

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, APRIL 6, 2015 TIME: 7:00 PM

AGENDA

- 6:00PM – AN ANTICIPATED “NON-MEETING’ WITH COUNSEL RE: POTENTIAL ACQUISITION OF REAL ESTATE & POTENTIAL SETTLEMENT OF LITIGATION – RSA 91-A:2, I (b)

I. CALL TO ORDER (7:00PM)

II. ROLL CALL

III. INVOCATION

IV. PLEDGE OF ALLEGIANCE

PRESENTATION

1. Middle Street Bike Lanes – Juliet Walker, Transportation Planner (*Sample motion – move to endorse the preferred Option B, which is called “Buffered Bike Lanes” as outlined in the presentation*)
2. Update on Route 7 COAST – Juliet Walker, Transportation Planner

V. ACCEPTANCE OF MINUTES – MARCH 16, 2015

VI. PUBLIC COMMENT SESSION

VII. PUBLIC HEARING

- A. RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF UP TO FIVE MILLION DOLLARS (\$5,000,000.00) FOR COSTS RELATED TO ELEMENTARY SCHOOL FACILITY IMPROVEMENTS

VIII. APPROVAL OF GRANTS/DONATIONS

- A. *Acceptance of Donation to the African Burying Ground from TD Bank - \$10,000.00 (*Sample motion – move to accept and expend a \$10,000.00 grant from TD Bank for costs associated with the events marking the project’s completion in May 2015.*)
- B. *Acceptance of Community Development Block Grant Funds (*Sample motion – move to accept and expend a Community Development Block Grant (CDBG) in the amount of \$505,162.00 from the U.S. Department of Housing and Urban Development*)

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. Adoption of Resolution Authorizing a Bond Issue and/or Notes of up to Five Million Dollars (\$5,000,000.00) for Costs related to Elementary School Facility Improvements **(Sample motion – move to adopt the proposed Resolution authorizing a Bond Issue and/or Notes of up to Five Million Dollars (\$5,000,000.00) for Costs related to Elementary School Facility Improvements, at the April 6, 2015 City Council meeting) (A Two-thirds vote required by City Council for Adoption of Resolution)**
- B. Second reading of Ordinance amending Chapter 7, Article II – Taxicabs to be deleted in its entirety and replaced with a new Article II entitled – Transportation Services **(Postponed from the March 16, 2015 City Council meeting) (Sample motions: (1) move that the following sentence be added at the end of the first paragraph of Section 7.208 FARE REGULATION which shall read as follows:**

“In no situation shall the fare for any single transportation service beginning and ending within the City of Portsmouth exceed the total sum of \$25.00”

(Explanation not part of the motion: The maximum fare contained in the proposed amendment was based on input requested from Great Bay Taxi based upon the cost of a taxi ride under the current ordinance commencing at the Kittery town line and continuing to the Rye town line which is 5.1 miles, \$21.95)

(2) move that Section 7.202 VEHICLE REGISTRATION of the proposed ordinance by the addition of the following sentence after the words “ Transportation Services” and before the words “There shall be a fee...” which shall read as follows:

“The placard shall be displayed in such a manner as to be plainly visible from the exterior of the vehicle by any potential customer”

(3) move that the phrase, “on its date of issuance” in Section 7.207 ANNUAL RENEWAL: be deleted and replaced with “May 1st”

(4) move that the following new paragraph be added to Section 7.201 TRANSPORTATION SERVICES:

However, this ordinance shall not apply to the following:

- a. ***Limousine Services, which provide designated luxury or specialty vehicles by prior appointment for discrete functions;***
- b. ***Limousine Services, whose operation is limited to the transport of passengers by prior appointment from locations within the City of Portsmouth to destinations located outside of the City or the reverse.***

And further, authorize the City Manager to bring back for third and final reading the proposed Ordinance at the April 20, 2015 City Council meeting, as presented.

X. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. Request from Fairpoint License Agreement for a new guy pole and guy wire on Court Street directly across from the African Burial Ground site **(Anticipated action – move to approve the aforementioned Pole License Agreement as recommended by the Public Works Department with the approval conditioned upon amendment of the license to allow for the collection of any lawfully assessed real estate taxes)**
- B. Letter from Mary-Jo Monusky, Arts in Reach, requesting permission to hold the 3rd annual AIRWalk fundraiser on Saturday, October 17, 2015 from 9:00 a.m. to 11:00 a.m. **(Anticipated action – move to refer to the City Manager with power)**
- C. Letter from Caroline Piper, Fairy House Tour, requesting permission to close Washington Street to motor vehicle through traffic between Court and Hancock Streets on Saturday and Sunday, September 26 and 27 from 9:30 a.m. to 4:00 p.m. **(Anticipated action – move to refer to the City Manager with power)**
- D. Letter from Shamera Simpson, March of Dimes, requesting permission to hold the 2015 Seacoast March for Babies in Portsmouth, Sunday, May 31, 2015 **(Anticipated action – move to refer to the City Manager with power)**
- E. Request for License from Robert Withington/Laura Carrigan, owners of Withington and Co. Antiques / Laura Carrigan Designs for property located at 207 Market Street for a projecting sign on an existing bracket **(Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Robert Withington/Laura Carrigan, owners of Withington and Co. Antiques / Laura Carrigan Designs for a projecting sign at property located at 207 Market Street and, further, authorize the City Manager to execute License Agreements for this request)**

Planning Director's Stipulations:

- **The license shall be approved by the Legal Department as to content and form;**
- **Any removal or relocation of the projecting sign, for any reason, shall be done at no cost to the City; and**
- **Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason, shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works**

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Bert Cohen, Chair, Blue Ribbon Committee on Sustainable Practices recommendation for the Council to proceed with a first reading of the proposed Single-Use Carryout Plastic Bag Ordinance

- B. Letter from Sandra Yarne, Seacoast Peace Response, requesting permission to hold a Penny Poll in Market Square on April 15th from 11:30 a.m. to 1:00 p.m. and place a plywood structure which measures 36” in height by 66” in width on the sidewalk
- C. Letter from Nancy Pape, NH Conference United Church of Christ, requesting permission to hold a May Day Celebration for immigrant rights at Market Square on Friday, May 1, 2015 from 5:00 p.m. – 6:30 p.m.

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

Items Which Require Action Under Other Sections of the Agenda

- 1. Public Hearing and Adoption of Resolution:
 - 1.1 Public Hearing/Adoption of Resolution Authorizing a Bond Issue and/or Notes of up to Five Million Dollars (\$5,000,000.00) for Costs related to Elementary School Facility Improvements (**Action on this item should take place under Section IX of the Agenda**)
- 2. Second Readings for Proposed Ordinance:
 - 2.1 Second Reading of Ordinance amending Chapter 7, Article II – Taxicabs to be deleted in its entirety and replaced with a new Article II entitled – Transportation Services (*Postponed from the March 16, 2015 City Council meeting*) (**Action on this item should take place under Section IX of the Agenda**)

City Manager’s Items Which Require Action:

- 1. Request to Renew Seacoast Growers’ Association (Farmers’ Market) Proposed 2015 License Agreement
- 2. Applications for Sidewalk Cafés Providing Alcohol Service – city-owned sidewalks:
 - a) State Street Saloon
 - b) Popovers on the Square
 - c) Ri Ra Portsmouth
 - d) The District
- 3. Applications for Sidewalk Cafes providing Alcohol Service – private sidewalks:
 - a) British Beer Company
 - b) The BRGR Bar
- 4. Annual Renewal of Boarding House Permits:
 - a) 278 Cabot Street
 - b) 350 – 352 Hanover Street
- 5. Sawtelle Family Donation Gift of the Carlton Theodore Chapman Painting Entitled: *Bonhomme Richard Capturing the Serapis*

6. Request for Road Closures for African Burying Ground Events
7. Request for Approval Re: Town of Rye Water Agreement

Informational items

1. Events Listing
2. News Release Re: African Burying Ground Reburial Events and Update
3. Master Plan Kick-off Meeting for April 15, 2015
4. Report Back Request of Councilor Eric Spear Re: Proposed Charter Amendment Allowing for Election of the Mayor
5. Handicap Parking Time Limit Implementation

B. MAYOR LISTER

1. Appointments to be Considered:
 - Reappointment of Ronald Poulin to the Cable Television and Communications Commission
 - Reappointment of MaryAnn Blanchard to the Conservation Commission
 - Reappointment of Gibson “Mike” Kennedy to the Portsmouth Housing Authority
 - Reappointment of Kathryn Lynch to the Recreation Board
2. Reappointment of Peter Loughlin to the Pease Development Authority Portsmouth/Newington representative until March 31, 2018
3. Resignation of Elissa Hill Stone from the Conservation Commission

C. ASSISTANT MAYOR SPLAINE

1. Statement of Support on Marriage Equality
2. Uber / Ride-Sharing / Transportation Services Ordinance

D. COUNCILOR SHAHEEN

1. *Request to have the Police Chief and the Police Commission at the April 20th City Council meeting to Review Response to the Heroin Epidemic

E. COUNCILOR KENNEDY

1. *Transportation Center

F. COUNCILOR LOWN

1. Parking & Traffic Safety Committee Action Sheet of March 12, 2015 (***Sample motion – move to approve and accept the Action Sheet of the Parking & Traffic Safety Committee meeting of March 12, 2015***)

G. COUNCILOR MORGAN

1. *Testimonies to the NH Legislature on policy issues
2. *Helicopters

H. COUNCILOR SPEAR

1. Report Back Re: Election of Mayor and Council Candidates Proposed Charter Amendment
2. *Two Way Street (***Sample motion – move to refer to the Parking & Traffic Safety Committee for a Study to be done on this matter***)

I. COUNCILOR THORSEN

1. *Casino's
2. Transportation Services Ordinance Policy Analysis
3. New Parking Garage

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

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

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

**Indicates Verbal Report*

INFORMATIONAL ITEMS

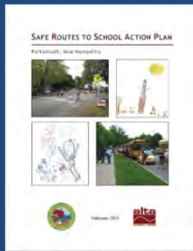
1. *Notification that the minutes of the October 8, 2014, October 27, 2014, November 12, 2014 and February 11, 2015 meetings of the Conservation Commission are now available on the City's website
2. *Notification that the minutes of the February 17, 2015 meeting of the Zoning Board of Adjustment are now available on the City's website
3. *Notification that the minutes of the July 17, 2014, August 21, 2014 and February 19, 2015 meetings of the Planning Board are now available on the City's website
4. *Notification that the minutes of the March 4, 2015 meeting of the Site Review Technical Advisory Committee are now available on the City's website

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

Middle St / Lafayette Rd Bicycle Route

City Council Update
April 6, 2015

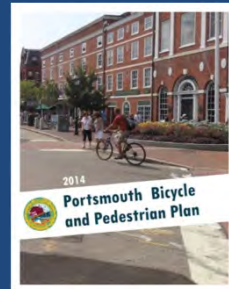
How did we get here?

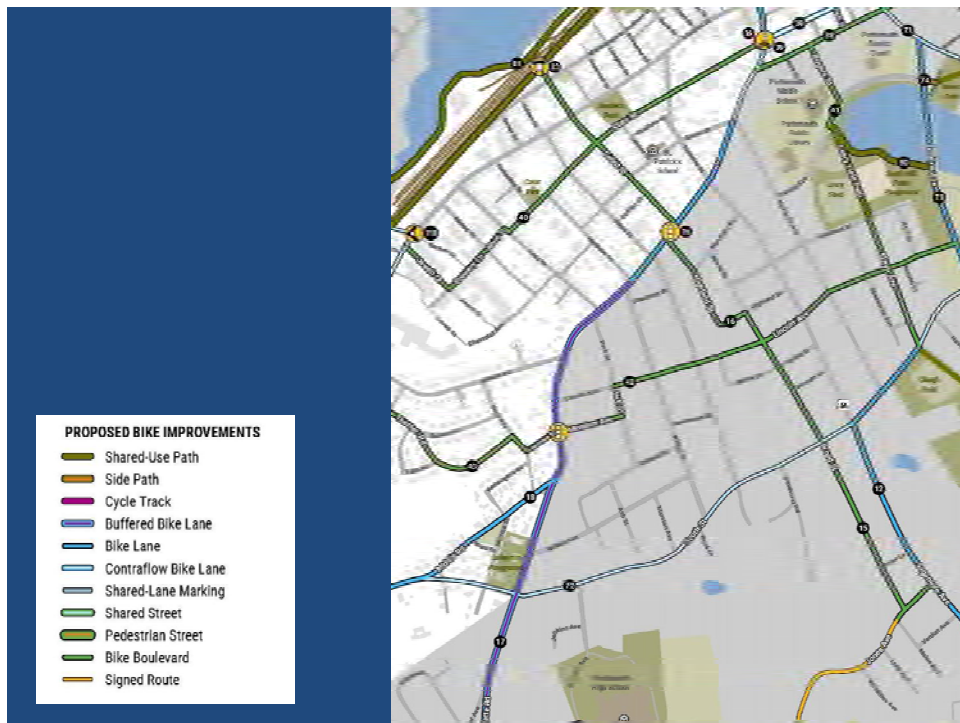
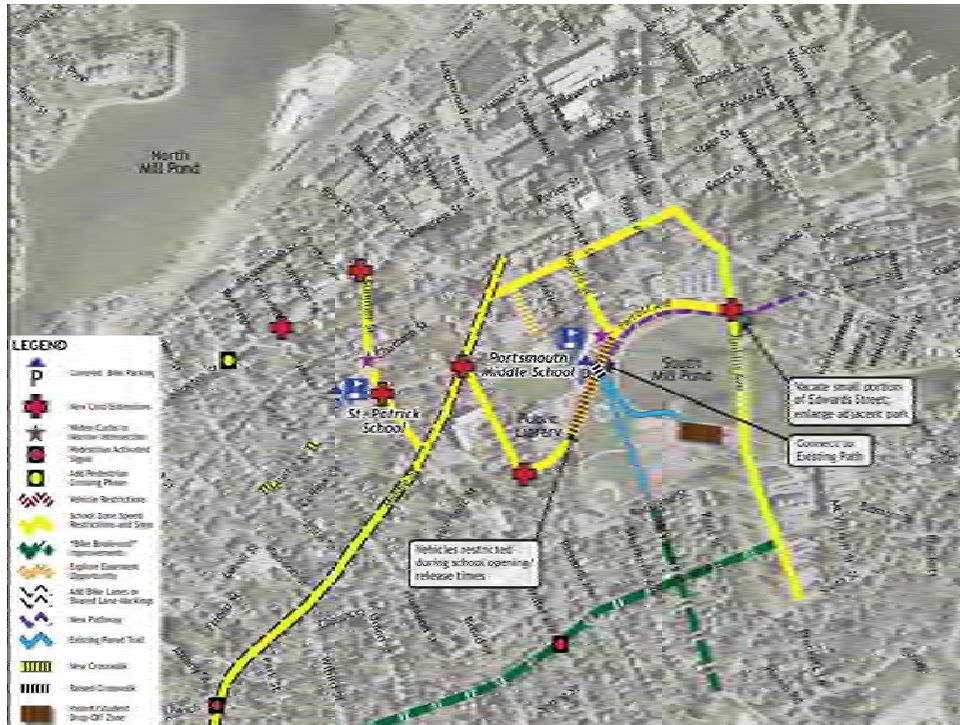


“Walk Friendly Community Policy”

“Bicycle Friendly Community Policy”

“Complete Street Policy”
Streets and roadways in the City of Portsmouth will be convenient, safe and accessible for all transportation users, including pedestrians, bicyclists, transit vehicles and riders, children, the elderly, and people with disabilities.





Project Limits

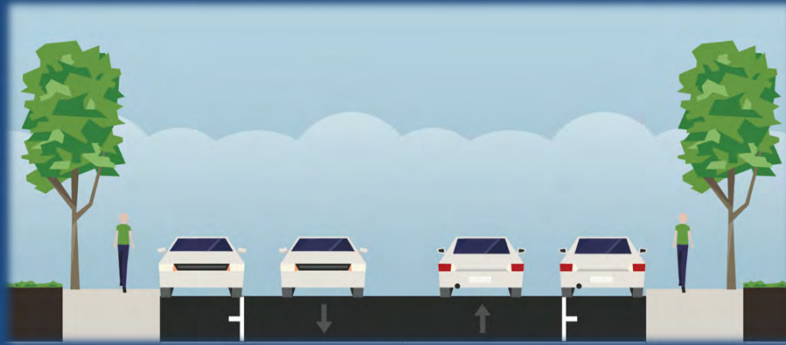


Existing Conditions

- Cars...11,000 ADT
- Pedestrians
- Bicycles
- Residential & Commercial
- Schools & Civic Uses
- Entry to Downtown
- On-Street Parking



Existing Conditions



Key Issues

- Provide a safe and desirable route for kids to and from schools and nearby destinations
- Slow traffic speeds
- Improve pedestrian crossings
- Maintain on-street parking
- Maintain emergency response ability

Alternatives Considered

- Traditional Bike Lanes
- Buffered and Protected Bike Lanes
- Two-Way Cycle Track

Alternative A: Traditional Bike Lanes

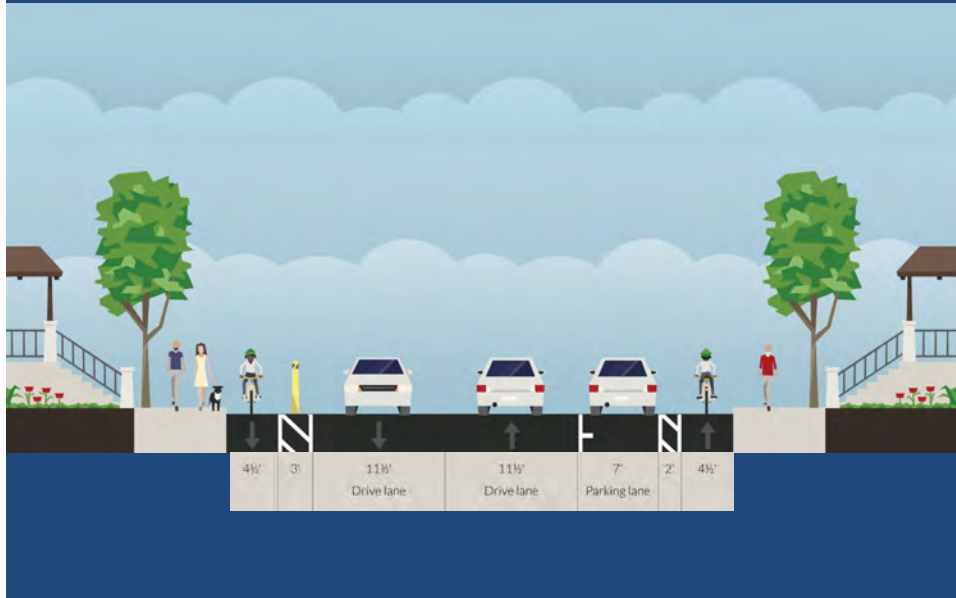


Traditional Bike Lanes

- An exclusive lane for bicyclists designated with pavement markings and signage
- Located adjacent to travel lanes
- Advantages
 - Provides separate travel lane for bicycles
 - Bicycles travel in same direction as motor vehicle traffic
- Challenges
 - Lacks protection from “door zone” next to parked cars
 - May be uncomfortable for less confident bicyclists
 - Requires bicyclists to use motor vehicle travel lanes to pass
 - Enforcement often required to keep motorists from parking or stopping in bike lanes



Alternative B: Protected and Buffered Bike Lanes



Protected and Buffered Bike Lanes

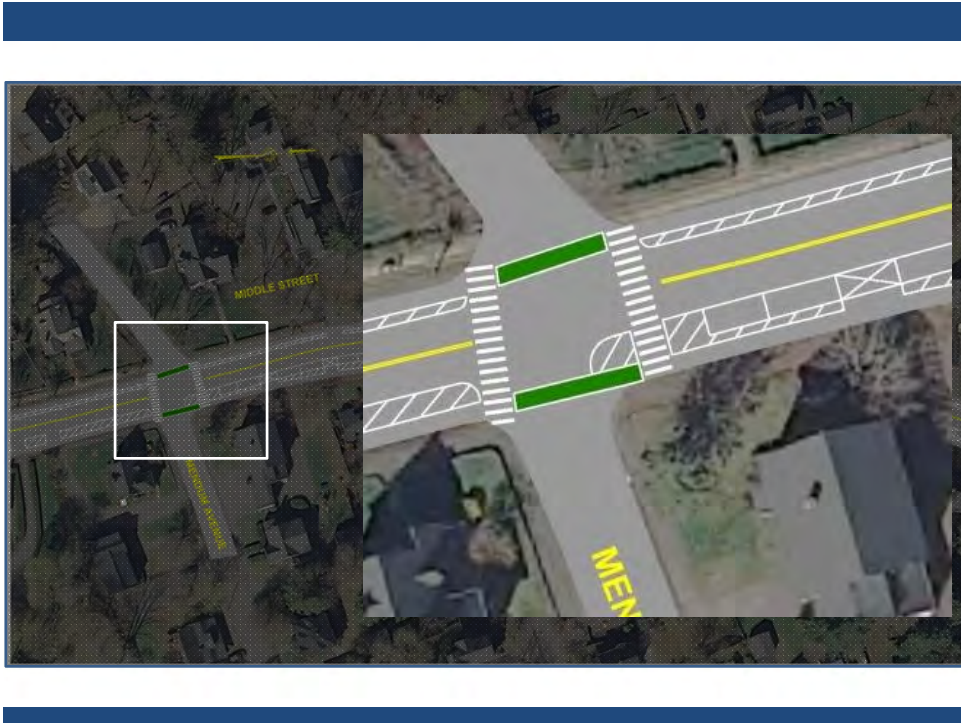
- Buffered -- a bicycle lane with additional lateral separation from motor vehicle travel ways
- Protected – a bicycle lane with vertical separation (parked cars, flexible bollards, plantings, or curbing) from motor vehicle travel ways



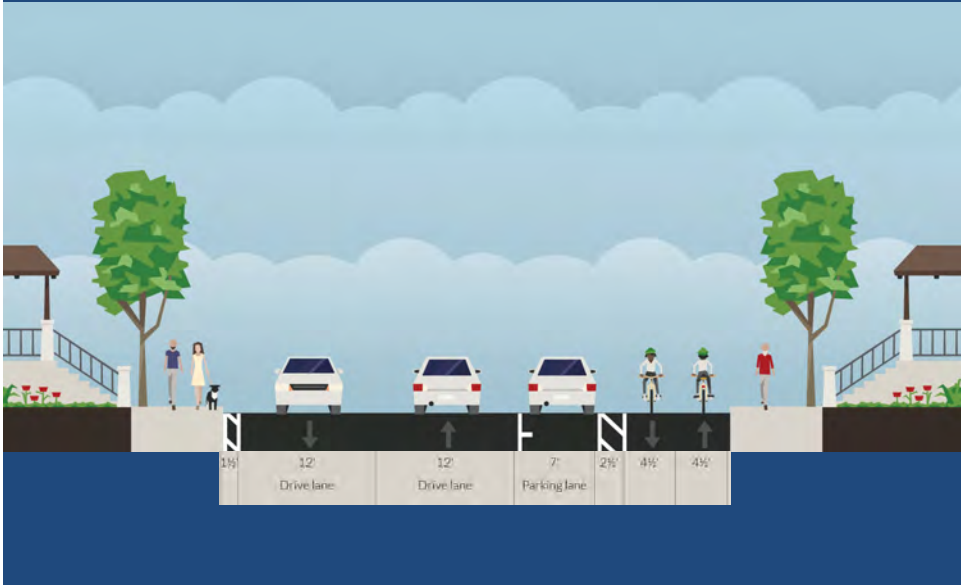
Protected and Buffered Bike Lanes

- Advantages
 - Increases space and comfort for bicyclists
 - Provides passing space for bicyclists
 - Bicyclists travel same direction as motor vehicle traffic
- Challenges
 - Requires more space than a standard bike lane
 - Higher installation and maintenance costs
 - Specialized intersection treatments may be necessary
 - Potential parking restrictions to maintain sight lines



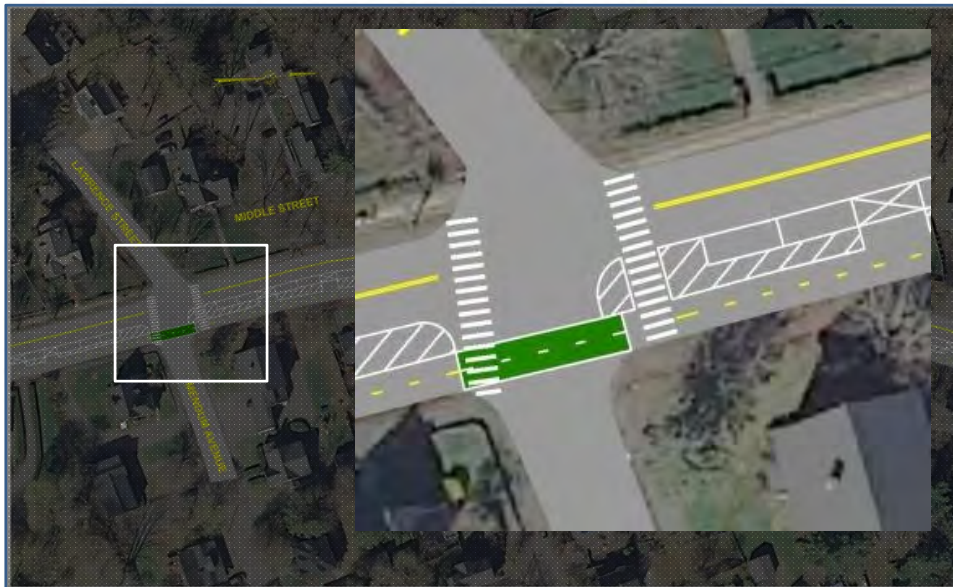


Alternative C: Two-Way Cycle Track

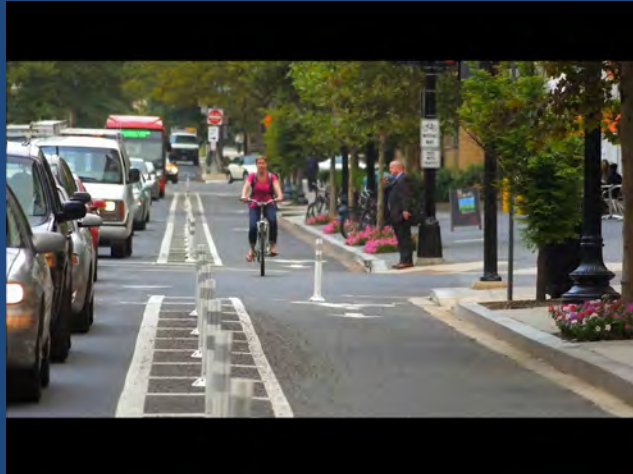
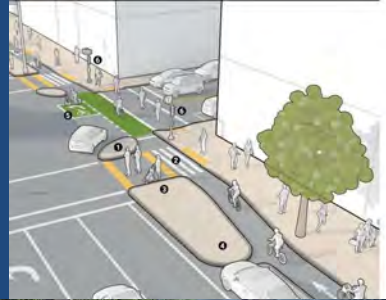


Two-Way Cycle Track

- Two-way bicycle lanes with vertical separation from motor vehicle traffic
- Advantages
 - Increases space and comfort for bicyclists
 - Provides passing space for bicyclists
- Challenges
 - Requires more space than standard bike lane
 - Bicyclists have to cross motor vehicle travel ways to access points on other side of street
 - Higher installation and maintenance costs
 - Specialized intersection treatments may be necessary
 - Bicyclists traveling opposite direction as motor vehicle traffic

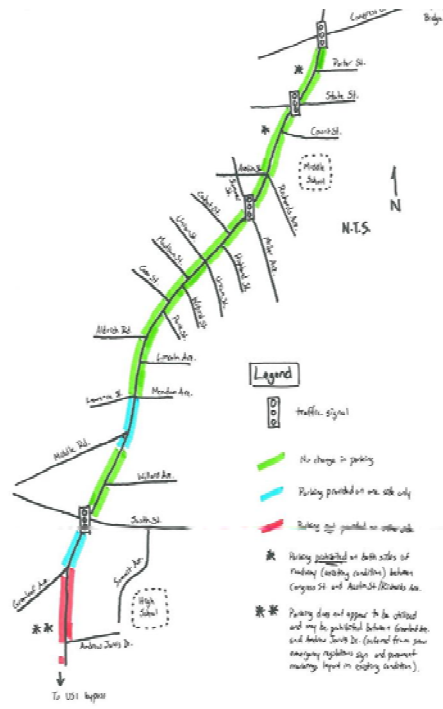


Examples of Protected Bicycle Lanes



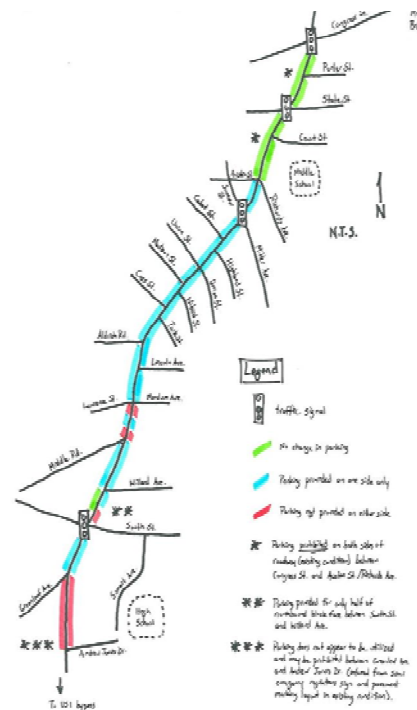
On-Street Parking

- Alternative A: Traditional Bike Lanes



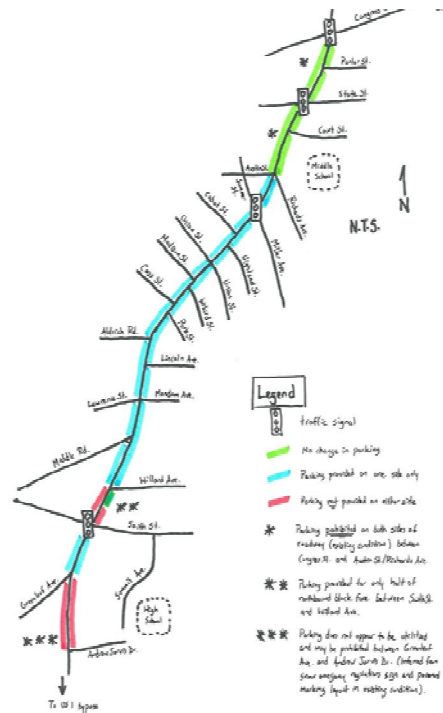
On-Street Parking

- Alternative B: Buffered and Protected Bike Lanes



On-Street Parking

- Alternative C: Two-Way Cycle Track



Public Input

- Two public meetings
- Meeting with school officials
- Parking Traffic & Safety presentation
- Public comment period
- 78% of public responses supported moving forward with the protected / buffered bike lanes or the two-way cycle track

Summary of Alternatives

	Traditional Bike Lanes	Buffered / Protected Bike Lanes	Two-Way Cycle Track
Estimated Cost	\$	\$\$	\$\$
Traffic Calming	+	++	++
Pedestrian Safety	+ / -	++	++
Bicycle Safety	+	++	++
Traffic Safety	+	+	+
Mode Shift	+	++	++
Parking Supply	+ / -	-	-
Emergency Response	+	+ / -	-

Recommended Alternative

- Alternative B
- Combine Buffered and Protected Bike Lanes
 - Flexibility to meet all users of this road corridor
 - Dedicated, safe facility that could encourage increased biking for less confident bicyclists
 - Improves safety for pedestrians
 - Minimal impact on emergency response time
 - Demonstrates City's commitment to being a Bicycle and Walk Friendly Community

Next Steps

- Engineering study submittal to NHDOT for approval (with preferred alternative identified)
- Preliminary Engineering Design Phase
 - Public input, neighborhood meetings
- Final Engineering Design
- Construction

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, MARCH 16, 2015

PORTSMOUTH, NH
TIME: 6:15PM

At 6:15 p.m., a Work Session was held regarding Abandoned/Derelict Buildings.

I. CALL TO ORDER (6:15PM)

At 7:10 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, Spear and Thorsen

III. INVOCATION

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

IV. PLEDGE OF ALLEGIANCE

Stan Lyford led in the Pledge of Allegiance to the Flag.

MAYOR'S AWARDS

1. NH Division 1 Girls Alpine Skiing State Champions

Mayor Lister presented plaques to the team and coaches along with gift bags in recognition of being the Girls Alpine Skiing State Champions.

2. NH Division 2 Boys Winter Track State Champions

Mayor Lister presented plaques to the team and coaches along with gift bags in recognition of being the Boys Winter Track State Champions.

PRESENTATION

1. Haven Well Contamination Blood Testing – Rick Cricenti, Director Emergency Services Unit, NH Department of Health and Human Services

Mr. Cricenti reviewed and presented the NH Department of Health and Human Services Fact Sheet regarding Per fluorinated Chemicals (PFCs). He discussed the testing that will occur and the age ranges. He reported anyone that has worked or was enrolled at the day care center for a year prior to the discovery of the contamination from May 2014 would be eligible for the test. He said they currently plan on testing 100 individuals. He said the younger children will need to make appointments with their pediatricians for the test.

Mayor Lister thanked Mr. Cricenti for coming forwarding and making this presentation this evening. He asked how long the testing will be. Mr. Cricenti said not long and the results would be reported as soon as possible.

Assistant Mayor Splaine said he likes the outreach they are doing on the State level regarding this matter. He asked Mr. Cricenti if there will be follow up by the State on the testing done. Mr. Cricenti said they will not look at history and are not interested in that. He said he does not expect there to be high levels in the testing and if that needs to be revisited they would do that.

Councilor Shaheen said we all share in the responsibility and we are 11 months beyond when the contamination was found. We need to make this right and we need to know how high the levels are. She expressed her concern with a limit being set of 100 tests and stated that anyone that fits the criteria should have a test done. She asked if the Air Force has been approached about the testing and paying for them. Mr. Cricenti said the Air Force has not been contacted about the costs associated with the tests but he would talk to the Program Director regarding this matter. Councilor Shaheen said it needs to be opened to anyone younger than 2 years old as well. She said the lines of communication need to be kept open on this matter.

Councilor Morgan asked what would be done with the results of the tests. Mr. Cricenti said they would keep the results. Councilor Morgan asked if there is a number for high levels and low levels. Mr. Cricenti said they would provide the numbers. Councilor Morgan stated that children absorb contamination more than adults. She said we need to test everyone that wants to be.

Councilor Thorsen said he was surprised to hear from Mr. Cricenti that the Department of Health and Human Services does not have the funds to do more than 100 tests. He said how much money is available for the testing. Mr. Cricenti said funds are borrowed or moved from different projects. He said the commitment was made to do this and the best job that can, will be done.

Councilor Dwyer said one of the problems is the testing has no mitigation or course of action. She stated the information people receive needs to be clear for them to understand. She asked if there is an outreach to various physicians in the area regarding this matter and the testing. Mr. Cricenti said that is a great idea but that has not been discussed. A person will receive a letter with the number of their test for establishing levels and a number to call if they have questions.

Assistant Mayor Splaine said not everyone checks our website or watches the meetings or reads the newspaper. He wants to make sure people know the testing is available and they can have it done. He said you need to contact the Air Force and would be very upset if that was not done tomorrow by the State.

Councilor Shaheen said we need the funds from the Air Force which they agreed to pay for the testing. She asked how long after the screening would results be received. Mr. Cricenti said 30 days and people can call the State at 603-271-9461.

City Manager Bohenko stated the Fact Sheet from the State would be placed on the City's website with a link to the Division of Health and Human Services.

Councilor Kennedy asked what will be the follow up education and how will we work with people on this and what is the plan. Mr. Cricenti said there is not a plan, it is just a number there is not a great deal of information nationally on this use. Councilor Kennedy said people should have a place to go and discuss this.

Mayor Lister thanked Mr. Cricenti once again for attending this evening and speaking before the City Council on this matter.

V. ACCEPTANCE OF MINUTES – MARCH 2, 2015

Councilor Lown moved to approve and accept the minutes of the March 2, 2015 City Council meeting. Seconded by Councilor Shaheen and voted.

VI. PUBLIC COMMENT SESSION

Jerry Zelin thanked the City Council for the discussion on dealing with casinos in the City. He said the State has passed a bill allowing for 2 gambling sites. He said the zoning ordinance should be tightening in the definition area and that a restrictive covenant is harder for the State to override. Mr. Zelin said we need to make sure that a future owner of Harborcorp does not get to use the property as a gambling facility and there is good reason to single out Harborcorp property due to the space and location.

Doug Roberts said PS21 hosts informational events in the City. He said several events in April will be held on Transportation. The first is on April 2nd where Michael Manville will be addressing transportation land use and public finance with public parking. The time and location has not been decided as of yet but he would provide that information to the City once it become available.

Patricia Bagley stated the last City Council meeting a comment was made that many of the signatures on the petition are opposition to Whole Foods coming into the City. She said she signed the petition but is in favor of Whole Foods. She is concerned with the 9,000 cars coming into the City on the weekends. Ms. Bagley stated she went to the Parking & Traffic Safety Committee meeting and expressed concern with the process. She said there is more to the Harborcorp project than just Whole Foods.

Rick Becksted said he is concerned with what we are doing with the parking problem in the City. He spoke to the parking garage on Deer Street being constructed. He said it would create 600 more spaces but will this really solve the City's parking problems. He has been told 200+ spaces will be moved to the new garage from the High Hanover Parking Facility and 60+ will receive new passes at a reduced rate. He spoke to the liner building and how many spaces will be needed for that. Mr. Becksted addressed the 41 spaces that will be eliminated with the Harborcorp project on Russell Street.

Mark Brighton said our parking fees are a tax. He said the taxpayers will pay some of the increase.

Susan Denenberg said \$23.2 million is a great deal of money to spend for a new parking garage. She stated there is already discussion taking place on the type of art work to put in due to the Public Art Ordinance. She also stated that people are happy to take public transportation and we need to decide what we want the City to look like.

Paul Mannle said over a year ago he asked the EDC about the new parking garage and to define the problem find a solution, and define what is downtown and he never received an answer. He said the EDC has defined the problem as the need for 600 parking spaces and downtown will always be a 5 minute walk from downtown, right. He asked what we are doing here.

VII. PUBLIC HEARINGS

- A. RESOLUTION APPROPRIATING THE SUM OF ONE MILLION FOUR HUNDRED SEVENTEEN THOUSAND, EIGHT HUNDRED NINETY-SEVEN DOLLARS AND TWELVE CENTS (\$1,417,897.12) FOR EXPENSES RELATING TO MUNICIPAL COMPLEX IMPROVEMENTS

Mayor Lister read the legal notice, declared the public hearing open and called for speakers.

Paul Mannle stated the Resolution proposed to be spent on City Hall would be justified for other projects. He said an infrastructure matrix would be helpful for the City and taxpayers. The City put out \$32 million to bond at a higher coupon rate to make it easier to sell the bonds and we received a bond premium. He asked what actual interest rate and coupon rate the City is receiving.

With no further speakers, Mayor Lister closed the public hearing.

- B. RESOLUTION APPROPRIATING THE SUM OF FOUR HUNDRED TWELVE THOUSAND, ONE HUNDRED SIXTY-ONE DOLLARS AND NINETY-TWO CENTS (\$412,161.92) FOR EXPENSES RELATING TO MADBURY WELL UPGRADES

Mayor Lister read the legal notice, declared the public hearing open and called for speakers. With no speakers, Mayor Lister declared the public hearing closed.

- C. RESOLUTION APPROPRIATING THE SUM OF ONE HUNDRED THIRTY-SIX THOUSAND, THREE HUNDRED ELEVEN DOLLARS AND THIRTY-NINE CENTS (\$136,311.39) FOR EXPENSES RELATING TO MCDONOUGH STREET AREA SEWER LINE REPLACEMENT

Mayor Lister read the legal notice, declared the public hearing open and called for speakers. With no speakers, Mayor Lister declared the public hearing closed.

- D. ORDINANCE AMENDING CHAPTER 7, ARTICLE II – TAXICABS IS HEREBY DELETED IN ITS ENTIRETY AND REPLACED WITH A NEW ARTICLE II ENTITLED TRANSPORTATION SERVICES

Mayor Lister read the legal notice, declared the public hearing open and called for speakers.

William Greenier, Washington, DC, said he represents UBER and they are looking to provide their services here in the City of Portsmouth. He spoke to the process followed by UBER when hiring a person to operate. He stated that UBER provides flexible job opportunities and asked the Council to delay the intent of the ordinance.

John Palrerio spoke in favor of the Ordinance as long as residents and guests are protected to use ride share opportunities. He stated that background checks and inspections need to be done and insurance needs to be provided and approved by the City.

Lisa Rumery, Kittery, Maine, would like to be operating in the City as Pioneer Taxi but can't operate due to the ordinance being in a holding pattern, due to UBER. She spoke opposed to the phone apps being used for ride sharing and feels things should remain as is. She said the older people do not have an I-phone to use a phone app and do not want to provide credit card information for a taxi ride.

Wayne Cipro, Regal Limousine, said he has been a manager at Regal for 16 years and they also run Blue Star Taxi. He spoke to the investment and maintenance of their fleet of vehicles. He said drivers for their business must carry a DOT card and attend a 45 hour training course. He feels that this proposed ordinance needs to eliminate limousines from the definition and car services because they are very different than taxis.

Christopher David stated this is the Epicenter of the Seacoast and felt that this was a technology friendly community. He used UBER in California and had great experiences. He feels technology is important and should be brought into the City. He spoke to UBER's safety and the need to have UBER and/or ride share in the City.

Declan McEachern spoke opposed to the Ordinance and said UBER needs to be operating in the City of Portsmouth. He said there is inconsistent taxi service in the City. UBER came out 5 years ago in San Francisco to find the need was great. He said the pie grew more in San Francisco and accessibility to downtown should not be limited to those that live downtown. He feels a ride share will open up for the downtown businesses and residents.

Robert Ardolf spoke in support of UBER and ride sharing services to help the people and services in the area. Every one should have the right to choose UBER or what ever taxi service they prefer.

Brian Fox said he works for UBER and the opportunity to grow is great here in the City. You are opening the operation to others and allowing for UBER to provide a safe new way to get around the City.

Dennis Hackman said he is going through the process of becoming an UBER driver and there are extensive background checks. He has spent over \$1,000.00 to get the vehicle ready to use for UBER and it is up to the driver to provide the best service.

Tristan Law, Taxi Commissioner said he welcomes ride sharing coming to the City. He looks forward to working with the Taxi companies and drivers.

Carl Speltz said he is an UBER driver and they are dedicated to safety and providing similar rates to people and safe transportation.

Jesse Law said he works on transportation systems nationally. He sees what people do in the City for disabled and public interests. He said the old taxi regulations were borne out of safety concerns. The new transportation nature makes sense to come into the City.

Peyton McManus said he is a user of UBER. He has used taxies here and some are dirty and unsafe. He said he has always had a great experience with UBER and would like to see them continue to serve the City.

Merle White, Anchor Taxi, said UBER should get the same insurance, inspections as the taxies are currently required to attain. He questioned the insurance policies that the UBER business holds. He said taxies pay up to \$6,000.00 a year to have commercial insurance as required by the City of Portsmouth.

Peter Bresciano, Chair of Taxi Commission, said at 9:00 p.m. you would not get a share ride from UBER. He spoke to the current ordinance definitions and vehicles for hire. He stated that the Taxi Commission looks at point to point service in the City. The Taxi Commission's responsibility is to look at vehicles and their safety.

Patricia Bagley spoke in support of UBER. She said she would like to reach a compromise with the City and UBER.

Hawk Furman said he is a driver for UBER and times are changing and we all need to adapt. The demographics are younger people and they do not drive so they use UBER.

Joe Famuliro spoke in support of UBER and their excellent service. He said the vehicles are immaculate and the service is great. He encourages every City Councilor to try UBER to see what they are all about.

Dick Bagley said that UBER is here to stay and people want it. He suggested moving forward to pass second reading.

With no further speakers, Mayor Lister closed the public hearing.

Assistant Mayor Splaine moved to suspend the rules in order to take up Item IX. C. - Second reading of Ordinance amending Chapter 7, Article II – Taxicabs to be deleted in its entirety and replaced with a new Article II entitled – Transportation Services. Seconded by Councilor Lown and voted.

IX. C. Second reading of Ordinance amending Chapter 7, Article II – Taxicabs to be deleted in its entirety and replaced with a new Article II entitled – Transportation Services

Assistant Mayor Splaine moved to postpone second reading of the ordinance until the April 6, 2015 City Council meeting and to suspend the renewal fees for current taxi owners. Seconded by Councilor Shaheen.

Assistant Mayor Splaine said he gathered information on this through the public hearing. He said he would like the City Attorney to attend the Taxi Commission meeting on Wednesday morning and the intent here is to find a win – win. It is a simple process for ride sharers and on a level field for regulations. He said we must know who is driving and picking up people in the City. We need to do background checks, and make sure they have the insurance as required. Also, a fee of \$25.00 to register as a driver and a vehicle would be \$25.00. He said we need to be fair to our ride sharing companies. He announced that the Taxi Commission will be meeting on Wednesday morning at 9:00 a.m. in Conference Room A. He does not want to delay this much past April 6th.

Councilor Lown said he supports the motion. He said this is a situation where the public hearing was eye opening and informative for him. He is interested in that there is insurance. He feels that the City Attorney should review the policy to make sure there is coverage. He said he is against the letter from the UBER General Manager. He said people come to Portsmouth expecting certain things and this maybe one of them.

Councilor Kennedy said the ordinance changes are a major concern for safety. She said it is appropriate to ask for insurance and background checks. She said we need to add something for people with disabilities as part of the ordinance.

Councilor Shaheen said she seconded the motion because we need more time. She said we need ride sharing and UBER to be at the table. She said UBER and ride share needs to consider the needs of the City Council. She said she uses UBER all the time and supports it but we need to keep in mind all opportunities.

Councilor Dwyer said she agrees with postponing but not sure sending it back to the Taxi Commission is the right place. She believes that the City Attorney needs to weigh in on some of this. She would vote no because of this. She said the insurances issues are the big issue.

Motion passed.

- E. ORDINANCE AMENDING THE ZONING MAP BY REZONING THE FOLLOWING LOTS FROM INDUSTRIAL (I), OFFICE RESEARCH (OR) OR MUNICIPAL (M) TO GATEWAY (GW):
- ASSESSORS MAP 163, LOTS 33, 34 AND 37;
 - ASSESSORS MAP 165, LOTS 1, 2 AND 14;
 - ASSESSORS MAP 172, LOTS 1 AND 3;
 - ASSESSORS MAP 173, LOTS 2 AND 10;
- AND INCLUDING CATE STREET BETWEEN HODGSON'S BROOK AND BARLETT STREET; AND AMENDING THE ZONING ORDINANCE AS FOLLOWS:
- ARTICLE 7, SECTION 10.730 – GATEWAY PLANNED DEVELOPMENT:

- AMEND SECTION 10.734.20 – LOT REQUIREMENTS, BY ESTABLISHING FRONT YARD STANDARDS RELATIVE TO STREETS OTHER THAN LAFAYETTE ROAD;
- AMEND SECTION 10.734.33 BY MODIFYING THE MAXIMUM BUILDING HEIGHT STANDARDS;
- INSERT A NEW SECTION 10.734.40 – WORKFORCE HOUSING INCENTIVES, TO ALLOW INCREASED BUILDING HEIGHT AND BUILDING LENGTH, AND TO ALLOW PARKING TO BE LOCATED IN A REQUIRED FRONT YARD OR BETWEEN A PRINCIPAL BUILDING AND A STREET, FOR A GATEWAY PLANNED DEVELOPMENT THAT CONTAINS 10% OR GREATER WORKFORCE HOUSING UNITS.
- ARTICLE 15 – DEFINITIONS:
 - AMEND SECTION 10.1530 – TERMS OF GENERAL APPLICABILITY, BY INSERTING DEFINITIONS OF “WORKFORCE HOUSING” AND “WORKFORCE HOUSING UNIT.”

Mayor Lister read the legal notice, declared the public hearing open and called for speakers.

Elizabeth Moreau, Vice Chair of Planning Board, said the change before the City Council allows the owner to provide a larger footprint and less work force housing and she is opposed to the ordinance. She addressed one area we would go from 94 units to allowing 236 units with 213 at market rate price. The 10% is not creating the numbers needed for work force housing in the City. The zoning change allows for longer buildings. She spoke to the time spent on Character Based Zoning where we wanted parking in the back of units and this would allow parking in the front which she feels is a step back. The ordinance would also allow a 60 foot high building at the edge of the street, and that is not good for the City. She asked the City Council not to approve the changes to the Ordinance.

Paul Mannle said the public hearing is on the gateway changes only. He is against the changes to allow work force housing in the gateway. He spoke opposed to changing the zoning ordinance to change the value of the property. He said he is against giving developers more lucrative property. He feels nothing should be voted on until the Islington Street Charrette is completed. Mr. Mannle stated that the City should purchase the parcels at the Frank Jones Center. The property could fit 1,000 spaces for parking. He said he did not attend the first reading of the ordinance on December 8th but the agenda and minutes from the December 22nd meeting no where are the parcels listed. The legal notice posted in the newspaper no mention of the parcels and he verified this. He said the agenda and minutes are not the operating document for the City Council but the City Manager's comments are and he was told this by a city official.

Dick Bagley echoed the comments of the Planning Board Vice Chair Moreau. He feels the ordinance should be postponed until the City Council receives information on the Charrette and this could come back to the City Council at an earlier date. He said the parking garage solution is a good solution to a difficult problem. He said good things are happening and we are not all of one voice.

Rick Becksted said he would like the City Council to postpone the ordinance until the findings are completed on the Charrette. He stated work force housing took a spin at the Charrettes to micro housing. He said 10% out of 100% would be work force housing. He said the City should buy the Frank Jones Center parcel. He said we could make it what we need, make the connector road, create revenue for the City and create work force housing. This is a project that could take place immediately. He also recommended creating a shuttle out at Frank Jones to bring people into the downtown.

With no further speakers, Mayor Lister stated he will keep the public hearing open until May 18th and no vote is necessary.

Councilor Kennedy said the Council should keep the public hearing open until the Islington Street Charrette is completed.

Planning Director Taintor said he would have a draft to the City Council on April 6th and come back to the City Council for first reading the first meeting in May. The public hearing would not take place until the second meeting in May.

Councilor Shaheen moved to suspend the rules in order to continue the meeting beyond 10:00 p.m. Seconded by Councilor Kennedy and voted.

Mayor Lister called a brief recess at 10:00 p.m. At 10:15 p.m., Mayor Lister called the meeting back to order.

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 Authorizing a Bond Issue and/or Notes of up to Twenty Three Million Two Hundred Thousand Dollars (\$23,200,000.00) for the Construction of a New Parking Facility

Councilor Spear moved to pass first reading and schedule a public hearing and adoption of the Resolution at the April 20, 2015 City Council meeting. Seconded by Councilor Shaheen.

Councilor Spear said he is pleased to have a parking garage downtown and supports the motion. He said this is one step to getting us to the public hearing process.

Councilor Shaheen said she echoes the comments made by Councilor Spear. She said the public needs to understand the investment of this. She said we need to act and the time is now.

Councilor Kennedy said she wants to go back to the Blue Ribbon Committee Report on Transportation dated April, 2013 and feels it was always the intent to look at multiple areas of transportation. She stated that there are hotels being built without the right amount of parking and this is a parking and transportation issue. She does not feel this proposed parking garage with 600 spaces will solve our problems. She stated we need to look at shuttles.

Councilor Thorsen said he is concerned with the economic concept. He said we need another garage and this is where the garage should go. He said in the Work Session he expressed sticker shock with the cost of the garage and he said he doesn't see any different angles to justify the costs. He said he would support the motion because it is first reading.

Councilor Lown said he has done work for Mr. & Mrs. Kim Rogers, estate planning and deed transferring, real estate but did not deal with this property. He said City Attorney Sullivan recommended he disclose this information to the City Council but it is not a conflict of interest that would prevent him from voting on this matter. Councilor Lown also received a written opinion from another lawyer and it is stated he does not have a conflict of interest and he also called the Bar Association to make sure that all of this was correct and he was legally able to vote on this matter, and he is.

Councilor Dwyer said a challenge is the steps in the process where the first vote is a vote to bond. She said one of the steps is we are first bonding before committing to a site. She said we need to be clear of the stages and a shared understanding we need to think differently on how we look at the costs of this. She said that this is not a tax. She suggested stop taking money from the parking fund and using it for the general fund. She said parking is helping the general fund greatly with the parking revenues.

City Manager Bohenko said after this evening the public hearing would be advertised to borrow up to \$23.2 million and a public hearing would take place on April 20th. He said we will spend a great deal of money moving forward. The City Council asked staff to look for a parking garage in the downtown which was not the Worth Lot or Parrott Avenue Lot.

Councilor Kennedy said the Council was sitting here not that long ago asking the School Department to have a long term plan. She said she is asking for a thorough transportation plan as a City Council. She does not feel that this will meet the transportation plan.

City Manager Bohenko said the fact is we have moved forward in many ways to act on multi-module. He said we have moved forward with a transportation plan and he disagrees that we have not moved the transportation plans forward. He spoke to the shuttle costs being \$6.00 per ride.

Assistant Mayor Splaine said he listened to Councilor Kennedy and he feels she is right. He disagrees with Councilor Lown. He said this parking garage will not solve the problem of parking but is part of the process. This is part of the transportation plan and we should also explore the Frank Jones property as part of the transportation plan. He said the Worth Lot was not a solution. He said we need a vibrant downtown and he looks forward to the public hearing on this.

Assistant Mayor Splaine said we need to learn more on the design process and what can be done to reduce the impact of parking fees for our residents.

Councilor Morgan said this does not address all transportation needs however we are not going to solve our issues if we do not address our current ordinances. She said we have parking requirements in our current ordinance that are not adequate.

Motion passed with Councilor Kennedy voting opposed.

- B. First reading of Resolution Authorizing a Bond Issue and/or Notes of up to Five Million Dollars (\$5,000,000.00) for Costs related to Elementary School Facility Improvements

Councilor Kennedy moved to pass first reading and schedule a public hearing and adoption of the Resolution at the April 6, 2015 City Council meeting. Seconded by Councilor Shaheen.

Superintendent McDonough announced it would take three years to complete the work at Little Harbour School. Councilor Dwyer said that this is money we are spending now and the CIP is the next set of funding. City Manager Bohenko said that this would jump start the project by getting the money before the new fiscal year starts. He said this allows putting the job out to bid.

Motion passed.

- E. Adoption of Resolution Appropriating the sum of One Million Four Hundred Seventeen Thousand, Eight Hundred Ninety-Seven Dollars and Twelve Cents (\$1,417,897.12) for Expenses relating to Municipal Complex Improvements (*A two-thirds vote of the Council is required for Adoption*)

Councilor Spear moved to adopt the Resolution, as presented. Seconded by Councilor Shaheen.

Councilor Lown asked what the funds would go to. City Manager Bohenko said work will be done to the exterior of the building and replacement of all windows. Public Director Rice concurred with City Manager Bohenko.

On a unanimous roll call 9-0, voted to adopt the Resolution, as presented.

- F. Adoption of Resolution Appropriating the sum of Four Hundred Twelve Thousand, One Hundred Sixty-One Dollars and Ninety-Two Cents (\$412,161.92) for Expenses relating to Madbury Well Upgrades (*A two-thirds vote of the Council is required for Adoption*)

Councilor Spear moved to adopt the Resolution, as presented. Seconded by Councilor Shaheen and voted unanimously by a voice vote of the City Council.

- G. Adoption of Resolution Appropriating the sum of One Hundred Thirty-Six Thousand, Three Hundred Eleven Dollars and Thirty-Nine Cents (\$136,311.39) for Expenses relating to McDonough Street Area Sewer Line Replacement (*A two-thirds vote of the Council is required for Adoption*)

Councilor Kennedy moved to adopt the Resolution, as presented. Seconded by Councilor Spear and voted unanimously by a voice vote of the City Council.

X. CONSENT AGENDA

- A. 2015 Omnibus Sidewalk Obstruction Renewals – See Attached Listings (*Anticipated action – move to refer to the City Manager with power*)
- B. Letter from Christina O’Grady, American Lung Association, requesting permission to hold the 6th Annual American Lung Association Cycle the Seacoast ride on Sunday, May 3, 2015 (*Anticipated action – move to refer to the City Manager with power*)
- C. Letter from Kathie Lynch, President of Portsmouth Little League, Inc., requesting permission to affix temporary signage to be located at the Plains and Hislop Park baseball fields during the 2015 baseball season from April 11th through the end of the fall ball program, in addition, maintain signage to the rear of the Plains scoreboard (*Anticipated action – move to refer to the City Manager with power*)
- D. Letter from Robert Sutherland, Secretary of St. John’s Lodge No 1 requesting permission to hold the annual 5k on Sunday, April 11, 2015. (*Anticipated action – move to refer to the City Manager with power*)

Councilor Spear moved to adopt the Consent Agenda. Seconded by Councilor Dwyer and voted.

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

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

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

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

Informational items

1. Events Listing
2. Legislative Subcommittee Update
3. News Release from Cooperative Alliance for Seacoast Transportation (COAST)
4. Letter from New Hampshire Municipal Association
5. Reminder of City Council Work Session Re: Master Plan and Impact Fees
6. New Hampshire Water Works Association's Journal Article Re: Portsmouth Water Efficiency

Councilor Morgan asked about HB46 regarding the Right-to-Know law. She stated she does not support changing the language or charging a fee for our residents to get documents and would like to make all electronic documents available on line.

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

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

At 11:10 p.m., Councilor Lown moved to adjourn. Seconded by Councilor Spear and voted.



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, April 6, 2015, at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a Resolution Authorizing a Bond Issue and/or Notes of up to Five Million Dollars (\$5,000,000.00) for Costs related to Elementary School Facility Improvements. The complete Resolution is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

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

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

FIA00093097

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

RESOLUTION # – 2015

**A RESOLUTION AUTHORIZING A BOND ISSUE AND/OR
NOTES OF UP TO FIVE MILLION DOLLARS (\$5,000,000) FOR
COSTS RELATED TO LITTLE HARBOUR ELEMENTARY
SCHOOL FACILITY IMPROVEMENTS.**

RESOLVED:

THAT, the sum of **Five Million Dollars (\$5,000,000)** is appropriated for Little Harbour School Facility Improvements;

THAT, to meet this appropriation, the City Treasurer, with the approval of the City Manager, is authorized to borrow, on a competitive or negotiated basis, up to **Five Million Dollars (\$5,000,000)** through the issuance of bonds and/or notes of the City under the Municipal Finance Act;

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

THAT, this Resolution shall take effect upon its passage.

APPROVED:

ROBERT J. LISTER, MAYOR

ADOPTED BY CITY COUNCIL

**KELLI BARNABY, MMC
CITY CLERK**



PORTSMOUTH SCHOOL DEPARTMENT

OFFICE OF THE SUPERINTENDENT OF SCHOOLS

EDWARD McDONOUGH
SUPERINTENDENT OF SCHOOLS

STEPHEN ZADRAVEC
ASSISTANT SUPERINTENDENT

STEPHEN BARTLETT
BUSINESS ADMINISTRATOR

February 24, 2015

Portsmouth City Hall
1 Junkins Avenue
Portsmouth, New Hampshire 03801

Attention: Mr. John P. Bohenko, City Manager

Dear John,

Subject: Elementary School Upgrades

The Portsmouth School Board, at its February 17, 2014 meeting, voted to approve a three-year summer plan to add sprinklers and complete other improvements at Little Harbour School. The School Department has worked with Energy Efficient Investments (EEI), located in Merrimack, New Hampshire to identify energy savings measures and systems upgrades; we have attached a copy of their estimate to complete the proposed work.

The School Board is requesting approval from the City Council for \$5,000,000 so we may begin to undertake this work at the conclusion of the current school year. We thank you and the City Council, in advance, for your support of this capital project.

Sincerely,

Leslie Stevens, Chair
Portsmouth School Board

Enclosures: 1

cc: Ms. Judie Belanger, Finance Director
Mr. Edward McDonough, Superintendent of Schools
Mr. Stephen T. Bartlett, Business Administrator

"THE PURPOSE OF THE PORTSMOUTH SCHOOLS IS TO EDUCATE ALL STUDENTS BY CHALLENGING THEM TO BECOME THINKING, RESPONSIBLE, CONTRIBUTING CITIZENS WHO CONTINUE TO LEARN THROUGHOUT THEIR LIVES."

AN EQUAL OPPORTUNITY EMPLOYER

1 JUNKINS AVENUE, PORTSMOUTH, NEW HAMPSHIRE 03801 (603) 431-5080 FAX (603) 431-6753

LITTLE HARBOUR CODE UPGRADE PROJECT

ENERGY CONSERVATION MEASURES		TOTAL	PHASE I	PHASE II	PHASE III
Lighting		174,750	131,050	43,700	
Walk In Coolers		7,119	7,119		
Boilers and Hot Water Heaters		133,440	133,440		
Unit Ventilators		41,700	41,700		
ERVS		547,660	547,660		
Electric to Hydronic Conversion		695,000	521,250	173,750	
Kitchen Hood		17,290	17,290		
DDC Controls		222,400	166,800	55,600	
Solar PV		50,000		50,000	
Water Conservation		20,757	15,567	5,190	
Building Envelope		15,500	11,625	3,875	
General conditions		193,014	144,760	48,254	
ECM Performance Contract Subtotal		\$2,118,630	\$1,738,261	\$380,369	
CODE UPGRADE MEASURES					
ADA Upgrades - Lift		120,000	90,000	30,000	
Architecture/Engineering		100,000	100,000		
Asbestos Abatement		357,500	143,000	143,000	71,500
Asbestos Consultant		75,000	30,000	30,000	15,000
Cafeteria Ceiling		50,000			50,000
Ceiling Tiles		352,000	264,000	88,000	
Cleaning		21,000	10,500	10,500	
Disposal		8,000	4,000	4,000	
Electrical/ Fire Alarm		195,000	156,000	39,000	
Fire Protection Contractor		286,000	143,000	143,000	
Flooring		65,000	16,250	32,500	16,250
IT Infrastructure Replacement		126,700	63,350	63,350	
Kitchen Equipment Upgrades		100,000	50,000	50,000	
Mis Metal		15,000	15,000		
Moving		55,000	27,500	27,500	
Painting		21,000	10,500	10,500	
Public Address/Clock Replacement		13,000	6,500	6,500	
Roofing/Exterior		390,000	195,000	195,000	
White Boards		60,000	30,000	30,000	
Construction Management Subtotal		\$ 2,410,200	\$ 1,354,600	\$ 902,850	\$ 152,750
Subtotal CM + PC		\$4,528,830	\$3,092,861	\$1,283,219	\$152,750
Contingency- 10%		\$452,883	181,153	181,153	90,577
Total		\$4,981,713	\$3,274,014	\$1,464,372	\$243,327

ORDINANCE

THE CITY OF PORTSMOUTH ORDAINS:

That Chapter 7, Article II, - TAXICABS - of the Ordinances of the City of Portsmouth be hereby deleted in its entirety and replaced with the following:

CHAPTER 7, ARTICLE II – TRANSPORTATION SERVICES

Section 7.201 TRANSPORTATION SERVICES

This ordinance serves to regulate transportation services within the City of Portsmouth, whether described as taxi cab service, ride sharing services or any other conduct in which a motor vehicle is used for the transportation of passengers for hire, the destination and route of which are under the direction and control of the passenger and which transportation has its point of origin within the City.

Section 7.202: VEHICLE REGISTRATION

All vehicles used in the provision of transportation services in the City of Portsmouth shall be registered with the City Clerk. Such registration shall be on a form prepared by the City Clerk which requires the listing of the vehicle by make, model, year of manufacture, vehicle identification number, license plate number and color. The City Clerk shall issue a placard to every registered vehicle to be used in the provision of transportation services. The placard issued by the City Clerk shall be prominently displayed on the vehicle whenever it is actually being used for the provision or solicitation of transportation services. There shall be a fee of twenty-five dollars (\$25.00) payable to the City Clerk for the issuance of each placard, such fee may be adjusted annually by the City Council during its budget adoption process.

Section 7.203: LICENSE

Any person operating a vehicle engaged in providing transportation services in the City must first obtain a license to be issued by the City Clerk. The application for the license shall be on a form prepared by the City Clerk. The form shall require that the applicant provide a copy of a valid motor vehicle operator's license, the current residential address of the applicant, and a written authorization from the Chief of the Portsmouth Police Department or his/her designee which indicates that a background check has been performed on the applicant and that none of the following apply:

- a. The individual has three or more convictions for moving violations, in this or any other state, in the three full years prior to the date of the application.
- b. The privilege of the individual to operate a motor vehicle has been revoked and/or suspended at any time, in this or any other state, in the three full years prior to the date of the application, for any reason related to the operation of a motor vehicle.

- c. The individual has been convicted of a felony or misdemeanor, in this or any other state, in the seven full years prior to the date of the application.
- d. The individual has been convicted of a felony involving a controlled substance or violence, in this or any other state, in the fifteen full years prior to the date of the application.

The license authorized by this provision shall be annual and must be renewed each year effective May 1st.

The fee to be paid by the applicant for the conduct of the background check required by this ordinance shall initially be in the amount of \$50.00 to be paid to the Portsmouth Police Department. Each applicant shall additionally pay a fee in the amount of twenty-five dollars (\$25.00) to the City Clerk prior to the issuance of the license. Each of these fees may be adjusted annually by the City Council during its budget adoption process. Thereafter, the fee may be adjusted as necessary by the City Council during its annual budget process.

Section 7.204: **INSURANCE**

Every owner of a vehicle used in the provision of Transportation Services shall maintain at all times in the office of the City Clerk satisfactory proof of commercial personal injury and property damage liability insurance covering the vehicle and any person who might drive that vehicle in the performance of Transportation Services for any time period in which the vehicle might be providing Transportation Services. The personal injury coverage shall be not be less than \$100,000.00 for injury to one person with a total coverage of not less than \$300,000 for each accident. The property damage coverage shall be not less than \$50,000 per occurrence.

If the required insurance coverage terminates, expires or is suspended the registration shall immediately terminate and expire and the placard must immediately be returned to the City Clerk. All required insurance policies shall contain a provision which will provide for the automatic notification by the insurer to the City of the cancellation or expiration of the policy. Said notice shall be provided to the City Clerk.

Section 7.205: **TRANSPORTATION SERVICE LOCATIONS**

The City Council may designate any portion or portions of the public street or highway to be used as a place in which vehicles may stand or park to solicit business in accordance with the provisions of this ordinance. Such locations may be identified as "taxi" stands or by any other designation approved by the City Council.

For a one (1) year transition period commencing with the date of adoption of this ordinance the use of such transportation service locations shall be limited to those companies

or individuals holding taxi medallions to operate within the City as of February 18, 2015. Thereafter, only vehicles bearing valid Transportation Service placards and actually soliciting Transportation Services may park in designated Transportation Service locations.

Section 7.206: **SAFETY INSPECTIONS**

All vehicles engaged in the provision of Transportation Services must be lawfully inspected for vehicle safety in accordance with the laws of the State of New Hampshire.

Section 7.207: **ANNUAL RENEWAL**

Every Transportation Service Registration and Transportation Service Operator License must be renewed annually on its date of issuance.

Section 7.208: **FARE REGULATION**

There shall be no regulation of fares. However, prior to the initiation of any Transportation Service being provided to any individual, the operator of the Transportation Service vehicle and the passenger engaging such services shall reach agreement as to the amount which will be paid by the passenger to the operator for the Transportation Service.

Any disputes which may arise with regard to the fare for any Transportation Service may be brought to the Transportation Service Commission for resolution. Any determination made by the Transportation Service Commission shall be final and binding on all parties.

Section 7.209: **TRANSPORTATION SERVICE COMMISSION**

There is hereby established a Transportation Service Commission. On the date of adoption of this ordinance the Transportation Service Commission shall consist of the members of the Taxi Commission holding office immediately prior to that date. Thereafter, the Transportation Service Commission shall be comprised of (1) City Councilor; (1) member of the business community; (4) citizens of the City of Portsmouth; who shall be selected by the Mayor with the approval of the City Council; and the Chief of Police or his/her designee; . The Transportation Service Commission shall serve co-terminus with each City Council and shall annually elected one of its members to be Chair.

The Transportation Service Commission shall serve in an advisory role to the City Council with respect to all matters relating to Transportation Services. The Transportation Service Commisison shall also resolve any fare dispute and impose any penalty as authorized by this ordinance.

Section 7.210: **COMPLIANCE WITH STATE AND FEDERAL LAW**

Every owner and operator of any vehicle utilized in the provision of Transportation Services shall operate at all times in compliance with all applicable state and federal law, including but not limited to provisions relating to the proper designation of employees as compared to independent contractors, worker's compensation, federal income tax withholding and social security. The business records of each owner or operator demonstrating compliance with this provision shall be made available on demand for review by the City Clerk or the Transportation Service Commission.

Section 7.211: **PENALTIES FOR VIOLATION**

The owner or operator of any vehicle engaged in the provision of Transportation Services who violates the provisions of this ordinance shall be subject to the following:

- a. Suspension or revocation of Transportation Service vehicle registration or operator license by vote of the Transportation Service Commission; and/or
- b. An administrative penalty as may be determined by the Transportation Service Commission, in an amount not to exceed three hundred dollars (\$300.00), payment of which shall be a condition of continued maintenance of the Transportation Service vehicle registration or operator's license; and/or
- c. Payment upon conviction by a Court of competent jurisdiction of any amount determined by the Court up to the maximum permissible penalty authorized by state law for violation of a municipal ordinance.

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

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

This ordinance shall take effect upon its passage.

APPROVED:

Robert J. Lister, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

h\ordinances\ordinances\7.2 transportation services

City of
Portsmouth
Department of Public Works



MEMORANDUM

TO: John P. Bohenko, City Manager

FROM: Dave Desfosses, Construction Project Manager

DATE: March 23, 2015

SUBJECT: Fairpoint License Agreement Pole and guy 149/6.5S, Court St

I have reviewed the pole and guy wire location provided by Fairpoint for Petition and Pole License 149/6.5S.

This request is to license a new guy pole with corresponding guy wire on Court St directly across from the African Burial Ground site. Currently, the Fairpoint communication lines run directly over the Burial Ground internment area. The City has requested Fairpoint to relocate their lines so that they run down the edge of Chestnut St instead of over the burial site. This new pole is required to move the communication lines in order to hold the weight of the new line and balance the weight on the pole system.

Attached is a picture of the new pole location. The pole will be located to the left side of the street lantern in line with the street curbing.

The installation of this pole and guy will have no impact on the City infrastructure. The Public Works Department recommends approval of this license.

Please call with any questions you may have.

Cc: Peter H Rice, P.E., Director of Public Works
Kelly Barnaby, City Clerk

tel

285248

PETITION AND POLE LICENSE
PETITION

Manchester, New Hampshire

Date: March 6, 2015

To the Councilmen of Portsmouth, New Hampshire,

Northern New England Telephone Operations LLC d/b/a FAIRPOINT COMMUNICATIONS desires a license to erect and maintain poles and structures, with wires, cables, conduits and devices thereon, together with sustaining, strengthening and protecting fixtures along, across and under the following highways in said municipality:

The licensing of 1 new pole (149/6.5S) on Court Street, in the City of Portsmouth, New Hampshire, as per attached.

Northern New England Telephone Operations LLC
d/b/a FAIRPOINT COMMUNICATIONS

By: *Jaye Floyd*
Right-of-Way

LICENSE

Upon petition of the Northern New England Telephone Operations LLC d/b/a FAIRPOINT COMMUNICATIONS, it appearing that the public good so requires, it is hereby

ORDERED

Date:

That Northern New England Telephone Operations LLC d/b/a FAIRPOINT COMMUNICATIONS, be and hereby are granted a license to erect and maintain poles and structures, with wires, cables, conduits and devices thereon, together with sustaining, strengthening and protecting fixtures, in the highways covered by said petition. All of said wires except such as are vertically attached to poles and structures shall be placed in accordance with the National Safety Code in effect at the time of petition and/or license is granted.

The approximate location of the poles and structures shall be shown on plan marked FAIRPOINT COMMUNICATIONS No. 285248, dated March 6, 2015, attached to and made a part thereof.

Mayor / Councilmen

By vote of

City Manager / Councilmen

City of Portsmouth, New Hampshire

Councilmen

Attest _____
City Clerk

Highway Commissioner
Hampshire

Division Engineer

Date _____
of the City of Portsmouth, New

Received and entered in the records of the City of Portsmouth, New Hampshire,

Book _____, Page _____.

Date _____

FairPoint License Form

FairPoint No: 285248 Municipality: PORTSMOUTH Exchange Code: 9176

Engineer Name: JOE COSSIDINE Engineer Number: 603-427-6525 Date: 3/8/2015

License Detail: NEED TO LICENSE STUB POLE AND ANCHOR ON COURT STREET FOR CEMETERY PROJECT

ALL PLANT IS LOCATED WITHIN HIGHWAY LIMITS

PLANT: _____	[] • ELEC POLE NUMBER	DATE: _____
DATE: _____	[X] • FEED STAL POST LOCATION	CHECKED BY: _____
INSTALLATION: _____	[72] • VAPOR SIGN LOCATION	
POWER CO.: _____	[M] • MANHOLE LOCATION	
VOLTS: _____	[] • BURIED CABLE/CONDUIT LOCATION	
FRASE: _____		

NO PLAN TO BE FILED

Page 1 of 1

TOW

285248

PETITION AND POLE LICENSE
PETITION

Manchester, New Hampshire

Date: March 6, 2015

To the Councilmen of Portsmouth, New Hampshire,

Northern New England Telephone Operations LLC d/b/a FAIRPOINT COMMUNICATIONS desires a license to erect and maintain poles and structures, with wires, cables, conduits and devices thereon, together with sustaining, strengthening and protecting fixtures along, across and under the following highways in said municipality:

The licensing of 1 new pole (149/6.5S) on Court Street, in the City of Portsmouth, New Hampshire, as per attached.

Northern New England Telephone Operations LLC
d/b/a FAIRPOINT COMMUNICATIONS

By:

Jays Floyd
Right-of-Way

LICENSE

Upon petition of the Northern New England Telephone Operations LLC d/b/a FAIRPOINT COMMUNICATIONS, it appearing that the public good so requires, it is hereby

ORDERED

Date:

That Northern New England Telephone Operations LLC d/b/a FAIRPOINT COMMUNICATIONS, be and hereby are granted a license to erect and maintain poles and structures, with wires, cables, conduits and devices thereon, together with sustaining, strengthening and protecting fixtures, in the highways covered by said petition. All of said wires except such as are vertically attached to poles and structures shall be placed in accordance with the National Safety Code in effect at the time of petition and/or license is granted.

The approximate location of the poles and structures shall be shown on plan marked FAIRPOINT COMMUNICATIONS No. 285248, dated March 6, 2015, attached to and made a part thereof.

Mayor / Councilmen

By vote of

City Manager / Councilmen

City of Portsmouth, New Hampshire

Councilmen

Attest _____
City Clerk

Highway Commissioner
Hampshire

Division Engineer

Date _____
of the City of Portsmouth, New

Received and entered in the records of the City of Portsmouth, New Hampshire,

Book _____, Page _____.

Date _____

FairPoint License Form

FairPoint No: 255248 Municipality: PORTSMOUTH Exchange Code: 9176

Engineer Name: JOE CONSIDRIE Engineer Number: 603-427-5525 Date: 3/10/2015

License Detail: NEED TO LICENSE STUD POLE AND ANCHOR ON COURT STREET FOR CEMETERY PROJECT

The diagram shows a street layout with Court Street running vertically. To the west of Court Street is the Chestnut Street Cemetery. To the east of Court Street is a sidewalk and Rogers St. A Fairpoint Pole is located on the sidewalk at the intersection of Court Street and Rogers St. A utility symbol (a circle with a cross) is located on Court Street near the cemetery. A north arrow is in the upper right corner.

ALL PLANTS LOCATED WITHIN HIGHWAY LIMITS

PLAN: 2554	() = ELEC POLE NUMBER	DATE: _____
PLAN: 300000	(X) = PEDESTAL POST LOCATION	CREATED BY: _____
UTILITY SYMBOLS: SEE LEGEND	(S) = SIGN LOCATION	
POWER CO. = 120 VOLTS 50/60 HZ	(H) = MANHOLE LOCATION	
RECORDS = 12/10/15	(C) = BURIED CABLE/COURT LOCATION	

3/10/2015 10:52:48 AM

Page 1 of 1





Empowering Teenage Girls Through The Arts.

WWW.ARTSINREACH.ORG

March 20, 2015

Mayor Robert Lister
Portsmouth City Council
City Hall, 1 Junkins Avenue
Portsmouth, NH 03801

MAR 20 2015

Dear Mayor Lister and City Council Members,

Arts In Reach (AIR), a nonprofit organization, provides mentoring through the arts to teenage girls in the Greater Seacoast of New Hampshire. AIR empowers teenage girls through innovative teaching and mentoring, utilizing accessible arts programming as the platform for success. Arts In Reach respectfully requests permission to hold our third annual AIRWalk fundraiser on Saturday, October 17th, 2015.

The 5K walk will be held from 9am to 11am, starting and finishing at 11 Jewell Court. We will be using the same route as the AIRWalk in 2014, which would run through downtown Portsmouth and back to Jewell Court. AIR staff and volunteers will be accompanying the participants.

Upon approval for October 17th, we will submit the permit, \$20 fee, and a Certificate of Insurance for this event to the City Clerk in the amount of one million dollars, naming the City of Portsmouth as certificate holder as well as additional insured.

Thank you for your consideration of our request.

Sincerely,

A handwritten signature in cursive script that reads "Mary-Jo Monusky".

Mary-Jo Monusky
Executive Director

We appreciate the city
of Portsmouth's support.
Thank you!

Friends of the South End
PO Box 443
Portsmouth, NH 03802

March 19, 2015

MAR 23 2015

Portsmouth City Council
c/o John Bohenko, City Manager
Portsmouth City Hall
One Junkins Ave.
Portsmouth, NH 03801

Dear Portsmouth City Council,

Thank you for approving the 2015 Portsmouth Fairy House Tour on September 26 and 27, 2015. Since requesting approval last November, we have identified an additional need unique to this year's event for which we are seeking the City Council's permission.

The Friends of the South End respectfully requests the City of Portsmouth's permission to close Washington Street to motor vehicle through traffic between Court and Hancock Streets on Saturday and Sunday, September 26 and 27 from 9:30am-4pm both days. The Street would be used as a pedestrian thoroughfare between the Governor John Langdon House and Strawberry Banke properties and as a point of entry to the event.

Please let us know if you need more detailed information at this time. We look forward to meeting with the City departments at a date set at your convenience.

Thank you for always helping us create a magical event in our neighborhood.



Caroline Amport Piper
2015 Event Coordinator
caroline@canoeharbor.com
(603) 686-4338

Cc: Thomas Hindle and Hilary O'Neil, FOSE Co-Presidents

March 30, 2015

Mayor Eric Spear and City Council
1 Junkins Avenue
Portsmouth, NH 03801

Dear Mayor Spear & City Council Members,

I am a Community Director for the March of Dimes New Hampshire Chapter and am writing to you to request your permission to host our 2015 Seacoast March for Babies in Portsmouth. The Seacoast March for Babies is a walk-a-thon event that raises money to support the mission of the March of Dimes, to improve the health of babies by preventing birth defects, premature birth, and infant mortality.

This event will be held at Little Harbour Elementary School in Portsmouth on Sunday, May 31, 2015 from 8:00am to 12:00pm, and we currently expect approximately 250 people to join us as we walk to improve the health of all babies.

A request for certificate of insurance has been requested and will be forwarded to you upon receipt. Enclosed for your review is the anticipated the walk directions/map. Thank you for your consideration of a permit for this event.

If you have any questions or concerns please feel free to contact me at 603-573-9552 or ssimpson@marchofdimes.com.

For Healthy Babies,

Shamera Simpson
Community Director

March for Babies Seacoast Walker Route

Leave school facing out – Go **Left** on Clough Drive

Left on South Street

Right on Miller Avenue (1A)

Right on Middle Street

Right on State Street

Right on Marcy Street (Pass Prescott Park)

Right on Hancock Street

Left on Pleasant Street (following Route 1B)

Stay **Straight** – Turns into Marcy Street

Right on New Castle Avenue

Left on South Street

Left on Haven Road (Brackett)

Left on Brackett Road

Right on Clough Drive – Back to School !!!

This trip is 3.005 miles

M E M O R A N D U M

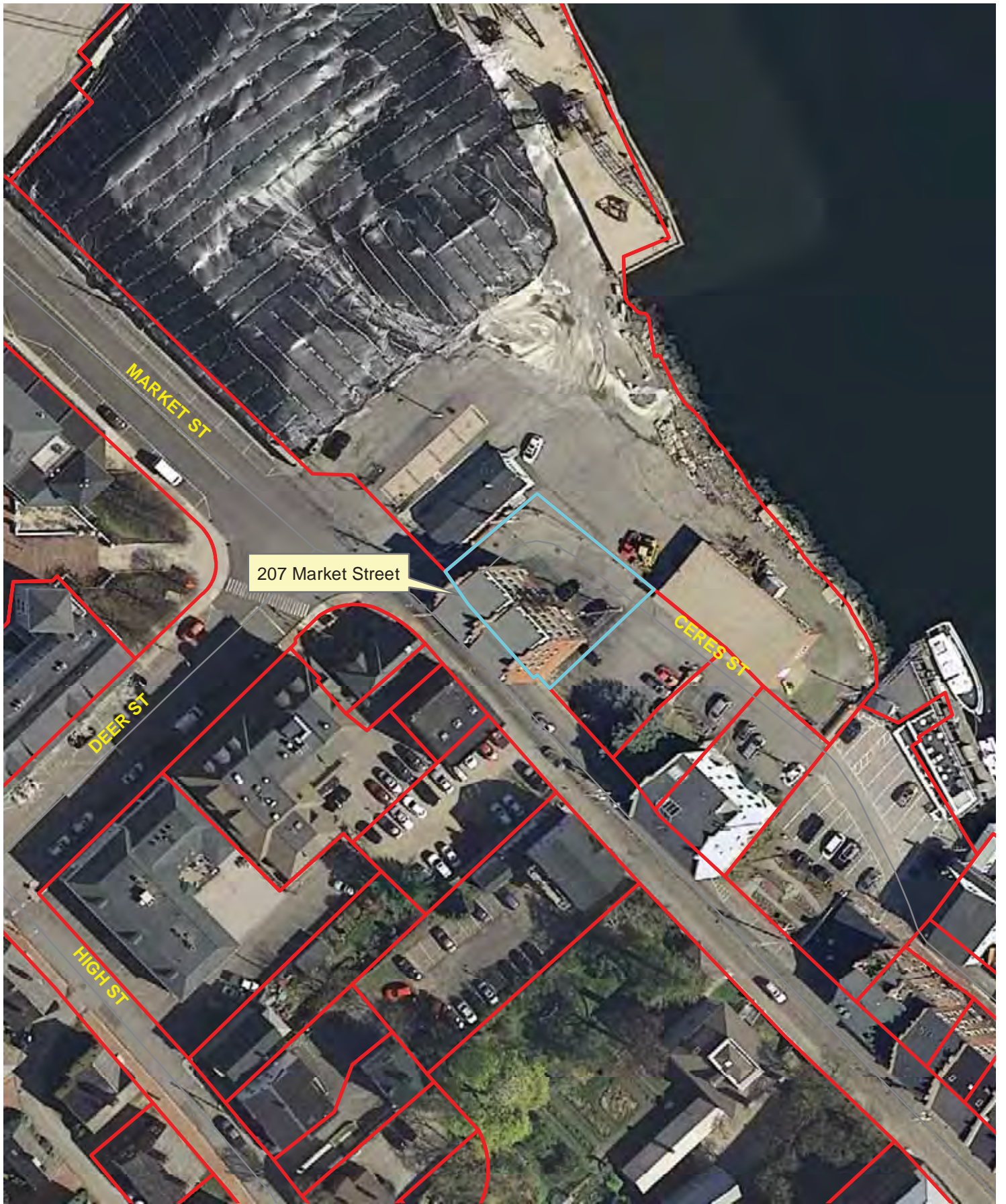
TO: John P. Bohenko, City Manager
FROM: Rick Taintor, Planning Director *RT.*
DATE: April 6, 2015
RE: City Council Referral – Projecting Sign
Address: 207 Market Street
Business Name: Withington and Co. Antiques / Laura Carrigan Designs
Business Owner: Robert Withington / Laura Carrigan

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

Sign dimensions: 42" x 52"
Sign area: 11.9 sq. ft.
Height from sidewalk to bottom of sign: 13'6"

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 207 Market Street

Withington & Co. Antiques
Laura Carrigan Designs
207 Market Street
1 Projecting Sign



WITHINGTON & CO.
ANTIQUES
DESIGN
LAURA CARRIGAN





WYTHINGTON & CO.
ANTIQUES
DESIGN
LAURA CARRIGAN

(11)

Revised 3/19/2015



$$34 \times 44 = 1496$$

$$10,384$$

Area of oval 1174 sq. in

Area of open ironwork 64 x 4 256 sq. in

$$1430 = 11.9 \text{ square feet}$$

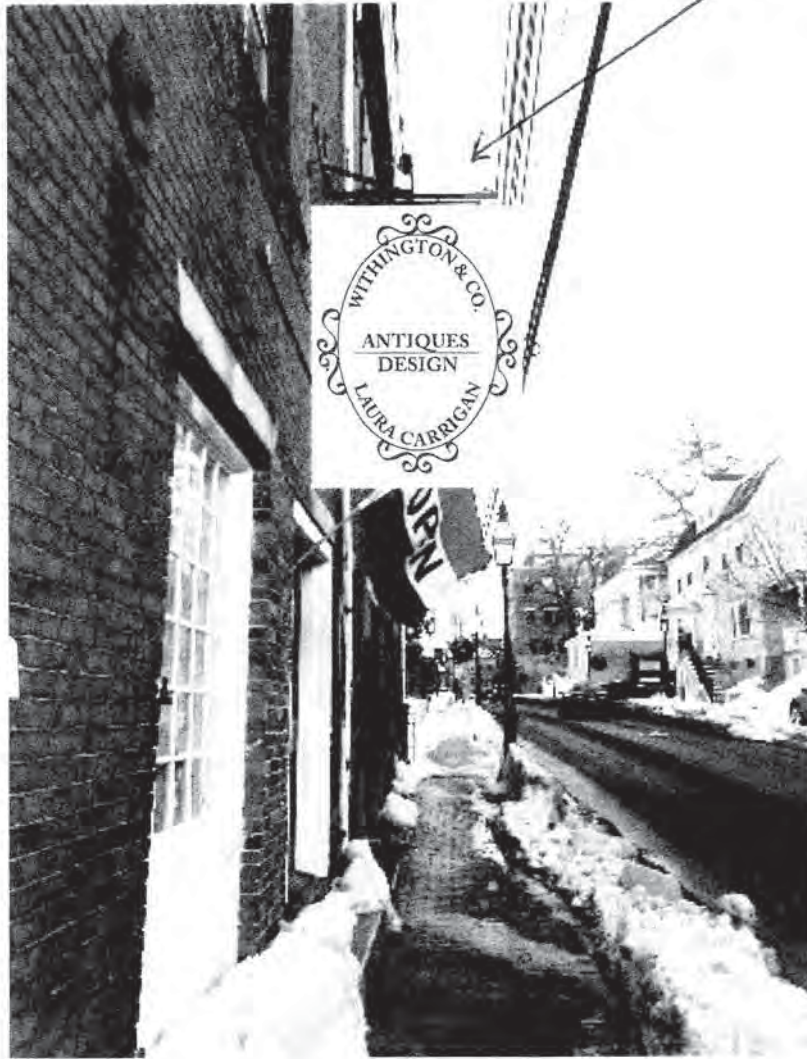
(11)

47"
"



34"

existing 4' bracket
with lighting



11' 8"

43"

March 18, 2015

City of Portsmouth
1 Junkins Avenue
Portsmouth, NH 03801

Dear City Manager Bohenko, Mayor Lister, and City Council Members:

The Mayor's Blue Ribbon Committee on Sustainable Practices recommends that the Portsmouth City Council proceed with a First Reading of the proposed Single-Use Carryout Plastic Bag Ordinance. The City of Portsmouth is an eco-municipality and the Ordinance both furthers the City's 2005 Ten Year Master Plan goal of becoming more sustainable and meets the following four Natural Step System objectives:

1. Decreasing concentrations of substances extracted from the Earth's crust;
2. Decreasing concentrations of substances produced by society;
3. Decreasing degradation of nature by physical means; and
4. Human needs are met fairly.

The Ordinance will positively affect the City's impact on the Earth's natural sustainable system in several ways. First, the City's contribution to the extraction of the natural gas and petroleum from the Earth's crust that single-use carryout plastic bags are derived from would be reduced. Next, the City's addition to the buildup of chemicals and compounds produced would be lessened by incentivizing customer use of reusable bags. Furthermore, the City's contribution to the serious consequences broken down plastics present to all marine life would be diminished. Finally, the City would still meet the basic needs of all customers by allowing stores to provide customers participating in Special Supplement Nutrition Program for Women, Infants, and Children (WIC) or Supplemental Nutrition Assistance Program (SNAP) with recycled paper bags or reusable bags at no cost. The Ordinance would also bring heightened public awareness to other everyday practices that adversely impact the Earth's natural sustainable system.

The Mayor's Blue Ribbon Committee on Sustainable Practices recommends the Portsmouth City Council proceed with the Ordinance's First Reading to join other similarly sustainably focused communities such as Newburyport, Massachusetts, and Portland, Maine.

Sincerely,



Bert Cohen
Chair, Blue Ribbon Committee on Sustainable Practices

**Seacoast Peace Response
P. O. BOX 863
Portsmouth, NH 0380**



March 19, 2015

RE: Market Square Permit for April 15, 2015

Dear Mayor and Council Members:

Seacoast Peace Response is a local non-profit organization created in 2001 to advocate for peace. Every April 15th for the past 10 years we have held a Penny Poll on a Portsmouth sidewalk to ask pedestrians how they would like their federal tax dollars spent. We give people 10 pennies to deposit in any way they choose into 10 different categories such as education, housing, transportation, nuclear weapons, etc. At the end of the day we report the results to local newspapers and our elected representatives. We also hand out information about how our federal tax dollars are spent.

Again this year we would like to hold our Penny Poll in Market Square on April 15th from 11:30 am to 1:00 pm. We are requesting a permit because we use a plywood structure which measures 36" in height by 66" in width. This holds the plastic tubes into which people drop their pennies. We are requesting permission from you to carry out this educational event in the square.

Please call me at 436-2424 if you have any questions regarding this application.

Sincerely,

A handwritten signature in black ink that reads "Sandra Yarne". The signature is written in a cursive, flowing style.

Sandra Yarne

Tax Day Coordinator, Seacoast Peace Response

Nancy Pape
NH Conference UCC (NHCUCC)
Immigration Working Group
57 Nute Rd
Madbury, NH 03823

Mayor Lister and City Council
1 Junkins Ave,
Portsmouth, NH 03801

Re: Request for City Event
May 1, 5 pm
Market Square

Dear Mayor and Councilors

I am writing to request permission to hold a May Day Celebration for immigrant rights at Market Square on Friday May 1 lasting from 5 pm to 6:30 pm. We hope to include speakers, musical numbers, and a gathering of about 50 people holding thoughtful pro-immigrant banners. Our banner from the NHCUCC, for example says "God is still speaking for immigrants."

As per your website instructions I have checked the city calendar which shows May 1 to be free. Rev. Dale Hempen, another member of my team has also contacted Rev Dawn Shippee at North Church to be sure that we would not be interfering with any events to be held there. Pastor Dawn says the North Church calendar is free.

As per your instructions we also checked on religious holidays. To our knowledge there are none on May 1.


We do not anticipate needing to close any roads. As per your instructions we could promote use of public transit and remote parking for the event participants and attendees.

Thank you for your consideration,

Nancy Pape
NH Conference United Church of Christ
Immigration Working Group

**CITY OF PORTSMOUTH
PORTSMOUTH, NH 03801**

Office of the City Manager

Date: April 2, 2015
To: Honorable Mayor Robert J. Lister and City Council Members
From: John P. Bohenko, City Manager 
Re: City Manager's Comments on April 6, 2015 City Council Agenda

6:00 p.m. Non-meeting with counsel regarding Potential Acquisition of Real Estate & Potential Settlement of Litigation – RSA 91-A:2, I (b)

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

Presentations:

1. **Middle Street Bike Lanes.** After a presentation from Juliet Walker, Transportation Planner, about three design alternatives currently being considered, the City Council will be asked for their support to proceed with a preferred alternative. Approval of a preferred alternative will enable the City to proceed to the preliminary engineering design phase of the project to develop specific design details. Additional public outreach will occur as part of the preliminary engineering design phase as well. [In the front pocket of the City Council packet, you will find the paper copies of the PowerPoint presentation.](#)

I recommend that the City Council endorse the preferred Option B, which is called "Protected and Buffered Bike Lanes" as outlined in the presentation.

2. **Update on Route 7 COAST.** Councilor Shaheen has inquired about the discontinuance of the Cooperative Alliance for Seacoast Transportation (COAST) Route 7. Rad Nichols, Executive Director of (COAST) will be present to answer questions regarding this matter. Juliet Walker, Transportation Planner, will discuss this matter immediately following the Middle Street Bike Lanes.

Acceptance of Grants and Donations:

1. **Acceptance of Donation to the African Burying Ground from TD Bank.** Recently, the City was awarded a \$10,000 grant from TD Bank to be used for the African Burying Ground events and reburial ceremony planned for May 2015. This donation has been provided to fund costs associated with events planned for the project completion rather than for the construction of the memorial park. As a result, it will be deposited in a City account rather than in the African Burying Ground Trust, which has been established as a repository for construction and maintenance funds. Therefore, this contribution needs to be accepted by the City Council prior to expenditure.

This \$10,000 grant is in addition to substantial support TD Bank has provided both as an abutter and funder. Another \$20,000 in contributions have been granted by TD Bank to the African Burying Ground Trust as part of the project's campaign.

I recommend the City Council move to accept and expend a \$10,000 grant from TD Bank for costs associated with the events marking the project's completion in May 2015. Action on this matter should take place under Section VIII of the Agenda.

2. **Acceptance of Community Development Block Grant Funds.** The U.S. Department of Housing and Urban Development has informed the City that a Community Development Block Grant (CDBG) in the amount of \$505,162 will be made available to Portsmouth for FY 2015-2016. This amount represents a decrease of less than 1% from last year. These funds are used to carry out a variety of housing rehabilitation and accessibility projects and other eligible community development and public improvements as well as assistance to public service agencies. The Community Development Department, working in conjunction with the City's Citizens Advisory Committee, has held a series of public hearings and meetings over the last several months to solicit input and prioritize projects with regard to the expenditure of these funds. The next public hearing will be held on Tuesday April 21, 2015 at 6:30 p.m. in Conference Room A at Portsmouth City Hall.

I recommend the City Council move to accept and expend a Community Development Block Grant (CDBG) in the amount of \$505,162 from the U.S. Department of Housing and Urban Development. Action on this matter should take place under Section VIII of the Agenda.

Items Which Require Action Under Other Sections of the Agenda:

1. **Public Hearing/Adoption of Resolution.**
 - 1.1 **Public Hearing/Adoption of Proposed Resolution Authorizing a Bond Issue and/or Notes of up to Five Million Dollars (\$5,000,000) for Costs related to Little Harbour Elementary School Facility Improvements.** As a result of the March 16th City Council meeting, under Section VII of the Agenda, I am bringing back for public hearing and adoption the [attached proposed Resolution authorizing a Bond Issue and/or Notes of up to Five Million Dollars \(\\$5,000,000\) for Costs](#)

related to Little Harbour Elementary School Facility Improvements. Attached is a letter from Leslie Stevens, Chair of the Portsmouth School Board requesting the City Council approve a bond issue of up to Five Million Dollars (\$5,000,000) to undertake the construction improvements for the Little Harbour Elementary School. This will allow the School Department to bid the project before the beginning of FY 2016 (July 1, 2015). This was discussed at your Work Session with the School Department.

I recommend the City Council move to adopt the proposed Resolution authorizing a Bond Issue and/or Notes of up to Five Million Dollars (\$5,000,000) for Costs related to Elementary School Facility Improvements, at your April 6, 2015 City Council meeting, as presented. (A Bonding Resolution requires two readings and a public hearing with two-thirds vote of the City Council.) Action on this matter should take place under Section IX of the Agenda.

2. **Second Reading for Proposed Ordinance.**

2.1 **Second Reading of Proposed Ordinance amending Chapter 7, Article II – Taxicabs to be deleted in its entirety and replaced with a new Article II entitled – Transportation Services (Postponed from the March 16, 2015 City Council Meeting).** As a result of the March 16th City Council meeting, under Section IX of the Agenda, I am bringing back for second reading the [attached proposed Ordinance amending Chapter 7, Article II](#) replacing the existing Taxi Ordinance with a new Ordinance entitled Transportation Services. The [attached Ordinance](#) is the form that went to first reading at the March 2, 2015 City Council meeting which were brought back to the Council at second reading on March 16, 2015.

At first reading of the captioned ordinance on March 2, 2015, the Council requested that two potential amendments to the form of the Ordinance which went to first reading be brought to the Council at second reading on March 16, 2015.

The two motions which would satisfy the requests are as follows:

1) *MOVE that the following sentence be added at the end of the first paragraph of Section 7.208 FARE REGULATION which shall read as follows:*

“In no situation shall the fare for any single transportation service beginning and ending within the City of Portsmouth exceed the total sum of \$25.00.”

(Explanation not part of the motion: The maximum fare contained in this proposed amendment was based on input requested from Great Bay Taxi based upon the cost of a taxi ride under the current ordinance commencing at the Kittery town line and continuing to the Rye town line which is 5.1 miles, \$21.95.)

- 2) *MOVE that Section 7.202 VEHICLE REGISTRATION of the proposed ordinance by the addition of the following sentence after the words "...Transportation Services" and before the words "There shall be a fee..." which shall read as follows:*

"The placard shall be displayed in such a manner as to be plainly visible from the exterior of the vehicle by any potential customer"

In addition, please be advised at the Taxi Commission meeting of March 18, 2015, the Commission determined to recommend a third amendment to be considered by the City Council at second reading of the ordinance. Specifically, at the request of the City Clerk, the Commission wishes to modify the proposed Ordinance so that it is clear that both the vehicle registration and operator licenses which would be required under the proposed new Ordinance are renewable annually on May 1st, rather than on the date of issuance as currently written. Therefore, it would be appropriate if some member of the Council would propose the following motions:

- 3) *MOVE that the phrase, "on its date of issuance" in Section 7.207 ANNUAL RENEWAL: be deleted and replaced with "May 1st".*

In addition to the foregoing, there was some interest on the part of the Council at second reading to remove limousine services from application of the proposed ordinance. If a member of the Council desired to make a motion to accomplish that result, one option would be the following:

- 4) *MOVE that the following new paragraph be added to Section 7.201 TRANSPORTATION SERVICES:*

However, this ordinance shall not apply to the following:

- a. Limousine Services, which provide designated luxury or specialty vehicles by prior appointment for discrete functions;*
- b. Limousine Services, whose operation is limited to the transport of passengers by prior appointment from locations within the City of Portsmouth to destinations located outside of the City or the reverse.*

None of the forgoing potential amendments has yet been the subject of Council action.

And further, authorize the City Manager to bring back for third and final reading the proposed Ordinance at the April 20, 2015 City Council meeting, as amended.

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

Consent Agenda:

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

- Robert Withington / Laura Carrigan, owner of Withington and Co. Antiques / Laura Carrigan Designs for property located at 207 Market Street.

I recommend the City Council move to approve the aforementioned Projecting Sign License as recommended by the Planning Director and, further, authorize the City Manager to execute this License Agreement 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 to Renew Seacoast Growers' Association (Farmers' Market) Proposed 2015 License Agreement.** The Seacoast Growers' Association has requested renewal of their License Agreement (see attached letter). Attached is a draft of the proposed 2015 License Agreement with the Seacoast Growers' Association to allow a Farmers' Market at the municipal complex. The Agreement contains some minor language changes from last year's Agreement in order to maintain consistency between this Agreement the Seacoast Growers' Association Bylaws (see attached) and the actual operation of the Farmers' Market. Also, attached is a copy of the parking map.

The Seacoast Growers' Association has been conducting their Farmers' Market at the municipal complex for over ten years. If this draft agreement meets with the approval of City Council, I would ask that you authorize me to enter into the proposed Agreement between the Seacoast Growers' Association and the City of Portsmouth for a License Agreement to conduct their Farmers' Market for 2015. I've requested that a representative of the Seacoast Growers' Association be in attendance on Monday evening to answer any questions you may have regarding this matter.

I recommend the City Council move to authorize the City Manager to enter into a License Agreement with the Seacoast Growers' Association for 2015, as presented.

2. **Applications for Sidewalk Cafes providing Alcohol Service.** As you are aware, in 2012, the City Council adopted City Council Policy 2012-02 titled "Policy Regarding Use of City Property for Sidewalk Café's providing Alcohol Service", a copy of which is attached. That policy allows restaurants to apply for an Annual Service Agreement to occupy a defined portion of City sidewalk space for the purpose of creating a sidewalk café with the ability to serve alcohol. The policy outlines the criteria for both the application and the operations of the sidewalk café's and calls for a 6 month term, typically running from mid-April through mid-October. The policy limits the number of sidewalk café's in the City to six (6).

Last year, five Area Service Agreements were issued for public Sidewalk occupancy. To date, we have received applications for State Street Saloon, Popovers, Ri-Ra and The District. Surf has indicated that they will be submitting an application, however, it had not been received at closing time for preparing the City Council packet. City staff representatives from Police, Fire, Public Works, Building Inspection, Health, and Code Enforcement have reviewed the applications of Popovers, State Street Saloon, Ri-Ra and The District and found the applications complete and recommend issuance of the Area Service Agreements in accordance with City Council Policy 2012-02.

The Council will recall that the fee for the use of the public “Area” subject to the Area Service Agreement is \$10.00 per square foot, with a minimum season’s fee of \$2,000 and no proration of the fee. The Agreements may be suspended at the sole discretion of the City on an administrative basis and revoked in their entirety by vote of the City Council. Hours of operation are until 10:30 p.m. Monday through Saturday and until 10:00 p.m. on Sunday, with no smoking allowed in the “Area” at any time. Use of the “Area” may be precluded, modified or made subject to special conditions to accommodate municipal events. The sidewalk café Area will be separated from the public pedestrian space by black decorative metal fence. The table below includes applications received to date along with the areas and associated fees:

Establishment	Location	Area	Fee
State Street Saloon	268 State Street	340	\$3,400
Popovers	8 Congress St	570	\$5700
Ri Ra Portsmouth	22 Market Square	447	\$4,470
District	103 Congress	467	\$4,670

- a) **Application for Sidewalk Café providing Alcohol Service from State Street Saloon.** I am bringing forward for City Council action the [attached Area Service Agreement for State Street Saloon](#) for the 2015 season. City staff has reviewed State Street Saloon’s application and are recommending its approval as presented. Please note that the “Area” to be used by State Street, along with a table-chair layout, is included as an attachment to the Agreement. The particulars of this application are as follows:

- 5 4-top tables
- 20 chairs
- Area: 340 square feet
- Area Service Fee: \$3,400

I would recommend the City Council Authorize the City Manager to enter into an Area Service Agreement with State Street Saloon for outdoor Alcohol service on City land for the 2015 season subject to City Council Policy No. 2012-02 regarding use of City property for sidewalk cafes providing alcohol service.

- b) **Application for Sidewalk Café providing Alcohol Service from Popovers on the Square.** I am bringing forward for City Council action the [attached Area Service Agreement for Popovers on the Square](#) for the 2015 season. City staff has reviewed Popovers’ application and are recommending its approval as presented. Please note that the “Area” to be used by Popovers, along with a table-chair layout , is included as an attachment to the Agreement. The particulars of this application are as follows:

10 4-top tables
1 outside container full enclosed for garbage and recycling
38 chairs
Area: 570 square feet
Area Service Fee: \$5,700

I would recommend the City Council Authorize the City Manager to enter into an Area Service Agreement with Popovers on the Square for outdoor Alcohol service on City land for the 2015 season subject to City Council Policy No. 2012-02 regarding use of City property for sidewalk cafes providing alcohol service.

- c) **Application for Sidewalk Café providing Alcohol Service from Ri Ra.** I am bringing forward for City Council action the [attached Area Service Agreement for Ri Ra](#) for the 2014 season. City staff have reviewed Ri Ra’s application and are recommending its approval as presented. Please note that the “Area” to be used by Ri Ra, along with a table-chair layout, is included as an attachment to the Agreement. The particulars of this application are as follows:

5 4-top tables
4 2-top tables
28 chairs
Area: 447 square feet
Area Service Fee: \$4,470

I would recommend the City Council Authorize the City Manager to enter into an Area Service Agreement with Ri Ra for outdoor Alcohol service on City land for the 2014 season subject to City Council Policy No. 2012-02 regarding use of City property for sidewalk cafes providing alcohol service.

- d) **Application for Sidewalk Café providing Alcohol Service from The District.** I am bringing forward for City Council action the [attached Area Service Agreement for The District](#) located at 103 Daniel Street for the 2015 season. City staff has reviewed The District’s application and are recommending its approval as presented. Please note that the “Area” to be used by District, along with a table-chair layout is included as an attachment to the Agreement.

The particulars of this application are as follows:

17 top tables
34 chairs

Area: 467 square feet
Area Service Fee: \$4,670

I would recommend the City Council Authorize the City Manager to enter into an Area Service Agreement with The District for outdoor Alcohol service on City land for the 2015 season subject to City Council Policy No. 2012-02 regarding use of City property for sidewalk cafes providing alcohol service.

3. **Applications for Sidewalk Cafes providing Alcohol Service-private sidewalk.** The City has received two applications for sidewalk cafes that are proposed for private sidewalk that runs along Portwalk Way. While these proposed locations are completely contained on private property, they are adjacent to the sidewalk area that the City has an easement over. The operation of these areas will require review for health and life-safety compliance and it was therefore determined that the City should review and issue a license for the operation. Because the operation occurs on private property and not on City property, as the other Sidewalk Café licenses, there is no associated fee with this action.

- a) **Application for Sidewalk Café providing Alcohol Service from British Beer Company.** I am bringing forward for City Council action the [attached Area Service Agreement for British Beer Company located at Portwalk Place](#) for the 2015 season. City staff has reviewed British Beer Company's application and are recommending its approval as presented. Please note that the ["Area" to be used by British Beer Company, along with a table-chair layout, is included as an attachment to the Agreement.](#) The particulars of this application are as follows:

3 4-top tables
6 2-top tables
24 chairs
Area: 882 square feet

I would recommend the City Council Authorize the City Manager to enter into an Area Service Agreement with British Beer Company for outdoor Alcohol service for the 2015 season subject to City operating conditions contained in Council Policy No. 2012-02.

- b) **Application for Sidewalk Café providing Alcohol Service from The BRGR Bar.** I am bringing forward for City Council action the [attached Area Service Agreement for The BRGR Bar located at 34 Portwalk Place](#) for the 2015 season. City staff has reviewed The BRGR application and are recommending its approval as presented. Please note that the ["Area" to be used by The BRGR Bar, along with a table-chair layout, is included as an attachment to the Agreement.](#) The particulars of this application are as follows:

8 4 top tables
4 2 top tables
40 chairs
Area: 440 square feet

I would recommend the City Council Authorize the City Manager to enter into an Area Service Agreement with The BRGR Bar Company for outdoor Alcohol service for the 2015 season subject to City operating conditions contained in Council Policy No. 2012-02.

4. **Annual Renewal of Boarding House Permits.** As you are aware, annually, the City Council considers and takes action on the renewal of Boarding House Permits.

a) **278 Cabot Street.** Pursuant to Article VIII: Boarding Houses, Section 9.804: Permit Renewal, I have [attached a draft Permit for the boarding house located at 278 Cabot Street](#). This facility was inspected on March 18, 2015 by the Code Enforcement Officer and Health Officer and recommended for the reissue of the permit.

I would recommend that the City Council move to approve the Boarding House permit for 278 Cabot Street for a one year permit to expire April 6, 2016.

b) **350-352 Hanover.** Pursuant to Article VIII: Boarding Houses, Section 9.804: Permit Renewal, I have [attached a draft Permit for the boarding house located at 350-352 Hanover Street](#). This facility was inspected on March 18, 2015 by the Code Enforcement Officer and Health Officer and recommended for reissue of the permit.

I would recommend that the City Council move to approve the Boarding House permit for 350-352 Hanover Street for a one year permit to expire April 6, 2016.

5. **Sawtelle Family Donation Gift of the Carlton Theodore Chapman Painting Entitled: Bonhomme Richard Capturing the Serapis.** As you may be aware, in January 2012, the City entered into an Artwork Loan Agreement with the Jean E. Sawtelle Revocable Trust to accept on loan the painting entitled *The Bonhomme Richard Capturing the Serapis*, for public display in the City Council Chambers from January 9, 2012 and September 30, 2016. The Trust agreed to maintain insurance on the painting during the loan period.

Recently, the Sawtelle family contacted the City to offer the painting to the City as a permanent gift. In accordance with the City's Public Art Acquisition policy, the City Manager referred the request to Art-Speak for review and recommendation. Art-Speak recommended that the City accept the painting and, as suggested in the city's policy, discuss with the family an appropriate stewardship fee not to exceed 10% of the value of the painting for acceptance and maintenance of the painting. Art-Speak further recommended that the City invest the stewardship funds in the City's Public Art Trust established for future expenses related to care and conservation of public artwork.

Staff has discussed the recommendation with the estate representative for the Sawtelle family. In response, the family has suggested that the stewardship fee be requested from a NH Charitable Foundation which was established by the Sawtelles for such purposes.

I recommend the City Council move to authorize the City Manager to request stewardship funds from a NH Charitable Foundation and to negotiate and execute the Deed of Gift and necessary Internal Revenue Service donation forms needed to accept the gift.

6. **Request for Road Closures for African Burying Ground Events.** As you know, last week, the City and the African Burying Ground Committee announced plans for the Reburial Ceremony marking the completion of the African Burying Ground and Memorial Park as well as related events over the days between May 20th and May 23rd. In two separate mailings earlier this month, abutters were notified about the resumption of project construction as well as the schedule of events marking the project completion.

The African Burying Ground Committee is requesting road closures to facilitate attendance and safety at the following events (below). The African Burying Ground Ancestral Vigil at New Hope Baptist Church will not require a road closure. The planning for the ceremony and associated events, including these road closure requests, have been coordinated in detail with the Public Works, Police, and Fire Departments.

❖ **On-site event with artist and sculptor Jerome Meadows with Middle School Students**

- Date: Wednesday May 20th
- Closure: Chestnut Street (between Court and State Streets) travel lane
 - Duration: 8:45 a.m. to 10:00 a.m.

❖ **Reburial Ceremony at African Burying Ground**

- Date: Saturday May 23rd
- Closure: Chestnut Street (between Court and State Streets) travel lane
 - Duration: 6:00 a.m. to 8:00 p.m.
- Closure: Right hand lane on State Street from Middle Street to Fleet Street
 - Duration: 8:30 a.m. to 10:15 a.m.
- Closure: Court Street from Rogers Street to Fleet Street
 - Duration: 8:30 a.m. to 10:30 a.m.

It should be noted that these closures for the events above are in addition to temporary construction-related closures of the Chestnut Street travel lane that will be necessary as construction work resumes at the site over the next several weeks. More information about the events can be found at www.africanburyinggroundnh.org.

I recommend the City Council refer these road closure requests to the City Manager with power.

7. **Request for Approval Re: Town of Rye Water Agreement.** The Rye Water District has approved the “Water Supply Agreement” to wholesale water to the Portsmouth Water Division at Breakfast Hill Road in Greenland. This will allow Portsmouth to provide public water to an area of Greenland that the Portsmouth water system does not currently have water available through its own pipe network. The terms of the agreement are that Portsmouth will pay the same rate for water supplied by Rye as the Rye Water District pays Portsmouth for wholesaled metered water it currently receives from the Portsmouth system. The Agreement was executed on February 17, 2015 subject to ratification by the Council.

I recommend the City Council move to ratify the “Water Supply Agreement” with the Rye Water District, as presented.

Informational Items:

1. **Events Listing.** For your information, [attached is a copy of the Events Listing](#) updated after the last City Council meeting on March 16, 2015. In addition, this can be found on the City’s website.
2. **News Release Re: African Burying Ground Reburial Events and Update.** For your information, [attached is a news release](#) regarding the African Burying Ground Reburial Events and Update.
3. **Master Plan Kick-off Meeting for April 15, 2015.** The City of Portsmouth Planning Department is holding a Master Plan Kick-off meeting at 3S Artspace on Wednesday April 15th, 6:00 p.m. The City has hired Boston-based planning and design firm NBBJ to help update the Master Plan – a decennial document to guide development in the City. A 6:30 p.m. presentation by the City officials and representatives, and NBBJ will highlight major initiatives, followed by refreshments and open conversation amongst residents and officials to discuss thoughts, visions and ideas as the City begins the Master Plan process. Portsmouth Listens will be present to recruit participants for their upcoming study circles to deliberate on what worked and what didn’t work in our last plan, and what our City’s vision should be for 2025.
4. **Report Back Request of Councilor Eric Spear Re: Proposed Charter Amendment Allowing for Election of the Mayor.** [Attached under Councilor Eric Spear’s name is a memorandum from City Attorney Robert Sullivan](#) out the proposed “proper language for a Referendum allowing for Election of Mayor; (1) Candidate would choose either to run for Mayor or run for Council; (2) The statutory authority and responsibility of the Mayor would remain unchanged and, (3) this would take effect 2017.”
5. **Handicap Parking Time Limit Implementation.** For your information, [attached is a memorandum from Eric Eby, Parking and Transportation Engineer](#), regarding the handicap parking time limit implementation that was passed by the Parking and Traffic Safety Committee at their February meeting.

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



January 26, 2015

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

Dear Mr Bohenko,

The Seacoast Growers' Association wishes to thank you, the City Council, and the people of Portsmouth for again providing our Portsmouth Farmer's Market with a home for the 2014 season. Your support has been instrumental in sustaining over 50 seacoast farms and helping provide local food to thousands of residents and visitors.

We are requesting a contract renewal for the 2015 season, May 2nd to November 7th. With the permission of the City Council, we will use the same space at 1 Junkins Avenue and abide by the same rules. We ask that the City Council put this to vote at their next meeting.

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

Sincerely,

A handwritten signature in black ink, reading 'George Beland', is written over a light blue horizontal line. The signature is fluid and cursive.

George Beland
President
Seacoast Growers' Association

SEACOAST GROWERS ASSOCIATION BYLAWS

ARTICLE I

Section 1. Name:

The name of this organization shall be: "The Seacoast Growers Association."

Section 2. Seal:

The seal of this organization shall consist of a flat-faced circular die, with the words and figures cut or engraved thereon.

ARTICLE II

The association has been organized on a non-profit basis for the following:

Section 1. To provide markets for seacoast area growers to sell their products directly to the consumer, thereby strengthening the local farm economy and the viability of small scale family farms. Seacoast growers are defined as those in York County, Maine and Rockingham and Strafford Counties, New Hampshire;

Section 2. To establish and maintain operating standards that will inspire public confidence in the farmer's market concept;

Section 3. To provide the organization with publicity and by other techniques to assist in promoting the sale, at the market, of Seacoast Growers Association members' products;

Section 4. To engage in such other mutually beneficial activities as the membership may desire;

Section 5. To carry out educational and promotional activities among seacoast area citizens for the support of local agriculture.

Section 6. To do all that is legal in obtaining its objectives that the Board of Directors in its discretion deems appropriate or consistent with the above stated purposes.

ARTICLE III

Definitions

Farmer: is an individual or production unit who operates a farm.

Farm: is an agricultural enterprise that produces farm products.

Farm Products: are defined as vegetables, fruits, herbs, berries, and other items grown for human food; natural fibers such as wool and linen; seedlings, plants, greenhouse or nursery stock, houseplants, perennials and ornamentals; livestock and their products; products from the woodlot, poultry and bees.

Production unit: is a family or other group of two or more people who operate the same farm.

Craft vendor: is a member, who offers for sale, their own locally made crafts.

Prepared food: baked goods, jams, jellies, and similar prepared foods made by the vendor.

Concessionaries: Seafood vendors, meat or fiber co-ops. Vendors in these categories will be considered on a case-by-case basis.

ARTICLE IV

Membership

Section 1.

A. Active Membership: Active members shall consist of farmers, prepared foods, and craft vendors who have been granted acceptance by the Board of Directors, have passed any necessary jurying, who pay the membership fee established and shall abide by these bylaws, rules and regulations. One vote per entry is allowed. Active membership shall expire on January 15th of each year if no application for renewal has been received. (The intent of expiration in no way constitutes automatic approval if application has been received by January 15th)

B. Patron: A patron shall consist of person(s) who would like to contribute to the Association in a monetary or volunteer form and wish to support the purposes and goals of the Seacoast Growers Association. There shall be no voting privileges extended. Patrons shall fill out a "Patron Form", pay the patron fee established, agrees to abide by the bylaws, rules and regulations of the Association.

Section 2. Annual Meeting: The annual meeting of the members shall be held within the month of March at such location as specified in the notice as provided in "Section 5" hereof. In the event that such annual meeting is omitted by oversight or otherwise on the date herein provided for, a substitute annual meeting maybe held in place thereof and any business transacted or elections held at such meeting shall be as valid as if transacted or held at the annual meeting. Such substitute meeting shall be called in the same manner and as prescribed for special member's meetings. Except when otherwise required by law or by these Bylaws any business may be transacted at the annual meeting irrespective of whether or not the notice of the meeting shall have contained a reference thereto.

Section 3. Special Meetings: Special meetings of the members shall be held whenever called by the President. The president must call a general meeting of all members when presented with a petition signed by not fewer than one-quarter (1/4) of the members of the association.

Section 4. Place of Meeting: The annual meeting and any special meeting of the members shall be held at such place within or without the State of New Hampshire as shall be designated in the notice of such meeting.

Section 5. Notice: Notice of all members' meetings, stating the day, hour and place and the agenda and purpose for which such meetings are called, shall be given by the clerk in writing to each member or record entitled to vote, at his or her registered address at least thirty (30) days and not more than fifty (50) days prior to the date of the meeting. Any notice of meeting may be waived by a member by submitting, before and after the meeting a waiver, signed either in person or by proxy or by attendance at the meeting, either in person or by proxy.

Section 6. Quorum and Required Vote: At any meeting of the members, a majority of the members entitled to vote shall constitute a quorum, but a lesser number may adjourn any meeting to a future date at which a quorum shall be present or represented. No notice of the adjourned meeting need be given if the time and place are announced at the meeting at which the adjournment is taken and the adjournment is less than thirty (30) days. When a quorum is present at any meeting, a majority of votes cast by these entitled to vote on the subject matter shall decide any questions unless some greater vote is required by law, the Articles of Incorporation, or these Bylaws. In elections of the directors, those receiving the greatest number of votes, even though not receiving a majority, shall be deemed elected.

Section 7. Consents: Any action required or permitted to be taken at a meeting of the members may be taken without a meeting if written consent, setting forth the action so taken is signed by all the members entitled to vote on such action and are filed with the clerk of the corporation as part of the corporate records. Such written consent shall have the same effect as a unanimous vote of the members and may be stated as such in any certificate or document required or permitted to be filed with the Secretary of State, and in any certificate or document prepared or certified by any officer of the corporation for any purpose.

Section 8. Conduct of Meetings: All meetings of this organization shall be conducted in an orderly fashion and in substantial conformity with Roberts Rules of Order. All matters shall be decided by a simple majority of members present unless stipulated elsewhere in the Bylaws.

ARTICLE V

Board of Directors

Section 1. Board of Directors: The business of the Association shall be managed by a Board of Directors which shall consist of not less than five active members and one alternate to be elected by vote of the active membership each year at the annual meeting. Tenure of the office is three and one half years. From the directors, a President, a Vice President, Secretary and Treasurer shall be chosen. Each of these offices shall be for a

one-year term. The officers shall be subject to the general direction and control of the Board of Directors. A vote may be passed by the support of three Directors.

Section 2. Vacancies in the Board of Directors: Any vacancy on the Board of Directors shall be filled as follows: The remaining Board members shall name a person to fill the vacancy until the next annual meeting.

Section 3. Composition of the Board of Directors: At least three of the five members should be actively engaged in farming.

Section 4. Board members shall receive a \$200.00 voucher each year that they serve. The Treasurer shall receive an additional voucher for up to \$300.00. This voucher may only be used toward the membership fee and stall fees.

Section 5. The Association shall indemnify any Director, Officer, or former Director or Officer of the Association against expenses actually and necessarily incurred by him/her in connection with the defense of any action, suit or proceedings in which he/she is made a party by reason of being or having been such Director or Officer, except in relation to matters as to which he/she shall be adjudged in such action, suit or proceeding to be liable for negligence or misconduct in the performance of a duty. The indemnification provided by this Article V shall not be deemed exclusive of any other rights to which such Director or Officer may be entitled under any Bylaw, agreement, vote of the Board of Directors or otherwise.

Section 6. At any meeting of the Board of Directors, a majority of the Directors as fixed by the Bylaws shall constitute a quorum. Provided a quorum is present, the votes of a majority of the Directors attending a meeting shall be sufficient for the conduct of business.

ARTICLE VI

Disciplinary Procedures

Section 1. Violations of any Bylaws or Rules and Regulations will be dealt with by a Market Manager or Board Member. The Manager or Board Member may give a verbal warning notice to a producer for an infraction of the Bylaws or Rules and Regulations. If a producer receives two verbal warning notices, the President shall call a meeting of the Board. The Board will then take a formal vote giving the Manager or President the power to take appropriate action if a third violation of the Bylaws or Rules and Regulations occurs. Actions may include fines, site inspection, suspension or expulsion.

Section 2. Upon the Board members' determination, the President shall give written notice to the violating member of the dates, the nature(s) of the violation(s), and any corrective action to be taken should a third violation occur.

Section 3. Any member receiving such verbal and/or written notice of a violation must correct the violation immediately, or at the latest, by the next market day after such notice is received.

Section 4. Any member may bring forward a product challenge when they believe that another vendor is misrepresenting his/her product. Product challenges must be signed by the person bringing the challenge and preferably be supported by physical evidence of the offense. Product challenges shall not be anonymous. The product challenge must be made on the day of, or within the week the violation is observed.

Section 5. The vendor receiving the product challenge must respond to the challenge in writing. Failure to admit or deny a challenge may result in a determination that the challenge is valid.

Section 6. The Board shall determine if a site visit is necessary, and if so, shall conduct the visit in a timely manner to make a determination on the product challenge. If the vendor is found in violation, the Board will then take a formal vote giving the Manager or President the power to take appropriate action. Actions may include fines, site inspection, suspension or expulsion.

Section 7. A member may appeal any disciplinary action taken against them by providing to the Board a petition of support signed by at least two-thirds of the voting membership.

ARTICLE VII

Section I. These Bylaws shall be amended by a two-thirds vote of those members in good standing in attendance at the annual meeting. Proposed changes of the Bylaws shall be in writing and provided to all members at least twenty-one days prior to the annual meeting.

ADOPTED: January 6, 1994

SIGNED: January 20, 1994

AMENDED: March 24, 1995

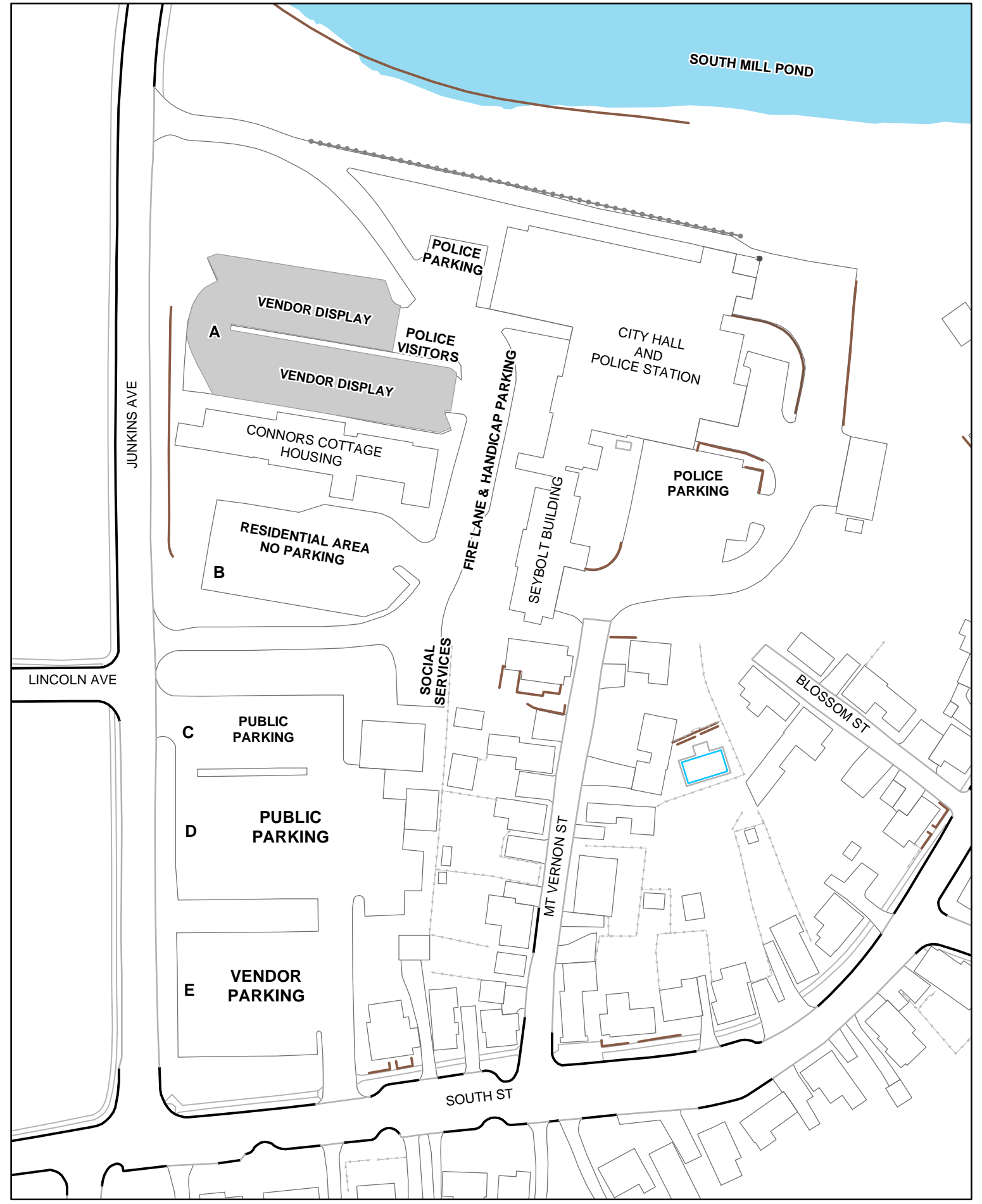
SIGNED March 31, 1995

AMENDED:

SIGNED: February 27, 1997

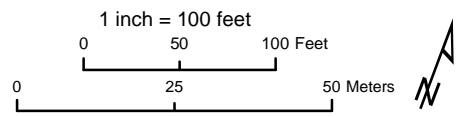
AMENDED: March 14, 2013

SIGNED March 14, 2013



**Appendix 1: Farmer's Market
Seacoast Growers Association 2015 Season**

Map prepared by Portsmouth Department of Public Works, 11 February 2015
Map document: U:\Projects\0042 Farmers Market\Farmers Market Parking2015.mxd



RECEIVED

MAR 19 2015

POPOVERS
ON THE SQUARE

8 CONGRESS STREET
PORTSMOUTH, NH 03801
(603) 431-1119

March 16, 2015

David S. Allen
City Manager
City of Portsmouth, NH
1 Junkins Avenue
Portsmouth, NH 03801

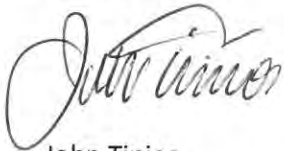
RE: Use of City Property for Sidewalk Cafes Providing Alcohol Service

Dear Mr. Allen,

Popovers is interested in attaining a permit for sidewalk usage of alcohol service for the 2015 season. We would like to start service on Friday, May 01, 2015. Our seating plan will be the same as the past year and during the 2013 season including 10 tables, 38 seats, and 1 outside container fully enclosed for garbage and recycling. We also plan to have at least one service person for the area during alcohol service times. The 570 square foot area would be surrounded by fencing 3-4 feet in height to surround the perimeter and would be portable so that it may be removed during the off-season for snow removal access. There would be no change to the grates or impact to the trees that are in the area.

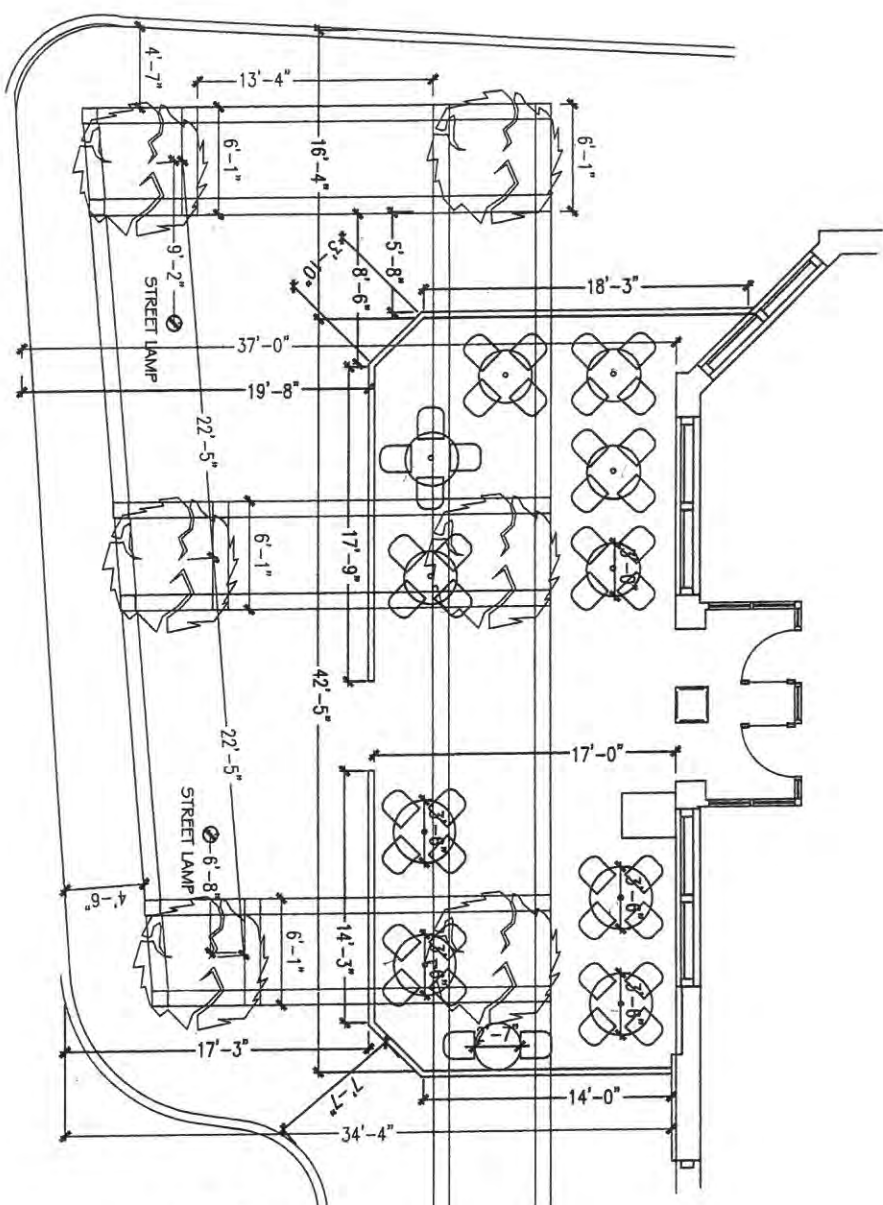
As requested for approval, I have enclosed two documents, one that displays the current exterior area of Popovers and the other that displays our proposal for a sidewalk café. Please let me know if there is any additional information you need.

Respectfully,

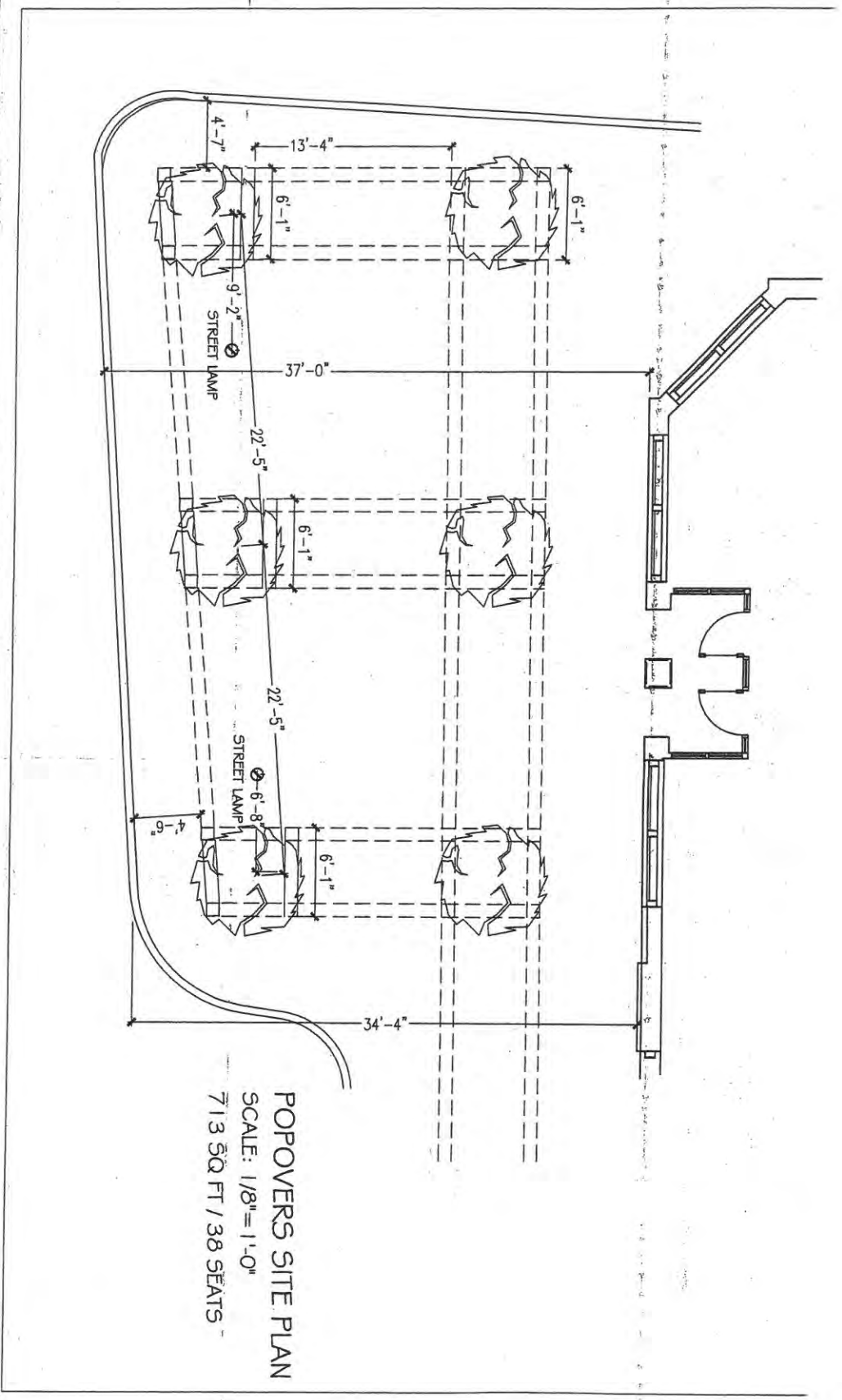


John Tinios
Popovers on the Square

Enclosure



POPOVERS SITE PLAN
 SCALE: 1/8" = 1'-0"
 570 SQ FT / 38 SEATS



POPOVERS SITE PLAN
 SCALE: 1/8" = 1'-0"
 713 SQ FT / 38 SEATS

**Roger's Café, Inc.
d/b/a State Street Saloon
268 State Street
Portsmouth, New Hampshire 03801**

March 3, 2015

Portsmouth City Council
City of Portsmouth
1 Junkins Avenue
Portsmouth, New Hampshire 03801

Re: Application to Utilize City Property to Operate a Sidewalk Cafe

To the Portsmouth City Council:

Please accept this correspondence as my application to utilize City of Portsmouth property for a sidewalk café with alcohol service.

In support of this application I have attached the following documents:

- (a) A dimensioned site plan depicting the conditions now existing in front of my restaurant which is located at 268 State Street, Portsmouth, New Hampshire;
- (b) A dimensioned site plan documenting the planned use of the site;
- (c) The contract issued by GC/AAA Fence Company to fabricate the enclosure; and
- (d) A detail drawing depicting the "look" of the enclosure.

The lighting for the proposed use is pre-existing and is located behind the canopy which is attached along the length of the front of the State Street Saloon. There will be no trash receptacles within the proposed sidewalk café in that all trash will be disposed of in the same receptacles now used for the existing restaurant. As you are aware, I received a license to operate a sidewalk café for the 2014 season. The tables and chairs utilized for the 2014 season are the same tables and chairs which would be utilized for the proposed sidewalk café. By way of information, the tables stand 28.5 inches tall. The table tops are 30 inches square. The chairs are 34 inches tall, 18 inches deep and 22 inches wide. The enclosure system was fabricated for the 2013 season by GC/AAA Fence Company of Dover, New Hampshire and was approved by the City of Portsmouth. It would be my intention to utilize the same enclosure system in the same location as it was placed last year. I have attached a copy of the contract issued by GC/AAA Fences to construct the enclosure. As indicated, the enclosure is described

Portsmouth City Council
City of Portsmouth
1 Junkins Avenue
Portsmouth, New Hampshire 03801
Page Two

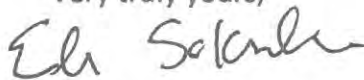
as a Black Regis Ornamental Fence. The enclosure was fabricated as a "free standing" structure whereby the free standing posts have aluminum plates attached to the bottom to create a stable platform. The enclosure is attached to the building by way of four end posts that do not have the aforementioned aluminum plates. The enclosure is 38 ½ inches tall. The free standing posts are 2 ½" by 2 ½". The pickets are ¾ inches by ¾ inches. The top and bottom rails are 1 ¼" by 1 ¼". I have also enclosed herein a detail drawing depicting the "look" of the completed enclosure.

In closing I would like to express my gratitude to the City Council for granting me approval for a license to operate a sidewalk café for the 2014 season. It was a pleasure to maintain the sidewalk café for my regular customers and for the many individuals who chose to visit the City of Portsmouth. I would greatly appreciate the opportunity to maintain the sidewalk café for the 2015 season.

Please note that I am available to discuss this application with the City of Portsmouth at the convenience of the City Council.

Thank you for your time and consideration in this matter.

Very truly yours,



Eli Sokorelis

enc.
cc: file



GC/AAA FENCE COMPANY 294 DURHAM ROAD
DOVER, NH 03820 603-742-0833

PROPOSAL/CONTRACT

Customer Information:

STATE STREET SALOON
268 STATE ST.
PORTSMOUTH, NH 03801
ATTN: ELI

Job Information:

OUTSIDE CAFÉ AREA

Furnish & Install

72' OF 3' HIGH REGIS ORNAMENTAL
BLACK ALUMINUM FENCE ON
SIDEWALK AS SPECIFIED. ALL
FREESTANDING POSTS WILL HAVE AN
ALUMINUM PLATE WELDED FOR
STABILITY. PANELS TO BE ATTACHED
TO POSTS WITH BRACKETS & BOLTS. 4
END POSTS WITHOUT PLATES TO BE
ATTACHED TO BUILDING FOR
STABILITY.
REGIS 4220 3' HIGH FENCE
LIMITED LIFETIME WARRANTY

COST BREAKDOWN:

MATERIAL COST:
9 ALUM. PLATES
LABOR
ADD 2 PLATES
CUSTOM HEIGHT

TOTAL:
COMP \$\$:

TOTAL DUE:

GC/AAA FENCE COMPANY agrees to guarantee above fence to
be free from defects in materials and workmanship for three years.

GC/AAA FENCE COMPANY shall advise the customer as to
local zoning regulations but responsibility for complying with said
regulations and obtaining any required permits shall rest with the
customer. GC/AAA FENCE COMPANY will assist the customer,
upon request, in determining where the fence is to be erected, but
under no circumstances does GC/AAA FENCE COMPANY
assume any responsibility concerning property lines or in any
guarantee their accuracy. If property pins cannot be located it is
recommended that the customer have the property surveyed.

GC/AAA FENCE COMPANY will assume the responsibility for
having underground public utilities located and marked. However,
GC/AAA FENCE COMPANY assumes no responsibility for
unmarked sprinkler lines, or any other unmarked buried lines or
objects. The customer will assume all liability for any damage
caused by directing GC/AAA FENCE COMPANY to dig in the
immediate vicinity of known utilities.

The final billing will be based on the actual footage of fencing built
and the work performed. Partial billing for materials delivered to the
jobsite and work completed may be sent at weekly intervals.
Adjustments for materials used on this job and adjustments for labor will
be charged or credited at the currently established rates. Additional
charges for any extra work not covered in this contract that was
requested by the customer will also be added. The full amount of this
contract along with any additional charges will become payable upon
completion of all work whether or not it has been invoiced.

A finance charge of 1 1/2% per month (or a minimum of \$1.00), which
is an annual percentage rate of 18%, shall be applied to accounts that are
not paid within 10 days after completion of any work invoiced. All
materials will remain the property of GC/AAA FENCE COMPANY
until all invoices pertaining to this job are paid in full. The customer
agrees to pay all interest and any costs incurred in the collection of this
debt.

CONTRACT PRICE IS VALID FOR 14 DAYS.

Approved & Accepted for Customer:

[Signature]
Customer

Date

Sign and Return to GC/AAA FENCE COMPANY:

Gordon Clark
Salesperson

5-15-12

Date

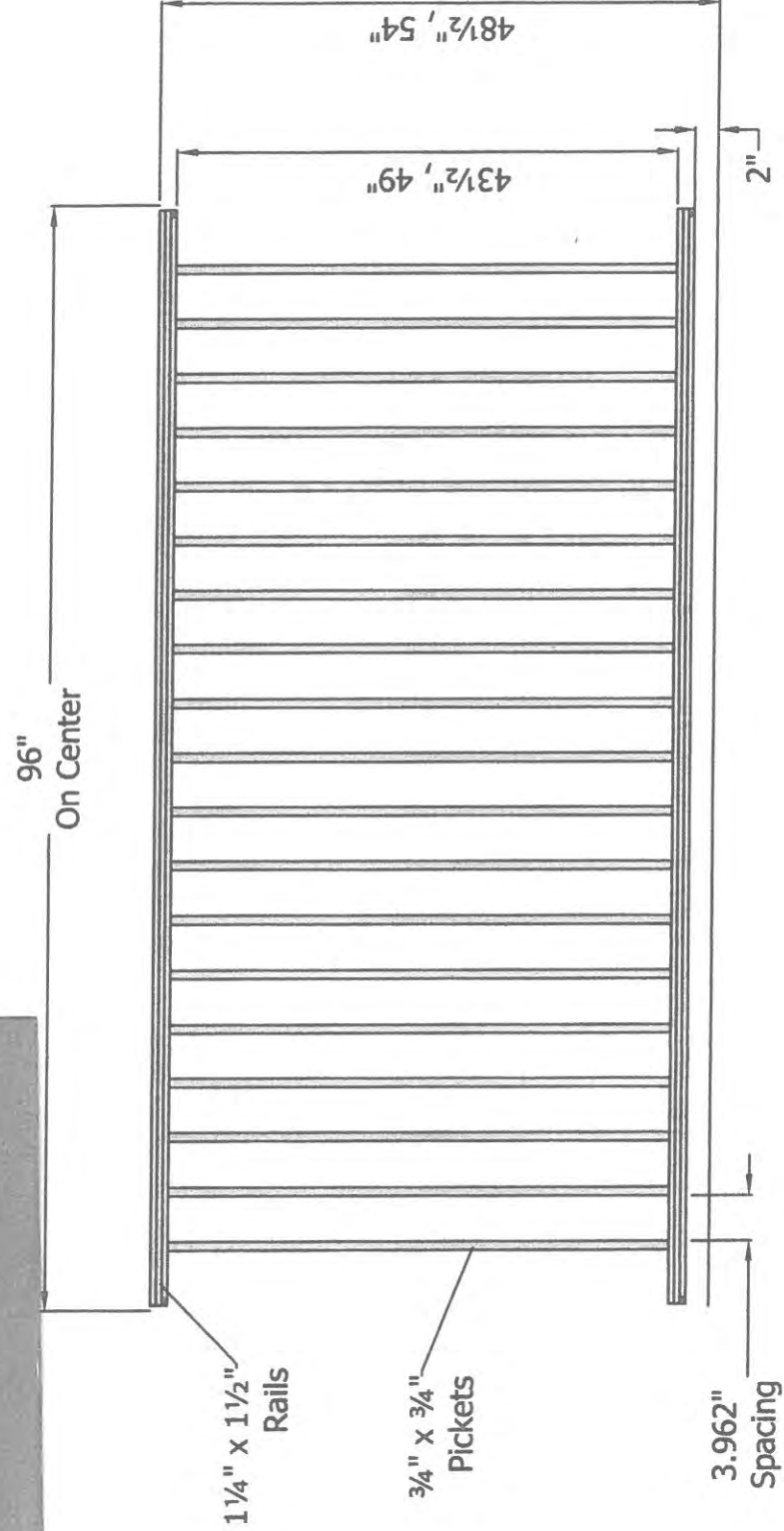
Contract Amount:

Down Payment:

Balance Due:

NOTE:
 DRAWING SHOWS 4' HI
 PROJECT ~~WILL BE~~ ^{IS} 38 1/2" HI

REV.	LOC.	REVISION	DATE
A		RELEASE PENDING APPROVAL	



SHEET SIZE = C	DRAWN BY: WJM-80	PART NUMBER or STYLE: 4220 (Pool)
SCALE = 1" = 1'	DATE DRAWN: 11-16-2011	Quote requested by:
STANDARD TOLERANCE: .00 ±.01 FRACTIONS: .000 ±.005 ±.1"	LOC: 2: Aluminum/Pegle/V000 Series Locations	PART NAME: Section
FIRST USED ON:	DRAFT: 20111116-4	SHEET REV. OF A



FINISH:

Digger Specifications, Inc. 3446 US 6 EAST Bremen, IN 46506

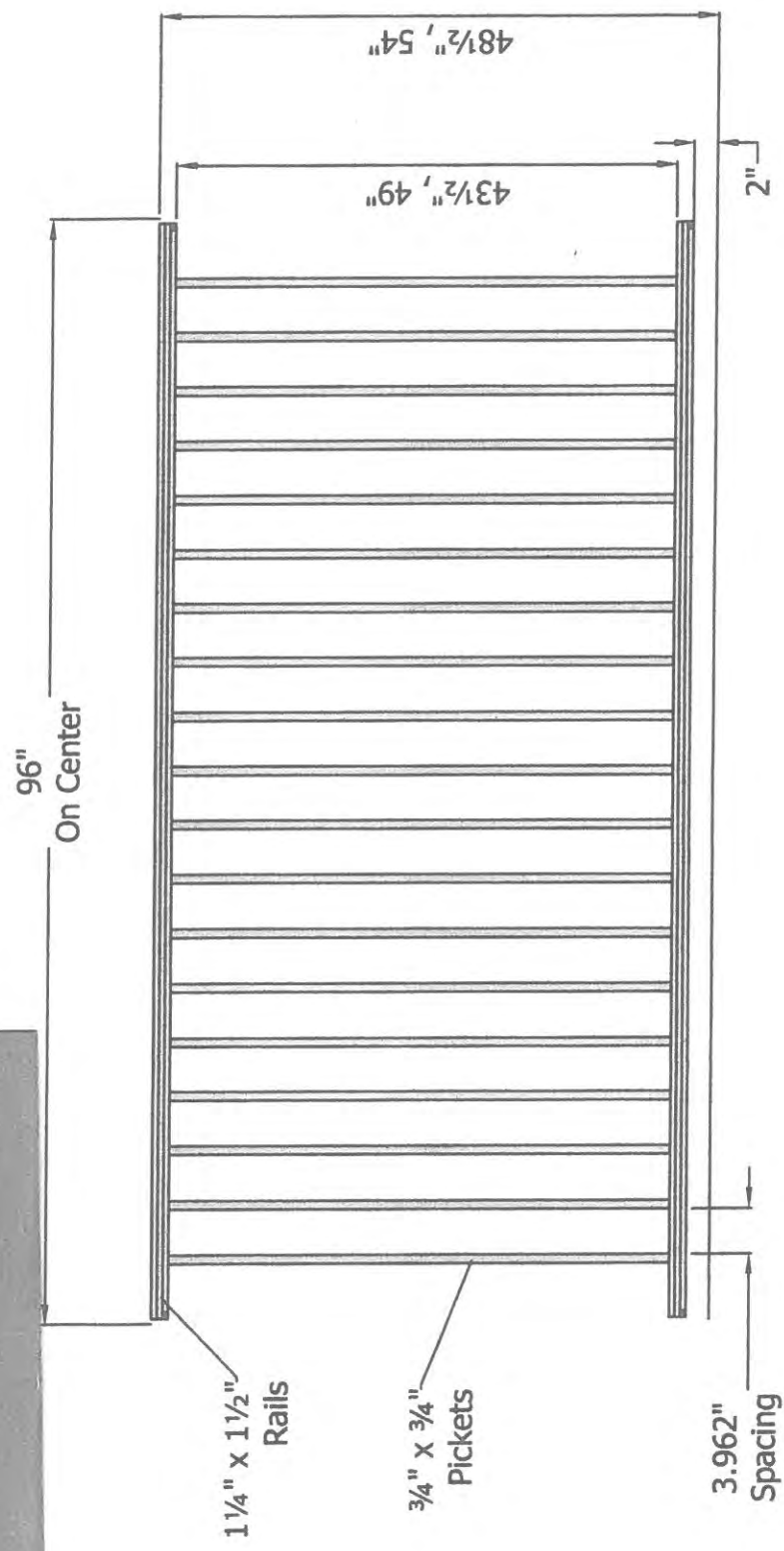
Post Size
48 1/2" Tall 2 1/2" x 2 1/2" x 6 1/2"
54" Tall 2 1/2" x 2 1/2" x 7'

APPROVED BY:

DATE APPROVED:

NOTE:
 DRAWING SHOWS 4" HTI
 PROJECT ~~WAS~~ BE 38 1/2" HTI

REV.	LOC.	REVISION	PART NUMBER:	DATE
A		RELEASE - PENDING APPROVAL		



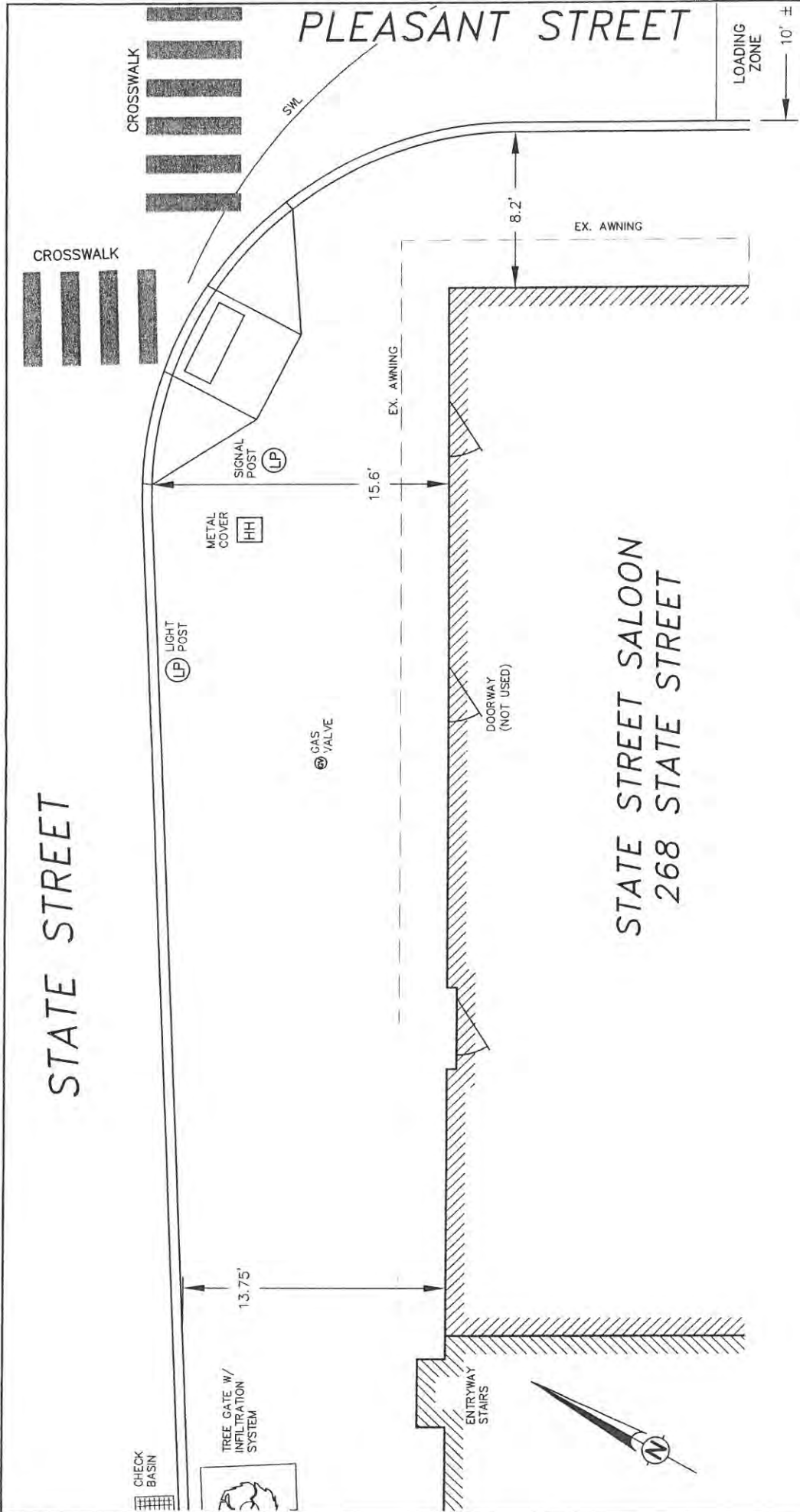
Post Size	
48 1/2" Tall	2 1/2" x 2 1/2" x 6 1/2"
54" Tall	2 1/2" x 2 1/2" x 7"

APPROVED BY:
 DATE APPROVED:

SHEET SIZE = C	DRAWN BY: WJM-80	PART NUMBER or STYLE:
SCALE = 1" = 1'	DATE DRAWN: 11-16-2011	4220 (Pool)
STANDARD TOLERANCE: .00 ±.01 FRACTIONS: .000 ±.006 ±.18" ANG. ±.5°	LOC: 2: Aluminum (Regis-1000 Series/Sections)	Quote requested by:
FIRST USED ON:	DRAFT: 20111116-4	PART NAME: Section
		SHEET REV. OF A



FINISH:
 DSA Inc. 3446 US 6 EAST
 Bremen, IN 46506



STATE STREET

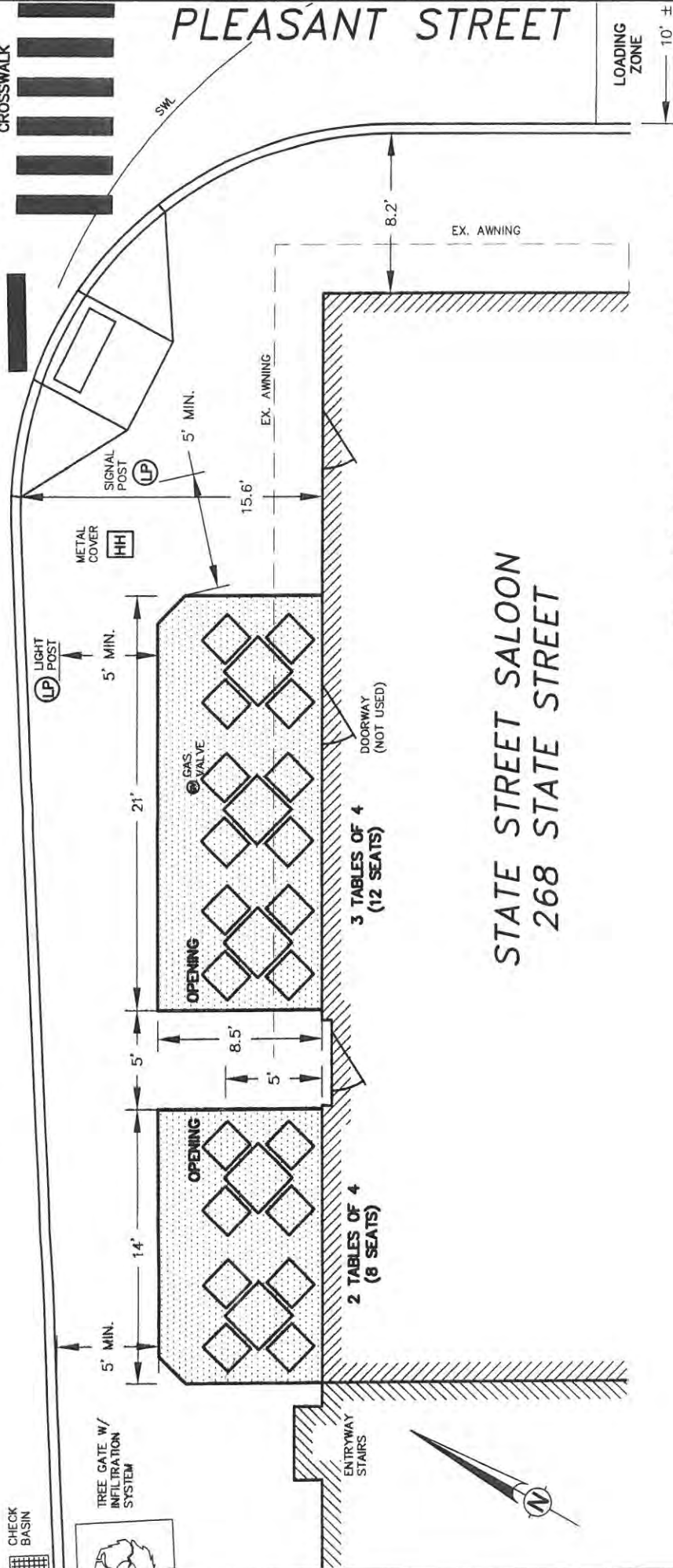
PLEASANT STREET

STATE STREET SALOON
268 STATE STREET

<p>ALTUS ENGINEERING, INC.</p> <p>133 COURT STREET PORTSMOUTH, NH 03801 PHONE (603) 433-3333</p>		DATE: 3/28/12 SCALE: 1" = 5' DRAWING NUMBER: C-1	REV: DRAWING REFERENCE: 4428SITE.DWG	TITLE: EXISTING CONDITIONS PLAN
JOB NAME: STATE STREET SALOON				

STATE STREET

PLEASANT STREET



STATE STREET SALOON
268 STATE STREET

REV. 1 - 4/30/12 - CHANGE DIMENSIONS PER CITY COMMENTS

DATE:	4/30/12	REV:	1	DRAWING REFERENCE:	442BSITE.DWG
SCALE:	1" = 5'	TITLE:	OUTDOOR SEATING PLAN		
DRAWING NUMBER:	C - 2	JOB NAME:	STATE STREET SALOON		



133 COURT STREET
PORTSMOUTH, NH 03801
VOICE: (603) 433-2335

P4428

R I R A P O R T S M O U T H , L L C

April 1, 2015

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

Re: Written Request to City Council for Rí Rá to be considered as a site for a 2014 sidewalk café

Dear Portsmouth City Council

Please allow this letter to serve as our formal written request for Rí Rá to be considered as 1 of the allowed sites for a 2015 sidewalk café. After great success over last couple of years on the program. We would like to have the opportunity in front of the City Council to show our proposed sidewalk café and to demonstrate how this would be a good addition to the city landscape again this year.

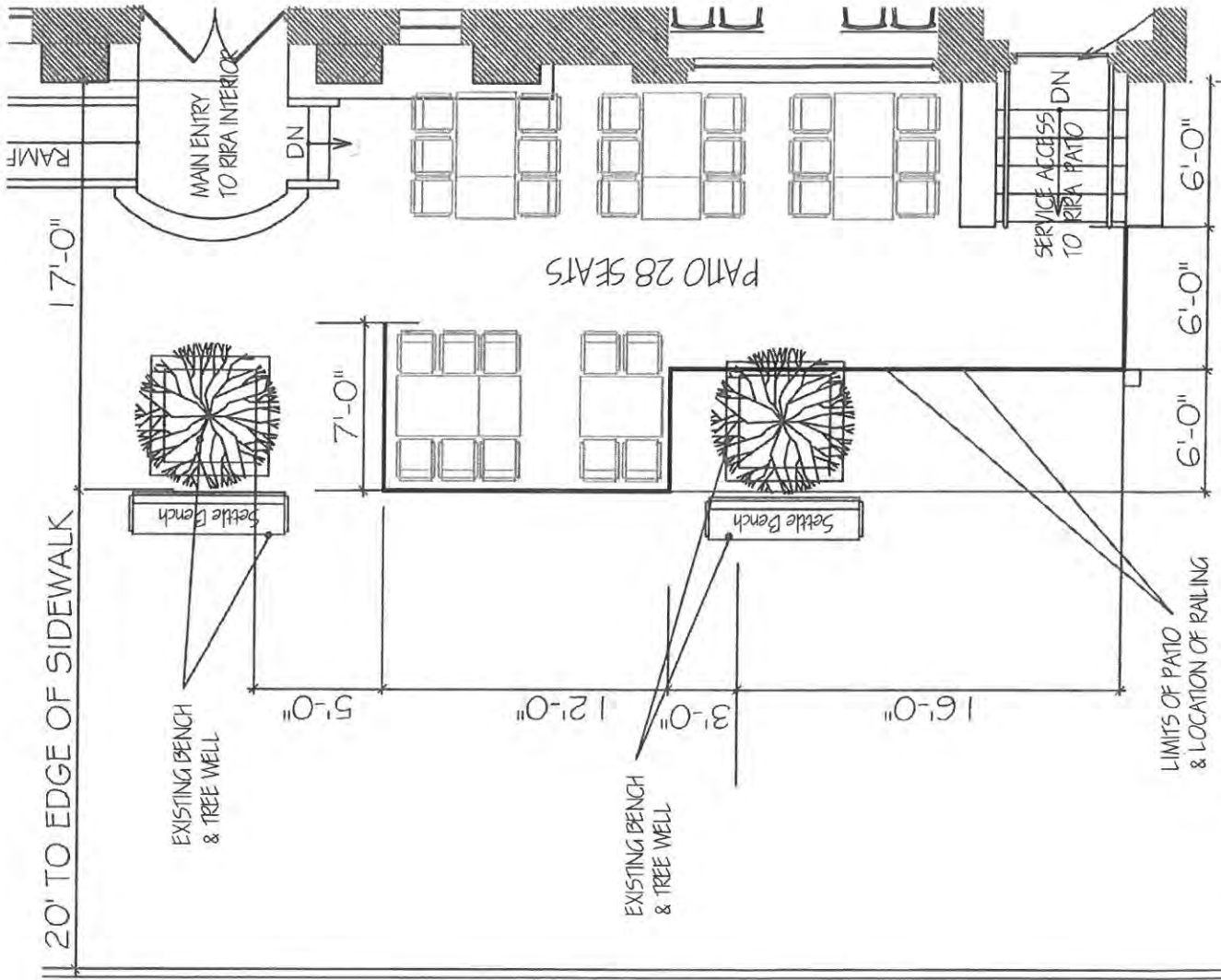
Per the Portsmouth legal department's request regarding this subject; please review the attached proposed site plan and let us know if you have questions or concerns. We have read the outline of the City Council's policy and understand full compliance is needed to make this work for the City of Portsmouth. We feel we have demonstrated good faith in all of our City agreements and we hope to have a favorable response to our request from the City Council.

We look forward to your response.

Sincerely,

David Nyhan
General Manager
Rí Rá Portsmouth, LLC

cc: Jim Thompson, Rí Rá Portsmouth, LLC
Jay Luther, Rí Rá Portsmouth, LLC



FIXED NON-FLEXIBLE DOORS TO REMAIN w/ NO CHANGE
SIGNAGE, OPERATOR, SERVICE ACCESS ONLY

REVISED RIRA SEASONAL TABLE LAYOUT



103 Congress St.
(603) 501-0586
www.thedistrictnh.com



To whom it may concern,

March 5, 2015,

District Restaurant Group, Inc. (DBA the District) is formally writing to receive permission to operate a sidewalk café on city property on Vaughn Mall. Will have the same black fence as last year (36" high) and operate 30-35 seats on the Vaughan Mall side with an additional 25 seats on our existing patio for a maximum of 60 seats for our entire outdoor patio. Our fence will once again be lined with flower pots. We have included our site design map that depicts all necessary tables, chairs, fence, city property and curb lines and flower pots etc.

Any and all questions please do not hesitate to contact me.

Thank you,

David Takis II
District Restaurant Group, Inc.
103 Congress St
Portsmouth, NH 03801
603-501-0586

4" = 1'

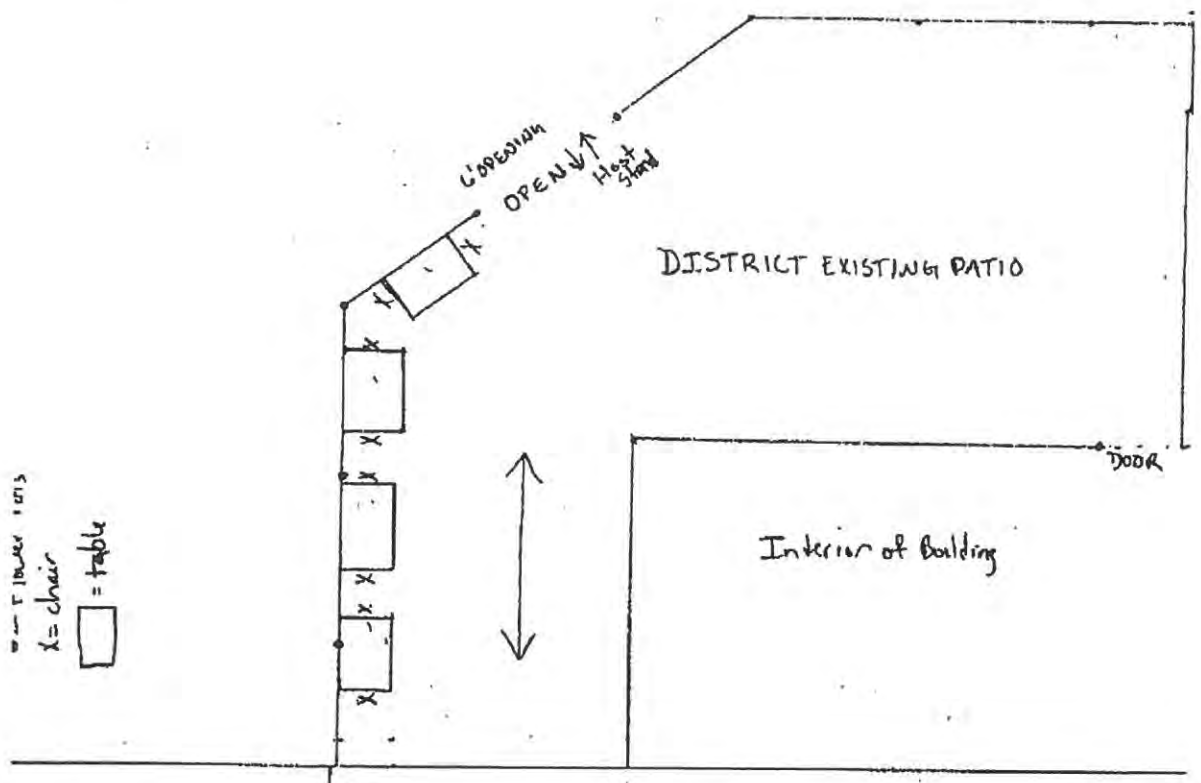
CONGRESS ST.

60"

EXHIBIT A

AGE 1

□ = table
 x = chair
 --- = 10 chairs 10' x 13'



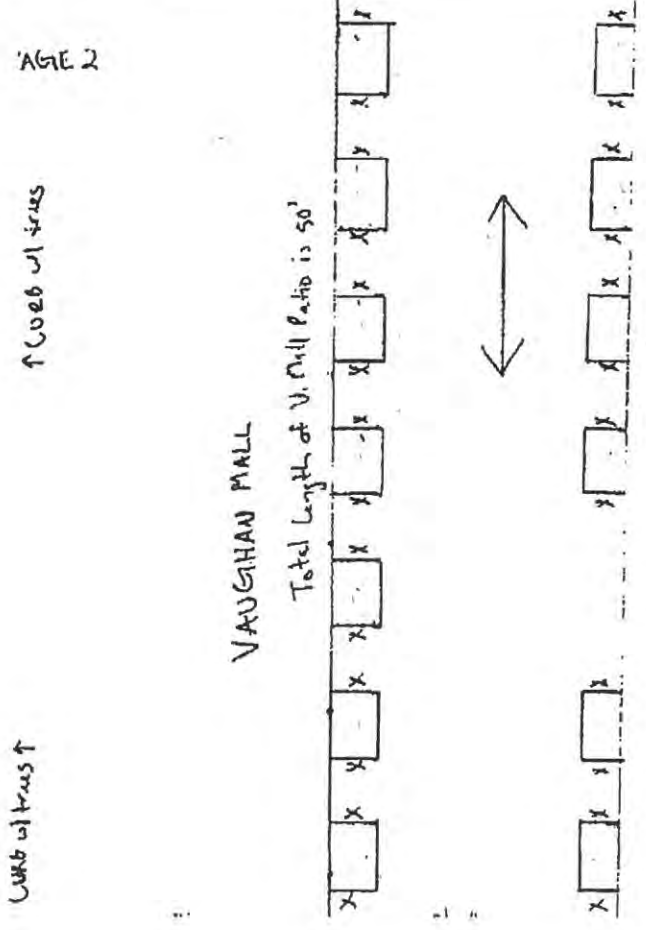
AGE 2

↑ Comb w/ trees

VAUGHAN MALL

Total Length of V. Mall Patio is 50'

Interior of Building





March 20, 2015

Robert lister, Mayor
City Council
City of Portsmouth
Portsmouth City Hall
1 Jenkins Avenue
Portsmouth, NH 03801

Honorable Mayor Robert lister and City Council,

Please allow this letter to serve as a formal request for the renewal of our Area service Agreement for the use of the outdoor space adjacent to the British Beer Company.

Thank you for your consideration.

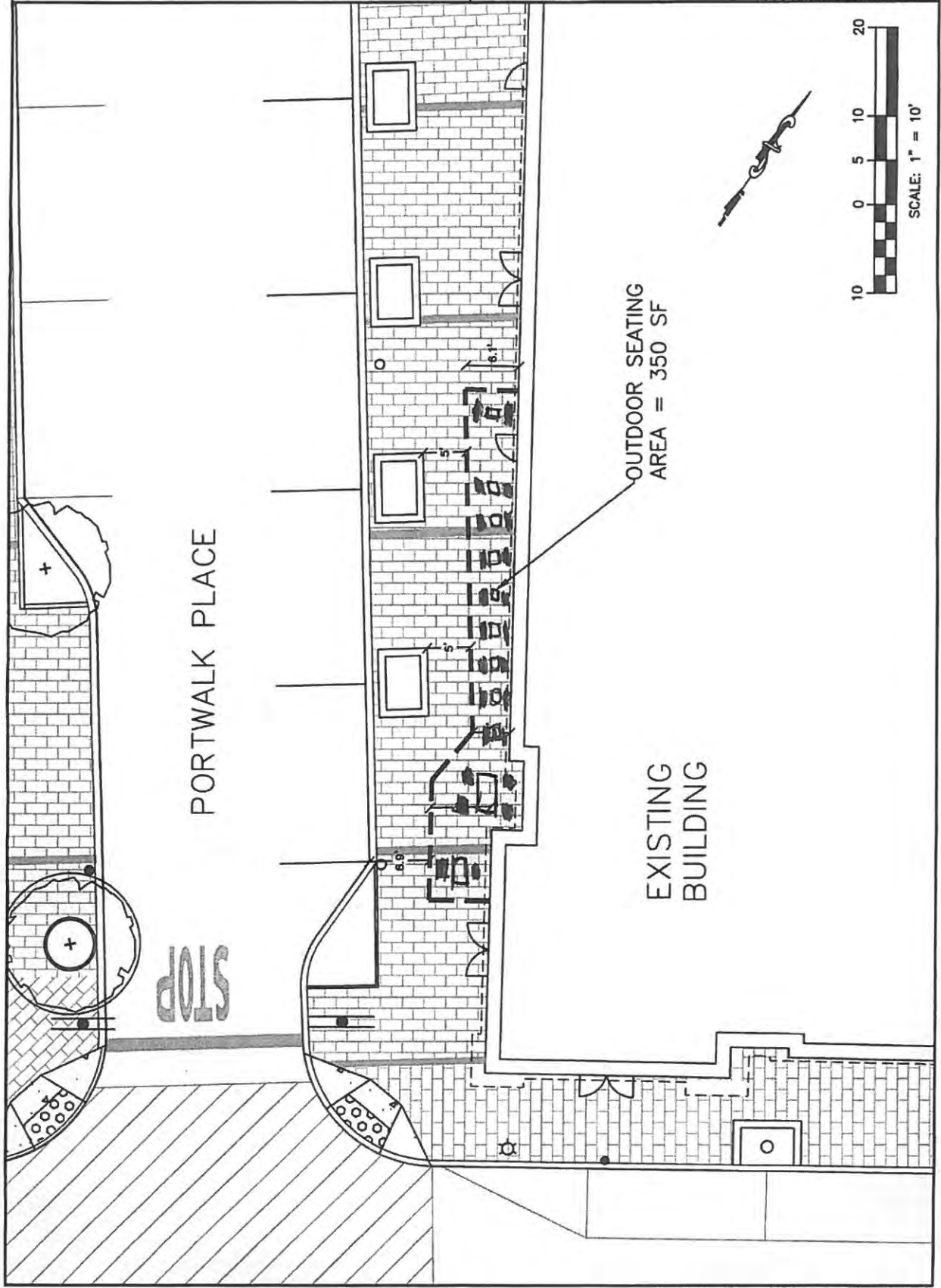
Respectfully submitted,
Gary Simon
British Beer Company

PORTWALK LOT 2
 OUTDOOR
 SEATING LEASE
 EXHIBIT

PORTWALK PLACE

185 HANOVER
 STREET
 PORTSMOUTH,
 NEW HAMPSHIRE

NO.	REV.	DESCRIPTION	DATE



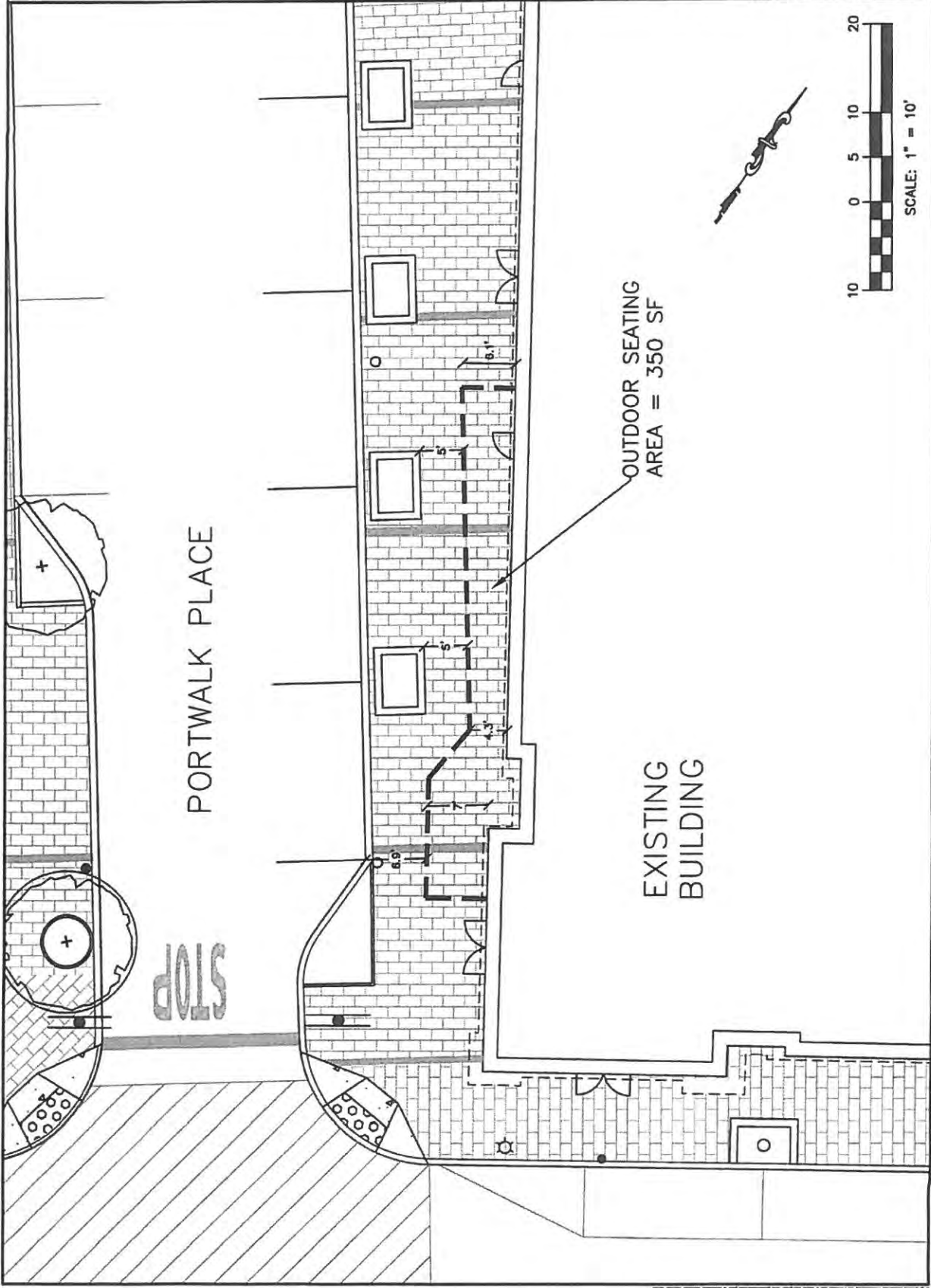
PORTWALK PLACE

OUTDOOR SEATING
 AREA = 350 SF

EXISTING
 BUILDING



PROJECT NO.	2012000001
DATE	03/20/12
CLIENT	PORTSMOUTH SEATING
DESIGNED BY	...
CHECKED BY	...
APPROVED BY	...
DRAWN BY	...
SCALE	AS SHOWN
SHEET	1 OF 1



March 19th, 2015

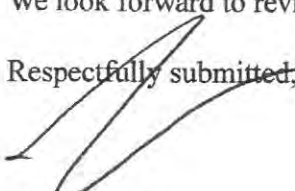
Robert Lister, Mayor
City Council
City of Portsmouth
Portsmouth City Hall
1 Junkins Avenue
Portsmouth, NH 03801

Honorable Mayor Lister and City Council,

Please allow this letter to serve as a formal request for favorable consideration of an area service agreement for tables and chairs on public sidewalk, adjacent to BRGR Bar restaurant as shown on attached plan.

We look forward to reviewing this request with you at an upcoming regularly scheduled meeting.

Respectfully submitted,



Phleps Dieck
BRGR Bar

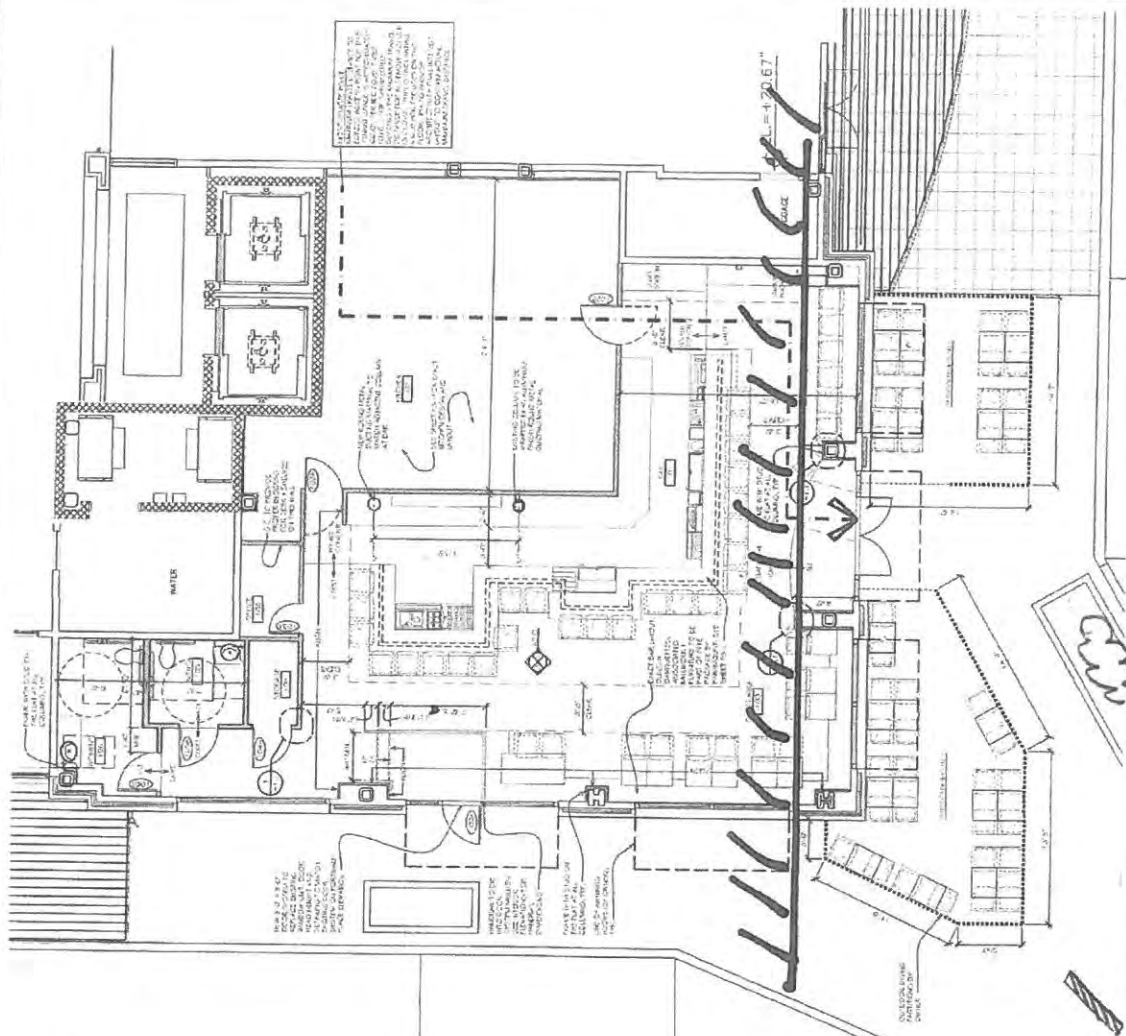
BUILDING CODE/ZONING ANALYSIS

1. **Code/Zone:**
 - 1.1. Building Code: 2018 International Building Code (IBC)
 - 1.2. Zoning: B-1 (Business - Neighborhood)
2. **Project Information:**
 - 2.1. Project Name: BRGR BAR
 - 2.2. Address: RETAIL A - PORTWALK PLACE, PORTSMOUTH, NH 03801
3. **Code/Zone Analysis:**
 - 3.1. Building Code: The proposed building complies with the 2018 IBC. Key provisions include:
 - IBC 101.2: General Building Requirements
 - IBC 102: Occupancy Classification
 - IBC 103: Building Height and Area
 - IBC 104: Building Use
 - IBC 105: Building Construction
 - IBC 106: Building Access
 - IBC 107: Building Safety
 - IBC 108: Building Energy
 - IBC 109: Building Mechanical
 - IBC 110: Building Electrical
 - IBC 111: Building Plumbing
 - IBC 112: Building Fire
 - IBC 113: Building Life Safety
 - IBC 114: Building Environmental
 - IBC 115: Building Miscellaneous
 - 3.2. Zoning: The proposed building complies with the B-1 Zoning Ordinance. Key provisions include:
 - B-1.1: General Requirements
 - B-1.2: Building Height
 - B-1.3: Building Area
 - B-1.4: Building Use
 - B-1.5: Building Construction
 - B-1.6: Building Access
 - B-1.7: Building Safety
 - B-1.8: Building Energy
 - B-1.9: Building Mechanical
 - B-1.10: Building Electrical
 - B-1.11: Building Plumbing
 - B-1.12: Building Fire
 - B-1.13: Building Life Safety
 - B-1.14: Building Environmental
 - B-1.15: Building Miscellaneous
4. **Conclusion:**
 - 4.1. The proposed building complies with the 2018 IBC and the B-1 Zoning Ordinance.
 - 4.2. No variances or special exceptions are required.

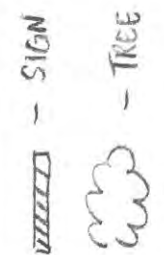
Item	Description	Code/Zone	Compliance
1	Building Code	2018 IBC	Compliant
2	Zoning	B-1	Compliant
3	Building Height	IBC 103.2	Compliant
4	Building Area	IBC 103.3	Compliant
5	Building Use	IBC 104.1	Compliant
6	Building Construction	IBC 105.1	Compliant
7	Building Access	IBC 106.1	Compliant
8	Building Safety	IBC 107.1	Compliant
9	Building Energy	IBC 108.1	Compliant
10	Building Mechanical	IBC 109.1	Compliant
11	Building Electrical	IBC 110.1	Compliant
12	Building Plumbing	IBC 111.1	Compliant
13	Building Fire	IBC 112.1	Compliant
14	Building Life Safety	IBC 113.1	Compliant
15	Building Environmental	IBC 114.1	Compliant
16	Building Miscellaneous	IBC 115.1	Compliant

Notes:

1. All dimensions are in feet and inches.
2. All materials shall be as specified in the contract documents.
3. All work shall be in accordance with the applicable building codes and standards.
4. The contractor shall be responsible for obtaining all necessary permits and approvals.
5. The contractor shall be responsible for maintaining the site during construction.
6. The contractor shall be responsible for protecting adjacent properties.
7. The contractor shall be responsible for restoring the site after construction.
8. The contractor shall be responsible for providing access to adjacent properties.
9. The contractor shall be responsible for providing adequate lighting during construction.
10. The contractor shall be responsible for providing adequate safety measures during construction.
11. The contractor shall be responsible for providing adequate signage during construction.
12. The contractor shall be responsible for providing adequate parking during construction.
13. The contractor shall be responsible for providing adequate storage during construction.
14. The contractor shall be responsible for providing adequate office space during construction.
15. The contractor shall be responsible for providing adequate living quarters during construction.
16. The contractor shall be responsible for providing adequate food service during construction.
17. The contractor shall be responsible for providing adequate medical services during construction.
18. The contractor shall be responsible for providing adequate legal services during construction.
19. The contractor shall be responsible for providing adequate accounting services during construction.
20. The contractor shall be responsible for providing adequate insurance services during construction.



FLOOR PLAN 1



NO 12
CR

<p>23 May 2013 PROJECT NO. 300 213 DATE: MAY 6, 2013</p>	<p>BRGR BAR RETAIL A - PORTWALK PLACE PORTSMOUTH, NH 03801</p>	<p>DA PROJECT NO. 300 213 DATE: MAY 6, 2013</p>	<p>CODE REVIEW FLOOR PLAN</p>	<p>A1.0</p>
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BOARDING HOUSE PERMIT

CITY OF PORTSMOUTH, NEW HAMPSHIRE

Permit Number: 2015-02

Date: April 7, 2015

BE KNOWN, that Janet L. White-Nay and Paul H. White, Trustee, P.O. Box 1325 Portsmouth, NH 03802-1325 is licensed to operate a boarding house located at 278 Cabot Street within the City of Portsmouth, NH for the following number of rooms:

Number of Rooms: 12

The boarding house complies with City Ordinance Chapter 9, Article VIII, Sections 9.801 – 9.805 at the date of issuance of permit.

The following condition shall be met:

1. Correction of all deficiencies from the annual inspection prior to permit issuance.

This permit will expire: April 6, 2016

Attest:

Kelli L. Barnaby, City Clerk
OFFICE OF THE CITY CLERK

BOARDING HOUSE PERMIT

CITY OF PORTSMOUTH, NEW HAMPSHIRE

Permit Number: 2015-01

Date: April 7, 2015

BE KNOWN, that G. Edward Gowen, Jr., 355 Great Bay Road Greenland, NH 03840 is licensed to operate a boarding house located at 350-352 Hanover Street within the City of Portsmouth, NH for the following number of rooms:

Number of Rooms: 12

The boarding house complies with City Ordinance Chapter 9, Article VIII, Sections 9.801 – 9.805 at the date of issuance of permit.

The following condition shall be met:

1. Correction of all deficiencies from the annual inspection prior to permit issuance.

This permit will expire: April 6, 2016

Attest:

Kelli L. Barnaby, City Clerk
OFFICE OF THE CITY CLERK

Event Listing by Date

Starting Date: 3/16/2015

Ending Date: 12/31/2015

Start End	Type Description	Location	Requestor	Vote Date
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
4/11/2015 4/11/2015	RACE	St. John's Lodge	St. John's Lodge	3/16/2015
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	BIKE TOUR This event begins and ends at Redhook Brewery. Beginning at 7:00 a.m. and ending by 3:00 p.m 400 cyclists expected.	Redhook Brewery	American Lung Association	3/17/2015
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
5/30/2015 5/30/2015	WALK Cynthia Rybczyk, Heart Walk Director, New Hampshire is the contact for this event. The event registration is at 8:30 a.m. and the walk begins at 10:00 a.m. Contact info: (603) 518-1557 or via e-mail at Cynthia.rybczyk@heart.org	Little Harbour School	American Heart/Stroke Associat	3/ 2/2015
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

Run: 4/02/15
11:54AM

Event Listing by Date

Page: 2

Starting Date: 3/16/2015

Ending Date: 12/31/2015

Start End	Type Description	Location	Requestor	Vote Date
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
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	FILM EXPO Ashleigh Tucker, Special Events Manager is the contact for this event. She can be reached at 433-3100 ex. 6014	Chestnut Street	The Music Hall	2/17/2015
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

Event Listing by Date

Starting Date: 3/16/2015

Ending Date: 12/31/2015

Start End	Type Description	Location	Requestor	Vote Date
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 McCoolle is the contact for this event. wendy@mybreakfastcancersupport.org Telephone No. 759-5640	Portsmouth Middle School	Celebrate Pink 5K Road Race &	12/22/2014
9/19/2015 9/19/2015	WALK Ken La Valley is the contact for this event. This event is from 10:00 a.m. to Noon Registration begins at 8:30 a.m.	Peirce Island	American Foundation for Suicid	3/ 2/2015
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	Seacoast Rotary Club - Turkey	12/ 8/2014

CITY OF PORTSMOUTH



PRESS RELEASE

**FOR
IMMEDIATE
RELEASE**

March 25, 2015

Portsmouth's African Burying Ground Committee Announces Events Marking Completion of Memorial Park Project *Events Including Reburial Ceremony, May 20th – May 23rd*

PORTSMOUTH, NH – The City of Portsmouth and its Mayoral-appointed African Burying Ground Committee have announced a multi-day commemoration to coincide with the completion of the African Burying Ground Memorial Park – We Stand in Honor of Those Forgotten. A reburial ceremony for the remains that were exhumed as part of site excavations on October 7, 2003 will be held in the morning of Saturday, May 23, 2015 at Chestnut Street. A series of events leading up to the reburial will include an onsite visit by Middle School students with project artist and sculpture Jerome Meadows, an unveiling of the artworks, an ancestral vigil and, after the reburial ceremony, a large public celebration at Portsmouth Middle School.

“We are returning the Chestnut Street site to sacred ground; the Portsmouth community has found a meaningful and powerful way of honoring those buried beneath the street,” said Vernis Jackson, Chair of the African Burying Ground Committee. “These events are about remembering the dead and returning the remains to the earth, as well as acknowledging the site’s history and celebrating the community-wide effort that has made this project possible.”

The City, the African Burying Ground Committee and a group of dedicated volunteers have raised over \$1.1 million towards the project. A total of \$60,000 remains to be raised, according to Jackson. “We still need the community’s help to put our fundraising over the top,” Jackson said. “Now is the time for everyone who wishes to be a part of this important Portsmouth project to contribute.” (Donations may be made on the secure website

www.africanburyinggroundnh.org or by check c/o African Burying Ground, 1 Junkins Avenue, Portsmouth NH 03801.)

Final Site Work

In the coming weeks, project contractors will return to the site to finish remaining work, which includes installations of the decorative fence at the Court Street end and decorative pavement for the travel lane, as well as remaining work on sidewalks, blue stone, and granite seat walls. Finally, in May, the original works of outdoor public art will be installed. “We have reached out to the abutters to make them aware of the remaining work and schedule, they have been incredibly supportive of this project for which we are grateful,” Chair Jackson said.

Reburial Service and Public Celebration

- **Wednesday, May 20th** – On-site event with artist and sculptor Jerome Meadows, Portsmouth Middle School students and the community for artist discussion and to view student-designed tiles for the Park’s decorative railing.
- **Friday, May 22nd – African Burying Ground Ancestral Vigil at New Hope Baptist Church.** Services at 7 p.m., midnight and 7 a.m. with opportunities throughout the night for members of the community to participate.
- **Saturday, May 23rd** –
 - **8:30 a.m. -- Unveiling of Art Work On-site at the African Burying Ground**
 - **9:00 a.m. -- Reburial Ceremony at African Burying Ground**
 - **10:30 a.m. – Public Celebration at Portsmouth Middle School Auditorium**
 - **7:00 p.m. - Blind Boys of Alabama at The Music Hall - A concert in recognition and celebration of the African Burying Ground Memorial**

For full schedule and details please visit www.AfricanBuryingGroundNH.org.

Background

On an October morning in 2003, a series of coffins were revealed during infrastructure upgrades in the heart of the Portsmouth’s downtown. Through archaeology and DNA analysis the City confirmed the site was a segregated burying place for Africans and their descendants (likely both enslaved and free) where as many as 200 individuals may be buried below. Their names are

unknown and their resting place - in use from the early 1700s through to the 19th century - was paved over, built over and mostly forgotten as Portsmouth expanded from the waterfront. Only one other site in Northern New England –the African Burying Ground National Park– is of comparable age and history.

Since 2004, the Mayoral-appointed African Burying Ground Committee has worked with the Mayor and City Council, the community in public forums, and the Chestnut Street abutters to create a plan to return the site to sacred ground. In order to acknowledge this history and make it accessible, understood and experienced by residents and visitors, the Portsmouth community has chosen to close this public street and transform the downtown City block into a public place of reverence, reflection and learning. The original works of outdoor public art created for this Park will connect this site to the African continent and people, call to mind the skilled labor of enslaved and free Africans that built Portsmouth and its maritime economy, and honor the people buried beneath the street.

To date, the African Burying Ground Committee and a group of dedicated volunteers has raised over \$1.1 million towards the \$1.2 million goal. This has included over 600 donations ranging from \$5 to \$100,000; the City of Portsmouth has contributed \$250,000 towards the project construction. Honorary chairs of the fund-raising campaign are Dr. Laurel Thatcher Ulrich and Dr. Henry Louis Gates, Jr.

To learn more about the African Burying Ground, visit www.africanburyinggroundnh.org.

City of Portsmouth

Department of Public Works



MEMORANDUM

TO: John Bohenko, City Manager

FROM: Eric Eby, P.E., Parking and Transportation Engineer *ECE*

DATE: March 31, 2015

SUBJECT: Handicap Parking Time Limit Implementation

At their February meeting, the Parking and Traffic Safety Committee voted to authorize enforcement of 3-hour time limits on handicapped drivers occupying any parking space in the High Occupancy Meter (HOM) zone in the downtown area. Handicap vehicles can still park for free in all spaces, but must adhere to the posted time limits. This decision to enforce time limits on handicapped drivers is consistent with the recommendations of the Governor's Commission on Disability and leading experts in the field of urban parking, Donald Shoup and Mike Manville.

The attached graphic shows the HOM zone in red. The streets in the HOM zone are as follows:

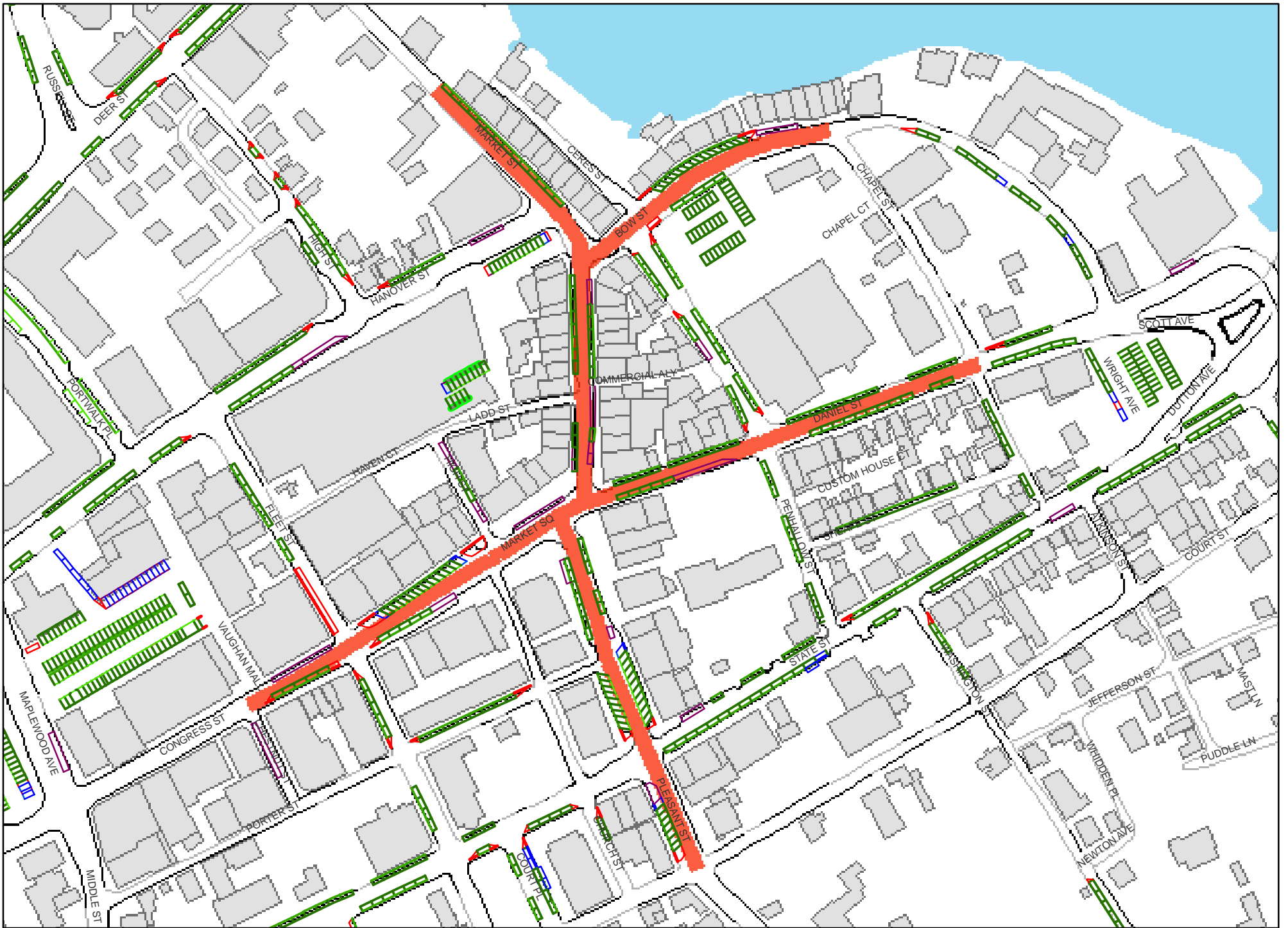
- Congress Street
- Bow Street from Chapel Street to Market Street
- Market Street from Deer Street to Market Square
- Pleasant Street from Court Street to Market Square
- Daniel Street from Chapel Street to Market Square

Also attached is the proposed sign that will be attached to the existing PAY METER signs in the HOM zone informing handicapped users that they are subject to the 3-hour time limit. After installation of the new signs, Parking Enforcement Officers (PEOs) will begin to issue warnings to handicapped vehicles parked for more than 3 hours in a HOM zone space, including the designated handicap parking spaces in the HOM zone. After a grace period of 2 weeks, PEOs will begin to issue fines and tickets to handicap vehicles in these spaces.

Only the 180 spaces included in the HOM zone will be affected by this change. Handicapped drivers may still park for free for an unlimited length of time in any of the remaining 606 other metered spaces in the City.

3 HOUR LIMIT APPLIES TO
ALL VEHICLES AND SPACES,
INCLUDING HANDICAP





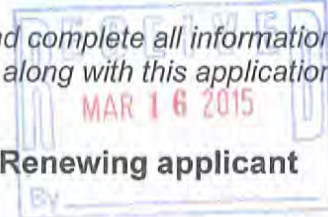
**CITY OF PORTSMOUTH
DOWNTOWN HIGH OCCUPANCY METER ZONE EXISTING CONDITIONS**



CITY OF PORTSMOUTH, N.H.
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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



Committee: CABLE COMMISSION

Renewing applicant

Name: RONALD POULIN Telephone: 603-319-8441

Could you be contacted at work? YES/NO - If so, telephone # 603-319-8441

Street address: 20 B ALBACORE WAY

Mailing address (if different): _____

Email address (for clerk's office communication): RON POULIN 36 @ COMCAST.NET

How long have you been a resident of Portsmouth? 7 YEARS

Occupational background:

Sr. ENGINEER TEXTRON
DEFENSE SYSTEMS
WILMINGTON MASS

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

Reasons for wishing to continue serving: CONTINUE TO
MONITOR THE PERFORMANCE OF
OUR CABLE PROVIDER COMCAST FOR
THE SERVICE EXPECTED FOR
THE CITIZENS OF PORTSMOUTH



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

SENIOR SUBCOMMITTEE OF THE
RECREATION BOARD

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

- (617) 694-7993 PORTSMOUTH NH
- 1) JEFFREY WOODS 57B ALBACORNEWAY
Name, address, telephone number
(603) 501-0165 PORTSMOUTH NH
 - 2) JEFFREY VEINO 13B ALBACORNEWAY
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: [Handwritten Signature] Date: 3/16/2015

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 7/1/2018

Annual Number of Meetings: 0 Number of Meetings Absent: 0

Date of Original Appointment: 6/17/2013

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

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

MAR 18 2015

Committee: Conservation Commission

Renewing applicant

Name: MaryAnn Blanchard Telephone: 436-7008

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

Street address: 34 Harrison Avenue

Mailing address (if different): _____

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

How long have you been a resident of Portsmouth? 47 years

Occupational background:

Poets. Subs. Teacher, former Police Comm 6 yrs, Library Trustee
Trustee Strawberry Banke, State Rep 18 years: sponsored water and
land use legs for many years - 6 years on House Finance Comm.

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

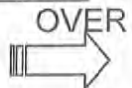
Reasons for wishing to continue serving: Currently vice chair of the Commission.

To continue the Public Underdeveloped lands work begun 5 years ago
and to support the important natural resource protection
work in Portsmouth for which this Commission is responsible.

Also this is a complex regulatory environment that requires a "learning
Curve" and my prior service helps balance the

6/27/2012

ever-changing Board needs.



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

Member, Former Trustee NH Forest & Society

Portsmouth Garden Club

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

1) Lea Aeschliman, 314 Middle St. 436-9006
Name, address, telephone number

2) Rich DiPentima, 16 Dunlin Way 559-9765
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: MaryAnn Blanchard Date: March 16, 2015

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 09/01/18

Annual Number of Meetings: 12 Number of Meetings Absent: 0

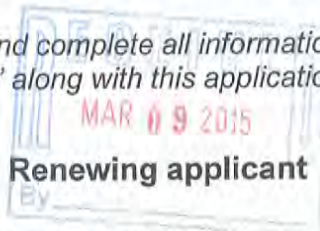
Date of Original Appointment: 5/1/2006

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

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: Portsmouth Housing Authority

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

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

Street address: 267 Mercy St Portsmouth NH 03801

Mailing address (if different): _____

Email address (for clerk's office communication): t2250es335@msn.com

How long have you been a resident of Portsmouth? 3 1/2 yrs

Occupational background:

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

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

Reasons for wishing to continue serving: I believe in the mission of the housing
authority - "to provide affordable housing to those who can't afford it on their own.
I believe I have successfully added to the discussions and deliberations of
the housing authority and have provided useful guidance to the
Executive Director and his staff.



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

Portsmouth Historical Society, United Way of Greater New England (past)


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

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

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

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

1. This 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:  Date: March 4, 2015

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 7/1/2020

Annual Number of Meetings: 12 (10) Number of Meetings Absent: 0

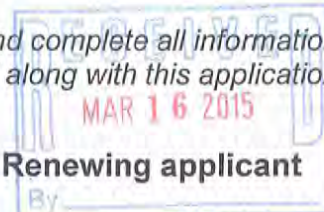
Date of Original Appointment: 2/18/2015

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

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: RECREATION

Name: KATHRYN R LYNCH Telephone: 603-431-5287
603-396-8651 (mobile)

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

Street address: 3 BOYAN PLACE PORTSMOUTH NH 03801

Mailing address (if different): Ø

Email address (for clerk's office communication): kathrynlynche@hotmail.com

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

Occupational background:

RN 1973 → present including hospital staff, hospital education,
university faculty, office staff, professional organization service
Volunteer president Portsmouth Little League 1997-2000; 2002-present

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

Reasons for wishing to continue serving: finishing an open term for
another member and just beginning to take involved role,
long standing involvement in youth sports with interest in assuring
appropriate safety and instruction for our children; Spinnaker
Point member; desire to participate in improving senior services



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

PORTSMOUTH LITTLE LEAGUE

NEW HAMPSHIRE NURSES ASSOCIATION

AMERICAN HEART ASSOCIATION

YARNOLD SCHOLARSHIP TRUSTEE

WEBBER-GOODWIN INVESTIGATION PANEL

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

1) THOMAS / VICKI DECKER 182 RICHARDS AVE PORTSMOUTH NH 03801 603-433-8098
Name, address, telephone number

2) STEPHEN ROBERTS HPLR LAW FIRM 127 PARROT AVE PORTSMOUTH NH 03804
Name, address, telephone number 603-436-0666

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: Kathryn R. [Signature] Date: 3/9/15

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 4/1/2018

Annual Number of Meetings: 2 Number of Meetings Absent: 2
2014

Date of Original Appointment: April 2014

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



The Town Of Newington
New Hampshire

Established 1713

OFFICE OF
SELECTMEN

Board of Directors
Pease Development Authority
55 International Drive
Portsmouth, NH 03801

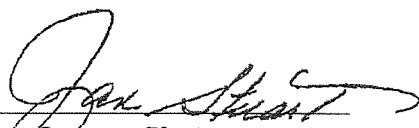
March 16, 2015

Dear Board members,

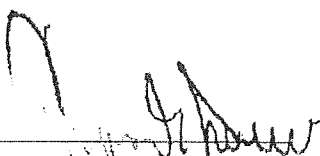
We hereby appoint Peter Loughlin, Esq. to the position of Pease Development Authority Board member in the role of Portsmouth/Newington representative. This term will expire on March 31, 2018.

Best Regards,

Board of Selectmen


Jan Stuart, Chair

Rick Stern



Cosmas Iocovozzi

03/29/2015

Hi Bob, I am writing to let you know I am moving, out of Portsmouth, and therefore need to resign as Conservation Commissioner. My house will be on the market mid-April, so I expect to be able to serve through the May meeting.

I have already informed Chairman Steve Miller, and Peter Britz about this. It was fun while it lasted!!

Elissa Hill Stone
595 F.W. Hartford Drive
Portsmouth, NH 03801

Wednesday, April 1, 2015

To: Portsmouth City Councilors

I have asked that the following item be placed on the City Council Agenda for Monday, April 6th:

**Statement To The
United States Supreme Court
In Support Of Marriage Equality**

This is a follow-up to a memo I had on the City Council Agenda for our Tuesday, February 17, 2015 meeting.

I have prepared a "statement" to offer to you on this subject, and I ask for your support so that we can make our position known to the U.S. Supreme Court on the matter of marriage equality, which is of importance to many of our Portsmouth citizens.

The U.S. Supreme Court is taking up a decision of the 6th U.S. Circuit Court of Appeals that upholds laws in Kentucky, Michigan, Ohio and Tennessee that define marriage as the union of a man and a woman. The Court will likely hear the case later this month,, and make a decision in June.

In the meantime, many Americans are coming forward to join in an Amicus Brief. Edie Windsor, who won her lawsuit in 2013 when the Court struck down a central portion of the so-called "Defense of Marriage Act," is the first signature on that Brief. That Act is the law that had denied federal benefits to legally married gays and lesbians, In early 2013, the Portsmouth City Council proudly supported all of our citizens and voted unanimously to support the effort to encourage the Court to stick down that Act.

In a grassroots, non-government, non-partisan effort, the nationwide Human Rights Campaign is inviting all citizens to join Edie Windsor in the Amicus Brief. All those interested can visit HRC.org to add their names. I have.

Portsmouth is the New Hampshire city that began serious statewide discussion about gay and lesbian equality, dating back to 1993 in these Chambers with a public hearing that filled the room.

Since then, our state has made great strides in supporting equality for our gay and lesbian residents. In the late 1990s, New Hampshire became the 11th state to put

sexual orientation into our civil rights laws. Governor Jeanne Shaheen proudly signed that law in 1997.

In 2007, the New Hampshire Legislature adopted Civil Unions, followed two years later by New Hampshire becoming just the 5th state to adopt marriage equality -- and the first to do so solely by legislation action.

Now, just 64 months after that law became effective, there are 37 states allowing gay and lesbian marriage, and we have had over 3,000 same-sex marriages celebrated in New Hampshire, and over 200 in Portsmouth.

During the past two weeks, we have also seen Indiana adopt a law that can be considered to allow discrimination against many people, including gay and lesbian residents and visitors. Arkansas is in the process of adopting an imitation of that law. I offer a couple of paragraphs in the proposed "statement" that addresses this issue in a positive way -- pointing that in the "City of the Open Door," we indeed are Open For Business: We Serve Everyone. That has become a nationwide mantra in countering laws similar to that adopted in Indiana.

Obviously, the fight for gay and lesbian equality goes on -- here in Portsmouth, in New Hampshire, and elsewhere. Since there is nothing more important on this planet than the way we treat one another, I believe it is our obligation as Portsmouth City Councilors to join that cause.

We have more to do, of course. Portsmouth a year ago became the first community in our state to adopt protection in our employment for transgender citizens, and that is an ongoing cause on the state level. The fight is not over until it is over.

With people being bashed, and even killed, because of their perceived sexual orientation, every message of acceptance, inclusion, and celebration of our human diversity by government at all levels is important for our citizens, especially our young people.

Thank You,

Jim Splaine
City Councilor

**Statement To The
United States Supreme Court
Supporting Marriage Equality**

The City of Portsmouth, New Hampshire has long been a leader in support of equality for our gay, lesbian, and transgender residents, and we have proudly celebrated the diversity of the cultures, races, nationalities and religions of our residents and visitors.

The State of New Hampshire was the 5th state to formally adopt marriage equality, in a law which became effective on January 1, 2010, at 12:01 AM.

As of Monday, March 30, 2015, there have been 3,318 same-sex marriages celebrated in the State of New Hampshire, with 234 same-sex marriage licenses being issued by the City of Portsmouth, according to the N.H. Division of Vital Statistics Administration of the Office of Secretary of State.

Local government, as well as government at all levels, has an obligation to support equality for all of our citizens. There is nothing on this planet more important than the way we treat one another as human beings.

The people of Portsmouth and New Hampshire had early roles in the founding of our nation.

On June 21, 1788, New Hampshire was the ninth state to ratify the United States Constitution. Because of that action on that date, the Constitution became official. We note that **John Langdon**, one of the signers of our Constitution on September 17, 1787, is buried in Portsmouth at our Old North Burial Ground, also known as our North Cemetery. Considered one of our nation's Founding Fathers, Langdon was also the first President Pro-Tempore of the United States Senate.

William Whipple, a signer of the Declaration of Independence, ratified on July 4, 1776, is also buried in our North Cemetery.

With Portsmouth's history as being an important part of the American concepts of freedom and justice to guide our hearts and our minds, we ask that the U.S. Supreme Court support marriage equality for all American citizens in the decision it will make in the coming weeks.

Also, in response to recently passed laws in some states which may allow discrimination against gay, lesbian and transgender residents and visitors, we want it known that here in Portsmouth and New Hampshire we are "**Open For Business: We Serve Everyone.**" Visitors will find us welcoming of the great diversity of human beings.

We encourage freedom, and our "City of the Open Door" is more than just our long-held motto. We are reminded of the thought-provoking words of Martin Luther King, Jr. as he spoke in Washington on August 28, 1963, "*From the prodigious hilltops of New Hampshire, let freedom ring.*"

Portsmouth City Councilors
City of Portsmouth, New Hampshire

Wednesday, April 1, 2015

Uber / Ride-Sharing / Transportation Services Ordinance

To: Portsmouth City Councilors

I want to give you heads-up through this "memo" about my thoughts on possible options or approaches concerning the Transportation Services ordinance that we will consider at our Monday, April 6, 2015 Council meeting.

The ordinance is currently on second reading, having had a public hearing at our most recent meeting.

1. I think the best option is to pass the ordinance, with a couple of amendments. One amendment changes the date of permit renewal to the specific date of May 1st, which seems non-controversial. City Attorney Bob Sullivan will have that amendment drafted for us for consideration. A second amendment, which I am suggesting, is to withdraw limousine services from the ordinance. I think it was well-presented at our public hearing that there are other oversight regulations on limo services, including state and federal. We don't seek to include busses or hotel vans in our ordinance, so I think we could exclude limousines as well.
2. If we DON'T pass the ordinance, Uber and other ride-sharing companies will remain in non-conformance with our current on-books taxi regulations ordinance. We have already, by avoidance of enforcement, allowed Uber drivers to operate for the past four months. It is probably unwise to continue not enforcing our ordinance in that way. That means that beginning next Tuesday the day after our meeting, if we don't pass the ordinance, a decision by city administration and our police department will have to be made about enforcement.
3. If we DO pass the ordinance, Uber has indicated that it will "withdraw," i.e. not continue service in Portsmouth. I see that as unfortunate, especially as our visitor and tourist season begins to rev up. Uber has operated for four months here, without incident.
4. In light of #s 2 and 3, I think there is value in considering a "Temporary Agreement" with Uber to allow it to continue to operate, legally if the Council approves, for 90 days. City Attorney Bob Sullivan and I spoke with Uber representatives by conference call this past week and I may be ready to offer a Temporary Agreement by the Monday evening Council meeting.

With that Temporary Agreement, we would be allowing Uber to operate for a limited time outside of our Transportation Services ordinance in anticipation of continued dialogue -- I think we're soooooo close right now -- to find the win-win that we need.

This dialogue can continue to occur with the Taxi Commission, and with city staff and the police department to ensure that there are background checks and insurance policy coverage up-to-standards with other taxi operators.

I look forward to a positive discussion at our City Council meeting next Monday. I'm still hopeful that we can find agreement for Uber and other ride-sharing companies to operate with the same standards as our current taxi businesses and drivers, providing excellent and safe service for our residents and visitors for years to come.

Thank You,
Jim Splaine
City Councilor

ACTION SHEET
PARKING and TRAFFIC SAFETY COMMITTEE

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: CYNTHIA HUYGHUE-FANCY, SECRETARY TO THE COMMITTEE

RE: ACTIONS TAKEN BY THE PORTSMOUTH PARKING AND TRAFFIC SAFETY COMMITTEE MEETING HELD ON THURSDAY MARCH 12, 2015, AT EILEEN DONDERO FOLEY COUNCIL CHAMBERS, MUNICIPAL COMPLEX, ONE JUNKINS AVENUE, PORTSMOUTH, NEW HAMPSHIRE.

PRESENT: COUNCILOR LOWN, DEPUTY FIRE CHIEF HEINZ, POLICE CAPTAIN FRANK WARCHOL, PUBLIC WORKS DIRECTOR RICE, PARKING & TRANSPORTATION ENGINEER EBY, AND MEMBERS: CYPHER, WHITEHOUSE, GRAY, DONNERMEYER, and ALTERNATE MEMBER: MCELWAIN.

STAFF MEMBERS: JULIET WALKER, ANDREW PURGIEL

ABSENT: JOHN P. BOHENKO, CITY MANAGER

[1] **Acceptance of Minutes for February 2015** - Voted to accept February 2015 minutes

[2] **Acceptance of Financial Report –February 2015 – Voted** to accept February Financials

[3] **Action Item – HarborCorp Project** - Voted to recommend the HarborCorp project proceed to the Planning Board, given the conditions presented by the Technical Advisory Council (TAC) are met.

Adjournment – At 8:45 AM, Voted to adjourn.


Respectfully submitted by:

Cynthia Huyghue-Fancy
Secretary to the Committee

CITY OF PORTSMOUTH

LEGAL DEPARTMENT

MEMORANDUM

DATE: April 1, 2015
TO: JOHN P. BOHENKO, CITY MANAGER
FROM: ROBERT P. SULLIVAN, CITY ATTORNEY 
RE: PROPOSED CHARTER AMENDMENT ALLOWING FOR ELECTION OF THE MAYOR

At the City Council meeting of March 2, 2015, by a 5 to 4 vote, the City Council passed a motion made by Councilor Spear:

“...to have the City Attorney report back with the proper language for a Referendum allowing for Election of Mayor; (1) Candidate would choose either to run for Mayor or run for Council; (2) The statutory authority and responsibility of the Mayor would remain unchanged and, (3) this would take effect 2017”.

This memorandum will provide the actual text of a proposed Charter Amendment to accomplish the foregoing. It will also include the required brief explanation which would necessarily accompany such a Charter Amendment through the statutory process for adoption. Finally, it will discuss the procedure for adoption of the proposed amendment and its submission to the voters at referendum as well as the approval and review process mandated by state law.

PROPOSED AMENDMENT

The Municipal Charter of the City of Portsmouth be and hereby is amended as follows:

1. SECTION 4.3 – THE MAYOR is hereby deleted in its entirety.

2. SECTION 4.1 - ADMINISTRATION OF THE CITY shall be amended by deleting the sentence, "The City Council shall consist of nine (9) Councilors elected at-large for terms of two years" and replacing it with the sentence, "The City Council shall consist of eight (8) Councilors elected at-large for terms of two (2) years and one Mayor elected as described in this Charter. To the extent not inconsistent with the duties and authorities provided elsewhere in this Charter, the Mayor shall serve as a full voting member of the City Council and be subject to all provisions of the Charter applicable to members of the City Council generally".
3. A new SECTION 4.3 – THE MAYOR AND ASSISTANT MAYOR shall be added to the Charter, reading as follows:

SECTION 4.3 – THE MAYOR AND ASSISTANT MAYOR – The Mayor shall be that person who receives the largest number of votes at any municipal election while specifically listed on the ballot as being a candidate for the position of Mayor. The City Councilor who has received the largest number of votes for the position of City Councilor shall be the Assistant Mayor. In the event of a tie vote for either position, the tie shall be decided by vote of the City Council. Any candidate listed on the municipal ballot as seeking the position of Mayor may not be listed on the ballot as being a candidate for any other municipal office.

4. Effective date: This Charter Amendment shall become effective January 1, 2017.

State law requires that if the Council chooses to put the foregoing amendment on the ballot it must be accompanied by a brief explanation. The brief explanation would be as follows:

BRIEF EXPLANATION

Currently, that candidate for the City Council who receives the largest number of votes at any municipal election is designated as the Mayor. That person receiving the second largest number of votes is designated as the Assistant Mayor. If this proposed Charter Amendment is adopted then any individual seeking the position of Mayor would be obligated to run specifically for that position and no other. The candidate for Mayor receiving the most votes would become the Mayor. The candidate for the City Council who receives the most votes would become the Assistant Mayor. There would be no other change in the authority or duties of the Mayor or the Assistant Mayor. The new process for the selection of the Mayor would become effective with the election to be held in November of 2017.

PROCEDURE

The process which governs the handling of the proposed amendment by the Council is described in state law at RSA 49-B, relevant portions of which are attached. Briefly, the statute requires that if the Council wishes to proceed with this proposed amendment it shall provide for notice and a public hearing. The notice must be published in the newspaper at least seven (7) days prior to the hearing before voting to put the question on a municipal ballot for referendum vote. The notice must contain both the text of the proposed amendment and a brief explanation. Subsequent to the public hearing, but in any event within seven (7) days of the hearing, the City Council may order the proposed amendment to be placed on the ballot at the next regular municipal election held not less than sixty (60) days after that order is passed.

STATE APPROVALS

RSA 49-B:5-a requires that the City Clerk file a report with the Secretary of State, the Attorney General and the Commissioner of the Department of Revenue Administration within ten (10) days of passage by the City Council of a vote to put a proposed Charter Amendment on a referendum ballot so that those officials may, "review the proposed Charter Amendment to ensure that it is consistent with the general laws of this state". If any of those officials do not approve, the proposed charter amendment, "shall not be placed on the municipal ballot". However, "failure to specify objections to a proposed Charter or Charter Amendment under this section shall constitute approval by the Secretary of State, Attorney General or the Commissioner of the Department of Revenue Administration".

Attached hereto are:

1. A redline version of the relevant Municipal Charter sections showing the proposed Charter Amendments for illustration purposes; and
2. Copies of RSA 49-B:5-6 inclusive, the primary state laws regulating the Charter Amendment process.

attachment

The Municipal Charter of the City of Portsmouth be and is hereby amended so that Section 4 – CITY COUNCIL shall read as follows (deletions from existing language ~~stricken in red~~; additions to existing language **bolded in red**; remaining language unchanged from existing):

ARTICLE IV - CITY COUNCIL

SECTION 4.1 - ADMINISTRATION OF CITY

The entire administration of all fiscal, prudential, and municipal affairs of the City of Portsmouth and each of its departments shall be vested in the City Council except as expressly otherwise provided by this Charter. ~~The City Council shall consist of nine (9) councilors elected at large for terms of two (2) years.~~ **The City Council shall consist of eight (8) Councilors elected at-large for terms of two (2) years and one Mayor elected as described in this Charter. To the extent not inconsistent with the duties and authorities provided elsewhere in this Charter, the Mayor shall serve as a full voting member of the City Council and be subject to all provisions of the Charter applicable to members of the City Council generally.** The City Clerk shall act as Clerk of the Council.

SECTION 4.3 - ~~THE MAYOR~~

~~A candidate for City Councilor who shall receive the largest number of votes at any election shall become the Mayor. The City Councilor who shall receive the next largest amount of votes shall be the Assistant Mayor. In the event two or more persons shall receive an equal number of votes, and that number of votes is the largest number received by any City Councilor, the person having the longest period of service as a City Councilor shall be the Mayor and the person having the next longest period of service shall be the Assistant Mayor. In the event one person shall receive the largest number of votes and two or more persons shall receive an equal number of votes, and that number shall be next to the largest number of votes received by any Councilor, the person receiving the equal number of votes who has the longest period of service shall be the Assistant Mayor. Where periods of service are equal, ties shall be decided by vote of the Council.~~

SECTION 4.3 – THE MAYOR AND ASSISTANT MAYOR – The Mayor shall be that person who receives the largest number of votes at any municipal election while specifically listed on the ballot as being a candidate for the position of Mayor. The City Councilor who has received the largest number of votes for the position of City Councilor shall be the Assistant Mayor. In the event of a tie vote for either position, the tie shall be decided by vote of the City Council. Any candidate listed on the municipal ballot as seeking the position of Mayor may not be listed on the ballot as being a candidate for any other municipal office.

**TITLE III
TOWNS, CITIES, VILLAGE DISTRICTS, AND UNINCORPORATED PLACES**

**CHAPTER 49-B
HOME RULE--MUNICIPAL CHARTERS
Amendment of Municipal Charter
Section 49-B:5**

49-B:5 Charter Amendments, Procedure. –

- I. The municipal officers may determine that one or more amendments to the municipal charter are necessary and, by order, provide for notice and hearing on them in the same manner as provided in RSA 49-B:5, V(a). Within 7 days after receiving approval from the secretary of state, the attorney general, and the commissioner of the department of revenue administration under RSA 49-B:4-a, the municipal officers may order the proposed amendment to be placed on a ballot at the next regular municipal election. In the case of municipalities with biennial elections, the municipal officers may order amendments to be placed on the ballot at either the next regular municipal election or the next state biennial election, whichever occurs earlier, that occurs not less than 60 days after the order.
 - (a) Each amendment shall be limited to a single subject, but more than one section of the charter may be amended as long as it is germane to that subject.
 - (b) Alternative statements of a single amendment are prohibited.
- II. On the written petition of a number of voters equal to at least 20 percent of the number of ballots cast in a municipality at the last regular municipal election, but in no case fewer than 10 voters, the municipal officers shall, by order, provide that proposed amendments to the municipal charter be placed on a ballot in accordance with the procedures set out below:
 - (a) Each amendment shall be limited to a single subject but more than one section of the charter may be amended as long as it is germane to that subject.
 - (b) Alternative statements of a single amendment are prohibited.
- II-a. The following procedure shall be used in the alternative method set out in paragraph II:

- (a) Any 5 voters of the municipality may file with the municipal clerk an affidavit stating that they shall constitute a petitioners' committee. Such affidavit shall be signed by the members of such committee and an additional 20 voters of the municipality and shall include:
 - (1) The language of each proposed amendment.
 - (2) The names and addresses of the committee members.
 - (3) The address to which all notices to the committee are to be sent.
 - (b) The petitioners' committee, or voters of the municipality designated by the committee, may circulate the petition and file it in proper form.
 - (c) Promptly after the affidavit is filed by the petitioners' committee, the clerk shall file a certified copy of the affidavit, including the proposed amendment, for review of the proposed amendment in accordance with RSA 49-B:4-a. Promptly after receiving approval of the proposed amendment from the state officials under RSA 49-B:4-a, the clerk shall issue petition blanks to the committee.
- III.
- (a) The petition forms shall read substantially as follows: "Each of the undersigned voters respectfully requests the municipal officers to provide for the amendment(s) of the municipal charter as set out below." If more than one subject is included in a petition, each subject shall be addressed in a separate amendment. Each signature affixed to a petition shall be in ink or other indelible instrument and shall be followed by the place of domicile of the voter with street and number, if any. No petition shall contain any party or political designation.
 - (b) The clerk shall note the date of each petition form issued and all petitions, unless sooner filed, shall become null and void for every purpose on the 120th day after the date of issue.
 - (c) Each petition form shall have printed on its back an affidavit to be executed by the circulator, stating that he personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his presence, that he believes them to be genuine signatures of the persons whose names they purport to be, that each signer has signed no more than one petition, and that each signer had an opportunity before signing to read the petition.
 - (d) Petition forms shall be assembled as one instrument and filed at one time with the clerk. The clerk shall note thereon the date of filing.

- IV. Within 20 days after the petition is filed, the clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective, shall promptly send a copy of the certificate to the petitioners' committee by mail, and shall file a copy with the municipal officers.
- (a) A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the clerk within 2 days after receiving the copy of his certificate. Within 10 days after the date of filing of the notice of intention, the committee may file a supplementary petition to correct the deficiencies in the original petition. Such supplementary petition shall in form and content comply with the requirements for an original petition under paragraph III.
 - (b) Within 5 days after the filing of a supplementary petition the clerk shall complete and file a certificate as to its sufficiency in the manner provided for in an original petition.
 - (c) When an original or supplementary petition has been certified insufficient, the committee may, within 2 days after receiving the copy of the clerk's certificate, file a request with the municipal officers for review. The municipal officers shall inspect the petitions and shall make due certificate thereof, copies of which shall be filed with the municipal clerk and mailed to the committee. The certificate of the municipal officers shall be a final determination of the sufficiency of the petitions.
 - (d) Any petitions finally determined to be insufficient shall be void. Such petitions shall be stamped void by the clerk and shall be sealed and retained by the clerk in the manner required for secret ballots.
- V. (a) Within 10 days of receipt of a report that a petition is sufficient, the municipal officers shall by order provide for a public hearing on the proposed amendment. The notice of the hearing shall be published in a newspaper having general circulation in the municipality at least 7 days prior to the hearing, and shall contain the text of the proposed amendment and a brief explanation. The hearing shall be conducted by the municipal officers or a committee appointed by them; provided that in the case of an amendment submitted by voter petition, the hearing shall be conducted by the municipal officers. If, as a result of the public hearing, substantive changes are made to the proposed amendment, a second hearing shall be held. Notice of the hearing and the conduct thereof shall be as provided in this section.
- (b) Within 7 days after the last public hearing, the municipal officers or the committee appointed by them shall file with the municipal clerk a report containing the final draft of the proposed amendment and a written opinion

by an attorney admitted to the bar of this state that the proposed amendment is not in conflict with the general laws or the constitution. In the case of a committee report, a copy shall be filed with the municipal officers. Upon such filing, the provisions of RSA 49-B:4-a shall apply in the same manner as for a charter adoption; provided, however, that the municipal officers or the appointed committee shall be substituted for the charter commission for purposes of RSA 49-B:4-a, III.

- (c) Within 7 days after the approval by the secretary of state, the attorney general and the commissioner of the department of revenue administration, or within 7 days after the last public hearing in the case of an amendment submitted by voter petition, the municipal officers shall order the proposed amendment to be placed on the ballot at the next regular municipal election. In the case of municipalities with biennial elections, the municipal officers shall order the amendments to be placed on the ballot at either the next regular municipal election or at a special municipal election that occurs not less than 60 days after the date of the order.

Source. 1979, 241:1. 1988, 223:4, 5. 1991, 304:13. 1992, 96:2, 3. 1995, 53:2. 2005, 38:1. 2008, 230:1, 2, eff. Aug. 19, 2008. 2014, 292:2, eff. Sept. 30, 2014.

Section 49-B:6

49-B:6 Submission to Voters. – The method of voting at municipal elections when a question relating to a charter revision, a charter adoption, or a charter amendment is involved shall be in the manner prescribed for municipal elections. In a town, the question shall appear on the ballot before any other questions except the election of officers. In a city, the question shall appear in the order determined by the city clerk.

- I. In the case of a charter revision or a charter adoption the question to be submitted to the voters shall include a summary prepared by the charter commission which explains both the current form of government used by the municipality and the changes in that form of government which will occur if the charter revision or charter is approved by the voters. The question to be submitted to the voters shall be in substance as follows:

"Shall the municipality approve the (charter revision) (charter) recommended by the charter commission?"

- II. (a) Subject to subparagraph (b), in the case of one or more charter amendments, each amendment shall be voted upon separately and the question to be submitted to the voters on each amendment shall be in substance as follows:

"Shall the municipality approve the charter amendment reprinted (summarized) below?" Each such question shall be followed by the text or a summary of the amendment.

- (b) Alternatively, at the discretion of the charter commission, 2 or more amendments may be listed and voted upon together. In such case, the question shall be in substance as follows:

"Shall the municipality approve the charter amendments reprinted (summarized) below?" The question shall be followed by the text or summary of each of the amendments that are being voted upon together.

- III. (a) In the case of a charter revision or charter adoption, at least 2 weeks prior to the date of the election the municipal officers shall cause the final report of the charter commission to be printed, shall make copies available to the voters in the clerk's office, and shall post the report in the same manner that proposed ordinances are posted.

- (b) In the case of one or more charter amendments, at least 2 weeks prior to the date of the election, the municipal officers shall cause the proposed amendment and any summary thereof to be printed, shall make copies available to the voters in the clerk's office, and shall post the amendment and any summary thereof in the same manner that proposed ordinances are posted.

- IV. If at least 3/5 of the ballots cast on any question under paragraph I favor acceptance, the new charter or the charter revision shall become effective as provided in subparagraph (a). If a majority of the ballots cast on any question under paragraph II favor acceptance, the charter amendment shall become effective as provided in subparagraph (b).

- (a) Charter revisions, new charters, or repeals of charters adopted by the voters shall become effective immediately for the purpose of conducting necessary elections; otherwise charter revisions, new charters, and repeals of charters shall become effective on the first day of the next succeeding municipal year or as specified in any transition provisions of the charter.

- (b) Charter amendments adopted by the voters shall become effective on the first day of the next succeeding municipal year or on a date determined by the municipal officers, whichever occurs first.

Source. 1979, 241:1. 1983, 34:1. 1985, 128:1. 1991, 304:9, eff. Aug. 23, 1991. 2014, 292:2, eff. Sept. 30, 2014.

MEMO

TO: Honorable Mayor Robert Lister & Members of the City Council

FROM: Jack Thorsen, Councilor

DATE: March 30, 2015

SUBJECT: Transportation Services Ordinance Policy Analysis

The following Transportation Services Ordinance Policy Analysis is offered to you for your consideration.

The Taxi Commission was right.

The Taxi Commission was right to recognize the need for sweeping changes in the city's transportation ordinance to align them with today's reality. I applaud the Taxi Commission for taking this bold step, especially with regard to eliminating the medallion system, removing fare regulation, and restructuring the commission into a new form.

I believe, however, that the proposed ordinance change went too far by folding limousine services into the regulatory structure for taxis. Nevertheless, I agree with many of the reasons to simplify the ordinance, its definitions, and its regulatory requirements.

Basic definitions.

Current city ordinances (Section 7.201) define taxis in very general terms, and then specifically exempt limousine services that fit a narrower definition, as follows:

A taxi service is:

- 1) Any motor vehicle used for the transportation of passengers for hire; and
- 2) The destination and route of which are under the direction and control of the passenger.

A limousine service is a taxi service that is:

- 1) Made by prior appointment;
- 2) And either
 - a) Provides a designated luxury or specialty vehicle for a discrete function; or
 - b) Whose operator is limited to the transport of passengers from locations within the City of Portsmouth to destinations located outside of the City or the reverse.

How limousine services are different.

The differentiating elements in the current definition of a limousine service are:

- 1) Whether the service is providing a luxury or specialty vehicle for a discrete function;
- 2) Whether the service originates or terminates outside the city;
- 3) Whether a service is made by prior appointment.

It is my opinion that the first element (vehicle type and purpose of trip) doesn't help us determine whether a service should be regulated. I believe that this distinction arose from an effort to make accommodations to limousine services, which do not need to be regulated the same way as taxis services hailed on the street, while protecting taxis; it was a carving up of the marketplace, based on historical considerations. This element should be eliminated, as it is merely a marketplace contrivance.

The next element (origin/destination) has a complexity that makes uniform regulation unfeasible. That is, rides that originate or terminate outside of the city often involve companies that do not exclusively operate in the city. It seems to me impractical to try to regulate all transport companies in New England, just because some trip locations might include the city. Further, it would be unfair to put a greater burden on local companies than those the city is not able to regulate. So, this element alone argues that we cannot have a uniform definition for transportation services. We are left with the need to make a distinction and continue an exemption. Nevertheless, this element does not help us determine the need for regulation, so it is also inconsequential for classification purposes.

That leaves us with the final and only possible distinguishing element that has a bearing on public safety, and that is whether a service is made by prior appointment, or whether it makes direct public contact. For purposes of this discussion, direct public contact means soliciting fares on the street as opposed to obtaining fares by prior appointment.

(There are other policy considerations, such as whether there is a robust and verifiable process for vetting drivers, the level of autonomy and checks and balances in the record generation process, liability insurance, inspection of vehicles, and other business practices that are very important, but which are not useful in making distinctions in the classification of services.)

Recommendation #1: Transportation services that make no direct public contact do not need to be regulated by the city.

This is already proven by the fact that limousine services have operated in the city for many years without concern.

Limousine services acquire fares through advertising and word of mouth. They rely on customers to contact them. The contact is essentially a private interaction, away from the public eye. Other than having no direct public contact, they are otherwise allowed to operate within the city and between the city and other cities, just like taxis.

By contrast, a taxi may pick up a fare without appointment, usually by the rider hailing the taxi, or at taxi stands. There are safety factors that arise from public operation and direct public contact, including but not limited to sudden stopping in traffic to do a pickup or drop off, anonymous interaction with riders, street level competition between taxis, and a higher potential for unrecorded transactions and service details. Taxis operate in the public square much like street vendors, buskers, or political rallies. Permits are reasonable.

Recommendation #2: Transportation services made by appointment are better regulated at the state level.

Limousine services, to the degree they are regulated, are already regulated by the state. It is my opinion that the state is the proper jurisdiction for regulating any transportation service made by prior appointment. If we believe that a transportation service made by prior appointment is not adequately regulated, then our job would be to point that out to our state delegation, legislatures, or the Governor's office for action.

Recommendation #3: Ride sharing services are made by prior appointment and should be classified alongside limousine services.

Ride sharing services (e.g. Uber and Lyft) are transportation services made by prior appointment, through an Internet service, and do not make direct public contact, so it is my opinion that they do not need to be regulated by the city. In this regard, they resemble a limousine service more than they do a taxi service.

The many concerns raised about these services suggest, however, that it may be prudent for the city to take action by notifying the state of these concerns, so that the state can determine if regulation is needed.

Recommendation #4: The proposed ordinance should be sent back for modification.

The following modifications should be considered:

- 1) A transportation service that is made by prior appointment should not be regulated by the city. The limousine service exemption should be reinstated in the new ordinance as an exemption for all services made by prior appointment.
- 2) The vehicle type, function type, and location elements in the definition of exempt services should be removed, as these are distinctions without substance.

- 3) Medallions should be eliminated, as the new ordinance sets forth; taxis only need a permit to make direct public contact within the city.
- 4) Taxi stands should be made available only to taxis that are permitted to make direct public contact.
- 5) Any public safety concern regarding transportation services made by prior appointment should be sent to the state for review and action.

Thank you for reading and considering this analysis. I hope that it is useful to you in your evaluation of the new transportation ordinance before us.

Sincerely and respectfully,

*Jack Thorsen
City Councilor
City of Portsmouth, New Hampshire*

MEMO

TO: Honorable Mayor Robert Lister & Members of the City Council

FROM: Jack Thorsen, Councilor

DATE: April 1, 2015

SUBJECT: New Parking Garage

The following discussion regarding the proposed parking garage on Deer Street is offered to you for consideration

As you know, the City Manager presented a proposal to build a new garage that will cost taxpayers \$1.3 million in the first year, and finance it partially through parking rate increases that will bring in \$1.6 million to taxpayers, offsetting the cost of the garage.

I suggest that there is no particular reason to couple the cost of the new garage with the rate increases, when analyzing the impact on taxpayers. So, for purposes of this discussion, let's assume we put in the rate increases now, adding this benefit to taxpayers, and go on to determine whether taxpayers benefit from the addition of a new parking garage.

It is said that a new garage is needed for the growth of the downtown. I don't disagree with this. My question is who benefits? Clearly businesses and developers. Can we determine if there is a net benefit to taxpayers? That is the crux of this discussion.

Principle: Taxpayers should not have to pay for benefits they do not get.

I often hear that growth benefits taxpayers by offsetting property taxes. Let's try to quantify this in the case of a new garage. More parking spaces mean more visitors. Each visitor spends money. Money spent increases business revenue. Increased business revenue leads to increased rents. Increased rents leads to increased commercial property values. And finally, increased property values increase property tax revenues to the city.

The following is an attempt to quantify this value chain. Your assumptions may differ.

- One parking spot might average two visits per day, taking into account the occasional empty space, or about 700 visits per year.
- A 600 spot garage would bring in about 400,000 visits per year.

- A single visit with two riders might spend on average \$50, which is business revenue.
- The garage then supports \$20 million in business revenue.
- Rents tend to be around 6% of business revenue, so the increased rents would be about \$1.2 million.
- Cap rates on property value would be about 7%, meaning property value would increase about \$17 million (\$1.2 million divided by 0.07).
- Applying a \$20 property tax per \$1000 of property value means an increase in city revenue of \$340 thousand per year.

In case someone is thinking that there will also be more property developed as a result of the garage, keep in mind that this analysis does not consider whether the increase in overall property value is from new buildings or more business at existing buildings, so it probably doesn't matter in the analysis.

So, we managed to bring the \$1.3 million first year cost to taxpayers down to \$960 thousand.

Another trick we can apply is to reform the financial analysis that generated the \$1.3 million. Only actual cash flow was used in calculating that number, which means that much of that amount is actually debt principal payout. If we instead consider an income statement approach rather than a cash flow approach, we would take out the principal payment and add in a factor for depreciation.

On an income statement, the garage would show a loss of about \$650 thousand in the first year, using the cash flow numbers given by the City Manager less the debt principal payment plus depreciation over 40 years.

As it turns out, if you run the numbers forward, we achieve a positive income in the eleventh year, and break even in the twentieth year.

If we add in the increased property taxes calculated above, we would see a loss of \$650 thousand minus \$340 thousand, or \$310 thousand, with a positive income starting in the sixth year and a break even closer to the twelfth year.

Municipalities, like most government entities do not use income statements like businesses do, however, so I may be stretching too far.

The rents from the micro units and the 3000 square feet of side building area could bring in at most about \$50 thousand per year after expenses. That may even be high.

So, my challenge to the city is this: Knock off another \$300-400 thousand in the first year operating cost, and we could argue that there will be no adverse affect on taxpayers. Otherwise, we may be asking taxpayers to pay for business profits.

THEN, let's enjoy the \$1.6 million we get from increased parking fees, if we decide to do that.

Thank you for reading and considering this memo.

Sincerely,

*Jack Thorsen
City Councilor
City of Portsmouth, New Hampshire*