

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, FEBRUARY 3, 2014 TIME: 7:00PM

AGENDA

- 5:45 PM – AN ANTICIPATED “NON-MEETING’ WITH COUNSEL RE: NEGOTIATIONS – RSA 91-A:2, I (b-c)

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

PRESENTATIONS

1. Mayor’s Award to James and Laurie Teetzel for contributions and work on Memorial Park
2. Comprehensive Annual Financial Report (CAFR) – Scott McIntire of Melanson, Heath & Company, P.C. Auditors’ Financial Report for the Year Ending June 30, 2013 (Annual Audit)

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

- VI. PUBLIC COMMENT SESSION

- VII. PUBLIC HEARING

- A. CAPITAL IMPROVEMENT PLAN (CIP) FY2015-2020 *(Action on this matter will be taken at the February 18, 2014 City Council meeting)*

- VIII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Grant & Donation to the Police Department:

- Grant from Police Standards and Training Council for Captain Warchol to attend Leadership Seacoast - \$833.33
- Donation from Newburyport Five Cent Savings Bank - \$500.00

(Anticipated action – move to approve and accept the grant and donation to the Portsmouth Police Department)

- B. *Acceptance of Donations for Art-Speak

- Robin Lurie-Meyerkopf - \$150.00

(Anticipated action – move to accept and approve the donations to Art-Speak for the Art-Speak website line item, as presented)

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First reading of Resolution Increasing the Maximum Income Limit for Individuals Qualifying for the Elderly Real Estate Tax Exemption:

Proposed increase of Elderly Exemption by 1.5%

Single	\$35,704.00 increase of \$528.00
Married	\$44,044.00 increase of \$651.00
Asset Limit of	\$119,016.00 increase of \$1,759.00

(Sample motion – move to pass first reading and authorize the City Manager to bring back for public hearing and adoption of the proposed Resolution at the February 18, 2014 City Council meeting)

- B. First reading of Resolution Increasing the Maximum Income Limit for Individuals Qualifying for the Disabled Real Estate Tax Exemption:

Proposed increase of Disabled Exemption by 1.5%

Single	\$35,704.00 increase of \$528.00
Married	\$44,044.00 increase of \$651.00
Asset Limit of	\$119,016.00 increase of \$1,759.00

(Sample motion – move to pass first reading and authorize the City Manager to bring back for public hearing and adoption of the proposed Resolution at the February 18, 2014 City Council meeting)

X. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. Letter from Mary M. Condella, Seacoast Ride for Polycystic Kidney Disease (PKD), requesting permission to hold the Seacoast Ride for PKD on Sunday, June 8, 2014 ***(Anticipated action – move to refer to the City Manager with power)***
- B. Letter from Richard Wagner, AIDS Response Seacoast, requesting permission to hold the 18th Annual Seacoast AIDS Walk and Dog Walk on Sunday, May 4, 2014 from 10:00 a.m. – 5:00 p.m. ***(Anticipated action – move to refer to the City Manager with power)***
- C. Letter from Jennifer Hubbell, Executive Director, Girls on the Run New Hampshire, requesting permission to hold 7th Annual Spring Girls on the Run 5K Celebration Road Race on Saturday, June 7, 2014 ***(Anticipated action – move to refer to the City Manager with power)***

- D. Request for License from Ben Midgley, owner of Crunch Franchise for property located at 135 Market Street for a projecting sign on an existing bracket (*Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Ben Midgley, owner of Crunch Franchise for a projecting sign at property located at 135 Market Street and, further, authorize the City Manager to execute License Agreements for this request*)

Planning Director's Stipulations:

- *The license shall be approved by the Legal Department as to content and form;*
- *Any removal or relocation of the projecting sign, for any reason, shall 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*

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Bob Hassold, representing Save Our Working Port (SOWP), requesting a Work Session with the City Council regarding the contract with the scrap metal company at the port expiring in June 2014
- B. Letter from Spencer A. Niebuhr, Division Sales Manager, Redhook Brewery, requesting permission to conduct an activity involving bagpipers and others gathering at various local establishments on Thursday, February 27, 2014, as part of Portsmouth Beer Week festivities
- C. Letter from Ronald Vezina requesting permission to hold a private fireworks display on June 22, 2014 at 9:00 p.m. from the Portsmouth Dog Park (South playground area) in celebration of a wedding

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

Items Which Require Action Under Other Sections of the Agenda

1. First Reading of Proposed Resolution and Ordinance Amendments:
- 1.1 Resolution Increasing the Maximum Income Limit for Individuals Qualifying for the Elderly Real Estate Tax Exemption:
- | | |
|--|-------------------------------------|
| <u>Proposed increase of Elderly Exemption by 1.5%</u> | |
| Single | \$35,704.00 increase of \$528.00 |
| Married | \$44,044.00 increase of \$651.00 |
| Asset Limit of | \$119,016.00 increase of \$1,759.00 |

(Action on this item should take place under Section IX of the agenda)

- 1.2 Resolution Increasing the Maximum Income Limit for Individuals Qualifying for the Disabled Real Estate Tax Exemption:

Proposed increase of Disabled Exemption by 1.5%

Single	\$35,704.00 increase of \$528.00
Married	\$44,044.00 increase of \$651.00
Asset Limit of	\$119,016.00 increase of \$1,759.00

(Action on this item should take place under Section IX of the agenda)

City Manager's Items Which Require Action

1. Proposed Agreement with Operation Blessing regarding the Greenleaf Recreation Center
2. Report Back Re: Parking Rates at High Hanover Parking Garage
3. Proposed Resolution for Bond Authorization of up to Three Million Five Hundred Thousand Dollars \$3,500,000 for the Design and Construction of the Hobbs Hill Water Tank Replacement
4. Request to Establish Work Session with GSA on February 18, 2014 Re: McIntyre Federal Building and Property
5. Request to Renew Seacoast Growers' Association (Farmers' Market) Proposed 2014 License Agreement
6. Proposed Resolution for Supplemental Appropriation to Fund for FY14 the Settlement of Firefighters and Fire Officers Collective Bargaining Agreements
7. Proposed Easement Re: 30 Maplewood Avenue

Informational Items

1. Events Listing

B. MAYOR LISTER

1. Appointments to be Considered:
 - Justin Finn to the Planning Board, Alternate
 - Gibson "Mike" Kennedy to the Portsmouth Housing Authority

C. ASSISTANT MAYOR SPLAINE

1. Sea-3 Inc. Terminal Newington
2. Borthwick Forest
3. Transgender Discrimination Resolution

D. COUNCILOR KENNEDY

1. *Request for Report Back on the Proposed Expansion of the Railway for Sea-3 Propane Terminal and the Effects on the Portsmouth Resident

E. COUNCILOR THORSEN

1. Mandatory Financial Disclosure as a Requirement for Public Service (***Informational only***)
2. City Council Request to the Planning Board to Review the Design Review Process (***Informational only***)

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

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

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

**Indicates Verbal Report*

INFORMATIONAL ITEMS

1. Notification that the Planning Board Minutes of the May 16, 2013, May 23, 2013 and June 20, 2013 meetings are available on the City's website for your review
2. Notification that the Site Review Technical Advisory Committee Minutes of the October 1, 2013 and November 5, 2013 meetings are available on the City's website for your review
3. Notification that the Site Review Technical Advisory Committee Minutes of the December 2, 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.

Mayor Lister's Comments James and Laurie Teetzel Mayors Award

It is widely known that Portsmouth's new Memorial Park was generously donated to the City by Jim and Laurie Teetzel. It was through Jim and Lauries vision, efforts and financial contributions that that this memorial was thoughtfully constructed to pay tribute to the brave men and women who have defended our liberties, to tell their story, to inspire a powerful, emotional experience and to provide a peaceful place for quiet contemplation.

As a nod to the fact that the old Memorial Bridge served as a memorial to WWI veterans, Memorial Park's new veterans' memorial is constructed of weathered 88-year-old barnacle dotted granite blocks from its foundation. Today the upcycled rugged granite blocks stand in stark contrast to the new New Hampshire granite flagpole bases and curving benches that invite visitors to rest and contemplate the monument.

Jim felt that it was important to ensure that the meaning of the old Memorial Bridge was not lost in the design of the new Memorial Park. In addition to generously funding the project, he was involved in every detail of the park's design and construction. He worked tirelessly in conjunction with the 32 member Memorial Bridge advisory committee that consisted of area residents, the City of Portsmouth, the New Hampshire Department of Transportation and the Department of Historic Resources and the Central Veterans Council to see it through to completion within the required tight time frame.

The powerful words – PROTECT, REMEMBER, HONOR - on the bronze plaques affixed to the rough hewn granite blocks were carefully chosen to serve as a reminder of all our veterans do to preserve our way of life. They were made by Kaskey Studios, which did all the bronze work for the WWII Monument in Washington, D.C.

A circle of bricks engraved with the names of veterans form the “Veterans Memorial Memory Circle”. The bricks were purchased at cost by the family and friends of veterans or donated by the Teetzels who pledged to provide one for every local Special Forces Soldier who has died in combat since 9/11.

Visitors to Memorial Park may not realize that the streets immediately surrounding it are named after local veterans. Scott Avenue is named after Captain J. Francis Scott who was killed in action in France. Dutton Avenue is named after Corporal H.H. Dutton, who was also killed in action in France. Wright Avenue is named after Lieutenant J. Brandon Wright who died while in the aviation service.

“Memorial Park is a wonderful example of what a private citizen with a vision can achieve. It is the City’s hope that Jim and Laurie’s Teetzel’s involvement will demonstrate to others that it is very open minded to people coming forward with ideas for memorials and other forms of public art.

The fact that the park exists today shows that when there is leadership behind a vision that it can become a meaningful reality.

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a PUBLIC HEARING will be held by the Portsmouth City Council on Monday, February 3, 2014, at 7:00 p.m., Council Chamber, Municipal Complex, 1 Junkins Avenue, Portsmouth, New Hampshire, on the proposed CAPITAL IMPROVEMENT PLAN. The complete Capital Improvement Plan is on file in the Office of the City Clerk during regular business hours.

CITY OF PORTSMOUTH, NH

Capital Plan Summary 15'

Description

I.	EQUIPMENT AND VEHICLE SCHEDULE	\$760,000
II.	BUILDING & INFRASTRUCTURE	\$4,012,500
III.	INFORMATION MANAGEMENT SYSTEMS	\$329,450
IV.	TRANSPORTATION MANAGEMENT PLAN	\$5,444,034
	CAPITAL CONTINGENCY	\$60,700
	SUBTOTALS	\$10,606,684
V.	ENTERPRISE FUNDS TOTAL	\$44,339,000
	GRAND TOTAL	\$54,945,684

*\$1,700,000 is proposed to be funded from FY15' General Fund

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



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KELLI L. BARNABY, CMC/CNHMC, CITY CLERK
#12517 1tP 1/25

PORTSMOUTH POLICE DEPARTMENT

MEMORANDUM

JAN 23 2014

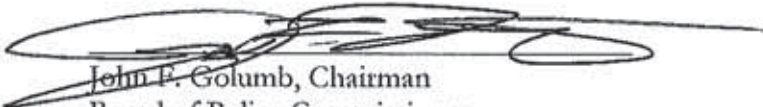
DATE: 23 JANUARY, 2014
TO: JOHN P. BOHENKO, CITY MANAGER
FROM: JOHN F. GOLUMB, CHAIRMAN, PORTSMOUTH POLICE COMMISSION
STEPHEN J. DUBOIS, CHIEF OF POLICE
RE: GRANTS & DONATIONS


At the January 22nd, 2014 monthly Police Commission meeting, the Board of Police Commissioners approved and accepted the following grant and donation:

- A grant in the amount of \$833.33 from the Police Standards and Training Council for Capt. Warchol to attend Leadership Seacoast, which runs from January through June of 2014
- A donation in the amount of \$500 from Newburyport Five Cent Savings Bank

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 P. Golumb, Chairman
Board of Police Commissioners


Stephen J. DuBois, Chief of Police

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



State of New Hampshire
POLICE STANDARDS & TRAINING COUNCIL
ARTHUR D. KEHAS
LAW ENFORCEMENT TRAINING FACILITY & CAMPUS
17 Institute Drive — Concord, N.H. 03301-7413
603-271-2133 FAX 603-271-1785
TDD Access: Relay NH 1-800-735-2964



Sheriff Michael L. Prozzo, Jr.
Chairman

Donald L. Vittum
Director

December 18, 2013

Chief Steven Dubois
Portsmouth Police Department
3 Junkins Avenue
Portsmouth, NH 03801

REC'D DEC 20 2013

Dear Chief Dubois,

This letter is to confirm that the Police Standards & Training Council, at their meeting on December 17, 2013, approved your requested training grant for a maximum of \$833.33 for Capt. Warchol to attend the Leadership Seacoast Program running January – June, 2014.

Rental car fees are not a permissible expense under the Council's published guidelines, and disbursement of grant funds will be made only after the department sends PSTC staff all receipts for expenses incurred in conjunction with the training. Upon the officer's completion of the program, the Council requires that the department forward certificates of completion from the training organization to my attention. These certificates of completion must accompany the receipts in order to receive reimbursement of training grant funds.

Further, the Council has instituted a policy regarding the disbursement and distribution of training grant funds; that is, when training grants are awarded the agency will have **30 days** from the completion date of the approved training to submit all required paperwork to receive reimbursement. If the agency does not comply with this policy, the approved monies will be returned to the Specialized Training Grant Fund to fund future grant requests.

If you have any questions regarding this matter, please feel free to contact me at 271-8278.

Sincerely,

Captain Benjamin R. Jean
Support Bureau Commander



NEWBURYPORT
FIVE CENTS SAVINGS
BANK

December 6, 2013

Portsmouth Police Department
3 Junkins Avenue
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

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

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 \$35,704 for a single taxpayer or \$44,044 for married taxpayers, inclusive of social security payments and total assets may not exceed \$119,016 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.

TITLE V TAXATION

CHAPTER 72 PERSONS AND PROPERTY LIABLE TO TAXATION

Property Taxes

Section 72:39-b

72:39-b Procedure for Adoption and Modification of Elderly Exemption. –

I. A town or city may adopt or modify elderly exemptions by the procedure in RSA 72:27-a.

II. An elderly exemption, based on assessed value for qualified taxpayers, may be granted for a different dollar amount determined by the town or city, to a person 65 years of age up to 75 years, to a person 75 years of age up to 80 years, and to a person 80 years of age or older. To qualify, the person must have been a New Hampshire resident for at least 3 consecutive years, own the real estate individually or jointly, or if the real estate is owned by such person's spouse, they must have been married to each other for at least 5 consecutive years. In addition, the taxpayer must have a net income in each applicable age group of not more than a dollar amount determined by the town or city of not less than \$13,400 or, if married, a combined net income of not more than a dollar amount determined by the town or city of not less than \$20,400; and own net assets not in excess of a dollar amount determined by the town or city of not less than \$35,000 excluding the value of the person's residence or, if married, combined net assets not in excess of a dollar amount determined by the town or city of not less than \$35,000 excluding the value of the residence. Under no circumstances shall the amounts of the exemption for any age category be less than \$5,000. The combined net asset amount for married persons shall apply to a surviving spouse until the sale or transfer of the property by the surviving spouse or until the remarriage of the surviving spouse.

Source. 1996, 140:1. 1997, 241:2. 2003, 299:16. 2004, 238:4. 2006, 212:2, eff. June 1, 2006.

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 72:37-b, City hereby amends the disabled 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 \$35,704 for a single taxpayer or \$44,044 for married taxpayers, inclusive of social security payments and total assets may not exceed \$119,016 whether single or married. The disabled 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.

TITLE V TAXATION

CHAPTER 72 PERSONS AND PROPERTY LIABLE TO TAXATION

Property Taxes

Section 72:37-b

72:37-b Exemption for the Disabled. –

I. Upon its adoption by a city or town as provided in RSA 72:27-a, any person who is eligible under Title II or Title XVI of the federal Social Security Act for benefits to the disabled shall receive a yearly exemption in an amount to be chosen by the town or city.

I-a. Upon the adoption of this paragraph by a city or town as provided in RSA 72:27-a, a person who is eligible under Title II or Title XVI of the federal Social Security Act on his or her sixty-fifth birthday shall remain eligible for a yearly exemption either in the amount of the exemption applicable under paragraph I or the amount of the elderly exemption granted to the person under RSA 72:39-b, whichever is greater.

I-b. Upon the adoption of this paragraph by a city or town as provided in RSA 72:27-a, any person who at any time previously was eligible under Title II or Title XVI of the federal Social Security Act for benefits to the disabled, but who is no longer eligible for such federal benefits due to reasons other than the status of that person's disability, shall be eligible for the exemption under paragraph I or I-a, or both as may be applicable, provided that the person submits an affidavit from a physician licensed in New Hampshire that attests to the fact that the person continues to meet the criteria for disability that are used under Title II or Title XVI of the federal Social Security Act.

II. The exemptions in paragraph I and I-a may be applied only to property which is occupied as the principal place of abode by the disabled person. The exemption may be applied to any land or buildings appurtenant to the residence or to manufactured housing if that is the principal place of abode. Nothing in this section shall preclude a qualified applicant from earning an income.

III. No exemption shall be allowed under paragraph I or I-a unless the person applying for an exemption:

(a) Had, in the calendar year preceding said April 1, a net income from all sources, or if married, a combined net income from all sources, of not more than the respective amount determined by the city or town for purposes of paragraph I or I-a. Under no circumstances shall the amount determined by the city or town be less than \$13,400 for a single person or \$20,400 for married persons. The net income shall be determined by deducting from all moneys received, from any source including social security or pension payments, the amount of any of the following or the sum thereof:

- (1) Life insurance paid on the death of an insured.
- (2) Expenses and costs incurred in the course of conducting a business enterprise.
- (3) Proceeds from the sale of assets.

(b) Owns net assets not in excess of the amount determined by the city or town for purposes of paragraph I, excluding the value of the person's actual residence and the land upon which it is located up to the greater of 2 acres or the minimum single family residential lot size specified in the local zoning ordinance. The amount determined by the city or town shall not be less than \$35,000 or, if

married, combined net assets in such greater amount as may be determined by the town or city. "Net assets" means the value of all assets, tangible and intangible, minus the value of any good faith encumbrances. "Residence" means the housing unit, and related structures such as an unattached garage or woodshed, which is the person's principal home, and which the person in good faith regards as home to the exclusion of any other places where the person may temporarily live. "Residence" shall exclude attached dwelling units and unattached structures used or intended for commercial or other nonresidential purposes.

(c) Has been a New Hampshire resident for at least 5 years.

IV. Additional requirements for an exemption under paragraph I or I-a shall be that the property is:

(a) Owned by the resident;

(b) Owned by a resident jointly or in common with the resident's spouse, either of whom meets the requirements for the exemption claimed;

(c) Owned by a resident jointly or in common with a person not the resident's spouse, if the resident meets the applicable requirements for the exemption claimed; or

(d) Owned by a resident, or the resident's spouse, either of whom meets the requirements for the exemption claimed, and when they have been married to each other for at least 5 consecutive years.

Source. 1993, 212:1. 1997, 87:1. 2003, 299:11. 2004, 238:2. 2008, 307:1, eff. April 1, 2008.



City Council
City of Portsmouth
One Junkins Avenue
Portsmouth, NH 03801

January 17, 2014

Dear Mayor Lister and Council Members,

I am writing to you to request permission to hold our annual Seacoast Ride for PKD again this year. This is a bike ride to raise funds for research for Polycystic Kidney Disease (PKD) www.pkdcure.org. The PKD Foundation's mission is to "Promote programs of research, advocacy, education, support and awareness in order to discover treatments and a cure for Polycystic Kidney Disease and improve the lives of all it affects".

The date of the ride is Sunday, June 8, 2014. The start time is at 8:30am with most riders arriving between 7:30-8am to register. We expect all riders to have returned to the school by approximately 12:30pm and plan to have cleaned up and departed by 2:00pm.

We held this ride last year without incident. The ride would start and end at The Little Harbour School on Clough Dr in Portsmouth. Attached is a map of the route, which will go from the school, following along route 1B and 1A with the turn around at North Beach in Hampton, following the same route back.

We do not need the use of any indoor facilities. Last year we rented 2 port a potties for the ride.

We anticipate approximately 100 riders. As requested last year, we expect to have a staggered start again this year. Also last year it was required for us to have a police officer stationed at the intersection of Wentworth Rd and Sagamore Avenue for the start of the race, and we anticipate that will be the same this year. There was no need for street closures. The PKD Foundation will provide a Certificate of Insurance.

I thank you for your consideration regarding the use of the school and city to help us with our goal of raising funds for research.

Regards,

A handwritten signature in black ink, appearing to read "Mary M. Condella".

Mary M. Condella
Organizer
Seacoast Ride for PKD

CC: Mr. John Bohenko, City Manager

JAN 16 2014

January 16, 2014

John Bohenko, Portsmouth City Manager
Portsmouth City Council
1 Junkins Ave.
Portsmouth, NH 03801



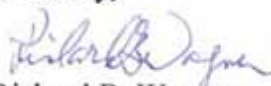
Dear Mr. Bohenko and Portsmouth City Council:

The purpose of this letter is to seek permission from the Portsmouth City Council to conduct our 18th Annual Seacoast AIDS Walk and Dog Walk on Sunday, May 4, 2014 from 10:00 AM to 5:00 PM. The walk will begin at 2PM and end around 5PM in the lower parking lot at the Portsmouth Municipal Complex. Approximately 250 persons will be in attendance. In addition, we would like permission to place 5 temporary 2' by 4' a-frame signs to mark the route. The route will be the same as last year – a map has been attached for your review.

AIDS Response Seacoast greatly appreciates the City of Portsmouth's support in past years. The Annual Seacoast AIDS Walk has become an increasingly popular and successful event for ARS and we rely upon it to increase awareness about HIV/AIDS and our mission in the Seacoast communities we serve.

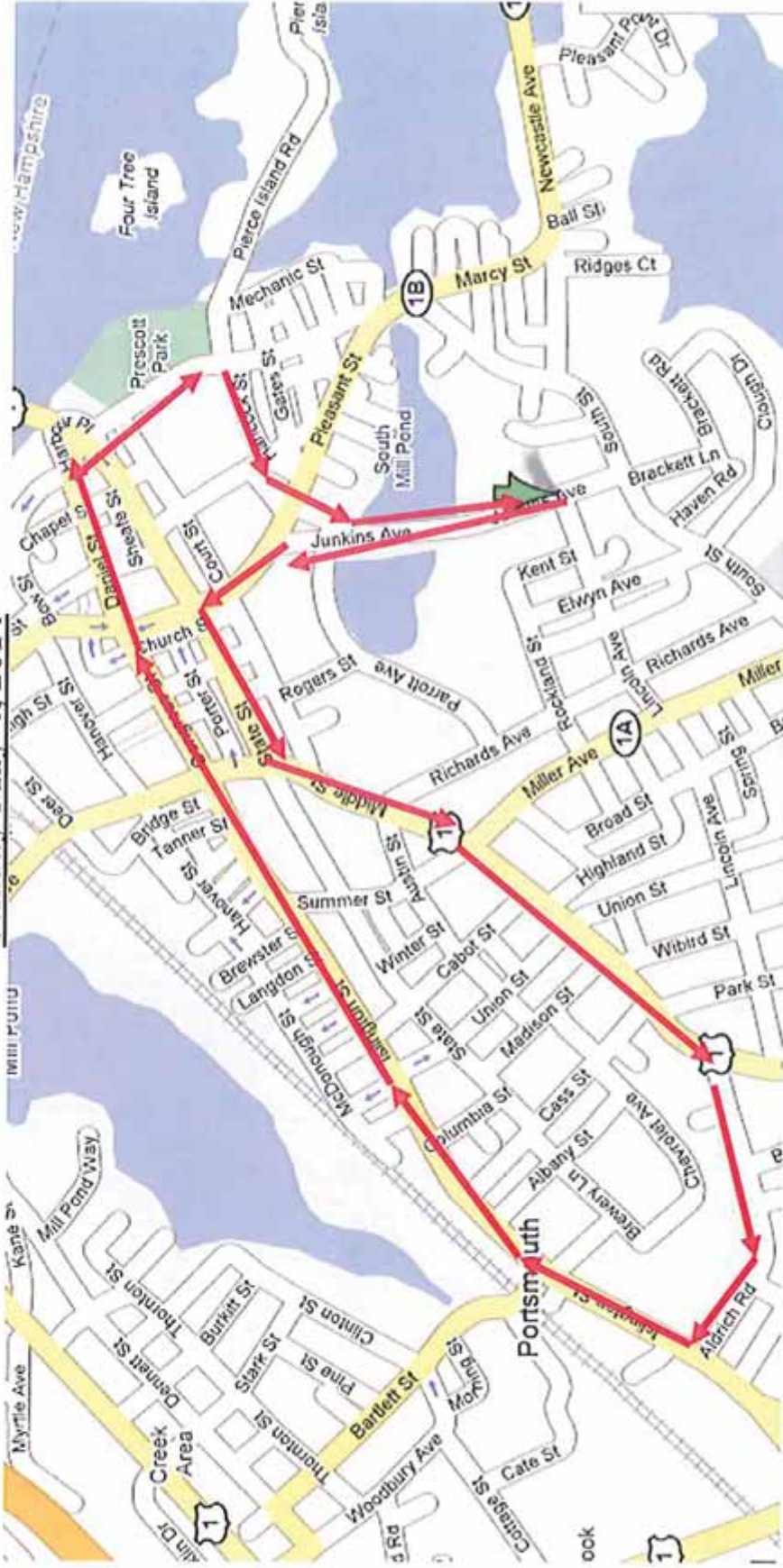
If you have any questions please do not hesitate to contact me. Thank you for your consideration.

Sincerely,


Richard B. Wagner
Executive Director

2014 Seacoast AIDS Walk

Sunday May 4, 2014



The 2014 Seacoast AIDS Walk begins and ends at the Portsmouth Municipal Complex on Junkins Avenue, Portsmouth NH. Doggie Bags will be provided prior to departure and there will be refuse and water stops along the way.

The walk is in a nutshell:

Right on Junkins, left on Pleasant, left on State, left on Middle, cross Middle at cross walk after Naber's market, right on Aldrich, right on Islington, straight through Congress and Daniel, through parking lot and through center island, down stairs, cross State St. onto Marcy, walk along the sidewalk beside Strawberry Banke, right on Hancock, through the park, then left on Junkins.

Please use Caution, Stay on the Sidewalks, and use the Cross-Walks. Be Safe and Have Fun



January 27, 2014

Mayor Robert Lister
Mayor's Office
One Junkins Avenue
Portsmouth, NH 03801

Reference: 5k Event Permission Request

Dear Mayor Lister and Mr. Bohenko,

I hope this finds you both well and enjoying (enduring?) this frigid start to 2014!

Girls on the Run New Hampshire (GOTR-NH) is requesting permission to host our 7th Annual Spring Girls on the Run 5k Celebration Road Race in the City of Portsmouth on *Saturday, June 7, 2013*. The road race would begin at 9am and take place at the Pease International Tradeport. We have already received written permission from Mr. David Mullen and are awaiting approval of our request to Great Bay Community College to utilize its grounds as our staging area. A basic map of the 5k course is attached to this email. It is the same route that all 5k events on the Tradeport are required to follow. No street closures are anticipated for this event.

The PDA permission letter is also attached for your reference.

Back in June 2011, Girls on the Run-NH held our spring 5k event at Pease with great success. The Tradeport provided a safe course with minimal traffic – a must-have on our race venue check-list. As our territory continued to expand across the state of NH, moving our event to a more central location proved beneficial for our council in 2012 and 2013. Now, due to the size of our council, we are hosting two spring 5k events in 2014 to ensure a positive experience for our young runners, their volunteer coaches, families and other runners. Our second 2014 spring 5k event will be held at the NHTI campus in Concord on Sunday, June 8, 2014. I anticipate 1000-1100 runners and close to 600-700 volunteers and spectators at each event.

About Girls on the Run

Girls on the Run® is a 501(c)3 positive youth development program which combines an interactive curriculum and running to inspire self-respect and healthy lifestyles in pre-teen girls. Our core curriculum addresses many aspects of girls' development - their physical, emotional,

Mayor Robert Lister
Mayor's Office
1/27/2014
Page 2 of 2

mental and social well-being. Lessons provide girls with the tools to make positive decisions and to avoid risky adolescent behaviors.

Anyone who has been to a Girls on the Run 5k knows that it is unlike any other running event. First and foremost, it is a celebration of and for the young 3rd - 5th grade girls who are completing a 10 week season of Girls on the Run programming. Our 5k is a non-competitive event. All runners know that there is no chip-timing/official timer recording their individual performance. Our 5k celebrates a season of learning about the importance of taking care of our emotional and physical health and truly embodies our mission of inspiring girls to be joyful, healthy and confident! As the culminating event of the Girls on the Run curriculum, it is a moment in time that beautifully reflects the very essence of the program goals.

Please watch this three and a half minute YouTube video put together by GOTR International, Charlotte, NC. It clearly illustrates our program AND the Final 5k Event.
<http://www.youtube.com/watch?v=9xZbda00GXc>

Further information about Girls on the Run can be found on our website, www.girlsontherunnh.org as well as the International website, www.girlsontherun.org.

The road race is first and foremost a celebration of achievements for all of the girls, coaches and families involved with our program. But, it is also used as a means of fundraising to raise monies to support our program and create scholarships for even more girls to participate in future seasons.

Please consider allowing Girls on the Run-NH to host our 5k road race on June 7th at the Pease International Tradeport. Upon your approval, we will reach out the Portsmouth Police Department to arrange for police detail at our event. Safety for all is our top priority.

I am more than happy to answer any questions that you might have. I can be reached at 603.512.2799.

Kind regards,

Jen

Jennifer Hubbell
Executive Director
Girls on the Run New Hampshire
117 Water Street #3
Exeter, NH 03833
jen.hubbell@girlsontherun.org
www.girlsontherunnh.org

CC: John P. Bohenko, City Manager



Girls on the Run – New Hampshire 7th Annual Spring 5k Celebration

Saturday, June 7, 2014

Pease Tradeport – Great Bay Community College

Set up: 6:00 – 7:30am

Teams and Girls arrive: 7:45am

Day of Registration: 7:45 – 8:45am

Start of 5K: 9:00am

Clean up: 10:30-11:30pm

End time: 12noon

Estimated Attendance:

500 girls (ages 8-11)

100 volunteer coaches

400 - 500 other runners

1000 - 1100 estimated total runners

Area Requested:

The 5K loop is the same as all 5K events held on Pease Tradeport. See attached map.

Race Venue to include:

Start/Finish line – GBCC front parking lot

Registration – grass area at front right area of building

Team set-up – back right parking lot

Delivered port-a-potties – 10-15 units placed at GBCC's suggestion and approval

Parking: For volunteers – left and back parking lots.

Additional Parking to be requested at Bottomline Technologies, 282/230 Corporate Drive for all coaches, girls and families, other runners.

The Portsmouth Police Department will be contacted on approval of this request. All necessary permits and liability insurance binders will be provided. GOTR-NH will arrange for an ambulance onsite. We provide over 100 volunteers as course monitors, parking attendants, etc.

Girls on the Run New Hampshire is a 501 (c) (3) Non-profit organization.

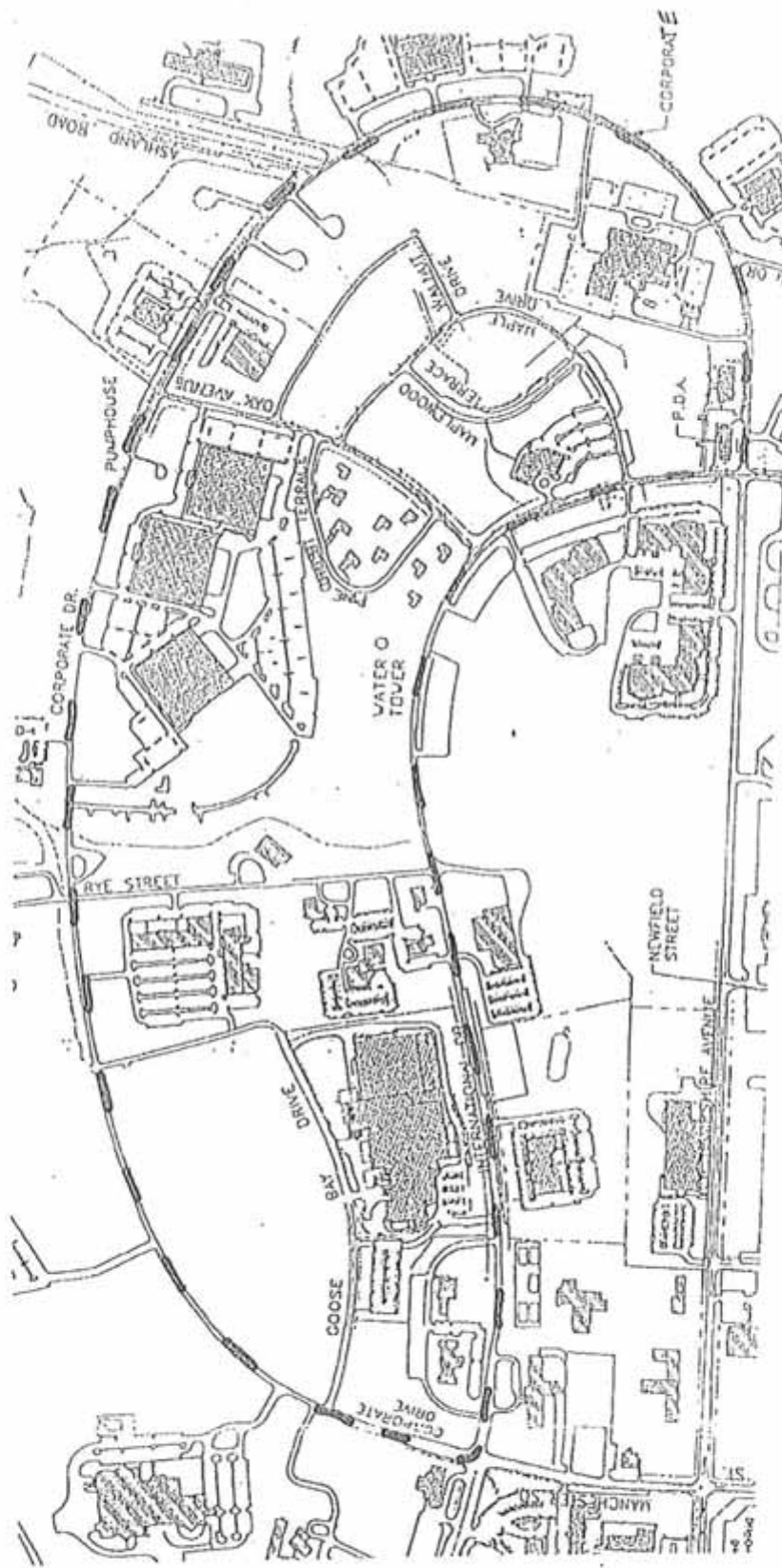
EIN: 02-0524090 tax ID number

Executive Director GOTR-NH: Jennifer Hubbell jen.hubbell@girlsontherun.org


Co-Race Directors: Betsy Cissel betsy.cissel@girlsontherun.org

Jenn Hamilton jh@yahoo.com

President of GOTR-NH Board: Jan Merrow jmerrow@waldron.com



MEMORANDUM

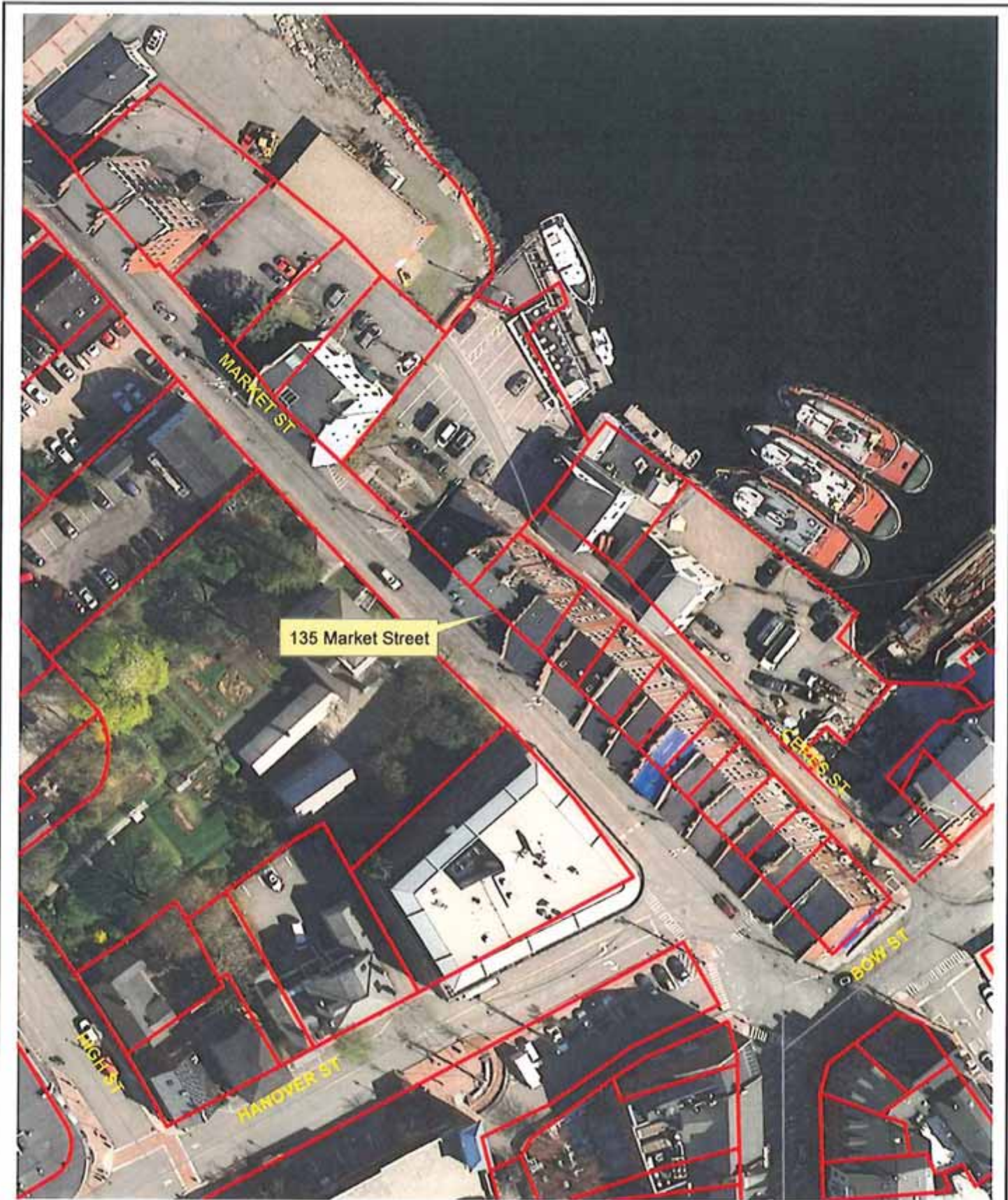
TO: John P. Bohenko, City Manager
FROM: Rick Taintor, Planning Director 
DATE: December 12, 2013
RE: City Council Referral – Projecting Sign
Address: 135 Market Street
Business Name: Crunch Franchise
Business Owner: Ben Midgley

Permission is being sought to install a projecting sign on an existing bracket, as follows:

Sign dimensions: 30" x 24"
Sign area: 3.9 sq. ft.
Height from sidewalk to bottom of sign: 12'9"
Maximum protrusion from building: 36 in.

The proposed sign complies with zoning requirements. If a license is granted by the City Council, no other municipal approvals are needed. Therefore, I recommend approval of a revocable municipal license, subject to the following conditions:

1. The license shall be approved by the Legal Department as to content and form;
2. Any removal or relocation of the projecting sign, for any reason, shall be done at no cost to the City; and
3. 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.



135 Market Street

MARKET ST

HANOVER ST

CELES ST

BOW ST

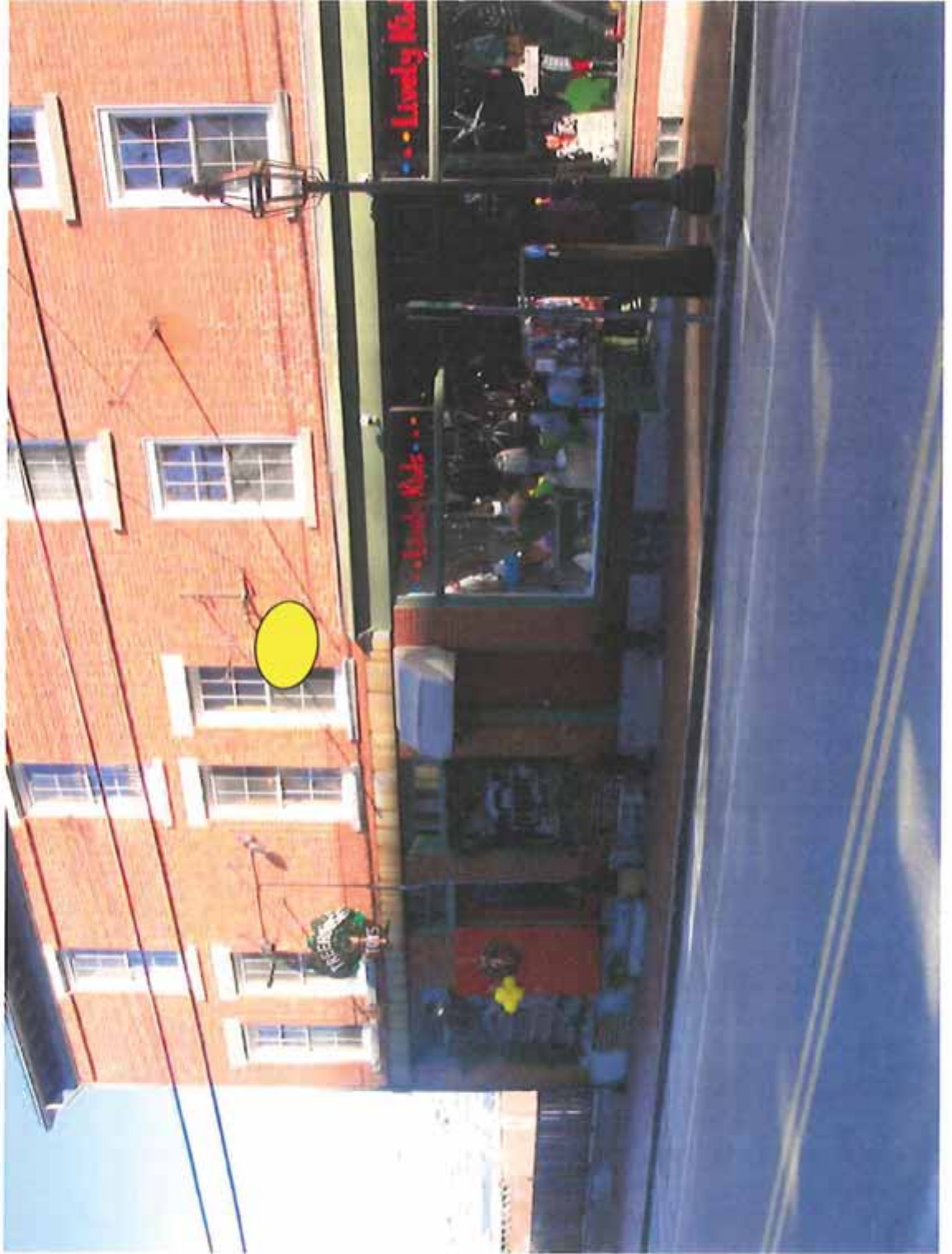
WIGGINS ST

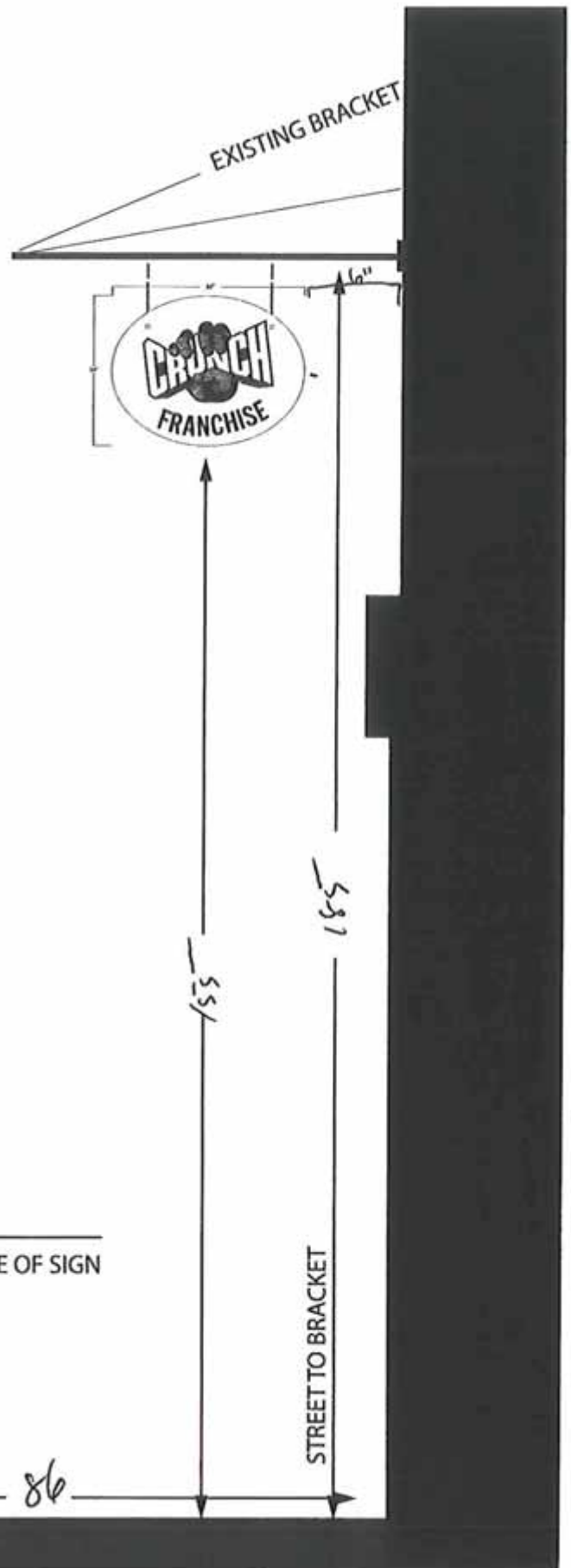


Request for Projecting Sign License 135 Market Street

Map produced by Planning Department 12-12-2013

Crunch Franchise
135 Market Street
1 Projecting Sign





January 28, 2014

Mayor Bob Lister, City Council Members and John Bohenko,

There is an important vote of the PDA coming up regarding the contract with the scrap metal company at the port that expires in June 2014.

I represent SAVE OUR WORKING PORT (SOWP), a group of concerned citizens, business people and environmentalists who are trying to improve the operation of the Port of NH on Market Street. As most of the Council is already aware, we feel the scrap operation there now is an environmental hazard, a polluter of our air and water, a source of dangerous debris on the street and a blight on the northern gateway.

The Council is wrestling with the problem of a shortage of parking spaces downtown. SOWP proposes that the City study the feasibility of leasing a few acres from the Port and using it for a parking lot. This would enable the Pease Development Authority (PDA), which manages the Port, to replace the undesirable scrap operation with a more benign and very much needed facility.

First, the timing of these efforts is critical as the PDA is likely to renew the lease unless they can find an alternative source of income. Second, because plans are taking shape for upgrading the Market Street entrance corridor called "The Gateway". And third, because the need for additional parking is becoming critical to the City.

Given the urgency and complexity of melding these factors, SOWP is requesting a work session with the Council. This is a forum that would allow us to present estimates, projections and visuals and give everyone the opportunity to raise and answer questions, express concerns and offer suggestions. The goal would be to develop a proposal for a plan that would benefit both the PDA and the City.

Sincerely,
Bob Hassold
603 498 3266



From: Spencer Niebuhr <Spencer.Niebuhr@craftbrew.com>
Date: January 28, 2014, 8:57:41 AM EST
To: "John P. Bohenko" <jpbohenko@cityofportsmouth.com>
Cc: "Dave S. Allen" <dsallen@cityofportsmouth.com>
Subject: Hi John,

Hi John,

I'm writing to get the city's blessing on a small event Redhook Brewery will be doing during Portsmouth Beer Week. For those not aware, Portsmouth Beer Week is a 10 day celebration of beers and breweries at local establishments, at the end of February. The intent is to create safe, exciting, events in our area to showcase the relationship between our brewing community and the great establishments who support us throughout the year. This website <http://2beerguys.com/portsbeerweek/who-we-are-and-what-we-do/> should give you additional information on events, and will continue to evolve in the coming weeks.

The event I would like to bring to your attention for Redhook links together four of our establishments: The State Street Saloon, Rusty Hammer, RiRa, and TJ's. We would like to have Bagpipers (10 person band) play in front of each establishment for 10 minutes, as we have the respective patrons meet our Redhook Rugby Team, brewers and pipers. These establishments welcome this activity, and eagerly look forward to this event, but I wanted to make sure the city was fine with noise and activity for the duration. The event details are as follows:

Date: Thursday, 2/27/14

Itinerary:

- * 6pm-6:10pm - Pipes play in front of State Street Saloon
- * 7pm-7:10pm - Pipes play in front of Rusty Hammer
- * 8pm-8:10pm - Pipes play in front of RiRa
- * 9pm-9:10pm - Pipes play in front of TJ's

Attendees: We anticipate between 30-50 people walking between these establishments.

We chose to use a Portsmouth local and former city employee (Portsmouth PD), Pat Boyle, to lead our Bagpipers. Please advise if the city approves of this activity, as I want to make sure this is completely transparent and run smoothly for the sake of our residents in downtown Portsmouth. I look forward to hearing from you.

Thank you in advance,

Spencer A. Niebuhr
Division Sales Manager, Redhook Brewery
1 Redhook Way, Portsmouth, NH 03801
C 631.335.5099

received
1/29/14

Date: January 29, 2014

To: Honorable Mayor Robert J. Lister and City Council Members
One Junkins Ave.
Portsmouth, NH 03801

Subject: Private Fireworks Display

Dear, Honorable Mayor Robert J. Lister and City Council Members

We are requesting your permission to have a private fireworks display on June 22nd 2014 at 9:00pm from the Portsmouth dog park located near the city tennis courts and town hall. We will be celebrating the wedding of Jeri Vezina and Sean Palleshi at the One Hundred Club. The fireworks display would have very special meaning to the young couple and will be a big part of the ceremony.

If you allow us to have the fireworks display, please let me know what the city requires of us.

Sincerely,




Ronald Vezina

603-738-7401

rvezina@idesignpcb.com

**CITY OF PORTSMOUTH
PORTSMOUTH, NH 03801**

Office of the City Manager

Date: January 30, 2014
To: Honorable Mayor Robert J. Lister and City Council Members
From: John P. Bohenko, City Manager 
Re: City Manager's Comments on February 3, 2014 City Council Agenda

5:45 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. **Presentation to James and Laurie Teetzel for Memorial Park.** On Monday evening, there will be a presentation to James and Laurie Teetzel for contributions and work for Memorial Park.
2. **Comprehensive Annual Financial Report (CAFR) – Scott McIntire of Melanson, Heath & Company, P.C. will Report on the Annual Audit and Financial Statements for the Year Ending June 30, 2013.** On the inside cover of your packet, I am providing you with a copy of the City's Comprehensive Annual Financial Report (CAFR), which includes the financial statements for the fiscal year ending June 30, 2013 (Annual Audit). The Fiscal Year 2013 Audit was prepared by the firm of Melanson, Heath & Company, P.C. Also, enclosed on the inside cover of your packet is the Management Letter for the year ending June 30, 2013, prepared by our auditor. On Monday evening, Scott McIntire from Melanson, Heath & Company will be in attendance to make a presentation on the aforementioned report.

Acceptance of Grants and Donations:

1. **Acceptance of Police Department Grant and Donation.** Attached under Section VIII of the Agenda is a memorandum, dated January 23, 2014, from John F. Golumb, Chairman of the Portsmouth Police Commissioners, and Police Chief Stephen J. DuBois, requesting that the City Council approve the following grant and donation:

- a) A grant in the amount of \$833.33 from the Police Standards and Training Council for Captain Warchol to attend Leadership Seacoast, which runs from January through June of 2014.
- b) A donation in the amount of \$500.00 from Newburyport Five Cent Savings Bank.

I would recommend that the City Council move to approve and accept the grant and donation to the Portsmouth Police Department. Action on this matter should take place under Section VIII of the Agenda.

2. **Acceptance of Donation to Art-Speak.** Art-Speak requests that a donation from Robin Lurie-Meyerkopf in the amount of \$150.00 to support Art-Speak's website line item expenses be accepted by the City Council on behalf of Art-Speak.

I would recommend that the City Council move to approve and accept the donation to Art-Speak, as listed. Action on this matter should take place under Section VIII of the Agenda.

Items Which Require Action Under Other Sections of the Agenda:

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

- 1.1 **First Reading of Proposed Resolutions Amending Elderly and Disabled Exemptions Income and Asset Limits.** As requested by the City Council at the January 21st City Council meeting, under Section IX of the Agenda, I am bringing back for first reading the attached proposed Resolutions amending Elderly and Disabled Exemption Income and Asset Limits. Annually, the City of Portsmouth reviews income and asset levels for both the Elderly and Disabled Exemptions pursuant to RSA 72:39-b (see attached State Statutes) 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 City Council requested that both the Elderly and Disabled Exemptions, income and asset limits, be adjusted based on the 1.5% increase to SSI payments effective January 2014 as follows:

Elderly Income and Assets Limits at 1.5% Increase

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

Disabled Income and Asset Limits at 1.5% Increase

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

On Monday evening, I am requesting that the City Council act on first reading of the following Resolutions:

- a) *I would recommend the City Council move to pass first reading and authorize the City Manager to bring back for public hearing and adoption a proposed Resolution at the February 18, 2014 City Council meeting, increasing the Maximum Income Limit for Individuals Qualifying for the Elderly Real Estate Tax Exemption by 1.5% as follows:*

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

- b) *I would recommend the City Council move to pass first reading and authorize the City Manager to bring back for public hearing and adoption a proposed Resolution at the February 18, 2014 City Council meeting, increasing the Maximum Income Limit for Individuals Qualifying for the Disabled Real Estate Tax Exemption by 1.5% as follows:*

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

Action on this matter should take place under Section IX of the Agenda.

2. **Public Hearing:**

- 2.1 **Public Hearing Re: Proposed Capital Improvement Plan (CIP) FY2015-2020.** In accordance with Section 7.7 of the City Charter, a Public Hearing on the proposed Capital Improvement Plan for FY2015-2020 will take place on Monday evening at 7:00 p.m. At that time, I will be giving a brief overview of the Plan and have

requested that staff be available to answer questions if necessary. In addition, I will have copies available of the summary pages for the public, as well as the capital expenditures that will be proposed in the FY2015 budget. Also, a copy of the Capital Plan is on our web page (www.cityofportsmouth.com).

The City Council is required, in accordance with Section 7.8 of the City Charter, to adopt the Capital Plan subsequent to the Public Hearing and before the City Manager submits the budget to the City Council. I anticipate that I will be transmitting my proposed FY2015 budget to you on or about May 1, 2014. Given that projected date, I am suggesting the City Council adopt the proposed Capital Improvement Plan at your February 18th City Council meeting. Please bring your Capital Improvement Plan with you.

I would suggest that action on this matter be taken at the February 18th City Council meeting, at which time I will recommend adoption of the CIP with any appropriate amendments.

Consent Agenda:

1. **Request for License to Install Projecting Sign.** Attached under Section X of the Agenda is a request for a projecting sign license (see attached memorandum from Rick Taintor, Planning Director):

➤ Ben Midgley, Owner of Crunch Franchise for property located at 135 Market Street.

I would recommend the City Council move to approve the aforementioned Projecting Sign License as recommended by the Planning Director and, further, authorize the City Manager to execute the License Agreement for this request. Action on this matter should take place under Section X of the Agenda.

City Manager's Items Which Require Action:

1. **Proposed Agreement with Operation Blessing Re: Greenleaf Recreation Center.** As you will recall, for the past three years the City has leased the Greenleaf Recreation Facility to the Portsmouth Housing Authority (PHA). The PHA operated the facility as a recreation facility open to the public, with particular focus on the residents of the adjacent Wamesit Place housing development. The PHA did not request a renewal and on December 2, 2013, the City Council authorized me to explore the terms of a potential Concession Agreement (Lease Agreement) for the facility with Operation Blessing, Inc. Please note that, due to a National Park Service procedural change, the instrument for this type of arrangement is now known as a "concession agreement" as opposed to a lease agreement.

The City originally acquired this parcel through a public benefit conveyance from the National Park Service (NPS). Per the NPS Federal Lands-to-Parks program, the property must be utilized as a recreation facility open to the public. Operation Blessing, Inc. is a 501(c)3 non-profit entity that assists families with primary needs such as food, clothing,

furniture and household goods as well as operates a very active youth volunteer organization. Operation Blessing has proposed to become the new operator for the Greenleaf Recreation Facility and to run it as a recreation center and base its successful Adopt-A-Block program and other recreation related programs there, which will focus on youth and teenagers. Additional information about its proposed uses and activities are included in the attached letter. Operation Blessing is committed to working with other area social service non-profits to ensure the recreation facility does not duplicate existing services.

This proposal was reviewed in close coordination with the Recreation Department and the Recreation Board and viewed favorably by both. The proposal represents an opportunity to collaborate with Operation Blessing to better utilize this resource and increase activity at the building. It is also consistent with the recommendation put forth in the Recreation Needs Study, which recommended this type of partnership to operate this facility. In addition, Operation Blessing has committed to making the facility available to the existing users as well as the nearby residents of Wamesit Place. See attached proposed terms.

I would recommend the City Council authorize the City Manager to enter into a concession agreement with Operation Blessing, Inc. for the Greenleaf Recreation Facility according with the terms in the attachment for two years, with a one-year renewal if agreeable to both parties.

2. **Report Back Re: Parking Rates at High Hanover Parking Garage.** As requested by Councilor Shaheen, the following are revenue projections for the proposed changes to the parking rates and the elimination of the first hour free within the High/Hanover Parking Facility.

Option A	Estimated Annual Revenue Increase
Eliminate First Hour Free @ \$0.75 per hour (Note: @ \$1.00 per hour \$533,000)	\$400,000

Option B	Estimated Annual Revenue Increase
Increase Hourly Rate From \$0.75 to \$1.00 with first hour free (Last adjustment July 2004)	\$400,000

Option C	Estimated Annual Revenue Increase
Increase Hourly Rate From \$0.75 to \$1.00 and Eliminated First Hour Free	\$933,000

Note: Does not affect residents free on Sundays

If the City Council wishes to make any amendments, it takes one vote of City Council but I would ask that any changes be given a 30 day notice. City Council options are listed above for any motion that you may wish to make.

3. **Proposed Resolution for Bond Authorization of up to Three Million Five Hundred Thousand Dollars (\$3,500,000) for the Design and Construction of the Hobbs Hill Water Tank Replacement.** The following is a description of a proposed Resolution from the water enterprise fund:

This project was identified in the Phase I Water System Master Plan and confirmed again as part of the Water Supply Update performed in 2012. The Hobbs Hill Landing Water Tank was constructed in the 1950's in conjunction with the building of the Pease Air Force Base and has reached the end of its useful life and requires a replacement tank.

This project had been slated as a FY15 project in the current CIP with design anticipated in fall-winter 2014 and construction commencing in the summer of 2015. However, due to ongoing construction of new buildings adjacent to the existing water tank and a potential business relocating its corporate offices into one of them, we are proposing to bring this before City Council for bond authorization now. This will enable design to commence this winter in anticipation of bidding the project in a few months so that it can begin construction this summer.

We will be bidding and selecting the contractor based on price, tank style and proposed construction timeline. Demolition of the existing Hobbs Hill tank will occur after the new tank is completed and in service (see attached Resolution and attachments).

I would recommend the City Council move to authorize the City Manager to bring back a Bond Resolution in the amount of Three Million Five Hundred Thousand Dollars (\$3,500,000) for the replacement of the Hobbs Hill Landing Water Tank for the February 18, 2014 City Council meeting. This requires two readings and a public hearing with a 2/3 vote of the Council for passage.

4. **Request to Establish a Work Session with GSA on February 18, 2014 Re: McIntyre Federal Building and Property.** As you will recall, the Mayor sent a letter to Robert Zarnetske, Regional Administrator, regarding the long-term utilization of the T.J. McIntyre Federal Building located at 80 Daniel Street and the adjacent parking lot. The City Council voted to request a work session for Tuesday, February 18, 2014 at 6:00 p.m. with GSA and City Council to discuss the GSA proposal (see attached letter from Robert Zarnetske) and further, to discuss the status of the transfer of the McIntyre Building to the City in accordance with federal legislation. Regional Administrator Zarnetske indicated that he and his staff will be available for that work session in response to a letter from Mayor Lister (see attached letter). In addition, we have contacted our Federal Delegation (Senator Shaheen, Senator Ayotte and Congresswoman Shea-Porter), and they will have representatives in attendance for this work session.

I would recommend the City Council move to formally establish a work session for Tuesday, February 18, 2014 at 6:00 p.m. to discuss the T.J. McIntyre Federal Building and property and status of this property.

5. **Request to Renew Seacoast Growers' Association (Farmers' Market) Proposed 2014 License Agreement.** The Seacoast Growers' Association has requested renewal of their License Agreement (see attached letter). Attached is a draft of the proposed 2014 License

Agreement with the Seacoast Growers' Association to allow a Farmers' Market at the municipal complex. The Seacoast Growers' Association has been conducting their Farmers' Market at the municipal complex for over ten years. If this draft agreement meets with the approval of City Council, I would ask that you authorize me to enter into the proposed Agreement between the Seacoast Growers' Association and the City of Portsmouth for a License Agreement to conduct their Farmers' Market for 2014. I've requested that a representative of the Seacoast Growers' Association be in attendance on Monday evening to answer any questions you may have regarding this matter.

I would recommend the City Council move to authorize the City Manager to enter into a License Agreement with the Seacoast Growers' Association for 2014, as presented.

6. **Request for a Proposed Resolution for Supplemental Appropriation to Fund the FY14 Settlement of the Firefighters and Fire Officers Collective Bargaining Agreements.** On Tuesday, January 28, 2014, the Fire Commission approved a tentative settlement for the Firefighters and Fire Officers Collective Bargaining Agreement. Funding for this settlement agreement was not appropriated by the City Council in the FY14 Budget. The estimated cost for this settlement for both the Firefighters' and Fire Officers' Agreements is estimated at \$97,000 for FY14. Prior to the City Council acting on these agreements, it would be necessary to appropriate funds necessary to implement the proposed changes. Therefore, I am recommending that you allow me to bring back a proposed Resolution for a supplemental appropriation for an amount of up to \$97,000 for the Fire Department's FY14 Budget. Funding for this supplemental appropriation would come from the Unassigned Fund Balance. In accordance with 7.14 of the City Charter, a supplemental appropriation requires a public hearing and a two-thirds majority vote of the City Council. Therefore I would recommend the City Council establish a public hearing for its February 18, 2014 meeting in order to appropriate an amount of up to \$97,000 from Unassigned Fund Balance to be used in the FY14 Fire Department Budget (see attached proposed Resolution).

I would recommend the City Council move to establish a public hearing for its February 18, 2014 meeting in order to appropriate an amount of up to \$97,000 from Unassigned Fund Balance to be used in the FY14 Fire Department Budget for implementation of Collective Bargaining Agreements.

7. **Proposed Easement Re: 30 Maplewood Avenue.** On July 19, 2012, 30 Maplewood Avenue, LLC obtained an amended site plan approval from the Planning Board for the redevelopment and reuse of a building located at 30 Maplewood Avenue, Tax Map 125, Lot 002. The amended site plan was approved by the Planning Board subject to certain stipulations. One of these stipulations was the grant of an easement from the Owner to the City for the installation of a street lighting controller located on the southerly corner of the property.

Attached is the Plan showing the proposed easement area which is subject to the approval of the City Council. The Legal Department has approved the form of the easement.

I would recommend the City Council move to authorize the City Manager to accept an easement for a street lighting controller from 30 Maplewood Avenue, LLC.

Informational Items:

1. **Events Listing.** For your information, attached is a copy of the Events Listing updated after the last City Council meeting on January 21, 2014. In addition, this now can be found on the City's website.



Operation Blessing, Inc.

www.theobnh.org

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

Dear Mr. Bohenko,

I would like to express an interest in utilizing the Greenleaf Recreation Center located behind our Operation Blessing Center.

My staff and I have been discussing the possibilities of creating a recreation program to get the kids off the streets and focused on more productive activities. We feel, with the cooperation of the City of Portsmouth, that a vibrant program of recreation and activities can be developed to accomplish this task.

I have attached a document entitled "2014 Program of Utilization" that explains in more detail what we desire to accomplish there.

Please review and let me know what the next steps might be.

Sincerely,

Byron P. Grant
Executive Director
Operation Blessing, Inc.

600A Lafayette Road, P.O. Box 4069, Portsmouth, NH 03801

Operation Blessing
Program of Utilization

Greenleaf Recreation Center
195 Greenleaf Avenue
Portsmouth, New Hampshire

- Operation Blessing, an independent non-profit organization, will assume the management and operation of the Greenleaf Recreation Center, which will be open to the general public. The Center will specifically aim to fill a gap in the services not presently offered to at-risk teens and their families. We are doing so in coordination with Families First, which does not have a program for 13 to 18 year olds. The Greenleaf Recreation Center will be extremely useful by providing recreation programs to get teens off the streets, assistance in meeting personal challenges and a community volunteer program to teach them self-worth and pride in their accomplishments.
- Operation Blessing will relocate our Outreach Department to the Greenleaf Center and will coordinate the usage of the facility with the other organizations currently using it. The organizations currently using the facility provide the following programming:
 - Recreation and socialization program for young adults with disabilities (Friends in Action program)
 - Youth exercise classes
 - Portsmouth Housing Authority Out of school time programs
 - Art classes
 - Support groups (various)
 - Play groups
 - Portsmouth Recreation Department (Ski program and others)
- The OB Outreach Department will establish a recreation program and schedule for the community and personally reach out to the youth and families to come and participate. Examples of these new program offerings will include:
 - Activities (basketball programs, game nights, and related recreational activities)
 - Activity trips and outings (outdoors trips, camping and cultural venues)
 - Seacoast Adopt A Block, a program of Operation Blessing, will be based out of the Center, which will encourage volunteerism in our community and allow people to get involved and take ownership of their community.
 - Family Life Center, a program of Operation Blessing, will be based out of the Center and provide supports to families seeking help this will include Teen intervention programs in cooperation with the Bridge the Gap, a state intervention program created in the midst of decreased funding for diversion services.
 - Transportation to bring youth to recreation activities and, in the near future, for activity trips and outings.
- With the assistance of user fees and Operation Blessing's funding we will maintain the facility, make city approved improvements and cover utility costs to operate the center. Each organization using the facility will be required to provide an insurance binder covering the liability during their usage time, this includes Operation Blessing, Inc. Operation Blessing understands this program of utilization and any improvements must be consistent with the Federal Lands-to-Parks Program.

**Terms of Proposed Concession Agreement between the City of Portsmouth and
Operation Blessing, Inc.**

for the operation of the

Greenleaf Recreation Center
195 Greenleaf Avenue

Below are the proposed terms for the Concession Agreement:

Parties to the Agreement: The City will enter into a Concession Agreement with Operation Blessing, Inc.

Ownership: The City will retain ownership of the property.

Term: Two-years, with a one-year renewal if agreeable to both parties.

Rent: Operation Blessing will pay the City \$1 per year, for each year of the agreement.

Area Included in Concession Agreement: This agreement will cover associated parking, building and grounds of the Greenleaf Recreation Facility. The building includes multi-purpose recreation rooms, meeting and office space, a kitchen, and a garage bay. The leased area will not include the Skate Park.

Deed Restriction: Operation Blessing will be responsible for operating the building consistent with the terms of the deed associated with the original public benefit conveyance from the National Park Service to the City of Portsmouth.

Property Improvements: No internal or external property improvements or alterations will be undertaken without the written approval of the City Manager or his designee.

Utilities: The City will agree to pay up to \$10,000 annually to defray the cost of utilities at the Facility. Operation Blessing will be paid in quarterly installment payments of up to \$2,500.

Maintenance of Building and Grounds: Maintenance of the building and grounds will be entirely the responsibility of the Operation Blessing with the exception of snow plowing operations. The City will snow plow to ensure full access to the facility by the public.

Programming: All programming and uses of the Facility shall be open to the public, consistent with the deed restriction on the property, and accordance with the "Program of Utilization" provided by Operation Blessing.

Trash Disposal: No dumpsters will be located on the site. Curbside trash collection services will be provided.

Insurance: Operation Blessing will be responsible for maintaining all standard insurance policies.

Signage: No signs shall be placed on the property without the written approval of the City Manager or his designee.

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

RESOLUTION # –

A RESOLUTION AUTHORIZING A BOND ISSUE OF UP TO THREE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$3,500,000) RELATED TO THE DESIGN AND CONSTRUCTION OF THE HOBBS HILL LANDING WATER TANK REPLACEMENT.

RESOLVED:

THAT, the sum of up to **Three Million Five Hundred Thousand Dollars (\$3,500,000)** is appropriated for the design and construction of the Hobbs Hill Landing Water Tank replacement;

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 **Three Million Five Hundred Thousand Dollars (\$3,500,000)** through the issuance of bonds and/or notes of the City under the Municipal Finance Act;

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

THAT this Resolution shall take effect upon its passage.

APPROVED:

ROBERT J. LISTER, MAYOR

ADOPTED BY CITY COUNCIL

KELLI BARNABY, CMC/CNHMC
CITY CLERK

\$3.5 M Bonding Authorization Request



Hobbs Hill Tank Replacement
February 3, 2014

Hobbs Hill Water Tank



Existing 400,000
Gallon Water Tank

- One of five active water storage tanks in the water system
- Built in 1950's as part of Pease Air Force Base water supply
- Turned over to City in early 1990's
- Inspected in 2012 as part of the Water Supply Master Plan Update
- Recommendation to replace with 600,000 gallon capacity tank rather than rehabilitate

Hobbs Hill Water Tank – Existing and Proposed Site Plan



Project Scope

- Design & Permitting – 3 to 4 months
- Bidding – 1 month
- Award – 1 month
 - Selection based on price, style and proposed construction schedule
- Construction – 12 to 18 months
 - Depends on tank style and components
- Put new tank into service
- Demolish old tank



GSA New England Region

January 6, 2014

The Honorable Mayor Lister and Members of the Portsmouth City Council
City Hall
1 Junkins Ave.
Portsmouth, NH 03801

Dear Mayor Lister and Members of the City Council:

As you may know, the U.S. General Services Administration (GSA) is interested in opening a dialogue with the City of Portsmouth and its residents about the long-term utilization of the T.J. McIntyre Federal Building located at 80 Daniel Street and the adjacent parking lot. As we begin to plan for the future, we would like to engage both the city government and the city's residents in a discussion about how best to integrate the facility into the Portsmouth community. We hope you will join us in identifying and facilitating future opportunities for the site to more completely meet the needs of the the community and the neighborhood—including the need for additional off-street parking.

Under our Urban Development/Good Neighbor Program, GSA has developed a set of procedures and best practices for working with municipal officials, local organizations and individual residents to assist in the renovation of existing federal properties. A key goal of the program is to improve public facilities and blend them in with their surroundings. A commonly used process is the community based workshop, but we are open to other suggestions from you and community leaders on how best to work with the Portsmouth community.

GSA's McIntyre project team will be led by Gianne Conard, Chief Architect for GSA's New England Region. She will coordinate these efforts with support from Samir Randolph from my office along with personnel from GSA's headquarters in Washington, DC. Gianne and Samir will work with you and the City Manager to identify key stakeholders in the community whose input will help inform the process. We are eager to begin this project and will reach out to you by the end of January. In the meantime, please feel free for you, the City Manager or his City staff to contact Samir directly at 617-565-5156 or samir.randolph@gsa.gov should you have any questions.

We look forward to working with you on this important project. I assure you that GSA will continue to be an active civic partner and will fully engage stakeholders in the Portsmouth area as we strategize ways to improve the McIntyre Federal Building and meet the needs of Portsmouth residents.

Sincerely,

Robert Zarnetske
Regional Administrator

CC: John P. Bohenko, City Manager

U.S. General Services Administration
Thomas P. O'Neill, Jr. Federal Building
10 Causeway Street
Boston, MA 02222
www.gsa.gov



CITY OF PORTSMOUTH

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

Robert J. Lister
Mayor

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

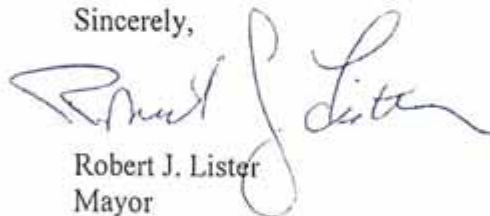
Dear Administrator Zarnetske:

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

Seacoast Growers' Association
PO Box 4401
Portsmouth, NH 03802-4401

JAN 22 2014

January 16, 2014

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

Dear Mr. Bohenko,

The Seacoast Grower's Association wishes to thank you, the City Council, and the people of Portsmouth for again providing our Portsmouth Farmer's Market with a home for the 2013 season. Your support has been instrumental in sustaining over 50 seacoast farms and helping provide local food to thousands of residents and visitors.

We are requesting a contract renewal for the 2014 season, May 3rd through November 1st. With the permission of the City Council, we will use the same space at 1 Junkins Avenue and abide by the same rules. We ask that the City Council put this to vote at their next meeting.

We will be available, at your convenience, to facilitate the agreement. Thank you for your consideration.

Sincerely,



Edie Barker
President
Seacoast Growers' Association

LICENSE AGREEMENT

The City of Portsmouth, a municipal corporation with a principal place of business at 1 Junkins Avenue, Portsmouth, New Hampshire 03801 (hereinafter "City") and the Seacoast Growers' Association, a non-profit association of individual vendors (hereinafter "Vendors" or "Association") with a principal place of business at Portsmouth, New Hampshire and a mailing address at PO Box 4401, Portsmouth New Hampshire 03802-4401 agree as follows:

1) The Seacoast Growers' Association is licensed by the Portsmouth City Council to operate a Farmers' Market on Saturday mornings between May 3, 2014 through November 1, 2014 pursuant to the conditions enumerated below.

2) Each individual member Vendor of the Seacoast Growers' Association, as well as the Association itself, jointly and severally agree to the following conditions relative to permission to use the Upper Municipal Lot by the Seacoast Growers' Association granted by the City.

A. SITE CONDITIONS:

- The City Hall Municipal Lot will be reserved for use by the Association as defined in the attached Appendix I. The Association is authorized to cover the existing handicap parking signs in the municipal parking lot and to utilize the spaces as otherwise designated as handicap spaces during the hours in which the Farmer's Market is authorized. The Association shall immediately remove the coverings from the handicap parking space signs at the end of the authorized period. There shall be no use by the Association of Lot B as shown on the attached Appendix I.
- Parking on grassy areas prohibited.
- Market area to be left in broom-clean condition one hour after closing.
- All trash generated by the market shall be removed by the Association upon closing of the Farmers' Market and shall be maintained in a clean, neat condition during the market operation.
- The Vendors shall implement any temporary marking of Vendor spaces which may be directed by the City.
- The Seacoast Growers' Association shall provide police coverage from 8:00 a.m. to 12:00 p.m. unless otherwise determinate by the Police Chief, at its own expense, to control traffic and monitor parking during the hours when the Farmers' Market is in operation.
- A centrally located hand washing booth shall be available at all times.
- The Seacoast Growers' Association agrees to operate the Farmer's Market during the 2014 season on a "CARRY IN – CARRY OUT" basis.

B. HOURS AND TIME OF MARKET:

- Hours of operation will be 8:00 a.m. until 1:00 p.m.
- Set up and breakdown time will be two hours before and one hour after operation hours.

C. SALE OF ITEMS:

- Products which may be sold at the Seacoast Growers' Association market shall follow the guidelines and definitions outlined within the Association's Bylaws and Rules and Regulations (a copy of which is attached hereto as Appendix II).
- Craft Vendors shall be limited to a maximum of twenty percent (20%) of the total Vendors.
- New food vendor permit applications will be processed within thirty (30) days.

D. HEALTH REQUIREMENTS:

The Health Officer will have the authority to shut down the entire market if any single Vendor fails to comply with any Health Officer's directive to cure any situation creating a public health concern. The Health Officer shall make reasonable efforts to notify the President of the Seacoast Growers' Association or his/her assignee(s) at the time a warning is issued. Specific health requirements include, but are not limited to the following:

- Vendors shall be excepted from the general City requirement of obtaining a Hawkers & Peddlers License (\$250.00). The following license fee schedule shall apply to Farmer's Market Vendors:
 1. Fruit and vegetable vendors at the Farmer's Market pay no fee.
 2. Non-produce/Non-food vendors at the Farmer's Market pay no fee.
 3. Prepared food vendors (anything other than non-prepared fruits and vegetables) pay a seasonal fee of \$140.00 per season.
- Non-recycled farm fresh eggs may be sold provided that they are stored at proper temperature (at or below forty-one (41) degrees Fahrenheit) during transport to and while displayed at the Farmers' Market.
- Baked goods sold at the Farmers' Market must be individually or collectively wrapped while displayed and sold and baked in a licensed facility.
- Any Vendor who sells potentially hazardous foods (which includes any perishable food or food product which consists in whole or in part of milk or any other

ingredient capable of supporting rapid and progressive growth of infectious and toxigenic micro-organisms including, but not limited to, cream fillings and pies, cakes and pastries, custard products, meringue-topped baked goods or butter-cream type fillings in bakery products), shall take appropriate measures to ensure that such products are transported, stored, and displayed in refrigerated or ice-cooled containers to maintain temperature of such products at 41 degrees Fahrenheit or below at all times so to prevent spoilage or contamination.

- All animals are prohibited within the Farmers' Market with the exception of hearing ear dogs, guide dogs and service dogs as they are defined in RSA 167-D:1.
- The above items do not eliminate or supersede other areas of compliance set by ordinance or regulations or within the grant of authority by the Portsmouth City Council.
- In addition to the foregoing, each Vendor member of the Seacoast Growers' Association shall comply with all applicable Federal, State and Municipal laws, regulations and ordinances.
- No vendor shall provide fruit or vegetables to be sampled onsite unless a three bay sink is provided in which all such fruits, vegetables and the utensils provided to cut or serve them shall be washed on site (fruits and vegetables in a collander). No spillage onto the ground shall be permitted from the three bay sink.

E. OTHER CONDITIONS:

- The Seacoast Growers' Association shall provide the City with a current list of board members with appropriate contact information.
- The Seacoast Growers' Association agrees to indemnify and hold the City of Portsmouth harmless for any and all claims of liability, (including bodily injury or property damage) of any type or kind arising out of the Association's operation or use of this license agreement. This provision shall survive termination of this agreement.
- Additionally, the Seacoast Growers' Association shall maintain general liability insurance in the amount of Two Million Dollars (\$2,000,000.00) naming the City of Portsmouth as an additional insured. A certificate demonstrating this insurance shall be kept on file with the City Clerk of the City at all times relevant to the operation of the Association under this agreement.
- The City hereby approves the sale of the following alcohol products at the Farmer's Market by Association members:
 1. Wine by Jeweltown Vineyards
 2. Wine by Sweet Baby Vineyard,
 3. Hard Cider products by Nottingham Orchards; and
 4. Beer by Throwback Brewery.

No other alcohol sales or possession is approved.

There shall be no open containers or consumption of alcoholic beverage on municipal premises. All alcoholic beverage sales must be conducted in strict accordance with state law and any rules adopted pursuant thereto by the State of New Hampshire Liquor Commission. This provision of the license agreement with the Association may be revoked immediately and without cause if that action is determined to be appropriate by the City.

- Should Seacoast Growers' Association provide patrons access to the restroom facilities located in City Hall, an individual will be designated for each date of operation to escort patrons to the restroom and out of the building. A list of responsible persons and the dates they are assigned this responsibility shall be submitted to the Health Department with the application packet. The Health Department must approve in advance of any modification.
- For the purpose of operating the Farmer's Market on the property of the City of Portsmouth it is understood that neither a Homestead License issued by the State of New Hampshire nor a Home Food Processors License issued by the State of Maine is recognized or confers any benefit to the vendor.
- This agreement may be terminated at the sole discretion of the City of Portsmouth in the event that:
 1. The Seacoast Growers' Association fails to abide by the terms of this agreement.
 2. It is determined that the City of Portsmouth has a paramount need for the area which would otherwise be utilized by the Seacoast Growers' Association.
- The City reserves the right to modify any provision in this agreement in the event that such modification is made necessary by any change in state or federal law.

CITY OF PORTSMOUTH

Dated: _____

By: _____
John P. Bohenko, City Manager
Pursuant to vote of the City Council on
_____.

SEACOAST GROWERS' ASSOCIATION

Dated: _____

By: _____
Edie Barker, President
Pursuant to vote by the Seacoast Growers'
Association on _____.

**CITY OF PORTSMOUTH, NEW HAMPSHIRE
SUPPLEMENTAL APPROPRIATION
FOR THE FISCAL YEAR ENDING JUNE 30, 2014**

RESOLUTION #-

A RESOLUTION AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM UNASSIGNED FUND BALANCE FOR NECESSARY EXPENDITURES RELATED TO THE ANTICIPATED APPROVAL OF CONTRACTUAL OBLIGATIONS IDENTIFIED IN THE FIRE DEPARTMENT CONTRACTS.

RESOLVED:

BY THE CITY COUNCIL OF THE CITY OF PORTSMOUTH, NEW HAMPSHIRE ASSEMBLED AS FOLLOWS:

THAT, the City Council has determined that the sum of up to **Ninety-Seven Thousand (\$97,000) Dollars is to be appropriated from Unassigned Fund Balance upon the approval of the Fire Department contracts to defray the expenditures related to contractual obligations for the Fiscal Year ending June 30, 2014.**

THAT, to meet this appropriation, the City Manager is authorized to transfer these funds from the June 30, 2013 Unassigned Fund Balance.

APPROVED BY:

**_____
ROBERT J. LISTER, MAYOR**

ADOPTED BY CITY COUNCIL

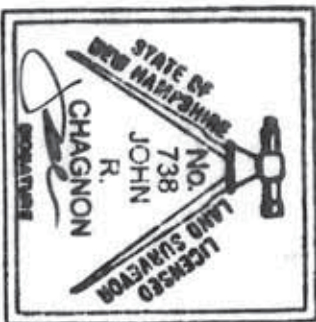
**_____
KELLI L. BARNABY, CITY CLERK**

SECTION 7.14-AMENDMENTS TO BUDGET AFTER ADOPTION

No appropriation shall be made for any purpose not included in the annual budget as adopted unless voted by a two-thirds (2/3) majority of the Council after a public hearing held to discuss said appropriation. The Council shall, by resolution, designate the source of any money so appropriated.

NOTES:

- 1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 125 AS LOT 2.
- 2) OWNER OF RECORD:
30 MAPLEWOOD, LLC
117 BOW STREET, SUITE 102
PORTSMOUTH, N.H. 03801
5099 / 2424
PLAN C-4119
- 3) THE PURPOSE OF THIS PLAN IS TO SHOW A PROPOSED EASEMENT TO THE CITY OF PORTSMOUTH FOR PLACEMENT OF STREET LIGHTING CONTROL EQUIPMENT



LEGEND:

- G — GAS LINE
- D — STORM DRAIN
- W — WATER LINE
- UNDERGROUND ELECTRIC
- OVERHEAD ELECTRIC
- — UTILITY POLE (w/ GUY)
- — LIGHT POLE
- — ELECTRIC METER

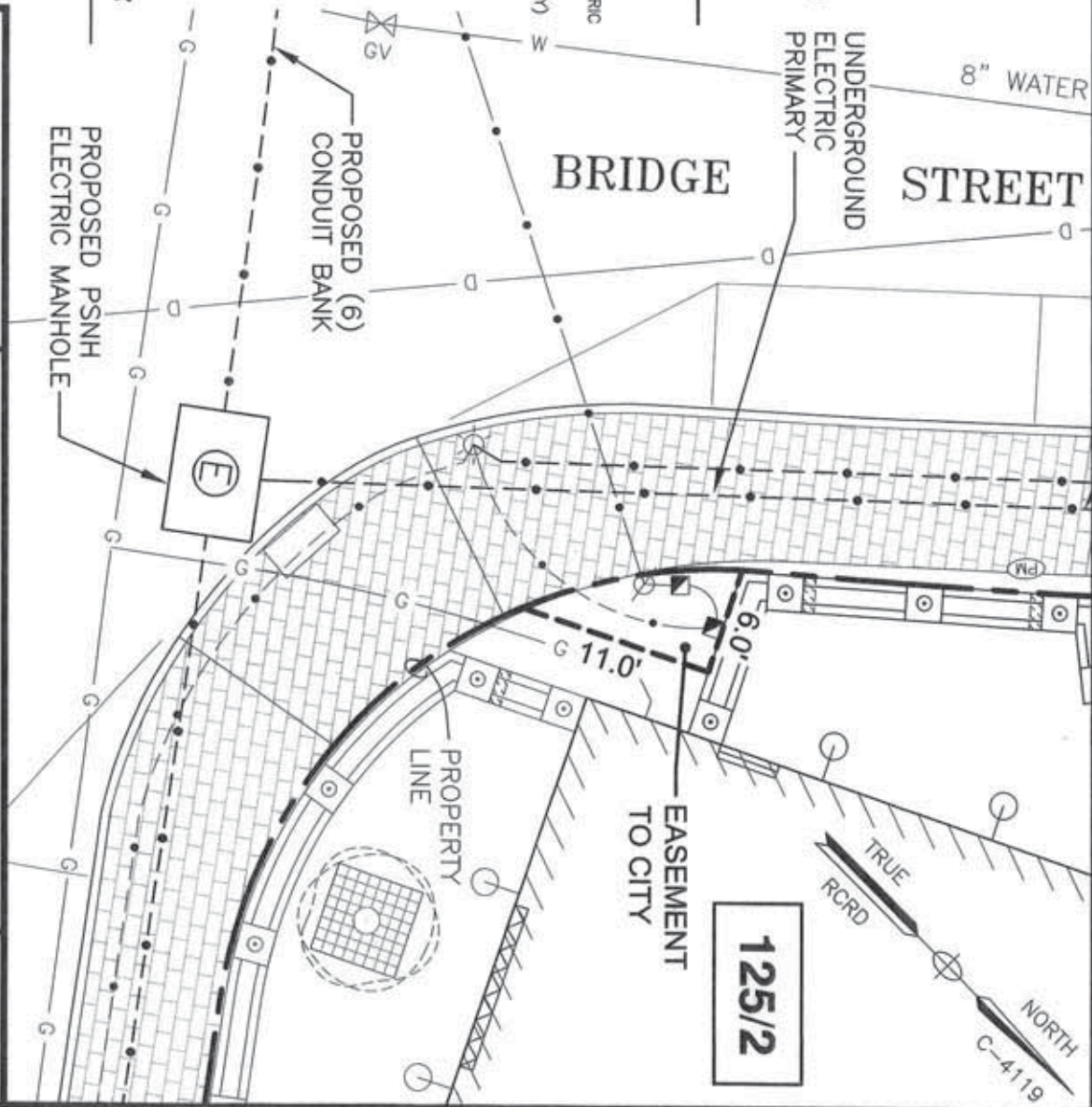


I CERTIFY THAT THIS SURVEY PLAT IS NOT A SUBDIVISION PURSUANT TO THIS TITLE AND THAT THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW WAYS ARE SHOWN.

[Signature]

JOHN R. CHAGNON, LLS #738

DATE **9/18/13**



125/2



AMBIT ENGINEERING, INC.

Civil Engineers & Land Surveyors

200 Griffin Road - Unit 3
Portsmouth, N.H. 03801-7114
Tel (603) 430-9282
Fax (603) 436-2315

LOCATION:
30 MAPLEWOOD AVENUE
CITY OF PORTSMOUTH
COUNTY OF ROCKINGHAM
STATE OF NEW HAMPSHIRE

PROPOSED EASEMENT TO
CITY OF PORTSMOUTH
FROM
30 MAPLEWOOD AVENUE LLC

SCALE:
1" = 10'

DATE:
9/18/13

JOB:
1808



30 Maplewood Avenue



0 30 60 90 120 Feet

Event Listing by Date

Starting Date: 1/21/2014

Ending Date: 12/31/2014

Start End	Type Description	Location	Requestor	Vote Date
2/13/2014 2/17/2014	FESTIVAL The contact for this event is: Caitlyn Hassett Event Coordinator at Portsmouth Gas Light Co. (603) 969-8637 or functions@portsouthgaslight.com	North Church	Fire and Ice Festival for Pres	1/21/2014
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 - President@portsmouthchamber.org		Easter Seals Veteran's Count	11/18/2013
5/25/2014 5/25/2014	RACE Contact: Jeanine Sylvester, Proprietor, Runner's Alley, LLC (603) 430-1212. This is a 5K start and finish at Redhook Brewery.	Pease	Runner's Alley/Redhood Brewery	1/21/2014
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	Pease Tradeport	Sexual Assault Support Service	11/18/2013

Event Listing by Date

Starting Date: 1/21/2014

Ending Date: 12/31/2014

Start End	Type Description	Location	Requestor	Vote Date
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
9/ 7/2014 9/ 7/2014	BIKE TOUR Contact: Thomas Martin, Race Director	Downtown Portsmouth	Portsmouth Criterium	12/16/2013

Event Listing by Date

Starting Date: 1/21/2014

Ending Date: 12/31/2014

Start End	Type Description	Location	Requestor	Vote Date
9/13/2014 9/13/2014	ROAD RACE Celebrate Pink Community Road Race Series Contact: Wendy McCoolle		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
9/28/2014 9/28/2014	WALK Beck Coliandris, Development Officer is the contact for this event. This event begins and ends at Strawberry Banke, Walk site opens at 8:30 a.m., the walk kicks off at 10:00 a.m.	Strawberry Banke	Alzheimer's Association	1/21/2014
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



CITY OF PORTSMOUTH, N.H.
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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

Committee: Planning Board Initial applicant

Name: Justin Finn Telephone: 603-433-5515 / 603-828-1021
Cell

Could you be contacted at work? YES NO If so, telephone # 603-433-5515

Street address: 100 Ledgewood Dr. #11 Portsmouth, NH 03801

Mailing address (if different): 42 middle street Portsmouth, NH 03801 - Busine.

Email address (for clerk's office communication): JustinF@secureplanninginc.com

How long have you been a resident of Portsmouth? 32 years - born in Portsmouth

Occupational background:

Investment Advisor - Secure Planning
Investment firm founded in Portsmouth, NH 1990
we are located downtown 42 middle street.

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

I have never served on this board, so my
experience is none.



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: Portsmouth is in my blood
and to have the opportunity to serve this community
is a great honor. Also, the planning of the Ten year
vision excites me and to be part of a great
team already in place.

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

Portsmouth Rotary club
Salvation Army Advisory Board - Portsmouth, Current
Chair.
Portsmouth Little League - Volunteer Umpire

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

- 1) Fred Dolman - 136 Hill Street Unit 2 - Portsmouth - 603-828-363
Name, address, telephone number
- 2) Lisa Dugan - 1 Princeton Street - Portsmouth - 603-502-0516
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature: [Signature]

Date: 9-26-13

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

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



CITY OF PORTSMOUTH, N.H.
BOARDS AND COMMISSIONS

RECEIVED
JAN - 6 2014

APPOINTMENT APPLICATION

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

Committee: Portsmouth Housing Authority Initial applicant

Name: Gibson "Mike" Kennedy Telephone: (347) 276-6542

Could you be contacted at work? YES/NO If so, telephone# N/A retired

Street address: 267 Mercy St

Mailing address (if different): _____

Email address (for clerk's office communication): tz250es335@msn.com

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

Occupational background:

V.P. Chief Information Officer at BAE Systems North America. During my 30 year tenure I also served as Director of IT Strategic Plans and Programs in Lockheed Martin Enterprise Information Systems.

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

Strategic Information Systems planning, NH IT Strategic Planning Commission (see attached letter from Governor Jackson) General business management. Productivity analysis & improvement. Service with United Way of Greater Nashua.

OVER
➔

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

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

Reasons for wishing to serve: As a retired executive I want to
serve my community.

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

none at this time

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

1) Peter Morin, 49 Pickering St, Portsmouth (603) 433-7070
Name, address, telephone number

2) Kathy Logan, 21 Blossom St, Portsmouth (603) 591-2624
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature: [Signature] Date: 1-14-14

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



JEANNE SHAHEEN
GOVERNOR

STATE OF NEW HAMPSHIRE

OFFICE OF THE GOVERNOR

March 19, 2001

Mike Kennedy
Director of Internal Information Systems
BAE Systems
PO Box 868, MER 15-1206
Nashua, NH 03061

Dear Mike:

Thank you so much for taking the time to serve as a member of the Information Technology Strategic Planning Commission. The Commission's work and its findings will play a vital role in helping New Hampshire State government use information technology to be more efficient and improve services for its citizens.

I am also pleased that Eric Herr has agreed to help oversee implementation of the Commission's findings as my Senior Advisor for Digital Government. I have also asked several members of the Commission to serve as members of the revitalized Division of Information Technology Management Advisory Council. I am confident that with the commitment of our state agency heads and the input of business and municipal officials, the goals of the commission can be realized.

Again, thank you for your dedication and service to this important initiative. I look forward to working closely with you as we continue to improve the way we do business for our state's citizens.

Very truly yours,

A handwritten signature in cursive script that reads "Jeanne Shaheen".

Jeanne Shaheen

Gibson "Mike" Kennedy

Professional Experience Summary:

Twenty-five years supervisory and management experience. The past six have been spent exclusively in the Information Technology field in a succession of staff and line positions at both Company and Corporate levels. Equally adept at creating strategic direction and directing day-to-day operations. Particular strengths: leading cross-organizational and cross-functional technical and management teams, energizing and motivating personnel, reducing internal costs while maintaining or improving service delivered, strong focus on meeting internal customer needs within the context of the larger business' overall objectives.

Work Experience Summary (Last five positions starting with current position):

Title: Director, Internal Information Systems **Company:** Sanders, a Lockheed Martin Company – Nashua, NH **From-** August 1997
To: Present

Responsibilities:

Managed annual \$40M expense and \$9M capital budgets and 175 personnel to provide complete Information Technology (IT) service to a \$1B defense electronics business. Activity includes all mainframe, midframe, UNIX workstation, PC desktop, LAN, WAN, and telecommunications (both voice and data) operation and support for an engineering intensive business.

Significant accomplishments include:

- Improved service/support delivery by 50% with no added expense
- Integrated three geographically dispersed (Lexington, MA; Pomona, CA; Yonkers, NY) companies into Sanders business systems and infrastructure (700 employees)
- Implemented comprehensive IT performance metrics program for fact-based management of resources
- Benchmarked Sanders IT costs and service delivery against like functions in industry. Found to be delivering exceptional service with profile of a low cost provider (Gartner Group)
- Migrated 5,000 employees from Novell/Win 3.1 to NT server/NT workstation environment
- Introduced defined-scope service/support delivery model with emphasis on standard tools
- Implemented Peoplesoft HR Benefits/Payroll system
- Managed migration to new Corporate messaging system (MS Exchange/Outlook)
- Directed successful Year 2000 compliance effort
- Reduced annual maintenance/licensing expense by \$2M
- Mitigated severe IT staff morale/attrition problem associated with rebadging personnel from Sanders to "insource" provider.

Title: Director, Sector Initiatives and IT Planning, Space & Missiles Sector **Company:** Lockheed Martin Internal Information Services – Sunnyvale, CA **From-** March 1996
To: August 1997

Responsibilities:

Produced IT Strategic Plan for Lockheed Martin Space and Strategic Missiles Sector (S&SM). This plan guides IT investment and operational expenditures approaching \$600M per year with a view towards enabling business-to-business integration and systems interoperation. Provided leadership and direction to Sector Companies in producing Company level plans and technical architecture specifications.

Directed Network Capacity Planning effort drawing on both Lockheed Martin Enterprise Information Services (EIS) technical and Sector business unit personnel to scope future requirements and develop strategies for dealing with explosive growth in demand for intra- and inter-business information flow.

Initiated and led S&SM Sector Business Process and Systems Integration effort. This project involved bringing together functional process owners and IT professionals from across the Sector to define: the operational concept for designing and manufacturing space and missiles products across multiple business boundaries; the systems architecture to facilitate engineering, manufacturing, and program management information flow.

Developed comprehensive Customer Satisfaction program across Sector Companies and EIS functional organizations to assess value and quality of IT services in supporting the business.

Represented the Sector's interests on the EIS Information Architecture Board, LM Electronic Commerce Council, and Information Technology Acquisition Council.

Experience with Enterprise Resource Planning (ERP) systems, Product Data Management (PDM) systems, Collaborative Computing technologies, and Web-enabled Program Information integration architectures.

Title: Information Resource Manager **Company:** Sanders, a Lockheed martin Company - Nashua, NH **From-** May 1995
To: March 1996

Responsibilities:

Produced Sanders IT Strategic Plan

Managed data and systems migration project in support of LM Electronics Sector restructuring; responsible for ensuring that technical and business information as well as applicable workstations and software licenses were transferred between businesses in Nashua, Utica, Syracuse, and Ballimore.

Title: Manager, Office Systems **Company:** Sanders, a Lockheed martin Company - Nashua, NH **From-** July 1994
To: May 1995

Responsibilities:

Managed operations of a 9 person applications integration group focused on development of systems supporting marketing, manufacturing, and communications departments as well as general office automation tools (e-mail, e-forms, EDI.)

Evaluated, procured, and monitored operation of systems for client-server applications including real-time satellite based data feeds.

Title: Manager, Media Services **Company:** Sanders, a Lockheed martin Company - Nashua, NH **From-** August 1990
To: July 1994

Responsibilities:

Managed 60 person department providing computer and conventional graphic arts, printing and reproduction, photography, inter-office mail, and technical library services to the Sanders business.

Developed and managed capital, manpower, and operating budgets of up to \$4M/year.

Planned and implemented restructuring and consolidation of this group during defense industry business downturn - staff and budgets reduced 30% over a two-year period while improving service levels and customer satisfaction.

Education:

<u>Program Title</u>	<u>Institution</u>	<u>Year Completed</u>
Master of Business Administration	Rivler College, Nashua, NH	1984
BS, Communications	Boston University, Boston, MA	1972

January 29, 2014

To The Portsmouth City Council

An item appears under my name for the Monday, February 3rd meeting concerning the Sea-3 propane deliveries on rail tracks that go through Portsmouth.

I suggest four initiatives that perhaps we can explore concerning the Sea-3 plans, and the margin of safety for which we should advocate as train cars containing propane travel through Portsmouth:

- 1. That we contact our Congressional Delegation, urging them to meet with federal officials, including those of the Federal Railroad Administration, who have regulatory authority over train lines or propane shipment to ensure the greatest possible safety as the shipments travel through our neighborhoods. We should ask that they then report back to us, since we are their constituents and they are our representatives.
- 2. That we also contact the New Hampshire Department of Transportation to ensure that they become fully involved in discussions concerning the expansion plans of Sea-3 to guarantee oversight of rail line conditions and crossings throughout the Seacoast. We should encourage them to team up with Maine officials as well, since a problem on the rail line on the New Hampshire side could affect residents of that state.
- 3. That we request our city officials to ask state and federal authorities to determine if the owners of the rail line, or Sea-3, have had to undergo any environmental impact studies or analysis as a result of the large expansion requests related to their rail shipments. With the additional use of rail traffic, there will be added diesel exhaust pollution and the possibilities of affects on sensitive wetlands, as well as potential impact on the Piscataqua River.


- 4. That we encourage our Fire Chief and other city officials as necessary to consider organizing a regional-wide forum, including at least our neighboring communities of Newington, Greenland, Stratham, Exeter, Kittery, and Elliot. At that forum should be invited officials of Sea-3 to learn of frequency of planned shipments, as well as rail line officials to learn the planned margin of safety and how speed limits are regulated and enforced. Included could also be consideration of a method to be sure that our local safety officials are informed of times of shipment, and explore any additional training our safety officials may need to prepare for eventualities.

As one of the residents immediately abutting the rail line that is used by Sea-3 shipments recently noted, the current expansion request by Sea-3 may only be the first of more to come -- considering the expansion of natural gas drilling and energy needs in America.

The most basic function of government at the local, regional, state, and federal levels is to provide for the security and safety of our citizens. There have been serious concerns raised, not just by immediate residents of the rail line passage ways, but by others. We should take significant actions to be sure that those concerns are fully addressed.

With this memo is a compilation of materials that further discuss some of the concerns of the Sea-3 shipments. I have added the minutes of the recent December 9, 2013 Town of Newington Planning Board meeting on this topic, which details interactive dialogue among those attending.

Thank You,


Jim Splaine
City Councilor

Propane firm expansion plan sparks railroad concerns

By **Joey Cresta**

jcresta@seacoastonline.com

December 10, 2013 2:00 AM

NEWINGTON — The town will ask federal railroad authorities to take a closer look at the Pan Am railroad in light of concerns raised about the expansion of a local company's propane exporting capabilities.

The Planning Board on Monday night continued a public hearing on the proposal of Sea-3 to expand its propane operation at 109 Shattuck Way. Sea-3 is part of the liquefied petroleum gas (propane) division of Transamerica, a worldwide group trading in ammonia, fertilizer, LPG, petrochemicals and other commodities.

While it has traditionally imported propane, Sea-3 is seeking to modify its facility to become a propane exporter due to recent market changes fueled by the domestic process known as hydraulic fracturing, or fracking.

Sea-3's proposal has attracted the attention of neighbors in Newington and officials in surrounding communities who believe their towns and residents will be affected by the changes. Monday's meeting drew a large crowd including residents of Portsmouth, town officials from Newington and Newfields Fire Chief Jeff Buxton.

"Our concerns are not with the site itself, but with the LPG coming through the town of Greenland and the street and the road crossings," Greenland Town Administrator Karen Anderson said.

Greenland officials said there are 10 crossings in town where the railroad crosses over roads. Cynthia Scarano, executive vice president of Pan Am Railways, said she will be sitting down with the N.H. Department of Transportation to talk about crossings over state highways, and is willing to do the same with towns at crossings over town roads.

Those discussions, however, are not tied to the approval process for Sea-3 because the railroad is entirely separate from that company's proposal, she said.

Portsmouth's Rich DiPentima, a former state representative, said he is concerned if there is a change to the amount of hazardous cargo transported along the tracks, especially due to the tracks' proximity to the proposed location of a new, 98-room hotel with condos and a Whole Foods store.

In a letter to the town of Newington, Portsmouth Planning Director Rick Taintor addressed other potential impacts to the city, including the possibility that rail cars would be stored in the rail yard near the North Mill Pond. This is adjacent to the dense McDonough Street neighborhood, and in years past, the idling of locomotives at night was "significant problem" due to noise impacts, he said.

"The city is strongly opposed to any change in railroad operations that would include nighttime idling in the yard," Taintor wrote.

When asked about whether Pan Am may seek to change the railroad's classification to allow freight trains to travel faster than the current 10 mph speed limit, Scarano was noncommittal. She did note that the speed is set by the classification of the track, and not by what types of development surround the track.

Newington has hired a consultant, Stephen Sawyer, to provide recommendations on how best to proceed with the rail aspect of the project. He is the vice president of transportation at Sebago Technics in South Portland, Maine.

Sawyer said that since the Federal Railroad Administration monitors rail traffic for compliance with safety standards, the town should write a letter requesting the FRA investigate the condition of the tracks. He advised including the N.H. Department of Transportation in the conversation because the state typically manages crossings such as sight distances at railroad crossings.

"That puts them on notice and they will then take the appropriate action," he said.

Planning Board Chairman Denis Hebert requested that such a letter be drafted, and that it be sent on behalf of the region. The Planning Board will continue its Sea-3 discussion at its January meeting.

Sea-3 clarifies plans for propane operation

Company dropping emphasis on desire to export fuel

By Joey Cresta

jcresta@seacoastonline.com

December 20, 2013 2:00 AM

NEWINGTON — In a reversal of previous statements, officials involved with the Sea-3 expansion are now describing it as a project primarily dealing with distributing propane throughout the region, rather than exporting overseas.

Currently pending before the Newington Planning Board is Sea-3's proposal to reconfigure its terminal at 190 Shattuck Way to accommodate rail shipments of liquefied petroleum gas, otherwise known as propane.

At meetings held on the proposal thus far, the emphasis has consistently been on how the expansion would allow Sea-3 to convert its operations from importing to exporting. The change is necessary for the survival of the business, according to officials, due to changes in the propane market resulting from domestic hydraulic fracturing, or fracking.

At an initial meeting on the proposal in November, Paul Bogan, Sea-3 vice president of operations, said some of the propane delivered by rail would be pumped directly to trucks for local distribution, while the rest would remain in storage until shipped overseas by freighter four to six times annually.

However, in a conference call with the Portsmouth Herald this week, Bogan and Fred Lowenfels, general counsel for parent company Trammo Inc., talked about how the operations vary based on market fluctuations and how their intentions for the expansion have changed over time.

According to Bogan, the thinking early on was that Sea-3 could become an export terminal. However, the operation would be much smaller compared to larger companies involved in exporting, he said.

Instead, Sea-3 now envisions the expansion as a necessary first step to bring the facility back into use by capturing the domestic production of propane and distributing it to the region. Bogan said Sea-3's refrigerated storage tanks can hold roughly 23 million gallons of propane, a stockpile that would be of great importance to New England in the winter months when demand for propane rises.

"We hope we'll be able to make the project work. If we are able to do it, it will be a great benefit to the region," Lowenfels said.

Lowenfels said the Sea-3 terminal has been a benefit to the entire Northeast as a source of good, cheap, reliable energy. Built in 1975, it was purchased by Transammonia in 1985. Transammonia, Forbes' 24th-largest private company in the country in 2012, changed its name to Trammo in October.

The prime source of propane in the Northeast produced through fracking is the Marcellus shale formation, a sedimentary rock buried thousands of feet beneath the Earth's surface, stretching from upstate New York south through Pennsylvania to West Virginia and west to parts of Ohio.

Bogan cited the prohibitive cost when asked why Trammo does not seek to build a facility closer to the major areas of propane production. The company also hopes to make use of its existing facility in Newington and the well-trained employees who have been there for years.

"To reproduce what we have here, you're talking \$30 (million) to \$40 million," he said.

The fact that propane would need to be shipped by freight rail to the Newington facility is a prime concern of residents and Seacoast community leaders who have taken an interest in the project. Bogan and Lowenfels said safety is also a point of emphasis for the company, pointing to a sterling safety record for the past 30-plus years.

All employees go through training to ensure compliance with stringent safety rules, and Bogan is a principal on a National Fire Protection Association technical committee that oversees and recommends changes on NFPA's

liquefied petroleum gas code. Lowenfels called him "one of the foremost safety experts regarding propane in the country."

"Safety is certainly our concern," he said. "This is our back yard. These are our customers. These are our neighbors. We will do everything we can to ensure this is safe."

During the interview, the officials gave a glimpse into the timeline they envision for the project. Once they have a permit from the town in hand, Bogan said it would still be 10 months before all the engineering, construction and equipment installation needed to off-load more freight cars is completed.

Lowenfels cautioned that other decisions still have to be made after receiving the town's approval based on the logistics of getting a consistent supply of propane to the facility.

"We want to be ready for winter 2014," he said. "We've got to get moving. ... There are lots of different parts of the project which we're all working on."

- Operations began in 1975.
- 14 employees based at the terminal, which operates on a 24/7 basis.
- Site handles up to 200 million gallons of liquefied propane annually.
- Staff required to attend Massachusetts Firefighting Academy every three years.
- Two on-site tanks can store up to 560,000 barrels of refrigerated propane.
- Current truck and rail car racks are capable of loading up to 2 million gallons of product daily.

Source: Fact sheets provided by Trammo

Town of Newington, NH

PLANNING BOARD

Meeting Minutes, Monday, December 9, 2013

- Call to Order:** Chair Denis Hebert called the December 9, 2013 meeting at 6:30 PM.
- Present:** Vice Chair, Mike Marconi; Bernie Christopher; Alternate Member, Peggy Lamson; Board of Selectmen Rep, Rick Stern; Jane Kendall, Recorder; and Thomas Morgan, Town Planner
- Absent:** Jack Pare and Justin Richardson
- Public Guests:** Karen Anderson, Administrator for the Town of Greenland; Ken Anderson, Pickering Marine; Brenda Belonigan; Paul Bogan, VP Operations, Sea-3; Jeff Buxton, Town of Newfields Fire Department; Maggie Cook; Rich DiPentima; Stephen Haight, P.E., Haight Engineering; Bob Keating, Shaftmaster; Dan Latievierre; Troy Leedburg; Attorney, Alec McEachren; Greg Mikolaites, Tighe & Bond Engineering; Michael Mathes; Nicholas Middle, Fox Run Mall Representative; Edna Mosher; Paul Reardon; Attorney Paul Sanderson; Cynthia Scarano, Executive VP & Robert Culliford, Senior VP & General Counsel of Pan Am Railways; John Sullivan; Steven Sawyer; Bill and Sandy Sweeney; Attorney Richard Uchida; David Vincent, Surveyor; Randy Watson; Attorney Patricia Weathersbee; Joey Cresta with "Portsmouth Herald"

1) Public Hearings:

A) Proposal by **Sea-3** to reconfigure its terminal at **190 Shattuck Way** (Tax Map 14 Lot 2; and Map 20 Lot 13) in order to accommodate Liquefied Petroleum Gas (LPG) shipments via rail, and the export of same via ocean-going ships.

Paul Bogan, VP Operations, Sea-3 returned to the Board to continue the public hearing for their proposal after a regional impact notice had gone out to the towns of Greenland, Portsmouth, Newfield and Stratham. Ms. Cynthia Scarano, Executive VP & Robert Culliford, Senior VP & General Counsel of Pan Am Railways were also in attendance to answer questions regarding the rail line.

Mr. Paul Reardon of Patterson Lane, Newington asked Mr. Bogan how many rail trucks would be coming in and out for propane pickup and deliveries a day, and Mr. Bogan said no more than twelve a day. When asked how many homes or business were direct abutters, Mr. Bogan replied that there were a couple of cottages and the Sprague Energy Terminal.

Ms. Karen Anderson, Administrator for the Town of Greenland said they were concerned with railcars carrying LPG going over railroad crossings on their public roads on a daily basis at increased speeds. She asked if there were any plans on training school children on railway safety. Ms. Cynthia Scarano, Executive VP for Pan Am Railways said railcars were using the tracks already, and the number of railcars had always varied depending on the amount of business they were seeing. Ms. Scarano

Town of Newington, NH

PLANNING BOARD

Meeting Minutes, Monday, December 9, 2013

said inspection of the railway crossings came under the Department of Transportation (DOT), and the rest of the railroad came under the Federal Railway Administration (FRA). She said they were under Federal jurisdiction because they were passing through several states and numerous cities and towns so there was no requirement for local approval on the number of cars that passed through. Ms. Scarano said the rails were inspected regularly and were currently approved for 10 mph travel with no plans to increase rail speed at this time. She also said Pan Am Railways is a member of Operation Life Saver made up of employees that volunteer to go into schools to educate students on rail safety, and they could be called to set up a presentation.

Mr. Rich DiPentima, a member of the Portsmouth Conservation Commission expressed concern with LPG railcars passing within 20 feet of the Harbor House Hotel and condominiums, the upcoming Wholefoods Market on Maplewood Avenue, and within 5-20 feet of Atlantic Heights, Spinnaker Point, and other residences and businesses in Portsmouth. Ms. Scarano said it was already an active railroad operating three times a week, and that freight rails operated at slower speeds and not on the same schedule as passenger rails. Mr. Bogan said they had transported propane in various volumes over the tracks since 1995.

Ms. Peggy Lamson, alternate Board member said she understood economic importance of the product, but it was the town's duty to look at safety for their citizens.

Chairman Denis Hebert said the Town had hired an independent railway-engineering consultant, Mr. Steven Sawyer, P.E. with Sebago Transportation Services. Chairman Hebert asked Mr. Sawyer to explain the railroad safety inspection process. Mr. Sawyer said the FRA is responsible for monitoring railway track safety and standards in the region, and the DOT is responsible for railway crossings. Mr. Sawyer suggested they proceed with due diligence and write a letter to the FRA informing them of the proposal and requesting they investigate the condition of the railroad tracks and product carrier, and also contact Mr. John Robinson in railroad inspection with DOT to access and inspect the railways crossings. Chairman Hebert asked how the towns within the regional impact should get involved, and Mr. Sawyer said it would have a greater impact to write the letter as a community effort. Chairman Hebert asked Ms. Anderson if the Town of Greenland would be interested in being included in the letter, and she said they would.

Chairman Hebert asked Mr. Sawyer if the DOT and the FRA would have a forum open for public comment. Mr. Sawyer said he doubted if they would conduct an open process.

Mr. Reardon said he spoke with the Speary inspection crew from Portsmouth and they told him there were multiple deficiencies on the rail line, that there were still materials from the late 1800's to early 1900's. He said he observed bowing of the railroad ties in some areas and gravel laid under them to shore them up. Mr. Reardon said they should be fixed because safety should come before all else. Vice-Chair Marconi asked Ms. Scarano how far the cars would go up toward Patterson Lane, and she said the cars would only go as far as the Sea-3 facility.

Town of Newington, NH

PLANNING BOARD

Meeting Minutes, Monday, December 9, 2013

Mr. Bill Sweeney of Patterson Lane asked if there would be an increase in the number of rail cars and times they passed, and Mr. Bogan said the capacity of the chillers and drying towers prevented more than twelve cars a day.

Mr. Reardon asked where the ships would come in and Mr. Bogan said they would come into the same pier they had used for the past 34 years.

Attorney Patty Weathersbee, representing Matt Mateva who owns two rentals between Shaftmaster and the proposal said her client was concerned about any potential for explosions or acts of terrorism. Attorney Weathersby said they would like to see the construction of passive protection like a berm with a blast wall, fire suppression and improved security to seal off the area. She said she was pleased that the Town had hired Mr. Sawyer as a consultant. Mr. Bogan said they were required by the U.S. Coast Guard to have security plans, monitoring cameras 24 hours a day, adequate lighting, fire safety analysis and meet fire protection standards. He also said they had discussed a berm along the property line.

Mr. Reardon asked where the railroad cars would rest over night, and Mr. Bogan said they would hold six cars overnight on their lot near the chillers. Ms. Scarano said the business owner does all the loading and unloading and they do all the switching of cars.

Mr. Don Lalevierre, who lives at one of his brother's properties on Patterson Lane, said it was already noisy and he was concerned with light and noise. Mr. Bogan said there might be noise from other industry nearby, but there was very little noise from their operation, and they didn't anticipate any added noise impact from the insulated chillers. Chairman Hebert said steel on steel does make noise, but he hoped they would try to minimize it. He said they used berms at Pease and it worked quite well to reduce noise. Attorney Weathersbee asked if the tanks could be moved further north from the residents, and Mr. Bogan said they could only be moved 10-12 feet at best and their location proposal was to give emergency responders space.

Ms. Anderson said recognizing a list of deficiencies would not resolve issues and Greenland would like to make it a stipulation for approval that Pan Am Railroad work with the communities on safety improvements. Chairman Hebert said Pan Am had offered to work with them, but he didn't think the Town could take on any liability by making safety improvements by Pan Am a stipulation for approval as they were under Federal jurisdiction, and it was up to the FRA to do their job.

Mr. Reardon asked if the railroad cars had alarms and fire suppression systems and Mr. Bogan said the operation was manned 24/7, 365 days a year and were trained in emergency safety response. Mr. Reardon asked if water was the only means of fire suppression, and Mr. Bogan said it was the primary source to cool metal to keep it from rupturing and to stop the flow of fuel, keeping in mind that they would want fire to burn the fuel out at the source in some cases rather than allow gas to spread.

Vice-Chair Mike Marconi asked Mr. Bogan what his qualifications in fire safety were, and Mr. Bogan said he was a principal member of the NFPA50 committee and also a fire safety instructor of propane fire emergencies at the Massachusetts and New Hampshire Fire Academy twice a year.

Town of Newington, NH

PLANNING BOARD

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Mr. DiPentima asked who owned the tank cars and who was responsible for their maintenance. Ms. Scarano said some customers own their own cars and some lease them, but the Association of American Railroads was responsible for inspecting them. She said GATX was a major leaser of boxcars and tankers. Chairman Hebert asked if they would refuse a car in poor condition, and Ms. Scarano said they only inspected the exterior. Chairman Hebert asked Mr. Bogan what safety measures there were on the cars and Mr. Bogan said after a review of cars bumping into one another, improvements were made in the couplings and insulating front and back with header shields. Vice-Chair Marconi asked if they had cameras to monitor the engineers driving behaviors to avoid derailment as had happened in the Bronx recently, and Ms. Scarano said they did not. He said that was an improvement they might consider.

Mr. John Sullivan of Dunlavey Way in Portsmouth said he lived in a house 50' from the tracks and was concerned that the 10 mph speed might increase to 25 mph. Ms. Scarano said the speed was determined by track classification which was set by the FRA, and was based on the track condition. She said Amtrak passenger rails go at higher speeds and have a higher track classification. Mr. Sullivan asked if the speed was based on the residential areas they go through and Ms. Scarano said it was not.

Mr. Jeff Buxton from Newfields Fire Department said they shared safety concerns because they went through their town as well, and he believed they went through at higher speeds. Chairman Hebert asked why they only went 10 mph through the towns of Greenland, Newington, and Portsmouth, and Ms. Scarano said it had to do with the condition of the tracks.

Town Planner, Tom Morgan said the Planning Board had asked him to locate a LPG fire safety consultant, and the State fire marshal recommended Mr. Nicholas Criscenti, President of SFC Engineering Partnership. Chairman Hebert said he would like legal counsel to review the terms of the contract first. Mr. Bogan said he would like to know the fee, and Chairman Hebert said he could check with Mr. Morgan.

Vice-Chair Marconi asked if there was anyone representing the City of Portsmouth, and no one spoke up, but Chairman Hebert said they had received a letter from Portsmouth Planning Director, Rick Taintor. Vice-Chair Marconi said they should ask the City of Portsmouth to take part in the process. Chairman Hebert asked Mr. Morgan to invite the other towns to participate within the next ten days, and draft a letter to the FRA to investigate the condition of the tracks and the DOT to investigate the railroad crossings.

Chairman Hebert continued the public hearing to Monday, January 13, 2014.

B) Proposal for a lot line adjustment between Dorothy **Watson's** property at **133 Fox Point Road** and the **Mathes'** lot on the corner of Fox Point Road and Nimble Hill Road, Tax Map 17, Lot 11 & 11-2.

Chairman Hebert asked Mr. Morgan to update the Board on what he found out regarding a lot line adjustment stipulations for a single house. Mr. Morgan said Mr. Mathes' potential buyer did not want a stipulation to be referenced on the deed that would restrict future subdivision of the lot, despite limited buildable area due to wetlands

Town of Newington, NH

PLANNING BOARD

Meeting Minutes, Monday, December 9, 2013

buffers. Chairman Hebert said they contacted Town counsel, Attorney Rattigan who said the owner could come back to the Board if they wanted to subdivide and they would need a wetlands scientist report, and request a curb cut be added to the plan. Ms. Dorothy Watson's nephew, Randy Watson asked where the adjustment was being made and Mr. David Vincent, the surveyor showed him.

Chairman Hebert asked Mr. Mathes if he had legal authority to represent Ms. Watson, and Mr. Mathes said he had power of attorney through Attorney Bill Boshe

Chairman Hebert said he would like a concrete or granite marker, not just a pin, and Mr. Vincent agreed.

Peggy Lamson moved to accept the proposal for a lot line adjustment between Dorothy Watson's property at 133 Fox Point Road and the Mathes lot on the corner of Fox Point Road and Nimble Hill Road, Tax Map 17, Lots 11 & 11-2. Mike Marconi seconded, and all were in favor.

(Chairman Hebert left at this point in the meeting and Vice-Chair Marconi chaired the rest of the meeting from this point on)

C) Proposal by **Fox Run Mall** to modernize exterior signs throughout its shopping center property at **45 Fox Run Road**, Tax Map 27 Lot 11.

Mr. Nicholas Middle, representing the Fox Run Mall came in response to questions posed to Mr. Keith Boyle with Boyle Studies at the November 18, 2013 meeting regarding the intensity of sign lighting. Mr. Middle presented the same drawings that Mr. Boyle presented. Mr. Middle reiterated that the incandescent lights illuminating the signs on the pylons would have the same 30,000 lumens that they had before and the LED signs on the buildings would only be shining through the lettering, not the entire backboard.

Mr. Morgan said mall management would need to follow the ordinances regarding the size of the wayfinding signs or come before the Board of Adjustment.

Bernie Christopher moved to accept the proposal by Fox Run Mall to modernize exterior signs throughout its shopping center property at 45 Fox Run Road, Tax Map 27 Lot 11. Peggy Lamson seconded, and all were in favor.

D) Proposal by **Pickering Marine** to construct a pier and laydown area near the eastern end of **Shaftmaster Drive**, Tax Map 20 Lot 1.

Mr. Gregg Mikolaites with Tighe and Bond Engineering reviewed the site plan showing how delivery trucks would enter and exit. He said they met with the Conservation Commission and received a recommendation for their DES permits.

Mr. Bob Keating abutter from Shaftmaster said they had no problem with the proposal.

Board of Selectmen representative, Rick Stern asked what they were going to use for the laydown area, and Mr. Ken Anderson with Pickering Marine said they would use gravel. Mr. Stern asked if there were any plans to pave, and Mr. Anderson said there were not.

January 29, 2014

To the Portsmouth City Council

On the City Council agenda for February 3rd, "**Borthwick Forest**" has been included under my name.


Like all of us, I have been following the discussions dating back many years about potential development of the land generally known as "Borthwick Forest," which is between Islington Street and Borthwick Avenue.

My interest was heightened when on December 17th, 2013 I read a recent letter in The Portsmouth Herald by Portsmouth residents Linda and Ralph DiBernardo, which appears with this memo.

I would like to ask the Council if there is consensus that we request a report back from the **Conservation Commission**, the **Recreation Board**, and the **Economic Development Commission** about the advisability and practicality of preserving the land currently undeveloped in Borthwick Forest as a recreational resource for the future of our community.

This request would ask for an exploration of ways that a private-public partnership, or some other creative financial arrangement, could permanently secure all or a part of that land for our future citizens for recreational purposes.

I would further request that we receive a report back from the Conservation Commission, the Recreation Board, and the Economic Development Commission the first week of June of this year.

Thank You,

Jim Splaine
City Councilor

Portsmouth has chance to invest in key property

December 17, 2013 2:00 AM

Dec. 15 — To the Editor:

Portsmouth could have its own Central Park, a place with walking and biking paths, ponds for fishing and skating, and many trees and even perhaps sports fields. Like the people of New York City many years ago, we could leave something to be cherished by this community for years to come.

We attended the Conservation Commission meeting on Dec. 11, when a 5-2 vote denied a developer's application to infringe on the wetland buffer to build a road from Islington Street to Borthwick Avenue. The construction would also have required the removal of 50 mature trees. The road would have supported undefined development of 40 acres of open land that is adjacent to the city property known as the Sherburne pumping station and wells, which supply part of our city drinking water.

If the city could negotiate the purchase of this property for conservation and recreation use it would become a gem to be enjoyed by all, including wildlife that presently exist there. It has become common practice in progressive communities to purchase land from developers to improve the well being of the community by preserving it as open space to protect air and water quality. There is little open land of this quality left in the city, and we feel this is an opportunity we should not miss. Let's plan now to leave something beautiful for the future generations of Portsmouth.

Linda and Ralph DiBernardo

Portsmouth

January 29, 2014

To the Portsmouth City Council:

I propose that we adopt a Resolution supporting a Portsmouth non-discrimination policy for our transgender municipal employees, and encouraging statewide protections for transgender individuals. I ask that we request our City Attorney to prepare a formal Resolution for consideration at our next meeting of Tuesday, February 18th.

The contents may include:

"WHEREAS, Transgender individuals are valuable members of our Portsmouth community and contribute to the strength and success of our city."

"WHEREAS, Because there are no statewide protections in the State of New Hampshire for our transgender citizens, many transgender individuals do not have full and equal opportunities to achieve their potential and contribute to their communities given the discrimination, harassment, and violence they may face in areas such as employment, housing, and public accommodations."

"WHEREAS, In studies, 47 percent of transgender individuals report having been fired, not hired, or denied a promotion because of being transgender, and 90 percent report having experienced harassment, mistreatment, or discrimination in a job."

"WHEREAS, Seventeen states - California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Iowa, Massachusetts, Maine, Minnesota, New Jersey, New Mexico, Nevada, Oregon, Rhode Island, Vermont, and Washington, as well as the District of Columbia, the federal government, and almost two hundred municipalities nationwide have adopted anti-discrimination protections for transgender individuals."

"WHEREAS, While New Hampshire has statewide protections against discrimination based upon age, sex, sexual orientation, race, creed, color, marital status, physical or mental disability or national origin in the areas of employment, housing, and public accommodations, and allows for marriage equality for our gay and lesbian citizens, it does not have similar protections against discrimination toward transgender individuals.

"WHEREAS, New Hampshire is the only New England state not to have adopted these protections for our transgender citizens."

"WHEREAS, Portsmouth has a long tradition of being a welcoming and accepting community that supports and celebrates all people to live their lives free of discrimination and harassment, including our transgender citizens."

"WHEREAS, Portsmouth respects the ideals provided in this nation, as guaranteed by the United States Constitution and the Constitution of the State of New Hampshire, which is spoken so strongly with the words '*...with liberty and justice for all.*'"

THEREFORE, BE IT RESOLVED:

"THAT the City of Portsmouth asks the City Manager to adopt a formal policy of non-discrimination regarding transgender municipal employees and to communicate that policy to its employees and within its employee policies and manuals."

"THAT the City of Portsmouth supports enactment of statewide anti-discrimination protections and equal treatment, respect, and dignity for transgender individuals in the areas of employment, housing, and public accommodations."

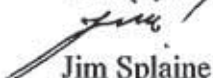
"FURTHER, THAT the City of Portsmouth expresses acceptance of the great diversity of the people of our community, or state, our nation, and our world, realizing that all humans have the right to live with respect, and in dignity and peace."

It also be provided that:

A copy of this Resolution be sent to the Governor of the State of New Hampshire, the Speaker of the New Hampshire House of Representatives, and the President of the New Hampshire State Senate.

With our consensus, I ask that we request the City Attorney to prepare a formal Resolution for discussion and acceptance at our February 18th meeting.

Thank you,


Jim Splaine
City Councilor

January 21st, 2014

City Councilors, City Staff
City of Portsmouth, NH

Re: Mandatory Financial Disclosure as a Requirement for Public Service

Amendment C of the City Charter provides that the City Council shall establish Conflict of Interest Ordinance for City Departments, including police and school boards and commissions. At a minimum, this is to include, but is not limited to:

- A. **Mandatory financial disclosure by all police, school, municipal officials**, whether appointed or elected, of current personal sources of income and all capital assets including, but not limited to, stock and real estate holdings and interests, in a sworn statement before the City Clerk at least biannually or before assuming office.
- B. Mandatory review boards and procedures to determine violation of the ordinance.
- C. Mandatory penalties for violations of the ordinance.
- D. Comprehensive definitions of such violations, and procedures to be used in reporting, investigating, and correcting the results of violations.

City Ordinance Article XIII: CODE OF ETHICS and Article IX: CONFLICT OF INTEREST/MANDATORY FINANCIAL DISCLOSURE establish definitions and rules for conflict of interest, but only Article IX refers to mandatory financial disclosure requirements.

Article XIII defines **Officer** to include every member of the City Council, School Board, Police Commission, Fire Commission, each member of every land use regulatory board, i.e. the Board of Adjustment, Planning Board, Historic District Commission, Conservation Commission, Technical Advisory Committee, Traffic Safety Committee, Building Code Board of Appeals, Recreation Board, Planning and Development Council, and Economic Development Commission, every department head as that term is used in the Administrative Code, Chief of Police, Fire Chief, Superintendent of Schools, the Trustees of the Trust Funds and members of the Housing Authority.

Article IX defines **Municipal Official** to include only the City Council and School Board members.

The scope of these definitions pertain only to the article in which they are placed. Note, however, that the Municipal Officials in Article IX are also Officers as defined in Article XIII. The terms appear to be equivalent, or nearly so.

The City Charter states that the Conflict of Interest Ordinance shall include mandatory financial disclosure provisions. Article XIII fails to do so, though other provisions of the Charter are found there. Article IX fails to specifically mention police in its mandatory financial disclosure provision, which is required by the Charter.

Clearly, the City Charter's intent was that all city departments, the City Council, School Board, commissions and any and all like bodies that conduct official city business should fall under the Conflict of Interest Ordinances, which are to require mandatory financial disclosures for each and every member.

Another interpretation would be that Article XIII merely extends beyond the requirements of the Charter, and that the term, Municipal Officer, was chosen to be narrowly construed, being restricted to the City Council and the School Board. Besides police being left out, one has to wonder what, then, was meant by the Charter's use of the term, Municipal Official, since both police and school board were mentioned separately. Did the writers of the Charter really intend to have this mean only the City Council? If that were the case, then they would only have had to use that more specific term and not the more general term, City Official. City Official is a very broad term, and should be interpreted as such.

So, I conclude that the Charter expected more. How much more? I suggest that the definition of Officer in Article XIII is closer to the Charter's original intent for mandatory financial disclosure, than the definition of Municipal Official, in Article IX.

In addition to the above, the Ordinances are defective in not requiring more specific detail in the financial disclosure form itself (see section A above for minimum requirements).

Above and beyond the discussion of the defects found in the City Ordinances, as pointed out above, there is a moral and public policy need to expand the use of mandatory financial disclosures to all members in public service that hold the public trust by virtue of the powers granted to them in their acting capacity. At a minimum, the Ordinances must require mandatory financial disclosures of members of the land use boards, trustees of the trust funds, and department heads. Better, the entire list provided under Article XIII's definition of Officer should apply.

The Ordinances establishing the Conflict of Interest rules, including the mandatory financial disclosure requirements must be corrected.

It is for this reason that I bring to your attention the need for change, and that I will bring back amendments to the Ordinances for first reading, following review by the City Attorney and appropriate City Staff, at minimum.

I ask the City Attorney for an appropriate date to set first reading, and I ask each of you to support the change. I look forward to your suggestions and insight.

Sincerely,

Jack Thorsen
City Councilor, Portsmouth City Council

Jan 29th Update:

The letter above was distributed to councilors at the Jan 21st council meeting.

Mayor Lister will call a work session in the near future to discuss this topic. Data and time TBD.

Research will be conducted prior to the work session, in part by city staff and in part by community volunteers.

Volunteers from the community who would like to help with researching the history of the Charter Amendment and City Ordinance changes, going back to 1987 and just before, are requested to contact Jack Thorsen directly at jdt@mind.net.

Research includes:

- Documents of the City Council and other city bodies regarding Charter Amendment C

- Documents of the City Council and other city bodies regarding changes to related City Ordinances (Articles XIII and IX), including subsequent changes over later years.

- Whether there are state or federal level preemptive legislation that would affect or nullify the charter or ordinance changes.

- News publications that refer to the charter and ordinance changes.

- Feed back from individuals with knowledge contemporaneous to the changes, such as former city officials, and residents who voted for or against the charter amendment.

January 21st, 2014

City Councilors, City Staff
City of Portsmouth, NH

Re: City Council Request to the Planning Board to Review the Design Review Process

The City Council is asking the Planning Board to review the Design Review Process set up last year. The request was overly general and did not specify how this was to be done, nor was there any indication of what the City Council was looking to achieve. Thus, it was decided that I would carry the ball and compile a short list of specifics that might help guide the Planning Board's discussion.

The Planning Board has scheduled discussion on the matter for their February 20th meeting. City Planning Dept. Director, Rick Tainter asked that I submit the compilation to him one week prior to the Board meeting, February 13th, for inclusion in the Board's packet. I will ask the City Council to review and approve the compilation at our Feb 3rd meeting.

As a starting point, please find below some initial specifics that I've put together based on our last discussion and further reflection:

- Shall the Planning Board continue or discontinue the Design Review process?
- What constitutes a complete application for purposes of Design Review and who makes a determination of completeness?
- How does the Planning Board reject an incomplete application?
- How does the Planning Board dismiss an application?
- Should a rejection for incomplete application nullify vesting?
- What specific action is required during Design Review, other than presentations by the applicant and the public, and closing Design review at the end?

So, it is at this time that I solicit you, my fellow city councilors and city staff, for your feedback in order to complete the list of specifics regarding the Design Review process. We have two weeks to do this. I will then take this compilation back to the Planning Board.

Sincerely,

Jack Thorsen
City Councilor, Portsmouth City Council

MEMORANDUM

TO: John P. Bohenko, City Manager
FROM: Jane Shouse, Planning Department
SUBJECT: Planning Board Minutes
DATE: January 21, 2014

Please be advised that the approved minutes from the May 16, 2013, May 23, 2013 and June 20, 2013 Planning Board meetings are now available on the City's website for your review.

MEMORANDUM

TO: John P. Bohenko, City Manager
FROM: Jane Shouse, Planning Department
SUBJECT: Site Review Technical Advisory Committee Minutes
DATE: January 16, 2014

Please be advised that the approved minutes from the October 1, 2013 and November 5, 2013 Site Review Technical Advisory Committee meeting are now available on the City's website for your review.

MEMORANDUM

TO: John P. Bohenko, City Manager
FROM: Jane Shouse, Planning Department *gjs*
SUBJECT: Site Review Technical Advisory Committee Minutes
DATE: January 21, 2014

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