Conclusion

As you review this conceptual new proposed design we ask that you keep in mind the hard-earned support of the Portsmouth residents behind it as we move forward. This new proposed plan has attempted to energize the McIntyre Building and site which for years has been a fortress-like island of federal exclusion in the center of our historic downtown. Our Subcommittee has always looked at this as a 100-year project in our historic downtown complementing our eighteenth-century and nineteenth-century buildings and churches. Keeping the character of Portsmouth has been a key goal of our Subcommittee and a goal of hundreds of residents who actively participated in our McIntyre design process. In the end, we believe this new proposed plan not only resolves the issues raised by the NPS with our previous design and preserves the character of the McIntyre Building but now better represents the historic land use patterns not just of the site itself but also the surrounding context of the Downtown Portsmouth Historic District.

In closing, we look forward to discussing this plan in the very near future with you and your team at NPS. We welcome your feedback and guidance as to how we might meet our mutual goals and objectives for this important property and how we might move this community-supported plan forward for Portsmouth and its residents. Pending our discussion and your preliminary feedback, we look forward to submitting a new formal application which will include a new form of a ground lease and complete financial package for your review.

Sincerely yours,

The City of Portsmouth McIntyre Subcommittee of the City Council

Peter A. Whelan, Chair

Paige Trace, Member and City Council Representative on Historic District Committee

Deaglan McEachern, Member

John Tabor, Member

Contact Information

Councilor / Chair of McIntyre Subcommittee Peter Whelan
(603) 205-5318
peterwhelanportsmouth@gmail.com

Councilor Paige Trace
(914) 282-0679
paigetraceportsmouth@gmail.com

Councilor John Tabor
(603) 557-6025
johntaborportsmouth@gmail.com

Councilor Deaglan McEachern
(603) 502-7078
Deaglan.McEachern@gmail.com

Karen Conard
(603) 610-7202
City Manager
City of Portsmouth
kconard@cityofportsmouth.com

Nick Cracknell
(603) 610-7328
Principal Planner
City of Portsmouth
njcracknell@cityofportsmouth.com

This page intentionally left blank.

Contents

Section 1: History of Site and Existing Conditions	11
Section 2: Site Plans and Floor Plans	28
Section 3: Elevations	45

**Section 1:
History of Site and Existing
Conditions**

History of Site

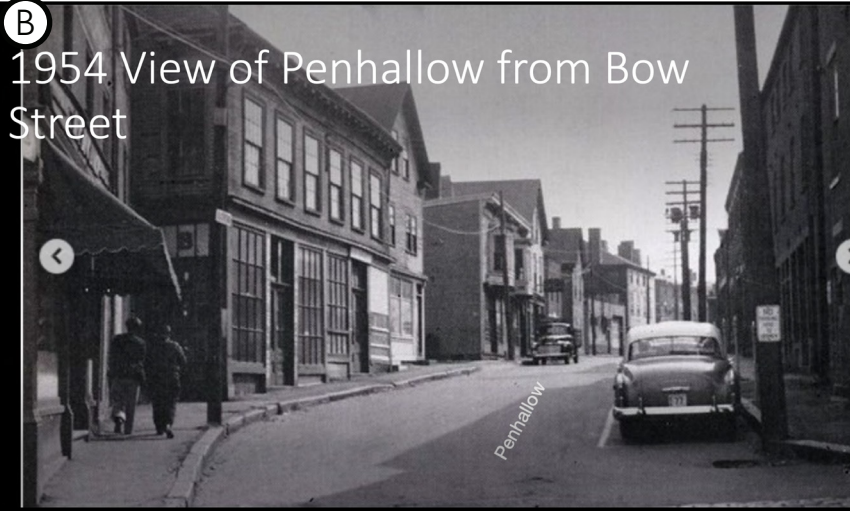


----- Property Location

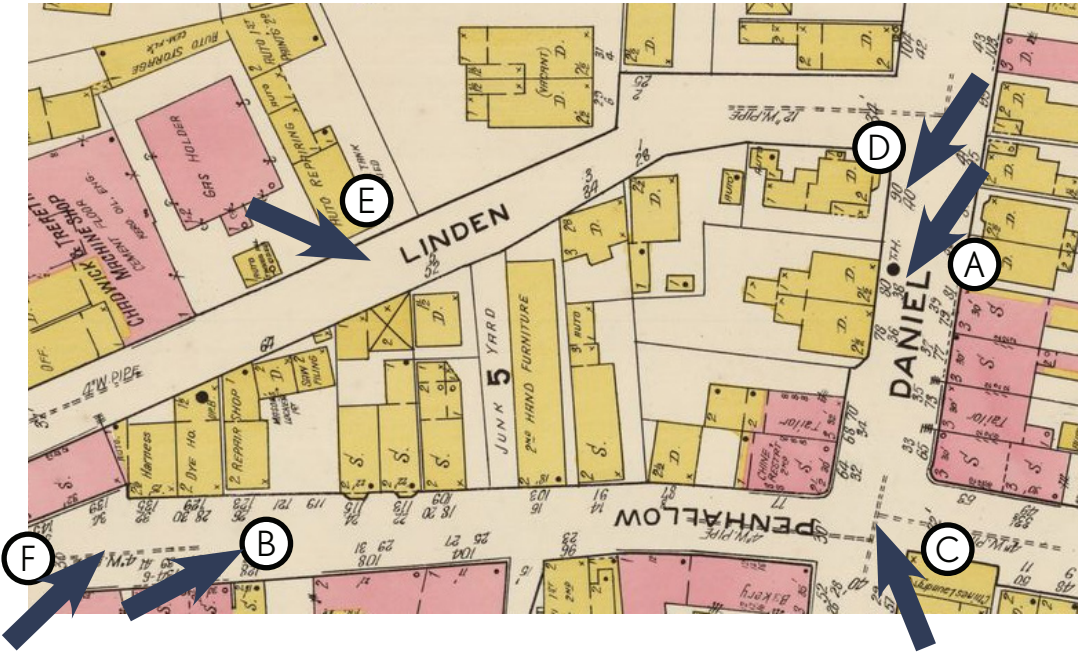
History of Site



Stoodley's Tavern



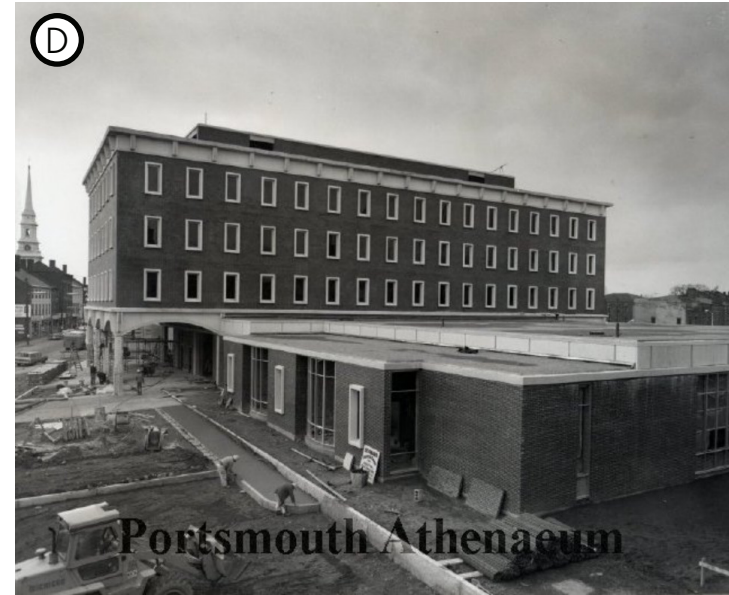
1954 View of Penhallow from Bow Street



1967



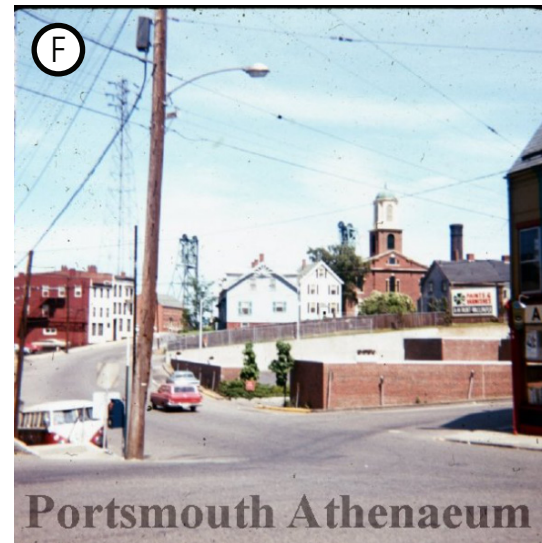
View from Penhallow Street



View from Daniel Street



View from Bow Street



View from Bow and Penhallow Street Intersection

Aerial View - Existing Conditions



Aerial View - Existing Conditions



Existing Conditions - Topography



The McIntyre site features a significant grade change between Daniel Street (FF= 31 feet elevation above sea level) where the Main Building and One-Story Section are located and Bow Street (18 feet elevation), which is approximately equal to one-story of a standard office building. St. John's Church is approximately 46 feet elevation above sea level.

Portsmouth Local Historic District



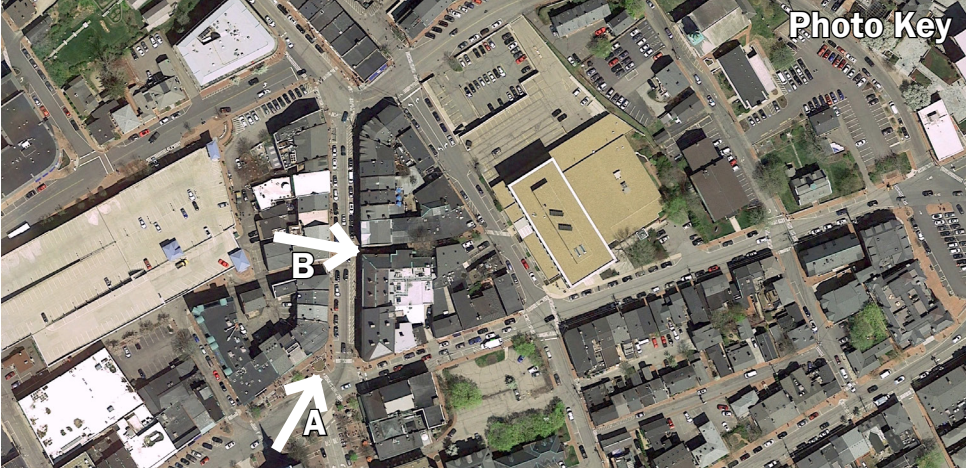
Portsmouth Downtown Historic District



	KEY: DISTRICT BOUNDARY PREVIOUSLY LISTED NATIONAL HISTORIC LANDMARK OR NATIONAL REGISTER PROPERTY <small>14</small> RESOURCE MAP ID PHOTO ID & LOCATION	NATIONAL HISTORIC LANDMARK RESOURCE INDIVIDUALLY LISTED IN THE NATIONAL REGISTER CONTRIBUTING RESOURCE CONTRIBUTING LANDSCAPE TO A PREVIOUSLY LISTED NHL OR NR, OR THE DOWNTOWN PORTSMOUTH HISTORIC DISTRICT NON-CONTRIBUTING RESOURCE	CONTRIBUTING ARCHEOLOGICAL SITE		PORTSMOUTH DOWNTOWN HISTORIC DISTRICT NATIONAL REGISTER DOCUMENTATION Portsmouth, New Hampshire DISTRICT MAP Sheet A
	<small>Privileged Archaeological Information - Not for Public Distribution</small>				

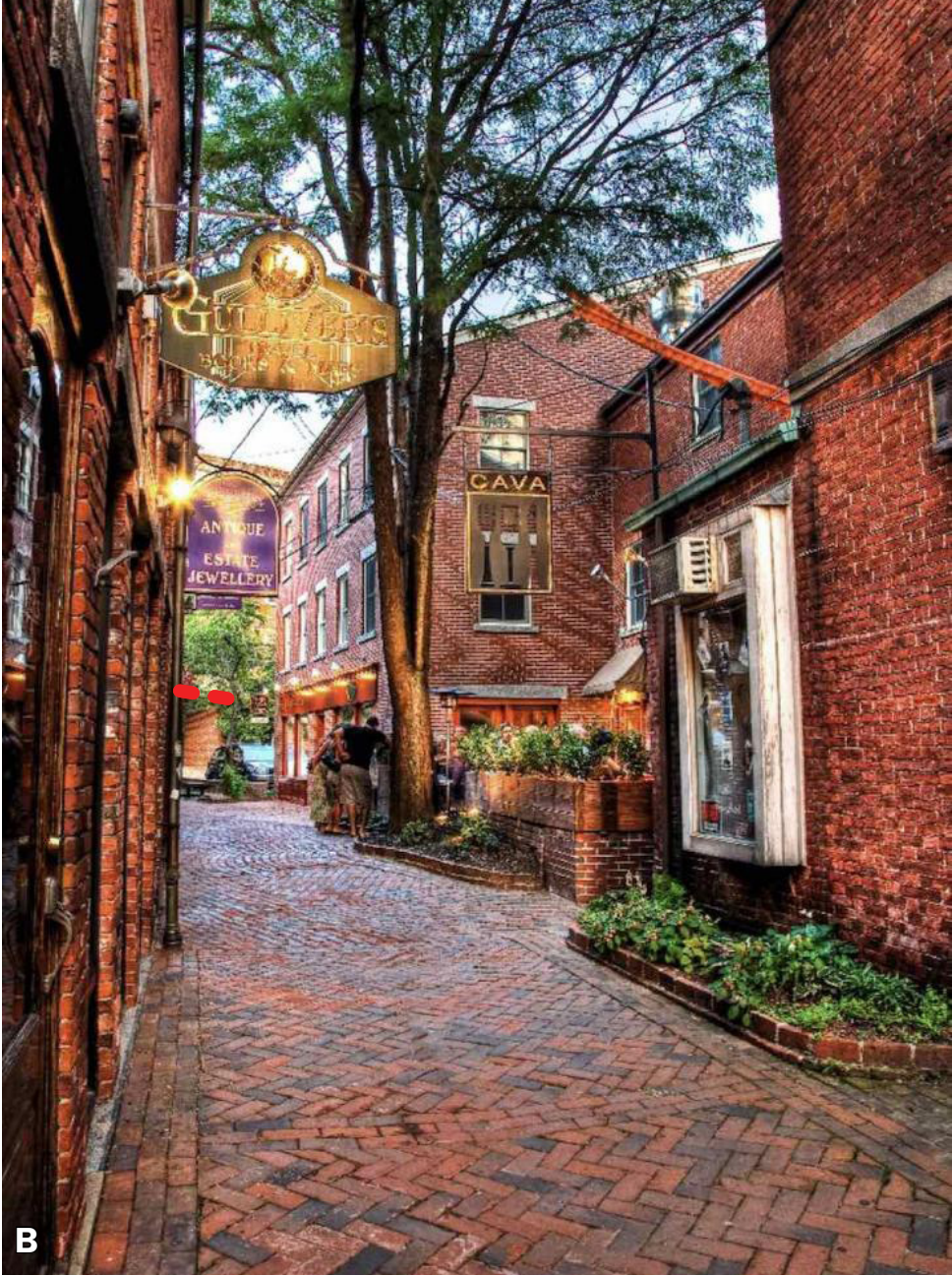
For the National Register of Historic Places Registration Nomination for the Portsmouth Downtown Historic District, see [NPS Form 10-900 linked here.](#)

Downtown Portsmouth Context



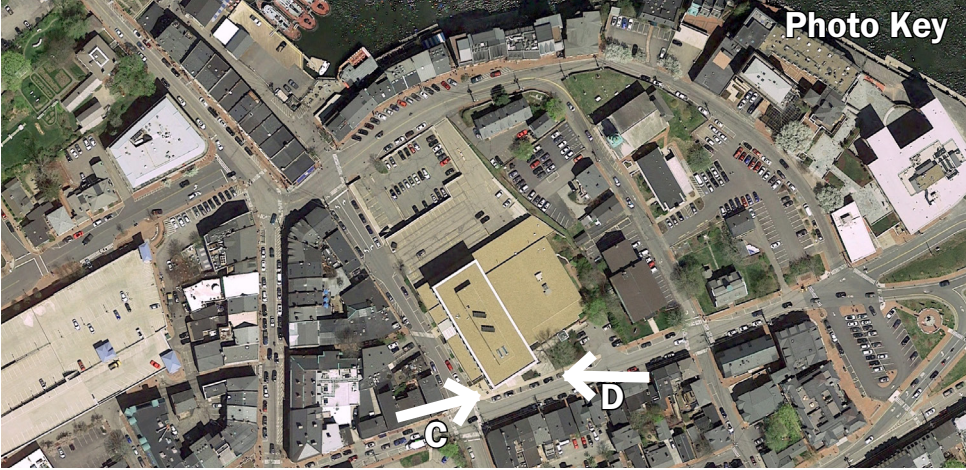
Market Square

20 THOMAS J. MCINTYRE FEDERAL BUILDING - PUBLIC



Commercial Alley

Context - Daniel Street

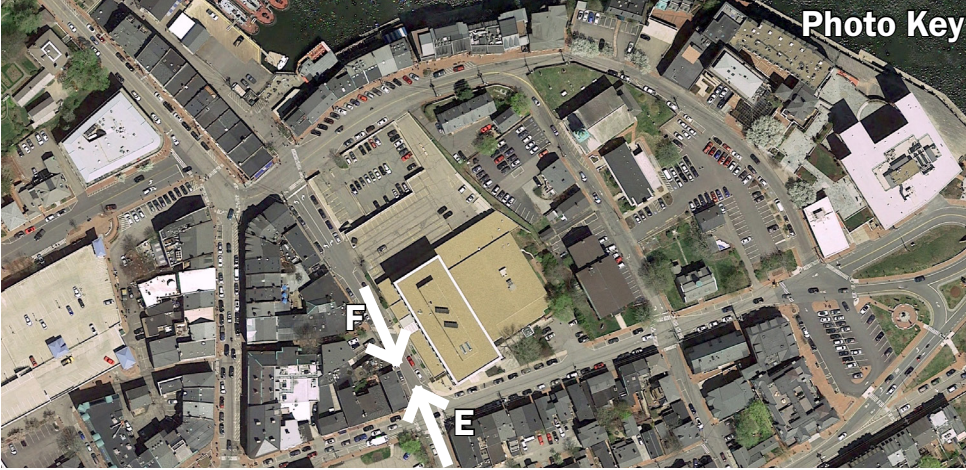


Daniel Street looking east



Daniel Street looking west

Context - Penhallow Street

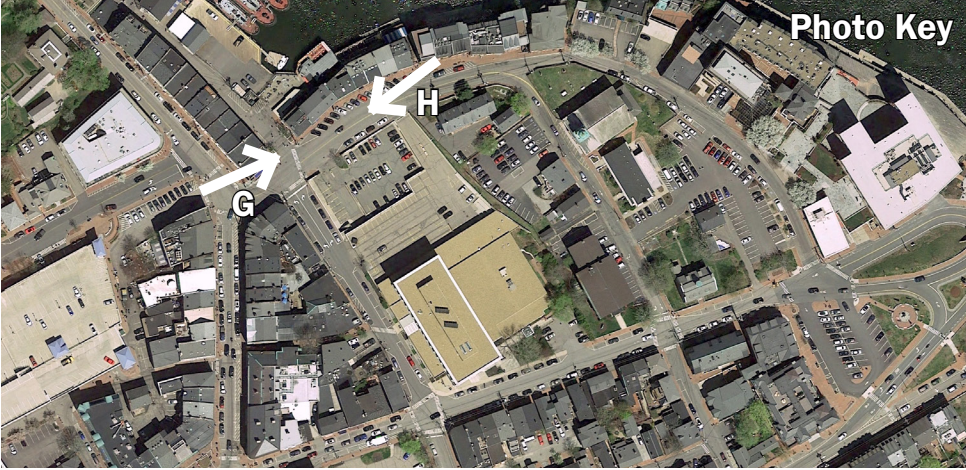


Penhallow Street looking northwest (Main Building on right)



Penhallow Street looking southeast (Main Building on left)

Context - Bow Street



Bow Street looking east (McIntyre parking lot on right)



Bow Street looking west (McIntyre parking lot on left)

Context - Ceres Street, below Bow Street, looking southeast



J View of Main Building from the Piscataqua River, looking southeast.



Ceres Street looking southeast



K View of Main Building from the Piscataqua River, looking southeast, close up.

Context - Former Linden Street



Formerly Linden Street (Main Building on Left)



Formerly Linden Street (Main Building on Left)

Thomas J. McIntyre Federal Building - Existing Conditions



Exterior: Please refer to the Appendix for full set of exterior photos submitted with November 2018, Application for Obtaining Real Property for Historic Monument Purposes.

Interior Photos not available for public dissemination.

Thomas J. McIntyre Federal Building - Existing Conditions

Interior Photos not available for public dissemination.

Section 2: Site Plans and Floor Plans

Please note that floor plans are not available for public dissemination.

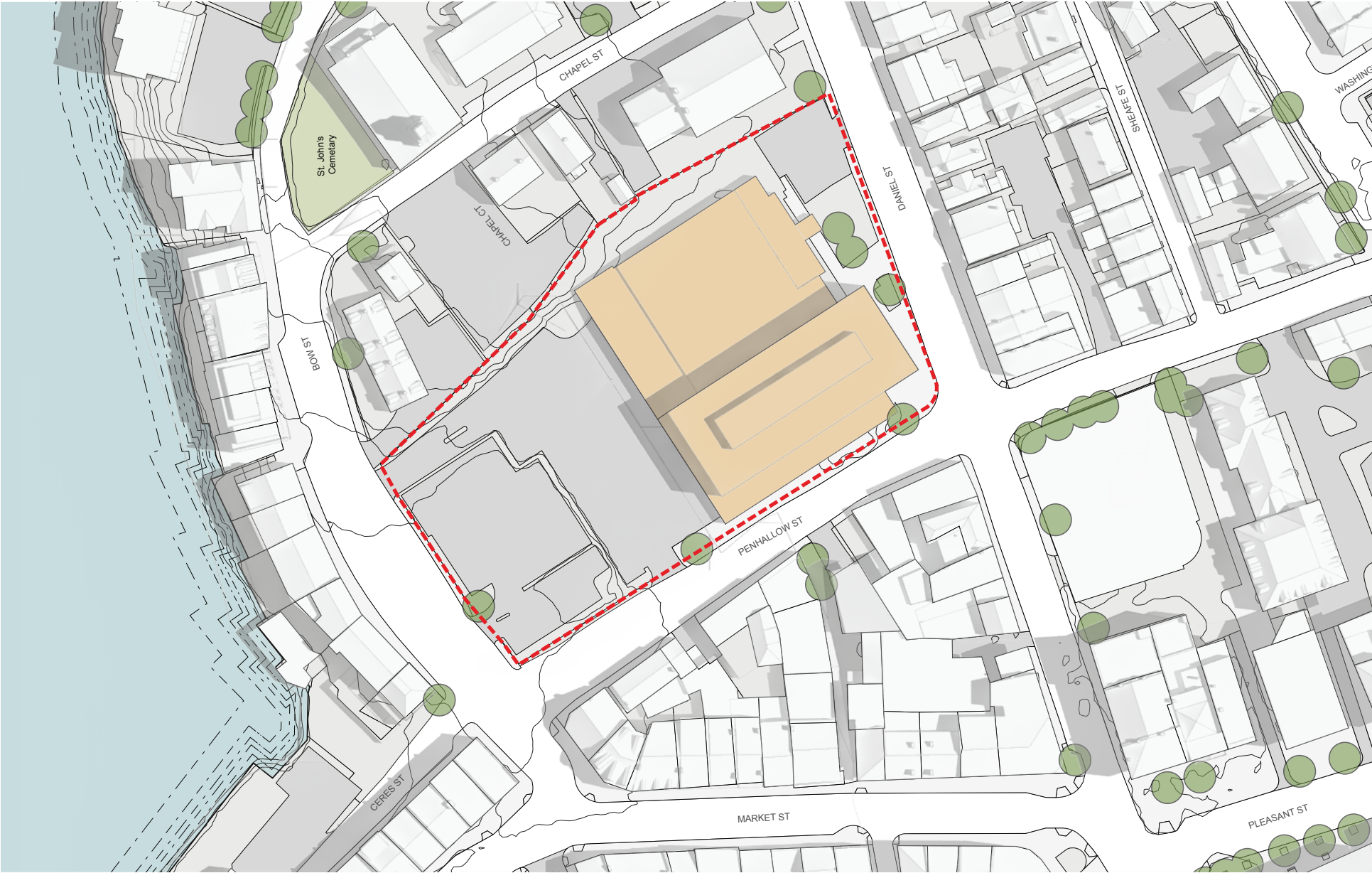
Proposed Site Plan



PLAN NOTES:

- 1. Market hall. Residential on upper floors or could be mixed-use on all floors.
- 2. Grand Stair/Theatre.
- 3. Garden.
- 4. Connection to Chapel Court.
- 5. Shared Pedestrian streets.
- 6. Plaza at Bow Street.
- 7. Service Alley. Underground Garage Entrance.
- 8. Courtyard Green Space with Restaurants and/or Cafes surrounding it. Kids play feature in the green space.
- 9. Building with an Observation deck.
- 10. Market Hall - Connection through the Main Building.
- 11. One-Story Section (Post Office).
- 12. Ground floor opening in the Main Building.
- 13. Service Alley.
- 14. Daniel Street Plaza.
- 15. Connection to waterfront.
- 16. Connection to Commercial Alley.

Existing Conditions Site Plan



This page intentionally left blank.

Existing Floor Plans: Basement

Not available for public dissemination.

Proposed: Basement

Not available for public dissemination.

New underground parking centralized in a shared garage will address the relocation of street parking on Bow, Penhallow, and Daniel. The garage is sized to accommodate 73 street parking spaces, more than replacing the estimated 60 spaces that will be removed with the proposed design. The garage can be scaled to accommodate additional underground parking levels.

Hiding parking underground allows for more space at ground level for people instead of vehicles. The shared parking level will address the needs of the future users of the McIntyre site, enhance the “park once” strategy in this area of downtown, and create a parking resource for the neighborhood that can help encourage a shared, district approach to vehicular storage.

Public vehicular access to the below-grade garage is on Chapel Court.

Existing Floor Plans: Ground Floor

Not available for public dissemination.

Proposed Ground Floor

Not available for public dissemination.

The ground floors across the buildings on the site may provide differently sized shop fronts, from 200 square feet to 3,000 square feet. Micro-spaces offer incubator opportunities to small businesses or individual operators to build a local following to scaling up and out of the small space if successful. Neighborhood services and restaurants may use larger areas. The final use of each space has yet to be determined, however, and demising walls are not depicted. Additionally, the offices and conference room at the southwest corner of the Main Building are shown as a

single space.

In addition to restaurants, a market, a museum, or other, public amenities are desired to provide much-needed services downtown. These uses can encourage an active and vibrant district to emerge at the McIntyre site. The One-Story Section (Post Office) retail shopfront would anchor the ground floor, drawing people into the site. The new service lane along the northern property line would provide space to access 'back of house' functions (i.e., garbage pickup) and the parking garage.

Existing: Parking Lot

Not available for public dissemination.

Proposed New Development: Parking Lot (Mezzanine Level)

Not available for public dissemination.

The proposed mezzanine area serves as a connection between new construction and existing buildings. Access to Chapel Court becomes a “front,” accentuating the access and entryway to the Chapel level. The Winter Garden Exit on the north side of the Main Building and the Loading Dock promenade converge at the proposed Public Observation Deck Lobby, providing much-needed, publicly-accessible pathways through the McIntyre site.

The Lobby creates a centralized indoor meeting space prior to navigating to the fourth-story observation deck. It ties the various parts of the site together and provides view and pedestrian access to the interior of the McIntyre site which has been off-limits to the public since 1967.

Existing Floor Plans: Second Floor

Not available for public dissemination.

Proposed Second Floor

Not available for public dissemination.

The second floor may be designed to accommodate a variety of uses such as a museum, offices, residential, or hospitality uses. The proposed new construction at the second-story on Bow Street will have an interior connection to the second-story addition on the One-Story Section at Daniel Street, providing further opportunities for interior navigation on the McIntyre site.

Existing Floor Plans: Third Floor

Not available for public dissemination.

Proposed Third Floor

Not available for public dissemination.

The third floor levels on Bow Street and Daniel Street are set back from the public way to further break down the scale of the proposed new construction, in order to be subservient to the Main Building. The third-story, as with the second-story, provides opportunities for interior navigation of the site through the connection between the addition to the One-Story Section and the new construction on Penhallow Street.

Existing Floor Plans: Fourth Floor

Not available for public dissemination.

Proposed Fourth Floor

Not available for public dissemination.

The fourth-story level of the covered market building on Penhallow will create a publicly-accessible Observation Deck. The deck is accessed at ground level from three points: from the main story on Penhallow Street, through the Market Hall, or from the Chapel Court entrance.

The Observation Deck must be at this level to allow for a clear line of sight to the Piscataqua River over the row houses on Bow Street, which vary between three and four stories.

Proposed Site Plan



- PLAN NOTES:**
1. Market hall. Residential on upper floors or could be mixed-use on all floors.
 2. Grand Stair/Theatre.
 3. Garden.
 4. Connection to Chapel Court.
 5. Shared Pedestrian streets.
 6. Plaza at Bow Street.
 7. Service Alley. Underground Garage Entrance.
 8. Courtyard Green Space with Restaurants and/or Cafes surrounding it. Kids play feature in the green space.
 9. Building with an Observation deck.
 10. Market Hall - Connection through the Main Building.
 11. One-Story Section (Post Office).
 12. Ground floor opening in the Main Building.
 13. Service Alley.
 14. Daniel Street Plaza.
 15. Connection to waterfront.
 16. Connection to Commercial Alley.

Section 3: Elevations

Main Building



It is expected that once the concept plan is approved and the developer agrees to proceed with the new plan, the treatment of the Main Building will be the same as was described in the November 2018, Application to Obtain Real Property for Historic Monument Purposes. This would include:

- Retention of both entryways and installation of code-compliant doors
- Repair of existing windows and installation of new interior storm windows
- Removal of stainless steel cladding on columns and repair of columns
- Stabilization and repair of cornice

Floor plans will be developed as uses and tenants are identified. but no ceilings may be dropped below the window heads.

A new opening will be created in the north end of the Penhallow Street elevation (currently the interior of a loading dock bay). See pages 54 - 57 for details.



Stainless Steel-Clad Columns on Daniel Street.



Cornice Details.

Existing Daniel Street



During the evolution of the design process, it became apparent that the northern area of the site behind the existing loading docks needed to have active uses surrounding it throughout the day and evenings. To foster a safe and comfortable public realm, it is essential to bring activity and eyes on the street in the form of occupied upper-floor windows. People can keep a watchful eye on public spaces and movement within the block to eliminate the unsafe dead-ends. In order to bring activity to the entire site, not just portions at certain times of day, it was determined that an addition above the One-Story Section

of the Main Building will help create this activity. It also addresses concerns about the fiscal resilience of the site by appropriately utilizing the building volume above this one-story warehouse located downtown. The One-Story Section, while original to the design of the McIntyre Building, is an anomaly in an area of predominantly two- and three-story structures.

Proposed Addition to One-Story Section

(view with no foliage on existing trees)



A new 3-story addition is proposed to the north of the original 4-story building and above the existing 1-story section (former Post Office). Our proposed addition has a some undulation in its façade but the closest point is 12'-9" setback from the edge of the one-story section below. The next step is 18'-3" and the last step is 21'-3". The glass roof over the winter garden is drawn setback 15'-11" from the roof below.

This new proposed addition is setback from the Daniel Street facade of the Main Building by 32 feet and is also held back from the northern facade of the Main Building by 23 feet. This design purposely allows the original 4-story McIntyre Building to remain as a free-standing structure as it has been experienced from the public way.

Proposed Addition to One-Story Section

(view with existing trees in full foliage)



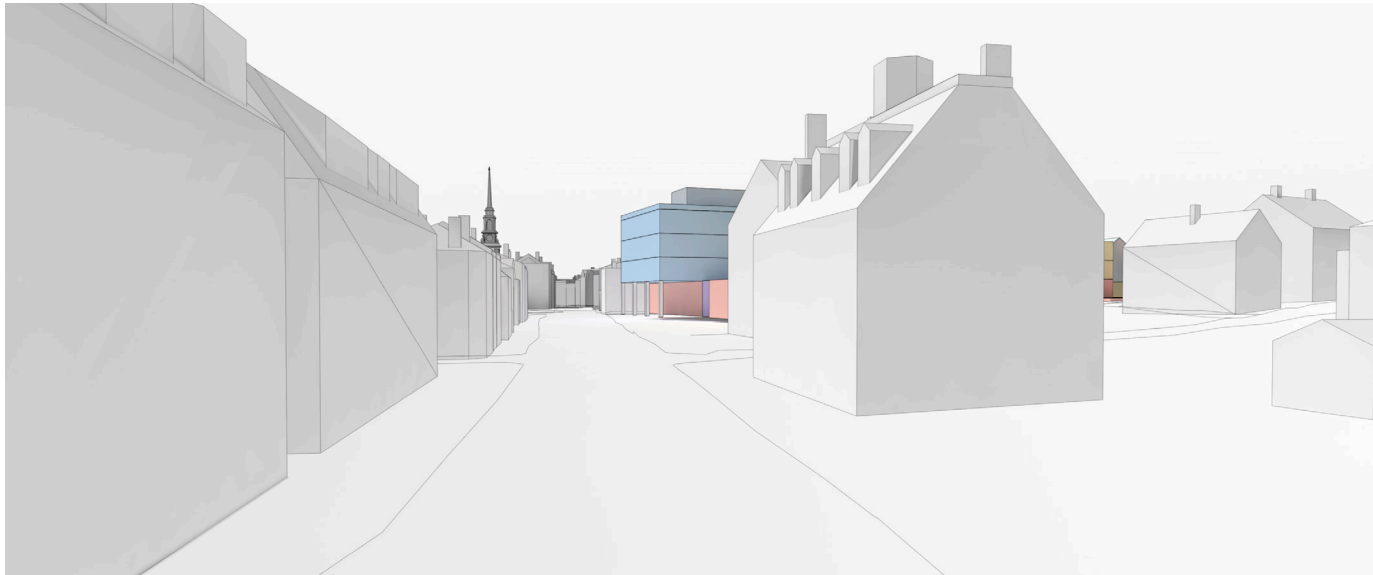
The massing of the proposed addition is compatible to the existing Main Building in its rectangular form and flat roof. The fenestration pattern is symmetrical along the proposed facades and the materials will be similar in color and texture to the existing Main Building and one-story section below. To allow for future removal, the proposed addition does not impact any character-defining elements of the one-story below as it leaves the latter's existing cornice detail intact.

Additionally, retail entryways will be inserted into the existing bays of the one-story section.

Proposed Addition: View from Daniel Street

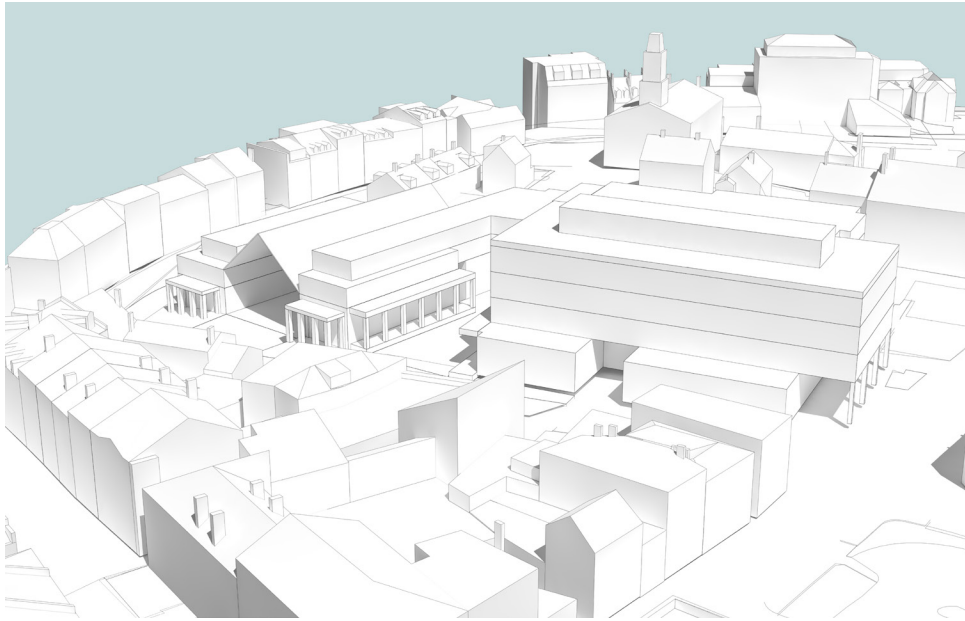


Existing view from Daniel Street, facing northwest.

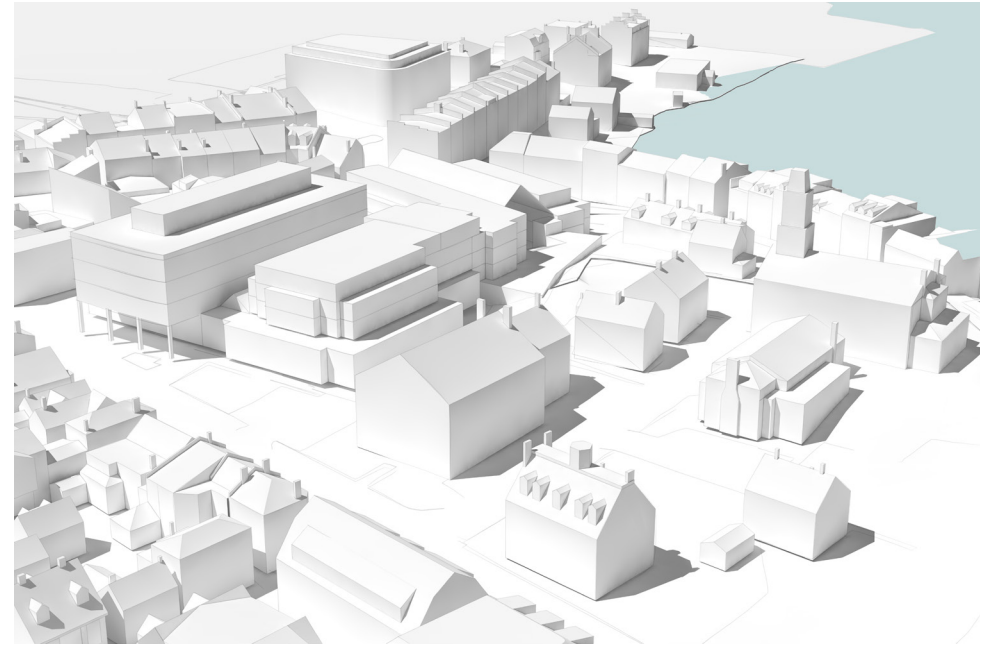


Scheme massing provided with view northwest. Note existing Main Building. Proposed addition minimally visible from this viewpoint.

Scheme massing



This view of the McIntyre site from the southwest provides a sense of the Main Building's mass in context with the One-Story Section, with the proposed buildings on the site and with the surrounding neighborhood. The site and facilities have been situated concerning the 4% grade change between the Main Building and Bow Street, stepping down and back as the site moves north (Penhallow Street to the waterfront).



This northeast view illustrates the multi-story addition to the One-Story Section, deferential to the Main Building to the southwest. Directly next to the multi-story addition is Old City Hall for context.

Existing: Winter Garden



View from Daniel Street



View from rear Parking Lot



View from Chapel Court

Existing: Winter Garden

Not available for public dissemination.

Winter Garden

The proposed new Winter Garden will be created within a portion of the One-Story Section.

Constructed of red brick with concrete details, the One-Story Section is recessed one bay deep from the Daniel Street elevation of the Main Building and extends northward its entire length. As originally constructed, the One-Story Section consists of two visually different components. The area/bay in which the Winter Garden will be located is wholly with the western-most component with is recessed slightly from the remainder of the One-Story Section. This

bay originally contained a third of the original Service Lobby for the Post Office. In 1997 when the first floor of both the Main Building and the One-Story Section were heavily modified in order move all Post Office functions into the One-Story Section, the Service Lobby was eliminated. A small portion of the Service Lobby became a private office, while the remainder of this area became offices and the area to the north remained as interior functions to the loading docks. The only remaining original fabric from the Service Lobby are two small portions of marble wall veneer.

Not available for public dissemination.

Existing: Winter Garden

Not available for public dissemination.

Winter Garden

The proposed new Winter Garden will be created within a portion of the One-Story Section.

Constructed of red brick with concrete details, the One-Story Section is recessed one bay deep from the Daniel Street elevation of the Main Building and extends northward its entire length. As originally constructed, the One-Story Section consists of two visually different components. The area/bay in which the Winter Garden will be located is wholly with the western-most component with is recessed slightly from the remainder of the One-Story Section. This

bay originally contained a third of the original Service Lobby for the Post Office. In 1997 when the first floor of both the Main Building and the One-Story Section were heavily modified in order move all Post Office functions into the One-Story Section, the Service Lobby was eliminated. A small portion of the Service Lobby became a private office, while the remainder of this area became offices and the area to the north remained as interior functions to the loading docks. The only remaining original fabric from the Service Lobby are two small portions of marble wall veneer.

Interior photos not available for public dissemination.

Existing Condition



View from Daniel Street

Proposed Entry to Winter Garden



Winter Garden entrance view from Daniel Street

Existing - Rear Loading Docks



View looking east from Commercial Alley across Penhallow Street

Proposed Loading Docks/Public Market Area

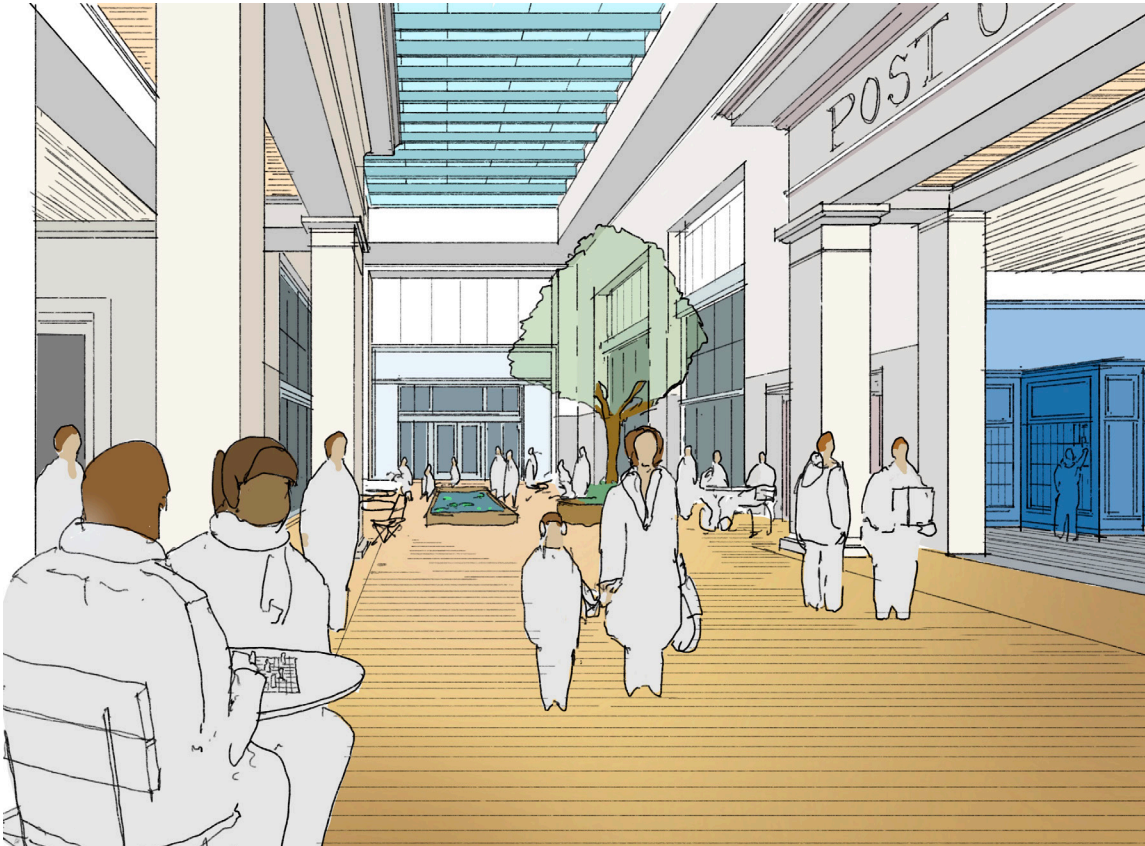


Proposed view looking east from Commercial Alley across Penhallow Street. Note new construction at left, Winter Garden exit at rear, proposed window openings on Penhallow Street at right.

Proposed Winter Garden



View of proposed Winter Garden Main Entrance on Daniel Street



View north towards Market Hall

The Winter Garden is a four-season space providing a connection and movement through the McIntyre site. This is a year-round area providing an active interior space with seating and other public amenities. The Winter Garden will connect the new construction with the existing. It will provide much-needed pedestrian access from the Daniel Street side of the site to areas north/Bow Street side. The space can accommodate lush, indoor plantings and year-round greenery, creating a proper winter garden.

The main entrance to the Winter Garden is from Daniel Street, approximately where the slightly-recessed westernmost component of the Single-Story Addition is located. It is important to note that the community has been consistent about retaining a full-service US Post Office location in the McIntyre Building. Further discussion is needed with the US Postal Service to finalize these details. The location of the new Post Office space as shown is within existing work and sorting areas for the existing Post Office (modifications made in 1997). This location has been designed to accommodate the US Postal Service requirements, including access to a loading dock.

Existing Conditions: Penhallow Street



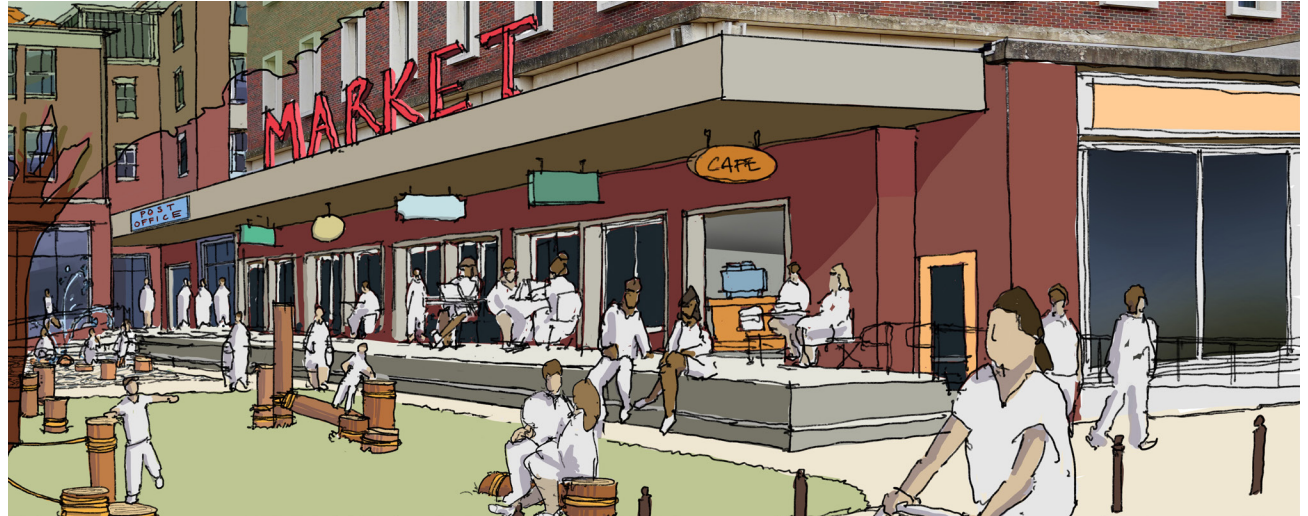
Clockwise: View of existing Loading Docks and Penhallow Street elevation; Existing Penhallow Street lobby entrance; Existing Penhallow Street facade view from Daniel Street, looking north; Close up of existing Penhallow Street openings.

Penhallow Street

The loading dock is a significant feature on the rear (north) side of the Main Building and the One-Story Section that extends the entire width of both structures. The loading dock will be retained as a feature of the rehabilitation project. Minimal changes to the existing openings will include the removal of two loading dock bays to create the new storefront area. An ADA-accessible ramp will be located on the western side of the Loading Dock for public benefit.

Two new openings will be added to the north end of the west elevation of the Main Building. The openings and windows will be based on the design of the existing windows on the first-story, west elevation.

The Penhallow streetscape has a unified paving pattern (e.g., pavers), allowing for a street that feels welcoming to pedestrians. Removal of street curbing alleviates barriers for those with mobility challenges, creating more access points to the McIntyre site park destination with a water feature. The street treatment puts drivers in a frame of mind to move slowly and carefully through this space.



Loading dock on the north side of the Main Building and the One-Story Section retained and enhanced.



Public Observation Deck Lobby



View from Chapel Court



View from rear Parking Lot



Public Observation Deck Lobby



Public access to the Observation Deck in the center of the rendering is through a ground-level lobby which serves to connect the new construction to the existing buildings.

Public Observation Deck Lobby

Connections to the waterfront are important to Portsmouth residents, both to maintain views of the River north to Ceres Street and as an homage to the history of Portsmouth and its working waterfront.

The characteristics of the site and the continuous building fabric on Bow Street pose a challenge for accessing water views; to see above the buildings on Bow Street to the River, you must be at least on the 4th floor of a building on the McIntyre parcel. The design accomplishes this by providing access to the observation deck through public elevators and stairs on top of the three-story, uphill wing of the Market Shed. Scheme I plans for an observation deck on top of the building adjacent to the McIntyre building.

Examples of rooftop observation decks activated as public space provide an area to seek refreshment, sit, linger, meet others, and rest and watch boat traffic in the harbor.



Site plan not available for public dissemination.

Corner of Bow and Penhallow Streets

The intersection of Bow, Penhallow, Ceres and Market Streets is the gateway to the waterfront. The proposed new design focuses on creating spaces for people to linger and gather; creating a plaza as a public place where civic events happen, like graduation celebrations and holiday markets. The buildings step down to provide a human scale to the plaza.

The plaza area seamlessly transitions into the covered plaza within the Market Shed. The vision for the glass roof structure is to frame St. John's Chapel atop the steps. When entering the plaza at grade on Penhallow, various publicly accessible "breezeways" allow people to move through and within the series of public spaces without needing to circumnavigate the property.



Corner of Bow and Penhallow Streets



View from Penhallow Street looking north toward Piscataqua River.

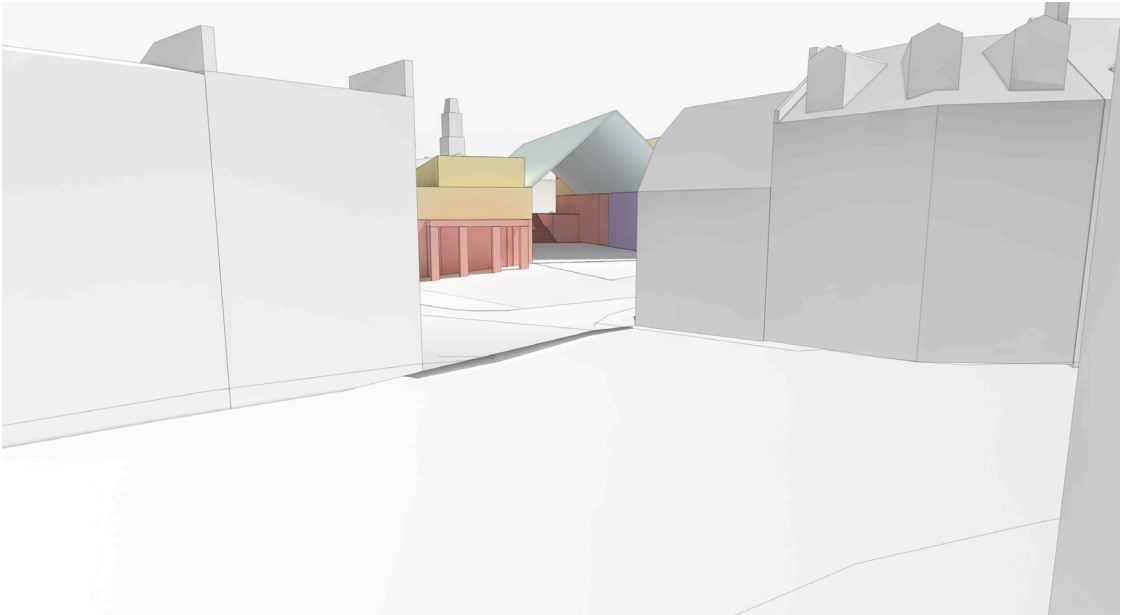


View from Penhallow Street looking north, Main Building to the right, rear.

View from Hanover and Market Streets



View from Hanover and Market Streets. St. John's Chapel is the highest point in this section of downtown.



View from Hanover and Market Streets of proposed new construction. Note St. John's steeple in background.

View of St. John's Church from Commercial Alley

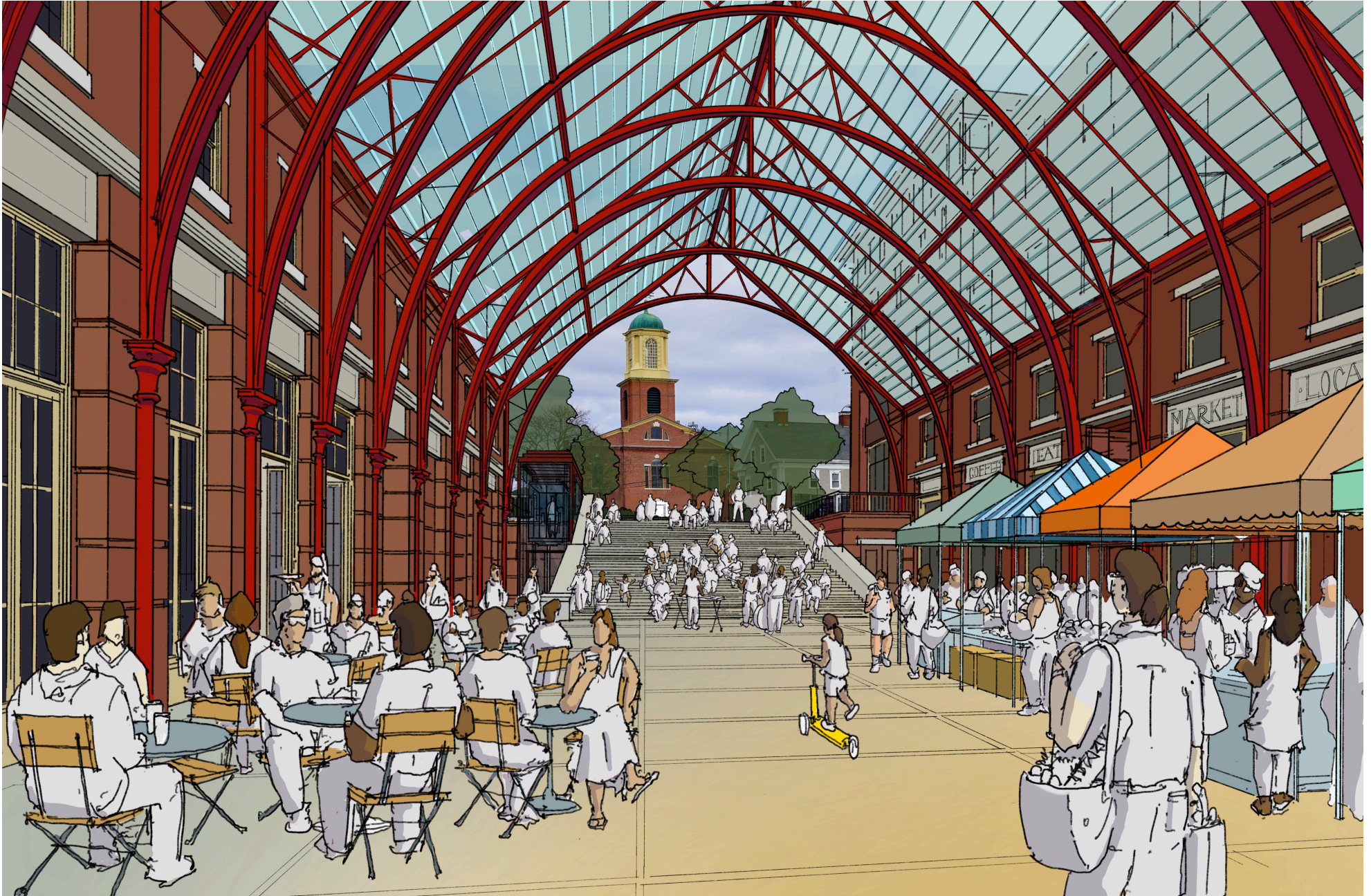
St. John's Episcopal Church was designed by the prominent architect Alexander Parris and constructed in 1807. It is important to the history of Portsmouth, cherished as a visual landmark, and is a rare surviving work by Parris. The retention of the view of St. John's as one emerges from Commercial Alley was repeatedly identified by the citizens of Portsmouth as a high priority in any proposed new design.

Covered market hall framing St. John's Church in the background; a grand stair that doubles as seating for a theater with glass elevators on either side; connections through interior public space on the ground floor of the Main Building.



View of St. John's Episcopal Church from Commercial Alley which intersects Penhallow Street.

View of St. John's Church from Penhallow Street



View of St. John's Episcopal Church framed by proposed new construction of a covered Market Hall.

Bow Street

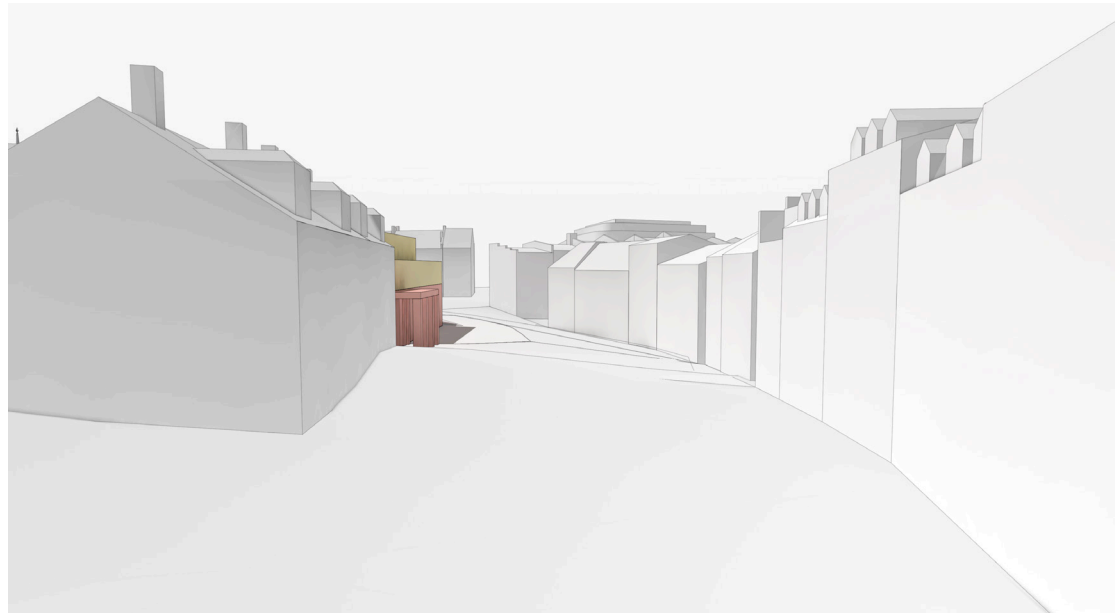
The sidewalks on Bow Street are widened on both sides of the street, flanked by trees. On-street parking is moved to the centralized underground garage. The new covered plaza building angled along Bow Street allows the existing buildings on the north and west of the street to continue to have ample light in all seasons and outdoor space utilizing the widened sidewalks. Local businesses geared toward residents can locate on the ground floor of the new building. These businesses can access the outdoor space created by the widened sidewalks, creating a vibrant atmosphere. Uses for the upper stories include museum, residential, commercial, or hospitality uses. The new building will align in scale and materials with the existing structures on Bow Street.



View West from Bow Street



View of Bow Street looking west. McIntyre parking lot upcoming on left.



Proposed massing of new construction on Bow Street, looking west.

View West from Bow Street



View of Bow Street looking west. McIntyre parking lot on left.



Proposed view with new construction on Bow Street, looking west. Infill buildings on McIntyre parking lot on left.

This page intentionally left blank.



To: Mayor Rick Becksted, City Manager Karen Conard

From: Councilors Lazenby and Tabor

Re: Portsmouth Energy Advisory Committee

9-15-21

Dear Mayor and City Manager,

We're pleased to report we have a strong slate of volunteers for the Portsmouth Energy Advisory Committee, which will study the feasibility of Community Power for our city.

Tom Rooney. Tom is a former chair of our city's Sustainability Committee and currently a vice president for TRC, an engineering and project management firm in the energy space.

Ben D'Antonio. Ben has ten years' experience analyzing electricity markets for ISO New England. More recently, he has been named head of electricity distribution for Eversource. Since New Hampshire's deregulation frees utilities from being energy suppliers, Ben and we believe there is not a conflict and perhaps even benefits. He is also on the board of Clean Energy New Hampshire and serves on State Sen. David Watters committee exploring offshore wind. He served on the Portsmouth Renewable Energy Committee and has experience in energy law and policy as well as rate/volume modelling.

Rebecca Raum O'Brien. Rebecca will represent the Sustainability Committee and is currently a marketing executive for Harvest Power, venture-backed company that turns food waste into energy and reusable biosolids. She has shown her communication skills on the Sustainability Committee.

Rep. Peter Somssich: A scientist by training, Peter is also a connection to the state legislature where he serves on the House Science, Technology and Energy Committee.

Allison Tanner: Allison worked on scientific innovations for Corning, and she and her husband also a local tree care company. She is a member of the Conservation Commission.

Kevin Charette: Kevin recently retired after 37 years in the utility business at Eversource as a director of customer service, including integration of several community power aggregation programs into the utility's billing and call center systems.

The PEAC will also include DPW Director Peter Rice and Sustainability Coordinator/Interim Planning Director Peter Britz. Council representation will be Councilors John Tabor and Cliff Lazenby.

The committee plans to meet September 27 to start on the opportunities, risks and feasibility of a Community Power initiative under RSA 53-E. That statute allows communities to aggregate their electrical demand for purchase of electricity. Communities have used this power of aggregation to more rapidly shift to renewable energy (some up to 50% of supply) as well as achieve potential cost savings for consumers.

If you have questions on these nominees or want to discuss further, reach out to either of us.

Sample motion: Move to appoint the citizen volunteers to the Portsmouth Energy Advisory Committee as presented.

DATE: SEPTEMBER 15, 2021

CITY CLERK KELLI BARNABY
MAYOR BECKSTED
CITY MANAGER CONARD

FROM: COUNCILOR HUDA

SUBJECT SEPTEMBER 20th 2021 CITY COUNCIL MEETING AGENDA REQUEST
PLEASE PUT THIS UNDER MY NAME. THANK YOU

1) I MAKE A MOTION FOR A REPORT BACK FROM THE CITY MANAGER TO THE RESIDENTS AND THE COUNCIL
AT THE OCTOBER 4TH CITY COUNCIL ON THE STATUS OF THE SAGAMORE CREEK SEWER EXTENTION PROJECT
QUESTIONS TO BE ADDRESSED:

- > WHAT WERE THE RESULTS OF THE CORE SAMPLE TESTING?
- > HAS THE RESULTS OF TESTING CHANGED THE COST OF THE PROJECT?
- > CURRENT COUNT OF RESIDENTS OPTING TO PARTICIPATE?
- > CURRENT COST ESTIMATE OF THE PROJECT?
- > CURRENT COST ESTIMATE PER RESIDENT COUNT FOR THOSE RESIDENTS OPTING IN?
- > ARE THERE ANY CHANGES IN THE PROCESS OR PROGRESS OF THIS PROJECT THAT THE RESIDENTS & COUNCIL SHOULD BE MADE AWARE OF?

PER THE CITY CHARTER SECTION 7.4 - INDEPENDENT AUDIT "REPORTING TO THE CITY COUNCIL"

2) I REQUEST A COPY OF THE FINAL SIGNED EXECUTED FY21 MELANSON AUDIT CONTRACT TO BE
INCLUDED IN THE COUNCIL PACKET OF 9/20/21 FOR THE COUNCIL TO REVIEW.

- > I REQUEST A PROGRESS UPDATE FROM STAFF TO THE CITY COUNCIL ON THE STATUS OF THE FY21 AUDIT
(AS THE COMMUNICATION CHANNEL WAS DIVERTED TO CITY STAFF AND THE MBRAC HAS NO VISABILITY
TO THE CURRENT PROGRESS).

QUESTIONS TO BE ADDRESSED:

- > HAS THE PLANNING MEETING PHASE OF THE FY21 AUDIT BEEN COMPLETED?
- > WHEN WILL THE AUDITORS BE STARTING THE ON SITE TESTING?
- > HAVE THERE BEEN ANY REQUESTED CHANGES MADE BY MELANSON?

- > I REQUEST THAT THE CITY OF PORTSMOUTH JOIN THE NEW ENGLAND GOVERNMENT FINANCE OFFICERS
ASSOCIATION.

(IT IS FREE & WILL ENABLE THE CITY ACCESS TO MORE CERTIFIED PUBLIC ACCOUNTING FIRMS THAT
PERFORM MUNICIPAL AUDITS).

CITY CHARTER - SECTION 7.4 - INDEPENDENT AUDIT

AN INDEPENDENT AUDIT SHALL BE MADE OF ALL ACCOUNTS OF THE CITY GOVERNMENT, AT LEAST ANNUALLY, AND MORE FREQUENTLY IF DEEMED NECESSARY BY THE CITY COUNCIL. SUCH AUDIT SHALL BE MADE BY CERTIFIED PUBLIC ACCOUNTANTS **SELECTED BY AND REPORTING TO THE CITY COUNCIL**. BASED UPON THE ACCOUNTANT'S EXPERIENCE IN MUNICIPAL ACCOUNTING. THE RESULTS OF THIS AUDIT SHALL BE MADE PUBLIC AND AN ANNUAL REPORT OF THE CITY'S BUSINESS SHALL BE MADE AVAILABLE.

**CITY OF PORTSMOUTH
LEGAL DEPARTMENT
MEMORANDUM**

DATE: SEPTEMBER 17, 2021

TO: KAREN S. CONARD, CITY MANAGER

FROM: JUDIE BELANGER, FINANCE DIRECTOR
SUZANNE M. WOODLAND, DEPUTY CITY ATTORNEY

RE: RESPONSES TO COUNCILOR HUDA'S AUDIT QUESTIONS

The City of Portsmouth has supplied to the auditing firm, Melanson, the Preliminary Trial Balance and supporting documentation initially requested by the auditor as part of the audit process. Information was shared using Melanson's secure Sharefile.

Melanson conducted preliminary audit work the week of August 23 as described in the contract. The Finance Department is in the process of closing out the FY 21 financials and providing those updates to Melanson.

Melanson is scheduled to return on site the week of October 25 as identified in the contract. All remaining work is currently on schedule to complete the Comprehensive Annual Financial Report by December 31, 2021. The Finance Department recommends that a meeting be scheduled with the City Council and the auditor in January 2022 to review the Comprehensive Annual Financial Report and respond to any questions.

Melanson has requested no changes to date.

The City has been a member of the Government Finance Office Association (GFOA), National, New England and New Hampshire organizations since at least 1996.

**PROFESSIONAL SERVICES AGREEMENT
CITY OF PORTSMOUTH, NEW HAMPSHIRE**

THIS AGREEMENT MADE THIS 22nd day of July, 2021, by and between the CITY OF PORTSMOUTH, with a principal place of business at 1 Junkins Avenue, Portsmouth, NH 03801 ("City") and Melanson with a principal place of business at 9 Executive Park Drive, Suite 100, Merrimack, NH 03054 ("Contractor").

The City and Contractor mutually agree as follows:

A. DESCRIPTION OF SERVICES

The scope of services to be performed by Contractor is as outlined in **Exhibit A**, which describes the work and includes Contractor's terms of engagement.

B. PROJECT SCHEDULE. Attached as **Exhibit B** is the schedule of Milestones, Timelines and Deadlines.

C. PROJECT BUDGET. It is expressly understood and agreed that in no event will the total amount to be paid by the City to Contractor under this Agreement exceed **\$66,500.00**, unless authorized in writing.

If the City authorizes additional work beyond that specified in the scope of services in **Exhibit A**, work will be billed at an hourly rate to be determined at that time.

D. PAYMENT. Contractor shall submit a detailed invoice monthly that shall be payable in 30 days.

E. INDEPENDENT CONTRACTOR. For purposes of this Agreement, any officers, employees, agents, applicants or beneficiaries of the Contractor shall be independent and are, or have not been, officers or employees or agents of the City.

F. CONFLICT OF INTEREST. No officer, employee or agent of the City, or any other person who exercises any functions or responsibilities in connection with the City, shall have any personal or financial interest, direct or indirect, in this Agreement; and the Contractor shall take appropriate steps to assure compliance.

G. GOVERNING LAW. The terms of this Agreement shall be governed by the laws of the State of New Hampshire. Jurisdiction and venue shall lie in Rockingham County Superior Court.

H. TERMINATION OF AGREEMENT

1. Termination of Agreement for Cause. If through any cause, Contractor shall fail to fulfill in a timely and proper manner its obligations under this Agreement; or, if Contractor shall violate any of the covenants, agreements or stipulations of this Agreement, the City shall thereupon have the right to terminate this Agreement by giving written notice to Contractor of such termination and specify the effective date of such

termination. Contractor shall be entitled to receive just and equitable compensation for any work satisfactorily completed prior to the date of termination. Notwithstanding the above, Contractor shall not be relieved of liability to the City for damages sustained by the City by virtue of any breach of the Agreement by Contractor, and the City may withhold any payments to Contractor to until such time as the exact amount of damages to the City from Contractor is determined.

2. Termination for the Convenience of the City. The City may terminate this Agreement at any time for any reason by giving at least thirty (30) days' notice in writing to Contractor. If the Agreement is terminated by the City for its convenience, the City shall pay Contractor for all work satisfactorily completed up to the date of termination.

- I. **AMENDMENTS.** This Agreement may be amended only by written agreement executed by both parties.
- J. **SEVERABILITY.** If any provision of this Agreement is held to be invalid, illegal, or unenforceable, the remaining provisions shall remain in force.
- K. **INSURANCE REQUIREMENTS.** Contractor shall maintain commercial general liability insurance for bodily injury and property loss in commercially reasonable amounts. Contractor shall provide for workers' compensation for its employees, meeting or exceeding the statutory limits. Contractor shall also maintain professional liability coverage of at least \$1 million per occurrence. Contractor shall submit evidence of coverage to the City of Portsmouth for review prior to commencing work.

IN WITNESS WHEREOF, the City and Contractor have executed this Agreement to be effective as of the date written above.

Approved by the Audit Committee by
vote dated 7/20/21, 2021

DATE 7/22/21

CITY OF PORTSMOUTH

BY: 
Karen S. Conard
City Manager

MELANSON

DATE 7/22/21

BY: 
Alina Korsak
Principal

The City of Portsmouth has requested that Melanson audit the basic financial statements of the governmental activities, business-type activities, each major fund, and the aggregate remaining fund information of City of Portsmouth, New Hampshire (the City) as of June 30, 2021, and for the year then ended, and the related notes to the financial statements. In addition, Melanson will audit the City's compliance over major federal award program(s) for the year ended June 30, 2021. Audits will be conducted with the objective of expressing an opinion on each opinion unit and an opinion on compliance regarding the City's major federal award program(s).

Required Supplementary information (RSI)

Accounting principles generally accepted in the United States of America require that certain information be presented to supplement the basic financial statements, including the management's discussion and analysis (MD&A), and various pension and other post-employment benefits (OPEB) schedules as referenced in AU-C 730. Such information, although not a part of the basic financial statements, is required by the *Governmental Accounting Standards Board*, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of the engagement, Melanson will apply certain limited procedures to the required supplementary information (RSI) in accordance with auditing standards generally accepted in the United States of America. In accordance with AU-C Section 730, these limited procedures will consist primarily of inquiries of management regarding their methods of measurement and presentation, and comparing the information for consistency with management's responses to inquiries. Melanson will not express an opinion or provide any form of assurance on the RSI.

Supplementary Information (SI)

Supplementary Information other than RSI will accompany the City's basic financial statements. This Supplementary Information (SI) is part of the City's Comprehensive Annual Financial Report and includes items such as the consolidating financial statements. In accordance with AU-C Section 725, Melanson will subject the SI to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling the supplementary information to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and additional procedures in accordance with auditing standards generally accepted in the United States of America. Melanson intends to provide an opinion on the SI in relation to the financial statements as a whole.

Also, the Comprehensive Annual Financial Report Melanson compiles for the City includes the Introductory Section and Statistical Section drafted by management. As such, these sections drafted by management will not be subjected to the auditing procedures applied in our audit of the financial statements.

The Objective of an Audit

The objective of the audit is the expression of opinions as to whether the City's basic financial statements are fairly presented, in all material respects, in accordance with Generally Accepted Accounting Principles and to report on the fairness of the supplementary information referred to in the third paragraph when considered in relation to the financial statements as a whole. The audit will be conducted in accordance with auditing standards generally accepted in the United States of America and will include tests of the accounting records and other procedures Melanson considers necessary to enable it to express such opinions. Melanson cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which it is necessary for the firm to modify opinions or add emphasis-of-matter or other-matter paragraphs. If Melanson's opinions on the financial statements are other than unmodified, Melanson will discuss the reasons with the City Manager and the Audit Committee when appropriate and the governing body as may be required. If, for any reason, Melanson is unable to complete the audit or unable to form or have not formed opinions, Melanson may decline to express opinions or to issue a report as a result of this engagement.

General Audit Procedures

Melanson will conduct the audit in accordance with auditing standards generally accepted in the United States of America (U.S. GAAS), the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States of America; the audit requirements of Title 2 U.S. Code of Federal Regulations (CFR) Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance) and AU-C Section 320, *Materiality in Planning and Performing an Audit*, in making determinations. Those standards and the Uniform Guidance require that Melanson plan and perform the audit to obtain reasonable assurance about whether the basic financial statements are free from material misstatement. An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditors' judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to error, fraudulent financial reporting, misappropriation of assets, or violations of laws, governmental regulations, grant agreements, or contractual agreements.

An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. Melanson's procedures also include certain tests of documentary evidence that support the transactions recorded in the accounts. As part of the audit process, Melanson will request written representations from those attorneys that represent the City, and they may bill the City for responding. At the conclusion of the audit, Melanson will also request certain written representations from management about the basic financial statements and related matters.

Internal Control Audit Procedures

Because of the inherent limitations of an audit, together with the inherent limitations of internal control, an unavoidable risk that some material misstatements or noncompliance (whether caused by errors, fraudulent financial reporting, misappropriation of assets, detected abuse, or violations of laws or governmental regulations) may not be detected exists, even though the audit is properly planned and performed in accordance with U.S. GAAS and *Government Auditing Standards* of the Comptroller General of the United States of America. Please note that the determination of abuse is subjective and *Government Auditing Standards* does not require auditors to detect abuse.

In making risk assessments, Melanson considers internal control relevant to the City's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances but not for the purpose of expressing an opinion on the effectiveness of the City's internal control. However, Melanson will communicate to the City Manager and Audit Committee when appropriate, and the governing body as may be required in writing concerning any significant deficiencies or material weaknesses in internal control relevant to the audit of the financial statements that Melanson has identified during the audit. Melanson's responsibility as auditors is limited to the period covered by this audit and does not extend to any other periods although nothing in this statement is intended to relieve Melanson from responsibility for work performed on behalf of the City in prior years.

Compliance with Laws and Regulations

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, Melanson will perform tests of the City's compliance with the provisions of applicable laws, regulations, contracts, and agreements. However, the objective of the audit will not be to provide an opinion on overall compliance of the above and Melanson will not express such an opinion.

Single Audit***Schedule of Expenditures of Federal Awards***

Melanson will subject the Schedule of Expenditures of Federal Awards (the Schedule) to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling the Schedule to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and additional procedures in accordance with auditing standards generally accepted in the United States of America. Melanson intends to provide an opinion on whether the Schedule of Expenditures of Federal Awards is presented fairly in all material respects in relation to the financial statements as a whole.

Data Collection Form

Prior to the completion of the engagement, Melanson will complete the sections of the Data Collection Form (DCF) that are Melanson's responsibility. The DCF will summarize audit findings, amounts and conclusions. It is management's responsibility to submit a reporting package including financial statements, Schedule of Expenditure of Federal Awards, summary schedule of prior audit findings and corrective action plan along with the Data Collection Form to the Federal Audit Clearinghouse. The financial reporting package must be text searchable, unencrypted, and unlocked. Otherwise, the reporting package will not be accepted by the Federal Audit Clearinghouse. Melanson will assist the City in the electronic submission and certification. The City may request from Melanson copies of the report for the City to include with the reporting package submitted to pass-through entities.

The Data Collection Form is required to be submitted within the earlier of 30 days after receipt of the auditors' reports or nine months after the end of the audit period, unless specifically waived by a federal cognizant or oversight agency for audits. Data Collection Forms submitted untimely are one of the factors in assessing program(s) at a higher risk.

Audit of Major Program Compliance

The audit of the City's June 30, 2021 major federal award program(s) compliance will be conducted in accordance with the requirements of the Single Audit Act, as amended; and the Uniform Guidance, and will include tests of accounting records, a determination of major program(s) in accordance with the Uniform Guidance and other procedures Melanson considers necessary to enable it to express such an opinion on major federal award program compliance and to render the required reports. Melanson cannot provide assurance that an unmodified opinion on compliance will be expressed. Circumstances may arise in which it is necessary for Melanson to modify its opinion or withdraw from the engagement.

The Uniform Guidance requires that Melanson also plan and perform the audit to obtain reasonable assurance about whether the City has complied with applicable laws and regulations and the provisions of contracts and grant agreements applicable to major federal award program(s). Melanson's procedures will consist of determining major federal program(s) and performing the applicable procedures described in the U.S. Office of Management and Budget (OMB) *Compliance Supplement* for the types of compliance requirements that could have a direct and material effect on each of the City's major program(s). The purpose of those procedures will be to express an opinion on the City's compliance with requirements applicable to each of its major program(s) in the report on compliance issued pursuant to the Uniform Guidance.

Also, as required by the Uniform Guidance, Melanson will perform tests of controls to evaluate the effectiveness of the design and operation of those program compliance controls that Melanson considers relevant to preventing or detecting material noncompliance with compliance requirements applicable to each of the City's major federal award program(s). However, the tests will be less in scope than would be necessary to render an opinion on these controls and, accordingly, no opinion will be expressed in the report.

Melanson will issue a report on compliance that will include an opinion or disclaimer of opinion regarding the City's major federal award program(s), and a report on internal controls over compliance that will report any significant deficiencies and material weaknesses identified; however, such report will not express an opinion on internal control.

Management Responsibilities

The audit will be conducted on the basis that management acknowledges and understands that they have responsibility:

- a. For the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America.
- b. For the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to error, fraudulent financial reporting, misappropriation of assets, or violations of laws, governmental regulations, grant agreements, or contractual agreements.
- c. To provide Melanson with:
 - Access to all information of which management is aware that is relevant to the preparation and fair presentation of the financial statements such as records, documentation, and other matters.
 - Additional information that Melanson may request from management for the purpose of the audit.
 - Unrestricted access to persons within the City from whom Melanson determines it necessary to obtain audit evidence.
- d. For including the auditors' report in any document containing financial statements that indicates that such financial statements have been audited by the City's auditor.
- e. For identifying and ensuring that the City complies with laws, regulations, grants, and contracts applicable to its activities and its federal award program(s) and implementing systems designed to achieve compliance with applicable laws, regulations, grants, and contracts applicable to activities and its federal award program(s).
- f. For adjusting the financial statements to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the current year period(s) under audit are immaterial, both individually and in the aggregate, to the financial statements as a whole.
- g. For maintaining adequate records, selecting and applying accounting principles, and safeguarding assets.
- h. For confirming the City's understanding of its responsibilities as defined in this Attachment A.

- i. For acceptance of nonattest services, including identifying the proper party to oversee nonattest work.
- j. For informing Melanson of any known or suspected fraud affecting the entity involving management, employees with significant role in internal control and others where fraud could have a material effect on the financials.
- k. For the accuracy and completeness of all information provided.
- l. Single audit –
 - For identifying and providing report copies of previous audits, attestation engagements, or other studies that directly relate to the objectives of the audit, including whether related recommendations have been implemented.
 - For addressing the findings and recommendations of auditors, for establishing and maintaining a process to track the status of such findings and recommendations and taking corrective action on reported audit findings from prior periods and preparing a summary schedule of prior audit findings.
 - For following up and taking corrective action on current year audit findings and preparing a corrective action plan for such findings.
 - For submitting the reporting package and data collection form to the appropriate parties.
 - For making the auditor aware of any significant vendor/contractor relationships where the vendor/contractor is responsible for program compliance.
 - For identifying all federal awards expended during the period including federal awards and funding increments received prior to December 26, 2014, and those received in accordance with the Uniform Guidance generally received after December 26, 2014.
 - For preparing the Schedule of Expenditures of Federal Awards (including notes and noncash assistance received) in accordance with the Uniform Guidance requirements.
 - For the design, implementation, and maintenance of internal control over compliance.

With regard to the supplementary information referred to above, the City acknowledges and understands management's responsibility (a) for the preparation of the supplementary information in accordance with the applicable criteria, (b) to provide Melanson with the appropriate written representations regarding supplementary information, (c) to include the report on the supplementary information in any document that contains the supplementary information and that indicates that Melanson has reported on such supplementary information, and (d) to present the supplementary information with the audited financial statements, or if the supplementary information will not be presented with the audited financial statements, to make the audited financial statements readily available to the intended users of the supplementary information no later than the date of issuance by the City of the supplementary information and Melanson's report thereon.

As part of the audit process, Melanson will request from management and, when appropriate, those charged with governance written confirmation concerning representations made to us in connection with the audit.

Reporting

Melanson will issue a written report upon completion of the audit of the City's basic financial statements. The report will be addressed to the governing body of the City. Melanson cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which it is necessary for Melanson to issue a modified opinion or to add an emphasis-of-matter or other-matter paragraphs, depending on findings. Circumstances may also arise that would require Melanson to withdraw from engagement.

In accordance with the requirements of *Government Auditing Standards*, Melanson will also issue a written report describing the scope of Melanson's testing over internal control over financial reporting and over compliance with laws, regulations, and provisions of grants and contracts, including the results of that testing. However, providing an opinion on internal control and compliance over financial reporting will not be an objective of the audit and, therefore, no such opinion will be expressed.

Nonattest Services

As part of this engagement Melanson will perform the following nonattest services, based on information gathered during the audit process:

- Preparation of the financial statements in their entirety.
- Consolidating funds into governmental activities and converting to the accrual basis of accounting based on information from the City's accounting records.
- Preparation of the Data Collection Form (DCF).

Melanson will not assume management responsibilities on behalf of the City. However, Melanson will provide advice and recommendations to assist management of the City in performing its responsibilities.

With respect to any nonattest services Melanson performs, the City's management is responsible for (a) making all management decisions and performing all management functions; (b) assigning a competent individual to oversee the services; (c) evaluating the adequacy of the services performed; (d) evaluating and accepting responsibility for the results of the services performed; and (e) establishing and maintaining internal controls, including monitoring ongoing activities.

Melanson is not host for any client information. The City is expected to retain all financial and non-financial information to include anything management uploads to a portal and is responsible for downloading and retaining anything Melanson uploads in a timely manner. Portals, including

ShareFile, are only meant as a method of transferring data, are not intended for the storage of client information, and may be deleted at any time. Management is expected to maintain control over the City's accounting systems to include the licensing of applications and the hosting of said applications and data. Melanson does not provide electronic security or back-up services for any of the City's data or records. Giving Melanson access to the City's accounting system does not make Melanson host of information contained within.

This engagement is limited to the services previously outlined. Melanson, in its sole professional judgment, reserves the right to refuse to do any procedure or take any action that could be construed as making management decisions or assuming management responsibilities, including determining account codings and approving journal entries.

Engagement Administration and Fees

Engagement Administration

Alina Korsak, CPA, is the engagement principal for the audit services specified in this letter. Those responsibilities include supervising the City's services performed as part of this engagement and signing or authorizing another qualified firm representative to sign the audit report.

In order for Melanson to complete this engagement, and to do so efficiently, Melanson requires unrestricted access to documents and individuals within the City's organization. Melanson understands that City employees will prepare all cash and other confirmations Melanson requests and will locate and provide to Melanson any documents selected for testing. Any failure to provide such cooperation, and to do so on a timely basis, will impede the firm's services, and may require the firm to bill the City for additional time, suspend services, or withdraw from the engagement.

Fees

Melanson's fees for audit services will be as follows:

Financial Statement Audit (including Management Letter)	\$56,000
Comprehensive Annual Financial Report Preparation	5,000
Single Audit	<u>5,500</u>
Total	<u>\$66,500</u>

The uncertainty surrounding the effect the COVID-19 pandemic may result in an increase in the number of Federal programs (clusters) required to be audited in compliance with Uniform

Guidance. As a result, additional fees may apply. Melanson will discuss this with the City once this determination is made.

Melanson will provide detailed invoices monthly in accord with the work progress. Invoices will be due in thirty days. The above fees are based on anticipated cooperation from City personnel and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, Melanson will discuss it with City representatives and arrive at a new fee estimate before Melanson incurs the additional costs. The fee also anticipates that the City will prepare trial balances and supporting schedules. As part of the engagement, Melanson will be available during the year to consult with the City on financial management and accounting matters of a routine nature. Additional fees at the firm's standard hourly rates will be charged for any other out-of-scope services.

Billing and Termination of Services for Nonpayment

Melanson specifically reserves the right to cease providing services and, if necessary in the firm's sole opinion, to withdraw from the engagement if any fees are unpaid for more than sixty (60) days from the date of invoice. If Melanson elects to terminate its services for nonpayment, or for any other reason provided for in this letter, the engagement will be deemed to have been completed upon written notification of termination, even if Melanson has not completed the engagement. The City will be obligated to compensate Melanson for all time expended, and to reimburse Melanson for all of its out-of-pocket costs, through the date of termination.

Other Matters

Communications Via Email

In connection with this engagement, Melanson requests that the City provide as much documentation as possible via the firm's secure portal, ShareFile, instead of through email. As emails can be intercepted and read, disclosed, or otherwise used or communicated by an unintended third party, or may not be delivered to each of the parties to whom they are directed and only to such parties, Melanson cannot guarantee or warrant that emails from us will be properly delivered and read only by the addressee. Therefore, Melanson specifically disclaims and waives any liability or responsibility whatsoever for interception or unintentional disclosure of emails transmitted by Melanson in connection with the performance of this engagement. In that regard, the City agrees that Melanson shall have no liability for any loss or damage to any person or entity resulting from the use of email transmissions, including any consequential, incidental, direct, indirect, or special damages, such as loss of revenues or anticipated profits, or disclosure or communication of confidential or proprietary information.

Publishing of the Financial Statements

The City is responsible for notifying Melanson in advance of the City's intent to reproduce the report for any reason, in whole or in part, and to give Melanson the opportunity to review any printed material containing the report before its issuance. Such notification does not constitute an acknowledgement on Melanson's part of any third party's intent to rely on the financial

statements. With regard to financial statements published electronically on the City's internet website, the City understands that electronic sites are a means to reproduce and distribute information. Melanson is not required to read the information contained in the City's sites, or to consider the consistency of other information in the electronic site with the original document.

Subsequent Events

The City agrees to inform Melanson of facts that may affect the basic financial statements of which the City may become aware during the period from the date of the auditor's report to the date the financial statements are issued.

Recommendations

During the course of the audit, Melanson may observe opportunities for economy in, or improved controls over, City operations. Melanson will bring such matters to the attention of the appropriate level of management in writing.

Peer Review Report

In accordance with the requirements of *Government Auditing Standards*, a copy of the firm's latest external peer review report of the firm is available upon request for the City's consideration and files.

Communication with Those Charged with Governance

At the conclusion of the audit engagement, Melanson will communicate to the City Council the following significant findings from the audit:

- Its view about the qualitative aspects of the City's significant accounting practices.
- Significant difficulties, if any, encountered during the audit.
- Uncorrected misstatements, other than those Melanson believes are trivial, if any.
- Disagreements with management, if any.
- Other findings or issues, if any, arising from the audit that are, in the firm's professional judgment, significant and relevant to those charged with governance regarding their oversight of the financial reporting process.
- Material, corrected misstatements that were brought to the attention of management as a result of our audit procedures.
- Representations Melanson requested from management.
- Management's consultations with other accountants, if any.
- Significant issues, if any, arising from the audit that were discussed, or the subject of correspondence, with management.

Records and Records Retention

In connection with this engagement, Melanson requests that the City provide as much documentation as possible via the secure portal, ShareFile, instead of providing hardcopies.

As described above, management has the ongoing responsibility to maintain and manage the City's own financial data including the documentation and data relative to the nonattest services. The City retains control and ownership of its data, including all adjusting and consolidation elimination entries that are part of the basic consolidated financial statements. Melanson internally generated audit documentation such as work papers for this engagement are the property of Melanson and constitute confidential information. However, Melanson may be requested to make certain audit documentation available to regulators and federal agencies and the U.S. Government Accountability Office pursuant to authority given to it by law or regulation, or to peer reviewers. If requested, access to such audit documentation will be provided under the supervision of Melanson's personnel. Furthermore, upon request, Melanson may provide copies of selected audit documentation to these agencies and regulators. The regulators and agencies may intend, or decide, to distribute the copies of information contained therein to others, including other governmental agencies.

It is Melanson's policy to retain audit documentation for a period of at least seven years from the date of the report.

Initials



Melanson



City of Portsmouth

ATTACHMENT B

**City of Portsmouth, NH
Fiscal Year 2021 Audit
Milestones, Timelines, and Deadlines**



Fieldwork

Preliminary Work
Audit Work

Dates

August 23 - 25, 2021
October 25-28, 2021

Item

Final Draft Annual Comprehensive Financial Report
Annual Comprehensive Financial Report
Management Letter

Due

December 15, 2021
December 31, 2021
December 31, 2021

Schedule assumes City's Preliminary Trial Balance on or about July ~~16~~, 2021

31,

RECEIVED

SEP 3 2021

CITY MANAGER
PORTSMOUTH, NH

To the City Managers office:

I am Kate Crowells mother. She passed suddenly in April. She was well loved in the Portsmouth community. She took over the maintenance of the Jay McCance Smith park located on State St. over 6 years ago. She prided herself in keeping it clean and planting flowers for everyone to enjoy. Many of her friends gathered there to meet. Her friend Launa Keenan would like to take over these duties.

I am requesting your permission to put a small bronze plaque in front of this park between the lilacs on the sidewalk to honor my daughters hard work and dedication to this park. I have been in touch with Shane from Crown trophy. It would be an 8x10 bronze plaque on a 2 ft post with one foot in the ground. It can be smaller if it better fits your expectations.

I hope you can permit my special request. Her friends need a place to visit and honor her.

Thank you for your consideration in this matter.

Linda Bernier

2152 Balsa Ct.

The Villages Fl 32162

352-446-5028

PRECISION TOOLED PLAQUE

MATERIAL - BRONZE
 SIZE - 8"W x 10"H
 QTY - 1
 DEPTH - 1/4" Thick: Painted Edges
 SHAPE - Rectangle(or Square)
 COPY - Raised Copy-Horizontal Stroke
 FINISH - Leatherette-w/Brushed Surface
 BORDER - 1/8" Single Line Border
 COLOR - 2025 Black SATIN Painted
 STYLE - Times NEW Roman
 CLEAR - Clear Front & Back- Satin
 MOUNT - 24" Stake: 45 degree angle
 ROSETTES - No Rosettes Required
 PATTERN - No

In Loving Memory

Kate Crowell

Aug. 23, 1976 ♥ April 22, 2021

A wildly talented and creative artist.

A kind and gentle person,
who loved her gardens.

RAISED
 Bronze

RECESSED
 2025 Black

VERSION: 1



CITY OF PORTSMOUTH

City Hall, One Junkins Avenue
Portsmouth, New Hampshire 03801
kconard@cityofportsmouth.com
(603) 610-7201

Karen S. Conard
City Manager

Date: September 16, 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 September 20, 2021

VIII. Recognitions and Volunteer Committee Reports:

A. Recognition of Salt Pile Rescue:

Mayor Becksted, the City Council, and I would like to recognize numerous members of City staff for aiding in the rescue of a man at the Sprague Operating Resources terminal salt pile at Shattuck Way on August 23, 2021. The man was working on the tarps that covered the salt, and had accidentally fallen into a hole in the piles and was trapped inside.

Members of the City's Department of Public Works:

- Jim Tow
- Mike Baker
- Jason Beevers
- Karl Snyder
- John Adams
- Doug Sparks
- Nathan Campbell
- Donald Fate
- Mike Paganelli

Members of the City's Fire Department:

- Lt. Brett Nelson
- Firefighter Amy Pellitier
- Firefighter Alan Scholtz
- Firefighter Shaw Terrill
- Lt. Garrett Miller
- Firefighter Tim Dame
- Firefighter Phil Davis
- Firefighter Clark Brighton
- Firefighter Lucas Raymond
- Firefighter Wayne LaCaillade

- Fire Prevention Officer Shawn Wheeler
- Assistant Chief William McQuillen

XI. Public Hearings and Votes on Ordinances and/or Resolutions:

A. **Public Hearing and Vote on Resolution Authorizing Issuance of Refunding Bonds of up to Eleven Million Six Hundred and Fifty Thousand Dollars (\$11,650,000) to Refinance Certain Outstanding Bonds of the City so as to Reduce Interest Costs, and to Pay All Costs Incidental and Related Thereto:**

Attached is the **proposed resolution**.

I recommend that the City Council move to adopt the proposed resolution as presented.

B. **Public Hearing and Vote on Resolution Authorizing the Issuance of Refunding Bonds of up to One Million Six Hundred Thousand Dollars (\$1,600,000) to Refinance Certain Outstanding Bonds of the City so as to Reduce Interest Costs, and to Pay All Costs Incidental and Related Thereto:**

Attached is the **proposed resolution**.

I recommend that the City Council move to adopt the proposed resolution as presented.

C. **First Reading of Ordinance Amending Chapter 7, Article XI, Section 7.1100 – Speed Limits Sub-Section E – Speed Limit: 25 MPH – Chevrolet Avenue:**

At its October 8, 2020 meeting, the Parking and Traffic Safety Committee (PTSC) heard a report back on traffic calming on Chevrolet Avenue in response to residents' concerns about pedestrian and traffic safety. In addition to a discussion on beginning a neighborhood traffic pattern plan for the area, the PTSC voted unanimously to lower the speed limit on Chevrolet Avenue from 30 mph to 25 mph as a measure to improve pedestrian and traffic safety.

The speed limit became a temporary parking and traffic regulation through the Council's approval of the PTSC's meeting minutes on November 16, 2020. Temporary parking regulations expire one year after approval unless they are adopted by the Council as an amendment to Chapter 7 through the City's ordinance adoption process.

The Parking and Traffic Safety Committee recommends the adoption of **an amendment to Chapter 7, Section XI, Section 7.1100 Speed Limits, Sub-Section E** to reduce the speed limit on Chevrolet Avenue from 30 mph to 25 mph.

I recommend that the City Council move to pass first reading, and schedule a public hearing and second reading at the October 4, 2021 City Council meeting.

D. First Reading of Ordinance Amending Chapter 7, Article XII, Section 7.1200 – Parking for the Walking Disabled:

At its August 5, 2021 meeting, the Parking and Traffic Safety Committee (PTSC) voted unanimously to recommend to the City Council [an amendment to Chapter 7, Article XII, Section 7.1200](#) that would provide three hours of free parking in parking metered zones for ADA-credentialed vehicles. Over the course of several prior meetings, the PTSC acknowledged that before the enactment of the Stay and Pay system, the City had an uncodified policy of providing three hours of free parking for the walking disabled in time-limited parking spaces. This policy conformed with NH RSA 265:74, which provides that a municipality must provide free parking for the walking disabled but has discretion to set reasonable time limits for free parking.

After the enactment of the Stay and Pay System, most time limits in City-managed parking spaces were abolished. The PTSC was uncertain as to what would qualify as reasonable time limits for free parking under our Stay and Pay parking system because we no longer have time limited parking and the guidance documents provided by the Governor’s Commission on Disability did not address a Stay and Pay type parking system. The PTSC instructed staff to reach out to the Commission for clarification. Representatives at the Commission’s Office confirmed that three hours of free parking for the walking disabled was reasonable under our Stay and Pay system and was consistent with the Commissions’ policies and state law.

I recommend that the City Council move to pass first reading, and schedule a public hearing and second reading at the October 4, 2021 City Council meeting.

E. Third and Final Reading of Ordinance Amending Chapter 1, Article IV, Section 1.414 – Audit Committee:

Attached please find a [copy of the ordinance amending Chapter 1, Article IV, Section 1.414 – Audit Committee](#). This copy incorporates edits that were reviewed and approved by the City Council at the September 7, 2021 meeting.

I recommend that the City Council move to pass the third final reading of this ordinance amendment, and adopt the ordinance as presented.

F. Third and Final Reading of Ordinance Amending 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 the third final reading of this ordinance amendment, and adopt the ordinance as presented.

XIV. Approval of Grants/Donations:

A. Approval of Memorial Plaque Donation in Honor of Kate Crowell:

Linda Bernier has requested permission to donate and locate a memorial plaque at the Jay Smith Pocket Park on State Street. The plaque is in recognition of her daughter Kate Crowell, who passed away in April of this year. Kate maintained the park for over six years, taking pride in keeping the plants maintained and the area clean for the public to enjoy.

If approved by the City Council, the 8x10” plaque will be mounted on a granite post one foot off the ground at a suitable location determined by the Department of Public Works’ Parks and Greenery Division. The Department of Public Works will be responsible for installing the plaque and has all of the materials needed for the installation. There will be no cost associated with this work.

I recommend that the City Council move to approve and accept a memorial plaque donation from Linda Bernier in recognition of Kate Crowell to be placed in the Jay Smith Pocket Park.

B. Approval of Grant for the Portsmouth Police Department from the State Department of Justice for the New Hampshire Internet Crimes Against Children (ICAC) Task Force - \$500,000:

At the September 8, 2021 Special Commission meeting, the Board of Police Commissioners approved and accepted a grant in the amount of \$500,000 from the State Department of Justice for the New Hampshire Internet Crimes Against Children (ICAC) Task Force.

I recommend that the City Council move to approve and accept the grant for the Police Department in the amount of \$500,000 as presented.

C. **Acceptance of Grant for the Portsmouth Police Department from the New Hampshire Department of Safety for Nine Different Highway Safety Initiatives - \$17,641:**

At the September 8, 2021 Special Commission meeting, the Board of Police Commissioners approved and accepted a grant in the amount of \$17,641 from the New Hampshire Department of Safety. This grant will be utilized for nine different safety initiatives.

I recommend that the City Council move to approve and accept the grant for the Police Department in the amount of \$17,641 as presented.

XV. City Manager's Items which Require Action:

1. **Borthwick Forest Easements:**

At the City Council meeting of September 7, 2021, staff brought forward four easements for acceptance by the City Council. These easements will secure municipal rights to both new and existing public water lines as well as to public bicycle and pedestrian path infrastructure. A request was made at that meeting for additional information/a presentation regarding these easements.

The Acting Deputy City Manager Suzanne Woodland, with the support of the Public Works Department, has prepared a figure which more readily shows the new infrastructure and easement areas. See [attached one page Borthwick Forest Easement Overview Figure](#). Deputy City Manager Woodland is prepared to speak to this Figure and the easements at this evening's meeting.

Note that there is no emergency access road as part of this project, which was an early concept as part of the development process, but later dropped. All of the improvements have been constructed and the City Council action requested is simply to secure, by easements, the rights of the municipality and the public in the use of the infrastructure.

The information provided at the last meeting, which included [plan sheets and easement deeds](#), is also attached for the Council's information.

I recommend that the City Council move that the City Manager be authorized to negotiate, execute, deliver and record the necessary easement deeds to secure the municipal rights associated with the project.

2. **Authorization for Purchase and Sale for Acquisition of Community Campus:**

The Foundation for Seacoast Health has announced their intent to sell Community Campus to the City of Portsmouth. Following a three-year strategic planning process and keeping in mind their goal to maintain the campus' original vision as a multi-tenant non-profit center, while adding new resources to benefit the community, the Foundation has determined the City to be the ideal buyer to manage the Campus.

The City has made the decision to move forward with a **letter of intent with the Foundation for Seacoast Health**. The opportunity for the City to acquire such a significant property and determine the future use of that site could not be more ideal, and offers the City tremendous potential to reinforce the Recreation and School Department programs and overall facilities. This is the type of strategic investment that will truly serve as a positive impact for generations to come, and I would be happy to answer any additional questions at this evening's meeting.

I recommend that the City Council move to authorize the City Manager to negotiate a purchase and sale agreement to be brought back to the Council for final approval, and to refer this acquisition to the Planning Board for its review and report back.

XVIII. City Manager's Informational Items:

1. Report Back on Bartlett and Cate 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. As requested, City staff and the Design Engineer will provide a brief presentation and be available to answer any questions on the status of the Bartlett Cate Street intersection at this evening's meeting. The report back focuses on the intersection function, especially the new crosswalk and the Engineer's findings and recommendations. **Attached is a summary of the review.**

The approved design was implemented on July 16, 2021. The current configuration was done in a manner to allow for an adjustment period during which the Department of Public Works has monitored the traffic pattern to confirm the effectiveness of the modified roadway. 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, approved by the City's Planning Board, and stamped by the Professional Engineer of Record.

2. Report Back on Conditional Use Permits:

As previously requested by Councilor Trace, please find attached a **report back on all Conditional Use Permits** granted by the Planning Board according to Section 10.1017 of the Portsmouth Zoning Ordinance between August 2017 and August 2021.

3. Additional Information Regarding Resolutions for Callable Bonds as Presented on September 7, 2021:

Please find attached a report back on additional questions posed by Councilor Huda at the September 7, 2021 City Council meeting regarding the refunding of bonds.

4. **Eversource Public Coordination Meeting for Little Harbor Road Tree Removal:**

In an effort to inform property owners and residents, and to assist Eversource with the necessary coordination to complete the work effort associated with tree removals along Little Harbor Road, a public coordination meeting has been scheduled for September 23, 2021 at 6:30 PM in the City Council Chambers at the City Hall. Property owners, residents and businesses along Little Harbor Road are invited to attend this public coordination meeting. Participants can join the meeting in person or via Zoom. Advance registration is required to participate by Zoom.

This meeting is to provide residents and businesses on Little Harbor Road the opportunity to learn the schedule and logistics for this work. Eversource plans to deploy a crane to remove select trees identified as impeding the power lines along the right-of-way and approved by the City's Tree and Greenery Committee for removal. This meeting is intended for those with Little Harbor Road residence or business addresses to ask specific questions about the work plan and schedule.

The work requires the closure of Little Harbor Road from 7:00 a.m. to 3:00 p.m. for five days, and is anticipated to be completed September 27 through October 1, 2021. Emergency fire, police and paramedics will be stationed on the far side of the work area every day should an emergency arise.

5. **Funding Request from the Mayor's Blue Ribbon Committee on Arts and Non-Profits:**

Included in this evening's packet is a [letter to the City Manager from the Mayors Blue Ribbon Committee on Arts and Non-Profits \(BRC\) requesting funds](#) for a pilot arts and culture marketing program. This BRC was charged with helping local non-profit arts organizations recover from the negative impacts which the sector suffered during mandatory shuttering of venues and events during the COVID-19 pandemic.

Populated by the executive directors and managers of the City's premier arts and culture organizations, the BRC quickly surveyed local non-profit cultural organizations and their audiences to determine the impact of COVID-19 and how the City might best assist in the recovery response. The survey indicated that the most significant challenge to the non-profit arts and culture community was lack of consumer confidence for attendance at events. 85% of respondents wished to see the continuation of arts and culture collaboration with 78% expressing a desire for a centralized marketing campaign for the City's arts and culture institutions.

In response to these desires, the Committee is seeking City funding for roughly \$51,700 for a pilot marketing campaign in collaboration with the Greater Portsmouth Chamber Collaborative.

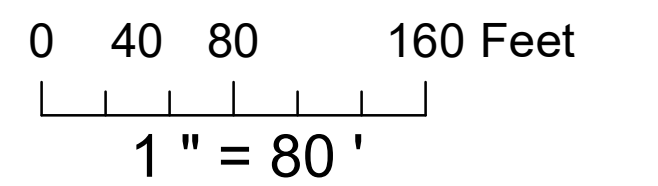
I plan to allocate the residual funds identified for Art-Speak from the existing Reinvestment in the Arts account approved and appropriated by a previous City Council for this request.

Approximate Areas of Easements 3 & 4
Will provide for public access across private property along shared use path and for the public water main along private property.

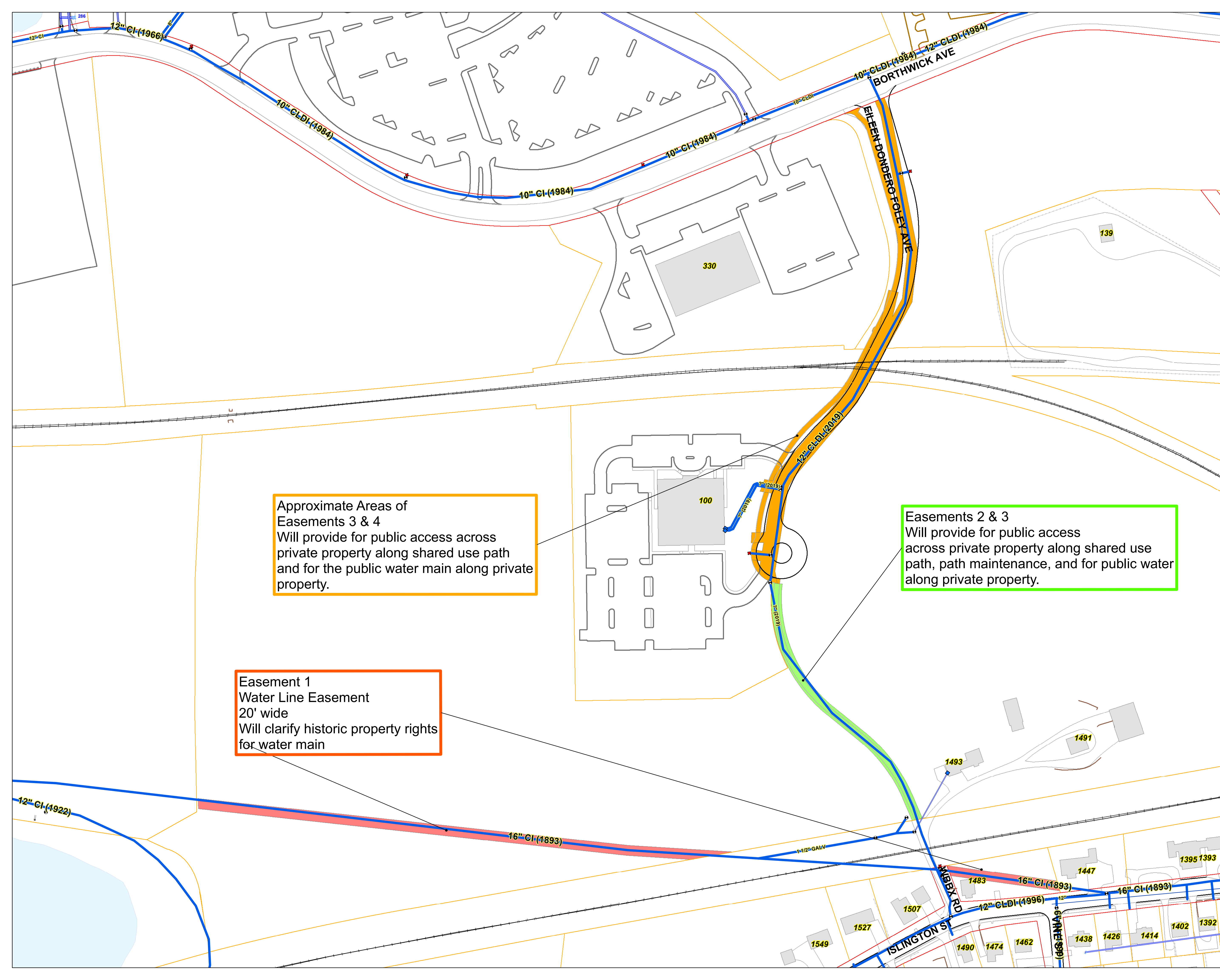
Easements 2 & 3
Will provide for public access across private property along shared use path, path maintenance, and for public water along private property.

Easement 1
Water Line Easement
20' wide
Will clarify historic property rights for water main

Borthwick Forest Easements



DISCLAIMER: The City of Portsmouth provides these Geographic Information System maps and data as a public information service. The maps and data provided are intended for informational purposes only. No guarantee or promise is made as to the accuracy of the maps and data and they should not be relied upon for any purpose other than general information.



CITY OF PORTSMOUTH
Planning Department

MEMORANDUM

TO: KAREN S. CONARD, CITY MANAGER
FROM: JULIET T.H. WALKER, PLANNING DIRECTOR *JTW*
SUBJECT: BORTHWICK FOREST EASEMENTS
DATE: 8/16/2021

On May 22, 2017, the Planning Board granted preliminary and final subdivision approval and site plan review approval for an application from Borthwick Forest, LLC for property located off Borthwick Avenue to construct an office building and new subdivision road.

The approved project plans included a number of required easements, which are shown on the enclosed plans and summarized below:

- 1) An easement for maintenance and access for an existing water line extending across the applicant's property. (Labeled as Easement #1)
- 2) An easement for City maintenance and public access to a 10' wide paved off-road multi-use path extending from the end of the new subdivision road (Eileen Dondero Foley Road) to Islington Street. This easement is located over an easement for the new water line. (Labeled as Easement #1 on the enclosed plans and deeds)
- 3) An easement for City maintenance and access of a new public water line extending extending between Islington Street and Borthwick Avenue. (Labeled as Easement #2)
- 4) An easement for public access to a multi-use path that parallels the new subdivision road from Borthwick Avenue to the new off-road multi-use path referenced above. (Labeled as Easement #4)

All of the foregoing have been reviewed by the Planning, Legal, and Public Works Departments and is recommended for approval.

If the City Council is in agreement with the recommendation, an appropriate motion would be:

Move that the City Manager be authorized to negotiate, execute, deliver and record the easements and deeds regarding the Borthwick Forest property as presented.

03/12/2019 09:22:41 AM
Register of Deeds, Rockingham County
LCHP PLAN 3445
NOV 12 2019

NOTES:

- 1. REFERENCE: TAX MAP 234, LOT 7-4A
TAX MAP 240, LOT 2-2102
TAX MAP 241, LOTS 25
- 2. PARCEL AREAS: LOT 7-4A: 8,035 AC
LOT 2-2102: 4,978 AC
LOT 25: 41,535 AC
- 3. OWNER OF RECORD: TAX MAP 241, LOT 25 (R.C.R.D. BOOK 4754, PAGE 626)
BORTHKUM FOREST, LLC
1548 ISLINGTON STREET
PORTSMOUTH, NH 03801
R.C.R.D. BOOK 4754, PAGE 626
- 4. ZONE: OFF (OFFICE RESEARCH) LOTS 7-4A, 2-2202 & 25
DIMENSIONAL REQUIREMENTS: 588
MIN. LOT AREA: 15,000 SQ. FT.
MIN. FRONTAGE: 100 FT.
MIN. FRONT SETBACK: 30 FT.
MIN. SIDE SETBACK: 10 FT.
MIN. REAR SETBACK: 30 FT.
MAX. BUILDING HEIGHT: 35 FT.
MAX. BUILDING COVERAGE: 20%
- 5. METLAND REFERRED: 100 FT.
- 6. FIELD SURVEY PERFORMED BY DOUGET SURVEY, INC. BETWEEN 2003 AND 2013. TRAVERSE ADJUSTMENTS BASED ON LEAST SQUARES ANALYSIS. AERIAL TOPOGRAPHY PROVIDED BY EASTERN TOPOGRAPHICS, INC.
- 7. JURISDICTIONAL METLAND DELINEATED BY GOWE ENVIRONMENTAL SERVICES, INC. DURING APRIL 2013 AND AMENDED IN NOVEMBER 2013. METLAND DELINEATED IN ACCORDANCE WITH 1987 CORPUS OF ENGINEERS METLAND DELINEATION MANUAL, TECHNICAL REPORT T-87-1.
- 8. FLOOD HAZARD ZONE "X", PER FIRM MAP #301390260E, DATED 5/17/05.
- 9. HORIZONTAL DATUM BASED ON NH STATE PLANE COORDINATE SYSTEM ZONE 1800 AS ESTABLISHED BY VERRA & ASSOCIATES IN MAY 2003.
- 10. VERTICAL DATUM IS BASED ON NAVD 29 PER NHDOT DISK R-50 (379-0150) ELEV.=3324'.
- 11. THE INTENT OF THIS PLAN IS TO SHOW THE LOCATION OF BOUNDARIES IN ACCORDANCE WITH AND IN RELATION TO THE CURRENT LEGAL DESCRIPTION, AND IS NOT AN ATTEMPT TO DEFINE UNWRITTEN RIGHTS, DETERMINE THE EXTENT OF OWNERSHIP, OR IDENTIFY THE LIMITS OF TITLES.
- 12. DUE TO THE COMPLEXITY OF RESEARCHING ROAD RECORDS AS A RESULT OF INCOMPLETE, UNORGANIZED, INCONSISTENT, OBSOLETE, OR LOST DOCUMENTS, THERE IS AN INHERENT UNCERTAINTY INVOLVED WHEN ATTEMPTING TO DETERMINE THE LOCATION AND WIDTH OF A ROADWAY RIGHT OF WAY. THE EXTENT OF ISLINGTON STREET & BORTHKUM AVENUE AS DEPICTED HEREON IS BASED ON RESEARCH CONDUCTED AT THE PORTSMOUTH CITY CLERKS OFFICE AND ROCKINGHAM COUNTY REGISTER OF DEEDS.
- 13. AERIAL TOPOGRAPHY WAS CONDUCTED BY EASTERN TOPOGRAPHICS FROM IMAGES TAKEN DURING 04/2003 WITH A PHOTO SCALE OF 1:3000. CONTOURS AND OBJECTS SHOWN WITHIN OBTAINED AREAS ARE APPROXIMATE AND SHOULD BE VERIFIED BEFORE USE FOR DESIGN OR CONSTRUCTION PURPOSES.
- 14. THE PARCELS ARE SUBJECT TO, AND/OR IN BENEFIT OF THE FOLLOWING EASEMENTS, RESTRICTIONS, ETC.
A) INTENTIONALLY DELETED.
B) TAX MAP 233, LOTS 111, 113, TAX MAP 238, LOT 7-A, & TAX MAP 241, LOT 25.
C) IN BENEFIT OF AN EASEMENT GRANTED TO ISLINGTON WOODS, LLC BY BOSTON AND MAINE CORPORATION, BOOK 4617, PAGE 2613.
D) TAX MAP 234, LOT 7-4A.
E) SUBJECT TO A WATER LINE EASEMENT FROM SHUTTLEWORTH TO THE CITY PORTSMOUTH, SEE R.C.R.D. BOOK 583, PAGE 324.
F) SUBJECT TO A WATER LINE EASEMENT FROM SHUTTLEWORTH TO THE CITY PORTSMOUTH, SEE R.C.R.D. BOOK 1409, PAGE 31.
G) IN BENEFIT OF A R.O.W. FROM BOSTON AND MAINE CORP., SEE R.C.R.D. BOOK 2400, PAGE 923.
H) TAX MAP 234, LOT 7-4A.
I) SUBJECT TO A WATER LINE EASEMENT GRANTED BY SPINNEY TO JONES, SEE R.C.R.D. BOOK 2400, PAGE 923.
J) SUBJECT TO A WATER LINE EASEMENT GRANTED BY SAN ANTONIO ET AL TO NH ELECTRIC CO., SEE R.C.R.D. BOOK 1230, PAGE 222.
K) SUBJECT TO THE RIGHTS OF THE CITY OF PORTSMOUTH TO CONSTRUCT & MAINTAIN A SEWER LINE, AS MENTIONED BY REFERENCE IN R.C.R.D. BOOK 1361, PAGE 235, NO EASEMENT DOCUMENT FOUND.
L) SUBJECT TO A WATER LINE EASEMENT GRANTED BY ALLEN OGDENSHU TO THE CITY OF PORTSMOUTH, SEE R.C.R.D. BOOK 541, PAGE 254.
M) SUBJECT TO A SEWER EASEMENT GRANTED BY COAKLEY TO THE CITY OF PORTSMOUTH, SEE R.C.R.D. BOOK 984, PAGE 379.
N) SUBJECT TO THE RIGHTS OF THE STATE OF NEW HAMPSHIRE, SEE R.C.R.D. BOOK 1158, PAGE 36.
O) SUBJECT TO THE RIGHT GRANTED IN A DEED FROM COAKLEY ET AL TO BEACON CONSTRUCTION CO., INC., SEE R.C.R.D. BOOK 1284, PAGE 3.
P) SUBJECT TO ELECTRIC EASEMENT GRANTED BY COAKLEY ET AL TO NH ELECTRIC CO., SEE R.C.R.D. BOOK 1315, PAGE 296.
Q) SUBJECT TO RESTRICTIONS OUTLINED IN A DEED FROM GARLAND ET AL TO PORTSMOUTH PARK TRUST, SEE R.C.R.D. BOOK 2521, PAGE 899.
R) SUBJECT TO RESTRICTIVE AGREEMENT BETWEEN PORTSMOUTH PARK TRUST AND HCA REALTY, INC., SEE R.C.R.D. BOOK 2556, PAGE 1764.
S) GAS LINE EASEMENT RESERVED BY NORTHEAST UTILITIES, BOOK 4392, PAGE 110.
T) SUBJECT TO AN ACCESS & UTILITY EASEMENT, SEE R.C.R.D. BOOK 4639, PAGE 2128.
U) TAX MAP 241, LOT 25.
V) SUBJECT TO WATER RIGHTS GRANTED BY SHERBURNE TO THE PROPRIETORS OF THE PORTSMOUTH AQUEDUCT, SEE R.C.R.D. BOOK 488, PAGE 431.
W) IN BENEFIT OF A R.O.W. FROM BOSTON AND MAINE CORP., SEE R.C.R.D. BOOK 2400, PAGE 923.
X) IN BENEFIT OF A 12' R.O.W. RESERVED IN A DEED FROM COAKLEY TO WALDON, SEE R.C.R.D. BOOK 1559, PAGE 190.
Y) IN BENEFIT OF A R.O.W. RESERVED IN A DEED FROM SARGENT TO DEVELATION CORP., SEE R.C.R.D. BOOK 1563, PAGE 269.
Z) TAX MAP 233, LOT 113.
AA) SUBJECT TO A WATER LINE EASEMENT FROM SHUTTLEWORTH TO THE CITY PORTSMOUTH, SEE R.C.R.D. BOOK 583, PAGE 324.
AB) SUBJECT TO A WATER LINE EASEMENT FROM SHUTTLEWORTH TO THE CITY PORTSMOUTH, SEE R.C.R.D. BOOK 1409, PAGE 31.
AC) IN BENEFIT OF A R.O.W. FROM BOSTON AND MAINE CORP., SEE R.C.R.D. BOOK 2400, PAGE 923.
AD) IN BENEFIT OF A 12' R.O.W. TO ISLINGTON STREET, SEE R.C.R.D. BOOK 455, PAGE 449.
AE) TAX MAP 241, LOT 25.
AF) SUBJECT TO AN ACCESS EASEMENT, SEE R.C.R.D. BOOK 2375, PAGE 808.
AG) SUBJECT TO A SEWER EASEMENT, SEE R.C.R.D. BOOK 984, PAGE 379.
AH) SUBJECT TO A GAS LINE EASEMENT, SEE R.C.R.D. BOOK 1372, PAGE 148.
AI) SUBJECT TO A GAS LINE EASEMENT, SEE R.C.R.D. BOOK 4392, PAGE 110.
AJ) SUBJECT TO A 10' WIDE BUFFER, SEE R.C.R.D. BOOK 4639, PAGE 2133.

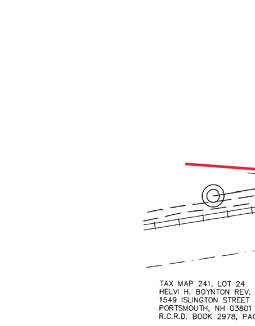
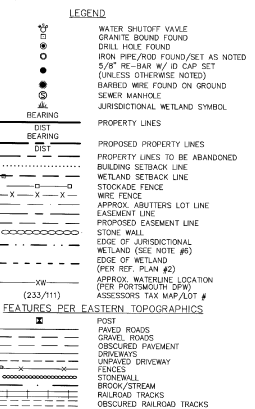
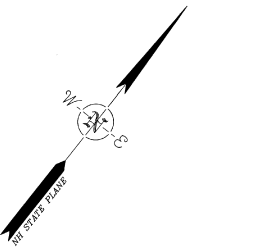
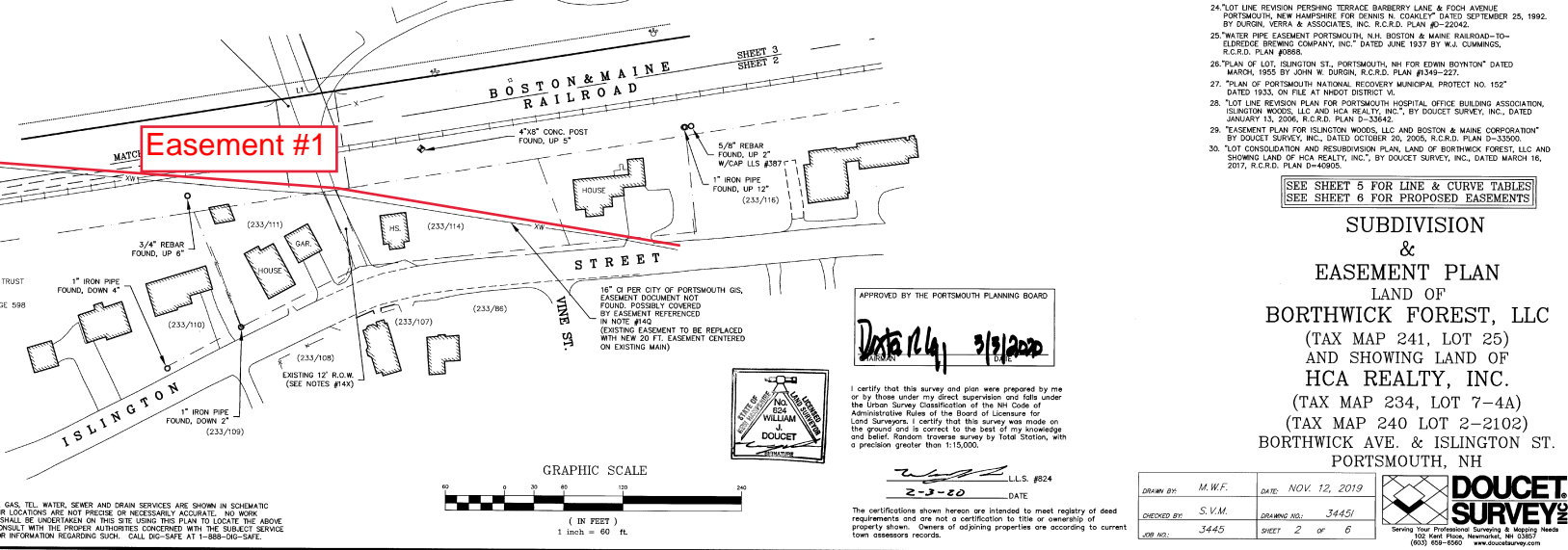


Table with 4 columns: REV. DATE, REV. PER, REV. BY, and DESCRIPTION. Lists revisions from 11/22/19 to 11/17/15.



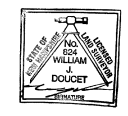
REFERENCE PLANS:

- 1. "PLAN OF LAND BERRY LANE PORTSMOUTH, NH FOR NORTHERN UTILITIES, INC." BY BURTON-SCHRIED ASSOCIATES, DATED 2/21/89, R.C.R.D. PLAN #0-19079.
- 2. "A TRAVELER LAND TITLE SURVEY FOR NORTH AND DEVELOPMENT, BORTHKUM AVENUE, COUNTY OF ROCKINGHAM, PORTSMOUTH, NH," BY MILLETTE, SPRAGUE & COLWELL, INC., DATED 8/9/97.
- 3. "GAS LINE AS-BUILT EASEMENT AND CONSERVATION EASEMENT PLAN," BY KIMBALL CHASE COMPANY, INC. DATED 10/31/89, R.C.R.D. PLAN #0-15830.
- 4. "LAND IN PORTSMOUTH, NH BOSTON AND MAINE CORPORATION TO LANDERS AND GRIFTH, INC., J.D. BATCHELER ENGINEER OF DESIGN, DATED 2/6/84, R.C.R.D. PLAN #843.
- 5. "SUBDIVISION OF LAND LOCATED IN PORTSMOUTH, NH FOR HISTORICAL CORPORATION OF AMERICA," BY KIMBALL CHASE COMPANY, INC. DATED 2/28/84.
- 6. "SUBDIVISION PLAN OF LAND FOR PORTSMOUTH PARK TRUST BORTHKUM AVE. EXT./ COAKLEY RD. COUNTY OF ROCKINGHAM PORTSMOUTH, NH," BY RICHARD P. MILLETTE AND ASSOCIATES, DATED 3/27/85, R.C.R.D. PLAN #0-13747.
- 7. "PLAN OF PROPERTY AND IMPROVEMENTS, PORTSMOUTH HISTORICAL OFFICE BUILDING, A CONDOMINIUM PORTSMOUTH, NH," BY CESP, INC., DATED 12/72/86, R.C.R.D. PLAN #0-15831.
- 8. "RIGHT-OF-WAY AND TRACK MAP CONCORD AND PORTSMOUTH R.R. OPERATED BY THE BOSTON AND MAINE R.R., STATION 3340 TO STATION 85+80, 128'2" BY VALUATION ENGINEERS, DATED 6/30/74.
- 9. "RIGHT-OF-WAY AND TRACK MAP CONCORD AND PORTSMOUTH R.R. OPERATED BY THE BOSTON AND MAINE R.R., STATION 85+80 TO STATION 138+60, 128'2" BY VALUATION ENGINEERS, DATED 6/30/74.
- 10. "RIGHT-OF-WAY AND TRACK MAP CONCORD AND PORTSMOUTH R.R. OPERATED BY THE BOSTON AND MAINE R.R., STATION 2969+20 TO STATION 2969+20, V3 NH/54" BY VALUATION ENGINEERS, DATED 6/30/74.
- 11. "LOT LINE RELOCATION PLAN FOR J. HARRISON HOLMAN OFF ISLINGTON ST. COUNTY OF ROCKINGHAM PORTSMOUTH, NH," DATED MARCH 6, 1959 BY RICHARD P. MILLETTE AND ASSOCIATES, R.C.R.D. PLAN #0-3586.
- 12. "PLAN OF LAND CURT GOWDY BROADCASTING CORPORATION PORTSMOUTH, N.H." DATED FEBRUARY 25, 1977 BY THOMAS F. MORAN, ENGINEER, R.C.R.D. PLAN #0-6765.
- 13. "CITY OF PORTSMOUTH DEFENSE HOMES LOCATION PLAN" REVISED JUNE 17, 1941 BY JOHN W. DURSON, R.C.R.D. PLAN #0-10018.
- 14. "PLAN NO. 220 SHOWING PORTION OF PROPERTY OF THE HEIRS OF CORNELIUS COAKLEY TO BE CONVEYED TO BEACON CONSTRUCTION COMPANY" DATED APRIL 28, 1953 BY MORTON ENGINEERING CO.
- 15. "SUBDIVISION OF LAND LOCATED IN PORTSMOUTH, N.H." DATED MARCH 6, 1959 BY KIMBALL CHASE COMPANY, INC. R.C.R.D. PLAN #0-13569.
- 16. "LOT LINE RELOCATION PLAN FOR PORTSMOUTH PARK TRUST AND HISTORICAL CORPORATION OF AMERICA BORTHKUM AVE. EXTENSION COUNTY OF ROCKINGHAM PORTSMOUTH, N.H." DATED JUNE 14, 1952 BY RICHARD P. MILLETTE AND ASSOCIATES, R.C.R.D. PLAN #0-15924.
- 17. "SUBDIVISION OF LAND PORTSMOUTH, NH. FOR J. HARRISON HOLMAN DATED MAY 1982 BY JOHN W. DURSON ASSOCIATES, INC. R.C.R.D. PLAN #0-10843.
- 18. "LOT LINE REVISION FOR RUTH M. GATS & FREDERICK C. & JOCELINE O. MURRAY TRUSTS ISLINGTON STREET PORTSMOUTH, NH." DATED JANUARY 17, 2002 BY E.J. COFFE & ASSOCIATES INC. R.C.R.D. PLAN #0-29645.
- 19. "PERSHING TERRACE PORTSMOUTH, NH BELMONT REALTY CO. PROVIDENCE, RI." DATED JULY 1918 BY A. BROOKER CIVIL ENGINEER, R.C.R.D. PLAN #0-2.
- 20. "PLAN OF RIGHT OF WAY ROBERT W. MESERVE ET AL TRUSTEES OF THE PROPERTY OF BOSTON & MAINE CORPORATION TO J. HARRISON HOLMAN OFF ISLINGTON ST. COUNTY OF ROCKINGHAM PORTSMOUTH, N.H." DATED FEBRUARY 1980 BY RICHARD P. MILLETTE AND ASSOCIATES, R.C.R.D. PLAN #0-10456.
- 21. "BASE PLAN OF LOT 7-A BORTHKUM AVENUE COUNTY OF ROCKINGHAM PORTSMOUTH, N.H." DATED NOVEMBER 8, 2002 BY MILLETTE, SPRAGUE & COLWELL, INC.
- 22. "STREET REVISION AND LOT LINE RELOCATION PLAN MAP 233-LOTS 141, 143, 144, 145 & 147 FOR DENNIS COAKLEY, DENNA & WILLIAM CLARKE, JOSEPH ARNSTEIN AND THE CITY OF PORTSMOUTH FORD AVENUE, BERRY LANE & HAD AVENUE PORTSMOUTH, NH. COUNTY OF ROCKINGHAM DATED JUNE 2001 BY AMBIT ENGINEERING, INC. R.C.R.D. PLAN #0-28809.
- 23. "LOT LINE REVISION PLAN TAX MAP #34 LOTS 6 & 7-B LOCATED ON BORTHKUM AVE. GARDLEY ROAD AND U.S. ROUTE 1 BYPASS IN PORTSMOUTH, N.H. COUNTY OF ROCKINGHAM" DATED OCTOBER 20, 1993 BY KIMBALL CHASE, R.C.R.D. PLAN #0-22688.
- 24. "LOT LINE REVISION PERSHING TERRACE BERRY LANE & FORD AVENUE PORTSMOUTH, NEW HAMPSHIRE FOR DENNIS W. COAKLEY DATED SEPTEMBER 25, 1992 BY DURSON, VERRA & ASSOCIATES, INC. R.C.R.D. PLAN #0-22042.
- 25. "WATER PIPE EASEMENT PORTSMOUTH, NH. BOSTON & MAINE RAILROAD-TO-EUREK BREWING COMPANY, INC." DATED JUNE 1937 BY G. CUMMINS, R.C.R.D. PLAN #0888.
- 26. "PLAN OF LOT ISLINGTON ST., PORTSMOUTH, NH FOR EDWIN BOYNTON" DATED MARCH 1953 BY JOHN W. DURSON, R.C.R.D. PLAN #0-1949-227.
- 27. "PLAN OF PORTSMOUTH NATIONAL RECOVERY MUNICIPAL PROJECT NO. 152" DATED 1933, ON FILE AT NHDOT DISTRICT 7.
- 28. "LOT LINE REVISION PLAN FOR PORTSMOUTH HISTORICAL OFFICE BUILDING ASSOCIATION, ISLINGTON WOODS, LLC AND HCA REALTY, INC.," BY DOUGET SURVEY, INC., DATED JANUARY 13, 2006, R.C.R.D. PLAN #0-23642.
- 29. "EASEMENT PLAN FOR ISLINGTON WOODS, LLC AND BOSTON & MAINE CORPORATION" BY DOUGET SURVEY, INC., DATED OCTOBER 20, 2008, R.C.R.D. PLAN #0-33500.
- 30. "LOT CONSOLIDATION AND RESUBDIVISION PLAN, LAND OF BORTHKUM FOREST, LLC AND SHOWING LAND OF HCA REALTY, INC.," BY DOUGET SURVEY, INC., DATED MARCH 16, 2010, R.C.R.D. PLAN #0-40805.

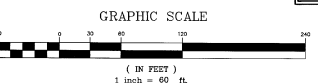
SEE SHEET 5 FOR LINE & CURVE TABLES
SEE SHEET 6 FOR PROPOSED EASEMENTS

SUBDIVISION & EASEMENT PLAN
LAND OF BORTHKUM FOREST, LLC
(TAX MAP 241, LOT 25)
AND SHOWING LAND OF HCA REALTY, INC.
(TAX MAP 234, LOT 7-4A)
BORTHKUM AVE. & ISLINGTON ST.
PORTSMOUTH, NH

APPROVED BY THE PORTSMOUTH PLANNING BOARD
DATE 11/14/19 3/19/2020



I certify that this survey and plan were prepared by me or by those under my direct supervision and follow under the Urban Survey Classification of the NH Code of Administrative Rules of the Board of Licensure for Land Surveyors. I certify that this survey was made on the ground and to correct the best of my knowledge and belief. Random traverse survey by Total Station, with a precision greater than 0.15:1000.



D-42049 sheet 2 of 6

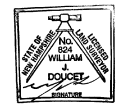
Table with columns: DRAWN BY, CHECKED BY, DATE, SHEET, and DRAWING NO. Includes drawing number 3445 and sheet 2 of 6.



D-42049 03/12/2020 09:32:41 AM
 Register of Deeds, Rockingham County
 LCHP PLAN 156.00

TAX MAP 243, LOT 2-2001
 CITY OF PORTSMOUTH
 DPW
 PO BOX 628
 PORTSMOUTH, NH 03802
 R.C.D. BOOK 2645, PAGE 501

**SUBDIVISION
 &
 EASEMENT PLAN**
 LAND OF
BORTHWICK FOREST, LLC
 (TAX MAP 241, LOT 25)
 AND SHOWING LAND OF
HCA REALTY, INC.
 (TAX MAP 234, LOT 7-4A)
 (TAX MAP 240 LOT 2-2102)
 BORTHWICK AVE. & ISLINGTON ST.
 PORTSMOUTH, NH



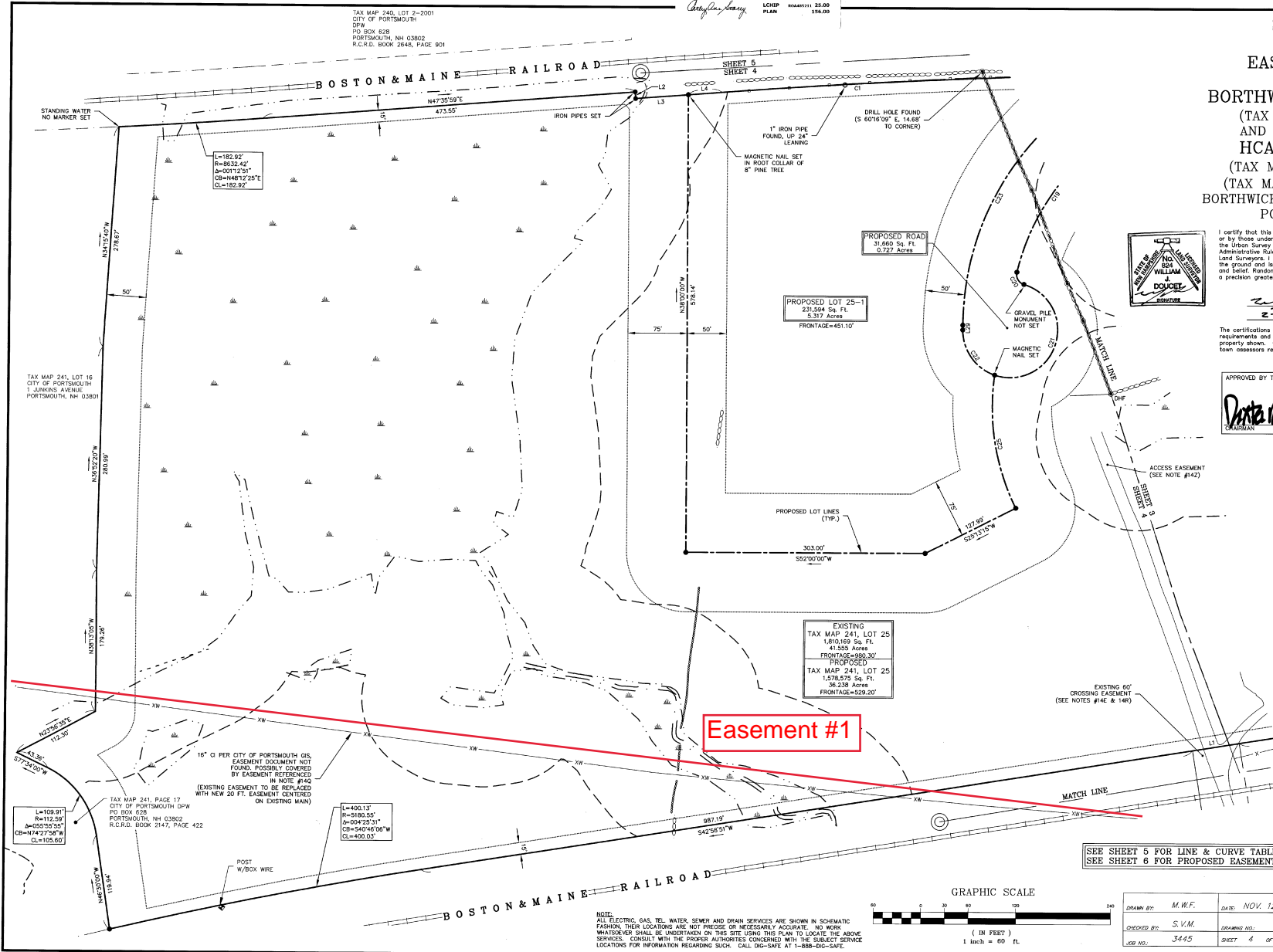
I certify that this survey and plan were prepared by me or by those under my direct supervision and falls under the Urban Survey Classification of the NH Code of Administrative Rules of the Board of Licensure for Land Surveyors. I certify that this survey was made on the ground and is correct to the best of my knowledge and belief. Random traverse survey by total station, with a precision greater than 1:15,000.

[Signature] L.L.S. #824
 2-3-20 DATE

The certifications shown herein are intended to meet registry of deed requirements and are not a certification of title or ownership of property shown. Owners of adjoining properties are according to current town assessors records.

APPROVED BY THE PORTSMOUTH PLANNING BOARD

[Signature] 3/3/2020
 CHAIRMAN



EXISTING
 TAX MAP 241, LOT 25
 1,810.69 Sq. Ft.
 41.555 Acres
 FRONTAGE=980.30'
 PROPOSED
 TAX MAP 241, LOT 25
 1,578.679 Sq. Ft.
 36.238 Acres
 FRONTAGE=529.20'

Easement #1

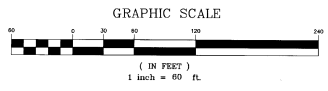
SEE SHEET 5 FOR LINE & CURVE TABLES
 SEE SHEET 6 FOR PROPOSED EASEMENTS

L=109.91'
 R=112.59'
 Δ=90°50'36.56"
 CB=N74°27'58"W
 CL=105.80'

16" CI PER CITY OF PORTSMOUTH GIS. EASEMENT DOCUMENT NOT FOUND. POSSIBLY COVERED BY EASEMENT REFERENCED IN NOTE #140 (EXISTING EASEMENT TO BE REPLACED WITH NEW 20 FT. EASEMENT CENTERED ON EXISTING MAIN)

L=400.13'
 R=5108.55'
 Δ=504°25'31"
 CB=S40°46'08"W
 CL=408.03'

NOTE:
 ALL ELECTRIC, GAS, TEL, WATER, SEWER AND DRAIN SERVICES ARE SHOWN IN SCHEMATIC FORMAT. THEIR LOCATIONS ARE NOT PRECISE OR NECESSARILY ACCURATE. NO WORK WHATSOEVER SHALL BE UNDERTAKEN ON THIS SITE USING THIS PLAN TO LOCATE THE ABOVE SERVICES. CONSULT WITH THE PROPER AUTHORITIES CONCERNED WITH THE SUBJECT SERVICE LOCATIONS FOR INFORMATION REGARDING SUCH. CALL Dig-SAVE AT 1-888-DIG-SAVE.

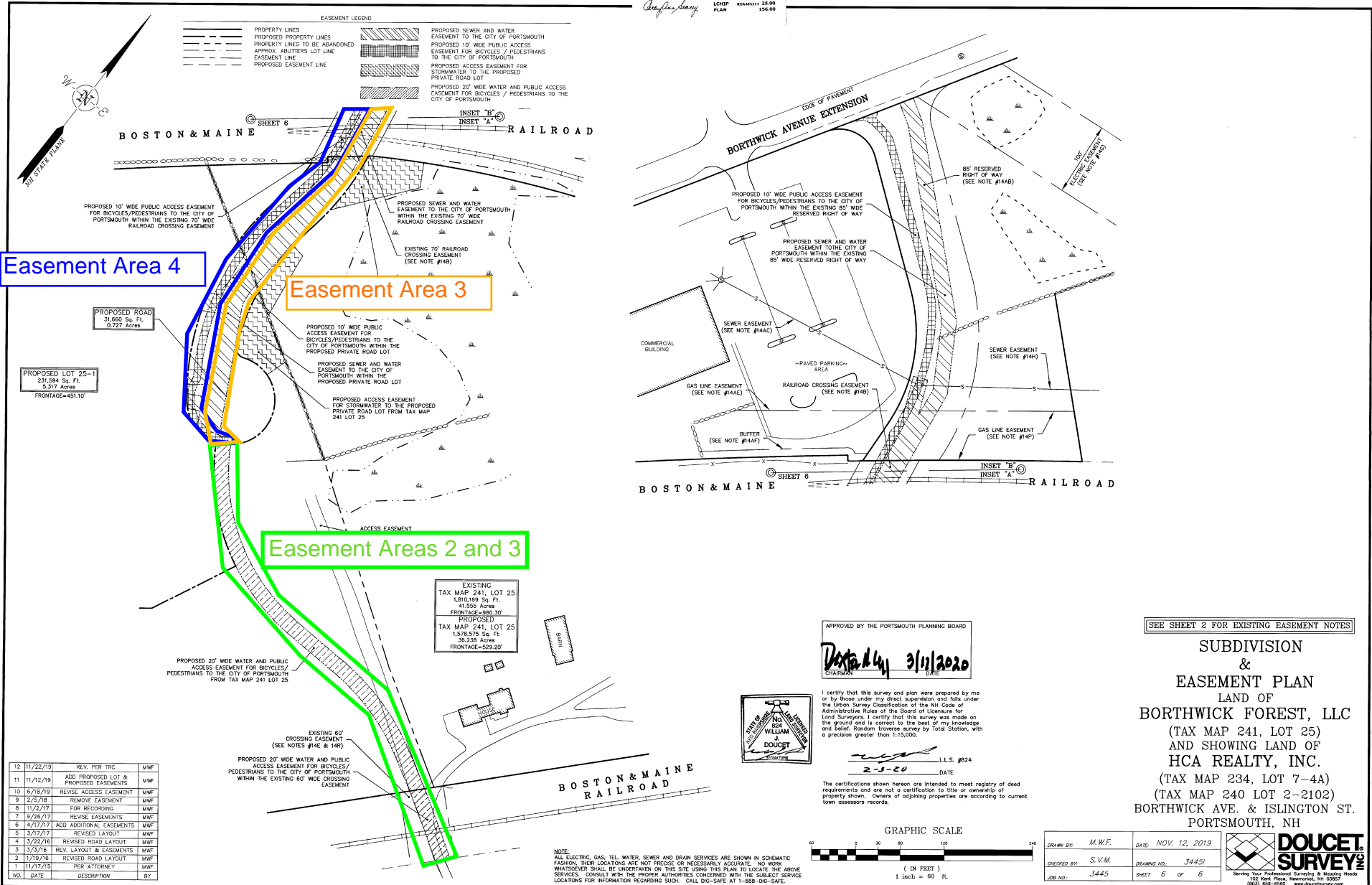


DRAWN BY:	M.W.F.	DATE:	NOV. 12, 2019
CHECKED BY:	S.V.M.	DRAWING NO.:	3445/1
JOB NO.:	3445	SHEET:	4 OF 6

NO.	DATE	DESCRIPTION	BY
12	11/22/19	REV. PER TRC	MWF
11	11/12/19	ADD PROPOSED LOT & PROPOSED EASEMENTS	MWF
10	6/18/19	REVISE ACCESS EASEMENT	MWF
9	2/5/18	REMOVE EASEMENT	MWF
8	11/22/17	FOR RECORDING	MWF
7	9/26/17	REVISE EASEMENTS	MWF
6	4/17/17	ADD ADDITIONAL EASEMENTS	MWF
5	3/13/17	REVISED LAYOUT	MWF
4	3/22/16	REVISED ROAD LAYOUT	MWF
3	3/3/16	REV. LAYOUT & EASEMENTS	MWF
2	1/19/16	REVISED ROAD LAYOUT	MWF
1	11/17/15	PER ATTORNEY	MWF



D - 42049
 Register of Deeds, Rockingham County
 LCHP PLAN ROAD#113 25.00 154.00



Easement Area 4

Easement Area 3

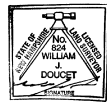
Easement Areas 2 and 3

NO.	DATE	DESCRIPTION	BY
12	11/22/19	REV. PER TRC	MWF
11	11/15/19	ADD PROPOSED LOT & PROPOSED EASEMENTS	MWF
10	5/18/19	REVISE ACCESS EASEMENT	MWF
9	2/5/18	REMOVE EASEMENT	MWF
8	11/2/17	FOR RECORDING	MWF
7	9/28/17	REVISE EASEMENTS	MWF
6	10/27/17	ADD ADDITIONAL EASEMENTS	MWF
5	3/17/17	REVISED LAYOUT	MWF
4	3/22/16	REVISED ROAD LAYOUT	MWF
3	2/3/16	REV. LAYOUT & EASEMENTS	MWF
2	1/19/16	REVISED ROAD LAYOUT	MWF
1	11/17/15	PER ATTORNEY	MWF

EXISTING
 TAX MAP 241, LOT 25
 1,810,169 Sq. Ft.
 41,555 Acres
 FRONTAGE = 890.30'
 PROPOSED
 TAX MAP 241, LOT 25
 1,578,575 Sq. Ft.
 36,238 Acres
 FRONTAGE = 529.20'

APPROVED BY THE PORTSMOUTH PLANNING BOARD

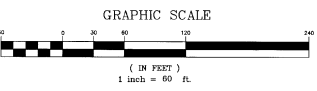
 3/1/2020
 CHAIRMAN DATE



I certify that this survey and plan were prepared by me or by those under my direct supervision and falls under the Urban Survey Classification of the NH Code of Administrative Rules of the Board of Licensure for Land Surveyors. I certify that this survey was made on the ground and is correct to the best of my knowledge and belief. Random traverse survey by Total Station, with a precision greater than 1:15,000.

L.L.S. #824
 2-3-20 DATE

The certifications shown hereon are intended to meet registry of deed requirements and are not a certification to title or ownership of property shown. Owners of adjoining properties are according to current town assessor records.



SEE SHEET 2 FOR EXISTING EASEMENT NOTES

SUBDIVISION
 &
 EASEMENT PLAN
 LAND OF
 BORTHWICK FOREST, LLC
 (TAX MAP 241, LOT 25)
 AND SHOWING LAND OF
 HCA REALTY, INC.
 (TAX MAP 234, LOT 7-4A)
 (TAX MAP 240 LOT 2-2102)
 BORTHWICK AVE. & ISLINGTON ST.
 PORTSMOUTH, NH

DRAWN BY	M.W.F.	DATE	NOV. 12, 2019
CHECKED BY	S.V.M.	DRAWING NO.	3445/1
JOB NO.	3445	SHEET	6 OF 6



D-42049 sheet 6 of 6

C:\Program Files\AutoCAD\Projects\2019\1841-167-2019\1841-167.dwg 11/27/2019 10:31:36 AM 6/27

Return To:
Legal Department
City Hall
1 Junkins Ave.
Portsmouth, NH 03801

WATER LINE EASEMENT DEED

GRANTOR, **KS BORTHWICK, LLC**, a New Hampshire limited liability company, with a mailing address of 210 Commerce Way, Suite 300, Portsmouth, County of Rockingham, State of New Hampshire 03801, hereinafter "Grantor," for consideration paid, grants to the **CITY OF PORTSMOUTH**, a municipal body politic, having a mailing address of 1 Junkins Avenue, Portsmouth, New Hampshire 03801, hereinafter, "Grantee," with QUITCLAIM COVENANTS, the following easements with respect to Grantor's real property situate on the westerly side of Islington Street in the City of Portsmouth, State of New Hampshire :

1. **Permanent Easement Area:** A permanent easement for the purpose of water lines over the land of GRANTOR, being Tax Map 233, Lot 114, said easement being 20 feet wide centered on the existing water main, said water main being shown on a plan of land entitled "Subdivision and Easement Plan, Land of Borthwick Forest, LLC (Tax Map 241, Lot 25) and showing land of HCA Realty, Inc. (Tax Map 234, Lot 7-4A) (Tax Map 240, Lot 2-2102), Borthwick Ave. & Islington St., Portsmouth, NH" dated November 12, 2019 and recorded in the Rockingham County Registry of Deeds as Plan #D-42049 (hereinafter "Plan") (see Sheet 2 of 6). The easement area shall extend 10 feet from the center line of the pipe as it currently exists.
2. **Purpose and Rights:** The Grantee shall have a permanent and non-exclusive easement and right of way in, under, across and over the Permanent Easement Area for the purpose of installing, maintaining, inspecting, removing, repairing, and replacing water lines with its associated pipes, manholes, and appurtenances. The Grantee shall have the right to remove obstructions including pavement, curbing, trees, bushes, undergrowth and other obstructions interfering with the activities authorized herein and to take such other actions as may be necessary, useful or convenient for the enjoyment of the easement rights herein granted. The Grantee agrees to preserve access to any driveways and parking areas to the extent reasonably practicable.
3. **Grantee's Responsibility to Restore:** Disturbed areas within the Permanent Easement Area shall be back-filled and restored at the Grantee's expense. Paving and curbing and similar materials shall also be restored at the Grantee's expense.
4. **Grantor's Retained Rights:** Grantor retains the right to freely use and enjoy its interest in the Permanent Easement Area insofar as the exercise thereof does not endanger or

interfere with the purpose of this instrument. Grantor shall not, however, erect any building, shed, deck or other structure within the Permanent Easement Area, substantially change the grade or slope, or install any pipes in the Permanent Easement Area without prior written consent of the Grantee.

5. **Personal Property.** It is agreed that the pipes, manholes, and appurtenances related to the public water main installed within the easement area, whether fixed to the realty or not, shall be and remain the property of the Grantee. Pipes, manholes and appurtenances related to any sewer or drain lines are the responsibility of the Grantor.

7. **Easement to Run with Land:** All rights and privileges, obligations and liabilities created by this instrument shall inure to the benefit of, and be binding upon, the heirs, devisees, administrators, executor, successors and assignees of the Grantee and of the Grantor, the parties hereto and all subsequent owners of the Premises and shall run with the land.

MEANING AND INTENDING to convey an easement over a portion of the premises conveyed to the within Grantor by deed of Thomas Murphy dated October 4, 201 and recorded in Book 5151, Page 568 of the Rockingham County Registry of Deeds.

This is an exempt transfer per RSA 78-B:2(I).

DATED this _____ day of _____, 2021.

KS BORTHWICK, LLC

By: _____
Michael Kane, Manager

STATE OF NEW HAMPSHIRE
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 2021.

Justice of the Peace/Notary Public
Printed Name:
My Commission Expires:

Return To:
Legal Department
City Hall
1 Junkins Ave.
Portsmouth, NH 03801

BICYCLE AND PEDESTRIAN PATH EASEMENT DEED

GRANTOR, **BORTHWICK FOREST, LLC**, a New Hampshire limited liability company, with a mailing address of 210 Commerce Way, Suite 300, Portsmouth, County of Rockingham, State of New Hampshire 03801, hereinafter "Grantor," for consideration paid, grants to the **CITY OF PORTSMOUTH**, a municipal body politic, having a mailing address of 1 Junkins Avenue, Portsmouth, New Hampshire 03801, hereinafter, "Grantee," with QUITCLAIM COVENANTS, the following easements with respect to Grantor's real property situate on Borthwick Avenue in the City of Portsmouth, State of New Hampshire :

1. **Permanent Easement Area:** A permanent easement for the purpose of a installing and maintaining a public bicycle and pedestrian path over the land of GRANTOR off Borthwick Avenue in the City of Portsmouth, County of Rockingham and State of New Hampshire, shown as "Proposed 20' Wide Water and Public Access Easement for Bicycles/Pedestrians to the City of Portsmouth from Tax map 241, Lot 25" on a plan of land entitled "Subdivision and Easement Plan, Land of Borthwick Forest, LLC (Tax Map 241, Lot 25) and showing land of HCA Realty, Inc. (Tax Map 234, Lot 7-4A) (Tax Map 240, Lot 2-2102), Borthwick Ave. & Islington St., Portsmouth, NH" dated November 12, 2019 and recorded in the Rockingham County Registry of Deeds as Plan #D-42049 (hereinafter "Plan").
2. **Purpose and Rights:** The Grantee shall have a permanent easement and right of way in, under, across and over the Permanent Easement Area for the purpose of constructing, installing, maintaining, and regulating the use of a public bicycle and pedestrian path. The Grantee shall have the right to remove trees, bushes, undergrowth and other obstructions interfering with the activities authorized herein and to take such other actions as may be necessary, useful or convenient for the exercise of the easement rights herein granted.
3. **Easement Area for Construction Purposes:** The Grantee shall have a construction easement consisting of 10 feet on either side of the Permanent Easement Area for purposes of installing and maintaining the path. Disturbed areas within the Easement

Area for Construction Purposes shall be back-filled and restored at the Grantee's expense to equal or better condition.

4. **Use of the Bicycle and Pedestrian Path:** The Grantee shall have the right to access and use the entire easement area without interference from or by the Grantor. The Grantee reserves the exclusive right to exclude such uses from the easement area as Grantee deems at its sole discretion interfere with the public benefit or safe use of the easement area. The Grantee shall not interfere with the use of any existing permitted driveways and access ways during or after construction of the Bicycle and Pedestrian Path, except as necessary for public safety or otherwise permitted by law.
5. **Common Plan and Relationship to Right of Way:** The intent of the parties is to accommodate a unified Bicycle and Pedestrian Path from the end of Eileen Dondero Drive through to Islington Street in the City of Portsmouth. Each party agrees to take such steps as needed to effectuate said intent. The failure to complete the entire Path shall not affect any rights or duties herein granted.
6. **Grantor's Retained Rights:** Excepting such rights as conferred in this document, the Grantor retains all other rights incident to ownership of the Easement Area insofar as the exercise thereof does not endanger or interfere with the purpose of this instrument.
7. **Easement to Run with Land:** All rights and privileges, obligations and liabilities created by this instrument shall inure to the benefit of, and be binding upon, the heirs, devisees, administrators, executor, successors and assignees of the Grantee and of the Grantor, the parties hereto and all subsequent owners of the Premises and shall run with the land.
8. **Compliance with NH RSA 508:14:** It is the intent of the parties to create a "trail for public recreation use," within the meaning provided in NH RSA 508:14, and accordingly provide the limited liability conferred by the statute.

MEANING AND INTENDING to convey an easement over a portion of the premises conveyed to the within Grantor by deed of Islington Woods, LLC dated January 10, 2007 and recorded in Book 4754, Page 626 of the Rockingham County Registry of Deeds.

This is an exempt transfer per RSA 78-B:2(I).

DATED this _____ day of _____, 2021.

BORTHWICK FOREST, LLC

By: _____
Michael Kane, Manager

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

The foregoing instrument was acknowledged before me this _____ day of _____, 2021.

Justice of the Peace/Notary Public
Printed Name:
My Commission Expires:

S:\BF-BQ\Borthwick Forest, LLC\Easements\Final Documents\2021 04 09 20 foot Bike-Pedestrian Path Easement.doc

Return To:
Legal Department
City Hall
1 Junkins Ave.
Portsmouth, NH 03801

WATER EASEMENT DEED

GRANTOR, **BORTHWICK FOREST, LLC**, a New Hampshire limited liability company, with a mailing address of 210 Commerce Way, Suite 300, Portsmouth, County of Rockingham, State of New Hampshire 03801, hereinafter “Grantor,” for consideration paid, grants to the **CITY OF PORTSMOUTH**, a municipal body politic, having a mailing address of 1 Junkins Avenue, Portsmouth, New Hampshire 03801, hereinafter, "Grantee," with QUITCLAIM COVENANTS, the following easements with respect to Grantor's real property situate on Borthwick Avenue in the City of Portsmouth, State of New Hampshire :

1. **Permanent Easement Area:** A permanent easement for the purpose of water lines over the land of GRANTOR shown as “Proposed Sewer and Water Easement to the City of Portsmouth” and “Proposed 20’ Wide Water and Public Access Easement for Bicycles/Pedestrians to the City of Portsmouth from Tax Map 241, Lot 25” on a plan of land entitled “Subdivision and Easement Plan, Land of Borthwick Forest, LLC (Tax Map 241, Lot 25) and showing land of HCA Realty, Inc. (Tax Map 234, Lot 7-4A) (Tax Map 240, Lot 2-2102), Borthwick Ave. & Islington St., Portsmouth, NH” dated November 12, 2019 and recorded in the Rockingham County Registry of Deeds as Plan #D-42049 (hereinafter “Plan”). The easement area shall extend 20 feet from the center line of the pipe. Notwithstanding the Plan’s reference to a sewer easement, this document strictly relates to water lines only. The sewer line installed in the easement area is a private line and will remain the responsibility of the Grantor.
2. **Purpose and Rights:** The Grantee shall have a permanent and non-exclusive easement and right of way in, under, across and over the Permanent Easement Area for the purpose of installing, maintaining, inspecting, removing, repairing, and replacing water lines with its associated pipes, manholes, and appurtenances. The Grantee shall have the right to remove obstructions including pavement, curbing, trees, bushes, undergrowth and other obstructions interfering with the activities authorized herein and to take such other actions as may be necessary, useful or convenient for the enjoyment of the easement rights herein granted. The Grantee agrees to preserve access to any driveways and parking areas to the extent reasonably practicable.
3. **Grantee's Responsibility to Restore:** Disturbed areas within the Permanent Easement Area shall be back-filled and restored at the Grantee's expense. Paving and curbing and similar materials shall also be restored at the Grantee’s expense.

- 4. **Grantor's Retained Rights:** Grantor retains the right to freely use and enjoy its interest in the Permanent Easement Area insofar as the exercise thereof does not endanger or interfere with the purpose of this instrument. Grantor shall not, however, erect any building, shed, deck or other structure within the Permanent Easement Area, substantially change the grade or slope, or install any pipes in the Permanent Easement Area without prior written consent of the Grantee.

- 5. **Personal Property.** It is agreed that the pipes, manholes, and appurtenances related to the public water main installed within the easement area, whether fixed to the realty or not, shall be and remain the property of the Grantee. Pipes, manholes and appurtenances related to any sewer or drain lines are the responsibility of the Grantor.

- 7. **Easement to Run with Land:** All rights and privileges, obligations and liabilities created by this instrument shall inure to the benefit of, and be binding upon, the heirs, devisees, administrators, executor, successors and assignees of the Grantee and of the Grantor, the parties hereto and all subsequent owners of the Premises and shall run with the land.

MEANING AND INTENDING to convey an easement over a portion of the premises conveyed to the within Grantor by deed of Islington Woods, LLC dated January 10, 2007 and recorded in Book 4754, Page 626 of the Rockingham County Registry of Deeds.

This is an exempt transfer per RSA 78-B:2(I).

DATED this _____ day of _____, 2021.

BORTHWICK FOREST, LLC

By: _____
Michael Kane, Manager

STATE OF NEW HAMPSHIRE
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 2021.

Justice of the Peace/Notary Public
Printed Name:
My Commission Expires:

Return To:
Legal Department
City Hall
1 Junkins Ave.
Portsmouth, NH 03801

BICYCLE AND PEDESTRIAN PATH EASEMENT DEED

GRANTOR, **BORTHWICK FOREST, LLC**, a New Hampshire limited liability company, with a mailing address of 210 Commerce Way, Suite 300, Portsmouth, County of Rockingham, State of New Hampshire 03801, hereinafter "Grantor," for consideration paid, grants to the **CITY OF PORTSMOUTH**, a municipal body politic, having a mailing address of 1 Junkins Avenue, Portsmouth, New Hampshire 03801, hereinafter, "Grantee," with QUITCLAIM COVENANTS, the following easements with respect to Grantor's real property situate on Borthwick Avenue in the City of Portsmouth, State of New Hampshire :

1. **Permanent Easement Area:** A permanent public bicycle and pedestrian path easement over the land of GRANTOR off Borthwick Avenue in the City of Portsmouth, County of Rockingham and State of New Hampshire shown as "Proposed 10' Wide Public Access Easement for Bicycles/Pedestrians to the City of Portsmouth" on a plan of land entitled "Subdivision and Easement Plan, Land of Borthwick Forest, LLC (Tax Map 241, Lot 25) and showing land of HCA Realty, Inc. (Tax Map 234, Lot 7-4A) (Tax Map 240, Lot 2-2102), Borthwick Ave. & Islington St., Portsmouth, NH" dated November 12, 2019 and recorded in the Rockingham County Registry of Deeds as Plan #D-42049 (hereinafter "Plan").
2. **Purpose and Rights:** The Grantee shall have a permanent easement and right of way in, under, across and over the Permanent Easement Area for the purpose of the use of a public bicycle and pedestrian path. Grantor shall be responsible for installing and maintaining the Permanent Easement Area, however, the Grantee shall have the right to remove trees, bushes, undergrowth and other obstructions interfering with the activities authorized herein and to take such other actions as may be necessary, useful or convenient for the exercise of the easement rights herein granted.
3. **Use of the Bicycle and Pedestrian Path:** The Grantee shall have the right to access and use the entire easement area without interference from or by the Grantor. The Grantee reserves the exclusive right to exclude such uses from the easement area as Grantee deems at its sole discretion interfere with the public benefit or safe use of the easement

area. The Grantee shall not interfere with the use of any existing permitted driveways and access ways during or after construction of the Bicycle and Pedestrian Path, except as necessary for public safety or otherwise permitted by law.

4. **Common Plan and Relationship to Right of Way:** The intent of the parties is to accommodate a unified Bicycle and Pedestrian Path along Eileen Dondero Drive in the City of Portsmouth. Each party agrees to take such steps as needed to effectuate said intent.
5. **Grantor’s Retained Rights:** Excepting such rights as conferred in this document, the Grantor retains all other rights incident to ownership of the Easement Area insofar as the exercise thereof does not endanger or interfere with the purpose of this instrument.
6. **Easement to Run with Land:** All rights and privileges, obligations and liabilities created by this instrument shall inure to the benefit of, and be binding upon, the heirs, devisees, administrators, executor, successors and assignees of the Grantee and of the Grantor, the parties hereto and all subsequent owners of the Premises and shall run with the land.
7. **Compliance with NH RSA 508:14:** It is the intent of the parties to create a “trail for public recreation use,” within the meaning provided in NH RSA 508:14, and accordingly provide the limited liability conferred by the statute.

MEANING AND INTENDING to convey an easement over a portion of the premises conveyed to the within Grantor by deed of Islington Woods, LLC dated January 10, 2007 and recorded in Book 4754, Page 626 of the Rockingham County Registry of Deeds.

This is an exempt transfer per RSA 78-B:2(I).

DATED this _____ day of _____, 2021.

BORTHWICK FOREST, LLC

By: _____
Michael Kane, Manager

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

The foregoing instrument was acknowledged before me this _____ day of _____, 2021.

Justice of the Peace/Notary Public
Printed Name:
My Commission Expires:

S:\BF-BQ\Borthwick Forest, LLC\Easements\Final Documents\2021 04 09 roadway Bike-Pedestrian Path Easement.doc



CITY OF PORTSMOUTH

Municipal Complex
1 Junkins Avenue
Portsmouth, New Hampshire 03801
kconard@cityofportsmouth.com
(603) 610-7201

Karen S. Conard
City Manager

September 8, 2021

Debra S. Grabowski, Executive Director
Foundation for Seacoast Health
100 Campus Drive, Suite 1
Portsmouth, NH 03801

**RE: Real Estate Conveyance from Foundation for Seacoast Health to City of Portsmouth – 100 Campus Drive
City Assessor's Map 0266/0004; consisting of an approximately 72,694 sf building and 37.06 acres of land**

NON-BINDING LETTER OF INTENT

Dear Deb:

Please accept this letter as a non-binding letter of intent concerning the interest of the City of Portsmouth in acquiring all of the real estate of the Foundation for Seacoast Health as captioned. I write this letter with authority from the City Council to do so.

The general terms of the proposed real estate transaction are as follows:

1. The City will acquire all of the real estate (land and buildings) of the Foundation for Seacoast Health (the Property).
2. The purchase price to be paid by the City to the Foundation for the Property will be \$10 million. This sum is to be paid in two parts. First, a lump sum at the time of closing equal to the sum of the amount required by the Foundation to retire any debt secured by the Property plus the amount of any fees and taxes associated with the transaction. This amount is approximately \$5.5 million. Secondly, the remainder of the acquisition funds will be paid over a time period of 5 to 10 years, or less at the option of the City, to be determined by negotiations between the parties. This remainder of the purchase price will be paid with interest by the City in an amount developed by reference to the historical rate of return which the Foundation has received on investments in the past.
3. The City's intention is to acquire and use the Property for the benefit of the community. Accordingly, it will acquire the Property subject to existing leases and is willing to offer two year extensions to those tenants whose leases expire in 2021 and who wish to continue their occupancy after the closing.
4. This letter is not intended to be binding or enforceable by either party. Rather, it will serve as the basis for developing and executing a binding purchase and sale agreement between the City and the Foundation which we propose to be signed on or before November 1, 2021. In the case of the City, such a purchase and sale agreement will require approval of the City Council and the

Planning Board. We understand that it will require the approval of the Board of Trustees of the Foundation for Seacoast Health.

5. The target closing date for the purchase will be on or before January 31, 2022.

If the intent of the Foundation matches that of the City as expressed above, please execute this letter where noted below and return to my attention.

Sincerely,



Karen S. Conard
City Manager

cc: Jon B. Sparkman, Esq.
Robert P. Sullivan, City Attorney

Agreed,

9-15-21
Date

Debra S. Grabowski, CEO
Debra S. Grabowski, Executive Director
Foundation for Seacoast Health

Dear Karen,

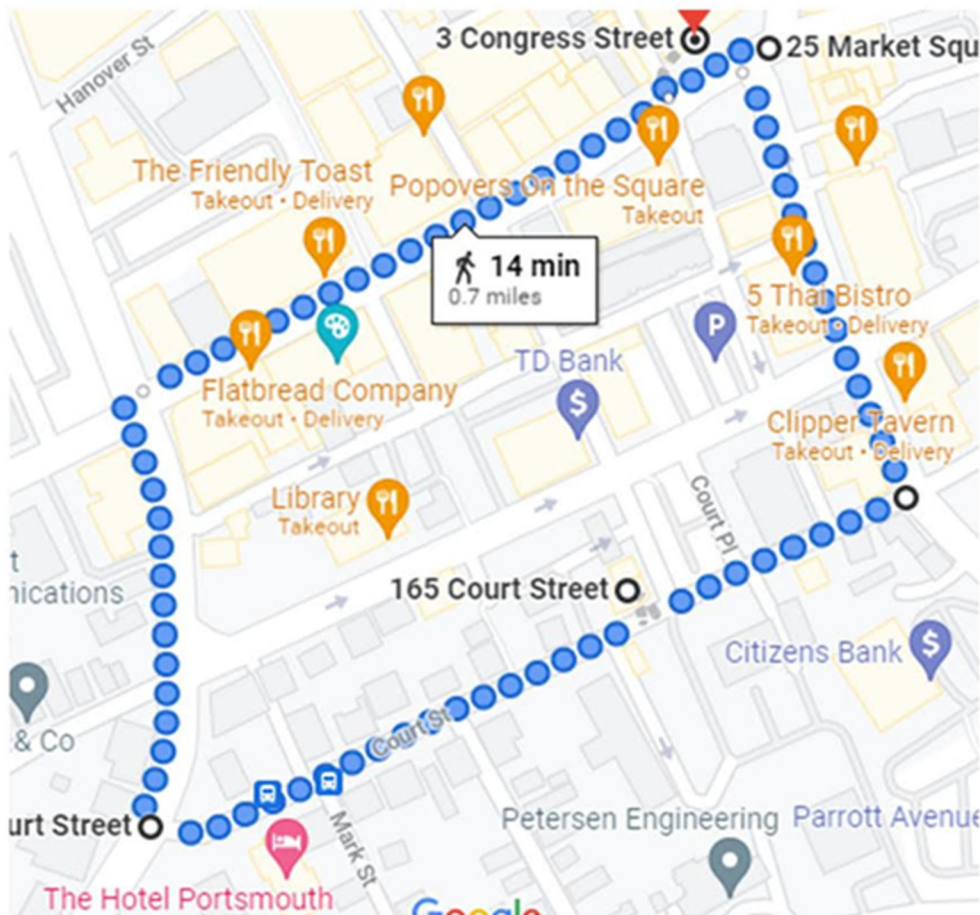
It was nice talking to you on Saturday. As I mentioned, several of us are planning a Women's March on October 2nd. I wanted to provide the details of our plan so you can advise us on additional actions we need to take to ensure the safety of the participants.

Date: Saturday, October 2, 2021

Time: 1-4 pm

Rally Location: Market Square

March Route:



Needed from town: electricity to the outlets on the market square for the sound system

Health precautions: strongly encourage masks in the event description; provide donated masks onsite; trained peacekeepers onsite and along the route to keep markers on sidewalks.

Estimated attendance: 500

I am copying several other organizers in case I forgot something and so they can be copied on your response. I will be going to visit my family in Russia for a week and I want them to be in the loop in case any actions are needed by the org. committee before I return on Sept. 21st.

Thank you for your consideration.

Anna Howard.

Women's March Seacoast Org. committee member

CITY COUNCIL E-MAILS

Received: September 7 2021 (after 5:00 pm..) – September 16, 2021 (before 9:00 a.m.)

September 20, 2021 Council Meeting

Below is the result of your feedback form. It was submitted by Lisa Nelson (lisamnelson8@gmail.com) on Thursday, September 9, 2021 at 12:42:24

address: 145 Brewery Ln, #310, Portsmouth

comments: When rents are higher in Portsmouth then Manhattan it may be time to consider rent control/stabilization.

I was renting in Aria at Portwalk Place (Winn Residential, Prop. Mgr.) in May 2019. In 2020 my rent was renewed at a 2 1/2% increase. In 2021 the proposed rent increase was over 6%. A review of the Portwalk Place website revealed that between April and July there were over 25 units available. Clearly, the mandate was to squeeze out current tenants in order to offer their units rates way over the 6% increase they offered to renew my rent at. In 2021 they also decided to offer their showcase apartment as an "amenity" for tenants in the building to rent as a BNB for a short stay for a predetermined rate. This was perplexing given that there's no shortage of hotels within a 5 minute walking radius and that the hospitality industry was still trying to recover from a mandatory lock down and severe economic hardship - clearly Winn was not interested in being a good corporate neighbor to that hard hit industry. This level of avariciousness is nauseating even at the corporate levels of greed we've become accustomed to.

My hope is that this will peak someone's interest to consider the rent issue and its impacts for future of this city and that there's some bandwidth to take up this important issue.

Sincerely

Lisa Nelson

includeInRecords: on

Below is the result of your feedback form. It was submitted by Jason Stringer (jstringer20@gmail.com) on Friday, September 10, 2021 at 19:09:18

address: 145 Cabot St #1

comments: Hello, please act to support individual liberty, medical freedom, the Nuremberg code and against tyranny. It has been scientifically proven the masks and vaccines are failing and it's not even a vaccine. Vaccines provide immunity. Sweden has already declared covid equal to the flu and we would be better off to declare the same. Please act to end the totalitarian police state they are trying to create! Protect our freedoms which are granted by God and the constitution / bill of rights which protect the minority and the individual.

includeInRecords: on

Below is the result of your feedback form. It was submitted by Randal Leach (rjleach1196@yahoo.com) on Monday, September 13, 2021 at 06:45:30

address: 358 Thornton St

comments: Hello,

As of today September 12, I was rudely awakened by the sound of a semi-truck loaded with Sheetrock down shifting to the STOP sign at Bartlett and Thornton. Ever since Cate st open there are about 20 trucks a day. Most are semis and large box trucks.

I was under the impression from Eric Eby that no trucks would be using this route but use Cate st. This is not so. My house is over 125 years old and my foundation is crumbling from the vibrations of the large vehicles 8 feet from my house. I continually replace mortar in my field stone foundation.

The city's planning and creating the intersection should have incorporated the Portsmouth Police Department for enforcement even if it is just educating the drivers, but that is not so. The only police seen here were driving thru to patrol else where. Years I have complained about the trucks not following the truck routes and what do I get? A cease and desist letter from city attorney stating I will be arrested if I call. So here we are. My questions need to be answered:

Why is this happening?

Does the ppd know what a truck looks like?

When does it stop?

Is the city ready to pay for a new foundation?

Thank you,

Randal Leach

includeInRecords: on

Below is the result of your feedback form. It was submitted by Andrew Bagley (abagley21@gmail.com) on Wednesday, September 15, 2021 at 12:55:58

address: 40 Chauncey Street

comments: Dear Honorable Mayor, Assistant Mayor, and City Council, It has been brought to my attention that tonight's meeting on Wednesday September 15th for the path next to Elwyn Road conflicts with Yom Kippur which starts tonight at sundown (6:53pm). I would imagine its not possible to reschedule at this late hour but would it be possible to have a second meeting for those who celebrate? This is considered the most holy holiday in most Jewish Calendars.

Best regards,

Andrew Bagley

includeInRecords: on

Below is the result of your feedback form. It was submitted by Erik Anderson (andy42152@aol.com) on Wednesday, September 15, 2021 at 14:50:56

address: 38 Georges Terrace

comments: Dear Councilors

This message comes in very short notice but of importance to your attention. At Thursday's 9/16/21 PDA BOD meeting it will consider approving / accepting terms and conditions for a 74 year ground lease with LONZA on a 46 acre long term expansion project.

The terms of this expansion will have reference on COP municipal obligations and agreements (sewer / water) and that volumetric commitment that LONZA has on these service needs. I would want to inform the City Council of this issue to be sure that there is alignment between LONZA and COP on any sewer or water expansion projects and LONZA's contribution to these concerns.

Any replies or comments welcome

With Thanks,

Erik Anderson

includeInRecords: on



M E M O R A N D U M

FROM: Rick Lundborn, PE
 Linda Greer, PE, PTOE
 5 Fletcher Street, Suite 1
 Kennebunk, ME 04043
 207-363-0669 x2314

DATE: September 13, 2021

RE: Cate Street/Bartlett Street Intersection Assessment
 Portsmouth, NH
 Fuss & O'Neill, Inc. Reference No: 20180317.C10

Concerns have been raised about the configuration of the crosswalk particularly the shorter section on the east side of Bartlett Street crossing the northbound slip lane. The purpose of this memorandum is to review the current temporary crosswalk configuration, assess its safety and determine if alternatives are available that are better than what has been temporarily striped in the field by Public Works and being evaluated. The starting point of the crosswalk on the east side of Bartlett Street is north of a utility pole that obscures a pedestrian from northbound traffic. The stopping sight distance to this crosswalk start location is further obscured by the railroad bridge abutment.

This memo will also discuss the overall traffic operations and whether they are inline with the Traffic Study and the overall design projections.

Stopping Sight Distance and Crosswalk Location:

For the evaluation of a crosswalk location, one of the most important things to consider, is the speed at which vehicles are traveling at the location of the crosswalk, and the visibility of the pedestrian to the driver, where the pedestrian would be entering the roadway. It is important that there is enough distance for the vehicle to have the ability to stop at the speed that it is traveling, from the time the driver can see the pedestrian. This is known as stopping sight distance. Below is a table from AASHTO Greenbook stopping sight distance based on speed.

Table 9-19. Stopping Sight Distance for Turning Roadways

U.S. Customary								
Design speed (mph)	10	15	20	25	30	35	40	45
Stopping sight distance (ft)	50	80	115	155	200	250	305	360

Peter Rice
September 13, 2021
Page 2 of 8

Site Visit:

For the purposes of this evaluation a site visit was conducted with the City Director of Public Works and the Construction Technical Supervisor on August 17, 2021. During the site visit, the temporary striping of the island and cross walk was observed as was the behavior of the motorists and pedestrians. This included walking the crosswalk ourselves and then walking the area of the intersection to make observations of and measure stopping sight distances for other possible cross walk locations.

During the site visit we witness approximately 5 pedestrians using the temporary crossing. During the site visit we witnessed vehicles slow and stop for the pedestrians starting from the east side of Bartlett Street. Photo 1 which follows is a picture of the current temporary crossing:



Photo 1: Looking southwest across the temporary painted island toward Cate Street

During the site visit, two locations were determined to be feasible options that could better provide stopping sight distance for motorists approaching the crosswalks and sight distance to oncoming motorists for pedestrians. The locations are shown in the plans attached to this memorandum.

Peter Rice
September 13, 2021
Page 3 of 8

Option 1:

Option 1 is a location just north of the railroad underpass abutment on Islington. During the site visit it was found that by moving the start location of the crosswalk on the east side of Bartlett Street as close to the north side of the Railroad bridge abutment as possible improved the stopping sight distance of motorists and the sight distance of pedestrians in a number of ways:

- Eliminates the Utility pole as an obstruction for the motorists looking north and the pedestrians looking south
- Eliminates the northeast corner of the bridge abutment as an obstruction to motorist and pedestrian sight distance
- Increased the stopping sight distance of motorists from 80-ft to 90-ft
- Moved the crosswalk starting location closer to Islington Street where vehicle speeds were lower, allowing motorists better reaction time
 - Average Speed = 13 mph
 - 85th percentile Speed = 16 mph

Option 1 can be made even safer and provide more stopping sight distance by placing a Rectangular Rapid Flashing Beacon on the curbed island that splits traffic and provides a pedestrian refuge. The stopping sight distance provided by the RRFB is:

- Stopping Sight Distance RRFB = 127-ft
 - Exceeding the requirement for the posted speed limit which is 115-ft

The addition of the RRFB will add an additional visual warning.

Option 1 is entirely within City Right of Way and is similar to the temporary striping. Option 1 does however eliminate the obstructions that are of concern and adds the additional visual warning of a RRFB.

Peter Rice
 September 13, 2021
 Page 4 of 8



Photo 2: Looking north under the Railroad overpass along Bartlett Street toward the intersection for the 90-ft stopping sight distance point

Option 2:

Option 2 moves the cross walk north to a location on Bartlett just south of the driveway for “Window and Doors”. During the site visit, the option of moving the crosswalk up Bartlett Street away from the Bartlett Street / Cate Street intersection was reviewed. In this location roadway speed increases to be between 20 and 24 mph as collected by the Department of Public Works and discussed in a following section of this memorandum.

This location would introduce a mid-block crossing location along the roadway with the installation of RRFB on both sides of the roadway. Due to Right-of-Way constraints, on the west side of Bartlett, the sidewalk width is less than 5'. To install an ADA compliant crosswalk ramps the sidewalk at the ramp would need to be widened to 5', which would require the City to secure an easement for the widening for the ramp and the installation and maintenance of the RRFB.



Peter Rice
 September 13, 2021
 Page 5 of 8

Pedestrians coming from Cate Street would have to walk approximately 100' along west side of Bartlett, 40' to walk across Bartlett and 140' down the east side of Bartlett to then head towards the downtown area. This is a concern since pedestrians do not typically like to walk out of their way. This distance is a bit too far, over 200-ft out of the way for an Islington bound pedestrian. These pedestrians would likely end up crossing outside of the accommodated crossing locations creating unsafe conditions for both themselves and motorists.

During the site visit it was found that Option 2 would create a crosswalk with the following benefits and constraints:

- North Bound Stopping Sight Distance = 157-ft
 - Vehicle just exiting the Railroad overpass
 - Exceeds the required sight distance of 148-ft for 24-mph
- South Bound Stopping Sight Distance = 146-ft
 - Vehicle coming down the hill from Woodbury Avenue
 - Does not meet the required 148.8-ft of stopping sight distance
 - Trees on Private property would need to be limbed up to obtain 146-ft sight distance
- Moved the crosswalk to a location where speeds were increasing, reducing available reaction time.
 - Average Speed = 20 mph
 - 85th percentile Speed = 24 mph
- The Crosswalk would require a sidewalk widening on the west side for an ADA Accessible panel.
 - This would require acquisition of an easement from the adjacent Landowner.
- The Crosswalk would require RRFB's on both sides of Bartlett Street
 - both RRFB's would require easement acquisition from adjacent landowners in order to install them.
- Would require pedestrians to first walk away from downtown to cross the Bartlett Street to get to downtown
 - Some pedestrians would follow the path "as the crow flies" putting themselves at risk as well as motorists

Peter Rice
 September 13, 2021
 Page 6 of 8



Photo 3: Looking south along Bartlett Street toward the Option 2 cross walk location from the 148-ft sight distance location. As can be seen the trees would need to be limbed up

Collected Speed and Traffic Data:

To support evaluation of the various crosswalk locations being explored the City Department of Public Works collected speed and traffic volume information by mounting collection equipment on the utility pole just north of the railroad bridge on the east side of Bartlett Street, this information was used to consider the crosswalk location in Option 1 and is listed below. The City also collected speed and traffic volume information by mounting equipment on the Utility pole north of the driveway to 39 Bartlett Street (parking area the Council held its site visit in).

- **Utility Pole closest to Railroad Bridge:**
 - Utility Pole just north of Bartlett Street railroad underpass collected August 18 – August 20, 2021
 - 606 Vehicles analyzed
 - Average speed is 13 mph
 - 85th percentile speed is 16 mph



Peter Rice
 September 13, 2021
 Page 7 of 8

- **Utility Pole north of 39 Bartlett Street Driveway:**
 - Utility Pole at 39 Bartlett Street collected August 20 – August 24, 2021
 - 21,304 vehicles analyzed
 - Average Speed is 20 mph
 - 85th percentile speed is 24 mph
- Traffic count data was collected to determine if there has been a shift of traffic movements due to the new intersection configuration
 - Collected Friday August 6 – Monday August 9, 2021
 - Collected Sunday September 5 – Tuesday September 7, 2021

The recent traffic counts were compared to count data collected in May 2018 for the Traffic Impact and Site Access Study for Mixed-use Site along Cate Street. The current total intersection counts, for the PM peak hour, are approximately 20% lower than the 2018 counts, and approximately 11% lower for Saturday mid-day peak.

Traffic Patterns:

Since the total intersection counts are different the percentage of the turning movements was compared. It was found that the southbound through decreased by 5% in the PM peak and 9.6% in the Saturday mid-day peak, with the northbound through decreasing also by 5.5% in the PM and 5.2% during Saturday. The eastbound rights are 3.7% higher in the PM peak and 4% higher in the Saturday mid-day peak, along with the southbound rights are 1.4% higher in the PM and 3.3% higher during Saturday.

More traffic is now using Cate Street to get to Route 1 Bypass and the Turnpike instead of traveling on Bartlett Street north of the Cate Street/Bartlett intersection. The change is due to the reconfiguration of the intersection and the improvements on Cate Street. This is lessening the traffic burden on the residential neighborhood north of the Cate Street and Bartlett Street intersection.

Recommendations:

Fuss & O'Neill's recommendation between these two locations is Option 1, for the following reasons:

- Slower vehicular speeds
- Sight distance is met
- The island providing refuge area for the pedestrians
- The ability to add additional RRFB within City controlled Right of Way

Listed below are some addition recommendations determined during the sight visit:

- Add permanent sign "Thru traffic does not stop" to replace portable changeable message sign placed during construction
- Change standard stop sign to a solar powered flashing LED stop sign to increase the signs visibility



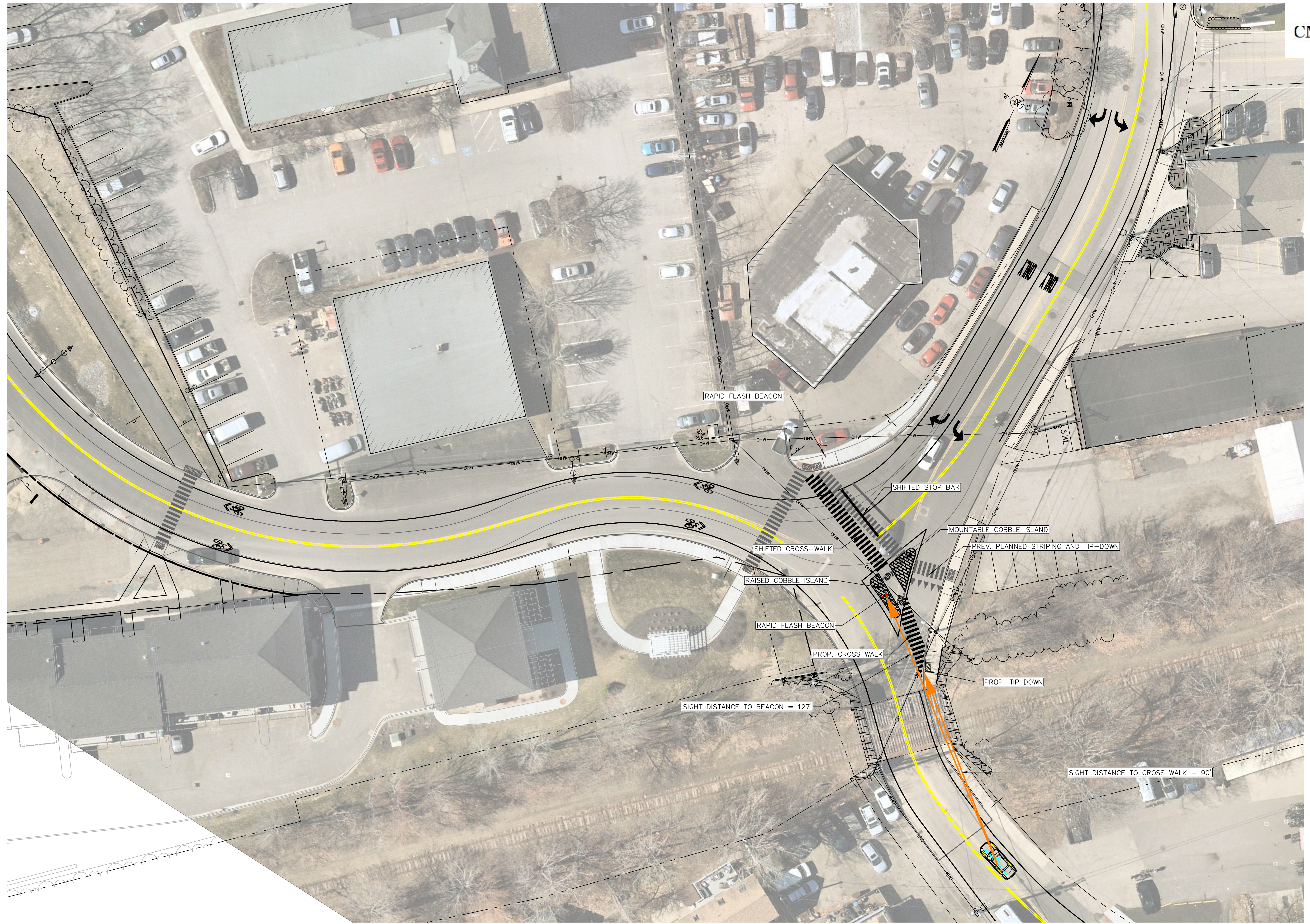
Peter Rice
September 13, 2021
Page 8 of 8

- Add shoulder stripping to Bartlett under the railroad overpass south to Islington Street, which will push vehicles away from the eastside curb. This helps to increase the available sight distance and the narrower lane helps to keep speeds lower.

Conclusion:

Both Option 1 and Option 2 will be safer locations for the crosswalk at the intersection of Cate Street and Bartlett Street. Option 1 is the option that Fuss & O'Neill recommends. It meets all of the necessary requirements, involves no easement acquisition and requires less equipment.

The exercise of reviewing the crosswalk location and collecting speed and traffic data at the Cate and Bartlett Streets intersection provided an opportunity to verify that the Traffic patterns are indeed shifting away from the Bartlett Street Neighborhood; placing commuter and commercial traffic between the Turnpike, Route 1 Bypass and downtown on Cate Street as intended.



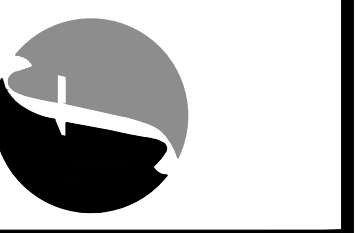
File Path: J:\DWG\20180317\A10_C101.dwg Layout: OPT 1 Plotted: Mon, September 13, 2021 - 1:27 PM User: handborn
 LAYER STATE: PLOTTER: DWG TO PDF.PC3 CTB File: FO.STB
 MS VIEW:

SCALE:

HORZ:	1"=20'
VERT:	1"=20'
DATUM:	NAD83
HORZ:	NGVD29
VERT:	NGVD29

20 10 0 20
GRAPHIC SCALE

FUSS & O'NEILL
 UPPER SQUARE BUSINESS CENTER
 5 FLETCHER STREET, SUITE 1
 KENNEBUNK, MAINE 04043
 www.fandoo.com

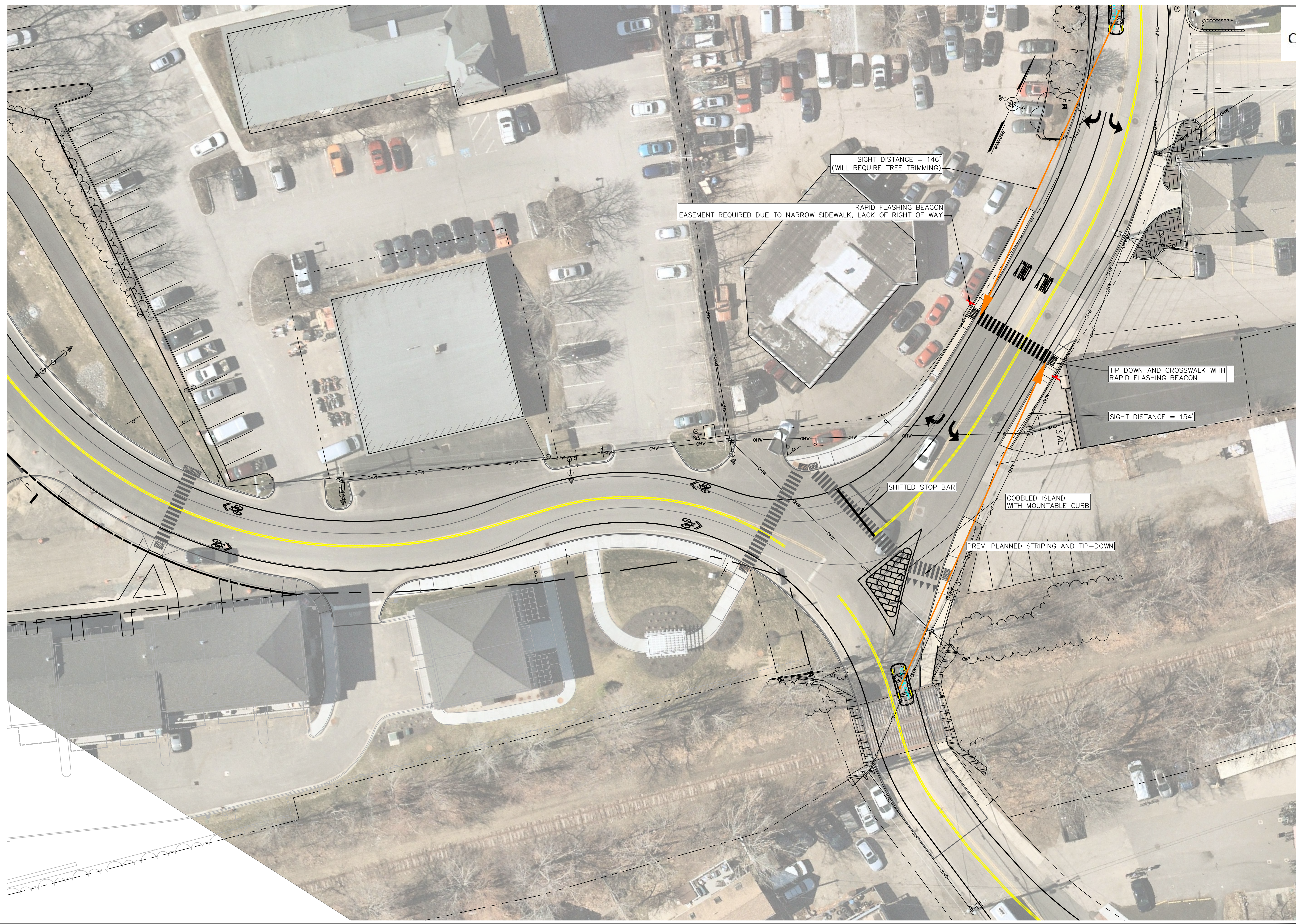


CATE STREET DEVELOPMENT, LLC
 PEDESTRIAN CROSSINGS
 OPTION 1
 CATE STREET
 PORTSMOUTH NEW HAMPSHIRE

PROJ. No.: 20180317.A10
 DATE: 10/28/2020

EXB-101

File Path: J:\DWG\20180317\A10_C101.dwg Layout: OPT 2 Plotted: Mon, September 13, 2021 - 8:59 PM User: rlundborn
 MS VIEW: LAYER STATE: Plotter: DWG TO PDF.PC3 CTB File: FO.STB



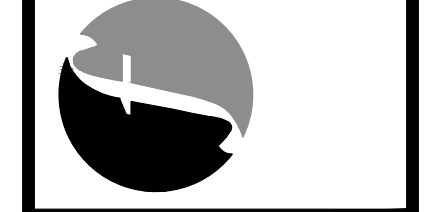
CM Info Item #1

SCALE:

HORZ.:	1"=20'
VERT.:	1"=20'
DATUM:	HORZ.: NAD83 VERT.: NGVD29

GRAPHIC SCALE

FUSS & O'NEILL
 UPPER SQUARE BUSINESS CENTER
 5 FLETCHER STREET, SUITE 1
 KENNEBUNK, MAINE 04043
 www.fandoo.com



CATE STREET DEVELOPMENT, LLC
 PEDESTRIAN CROSSINGS
 OPTION 2
 CATE STREET
 PORTSMOUTH NEW HAMPSHIRE

PROJ. No.: 20180317.A10
 DATE: 10/28/2020

EXB-102

Conditional Use Permits Approved by the Portsmouth Planning Board for Accessory Dwelling Units and Garden Cottages between April 2017 and August 2021

Date of PB Approval	Address	Property Owner	Description (Detached Accessory Dwelling Unit DADU, Attached Accessory Dwelling Unit AADU, or Garden Cottage)
04/20/17	Clinton Street 123	Alan G. Brady/Kendall E. Perkins	DADU
05/18/17	Walker Bungalow Road 171	Paul & Diane Messier	AADU
07/20/17	Islington Street 1490	Paul M. & Laura L. Mannie	AADU
	Sylvester Street 4	Gary & Arial Sillanpaa	DADU
7/20/2017			
08/17/17	Dodge Avenue 174	Steven H. Lee	Garden Cottage
10/19/17	Buckminster Way 5	Cristin Pugliese	AADU
12/21/17	Orchard Street 140	Christopher L. & Anna D. Shultz	Garden Cottage
03/15/18	Jones Avenue 323	Peter L. Evans	AADU
5/17/2018	Walden Street 28	Christopher & Tracy Kozak	Garden Cottage
7/19/2018	Sagamore Avenue 191	Mark Baldassare	Garden Cottage
9/30/2018	Leslie Drive 304	Kyle Crossen-Langelier	AADU
12/26/18	Cass Street 149	Samuel Dushkin & Nicole Defeo	Garden Cottage
2/21/2019	Fields Road 65	Patrick Hughes	AADU
4/25/2019	Middle Road 746	Joseph & Ellen Yarborough	DADU
6/20/2019	Little Harbor Road 325	ADL Portsmouth Residence Trust	DADU
6/27/2019	Eastwood Drive 97	Paul Mullen	AADU
7/18/2019	McKinley Road 221	Laurie Griffin	AADU
9/26/2019	Haven Road 86	Kerrin Parker	AADU
9/26/2019	Middle Street 700	Michael Myers	Garden Cottage
10/17/2019	Colonial Drive 346	Kenneth Young	AADU
10/17/2019	Sherburne Road 130	Donald Squires	AADU
2/20/2020	Dennett Street 592	James Parkington	AADU
7/16/2020	New Castle Avenue 220	Charles Locke	Garden Cottage
10/15/2020	Grant Avenue 175	Kenton Slovenski	AADU
12/17/2020	Dodge Avenue 95	Thomas Murphy	AADU
2/25/2021	Spinney Road 225	Jenna Thomson	AADU
03/25/21	Artwill Avenue 36	Karona, LLC	DADU
3/25/2021	Lincoln Avenue 81	Matthew Beebe	Garden Cottage
3/25/2021	Woodbury Avenue 869	Shawn Dick	AADU
6/17/2021	Middle Rd 710	Andrew Harvey	DADU
7/15/2021	Mount Vernon St 50	Susan Alex	Garden Cottage
7/15/2021	Wibird St 315	Kaarine Milne	Garden Cottage

Other Conditional Use Permits Issued by the Planning Board according to the Portsmouth Zoning Ordinance (excluding wetlands and accessory dwelling units / garden cottages) between August 2017 and August 2021

CUP Granted	Detailed Description	Full Address
12/21/2017	Conditional Use Permit pursuant to Section 10.1112.52 of the Portsmouth Zoning Ordinance to permit a maximum of 96 parking spaces	2075 Lafayette Rd
3/15/2018	Conditional Use Permit approval pursuant to Section 10.1112.52 of the Zoning Ordinance to allow the construction of a 2-story addition to a mixed use building with the provision of 0 parking spaces where 8 are required by zoning and 1 was allowed by a previously granted variance, with a footprint of 748 ± s.f., and gross floor area of 1,216 ± s.f.	177 State St
3/22/2018	Conditional Use Permit approval pursuant to Section 10.1112.52 of the Zoning Ordinance to allow 6 additional parking spaces for a total of 61 parking spaces where (the maximum allowed) 55 parking spaces were approved by the Planning Board on November 17, 2016 for a multi family 3-story building with a footprint of 17,667 ±s.f. and gross floor area of 53,000 ± s.f.	150 Route 1 By-Pass
3/22/2018	Conditional Use Permit approval pursuant to Section 10.1112.52 of the Zoning Ordinance to allow a third floor addition to the rear of the building where no off-street parking currently exists and no additional off-street parking is proposed	77 Daniel St
7/19/2018	Conditional Use Permit approval pursuant to Section 10.1112.52 of the Zoning Ordinance to allow a 64 residential units with 60 parking spaces, where 135 parking spaces are required	140 Court St
9/20/2018	Conditional Use Permit approval for banking of community space under Section 10.5A46.23 of the Ordinance	Deer Street (Lot 2)
11/15/2018	Conditional Use Permit approval pursuant to Section 10.1112.52 of the Zoning Ordinance to allow 3 residential units with 2 parking spaces where 4 parking spaces are required	206 Court St
12/20/2018	Conditional Use Permit approval pursuant to Section 10.1112.52 of the Zoning Ordinance to expand a preschool from 20 students to 28 students, where 14 parking spaces are required and 0 off-street parking currently exist and no additional off-street parking is proposed	102 State St
1/17/2019	Conditional Use Permit under Section 10.1112.52 of the Zoning Ordinance to allow 60 parking spaces where 71 parking spaces are required	686 Maplewood Ave
3/21/2019	Conditional Use Permit under Section 10.5B71.20 of the Zoning Ordinance for a residential density of 22 dwelling units per acre and related modifications to building length and number of dwelling units per building in Section 10.5B25 of the Zoning Ordinance	428 US Route 1 Bypass
4/18/2019	Conditional Use Permit under Section 10.674 of the Zoning Ordinance to construct a building for religious assembly within the Highway Noise Overlay District	686 Maplewood Ave
5/16/2019	Conditional Use Permit for the North End Incentive Overlay District in accordance with Section 10.5A46.23 of the Zoning Ordinance to allow 3,206 s.f. of Community Space provided by this project to be credited to the applicant for use in another development in the same Incentive Overlay District	145 Maplewood Ave
5/16/2019	Conditional Use Permit under Section 10.1112.14 of the Zoning Ordinance for provision of no on-site parking spaces where a minimum of three are required to operate an Inn	49 Hunking St
6/20/2019	Conditional Use Permit approval in accordance with Sections 10.240 and 10.440 (#19.50) of the Zoning Ordinance to allow an Outdoor Dining and Drinking Area as an accessory use	105 Bartlett St
6/27/2019	Conditional Use Permit in accordance with Sections 10.240 and 10.440 (#19.50) of the Zoning Ordinance to allow an Outdoor Dining or Drinking Area as an accessory use	110 Brewery Lane
8/15/2019	Conditional Use Permit in accordance with Section 10.1112.14 of the Zoning Ordinance for provision of 367 parking spaces where a maximum of 336 are allowed by Section 10.1112.51 of the Zoning Ordinance	145 Lang Rd
8/15/2019	Conditional Use Permit in accordance with Section 10.1112.14 of the Zoning Ordinance to provide less than the required minimum number of off-street parking spaces	2454 Lafayette Rd
9/26/2019	Amendment to previously approved Conditional Use Permit pursuant to Section 10.5B71.20 of the Zoning Ordinance to allow a density of 28 dwelling units per acre	428 US Route 1 Bypass
1/16/2020	Conditional Use Permit approval under Section 10.5A43.43 of the Zoning Ordinance to allow a building footprint of 17, 200 square feet	60 Penhallow St

Other Conditional Use Permits Issued by the Planning Board according to the Portsmouth Zoning Ordinance (excluding wetlands and accessory dwelling units / garden cottages) between August 2017 and August 2021

CUP Granted	Detailed Description	Full Address
2/20/2020	Conditional Use Permit approval for a Development Site according to the requirements of Section 10.5B40 of the Zoning Ordinance and Site Plan Review approval for the construction of a new 22-unit residential apartment building with a footprint of 7,660 s.f. and 29,607 s.f. GFA with grading, lighting, utilities, stormwater management, landscape improvements, and community space and a Conditional Use Permit in accordance with Section 10.1112.14 of the Zoning Ordinance for provision 109 on-site parking spaces where a minimum of 134 are required	200 Chase Dr
2/27/2020	Conditional Use Permit in accordance with Section 10.1112.14 of the Zoning Ordinance for a renovation of an existing building that will result in a net increase of 1 dwelling unit that proposes to provide 7 on-site parking spaces where 8 currently exist and a minimum of 24 are required under the current zoning ordinance	132 Middle St
4/30/2020	Conditional Use Permit in accordance with Sections 10.240 and 10.440 (#19.50) of the Zoning Ordinance to allow an outdoor Dining and Drinking Area as an accessory use	1001 Islington St
4/30/2020	Conditional Use Permit approval for a Development Site according to the requirements of Section 10.5B40 of the Zoning Ordinance and Site Plan Review approval for the construction of a 53-unit Garden and Townhouse Style residential development consisting of 6 structures with a combined total footprint of 37,775 +/- s.f. and 122,000 +/- GFA with associated grading, lighting, utilities, stormwater management, landscape improvements and community space	1400 Lafayette Rd
8/20/2020	Conditional Use Permit in accordance with Sections 10.240 and 10.440 (#19.50) of the Zoning Ordinance to allow an outdoor Dining and Drinking Area as an accessory use	801 Islington St
8/20/2020	Conditional Use Permit for a drive-through facility in accordance with Section 10.440 (19.40) of the Zoning Ordinance	1574 Woodbury Ave
9/17/2020	Conditional Use Permit approval for an Open Space Planned Unit Development according to the requirements of Section 10.725 of the Zoning Ordinance and Site Plan Review approval for the construction of 22 single-family homes and a new road with related paving, utilities, landscaping, drainage and associated site improvements	0 Banfield Rd
11/19/2020	Conditional Use Permit in accordance with Section 10.1112.14 of the Zoning Ordinance for the provision of 8 on-site parking spaces where a minimum of 9 are required and Site Plan Review Approval for a 359 s.f. addition and renovation to an existing six-unit apartment building, with the removal of an existing garage and addition of paving and striping, landscaping and lighting.	553 Islington St
2/18/2021	Conditional Use Permit in accordance with Section 10.1112.14 of the Zoning Ordinance for provision of no on-site parking spaces where 12 spaces are required	238 Deer St
2/25/2021	Conditional Use Permit in accordance with Section 10.1112.14 of the Zoning Ordinance for provision of nine (9) on-site parking spaces where 11 spaces are required	411 Middle St
2/25/2021	Conditional Use Permit in accordance with Section 10.1112.14 of the Zoning Ordinance for provision of ten (10) on-site parking spaces where eighteen (18) spaces are required	6 Robert Ave
3/18/2021	Conditional Use Permit under Article 6 Section 10.674 of the Zoning Ordinance for construction of new residences in the Highway Noise Overlay District	1 Clark Dr
3/25/2021	Conditional Use Permit in accordance with Section 10.1112.14 of the Zoning Ordinance for provision of 1 on-site parking space where 2 spaces are required.	105 Thornton St
4/15/2021	Conditional Use Permit for shared parking on separate lots as permitted by Section 10.1112.62 of the Zoning Ordinance	105 Bartlett St
7/15/2021	Conditional Use Permit Approval in accordance with Section 10.1112.14 of the Zoning Ordinance, for the provision on no on-site parking spaces where three (3) are required	121 Bow St

Wetland Conditional Use Permits Granted by the Planning Board according to Section 10.1017 of the Portsmouth Zoning Ordinance between August 2017 and August 2021

	Description of Proposed Wetland Work	Full Address	Date Granted	Type
1	For work within the tidal wetland buffer to replace the existing home, remove two accessory buildings, renovate the carriage house, construct a pool, pool house and patio, replace a failing septic system with a new septic system, replace existing driveway with permeable pavers, repair the stone retaining wall and add native plants, with 4,995 ± s.f. of temporary impact to the wetland buffer and 149,508 ± s.f. of permanent impact to the wetland buffer.	325 Little Harbor Road	9/21/2017	residential
2	for work within the inland wetland and wetland buffer to separate the combined sewer/water system by creating a new drain outfall to the east of the driveway; a second 15" reinforced concrete pipe (RCP) with disturbance to the roadway, grassed area and sidewalk; and a new drain outfall at the low point of Maplewood Avenue, with 282 ± s.f. of temporary impact and 17 ± s.f. of permanent impact to the inland wetland and 14,215 ± s.f. of permanent impact to the inland wetland buffer.	Maplewood Avenue	9/21/2017	public
3	for work within the inland wetland and inland wetland buffer for the reconstruction of 3 additional utility poles (for a total of 29), with an additional 120 ± s.f. of permanent impact to the inland wetland and 11,156 ± s.f. of impact to the inland wetland buffer	Ocean Road and Greenland Road	9/21/2017	utility
4	for work within the inland wetland buffer to construct a freestanding 375 s.f. ground level deck with stormwater mitigation which includes a 6' x 8' flower bed, gravel at the foot of the driveway and crushed stone under the deck, with 395 ± s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 152 as Lot 18 and lies within the Single Residence B (SRB) District.	105 Middle Road	10/19/2017	residential
5	for work within the inland wetland buffer to expand an existing driveway and install a rain garden for stormwater mitigation, with 77 ± s.f. of impact to the wetland buffer.	240 McKinley Road	10/19/2017	residential
6	for work within the inland wetland buffer to replace an existing single-lane driveway with a double-lane driveway with stormwater mitigation which includes a rain garden at the foot of the driveway and gravel edging, with 300 ± s.f. of impact to the wetland buffer.	250 McKinley Road	10/19/2017	commercial
7	for work within the inland wetland buffer to construct an outdoor classroom using native plants, shrubs, trees, peastone bedding and stone blocks for seating and to create a buffer to screen the school dumpsters, with 1,262 ± s.f. of impact to the wetland buffer.	50 Clough Drive	10/19/2017	public
8	for work within the inland wetland buffer to remove two buildings, remove pavement and replace with pervious and impervious pavement, for a truck sales outlet with vehicle storage, with 2,570 ± s.f. of permanent impact to the wetland buffer.	150 Spaulding Turnpike	12/21/2017	commercial
9	for work within the tidal wetland buffer to install a generator, trench lines from a buried propane tank to the generator and a revised pool/cabana layout, with 180 ± s.f. of impact to the wetland buffer.	3 Curriers Cove	12/21/2017	residential
10	for work within the inland and tidal wetland buffers to eliminate gutters and one catch basin, relocate a manhole and eliminate the pervious paver parking area, with a 396 ± s.f. reduction of permanent impact and 35 ± s.f. of temporary impact to the wetland buffer	36 Shaw Rd	12/21/2017	residential
11	for work within the inland wetland for the installation of above ground piping to facilitate cleaning and inspection operations on the existing underground gas main, with 7,070 ± s.f. of impact to the wetland.	1166 Greenland Road	1/18/2018	utility
12	for work within the inland and tidal wetland buffer for replacement of an existing detached garage with a new attached garage, addition of a new septic tank, reconfiguration of the existing driveway and stormwater management, with 10,359 ± s.f. of temporary and permanent impacts to the inland and tidal wetland buffer.	212 Walker Bungalow Road	1/18/2018	residential

Wetland Conditional Use Permits Granted by the Planning Board according to Section 10.1017 of the Portsmouth Zoning Ordinance between August 2017 and August 2021

	Description of Proposed Wetland Work	Full Address	Date Granted	Type
13	for work within the inland and tidal wetland buffer for the demolition and replacement of a portion of an existing building where the original application (approved by the Planning Board on January 18, 2018) had stated that the original house would remain, with 10,767 ± s.f. (3,172 s.f. of existing impact and 7,594 s.f. of new impact) of impacts to the inland and tidal wetland buffers.	212 Walker Bungalow Road	3/22/2018	residential
14	for work within the inland wetland buffer to construct a 785 ± s.f. restaurant/take-out building and 195 ± s.f. attached patio, with drive thru service and a walk –up window, with 6,870 ± s.f. of impact to the wetland buffer.	1850 Woodbury Avenue	4/19/2018	commercial
15	for work within the inland wetland buffer for drainage improvements along Hoover Drive, Taft Road, Grant Avenue and FW Hartford Drive, including the replacement of a headwall to accommodate a second 24" culvert, with 300 ± s.f. of impact to the wetland and 600 ± s.f. of impact to the wetland buffer.	Hoover Drive Drainage	4/19/2018	public
16	for work within the tidal wetland buffer to replace an existing 570 ± s.f. deck with a proposed 892 ± s.f. deck and conversion of 443 ± s.f. of asphalt to porous pavement, with 1,996 ± s.f. of impact to the wetland buffer.	150 Brackett Road	5/17/2018	residential
17	for work within the inland wetland buffer to construct a 12' x 16' deck where a 10' x 16' patio was approved as part of a previous approval by the Planning Board on March 19, 2015, with 192 ± s.f. of impact to the wetland buffer.	6 Vine Street	5/17/2018	residential
18	for work within the tidal and inland wetland buffer to demolish an existing pool house and pool area and construct a new pool house, pool, garage, dock and driveway expansion, with 11,075 ± s.f. of impact to the wetland buffer	175 Gosport Road	6/21/2018	residential
19	for work within the tidal wetland buffer to convert an existing 1,260 s.f. gravel driveway and parking area to porous pavement, with 1,395 ± s.f. of impact to the wetland buffer	390 New Castle Avenue	6/21/2018	residential
20	for work within the inland wetland buffer to construct a 442 ± s.f. wooden deck, with 1' of gravel skirting around the perimeter, with 442 ± s.f. of impact to the wetland buffer.	639 Middle Road	7/19/2018	residential
21	for work within the inland wetland buffer to construct a 1,152 ± s.f. single family home with associated garage, septic system and driveway, with 15,157 ± s.f. of impact to the wetland buffer.	Martine Cottage Road	8/16/2018	residential
22	for work within the tidal wetland buffer for the removal of the existing paved driveway and walkway and an existing 127 s.f. screen house and the construction of a 23' x 25' two-car garage with a permeable driveway and walkway, with 1,700 ± s.f. of impact to the wetland buffer.	206 Northwest Street	8/23/2018	residential
23	for work within the tidal wetland buffer to demolish the existing home and detached garage, construct a new 1,968 ± s.f. single family residence with attached 756 ± s.f. garage, a new septic system and the relocation of the driveway, with 8,990 ± s.f. of impact to the wetland buffer	220 Walker Bungalow Road	8/23/2018	residential
24	for work within the inland wetland buffer for the reconstruction of a retaining wall, relocation of granite steppers, relocation of low retaining wall, increased permeable walkway and driveway, and increased plant and buffer enhancement areas, with 1,091 ± s.f. of impact to the wetland buffer, resulting in a net reduction of impervious surface of 133 s.f..	244 South Street	8/23/2018	residential
25	for work within the inland wetland buffer for the addition of a 157 s.f. deck and a 140 s.f. ground level patio in crushed stone or permeable pavers, and additional plantings on the east side to offset disturbance, with 297 ± s.f. of impact to the wetland buffer.	254 SOUTH ST, Portsmouth, NH 03801	8/23/2018	residential

Wetland Conditional Use Permits Granted by the Planning Board according to Section 10.1017 of the Portsmouth Zoning Ordinance between August 2017 and August 2021

	Description of Proposed Wetland Work	Full Address	Date Granted	Type
26	for work within the inland wetland buffer for playground renovations, including the replacement and/or relocation of old play structures and play areas, creating multiple earthen mounds, and imported sculpted earth on the edge of the edge of the wetland, with 2,259 + s.f. of impact to the inland wetland and 15,500 ± s.f. of impact to the inland wetland buffer.	32 Van Buren Avenue	8/23/2018	public
27	for work within the inland wetland buffer for the removal of a 285 + s.f. foundation with 1,187 s.f. of temporary impacts and 654 + s.f. of permanent grading impacts to the inland wetland buffer.	Rockingham Avenue	8/23/2018	residential
28	for work within the inland wetland buffer for replacement of the entrance gate, expansion of the driveway width and turning radii using permeable pavers, the installation of four AC units on the easement side of the garage, reconfiguration of retaining walls and walkways, and the addition of a security gate at the western entrance, with 1,471 + s.f. of impact to the wetland buffer	350 Little Harbor Road	8/23/2018	residential
29	for work within the inland wetland buffer to construct a 187 s.f. addition to an existing shed, with 180 ± s.f. of impact to the wetland buffer.	1047 Banfield Road	9/20/2018	residential
30	for work within the inland wetland buffer to construct a wood 12' X 18' garden shed, on cement blocks, with 216 ± s.f. of impact to the wetland buffer.	198 Essex Avenue	10/18/2018	residential
31	for work within the inland wetland buffer to demolish an existing 120 s.f. (10' x 12') wooden deck and construct a 189 s.f. (13' x 14'6") Azek and wood deck on the same site, with 189 ± s.f. of impact to the wetland buffer	460 F.W. Hartford Drive	10/18/2018	residential
32	for work within the inland wetland buffer to construct a 6,200 s.f. vehicle storage parking lot using porous pavement, reduce impervious surface in the buffer and grading in the buffer, with 8,135 ± s.f. of impact to the wetland buffer	120 Spaulding Turnpike	11/15/2018	commercial
33	for work within the inland wetland buffer to install a 12' wide security gate on the western side of the lot (to restrict public access from Martine Cottage Road), installation of 255 linear feet of buried electrical conduit from the residence to the proposed gate, 740 linear feet of buried irrigation line to provide water to proposed landscaped areas and dock, 3,770 s.f. of after the fact disturbance within the wetland buffer for the placement of crushed stone and wood chips, with 4,875 ± s.f. of impact to the wetland buffer.	350 Little Harbor Road	11/15/2018	residential
34	for work within the tidal wetland buffer to install a replacement residential sewage disposal system and remove the old system septic tank and pump chamber, with 1,576 ± s.f. of impact to the tidal wetland buffer	910 Sagamore Avenue	12/20/2018	residential
35	for work within the inland wetland buffer to replace the existing septic system, with 1,248 +/- s.f. of impact to the inland wetland buffer	449 Ocean Rd	1/17/2019	residential
36	for work within the inland wetland and inland wetland buffer to replace seven (7) existing utility poles, with 27,300 +/- s.f. of temporary impact to the inland wetland and 3,114 +/- s.f. of temporary impact to the inland wetland buffer	Echo Ave to Gosling Rd	1/17/2019	utility
37	for 1,096 square feet of temporary impact and 641 square feet of permanent impact for a total of 1,737 square feet of wetland buffer disturbance for construction of an attached garage with associated site improvements.	50 PLEASANT POINT DR, Portsmouth, NH	02/21/2019	residential
38	for work within the inland wetland buffer to infill a previously excavated depression, smooth a 7 ft. path for utility/emergency vehicle access, and the removal of 6 trees with 1,850 s.f. of impact to the wetland buffer.	11 SAGAMORE GRV, Portsmouth, NH 0380	3/21/2019	residential
39	for 19,567 square feet of temporary impacts and 50,225 square feet of permanent impacts for a total of 69,792 square feet of wetland buffer disturbance to restore the bank of Hodgson Brook, redevelop the lots for residential living space including office and retail space	428 US ROUTE 1 BYP, Portsmouth, NH 0380	3/21/2019	mixed use

Wetland Conditional Use Permits Granted by the Planning Board according to Section 10.1017 of the Portsmouth Zoning Ordinance between August 2017 and August 2021

	Description of Proposed Wetland Work	Full Address	Date Granted	Type
40	for work within the inland wetland buffer to install permeable pavers for two parking spaces and plantings, with 150 ± s.f. of impact to the wetland buffer	43 Whidden Road	4/18/2019	residential
41	for work within the inland wetland and buffer and prime wetland and prime wetland buffer to replace three culverts, install a guardrail, and construct granite curbing with a multi-use trail/sidewalk from Ocean Road to Heritage Avenue	0 OCEAN RD, Portsmouth, NH 03801	4/25/2019	public
42	for wetland and buffer restoration work with an impact of 11,800 +/- s.f.	200 FW HARTFORD DR, Portsmouth, NH 03801	4/25/2019	residential
43	for work within the wetland buffer to build an addition with a footprint and gross floor area of 405 s.f. with 2,764 +/- s.f. of wetland buffer disturbance	86 NEW CASTLE AVE, Portsmouth, NH 03801	4/25/2019	residential
44	for playground renovations. The amendment includes addition of a performance area with stage and benches and an accessible recreation access route/boardwalk with 309 +/- s.f. of wetland buffer disturbance.	32 Van Buren Avenue	5/16/2019	public
45	for the location of stairs from the deck which was the subject of a prior approval. The new stairs will create a new impact of 35 square feet in the tidal wetland buffer zone.	150 Brackett Road	6/20/2019	residential
46	the replacement of two utility poles adjacent to Borthwick Avenue. The project includes a temporary impact of 2,227 square feet in the wetland area and 4,567 square feet in the wetland buffer	0 BORTHWICK AVE, Portsmouth, NH 03801	6/27/2019	utility
47	for construction of a 140 square foot shed, level the rear yard, and remove an existing rock wall all within the 100 foot tidal buffer zone	123 SPARHAWK ST, Portsmouth, NH 03801	6/27/2019	residential
48	to demolish the entire existing house along with existing pavement surfaces resulting in approximately 1,400 square feet of impact in the tidal wetland buffer	400 LITTLE HARBOR RD, Portsmouth, NH 03801	6/27/2019	residential
49	to allow improvements to an existing parking lot including regrading, re-striping and improvements for accessibility all within the footprint of the existing paved area with approximately 16,900 square feet of impact to the inland wetland buffer.	225 BORTHWICK AVE, Portsmouth, NH 03801	7/10/2019	commercial
50	to relocate an 8' by 12' shed into the wetland buffer adjacent to the house	210 FW HARTFORD DR, Portsmouth, NH 03801	7/18/2019	residential
51	for 500 square feet of impact in the inland wetland buffer zone to replace an existing 18" corrugated metal pipe with a 15" HDPE culvert pipe.	145 LANG RD, Portsmouth, NH 03801	8/15/2019	multi-family
52	to construct an addition to a single family home 200 square feet of which falls in the 100' Inland Wetland Buffer zone.	5 SYLVESTER ST, Portsmouth, NH 03801	8/15/2019	residential
53	for work within the inland wetland buffer to construct a deck for an existing pool, with 223 +/- s.f. if impact to the wetland buffer.	20 TAFT RD, Portsmouth, NH 03801	10/17/2019	residential
54	to construct three multi-purpose recreational fields and associated parking and a solid waste / recycling transfer station on the site of a reclaimed quarry with 489,592 sq. ft. of disturbance in the wetland buffer and 57,512 sq. ft. of direct disturbance to the wetland.	680 PEVERLY HILL RD, Portsmouth, NH 03801	10/17/2019	public
55	requesting to retain existing stone pavers that would create an impact of approximately 590 square feet in the inland wetland buffer	350 Little Harbor Road	10/17/2019	residential
56	to install four paver pads for picnic tables in the 100 foot inland wetland buffer for a total project impact of 200 square feet in the buffer.	225 BORTHWICK AVE, Portsmouth, NH 03801	11/21/2019	commercial
57	for a two-story building addition with a footprint of 1,220 square feet in the area of the former mobile-MRI unit with a permanent disturbance of 2,954 square feet and temporary disturbance of 1,610 square feet all within the 100' inland wetland buffer.	333 BORTHWICK AVE, Portsmouth, NH 03801	11/21/2019	institutional
58	to replace a failing septic system resulting in 2,200 square feet of permanent impact and 3,000 square feet of temporary impact in the inland wetland buffer	400 LITTLE HARBOR RD, Portsmouth, NH 03801	5/21/2020	institutional
59	for a temporary disturbance of 7,700 square feet in the inland and tidal wetland buffer	400 LITTLE HARBOR RD, Portsmouth, NH 03801	5/21/2020	institutional
60	to replace a culvert on city property and install drainage on an abutting private property. The wetland buffer impact on 185 Edmond Avenue is 1,375 square feet and on the abutting City property is 150 square feet. All of the wetland buffer impact is temporary disturbance.	185 EDMOND AVE, Portsmouth, NH 03801	6/18/2020	public

Wetland Conditional Use Permits Granted by the Planning Board according to Section 10.1017 of the Portsmouth Zoning Ordinance between August 2017 and August 2021

	Description of Proposed Wetland Work	Full Address	Date Granted	Type
61	to do a complete renovation of the existing structures on the property to include new garage area of 657 square feet, a new addition of 495 square feet and a new deck of 285 square feet, the majority of which is within the wetland buffer. The proposed project will also be removing an existing garage and shed from the wetland buffer. Overall this application represents a reduction of impervious surface in the wetland buffer from 2,228 to 2,152 square feet.	32 MONTEITH ST, Portsmouth, NH 03801	6/18/2020	residential
62	to install a shed with 200 square feet of impact completely within the wetland buffer	375 FW HARTFORD DR, Portsmouth, NH 03801	6/18/2020	residential
63	to replace a rotting deck with a larger deck and and new stairs with an overall impact of 378 square feet in the wetland buffer. The project will include crushed stone under the deck for stormwater infiltration.	480 FW HARTFORD DR, Portsmouth, NH 03801	6/18/2020	residential
64	for replacement of three wooden utility poles with one steel pole and replacement of one wooden pole with one steel pole. There is 3,359 square feet of temporary buffer impact and 3,348 square feet of temporary wetland impacts. Impacts are from the placement of timber mats to allow equipment to access the pole location with temporary impacts to wetland and wetland buffer areas.	0 BORTHWICK AVE, Portsmouth, NH 03801	7/16/2020	utility
65	to construct 22 single family homes and an access road with an impact of 4,013 s.f. of inland wetland area and 21,089 sq. ft. in the wetland buffer.	0 BANFIELD RD, Portsmouth, NH 03801	8/20/2020	multi-family
66	to construct a 16 x 16 foot addition, 12 x 12 foot deck and associated stairway and porous paver patio where a 12x12 foot porch currently exists. The design incorporates stormwater infiltration and new buffer plantings.	18 DUNLIN WAY, Portsmouth, NH 03801	9/17/2020	residential
67	to construct a 180 square foot shed on a concrete pad with associated drip edge, remove a 220 square foot structure and restore the site to a lawn area.	180 GREENLEAF AVE, Portsmouth, NH 03801	9/17/2020	residential
68	to install a living shoreline consisting of grading and planting, shoreline revetment repair and replacement dock to restore the eroding shoreline at this location.	148 BRACKETT RD, Portsmouth, NH 03801	10/15/2020	residential
69	for 1,169 square feet of impact to replace an asphalt and gravel parking area with a pervious paver parking area and 583 square feet to install new landscaping where grass currently exists.	140 EDMOND AVE, Portsmouth, NH 03801	11/19/2020	residential
70	to restore the shoreline of Thompson Pond where invasive species were removed and mulched in place essentially clearing the 25' vegetated buffer. The restoration plan includes plantings to restore the buffer with native vegetation.	996 MAPLEWOOD AVE, Portsmouth, NH 03801	11/19/2020	residential
71	to remove some diseased and damaged trees, install a fence and replace an existing driveway that will result in 1,755 square feet of disturbed wetland buffer area and 545 square feet of disturbed wetland area	32 BOSS AVE, Portsmouth, NH 03801	12/17/2020	residential
72	to replace an existing unfinished right-of-way with a new private road to access two lots as well as stormwater treatment and wetland buffer plantings which will result in a temporary impact of the wetland buffer of 2,344 s.f. and permanent impact of the wetland buffer of 4,539 s.f.	0 PATRICIA DR, Portsmouth, NH 03801	2/18/2021	residential
73	for in-kind replacement of a garage steps and a landing and installation of stormwater infiltration.	163 SPARHAWK ST, Portsmouth, NH 03801	2/18/2021	residential
74	to construct a new deck, and staircase onto the existing residential structure, relocate an existing storage shed and install native plantings in the buffer.	232 SOUTH ST, Portsmouth, NH 03801	2/18/2021	residential
75	to renovate an existing home with portions of the new construction in the wetland buffer	239 NORTHWEST ST, Portsmouth, NH 03801	2/18/2021	residential
76	to construct an addition of an entryway to the front of the house and a deck behind the house. In addition a replacement tank and associated piping within the wetland buffer zone.	292 LANG RD, Portsmouth, NH 03801	2/18/2021	residential
77	to demolish an existing home, driveway, and swimming pool and construct a new private road and create four new house lots with associated stormwater management infrastructure which will result in 15,500 square feet of impact in the 100-foot wetland buffer	1 CLARK DR, Portsmouth, NH 03801	3/18/2021	multi-family
78	to install a security fence along the property line resulting in 5 square feet of fence footings in the wetland and 10 square feet in the wetland buffer	355 BANFIELD RD, Portsmouth, NH 03801	3/25/2021	institutional

Wetland Conditional Use Permits Granted by the Planning Board according to Section 10.1017 of the Portsmouth Zoning Ordinance between August 2017 and August 2021

	Description of Proposed Wetland Work	Full Address	Date Granted	Type
79	to install a low pressure sewer system in the City right-of-way as well as on private property resulting in 13,380 square feet of temporary tidal buffer zone impact and 6,755 square feet of temporary inland wetland buffer impact and trenchwork that will result in 56 square feet of permanent wetland buffer impact	Sagamore Ave	3/25/2021	public
80	for work within the 25-foot, 50-foot, and 100-foot wetland buffers to North Mill Pond which includes the removal of existing impervious surfaces and buildings, construction of 3 stormwater outlets, repaving of an existing access drive and parking lot, construction of a linear waterfront trail and community space, and construction of three new buildings which will result in a net overall reduction in impervious surfaces of 28,385 square feet	0 BARTLETT ST, Portsmouth, NH 03801	4/15/2021	mixed use
81	to permit, after the fact, yard disturbance including grading and fill of approximately 4,790 square feet and installation of 350 square feet of new impervious surface in the wetland buffer. All work was completed by a prior owner	239 GOSPORT RD, Portsmouth, NH 03801	4/22/2021	residential
82	to remove and replace existing decks on Buildings A, B, and C. Replacement and reconstruction of existing decks with new structural supports for the proposed decks with no expansion of existing footprint proposed. Permanent impacts of 27 square feet proposed with temporary impacts of up to 1,240 square feet all within the 100' tidal wetland buffer.	500 MARKET ST, Portsmouth, NH 03801	5/20/2021	multi-family
83	to construction a municipal wastewater pump station with associated pavement apron which will result in 1,540 square feet of impact in the 100 foot wetland buffer.	0 MARJORIE ST, Portsmouth, NH 03801	7/15/2021	public
84	to install a patio area around a pool with a permanent impact of 360 square feet and a temporary impact of 320 square feet all in the inland wetland buffer.	3 CURRIERS CV, Portsmouth, NH 03801	7/15/2021	residential
85	to install new playground equipment with 5,300 square feet of ground disturbance within the 100-foot wetland buffer area and installation of new impervious surfaces for equipment footings	145 LANG RD, Portsmouth, NH 03801	8/19/2021	multi-family

FINANCE DEPARTMENT



MEMORANDUM

To: Karen Conard, City Manager
 From: Judie Belanger, Director of Finance and Administration
 Date: September 13, 2021
 Re: Refunding of 2011 Bonds

Response to Councilor Huda’s questions from the 9/7/21 City Council meeting. Councilor Huda’s information/questions are in blue.

P. 145	<u>ISSUED DEBT RELATED REVENUES</u>	
FY21	School bldg aid \$40.8 middle school 40%)	\$ (740,974) ???
FY20	School bldg aid \$40.8 middle school 40%)	\$ (451,210) ???

➤ *Why did the amount of the State bldg. aid change from one fiscal yr. to the next?*

Building Aid is calculated by the State of New Hampshire. The amount above reported by Councilor Huda of \$ \$451,210 is actually reported as \$820,083 as shown on page 142 of the FY20 budget document and below. The three separate lines incorporates the total \$40.8 million bonds.

		FY20
GF	School Building Aid on \$15m (Middle School 40%)	(302,873)
GF	School Building Aid on \$22.5m (Middle School 40%)	(451,210)
GF	School Building Aid on \$3.3m (Middle School Estimate 40%)	(66,000)

Total of \$820,083

The amount presented in the budget document came from estimates provided by the State, however, in the last few years, the City received \$847,024 from the State. A revised final building aid calculation as of 5/30/2019 provided by the State indicates that the City will now receive \$740,974 annually from FY21 to FY30 and then a reduced amount from FY31 to FY34 as two of the bonds will have reached maturity.

➤ *What is the current balance of each refi request?*

As depicted in the following table, the current balance of the remaining principal amount of the bonds issued in 2011 is \$14,025,000. The City will pay the next scheduled principal payment due on 12/1/2021 which is not callable.

	Original Bond	True Interest Cost	Bond Rating	Current Principal Balance as of June 30, 2021	Amount Callable on December 1, 2021
Middle School Bond	\$22,500,000	3%	AA+	\$12,375,000	\$11,250,000
PI WWTP	\$3,000,000	3%	AA+	\$1,650,000	\$1,500,000
Total	25,500,000			14,025,000	12,750,000

The interest payment due 12/1/2021 will be reduced as the 2022 through 2031 principal payments will be called and interest is calculated based on the amount of bonds outstanding. The bonds maturing 12/1/2022 through 12/1/2031 totaling \$12,750,000 will be called on 12/1/2021.

- *What are the current available rates vs. rate of the original issue of 3%?*
- *What is the estimate of issuance cost & any other associated expenses?*

Different than searching for “available” rates for refinancing, municipal bonds go through a competitive bid process. The City’s AAA bond rating attracts a strong interest and competitive bidding among investors.

The refunding analysis is conducted by Hilltop Securities. In the analysis, the weighted average interest rate on the new refunding bond is approximately .86%, estimated by utilizing recent market trends and adjusting to be conservative. The analysis also includes various fees for the underwriter’s discount, the financial advisor (Hilltop Securities), bond counsel (Locke Lord), rating agency (Standard & Poor’s), paying agent/escrow agent (US Bank), escrow counsel (Nixon Peabody), and printer (Murphy & Co.), all estimated to be approximately \$178,390. The refunding analysis also includes an accrued interest to call component of just under \$221,000. After all issuance costs and costs related there to, the anticipated savings with this refunding is expected to be in excess of \$1.7 million over the remaining life of the bonds.

The refunding resolutions are written with an “up to amount.” With refunding, the City is only authorized to borrow what the lowest bid comes in at and not a penny more. These resolutions are written with conservative estimates to allow for market change at the date of the sales. Any residual amount left on a refunding authorized resolution is automatically rescinded at the time of the sale and is not used in the legal debt limit calculation nor used for any other project.

To put things in perspective, in April of 2021 the city took advantage of a refunding opportunity and authorized a borrowing resolution of up to \$7 million with an estimated savings to the City in excess of \$900,000, net of all issuance costs. On the date of the sale, the City received 12 bids and the final refinancing principal amount issued was \$5,773,500 and generated budgetary savings in excess of \$1 million over the remaining 10 years.

➤ *What is the status of any premium from the original issue?*

FY22 BUDGET BOOK	20 YR. BOND ISSUANCE DATE	Rate @ inception	Bond stated value	Bond Premium	Bond Premium %
	12/14/11	3%	28,900,000	1,977,974	6.84%
P. 145	Middle School	3%	22,500,000	1,539,945	calc @ 6.84%
P. 154	PI WWTP	3%	3,000,000	201,834	FY21 BUD BK p. 128
			<u>25,500,000</u>	<u>1,741,779</u>	(NOT LISTED IN FY22)

For the bonds issued in 2011, the total of the net premium received for the General Fund was \$1,977,974. Although the \$1,977,974 is 6.84% of the General Fund Bonds, the net premium associated with the Middle School bond issue was \$1,264,137.19 or 5.62% of the issuance. The underwriters size each bond separately and premiums are not based across the board by a percentage. Regardless, school bonds are a part of the General Fund and as such, the City Council voted in 05/21/2012 in accordance with RSA 33:3-a to authorize the expenditure of the premium received for the following purposes and are 100% expended.

\$600,000.00	Little Harbour Instructional Space Expansion
\$172,973.61	Sagamore Bridge Replacement
\$725,000.00	Scott Avenue Bridge Replacement
\$50,000.00	Peverly Hill Sidewalks
\$250,000.00	Seawall Repairs
\$180,000.00	Coakley Road
<u>\$1,977,973.61</u>	

September 9, 2021

Karen Conard
 City Manager
 City of Portsmouth
 One Jenkins Ave
 Portsmouth, NH 03801

Dear City Manager Conard:

As part of our ongoing mandate, the Mayor’s Blue Ribbon Committee on the Arts & Non-Profits (BRC), has identified a critical need to actively promote the city of Portsmouth as a premier destination for high quality unique arts and culture opportunities.

The Blue Ribbon Committee is proposing a multi-year (3 year proposed) strategic process for a marketing campaign, starting with a pilot program in conjunction with the Chamber Collaborative. The Blue Ribbon Committee is requesting to utilize up to \$51,700 of the previously allocated funds for arts and culture use to support the pilot phase of this initiative. Utilizing these funds will fulfill their intended original purpose to promote the arts community of Portsmouth. These funds will be used to create a pilot program through the end of 2021. A summary of how the funds will be used is provided below.

Strategic Planning	\$3,500
Web Development	\$1,500
Creative Development	\$5,000
Paid Advertising	\$31,700
PR / Earned Media	\$5,000
Management Stipend	\$5,000
Total City Investment	\$51,700

Additionally, the Chamber Collaborative is a recipient of a Google AdWords grant of up to \$10,000 a month in donated Google advertising. The Chamber Collaborative would direct the efforts of this grant to this initiative up to \$5,000 a month for the duration of the pilot program, up to \$20,000 over four months.

Given the Chamber Collaborative’s successful track record of promoting Portsmouth as a destination, the BRC recommends a partnership with the Collaborative on this pilot program. The Chamber’s existing relationship with Darci Creative, will allow them to move forward quickly and cost efficiently on this project.

The BRC for Arts & Non-profits Subcommittee on Marketing will meet regularly with the Chamber Collaborative and Darci Creative team to review creative design, the geographic and demographic parameters to target, and the program's success metrics.

Utilizing an all-digital platform for these marketing efforts allows us to track the effectiveness of the various campaign elements very closely.

Ultimately, this campaign will provide valuable metrics in how we can effectively promote our beloved arts & culture organizations, venues, and ultimately artist over the coming years.

The need is immediate for many of our arts & culture organizations, and we are prepared to launch this initiative immediately so we can capture the momentum from a strong summer season and carry it throughout fall and winter.

Respectfully submitted,

Barbara Massar, co-chair

Russ Grazier, co-chair

Robin Albert

JerriAnne Boggis

Martha Fuller Clark

Beth Falconer

Nihco Gallo

Renee Giffroy

Jason Goodrich

Courtney Perkins

Tina Sawtelle

Kathy Somssich

Lawrence Yerdon

The Mayor's Blue Ribbon Committee for Arts & Nonprofits