

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, OCTOBER 19, 2015 TIME: 6:30PM

AGENDA

- 6:30PM - "NON-MEETING" WITH COUNSEL RE: CITY MANAGER'S EVALUATION IN ACCORDANCE WITH RSA 91-A:2 I (b)

I. CALL TO ORDER (6:30PM)

II. ROLL CALL

III. INVOCATION

IV. PLEDGE OF ALLEGIANCE

PRESENTATION

1. Click N' Fix Program

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

VI. PUBLIC COMMENT SESSION

VII. APPROVAL OF GRANTS/DONATIONS

A. Acceptance of Police Department Grants & Donation

- Acceptance of Grant from the US Department of Justice for new and replacement bullet proof vests - \$10,360.71
- Acceptance of Grant from the US Department of Justice for New Hampshire Internet Crimes Against Children Task Force - \$256,152.00
- Acceptance of Donation from Ms. Dorothy Steere-Doyle for Portsmouth Police Explorer Cadets - \$20.00

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

VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

(There are no items under this section of the agenda this evening)

IX. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. Request for Approval of Pole License Agreement #63-0598 to license 3 replacement poles on Jewell Court and 2 poles on the private access road behind Hannaford Supermarket and the adjacent strip mall at 800 Islington Street (***Anticipated action – move to approve the aforementioned Pole License Agreement as recommended by the Public Works Department with the approval conditioned upon amendment of the license to allow for the collection of any lawfully assessed real estate taxes***)
- B. Letter from Nicole McShane, Big Brothers Big Sister of New Hampshire, requesting permission to hold the Annual Stiletto Sprint on Saturday, June 18, 2016 (rain date Sunday, June 19, 2016) (***Anticipated action – move to refer to the City Manager with power***)

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from John R. Chagnon, Ambit Engineering, Inc., requesting a License for property located at 319 Vaughan Street (***Sample motion – move to refer to the City Manager for report back***)

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

City Manager's Items Which Require Action:

(There are no items under this section of the agenda this evening)

Informational items

1. Events Listing
2. Report Back Re: Uber Enforcement
3. Presentation with City Assessor and DRA regarding Revaluation – October 26, 2015 at 6:30 p.m.

B. MAYOR LISTER

1. Proposed Separation Agreement with Police Chief Stephen J. Dubois and the Portsmouth Police Commissioners (***Sample motion – move to authorize the Board of Police Commissioners to work with City Negotiator Attorney Thomas Closson for a Separation Agreement between Chief Stephen J. DuBois and the Board of Police Commissioners that would include the Chief's retirement effective as of November 1, 2015 and be paid six months of severance from that date***)
2. Appointments to be Considered:
 - Appointment of Anne Poubeau to the Portsmouth Housing Endowment Fund Advisory Board
 - Appointment of Hannah K. Dahlgren to the Citizen Advisory Committee

3. Appointments to be Voted:
 - Appointment of Jonathan Sandberg to the Citizens Advisory Committee of the CDBG Program
 - Appointment of Lawrence J. Lariviere to the Sustainable Practices
4. *Establish Work Session for November 23, 2015 Re: Topics
 - Update on Solid Waste & Recycling Program
 - Proposed LED Lighting for City Street Lights
 - Discussion Re: Naming Lafayette Park in honor of Dr. Paul Harvey in Accordance with Rule 44 (Proposed by Assistant Mayor James Splaine)

C. ASSISTANT MAYOR SPLAINE

1. *Police Chief Stephen Dubois Separation Agreement: A Possible Compromise Solution

D. COUNCILOR KENNEDY

1. *Charter Committee Update

E. COUNCILOR SHAHEEN

1. *Heroin Epidemic

F. COUNCILOR LOWN

1. Parking & Traffic Safety Committee Action Sheet and Minutes on October 1, 2015 meeting

G. COUNCILOR MORGAN

1. Right-to-Know Requests

H. COUNCILOR SPEAR

1. *City Manager's Evaluation

XII. MISCELLANEOUS/UNFINISHED BUSINESS

XIII. ADJOURNMENT

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

**Indicates Verbal Report*

INFORMATIONAL ITEMS

(There are no items under this section of the agenda this evening)

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

PORTSMOUTH POLICE DEPARTMENT

OCT - 5 2015

MEMORANDUM

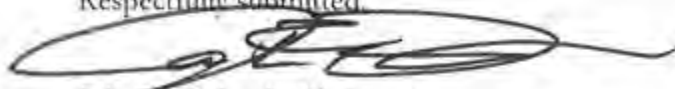
DATE: SEPTEMBER 28, 2015
TO: JOHN P. BOHENKO, CITY MANAGER
FROM: JOHN F. GOLUMB, CHAIRMAN, PORTSMOUTH POLICE COMMISSION
STEPHEN J. DUBOIS, CHIEF OF POLICE
RE: GRANTS & DONATIONS

At the September 28th, 2015 monthly Police Commission meeting, the Board of Police Commissioners approved and accepted the following grants and donations:

I. Grants & Donations:

- a.) A grant from the US Dept. of Justice in the amount of \$10,360.71 for new and replacement bullet proof vests. The grant pays for 50% of new and replacement vest costs. A funding grant from the US Dept. of Justice Office of Justice Programs in the amount of \$256,152 for the New Hampshire Internet Crimes Against Children Task Force (ICAC). This grant will fund the New Hampshire Task Force for FY '15. The Portsmouth Police Department is the headquarters for the New Hampshire Task Force.
- b.) A donation from Ms. Dorothy Steere-Doyle in the amount of \$20 in support of the Portsmouth Police Explorer Cadets.

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 Senechal
Business Assistant Tammie Perez



[←/NIJ Standards](#) [/Glossary](#) [/BVP Manuals](#) →

1. Registration

- 1.1 [Agency Information](#)
- 1.2 [Agency Contacts](#)

2. Application

- 2.1 [Application Profile](#)
- 2.2 [Manage Application](#)
- 2.3 [Review Application](#)
- 2.4 [Submit Application](#)
- 2.5 [Mandatory Wear Policy](#)

3. Payment

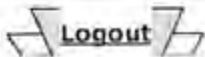
- 3.1 [Bank Information](#)
- 3.2 [Print Bank Form](#)
- 3.3 [Manage Receipts](#)
- 3.4 [Payment Request](#)
- 3.5 [Payment History](#)

4. Status

- 4.1 [Current Status](#)
- 4.2 [LEA Status](#)
- 4.3 [Application History](#)

5. Personal Information

- 5.1 [User Profile](#)
- 5.2 [Change Password](#)



BVP HELP DESK
(Toll-Free 1-877-758-3787)

Application Profile

Participant	PORTSMOUTH CITY
Fiscal Year	2015
Number of Agencies Applied	0
Total Number of Officers for Application	89
Number of Officers on Approved Sub-Applications	89
<u>Unspent BVP Funds Remaining</u>	\$11,053.94
Unspent BVP Funds <u>Obligated</u> for Vest Purchases	\$7,074.00

Sub-Application Profile

Fiscal Year	2015
<u>Vest Replacement Cycle</u>	5
Number of Officers	89
Zylon Replacement	0
<u>Emergency Replacement Needs</u>	
Stolen or Damaged Officer Turnover	0

Application Details

NIJ#	*Quantity	Unit Price	Extended Cost	Tax Shipping and Handling	Total Cost
AXII	27	\$786.00	\$21,222.00	\$0.00	\$21,222.00
Grand Totals	*27		\$21,222.00	\$0.00	\$21,222.00

Award Summary for FY2015 Regular Fund

Funds Type	Eligible Amount	*Award	Date Approved	Status
Regular Fund	\$21,222.00	*\$10,360.71	08/11/15	Approved by BVP
Grand Totals:	\$21,222.00	\$10,360.71		

[Return](#)

Bulletproof Vest Program
Pays 50% of New and Replacement Vests



Department of Justice
Office of Justice Programs

Office of the Assistant Attorney General

Washington, D.C. 20531

September 21, 2015

Chief Stephen DuBois
City of Portsmouth
1 Junkins Ave
Portsmouth, NH 03801-4554

Dear Chief DuBois:

On behalf of Attorney General Loretta Lynch, it is my pleasure to inform you that the Office of Justice Programs has approved your application for funding under the FY 15 Internet Crimes Against Children Task Force Invited in the amount of \$256,152 for City of Portsmouth.

Enclosed you will find the Grant Award and Special Conditions documents. This award is subject to all administrative and financial requirements, including the timely submission of all financial and programmatic reports, resolution of all interim audit findings, and the maintenance of a minimum level of cash-on-hand. Should you not adhere to these requirements, you will be in violation of the terms of this agreement and the award will be subject to termination for cause or other administrative action as appropriate.

If you have questions regarding this award, please contact:

- Program Questions, Jacqueline O'Reilly, Program Manager at (202) 514-5024; and
- Financial Questions, the Office of the Chief Financial Officer, Customer Service Center (CSC) at (800) 458-0786, or you may contact the CSC at ask.ocfo@usdoj.gov.

Congratulations, and we look forward to working with you.

Sincerely,

A handwritten signature in black ink that reads "Karol V. Mason".

Karol Virginia Mason
Assistant Attorney General

Enclosures



OFFICE FOR CIVIL RIGHTS

Office of Justice Programs

Department of Justice

810 7th Street, NW
Washington, DC 20531

Tel: (202) 307-0690

TTY: (202) 307-2027

E-mail: askOCR@usdoj.gov

Website: www.ojp.usdoj.gov/ocr

September 21, 2015

Chief Stephen DuBois
City of Portsmouth
1 Junkins Ave
Portsmouth, NH 03801-4554

Dear Chief DuBois:

Congratulations on your recent award. In establishing financial assistance programs, Congress linked the receipt of federal funding to compliance with federal civil rights laws. The Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice (DOJ) is responsible for ensuring that recipients of financial assistance from the OJP, the Office of Community Oriented Policing Services (COPS), and the Office on Violence Against Women (OVW) comply with the applicable federal civil rights laws. We at the OCR are available to help you and your organization meet the civil rights requirements that come with DOJ funding.

Ensuring Access to Federally Assisted Programs

Federal laws that apply to recipients of financial assistance from the DOJ prohibit discrimination on the basis of race, color, national origin, religion, sex, or disability in funded programs or activities, not only in employment but also in the delivery of services or benefits. A federal law also prohibits recipients from discriminating on the basis of age in the delivery of services or benefits.

In March of 2013, President Obama signed the Violence Against Women Reauthorization Act of 2013. The statute amends the Violence Against Women Act of 1994 (VAWA) by including a nondiscrimination grant condition that prohibits discrimination based on actual or perceived race, color, national origin, religion, sex, disability, sexual orientation, or gender identity. The new nondiscrimination grant condition applies to certain programs funded after October 1, 2013. The OCR and the OVW have developed answers to some frequently asked questions about this provision to assist recipients of VAWA funds to understand their obligations. The Frequently Asked Questions are available at <http://ojp.gov/about/ocr/vawafaqs.htm>.

Enforcing Civil Rights Laws

All recipients of federal financial assistance, regardless of the particular funding source, the amount of the grant award, or the number of employees in the workforce, are subject to prohibitions against unlawful discrimination. Accordingly, the OCR investigates recipients that are the subject of discrimination complaints from both individuals and groups. In addition, based on regulatory criteria, the OCR selects a number of recipients each year for compliance reviews, audits that require recipients to submit data showing that they are providing services equitably to all segments of their service population and that their employment practices meet equal opportunity standards.

Providing Services to Limited English Proficiency (LEP) Individuals

In accordance with DOJ guidance pertaining to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, recipients of federal financial assistance must take reasonable steps to provide meaningful access to their programs and activities for persons with limited English proficiency (LEP). See U.S. Department of Justice, *Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons*, 67 Fed. Reg. 41,455 (2002). For more information on the civil rights responsibilities that recipients have in providing language services to LEP individuals, please see the website <http://www.lep.gov>

Ensuring Equal Treatment for Faith-Based Organizations

The DOJ regulation, *Equal Treatment for Faith-Based Organizations*, 28 C.F.R. pt. 38, requires State Administering Agencies (SAAs) to treat faith-based organizations the same as any other applicant or recipient. The regulation prohibits SAAs from making awards or grant administration decisions on the basis of an organization's religious character or affiliation, religious name, or the religious composition of its board of directors.

The regulation also prohibits faith-based organizations from using financial assistance from the DOJ to fund inherently (or explicitly) religious activities. While faith-based organizations can engage in non-funded inherently religious activities, they must hold them separately from the program funded by the DOJ, and recipients cannot compel beneficiaries to participate in them. The Equal Treatment Regulation also makes clear that organizations participating in programs funded by the DOJ are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. For more information on the regulation, please see the OCR's website at http://www.ojp.usdoj.gov/about/ocr/equal_fbo.htm.

SAAs and faith-based organizations should also note that the Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968, as amended, 42 U.S.C. § 3789d(e); the Victims of Crime Act of 1984, as amended, 42 U.S.C. § 10604(e); the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, 42 U.S.C. § 5672(b); and VAWA, Pub. L. No. 113-4, sec. 3(b)(4), 127 Stat. 54, 61-62 (to be codified at 42 U.S.C. § 13925(b)(13)) contain prohibitions against discrimination on the basis of religion in employment. Despite these nondiscrimination provisions, the DOJ has concluded that it may construe the Religious Freedom Restoration Act (RFRA) on a case-by-case basis to permit some faith-based organizations to receive DOJ funds while taking into account religion when hiring staff, even if the statute that authorizes the funding program generally forbids recipients from considering religion in employment decisions. Please consult with the OCR if you have any questions about the regulation or the application of RFRA to the statutes that prohibit discrimination in employment.

Using Arrest and Conviction Records in Making Employment Decisions

The OCR issued an advisory document for recipients on the proper use of arrest and conviction records in making hiring decisions. See *Advisory for Recipients of Financial Assistance from the U.S. Department of Justice on the U.S. Equal Employment Opportunity Commission's Enforcement Guidance: Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964* (June 2013), available at http://www.ojp.usdoj.gov/about/ocr/pdfs/UseofConviction_Advisory.pdf. Recipients should be mindful that the misuse of arrest or conviction records to screen either applicants for employment or employees for retention or promotion may have a disparate impact based on race or national origin, resulting in unlawful employment discrimination. In light of the Advisory, recipients should consult local counsel in reviewing their employment practices. If warranted, recipients should also incorporate an analysis of the use of arrest and conviction records in their Equal Employment Opportunity Plans (EEOPs) (see below).

Complying with the Safe Streets Act

An organization that is a recipient of financial assistance subject to the nondiscrimination provisions of the Safe Streets Act, must meet two obligations: (1) complying with the federal regulation pertaining to the development of an EEOP (see 28 C.F.R. pt. 42, subpt. E) and (2) submitting to the OCR findings of discrimination (see 28 C.F.R. §§ 42.204(e), 205(c)(5)).

Meeting the EEOP Requirement

If your organization has less than fifty employees or receives an award of less than \$25,000 or is a nonprofit organization, a medical institution, an educational institution, or an Indian tribe, then it is exempt from the EEOP requirement. To claim the exemption, your organization must complete and submit Section A of the Certification Form, which is available online at <http://www.ojp.usdoj.gov/about/ocr/pdfs/cert.pdf>.

If your organization is a government agency or private business and receives an award of \$25,000 or more, but less than \$500,000, and has fifty or more employees (counting both full- and part-time employees but excluding political appointees), then it has to prepare a Utilization Report (formerly called an EEOP Short Form), but it does not have to submit the report to the OCR for review. Instead, your organization has to maintain the Utilization Report on file and make it available for review on request. In addition, your organization has to complete Section B of the Certification Form and return it to the OCR. The Certification Form is available at <http://www.ojp.usdoj.gov/about/ocr/pdfs/cert.pdf>.

If your organization is a government agency or private business and has received an award for \$500,000 or more and has fifty or more employees (counting both full- and part-time employees but excluding political appointees), then it has to prepare a Utilization Report (formerly called an EEOP Short Form) and submit it to the OCR for review within sixty days from the date of this letter. For assistance in developing a Utilization Report, please consult the OCR's website at <http://www.ojp.usdoj.gov/about/ocr/eeop.htm>. In addition, your organization has to complete Section C of the Certification Form and return it to the OCR. The Certification Form is available at <http://www.ojp.usdoj.gov/about/ocr/pdfs/cert.pdf>.

To comply with the EEOP requirements, you may request technical assistance from an EEOP specialist at the OCR by telephone at (202) 307-0690, by TTY at (202) 307-2027, or by e-mail at EEOSubmission@usdoj.gov.

Meeting the Requirement to Submit Findings of Discrimination

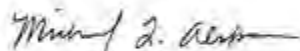
If in the three years prior to the date of the grant award, your organization has received an adverse finding of discrimination based on race, color, national origin, religion, or sex, after a due-process hearing, from a state or federal court or from a state or federal administrative agency, your organization must send a copy of the finding to the OCR.

Ensuring the Compliance of Subrecipients

SAAAs must have standard assurances to notify subrecipients of their civil rights obligations, written procedures to address discrimination complaints filed against subrecipients, methods to monitor subrecipients' compliance with civil rights requirements, and a program to train subrecipients on applicable civil rights laws. In addition, SAAAs must submit to the OCR every three years written Methods of Administration (MOA) that summarize the policies and procedures that they have implemented to ensure the civil rights compliance of subrecipients. For more information on the MOA requirement, see http://www.ojp.usdoj.gov/funding/other_requirements.htm.

If the OCR can assist you in any way in fulfilling your organization's civil rights responsibilities as a recipient of federal financial assistance, please contact us.

Sincerely,



Michael L. Alston
Director

cc: Grant Manager
Financial Analyst



Department of Justice
Office of Justice Programs
Office of the Chief Financial Officer

Washington, D.C. 20531

September 21, 2015

Chief Stephen DuBois
City of Portsmouth
1 Junkins Ave
Portsmouth, NH 03801 - 4554

Reference Grant Number: 2015-MC-FX-K026

Dear Chief DuBois:

I am pleased to inform you that my office has approved the following budget categories for the aforementioned grant award in the cost categories identified below:

Category	Budget
Personnel	\$130,016
Fringe Benefits	\$87,021
Travel	\$6,491
Equipment	\$200
Supplies	\$1,907
Construction	\$0
Contractual	\$10,463
Other	\$20,054
Total Direct Cost	\$256,152
Indirect Cost	\$0
Total Project Cost	\$256,152
Federal Funds Approved:	\$256,152
Non-Federal Share:	\$0
Program Income:	\$0

Match is not required for this grant program.

All individual consultant fees in excess of \$650 per 8 hour day require prior approval of OJP.

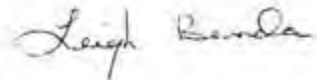
The line item labeled "Contractual" may include contracts, subawards, or consultants.

If you have questions regarding this award, please contact:

- Program Questions, Jacqueline O'Reilly, Program Manager at (202) 514-5024
- Financial Questions, the Office of Chief Financial Officer, Customer Service Center(CSC) at (800) 458-0786, or you may contact the CSC at ask.ocfo@usdoj.gov.

Congratulations, and we look forward to working with you.

Sincerely,



Leigh Benda
Chief Financial Officer



Department of Justice
Office of Justice Programs
**Office of Juvenile Justice and
Delinquency Prevention**

Cooperative Agreement

PAGE 1 OF 9

1. RECIPIENT NAME AND ADDRESS (including Zip Code) City of Portsmouth Jenkins Ave Portsmouth, NH 03801-4554		4. AWARD NUMBER: 2015-MC-FX-K026	
		5. PROJECT PERIOD: FROM 07/01/2015 TO 06/30/2016 BUDGET PERIOD: FROM 07/01/2015 TO 06/30/2016	
		6. AWARD DATE 09/21/2015	7. ACTION Initial
2a. GRANTEE IRS/VENDOR NO. 026000715	8. SUPPLEMENT NUMBER 00		
2b. GRANTEE DUNS NO. 073976706	9. PREVIOUS AWARD AMOUNT		\$ 0
3. PROJECT TITLE NH ICAC Task Force	10. AMOUNT OF THIS AWARD		\$ 256,152
	11. TOTAL AWARD		\$ 256,152
12. SPECIAL CONDITIONS THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS ARE SET FORTH ON THE ATTACHED PAGE(S).			
13. STATUTORY AUTHORITY FOR GRANT This project is supported under FY 15(OJDP ICAC Task Force) Pub. L. No. 113-235, 128 Stat. 2130, 2195			
14. CATALOG OF DOMESTIC FEDERAL ASSISTANCE (CFDA Number) 16.543 - Missing Children's Assistance			
15. METHOD OF PAYMENT GPRS			
AGENCY APPROVAL		GRANTEE ACCEPTANCE	
16. TYPED NAME AND TITLE OF APPROVING OFFICIAL Karel Virginia Mason Assistant Attorney General		18. TYPED NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL Stephen DuBois Chief	
17. SIGNATURE OF APPROVING OFFICIAL <i>Karel V. Mason</i>		19. SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL	19A. DATE
AGENCY USE ONLY			
20. ACCOUNTING CLASSIFICATION CODES FISCAL YEAR FUND BUD. ACT. DIV. OFC. REG. SUB. POMS AMOUNT X F MC 70 00 00 256152		21. PMCTGT0158	



Department of Justice
Office of Justice Programs
**Office of Juvenile Justice and
Delinquency Prevention**

**AWARD CONTINUATION
SHEET**
Cooperative Agreement

PAGE 2 OF 9

PROJECT NUMBER 2015-MC-FX-K026

AWARD DATE 09/21/2015

SPECIAL CONDITIONS

1. Applicability of Part 200 Uniform Requirements

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200, as adopted and supplemented by the Department of Justice (DOJ) in 2 C.F.R. Part 2800 (the "Part 200 Uniform Requirements") apply to this 2015 award from the Office of Justice Programs (OJP). For this 2015 award, the Part 200 Uniform Requirements, which were first adopted by DOJ on December 26, 2014, supersede, among other things, the provisions of 28 C.F.R. Parts 66 and 70, as well as those of 2 C.F.R. Parts 215, 220, 225, and 230.

If this 2015 award supplements funds previously awarded by OJP under the same award number, the Part 200 Uniform Requirements apply with respect to all award funds (whether derived from the initial award or a supplemental award) that are obligated on or after the acceptance date of this 2015 award.

Potential availability of grace period for procurement standards: Under the Part 200 Uniform Requirements, a time-limited grace period may be available under certain circumstances to allow for transition from policies and procedures that complied with previous standards for procurements under federal awards to policies and procedures that comply with the new standards (that is, to those at 2 C.F.R. 200.317 through 200.326).

For more information on the Part 200 Uniform Requirements, including information regarding the potentially-available grace period described above, see the Office of Justice Programs (OJP) website at <http://ojp.gov/funding/Part200UniformRequirements.htm>.

In the event that an award-related question arises from documents or other materials prepared or distributed by OJP that may appear to conflict with, or differ in some way from, the provisions of the Part 200 Uniform Requirements, the recipient is to contact OJP promptly for clarification.

2. The recipient agrees to comply with the Department of Justice Grants Financial Guide as posted on the OJP website (currently, the "2015 DOJ Grants Financial Guide").
3. The recipient acknowledges that failure to submit an acceptable Equal Employment Opportunity Plan (if recipient is required to submit one pursuant to 28 C.F.R. Section 42.302) that is approved by the Office for Civil Rights is a violation of the Standard Assurances executed by the recipient, and may result in suspension of funding until such time as the recipient is in compliance, or termination of the award.
4. The recipient understands and agrees that OJP may withhold award funds, or may impose other related requirements, if the recipient does not satisfactorily and promptly address outstanding issues from audits required by the Part 200 Uniform Requirements (or by the terms of this award), or other outstanding issues that arise in connection with audits, investigations, or reviews of DOJ awards.
5. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of OJP.
6. The recipient and any subrecipients must promptly refer to the DOJ OIG any credible evidence that a principal, employee, agent, subrecipient, contractor, subcontractor, or other person has -- (1) submitted a claim for award funds that violates the False Claims Act; or (2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving award funds. Potential fraud, waste, abuse, or misconduct should be reported to the OIG by - mail: Office of the Inspector General U.S. Department of Justice Investigations Division 950 Pennsylvania Avenue, N.W. Room 4706 Washington, DC 20530 e-mail: oig.hotline@usdoj.gov hotline: (contact information in English and Spanish): (800) 869-4499 or hotline fax: (202) 616-9881 Additional information is available from the DOJ OIG website at www.usdoj.gov/oig



PROJECT NUMBER 2015-MC-FX-K026

AWARD DATE 09/21/2015

SPECIAL CONDITIONS

7. Restrictions and certifications regarding non-disclosure agreements and related matters

No recipient or subrecipient under this award, or entity that receives a contract or subcontract with any funds under this award, may require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts, or purports to prohibit or restrict, the reporting (in accordance with law) of waste, fraud, or abuse to an investigative or law enforcement representative of a federal department or agency authorized to receive such information.

The foregoing is not intended, and shall not be understood by the agency making this award, to contravene requirements applicable to Standard Form 312 (which relates to classified information), Form 4414 (which relates to sensitive compartmented information), or any other form issued by a federal department or agency governing the nondisclosure of classified information.

1. In accepting this award, the recipient --

a. represents that it neither requires nor has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

b. certifies that, if it learns or is notified that it is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds, will provide prompt written notification to the agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

2. If the recipient does or is authorized to make subawards or contracts under this award --

a. it represents that --

(1) it has determined that no other entity that the recipient's application proposes may or will receive award funds (whether through a subaward, contract, or subcontract) either requires or has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

(2) it has made appropriate inquiry, or otherwise has an adequate factual basis, to support this representation; and

b. it certifies that, if it learns or is notified that any subrecipient, contractor, or subcontractor entity that receives funds under this award is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds to or by that entity, will provide prompt written notification to the agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

8. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of any contract or subaward to either the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries, without the express prior written approval of OJP.

9. The recipient agrees to comply with any additional requirements that may be imposed during the grant performance period if the agency determines that the recipient is a high-risk grantee.



Department of Justice
Office of Justice Programs
**Office of Juvenile Justice and
Delinquency Prevention**

**AWARD CONTINUATION
SHEET**
Cooperative Agreement

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PROJECT NUMBER 2015-MC-FX-K026

AWARD DATE 09/21/2015

SPECIAL CONDITIONS

10. The recipient agrees to comply with applicable requirements regarding registration with the System for Award Management (SAM) (or with a successor government-wide system officially designated by OMB and OJP). The recipient also agrees to comply with applicable restrictions on subawards to first-tier subrecipients that do not acquire and provide a Data Universal Numbering System (DUNS) number. The details of recipient obligations are posted on the Office of Justice Programs web site at <http://www.ojp.gov/funding/sam.htm> (Award condition: Registration with the System for Award Management and Universal Identifier Requirements), and are incorporated by reference here. This special condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).
11. Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), the Department encourages recipients and sub recipients to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this grant, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.
12. The recipient agrees to comply with all applicable laws, regulations, policies, and guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences, meetings, trainings, and other events, including the provision of food and/or beverages at such events, and costs of attendance at such events. Information on rules applicable to this award appears in the DOJ Grants Financial Guide (currently, as section 3.10 of "Postaward Requirements" in the "2015 DOJ Grants Financial Guide").
13. The recipient understands and agrees that any training or training materials developed or delivered with funding provided under this award must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, available at <http://www.ojp.usdoj.gov/funding/ojptrainingguidingprinciples.htm>.
14. The recipient agrees that if it currently has an open award of federal funds or if it receives an award of federal funds other than this OJP award, and those award funds have been, are being, or are to be used, in whole or in part, for one or more of the identical cost items for which funds are being provided under this OJP award, the recipient will promptly notify, in writing, the grant manager for this OJP award, and, if so requested by OJP, seek a budget-modification or change-of-project-scope grant adjustment notice (GAN) to eliminate any inappropriate duplication of funding.
15. The recipient understands and agrees that award funds may not be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.
16. The recipient understands and agrees that - (a) No award funds may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography, and (b) Nothing in subsection (a) limits the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.
17. A recipient that is eligible under the Part 200 Uniform Requirements to use the "de minimis" indirect cost rate described in 2 C.F.R. 200.414(f), and that elects to use the "de minimis" indirect cost rate, must advise OJP in writing of both its eligibility and its election, and must comply with all associated requirements in the Part 200 Uniform Requirements. The "de minimis" rate may be applied only to modified total direct costs (MTDC).
18. The recipient must collect, maintain, and provide to OJP, data that measure the performance and effectiveness of activities under this award, in the manner, and within the timeframes, specified in the program solicitation, or as otherwise specified by OJP. Data collection supports compliance with the Government Performance and Results Act (GPRA) and the GPRA Modernization Act, and other applicable laws.



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AWARD DATE 09/21/2015

SPECIAL CONDITIONS

19. Prior to the expenditure of confidential funds, the recipient and any subrecipients agree to sign a certification indicating that he or she has read, understands, and agrees to abide by all of the conditions pertaining to confidential fund expenditures as set forth in the OJP Financial Guide.



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SPECIAL CONDITIONS

20. Within 45 calendar days after the end of any conference, meeting, retreat, seminar, symposium, training activity, or similar event funded under this award, and the total cost of which exceeds \$20,000 in award funds, the recipient must provide the program manager with the following information and itemized costs:

- 1) name of event;
- 2) event dates;
- 3) location of event;
- 4) number of federal attendees;
- 5) number of non-federal attendees;
- 6) costs of event space, including rooms for break-out sessions;
- 7) costs of audio visual services;
- 8) other equipment costs (e.g., computer fees, telephone fees);
- 9) costs of printing and distribution;
- 10) costs of meals provided during the event;
- 11) costs of refreshments provided during the event;
- 12) costs of event planner;
- 13) costs of event facilitators; and
- 14) any other costs associated with the event.

The recipient must also itemize and report any of the following attendee (including participants, presenters, speakers) costs that are paid or reimbursed with cooperative agreement funds:

- 1) meals and incidental expenses (M&IE portion of per diem);
- 2) lodging;
- 3) transportation to/from event location (e.g., common carrier, Privately Owned Vehicle (POV)); and,
- 4) local transportation (e.g., rental car, POV) at event location.

Note that if any item is paid for with registration fees, or any other non-award funding, then that portion of the expense does not need to be reported.

Further instructions regarding the submission of this data, and how to determine costs, are available in the OJP Financial Guide Conference Cost Chapter.



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SPECIAL CONDITIONS

21. The recipient agrees to comply with applicable requirements to report first-tier subawards of \$25,000 or more and, in certain circumstances, to report the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients of award funds. Such data will be submitted to the FFATA Subaward Reporting System (FSRS). The details of recipient obligations, which derive from the Federal Funding Accountability and Transparency Act of 2006 (FFATA), are posted on the Office of Justice Programs web site at <http://ojp.gov/funding/Explore/FFATA.htm> (Award condition: Reporting Subawards and Executive Compensation), and are incorporated by reference here. This condition, and its reporting requirement, does not apply to grant awards made to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).
22. With respect to this award, federal funds may not be used to pay cash compensation (salary plus bonuses) to any employee of the award recipient at a rate that exceeds 110% of the maximum annual salary payable to a member of the federal government's Senior Executive Service (SES) at an agency with a Certified SES Performance Appraisal System for that year. (An award recipient may compensate an employee at a higher rate, provided the amount in excess of this compensation limitation is paid with non-federal funds.)

This limitation on compensation rates allowable under this award may be waived on an individual basis at the discretion of the OJP official indicated in the program announcement under which this award is made.
23. Approval of this award does not indicate approval of any consultant rate in excess of \$650 per day. A detailed justification must be submitted to and approved by the Office of Justice Programs (OJP) program office prior to obligation or expenditure of such funds.
24. The Project Director and key program personnel designated in the application shall be replaced only for compelling reasons. Successors to key personnel must be approved, and such approval is contingent upon submission of appropriate information, including, but not limited to, a resume. OJP will not unreasonably withhold approval. Changes in other program personnel require only notification to OJP and submission of resumes, unless otherwise designated in the award document.
25. The recipient agrees to submit a final report at the end of this award documenting all relevant project activities during the entire period of support under this award. This report will include detailed information about the project(s) funded, including, but not limited to, information about how the funds were actually used for each purpose area, data to support statements of progress, and data concerning individual results and outcomes of funded projects reflecting project successes and impacts. The final report is due no later than 90 days following the close of this award period or the expiration of any extension periods. This report will be submitted to the Office of Justice Programs, on-line through the Internet at <https://grants.ojp.usdoj.gov/>.
26. The recipient agrees that it will submit quarterly financial status reports to OJP on-line (at <https://grants.ojp.usdoj.gov/>) using the SF 425 Federal Financial Report form (available for viewing at www.whitehouse.gov/omb/grants/standard_forms/ff_report.pdf), not later than 30 days after the end of each calendar quarter. The final report shall be submitted not later than 90 days following the end of the award period.
27. The recipient shall submit semiannual progress reports. Progress reports shall be submitted within 30 days after the end of the reporting periods, which are June 30 and December 31, for the life of the award. These reports will be submitted to the Office of Justice Programs, on-line through the Internet at <https://grants.ojp.usdoj.gov/>.



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SPECIAL CONDITIONS

28. The Office of Juvenile Justice and Delinquency Prevention has elected to enter into a Cooperative Agreement rather than a grant with the recipient. This decision reflects the mutual interest of the recipient and OJJDP in the operation of the project as well as the anticipated level of Federal involvement in this project. OJJDP's participatory role in the project is as follows:
- a. Review and approve major work plans, including changes to such plans, and key decisions pertaining to project operations.
 - b. Review and approve major project generated documents and materials used in the provision of project services. Provide guidance in significant project planning meetings, and participate in project sponsored training events or conferences.
29. The recipient agrees to forward reports of ICAC Task Force Program Monthly Performance Measures to the OJJDP-designated site.
30. The recipient agrees to comply with the OJJDP approved ICAC Task Force Operational and Investigative Standards
31. The recipient acknowledges that the Office of Justice Programs (OJP) reserves a royalty-free, non-exclusive, and irrevocable license to reproduce, publish, or otherwise use, and authorize others to use (in whole or in part, including in connection with derivative works), for Federal purposes: (1) any work subject to copyright developed under an award or subaward; and (2) any rights of copyright to which a recipient or subrecipient purchases ownership with Federal support.

The recipient acknowledges that OJP has the right to (1) obtain, reproduce, publish, or otherwise use the data first produced under an award or subaward; and (2) authorize others to receive, reproduce, publish, or otherwise use such data for Federal purposes. "Data" includes data as defined in Federal Acquisition Regulation (FAR) provision 52.227-14 (Rights in Data - General).

It is the responsibility of the recipient (and of each subrecipient, if applicable) to ensure that this condition is included in any subaward under this award.

The recipient has the responsibility to obtain from subrecipients, contractors, and subcontractors (if any) all rights and data necessary to fulfill the recipient's obligations to the Government under this award. If a proposed subrecipient, contractor, or subcontractor refuses to accept terms affording the Government such rights, the recipient shall promptly bring such refusal to the attention of the OJP program manager for the award and not proceed with the agreement in question without further authorization from the OJP program office.

32. ICAC Annual Reports
- The recipient agrees to submit annual reports to OJP that set forth the following:
- (A) The number of law enforcement agencies participating in Internet crimes against children program standards established by the task force.
 - (B) Staffing levels of the task force, including the number of investigators, prosecutors, education specialists, and forensic specialists dedicated to investigating and prosecuting Internet crimes against children.
33. The recipient agrees to submit quarterly reports to OJP that set forth the following:
- Prosecution performance measures of the lead task force agency and any affiliates receiving \$20,000 or more in subrecipient funding per project period year, including-
- 1) the number of prosecutions for Internet crimes against children;
 - 2) whether the prosecution resulted in a conviction for such crime; and
 - 3) the sentence and the statutory maximum for such crime under State law.



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AWARD DATE 09/21/2015

SPECIAL CONDITIONS

34. Any Web site that is funded in whole or in part under this award must include the following statement on the home page, on all major entry pages (i.e., pages (exclusive of documents) whose primary purpose is to navigate the user to interior content), and on any pages from which a visitor may access or use a Web-based service, including any pages that provide results or outputs from the service:

"This Web site is funded (insert "in part," if applicable) through a grant from the (insert name of OJP component), Office of Justice Programs, U.S. Department of Justice. Neither the U.S. Department of Justice nor any of its components operate, control, are responsible for, or necessarily endorse, this Web site (including, without limitation, its content, technical infrastructure, and policies, and any services or tools provided)."

The full text of the foregoing statement must be clearly visible on the home page. On other pages, the statement may be included through a link, entitled "Notice of Federal Funding and Federal Disclaimer," to the full text of the statement.



Department of Justice

Office of Justice Programs

Office of Juvenile Justice and Delinquency Prevention

Washington, D.C. 20531

Memorandum To: Official Grant File

From: Lou Ann Holland, Program Manager

Subject: Categorical Exclusion for City of Portsmouth

This award is made as part of the Internet Crimes Against Children Task Force Program. Awards under this program will be used to support State and local law enforcement agencies to maintain and expand State and regional task forces to address technology-facilitated child exploitation. None of the following activities will be conducted either under this award or a related third party action:

- 1) New construction;
- 2) Any renovation or remodeling of a property located in an environmentally or historically sensitive area, including property (a) listed on or eligible for listing on the National Register of Historic Places, or (b) located within a 100-year flood plain, a wetland, or habitat for an endangered species;
- 3) A renovation which will change the basic prior use of a facility or significantly change its size;
- 4) Research and technology whose anticipated and future application could be expected to have an effect on the environment; or
- 5) Implementation of a program involving the use of chemicals, other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments.

Additionally, the proposed action is neither a phase nor a segment of a project which when reviewed in its entirety would not meet the criteria for a categorical exclusion. Consequently, the subject federal action meets OJP's criteria for a categorical exclusion as contained in paragraph 4(b) of Appendix D to Part 61 of Title 28 of the Code of Federal Regulations.



Department of Justice
Office of Justice Programs
Office of Juvenile Justice and
Delinquency Prevention

**GRANT MANAGER'S MEMORANDUM, PT. I:
PROJECT SUMMARY**
Cooperative Agreement

PROJECT NUMBER
2015-MC-FX-R026

PAGE 1 OF 1

This project is supported under FY15(OJJDP ICAC Task Force) Pub. L. No. 113-235; 128 Stat. 2130, 2195.

1. STAFF CONTACT (Name & telephone number)

Jacqueline O'Reilly
(202) 514-5024

2. PROJECT DIRECTOR (Name, address & telephone number)

Thomas Grella
Detective Sergeant
3 Jenkins Ave
Portsmouth, NH 03801-4554
(603) 610-7429 ext.401

3a. TITLE OF THE PROGRAM

OJJDP FY 15 Internet Crimes Against Children Task Force Invited

3b. POMS CODE (SEE INSTRUCTIONS
ON REVERSE)

4. TITLE OF PROJECT

NH ICAC Task Force

5. NAME & ADDRESS OF GRANTEE

City of Portsmouth
1 Jenkins Ave
Portsmouth, NH 03801-4554

6. NAME & ADDRESS OF SUBGRANTEE

7. PROGRAM PERIOD

FROM: 07/01/2015 TO: 06/30/2016

8. BUDGET PERIOD

FROM: 07/01/2015 TO: 06/30/2016

9. AMOUNT OF AWARD

\$ 256,152

10. DATE OF AWARD

09/21/2015

11. SECOND YEAR'S BUDGET

12. SECOND YEAR'S BUDGET AMOUNT

13. THIRD YEAR'S BUDGET PERIOD

14. THIRD YEAR'S BUDGET AMOUNT

15. SUMMARY DESCRIPTION OF PROJECT (See instruction on reverse)

The National Internet Crimes Against Children (ICAC) Task Force Program, as established by the PROTECT Our Children Act of 2005, consists of State and local law enforcement task forces dedicated to developing effective responses to online enticement of children by sexual predators, child exploitation, and child obscenity and pornography cases. Each State and local task force that is part of the national program shall: 1) consist of State and local investigators, prosecutors, forensic specialists, and education specialists who are dedicated to addressing the goals of the task force; 2) engage in proactive investigations, forensic examinations, and effective prosecutions of Internet crimes against children; 3) provide forensic, preventive, and investigative assistance to parents, educators, prosecutors, law enforcement, and others concerned with Internet crimes against children; 4) develop multijurisdictional, multiagency partnerships and responses to Internet crimes against children offenses through ongoing informational, administrative, and technological support to other State and local law enforcement agencies, as a means for such agencies to acquire the necessary knowledge, personnel, and specialized equipment to investigate and prosecute such offenses; 5) participate in nationally coordinated investigations in any case in which the Attorney General determines such participation to be necessary, as permitted by the available resource of such

task force; 6) establish or adopt investigative and prosecution standards consistent with established norms, in which such task force shall comply; 7) investigate, and seek prosecution on tips related to Internet crimes against children, including tips from Operation Fairplay, the National Internet Crimes Against Children Data System, the National Center for Missing and Exploited Children's CyberTipline, ICAC task forces, and other Federal, State, and local agencies, with priority being given to investigate leads that indicate the possibility of identifying or rescuing child victims, including investigative leads that indicate a likelihood of seriousness of offense or dangerousness to the community; 8) develop procedures for handling seized evidence for ICAC task force lead agencies and affiliate agencies; 9) maintain reports required by OJJDP and other reports and records as determined by the Attorney General; and, 10) seek to comply with national standards regarding the investigation and prosecution of Internet crimes against children, as set forth by the Attorney General, to the extent such standards are consistent with the law of the State where the task force is located.

The Portsmouth Police Department (PD) will continue its efforts to provide an effective statewide response to technology facilitated exploitation of children in the State of New Hampshire (NH). This funding will be used to support salaries and benefits of Portsmouth PD employees tasked with duties related to the administration and implementation of the ICAC Task Force program within the State of New Hampshire. The NH ICAC Task Force Commander position will be funded on a full time basis and is responsible for coordinating and managing NH ICAC activities and oversight of affiliate agencies. In addition, grant funds will partially support a Portsmouth PD detective responsible for ICAC investigations and forensic examinations. Grant funds will also support computer forensic training and certification for the detective. The Portsmouth PD will also provide overtime reimbursement for costs incurred by Portsmouth PD and five affiliate agencies in conduct ICAC operations, investigations, prosecutions and provide for increased educational/public internet safety presentations. Other investigative costs such as internet access, software licenses and training registration fees will also be supported. NCA/CF

City of
Portsmouth
Department of Public Works



MEMORANDUM

TO: John P. Bohenko, City Manager
FROM: Ryan Flynn, Construction Project Coordinator *RAF*
DATE: August 24, 2015
SUBJECT: PSNH License Agreement 63-0598

I have reviewed the pole location information provided by Eversource for Petition and Pole License 63-0598.

This request is to license three (3) replacement poles on Jewell Court and two (2) poles on the private access road behind Hannaford Supermarket and the adjacent strip mall at 800 Islington Street.

After examining the locations of these installations, I have determined that the three (3) installations on Jewell Court pose no impact to existing infrastructure, sight distances, or other City interests. **However, the two (2) proposed replacement poles behind Hannaford Supermarket and the adjacent strip mall are located on private property.** Therefore, I recommend the City approve this license for the three (3) poles on Jewell Court.

Attached are pictures of these poles. Please call with any questions you may have.

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

April 16, 2015

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

Dear City Clerk,

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

Enclosed for your review find three copies of PSNH Petition and Pole License number 63-0598 for City of Portsmouth review.

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

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

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

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

Thank you.

Lisa-Marie Pinkes

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

Enclosure(s)

PETITION AND POLE LICENSE

PETITION

Manchester, New Hampshire

March 24, 2015

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

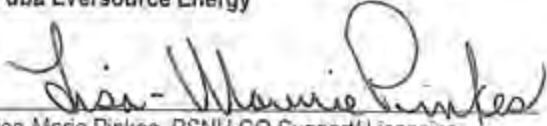
PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE, dba EVERSOURCE EVERGY and Northern New England Telephone Operations LLC, dba FairPoint Communications-NNE, request a license to install and maintain underground conduits, cable and wires, and maintain poles and structures with wires, cables, conduits and devices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

License five (5) pole(s), 2/37BY, 2/37CY, 2/37C1, 254/6Y, 254/7 located on Islington Street in the City of Portsmouth.

Northern New England Telephone Operations LLC
dba FairPoint Communications-NNE

Public Service Company of New Hampshire,
dba Eversource Energy

BY:  _____

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

LICENSE

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

ORDERED

This 24th day of March, 2015, that, PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE, dba EVERSOURCE ENERGY and Northern New England Telephone Operations LLC, dba FairPoint Communications-NNE be and hereby are granted a license to erect and maintain poles and structures, with wires, cables, conduits and devices thereon, together with sustaining, strengthening and protecting fixtures, in the public ways covered by said petition. All of said wires, except such as are vertically attached to poles and structures, shall be placed in accordance with the National Electrical Safety Code in effect at the time of petition and/or license is granted.

The approximate location of the poles and structures shall be shown on plan marked EVERSOURCE and Northern New England Telephone Operations LLC, dba FairPoint Communications-NNE No. 63-0598, dated 10/16/2014, attached hereto and made a part hereof.

City of Portsmouth, New Hampshire

BY: _____

BY: _____

BY: _____

BY: _____

BY: _____

BY: _____

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

Date: _____

ATTEST: _____
Town Clerk

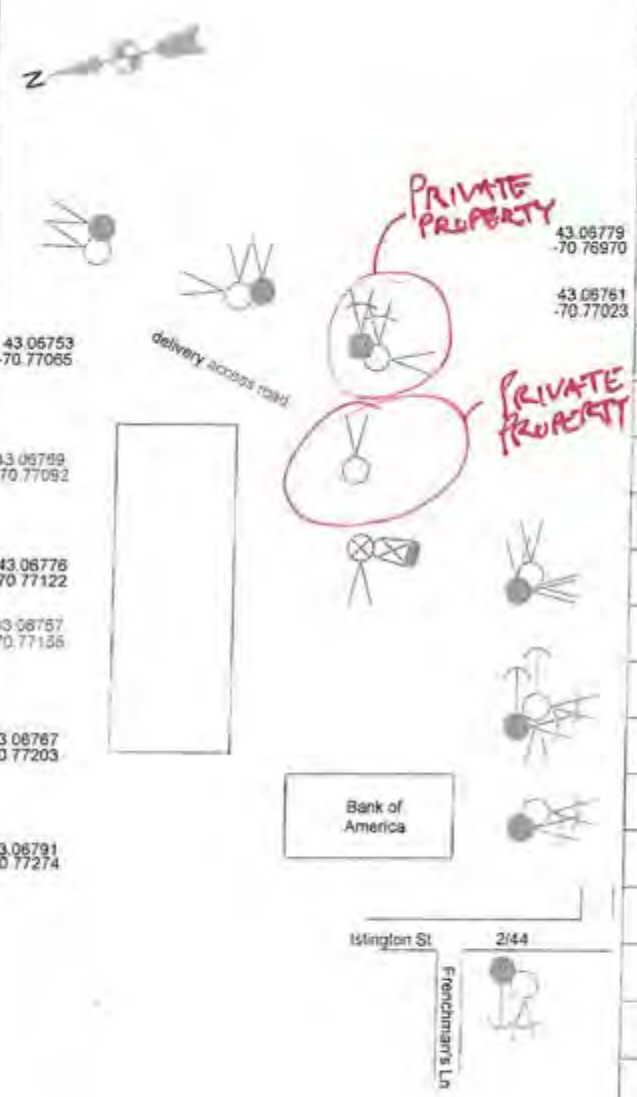
POLE LOCATION PLAN

EVERSOURCE and

Northern New England Telephone Operations LLC, dba FairPoint Communications-NNE

DATE	<u>10/16/2014</u>	LICENSE NO.	<u>63-0598</u>
MUNICIPALITY:	<u>Portsmouth</u>	STATE HWY. DIV. NO.	<u>6</u>
STREET / ROAD:	<u>Islington Street</u>	STATE LICENSE NO.	
PSNH OFFICE:	<u>Portsmouth</u>	WORK REQUEST#	<u>2411834</u>
PSNH ENGINEER:	<u>Jim Osburn</u>	WORK FINANCIAL #	<u>9P420757</u>
TELCO ENGINEER:	<u>Joe Considine</u>	TELCO PROJECT #	

Pole Numbers		Pole Sz-CI	Eq BH	INSTALL POLE PB	REMOVE	REF	100% LTS	JO	100% TEL	Span	Dist. from:	Remarks	DOC REQ
LTS	TEL												
254/9	N/A	40/2	35/72									ins/rmv Lts pole/anc	
254/8	N/A	40/2	35/72									ins/rmv Lts pole/anc	
254/7	78F/5	45/2	35/59									inst/rmv JO pole/anc inst Lts anc	M
254/6Y		45/2								75'		inst JO pole/Lts anc	M
254/6	78F/4												
254/3	78F/3.5	45/2	40/78							142'		install Lts pole/anc's rmv JO pole/anc's	
254/2	78F/2	45/2	40/78									inst/rmv JO pole/anc inst Lts & FP anc's	
254/1	78F/1	45/2	40/81									inst/rmv JO pole/anc Lrc. # 1929	



ADDENDUM PER RSA 231:163

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

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

Approved by City Council:

2/37C1



2/37CY



2/37BY



254/7

PRIVATE
PROPERTY



254/6Y
PRIVATE
PROPERTY



start something



**Big Brothers Big Sisters
of New Hampshire**
4 Greenleaf Woods #201
Portsmouth, NH 03801

October 14, 2015

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

OCT 14 2015

T 603 430 1140
F 603 430 7760

www.bbbsnh.org

Dear Mayor Lister and the Portsmouth City Council,

Big Brothers Big Sisters of New Hampshire would like to respectfully request approval to close Pleasant Street on Saturday, June 18, 2016 from 3pm - 6pm for the Annual *Stiletto Sprint*. We further request to reserve the following Sunday, June 19, 2016 for a rain date.

Our Young Philanthropists for Mentoring (YP4M) Committee will be organizing the Stiletto Sprint once again. The YP4M Committee is a group of young professionals who help raise financial support and awareness for Big Brothers Big Sisters of New Hampshire.

This year's Stiletto Sprint was our most successful to date, raising funds for our mentoring programs while garnering positive media coverage for the City and awareness of the agency. All proceeds from this event will support Big Brothers Big Sisters' mission to provide children facing adversity with strong and enduring, professionally supported, one-to-one relationships that change their lives for the better, forever.

Big Brothers Big Sisters of New Hampshire will work with your Council and the Fire and Police Departments to make this a successful and minimally disruptive event. We will require every participant to sign a release of liability waiver as well.

Please know that our agency is willing to work with your Council to select an alternative date and/or time and/or street to host this event if necessary.

If you have any questions regarding this proposal, please contact me at nmcshane@bbbsnh.org or 603-430-1140 x 2407. We look forward to continued collaboration with the City of Portsmouth.

Sincerely,

Nicole McShane
Development Coordinator



AMBIT ENGINEERING, INC. CIVIL ENGINEERS AND LAND SURVEYORS
200 Griffin Road, Unit 3, Portsmouth, NH 03801 Phone (603) 430-9282 Fax 436-2315

1 October, 2015

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

RE: Request for License for property located at 319 Vaughan Street

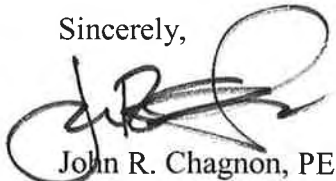
Dear Mayor Lister:

Please accept this letter on behalf of 319 Vaughan Street Center, LLC. The site redevelopment at 319 Vaughan Street received amended Planning Board site plan approval on September 17, 2015 for the construction of a trash enclosure on the Vaughan Street side of the building. The trash enclosure is partially on property owned by the City of Portsmouth; said property being the Vaughan Street Right of Way. We understand the need to obtain City Council approval in the form of a license for the area where the trash enclosure is situated.

Attached is a plan showing the Proposed License Area. Approval of a license, at this location, is hereby requested.

Please feel free to contact me if you have any questions or comments.

Sincerely,



John R. Chagnon, PE

CC: Rick Taintor, City of Portsmouth
David Allen, PE, City of Portsmouth
Tim Levine, Old Harbor



CITY OF PORTSMOUTH

Community Development Department
(603) 610-7232

Planning Department
(603) 610-7216

PLANNING BOARD

September 22, 2015

319 Vaughan Street Center, LLC
P. O. Box 21948
Portsmouth, NH 03802

RE: Amended Site Plan Application for Property Located at 319 Vaughan Street

Dear Sir/Madam:

The Planning Board, at its regularly scheduled meeting of September 17, 2015, and after due public hearing, considered your request for Amended Site Plan Review Approval for landscape revisions, construction of a trash enclosure, revisions to a previously approved transformer enclosure, and related paving, lighting, utilities, landscaping, drainage and associated site improvements. As a result of said consideration, the Board voted to **grant** Amended Site Plan approval with the following stipulations:

1. The location and dimensions of the street light bases shall be subject to review and approval by the Department of Public Works.
2. The plan shall include a drain for the trash enclosure, with the location and configuration to be approved by the Department of Public Works.
3. Sheet C2 – Layout & Landscaping Plan shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.

Please submit three sets of the revised Site Plans to the Planning Department for record keeping purposes.

As a reminder, digital as-built plans are required in a CAD or ESRI file format prior to the release of your Site Review Bond. Please refer to the Site Plan Review Regulations for special requirements.

Page two.
RE: 319 Vaughan Street
September 22, 2015

The minutes and audio recording of this meeting are available through the Planning Department.

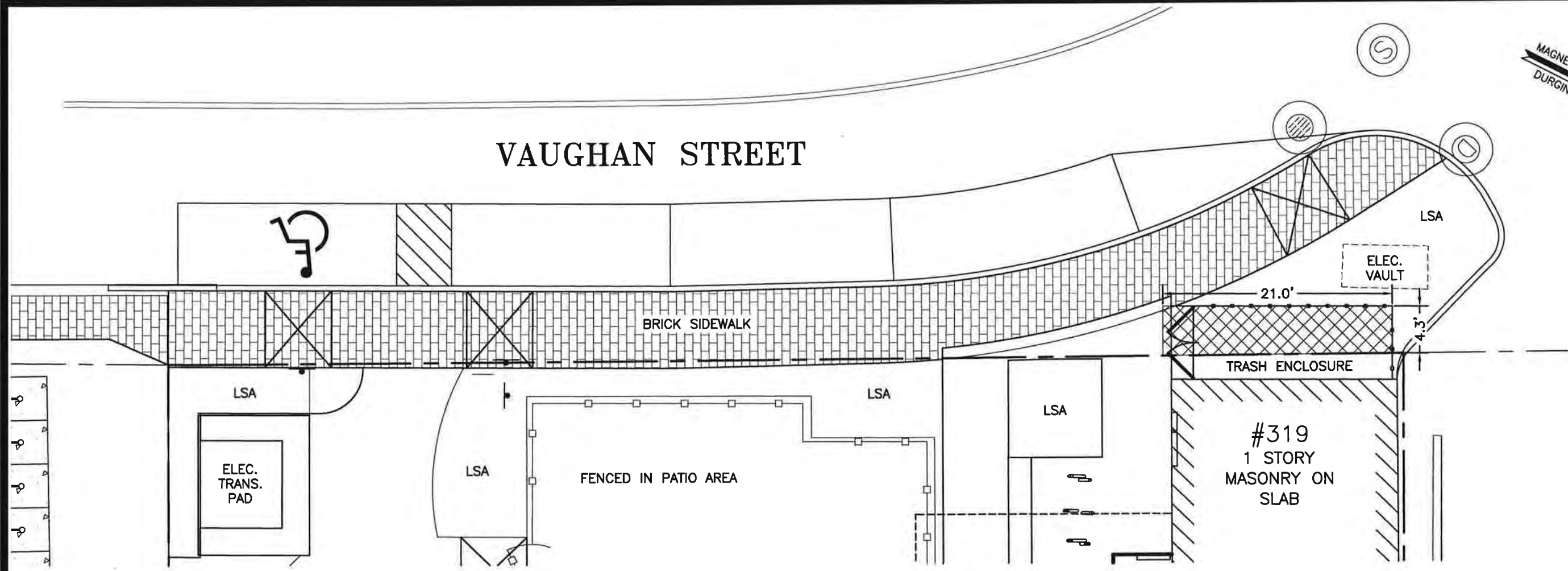
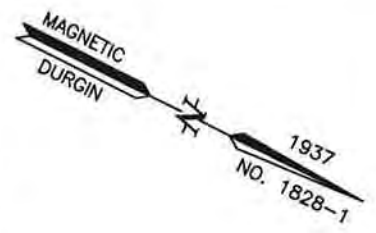
Very truly yours,

A handwritten signature in black ink, appearing to read "RTaintor". The letters are cursive and somewhat stylized.

Rick Taintor, Planning Director
for Elizabeth Moreau, Vice-Chairman of the Planning Board
RT:jms

cc: Robert Marsilia, Building Inspector
Rosann Maurice-Lentz, City Assessor
John Chagnon, PE, Ambit Engineering
Tim Levine, Old Harbor, LLC

VAUGHAN STREET



NOTES:

- 1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 124 AS LOT 9.
- 2) OWNERS OF RECORD:
 319 VAUGHAN STREET CENTER, LLC
 P.O. BOX 21948
 104 GRAFTON DRIVE
 PORTSMOUTH, N.H. 03801
 5506/427
- 3) PARCEL IS LOCATED IN CENTRAL BUSINESS A (CBA), HISTORIC A, AND THE DOWNTOWN OVERLAY (DOD) DISTRICTS.
- 6) THE PURPOSE OF THIS PLAN IS TO SHOW AN AREA TO BE LICENSED TO 319 VAUGHAN STREET CENTER, LLC FOR A TRASH ENCLOSURE.

AREA TO BE LICENSED TO 319 VAUGHAN STREET CENTER, LLC FROM THE CITY OF PORTSMOUTH

LICENSE PLAN

FOR

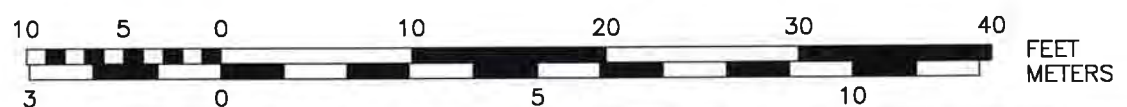
TAX MAP 124 LOT 9

319 VAUGHAN STREET
 CITY OF PORTSMOUTH
 COUNTY OF ROCKINGHAM
 STATE OF NEW HAMPSHIRE

SCALE: 1" = 10' 1 OCTOBER 2015



GRAPHIC SCALE



APPROVED BY THE PORTSMOUTH CITY COUNCIL

CHAIRMAN _____ DATE _____




AMBIT ENGINEERING, INC.
 Civil Engineers & Land Surveyors

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

I:\PROJ\2015\10\11\2015 3:23:06 PM...LIC_PLAN_10/11/2015 3:23:06 PM

**CITY OF PORTSMOUTH
PORTSMOUTH, NH 03801**

Office of the City Manager

Date: October 15, 2015
To: Honorable Mayor Robert J. Lister and City Council Members
From: John P. Bohenko, City Manager 
Re: City Manager's Comments on October 19, 2015 City Council Agenda

6:30 p.m. Non-meeting with counsel in accordance with RSA 91-A:2, I (b).

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

Presentation:

1. **Portsmouth Click N' Fix.** The Department of Public Works is launching a new program, Portsmouth Click N' Fix, that will allow residents to report issues and request services through an online or mobile interface. With this tool, residents will have the ability to submit detailed requests routed directly to the Public Works database to document neighborhood concerns such as litter, potholes, malfunctioning traffic signals and more.

Portsmouth Click N' Fix is an added means of communication for our community to help improve our level of service. This program will allow for an improved format in how information is catalogued and efficiently route service requests to the appropriate divisions within Public Works. When a resident submits a request through Portsmouth Click N' Fix, they will be notified both when their request is received and once the request has been resolved. Residents will also be able to view and comment on requests submitted by others throughout the City.

While this program does not represent added resources within the Public Works division, it will help measure effectiveness in responding to citizen requests, provide more data to help the City shift resources and services when necessary, and better manage budgets in the future.

This program is scheduled to go live on November 1, 2015. To assist residents in using this application, tutorial videos will be made available on the City website, as well as in-person training from the Library and Public Works staff. A follow-up presentation will be made to the City Council in February to review citizen participation and supplementary data metrics that are assisting the Department of Public Works.

Acceptance of Grants and Donations:

1. **Acceptance of Police Department Grants & Donation.** [Attached under Section VII of the Agenda is a memorandum](#), dated September 28, 2015, from John F. Golumb, Chairman of the Portsmouth Police Commissioners, and Police Chief Stephen J. DuBois, requesting that the City Council approve the following grants and donation:
 - a) A grant from the U. S. Dept. of Justice in the amount of \$10,360.71 for new and replacement bullet proof vests. The grant pays for 50% of new and replacement vest costs.
 - b) A Funding grant from the U. S. Dept. of Justice Office of Justice Programs in the amount of \$256,152 for the New Hampshire Internet Crimes Against Children (ICAC) Task Force. This grant will fund the New Hampshire Task Force for FY 2015. The Portsmouth Police Department is the headquarters for the New Hampshire Task Force.
 - c) A donation from Ms. Dorothy Steere-Doyle in the amount of \$20 in support of the Portsmouth Police Explorer Cadets.

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

City Manager's Items Which Require Action:

There are no items under this Section of the Agenda this evening.

Informational Items:

1. **Events Listing.** For your information, [attached is a copy of the Events Listing](#) updated after the last City Council meeting on October 5, 2015. In addition, this can be found on the City's website.
2. **Report Back Re: Uber Enforcement.** [Attached for your information is an e-mail](#) from Police Captain Frank Warchol, regarding Uber enforcement.

3. **Presentation by City Assessor and Department of Revenue Administration Re: Revaluation.** As requested, a public presentation regarding the Revaluation Process and Assessing Standards has been scheduled for Monday, October 26, 2015 at 6:30 p.m., in the Eileen Dondero Foley Council Chambers. City Assessor Rosann Maurice-Lentz and a representative from the Department of Revenue Administration (DRA) will present the revaluation process and assessing standards in accordance with State Law and the Assessing Standards Board (ASB). The purpose of an Assessing 101 Presentation is to educate the public on how the revaluation process determines the assessment based on market influences. At the end of the presentation, City Council Members and the public will have an opportunity to ask questions regarding the process.

Event Listing by Date

Starting Date: 10/ 5/2015

Ending Date: 7/31/2016

Start End	Type Description	Location	Requestor	Vote Date
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 Angela Greene 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
10/24/2015 10/24/2015	WALK Martha Netsch is the contact for this event. This event gathers at the parking lot area of Prescott Park and walk on the sidewalk across the Memorial Bridge to Kittery and back.	Prescott Park Parking Lot	Seacoast Rotary Club	7/20/2015
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
12/31/2015 12/31/2015	FIRST NIGH Barbara Massar, Executive Director is the contact for this event. This event begins at 4:00 p.m. until Midnight www.proportsmouth.org	Throught Downtown	Pro Portsmouth	8/ 4/2015
5/ 1/2016 5/ 1/2016	FAIR Barbara Massar, Executive Director is the contact for this event. This event is Pleasant Street - State Street o Market Square; no parking on Market Street - Bow Street to Isle Shoals Steam Co. entrance. This event is from Noon to 4:00 p.m.	Downtown	Children's Day	8/ 3/2015
5/ 1/2016 5/ 1/2016	RIDE Contact: Melissa Walden, Associate of Development 207-624-0306 Cycle the Seacoast - First riders leaving Redhook Brewery at 7:00 a.m. and the last rider will be in around 3:00 p.m.		American Lung Association	8/17/2015
6/11/2016 6/11/2016	FESTIVAL Barbara Massar is the contact for this event. This event begins at 9:00 a.m. to 4:00 p.m.	Market Square Day - 39th	Pro Portsmouth	8/ 3/2015
6/11/2016 6/11/2016	RACE Barbara Massar, Executive Director is the contact for this event. This is 5K Road Race that begins in Market Square.	Market Square Road Race	Pro Portsmouth	8/ 3/2015
6/25/2016 6/25/2016	MUSIC Barbara Massar, Executive Director is the contact for this event. This event begins at 5:00 p.m. to 9:30 p.m.	Pleasant Street - Street Music Series	Pro Portsmouth	8/ 3/2015
7/ 2/2016 7/ 2/2016	MUSIC Barbara Massar, Executive Director is the contact for this event. This event begins at 5:00 p.m. to 9:30 p.m.	Pleasant Street - Summer in the Street Music Serie	Pro Portsmouth	8/ 3/2015

Run: 10/15/15
11:02AM

Event Listing by Date

Page: 2

Starting Date: 10/ 5/2015

Ending Date: 7/31/2016

Start End	Type Description	Location	Requestor	Vote Date
7/16/2016 7/16/2016	MUSIC Barbara Massar is the contact for this event. This event begins at 5:00 to 9:30 p.m.	Pleasant Street - Summer in the Street Music Serie	Pro Portsmouth	8/ 3/2015
7/23/2016 7/23/2016	MUSIC Barbara Massar is the contact for this event. This event begins at 5:00 p.m. to 9:30 p.m.	Pleasant Street - Summer in the Street Music Serie	Pro Portsmouth	8/ 3/2015
7/30/2016 7/30/2016	MUSIC Barbara Massar, Executive Director This event is from 5:00 to 9:30 p.m.	Pleasant Street - Summer in the Street Music Serie	Pro Portsmouth	8/ 3/2015

Subject: Uber activity

Per my conversation with Dave Allen, we took 3 complaints from taxi drivers over the weekend (Saturday into Sunday) about Uber picking up fares. 1 complainant did not have enough information to craft a complete report. The other two taxi driver complaints resulted in 2 reports taken by the officers. Both Uber drivers were polite and cooperative and were aware of the Uber issue in Portsmouth.....but they chose to operate anyway.....The operator of one of the Uber vehicles advised the officer that their Uber boss gave them permission to drive in Portsmouth.

Frank S. Warchol, Captain

Portsmouth NH Police Dept.

Patrol Division Commander

CITY OF PORTSMOUTH PORTSMOUTH, NH 03801

Office of the Mayor

DATE: October 15, 2015

TO: Portsmouth City Council Members

FROM: Robert J. Lister, Mayor

RE: Proposed Separation Agreement between Stephen J. DuBois and the Portsmouth Board of Police Commissioners

I have placed on the October 19, 2015 City Council Agenda a proposed Separation Agreement that provides for the Police Chief to retire as of November 1, 2015 and authorize the Board of Police Commissioners to provide a six month severance. I believe that it is in the best interest of the City of Portsmouth to move forward on this issue.

On January 1, 2016, the City will have a new Board of Police Commissioners along with a new City Council and Mayor. This issue needs to be put behind us so that these officials can move forward in a positive way.

We have a great community in Portsmouth and outstanding public employees. Not only will the citizens benefit from moving forward on this issue, but also the hard working dedicated employees of the Police Department.

c. John P. Bohenko, City Manager

SEPARATION AGREEMENT

Stephen J. DuBois and the Portsmouth Board of Police Commissioners

November 1, 2015 to April 29, 2016

1. Parties

This Separation Agreement (“the Agreement”) is entered into by and between the Board of Police Commissioners for the City of Portsmouth, New Hampshire (“the Commission”) and Portsmouth Police Chief Stephen J. DuBois (“the Employee”).

2. Term And Duties

By this Agreement, and as consideration for the other promises and commitments contained in this Agreement, the Employee hereby gives the Commission irrevocable notice of his intent to retire voluntarily from all employment with the Portsmouth Police Department (“the Department”) effective on November 1, 2015.

The Commission agrees to continue to employ the Employee as the Chief of Police of the Department until November 1, 2015. During this period, the Employee will continue to fulfill all of the duties of Chief of Police. Additionally, the Employee will, as requested, assist the Commission in the transition of his duties to his replacement.

3. Severance

As severance, the Employee will continue to receive his current salary and benefits, payable in accordance with the Department’s regular payroll practices and subject to such deductions as may be authorized or as may be required by law, through April 29, 2016.

4. Effect On Prior Agreements

This Agreement is intended to replace and supersede all prior agreements between the Commission and the Employee, including specifically the “Employment Agreement” that is attached hereto as Exhibit A (“the Prior Employment Agreement”). Specifically, by this Agreement, the Employee is relinquishing and forever waiving any claim(s) for compensation, employment benefits, notice, process, and/or severance that he may have been entitled to under the terms of the Prior Employment Agreement.

5. Certification

The Employee is required to remain a New Hampshire Certified Police Officer throughout the Term of this Agreement.

6. Benefits

Except as otherwise provided herein, the Employee's fringe benefits shall continue to be established by the collective bargaining agreement between the City of Portsmouth and the Professional Management Association through April 29, 2016. The exception shall be described in detail in Section 7 below.

7. Exception To Benefits In Section 6

In addition to the compensation enumerated above, the Employee shall also be entitled to the following:

- a. Until November 1, 2015, the Employee shall continue to be provided with a suitable automobile for use in the performance of his duties as Chief of Police. Recognizing that the Chief of Police is on-call at all times, it is understood that the automobile may also be used for personal business.

8. General Release By Employee

In consideration of the promises, covenants, agreements, and representations contained herein, the Employee, on behalf of himself, his heirs, representatives, and assigns, fully and finally releases the Commission and the City of Portsmouth (including their respective current and past elected officials, employees, attorneys and agents) from all claims, causes of action, suits, litigation, demands, and obligations of every kind, including claims for damages, wages, bonuses, attorneys' fees and any other form of relief available at law or in equity, which the Employee has or may have by means of any matter, cause, or thing whatsoever, from the beginning of time to the date of this Agreement. Without limiting the generality of the foregoing, this release includes all matters arising out of or in connection with Employee's employment with the Department, including his separation from employment, and including, but not limited to, any rights or claims under New Hampshire RSA 105:2-a, New Hampshire RSA 275, New Hampshire RSA 275-E, New Hampshire RSA 354-A, Title VII of the Civil Rights Act of 1964, as amended, the Family and Medical Leave Act, the Americans with Disabilities Act, the Age Discrimination in Employment Act, the Older Workers Benefit Protection Act, the Employee Retirement Income Security Act, and the Health Insurance Portability and Accountability Act, as well as any and all claims for the intentional infliction of emotional distress, negligent infliction of emotional distress, interference with contractual relations, wrongful discharge, breach of contract, negligent supervision, retaliation, defamation, libel, slander, invasion of privacy, assault, battery, failure to pay wages and/or employment benefits, and any and all other claims that may be asserted under state or federal statute or common law. By this release, the parties do not intend to release any claims that cannot be released as a matter of law. Additionally, by this release the parties do not wish to release any claims based on events occurring after the Effective Date of this Agreement.

9. OWBPA Acknowledgment

The Employee knowingly, voluntarily, and specifically waives all claims for age discrimination under the Older Workers Benefits Protection Act (“OWBPA”), the Age Discrimination in Employment Act (“ADEA”) and New Hampshire RSA 354-A arising out of or in connection with his employment with the Department, including his separation from employment. The parties acknowledge that this Agreement does not apply to any claim for events arising after the execution of this Agreement. The Employee acknowledges that he has read and understands this Agreement. The Employee further acknowledges that this Agreement provides him with consideration to which he is not otherwise entitled. In addition, the Employee acknowledges that this Agreement is not induced by any representation or promise made by any party hereby released or their representatives other than the terms specifically recited in this document. The Employee certifies that the Commission has suggested and encouraged him to consult with an attorney of his choosing before executing this Agreement. The Employee acknowledges that he has had up to twenty-one (21) days within which to consider this Agreement and that he has decided to accept the terms of this Agreement. The parties agree that this Agreement will not become effective or enforceable until the expiration of a period of seven (7) days following the execution of the Agreement by the Employee, during which period the Employee may revoke his consent to the Agreement by delivering a letter to the Employer’s legal counsel, Thomas M. Closson, Jackson Lewis P.C., 100 International Drive, Suite 363, Portsmouth, New Hampshire 03801, advising of his revocation, said letter to be delivered on or before midnight of the seventh day following execution. If the Agreement is not revoked during this seven (7) day period, this Agreement shall be irrevocable. In the event that the Employee revokes, the Employer shall have no obligations hereunder.

10. Release By City And Commission

In consideration of the promises, covenants, agreements, and representations contained herein, the City of Portsmouth and the Commission (including their respective current and past elected officials, employees, attorneys and agents), knowingly and voluntarily release and forever discharge the Employee and his heirs, representatives, and assigns, from all claims, causes of action, suits, litigation, demands, and obligations of every kind, including claims, attorneys’ fees and any other form of relief available at law or in equity, which the Commission or the City has or may have by means of any matter, cause, or thing whatsoever, from the beginning of time to the date of this Agreement. Without limiting the generality of the foregoing, this release includes all matters arising out of or in connection with Employee’s employment with the Department, including his separation from employment, and any and all other claims that may be asserted under state or federal statute or common law. By this release, the parties do not intend to release any claims that cannot be released as a matter of law; any claims of which the Commission is not currently aware; or any claims based on events occurring after the Effective Date of this Agreement.

11. Defense And Indemnification

If any claim is made or any civil action is commenced against the Employee seeking equitable relief or claiming damages for the negligent or wrongful acts of or by him and the Employee requests the City to provide representation for him and the City Manager determines that the acts complained of are alleged to have been, or were, committed by the Employee while acting within the scope of official duty for the City and that said acts were not wanton or reckless, in the absence of other legal representation, the City Attorney shall represent and defend the Employee with respect to such claim or civil action throughout such action or shall, with the consent of the City Council, retain outside counsel so to represent or defend the Employee; and the City shall defray all costs of such representation or defense, to be paid from funds not otherwise appropriated. In such case the City shall also protect, indemnify, and hold harmless the Employee from any costs, damages, awards, judgments, or settlements arising from said claim or suit. The City shall not be required to consider the Employee's request unless within 10 days of the time he is served with any summons, complaint, process, notice, demand, or pleading, he shall deliver the original or a copy thereof to the City Manager.

12. Effective Date

The parties agree that this Agreement will not become effective or enforceable until seven (7) days following the execution of the Agreement by the Employee, during which seven (7) day period the Employee may revoke his consent to the Agreement as described in Section 9 above.

13. Joint Press Release And Anti-disparagement

The Employee and the Commission will issue the Joint Press Release attached as Exhibit B. If asked about the Agreement or the Employee's resignation, the Employee and the Commission shall only reiterate the information in the Joint Press Release. If contacted by a prospective future employer of the Employee, the Commission shall only reiterate the information in the Joint Press Release.

14. Miscellaneous

This Agreement shall be governed by and interpreted pursuant to New Hampshire law. In the event of a dispute related to the Agreement: (a) exclusive jurisdiction and venue shall be in the Rockingham County Superior Court; and (b) the prevailing party in the dispute shall be entitled to the attorney's fees incurred during the dispute.

Stephen J. DuBois

Dated: _____

Portsmouth Police Commission:

Commissioner John Golumb

Dated: _____

Commissioner Brenna Cavanaugh

Dated: _____

Commissioner Wayne Lehman

Dated: _____

Approved by the Portsmouth City Council:

4812-9615-5689, v. 1



CITY OF PORTSMOUTH, N.H.
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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

Committee: Portsmouth Housing Endowment Fund Adv. Board Initial applicant

Name: ANNE DOUBEAN Telephone: (603) 380 3646

Could you be contacted at work? YES NO If so, telephone# (603) 501-5336

Street address: 160 Bartlett St.

Mailing address (if different): _____

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

How long have you been a resident of Portsmouth? Since Dec. 2000

Occupational background:

Project Specialist (proj manager) @ Bottomline Technologies (local software company)
Since Nov. 2008

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

Recipient of the HomeTown program in 2007



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 As long as it remains 90 min for 3 times a year.

Reasons for wishing to serve: As a recipient of the HomeTown program I would like to help make this program continue to grow, esp. for young families / young professionals.

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

None currently

• 2011 - 2014 : Hospice volunteer for Beacon Hospice (York)
• 2005 - 2010 : Volunteer on Pontine Theater Board of Advisors.

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

1) TINA GALLANT (ATLANTIC HEIGHTS) (603) 343-3509
Name, address, telephone number

2) ERIC GINIEWICZ (current manager) (603) 501-4948 (work)
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: J. Bush Date: 10/05/2015

If you do not receive the appointment you are requesting, would you be interested in serving on another board or commission? Yes No Depending on time commitment.

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

Most recent volunteer opps →



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: Citizens Advisory Committee Initial applicant

Name: Hannah K. Dahlgren Telephone: 603-969-4479

Could you be contacted at work? YES NO If so, telephone # _____

Street address: 29 Sutton Ave.

Mailing address (if different): _____

Email address (for clerk's office communication): hkmeade7@gmail.com

How long have you been a resident of Portsmouth? 31 years

Occupational background:

06/03/12 - Present - Claims Specialist for US Social Security Administration
04/06/09 - 06/03/12 - Service Representative for US Social Security Admin.
09/01/06 - 04/04/09 - Administrative Support for the Edgewood Centre
2000 - 2009 - Licensed Nursing Assistant for the Edgewood Centre

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

I attended a public hearing a couple years ago because I was interested in learning about the CDBG program.

OVER
➔

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: After growing up in Portsmouth, I have chosen to continue living here because I love everything about this city. The CDBG program contributes to making our city great and I would be pleased to have an opportunity to be part of improving our city.

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

I currently serve as a Certified Long Term Care Ombudsman volunteer for the state of New Hampshire.

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

1) Paul Finn PO Box 1206 Portsmouth, NH 03802 (603) 252-7528
Name, address, telephone number

2) Abby Lawry 110 Willard Ave. Portsmouth, NH 03801 (603) 828-7497
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: A. K. Dahlen Date: 09/30/2015

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

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



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: Citizens Advisory Committee of the CDGIS Program Initial applicant

Name: Jonathan Sandberg Telephone: H. 430 5566
C. 822 9583

Could you be contacted at work? YES/NO If so, telephone # 822 9583

Street address: 160 Bartlett Street

Mailing address (if different): _____

Email address (for clerk's office communication): jsandberg@ymail.com

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

Occupational background:

Para-professional - Portsmouth High School 2006 - Present

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

OVER
➔

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 am very committed to Portsmouth and want to do all that I can to make my community a better place for everybody. I work directly with many students who come from low income backgrounds and I look forward to helping support innovative ways to help them.

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

Portsmouth Listens Study Group - Winter 2011
Portsmouth Historical Society - Treasurer, Chairperson
of the Buildings Board Committee 2012 - 2014

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

1) James G. Moura, 500 Market Street, Suite 8, Portsmouth NH 03801 431-7164
Name, address, telephone number

2) Richard Candee, P.O. Box 728, Portsmouth NH 03801 431-8433
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature: [Signature] Date: 9/30/13

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

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

6/27/2012



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: SUSTAINABLE PRACTICES

Name: LAWRENCE T. LARIVIERE Telephone: 603 736 1767

Could you be contacted at work? YES NO If so, telephone# 603 435 2284

Street address: 11 LARRY LN

Mailing address (if different): _____

Email address (for clerk's office communication): LJLCLUTCI@AOL.COM

How long have you been a resident of Portsmouth? 76 YRS

Occupational background:

SELF EMPLOYED INTERIOR DESIGNER SINCE 1970 - TO PRESENT
APPRENTICED -> MASTER UPHOLSTERER 1962 - 1970 MODEL UPHOLSTERY
GROCERY CLERK 1954 - 1962 W/ PART-TIME PAY
PT. USHER 1950 - 1954 COLONIAL THEATER

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

MEMBER + ADMIN SUSTAINABLE PORTSMOUTH - 4 YRS
ADVISORY BOARD HOODDON BROOK RESTORATION 2 YRS



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 NEED TO CHALLENGE MYSELF IN ANOTHER CAPACITY TO FEEL A SENSE OF ACCOMPLISHMENT AND THIS COMMITTEE IS A GOOD FIT FOR ME

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

ADVISORY BOARD OF HODGSON BROOK RESTORATION

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

1) ALLEN WHITE, 7 LARRY LN 393 0605
Name, address, telephone number

2) CANDACE DOLAN, 129 KENSINGTON RD, HAMPTON FALLS 828-4701
Name, address, telephone number

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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: Laurence Fawcett Date: 7/29/2015

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

Please submit application to the City Clerks Office, 1 Junkins Avenue, Portsmouth, NH 03801
6/27/2012

ACTION ITEMS AND MINUTES
PARKING and TRAFFIC SAFETY COMMITTEE MEETING

8:00 A.M. – Thursday, October 1, 2015
City Hall – Eileen Dondero Foley Council Chambers

Action Items requiring an immediate ordinance during the next Council meeting: none

Temporary Action Items requiring an ordinance during the annual omnibus:

Chapter 7, Vehicles, Traffic and Parking, Article V

Chapter 7, Vehicles, Traffic and Parking, Article III, Section 7.336: One-Way Streets
addition of section of roadway in front of 8 Wilson Road and 3 Coolidge Drive

ACTIONS:

[1] Accepted and placed on file the minutes of the Parking and Traffic Safety Committee Meeting held September 3, 2015.

[2] Accepted and placed on file the Financial Report for August 2015.

[3 VI.A.)] Wilson Road and Coolidge Drive intersection recommendation - **VOTED** to approve the short-term and long-term recommendations with monies being included in the proposed FY2017 Highway Division operations budget.

[4 VI.B.)] Islington Street speed zoning update – **No action item.**

[5 VI.C.)] Chapter 7 Bicycle ordinance update – **VOTED** to approve the ordinance as amended and forward to City Council for approval.

I. CALL TO ORDER:

Chairman Lown called the meeting to order at 8:00 a.m.

II. ROLL CALL:

Members Present:

Councilor, Brad Lown
Assistant City Manager, David Allen
Public Works Director, Peter Rice
Deputy Fire Chief, James Heinz
Police Captain, Frank Warchol
Member, Ted Gray
Member, Harold Whitehouse
Alternate Member, Mary Lou McElwain

Staff Advisors Present:

Parking Manager, Joey Giordano
Parking and Transportation Engineer, Eric Eby
Transportation Planner, Juliet Walker

Excused Absences:

Member, Ronald Cypher
Member, Shari Donnermeyer

III. ACCEPTANCE OF THE MINUTES:

Ted Gray motioned to accept September 3, 2015, meeting minutes.
Mary Lou McElwain seconded.

Motion passed 8-0.

IV. FINANCIAL REPORT:

Harold Whitehouse motioned to accept August 2015 Financial Report.
Ted Gray seconded.

Motion passed 8-0.

V. NEW BUSINESS:

None.

VI. OLD BUSINESS:

A. Wilson Road and Coolidge Drive intersection recommendation – Eric Eby discussed the short-term and long-term recommendations for the site. The short-term recommendation consists of changing the traffic flow on the section of roadway in front of 8 Wilson Road and 3 Coolidge Drive from two-way to one-way flow. To provide traffic control and guidance in front of 3 Coolidge Drive, YIELD signs would be posted facing the one-way traffic, back to back, with DO NOT ENTER signs facing northbound traffic on Coolidge Drive. ONE-WAY signs would also be mounted atop the sign posts.

The long-term recommendation consists of removing the roadway segment in front of 8 Wilson Road and 3 Coolidge Drive, and replacing it with loam and seed, and trees or vegetation, to eliminate traffic using this section of roadway altogether. The driveways from both houses would be extended to meet Wilson Road or Coolidge Drive at close to 90 degree angles. This change would effectively enlarge the existing green space in the middle of the Wilson Road and Coolidge Drive intersection. All traffic would travel through the T intersection of Wilson and Coolidge, thereby reducing the number of vehicle conflict points and vehicle speeds. The estimated cost to construct the long-term recommendation is approximately \$10,000.

Public Works Director Rice stated there are no monies in the existing budget, and the \$10,000 estimated cost would need to be added to the proposed FY2017 Highway Division operations budget.

Harold Whitehouse motioned to approve the short-term and long-term recommendations, with the \$10,000 being included in the proposed FY2017 Highway Division operations budget.

Mary Lou McElwain seconded.

Vote 8-0, to approve the short-term and long-term recommendations with monies being included in the proposed FY2017 Highway Division operations budget.

B. Islington Street speed zoning update – Eric Eby stated that traffic is currently being monitored and data is being collected. Once the process is complete, staff will report back to the Committee. **No action item.**

C. Chapter 7 Bicycle ordinance update – Eric Eby stated that the proposed staff changes have been made to the ordinance and were noted in red in the agenda packet. The changes are being recommended in order to bring the chapter in conformance with New Hampshire state law. The bicycle parking section needed to be updated, which was presented at a previous PTS meeting.

Mary Lou McElwain asked if mopeds were addressed in the ordinance changes. Joey Giordano, Parking Manager, confirmed that New Hampshire state law treats scooter / mopeds with motors under 50 cc. in size as bicycles. The license plate on the scooter is the designator that it is below 50 cc.

Public Works Director Rice stated that issues regarding parking concerns of mopeds and bicycles have been addressed by creating no parking areas using signage and painting. The PTS Committee voted (in the past) to address the concern by designating no parking areas. If

mopeds and/or bicycles are blocking sidewalk foot traffic then enforcement can act on the infraction.

The ordinance change also addresses bicycles riding on the sidewalk. Eric Eby stated that bicycles with wheels 16" or smaller can ride on the sidewalk. Also, a shared use path, that is at least 8 feet wide, would allow bicycles on the path.

Juliet Walker, Transportation Planner, confirmed that the intent of the changes is to bring the ordinance in compliance with state law.

Assistant City Manager Allen motioned to approve the ordinance as amended and forward it to City Council for approval. Police Captain Warchol seconded. **Vote 8-0, to approve the ordinance as amended and forward to City Council for approval.**

VII. PUBLIC COMMENT

Rick Becksted, 1395 Islington Street, discussed locations in the City where children need to ride on the sidewalk because of traffic and street widths. Mr. Becksted asked if the blinking driver feedback sign could be permanently placed on Islington Street. He believes it slows vehicle speed on Islington Street.

Lenore W. Bronson, 828 Woodbury Avenue, expressed concern over the number of accidents and near accidents occurring on Woodbury Avenue. She presented an account of an incident, and photographs of the accident, in front of St. Catherine of Siena Church at 845 Woodbury Avenue several weeks ago. Ms. Bronson also presented a police report dated April 30, 2012, regarding an incident in front of her home.

Ms. Bronson requested stop signs be installed as a way to slow traffic in the area. She is also concerned about the traffic that travels through the residential area to the shopping malls. She is requesting new signage be installed to direct traffic away from the residential area. She also noticed that the 25 mph speed limit is not being obeyed, and trucks are regularly traveling on the roadway: they are prohibited and signs have been posted.

Ms. Bronson also believes that no study was conducted regarding the stop signs placed on Hanover Street.

Howard Mangold, 1275 Maplewood Avenue, asked the Committee about the potential traffic circle or roundabout scheduled to be installed at Maplewood Avenue and Woodbury Avenue. He would prefer to have a stop sign, traffic light or T intersection. He also expressed concern over traffic when the Maplewood Avenue bridge is opened after construction. Mr. Mangold also suggested a name change for the residential area of Woodbury Avenue.

Sarah McLaughlin, 161 Thornton Street, discussed the intersection at Burkitt Street and Thornton Street. She is concerned about the line of vision issue due to on-street parking and signage at the corner. She is asking for an all-way stop sign. If an all-way stop sign cannot be installed, she suggested moving the existing signage to improve the sight line.

Kevin Drohan, 1240 Maplewood Avenue, asked about the potential traffic circle or roundabout to be installed at Maplewood Avenue and Woodbury Avenue. He opposes the idea and asked that alternatives be explored.

Fred Lewis, 1238 Maplewood Avenue, stated that he opposes the traffic circle at Maplewood Avenue and Woodbury Avenue due to the affect it will have on his property value. He would prefer other traffic calming measures be explored, and would appreciate an opportunity to express views and opinions when the matter is discussed further.

Andrea Amico, 820 Banfield Road, asked the Committee for an update on when the radar speed signs would be placed on Banfield Road in October.

VIII. INFORMATIONAL

A. Banfield Road update – Eric Eby stated proposals for design work will be opened at the end of October for Banfield Road. An engineering study and design plan will be prepared for the culverts. Traffic calming and safety measures will be explored as part of a master plan of the roadway. Public Works Director Rice clarified that the design work is focused on the culverts near Heritage Avenue and that the conceptual work will include the overall corridor from Ocean Road to Pevery Hill Road.

The traffic from Water Country is also being investigated. Eric Eby stated there is a meeting with New Hampshire Department of Transportation to discuss the issue. Police Captain Warchol stated that the sign will be set on Banfield in the next few weeks to collect data on traffic speeds.

B. Work Session date to discuss Councilor Thorsen's Parking Program memo – Public Works Director Rice stated that a joint work session between the Fee Committee and the PTS Committee will be held to review the best management practices and guiding principles related to parking. City Councilors will be informed of the work session and are welcome to attend. The Committee discussed a mutually agreeable time to hold the work session. They decided it would follow the November 5, 2015, PTS meeting.

C. Woodbury Avenue Traffic Study presentation – Eric Eby clarified that this section of Woodbury Avenue is between Rockingham Avenue and Dennett Street. A consultant has been hired to do a traffic study and provide short-term and long-term recommendations regarding safety on this section of Woodbury Avenue. At the next meeting, staff will be presenting the consultant's recommendations. A comprehensive study, including the number of accidents, will be provided.

Chairman Lown requested a report back on alternative methods to slow vehicle speeds on Woodbury Avenue and Maplewood Avenue.

Public Works Director Rice clarified that a formal warrant study was done on Hanover Street. It concluded the stop signs were warranted. He also stated that the Maplewood Avenue project is currently under design, and there will be a public process for citizens to comment on the designs proposed.

IX. ADJOURNMENT - At 9:03 a.m., voted to adjourn.
Respectfully submitted by:

Amy Chastain
Secretary to the Committee

13 October, 2015

To : Mayor Lister and City Councilors
From : Councilor Morgan
Re. : Right To Know Law Requests in Portsmouth

On January 08, 2015, a NH Legislator introduced Bill 646 (copy attached), to allow ***“public bodies or agencies to charge for the costs of retrieval of public records under the right-to-know law.”*** The Bill was tabled on March 11, 2015.

Another excerpt from NH HB646:

“If the time required to retrieve the requested records is estimated to exceed one hour, the public body or agency may charge for the cost of labor after the first hour, at a rate not exceeding the applicable minimum wage, and may require payment of the estimated cost before retrieving the records. No charge shall be made for the cost of searching for or retrieving minutes of any public body meeting that occurred less than one year before the date of the request. Any labor charges may be waived for any individual who demonstrates an inability to pay.”

While the City of Portsmouth is regrettably on the record with the Legislature as being officially in support of this bill, I find it appropriate to clarify to our community that this matter was never discussed by our City Council.

The timeline around NH HB646 and City Council meetings up until hearing date (when testimony was provided) is as follows:

Bill Introduced on	08 January 2015
Hearing Date	12 February 2015
Council Meetings	20 January 2015 03 February 2015

This bill can be reintroduced during the next session, possibly by a 2/3 majority, and, if it passes, it would not make it mandatory for municipalities to adopt it. The City follows up on bills introduced to legislative testimonies, and status of those to be found of relevance.

The City, however, does not need to wait for Concord to legislate on how we should handle RTKL requests. As the legislative body for the City of Portsmouth, it is within our duty and purview to legislate policy matters, and this one, specifically, should be addressed by this Council.

There is nothing extraordinary about the principles underlying the RTKL. Extraordinary is the fact that we had to create such laws to reaffirm one's intrinsic democratic rights.

Citizens are not charged fees in order to vote, but municipalities do still incur certain expenses, which we know are embedded in the social contract of democratic societies. So why should it be different when it comes to access of information related to government bodies and government administrations? It is simple: there is none.

Charging citizens for RTKL requests discourages the exercise of one's basic constitutional rights; it disenfranchises segments of our community that may not have the financial means to pay for such. It alienates citizens. This is not acceptable.

For this reason, I will bring forward a motion to create an ordinance by which the City of Portsmouth will make it clear to our community its position on charging or not for RTKL requests and applicable formula, if any.

Currently, requestors pay \$0.50 for each printed page, to "recover part of the administrative costs" as it was explained by our City Manager.

RTKL requests might be triggered by many reasons, but without relevant historical data on the type of requests received in the past 12 - 24 months, one can't say for sure what drives most of the RTKL requests in Portsmouth.

Providing fair, free, reasonable, and easy access to documents related to government actions, processes and decisions, is what makes and keeps democratic societies and communities healthy and strong.

For easy of reference, I have enclosed a copy of NH HB646, along with testimony submitted on behalf of the City of Portsmouth.

Zelita Morgan

New Hampshire General Court - Bill Status System

HB646

Bill Title: *allowing public bodies or agencies to charge for the costs of retrieval of public records under the right-to-know law.*

General Status:				
LSR#: 624	Body: H	Local Govt: N	Chapter#: None	Gen Status: HOUSE

House Status	
Status	LAID ON TABLE
Status Date	3/11/2015
Current Committee	JUDICIARY
Committee of Referral	JUDICIARY
Date Introduced	1/8/2015
Due out of Committee	3/5/2015
Floor Date	3/11/2015

Senate Status	
Status	
Status Date	
Current Committee	
Committee of Referral	
Date Introduced	
Due out of Committee	
Floor Date	

Sponsors		
(P)Patrick Long (d)	Frank Byron (r)	David Hess (r)

Next/Last Hearing: HOUSE JUDICIARY				
Date:	Time:	Place:	Majority Report:	Minority Report:
03-03-2015	10:00 AM	LOB 208	Ought to Pass Amended	Inexpedient to Legislate

New Hampshire General Court - Bill Status System

Docket of HB646

Docket Abbreviations

Bill Title: allowing public bodies or agencies to charge for the costs of retrieval of public records under the right-to-know law.

Official Docket of **HB646**:

Date	Body	Description
1/8/2015	H	Introduced and Referred to Judiciary; HJ 12 , PG. 233
2/4/2015	H	Public Hearing: 2/12/2015 10:00 AM LOB 208 ==RECESSED==
2/24/2015	H	Continued Public Hearing: 3/3/2015 10:00 AM LOB 208
2/25/2015	H	Executive Session: 3/3/2015 10:30 AM LOB 208 ==RECESSED==
3/3/2015	H	Continued Executive Session: 3/5/2015 9:00 AM LOB 208
3/5/2015	H	Majority Committee Report: Ought to Pass with Amendment #2015-0753h for Mar 11 (Vote 14-4; RC); HC19 , PG. 429-430
3/5/2015	H	Minority Committee Report: Inexpedient to Legislate
3/12/2015	H	Lay on Table (Rep Hinch): MA VV; HJ 26 , PG. 1228-1229

NH House

NH Senate

NH General Court - Bill Status System
Search Results

Bills Found : 1



HB646 -FN-L **Title:** allowing public bodies or agencies to charge for the costs of retrieval of
Session Year 2015 public records under the right-to-know law.
Text **G-Status:** HOUSE
 House Status: LAID ON TABLE
 Senate Status:
 Next/Last HOUSE JUDICIARY
 Comm:
 Next/Last
 Hearing: 03/03/2015 at 10:00 AM LOB 208

NH House

NH Senate

TESTIMONY REGARDING HB 646
JANE FERRINI
STAFF ATTORNEY

My name is Jane Ferrini and I am a staff attorney for the City of Portsmouth. I am offering testimony in support of HB 646 on the City's behalf.

The City of Portsmouth received approximately 118 right-to-know requests in 2014. This number does not include general requests for information, like review of planning board files or tax records, but written requests for information that specifically reference the right-to-know statute.

This means that the City of Portsmouth responds on average to more than 2 right-to-know requests a week. All of these requests involve staff time to respond to the request and to provide the requested documentation.

It is the goal of most cities and towns to have information subject to right-to-know requests in an electronic format that is easily accessible to the public. For example, at least a third of the City's right-to-know requests are for records from our Public Works Department. These requests come from citizens, students, surveyors, engineering firms and historians requesting information regarding the location of utility lines, construction plans, historic maps and an occasional larger request for City-wide data from companies like Google. Fortunately for the City of Portsmouth, we are able to access, or allow the requesting public to access, most of these records electronically through our GIS system (Geographic Information System). When documents are not stored electronically, like historic maps, staff time is required to research and locate the requested information. Substantial staff time is needed when larger requests comes in from a company such as Google.

All requests from other departments, with the exception of a few addressed directly by the Police Department, go through the City's Legal Department. Sometimes these right-to-know requests are incredibly broad in scope in terms of the general topic of the request and the number of years of records requested. These types of requests require significant staff time to review and produce the records requested. Staff time is also required to review records to redact any confidential information. The City may not charge a fee for any staff time under the current statute. The local tax payer is in

essence paying for the staff time associated with all right-to-know requests. This is particularly ironic when the information requested is from a company based out of California.

HB 646 is a bill that supports charging minimum wage for staff time after the first hour for compliance with right-to-know requests. The bill also permits cities and towns to estimate these fees and collect these charges in advance of producing the requested documents. It is very significant to note that the bill allows each city and town the ability to waive these charges for those who demonstrate an inability to pay.

Several times a year City staff responds to a right-to-know request only to have the individual who requested the information never show up. I am aware of one municipality that produced over 13,000 pages of documents that were never picked up. Again, the tax payer bears that cost for the staff time associated with responding to these right-to-know requests. The City is working on a right-to-know request this week that has involved the production of over 1,500 pages of documents and approximately 16 hours of staff time from the IT and Legal Department to produce and review the documents.

HB 646's includes a provision that allows cities and towns to estimate and receive payment for staff time in advance. This provision might cause those requesting records to pick up those records and to be more thoughtful about the scope of their right-to-know request in order to keep the cost down. This is fair to the taxpayer and fair to the individual requesting the information, particularly because the labor costs associated with production of documents may be waived by the city or town if an individual demonstrates an inability to pay.

The City of Portsmouth supports HB 646 and urges this Committee to support its passage.