

# CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH  
DATE: MONDAY, JUNE 17, 2013 TIME: 7:00PM

## AGENDA

- I. CALL TO ORDER [7:00PM or thereafter]
- II. ROLL CALL
- III. INVOCATION
- IV. PLEDGE OF ALLEGIANCE
  
- V. ACCEPTANCE OF MINUTES – MAY 20, 2013
  
- VI. PUBLIC COMMENT SESSION
  
- VII. PUBLIC PARKING INPUT SESSION
  
- VIII. APPROVAL OF GRANTS/DONATIONS
  - A. Acceptance of Community Development Block Grant (CDBG) for FY2014 from the US Department of Housing and Urban Development - \$514,312.00 (**Sample motion – move to approve and accept the CDBG for FY14 from the US Department of Housing and Urban Development - \$514,312.00**)
  
- IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

*(There are no items under this section of the agenda)*
  
- X. CONSENT AGENDA

**A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA**

  - A. Letter from Mike Daboul, President, Seacoast Mavericks, requesting the installation of 30 outfield signs and a temporary storage trailer at Leary Field during the course of the season June 8<sup>th</sup> – August 7<sup>th</sup> (**Anticipated action – move to refer to the City Manager with power**)
  
  - B. Letter from Kim Cahill, Marketing Director, Seacoast Mavericks, requesting permission to place 2 A-frame signs at designated locations downtown during the 2013 season, June 8<sup>th</sup> – August 7<sup>th</sup> on game days only (27 dates). First choice locations would be the downtown kiosk, Discover Portsmouth, Poco's or other business on Bow Street (**Anticipated action – move to refer to the City Manager with power**)
  
  - C. Letter from Sue Polidura requesting permission to hold a reading of the Declaration of Independence in front of the North Church on Thursday, July 4, 2013 at 3:00 p.m. (**Anticipated action – move to refer to the City Manager with power**)

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

*(There are no items on items under this section of the agenda)*

**XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS**

**A. CITY MANAGER**

**City Manager's Items Which Require Action**

1. Request for First Reading on Various Bonding Resolutions
  - A) Resolution for bond authorization of up to \$5,750,000 for FY14 City Improvements
    - Citywide Facilities Capital Improvements - \$1,000,000
    - Citywide Sidewalk Reconstruction Program - \$800,000
    - McDonough Street Area Improvements - \$400,000
    - Gateway Improvements–Exit 7 - \$550,000
    - Street Paving, Management and Rehabilitation - \$2,500,000
    - Islington Street Improvements - \$500,000
  - B) Resolution for bond authorization of up to \$10,000,000 for the Peirce Island Wastewater Treatment Plant Upgrades
  - C) Resolution for bond authorization of up to \$3,500,000 Pease Wastewater Treatment Plant Upgrades
2. Firefighter Fact Finding Report
3. Proposal for Mobile Vending
4. Renewal of Senior Transportation Agreement Mark Wentworth Home d/b/a/ Mark Wentworth Transportation

**Informational Items**

1. Events Listing

**B. MAYOR SPEAR**

1. Appointments to be Considered:
  - John Palreiro – Taxi Commission
  - Dana Mary Hegre – Citywide Neighborhood Steering Committee
2. Appointment to be Voted:
  - Ronald Poulin – Cable Television Advisory Board

3. \*Worth Lot Parking Garage  
**Proposed motions:**
  - ***Move to suspend the rules in order to renew discussion of a proposed parking garage at the Worth Lot (two-thirds vote required for passage of motion)***
  - ***Move to authorize the City Manager to commence a study to include a preliminary design and construction for a parking garage at the Worth Parking Lot as referred to in the Parking Garage Site Selection Committee Final Report dated October 1, 2012 and that funding for this study be taken from the Parking and Transportation Fund***
4. \*Request to Establish a Work Session on August 19, 2013 with the Historic District Commission at 6:00 p.m. in the Eileen Dondero Foley Council Chambers prior to the regular meeting
5. \*Request to Establish a Work Session on June 24, 2013 at 6:30 p.m. in the Eileen Dondero Foley Council Chambers Re: Report from Study Circles

#### **C. COUNCILOR KENNEDY**

1. \*Adopt a Spot, Policy, Procedure, and City's Responsibility
2. Wastewater Treatment Plant Impact Fees

#### **D. COUNCILOR DWYER**

1. Proposed Zoning Amendment Re: Maximum Structure Height in the Central Business District A and Central Business District B - 45' or 3 stories, whichever is less  
**Proposed motion:**
  - ***Move to pass first reading and schedule a public hearing and second reading for the July 15, 2013 City Council meeting and further refer to the Planning Board for report back***

### **XIII. MISCELLANEOUS/UNFINISHED BUSINESS**

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

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

#### **INFORMATIONAL ITEMS**

*(There are no items under this section of the agenda)*

**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, MAY 20, 2013

PORTSMOUTH, NH  
TIME: 7:00PM [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 Smith led the Pledge of Allegiance to the Flag.

### **PRESENTATIONS**

#### 1. Public Works Director Steve Parkinson

City Manager Bohenko thanked Public Works Director Parkinson for his 31 years of service to the City, wished him well in his future endeavors and presented him with a chair in honor of his retirement. Public Works Director Parkinson thanked City Manager Bohenko, City Council and staff for their support over the years.

#### 2. Fire Chief Christopher LeClaire

City Manager Bohenko thanked Fire Chief LeClaire for his 13 years of service as Fire Chief, wished him well in his new position with Newburyport, MA and presented him with a chair in honor of his retirement. Fire Chief LeClaire thanked City Manager Bohenko, City Council, Fire Commission and staff for their support over the years.

**Assistant Mayor Lister moved to suspend the rules in order to take up Item XI. A.1. – Approval of Proposed Employment Agreement for Fire Chief Designee Steven Achilles. Seconded by Councilor Lown and voted.**

XI. A.1. Approval of Proposed Employment Agreement for Fire Chief Designee Steven Achilles

**Assistant Mayor Lister moved to approve the Employment Agreement between Steven Achilles and the Portsmouth Fire Commission for a 4-year term expiring on June 30, 2017. Seconded by Councilor Smith and voted.**

Fire Chief Designee Achilles thanked the City Council, Fire Commission, Fire Department staff, City Manager Bohenko and Fire Chief LeClaire for their support and encouragement.

3. Update on Coastal Resilience Initiative - Peter Britz, Environmental Planner/Sustainability Coordinator

Environmental Planner/Sustainability Coordinator Britz provided an update to the Council regarding the Coastal Resilience Initiative. He reported on the study which was one of 6 projects in New England funded by the Gulf of Maine Council on the Marine Environment and the Northeast Regional Ocean Council. The project reviewed the potential impacts of storm surges and sea level rise in the City, focusing on impacts to buildings, infrastructure and coastal wetlands. Mr. Britz announced the Planning Department has schedule a community meeting for Wednesday, May 29<sup>th</sup>, where the results of the study will be shared with the public and public input will be solicited. The meeting will be held at the Portsmouth Library in the Levenson Community Room from 5:30 p.m. – 8:00 p.m.

4. Update on Citywide Wayfinding Plan – Juliet Walker, Transportation Planner

Transportation Planner Walker provided an update to the Council on the Citywide Wayfinding Plan. She reported that the first phase is under way with a purpose to develop a dependable and standardized wayfinding plan that identifies appropriate wayfinding types, messaging, locations, and uniform design.

The second phase will include the fabrication and installation of portions of the wayfinding system. She reviewed and showed renderings of the 3 themes of signs that have been proposed which are historic, maritime and arts/culture. Ms. Walker advised the City Council that the final plan should be presented to the Council in August or September.

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

**VI. PUBLIC COMMENT SESSION**

Tom Carroll passed a jar of materials collected along Market Street to the City Council. He spoke to his letter of complaint to the PDA regarding the scrap metal operations at the Port. He said that this has been an issue for the last 10 years and needs to be resolved.

City Manager Bohenko said he is working with the PDA and the Port has purchased a sweeping machine to keep the dust within the yard.

Keith Eveland, Rye, NH said he will be moving back to Portsmouth in the next 5 years. He advised the City Council that he comes to Portsmouth every day and parks at the Parrott Avenue Lot. He expressed concerns with the development that has taken place in the City.

Karen Bouffard spoke regarding brick sidewalks on Richards Avenue and that the area has been under construction the last decade. She urged the Council to install brick sidewalks on both sides of the street where this is in the Historic District.

Rhonda Stacy-Cole indicated she purchased an historic home on Richards Avenue and expressed opposition to the brick sidewalks being replaced with concrete.

Robert Hassold thanked the City Council for their valuable time and the job they're doing. He spoke opposed to the reduction of days for holiday parking and the idea of adding 2 hours to enforce meters until 9:00 p.m.

Natalie Hassold said she agrees with comments made by Bob Hassold.

Chris Norwood spoke regarding the brick sidewalks on Richards Avenue. He stated that there are 24 – 25 property owners that would be impacted by this matter.

Ralph DiBernardo spoke regarding the new zoning ordinance proposal for conditional use permits. He expressed concern with granting zoning changes and that the system favors developers in the City. Mr. DiBernardo addressed the Planning Board process and said they need to recognize the needs of residents.

Claire Kittredge said we need to have an emergency 35 foot building height put in place. She said huge projects are going up and the residents need time to review the form base zoning proposal. Ms. Kittredge urged the City Council from reappointing members of the Historic District Commission for three year terms.

David Noard urged the City Council to impose impact fees for new developments in the City. He stated that the Historic District Commission and Planning Board affect the tax rate because of development. He stated that the City needs to maintain its character before it is lost.

Paul Mannle asked the City Council to vote against any changes to the Office Research District. He said we should not make a change to the zoning for the sale of a property, and that such a change will set a very bad precedent for the City.

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

*(There are no items under this section of the agenda this evening)*

## **VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES**

- A. First reading of Ordinance amendment to Chapter 10 – Zoning Ordinance, Article 5 – Dimensional and Intensity Standards and Article 15 – Definitions, by inserting a new Section 10.740 – Conditional Use Residential Development

City Manager Bohenko advised that there will be a short presentation by Planning Director Taintor before moving to first reading on this proposed zoning ordinance amendment.

Planning Director Taintor said that this would be a change of zoning for property located at 1900 Lafayette Road. He showed the location of the property by way of a map, which provided an overview of the area. He stated this is in the Office Residential District facing a Residential Zoning District. He stated that Office Research is a fairly restrictive district and this change provides additional development options. He stated that this is a limited proposal allowed on a case by case basis by conditional use permits.

**Councilor Novelline CLayburgh moved to pass first reading and schedule a public hearing and second reading of the proposed Ordinance, as presented, at the June 3, 2013 City Council meeting. Seconded by Councilor Dwyer for discussion.**

Councilor Lown informed the Council he would need to recuse himself because of a professional conflict.

Councilor Kennedy asked how many units could fit on the property if the zoning change went through. Planning Director Taintor said approximately 70 dwelling units or 120 assisted living units. Councilor Kennedy expressed concern with spot zoning in this case. City Attorney explained the term of spot zoning and indicated that the Planning Department said there are principles for the change and therefore it is not spot zoning.

Discussion followed regarding this matter.

Mayor Spear passed the gavel to Assistant Mayor Lister.

Mayor Spear said he served on the Planning Board with this issue and there was enough neighborhood opposition to exclude the property from the Gateway.

Assistant Mayor Lister returned the gavel to Mayor Spear.

Assistant Mayor Lister expressed concern with the number of units that would be allowed under the change. He said there should be public input on this matter.

Councilor Thorsen said he would not support first reading because he feels it should come forward as a generalized plan.

Planning Director Taintor stated that one side of the street should not have been zoned one way and the opposite side as another zone.

Councilor Kennedy said she would not support the first reading and stated she is concerned not with just this parcel.

Councilor Dwyer said she is hearing questions with the number of units, which is a density issue.

City Manager Bohenko stated that the City Council could vote to refer this back to the Planning Board for more review and consideration of the comments made. He feels there are enough questions for additional review by the Planning Board.

Assistant Mayor Lister moved to refer to the Planning Board for report back to the City Council. Seconded by Councilor Coviello and voted. Councilor Lown abstained from voting on this item.

## IX. CONSENT AGENDA

### ***A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA***

Councilor Coviello requested Item E - Request for License from Steven McHenry, owner of McHenry Architecture for property located at 4 Market Street for a projecting sign on a new bracket to be removed from the Consent Agenda to vote on the item separately.

- A. Letter from Kim Blanchard, National Multiple Sclerosis Society, requesting permission to hold 2013 Bike MS NH Seacoast Escape on Saturday, August 24, 2013 ***(Anticipated action – move to refer to the City Manager with power)***
- B. Letter from Ken LaValley, American Foundation for Suicide Prevention requesting permission to hold the Out of the Darkness Community Walk on Saturday, October 5, 2013 from 8:00 a.m. – Noon ***(Anticipated action – move to refer to the City Manager with power)***
- C. Request for License from Michael Michalski, owner of Helene M for property located at 24 Congress 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 Michael Michalski, owner of Helene M for a projecting sign at property located at 24 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***



- D. Request for License from Timberline Signs, owner of White Heron Tea & Coffee for property located at 601 Islington 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 Timberline Signs, owner of White Heron Tea & Coffee for a projecting sign at property located at 601 Islington 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 Lown moved to adopt items A - D of the Consent Agenda, as presented. Seconded by Assistant Mayor Lister and voted.

- E. Request for License from Steven McHenry, owner of McHenry Architecture for property located at 4 Market Street for a projecting sign on a new bracket

Councilor Lown moved to ***accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Steven McHenry, owner of McHenry Architecture for a projecting sign at property located at 4 Market Street and, further, authorize the City Manager to execute License Agreements for this request.*** Seconded by Assistant Mayor Lister and voted. Councilor Coviello abstained.

**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***

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

- A. Letter from Tom and Zelita Morgan requesting that the Richards Avenue sidewalks be replaced with brick and not concrete
- B. Letter from Stephen Brady regarding sidewalks at the end of Richards Avenue joining Middle Street

**Councilor Kennedy moved to refer to the City Manager and City staff for report back to the City Council. Seconded by Assistant Mayor Lister and voted.**

City Manager Bohenko stated he would like to put on hold any replacement of sidewalks in this area. He suggested holding a neighborhood meeting to hear input from residents.

Councilor Lown said he would like to see something worked out that is equitable to the neighborhood.

- Letter from Tom and Zelita Morgan requesting the Historic District be expand south to Parrott Avenue and westerly to the intersection of Austin & Summer Streets (part of the letter listed above in Item X. A.).

**Councilor Kennedy moved to refer this matter to the Planning Board for report back to the City Council. Seconded by Councilor Thorsen and voted.**

**XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS**

**A. CITY MANAGER**

**Informational Items**

- 1. Events Listing
- 2. Work Session Re: Development Moratorium

City Manager Bohenko announced Mayor Spear established a date of Tuesday, May 28, 2013 to conduct a Work Session between the City Council and Planning Board regarding a building moratorium. The work session will start at 6:30 p.m., in the Eileen Dondero Foley Council Chambers.

**B. MAYOR SPEAR**

- 1. \*Parking Revenues (*Postponed from the last meeting due to the late hour*)
  - Holiday Parking – reduce from 18 days to 10 days

Mayor Spear passed the gavel to Assistant Mayor Lister.

**Mayor Spear moved to reduce the number of Holiday Free Parking from 18 to 10 days. Seconded by Councilor Lown.**

**Councilor Novelline Clayburgh moved to amend the motion to refer to the Parking & Traffic Safety Committee for report back to the City Council. Seconded by Councilor Kennedy.**

City Attorney Sullivan stated that Councilor Novelline Clayburgh's motion takes precedent over the Mayor Spear's motion and no amendment is necessary.

Councilor Lown said that this is a City Council issue and Mayor Spear has a right to raise the motion. He feels downtown employees would park for as long as they want.

Councilor Thorsen said we have time to consider this matter and wants to hear back from the Parking & Traffic Safety Committee because they make the recommendation. He would like to have a more informed decision.

Councilor Smith said employees cannot park in the same place all day because parking enforcement still occurs and tires are chalked. He stated the staff and Parking Director have done a great job to ensure the meters are enforced. He said people enjoy the holiday parking and some people still feed the meters.

**Motion passed.**

Assistant Mayor Lister returned the gavel to Mayor Spear.

2. \*Ideas for Senior Committee

Mayor Spear announced he would be establishing a Blue Ribbon Committee for Senior's at the next City Council meeting.

Councilor Kennedy said she would like to ask the current committee who they would like to see on this new committee. She suggested rather than creating a Government Committee we should send support to help the current committee through the process.

Councilor Smith asked Mayor Spear if this would be a standing committee or a Blue Ribbon Committee. Mayor Spear stated a Blue Ribbon Committee. Councilor Smith said a new Council could inactivate the committee. He further stated most of these functions fall to the Recreation Board and would like to see this as a permanent committee with the involvement of the Recreation Board.

3. Appointments to be Considered:

- Joseph Almeida – Reappointment to the Historic District Commission
- Tracy Kozak – Reappointment to the Historic District Commission

The City Council considered the above referenced appointments which will be voted on at the June 3, 2013 City Council meeting.

4. Appointments to be Voted:
  - Daniel Rawling – Reappointment to the Historic District Commission
  - Jonathan Wyckoff – Reappointment to the Historic District Commission
  - Kory Sirmaian – Reappointment to the Recreation Board

**Councilor Coviello moved to reappoint Daniel Rawling to the Historic District Commission. Seconded by Councilor Lown.**

Councilor Thorsen stated due to the concerns voiced this evening he would need more time before voting on any of these reappointments.

**Councilor Thorsen moved to postpone the reappointment until the next City Council meeting to consider what is going on with the Historic District Commission and to allow for more thought. Seconded by Councilor Dwyer.**

Councilor Dwyer stated the individuals serving on the Historic District Committee are qualified and there is nothing wrong with them but maybe issues with the process.

Councilor Smith said he would like to receive a report from the City Attorney outlining the enabling legislation for the Historic District Committee to be formed.

Councilor Kennedy said she hears the concerns regarding the size of buildings and feels the Planning Board, Historic District Commission and Board of Adjustment need to meet the mission of the City Council. She said the Historic District Commission needs support on what the Council would like to see in the City historically. She hopes the form based zoning gives us direction.

Councilor Novelline Clayburgh said we need to applaud our City staff and Planning Department for bringing forward the Charrette to talk about their ideas and allowing the community to get involved.

Councilor Dwyer stated that no one is saying they would vote someone down. Councilor Thorsen said he in no way intended to not reappoint someone.

Discussion continued regarding the Historic District Commission.

**On a roll call 5-4, voted to postpone the reappointment until the next City Council meeting to consider what is going on with the Historic District Commission and to allow for more thought. Assistant Mayor Lister, Councilors Kennedy, Dwyer, Smith and Thorsen voted in favor. Councilors Coviello, Novelline Clayburgh, Lown and Mayor Spear voted opposed.**

Mayor Spear withdrew the application of Jonathan Wyckoff.

**Councilor Smith moved to reappoint Kory Sirmaian to the Recreation Board until April 1, 2016. Seconded by Councilor Coviello and voted.**

Mayor Spear spoke to the letter he sent to the DES to request monitoring equipment for the rust dust at the Port.

**Councilor Smith moved to suspend the rules in order to continue the meeting beyond 10:00 p.m. Seconded by Councilor Coviello and voted. (This motion was made at 10:30 p.m.)**

**C. ASSISTANT MAYOR LISTER**

1. Authorize the City Manager to proceed with further evaluation for Doble Reserve Center as possible site for Senior/Community Center

**Assistant Mayor Lister moved to authorize the City Manager to proceed with further evaluation of the Doble Reserve Center as a possible site for the Senior/Community Center. Seconded by Councilor Smith.**

Councilor Lown said that the City does a great deal for seniors and he feels the site would be a perfect location for more athletic fields which are needed.

Councilor Coviello stated he does not like putting community centers where they can only be accessible by vehicles.

**Motion passed.**

**XII. MISCELLANEOUS/UNFINISHED BUSINESS**

Councilor Kennedy indicated she would like to schedule a work session between the City Council and Historic District Commission to discuss where we are and what support the HDC might need going forward.

**XIII. ADJOURNMENT**

**At 10:45 p.m., Councilor Coviello moved to adjourn. Seconded by Councilor Lown and voted.**



Kelli L. Barnaby, CMC/CNHMC  
City Clerk

16. Report Back Re: Request by Christopher McInnis to Rezone Parcels at 678 and 680 Maplewood Avenue from Single Residence B (SRB) to Business (B) – Voted to accept the Planning Board's recommendation that the City Council not vote to rezone the land as requested. Councilor Smith abstained from voting on this matter.
17. License Request for 103 Congress Street, The District Restaurant – Voted to authorize the City Manager to negotiate and enter into a license with The District Restaurant located at 103 Congress Street to allow an approximate 3 square foot overhang of its awning on City property.
18. Appointment to be Considered – Michael Barker – Appointment to the Taxi Commission – The City Council considered the appointment of Michael Barker to the Taxi Commission which will be voted on at the April 15, 2013 City Council meeting.
19. Appointments to be Voted – Voted to reappoint Ruth Griffin to the Portsmouth Housing Authority until April 1, 2018.  
  
Voted to reappoint Shelley Saunders as an Alternate to the Conservation Commission until April 1, 2016.
20. Establish Public Input Session Re: Restart Process for Building Parking Garage at Worth Lot – Proposed Date, Monday, May 13, 2013 at 6:30 p.m. – Moved to hold a Public Input Session on any parking issues individuals want to discuss on Monday, May 13, 2013 at 6:30 p.m.  
  
On a roll call 5-4, voted to amend the motion to hold this public input session after June 15<sup>th</sup>. Assistant Mayor Lister, Councilors Kennedy, Dwyer, Smith and Thorsen voted in favor. Councilors Coviello, Novelline Clayburgh, Lown and Mayor Spear voted opposed.  
  
Motion to amend the main motion to broaden the discussion to all parking and transportation issues failed to pass. Councilors Kennedy and Thorsen voted in favor.  
  
Main motion passed as amended. Councilors Kennedy and Thorsen voted opposed. *Motion is as follows: Voted to hold a Public Input Session on any parking issues individuals want to discuss after June 15, 2013.*
21. April 22, 2013 Work Session Re: Doble Center (Not on agenda) – The City Council agreed to change the date of the Work Session regarding the Doble Center to Monday, May 13, 2013 at 6:30 p.m. The April 22, 2013 Work Session is cancelled.

# PARKING GARAGE SITE SELECTION COMMITTEE

## FINAL REPORT



### PARKING GARAGE SITE SELECTION COMMITTEE

Councilor Anthony Coviello, Chair  
Councilor M. Christine Dwyer  
Councilor Nancy Novelline Clayburgh

With assistance from City staff:

Jahn P. Bohenko, City Manager  
Steve Parkinson, Public Works Director  
Nancy Carmer, Economic Development Director  
Nicholas Cracknell, Principal Planner  
Adam Cannon, Assistant Project Manager

October 1, 2012

## Executive Summary

By the summer of 2013 downtown Portsmouth will have a deficit of approximately 300 public parking spaces at peak hours. With modest ongoing development, this deficit is estimated to grow to 650 spaces by 2020. There is thus a need to identify sites that can feasibly be used to create at least 300 net new spaces in the short term (within 2-3 years) as well as another 350 spaces in the longer term (within 5-10 years). (These estimates do not include parking spaces that would be needed for new development associated with projects such as redevelopment of the McIntyre Federal Building.)

In order to address this need and bring focus to the discussion of potential sites, Mayor Eric Spear established the Parking Garage Site Selection Committee at the City Council meeting on August 6, 2012. The Committee was charged with analyzing potential sites for a public parking garage in the Central Business District and reporting back to the City Council with findings and recommendations by October 1, 2012.

The Committee reviewed the findings of previous studies and selected seven sites to evaluate for their potential for a new public parking garage. The sites selected for analysis included existing parking lots that are owned by the City, sites that are in private or other ownership, and sites that involve multiple owners. The Committee developed a set of ten criteria on which to evaluate each site, and weighted the criteria based on their relative importance. Committee members scored each site individually and these scores were averaged and then totaled to arrive at a single composite score for each site.

Based on this evaluation process, the Committee identified three sites that are most feasible for creating new public parking spaces:

1. McIntyre Lot (site of the McIntyre Federal Building)
2. Worth Lot (City-owned surface lot and adjacent private parcels)
3. Deer Street Lot (private surface lot adjacent to the Sheraton Harborside Hotel)

Because of the lead time involved in pursuing any of these sites, the Committee recommends that the City continue discussions with the current owners as well as retain consulting assistance for detailed assessments of engineering and financial feasibility, traffic impacts and architectural compatibility.

Worth Lot is a priority site for the short-term because the City already controls the majority of the site. However, the City will need additional parking supply in the future, and therefore should be vigilant about opportunities to enter into public-private partnerships for both the McIntyre Federal Building site and the Deer Street parcel.



## Parking Supply and Demand

In 2011, the City retained the consulting firm Nelson\Nygaard to develop a *Parking Supply and Demand Analysis* for the downtown. The purpose of the Nelson\Nygaard study was to gather current data on parking utilization patterns in the downtown to better understand current parking needs and to estimate the amount of additional supply needed to support future development. The study was conducted from October to December 2011.

Nelson\Nygaard's study looked at all parking facilities in the downtown and a larger surrounding area. In the study they included all parking spaces, both public and private, which may or may not be available to the City. Some of the private parking lots are currently restricted for the tenants or customers of existing businesses, who may face parking problems if the lots are opened to the public through partnerships with the City. Moreover, a long-term parking management agreement with the City may also hinder redevelopment plans for private property owners. For example, the planned conversion of the 80 Wright Ave. lot into a five-story mixed-use building will result in an increase in parking demand without a corresponding increase in parking supply.

In order to recognize these additional constraints, City staff further analyzed the Nelson\Nygaard data to isolate and focus on the public parking supply and demand. Staff assessed the data contained in the report and also updated the findings to reflect recent development approvals. It is estimated that in 2011 the downtown had a shortfall of about 120 public parking spaces at peak demand periods. When the final phase of the Portwalk project begins in November 2012, the City will lose the existing 205 spaces currently in Hanover and Deer Street lot, bringing the deficit to more than 300 public spaces during the 2013 summer peak-use hours. Full development of the Portwalk project in 2015, with new hotel, apartment, restaurant and retail uses, will further add to the overall downtown parking demand.

Moreover, if downtown development continues at its current rate the City is likely to experience a deficit of over 650 spaces by 2020. This assumes an eight-year total development of 50,000 sq. ft. of retail/office space (6,000 sq. ft. per year), and the loss of 140 private parking spaces (20% of the private parking supply) as a result of redevelopment projects.\*

It should be noted that these estimates are minimums, and do not include major development projects such as the redevelopment of the McIntyre Federal Building or a new development at the Deer Street site.

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\* For comparison, three development projects currently in progress will add a total of 39,900 sq. ft. of ground-floor commercial space in the central business district: (1) the final phase of the Portwalk project will contain about 19,300 sq. ft. of retail and restaurant space, in addition to hotel and apartment uses; (2) the development project at 51 Islington Street will have 10,100 sq. ft. of ground-floor commercial space when it is completed; and (3) an approved development at the corner of Vaughan and Green Streets will have 10,500 sq. ft. of retail space.

## Committee Establishment and Procedure

The Parking Garage Site Selection Committee was established by Mayor Spear at the August 6, 2012 City Council meeting. The Committee was charged with analyzing potential sites for a public garage in the Central Business District and reporting back to the City Council with findings and recommendations by October 1, 2012.

The Parking Garage Site Selection Committee met on four dates: August 22, September 6, September 17 and September 25, 2012. The Committee saw its role as providing the City Council with useful observations, findings and suggestions on potential parking garage locations that had previously been identified and to varying degrees studied. Building upon previous studies, the Committee evaluated seven sites for their potential for constructing a multi-modal, mixed-use parking structure. Based on this analysis, the Committee recommended three sites for further study.

## Goals and Objectives

The Committee identified the following goals for a parking garage site:

- A preference to locate the parking structure within a 5-minute walk of Market Square;
- Ensure that the exterior appearance of the parking garage facility is appropriate in style, scale, massing, height and material with the historic buildings within the downtown business district;
- Activate the street-level sections of the parking garage with retail, restaurant or other commercial uses;
- Integrate the facility to other economic development initiatives, capital improvements and private development projects in the downtown;
- Identify multiple sites in the downtown for future off-street parking facilities;
- Incorporate multi-modal transportation activities into the facility such as electric vehicles, mopeds, bicycles, and pedestrian connections;
- Encourage, where appropriate, a public-private partnership for the parking garage facility in order to maximize the net parking gain and to screen the facility from abutting streets, ways and other properties;
- Minimize the per space construction costs by maximizing the efficiency and layout of the parking garage; and
- Strategically site a parking garage with an effort to revitalize and/or redevelop abutting properties.

## Sites Selected for Evaluation

After refining the goals and objectives and reviewing the findings of previous studies, the Committee selected seven sites for review and evaluation:

1. Bridge Street Lot
2. Masonic Lot
3. Deer Street Lot
4. Parrott Avenue Lot
5. McIntyre Lot
6. Worth Lot
7. Court Street Lot

Six of the seven sites are shown in Figure 1. The Masonic Lot is located just outside the area of the map.



Figure 1 – Sites Evaluated by the Committee (Not shown: Masonic Lot)

Also provided was a map showing daily traffic counts for the surrounding streets (see Appendix A). A key piece of information on this map is that the major streets coming into the downtown area all carry roughly the same volume of daily traffic. Committee members were concerned that the siting of a new garage not increase the intensity of traffic in particular areas of the downtown.

For each site, staff provided Committee members with a *Site Assessment Sheet* including a location map; ownership information; parcel size; a rendering of the potential building(s); and a garage concept including a site plan, structure height and

the estimated number of parking spaces that could be created.\* (These Site Assessment Sheets are presented in Appendix B.) In addition, staff provided an assessment of some of the strengths ("pros") and weaknesses ("cons") for each site.

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\* The estimates include (1) total parking spaces in the concept garage, (2) new parking spaces (total spaces minus existing spaces on the site), and "net new parking spaces" (total parking spaces minus the existing spaces and any parking spaces needed for new street-level or upper floor development).

## Site Summaries

### Bridge Street



Location: Maplewood Ave., Hanover St.,  
Bridge St. and Islington St.  
Owner: City of Portsmouth  
Site area: 30,000 sf ±  
Existing parking: 60 spaces  
Garage concept: 3-level structure  
200 spaces  
140 ± net new spaces

#### Pros:

- City-owned
- Proximity to Market Square (4 minutes).

#### Cons:

- Extensive ledge may be present at the southern end of the lot.
- Due to the shape and small size of the parcel, Bridge Street would need to be closed and incorporated into a multi-level parking structure. This would likely have a negative impact on traffic circulation and congestion.
- Any parking structure (deck or multi-level) would be incongruent with the surrounding buildings, and could not be screened from view.
- Limited ability to add street-level commercial development.
- A garage at this location will likely have a high cost per space as a three-level parking garage would only result in a net gain of approximately 140 new spaces.

### Masonic Lot



Location: Middle and Miller Streets  
Owner: St. John's Lodge (Masonic  
Temple)  
Site area: 32,000 sf ±  
Existing parking: 80 spaces  
Garage concept: 4-level garage  
300 spaces  
200 ± net new spaces

#### Pros:

- The City currently has an agreement for use of the existing spaces.
- The site appears to support an efficient parking layout and an open garage (i.e. without fire suppression and ventilation systems).
- Street-level uses could be considered along Middle Street.

#### Cons:

- Inserting a large free-standing structure into this mixed residential neighborhood of predominantly single and two-family homes would be a challenge.
- The removal of large shade trees would be a concern.
- The viability of the street-level commercial space is uncertain at this time.
- Walking distance from Market Square (10 minutes).

#### Deer Street Lot



Location: Russell St., Deer St. and Maplewood Ave.  
Owner: Sheraton Harborside Hotel  
Site area: 50,000 sf ±  
Existing parking: 75 private spaces  
Garage concept: 6-level garage  
600 ± spaces  
550 ± net new spaces

#### Pros:

- The site appears to support an efficient parking layout and an open garage (i.e. without fire suppression and ventilation systems).
- A garage at this site may facilitate new economic development opportunities on the abutting properties.
- Its location outside the downtown historic district core may broaden the architectural design options for the building exterior.
- The site offers the ability to capture traffic before it reaches the downtown.
- New street-level uses could be considered along Deer Street and Maplewood Ave.

#### Cons:

- Private ownership – need to acquire the property or development rights to construct the garage.
- Walking distance from Market Square (7 minutes).

#### Parrott Ave. Lot



Location: Pleasant St., Junkins Ave. and Parrott Ave.  
Owner: City of Portsmouth and Citizens Bank  
Site area: 75,000 sf ±  
Existing parking: 175 public, 40 private  
Garage concept: 4-level garage  
500 ± spaces  
225 ± net new spaces

#### Pros:

- The site appears to support an efficient parking layout and an open garage (i.e. without fire suppression and ventilation systems).
- Mixed-use development may facilitate new economic development opportunities on the abutting properties.
- New street-level uses could be considered along Pleasant Street and Junkins Ave.
- Proximity to Market Square (4 minutes).

#### Cons:

- The Citizen's Bank portion of the site is currently privately owned.
- Need to acquire the property or development rights to construct the garage.
- High ground water is likely at this site and underground utilities are present.
- Neighborhood concerns about safety and historic character.

### McIntyre Lot



Location: Daniel, Penhallow and Bow Streets

Owner: Federal government

Site area: 100,000 sf ±

Existing parking: 80

Garage concept: 6-level garage

600 ± spaces

400 ± net new spaces

#### Pros:

- The site appears to support an efficient parking layout and an open garage (i.e. without fire suppression and ventilation systems).
- It may facilitate new economic development opportunities on the abutting properties.
- Proximity to Market Square (2 minutes).
- New street-level uses could be considered along Bow, Penhallow and Daniel Streets.

#### Cons:

- Uncertainty of when the General Services Administration (GSA) will transfer the property to the City.
- Ensure traffic access to the garage is provided from multiple streets and levels.

### Worth Lot



Location: Maplewood Avenue and Vaughan Mall

Owner: City of Portsmouth and private owners

Site area: 60,000 sf ±

Existing parking: 110 public, 25 private

Garage concept: 5-level garage

600 ± spaces

400 ± net new spaces

#### Pros:

- The site appears to support an efficient parking layout and an open garage (i.e. without fire suppression and ventilation systems).
- It would facilitate new economic development opportunities with new free-standing mixed-use buildings along the street edge of the abutting properties (see the streetscape rendering in Appendix D).
- Supports the ongoing effort to activate and revitalize the Vaughan Mall.
- Proximity to Market Square (4 minutes).

#### Cons:

- Need to acquire the property or the development rights needed to construct the garage.

### Court Street Lot



Location: Court Street  
Owner: City of Portsmouth and  
Portsmouth Housing Authority  
Site area: 32,000 sf ±  
Existing parking: 75 public  
Garage concept: 5-level garage  
375 ± spaces  
300 ± net new spaces

#### Pros:

- The site appears to support an efficient layout and an open garage (i.e. without fire suppression and ventilation systems).
- Proximity to Market Square (4 minutes).

#### Cons:

- The proximity to several existing structures limits the size of the garage.
- Need to acquire the abutting land area or the development rights needed to construct the garage.
- Providing access to the garage facility.
- Visual impacts on the abutting properties.
- High ground water is likely at this location.



## Site Evaluation Criteria and Review Process

The Committee developed ten evaluation criteria from which to review each location:

1. Proximity of garage to the central business district (Market Square);
2. Proximity to recent or proposed economic development (e.g., Portwalk, Northern Tier, McNlyre Building Redevelopment);
3. Ability to provide multi-modal transportation facilities with provisions to support bus, trolley, bicycle, moped and pedestrian modes;
4. Potential for site to meet multiple objectives (i.e. economic development and investment in abutting or nearby buildings);
5. Pedestrian and vehicular traffic impacts, access, and circulation;
6. Availability (e.g., level of interest for acquisition from potential property owners, expected date of availability);
7. Level of complexity (e.g., number of owners, easements, restrictions, neighborhood support/opposition, permitting);
8. Visual Impacts and need/ability to screen parking garage with multi-story, mixed-use buildings (preferably free-standing);
9. Estimated net gain of new public parking spaces (Note that this criteria is partially included in criteria #10); and
10. Estimated construction costs per new parking space (e.g., open vs. closed design, ability to add a basement level, soil conditions, and efficiency of parking lot design – ability to maintain 60 foot cross-sections with adequate length for a vertical ramping system).

Staff used these criteria to develop a *Site Selection Matrix* with weights assigned to the criteria to reflect their relative importance. Committee members individually assessed each site using the *Site Assessment Sheets*, scoring the site against each of the ten criteria. The Committee members' individual scores for each criterion were averaged, and the composite scores were totaled to create a composite score for each site. Finally, all sites were ranked on the basis of the composite scores. The Committee's scores and rankings are presented in the *Site Selection Matrix* shown in Appendix C.

The Committee selected the three highest scoring sites for further study and evaluation: the McNlyre Lot, the Worth Lot, and the Deer Street Lot. Each site has unique characteristics and challenges for development as a parking garage facility which include ownership.

- The McNlyre Lot is currently under Federal Government ownership but is intended to be conveyed to the City of Portsmouth in a future year. The total redevelopment of this site will require parking to be a major component to support any new commercial development within or adjacent to the site.

- The Deer Street lot is privately owned and will require the involvement of the owner in any design or construction of a parking facility. This site could be time constrained depending upon the owner's plans for redevelopment. Additionally, the total redevelopment of this site will require parking to be a major component to support any new commercial development within or adjacent to the site.
- The Worth Lot is owned by the City of Portsmouth but could produce a higher development potential by the involvement with adjacent property owners as a mixed-use facility within a larger redevelopment project.

Notably, none of these three sites is entirely owned by the City; therefore, a public-private partnership agreement would be required in order to design and construct a mixed-use, multi-story parking structure on any of the priority sites.



Figure 2 – Sites Recommended for Further Evaluation

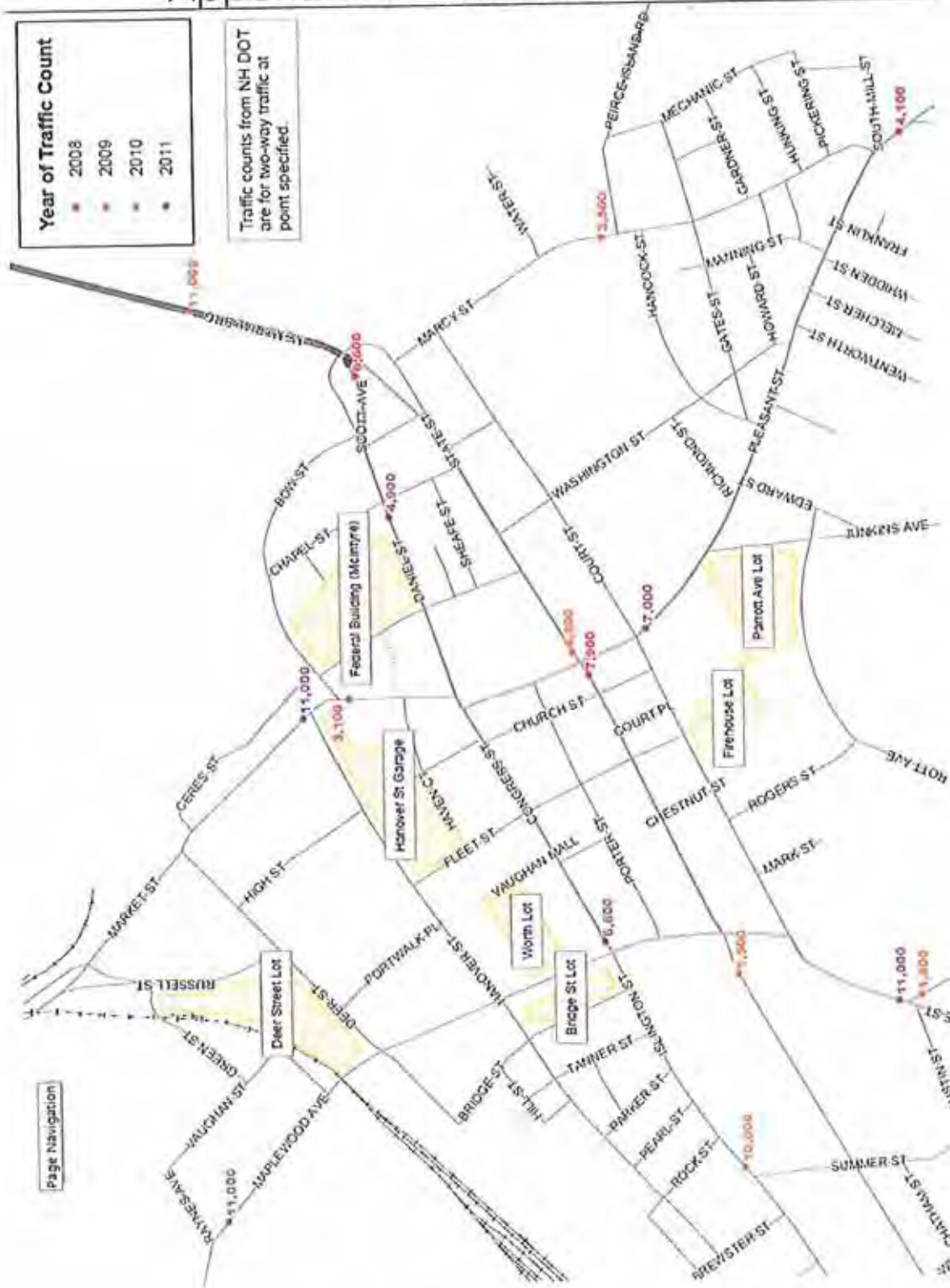
## Recommendations

Understanding that all three high ranking sites require some type of a public-private partnership and that timing is sensitive, the Committee recommends that the City place an immediate priority on pursuing partnership opportunities around the Worth Lot. The City should open discussions with the adjacent property owners to the Worth Lot to identify ongoing issues, concerns, opportunities as well as how partnering might generate a more robust impact on economic development within the downtown area. In addition, the Committee also recommends that the City retain outside professionals to review traffic, engineering, architectural and economic impacts of locating a mixed-use, multi-modal parking facility on the Worth Lot. The recommendation of pursuing the larger Worth Lot redevelopment approach is contingent upon forming a partnership with the owner of both the Coldwell Banker and Cabot House Furniture properties in order to make the conceptual redevelopment plan (shown in the rendering in Appendix D) a reality.

In looking out over a 5-10 year time period, the City should continue to work vigilantly with the GSA to achieve the planned transfer and redevelopment of the McIntyre property. The redevelopment project envisioned here could include a mid-size public parking structure screened by new mixed-use buildings along the street edge to help rebuild the City's urban fabric and revitalize this strategically important property.

Similarly, the City should continue to actively pursue discussions about long-term redevelopment options and partnership opportunities for the properties associated with the Deer Street Lot as this site appears to afford construction of a larger public parking structure and is likely to continue to experience significant growth and redevelopment which, in turn, will continue to put pressure on the City's existing downtown parking facilities.

# Appendix A – Traffic Count Data



# Appendix B – Site Assessment Sheets

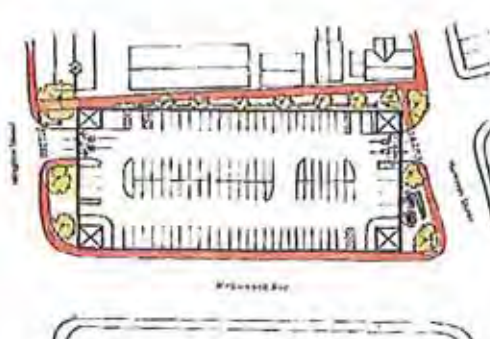
## BRIDGE STREET LOT



### Bridge Street Lot

Number of Spaces = 200 +/-  
 Total Number of Spaces = 140  
 Number of Levels = 3  
 Number of Stories = 3.5 ft  
 Building Height = 115 feet  
 Total Area = 80 acres  
 Number of Owners = 1

Pros	Cons
Good Storage	Highly exposed to traffic
Proximity to Downtown	Highly exposed to traffic
Close to Downtown	Highly exposed to traffic
Close to Downtown	Highly exposed to traffic
Close to Downtown	Highly exposed to traffic
Close to Downtown	Highly exposed to traffic
Close to Downtown	Highly exposed to traffic
Close to Downtown	Highly exposed to traffic
Close to Downtown	Highly exposed to traffic
Close to Downtown	Highly exposed to traffic



# MASONIC LOT



Masonic Lot  
Map prepared by Portsmouth Department of Public Works

## Masonic Lot

- Number of Spaces = 202
- Number of Spaces = 202
- Number of Levels = 8
- Number of Levels = 2 to 3
- Building Height = 55 Feet
- Area of Lot = 50,000 sq ft
- Number of Owners = 1

Pros	Cons
Close proximity to City Government	High cost of construction
20,000 sq ft of parking	Very high cost of construction
	Very high cost of construction
	Very high cost of construction
	Very high cost of construction



# DEER STREET LOT



Deer Street Lot  
Map prepared by Portland Department of Public Works

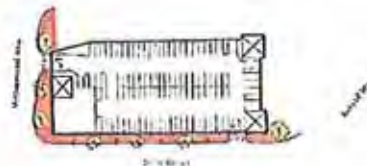
## Deer Street Lot

Number of Stories = 300  
 Area of Lot = 10,000 sq ft  
 Number of Levels = 1  
 Number of Quizzes = 1  
 Parking Height = 10 feet  
 Area of Lot = 10 acres  
 Number of Quizzes = 1

Fee	Cost
Construction Fee	As a result of new
Construction Fee	As a result of new
Construction Fee	As a result of new
Construction Fee	As a result of new
Construction Fee	As a result of new
Construction Fee	As a result of new
Construction Fee	As a result of new
Construction Fee	As a result of new
Construction Fee	As a result of new
Construction Fee	As a result of new



View at Madison & Deer  
 Harborside Hotel and Conference Center  
 Prepared by HOK Architects



# PARROTT AVE. LOT



Parrott Ave Lot  
Map prepared by Portsmouth Department of Public Works

## Parrott Ave. Lot

Number of Spaces = 205 +/-  
 Net Number of Spaces = 205  
 Number of Levels = 4  
 Number of Stories = 3.5  
 Building Height = 38 feet  
 Parcel Size = 1.8 acres  
 Number of Entrances = 2

Pos	Cost
Access to the adjacent parking lot	Access and signage to new lot
Public Safety Work for building fire fighting	Access to the existing property
Open Garage	Construction of building
Security & Monitoring of Entrances & Exit	Signage and lighting
	Signage
	High Water Table
	Construction Fund





# MCINTYRE LOT



McIntyre Lot



Bow Street



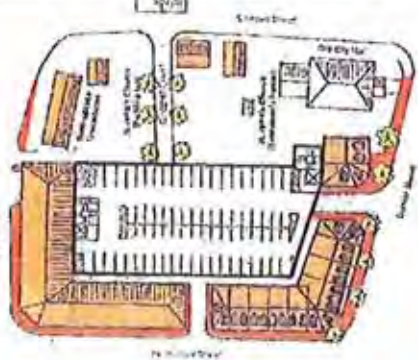
Daniel Street



Penhallow Street

Number of Spaces = 250  
 Net Number of Spaces = 200  
 Number of Levels = 2  
 Number of Stories = 4 L 2  
 Building Height = 18.5m  
 Floor Area = 2.5 Acres  
 Number of Columns = 1

Pros	Cons
<ul style="list-style-type: none"> <li>Complies with current development objectives</li> <li>Close to transport and services</li> <li>Close to major roads</li> <li>Close to major shopping centres</li> <li>Close to major employment centres</li> <li>Close to major public transport</li> <li>Close to major cultural and entertainment centres</li> <li>Close to major government offices</li> <li>Close to major community centres</li> <li>Close to major public services</li> <li>Close to major public facilities</li> <li>Close to major public amenities</li> <li>Close to major public infrastructure</li> <li>Close to major public services</li> <li>Close to major public facilities</li> <li>Close to major public amenities</li> <li>Close to major public infrastructure</li> </ul>	<ul style="list-style-type: none"> <li>Close to major roads</li> <li>Close to major shopping centres</li> <li>Close to major employment centres</li> <li>Close to major public transport</li> <li>Close to major cultural and entertainment centres</li> <li>Close to major government offices</li> <li>Close to major community centres</li> <li>Close to major public services</li> <li>Close to major public facilities</li> <li>Close to major public amenities</li> <li>Close to major public infrastructure</li> </ul>



# WORTH LOT



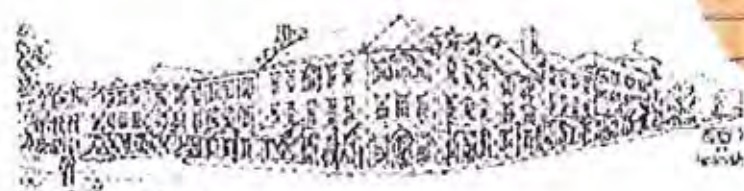
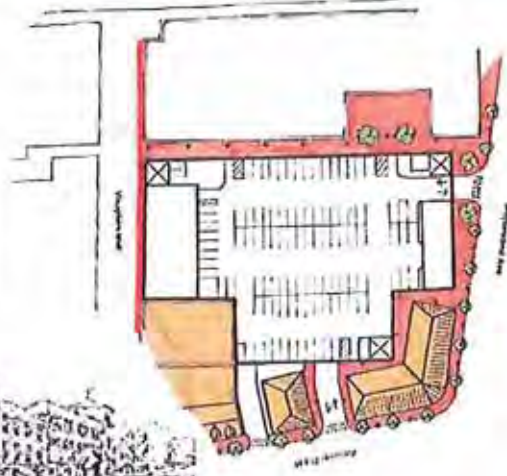
Worth Lot  
Map prepared by Pittsburgh Department of Public Works

Georgiy Street

## Worth Lot

Number of Spaces = 400 +/-  
 Full Number of Spaces = 400  
 Number of Levels = 3  
 Number of Stories = 3.5  
 Building Height = 36 feet  
 Parcel Size = 1 Acre  
 Number of Corners = 9

Pros	Cons
Highly accessible, convenient location	Requires significant parking space
Close to major roads and public transit	Some of the lot is currently occupied
Good visibility and signage	
Good lighting and security	
Proximity to major roads and transit	
Proximity to major roads and transit	
Proximity to major roads and transit	
Proximity to major roads and transit	
Proximity to major roads and transit	
Proximity to major roads and transit	

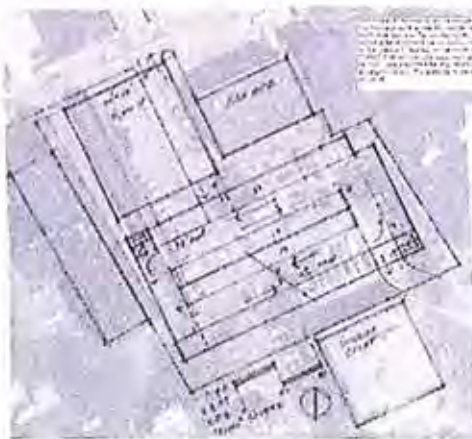


# COURT STREET LOT



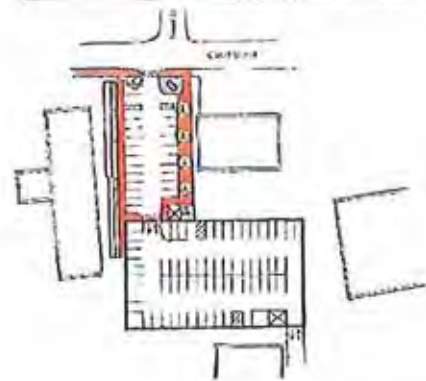
Court Street Lot  
Map created by Port Huron Department of Public Works

Court Street Lot



Number of Spots = 275 (4)  
 Net Number of Spots = 275  
 Capacity of Spots = 8  
 Number of Levels = 1 (4)  
 Building Height = 40 Feet  
 Parcel Size = 20 Acres  
 Number of Decking = 2 (4)

Fees	Costs
Special Assessments	General Excise Tax
Special Assessments for Water and Sewer	Electricity for the building
Special Assessments for Fire and Police	Water and Sewer
	Gas
	High Voltage
	Stormwater



## Appendix C – Site Selection Matrix

### Parking Garage Site Selection Committee Scoring

Evaluation Criteria		Points	Bridge Street	Masonic Lot	Deer Street	Parrott Ave.	McIntyre Lot	Worth Lot	Court Street
1	Proximity to Market Square	0 - 5	3.50	1.50	3.00	3.00	4.75	4.50	4.00
2	Proximity to recent or proposed economic development	0 - 5	4.25	1.50	5.00	1.50	3.75	4.50	2.50
3	Potential for multi-modal transportation facilities	0 - 5	3.50	3.00	4.25	2.50	3.25	4.50	3.50
4	Potential to meet multiple objectives	0 - 5	1.50	1.00	4.00	3.00	5.00	4.50	2.25
5	Pedestrian and vehicular traffic impacts, access and circulation	0 - 10	1.50	5.25	8.25	6.00	7.50	9.50	6.00
6	Availability of site	0 - 10	10.00	3.00	3.67	3.00	3.00	4.67	2.00
7	Level of complexity	0 - 10	5.25	3.75	6.00	3.25	8.75	5.50	3.25
8	Visual impacts and need/ability to screen garage with buildings	0 - 15	2.00	6.25	8.50	8.50	13.00	13.50	12.25
9	Estimated net gain of public parking spaces	0 - 15	4.00	6.00	15.00	10.25	14.50	12.75	9.00
10	Estimated construction cost per new parking space	0 - 20	11.25	11.00	17.00	10.00	18.75	16.00	11.75
<b>TOTAL SCORE</b>		<b>0 - 100</b>	<b>46.75</b>	<b>42.25</b>	<b>74.67</b>	<b>51.00</b>	<b>82.25</b>	<b>79.92</b>	<b>56.50</b>
<b>RANKING</b>			<b>6</b>	<b>7</b>	<b>3</b>	<b>5</b>	<b>1</b>	<b>2</b>	<b>4</b>

## Appendix D

### Worth Lot – Conceptual Redevelopment at Maplewood Ave. and Hanover St.



# - Frequently Asked Questions - Portsmouth's Downtown Parking

The city has developed these *Frequently Asked Questions* (FAQs) as part of a larger effort to clarify information related to the city's policies, planning and programs for managing downtown parking.

## **A. DOWNTOWN PARKING NEEDS**

### **Q. *How many parking spaces are located in the downtown?***

There are approximately 3,700 on and off-street parking spaces in the downtown. Approximately 900 spaces are publicly-owned on-street spaces (25%), 1,200 spaces are publicly-owned off-street spaces (33%), and 1,600 spaces are privately-owned off-street spaces (43%).

### **Q. *Why does the city need another parking garage?***

The city needs another parking garage to address the growing parking deficit. As the downtown continues to change and grow with redevelopment (i.e. 80 Wright Ave.) and adaptive reuse (Connie Bean) projects, there will be a continued need for shared parking facilities.

### **Q. *What is the current parking need/deficit?***

With the current growth rate and the recent elimination of the 205 space Portwalk Lot, the existing parking need/deficit is approximately 300 spaces. However, with a growing number of redevelopment projects already in the pipeline, this need will continue to grow.

### **Q. *If the city does not expand the downtown parking supply what is likely to happen? Won't development stop?***

No. Most likely, recent market trends indicate that ground floor vacancy rates would continue to increase, while upper floor office uses would continue to decline, and conversion of the upper floors to residential uses would accelerate. Additionally, traffic congestion would likely increase as drivers hunt for parking harming business activity due to congestion, the lack of available parking, and the growing inconvenience.

**Q. Did the city's parking expert conclude that another parking garage in the downtown was not needed?**

No. In 2011, the city hired Nelson-Nygaard, national parking experts, to develop a report on downtown parking supply and demand. As part of a presentation on downtown management strategies before the City Council, one example strategy provided to the Council was a suggestion of whether the city could develop a public leasing authority to take over operations and management of the privately-owned parking spaces in order to increase the supply of downtown parking. Although an effective strategy elsewhere, this idea did not consider the fact that many of these private surface lots in Portsmouth are already dedicated to other users. In fact, the city's Master Plan, land use regulations and policies have consistently encouraged conversion of these private surface lots back to a more traditional land use pattern of buildings, parks and other public spaces.

**Q. Is the city subsidizing new development by constructing another public parking garage versus having developers provide their own on-site parking for their projects?**

No. Providing shared parking in our downtown business districts is a critical piece of public infrastructure like sewer, water, sidewalks or roadways. Just like a suburban commercial district, maintaining sufficient parking is critical component to sustaining a high level of economic activity in our downtown. However, unlike a suburban commercial district, supporting and creating the kind of high-quality buildings and public spaces in a historic urban setting requires shared parking in order to maintain and enhance the quality and character of Portsmouth's historic downtown business district. As a good example of what a suburban, on-site parking program looks like in an urban setting, we can look at the buildings and parking areas constructed in the 1970-80s along State/ Fleet and Court streets as well as many of the properties north of Hanover Street. Similar to the suburban commercial strip or mall development, this form of development often creates incompatible buildings surrounded with large unsightly, private surface parking lots. This type of development adversely impacts the historic fabric of the downtown which is why the city's policies and land use regulations continue to discourage this form of development.

**Q. Did the city let the Portwalk Project construct large buildings without enough on-site parking to support the development?**

No. All phases of the Portwalk project complied with the zoning ordinance in effect at the time. In fact, the latest phase of the project

was approved in 2012 with the required 256 space private parking garage in the lower levels of the proposed building.

## **B. NEED FOR ANOTHER DOWNTOWN PARKING GARAGE**

**Q. *If the city does need to construct another parking garage, is downtown the best location?***

Yes. As outlined in the Parking Garage Site Selection Report, other downtown locations were studied may be suitable for a parking structure. In fact, as the city's downtown continues to change and grow over time, more than one additional parking structure is likely to be needed over the next 20 years.

**Q. *Given the high cost of construction for a multi-story parking garage, can the city afford it?***

Yes. Just as the case with the High-Hanover garage, the debt service for the new garage will be covered by existing and expanded public parking revenues.

**Q. *Now that the debt has been recently retired for the High-Hanover Garage what is the impact of this new garage on the tax rate?***

Historically, the city's policy has been to transfer some parking revenues to the general fund and this policy is not expected to change with the addition of a new off-street public parking structure.

**Q. *Why not construct the next public parking garage at the McIntyre Building instead of some other downtown location?***

Once the timing issues on transfer of the property to the city have been resolved, redevelopment options for the McIntyre building will be explored. However, given the size and location of the property, it is expected that a parking structure will likely be needed at this location in order to support redevelopment of the property.

**Q. *Why doesn't the city locate a new parking structure outside the downtown area and provide a shuttle service to visitors so vehicular traffic is diminished in the downtown?***

The size, density, composition, and volume of the downtown business district does not support a viable remote parking / shuttle service option.



**Q. Can the city re-establish a partnership with the Sheraton Hotel owners and develop a new parking structure along their property on Maplewood Ave. and Deer Street?**

The city is open to such a possibility depending on the property owner's goals and needs for the property.

**Q. Although the High-Hanover garage has reportedly been temporarily closed at an increasing rate, isn't it still well below its capacity most times of the year?**

Yes. However, the closure rate at the parking garage has more than doubled in the past 12 months due to the loss of off-street parking and the increased growth and development. Importantly, most of these closures happen at the times people need the garage most (evenings and Saturdays). There are also more than 750 permit holders in the High-Hanover parking garage. In order to keep the garage open for the public, the parking managers reserve only 10% of these spaces during period parking periods. Naturally, this very low reserve-rate may not adequately address future demands for an increase in permits or the frequency of use from these permit holders which may further decrease available parking.

## **C. PUBLIC BENEFITS**

**Q. Are there really any tangible public benefits in constructing a new public parking garage?**

Yes. Constructing a public parking structure would allow the city to meet the existing and longer-term parking needs. It would also support existing businesses, promote a park-once environment, promote walkability, reduce traffic congestion, and contribute to the incremental improvement the visual appearance of the historic district. Furthermore, it would promote a more: efficient, visually-appealing, economically beneficial, and traditional land use pattern for reuse of these unsightly private surface lots in the downtown historic district.

## **D. WORTH LOT REDEVELOPMENT CONCEPT PLAN**

**Q. *Opponents of the public parking garage at the Worth Lot believe that it will negatively impact the existing businesses near the project and that the city will not adequately mitigate any of the impacts. Is this true?***

No. As part of the planning and design process for the project, the city is exploring mitigation strategies such as a business marketing program, and streetscape improvements during construction of the garage. In addition, the city anticipates using parking mitigation strategies such as vouchers, attendant services, valet parking and designated parking and loading areas nearby.

**Q. *Will constructing a parking garage at the Worth Lot negatively impact the public space and vibrancy on the Vaughan Mall?***

No. In fact, the proposed mixed-use redevelopment and parking garage project will enhance and activate the Vaughan Mall through upgrades to the sidewalk, street lighting, trees and planters as well as replacement of the dead-zone along the Worth Lot with active street-level businesses.

**Q. *Will the construction of a large, multi-story parking structure on the Worth Lot along the Vaughan Mall negatively impact the light and air within the mall?***

Similar to many streets in downtown Portsmouth, the Vaughan Mall is currently 40 feet wide. Consistent with the other buildings along the Vaughan Mall, the proposed parking garage is 3 ½ stories (35 +/- feet) above the street level at the Vaughan Mall. Additionally, the street-level of the parking structure along the Vaughan Mall is proposed to be designed to be consistent with the historic architecture of the downtown district and will include commercial uses like retail stores, restaurants and offices.

**Q. *How will the existing service areas behind the building on Congress Street be maintained if the city constructs a new parking garage on the Worth Lot?***

Service access to the rear of the buildings on Congress Street will be provided with a proposed alleyway, comparable to Commercial Alley, between the proposed garage and the abutting structures.

**Q. Why is the city considering to purchase the Coldwell Banker and Cabot House Furniture buildings as part of a parking garage project?**

First, incorporating these properties may enable the city to reduce the overall height of the proposed parking garage by increasing the footprint of the garage. Additionally, it may allow the building placement to be more flexible in order to provide a functional alley to be constructed behind the existing buildings on Congress Street. The added separation from the buildings on Congress Street as well as encouraging new liner buildings along Hanover Street and Maplewood Ave. may enable the city to significantly reduce construction costs for the façade treatment, fire suppression, and the ventilation systems. Inclusion and redevelopment of these properties offers a unique opportunity to recapture the historic character of this neighborhood though the replacement of intrusive, non-contributing spaces and buildings with buildings that add significant historic and economic value to the immediate neighborhood and the greater downtown.

**Q. Given the proximity of the existing High-Hanover Street garage, would it be a better to locate a new garage somewhere on the other side of Market Square?**

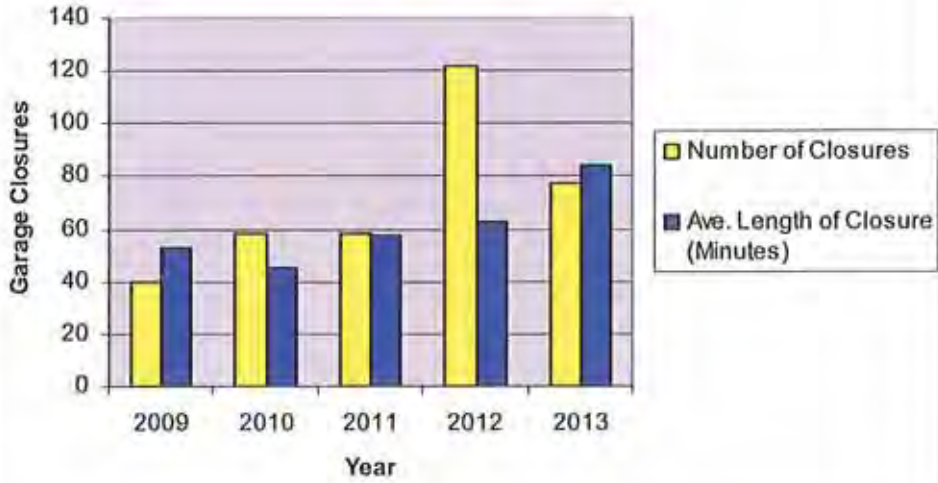
No. Although the main entrance of the High-Hanover garage is within 1,000 feet of the proposed main entrance of the Worth Lot garage on Maplewood Ave., currently 65% of the daily traffic visiting the downtown uses Islington Street, Market Street, Maplewood Ave., and Middle Street. Furthermore, most of the recent and pending development is located between Hanover Street and the North Mill Pond. Thus, a location within the northern section of downtown offers an opportunity to capture more of these vehicles prior to them entering Market Square.

## High Hanover parking Garage Closures

**Q. How often has the High Hanover Parking Garage closed since 2009?**

	HHPG Closures		
Year	# of Closures	Ave. Length of Closure (Minutes)	
2009	40	53	
2010	58	45	
2011	58	57	
2012	122	63	
2013	77	84	as of 6/10/13

**HHPG Closures  
as of 6/10/13**

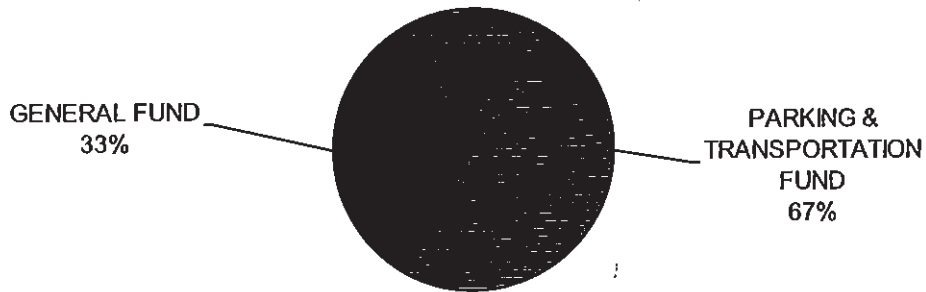


### Revenues

Expenditures for the Parking and Transportation fund are funded 100% from parking related revenues. Parking revenues in excess of Parking and Transportation operations are reported in the General Fund. The table and pie graph below display the distribution of revenues between the General and Parking and Transportation Funds.

Revenue Source	Estimated FY14
Parking Meter Fee	\$1,561,800
Parking Garage Revenue	\$876,250
Parking Violations	\$907,000
Garage Space Passes	\$540,000
Other	\$85,625
<b>Total Parking Revenue</b>	<b>\$3,970,675</b>
Fund Revenue Recorded:	
General Fund	\$1,310,817 33%
Parking & Transportation	\$2,659,858 67%

PARKING REVENUE DISTRIBUTION BY FUND





**FY 2013-2014**  
**Summary of Grant Awards**  
**Public Service Agency Grant Program**

	<b>Agency and Program</b>	<b>FY 12-13 Approved</b>	<b>FY 13-14 Requested Funding</b>	<b>FY 13-14 Recommended</b>
1	A Safe Place, Direct Services	\$5,000	\$10,000	\$5,000
2	AIDS Response-Seacoast, Client Services Program	\$9,000	\$15,000	\$9,000
3	Area Homecare, Home Care Provider Program	\$9,000	\$10,000	\$9,000
4	Community Child Care Center, Tuition Assistance	\$9,000	\$11,500	\$9,000
5	Cross Roads House	\$9,000	\$10,000	\$9,000
6	Families First, Dental Center	\$9,000	\$10,000	\$9,000
7	Great Bay Services	\$0	\$10,000	\$0
8	New Hampshire Legal Assistance-Housing Justice Project	\$2,000	\$3,000	\$3,000
9	New Heights Adventures for Teens	\$5,000	\$5,000	\$5,000
10	PHA Housing Development LTD, PHA Risk & Prevention Program	\$6,000	\$15,000	\$6,000
11	SeaCare Health Services, Health Access Component	\$5,000	\$10,000	\$5,000
12	Seacoast Family Food Pantry, Healthy Food - Healthy Weight	\$0	\$5,000	\$0
13	Seacoast Mental Health Center, Psychiatry Program	\$5,000	\$10,000	\$5,000
14	Sexual Assault Support Services	\$5,000	\$5,000	\$5,000
		<b>\$78,000</b>	<b>\$129,500</b>	<b>\$79,000</b>
<b>Estimated FY 13-14 Funds Available: \$79,000</b>				



May 31, 2013

To: John Bohenko, Portsmouth City Manager and  
Rus Wilson, Portsmouth Recreation Director

Re: Request for signage and a temporary storage trailer at Leary Field

Dear John and Rus,

The Seacoast Mavericks would like to request the City of Portsmouth's approval to put signage on the outfield fence at Leary Field. The purpose of these signs are to help defray the costs of our nonprofit organization's (501 c 3) operating budget.

In a previous correspondence that came from Portsmouth Babe Ruth President/Seacoast Mavericks Director of Community Outreach Mike Young, the Mavericks would like to have the ability to post 30 outfield signs. These signs would only be displayed during the course of our season (June – the second week of August).

The Mavericks are also requesting permission to place a storage trailer next to the current construction trailers behind the grandstands. This trailer would only be at Leary Field during the course of our season. Our trailer is 20 feet by 8 feet by 8 feet. This trailer would only be on city property during our season. We would use this storage trailer to house all of the Mavericks supplies. If the trailer cannot go in this location, we are open to the City telling us the best place for this trailer to go.

Again, the Seacoast Mavericks thank you both for all of your support and we are looking forward to a great summer. Please contact me with any questions.

Sincerely,

Mike Daboul  
President, Seacoast Mavericks



Seacoast Mavericks Baseball  
Official Member of the Futures Collegiate Baseball League  
117 Gosling Road • Newington, NH 03801  
603.431.6700  
Seacoastmavericks.com



received  
10/3/13

June 3, 2013

Mr. Eric Spear  
City of Portsmouth  
Portsmouth, NH 03801

Dear Eric,

This is to request permission to place two A-frame (sandwich board) signs at designated locations downtown during our 2013 season, June 8-August 7 on game days only (27 dates). The signs would be put up the morning of our game and taken down during or immediately following the game. The locations would be up to your discretion, however our first choices would be:

- downtown kiosk
- Discover Portsmouth
- Poco's or other business on Bow St.

If you have any questions or concerns about this request, please let me know. I can be reached at 603-866-0709.

Many thanks for your consideration,

*Kim Cahill*

Kim Cahill  
Marketing Director  
Seacoast Mavericks



CC: John Bohenko



**Game Tonight**

**6:35 p.m.**

**Leary Field**

**Go Mavs!!**

June 10, 2013

Mr. John Bohenko  
City Manager  
Portsmouth, NH



Dear Mr. Bohenko,

I hereby would like to request permission to hold an activity in front of the North Church on Market Sq. on July 4th, 2013.

The purpose of the activity is to hold a reading of the Declaration of Independence. The reading will be done by at least 4 people and will last about half an hour to forty five minutes starting at 3:00PM. Amplification will not be required and a simple podium will be provided for speaker to stand on. The event will not be political or partisan in nature but there will be a small group of women veterans involved. Attendance is expected to be between 20 to 40 people.

This activity is not sponsored by any particular group and it is my response to the fact that we seem to put more attention in celebrating the 4<sup>th</sup> of July rather than knowing why we celebrate it. The Declaration of Independence is the statement of purpose of the United States and most people can't even recite more than a sentence or two from it.

Most towns in the Seacoast no longer hold parades to celebrate the 4th and I feel the importance of this foundational document is being relegated to an afterthought over-shadowed by fireworks and picnics.

My objective for this event is to convey the knowledge of our foundational documents is a respectful way that would motivate people to pause and read them for themselves.

Feel free to contact me for clarification of any information provided here-in.

Sincerely,

Sue Poldura


P.O Box 1353

Portsmouth, NH 03802

Resident of Middle St

**CITY OF PORTSMOUTH  
PORTSMOUTH, NH 03801**

**Office of the City Manager**

**Date:** June 13, 2013  
**To:** Honorable Mayor Eric Spear and City Council Members  
**From:** John P. Bohenko, City Manager   
**Re:** City Manager's Comments on June 17, 2013 City Council Agenda

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1. **Public Parking Input Session.** As you will recall on April 1<sup>st</sup>, the City Council established a public input session on parking issues that individuals wish to discuss. The City Council voted to have that public input session after June 15<sup>th</sup> and the Mayor has set the date for this City Council meeting. Attached for your information are copies of the following:
  - A copy of the minutes establishing the public input session.
  - A copy of the Parking Garage Site Selection Committee final report dated October 1, 2012.
  - A copy of the "Most Frequently Asked Questions Regarding Parking".
  - A copy of the revenue breakdown for the Parking and Transportation Fund.

The public input session will take place immediately following public comment.

***Acceptance of Grants and Donations:***

1. **Acceptance of Community Development Block Grant for FY 2014.** The U.S. Department of Housing and Urban Development has informed the City that a Community Development Block Grant (CDBG) in the amount of \$514,312 will be made available to Portsmouth for FY 2013-2014. This amount represents an increase of \$39,000, or 8% from last year.

The Community Development Department, working in conjunction with the City's Citizens Advisory Committee, held a series of public hearings and meetings over the last several months to solicit input and prioritize projects with regard to the expenditure of these funds. Attached is a copy of the FY 2013-2014 CDBG Budget and copy of the FY 2013-2014 CDBG-funded Public Service Grant Awards.

*I would recommend the City Council move to accept and expend a Community Development Block Grant (CDBG) in the amount of \$514,312 from the U.S. Department of Housing and Urban Development. Action on this matter should take place under Section VIII of the Agenda.*

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

1. **Request for First Reading on Various Bonding Resolutions.** As you are aware, in the FY14 Capital Improvement Plan, there are projects that require bonding authorization from the City Council in order for the projects to move forward. The following list identifies three separate resolutions, which are attached.

- A. **Resolution for bond authorization of up to \$5,750,000 for FY14 City Improvements.**

- **Citywide Facilities Capital Improvements - \$1,000,000:** *(page II-44 and II-45 of Budget Booklet FY14, which are attached)*

The Public Works Department has the maintenance responsibilities for all municipal facilities. These facilities are wide ranging and serve multiple uses. Due to age and usage, many facilities are in need of updating in order to continue their availability to the general public and the programs conducted within.

The Public Works Department staff will identify the renovations and improvements required at each facility. This project is being set up so that the expenditures are utilized over a three-year time frame.

- **Citywide Sidewalk Reconstruction Program - \$800,000:** *(page II-63 and II-64 of Budget Booklet FY14, which are attached)*

This program relies on a management program and is funded on a two-year schedule to address the need to upgrade existing sidewalk surfaces on a priority basis. The sidewalk inventory consists of over 50 miles of sidewalks, made from asphalt, concrete, brick or stone. Some \$20,000,000 of reconstruction work is required to bring these to standard. Reconstruction is based upon need and is coordinated with other street improvements.

- **McDonough Street Area Improvements - \$400,000:** *(page II-68 of Budget Booklet FY14, which is attached)*

This project is at the request of the Islington Creek Neighborhood Association to have new sidewalks and traffic calming measures installed throughout the McDonough Street Area. The main purpose of this project

is to enhance safety for the residents and others who travel through this area on foot, by bicycle and motor vehicle. This area is a mixed use of residential, commercial and industrial uses sandwiched between Islington Street and the North Mill Pond. The work will include water, sewer, storm drainage, paving, curbing and associated landscaping constructed in a phased approach that began in FY10.

- **Gateway Improvements-Exit 7 - \$550,000:** *(page II-72 of Budget Booklet FY14, which is attached)*

This project is a continuation of phased improvements along the Market Street right-of-way as it extends from the I-95 to Deer Street. Some of the proposed improvements are part of a cooperative effort between the City and NHDOT to improve the I-95 Exit 7 interchange (currently ongoing) and to provide safe pedestrian and bicycle travel along the road. The first phase of this project from Deer Street to Russell Street is complete and included streetscape and traffic calming improvements such as widened concrete sidewalks with a brick detail, installation of new historic street lights, landscaping, new granite curb and roadway paving. In addition to these improvements, a transportation grant enabled the City to construct a sidewalk and bike lane along the north side of the gateway. The next phase involves design (FY13) and construction (FY14) of improvements from the I-95 Exit 7 interchange to the Route 1 Bypass Bridge. This will be followed by successive alternating design and construction phases of improvements until the streetscape is complete.

- **Street Paving, Management and Rehabilitation - \$2,500,000:** *(page II-73 and II-74 of Budget Booklet FY14, which are attached)*

In 1993 the City funded a *Pavement Management Study* to implement a *Pavement Management Program*. This program produces a report showing existing conditions for each publicly owned street priority ranking for best dollar investment and has the ability to show "What If" scenarios and estimated project costs. These scenarios are also able to project future street conditions based upon various levels of expenditures. An expenditure of \$1,250,000 per year over the next twenty years would greatly improve street conditions. The indicated expenditures are capital costs to implement the improvements over a two-year period with all work lasting 20 years. (The Public Works operational budget includes those costs associated with maintenance work with an expected life of only 10 years).

- **Islington Street Improvements - \$500,000:** *(page II-75 of Budget Booklet FY14, which is attached)*

The *Islington Street Improvement Action Plan* was completed in 2009 with the goal of improving the appearance of Islington Street in the area between Maplewood Avenue and Rt. 1 Bypass. This project involved development of a plan for capital improvements, regulatory strategies and non-regulatory public/private approaches to revitalization. The streetscape will be enhanced in a coordinated way as properties are improved through the site review process.

The funding was approved in FY 2013 for final design plan of the first section of improvements starting at Congress St. with construction scheduled for FY 2014.

- B. Resolution for bond authorization of up to \$10,000,000 for the Peirce Island Wastewater Treatment Plant Upgrades:** *(Page II-78 of Budget Booklet FY14, which is attached)*

This is the first phase of bonding for the proposed Wastewater Treatment Plant at Peirce Island, which is estimated to cost \$63,000,000. The project identifies the need for a new wastewater treatment facility to bring the City into compliance with the secondary treatment standards of the new wastewater discharge permit. The City has completed a wastewater master plan and technology verification pilot study which outlines the necessary compliance program. Phase I of this resolution is for permitting, design and the initial construction phase including the demolition of existing structures and the relocation of the main power line.

- C. Resolution for bond authorization of up to \$3,500,000 Pease Wastewater Treatment Plant Upgrades:** *(Page II-79 of Budget Booklet FY14, which is attached)*

This project addresses capital needs at the Pease Wastewater Treatment Facility. Parts of this plant date back to the original 1950s construction and are beyond their useful life. In addition, the Plant's NPDES discharge permit is up for renewal and this item anticipates additional capital needs which may result from a new permit.

*I would recommend the City Council move to authorize the City Manager to bring back for first reading the Bonding Resolutions, as presented, at the July 15, 2013 City Council meeting.*

2. **Firefighter Fact Finding Report.** Attached please find a copy of the Fact Finding Report on behalf of the Portsmouth Board of Fire Commissioners and the City of Portsmouth. New Hampshire law provides that both cost and non-cost items in a Fact Finder's Report be submitted to the City's legislative body for an up or down vote. Because both the unions and the Fire Commission have rejected the Fact Finder's Report, the vote by the City Council will not change the current status quo situation with respect to negotiations with the union in the Fire Department.

In addition, since the Fact Finder's Report did not support any of the overtime concessions the Council would like to achieve through negotiations, I would recommend that the City Council vote to reject the Report at Monday's City Council meeting.

To recap, the negotiating team was instructed to try to negotiate the recommendations of the Matrix Study in order to reduce the amount of overtime. Specifically, the negotiating team was trying to accomplish the following:

- a. Earned time taken without prior approval will not count toward hours worked for purposes of determining overtime.
- b. Limit earned time status to one fire officer and two firefighters at the same time.
- c. Delete contractual provision allowing use of earned time in one-half and one-third day increments.
- d. Eliminate current staffing requirement of at least one fire officer at each station on each shift.
- e. Pay the first four hours worked outside the employee's regular schedule as straight-time rate.
- f. Pay recall minimums that overlap with an employee's regular shift at straight time.
- g. Expressly prohibit the compounding/pyramiding of compensation.
- h. Reduce the rate at which Union members accrue earned time by 20%.
- i. Employees pay 16% of the premium for Matthew Thornton or 14% of SchoolCare.

Given this, the fact-finder made the following recommendations:

- a. Earned time taken without prior approval will not count toward hours worked for purposes of determining overtime eligibility, except in unforeseeable circumstances, such as sudden illness.
- b. The current staffing requirement of at least one fire officer at each station on each shift will be eliminated.



- c. Recall hours that overlap with an employee's regular shift will be paid at straight time, whether the recall is for emergency or non-emergency circumstances.
- d. Increase Comp 100 and BlueChoice to 19% effective July 1, 2011, and 20% effective July 1, 2012. Increase Matthew Thornton to 15% on July 1, 2011 and 15.5% effective July 1, 2012 and 16% effective July 1, 2013.

In exchange for the above recommendations, the fact finder recommended the following:

- a. No COLA in FY 09, FY 10 or 11. A COLA using the 10-year rolling average will take effect on July 1 of each year: 2011, 2012 and 2013. The COLAs will be paid retroactively.
- b. A new fifteen-year step H for firefighters which is 3.75% above step G, and a new fifteen-year step for fire officers at 3.75% above the current last step. Both new steps will take effect on July 1, 2013.

On Monday evening, the City's Labor Negotiator Thomas Closson will be in attendance to answer any questions the City Council may have regarding this matter.

*I would recommend that the City Council vote to reject the Firefighter Fact Finding Report.*

3. **Proposal for Mobile Vending.** The City has received a request from Michael Prete of The Kitchen Restaurant Group to conduct mobile vending. See attached letter request.

In 2010, the Portsmouth City Council amended Chapter 6, Article XIII Section 6.1307 to limit vending from parking spaces. That ordinance set up an annual bidding process and a minimum bid amount of \$5,000 for the April 15-November 15 season. Attached is a copy of the ordinance. Earlier this year, the City advertised for bids to conduct vending from the designated parking spaces, Bid 33-13. (See attached map.) No qualified bids were received; the single bidder did not have a licensable vehicle.

The City was subsequently contacted by Mr. Prete expressing interest in mobile vending. He has made himself familiar with the bid and contracting requirements. According to the communication, he is interested in meeting the terms of that bid with the following adjustments to the proposed contract: (1) a pro-ration of the License Fee (2) payment of a portion of the fee monthly rather than in just two installments and (3) the right to alternate use of the two previously available vending spaces (one on Court Street and one on Hanover Street).

If the City Council is interested in exploring this proposal the following is a proposed motion:

*I would recommend the City Council move to authorize the City Manager to report back, and have the City Council take action on the proposal at the next meeting on July 15, 2013.*

4. **Renewal of Senior Transportation Agreement with Mark Wentworth Home d/b/a Mark Wentworth Transportation.** As you know, the City has partnered with the Mark Wentworth Home (MWH) on the operation of a Senior Transportation Program for Portsmouth residents age 60 and over and those with disabilities. The current agreement with MWH expires on June 30, 2013. Recently, City staff met with representatives from the MWH to discuss the existing service and at this time I recommend renewing the agreement for an additional year (July 1, 2013 through June 30, 2014). This recommendation is in keeping with the "Status of Senior Services and Recommendations" report provided by the City Council last August. There are no changes in the services recommended at this time. \$143,000 was budgeted for this Agreement in the FY 2014 budget. Program information and statistics are attached.

*I would recommend the City Council move to renew the Senior Transportation Agreement with the Mark Wentworth Home for \$143,000 for the year beginning July 1, 2013 through June 30, 2014.*

### ***Informational Items:***

1. **Events Listing.** For your information, attached is a copy of the Events Listing updated after the last City Council meeting on June 3, 2013. In addition, this now can be found on the City's website.

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

**RESOLUTION # – 2013**

**A RESOLUTION AUTHORIZING A BOND ISSUE OF UP TO FIVE MILLION SEVEN HUNDRED FIFTY THOUSAND DOLLARS (\$5,750,000) FOR FISCAL YEAR 2014 CITYWIDE, FACILITIES, STREET, AND SIDEWALK IMPROVEMENTS.**

**BE IT RESOLVED:**

**THAT**, the sum of **Five Million Seven Hundred Fifty Thousand Dollars (\$5,750,000)** is appropriated for Citywide Facilities, Street and Sidewalk Improvements for the FY14 Capital Improvement Program;

**THAT**, to meet this appropriation, the City Treasurer, with the approval of the City Manager, is authorized to borrow **Five Million Seven Hundred Fifty Thousand Dollars (\$5,750,000)** through the issuance of bonds and/or notes of the City under the Municipal Finance Act;

**THAT** That the expected useful life of the project is determined to be at least ten (10) years, and;

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

**APPROVED:**

\_\_\_\_\_  
**ERIC SPEAR, MAYOR**

**ADOPTED BY CITY COUNCIL**

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

IN THE YEAR OF LORD  
TWO THOUSAND AND THIRTEEN  
PORTSMOUTH, NEW HAMPSHIRE

RESOLUTION # – 2013

A RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF THE CITY UNDER THE MUNICIPAL FINANCE ACT AND/OR PARTICIPATION IN THE STATE REVOLVING FUND (SRF) LOAN FOR COSTS RELATED TO PERMITTING, DESIGN AND INITIAL CONSTRUCTION PHASE OF THE PEIRCE ISLAND WASTEWATER TREATMENT PLANT (PIWWTP) NOT TO EXCEED TEN MILLION (\$10,000,000) DOLLARS.

RESOLVED:

THAT the sum of up to Ten Million (\$10,000,000) Dollars is appropriated for permitting, design and the initial construction phase of the PIWWTP.

To meet this appropriation, the City Treasurer, with the approval of the City Manager is authorized to borrow up to Ten Million (\$10,000,000) Dollars through the issuance of bonds and/or notes of the City under the Municipal Finance Act and/or a loan program offered through the State of New Hampshire Department of Environmental Services, identified as the State Revolving Fund Loan, such borrowing to be effected by the issuance of bonds and/or notes of the City under the Municipal Finance Act in connection with the PIWWTP.

That the expected useful life of the project is determined to be at least 30 years, and;

That this Resolution shall take effect upon its passage.

APPROVED:

\_\_\_\_\_  
ERIC SPEAR, MAYOR

ADOPTED BY CITY COUNCIL

\_\_\_\_\_  
KELLI BARNABY, CMC/CNHMC  
CITY CLERK

IN THE YEAR OF LORD  
TWO THOUSAND AND THIRTEEN  
PORTSMOUTH, NEW HAMPSHIRE

RESOLUTION # – 2013

A RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF THE CITY UNDER THE MUNICIPAL FINANCE ACT AND/OR PARTICIPATION IN THE STATE REVOLVING FUND (SRF) LOAN FOR COSTS RELATED TO THE PEASE WASTE WATER TREATMENT PLANT UPGRADES (PWWTP) NOT TO EXCEED THREE MILLION FIVE HUNDRED THOUSAND (\$3,500,000) DOLLARS.

RESOLVED:

THAT the sum of up to Three Million Five Hundred Thousand (\$3,500,000) Dollars is appropriated for PWWTP upgrades.

To meet this appropriation, the City Treasurer, with the approval of the City Manager is authorized to borrow up to Three Million Five Hundred Thousand (\$3,500,000) Dollars through the issuance of bonds and/or notes of the City under the Municipal Finance Act and/or a loan program offered through the State of New Hampshire Department of Environmental Services, identified as the State Revolving Fund Loan, such borrowing to be effected by the issuance of bonds and/or notes of the City under the Municipal Finance Act in connection with the PWWTP.

That the expected useful life of the project is determined to be at least 30 years, and;

That this Resolution shall take effect upon its passage.

APPROVED:

\_\_\_\_\_  
ERIC SPEAR, MAYOR

ADOPTED BY CITY COUNCIL

\_\_\_\_\_  
KELLI BARNABY, CMC/CNHMC  
CITY CLERK

**BI-PW-34: CITYWIDE FACILITIES CAPITAL IMPROVEMENTS**

The Public Works Department has the maintenance responsibilities for all municipal facilities. These facilities are wide ranging and serve multiple uses. Due to age and usage, many facilities are in need of updating in order to continue their availability to the general public and the programs conducted within.

The Public Works Department staff will identify the renovations and improvements required at each facility. This project is being set up so that the expenditures are utilized over a three-year time frame.



		FY 14	FY 15	FY 16	FY 17	FY 18	FY 19	Totals 14-19	6 PY's Funding	Totals
GF	1%							\$0	\$25,000	\$25,000
Fed/State	0%							\$0	\$0	\$0
Bond/Lease	98%	\$1,000,000			\$1,000,000			\$2,000,000	\$1,000,000	\$3,000,000
Other	0%							\$0	\$0	\$0
Revenues	1%							\$0	\$30,000	\$30,000
PPP	0%							\$0	\$0	\$0
	<b>Totals</b>	<b>\$1,000,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$1,000,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$2,000,000</b>	<b>\$1,055,000</b>	<b>\$3,055,000</b>
Commence FY:	On-Going	Quarter:	1st	Priority:	1	Impact On Operating Budget:	Negligible			

**BI-PW-34: CITYWIDE FACILITIES CAPITAL IMPROVEMENTS**

PROPOSED CAPITAL IMPROVEMENTS - CITYWIDE FACILITIES  
Fiscal Year 2014

<u>Facility/Project</u>	<u>Cost</u>
Municipal Complex	\$300,000
Tennis Court Renovations	\$250,000
Municipal Athletic Fields	\$200,000
Spinnaker Point Recreation Center	\$100,000
Police Facility	\$75,000
Fire Facilities	\$75,000
<b>TOTAL IMPROVEMENTS</b>	<b>\$1,000,000</b>

**TSM-CITY-09: BIKE/PED: Citywide Sidewalk Reconstruction Program**

- This program relies on a management program and is funded on a two-year schedule to address the need to upgrade existing sidewalk surfaces on a priority basis. The sidewalk inventory consists of over 50 miles of sidewalks, made from asphalt, concrete, brick or stone. Some \$20,000,000 of reconstruction work is required to bring these to standard. Reconstruction is based upon need and is coordinated with other street improvements.



Woodbury Avenue



South Street



Dennett Street

Please see following page for detailed projects.

		FY 14	FY 15	FY 16	FY 17	FY 18	FY 19	Totals 14-19	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/State	0%							\$0	\$0	\$0
Bond/Lease	100%	\$800,000		\$800,000		\$800,000		\$2,400,000	\$1,100,000	\$3,500,000
Other	0%							\$0	\$0	\$0
Revenues	0%							\$0	\$0	\$0
PPP	0%							\$0	\$0	\$0
	<b>Totals</b>	<b>\$800,000</b>	<b>\$0</b>	<b>\$800,000</b>	<b>\$0</b>	<b>\$800,000</b>	<b>\$0</b>	<b>\$2,400,000</b>	<b>\$1,100,000</b>	<b>\$3,500,000</b>
Commence FY:	On-Going	Quarter:	1st	Priority:	I	Impact On Operating Budget:	Negligible			



**TSM-CITY-09: BIKE/PED: Citywide Sidewalk Reconstruction Program**

PROPOSED CAPITAL IMPROVEMENTS-SIDEWALKS  
Fiscal Years 2014 and 2015

<u>Sidewalk</u>	<u>Cost</u>
Sagamore Avenue: from South Street to Sagamore Bridge	\$200,000
Middle Street: from Aldrich to South Street	\$150,000
State Street: Cabot Street-Cass Street	\$150,000
Penhallow/Sheafe Streets	\$200,000
Various Street	\$100,000
<b>TOTAL IMPROVEMENTS</b>	<b>\$800,000</b>

## TSM-CITY-18: ROADWAY: McDonough Street Area Improvements Project

- This project is at the request of the Islington Creek Neighborhood Association to have new sidewalks and traffic calming measures installed throughout the McDonough Street Area. The main purpose of this project is to enhance safety for the residents and others who travel through this area on foot, by bicycle and motor vehicle. This area is a mixed use of residential, commercial and industrial uses sandwiched between Islington Street and the North Mill Pond. The work will include water, sewer, storm drainage, paving, curbing and associated landscaping constructed in a phased approach that began in FY10.



		FY 14	FY 15	FY 16	FY 17	FY 18	FY 19	Totals 14-19	5 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/State	0%							\$0	\$0	\$0
Bond/Lease	100%	\$400,000	\$400,000					\$800,000	\$1,200,000	\$2,000,000
Other	0%							\$0	\$0	\$0
Revenues	0%							\$0	\$0	\$0
PPP	0%							\$0	\$0	\$0
<b>Totals</b>		<b>\$400,000</b>	<b>\$400,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$800,000</b>	<b>\$1,200,000</b>	<b>\$2,000,000</b>
Commence FY: 2010		Quarter: 1st	Priority: 1		Impact On Operating Budget: Negligible					

**TSM-City-22: ROADWAY: Gateway Improvements-Exit 7**

This project is a continuation of phased improvements along the Market Street right-of-way as it extends from the I-95 to Deer Street. Some of the proposed improvements are part of a cooperative effort between the City and NHDOT to improve the I-95 Exit 7 interchange (currently ongoing) and to provide safe pedestrian and bicycle travel along the road. The first phase of this project from Deer Street to Russell Street is complete and included streetscape and traffic calming improvements such as widened concrete sidewalks with a brick detail, installation of new historic street lights, landscaping, new granite curb and roadway paving. In addition to these improvements, a transportation grant enabled the City to construct a sidewalk and bike lane along the north side of the gateway. The next phase involves design (FY13) and construction (FY14) of improvements from the I-95 Exit 7 interchange to the Route 1 Bypass Bridge. This will be followed by successive alternating design and construction phases of improvements until the streetscape is complete.



		FY 14	FY 15	FY 16	FY 17	FY 18	FY 19	Totals 14-19	5 PY's Funding	Totals
GF	16%		\$120,000		\$120,000			\$240,000	\$145,000	\$385,000
Fed/State	0%							\$0	\$0	\$0
Bond/Lease	81%	\$550,000		\$550,000		\$550,000		\$1,650,000	\$300,000	\$1,950,000
Other	0%							\$0	\$0	\$0
Revenues	0%							\$0	\$0	\$0
PPP	3%							\$0	\$75,000	\$75,000
	<b>Totals</b>	<b>\$550,000</b>	<b>\$120,000</b>	<b>\$550,000</b>	<b>\$120,000</b>	<b>\$550,000</b>	<b>\$0</b>	<b>\$1,690,000</b>	<b>\$520,000</b>	<b>\$2,410,000</b>
Commence FY: On-Going		Quarter: 1st		Priority: I		Impact On Operating Budget: Negligible				

**TSM-CITY-23: ROADWAY: Street Paving, Management and Rehabilitation**

In 1993 the City funded a *Pavement Management Study* to implement a *Pavement Management Program*. This program produces a report showing existing conditions for each publicly owned street priority ranking for best dollar investment and has the ability to show "What If" scenarios and estimated project costs. These scenarios are also able to project future street conditions based upon various levels of expenditures. An expenditure of \$1,250,000 per year over the next twenty years would greatly improve street conditions. The indicated expenditures are capital costs to implement the improvements over a two-year period with all work lasting 20 years. (The Public Works operational budget includes those costs associated with maintenance work with an expected life of only 10 years).



Constitution Avenue



Gosling Road

Please see following page for detailed projects.

		FY 14	FY 15	FY 16	FY 17	FY 18	FY 19	Totals 14-19	5 PY's Funding	Totals
GF	0%							\$0		\$0
Fed/State	0%							\$0	\$0	\$0
Bond/Lease	100%	\$2,500,000		\$2,500,000		\$2,500,000		\$7,500,000	\$5,000,000	\$12,500,000
Other	0%							\$0	\$0	\$0
Revenues	0%							\$0	\$0	\$0
PPP	0%							\$0	\$0	\$0
	<b>Totals</b>	<b>\$2,500,000</b>	<b>\$0</b>	<b>\$2,500,000</b>	<b>\$0</b>	<b>\$2,500,000</b>	<b>\$0</b>	<b>\$7,500,000</b>	<b>\$5,000,000</b>	<b>\$12,500,000</b>
Commence FY:	On-Going	Quarter:	1st	Priority:	I	Impact On Operating Budget:	Negligible			

**TSM-CITY-23: ROADWAY: Street Paving, Management and Rehabilitation**

PROPOSED CAPITAL IMPROVEMENTS-STREETS  
Fiscal Years 2014 and 2015

<u>Street</u>	<u>Estimated Cost</u>
Sagamore Avenue: South Street to Sagamore Bridge	\$600,000
Islington Street: Plains Avenue to Bartlett Street	\$600,000
Sewer Reconstruction Areas	\$350,000
Leslie Drive Area	\$410,000
Miscellaneous Overlays	\$500,000
Pavement Management Support and Upgrades	\$40,000
<hr/>	
<b>TOTAL IMPROVEMENTS</b>	<b>\$2,500,000</b>

**TSM-CITY/NHDOT-24: ROADWAY: Islington Street Improvements**

- The *Islington Street Improvement Action Plan* was completed in 2009 with the goal of improving the appearance of Islington Street in the area between Maplewood Avenue and Rt. 1 Bypass. This project involved development of a plan for capital improvements, regulatory strategies and non-regulatory public/private approaches to revitalization. The streetscape will be enhanced in a coordinated way as properties are improved through the site review process.
- The funding was approved in FY 2013 for final design plan of the first section of improvements starting at Congress St. with construction scheduled for FY 2014.



		FY 14	FY 15	FY 16	FY 17	FY 18	FY 19	Totals 14-19	5 PY's Funding	Totals
GF	21%		\$100,000		\$100,000			\$200,000	\$200,000	\$400,000
Fed/State	0%							\$0	\$0	\$0
Bond/Lease	79%	\$500,000		\$500,000		\$500,000		\$1,500,000	\$0	\$1,500,000
Other	0%							\$0	\$0	\$0
Revenues	0%							\$0	\$0	\$0
PPP	0%							\$0	\$0	\$0
<b>Totals</b>		<b>\$500,000</b>	<b>\$100,000</b>	<b>\$500,000</b>	<b>\$100,000</b>	<b>\$500,000</b>	<b>\$0</b>	<b>\$1,700,000</b>	<b>\$200,000</b>	<b>\$1,900,000</b>
Commence FY:	2014	Quarter:	1st	Priority:	I	Impact On Operating Budget:		Negligible		

## EF-SD-02: Peirce Island Wastewater Treatment Plant Upgrades

The project identifies the need for a new wastewater treatment facility to bring the City into compliance with the secondary treatment standards of the new wastewater discharge permit. The City has completed a wastewater master plan and technology verification pilot study which outlines the necessary compliance program. These costs cover the permitting, design and construction of the proposed program. Costs presented here are exclusive of collection system upgrades.



		FY 14	FY 15	FY 16	FY 17	FY 18	FY 19	Totals 14-19	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/State	0%							\$0	\$0	\$0
Bond/SRF	98%	\$2,500,000	\$40,000,000	\$20,000,000				\$62,500,000	\$3,500,000	\$66,000,000
Other	0%							\$0	\$0	\$0
Revenues	2%							\$0	\$1,500,000	\$1,500,000
PPP	0%							\$0	\$0	\$0
	<b>Totals</b>	<b>\$2,500,000</b>	<b>\$40,000,000</b>	<b>\$20,000,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$62,500,000</b>	<b>\$5,000,000</b>	<b>\$67,500,000</b>
Commence FY:	On-going	Quarter:	1st	Priority:	1	Impact On Operating Budget:		High		

## EF-SD-03: Pease Wastewater Treatment Plant Upgrades

This project addresses capital needs at the Pease Wastewater Treatment Facility. Parts of this plant date back to the original 1950s construction and are beyond their useful life. In addition, the Plant's NPDES discharge permit is up for renewal and this item anticipates additional capital needs which may result from a new permit.



		FY 14	FY 15	FY 16	FY 17	FY 18	FY 19	Totals 14-19	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/State	0%							\$0	\$0	\$0
Bond/SRF	99%	\$3,500,000						\$3,500,000	\$0	\$3,500,000
Other	0%							\$0	\$0	\$0
Revenues	1%							\$0	\$50,000	\$50,000
PPP	0%							\$0	\$0	\$0
	<b>Totals</b>	<b>\$3,500,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$3,500,000</b>	<b>\$50,000</b>	<b>\$3,550,000</b>
Commence FY:	2013	Quarter:	1st	Priority:	I	Impact On Operating Budget:	High			



**Before MICHAEL C. RYAN, ARBITRATOR**

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In the Matter of the  
Factfinding between:

CITY OF PORTSMOUTH, NEW  
HAMPSHIRE - PORTSMOUTH  
BOARD OF FIRE COMMISSIONERS

-and-

FIREFIGHTERS ASSOCIATION OF  
PORTSMOUTH, LOCAL #1313

-and-

PORTSMOUTH PROFESSIONAL FIRE  
OFFICERS ASSOCIATION,  
LOCAL #4039

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**FACTFINDER'S RECOMMENDATIONS**

**For the City**

Thomas M. Closson, Esquire

**For the Unions**

Richard E. Molan, Esquire

**I. INTRODUCTION**

This proceeding concerns the successors to two collective bargaining agreements that expired on June 30, 2008 (the Agreements). There was one day of hearing on January 4, 2013, at which the parties presented evidence and arguments. Both parties submitted both comprehensive

post-hearing briefs and reply briefs in support of their respective positions.

## II. BACKGROUND TO NEGOTIATIONS

The City of Portsmouth is a coastal community of some 20,800 residents in southeastern New Hampshire. It is governed by a Mayor and City Council, with day-to-day administration by a City Manager. The City's Fire Department ("Department") is overseen by an elected, three-member Board of Fire Commissioners ("Board"). The Board is the signatory to the Department's collective bargaining agreements, but the City Council has the final say over funding the Department's funding, including the funding of the cost items in the agreements.

The Firefighters Association of Portsmouth, Local 1313 IAFF ("Firefighters") represents the Department's forty-four uniformed firefighters. The Portsmouth Professional Fire Officers Association, Local 4039 ("Fire Officers") represents the eight lieutenants, four captains, and one fire inspector. These fire personnel work in the City's three fire stations.

This proceeding concerns the successors to the Firefighters' and Fire Officers' collective bargaining agreements ("Agreements"), both of which expired on June 30, 2008. The parties have been bargaining since April 8,

2008. There has already been one declaration of impasse, followed by a factfinding procedure before Arbitrator John Cochran in November 2008.

On February 5, 2009, Arbitrator Cochran issued detailed findings and recommendations. These did not serve to advance negotiations, since the City rejected them, and the Union accepted them reluctantly, if at all.

The parties continued to negotiate and reached tentative agreements in June 2009. These provided:

- Term: Six-year agreement expiring June 30, 2014. No cost item retroactive unless specifically designated as retroactive.
- Salaries: 10-year rolling COLA average, retroactive to July 1, 2008. No COLA increase on July 1, 2009, 10-year rolling COLA average adjustments on July 1, 2010 through 2012.

- Steps:

[*Firefighters*:]

Effective July 1, 2010, increase the years of service for the 3.5% Engineer step from 14 to 15; eliminate the certification requirements (certifications not regularly offered by the State) but maintain all Engineer responsibilities.

Effective July 1, 2012, a new 1-year step @ 2.5%. Previous steps end at 5 years.

[*Fire Officers*:]

Effective July 1, 2010, increase the years of service as an officer for the 3.5% Master Officer step from 14 to 15; maintain all Master Officer responsibilities.

Effect July 1, 2012, a new @ 2.5% for 10 years of service as an officer. Previous steps end at 5

years.

- Stipends:

[*Firefighters:*]

Effective July 1, 2010, roll the EMT-1 stipend (3%) into base wage; Paramedic stipend decreases from 8% to 5%.

Effective July 1, 2011, roll the Boat Operator Stipend into base wage; boat operator training provided by the Department will be mandatory.

[*Fire Officers:*]

Effective July 1, 2010, roll the Shipboard stipend (2%) into base wage; currently all officers eligible for this stipend.

Effective July 1, 2011, roll the HazMat Stipend into base wage; currently all officers eligible for this stipend.

- Overtime:

Paid leave taken for full shifts with less than 24 hours notice will not count as time worked for overtime purposes.

Qualified firefighters may be elevated to acting Lieutenant to replace an officer out on leave for 2 months or more.

- Health Insurance:

Employee contribution to Comp 100 and Blue Choice will increase to 19% in 2008-09 and to 20% in 2010-11.

Employee contribution to Matthew Thornton will increase to 15% in 2008-09 and to 15.5% in 2010-11, subject to increases if premium gap narrows.

City may offer 2 new plans under Blue Choice and Matthew Thornton with \$5 co-pay for office visits; \$25 for emergency room; and \$10/\$20/\$40 for prescriptions.

Union will serve on City-wide committee to study health insurance options.

- Longevity: Adjust by COLA starting July 1, 2010.
- Clothing Allowance: Increase by \$100 retroactive to July 1, 2008.

In or around August 2011, the City and the Portsmouth Patrolmen's Association entered into a six-year agreement with COLAs effective in 2011, 2012 and 2013 and two steps added to the patrol officers' scale. That left these Unions as the last in the City without agreements.

In August 2012, the Unions proposed agreements that basically tracked the changes in the Patrolmen's Association's agreement. The City rejected that proposal and the Union petitioned for this factfinding.

### **III. THE PARTIES' PROPOSALS AND POSITIONS**

#### **A. Positions on the City's Ability to Pay**

##### ***UNION'S POSITION:***

The City is in a very strong economic position. The City has a wide variety of industries, a significant arts and cultural economy, and is a hub of tourism. It leads the region in low unemployment rates, 4.5% in FY11. Its major economic assets include the Pease International Tradeport, the New Hampshire State Port, the Foreign Trade Zone, and the Portsmouth Naval Shipyard. The Tradeport employs over 7,000 people and generates \$5.3 million in

revenue for the City. The shipyard employs over 5,000 and recently announced plans to invest \$100 million in upgrades.

Portsmouth outdistances the state and the nation in median family income, which was \$86,020 in 2010, and per capita income, \$35,858. It is the third wealthiest municipality in the state based on land values, after Nashua and Manchester. Its land values are high, having continued to grow even during the recession of the last five years. Yet it has one of the lowest property tax rates in the state.

As of FY 2011, the City's net assets exceeded its liabilities by roughly \$184 million, with an unassigned fund balance of over \$10 million. This equates to 11.66%, far in excess of the 7% required by City ordinance. The City has maintained this prosperity by refusing to grant any meaningful wage increase to these two bargaining units for five years.

**CITY'S POSITION:**

The City owes its favorable economic position to prudent management. It is committed to maintaining a healthy general fund balance while keeping property taxes in check. It is also committed to preparing for future expenses, such as the forthcoming 21.9% increase in state-

mandated retirement benefits. It is, therefore, imperative to aggressively manage the costs of City services, including the fire service.

## **B. The Unresolved Issues**

The parties have tentatively agreed that the duration of the Agreements will be June 30, 2008, to June 30, 2014. They have also agreed that only cost items identified as retroactive will be paid retroactively.

### **THE UNIONS' ISSUES**

#### **Issue 1** **WAGES**

##### **A. COLA**

#### **Current Contract Language** ***(Identical in the two Agreements)***

Effective July 1 of each year from July 1, 2004 through June 30, 2008 a COLA Adjustment percentage increase shall be computed which shall not be less than 2% nor more than 5%.

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

*Thus if the CPI-U for the Boston SMSA calendar year 2003 (Nov. 2002-Nov. 2003) is 1.5% the applicable COLA Adjustment on July, 2004 would be 2%; if it is 3.5% the applicable COLA Adjustment*

would be 3.5%; if it is 5.5% the applicable COLA Adjustment would be 5.0%.

**Applicability After Contract Expires:** It is clearly understood that in the event that the five year Working Agreement expires without a successor Working Agreement being settled prior to July 1, 2008 that no further COLA Adjustments will be generated under the Working Agreement even if the Working Agreement has an evergreen clause. It is further agreed that continuation of COLA Adjustments are not to be deemed "status quo" as the term has been used by the PELRB in the event that a successor agreement has not been settled by July 1, 2008.

**UNIONS' PROPOSAL and POSITION:**

No COLA for FY09, FY10, FY11. Wages adjusted by the ten-year rolling COLA average effective July 1, 2011, 2012 and 2013. Delete COLA equity clause. Wages to be paid retroactively.

The parties have tentatively agreed that COLA will be calculated using the rolling ten-year average of the CPI-U for the Boston-Brockton-Nashua-MA-NH-ME-CT all-items index as computed by the Bureau of Labor Statistics.

The Unions argue that their proposal is more than fair, given that they have agreed to forego COLA increases in FYs 2009, 2010 and 2011. This is equivalent to giving up 8.9% in total wage increases and instead receiving only 6.9% over three years, or 1.15% annually over the six-year term. This hardly ameliorates the net deterioration in wages caused by annual increases in the dollar cost to the firefighters of health insurance.

In the Portsmouth area in 2012, the average firefighter salary trailed the average private- and public-



sector wage by 21.3%. On average, experienced Portsmouth-area fire officers trail experienced Portsmouth-area police superior officers by a whopping 27.5%.<sup>1</sup>

In the seacoast area, the City ranks nearly at the bottom for both starting and maximum pay for Firefighter Basic EMTs and EMT-Is, exceeding only the much smaller communities of Somersworth and Rye. Firefighter Paramedics fare somewhat better, although still falling behind the average by 5%, even though departments ranking below Portsmouth do not operate Advanced Life Safety Ambulance Rescue Services. Portsmouth firefighters trail neighboring Exeter by 30%, and Exeter just reached a tentative agreement with an average 3.23% increase, including COLA and steps. Experienced Paramedics in this bargaining unit could easily find positions in other towns with much higher salaries.

The Fire Officers fare somewhat better, but only the Fire Captains are truly competitive. Lieutenants are still 5% behind the average and substantially behind their nearest neighbors, including the much smaller Somersworth and Hampton. Only at the Paramedic level do lieutenants

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<sup>1</sup> Actually, Union Exhibit 8 seems to show that the average wage for experienced fire officers and police superior officers are, respectively, \$32.13 and \$40.46, a difference of 20.6%.

exceed the average, although still trailing Exeter and Hampton.

The City's assertion that Portsmouth firefighters' compensation has kept pace with other towns because of their overtime earnings is absurd. For that comparison to be legitimate, one would have to assume that fire fighters in other towns do not work overtime, which is patently untrue. Moreover, overtime is not guaranteed: it is contingent on absences. Fire personnel work long hours to earn that overtime.

Similarly, although the City asserts Portsmouth firefighters' wages exceed those in other towns because of Portsmouth's incentive payments, the City's data is misleading. Many towns, such as Dover and Hampton, provide similar incentives, yet Hampton reports only base wages. Furthermore, the City's data is drawn from public reports that are a year out of date. By contrast, the Union's wage data is based on current collective bargaining agreements, with all incentives included.

It is disingenuous for the City to use W2 figures to illustrate the cost to the City of firefighters' earnings. Much of the overtime resulted from the Unions' success in obtaining state and federal funding for 40 hours of training per course in advanced skills. Most members took

advantage of that opportunity, and the City was reimbursed for those overtime costs. That reimbursement does not show up on W2s. Furthermore, some of the earnings shown are anomalies, such as the figures for Captains Collins (\$127,000) and Marvin (\$114,000), which include severance payments.

***CITY'S PROPOSAL and POSITION:<sup>2</sup>***

COLA effective on the date of City Council approval, and an additional COLA on each July 1 thereafter during the remaining term of the Agreements [in effect, one more COLA on July 1, 2013].

While Union members have not received COLAs during the lengthy status quo period, they have continued to reap the benefits of existing overtime practices. Almost every member's W-2 wages increased dramatically from 2008 to 2012 because of overtime. Having chosen to remain at status quo to protect their overtime compensation, the Union cannot now recoup the COLAs they decided to forego.

The Union's wage information does not reflect the membership's actual earnings. In addition to base hourly wages, the City pays educational stipends as high as 4%; stipends of 2% for Boat Operators, Hazardous Materials

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<sup>2</sup> The City did not submit a list or copies of its proposals, so it is not possible to reproduce the City's exact language. I have phrased the proposals as I understand them from the hearing and the City's briefs.

Technicians, and Shipboard Firefighter Technicians; and 3.5% for Engineers. In the aggregate, these add as much as 13.5% to base salary. Moreover, they are included in calculating overtime rates.

Thus, even with no COLAs since 2008, the firefighters and fire officers have more than kept pace with their peers in New Hampshire:

**Average W-2 Wage Comparison – 2011**

	Fire Captain	Fire Lieutenant	Firefighter
Dover	\$ 91,751	\$90,705	\$59,735
<b>Portsmouth</b>	<b>\$116,278</b>	<b>\$89,077</b>	<b>\$63,024</b>
Nashua	\$ 96,787	\$84,796	\$68,916
Hampton	\$ 84,266	\$88,491	\$51,784
Exeter		\$89,963	\$61,113
Durham	\$ 80,417		\$62,107
Rochester	\$ 71,123	\$63,590	\$46,261

Even without taking overtime into account, almost all of the Union's members have outpaced their peers by virtue of the stipends:

**Hourly Wage Ranges in Comparable Towns**

Town	Firefighter EMT-I	Firefighter Paramedic	Fire Lieutenant	Fire Captain
<i>Similar population size (15,000 – 24,999):</i>				
Bedford	18.77 – 26.02	20.34 – 26.75	24.85 – 32.33	28.48 – 34.35
Goffstown	19.21 – 27.69	19.71 – 28.19	20.03 – 29.56†	53,701 – 77,637
Hudson	14.58 – 20.57	14.78 – 22.19	20.95 – 25.06	68,095 – 80,091
Keene	23.56 – 28.65*	23.56 – 28.65**	26.13 – 33.50	29.82 – 38.23
Laconia	16.40 – 21.40	17.22 – 22.45	17.95††	17.95††
Londonderry		20.47 – 26.96	24.72 – 32.41	74,463
Millford				19.37 – 30.47
<b>PORTSMOUTH</b>	<b>17.24 – 25.93</b>	<b>18.08 – 26.58</b>	<b>24.79 – 32.15</b>	<b>28.81 – 36.76</b>
<i>Other:</i>				
Dover (25,000+)	17.01 – 24.08	18.75 – 26.55	21.71 – 30.74	23.93 – 33.89
Durham (10-15,000)	18.89 – 24.22	19.86 – 25.39		28.72 – 29.30
Exeter (14,000)	20.52 – 27.95	22.57 – 30.74	27.60 – 32.92	
Hampton (10-15,000)	18.02 – 22.99	18.02 – 22.99	29.79	31.28
Rochester (29,900)			23.67	23.37 – 26.24

\*Plus 13.65/wk

\*\*Plus \$35/wk.

†Plus \$1/hr for EMT

††Plus attendance stipend

**B. STEPS**

Current Contract Language

**Firefighters  
July 1, 2007 - June 30, 2008**

Step		
A	Start of Probation Period	\$36,562
B	End of Probation - 12 Mos.	\$38,573
C	End of 24 Mos.	\$40,694
D	After One Additional Year - 36 Mos.	\$42,932
E	After One Additional Year - 48 Mos.	\$45,293
F	After 5 Years - 60 Mos.	\$47,786

**Fire Officers  
June 1, 2007 - June 30, 2008  
2.06%**

Step	Lieutenant
A	\$52,564
B	\$54,489
C	\$57,784
	Captain
D	\$61,085
E	\$63,527
F	\$66,069

**UNIONS' PROPOSALS AND POSITION:**

**Firefighters:** Effective July 1, 2012, a new eight-year step at 3.75% above sixty months will be added to the wage scale. Effective July 1, 2013 a fifteen-year step at 3.0% above the prior step will be added to the wage scale.

**Fire Officers:** Step C and D to Lieutenant, and Step G and H to Captain. Step D at 3.75% above Step C will be added to the wage scale effective July 1, 2012. Step G at 3.5% above Step F. Effective July 1, 2013

The proposed steps would allow firefighters to regain some of their competitive relationship with other City departments, and also help make up for the City's prolonged

refusal to reach a contract. The City agreed to add steps to the Police Patrolmen's agreement. That the Patrolmen relinquished an arbitrator's award is irrelevant to these negotiations.

The City's anxiety over the impending increase in its retirement contributions is a red herring. The City enjoyed artificially low contribution rates for fifteen years, while it grossly underfunded the system. It now wants the Unions to redress this self-inflicted wound.

***CITY'S POSITION:***

There is no justification for adding steps to these wage scales. The ramifications go beyond wages. The City's contributions to the New Hampshire retirement system are already facing an increase from 20% to 27.85% over the next two years. Added steps will only exacerbate this.

The Police Patrolmen's agreement is not an appropriate comparison. The Patrolmen secured economic benefits by agreeing not to proceed with the remedy phase of a significant arbitration. Contrary to the Unions' assertion at the hearing, no eighth-year salary step was added to the Police Patrolmen's agreement, and no steps at all were added to the Police Ranking Officers' agreement.

Issue 2  
HEALTH INSURANCE

Current Contract Language  
*(Identical in both Agreements)*

Effective July 1, 2004 the employee's cost will be seventeen percent (17%) of the premium and the City will pay eighty-three percent (83%). Effective July 1, 2005 the employee's cost will be eighteen percent (18%) of the premium and the City will pay eighty-two percent (82%). On July 1 of 2004, 2005, 2006 and 2007, the dollar amount of the increase in the health insurance premium paid by any employee shall not exceed the dollar increase generated by the COLA adjustment at Step 2 of the Fire Fighters' wage scale. If this agreement expires on June 30, 2008 without a successor agreement in place, the employees' contribution to the health insurance premium shall be the same percentage as applied during 2007-08. ...

Each fire fighter shall have the option of choosing between Blue Cross/Blue Shield Comp 100 with a Managed Care rider, Blue Choice One, or Matthew Thornton. ... The City may at its option provide equal and comparable coverage to Blue Cross/Blue Shield Comp 100 with a Managed Care rider, Blue Choice or Matthew Thornton plans. ...

**UNIONS' PROPOSAL AND POSITION:**

Employee contribution to Comp 100 and Blue Choice will increase from 18% to 19% effective July 1, 2011, and from 19% to 20% effective July 1, 2012.

Employee contribution to Matthew Thornton will increase from 14.5% to 15% effective July 1, 2011, and from 15% to 15.5% effective July 1, 2012.

The City may offer two (2) new plans other than Blue Choice or Matthew Thornton with a five dollar (\$5.00) copay for office visits, twenty-five dollars (\$25.00) for emergency room visits, and 10/20/45 for prescriptions.

The parties have tentatively agreed that the Unions will serve on the City-wide committee to study health insurance options.

The Unions have already agreed twice to increased premium contributions. The City's revival of its proposal to change to the SchoolCare Plan, which it dropped long ago, is a complete surprise. Arbitrator Cochran's report does not mention this proposal, nor was it included in the June 2009 tentative agreement.

The Union opposes SchoolCare because several firefighters have family members who take certain pharmaceuticals known as biologics. These are among the most expensive drugs, costing tens of thousands of dollars per year. Unlike the current plans, SchoolCare does not cover biologics, so these bargaining unit members would face bankruptcy.

***CITY'S PROPOSAL AND POSITION:***

Employees to have the following options for health insurance coverage:

Matthew Thornton plan, with employees paying 16% of the premium.

SchoolCare plan, with employees paying 14% of the premium.<sup>3</sup>

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<sup>3</sup> Information about these health insurance plans is not in evidence. SchoolCare is a plan offered by the New Hampshire School Health Care Coalition, a joint labor-management enterprise initiated in 1995 by New Hampshire NEA. The City currently provides SchoolCare to certain management employees.



Since 2008, the Unions have enjoyed more favorable health insurance benefits than other City employees. Civilian police employees, Ranking Police Officers, Public Works employees and all school employees pay 20% of the premium for Blue Choice One or Comp 100, and 15.5% for Matthew Thornton. The Police Patrolmen currently pay 19% for the two Blue Cross options and 15% for Matthew Thornton, but effective July 1, 2013 their contribution will be the same as all other City employees.

During the upcoming negotiations with its other unions, the City will seek further adjustments in the contribution ratio, and will also propose SchoolCare as an option. There is no basis for the Union's categorical rejection of SchoolCare. A SchoolCare representative has assured the City that the plan will cover biologics if pre-authorization is obtained, whether as part of approved inpatient treatment or on an outpatient basis.

## CITY'S PROPOSALS

### Issues 3: Earned Time

### Issue 4: Overtime

### Current Contract Language

#### SECTION VI

#### *(Firefighters' Agreement)*

**A. Hours of Duty:** ... The 42-hour (average) workweek shall consist of 14, ten (10) hour day shifts and 14, fourteen-hour night shifts over an eight (8) week

cycle per schedule in effect. The starting times being 7:30AM and 5:30PM ...

**B. Emergencies:** All members of the Fire Department shall be subject to recall for emergencies at the discretion of the Chief of the Department or his assistant and the members of Unions shall be paid the rate of pay equal to one and one-half (1½) times their usual hourly rate for all hours worked under such emergency conditions. In the event that a firefighter covered by this Agreement works less than four (4) hours in response to such emergency, he/she shall be paid for four (4) hours at such overtime rate.

An employee who is recalled for non-emergency reasons after hours shall be paid a minimum of four (4) hours at one and one-half (1½) times their rate of pay, providing that if such employee's regular duty commences within for four (4) [sic] hour block, he/she will be paid at the overtime rate for only the time before regular duty. Once on regular duty, his/her normal rate of pay shall apply.

**SECTION VII**  
**Hours of Work and Overtime**  
***[Fire Officers' Agreement]***

- A. The work week of a bargaining unit member shall be an average of a 42 hour work week consisting of fourteen (14) ten-hour day shifts and fourteen (14) fourteen-hour night shifts over an eight-week work cycle...
- B. Non-bargaining unit members may work overtime only on condition that members of the bargaining unit are not available.
- C. Any bargaining unit member who shall perform duties of a higher rank for more than four (4) consecutive shifts, shall be paid at the higher rate of pay while performing such duty...
- D. At least one (1) Captain or Lieutenant will be assigned to each station per shift.

**SECTION VII**  
***[Firefighters' Agreement;***

***Fire Officers' language is substantially identical]***

**A. Vacation:** ... Effective January 1, 2004, any accrued but unused vacation days within applicable limits shall be converted to Earned Time days on a one-to-one basis and thereafter shall be governed by the Earned Time provisions of this Agreement. ...

**B. Sick Leave:** ..... Effective January 1, 2004, any accrued but unused sick leave within applicable limits shall be converted to Disability Bank days on a one-to-one basis and thereafter shall be governed by the Earned Time provisions of this Agreement. ...

**C. Earned Time:** It is the intent of this policy to explain the provisions and conditions of the Earned Time Program. The program has been created to provide, as equitably as possible, paid time off, to be used at the employee's discretion, while protecting an allotment of time for disability, hospitalization or injury.

Earned time is a combination of vacation and personal absence days. A separate account per year is accumulated for disability time (seven days per year).

Earned Time is an alternative approach to the traditional manner of converting absences for vacation, sick leave, interim disability, maternity leave, by combining all these plans into one program. Instead of dividing benefits into a specific number of days for each benefit, Earned Time puts these days together into a single benefit. The exact amount of Earned Time accrued each year will depend on the years of service with the Portsmouth Fire Department.

Effective the date of this policy, employee's vacation time will be converted to earned time. Employee's sick time balance will be converted to the Disability Bank. Effective on the date of this policy, employees will begin accruing earned time based on the following schedule:

YEARS OF SERVICE	VACATION	SICK	ACCRUAL RATE - TOTAL EARNED TIME	DISABILITY BANK	TOTAL COMBINED
1 - 5 yrs. incl.	10	7	17 (1.417 days/month)	7	24
6 yrs. incl.	11	7	18 (1.5 days/month)	7	25
7 yrs. incl.	12	7	19 (1.583 days/month)	7	26
8 yrs. incl.	13	7	20 (1.667 days/month)	7	27

9 yrs. incl.	14	7	21 (1.75 days/month)	7	28
10 yrs. incl.	15	7	22 (1.833 days/month)	7	29
11 yrs. incl.	16	7	23 (1.917 days/month)	7	30
12 yrs. incl.	16	7	23 (1.917 days/month)	7	30
13 yrs. incl.	17	7	24 (2 days/month)	7	31
14 yrs. incl.	17	7	24 (2 days/month)	7	31
15 yrs. incl.	18	7	25 (2.083 days/month)	7	32
16 yrs. incl.	18	7	25 (2.083 days/month)	7	32
17 yrs. incl.	19	7	26 (2.167 days/month)	7	33
18 yrs. incl.	19	7	26 (2.167 days/month)	7	33
19 yrs. incl.	20	7	27 (2.25 days/month)	7	34
20 yrs. incl.	21	7	28 (2.33 days/month)	7	35
25 yrs. incl.	22	7	29 (2.46 days/month)	7	36

All absences from regularly scheduled work will be charged to an employee's Earned Time. Exceptions are:

1. Administrative Leave
2. Unpaid leaves of absence
3. After absence due to personal illness/injury for more than three consecutive working days an employee may use his/her Disability Bank, if available.
4. Emergency Leave
5. Military Leave
6. Worker's Compensation
7. Disciplinary Suspension ...

Accumulated Earned Time may be used for personal illness or accident, immediate family illness or accident, or compelling personal reasons.

All Earned Time payments are computed at the employee's current base rate. ...

#### Unused Earned Time Carryover

Employees are allowed to accumulate up to a maximum of 60 earned time days as of January 1<sup>st</sup> of any calendar year. Any days over the 60 day limit but no more than ten (10) in a year may be cashed out at fifty percent (50%) or deposited to the Disability Bank. ...

#### Disability Bank

... The Disability Bank hours are to be used for extended illness, injury, disability related to pregnancy, or hospitalization only. Usage of the Disability Bank commences with the 4<sup>th</sup> consecutive day of absence from work due to illness or injury. ...

**CITY'S PROPOSALS AND POSITIONS:**

- A. Earned time taken without prior approval will not count toward hours worked for purposes of determining overtime eligibility.
- B. Limit earned-time status to one fire officer and two firefighters at the same time.
- C. Delete contractual provisions allowing use of earned time in one-half and one-third day increments.
- D. Eliminate current staffing requirement of at least one fire officer at each station on each shift.
- E. Pay the first four hours worked outside the employee's regular schedule at straight-time rate.
- F. Pay recall minimums that overlap with an employee's regular shift at straight time.
- G. Expressly prohibit the compounding/pyramiding of compensation.
- H. Reduce the rate at which Union members accrue earned time by 20%.

In calendar years 2009 through 2012, Union members routinely received tens of thousands of dollars in overtime compensation, in some cases exceeding 50% of their base wages. Some overtime is inherent in fire service, but much of the Department's overtime results from contract provisions that limit the City's control over the use of leave time, including earned time.<sup>4</sup>

In 2012, an average of 4.46 of the 14 firefighters on each shift were on some type of leave. In FY11, the City

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<sup>4</sup> Earned time does not include disability, Union leave, funeral leave, jury duty, and administrative leave.

paid \$405,839, 6% of the Department's total budget, just to cover overtime. In FY12, that rose to \$454,508 or 6.5%.

The 2006 study of the City's overtime costs by Matrix Consulting Group supports the City's proposal for overtime reform. Matrix recommended excluding leave time from hours worked for the purpose of triggering overtime, and noted that the City provided relatively generous vacation and sick leave. Accordingly, the City initially proposed excluding leave time from the computation of hours worked. That proposal evolved to include the others listed above. The City has offered a menu of different proposals to reduce overtime, and repeatedly made it clear that it will not support an agreement that does not address this issue. Yet the Unions have flatly rejected all proposals for overtime reform.

The Unions cannot complain about their prior agreement to the earned time program because, in exchange, they received significant increases in compensation and benefits, including annual COLAs of 2% - 5%; increases in officers' salary schedules, and increases in stipends.

**Proposals A, B, C.** The City's modest earned-time proposals do not materially affect the earned-time benefit itself. Proposal A merely provides an incentive for Union members to provide advance notice of their intent to use

earned time, which will enable more prudent staffing decisions. Proposals B and C similarly permit the City to make more informed staffing decisions, without materially affecting the earned-time benefit.

**Proposal D.** It is unnecessary for effective operations to have an officer at each station. In some situations, temporary service out of rank may be more efficient, provided it is not automatically at overtime rates.

**Proposals E, F, G.** Over the years, the Unions have secured overtime far in excess of what the Fair Labor Standards Act requires. They currently receive overtime for all hours worked outside their regular schedule. In the context of this broad overtime entitlement, the economic concessions of these proposals are relatively minor.

**Proposal H.** Union members have the highest proportion of paid days off in the City, largely because they work only 180 days, yet receive a comparable number of paid days off.<sup>5</sup> Reducing earned-time accrual by 20% would bring these Unions in line with the others. Proposal H is a

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<sup>5</sup> For example, firefighters work 180 "days" (i.e., shifts) and receive 36 paid days off (20%). Police officers work 260 days and receive 47 paid days off, or 18.08%. The City's proposal would reduce the firefighters' paid days off to 30 (16.67%).

last-ditch effort to reduce overtime, which the City would concede if overtime reform can be accomplished by other means.

**UNIONS' POSITION:**

During the 2002 negotiations, the City informed the Unions that it would be negotiating the earned time system with all the City unions. As it turned out, only these Unions agreed to the system, and they have been requesting to return to the traditional system ever since.

The City "sold" the earned-time system by stating that employees could use the time as they wished. But since then, the City has repeatedly tried to limit the amount and accrual of earned time. It now proposes to reduce earned time by 20%. The Unions will not consider any limitation unless the City agrees to return to the traditional system that all other employees enjoy.

In the 2009 tentative agreement, the Unions agreed to minor changes in overtime calculation. That willingness changed in January 2012, when the City revealed that it saved over \$1.8 million through the earned-time system. Presumably that amount has only increased since then. The \$400,000 that the Patrolmen gave up by withdrawing their arbitration pales in comparison.



Instead of accepting the Matrix recommendation to increase staffing, the City has sought to victimize Union members by diluting the value of overtime. While it is true that firefighter members work more overtime than other City employees, the fire service cannot fairly be compared to other municipal services. The Department must fill x positions on each and every shift to minimally staff fire and rescue apparatus. Furthermore, unlike other City employees, when firefighters work overtime, it is almost always in increments of ten or fourteen hours, after a 42-hour workweek. Firefighters are entitled to compensation for this burden. Matrix itself found that the average of the very highest overtime earners was one extra shift per week, which "d[id] not seem an unreasonably high level of overtime given the firefighter work schedule." Matrix Report at 66. Finally, not all overtime is paid for shift coverage. Some is for professional development, meetings, and classes for the START Hazmat team.

The purpose of guaranteed callback hours is to compensate for the tremendous inconvenience of interrupting an employee's personal life. The rapid response of off-duty firefighters to emergencies is critical. For employees called back when they are approaching the start

of their next shift, the City's proposal creates a disincentive to respond.

Allowing senior firefighters to fill in for lieutenants will realize minimal savings, since the difference in pay is small. Having chief officer staff fill in for overtime is also a losing proposition, essentially creating an incredibly expensive floater system. With the exception of the Deputy Chief, none of the chief staff has been a captain or engine lieutenant in a department larger than a single-engine response. Furthermore, under the Department's existing command structure, command staff must be available to conduct operations outside the buildings during incidents, not inside the buildings.

#### **IV. OPINION AND RECOMMENDATIONS**

##### **A. Overtime**

One of the primary issues dividing the parties is overtime. The City has had the goal of reining in overtime expenditures since at least 2006, when it contracted with the Matrix Consulting Group to conduct a study of its overtime costs. The Matrix report showed that in FY04 and 05, overtime costs for fire personnel were about 25% of the

Fire Department's salary costs, well in excess of any other City department.<sup>6</sup>

It must be emphasized that these overtime costs are not owing to any fault of the firefighters or fire officers. They are a function of the level of services that the City chooses to provide. The City has determined that a minimum of fourteen fire personnel per shift is necessary to maintain fire safety in Portsmouth. Staffing cannot fall below that level without endangering the public and the firefighters themselves. If a firefighter's absence brings shift staffing below fourteen, that individual must be replaced by calling in another firefighter on overtime.

The City's consultant pointed this out in its 2006 report:

The Fire Department, with City approval, operates its shifts of emergency personnel with a minimum staff of staff of 13 fire officers and firefighters on the day shift ... and 14 personnel ... on the night shift. During weekdays two to three Chief Fire ... Whenever the number of personnel drops below the minimum staffing requirement, personnel are called back on overtime to fill the gap. Fire departments can either (1) hire and assign more personnel to each duty shift to meet minimum staff requirements or (2) hire off-duty personnel back on overtime to fill vacancies (or some combination of approaches).

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<sup>6</sup>The next highest was the Police Department, where overtime costs were 14% of salary. Matrix's figures were for the entire department, without differentiating between uniformed and civilian personnel.

Portsmouth relies primarily on the latter approach. Matrix Report, Union Ex. 20 at 57.

Matrix's report and recommendations appear to have provided the basic framework for the City's current proposals, with one notable exception: Matrix's recommendation to hire additional fire personnel. The report stated:

Recommendation: The City should consider increasing the number of authorized and budgeted firefighters on each shift from 14, the current level, to 15. This will require the budgeting of four additional personnel. While this will not eliminate all of the Department's overtime it would reduce it significantly. ... Using an average cost of \$57,000 per new hire, it would cost the City approximately \$228,000 to add four personnel at the firefighter level, but would eliminate approximately the same amount of overtime.

The City decided against adopting this recommendation. Instead, it has approached the issue from a different angle and proposes to limit paid leave time. Three of its overtime proposals aim at that result: to limit the use of earned time to one fire officer and two firefighters at any one time; to preclude using earned time in increments of a half-day or less; and to reduce earned time by 20%. The City's reasoning is that if there is less paid leave, then there will be fewer absences, thus reducing the need to call in firefighters on overtime.

The problem with this approach is that it clashes with two realities. The first is that in the parties' last round of bargaining, the Union agreed to a wholesale revision of the paid leave provisions of the Agreement. It is undisputed that the new earned-time system has saved the City a substantial amount of money. The Union asserts, without dispute, that one of the City's selling points for the new system was that it would give fire personnel more freedom to use paid leave time to accommodate individual personal needs. The City's current proposals to limit the use of earned time are inconsistent with that expressed intent.

Additionally, there is the circumstance of the City's prosperity. It is unusual in a factfinding procedure in this economic period to encounter a municipality with a strong economy, low unemployment, a stable tax base, relatively high per-capita income, and a substantial surplus in its reserves. The City must be congratulated on its prudent and far-sighted management. However, it is uphill work to justify givebacks in this type of economic environment, and many of the City's overtime proposals do amount to givebacks of benefits that were attained over years of negotiations.

The City's argument that Union members have the highest proportion of paid days off in the City compares apples and oranges. It is true that firefighters work 180 "days" per year, while receiving roughly the same number of paid days off as other City workers. But unlike any other City workers, a firefighter's "work day" is ten or fourteen hours long, not the typical eight-hour day. Even working fewer days, their average workweek is 42 hours long, longer than the typical employee's 40 hours or less workweek. Their allotment of paid leave is therefore consistent with that of other City employees, who work shorter days and weeks.

All of this might seem to counsel in favor of recommending against all of the City's overtime proposals. But as a practical matter, that would be a mistake. The parties have been bargaining for five years. I am their second factfinder. My paramount responsibility as factfinder is to break the deadlock and advance the resolution process. This is unlikely to occur unless the City's dissatisfaction with overtime is accommodated among the disputed issues.

I therefore recommend the following City proposals:

Proposal A. Earned time taken without prior approval will not count toward hours worked for purposes of

determining overtime eligibility, *except in unforeseeable circumstances, such as sudden illness.*

This is a purely procedural requirement that does not diminish the earned time of fire personnel. Even if the firefighter does not secure prior approval, he does not lose the earned time; the consequence is that overtime becomes less available. Since the parties agreed to a provision of this sort in the Tentative Agreement, there is reason to believe that it will be palatable again.

I further recommend an exception for circumstances that make prior approval impossible.

Proposal D. Eliminate current staffing requirement of at least one fire officer at each station on each shift.

This proposal would reduce the overtime available to fire officers, to some extent, because it would allow the City to replace an absent fire officer with a less costly firefighter, but the impact would not be major.

There is reason to believe that a number of firefighters are qualified to replace an officer. Section IV(J) (3), "Working Out of Classification," provides: "Whenever possible only those firefighters whose names are on the Officers Eligibility List shall be designated to temporarily fill an officer assignment." Furthermore, Firefighters in the Engineer classification are

"responsible for having knowledge of fire ground operations and procedures, and [shall] perform the position of an officer in charge within the incident command structure in the absence of a senior fire officer." Article XIII(D).

Proposal F. Pay recall minimums that overlap with an employee's regular shift at straight time.

Currently, the Agreement draws a distinction between recalls for emergencies and non-emergencies. In an emergency, a recalled firefighter is entitled to four hours of recall overtime even if some of that time overlaps his regular shift. In non-emergencies, the overtime switches to regular pay as soon as the shift begins. I see no particular practical reason for the different treatment.

Having emergency recalls treated the same as non-emergency recalls will allow the City to realize savings on overtime, while having a measured but reasonable impact on firefighters and fire officers. Given the strong ethic and culture of firefighters regarding responding to emergencies, I do not believe that this will function as a disincentive to do so.

I recommend against Proposals B and C.

Limiting earned time to one fire officer and two firefighters on a shift is so restrictive that it amounts to a reduction in earned time. It may also be



impracticable, or even punitive, when two firefighters on a shift are ill (since disability time is not available until the fourth day of sickness.

Proposal C unduly restricts the use of earned time and directly conflicts with the City's assurances that the earned-time system would give fire personnel more flexibility in their use of leave time. One of the benefits of an earned-time system is that parents are able to use leave time to take care of their children. If there are two working parents in a firefighter's family, one can easily envision situations where the firefighter uses part of a shift to tag-team with his or her spouse to care for a sick child. The City's proposal would make this impossible.

Proposal E is contrary to the basic concept of overtime in a unionized environment. While it is true that under federal law, overtime only begins after 40 hours in a work week, in a unionized environment that has been regarded for decades as only a starting point. Particularly where individuals work long shifts, as fire personnel do, it is the norm to have overtime entitlement begin at the end of the scheduled shift. There is no compelling reason to deviate from that convention in this case.

I do not recommend Proposal F because the terms "pyramiding" and "compounding" of overtime are ambiguous, leaving uncertainty as to impact.

Proposal G would be a severe reduction in earned time and cannot be recommended.

## **B. Wages**

### **(1) COLA**

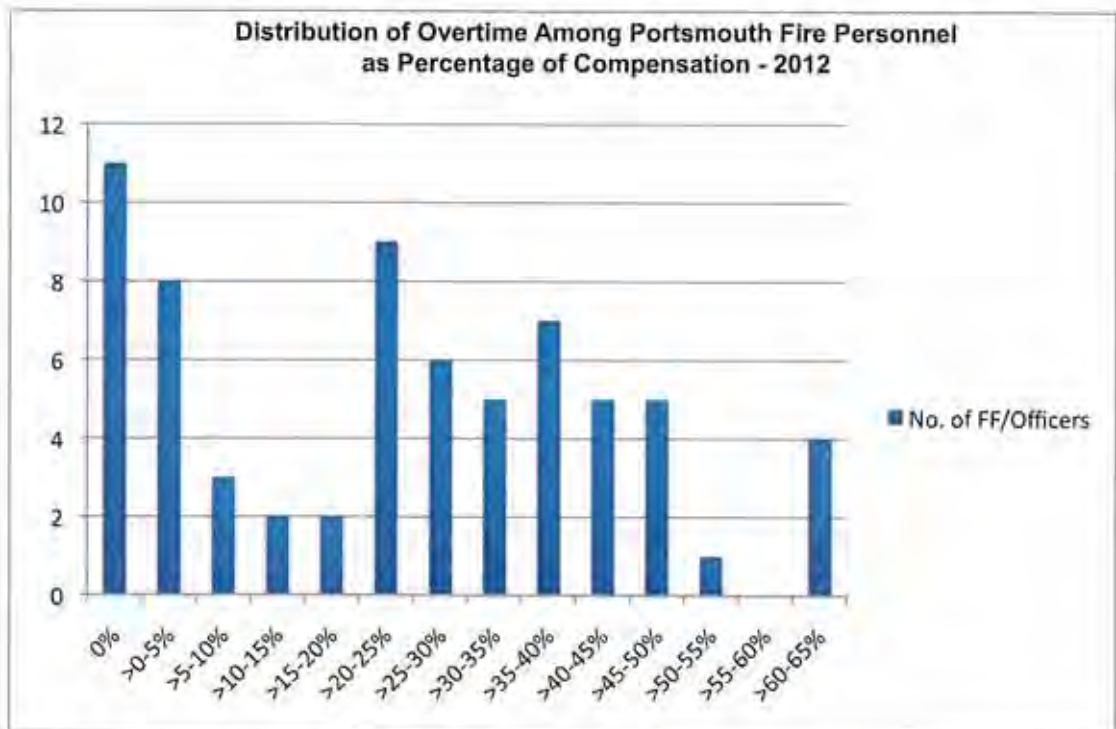
The parties agree on the method of calculating the COLA, but disagree on when the COLA will take effect. The firefighters argue for a COLA to take effect on July 1, 2011, and every July 1 thereafter until the expiration of the Agreement, with retroactivity to those dates. The City proposes that the COLA to become effective on the date City Council approves of the Agreement, with no retroactivity. Conceivably, this could mean no COLA at all during the life of the six year, 2008-14 Agreements. That is untenable.

I recommend the Union's COLA proposal. In my opinion, that proposal is fair, reasonable, and objectively appropriate. The Unions are willing to forego a COLA in the first three years of the Agreement, a significant and highly unusual concession. In my many years of experience as a mediator, fact-finder, and interest arbitrator, unions are extremely reluctant to accept even a single year of zero increases because of the long-term, irrecoverable

depressing effect on wages. They do so only when they believe the employer is in dire financial straits. I do not recall any other instance of a Union accepting three consecutive zero increases when the employer is prospering.

I am unconvinced by the City's argument that fire personnel have made substantial advances in salary over the last four years, despite receiving no COLAs, because of their overtime earnings. From 2009 through 2012, the overall average of overtime as a percentage of total compensation indeed increased from 16.5% to 26.9%. But fire personnel had to work additional hours for that increase - in some cases, a great many extra hours. A COLA is generally understood to mean an increase in salary for the same number of hours of work.

Furthermore, the averages do not tell the whole story. As is typical in public safety departments, overtime is not evenly distributed. Partly because of seniority and partly by choice, some fire personnel work a great deal of overtime, while others work little or none. In 2012, the distribution of overtime in both bargaining units looked something like this:



A COLA is generally understood as an across-the-board increase for everyone in the bargaining unit. An elective 50% increase for some and a zero for others is not the equivalent of a COLA.

Finally, I disagree with the City's contention that the salaries of Portsmouth fire personnel rank at or near the top among comparable towns. The City's own data, albeit somewhat ambiguous,<sup>7</sup> shows Portsmouth ranked fourth among six towns with similar populations: Bedford, Goffstown (with a department partly composed of call

<sup>7</sup> City Ex. 4 is undated, and is apparently based on the self-reporting of various New Hampshire towns. The wages are expressed as hourly figures, and it is not clear what items of compensation the towns included in those figures.

firefighters), Hudson, Keene, Laconia, and Portsmouth. It also shows Portsmouth lagging behind the neighboring towns of Durham, Exeter, and Hampton. According to my own calculation, the Unions' COLA proposals will place Portsmouth fourth or fifth in the middle of a ranking of nine comparable towns, the other eight being Exeter, Seabrook, Hampton, Durham, Hanover, Somersworth, Rochester and Rye.<sup>6</sup>

I cannot recommend the Unions' proposal to "delete COLA equity clause" because it is unclear which language this referred to.

## **(2) Steps**

For firefighters, I recommend a new fifteen-year step H which is 3.75% above step G. For fire officers, I recommend the same, a fifteen-year step at 3.75% above the previous step. Both of these steps will take effect on July 1, 2013, and will be paid retroactively.

The City opposes the addition of any steps, but the addition of one step after many years is a modest

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<sup>6</sup> I base this calculation on Union Ex 21, which ranks the towns by the minimum base salary for an EMT-B, according to those towns' most recent collective bargaining agreements with fire personnel. Since none of the figures are dated, I have assumed all salaries to be as of the date of this decision. I have further assumed an annual COLA of 2.5%, with an effective date and retroactivity as stated in the Unions' proposals.

improvement for career fire personnel, and will help to mitigate the long-term impact of three years without a COLA.

### **C. Health Insurance**

One of the parties' most significant disputes is over the City's proposal to substitute the SchoolCare plan for the current Comp 100 and Blue Choice offerings. I do not recommend this proposal because its specifics are unclear. There is no summary of SchoolCare, nor any benefit-by-benefit comparison to the plans it would replace.

One of the Union's primary concerns is whether School Care covers biological pharmaceuticals, which are needed by some firefighters' family members. With its reply brief, the City provided an email exchange on this subject between its Director of Human Resources and Jeff Kantorowski, a SchoolCare representative. At one point Kantorowski stated, "Yes, biologics are covered," but later noted that the drugs "require[] authorization due to the nature and cost of the pharmaceuticals." This response is not likely to reassure the Unions as to the acceptability of SchoolCare to its membership.

The Unions are willing to increase employees' share of the premium for Comp 100 and Blue Choice to 19% effective July 1, 2011, and 20% effective July 1, 2012. For Matthew

Thornton, it proposes an increase to 15% effective July 1, 2011 and 15.5% effective July 1, 2012. The City proposes a 16% share for Matthew Thornton. I recommend the Union's proposal, with the addition of an increase in the share of the Matthew Thornton premium to 16% effective July 1, 2013, as proposed by the City.

The Unions also propose that the City may offer two new health plans, provided that the copays are at certain levels. I do not recommend this aspect of the proposal because the Unions offered insufficient support.

## **V. SUMMARY OF RECOMMENDATIONS**

### **Overtime**

I recommend the following City proposals:

- Earned time taken without prior approval will not count toward hours worked for purposes of determining overtime eligibility, *except in unforeseeable circumstances, such as sudden illness.*
- The current staffing requirement of at least one fire officer at each station on each shift will be eliminated.
- Recall hours that overlap with an employee's regular shift will be paid at straight time, whether the recall is for emergency or non-emergency circumstances

I recommend against the following City proposals:

- Limit earned time to one fire officer and two firefighters per shift
- Prohibit the use of earned time in one-half and one-third day increments.
- Pay the first four hours worked outside the employee's regular schedule at straight time.

- Prohibit compounding and pyramiding of overtime.
- Reduce the rate at which Union members accrue earned time by 20%.

### **Wages**

I recommend the Union's COLA proposal for no COLA in FY09, 10 or 11. A COLA using the parties' agreed-upon method of calculation will take effect on July 1 of each year: 2011, 2012, and 2013. The COLAs will be paid retroactively.

I recommend a new fifteen-year step H for firefighters which is 3.75% above step G, and a new fifteen-year step for fire officers at 3.75% above the current last step. Both new steps will take effect on July 1, 2013, and will be paid retroactively.

### **Health Insurance**

I recommend against the implementation of the SchoolCare plan.

I recommend the Unions' proposal for an increase in the employees' share of the premium for Comp 100 and Blue Choice to 19% effective July 1, 2011, and 20% effective July 1, 2012. For Matthew Thornton, I recommend an increase to 15% effective July 1, 2011, 15.5% effective July 1, 2012, and 16% effective July 1, 2013.



I do not recommend the Union's proposal that the City may offer two new health plans, provided that the copays are at certain levels.

- + -

In this report I have endeavored to bring the objectivity of a neutral, professional observer and practitioner in the field of labor relations in New Hampshire and New England. I encourage each side to consider the value of voluntary resolution of a new collective bargaining agreement through the recommended compromise. Finally, my fervent desire is that this report can serve as a basis for resolution of new contracts. I thank the parties for their professional courtesies.



---

Michael C. Ryan  
Arbitrator  
May 2, 2013

### **Section 6.1306: PROHIBITED CONDUCT - SIDEWALK VENDORS**

In addition to the conduct prohibited by Section 6.1305, a vendor selling from a stand on the sidewalk shall not:

- A. Vend at any location where the unobstructed sidewalk area after deducting the area occupied by the stand is less than three (3) feet in width;
- B. Vend within thirty (30) feet of any driveway entrance to a police or fire station, or within ten (10) feet of any other driveway;
- C. Allow the stand or any other item relating to the operation of the vending business to lean against or hang from any building or other structure lawfully placed on public property, without the owner's written permission.

### **Section 6.1307: PROHIBITED CONDUCT - VENDOR FROM MOTOR VEHICLE**

In addition to the conduct prohibited by Section 6.1305 a vendor selling from a motor vehicle shall not:

- A. Conduct his motorized business in such a way as would restrict or interfere with the ingress or egress of the abutting property owner or tenant, or create or become a public nuisance, increase traffic congestion or delay, or constitute a hazard to traffic, life or property, or an obstruction to adequate access to fire, police, or sanitation vehicles;
- B. Stop, stand, or park his vehicle upon any street, or permit it to remain there except on the roadway at the curb for the purpose of vending therefrom;
- C. Stop, stand, or park his vehicle upon any street for the purpose of selling or sell on any street under any circumstances during the hours when parking, or stopping or standing has been prohibited or is prohibited by statute by signs or curb markings or Ordinance;
- D. Vend from a municipal parking space except from those locations, not to exceed more than three (3) locations, identified for vending by the Parking Committee and ratified by the City Council through the acceptance of the Parking Committee's minutes and subject to the following limitations: (Amended 02/16/2010)

The vending spaces shall be available from April 15 – November 15 of each year.

In order to utilize such spaces, vendor must be the highest qualified bidder for use of such vending space, agreeing to all terms and conditions of the bid.

The Parking Committee shall be responsible for preparing annually a bid document in coordination with other municipal departments, including the purchasing and legal departments.

There shall be a minimum bid price of \$5,000.00 or such minimum bid price as may be established in accord with Chapter 1, Article XVI relative to the adoption of fees by City Council budget resolution.

To: City Manager  
Portsmouth, NH

6/7/13

From: Michael Prete / Matthew Greco  
The Kitchen on Islington Street  
Sandwich Kings Food Truck



Re: Food Truck Vending from Downtown Portsmouth

Hello,

My name is Michael Prete. My business partner, Matthew Greco and I are looking to take advantage of the mobile vending opportunity in downtown Portsmouth.

We currently have a licensed food truck here in Portsmouth operating in a catering capacity and visiting local businesses. We differ from your typical vending truck as our truck has a full service kitchen inside. All the food is made to order and fresh. It allows us the capability of continuing the quality of foods we prepare and serve at our restaurant on Islington Street.

The menu for lunch would consist of Sandwiches of a few variations, much like the items on our menu.

The menu towards evening would be the same but include a couple hot type dinner items.

We would serve all of this on compostable paper, plates/bowls and we would supply a garbage that we dispose of. We have nothing that would impact the sidewalks or road. Shelves are built into the truck and the window acts a small canopy. The truck is the size of a small UPS truck so there wouldn't be any obstruction as far as parking.

After a few conversations, we are asking to pro-rate the \$5,000.00 fee for the season and break it out into those months in payment form.

We would also like to sell from both locations that are available. We feel one spot is great for day, while the other is geared towards evening. We know this would change when another vendor enters the equation.

Thank you very much for this opportunity. With the limitations and issues we have on Islington/Brewster this is a great thing for our business.

Michael Prete



The Kitchen Restaurant Group 171 Islington Street Portsmouth, NH 03801



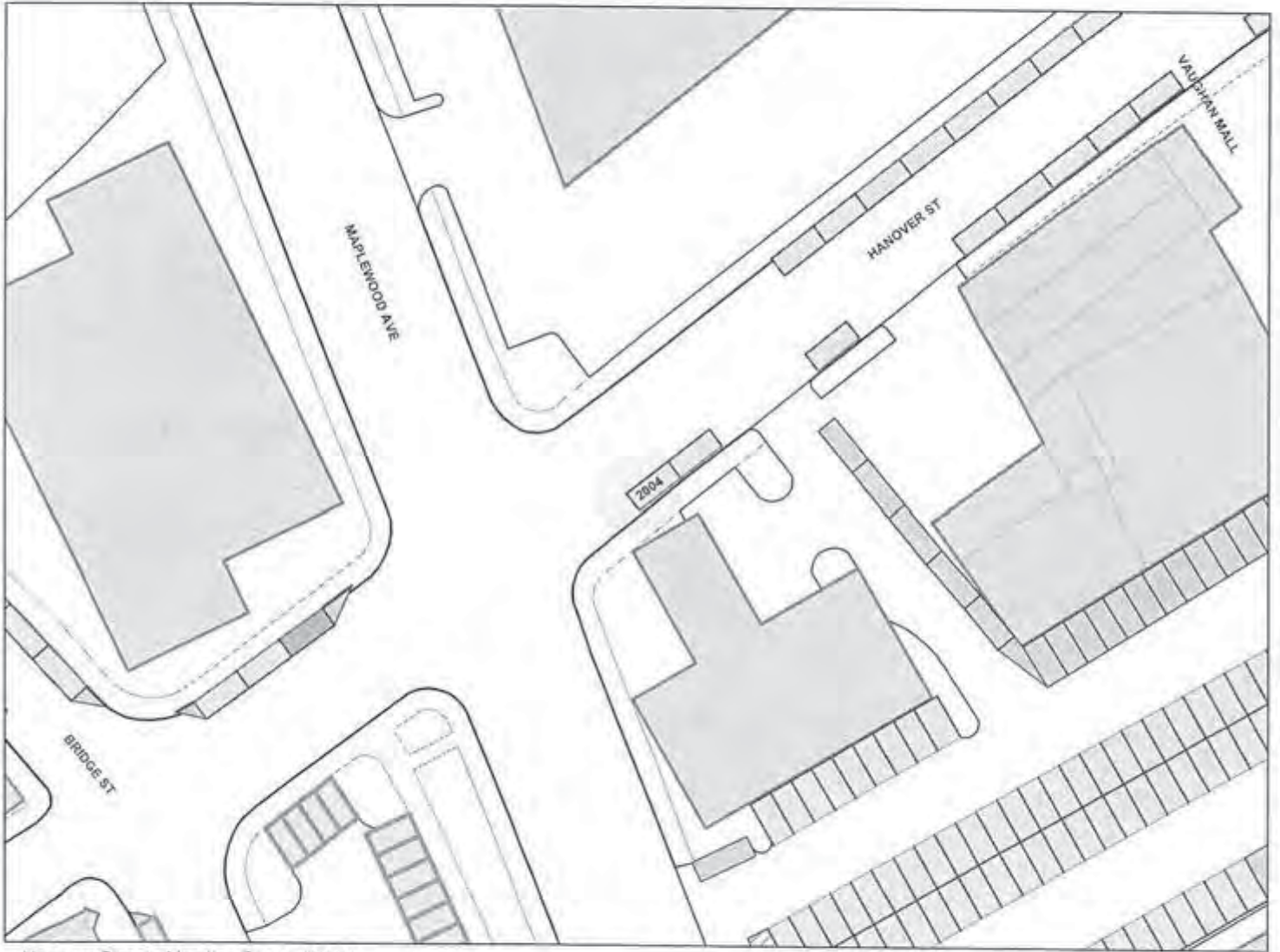
The Kitchen Restaurant Group 171 Islington Street Portsmouth, NH 03801



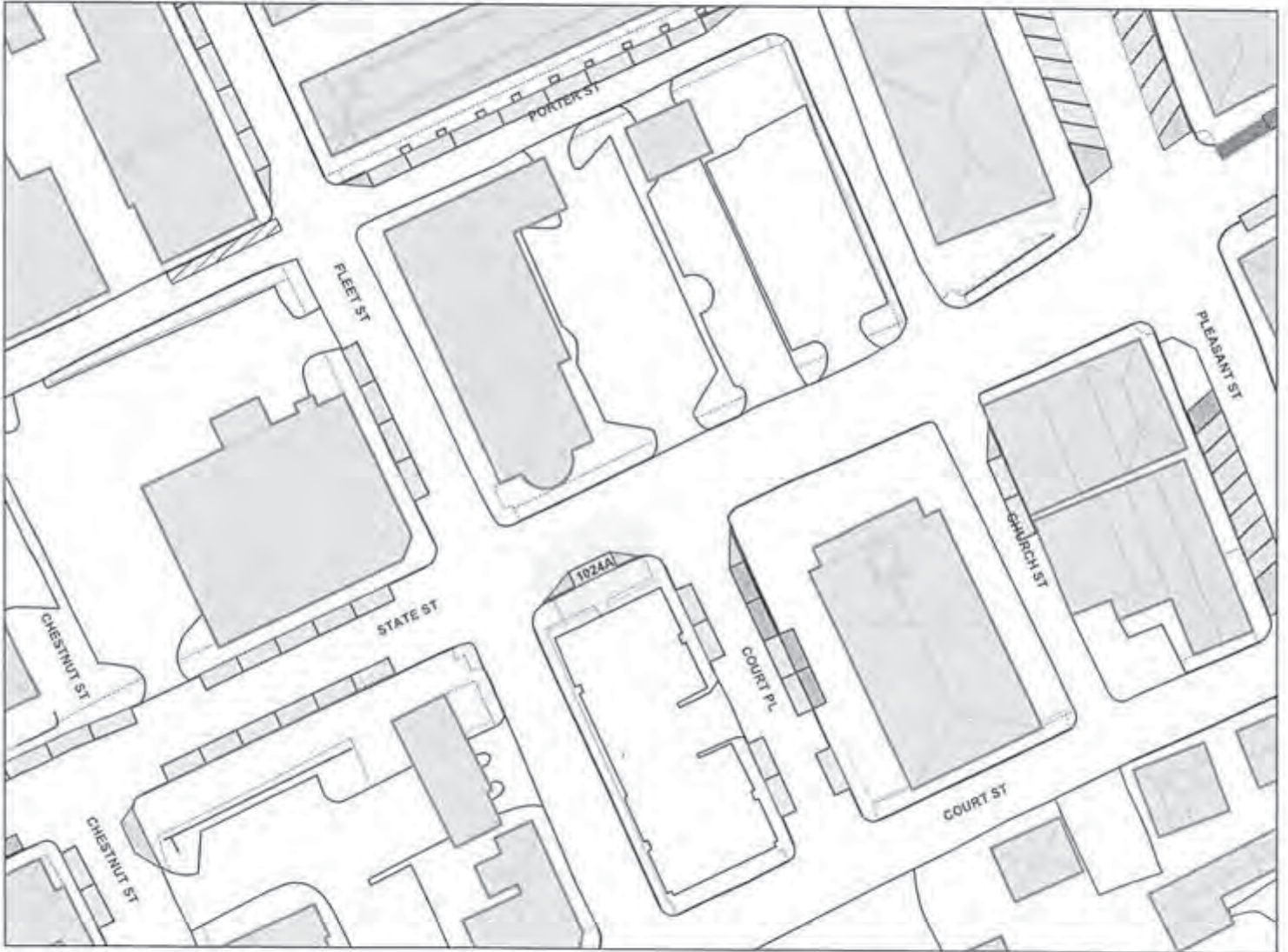
Hanover St.

Mobile vending locations

State St.



Hanover Street - Vending Space #2004



State Street - Vending Space #1024A

## CITY OF PORTSMOUTH, NEW HAMPSHIRE

### TRANSPORTATION AGREEMENT

**AGREEMENT MADE THIS** \_\_\_\_\_ day of \_\_\_\_\_, 2013 by and between the **CITY OF PORTSMOUTH**, a body politic and corporate located in the County of Rockingham, State of New Hampshire (hereinafter referred to as "City"), and the Mark Wentworth Home, a charitable entity with a principal place of business at 346 Pleasant Street, Portsmouth, County of Rockingham and State of New Hampshire (hereinafter "Wentworth").

### WITNESSETH

**WHEREAS**, the City and Wentworth desire to continue to partner on a Senior Transportation Program for seniors and disabled persons in the City of Portsmouth;

**NOW, THEREFORE**, the City and the Wentworth do mutually agree as follows:

1. **Description of the Senior Transportation Program.** In exchange for the receipt of funds described below and for the term commencing on July 1, 2013 and continuing until June 30, 2014 Wentworth agrees to operate a transportation program available to Senior Citizens residing in the City of Portsmouth in accordance with the following terms and conditions:
  - a. The program shall be open to any person in the City of Portsmouth who is either sixty (60) years of age or older or is disabled.
  - b. The cost for transportation to eligible riders shall be thirty dollars (\$30.00) for a twenty (20) ride pass if the passenger has an income of under \$1,116.00 per month and fifty dollars (\$50.00) for a twenty (20) ride pass if the passenger receives more than \$1,116.00 per month.
  - c. Transportation service shall be offered Monday, Wednesday, Thursday and Friday from 7:00 a.m. to 4:00 p.m. (9 hours).
  - d. Transportation shall be provided for medical appointments, senior activities, senior meals, grocery or pharmacy shopping and for serving in volunteer positions anywhere within the City of Portsmouth.
  - e. Wentworth shall offer wheelchair accessible transportation.
  - f. Passengers shall be allowed to schedule appointments for transportation by calling the transportation program at (603) 431-8677 during the day



prior to the scheduled transportation between the hours of 8:00 a.m. and noon.

- g. Wentworth will not provide transportation services to persons able to use Cooperative Alliance for Seacoast Transportation (COAST) public transportation service.

2. **Grant for Operation of Senior Transportation Program.** On or about July 1, 2013, the City will grant to Wentworth the sum of \$143,000.00 for the operation of the Senior Transportation Program "STP" from July 1, 2013 to June 30, 2014.
3. **Grant in Previous Year for Rolling Stock.** The City and Wentworth agree to the following pertaining to a grant from the City to Wentworth for rolling stock in 2012.

The vehicle shall be owned, registered and insured by Wentworth. Wentworth shall not transfer ownership of the vehicle or incur indebtedness secured by the vehicle in excess of fifty percent (50%) of its Bus Blue Book value, or any other equivalent industry standard publication, at any time.

In the event that Wentworth discontinues its participation in the collaboration at any time; the City shall have the right to acquire the vehicle from Wentworth at a price equal to fifty percent (50%) of the Bus Blue Book value, or Wentworth may be relieved of its obligation to the City with respect to the vehicle by payment to the City to fifty percent (50%) of the Bus Blue Book value. In the event that neither party desires to retain the vehicle, it shall be sold at auction with the proceeds equally divided between the parties.

#### 4. **Reporting and Data Collection**

- a. On or about the first day of every month commencing August 1, 2013 Wentworth will provide the City with a summary report identifying the times and dates when Portsmouth residents were provided with transportation for the previous month.

#### 5. **Coordination with Citywide Senior Services and Programs**

- a. Wentworth shall collaborate with the City's Senior Services Coordinator to coordinate transportation to key ongoing senior programs and activities. In general, Wentworth shall work collaboratively with programs and services within the City that offer programs for seniors, with the goal of encouraging participation and, where possible coordinating pick-ups to facilitate participation and use of the service.

#### 6. **Recognition of Collaboration.**

- a. Wentworth shall prominently recognize the contribution of the City in all materials advertising the program, whether print or electronic.

Wentworth shall inform users that the transportation program is provided through a collaboration between Wentworth and the City.

- b. In addition, Wentworth shall apply markings to each van in the fleet serving the program. A City seal, to be provided to the Wentworth electronically, and words announcing the collaboration shall be affixed to the vans in a prominent location and adjacent to all logos and words related to Wentworth. The van markers shall also recognize the collaboration with the City and the marking layout and content shall be provided to the City for approval. A phrase similar to "Portsmouth Senior Transportation – A Partnership between the City of Portsmouth and the Mark Wentworth Home" or words to this affect and approved by the City, shall be used.

**IN WITNESS WHEREOF**, the City and the Wentworth have executed this Agreement as of the date first above written,

**CITY OF PORTSMOUTH**

Date: \_\_\_\_\_

By: \_\_\_\_\_  
John P. Bohenko  
City Manager

**MARK WENTWORTH HOME**

Date: \_\_\_\_\_

By: \_\_\_\_\_  
William C. Henson  
President and Chief Executive Officer

	January 1st - 31st, 2013	Beginning Mileage	Ending Mileage	Total Miles	Gallons Of Fuel	Drivers Hours for each van	# of individual clients Served on each van	Total # of rides for January
	Van 12	5852	7330	1478	204.5	113.5	76	395
	Van 6	55558	57162	1604	279	172.3	75	346
	Van 7	27584	28828	1244	161.1	128.2	73	291
	Totals	88994	93320	4326	644.6	414	224	1032
	Feb 1st-Feb 29th, 2013	Beginning Mileage	Ending Mileage	Total Miles	Gallons Of Fuel	Drivers Hours for each van	# of individual clients Served on each van	Total # of rides for February
	Van 12	7330	8423	1093	146.3	92	72	377
	Van 6	57162	58683	1521	208	145	80	342
	Van 7	28828	29806.8	978.8	124.2	111.6	62	282
	Totals	93320	96912.8	3592.8	478.5	348.6	214	1001
	March 1st-March 31st, 2013	Beginning Mileage	Ending Mileage	Total Miles	Gallons Of Fuel	Drivers Hours for each van	# of individual clients Served on each van	Total # of rides for March
	Van 12	8423	9729	1306	155.6	149.9	78	323
	Van 6	58683	59976	1293	241	121.5	84	335
	Van 7	29806.8	30857	1051	141.5	113.5	76	287
	Totals	96912.8	100562	3650	538.1	384.9	238	945
	April 1st-April 30th, 2013	Beginning Mileage	Ending Mileage	Total Miles	Gallons Of Fuel	Drivers Hours for each van	# of individual clients Served on each van	Total # of rides for April
	Van 12	9729	11081	1352	170.5	108.8	84	431
	Van 6	59976	61698	1722	264.5	154.4	90	401
	Van 7	30857	31816	959	120.5	112.7	62	214
	Totals	100562	104595	4033	555.5	375.9	236	1046

May 1st-May 31st, 2013	Beginning Mileage	Ending Mileage	Total Miles	Gallons Of Fuel	Drivers Hours for each van	# of individual clients Served on each van	Total # of rides for May
Van 12	11081	12567	1486	183.7	142.5	101	465
Van 6	61698	63906	2208	311	228.5	101	445
Van 7	31816	33069	1253	154.2	115.5	79	294
<b>Totals</b>	<b>104595</b>	<b>109542</b>	<b>4947</b>	<b>648.9</b>	<b>486.5</b>	<b>281</b>	<b>1204</b>



## Event Listing by Date

Starting Date: 6/ 3/2013

Ending Date: 1/31/2014

Start End	Type Description	Location	Requestor	Vote Date
6/ 8/2013 6/ 8/2013	ROAD RACE Barbara Massar is the contact for this event. This event begins and ends at Market Square. This is the Market Square Race and Market Square Day Festival.	Market Square - Road Race and Festival	Pro Portsmouth	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	Seacoast Bike Ride	12/ 3/2012
6/15/2013 6/15/2013	FUND Aylssa Salmon is the contact for this event. Telephone number 430-1140 ex. 14.	Pleasant Street	Big Brothers Big Sisters of th	4/ 1/2013
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
6/22/2013 6/23/2013	ROAD RACE Contact: Garfield Jones of Fatman Productions at (617) 916-2002 or Garfield@fatmanproductions.com. This is the Cambridge, MA based Community Running Association in conjunction with the New England Chapter of the American Liver Foundation 24 hour relay.	Along Seacoast Route 1A, South Street, Municipal P	Fattman Productions	1/7/2013
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/ 3/2013 7/ 3/2013	FIREWORKS Rus Wilson is the contact for this event. This event is scheduled for July 3rd, beginning at 9:15 p.m., at Leary Field. The raihdate of the event is July 5, 2013, at 9:15 p.m., at Leary Field.	Leary Field	City of Portsmouth	/ /
7/ 4/2013 7/ 4/2013	ROAD RACE Contact: Dave Abbett. This 5K event is at the Pease Tradeport.	Pease Tradeport	Sub 5 Race Management	1/7/2013
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
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

## Event Listing by Date

Starting Date: 6/ 3/2013

Ending Date: 1/31/2014

Start End	Type Description	Location	Requestor	Vote Date
8/ 1/2013 8/ 1/2013	ROAD RACE Justin Finn is the contact for this race. This race begins at Peirce Island at 6:00 p.m. This is part of the Greater Portsmouth Chamber of Commerce Community Road Races.	Peirce Island - Prescott Park Course	Portsmouth Rotary Club Thunder	12/17/2012
8/ 2/2013 8/ 4/2013	TALL SHIP Donald Coker (682-2624) is the contact for this event.	Port	Piscataqua Maritime Commission	/ /
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
8/24/2013 8/24/2013	BIKE TOUR Kim Blanchard is the contact for this event. She can be reached at 603-836-4758. This event is to pass through Portsmouth - coming from Maine and going to Rye, NH.	Memorial Bridge to Route 1B to Rye	National Multiple Sclerosis So	5/20/2013
9/ 7/2013 9/ 7/2013	FUND Russell Osgood is the contact for this event - his cell number is (207)451-3052. This event is a motorcycle ride that enters Portsmouth from Maine around Noon. It will come across the new Memorial Bridge, down Daniel Street, through Market Square, out Middle Street and up Lafayette Road ending at the Seacoast Harley in North Hampton.	Through Market Street	Portsmouth Fire Fighters Chari	6/ 3/2013
9/14/2013 9/14/2013	ROAD RACE Community Road Race Series Doug Bates is the contact.	Little Harbour School	BreastCancerStories.org	12/17/2012
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 9/29/2013	FESTIVAL David Hallowell is the contact for this event. This event is from Noon to 6:00 p.m. in front of the RiRa Pub and Breaking New Grounds	Pleasant Street	Portsmouth Maritime Folk Festi	2/ 4/2013
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
9/29/2013 9/29/2013	WALK Contact: Caitlyn Mosher Ellis (617) 393-2092. Strawberry Banke - Walk site opens at 8:30 a.m. for registration, the Walk kicks off at 10:00 a.m. and clean up by 1:00 p.m. The 1.3 and 2.7 mile routes will both go through the downtown are (using Congress Street).	Walk begins and ends at Strawberry Banke	Alzheimer's Association	1/ 7/2013
10/ 5/2013 10/ 5/2013	WALK Ken La Valley, is the contact for this event. Registration begins at 8:00 a.m. and the Walk duration is 10:00 a.m. to Noon, Walk begins and ends at Peirce Island.	Peirce Island	American Foundation for Suicid	5/20/2013
10/12/2013 10/12/2013	ROAD RACE This is a collaborative race with the Community Child Care. Contacts for this event are Ben Anderson of Prescott Park (436-2848) and Catherine Edison of Community Child Care Center (422-8223). This is part of the GPCC road race series.	Little Harbour School - Start and Finish	Prescott Park Arts Festival/Co	3/ 4/2013

Run: 6/12/13  
2:05PM

## Event Listing by Date

Page: 3

Starting Date: 6/ 3/2013

Ending Date: 1/31/2014

Start End	Type Description	Location	Requestor	Vote Date
11/28/2013 11/28/2013	ROAD RACE Community Road Race Series Doug Bates is the contact.	Peirce Island	Seacoast Rotary Club Turkey Tr	12/17/2012
1/ 1/2014 1/ 1/2014	ROAD RACE Community Road Race Series Doug Bates is the contact.	Little Harbour School	Great Bay Services	12/17/2012



CITY OF PORTSMOUTH, N.H.  
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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



Committee: TAXI COMMISSION

Name: JOHN W. PALREIRO Telephone: 603-957-0138

Could you be contacted at work? YES/NO If so, telephone # 003-326-8294

Street address: 100 Hedgewood Drive, Apt 6

Mailing address (if different): 1465 Woodbury Ave. PMB 360

Email address (for clerk's office communication): JWPALREIRO@GMAIL.COM

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

Occupational background:

Retired / Part Time Taxi Driver

V.P. Marketing & Sales - Detroit Auto Industry

Oil Service Company - President/CEO

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

None





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: Baller TAXI Services  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

AARP  
First Tee  
Volunteer Fire Chief, Ricardo, TX  
USGA, Member

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

- 1) Bill Nangle, 100 Lodgewood Dr. Portsmouth, NH 207-451-7806  
Name, address, telephone number
- 2) Brian Stone, 7 Heather W, Eliot, Me. 207-252-2759  
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: 4/29/2013

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



received  
5/24/13

CITY OF PORTSMOUTH, N.H.  
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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

Committee: Citywide Neighborhood Steering Committee Initial applicant

Name: Dana Mary Hegre Telephone: 603-418-4301

Could you be contacted at work?  YES  NO If so, telephone# 603-957-5775

Street address: 303 Islington Street #1, Portsmouth, NH 03801

Mailing address (if different): Same

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

How long have you been a resident of Portsmouth? 4 years

Occupational background:

Employed full-time at Seacoast Mental Health Center, Inc located in Portsmouth, NH.  
I am also currently attending Graduate School at the University of New Hampshire for a  
Masters degree in Public Health.

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

I have worked in a variety of capacities in the City of Portsmouth and have established  
a positive reputation for being actively engaged and concerned with the growth and  
development of the city. I am also a volunteer for various organizations, including  
Blue Ocean Society, the Music Hall, the Cinderella Project, and running fundraising events. My  
education in Public Health exposes me to environmental and social aspects of a healthy community.

OVER  
➔

Have you contacted the chair of the Board/Commission to determine the time commitment involved? YES/~~NO~~ *viewed meeting times online.*

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

Reasons for wishing to serve: I have always been engaged in the community I live in.

I feel Portsmouth is in a critical position for making positive change related to growth and development and I want to be a part of that change. Living in the Islington neighborhood community and talking with neighbors and business owners, I feel I can be a voice and liaison.

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

Currently interning with Seacoast Local where I am researching and developing a pedestrian wayfinding program. I am extensively examining urban planning and design and the impact it has on community health. I have been involved with various NH Listens dialogues and am currently involved with Portsmouth Listens.

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

- 1) Rob Levey, 1145 Sagamore Avenue, Portsmouth, NH (603) 369-1046  
Name, address, telephone number
- 2) Maxene Feintuch, 180 Lincoln Avenue, Portsmouth, NH (603) 969-1489  
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: Dana Mary Hegre Date: May 21, 2013

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

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

6/27/2012



CITY OF PORTSMOUTH, N.H.  
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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

Committee: Cable Television Advisory Board Initial applicant APR 02 2012

Name: Ronald A. Poulin Telephone: (603) 319-8441

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

Street address: 20 B Albacore Way, Portsmouth N.H. 03801

Mailing address (if different): (same)

Email address (for clerk's office communication): ronpoulin36@comcast.net

How long have you been a resident of Portsmouth? 4 yrs this July, 2012

Occupational background:

former engineer support at Arco Corp - Textron Corporation, Wilmington Mass. I functioned as a Senior electrical engineer with several government contracts for 27 yrs before retirement.

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

I served 8 yrs as a member of the Cable Television Advisory Board in Nashua, N.H. and 4 yrs. as its Chairman. I served as a member and past president of the Exchange Club. Professionally, I interacted with government contractors

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: To serve the greater Portsmouth Community in this capacity. I have the desire, time and I feel the expertise qualifying me for community service

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

20 yr. member of Nashua, NH. Exchange Club Service organization. Served as President in 1986. Volunteer at my church. Presently on the board of a Youth Ministry Program at Corpus Christi Parish. Have volunteered for the Friends of the South End - benefit Fairy House Tour.

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

1) Dr. James Milton 266 Middle St. Portsmouth NH 03801  
Name, address, telephone number (603) 502-8043

2) Carol Jacques-Dow - 2075 Lafayette. Portsmouth NH 03801  
Name, address, telephone number (603) 436-4555

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: 4/2/12

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



## *Department of Public Works*

*Town of Durham  
100 Stone Quarry Drive  
Durham, N.H. 03824  
603-868-5578  
Fax 603-868-8063*

---

# *Memorandum*

**To:** Todd Selig, Town Administrator  
Gail Jablonski, Business Manager

**Date:** December 9, 2011

**From:** David Cedarholm, P.E., Town Engineer *DC*  
April Talon, Assistant Town Engineer *AT*

**cc:** Michael Lynch, Director of Public Works

**Re:** Water/Sewer Connection Fee Update

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The Engineering Division recently completed an extensive study to compare water/sewer connection fees of our neighboring municipalities with Durham's fees to determine whether an adjustment is warranted. This analysis considered the cost of installation, relative system operational costs and the value of system assets. The following is a summary of the background, proposed changes with examples of initial assessment calculations.

### Water Service Connection Fee

#### **Background**

The average residential water connection fee amongst the communities of Dover, Exeter, Newmarket, Portsmouth, Rochester, and Somersworth is \$630. This represents a residential home with 3 bedrooms. Most of the other communities also charge separate fees to cover the cost of supplying or maintaining water meters, which is not included in the above average connection fee.

Durham's water connection fee has remained the same since it was established in an ordinance dated October 26, 1981 and contains a Fee Schedule that defines a flat fee of \$400 for a single family residence with a maximum of four (4) bedrooms. (See Attached Town of Durham Ordinance)

The water service connection fee for all connections (and significant increases) other than residential single family homes is defined as an "initial assessment", and was established in the 1981 water ordinance at a rate of one-half (1/2¢) cent per estimated gallon of water used per year with a minimum charge of \$200.00." (See Attached Town of Durham Ordinance)

The above fees have remained the same since 1981.

## **Proposed Change**

To bring the water connection fee more in line with our neighboring communities and be reflective of the true impact to the water system, it is recommended that the flat fee for a water connection of a new single family residence be increased to \$200 per bedroom plus \$150 to cover the cost of the water meter. This represents a modest increase and results in a connection fee close to the average of the other local communities, plus it includes a fee to cover the Town's cost of supplying the water meter.

Since the current water ordinance requires an initial assessment based on per-gallons-of-water-used, a commensurate increase is proposed for all water connections (and significant increases) other than residential single family homes to a rate of \$0.0077 per estimated gallon of water used per year. (See example below). This rate is based on the \$200 per bedroom fee for the single family residents at a user rate of 75 gallons per person per day and also includes the cost for the Town to supply the water meter.

### Water Initial Assessment Calculation Example

If a mixed use development with 100 beds was to connect to the water system, the proposed connection fee would be  $\$0.0077 \times 75 \text{ gpd/bed} \times 100 \text{ beds} \times 365 \text{ days} = \$21,079$ . This assumes a 75 gallon/day/person water usage which is typical for multi-dwelling units in Durham.

## **Sewer Service Connection Fee**

### **Background**

The existing sewer connection fee for a residential single family home is also \$400. We are not aware of a specific reference in an ordinance defining this sewer connection fee for single family residence.

For all connections (and significant increases) other than residential single family homes, an initial assessment fee of one-half cent (0.5¢) per gallon was defined in the sewer ordinance, as amended October 8, 1973. (See attached Town of Durham Sewer Ordinance As Amended). This fee has remained the same since 1973.

### **Proposed Change**

It is recommended that the fee for a sewer connection of a single family residence be increased to \$400 per bedroom. This was determined by taking into consideration the overall sewer system assets and operating costs, and the average fees being charged by the two neighboring communities who have recently updated their sewer connection fees (Dover and Exeter).

Since the current sewer ordinance requires an initial assessment based on per-gallons-of-wastewater-generated, a commensurate increase is proposed for all sewer connections (and significant increases) other than residential single family homes to a rate of \$0.015 per estimated gallon of wastewater generated per year. (See example below). This rate is based on the \$400 per bedroom fee for the single family residents at a user rate of 75 gallons per person per day. (See example below)

Sewer Initial Assessment Calculation Example

If a mixed use development with 100 beds was to connect to the sewer system, the proposed initial assessment would be  $\$0.015 \times 75 \text{ gpd/bed} \times 100 \text{ beds} \times 365 \text{ days} = \$41,062$ . This assumes a 75 gallon/day/person water usage which is again typical for multi-dwelling units in Durham.

It is recommended that these connection fees be outlined in updated Schedule of Fees and updated water and sewer ordinances as well as incorporated into an all inclusive Utility Connection Permit application form.



**2011 WATER/SEWER CONNECTION FEE  
CHARGES COMPARISON BY TOWN**

<i>TOWN</i>	WATER CONNECTION FEE		SEWER CONNECTION FEE	
	Residential (3 bedroom)	Mixed Use - Commercial/Residential (100 Bed)	Residential (3 bedroom)	Mixed Use - Commercial/Residential (100 Bed)
<i>Dover (See Attachment A)</i>	\$1,260	\$21,000	\$3,181.50	\$53,025
<i>Durham</i>	\$400	\$13,687.50	\$400	\$13,687.50
<i>Durham Proposed Changes</i>	\$200/bedroom + \$150 (meter) = \$750	\$0.0077 per estimated gallon of water used per year = \$21,079	\$400/bedroom = \$1,200	\$0.015 per estimated gallon of water used per year = \$41,062
<i>Exeter (See Attachment B)</i>	\$720	\$15,000	\$1,748	\$36,375
<i>Newmarket</i>	**1,000 application fee each for water and sewer connection			
<i>Portsmouth (See Attachment C)</i>	\$100	\$245	\$250	\$250
<i>Rochester (See Attachment D)</i>	\$300	\$300	N/A	\$15,000
<i>Somersworth (See Attachment E)</i>	\$400	\$1,400	\$5,400	\$180,000



TOWN OF DURHAM NEW HAMPSHIRE 03824  
603/868-5571

ORDINANCE  
TOWN OF DURHAM  
FEES FOR INITIAL WATER ENTRY ASSESSMENT

Be it ordained by the Durham Board of Selectmen that Fees for Initial Water Entry Assessment shall be established as follows:

A. INITIAL ASSESSMENT:

The assessment for water service shall be determined for all classes of users on a per-gallon-of-water-used basis as established by the Water Policy Committee (see Section B). The initial assessment shall be estimated by the Board of Selectmen on the basis of similar use. After twelve (12) months of continuous service, under conditions of full occupancy, the Town will adjust the initial assessments to the user based upon actual water meter readings. This assessment may be increased based on metered consumption or may be decreased to an established minimum as determined by the Water Policy Committee.

Exception: A flat fee, as determined by the Water Policy Committee, will be charged for single family residences with a maximum of four (4) bedrooms (See Section B, Fee Schedule).

B. FEE SCHEDULE:

1. One-half (1/2¢) cent per estimated gallon of water used per year.  
Minimum charge: \$200.00.
2. Flat fee of \$400.00 for a single family residence with a maximum of four (4) bedrooms.

C. Payments on Initial Water Entry Assessments shall be placed in a Water Capital Expenditures account for the purpose of water line expansion, enlargement of treatment, storage, or other facilities, or payment of bonded indebtedness, as recommended annually by the Water Policy Committee.

D. This ordinance shall become effective upon date of adoption and fee shall be paid before issuance of building permit.

First Reading: October 19, 1981  
Second Reading: October 26, 1981  
Adopted: October 26, 1981

Lawrence W. O'Connell  
Lawrence W. O'Connell, Chairman

James Chamberlin  
James Chamberlin

Alden L. Winn  
Alden L. Winn

Sheldon Prescott  
Sheldon Prescott

Owen B. Durgin  
Owen B. Durgin  
DURHAM BOARD OF SELECTMEN

TOWN OF DURHAM  
SEWER ORDINANCE  
As Amended

Section 1. Adoption of State Statutes: Pursuant to the provisions of P. L. 95;3-18 as amended, adopted by the Town Meeting of March 14, 1939, now RSA:252, the Selectmen do hereby enact an ordinance relating to the sewer system as follows:

Section 11. General Regulations:

- A. Permission may be granted by the Durham Board of Selectmen to property owners in the Town of Durham, N.H., to connect property to the Town sewer if an application is made and an agreement executed in accordance with the provisions of these regulations.
- B. A property owner seeking permission to connect his property to the Town sewer must file an application on a form provided by the Selectmen. The application shall be executed in triplicate; when approved, the original and duplicate will be retained by the Selectmen and the triplicate returned to the applicant. The Selectmen shall act upon the application within 90 days. If the connection is not made within two years of the date of approval, the Selectmen shall reconsider the application.

Once the application is approved by the Selectmen, and the connection made, the approved application shall bind the applicant, his heirs, administrators, successors and assigns to pay an assessment and to pay an annual rental fee as provided by ordinance adopted by the Selectmen and subject to the following provisions:

1. Initial Assessment:

The assessment for service shall be determined for all classes of users on a per gallon of water used basis at the rate of 1/2 cent per gallon multiplied by the total gallons used per year, except that the minimum charge shall be \$250.00. The initial assessment shall be estimated, on the basis of similar use, by the Board of Selectmen. At the end or after twelve (12) months of continuous service, under conditions of full occupancy, the Town will adjust the initial assessments to the user based upon actual water meter readings. If the user is not serviced by Town water the initial assessment shall be estimated as indicated above and a water meter shall be installed at the property owner's expense at the time of occupancy with appropriate adjustment following twelve (12) months of service.

2. Payments on sewer assessments and on old entrance fees shall be placed in a new Sewer Capital Expenditures account for the purpose of sewer line expansion, enlargement of pumping, treatment, or other facilities, or payment of bonded indebtedness, as recommended annually by the Sewer Policy Committee. The intent of this annual review is to shift capital expenditures for sewer facilities from general taxation to the Sewer Capital Expenditure Account.

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Signed by Selectmen  
amended October 8, 1973

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STAFFORD COUNTY

ORDINANCE #  
THE CITY OF PORTSMOUTH ORDAINS

That the Ordinances of the City of Portsmouth, Chapter 10 – Zoning Ordinance, Article 5 – Dimensional and Intensity Standards, are hereby amended as follows:

1. Amend Section 10.531 – Table of Dimensional Standards – Business and Industrial Districts, as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

	CBA	CBB
Maximum Structure Dimensions		
Structure height	<del>50'-6"</del> <b>45' or 3 stories, whichever is less<sup>2</sup></b>	<del>60'-6"</del> <b>45' or 3 stories, whichever is less<sup>2</sup></b>

<sup>2</sup> See Section 10.535 for ~~building height setback from street in Central Business A district~~ exceptions to dimensional standards in the Central Business districts.

2. Amend Section 10.535 – Exceptions to Dimensional Standards in the Central Business Districts, by inserting the following new Section 10.535.13:

**10.535.13 Increased Building Height by Conditional Use Permit**

**10.535.131** Within the CBA and CBB districts, the Historic District Commission may grant a conditional use permit to allow an increase in building height above the maximum structure height specified in Section 10.531, provided that at least one of the following conditions shall apply:

- (1) The building height is no greater than the height of any building on an abutting lot or on a lot located directly across a street; or
- (2) The increased building height will allow for the provision of significant and direct benefits to the City as determined by the Historic District Commission.

**10.535.132** Prior to granting a conditional use permit under this section, the Historic District Commission shall make the following findings:

- (1) The increase in building height is supported by one or both of the conditions in Section 10.535.131; and
- (2) The building and site design will mitigate the impact of increased height on neighboring properties.

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