

# CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH  
DATE: TUESDAY, FEBRUARY 3, 2015 TIME: 6:15PM

## AGENDA

• **6:15PM – WORK SESSION WITH SCHOOL DEPARTMENT RE: CAPITAL IMPROVEMENT PLAN (CIP) PROJECTS**

**I. CALL TO ORDER (6:15PM)**

**II. ROLL CALL**

**III. INVOCATION**

**IV. PLEDGE OF ALLEGIANCE**

**PRESENTATION**

1. Comprehensive Annual Financial Report (CAFR) – Scott McIntire of Melanson, Heath & Company, P.C. Auditors' Financial Report for the Year Ending June 30, 2014 (Annual Audit)

**V. ACCEPTANCE OF MINUTES – JANUARY 20, 2015**

**VI. PUBLIC COMMENT SESSION**

**VII. PUBLIC HEARING**

- A. CAPITAL IMPROVEMENT PLAN (CIP) FY2016-2021 *(Action on this matter will be taken at the February 17, 2015 City Council meeting)*

**VIII. APPROVAL OF GRANTS/DONATIONS**

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

**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 1.7%**

Single	\$36,311.00 increase of \$607.00
Married	\$44,793.00 increase of \$749.00
Asset Limit of	\$121,039.00 increase of \$2,023.00

*(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 17, 2015 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 1.7%**

Single	\$36,311.00 increase of \$607.00
Married	\$44,793.00 increase of \$749.00
Asset Limit of	\$121,039.00 increase of \$2,023.00

***(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 17, 2015 City Council meeting)***

**X. CONSENT AGENDA**

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

- A. Acceptance of Police Department Grant & Donation:
- Acceptance of Training Grant from Police Standards & Training Council for Lt. Darrin Sargent to attend the Leadership Seacoast Program - \$837.50
  - Donation from Lynne Howard for the Portsmouth Police Explorers Post - \$50.00

***(Sample motion – move to approve and accept the grant and donation to the Portsmouth Police Department, as presented)***

- B. \*Acceptance of Donation to the Coalition Legal Fund:
- Town of Center Harbor - \$5,00.00

***(Anticipated action – move to approve and accept the donation as listed, to be placed in the Coalition Legal Fund)***

- C. Request for License from Helen Marks, owners of Spiritual Readings by Duchess for property located at 195 State 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 Helen Marks, owner of Spiritual Readings by Duchess for a projecting sign at property located at 195 State 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***

- D. Request for License from Terrence Parker and Jeff Demers, owners of Terra Firma Landscape Architecture & Jeff Demers Design for property located at 163 Court 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 Terrence Parker and Jeff Demers, owners of Terra Firma Landscape Architecture & Jeff Demers Design for a projecting sign at property located at 163 Court 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 Mark Epply regarding an article from the New York Times entitled “When the Parking Space Becomes a Park”

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

**A. CITY MANAGER**

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

1. First Reading of Proposed Resolution and Ordinance Amendments:
  - 1.1 First Reading of Proposed Resolutions Amending Elderly and Disabled Exemptions Income and Asset Limits (***Action on this item should take place under Section IX of the agenda***)
2. Public Hearing
  - 2.1 Public Hearing Re: Proposed Capital Improvement Plan (CIP) FY2016-2021 (***Action on this matter should take place at the February 17<sup>th</sup> City Council meeting***)

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

1. Request for Approval of the Financial Disclosure Statement
2. Request to First Reading Re: Refinancing Bond Issue for Library
3. Request to Establish Work Session on Monday, March 23, 2014 at 6:30 p.m. Re: Master Plan and Impact Fees
4. Request for Change of City Council Work Session from Monday, April 13, 2015 to Monday, April 27, 2015

**Informational items**

1. Events Listing
2. City Council Policy 2010-02 Regarding Brick Sidewalks and Driveway Aprons
3. Reminder of Upcoming City Council Work Sessions:
  - Thursday, February 5, 2015 Re: Proposed Second Parking Garage at 165 Deer Street at 6:30 p.m.
  - Monday, February 9, 2015 Re: AIRBNB and Abandoned/Derelict Buildings at 6:30 p.m.
4. Rockingham County Budget Discussion
5. News Release and Flyer Re: Community Development Block Grant Program for FY2015-2016
6. Islington Street Charrette
7. Land-use Compliance Agent

**B. MAYOR LISTER**

1. Appointment to be Voted:
  - Phyllis Eldridge – Reappointment to the Trustees of the Trust Funds

**C. ASSISTANT MAYOR SPLAINE**

1. Taxi Commission recommendations concerning Taxi Commission / Uber / Ride-Sharing Services (***See attached Memos from Assistant Mayor Splaine, City Attorney Sullivan and Commissioner Lawrence Cataldo***)

**D. COUNCILOR LOWN**

1. Plastic Bag Ordinance (***See attachment***)

**E. COUNCILOR DWYER**

1. \*Update on Portsmouth Middle School Project

**F. COUNCILOR SPEAR**

1. \*Election of Mayor and Council Candidates Proposed Charter Amendment

**XIII. MISCELLANEOUS/UNFINISHED BUSINESS**

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

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

*\*Indicates Verbal Report*

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

## **CITY COUNCIL MEETING**

MUNICIPAL COMPLEX  
DATE: TUESDAY, JANUARY 20, 2015

PORTSMOUTH, NH  
TIME: 7:00PM

### **I. CALL TO ORDER (7:00PM)**

At 7:00 p.m., Mayor Lister called the regular City Council meeting to order.

### **II. ROLL CALL**

Present: Mayor Lister, Assistant Mayor Splaine, Councilors Shaheen, Kennedy, Lown, Dwyer, Morgan (7:10 p.m.), Spear and Thorsen

### **III. INVOCATION**

Mayor Lister asked everyone to join in a moment of silent prayer.

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

Larry Cataldo led in the Pledge of Allegiance to the flag.

### **PRESENTATION**

1. Wastewater Treatment Facility Update – Brian Goetz, Deputy Public Works Director; Terry Desmarais, City Engineer; and Suzanne Woodland, Deputy City Attorney

City Engineer Desmarais, Deputy City Attorney Woodland and Deputy Public Works Director Goetz provided a Wastewater Treatment Facility Update. The update addressed Phase I and Regulatory Issues. Staff members recommended to the City Council to continue moving forward with Pease Wastewater Treatment Facility Evaluation.

Engineer Desmarais reported to the City Council that the Peirce Island Wastewater Treatment Facility is 60% completed with the final design. He said that the permitting is ongoing and meetings continue with DES and EPA. He stated that the cost estimates remain at \$80 million. He also spoke to the matter of Lonza notifying the City that they are reviewing their facility for expansion. He said there would be a need for construction to meet their needs and also updates to the facility due to its age. Engineer Desmarais further stated that this is a long term important decision.

Deputy City Attorney Woodland reported there have been ongoing meetings with EPA and DES with the City. Water quality work of the Great Bay has been done and a meeting was held with EPA and DES. She spoke to the ruling by the 8<sup>th</sup> Circuit Court where there was a favorable decision towards municipalities on secondary treatment options.

Deputy Public Works Director Goetz spoke to attending a Board of Selectmen's meeting in Exeter on the regional concept at Pease. He provided an update on where the City stands on the planning level. He stated that Exeter is soon to enter final design on their project but they will continue on the dual path until we have final numbers on a regional facility at Pease.

The City Council discussed various matters relating to the Pease and Peirce Island Facility, costs, construction and size of plant.

**Councilor Spear moved to authorize the City Manager to proceed with next phase of the Pease Wastewater Treatment Alternative Assessment and continue participation in the legal challenge to the EPA's interpretation of the bypass rule. The Scope of work and schedule was reviewed and the life cycle cost estimates are anticipated in late April. Seconded by Councilor Lown and voted.**

#### **V. ACCEPTANCE OF MINUTES – JANUARY 5, 2015**

**Councilor Lown moved to approve and accept the minutes of the January 5, 2015 City Council meeting. Seconded by Councilor Shaheen and voted.**

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

Bob Hassold spoke to the rental of stores in the downtown and the increase in rents due to landlords passing on increases in taxes to their tenants. He spoke to the difficulties faced by store owners in the winter months and then in the summer the store owners look forward to the tourists but now there is no place for people to park and that will mean stores will see less tourists and make less money which will create difficulties for them to hang on and keep stores open.

Bernie Pelech stated he was speaking as a resident and not representing anyone as an Attorney this evening. He addressed the situation of AIRBNB in the City. He stated it is unfair of the City to only send cease and desist orders to some owners and not others. He further indicated that he does not feel these are violations to the zoning ordinance.

Stephen Erickson spoke in support of the resolution under Assistant Mayor Splaine and Councilor Lown's names for Clean Government. He also thanked Councilor Shaheen for assisting in drafting the resolution. He said he worked in Washington, DC in the past and there is a dysfunction in our government. Mr. Erickson spoke to a popular demonstration he will be holding regarding the need for Clean Government. He also indicated he will be requesting other New Hampshire communities to adopt this resolution.

Steve Little spoke regarding AIRBNB and said he received a cease and desist letter from the City. He said if he charged money that would make him in violation of the zoning ordinance. He said his rentals are regularly to families with children and pets. Mr. Little stated there were 2 incidents unauthorized where people used his home to have a large party. He went to apologize to his neighbors but they filed a complaint with the Zoning Officer. He said he should be allowed to have a permit issued for this use by the City.

Jeffrey Cooper spoke regarding AIRBNB and said in Londonderry, NH he found an ordinance that could work here in the City. He said he submitted an application for home occupation-1 for his home to be used as an AIRBNB.

John Palreiro, Great Bay Taxi, expressed concern regarding UBER operating in the City. He stated they do not carry proper insurance and need to conform to the same regulations as all taxies operating in the City.

Lawrence Cataldo, Taxi Commissioner, provided a brief status update on the public input session held last week on UBER by the Taxi Commission. He said the Taxi Commission will meet tomorrow and decide how to find middle ground for ride sharing companies to work together in the City.

Clare Kittredge would like to have broader rules on financial disclosure. She stated 7 of the sitting City Councilors have said during the election process they would seek financial disclosure for the land use boards. She suggested that outside legal counsel should be hired to look at this ordinance.

Arthur Clough said residents should feel comfortable to get up and speak in front of the City Council. He said people no longer like coming into Portsmouth due to the number of large buildings. He also advised the City Council that his water and sewer bill is his highest utility bill.

Mark Brighton spoke regarding commercial assessments and the process our Assessor wants to follow. He said he supports the income and expense survey being sent by our Assessor to commercial property owners in order to have the proper value placed on these properties. He said it is important for the Assessor to have this quality information to appraise properties.

**Councilor Spear moved to suspend the rules in order to take up Item XI. D.1. – Commercial Properties and the potential Assessors letter being sent out by the City. Seconded by Councilor Dwyer and voted.**

XI. D.1. – Commercial Properties and the potential Assessors letter being sent out by the City.

Councilor Kennedy stated that this is more information than we should be asking for and it is intrusive and wrong not to let the public know that it is voluntary. She asked where the information would be kept and that she is against requesting property owners being asked to complete this income and expense survey.

**Councilor Kennedy moved to have the City Manager not send the Income and Expense Survey letter to Portsmouth commercial property owners. Seconded by Assistant Mayor Splaine for discussion purposes.**

Deputy City Manager Allen said what has been handed out is a memorandum from Finance Director Judie Belanger to City Manager Bohenko on the income and expense survey.



Finance Director Belanger spoke to her memorandum to City Manager Bohenko which was prepared this afternoon. She said the information provided to the Assessor will be kept confidential. She stated she contacted Stephan Hamilton, Director of Municipal and Property Division, at the NH DRS on this matter and he advised as follows:

1. If adopted, the motion may usurp the statutory authority of the City Assessor to determine and take those steps necessary to perform her legal duty to maintain proportionality among all assessed property valuations in the City. In order to properly perform that duty she needs to collect as much data as possible with regard to actual property valuations in the City. While residential properties may be valued by the observation of market activity such as MLS and other readily available resources, commercial properties, such as those which would receive the letter discussed by the motion, require the type of information sought by that letter.
2. It is the Assessor's duty to establish the "full and true value" of all property in the City, see RSA 75:1. Property values must be based upon objective, provable data.
3. Income and expense surveys such as that proposed by the City Assessor are a standard practice of all municipalities in the state and are a valuable tool in providing accurate and equitable assessments.
4. If income and expense surveys were not utilized by the City, it would present a departure from generally accepted assessment practices. The Citywide revaluation would have to extensively document that departure to the Uniform Standards of Professional Appraisal Practices (USPAP). This could call into question the validity of the entire citywide valuation.

In addition to Mr. Hamilton's concerns, the Council should be aware of the following facts:

- a. Any action of the City Council which sought to prohibit the City Assessor from following accepted assessment practices would have the effect of seeking to compel her to violate her ethical and constitutional duty to value all properties in the City in a full, fair and proportionate manner.
- b. Members of the City Council should be aware that the information sought by the survey is aggregated and pooled to be used in preparing valuation figures which are applied to all appropriate properties and are **not** used to value the individual properties of the survey responders.
- c. The income and expense information provided during the survey is kept confidential in the City Assessor's office and not made available to the public.
- d. If the values in the revaluation are determined to be disproportionate as a result of not being able to collect the necessary data the Board of Tax and Land Appeals could order an entirely new Citywide revaluation using contractors chosen by the Department of Revenue Administration, at the direction of that agency, and at the Portsmouth taxpayers' expense.
- e. The revaluation contract between the City and Property Valuation Advisors (Steve Traub) was conditioned in writing on the mailing of income and expense questionnaire by the City.

**Councilor Lown moved to have the question (motion) voted on. Seconded by Councilor Shaheen.**

Mayor Lister said he would allow some discussion on the question.

Assistant Mayor Splaine said it is important to listen to the Finance Director and Assessor. He said he would oppose the motion but seconded it to allow for discussion.

Councilor Thorsen said we are voting to move the question to not allow discussion on the motion at all. He said he is against the motion to move the question.

Councilor Kennedy said she is opposed to the motion to move the question. She said this matter only came forward because the City Manager had the item under his name at the last meeting. She said she may have pulled the item from the agenda if she had received this information at the last meeting.

Councilor Shaheen said she seconded the motion to move the question because the motion will not pass. She said based on the memorandum it should not be supported.

Finance Director Belanger said we are in a revaluation and under a strict deadline. She said this expense and income survey is common practice. She further stated the survey should have been sent out by now and we are behind and does not want to get any further behind.

Councilor Kennedy said she would withdraw her motion. She was told because it was under the City Manager's name last City Council meeting she stated she would bring this forward at the next meeting. She said she is receiving this memorandum now as she is making her motion.

*Councilor Kennedy withdrew the motion and Assistant Mayor Splaine his second to the motion.*

*Based on the withdrawal of the motion the motion to move the question is no longer necessary.*

Councilor Dwyer said the kind of information asked in the expense and survey is the kind that are asked during a sale of a property. She said sales data is important and there is nothing in the memorandum we don't already know, it is State statute.

## **IX. CONSENT AGENDA**

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

- A. Letter from Jeanine Sylvester, Runner's Alley, LLC, requesting permission to hold the 18<sup>th</sup> Annual Runner's Alley/Redhook Brewery Memorial 5k on Sunday, May 24, 2015 at 11:00 a.m. (***Anticipated action – move to refer to the City Manager with power***)

- B. Letter from Richard Wagner, Seacoast AIDS Walk, requesting permission to hold the 19<sup>th</sup> Annual Seacoast AIDS Walk and Dog Walk on Sunday, May 3, 2015 from 10:00 a.m. to 5:00 p.m. (***Anticipated action – move to refer to the City Manager with power***)

**Councilor Splaine moved to adopt the Consent Agenda. Seconded by Councilor Lown and voted.**

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

- A. Letter from Adam Diorio, Public Service of New Hampshire, regarding Proposed Borthwick Avenue Switchgear Yard with Associated Improvements

**Councilor Lown moved to refer to the Planning Board and Public Works Department for report back. Seconded by Councilor Shaheen.**

Deputy City Manager Allen said that the Planning Board has approved the easement and this has gone through the Public Works Department so it just requires approval by the City Council at this time.

*Councilor Lown withdrew his motion and Councilor Shaheen withdrew the second to the motion.*

**Councilor Lown moved to approve the request of Public Service of New Hampshire for Proposed Switchgear Yard Site Improvements and Driveway Easement on Borthwick Avenue. Seconded by Councilor Shaheen and voted.**

- B. Letter from The Citywide Neighborhood Steering Committee requesting the City add a mechanism to the Capital Improvement Plan to regularly measure the geographic distribution of projects and expenditures throughout the City

**Councilor Spear moved to refer to the City Manager for report back. Seconded by Councilor Shaheen.**

Councilor Spear said he does not see what kind of geographic information the Citywide Neighborhood Steering Committee is seeking and the request is not clear. He said the tools are available in the Capital Improvement Plan (CIP). He spoke on who benefits from improvements made throughout the City. He said the direction this is going is complex. He said there is room for better communication but with that said we have the most transparent government in the State and maybe in New England. The City staff could work with the Citywide Neighborhood Steering Committee and repackage the CIP to them. He has worked with the CIP for a decade now and the staff could work with the Committee to identify projects and their time line. Councilor Spear said he feels this is a better way to handle the approach.

Councilor Shaheen said it makes more sense to refer to the City Manager at this time. She would love to hear where the gaps are from the Neighborhood Committee.

Councilor Kennedy said she is concerned that they want to get this as part of the Master Plan which would be through the Planning Board. She agrees with Councilor Spear it would be difficult to quantify things such as bridges and sidewalks. Councilor Kennedy said she would like to see this referred to the City Manager and Planning Board for report back. She asked Deputy City Manager Allen what stage we were at in terms of the Master Plan. Deputy City Manager Allen said we are currently selecting a consultant and there will be an extensive public process with the Master Plan. He said another way of doing this each year prior to the project starting, the Public Works Department or Planning Staff could go out to the neighborhoods and receive feedback from the neighborhoods on projects. Councilor Kennedy said that is a great idea.

Mayor Lister passed the gavel to Assistant Mayor Splaine.

Mayor Lister said he supports the motion and the Neighborhood Committee wants to be heard and he wants to support them. He feels the letter should just go to the City Manager and not the Planning Board.

Assistant Mayor Splaine returned the gavel to Mayor Lister.

**Motion passed.**

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

### **A. CITY MANAGER**

#### **1. Request for First Reading Re: Elderly and Disabled Exemptions**

Deputy City Manager Allen said this is to request first reading of resolutions for the elderly and disabled exemptions. He said the Council has two options either increase the exemptions by 1.7% or keep them level.

**Councilor Lown moved to approve Option A and authorize the City Manager to bring back the Elderly and Disabled Exemptions Resolutions for first reading at the February 2, 2015 City Council meeting, as presented. Seconded by Assistant Mayor Splaine and voted.**

#### **2. License Request Re: 61 Washington Street**

Deputy City Manager Allen said that this property is in Strawberry Banke and the project has gone through the HDC. He said the project is very complicated and detailed due to the nature of the museum quality work and additional time is needed, therefore Bedard Preservation and Restoration LLC is requesting an extension to the license for the sidewalk encumbrance.

**Councilor Lown moved to authorize the City Manager to negotiate and enter into a license with Bedard Preservation and Restoration LLC to facilitate construction activities at 61 Washington Street. Seconded by Councilor Dwyer and voted.**

3. Request to Establish Work Session Re: Proposed Parking Garage at 165 Deer Street, Thursday, February 5, 2015 at 6:30 p.m.

**Assistant Mayor Splaine moved to establish a Work Session on Thursday, February 5, 2015 at 6:30 p.m., in the Eileen Dondero Council Chambers, as presented. Seconded by Councilor Shaheen and voted.**

Councilors Kennedy and Dwyer stated that they will not be in attendance for the Work Session.

4. Citywide Sidewalk Policy Review

Public Works Director Rice stated in 2010 the policy was adopted on the materials used for sidewalks. He said there have been a number of requests for changes to the policy. He explained the changes to the policy regarding the use of materials and the process of appealing the decision of the Public Works Director.

**Councilor Lown moved to adopt the revisions as shown to the City Council Policy 2010-02 Regarding Sidewalks and Driveway Aprons. Seconded by Councilor Shaheen.**

Councilor Shaheen requested that the following language be added to provision #4 so it will read as follows: "The preferred standard material for all other sidewalks will be concrete."

Councilor Dwyer requested that the following language be added to provision #5 so it will read as follows: "Driveway aprons in the City shall be continuous bituminous asphalt from the edge of road to property line. Sidewalks, if any, shall terminate on either side of driveway apron."

**Main motion passed with the inclusion of the referenced changes as outlined above to City Council Policy 2010-02 regarding Sidewalks and Driveway Aprons.**

5. Proposed Early Retirement Re: Police Department

**Councilor Lown moved to approve a proposed early retirement incentive for the Police Department for FY 2015, as presented. Seconded by Councilor Thorsen.**

Police Chief Dubois explained the Department would offer early retirement incentive to employees with 20 years or more of service. He said there are currently 6 employees that this could affect.

Councilor Lown thanked Chief Dubois for bring this idea forward.

**Motion passed.**

6. Budget Schedule Revision

Deputy City Manager Allen said there is a request to move the all day Budget Work Session from Saturday, May 2<sup>nd</sup> to Saturday, May 9<sup>th</sup>.

**Councilor Spear moved to reschedule the City Council Budget Work Session to Saturday, May 9, 2015, as presented. Seconded by Councilor Shaheen and voted.**

City Manager's Informational Items

- *Withdrawal of Heavy Rescue Fire Truck Bonding Request*

Councilor Shaheen asked how the Council explains to the public that the Fire Department has withdrawn their request of a Heavy Rescue Fire Truck. Deputy City Manager Allen stated he spoke with Chief Achilles regarding this matter and the Chief feels where the Council has voted the request down twice he would prepare a better way of presenting the request for the next budget session.

Councilor Dwyer said this item is in the current CIP that we will be looking at on Monday evening and we could make the funding available for the coming year.

Councilor Shaheen said the request has been made in previous years. She does not want to postpone it further.

**B. MAYOR LISTER**

1. Appointment to be Considered:
  - Phyllis Eldridge – Reappointment to the Trustees of the Trust Funds

The City Council considered the reappointment of Phyllis Eldridge to the Trustees of the Trust Funds which will be voted on at the February 2, 2015 City Council meeting.

2. Appointments to be Voted:
  - Jay Leduc – Appointment to the Planning Board as a regular member (current alternate)

**Councilor Spear moved to appoint Jay Leduc to the Planning Board as a regular member (currently serves as an Alternate) until December 31, 2017. Seconded by Assistant Mayor Splaine and voted.**

- Reagan Ruedig – Appointment to the Historic District Commission as a regular member (current alternate)

**Councilor Spear moved to appoint Reagan Ruedig to the Historic District Commission as a regular member (currently serves as an Alternate) until June 1, 2016 filling the unexpired term of Tracy Kozak. Seconded by Assistant Mayor Splaine and voted.**

- Richard Shea – Appointment to the Historic District Commission as an alternate member

**Councilor Spear moved to appoint Richard Shea to the Historic District Commission as an alternate member until June 1, 2015 filling the unexpired term of Reagan Ruedig. Seconded by Councilor Lown and voted. Councilor Kennedy recused from voting. Councilor Morgan voted opposed.**

Councilor Morgan said she is opposed to the appointment because she feels we have enough architects on the Historic District Commission and would like a different appointment made.

**C. ASSISTANT MAYOR SPLAINE & COUNCILOR LOWN**

1. The Portsmouth Resolution In Support Of The New Hampshire Clean Government Convention to be held during the 2015-2016 Presidential Primary

Assistant Mayor Splaine read the resolution to the City Council and to make the public aware of what the City Council will be voting on this evening.

**Assistant Mayor Splaine moved that the Portsmouth City Council adopt The Portsmouth Resolution In Support Of The New Hampshire Clean Government Convention to be held during the 2015-2016 Presidential Primary. Seconded by Councilor Lown.**

Assistant Mayor Splaine said that this is an important issue and cause. He said we need the system to be as non-partisan as possible.

Councilor Lown commended Steve Erickson for bringing this to the City Council. He believes that government is broken and we can make a small statement in the State by adopting this resolution. He said the only way to address what is broken in our system is through a constitutional amendment. Councilor Lown further stated that we are in a position of power having the first in the nation Presidential Primary.

Councilor Shaheen thanked Assistant Mayor Splaine, Councilor Lown and Steve Erickson for bringing this forward. She said the process has dissolved. She said ordinary citizens need to stand up and make sure that this is a Government of the people, by the people, for the people.

Councilor Thorsen said it is important that the City Council encourage this kind of dialogue.

Councilor Dwyer said she likes the way it was introduced by Assistant Mayor Splaine to begin discussion. He said it is important to have a focal point and the interests come together. She said term limits should be part of a dialogue.

*The City Council agreed to change the word in the first paragraph of the second page from would to "could". The sentence will now read as follows: "That we should work together for a Clean Government Amendment to the U.S. Constitution that could have as its goals:*

Mayor Lister passed the gavel to Assistant Mayor Splaine.

Mayor Lister said government in Washington is broken and we all realize that. He asked Assistant Mayor Splaine and Councilor Lown what does voting on this resolution binds us to do and what does this have to do with other issues and initiatives.

Councilor Lown said the City Council is responsible for nothing and it ends when the vote is taken.

Assistant Mayor Splaine returned the gavel to Mayor Lister.

Assistant Mayor Splaine said that this does not bind the City Council to anything. The opportunity and affect is to bring together all the groups to have a dialogue on how to clean up government.

Councilor Morgan thanked Assistant Mayor Splaine and Councilor Lown for bringing this forward. She agrees with the resolution and will support it.

**On a roll call 8-1, voted to pass the main motion with the change requested. Assistant Mayor Splaine, Councilors Shaheen, Kennedy, Lown, Dwyer, Morgan, Thorsen and Mayor Lister voted in favor. Councilor Spear voted opposed.**

#### **E. COUNCILOR LOWN**

1. Parking and Traffic Safety Committee Action Sheet and Minutes of the December 11, 2014 meeting

**Councilor Shaheen moved to approve and accept the action sheet and minutes of the Parking and Traffic Safety Committee meeting of December 11, 2014. Seconded by Councilor Lown and voted. Councilor Kennedy voted opposed.**

2. Parking and Traffic Safety Committee Action Sheet of the January 8, 2015 meeting

**Councilor Shaheen moved to approve and accept the action sheet of the Parking and Traffic Safety Committee meeting of January 8, 2015. Seconded by Councilor Lown and voted. Councilor Kennedy voted opposed.**

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

Councilor Kennedy requested that Finance Director Judie Belanger's memorandum regarding Income and Expense Survey be placed on the Assessor's Webpage.

Councilor Morgan asked that any documents that are submitted be provided to the City Council ahead of time and not at the desk the evening of the meeting. She said the memorandum from the Finance Director should not have been provided this evening.

Councilor Shaheen asked when the testing of the wells would take place at Pease. Deputy City Manager Allen said there is no clear date from the State but he would get information to the City Council. Councilor Shaheen asked staff to provide anything that could be done to expedite the well testing.

Councilor Spear requested that Councilor Dwyer provide an update on the Joint Building Committee for the Portsmouth Middle School at a future City Council meeting.



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

**At 10:00 p.m., Councilor Lown moved to adjourn. Seconded by Councilor Spear and voted.**

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

Kelli L. Barnaby, MMC, CMC, CNHMC  
City Clerk

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a PUBLIC HEARING will be held by the Portsmouth City Council on Monday, February 2, 2015, 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 16'

Description

I.	EQUIPMENT AND VEHICLE SCHEDULE	\$190,000
II.	BUILDING & INFRASTRUCTURE	\$10,505,000
III.	INFORMATION MANAGEMENT SYSTEMS	\$414,700
IV.	TRANSPORTATION MANAGEMENT PLAN	\$27,315,000
	CAPITAL CONTINGENCY	\$70,000
	SUBTOTALS	\$38,494,700
V.	ENTERPRISE FUNDS TOTAL	\$81,750,000
	GRAND TOTAL	\$120,244,700

\*\$1,900,000 is proposed to be funded from FY16' General Fund

KELLI L. BARNABY, CMC/CNHMC  
CITY CLERK

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	GRAND TOTAL	\$120,244,700
* \$1,900,000 is proposed to be funded from FY16' General Fund		
KELLI L. BARNABY, CMC/CNHMC CITY CLERK		
<small>PH205476</small>		

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

**RESOLUTION # - 2015**

**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 \$36,311 for a single taxpayer or \$44,793 for married taxpayers, inclusive of social security payments and total assets may not exceed \$121,039 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:  
, 2015**

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

**NOTE: This exemption becomes effective for the tax year April 1, 2015.**

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

**RESOLUTION # - 2015**

**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 \$36,311 for a single taxpayer or \$44,793 for married taxpayers, inclusive of social security payments and total assets may not exceed \$121,039 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:  
, 2015**

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

**NOTE: This exemption becomes effective for the tax year April 1, 2015.**

## Elderly & Disabled Exemption Impact

<b>Exemption Type</b>	<b>Exemption Amount</b>	<b>Number Currently Receiving Exemption</b>	<b>Value Loss</b>	<b>Revenue Loss</b>
65 through 74	\$ 125,000.00	35	\$ 4,375,000.00	\$ 74,287.50
75 through 79	\$ 175,000.00	38	\$ 6,650,000.00	\$112,917.00
80 and over	\$ 225,000.00	63	\$ 14,175,000.00	\$240,691.50
Disabled	\$ 100,000.00	10	\$ 1,000,000.00	\$ 16,980.00
Totals		146	\$ 26,200,000.00	\$444,876.00

Note: The current tax rate of \$18.10 would be decreased to \$17.99 a difference of 11 cents on the current tax rate if the elderly and disabled exemptions were not granted.

PORTSMOUTH POLICE DEPARTMENT

MEMORANDUM

RECEIVED

JAN 22 2015

CITY MANAGER  
PORTSMOUTH, NH

DATE: JANUARY 22<sup>ND</sup>, 2015  
TO: JOHN P. BOHENKO, CITY MANAGER  
FROM: JOHN F. GOLUMB, CHAIRMAN, PORTSMOUTH POLICE COMMISSION  
STEPHEN J. DUBOIS, CHIEF OF POLICE  
RE: GRANT & DONATIONS

At the January 21<sup>st</sup> 2015 monthly Police Commission meeting, the Board of Police Commissioners approved and accepted the following grants and donations:

1. Grants & Donations:

- A training grant in the amount of \$837.50 from Police Standards & Training Council for Lt. Darrin Sargent to attend the Leadership Seacoast Program.
- A donation in the amount of \$50 from Lynne Howard in support of the Portsmouth Police Explorers Post.

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

Respectfully submitted,



John F. Golumb, Chairman  
Board of Police Commissioners



Stephen J. DuBois, Chief of Police

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 22, 2013

REC'D JAN - 5 2015

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

Dear Chief Dubois,

This letter is to confirm that the Police Standards & Training Council, at their meeting on December 16, 2014, approved your requested training grant for a maximum of \$837.50 for Lt. Darrin Sargent to attend the Leadership Seacoast Program running January – June, 2015.

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

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# MEMORANDUM

---

**TO:** John P. Bohenko, City Manager  
**FROM:** Rick Taintor, Planning Director *RT.*  
**DATE:** February 2, 2015  
**RE:** City Council Referral – Projecting Sign  
Address: 195 State Street  
Business Name: Spiritual Readings by Duchess  
Business Owner: Helen Marks

---

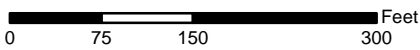
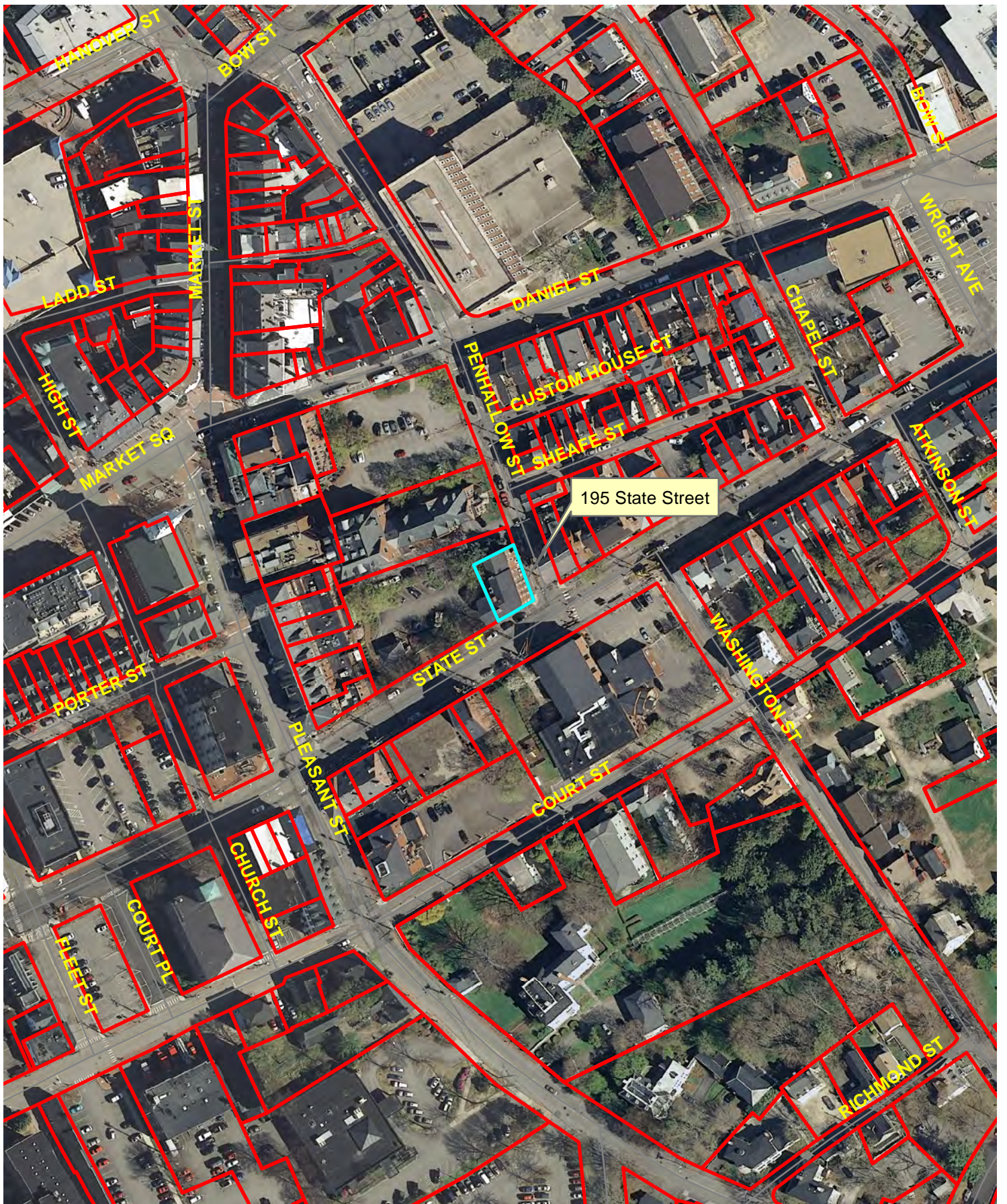
Permission is being sought to install a projecting sign on an existing bracket, as follows:

Sign dimensions: 38" x 22"  
Sign area: 5.8 sq. ft.  
Height from sidewalk to bottom of sign: 9'0"

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.





# Request for Projecting Sign License 195 State Street

Spiritual Readings & Gifts by Duchess  
195 State Street  
1 A-Frame Sign



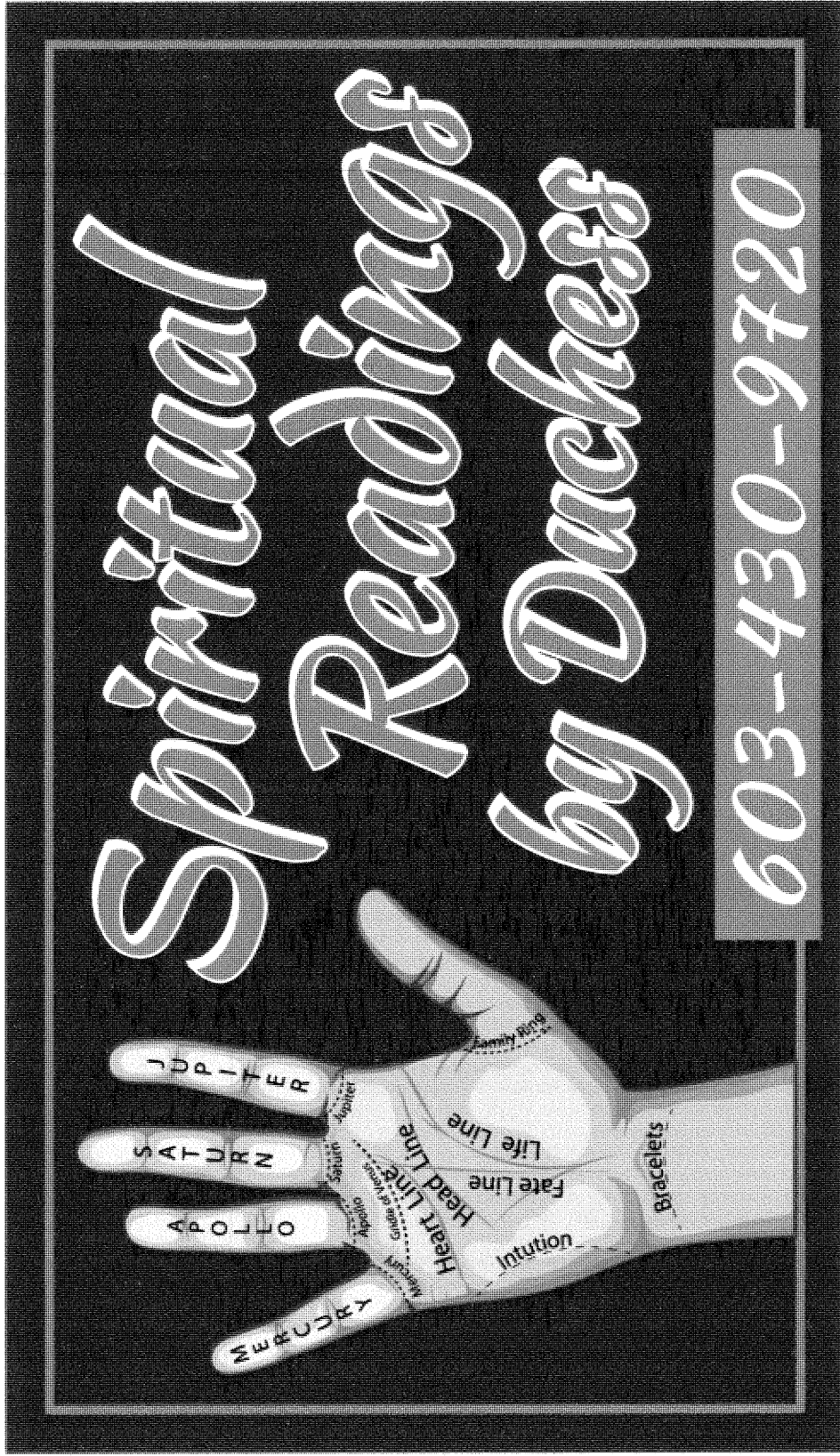
Spiritual Readings & Gifts by Duchess  
195 State Street  
1 Projecting Sign



38 in

12.85 in

22 in  
19 in



**REVISION:**  
All orders under \$250 include 1 revision only.  
All orders over \$250 include 3 revisions only.  
Additional revisions will be charged at \$25 per revision.

**NOTE: Designs are NOT actual size**

17/15

**RETURN SIGNED TO:** [service@portsmouthsign.com](mailto:service@portsmouthsign.com)

I understand this Order Form is the final production order and replaces all previous drawings, notes and verbal instructions to this job. I have carefully reviewed this form and verify that it contains all necessary specifications and represents my order exactly. I authorize fabrication according to this approval.

SIGNATURE: \_\_\_\_\_

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

Member of:  
GREATER  
PORTSMOUTH  
CHAMBER OF COMMERCE  
the Greater  
York Region  
Chamber of Commerce

© COPYRIGHT 2014, BY PORTSMOUTH SIGN COMPANY. All designs and custom artwork remain the property of Portsmouth Sign Company until the order is complete and paid in full.

Shop Use Only

Qty:

SS  DS

Materials:

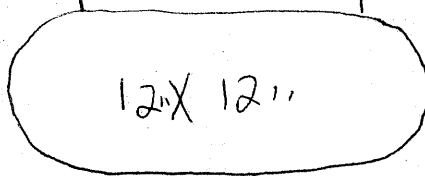
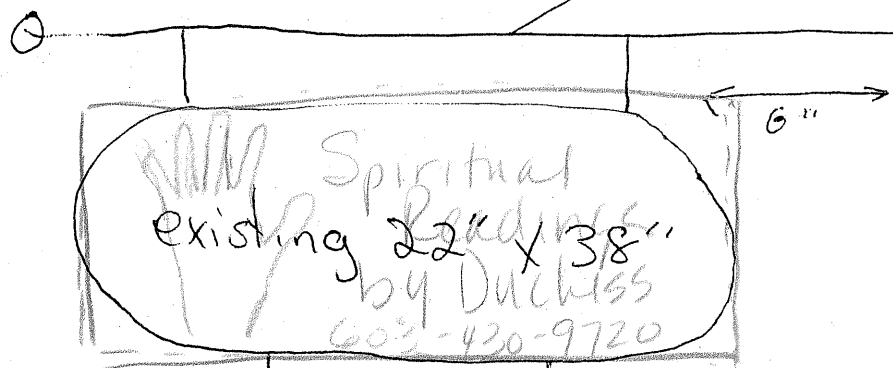
Background Color:

Vinyl Color:

HP  Int

Other:





Total Projective = 37"

9'

sidewalk width = 114"



---

# MEMORANDUM

---

**TO:** John P. Bohenko, City Manager  
**FROM:** Rick Taintor, Planning Director *RT.*  
**DATE:** February 2, 2015  
**RE:** City Council Referral – Projecting Sign  
Address: 163 Court Street  
Business Name: Terra Firma Landscape Architecture & Jeff Demers Design  
Business Owners: Terrence Parker and Jeff Demers

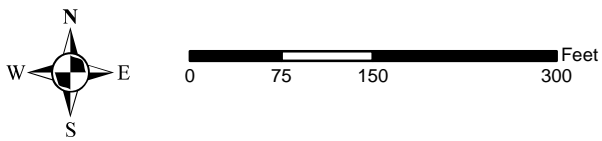
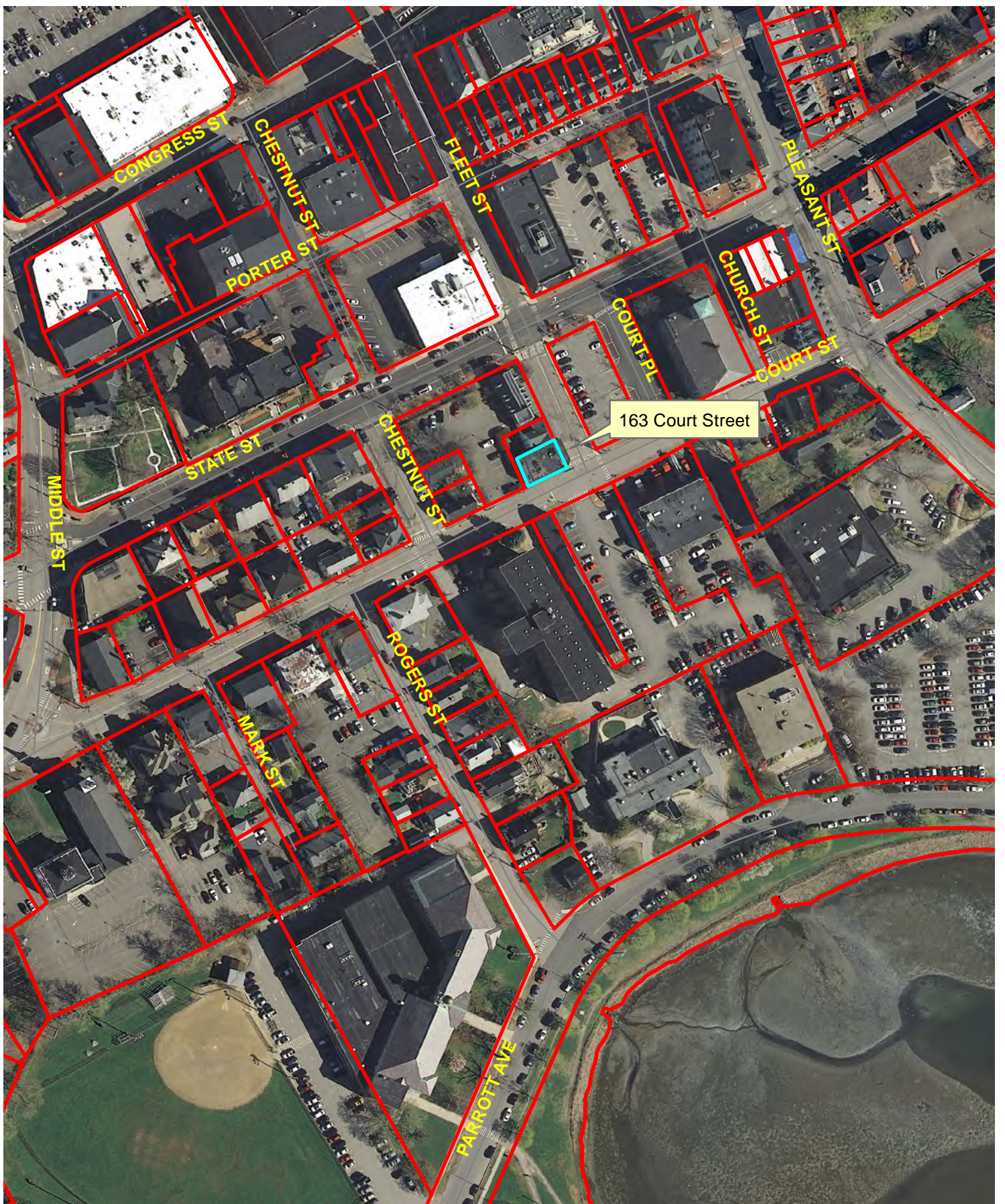
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Permission is being sought to install a projecting sign on an existing bracket, as follows:

Sign dimensions: 26" x 51"  
Sign area: 9.1 sq. ft.  
Height from sidewalk to bottom of sign: 14'0"

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.

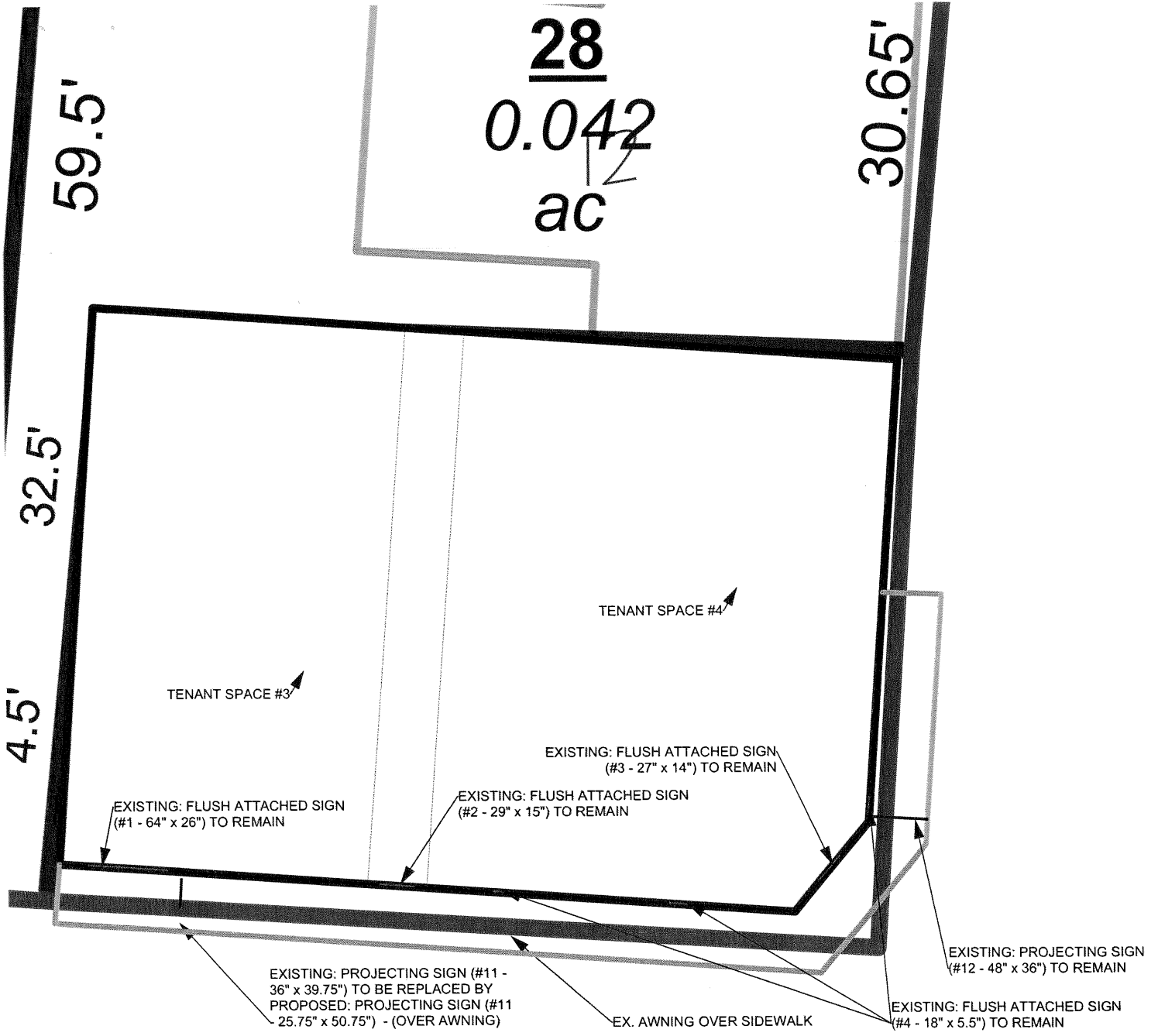


# Request for Projecting Sign License 163 Court Street

Terra Firma Landscape Architecture  
& Jeff Demers Design  
163 Court Street  
1 Projecting Sign







# SITE PLAN

SCALE: 1"=10'0"

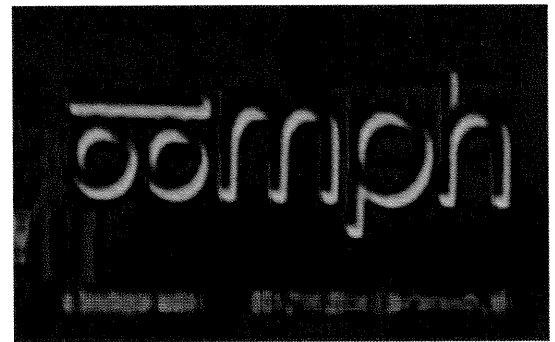
EXISTING Flush Attached Sign # 1: 64" x 26"  
Window Sign



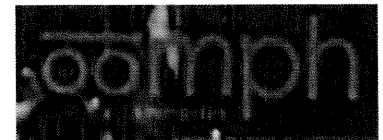
EXISTING Flush Attached Sign # 2: 29" x 15"  
Window Sign



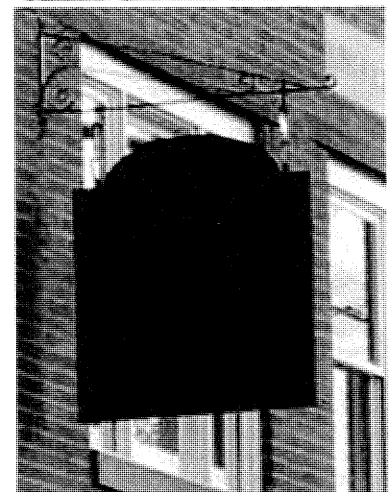
EXISTING Flush Attached Sign # 3: 27" x 14"  
Window Sign



EXISTING Flush Attached Sign # 4: 18" x 5.5"  
Window Sign

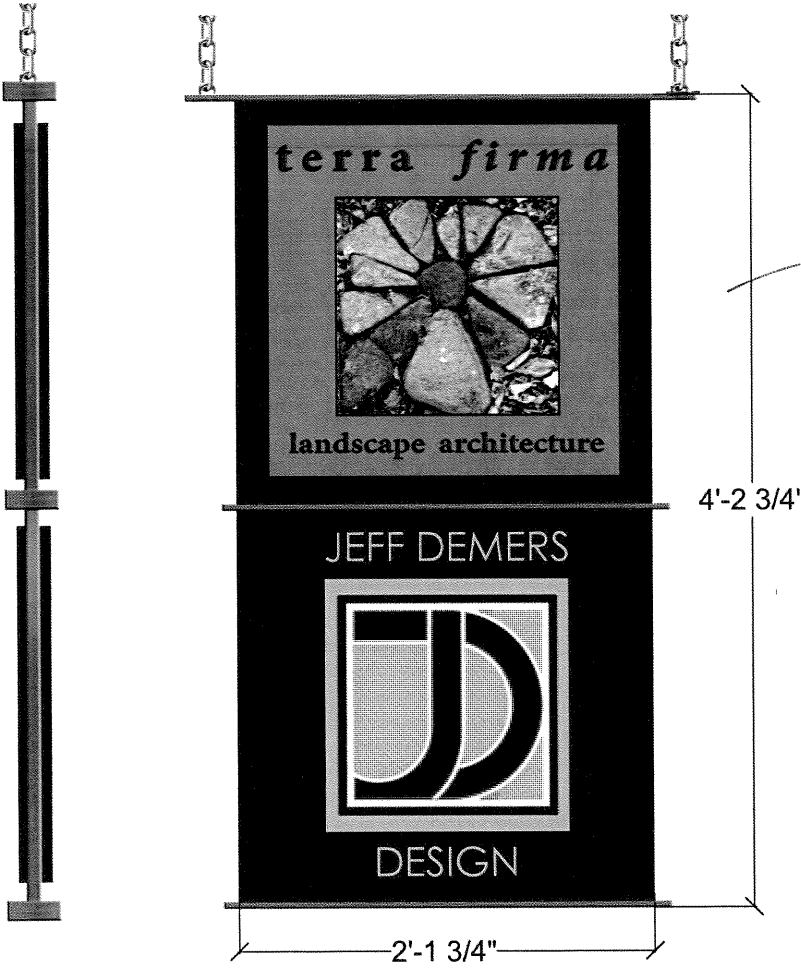


EXISTING Projecting Sign # 11: 36" x 39.75"

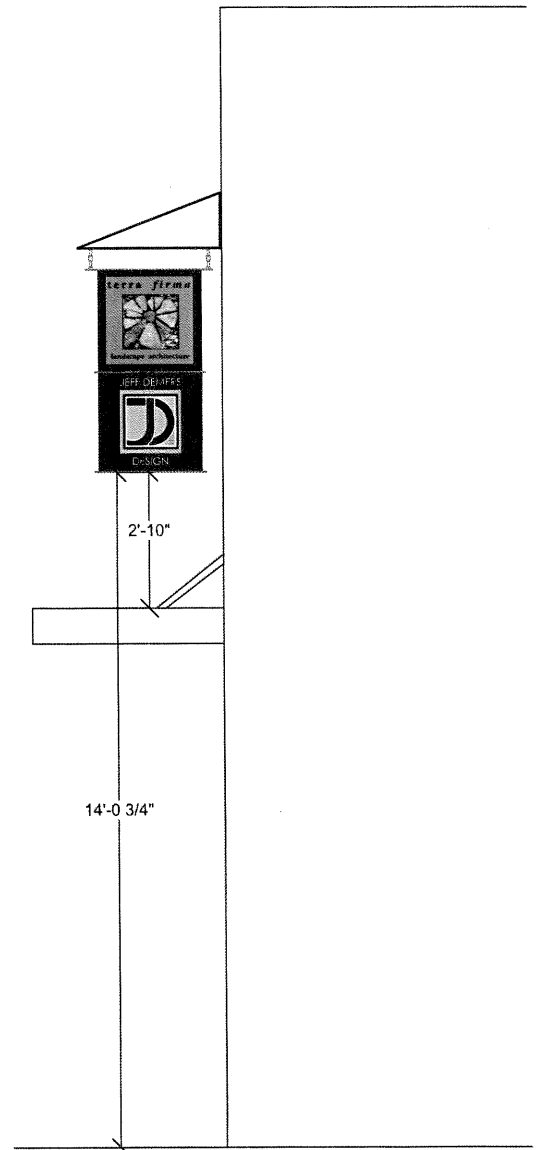


EXISTING Projecting Sign # 12: 48" x 36"





→ SPOKE w/ INF. IMAGE  
 12-JAN-15 - SIGN wooden  
 or other solid MAT.  
 NOT CLOTH.  
 P. Gull



**PROPOSED Projecting Sign #11:**  
**25.75" x 50.75"**

Mark C. Epply, CPA  
267 Brackett Rd.  
Rye, NH 03870  
Phone: (603) 431-4343  
[mepply@comcast.net](mailto:mepply@comcast.net)



January 14, 2015

Portsmouth City Council  
City Hall  
1 Junkins Avenue  
Portsmouth, NH 03801

Dear Members of the Portsmouth City Council,

The enclosed article entitled "When the Parking Space Becomes a Park" appeared in the January 11, 2015 New York Times. I found it to be an interesting article about turning some parking spaces into mini parks or outdoor seating for restaurants.

I realize that Portsmouth currently has a need for additional parking spaces so giving up spaces for other uses is likely not a possibility at this time, but perhaps after a future new garage is completed there could be some opportunity for this type of alternative parking space use. It would likely generate much higher revenue than the current hourly toll rate and add further to the character of Portsmouth.

Sincerely,

PHOTOGRAPH BY CLAIRE MARTIN

# When the Parking Space Becomes a Park

Businesses are brightening streetscapes (and attracting more customers) with tiny oases of greenery and art.

**THE THREE PARKING SPOTS** on the street directly in front of Tony's Pizza Napoletana, in the North Beach neighborhood of San Francisco, have been the site of a rap-music video, poetry readings, a fashion photo shoot and jazz mini-concerts.

People sit down to drink coffee in these parking spots. And they eat pizza — a lot of it, according to Tony Gemignani, the chef and president of the pizza restaurant and its sister takeout business, Slice House.

In 2011, Mr. Gemignani had bamboo flooring, tables, brightly colored cafe chairs and dwarf fig and olive trees installed on a platform that extends from the curb over the pavement. In this way, the parking spots are transformed into a micro park, or parklet. Since then, the Slice House's business has quadrupled, he says.

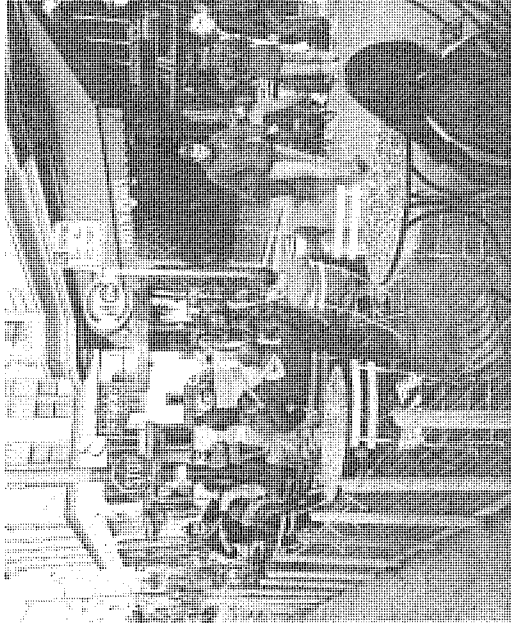
"It's a go-to for people," he says of the parklet. "I mean, it just grabs you."

About 51 such parklets, each occupying one to three street parking spaces, have sprung up across San Francisco since 2010, and at least a dozen more are being designed or built, or are in the process of receiving city permits, says Robin Abad Occubillo, the parklet program manager for the city's Pavement to Parks program.

In the last couple of years, at least 72 more parklets have materialized, worldwide in places like Philadelphia, New Orleans, Seattle, Chicago, Mexico City and Auckland, New Zealand. (In cities with cold weather, sponsors of parklets are typically required to remove them in winter.) This year, the Los Angeles metro area will welcome four of them, sponsored by local business improvement districts and chambers of commerce. In San Francisco, parklets are open to the public, but they're typically commissioned by small businesses hoping to attract customers, brighten streetscapes and create gathering spaces.

It usually takes 12 to 18 months for a business to get a permit and build a parklet; the cost can range from roughly \$8,000 to \$14,000 a parking spot, according to Mr. Occubillo. A majority of parklets are privately financed and maintained. But in San Francisco, some have received partial funding from the city.

The idea for parklets began to germinate in 2005, when members of a San Francisco arts collective called Rebar wanted to apply their artistic flair to small fragments of real estate. They were also interested in challenging "the boundaries of the short-term lease offered by a metered parking space," says John Bela, one of Rebar's co-founders. And they questioned



what they saw as an automobile-centered approach to urban planning and design. They started an experiment. In a stretch of downtown San Francisco that lacked greenery, they found an empty parking space, rolled out a patch of grass turf and set up a park bench and a potted tree. They put up a sign that read, "If you'd like to enjoy this little park, please put some coins in the meter." Then they went across the street to watch.

The land next to a parking spot, Mr. Bela says, probably rented for a couple of hundred dollars a square foot per year, "but you could rent this little piece of land, 200 square feet, in downtown San Francisco for a couple dollars an hour."

Mr. Bela and the others saw a pedestrian wander into the spot, put money in the meter and sit on a bench. Soon another sauntered in, and the two struck up a conversation. Just like that, the exercise was a success. Without much effort or expense, the parking spot had been transformed into a mini-park.

The experiment expanded into a day-long, international event, Park(ing) Day, in which people in cities worldwide created their own micro-parks in parking spaces. Then, in 2010, Rebar was commissioned to create a semipermanent version of one of the parks, and the parklet was born.

Since then, Rebar has designed 10 parklets, and other firms have contributed their own designs. Last spring, two Rebar co-founders branched off to join Gehl Architects, based in Copenhagen; they now head Gehl's San Francisco branch, Gehl Studios, doing urban design projects, in-

cluding parklets, around the world. Many parklets are sponsored by cafes and restaurants, but the form also attracts galleries. The parklet at the Luna Ripenne in San Francisco is host for a revolving collection of installations by local artists.

"We thought it would be fun to have an extension of our art gallery out in the street," says Olivia Ongoin, curator of the gallery, which started its parklet in 2011.

"Having the extra exposure has been helpful," she says. "We'd been here for several years, and once we put it in, neighbors were like, 'Oh, we didn't even know you were here.' It's sort of a billboard."

NOT ALL NEIGHBORHOODS HAVE BEEN ENTHUSIASTIC about parklets. The main complaint is that they usurp parking spaces that residents or business customers need. Neighbors initially objected to a parklet designed by Rebar for the Rapha Cycle Club San Francisco. The parklet was built out of a 1973 Citroën H van once used to pick up cyclist stragglers on twisty mountain roads during the Tour de France. The front and back of the van were cut off to serve as bookends to a parklet filled with wooden benches and plants.

Complaints rolled in after the parklet was installed in late 2012. Residents and business owners felt it was going to take away a few spaces in an already challenging parking landscape, the cycle club's manager, Charlie Cunningham, said in an email.

Unfortunately for the club — which is a retail store, cycle club, gallery and cafe rolled into one — the parklet was installed

before a permit was issued. For more than a year, its fate was in legal limbo, but that didn't stop Rapha patrons, local residents and area cyclists from using the parklet and its built-in benches. In Mr. Cunningham's opinion, the parklet helped usher in more business and tourists to the area.

Last summer, he received letters of support from neighborhood associations and local residents, and he says he was able to prove to the local city supervisor that the original objections had been resolved.


It's hard to quantify economic impact of parklets beyond the benefit to the sponsoring business. But Pavement to Parks in San Francisco and the People St parklet and plazas program in Los Angeles are both trying to measure the effects.

A pilot program by People St, which is overseen by the Los Angeles Department of Transportation, includes a handful of converted spaces. "The existing businesses are seeing increased foot traffic and other factors that may be contributing to an increase in sales tax receipts," says Valerie Watson, the assistant pedestrian coordinator for the department's Active Transportation Division.

For Mr. Gemignani in San Francisco, the investment in a parklet has been well worth it. When he went to an informational meeting before he commissioned his version, he says, other local business owners were skeptical about developing their own. Everyone complained about the price, he says, adding that he spent nearly \$30,000 on his parklet. "But it was one of those investments that was a no-brainer for me," he says. "Now everyone wants one."

**CITY OF PORTSMOUTH  
PORTSMOUTH, NH 03801**

**Office of the City Manager**

**Date:** January 29, 2015  
**To:** Honorable Mayor Robert J. Lister and City Council Members  
**From:** John P. Bohenko, City Manager   
**Re:** City Manager's Comments on February 2, 2015 City Council Agenda

---

***Work Session:***

6:15 p.m.

1. **Work Session with School Department Re: Capital Improvement Plan (CIP) Projects.**  
As requested by the City Council, the Mayor has scheduled a Work Session with the School Department for Monday, February 2<sup>nd</sup> at 6:15 p.m. before the regularly scheduled meeting to discuss the School Department's CIP request.

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***Presentation:***

1. **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, 2014. 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, 2014 (Annual Audit). The Fiscal Year 2014 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, 2014, 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.

## ***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 20<sup>th</sup> 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 and RSA 72.37-b and makes recommendations as to these levels.

Last year, the City Council adopted Resolutions #1-2014 and #2-2014 which increased the income and asset levels for both the elderly and disabled exemptions by the Social Security cost of living adjusting for 2014 of 1.5% from the previous year. The current elderly and disabled exemption income levels are \$35,704 for a single taxpayer, \$44,044 for married taxpayers, and an asset limit of \$119,016.

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

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

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

This year the November to November CPI of the Boston-Brockton-Nashua November consumer price index (CPI) and Social Security SSI benefit payments payable in January 2015, are both the same with a 1.7% increase. As directed by the City Council at the January 20<sup>th</sup> meeting, the increases to the income and asset levels will be as follows:

- Single                    \$ 36,311 increase of \$607
- Married                  \$ 44,793 increase of \$749
- Asset Limit of          \$121,039 increase of \$2,023

Any adjustment if approved would be for assessments as of April 1, 2015 for the 2015 tax year or FY16.

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

An amendment to these Resolutions requires a first reading, a public hearing and a majority vote of the City Council. I have [attached for your information the tax impact of the elderly and disabled exemptions for FY15.](#)

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

a) *I recommend the City Council move to pass first reading and schedule a public hearing and adoption of the proposed Resolution at the February 17<sup>th</sup> City Council Meeting, increasing the Maximum Income Limit for Individuals Qualifying for the Elderly Real Estate Tax Exemption by 1.7% as follows:*

- Single \$ 36,311 increase of \$607
- Married \$ 44,793 increase of \$749
- Asset Limit of \$121,039 increase of \$2,023

b) *I recommend the City Council move to pass first reading and schedule a public hearing and adoption of the proposed Resolution at the February 17<sup>th</sup> City Council Meeting, increasing the Maximum Income Limit for Individuals Qualifying for the Disabled Real Estate Tax Exemption by 1.7% as follows:*

- Single \$ 36,311 increase of \$607
- Married \$ 44,793 increase of \$749
- Asset Limit of \$121,039 increase of \$2,023

*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) FY2016-2021.** In accordance with Section 7.7 of the City Charter, a Public Hearing on the proposed Capital Improvement Plan for FY2016-21 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 FY2016 budget. Also, a copy of the Capital Plan is on our web page ([www.cityofportsmouth.com](http://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 FY2016 budget to you on or about April 27, 2015. Given that projected date, I am suggesting the City Council adopt the proposed Capital Improvement Plan at your February 17, 2015 City Council meeting.

*I would suggest that action on this matter be taken at the February 17th City Council meeting, at which time I will recommend adoption of the CIP with any appropriate amendments. Action on this matter should take place under Section IX of the Agenda.*



## ***Consent Agenda:***

1. **Acceptance of Police Department Grant and Donation.** Attached [under Section X of the Agenda is a memorandum](#), dated January 21, 2015 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 donations:
  - a) A training grant in the amount of \$837.50 from Police Standards & Training Council for Lt. Darrin Sargent to attend the Leadership Seacoast Program.
  - b) A donation in the amount of \$50.00 from Lynne Howard in support of the Portsmouth Police Explorers Post.

*I 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 X of the Agenda.*

2. **Acceptance of Donation to the Coalition Legal Fund.** The City of Portsmouth has received the following donation to the Coalition Legal Fund, which will be utilized to continue our fight to eliminate the statewide property tax:
  - Town of Center Harbor                      \$500.00

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

3. **Request for License to Install Projecting Signs.** Attached [under Section X of the Agenda](#) are requests for projecting sign licenses (see [attached memorandums from Rick Taintor, Planning Director](#)):
  - Helen Marks, owner of Spiritual Readings by Duchess for property located at 195 State Street.
  - Terrence Parker and Jeff Demers, owner of Terra Firma Landscape Architecture & Jeff Demers Design for property located at 163 Court Street.

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

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

1. **Request for Approval of the Financial Disclosure Statement.** As you are aware, the City Council adopted the Conflict of Interest Mandatory Disclosure Ordinance at the December 22, 2014 City Council meeting. The adoption of this Ordinance calls for the creation of a Financial Disclosure Statement to be produced by the City Clerk's Office for approval by the City Council. For your information, [attached is a copy of a Financial Disclosure Statement.](#)

*Action on this matter is required.*

2. **Request for First Reading Re: Refinancing Bond Issue for Library.** In reviewing the City's debt schedule, a refunding (refinancing) opportunity is available which may result in total future savings. The City issued a \$6,960,000 bond on August 1, 2005. The proceeds financed the construction of the Public Library.

The original bond terms included a call provision which allows the issuer the option to pay off bonds prior to the maturity date by issuing another bond at a lower interest rate.

The average coupon rate (interest) for the remaining life of the bonds is 4.199%. Keeping in mind that interest rates are subject to change, the City, by opting to refinance this bond in the current market, could experience a savings in excess of \$278,000, net of all issuance costs, over the remaining life of the bonds.

*I recommend the City Council move to authorize the City Manager to bring back for first reading on February 17th a Bond Resolution of up to Three Million Four Hundred Sixty Three Thousand Dollars (\$3,460,000) to refinance the remaining portion of a callable bond issued August 1, 2005 and all related costs. (The Refunding Resolution requires two readings and a public hearing with two-thirds vote of the City Council.)*

3. **Request to Establish Work Session on Monday, March 23, 2015 at 6:30 p.m. Re: Master Plan and Impact Fees.** I have discussed with the Mayor scheduling a Work Session regarding the Master Plan and Impact Fees. I am requesting that the City Council establish a Work Session on Monday, March 23, 2015 at 6:30 p.m., in the Eileen Dondero Foley Council Chambers, regarding Impact Fees and the Master Plan.

*I recommend that the City Council establish a Work Session on Monday, March 23, 2015 at 6:30 p.m., in the Eileen Dondero Foley Council Chambers, regarding Impact Fees and the Master Plan.*

4. **Request for Change of City Council Work Session from Monday, April 13, 2015 to Monday, April 27, 2015.** I am requesting that a City Council Work Session scheduled for April 13, 2015 be changed to April 27, 2015. The reason is that data will be available for a Work Session regarding the Pease Wastewater Treatment Plant.

*I recommend the City Council move to change the Work Session from April 13, 2015 to April 27, 2015, as requested.*

### ***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 20, 2015. In addition, this can be found on the City's website.
2. **City Council Policy 2010-02 Regarding Brick Sidewalks and Driveway Aprons** For your information, [attached is a copy of City Council Policy 2010-02 regarding Brick Sidewalks and Driveway Aprons](#) as amended and adopted by the City Council at the January 20, 2015 City Council meeting.
3. **Reminder of Upcoming City Council Work Sessions:** Just a reminder that the City Council will hold the following Work Sessions:
  - a) On Thursday, February 5, 2015 at 6:30 p.m., in the Eileen Dondero Foley Council Chambers, to receive a presentation and discuss a proposed second parking garage at 165 Deer Street. The Economic Development Commission has been invited to attend the work session.
  - b) On Monday, February 9, 2015 at 6:30 p.m., in the Eileen Dondero Foley Council Chambers:
    - Airbnb
    - Abandoned/Derelict Buildings
4. **Rockingham County Budget Discussion.** County Commissioner Kevin St. James has requested a meeting with the City Council regarding the proposed Rockingham County Budget. I have discussed this matter with the Mayor, and we will have Commissioner St. James attend a meeting on February 9<sup>th</sup> at 6:00 p.m. prior to the Work Session. Any City Council members wishing to attend this discussion with Commissioner St. James may do so. This will be posted as a meeting and conducted in the Eileen Dondero Foley Council Chambers. For your information, the proposed Rockingham County FY 2015 Budget can be viewed online at <http://co.rockingham.nh.us/finance/budgets/2015proposedbudget.pdf>.
5. **News Release and Flyer Re: Community Development Block Grant Program for FY2015-2016.** For your information, [attached is a news release regarding the Community Development Block Grant \(CDBG\) Program for FY 2015-2016.](#)

6. **Islington Street Charrette.** The Planning Department will be holding the Islington Street Charrette, an intense, participatory visioning, design and public input process beginning on February 20<sup>th</sup> at the Frank Jones Center, 400 Route 1 Bypass ([see attached map showing the project area](#)). The format for the Charrette will be similar to the recently completed North End Charrette with the Opening Session beginning at 6:00 p.m. on Friday, February 20<sup>th</sup>. Roundtable meetings on Saturday, February 21<sup>st</sup> will include a 10:00 a.m. session with business owners, land owners, and developers; a 12:30 p.m. session will be held to discuss building scale and design; and a 2:00 p.m. session to discuss public realm and civic spaces. All roundtable meetings are open to the public. On Sunday, February 22<sup>nd</sup> at 5:00 p.m., the Interim Pinup and Review Session will be held and on Monday, February 23<sup>rd</sup> at 6:00 p.m. the Closing Session and Presentation will be held in the Eileen Dondero Foley Council Chambers. The consultant Town Planning and Urban Design Collaborative (TPUDC) will be holding Open Studio every day of the Charrette between February 20<sup>th</sup> and February 23<sup>rd</sup> from 9:00 a.m. to 9:00 p.m., at the Frank Jones Center. Parking is available at no charge at the Frank Jones Center lot.
  
7. **Land-Use Compliance Agent.** For your information, as part of the Planning and Building Inspection Departments' on-going efforts to improve compliance with Land-use Board approvals, the City has hired a Land-use Compliance Agent. Vincent Hayes will begin working for the City on Monday, February 2, 2015. Mr. Hayes was most recently employed by the Town of Franklin, Massachusetts as a Planner/Design Review Coordinator. In addition to his planning and design review work for the Town of Franklin, Mr. Hayes has spent the past year serving the Town of Bellingham on their Master Plan Implementation Committee. Mr. Hayes has a BS from Framingham State University in Town and Regional Planning and is working on his Masters in Economic and Community Development.

**FINANCIAL DISCLOSURE STATEMENT**

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

Address: \_\_\_\_\_

Position with the City of Portsmouth: \_\_\_\_\_

A. **PRIMARY SOURCE OF ANNUAL INCOME:** My primary source of annual income is as follows<sup>1</sup>:

\_\_\_\_\_

B. **CAPITAL ASSETS:** Defined by ordinance as follows:

The term "capital assets" shall be defined to include all corporate stocks or bonds or any other business interest directly attributable to any business entity which maintains a business location in the City of Portsmouth, owns property in the City of Portsmouth, transacts substantial business in the City of Portsmouth, or transacts business with the City of Portsmouth. The term "capital assets" shall also be defined to include all real estate holdings and interest in real estate located in the City of Portsmouth, 1.901B.

I hereby disclosure the following Capital Assets (use additional page(s) if necessary):

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_
- 5. \_\_\_\_\_

C. **OTHER SOURCES OF INCOME:**

I hereby disclose the following other sources of income which produce an income in an amount greater than \$10,000 calculated annually on a per calendar year basis.

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_

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<sup>1</sup> In no instance shall disclosure be mandated of any capital assets whose value at the time of disclosure is below \$10,000 nor shall the value of any source of income or the value of capital asset be required for disclosure, Section 1.901 B.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Print Name: \_\_\_\_\_

State of New Hampshire  
Rockingham, SS

On this date personally appeared the above-named \_\_\_\_\_  
who indicates the above to be true to the best of their knowledge and belief.

\_\_\_\_\_  
Notary Public/Justice of Peace  
My commission expires: \_\_\_\_\_

## Event Listing by Date

Starting Date: 1/20/2015

Ending Date: 12/31/2015

Start End	Type Description	Location	Requestor	Vote Date
2/15/2015 2/15/2015	FESTIVAL Caitlyn Hassett, Chair, Events Committee Portsmouth Gas Light 969-8657	Hanover Street/Market Street Parking Lot	Chamber of Commerce - Fire & I	9/22/2014
3/15/2015 3/15/2015	RACE Pease		New Heights	12/ 8/2014
3/29/2015 3/29/2015	ROAD RACE Donald Allison is the contact for this event. Telephone No. (617) 835-2378	Portsmouth High School	Eastern States 20 Mile	11/17/2014
4/18/2015 4/18/2015	WALK Emily Christian is the contact for this event. Telephone: 781-693-5154 This event begins at 10:00 a.m. to 2:00 p.m., start and finish at Little Harbour School.	Little Harbour School - start and finish	National Multiple Sclerosis So	10/20/2014
5/ 3/2015 5/ 3/2015	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 Stree to ISSCo. entrance.	Downtown	Pro Portsmouth, Inc. - Childre	9/22/2014
5/ 3/2015 5/ 3/2015	WALK Richard B. Wagner is the contact for this event. This walk is from 10:00 a.m. from 5:00 p.m.	Lower Parking Lot of City Hall	AIDS Response Seacoast	1/20/2015
5/ 9/2015 5/ 9/2015	ROAD RACE Carolyn Ostrom, Community Relations Specialist (603) 610-5530 Cell: (617) 501-2728 costrom@vtnhkomen.org This race begins on the Peirce Island Bridge and finishes at Strawberry Banke - Hancock Lot	Strawbery Banke	Susan G. Komen New Hampshire R	9/22/2014
5/17/2015 5/17/2015	RACE Renee T. Bouchard is the contact for this event.(603) 431-5454. Date changed from May 3, 2015 by PDA.	Pease Tradeport	Madeline's Daughter Bridal Sho	12/ 8/2014
5/24/2015 5/24/2015	ROAD RACE Jeanine Sylvester is the contact for this event. Telephone Number 603-430-1212 This event begins at 11:00 a.m.	Redhook Ale Brewery	Runner's Alley	1/20/2015
6/13/2015 6/13/2015	FAIR Barbara Massar is the contact for this event. This event begins at 9:00 a.m. to 4:00 p.m. throughout downtown	Downtown	38th Market Square Day - Pro P	9/22/2014
6/13/2015 6/13/2015	ROAD RACE Barbara Massar is the contact for this event. This event begins at 9:00 a.m. with roving closures for race course	Market Square	38th 10K Road Race - Pro Ports	9/22/2014

Run: 1/29/15  
10:21AM

## Event Listing by Date

Page: 2

Starting Date: 1/20/2015

Ending Date: 12/31/2015

Start End	Type Description	Location	Requestor	Vote Date
6/20/2015 6/20/2015	FUND Alyssa Salmon is the contact of this event. Contact No. 430-1140 x14.	Pleasant Street	Big Brothers Big Sisters of th	8/ 4/2014
6/27/2015 6/27/2015	MUSIC Barbara Massar is the contact for this event. This event begins at 5:00 p.m. to 9:30 p.m.	Market Square - Pleasant Street	Summer in the Street Music Ser	9/22/2014
7/ 4/2015 7/ 4/2015	MUSIC Barbara Massar is the contact for this event. This event begins at 5:00 p.m. to 9:30 p.m.	Market Square - Pleasant Street	Summer in the Streets Music Se	9/22/2014
7/ 4/2015 7/ 4/2015	RACE This race is part of the Run Portsmouth Road Race Series 5K Races for 2015. David Hampson is the contact for this event. david.hampson@willis.com; Telephone No. 334-3032	Strawbery Banke	Easter Seals Veteran's Count	12/22/2014
7/11/2015 7/11/2015	MUSIC Barbara Massar is the contact for this event. This event begins at 5:00 p.m. to 9:30 p.m.	Market Square - Pleasant Street	Summer in the Street Music Ser	9/22/2014
7/18/2015 7/19/2015	BIKE TOUR Chris Vlangas, Development Director and Thomas MacLennan, Logistics Specialists are the contacts for this event.	Coastline and Mainland from Kittery, ME	Cystic Fibrosis Foundation	12/22/2014
7/18/2015 7/18/2015	MUSIC Barbara Massar is the contact for this event. This event begins at 5:00 p.m. to 9:30 p.m.	Market Square - Pleasant Street	Summer in the Street Music Ser	9/22/2014
7/25/2015 7/25/2015	MUSIC Barbara Massar is the contact for this event. The event begins at 5:00 p.m. to 9:30 p.m.	Market Square - Pleasant Street	Summer in the Street Music Ser	9/22/2014
8/ 1/2015 8/ 1/2015	MUSIC Barbara Massar is the contact for this event. This event begins at 5:00 p.m. to 9:30 p.m.	Market Square - Pleasant Street	Summer in the Streets Music Se	9/22/2014
8/ 1/2015 8/ 1/2015	RACE This is part of the Run Portsmouth Road Race Series 5K Races for 2015 Justin Finn is the contact for this event. justinf@secureplanninginc.com; Telephone No. 433-5515	Strawbery Banke Museum	Portsmouth Rotary Club - Thund	12/22/2014
8/22/2015 8/22/2015	BIKE TOUR Emily Christian is the Logistics Associate This event begins in Stratham Hill, over to Kittery, back through Portsmouth by way of Marcy Street to 1B.	Through the City to and from Stratham Hill Park	National Multiple Sclerosis So	1/ 5/2015
9/13/2015 9/13/2015	ROAD RACE This is part of the Run Portsmouth Road Race Series 5K Races for 2015 Wendy McCoole is the contact for this event. wendy@mybreakfastcancersupport.org Telephone No. 759-5640	Portsmouth Middle School	Celebrate Pink 5K Road Race &	12/22/2014



Run: 1/29/15  
10:21AM

## Event Listing by Date

Page: 3

Starting Date: 1/20/2015

Ending Date: 12/31/2015

Start End	Type Description	Location	Requestor	Vote Date
9/26/2015 9/27/2015	BIKE TOUR Donna Hepp is the contact for this event. dhepp3@gmail.com or 414-258-3287	Rte. 1B over Memorial Bridge	Granite State Wheelmen	11/17/2014
9/26/2015 9/27/2015	FESTIVAL David Hallowell is the contact for this event.	Pleasant Street	Portsmouth Maritime Folk Festi	12/ 8/2014
9/26/2015 9/27/2015	TOUR This event is for two days. Caroline Amport Piper is the contact. Telephone (603) 686-4338	South End	Friends of the South End	11/17/2014
10/10/2015 10/10/2015	RACE This is part of the Run Portsmouth Road Race Series 5K Races for 2015 Catherine Edison of Community Child Care Center of Portsmouth is one of the contacts. CEdison@communitycampus.org and Ben Anderson or Meghan Toner of Prescott Park Arts Festival Tel. 436-2848	Start Memorial Bridge Portsmouth - Finish Prescott	Memorial Bridge Road Race	12/22/2014
11/26/2015 11/27/2015	RACE Matt Junkin of Seacoast Rotary Club is the contact for this event. mrjunkin@gmail.com; Tel. 591-0083	Strawbery Banke Museum	Seacoast Rotary Club - Turkey	12/22/2014
11/26/2015 11/26/2015	ROAD RACE Matt Junkin is the contact for this event.	Peirce Island - begins and ends	Seacoast Rotary Club	12/ 8/2014



## CITY OF PORTSMOUTH

### CITY COUNCIL POLICY No. 2010 - 02

#### POLICY REGARDING SIDEWALKS AND DRIVEWAY APRONS

**WHEREAS**, there are aesthetic and cost concerns regarding any municipal decision to construct, repair or replace sidewalks using either brick or concrete; and

**WHEREAS**, the determination of the materials to be used in sidewalk construction repair and replacement must be made early in the design and engineering process in order to accommodate the City's bidding and contractual policies; and

**WHEREAS**, a request for a variance from this sidewalk policy regarding standard materials and typical sidewalk and driveway details (Exhibit B) will be made to the Director of Public Works; and

**WHEREAS**, there may be additional costs for variances from this policy that will be paid by the benefiting parties.

**NOW THEREFORE**, the City Council adopts the following policy:

- A. Whenever sidewalks are constructed, repaired or replaced in the City the following shall apply:
1. Sidewalks within the Historic District will be brick, with the exception of the following streets which will be concrete:
    - a. Islington Street,
    - b. New Castle Avenue east of Marcy Street,
    - c. Middle Street and Lafayette Road south of Aldrich Road; and
    - d. All streets west of the easterly shore of the North Mill Pond, with the exception of Nobles Island.(All as shown on Exhibit A attached hereto.)
  2. Sidewalk material for sidewalks located outside the Historic District which have historically been brick will be determined by vote of the City Council.
  3. Where a sidewalk is located both within the Historic District and outside of the Historic District, the relative portion of the sidewalk that is greater in length shall determine whether the sidewalk shall be brick or concrete.
  4. The preferred standard material for all other sidewalks will be concrete.

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5. Driveway aprons in the City shall be continuous bituminous asphalt from the edge of road to property line. Sidewalks, if any, shall terminate on either side of driveway apron.

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This policy shall take effect upon the passage by the City Council.

Adopted by the Portsmouth City Council on \_\_\_\_\_.

Ratified by the Portsmouth City Council on \_\_\_\_\_.

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Kelli L. Barnaby, CMC/CNHMC  
City Clerk

## CITY OF PORTSMOUTH



# CDBG PUBLIC SERVICE AGENCY GRANTS AVAILABLE

**January 22, 2015**

**FOR MORE INFORMATION:**

Contact: David Moore, 610-7226

**PORTSMOUTH** – The Portsmouth Community Development Department is now accepting applications for the FY 2015-2016 Public Service Agency Grant program. The funding for this program is provided by a Community Development Block Grant from the U.S. Department of Housing and Urban Development. This is a competitive grant program that makes grants ranging from \$5,000 to \$10,000 to non-profit public service agencies that serve Portsmouth individuals and families who earn very low, low or moderate-incomes. Funds may be used for operating expenses during the program year beginning July 1, 2015 and ending June 30, 2016.

Eligible agencies must have a 501(c)(3) tax exemption status and over 51% of their clients must earn very low, low or moderate incomes as defined by U.S. Housing and Urban Development. Eligible grant expenses include the cost of labor, supplies, and/or materials required for the provision of services to agency clientele. Agencies that have received funding in the previous year, must also be able to demonstrate that they can either increase the number of clients they assist or the services they provide in the coming year. The deadline for submission of applications to the City of Portsmouth Community Development Department is 4:30 p.m. on Tuesday, February 17, 2015. In order to be considered for funding, applications must be received by that date and time.

To request an application, or to obtain more information about the CDBG Public Service Agency Grant Program, please call David Moore, Community Development Director, in the Portsmouth Community Development Department at (603) 610-7226.

# The City of Portsmouth announces the FY 2015-2016 . . .



## Portsmouth CDBG Public Service Agency Grant Program

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### **Program Description**

Operating funds for non-profit public service agencies that assist Portsmouth individuals or families who earn very low, low or moderate incomes (as defined by U.S. Housing and Urban Development) are available through this program.

### **Eligible Agencies**

Agencies must have a 501(c)(3) tax exemption status and over 51% of their clients must earn very low, low or moderate incomes. If an agency received CDBG funds in a previous fiscal year, the agency must be able to either increase the number of clients to be assisted or the services to be provided in the coming fiscal year. Agencies must have a place of business in Portsmouth, unless the program or service for which funding is sought is not currently available to Portsmouth residents who earn very low, low or moderate incomes. Only one application per agency will be accepted.

### **Eligible Expenses**

The cost of labor, supplies, and/or materials required for the provision of services to agency clientele are eligible expenses. Grant funds may not be used for political activities or payments to individuals or families for food, clothing, rent, or utilities.

### **Project Beneficiaries**

At least 51% of the individuals and/or families assisted by the program funded must earn very low, low or moderate incomes.

### **Grants Available**

Grants from \$5,000 to \$10,000 are available to eligible agencies.

### **Application Process**

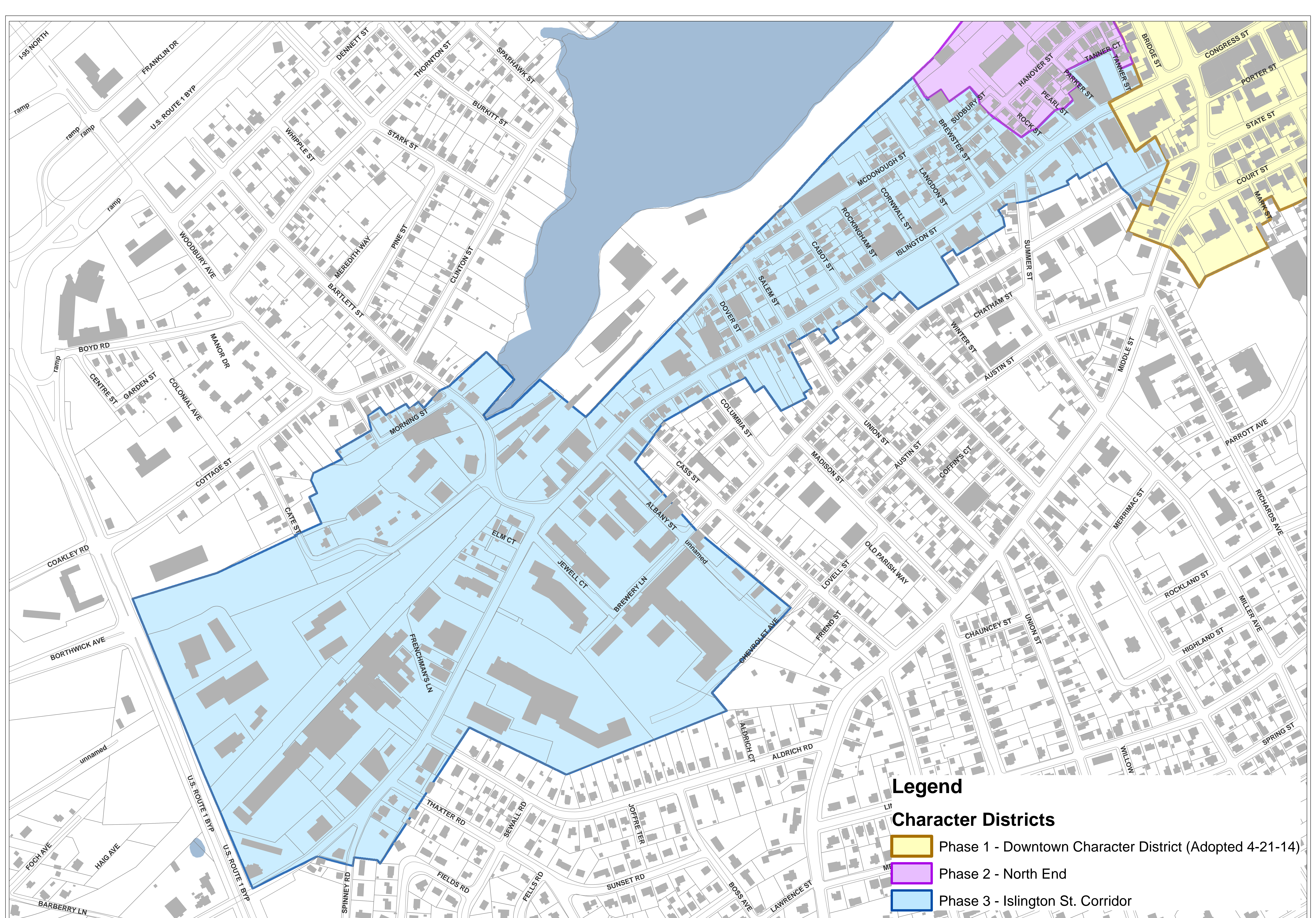
Interested agencies are encouraged to contact David Moore, Community Development Director, to discuss their proposal and request an application. Applications must be submitted to the Portsmouth Community Development Department by **4:30 p.m. on Tuesday, February 17, 2015**.

This is a competitive grant process. All applications are reviewed by the Citizens Advisory Committee, which makes funding recommendations. Organizations awarded grants receive reimbursement for approved expenses incurred between July 1, 2015 and June 30, 2016.

### **For more information**

Contact David Moore, at 610-7226 at the Community Development Department, Portsmouth City Hall, 1 Junkins Avenue, Portsmouth, NH, 03801.

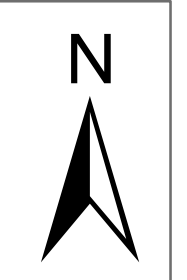
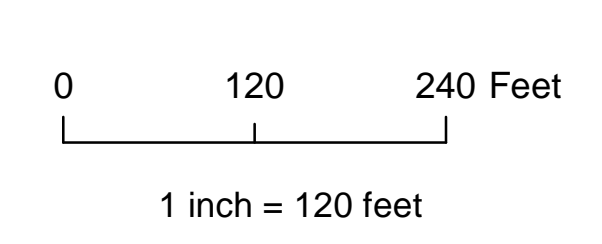
**The CDBG Public Service Agency Grant Program is administered by the City's Community Development Department and financed by a Community Development Block Grant (CDBG) provided by U.S. Housing and Urban Development.**



**Legend**

**Character Districts**

- Phase 1 - Downtown Character District (Adopted 4-21-14)
- Phase 2 - North End
- Phase 3 - Islington St. Corridor





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: Trustees of Trust Funds

JAN 05 2013  
Renewing applicant

Name: Phyllis Eldridge Telephone: 603 431-1293

Could you be contacted at work? YES/NO - If so, telephone# 936-7100 X2924

Street address: 50 South School Street, #6

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

Email address (for clerk's office communication): phyllis917@gmail.com

How long have you been a resident of Portsmouth? 34 years

Occupational background:

Elementary School teacher, nursery school teacher, book store clerk, program manager at Lamproy Health Care - currently Futures Coordinator at PHS.

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

Reasons for wishing to continue serving: The TTF is an interesting and challenging responsibility. There is unfinished business and I would like to continue to work with the other Trustees.

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

Currently - no others  
over the years - City Council, HDC,  
Planning Board, Library Trustee, and  
various not for profit boards.

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

1) Jerry Howe 303 Miller Ave. 431-4101  
Name, address, telephone number

2) Mary Ann List Box 7103 Portsmouth, 603 721-9042  
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature: Phyllis Eldridge Date: December 29, 2014

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 01/01/2018

Annual Number of Meetings: 22 Number of Meetings Absent: 1  
(2014)

Date of Original Appointment: 9/1/2007

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



Wednesday, January 28, 2015

To: Portsmouth City Councilors,

### **Taxi Commission / Uber / Ride-Sharing Services**

On the City Council Agenda for the Monday, February 2nd meeting is a request from the Portsmouth Taxi Commission to consider drafting an ordinance that will, in large part, deregulate all businesses that provide ride services, including current taxi cabs that are operational in Portsmouth.

A number of provisions in our ordinances would be eliminated, such as requirements for medallions and taxi operator licenses, and other provisions would be re-written to assure compliance with important remaining standards to provide public safety.

During the past three months, the Taxi Commission has carefully considered the value of continuing with our ordinances as they are, or amending them to create essentially a "level field" for all businesses and individuals providing ride services.

With the advent of "Uber" and other ride-sharing services, which many of our residents -- and certainly visitors -- are familiar with and are comfortable about using, our obligation -- as a Taxi Commission and as a City Council -- is to adapt to 21st Century and changing technology to find ways to serve the needs of the public, and yet provide safety oversight.

With that in mind, the Taxi Commission is recommending a number of changes, which once an ordinance is drafted by City Attorney Bob Sullivan for consideration will be explored in more detail. The public hearing process will allow us to learn concerns of the public, as well as taxi cab owners and drivers.

I know that the members of the Taxi Commission have, in heart and mind, the well-being of all of our taxi cab owners and drivers, and understand the concerns already voiced about making sure there is a "level field" -- that what applies to them applies to everyone. That has been one of the goals.

We're all going to have to bring both an open mind to what will be, in the next few weeks as we discuss this, a different way of looking at how city government oversees, and enforces, the public's safety in rider services.

**Our obligation is primarily to be sure that there is a process in place for thorough BACKGROUND CHECKS for drivers, proper INSPECTION of vehicles to ensure public safety, and quality and verifiable INSURANCE COVERAGE.**

But further oversight or regulation than that is questionable, and in those areas there is much room for discussion.

In the many hours that I have participated in the Taxi Commission meetings, and while talking with others about this matter, I have come to feel that the end-goal that we should have is to create the "win-win" for all: the current taxi cab business owners, the taxi cab drivers, those who want to drive as associates or partners for Uber and other ride-sharing services, AND our residents and visitors. I think we can accomplish that.

Especially for taxi cab business owners and drivers, we may find that they will become more successful than ever. Through an arrangement with them within our re-written ordinances, they may well be granted what Uber and other ride-sharing services wouldn't be able to have (by nature of their own company provisions), and that is the continued use of city-designated taxi parking spots to accept on-demand customers.

With that added advantage, and a level field of limited regulations for all, a reduction in operating costs by elimination of the medallion system, and the opportunity to accept "cash customers," which Uber and ride-sharing services cannot do, they can excel in their business. These changes will also give them increased advertising opportunities, and an incentive to cooperate together more.

With our decision to move forward with re-drafting of ordinances, we begin a challenging discussion that could eventually favorably impact taxi cab business owners and drivers, ride-sharing drivers, our residents and visitors -- and in that way, our businesses throughout the city which rely on reliable transportation services at all times of day and night.

Thank You,

Jim Splaine  
*City Councilor*

**CITY OF PORTSMOUTH  
TAXI COMMISSION  
MEMORANDUM**

DATE: January 28, 2015

TO: MAYOR ROBERT LISTER AND CITY COUNCIL

FROM: PETER BRESCIANO, TAXI COMMISSION CHAIR  
LAWRENCE CATALDO, TAXI COMMISSIONER

RE: TAXI COMMISSION'S REQUEST FOR PROPOSED ORDINANCE CHANGE

*Perks to both*

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With the arrival of internet based ride-sharing services such as Uber and Lyft in the City the Taxi Commission has engaged in a public process of reconsidering the overall topic of taxi regulation in the City. The focus of this process has been whether or not to accommodate ride-sharing along with traditional taxi services. A public input session was held on January 14, 2015 at which substantial input was received. On January 21, 2015, the Taxi Commission held a lengthy deliberation on the question and determined by unanimous vote to recommend to the City Council that a major rewrite be undertaken of the City's taxi ordinance.

The two main themes in the proposed rewrite would be to adjust taxi regulation as much as possible to allow ride-sharing services to operate in the City and to adjust the City ordinances so that the ride-sharing services and the traditional taxi companies operated on a level playing field. Also, the City would withdraw from limiting the number of vehicles which could provide taxi type services in the City and from determining the fares which those vehicles could charge. Both the number of vehicles in operation and the fares collected by those vehicles would be left to market forces.

With the foregoing in mind the Taxi Commission requests authorization from the City Council to work with the City's Legal Department in the preparation of an ordinance to be brought in for a first reading. In general, the ordinance would accomplish the following:

1. Recognize and allow ride-sharing services;
2. Eliminate the existing medallion system and replace it with a process under which vehicles which provide taxi like services would follow a simplified registration process through the Office of the City Clerk;
3. Eliminate the current system of licensing taxi drivers and replace it with and create a registration system and replace it with a process under which taxi drivers who provide taxi like services would follow a simplified registration process through the Office of the City Clerk;

4. Determine an insurance requirement which all registered vehicles must satisfy for the protection of passengers and other members of the public;
5. Require background checks for all drivers of taxi-like vehicles to be performed at the driver's expense; and
6. Determine a method to assure that vehicles used in transportation passengers for hire were in a roadworthy and safe condition.

If authorized by the City Council the Taxi Commission will work with the City's Legal Department to produce an ordinance amendment which addresses the issues listed above as well as any other matters incidental to them. It is anticipated that the ordinance could be brought in for first reading at the next City Council meeting.

January 28, 2015

Mayor Robert Lister and the City Council

RE: More Information on the Taxi Commission's Proposed Ordinance Changes

Dear Mayor Lister and Distinguished Members of the City Council:

A memo from the Taxi Commission has been sent to you and the City Council to allow the City Attorney's office to begin preparing proposed ordinance changes from the Taxi Commission's decision to deregulate the taxi industry in Portsmouth. The details of the Commission's resolution are in that memo.

If you approve this action, I and other members of the Commission will be working with Attorney Sullivan to provide more details on what the Commission had in mind. For example, if the Clerk's office is to register taxi drivers, what type of documentation is required for: (1) the driver's company; (2) insurance certification, e.g., a copy of the policy; (3) state inspection verification and (4) the minimum report that the Police Department would accept as proof of a background check, if no investigation is required.

When we are ready to propose the ordinance changes to you (subject to your initial approval), I and one or more members will give the City Council a full presentation on what we propose; it may be as early as February 17<sup>th</sup>.

You may also expect other minor ordinance changes to be proposed in the upcoming months if further process refinements are required.

Respectfully submitted,

Lawrence Cataldo  
Member – Portsmouth Taxi Commission

**A PROPOSED ORDINANCE OF THE CITY OF PORTSMOUTH, NEW HAMPSHIRE**

**ADDING SECTION 3.203-F "SINGLE-USE CARRYOUT PLASTIC BAGS,"**

**TO THE PUBLIC HEALTH CHAPTER OF PORTSMOUTH'S MUNICIPAL CODE**

**WHEREAS**, a countless amount of single-use carryout plastic bags are distributed by retail establishments in the City each year; and

**WHEREAS**, most of these single-use carryout bags are made from plastic or other material that does not readily decompose; and

**WHEREAS**, this ordinance requires stores that decide to make recycled paper carryout bags available to their customers to pass-through the reasonable cost of providing these bags; and

**WHEREAS**, a minimum cost pass through of \$0.10 per paper bag would cover the reasonable cost to a store of providing the paper bags to its customers; and

**WHEREAS**, the proceeds from the collection of the paper bag pass-through would be retained by the retailer and this ordinance does not specify how the retailers must expend the monies collected; and

**WHEREAS**, customers can avoid this cost pass-through by using reusable bags; and

**WHEREAS**, no portion of the cost pass-through will be provided to the City and consequently, the City will not receive any revenues from the retailers' collection of the paper bag cost pass-through; and

**WHEREAS**, therefore, the cost pass-through is not a tax or fee; and

**WHEREAS**, a paper bag cost pass-through is an essential element of the proposed ordinance as it is intended to provide a disincentive to customers to request paper bags when shopping at regulated stores and to promote a shift towards the use of reusable bags by City consumers; and

**WHEREAS**, there are several alternatives to Single-Use Carryout Plastic Bags readily available in the City, including reusable bags produced from sustainable materials; and

**WHEREAS**, it is the City's desire to lead by example and whenever possible to conserve resources, reduce the amount of greenhouse gas emissions and solid waste, and to protect the public health and welfare including local wildlife, all of which increase the quality of life for the City's residents and visitors.

**A. Addition of “SINGLE-USE CARRYOUT PLASTIC BAGS” To Public Health Chapter**

Chapter 3, Article II, Section F of the City of Portsmouth’s Municipal Code is hereby added as follows:

**CHAPTER 3.203F**

**SINGLE-USE CARRYOUT PLASTIC BAGS**

**Sections:**

<b>3.203F-1</b>	<b>Title.</b>
<b>3.203F-2</b>	<b>Findings and Purpose.</b>
<b>3.203F-3</b>	<b>Definitions.</b>
<b>3.203F-4</b>	<b>Prohibited Carryout Bags.</b>
<b>3.203F-5</b>	<b>Permitted Carryout Bags.</b>
<b>3.203F-6</b>	<b>Exemptions.</b>
<b>3.203F-7</b>	<b>Operative Date.</b>
<b>3.203F-8</b>	<b>Penalties and Enforcement.</b>

**3.203F-1 Title.**

This chapter shall be referred to as the “SINGLE-USE CARRYOUT PLASTIC BAGS” Ordinance.

**3.203F-2 Findings and Purpose.**

(a) The City Council finds and determines that the City is committed to protecting the public health, safety, welfare, and environment, and that in order to meet these goals, it is necessary for the City to promote the public purposes served by this Chapter and adopt the following regulations pursuant to these findings.

(b) The City finds that ordinances limiting the use of Single-use Carryout Plastic Bags have been proven to reduce the amount of pollution and improve quality of life for its citizens.

(c) The City finds that, except in unusual circumstances, it is feasible and reasonable for parties who provide Single-use Carryout Plastic Bags to easily transition to paper bags and move to a model that charges for paper bag use by consumers.

(d) The City recognizes that plastic bags are a public nuisance and affect public health and impact tourism and quality of life to both residents and visitors in the City.

### **3.203F-3 Definitions.**

For purposes of this chapter, the following words and phrases shall have the meaning respectively ascribed to them by this section:

“Customer” means any Person obtaining goods from a Store.

“Nonprofit Charitable Reuser” means a charitable organization, as defined in Section 501(c)(3) of the Internal Revenue Code of 1986, or a distinct operating unit or division of the charitable organization, that reuses and recycles donated goods or materials and receives more than fifty percent (50%) of its revenues from the handling and sale of those donated goods or materials.

“Operator” means the person in control of, or having the responsibility for, the operation of a Store, which may include, but not be limited to, the owner of the Store.

“Paper Bag Cost Pass-Through” means the cost which must be collected by retailers from their Customers when providing a Recycled Paper Bag.

“Person” means any natural person, firm, corporation, partnership, or other organization or group however organized.

“Pharmacy” means any retail store, where prescriptions, medications, controlled or over the counter drugs, personal care products or health supplement goods or vitamins are sold.

“Prepared Food” means foods or beverages which are prepared on the premises by cooking, chopping, slicing, mixing, freezing, or squeezing, and which require no further preparation to be consumed. Prepared Food does not include any raw, uncooked meat product or fruits or vegetables which are chopped, squeezed, or mixed.

“Produce Bag” or “Product Bag” means any bag without handles used exclusively to carry produce, meats, or other food items to the point of sale inside a store or to prevent such food items from coming into direct contact with other purchased items.



“Public Eating Establishments” means a restaurant, take-out food establishment, or any other business that receives ninety percent (90%) or more of its revenue from the sale of Prepared Food to be eaten on or off its premises.

“Recycled Paper Bag” means a paper bag provided at the check stand, cash register, point of sale, or other point of departure for the purpose of transporting food or merchandise out of the establishment that contains no old growth fiber and a minimum of forty percent (40%) post-consumer recycled content; is one hundred percent (100%) recyclable; and has printed in a highly visible manner on the outside of the bag the word “Recyclable,” the name and location of the manufacturer, and the percentage of post-consumer recycled content. The Recycled Paper Bag is capable of composting, consistent with the timeline and specifications of the American Society of Testing and Material (ASTM) Standard Specification for Compostable Plastics D6400, as published in September 2004.

“Retail Establishment” means any commercial establishment that sells perishable and nonperishable goods including but not limited to, clothing, food, and personal items directly to the Customer and is located within or doing business within the City. Retail Establishments do not include Public Eating Establishments or Nonprofit Charitable Reusers.

“Reusable Bag” means a bag that has handles that is specifically designed and manufactured for multiple reuse and meets all of the following requirements:

- (1) is machine washable or is made of material that can be cleaned or disinfected;
- (2) has a minimum lifetime of one hundred twenty-five (125) uses, which for purposes of this subsection, means the capability of carrying a minimum of twenty-two (22) pounds one hundred twenty-five (125) times over a distance of at least one hundred seventy-five (175) feet;
- (3) if made of a plastic, it must be at least two and one-quarter (2.25) mil thick; (4) does not contain lead, cadmium, or any other heavy metal in toxic amounts, as defined by applicable State and Federal standards and regulations for packaging or reusable bags.

“Single-Use Carryout Plastic Bag” means a bag other than a Reusable Bag provided at the check stand, cash register, point of sale or other point of departure for the purpose of transporting food or merchandise out of the establishment. Single-Use Carryout Plastic Bags do not include bags without handles provided to the Customer

- (1) to transport produce, bulk food, or meat from a produce, bulk food, or meat department within a Store to the point of sale; or
- (2) to hold prescription medication dispensed from a Pharmacy; or
- (3) to segregate food or merchandise that could damage or contaminate other food or merchandise when placed together in a Reusable Bag or Recycled Paper Bag.

“Store” means any of the following Retail Establishments located within the City:

- (1) A full-line, self-service retail store with gross annual sales of two million dollars (\$2,000,000), or more, that sells a line of dry grocery, canned goods, or nonfood items and some perishable items; or
- (2) A store of at least 10,000 square feet of retail space that sells any perishable or non-perishable goods including, but not limited to clothing, food, or personal items; or
- (3) A drug store, Pharmacy, supermarket, grocery store, convenience food store, foodmart, or other entity engaged in the retail sale of a limited line of goods that includes milk, bread, soda, and snack foods; or
- (4) A store of less than 10,000 square feet of retail space that sells any perishable or non-perishable goods including, but not limited to, clothing, food, or personal items.

### **3.203F-4 Prohibited Carryout Bags**

- (a) No Store, to include grocery store or Pharmacy, shall provide a Single-Use Carryout Plastic Bag to a Customer, at the check stand, cash register, point of sale, or other point of departure for the purpose of transporting food or merchandise out of the establishment except as provided in this ordinance.
- (b) No Person shall distribute a Single-Use Carryout Plastic Bag at any City facility, City-managed concession, City-sponsored event, or City-permitted event unless otherwise provided in this Section.

### 3.203F-5 Permitted Carryout Bags

- (a) Stores are allowed to distribute only Recycled Paper Bags or Reusable Bags to Customers for the purpose of carrying away goods or other materials from the point of sale, subject to the terms of this Chapter.
- (b) A Customer shall be charged a minimum of ten cents (\$.10) for each Recycled Paper Bag provided by the Store (the Paper Bag Cost Pass-Through). The sale of each bag shall be separately itemized on the sale receipt.
- (c) All Stores must keep records of the total number of Recycled Paper Bags provided, the total amount of monies collected for providing Recycled Paper Bags, and a summary of any efforts the Store has undertaken to promote the use of Reusable Bags by Customers in the prior calendar year. Such records must be made available for the City Manager, or his/her designee, to review within a reasonable period of time upon request. These records may be kept at the retailer's corporate office.
- (d) Nothing in this Chapter prohibits Customers from using bags of any type that they bring to the Store themselves or from carrying away goods that are not placed in a bag, in lieu of using bags provided by the Store.

### 3.203F-6 Exemptions.

- (a) A Store may provide a Customer participating in *Special Supplement Nutrition Program for Women, Infants, and Children (WIC)* or *Supplemental Nutrition Assistance Program (SNAP)* with one (1) or more Recycled Paper Bags or Reusable Bags at no cost.
- (b) Single-use Carryout Plastic Bags may be distributed to Customers by food providers for the purpose of safeguarding health and safety during the transportation of Prepared Foods, including take-out foods and liquids intended for consumption away from the food provider's premises.

### 3.203F-7 Operative Date.

Chapter shall become operative twelve (12) months after its effective date for Stores defined in Section 3.203F-3.

**3.203F-8 Penalties and Enforcement**

- (a) If the Public Works Director, or his/her designee determine that a violation of this Chapter has occurred, he/she will issue a written warning notice to the Operator of a Store and the potential penalties that will apply for future violations
- (b) Upon a second or subsequent infraction of this ordinance, the Public Works Department is authorized to issue citations to persons, firms, or corporations violating this ordinance in accordance with municipal citation authorization contained in the ordinances of the City of Portsmouth, except that all citations issued for violation of this ordinance shall be in the amount of \$100 per occurrence.
- (c) The City Attorney is authorized to file any appropriate legal proceedings, including but not limited to requests for injunctive relief, necessary to prevent violation of this ordinance.

**EFFECTIVE DATE**

This ordinance shall take effect thirty (30) days after its third reading.

**CERTIFICATION**

The City Clerk shall certify to the passage of this ordinance and shall cause the same to be published according to law.

**PASSED AND ADOPTED** by the City Council of the City of Portsmouth, NH at a regular meeting held on the \_\_\_\_\_ by the following vote:

**AYES:**

**NAYS:**

**ABSENT:**

**ABSTAIN:**