

# CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH  
DATE: MONDAY, AUGUST 5, 2013 TIME: 7:00PM

## AGENDA

- 6:00PM – ANTICIPATED “NON-MEETING” WITH COUNSEL REGARDING LITIGATION – RSA 91-A:2 I (c)

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

### PRESENTATIONS

1. Transportation Issues e.g. COAST, Satellite Parking, Wayfinding, Bicycle Friendly Community, etc.
2. Update Re: Sagamore Bridge Replacement

- V. ACCEPTANCE OF MINUTES – JULY 15, 2013

- VI. PUBLIC COMMENT SESSION

- VII. PUBLIC HEARINGS

- A. ORDINANCE AMENDING CHAPTER 10 – ZONING ORDINANCE, ARTICLE 5 – DIMENSIONAL AND INTENSITY STANDARDS ARE HERE BY AMENDED AS FOLLOWS:

- SECTION 10.531 – TABLE OF DIMENSIONAL STANDARDS – BUSINESS AND INDUSTRIAL DISTRICTS, MAXIMUM STRUCTURE DIMENSIONS – STRUCTURE HEIGHT, CBA 45’ OR 3 STORIES, WHICHEVER IS LESS; CBB 45’ OR 3 STORIES, WHICHEVER IS LESS;
- SECTION 10.535 – EXCEPTION TO DIMENSIONAL STANDARDS IN THE CENTRAL BUSINESS DISTRICTS, BY INSERTING A NEW SECTION 10.535.13: INCREASED BUILDING HEIGHT BY CONDITIONAL USE PERMIT

*(The public hearing will be continued until the August 19, 2013 City Council meeting)*

- B. 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
- C. RESOLUTION FOR BOND AUTHORIZATION OF UP TO \$10,000,000 FOR THE PEIRCE ISLAND WASTEWATER TREATMENT PLANT UPGRADES
- D. RESOLUTION FOR BOND AUTHORIZATION OF UP TO \$3,500,000 PEASE WASTEWATER TREATMENT PLANT UPGRADES

## VIII. APPROVAL OF GRANTS/DONATIONS

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

## IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. Second reading of Proposed Ordinance amending Chapter 10 – Zoning Ordinance, Article 5 – Dimensional and Intensity Standards, are here by Amended as follows:
- Section 10.531 – Table of Dimensional Standards – Business and Industrial Districts, Maximum Structure Dimensions – Structure Height, CBA 45' or 3 Stories, which ever is less; CBB 45' or 3 Stories, which ever is less;
  - Section 10.535 – Exception to Dimensional Standards in the Central Business Districts, by Inserting a New Section 10.535.13: Increased Building Height by Conditional Use Permit
- (Sample motion – move to table second reading until the August 19, 2013 City Council meeting)***
- B. Adoption of 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
- (Sample motion – move to adopt a Bond Resolution for City Improvements in the amount of up to \$5,750,000.00)***
- C. Adoption of Resolution for bond authorization of up to \$10,000,000 for the Peirce Island Wastewater Treatment Plant Upgrades ***(Sample motion – move to adopt a Bond Resolution for Peirce Island Wastewater Treatment Plant Upgrades in the amount of \$10,000,000.00)***

- D. Adoption of Resolution for bond authorization of up to \$3,500,000 Pease Wastewater Treatment Plant Upgrades (**Sample motion – move to adopt a Bond Resolution for Pease Wastewater Treatment Plant Upgrades in the amount of up to \$3,500,000.00**)

## X. CONSENT AGENDA

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

- A. Acceptance of Police Department Donations:
- Police Honor Guard in memory of Retired Captain Kerry Plaisted by former Commissioner William Mortimer - \$100.00
  - Police Explorer Cadets from Wentworth-Coolidge Commission Inc. - \$100.00
- (Anticipated action – move to approve and accept the donations, as listed, to the Portsmouth Police Department)**
- B. \*Acceptance of Donation from Liberty Mutual Insurance Re: African Burying Ground Committee:
- Liberty Mutual Insurance - \$1,000.00
- (Anticipated action – move to authorize the City Manager to accept and expend a \$1,000.00 donation from Liberty Mutual Insurance for fundraising soft costs related to the African Burying Ground Project)**
- C. Letter from Jill McFarland, St. Patrick School, requesting permission to hold an annual 5k Road Race on Saturday, March 15, 2014 at 9:00 a.m. **(Anticipated action – move to refer to the City Manager with power)**
- D. Letter from Jay Diener, Seacoast Half Marathon, requesting permission to hold the 8<sup>th</sup> annual Seacoast Half Marathon on Sunday, November 10, 2013 **(Anticipated action – move to refer to the City Manager with power)**

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

- A. Letter from Mark Ayotte, requesting the City return all rights and privileges to him as an abutter (9 Garden Street) from their current property line to the centerline of both Garden Street and Colonial Avenue **(Sample motion – move to refer to the Planning Board for report back)**
- B. Letter from Valerie Rochon, Greater Portsmouth Chamber of Commerce and Assiah Russell, Chair, Retail Committee, requesting permission to hold the Summer Daze Sidewalk Sale for five days, August 29, 2013 through September 2, 2013 with the placement of sale racks outside and against their shops during retail hours, 10:00 a.m. until at least 8:00 p.m. **(Participating shops to date: Flower Kiosk, Puttin' on the Glitz, Hazel, Tugboat Alley, Kilwins, City Shoes and Le Club Boutique)**
- C. Letter from Barbara Archibald requesting permission to have a Flash Dance/Flash Mob outside Poco's Restaurant on Saturday, September 7, 2013 from 1:30 p.m. – 2:00 p.m.

## XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

### A. CITY MANAGER

#### **Items Which Require Action Under Other Sections of the Agenda**

1. Public Hearing of Proposed Ordinance:
  - 1.1 Public Hearing and Second Reading of Proposed Ordinance amending Chapter 10 – Zoning Ordinance, Article 5 – Dimensional and Intensity Standards are here by Amended as follows:
    - Section 10.531 – Table of Dimensional Standards – Business and Industrial Districts, Maximum Structure Dimensions – Structure Height, CBA 45’ or 3 Stories, which ever is less; CBB 45’ or 3 Stories, which ever is less;
    - Section 10.535 – Exception to Dimensional Standards in the Central Business Districts, by Inserting a New Section 10.535.13: Increased Building Height by Conditional Use Permit ***(Action on this matter should take place under Section IX of the Agenda)***
2. Public Hearings and Adoption of Proposed Resolutions:
  - 2.1. 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***(Action on this matter should take place under Section IX of the Agenda)***
  - 2.2. Resolution for bond authorization of up to \$10,000,000 for the Peirce Island Wastewater Treatment Plant Upgrades ***(Action on this matter should take place under Section IX of the Agenda)***
  - 2.3. Resolution for bond authorization of up to \$3,500,000 Pease Wastewater Treatment Plant Upgrades ***(Action on this matter should take place until Section IX of the Agenda)***

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

1. Rock Street Parking Garage Lot Proposed License Agreement for Shared Parking
2. Proposed Omnibus Parking Ordinance
3. Proposed Amendments to the School Clerical Employees' Collective Bargaining Agreement in accordance with the Memorandum of Agreement and the School Custodial Supervisors' Union Collective Bargaining Agreement in accordance with the Memorandum of Agreement to Change to SchoolCare Re: Health Insurance
  - a) School Clerical Employee's Memorandum of Agreement
  - b) School Custodial Supervisors' Union Memorandum of Agreement
4. Proposed Application to National Parks Service Re: Doble Center
5. Proposed Outside Area Service Agreement for British Beer Company
6. Proposed Additional Areas Re: Form-Based Zoning
7. Report Back Re: Letter of Request for Amendment to License Agreement between Priscilla Semprini, Trustee of the Priscilla Semprini Revocable Trust 2010, 300 New Castle Avenue and the City of Portsmouth

### **Informational Items**

1. Events Listing
2. Comments to Environmental Protection Agency Re: Draft MS4 Stormwater Permit

### **B. MAYOR SPEAR**

1. Appointment to be Considered:
  - Stephen Scott Gerrato – Taxi Commission (Taxicab Representative)
2. Letter from Tammy Wright, Clerk of the New Hampshire Senate, requesting the City appoint a representative to serve on the Projected Sea Level Rise and other Coastal and Coastal Watershed Hazards
  - Steve J. Miller, Conservation Commission Chair
3. Resignations:
  - Anthony Blenkinsop from the Planning Board effective at the end of the August 15, 2013 meeting
  - T. Stephen McCarthy from the Portsmouth Housing Authority effective August 1, 2013

**C. COUNCILOR NOVELLINE CLAYBURGH**

1. \*The Worth Lot (*Sample motions – (1) move to suspend the rules in order to take this matter up (two-thirds vote required for suspension of the rules), (2) move to authorize the City Manager to study the feasibility of adding two levels to the current Worth Lot, one underground and one above the current level. Also, investigate the cost of adding a green space to the roof to a recreation area for all to enjoy*)

**D. COUNCILOR LOWN**

1. Report Re: Sustainability Committee
2. 50 “Sustainable Tips”

**E. COUNCILOR SMITH**

1. \*Free Holiday Parking Period (*Deferred from the July 15, 2013 City Council meeting (Sample motion – move to set the 2013 Holiday Parking from December 16, 2013 through January 1, 2014)*)
2. Parking and Traffic Safety Committee Action Sheet and Minutes of the July 11, 2013 meeting (*Sample motion – move to approve and accept the action sheet and minutes of the Parking and Traffic Safety Committee meeting of July 11, 2013)*)

**XIII. MISCELLANEOUS/UNFINISHED BUSINESS**

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

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

**INFORMATIONAL ITEMS**

1. Notification that the Board of Adjustment Minutes of the May 21, 2013 meeting are available on the City’s website for your review
2. Notification that the Planning Board Minutes of the March 21, 2013, March 28, 2013, April 18, 2013 and May 2, 2013 meetings are available on the City’s website for your review
3. Notification that the Site Review Technical Advisory Committee Minutes of the April 30, 2013, June 4, 2013 and July 2, 2013 meetings are available on the City’s website for your review

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

## CITY COUNCIL MEETING

MUNICIPAL COMPLEX  
DATE: MONDAY, JULY 15, 2013

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

At 6:00 p.m., a “Non-Meeting” with Counsel was held regarding Litigation – RSA 91-A:2, I (c).

At 6:30 p.m., a “Non-Meeting” with Counsel was held regarding Negotiations – RSA 91-A:2 I (b-c).

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

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

### **II. ROLL CALL**

Present: Mayor Spear, Councilors Coviello, Novelline Clayburgh, Dwyer, Smith and Thorsen

Absent: Assistant Mayor Lister, Councilors Kennedy and Lown

### **III. INVOCATION**

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

### **IV. PLEDGE OF ALLEGIANCE**

Councilor Thorsen led the Pledge of Allegiance to the Flag.

### **V. ACCEPTANCE OF MINUTES – JUNE 3, 2013 and JUNE 17, 2013**

**Councilor Smith moved to approve and accept the Minutes of June 3, 2013 and June 17, 2013 City Council Meetings. Seconded by Councilor Coviello and voted.**

### **VI. PUBLIC COMMENT SESSION**

**There were no speakers.**

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

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

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

A. First Reading of 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

**Councilor Novelline Clayburgh moved to pass first reading and schedule a public hearing and adoption of a Bond Resolution for City Improvements in the amount of up to \$5,750,000.00 at the August 5, 2013 City Council meeting. Seconded by Councilor Coviello and voted.**

- B. First Reading of Resolution for bond authorization of up to \$10,000,000 for the Peirce Island Wastewater Treatment Plant Upgrades

**Councilor Coviello moved to pass first reading and schedule a public hearing and adoption of a Bond Resolution for Peirce Island Wastewater Treatment Plant Upgrades in the amount of \$10,000,000.00 at the August 5, 2013 City Council meeting. Seconded by Councilor Novelline Clayburgh and voted.**

- C. First Reading of Resolution for bond authorization of up to \$3,500,000 Pease Wastewater Treatment Plant Upgrades

**Councilor Novelline Clayburgh moved to pass first reading and schedule a public hearing and adoption of a Bond Resolution for Pease Wastewater Treatment Plant Upgrades in the amount of up to \$3,500,000.00 at the August 5, 2013 City Council meeting. Seconded by Councilor Coviello and voted.**

## **IX. CONSENT AGENDA**

Councilor Smith asked that Item A, Final 2013 Omnibus Sidewalk Obstruction Renewals, be removed from the Consent Agenda.

- B. Letter from Virginia Skevington, Arts in Reach (AIR), requesting permission to hold the Annual AIR Walk on Saturday, October 19, 2013 ***(Anticipated action – move to refer to the City Manager with power)***
- C. Letter from Mark Herrholz, Portsmouth Professional Firefighters Local 1313, requesting permission to set up two Boot Drives for the Muscular Dystrophy Association, with the first boot drive on Saturday, July 20, 2013 and the second boot drive on Saturday, August 10, 2013 from 8:00 a.m. – 5:00 p.m. ***(Anticipated action – move to refer to the City Manager with power)***
- D. \*Acceptance of Donation to the Coalition Legal Fund
- Town of Carroll - \$1,000.00
- (Anticipated action – move to approve and accept the donation, as listed, to be placed in the Coalition Legal Fund)***
- E. \*Acceptance of Donation to Art-Speak for the General Administration
- Catherine Sununu - \$150.00
- (Anticipated action – move to approve and accept the donation, as listed)***



- F. Letter from Sister Mary Agnes, St. Charles Children's Home, requesting permission to hold the 17<sup>th</sup> Annual St. Charles Children's Home 5k on Monday, September 2, 2013 at 9:00 a.m. at the Pease International Tradeport ***(Anticipated action – move to refer to the City Manager with power)***
- G. Request for Approval of Pole License to install 1 pole and a brace pole located at the intersection of Bow and Daniel Streets. One brace pole will be added while 4 poles will be removed resulting in a net loss of 4 poles in the area – License Agreement #63-0560 ***(Anticipated action – move to approve the aforementioned Pole License Agreement as recommended by the Public Works Department with the approval conditioned upon amendment of the license to allow for the collection of any lawfully assessed real estate taxes)***
- H. Request for Approval of Pole License to install 145 feet of underground conduit at the Middle Road Bridge project in two sections; 80' of conduit on the Plains side of the bridge and 65' on the downtown side – License Agreement #63-0561 ***(Anticipated action – move to approve the aforementioned Pole License Agreement as recommended by the Public Works Department with the approval conditioned upon amendment of the license to allow for the collection of any lawfully assessed real estate taxes)***
- I. Request for License from Shelia McMahon, owner of Man Cave Cut & Style for property located at 10A Ladd Street for a projecting sign on an existing bracket ***(Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Shelia McMahon, owner of Man Cave Cut & Style for a projecting sign at property located at 10A Ladd 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 sign, for any reason, shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works***

Councilor Smith moved to adopt the Consent Agenda, Items B – I, as presented. Seconded by Councilor Dwyer and voted.

- A. Final 2013 Omnibus Sidewalk Obstruction Renewals – See Attached Listings

**Councilor Coviello moved to refer to the City Manager with power. Seconded by Councilor Novelline Clayburgh and voted. Councilor Smith abstained.**

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

- A. Letter from Rob Sevigny, The Paper Patch, requesting an easement to restore a step onto Ladd Street from storefront with an address of 36 Market Street

**Councilor Smith moved to refer to the Planning Board for report back. Seconded by Councilor Coviello and voted.**

- B. Letter from Zachary Taylor, Riverside & Pickering Marine Contractors, requesting a minor amendment to the License Agreement between Priscilla Semprini, Trustee of the Priscilla Semprini Revocable Trust of 2010, 300 New Castle Avenue and the City of Portsmouth

**Councilor Smith moved to refer to the Legal Department for report back. Seconded by Councilor Novelline Clayburgh and voted.**

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

**A. CITY MANAGER**

1. Report Back Re: Proposal for Mobile Vending

**Councilor Novelline Clayburgh moved to authorize the City Manager to enter into a license agreement with the Kitchen for mobile vending in accordance with the terms recommended by staff, seconded by Councilor Coviello.**

Councilor Thorsen stated the ordinance states \$5,000.00 minimum bid or as established by Article I, Fee Schedule, and asked if this is the correct fee.

Assistant City Attorney Woodland stated that this is set during the annual budget process and allows the fees to be adjusted annually.

Councilor Dwyer asked about pro-ration. Assistant City Attorney Woodland stated there is no proration of the fee as consistent with our mobile vendor licensing.

**Motion voted.**

2. Proposed Memorandum of Understanding between the Town of Kittery and the City of Portsmouth Re: Illumination of the Memorial Bridge

**Councilor Smith moved to authorize the City Manager to execute this Memorandum of Understanding between the Town of Kittery and the City of Portsmouth for the bridge illumination project. Seconded by Councilor Thorsen and voted.**

3. Report Back Re: Sidewalk Policy Richards Avenue

City Manager Bohenko stated that a meeting was held with the residents regarding this issue and the staff recommends this request for waiver be granted.

**Councilor Novelline Clayburgh moved to grant the waiver request to install brick sidewalks on Richards Avenue from Middle Street to Parrott Avenue on both sides of the street, seconded by Councilor Thorsen.**

Councilor Novelline Clayburgh asked if there is an effort to include Richards Avenue in the Historic District. Councilor Dwyer stated yes, it has been discussed by the Historic District Commission and has been referred to the Planning Board.

Councilor Coviello asked for clarification that there are no private driveways being bricked. City Manager Bohenko confirmed that to be correct.

**Motion voted.**

City Manager Bohenko referred to Information Item 4, Update on City Transportation Projects, stating that City Planner Juliet Walker has prepared a synopsis of the work done by city staff to date. He continued that COAST will be making a presentation at the August 5, 2013 Council meeting and he would like to incorporate this information to be presented in more detail as well as the request from several Councilors to hold a work session regarding the parking issue. He stated he would like to include that request in the presentation instead of holding a work session.

Councilor Dwyer stated that she would like a matrix of all activities done by staff, the Transportation Policy Committee and other committees, etc. for clarification of what has been done to this point so that we are all on the same page.

Councilor Novelline Clayburgh asked if the staff is working with the principle that 600 additional parking spaces are needed by 2020. City Manager Bohenko stated we are exploring all options and hopes to come back in the fall with the options.

**B. MAYOR SPEAR**

1. Appointments to be Voted:
  - John Palreiro – Taxi Commission
  - Dana Mary Hegre – Citywide Neighborhood Steering Committee

**Councilor Novelline Clayburgh moved to appoint John Palreiro to the Taxi Commission with term to expire December 31, 2013 and Dana Mary Hegre to the Citywide Neighborhood Steering Committee with term to expire April 1, 2015. Seconded by Councilor Smith and voted.**

2. Establish Senior Committee Charge  
The purpose of the Committee is to advise the City Council on developing a senior center. This would include potential programming, senior center location and a suggested plan of action to develop a new center.

The committee will develop a suggested menu of programming opportunities and services that could be available at a senior center. It will review community input and demographics gathered to date. It will identify activities not currently available to residents. It will identify potential partners in the community for services, programming and intergenerational activities.

After preliminary assessment of the activities and programs to be offered, physical space to operate the program will be estimated, along with staff requirements. The committee will investigate the feasibility of the Doble Army Reserve building, as well as any other potential locations that could serve as a future senior center in Portsmouth.

The committee will suggest a proposed site along with plan and project budget. The committee will also develop an operations plan describing the administrative organization of the center.

The Blue Ribbon Committee will report back to the City Council in 150 days and recommend a plan-of-action for the creation of a senior center that will cover all areas of facility, budget, programming and administration

Mayor Spear read the afore-mentioned charge establishing the Senior Committee and made the following appointments to serve on the committee.

3. Senior Committee Appointments:
  - Bob Lister, Chair
  - Nancy Novelline Clayburgh
  - Eva Powers
  - Nancy Andrews
  - Martha Fuller Clark
  - Maureen Arsenault
  - Jack Jamison

4. Establish Fire Department Study Committee Charge  
The purpose of the Committee is to choose an independent consultant to perform an independent study of the Portsmouth Fire Department for the purpose of recommending to the City Council and Fire Commission changes to the practices and organizational structure of the Department in order to reduce costs and/or improve service without materially affecting public safety

Mayor Spear read the afore-mentioned charge establishing the Fire Department Study Committee and made the following appointments to serve on the committee.

5. Fire Department Study Appointments:
  - Chris Dwyer
  - Brad Lown
  - Norm Olsen
  - Peter Somssich
  - Eric Gregg
  - Fire Commissioner
  - Steve Achilles, Fire Chief Ex-officio

Councilor Dwyer asked where the funding will come from. Mayor Spear stated the staff in the procurement office will be working on this and we are following the same procedure as with the police department study but because this request is coming from the Council, the committee will come back to the Council with a proposal and cost. He stated the Council will then vote on whether to go forward and if so, the money would come from contingency.

Councilor Smith asked when this committee will sunset. Mayor Spear stated he would like the committee to sunset themselves as there is a defined objective.

### **C. COUNCILOR SMITH**

1. Parking and Traffic Safety Committee Action Sheet and Minutes of the June 13, 2013 meeting

**Councilor Smith moved to approve and accept the action sheet and minutes of the Parking and Traffic Safety Committee meeting of June 13, 2013, seconded by Councilor Thorsen.**

Councilor Coviello asked about the Maplewood Avenue meters that he read about in the newspaper. Councilor Smith explained that action took place at the July 11<sup>th</sup> Parking and Traffic Safety Committee meeting and will be on the next Council agenda. He continued to explain that this was a request by the businesses on the other side of Maplewood Avenue and consists of 9 spaces from Raynes Avenue to the Cemetery and will be Pay and Display metered spaces. Councilor Coviello stated his fear is that these spaces will remain empty most of the time and wonders if a 2 hour time limit could be imposed instead of the pay and display meters.

Councilor Coviello stated his other issue is with the item regarding Holiday Parking and that there are several Councilors absent this evening who are concerned with this issue as well.

**Councilor Coviello moved to remove Action Sheet Item #10 and Item V-1 of the Minutes regarding Holiday Parking from the June 13, 2013 Parking and Traffic Safety Committee meeting and defer to the August 5, 2013 Council meeting, seconded by Councilor Thorsen. Motion passed. Councilor Smith voted opposed.**

**Motion to approve and accept the remaining Action sheet and minutes of the Parking and Traffic Safety Committee meeting of June 13, 2013 passed.**

Councilor Dwyer stated it is important to mention the item regarding the placement of the pay and display receipts on the passenger side of the vehicle instead of the driver side. Councilor Smith explained that this was presented to the Parking and Traffic Safety Committee as an informational item that they are educating the public that placement on the passenger side of the vehicle is safer for both the vehicle operator and the parking enforcement officers.

## **XII. MISCELLANEOUS/UNFINISHED BUSINESS**

Mayor Spear stated that although this meeting isn't going to be an issue, several of the past meetings have gone well beyond the 10:00 p.m. time limit. He stated he would like to abide by that rule in the future and will vote against any motions to go beyond the 10:00 p.m. limit. He stated he doesn't feel that good decisions are made after that time.

Councilor Thorsen asked what happens to the rest of the agenda. Mayor Spear stated it gets deferred to the beginning of the next meeting.

Councilor Dwyer stated this is not a good idea and reminded the Mayor that the late meetings have been due to the number of people speaking on the issues and we don't want to curtail that participation. She asked if the meetings could start earlier than 7:00 or is that set by the Charter. City Attorney Sullivan stated it is set by the Charter.

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

**Councilor Smith moved to adjourn at 7:30 p.m. Seconded and voted unanimously.**



Valerie A. French  
Deputy City Clerk

## LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, August 5, 2013 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH, on the proposed Ordinance:

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	<b>50'<sup>5</sup> 45' or 3 stories, whichever is less<sup>2</sup></b>	<b>60' 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.

KELLI L. BARNABY, CMC/CNHMC  
CITY CLERK

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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	50'-4 1/2' or	60'-4 1/2' or
Structure height	3 stories, whichever is less <sup>1</sup>	3 stories, whichever is less <sup>1</sup>

<sup>1</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.

KELLI L. BARNABY, CMC/CNHMC  
CITY CLERK

#12517 11P6/20



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'</del> <b>45'</b> or <b>3 stories, whichever is less</b> <sup>2</sup>	<del>60'</del> <b>45'</b> or <b>3 stories, whichever is less</b> <sup>2</sup>

<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

## LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, August 5, 2013 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH, on a Resolution Authorizing the Borrowing of up to Five Million Seven Hundred and Fifty Thousand Dollars (\$5,750,000.00) for FY 14 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

The complete Resolution is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

KELLI L. BARNABY, CMC/CNHMC  
CITY CLERK

**LEGAL NOTICE**

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The complete Resolution is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

KELLI L. BARNABY, CMC/CNHMC  
CITY CLERK

#12817 11P7/18

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

**RESOLUTION # – 2013**

**A RESOLUTION AUTHORIZING A BOND ISSUE AND/OR  
NOTES OF UP TO FIVE MILLION SEVEN HUNDRED FIFTY  
THOUSAND DOLLARS (\$5,750,000) FOR COSTS RELATED TO  
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 Fiscal Year 2014 Citywide Facilities, Street and Sidewalk Improvements;

**THAT**, to meet this appropriation, the City Treasurer, with the approval of the City Manager, is authorized to borrow, on a competitive or negotiated basis, up to **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**

**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.



	FY14	FY15	FY16	FY17	FY18	FY19	Totals 14-19	6 PY's Funding	Totals
GP	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
Totals		\$1,000,000	\$0	\$1,000,000	\$0	\$0	\$2,000,000	\$1,055,000	\$3,055,000
Commence FY:	On-Going	Quarter: 1st	Priority:	Impact On: Operating Budget			Negligible		

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

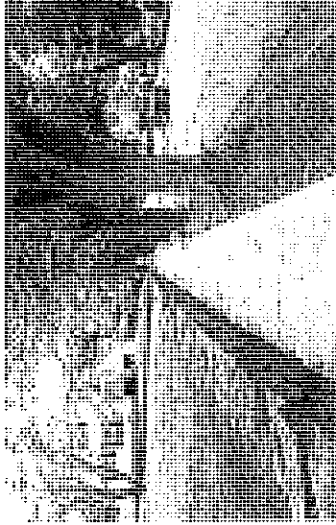
**PROPOSED CAPITAL IMPROVEMENTS - CITYWIDE FACILITIES**

Fiscal Year 2014

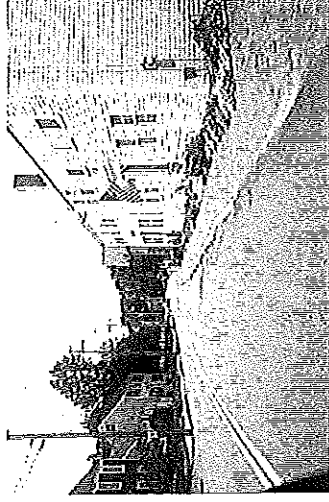
<u>Facility/Project</u>	<u>Cost</u>
Municipal Complex	\$300,000
Tennis Court Renovations	\$250,000
Municipal Athletic Fields	\$200,000
Spinnaker Point Recreation Center	\$100,000
Police Facility	\$75,000
Fire Facilities	\$75,000
<b>TOTAL IMPROVEMENTS</b>	<b>\$1,000,000</b>

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

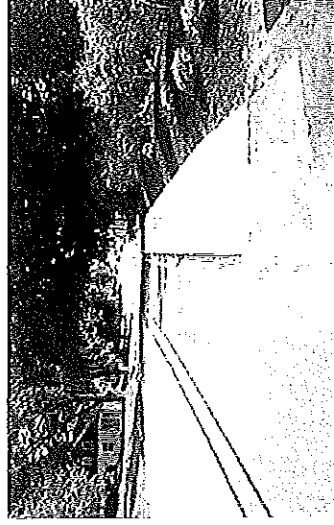
- This program relies on a management program and is funded on a two-year schedule to address the need to upgrade existing sidewalk surfaces on a priority basis. The sidewalk inventory consists of over 50 miles of sidewalks, made from asphalt, concrete, brick or stone. Some \$20,000,000 of reconstruction 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.

	FY14	FY15	FY16	FY17	FY18	FY19	Totals:14-19	6 FY'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
Totals:		\$800,000	\$800,000	\$0	\$800,000	\$0	\$2,400,000	\$1,100,000	\$3,500,000
Commence FY: On-Going	Quarter: 1st	Priority:	Impact On: Operating Budget:	Impact On: Capital Budget:	Impact On: Debt Service:	Impact On: Other:	Negligible		

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

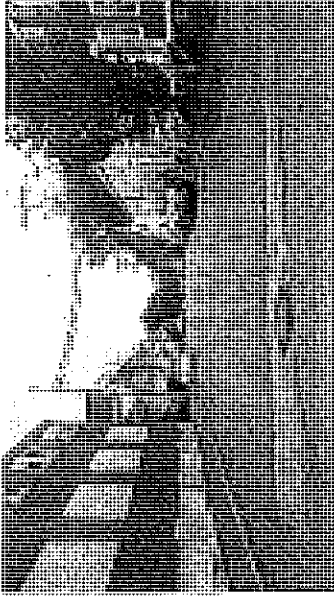
PROPOSED CAPITAL IMPROVEMENTS-SIDEWALKS

Fiscal Years 2014 and 2015

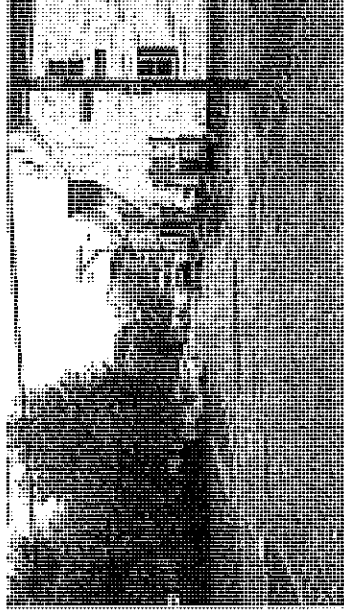
<u>Sidewalk</u>	<u>Cost</u>
Sagamore Avenue: from South Street to Sagamore Bridge	\$200,000
Middle Street from Aldrich to South Street	\$150,000
State Street Cabot Street-Cass Street	\$150,000
Penthallow/Sheafe Streets	\$200,000
Various Street	\$100,000
	<b><u>TOTAL IMPROVEMENTS</u>    \$800,000</b>



**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.



	FY14	FY15	FY16	FY17	FY18	FY19	Totals 14-19	6 PY's Funding	Totals
GF							\$0	\$0	\$0
Fed/State							\$0	\$0	\$0
Bond/Lease	\$400,000	\$400,000					\$800,000	\$1,200,000	\$2,000,000
Other							\$0	\$0	\$0
Revenues							\$0	\$0	\$0
PPP							\$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		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.



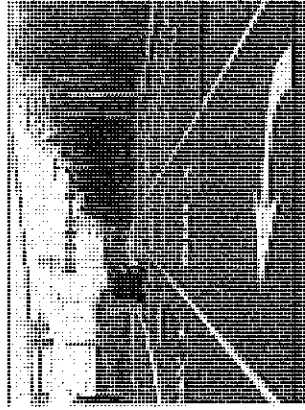
	FY14	FY15	FY16	FY17	FY18	FY19	Totals 14-19	6 Yrs. Funding	Totals
GF		\$120,000		\$120,000			\$240,000	\$145,000	\$385,000
Fed/State							\$0	\$0	\$0
Bond/Lease	\$550,000		\$550,000				\$1,100,000	\$600,000	\$1,950,000
Other							\$0	\$0	\$0
Revenues							\$0	\$0	\$0
PPP							\$0	\$0	\$0
Totals	\$550,000	\$120,000	\$550,000	\$120,000	\$550,000	\$0	\$1,890,000	\$725,000	\$2,410,000
Commence FY: On-Going	Quarter:	1st	Priority:	Operating/Budget:	Impact:	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.

	FY14	FY15	FY16	FY17	FY18	FY19	Totals 14-19	6 PY's Funding	Totals
LGF							\$0		\$0
Fed/State							\$0		\$0
Bond/Lease	\$2,500,000		\$2,500,000				\$7,500,000	\$5,000,000	\$12,500,000
Other							\$0		\$0
Revenues							\$0		\$0
PPP							\$0		\$0
Totals	\$2,500,000	\$0	\$2,500,000	\$0	\$2,500,000	\$0	\$7,500,000	\$5,000,000	\$12,500,000
Commence FY:	On-Going	1st Quarter	Priority		Impact On Operating Budget	Negligible			

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

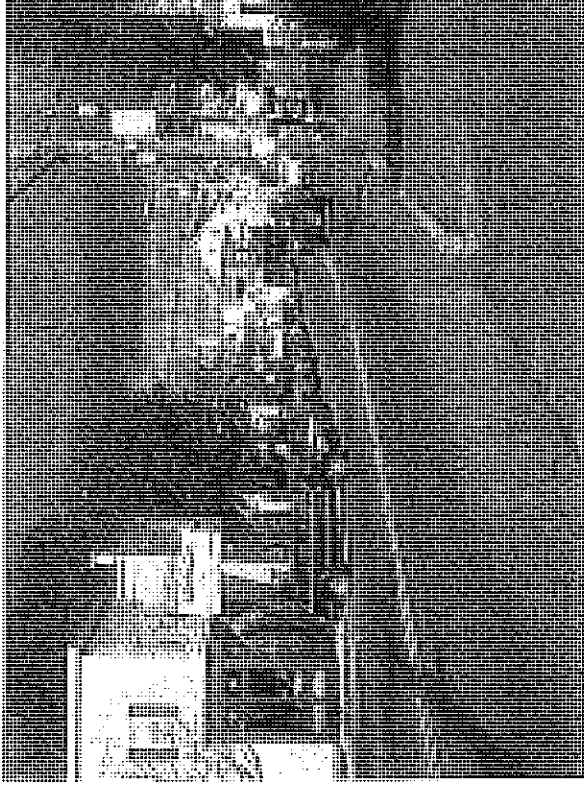
**PROPOSED CAPITAL IMPROVEMENTS-STREETS**

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.

	FY14	FY15	FY16	FY17	FY18	FY19	Totals 14-19	S.P.Y.'s Funding	Totals
GF		\$100,000		\$100,000			\$200,000	\$200,000	\$400,000
Fed/State							\$0	\$0	\$0
Bond/Lease	\$500,000		\$500,000		\$500,000		\$1,500,000	\$0	\$1,500,000
Other							\$0	\$0	\$0
Revenues							\$0	\$0	\$0
PPP							\$0	\$0	\$0
Totals	\$500,000	\$100,000	\$500,000	\$100,000	\$500,000	\$0	\$1,700,000	\$200,000	\$1,900,000
Commence FY:	2014	2015	2016	2017	2018	2019	Negligible		
Quarter:			Priority:		Impact On Operating Budget:				

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, August 5, 2013 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH, on a Resolution for bond authorization of up to Ten Million Dollars (\$10,000,000.00) for the Peirce Island Wastewater Treatment Plant Upgrades. The complete Resolution is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

KELLI L. BARNABY, CMC/CNHMC  
CITY CLERK

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KELLI L. BARNABY, CMC/CNHMC  
CITY CLERK

#12517

11P7/18

**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 OF UP TO TEN MILLION DOLLARS (\$10,000,000) FOR COSTS RELATED TO PERMITTING, DESIGN AND INITIAL CONSTRUCTION PHASE OF THE PEIRCE ISLAND WASTEWATER TREATMENT PLANT.**

**RESOLVED:**

**THAT the sum of up to Ten Million Dollars (\$10,000,000) is appropriated for permitting, design and the initial construction phase of the Peirce Island Wastewater Treatment Plant;**

**To meet this appropriation, the City Treasurer, with the approval of the City Manager is authorized to borrow, on a competitive or negotiated basis, up to Ten Million Dollars (\$10,000,000) through the issuance of bonds and/or notes of the City under the Municipal Finance Act and/or a loan program offered through the State of New Hampshire Department of Environmental Services, identified as the State Revolving Fund Loan, 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 Peirce Island Wastewater Treatment Plant;**

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

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

**APPROVED:**

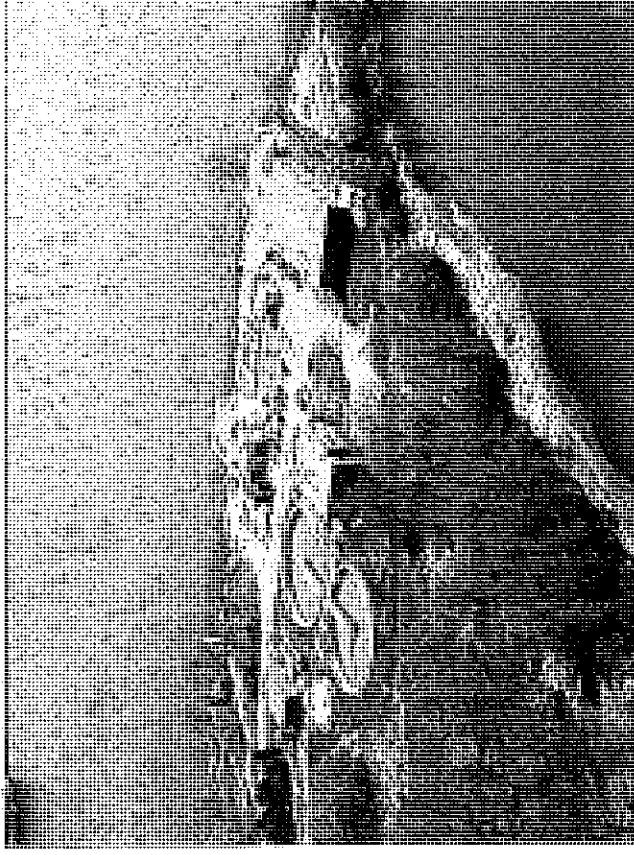
\_\_\_\_\_  
**ERIC SPEAR, MAYOR**

**ADOPTED BY CITY COUNCIL**

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

**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.



	FY14	FY15	FY16	FY17	FY18	FY19	Totals 14-19	6 PYs Funding	Totals
GF	0%						\$0	\$0	\$0
Fed/State	0%						\$0	\$0	\$0
Bond/SRF	98%	\$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>\$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	1st	Priority:	Impact On Operating Budget:	High				



LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, August 5, 2013 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH, on a Resolution for bond authorization of up to Three Million Five Hundred Thousand Dollars (\$3,500,000.00) for the Pease Wastewater Treatment Plant Upgrades. The complete Resolution is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

KELLI L. BARNABY, CMC/CNHMC  
CITY CLERK

LEGAL NOTICE

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KELLI L. BARNABY, CMC/CNHMC  
CITY CLERK

#12517

11P7/18

**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 OF UP TO THREE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$3,500,000) FOR COSTS RELATED TO THE PEASE WASTE WATER TREATMENT PLANT UPGRADES.**

**RESOLVED:**

**THAT the sum of up to Three Million Five Hundred Thousand Dollars (\$3,500,000) is appropriated for Pease Waste Water Treatment Plant upgrades;**

**To meet this appropriation, the City Treasurer, with the approval of the City Manager is authorized to borrow, on a competitive or negotiated basis, up to 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 Pease Waste Water Treatment Plant;**

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

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

**APPROVED:**

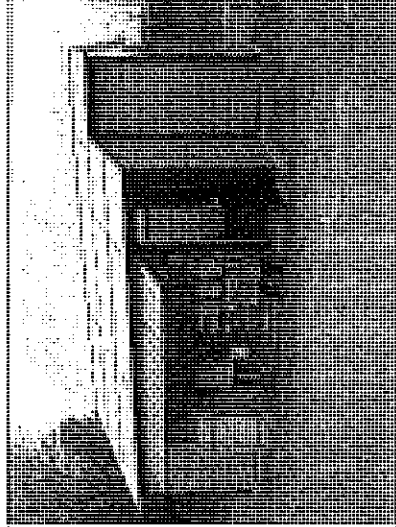
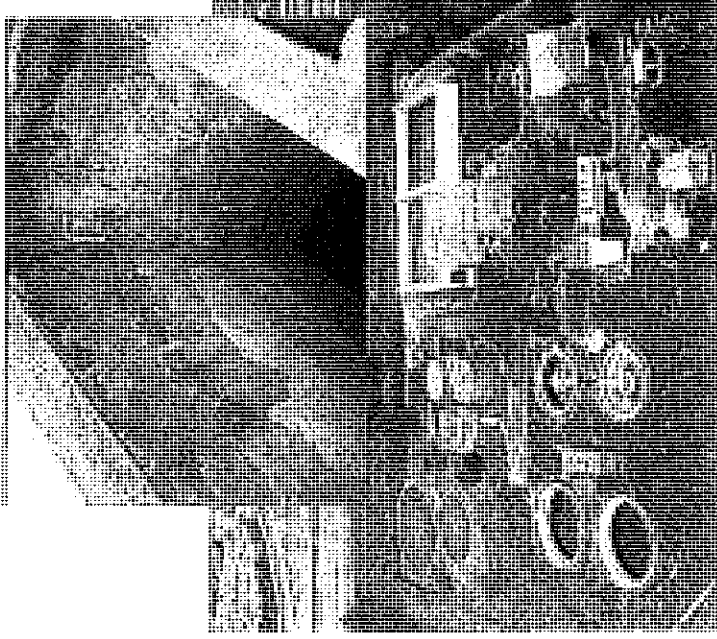
\_\_\_\_\_  
**ERIC SPEAR, MAYOR**

**ADOPTED BY CITY COUNCIL**

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

### 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.



	FY14	FY15	FY16	FY17	FY18	FY19	Totals-14-19	6 PY's Funding	Totals
GF	0%						\$0	\$0	\$0
Fed/State	0%						\$0	\$0	\$0
Bond/SPF	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>		\$3,500,000	\$0	\$0	\$0	\$0	\$3,500,000	\$50,000	\$3,550,000
Commence, FY 2013	Quarter 1st						Impact On Operating Budget		
							High		

PORTSMOUTH POLICE DEPARTMENT

MEMORANDUM

RECEIVED

JUL 11 2013

CITY MANAGER  
PORTSMOUTH

DATE: 10 JULY, 2013  
TO: JOHN P. BOHENKO, CITY MANAGER  
FROM: JOHN F. GOLUMB, CHAIRMAN, PORTSMOUTH POLICE COMMISSION  
STEPHEN J. DUBOIS, CHIEF OF POLICE  
RE: GRANTS & DONATIONS


At the July 10<sup>th</sup> Police Commission meeting, the Board of Police Commissioners approved and accepted the following donations:

- a. A donation of \$100 in support of the Portsmouth Police Honor Guard in memory of Retired PPD Captain, Kerry Plaisted, by Commissioner Wm. Mortimer.
- b. A donation in the amount of \$100 in support of the Police Explorer Cadets from the Wentworth-Coolidge Commission, Inc.

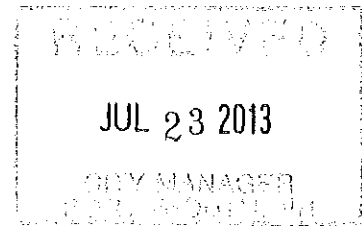
We submit the information to you pursuant to City Policy Memorandum #94-36, for the City Council's consideration and approval at their next meeting.

Respectfully submitted,

  
John F. Golumb, Chairman  
Board of Police Commissioners

  
Stephen J. DuBois, Chief of Police

cc: Board of Police Commissioners  
Finance Director Judie Belanger  
Admin. Mgr. Karen Senecal  
Business Assistant Tammie Perez



July 22, 2013

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

Dear Mr. Bohenko,

I am writing today on behalf of the St. Patrick School located at 125 Austin Street, Portsmouth, NH. The community of St. Patrick School would like to host an annual 5k Road Race in March, close to the St. Patrick's Day holiday to benefit the school and further extend its presence within the community. We would like the first race to be held on Saturday, March 15th 2014 at 9am, with the route to be determined. I was referred to you and your office by Mayor Spear and Mr. Steve Marchand to start the process and seek permission by the City to discuss overall logistics. I would be happy to set up a meeting at your convenience to discuss this further.

Thank you in advance for your consideration and I look forward to hearing from you soon. I can be reached via email at [jmcfarland@bottomline.com](mailto:jmcfarland@bottomline.com) or 603-501-9029.

Kind regards,

Jill McFarland

received

7-15-13

# SEACOAST HALF MARATHON

Caring for the coast, one step at a time



July 9, 2013

Mayor Spear and the Portsmouth City Council  
Portsmouth City Hall  
1 Junkins Ave  
Portsmouth, NH 03801

Dear Honorable Mayor Spear and the City Council,

This is to request your approval to hold the 8th annual Seacoast Half Marathon on Sunday, November 10, 2013.

The Seacoast Half Marathon is a fund-raiser, benefitting a different local non-profit organization each year. The previous beneficiaries were the Market Square Steeple Fund, New Heights, Cross Roads House, Womenade, Great Bay Services, Big Brothers Big Sisters of the Greater Seacoast, and Families First. In the first seven years of the race, we contributed over \$425,000 to those organizations. This year's joint beneficiaries are the Children's Advocacy Center and the Sexual Assault Support Services. Both organizations work together to help keep children safe through their advocacy and prevention education programs. Our goal this year is to raise and donate a minimum of \$70,000 to CAC/SASS. In addition to our beneficiary, other local non-profit organizations have staffed our 'water stops,' and those enthusiastic groups each receive \$500 for their efforts on race day.

The Seacoast Half Marathon has sold out every year. And each year, the race attracts runners and walkers from 16-20 states across the nation, plus a small handful of people from outside the country. So local hotels, retailers and restaurants also benefit from the people who visit Portsmouth for this road race on Veteran's Day weekend.

We expect to have 1,200 participants on race day. 'Competitive walkers' will start at 8:00am, and the runners will start at 8:30. The 13.1 mile course travels through Rye and New Castle, as well as parts of Portsmouth. We avoid the 'downtown' area of Portsmouth to help minimize traffic interruptions. Each year, we work with the Police departments in Portsmouth, Rye and New Castle to minimize the impact of the race on local communities, and to maximize the safety for the racers. This year's race course needs to be modified because of the closing of the bridge over Sagamore Creek, and we have worked with the Portsmouth and Rye Police to develop an alternative that both organizations have endorsed and approved.

We thank your office and the Council for your support of the Seacoast Half Marathon in past years, and hope that you will provide your support again for this year's race.

Sincerely,

A handwritten signature in blue ink that reads "Jay Diener".

Jay Diener  
Co-race director, Seacoast Half Marathon  
206 Woodland Rd  
Hampton, NH 03842  
603.758.1177  
racedirector@seacoasthalfmarathon.com



# Course Map

Sunday, November 10, 2013

# SEACOAST HALF MARATHON

Caring for the coast, one step at a time

# SEACOAST HALF MARATHON

*Caring for the coast, one step at a time*



## Seacoast Half Marathon Course - 2013

- Start on Rt. 1 in Portsmouth, south of Ledgewood Drive.
- South on Rt. 1 to Elwyn Road
- Left on Elwyn Road to the Foye's Corner traffic circle.
- Half-way around circle onto Pioneer Road.
- Pioneer Road to Brackett Road. Right onto Brackett Road.
- Brackett Road to Parsons Road. Bear left onto Parsons Road.
- Parsons Road to Marsh Road, Go straight on Marsh to Rt. 1A.
- Left onto Rt. 1A, past Odiorne Point Park and Brackett Road.
- Rt. 1A/Pioneer Road to Foye's Corner.
- Bear right onto Sagamore Avenue.
- Sagamore Avenue to Wentworth Road/ Rt. 1B. Right onto Wentworth.
- Rt. 1B through New Castle, then straight onto Portsmouth Avenue.
- Left onto New Castle Avenue to stop sign.
- Left onto South Street. Straight to Summit Drive.
- Left onto Summit Drive, and onto Portsmouth H.S. grounds to the finish line.



Mayor Eric Spear &  
Portsmouth City Council  
1 Junkins Ave  
Portsmouth, NH 03801

Mark Ayotte  
9 Garden Street  
Portsmouth, NH 03801



Dear Mayor Spear and Portsmouth City Council,

Our family owns and resides at 9 Garden Street, Portsmouth, NH. The property is on city map U174 Lot 10. On two sides of our property we are bordered by as yet to be built roads, Garden Street and Colonial Avenue otherwise known as paper streets.

We are requesting the City of Portsmouth return all rights and privileges to us as abutters from our current property line to the centerline of both Garden Street and Colonial Avenue.

(See attached print. Existing property line is shown as a broken line. Proposed/ requested line is the solid dark line on Garden Street and Colonial Ave.)

Thank you for your consideration of this matter.

Respectfully,

A handwritten signature in black ink, appearing to read "Mark Ayotte".

Mark Ayotte

9 Garden Street

Portsmouth, NH 03801

433-3032



GREATER  
**PORTSMOUTH**  
CHAMBER OF COMMERCE  
**GET CONNECTED**

19 July 2013

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

RE: Summer Daze Sidewalk Sale

Dear John and Portsmouth City Council:

The Retail Committee of the Greater Portsmouth Chamber of Commerce would like to hold a sidewalk sale for five days, August 29 through September 2, 2013. The Retail Committee is currently soliciting downtown shops to participate in the sale, though a partial list is below.

Participating shops will put sale racks outside and against the front walls of their shops to display sale items. Racks are no larger than 18" wide, 50" tall and 5' long. No racks will interfere with the safe passage of pedestrians along the sidewalk. The racks will be outside during retail hours, 10:00 a.m. until at least 8:00 p.m.

The Retail Committee respectfully requests the City's permission to place sale racks outside their stores for these five days. We would be happy to meet with members of the City Council if additional information is needed.

Sincerely,



Assiah Russell, Puttin' on the Glitz  
Chair, Retail Committee



Valerie Rochon  
Greater Portsmouth Chamber of Commerce

Cc: Nancy Carmer, Economic Development

Participating shops to date:

Market Street: Flower Kiosk, Puttin' on the Glitz  
Commercial Alley: Hazel  
Bow Street: Tugboat Alley  
Market Street: Kilwins  
Vaughan Mall: City Shoes  
Fleet Street: Le Club Boutique



July 31, 2013

To: Portsmouth City Councilors  
cc: John Bohenko, Ann Sharpe

Dear Councilors,

This letter is to request permission to have a Flash Dance/Flash Mob outside Poco's Restaurant on Saturday, September 7th at around 1:30-2:00 PM. The actual address is 2 Ceres St.

Here are some details:

This will be in honor of my sister's 60th birthday. There are seven sisters and we always celebrate significant birthdays in different ways. Poco's has agreed to this date and time. We believe there could be as many as 50-75 people. The Dance itself will only last about 3 minutes. However, the "event" surrounding it will probably take 10-15 minutes. Ceres Street normally has very little traffic. I expect that the dance will spread out into Ceres St if there is no traffic. If there is traffic, the dancers can easily move off the street. We don't believe there is any need for even a temporary street closure, as we will defer to any traffic.

We have considered other venues, but we think this location is ideal for us. We are not aware of any other events in that area at that time, although we would expect the normal weekend foot traffic.

I'll be happy to discuss any other details at any time. I would also be happy to attend the City Council Meeting when this is discussed.

I would appreciate confirming receipt of this letter, and letting me know when it will appear on the Council agenda.

Thanks for your consideration.


A handwritten signature in blue ink that reads "Barbara Archibald".

Barbara Archibald

130 Cable Rd.  
Rye, NH 03870  
tombarbara@aol.com  
603-379-2760

**CITY OF PORTSMOUTH  
PORTSMOUTH, NH 03801**

***Office of the City Manager***

**Date:** August 1, 2013  
**To:** Honorable Mayor Eric Spear and City Council Members  
**From:** John P. Bohenko, City Manager   
**Re:** City Manager's Comments on August 5, 2013 City Council Agenda

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**6:00 p.m. – Non-meeting with counsel.**

For details on this matter, please refer to the confidential envelope inserted in the inside pocket of your binder.

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***Presentations:***

1. **Transportation Issues e.g. COAST, Satellite Parking, Wayfinding, Bicycle Friendly Community, etc.** On Monday evening, Juliet Walker, City's Transportation Planner and Rad Nichols, Executive Director of COAST, will make a presentation to the City Council regarding the City's Transportation Initiatives. The topics will include public transportation, off-street parking access and connections, wayfinding, bicycle & walking friendly communities' designations, and complete streets.
2. **Update Re: Sagamore Bridge Replacement.** Peter Rice, Director of Public Works, will present a brief update on the Sagamore Bridge Replacement Project.

The project involves the replacement of the NH Route 1A Bridge (Br. No. 198/034) over Sagamore Creek, and minor improvements to the sections of NH Route 1A approaching the bridge from the north and south. The new bridge replaces the Sagamore Creek Bridge which was constructed in 1941.

The replacement bridge is a new variable-depth steel girder bridge approximately 418 feet long between abutments, and 42.5 feet wide. The bridge includes two 12-foot travel lanes, two 5-foot paved shoulders for bicycles, and one fully-accessible 5.5-foot sidewalk. Approach roadway improvements involve new curbing and sidewalks, drainage facilities, and replacement of the watermain that crosses the existing bridge.

The Bridge is anticipated to be out of service from October 2013 to December 1, 2014. However, the final construction schedule will be established once a contractor is selected.

The estimated cost of this project is \$8 million of which the City pays 20% \$1.6 million.

### ***Items Which Require Action Under Other Sections of the Agenda:***

#### **1. Public Hearing of Proposed Ordinance:**

- 1.1 **Public Hearing and Second Reading of Proposed Ordinance amending Chapter 10 – Zoning Ordinance, Article 5 – Section 10.531 – Table of Dimensional Standards – Business and Industrial Districts, Maximum Structure Dimensions – Structure Height, CBA 45’ or 3 Stories, whichever is less; CBB 45’ or 3 Stories, whichever is less, and Section 10.535 – Exception to Dimensional Standards in the Central Business Districts, by inserting a New Section 10.535.13: Increased Building Height by Conditional Use Permit.** On Thursday, July 18, 2013, the Planning Board began, but did not complete, its review of the building height ordinance which had been referred to it by the City Council on June 17, 2013. The anticipation of the City Council was that the Planning Board report back would be received by the Council in a manner timely to allow public hearing and second reading at the August 5, 2013 City Council meeting. The Planning Board will conduct a work session on August 1, 2013 regarding the ordinance. Therefore, the earliest that the Planning Board could actually vote a recommendation to the City Council would be at the Planning Board meeting of August 15, 2013. Thus, the earliest that the City Council would be able to receive and act upon the Planning Board recommendation would be at the Council meeting of August 19, 2013.

I requested a procedural recommendation from the Legal Department concerning the manner in which the Council might deal with the foregoing timing issues.

The Legal Department’s recommendation is that the City Council open its scheduled public hearing on the ordinance at the Council meeting of August 5, 2013 and hear any public comment which might be received at that time. However, subsequent to the receipt of public comment on August 5, 2013, the City Council should move to continue the public hearing and second reading of the proposed ordinance until the Council meeting of August 19, 2013. At that time, the Council should reopen the public hearing and receive any further public comment which might be offered. The Council might then consider the public comment which has been offered as well as the recommendation which it should have received from the Planning Board by that time to make its decision on second reading of the ordinance.

It may be necessary to adjust this recommendation depending upon what action is taken by the Planning Board on August 15, 2013.

*I would recommend the Mayor open the public hearing regarding this matter, and continue the public hearing until the August 19, 2013 City Council meeting. Further, I would recommend that second reading be tabled until the August 19, 2013 City Council meeting. Action on this matter should take place under Section IX of the Agenda.*

2. **Public Hearings and Adoption of Proposed Resolutions:**

2.1 **Public Hearing and Adoption of Proposed Resolutions for Bond Authorization for FY14 City Improvements.** As a result of the July 15, 2013 City Council meeting, under Section IX of the Agenda, I am bringing back for a public hearing and adoption the proposed Bonding Resolutions for FY14 City Improvements. The following list identifies three separate resolutions:

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 and construction 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.

- **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 Street 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 1950's 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 that the City Council move the following motions:*

- 1) *Move to adopt a Bond Resolution for City Improvements in the amount of up to \$5,750,000.*
- 2) *Move to adopt a Bond Resolution for Peirce Island Wastewater Treatment Plant Upgrades in the amount of up to \$10,000,000.*
- 3) *Move to adopt a Bond Resolution for Pease Wastewater Treatment Plant Upgrades in the amount of up to \$3,500,000.*

*Please note that adoption of bonding resolutions requires two-thirds vote of the City Council. Action on this matter should take place under Section IX of the Agenda.*

## ***Consent Agenda:***

1. **Acceptance of Police Department Donations.** Attached under Section X of the Agenda is a memorandum, dated July 10, 2013, from John F. Golumb, Chairman of the Portsmouth Police Commissioners, and Police Chief Stephen J. DuBois, requesting that the City Council approve the following donations:
  - a. A donation of \$100 in support of the Portsmouth Police Honor Guard in memory of Retired PPD Captain, Kerry Plaisted, by Commissioners Wm. Mortimer.
  - b. A donation in the amount of \$100 in support of the Police Explorer Cadets from the Wentworth-Coolidge Commission, Inc.

We submit the information to you pursuant to City Policy Memorandum #94-36, for the City Council's consideration and approval at their next meeting.

*I would recommend the City Council move to approve and accept the donations, as listed, to the Portsmouth Police Department. Action on this matter should take place under Section X of the Agenda.*

2. **Acceptance of Donation from Liberty Mutual Insurance Re: African Burying Ground Committee.** The City has received a donation of \$1,000 from Liberty Mutual Insurance. These funds have been donated in appreciation of the City's participation in the Liberty Mutual Insurance Serve with Liberty Volunteer Program.

For the second year in the row, volunteers from Liberty Mutual offices in the area performed a full day of community service on several different landscaping, painting and trails projects for the City. I recommend that these funds be accepted and expended to assist the African Burying Ground Committee with soft costs related to fundraising activities.

*I would recommend the City Council move to authorize the City Manager to accept and expend a \$1,000 donation from Liberty Mutual Insurance for fundraising soft costs related to the African Burying Ground project. Action on this matter should take place under Section X of the Agenda.*

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

1. **Rock Street Parking Garage Lot Proposed License Agreement for Shared Parking.** The Heinemann Company, a division of Houghton Mifflin Harcourt is a publisher of professional resources and a provider of educational services for teachers, kindergarten through college. With 120 employees, Heinemann is one of the largest local companies operating within walking distance to downtown. Recently, the company has experienced significant growth and is outgrowing the existing office space at the Kearsarge Mill. In an effort to retain the firm at its current location and to accommodate future growth, the building owner, Kearsarge Mill Unit Owners Association, has worked with the company

to devise a plan to add 4,500 square feet to the building. The parent company has agreed to remain at the expanded site provided that there is more parking for the employees beyond the parking that currently exists on site. Failing this, the company may be moved out of state by the parent company.

Heinemann employees currently park in the surface lots in front and back of the building. The building owner provides Heinemann 56 spaces on its property. In 2006, to accommodate growth, the City and the building owner entered into a parking agreement in which Heinemann employees use 18 parking spaces on City property behind the building. In turn, the owner allows use of 18 parking spaces in its front parking lot for use by the public from 6 PM to 8 AM during weekdays and at all times during the weekend. The total number of parking spaces available to Heinemann employees from this agreement is 74.

With the recent demolition of the Rock Street Garage adjacent to the Heinemann offices, it has been the City's intention to create a surface parking lot with 30-40 spaces at that site. In that there is a need for additional parking for Heinemann employees and for residents after business hours, the City and the building owner have discussed a shared parking arrangement to accommodate the parking needs of Heinemann workers during the work day. It also provides for the City to gain additional neighborhood parking on the Heinemann lot during weekday evenings and on weekends.

Under the proposed shared parking arrangement, The City would pave and install lighting at the Rock St. lot by October 1<sup>st</sup> which is when the Kearsarge Mill office addition will be complete. The Rock St. lot would be available for Heinemann employees from 8AM to 6 PM on weekdays. In turn, the Kearsarge Mill Unit Owners Association will maintain and plow the Rock St. lot and also make available its 74-space surface lot for the neighborhood/public to park between the hours of 6PM and 8AM during the week and at all times during the weekend. This will create a total of approximately 104-114 parking spaces during non-business hours and weekends between both the Rock St. lot and the Heinemann lot. The agreement term would mirror the Heinemann office lease with the Kearsarge Mill owner which would expire in 2019 (see attached agreement). Urban Development Action Grant (UDAG) would be used to fund the proposed improvements to the Rock Street lot.

The EDC recently met with representatives of Heinemann and Kearsarge Mill Unit Owners Association and has endorsed the shared parking proposal in order to retain the company in Portsmouth. Attached is a letter from EDC Chair Everett Eaton recommending the City Council enter into a license agreement for shared parking. Also attached is a map of the area and draft license agreement.

*I would recommend the City Council move to authorize the City Manager to enter into a license agreement with The Heinemann Company and Kearsarge Mill Unit Owners Association for shared parking at the Rock Street Garage lot.*

2. **Proposed Omnibus Parking Ordinance.** On March 20, 2000, the City Council adopted Ordinance #4-2000 under Chapter 7, Article 1, Section 7.103 of the Parking Ordinance, which authorized the Parking Committee to modify City parking regulations as appropriate. This Ordinance revision has made the City more responsive to the changing parking needs of the downtown.

Before the new procedure was approved, it required three readings of the City Council to simply change a parking space from a 2-hour time restriction to a 15-minute one. The process from when a request was received to when the sign was changed often took 3 months or longer to complete.

Under this procedure, the process is streamlined. The Parking and Traffic Safety Committee takes formal action, presents the action to the City Council in the form of monthly meeting minutes, and implements the action only after the City Council adopts the meeting minutes. The public hearing process is still accomplished, but only after the action has been in place for one year, or less, as the Council deems appropriate. This way, the Council and the public have the benefit of seeing how the recommended parking change worked before formally adopting it.

This procedure also benefits the City by fostering a continuing dialogue and analysis of downtown parking issues. The Parking and Traffic Safety Committee meets monthly to monitor on-street and off-street parking utilization data and operations. The recommended actions that result from these meetings are made in the context of a comprehensive review of current parking conditions.

Attached are proposed changes to Chapter 7, Vehicles, Traffic Parking Omnibus Ordinances that were either implemented by the Parking and Traffic Safety Committee for testing during the last year or are a part of ongoing improvements to the Vehicles, Traffic and Parking Ordinance and are forwarded to the City Council for approval as an Omnibus Ordinance. The changes are highlighted in red. I am requesting that the City Council bring back the proposed Ordinance for first reading at the August 19<sup>th</sup> City Council meeting.

*I would recommend that the City Council move to authorize the City Manager to bring back for first reading the proposed Parking Omnibus Ordinance at the August 19<sup>th</sup> City Council meeting.*

3. **Proposed Amendments to the School Clerical Employees' Collective Bargaining Agreement in accordance with the Memorandum of Agreement and the School Custodial Supervisors' Union Collective Bargaining Agreement in accordance with the Memorandum of Agreement to Change to SchoolCare Re: Health Insurance.** As you will recall, during the budget process, the City Council requested that the City approach the unions again and see if they would reconsider changing from HealthTrust to SchoolCare. In keeping with their directive, I instructed Dianna Fogarty, Human Resources Director, to contact all union presidents and ask them if they would be interested in learning more about SchoolCare. Two unions responded. They were the School Custodial Supervisors and the School Clericals.

Attached are the Memorandum of Agreements with each of these unions outlining the terms and conditions for agreeing to accept SchoolCare. They are as follows:

- Employees will pay a co-pay of 14% for all plans.
  - Change the Dental Plan from Northeast Delta Dental to Cigna and increase the annual amount of coverage from \$750 to \$1,500.
  - Extend their contract for an additional year expiring on June 30, 2015.
- a) **School Clerical Employee's Memorandum of Agreement.** There are 30 employees in the clerical group with a savings of \$54,158.11 for FY '14. The rolling COLA, retirement, FICA and Medicare for FY '15 will be \$25,336.45.

*I would recommend the City Council move to approve the proposed amendment to the School Clerical Employees' Collective Bargaining Agreement in accordance with the Memorandum of Agreement, as presented.*

- b) **School Custodial Supervisors' Union Memorandum of Agreement.** There are 10 employees who would change as part of the custodian supervisors' union. This includes the maintenance and security staff. The savings in FY '14 would be \$28,497.48. We would again save at least this amount for FY '15. The cost to give a rolling COLA plus retirement, Medicare and FICA would be \$13,331.53.

*I would recommend the City Council move to approve the amendment to the School Custodial Supervisors' Union Collective Bargaining Agreement in accordance with the Memorandum of Agreement, as presented.*

4. **Proposed Application to National Parks Service Re: Doble Center.** As you are aware, the City staff has been working with the members of our Congressional delegation to determine the implications of the federal government's recent changes to the disposal process involving the Paul A. Doble Army Reserve Center. As you may recall, the City Council voted to pursue a public benefit conveyance for the property from the National Parks Service in April 2008. Since that time, a number of developments and discussions about recreation needs in the City have taken place, including the completion of a Recreation Needs Study and the closure of the Senior Center. At this time, and in consultation with the delegation and representatives from the National Parks Service and the U.S. Army, it appears that City can take additional steps to better ensure that it will receive the Doble Center by submitting a Public Benefit Conveyance Application to the National Parks Service (NPS). This step will give the City more leverage in its efforts to acquire the property and demonstrate that the property has long been anticipated to come to the City and is needed to meet community needs.

The benefits of acquiring this property now and for the future for a recreation reuse are numerous. This City has various recreation needs including a needed senior center and, in the long-term, a multi-purpose, multi-generational recreation facility that was identified in the Recreation Needs Study and the City's Capital Plan. The Doble property can be converted to a Senior Center within approximately six months. In addition, the

3.4 acre site presents various opportunities to meet recreation needs in the future, including a new community center. Given these community needs and the immediate opportunity to ensure the City receives this property, I believe it is prudent at this time to submit an application to NPS to receive the property at no cost via a public benefit conveyance for a recreation use (Senior Center).

Again, we believe this action now will help to further strengthen the City's position as it advocates for receiving the property and communicating our readiness and long held plans to receive it under the BRAC disposal process.

*I would recommend the City Council move to authorize the City Manager to apply for a public benefit conveyance from the National Parks Service for the Paul A. Doble Army Reserve Center.*

5. **Proposed Outside Area Service Agreement for British Beer Company.** The British Beer Company is the operator of a restaurant along Portwalk Place which is a private street that the City maintains easements over. Attached is a letter from the British Beer Company requesting an Area Service Agreement for tables and chairs. This Agreement is similar to the other five Area Service Agreements that we have throughout the City and limits hours of operation and dictates operating conditions for the area within the Service Agreement. This Agreement is unique in that the property itself is owned by Portwalk Development and as such, there is no fee associated with this Agreement. The Agreement does, however, require that the applicant provide insurance with the City listed as additional insured.

*I would recommend the City Council move to authorize the City Manager to enter into an Area Service Agreement with the British Beer Company.*

6. **Proposed Additional Areas Re: Form-Based Zoning.** As you will recall, at the June 3, 2013 City Council meeting, there was a discussion regarding a request to expand the study areas for form-based zoning. The City Council asked that staff look into the following areas to expand (see attached map):

- 1) The "Northern Tier" at the edge of the downtown between the railroad tracks and North Mill Pond;
- 2) An area on the opposite side of the Maplewood Avenue bridge;
- 3) The Islington Street corridor with expanded areas at the north and south ends.

At the meeting on June 3<sup>rd</sup>, the City Council asked that any action on this matter be delayed until the August 5, 2013 City Council meeting. At this time, City staff would recommend that this matter be continued until after the initial study areas are completed to determine if form-based zoning should be expanded to the aforementioned areas.

As you will recall, the cost of this additional work is estimated at \$97,000.

*I would recommend that the City Council move to table this item until the September 19, 2013 City Council meeting.*

7. **Report Back Re: Letter of Request for Amendment to License Agreement between Priscilla Semprini, Trustee of the Priscilla Semprini Revocable Trust 2010, 300 New Castle Avenue and the City of Portsmouth.** As you will recall, at the July 15<sup>th</sup> meeting, the City Council referred the attached letter from Zachary Taylor, Director of Operations at Riverside and Pickering Marine Contractors, requesting a minor amendment to the aforementioned License Agreement. Attached is a memorandum from Robert Sullivan, City Attorney that will serve as his report back on this matter. In his review, he has indicated that this is primarily a policy determination for the City Council which does not present significant legal issues. Accordingly, it is his recommendation that if the City Council wishes the Semprini Trust to construct a dock, he would suggest the following motion:

*That the City Manager be authorized to negotiate and execute an amendment to the Revocable License Agreement with the Priscilla Semprini Revocable Trust of 2010 in accordance with the request presented to the Council to allow a dock to be constructed attached to City land on New Castle Avenue.*

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

1. **Events Listing.** For your information, attached is a copy of the Events Listing updated after the last City Council meeting on July 15, 2013. In addition, this now can be found on the City's website.
2. **Comments to Environmental Protection Agency Re: Draft MS4 Stormwater Permit.** The Environmental Protection Agency (EPA) has revised the 2008 draft New Hampshire small "General Permit for Stormwater Discharges From Small Municipal Separate Storm Sewer Systems" (MS4 Stormwater Permit) and has re-issued a new draft permit (2013 draft permit) for public comment. A Public Hearing was held on March 14, 2013 at the New Hampshire Department of Environmental Services Pease Field Office in Portsmouth New Hampshire. At that time, Steve Parkinson presented comments with respect to the City's concerns with the draft permit. Final comments of the draft permit are due on August 15, 2013. Following the close of the written comment period, we anticipate that the Regional Administrator will issue a final permit decision in late 2013.

Written comments are currently being developed by City staff together with the assistance of a consultant who reviewed the draft permit on our behalf. In addition, a separate formal comment submittal will be prepared and submitted under separate cover from a group of more than 30 New Hampshire communities being represented by the law firm Sheehan, Phinney, Bass and Green. Their comments will focus on the legal aspects of the draft permit. We will forward a copy of both documents to you once they have been completed.

As our comments will note, and also presented in previous correspondence and presentations to City Council (including a Stormwater 101 public presentation on December 11, 2011), meeting these new draft permit requirements as written will require

a significant financial and time commitment from the City and its staff. Our consultant has estimated that the overall budget effect of the draft permit requirements will cost the City approximately \$3.5 million over the five years of this permit. We will be presenting additional information in the coming months to City Council regarding these costs and the funding options as part of the next phase of our Water and Wastewater Rate Study being performed by Municipal & Financial Services Group. We anticipate incorporating the cost of compliance in the FY15 budget.





# CITY OF PORTSMOUTH

Economic Development Department  
(603) 610-7220

July 24, 2013

Honorable Mayor and City Council  
City Hall  
1 Junkins Ave.  
Portsmouth, NH 03801

RE: Proposed Shared Parking Opportunity

Dear Mayor Spear and City Council Members,

At its July 23, 2013 meeting, Heinemann Publishing Company President Lesa Scott and Kearsarge Mill Owner James Somes attended the EDC meeting to discuss a parking partnership opportunity for sharing the City's now vacant Rock St. Garage lot to allow for employee parking during the day in exchange for evening and weekend parking for neighborhood residents/public in the 74 spaces on the Heinemann lot located at 361 Hanover Street.

Heinemann Publishing is a publisher of professional resources and a provider of educational services for teachers. The rapidly growing company employs 120 full-time (FT) employees at the Hanover St. site and an additional 150 contract employees that work remotely. It has annual revenues of \$140 million and its development plan strives to quadruple that by 2021. The jobs are commensurate with professional publishing jobs in the Boston market. With the variety of divisions (marketing, manufacturing, production, sales, etc.) there is a wide range of employment opportunities that will come online with the planned future growth.

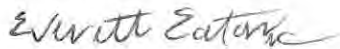
Heinemann Publishing has grown in Portsmouth from a start up of 4 employees to 120 employees making it one of the largest local companies operating within walking distance to downtown. The company contributes directly to the local economy through hosting an annual four-day conference at the local Sheraton Hotel, as well as other smaller conferences throughout the year. In addition, employees routinely patronize local business for lunch and other needs.

The company has now maximized its existing office space in the Kearsarge Mill and although it does not want to move from its current location, it needs to expand. In an effort to retain the firm at its current location and to accommodate future growth, Mr. Somes, the building owner, has worked with the company on a plan to add 4,500 square feet to the building. The parent company has agreed to remain at the expanded site provided that there is more parking for the employees beyond the 74 parking spaces that currently exists on site. Failing this, the company may be moved out of state by the parent company.

The City would improve the Rock St. lot using UDAG economic development funds to pave the lot, install lighting and construct a safety curb at the top of the retaining wall that runs along the side of lot.

From an economic development perspective, the proposed shared parking partnership is a perfect business retention opportunity which: 1) retains a firm that has grown in the City and is committed to creating additional professional jobs, 2) expands the commercial property tax base through the building owner's investment in new construction of more office space, 3) creates a shared parking opportunity for the neighborhood close to downtown. This arrangement is somewhat similar to the discounted parking rates in the High Hanover facility that we have offered to other major employers in the past such as Prime Buchholz. For these reasons, the Economic Development Commission voted to strongly recommend to the City Council that the City and Kearsarge Mill Owners enter into a license agreement to allow employee parking for their tenant, Heinemann Company at the former Rock Street garage site during weekday business hours.

Sincerely,



Everett Eaton, Chair  
Portsmouth Economic Development Commission

CC: John Bohenko, City Manager

EDC

## PARKING AGREEMENT

The City of Portsmouth, a municipal corporation with a principal place of business of 1 Junkins Avenue, Portsmouth, New Hampshire 03801 (hereinafter "City") and Kearsarge Mill Unit Owners Association, a New Hampshire non-profit corporation with a mailing address of 154 Maplewood Avenue, Portsmouth, New Hampshire 03801 (hereinafter "Kearsarge") agree as follows:

1. Kearsarge owns property located at 361 Hanover Street, Portsmouth, County of Rockingham and State of New Hampshire and described in the deed recorded at the Rockingham County Registry of Deeds at Book 2535, Page 539 (the "Kearsarge Property"). Such property has been declared as a condominium. The original Declarants are Myfair Realty Trust and Cambridgeport Trust and Declaration and Bylaws are recorded at the Rockingham County Registry of Deeds at Book 2596, Page 1583 and Book 2596, page 1600, respectively, and were recorded on April 17, 1986. A plan entitled "Kearsarge Mill Condominium Plans" prepared by Kimball Chase Company, Inc. was recorded at the Rockingham County Registry of Deeds as D-14855 on April 17, 1986 (hereinafter "Kearsarge property").
2. The City owns property adjacent to the Kearsarge Property located at Rock Street, Portsmouth, County of Rockingham and State of New Hampshire and described in the deed recorded at the Rockingham County Registry of Deeds at Book 2267, Page 1105 (the "City Property") which formerly contained a building shown on the Kearsarge Mill Condominium Plans as "N/F City of Portsmouth then known as the "Rock Street Garage" (hereinafter the "Rock Street property").
3. The City and Kearsarge desire to allow for mutual use of the Rock Street property and the Kearsarge Property for parking purposes under the following terms and conditions:
  - a. Prior to October 1, 2013 the City shall pave, stripe, install signage and install lighting on the Rock Street property sufficient to accommodate parking for not less than thirty (30) vehicles. These actions will be taken in accordance with specifications to be determined by the City.
  - b. Commencing on October 1, 2013 the Rock Street property shall be allocated by the City to the exclusive use of the Kearsarge Mill Unit Owners Association between the hours of 8:00 a.m. to 6:00 p.m. Monday through Friday exclusive of state and national holidays.

- c. Commencing October 1, 2013 the Kearsarge will maintain and plow snow on the Rock Street property as well as the Kearsarge property in a prompt and workmanlike manner for the term of the agreement. Kearsarge agrees that in exchange for the use of the Rock Street property as described above, Kearsarge will allow all of its property as described above, inclusive of eighteen (18) parking spaces on adjacent City property as described in a certain Revocable License dated October 30, 2006 as well as all parking on the Rock Street property to be available for free, open and unrestricted public parking at all times except during the hours of 8:00 a.m. to 6:00 p.m. on weekdays, exclusive of state and national holidays.
- d. Kearsarge shall post its property and the Rock Street property with signage approved by the City of Portsmouth indicating the availability of public parking on the lots as described above.
- e. Kearsarge agrees that no later than September 20, 2013 it will install a dumpster enclosure for the dumpsters in mutually agreed upon location. A dumpster license will be negotiated between the parties for this purpose.
- f. Either party may terminate this agreement on thirty (30) days notice to the other party.
- g. This agreement contains no indemnification or contribution provision. The City and Kearsarge shall each be responsible for its own liabilities in connection with the performance of this agreement.
- h. This agreement shall expire on \_\_\_\_\_, 2019.

**CITY OF PORTSMOUTH**

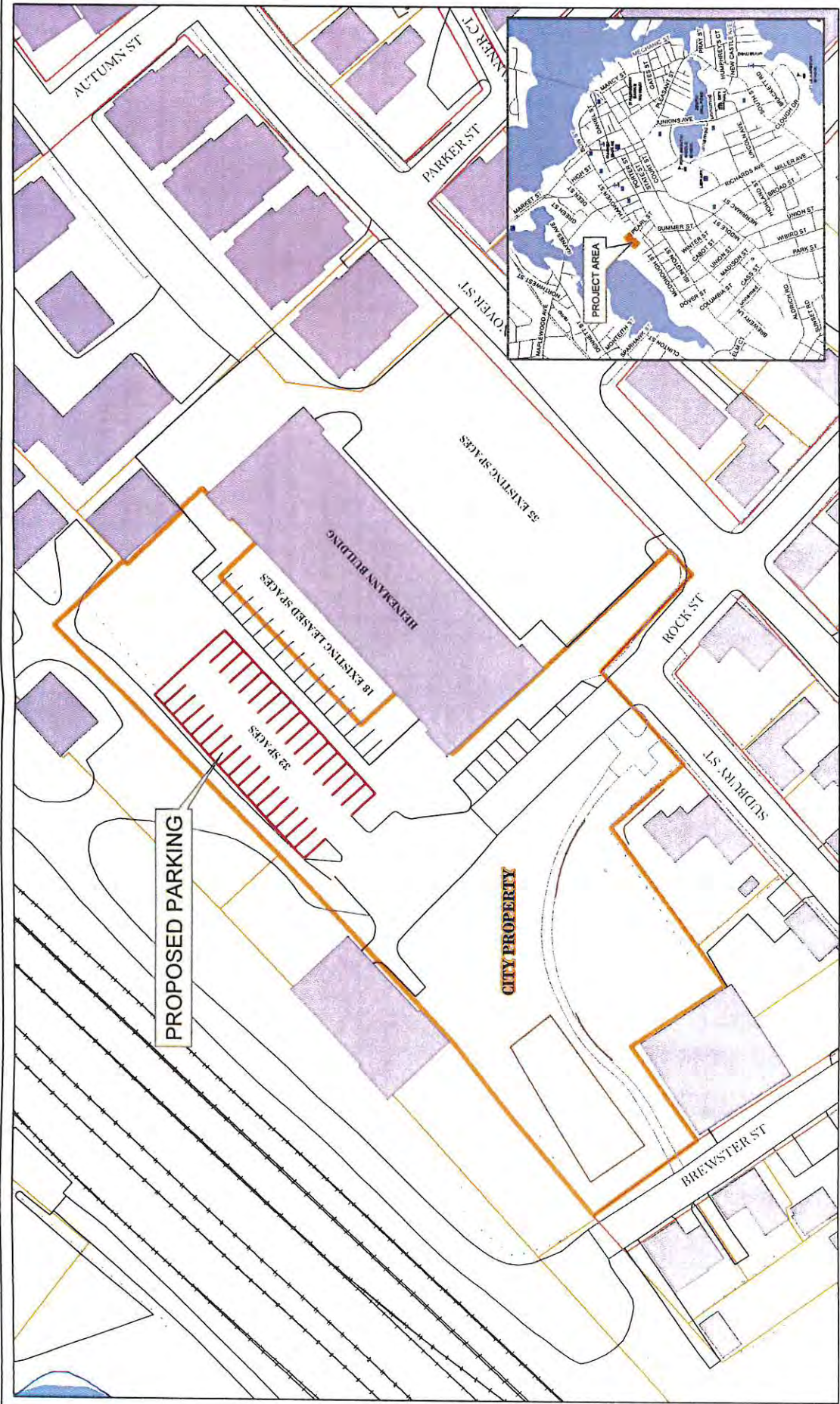
By: \_\_\_\_\_  
 John P. Bohenko  
 City Manager

\_\_\_\_\_  
 Witness

**KEARSARGE MILL UNIT OWNERS ASSOCIATION**

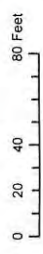
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\_\_\_\_\_  
 Witness



**ROCK STREET PROPOSED PARKING**

Map prepared by Department of Public Works, July 30, 2013



ORDINANCE # - 2013

THE CITY OF PORTSMOUTH ORDAINS that the following amendments be made to Chapter 7, Vehicles, Traffic and Parking, of the Ordinances of the City of Portsmouth (deletions from existing language ~~stricken in red~~; additions to existing language **bolded in red**; remaining language unchanged from existing):

*(Explanation not part of ordinance: The following changes to the parking ordinance were either implemented by the Parking and Traffic Safety Committee for testing during the last year or are a part of ongoing improvements to the Vehicles, Traffic and Parking Ordinance and are forwarded to the City Council for approval as an Omnibus Ordinance.)*

- A. Amend:** Chapter 7, Article VI – TRUCK LOADING/UNLOADING ZONES, Section 7.601 Truck Loading/Unloading Zones Established:

**ARTICLE VI: TRUCK LOADING/UNLOADING ZONES**

**Section 7.601: TRUCK LOADING/UNLOADING ZONES ESTABLISHED**

The following locations are established as exclusive “Truck Loading Zones” on Mondays through Saturdays between the hours of 6:00 a.m. and 7:00 p.m. **or as otherwise described below with regard to any particular location (and 6:00 a.m. to 12:00 p.m. on Sundays where noted).** During these times only trucks, vans and other commercial delivery vehicles **actively** engaged in loading or unloading of product, merchandise or equipment (**meaning that no more than 10 consecutive minutes pass without loading or unloading activity**) may park. Such vehicles may park at the designated locations for a period not to exceed 30 minutes. Unless otherwise determined by ordinance, at all other times these zones shall be open parking for all vehicles.

1. **Bow Street: northerly side starting 40 feet west from Chapel Street and extending west for a distance of 70 feet. In addition to Monday through Saturday, this location shall also be a truck loading zone from 6:00 a.m. to 12:00 p.m. on Sunday.**
  2. **Bridge Street: westerly side, 100 feet north from the intersection of Bridge Street and Islington Street for a distance of 49 feet.**
  - ~~7. Haven Court: both sides, entire length.~~
  10. **Penhallow Street: westerly side, north from Commercial Alley for a distance of 45 feet. In addition to Monday through Saturday, this location shall also be a truck loading zone from 6:00 a.m. to 12:00 p.m. on Sunday.**
-

- B. Amend:** Chapter 7, Article VI – TRUCK LOADING/UNLOADING ZONES Section 7.602 Truck Loading/Unloading Zones (24 Hours):

**Section 7.602: TRUCK LOADING/UNLOADING ZONES (24 HOURS)**

The following locations are established as exclusive “Truck Loading Zones” at all times, 24 hours a day, seven days a week. Only trucks, vans and other commercial delivery vehicles actually engaged in loading or unloading of product, merchandise or equipment may park in the designated locations. Such vehicles may park at the designated locations for a period not to exceed 30 consecutive minutes.

- 2. Haven Court**  
**a. Both sides, entire length**
- 
- 

- C. Amend:** Chapter 7, Article II – TAXICABS, Section 7.224 Taxicab Stands:

**Section 7.224: TAXICAB STANDS**

- A. No owner or operator of any taxicab shall allow or permit the same to remain standing or parked unattended **for longer than five (5) minutes** at any taxi stand.
- 
- 

- D. Add:** Chapter 7, ARTICLE III:

**Section 7.328 UTILIZATION OF MULTIPLE PARKING SPACES:**

**No person having custody or control of a single vehicle shall park or cause any vehicle to be parked (or partially parked) on two adjacent spaces on any metered street in the City of Portsmouth at a time and in a location in which a parking fee is required. Vehicles with trailers or boats may occupy up to two spaces when parking fees are paid for both spaces.**

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- E. Amend:** Chapter 7, Article IV: Section 7A.408 Taxicab Stands Designated:

**Section 7A.408: TAXICAB STANDS DESIGNATED**

The following areas are hereby designated as Taxi stands:

- C. Hanover Street: southerly side, first parking space west from ~~the bus stop.~~ **Fleet Street**
- 
-

**F. Add: Chapter 7, Article III, Limited Parking – Three Hours: Section 7.328:  
Limited Parking – Three Hours**

- A. No person having control or custody of any vehicle shall stop or cause the same to stop or park for longer than three hours at any time between the hours of 9:00 a.m. and 7:00 p.m. Monday through Saturday, and between 12:00 p.m. and 7:00 p.m. Sunday, Holidays excluded, on the following streets and locations:**
- 1. Bow Street:**
    - a. both sides from Penhallow Street to Chapel Street.**
    - b. west side from point 38 feet northerly of intersection with Daniel Street to a point 445 feet northerly from said intersection.**
  - 2. Bridge Street: both sides from Hanover Street to Deer Street.**
  - 3. Ceres Street:**
    - a. land of the City of Portsmouth, Assessor's Plan 13, Lot 85, from Ceres Street 48 feet of the westerly half of said lot.**
  - 4. Chestnut Street: both sides from State Street to Court Street.**
  - 5. Church Street: easterly side, two spaces 26 feet south of State Street.**
  - 6. Congress Street:**
    - a. southerly side from Chestnut Street to Church Street, except for the first two spaces westerly from the intersection of Fleet Street.**
    - b. northerly side from a point 65 feet easterly from Fleet Street to a point 75 feet westerly from High Street.**
  - 7. Court Place: east side from Court Street to State Street.**
  - 8. Court Street: on the southerly side from Middle Street to the easterly sideline of Chestnut Street extended.**
  - 9. Daniel Street:**
    - a. north side from Piscataqua River to Market Street.**
    - b. five head-in parking spaces adjacent with the Piscataqua River commencing 30 feet from the Harbour Place property line at the northern most corner of Daniel Street and the Piscataqua River.**
  - 10. Deer Street: all except for two spaces in front of 28 Deer Street.**
  - 11. Fleet Street: westerly side from Hanover Street to State Street with the exception of Taxi Stands #1 and #2.**
  - 12. High Street:**
    - a. easterly side, first two metered spaces south of Ladd Street**
    - b. east side from Hanover Street to Deer Street.**
    - c. west side, first two metered spaces north of Hanover Street**



13. **Marcy Street: westerly side from the intersection of State Street to a point 100 feet south of Court Street**
  14. **Market Square:**
  15. **Market Street:**
    - a. **westerly side from Market Square to Bow Street, except for the first two parking spaces from Market Square. The first of which is hereby designated for police cruiser parking only and the second of which is designated as a taxi stand (see Section 7.A408).**
    - b. **easterly side from Daniel Street to Deer Street.**
    - c. **both sides from Deer Street to Russell Street.**
  16. **Penhallow Street:**
    - a. **westerly side from State Street to southerly entrance of Police Station grounds, from exit of N.H. National Bank to Daniel; from a point 160 feet north of Daniel to Bow Street.**
    - b. **easterly side between Daniel Street and Bow Street.**
  17. **Pleasant Street:**
    - a. **easterly side from #15 Pleasant Street to State Street.**
    - b. **westerly side from southerly end of the North Church to State Street.**
  18. **State Street:**
    - a. **northerly side from Middle Street 250 feet westerly.**
    - b. **northerly side from Middle Street to Marcy Street.**
    - c. **southerly side from Middle Street to Marcy Street.**
  19. **Washington Street: northerly side between State Street and Court Street**
- 

**G. Amend:** Chapter 7, Article IV, Off-Street Parking Areas

H. Prescott Park Off-Street Parking Areas

The following areas to be known as the Prescott Park Off-Street Parking Areas **are hereby** established for off-street parking of motor vehicles:

1. **Water Street**
2. **The Lot at the northerly end of the Park.**
  - A. **No person having control or custody of any vehicle shall stop or cause same to stop for longer than two (2) hours at any time between the hours of 8:00 a.m. and 6:00 p.m., on any day of the week.**

~~I. Middle School Library Parking Lot Off-Street Parking Area~~

~~The following area to be known as the Middle School Library Off-Street Parking Area is hereby established for off-street parking of motor vehicles in accordance with the terms and conditions contained herein:~~

~~The lot on the northerly side of Parrott Avenue between the Portsmouth Public Library and the Middle School.~~

- ~~1. The thirty one (31) parking spaces closest to the Portsmouth Library, as designated by the Department of Public Works, shall be designated as Library Only parking with a four (4) hour time limit.~~
- ~~2. All remaining parking spaces shall not be designated for parking related to any particular facility, but shall be subject to a two (2) consecutive hour time limit.~~
- ~~3. No parking shall be allowed in the lot between the hours of 11:00 p.m. and 7:00 a.m. at any time, except for the 24 parking spaces directly abutting Parrott Avenue, which spaces shall be vacated no later than 7:00 a.m.~~

~~J. Portsmouth Library Off-Street Parking Area~~

~~The following area to be known as the Portsmouth Library Off-Street Parking Area is hereby established for off-street parking of motor vehicles:~~

~~The southern section of the property located at 175 Parrott Avenue.~~

~~All of said area shall be used for off-street parking for library patrons only, not to exceed 4 hours at any one time. At no time shall a vehicle be parked overnight, or continuously from dusk until dawn.~~

~~It shall be unlawful for any personal to cause or permit any vehicle registered in his name to be parked in violation of this Section and said violation shall be subject to a fine and removal by towing.~~

K. Meeting House Hill Off-Street Parking Area

The following area to be known as the Meeting House Hill Off-Street Parking Area is hereby established for off-street parking of motor vehicles:

The property located at 280 Marcy Street, formerly known as the Children's Museum.

All of said area shall be used for off-street parking not to exceed 72 hours at any one time.

~~It shall be unlawful for any person to cause or permit any vehicle registered in his name to be parked in violation of the Section and said violation shall be subject to a fine pursuant to Section 7.901, paragraph H, and removal by towing.~~

---

## H. Amend: Chapter 7, Article III, Traffic Ordinance, Limited Time Parking

### Section 7.327: LIMITED PARKING - TWO HOURS

A. No person having control or custody of any vehicle shall stop or cause the same to stop or park for longer than two hours at any time between the hours of 9:00 a.m. and 7:00 p.m. Monday through Saturday, and between 12:00 p.m. and 7:00 p.m. Sunday, Holidays excluded, on the following streets and locations:

- ~~1. Bow Street:
  - a. both sides from Penhallow Street to Chapel Street.
  - b. west side from point 38 feet northerly of intersection with Daniel Street to a point 445 feet northerly from said intersection.~~
- ~~2. Bridge Street: both sides from Hanover Street to Deer Street.~~
- ~~3. Ceres Street:
  - a. land of the City of Portsmouth, Assessor's Plan 13, Lot 85, from Ceres Street 48 feet of the westerly half of said lot.~~
- ~~4. Chestnut Street: both sides from State Street to Court Street.~~
- ~~5. Church Street: easterly side, two spaces 26 feet south of State Street.~~
- ~~6. Congress Street:
  - a. southerly side from Chestnut Street to Church Street, except for the first two spaces westerly from the intersection of Fleet Street.
  - b. northerly side from a point 65 feet easterly from Fleet Street to a point 75 feet westerly from High Street.~~
- ~~7. Court Place: east side from Court Street to State Street.~~
- ~~8. Court Street: on the southerly side from Middle Street to the easterly sideline of Chestnut Street extended.~~
- ~~9. Daniel Street:
  - a. north side from Piscataqua River to Market Street.
  - b. Five head in parking spaces adjacent with the Piscataqua River commencing 30 feet from the Harbour Place property line at the northern most corner of Daniel Street and the Piscataqua River.~~
- ~~10. Deer Street: all except for two spaces in front of 28 Deer Street.~~
11. Doris Avenue: both sides.
12. Dunton Street:

- ~~13. Fleet Street: westerly side from Hanover Street to State Street with the exception of Taxi Stands #1 and #2.~~
14. Greenside Avenue: both sides.
15. Hancock Street:
  - a. northerly side from Marcy Street to Pleasant Street
  - b. southerly side from Washington Street to Pleasant Street.
- ~~16. High Street:
  - a. easterly side, first two metered spaces south of Ladd Street
  - b. east side from Hanover Street to Deer Street.
  - c. west side, first two metered spaces north of Hanover Street~~
17. Islington Street:
  - a. northerly side from Tanner Street to Parker Street
  - b. northerly side from Pearl Street to a point westerly 335'
  - c. northerly side from Cabot Street to a point easterly 515'
18. Madison Avenue: westerly side from State Street to Lovell Street.
- ~~19. Maplewood Avenue: easterly side ten spaces running northerly from a point one hundred twenty feet (120') north of its intersection of Vaughan Street.~~
- ~~20. Marcy Street: westerly side from the intersection of State Street to a point 100 feet south of Court Street.~~
- ~~21. Market Square: limited two hour parking.~~
- ~~22. Market Street:
  - a. westerly side from Market Square to Bow Street, except for the first two parking spaces from Market Square. The first of which is hereby designated for police cruiser parking only and the second of which is designated as a taxi stand (see Section 7.A408
  - b. easterly side from Daniel Street to Deer Street.
  - c. both sides from Deer Street to Russell Street.~~
23. Mechanic Street: northerly side from Marcy Street intersection to Pierce Island Bridge Approach.
24. Middle Street: northerly side from Austin Street to Summer Street.
- ~~25. Penhallow Street:
  - a. westerly side from State Street to southerly entrance of Police Station grounds, from exit of N.H. National Bank to Daniel; from a point 160 feet north of Daniel to Bow Street.
  - b. easterly side between Daniel Street and Bow Street.~~

- ~~26. Pleasant Street:~~
  - ~~a. easterly side from #15 Pleasant Street to State Street.~~
  - ~~b. westerly side from southerly end of the North Church to State Street.~~
- 27. Sheafe Street: northerly side from a point 40 feet easterly from Penhallow Street to Chapel Street.
- 28. Sherburne Road: both sides.
- ~~29. State Street:~~
  - ~~a. northerly side from Middle Street 250 feet westerly.~~
  - ~~b. northerly side from Middle Street to Marcy Street.~~
  - ~~c. southerly side from Middle Street to Marcy Street.~~
- 30. Summer Street:
  - a. both sides from Islington Street to State Street, Monday through Friday from 8:00 a.m. to 5:00 p.m.
  - b. southwesterly side between Chatham Street and Austin Street.
- 31. Sutton Street: both sides.
- ~~32. Washington Street: northerly side between State Street and Court Street~~
- 33. Witmer Avenue: both sides.

**I. Amend:** Chapter 7, Article IVA, Bus Stops, Taxicab Stands and Horse Drawn Carriages and Article IV, Off-Street Parking Areas

Section 7A-402: Bus Stops Designated

- D. Hanover Street: southerly side of Hanover Street 140–**90** feet east of Fleet Street to a point 285 feet east of Fleet Street.

**J. Amend:** Chapter 7, Article IV, Off-Street Parking Areas

Section 7.402: Areas established, Designated and Described

**ADD: B. Dennett and Kane Streets Off-Street Parking Area:**

**The following area, to be known as the Dennett/Kane Off-Street Parking Area, is hereby established for the off-street parking of motor vehicles. Said area is more particularly bounded and described as follows:**

**The triangular area 100 feet westerly from the intersection of Dennett and Kane Streets abutting the easterly side of the property at 197 Dennett Street. The space provides parking for five vehicles.**

**AMEND:  
(Move to end) - Business Validation Program**

---

**K. Amend:** Chapter 7, Article IX, Penalties, Forfeitures and Separability, Section 7.901: Penalties

- E. Notwithstanding any other provisions of this Ordinance, any person violating the following sections of this Chapter or any rule made by the Chief of Police pursuant thereto, shall forfeit to the City of Portsmouth within forty-eight (48) hours of such violation the amount designated below. In the event that the forfeiture amounts not made within thirty (30) calendar days of the violation, then the forfeiture shall be twice the sum listed below. In the event of failure to make such forfeiture, said person shall be subject to a fine of not more than \$100.00 upon conviction. ~~therefore in the Portsmouth District Court.~~

<u>Section</u>	<u>Parking Violation</u>	<u>Fine Amount</u>
<b>ADD:</b> <b>7.209</b>	<b>Utilization of Multiple Spaces</b> <i>(No amendments to remaining schedule of fines)</i>	<b>\$25.00</b>

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**L. Amend:** Chapter 7, Article III, Traffic Ordinance, Section 7.321: Snow Emergency Parking Ban

- G.** City residents may park in the High-Hanover Parking Facility during snow emergencies **by paying a flat fee to be determined by the City Council commencing from with** a declared parking ban advanced notice until a time deemed appropriate by the Public Works Director or his/her designee following termination of a snow ban ~~but in no event less than two hours after the termination of the snow ban.~~ **The time period allowed for such parking shall not terminate less than 2 hours after then end of the snow ban. To be eligible for the flat rate snow ban discount, drivers must provide proof of residency by presenting a driver's license or vehicle registration showing a Portsmouth address.** The fee is payable upon exit from the parking facility.

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**M. Amend:** Chapter 7, Article III, Traffic Ordinance, Section 7.326: Limited Parking – Fifteen Minutes

Add:

- 9. Maplewood Avenue: easterly side, the first two spaces commencing 140 feet northerly from Vaughan Street**

Amend:

- 12. State Street:**  
**a. southerly side, first two metered spaces east from Atkinson Street.**  
**b. southerly side, first metered space east from Pleasant Street.**
-

**N. Amend:** – Chapter 7, Article IV, Off-Street Parking Areas, Section 7.401, Definitions:

Amend:

Section 7.401: Definitions **and Authority**

Add:

**C. It shall be unlawful for any person to cause or permit any vehicle registered in his name to be parked in violation of this Section and said violation shall be subject to a fine pursuant to Section 7.901, paragraph H, and removal by towing.**

---

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

The City Clerk shall remove all references of amendment dates to Chapter 7 with that information to be indexed separately.

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, CMC  
CITY CLERK

## MEMORANDUM OF AGREEMENT

### PORTSMOUTH SCHOOL BOARD AND SCHOOL CLERICAL EMPLOYEES

WHEREAS, the Portsmouth School Board (“the Board”) and the Clerical Employees (Union) desire to modify the health insurance terms of the collective bargaining agreement currently in place between the parties with a duration of July 1, 2008-June 30, 2014 ; and

WHEREAS, the Parties desire to make this modification by September 1, 2013 or as soon as possible thereafter; so

THEREFORE, the Parties agree to the following terms:

1. Effective September 1, 2013, or as soon as possible thereafter, the City will offer unit members health insurance plans issued only by Cigna Insurance under its “SchoolCare” plan (HMO, POS and Open Access Plus) of the New Hampshire School Health Care Coalition as administered in accordance with its Articles of Agreement and By-Laws or equal and comparable coverage.
2. The employee’s premium share for any SchoolCare plan (Single, 2-Person, Family) will be fourteen percent (14.0%) of the total premium. The City’s share of the total premium of any SchoolCare plan will be eighty-six percent (86.0%).
3. In the event the Clerical Employees (Union) choose to change from SchoolCare back to HealthTrust, they will have the option to do so as long as they provide a 60 days notice and have been with the plan a minimum of two years.
4. Effective September 1, 2013 or as soon as possible thereafter, bargaining unit members will be covered by Cigna dental insurance with an annual cap on benefits of one thousand five hundred dollars (\$1500.00) and an eighty percent (80%) co-pay for minor restorative services.
5. The parties agree to add on an additional year to the CBA so that the CBA will now expire on June 30, 2015.
6. The ten year rolling COLA adjustment outlined in Section #45 Longevity and Section #46 Hourly Rate Scale will continue on July 1, 2014. Section #48 Duration will be updated to June 30, 2015.



7. This agreement will be null and void unless approved by the Portsmouth City Council.
8. The terms of this Memorandum of Agreement are a one-time event, and do not set any binding precedent on either party. Additionally, with the exception of the changes outlined in #1, #2 #5 and #6, all of the remaining terms of the CBA will remain in place and will continue in full force and effect through June 30, 2015.

APPROVED:

\_\_\_\_\_

For the City

\_\_\_\_\_

Date

\_\_\_\_\_

For the Union

**MEMORANDUM OF AGREEMENT**  
**PORTSMOUTH SCHOOL BOARD**  
**AND**  
**CUSTODIAL SUPERVISORS UNION**

WHEREAS, the Portsmouth School Board (“the Board”) and the Custodial Supervisors’ (“Union”) desire to modify the health insurance terms of the collective bargaining agreement currently in place between the parties; and

WHEREAS, the Parties desire to make this modification by September 1, 2013 or as soon as possible thereafter; so

THEREFORE, the Parties agree to the following terms:

1. Effective September 1, 2013, or as soon as possible thereafter, the City will offer unit members health insurance plans issued only by Cigna Insurance under its “SchoolCare” plan (HMO, POS and Open Access Plus) of the New Hampshire School Health Care Coalition as administered in accordance with its Articles of Agreement and By-Laws or equal and comparable coverage.
2. The employee’s premium share for any SchoolCare plan (Single, 2-Person, Family) will be fourteen percent (14.0%) of the total premium. The City’s share of the total premium of any SchoolCare plan will be eighty-six percent (86.0%).
3. In the event the Custodial Supervisors’ members choose to change from SchoolCare back to HealthTrust, they will have the option to do so as long as they provide a 60 days notice and have been with the plan a minimum of two years.
4. Effective September 1, 2013 or as soon as possible thereafter, bargaining unit members will be covered by Cigna dental insurance with an annual cap on benefits of one thousand five hundred dollars (\$1500.00) and an eighty percent (80%) co-pay for minor restorative services.
5. The parties agree to add on an additional year to the CBA so that the CBA will now expire on June 30, 2015.
6. The ten year rolling COLA adjustment outlined in Section #72 Wages and Salary Guide will continue on July 1, 2014.
7. This agreement will be null and void unless approved by the Portsmouth City Council.

8. The terms of this Memorandum of Agreement are a one-time event, and do not set any binding precedent on either party. Additionally, with the exception of the changes outlined in #1, #2, #5 and #6, all of the remaining terms of the CBA will remain in place and will continue in full force and effect through June 30, 2015.

APPROVED:

\_\_\_\_\_

For the City

\_\_\_\_\_

Date

\_\_\_\_\_

For the Union



received  
7/30/13

July 30, 2013

Eric Spear, Mayor VIA EMAIL: [amsharpe@cityofportsmouth.com](mailto:amsharpe@cityofportsmouth.com)  
City Council  
City of Portsmouth  
Portsmouth City Hall  
1 Junkins Avenue  
Portsmouth, NH 03801

Honorable Mayor Spear and City Council,

Please allow this letter to serve as formal request for favorable consideration of an area service agreement for tables and chairs on public sidewalk adjacent to the British Beer Company Restaurant, as shown on attached plan.

We look forward to reviewing this request with you at your regularly scheduled August 5, 2013 meeting.

Respectfully submitted,  
Gary Simon  
British Beer Company

cc: Tim Levine, Old Harbor LLC

## **AREA SERVICE AGREEMENT**

The City of Portsmouth, a municipal corporation having a principal place of business of 1 Junkins Avenue, Portsmouth, County of Rockingham and State of New Hampshire 03801 (hereinafter "City") and British Beer Company (hereinafter "British Beer"), having a principal place of business of 103 Hanover Street, Portsmouth, County of Rockingham and State of New Hampshire 03801, hereby enter this Area Service Agreement ("Agreement") for the purposes set forth herein:

**PRELIMINARY:** Pursuant to the successful completion of the summer 2011 pilot sidewalk café program, and in accordance with the principles set forth more fully in the preamble to City Council Policy No. 2012-02 (the "Policy"), the City is desirous of permitting Restaurant Owners to utilize City property under certain terms and provisions. British Beer is the operator of a restaurant along Portwalk Place. Portwalk Place is a private street that is maintained by the City and includes public sidewalks under special agreement. Recognizing that British Beer intends to conduct activities abutting the public sidewalk the Liquor Committee has approved the service of alcohol at this location subject to this Area Service Agreement.

No obligation or expectation shall inhere upon either party beyond the 2013 season. It is the intent of this agreement to implement City Council Policy No. 2012-02, which is hereby incorporated by reference to the extent applicable.

### **TERMS AND CONDITIONS**

1. **Term of Agreement:** This Agreement shall commence on the date of its completed execution, and, unless suspension or termination should occur sooner, all provisions of the Agreement, except those governing indemnification pursuant to the terms set forth within this Agreement, shall expire at midnight on Sunday, October 20, 2013.

2. **Area Use:** The City authorizes British Beer to utilize a certain Area as shown on attached Exhibit A (hereinafter "Area") solely for the purpose of conducting outdoor restaurant operations, which may include the sale of alcoholic beverages in accordance with all applicable provisions of law and other provisions of this Agreement.
3. **Special Municipal Events:** British Beer's use of the Area subject to this Agreement may be precluded, modified or otherwise subject to any terms and conditions deemed necessary by the City to accommodate special municipal events. Such events may include but shall not be limited to: the Portsmouth Criterium, Children's Day, and Market Square Day. Any such adjustments to the use of the Area which may be mandated by the City shall be undertaken without cost to the City, and British Beer shall receive no refund or reimbursement for such adjustments.
4. **Area Service Fee:** Not applicable. Service to be conducted on private property.
5. **Hours of Operation:** British Beer may utilize the Area for authorized purposes during its normal business hours, except that all tables within the Area shall be cleared of all food and alcoholic beverages by 10:30 p.m. Monday through Saturday and by 10:00 p.m. on Sunday. Further, no alcohol may be served within the Area less than thirty (30) minutes prior to the foregoing closure times.
6. **Conditions Governing Service of Alcoholic Beverages:** In addition to complying with all local, state, and federal laws, as well as rules and regulations of the NH State Liquor Commission, British Beer shall abide by the following conditions in conducting its service of alcoholic beverages in the Area:
  - a. Alcoholic beverages shall only be served to patrons who are seated at a table serviced by waitstaff within the Area, and such beverages must be consumed while seated within the Area;
  - b. Alcoholic beverages shall only be served to patrons ordering a substantial meal;
  - c. The service of alcoholic beverages at tables in the Area shall be conducted by waitstaff only, and no person in the Area shall be permitted to bring his or her own alcoholic beverage to a table;
  - d. British Beer shall bear full responsibility for ensuring that no alcoholic beverages are passed, taken, or otherwise transmitted to individuals on surrounding City property from within the Area.
7. **Smoking Prohibited:** Smoking shall not be permitted within the Area, and British Beer shall bear full responsibility for maintaining conformity with this provision.

8. **Certain Devices Prohibited:** No devices which produce an open flame or otherwise rely upon combustion in any form shall be permitted within the Area. Such prohibited devices shall include, but not be limited to: tabletop candles, outdoor torches, grills, and propane heaters.
9. **New Hampshire State Liquor Commission:**
  - a. British Beer's occupancy of the Area is conditioned upon receipt of prior approval of this Agreement by the State Liquor Commission.
  - b. British Beer further agrees to comply at all times with all laws, rules and regulations enforced by the New Hampshire State Liquor Commission.
  - c. British Beer shall also self-report any violations of such laws in writing within forty-eight (48) hours of the violation, rules and regulations to both the City and to the State Liquor Commission.
10. **Health Department:**
  - a. British Beer's occupancy of the Area is conditioned upon prior approval by the City Health Department of all outdoor food service and cleaning operations.
  - b. British Beer's occupancy of the Area is conditioned upon review and approval by the City Health Department that kitchen facilities are sufficient to support the demands of the additional seating to be placed in the Area.
  - c. The Area shall be maintained in a clean and sanitary condition at all times, and all garbage shall be contained at all times in covered receptacles.
  - d. At the close of business, the Area shall be left in a clean condition, and all ground debris shall be swept up and disposed of. In conducting such cleaning, British Beer acknowledges that washing debris materials into City storm drains or sewer lines is expressly forbidden.
  - e. Within the Area, no food preparation, grilling, service windows, service counters, wait stations, or bus buckets shall be permitted, and condiments, paper products and the like shall be removed from the Area and stored in a secure, indoor location at all times except when actually being used by seated customers.
  - f. By and through this Agreement, British Beer expressly agrees to comply with all additional laws, rules, regulations and orders which may issue from the City Health Department.
11. **Inspections Department:**
  - a. British Beer's occupancy of the Area is conditioned upon review by the City Inspections Department and approval that all bathroom

facilities in the main restaurant facility of British Beer are sufficient to support the additional seating in the Area.

- b. British Beer shall also receive permits from the City Inspections Department prior to installing any Area lighting.
- c. By and through this Agreement, British Beer expressly agrees to comply with all additional laws, rules, regulations and orders of the Inspections Department.

**12. Fire Department:**

- a. British Beer's occupancy of the Area is conditioned upon receipt from the City Fire Department of all necessary Place of Assembly inspections, permits, and modifications thereto.
- b. British Beer's occupancy of the Area is further conditioned upon review and approval by the City Fire Department of the means of egress from the Area.
- c. British Beer expressly agrees to strictly comply with all reasonable laws, rules, regulations and orders of the City Fire Department, including the foregoing.

**13. Audio/Visual Interference Prohibited:**

- a. No live entertainment performances, film, television, music, speakers or other sound or entertainment amplification devices shall be placed within the Area for any purpose.
- b. No such entertainment shall be situated or conducted inside the building in such a manner that it is transmitted, whether intentionally or incidentally, to patrons in the Area or to adjoining City property.

**14. Design of Area Improvements:**

- a. Within the Area, every detail of the British Beer's improvements shall comply with the representations and depictions set forth in Exhibit A.
- b. Moreover, every detail of the British Beer's improvements, including but not limited to lighting, access and egress, placement of structures and items of personal property, and every other detail of every kind is expressly subject to the prior approval and continuing review of the City. To this end, the British Beer expressly agrees to make every modification to structural items or items of personal property as may be required by the City.
- c. Notwithstanding the foregoing, the following specific criteria shall apply to Area improvements:
  - i. There shall be no canopy to protect the Area, unless it is completely supported by hardware on the building structure and uses no vertical supports in or around the sidewalk café;



- ii. Umbrellas may be placed over individual tables, though no such umbrellas may bear any advertising or logo;
  - iii. No improvements or personal property located within the Area shall extend on or over any municipal property located outside of the Area; and
  - iv. There shall be no advertising of any kind within the Area.
15. **Non-interference with City Infrastructure and Amenities:**
- a. Through this Agreement, the British Beer expressly agrees that its use of the Area shall not damage sidewalks, curbing, bike racks, street trees, light poles, trash containers, utilities or any other City amenities or infrastructure, and that its use shall not make the same inaccessible for public use or maintenance purposes.
  - b. British Beer shall further bear full responsibility for providing sufficient staffing and supervision within the Area to maintain an orderly dining environment that does not impede or negatively impact passers-by or other users of City infrastructure or amenities.
16. **Compliance with Americans with Disabilities Act (“ADA”):** The Area as used by the British Beer shall comply fully with all provisions of the ADA. The British Beer shall be fully and solely liable for assuring that the Area, and the services and programs which the British Beer offers within the Area, are accessible to the handicapped, as defined by the ADA. Where structural modifications to the Area are necessary to achieve accessibility of services and programs offered by the British Beer, British Beer shall be solely liable for making such structural modifications, but before doing so shall obtain the consent of the City.
17. **Enclosure System and Area Use Specifications:**
- a. The British Beer’s use of the Area and installation of an enclosure system shall be subject to the conditions and layout depicted in Exhibit A and the application materials submitted to the City, and any alterations therefrom shall require the express written approval of the City.
  - b. In all instances, British Beer shall be fully and solely liable for assuring that installation of the enclosure is conducted in conformity with the requirements set forth in City Council Policy No. 2012-02.
18. **Indemnification:** The British Beer agrees to indemnify and hold harmless the City and its officials, employees and agents from any demand, claim, cost or liability of any type arising from the existence or use of this Agreement. This indemnification provision shall survive the termination of the Agreement, whether termination is for cause or otherwise.
19. **Insurance:** At all times during the term of this Agreement, the British Beer shall maintain and provide the City general liability and alcohol service

liability insurance coverage of not less than \$3,000,000.00 covering all activities conducted under this Agreement. The City shall be named as an additional insured on all policies. All such insurance shall be approved by the City Legal Department in advance of British Beer's occupancy of the Area, and shall meet all terms, conditions and specifications as the Legal Department may elect to set forth.

20. **Additional Costs:** The British Beer shall bear all costs of every kind associated in any way with the existence of the Area and its use by British Beer. There shall be no obligation on the City to expend any sums of money to accommodate the existence of this Agreement or British Beer's use of the Area.
21. **Suspension for Cause:** For cause, the City may suspend use of the Area by British Beer on an administrative basis without reimbursement of any portion of the Area Service fee for up to fourteen (14) consecutive days, at the sole discretion of the City. No public hearing shall be required prior to such administrative suspension.
22. **Revocation for Cause:** This Agreement may be revoked, in its entirety, by the City for cause by vote of the City Council. No public hearing shall be required prior to such revocation, and in the event of revocation, the Area Service fee shall not be returned to British Beer. Cause for revocation shall include, but not be limited to, the breach of any condition set forth within this Agreement, or the breach of any other City Council policy, ordinance, or pertinent local, state or federal statutory provision.
23. **Revocation without Cause:** This agreement may be revoked in its entirety by the City, without cause, by vote of the City Council. No public hearing shall be required prior to such revocation. In the event of revocation without cause, the Area Service Fee shall be returned on a pro rata basis.
24. **Restoration of Area:** British Beer shall immediately remove from the Area each and every structure and item of personal property, leaving the Area in an unobstructed, clean and sanitary condition, upon termination of this Agreement for any reason or the close of the outdoor restaurant season. In no case shall any items remain in the Area later than October 23, 2013. British Beer shall restore the Area to exactly match the depiction shown in the attached Exhibit A.
25. **Non-assignability:** This Agreement is not assignable, nor may the obligations of British Beer in any way be transferred, alienated, or delegated to any other party.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

**City of Portsmouth**

\_\_\_\_\_  
Witness

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

Duly authorized by vote of City Council  
on \_\_\_\_\_, 2013.

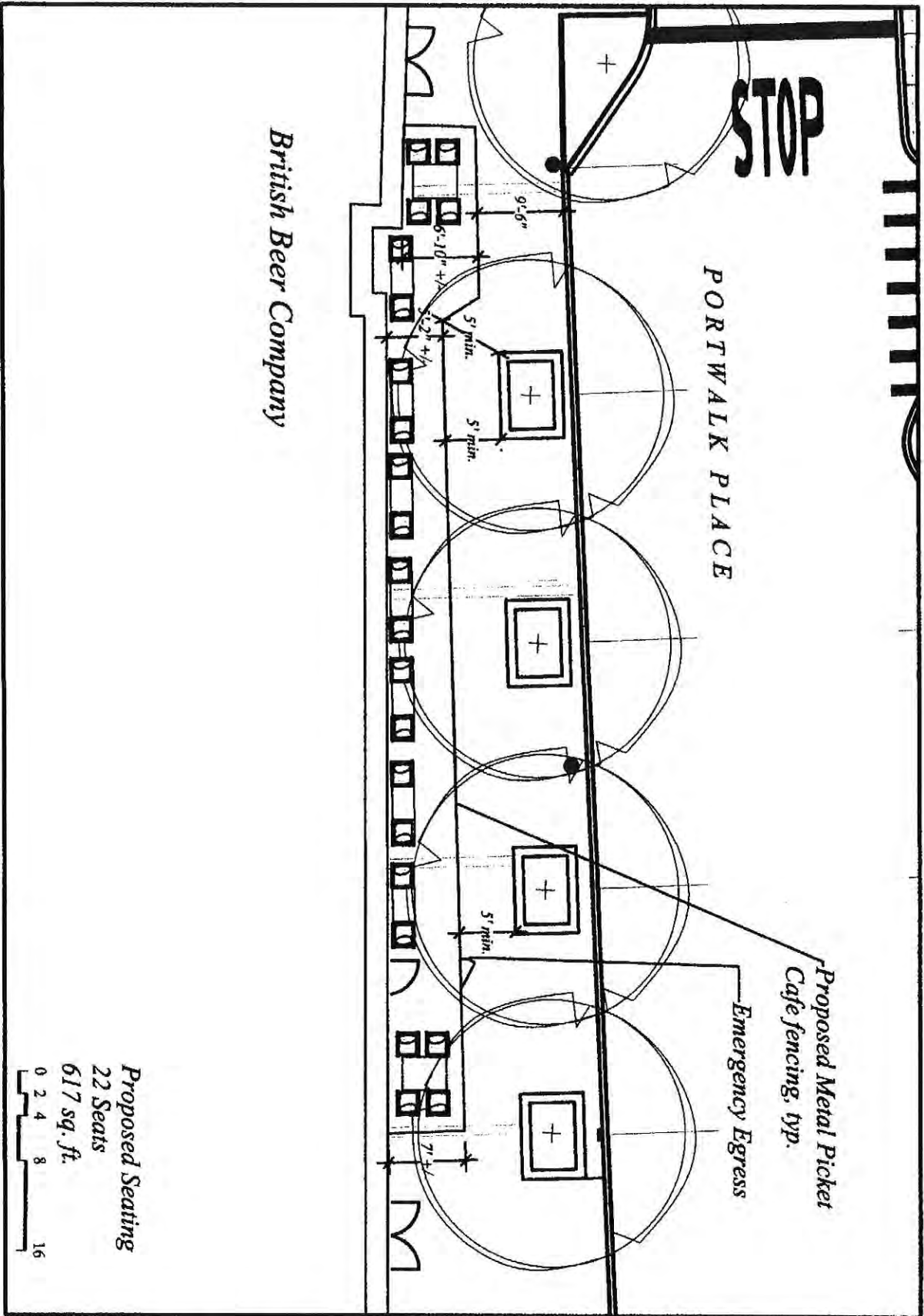
Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

**British Beer Company**

\_\_\_\_\_  
Witness

By: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Title: \_\_\_\_\_





*British Beer Company*

**Proposed Seating**  
 22 Seats  
 617 sq. ft.

0 2 4 8 16

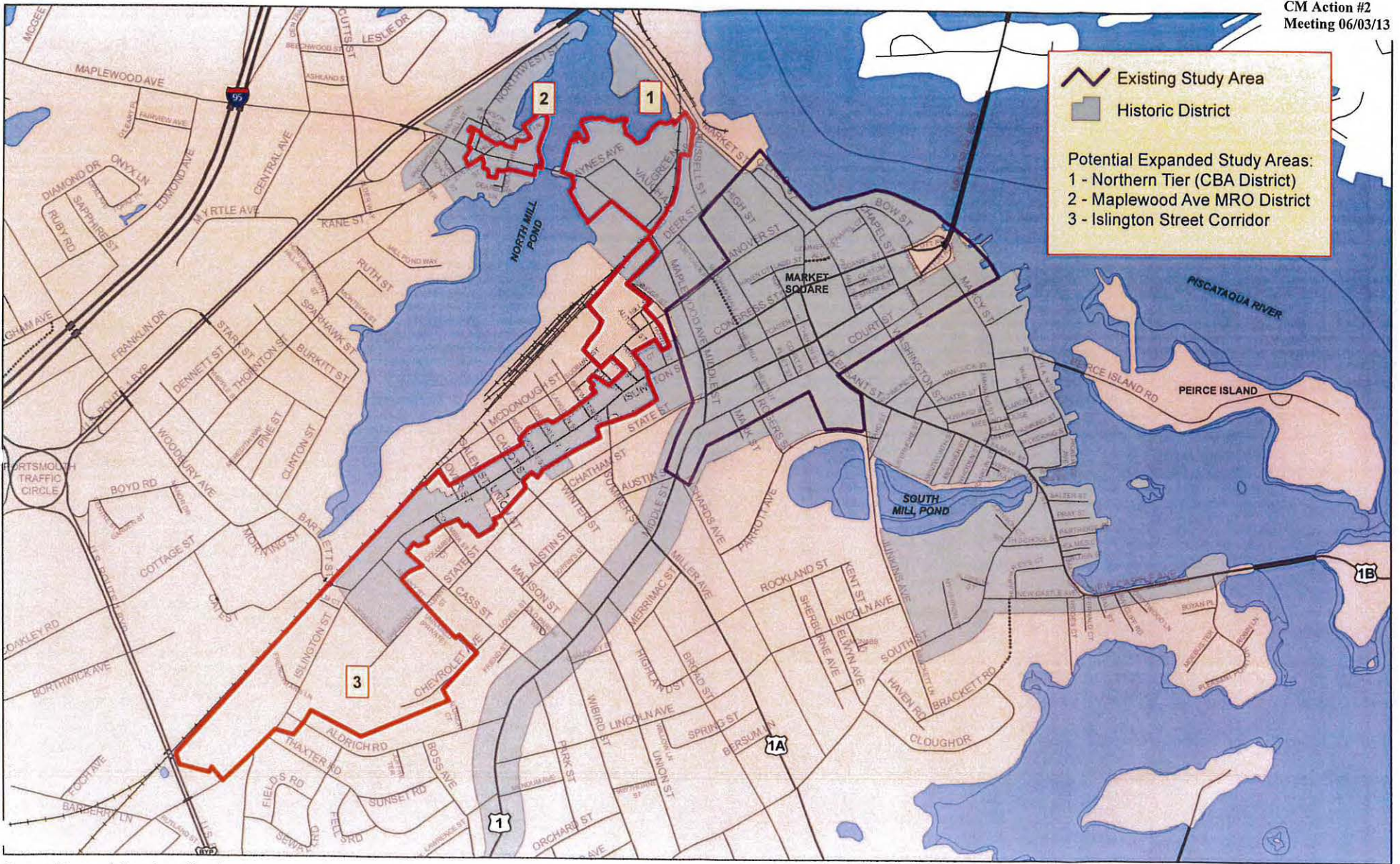
PROGRESSIVE  
 LANDSCAPE ARCHITECTURE, LLC  
 101 East Park  
 Irving, TX 75037  
 Tel: 972.251.2999

**Portwalk**  
 STREET ACTIVATION PLAN  
 British Beer Company Exterior Seating Concept

Drawn By:	AW
Checked By:	AW
Scale:	1/8" = 1'-0"
Date:	June 11, 2013
Revision:	June 26, 2013
	July 26, 2013
	Aug 21, 2013

**L-1**  
 Sheet 1 of 2

2013 Revision of Company Standard Information, LLC



Form-Based Zoning Project:



**CITY OF PORTSMOUTH  
LEGAL DEPARTMENT  
MEMORANDUM**



DATE: July 30, 2013  
TO: JOHN P. BOHENKO, CITY MANAGER  
FROM: ROBERT P. SULLIVAN, CITY ATTORNEY  
RE: SEMPRINI DOCK LICENSE REQUEST  
300 NEW CASTLE AVENUE

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke extending to the right.

---

By letter dated July 5, 2013, Zachary Taylor of Riverside and Pickering Marine Contractors has requested an amendment to a license previously granted by the City Council to allow the Priscilla Semprini Revocable Trust of 2010 to construct a dock extending into the Piscataqua River from City property on New Castle Avenue. The essence of the request is that the original City license requires the dock to be constructed in the same location and in the same shape and configuration as a historical dock constructed in the 1960s at that location. The Semprini Trust now desires to construct a dock in a different configuration.

On July 24, 2013, I met with Mr. Taylor and reviewed his request of the Council in detail. To illustrate that request I attach hereto a photograph of the dock as it appeared in the 1960s. As your review will indicate it seems to be a simple set of stairs descending from the New Castle Avenue seawall with an ill-defined set of floats which may or may not have been connected to those stairs. By contrast I also attach hereto a diagram showing the dock currently proposed. For further comparison purposes please be advised that the Watson/Salisbury dock also approved by the Council on New Castle Avenue consists of an 8' x 20' float and a 4' x 12' float, connected to the shore by a 3' x 13' ramp held in place by an 8' x 12' pier. The proposed Semprini dock would be a 10' x 24' float connected to shore by a 3' x 25' ramp and held in place by a 6' x 12' pier.

A fact of consequence is that the former Semprini dock constructed in the days prior to state regulation could not be permitted under existing state law.

My review of the Semprini request is that it is primarily a policy determination for the City Council which does not present significant legal issues. However, if the Council should choose not to grant the amendment requested by the Semprini Trust, it would not likely be possible for the Trust to actually construct any dock at all at the location. If the City Council desires the Semprini Trust to be able to construct a dock, it would seem advisable that the requested amendment to the license be granted.

Accordingly, it is my recommendation that if the Council wishes the Semprini Trust to construct a dock I suggest that it be moved, “

That the City Manager be authorized to negotiate and execute an amendment to the Revocable License Agreement with the Priscilla Semprini Revocable Trust of 2010 in accordance with the request presented to the Council to allow a dock to be constructed attached to City land on New Castle Avenue.

attachment

cc: Priscilla Semprini  
Zachary Taylor

INDIVIDUAL INVENTORY FORM

NHDHR INVENTORY NUMBER: P0R0010

Address: New Castle Ave., Portsmouth Date taken: April 2002 Negative stored at: NHDHR



Photo 2 description: Looking SE across river toward New Castle Avenue, showing wall in front  
Roll: 1 Frame: 14 Direction: SE

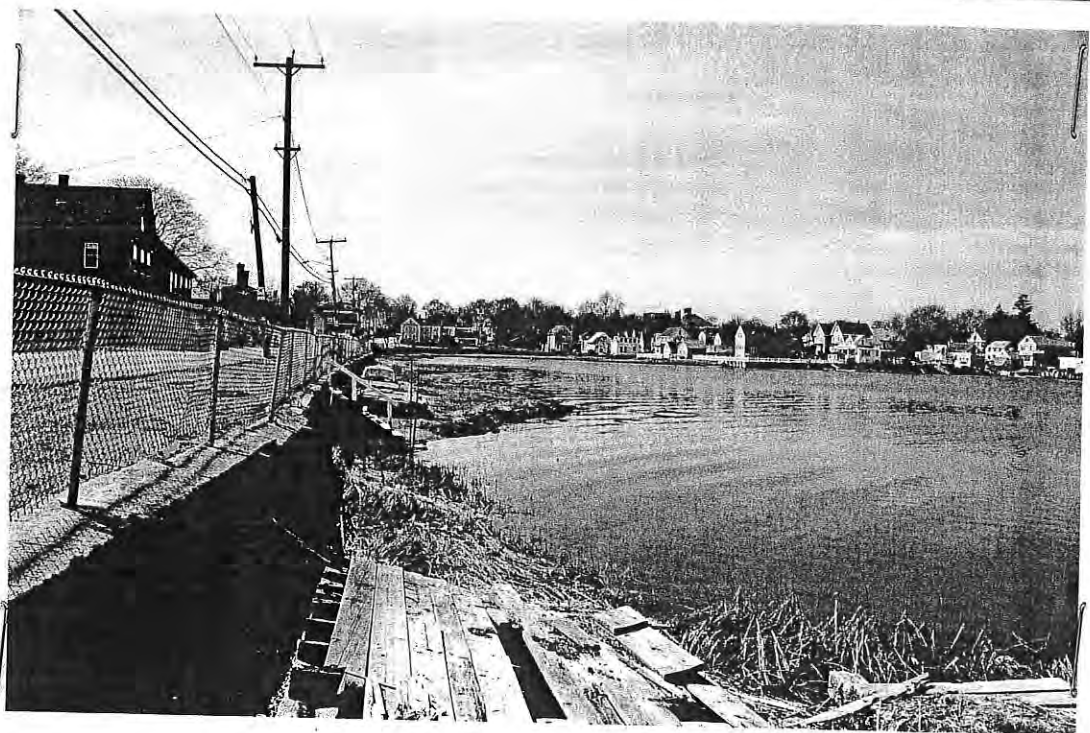


Photo 3 description: Wall and mid-20<sup>th</sup> c. replacement chainlink fence  
Roll: 2 Frame: 21 Direction: W



PLAN REFERENCES

1) NEW CASTLE AVENUE SEAWALL RECONSTRUCTION PLANS, PORTSMOUTH, NH  
DATED MAY 2005 BY FAY, SPOFFORD & THORNDIKE, LLC FOR THE CITY OF  
PORTSMOUTH

BACK



PROPOSED PIER  
6'X12' FIXED PIER  
3'X25' ALUMINUM GANGWAY  
10'X24' FLOAT LOCATED  
BY MOORINGS

MUDFLAT  
(E2US3)

MLW 0.0  
+/- 220'

MUDFLAT  
(E2US3)

COBBLE/GRAVEL  
(E2US1)

EXISTING  
TIMBER

COBBLE/GRAVEL  
(E2US1)

S. ALTERNIFLORA  
(E2EM1)

APPRX  
MHW

S. ALTERNIFLORA  
(E2EM1)

APPRX  
HOTL

CURB

NEW

CASTLE

AVE.

( ← TO PORTSMOUTH )

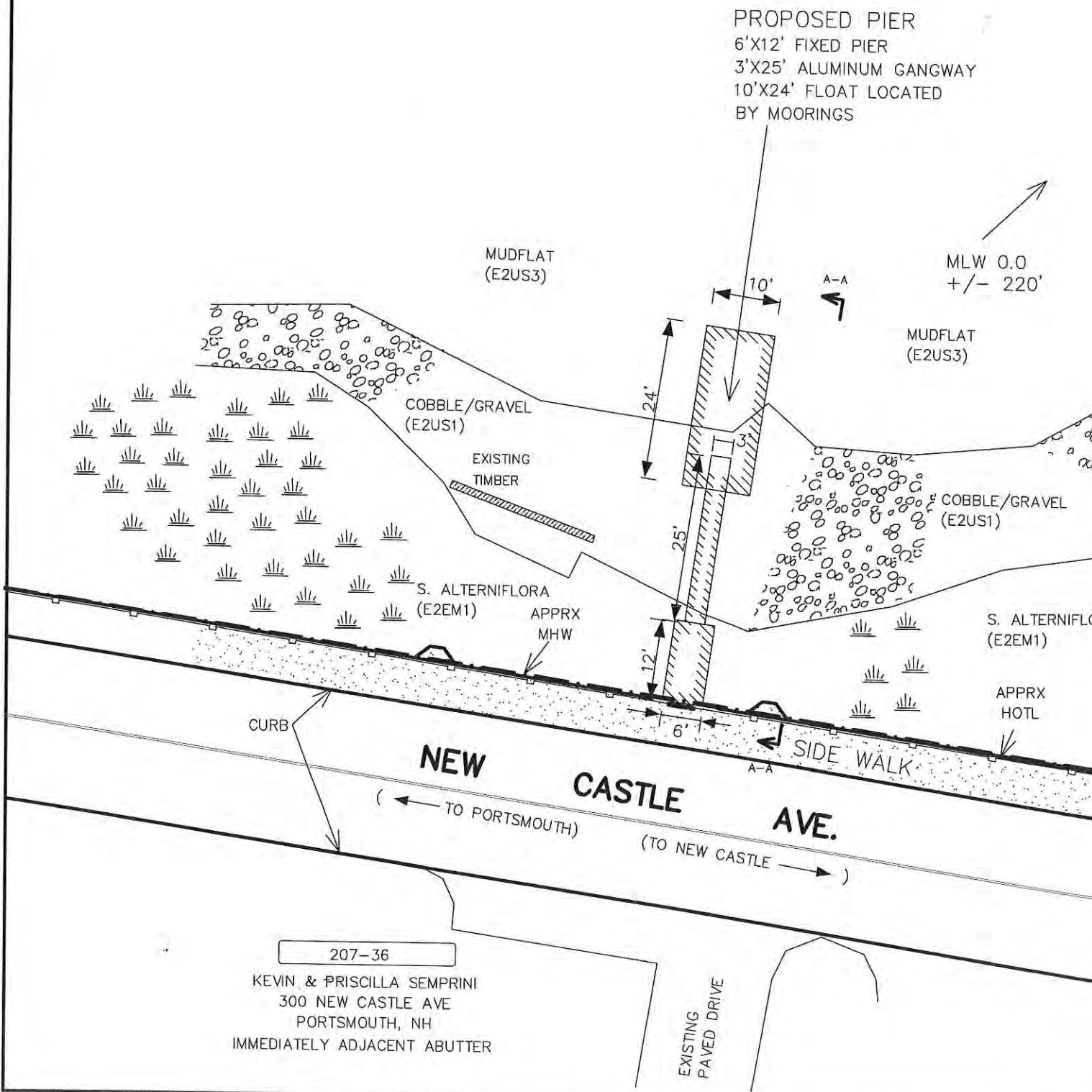
( TO NEW CASTLE → )

SIDE WALK

207-36

KEVIN & PRISCILLA SEMPRINI  
300 NEW CASTLE AVE  
PORTSMOUTH, NH  
IMMEDIATELY ADJACENT ABUTTER

EXISTING  
PAVED DRIVE



X. B.

**RIVERSIDE & PICKERING**  
**MARINE CONTRACTORS**

07/05/2013

Mr. Eric Spear, Mayor of Portsmouth  
and Members of the Portsmouth City Council  
1 Junkins Avenue  
Portsmouth, NH 03801

RE: Request for minor amendment to the License Agreement between Priscilla Semprini, Trustee of the Priscilla Semprini Revocable Trust of 2010, 300 New Castle Avenue and the City of Portsmouth.

Dear Mayor Spear and Members of the City Council,

On behalf of Priscilla Semprini, Trustee of the Priscilla Semprini Revocable Trust of 2010 I am writing to respectfully request a minor amendment to the existing Revocable License Agreement between Priscilla Semprini and the City regarding a docking structure to be located along the New Castle Avenue Seawall in front of her parcel at 300 New Castle Ave.

Currently under condition one of the agreement "*the Dock provided for in this agreement shall be constructed in the same location and in the same shape and configuration as the Dock which existed across New Castle Avenue from the Premises prior to the reconstruction of the New Castle Avenue seawall in 2006-2007, which is adjacent to the Gate. The location of the dock is more particularly shown and identified as STA 9+38 LT on a plan entitled "New Castle Avenue – Portsmouth, NH Restoration Plan", a copy of which is on file with the Grantor*". The Dock, as previously existed, was an unorthodox configuration and inconsistent with most of the traditional pier-gangway-float style docking systems found in Portsmouth. The Dock was comprised of a set of stairs leading down to an approximately 488 sq/ft floating docking system (total approximate square footage for docking system was 512). This docking system, if replaced in kind, would not meet current Department of Environmental Services' (DES) regulations. The stairs would have a direct impact to the marsh grass restoration that has taken hold in the immediate area as they would land directly in the marsh grass bed.

As a more environmentally sound and aesthetically conforming alternative to the previously existing docking structure a traditional 6 foot wide by 12 foot long fixed pier on piles with a 3 foot wide by 25 foot long gangway landing on a 10 foot wide by 24 foot long float is proposed (see the attached plan for more details). This proposed dock will be located in the same location as the previously existing structure utilizing the existing Gate. The docking structure proposed has been designed to meet all of the current DES regulations and is approximately 125 square feet smaller than the previously existing dock. Both DES and the Army Corps of Engineers (ACOE) have reviewed and approved the application for this proposed dock. We respectfully request that the license agreement be amended to reflect the proposed docking structure.

Thank you Mayor Spear and Members of the City Council for your time in reviewing this request. If you should have any questions regarding the request for amendment or the construction plans please do not hesitate to contact me directly using my information below.

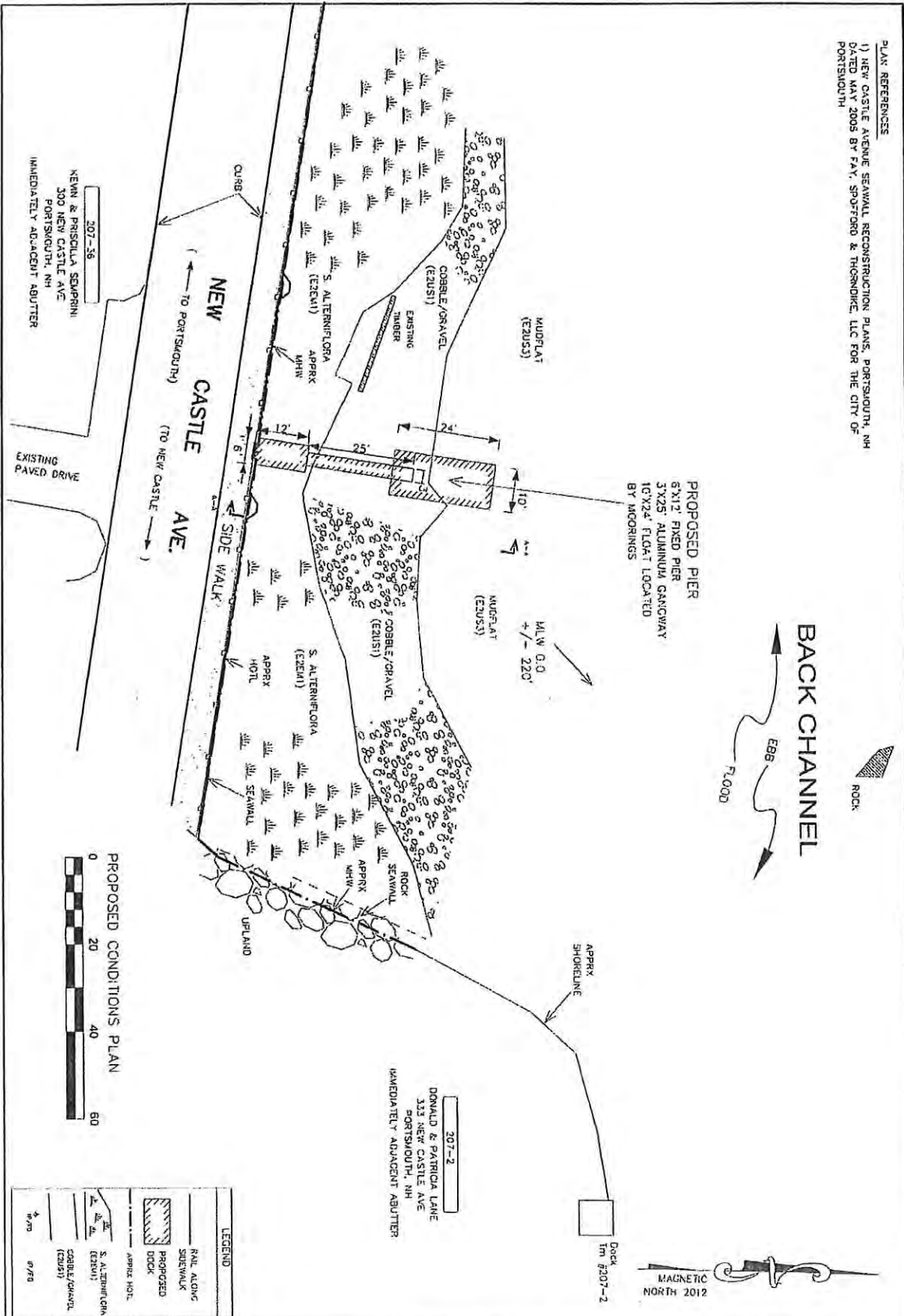
Sincerely,

Zachary Taylor  
Director of Operations  
Riverside & Pickering Marine Contractors  
Office: (207) 451-9229  
Fax: (207) 703-0354  
Email: zach@riversideandpickering.com

**Docks \* Piers \* Pile Driving \* Seawalls \* Residential \* Commercial \* Marine Towing**  
**Office: 207-451-9229 Fax: 207-703-0354 P.O. Box 368 Eliot, Maine 03903**

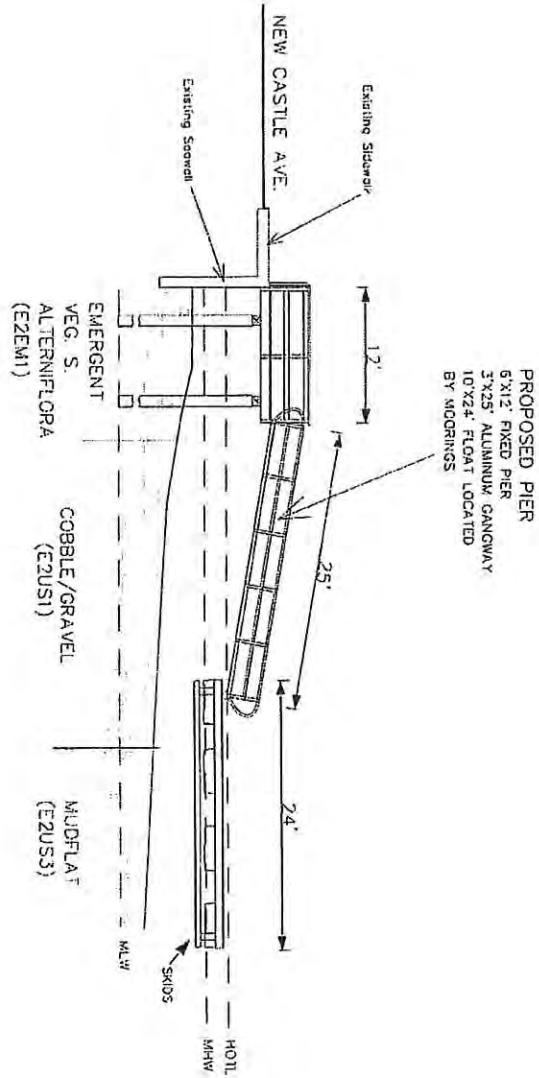
[www.RiversideandPickering.com](http://www.RiversideandPickering.com)  
A division of Riverside Marine Construction Inc.

PLAN REFERENCES  
 1) NEW CASTLE AVENUE SEAWALL RECONSTRUCTION PLANS, PORTSMOUTH, NH  
 DATED MAY 2005 BY FAY, SPIDORO & THORNDIKE, LLC FOR THE CITY OF  
 PORTSMOUTH



<b>REVISIONS</b> Date Description Author			<b>CITY OF PORTSMOUTH</b> <b>PROPOSED PIER</b>		Date 12/31/2012 Drawn By APF Checked By ZCI
<b>RIVERSIDE PICKERING</b> MARINE CONTRACTORS			Address ADJACENT TO RM #207-36 City PORTSMOUTH, NH		Approved _____ Date _____
File # 556-12 Sheet 1 of 2			Map & Lot # 207-36 Drawing Scale 1"=20' Date _____ Job Name _____		

- NOTES
- 1) MLW IS +/- 220' AWAY SO FLOAT WILL BE DRY AT LOW TIDE. FLOAT WILL BE SUPPORTED BY SMDS.
  - 2) ALL PILING AND STRUCTURAL TIMBER WILL BE PRESSURE TREATED SYP. THE RAMP WILL BE MADE OF ALUMINUM WITH RUBBER NON-SLIP DECKING.
  - 3) THE PROPOSED STRUCTURE WILL BE BUILT TO INDUSTRY STANDARDS WITH A 1 FOOT TO 1 FOOT RATIO OF PIER WIDTH TO DISTANCE FROM THE BOTTOM OF THE LONGITUDINAL SUPPORTS ABOVE THE SUBSTRATE INHABITING WETLANDS VEGETATION.



REVISIONS		
Date	Description	Drawn

**RIVERSIDE & PICKERING**  
MARINE CONTRACTORS

**CITY OF PORTSMOUTH**  
**PROPOSED PIER**

Date: 12/31/2012  
 Drawn By: APF  
 Checked By: ZCI

Address: ADVANCE! TO 14# 207-36 City: PORTSMOUTH, NH  
 Map & Lot #: 207-36 Drawing Scale: 1"=10'

## Event Listing by Date

Starting Date: 7/15/2013

Ending Date: 1/31/2014

Start End	Type Description	Location	Requestor	Vote Date
7/20/2013 7/20/2013	FUND Mark Herrholz, Secretary is the contact for this event. This event is being held in Market Square from 8:00 a.m. to 5:00 p.m.	Market Square	Portsmouth Professional Fire F	7/15/2013
7/20/2013 7/20/2013	MUSIC Barbara Massar is the contact for this event. This is part of the Summer in the Streets series which begins at 5:00 p.m. and ends at 9:30 p.m.	Pleasant Street	Pro Portsmouth - Summer in the	9/ 4/2012
7/27/2013 7/27/2013	MUSIC Barbara Massar is the contact for this event. This event is part of the Summer in the Streets series which begins at 5:00 p.m. and ends at 9:30 p.m.	Pleasant Street	Pro Portsmouth - Summer in the	9/ 4/2012
8/ 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
8/10/2013 8/10/2013	FUND Mark Herrholz, Secretary is the contact for this event. This event is being held in Market Square, from 8:00 a.m. to 5:00 p.m.	Market Square	Portsmouth Professional Fire F	7/15/2013
8/10/2013 8/10/2013	RALLY Cathy Goldwater is the contact for this event. Her telephone number is (603) 860-3756 or (603) 465-7933 E-mail: cathy.goldwater@gmail.com This event begins at 10:00 a.m. in front of the North Church. Ending time is 1:00 p.m.	North Church - Market Square	"350 New Hampshire"	/ /
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/ 2/2013 9/ 2/2013	ROAD RACE Sister Mary Agnes, DMML,MBA is the contact for this event. This event is being held out at Pease International Tradeport beginning at 9:00 a.m.	Pease International Tradeport	St. Charles Children's Home	7/15/2013
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

Run: 8/01/13  
10:04AM

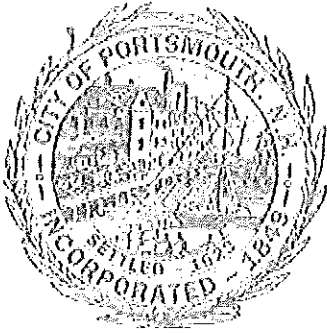
## Event Listing by Date

Page: 2

Starting Date: 7/15/2013

Ending Date: 1/31/2014

Start End	Type Description	Location	Requestor	Vote Date
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. Strawbery 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 area (using Congress Street).	Walk begins and ends at Strawbery 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
10/19/2013 10/19/2013	WALK Virginia Skevington is the contact for this event. This event begins at 9:00 a.m. It begins and ends at Jewel Court.	11 Jewel Court	Arts in Reach	7/15/2013
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: Taxicab representative for taxi comm.

Name: Stephen Scott Berrato Telephone: 603-531-0929

Could you be contacted at work?  YES /  NO If so, telephone # 531-0929

Street address: 1338 Woodbury Ave. Box 209, Portsmouth NH 03801

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

Email address (for clerk's office communication): scott@rockinghamlivery.com

How long have you been a resident of Portsmouth? 1 year

Occupational background:

Taxicab owner, president of Rockingham Taxi,  
driver for Rockingham Taxi.

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

attend all meetings as owner  
do business in City of Portsmouth  
largest fleet in Portsmouth  
most employed drivers in Portsmouth



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: Attended many meetings and have an understanding of proper employment practices. As a driver, I can interact with the public and other taxi companies.

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

board of directors for Hampton Village Plaza. Treasurer of Greenland Parent Organization. President of Rockingham Taxi.

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

1) Allen Ladd, Sunshine Taxi, 309 Knox Marsh Rd. Madbury NH  
Name, address, telephone number 742-5000

2) Robert Gaskill 87 Morningst., Portsmouth NH 205-1788  
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature: Steven G. Stevens Date: 7-15-13

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

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





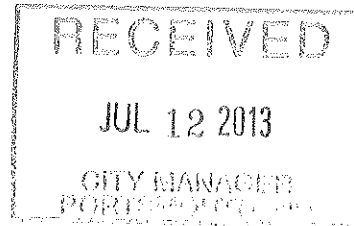
# The Senate of the State of New Hampshire

107 North Main Street, Senate Chamber, Concord, N.H. 03301-4951

TAMMY L. WRIGHT  
Clerk of the Senate

July 10, 2013

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



Office 271-3420

TTY/TDD  
1-800-735-2964

Re: Chapter 188, SB 163, Laws of 2013, establishing a commission to recommend legislation to prepare for projected sea level rise and other coastal and coastal watershed hazards.

Dear Mr. Bohenko,

Please accept this letter as official notice for the governing body of the City of Portsmouth to appoint a representative of the city to serve on the above-captioned study commission. A copy of the enabling legislation is enclosed for your information and review.

As stated in the legislation, the first-named House member is responsible for calling the first meeting. Members shall elect a chairperson.

Please contact the Senate Clerk's Office in writing as soon as possible with the name, mailing address, phone number, and email address of your chosen representative for contact reference. You may do so via mail or email at:  
[SenateClerksOffice@leg.state.nh.us](mailto:SenateClerksOffice@leg.state.nh.us).

If you have any questions, please feel free to contact our office.

Sincerely,

Tammy L. Wright  
Clerk of the New Hampshire Senate

TLW  
Enclosures

CHAPTER 188  
SB 163 – FINAL VERSION

03/28/13 1154s  
8May2013... 1367h

2013 SESSION

13-0327  
08/03

SENATE BILL **163**

AN ACT establishing a commission to recommend legislation to prepare for projected sea level rise and other coastal and coastal watershed hazards.

SPONSORS: Sen. Watters, Dist 4; Sen. Stiles, Dist 24; Sen. Fuller Clark, Dist 21; Rep. Borden, Rock 24; Rep. Spang, Straf 6; Rep. D. Hooper, Straf 16; Rep. Watrous, Merr 16

COMMITTEE: Energy and Natural Resources

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ANALYSIS

This bill establishes a commission to recommend legislation to prepare for projected sea level rise and other coastal hazards.

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Explanation: Matter added to current law appears in *bold italics*.  
Matter removed from current law appears [~~in brackets and struck through.~~]  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

CHAPTER 188  
SB 163 - FINAL VERSION

03/28/13 1154s  
8May2013... 1367h

13-0327  
08/03

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Thirteen*

AN ACT establishing a commission to recommend legislation to prepare for projected sea level rise and other coastal and coastal watershed hazards.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 188:1 New Chapter; Coastal Risk and Hazards Commission. Amend RSA by inserting after  
2 chapter 483-D the following new chapter:

3 CHAPTER 483-E

4 COASTAL RISK AND HAZARDS COMMISSION

5 483-E:1 There is established a coastal risk and hazards commission.

6 483-E:2 Membership and Compensation.

7 I. The members of the commission shall be as follows:

8 (a) Two members of the house of representatives, appointed by the speaker of the house  
9 of representatives.

10 (b) Two members of the senate, appointed by the president of the senate.

11 (c) The commissioner of the department of environmental services, or designee.

12 (d) The executive director of the fish and game department, or designee.

13 (e) The administrator of the bureau of public works design and construction, or designee.

14 (f) The commissioner of the department of transportation, or designee.

15 (g) The director of the division of parks and recreation, or designee.

16 (h) The director of the division of historical resources, or designee.

17 (i) The president of the Seacoast Board of Realtors, or designee.

18 (j) The director of the New Hampshire Sea Grant, or designee.

19 (k) A representative of the New Hampshire Public Risk Management Exchange,  
20 appointed by the exchange.

21 (l) The director of the office of energy and planning, or designee.

22 (m) The president of the Homebuilders and Remodelers Association of New Hampshire,  
23 or designee.

24 (n) The commissioner of the department of resources and economic development, or  
25 designee.

26 (o) The president of the university of New Hampshire, or designee.

27 (p) A representative of the New Hampshire Municipal Association, appointed by that

1 organization.

2 (q) A representative of the Strafford regional planning board, appointed by that body.

3 (r) A representative of the Rockingham regional planning board, appointed by that body.

4 (s) One representative of each of the following towns, appointed by his or her town's  
5 governing body: Rollinsford, Greenland, Stratham, Exeter, Newfields, Newmarket, Portsmouth,  
6 Rye, North Hampton, Hampton, Dover, Hampton Falls, Seabrook, Newington, New Castle,  
7 Madbury, and Durham.

8 II. Legislative members of the commission shall receive mileage at the legislative rate when  
9 attending to the duties of the commission.

10 III. The members of the commission shall elect a chairperson from among the members. The  
11 first meeting of the commission shall be called by the first-named house member. The first meeting  
12 of the commission shall be held within 45 days of the effective date of this section. Eighteen  
13 members of the commission shall constitute a quorum.

14 483-E:3 Duties.

15 I. The commission shall recommend legislation, rules, and other actions to prepare for  
16 projected sea level rise and other coastal and coastal watershed hazards such as storms, increased  
17 river flooding, and storm water runoff, and the risks such hazards pose to municipalities and state  
18 assets in New Hampshire.

19 II. The commission shall review National Oceanic and Atmospheric Administration and  
20 other scientific agency projections of coastal storm inundation, and flood risk to determine the  
21 appropriate information, data, and property risks.

22 III. The commission shall meet 4 times per year.

23 IV. The commission shall annually report its findings and any recommendations for  
24 proposed legislation to the speaker of the house of representatives, the president of the senate, the  
25 house clerk, the senate clerk, the governor, and the state library on or before November 1.

26 188:2 Repeal. RSA 483-E, relative to the coastal risk and hazards commission, is repealed.

27 188:3 Effective Date.

28 I. Section 2 of this act shall take effect December 1, 2016.

29 II. The remainder of this act shall take effect upon its passage.

30 Approved: July 2, 2013

31 Effective Date: I. Section 2 shall take effect December 1, 2016.

32 II. Remainder shall take effect July 2, 2013.

Mayor Spear, City Manager Bohenko, Planning Director Taintor, and Chairman Ricci:

I am writing to let you know that I have recently been offered and accepted the position of City Attorney in Dover. I will be leaving the Attorney General's Office in August and starting in Dover at the end of the month. As a result of the requirements of this position and the need to be available for meetings in Dover I will need to step down from the Portsmouth Planning Board effective at the end of the August 15, 2013 meeting.

I have really enjoyed my five years on the Planning Board. It has been an honor to serve and I thank former Mayor Ferrini, Mayor Spear, and their respective Councils for the opportunity. I also want to thank City Staff for the incredible amount of work they do for every meeting and the wonderful guidance they provide. Finally, I thank Chairman Ricci for his leadership and support over my entire time on the Board. I will miss serving.

Thank you all again. If there are other ways I can serve the City of Portsmouth that are compatible with my position in Dover, please keep me in mind.

Best,

-Anthony Blenkinsop (305-1620)

T. Stephen McCarthy  
"The Carriage House"  
1253 South Street  
Portsmouth, NH 03801  
603-436-1212 & 508-982-9777

received  
7/31/13

July 29, 2013

Mayor Eric Spear  
City of Portsmouth New Hampshire  
1 Junkins Avenue  
Portsmouth, NH 03801

RE: Resignation from Portsmouth Housing Authority Board of Commissioners

Dear Mayor Spear,

It is with deep regret that I must resign my position on the Board of Commissioners of the Portsmouth Housing Authority effective August 1, 2013.

It has been two years and I have enjoyed my time there very much. I thank you and the Council for all the support you have given the Portsmouth Housing Authority and for the time I spent serving.

Yours sincerely,

  
T. Stephen McCarthy

cc: Ruth L. Griffin, Chair  
file

MINUTES of THE SUSTAINABILITY COMMITTEE

MAY 23, 2013

The Sustainability Committee met at the third floor conference room at City Hall on Thursday, May 23, 2013. Present were Bert Cohen (Chairperson), Peter Britz, Patrick Ellis, Bob Shouse, Drew Stadterman, Bob Cook and Brad Lown.

The meeting began with a discussion of the "Natural Step" – 4 principles – goals include to reduce and eliminate accumulation of materials from earth crust, accumulation of substances produced by society, stop ongoing degradation of nature, and stop undermining people's ability to meet their basic needs.

Committee member action - Bert Cohen asked about rotating leadership of the meetings. Bert suggests the meetings address the "alive" topics. Bert will provide a handout on how to get committee members more engaged, and give members more "ownership". Bert asks if a half or full day retreat would help set goals and structure.

Plastic Bags – Brad Lown discussed "Rising Above Plastics", an organization seeking to impose a voluntary charge on or reduction in use of plastic bags and if cooperation cannot be accomplished to impose by City ordinance if permitted under State Law. Brad met with representatives of RAP who pointed out that plastic bag clog up storm drains, go to landfills and blow around, and mess up the single stream recycle system. The plastic does not biodegrade - it photodegrades from exposure to light and breaks into smaller pieces, like grains of sand. RAP opposes the "single use" of plastic. Plastic is 12% of our waste stream but only 8% of it is recycled - plastic has types 1 through 7, and we only recycle 1 and 2 (water bottles and milk containers). No one is recycling frisbies, for example. Plastic can only be recycled once – chopped up and melted down and reused, once. Average use is 500 plastic grocery bags per year.

In order to permit City Council action, the area would have to be unregulated by the State, or it would be "preempted" by State law and probably not within the statutory purview of the Council. The preliminary opinion from the City Attorney is that the matter is probably preempted, by RSA Chapter 149-M and 31:39 and 47:17. Patrick Ellis asked whether we want to ban the bags or charge for alternate bags. Brad asked that the Committee endorse action by Council if necessary and appropriate. Bert recommended that all committee members read The Upcycle by William McDonough and Michael Braungart. Any product we make should enhance the quality of the earth. Ants, altogether, have a biomass equal to 32 Billion people. The Upcycle differentiates between the Organic cycle and the technocycle. Patrick mentioned that paper bags may have a bigger "footprint" than plastic bags.

The Natural Steps - Bert Cohen then discussed the four "Natural Steps". In 2007 the City voted to be an "ecomunicipality". The Natural Step involves four steps – CRUST, SUBSTANCES, NATURE AND FAIRNESS. There are 80,000 to 100,000 synthetic substances per year, many of which do not biodegrade. Bert concludes from the book that "we have a design problem" – how do we design for a healthier future? We cannot deplete resources

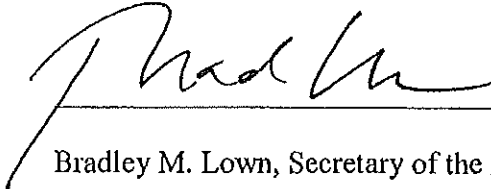
– trees, fish – faster than they can replenish themselves. “Fairness is a social construct”. The Natural Steps posits that if people cannot meet their basic needs the fabric of society breaks down. The operative word is “systems”. We must advocate and aspire to the whole system.

Sustainability – means the ability to keep going, with the goal of clean water, fresh air and healthy food. If something is good for the planet, it is good for us too. We are destroying the system we depend on –nature. We don’t want to go in the wrong direction slower –we need to go make a new design. Can we apply these 4 systems to something? Can we apply to plastic bags? Parking? Bob Cook suggests we look at development patterns and discusses recommending that the committee analyze zoning issues.

Ecomunicipality - What is the status of the “eco municipality”? is it a policy or resolution? An ordinance? Can we put the “Natural Step” in the policy or ordinance? How does it apply to future development? Brad will look into the status of the policy and what it means in practice, and what “teeth” might be put into it. Peter Britz mentions the subdivision regulations do incorporate principles.

Green Tips - Brad suggested we all choose 50 sustainable “tips” – rules to live by. And the committee should vote on the 50 best ideas. Brad suggested we pick the 50 top items, and add our own. Bert suggests the list begin with the Four Natural Step principles. Bob Shouse asks where to post them, how to publicize them – mandate placement on all plastic bags.

The meeting adjourned at 8 p.m.



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Bradley M. Lown, Secretary of the Month



MINUTES of THE SUSTAINABILITY COMMITTEE

JUNE 27, 2013

The Sustainability Committee met in Conference Room A at the Portsmouth City Hall on Thursday, June 27, 2013. Present were committee members Bert Cohen (Chairperson), Patrick Ellis, Bob Shouse, Drew Stadterman, Bob Cook, Esther Kennedy and Brad Lown as well as visitors from “Surfrider” and “Rise Above Plastics”, including Megan Glenn, Kevin Lucey, Andrea Webster (working with Peter Britz on the greenhouse gas inventory), Megan, Jennifer Christianson, Tom Friese, Sarah Minella, Becca O’Brien (from Zero Waste Portsmouth) and Nicole Dolan.

**Check In.** The meeting began with a “check in” question - what is inspiring that is sustainable? A discussion followed. Bert Cohen mentioned the “3 R’s” of a good meeting – reality, responsibility, and relationships. He mentioned the “Flick Synergy method” of empowering all committee members.

**Rise Above Plastics.** Kevin Lucey and Megan Glenn from the NH “Surfrider” campaign to “Rise Above Plastics” (RAP) made a short presentation . Kevin says organization aims to protect oceans and beaches. The local chapter focuses on cleaning beaches and reducing plastics. Plastics are accumulating in the oceans and are causing unprecedented pollution and adversely affects birds and marine life. The group seeks common sense solutions to reduce plastics. The basic problem is the enormous amount of plastics being used and discarded. 60,000 plastic bags are used in the USA every 5 seconds, and the average used uses 500 plastic bags per year. In the last 7 years 65,000 pounds of trash and many thousands of plastic bags have been picked up by the Blue Ocean organization. Plastic bags clog up storm drains, go into landfills and blow around, and interfere with single stream recycling,. The plastic does not biodegrade - it “photodegrades” and breaks into smaller pieces, like grains of sand. Plastic is 12% of our waste stream but only 8% of it is recycled. Plastic can only be recycled ONCE – chopped up and melted down and reused, once. Kevin Lucey recommends the movie “Bag it” on Netflix. RAP has formed a coalition with various organizations. RAP wants to reach out to businesses and has done 10 events in community. RAP would prefer not to impose solutions – prefers voluntary participation in reduction of plastic bag use. Denmark, Italy, Ireland have all either banned plastic bags or have surcharge. San Francisco attempted a ban and got resistance but implemented it. Portland OR and Seattle and Los Angeles have all banned or regulated plastic bags in some way. Nantucket, Freeport ME, Concord MA, Manchester MA and UVM all have banned plastic or small water bottles. Bans can include an outright ban, a fee on paper, fee on single use bags, sets standard on paper. RAP would proposed than any “ban” or regulation, it not voluntary, would apply only to retail sales in stores of at least 10K square feet and \$2M gross sales. Sarah says RAP is also meeting with small retailers. Patrick suggests the Council urge the public to think differently about plastic bags as a first step, as part of the ecomunicipality theme. Bob suggests the campaign be about all single use items.

**The Memorial Bridge** – Bert indicated that the opening of the new Memorial Bridge will be announced by the State Dept of Transportation about 10 days before the opening, and it will probably be in July. Bert did not know who makes the decision, and when, and what the ceremony will consist of. There will be an official opening and Eileen Foley will be there if healthy. The Committee wishes to arrange a biking and walking celebration and would like to advocate a date. Brad will talk to John Bohenko about how to open the bridge with cars and pedestrians and bicycles - how to do it best?

Bert mentioned the excellent dialogue resulting from the Portsmouth Listens transportation report. On July 10 is the sustainable Portsmouth meeting on Four Tree Island and Bert suggested inviting the Transportation dialogue Portsmouth listens.

**Green House Gas Inventory** is being done by Peter Britz and Andrea Webster. The last time it was done was in 2006 and will now be updated for 2012. Andrea is a climate fellow sponsored by “Clean Air Cool Planet” and she works with the ICLEI - Local Governments for Sustainability - an international association of local and metropolitan governments dedicated to sustainable development. The inventory is a count of carbon or methane (there are 6 greenhouse gases) contributing to climate change. The new library is LEED certified and PMS will improve greenhouse gas emissions and will affect the amount of emissions. Measurement is done by studies showing carbon releases due to electricity and is based on KW hours. Both public and private use is measured and includes transportation, employee commute, natural gas, electricity usage. Since 2006 the library for example, uses far more electricity than the old one but far less natural gas than the old one. Patrick and Brad placed a bet that the total greenhouse emissions go down/increase since 2006.

**Green Energy City**. Bert mentions green energy and would like to have a guest speaker come speak to the community. How important is it for Portsmouth to become a green energy city?

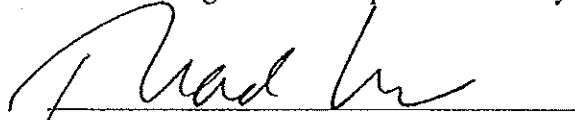
**Green tips** – Brad suggests we endorse 50 tips – tips to promote sustainability in our everyday lives - and present to the Council and put on the City’s website and also in the newspaper. Patrick suggests a list of things to recommend to incoming businesses. Bert would prefer to present a broader vision to the Council. Bob suggests once a year the Committee meet with the Council for a “green meeting” to discuss sustainability and City policies. The Green Alliance shared numerous tips with the Committee.

**Training**. Bert mentioned the training of City employees. The Committee wants to make everyone aware of the ecomunicipality status of the City. Bert mentions the four systems conditions and we can present ideas to implement the systems. Brad urges the committee to publicize what it is doing. Bert suggests we discuss the ecomunicipality aspect, the bridge opening, Brad will put the minutes on the Council agenda and discuss what the Committee is doing and also schedule a broader presentation about the City being an ecomunicipality. Brad

asked all committee members to submit 15 green "tips" to come up with 50 tips to recommend. Bob Shouse suggests a "green" Council meeting.

Meeting adjourned at 8 pm.

The meeting adjourned at 8 p.m. The next meeting will be at 6 pm on Thursday July 25, 2013.



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Bradley M. Lown, Secretary of the Month

## **50 “Sustainable Tips”**

### **That can support Portsmouth in its ongoing process as an**

#### **ECOMUNICIPALITY**

##### **From the City of Portsmouth Mayor’s Blue Ribbon Committee on Sustainability**

1. Bring reusable bags to the grocery store. IMPACT: If we reduce the number of plastic bags we use in half, it would save thousands of gallons of oil each day and keep thousands of tons of rubbish out of our landfills.
2. Turn off your lights, microwaves, or any other electric devices when you leave the room or house. IMPACT: You can save over ½ million pounds of greenhouse gas emissions every year by turning off your lights for an hour per day. Source: [www.sustainability.uts.edu.au/toptentips.html#tip10](http://www.sustainability.uts.edu.au/toptentips.html#tip10)
3. Power down: “For example, if all the world’s 1 billion PC’s were powered down for just one night – it would save enough energy to light up New York City’s Empire State Building – inside and out – for more than 30 years” Source: 1E Energy Awareness Campaign
4. Slow Down! Reducing your speed to 55 mph from 65 mph may increase your fuel efficiency by as much as 15 percent; cut it to 55 from 70, and you could get a 23 percent improvement. National Geographic Society, Green Guide
5. Eat Local Foods: In North America, fruits and vegetables travel an average of 1,500 miles before reaching your dinner table. Buy local whenever possible. National Geographic Society, Green Guide
6. Buy in Bulk: Packaging makes up a third of all garbage tossed in the U.S. To cut down on waste, avoid single-serving foods and beverages. Instead, buy items in bulk and portion them out into reusable containers. National Geographic Society, Green Guide. The American Association of Wine Economists estimates global greenhouse gas emissions from wine production and distribution to be 5,336,600 tons—roughly the same amount that one million passenger vehicles would emit in a year. What can you do? Buy bigger bottles or in bulk to cut back on the carbon spent for shipping. National Geographic Society, Green Guide
7. Plant a Tree: Trees help reduce greenhouse gases in the atmosphere by absorbing and storing carbon dioxide. The Intergovernmental Panel on Climate Change estimates that 100 billion metric tons of carbon over the next 50 years could be sequestered through forest preservation, tree planting and improved agricultural management. Chicago Tribune
8. Get a Reusable Water Bottle: Americans buy 28 billion single-serving plastic water bottles every year, and 80% of those end up in landfills, according to the Container Recycling Institute. Meeting the nation's demand for bottle water requires more than 1.5 million

barrels of oil annually, enough to fuel 100,000 cars for a year, the Earth Policy Institute estimates. Chicago Tribune

9. Slow down – One of the best ways to save gas is to simply reduce your speed. As speed increases, fuel economy decreases exponentially. Try driving the speed limit for a few days; you will save fuel and not get to your destination much later.

10. Check your tire pressure – Under-inflated tires are one of the most commonly ignored causes of poor fuel economy.

- a. Tires lose air due to time (about 1 psi per month) and temperature (1 psi for every 10 degree drop); under-inflated tires have more rolling resistance, which means you need to burn more gas to keep your car moving.
- b. Get a reliable tire gauge and check your tires at least 1 time per month.
- c. Be sure to check when the tires are cold since driving the car warms up the tires and increases tire pressure.
- d. Proper tire pressure for your vehicle should be shown in the driver's side door jamb.

11. Pens - Use a fountain pen and not a disposable one.

12. Lighters - Use a refillable butane lighter and not a plastic disposable one.

13. Razors - Straight razors last longer than a lifetime and get resharpened instead of thrown out.

14. Shoes - Good quality leather shoes get resoled when they become worn and last for many years, not just a year or two.

15. Recycle printer paper. Sometimes, you just have to print. If you set up a place for printed material that is no longer needed and print on the other side it can make a huge difference in the amount of paper waste.

16. Instead of going out to the local household store, find materials or appliances from old, demolished, or soon-to-be-demolished buildings that are usable for your home. Reclaimed flooring is becoming more widely sought for, and therefore supplied, but you can also find things like hinges, door handles and other hardware, sinks, and more.

17. Install a Programmable Thermostat! For every 2 degrees F (1 Celsius) you lower your thermostat, you save 2% of heat energy used. Reducing the room temperature in the evening and when the building is vacant can have a large impact on your heating costs.

18. Consider your options before replacing your existing hot water system. An on demand water heater provides hot water only when needed, and doesn't use energy to keep water hot in a tank. These systems have been used extensively in Europe and can save up to 30% in energy costs.

19. Upgrade the insulation in the walls, basement, and attic to retain the heat in your home. In an older home, insulating your basement walls and attic with spray foam can reduce your heat energy bill by as much as 75%.

20. Do you really need that plastic spoon or paper bag? Americans toss out enough paper and plastic every year to circle the equator three hundred times! The next time you order takeout or pack a lunch, consider using readily-available utensils!

21. Making local choices is a big part of sustainability. If households in New England shifted just 10% of their existing purchases to independently owned, local businesses, we would see thousands of new jobs created right in our back yard. Local products also do not need to travel nearly as far.

22. Today's technology lets us all engage green. Save paper and toner by converting forms and manuals to online versions, or switch your power strip to a "smart" strip capable of reducing your energy.

23. If you live near water or wetlands, increase the diversity and density of the vegetation between it and your home. While trees are critical, healthy and diverse groundcover—from leaf litter to small plants—is one great way to increase the land's ability to absorb chemicals, nutrients and bacteria picked up in storm water that flows off paved surfaces.

24. Know where your product comes from. It's no surprise that countries that permit unfair labor practices also have lax environmental regulations. Buying goods from nations with strong environmental and humanitarian records reduces the risk of environmental degradation.

25. Design a creative way to repurpose hard-to-recycle items. For example, certain plastics could become jewelry or a home decor item. Or, bring your hard-to-recycle to a business specializing in transforming unwanted materials into new products.

26. Work from home. Leverage internet connection and existing technologies by working remotely from home. If you are a business owner, consider offering this option to employees. Reducing commutes is an obvious green solution but can also result in a boost of productivity and morale among employees.

27. Follow these tips whenever you're wondering about whether to leave a light on or off: For standard incandescents, turn off even if you leave the room for just seconds; for compact fluorescent, turn off if you leave the room for 3 minutes, and for standard fluorescent, turn off if you leave the room for 15 minutes. Or, simply invest in a motion sensor!

28. Sometimes the safest and most effective weed killer ingredients are found in your kitchen. Many gardeners use a mixture of white vinegar, molasses and dish soap to safely eliminate broadleaf weeds.

29. Keep your furnaces tuned up. A neglected furnace can mean declining heating

efficiency. If the thermostat stays the same, your furnace is going to have to make up the difference by going through more fuel. An annual tune-up to your furnace can keep that at bay.

30. Use BioHeat - if you're using heating oil, you could be using a cleaner-burning, greener fuel without any changes to your existing system. BioHeat, a blend of biofuel and heating oil, can be used just like traditional heating oil. When used consistently, its cleaner burning profile can help your system maintain optimal efficiency and prolong the life of your system!

31. Plant a vegetable garden – Water is plentiful in New England, so in addition to its environmental benefits, planting a vegetable garden can save you money. A productive garden will eliminate the fuel used to transport vegetables to your home, and choosing to grow food organically increases the nutrition content and eliminates the potential for pesticide residue on the vegetables you consume.

32. Compost – by composting, you can dramatically reduce the amount of trash you send to the landfill each week and create a helpful additive for your vegetable garden or yard. If you have space in your backyard, you can purchase or build your own open air composter by mixing in equal amounts of yard waste (e.g., grass clippings and leaves) and food waste. Or, if you live in an apartment, you can vermicompost. Vermicomposting is a system that uses worms to break down your food waste. Most composting systems accept all food waste, except dairy and meat products.

33. Invest in renewable energy – They are many ways to invest in renewable energy. One easy way is to sign up for PSNH's EarthSmart Green Rate. Through the Green Rate program, PSNH will purchase Renewable Energy Certificates (RECs) equal to 25%, 50%, or 100% (depending on your membership level) of your monthly energy use. RECs fund renewable energy projects.

34. Buy a more fuel efficient vehicle – Purchasing a more fuel efficient vehicle can save you money on gas and reduce your carbon footprint. In addition, purchasing a hybrid vehicle may make you eligible for a significant tax credit. Search for your next green vehicle at [www.epa.gov/greenvehicles](http://www.epa.gov/greenvehicles).

35. Carpool, bike and walk – In 2011, transportation made up 28% of the U.S.'s total greenhouse gas emissions (according to the U.S. Environmental Protection Agency's inventory of U.S. Greenhouse Gas Emissions and Sinks). Instead of driving alone, carpooling with co-workers, use your bike to run errands, or walking to a nearby restaurant. These are all examples of ways to reduce your impact on the environment.

36. Purchase your clothes at thrift stores – Shopping for clothing at your local secondhand store has many monetary, human, and environmental benefits. These items cost less, are not made brand new for you in factories with poor health conditions, and were not shipped from half way around the world, releasing greenhouse gases throughout its long journey. In addition, by shopping at thrift stores, you are saving items from the landfill. According to the EPA, in 2011, 13.1 million tons of textiles were sent to landfills. That's over 5% of our waste.

37. Getting married? Having a baby? Ask for donations to your favorite charity instead of joining a gift registry. Or, ask for gifts made by local artists in an effort to support your local economy.

38. Irrigation: Rather than use a general sprinkler, try collecting rain water with a Rain barrel. If that isn't adequate, install a simple "Drip" irrigation system instead. You'll reduce your water use, while giving your plants the water they need directing into the root zone. The Systems are inexpensive, and with Portsmouth rising costs for water, will pay for itself by reducing your overall water usage.

39. Regularly check the air pressure in your tires: Under inflated tires reduce the fuel economy of your car, increasing the ongoing expense of operating the vehicle, while adding extra CO<sub>2</sub> to the atmosphere. Additionally, properly inflated tires will last longer, reducing the frequency with which tires must be replaced.

40. Reduce the use of Fertilizer: Over use of fertilizer is responsible for a significant amount of Nitrogen and Phosphorous run off into local surface water bodies (i.e. the Great Bay). Focus on use of organic fertilizers as opposed to chemical fertilizers helps, as organic fertilizers are less water soluble, and more likely to stay in the soil to be taken up by your plants. Better still, top dress your lawn with compost, rather than fertilizer to create a healthier soil, with high nutrient levels, and a better ability to avoid the need for future fertilization and irrigation.

41. Consider planting a garden: Growing your own food not only gives you great tasting fresh produce, but also will save you money over the supermarket/farmers market. A full garden isn't required. Not up for renting a tiller, or don't have a large space in your yard with plenty of sun? Many vegetables can be grown in and amongst your flowers and shrubs, such as tomatoes, lettuce, broccoli, peppers. Have a little extra space, try squash, or cucumbers!

42. Consider leaving your grass clipping in place: Reduce the costs, and the carbon impact of bagging, collecting and composting your grass clipping by utilizing the mulching feature of your lawn mower. When you mow your lawn regularly, and cut not more than the top 3rd of the grass, the clippings will actually help build up the soil, and prevent the removal of nutrients from your lawn's soil. While Grass clippings can be composting, because they are full of Nitrogen, they typically create and release greenhouse gases during composting, and are more likely to cause odor problems at the local compost facility.

43. Look for the Energy Star label: The Energy Star program (appliances that meet a specific standard for energy efficiency) is available for most household appliances. Look for the Energy Star label. Even if the appliance costs a little more, you will see long term savings by reducing how much energy is needed in their operation. That energy reduction not only saves you money, but help reduce the release of greenhouse gases from power plants.

44. Reduce your water use in the house: We all need to use water, but the water we use in our house, whether from the washing machine, kitchen sink, or toilets, all ends up at our Waste Water Treatment Plant. With the second charge for sewer use in Portsmouth, reducing



your water use can provide immediate savings, while reducing the energy required to deliver, and then treat that water. Look for "Dual Flush" toilets when renovating your house. Consider low flow shower heads, or look to change your water use habits when washing dishes/brushing teeth. Does the water need to run the whole time?

45. Use the right receptacle: More and more frequently, we will see 2 or 3 different "trash bins". Recycling is less expensive than disposal, and has obvious environmental benefits. Make sure that the only items that go into the "trash" are those that cannot be recycled in the recycling bin (typically, any paper, metal, or rigid plastic (that has a triangle with the number 1-6 inside) can be recycled. You may also see a 3rd bin for "compostables". Food waste, or food contaminated paper, and other paper products can be successfully composted. When you see this third bin, make sure you do what you can to avoid the 'trash', and compost what you can!

46. Consider air drying your clothes: Use drying racks during the winter, or a clothes line during the summer to dry your clothes. Not only is there an obvious energy savings by air drying your clothes, but they will last longer as well, reducing your need to replace clothes as frequently.

47. Switch to a programmable thermostat. Easily installed, and inexpensive programmable thermostat allows you to lower the temperature of your home during the heating season when your away at work. More advanced models can be adjusted as needed via a WiFi connection. Reducing the average temperature of your home during the winter (by reducing the temperature when you're not home) can have a dramatic impact on your use of fossil fuels.

48. Use the right bulb, don't oversize the wattage. It is wasteful and dangerous.

49. Replace Halogen bulbs with CFLs. They use less energy and do not get as hot. Less fire danger.

50. Block the sun from overheating your home inside. Use shades, blinds and drapers. Outside use awnings, trees and shrubs.

**Many thanks to the Green Alliance for contributing to this list.**

# ACTION SHEET

## PARKING and TRAFFIC SAFETY COMMITTEE

Councilor Ken Smith, Chairman

To: City Council Meeting of August 5, 2013

Re: Parking and Traffic Safety Committee Meeting held July 11, 2013

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### **ACTIONS:**

- [1] Accepted and placed on file the minutes of the Parking and Traffic Safety Committee Meeting held June 13, 2013.
- [2] Accepted and placed on file the Financial Report.
- [3] **Status of Signage Tasks**  
  
Parking and Transportation Director Nelson updated the Committee on recently erected signage at CCC Lot, Masonic Lot, Campus Drive and McIntyre Lot – *NO ACTION REQUIRED*
- [4] **Status of Union St. “No Thru Trucks” and Stealth Stat Data** – MOTION to place request on file **passed**.
- [5] **Sharrows on Daniel and State Streets**– Pilot program will begin in August 2013. *NO ACTION REQUIRED*
- [6] **432 Islington Street request for parking restriction**– MOTION to eliminate a parking space to left of driveway at 432 Islington Street and place 2 “No parking between Signs” and crosshatching installed **passed**. *(This Item is enacted as a temporary regulation and will be considered for inclusion in a future omnibus ordinance)*
- [7] **Crosswalks at Marcy/South/Pleasant intersection** – MOTION to accept and place on file with a report back at a later date and review for possible inclusion in the CIP **passed**.
- [8] **118 Maplewood Avenue request to restore meters**– MOTION to create 9 Pay and Display parking spaces on the westerly side of Maplewood Avenue from Raines Avenue to the Cemetery **passed**.
- [9] **Banfield Road traffic speed near Ocean Road**– MOTION to:  
(1) review possibility of placing flashing yellow lights on Banfield Road and flashing red lights at Heritage and Constitution Avenues dependent on budget availability (2) install guardrails at the identified culverts and (3) place the Stealth Stat unit in the area when available **passed**.
- [10] **Public Comment**: There were no speakers.

**MINUTES**  
**PARKING AND TRAFFIC SAFETY COMMITTEE MEETING**

8:00 A.M. – Thursday, July 11, 2013  
City Hall – Eileen Dondero Foley Council Chambers

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**I. CALL TO ORDER:**

Chairman Ken Smith called the meeting to order at 8:00 a.m.

**II. ROLL CALL:**

**Members Present:**

Councilor Ken Smith, Chair  
John Bohenko, City Manager  
Stephen Dubois, Police Chief  
Peter Rice, Public Works Director  
Carl Roediger, Deputy Fire Chief  
Ronald Cypher, Member  
Shari Donnermeyer, Member  
Ted Gray, Member  
Harold Whitehouse, Member

**Staff Advisors Present:**

Mark Nelson, Parking Division Director  
Tom Cocchiaro, Parking Operations Supervisor

**III. ACCEPTANCE OF THE MINUTES:**

**Mr. Gray moved to accept the minutes of June 13, 2013, seconded by Mr. Cypher. Motion passed.**

**IV. FINANCIAL REPORT:**

**City Manager Bohenko moved to accept the Financial Report and place on file. Seconded by Public Works Director Rice and passed.**

**V. NEW BUSINESS:**

A. Discussion Item: Status of Signage tasks

Parking and Transportation Director Nelson distributed several photographs illustrating the new signage that has been erected at the CCC Lot, Masonic Lot, Campus Drive and McIntyre Lot.

Ms. Donnermeyer asked if parking is allowed in the McIntyre Lot on Saturdays and Sundays and are people aware of this as the signage has a lot of verbiage. Parking and Transportation Director Nelson stated that the federal government requires specific things to be on the signs. City Manager Bohenko stated yes it is available on weekends and people have been utilizing it.

Parking and Transportation Director Nelson further stated that there are sandwich board signs currently placed at the newly available Vaughan Street lot which will be replaced with permanent signs.

B. Discussion Item: Status of Union St “No Thru Trucks” and Stealth Stat data

Parking and Transportation Director Nelson stated that a review of the ordinances show 40+ streets with limitations but none are on Union Street. He stated that the Legal Department has indicated that there are not specific requirement to place a street in one of these schedules and there are other similar streets that appear on the lists.

**City Manager Bohenko moved to accept and place on file, seconded by Mr. Gray Motion passed.**

Police Chief Dubois explained that the Stealth Stat Unit was placed on Union Street and came back with an 85 percentile speed of 27 mph with a posted speed of 20 mph. He stated that there have been 40 stops on Union Street in the last year and enforcement will continue to be stepped up in the area.

Public Works Director Rice stated that the upcoming road construction on Union Street will include traffic calming measures which will also help minimize speed.

C. Discussion Item: Sharrows on Daniel and State Streets

City Manager Bohenko explained that the City will be implementing a pilot program of Shared Lane Markings for bicyclists on State Street and Daniel Streets and a press release will be issued announcing the initiative.

Public Works Director Rice stated that these will be installed in August.

D. Action Item: 432 Islington St request for parking restriction

Mr. Gray stated a site walk was held at the request of Ms. Beaudet.

**Mr. Gray moved to eliminate a parking space to the left of driveway at 432 Islington Street and place 2 “No parking between signs” and crosshatching installed, seconded by Mr. Whitehouse.**

Chief Dubois stated there have been 3 accidents in the area, with one directly related to this location. He stated these measures will make the area safer.

**Motion passed. (This Item is enacted as a temporary regulation and will be considered for inclusion in a future omnibus ordinance)**

E. Action Item: Crosswalks at Marcy/South/Pleasant intersection

Mr. Whitehouse stated a site walk was held and the area is very congested as there are 4 streets that come together at this point. He stated there are many pedestrians and bicyclists and feels that a new configuration is needed to alleviate the problem.

**Mr. Whitehouse moved to accept and place on file with a report back at a later date and review for possible inclusion in the CIP, seconded by Mr. Cypher. Motion passed.**

F. Action Item: 118 Maplewood Ave request to restore meters

Mr. Whitehouse stated a site walk was held and it was determined that there was room for approximately 9 spaces.

**Mr. Whitehouse moved to create 9 Pay and Display parking spaces on the westerly side of Maplewood Avenue from Raynes Avenue to the Cemetery. Seconded by Public Works Director Rice and voted.**

G. Action Item: Banfield Road traffic speed near Ocean Road

Mr. Cypher stated a site walk was held at the request of a resident who reported that since the railroad has been abandoned and the stop sign removed, the speeds have increased. He stated she is requesting 2 stops be installed, but stop signs cannot be placed to control speeds. He stated she also is concerned with the lack of guardrails next to culverts as there have been incidents with drivers going into the culverts. He stated the following items are suggested as a motion:

**Mr. Cypher moved to (1) review the possibility of placing flashing yellow lights on Banfield Road and flashing red lights at Heritage and Constitution Avenues dependent on budget availability; (2) install guardrails at the identified culverts and (3) place the Stealth Stat unit in the area when available, seconded by Mr. Gray. Motion passed.**

**VI. OLD BUSINESS: NONE**

**VII. PUBLIC COMMENT – There were no speakers.**

**VIII. INFORMATIONAL:**

Mr. Whitehouse stated he saw the legal notice in the paper regarding a bid for 40 bicycle racks and wonders if these are replacing old racks or being installed in new places.

Transportation Planner Juliet Walker explained that these are being purchased through a grant from COAST bus which are to be placed in proximity to bus stops. She continued that they will be replacing some existing racks and also have identified some priority areas to install new racks i.e., Prescott Park, City Hall, Discover Portsmouth, etc. She stated she will keep the committee updated as they are installed.

Chairman Smith asked if there are bike racks at the Vaughan Mall. Transportation Planner Walker stated that there are racks at each end, but that area is being reviewed as well.

**IX. ADJOURNMENT**

**City Manager Bohenko moved to adjourn at 8:15 a.m., seconded by voted unanimously.**

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## MEMORANDUM

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**TO:** John Bohenko, City Manager  
**FROM:** Mary E. Koepenick, Planning Department *M. E. Koepenick*  
**SUBJECT:** Board of Adjustment Minutes  
**DATE:** July 17, 2013

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The approved Minutes of the following Board of Adjustment meeting are now available for review on the City's website:

May 21, 2013

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## MEMORANDUM

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**TO:** John P. Bohenko, City Manager  
**FROM:** Jane Shouse, Planning Department  
**SUBJECT:** Planning Board Minutes  
**DATE:** July 24, 2013

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Please be advised that the approved minutes from the March 21, 2013, March 28, 2013, April 18, 2013 and May 2, 2013 Planning Board meetings are now available on the City's website for your review.

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## MEMORANDUM

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**TO:** John P. Bohenko, City Manager  
**FROM:** Jane Shouse, Planning Department  
**SUBJECT:** Site Review Technical Advisory Committee Minutes  
**DATE:** July 24, 2013

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Please be advised that the approved minutes from the April 30, 2013, June 4, 2013 and July 2, 2013 Site Review Technical Advisory Committee meeting are now available on the City's website for your review.