

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, JUNE 15, 2015 TIME: 6:00PM

AGENDA

- **6:00 PM – WORK SESSION REGARDING SHORT-TERM VACATION RENTALS**

I. CALL TO ORDER (6:00 PM)

II. ROLL CALL

III. INVOCATION

IV. PLEDGE OF ALLEGIANCE

PRESENTATIONS

1. Introduction of George Bald as the new Chairman of the Pease Development Authority
2. Taxi Commission – Lawrence Cataldo

V. ACCEPTANCE OF MINUTES – MAY 18, 2015; MAY 20, 2015; JUNE 1, 2015 AND JUNE 8 2015

VI. PUBLIC COMMENT SESSION

VII. APPROVAL OF GRANTS/DONATIONS

(There are no Items under this Section of the Agenda this evening)

VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. Second reading of Ordinance amending Chapter 7, by the addition of a new Article II – Transportation Services *(New Proposed Amended Language)*
- B. Third and final reading of Ordinance 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 2;
 - Assessors Map 173, Lots 2 and 10;and including Cate Street between Hodgson’s Brook and Bartlett 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.”

IX. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. Approval of Donations to Portsmouth Police Explorer Cadet Post:
- Ms. Cheryl Halepis - \$19.95
 - Mr. & Mrs. Richard Salicito - \$20.00
 - Ms. Beth Wagner - \$20.00

(Anticipated action – move to approve and accept the donations to the Portsmouth Police Department, as presented)

- B. Letter from Donna Hepp, Granite State Wheelmen, Inc, requesting permission to hold the Seacoast Century Ride on Saturday, September 26, 2015 and Sunday, September 27, 2015 ***(Anticipated action – move to refer to the City Manager with power)***
- C. Letter from Thomas Martin & Thomson Riley, Race Directors for Portsmouth Criterium, requesting permission to hold the Portsmouth Criterium event on Sunday, September 13, 2015 ***(Anticipated action – move to refer to the City Manager with power)***

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

(There are no Items under this Section of the Agenda this evening)

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

Items Which Require Action Under Other Sections of the Agenda

1. Second Reading of Proposed Ordinance:
 - 1.1 Ordinance amending Chapter 7, by the addition of a new Article II – Transportation Services ***(Action on this matter should take place under Section VIII of the Agenda)***
2. Third and Final Reading of Proposed Ordinance:
 - 2.1 Third and Final Reading of Proposed Ordinance 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 2;
- Assessors Map 173, Lots 2 and 10;

and including Cate Street between Hodgson's Brook and Bartlett 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.” ***(Action on this matter should take place under Section VIII of the Agenda)***

City Manager's Items Which Require Action:

1. Approval of Superintendent-Elect Steve Zadavec's Employment Agreement
2. Request for First Reading Re: Proposed Ordinance for Eliminate Irrigation Meters from City Ordinance
3. Establish Work Session Re: Wastewater Treatment Facility Permit Compliance
4. Request for Sale of Surplus Water Meters
5. Request of Eversource Energy (fka PSNH) for Easements and Licenses on Hanover and High Streets and City Property
6. Renewal of Boarding House Permit Re: 21 Brewster Street
7. Land Donation to City of Portsmouth

Informational items

1. Events Listing
2. Project Update Re: Lafayette Road/Middle Street Bicycle Route
3. Report Back Re: Traffic Enforcement Initiatives in the City

B. MAYOR LISTER

1. Appointments to be Considered:
 - Vincent Lombardi to the Historic District Commission as a regular member
 - John Mayer to the Historic District Commission as an alternate member

C. ASSISTANT MAYOR SPLAINE

1. Consideration of Matters Relating to the Roberts Investigatory Panel Report
 - Police Commission Structure
 - Attorney General Monitoring
 - Whistleblowing Protections
 - Legal Options and Obligations Re: Roberts Investigatory Panel Report
(Sample motion – move that the City Council request City Attorney Bob Sullivan or an independent counsel to determine the legal options, rights, remedies and obligations that we have concerning the findings of the Roberts Investigatory Panel Report, and that such information be provided prior to the City Council meeting of Monday, July 13, 2015)

D. COUNCILOR SHAHEEN

1. *Doble Center

E. COUNCILOR LOWN & COUNCILOR DWYER

1. Report Back Fee Committee Re: Parking Rates ***(Sample motion – move to bring back for first reading at the July 13, 2015 City Council meeting a Proposed Ordinance amending Chapter 7, Article I, Section 7.1)***

F. COUNCILOR MORGAN & ASSISTANT MAYOR SPLAINE

1. Proposed Resolution Re: Civility

G. COUNCILOR SPEAR

1. Election of Mayor
2. *Charter Amendment Re: Police Commission
 - The Police Commission would cease
 - The Police Department would become a department under the City Manager
 - The Charter Amendment would become effective January 1, 2016
3. *Schedule a Special City Council meeting between June 29, 2015 – July 1, 2015 Re: Police Commission Charter Amendment

XII. MISCELLANEOUS/UNFINISHED BUSINESS

XIII. ADJOURNMENT

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

**Indicates Verbal Report*

INFORMATIONAL ITEMS

1. *Notification that the minutes of the April 16, 2015 and April 30, 2015 meetings of the Planning Board are now available on the City's website
2. *Notification that the minutes of the May 5, 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.

On June 1, 2015 the City Council reviewed a proposal from the Planning Board for an ordinance change to address Short-Term Vacation Rentals and Other Lodging Uses. As a result of the June 1, 2015 City Council meeting, Staff has drafted an alternative for the June 15, 2015 Work Session. The changes between the June 1 proposal and the June 15 draft are outlined below (Changes in **Bold**):

Use	Original Proposal- June 1, 2015	Draft Proposal- June 15, 2015
<p>Short-term vacation rental The rental of a dwelling unit for less than 30 consecutive days. Short-term rental does not include rooming houses, boarding houses, or bed and breakfast establishments, which are specifically addressed as separate uses in Section 10.440, Table of Uses.</p>	<p>Permitted: CBA, CBB, CD4, CD5, B</p> <p>Special Exception: R, SRA, SRB, GRA, GRB, MRO, MRB, CD4-L</p> <p>Not Permitted: GRC, GA/MH, GB, GW, WB, OR, I, WI</p>	<p>Permitted: CBA, CBB, CD4, CD5, B</p> <p>Not Permitted: R, SRA, SRB, GRA, GRB, MRO, MRB, CD4-L, GRC, GA/MH, GB, GW, WB, OR, I, WI</p>
<p>Bed and Breakfast 1: A bed and breakfast with 1 or 2 guest rooms, which may or may not serve breakfast to guests (and their invited guests) in a common room that accommodates no more than 6 persons.</p>	<p>Permitted: MRB, CBA, CBB, CD4, CD5, B</p> <p>Special Exception: R, SRA, SRB, GRA, GRB, MRO, CD4-L</p> <p>Not Permitted: GRC, GA/MH, GB, GW, WB, OR, I, WI</p>	<p>Permitted: MRB, CBA, CBB, CD4, CD5, B</p> <p>Special Exception: GRA, GRB, MRO, CD4-L</p> <p>Not Permitted: R, SRA, SRB, GRC, GA/MH, GB, GW, WB, OR, I, WI</p>
<p>Bed and Breakfast 2: A bed and breakfast with between 3 and 5 guest rooms, which provides breakfast to guests (and their invited guests) in a common room that accommodates no more than 15 persons.</p>	<p>Permitted: MRB, CBA, CBB, CD4, CD5, B</p> <p>Not Permitted: R, SRA, SRB, GRA, GRB, GRC, GA/MH, GB, GW, WB, OR, I, WI</p> <p>Special Exception: MRO, CD4-L</p>	<p>Permitted: MRB, CBA, CBB, CD4, CD5, B</p> <p>Not Permitted: R, SRA, SRB, GRA, GRB, GRC, GA/MH, GB, GW, WB, OR, I, WI</p> <p>Special Exception: MRO, CD4-L</p>

MEMORANDUM

TO: John P. Bohenko, City Manager
FROM: Jessa Berna, Associate Planner JLB
DATE: May 26, 2015
RE: City Council Referral – Short-Term Vacation Rentals

At its meeting on March 2, 2015, the City Council voted to request the Planning Board:

... to prepare proposed amendments to the zoning ordinance to address short-term rentals by home owners. Based on the Council-Planning Board work session discussion of February 17th, the Planning Board could take into account discussion points that emerged, including at least:

- a) Creating a definition that captures the short-term rental, perhaps a bed-breakfast 3 rather than attempting to force-fit one of current definitions;
- b) Addressing in the definition the requirements for number of rooms, parking, length of stay, life safety plan, health-food inspections, registration with the City;
- c) Considering which current zoning districts can allow the rental by special exemption.

The Planning Board considered this matter at its meeting on April 30 and May 21, 2015. Based on its review, the Board voted to recommend the attached amendment to the Zoning Ordinance. The proposed zoning amendments includes the following elements:

1. Define "short-term vacation rental" as a new use and allow it by special exception in the Rural, Single Residence A and B, General Residence A and B, and Mixed Residential districts, and as a permitted use in the CBA, CBB, CD4, CD5 and B districts.
2. Insert a new Section 10.837.20, "Short-Term Vacation Rentals," with the following provisions:
 - o Occupancy shall be limited to no more than two persons per bedroom;
 - o The dwelling shall comply with building and life safety codes;
 - o The dwelling shall be provided with adequate off-street parking based on anticipated occupancy;
 - o The dwelling shall have insurance coverage for the rental use;
 - o The owner shall pay all state rooms taxes;
 - o No tents, trailers or other temporary shelters shall be used for living or sleeping in connection with the short-term rental use.

3. Add “short-term vacation rental” to the table of off-street parking standards.

In addition, the proposed ordinance amends several other provisions of the Zoning Ordinance relating to transient accommodations:

- Change the definitions of “Bed and Breakfast,” “Bed and Breakfast 1” and “Bed and Breakfast 2” by reducing the number of guest rooms and the capacity of the dining facilities.
- Change the Table of Uses to allow Bed and Breakfast 1 by special exception in the Rural and Single Residence districts.
- Change the Table of Uses to prohibit hotels and motels with more than 250 rooms in the CBA and CD4 districts, and to require special exceptions in the CBB and CD5 districts.

ORDINANCE

THE CITY OF PORTSMOUTH ORDAINS

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

A. Amend Section 10.440, Table of Uses, as set forth in Attachment A: “Proposed Amendments to Zoning Ordinance, Section 10.440 – Short-Term Vacation Rentals and Other Lodging Uses.”

B. Insert a new Section 10.837.20 – Short-Term Vacation Rentals, as follows

10.837.20 Short-Term Vacation Rentals

10.837.21 Occupancy of a short-term vacation rental shall be limited to no more than two persons per bedroom, as determined by the Code Official.

10.837.22 A dwelling that is used as a short-term vacation rental shall at all times comply with all applicable requirements of the Building Code and other codes adopted by or applicable within the City.

10.837.23 A dwelling that is used as a short-term vacation rental shall be provided with sufficient off-street parking based on anticipated occupancy.

10.837.24 A dwelling that is used as a short-term vacation rental shall at all times be covered by an insurance policy that permits such rental.

10.837.25 The owner of a dwelling used as a short-term vacation rental shall register for the State rooms and meals tax and shall pay all required taxes.

10.837.26 No recreational vehicle, travel trailer, tent or other temporary shelter shall be used on the premises for living or sleeping purposes.

C. In Article 11, Site Development Standards, insert the following new uses and requirements under “10. Lodging Establishments”:

Use	Required Parking Spaces
Short-term vacation rental	2 spaces (see also Sec. 10.837.23)

D. In Article 15, Definitions, amend the definition of “Bed and breakfast” as follows:

Bed and Breakfast

The provision of short-term lodging ~~and breakfast~~ within an owner-occupied dwelling. ~~The capacity of the dining facilities shall accommodate no more than 25 persons.~~ (See also: hotel, motel, inn.)

Bed and Breakfast 1

A bed and breakfast with ~~between 1 and 5~~ **1 or 2** guest rooms, **which may or may not serve breakfast to guests (and their invited guests) in a common room that accommodates no more than 6 persons.**

Bed and Breakfast 2

A bed and breakfast with ~~between 6 and 10~~ **3 and 5** guest rooms, **which provides breakfast to guests (and their invited guests) in a common room that accommodates no more than 15 persons.**

E. In Article 15, Definitions, insert the following terms and definitions in alphabetical order:

Short-term vacation rental

The rental of a dwelling unit for less than 30 consecutive days. Short-term rental does not include rooming houses, boarding houses, or bed and breakfast establishments, which are specifically addressed as separate uses in Section 10.440, Table of Uses.

Transient

A period of time less than 30 consecutive days.

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

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

This ordinance shall take effect upon its passage.

APPROVED:

Robert Lister, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

Draft Zoning Ordinance Amendments – Short-Term Rentals – REVISED 6/15/15

Attachment A: Proposed Amendments to Zoning Ordinance, Section 10.440 – Short-Term Vacation Rentals and Other Lodging Uses

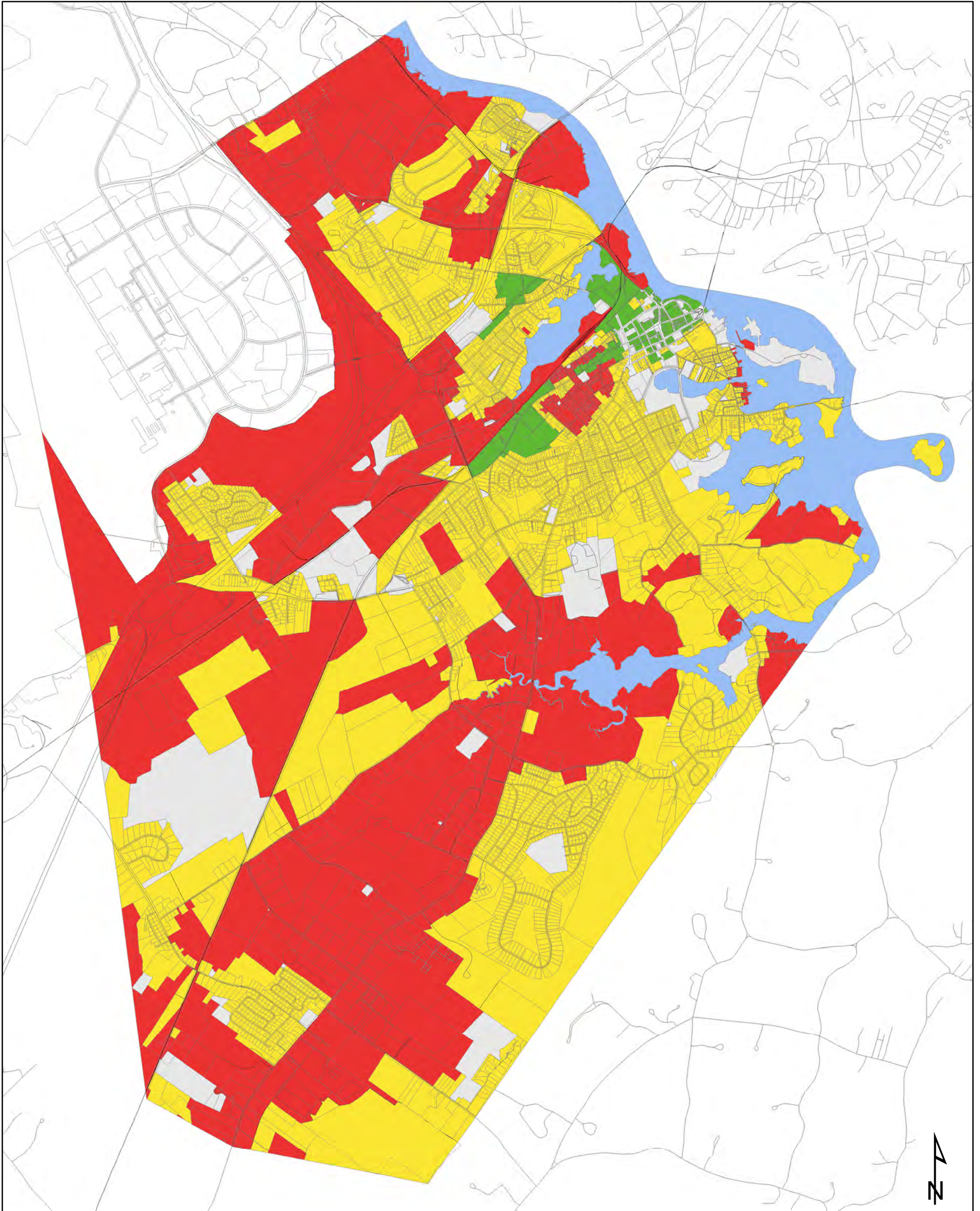
(deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing)

Use	R	SRA SRB	GRA GRB	GRC (A)	GA/ MH	MRO CD4L	MRB	CBA CD4	CBB CD5	GB	GW	B	WB	OR	I	WI	Supplemental Regulations
10. Lodging Establishments																	
10.10 Boarding house	N	N	N	N	N	N	N	N	N	S	S	S	N	N	N	N	
10.20 Bed and breakfast																	
10.21 Bed and Breakfast 1	N	N	S	N	N	S	P	P	P	N	N	P	N	N	N	N	
10.22 Bed and Breakfast 2	N	N	N	N	N	S	P	P	P	N	N	P	N	N	N	N	
10.30 Short-term vacation rental	N	N	N	N	N	N	N	P	P	N	N	P	N	N	N	N	10.837.20 (Short-term vacation rentals)
10.30 10.40 Inn	N	N	N	N	N	N	S	P	P	P	P	P	N	N	N	N	
10.40 10.50 Hotel or motel																	
9.51 10.51 Up to 125 rooms	N	N	N	N	N	N	N	S	P	S	S	N	N	P	N	N	10.837.10 (Office Research districts)
9.52 10.52 126 to 250 rooms	N	N	N	N	N	N	N	S	P	S	S	N	N	S	N	N	10.837.10 (Office Research districts)
9.52 10.53 251 to 500 rooms	N	N	N	N	N	N	N	S N	P S	S	S	N	N	N	N	N	
9.53 10.54 More than 500 rooms	N	N	N	N	N	N	N	S N	P S	S	S	N	N	N	N	N	
10.50 10.60 Conference hotel or conference center	N	N	N	N	N	N	N	S	P	P	P	N	N	N	N	N	
10.60 Conference center	N	N	N	N	N	N	N	S	P	P	P	N	N	N	N	N	

NOTE: No change proposed in Table of Uses from existing Zoning Ordinance for Bed and Breakfast 1 and 2.

Original Proposal- June 1, 2015
Short-Term Vacation Rental





Proposed Amendments Zoning Ordinance-
Short-Term Vacation Rentals and Other Lodging Uses



Legend

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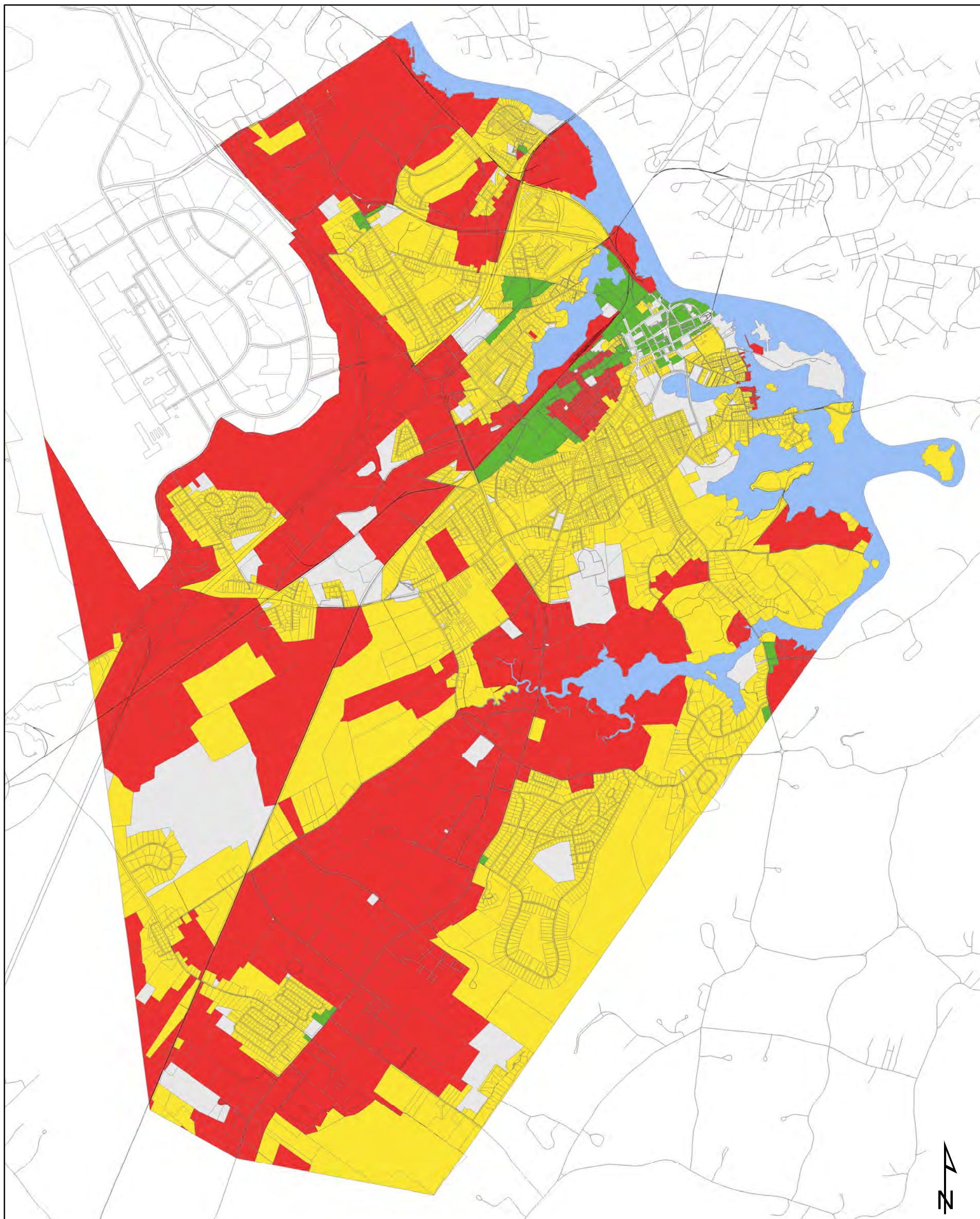
Short-Term Vacation Rental

-  Permitted (CBA, CBB, CD4, CD5, B)
-  Special Exception (R, SRA, SRB, GRA, GRB, MRO, MRB, CD4-L)
-  Not Permitted (GRC, GA/MH, GB, GW, WB, OR, I, WI)
-  Municipal/Civic

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addressed as separate uses in Section 10.440, Table of Uses.

Original Proposal- June 1, 2015
Bed and Breakfast 1

Proposed Amendments Zoning Ordinance-
Short-Term Vacation Rentals and Other Lodging Uses



Legend

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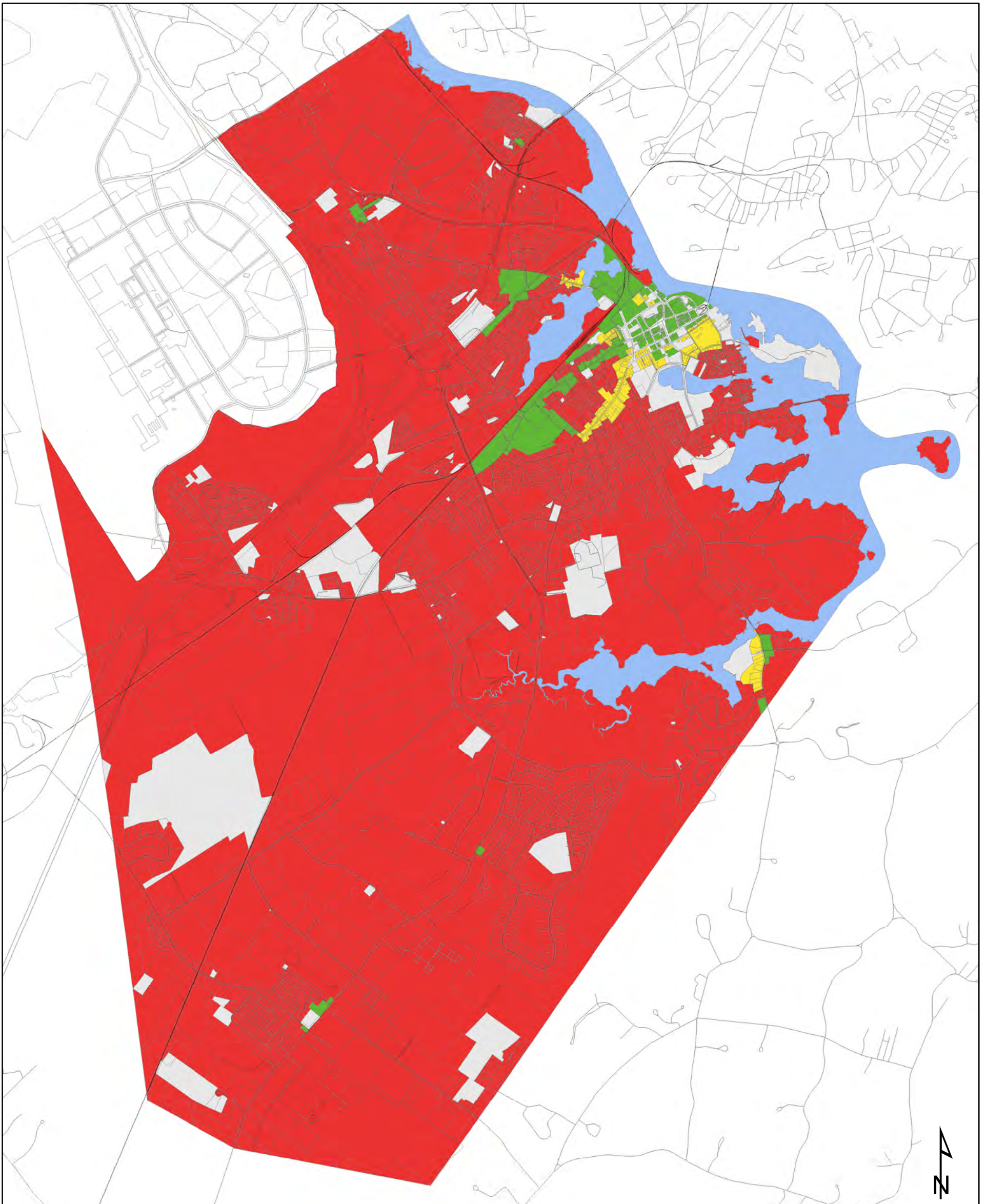
Bed and Breakfast 1

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- Municipal/Civic

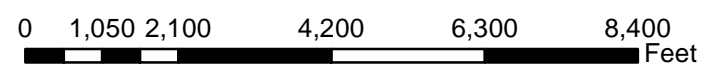
Bed and Breakfast 1
A bed and breakfast with 1 or 2 guest rooms, which may or may not serve breakfast to guests (and their invited guests) in a common room that accomodates no more than 6 persons.

Original Proposal- June 1, 2015
Bed and Breakfast 2





Proposed Amendments Zoning Ordinance-
Short-Term Vacation Rentals and Other Lodging Uses



Legend



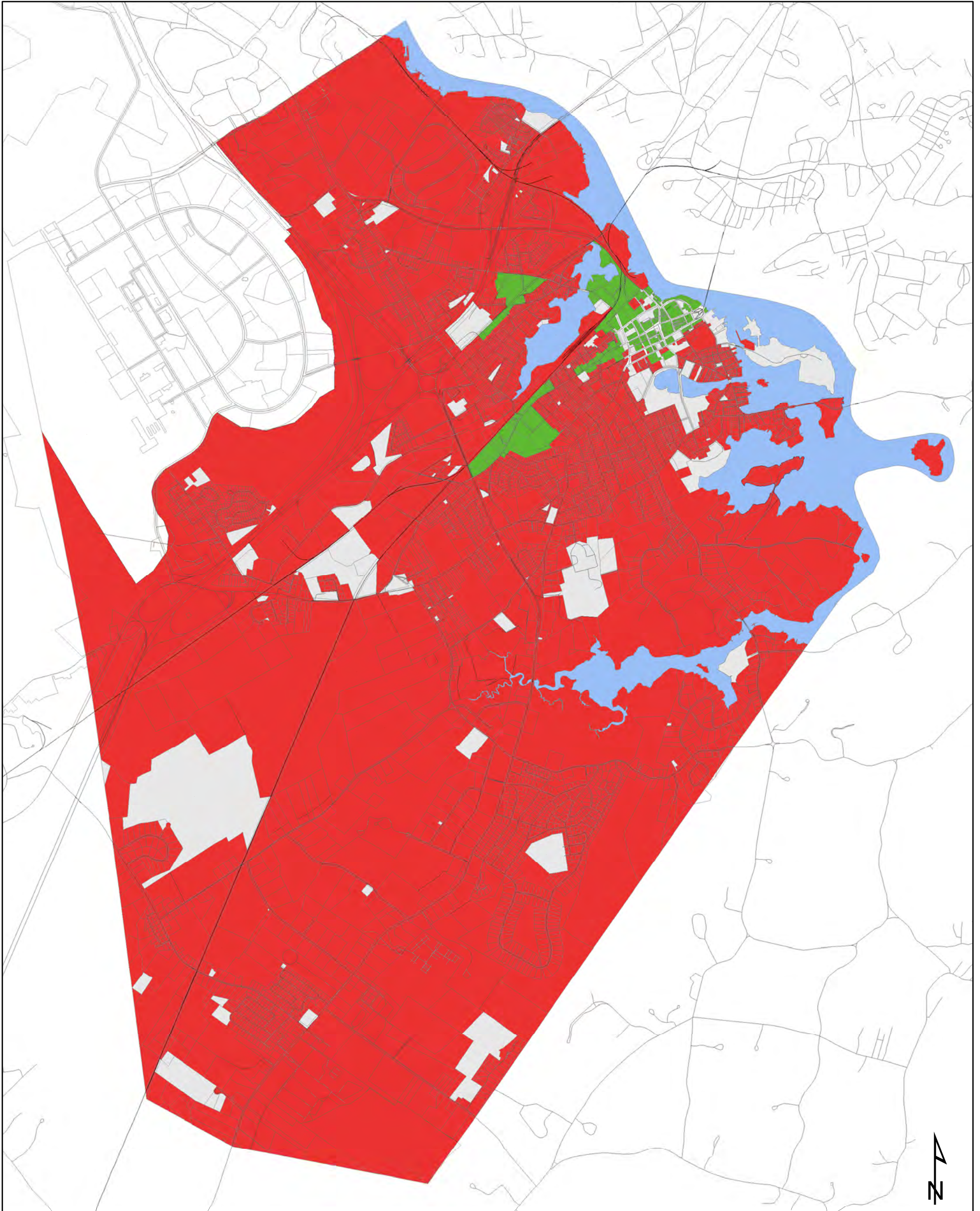
Bed and Breakfast 2

-  Permitted (MRB, CBA, CBB, CD4, CD5, B)
-  Not Permitted (R, SRA, SRB, GRA, GRB, GRC, GAMH, GB, GW, WB, OR, I, WI)
-  Special Exception (MRO, CD4-L)
-  Municipal/Civic

Bed and Breakfast 2
A bed and breakfast with between 3 and 5 guest rooms, which provides breakfast to guests (and their invited guests) in a common room that accommodates no more than 15 persons.

**Draft Proposal- June 15, 2015
Short-Term Vacation Rental**




**Proposed Amendments Zoning Ordinance-
Short-Term Vacation Rentals and Other Lodging Uses**



Legend

0 1,050 2,100 4,200 6,300 8,400 Feet

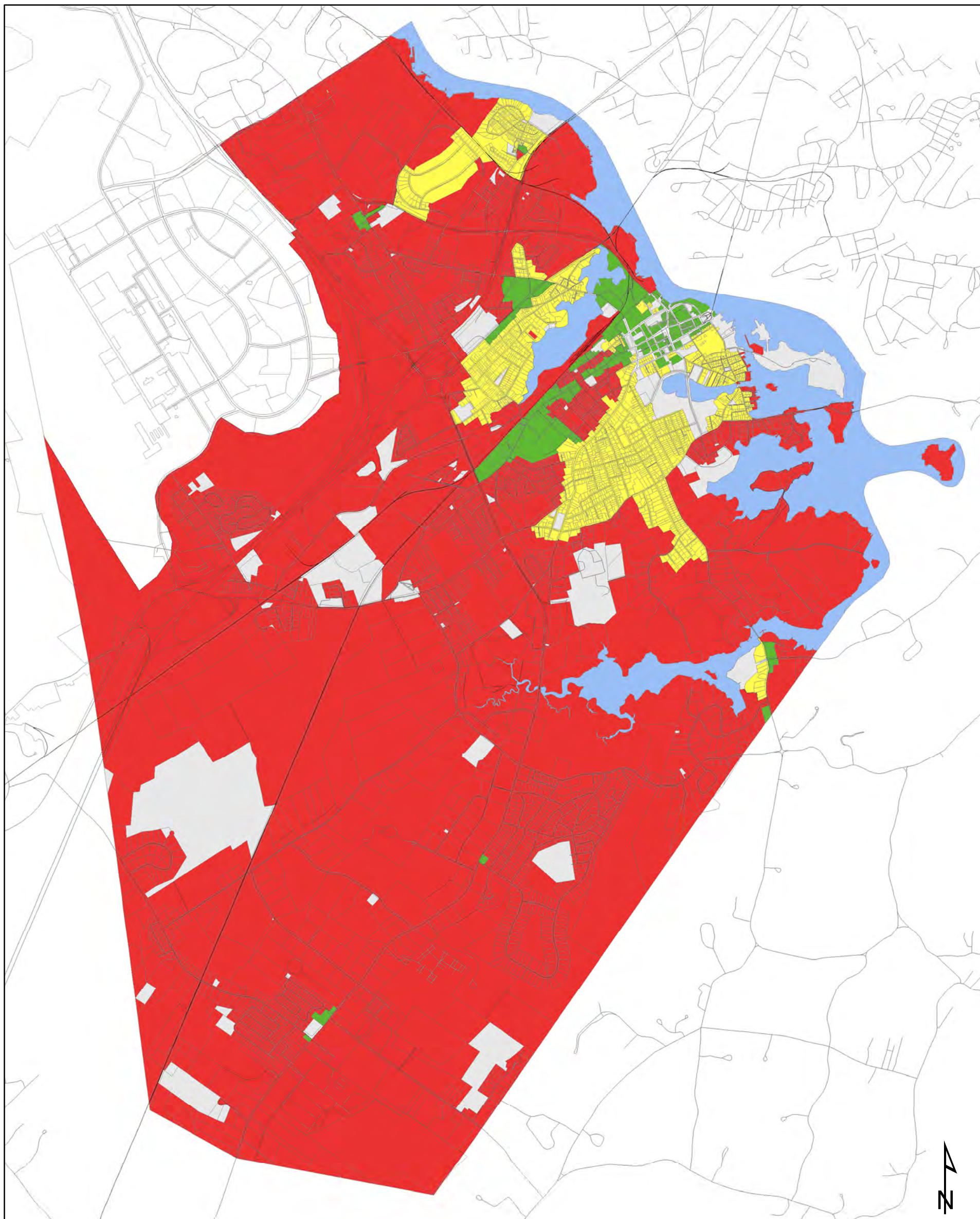
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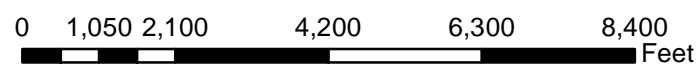
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Draft Proposal- June 15, 2015
Bed and Breakfast 1





Proposed Amendments Zoning Ordinance-
Short-Term Vacation Rentals and Other Lodging Uses



Legend



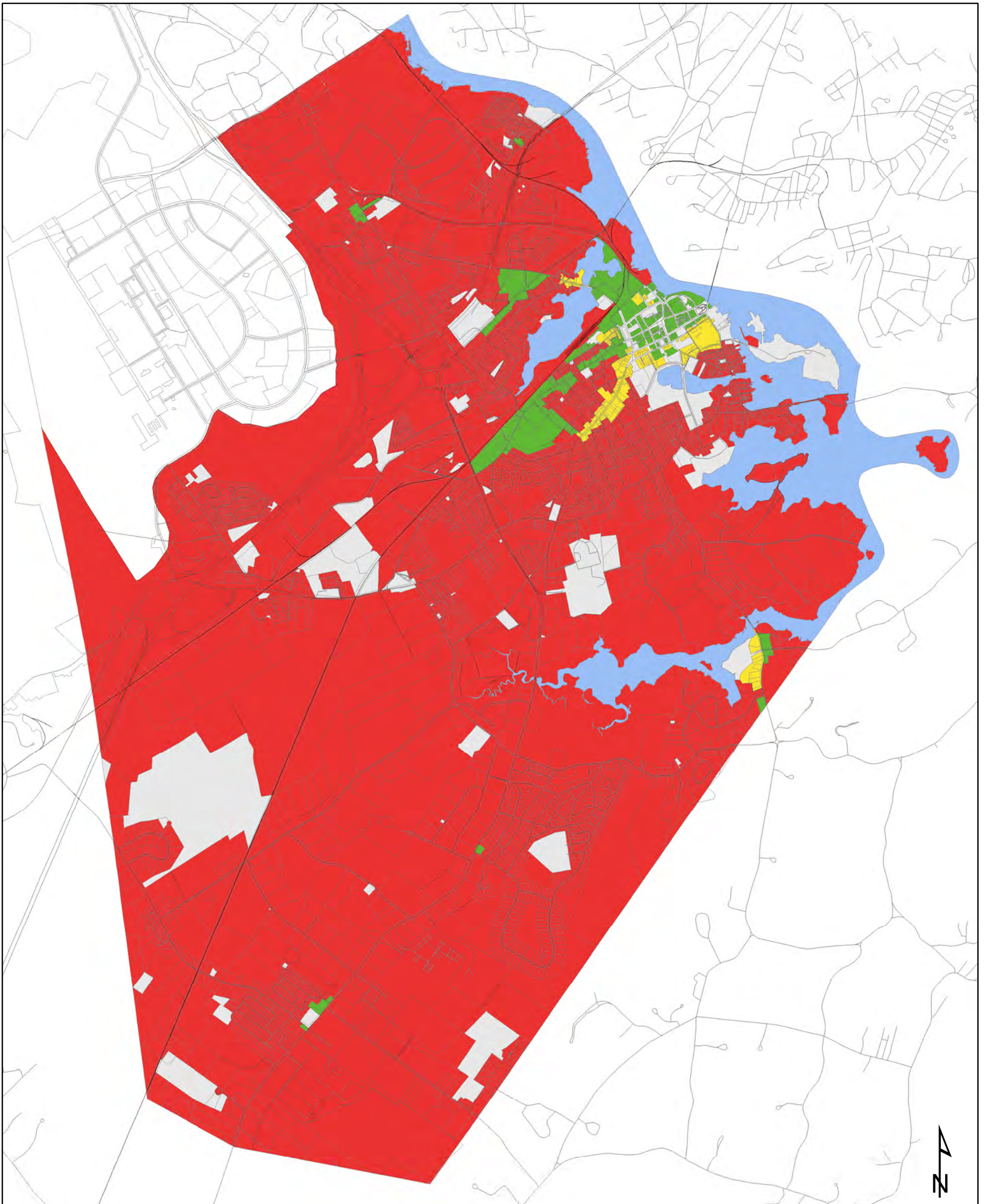
Bed and Breakfast 1

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-  Special Exception (GRA, GRB, MRO, CD4-L)
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Bed and Breakfast 1
A bed and breakfast with 1 or 2 guest rooms, which may or may not serve breakfast to guests (and their invited guests) in a common room that accomodates no more than 6 persons.

Draft Proposal- June 15, 2015
Bed and Breakfast 2





Proposed Amendments Zoning Ordinance-
Short-Term Vacation Rentals and Other Lodging Uses



Legend

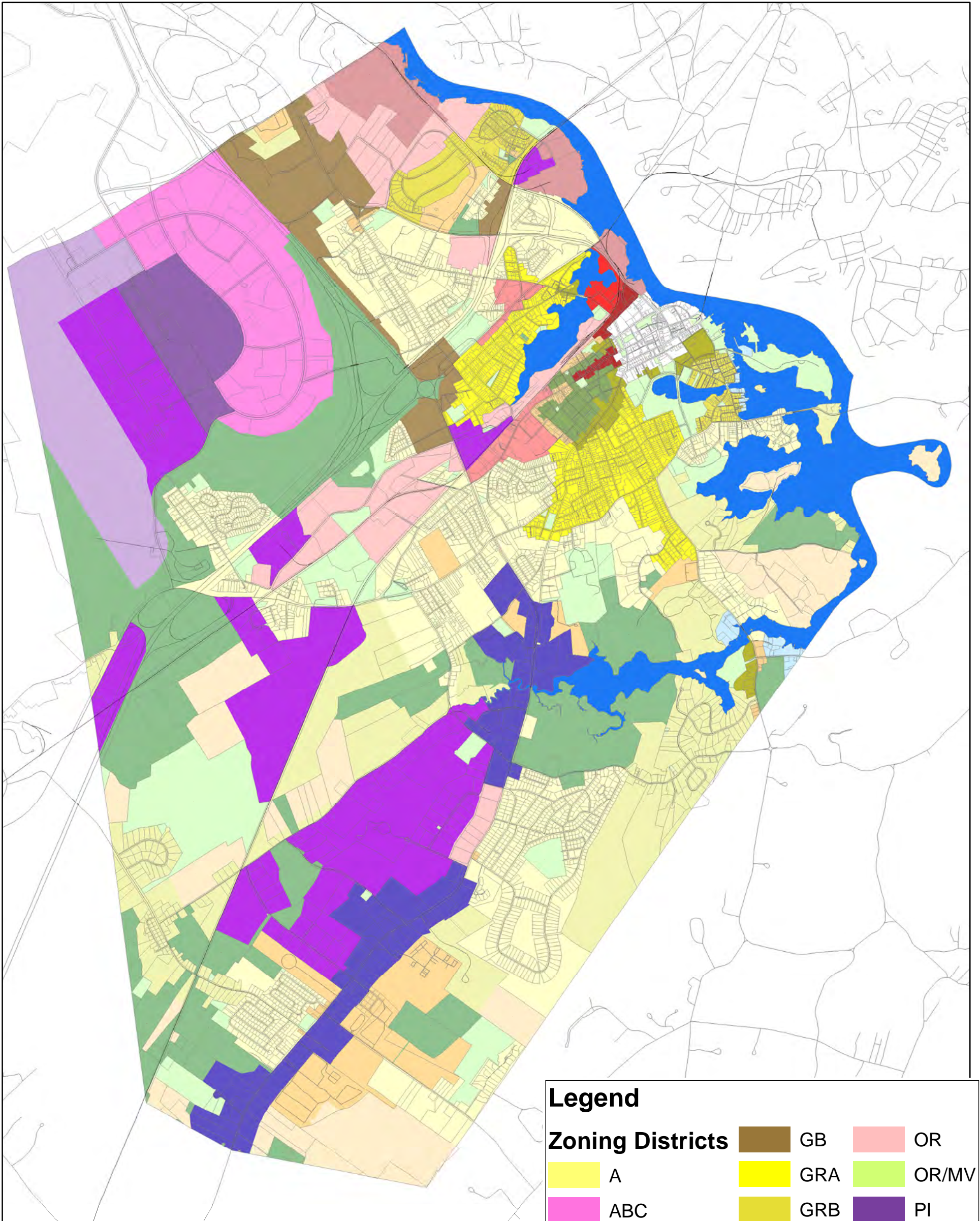
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Bed and Breakfast 2

-  Permitted (MRB, CBA, CBB, CD4, CD5, B)
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Bed and Breakfast 2
A bed and breakfast with between 3 and 5 guest rooms, which provides breakfast to guests (and their invited guests) in a common room that accommodates no more than 15 persons.

Zoning Districts



0 1,050 2,100 4,200 6,300 8,400 Feet

Legend

Zoning Districts	
	A
	ABC
	AI
	AIR
	B
	CBA
	CBB
	GA/MH
	GB
	GRA
	GRB
	GRC
	GW
	I
	M
	MRB
	MRO
	NRP
	OR
	OR/MV
	PI
	R
	SRA
	SRB
	WB
	WI
	Water

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, MAY 18, 2015

PORTSMOUTH, NH
TIME: 6:15PM

At 6:15 p.m., an Anticipated “Non-Meeting” with Counsel was held regarding Litigation/Mediation – RSA 91-A:2, I (b).

At 6:30 p.m., a Work Session was held regarding the Proposed Charter Amendment Allowing for Election of the Mayor.

I. CALL TO ORDER

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

II. ROLL CALL

Present: Mayor Lister, Assistant Mayor Splaine, Councilors Shaheen (via conference call), 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

Craig Mussleman, Selectman from Town of Rye led in the Pledge of Allegiance to the Flag.

PRESENTATIONS

1. Art-Speak Annual State of the Arts Report and Request to Extend the Agreement between the City and Art-Speak – Nancy Carmer, Economic Development Program Manager

Mike Teixeira, President of Art-Speak, provided the Annual State of the Arts Report to the City Council and reviewed the various accomplishments made by Art-Speak over the last year.

Councilor Spear moved to authorize the City Manager to Extend the Agreement from July 1, 2015 through June 30, 2016. Seconded by Assistant Mayor Splaine.

On a unanimous roll call 9-0, voted to authorize the City Manager to Extend the Agreement from July 1, 2015 through June 30, 2016.

2. Update Re: Doble Center, David Moore, Community Development Director

Director Moore provided an update regarding the Doble Center and when we could expect to take over the building. Community Development Director Moore said we plan to take over the building by the end of the year and we are continuing to work with the Subcommittee of the Recreation Board on how the center should be used.

Councilor Kennedy asked where the senior activities will continue since our agreement with the Foundation is coming to an end and we aren't anticipating receiving the building until the end of the year. City Manager Bohenko said we have extended our agreement with the Foundation for an additional 6 months. He also advised the City Council that in October we will no longer receive a donation for the senior activities and will need to pay rent to the Foundation.

3. Final Report of the Self Assessment of Fire Department Operations - Steve Achilles, Fire Chief (**The following link on the City's Website will allow you to view the Report**):http://www.cityofportsmouth.com/fires/PFD_Self_Assessment_FINAL-REPORT.pdf

Fire Chief Achilles provided an update on the Final Report of the Self Assessment of Fire Department Operations. He spoke to the savings that could be achieved if items as suggested were put in place. He reported that staffing has been consistent over the last 17 years and said the department is considering hiring 1 additional firefighter per shift, which will equate to a savings in the first 5 years. Chief Achilles spoke to services being challenged by the aging population and the increase in development at the Pease Tradeport. He indicated that the department continues to explore their involvement with other agencies.

Mayor Lister asked Chief Achilles to provide the City Council with a copy of his Powerpoint Presentation. He also asked Chief Achilles what his top 2 recommendations would be. Chief Achilles said replacement of the ambulance and the hiring of additional firefighters.

Councilor Lown thanked Chief Achilles for the thorough report and said he would like the department to look at call firefighters to help with overtime costs. Chief Achilles said there is an opportunity for call or volunteer in the department but only in a non-emergency role. He stated he would like to look at flex hours to help with the impact of overtime.

Councilor Shaheen asked Chief Achilles if the staffing in the department affects our insurance rating. Chief Achilles said it does and he is asking for our rating to be re-evaluated. Councilor Shaheen asked if the chief had a choice would he agree the hiring of personnel is better for the department. Chief Achilles said he would.

Councilor Thorsen asked if we use overtime as an incentive in hiring firefighters. Chief Achilles said we do not use it as an incentive but we are paying people substantially less coming into the position than surrounding communities such as North Hampton, Rye, etc. Councilor Thorsen said the Chief makes a good point on what the market is and asked if we are really under market.

Councilor Morgan thanked Chief Achilles for the detailed report and for making this an ongoing effort. She asked about the starting salaries in other communities and if that includes benefits. Chief Achilles said he does not know what the benefit packages are in other communities.

Councilor Dwyer asked that the Presentation be attached to the Report. She said the Council committed to adding items to the budget if the Report showed a need, even if it cost more. She said the department should look at what they want to add to the budget and bring that discussion forward at our May 20th meeting.

V. ACCEPTANCE OF MINUTES – MAY 4, 2015 & MAY 11, 2015

Councilor Lown moved to approve and accept the minutes of the May 4, 2015 and May 11, 2015 City Council meetings. Seconded by Councilor Kennedy.

On a unanimous roll call 9-0, voted to approve and accept the minutes of the May 4, 2015 and May 11, 2015 City Council meetings.

VI. PUBLIC COMMENT SESSION

Merle White, Anchor Taxi, spoke to the issues facing Kansas and Texas due to UBER. He said it is time for UBER to provide what is required under our ordinances.

Roy Helse would like to see a sidewalk continuously from Five Guys to Peverly Hill Road and also near the high school. He said people should not be walking in the roadways.

James Murphy asked the City Council not to take action this evening regarding the Albacore Parking Lot Agreement. He said he is an abutter and this will cause issues for the neighborhood with noise and lighting. He stated he was not aware of this item until he read the article in the newspaper this morning.

Mark Brighton, Association of Portsmouth Taxpayers spoke opposed to the budget increasing to over \$100 million. He said the taxpayers need a break from increasing taxes. He spoke to the tax rate in Derry, Salem and Dover and that when you break down the residential costs we are the second highest. Mr. Brighton said the concern is the total tax burden to taxpayers.

John Prochilo, NE Rehabilitation Hospital, expressed concern regarding the possible expansion of the wastewater treatment plant at the Tradeport. He said if the plant is expanded it would directly affect the patients at the facility. He addressed when looking for the location of this facility it was important to create a healing environment, with light and fresh air. He said the outdoor environment is used for the patients. He asked the City Council to support Option 1 that the treatment plant remain at Peirce Island.

Julia Lison, NE Rehabilitation Hospital Physical Therapist, said she agrees with comments made by Mr. Prochilo. She said the outdoor environment is used for physical therapy and helping patients to get back to the community. She said the outdoor setting is very important to the health and rehab of their patients.

VII. PUBLIC HEARING

- A. ORDINANCE 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 2;
 - ASSESSORS MAP 173, LOTS 2 AND 10;

AND INCLUDING CATE STREET BETWEEN HODGSON'S BROOK AND BARTLETT 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.

Attorney Bernard Pelech said he is representing Portsmouth Land Acquisitions LLC. He said at the last Planning Board meeting they unanimously voted to endorse the citywide zoning. He said the Planning Board feels there needs to be some changes with work force housing and instructed the Planning Department to make some incentive to the work force housing. He said the CD-4 District did not work in the area and we can now come up with work force housing incentives.

City Manager Bohenko said the staff is requesting that the public hearing be kept open.

Mayor Lister did not close the public hearing on this matter.

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. Ordinance 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 2;
 - Assessors Map 173, Lots 2 and 10;

and including Cate Street between Hodgson's Brook and Bartlett 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.”

Councilor Spear moved to continue the public hearing and postpone the vote on second reading to the City Council meeting on June 1, 2015 until after the Planning Board has worked on the Workforce Housing portion of the Ordinance. Seconded by Councilor Kennedy.

On a unanimous roll call vote 9-0, motion passed.

X. CONSENT AGENDA

- A. Acceptance of Police Department Grants:
 - NH Highway Safety for DWI/DUI Patrol Grant - \$8,580.00
 - NH Highway Safety for Sobriety Checkpoints Grant - \$6,864.00
 - NH Highway Safety for Pedestrian Patrols Grant - \$6,292.00
 - NH Highway Safety for Enforcement Patrols Grant - \$6,292.00
 - NH Highway Safety to Address Red Light Running Grant - \$6,292.00

(Anticipated Action – move to approve and accept the grants to the Portsmouth Police Department)
- B. Request for License from Brendin McCord, owners of Bennett's Store for property located at 41 Congress 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 Brendin McCord, owners of Bennett's Store for a projecting sign at property located at 41 Congress 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***

- C. Request for License from Shore Gregory, owners of ROW 34 for property located at 5 Portwalk Place for 1 projecting sign on new bracket on Hanover Street at corner of Portwalk Place (***Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Shore Gregory, owners of ROW 34 for 1 projecting sign at property located at 5 Portwalk Place at corner of Hanover 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***

Councilor Lown moved to adopt the Consent Agenda. Seconded by Councilor Spear.

On a unanimous roll call 9-0, motion passed.

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from John Prochilo, CEO of Northeast Rehabilitation Hospital regarding concerns with Wastewater Treatment Facility "Option 2"

Councilor Spear moved to accept and place the letter on file. Seconded by Councilor Kennedy.

On a unanimous roll call 9-0, motion passed.

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

1. Request for Approval of Parking Lot Agreement Re: Albacore Lot

City Manager Bohenko spoke to the Parking Agreement at the Albacore. He stated the agreement is for 2 years for an annual fee of \$5,500.00 to be paid in bi-annual payments. He also stated the City will be surfacing and striping the portion of the parking area designed for this use which will be funded through the parking and expenditures fund.

City Manager Bohenko said the City will also install a bus shelter and signage. He reported that the other lot we use with the Community Church has the same type of neighborhood and there have not been any complaints. He stated that we would closely monitor the area and make sure there are no issues. He said there is security we would be establishing.

Councilor Lown asked City Manager Bohenko how frequently the Community Church lot fills to capacity. City Manager said on holidays and events. Councilor Lown said he is not sure the additionally spaces are needed at this time. City Manager Bohenko said he feels it is important to utilize as many satellite bases as we can. He said we are looking at a service to work with the hospitality industry. He said there is a service out of Durham with an application which is a shuttle, we are exploring this and the lot could be where we house such activity.

Councilor Dwyer said this is close to downtown and would rather use it for overflow parking. She is not concerned with the drop off time. She said if people can see where they are going, it seems like less of a distance to them.

City Manager Bohenko said based on the concerns he would withdraw this item from the agenda at this time.

2. Peirce Island Wastewater Treatment Facility Recommendation

Terry Desmarais said the staff and consultant have reviewed the waste water treatment facility at Pease Tradeport. He said we could continue taking the current path at Peirce Island or second option at the Pease location and build a larger facility. Discussion continued on the cost components looking at the treatment. He reported that Pease has many unknowns and at Peirce Island we have completed 75% of the design. He said Peirce Island is less expensive and the staff is recommending moving forward with the Peirce Island upgrade and asked the City Council reaffirm their vote of April 8, 2013.

Councilor Lown thanked City Engineer Desmarais for the report. He said that this is a big issue and we are still free to look at regionalization with Peirce Island.

Councilor Kennedy said she contacted many people in the EPA and DES. She said on September 29, 2014 staff came forward and provided a 10 page document why the Council needed to look at Pease and gave strong rational to look at an alternative. She spoke to the presentation held 2 weeks ago that provided 2 options with Peirce Island, the uncertainty with combine overflow and construct cost. She said Peirce Island is one of the few places people can access the water. She is concerned that we stay within the fence line with the construction at Peirce Island.

City Manager Bohenko said we are asking the City Council to reaffirm the vote. He said Peirce Island is 75% designed and at a different level than Pease. He said there would be significant disruptions to the downtown going out to Pease.

Deputy City Attorney Woodland spoke on the eel grass and we have worked closely with other communities to do a peer review of it. She said the DES withdrew some of the numeric criteria and the City contends that there is not a demonstrated connection with the eelgrass loss from a scientific need and there is not a need to do effluent removal.

Councilor Spear moved to reaffirm the City Council's vote of April 8, 2013 to move forward with the Peirce Island Wastewater Treatment Facility Upgrade. Seconded by Councilor Lown.

Councilor Spear said the City Council voted in 2013 unanimously and Councilor Kennedy made the motion. He said we have been under pressure to upgrade the facility and move forward. He said we could move forward with the Pease option but he feels it carries more risk and the cost is substantially more. He said he feels comfortable making this decision and Peirce Island is the way to go.

Councilor Shaheen said she will agree with the motion. She said she does not feel Pease is feasible and has a longer term regulatory risk.

Councilor Lown said anyone that would support Pease would have to justify to the taxpayers the additional price. He said it is clear to him that Peirce Island is the way to go.

Assistant Mayor Splaine said there are problems with both locations and he is not ready to vote in favor of Option 1 or 2. He said we need to make sure our environment is protected because Peirce Island is a treasure.

Councilor Thorsen said he thought Pease was a great idea and it does have additional risk and is more costly but still likes Pease as a destination spot and maybe we do not have the right solution that would work at Pease. He is concerned with the motion to reaffirm a vote that was previously made. If we our voting for Option #1 or #2 he would go with Peirce Island over Pease because of the information on costs and discrepancies.

Councilor Morgan said she is torn on the issue. She said we have invested money at Peirce Island and we are aware of the known costs at Peirce Island. She does not want to see anything at Peirce Island and would rather go to Pease but she is looking at the money spent and right now she is inclined to vote in favor of the motion because we already made the investment at Peirce Island.

Mayor Lister passed the gavel to Assistant Mayor Splaine.

Mayor Lister said he is concerned with the infrastructure and feels we need to move forward with Peirce Island. He said he supports the staff and their recommendation.

Assistant Mayor Splaine returned the gavel to Mayor Lister.

On a roll call vote 7-2, motion passed. Councilors Shaheen, Lown, Dwyer, Morgan, Spear, Thorsen and Mayor Lister voted in favor. Assistant Mayor Splaine and Councilor Kennedy voted opposed.

At 9:55 p.m., Mayor Lister declared a brief recess.

Councilor Shaheen left the conference call and no longer participated in the meeting from this point forward.

At 10:05 p.m., Mayor Lister called the meeting back to order.

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

Councilor Dwyer reviewed the various events taking place for the African Burying Ground. She said the original petition of 1777 would be allowed to travel to Portsmouth and would be on display at the Discover Center from 8:30 a.m. to 5:00 p.m. on Wednesday, May 20, 2015.

Assistant Mayor Splaine spoke to the Seacoast Outright Pride Event and stated there maybe 100 people from throughout the Seacoast and Maine participating. City Manager Bohenko said the walks will be on sidewalks.

Councilor Morgan asked about the short term rentals memorandum under the City Manager's Informational Items. She asked if this is the answer to AIRBNB activities. She said she has reservations and does not feel it addressed everything. She said she does not see a problem allowing our home residents to use their home for 30 days of the year. She would like regulations to speak to owners living there and that the Planning Board consider the points she has expressed.

B. MAYOR LISTER

1. Appointments to be Voted:

Councilor Spear moved to appoint Matthew Cardin to the Conservation Commission as a Regular member until April 1, 2018; appointment of Kimberly Meuse to the Conservation Commission as a Regular member until April 1, 2018; appointment of Kate Zamarchi to the Conservation Commission as a Regular member until April 1, 2017. Ms Zamarchi is filling the unexpired term of Elissa Stone; appointment of Adrienne Harrison to the Conservation Commission as an Alternate until April 1, 2017. Ms. Harrison is filling the unexpired term of Matthew Cardin who is now a Regular member of the Commission. The appointment of Samantha Wright to the Conservation Commission as an Alternate until April 1, 2016. Ms. Wright is filling the unexpired term of Kimberly Meuse who is now a Regular member of the Commission; reappointment Carl Diemer to the Recreation Board until April 1, 2018, and appointment of Patrick Moretti to the Zoning Board of Adjustment as a Regular member until December 1, 2019. Mr. Moretti is filling the expired term of Suzanne Chamberlin. Seconded by Councilor Lown. Councilor Morgan voted opposed to the appointment of Mr. Moretti as a regular member to the Zoning Board of Adjustment.

C. ASSISTANT MAYOR SPLAINE

1. Arranging an Interactive Work Session for PS21 Topics on the Search for Walkability, On-Street Parking, and Street Flow

Assistant Mayor Splaine said he would like an interactive Work Session with PS21 on the topic of walkability to be held sometime in September or October. He said no motion is needed but would like the Mayor to look at this for a Work Session in the fall.

Councilor Dwyer said she feels that is a good idea and would like to have the Planning Board and Parking & Traffic Safety Committee as part of the Work Session with the City Council.

D. COUNCILOR KENNEDY

1. Parking Update: Transportation Patterns and On Street Parking Increased in Accordance with our Visiting Parking Experts

Councilor Kennedy said she is looking for an update on where we are at with this matter. She also asked for a report back on when the parking rate increases will be coming forward for the City Council to take action on.

City Manager Bohenko said the parking fees will be looked at by the Fee Committee on May 27th and he would provide a report back to the City Council after that time.

XIII. MISCELLANEOUS/UNFINISHED BUISNESS

Councilor Kennedy said on May 27th the Historic District Commission will be having a site walk of the Harborcorp Project and invited all to attend.

Councilor Spear spoke regarding the Open House of the Portsmouth Middle School and thanked all those that put a tremendous amount of time in the project.

XIV. ADJOURNMENT

At 10:30 p.m., Councilor Spear moved to adjourn. Seconded by Councilor Lown and voted.



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

CITY COUNCIL RECONVENED BUDGET FY16 PUBLIC HEARING

MUNICIPAL COMPLEX
DATE: WEDNESDAY, MAY 20, 2015

PORTSMOUTH, NH
TIME: 6:30PM

I. CALL TO ORDER

At 6:30 p.m., Mayor Lister called the City Council meeting to order.

II. ROLL CALL

Present: Mayor Lister, Assistant Mayor Splaine, Councilors Shaheen, Kennedy, Lown, Dwyer (7:05 p.m.) and Thorsen

Absent: Councilors Morgan and Spear

III. RECONVENED PUBLIC HEARING (*Recessed from May 11, 2015*)

A. PROPOSED FY JULY 1, 2015 THROUGH JUNE 30, 2016 BUDGET

Mayor Lister reopened the public hearing and called for speakers.

Bill St. Laurent said he has never heard of a City Councilor voting opposed to the reconvening of a budget public hearing. He has read articles on projects in the City but has not heard a City Councilor say we need to save the taxpayers money. He expressed concern with the proposed \$101 million budget. He stated after elections are held you don't hear any more about the budget and people are feeling that the City Council doesn't care about the taxpayer. Mr. St. Laurent said residents feel the City Council is not listening so why should they come to a public hearing to speak on the budget. He stated people are moving because they can no longer pay the high taxes.

Paul Mannle said all the City Council wants to talk about is how low the tax rate is. He asked that the City Council spend the budget wisely and fairly among all residents. He spoke to various projects within the Capital Improvement Plan. He said the City Council needs to stop spending money on studies. Mr. Mannle said the Council should raise parking rates to gain more revenue.

Erik Anderson agrees with previous speaker's comments and their concerns with the budget. He said we don't have a revenue problem; we have a spending problem in the City. He stated taxes need to be reduced and contracts should be reduced. He said we have great employees and we should compensate them well but the Council needs to look at the benefits provided. He asked why we need to spend money on consultants when we have talented staff that could do the work.

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

The City Council adjourned and moved into a Budget Work Session.



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

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, JUNE 1, 2015

PORTSMOUTH, NH
TIME: 6:30PM

At 6:30 p.m., an Anticipated “Non-Meeting” with Counsel was held regarding Employment Agreement of Superintendent-Elect Steve Zadavec in accordance with RSA 91-A:2, I (b).

I. CALL TO ORDER

At 7:15 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

Judy Bunnell longtime resident of the City led in the Pledge of Allegiance to the Flag.

PRESENTATIONS

1. Senior Subcommittee Report - Brinn Chute, Senior Services Coordinator

Senior Services Coordinator Chute provided an overview of the Senior Subcommittee Report outlining the programs and services. Brinn stated the City has taken many steps in recent years to increase the level of service for the senior population. The acquisition of the Doble property is the next step in realizing the vision for creating a new and modern 50+ activity center. In addition, she stated the committee understands that this memo serves only as a preliminary recommendation prior to the actual acquisition of the property and is intended to serve as guiding points as the planning moves forward.

2. Interim Report Re: Sagamore Creek Land Blue Ribbon Committee – David Moore, Community Development Director

Community Development Director Moore outlined the charge of the Committee as follows:

- To create a plan for public usage of the city-owned Sagamore Creek Land
- Report back by September 21, 2015
- Committee materials available at the City’s website
- Membership includes:
 - Eric Spear, City Councilor and Chair
 - Chris Dwyer, City Councilor
 - John Mikolajcyk, Resident
 - Alison Pyott, Resident

- Lennie Mullaney, School Board Representative
- Kory Sirmaian, Recreation Board Representative
- Allison Tanner, Conservation Commission Representative
- Ex-officio, City Manager or his designee (non-voting) – David Moore, Community Development Director

He spoke to the process followed to date and the various public comment sessions held. He reviewed the vision for the Sagamore Creek Land as:

The Sagamore Creek Land is a unique and valuable community resource that should be conserved and made accessible to all in a balanced manner that promotes waterfront access, protection of invaluable natural features, and permits recreation opportunities that complement one another and which are sensitive to the overall vision of preserving the site's character.

Councilor Kennedy asked if the Committee came up with a definition for passive recreation. Councilor Spear said it could be organized or unorganized recreation. He said they heard from many speakers on the usage of the property. She asked if there has been a study on the impact of vernal pools. Councilor Spear said the Conservation Commission has in the past completed 2 studies on vernal pools and both are located on the website for reference and can be reviewed by the public.

Councilor Dwyer said currently the land is being used by High School biology classes, the Portsmouth Middle School and High School track and field teams, families go sledding, etc.

Councilor Spear moved to endorse the Vision and Guidelines document from the Blue Ribbon Committee on Sagamore Creek Land. Seconded by Councilor Lown and voted.

Councilor Spear moved to request the City Manager to make a report back, which addresses the goals of the Recreation Needs Study, including resurfacing existing fields with artificial turf, (e.g. adjacent High School Athletic Complex); and to also make a report back that addresses the acquisition of land and development of recreation fields in the City. Seconded by Councilor Shaheen and voted.

V. ACCEPTANCE OF MINUTES – *There are no minutes on for acceptance*

VI. PUBLIC COMMENT SESSION

Jon Davis spoke regarding the adoption of a Single Use Plastic Bag Ordinance for the City of Portsmouth. He said a proposal was brought forward to the City Council in March and we have not heard back from City Attorney Sullivan on the matter.

Merle White, Anchor Taxi, said it is apparent the City is falling behind in the decision making on whether to allow UBER in the City or not. He said UBER is not willing to follow the guidelines of the current City Ordinances and therefore should no longer be allowed to operate in the City of Portsmouth.

He spoke to Manchester, NH and Braintree, MA being the latest communities to not allow them to operate. He also addressed the matter of Boston, MA issuing citations to UBER at \$500.00 per occurrence and to date this year 241 citations have been issued to UBER and they continue to operate without following guidelines in Boston.

Joanne Pipkin spoke in favor of the City allowing UBER to operate. She said individuals should have a choice over what type of transportation service they wish to use. She spoke to the app process used by UBER and what information is supplied to the user. She feels safe as a passenger and an UBER user.

John Palrerio, Great Bay Taxi, provided the City Council with an example of a possible decal to be used by the taxis and UBER if the proposed ordinance is adopted. He said a placard should not be used but a decal that can be seen on the outside of the vehicle.

Diane Share spoke to the poor condition of the sidewalks along Islington Street. She said they are so bad that she needs to step into the road when walking or biking and it is not safe to do so. She has since discontinued using Islington Street as her walking and biking route because she is concerned for her safety. She urged the City to bring Islington Street sidewalk up to proper condition.

Bob Gibbons spoke regarding the second parking garage at 165 Deer Street and expressed concern regarding the necessary repairs that are needed to the High Hanover Parking Garage. He said the renovations to Peirce Island Wastewater Treatment Facility and other expenses will bankrupt the City. He said a public meeting should be held to discuss the Wastewater Treatment Plant.

Jeffrey Cooper spoke on the proposal of the ordinance when the Zoning Board of Adjustment denied his request to run a Bed and Breakfast because he did not meet the requirements of the Ordinance.

Mark Brighton spoke regarding plastic bags and provided the City Clerk with a petition that contained 495 signatures. He gave the City Council a trash receptacle for single bag use.

Dexter Legg spoke on short term vacation rentals and said the ordinance proposed does little to protect the neighborhood. He said if the ordinance is approved it will change the character of the neighborhood and make it more transient. He feels the ordinance should be sent back to the Planning Board for further consideration.

Ellen Legg said some of the homes that are being used as AIRBNB are having loud bachelor parties and this drastically changes the fabric of the neighborhoods.

George Dempsey provided the State law regarding elder abuse. He said there have been no charges against anyone involved in the Webber case and there should be. He said the resignations of the Police Commissioners involved and the Police Chief should be demanded.

VII. PUBLIC HEARING

- A. Ordinance 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 2;
 - Assessors Map 173, Lots 2 and 10;
- and including Cate Street between Hodgson's Brook and Bartlett 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.” (**Public Hearing kept open from the May 18, 2015 City Council meeting**)

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

Paul Mannle said if the objective of the ordinance is to provide an incentive for workforce housing he is against it. He said the parcels will not be developed by the current developer but sold. He asked the City Council to deny the zoning change as it is bad for the City.

Rick Becksted said the primary goal of the rezoning was for a road to be developed and that has not been discussed to date. He said there are only 28 families that will qualify under the workforce housing and furthermore he feels this is spot zoning. He said he participated in 4 of the study circles and said we need to have this be an affordable City and we should purchase the parcel. He said a new Police Department could be built, a surface lot for additional parking, and a transportation center on the parcel.

Christopher MacGinnis said he is here to represent Attorney Pelech on this matter. He said they have worked closely with the Planning Board and neighborhood on this item. He said it would allow for the flourishing of the area. He asked the City Council to support passage of second reading.

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

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 Proposed Ordinance amending Short-term Vacation Rentals and other Lodging Uses

Councilor Spear moved to pass first reading and schedule a public hearing and second reading of the proposed Ordinance at the June 15, 2015 City Council meeting, as presented. Seconded by Assistant Mayor Splaine for discussion purposes.

Councilor Spear thanked the Planning Board and staff for working out the ordinance. He spoke to the Table of Uses and stated there are changes in the framework of the ordinance and that this is a good place to start.

City Manager Bohenko said there are exhibits in front of the City Council that would be helpful to discuss.

Assistant Mayor Splaine said the ordinance needs more work and does not know if the City Council can do the work the way the staff and Planning Board can. He said we need to do something about short term rentals and spoke to communities that have this kind of ordinance in place. He said he is opposed to passage of first reading because he would like more time spent by staff and the Planning Board on this matter.

City Manager Bohenko said they have heard from many people on this matter and it might be prudent to send this back to the Planning Board and staff to look at it closer and be more restrictive. He said once the exception is in place it would always be used as a short term rental. He said this is something that could affect the community for a long time.

Councilor Dwyer said she supports the comments of City Manager Bohenko. She said we need to be more specific about the City Council's concerns.

Councilor Morgan said the City Council needs to have more clarity on what we want the Planning Board to look at. She said this could have a negative impact on the fabric of our neighborhoods. She stated that the Planning Board may want to have a joint session with the City Council on this matter. She said we should be looking at other communities as well.

Mayor Lister recommended having a work session with the Planning Board on this matter.

Councilor Thorsen said he agrees with Councilor Morgan. He said many of the issues were discussed by the Planning Board at length and giving the Planning Board guidance on the Ordinance is preferred. He is concerned on the transfer rights of properties. He said he would like to see the motion withdrawn.

Councilor Spear and Assistant Mayor Splaine withdrew the motion and the second to the motion.

Councilor Shaheen asked if the staff should review and look at short term rentals in the United States and if we should have a process in place to handle this matter.

City Manager Bohenko said we should have a Work Session on June 15th of the City Council on the concerns outlined this evening. He said staff will bring their thoughts forward as well.

Councilor Lown said this is an important property rights issue and we should not move quickly on this. He said he wants to talk about penalties because it is important for the neighborhood to remain the same.

Councilor Kennedy spoke regarding other communities ordinances on this matter. She said we need to determine how it will be dealt with when there are disruptions to the neighbors from a short term renter.

- B. Second reading of Ordinance 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 2;
 - Assessors Map 173, Lots 2 and 10;
- and including Cate Street between Hodgson's Brook and Bartlett 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.”

Councilor Spear moved the proposed Ordinance as recommended by the Planning Board, and to pass second reading and schedule a third and final reading of the proposed Ordinance, as presented, at the June 15, 2015 City Council meeting. Seconded by Councilor Lown.

Planning Director Taintor reviewed the changes to the ordinance as recommended by the Planning Board. He said there are two changes from the version advertised for second reading:

- (1) The “workforce housing incentives” in the previous draft has been replaced by the new “modification of standards” language (item 2.C on page 2 of both versions)
- (2) A stand-alone definition of the term “affordable” has been added, where previously it was embedded in the definition of “workforce housing unit” (item 2.D on pages 2-3)

Discussion followed on workforce housing and the density.

Councilor Thorsen moved to divide the question into 4 parts:

- **Adopt the zoning map amendments**
- **Adopt the amendments to Gateway Planned Development Provisions**
- **Adopt the proposed definitions in Article 15**
- **Pass second reading as amended and hold third and final reading at the June 15, 2015 City Council meeting.**

Seconded by Councilor Kennedy.

Councilor Shaheen asked if this would be a substantial enough change to re-advertise the public hearing. City Attorney Sullivan said he did not feel it would.

On a roll call 7-2, voted to divide the question into 4 parts as listed above. Assistant Mayor Splaine, Councilors Shaheen, Kennedy, Lown, Dwyer, Morgan and Thorsen voted in favor. Councilor Spear and Mayor Lister voted opposed.

Councilor Spear moved to adopt the zoning map amendments. Seconded by Councilor Lown. On a roll call 5-4, voted to adopt the motion. Assistant Mayor Splaine, Councilors Shaheen, Lown, Dwyer and Spear voted in favor. Councilors Kennedy, Morgan, Thorsen and Mayor Lister voted opposed.

Councilor Spear moved to adopt the amendments to Gateway Planned Development Provisions. Seconded by Councilor Lown. On a unanimous roll call vote 9-0, motion passed.

Councilor Spear moved to adopt the proposed definitions in Article 15. Seconded by Councilor Lown. On a unanimous roll call vote 9-0, motion passed.

Councilor Spear moved to pass second reading, as amended and schedule third and final reading of the Ordinance, at the June 15, 2015 City Council meeting. Seconded by Councilor Lown. On a roll call vote 6-3, motion passed. Assistant Mayor Splaine, Councilors Shaheen, Lown, Dwyer, Spear and Mayor Lister voted in favor. Councilors Kennedy, Morgan and Thorsen voted opposed.

At 9:50 p.m., declared a brief recess.

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

At 10:00 p.m., Mayor Lister called the meeting back to order.

X. CONSENT AGENDA

- A. Letter from Peter Newbury, Organizer, Open Streets Portsmouth, Seacoast Area Bicycle Riders Board of Directors, requesting permission to hold an Open Streets event on Saturday, September 12, 2015. ***(Anticipated action – move to refer to the City Manager with power)***
- B. Request for License from Philip Saul, owner of Sault New England for property located at 10 Market Square for a projecting sign on a new bracket ***(Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Philip Saul, owner of Sault New England for a projecting sign at property located at 10 Market Square 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***
- C. Request for License from Robin Miller, owner of Juliette Lovelys Boutique for property located at 65 Bow Street for 2 projecting signs on a new bracket ***(Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Robin Miller, owner of Juliette Lovelys for 2 projecting signs at property located at 65 Bow Street, and, further, authorize the City Manager to execute License Agreements for this request)***

Planning Director's Stipulations:

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

- D. Request for License to Install an Awning from Shore Gregory, owner of ROW 34 for property located at 5 Portwalk Place (***Anticipated action – move to approve the aforementioned stipulations and approve the request of Shore Gregory, owner of ROW 34 for an Awning located at 5 Portwalk Place, as recommended by the Planning Director, 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***
- E. Request for Approval of Pole License to install 4 poles located on Borthwick Avenue (***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***)
- F. Request for Approval of Pole License to install 1 new pole and guy wire located on Coakley Road (***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***)
- G. Request for Approval of Pole License to install 1 replacement pole located on Regina Road (***Anticipated action – move to approve the aforementioned Pole License Agreement as recommended by the Public Works Department with the approval conditioned upon amendment of the license to allow for the collection of any lawfully assessed real estate taxes***)
- H. Request for Approval of Pole License to install 1 replacement pole located on Lafayette Road in conjunction with recent reconstruction of Rte 1/ Rte 1 Bypass in front of Bowl-O-Rama (***Anticipated action – move to approve the aforementioned Pole License Agreement as recommended by the Public Works Department with the approval conditioned upon amendment of the license to allow for the collection of any lawfully assessed real estate taxes***)

- I. Request for Approval of Pole License to install 1 new pole and guy wire located on the northwest corner of the intersection of the Rte 1 Bypass and Borthwick Avenue (***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***)
- J. Request for Approval of Pole License to install 3 replacement poles located on Commerce Way across from the entrance to the strip mall (***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***)

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

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Steve Couture, Manager, New Hampshire Coastal Program and Secretariat, Gulf of Maine Council on the Marine Environment, regarding the City of Portsmouth being selected to receive Gulf of Maine Council 2015 Sustainable Communities Award.

Councilor Kennedy moved to accept and place the letter on file with a copy to the Sustainable Committee. Seconded by Councilor Shaheen and voted.

- B. Letter from Fr. Robert J. Archon, Saint Nicholas Greek Orthodox Church regarding St. Nicholas Greek Orthodox Church Back Lot – Tax Map Lot 229-6A

Councilor Kennedy moved to refer to the Planning Board for report back. Seconded by Councilor Shaheen and voted.

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

1. North End Character-Based Zoning

City Manager Bohenko said he would like the Council to postpone first reading of the aforementioned proposed Ordinance until the July 13, 2015 City Council meeting. He reported that the Planning Board is meeting after the June 15, 2015 City Council meeting and therefore we need to postpone until July 13, 2015.

Informational Items

2. Report Back Re: Enabling Legislation Regarding the Regulation of Plastic Bag Use within the City

City Attorney Sullivan explained that there is no enabling legislation to regulate plastic bag use within the State of New Hampshire.

Councilor Lown moved that the City write a letter to the Legislative Delegation with copies to the Council Legislative Subcommittee, Senate President, Governor's Office and the Speaker of the House to consider enacting legislation regarding the Regulation of Plastic Bag Use. Seconded by Assistant Mayor Splaine and voted.

3. Report Back Re: Peirce Island Non-resident Entrance Fee

City Manager Bohenko announced that the Peirce Island Committee does not support charging non-residents an entrance fee to the Island.

4. Reminder Re: Special Meeting – Adoption of FY16 Budget

City Manager Bohenko reported that the City Council will be meeting on Monday, June 8, 2015 in a Special City Council meeting to adopt the FY16 Budget.

B. ASSISTANT MAYOR SPLAINE

1. Proposed Amendment to Transportation Services Ordinance

Assistant Mayor Splaine advised the City Council at the next City Council meeting they will receive a new ordinance draft from the Taxi Commission for their consideration.

Councilor Shaheen said she has heard that UBER is denying rides to individuals with disabilities and they must follow the ADA law.

C. COUNCILOR LOWN

1. Acceptance of Temporary Action Item and Minutes of the May 14, 2015 Parking and Traffic Safety Committee Meeting

Councilor Splaine moved to accept the Temporary Action Item and Minutes of the May 14, 2015 Parking and Traffic Safety Committee. Seconded by Councilor Dwyer and voted.

Councilor Lown reported that a bike rack would be installed in front of Portsmouth Gas Light.

Councilor Kennedy said there is concern with bicyclist hanging out on the racks and its dangers. She asked if there are guidelines for abandoned bicycles. City Manager Bohenko said they are working on guidelines. He stated currently we do notifications of abandoned bikes with a date that they will be removed.

Motion passed. Councilor Kennedy voted opposed.

2. Employee Gifts Bequest Ordinance Report Back.

Councilor Lown said he met with City Manager Bohenko and City Attorney Sullivan on this matter and was advised that such an ordinance would have no power against anyone in a union.

Councilor Lown moved that the essence of the Ordinance be provided to Negotiator Tom Closson for future negotiations with unions. Seconded by Councilor Spear.

Assistant Mayor Splaine said he does not object to the motion but he is opposed to the level of \$250.00 as we should not allow any employee to accept any gift.

Councilor Thorsen said he does not let people buy him a cup of coffee. He would like to see this as part of negotiations.

Councilor Shaheen said it seems that we are looking at this as first principle. She said the idea and implications would be we are not willing to negotiate. She said we need to do something and we need to revisit this to see if other municipalities have addressed this matter.

Councilor Dwyer said we already have something in place on gifts.

City Attorney Sullivan said he feels that this is a suggestion to Negotiator Closson to consider bringing forward to the unions and not a requirement.

D. COUNCILOR MORGAN

1. Speed enforcement in Portsmouth – pedestrian and bicyclist safety

Councilor Morgan requested a report back from Chief Dubois on the strategies of speed enforcement and when bicycles will be used by the officers in the downtown. Councilor Thorsen also requested that Chief Dubois speak to the issue of loud motorcycles in the City and what can be done in the area of enforcement.

E. COUNCILOR SPEAR

1. Request for a Work Session Regarding Peirce Island Wastewater Treatment Facility Compliance Strategy

Councilor Spear said we voted to move forward with Peirce Island Wastewater Treatment Plant. He said the cost of the facility is a concern and he would like staff to check their work. He said costs have increased to building the facility and the peer review report came back and there are questions on nitrogen.

Councilor Spear moved to hold a Work Session at a future date established by Mayor Lister regarding the Peirce Island Wastewater Treatment Facility Compliance Strategy. Seconded by Councilor Lown.

Councilor Morgan said we need to move away from litigation on this matter. She said the reason it is costing us so much is in the 1970's and 1980's the City Council at that time kicked the can down the road rather than dealing with the issues.

On a unanimous roll call vote 9-0, motion passed.

Assistant Mayor Splaine said he is glad we are revisiting this matter and looking at why it is costing us so much.

Councilor Shaheen said we need to broaden the scope of the work session. She would like to discuss cost implications, questions on the nitrogen issues and the issue of storm water and the things to come.

2. Proposed Motion Re: Election of Mayor

Councilor Spear moved that the Legal Department be requested to draft the text and related documents necessary for the Council to consider placement on the ballot for referendum vote in November 2015 of a Charter Amendment which would accomplish the following:

- a) **The Office of the Mayor would become an elected position**
- b) **Only candidates who are candidates for City Council would have the option of also becoming a candidate for Mayor**
- c) **To become Mayor a candidate would have to be duly elected to both the City Council and the Office of the Mayor**
- d) **The statutory authority and responsibility of the Mayor and the City Council would remain unchanged**
- e) **The Charter Amendment would become effective January 1, 2017**

Seconded by Councilor Lown. Motion passed with Councilor Kennedy opposed.

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

Councilor Shaheen said June 2nd at 7:00 p.m. there will be a Community Advisory Meeting regarding the Haven Well Contamination here at City Hall.

Councilor Morgan requested an update on the McIntyre Building at a future Council meeting.

Councilor Kennedy asked when the City Council will be receiving an update on the Prescott Park Arts Festival.

Councilor Spear said the last several weeks we have experienced the Grand Opening of the Portsmouth Middle School and the African Burying Ground and he would like to recognize Councilor Dwyer who was monumental in both of these projects.

XIV. ADJOURNMENT

At 11:00 p.m., Councilor Lown moved to adjourn. Seconded by Councilor Spear and voted.

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

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

SPECIAL CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, JUNE 8, 2015

PORTSMOUTH, NH
TIME: 6:30PM

I. CALL TO ORDER

At 6:35 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

Fire Commissioner Richard Gamester led in the Pledge of Allegiance to the Flag.

V. DISCUSSION RE: PROPOSED FY16 BUDGET

City Manager Bohenko announced that last week Standard and Poor reaffirmed the City's AAA bond rating. He thanked the Finance Department and all departments that participated in the meeting as it reflects well on all of us.

- Resolution No. 11-2015 – Municipal Fees

City Manager Bohenko said the Fee Committee met to review the fees on May 27, 2015. Councilor Dwyer said last year a number of fees were raised regarding land use and building practices. She said there has been some streamlining of fees. The following are the actions taken by the Fee Committee:

- To expand area of High Occupancy metered spaces
- Increase hourly transient rates by \$0.25 an hour from \$1.00 to \$1.25 in the High/Hanover Parking Facility as recommended along with increasing the validation stickers from \$50.00 per hundred to \$75.00 per hundred
- Increase both metered Non-High Occupancy and High Occupancy hourly rates by \$0.25 each or \$1.25 and \$1.75 respectively

Councilor Spear moved to adopt Resolution No. 11-2015 – Municipal Fees. Seconded by Councilor Lown.

Councilor Spear said he is concern with raising rates for the garage before raising the fees on the street.

Councilor Kennedy said she will vote for this in good faith that the fees on the street will be increased. She said this does not cover the rates for constructing the new garage.

Councilor Dwyer said the fees will be raised in the future.

Councilor Kennedy asked if long term monthly rates were discussed. Councilor Dwyer said those fees were raised last year.

Assistant Mayor Splaine asked how to get the easy park device. City Manager said we need to work on how the person claims they're a resident.

Councilor Morgan would like the Parking and Traffic Safety Committee to have a very quick time table on the process to implement a parking permit program. Councilor Lown said Parking and Traffic Safety Committee will take that up at a future meeting.

On a roll call 8-1, motion passed. Councilors Shaheen, Kennedy, Lown, Dwyer, Morgan, Spear, Thorsen and Mayor Lister voted in favor. Assistant Mayor Splaine voted opposed.

- Resolution No. 12-2015 – General Fund Expenditures

City Manager Bohenko explained that there were two Resolutions for the General Fund Expenditure, one is the original proposal and the second is the amended proposal.

Councilor spear moved to adopt Resolution #12-2015 – General Fund Expenditures, as amended. Seconded by Councilor Shaheen.

City Manager Bohenko said the reductions are in the Non-Operating portion of the budget.

Councilor Dwyer said we need to discuss the \$45,000.00 needed by the Police Department for pursuing cold case files and adding funds to the Fire Department for additional firefighters.

City Manager Bohenko said you could amend just the Non-Operating first and then you may discuss other areas.

Councilor Spear moved to reduce Non-Operating by \$412,500.00 for a new total of \$21,921,017.00. Seconded by Councilor Shaheen.

On a roll call 7-2, motion passed. Assistant Mayor Splaine, Councilors Shaheen, Lown, Dwyer, Spear, Thorsen and Mayor Lister voted in favor. Councilors Kennedy and Morgan voted opposed.

Reductions made to Non-Operating:

Debt Service

- *Debt Service for Fire Heavy Rescue Unit* \$142,500.00
- *Projected Savings from Library Deb Refunding* \$ 40,000.00

Rolling Stock

- *Public Works – 2003 Pick-Up* \$ 20,000.00
- *Police – Reduce Rolling Stock* \$ 20,000.00
- *Fire – 2007 Tahoe* \$ 40,000.00
- *School – 2007 Sedan* \$ 15,000.00

Overlay

\$ 50,000.00

Capital Outlay

- *II-21 – Refurbish-Fire Boat* \$ 60,000.00
- *II-33 – Land Acquisition* \$ 25,000.00

Total Reduction from Original Recommended	\$412,500.00
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Councilor Spear moved to adopt Resolution No. 12-2015 – General Fund Expenditures, as amended. Seconded by Councilor Shaheen.

Councilor Dwyer moved to add \$25,000.00 to the Police Department budget for use in pursuing cold case files. Seconded by Assistant Mayor Splaine.

Councilor Shaheen asked if the expenses could be absorbed over the next few budget years. Police Chief Dubois said we have a better understanding of what is left at the end of year's budget and next year we could use the same methodology.

City Manager Bohenko said in the second and third quarter of the fiscal year the Chief could come forward with the amount needed and the funding could be taken from the Contingency Fund.

Councilor Dwyer said if we were to do this she would want the City Council intention to go forward with pursuing cold case files because there will be a new City Council in place. City Manager Bohenko said he could bring the matter back in December so that this City Council would act on the motion.

On a unanimous roll call 9-0, motion passed.

The new total for the Police Department Budget is \$9,617,688.00.

Fire Chief Achilles spoke to the fire boat and said they reviewed the operation and the cost of maintaining it. He expressed concern with taking away a valuable service if other services couldn't pick up the need. Chief Achilles stated he has reached out to the Coast Guard and the Portsmouth Naval Shipyard on their abilities to handle any water way issues if we were to do away with the fire boat.

Councilor Lown said the Fire Department has increased the overtime account by \$28,000.00 and he is concerned with the continued increasing of the line item.

Councilor Dwyer said the overtime could come down by adding more personnel to the Fire Department.

Councilor Lown said that this has been an issue for many years with him and he feels the current number for overtime is too high. He stated he does not see the Fire Department making any effort to reduce the line item.

Councilor Lown moved to amend the Fire Department Budget by the reduction of \$28,000.00. Seconded by Councilor Spear.

Councilor Thorsen asked Chief Achilles if the department can take a \$28,000.00 reduction. Chief Achilles said 7% of the budget has flexibility but he is concerned taking \$28,000.00 out of the budget.

Councilor Dwyer said given the timing of this and not knowing the alternative work schedule for personnel and Chief Achilles not being able to give examples of costs for additional firefighters she would vote opposed. She said remember Councilor Lown stated that he is only voting against the overtime but he would vote for the Fire Department budget if he was able to vote against overtime costs only.

Councilor Shaheen spoke opposed to the motion. She said the funding is needed and reminded the City Council that we already reduced the Fire Department budget by \$202,000.00 in the Non-Operating budget.

On a 3-6 roll call vote, motion to amend the Fire Department Budget by the reduction of \$28,000.00 *failed* to pass. Councilors Lown, Spear and Thorsen voted in favor. Assistant Mayor Splaine, Councilors Shaheen, Kennedy, Dwyer, Morgan and Mayor Lister voted opposed.

Councilor Thorsen said the Collective Bargaining is usually exact numbers. City Manager Bohenko said when collective bargaining agreements are adopted the City Council needs to have the funds in the budget to fund the agreements. He said if there is not enough money the Council would need to do a special appropriation and fund them.

Councilor Thorsen moved to amend Collective Bargaining by the reduction of \$50,000.00. Seconded by Councilor Kennedy.

On a 4-5 roll call vote, motion to amend Collective Bargaining by the reduction of \$50,000.00 *failed* to pass. Councilors Kennedy, Morgan, Spear and Thorsen voted in favor. Assistant Mayor Splaine, Councilor Shaheen, Lown, Dwyer and Mayor Lister voted in opposed.

Assistant Mayor Splaine said the City Council should be very proud of what the City does. He said we could find ways to do things better but we are doing a great job with the budget process.

Councilor Thorsen said he believes that our budget is too high to begin with and he does not feel residents should be paying more money. He also stated we will not have a workforce living here because they will no longer be able to afford to live here. Councilor Thorsen said he would vote against the budget.

Councilor Kennedy said she would not support the budget because we are higher than \$100 million. She said 2 of her neighbors had to move out because they could not afford to live here.

Councilor Morgan said she would not support the budget this year. She said we need to compensate the employees and provide benefits but they could be less. She said in the budget process she was hopeful to make some changes to allow more discussion on issues.

Councilor Lown said he has heard every proposal to reduce the budget and if you are going to vote against the budget you need to provide specific cuts to line items that you feel need to be made to reduce the budget and participate in the process.

Councilor Shaheen said she agrees with Councilor Lown's comments. She said democracy is difficult, there needs to be give and take. She said she would have liked to see another police officer hired to deal with the heroin epidemic and more firefighters to deal with the overtime issue. She said if you vote against the budget say why and where you want to see cuts made.

On a roll call 6-3, voted to pass main motion as amended. Assistant Mayor Splaine, Councilors Shaheen, Lown, Dwyer, Spear and Mayor Lister voted in favor. Councilors Kennedy, Morgan and Thorsen voted opposed. The FY16 Budget as adopted is \$101,046,202.00.

Department	Appropriation
General Government	\$17,635,940.00
Police	\$9,617,688.00
Fire	\$7,995,247.00
School	\$43,236,310.00
Collective Bargaining	\$490,000.00
Transfer to Indoor Pool	\$150,000.00
Non-Operating	\$21,921,017.00
Total	\$101,046,202.00

- Resolution No. 13-2015 – Sewer Fund Expenditures

Councilor Spear moved to adopt Resolution No. 13-2015 – Sewer Fund Expenditures. Seconded by Councilor Dwyer.

On a unanimous roll call vote 9-0, motion passed.

- ***Appropriated sum of \$10,864,068.00 to defray expenses for the operations of the sewer system.***
- ***Cash Requirements of \$15,740,500.00 to defray expenses for the operations of the sewer system.***
- ***Sewer user rate effective July 1, 2015, is \$11.77 per unit and \$12.95 per 10 units or more used thereafter to yield a portion of revenue to meet the cash requirements for the operation of the sewer system.***

- Resolution No. 14-2015 – Water Fund Expenditures

Councilor Spear moved to adopt Resolution No. 14-2015 – Water Fund Expenditures. Seconded by Councilor Dwyer.

On a unanimous roll call vote 9-0, motion passed.

- ***Appropriated sum of \$7,931,272.00 to defray expenses for the operations of the water system.***
- ***Cash requirements of \$9,421,207.00 to defray expenses for the operations of the water system.***
- ***Water user rate effective July 1, 2015, is \$4.15 per unit and \$5.00 per 10 units or more used thereafter to yield a position of revenue to meet the cash requirements for the operation of the water system.***

- Resolution No. 15-2015 – Special Revenues, Debt Service Fund and Committed Fund Balances for Necessary Expenditures

Councilor Spear moved to adopt Resolution No. 15-2015 – Special Revenues, Debt Service Fund and Committee Fund Balances for Necessary Expenditures. Seconded by Councilor Dwyer.

On a unanimous roll call vote 9-0, motion passed.

- ***Appropriated any sums received from Special Revenue Sources, to a maximum of \$18,000,000.00 for the purposes for which such sums may be lawfully expended.***

- Resolution No. 16-2015 – Investment Policy

Councilor Spear moved to adopt Resolution No. 16-2015 – Investment Policy. Seconded by Councilor Shaheen.

On a unanimous roll call vote 9-0, motion passed.

VI. MISCELLANEOUS/UNFINISHED BUSINESS

Mayor Lister announced that the Rockingham County Commissioners have invited the City Council to attend a meeting on Thursday, July 16, 2015 at 6:00 p.m. to be held in the Hilton Auditorium of the Rockingham County Nursing Home.

V. ADJOURNMENT

At 8:05 p.m., Councilor Spear moved to adjourn. Seconded by Councilor Shaheen and voted.



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

Suggested amendment proposed by Taxi Commission to the Transportation Services Ordinance which passed first reading on March 2, 2015.

Amend the Ordinance to read as follows:

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS:

That Chapter 7, Article II, - TAXICABS - of the Ordinances of the City of Portsmouth be and the proposed amendment which passed first reading on March 2, 2015 hereby deleted in their 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.

The definition of Transportation Services shall not include limousine services, which provide designated luxury or specialty vehicles by prior appointment for discrete functions or transportation to locations outside the City or the reverse.

Section 7.202: TRANSPORTATION SERVICE PROVIDER

Any person or business entity engaging in the provision of transportation services in the City of Portsmouth is a Transportation Service Provider and is subject to the provisions of this ordinance.

Section 7.203: OBLIGATIONS OF TRANSPORTATION SERVICE PROVIDERS

All Transportation Service Providers shall at all times when engaged in providing Transportation Services:

- A. Maintain on file with the City Clerk a valid and executed application and agreement in a form prepared by the City Clerk indicating that the Transportation Service Provider and all persons operating in any way in conjunction with that Provider will operate at all times in compliance with all provisions of this ordinance. The form shall certify that any person who is in the business of providing Transportation Services under the authority of or in

conjunction with the Transportation Service Provider shall do so only in compliance with this ordinance.

The Application and Agreement shall require the Transportation Services Provider to certify that:

1. All operators of vehicles authorized by or operated in any way in conjunction with the Transportation Services Provider shall have passed the background check required by the Ordinance.
 2. All vehicles authorized by or operated in any way in conjunction the Transportation Services Provider shall be insured as required by this ordinance.
- B. All Transportation Services Providers shall pay an annual fee to the City Clerk in the amount of twenty-five dollars (\$25.00) for the operation of one (1) vehicle or one hundred dollars (\$100.00) for the operation of multiple vehicles.

Section 7.204: **BACKGROUND CHECK**

Every Transportation Service Provider shall provide the City Clerk with certification of the Chief of the Portsmouth Police Department that all operators of vehicles used under the authority of or in any way in conjunction with the Transportation Services Provider have passed a background check confirming, at a minimum, compliance with the following criteria:

- A. The individual does not have three (3) or more convictions for moving violations, in this or any other state, in the three (3) full years prior to the date of the certification.
- 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 (3) full years prior to the date of the certification, for any reason related to the operation of a motor vehicle.
- C. The individual has not been convicted of a felony or misdemeanor, in this or any other state, in the seven (7) full years prior to the date of the certification.
- D. The individual has not been convicted of a felony involving a controlled substance or violence, in this or any other state, in the fifteen (15) full years prior to the date of the certification.

Section 7.205: **INSURANCE**

Every Transportation Service Provider shall maintain at all times in the office of the City Clerk satisfactory proof, on a form approval by the Legal Department, of commercial personal injury and property damage liability insurance covering any vehicle used under the authority of or operated in any way in conjunction with the Transportation Service Provider 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 right to provide Transportation Services under this ordinance shall immediately terminate and expire. 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 7.206: **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 7.207: **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 7.208: **ANNUAL RENEWAL**

Every Transportation Service Agreement must be renewed on May 1st of every year.

Section 7.209: **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 shall tell the passenger engaging such services, verbally or electronically, 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 7.210: 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 Commission shall also resolve any fare dispute and impose any penalty as authorized by this ordinance. All Transportation Services providers shall cooperate with the Transportation Services Commission in reviewing any complaints or issues which arise in any way in connection with the provision of Transportation Services in the City.

Section 7.211: SIGNAGE

All vehicles engaged in the provision of Transportation Services shall at all times display prominently:

- A. A Placard approved in size, form and content by the City Clerk identifying the Transportation Service Provider shall be plainly visible from the exterior of the vehicle.
- B. A notice providing passengers with the full text of Section 7.209 of this ordinance.

Section 7.212: PENALTIES FOR VIOLATION

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

- A. Suspension or revocation of the Transportation Service Agreement under which Transportation Services may be provided 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 five hundred dollars (\$500.00) for a first offense or one thousand dollars (\$1,000.00) for a second offense, payment

- of which shall be a condition of continued maintenance of the Transportation Service Agreement; 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

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

1. That the following lots be rezoned 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 2; and
- Assessors Map 173, Lots 2 and 10;

and including Cate Street between Hodgson’s Brook and Bartlett Street, as shown on the attached exhibits titled “Areas Proposed To Be Rezoned to Gateway (GW)”, dated 12-8-2014;

And that the Zoning Map referenced in Chapter 10, Article 4, Section 10.420 (District Location and Boundaries) of the Ordinances of the City of Portsmouth be revised accordingly.

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

A. Amend Article 7, Section 10.734 – Gateway Planned Development Intensity and Dimensional Standards, subsection 10.734.20 – Lot Requirements, as follows:

~~Front yard, measured from the centerline of Lafayette Road~~

~~Minimum _____ 70’
Maximum _____ 90’~~

Front yard	Minimum	Maximum
Measured from the centerline of Lafayette Road	70’	90’
Measured from the sideline of the Route 1 Bypass	30’	n.a.
Measured from any other public or private street	20’	40’

- B. Amend Article 7, Section 10.734 – Gateway Planned Development Intensity and Dimensional Standards, subsection 10.734.33, as follows:

10.734.33 No portion of a building shall have a height that is greater than its horizontal distance to the centerline of Lafayette Road from a lot line adjoining a street multiplied by 0.67 **1.5**, rounded to the nearest whole number. The following examples illustrate this requirement:

Distance from street right-of-way line	Maximum building height
56' (minimum front yard, 10' from front lot line)	38'
76' (maximum front yard, 30' from front lot line)	51'
86' (40' from front lot line)	58'
20'	30'
30'	45'
40'	60'
50'	60' (max.)

- C. Amend Article 7, Section 10.738 – Review and Approval Process, subsection 10.738.30 – Modifications of Standards, as follows:

In granting a conditional use permit, the Planning Board may modify specific standards and requirements set forth in this Section (including development intensity and dimensional standards, and building design standards) provided that the Planning Board finds such modification will promote design flexibility and overall project quality, **or that such modification is required for the development to provide a proposed workforce housing component**, and that such modification is consistent with the purpose and intent set forth in Section 10.731.

- D. Amend Article 15, Section 10.1530 – Terms of General Applicability, by inserting the following new terms and definitions in alphabetical order:

Affordable

Housing with combined rental and utility costs or combined mortgage loan debt service, property taxes, and required insurance that do not exceed 30% of a household's gross annual income.

Workforce housing

A dwelling, or group of dwellings developed as a single project, containing workforce housing units, provided that a housing development that excludes minor children from more than 20 percent of the units, or in which more than 50 percent of the dwelling units have fewer than two bedrooms, shall not constitute workforce housing for the purposes of this Ordinance.

Workforce housing unit

A housing unit which qualifies as “workforce housing” under RSA 674:58, IV, including:

- (a) housing which is intended for sale and which is affordable to a household with an income of no more than 100 percent of the median income for a 4-person household for the Portsmouth-Rochester HUD Metropolitan Fair Market Rent Area (HMFA) as published annually by the United States Department of Housing and Urban Development (HUD), or**
- (b) rental housing which is affordable to a household with an income of no more than 60 percent of the median income for a 3-person household for the Portsmouth-Rochester HMFA as published annually by HUD.**

To qualify as a workforce housing unit under this Ordinance, the unit must be subject to enforceable restrictions as to price and occupancy, such as a recorded land lease or deed restriction, as determined by the Planning Board, in order to ensure its long-term availability and affordability. A workforce housing unit is a specific type of affordable unit as defined in this Ordinance. (See also: affordable unit.)

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

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

This ordinance shall take effect upon its passage.

APPROVED:

Robert Lister, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

PORTSMOUTH POLICE DEPARTMENT

MEMORANDUM

RECEIVED

JUN - 3 2015

CITY MANAGER
PORTSMOUTH, NH

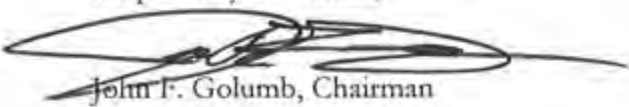
DATE: MAY 21, 2015
TO: JOHN P. BOHENKO, CITY MANAGER
FROM: JOHN F. GOLUMB, CHAIRMAN, PORTSMOUTH POLICE COMMISSION
STEPHEN J. DUBOIS, CHIEF OF POLICE
RE: DONATIONS

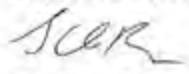
At the May 21st, 2015 monthly Police Commission meeting, the Board of Police Commissioners approved and accepted the following donations:

1. Donations: At the request of retired chief David "Lou" Ferland, the following people have donated money equivalent to the purchase price of his book, "Historic Crimes & Justice in Portsmouth, New Hampshire", to the Portsmouth Police Explorer Cadet Post:
 - a.) \$19.95 from Ms. Cheryl Halepis
 - b.) \$20 from Mr. & Mrs. Richard Salicito
 - c.) \$20 from Ms. Beth Wagner

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

Respectfully submitted,


John F. Golumb, Chairman
Board of Police Commissioners


Stephen J. DuBois, Chief of Police

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



Granite State Wheelmen, Inc.

181 Leavitt Road
Belmont, NH 03220



June 1, 2015

Portsmouth City Council
1 Hinkins Avenue
Portsmouth, NH 03801

To: Portsmouth City Council

On behalf of the Granite State Wheelmen bicycle club, please accept our thanks for the excellent support provided for the 2014 Seacoast Century. Thanks for including our 2015 Seacoast Century scheduled for September 26-27th on your City Event listings for this year.

We request approval to travel through Portsmouth on the same route as 2014. This is a bicycle ride not a race. Riders will be traveling 25, 50, 63 and 100 mile routes starting at Hampton Beach and then cycle into Massachusetts and Maine. Over the weekend approximately 1400 participating cyclists will ride through Portsmouth. Riders will be traveling individually or in small groups since starts are staggered and they travel at different speeds. We draw experienced cyclists with most doing the full distance and returning year after year. Rider fees are used for event expenses and as a fund-raiser for bicycle safety and advocacy in New Hampshire.

Enclosed are a draft map for our proposed Seacoast Century route and a copy of the insurance rider covering Portsmouth. As in the past, we will work closely with your City Manager, Police Department and others to coordinate this event. We have talked with the Maritime Festival organizers and see no conflict with their event which is north of where our riders will be traveling. We will work with the Police Department on police detail requests. Based on our 2014 records only about 250 riders rode on Sunday last year. This was due to poor weather in the morning, but consistent with our experience in past years. This may be a factor in determining if we need both police details on Sunday. Both are needed for Saturday.

Again, our thanks for your support and assistance in making the Seacoast Century a safe and successful event. I have sent a separate letter to your Police Chief to thank him for the assistance, and request police details. Let me know if you need any additional information.

Sincerely yours,

Donna L. Hepp
Seacoast Century Co-Coordinator
dhepp3@gmail.com
414-258-3287

cc:John Bohenko, City Manager
File: Thanks to City-15.doc

A New Hampshire club for men and women enthused with bicycling

Granite State Wheelmen

2014⁵ Tri-State Seacoast Century

Rider Hotline 603-926-3784

Start at Hampton Beach State Park

- 0.1 . R onto NH-1A N
- 0.2 . R to stay on NH-1A N
- 3.4 . Slight R to stay on NH-1A N
- 13.4 . Odiorne Point Quarter Century turn around
- 14.7 . At the traffic circle, 1st exit and stay on NH-1A N
- 15.1 . R onto Wentworth Rd
- 17.4 . R (S) onto Wentworth Rd
- 17.5 . Wentworth Rd turns L and becomes Walbach St
- 17.6 . R onto Piscataqua St
- 17.9 . Continue onto Cranfield St
- 18.0 . R onto Cranfield/NH-1B N
- 18.1 . R onto River Rd
- 18.2 . L onto Oliver St
- 18.4 . R onto NH-1B N
- 18.5 . Slight L to stay on NH-1B N
- 19.8 . R to stay on Marcy St
- "Caution Event Congestion"**
- 20.1 . L onto Court St
- 20.1 . R onto Atkinson St
- 20.2 . R onto State Street
- 20.2 . Slight L onto Dutton Ave
- Continue across Memorial Bridge**
- 20.7 . R onto Water St
- 20.8 . Water St turns L and becomes Pleasant St
- 20.9 . R onto Government St
- 21.2 . Government St turns slightly L and becomes Wallingford Square
- 21.2 . Continue onto Wentworth St 103
- 21.4 . R onto Whipple Rd. Rte. 103
- 21.7 . R stay on Whipple Rd Rte. 103

- 22.8 . Continue onto Pepperrell Rd 103
- 23.4 . Fort McClary Picnic Area on left Rest Stop "Half Century turn around"
- 23.4 . Continue on Rte. 103 N
- 24.3 . R on Chauncy Creek Rd
- 24.8 . L onto Gerrish Island Ln
- 25.0 . R onto Brave Boat Harbor Rd
- 27.3 . Bear L on to Lilac Lane Rt 103
- 29.2 . R onto York St Rte 1-A N
- 30.3 . R onto Norwood Farms Rd
- 30.6 . L to stay on Norwood Farms Rd
- 31.0 . Slight L onto RoaringRock Rd
- 31.1 . R onto York St Rte 1-A N
- 32.0 . Continue onto LongBeach Ave
- 33.4 . R onto Nubble Rd
- 33.9 . Slight R to stay on Nubble Rd
- 34.3 . R onto Sohier Park Rd
- 34.3 . Metric Century turn around re-trace route South
- 34.5 . R onto Nubble Rd
- 34.8 . Continue onto Broadway St
- 35.0 . R onto Kendall Rd
- 35.1 . Continue onto Ocean Avenue Extension
- 35.6 . R onto Ocean Ave
- 35.8 . R onto Country St
- 35.9 . R onto Beach St
- 36.0 . R onto Freeman St
- 36.5 . L onto Bay Haven Rd
- 36.7 . R onto Main St Rte 1-A N
- 36.8 . Bear Left onto Cape Neddick Rd to stay on Rte 1-A
- 37.5 . R onto Clark Rd
- 37.8 . Slight R onto River Rd
- 38.4 . R onto Shore Rd

Granite State Wheelmen

2014 Tri-State Seacoast Century

Rider Hotline 603-926-3784

- 38.9 . Continue onto Main St
- 39.6 . Right onto Railroad Ave
- 39.7 . Continue onto Church St
- 39.9 . R onto Long Beach Ave
- 41.5 . Continue onto York St 1-A S
- 42.8 . R onto Woodbridge Rd
- 43.6 . L onto Moulton Ln
- 43.7 . L onto York St 1-A N
- 43.9 . R onto Lilac Ln
- 46.1 . R onto Payne Rd
- 46.7 . L onto Bartlett Rd
- 49.0 . L onto Haley Rd
- 49.5 . R onto Crockett Neck Rd at
White Church
- 50.3 . Fort McClary Rest Stop (side
entrance on left)
- 50.3 . R onto Pepperrell Rd 103
- 50.9 . Continue onto Whipple Rd 103
- 52.0 . L stay on Whipple Rd Rte. 103
- 52.2 . L onto Wentworth St 103
- 52.4 . R onto Walker St 103
- 52.6 . L onto Otis Ave
- 52.6 . R onto Government St
- 52.8 . L onto Newmarch St
- 52.9 . Slight L on U.S. 1S
Newmarch St.
- 58.8 . At the traffic circle, 3rd exit onto
NH 1AS, Pioneer Rd.
- 62.2 . Slight R to stay on NH1A S
- 62.8 . R onto Wallis Rd
- 63.9 . Continue Straight on Wallis
(Sagamore on right, Long John on Left)
- 65.0 . Sharp U-Turn to Left onto
Washington Rd
- 66.5 . R onto NH-1A S
- 69.4 . R onto Sea Rd
- 69.7 . R onto Central Rd
- 70.7 . L to stay on Central Rd
- 72.2 . L onto Washington Rd
- 72.8 . L onto Fern Ave
- 73.5 . R onto Grove Rd
- 74.1 . L onto Washington Rd
- 74.3 . L onto West Rd
- 75.5 . L onto South Rd
- 76.0 . R onto Woodland Rd
- 77.3 . L onto Maple Rd
- 77.6 . Slight L onto Chapel Rd
- 78.5 . R onto Willow Ave
- 78.7 . R onto NH-1A S
- 80.2 . Slight L to stay on NH1A S
- 81.1 . Slight R to stay on NH1AS
- 83.9 . End Hampton Beach State Park

Cross Memorial Bridge

- 53.4 . R immediate U-Turn under Bridge
- 53.6 . L onto Marcy St
- "Caution Event Congestion"**
- 53.9 . L to stay on Marcy St
- 54.1 . L Continue on New Castle Ave
- 55.1 . Slight R to stay on NH1B S
- 58.3 . L onto Sagamore Ave Rte 1-A

**This ride combines with the South
Route loop for the full Century Ride
Rider Hotline 603-926-3784**

Alternate # 414-837-8976

Emergency 911

CERTIFICATE OF INSURANCE		06/01/2015
PRODUCER American Specialty Insurance & Risk Services, Inc. 7609 W. Jefferson Boulevard, Suite 100 Fort Wayne, Indiana 46804	THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE COVENING INSURERS(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.	
INSURED League of American Wheelmen dba League of American Bicyclists 1612 K Street NW, Suite 308 Washington, DC 20006	INSURERS AFFORDING COVERAGE INS. A: Greenwich Insurance Company INS. B: INS. C:	
GRANITE STATE WHEELMEN 2 TOWNSEND AVE SALEM, NH 03079	CERT NUMBER: 1001226483	

COVERAGES

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOT WITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INS LTR	POLICY TYPE	POLICY NUMBER	POLICY EFFECTIVE	POLICY EXPIRATION	LIMITS	
A	GL	ASG0898535	02/01/2015 12:01 a.m.	02/01/2016 12:01 a.m.	General Aggregate - Per Club	5,000,000
					Products-Completed Operations Aggregate	5,000,000
					Personal and Advertising Injury	1,000,000
					Each Occurrence	1,000,000
					Damage to Premises Rented to You (Any One Premises)	1,000,000
					Medical Expense Limit (Any One Person)	Excluded

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS

- The Certificate Holder is only an Additional Insured with respect to liability caused by the negligence of the Named Insured as per Form GXAL 428 Additional Insured - Certificate Holders, but only with respect to SEACOAST CENTURY WEEKEND from September 26, 2015 through September 27, 2015.

CERTIFICATE HOLDER

CITY OF PORTSMOUTH
 39 JUNKINS AVENUE
 PORTSMOUTH, NH 03801

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Debra Smith



1248 South Street, Portsmouth, NH 03802
www.PortsmouthCrit.com



June 8, 2015

City of Portsmouth
Att: Ann Sharpe
1 Junkins Avenue
Portsmouth, NH 03801

Distinguished Members of the Portsmouth City Council,

We are making plans for the 2015 event would like to thank you for your ongoing support. The Portsmouth Criterium has taken place in downtown Portsmouth over the past nine years. On September 12, 2014 our event attracted thousands of spectators to downtown Portsmouth to watch the races and cheer on friends. Families brought their kids to participate one of the largest kids races in the history of the event. Overall, we had over 500 participants including over 250 children who came to participate in the different race categories.

On behalf of The Portsmouth Criterium I would like to request the following date for this year's event:
Sunday, September 13, 2015.

I ask that you please consider this formal request to be included on the agenda for the upcoming City Council meeting scheduled for **June 15, 2015.**

Thank you for your time and consideration.

Regards,

Thomas Martin
Race Director

Thomson Riley
Race Director

Honorary Race Directors:

*Susanne Delaney
Catherine Keenan*

Kids Race:

Scott & Heidi Bogie

Logistics:

Charlie Bourdages

Registration:


*Joy Page
Jana Walsh*

**CITY OF PORTSMOUTH
PORTSMOUTH, NH 03801**

Office of the City Manager

Date: June 11, 2015

To: Honorable Mayor Robert J. Lister and City Council Members

From: John P. Bohenko, City Manager 

Re: City Manager's Comments on June 15, 2015 City Council Agenda

Work Session:

6:00 p.m.

1. **Short-Term Vacation Rentals.** As a result of the June 1, 2015 City Council meeting, on Monday evening there will be a Work Session on the proposed Ordinance regarding Short-Term Vacation Rentals. The discussion will look at the proposed Ordinance and make adjustments that deem appropriate by the City Council to bring back for first reading.

To assist with this discussion, staff have prepared the following attached materials:

1. The June 1, 2015, draft amendments to the Zoning Ordinance Table of Uses regarding Bed and Breakfasts and Short-Term Vacation Rentals, and an alternative draft dated June 15, 2015;
2. A one-page table summarizing the differences between the June 1 and June 15 draft amendments;
3. A set of maps showing the areas in which Bed and Breakfasts and Short-Term Vacation Rentals would be permitted under each draft amendment.

Presentations:

1. **Introduction of George Bald as the new Chairman of the Pease Development Authority.** On Monday evening, George Bald, the new Chairman of the Pease Development Authority, will introduce himself to the City Council.
2. **Proposed Transportation Services Ordinance.** Lawrence Cataldo, Member of the Taxi Commission, will make a presentation to the City Council on Monday evening, regarding the Proposed Transportation Services Ordinance.

Items Which Require Action Under Other Sections of the Agenda:

1. Second Reading of Proposed Ordinance.

- 1.1 **Second Reading of Proposed Ordinance Amending Chapter 7, by the addition of a new Article II - Transportation Services (New Proposed Amended Language).** Attached, under Section VIII of the Agenda, is a proposed [Transportation Services Ordinance](#) that has been brought forward for second reading by Assistant Mayor Jim Splaine also serving as Member of the Taxi Commission.

On Monday evening, Lawrence Cataldo, Member of the Taxi Commission, will make a presentation regarding the proposed Ordinance changes. It should be noted that there are substantive changes to this Ordinance from the original proposal.

Therefore, before passage of second reading, the City Council should establish a public hearing on this matter for your July 13, 2015 meeting. Further, second reading should be tabled until that time.

Move to amend the original Transportation Services Ordinance, and, further, to establish a public hearing on this matter at the July 13, 2015 City Council meeting. Action on this matter should take place under Section VIII of the Agenda.

2. Third and Final Reading for Proposed Ordinance.

- 2.1 **Third and Final Reading of Proposed Ordinance Amending the Zoning Map by Rezoning Lots Outlined in the Ordinance from Industrial (I), Office Research (OR) or Municipal (M) to Gateway (GW) and including Cate Street Between Hodgson's Brook and Bartlett Street; and Amending the Zoning Ordinance Article 7, Section 10.730 Gateway Planned Development and Article 15 – Definitions.** As a result of the June 1st City Council meeting, under Section VIII of the Agenda, I am bringing back for third and final reading the [attached proposed Ordinance](#) amending the Zoning Map by Rezoning Lots Outlined in the Ordinance from Industrial (I), Office Research (OR) or Municipal (M) to Gateway (GW) and including Cate Street Between Hodgson's Brook and Bartlett Street; and Amending the Zoning Ordinance Article 7, Section 10.730 Gateway Planned Development and Article 15 – Definitions.

As you are aware, the Planning Board recommended the following amendments, which were voted on by the City Council at the June 1st City Council meeting:

- (1) The “workforce housing incentives” in the previous draft has been replaced by the new “modification of standards” language (item 2.C on page 2 of both versions) as discussed above; and

(2) A stand-alone definition of the term “affordable” has been added, where previously it was embedded in the definition of “workforce housing unit” (item 2.D on pages 2-3).

I recommend that the City Council move to pass third and final reading on the proposed Ordinance amendment, as presented. Action on this matter should take place under Section VIII of the Agenda.

Consent Agenda:

1. **Acceptance of Police Department Donations.** [Attached under Section IX of the Agenda is a memorandum](#), dated May 21, 2015, from John F. Golomb, Chairman of the Portsmouth Police Commissioners, and Police Chief Stephen J. DuBois, requesting that the City Council approve the following donations:
 - a) Donations: At the request of retired Chief David “Lou” Ferland, the following people have donated money equivalent to the purchase price of his book, “Historic Crimes & Justice in Portsmouth, New Hampshire,” to the Portsmouth Police Explorer Cadet Post:
 - \$19.95 from Ms. Cheryl Halepis
 - \$20 from Mr. and Mrs. Richard Salicito
 - \$20 from Ms. Beth Wagner

I recommend the City Council move to approve and accept the donations to the Portsmouth Police Department. Action on this matter should take place under Section IX of the Agenda.

City Manager’s Items Which Require Action:

1. **Approval of Superintendent-Elect Steve Zadavec’s Employment Agreement.** [Attached is a letter from Thomas Closson, City Negotiator, regarding the proposed Employment Agreement](#) between the Portsmouth School Board and Superintendent-Elect Steve Zadavec for a 34 month term running from September 1, 2015 and ending June 30, 2018 (see attached [Employment Agreement](#)).

Therefore, I recommend that the City Council approve the Employment Agreement between the Portsmouth School Board and Superintendent-Elect Steve Zadavec for a 34 month term running from September 1, 2015 through June 30, 2018.

2. **Request for First Reading Re: Proposed Ordinance to Eliminate Irrigation Meters from City Ordinance.** Chapter 11 Section 11.216:B of the City's Ordinance currently allows single-family residential water customers on the City's water and sewer system to have separate irrigation meters which are only billed for water usage:

Sewer user charges shall be based upon water use whenever possible. No allowance shall be made for watering lawns, watering gardens or washing cars, except for single residential customers who have installed at their cost a second meter, meeting the specifications determined by the Water Department to measure water use which is reasonably calculated not to be discharged into the sewer system. Where such second meters have been installed, a separate account will be established and no sewer charges will be applied to this usage. (Amended 11/17/97)

As part of the recent Water and Sewer Rate Study, the City's rate consultant, Municipal and Financial Services Group, Inc. (MFSG) reviewed various policy options for changing the City's rate structure. One of the options explored and brought forward to City Council would allow for the expansion of irrigation meters to other customer categories. The consultant recommended that the City not expand irrigation meter availability to multi-family and commercial customers as this would be inconsistent with the City's sustainability goals. This would also be contradictory to the City's recent implementation of water efficiency rebate programs. In addition, the City has recently been contacted by legal counsel representing a number of businesses that feel that the current ordinance treats them unfairly as it allows for second meters for single family residential properties only. Therefore, they may litigate to be able to have second meters installed for irrigation the same as our residential customers.

MFSG's analysis showed that if second meters were allowed to be expanded to multi-family and commercial properties, sewer rates would have to be increased anywhere from 10 to 15% due to the potential loss of metered sewer revenue (\$1.4 to \$2.1 million/year). This could result in an annual increase of \$117.00 for an average residential customer using 5 units of water per month.

The current high demand of water in our water supply system has also highlighted the impact that irrigation is having on the City's water system. Recent water demands show that irrigation can increase our water demand by 50%. Expanding irrigation meters to a larger customer base would likely increase this demand more. Again, this is inconsistent with the City's sustainability goals.

There are currently 300 irrigation meters in our water system. These customers paid the cost to re-plumb their irrigation systems from their existing water plumbing to provide a separate water line for this usage. They also paid the City for the meter, radio and labor to install the meter, at a total cost of \$258.00 (based on a 5/8 inch meter) per customer. If Council votes to eliminate irrigation meters from the system, it would be recommended to reimburse each customer \$300.00 for the cost they paid to the City for the installation and not remove the meter from the property, however, charge both meters for water and sewer usage and charge only one monthly service fee.

Therefore, City staff recommend that the City Ordinance allowing for second meters for irrigation be eliminated.

I recommend the City Council move to authorize the City Manager to bring back for first reading a proposed Ordinance to eliminate irrigation meters at the July 13, 2015 City Council meeting.

3. **Establish a Work Session Re: Wastewater Treatment Facility Permit Compliance and a Special City Council Meeting.** As a result of the June 1, 2015 City Council meeting, I am requesting the City Council establish a Work Session for Monday, June 29, 2015 at 6:00 p.m., in the Eileen Dondero Foley Council Chambers, regarding the Wastewater Treatment Facility Permit Compliance and a Special City Council Meeting, if needed.

I recommend the City Council move to establish a Work Session at 6:00 p.m. on Monday, June 29, 2015 regarding the Wastewater Treatment Facility Permit Compliance and a Special City Council meeting, if needed..

4. **Request for Sale of Surplus Water Meters.** The City currently has 5/8” to 6” in size, old water meters with a total weight of 6,560 pounds. These water meters were removed from service beginning in December 2013 up to the current date.

These water meters are outdated, and it is the opinion of the Water Department that their only value is as scrap metal. The bundled value is believed to be of more than \$500.00.

According to City Ordinance Section 1.505, any sale of property valued at or over \$500.00 must be authorized by the City Council and may be conducted by competitive bidding, public auction, or any other means authorized by a 2/3 vote of the City Council.

As in the past, we have disposed of the surplus equipment through a sealed bid process in which the equipment is sold to the highest bidder.

I would recommend the City Council authorize the City Manager to proceed with the sale of the surplus water meters, as recommended.

5. **Request of Eversource Energy (fka PSNH) for Easements and Licenses on Hanover and High Streets and City Property.** At its meeting on May 4, 2015, the City Council voted to refer to the Planning Board for report back the [attached request from Eversource Energy](#) for easements and licenses for a proposed Hanover/High Street Underground Improvement Project. Also, [attached are aerials provided by the Department of Public Works](#).

The proposed project includes relocating existing overhead utility lines along Hanover and High Streets and the alleyway between Hanover and Ladd Streets, and placing the utilities underground. In addition, the project will include placement of transformers and switchgear in front of the parking garage along Hanover Street and in the alley beside the garage. This project will increase reliability of the electric distribution system in this area of the downtown, and will also enhance aesthetics. The Planning Board reviewed this request at its meeting on May 21, 2015,

and voted unanimously to recommend in favor of granting the required easements and licenses, subject to final project design approval by the Department of Public Works.

The Department of Public Works has reviewed this request and recommends granting the required easements and licenses.

I recommend the City Council move to grant the easements and licenses to Eversource Energy as recommend by the Planning Board and Department of Public Works, and, further, authorize the City Manager to execute all necessary documents.

6. **Renewal of Boarding House Permit Re: 21 Brewster Street.** Pursuant to Chapter 9, Article VIII: Boarding Houses, Section 9.804: Permit Renewal, I have [attached a draft Permit for the boarding house located at 21 Brewster Street, along with a Consent Decree, Rental Agreement, Code of Conduct and Certificate](#) regarding summary eviction which were approved by Judge Marguerite L. Wageling on May 28, 2015 in the matter of the City of Portsmouth v. Brian D. Hogan, Trustee, The Brian D. Hogan Revocable Trust of 2008 and Bach Realty, LLC, Rockingham County Superior Court Docket No. 218-2014-CV-0035.

As you may recall, the City Council did not renew the permit for 21 Brewster Street in March of 2014 and the City brought a Complaint for Permanent Injunctive Relief to Abate a Public Nuisance against the Brian D. Hogan Revocable Trust of 2008, Brian D. Hogan Trustee and Bach Realty, LLC on March 21, 2014.

The lawsuit was filed to address health and building code violations and the effect of residents' behavior on the neighbors. After the lawsuit was filed, the City, through its Building, Health and Fire Departments, conducted several inspections of the property. These inspections revealed the need for improved pest control treatment for bed bugs, fire safety code violations and problems with the electrical service. The City's Building, Fire and Health Departments worked with the Legal Department to negotiate with the Owner to resolve these issues as set forth in the [attached Consent Decree](#). The Owner's failure to comply with the terms of the Consent Decree will result in a finding of contempt.

The City and the Owner also reached agreement on a summary eviction process which will enable the Owner to immediately remove tenants who violate the [revised Rental Agreement and Code of Conduct attached hereto](#). The Rental Agreement was reviewed by the Islington Creek Neighborhood Association. The Owner will complete the [attached Certificate to document the ground for summary eviction under 353:3-c](#). A copy of the Certificate will be given or shown to the Portsmouth Police Department before the resident is removed from the property.

I recommend the City Council move to approve the Boarding House Permit for 21 Brewster Street from the date of issuance until March 31, 2016, incorporating the Consent Decree and accompanying documents approved by the Court.

7. **Land Donation to City of Portsmouth.** Attached please find a letter from Michael J. Decristofaro, Trustee of the Michael J. Decristofaro Revocable Trust 2015, requesting the City accept a piece of land located along the abandoned PanAm rail corridor near the Rye Town line. This property, known as Map 296 Lot 2, is 6.6 acres in size. The parcel is a mix of upland and wetland and is adjacent to other City owned parcels (see attached plan).

I recommend the City Council move to refer this request to the Planning Board for a report back to the City Council.

Informational Items:


1. **Events Listing.** For your information, attached is a copy of the Events Listing updated after the last City Council meeting on June 1, 2015. In addition, this can be found on the City's website.
2. **Project Update Re: Lafayette Road/Middle Street Bicycle Route.** For your information, attached is a memorandum from Juliet Walker, Transportation Planner, regarding the Lafayette Road/Middle street Bicycle Route Project Update.
3. **Report Back Re: Traffic Enforcement Initiatives in the City.** For your information, attached is a letter from Chief Stephen DuBois, regarding traffic enforcement initiatives in the City as requested by Councilor Morgan.



Jackson Lewis PC.
 100 International Drive
 Suite 363
 Portsmouth, New Hampshire 03801
 Tel 603 859-2700
 Fax 603 859-2701
 www.jacksonlewis.com

Representing Management Exclusively in Workplace Law and Related Litigation

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To: John P. Bohenko and Portsmouth City Council
 From: Thomas M. Closson 
 Date: May 26, 2015
 Re: Proposed Employment Agreement with Steve Zdravec

I am happy to report that Portsmouth School Board Chair Leslie Stevens and I were able to negotiate a proposed Employment Agreement with Steve Zdravec to secure his services as Superintendent. The School Board has approved this proposed Employment Agreement. The highlights of this proposed Employment Agreement are as follows:

- A 34 month term running from September 1, 2015 through June 30, 2018;
- A starting base salary of \$142,500 per year;
- COLA's on 7/1/2016 and 7/1/2017 in accordance with the 10-year average rolling CPI-U;
- 30 days of vacation per year;
- \$7,000 per year contribution to a 403(b) Plan;
- Reimbursement for SAU-related mileage; and
- Reimbursement for SAU-approved conference expenses and professional dues.

Note, to avoid an overlap of superintendent services, the start of the Employment Agreement coincides with Superintendent McDonough's expected date of separation. The end of the Employment Agreement coincides with the end of the 2017-2018 school year. The financial terms referenced above are adjusted in the Employment Agreement to reflect an initial 10 month "first year."

All other fringe benefits not specifically addressed in the Employment Agreement will be in accordance with the collective bargaining agreement between the Portsmouth School Board and the Association of Portsmouth School Administrators.

Finally, the remaining provisions in the Employment Agreement (particularly those regarding Termination for Cause, Termination with Payment, Termination by Mutual Consent/Voluntary Resignation, and Severance Constitutes Release) are consistent with those that both the Portsmouth School Board and the City of Portsmouth have included in other agreements at this level.

EMPLOYMENT AGREEMENT

1. Preamble

This Agreement is entered into between the School Board of School Administrative Unit 52, Portsmouth, New Hampshire (the "SAU") and Stephen Zadavec (the "Superintendent").

2. Employment and Term

The SAU agrees to employ the Superintendent and the Superintendent agrees to accept employment in the position of Superintendent of Schools of SAU 52 for a 34 month term commencing on September 1, 2015 and ending on June 30, 2018. The SAU and the Superintendent acknowledge that this is a full-time, year-round position including extensive obligations in the evenings and on week-ends. The Superintendent agrees to devote all of his professional efforts to the successful fulfillment of his responsibilities to the SAU described in Paragraph 4 below. This Agreement will be automatically extended for one year unless the SAU notifies the Superintendent prior to January 1, 2018 that the contract will not be extended. Notwithstanding this automatic extension, the SAU, pursuant to Paragraphs 6 and 7 below, retains the right to terminate this Agreement, with or without cause, at any time during the term of this Agreement and the SAU shall be liable to the Superintendent as is set forth in those paragraphs. If the SAU notifies the Superintendent that the contract will not be extended, no severance as provided in paragraph 7 will be due.

3. Salary

Effective September 1, 2015, the Superintendent shall receive a salary of Eleven Thousand Eight Hundred and Seventy Five Dollars (\$11,875.00) per month. This salary will be payable in accordance with the SAU's regular payroll practices and will be subject to such deductions as may be authorized or as may be required by law. Except as expressly described herein, the Superintendent shall not be entitled to any salary enhancements including but not limited to longevity or degree stipends.

Effective July 1, 2016 and July 1, 2017 a COLA adjustment percentage increase shall be computed which shall not be less than 2% nor more than 5%. The COLA Adjustment percentage shall be determined by taking the 10 year average of the CPI-U for the Boston-Brockton-Nashua—MA-NH-ME-CT all items index as computed by the Bureau of Labor Statistics of the US Department of Labor for the most recent 10 calendar years preceding the July 1 adjustment. BLS's calendar year for this index is November through November, it is not published on a December to December basis. The reference base is 1982-1983 equals 100 until BLS updates the reference base at which time the parties agree to adopt the official reference base as used by BLS.

4. Authority and Responsibility

The Superintendent agrees to administer and supervise the schools of the SAU in accordance with the laws of the State of New Hampshire and in accordance with the rules and regulations of the State Board of Education and the SAU. In addition, the Superintendent shall have the authority, subject to limitations in law, collective bargaining agreements and SAU policies and procedures, to organize, reorganize and arrange the administrative and supervisory staff of the SAU in such way, as in the Superintendent's judgment, best serves the SAU. The Superintendent shall be responsible for the nomination, placement, and transfer of personnel.

5. Certification

The Superintendent shall be required to hold for the life of this Agreement a valid certificate for Superintendent of Schools, properly registered and issued by the State of New Hampshire.

6. Termination for Cause

This Agreement may be terminated by the SAU at any time for cause, i.e., failure on the part of the Superintendent to comply with any term or condition of this Agreement, the laws of the State of New Hampshire, or the rules and regulations of the State Board of Education, the SAU, or the City of Portsmouth; or malfeasance, misfeasance, nonfeasance, or insubordination in carrying out the responsibilities of the office of the Superintendent of Schools as specified in the Municipal Charter of the City of Portsmouth or as directed by the SAU. If a conflict arises, the rules and regulations established by the SAU will prevail.

Termination for Cause shall take place only following written notification specifying the reasons for termination. Unless the Superintendent submits to the SAU, within twenty (20) days of receipt of such notification, a written request for a hearing before the SAU, the Agreement shall be considered terminated as of the date which falls thirty (30) days after the Superintendent's receipt of notification. If the Superintendent requests a hearing, the SAU shall hold this hearing within twenty (20) days after receipt of such request. The SAU shall render a written decision to the Superintendent within ten (10) days of the hearing. In the event of a Termination for Cause, the Superintendent shall receive no severance and no further compensation beyond the last day worked.

7. Termination with Payment

If at any time the SAU in its discretion shall so determine, the SAU may, without cause and with or without prior notice, relieve the Superintendent of duties under this Agreement. In such event, the Superintendent shall be entitled to severance benefits. As is set forth above in Section 6, if the termination is for cause, the Superintendent shall not be entitled to severance benefits. Such severance benefits shall be in a lump

sum and determined as follows: If termination without cause occurs prior to January 1 of the last year of the contract, one full year's salary or the balance of the contract, whichever is less. If termination without cause occurs in the last six months of the contract, six month's salary. Severance benefits shall not be paid upon the voluntary resignation of the Superintendent.

8. Termination by Mutual Consent/Voluntary Resignation

This Agreement may be terminated at any time by mutual consent of the SAU and the Superintendent or by voluntary resignation of the Superintendent. In the event the Superintendent voluntarily resigns before the expiration of the term of this Agreement or any renewal thereof, the Superintendent shall give the SAU sixty (60) days written notice in advance of such resignation. In the event of voluntary resignation, the Superintendent shall not be eligible for severance benefits pursuant to Section 7 of this Agreement.

9. Severance Constitutes Release

The acceptance by the Superintendent of the severance benefits provided under this Agreement shall constitute a full and complete release of any other rights, claims, or causes of action whether in law, equity or otherwise, that the Superintendent may have against the SAU, the School District, the City of Portsmouth, and the employees, elected or appointed officials, officers, agents, representatives and attorneys of such entities.

10. Vacation Leave

The Superintendent is entitled to twenty-five (25) days of vacation in the first ten (10) months of the contract, and thirty (30) days of vacation each contract year thereafter. The Superintendent will be paid for unused vacation time, not to exceed ten (10) days per year, within fourteen (14) days following the end of the contract year (June 30). Any other unused vacation must be taken not later than October 1 following the contract year for which it is accrued, failing which it will be lost. Except for this provision, there shall be no payoff of unused vacation time under any circumstances. The per diem rate for the Superintendent for purposes of this Section shall be calculated by dividing his then current annual base salary (not including 403(b) payments, mileage allowance or any other additional payments) by 230.

11. Benefits

Except as otherwise provided herein, the Superintendent's fringe benefits shall be established by the collective bargaining agreement between the Portsmouth School Board and the Association of Portsmouth School Administrators. Nothing in this provision, however, shall entitle the Superintendent to any salary enhancements included in that agreement including but not limited to longevity or degree stipends.

12. 403(b) Plan

The SAU shall pay an employer contribution in the total amount of Five Thousand Eight Hundred and Thirty Four Dollars (\$5,834.00) during the first ten (10) months of the contract, and Seven Thousand (\$7,000.00) per contract year thereafter, toward the purchase of a tax sheltered retirement savings plan for the Superintendent pursuant to Section 403(b) of the Internal Revenue Code of 1986, as amended. All payments for the retirement savings plan shall be paid at least annually by the SAU to a provider of the Superintendent's choice, which may be changed from time to time by the Superintendent by written notice to the SAU. . This benefit shall be cancelled if the Superintendent elects to accept the health insurance benefit provided in the collective bargaining agreement between the Portsmouth School Board and the Association of Portsmouth School Administrators. If cancellation occurs during the contract year (July 1 – June 30), the 403(b) plan payment shall be prorated based on the portion of the contract year that the Superintendent is not covered by the health insurance benefit. This benefit, along with all other benefits under this Agreement, terminates with the termination of the Superintendent's employment for any reason.

Taxes and New Hampshire Retirement System contributions shall be withheld from these contributions only to the extent, if any, required by applicable law. This Section only shall be subject to renegotiations by the parties in the event of a material change in the current provisions of the Internal Revenue Code and regulations adopted pursuant thereto governing such annuities.

13. Physical Examination

The SAU may require the Superintendent to have a physical examination by a physician selected by mutual agreement once each year with the cost of such examination to be borne by the SAU unless covered under the Superintendent's medical insurance policy.

Any report of the medical examination shall be given directly and exclusively by the examining physician to the Superintendent. The SAU Board shall be advised in writing by the physician if the Superintendent has a physical or mental impairment which would substantially interfere with his/her ability to perform the required duties. Such report shall be confidential.

14. Economic Benefits

In addition to the compensation enumerated in Section 3, the Superintendent shall also be entitled to the following:

- a. Reimbursement of mileage incurred on SAU business at the rate established by the Internal Revenue Service.
- b. Reimbursement of reasonable and necessary expenses incurred in attendance at

appropriate professional conferences within budgets approved by the SAU.

- c. Payment of the Superintendent's annual professional dues within budgets approved by the SAU.

AGREED: The parties below acknowledge that this Agreement is subject to the approval of the Portsmouth City Council without which approval this Agreement is without force and effect.

For the SAU:

Superintendent:

Date: _____

Date: _____

Approved by the Portsmouth City Council:

Date: _____

April 28, 2015

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

Re: Proposed Hanover/High Street Underground Improvement Project

Dear John,

On March 10, 2014, representatives from Eversource met with you and several public officials to discuss the underground lines improvement project along Hanover and High Streets in the City of Portsmouth. This underground improvement project includes associated improvements on the easement area which Eversource holds over City property, identified as the City of Portsmouth Tax Map 117, Lot 1.

Attached please find seventeen (17) copies of our submission of the following information defining the proposed Hanover/High Street underground improvement project:

- Before and after visual simulations of several locations along Hanover Street and High Street showing the visual improvements upon the completion of the project.
- Visual simulations of the transformer and switchgear placements needed to support the underground utilities.
- Utility Strip Survey Maps showing the proposed improvements for Hanover and High Streets.

The proposed underground improvement project is expected to relocate existing overhead facilities along Hanover Street and High Street as well as the alleyway between Hanover Street and Ladd Street and place the utilities underground for the buildings in this area. This project will result in improved reliability and visual impacts.

In addition to the existing easement rights in place between Eversource and the City of Portsmouth, Eversource requests additional rights along Hanover Street which will allow for the following:

- Two padmount transformers next to the Hanover Street Parking Garage entrance where currently one padmount transformer is located.

Michael Busby, PE
Manager, Field Engineering Design
Eastern Region

- The relocation of two padmount transformers currently located inside the parking garage to outside the parking garage side entrance (along the Portsmouth Gas Light Co. alley).
- A new switchgear located on city property at Hanover Street and the entrance of the Portsmouth Gas Light Company alley.
- A new switchgear located on city property at Hanover Street adjacent to the parking garage and bus stop, across from the entrance to High Street.
- A new duct bank located on city property between the two above switchgear locations.

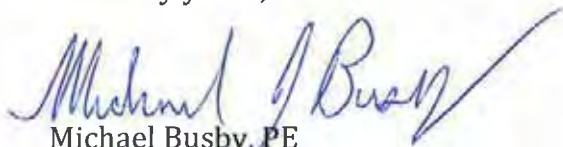
In addition, Eversource requests license agreements from the City of Portsmouth for associated conduits, secondary handholes, and manholes.

Eversource is requesting the city to review, approve, and authorize the Hanover/High Streets Underground Improvement Project in order for the project to begin by the fall of 2015, as funds are currently in place to support the project.

Eversource respectfully requests to be put on the agenda of the City Council meeting on Monday, May 4, 2014 to review our proposed improvement plan and agree to refer the plan to the Planning Board for their consideration.

We look forward to working with you, The City Council, and the Planning Board on this project. We are also available to meet with you and/or city staff to review the plans and address any questions you may have.

Sincerely yours,



Michael Busby, PE
Manager, Field Engineering Design
Eastern Region, Eversource

Enc.

Hanover/High Street Underground Improvement

EVERSOURCE





Hanover Street before



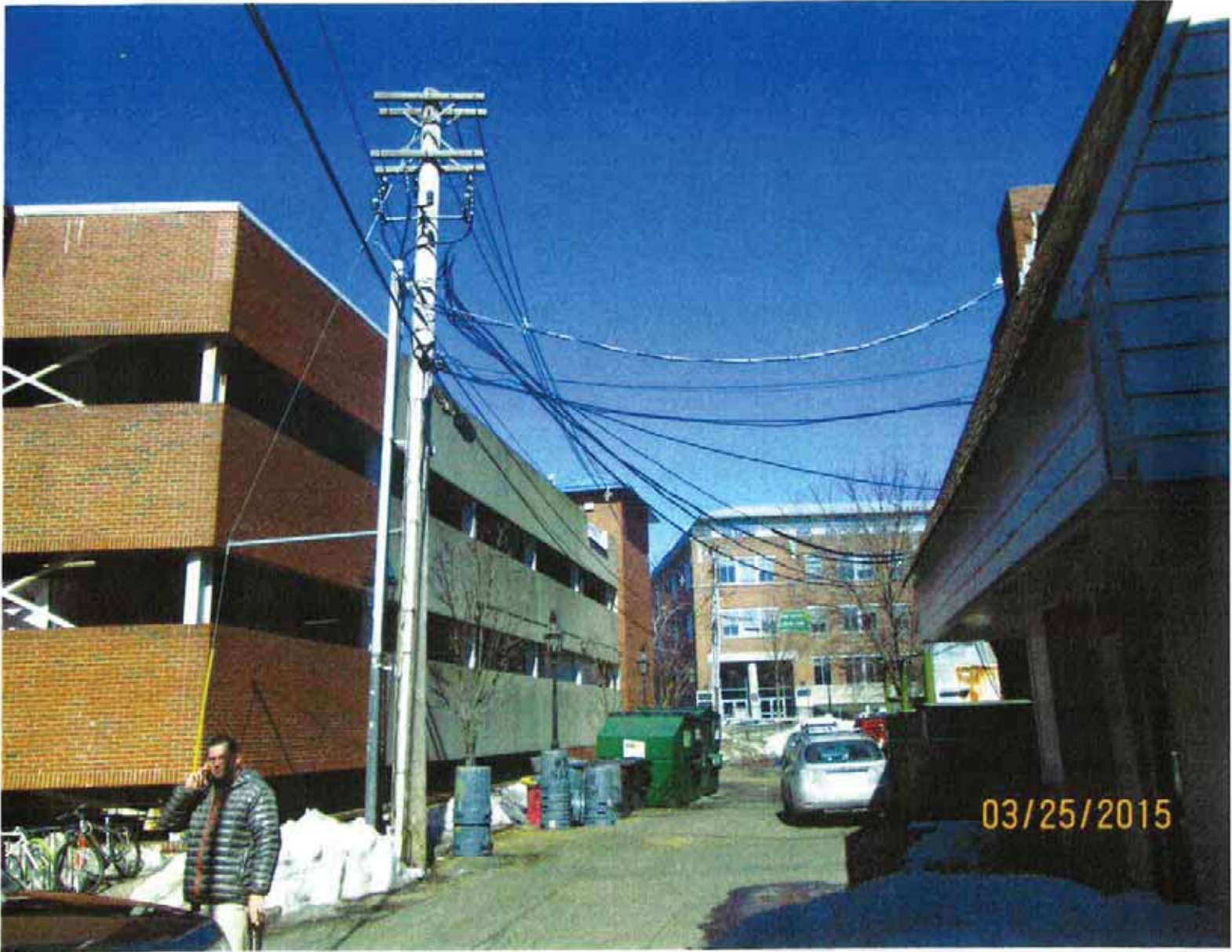
Hanover Street after



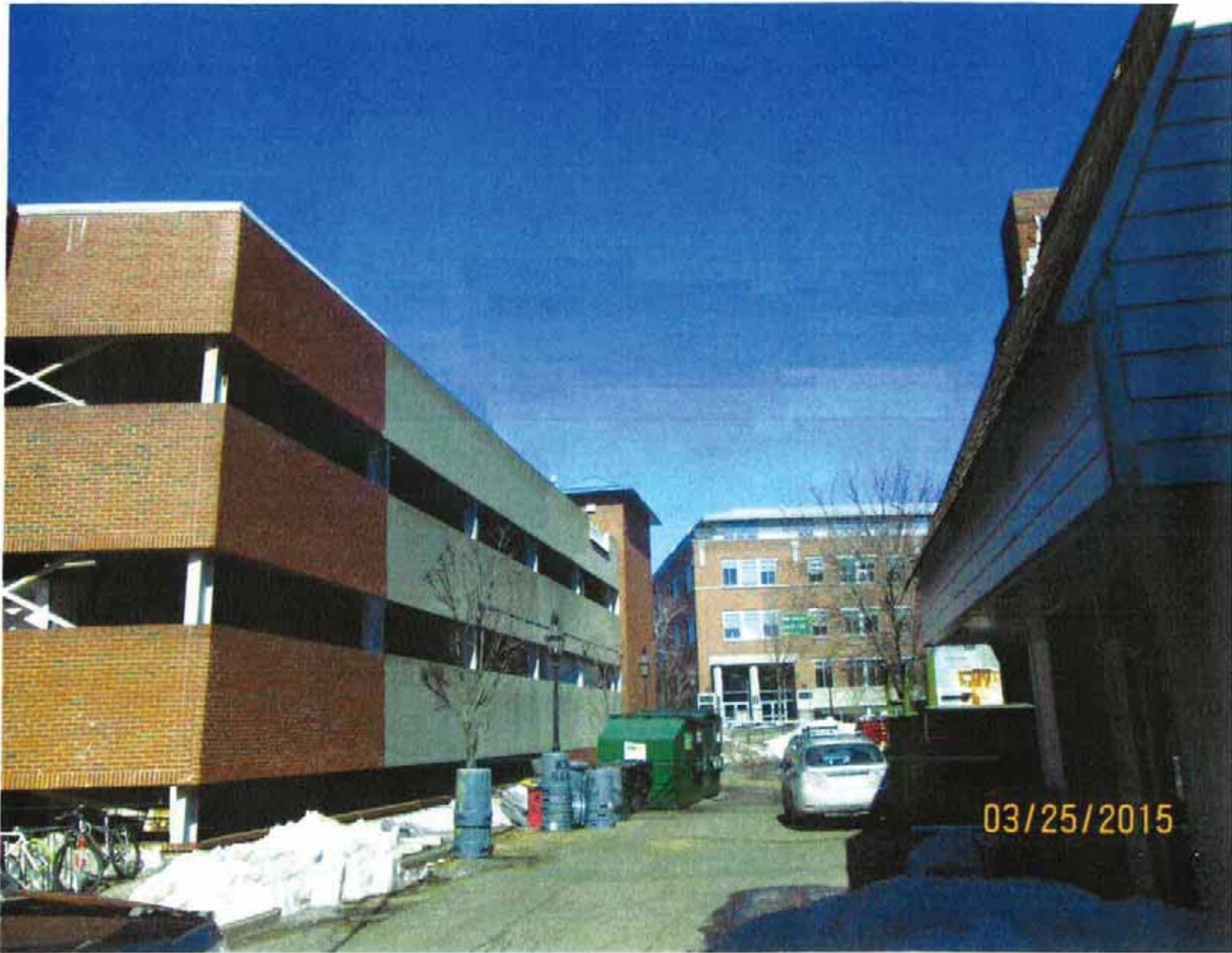
Alley to Ladd Street before



Alley to Ladd Street after



Alley from Ladd Street before



Alley from Ladd Street After



High Street before



High Street after



Pad mounted transformer in front of parking garage
before



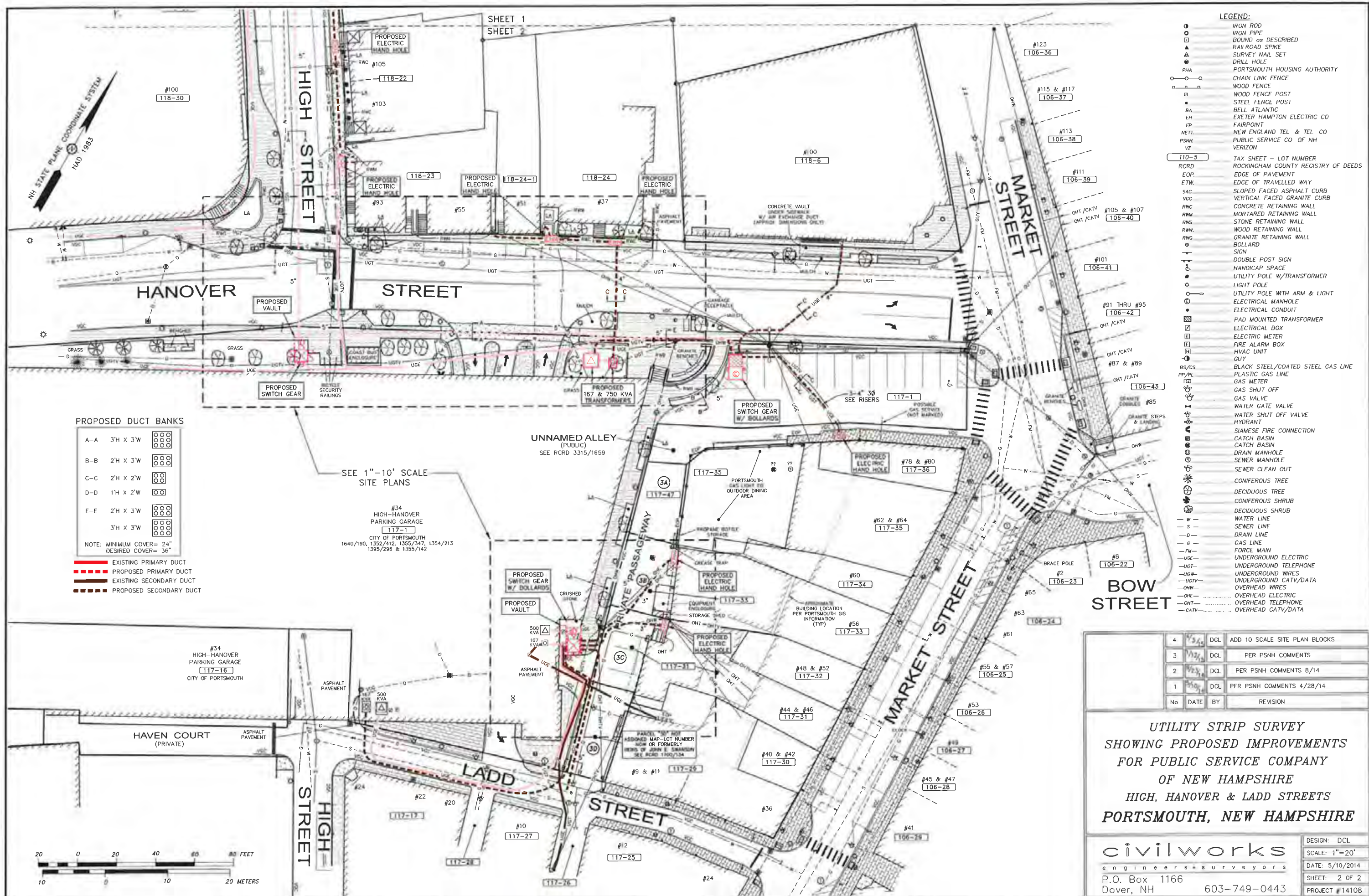
Pad mounted transformer in front of parking garage after



Switchgear location near bus stop before



Switchgear location near bus stop after



- LEGEND:**
- IRON ROD
 - IRON PIPE
 - BOUND as DESCRIBED
 - ▲ RAILROAD SPIKE
 - △ SURVEY NAIL SET
 - DRILL HOLE
 - PHA PORTSMOUTH HOUSING AUTHORITY
 - CHAIN LINK FENCE
 - WOOD FENCE
 - WOOD FENCE POST
 - STEEL FENCE POST
 - BELL ATLANTIC
 - EXETER HAMPTON ELECTRIC CO
 - FAIRPOINT
 - NEW ENGLAND TEL & TEL CO
 - PUBLIC SERVICE CO OF NH
 - VERIZON
 - 110-5 TAX SHEET - LOT NUMBER
 - RCRD ROCKINGHAM COUNTY REGISTRY OF DEEDS
 - EOP. EDGE OF PAVEMENT
 - ETW. EDGE OF TRAVELLED WAY
 - SAC SLOPED FACED ASPHALT CURB
 - VCG VERTICAL FACED GRANITE CURB
 - RWC CONCRETE RETAINING WALL
 - RHW MORTARED RETAINING WALL
 - RWS STONE RETAINING WALL
 - RWW WOOD RETAINING WALL
 - RWG GRANITE RETAINING WALL
 - BOLLARD
 - SIGN
 - DOUBLE POST SIGN
 - HANDICAP SPACE
 - UTILITY POLE W/TRANSFORMER
 - LIGHT POLE
 - UTILITY POLE WITH ARM & LIGHT
 - ELECTRICAL MANHOLE
 - ELECTRICAL CONDUIT
 - PAD MOUNTED TRANSFORMER
 - ELECTRICAL BOX
 - ELECTRICAL METER
 - FIRE ALARM BOX
 - HVAC UNIT
 - GUY
 - BS/CS BLACK STEEL/COATED STEEL GAS LINE
 - PP/PL PLASTIC GAS LINE
 - GAS METER
 - GAS SHUT OFF
 - GAS VALVE
 - WATER GATE VALVE
 - WATER SHUT OFF VALVE
 - HYDRANT
 - SIAMESE FIRE CONNECTION
 - CATCH BASIN
 - CATCH BASIN
 - DRAIN MANHOLE
 - SEWER MANHOLE
 - SEWER CLEAN OUT
 - CONIFEROUS TREE
 - DECIDUOUS TREE
 - CONIFEROUS SHRUB
 - DECIDUOUS SHRUB
 - W WATER LINE
 - S SEWER LINE
 - D DRAIN LINE
 - G GAS LINE
 - FM FORCE MAIN
 - UGE UNDERGROUND ELECTRIC
 - UGT UNDERGROUND TELEPHONE
 - UGW UNDERGROUND WIRES
 - UGTV UNDERGROUND CATV/DATA
 - OHW OVERHEAD WIRES
 - OHE OVERHEAD ELECTRIC
 - OHT OVERHEAD TELEPHONE
 - CATV OVERHEAD CATV/DATA

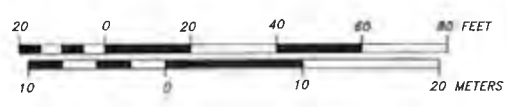
- PROPOSED DUCT BANKS**
- A-A 3'H X 3'W
 - B-B 2'H X 3'W
 - C-C 2'H X 2'W
 - D-D 1'H X 2'W
 - E-E 2'H X 3'W
 - 3'H X 3'W
- NOTE: MINIMUM COVER = 24"
DESIRED COVER = 36"
- EXISTING PRIMARY DUCT
 - PROPOSED PRIMARY DUCT
 - EXISTING SECONDARY DUCT
 - PROPOSED SECONDARY DUCT

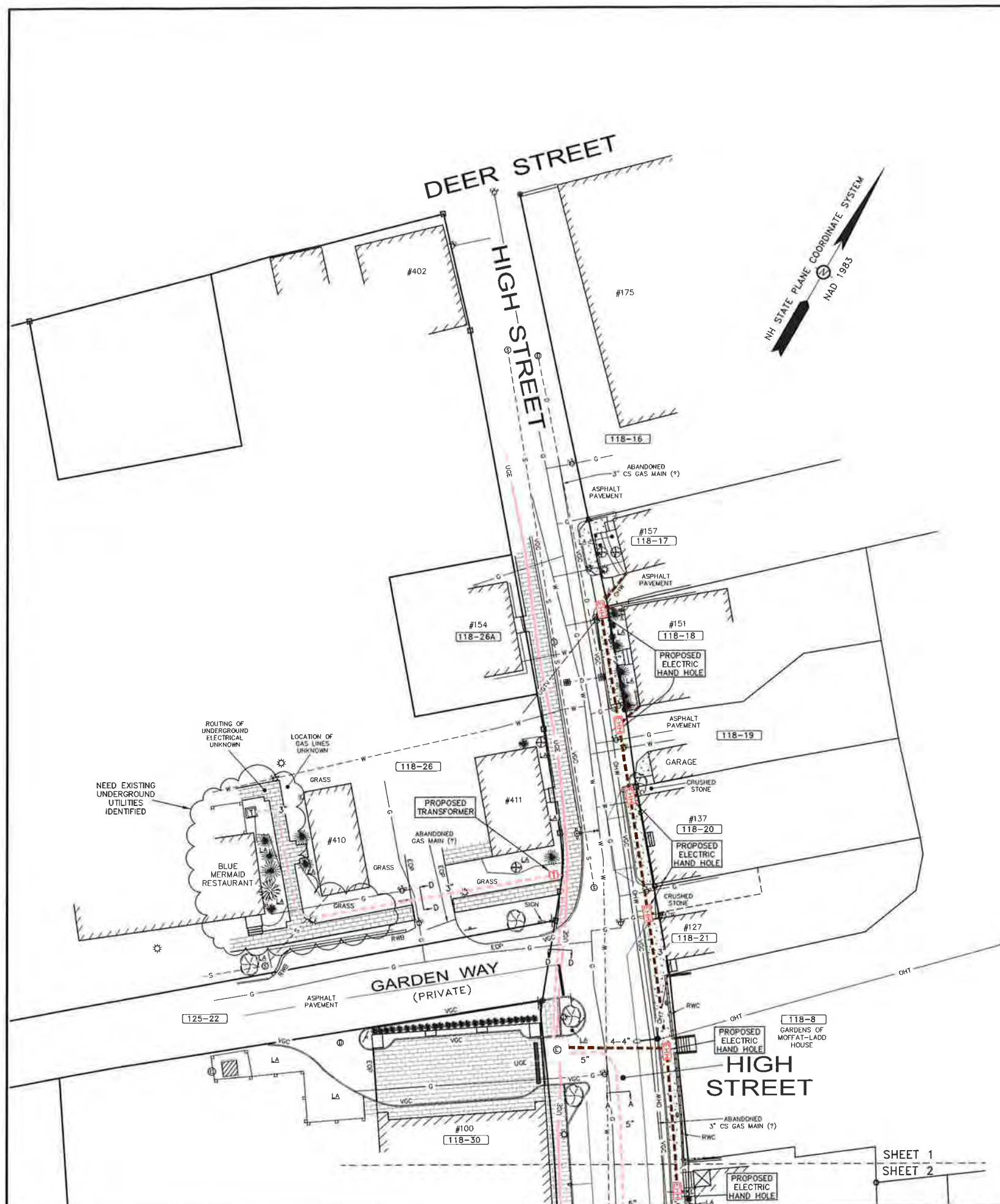
No	DATE	BY	REVISION
4	5/10/14	DCL	ADD 10 SCALE SITE PLAN BLOCKS
3	5/10/14	DCL	PER PSNH COMMENTS
2	5/10/14	DCL	PER PSNH COMMENTS 8/14
1	5/10/14	DCL	PER PSNH COMMENTS 4/28/14

**UTILITY STRIP SURVEY
SHOWING PROPOSED IMPROVEMENTS
FOR PUBLIC SERVICE COMPANY
OF NEW HAMPSHIRE
HIGH, HANOVER & LADD STREETS
PORTSMOUTH, NEW HAMPSHIRE**

civilworks
engineers + surveyors
P.O. Box 1166
Dover, NH 603-749-0443

DESIGN: DCL
SCALE: 1"=20'
DATE: 5/10/2014
SHEET: 2 OF 2
PROJECT # 14108

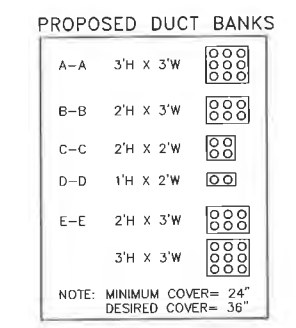




- LEGEND:**
- IRON ROD
 - IRON PIPE
 - BOUND as DESCRIBED
 - ▲ RAILROAD SPIKE
 - ▲ SURVEY NAIL SET
 - DRILL HOLE
 - PHA PORTSMOUTH HOUSING AUTHORITY
 - CHAIN LINK FENCE
 - WOOD FENCE
 - WOOD FENCE POST
 - STEEL FENCE POST
 - BA BELL ATLANTIC
 - EH EXETER HAMPTON ELECTRIC CO.
 - FP FAIRPOINT
 - NETL NEW ENGLAND TEL & TEL CO
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 - VZ VERIZON
 - 110-5 TAX SHEET - LOT NUMBER
 - RCRD ROCKINGHAM COUNTY REGISTRY OF DEEDS
 - EOP EDGE OF PAVEMENT
 - ETW EDGE OF TRAVELLED WAY
 - SAC SLOPED FACED ASPHALT CURB
 - VFC VERTICAL FACED GRANITE CURB
 - RWC CONCRETE RETAINING WALL
 - RWM MORTARED RETAINING WALL
 - RWS STONE RETAINING WALL
 - RWW WOOD RETAINING WALL
 - RWG GRANITE RETAINING WALL
 - BOLLARD
 - SIGN
 - DOUBLE POST SIGN
 - HANDICAP SPACE
 - UTILITY POLE W/TRANSFORMER
 - LIGHT POLE
 - UTILITY POLE WITH ARM & LIGHT
 - ELECTRICAL MANHOLE
 - ELECTRICAL CONDUIT
 - PAD MOUNTED TRANSFORMER
 - ELECTRICAL BOX
 - ELECTRIC METER
 - FIRE ALARM BOX
 - HVAC UNIT
 - CUY
 - BS/CS BLACK STEEL/COATED STEEL GAS LINE
 - PP/PL PLASTIC GAS LINE
 - GAS METER
 - GAS SHUT OFF
 - GAS VALVE
 - WATER GATE VALVE
 - WATER SHUT OFF VALVE
 - HYDRANT
 - SIAMESE FIRE CONNECTION
 - CATCH BASIN
 - CATCH BASIN
 - DRAIN MANHOLE
 - SEWER MANHOLE
 - SEWER CLEAN OUT
 - CONIFEROUS TREE
 - DECIDUOUS TREE
 - CONIFEROUS SHRUB
 - DECIDUOUS SHRUB
 - W WATER LINE
 - S SEWER LINE
 - D DRAIN LINE
 - G GAS LINE
 - FM FORCE MAIN
 - UGE UNDERGROUND ELECTRIC
 - UGT UNDERGROUND TELEPHONE
 - UGW UNDERGROUND WIRES
 - UCW UNDERGROUND CATV/DATA
 - OHW OVERHEAD WIRES
 - OHE OVERHEAD ELECTRIC
 - OHT OVERHEAD TELEPHONE
 - CATV OVERHEAD CATV/DATA

- NOTES:**
- THIS PLAN WAS PREPARED BY JAMES VERRA AND ASSOC., INC FOR CIVILWORKS, INC. THIS PLAN WAS PREPARED TO SUPPORT PSNH EFFORTS TO MOVE OVERHEAD UTILITIES BELOW GROUND. THIS PLAN IS BASED ON A FIELD SURVEY BY JAMES VERRA AND ASSOC., INC PERFORMED MARCH, APRIL 2014 AND RECORD INFORMATION.
 - SEWER LATERALS NOT DEPICTED HEREON ONLY WATER SERVICES MARKED OUT BY THE CITY OF PORTSMOUTH SHOWN HEREON.
 - THE LOCATION OF ALL UNDERGROUND UTILITIES SHOWN HEREON ARE APPROXIMATE AND ARE BASED UPON THE FIELD LOCATION OF ALL VISIBLE STRUCTURES (IE CATCH BASINS, MANHOLES, WATER GATES ETC.) AND INFORMATION COMPILED FROM PLANS PROVIDED BY UTILITY COMPANIES AND GOVERNMENTAL AGENCIES. ALL CONTRACTORS SHOULD NOTIFY, IN WRITING, SAID AGENCIES PRIOR TO ANY EXCAVATION WORK AND CALL DIG-SAFE @ 1-888-DIG-SAFE.
 - SEWER & DRAIN CONNECTIONS SHOWN HEREON PER CITY OF PORTSMOUTH INFORMATION AND NOT FIELD VERIFIED. WATER LINES SHOWN HEREON AS DASHED LINES PER CITY OF PORTSMOUTH INFORMATION.
 - HORIZONTAL DATUM: NAD 1983 (1986 CONTROL ADJUSTMENT)
PRIMARY BM: CITY CONTROL POINT "ALBA"
ON SITE CONTROL ESTABLISH USING SURVEY GRADE GPS UNITS.

MAP-LOT	OWNER OF RECORD	DEED REF.
PARCEL "3D"	HEIRS OF JOHN E SWANSON	1700/134
117-1	CITY OF PORTSMOUTH	SEE PLAN
117-16	CITY OF PORTSMOUTH	3348/505
117-29	36 MARKET STREET CONDOMINIUM	4864/1531
117-30	CAPITAL SECURITY FINANCIAL SERVICES, INC	2839/1290
117-31	NANCY H ALEXANDER	2901/148
117-32	THE 50-52 MARKET STREET REALTY TRUST	3029/2018
117-33	PETER R EGGLESTON, TRUSTEE	3121/444
117-34	KAYLA REALTY, LLC	4057/475
117-35	JESSICA REALTY, LLC	4057/434
117-36	KRS REALTY, LLC	3506/1271
117-47	PAUL D SORLI	3036/1448
118-6	100 MARKET STREET, LLC	5485/971
118-8	THE NATIONAL SOCIETY OF COLONIAL DAMES OF AMERICA	1538/245
118-16	GALARO PROPERTIES, LLC	5159/2413
118-17	LEON V & MARGARET A FREDETTE	3224/617
118-18	MICHAEL J LACROIX	3398/1240
118-19	MICHAEL J LACROIX	3398/1240
118-20	KIMBERLY A LUCY & JAMES C LUCY, TRUSTEES	5198/598
118-21	KIMBERLY A LUCY & JAMES C LUCY, TRUSTEES	5198/600
118-22	JOSEPH J & JENNIFER ALMEIDA	4248/2694
118-23	HIGH HANOVER CONDOMINIUM	2546/2583
118-24	JEFFREY H MARPLE, TRUSTEE	5291/266
118-24-1	JEFFREY H MARPLE, TRUSTEE	5291/266
118-26	THE HILL OF PORTSMOUTH, NH CONDOMINIUM	3538/2793
118-26A	NEW HAMPSHIRE LEGAL ASSISTANCE, INC	2337/258
118-30	PARADE HOTEL, LLC	4441/1747
125-22	PARADE RESIDENCE HOTEL, LLC	5011/121



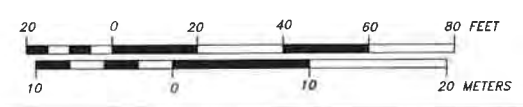
- EXISTING PRIMARY DUCT
- PROPOSED PRIMARY DUCT
- EXISTING SECONDARY DUCT
- PROPOSED SECONDARY DUCT

2	5/23/14	DCL	PER PSNH COMMENTS 8/14
1	5/10/14	DCL	PER PSNH COMMENTS 4/28/14
NO.	DATE	BY	REVISION

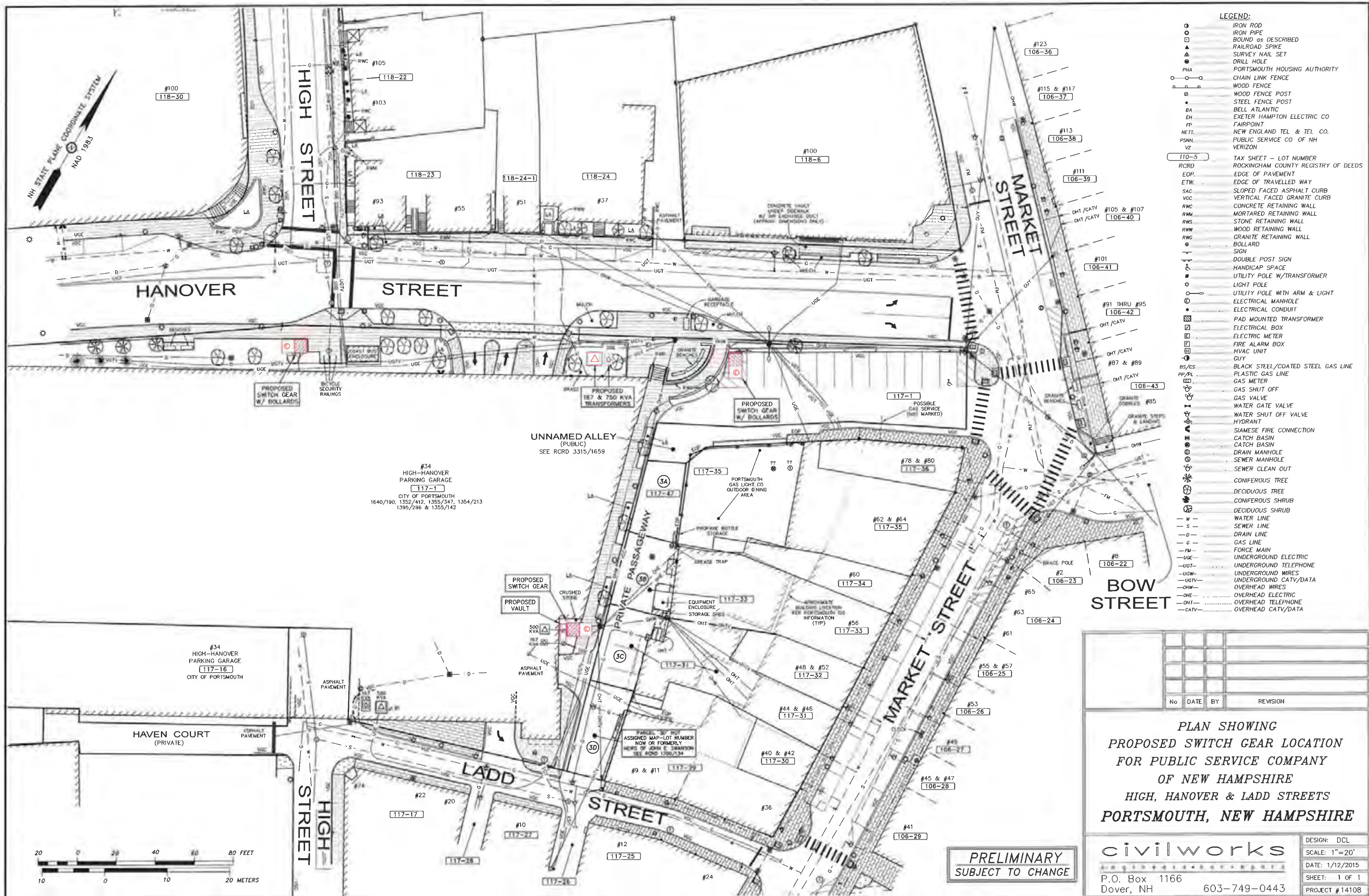
**UTILITY STRIP SURVEY
SHOWING PROPOSED IMPROVEMENTS
FOR PUBLIC SERVICE COMPANY
OF NEW HAMPSHIRE
HIGH, HANOVER & LADD STREETS
PORTSMOUTH, NEW HAMPSHIRE**

civilworks
engineers • surveyors
P.O. Box 1166
Dover, NH 603-749-0443

DESIGN: DCL
SCALE: 1"=20'
DATE: 5/10/2014
SHEET: 1 OF 2
PROJECT # 14108



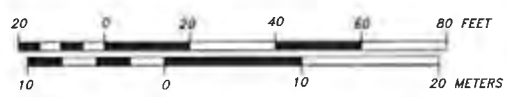
SHEET 1
SHEET 2



- LEGEND:**
- IRON ROD
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 - BOUND as DESCRIBED
 - ▲ RAILROAD SPIKE
 - ▲ SURVEY NAIL SET
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 - CONIFEROUS SHRUB
 - DECIDUOUS SHRUB
 - W WATER LINE
 - S SEWER LINE
 - D DRAIN LINE
 - G GAS LINE
 - FM FORCE MAIN
 - USE UNDERGROUND ELECTRIC
 - UGT UNDERGROUND TELEPHONE
 - UGW UNDERGROUND WIRES
 - UGTV UNDERGROUND CATV/DATA
 - OHW OVERHEAD WIRES
 - OHE OVERHEAD ELECTRIC
 - OHT OVERHEAD TELEPHONE
 - CATV OVERHEAD CATV/DATA

No	DATE	BY	REVISION

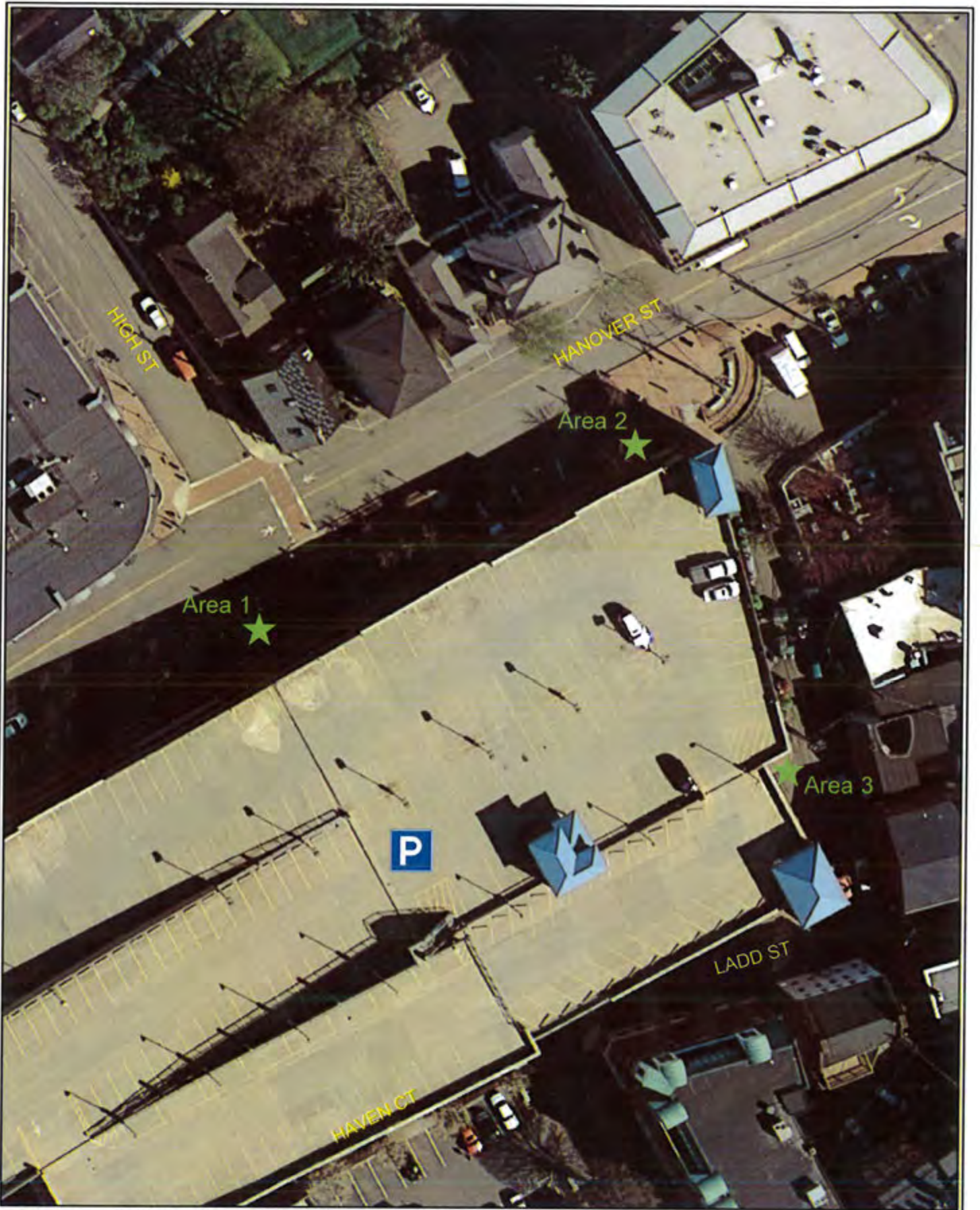
**PLAN SHOWING
 PROPOSED SWITCH GEAR LOCATION
 FOR PUBLIC SERVICE COMPANY
 OF NEW HAMPSHIRE
 HIGH, HANOVER & LADD STREETS
 PORTSMOUTH, NEW HAMPSHIRE**



**PRELIMINARY
 SUBJECT TO CHANGE**

civilworks
 ENGINEERS ARCHITECTS PLANNERS
 P.O. Box 1166
 Dover, NH 603-749-0443

DESIGN: DCL
 SCALE: 1"=20'
 DATE: 1/12/2015
 SHEET: 1 OF 1
 PROJECT # 14108



**Hanover & High Streets Utility Burial Project
Locus Map**

Map Prepared by Portsmouth Department of Public Works

1" = 50'

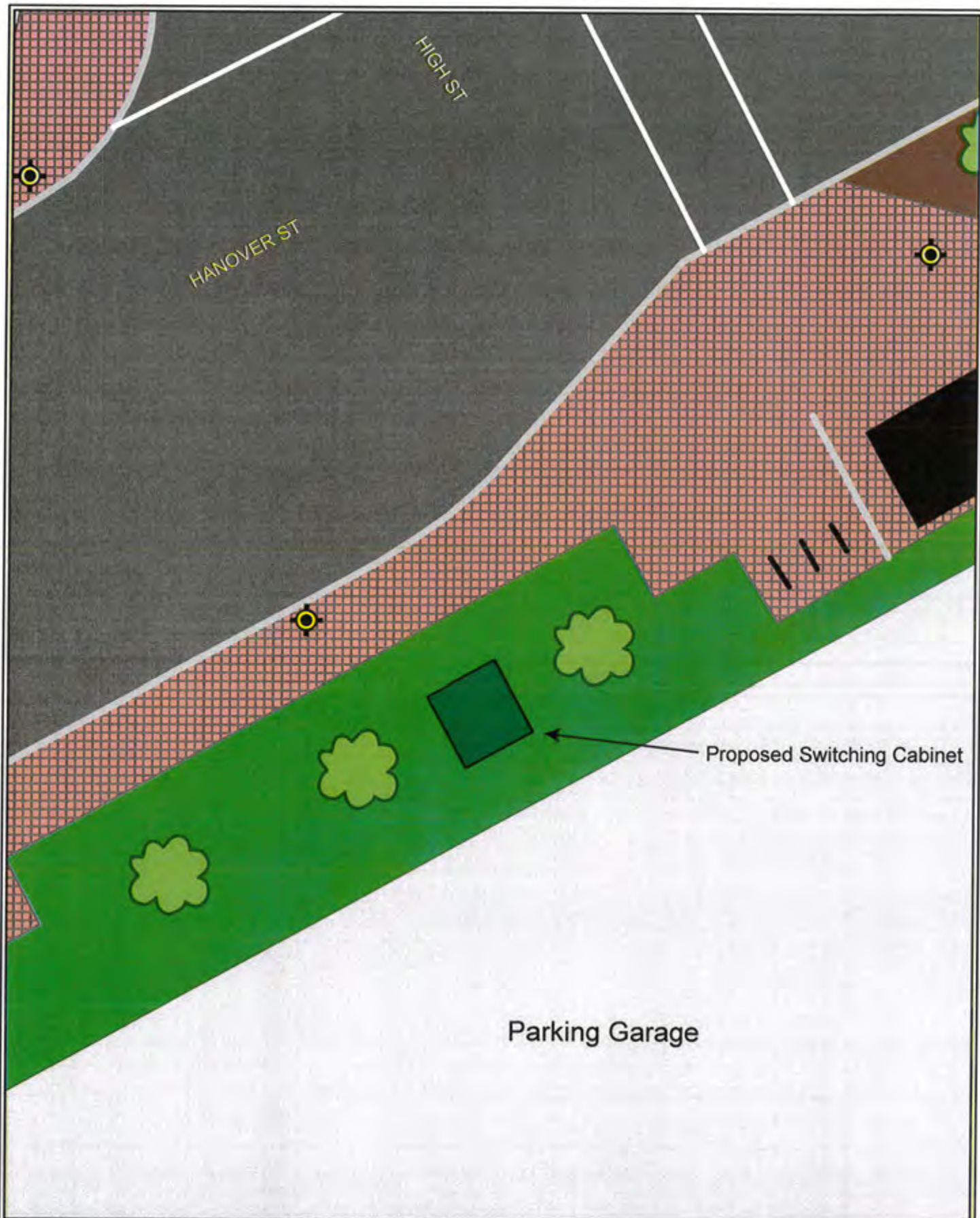


Printed: 06/09/2015



Area 1

Proposed Location of Switching Cabinet on Hanover Street

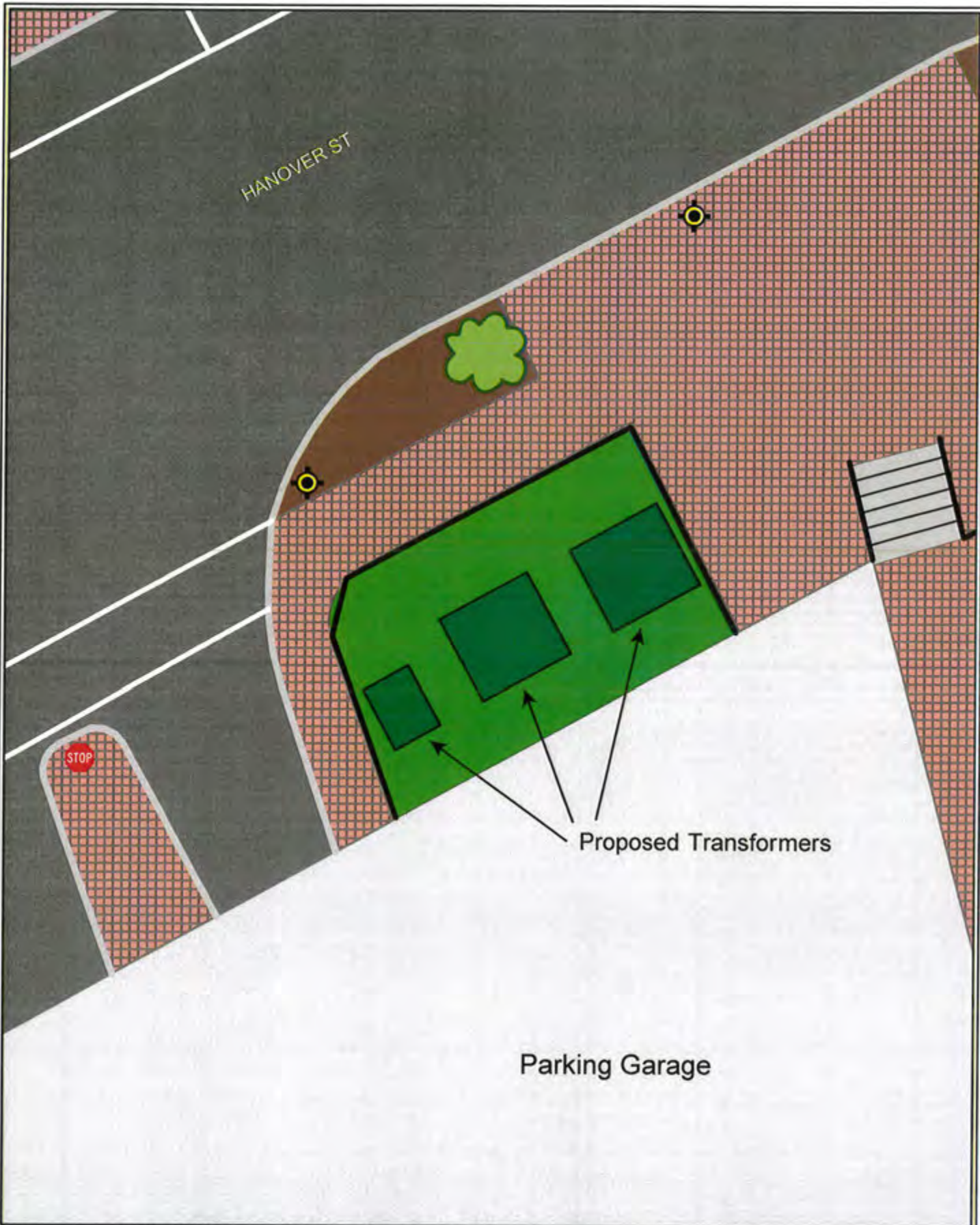


**Hanover & High Streets Utility Burial Project
Area 1**





Area 2
Proposed Location of Transformers on Hanover Street



**Hanover & High Streets Utility Burial Project
Area 2**

Map Prepared by Portsmouth Department of Public Works

1" = 10'

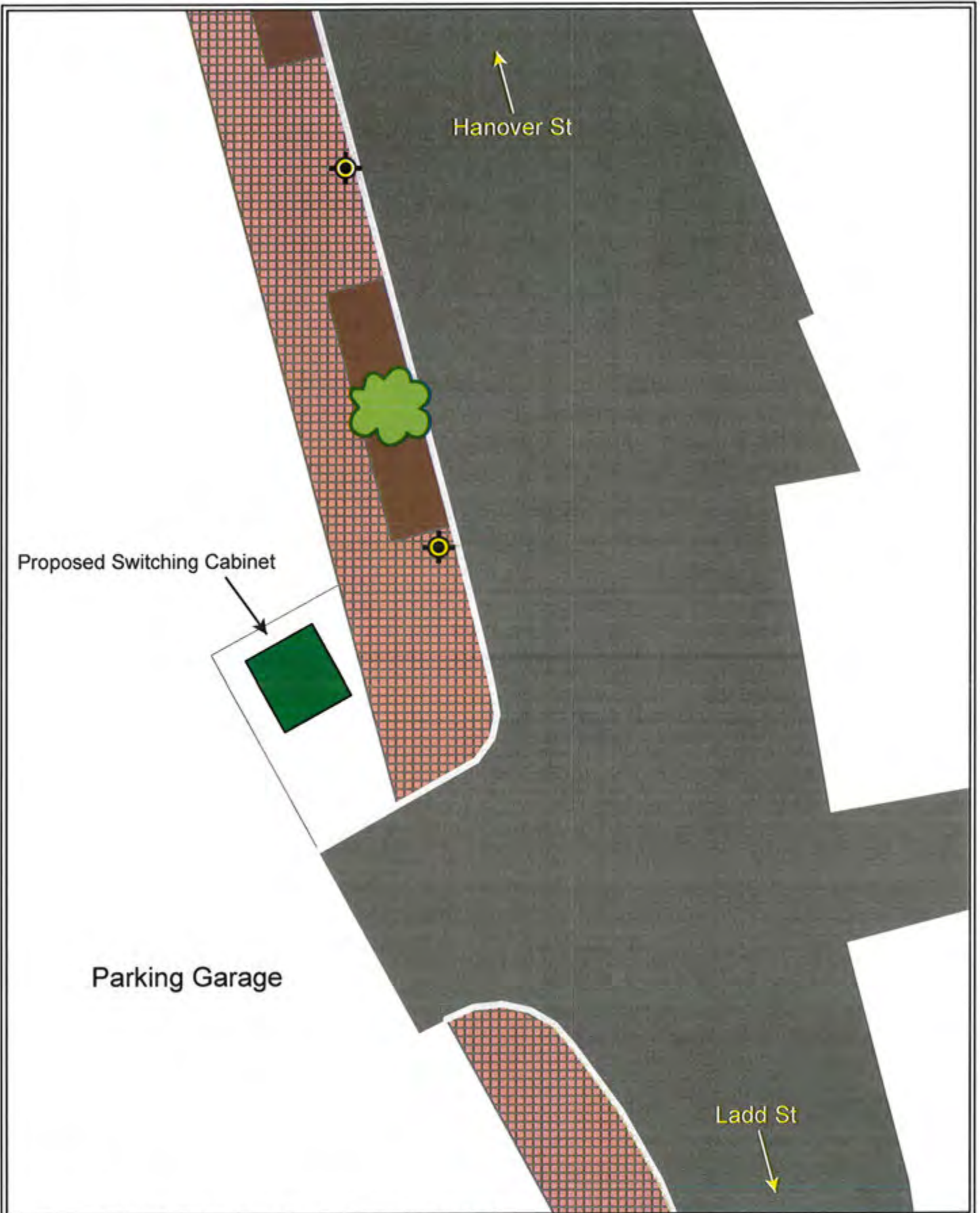


Printed: 06/09/2015



Area 3

Proposed Location of Switching Cabinet in Alley between Hanover and Ladd



**Hanover & High Streets Utility Burial Project
Area 3**

Map Prepared by Portsmouth Department of Public Works

1" = 10'



Printed: 06/09/2015

BOARDING HOUSE PERMIT

CITY OF PORTSMOUTH, NEW HAMPSHIRE

Permit Number: 2015-03

Date: June 16, 2015

BE KNOWN, that Brian D. Hogan, Trustee, The Brian D. Hogan Revocable Trust, 28 Cassie Cove Road, Center Ossipee, NH 03814, is licensed to operate a boarding house located at 21 Brewster Street within the City of Portsmouth, NH for the following number of rooms:

Number of Rooms: 34

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

The following conditions shall be met:

This permit is issued subject to the terms and conditions set forth in the attached Consent Decree, Rental Agreement and Code of Conduct for residents and Certificate which are attached and incorporated hereto and which were approved by Judge Marguerite L. Wageling on May 28, 2015 in the matter of City of Portsmouth v. Brian D. Hogan, Trustee, The Brian D. Hogan Revocable Trust of 2008 and Bach Realty, LLC, Rockingham County Superior Court Docket No. 218-2014-CV-00305.

This permit will expire: March 31, 2016

Attest:



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



CITY OF PORTSMOUTH, NEW HAMPSHIRE
OFFICE OF THE CITY CLERK

BOARDING HOUSE PERMIT APPLICATION

INSTRUCTIONS: Please print or type clearly and complete all information accurately.
Incomplete applications will not be accepted.

APPLICANT INFORMATION

Applicant Name: Brian D. Hogan
Revocable Trust of Telephone: 436-6926
2008, u/d/t 7/7/08

Address: 21 Brewster St. City/State/Zip: Portsmouth,
NH 03801

Boarding House Location: 21 Brewster St.

Number of Rooms 36

CERTIFICATION

I, the undersigned, have completed this application accurately, in accordance with
Chapter 9, Article VIII of the Boarding House Ordinance:

Signature: [Signature] Date: 6/9/15
Jennifer Springer, Attorney
in Applicant

Administrative Use Only

Approved by the Zoning Officer:

_____ Date _____

Approved by the City Council: _____

THE STATE OF NEW HAMPSHIRE

ROCKINGHAM, SS.

SUPERIOR COURT

City of Portsmouth

v.

Brian D. Hogan, Trustee
The Brian D. Hogan Revocable Trust of 2008, et al

Docket # 218-2014-CV-00305

CONSENT DECREE

NOW COME the Brian D. Hogan Revocable Trust of 2008 u/d dated July 7, 2008, Brian D. Hogan, Trustee, and Bach Realty, LLC, ("the Respondents") by their attorney Springer Law Office, PLLC, and the City of Portsmouth, by its attorneys, Robert P. Sullivan and Jane Ferrini, Esq. ("the City") and

1. The City, through its Legal Department, shall recommend to the City Council to grant a boarding house permit to the Respondents for the rooming house at 21 Brewster Street, Portsmouth, NH, with the permit effective through March of 2016. The permit will incorporate the terms of the Consent Decree and accompanying documents and the Respondent's failure to comply with the terms of the Consent Decree and the documents incorporated thereto will result in a finding of contempt. If the City Council fails to grant the boarding house permit, the parties will not be bound by the terms of this Consent Decree and either party may either reopen this case or bring any

other further action allowable by law. If the City Council grants the permit, and if the Respondents comply with the terms and conditions of this Consent Decree, any future permits will not be made subject to this Consent Decree.

2. The Respondents shall revise the current Rental Agreement. The Revised Rental Agreement shall provide that the residents are subject to summary eviction process under RSA 353:3-c, and not the eviction process as set forth in RSA 540, and shall include the other provisions agreed upon by the parties, including a Code of Conduct that will be incorporated into the Rental Agreement.

3. The Respondents shall create a revised Code of Conduct. The Code of Conduct shall be posted on each floor of the rooming house. The Code of Conduct shall provide for a "one strike and you're out" explanation, which policy shall also be included within the Rental Agreement. The Code of Conduct will be incorporated into the Rental Agreement and failure of the residents to abide by the terms of the Rental Agreement and the Code of Conduct will result in the Respondents instituting summary eviction as set forth below.

4. The Respondents shall use best efforts to implement the summary eviction process under RSA 353:3-c. The Respondents shall utilize the summary removal process under RSA 353:3-c for violations of the Rental Agreement, Code of Conduct, non-payment of rent, and related matters.

5. The Respondents shall prepare a Certificate to be used by the Respondents during the summary removal process. The Certificate shall identify the grounds for the summary removal.

The Certificate will be presented to the Portsmouth Police Department prior to police involvement in any summary eviction.

6. The Respondents shall provide office hours for the manager to include Friday evenings and Saturday evenings. The manager will keep a log each Friday evening and Saturday evening, which log shall be provided to the City upon request.

7. The Respondents will continue the current pest control treatment process with the current pest control company (JP Pest Service, Inc., or a certified pesticide applicator approved by the Health Department). The current pest control treatments will continue until bed bugs are eliminated. Reports of treatment will be maintained by the Respondents and available to the City upon request. If the certified pest control applicator recommends termination of treatment, the City's Health Department will need to inspect the premises to confirm the eradication of any bed bug infestation before treatment can be terminated. .

8. The Respondents shall retain a licensed Fire Protection Engineer to do a walk through inspection of the rooming house and to review the Fire Department Report dated April 23, 2015. Any item identified by the Fire Protection Engineer that was not identified in the Fire Report of April 23, 2015 will be addressed and incorporated as an addendum to the April 23, 2015 Report. Failure to have a fire alarm system with automatic notification of forces is a life safety code violation and a priority. The Respondent will install this system within 12 months, provided this deadline is recommended and signed off by the Fire Protection Engineer. For any other item in the Fire Inspection Report, including the Fire Protection Engineer's Addendum,

upon recommendation of the Fire Protection Engineer, each item with a cost of less than \$2,000, the Respondent will have 90 days to complete, for each item costing between \$2,000 and \$5,000, the Respondent shall have 180 days to complete, for each item over \$5,000, the Respondent shall have 18 months to complete.

9. The Respondents shall retain an electrical engineer, to be agreed upon by both parties, to calculate the load calculation for the rooming house. This calculation shall be for full occupancy for each unit and shall include refrigerators, microwaves, coffee makers and fans in each room, since these items are not excluded in the Rental Agreement. In addition to calculation for common areas, the load calculation should also include the use of power tools in the basement. In the event that the electrical engineer finds that the service load is sufficient, the Respondents shall have no further responsibility on this item. In the event that the electrical engineer calculates the load to be more than the current service load, the Respondents shall upgrade the service to the house in a reasonable time frame.

10. No fees or costs are awarded to either party.

Respectfully submitted,

Brian D. Hogan and Bach Realty, LLC
By Their Attorney
Springer Law Office, PLLC

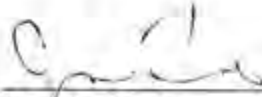
Dated: May 28, 2015

By: _____

Jonathan S. Springer, Esq.

118 Maplewood Avenue, Suite C-1
Portsmouth, NH 03801
(603) 319-8741
NH BAR ID # 2418
City of Portsmouth

Dated: May 28, 2015



Jane Ferrini Esq.
NH Bar ID # 6528

Approved and So Ordered.

 5/28/15

MARGUERITE L. WAGELING
PRESIDING JUSTICE

Rental Agreement for 21 Brewster Street, Portsmouth, New Hampshire

Residents are subject to RSA 353:3-c which allows for immediate removal for failure to pay weekly rent or for violating the terms of this Rental Agreement and the incorporated Code of Conduct. **ALL RESIDENTS SHALL FOLLOW THE CODE OF CONDUCT** which is incorporated and made part of this document and will be posted on each floor. The prohibited conduct and behavior set forth in the Rental Agreement and Code of Conduct shall not be tolerated and it will be the policy of the management and the owner that "one strike and you are out". Other than a verbal warning as required by statute, any continuation of the prohibited conduct and behavior will result in immediate summary eviction.

1. This Rental Agreement is for a period of one week at a time, beginning on _____ and ending on _____. All renters must be at least 21 years of age.
2. Upon payment of each successive weekly rent in advance, the Rental Agreement will renew on same terms and conditions.
3. All rent will be paid at least one week in advance on or before Friday between 3:00 pm and 6:00 pm, or;
 - a. After 6:00 pm on Friday, a \$20 late fee will be charged;
 - b. After 10:00 am on Saturday (the following day), the unit will be considered abandoned. The lock will be changed and all belongings removed and you will lose the security deposit.
4. There shall be no consumption of alcohol (beer, wine and liquor or beverages containing beer, wine and liquor) on the premises outside of your room in the "common areas" defined as the hallways, bathrooms, showers, stairs, parking lot, front steps or on building grounds outside .
5. Possession or use of illegal drugs or controlled substances is strictly prohibited in any room, common area, parking lot, front steps and outside the building at the premises. Illegal drugs include, but are not limited to, marijuana, heroin, methamphetamine, cocaine, LSD and other hallucinogens and any controlled substance.
6. Loud noise at any time of the day or night is strictly prohibited. Residents shall be considerate of their neighbors.
7. The resident shall not violate any local, state or federal law and shall not disturb, threaten or endanger any persons.
8. No visitors are allowed on the premises at any time.
9. The resident shall not allow any person onto the premises at any time. Any resident allowing any such entry shall be held responsible for the actions of that person or persons.
10. Electrical appliances, including but not limited to, hot plates, toasters, toaster ovens, heaters, electric blankets, and air conditioners, are strictly prohibited. The only exception to this rule is a microwave oven. Apart from microwave use, there shall be no cooking in the rooms. Fans, refrigerators and coffee makers are allowed.
11. The resident is financially responsible for any and all damages or violations committed by the resident.
12. The resident shall not come in or out the back stairs. The back stairs are for emergency use only.
13. No pets are allowed. No exceptions.
14. Smoking in common areas, hallways, bathrooms, showers, and stairs is not allowed.
15. One week's notice is required to have deposit returned.
16. Firearms, including but not limited to, handguns, rifles, shotguns, and automatic weapons, are strictly prohibited.
17. The resident shall not allow garbage or waste to accumulate in an unhealthy or unsanitary manner in the room or in common areas, hallways, bathrooms, showers, and stairs.
18. The Resident shall not disrupt the livability of the building and its premises, adversely affect the health or safety of any person or the right of any Resident to quiet enjoyment of their rented unit and common areas or the premises, interfere with the Management of the building and premises, or have any financial effect on the building and premises.

If the police are called as a result of your misbehavior OR failure to follow the terms of this Rental Agreement or Code of Conduct you may be IMMEDIATELY REMOVED from the premises and/or subject to arrest.

I/We _____ have read the above Rental Agreement and Code of Conduct and understand them and agree that my/our failure to comply with any of the terms/conditions listed above and in the attached Code of Conduct shall result in:

- A. Immediate removal without prior notice;
- B. Removal without refund of security deposit;
- C. The loss of personal property to account for, but not exceed, any money owed to Bach Realty, 21 Brewster Street, for rent or damages pursuant to the terms of RSA 353:3-c.

I/We _____ understand that this is a rooming house and that I/We are not protected by RSA 540:3, in that no eviction lawsuit is necessary to evict resident for failure to pay rent or comply with the terms of this Rental Agreement or Code of Conduct. Residents are subject to RSA 353:3-c which allows for immediate removal by law enforcement for any reason including failure to comply with the terms of this Rental Agreement and Code of Conduct

Dated: _____ Signature of Renter: _____

Dated: _____ Signature of Renter: _____

Dated: _____ Signature of Witness: _____

Name of next of kin: _____ State: _____ Phone #: _____

Vehicle Registration #: _____ Make: _____ Model: _____

License Plate #: _____

Amount Received: _____ Amount Due: _____

Deposit Received: _____ Amount Due: _____

CODE OF CONDUCT

ALL RESIDENTS SHALL FOLLOW THE CODE OF CONDUCT which is incorporated and made part of the Rental Agreement. The prohibited conduct and behavior set forth in the Rental Agreement and Code of Conduct shall not be tolerated and it will be the policy of the management and the owner that "one strike and you are out". Other than a verbal warning as required by statute, any continuation of the prohibited conduct and behavior will result in immediate summary eviction.

1. Payment of rent shall be made timely on a weekly basis.
2. There shall be no consumption of alcohol (beer, wine and liquor or beverages containing beer, wine and liquor) outside of your room. The consumption of alcohol is prohibited in common areas, hallways, bathrooms, showers, stairs, (hereinafter "common areas"), parking lot, front steps and outside the building at the premises.
3. Possession of illegal drugs or controlled substances is strictly prohibited. Illegal drugs include, but are not limited to, marijuana, heroin, methamphetamine, cocaine, LSD and other hallucinogens and any controlled substance. Drug use is prohibited in your rooms, in any common area, the parking lot, front steps and outside the building at the premises.
4. Loud noise at any time of the day or night in your rooms, in the common area, the parking lot, front steps and outside the building at the premises is strictly prohibited. Residents shall be considerate of their neighbors.
5. The tenant shall not violate any local, state or federal law and shall not disturb, threaten or endanger any persons.
6. No visitors are allowed on the premises at any time.
7. The tenant shall not allow any person onto the premises at any time. Any tenant allowing any such entry shall be held responsible for the actions of that person or persons.
8. Electrical appliances, including but not limited to, hot plates, toasters, toaster ovens, heaters, electric blankets, and air conditioners, are strictly prohibited. The only exception to this rule is a microwave oven. Apart from microwave use, there shall be no cooking in the rooms. Refrigerators, Fans and Coffee Makers are allowed.
9. The tenant is financially responsible for any and all damages or violations committed during your stay.
10. The tenant shall not come in or out the back stairs. Stairs are for emergency use only.
11. No pets are allowed. No exceptions.
12. Smoking in common areas, hallways, bathrooms, showers, and stairs is prohibited.
13. One week's notice is required to have deposit returned.
14. Firearms, including but not limited to, handguns, rifles, shotguns, and automatic weapons, are strictly prohibited.
15. The resident shall not allow garbage or waste to accumulate in an unhealthy or unsanitary manner in the room or in common areas, hallways, bathrooms, showers, and stairs.
16. The Resident shall not disrupt the livability of the building and its premises, adversely affect the health or safety of any person or the right of any Resident to quiet enjoyment of their rented unit and common areas or the premises, interfere with the Management of the building and premises, or have any financial effect on the building and premises.

CERTIFICATE

_____, hereby certifies as follows:

1. I am the manager/owner of the rooming house at 21 Brewster Street.
2. _____ ("the Renter"), is currently renting room # _____ at 21 Brewster Street. A copy of the Rental Agreement with Attached Code of Conduct signed by the Renter is attached to this Certificate.

TO BE COMPLETED IN THE CASE OF NON PAYMENT OF RENT.

3. According to the Rental Agreement which the Renter signed, weekly rent is due in advance on or before Friday of each week. The Renter has failed to pay the weekly rent for the said room for the following week(s) _____.

TO BE COMPLETED IN THE CASE OF MISBEHAVIOR OR OTHER VIOLATION OF THE RENTAL AGREEMENT AND/OR CODE OF CONDUCT.

4. The Rental Agreement and Code of Conduct prohibit certain misbehavior and bad conduct.
5. The Rental Agreement and Code of Conduct was presented to Renter upon execution of the Rental Agreement. The signature of the Renter on the Rental Agreement acknowledges that he/she read and understood the summary eviction process set forth in the Agreement.
6. The Renter has violated the Rental Agreement and Code of Conduct by engaging in behavior as follows:

7. The behavior was observed by _____ and the date and approximate time of this behavior occurred on _____, 201__, at approximately _____ AM/PM.

8. Witness signature: _____

TO BE USED IN THE EVENT OF THIRD PARTY NOTIFICATION AND/OR A POLICE REPORT:

9. I have received a complaint from the following:

- Portsmouth Police Department
- City of Portsmouth, Dept of _____
- Third party: _____

10. Based upon the contents of the Portsmouth Police Department police report, or the complaint filed by the party indicated above, I certify that the alleged behavior constitutes a breach of the Rental Agreement and/or Code of Conduct

The information above indicates that there exists grounds for the immediate removal of the Renter pursuant to RSA 353:3-c and that the Owner/Manager has complied with the requirements of RSA 353:3-c.

Dated: _____, 2015

Name: _____
(Print name)
Duly authorized

DECRISTOFARO MICHAEL J REV TRUST 2015

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

June 10, 2015

Dear Mayor and City Councilors:

I am writing to request that the City of Portsmouth accept as a donation a parcel of land I own in the Southern part of the City. This parcel does not have access to any city street but is located along the abandoned Hampton Branch rail line. By way of this letter I am asking that the City accept the parcel in fee and that the City utilize the parcel for conservation and recreation going forward.

The parcel is 6.6 acres, directly abuts the Rye Town line and is very close to the Greenland town line. The property is about 1/3 wetland and 2/3 upland with a fairly large hill on the property. The property is listed on the City Tax maps as Map 296 Lot 2 and is owned me.

Please let me know if you have any questions or need additional information to respond to this donation request.

Sincerely,

Handwritten signature of Michael J. Decristofaro in cursive script.

Michael J. Decristofaro, Trustee
Michael J. Decristofaro Revocable Trust 2015

Cc: John P. Bohenko, City Manager
Peter Britz, Environmental Planner

**209 WALKER BUNGALOW RD
PORTSMOUTH, NH 03801**



Legend

- Streets
- ▭ Municipal Boundary
- ▭ Parcels
- ▭ City Owned Land

Dicristofaro Property
outlined in blue

Portsmouth
Greenland

Rye



Run: 6/11/15
9:35AM

Event Listing by Date

Page: 1

Starting Date: 6/ 1/2015

Ending Date: 12/31/2015

Start End	Type Description	Location	Requestor	Vote Date
6/ 6/2015 6/ 6/2015	FESTIVAL Greg Brackett, Events Manager of Strawberry Banke is the contact. He can be reached at 603-422-7502. This is the Chowder Festival to be held from 11:00 a.m. to 3:00 p.m.	Strawbery Banke	Prescott Park Arts Festival -	/ /
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 www.proportsmouth.org	Downtown	38th Market Square Day - Pro P	9/22/2014
6/13/2015 6/13/2015	ROAD RACE Barbara Massar is the contact for this event. This event begins at 9:00 a.m. with roving closures for race course www.proportsmouth.org	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
6/21/2015 6/21/2015	MARCH March to William Pitt Tavern	March to William Pitt Tavern	St. John's Lodge, No. 1	5/ 4/2015
6/24/2015 6/24/2015	FUND Greg Brackett, Event Manager is the contact for this event. He can be reached at 603-422-7502. This is the Taste of the Nation event to be held on Puddle Dock.	Strawbery Banke	Strawbery Banke - Strength/Tas	/ /
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	FUND Tim Dame is the contact for this event. Contact #603-834-1896 This event is from 8:00 a.m. to 5:00 p.m.	Market Square - MDA Boot Drive	Portsmouth Professional Fire F	/ /
6/27/2015 6/27/2015	FUND Greg Brackett is the contact for this event. He can be reached at 603-422-7502. This event is a concert featuring the Jumbo Circus Peanuts, from 4:30 p.m. to 7:30 p.m.	Strawbery Banke	Puddle Dock Pond Committee	/ /
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
6/27/2015 6/27/2015	PRIDE Contact: Chuck Rhoades (603) 502-4192. Close off Porter to Congress Streets. Six walk routes proposed: City Hall on Junkins; HOtel Portsmouth to Middle to State; Little Harbour School onto South, Richards, Parrott, Court; Peirce Island to Marcy, State; Cross Memorial Bridge from Kittery Harbour Place, Daniel Street; and Portsmouth High School onto Middle Street, Congress Street. All routes end up on Pleasant Street.	Market Square	Seacoast Outright	4/20/2015
7/ 3/2015 7/ 3/2015	FIREWORKS Rus Wilson, Recreation Director is the contact for this event. The fireworks display begins at 9:15 p.m.	South Mill Pond	City of Portsmouth	/ /

Event Listing by Date

Starting Date: 6/ 1/2015

Ending Date: 12/31/2015

Start End	Type Description	Location	Requestor	Vote Date
7/ 4/2015 7/ 4/2015	CELEBRATIC This is the 12th Annual American Celebration. This is the Naturlization Ceremony organized by the U.S. Citizenship & Immigration Services. Greg Brackett is the contact for this event at 422-7502.	Strawbery Banke	Strawbery Banke Musuem	/ /
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; Tel. 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; Tel. 433-5515	Strawbery Banke Museum	Portsmouth Rotary Club - Thund	12/22/2014
8/ 8/2015 8/ 8/2015	FUND Tim Dame is the contact for this event. Contact #603-834-1896 This event is from 8:00 a.m. to 5:00 p.m.	Market Square - MDA Boot Drive	Portsmouth Professional Fire F	5/ 4/2015
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/ 7/2015 9/ 7/2015	ROAD RACE Contact: Sister Mary Agnes	Pease International Tradeport	St. Charles Children's Hme	5/ 4/2015

Event Listing by Date

Starting Date: 6/ 1/2015
Ending Date: 12/31/2015

Start End	Type Description	Location	Requestor	Vote Date
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@mybreastcancersupport.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. Tel. (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
10/17/2015 10/17/2015	FUND Mary-Jo Monusky, Executive Director is the contact for this event. This event is a 5k walk/fundraiser. Starts and ends at 11 Jewell Court from 9:00 a.m. to 11:00 a.m.	11 Jewell Court - start and finish	Arts in Reach	4/ 6/2015
11/ 8/2015 11/ 8/2015	ROAD RACE Jay Diener is the contact for this event. This event begins at 8:00 a.m.	Portsmouth, New Castle and Rye	Seacoast Half Marathon	4/20/2015
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

MEMORANDUM

TO: JOHN P. BOHENKO, CITY MANAGER
FROM: JULIET WALKER, TRANSPORTATION PLANNER *JW*
SUBJECT: PROJECT UPDATE -- LAFAYETTE RD / MIDDLE ST BICYCLE ROUTE
DATE: 06/03/2015
CC:

In 2013, the City of Portsmouth was awarded a grant through the NHDOT Safe Routes to School Program for design and construction of an on-road bicycle route on Lafayette Road / Middle Street (Route 1) extending from the High School to the downtown. The need for safer passageway for bicyclists along this section of Route 1 was a recommended action step in the City's Safe Routes to School Action Plan (2010) and the recently completed Bicycle and Pedestrian Plan (2014).

The City received initial notice to proceed with a preliminary Engineering Study in 2014 and contracted with a consultant team led by Greenman-Pedersen, Inc. (GPI) to complete the work. The City hosted public meeting in November 2014 and then in February 2015 to discuss potential designs for the bicycle route and as well as improving pedestrian connections along and across Lafayette Road and Middle Street.

Based on public input received and further analysis of traffic patterns and physical conditions of the corridor, the City's engineering firm GPI initially developed three alternative design concepts. The varying design options included a two-way cycle track (Alternative A), a combination of buffered and protected bike lanes (Alternative B), or more traditional bike lanes (Alternative C).

Engineers from GPI presented and discussed these three alternatives at a public meeting in February, at the February meeting of the Parking & Traffic Safety Committee, and at meetings with City staff from Public Works, Police, Fire, and Planning, an

In order to comply with NHDOT funding requirements, the City's preliminary Engineering Study needs to provide a description of the alternatives considered and then identify a preferred alternative that includes consideration of costs and overall project objectives.

After review of comments and concerns, GPI recommended Alternative B be advanced as a preferred alternative in the Engineering Study submitted to NHDOT. GPI's analysis concluded that Alternative B provides the most flexibility to meet the needs of all users, provides a dedicated, safe facility which could be reasonably expected to attract school age children use and also satisfying emergency response personnel concern. An important decision to be made regarding Alternative B is whether or not to advance it as a cycle track (with vertical protection in the buffer) or as a buffered bike lane (no vertical protection). GPI recommended advancing as a cycle track with flex

post bollards as the vertical protection. These devices are relatively low cost and can be break away, so as if emergency response vehicles do need to access this space they could easily do so without risking damage to the vehicle. These bollards could also be easily removed if necessary.

Alternative A (two-way cycle track on one side of the road), while demonstrating a high degree of public support and greatest potential for transformative improvement, was not recommended as the preferred alternative because of the expected steep learning curve for future users of this corridor, concern about the likely potential for conflict between motor vehicle drivers, pedestrians, and bicyclists, and the requirements for more investment in infrastructure improvements than was feasible within the scope of this project.

A public presentation of the identified alternatives and the preferred alternative was made at the City Council meeting on April 6, 2015. At this meeting the City Council supported advancing Alternative B as the preferred alternative with an acknowledgement that this was only preliminary at this stage and that any final designs would need further public vetting and a recommendation from the Parking & Traffic Safety Committee.

It should be noted that, though there is some City funding for this project, NHDOT approval is required to expend additional grant funds for this project, which are close to 80% of the total anticipated project cost.

Once NHDOT approves the Engineering Study and issues a notice to proceed, the next step of the project will be to proceed to preliminary design. The City intends to conduct additional public meetings during the preliminary design phase and there will be opportunity at this point to modify or alter the preferred alternative (Alternative B). The engineering work involved in this phase will also identify additional infrastructure improvements that may be required and, ultimately, whether the project is feasible within the identified budget. There is potential for the preferred alternative to be modified as a result of engineering requirements or constraints not initially identified in the preliminary Engineering Study. Therefore, it is possible that the resulting design may, in fact, change to incorporate other elements of bikeway design as appropriate. The purpose of the preliminary engineering phase is to confirm feasibility, costs and, ultimately, public support. The project will not proceed to final design and construction, unless there is public support for the project as designed.



City of Portsmouth, NH



Police Department

Stephen J. DuBois
CHIEF OF POLICE

June 10, 2015

The Honorable Robert Lister, Mayor of Portsmouth
& The Portsmouth City Council
PORTSMOUTH CITY HALL
1 Junkins Avenue
Portsmouth, NH 03801

RE: Traffic Enforcement Initiatives in the City

Dear Mayor & Council:

At the last city council meeting, Councilor Morgan requested an update on our traffic enforcement initiatives in the city. During the course of their respective shifts, patrol officers are responding to all different types of calls for service throughout the city – be it a domestic, a car break-in, or an assault. During times when they are not doing reports or patrolling problem areas, they are responsible to various forms of traffic enforcement. In an effort to achieve more focused speed enforcement without the distraction of other police business, the Police Department has applied for and received grant funding through the New Hampshire Department of Safety, to have resources dedicated solely to traffic enforcement.

We have found that while the officer cannot be everywhere, targeted enforcement on the main cross-town connector roadways like Islington Street, gives us the deterrent factor we are looking for. For instance, a vehicle stopped for speeding on Islington Street will affect not only that driver's behavior, but also the behavior of drivers passing by, and the drivers that subsequently leave Islington Street, or another major artery, to go into the surrounding neighborhoods. The timing of these enforcement efforts is also important. We tend to conduct dedicated speed enforcement patrols during the morning and evening commute on weekdays and during the middle of the day on weekends. In addition to the grant-funded special patrols, I use my general overtime budget as needed to fund initiatives as they come up. This could include additional speed enforcement or teaming up with the State Police to conduct checks of motorcycle violations. Additionally, we use stationary speed monitoring signs placed in problem areas to make motorists aware of their actual travel speed; these signs bring an additional education component to our efforts. The signs also provide data in the form of traffic counts and speed averages, so we can readily see if there is truly a speed concern, or just a perception of a speed issue, as can be the case. In July we intend on purchasing an additional sign to add to our inventory in the community.

I understand the other item of inquiry from the council was bike patrols. The mountain bikes are another tool at the disposal of the officers assigned to the downtown. They are used at the discretion of the officer, if they are certified, on a day-to-day basis, depending on the activity level



City of Portsmouth, NH



Police Department

Stephen J. DuBois
CHIEF OF POLICE

and what is happening in the hospitality district on a given day. They are definitely part of our regular police activity in the downtown.

I trust this background addresses the concerns councilors may have about proactive speed initiatives. Portsmouth's roadways are heavily traveled, and speed enforcement is a permanent part of our public safety profile. I welcome the opportunity to answer any additional questions.

Very truly yours,
PORTSMOUTH POLICE DEPARTMENT

A handwritten signature in cursive script, appearing to read "SJD".

Stephen J. DuBois, Chief of Police

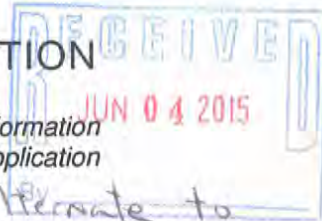
SJD:kml



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: HISTORIC DISTRICT COMMISSION

Current alternate to Fill Melchior
Renewing applicant Vacancy

Name: VINCENT LOMBARDI Telephone: 603 828 2324

Could you be contacted at work? YES NO - If so, telephone # 603 828 2324

Street address: 75 ALDRICH RD, PORTSMOUTH, NH 03801

Mailing address (if different): _____

Email address (for clerk's office communication): VINCE@DATA-ARCHIVE.COM

How long have you been a resident of Portsmouth? 29 YEARS

Occupational background:
PLEASE SEE ATTACHED

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

Reasons for wishing to continue serving: PLEASE SEE ATTACHED



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

PLEASE SEE ATTACHED

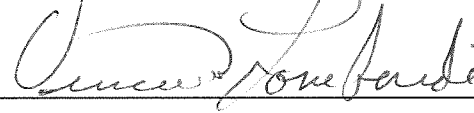
Please list two character references not related to you or city staff members:
(Portsmouth references preferred)

1) TERIE NORELLI, 35 MIDDLE RD, PORTSMOUTH, NH 03801 ⁴³⁶⁻²¹⁰⁸
Name, address, telephone number

2) MARTHA CLARKE, 152 MIDDLE ST. PORTSMOUTH, NH 03801 ⁴³¹⁻⁶⁶²⁶
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: June 3, 2015

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: _____

Annual Number of Meetings: 1 Number of Meetings Absent: 0 - 2014

Date of Original Appointment: 8-4-2014

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

Vincent Lombardi

Application for Historic District Commission

Occupational background:

For the past 25 years I have worked in computer technology. Since 1997, I have owned my own business Data Archive, LLC.

From 1985 to 1988 I was the associate director of Strawberry Banke Museum overseeing operations and facilities including the restoration and preservation of buildings. Before moving to the Seacoast in 1985, I worked for the National Park Service managing and consulting on urban historic sites in Boston and other areas.

Reasons for wishing to continue serving:

I have a long-term investment in the historic fabric of communities, especially Boston and Portsmouth. I believe that the historic character of Portsmouth is critical to our downtown neighborhoods, our economic growth and our cultural viability. Serving on the HDC would give me the opportunity to help preserve the traditional architecture and feeling of our city as well as shape its future development. I understand how challenging it can be to both conserve the old and welcome the new at a time when our community is experiencing extraordinary growth and development. I will work with my colleagues on the HDC to help our city remain vibrant and livable for families, businesses and tourists.

Experience related to this Board/Commission:

I have been an HDC Alternate since September 2014

As the Associate Director of the Strawberry Banke Museum, I oversaw the planning process and restoration of several buildings including Pitt Tavern, the Driscoll House and Ryder-Wood. Restoration planning included soliciting input from local residents throughout the process.

When I managed historic sites for the Boston National Historical Park, I oversaw the restoration of the Dorchester Heights National Monument. I was also a consultant on the restoration and interpretation of the African-American National Historic Site (Beacon Hill, Boston), the Lowell National Historical Park (MA) and the Women's Rights National Historic Park (Seneca Falls, NY). During this time, I served on the board of the Frederick Law Olmstead Association connected with Olmstead's historic home and office in Brookline, MA.

I have extensive experience serving on and leading Seacoast-area community boards including the Prescott Park Arts Festival, Seacoast (Southeast) Land Trust, Cross Roads House and the Lovering Health Center (formerly the Feminist Health Center) .



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: HISTORIC DISTRICT COMMISSION Initial applicant

Name: JOHN MAYER Telephone: 603.422.9551 (H)
603.969.3913 (C)

Could you be contacted at work? YES/NO If so, telephone# 207.774.1822 ext 224

Street address: 62 CABOT ST. PORTSMOUTH 03801

Mailing address (if different): _____

Email address (for clerk's office communication): JMAYER.NH@GMAIL.COM

How long have you been a resident of Portsmouth? 15 years

Occupational background:

• MUSEUM CURATOR & DIRECTOR FOR
30 years

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

- served 4 years (1988-92) on the Historic Review Board for New Castle Co, Delaware;
- Professional responsibilities for care and management of historic bldgs. (20 years)
- Personal experience as owner of historic homes (currently ca. 1813 Market House)



members - Rawlings and Ruedig

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

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

Reasons for wishing to serve: I would like to contribute my skill/expertise to my community; and I would like to contribute to a positive process of supporting preservation of historic resources in Portsmouth.

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

- Portsmouth Historical Society - currently member of Building & Grounds Com.;
- Board member & Secretary of PRISMS, Inc
Support group for families (www.prisms.org)

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

- 1) DAN RAWLING, 411 MIDDLE ST. - 603-430-4013
Name, address, telephone number
- 2) REAGAN RUEDIG, 70 HIGHLAND ST., 603-342-9275
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature: [Handwritten Signature] Date: 5.18.14

If you do not receive the appointment you are requesting, would you be interested in serving on another board or commission? Yes No sorry not of the time
Please submit application to the City Clerks Office, 1 Junkins Avenue, Portsmouth, NH 03801

JOHN W. MAYER

68 Cabot Street
Portsmouth, NH 03801
(603) 422-9551
jmayer.nh@gmail.com

SUMMARY

Over twenty five years of professional experience in museums and non-profit organizations. Progressive responsibilities and extensive experience in collection research, care, and management, exhibit development and production, preservation of historic structures, museum administration, donor relations, and fundraising.

COLLEGE EDUCATION

University of Delaware
Newark, Delaware

Masters Degree in History, Certificate in Museum Studies, August 1986

Sponsored by a Hagley Fellowship

Studies -- US History, History of Technology, Material Culture, Museum Studies

Research topics: Industrial History, 19th-century American Technology

California College of Arts and Crafts
Oakland, California

Bachelor of Fine Arts with Distinction in Film Arts, June 1976

Studies -- Film Arts, Print-making, Design, Art History

MUSEUM EXPERIENCE

Maine Historical Society
Portland, Maine

Curator of Museum Collections -- Department head and senior staff member responsible for a broad range of museum programs, grant writing, managing changing exhibit program, oversight of 1785 Wadsworth-Longfellow house, and growth and care of museum collections.

5/02 - present

Strawbery Banke Museum
Portsmouth, New Hampshire

Curator -- Served as Head of the Collections Department and managed the activities of the Curatorial, Library, and Archaeology Divisions. Major projects included restoration of the Thomas Bailey Aldrich House and Memorial, and the design and implementation of a comprehensive environmental improvement program for furnished buildings and museum collections.

12/97-12/01

Manchester Historic Association
Manchester, New Hampshire

Director - Successfully activated this local history museum with a \$300K operating budget.

Accomplishments included institutional growth and rebuilding base of community support. Overall responsibility for board and staff leadership, long-range planning and institutional visioning, fund-raising, personnel and financial management, and collections care.

6/92-12/97

Atwater Kent Museum
Philadelphia, Pennsylvania

Curator of Exhibits/Coordinator of Curatorial Affairs -- Planned, scheduled, and coordinated the diverse activities of the six-member Curatorial Department. Individual responsibilities included research for interpretive exhibits focusing on urban and industrial history, development of technology collections, and management and installation of exhibits in all galleries.

5/87-5/92

Rockwood Museum
Wilmington, Delaware

Curator -- Responsibilities focused on collections management problems. Established collections-care policies, designed and implemented a phased storage plan, and developed a successful IMS grant proposal for a comprehensive environmental survey.
11/86-5/87

Mid-Atlantic Association of Museums
Newark, Delaware

Acting Director -- Coordinated the operations of this regional museum association, including planning for the 1986 Annual Meeting, presenting workshops, managing office activities of this 500 member organization, and writing the MAAM quarterly newsletter.
6/86-10/86

Hagley Museum
Wilmington, Delaware

Restoration/ Exhibit Specialist -- Worked on all phases of curatorial projects including exhibit design and installation, coordinating and supporting volunteer projects, and development of storage systems (with specific focus on the industrial-machinery collection).
6/82-7/84
Curatorial Assistant/ Exhibits Preparator -- Primary responsibilities focused on restoration of the 19th-century machine tool collection, model making, and exhibit fabrication and installation.
9/80-9/81

MIT Museum
Massachusetts Institute of Technology
Cambridge, Massachusetts

Curatorial Assistant/ Exhibits Preparator -- Responsibilities included collection care, general exhibit preparation, and research for an exhibit on the history of the MIT Electrical Engineering Department.
12/81-6/82

Pasadena Museum of Modern Art
Pasadena, California

Assistant Instructor -- Assisted in multi-media art workshops and classes designed for ages that ranged from school age to adult.
4/72-7/72

CURRENT or RELEVANT BOARD/COMMITTEE MEMBERSHIP

- American Alliance of Museums -- MAP Advisory Com., Curators Committee (Board member at-large, 2005 - 2009; Chair - Ethics Policy workgroup)
- Portsmouth Historical Society (Trustee, Chair, Building Com., Treasurer 2004 - 2006)
- PRISMS (Parents and Researchers Interested in Smith-Magenis Syndrome) (Secretary, 2008 - present)

PROFESSIONAL AND CONSULTING PROJECTS

- Museum Studies Internship Coordinator, University of New Hampshire, 2005 - 2006
- Fellowship Director, Old York Historical Society, Summer, 2002
- Assistant Director & Lecturer, Collections Care Training Program, 1990 - 1998
- Peer-reviewer. AAM Museum Assessment Program (Active reviewer since 1990)
- Independent exhibit research and development, 1988 - present

PROFESSIONAL MEMBERSHIPS

- American Alliance of Museums
- New England Museum Association
- Cape Cod Frosty Sailing Association - Fleet 9

To: Portsmouth City Councilors,

I have asked that the following topic be placed on the City Council Agenda for the Monday, June 15th meeting:

**CONSIDERATION OF MATTERS RELATING TO
THE ROBERTS INVESTIGATORY PANEL REPORT**

I will be addressing this topic in four ways:

1. POLICE COMMISSION STRUCTURE. It is important for the City Council to consider how to improve the process of citizen oversight on our police department. Possibilities could include revising some of the tasks and duties of the Police Commission, and the way it relates with city management, expanding the Police Commission membership, replacing the Police Commission with a different structure, and perhaps creating a Civilian Review Board in addition to the Police Commission. Another possibility may be to have a five-member Police Commission, with a variety of membership -- both elected and appointed -- which could enhance management communication and civilian oversight.

The objective should be to put more citizen "eyes" on the operations of our police department. More citizen oversight on our police department may be wise, currently and for the future.

I am not ready to propose a specific approach, because I think a number of people need to be involved in the discussion: current Police Commissioners, former members, City Councilors, our management and legal staff, police employees, and citizens. On this topic, I think a citizen Charter Commission would serve good purpose, and to do the job right and thoroughly I'm not expecting that it could be done quickly.

With that in mind, if there is consensus I would suggest that we outline a process during the next month to formally create a Charter Commission for this purpose, with a planned report back by next year. We need a thorough analysis and review of what could work best for Portsmouth.

2. ATTORNEY GENERAL MONITORING. On August 5, 2014, I first suggested that we consider inviting the N.H. Attorney General's Office to become involved in the Webber Estate matter. That call, then subsequent meetings with members of the Police Commission, led to the creation of the Roberts Investigatory Panel.

Page 18 of the Roberts Investigatory Panel Report was especially revealing to me where it wrote, *"We were unable to pinpoint through our investigation exactly when the Police Commission became aware of the Webber bequest intended for Sgt. Goodwin. When the Commission was informed, the decision to wait for the probate case to play itself out in court did not serve the Police Department or the community."*

It was imperative that the City Council act, as it did in mid-August, to initiate the request for an investigation to begin immediately. If the Council had not acted in August, to this day an investigation may not have been conducted, considering *"...the decision to wait for the probate case to play itself out in court..."* And it was also imperative that the Police Commission agree to encourage the Roberts Panel on October 26th, 2014, to go *"...wherever the facts and evidence may lead them."*

I think there may still be need for further oversight by the N.H. Attorney General's Office of the results of the Roberts Investigatory Panel Report, but I recognize the reluctance that the City Council may have in formally requesting that step until we see more of what the Police Commission may do to identify what happened, why, how it went on for so long, and offer remedies for corrections. I am heartened with the Police Commission's plan to hold a public meeting inviting the public to speak, and I'm expecting that will happen very soon. Perhaps we can expand that public meeting to include give-and-take with questions-and-answers, as well as participation by the City Council.

In the meanwhile, short of the City Council taking action, as an interested citizen I have written a letter to the N.H. Attorney General asking that his office continue to monitor the actions of local government concerning the results of the Roberts Investigatory Panel Report. At a latter time I may request the City Council to join that request.

The actions, and inactions, of several years that led up to the Webber Estate matter make it seem clear to me that a failure was done not just by people, but by systems. While policies may change some of that, it is our obligation to make sure that we do all that needs to be done to fix what needs to be fixed. We need to learn what we need to know, and know what we need to learn.

3. WHISTLEBLOWING PROTECTIONS. I think that almost all of our Portsmouth Police Department personnel are outstanding public servants, and Police Officer John Connors exemplifies one of the very best. Almost five years ago he spoke up and expressed his concerns about what he saw as wrongdoing, but instead of being thanked he was essentially ordered to be silent. I think there is much value in the courage that he showed, and the concern he showed is demonstrative of the core of good citizenship.

We should encourage, not intimidate, anyone -- whether they are an employee or not - to speak out when they feel they see wrongdoing. There are federal and state laws regarding protections of "whistleblowers," but some of those laws are complicated and have conditions which themselves can be intimidating for those who wish to speak out, and know they are putting their jobs or careers on the line.

To write a clear ordinance that provides a process and procedure for encouraging our municipal employees at all levels to speak out when they feel it is necessary, and which protects them when they do so, we need to include our citizens, our employees, our unions, our legal staff, and our management. With that in mind, at the Monday, June 15th meeting I may offer the following action:

That the City Council request that our City Manager and legal staff review whistleblower protections and laws which currently exist, and offer their recommendations by September 1st on how we can better encourage and protect those who speak up in good-faith for the public good about wrongdoing.

I believe we need an ordinance to do this properly and effectively, and this is a step toward accomplishing that.

4. LEGAL OPTIONS AND OBLIGATIONS, Re: ROBERTS

INVESTIGATORY PANEL REPORT. I do believe that we must determine, as a City Council, what our legal options and our legal obligations are concerning the results of the Roberts Investigatory Panel. If wrongdoing occurred, we cannot ignore it. With that in mind, at the Monday, June 15th meeting I may offer the following action:

That the City Council request City Attorney Bob Sullivan or an independent counsel to determine the legal options, rights, remedies and obligations that we have concerning the findings of the Roberts Investigatory Panel Report, and that such information be provided prior to the City Council meeting of Monday, July 13th.

As an aside, when that information is provided, I do not see any need at all for a "non-meeting" or "non-public meeting" as we discuss those options, and it should not be "confidential." We must be transparent as we continue this process.

Thank You,

Jim Splaine, City Councilor

ORDINANCE #
THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, Article 1, Section 7.1 – PARKING METERS of the Ordinances of the City of Portsmouth be amended as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

Section 7.102 PARKING METER ZONES

All of those streets, parts of streets and off-street parking lots, the time for parking upon which is limited by any ordinance of the City of Portsmouth, and any such areas, the time for parking upon which may at any time hereafter be limited by any ordinance of the City or any amendment thereto are designated as parking meter zones. Parking in parking meter zones shall be for a maximum time permitted of parking of three (3) consecutive hours, unless otherwise established by ordinance. The rate for such parking shall be:

A. DOWNTOWN HIGH OCCUPANCY ZONE:

Parking shall be at the rate of one dollar ~~seventy-five~~ **fifty** cents (\$~~1.750~~) per hour in the following areas:

1. Daniel Street, starting at Chapel Street through to Market Square
2. Bow Street, starting at Chapel Street through to Market Street
3. Congress Street, starting at Market Square through to Chestnut Street
4. Pleasant Street, starting from Court Street through to Market Square
5. Market Street, starting from Moffatt-Ladd House through to Market Square
- 6. Deer Street, starting at Market Street through to Maplewood Avenue**
- 7. Fleet Street, starting at Hanover Street through to State Street**
- 8. Hanover Lot, at intersection with Market Street**
- 9. Penhallow Street, starting at State Street through to Bow Street**
- 10. Chapel Street, starting at Daniel Street through to State Street**

B. Parking in all other parking meter zones shall be at the rate of one dollar ~~twenty-five cents~~ (~~\$1.2500~~) per hour.

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

[Synopsis (not part of ordinance). The following changes to the parking ordinance are recommended by the Fee Committee and are forwarded to the City Council for approval. Each ordinance change is as shown on diagrams attached hereto.]

CITY OF PORTSMOUTH



MEMORANDUM

TO: Honorable Mayor Robert J. Lister and City Council Members

FROM: Councilors M. Christine Dwyer and Brad Lown, Fee Committee

DATE: June 4, 2015

RE: Fee Committee Meeting of May 27, 2015

Please find attached the Fee Committee meeting minutes from May 27, 2015 and page III-28 from the FY 2016 Proposed Annual Budget reflecting changes to the hourly rate in High/Hanover Parking Facility and the per booklet charge for the validation program, which were revised during the meeting. Following is a summary of the actions taken at the meeting:

- 1) Staff presented a map showing average occupancy rates for on-street parking metered spaces during off-peak month conditions. Staff recommended expansion of High Occupancy Metered Spaces to include all streets where observed occupancy rates are at or above 85 percent, in accordance with industry best practices. This will increase the number of spaces from the current 157 spaces or 19 percent of total metered spaces to 270 spaces or 33 percent of total metered spaces.
 - Action: Fee Committee voted to expand area of High Occupancy metered spaces as recommended and to report back to the City Council at the June 15th Council meeting. (Note: This action would require an ordinance change.)
- 2) Staff recommended an increase to hourly transient rates in the High/Hanover Parking Facility to assist in funding the upcoming needed capital improvements to the facility. Staff presented revenue projections for increasing hourly transient rates by \$0.25 an hour from \$1.00 to \$1.25 in the facility. Projections show an estimated increase of \$400,000 annually in parking revenue to be used toward High/Hanover repairs.
 - Action: Fee Committee voted to increase hourly transient rates by \$0.25 an hour from \$1.00 to \$1.25 in the High/Hanover Parking Facility as recommended along with increasing the validation stickers from \$50 per hundred to \$75 per hundred. (Note: This change can be accomplished either by means of the budget process

(passing an amended Fee Schedule resolution or by vote of the City Council at any time.)

- 3) Discussion ensued over the metered space hourly rate. Currently the rates are \$1.00 per hour for Non-High Occupancy and \$1.50 per hour for High Occupancy spaces. If the parking garage were to increase to \$1.25 per hour, it was discussed that metered spaces should increase accordingly.
 - Action: Fee Committee voted to increase both metered Non-High Occupancy and High Occupancy hourly rates by \$0.25 each or \$1.25 and \$1.75 respectively and to report back to the City Council at the June 15th Council meeting. (Note: This action would require an ordinance change.)
- 4) Discussion took place on a possible resident parking discount program using EasyPark devices. The Fee Committee proposed in concept that a 20% reduction for residents using EasyPark devices be implemented. Staff will work on the logistics of implementation. (Note: This action would require an ordinance change.)
- 5) Expanding the hours of metered space enforcement to 9 p.m. was discussed with no action taken.

c. John P. Bohenko, City Manager

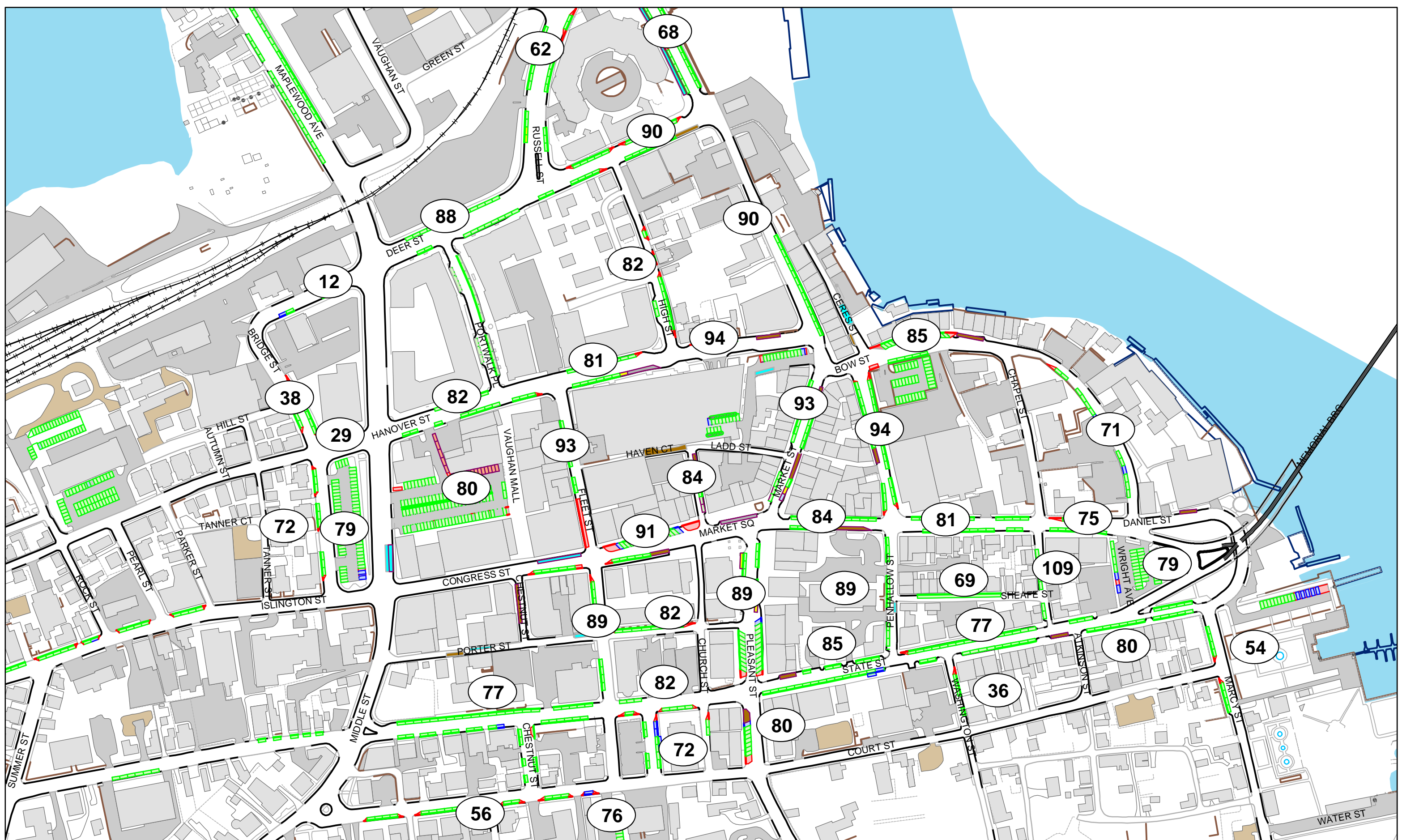


**CITY OF PORTSMOUTH
DOWNTOWN HIGH OCCUPANCY METER ZONE PROPOSED CONDITIONS**

Legend

High Occupancy Meter Zone ■ Proposed ■ Existing





Draft On-Street Parking Utilization Data
Data Compiled by Precision Data Consultants

Map prepared by Portsmouth Department of Public Works
 U:\Projects\0263 Parking Data\Precision Data Consultants\20150202.pdf

Average Occupancy Rate
 For Seven Hour Period (12PM to 7PM)
 Thursday, June 19, 2014, Saturday, June 21, 2014,
 Saturday, October 18, 2014, Wednesday, October 29, 2014 ,

1 inch = 220 feet

02/02/2015

10 June, 2015

To: Mayor Lister and Members of the City Council
From: Zelita Morgan, City Councilor and Jim Splaine, City Assistant Mayor
Re: Proposed Resolution

Two years ago, on March 4, 2013, the City Council adopted the following resolution, which later that year was also sent to all Portsmouth candidates:

"The City Council of the City of Portsmouth would like to remind all candidates for public office in the City that civility in our municipal government has been a past tradition and is a future expectation.

"This principle should begin to apply during the campaign which precedes an election. Relationships which are established during the campaign will carry over into the operation of the government after the election. Accordingly, all candidates should act during the campaign in a manner which is respectful of other candidates, the electorate and of the municipal government. One example of such conduct would be to refrain from negative campaigning, and especially the expenditure of funds for the sole purpose of seeking to hurt or damage another candidate.

"All candidates for elected office are requested to campaign with integrity and respect of other candidates and the office they seek."

We are sure that all City Councilors agree with that resolution, and endeavor to bring civility to the office which we currently hold.

With some re-wording, and a little addition, to the sentiments expressed in the 2013 resolution, we would like to offer the following Resolution:

"As members of the Portsmouth City Council, we agree that civility in our municipal government has been an important and core past tradition, and is a current and future expectation for each of us.

"This principle should apply during the campaign which precedes our election, because relationships which are established during the campaign carry over into the operation of the government after the election. While serving in office, we realize that we should act in a manner which is respectful of other City Councilors, the staff, and the public in as much as possible. We know that sometimes passion may prevail since indeed the process of governing often leads to disagreement, but we know that we must, individually and collectively, seek to reach the high standards of civility, integrity, and respect toward one another.

"Civility includes respecting each other's right to speak his or her viewpoint, without undue interruption, so that the dialogue of ideas so vital to our democracy can be shared by our citizens and those in elected office.

"Additionally, we should refrain from being intentionally insulting or attacking of one another during our service. Government works best when good people come together to solve problems in a cooperative, collaborative, and positive manner."

A motion to adopt the Resolution will be made at the next Council meeting, scheduled for 13 July, 2015.

Thanks in advance for your continued support for civility.

Zelita Morgan, City Councilor

Jim Splaine, City Councilor

**CITY OF PORTSMOUTH
LEGAL DEPARTMENT
MEMORANDUM**

DATE: June 5, 2015
TO: JOHN P. BOHENKO, CITY MANAGER
FROM: ROBERT P. SULLIVAN, CITY ATTORNEY *RP*
RE: PROPOSED CHARTER AMENDMENT ALLOWING FOR ELECTION OF THE MAYOR

This memorandum is written in response to a vote of the City Council on June 1, 2015 as follows:

"Voted that the Legal Department be requested to draft the text and related documents necessary for the Council to consider placement on the ballot for referendum vote in November 2015 of a Charter Amendment which would accomplish the following:

- a) The Office of Mayor would become an elected position
- b) Only candidates who are candidates for City Council would have the option of also becoming a candidate for Mayor
- c) To become Mayor a candidate would have to be duly elected to both the City Council and the Office of the Mayor
- d) The statutory authority and responsibility of the Mayor and the City Council would remain unchanged
- e) The Charter Amendment would become effective January 1, 2017."

This memorandum will provide the actual text of a proposed Charter Amendment to accomplish the foregoing.¹ 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.

¹ This memorandum is based in large part on a previous memorandum written to the City Council dated May 11, 2015 on a different proposed charter amendment regarding election of the Mayor.

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 nine (9) Councilors elected at-large for terms of two (2) years, one of whom shall be the 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. Only individuals who are also candidates for the position of City Council may become candidates 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, unless that person has been elected to be the Mayor. If the Council candidate receiving the largest number of votes has been elected to be Mayor, then the Council candidate receiving the second largest number of votes shall be the Assistant Mayor. If the person elected to the Mayor has not been elected to become a member of the City Council, that person shall hold no office and the Mayor shall be that person who has received the highest number of votes for the position of Mayor and who has been voted to become a member of the City Council.

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 must also be a candidate for the City Council. The candidate for Mayor receiving the most votes and also being elected to the City Council would become the Mayor. The candidate for the City Council who receives the most votes, other than the Mayor, 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, and within seven (7) days of receiving approval from the Secretary of State, the Attorney General and the Department of Revenue Administration under RSA 49-B:5 I, 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.

The final date by which the Council must vote to commence the process and be assured of time to complete it would appear to be July 9, 2015.

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:4-6 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 nine (9) Councilors elected at-large for terms of two (2) years, one of whom shall be the 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. Only individuals who are also candidates for the position of City Council may become candidates 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, unless that person has been elected to be the Mayor. If the Council candidate receiving the largest number of votes has been elected to be Mayor, then the Council candidate receiving the second largest number of votes shall be the Assistant Mayor. If the person elected to the Mayor has not been elected to become a member of the City Council, that person shall hold no office and the Mayor shall be that person who has received the highest number of votes for the position of Mayor and who has been voted to become a member of the City Council.

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

CHAPTER 49-B
HOME RULE--MUNICIPAL CHARTERS
Amendment of Municipal Charter

Section 49-B:4

49-B:4 Charter Commission; Membership; Procedure; Preliminary Report. –

- I. The charter commission shall consist of 9 members, all of whom shall be registered voters of the municipality and elected as hereinafter provided.
 - (a) Within 5 days after the deadline for requesting a recount of a vote confirming the establishment of a charter commission, or within 5 days after the recount if a recount is requested, the municipal officers shall meet to order a special election to be held on a Tuesday not less than 35 days or more than 60 days after such meeting for the purpose of electing charter commission members provided, however, that in a municipality with biennial elections, the special election shall be held on a Tuesday not less than 25 days or more than 133 days after such meeting. For purposes of this subparagraph, the provisions of RSA 40:4-c relative to recounts shall apply, except that a recount must be requested no later than the first Friday following the vote.
 - (b) Members shall be elected in the same manner as the municipal officers except that they shall be elected at large and without party designation. The names of the candidates shall be arranged on the ballot in an order determined by lot, publicly selected by the city or town clerk. Declarations of candidacy for the commission shall be filed as provided in RSA 669:19, except that the filing period shall begin on the fourth Wednesday before the election and end on the Friday of the following week.
- II. Within 5 days after the deadline under RSA 669:30 for requesting a recount, the municipal clerk shall notify those elected to the charter commission of the date, time, and place of the organizational meeting of the charter commission. However, if a recount is requested, such notice shall be given within 5 days after the last recount is completed. The date, time, and place of the organizational meeting shall be fixed by the clerk. The date shall be at least 7 days and not more than 14 days after the date of the notice. The charter commission shall organize by electing from its members a chairperson, a vice chairperson and a secretary and shall file notice thereof with the municipal clerk. Vacancies occurring on the commission shall be filled by vote of the commission from the voters of the municipality. Members shall serve without compensation but shall be reimbursed from the commission's account for expenses lawfully incurred by them in the performance of their duties.

- III. The charter commission may adopt rules and regulations governing the conduct of its meetings and proceedings and may employ such legal, research, clerical, or other employees and consultants as are deemed necessary within the limits of its budget.
- IV. (a) A municipality shall provide its charter commission, free of charge, with suitable office space and with reasonable access to facilities for holding public hearings, may contribute clerical and other assistance to such commission, and shall permit it to consult with and obtain advice and information from municipal officers, officials, and employees during ordinary business hours. The municipal officers shall credit to the charter commission's account a sum of at least \$100. A municipality may appropriate additional funds to the charter commission account. Such funds may be raised by taxation, borrowed, or transferred from surplus.
- (b) In addition to funds made available by a municipality, the charter commission account may receive funds from any other source, public or private, provided that no contribution of more than \$50 shall be accepted from any source other than the municipality unless the name and address of the person or agency making the contribution and the amount of the contribution are disclosed in writing filed with the clerk. Within 30 days after submission of its final report the charter commission shall file with the clerk a complete account of all its receipts and expenditures for public inspection. Any balance remaining in its account shall be credited to the municipality's surplus account.
- V. Before issuing its preliminary report, the charter commission shall hold at least 2 public hearings, scheduled at its discretion. At least one of such hearings shall be for the purpose of receiving information, views, comments, and other pertinent material relative to its functions and at least one shall be for the purpose of explaining, in general terms, its proposed preliminary report and receiving comments on its proposal. The commission may, but is not required to, provide a draft of its preliminary report at the latter hearing. Notice of each such hearing shall be posted in at least 2 public places in the municipality and published in a newspaper of general circulation in the municipality at least 7 days before the date of the meeting.
- VI. (a) The charter commission shall file with the municipal clerk a preliminary report including the text of the charter which the commission intends shall be submitted to the voters and any explanatory information the commission deems desirable, and shall provide sufficient copies of the preliminary report to the municipal clerk to permit its distribution to each voter requesting it. The commission shall also file the preliminary report with the secretary of state, the attorney general, and the commissioner of the department of revenue administration as provided in RSA 49-B:4-a, I.
- (b) The preliminary report shall include a written opinion by an attorney admitted to the bar of this state that the proposed charter is not in conflict with the constitution or the general laws. The filing of the preliminary report shall be accomplished by the date indicated below:

- (1) If the charter commission was elected in a town with its annual meeting in March, on or before October 15 of the same year.
 - (2) If the charter commission was elected in a town with its annual meeting in April, on or before November 15 of the same year.
 - (3) If the charter commission was elected in a town with its annual meeting in May, on or before December 15 of the same year.
 - (4) If the charter commission was elected at a biennial municipal election in November, on or before June 15 of the following year.
 - (5) If the charter commission was elected at a special election, or at any election in a municipality not described in subparagraph (b)(1), (2), (3), or (4), within 170 days after its election.
- (c) Upon receipt of the preliminary report, the municipal clerk shall, except as provided in paragraph VII, file a certified copy with the appropriate state officials as provided in RSA 49-B:4-a.

VII. The commission may recommend, in either its preliminary or its final report, that no new charter be adopted. If the commission makes such a recommendation in its preliminary report, the preliminary report shall be deemed a final report and shall not be submitted to the state officials for review under RSA 49-B:4-a. If the commission makes such a recommendation in either the preliminary or final report, no charter question shall be placed on the municipal ballot, and the commission shall take no further action except to wind up its affairs within 60 days after the submission of its report.

Source. 1979, 241:1. 1988, 223:3. 1991, 304:6, 7. 1992, 96:1; 194:1-3. 2003, 25:4. 2006, 22:1, eff. May 30, 2006. 2012, 101:1, eff. May 29, 2012. 2014, 292:2, eff. Sept. 30, 2014.

Section 49-B:4-a

49-B:4-a Review and Approval by State Departments. –

- I. The chairman of the charter commission, if any, and otherwise the municipal clerk shall file a report, which shall include the name and address of the clerk and the chairman of the charter commission, with the secretary of state, the attorney general, and the commissioner of the department of revenue administration as follows:
 - (a) The chairman of the charter commission shall file a copy of the preliminary report relative to any new municipal charter or charter revision at the same time the preliminary report is filed with the municipal clerk pursuant to RSA 49-B:4, VI.
 - (b) Within 10 days after the filing of the report relative to any charter amendment, if initiated by the municipal officers, the municipal clerk shall file a certified copy of the report.
 - (c) Promptly after the filing of the petitioners' affidavit relative to a charter amendment, the municipal clerk shall file a certified report consisting of a copy of said affidavit.

- (d) Within 14 days of receipt of such report, the secretary of state, the attorney general, and the commissioner of the department of revenue administration shall notify in writing the municipal clerk and the chairman of the charter commission, if any, of his or her receipt. Within 45 days after the receipt of the report the secretary of state, attorney general, and commissioner of the department of revenue administration shall review the proposed charter, charter revision, or charter amendment to insure that it is consistent with the general laws of this state, and shall give notice to the municipal clerk approving or disapproving the proposed charter.
- II. If the secretary of state, the attorney general, or the commissioner of the department of revenue administration does not approve, the proposed charter question shall not be placed on the municipal ballot unless the objections to the proposed charter are resolved as provided in this section. If the proposed charter amendment was initiated by a petition, official petition forms shall not be provided. The secretary of state, attorney general, and commissioner of the department of revenue administration shall specify their objections in writing to the municipal clerk, and to the petitioners' committee if relative to a charter amendment initiated by such petitioners' committee, within the period of time allowed for review and shall offer recommendations for changes in language which would correct any inconsistencies they may find in the proposed charter to be voted upon. Failure to specify objections to a proposed charter within 45 days shall constitute approval by the secretary of state, attorney general, or the commissioner of the department of revenue administration.
- III. Upon receiving notice of such objections, the charter commission may make such changes as appear necessary and resubmit the proposed charter within 30 days to the official or officials who raised the objections. Such officials shall thereafter make reasonable efforts to review the changes and provide notice of approval or disapproval to the municipal clerk in time to enable the charter commission to file its final report by the deadline stated in RSA 49-B:4-b.
- IV. The governing body of the municipality may seek judicial review of a decision of the secretary of state, attorney general, or the commissioner of the department of revenue administration by appeal in superior court, pursuant to RSA 49-B:10, IV.

Source. 2014, 292:2, eff. Sept. 30, 2014.

Section 49-B:4-b

49-B:4-b Final Report. –

- I. Upon approval from the secretary of state, attorney general, and commissioner of the department of revenue administration under RSA 49-B:4-a, the charter commission shall submit to the municipal officers its final report, which shall include the full text and explanation of the proposed new charter, such

comments as the commission deems desirable, an indication of the major differences between the current form of government and the proposed charter, and a written opinion by an attorney admitted to the bar of this state that the proposed charter is not in conflict with the constitution or the general laws. Minority reports, if filed, shall not exceed 1,000 words. The submission of the final report and minority reports, if any, shall be accomplished by the date indicated below:

- (a) If the charter commission was elected in a town with its annual meeting in March, on or before January 15 of the following year.
 - (b) If the charter commission was elected in a town with its annual meeting in April, on or before February 15 of the following year.
 - (c) If the charter commission was elected in a town with its annual meeting in May, on or before March 15 of the following year.
 - (d) If the charter commission was elected at a biennial municipal election, on or before September 15 of the following year.
 - (e) (e) If the charter commission was elected in a municipality not described in subparagraph (a), (b), (c), or (d), within 245 days after its election.
- II. Upon the submission of the final report, the municipal officers shall order the proposed new charter to be submitted to the voters at the next municipal election after the filing of the final report, unless the final report recommends that no charter be adopted, as provided in RSA 49-B:4, VII. In the case of municipalities with biennial elections, the charter shall be submitted to the voters at the next regular municipal election or at a special municipal election so long as such election is held at least 45 days after the filing of the final report. If the next regular election is less than 45 days after the filing of the report, the charter shall be submitted at the following regular election.
 - III. Except as provided in RSA 49-B:4-c, the charter commission shall continue in existence for 60 days after submission of its final report to the municipal officers, or until the date of the election at which the charter is voted upon, whichever is later, for the purpose of winding up its affairs.

Source. 2014, 292:2, eff. Sept. 30, 2014.

Section 49-B:4-c

49-B:4-c Continuation of Charter Commission. –

- I. If the charter commission is unable to obtain approval pursuant to RSA 49-B:4-a in time to submit its final report by the date established in RSA 49-B:4-b, or otherwise does not complete its preliminary or final report in accordance with the schedule established in this subdivision, it shall continue in existence for another year. Subject to paragraph II, if the commission's existence continues, any requirements of RSA 49-B:4, V and VI, RSA 49-B:4-a, and RSA 49-B:4-b that have not previously been satisfied shall apply as if the commission had been elected in the second year.

- II. A charter commission shall not be extended beyond a second year of existence.

Source. 2014, 292:2, eff. Sept. 30, 2014.

Revision of Municipal Charter

Section 49-B:4-d

49-B:4-d Definition of Revision. – For purposes of this chapter, a "revision" to a municipal charter shall mean any change to an existing charter that results in a change in the municipality's form of government to any of the following forms:

- I. Traditional town meeting.
- II. Official ballot town meeting.
- III. Town council.
- IV. Official ballot town council.
- V. Budgetary town meeting.
- VI. Representative town meeting.
- VII. City under mayor-alderman plan.
- VIII. City under council-manager plan.
- IX. Any other form hereafter expressly authorized by statute.

Source. 2014, 292:2, eff. Sept. 30, 2014.

Section 49-B:4-e

49-B:4-e Procedure for Revising Charter. –

- I. The municipal officers may determine that a revision of the municipal charter is necessary and, by order, submit the question of establishment of a commission to revise the charter to the voters, in the same manner as provided for the establishment of a charter commission under RSA 49-B:3; or
- II. On the written petition of a number of voters equal to 20 percent of the number of ballots cast in the municipality at the last regular municipal election, but in no event fewer than 10 registered voters, the municipal officers shall, by order, submit the question of establishment of a commission to revise the charter to the voters as provided in this section. The petition shall read substantially as follows: "Each of the undersigned voters requests the municipal officers to submit to the voters, at the next municipal election, the question of establishment of a charter commission to draft a revision to the municipal charter." The petition shall be submitted on or before the date indicated for a petition under RSA 49-B:3, II.
- III. The establishment of a commission to revise the charter, the membership of the commission, and the procedures of the commission shall in all respects be the

same as for a commission to draft a new charter under RSA 49-B:3, RSA 49-B:4, RSA 49-B:4-a, and RSA 49-B:4-b, including all dates and time periods thereunder, except that the following question shall be substituted for the question specified in RSA 49-B:3, IV:

"Shall a charter commission be established for the purpose of revising or amending the municipal charter?"

- IV. If a commission that has been elected to revise the charter determines that one or more amendments to the charter are required, it may propose such amendments.
- V. A commission to revise the charter shall not be continued under RSA 49-B:4-c.

Source. 2014, 292:2, eff. Sept. 30, 2014.

Amendment of Municipal Charter

Section 49-B:4-f

49-B:4-f Definition of Amendment. – For purposes of this chapter, an "amendment" to a municipal charter shall mean any change to an existing charter that does not constitute a revision under RSA 49-B:4-d.

Source. 2014, 292:2, eff. Sept. 30, 2014.

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.
- III. 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.
- IV. (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.

General Provisions Applicable to Charter Actions

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.