

# CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH  
DATE: TUESDAY, JANUARY 21, 2014 TIME: 6:00PM

## AGENDA

• 6:00PM – WORK SESSION RE: RIGHT-TO-KNOW LAW

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

II. ROLL CALL

III. INVOCATION

IV. PLEDGE OF ALLEGIANCE

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

VI. PUBLIC COMMENT SESSION

VII. APPROVAL OF GRANTS/DONATIONS

A. \*Acceptance of Donations to the Coalition Legal Fund

- Town of Moultonborough - \$6,500.00

- Town of Carroll - \$1,000.00

*(Sample motion – move to approve and accept the donations, as listed, to be placed in the Coalition Legal Fund)*

VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

A. First reading of Proposed Ordinance amending Chapter 10 – Zoning Ordinance, Section 10.535 – Exceptions to Dimensional Standards in the Central Business District, which would eliminate a Conditional Use Permit under Section 10.535.13 *(Sample Motion – move to pass first reading and establish a public hearing and second reading at the March 17, 2014 City Council meeting, and further, that the City Council refer this proposed Ordinance amendment to the Planning Board for report back to the City Council prior to the March 17, 2014 public hearing)*

IX. CONSENT AGENDA

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

A. Acceptance of Donation to the Fire Department

- Newburyport Five Cents Savings Bank - \$500.00

*(Anticipated action – move to approve and accept the donation to the Fire Department for the fire donation fund)*

B. Letter from Jeanine Sylvester, Runner's Alley, LLC, requesting permission to hold the 17<sup>th</sup> Annual Runner's Alley/Redhook Brewery Memorial 5k on Sunday, May 25, 2014 *(Anticipated action – move to refer to the City Manager with power)*

- C. Request for Approval of Pole License to install 1 pole at the intersection of Adams Drive and FW Hartford Drive to accommodate a new underground electrical system in the Woodlands area ***(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)***
- D. Letter from Becky Coliandris, Alzheimer’s Association, requesting permission to hold the Seacoast Walk To End Alzheimer’s on Sunday, September 28, 2014 ***(Anticipated action – move to refer to the City Manager with power)***
- E. Letter from Caitlyn Hassett, on behalf of the Chamber of Commerce, requesting permission to hold a city wide ‘Fire and Ice’ Festival President’s Day weekend, February 13-17, 2014 ***(Anticipated action – move to refer to the City Manager with power)***

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

- A. Town of Exeter Request to Explore Alternative Options for Shared Wastewater Services ***(Sample motion – move to refer to the City Manager for report back)***

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

**A. CITY MANAGER**

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

- 1. First Reading of Proposed Resolution and Ordinance Amendments:
  - 1.1 Proposed First Reading of an Ordinance Amending Chapter 10 – Zoning Ordinance, Section 10.535 – Exceptions to Dimensional Standards in the Central Business District, which would eliminate a Conditional Use Permit under Section 10.535.13 ***(Action on this item should take place under Section VIII of the Agenda)***

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

- 1. Elderly and Disabled Exemptions
- 2. Letter from Steven Wilson, for property located at 143 Daniel Street (former Connie Bean Center), for Exchange of Easements
- 3. New Hampshire Department of Transportation Exit 7 Project Acceptance

**Informational Items**

- 1. Update on Snow Removal Budget
- 2. Events Listing
- 3. Correspondence to GSA from Mayor Lister

## **B. MAYOR LISTER**

1. \*Appointments to the Senior Sub-Committee of the Recreation Board
  - Carl Diemer, Chair; Todd Henley, Kory Sirmaian, Judith Bunnell, Maureen O'Leary, Diane Share and Cindi Shanley

## **C. COUNCILOR SHAHEEN**

1. \*Parking Rates at High Hanover Parking Garage (***Sample motion – move to request that the City Manager report back on the impact of the elimination of the first hour free parking at the High-Hanover Garage, and, further the impacts of increasing the rate from \$.75 per hour to \$1.00 per hour at the High-Hanover Garage***)

## **D. COUNCILOR KENNEDY**

1. \*Visual Time Lines for Land Use Boards

## **E. COUNCILOR LOWN**

1. Report Back on Fire Study Committee (***Sample motion – move to authorize the City Manager to work with the Fire Chief and the Fire Study Committee to initiate a Request For Qualifications (RFQ) for a consultant to review the summary as outlined in attached Portsmouth Fire Department Study***)
2. Parking and Traffic Safety Committee Action Sheet and Minutes of the December 12, 2013 meeting (***Sample motion – move to approve and accept the Action Sheet and Minutes of the Parking and Traffic Safety Committee meeting of December 12, 2013***)

## **F. COUNCILOR DWYER**

1. \*Update on African Burying Ground

## **G. COUNCILOR MORGAN**

1. \*Form-Based Zoning

## **H. COUNCILOR SPEAR**

1. \*Parking Garage Location (***Sample motion – move that the Council request the Economic Development Commission report back with a suitable location for a downtown parking garage that is not the Worth Lot. The Committee will consider privately held properties and municipal properties and/or a public-private partnership***)

## **I. COUNCILOR THORSEN**

1. Financial Disclosure Ordinance Amendment (see attached existing ordinance)

**XII. MISCELLANEOUS/UNFINISHED BUSINESS**

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

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

**INFORMATIONAL ITEMS**

1. Letter from Sarah Jarvis, Rye Fire Department, thanking the City of Portsmouth and City Council for allowing her to use the High Hanover Garage on December 21, 2013 for a fundraiser in support of The Leukemia and Lymphoma Society and the 2014 Scott Firefighter Stair climb
2. Notification that the Board of Adjustment Minutes of the September 18, 2012, September 25, 2012 and September 17, 2013 meetings are available on the City's website for your review
3. Notification that the Conservation Commission Minutes of the May 8, 2013 meeting are available on the City's website for your review
4. Notification that the Historic District Commission Minutes of the April 10, 2013 meeting are available on the City's website for your review
5. Notification that the Historic District Commission Minutes of the May 1, 2013 meeting 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.*

## ORDINANCE #

### THE CITY OF PORTSMOUTH ORDAINS

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

#### 10.535.10 Building Height

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

#### ~~10.535.13 Increased Building Height by Conditional Use Permit~~

~~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, up to a maximum of 50 feet in the CBA district or 60 feet in the CBB district, only if the proposed building and site design positively contribute to the context, quality, and overall historic character of the neighboring properties and the district as a whole, including:~~

- ~~• Publicly accessible open space areas such as widened sidewalks, plazas, pocket parks, playgrounds or other significant public open space areas;~~
- ~~• Underground parking in lieu of surface parking;~~
- ~~• The use of high-quality building materials in the building design including, but not limited to: slate or copper roofing; copper gutters and downspouts; restoration brick; granite sills, lintels, foundations, stoops and steps; and wood windows along the façade elevation;~~
- ~~• Significant scaling elements in the building design such as increased setbacks, stepbacks, reduced footprint and volume, the use of pitched roof forms, banding, quoining and other massing techniques to maintain a pedestrian scale along the façade;~~
- ~~• Significant restoration or reconstruction of a “focal” or “contributing” building;~~
- Permanent protection of a significant view corridor.

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

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

This ordinance shall take effect upon its passage.

APPROVED:

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Robert J. Lister, Mayor

ADOPTED BY COUNCIL:

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Kelli L. Barnaby, City Clerk



**NEWBURYPORT**  
FIVE CENTS SAVINGS  
**BANK**

December 6, 2013



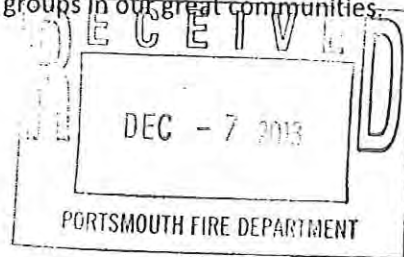
Portsmouth Fire Department  
170 Court Street  
Portsmouth, NH 03801

Dear Friends:

On behalf of Newburyport Five Cents Savings Bank, I am pleased to present to your organization the enclosed donation. This bank prides itself in its commitment to the local and surrounding communities.

We understand the current financial pressure that has been placed on charitable organizations and municipal entities, and hope that our gift will help to demonstrate our support for the good work that you do. Aligned with our mission, we encourage our employees to also become active in volunteering and contributing their time to many of the social groups in our great communities.

Wishing you great success in 2014!



Sincerely,

*Janice C. Morse*  
Janice C. Morse

President & CEO

JCM/ebb

Enc. Ck. \$500.00

NEWBURYPORT FIVE CENTS SAVINGS BANK

SIXTY-THREE STATE STREET-NEWBURYPORT, MA 01950-TEL: (978) 462-3136 FAX: (978) 462-9672  
TWENTY-SEVEN HIGH ROAD-NEWBURY, MA 01951-TEL: (978) 462-2645  
CROSSROADS PLAZA-SALISBURY, MA 01952-TEL: (978) 462-8771  
TWENTY-ONE STOREY AVENUE-NEWBURYPORT, MA 01950-TEL: (978) 462-0722  
FORTY FRIEND STREET-AMESBURY, MA 01913-TEL: (978) 388-3157 FAX: (978) 388-3196  
FORTY THREE MAIN STREET-AMESBURY, MA 01913-TEL: (978) 388-1102 FAX: (978) 388-2607

[www.newburyportbank.com](http://www.newburyportbank.com)





received

1/6/13

THE KREMPELS BRAIN INJURY FOUNDATION

January 2, 2014

Dear Mayor Spear/City Council,

Plans for the 17th Annual Runner's Alley/Redhook Brewery Memorial 5k are beginning to take shape and once again we look for your approval to hold the race. This year's race is scheduled for May 25, 2014 at 11:00AM. All the logistics remain the same with the start and finish continuing to be at the Redhook Brewery. One hundred percent of the proceeds from the race will be donated to The Krempels Center, based out of the Community Campus here in Portsmouth. If you are not familiar with The Krempels Center, I urge you to visit their website for a truly moving picture of what they are all about ([www.krempelscenter.org](http://www.krempelscenter.org)).

We look forward to your support once more, with over 2000 runners last year as well as thousands of supporters and volunteers, we're very excited for an even better year! Voted as one of New England's top 100 races by New England Runner Magazine this race attracts runners and visitors from all over New England making it a wonderful asset to the entire Portsmouth community. Please consider granting us your permission to conduct another successful event, while raising seriously needed funds for an incredibly inspiring nonprofit organization, The Krempels Center. The Runner's Alley/Redhook Race has always given 100% of its proceeds to charity and will continue to do so. As always we will work closely with the police department and the PDA to ensure we are abiding by all necessary rules and regulations.

Thank you for your time and consideration, wishing you and the City of Portsmouth all the very best in 2014!

Jeanine Sylvester  
Proprietor  
Runner's Alley, LLC

Runner's Alley  
104 Congress Street, Suite 101  
Portsmouth, NH 03801  
603.430.1212

Redhook Brewery  
35 Corporate Drive  
Portsmouth, NH 03801  
603.430.8600

Krempels Brain Injury Foundation  
PO Box 4388  
Portsmouth, NH 03802-4388  
603.430.7668



**InterOffice Memo**

**To:** John P. Bohenko, City Manager  
**From:** Tom Richter, Engineering Technician  
**Date:** December 10, 2013  
**Subject:** PSNH License Agreement 63-0567

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I have reviewed the pole and underground conduit location information provided by PSNH for Petition and Pole License 63-0567.

This request is to license 1 pole at the intersection of Adams Drive and FW Hartford Drive. This pole needed to be replaced to accommodate a new underground electrical System in the Woodlands area.

The installation of this pole poses no impact to existing City infrastructure. The Public Works Department recommends approval of this license.

Attached is a picture of the pole in its new location. Please call with any questions you may have.

cc: Peter Rice, P.E. Director of Public Works  
Kelli Barnaby, City Clerk

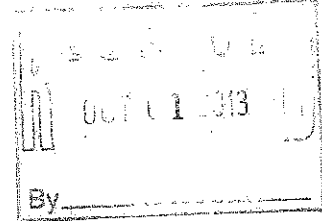
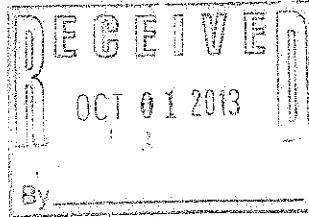


**Public Service  
of New Hampshire**

60 W. Pennacook Street, Manchester, NH 03101

Public Service Company of New Hampshire  
P.O. Box 330  
Manchester, NH 03105-0330  
(603) 669-4000

The Northeast Utilities System



September 30, 2013

Office of the City Clerk  
City of Portsmouth  
One Junkins Avenue  
Portsmouth, NH 03801

Dear City Clerk,

Public Service of New Hampshire is hereby requesting permission to install/replace pole(s) located in City of Portsmouth, New Hampshire.

Enclosed for your review find three copies of PSNH Petition and Pole License number 63-0567 for City of Portsmouth review.

Upon approval, please have each copy of the Petition and Pole License signed by the proper authority.

Retain the Petition and Pole License copy labeled "**Portsmouth**" and mail the remaining signed copies along with any invoice for payment to PSNH in the enclosed self-addressed envelope.

If the Petition and Pole License is not approved, please return all copies to PSNH with an explanation.

Please contact me by telephone or e-mail with any questions you may have.

Thank you.

*Lisa-Marie Pinkes*

Lisa-Marie Pinkes  
Customer Operations Support - Licensing  
Public Service of New Hampshire  
PO Box 330  
Manchester, NH 03105-9989  
Tel. 603-634-2218  
E-Mail: pinkel@nu.com

Enclosure(s)

**PETITION AND POLE LICENSE**

**PETITION**

Manchester, New Hampshire

September 24, 2013

To the City Council of the City of Portsmouth New Hampshire.

PUBLIC SERVICE OF NEW HAMPSHIRE and Northern New England Telephone Operations LLC d/b/a FairPoint Communications-NNE, request a license to install and maintain underground conduits, cable and wires, and maintain poles and structures with wires, cables, conduits and devices thereon, together with such sustaining, strengthening and protecting fixtures as may be necessary along, and under the following public ways:

License one ( 1) pole(s), 282/3B located on Adams Drive and F.W.Hartford Drive in the City of Portsmouth.

Northern New England Telephone Operations LLC  
d/b/a FairPoint Communications-NNE

PUBLIC SERVICE OF NEW HAMPSHIRE

BY: Jane Floyd

BY: Lisa-Marie Pinkes  
Lisa-Marie Pinkes, PSNH CO Support/ Licensing

**LICENSE**

Upon the foregoing petition and it appearing that the public good so requires, it is hereby

**ORDERED**

This 24th day of September, 2013, that, PUBLIC SERVICE OF NEW HAMPSHIRE and Northern New England Telephone Operations LLC d/b/a FairPoint Communications-NNE be and hereby are granted a license to erect and maintain poles and structures, with wires, cables, conduits and devices thereon, together with sustaining, strengthening and protecting fixtures, in the public ways covered by said petition. All of said wires, except such as are vertically attached to poles and structures, shall be placed in accordance with the National Electrical Safety Code in effect at the time of petition and/or license is granted.

The approximate location of the poles and structures shall be shown on plan marked "PUBLIC SERVICE OF NEW HAMPSHIRE and Northern New England Telephone Operations LLC d/b/a FairPoint Communications-NNE No. 63-0567, dated 9/24/2013, attached hereto and made a part hereof.

City of Portsmouth, New Hampshire

BY: \_\_\_\_\_

BY: \_\_\_\_\_

BY: \_\_\_\_\_

BY: \_\_\_\_\_

BY: \_\_\_\_\_

BY: \_\_\_\_\_

Received and entered in the records of the City of Portsmouth, New Hampshire, Book \_\_\_\_\_, Page \_\_\_\_\_

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

ATTEST: \_\_\_\_\_

Town Clerk

# POLE LOCATION PLAN

PUBLIC SERVICE OF NEW HAMPSHIRE and

Northern New England Telephones Operations LLC d/b/a FairPoint Communications Inc.

DATE 09/24/2013

LICENSE NO. 63-0567

MUNICIPALITY: Portsmouth

STATE HWY. DIV. NO. 6

STREET / ROAD: Adams Drive and F.W.Hartford Drive

STATE LICENSE NO. \_\_\_\_\_

PSNH OFFICE: Portsmouth

WORK REQUEST# 1891026

PSNH ENGINEER: Sonny Lemire

WORK FINANCIAL # 9P220468

TELCO ENGINEER: Joe Considine

TELCO PROJECT # \_\_\_\_\_

Pole Numbers		Pole Sz-CI	Eq BH	INSTALL POLE	REMOVE PB	REF	100% LTS	J/O	100% TEL	DIST. FROM	Span	Remarks	DOC REQ
LTS	TEL												
ADAMS AVE													
<u>282</u> 3B	<u>9915</u> 2	40'	Y									REPLACE POLE/ANI XFER BUILD 1 PH PRI. RISER	M
<u>282</u> T1AJ2												EXISTING H/H IN SIDEWALK	
<u>282</u> T1A												REPLACE 50 KVA XFMR INST 2 RUNS TO J1	
<u>282</u> T1AJ1												INSTALL H/H OVER OLD SLAB	
<u>282</u> T1AJ3												INSTALL H/H @ P/L FOR FUTURE USE	
<u>282</u> T2AJ3												INSTALL H/H ON P/L FOR FUTURE USE	
<u>282</u> T2A												REPLACE 50 KVA XFMR & INST. 2 RUNS TO J1	
<u>282</u> T2AJ1												INSTALL H/H OVER OLD SLAB	
<u>282</u> T2AJ2												INSTALL H/H ON P/L FOR FUTURE USE	
<u>282</u> T3AJ2												INSTALL H/H ON P/L FOR FUTURE USE	
<u>282</u> T3A												REPLACE 50 KVA XFMR INST. 2 RUNS TO J1	
<u>282</u> T3AJ1												INSTALL H/H OVER OLD SLAB	
<u>282</u> T3AJ3												EXISTING H/H IN SIDEWALK	
<u>282</u> T3AJ4												EXISTING H/H IN SIDEWALK	
<u>282</u> T3AJ5												EXISTING H/H IN SIDEWALK	
												PUMP HOUSE	

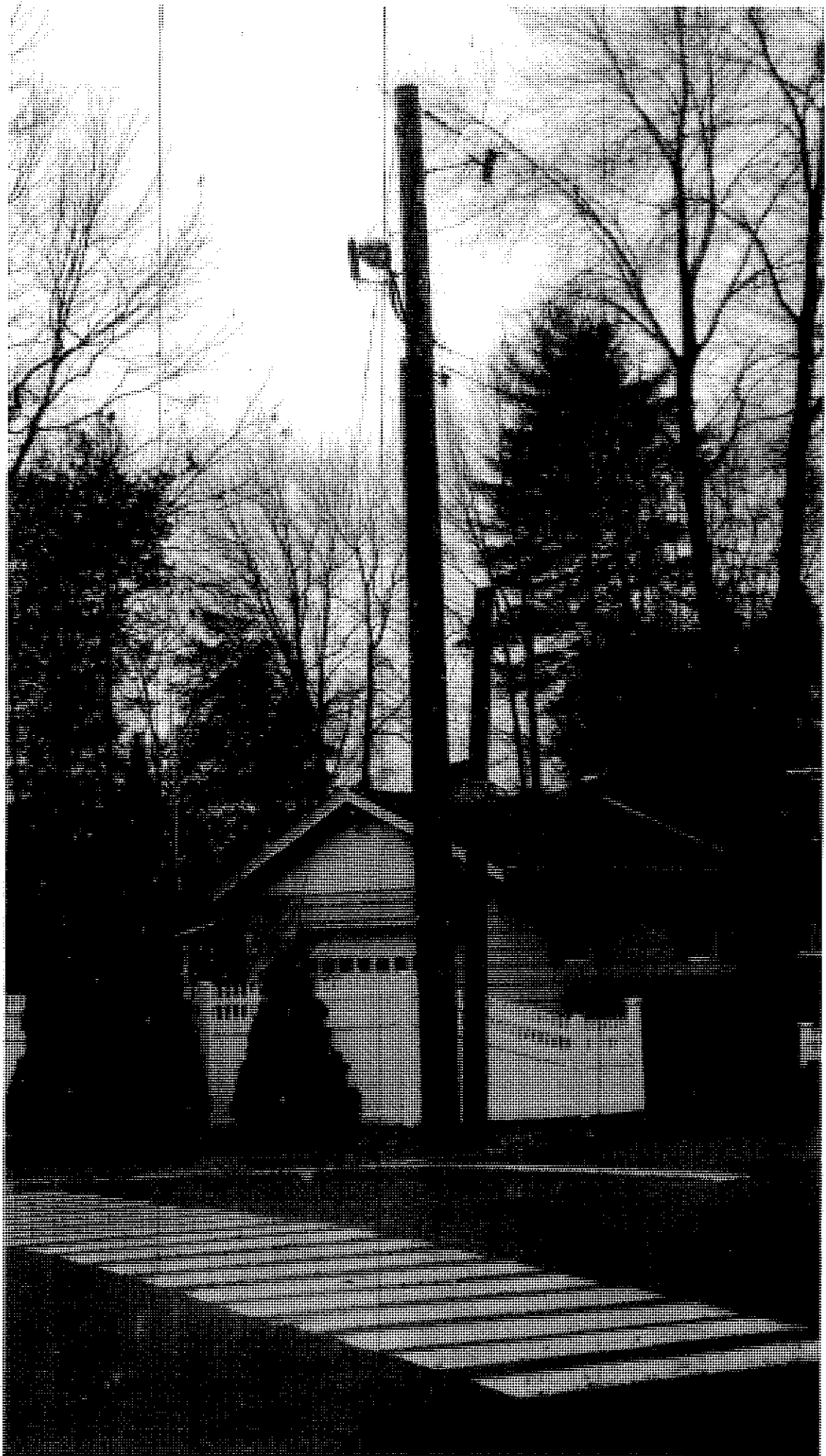
ADDENDUM PER RSA 231:163

- 1) All licensee(s) and any other entity using and/or occupying property of the City pursuant to a license, lease or other agreement shall provide for the payment of properly assessed real and personal property taxes by the party using or occupying said property no later than the due date.
- 2) All licensee(s) and any other entity using and/or occupying property of the City shall provide for the payment of properly assessed real and personal property taxes on structures or improvements added by the licensee(s) or any other entity using or occupying property of the city; and
- 3) Failure of the licensee(s) and any other entity using and/or occupying property of the City to pay duly assessed personal and real taxes when due shall be cause to terminate said agreement by the lessor.

The changes to the licenses, leases and other agreements set forth in the preceding paragraphs shall remain in effect until changed in accordance with the requirements of RSA 231:163.

**Approved by City Council:**





www.alz.org/MANH

**New Hampshire**

Five Bedford Farms Drive  
Suite 101  
Bedford NH 03110

603.886.8500 p  
603.886.4803 f



alzheimer's  association

January 14, 2014

**Massachusetts**

**New Hampshire Chapter**  
101 Arsenal Street  
Worcester MA 01504

617.881.6714 p  
617.881.6701 f

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

**Southeastern Mass**

**Cape Cod & the Islands**  
Vintage South Plaza  
177 South Street West  
Raynham MA 02707

508.881.0055 p  
508.881.0054 f

Dear Mayor Spear and Members of the City Council,

On behalf of the Alzheimer's Association, I would like to re submit for the Agenda a proposed date for the 2014 Seacoast Walk To End Alzheimers. Last September's Walk began and ended at Strawberry Banke and proved a great location for us. This year we would like to hold the same event on Sunday, September 28<sup>th</sup>, 2014. We understand the stress that such events can have on the surrounding community and assure you that the Alzheimer's Association is cognizant of your concerns.

**Central Mass**

129 Providence Street  
Worcester MA 01504

508.781.2000 p  
508.781.2051 f

We offer two route options for participants. Enclosed please find a copy of the route maps. The 1.3 and 2.7 mile routes will both go through the downtown area (using Congress Street). We are planning to use the same route as last year but are flexible pending any construction changes that may arise. We will plan on engaging the help of the Portsmouth police—as last year we hired a detail police officer to be onsite and then on the route at crossings. The Walk will take place on the sidewalks through the city to minimize the impact on traffic. We understand what it means to be a good neighbor in the community and will be mindful of the residents in the City of Portsmouth.

**Western Mass**

1047 Maple Street  
Springfield MA 01104

413.767.3311 p  
413.767.3301 f

We are expecting approximately 700 participants at this, our premier fundraising and awareness event for the Alzheimer's Association in the Seacoast area. In addition, a approximately 50 combined volunteers and staff.

The Walk site opens at 8:30 AM for registration, the Walk kicks off at 10:00 AM and we are cleaned up by 1:00 PM. We are not allowed any amplified music per Strawberry Banke so the neighbors won't be bothered with loud noise. We understand the stress that such events can have on the surrounding community and assure you that the Association is cognizant of your concerns.

We look forward to working with you. Please feel free to reach out with any questions.

Sincerely,

Becky Coliandris  
Development Officer  
Bcoliandris@alz.org

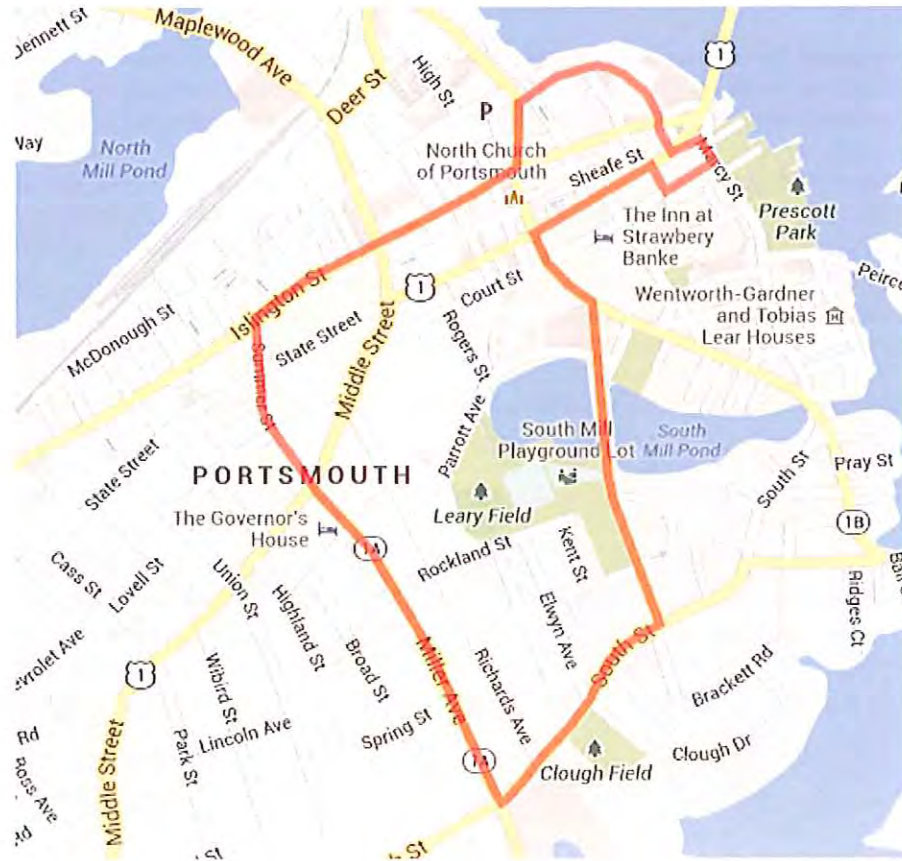


**2013 Seacoast Walk To End Alzheimer's  
Sunday, September 29<sup>th</sup> 2013**

**1.5 Mile – Start: Marcy St. – Continue on Bow St. – Right on Market Street – Left onto Congress St. – Left onto State St. – Right on Atkinson St. – Left on Court St.**



**2.7 Mile – Start: Marcy St. – Continue onto Bow St. – Market St. – Right onto Congress/Islington St. – Left onto Summer St./Miller Ave – Left on South St.- Left on Junkins Ave – Slight left onto Pleasant St. – Right on State St. – Right Atkinson St. – Left Court St.**



JAN 15 2014

John Bohenko  
Portsmouth City Manager  
1 Junkins Ave  
Portsmouth NH 03801

Dear Mr. Bohenko,

I am currently working with the Portsmouth Chamber of Commerce to plan a city wide 'Fire and Ice' Festival for this upcoming President's Day weekend, February 13-17, 2014. We are planning numerous events in an attempt to increase the amount of guests who will visit downtown Portsmouth for that weekend. Events that are currently planned include:

- \*winter themed movies at The Music Hall and Seacoast Repertory Theater
- \*a winter themed concert at The Player's Ring
- \*winter or fire and ice exhibits at art venues through town
- \*fire and ice sales at retail stores (which will also serve warm beverages)
- \*Human Dog Sled Racing, authentic dog sled demonstrations/rides and hearth cooking demonstrations at Strawberry Banke
- \*The Gas Light Ice Fest and Fire and Ice themed Pecha Kucha night at the Gas Light Third Floor

We are also hoping to have our Fire and Ice logo created in Ice and placed downtown in front of the North Church for Saturday February 15, 2014. The set up would be very similar to First Night but on a smaller scale since we are looking at one single block sculpture. We will take full responsibility for placing and removing the sculpture.

Nancy Carmer was kind enough to reach out to Rev Dawn Shippee on our behalf and she has let us know that she finds it unlikely that she will have an event that Saturday. I am currently in contact with Rev Shippee to determine what type of placement would be most convenient for the Church.

Please let me know if you are in need of additional information from me and our planning committee and we will hope to hear from you soon.

Sincerely,

Caitlyn Hassett  
Event Coordinator  
Portsmouth Gas Light Co  
603-969-8657  
functions@portsmouthgaslight.com



## TOWN OF EXETER, NEW HAMPSHIRE

10 FRONT STREET • EXETER, NH • 03833-3792 • (603) 778-0591 • FAX 772-4709

[www.exeternh.gov](http://www.exeternh.gov)

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

January 15, 2014

Dear John,

As you may be aware, the Town of Stratham and Exeter have been working on a potential agreement for shared water and sewer services in the future. This is in part a reaction to the EPA's recent activities which are driving up Exeter costs related to constructing and operating a new wastewater facility to treat nitrogen to new standards set by the EPA. The Town of Exeter recently contracted with Wright-Pierce to conduct a wastewater facilities plan for Exeter, to meet the requirements of an AOC (Administrative Order of Consent) approved by our Board of Selectmen in January, 2013. As such, we will be evaluating alternatives that represent the least cost to our ratepayers while meeting the requirements of the order. To that end, we would like to engage with the City of Portsmouth along with our neighbors to explore any and all alternatives that may end up in a lower overall cost to Exeter ratepayers while creating a "holistic solution" if one can be found. This may include various options that have not yet been fully fleshed out with several communities in the "corridor to Portsmouth" including Stratham and Greenland.

If these conversations are amenable to Portsmouth, if you would kindly let me know so we can begin a discussion. I can be reached at 778-0591, x101, or via email at [rdean@exeternh.gov](mailto:rdean@exeternh.gov).

Very truly yours,


Russell Dean  
Exeter Town Manager

Copy: Board of Selectmen  
Jennifer Perry  
Exeter Financial Subcommittee



**CITY OF PORTSMOUTH  
PORTSMOUTH, NH 03801**

*Office of the City Manager*

**Date:** January 16, 2014  
**To:** Honorable Mayor Robert J. Lister and City Council Members  
**From:** John P. Bohenko, City Manager   
**Re:** City Manager's Comments on January 21, 2014 City Council Agenda

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***Work Session:***

**6:00 p.m.**

1. **Right-to-Know Law.** As requested by the City Council, on Tuesday evening at 6:00 p.m., the Council will meet in a Work Session with City Attorney Robert Sullivan to review the Right-to-Know law. As discussed, handouts will be provided at the meeting.

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

1. **Acceptance of Donation to the Coalition Legal Fund.** The City of Portsmouth has received donations from the following communities to the Coalition Legal Fund, which will be utilized to continue our fight to eliminate the statewide property tax:
  - Town of Moultonborough \$6,500.00
  - Town of Carroll \$1,000.00

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

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

### **1. First Reading of Proposed Resolution and Ordinance Amendments:**

- 1.1 **Proposed First Reading of an Ordinance Amending Chapter 10 - Zoning Ordinance, Section 10.535 Exceptions to Dimensional Standards in the Central Business District, which would eliminate a Conditional Use Permit under Section 10.535.13.** As requested by Mayor Lister and reviewed by the City Attorney, attached under Section VIII of the Agenda, is an Ordinance for first reading pertaining to amending Chapter 10 – Zoning Ordinance, Section 10.535 Exceptions to Dimensional Standards in the Central Business District, which would eliminate a Conditional Use Permit under Section 10.535.13.

*Move to pass first reading and establish a public hearing and second reading at the March 17, 2014 City Council meeting, and further, that the City Council refer this proposed Ordinance amendment to the Planning Board for report back to City Council prior to the March 17, 2014 public hearing. Action on this matter should take place under Section VIII of the Agenda.*

## ***Consent Agenda:***

1. **Acceptance of Donation to the Fire Department.** Attached is a copy of a letter from Newburyport Five Cents Savings Bank in the amount of \$500.00 to the Fire Department for the fire donation fund.

*I would recommend that the City Council move to approve and accept the donation to the Fire Department for the fire donation fund. Action on this matter should take place under Section IX of the Agenda.*

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

1. **Elderly and Disabled Exemptions.** As in the past, annually, the City reviews income and asset levels for both the Elderly and Disabled Exemptions pursuant to RSA 72:39-b and RSA 72.37-b and makes recommendations as to these levels.

Last year, the City Council adopted Resolutions #2-2013 and #3-2013 which increased the income and asset levels for both the elderly and disabled exemptions by November to November CPI of 2.0% from the previous year. The current elderly and disabled exemption income levels are \$35,176 for a single taxpayer, \$43,393 for married taxpayers, and an asset limit of \$117,257.

If qualified, for elderly taxpayers, the exemption off the assessed value of the property is as follows:

- Age 65 to 74 \$125,000
- Age 75-79 \$175,000
- Age 80 + \$225,000

If qualified, for disabled taxpayers, the exemption off the assessed value of the property is \$100,000.

This year the November to November CPI of the Boston-Brockton-Nashua November consumer price index (CPI) is .92%. Social Security benefits payable in January 2014, will see a 1.5% increase in SSI payments.

Option A:

If the City Council wishes to adjust the income and asset levels for both the elderly and disabled taxpayers by the November to November CPI of .92 %, this would increase the limits (rounded up) as follows:

- Single \$ 35,500 increase of \$324
- Married \$ 43,792 increase of \$399
- Asset Limit of \$118,336 increase of \$1,079

Option B:

If the City Council wishes to adjust the income and asset levels for both the elderly and disabled taxpayers by the Social Security increase of 1.5 %, this would increase the limits (rounded up) as follows:

- Single \$ 35,704 increase of \$528
- Married \$ 44,044 increase of \$651
- Asset Limit of \$119,016 increase of \$1,759

Option C:

If no increase, the income and asset limits would remain at their current levels as follows:

- Single \$ 35,176
- Married \$ 43,393
- Asset Limit of \$117,257

Any adjustment if approved would be for assessments as of April 1, 2014 for the 2014 tax year or FY15.



The Assessor's office mails a notification annually to all elderly and disabled persons who currently receive this exemption to update their applications. All new applicants must submit an application and required documentation by April 15<sup>th</sup> of each year.

If the City Council wishes to make any adjustments in these exemptions, it would require an amendment to the attached Resolutions as well as first reading, a public hearing and adoption, which requires a majority vote of the City Council. If there are no adjustments, income and asset limits would remain at their current levels. I have attached for your information the tax impact of the elderly and disabled exemptions for FY14.

The City Council may choose from Option A, B or C and authorize the City Manager to bring it back for first reading.

*I would recommend the City Council move to authorize the City Manager to proceed with Options A, B or C. If Option A or B is chosen, then I would recommend the City Council move to authorize the City Manager to bring the Resolutions back for first reading at the February 3rd City Council meeting, as presented. (This requires a public hearing and two readings with a majority vote.)*

2. **Letter from Steven Wilson, for property located at 143 Daniel Street (former Connie Bean Center), for Exchange of Easements.** At the November 18, 2013 City Council meeting, the Council referred the attached request from Steven Wilson for property located at 143 Daniel Street, for exchange of easements, to the Planning Board for report back to the City Council.

Attached is a memorandum from Rick Taintor, Planning Director, explaining the purpose of this request. As you may recall, in 2012 the City sold the property at 143 Daniel Street (the former Connie Bean Center) to Steven Wilson. In order to provide underground parking and to create a new public entrance, Mr. Wilson is requesting the City grant a 202 sq. ft. easement over a portion of the sidewalk on the North side of the property, facing the municipal parking lot. In exchange, Mr. Wilson is proposing to grant the City two easements totaling 430 sq. ft. over portions of his property that abut the Army and Navy Association building on Daniel and Chapel Streets. These easements confirm the City's rights to use and maintain the easement areas as public sidewalks. The proposed easements are shown on the attached plans.

At its meeting on November 21, 2013, the Planning Board voted unanimously to recommend that the City Council approve the exchange of easements as generally indicated in Mr. Wilson's November 12<sup>th</sup> letter, subject to final Site Plan Approval. At its meeting on December 19, 2013, the Planning Board voted unanimously to grant Site Plan Approval subject to City Council approval of the easements.

*I would recommend the City Council move to accept the recommendation of the Planning Board, regarding the request of Steven Wilson for an exchange of easements, as presented.*

3. **New Hampshire Department of Transportation Exit 7 Project Acceptance.** For your information, the City reconstructed a section of the Interstate 95 Exit 7 along Market Street extension as a City managed State and Federal funded project. The project spanned approximately 800 feet on Market Street Extension from Kearsarge Way past the North Bound Exit 7 on-ramp to Interstate 95 (see attached figure for project area). This \$765,936.19 project was 80% (~\$612,000) State/Federal funded of which 20% (~\$153,000) was locally funded. The project is complete and the State's close out paper work requires a formal acceptance of the project by the City which requires a vote by the City Council. The Public Works Department and its consulting engineer, Gorrill Palmer have reviewed the completed project and find no outstanding issues preventing formal acceptance of the project.

*I would recommend the City Council move to accept the New Hampshire Department of Transportation Exit 7 Market Street and Kearsarge Way Intersection and Traffic Improvement Project.*

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

1. **Update Snow Removal Budget.** The following is a list of expenditures, for snow plowing/removal operations, in relation to the approved appropriation for FY 14. These projected costs will be updated as data become available.

<b>Master Account Number 01-751-640-42-100-420</b>			
<b><u>Sub Account No.</u></b>	<b><u>Title</u></b>	<b><u>Appropriation</u></b>	<b><u>Expended*</u></b>
014041	Overtime	\$ 100,000.00	\$ 80,133.19
018052	Water/Sewer	\$ 10,000.00	\$ 4,242.62
022001	Social Security	\$ 10,850.00	\$ 5,231.30
022501	Medicare	\$ 2,538.00	\$ 1,223.45
023001	Retirement	\$ 18,848.00	\$ 9,087.27
039200	Contract	\$ 50,000.00	\$ 24,925.00
043024	Vehicle Repair	\$ 30,000.00	\$ 6,539.50
068005	Materials	<u>\$ 185,000.00</u>	<u>\$ 134,845.20</u>
	TOTAL:	\$ 407,236.00	\$ 266,227.53

\*This equates to ~ 65% of these accounts expended for FY 14.



2. **Events Listing.** For your information, attached is a copy of the Events Listing updated after the last City Council meeting on December 16, 2013. In addition, this now can be found on the City's website.
  
3. **Correspondence to GSA from Mayor Lister.** For your information, in response to the City Council action on January 13, 2014 authorizing me to work with Mayor Lister regarding future utilization of the Federal McIntyre Building, a letter from the Mayor has been sent to GSA Regional Administrator Robert Zarnetske requesting a Work Session on February 18, 2014 with the City Council and representatives of the GSA and the Congressional Delegation or their representatives (see attached).

In response to Councilor Thorsen's request for background information on the McIntyre Building prior to the proposed February 18<sup>th</sup> Work Session with GSA, I am preparing a chronology of interactions with the GSA on the McIntyre Building and other pertinent information that I will provide to you.

## Elderly & Disabled Exemption Impact

Exemption Type	Exemption Amount	Number Currently Receiving Exemption	Value Loss	Revenue Loss
65 through 74	\$ 125,000.00	44	\$ 5,500,000.00	\$ 93,390.00
75 through 79	\$ 175,000.00	34	\$ 5,950,000.00	\$101,031.00
80 and over	\$ 225,000.00	64	\$ 14,400,000.00	\$244,512.00
Disabled	\$ 100,000.00	9	\$ 900,000.00	\$ 15,282.00
Totals		151	\$ 26,750,000.00	\$454,215.00

**Note:** The current tax rate of \$17.91 would be decreased to \$17.80 a difference of 11 cents on the current tax rate if the elderly and disabled exemptions were not granted.

**THE CITY OF PORTSMOUTH  
TWO THOUSAND FOURTEEN  
PORTSMOUTH, NEW HAMPSHIRE**

**RESOLUTION # - 2014**

**BE IT RESOLVED:**

Pursuant to RSA 72:39-b the City hereby amends the elderly exemption from property tax, based on assessed value for qualified taxpayers, such that the exemptions shall be available only when the qualifying taxpayer(s) have a net income of not more than \$35,500 for a single taxpayer or \$43,792 for married taxpayers, inclusive of social security payments and total assets may not exceed \$118,336 whether single or married The elderly exemption shall remain unchanged except as amended hereby.

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

**APPROVED:**

ROBERT J. LISTER, MAYOR

**ADOPTED BY THE CITY COUNCIL:  
, 2014**

KELLI L. BARNABY, CMC  
CITY CLERK

**NOTE:** This exemption becomes effective for the tax year April 1, 2014.

**THE CITY OF PORTSMOUTH  
TWO THOUSAND FOURTEEN  
PORTSMOUTH, NEW HAMPSHIRE**

**RESOLUTION # - 2014**

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ROBERT J. LISTER, MAYOR

**ADOPTED BY THE CITY COUNCIL:**

**, 2014**

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

**NOTE:** This exemption becomes effective for the tax year April 1, 2014.

**THE CITY OF PORTSMOUTH  
TWO THOUSAND FOURTEEN  
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**THAT** this Resolution shall take effect upon its passage.

**APPROVED:**

ROBERT J. LISTER, MAYOR

**ADOPTED BY THE CITY COUNCIL:  
, 2014**

KELLI L. BARNABY, CMC  
CITY CLERK

NOTE: This exemption becomes effective for the tax year April 1, 2014.

**THE CITY OF PORTSMOUTH  
TWO THOUSAND FOURTEEN  
PORTSMOUTH, NEW HAMPSHIRE**

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

**APPROVED:**

\_\_\_\_\_  
**ROBERT J. LISTER, MAYOR**

**ADOPTED BY THE CITY COUNCIL:**

**, 2014**

\_\_\_\_\_  
**KELLI L. BARNABY, CMC  
CITY CLERK**

**NOTE: This exemption becomes effective for the tax year April 1, 2014.**



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# MEMORANDUM

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**TO:** John P. Bohenko, City Manager  
**FROM:** Rick Taintor, Planning Director *Re.*  
**DATE:** December 23, 2013  
**RE:** City Council Referral –  
Letter from Steven Wilson, for property located at 143 Daniel Street,  
for exchange of easements

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In 2012 the City sold the property at 143 Daniel Street (the former Connie Bean Center) to Steven Wilson. Mr. Wilson plans to redevelop the property by converting the original Army and Navy Association building to residential use, constructing a new residential building on Chapel Street, and constructing a new mixed-use building on the site of the gymnasium addition, adjacent to the municipal parking lot. The project includes 19 parking spaces in an underground garage.

In order to implement the proposed Site Plan, Mr. Wilson has proposed an exchange of easements with the City. Specifically, he is requesting that the City grant a 202 sq. ft. easement over a portion of the sidewalk on the north side of the property, facing the municipal parking lot. This easement will allow the construction of a set of stairs and a ramp to access the front door of the proposed new building. In exchange for this easement, Mr. Wilson proposes to grant the City two easements totaling 430 sq. ft. over portions of his property that abut the Army and Navy Association building on Daniel and Chapel Streets. These easements confirm the City's rights to use and maintain the easement areas as public sidewalks. The proposed easements are shown on the attached plans.

At its meeting on November 21, 2013, the Planning Board voted unanimously to recommend that the City Council approve the exchange of easements as generally indicated in Mr. Wilson's November 12 letter, subject to final Site Plan Approval.

At its meeting on December 19, 2013, the Planning Board voted unanimously to grant Site Plan Approval subject to City Council approval of the easements.

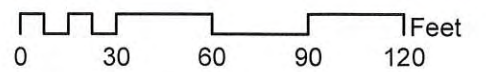




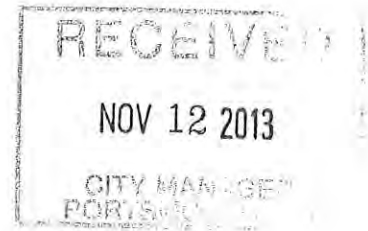




143 Daniel Street







November 12, 2013

City Manager John P. Bohenko  
Portsmouth City Hall  
Portsmouth Municipal Complex  
1 Junkins Avenue  
Portsmouth New Hampshire 03801


Regarding: 143 Daniel St.- Exchange of Easements

Dear City Manager Bohenko:

At the November 5 meeting of the Technical Advisory Committee, and in subsequent meetings with Public Works officials, the desirability of an exchange of easement interests between the City and 143 Daniel St. LLC has been discussed. Public works officials have expressed an interest in obtaining a right-of-way easement over a portion of the sidewalk on Chapel and Daniel Streets adjacent to the Army Navy building for future installation and maintenance of utilities. It would be helpful for 143 Daniel St. LLC to have an easement over a small portion of land near the sidewalk on Wright Avenue to promote the aesthetics and symmetry of the steps leading to the area at the east end of the Army Navy Building site. I would appreciate the consideration of this request by the City Council

Thank you for your cooperation in this matter.

Sincerely,

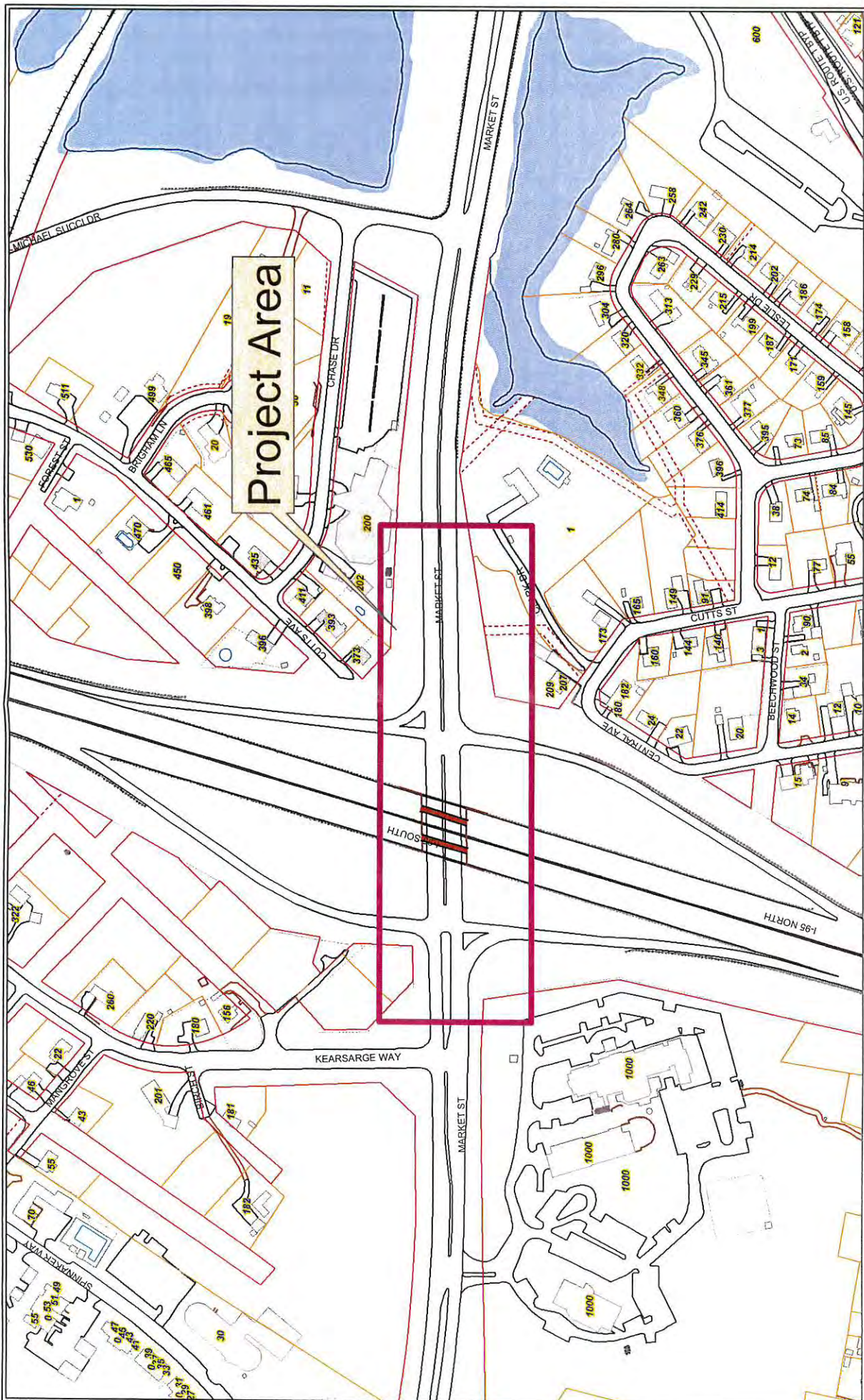


Steven Wilson

cc. Rick Taintor  
Peter Rice  
David DesFosses







**Project Area**

**Market Street, Exit 7, and Kearsarge Way Intersections  
Traffic Improvement Project**

Map prepared by Portsmouth Department of Public Works

Prepared: 01/14/2014



Run: 1/15/14  
8:09AM

## Event Listing by Date

Page: 1

Starting Date: 12/16/2013

Ending Date: 12/31/2014

Start End	Type Description	Location	Requestor	Vote Date
12/19/2013 12/19/2013	VIGIL Jessica Brazeau is the contact for this event. She can be reached at 603-436-2218 ext. 105 This event starts at 5:30 p.m. for approximately an hours and half.	Market Square - in front of North Church	Cross Roads House	10/21/2013
12/31/2013 12/31/2013	FIRST NIGH Barbara Massar is the contact for this event. This evening begins at 4:00 p.m. to Midnight. It is held throughout various venues of downtown Portsmouth.	Market Square	Pro Portsmouth	9/ 3/2013
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
3/15/2014 3/15/2014	ROAD RACE Jill McFarland is the contact for this event. Telephone contact number: 501-9029.	125 Austin Street	St. Patrick School	8/ 5/2013
3/31/2014 3/31/2014	ROAD RACE Donald Allison is the contact for this event. This event begins at the Portsmouth High School. His number: 617-835-2378	Starts at Portsmouth High School	Eastern States 20 Mile	10/21/2013
4/12/2014 4/12/2014	WALK Kim Blanchard is the contact for this event. She can be reached at 836-4758. This event begins at 10:00 a.m.	Little Harbour School	National Multiple Sclerosis So	11/18/2013
5/ 4/2014 5/ 4/2014	BIKE TOUR Christina O'Grady is the contact for this event. This event begins and ends at Redhook Brewery. This race has three different routes and length.	Begins and ends at Redhook Brewery	American Lung Association	12/16/2013
5/ 4/2014 5/ 4/2014	FESTIVAL Barbara Massar is the contact for this event. This event begins at Noon to 4:00 p.m. Street closure - Pleasant Street - State Street to Market Square No Parking on Market Street-Bow Street to Isle of Shoals Steamship Company entrance.	Downtown	Pro Portsmouth - Children's Da	9/ 3/2013
5/10/2014 5/10/2014	ROAD RACE Allison Brownell, Race Co-Chair is one of the contacts for this race. Her cell number is 845-430-9351 The race begins at 8:30 a.m.	Marcy Street	Susan G. Komen New Hampshire R	8/19/2013
5/17/2014 5/18/2014	BIKE TOUR Contact: Kelly Sicard, Director of Special Events and Volunteers	Will begin and end at Pease Tradeport includes Mem	Breathe New Hampshire	12/16/2013
5/17/2014 5/17/2014	RACE Pack & Boots 5K Community Road Race Series  Contact: Doug Bates, Portsmouth Chamber - <a href="mailto:President@portsmouthchamber.org">President@portsmouthchamber.org</a>		Easter Seals Veteran's Count	11/18/2013

## Event Listing by Date

Starting Date: 12/16/2013

Ending Date: 12/31/2014

Start End	Type Description	Location	Requestor	Vote Date
6/ 8/2014 6/ 8/2014	RACE 5K to Keep Kids Safe Community Road Race Series Contact: Christiana Amesquita (603) 437-4107 or Cristiana@sassnh.org		Sexual Assault Support Service	11/18/2013
6/14/2014 6/14/2014	FAIR This is the 37th Annual Market Square Day from 4:00 a.m. to 6:00 p.m. Barbara Massar is the contact for this event.	Market Square	Pro Portsmouth	9/ 3/2013
6/14/2014 6/14/2014	ROAD RACE This is the 37th Annual 10K Road Race that beings at 9:00 a.m. in Market Squire.	Market Square	Pro Portsmouth	9/ 3/2013
6/21/2014 6/21/2014	RACE Alyssa Salmon is the contact on this event. She can be reached at 430-1140 ex. 14 The event is from 3:00 p.m. to 6:00 p.m. Rain date of June 22, 2014.	Pleasant Street	Big Brother Big Sister	9/ 3/2013
6/28/2014 6/28/2014	MUSIC This is Summer in the Street event. It begins at 5:00 p.m. to 9:30 p.m. Street closurers - Pleasant Street - Porter Street to Market Square.	Market Square	Pro Portsmouth	9/ 3/2013
7/ 5/2014 7/ 5/2014	MUSIC This is Summer in the Street event. This event is from 5:00 p.m. to 9:30 p.m. Street Closurers - Pleasant Street - Porter Street to Market Square.	Market Square	Pro Portsmouth	9/ 3/2013
7/12/2014 7/12/2014	MUSIC This is a Summer in the Street event. The event is from 5:00 p.m. to 9:30 p.m. Street Closures - Pleasant Street - Porter Street to Market Square	Market Square	Pro Portsmouth	9/ 3/2013
7/19/2014 7/19/2014	MUSIC This is the Summer in the Street event. This event is from 5:00 p.m. to 9:30 p.m. Street Closures - Pleasant Street - Porter Street to Market Square	Market Square	Pro Portsmouth	9/ 3/2013
7/26/2014 7/26/2014	MUSIC This is the Summer in the Street event. This event is from 5:00 to 9:30 p.m. Street Closures - Pleasant Street - Porter Street to Market Square	Market Square	Pro Portsmouth	9/ 3/2013
8/ 2/2014 8/ 2/2014	MUSIC This is a Summer in the Street event. The event is from 5:00 p.m. to 9:30 p.m. Street closures - Pleasant Street - Porter Street to Market Square	Market Square	Pro Portsmouth	9/ 3/2013
8/23/2014 8/23/2014	ROAD RACE Thunder Chicken Community Road Race Series Contact: Justin Finn		Portsmouth Rotary Club	11/18/2013



Run: 1/15/14  
8:09AM

## Event Listing by Date

Page: 3

Starting Date: 12/16/2013

Ending Date: 12/31/2014

Start End	Type Description	Location	Requestor	Vote Date
9/7/2014 9/7/2014	BIKE TOUR Contact: Thomas Martin, Race Director	Downtown Portsmouth	Portsmouth Criterium	12/16/2013
9/13/2014 9/13/2014	ROAD RACE Celebrate Pink Community Road Race Series Contact: Wendy McCoole		My Breast Cancer Support	11/18/2013
9/27/2014 9/27/2014	ROAD RACE Karen Butz Webb is the contact for this event. She can be reached at projectsafetyassociation@gmail.com. This race begins and ends at Portsmouth High School at 8:30 a.m.	Portsmouth High School	Project Safety Association	11/18/2013
10/11/2014 10/11/2014	RACE Contacts: Catherine Edison, Community Child Care Center (603) 422-8223 Ben Anderson and Hannah Comeau, Prescott Park Arts Festival (603) 436-2848 or hannah@prescottpark.org Community Road Race Series		Prescott Park Arts Festival/Co	11/18/2013
11/27/2014 11/27/2014	ROAD RACE Contact: Matt Junkin		Seacoast Rotary Club	11/18/2013



Robert J. Lister  
Mayor

## CITY OF PORTSMOUTH

---

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

January 15, 2014

Robert Zarnetske  
Regional Administrator  
U.S. General Services Administration  
Thomas P. O'Neill, Jr. Federal Building  
10 Causeway Street  
Boston, MA 02222

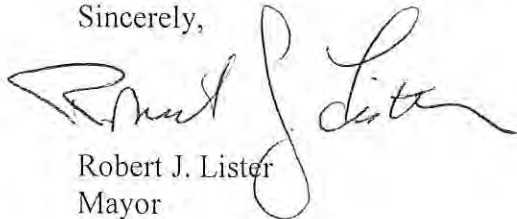
Dear Administrator Zarnetske:

Thank you for your letter of January 6, 2014 regarding the long-term utilization of the T. J. McIntyre Federal Building located at 80 Daniel Street and the adjacent parking lot.

On Monday, January 13, 2014, the City Council met and reviewed your correspondence. The City Council voted to request a meeting in a Work Session on Tuesday, February 18, 2014 at 6:00 p.m., with GSA and City Council to discuss the GSA proposal, and, further, the City Council would like to know the status of the transfer of the McIntyre Property to the City in accordance with federal legislation since 2003. In addition to GSA's attendance at this meeting, the City Council has requested that representatives from our Congressional Delegation be in attendance.

Please let me know if GSA's McIntyre project team is available on February 18th for this meeting. We look forward to meeting with your project team and our Congressional Delegation to continue discussions regarding the T J. McIntyre Federal Building and parking lot.

Sincerely,



Robert J. Lister  
Mayor

c.: City Council Members  
John P. Bohenko, City Manager

# FIRE DEPARTMENT STUDY COMMITTEE REPORT TO THE CITY COUNCIL

Tuesday, January 21, 2014

## **Establishment and Membership:**

At the July 15, 2013 City Council Meeting, Mayor Spear established the Fire Department Study Committee. The Committee held six meetings from September to January.

The Committee was comprised of the following individuals: Councilor Brad Lown, Chair, Councilor M. Christine Dwyer, Norm Olsen, Peter Somssich, Eric Gregg, Fire Commissioner Paul T. Wentworth, and Fire Chief Steve Achilles (ex-officio). The City Manager assigned Adam Cannon, Special Projects Manager to provide staff support to the Committee. Fire Chief Steve Achilles assigned Tracy Freeman, Executive Assistant to provide Fire Department staff support.

## **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.

## **Committee Recommendation:**

After a review of information presented at Committee meetings, the Committee voted to request permission of the City Council to authorize the City Manager to work with the Fire Department to put out a RFQ to solicit firms to conduct an independent study of the Fire Department.

The Committee recommends including the items listed below in the scope of the RFQ:

1. Review the standard of service, including response times and number/location of fire stations as well as services offered, and determine appropriateness for Portsmouth.
2. Determine whether there are alternative staffing configurations and shift schedules that Portsmouth should consider, including review of supervisory structure and use of call firefighters.
3. Determine whether there are ways to reduce the expenditure allocation on overtime without otherwise increasing total budget costs over a several year period.
4. Analyze the advantages/disadvantages of using private ambulance services in Portsmouth.

For each item, the consultants should:

1. Provide recommendations as well as how to implement them;
2. Identify implications for collective bargaining;
3. Provide comparisons to relevant communities;
4. Analyze short and long range cost implications; and
5. Alert the City to innovations that would improve services through efficiency and/or add value.

Lastly, the Fire Department Study Committee is requesting authorization to extend the Committee for an additional 120 days to continue its work.

**ACTION SHEET**  
**PARKING and TRAFFIC SAFETY COMMITTEE**

Councilor Ken Smith, Chairman

To: City Council Meeting of January 21, 2013

Re: Parking and Traffic Safety Committee Meeting held **December 12, 2013**

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**ACTIONS:**

- [1] Accepted and placed on file the minutes of the Parking and Traffic Safety Committee Meeting held November 14, 2013.
  
- [2] Accepted and placed on file the Financial Report.
  
- [3] **Action Item – Citizen Request for four-way stop at the corner of Burkitt & Thornton** – **VOTED** to refer to the Public Works Director for a report back after a review of the current 2-way stop sign warrant and to request the police department set up a Stealthstat to gather data in support of possibly lowering the speed limit to 20 mph, investigate other possible traffic calming techniques including striping a bike lane and crosswalk.
  
- [4] **Action Item – Citizen Request for intersection traffic calming at Bartlett and Thornton** – **VOTED** to implement temporary measures of striping an “island” to make the intersection appear smaller and if found to be correcting the problem, implement permanent fixture as a part of the reconfiguration of the intersection through the Capital Improvements Plan. The Public Works Director was also asked to review the signage in the area regarding truck travel.
  
- [5] **Action Item – Citizen request to improve signs at dangerous crosswalk Willard/Lafayette** - **VOTED** to implement strobe pedestrian lighting at this intersection as part of the previously approved pilot program.
  
- [6] **Action Item – Citizen concern over excessive speed on Maplewood and Woodbury Avenues** – Public Works Director Rice explained that this area will be undergoing extensive reconstruction in the upcoming year. **VOTED** to accept and place the letter on file.
  
- [7] **Action Item – Request for residential Handicap Space at 39 Lovell Street** - **VOTED** to grant the request for residential handicap space at 39 Lovell Street with the stipulations that a placard or plate be displayed, that it not be transferrable and that it is verified annually. Public Works Director Rice stated that there will be a sign installed but the space will not be striped until the road is permanently paved.

- [8] **Action Item – Conversion of a portion of Hanover Street to two-way traffic for safety reasons** - **VOTED** to accept the recommended conversion of a portion of Hanover Street to two-way traffic after extensive out-reach and notification efforts of the neighborhood and public as a whole and proper signage in place. ***(This Item is enacted as a temporary regulation and will be considered for inclusion in a future omnibus ordinance – See Section 7.336, Section A-10)***
- [9] **Action Item – Increased penalties for movers/contractors who do not get permits/buy meter bags** – **VOTED** to refer to the legal department for a report back after review of statutory authority.
- [10] **Action Item – Status on Bridge and Hanover 4-way Stop** – **VOTED** to accept the recommendation by RSG (traffic consultant) that this intersection become a 4-way stop intersection. (Study attached)
- [11] **Discussion Item - Status on pedestrian-activated crosswalk acquisition**  
Parking Division Director Nelson stated he has received the specs from MEDOT which has bought such equipment for Kittery and will begin getting quotes and report back to the committee. ***No action taken.***
- [12] **Action Item (Not on agenda) – Update on 111 Maplewood Avenue** – Public Works Director Rice explained that as a result of the presentation recently made to the Parking and Traffic Safety Committee, the Tighe and Bond Engineering Company has updated the design per the committees' recommendations. He stated that this redesigned plan will be going before the Planning Board. **VOTED** to accept the updated plan for 111 Maplewood Avenue.
- [13] **Miscellaneous** – On behalf of the Committee and city staff, City Manager Bohenko presented Chairman Smith with an engraved gavel in gratitude of his service as the Chairman of Parking Committee, Traffic and Safety Committee and Parking and Traffic Safety Committee since 2006. Chairman Smith accepted with thanks and appreciation.



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

8:00 A.M. – Thursday, December 12, 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  
James Heinz, Deputy Fire Chief  
Frank Warchol, Police Captain  
Peter Rice, Public Works Director  
Ronald Cypher, Member  
Shari Donnermeyer, Member  
Ted Gray, Member  
Harold Whitehouse, Member

**Staff Advisors Present:**

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

**III. ACCEPTANCE OF THE MINUTES:**

**Mr. Cypher moved to accept the minutes of November 14, 2013, seconded City Manager Bohenko. Motion passed.**

**IV. FINANCIAL REPORT:**

**Mr. Whitehouse moved to accept the Financial Report and place on file, seconded by City Manager Bohenko. Motion passed.**

**V. NEW BUSINESS:**

A. Action Item: Citizen Request for four-way stop at the corner of Burkitt and Thornton

Mr. Gray stated a site walk was held and the consensus was that this is a tough intersection that currently is a 2-way stop intersection. He stated that lowering the speed limit to 20 mph and enforcement of the speed limit may help the situation.

Public Works Director Rice stated he will review the past warrant work done for this intersection which resulted in the 2-way stop sign but feels that other traffic calming options should be explored in the meantime including setting up the Stealthstat to gather data. He stated that Thornton Street is picking up a lot of the traffic that used to go down Dennett Street.

**City Manager Bohenko moved to refer to the Public Works Director for a report back after a review of the current 2-way stop sign warrant and to request the police department to set up a Stealthstat to gather data in support of possibly lowering the speed limit to 20 mph, and investigate other possible traffic calming techniques, including striping a bike lane and crosswalk, seconded by Mr. Cypher.**

Chairman Smith asked what the time frame would be for the report back. City Manager Bohenko stated approximately February with any action recommended to occur in the Spring. Chairman Smith asked that the neighbors be notified when the report back will be on the agenda.

**Motion passed.**

B. Action Item: Citizen Request for intersection traffic calming at Bartlett and Thornton

Mr. Cypher stated a site walk was held and this has been a problem intersection for a long time. He stated the police department can't be there to enforce 24 hours/7 days a week, but people are always going through the stop signs. He stated the Public Works Director has suggested some temporary traffic calming measures including installing an "island".

Public Works Director Rice clarified that the "island" would be striped as a visual restriction to make the intersection look smaller and then a permanent solution could be implemented as a part of reconfiguration of the intersection in the Capital Improvements Plan.

Chairman Smith stated that the signage regarding truck traffic needs to be reviewed as the trucks are coming off Woodbury Avenue and going to Thornton instead of down Dennett as they are supposed to go.

**Public Works Director Rice moved to implement temporary measures of striping an "island" to make the intersection appear smaller and if found to be correcting the problem, implement permanent fixture as part of the reconfiguration of the intersection through the Capital Improvements Plan, seconded by Mr. Gray. Motion passed.**

Public Works Director Rice will also review the signage in the area regarding truck travel.

C. Action Item: Citizen request to improve signs at dangerous crosswalk Willard/Lafayette

Ms. Donnermeyer stated a site walk was held of the area and it was thought that this would be a good location for the strobe light crosswalk and/or weebles.

**Ms. Donnermeyer moved to implement strobe pedestrian lighting at this intersection as part of the previously approved pilot program, seconded by City Manager Bohenko.**

City Manager Bohenko stated that he would like to run the pilot program on the two selected locations before investing in more locations. He stated that he wants people to understand the cost that will be involved with this technology.

Parking Division Director Nelson stated he has received the specs from the Town of Kittery who have installed this crosswalk and there is a significant savings if the installation is done by our own staff.

Chairman Smith clarified that the first location approved for the pilot program was Woodbury Avenue at St. Catherine's Church and a third location if continued, would be Deer and Market Street.

Public Works Director Rice stated that the weeble type of sign would be problematic during snow storms but plow drivers could be alerted that they were there.

Mr. Whitehouse stated there is another issue regarding crosswalks that he would like to see addressed which is vehicles going around other cars that have stopped at the crosswalks to let pedestrians cross.

Captain Warchol stated this is a concern for the police department as well.

Public Works Director Rice stated we have received Safe Routes to School funding for improvements to that corridor and there are capital improvements coming as well. He stated they are hoping to have the design completed by Fall 2014 and to begin work at that time or Spring 2015.

**Motion passed.**

- D. Action Item: Citizen concern over excessive speed on Maplewood and Woodbury Avenues -

Parking Division Director Nelson stated the citizen who requested this item is not in attendance.

Public Works Director Rice stated that there is money in the Capital Improvements Plan to do work on Maplewood Avenue in conjunction with the Water/Sewer main replacement. He stated that the Council also recently approved the complete streets policy which addresses bicycle safety on the roadway and the bridge is scheduled to go off-line for repairs as well. He stated all of these will help reduce the speed concerns in the area.

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

- E. Action Item – Request for residential Handicap Space at 39 Lovell Street –

**Mr. Whitehouse moved to grant the request for residential handicap space at 39 Lovell Street with the stipulations that a placard or plate be displayed, that it not be transferrable and that it is verified annually, seconded by Ms. Donnermeyer.**

Public Works Director Rice stated that there will be a sign installed for the space but there will be no striping until the road is permanently paved.

**Motion passed.**

F. Action Item - Conversion of a portion of Hanover Street to two-way traffic for safety reasons (*This item is enacted as a temporary regulation and will be considered for inclusion in a future omnibus ordinance – See Section 7.336, Section A-10*)

Ms. Donnermeyer stated a site walk was held and this is to help facilitate parking at the Heineman Lot by allowing people to go down Pearl Street.

**Ms. Donnermeyer moved to accept the recommended conversion of a portion of Hanover Street to two-way traffic after extensive out-reach and notification efforts of the neighborhood and public as a whole and proper signage put in place, seconded by Public Works Director Rice.**

City Manager Bohenko stated this is a necessary change but we need to make sure that every effort is made for neighborhood and public notification of this change prior to the physical change being implemented.

Mr. Whitehouse stated he agrees as this is the first time a one-way street has been partially converted to a 2-way street.

Chairman Smith asked if we will need to eliminate any parking spaces. City Manager Bohenko stated we should hold off on that until we see what happens.

**Motion passed.**

G. Action Item – Increased penalties for movers/contractors who do not get permits/buy meter bags -

Parking Division Director Nelson referred to a photo montage illustrating various infractions stating that the Parking enforcement officers deals with this issue on a daily basis. He stated that the current \$15.00 fine is not a deterrent and therefore, they are looking to increase the penalty.

Chairman Smith asked what amount the penalty might be. Parking Division Director Nelson stated something similar to handicap parking fines. Chairman Smith asked if we have the statutory authority to implement this type of fine. City Manager Bohenko stated that we need to clarify this with legal in case of appeals, etc. He stated that 90% of the people are in compliance and when the city is properly notified, then there are no issues. He stated the 10% who do not notify the system and wait to be caught, are who cause the traffic problems.

**City Manager Bohenko moved to refer to the legal department for a report back after review of statutory authority, seconded by Public Works Director Rice.**

Captain Warchol asked who will be issued the ticket/fine, the driver, the company owner, or the people who hired them? City Manager Bohenko stated it would be the company.

Discussion ensued regarding the process for requesting street obstructions.

**Motion passed.**

**VI. OLD BUSINESS:**

A. Action Item – Status on Bridge and Hanover 4-way Stop –

Parking Division Director Nelson stated that the RSG (traffic consultant) recommendation was that while current intersection volumes do not meet the volume thresholds indicating the necessity of all-way stop control, they believe all-way stop control is appropriate at this intersection due to the sight distance conditions. (Study attached).

**Public Works Director Rice moved to accept the recommendation by RSG (traffic consultant) that this intersection become a 4-way stop intersection, seconded by Mr. Whitehouse. Motion passed.**

Public Works Director Rice stated he would like to have the Legal Department review to see if an ordinance change is required.

B. Discussion Item - Status on pedestrian-activated crosswalk acquisition –

Parking Division Director Nelson stated he has received the specs from State of Maine Dept. of Transportation which has bought such equipment for Kittery and will begin getting quotes and report back to the committee.

Public Works Director Rice stated as soon as quotes are received, they will work with the City Manager to determine funding and bring it to the City Council.

No action needed.

C. Action Item – *(Not on agenda)* – Update on 111 Maplewood Avenue –

Public Works Director Rice explained that as a result of the presentation recently made to the Parking and Traffic Safety Committee, the Tighe and Bond Engineering Company has updated the design per the committees' recommendations. He stated that this redesigned plan will be going before the Planning board.

**Public Works Director Rice moved to accept the updated plan for 111 Maplewood Avenue, seconded by Captain Warchol. Motion passed.**

**VII. PUBLIC COMMENT:**

There were no speakers for Public Comment.

**VIII. INFORMATIONAL:** None

**IX. MISCELLANEOUS:**

On behalf of the Committee and city staff, City Manager Bohenko presented Chairman Smith with an engraved gavel in gratitude of his service as the Chairman of the Parking Committee, Traffic and Safety Committee and Parking and Traffic Safety Committee beginning in 2006.



He stated that Chairman Smith has led the committee with efficiency and organization and will be missed.

Mr. Whitehouse stated Chairman Smith has always been professional and courteous to the staff, committee members and the public.

Chairman Smith accepted the gavel with thanks and appreciation and stated it has been an absolute pleasure to serve as Chair.

## **X. ADJOURNMENT**

**City Manager Bohenko moved to adjourn at 8:35 a.m. Seconded by Mr. Whitehouse and voted unanimously.**

**ARTICLE IX: CONFLICT OF INTEREST/MANDATORY FINANCIAL DISCLOSURE**

**Section 1.901: CITY COUNCIL AND SCHOOL BOARD DISCLOSURES**

A. Preliminary: This ordinance is adopted by the City of Portsmouth in compliance with the mandate contained in the Charter Amendment entitled "CONFLICT OF INTEREST" which was adopted by referendum vote of the City of Portsmouth on November 3, 1987. This ordinance may be referred to as the Mandatory Disclosure Ordinance.

B. Definition: For purposes of this Article only, the following terms shall be defined in the following manner:

Municipal Official: For the purpose of mandatory financial disclosure, the term "Municipal Official" shall be defined to include City Council and School Board members.

Income: The term "income" shall be defined as a gain of recurrent benefit usually measured in money that derives from capital, labor, or investment.

Capital Assets: The term "capital assets" shall be defined to include all corporate stocks or bonds or any other business interest in any business entity which maintains a business location in the City of Portsmouth, owns property in the City of Portsmouth, transacts substantial business in the City of Portsmouth, or transacts business with the City of Portsmouth. The term "capital assets" shall also be defined to include all real estate holdings and interest in real estate located in the City of Portsmouth.

Financial Disclosure Statement: The term "financial disclosure statement" shall mean a written statement, given under oath, listing an individual's primary source of annual income and capital assets. However, in no instance shall disclosure be mandated of capital assets whose value at the time of disclosure is below Five Thousand (\$5,000) dollars nor shall the value of any source of income or the value of any capital asset be required for disclosure.

C. Obligation of All Municipal Officials: From and after June 30, 1988, all municipal officials will maintain an updated financial disclosure statement in the Office of the City Clerk. The Financial Disclosure Statement shall be updated annually as of June 30th. Forms shall be prepared by the City Clerk and made available to all municipal officials for this purpose, the form shall be substantially the form attached.

D. Determining Violations: For violation and enforcement purposes, complaints alleging violation of the mandatory disclosure ordinances shall be administered in accordance with the process and penalties available under the Municipal code of Ethics, Reference Chapter I, Article VIII.

E. Public Records: Financial Disclosure Statements shall be public records. (Amended 6/4/2007)

- F. Return of Records: Financial Disclosure Statements shall be returned to the public official six (6) months after leaving office.  
(Adopted In Its Entirety 3/21/88, Amended 3/28/88)

**Section 1.902: ELECTION CANDIDATE FINANCIAL DISCLOSURE**

- A. Required Disclosure: Any candidate running for City Council, School Board, Police or Fire Commissions receiving a monetary contribution from any one person or entity in the amount of a cumulative total of \$100.00 or more in any calendar year must report the name of the individual, address, amount, and date of contribution. The report must be filed, or updated as appropriate, with the Office of the City Clerk seven (7) days prior to any election at which that person is a candidate for any of the foregoing offices. Any contributions which would otherwise require reporting under this ordinance received within the seven days prior to the election must be submitted in a final report to the Office of the City Clerk no later than two weeks following the election.
- B. Violations: For violation and enforcement purposes, complaints alleging violation of the mandatory disclosure ordinance shall be administered in accordance with the process and penalties available under the Municipal Code of Ethics, Reference Chapter 1, Article VIII.
- C. Public Records: All election candidate financial disclosures shall be public records.  
(Adopted Section 1.902 In Its Entirety 6/4/2007)

FINANCIAL DISCLOSURE STATEMENT

Pursuant to the Charter and Ordinances of the City of Portsmouth (Chapter 1, Article IX) the undersigned makes the following financial disclosure:

A. Primary Source of Annual Income:

\_\_\_\_\_

B. Capital Assets:

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

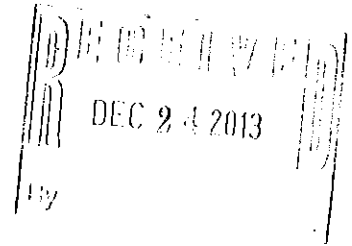
Date: \_\_\_\_\_ Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Before me appeared the above named individual who stated under oath that the information supplied in this disclosure statement is a true and complete disclosure as required by the Charter and Ordinances of the City of Portsmouth.

Date: \_\_\_\_\_  
Justice of the Peace/Notary Public

FF/ EMT Sarah Jarvis  
26 Winchester St.  
Portsmouth, NH 03801



City of Portsmouth  
One Junkins Avenue  
Portsmouth, NH 03801

December 23, 2013

City Council:

I would like to thank the City of Portsmouth and City Council for allowing me to use the High Hanover Garage on December 21 for a fundraiser in support of The Leukemia and Lymphoma Society and the 2014 Scott Firefighter Stairclimb.

I raised \$459.59 during the parking garage fundraiser, far surpassing my expectations for the event. It was a great kick-off to my fundraising.

Thank you to John Bohenko, Mark Nelson, Tim Cherry, Kelli Barnaby, and Valerie French for helping to make this event possible. I am proud to live in this city, with people willing to help out and support a great cause.

Thank you and Happy Holidays,

  
Sarah Jarvis  
Rye Fire Department



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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:** December 23, 2013

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

September 18, 2012

September 25, 2012

September 17, 2013

## MEMORANDUM

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**TO:** John P. Bohenko, City Manager  
**FROM:** Liz Good, Planning Department *lg*  
**SUBJECT:** Conservation Commission Minutes  
**DATE:** January 9, 2014

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Please be advised that the approved minutes from the May 8, 2013 Conservation Commission meeting are now available on the City's website for your review.

## MEMORANDUM

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**TO:** John P. Bohenko, City Manager  
**FROM:** Liz Good, Planning Department *lg*  
**SUBJECT:** Historic District Commission Minutes  
**DATE:** January 9, 2014


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Please be advised that the approved minutes from the April 10, 2013 Historic District Commission meeting are now available on the City's website for your review.

## MEMORANDUM

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**TO:** John P. Bohenko, City Manager  
**FROM:** Liz Good, Planning Department   
**SUBJECT:** Historic District Commission Minutes  
**DATE:** January 9, 2014

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Please be advised that the approved minutes from the May 1, 2013 Historic District Commission meeting are now available on the City's website for your review.