

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, DECEMBER 17, 2012 TIME: 7:00PM

AGENDA

- 6:30 PM – CITY COUNCIL TOUR AND PRESENTATION OF SEACOAST FAMILY FOOD PANTRY

- I. CALL TO ORDER [7:00PM or thereafter]
- II. ROLL CALL
- III. INVOCATION
- IV. PLEDGE OF ALLEGIANCE

PRESENTATIONS

1. 2012 Portsmouth High School Football Division III State Champions
2. Portsmouth High School Holiday Brass Ensemble

- V. ACCEPTANCE OF MINUTES – OCTOBER 1, 2012, OCTOBER 22, 2012 AND NOVEMBER 13, 2012

- VI. PUBLIC COMMENT SESSION

- VII. PUBLIC HEARING

- A. ORDINANCE AMENDMENTS TO CHAPTER 10 – ZONING ORDINANCE, ARTICLE 6 – OVERLAY DISTRICTS, SECTION 10.633.20 – EXEMPTIONS FROM CERTIFICATE OF APPROVAL IN THE HISTORIC DISTRICT; AND TO ARTICLE 15 – DEFINITIONS, SECTION 10.1530 – TERMS OF GENERAL APPLICABILITY, DEFINING THE TERM “CONTRIBUTING STRUCTURE”

- VIII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Grant for Art-Speak - \$500.00 (***Sample motion – move to accept a grant to Art-Speak to be used for operational support of Art-Speak, as presented***)

- IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First Reading of Proposed Amendments to Chapter 10 – Zoning Ordinance, Article 5 – Dimensional and Intensity Standards, Section 10.535 – Dimensional Standards in the Central Business Districts, Relating to the Height Requirements in the CBA and CBB Districts_(*Voted to postpone at the December 3, 2012 City Council meeting for revisions to the ordinance and bring back for first reading at the December 17, 2012 City Council meeting*)

- B. Second Reading of Proposed Amendments to Chapter 10 - Zoning Ordinance, Article 6 – Overlay Districts, Section 10.633.20 – Exemptions from Certificate of Approval in the Historic District; and to Article 15 - Definitions, Section 10.1530 – Terms of General Applicability, Defining the term “Contributing Structure”

X. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. Letter from Donald Allison, Eastern States 20 Mile, requesting permission to hold the annual Eastern States 20 Mile Road Race on Sunday, March 30, 2013 (***Anticipated action – move to refer to the City Manager with power***)
- B. *Acceptance of Donation to the Coalition Legal Fund
- Town of Center Harbor - \$500.00
- (***Anticipated action – move to approve and accept the donation, as listed, to be placed in the Coalition Legal Fund***)
- C. Letter from Doug Bates, President of Greater Portsmouth Chamber of Commerce requesting permission to hold the Portsmouth Community Road Race Series 5K Races for 2013 and January of 2014:
- Thursday, August 1st at 6:00 p.m. – Portsmouth Rotary Club Thunder Chicken – Peirce Island - Prescott Park Course
 - Saturday, September 21st at 9:00 a.m. – BreastCancerStories.org – Little Harbour School Course
 - Saturday, October 12th at 9:00 a.m. – Community Child Care – West Road-Banfield Course
 - Thursday, November 28th at 8:30 a.m. – Seacoast Rotary Club Turkey Trot – Peirce Island – Prescott Park Course
 - Wednesday, January 1, 2014 – Great Bay Services – Little Harbour School Course
- (***Anticipated action – move to refer to the City Manager with power***)

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Aphrodite Georgopoulos & Louis Georgopoulos regarding zoning of property located at 1900 Lafayette Road (***Sample motion – move to refer to the Planning Board for report back***)
- B. Letter from Attorney John E. Lyons, Jr., regarding commercial water deduct meters (***Sample motion – move to refer to staff for review as part of water/sewer rate study***)
- C. Letter and Petition from Islington Creek Neighborhood Association Re: 21 Brewster Street. (*Full packet of information is available in the City Clerk’s Office*) (***Sample motion – refer to City Manager for a report back***)

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

Items Which Require Action Under Other Sections of the Agenda

1. First Reading of Proposed Resolution and Ordinance Amendments:
 - 1.1 First Reading of Proposed Amendments to Chapter 10 – Zoning Ordinance, Article 5 – Dimensional and Intensity Standards, Section 10.535 – Dimensional Standards in the Central Business Districts, Relating to the Height Requirements in the CBA and CBB Districts_ (*Voted to postpone at the December 3, 2012 City Council meeting for revisions to the ordinance and bring back for first reading at the December 17, 2012 City Council meeting*) **(Action on this item should take place under Section IX of the Agenda)**
2. Public Hearing/Second Reading of Proposed Resolution and Ordinance Amendments
 - 2.1 Public Hearing/Second Reading of Proposed Amendments to Chapter 10 - Zoning Ordinance, Article 6 – Overlay Districts, Section 10.633.20 – Exemptions from Certificate of Approval in the Historic District; and to Article 15 - Definitions, Section 10.1530 – Terms of General Applicability, Defining the term “Contributing Structure” **(Action on this item should take place under Section IX of the Agenda)**

City Manager’s Items Which Require Action

1. Spinnaker Point Field House Management Agreement
2. Connie Bean Trust

Informational Items

1. Events Listing
2. Parking Omnibus

B. MAYOR SPEAR

1. Appointment to be Considered:
 - Elizabeth Moreau appointment as an alternate to the Planning Board
 - Karina Quintans appointment as a regular member to the Planning Board (*current alternate*)
 - Thomas Watson reappointment to the Trustees of the Trust Fund
2. Appointments to be Voted:
 - Alicia Weaver appointed to the Citizens Advisory Committee
 - John Pratt appointed to the Economic Development Commission
 - Reagan Ruedig appointed to the Historic District Commission
 - Jody Record reappointment to the Board of Library Trustees
 - Philip Cohen reappointment to the Economic Development Commission

- Charles LeMay reappointment to the Zoning Board of Adjustment
 - Patrick Moretti reappointment to the Zoning Board of Adjustment
 - David Witham reappointment to the Zoning Board of Adjustment
3. Resignations
- Skye Maher from the Blue Ribbon Committee on Sustainable Practices
 - Joe Couture from the Portsmouth Housing Endowment Fund

C. COUNCILOR DWYER

1. *Update Re: African Burying Ground

D. COUNCILOR SMITH

1. Bow Street Parking License
2. *Budget Options Re: Retirement

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

XIV. ADJOURNMENT [AT 10:00PM OR EARLIER]

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

**Indicates Verbal Report*

INFORMATIONAL ITEMS

1. Notification that the Historic District Commission Minutes of August 1, 2012 meeting are available on the City's website for your review
2. Notification that the Planning Board Minutes of the July 19, 2012 and August 16, 2012 meetings are available on the City's website for your review
3. Notification that the Site Review Technical Advisory Committee Minutes of the September 4, 2012 and October 30, 2012 meetings are available on the City's website for your review

NOTICE TO THE PUBLIC WHO ARE HEARING IMPAIRED: Please contact Dianna Fogarty at 603-610-7270 one-week prior to the meeting for assistance.

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, OCTOBER 1, 2012

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

At 6:00 p.m., an Anticipated "Non-Meeting" with Counsel was held regarding Negotiations and Personnel Matter – RSA: 91-A:2, I (b-c), and Litigation – RSA: 91-A:2, I (c).

I. CALL TO ORDER [7:00PM or thereafter]

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

II. ROLL CALL

Present: Mayor Spear, Assistant Mayor Lister, Councilors Coviello, Kennedy, Novelline Clayburgh (via Conference call), Lown, Dwyer, Smith and Thorsen

III. INVOCATION

Mayor Spear asked everyone to join in a moment of Silent Prayer.

IV. PLEDGE OF ALLEGIANCE

Councilor Kennedy led in the Pledge of Allegiance to the Flag.

PRESENTATION

1. Presentation to Retiring Welfare Director, Keith Bates

City Manager Bohenko presented Retiring Welfare Director Keith Bates with a City of Portsmouth Chair in recognition of his years of service to the City. Keith accepted the Chair with thanks and appreciation.

V. ACCEPTANCE OF MINUTES – AUGUST 20, 2012

Councilor Coviello moved to approve and accept the minutes of the August 20, 2012 City Council meeting. Seconded by Assistant Mayor Lister. On a unanimous roll call vote 9-0, motion passed.

VI. PUBLIC COMMENT SESSION

Shaun Rafferty said that residents would like another means to express their voices on items. He said there is no manner with the public comment session to receive responses and have a dialogue.

Barbara DeStefano said she supports the comments of Mr. Rafferty and addressed the issue of a second parking garage. She recommended that the City Council move forward with a new parking garage and stated support for the Worth Lot site.

Bob Swan said he does not support raising parking rates at this time. He stated that the City of Portsmouth needs to be a better ambassador to visitors and further added that residents no longer want to visit the downtown due to the meters.

City Manager Bohenko stated that councilors may be contacted individually via e-mail. He said the councilors have individual e-mail addresses but we could set up a group e-mail.

VII. PUBLIC HEARINGS

A. RESOLUTION AUTHORIZING A BOND ISSUE OF UP TO TWO MILLION TWO HUNDRED SIXTY SEVEN THOUSAND DOLLARS (\$2,267,000.00) FOR FY13 CITYWIDE, BRIDGE, STREET, AND SIDEWALK IMPROVEMENTS

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

Public Works Director Parkinson provided a presentation of the five projects that are covered under this bonding Resolution as follows:

- Downtown Sidewalk Replacement Program
- Sagamore Creek Bridge Replacement
- McDonough Street Area Improvements
- Aldrich Road Traffic Safety Improvements
- Pease International Tradeport Roadway Rehabilitation

Susan Denenberg spoke opposed to the installation of brick sidewalks. She said brick sidewalks are difficult to maneuver and creates safety issues.

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

B. RESOLUTION AUTHORIZING A BOND ISSUE OF UP TO FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00) FOR FY13 SCHOOL FACILITIES IMPROVEMENT

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

School Business Manager Steve Bartlett provided a presentation on the School Facilities Capital Improvements. He outlined the projects covered under this Resolution as follows:

- Replacement of the older sections of the high school roof, not replaced under previous projects, which are now leaking.
- Elementary school computer lab building infrastructure improvements to keep pace with newer technology upgrades
- Replacement of the existing boiler at New Franklin School with a new energy efficient model providing healthier student environment and energy savings

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

C. VARIOUS HOUSEKEEPING AMENDMENTS TO THE CITY'S CODE OF ORDINANCES

- CHAPTER 1, ARTICLE VI – RESIDENCY REQUIREMENTS – DELETE IN ITS ENTIRETY
- CHAPTER 3, ARTICLE I, SECTION 3.111 – HOGS – DELETE IN ITS ENTIRETY
- CHAPTER 5, ARTICLE I, SECTION 5.102 – RESIDENTS OF THE CITY – DELETE IN ITS ENTIRETY
- CHAPTER 5, ARTICLE I, SECTION 5.103 – AGE LIMIT – DELETE IN ITS ENTIRETY
- CHAPTER 6, ARTICLE VI – DANCING – DELETE IN ITS ENTIRETY
- CHAPTER 9, ARTICLE II – SUNDAY ORDINANCES – DELETE IN ITS ENTIRETY

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

City Attorney Sullivan reviewed the proposed amendments that are considered housekeeping items in the ordinance book. He informed the City Council that these amendments were brought forward by Councilor Lown and there will be other adjustments and improvements coming in the future.

Shaun Rafferty asked if a person could walk through the City with a hog or cow under the current ordinances. City Attorney Sullivan stated that it could be done under the current ordinances.

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

D. ORDINANCE AMENDING CHAPTER 7, ARTICLE I, SECTION 7.102 –
PARKING METER ZONES

- DOWNTOWN HIGH OCCUPANCY ZONE: PARKING SHALL BE AT THE RATE OF ONE DOLLAR FIFTY CENTS (\$1.50) PER HOUR IN THE FOLLOWING AREAS:
 1. DANIEL STREET, STARTING AT CHAPEL STREET THROUGH TO MARKET SQUARE
 2. BOW STREET, STARTING AT CHAPEL STREET THROUGH TO MARKET STREET
 3. CONGRESS STREET, STARTING AT MARKET SQUARE THROUGH TO CHESTNUT STREET
 4. PLEASANT STREET, STARTING FROM COURT STREET THROUGH TO MARKET SQUARE
 5. MARKET STREET, STARTING FROM MOFFATT-LADD HOUSE THROUGH TO MARKET SQUARE

- PARKING IN ALL OTHER PARKING METER ZONES SHALL BE AT THE RATE OF ONE DOLLAR (\$1.00 PER HOUR)

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

Public Works Director Parkinson reported that there are 782 parking meters in the downtown with 159 in high occupancy areas. He also reported 623 meters are located outside the high occupancy areas.

Doug Bates, Chamber of Commerce, said the key to making this ordinance work would be through way-finding signage. He said that the zones need to be recognizable by residents and visitors.

Susan Denenberg spoke in favor of the incentive parking with different zones. She encouraged getting information out on the rates and areas. Ms. Denenberg also recommended that the City Council advertise the free lots more that are available for parking.

Ron Zolla said downtown parking policies are important to keep the downtown vibrant. He suggested improving the omnibus ordinance. He also stated commercial vitality depends upon its visitors. Mr. Zolla spoke regarding the increase to parking meter rates two years ago by 33% and the addition of Sunday enforcement of meters. He stated if the Council continues to raise the rates people will stop coming to the downtown. Mr. Zolla stated giving a free hour of parking will not change buyer's patterns. He recommended issuing a sticker to residents to park in the garage and providing them 4 free hours of parking after 6:00 pm.

Ed Barkley stated that parking is a difficult issue and decision. He spoke regarding Newburyport, MA providing businesses in their downtown free parking for the first 30 minutes.

Barbara Destefano spoke in support of the \$1.50 rate for meters in the core areas and suggested creating a 3 hour limit. She also spoke regarding the safety of the parking garage and its poor lighting.

Shaun Rafferty stated he would support the involvement of Portsmouth Listens in the discussions on parking. He said residents should be thought of first, and visitors second.

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

VIII. APPROVAL OF GRANTS/DONATIONS

- A. *Acceptance of Donations to Fire Department Re: Kearsarge Project
- Anonymous - \$40.00
 - William B. Hart - \$100.00
 - The Sharon R. Berger Trust \$100.00
 - Carla Fletcher Johnson - \$250.00
 - Donald E. & Ann F. Hare - \$500.00
 - Northeast Auctions
by Ronald Bourgeault LLC - \$5,000.00

Councilor Smith moved to approve and accept the donations to the Portsmouth Fire Department, as listed. Seconded by Assistant Mayor Lister. On a unanimous roll call vote 9-0, motion passed.

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. Report Back from Planning Board and First Reading of Proposed Ordinance which would amend the Zoning Ordinance, Chapter 10, to Rezone 143 Daniel Street (former Connie Bean Property) from Municipal to Central Business B (CBB) and also, to place that property in the Downtown Overlay District (DOD)

Councilor Coviello moved to pass first reading and schedule a public hearing and second reading of the proposed Ordinance Amendments, as presented, at the October 22, 2012 City Council meeting. Seconded by Councilor Lown. On a unanimous roll call vote 9-0, motion passed.

- B. Adoption of Resolution Authorizing a Bond Issue of up to Two Million Two Hundred Sixty Seven Thousand Dollars (\$2,267,000.00) for FY13 Citywide, Bridge, Street, and Sidewalk Improvements

Councilor Lown moved to adopt the proposed Bond Resolution for Citywide Improvements in the amount of up to \$2,267,000.00 as submitted. Seconded by Councilor Dwyer.

Councilor Coviello asked if youths are allowed to jump off the Sagamore Bridge into the water. City Manager Bohenko stated that it is illegal for that to take place.

Councilor Thorsen asked if the sidewalk replacement on Daniel Street will be impacted by the construction taking place in the area. Public Works Director Parkinson stated the sidewalk replacement does not include the side of the street where the McIntyre Building is located. He also said the City does not want to invest dollars into something that will need to be changed.

City Manager Bohenko stated CIP projects may not occur the year funding is granted. Councilor Thorsen stated \$700,000.000 may extend to other years and asked if that adjustment would be seen in the next CIP. City Manager Bohenko said it would not. The planning process would continue and it can go out 3 years, but there are requirements on when you spend the funds.

Assistant Mayor Lister asked if the Sagamore Avenue Bridge would need to be entirely closed during the construction process. Public Works Director Parkinson responded that it would be closed during the construction period and detours would be set up surrounding it.

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

- C. Adoption of Resolution Authorizing a Bond Issue of up to Five Hundred Thousand Dollars (\$500,000.00) for FY13 School Facilities Improvements

Assistant Mayor Lister moved to adopt the proposed Bond Resolution for School Facilities Improvements in the amount of up to \$500,000.00 as submitted. Seconded by Councilor Coviello.

Councilor Dwyer asked if schools were considering moving away from the installation of computer labs. Superintendent McDonough stated the school is moving towards bringing computers into the classrooms. He reported there are labs in 3 elementary schools and they would continue to operate but are in need of electrical upgrades.

School Business Administrator Bartlett spoke to the technology program and the need for upgrades at the elementary schools. Councilor Coviello asked how much of the \$500,000.00 will be used for the computer upgrades. School Business Administrator Bartlett replied \$20,000.00.

Councilor Thorsen asked about the boiler and if money was allocated in an earlier CIP. Mr. Bartlett stated it has never been in the CIP. City Manager Bohenko said that it is in the general fund, but not as an expenditure.

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

- D. Second reading of Various Housekeeping Amendments to the City's Code of Ordinances.
- Chapter 1, Article VI – RESIDENCY REQUIREMENTS – delete in its entirety
 - Chapter 3, Article I, Section 3.111 – HOGS – delete in its entirety
 - Chapter 5, Article I, Section 5.102 – RESIDENTS OF THE CITY – delete in its entirety
 - Chapter 5, Article I, Section 5.103 – AGE LIMIT – delete in its entirety
 - Chapter 6, Article VI – DANCING – delete in its entirety
 - Chapter 9, Article II – SUNDAY ORDINANCES – delete in its entirety

Councilor Kennedy moved to pass second reading and schedule a third and final reading of the proposed Ordinance Amendments, as presented at the October 22, 2012 City Council meeting, and, add an appendix to the City's Ordinance Book. Seconded by Councilor Coviello. On a unanimous roll call vote 9-0, motion passed.

- E. Second reading of Ordinance Amendment to Chapter 7, Article I, Section 7.102 – Parking Meter Zones
- Downtown High Occupancy Zone: Parking shall be at the rate of one dollar fifty cents (\$1.50) per hour in the following areas:
 1. Daniel Street, starting at Chapel Street through to Market Square
 2. Bow Street, starting at Chapel Street through to Market Street
 3. Congress Street, starting at Market Square through to Chestnut Street
 4. Pleasant Street, starting from Court Street through to Market Square
 5. Market Street, starting from Moffatt-Ladd House through to Market Square
 - Parking in all other parking meter zones shall be at the rate of one dollar (\$1.00 per hour)

Councilor Coviello moved to pass second reading and schedule a third and final reading of the proposed Ordinance Amendments, as presented, at the October 22, 2012 City Council meeting. Seconded by Councilor Dwyer.

Councilor Thorsen stated that this would adjust a previously updated ordinance and reduce areas back to \$1.00 which is why he will support the motion however, he would prefer no increase.

Councilor Smith moved to bring all parking meters back to \$1.00. Seconded by Councilor Kennedy.

Councilor Smith said any increase is a tax on residents and raising the meters to \$1.50 it becomes the highest rate in New England. He stated that Portsmouth has received a great deal of accolades and does not want to be on the list of having the highest parking rates. Councilor Smith also said the tier rates would add to the confusion that already exists.

Councilor Dwyer said that Councilor Smith's motion is out of order because the Council passed an omnibus ordinance that was different than this motion. Mayor Spear asked City Attorney Sullivan if Councilor Smith's motion affects the notice on the ordinance and whether it is a substantial change. City Attorney Sullivan stated because the City Council has already considered the matter, Councilor Smith's motion would be out of order.

Councilor Smith's motion was ruled out of order.

Councilor Dwyer addressed signage for parking and at the parking garage. She also stated that the Council needs to try and experiment with things to see what works. She said there have been over 50 opportunities for public comment on matters relating to parking in the last year with various boards and recommended the Council keep doing incremental changes.

Councilor Lown said he agrees with Councilor Dwyer's comments. He said this is a trial process, and if changes need to be made, the Council will change them. He further stated the vote is to change the rate on two-thirds of the meters in the City and reduces the fees for the 623 spaces in the downtown area.

Assistant Mayor Lister said he agrees there is a need for more signage for parking. He said we need the downtown to be a welcoming space to visit and he never wanted Sunday parking enforcement. He stated that he does not support any increase in the rates but would like to make a motion to increase the fines, if it is appropriate.

Councilor Coviello said parking is complicated with varying opinions and parking at high demand places would have a cost involved with it.

Councilor Kennedy stated she would vote in support in order to try this. She said there should not be parking meter enforcement on Sunday's. She also stated the Council should not increase parking rates to prove there is a need for more use of the parking garage.

Councilor Novelline Clayburgh said she would support the motion and feels the Council needs to try various changes to see what will work. She also stated this would encourage the use of the parking garage. Councilor Novelline Clayburgh spoke in support of increasing parking fines from \$10.00 to \$15.00.

Councilor Thorsen said if Councilor Smith's amendment was out of order, then this motion is out of order, because it is changing the fines. City Attorney Sullivan stated Councilor Smith's motion was out of order because it varied too much from the public agenda.

Assistant Mayor Lister said at several meetings people have come forward stating they do not want to park in the garage because they are afraid and we need to resolve those issues.

Councilor Dwyer said if you vote for the motion, you vote to create most of the rates at \$1.00. If you vote opposed, you vote to have the rates at \$1.50.

Councilor Smith said he does not support amending the ordinance after a change has been made.

Mayor Spear said a yes vote would create two rates in the City and a no vote would mean all 782 metered spaces would be at \$1.50.

City Attorney Sullivan stated that the ordinance would take effect on January 2, 2013.

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

Assistant Mayor Lister moved to request an Ordinance be drafted for First Reading at the October 22, 2012 meeting to increase the parking fines from \$10.00 to \$15.00. Seconded by Councilor Coviello.

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

X. CONSENT AGENDA

- A. Request from Trevor Bartlett, Portsmouth Halloween Parade to hold the annual parade on Wednesday, October 31, 2012 ***(Anticipated action – move to refer to the City Manager with power)***
- B. Letter from Patti Maccabe, Arthritis Foundation, requesting permission to hold the 19th Annual Jingle Bell 10k Run and Walk on Saturday, December 1, 2012 ***(Anticipated action – move to refer to the City Manager with power)***

- C. Acceptance of Police Department Donations:
- St. Andrew's Lodge #56 in support of the Portsmouth Police Honor Guard - \$500.00
 - Dr. & Mrs. David Ferland in support of the Portsmouth Police Explorer Cadets - \$48.00
 - Mr. Frank Mastan in support of the Portsmouth Police Honor Guard - \$45.00
- (Anticipated action – move to approve and accept the donations to the Portsmouth Police Department, as listed)***
- D. Request for Approval of Pole License to install/replace 6 poles located on Gosling Road ***(Anticipated action – move to approve the aforementioned Pole License Agreement as recommended by the Public Works Department with the approval conditioned upon amendment of the license to allow for the collection of any lawfully assessed real estate taxes)***
- E. Request for License from Paul Ambrose, owner of Grain Surfboards Wood Shop for property located at 74 Congress Street for a projecting sign on an existing bracket ***(Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Paul Ambrose, owner of Grain Surfboards Wood Shop for a projecting sign at property located at 74 Congress Street and, further, authorize the City Manager to execute License Agreements for this request)***
- Planning Director's Stipulations:**
- ***The licenses shall be approved by the Legal Department as to content and form;***
 - ***Any removal or relocation of the projecting signs, for any reason, will be done at no cost to the City; and***
 - ***Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting signs, for any reason, shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works***
- F. Request for License from Hans and Linda Van der Does, owner of Toko Indo, Inc. for property located at 111 Market Street for a projecting sign on an existing bracket ***(Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Hans and Linda Van der Does, owner of Toko Indo, Inc. for a projecting sign at property located at 111 Market Street and, further, authorize the City Manager to execute License Agreements for this request)***

Planning Director's Stipulations:

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

Councilor Coviello moved to adopt the Consent Agenda. Seconded by Councilor Kennedy. On a unanimous roll call vote 9-0, motion passed.

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Kelly and Jake Weinstein of property located at 809 State Street requesting the City keep brick sidewalks where they currently exists along the front of their home rather than replacing them with concrete

Councilor Lown moved to accept the letter and place it on file. Seconded by Assistant Mayor Lister. On a roll call vote 8-1, motion passed. Assistant Mayor Lister, Councilors Coviello, Kennedy, Novelline Clayburgh, Lown, Dwyer, Thorsen and Mayor Spear voted in favor. Councilor Smith voted opposed.

- B. Letter from James Ritzo, Attorney representing Leonard McAuliffe regarding Request for Restoration of Involuntarily Merged Lots 452-460 Richards Avenue – McAuliffe Realty Trust

Councilor Coviello moved to refer to the Legal Department for report back. Seconded by Assistant Mayor Lister.

Councilor Dwyer asked the Legal Department to summarize the decision basis from the prior Council votes on this type of request at the next Council meeting.

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

- C. Letter from Shaun Rafferty requesting the City Council ask the residents and voters of Portsmouth if they want a second municipal garage

Councilor Coviello moved to refer the letter to the Parking Garage Site Selection Committee. Seconded by Councilor Lown.

Councilor Kennedy said the missing piece is the conversation with the public on their comments. She asked how to create dialogue for a response to the public. She suggested discussing this at the Council Retreat.

Councilor Coviello stated that a public comment session was held at the Parking Garage Site Selection Committee meetings, with questions brought forward and answers received back.

Councilor Dwyer said the public comment session is held at the end of the meeting at the Parking Garage Site Selection Committee meetings. She indicated that type of dialogue may be difficult at these meetings because they run late. She stated the City of Dover breaks up public comment on their agenda and allows for comment periods. Councilor Dwyer also indicated that everything cannot have a dialogue.

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

- D. Letter from Linda Harvey regarding her opposition to a second parking garage at the Worth Lot but supporting a second garage at the Parrott Avenue Lot

Councilor Coviello moved to refer the letter to the Parking Garage Site Selection Committee. Seconded by Councilor Novelline Clayburgh. On a unanimous roll call 9-0 vote, motion passed.

- E. Letter D. Allan Kerr, Thresher Memorial Project Group, requesting the City of Portsmouth support and endorse the project to install a 129' flagpole and monument in Kittery's Memorial Circle on Sunday, April 7, 2013 as a permanent memorial

Assistant Mayor Lister moved to refer to the Veterans Organization Committee for a recommendation and report back. Seconded by Councilor Smith. On a unanimous roll call vote 9-0, motion passed.

- F. Letter from Attorney Peter Loughlin regarding Parking Spaces in front of Portwalk Hanover Street Garage Entrance

Assistant Mayor Lister moved to refer to the Legal Department for report back. Seconded by Councilor Coviello. On a unanimous roll call vote 9-0, motion passed.

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

1. Proposed Work Session Re: Report Back on Parking Garage Site Selection Committee

City Manager Bohenko recommended conducting a Work Session on October 15, 2012 at 6:30 p.m. to review and discuss report from the Parking Garage Site Selection Committee.

Councilor Coviello moved to establish a Work Session on Monday, October 15, 2012 at 6:30 p.m. in the City Council Chambers regarding a review and presentation of the final report from the Parking Garage Site Selection Committee. Seconded by Councilor Novelline Clayburgh. On a unanimous roll call vote 9-0, motion passed.

City Manager Bohenko stated that the question of how to make meetings more interactive will be added to the Council Retreat agenda. Councilor Coviello asked if we could remove the matter of a bike friendly community off the retreat agenda. Councilor Lown stated he does not feel the topic will require much time; as it is a report back on the method for the submittal of an application to become a bike friendly community, therefore he would prefer it to remain on the agenda.

B. MAYOR SPEAR

1. Appointments to be Considered:
 - Appointment of Francesca Marconi Fernald to the Peirce Island Committee
 - Appointment of George Melchior to the Historic District Commission as a regular member (*currently an alternate*)

The City Council considered the appointment of Francesca Marconi Fernald to the Peirce Island Committee and appointment of George Melchior to the Historic District Commission as a regular member (*currently an alternate*) filling the expired term of Elana Maltese.

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

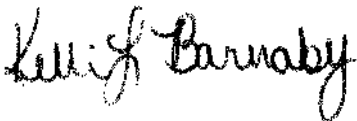
Councilor Dwyer reported on the Portsmouth Middle School Open House and advised the Council that the demolition of the 1930 building is completed. She also stated the Joint Building Committee will be evaluating issues that need to be addressed as they move forward with the project.

Councilor Kennedy asked where the City stood on hiring a Senior Services Coordinator. City Manager Bohenko stated resumes have been collected and we will be hiring someone in the next few weeks. Councilor Kennedy inquired as to the money promised from the sale of the Parrott Avenue property. City Manager Bohenko said that matter would need to be directed to Mr. Henson.

Councilor Dwyer stated she will be serving as a panelist for the Municipal Advocacy Governors Candidates on October 16, 2012 and if anyone has any questions for her to bring forward to provide those to her by the end of the week.

XIV. ADJOURNMENT [AT 10:00PM OR EARLIER

At 9:30 p.m., Councilor Coviello moved to adjourn. Seconded by Councilor Smith and voted.

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

Kelli L. Barnaby, CMC/CNHMC
City Clerk

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, OCTOBER 22, 2012

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

I. CALL TO ORDER [7:00PM or thereafter]

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

II. ROLL CALL

Present: Mayor Spear, Assistant Mayor Lister, Councilors Coviello, Kennedy, Novelline Clayburgh, Lown, Dwyer, Smith and Thorsen

III. INVOCATION

Mayor Spear asked everyone to join in a moment of Silent Prayer.

IV. PLEDGE OF ALLEGIANCE

Councilor Dwyer led in the Pledge of Allegiance to the Flag.

V. ACCEPTANCE OF MINUTES *(There will be no minutes on for acceptance)*

VI. PUBLIC COMMENT SESSION

Tom Carroll spoke regarding the Port of NH and the scrap metal operations. He asked the City Council to join in the fight to keep the scrap metal piles away from the fence. He stated it's dangerous and there are toxic issues relating to its operation. Mr. Carroll urged the City Council to write a letter opposed to the pile being relocate back to the fence and to request the PDA hold a meeting regarding this matter.

Catherine Reddington spoke opposed to the building of a parking garage at the Worth Lot site. She stated that her business would not survive during the construction period of a garage at the site due to the removal of parking. She also expressed her and other women's apprehension of going into the parking garage in the evening. Ms. Reddington urged the City Council to reconsider the parking report.

Natalie Roman-Nelson spoke opposed to the Worth Parking Lot site being used for the construction of a new parking garage. She said the lengthy construction period would have a negative effect on the businesses in the Vaughan Mall and surrounding area. The City needs to address the long term parking problem but putting a new parking garage at the Worth Lot site will not do that, it would only add to the congestion in the area.

Joel Carp expressed his opposition with the scrap metal operations at the Port. He stated that the PDA has stonewalled this matter long enough and spoke to the health issues associated with the operation of the scrap pile. Mr. Carp requested that the City Council request the PDA to have a meeting to resolved the problems with the operations of the scrap metal at the Port.

Bruce Davidson spoke regarding the Port operations with the scrap metal. He said that if the operations are moved next to the fence it would be 60 yards from his home. He urged the Council to request the PDA meet with the City on this matter.

Ed Solimine agreed with comments made regarding the scrap metal operations at the Port. He said that this is a serious matter that needs to be resolved and urged the City Council to assist with these issues.

Susan Denenberg urged the City Council to vote on the tier parking ordinance. She asked if the Council has considered whether Portsmouth Listens could help with transportation and parking issues in the City.

Assistant Mayor Lister stated he serves as the PDA Representative to the Council and thanked those for speaking this evening on the scrap metal operations at the Port. He spoke to the process that the PDA has followed on this matter and at the last meeting City Manager Bohenko requested the PDA have a meeting on this matter and feels that a meeting will take place. City Manager Bohenko said he has requested a meeting to outline the history of the working Port. He said that the PDA has said they would request the PDA Director hold such a meeting. He also stated that this meeting would take place in the Chambers and be televised.

Councilor Novelline Clayburgh asked if the City Council has any power in the final decision made on the matter of the Port. City Manager Bohenko said a presentation needs to happen with the Director of the Port to explain their requirements. He said we need a full history on what has happened at the Port.

Councilor Dwyer said Mr. Carp has a good point and suggested that 2 meetings should be held and the meetings should take place sooner than later.

Councilor Smith asked if City Manager Bohenko needs a letter from the City Council requesting such a meeting. City Manager Bohenko stated he would convey the feelings of the Council to the PDA.

Councilor Kennedy said that the Director of the Port stated he wanted to work with the City Manager on having such a meeting to address this matter.

Councilor Thorsen asked City Attorney Sullivan what powers the City has on this area and its mitigation. City Manager Bohenko said it is important to have a presentation to address all the issues.

VII. PUBLIC HEARING

- A. PROPOSED ORDINANCE WHICH WOULD AMEND THE ZONING ORDINANCE, CHAPTER 10, TO REZONE 143 DANIEL STREET (FORMER CONNIE BEAN PROPERTY) FROM MUNICIPAL TO CENTRAL BUSINESS B (CBB) AND ALSO, TO PLACE THAT PROPERTY IN THE DOWNTOWN OVERLAY DISTRICT (DOD)

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

Planning Director Taintor provided a brief overview of the ordinance. He stated the need to rezone the property as it is being sold and the requested zoning change would match the zoning in the area.

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

VIII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Donation to the Coalition Legal Fund
 - Town of Moultonborough - \$6,500.00

Councilor Smith moved to approve and accept the donation, as listed, to be placed in the Coalition Legal Fund. Seconded by Councilor Novelline Clayburgh and voted.

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First reading of Proposed Ordinance amending Chapter 7, Article IX, Section 7.901 (E) – Penalties of the City Ordinances to amend Section 7.105 (A) Parking Violation – Expired Meter Fine Amount from \$10.00 to \$15.00

Assistant Mayor Lister moved to pass first reading and schedule a public hearing and second reading of the proposed Ordinance, as presented, at the November 13, 2012 City Council meeting. Seconded by Councilor Kennedy and voted.

- B. Second Reading of Proposed Ordinance which would amend the Zoning Ordinance, Chapter 10, to Rezone 143 Daniel Street (former Connie Bean Property) from Municipal to Central Business B (CBB) and also, to place that property in the Downtown Overlay District (DOD)

Councilor Smith moved to pass second reading and refer to a third and final reading of the proposed Ordinance Amendments, as presented, at the November 13, 2012 City Council meeting. Seconded by Councilor Coviello.

Councilor Kennedy said there are issues with the height of buildings in the City and in various zones of the historic district a building can surpass 60 feet and expressed her concerns. She asked that the City Council look into this matter. City Manager Bohenko stated that staff has looked at this and the Planning Board is reviewing this matter as well. He said it is an issue that the staff is concerned with and does not know if this is the right place to have a discussion. City Manager Bohenko also stated that the staff and Planning Board will address the unintended consequences with this ordinance.

Councilor Kennedy said she would vote opposed to the motion and ordinance because we need to look at the zoning issues first. She also expressed her concern with a building being constructed at a height over 60 feet.

Councilor Novelline Clayburgh asked if the motion could be amended to be subject to new zoning regulations coming forward in the near future. City Manager Bohenko said the Council could put a restriction on the sale of the Connie Bean Center.

Councilor Coviello said he would support the motion and it is a building code issue. He also stated he does not feel the property could take advantage of the height like Portwalk has. Councilor Coviello said he shares the concerns of Councilor Kennedy.

Planning Director Taintor address the matter briefly and stated that the zoning allows for flexibility and variety in roof lines. He said that this has been in effect since 1995.

Assistant Mayor Lister expressed his concern with the height issues as well.

Motion passed with Councilor Kennedy voting opposed.

- C. Third and final reading of Various Housekeeping Amendments to the City's Code of Ordinances.
- Chapter 1, Article VI – RESIDENCY REQUIREMENTS – delete in its entirety
 - Chapter 3, Article I, Section 3.111 – HOGS – delete in its entirety
 - Chapter 5, Article I, Section 5.102 – RESIDENTS OF THE CITY – delete in its entirety
 - Chapter 5, Article I, Section 5.103 – AGE LIMIT – delete in its entirety
 - Chapter 6, Article VI – DANCING – delete in its entirety
 - Chapter 9, Article II – SUNDAY ORDINANCES – delete in its entirety

Councilor Kennedy moved to pass third and final reading of the proposed Ordinance Amendments and attach it to the newly requested appendix in the City's Ordinance Book. Seconded by Assistant Mayor Lister and voted.

- D. Third and final reading of Ordinance Amendment to Chapter 7, Article I, Section 7.102 – Parking Meter Zones
- Downtown High Occupancy Zone: Parking shall be at the rate of one dollar fifty cents (\$1.50) per hour in the following areas:
 1. Daniel Street, starting at Chapel Street through to Market Square
 2. Bow Street, starting at Chapel Street through to Market Street
 3. Congress Street, starting at Market Square through to Chestnut Street
 4. Pleasant Street, starting from Court Street through to Market Square
 5. Market Street, starting from Moffatt-Ladd House through to Market Square

- Parking in all other parking meter zones shall be at the rate of one dollar (\$1.00 per hour)

Councilor Novelline Clayburgh moved to pass third and final reading of the proposed Ordinance Amendments, as presented. Seconded by Councilor Lown and voted. Assistant Mayor Lister voted opposed.

X. CONSENT AGENDA

- A. Letter from Jacqui Bryan and Marci Francis, Susan G. Komen Race for the Cure, requesting permission to hold the Annual Susan G. Komen New Hampshire Race for the Cure 5K on Saturday, May 11, 2013 (***Anticipated action – move to refer to the City Manager with power***)
- B. Letter from Caroline Piper and Dave Anderson, Friends of the South End, requesting permission to hold the Annual Fairy House Tour Event on Saturday, September 21st and Sunday, September 22nd 2013 (***Anticipated action – move to refer to the City Manager with power***)
- C. Letter from Karen Butz Webb, Executive Director, Project Safety Association, requesting permission to hold the 2nd Annual Project Safety 5K Road Race on Saturday, September 28, 2013 (***Anticipated action – move to refer to the City Manager with power***)
- D. Request for Approval of Pole License to install/replace an underground conduit system located on Farm Lane (***Anticipated action – move to approve the aforementioned Pole License Agreement as recommended by the Public Works Department with the approval conditioned upon amendment of the license to allow for the collection of any lawfully assessed real estate taxes***)
- E. Request for Approval of Pole License to install/replace an underground conduit system located on Griffin Road (***Anticipated action – move to approve the aforementioned Pole License Agreement as recommended by the Public Works Department with the approval conditioned upon amendment of the license to allow for the collection of any lawfully assessed real estate taxes***)
- F. Request for License from Jamie Belilah owner of Jamie Belilah Expert European Skin Care, for property located at 85 Daniel Street for a projecting sign on a new bracket (***Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Jamie Belilah owner of Jamie Belilah Expert European Skin Care, for a projecting sign at property located at 85 Daniel Street on a new bracket and, further, authorize the City Manager to execute License Agreements for this request***)

Planning Director's Stipulations:

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

- G. Request for License from Rita Fabbriatore owner of Pickwick's Mercantile, for property located at 64 State Street for a projecting sign on a new bracket (***Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Rita Fabbriatore owner of Pickwick's Mercantile, for a projecting sign at property located at 64 State Street on a new bracket and, further, authorize the City Manager to execute License Agreements for this request***)

Planning Director's Stipulations:

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

Assistant Mayor Lister moved to adopt the Consent Agenda. Seconded by Councilor Kennedy and voted.

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Billie Tooley requesting permission to donate a bench for placement in Haven Park on Pleasant Street in parent's memory.

Assistant Mayor Lister moved to refer to the City Manager with power. Seconded by Councilor Novelline Clayburgh.

Councilor Kennedy stated she would need to abstain from voting on this matter.

City Manager Bohenko said he would work with the Public Works Department on this matter.

Councilor Thorsen asked who is responsible for upkeep and removal of the bench, if required. City Manager Bohenko said if the bench becomes worn it would be removed.

Motion passed, with Councilor Kennedy abstaining from the vote.

- B. Letter from Christopher McInnis, Trustee, Portsmouth City Investment Realty Trust, Airgead Realty Trust & Talam Realty Trust, requesting Change in Zoning of 678 and 680 Maplewood Avenue and 261 Myrtle Avenue

Councilor Lown moved to refer to the Planning Board for report back. Seconded by Councilor Novelline Clayburgh and voted.

- C. School Department 2012 Progress Report

Assistant Mayor Lister moved to accept the report and place it on file. Seconded by Councilor Coviello and voted.

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

- 1. Proposed Portwalk Licenses and Easements

City Manager Bohenko requested that City Attorney Sullivan speak to this matter.

City Attorney Sullivan reported that these are fairly routine in nature. He reviewed the Easement and License Agreement, Parking Space License and Sidewalk License Agreement and the Non-Exclusive Easement to Construct Temporary Support of Subsurface Construction. He explained that these documents relate to Phase III of the Portwalk Development. He reviewed each of the Agreements in detail.

Easement and License Agreement

This document would allow Portwalk to construct roof overhangs (cornices) in City airspace at six (6) locations. Construct doors which would swing into the public right-of-way or airspace in two (2) locations.

Parking Space License and Sidewalk License Agreement

This agreement would authorize the use by Portwalk of six on-street parking spaces on Hanover Street, two on-street parking spaces on Deer Street and all of the sidewalks abutting the property on Hanover Street, Maplewood Avenue and Deer Street for construction purposes. The use of those areas would be required to be in conformance with a Construction Management and Mitigation Plan (CMMP) which the City administration will negotiate and enter into with Portwalk. The License would be for a 24 month construction period.

Non-Exclusive Easement to Construct Temporary Support of Subsurface Construction

This document the City would give Portwalk the authority to utilize a construction method for the project which would consist of numerous steel rods to be drilled underneath City streets surrounding the project for the purpose of upholding subsurface walls during the early construction stages. After their use for this purpose the steel rods would be abandoned in place beneath the City streets. This will be the first time such a construction method has been utilized in the City of Portsmouth. It should be noted this method has been used elsewhere. In particular we have reviewed an agreement under which the City of Boston authorized the Brigham and Women's Hospital to utilize this construction method for hospital construction in 2012. The use of these steel rods (called tie-backs) has been thoroughly examined by the City's Public Works Department. An outside consultant, R.W. Gillespie & Associates, Inc. has opined that the method can be utilized without damage to City property. An important facet of the agreement is that the current property owner, and all future property owners, will be liable to indemnify and hold the City harmless from any damage or claims caused by use of the construction method or by the fact that the steel rods will remain underneath the City streets even subsequent to construction of the new building.

In addition, these agreements have been reviewed and approved by the City's Planning, Public Works and Legal Departments.

Councilor Coviello move to authorize the City Manager to execute and deliver an Easement and License Agreement; a Parking Space License and Sidewalk License Agreement and a Non-Exclusive Easement to Construct Temporary Support of Subsurface Construction for the benefit of Parade Office LLC, as presented. Seconded by Councilor Kennedy.

Councilor Dwyer asked if the plan allows for an independent review or inspections. City Attorney Sullivan stated that an inspection has been done by R.W. Gillespie & Associates, Inc. Councilor Dwyer asked if there is room for inspections at key points in the development.

Councilor Coviello said the building code requires specific inspections placed upon the schedule of construction which would have been followed by the engineers.

Deputy City Manager Allen said in the R.W. Gillespie & Associates, Inc., report it references inspections during the construction and paid by Portwalk.

Councilor Coviello asked who would be responsible if we hit tie-backs. Public Works Director Parkinson said it is hard to say if issues will occur in the future with the angle they are using. City Attorney Sullivan stated that the owners would be responsible and we are indemnified.

Public Works Director Parkinson advised the City Council that the tie-backs will be abandoned still in the ground. Councilor Kennedy asked what the other alternatives are. She expressed concern with the deterioration of the tie-backs in the future and if a fund could be established for retrieving funds for damages.

Councilor Coviello moved to suspend the rules in order to allow Tim Levine, Developer of the project to address the City Council. Seconded by Councilor Kennedy and voted.

Mr. Levine explained the placement of the rods and that they would last at least 100 years. He reported that these rods are so deep in the ground that he does not believe any construction could go deep enough to reach the rods. City Manager Bohenko said the City could ask the applicant to work with us in creating an account for this in the future. He said he would like to speak with Public Works Director Parkinson and others on this matter further. City Manager Bohenko reported that the intent of the fund would be if we have a problem and need funds available. He asked Mr. Levine if they would be acceptable to a fund being created.

Assistant Mayor Lister moved to amend the agreement to include a cash account in an amount and time period set by the City Manager being secured by the site review improvement. Seconded by Councilor Kennedy.

Attorney Loughlin, Representing Portwalk addressed the Council and indicated he spoke with Ernie Carrier who worked on the Service Credit Union regarding tie-backs. He stated that Mr. Carrier advised him that tie-backs are used all the time and are routine in developments. Attorney Loughlin said in tight areas as this, there really are no other alternatives.

Councilor Coviello stated that he is trying to protect residents from any future costs. He said he has no problem with steel put in the ground and he does not want to rush to a cash account but inquired as to whether a bond should be put in place for \$50,000.00.

City Manager Bohenko said he was trying to meet the intent of Councilor Kennedy when suggesting the creation of a cash account.

Councilor Lown said we do not need a cash account or bond. He stated that the indemnified clause is appropriate.

Councilor Smith said that tie-backs are used often and are common practice in some communities.

Councilor Thorsen stated he does not want to see the City getting into the practice of requiring bonds or cash accounts for projects.

Councilor Coviello asked if the project is bonded. City Attorney Sullivan said there is a bond for the Site Review improvements.

Councilor Kennedy stated we have never been asked for tie-backs before and inquired of Public Works Director Parkinson how often we go below 5 feet. Public Works Director Parkinson responded it depends where we are in the City and what we are trying to accomplish.

Councilor Novelline Clayburgh said she would not support the amendment where the agreement does indemnify and makes the future owner responsible for any issues that arise.

Assistant Mayor Lister said the intention of the amendment was to give the City Manager flexibility. He stated he would move the amendment to the Site Review agreement as part of the motion.

On a roll call 7-2, voted to amend the agreement to include a cash account in an amount and time period set by the City Manager being secured by the site review improvement. Assistant Mayor Lister, Councilors Coviello, Kennedy, Lown, Dwyer, Smith and Mayor Spear in favor. Councilors Novelline Clayburgh and Thorsen opposed.

Councilor Thorsen asked City Attorney Sullivan if the indemnification clause extends beyond what is listed in the agreement for liabilities and how do we capture that effect. City Attorney stated this does not require property owners to do anything and whoever was obstructing would have to deal with it and file for damages.

Councilor Dwyer said she wants to ensure that Public Works Director Parkinson is comfortable with the agreement or if language needs to change. Public Works Director Parkinson indicated that he was comfortable with the agreement.

Discussion followed.

On a roll call 8-1, voted to pass the main motion as amended. Assistant Mayor Lister, Councilors Coviello, Novelline Clayburgh, Lown, Dwyer, Smith, Thorsen and Mayor Spear voted in favor. Councilor Kennedy voted opposed.

2. Proposed Refinancing of Osprey Landing

City Manager Bohenko reported this is to refinance Osprey Landing and outlined the restructuring of the loan.

Councilor Coviello moved to authorize the City Manager to negotiate and execute any and all documents of any type necessary to implement the refinancing and restructuring of the mortgage indebtedness to the City of Portsmouth of Inishmaan Associates L.P. as described in a letter dated October 1, 2012 addressed to City Attorney Robert P. Sullivan from Attorney John M. Sullivan. Seconded by Councilor Novelline Clayburgh and voted.

3. Spinney and Middle Road Easements and Transfers

City Manager Bohenko spoke to the lot line changes and the property interests are shown on maps provided to the Council.

Councilor Novelline Clayburgh moved to authorize the City Manager to accept the easements and conveyances relative to the subdivision and site plan approval granted to Paul Sanderson, Trustee for property located off of Spinney Road and Middle Road. Councilor Lown recused himself from the vote on this matter. Seconded by Assistant Mayor Lister and voted. Councilor Lown recused himself from the vote on this matter.

B. MAYOR SPEAR

1. Appointments to be Considered:
 - Karina Quintans to the Planning Board (alternate)
 - Robert Marchewka reappointment to the Economic Development Commission
 - Jeffrey Mountjoy reappointment to the Housing Endowment Fund

The City Council considered the above referenced appointments which will be voted on at the November 13, 2012 City Council meeting.

City Manager's Informational Item

3. *Report on waiver of City Council referrals to the Planning Board under City Ordinance, Chapter 11, Article VI (leases, licenses, temporary easements)*

Planning Director Taintor reported when the Zoning Ordinance was enacted in December 2009, a section of the previous Zoning Ordinance was deleted and moved to the City's general Ordinances with some wording changes. The relocated section was the provision requiring the City Council to refer certain proposed actions to the Planning Board for review and report back. He stated the wording changes were too expansive and have resulted in conflicts with established City procedure regarding licenses, leases and temporary easements.

In addition, the revised City Ordinance allows the Planning Board to waive any City Council referral required by the City Ordinance. Therefore, at its meeting on September 20, 2012, the Planning Board voted to waive all referrals from the City Council to the Planning Board for leases of land with a lease term less than 5 years, all leases of buildings, all temporary easements and all licenses, and to make this waiver retroactive to December 21, 2009.

Councilor Dwyer said the effect now is there are a number of things that were never referred to the Planning Board before.

Councilor Smith said he likes referring things to the Planning Board on the disposal of land and the Planning Board puts together a matrix which he would like that information to continue.

City Manager Bohenko said the City Council would still refer long term licenses. He said that minor licenses were never referred in the past.

2. Appointments to be Voted:
 - Appointment of Francesca Marconi Fernald to the Peirce Island Committee
 - Appointment of George Melchior to the Historic District Commission as a regular member (*currently an alternate*)
 - Reappointment of John Leith to the Portsmouth Housing Authority (Considered at the April 16, 2012 Council Meeting).

Councilor Kennedy moved to appoint Francesca Marconi Fernald to the Peirce Island Committee until December 31, 2013. Seconded by Councilor Smith and voted.

Councilor Kennedy moved to appoint George Melchior to the Historic District Commission as a regular member until June 1, 2015. Seconded by Councilor Smith and voted. (Mr. Melchior is currently as alternate to the Historic District Commission).

Councilor Novelline Clayburgh moved to reappoint John Leith to the Portsmouth Housing Authority until April 1, 2017. Seconded by Councilor Smith and voted. (Appointment was considered by the City Council at the April 16, 2012 meeting).

3. Resignation:
 - James Feehley from the Taxi Commission

Councilor Smith moved to accept with regret the resignation of James Feehley from the Taxi Commission with a letter of thanks for his service to the City. Seconded by Councilor Novelline Clayburgh and voted.

C. ASSISTANT MAYOR LISTER

1. Proposed Amendments to the City Manager's Employment Agreement

Assistant Mayor Lister reported subsequent to the evaluation of the City Manager, the City Council requested that the Evaluation Committee discuss with City Manager Bohenko his Employment Agreement. The Committee was interested in seeing if the City Manager would extend his Employment Agreement for three (3) years, which would expire on June 30, 2017. He further stated as part of the discussion, the Committee discussed with the City Manager his compensation. The Evaluation Committee is recommending that the City Manager's salary effective November 1, 2012 be \$143,000.00.

In addition, it also provides that the City will contribute 16% of the employee's salary in a 457 Deferred Compensation Plan. Presently, the City contributes approximately 6% into this plan. This amount has not changed since 1999.

Assistant Mayor Lister moved to authorize the Mayor to execute the following Amendments to the City Manager's Employment Agreement:

- **Effective November 1, 2012, the Employee salary will be \$143,000.00, Commencing July 1, 2013 and every July 1st thereafter through July 1, 2016, the Employee will receive a COLA Adjustment based on the 10-year rolling average of the CPI for the Boston/Brockton/Nashua Index**
- **Effective November 1, 2012, the City will contribute 16% of the Employee's salary in a 457 Deferred Compensation Plan**
- **Term of Agreement to be extended by three (3) years to expire June 30, 2017**

Further, that all other terms and conditions of the City Manager's Employment Agreement dated May 8, 2009 shall remain in full force and effect. Seconded by Councilor Novelline Clayburgh.

Councilor Novelline Clayburgh stated the City is fortunate to have John Bohenko as our City Manager. She spoke to the success of the City under his leadership. Councilor Novelline Clayburgh said that John is very talented and she is so happy to keep him here in the City of Portsmouth until 2017.

Assistant Mayor Lister said he echoes Councilor Novelline Clayburgh's comments. He commended City Manager Bohenko for his work and stated we have kept a talented individual here.

Councilor Coviello said things improved in this City in 1997 and that is when John Bohenko became our City Manager. He said he appreciates the work of the City Manager and the compensation package is well deserved.

Councilor Dwyer also echoed the comments of Councilor Novelline Clayburgh. She acknowledged that this increase does not represent the great work that John has done for the City of Portsmouth.

Councilor Lown said the City is successful with John Bohenko and many Councilors felt that he was worth more than this and John would not take it. He said we are very lucky to have John Bohenko as our City Manager.

Councilor Smith said he has had the privilege of working with John Bohenko from day one. He always has the best interest of the City at heart. He further stated we use to be a junk bond community, now we are the same rating as the federal government. He said John Bohenko is not part of the retirement system and we need to make sure we keep him in this City.

Councilor Thorsen said he has been very vocal on many contracts and one of his issues was with retirement. He said this contract does not have any defects with retirements. He further stated that this is the best constructed contract he has seen thus far.

Mayor Spear passed the gavel to Assistant Mayor Lister.

Mayor Spear said he agrees with everything that has been said regarding City Manager Bohenko. He said the City Manager will have been here for over 20 years at the end of his contract. He spoke to the City's success with City Manager Bohenko and said everything in the contract is well deserved.

Assistant Mayor Lister returned the gavel to Mayor Spear.

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

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

XIV. ADJOURNMENT [AT 10:00PM OR EARLIER]

At 9:10 p.m., Councilor Smith moved to adjourn. Seconded by Councilor Novelline Clayburgh and voted.

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

Kelli L. Barnaby, CMC/CNHMC
City Clerk

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: TUESDAY, NOVEMBER 13, 2012

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

At 6:15 p.m., a Work Session was held regarding the FY14 Budget.

I. CALL TO ORDER [7:00PM or thereafter]

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

II. ROLL CALL

Present: Mayor Spear, Assistant Mayor Lister, Councilors Kennedy, Novelline Clayburgh, Lown, Dwyer, Smith and Thorsen

Absent: Councilor Coviello

III. INVOCATION

Mayor Spear asked everyone to join in a moment of Silent Prayer.

IV. PLEDGE OF ALLEGIANCE

Councilor Smith led the Pledge of Allegiance to the Flag.

PROCLAMATIONS

1. Portsmouth Music and Arts Center

Assistant Mayor Lister read the proclamation which was accepted by Russ Grazier, co-founder of the Portsmouth Music and Arts Center, with thanks and appreciation. Mr. Grazier thanked Assistant Mayor Lister for his support when the Center was started 10 years earlier.

2. Small Business Saturday in Portsmouth

Councilor Dwyer read the proclamation proclaiming the Saturday after Thanksgiving as "Small Business Saturday" and encouraged people to shop independently owned businesses in the City of Portsmouth.

PRESENTATION

1. Memorial Bridge Illumination Committee

Ben Porter, on behalf of Peter Somssich and other committee members, reviewed the progress of the committee in moving forward with the Memorial Bridge Illumination project. He stated that this will bring the lighting of the bridge to 21st century standards and will allow it to be illuminated at night such as the Zakim Bridge in Boston. He stated they are also working with the Dark Sky initiative to keep within their guidelines as well. He stated that it is possible to illuminate the bridge and to save taxpayer money as the lighting will be LED based. He continued that they want to illuminate the Memorial Bridge plaque as well, which had never been done before and there will also be the ability to change colors of the towers. He stated there are 3 phases to the

project which includes getting pledges, collecting the pledges and the installation and operation. He stated they are asking the Town of Kittery and the City of Portsmouth to show their support of the project.

City Manager Bohenko stated that the State DOT indicated that they would not participate financially in the illumination of the bridge, so he then discussed it with the City Attorney and have decided that if the group is successful in raising funds for illumination and 5 years of operating costs, then he would recommend setting up a trust with the Trustees of the Trust Funds for the funds to be deposited and payments come out of that Trust. He stated any remaining money would fund operating costs and would continue to be privately funded. He stated he is looking to the Council as to how to proceed.

Councilor Lown moved to suspend the rules to take action on this item. Seconded by Councilor Thorsen and voted.

Councilor Lown moved to authorize the City Manager to bring back to the Council at the December 3, 2012 meeting a proposal to establish a Trust Fund for the Memorial Bridge Illumination Project. Seconded by Councilor Novelline Clayburgh and voted.

V. ACCEPTANCE OF MINUTES *(There will be no minutes on for acceptance)*

VI. PUBLIC COMMENT SESSION

Mayor Spear opened the public comment session asking if anyone wished to speak:

Tom Carroll, local business owner at 500 Market Street – stated that he is expressing his own opinion regarding the removal of the scrap metal pile in answer to Councilor Thorsens' recent question as to what power does the city have over this decision. He stated we have the greatest power to be able to speak our opinions under the First Amendment. He stated we should be going after the State for all of the money they owe us. He discussed a scrap metal site that was shut down in Portland because it was the number one goal to do so and it shows it can be done. He stated the State has been abusing municipalities for years and its time for the Council to speak up.

Alyssa Gold Jacobs, owner of Le Club Boutique at the Vaughan Mall – read her letter to the editor recently published in the Portsmouth Herald expressing her opposition to a parking garage at the Worth Lot.

Joel Carp, asked for clarification as to what the City Manager's authority on the Pease Development Authority Board stating the City has no authority on the port, but is located within the City of Portsmouth. He stated he wonders how the City Manager votes when something that is proposed will harm the interests of the City of Portsmouth who does he take his direction from and how are these contradictions supposed to be handled, is there a procedure in place. He stated that he feels the PDA should be removed from running the port and allow the City to take back the control as had been done in the past. He stated he is not meaning to criticize the City Manager, but wonders if there is a conflict of interest.

Mayor Spear stated that as a result of the recent Council Retreat, the question can now be answered when asked.

City Manager Bohenko stated his ultimate responsibility is to the City of Portsmouth and stated he has voted against the scrap metal contract since early on. He stated as part of "Best Management Practices" he has been working with the PDA to find appropriate commerce for the Port which is a self-sustaining entity operating since 1962 and is now under the PDA's authority. He stated that in answer to the direct question, if there is a conflict, he consults with the City Attorney. He stated that there is an informational session being held by the PDA on 11/26/2012 at 6:30 p.m. at City Hall which will be recorded for rebroadcast.

Councilor Novelline Clayburgh stated she has previously served on the PDA as the Council representative in a non-voting capacity, and knows that the PDA Board has a great deal of respect for City Manager Bohenko. She continued that it is critical to have him representing the City on the Board as he is looking out for the City's best interest.

Assistant Mayor Lister stated he is the current City Council representative and agrees with Councilor Novelline Clayburghs comments.

Mr. Carroll stated that regarding City Manager Bohenko's comments, he does not feel that the Port Authority is self-sustaining.

Seeing no one else wishing to speak, the Mayor closed the public comment session.

VII. PUBLIC HEARING

- A. PROPOSED ORDINANCE AMENDING CHAPTER 7, ARTICLE IX, SECTION 7.901 (E) – PENALTIES OF THE CITY ORDINANCES TO AMEND SECTION 7.105 (A) PARKING VIOLATION – EXPIRED METER FINE AMOUNT FROM \$10.00 TO \$15.00

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

VIII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Police Department Grants/Donations:
- NH Department of Highway Safety Grant for "Operation Safe Commute" patrols - \$4,950.00
 - US Department of Justice Grant for the FY12 Internet Crimes Against Children Task Force continuation - \$237,531.00
 - Scholarship Grant to Emergency Communications Manager Gil Emery from APCO International for digital training - \$500.00
 - Donation from The Friends of the South End Neighborhood Association in support of the Police Explorer Cadets - \$400.00

Assistant Mayor Lister moved to approve and accept the grants and donation to the Portsmouth Police Department, as listed. Seconded by Councilor Thorsen and voted.

- B. Acceptance of Donation Re: Bench

Councilor Novelline Clayburgh moved to approve and accept the donation for a bench, as presented. Seconded by Councilor Kennedy and voted.

- C. Acceptance of Donation from Liberty Mutual Insurance

Councilor Kennedy moved to authorize the City Manager to accept and expend a donation from Liberty Mutual Insurance for improvements to Peirce Island. Seconded by Assistant Mayor Lister and voted.

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. Second Reading of Proposed Ordinance amending Chapter 7, Article IX, Section 7.901 (E) – Penalties of the City Ordinances to amend Section 7.105 (A) Parking Violation – Expired Meter Fine Amount from \$10.00 to \$15.00

Assistant Mayor Lister moved to pass second reading and schedule a third and final reading of the proposed Ordinance, as presented, at the December 3, 2012 City Council meeting. Seconded by Councilor Novelline Clayburgh and voted.

- B. Third and Final Reading of Proposed Ordinance which would amend the Zoning Ordinance, Chapter 10, to Rezone 143 Daniel Street (former Connie Bean Property) from Municipal to Central Business B (CBB) and also, to place that property in the Downtown Overlay District (DOD)

Councilor Lown moved to pass third and final reading of the proposed Ordinance Amendments, as presented, seconded by Councilor Novelline Clayburgh.

Councilor Kennedy clarified that the only thing moved into the Central Business District with this ordinance change will be the lot itself and not the building. The City Manager stated it will be the building and small parking lot in the back.

Motion voted.

X. CONSENT AGENDA

Assistant Mayor Lister moved to adopt the Consent Agenda as presented. Seconded by Councilor Kennedy and voted.

- A. Request for Approval of Pole License to install 2 poles located on Maplewood and Woodbury Avenues (***Anticipated action – move to approve the aforementioned Pole License Agreement as recommended by the Public Works Department with the approval conditioned upon amendment of the license to allow for the collection of any lawfully assessed real estate taxes***)

- B. Request for Approval of Pole License to install 5 poles, 4 located on Woodbury Avenue and 1 located on Maplewood Avenue (***Anticipated action – move to approve the aforementioned Pole License Agreement as recommended by the Public Works Department with the approval conditioned upon amendment of the license to allow for the collection of any lawfully assessed real estate taxes***)
- C. Request for License from Robin Brownson owner of Orange Leaf Frozen Yogurt, for property located at 218 State Street for a projecting sign on a new bracket (***Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Robin Brownson owner of Orange Leaf Frozen Yogurt, for a projecting sign at property located at 218 State Street on a new bracket and, further, authorize the City Manager to execute License Agreements for this request***)

Planning Director's Stipulations:

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

- D. Request for License from Dana Deniro owner of Lunachics, for property located at 65 Bow Street for a projecting sign on an existing bracket (***Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Dana Deniro, owner of Lunachics, for a projecting sign at property located at 65 Bow Street on an existing bracket and, further, authorize the City Manager to execute License Agreements for this request***)

Planning Director's Stipulations:

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

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Zachary Taylor and Alex Marshall, Santa Ski New England 2012, requesting permission to hold a fundraising event on Saturday, December 1, 2012 at the Isles of Shoals Steam Ship Company located at 315 Market Street to raise food and money donations for three local food pantries; Footprints, Table of Plenty, and Operation Blessing

City Manager Bohenko explained that this does not require Council action to approve, but because it was addressed to the Mayor and City Council, he brought it forward as a written communication.

Councilor Novelline Clayburgh moved to accept and place on file. Seconded by Assistant Mayor Lister and voted.

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

1. Prescott Park Docks

City Manager Bohenko explained that there is a change to the policy to move the lottery date up to February 15th so that those not chosen have time to make alternate arrangements.

Councilor Novelline Clayburgh moved to approve the Policy for Prescott Park Docks for the 2013 boating season as presented, seconded by Assistant Mayor Lister.

Councilor Kennedy stated that in her business, the insurance coverage usually goes from May 15th through October 15th and wonders if this is an issue. City Attorney Sullivan stated that the Docks are not insured separately and are a part of the city's general policy. Councilor Kennedy asked who will set the rates. City Attorney Sullivan stated the fee committee will set the rates.

Motion voted.

2. New Castle Avenue Dock Revocable License Agreement for Priscilla Semprini

City Attorney Sullivan reviewed the history of the 5 docks that had been built on New Castle Avenue without permits stating that when New Castle Avenue was rebuilt 5 years ago, the docks had to be removed because they were not permitted. He stated that after a lengthy process and meeting terms and conditions set by the City Council, one property owner has been allowed to put another dock in and now a second person has come forward, also having met the conditions.

Councilor Smith moved to approve the New Castle Avenue Dock Revocable License Agreement for Priscilla Semprini as presented, and further, authorize the City Manager to execute the agreement. Seconded by Councilor Kennedy and voted.

3. Report Back Re: Proposed Amendments to Zoning Ordinance Relative to Exemptions from Certificate of Approval in the Historic District

Councilor Novelline Clayburgh moved to authorize the City Manager to bring back for first reading the proposed Ordinance amendment, as presented, at the December 3, 2013 City Council meeting, seconded by Assistant Mayor Lister.

Councilor Kennedy explained that the proposed amendments are meant to streamline the current permit process, clarify current exemptions and refine and develop new performance standards for many of the listed exemptions. She stated that the Historic District Commission believes that the proposed amendments will significantly reduce its caseload and reduce the cost and burden to homeowners making minimal improvements and allow the HDC to spend time reviewing larger projects within the Historic District.

Councilor Dwyer stated that it is a great thing to alleviate the number of cases going before the Historic District Commission, but feels that it needs to be more clearly defined what will and will not be required. City Manager Bohenko stated that they will look at that more closely and will ask the Chair of the Historic District Commission and City Planner Nick Cracknell to be present at the public hearing.

Motion voted.

4. Proposed Zoning Ordinance Amendment – Building Height

City Manager Bohenko asked Planning Director Taintor to review the proposal.

Planning Director Taintor explained that there is a loophole in the existing ordinance that was not a part of the changes made to Chapter 10 in 2009 and would modify the existing building height provisions for the Central Business Districts in 3 ways including; defining “street wall”, establish a “stepback” provision, and require that no portion of a building be higher above the street grade than the nominal maximum building height. He stated it would also amend the definition of “grade plane” for buildings in the Central Business Districts.

Councilor Smith moved to refer the aforementioned matter to the Planning Board for a report back to Council, seconded by Councilor Lown.

Discussion ensued regarding the proposed ordinance and its implications on various properties in the city. Mayor Spear asked if anything being done will have an impact on the Portwalk and City Manager Bohenko stated no.

Motion voted.

5. Acceptance of Easements and Quitclaim of Abandoned Lines

Assistant Mayor Lister moved to authorize the City Manager to negotiate and convey the property interests identified in Exhibit A. Seconded by Councilor Novelline Clayburgh and voted.

Informational Items

1. Events Listing
2. Informational Meeting Re: Scrap Pile
3. Sale of Connie Bean
4. Update on Wayfinding Project

B. MAYOR SPEAR

1. Appointment to be Considered:
 - Marc Stettner to the Peirce Island Committee
 - John Bosen to the Economic Development Commission
 - Ernestine Greenslade to the Library Board of Trustees

The aforementioned appointments were considered and will be voted at the December 3, 2012 City Council meeting.

2. Appointments to be Voted:
 - Karina Quintans to the Planning Board (alternate)

Councilor Lown moved to approve the appointment of Karina Quintans as an alternate member of the Planning Board, term to expired December 31, 2014. Seconded by Assistant Mayor Lister and voted.

- Robert Marchewka reappointment to the Economic Development Commission

Assistant Mayor Lister moved to approve the reappointment of Robert Marchewka to the Economic Development Commission, term to expire October 1, 2016. Seconded by Councilor Lown and voted.

- Jeffrey Mountjoy reappointment to the Housing Endowment Fund

Councilor Novelline Clayburgh moved to approve the reappointment of Jeffrey Mountjoy to the Housing Endowment Fund, term to expire June 1, 2015. Seconded by Assistant Mayor Lister and voted.

3. Resignations:
 - Tim Allison from the Economic Development Commission
 - Lisa DeStefano from the Economic Development Commission
 - Brian Groth as an Alternate to the Planning Board

Councilor Smith moved to accept the aforementioned resignations with a letter of thanks and appreciation of service. Seconded by Assistant Mayor Lister and voted.

C. ASSISTANT MAYOR LISTER & COUNCILOR SMITH

1. Resolution Supporting USS Thresher Memorial and Request to Donate \$1,000.00 for the USS Thresher Memorial Project from the Contingency Fund

Assistant Mayor Lister read the memorandum and Councilor Smith read the resolution regarding the report back from the Veteran's Organization requesting support for the USS Thresher Memorial in Kittery Maine.

Councilor Smith moved to adopt the Resolution in Support of the USS Thresher Memorial and further, donate \$1,000.00 for the Thresher Memorial Project from the Contingency Fund, seconded by Assistant Mayor Lister.

Councilor Thorsen asked what is the total cost of the project.

Councilor Smith stated that the cost is \$72,000.00 and City Manager Bohenko stated that Mr. Kerr has reported \$60,000.00 in pledges.

Councilor Thorsen asked what happens if they raise over the amount of the project, will the City want to follow through with the \$1,000.00 pledge. City Manager Bohenko stated that once the pledge is made it is made and feels that they will still need money for maintenance of the memorial. He stated that this tragedy affected both communities then and now and feels that this donation is symbolic and will help encourage others to donate.

Councilor Smith stated that donations are still being accepted and asked that the link to the website be placed on the City's website.

Councilor Novelline Clayburgh asked if the Town of Kittery is making a donation as well. Councilor Smith stated they will be approached.

Councilor Dwyer stated she was on the committee and stated that only 2 of the people who died on the USS Thresher were born in Portsmouth, but feels that those who lived in Portsmouth should be identified as well. She stated this tragedy affected many in the community and it took a long time for people to be comfortable bringing this forward.

Motion voted.

D. COUNCILOR DWYER

1. *Middle School Update

Councilor Dwyer stated that since the last update they have begun learning about Phase II of the project which is updating the 1930's portion of the building. She stated that Phase I, the new construction, was the easy part and we now know what the consequences of rehabbing a 1930's building are going to entail. She continued that 1930's construction methods are going to require more support of existing walls with steel and these changes will result in delays of Phase II because the steel has to be ordered. Next, she stated the second set of issues is regarding the soils and we don't need to remove as much as we originally thought, but this will also require

redesign and will take some more time. She stated the impact on the schedule is that instead of moving in over February 2013 vacation they will be shooting for April 2013 vacation or early May. They want to begin the final phase as soon as possible which is connecting Phase I and Phase II but it will probably not be until after the new school year begins in September. She stated the School Board is also learning about this today, but there is no impact to school programs expected.

E. COUNCILOR SMITH

1. Parking and Traffic Safety Committee Action Sheet and Minutes of the October 11, 2012 meeting (Also attached - Downtown Speed Study)

Councilor Smith moved to accept the action sheet and minutes of the October 11, 2012 Parking and Traffic Safety Committee meeting, seconded by Councilor Novelline Clayburgh.

Councilor Smith stated that there are some ordinance changes that will be required including the Bow Street loading zone hours being changed from 6:00 a.m. to noon on Sundays and also, the recommendations in the Speed Study, which was included with the minutes. He also informed everyone that the Parking garage snow emergency coupons are now available and the annual Free Holiday Parking will be December 14, 2012 through January 2, 2013.

Motion voted 7-1, Councilor Kennedy voted opposed.

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

Assistant Mayor Lister thanked the Public Works Department for replacing the city street signs with the larger printed signs which is ongoing throughout the city.

Councilor Novelline Clayburgh stated that it is an exciting weekend for Portsmouth High School with the football championship game and the annual musical production beginning which this year will be "Tommy" based on music by the Who.

Assistant Mayor Lister stated that the Thanksgiving Day football game this year will be in Portsmouth against Dover beginning at noontime.

XIV. ADJOURNMENT [AT 10:00PM OR EARLIER]

Assistant Mayor Lister moved to adjourn at 8:45 p.m., seconded and voted unanimously.

Respectfully submitted:



Valerie A. French
Deputy City Clerk

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, December 17, 2012 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH, on Proposed Amendments to Chapter 10 – Zoning Ordinance, Article 6 – Overlay Districts, Section 10.633.20 – Exemptions from Certificate of Approval in the Historic District; and to Article 15 – Definitions, Section 10.1530 – Terms of General Applicability, Defining the term “Contributing Structure”. The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

KELLI L. BARNABY, CMC/CNHMC
CITY CLERK

LEGAL NOTICE

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KELLI L. BARNABY, CMC/CNHMC • CITY CLERK

#12517

11P 12/6

ORDINANCE #
THE CITY OF PORTSMOUTH ORDAINS

That the Ordinances of the City of Portsmouth, Chapter 10 – Zoning Ordinance, be amended to read as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

A. Proposed amendments to Article 6 – Overlay Districts, Section 10.633.20 – Exemptions from Certificate of Approval
(Proposed additions in **bold**; existing text to be deleted shown as ~~strikethrough~~)

10.633.20 Exemptions from Certificate of Approval

The following activities shall not require a Certificate from the Commission:

- (1) Ordinary maintenance and repair of any exterior architectural feature, which does not involve a change in design, materials or outer appearance thereof;
- (2) Painting or repainting structures without regard to color;
- (3) Maintenance and repair of fire walls, chimney repairs, entryway repairs, and deck repairs provided these are of the same design and material; ~~and the removal and replacement of shutters;~~ *[Note: moved to #4]*
- (4) **Placement or replacement of shutters that are (1) constructed of wooden material, (2) one-half the width of the sash they are covering, (3) installed with hinges and dogs, and (4) louvered, paneled or constructed of boards as appropriate to the style of the building;**
- (5) Roofing or re-roofing of existing structures provided that the roof plane and material remain the same regardless of color;
- (6) ~~Satellite dish receivers less than or equal to 42 inches in diameter, and less than or equal to 4 feet in height;~~
- (6) Replacement of ~~an exterior doors, window, or storm window with the same materials,~~ provided that **(1) the same design and materials are used, or (2) materials are used that restore** the original architectural features, including, **but not limited to**, the number and arrangement of window lights, ~~are not altered;~~ **using** true and non-removable divided lights, ~~are used;~~ and **ensuring that** the size of the opening does not change;
- (7) ~~Mechanical equipment and ventilation terminators, when the volume or mass of an individual device does not exceed 27 cubic feet, or extend more than 4 feet above the roof plane, or extend more than one foot out from the wall plane, or vent into a public way. All other duct work or equipment feeds shall be located in the~~ **building's interior so as not to be visible;** *[Note: moved to #7-9]*

- (7) **Roof-mounted mechanical or electrical equipment and ventilation terminators on a single-family or two-family dwelling where the equipment (1) is not located on a roof surface that faces or is visible from a public way, (2) does not exceed 27 cubic feet, and (3) does not extend more than 3 feet above the roof plane;**
- ~~(8) Window-mounted portable air conditioning units; [Note: moved to #22]~~
- (8) **Wall-mounted mechanical or electrical equipment and ventilation terminators for a single-family or two-family dwelling where the equipment (1) is painted a similar color to match or blend with the wall color, (2) does not extend more than six inches out from the wall plane, and (3) does not vent directly into a public way; and where (4) all duct work or equipment feeds enter the building's interior at ground level so as not to be visible;**
- (9) **Ground-mounted mechanical or electrical equipment for a single-family or two-family dwelling where (1) the equipment is located behind the structure and is not in public view, and (2) all duct work or equipment feeds are located in the building's interior or immediately adjacent to the equipment;**
- (10) **Storm windows, storm doors, screen windows and screen doors, provided they are constructed with wood frames, with any metal or vinyl tracks concealed by the wood frames. Window guards provided they are constructed with bars or rods of wrought iron, or metal formed and painted to resemble wrought iron. Mesh guards are not exempt;**
- ~~(11) Chimney caps or bishop pots that do not extend more than 12 inches above the chimney, and that are constructed of masonry or bluestone, or of other material with a black, dark brown or copper finish;~~
- (12) **Gas and electric meters on a single-family or two-family dwelling if mounted on a wall not facing a public way;**
- (13) **Construction, alteration or demolition of any structure or element of a structure that the Code Official documents as being necessary to avoid an immediate health or safety emergency prior to the Commission convening a meeting to consider the matter. In such instance, the Code Official shall immediately notify the Commission of his action;**
- (14) **New signs and refacing of existing signs, except that new freestanding signs and signs requiring review and approval by the Board of Adjustment shall not be exempt;**
- (15) **Awning replacement if a canvas fabric is used and no alterations (including but not limited to the wall fittings and fastenings) are made to the structure;**
- (16) **Temporary tent or tensile structures;**

- (17) Accessible ramp systems on single-family or two-family dwellings provided the ramp and rail system consists of black metal modular components;
- (18) The replacement of wood or metal fencing (except for chain-link) on a property with a **contributing structure** provided the replacement fence is in the same location with the same height, material, and design;
- (19) The replacement of exterior lighting on a **contributing structure** provided the replacement lighting is in the same in location with the same height, material, and design;
- (20) The replacement or restoration of wood siding (including removal of non-wood materials) provided the replacement siding is the same exposure, material, and design;
- (21) Terraces, walks, driveways, and sidewalks and in-ground swimming pools provided that any such element is substantially at the existing grade plane of the property;
- (22) Building accessories and décor, such as window-mounted portable air conditioning units, play equipment, window boxes, mail boxes less than 18" in all dimensions, flags, hose reels, door bells and knockers, weathervanes, bells, wind chimes, birdfeeders, artwork, sculpture, and other similar exterior décor.
- (23) New or replacement piers, floats, docks or gangways for single-family and two-family dwellings provided any vertical handrail support systems are constructed with metal, wire, rope or wood.

B. Proposed amendment to Article 15 – Definitions, Section 10.1530 – Terms of General Applicability

Insert the following new definition:

Contributing structure

A structure identified as a contributing structure in "An Architectural Survey of the Historic District of Portsmouth, NH", dated June–September, 1982, prepared by the Portsmouth Advocates Inc., Woodard D. Openo, Survey Director.

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

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

This ordinance shall take effect upon its passage.

APPROVED:

Eric Spear, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

ZO amend HDC exemptions 121127.doc



NEW HAMPSHIRE
CHARITABLE FOUNDATION

November 20, 2012

Ms. Sue Cobler
Art-Speak Coordinator
Art-Speak
1 Junkins Avenue
Portsmouth, NH 03801

Grant ID#: 83368

Dear Ms. Cobler:

I am pleased to inform you that a \$500.00 grant has been approved to your organization from the Joseph G. and Jean E. Sawtelle Fund, one of the Foundation's advised funds. The grant is for operational support of Art-Speak; City of Portsmouth Cultural Commission.

Payment of your award may be included with this letter or sent separately. Your check will reference the grant ID number as shown above. A Terms of Award information sheet which explains the terms and conditions of the grant accompanies this letter. Please review this document carefully. Deposit of the grant award check signifies your acceptance and intent to comply with the terms of the award; it also serves as our receipt for this payment.

We ask that publicity for your program make reference to the support provided by the Joseph G. and Jean E. Sawtelle Fund of the New Hampshire Charitable Foundation. If you would like additional information about the Foundation's publicity guidelines, including logos, please visit our website at www.nhcf.org/publicity.

If you have any questions, please contact Sharel Giroux at the Foundation.

Our best wishes for the success of your programs.

Sincerely,

Judith T. Burrows
Director of Program Operations

PLEASE NOTE: By accepting this gift, the grant recipient acknowledges that the entire value of this contribution is for charitable purposes and no goods, services or benefits were provided to any individuals affiliated with said donor advised fund.

ORDINANCE #
THE CITY OF PORTSMOUTH ORDAINS

That the Ordinances of the City of Portsmouth, Chapter 10 – Zoning Ordinance, be amended to read as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

(1) Amend Article 5 – Dimensional and Intensity Standards, Section 10.530 – Business and Industrial Districts, as follows:

10.535 Exceptions to Dimensional Standards in the Central Business Districts

10.535.10 Building Height

In addition to the standards set forth in Sections 10.517 and 10.531, buildings in the Central Business A and B districts shall also comply with the following standards:

10.535.4011 Central Business A – Building Height Setback from Street

In Central Business A, no portion of a building within 10 feet of a street right of way line shall exceed 40 feet in height.

10.535.12 Central Business A and B – Maximum Elevation Above Street

Within 25 feet of any street line, the elevation of the highest point of a building above the grade at the street line shall not exceed 50 feet in the Central Business A district and 60 feet in the Central Business B district. This provision shall apply to a parapet wall, fence, railing or similar structure, or roof appurtenance that extends more than 2 feet above the roof surface; but shall not apply to any such structure or device that does not extend more than 2 feet above the roof surface.

This amendment shall not apply to any application which has been the subject of notice by the Zoning Board of Adjustment after June 1, 2012, and prior to the first legal notice of the second reading and public hearing on this amendment at the City Council.

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

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

This ordinance shall take effect upon its passage.

APPROVED:

Eric Spear, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

ZO amend building height 121211.doc

MEMORANDUM

TO: John P. Bohenko, City Manager
FROM: Rick Taintor, Planning Director *RT.*
DATE: December 11, 2012
RE: Proposed Zoning Ordinance Amendment Regarding Building Height in the Central Business Districts

As you know, a recent application of the Zoning Ordinance's definition of "building height" has raised concerns by City Council members, Planning Department staff and others in the City. In order to address these concerns, on November 6, 2012, I submitted a proposed Zoning Ordinance amendment to modify the requirements for building height in the Central Business Districts. On November 13th the City Council voted to refer this proposed amendment to the Planning Board for a report back; and on November 15th the Planning Board voted to recommend adoption of the proposed amendment with one relatively minor change. The ordinance was scheduled for first reading at the City Council meeting on December 3, 2012.

At the December 3rd City Council meeting, representatives of several downtown developers raised concerns about potential impacts of the amendment and requested that it not be moved forward. In response, the City Council voted to postpone first reading to the December 17th City Council meeting, and staff were asked to review the draft ordinance further and to meet with stakeholders to discuss their concerns.

Planning Department staff revised the initial proposal and met with a group of architects and designers on December 7th to discuss the revised draft. The revised amendment (attached to this memo) is simpler than the previous version and would make the following changes to the building height provisions in the Central Business Districts:

- a) Require that within 25 feet of a street line, no portion of a building be higher than 50 feet above the street in the CBA district or 60 feet above the street in the CBB district. (The "street line" is the edge of the municipal right of way, which in the downtown area is approximately at the back of the sidewalk.)
- b) Exempt from this requirement parapet walls, railings, fences, and roof appurtenances (such as HVAC equipment or antennas) that are no more than 2 feet above the roof surface.

In order to accommodate two identified development projects that have initiated a formal process with the City's land use boards (and thereby demonstrated significant investment in project design), the proposed ordinance also exempts applications which have been the subject of legal notice for a hearing before the Zoning Board of Adjustment.

NOV 28 2012

November 16, 2012

Portsmouth City Council
1 Junkins Ave
Portsmouth, NH 03801

Dear Sirs,

Please accept this letter as a request to once again hold the Eastern States 20 Mile Road Race, scheduled for Sunday, March 30, 2013. I have successfully held this race the past 17 years and look forward to doing do again this year. I hope you will grant a permit, as you have done in each of the last 17 years.

I have worked with the City of Portsmouth Police Department and will contact them again about securing police detail for all intersections that the runners pass through. The race is expected to have a few hundred runners, and since Portsmouth is at the start, all runners will move through Portsmouth very quickly.

Thank you very much for your cooperation in this matter. I hope to hear from you soon.

Sincerely,



Donald Allison
Eastern States 20 Mile
725 Broad St #9
Weymouth, MA 02189
617-835-2378



December 12, 2012

Portsmouth City Council
John Bohenko, City Manager
City of Portsmouth
1 Junkins Avenue
Portsmouth, NH 03801

Re: Portsmouth Community Road Race Series 5K Races for 2013 and January of 2014

Dear City Manager Bohenko & Portsmouth City Council Members,

The current races of the Portsmouth Community Road Race Series hereby submit a formal request to run the following races for 2013 and January of 2014:

Note January 1, 2013 – Great Bay Services Race approved in 2011

Thursday, August 1, 2013 at 6:00 PM - Portsmouth Rotary Club Thunder Chicken – Pierce Island - Prescott Park Course. Est. max: 500

Saturday, September 21, 2013 9:00 AM – BreastCancerStories.org – Little Harbour School Course. Est. max: 700

Saturday, October 12, 2013 AT 9:00 AM - Community Child Care – West Road-Banfield Course. Est. max: 500

Thursday, November 28, 2013 at 8:30 AM - Seacoast Rotary Club Turkey Trot – Pierce Island - Prescott Park Course. Est. max: 3000

Plus our first race of 2014:

Wednesday, January 1, 2014 - Great Bay Services – Little Harbour School Course (previously approved) - Est. max: 600

All races are will follow previously approved courses.

We are in negotiation with two more races which will be submitted when finalized.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Doug Bates". The signature is written in a cursive style and is positioned above the printed name and title.

Doug Bates
President

Cc: Anne Sharpe via email
Cc: David Allen via email

John P. Bohenko, City Manager
City Of Portsmouth, N.H.
1 Jenkins Avenue
Portsmouth, N.H. 03801



Dear Mr. Bohenko,

When Army wanted to do environmental and archeological and other studies on Iafolla's, and our land on 1900 Lafayette Road, prior to purchasing, they agreed to give us all copies of their findings if they did not purchase land after 6 months.

When the Army did not purchase our 4 ¼ acres, they sent us a 4 inch package, which I just reviewed.

I now know why Army did not purchase our land.

Enclosed are the three letters:

- 1) Army notifying Portsmouth they were purchasing Iafolla's and our land.
- 2) Portsmouth "begging" Army not to purchase Iafolla's and our land.
- 3) Army telling Portsmouth they still were buying lands with copies to US Senators and Congressmen of N.H.

Now we know why Army only purchased Iafolla's land and not ours – to APPEASE, PORTSMOUTH.

Prior to reviewing Army's materials, I asked City Planner why Portsmouth was not forcing the Army to build a service road behind their land and ours to complete and connect with service road behind all the buildings to the south on Lafayette Road? (They are only building a small entrance to their land).

He answered, "We asked them, and they told us they didn't have enough land." I told Rick Taintor, "You should have told them they could buy our land." Taintor just shrugs his shoulders. (This was in late summer before I read Portsmouth's letter "begging" Army not to purchase both parcels).

History Of Our Frustration

- 1) Prior to City's rezoning, Stable Builders was buying both parcels to build "high end" houses. They went to former City Planner. He told them neighbors would complain!
- 2) Mike Iafolla received a call from him, saying that city did not want us to build houses. Land was too valuable and in 6 months the new rezoning would change our lands to Commercial. Two (2) years later we went to Public Hearing. Nobody objected. (Your minutes of this meeting will confirm – NO OBJECTIONS!).

The final results did not change our zoning. They stated they wanted our lands to be a "BUFFER" between Industrial and residential. What a joke, we are the only land zoned "office space" in the area. Our lands were only land not included in "GATEWAY".

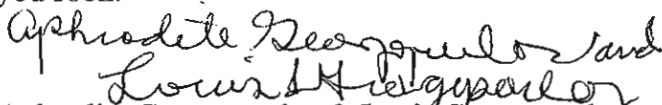
Attorney Mika Donahue (Iafolla's lawyer) wrote City of Portsmouth that, what they did was illegal and resulted in "REVERSE ZONING." (THE CITY NEVER RESPONDED). After that, the Planning Board UNANIMOUSLY voted THREE (3) times to change our lands to "GATEWAY." All three (3) times were denied! (Why do we have a Planning Board?) It is also interesting that Mayor's Letter to Army three (3) times states THIS IS PROPOSED GATEWAY to Portsmouth and Valuable Land.

- 3) SMUTTENOSE BREWERY optioned our 4 ¼ acres. He went to City Hall, he was told to also option Iafolla's land and they would change zoning so he could build other buildings a "CAMPUS" with other commercial tenants. He agreed to option Mike Iafolla's land. Some months later after two (2) Public Hearings (readings), he was DENIED. Portsmouth lost, probably by 40 million dollars of assessed value! (City was built on Brewery month).
- 4) I received a call from Peter Weeks, prior to Army making decision to purchase our lands. He asked if I would talk to attorney Robert Sullivan. I agreed to talk to him (several times). The City of Portsmouth wanted to buy our land for ball fields. I agreed to sell to city. They then found other land (even agreed to lease land).
- 5) At third time of city trying to change my land to "GATEWAY" we were DENIED! Neighbor spoke in favor!

Many new and proposed office buildings are now being built but all go to Pease. Nobody even looks to purchase our land because zoned "office".

We have been very patient and cooperative.

Now that we have read these 3 letters the city has been unfair to us, I hope your City Council members do something, now that you know the HISTORY. We look forward to hearing from you soon.


Aphrodite Georgopoulos & Louis Georgopoulos
1145 Van Buren Avenue
Venice, California 90291
Phone + Fax: (310)-821-1511
Cell: (561)-212-2422
(We are 3 hours behind your time)

Copies To

Attorney Robert Sullivan
Rick Tainter, Planner
All City Councilors



REPLY TO
ATTENTION OF

Real Estate Division

DEPARTMENT OF THE ARMY
NEW ENGLAND DISTRICT, CORPS OF ENGINEERS
696 VIRGINIA ROAD
CONCORD, MASSACHUSETTS 01742-2751
January 22, 2010

1 page

Mr. John P. Bohenko
City Manager
City of Portsmouth
1 Junkins Avenue
Portsmouth, NH 03801

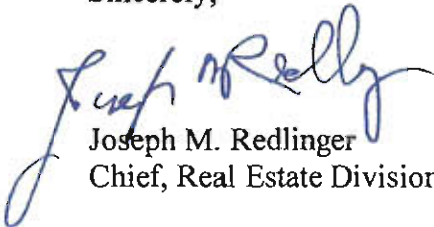
Re: 1900 Lafayette Road, Portsmouth, NH

Dear Mr. Bohenko:

As you are probably aware, the Government has been seeking approximately six buildable acres of land in the area of Portsmouth, NH for construction of an Army Reserve Center. The above site at 1900 Lafayette Road is being considered as a potential site for this project. The property consists of two ownerships. One parcel is owned by the Estate of Michael Iafolla and the second parcel is owned by the Aphrodite Georgopoulos Revocable Trust. A map showing the location of the property is attached.

We would appreciate hearing from you regarding any questions or concerns regarding this site. Please call me at (978) 318-8585 or e-mail me at joseph.m.redlinger@usace.army.mil to discuss this site.

Sincerely,


Joseph M. Redlinger
Chief, Real Estate Division

Enclosure



Thomas G. Ferrini
Mayor

CITY OF PORTSMOUTH

Municipal Complex
1 Junkins Avenue
Portsmouth, New Hampshire 03801
(603) 610-7200
Fax (603) 427-1526

February 9, 2010 - 2 pages

Joseph M. Redlinger, Chief
Real Estate Division
Department of the Army
New England District, Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

**Re: 1900 Lafayette Road
Portsmouth, NH**

Dear Mr. Redlinger:

City Manager John P. Bohenko provided the City Council and me with a copy of your letter dated January 22, 2010, regarding the Department of the Army's interest in two (2) parcels of land at 1900 Lafayette Road. These parcels total approximately 10.5 acres.

Please be advised that the City Council has reviewed this matter and is concerned with the federal government purchasing such a large tract of land along a major gateway of the City of Portsmouth. Our primary concern is this potential transaction represents significant opportunity costs in terms of future tax revenue and vibrancy of the proposed new Gateway District. In addition to the tax revenue implications, the opportunity to revitalize the corridor as envisioned will be negatively impacted as a result of this change.

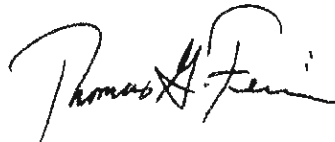
From a financial perspective, the prime location and development potential of these parcels means this transaction would represent a very sizable cost to the City in terms of lost future revenues. Because the federal government is a non-taxable entity, this transaction would add ten and a half acres of prime developable land on Route 1 to the list of tax exempt properties in the City. Presently, 14% of the total property in Portsmouth is non-taxable, of which ten (10) parcels owned by the federal government already represent approximately \$35 million in land value and a loss of \$600,000 in annual tax revenue. To add more non-taxable land to Portsmouth's already burdened property tax list would not be in best long-term interest of the City. Therefore, we ask the Department of the Army to reconsider its review of this property given its private economic development potential.

Joseph M. Redlinger, Chief
Page 2
February 9, 2010

If this project were to move forward, the City Council would have other concerns as it relates to land use issues for the construction of a facility by the federal government. It is our understanding that the federal government does not need to follow local land use regulations, but does use a "good neighbor" policy. Because of the importance of this corridor, it would be essential that any development by the federal government on this location be in keeping with the intent of our proposed Gateway District.

In closing, I, along with the City Council, appreciate the opportunity that the Department of the Army has given us to comment on this project.

Sincerely,



Thomas G. Ferrini
Mayor

TGF/jed

c: Carol Shea-Porter, U.S. Representative
Judd Gregg, U.S. Senator
Jeanne Shaheen, U.S. Senator
John P. Bohenko, City Manager



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
NEW ENGLAND DISTRICT, CORPS OF ENGINEERS
896 VIRGINIA ROAD
CONCORD, MASSACHUSETTS 01742-2751

March 5, 2010

paper

Real Estate Division

Honorable Thomas G. Ferrini
Mayor, City of Portsmouth
Municipal Complex
1 Junkins Avenue
Portsmouth, NH 03801

Dear Mayor Ferrini,

This letter is in response to your letter of February 9, 2010 regarding the site in Portsmouth, New Hampshire being considered for the new Pease, NH Armed Forces Reserve Center (AFRC).

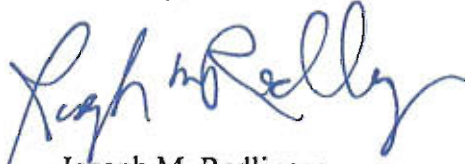
Thank you for your comments regarding the property located at 1900 Lafayette Road. I understand your concerns that government-owned property does not provide tax revenue to the city, but this would be true of any property that the government acquired and is not unique to the 1900 Lafayette Road location. That said, the government is continuing to work all aspects of the site selection process, including engineering feasibility studies, initial design considerations, environmental and archeological studies, and real estate acquisition analyses on multiple sites. Once this process is completed the government will be able to make a more informed evaluation of the various sites under consideration.

The U.S. Army Corps of Engineers prides itself on all aspects of its business practices being transparent and strives for open, two-way communications with communities and elected officials. To view current information and fact sheets on the Pease AFRC project, please visit our web site at: <http://www.lri.usace.army.mil/> – click on the Projects of Interest tab, then on the Pease, New Hampshire, Army Reserve Center link.

As an aside, I would like for you to understand further that I am simply acting in my capacity as the real estate member of the project delivery team being managed out of our Louisville District. For this reason, it is probably more appropriate that all future correspondence pertaining to the Pease, NH AFRC project be addressed to the Project Manager, Ms. Betty Beck. Betty can be reached by mail at U.S. Army Corps of Engineers, Louisville Romano Mazzoli Federal Building, 600 Dr. Martin Luther King, Jr. Place, Louisville, Kentucky 40202, or via email at Betty.C.Beck@usace.army.mil. Her telephone number is (502) 315-6861.

Our mission for this project is to provide the men and women of the New Hampshire Army Reserve with a new Army Reserve Center that matches their dedication and selfless service. We count on your support to help us accomplish this great mission.

Sincerely,



Joseph M. Redlinger
Chief, Real Estate Division

Copy Furnished:

Carol Shea-Porter, U.S. Representative

Judd Gregg, U.S. Senator

Jeanne Shaheen, U.S. Senator

LYONS

LAW
OFFICES, P.A.

JOHN E. LYONS, JR.
ATTORNEY AT LAW
E-MAIL: JLYONS@LYONSLAW.NET
ONE NEW HAMPSHIRE AVENUE
SUITE 235
PORTSMOUTH, NH 03801
TELEPHONE: 603.431.5144
FAX: 603.431.5181
WEBSITE: WWW.LYONSLAW.NET

ANTJE S. BOURDAGES
PARALEGAL
E-MAIL: ABOURDAGES@LYONSLAW.NET

received
12/10/12

December 7, 2012

Mayor Eric Spear
City of Portsmouth
1 Junkins Ave.
Portsmouth, NH 03801

Re: Water Deduct Meters

Dear Mayor Spear:

Please be advised that I represent fourteen commercial property owners in the City of Portsmouth.

Some time ago the City Council voted to allow residential property owners to obtain water deduct meters from the City. The deduct meters account for outside water usage during the "summer" months so that residential property owners would not see an unfair increase in their sewer bills. Commercial property owners have not been permitted to obtain deduct meters.

On behalf of my clients, I am making a formal request that the City Council allow commercial property owners the same rights you have provided to residential property owners, and that they be allowed to obtain deduct meters. Residential and commercial property owners should be treated equally.

However, before this matter is address by the City Council, I would respectfully request the Council refer this matter to the City Water Department for review.

I thank you and the City Council for your courtesy and consideration in regard to the above.

Very truly yours,


John E. Lyons, Jr.

JEL/shd

Cc: John P. Bohenko, City Manager
Robert Sullivan, City Attorney

Islington Creek
Neighborhood Association

December 11, 2012

Portsmouth City Council
1 Junkins Ave
Portsmouth, NH 03801

RE: 21 Brewster Street Boarding House

Dear Mayor Spear and Members of the Portsmouth City Council;

The purpose of this letter is to bring issues related to 21 Brewster Street to your attention. Of utmost concern are the public health risks to the tenants, the surrounding neighborhood, and our city at-large. Important highlights found in city files include the following:

- January 21, 2012: inspection report noted that a resident complained of bloody urine in the bathrooms as a consistent problem (see city files)
- July 2012: when the dead and decomposing body was removed, the mattress was left in place for reuse yet contained physical remains (hair and scalp), blood and bodily fluids, and noxious odor; the owner refused to pay for proper cleaning by a bioremediation company and ordered the site manager to clean it up (site manager has no experience in bioremediation); (see city files)
- August 2012: Feces were found on the hallway carpeting by city inspectors; the city ordered the carpet to be removed immediately; a visit two weeks later revealed that the order was not followed; another order was reissued and the carpet was removed only upon second notice; (see city files including photo)
- Bed bugs, cockroaches, and rodents have been a problem at the facility in 2005, 2007, 2010 and 2012; photo of dead bed bugs smeared on the walls is in the city files
- Three persons have died inside 21 Brewster Street under the current site manager; the site manager indicated that in each case, the mattresses were left in place for reuse by subsequent tenants (noted in city files)
- Many other mattresses have been found to be contaminated with biohazards: in November 2010, a comprehensive list of the state of each room/mattress was documented in an email; one note indicated the following: "roaches found moving and breeding. Roach feces found around the room. Bedbug feces also found on bed"; additional documentation in the same month noted that some rooms were deemed "uninhabitable because of infestation and bodily fluid contamination..." (see city files including photos)
- People regularly vomit at 21 Brewster Street (see city files)
- There has been severe mold problems resulting from improper ventilation of the laundry system (see city files including photo)
- It was noted during a meeting with city staff last month (Nov 2012) that several individuals who work in our downtown restaurants reside under the above noted conditions at 21 Brewster Street.

In 2007, the residents of Islington Creek Neighborhood (ICN) worked with the City of Portsmouth to establish a boarding house ordinance (see Attachment 4) as a result of concerns with 21 Brewster Street. Quoting our correspondence with the City in 2007:

- "The Ordinance will enable City agencies to monitor the management and operation of and enforce the state and local laws pertaining to these unique types of residential uses... It will improve the quality of life of the neighborhoods in which Boarding Houses are located. It will also improve the living conditions for the residents of these facilities."

Despite this effort, in the five years since the ordinance has been in place, the facility is still making headlines as a result of the following events: sexual assault, a bomb threat, a dead and decomposing body found at the facility, as well as continued health/building code violations. In addition, residents living

Islington Creek

Neighborhood Association

nearby, continue to complain of public nuisances including loud noise (music, fights taking place in and outside the property), stolen packages from doorsteps, stolen grocery carts, garbage strewn about, drunk/passed out people along Brewster Street, sales of illegal drugs, as well as other suspicious activity.

We acknowledge and appreciate the City's efforts to monitor and improve the situation. We also understand that this facility provides a housing option that is not otherwise available for people with particular economic/social circumstances. However, we would like to highlight the following statements:

- a. *The city has a long history with Mr. Hogan and with the building, and it's not all negative.*
Comment: We disagree. **The facts are clear and documented.** The facility is consistently out of compliance with city codes and complies when discovered via complaints made to the city. This is a violation of Section 9.803 Item A of the Boarding House Ordinance. As documented in the City's Health Department reports, repeated visits and notifications made by City departments are needed to enforce compliance by the owner. During a recent meeting with city staff, we were told that the facility required six visits before the bed bug issue was finally addressed.
- b. *The rooming house serves an important function in providing affordable housing.* Comment: We disagree. The rental fees of between \$175 to \$230 per week for a bed contaminated with biohazards in a room of cockroaches, in a building with 34+ people, five unisex bathrooms with no cleaning service, and minimal kitchen facilities, is not more affordable than the rest of the housing market where conditions are more favorable and safe. In addition, should we have pride in the fact that our restaurant workers, social service clients, and other citizens reside at a facility where there are continual problems and deplorable living conditions as noted above?
- c. *The city has done more at that property than any other single property.* Comment: We concur. However, the City should ask itself why many departments (police, health, code enforcement, fire, legal department) are spending more time than at any other single property. The reasons are self evident and documented in city files.

We have reviewed city reports regarding this facility. Our discussions with city staff highlighted the potential for **public health risks such as communicable diseases including food borne illnesses that may result from living conditions at 21 Brewster Street.** In addition, it was noted that the number of rental units, building layout, and high turnover rate of such a facility requires strict and daily management to maintain decent living conditions. We urge the City Council to do the following prior to voting on the renewal of the 2013 license renewal for 21 Brewster Street:

- Hold a work session with the Health Department, Code Enforcement, Fire Department, the Police Department, and residents of Islington Creek Neighborhood, to review and discuss existing reports and documents, and gain a detailed understanding of the issues at 21 Brewster Street

Given the documented history of this facility as provided in the Attachments and located in city files, the City Council would be remiss in renewing the permit for 2013 without conducting a detailed review of city department reports. We have a boarding house ordinance in place. We would like to see enforcement of compliance with this ordinance. Our goal is simple: *Improve the quality of life for all who live in and around the facility and to avoid the public health risks associated with this facility.*


We would like to close with the following quote by Peter Drucker: "Management is doing things right; leadership is doing the right things."

Sincerely,

The Residents of Islington Creek Neighborhood and Concerned Citizens (Attachment 1 for signatures)

**CITY OF PORTSMOUTH
PORTSMOUTH, NH 03801**

Office of the City Manager

Date: December 13, 2012
To: Honorable Mayor Eric Spear and City Council Members
From: John P. Bohenko, City Manager 
Re: City Manager's Comments on December 17, 2012 City Council Agenda

6:30 p.m.

1. **Tour and Presentation Re: Seacoast Family Food Pantry.** Assistant Mayor Robert Lister has requested that the City Council take a tour of the Seacoast Family Food Pantry in the Seybolt Building on Monday evening at 6:30 p.m. Diane Giese, Executive Director, will give a tour and then make a short presentation on the Seacoast Family Food Pantry's mission. The presentation will be held in the School Board Conference Room.

.....
Acceptance of Grants and Donations:

1. **Acceptance of Grant for Art-Speak.** Art-Speak requests that the City Council accept a \$500 grant from the Joseph G. and Jean E. Sawtelle Fund of the New Hampshire Charitable Foundation (**see attached letter**). The grant is for operational support of Art-Speak, the City's Cultural Commission.

I would recommend the City Council move to accept a grant to Art-Speak to be used for operational support of Art-Speak, as presented. Action on this item should take place under Section VIII of the Agenda.

Items Which Require Action Under Other Sections of the Agenda:

1. **First Reading of Proposed Resolution and Ordinance Amendments:**
 - 1.1 **First Reading of Proposed Amendments to Chapter 10 – Zoning Ordinance, Article 5 – Dimensional and Intensity Standards, Section 10.535 – Dimensional Standards in the Central Business Districts, Relating to the Height Requirements in the CBA and CBB Districts (Voted to postpone at the December 3, 2012 City Council meeting for revisions to the ordinance and bring**

back for first reading at the December 17, 2012 City Council meeting). As you will recall, at the December 3rd City Council meeting, the City Council voted to postpone first reading of a proposed Zoning Ordinance amendment addressing building height in the Central Business Districts, and to bring the proposed Ordinance back for first reading at the December 17, 2012 City Council meeting.

Under Section IX of the Agenda, I am bringing back for first reading the **attached proposed Ordinance amendment to Chapter 10 – Zoning Ordinance**. Also, attached is a memorandum from Rick Taintor, Planning Director, regarding this matter.

At the December 3rd meeting, representatives of several downtown developers raised concerns about potential impacts of the amendment. In response to these concerns, the Planning Department staff revised the initial proposal and met with a group of architects and designers to discuss the revised draft. The revised amendment is simpler than the previous version and would make the following changes to the building height provisions in the Central Business Districts:

- a) Require that within 25 feet of a street line, no portion of a building be higher than 50 feet above the street in the CBA district or 60 feet above the street in the CBB district. (The “street line” is the edge of the municipal right of way, which in the downtown area is approximately at the back of the sidewalk.)
- b) Exempt from this requirement parapet walls, railings, fences, and roof appurtenances (such as HVAC equipment or antennas) that are no more than 2 feet above the roof surface.

In order to accommodate two identified development projects that have initiated a formal process with the City’s land use boards (and thereby demonstrated significant investment in project design), the proposed ordinance also exempts applications which have been the subject of legal notice for a hearing before the Zoning Board of Adjustment.

Finally, as the City Council is aware, during 2013 the Planning Department will be preparing a form-based zoning ordinance for the downtown area. This project will include opportunities for public input, and will provide an opportunity to thoroughly consider and address a range of urban design issues including appropriate building height.

I would recommend the City Council move to pass first reading and schedule a public hearing and second reading of the proposed Ordinance, as presented, at the January 7, 2013 City Council meeting. Action on this item should take place under Section IX of the Agenda.

2. **Public Hearing/Second Reading of Proposed Resolution and Ordinance Amendments:**

- 2.1 **Public Hearing/Second Reading of Proposed Amendments to Chapter 10 - Zoning Ordinance, Article 6 – Overlay Districts, Section 10.633.20 – Exemptions from Certificate of Approval in the Historic District; and to Article 15 Definitions, Section 10.1530 – Terms of General Applicability, Defining the term “Contributing Structure”.** As a result of the December 3rd City Council meeting, under Section VII of the Agenda, I am bringing back for public hearing and second reading the **attached proposed Ordinance amendments** to Chapter 10 - Zoning Ordinance relative to Exemptions from Certificate of Approval in the Historic District.

At its meeting on September 17, 2012, the City Council referred a proposed Zoning Ordinance amendment to the Planning Board for report back. The proposed amendment concerns exemptions from the requirement to obtain Historic District Commission approval for maintenance and repair work, and for other minor changes meeting specific performance standards set forth in the proposed amendments.

Section 10.633.20 of the Zoning Ordinance lists specific activities that are exempt from the requirement to obtain a Certificate of Approval from the Historic District Commission.

The changes proposed by the HDC are designed to:

- Streamline the current permitting process,
- Remove ambiguity and clarify the current exemptions, and
- Refine and develop new performance standards for many of the listed exemptions.

The HDC believes that the proposed amendments will significantly reduce its caseload and also reduce the cost and time burden to homeowners making minimal improvements. It will thus afford the HDC more time to carefully review larger projects within the Historic District.

At its meeting on October 18, 2012, the Planning Board voted unanimously to recommend that the City Council enact the proposed amendments, as set forth in the attached ordinance.

Nick Cracknell, the City’s Principal Planner, will make a presentation on Monday evening regarding this matter.

I would recommend the City Council move to pass second reading and schedule a third and final reading of the proposed Ordinance, as presented, at the January 7, 2013 City Council meeting. Action on this item should take place under Section IX of the Agenda.

3. **Letter and Petition from Islington Creek Neighborhood Association Re: 21 Brewster Street.** Attached under Written Communications is a letter and petition from the Islington Creek Neighborhood Association regarding 21 Brewster Street. The entire packet of information is on the inside cover of your binder. In addition, a full packet of information is available at the City Clerk's Office.

I would recommend the City Council move to refer this matter to the City Manager for report back to the City Council.

Consent Agenda:

1. **Acceptance of Donation to the Coalition Legal Fund.** Attached is a copy of a check from the Town of Center Harbor in the amount of \$500.00 donating funds to the Coalition Legal Fund, which will be utilized to continue our fight to eliminate the statewide property tax.

I would recommend the City Council move to approve and accept the donation, as listed, to be placed in the Coalition Legal Fund. Action on this matter should take place under Section X of the Agenda.

City Manager's Items Which Require Action:

1. **Spinnaker Point Field House Management Agreement.** Since July 1, 2001 the City has been engaged with the Spinnaker Point Condominium Association in a Field House Management Agreement which has allowed City residents and certain specified non-residents to use the Spinnaker Point Athletic Facilities. That Agreement has undergone several amendments. One of those amendments created a trial period which would allow for up to 300 non-residents of the City to be members of Spinnaker Point as long as there are no more than 1,900 total members. That trial period expires on December 31, 2012. Presently, there are 187 non-resident members. The total membership is approximately 1,500. Attached is a copy of the Agreement.

The Spinnaker Point Condominium Association and the City's Recreation Department desire to extend the trial period indefinitely until such time as the 300 member non-resident or 1,900 total member threshold has been reached.

I would recommend the City Council authorize the City Manager to negotiate and execute an amendment to the Spinnaker Point Field House Management Agreement which will have the effect of extending indefinitely the period of time under which up to 300 non-residents may be added to the membership of the Spinnaker Point Recreation Center or the total number of members of the Spinnaker Point Recreation Center equals 1,900 members, whichever occurs first.

2. **Connie Bean Trust.** For the City Council's review and action is a proposed trust instrument to hold the proceeds from the sale of the municipal property located at 143/135 Daniel Street, formerly known as the Connie Bean Center (the "Property"). As you know, the Property consists of three adjacent parcels which the City acquired in a series of transfers from The Army and Navy Association. The parcels were encumbered by certain charitable restrictions relative to use of the Property for recreational, educational, civic and military support purposes.

On December 6, 2010, the City Council authorized legal action to clear the charitable restrictions on the Property to facilitate sale or lease of the Property. By Probate Court Order dated May 29, 2012, the restrictions were lifted subject to further order regarding the disposition of any proceeds from the sale of the property.

A public hearing was held on November 27, 2012 to take comment regarding the use of the proceeds. At the hearing, City staff proposed establishing a trust to serve as a repository for the sale proceeds. The trust would have two purposes: (1) to provide funds for commemorative and celebratory purposes for events recognizing service men and women; and (2) to develop or improve a facility(ies) and its associated programs for recreational and other community purposes; such facilities and programs to serve a multi-generational population (the bulk of funds dedicated for this purpose). Public comment was by and large supportive of the purposes described by the trust instrument.

The Charitable Trusts Unit of the Office of the Attorney General has approved this form of the Trust. The Intervenor, Mrs. Margaret Hartford, has also approved this form of Trust. If the City Council approves this form of Trust, it will be submitted to the Probate Court for its review and approval prior to execution.

I would recommend the City Council move to authorize the City Manager to submit the trust to the Rockingham County Probate Court and execute this Trust instrument if the form of the Trust is approved by the Rockingham County Probate Court.

Informational Items:

1. **Events Listing.** For your information, [attached is a copy of the Events Listing](#) updated after the last City Council meeting on December 3, 2012. In addition, this now can be found on the City's website.
2. **Parking Omnibus.** As you know, on August 20, 2012, the City Council passed the Consolidated Parking Supply and Demand Omnibus Ordinances which included a number of changes to the downtown parking regulations and fees. Those changes will go into effect on January 3, 2013.

The changes include the following:

- Increase the maximum time at which a vehicle could remain at a metered spot on the street or in a metered lot from two (2) to three (3) hours;

- No fee for the first hour of parking in the High Hanover Parking Facility;
- No fee on Sunday at the High Hanover Parking Facility for a vehicle that is owned or operated by a Portsmouth resident.

In addition to the parking omnibus, on October 20, 2012, the City Council voted to create the High Occupancy Parking Zones with a parking rate of \$1.50 in the following areas ([High Occupancy area map attached](#)):

1. Daniel Street, starting at Chapel Street through to Market Square;
2. Bow Street, starting at Chapel Street through to Market Street;
3. Congress Street, starting at Market Square through to Chestnut Street
4. Pleasant Street, starting from Court Street through to Market Square
5. Market Street, starting from Moffatt-Ladd House through to Market Square.

We will be issuing public information notices relative to these changes in multimedia.

AMENDMENT 3 TO FIELD HOUSE MANAGEMENT AGREEMENT

The City of Portsmouth, a municipal corporation with a principal place of business of 1 Junkins Avenue, Portsmouth, New Hampshire (hereinafter "City") and the Spinnaker Point Condominium Association, in care of the Board of Directors represented by its current President (or designee) Patrick Sullivan at 31 Spinnaker Way, Portsmouth, New Hampshire (hereinafter "Spinnaker") hereby agree as follows:

WHEREAS, the City and Spinnaker have entered into a Field House Management Agreement dated June 20, 2001; and

WHEREAS, the City and Spinnaker entered into Amendment 1 of that Field House Agreement dated May 14, 2010 and Amendment 2 dated July 8, 2011 to allow use of the facility by certain non-residents in the City on a trial basis; and

NOW THEN, the City and Spinnaker hereby further amend item 3 LIMITATION ON USE OF FACILITIES in the Field House Management Agreement to read as follows:

1. Subject to the provisions herein the City may authorize any person, resident or non-resident, to become members of the Spinnaker Point Recreation Center. Such persons must be eighteen (18) years of age or older.
2. The addition of non-resident members shall be conducted incrementally such that after the addition of each one hundred (100) non-resident members, there will be a sixty (60) day grace period during which no further non-resident memberships would be authorized. During that sixty (60) day period the City shall report to Spinnaker on the use of the facilities by non-resident members and the parties may assess the impact of the one hundred (100) new non-resident members. This pattern shall be followed until such time as there are a total of no more than three hundred (300) non-resident members. At any point in time when the total number of members of the Spinnaker Point Recreation Center equals or reaches 1900 members, no new non-resident members shall be added.
3. At no time shall total membership of the Spinnaker Point Recreation Center exceed 2,000 members.

4. If at any time during any grace period either the City or Spinnaker should so notify the other party then no further non-resident members shall be authorized.
5. The membership fee for all non-resident members shall be higher than for Portsmouth residents in all member and visitor categories.
6. The City shall inform Spinnaker Point (by mail addressed to the Board of Directors at 70 Spinnaker Way) each month of the total number of resident and non-resident members and any unusual loads on the facilities.
7. The trial period authorized by this Amendment #3 expires on December 31, 2012.
8. At any time subsequent to December 31, 2012, either party may reopen this provision of the Field House Agreement regarding non-resident memberships. In the event of such reopening, the parties agree to negotiate in good faith to resolve any issues which have been identified by the other party.
9. This amendment supersedes any inconsistent provisions in the Field House Management Agreement, but unless amended hereby the Field House Management Agreement remains in full force and effect.

Signed this 9th day of December, 2011

CITY OF PORTSMOUTH

Rachel A. O'Neil
Witness

By: John P. Bohenko
John P. Bohenko, City Manager

Signed this 6th day of December, 2011

**SPINNAKER POINT CONDOMINIUM
ASSOCIATION**

By: [Signature]
Print Name: Robert A. Milne
Title: Spinnaker Point Board Member

By: [Signature]
Print Name: Judy S. Miramis
Title: Spinnaker Point Board Member

By: [Signature]
Print Name: Pat Sullivan
Title: Spinnaker Point Board Member

[Signature]
Witness

[Signature]
Witness

[Signature]
Witness SHARON V PARKER
SECRETARY

135/143 DANIEL STREET CHARITABLE TRUST

The City of Portsmouth, a municipal corporation with a principal place of business of 1 Junkins Avenue, Portsmouth, County of Rockingham and State of New Hampshire (hereinafter "City") and its Trustees of Trust Funds, Charter Officers of the City with a principal place of business of Prescott Park, Shaw Building, Marcy Street, Portsmouth, County of Rockingham and State of New Hampshire (hereinafter "Trustees") hereby enter this agreement of Trust for the purposes and under the terms and conditions established herein.

1. **RECITATION OF FACTS AND STATEMENT OF PURPOSE:**

The City acquired land and buildings on Daniel Street in Portsmouth in a series of real estate transfers from The Army and Navy Association (the "Property"). The Property consists of three adjacent parcels described in three deeds recorded at the Rockingham County Registry of Deeds at: Book 0992 Pg 0341, parcel at the corner of Daniel Street and Wright Avenue; Book 1096 Pg 0428, parcel at the corner of Daniel Street, and Book 1435 Pg 027, parcel on Chapel Street. The Property was subject to certain charitable restrictions.

On December 6, 2010, the City Council authorized legal action to clear the charitable restrictions on the Property to facilitate sale or lease of the Property, the Property no longer capable of serving its previous municipal function. The charitable restrictions were lifted pursuant to an Order of the Rockingham County Probate Court, Docket No.: 317-2011-EQ-00735, dated June 29, 2012.

In order to meet the conditions described in the Order which are intended to protect the charitable interests, a public hearing was held on November 27, 2012 to take comment regarding the use of the proceeds. An auction of the Property was conducted on December 13, 2012.

With the concurrence of the Charitable Trusts Unit of the Office of the Attorney General and Margaret Hartford, Intervenor, in the above-referenced probate court action, and City of Portsmouth petitioned the Probate Court for approval of this Trust Instrument. The approval of the Court is reflected in its Order dated _____.

Therefore, the City Council of the City of Portsmouth and its Trustees of Trust Funds establish this Trust to serve as a repository for the proceeds

from the sale of the Property, and for any other funds directed to the Trust from any person or any party, and establish the terms and conditions under which those funds shall be accumulated and expended, as set forth herein.

2. **TRUST ASSETS:**

All funds which the City shall receive from the sale of the Property shall be promptly paid over to the Trustees of Trust Funds.

The Trustees shall hold, invest and reinvest the assets of the Trust, together with all additions thereto, in such investments as allowed by the laws of the State of New Hampshire, and consistent with the investment policy adopted by the Trustees of Trust Funds. The funds of this trust shall be accounted for separately by the Trustees along with any income earned on these funds.

3. **USE OF TRUST ASSETS:**

The assets and income produced thereby of the trust may be expended for the purposes set forth below.

- (A) An amount of \$20,000.00 to be expended for commemorative and celebratory purposes for events recognizing the contribution of service men and women. These expenditures may include without limitation flowers, wreaths, decorations and other supplies for memorial services, parades and special events, and shall not exceed \$2,000.00 per year.

The Trustees of Trust Funds shall make such payments of principal or income of the trust assets for the purposes described as they may be directed from time-to-time by the City Manager of the City of Portsmouth. In directing such payments the City Manager shall certify in writing to the Trustees that the expenditure is consistent with the purposes for which this trust has been created.

- (B) All remaining Trust assets to be expended to acquire, develop, or improve a public facility(ies) and its associated programs for recreational, educational, and other civic purposes; such facilities and programs to serve a multi-generational population, including, but not limited to, active duty members of the United States military and their families stationed in the area. Funds shall not be used for operational or regularly occurring expenses for such facility or program.

The Trustees of Trust Funds shall make such payments of principal or income of the trust assets for the purposes described as they may be directed from time-to-time by the City Council of the City of

Portsmouth. In directing such payments the City Manager on behalf of the City Council shall certify in writing to the Trustees that the expenditure is consistent with to the purposes for which this trust has been created.

4. **OVERSIGHT AND ENFORCEMENT:**

The City shall by December 31st of each year provide to the Charitable Trusts Unit a written summary of its progress under paragraph 3 (B) to meet the purposes of this section. It is the intention of the City of Portsmouth and the Charitable Trusts Unit that all funds should be expended from this Trust within 10 years of the date of approval of this Trust by the Probate Court for the purposes described herein. The City shall seek and obtain the Charitable Trusts Unit's advanced written approval for any disbursement of funds under paragraph 3 (B). In evaluating the City's request and the purpose of the Trust, the Charitable Trusts Unit shall take into consideration the nature of the Property and the use of the Property by the City over its years of ownership. In the event that the parties cannot agree on whether any proposed expenditure is consistent with the charitable purpose for which this Trust is established, the City may seek recourse to the probate court for a determination with regard to the expenditure of funds for a particular purpose. When all funds are expended from this Trust, consistent with the terms herein, the Trust shall terminate.

In addition to the forgoing special oversight provisions, the administration of this trust and the expenditure of any funds therefrom shall be subject to the oversight of the Charitable Trusts Unit of the Office of the Attorney General of the State of New Hampshire, which entity may enforce the terms and conditions of this trust by proceeding in equity or otherwise. Furthermore, during her lifetime the City shall consult with the Intervenor regarding the use of the funds.

5. This Trust may be dissolved at any time upon a finding of the City Council that it is no longer necessary to accomplish the purposes for which it has been established, with the written consent of the Charitable Trusts Unit. Upon such dissolution, funds that may be remaining shall be distributed for a purpose consistent with that set forth in paragraph 3A or to a charitable organization in support of veterans/veterans services.

THE CITY OF PORSTMOUTH

Dated: _____

John P. Bohenko, City Manager

Pursuant to vote of the City Council on
_____, 20____.

TRUSTEES OF TRUST FUNDS

Accepted by the Trustees of Trust Funds.

Dated: _____

Phyllis Eldridge

Dated: _____

Thomas Watson

Dated: _____

Dana Levenson

h:\smw\litigation\connie bean\trust

Event Listing by Date

Starting Date: 12/ 3/2012

Ending Date: 9/30/2013

Start End	Type Description	Location	Requestor	Vote Date
12/31/2012 12/31/2012	FESTIVAL Barbara Massar is the contact for this event.	Market Square	Pro Portsmouth	9/ 4/2012
1/ 1/2013 1/ 1/2013	ROAD RACE Doug Bates is the contact for this event. This event is part of the Road Race series.	Little Harbour School	GPCC - Great Bay Servies	12/19/2011
3/10/2013 3/10/2013	ROAD RACE	Pease Tradeport	St. Paddy's 5 Miler	/ /
3/10/2013 3/10/2013	ROAD RACE Tracey Tucker, Executive Director - New Heights, 436-2251 is the contact for this event. This event is being held at Pease Tradeport, with 10:30 a.m. start.	Pease Tradeport	St. Paddy's 5-Miler	12/ 3/2012
4/28/2013 4/28/2013	ROAD RACE Dawn Sawyer is the contact for this event. Tel. 502-4611. This event begins at the Portsmouth Police Department, Junkins Avenue at 10:00 a.m. and finishes at Greenland Police Department, Portsmouth Avenue. There will be shuttle to starting line and then from finish line to parking at Portsmouth High School.	Portsmouth Police Department to Greenland Police D	Chief Michael Maloney Memorial	12/ 3/2012
5/ 5/2013 5/ 5/2013	FESTIVAL Barbara Massar is the contact for this event. This event takes place in various locations downtown.	Downtown - Various locations	Children's Day	9/ 4/2012
5/11/2013 5/11/2013	ROAD RACE Jacqui Bryan (498-2988) and Marci Francis ((802)683-9187) are the contacts for this event. This event begins and ends at Strawberry Banke.	Strawbery Banke	Susan G. Komen for the Cure	10/22/2012
6/ 8/2013 6/ 8/2013	ROAD RACE Barbara Massar is the contact for this event. This event begins and ends at Market Square.	Downtown	Market Square Road Race	9/ 4/2012
6/ 9/2013 6/ 9/2013	ROAD RACE John Martin is the contact for this event. This event begins and ends at Little Harbour School, with a starting time of 8:30 a.m. Registration is 7:30 to 8:00 a.m. From the school following route 1B to 1A and turning back on the same route at North Beach, N. Hampton. Event should finish by 12:30 p.m.	Little Harbour School - start and finish	John Martin, Founder	12/ 3/2012
6/22/2013 6/22/2013	MUSIC Barbara Massar is the contact for this event. This is part of the Summer in the Streets series which begins at 5:00 p.m. and ends at 9:30 p.m.	Pleasant Street	Pro Portsmouth - Summer in the	9/ 4/2012
6/29/2013 6/29/2013	MUSIC Barbara Massar is the contact for this event. This is part of the Summer in the Streets series that starts at 5:00 p.m. to 9:30 p.m.	Pleasant Street	Pro Portsmouth - Summer in the	9/ 4/2012
7/ 6/2013 7/ 6/2013	MUSIC Barbara Massar is the contact for this event. This is part of the Summer in the Streets series begins at 5:00 p.m. and ends at 9:30 p.m.	Pleasant Street	Pro Portsmouth - Summer in the	9/ 4/2012

Event Listing by Date

Starting Date: 12/ 3/2012

Ending Date: 9/30/2013

Start End	Type Description	Location	Requestor	Vote Date
7/13/2013 7/13/2013	MUSIC Barbara Massar is the contact for this event. This is part of the Summer in the Streets series which begins at 5:00 p.m. and ends at 9:30 p.m.	Pleasant Street	Pro Portsmouth - Summer in the	9/ 4/2012
7/20/2013 7/20/2013	MUSIC Barbara Massar is the contact for this event. This is part of the Summer in the Streets series which begins at 5:00 p.m. and ends at 9:30 p.m.	Pleasant Street	Pro Portsmouth - Summer in the	9/ 4/2012
7/27/2013 7/27/2013	MUSIC Barbara Massar is the contact for this event. This event is part of the Summer in the Streets series which begins at 5:00 p.m. and ends at 9:30 p.m.	Pleasant Street	Pro Portsmouth - Summer in the	9/ 4/2012
8/ 3/2013 8/ 3/2013	MUSIC Barbara Massar is the contact for this event. This event is part of the Summer in the Streets series which begins at 5:00 p.m. and ends at 9:30 p.m.	Pleasant Street	Pro Portsmouth - Summer in the	9/ 4/2012
9/21/2013 9/22/2013	TOUR Caroline Amport Piper (603-686-4338) and Dave Anderson are the contacts for this event. This is a two-day event from 11:00 a.m. to 3:00 p.m. both days.	South End	Friends of the South End	10/22/2012
9/28/2013 9/28/2013	ROAD RACE Karen Butz Webb, Executive Director is the contact for this event. This event begins and ends at Portsmouth High School. E-mail address for information is: projectsafetyassociation@gmail.com	Portsmouth High School	Project Safety Association	10/22/2012

Downtown High Occupancy Meter Zone

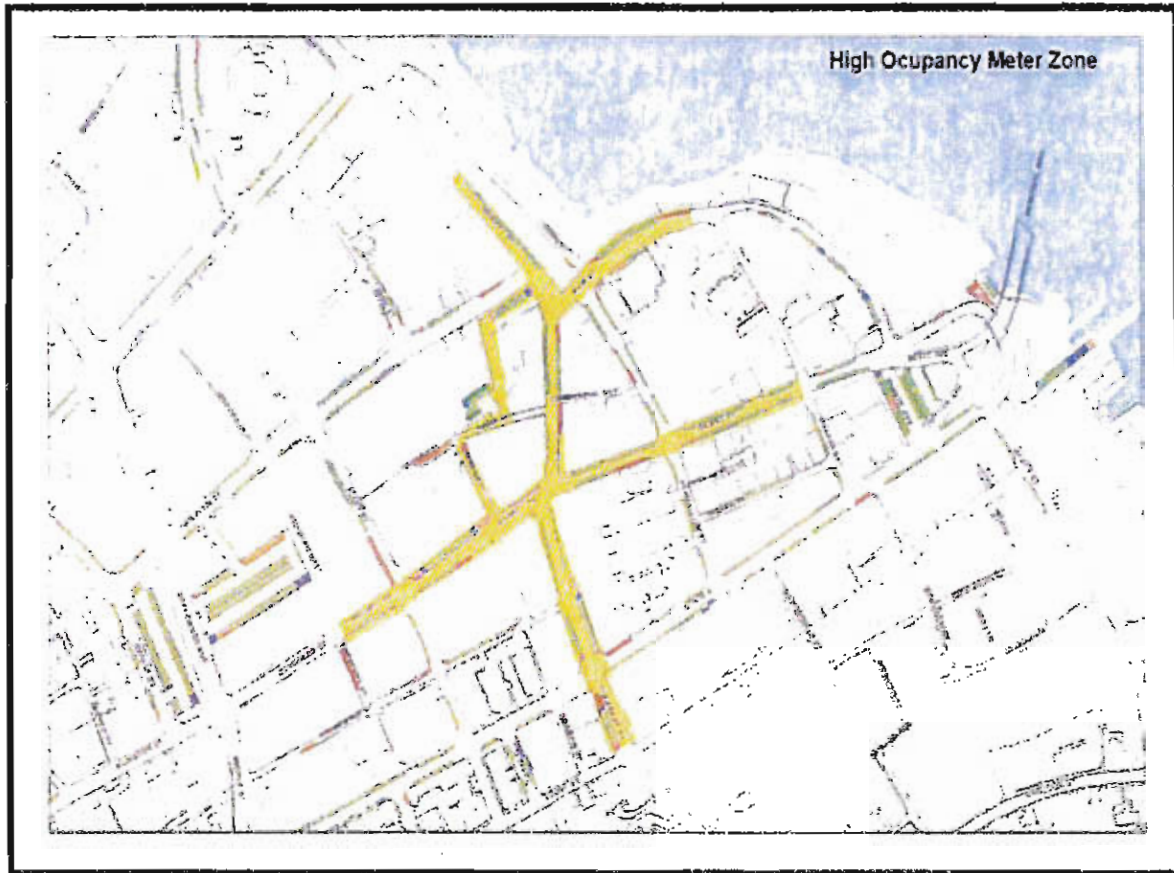


Figure 1

Phase #1, Strategy #2: Increase all 2-hour on-street time limits to 3-hours. *Institute with passage of the Parking Omnibus.*

Downtown Streets in the High Occupancy Zone (\$1.50 per hour)

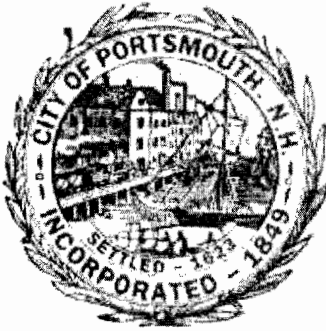
Daniel St., starting at Chapel St. through to Market Square

Bow St., starting at Chapel St. through to Market St.

Congress St., starting at Market Square through to Chestnut St.

Pleasant St. from Court St. through to Market Square

Market St. starting from Moffatt-Ladd House through to Market Square



CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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

Committee: Planning Board

Initial applicant

Name: Elizabeth A. Moreau Telephone: 603-591-3453

Could you be contacted at work? YES NO If so, telephone # 603-232-4241

Street address: 18 McDonough Street, Portsmouth, NH 03801

Mailing address (if different): _____

Email address (for clerk's office communication): beth.moreau@comcast.net or
bmoreau@greatoak-ne.com

How long have you been a resident of Portsmouth? 12 years

Occupational background:

See attached resume

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

I have worked as an attorney in the real estate title
area for seven years, assisting buyers, sellers, lenders and
real estate agents with various real estate matters.

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 community that I live and work in and I want to be able to use the knowledge and skills that I have to give back to the community that I care about.

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

Board Member of Sexual Assault Support Services

Volunteer with Seacoast Women's Network

Volunteer with Seacoast Board of Realtors

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

1) Ray Tweedie, 605 Wallis Road, Rye NH 603-842-0286
Name, address, telephone number

2) Sean Murphy, 377 Maplewood Ave. Portsmouth NH 781-640-4823
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: 12/6/12

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

**LICENSED
State of NH - 2005**

Juris Doctor – 8/01-5/05,
New England School of Law, Boston, MA

Bachelor of Science– 1/98-1/01
University of Southern New Hampshire, Portsmouth, NH

LEGAL EXPERIENCE

Attorney – 11/09 - present
Great Oak Title Services, LLC– Portsmouth, NH
Purchased Company on May 9, 2012
Title Company performing Residential Title Services

- Manage all files and day to day operations of Title Company including but not limited to process and closing of all purchases and refinances of conventional, FHA and VA loans.

Attorney – 11/05 – 11/09
Paralegal/Closer – 8/05-10/05
Wilkinson Law Offices, P.C.– Portsmouth, NH
A law firm specializing in Real Estate, Business Law and Estate Planning

- Lender document review and issue attorney opinion
- Escrow Officer IOLTA account Management
- Title search and title clearing
- Buyer, seller and lender representation
- Refinance and Purchase Pre Closing and Post closing processing
- Post closing title policy writing

Paralegal/Closer – 6/04-7/05
Geoffrey B. Ginn & Associates, P.C. – Portsmouth, NH
A real estate transactional law firm

- Post closing title policy writer, discharge tracking, title clearing
- NH Notary Public Refinance and Purchase closer
- Refinance and Purchase Pre Closing processing
- HUD preparation

Other Skills: Westlaw certified • QuickBooks, Quicken • Act! • Soft Pro • TSS Title Express
Microsoft Office (Word, PowerPoint, Excel, Access, Outlook, Publisher)

Member: NH Bar, Real Property Section • Seacoast Women’s Network
Affiliate Committee Co-Chair, Seacoast Board of Realtors
Board of Director, Sexual Assault Support Services
Admitted to the U.S. District Court – District of NH

Awards: Seacoast Board of Realtors - 2009 Affiliate of the Year

received
9/25/12



CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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

Committee: Planning Board Initial applicant

Name: Karina Quintans Telephone: 603 501 0280

Could you be contacted at work? YES NO If so, telephone # 603 501 0280

Street address: 51 McDunough St.

Mailing address (if different): _____

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

How long have you been a resident of Portsmouth? 5.5 years

Occupational background:

See attached resume

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

5 years involvement in Portsmouth as neighborhood coordinator working w/ the city to address traffic, safety, parking, crime prevention, development, zoning etc issues affecting Islington Creek Neighborhood. Served on

Mayor's BRC on Sustainable Practices. OVER

Master's degree in international development

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: Homeowner/resident committed to maintaining quality of life and the beauty and character, as well as strong sense of community in this great city. Track record of success in working with the city.

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

Islington Creek Neighborhood Association
Zero Waste Portsmouth

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

1) Kendra Ford, 603, 431 6675, 30 Pine St
Name, address, telephone number

2) Julie Ross, 1167 South St., 603 205 0758
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature: [Signature] Date: 9/25/2012

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

EXPERIENCE SUMMARY

- **Leadership/Governance:** 4 years experience as community leader performing advocacy (crime prevention, safety, infrastructure improvements, sustainability) and developing/ implementing zero waste practices
- **Project Development/ Management:** 12+ years experience including the development of project plans, estimates, and schedules; coordinating and directing up to 10-person multi-disciplinary teams; and consistently delivering projects exceeding client expectations; 10+ years budget management experience including experience overseeing operational budgets valued at over \$60M
- **Proposals:** 7+ years experience developing federal/DoD ID/IQ proposals, maintaining >75% win rate, and achieved a 100% win rate over 5 years for a single 8(a)/SB client on contracts totaling over \$13B in capacity; wrote grant proposals securing approx. \$3M for non-profits
- **International/ Rural Development:** 5+ years experience providing technical, analytical, editorial support to international and rural development research projects; developed basic databases to capture and analyze research data; reviewed, co-authored and edited final research reports
- **Networking/Relationship Building:** developed and maintain relationships across the City of Portsmouth (City Manager, City Council; Chief of Police, Director of Public Works; Assistant Superintendent of Schools); built partnerships with non profits, schools, businesses and govt to run 3 successful campaigns in the last 4 yrs; >20 years experience working with Program Directors and Executive Directors of various organizations/companies

LEADERSHIP/GOVERNANCE

Director, Islington Creek Neighborhood Association ('08-Present): 4+ years experience representing 400+ households; advocating for improved crime prevention, safety, and street improvements. Hold community outreach meetings with various city department heads, and annual community events including National Night Out. Attend/speak at City Council meetings. Maintain relationships with the Mayor, City Council, the City Manager, Director of Public Works and the Chief of Police.

- *Secured \$2M budget approval for street improvements*
- *Collaborated with the City for the development of new ordinances in support of increased safety within the neighborhood*

Director, Zero Waste Portsmouth ('09-Present): 3 years experience as a community leader advocating for zero waste practices across the city of Portsmouth working with local government, non profits and businesses.

- *Partnered with the City of Portsmouth to implement the first public recycling program in 2011 through a grassroots, collaborative, public art project*
- *Developed and implemented zero waste programs for multiple organizations across the City of Portsmouth including the Farmer's Market, Share Your Strength Seacoast, SASS*

PROJECT DEVELOPMENT/MANAGEMENT

Zero Waste Portsmouth, Portsmouth, NH ('09-'11): Led the development and implementation of a grassroots, collaborative, public art project in support of the first downtown public recycling project. Developed project plans/proposals, schedule and budget. Developed and managed partnerships with local government, local schools and businesses. Supported 8-person team during the performance of advocacy and fundraising of over \$20K. Delivered two presentations to the City Council to successfully procure project approvals. Commended by multiple stakeholders/partners:

I want to again congratulate you on a job well done. Your persistence was key to the success of this project. ~John Bohenko, City Manager, Portsmouth, NH

I wanted to congratulate you and your associates on the successful project. People like you make this City unique and proactive and make me proud to work here. ~Nancy M. Carner, City of Portsmouth Economic Development Program Manager, Portsmouth, NH

Tyco Telecommunications, Inc, NH ('07-'09): Coordinated the acquisition of environmental permits for three multi-million dollar undersea fiber optic cable projects located in the Middle East, Eastern Europe, and the U.S. Participated in weekly conference calls with permitting teams connecting up to 25 participants in multiple worldwide locations. Tracked/monitored permit acquisition using MS Project and MS Excel. Developed cost estimates for the acquisition of operational permits. Developed and implemented RFP process for the procurement of subcontractors.

Arab American Anti-Discrimination Committee of MA, Boston, MA ('03-'04): Planned and implemented two Faces of Iraq exhibitions including opening receptions, school programs, and speaker series (est. 1000 attendees). Developed/tracked project budget, work plan and schedule. Prepared grant proposals to secure funding. Directed 8-person implementation team plus 10 event volunteers. Authored press releases and print media. Managed public relations and procured project sponsors.

FOREIGN LANGUAGE

- Spanish language proficiency

INDUSTRY EXPERIENCE

- International development, Civic engagement, AE design, construction, environmental remediation and construction, environmental permitting (natural gas pipelines, undersea fiber optic cables), energy generation, transmission and distribution

COUNTRY EXPERIENCE

- >3 months: Costa Rica, Chile, Indonesia, India, Philippines
- Short term: China, Mongolia, Peru, Afghanistan
- Managed projects in the MENA region and Eastern Europe
- Lived in Saudi Arabia, Venezuela, Italy

EDUCATION

- M.A. International Development, Ohio University
- B.S. Finance, Babson College

AWARDS / OTHER:

- Mayor's Award, Recognition of Service, City of Portsmouth, NH, 2011
- Management Team/Steering Committee, Sustainable Portsmouth ('08-'09)
- Committee Member, Mayor's Blue Ribbon Committee on Sustainable Practices ('08-'09)
- Academic Achievement Award, 1996; Extraordinary Contribution to the Development Studies Program Award, 1995 and 1997
- President of the Development Studies Student Organization; Graduate Student Senate, International Student Union Representative: Ohio University
- Interests: traveling, running, tennis, photography

Director/Co-founder, World Bamboo Organization ('03- '05): Co-led the development of a 501e6 international networking and advocacy organization focused on the planning of the 7th World Bamboo Congress, New Delhi, India, (est. 700 international attendees).

PPL Global, U.S and Chile ('99 - '02): Managed the implementation of a new financial reporting system including development of chart of accounts, data conversion/migration, system testing. Performed problem solving to address system conversion issues. Developed/monitored annual budgets. Provided monthly budget variance reports to Asset Directors through the first year following implementation to ensure seamless execution of related processes and procedures.

- Commended by James S. Potter, Executive Director of Northeast Business Development: *"Thanks so much for the support you provided during the integration of the Penobscot Hydro assets. Your organizational and analytical skills were critical to ensuring a successful transition."*

PROPOSALS

Entrega+ LLC ('05-Present): Develop/write sections for federal/DoD ID/IQ and commercial proposals including project descriptions, resumes, management/ technical approach, quality/safety, SB participation plans.

- Earned commendations from multiple clients:

"... Karina is consistent, reliable, and thorough in executing and developing our proposals, has excellent organizational skills, and is well received by all of the Charter folks... She has no doubt been a key player in helping us to win contracts with a total capacity of over \$13B in the 5 years that we've worked with her." -Tim Cady, Federal Programs Manager, Charter Environmental, Inc.

"I didn't emphasize enough how much I appreciated your efforts. Your dedication combined with your proficiency is a powerful combination. I'm very impressed." Bruce Campbell, Vice President and General Manager, Weston Solutions, Inc.

"The project turned out great, the outcome was better than I had hoped, you really did a great job... the final product would not have gotten done without your leadership." Matthew Lilly, Former V.P. Danaher Controls

Council on International Educational Exchange, Portland, ME (7/07 - Present): Develop grant proposals submitted to the US Department of Education for Chinese and Arabic language study abroad scholarship programs (\$400K awarded in 2008; \$750K submitted April 2012).

INTERNATIONAL/RURAL DEVELOPMENT EXPERIENCE

International Network for Bamboo and Rattan, Beijing, China, (3/98 - 3/00): Supported executive management during transition to international organization. Developed Annual Plan of Work and Budget, organizational structure, strategic plans, and review of grant proposals.

- Wrote grant proposal to obtain US\$2.4M (awarded) of program funding from the Directorate General for Int'l Cooperation (Netherlands)

InHand Abra Foundation, Manila, Philippines, (2/99 - 3/00): Wrote \$17K grant proposal (awarded) for socio-economic research project identifying barriers to improved performance of microenterprises as part of a sustainable development project; analyzed project survey data/research results and co-

PUBLICATIONS

- *Ancient Grass, Future Natural Resource: The National Bamboo Project of Costa Rica: A Case Study of the Role of Bamboo in International Development.* 1998. Beijing/New Delhi: INBAR.
- *Bamboo in Abra: An Investigation of the Production to Consumption System.* 2000. Beijing: INBAR

VOLUNTEER FUNDRAISING

- **Sexual Assault Support Services, 2010.** Completed half marathon to raise money for sexual assault educational programs (team raised >\$8,000).
- **Pennies for Peace, 2009.** Mobilized 21 local businesses, 3 schools, and 10 individuals to collect loose coins over 6 weeks, raising \$4,100 to support children's education in Pakistan and Afghanistan.
- **Share Our Strength, 2009.** Raised \$1,500 through a 5-day fast in support of child hunger reduction programs.
- **Arthritis Foundation, 2002.** Raised \$4000 for completing a one day, 14-mile hike into and out of the Grand Canyon to support arthritis research.

wrote final published case study -- *Bamboo in Abra: An Investigation of the Production to Consumption System.* 2000. Beijing: INBAR.

Biodiversity Conservation Network, Jakarta, Indonesia (6/97 - 12/97):

Supported USAID-funded research project to assess the viability of community-based micro-enterprises; developed project profile sheets; wrote project status reports; assisted in the preparation of USAID reports. Conducted site visits.

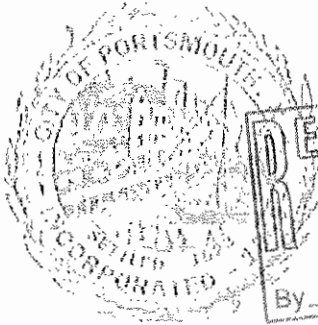
Rural Action, Inc., Trimble, OH (9/96 - 5/97): Developed database to capture the results of a survey of Athens County farmers and agriculturalists to support the analysis of economic development priorities in Athens County, which resulted in the successful implementation of a sustainable agriculture project still active today.

OTHER EXPERIENCE

Merck Family Fund, Milton, MA (6/03 - 4/04): Managed bookkeeping, financial analysis/reporting, AP/AR, bank reconciliations, office and subcontractor management for a family foundation focused on restoring/protecting the environment and strengthening the urban community. Administered biannual grant process for approx. 100 grantees.

Consultant, Campus Compact, MA ('01 - '08). Provided technical support for a non-profit dedicated to developing the civic skills of students, building community partnerships, and integrating civic engagement with teaching and research.

- Commended by Karen Chisholm, Director, MACC AmeriCorps*VISTA Program: "In our hectic, under-resourced non-profit environment, we can use only the most efficient, independent, flexible and professional project consultants. You are the best by our standards, and we're always grateful for your contributions..."



CITY OF PORTSMOUTH, N.H.
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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

Committee: Board of Trustees of the Trust Funds **Renewing applicant**

Name: Thomas R. Watson Telephone: 603-431-0986

Could you be contacted at work? YES/~~NO~~ - If so, telephone # 603-433-3317 X218

Street address: 200 Newcastle Avenue, Portsmouth, NH 03801

Mailing address (if different): P.O. Box 1106, Portsmouth, NH 03802

Email address (for clerk's office communication): twatson@dwmlaw.com

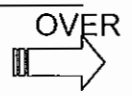
How long have you been a resident of Portsmouth? 1983-1994; 1998-present

Occupational background:

I have practiced law in the City of Portsmouth since 1979
shortly after graduating from law school. See attached
curriculum vitae for listing of firms.

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

Reasons for wishing to continue serving: I have enjoyed my experience as
a Trustee over the past year and believe I have contributed
to the prudent management of the trust funds and maintenance
of Prescott Park and its relationships with other groups within
the City and users. I would like to continue using my background
and experience in this capacity.



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

Portsmouth Athenaeum (Member, Board of Directors and President)

University of New Hampshire School of Law (Member, Board of Trustees)

New Hampshire Association for Justice (Member, Board of Governors)

American Association for Justice (Member, Board of Governors)

Strawbery Banke Museum (Member, National Council)

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

1) James G. Nocas, Jr., 64 Thatcher Rd., Portsmouth, NH 03801
Name, address, telephone number (603) 436-8378/(603) 431-7164

2) Joseph F. Keefe, P.O. Box 648, Rye Beach, NH 03871 (603) 501-7301
Name, address, telephone number (603) 674-7661

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature: _____

Date: _____

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: _____

Annual Number of Meetings: _____ Number of Meetings Absent: _____

Date of Original Appointment: _____

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

6/27/2012

Thomas R. Watson
200 Newcastle Avenue
P.O. Box 1106
Portsmouth, NH 03802-1106
603-431-0986 (home)
603-433-3317 (office)
603-433-5384 (fax)
twatson@dwmlaw.com

Education:

University of New Hampshire, Durham, New Hampshire; BA Political Science, *cum laude*, 1973
University of New Hampshire School of Law (formerly Franklin Pierce Law Center), Concord, New Hampshire; JD 1978

Bar Admissions:

Admitted to the Bar of New Hampshire (1978) U.S. District Court, District of New Hampshire (1978), U.S. Court of Appeals, First Circuit (1978), State of Maine (1982), U.S. District Court, District of Maine (1982), U.S. Supreme Court (1986)

Professional Experience:

Currently a shareholder and director of Drummond Woodsum & MacMahon, Portsmouth, New Hampshire and Portland, Maine with practice concentration in the areas of civil litigation, including commercial, personal injury and domestic litigation; general corporate and real estate.

Previously formed partnership (Tybursky & Watson) in the practice of law in Portsmouth, New Hampshire in 1979; expanded to Tybursky, Watson & Harman in 1987; merged to become Taylor, Keane, Blanchard, Lyons, Tybursky & Watson, P.A., later Taylor, Keane, Blanchard, Lyons & Watson, P.A. in 1988; formed Watson, Lyons & Bosen, P.A. (later Watson & Bosen, P.A., then Watson & Lemire, P.A.) in 1994; merged firm with Wiggin & Nourie, P.A. in 2005; shareholder at Wiggin & Nourie, P.A. from 2005-2012; joined Drummond Woodsum & MacMahon in 2012.

Professional Involvement:

New Hampshire Association for Justice

President 1995-1996

Member, Board of Governors, 1989-Present;

American Association for Justice

Member, Board of Governors, 2006-Present

State Delegate, 1996-2006; Chair 1998-1999

New Hampshire Bar Association

Member, Board of Governors, 1985-1990

New Hampshire Bar Foundation

Board of Directors, 1987-1990

Community Involvement:

University of New Hampshire School of Law
Member, Board of Trustees, 2010-Present

Portsmouth Athenaeum
President, 2012--Present
Member, Board of Directors, 2010-Present;
Proprietor, 1991-Present

Strawbery Banke Museum
Chair, Board of Trustees, 2002-2004
Member, Board of Trustees, 2000-2006,
Member, National Council, 2008-Present

Greater Portsmouth Chamber of Commerce
Chair, Board of Directors, 1990-1992
Member, Board of Directors 1988-1992;

Portsmouth Historical Society
Member, Board of Trustees, 1994-1999; President, 1995-1997

Leadership New Hampshire
Associate, Class of 1993-1994

Franklin Pierce Law Center Alumni Association
President, 1985-1986; Member, Alumni Council, 1990-1992

Treaty of Portsmouth Anniversary Committee
Member, 2002-2006

New Hampshire Main Street Center
Board of Directors, 1998-2002

New Hampshire Small Business Development Center
Member, Board of Advisors, "Project Self-Start" Entrepreneurship Training
Program, 1993 - 1995

Ballet New England
Advisory Board, 1996-2004

Greater Seacoast Economic Summit
Treasurer and Member of the Executive Committee 1990-1991

Public Service:

City of Portsmouth Trustees of the Trust Funds
Trustee, 2012 - Present

City of Portsmouth Planning Board
Member, 1992 - 1994

City of Portsmouth Historic District Commission
Member, 1992

New Hampshire Constitutional Convention
Delegate, 1974

Recognition:

Voted 1995 "Portsmouth Citizen of the Year" by the Greater Portsmouth
Chamber of Commerce

Elected a New Hampshire Bar Fellow in 1993 by New Hampshire Bar Foundation

Received President's Award from New Hampshire Association for Justice in 1993, 1997 and 2007
in appreciation of outstanding service to the Association

Received 1997 Outstanding State Delegate award from the American Association for Justice for
dedicated and outstanding service

Received Weideman-Wysocki Citation of Excellence in 1999, 2000, 2002 and 2010 from American
Association for Justice

Received Granite State Advocate Award from the New Hampshire Association for Justice
in 2000 for dedication to the civil justice system

Received Board of Governor's Award from New Hampshire Association for Justice in 2006
in appreciation of long term service to and support of the Association

Received inaugural Professionalism Award from the Rockingham County Bar Association
in 2001

Recognized in 2011 & 2012 *Benchmark Plaintiff Guide* as local litigation star in civil litigation.

Received President's Award for distinguished service from New Hampshire Bar Association as a
member of the Special Committee on Rules of Civil Procedure



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: Citizens Advisory Committee Initial applicant

Name: Alicia Weaver Telephone: 603-373-8926

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

Street address: 248 Beverly Hill Rd. Unit 1 Portsmouth NH

Mailing address (if different): _____

Email address (for clerk's office communication): ambweaver4@gmail.com

How long have you been a resident of Portsmouth? 3 1/2 yrs.

Occupational background:

Non-profit fundraising + marketing.

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

Worked for a domestic violence agency in NH
for 3 years. The agency was also a recipient
of CDBG funds.

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: _____

I am interested in the programs + projects of the Community Development Office. I would also like to have a better connection to the community.

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

Seacoast Mothers Association
Corpus Christi Parish

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

1) Mollie Mulligan Thornton St. Portsmouth 603-502-8082 (cell)
Name, address, telephone number

2) Brian Semprini 248 Beverly Hill Rd. Unit 2 Portsmouth 603-682-0559
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: Alicia M. Newman Date: 11/23/12

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

Alicia M. Weaver

248 Peverly Hill Rd. Unit 1 Portsmouth, NH 03801 781-354-0139

ambweaver4@gmail.com

Relevant Work Experience

HAWC (Healing Abuse Working for Change)

Assistant Director of Development

December 2008 – June 2010

- ♦ In addition to responsibilities below, as Coordinator of Communications & Events, supervised Volunteer Coordinator on walk and holiday store responsibilities.
- ♦ Assisted Director of Development and Executive Director with preparation, materials and data entry pertaining to HAWC's Capital Campaign.
- ♦ Oversaw agency name change and logo contest.
 - Managed Logo Selection Committee to evaluate and select contest winner.
 - Updated all materials and website with new branding.

Coordinator of Communications & Events

June 2007 – December 2008

- ♦ Responsible for overseeing all operations, marketing and fundraising for annual Walk for HAWC.
 - In 2008, exceeded fundraising goal of \$150,000 by almost \$50,000.
- ♦ Chaired Sponsorship Committee for annual Walk for HAWC.
- ♦ Responsible for all media relations and press communications for the agency.
- ♦ Worked with graphic designer on all materials for walk: program book, t-shirt, billboards, posters, brochure.
- ♦ Wrote and sent two monthly e-newsletters (for agency and for agency's consignment store).
- ♦ Coordinated and wrote semi-annual (paper) newsletter.
- ♦ Assisted with other HAWC events, i.e. Holiday Store, Volunteer Appreciation Dinner.
- ♦ Maintained agency website.
- ♦ Created and maintained agency's Facebook page.
- ♦ Processed and managed all gift entries in database and sent all thank you letters to donors.

Junior Achievement, Marketing Manager

August 2005 – June 2007

- ♦ Responsible for all marketing materials distributed from the JA Boston office.
- ♦ Coordinated, promoted and organized the JA Bowlathon fundraiser with a goal of \$160,000.
 - Reached goal in first year and exceeded by \$40,000 in second year.
- ♦ Coordinated, promoted and organized the first JA Stock Market Challenge fundraiser.
- ♦ Assisted Marketing Director with other fundraising special events (Golf Classic and Gala Dinner).
- ♦ Responsible for promoting JA and its events through the media.
- ♦ Maintained internal database regarding special events fundraising and Board Member participation.
- ♦ Oversaw publication of JA's Annual Report.

Community Involvement

Seacoast Mother's Association

Member, Events Committee & Meals Program

July 2010 - present

Education

College of the Holy Cross

Bachelor of Arts Degree in French, Spanish minor
Pi Delta Phi - National French Honor Society

*Worcester, MA
May 2000*

Institut Catholique de Paris

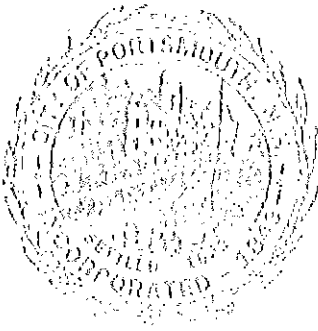
Intensive summer writing class conducted in French

*Paris, France
Summer 1998*

Skills

Languages: fluent in French, proficient in Spanish

Computer Skills: Comfortable and experienced with all standard office software, as well as Dreamweaver, Peoplesoft, Raiser's Edge, Donor Perfect, Publisher, Constant Contact, Firstgiving, Network for Good.



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.

JAN - 9 2012

Committee: Economic Development

Initial applicant

Name: John Pratt Telephone: 430-4458

Could you be contacted at work? YES / NO If so, telephone # 430-4458

Street address: 520 F.W. Hartford Dr.

Mailing address (if different): _____

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

How long have you been a resident of Portsmouth? 3+ years

Occupational background:

39 years in banking

Served as President/CEO of two banks

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

Served as member + chairman of Kittery ZBA

Served as member of Coos Economic Development corp board

Significant business development background

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: _____

Interest in appropriate growth of local economy with long term vision

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

See attached

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

1) Greg Whalen 674-7800 NAI Norwood, 100 Market St., Portsmouth
Name, address, telephone number

2) George Bald 271-2629 State of NH DRED 172 Pembroke Rd
Name, address, telephone number PO Box #1856, Concord

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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Signature:  Date: 1-9-12

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

6/17/2009

RESUME submitted was labeled "Confidential" and is NOT attached

ead



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.*

FEB 17 2012

Initial applicant

Committee: Historic District Commission

Name: Reagan B. Ruedig Telephone: 603-373-8391

Could you be contacted at work? YES/NO If so, telephone # 646-342-9275 (cell)

Street address: 27 Rock Street, Portsmouth, NH 03801

Mailing address (if different): _____

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

How long have you been a resident of Portsmouth? 2 years (since 12/15/2009)

Occupational background:

Architectural Conservator, 2007-2009, in the Boston area.

Historic Preservationist, 2010-current, in the state of New Hampshire.

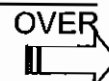
Please list experience you have in respect to this Board/Commission:

Intern at the Philadelphia Historical Commission while in graduate school.

Historian/preservationist working on sites throughout the state of New Hampshire.

Served on the Buildings and Grounds Committee for the John Paul Jones house for the

Portsmouth Historical Society, on the Board of Trustees since Dec. 2011.



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

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

Reasons for wishing to serve: To contribute to the preservation community in Portsmouth and the city's future development.

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

Board of Trustees for the Portsmouth Historical Society, Building and Grounds Committee for the John Paul Jones House (Historical Society)

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

1) Lynne Monroe, 5 Hobbs Road, Kensington, NH 603-778-1799
Name, address, telephone number

2) John Mayer, 68 Cabot Street, Portsmouth, NH 603-422-9551
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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5. Application will be kept on file for one year from date of receipt.

Signature: Reagan B. Brudney Date: 2/17/2012

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

REAGAN BAYDOUN RUEDIG

27 Rock Street, Portsmouth, NH 03801
tel. 646-342-9275 rbaydown@gmail.com

EDUCATION

- University of Pennsylvania**, School of Design Philadelphia, PA 2005-2007
MSHP, concentration in Site Management
- New York University**, Institute of Fine Arts New York, NY 2001-2004
MA in Art History and Archaeology, concentration in Ancient Greek Architecture
- Duke University**, College of Arts and Sciences Durham, NC 1997-2001
BA in Art History, minor in Classical Archaeology, certificate in Markets and Management
-

EMPLOYMENT

- Preservation Company**, Kensington, NH *Historian*. 2010-present
Preservation consulting work including Section 106 compliance review, National Register Nominations, individual and historic district determinations of eligibility, and Historic Structure Reports. Projects located throughout the state of New Hampshire and southern Maine.
- Building Conservation Associates, Inc.**, Dedham, MA *Architectural Conservator*. 2007-2009
Completed exterior conditions surveys and interior finishes analyses, prepared construction documents using AutoCAD, performed mortar and paint analyses, monitored construction projects, assisted in the writing of specifications for construction.
- Samothrace Excavations, New York University, Institute of Fine Arts**, Samothrace, Greece *Preservation Management Consultant*. 2008
Archaeologist, Architectural Draftsman. 2004
Documented site conditions, drafted reports and recommendations for site preservation management, and collaborated on conservation treatment of archaeological monuments at the Sanctuary of the Great Gods on Samothrace. Archaeological responsibilities included architectural drawings, pottery drawings, assisting in preparation of publication.
- University of Pennsylvania Museum of Archaeology and Anthropology**, Philadelphia, PA/Arcadia, Greece *Architectural Draftsman*. 2007
Documented architectural fragments and remains in situ by hand and drafted field drawings of architectural fragments into AutoCAD as part of the architectural team at for the Mt. Lykaion Excavation and Survey Project in Arcadia, Greece.
- Preservation Alliance of Greater Philadelphia/Philadelphia Historical Commission** *Samuel S. Fels Fund Intern*. 2006
Surveyed neighborhoods for nomination for Philadelphia Register Historic District with experimental digital methods, researched and prepared nomination forms, and helped develop handbook for district nominations.
- Metropolitan Museum of Art, Department of Greek and Roman Art**, New York, NY *Collections Management Assistant*. 2004-2005
Managed and expanded database of the Greek and Roman collection, worked with curators to write and generate new descriptive material for the new installation of South Italian and Roman art (open April 2007), research and editorial assistant.

City College, City University of New York

Adjunct Professor. 2004

Lectured two semesters of the Greek and Roman Art undergraduate/graduate course.

Pratt Institute, Brooklyn, NY

Visiting Instructor. 2003, 2004

Lectured two semesters of the Survey of Western Art I undergraduate course.

Institute for Aegean Prehistory, Greenwich, CT

Library/Research Assistant. 2002-2004

Edited and researched articles for publication by the Institute.

Aphrodisias Excavations, New York University,

Archaeologist, Sculpture Team Member. 2002

Institute of Fine Arts, Aphrodisias, Turkey

Responsibilities included overseeing the excavation of 2 trenches, recording excavation and producing reports, recording and drawing archaeological finds, and writing catalogue entries for sculpture in the museum.

Agora Excavations, American School of Classical Studies in Athens, Greece

Excavator. 2001

Responsibilities included physical excavation work and assisting in pottery analysis.

COURSEWORK AND PROJECTS

The Plastic Club of Philadelphia: a Site Management Study and Building Analysis: Master's Thesis in Historic Preservation, a study in site management approaches to a local Philadelphia art club.

The Jacob Rittenhouse House Summary Building Report: Conditions Assessment Report on a historic house in Philadelphia for a Building Pathology course with Michael C. Henry.

Preservation Management Plan for Historic RittenhouseTown, Inc.: Preservation Plan for an historic site in Philadelphia for a Studio course in preservation planning with Randall Mason and Carol Franklin.

The Woodlands: A Report on Architectural Investigations and Archival Research: Report on an historic house in Philadelphia for an Architectural Archaeology course with John Milner.

Conservation and Management Plan, Gordion, Turkey: Preservation Plan for the archaeological site of Gordion for a Conservation of Archaeological Sites course with Frank Matero.

Character Analysis and Furnishing Plan for James Dundas Pratt and the Estate of Whitehall: Report and historic interior furnishing plan for an American Domestic Interiors course with Gail C. Winkler.

Feasibility Study Report: Feasibility assessment and analysis for rehabilitation of a historic building in Philadelphia for an Economics of Preservation course with Donovan Rypkema.

SKILLS AND TRAINING

Conservation: Materials science, porosity/water absorption analysis, paint and mortar analysis techniques, salt analysis.

Computer Skills: AutoCAD, Microsoft Word, Excel, Access, FileMaker Pro, TMS, Adobe Photoshop, Illustrator, InDesign, GoLive, GIS/ArcView, and others.

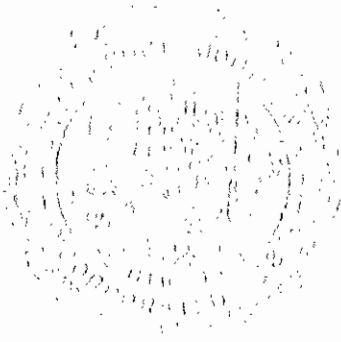
Fine Arts: Drawing and drafting, sculpting, printmaking, photography.

AWARDS

Fellowship, NYU Institute of Fine Arts: Leo and Karen Gutmann Foundation Award, Fall 2002

Shelby White and Leon Levy Summer Travel Award, Summer 2002

Graduated Cum Laude, Duke University, May 2001



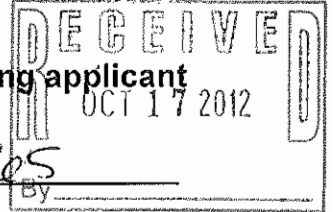
CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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

Committee: Library trustee

Renewing applicant



Name: Jody Record Telephone: 908-9965

Could you be contacted at work? YES NO - If so, telephone # 862-1462

Street address: 162 Backland St #1 Portsmouth

Mailing address (if different): _____

Email address (for clerk's office communication): jody.record@unh.edu

How long have you been a resident of Portsmouth? 40+ years

Occupational background:

writer/editor
journalist

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

Reasons for wishing to continue serving: passion for libraries as gathering, educational hub of a community.



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

Blue Ocean Society

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

(Portsmouth references preferred)

- 1) Phyllis Eldridge, South St, Portsmouth ⁴³¹⁻²¹⁹⁷
Name, address, telephone number ₁₂₂₃
- 2) Groes Fleischer Trest Rd, Portsmouth
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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- 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: Sody Record Date: _____

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 10-1-15

Annual Number of Meetings: 9 Number of Meetings Absent: 1
(2011)

Date of Original Appointment: 1-8-2007

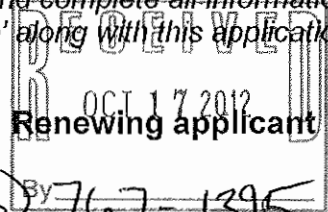
Please submit application to: City Clerk's Office, 1 Junkins Avenue, Portsmouth, NH 03801



CITY OF PORTSMOUTH, N.H.
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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



Committee: Economic Development Commission

Renewing applicant

Name: Philip C. Cohen

Telephone: (603) 767-1395

Could you be contacted at work? YES NO - If so, telephone # 603 384-6705

Street address: 114 Crescent Way, Portsmouth, NH 03801

Mailing address (if different): _____

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

How long have you been a resident of Portsmouth? 6 years

Occupational background:

VP/Commercial real estate lender at People's United Bank for 7+ years, active community/board member and founder of small local business, The Daily Portsmouth, which is an active entity in the arts community.

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

Reasons for wishing to continue serving: To continue my contributions regarding commercial real estate advocacy, artistic/business perspective, and to educate my colleagues & community members on needs, policies, etc. and how the City is affected when these change from an economic perspective.



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

- The Housing Partnership (board member)
- NH Art Association (board member)
- NH Film Festival (volunteer)
- Atlantic Heights Area Neighborhood Assoc (past Char)
- Real Estate Finance Assoc. (member)

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

- 1) Kathleen Hayes, 325 State St. Portsmouth, NH 334-6723
Name, address, telephone number
- 2) Zac Gregg, 155 Fleet St. Portsmouth, NH 766-1906
Name, address, telephone number

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Signature: [Handwritten Signature] Date: 9/30/2012

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 10-1-2016

Annual Number of Meetings: 8 Number of Meetings Absent: 0
2011

Date of Original Appointment: 5-1-2011

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

CITY OF PORTSMOUTH, N.H.
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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

Committee: Zoning Board of Adjustment

RECEIVED
Renewing applicant
OCT 28 2012
By

Name: Charles LeMay Telephone: 603-498-9122

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

Street address: 774 Middle Street Unit 2

Mailing address (if different): _____

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

How long have you been a resident of Portsmouth? 11 Years

Occupational background:

Principal Electrical Engineer at IWalk. I have been an electrical engineer for 30+ years.

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

Reasons for wishing to continue serving: I have served on the Portsmouth ZBA for the past 5 years. Prior to moving to Portsmouth 11 years ago, I had been a member of the Atkinson, NH ZBA for about 15 years, serving as Chairman for 10 of those years. I believe I can bring an understanding of the issues and an objectivity to bear on the questions before the ZBA, and feel that this is one of the best ways I can serve the community.

6/27/2012

OVER
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Please list any organizations, groups, or other committees you are involved in:
No other civic committees.

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

1) Mr. David Witham, c/o David Witham Architecture, 800 Islington St. (603) 436-4933

Name, address, telephone number

2) Dr. Brain Maguire, 774 Middle St. 603-964-6300 (ofs)

Name, address, telephone number

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5. Application will be kept on file for one year from date of receipt.

Signature: _____

Date: _____

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 12-1-2017

Annual Number of Meetings: 19 Number of Meetings Absent: 2

Date of Original Appointment: 3-19-2007

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

CHARLES R. LEMAY

774-2 Middle Street • Portsmouth, New Hampshire 03801
clemay.ports@comcast.net • 603 498 9122 (mobile)

SENIOR TECHNOLOGY LEADERSHIP

Proven Technical, Innovation, and Leadership Expertise

Senior Electrical Engineer with extensive experience in creating effective and practical solutions to satisfy real-world needs. A hands-on professional skilled as a leader of engineers and developer of innovative products, from conception through production. Mentoring / visionary management style with excellent communication skills.

Technical Highlights:

- Patient monitors
 - FDA Regulated Industry
 - Lithium Ion Battery Power
 - Low Power Design
 - Precision analog design
 - C Language
 - LabVIEW (G Language)
 - Portable Instruments
 - Power system design
 - IEC60601-3rd edition
 - MSP430 Microcontrollers
 - Medical Equipment
-

PROFESSIONAL EXPERIENCE

DRAEGER MEDICAL, Andover, MA

10/2003 – 12/2011

A division of Draegerwerk AG, one of the world's leading manufacturers of medical equipment

Principal Electrical Engineer

Key Hardware Contributor for Draeger's Infinity series of patient monitors

- Broad responsibility for all aspects of analog design, including power train, patient connected circuitry (ECG, SpO₂, etc.), EMC & regulatory compliance and architectural details in Draeger's flagship patient monitors.
- Member of global team tasked with developing company-wide design guidelines for compliance with new IEC60601-3rd edition patient safety standards.
- Designed an innovative interconnection backbone technology (US Patent 7,676,571) used by Draeger groups worldwide to implement the company's "Integrated Care Area" concept. This intelligent cabling system manages power, control, and Ethernet functionality over a single, "hot-plug and play" network and dynamically adapts to the connected equipment.
- Created a new low-noise method of driving pulse oximetry (SpO₂) excitation LEDs (US Patent 7,619,904). Developed novel, low power, low-noise signal detection and filtering circuitry for SpO₂ photodetector application.

QCSOLUTIONS INC., N. Billerica, MA

5/2000 – 6/2003

Manufacturer of state-of-the-art surface characterization tools for the semiconductor industry

VP Engineering & Chief Engineer

Recruited to lead and grow an engineering team of 10. Helped organize and staff a production group, with a total of 22 reports. Slashed direct labor production cost by 1/3 with design improvements and streamlining of production processes.

- Conceived a new vision for a superior product architecture incorporating feedback from other engineering disciplines. Achieved buy-in at all levels from the Board of Directors through the production workforce, and ultimately championed its development.
- Improved product quality by focusing on fundamental workmanship issues and creating sophisticated software tools to automate complex production processes.

ANALOGIC CORPORATION, Peabody, MA

1/1998 – 5/2000

The leading developer and manufacturer of complete innovative systems for medical and security imaging

Senior Project Manager

Realized a complete design concept for a telemedicine home health care patient monitor consisting of a PC workstation used by a caregiver to visit recovering patients remotely via videophone. Medical instrumentation at the patient's end is operated remotely by the caregiver, and results are directly entered into the patient's medical records.

- Negotiated detailed product specification with the customer
- Planned system architecture, budgets, staffing, and schedules
- Created proof-of-concept system for demonstration purposes

Developed CompactPCI boards for data acquisition and signal processing applications

- Developed a 3U format dual DSP board using Analog Devices' SHARC processor, including the high-speed design and software architecture
- Supervised development of and provided technical guidance for other engineers developing boards for the CompactPCI program

ACUMENTRICS CORPORATION, Westwood, MA

5/1997-1/1998

Producer of advanced power generation and power protection technologies

Principal Engineer

Engineered controller hardware and firmware for an intelligent uninterruptible power supply used for bank ATMs. Supervised all aspects of development of the product including production test and subcontractor relationships.

LEMAY & ASSOCIATES, Plaistow, NH

1993 - 5/1997

Owner / Consultant

Provided product specification assistance, firmware, embedded controller hardware, and application software.

- | | | |
|---------------------|----------------------|--------------------|
| • Automated Testing | • Laser IC Trimmer | • Precision Analog |
| • Data Conversion | • Multiprocessor | • 8051 • 68HC12 |
| • Entrepreneur | • PIC Microprocessor | • 68HC11 • 6303 |

ALLIANCE MICROSYSTEMS, Wakefield, MA

1988 - 1993

Startup formed to provide OEM product development services

Co-founder, Vice President of Engineering

Won Electronic Design News Product of the Year Award in 1990, for the design of a state-of-the-art 5½ digit Digital Multimeter. Direct contributor to the following developments (highlights):

- | | |
|--|--|
| • Low-cost 5½ digit Digital Multimeter | • 8 channel ATE power supply |
| • IEEE 488.2 / SCPI / TMSL language parser | • 4-20mA current-loop powered flow meter |

PRIOR DESIGN ENGINEERING EXPERIENCE

- | | | |
|-----------------------------------|--------------------|---------------------------|
| • Precision gauging equipment | • Project engineer | • Mass flow panel meter |
| • Nuclear Data Acquisition system | • PC adapter cards | • Tapeless CNC controller |

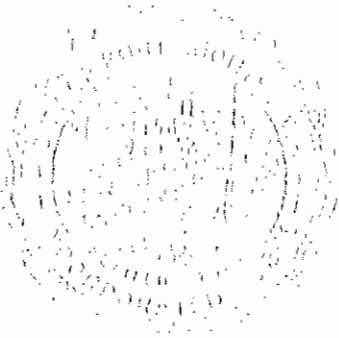
EDUCATION

Bachelor of Science in Electrical Engineering, University of New Hampshire

Technical and managerial professional seminars. Recent highlights include: IEC60601 3rd edition by UL, Failure Mode And Effects Analysis by WPI, EMC design by Silent Solutions.

PATENTS

4 utility patents issued for Draeger Medical - Two as indicated above plus two additional related to device cabling and connectivity. Additional patents are in disclosure stage.



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: ZBA

RECEIVED
OCT 18 2012
Renewing applicant
BY

Name: Patrick Moretti Telephone: 603-436-2264

Could you be contacted at work? YES/NO - If so, telephone # 603 436-7480

Street address: 63 Clinton St Portsmouth, NY 03801

Mailing address (if different): _____

Email address (for clerk's office communication): PMORETTI@RicciLumber.com

How long have you been a resident of Portsmouth? 35yr +

Occupational background:

General manager of Ricci Lumber

Would you be able to commit to attending all meetings? YES NO 90%

Reasons for wishing to continue serving: _____

Having been an alternate for my entire term, it has
A great learning experience. Now that I am getting
up to speed with the procedures and policies, I feel
I am can contribute more as I get more time on
the board, hopefully not always having to sit out

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

NH Home Builders Association
Various groups through our business
NRLA

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

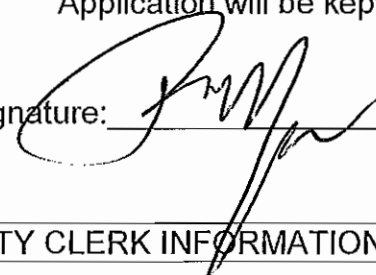
(Portsmouth references preferred)

1) Ed Hayes 105 Broad St Portsmouth, NH 603-436-2980
Name, address, telephone number

2) John Ricci Tolt Rd Portsmouth, NH 603-234-9932
Name, address, telephone number

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5. Application will be kept on file for one year from date of receipt.

Signature:  Date: 10/16/12

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 12-1-2017
Annual Number of Meetings: 4 (2011) Number of Meetings Absent: 1 (2011)
Date of Original Appointment: 8-1-2011

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

Patrick O. Moretti

63 Clinton St - Portsmouth, NH 03801

(603)433-2264 - Cell (603)817-6501

patmoretti@comcast.net

Education

Golden Gate University Pease-Business
NHCC Stratham - Business Computer Management
Dale Carnegie - Communications & Human relations
Industry lead education - NRLA/WWPA/BROSCO/Etc.
Portsmouth High School Honors Graduate

Achievements

V2 Advisory Council - Activant Computer Systems
Emco Advisory Council - BP Building Products
Portsmouth Herald Contributor - Building/Construction Q&A articles
Servistar NH committee Leader - Advertising and product selection
PHS Vocational Advisory Council - Helping guide teachers and students

Working with Local and Civic groups

Talents

Marketing Experience - Website Management
Marketing Strategies
Event Concept and Execution
Loyalty building programs
Advertising in all types of Media
Management Experience - Personnel decisions
Negotiating with vendors and customers
Communicating verbally and written
Inventory Control/Ordering/Purchasing
Pricing Management
Customer service and relations
Product selection and merchandising
Store design, improvement, maintenance
Managing and supervising associates
Working closely with the owner
Interact with company software provider
Additional Experience - Multiple business software packages
Company systems management including network, phone and video
Computer implementation/repair
Blueprint reading/takeoffs
Published Articles
Developed Company Safety Program
Developed Company Handbook
CDL-B License

Other Details

Diversions - Art, Photography, Sports, Family, Travel, Building, Landscaping, computing

Summary

Dedicated team member eager to provide whatever support the business environment demands and the ownership requires. Having learned and worked at every position in a retail operation, my experience gives me the unique ability to adapt to any emerging situation. With a proven track record of increasing sales, profits, and customer loyalty, my passion is to help build a winning team with a commitment to optimizing a company's success.

Proficiencies

- Engineered Products and Design
- Blueprint Design and Takeoff
- Computer Network and Management
- Personnel Administration
- Advertising and Marketing
- Product Knowledge and Procurement
- Merchandising and Product Placement
- Customer Relations
- Instruction for Associate Growth
- Procedural Development

Experience

Co-Operative Heating Service Portsmouth, NH Apprentice 1973-1980

Having been working with my father since a very young age, I was officially hired as a part time employee the summer of 74. My job was to run pipe and wire during the installation of boilers and electrical panels. Other tasks were to assemble motor units for the circulators and blower units, cut tin for duct work and clean up the jobsites. This job taught me constructive thinking, problem solving, practical math skills and how to work with my hands. When I began college I left the company as a regular employee, but continued to fill in when I was needed and available. The company closed its doors in 1982 because of a terminal illness with the owner.

Ricci Supply Co Inc Portsmouth, NH Associate and Manager 1977-Present

Hired as a part time employee while I attended to college, within a year I was working fulltime for the company and going to school at night. Initially my job was stocking shelves in the hardware department, but moved into sales within 6 months. Over the next five years I was promoted through multiple jobs including lead CDL driver, Yard Foreman, Head Purchaser, Store Manager, IT Manager and finally General Manager and Vice President. On my watch, the company has grown from a small local operation to a nationally recognized building materials supplier. This was accomplished by developing innovative marketing ideas to drive customers in the door while maintaining a consistently well trained staff.

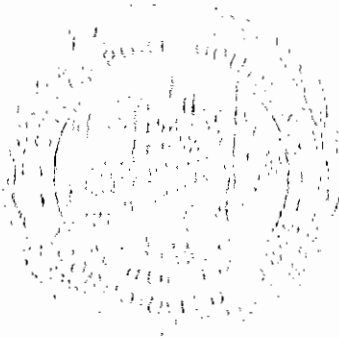
Other Experiences

Izzy's Corner Grocery - Portsmouth, NH Stock Clerk 1973-1975

Two Brewers Steakhouse - Portsmouth, NH Fry Cook 1975

Rose's Corner Grill - Portsmouth, NH Part-time Cook 1976-1977

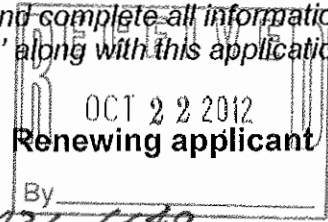
Rockingham Community Action Program - Summer Councilor of 1976 & 1977



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: BOA

Name: DAVID WITHAM Telephone: 436. 6649

Could you be contacted at work? YES/NO - If so, telephone # 436. 4933

Street address: 238 WALKER BUNGALOW RD

Mailing address (if different): _____

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

How long have you been a resident of Portsmouth? 25 YRS

Occupational background:
ARCHITECTURE

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

Reasons for wishing to continue serving:
PRESSURE FROM CITY HALL TO STAY ON
AND I ENJOY COMMUNITY SERVICE



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

PORTSMOUTH LITTLE LEAGUE


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

1) JOE ALMEIDA, BLOSSOM STREET
Name, address, telephone number

2) BRAD LOWN, BRACKET RD
Name, address, telephone number

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5. Application will be kept on file for one year from date of receipt.

Signature:  Date: 10-18-12

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 12-1-2019

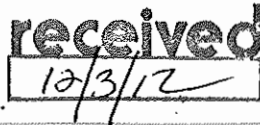
Annual Number of Meetings: 14 (2011) Number of Meetings Absent: 1

Date of Original Appointment: 5-21-2001

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

Resignation

Skye Maher



PO Box 430
Portsmouth, NH 03802

Telephone: 603-436-8035

November 23, 2012

Mayor Eric Spears
City Hall
1 Junkins Ave.
Portsmouth, NH 03801

Re: Resignation from the Mayor's
Blue Ribbon Committee on Sustainable Practices

Dear Mayor Spears,

After serving on this committee for several years, I am finding that I am no longer able to serve the City appropriately. My available time has changed and I am not able to regularly attend the meetings. This group needs members who can and will attend.

I want to thank you for your continued support of a more sustainable community. We are proud to have you as our mayor. I think you will find many able people willing and available to fill my spot on the committee.

Thank you for allowing me to be a part of this group.

Sincerely,


Skye Maher

Portsmouth Housing Authority



245 Middle Street, Portsmouth, New Hampshire 03801-5196

Joseph N. Couture, Executive Director

Ruth L. Griffin, Chair
John F. Lelth, Vice Chair
Thomas Heany, Commissioner
Charles Bradley, Commissioner
Amy Schwartz, Commissioner
T. Stephen McCarthy, Commissioner

November 9, 2012

Mr. David Moore
Community Development Director
City of Portsmouth
1 Junkins Avenue
Portsmouth, New Hampshire 03801

Dear David:

Please accept this letter as my resignation from the Portsmouth Housing Endowment Fund (PHEF) due to my up-coming retirement from the Portsmouth Housing Authority on December 28, 2012. It has been a privilege to serve on this board, and I wish you all much success in the months and years ahead.

I know that the Portsmouth Housing Authority's new Executive Director, Craig W. Welch will bring a wealth of knowledge and dedication to this board, and I recommend him highly to take over this seat.

Sincerely,

Joseph N. Couture
Executive Director

cc: Craig Welch



DEC - 7 2012

**Proposal for Valet Operations
Thursday, December 06, 2012**

City Council Members,

Atlantic Parking Services are requesting the permission to continue operating a Valet Parking Service in the parking spaces provided on Bow Street.

Operation Overview

Atlantic Parking Services will continue to manage the valet operations. The loading zone will be used as the Valet Loading Zone where motorists will drop off and pick up their cars from the valets only – vehicles will not be parked in these spaces. The Valet Service will be active year round from 5:00PM until 12:00AM any given evening. Primarily the service will be active from Wednesday through Sunday evenings from 5:00PM through 11:00PM

Patrons of the Wellington Room, Dolphin Striker, Martingale Wharf, Surf Sushi and Surf Restaurant will be directed to the Valet Loading Zone by three signs placed within the loading zone, which will direct patrons to the loading zone. On arrival to the loading zone, motorists will be given a Valet ticket in exchange for their car. The Valet will then drive the vehicle to the One Harbour Garage where the vehicles will be stored and monitored by the valet staff.

Once the customers have finished their visit, they will come back to the Valet Loading Zone, where the patron will receive their vehicle.

Please see diagram attached.

Valet Routes

When cars are dropped off, the valet will pull out of the loading zone onto Bow Street, continue up the hill on Chapel Street. Valets will continue on Chapel Street until turning left on to State Street and onto the parking garage which is located at 1 Harbour Place. When bringing the vehicles back from the garage, vehicles will continue on to Daniel Street, continue to intersection of Penhallow and Daniel street. Vehicles will take a right turn and continue on Penhallow until intersection with Bow street and turn right

and pull into valet parking loading zone on Bow Street. These routes are intended to maintain optimal traffic flow and safety in or around the Bow Street loading zone.

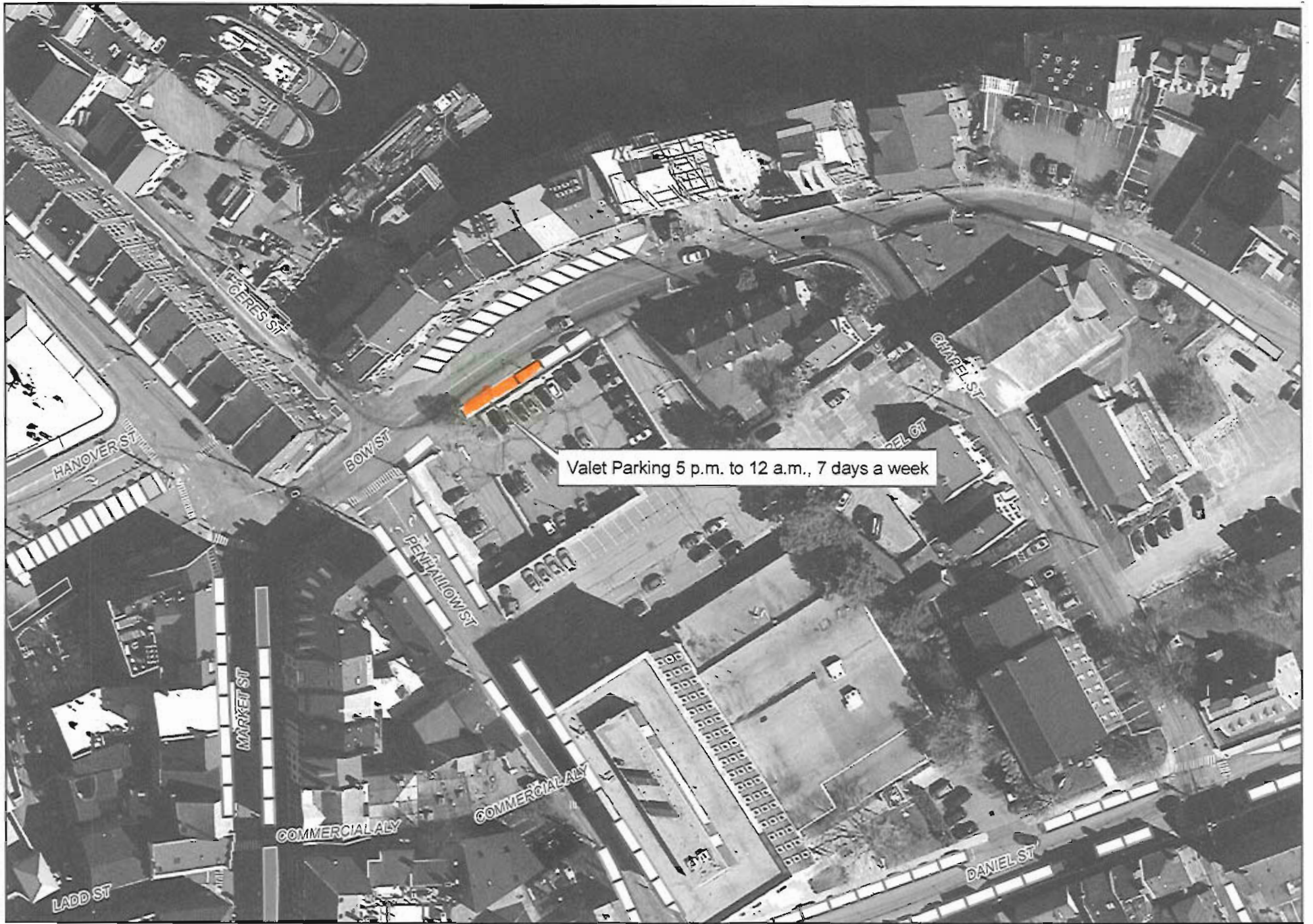
Permissions Needed

- Permission to set up Three A- Frame Signs in or next to loading zone during valet operating hours.
- Permission to use the three parking spaces that comprise the valet loading zone on Bow Street Wednesday through Sunday from 5:00PM through 12:00AM.

Sincerely,

A handwritten signature in cursive script, appearing to read "Brian Slovenski".


Brian Slovenski
Operations
Atlantic Parking Services, LLC



Valet Parking 5 p.m. to 12 a.m., 7 days a week

**BOW STREET
PROPOSED VALET SPACES**

MEMORANDUM

TO: John P. Bohenko, City Manager
FROM: Liz Good, Planning Department 
SUBJECT: Historic District Commission Minutes
DATE: December 6, 2012

Please be advised that the approved minutes from the August 1, 2012 Historic District Commission meeting are now available on the City's website for your review.

MEMORANDUM

TO: John P. Bohenko, City Manager
FROM: Jane Shouse, Planning Department
SUBJECT: Planning Board Minutes
DATE: December 3, 2012

Please be advised that the approved minutes from the July 19, 2012 Planning Board meeting are now available on the City's website for your review.

MEMORANDUM

TO: John P. Bohenko, City Manager
FROM: Jane Shouse, Planning Department
SUBJECT: Planning Board Minutes
DATE: December 7, 2012

Please be advised that the approved minutes from the August 16, 2012 Planning Board meeting are now available on the City's website for your review.

MEMORANDUM

TO: John P. Bohenko, City Manager
FROM: Jane Shouse, Planning Department
SUBJECT: Technical Advisory Committee Minutes
DATE: December 3, 2012

Please be advised that the approved minutes from the September 4, 2012 Site Review Technical Advisory Committee meeting are now available on the City's website for your review.

MEMORANDUM

TO: John P. Bohenko, City Manager
FROM: Jane Shouse, Planning Department
SUBJECT: Technical Advisory Committee Minutes
DATE: December 3, 2012

Please be advised that the approved minutes from the October 30, 2012 Site Review Technical Advisory Committee meeting are now available on the City's website for your review.