

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, OCTOBER 16, 2023 TIME: 6:45 PM*

Members of the public also have the option to join the meeting over Zoom, a unique meeting ID and password will be provided once you register. To register, click on the link below or copy and paste this into your web browser:

https://us06web.zoom.us/webinar/register/WN_3UUjTI2bTpaBuogJBDHzBQ

6:45PM - ANTICIPATED NON-PUBLIC SESSION IS BEING HELD IN CONFERENCE ROOM A

1. COLLECTIVE BARGAINING AGREEMENT – RSA 91-A:3, II (a)

AGENDA

**Regular portion of City Council meeting to begin at 7:00 p.m.*

- I. **WORK SESSION – THERE IS NO WORK SESSION THIS EVENING**
- II. **PUBLIC DIALOGUE SESSION [when applicable – every other regularly scheduled meeting] – N/A**
- III. **CALL TO ORDER [7:00 p.m. or thereafter]**
- IV. **ROLL CALL**
- V. **INVOCATION**
- VI. **PLEDGE OF ALLEGIANCE**

PROCLAMATION

1. **DOMESTIC VIOLENCE AWARENESS MONTH**
 2. ***ITALIAN HERITAGE MONTH**
- VII. **ACCEPTANCE OF MINUTES – (There are no minutes on for acceptance this evening)**
 - VIII. **RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS**
 - IX. **PUBLIC COMMENT SESSION (This session shall not exceed 45 minutes) – (participation may be in person or via Zoom)**
 - X. **PUBLIC HEARINGS AND VOTE ON ORDINANCES AND/OR RESOLUTIONS**

Public Hearing of Ordinances:

- A. **Public Hearing/Second Reading of Ordinance amending Chapter 1, Article IX – Conflict of Interest/Mandatory Financial Disclosure, Section 1.902, Election Candidate Financial Disclosure (*Sample motion – move to pass second reading and hold third and final reading at the November 13, 2023 City Council meeting*)**
 - **PRESENTATION**
 - **CITY COUNCIL QUESTIONS**
 - **PUBLIC HEARING SPEAKERS**
 - **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

- B. Public Hearing/Second Reading of Ordinance amending Chapter 1, Article IV, Section 1.413 – Sustainability Committee ***(Sample motion – move to pass second reading and hold third and final reading at the November 13, 2023 City Council meeting)***
- PRESENTATION
 - CITY COUNCIL QUESTIONS
 - PUBLIC HEARING SPEAKERS
 - ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS
- C. Public Hearing regarding KENO within the City of Portsmouth ***(No vote required)***
- PRESENTATION
 - CITY COUNCIL QUESTIONS
 - PUBLIC HEARING SPEAKERS
 - ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS

Third and Final Reading of Ordinance:

- D. Third and Final Reading of Ordinance amending Chapter 7, Article III, Section 7.321 – Snow Emergency Parking Ban and Chapter 7, Article X, Towing, Section 7.1002 – Snow Removal Operations
(Sample motion – move to pass third and final reading of the ordinance)
- E. Third and Final Reading of Ordinance amending Chapter 1, Article VIII – Code of Ethics, Section 1.802 – Conflicts of Interest, amending Subsection F – Gifts and Favors: No officer or employee shall accept any gift, over \$100.00 per calendar year
(Sample motion – move to pass third and final reading of the ordinance)

XI. CITY MANAGER’S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

City Manager’s Items Which Require Action:

1. Request to Sell Surplus Water Meters
2. Temporary Construction License for Peirce Block
3. Approval of PILOT agreement for Betty’s Dream
4. Approval of PILOT agreement for Friends of Lafayette House

XII. CONSENT AGENDA

(There are no items on the Consent Agenda)

XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS

- A. *Financial Update as Requested by Councilor Tabor
- B. Email Correspondence ***(Sample motion – move to accept and place on file)***

XIV. MAYOR McEACHERN

1. Resignations:
 - Alison Hamilton from the Citizens Advisory Committee
 - Judith Bunnell from the Citizens Advisory Committee
2. Appointments to be Considered:
 - Annelise Hartley to the Citizens Advisory Committee
 - Kirsten Barton to the Citizens Advisory Committee
 - Sachiko Akiyama to the Cultural Planning Subcommittee
3. *Reappointment to be Voted – Kelly Delekta to the Board of Library Trustees

XV. CITY COUNCIL MEMBERS

A. COUNCILOR BLALOCK

1. *Report back from Legal and Planning on the current Demolition Ordinance and any alternatives to consider

B. COUNCILOR COOK

1. Draft Changes to the Sidewalk Policy (***Move to schedule discussion of the draft changes from the Governance Committee to the City Council Sidewalk Policy at the November 13, 2023 City Council meeting***)
2. Ethics and Transparency Policy (***Move to schedule discussion of the draft Ethics and Transparency Policy from the Governance Committee at the November 13, 2023 City Council meeting***)
3. Municipal Officials Disclosures (***Move to schedule first reading of the ordinance amendments proposed by the Governance Committee to the Municipal Officials Disclosure ordinance, Chapter 1, Article IX, Section 1.901, at the November 13, 2023 City Council meeting***)

XVI. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Donation to the Fire Department of 1920 American LaFrance Fire Truck (Estimated Value \$40,000.00 - \$60,000.00 subject to final appraisal) to the Portsmouth Fire Department (***Sample motion – move to accept and approve the donation of a 1920 American LaFrance Fire Truck to the Portsmouth Fire Department***)

XVII. CITY MANAGER'S INFORMATIONAL ITEMS

1. Report Back on Non-Profit Filing Requirements for Property Tax Exemption

XVIII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

XIX. ADJOURNMENT [at 10:30 p.m. or earlier]

**Indicates verbal report*

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

**The Council Chambers
City Hall
Portsmouth, New Hampshire**

A Proclamation

- Whereas:** October was declared National Domestic Violence Awareness Month in 1987 because domestic violence is prevalent in every community and affects all people regardless of age, socio-economic status, sexual orientation, gender, race, religion, or nationality; and
- Whereas:** We know, sadly, that every minute, an average of 20 Americans experience domestic violence – ten million Americans, including millions of children a year – and that one in every three women and one in every four men are victims of domestic violence in their lifetimes; and
- Whereas:** All domestic violence incidents affect every person within a home with long-lasting negative effects, particularly on children's emotional well-being, and their social and academic functioning; and
- Whereas:** Here in Portsmouth, since 2015 when A Safe Place and Sexual Assault Support Services (SASS) officially merged into one nonprofit organization, HAVEN has provided support services and prevention education to those impacted by domestic and sexual violence; and
- Whereas:** The City of Portsmouth has employed a Victim Witness Advocate since 1999 with funding from the Violence Against Women Act to work with the Portsmouth Police Department to support domestic violence victims under RSA 173-B New Hampshire's Protection of Persons from Domestic Violence statute; and
- Whereas:** In 2023 the City moved the Victim Witness Advocate to the City's Legal Department to support domestic violence victims and to help identify and prosecute domestic violence offenders together with our Police Department, schools, and health care providers; and
- Whereas:** The City of Portsmouth stands with all New Hampshire Prosecutors as sentries on the front lines, advocating on behalf of victims of domestic violence; and
- Whereas:** The City reminds everyone that confidential, local help is available, 24 hours a day, at the HAVEN Violence Prevention and Support Hotline: 603-994-SAFE.

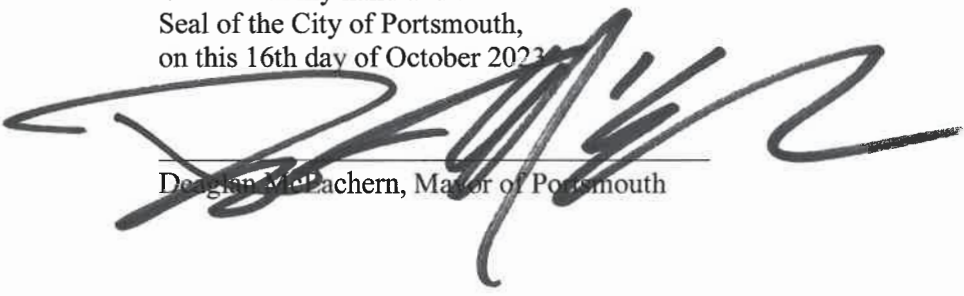
Now, therefore, I, Deaglan McEachern, Mayor of the City of Portsmouth, on behalf of the members of the City Council and citizens of Portsmouth, do hereby proclaim October 2023 in Portsmouth as

Domestic Violence Awareness Month

And call on our citizens to come together to reaffirm our commitment to ending domestic violence and supporting survivors.



Given with my hand and the
Seal of the City of Portsmouth,
on this 16th day of October 2023


Deaglan McEachern, Mayor of Portsmouth

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, October 16, 2023 at 7:00 p.m., at the Portsmouth Municipal Complex in the Eileen Dondero Foley Council Chambers, Portsmouth, NH, on the proposed Ordinance amending Chapter 1, Article IX – Conflict of Interest/Mandatory Financial Disclosure, Section 1.902, Election Candidate Financial Disclosure. The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

KELLI L. BARNABY, MMC/CNHMC
CITY CLERK

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NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, October 16, 2023 at 7:00 p.m., at the Portsmouth Municipal Complex in the Eileen Dondero Foley Council Chambers, Portsmouth, NH, on the proposed Ordinance amending Chapter 1, Article IX – Conflict of Interest/Mandatory Financial Disclosure, Section 1.902, Election Candidate Financial Disclosure. The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

KELLI L. BARNABY,
MMC/CNHMC
CITY CLERK

ORDINANCE

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 1, Article IX – CONFLICT OF INTEREST/MANDATORY FINANCIAL DISCLOSURE, Section 1.902, ELECTION CANDIDATE FINANCIAL DISCLOSURE, of the Ordinances of the City of Portsmouth, be amended as follows (deletions from existing language **stricken**; additions to existing language **bolded**; remaining language unchanged from existing):

Section 1.902: ELECTION CANDIDATE FINANCIAL DISCLOSURE (Adopted Section 1.902 in its Entirety 6/4/2007; amended 07/10/2017; amended 04/16/2018 pursuant to referendum vote of the City of Portsmouth on November 7, 2017)

- A. **Required Disclosure:** Each candidate for City Council, School Board, Police or Fire Commissions, and every Political Action Committee shall report contributions and election related expenditures.
 - 1. **Political Action Committee:** The term "Political Action Committee" (PAC) is any person or group of people raising and spending money to elect or defeat candidates for City Council, School Board, Police and Fire Commissions or pass or defeat Charter Amendments, Ballot Questions or Referenda.
- B. The report of expenditures shall specify the cumulative total, need not be itemized, and shall be required only if the candidate's or Political Action Committee's expenditures since the last municipal election equal or exceed a cumulative total of \$100.00.
- C. The report of monetary contributions to the candidate or Political Action Committee shall identify each contribution of \$100.00 or more since the last municipal election by name, address, amount and date of contribution(s). **All such contributions in excess of \$100.00 shall be reported, whether the contribution is made in money, materials, or services. Contributions from sources unknown to the candidate shall be reported as such.**
- D. The reports must be filed, or updated as appropriate, with the Office of the City Clerk seven (7) days prior to any election at which the candidate, slate of candidates or Charter Amendment, Ballot Question or Referendum appears.
- E. Any contribution received within the seven (7) days prior to the election must be submitted in a final report to the Office of the City Clerk no later than two (2) weeks following the election.
- F. **Violations:** For violation and enforcement purposes, complaints alleging violation of the mandatory disclosure ordinance shall be administered in accordance with

the process and penalties available under the Municipal Code of Ethics, Reference Chapter 1, Article VIII. **In addition to any penalties available under the Code of Ethics, any violations of the mandatory disclosure ordinance may be reported by the Board of Ethics to the Office of the New Hampshire Attorney General.**

- G. The City Clerk shall prepare forms which shall be utilized by all persons and Political Action Committees subject to these disclosures.
- H. Public Records: All election financial disclosures shall be public records **and shall be published on the City website.**

Form used by the State to implement RSA 15-A

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

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

This ordinance shall take effect upon its passage.

APPROVED:

Deaglan McEachern, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, October 16, 2023 at 7:00 p.m., at the Portsmouth Municipal Complex in the Eileen Dondero Foley Council Chambers, Portsmouth, NH, on the proposed Ordinance amending Chapter 1, Article IV, Section 1.413 – Sustainability Committee. The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

KELLI L. BARNABY, MMC/CNHMC
CITY CLERK

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, October 16, 2023 at 7:00 p.m., at the Portsmouth Municipal Complex in the Eileen Dondero Foley Council Chambers, Portsmouth, NH, on the proposed Ordinance amending Chapter 1, Article IV, Section 1.413 – Sustainability Committee. The complete Ordinance is

available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

KELLI L. BARNABY,
MMC/CNHMC
CITY CLERK

ORDINANCE

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 1, Article IV, Section 1.413 – **SUSTAINABILITY COMMITTEE** of the Ordinances of the City of Portsmouth be amended as follows (deletions from existing language **stricken**; additions to existing language **bolded**; remaining language unchanged from existing):

ARTICLE IV: COMMISSIONS AND AUTHORITIES

Section 1.413: SUSTAINABILITY COMMITTEE

A. Membership and Term: The Sustainability Committee will initially consist of a City Councilor to be designated by the Mayor, a School Board member to be designated by the School Board, one member of city staff to be designated by the City Manager, two students to be designated by the Portsmouth School District, and all the other interested community members on the Blue Ribbon Committee on Sustainable Practices. The City Councilor will serve for the duration of their two-year City Council term, the designated students from the Portsmouth School District will rotate, and the community members from the Blue Ribbon Committee on Sustainable Practices will be appointed to three-year terms. After attrition causes the number of former Blue Ribbon Committee on Sustainable Practices community members to fall under nine, the Mayor with the approval of the City Council can appoint new community members to three year staggered terms on the Sustainability Committee. Afterwards, the Sustainability Committee will have between seven and eleven community members that have a demonstrated experience in or passion for sustainability, mitigating climate change, and protecting our eco-system.

B. Powers and Duties: The Sustainability Committee shall provide advice and guidance to the City Council, the City Manager, and City Boards with respect to:

1. Implementation of the Climate Action Plan, achieving Portsmouth's Renewable Energy Policy, and additional recommendations on increasing energy efficiency, reducing greenhouse gas emissions, and taking measures to build resiliency against climate change.
2. Increasing awareness of sustainable practices among residents, businesses, visitors, municipal staff, and other stakeholders to ensure that Portsmouth remains a leader as an Eco-municipality.
3. Standing for environmental justice while protecting our eco-systems.

C. Limitations: Nothing herein shall limit the power of the City Council or City Manager to take immediate action in the event of exigent circumstances. Nor shall anything herein limit ability of the Sustainability Committee Chair to appoint subcommittees or determine the format of how to best structure meetings.

D. Effective Date: This ordinance will take effect on January 1, 2024.

Instructions for the Mayor: Please reappoint all current members of this committee to three-year terms. The staggering of terms will occur after attrition allows numbers to drop below 9 members or when the initial three-year terms expire.

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

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

This ordinance shall take effect upon its passage.

APPROVED:

Deaglan McEachern, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

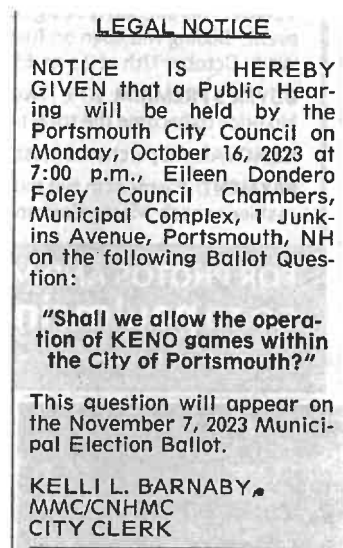
LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, October 16, 2023 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on the following Ballot Question:

“Shall we allow the operation of KENO games within the City of Portsmouth?”

This question will appear on the November 7, 2023 Municipal Election Ballot.

KELLI L. BARNABY, MMC/CNHMC
CITY CLERK



ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, Article III – TRAFFIC ORDINANCE, Section 7.321, SNOW EMERGENCY PARKING BAN, of the Ordinances of the City of Portsmouth, be amended as follows (deletions from existing language **stricken**; additions to existing language **bolded**; remaining language unchanged from existing):

Section 7.321: SNOW EMERGENCY PARKING BAN

- A. The Director of Public Works (**“Director” shall mean the Director or designee**) shall be empowered to declare a **S**snow **E**emergency for the purpose of snow plowing **and removal of accumulated snow** during **or after** ~~snow-storms~~ **snowstorms**. The Director's authority to declare such an emergency shall begin when there is an accumulation of two (2) inches or more of snow **or when snow accumulation from plowing operations requires a coordinated removal effort to be determined at the Director's discretion**. Once ~~the~~ **a Snow E**emergency is declared, ~~then the emergency~~ it shall continue until such time as it is terminated pursuant to the provisions of this ordinance. **The Director may declare a Snow Emergency at any time during a 24-hour period.**
- B. No person having custody or control of any vehicle shall park or cause any vehicle to be parked on any street or highway in the City of Portsmouth when a **S**snow **E**emergency is in effect. The Director ~~of Public Works~~ shall be empowered to cause any vehicle, which violates this ordinance to be ticketed and towed **at the owner's sole expense**.
- ~~C. Once the Director has declared a snow emergency, he or she shall then immediately notify the local media, radio, newspapers, and television. Whenever feasible, the Director shall also provide advance notification to the public of snowstorms likely to generate snow emergencies. The Director shall give notice to the local media as to when the snow emergency is terminated; when feasible, the Director shall provide notice as to the anticipated termination of the emergency based upon weather predictions.~~
- C. The Director shall notify the public when a Snow Emergency starts and ends by using at least three different mediums for communicating messages to the public, including but not limited to an automated push notification system, the City's website, social media, texts, signage and telephone notification.**
- ~~D. The Director's authority to declare a snow emergency shall be operable both during the daytime and the nighttime.~~
- E D. The Director's authority to declare a S**snow **E**emergency shall exist in addition to the emergency powers reserved to the Chief of Police under Section 7.303, Article

III of this ordinance; however, the Director ~~of Public Works shall consult with~~ and the Chief of Police ~~shall consult with each other~~ concerning the need for and the timing of any ~~S~~now ~~E~~mergencies.

~~F. The Director of Public Works shall cause appropriate signs to be posted at the City boundaries at: all exits from I-95, NH33 (formerly known as NH Route 101), US Rte 1, Woodbury Avenue, Ocean Road, Sagamore Avenue and US Route 1A/B. Such signage should provide notice regarding potential snow emergencies and should advise travelers where to seek further information on the snow emergency.~~

~~G. E.~~ City residents may park in ~~either~~ the High-Hanover ~~or Foundry~~ Parking Facility during ~~S~~now ~~E~~mergencies ~~when spaces are available. by paying a flat fee to be determined by~~ ~~†~~The City Council shall determine the resident flat fee for Snow Emergency parking annually through the adoption of fees through the budget resolution process. ~~commencing with a declared parking ban advanced notice until a time deemed appropriate by the Public Works Director or his/her designee following termination of the snow ban.~~ The time period allowed for ~~such~~ Snow Emergency parking for residents shall ~~begin once the Snow Emergency is in effect and shall not terminate less than two (2) hours after the Director determines the end Snow Emergency of the snow ban.~~ has ended. Electronic payment collection devices at both parking facilities are not capable of determining residency status. ~~To be eligible for the flat rate snow ban discount, drivers~~ Residents must provide proof of residency by presenting a driver's license or vehicle registration showing a Portsmouth address ~~to the cashier at either parking facility.~~ The fee is payable upon exit from the parking facility.

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

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

This ordinance shall take effect upon its passage.

APPROVED:

Deaglan McEachern, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, Article X – TOWING, Section 7.1002, SNOW REMOVAL OPERATIONS, of the Ordinances of the City of Portsmouth, be amended as follows (deletions from existing language **stricken**; additions to existing language **bolded**; remaining language unchanged from existing):

ARTICLE X: TOWING

Section 7.1002: SNOW REMOVAL OPERATIONS

- A. The Director of Public Works shall be empowered to prohibit parking on designated public streets for the purpose of removing accumulated snow.**
- B. Prior to declaring such a parking ban, the Director of Public Works shall notify the local media, radio, newspapers and television. The Director of Public Works shall provide as much advance notice of the impending parking ban as is possible under the circumstances.**
- C. The notification shall designate, either by street name or by district, such as "Central Business Districts", what portions of the City will be subject to the parking ban.**
- D. The Director of Public Works shall cause, prior to initiating the parking ban, appropriate signage to be posted in the downtown Central Business district indicating when the parking ban will be in effect and where available off-street public parking exists.**

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

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

This ordinance shall take effect upon its passage.

APPROVED:

Deaglan McEachern, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

ORDINANCE

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 1, Article VIII – **CODE OF ETHICS**, Preliminary, Section 1.801 – DEFINITIONS, and Section 1.802 – CONFLICTS OF INTEREST of the Ordinances of the City of Portsmouth be amended as follows (deletions from existing language **stricken**; additions to existing language **bolded**; remaining language unchanged from existing):

ARTICLE VIII: CODE OF ETHICS

PRELIMINARY

The citizens of Portsmouth are entitled to a fair, ethical, and accountable City government. The effective functioning of democratic government requires that all of its officials, whether elected or appointed, comply with both the letter and the spirit of the laws and be independent, impartial, and fair in their judgment and actions. Public Office is to be used for the public good, not for personal gains. Public deliberations and processes must be conducted in an atmosphere of respect and civility and openly, unless legally confidential. To this end, the City Council adopts this Code of Ethics for all of its officers and officials, whether elected or appointed.

Section 1.801: DEFINITIONS

For purpose of this Article, the following terms shall be defined in the following manner:

- A. Charged Party: That Officer or Employee alleged to have violated this Ordinance and is the subject of the Complaint.
- B. Complaint: Any written communication meeting the requirements of Section 1.806 (A).
- C. Complainant: The person making the Complaint.
- D. Employee: The term "Employee" shall include all employees of the City including the Police, School and Fire Departments whose salary is paid in whole or in part from the City Treasury.
- E. Ethics Investigation Officer (EIO): That person serving in the capacity as described in Section 1.805.
- F. Governing Body: The term "Governing Body" shall mean the City Council, School Board, Police Commission, or Fire Commission.

G. Officer: The term "Officer" shall be defined to include every person who serves the City of Portsmouth in any official position which is established by state law, the Municipal Charter, the Ordinances of the City or by appointment of the City Council.

H. Official Duties: The term "Official Duties" shall mean the following:

1. In the case of members of the City Council, School Board, Fire Commission, Police Commission and the City Manager, those duties and responsibilities set forth in the City Charter and/or established by State law.

Paragraph formatting
edit – indent under
Paragraph 1

In the case of all other Officers, those duties and responsibilities set forth in the legislation or vote which establishes the position held by the Officer or the job description for that position.

2. In the case of the Chief of Police, the Superintendent of Schools, the Fire Chief, and all employees, those duties and responsibilities set forth in the respective job description for each party or employee.

I. **Quasi-Judicial: Those City employees or officers who are required by state or municipal law to act in a neutral and impartial manner in making judicial-type decisions in the performance of any particular function, while performing that function.**

J. **Family: Any group of people closely related by blood, or marriage or choice, as parents, children, and members of one's household.**

K. **Direct Personal Interest: An interest in real estate created by the City employee or official or their family member being an owner or abutter of real estate being considered by a public body, or likewise, an interest in a business for which any action in their official capacity could result in personal or familial financial gain or loss.**

L. **Direct Pecuniary Interest: A gain or loss in the form of money, property, or any other item of measurable value provided to or taken from a person.**

Section 1.802: CONFLICTS OF INTEREST

A. No Officer or employee shall engage in any business or transaction or shall have a financial or other private interest, direct or indirect, which is in conflict with the proper discharge of his/or her official duties.

- B. Representing Private Interests Before City Agencies: No Officer or employee shall appear in behalf of private interests before any governing body or land use regulatory board of which the officer or employee is a member or membership on which is subject to approval by the officer or employee.

Officers and employees, however, may appear without compensation ~~in~~ **on** behalf of constituents or in the performance of public or civic obligations. This section shall not prohibit appearances upon matters only incidentally requiring official action which do not develop into a substantial part of the employment, provided, that the retainer is not for the purpose of appearing before the governing body or land use regulatory board.

- C. Representing Private Interests Before Courts: No officer or employee shall represent private interests in any action or proceeding against the interests of the land use regulatory board or governing body of which the officer or employee is a member, or membership on which is subject to approval by the officer or employee in any litigation to which the City is a party.
- D. Disclosures of Interest in Legislation: A Councilor who has a direct or indirect financial or other private interest in any proposed legislation shall publicly disclose, on the official records of the Council, the nature and extent of such interest. **Reference is made to the separate and distinct disclosure obligations of municipal officials under Chapter 1, Article IX, Section 1.901 and election candidates under Article IX, Section 1.902.**
- E. Disclosures by Officer or Employee of Interest in Legislation: An officer or employee who has a direct or indirect financial interest or other private interest in any legislation and who participates in discussion before or gives official opinion to the Council, shall publicly disclose on the official record the nature and extent of such interest.
- F. Gifts and Favors: No officer or employee shall accept any gift, over \$100.00 **per calendar year**, whether in the form of service, loan, thing or promise, **travel and lodging, or** any other form from any person, firm or corporation which to his/or her knowledge is interested directly or indirectly in any manner whatsoever, in business dealings with the City. This provision shall not apply to campaign contributions ~~of \$100.00 or less.~~ **(See Section 1.901 of this ordinance.)**
- G. Disclosures of Confidential Information: Any officer or employee, who holds any investment direct or indirect in any financial, business, commercial or other private entity which creates a conflict with his/her

official duties shall publicly disclose on the official record the nature and extent of such interest.

- H. Investments in Conflict with Official Duties: Any officer or employee, who holds any investment direct or indirect in any financial, business, commercial or other private entity which creates a conflict with his/her official duties shall publicly disclose on the official record the nature and extent of such interest.
- I. Incompatible Employment: No officer or employee shall engage in or accept private employment or render or seek services or goods for private interests when such employment or service creates a conflict with his/her official duties.
- J. **Actions in a Quasi-Judicial Capacity: City employee or official acting in a quasi-judicial capacity must abide by all provisions of state law with regard to conflict of interest and ethics. This shall include:**
 - (a) **Compliance with all statutes and governing case law.**
 - (b) **Avoiding any involvement in an application when a family member is participating in any way in connection with the application presented to the City employee or official, inclusive of when that family member speaks at public comment or in a public hearing.**
 - (c) **Officials acting in a quasi-judicial capacity shall not speak publicly as members of the public at hearings on matters or issues that are pending before any public body of which they are a member, except when the official has a direct personal interest as defined herein.**
 - (d) **City employees or officials acting in a quasi-judicial capacity shall not participate as a party to any litigation which involves a person, property, or issue which might reasonably come before that employee or official when acting in a quasi-judicial capacity, except when the City employee or official has a direct personal interest as defined herein.**
 - (e) **A City employee or official acting in a quasi-judicial capacity shall not vote or participate in the discussion of any matter which would place the official in contravention of any Code of Ethics' provision contained in this ordinance.**

Section 1.803: CONSEQUENCES OF VIOLATION

Any violation of any provisions of this ordinance shall constitute cause for public censure, suspension or removal from office or, in the case of Employees disciplinary action as may be set forth in any collective bargaining or employment agreement up to and including termination from employment.

Section 1.804: BOARD OF ETHICS

- A. A Board of Ethics ("BOE") is hereby created. This BOE shall consist of five (5) persons: two members shall be selected from the City Council and one member each from the School Board, Police Commission and Fire Commission. All members shall be selected by lot to maintain a full board as necessary. The City Attorney (ex officio) or such other legal counsel (ex officio) shall provide legal advice and support for the BOE. The BOE members shall be selected by lot and drawn at the first meeting of the calendar year of the governing bodies.
- B. Each BOE Member selected is required to serve unless the BOE Member is the subject of the Complaint, has a conflict of interest, or is excused due to unavailability or exceptional causes (such as a health issue).
- C. The BOE Members shall elect a chairperson and the BOE may adopt such rules for the conduct of its business as it sees fit. The BOE shall have the power to draw upon City departments for reports and information and stenographic and clerical help. They shall have all subpoena powers as may be available to them under State law.

Section 1.805: ETHICS INVESTIGATION OFFICER

- A. The position of Ethics Investigation Officer (EIO) is hereby created. The City Manager shall have the power to identify and retain an EIO, with approval from the Board of Ethics, to assist with the investigation and prosecution of any Complaint which has been referred for investigation. The EIO, with approval from the Board of Ethics, shall have sufficient experience and training to conduct the investigation.
- B. In the event the Complaint is against the City Manager, the responsibility to identify and retain an EIO shall reside with the City Attorney in agreement with the Mayor and with the approval of the Board of Ethics.

Section 1.806: COMPLAINTS, INVESTIGATIONS AND HEARING

- A. Complaint Requirements. Any person may submit a written complaint

alleging one or more violations of Section 1:802. Such complaint must be based on personal knowledge and set forth facts with enough specificity and detail for a determination of sufficiency for investigation. The Written Complaint must be signed under oath and include contact information, including: home address, phone number and email address (such personal contact information to be treated as confidential upon request). The Complaint shall be delivered to the City Attorney with a copy to the Mayor and City Clerk. The City Attorney shall promptly provide a copy of the Complaint to the Charged Party.

B. Review for Sufficiency.

1. A Review for Sufficiency of the Complaint will be completed within thirty (30) days of receipt. This review will be based on the allegations contained in the Complaint and the immediately available record of any public meetings or records referenced in the Complaint.
2. The City Attorney and the Mayor shall conduct the Review for Sufficiency except in cases in which either is the subject of the Complaint. Complaints against the City Attorney shall be reviewed by the City Manager and Mayor. Complaints against the Mayor shall be reviewed by the City Attorney and the Assistant Mayor.
3. If the Complaint is deemed insufficient, the Complainant will be notified in writing of that decision with a copy provided to the Charged Party. A Complaint will be deemed sufficient if it is determined that the Complaint establishes some reasonable possibility that a violation of the Code of Ethics may have occurred.
4. If the Complaint is deemed to be sufficient for further investigation, it shall be referred to the EIO for further action and all parties will be notified of this step through a communication in writing. That communication in writing will contain the following:

This Determination of Sufficient does not determine the truth or falsity of any of the allegations contained in the Complaint or constitute any finding or conclusion that a violation occurred.

- C. Investigation Phase.** The EIO shall be provided the full cooperation of the City government to conduct such investigation as may be necessary to determine whether any violation may have occurred and next steps. The EIO shall have all subpoena powers as may be available under State law. The Charged Party shall have an opportunity to provide a response to the Complaint.

The EIO's investigation shall be completed within forty-five (45) days of the date of referral unless the Charged Party and the City's representative (City Manager or City Attorney) mutually agree to a longer period.

The EIO shall provide a written report with the conclusions reached in the completed investigation to the BOE. The EIO shall provide a non-binding recommendation as to the disposition of the Complaint to the BOE. Thereafter, all action with regard to the Complaint shall be taken by the BOE.

D. Board of Ethics Hearings.

1. The BOE shall take no further evidence on any Complaint but shall make its determination based upon the report received from the EIO. However, the BOE shall hold at least one (1) public hearing at which the EIO, the Complainant, and the Charged Party shall be afforded an opportunity to present oral and written argument to the BOE. The BOE may hear from such other and further parties as it determines appropriate.
2. Any party may be represented by legal counsel at his or her own expense at any stage of an ethics proceeding.
3. The BOE shall issue a written decision within thirty (30) days of the final public hearing with findings and a disposition, dismissal or referral for further action if a violation has been found. If a violation has been found, the BOE shall recommend a sanction or penalty, and refer the matter to the City Council (if an Officer or the City Manager) or to the City Manager (if an Employee) for disposition, sanction or other action as set forth in Section 1:807.

- E.** If the employee is a member of a bargaining unit covered by the terms of a collective bargaining agreement, the investigation will comply with those provisions of the applicable collective bargaining agreement; this may include but is not limited to the employee having Union representation at any investigative interview that may lead to discipline.

Section 1.807: DISPOSITION AND SANCTION

- A.** In the event that the BOE determines that any Officer or the City Manager committed a violation of this Ordinance, the City Council may take any of the following actions:
- a.** Vote for removal pursuant to the City Charter as amended;

- b. Vote to publicly censure or admonish the offending member;
 - c. Vote to place the matter on file; or
 - d. Vote to overturn the finding of a violation.
- B. In the case of Employees, the City Manager shall have all rights available under any employment agreement or collective bargaining agreement to discipline or terminate the employee and the City Manager shall make such report to the City Council as it determines necessary, in public or non-public session as may be determined at the time, as to the action taken.
- C. Criminal Sanctions: In addition to the civil sanctions imposed by this ordinance violation of any provision of this ordinance shall constitute a criminal offense and the City Council may authorize the City Attorney or any other attorney approved by it to prosecute such a violation in the Portsmouth District Court.

The penalty for violation of any provision of this Ordinance upon conviction in the Portsmouth District Court shall be \$1,000 for each offense.

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

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

This ordinance shall take effect upon its passage.

APPROVED:

Deaglan McEachern, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk



Karen S. Conard
City Manager

CITY OF PORTSMOUTH

City Hall, One Junkins Avenue
Portsmouth, New Hampshire 03801
kconard@cityofportsmouth.com
(603) 610-7201

Date: October 12, 2023

To: Honorable Mayor McEachern and City Council Members

From: Karen S. Conard, City Manager *KSC*

Re: City Manager's Comments on City Council Agenda of October 16, 2023

X. Public Hearings and Votes on Ordinances and/or Resolutions:

A. Public Hearing and Second Reading of Ordinance Amending Chapter 1, Article IX – Conflict of Interest/Mandatory Financial Disclosure, Section 1.902, Election Candidate Financial Disclosure:

Attached please find proposed amendments to Chapter 1, Article IX – Conflict of Interest/Mandatory Financial Disclosure, Section 1.902, Election Candidate Financial Disclosure.

I recommend that the City Council move to pass second reading and schedule a third and final reading at the November 13, 2023 City Council meeting.

B. Public Hearing and Second Reading of Ordinance Amending Chapter 1, Article IV, Section 1.413 – Sustainability Committee:

Attached please find proposed amendments to Chapter 1, Article IV, Section 1.413 – Sustainability Committee.

I recommend that the City Council move to pass second reading and schedule a third and final reading at the November 13, 2023 City Council meeting.

C. Public Hearing Regarding KENO within the City of Portsmouth:

A representative from the NH Lottery will be here to present this initiative.

D. Third and Final Reading of Ordinance Amending Chapter 7, Article III, Section 7.321 – Snow Emergency Parking Ban and Chapter 7, Article X – Towing, Section 7.1002 – Snow Removal Operations:

The Parking Division has reviewed and recommended updates to the City’s Snow Emergency Messaging Program as more fully explained in [Parking Division Director Ben Fletcher’s memorandum](#). In order to implement these changes to the Messaging Program, two sections of Chapter 7 should be consolidated and amended as set forth in the attached amendments to [Chapter 7, Article III, Section 7.321 \(Snow Emergency Parking Ban\)](#) and [Article X, Section 7.1002 \(Snow Removal Operations\)](#).

These amendments have been reviewed and approved by the Parking Division, Public Works and Legal Departments and have been referred to the Parking and Traffic Safety Committee for consideration at their September 7, 2023 meeting.

I recommend that the City Council move to pass third and final reading of the ordinance.

E. Third and Final Reading of Ordinance Amending Chapter 1, Article VIII – Code of Ethics, Section 1.802 – Conflicts of Interest, Amending Subsection F – Gifts and Favors: No officer or employee shall accept any gift, over \$100 per calendar year:

[Attached please find proposed amendments to Chapter 1, Article VIII – Code of Ethics, Section 1.802 – Conflicts of Interest, Amending Subsection F – Gifts and Favors: No officer or employee shall accept any gift, over \\$100 per calendar year.](#)

I recommend that the City Council move to pass third and final reading of the ordinance.

XI. City Manager’s Items Which Require Action:

1. Request to Sell Surplus Water Meters:

The City currently has [old water meters with a total weight of 14,450 pounds](#) of which to dispose. The meters are outdated, and it is the opinion of the Water Department that its greatest value is as scrap metal. The bundled value is believed to far exceed \$500.

According to City Ordinance Section 1.505, any sale of property valued at or above \$500 must be authorized by the City Council and may be conducted by competitive bidding, public auction, or any other means authorized by a two-thirds vote of the City Council.

As in the past, we have disposed of the surplus equipment/cars through a sealed bid process or through GovDeals, an online auction site in which the surplus equipment/cars are sold to the highest bidder.

After researching the GovDeals website, it appears that old water meters are sold as scrap metal. Therefore, I would like to use GovDeals to dispose of the meters. We have used GovDeals in the past and it has shown that the City receives more money for our surplus property than through a sealed bid process.

I recommend that the City Council move to authorize the sale of the surplus equipment as presented.

2. **Temporary Construction License for Peirce Block:**

Careno Construction Company, LLC, (“Careno”) under ENCM 23-69, is performing work on the exterior of the Peirce Block which abuts Congress, High and Ladd Street to replace mortar joints and to waterproof the exterior of the building shown on the City of Portsmouth Assessor’s Map as Tax Map 117, Lot 17 (“Property”).

The encumbrance permit expires on November 15, 2023 and the Peirce Block Condominium Association has authorized Careno to request permission to maintain the existing staging that encumbers the sidewalks and a small portion of the roadway along High and Ladd Street and 6 parking spaces along High Street through January 30, 2024. In order to encumber the sidewalk, roadway and parking spaces beyond 30 days, a license approved by the City Council is required. Careno anticipates this work will be completed by January 30, 2024 so it is requesting a license for 76 days (November 16, 2023 through January 30, 2024.)

Careno has requested to encumber two License Areas. License Area 1 is 1,368 square feet of sidewalk and a small portion of roadway along High and Ladd Street that abut the Property. The staging over License Area 1 is not pass through staging. License Area 2 is the 6 parking spaces along High Street. Licenses are subject to the “License Fee for Encumbrance of City Property” policy. Under this policy, a daily fee is calculated per square foot of encumbered sidewalk and roadway (1,368 square feet x .05 = \$68.40 day x 76 days = \$ 5,198.40). The License Fee for each parking space is \$50 a day x 76 days = \$22,800. The total License Fee for both License Area 1 and 2 is \$ 27,998.40.

The Legal, Planning and Public Works Department have reviewed and approved the form of the attached License.

If the Council agrees to grant the temporary construction license to encumber the sidewalk and roadway along High and Ladd Street and the 6 parking spaces along High Street that abut the Peirce Block, an appropriate motion would be:

Move that the City Manager be authorized to execute and accept the temporary construction license to encumber the sidewalk and roadway along High and Ladd Street and 6 parking spaces on High Street that abut the Peirce Block as requested.

3. **Approval of PILOT Agreement for Betty’s Dream:**

Attached please find a Memorandum from Assessor Rosann Maurice-Lentz recommending the City Manager be authorized to enter a Payment in Lieu of Taxes (PILOT) agreement with Betty’s Dream in the amount of \$3,000. The form of the agreement would be approved by the City Attorney.

I recommend that the City Manager be authorized to enter into a PILOT agreement with Betty’s Dream in the amount of \$3,000.

4. **Approval of PILOT Agreement for Friends of the Lafayette House:**

Attached please find a Memorandum from Assessor Rosann Maurice-Lentz recommending the City Manager be authorized to enter a Payment in Lieu of Taxes (PILOT) agreement with the Friends of Lafayette House in the amount of \$0. The form of the agreement would be approved by the City Attorney.

I recommend that the City Manager be authorized to enter into a PILOT agreement with the Friends of Lafayette House in the amount of \$0.

XIII. Presentations and Written Communications:

A. **Financial Update as Requested by Councilor Tabor:**

The City's Director of Finance and Administration, Judie Belanger, will present FY23 Year End financial information and provide a Parking Revenue update at this evening's meeting.

XVI. Approval of Grants/Donations:

A. **Acceptance of Donation to the Fire Department – 1920 American LaFrance Fire Truck:**

Jim Dunaway of Bayberry Vintage Auto of Hampton reached out to the Portsmouth Fire Department after seeing their open houses and historical displays around the Portsmouth 400th celebration about donating an antique fire truck.

The donation form is attached and was approved by the Board of Fire Commissioners at its October 10th monthly meeting. The plan is to use the truck for parades and public events including fire prevention programs and public activities. Additionally, it is anticipated that the Department would utilize the antique truck as a display of firefighting history while being housed at Fire Station 1, like the Kearsarge Steam Fire Engine 3.

The vehicle was fully restored at the expense of the donor and has been immaculately maintained, costing under \$1,000 annually to change fluids and gasoline. It is anticipated that annual maintenance on this vehicle will be at or below this level for the foreseeable future, based on the amount of use expected.

I recommend that the City Council move to accept and approve the donation as presented.

XVII. City Manager's Informational Items:

1. **Report Back on Non-Profit Filing Requirements for Property Tax Exemption:**

At the August 7, 2023 City Council meeting, the Council requested a report back on the requirements a non-profit has for providing proof of non-profit status in the City, which is attached for your information.







**LICENSE AGREEMENT
FOR PEIRCE BLOCK**

The City of Portsmouth (hereinafter "City"), a municipal corporation with a principal place of business of 1 Junkins Avenue, Portsmouth, New Hampshire 03801, for good and valuable consideration as set forth herein, hereby grants this Revocable License to Careno Construction, Company., LLC, on behalf of the Peirce Block Condominium Association (hereinafter "Licensee") with a principal place of business 270 West Road, Portsmouth, New Hampshire, 03801 pursuant to the following terms and conditions:

1. **Areas of License and Use:** The Licensee is performing work on land, with buildings and other improvements thereon, in the City of Portsmouth, Rockingham County, State of New Hampshire, located at the Peirce Block, property that abuts Congress, High and Ladd Street shown on the City of Portsmouth's Assessor's Map as Tax Map 117, Lot 17 ("Subject Property").

The City authorizes Licensee to temporarily use the sidewalks and a small portion of the roadway that abuts the Subject Property along High and Ladd Street. There will a separate License Area for the 6 parking spaces along Hight Street, the specific location for each License Area is depicted in Exhibit A.

2. **Use:** Licensee shall make use of the License Areas for the purpose of replacing mortar joints and waterproofing the exterior of the Property.
3. **Term:** The license for both License Areas 1 and 2 shall be from November 16, 2023 through January 30, 2024, for a total of 76 days.

Licensee may terminate this License prior to the end of the term by returning the License Areas to safe and effective use by the public prior to the expiration of the term of this License. The Licensee shall contact the Director of Public Works for a determination that the License Areas have been temporarily returned to safe and effective use. Failure to remove all vehicles, barriers, materials and equipment and to return the License Areas to the City in the manner prescribed under this License at the end of the term may result in enforcement action by the City.

4. **Notice:** Licensee shall provide notice to the City's Director of Public Works when Licensee assumes control and use of the License Areas and again when it returns the License Areas to the City's control and use.
5. **License Fees:** Licenses are subject to the City license fees in accordance with City Council Policy No. 2018-02 entitled "License Fee for Encumbrance of City Property". A license is required when the licensed area has been encumbered beyond 30 days. The License Fee Policy provides that the Licensee will be charged a daily fee of \$0.05 per square foot of encumbered sidewalk and roadway, and \$50 per day for each parking space.

License Area 1 includes the sidewalk and a portion of the roadway that abuts the Subject Property along High and Ladd Street for a total of 1,368 square feet x \$.05 = \$ 68.40 per day x 76 days = **\$5,198.40**. License Area 1 does not have pass through staging.

License Area 2 encumbers 6 parking spaces along High Street. The License Fee for each parking space is \$50 a day (6 x \$50 = \$300 per day x 76 days = **\$22,800**).

The total License Fee for both License Areas 1 and 2 equals **\$27,998.40**.

Because it is in the City's interest that the Licensed Areas be returned to the public use as soon as possible, if the License Areas are returned to the City prior to the end of the License Term, the City will refund the Licensee the portion of the License Fee paid but not used.

6. **Indemnification:** Licensee agrees to indemnify and hold harmless the City of Portsmouth for any and all property damage, bodily injury or personal injury which arises as a result of its utilization of the Licensed Areas. This obligation survives termination or revocation of this Agreement.
7. **Insurance:** At all times the Licensee shall maintain insurance for bodily injury and property damage in the amount of at least \$1,000,000 per occurrence. Licensee will provide proof of insurance to the City during the term of this Agreement and the City will be named as an additional insured.

8. **Maintenance of Area:** During the term of this Agreement, Licensee shall maintain the License Areas in a safe, neat and orderly fashion and shall take such actions as are necessary to protect the public safety. The Licensee shall secure the perimeter of the License Areas and take such other measures as may be necessary for pedestrian and vehicular safety during use of the License Areas.
9. **Damage:** Licensee agrees to remedy any damage to the License Areas caused by the Licensee's activities. The work will be performed by Licensee to City specifications and survive the terms of this License Agreement. The City may elect to accept reasonable reimbursement from the Licensee in lieu of remedy.
10. **Compliance with Other Laws:** This Agreement does not relieve Licensee from compliance with any other local, state or federal laws or regulations or conditions imposed by any local board. Failure to abide by any local, state or federal laws or regulations or any condition of site plan and may at the City's discretion, result in revocation.
11. **Revocation:** The City may terminate this Agreement or any provision contained in this agreement on 72 hours written notice if Licensee fails to meet the terms and conditions of this License or if the public interest requires such termination. No 72-hour written notification is required by the City if it is an emergency.
12. **Contractor and Subcontractor Parking:** Licensee understands and agrees that its contractors and subcontractors for the project shall not use on-street parking. Language will be inserted in Licensee's vendors and suppliers Purchase Orders and Trade Subcontracts that make the prohibition against parking on City streets mandatory. Contractors shall limit/ manage construction vehicles and deliveries to avoid disruption to businesses, particularly during the holiday season. Contractors may use loading zones for active loading and unloading of materials, equipment and tools.

Dated this _____ day of _____, 2023.

City. Portsmouth

By: _____
Karen Conard
City Manager

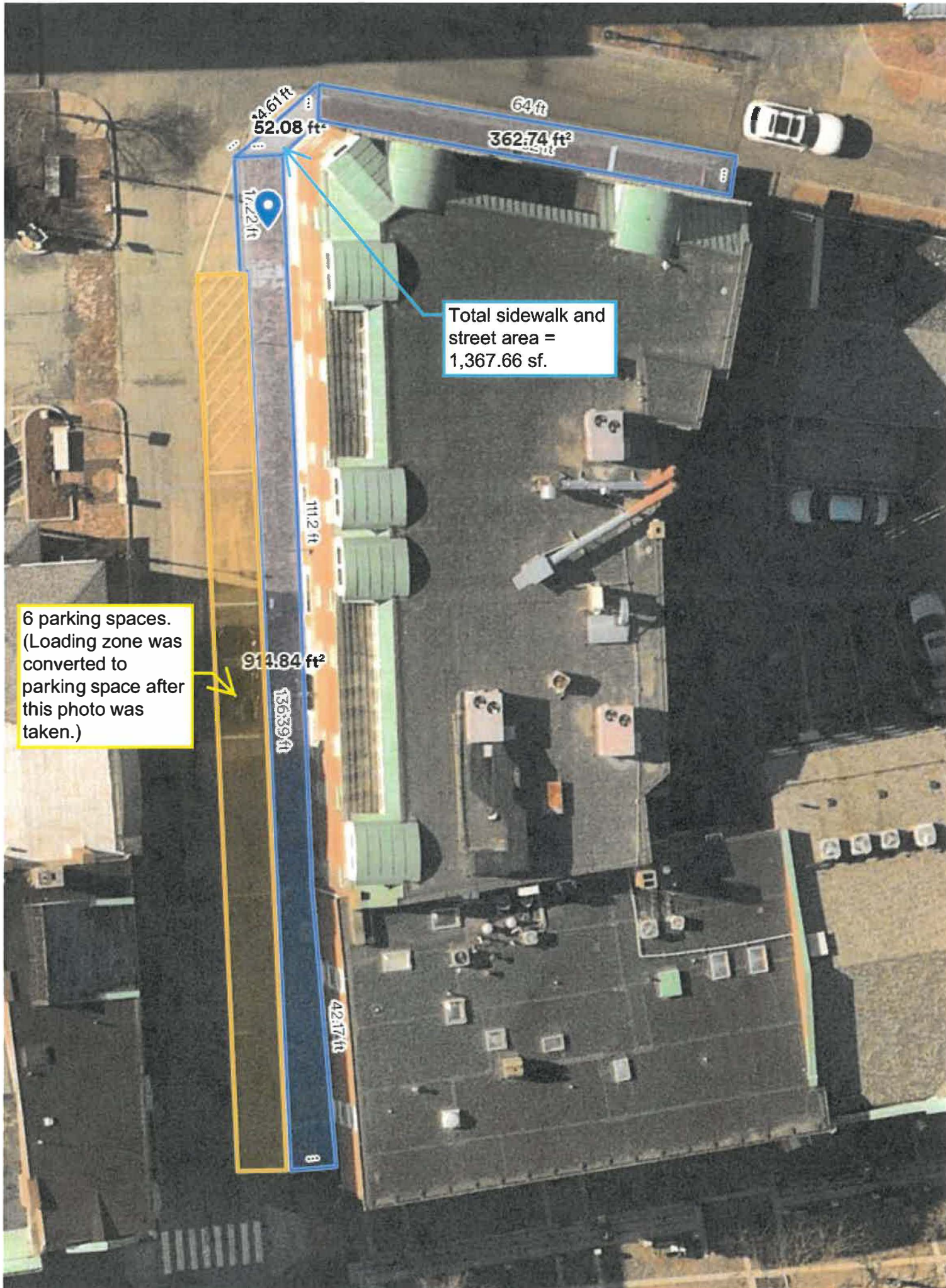
Pursuant to vote of the City Council
of _____.

Dated this _____ day of _____, 2023.

Careno Construction Co., LLC

By: _____

h/jferini/license/peirceblock



14.61 ft
52.08 ft

64 ft

362.74 ft²

14.22 ft

Total sidewalk and street area = 1,367.66 sf.

111.2 ft

6 parking spaces.
(Loading zone was converted to parking space after this photo was taken.)

914.84 ft²

13639 ft

42.17 ft



Carenno Construction Company, LLC

Design/Build / Construction Managers / General Contractors

ATT: Mayor McEachern
1 Junkins Avenue
Portsmouth NH 03801

Peirce Block Building
Window Replacement & Repointing Project
High St & Ladd St.

We have an encumbrance permit # (23-69). The work will go beyond the 30 day encumbrance period so we are requesting a license from the City Council from November 16, through January 30, 2024 on behalf of the Peirce Block Condominium Association

Carenno Construction has been hired to

- Set up staging and keep in place on High St & Ladd St sidewalks along the side of the Peirce block building from 10/16/23 – 1/30/24 to be able to perform the following work.
- Repoint brick mortar.
- Clean all brick.
- Seal all Brick.
- Replace windows & Patio Doors
- Re-caulk Entire Building

Steven Hogan
Carenno Construction
PM
603 436 1006

LETTER OF AUTHORIZATION

From: Peirce Block Condominium Association
Kara McGee, Secretary & Treasurer
3 Market Square
Portsmouth, NH 03801

To: Careno Construction Company, LLC
Stephanie Castoldi, Pre-Construction Manager
270 West Road, Suite 4
Portsmouth, NH 03801

Date: August 30, 2023

Re: Authorization for Representation

Dear Stephanie,

Please consider this letter as written authorization for Careno Construction Company to act as the agent, representing Peirce Block Condominium Association in all matters pertaining to the building improvements project of the Peirce Block building in Market Square of downtown Portsmouth.

Thank you and if you have any questions, please do not hesitate to contact me. I will be your point of contact for this project.

Sincerely,



Kara McGee
Secretary & Treasurer
Peirce Block Condominium Association

Cc: Board of Directors

**City of Portsmouth
Assessor Office**

To: Karen Conard, City Manager
From: Rosann Maurice-Lentz, City Assessor
Cc: Susan Morrell, City Attorney
Date: October 10, 2023
Re: Payment in Lieu of Tax Request – Betty’s Dream

At the Portsmouth City Councils August 7, 2023, meeting the Council voted to refer to the Legal and Assessing Departments for a report back concerning the July 26, 2023, letter received from Kara Sweeny who represents Betty’s Dream requesting a payment in lieu of tax (PILOT). PILOT agreements between the city and otherwise exempt organizations are meant to help the municipality to defray the costs of municipal, non-utility, services.

Betty’s Dream is a group home facility for low-income and disabled individuals located at 75 Long Meadow Road. The Assessor’s Office has reviewed Betty’s Dream charitable status and feels they meet the term “charitable” as set forth in RSA 72:23-l.

RSA 72:23-k states the real estate and personal property of charitable, nonprofit community housing and community health care facilities for elderly and disabled persons, if none of the income or profits is used for any purpose other than community housing or community health care, shall be exempt from taxation. This exemption shall apply to housing and health care facilities situated within New Hampshire which are sponsored or owned by nonprofit, charitable corporations or organizations, located within or outside of the state, and to projects organized, operated, or assisted under state law or pursuant to rules and regulations of the United States Department of Housing and Urban Development, the United States Department of Health and Human Services, or any successor agency.

For Fiscal Year 2024, Betty’s Dream has requested a sum of \$3,000, in lieu of property taxes which is what they have negotiated with the City in the past, my recommendation would be to accept this agreement. Fiscal Year 2025, I would recommend a payment in lieu of tax based on their annual profit before depreciation (total income minus total expenses) as shown on their most recent financial statements. This would be consistent with other PILOT agreements the city has had in the past and would allow them to budget accordingly for next year.

For cause shown and at any time, keeping in mind the nature and purpose of the project, the municipality or the board of tax and land appeals may refund or abate all or a portion of the payment in lieu of taxes in any year.

**City of Portsmouth
Assessor Office**

To: Karen Conard, City Manager
From: Rosann Maurice-Lentz, City Assessor
Cc: Susan Morrell, City Attorney
Date: October 10, 2023
Re: Payment in Lieu of Tax Request – Friends of Lafayette House

At the Portsmouth City Councils August 7, 2023, meeting the Council voted to refer to the Legal and Assessing Departments for a report back concerning the July 26, 2023, letter received from Rene Sullivan, Executive Director of Friends of Lafayette requesting a payment in lieu of tax (PILOT). PILOT agreements between the city and otherwise exempt organizations are meant to help the municipality to defray the costs of municipal, non-utility, services.

Friends of Lafayette House is a group home facility for adults with developmental disabilities located at 413 Lafayette Road. The Assessor's Office has reviewed the Friends of Lafayette House charitable status and feels they meet the term "charitable" as set forth in RSA 72:23-l.

RSA 72:23-k states the real estate and personal property of charitable, nonprofit community housing and community health care facilities for elderly and disabled persons, if none of the income or profits is used for any purpose other than community housing or community health care, shall be exempt from taxation. This exemption shall apply to housing and health care facilities situated within New Hampshire which are sponsored or owned by nonprofit, charitable corporations or organizations, located within or outside of the state, and to projects organized, operated, or assisted under state law or pursuant to rules and regulations of the United States Department of Housing and Urban Development, the United States Department of Health and Human Services, or any successor agency.

This year, the Assessor's Office reviewed all exempt property applications. Friends of Lafayette House does qualify for charitable status but needed to follow that statute for charitable, nonprofit community housing and community health care facilities for elderly and disabled persons pursuant to RSA 72:23-k as stated above.

This was unexpected for Friends of Lafayette House as they have paid nothing in the past and were not able to budget for a PILOT payment for this year. As such, for Fiscal Year 2024, I would recommend a payment in lieu of tax be zero. For Fiscal Year 2025 I would recommend a payment in lieu of tax based on their annual profit before depreciation (total income minus total expenses) as shown in their most recent

financial statements. This would be consistent with other PILOT agreements the city has had in the past and would allow them to budget accordingly for next year.

For cause shown and at any time, keeping in mind the nature and purpose of the project, the municipality or the board of tax and land appeals may refund or abate all or a portion of the payment in lieu of taxes in any year.

CITY COUNCIL E-MAILS
Received: September 29 2023 – October 12, 2023 (before 9:00 a.m.)
October 16 2023 Council Meeting

Submitted on Fri, 09/29/2023 - 13:05

Full Name

Carol Bird

Email

cbird5564@gmail.com

Subject

Parking on Pickering St, Pickering Ave and Mechanic St

Address

170 Mechanic St

Message

To all City Councilors,

I am writing about the proposed changes to the parking on Pickering St, Pickering Ave, and Mechanic Street which will be coming before you at your next meeting.

I first want to thank Eric Eby and the DPW for what they have done to date to alleviate some of the congestion. Some new stenciled "no parking" signs were put on the pavement, and they have helped tremendously. It is my understanding that this ordinance was already in place for these newly marked spaces, only it was never enforced until now, so these are not newly "lost" parking spaces. In addition to those spaces however, a single "no parking" sign with an end line was stenciled on the west side of Mechanic where there had never been an issue (or parking) before, and people are now parking beyond that line, creating a new and somewhat dangerous bottleneck across from Geno's. We have already seen one parked car hit when a handicapped patron was backing out of the parking lot.

When this issue was brought to the attention of the Parking and Traffic Safety division, it was out of concern for the maneuverability of emergency vehicles on these streets. Many times, I have seen fire trucks try to make the corner and they either must back down or use a spotter to make it through. This was confirmed by the fire chief at the Parking and Traffic meeting on Sept 7th. He also noted that this problem is not just in the 12 busiest weeks of summer. In the winter, snowbanks narrow the roads significantly and with cars parked, it can be impossible to get through. Both the recycle truck and the trash truck often have this issue year-round, even when cars are on just one side. If you would like, I can provide many pictures to document the issue.

I would venture to guess that the average age of our neighborhood is 70 and like most neighborhoods, we have many walkers, runners, and dogs weaving in and out of cars. If an emergency were to arise, be it a fire or an ambulance needing to get through, I am not sure it would happen. In front of the Wentworth Gardner House, there are signs on the stop sign poles at the end of Hunking and Gardner indicating no parking between the signs. It seems this would be a simple solution between Hunking St and Pickering St as well. Thank you for your consideration.

Carol Bird

Please indicate if you would like your comment to be part of the public record for the upcoming City Council meeting. Yes

Submitted on Tue, 10/10/2023 - 16:23

Full Name

Elyse Gallo

Email

elysegallo@comcast.net

Subject

October honors Italian Americans - a formal declaration

Address

P.O. Box 246

Portsmouth, New Hampshire. 03802

Message

I am a proud American of 100% Italian heritage, and have lost my one day to celebrate this in my own city! I'd appreciate if the Mayor at the City Council meeting would recognize a group in our fair city that has already suffered from erasure as a result of urban renewal by reading this affirming Governor Proclamation at the meeting on Monday October 16th.

Thank you for your consideration!

https://friendsofia.org/sites/default/files/2023-10/Italian-American-Heritage-Month-Proclamation_Oct-2023.pdf

Please indicate if you would like your comment to be part of the public record for the upcoming City Council meeting. Yes

Submitted on Thu, 10/12/2023 - 08:27

Full Name

Gabriel Markley

Email

cityofportsmouth.shxks@simplelogin.com

Subject

Parking and Parking Space Issues in Atlantic Heights

Address

Raleigh Way

Message

I've observed a recurring challenge with the delivery truck route, particularly on Saratoga, Raleigh Way, and Concord streets. It seems that the faded parking and crosswalk lines might be contributing to some unintentional parking of boats and cars in non-designated areas. This has made it tough for delivery trucks to navigate when other vehicles are parked in the designated spots. I've noticed that streets that have been repaved recently don't seem to face this issue, likely because the parking lines are more visible. Would the city consider looking into this and possibly refreshing the markings? It would greatly enhance the accessibility and safety for all residents and delivery personnel.

Please indicate if you would like your comment to be part of the public record for the upcoming City Council meeting. Yes



CITY OF PORTSMOUTH

Community Development Department 1 Junkins Avenue, Portsmouth, New Hampshire 03801
(603) 610-7281

October 2, 2023

Kelli Barnaby
City Clerk
City of Portsmouth
1 Junkins Avenue
Portsmouth, New Hampshire 03801

Kelli:

The Community Development Department is writing to notify you of the resignation of Alison Hamilton (formerly of 61 Lawrence Street, Portsmouth) from the City of Portsmouth Citizens Advisory Committee (CAC) effective immediately.

Thank you,

Elise Annunziata
Community Development Director



CITY OF PORTSMOUTH

Community Development Department 1 Junkins Avenue, Portsmouth, New Hampshire 03801
(603) 610-7281

October 2, 2023

Kelli Barnaby
City Clerk
City of Portsmouth
1 Junkins Avenue
Portsmouth, New Hampshire 03801

Kelli:

The Community Development Department is writing to notify you of the resignation of Judith Bunnell (534 Colonial Drive, Portsmouth) from the City of Portsmouth Citizens Advisory Committee (CAC) effective immediately.

Thank you,

Elise Annunziata
Community Development Director



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: Annelise C. Hartley Telephone: (425) 213-0972

Could you be contacted at work? YES ☒ NO ☐ If so, telephone# same as above

Street address: 452 Richards Avenue Portsmouth

Mailing address (if different): -

Email address (for clerk's office communication): annelisehartley3@gmail.com

How long have you been a resident of Portsmouth? 1976-1981 and 2018-present

Occupational background:

I am a department lead and coach for a non-profit organization. I have worked in the non-profit sector for the past seven years and currently manage the customer support team. My responsibilities include webinar coordinator, coach to local grassroots volunteers and outreach supervisor. I have a forward facing job, interacting with the public daily, ensuring they are heard and their concerns are addressed. I take what I hear from the +

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

As a homeowner and involved community member, I am motivated to work on identifying, understanding, and solving challenging issues in a collaborative experience that is meaningful and sustainable. My husband retired from the U.S. Coast Guard in 2018, and in all of our duty stations, we invested in our 'temporary' communities through

+
OVER

Annelise Hartley CAC application – overflow text from .pdf fillable boxes

Occupational background:

I am a department lead and coach for a non-profit organization. I have worked in the non-profit sector for the past seven years and currently manage the customer support team. My responsibilities include webinar coordinator, coach to local grassroots volunteers and outreach supervisor. I have a forward facing job, interacting with the public daily, ensuring they are heard and their concerns are addressed. I take what I hear from the customers and make changes within the company. I also focus a large part of my time anticipating customer issues to preemptively create solutions so the customer has an effortless customer experience. I enjoy creative problem solving and love helping people.

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

As a homeowner and involved community member, I am motivated to work on identifying, understanding, and solving challenging issues in a collaborative experience that is meaningful and sustainable. My husband retired from the U.S. Coast Guard in 2018, and in all of our duty stations, we invested in our 'temporary' communities through parent/teacher organizations, coaching, and girl scouting. Upon his retirement we moved back to my hometown of Portsmouth and we are creating and nurturing long term roots.

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

Citizens Advisory Committee (CAC)

Committee: _____ Initial applicant

Name: Kirsten Barton Telephone: 401-662-9199

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

Street address: 49 Ridges Court

Mailing address (if different): _____

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

How long have you been a resident of Portsmouth? 13 years

Occupational background:

Work on special projects At Community Dev.
Finance Authority (CDFA) including Recovery
Housing Program Development & implementation,
Council on Housing Stability

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

Attend Community Development Advisory
Committee (CDAC) meetings At CDFA.
Community participation & cross-sector engagement
is a large part of public health action. I
will complete my master's in public health this
December 2023.

➡ 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 our family of three girls was
raised in Portsmouth and we consider this town our
forever home. I would love to know more about
what our greater community sees as important
for supporting everyone who lives/works/plays in
Portsmouth.

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

Board member at Nurturing Minds, Newton, MA.

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

1) Katherine Clarq, 485 Lincoln Ave, 508-287-5489

Name, address, telephone number

Karin Barndollar, 120 Ridges Court, 603-502-6905

2) _____

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

Kirsten Barton K Barton 9/25/2023
Signature _____ Date _____

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

6/27/2012



PORTSMOUTH ARTS AND NON-PROFIT BLUE RIBBON COMMITTEE APPLICATION

Name Sachiko Akiyama Telephone 617 233 8688

Street address 161 Aldrich Road, Portsmouth, NH 03801

Mailing address (if different) _____

Email address woodchip47@gmail.com

Occupational background

I have been a practicing artist for over two decades now. I was an assistant professor in sculpture at Boston Univ. for 7 years and an associate professor at UNH for 7 years.

Please list experience that would be beneficial to this Blue Ribbon Committee:

For ten years, I owned a condo in Boston that was subsidized for artists. This experience allowed me to live and make work in Boston. I have lived in Portsmouth now for 7 years and see that it is difficult for practicing artists to live and make work here. I would love to be a part of the conversation about how to support the arts and artists in Portsmouth.

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

1) Karen Rozania, 57 Boss Ave, Portsmouth, NH 03801, (978) 877-9382
Name, address, telephone number

2) Patricia Martine, 139 Aldrich Road, Portsmouth, NH 03801, (603) 828-5141
Name, address, telephone number

Signature [Signature] Date July 13, 2023

Please submit application to the City Clerk's Office, 1 Justice Avenue, Portsmouth, NH 03801 or via e-mail Ljormah@cityofportsmouth.com



CITY OF PORTSMOUTH

CITY COUNCIL POLICY No. 2010 - 02

POLICY REGARDING SIDEWALKS AND DRIVEWAY APRONS

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

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

WHEREAS, it is not desirable to have a patchwork of brick and concrete sidewalks, rather an entire block shall be treated uniformly.

NOW THEREFORE, the City Council adopts the following policy:

- A. Whenever sidewalks within the Historic District are constructed, repaired or replaced in the City the following shall apply:
 - 1. Sidewalks will be brick, except for the following streets which will be concrete:
 - a. Islington Street,
 - b. New Castle Avenue east of Marcy Street,
 - c. Middle Street and Lafayette Road south of Aldrich Road; and
 - d. All streets west of the easterly shore of the North Mill Pond, except for Nobles Island.

(All as shown on Exhibit A attached hereto.)
 - 2. Where practicable, the excepted streets above shall have brick border. Practicable means consistent with American Disability Act requirements, rights-of-way availability, and other limitations.
- B. The following streets outside the Historic District are currently brick and will be replaced with brick:
 - a. Richards Avenue from Parrott Avenue to Middle Street;
 - b. Austin Street from Middle Street to Summer Street;
 - c. Cabot Street from end to end;
 - d. State Street from Union towards to the Historic District;
 - e. Union Street from State Street to Islington Street;
 - f. Mark Street; and
 - g. Rogers Street with the exception of the abutting Middle School

- C. The preferred standard material for all other sidewalks will be concrete.
- D. Driveway aprons in the City shall be continuous bituminous asphalt from the edge of road to property line. Sidewalks, if any, shall terminate on either side of driveway apron. Deviations from asphalt are permitted upon approval of the Director of Public Works; any additional cost for an alternative treatment must be paid for by the property owner.
- E. The typical practice at corners is to wrap the brick around the corner to the next driveway.

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

Adopted by the Portsmouth City Council on **May 17, 2010.**
Ratified by the Portsmouth City Council on January 17, 2012.
Ratified by the Portsmouth City Council on January 13, 2014.
Amended by the Portsmouth City Council on January 20, 2015.
Ratified by the Portsmouth City Council on January 11, 2016.
Ratified by the Portsmouth City Council on January 16, 2018.
Ratified by the Portsmouth City Council on January 8, 2020.
Ratified by the Portsmouth City Council on January 24, 2022.

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



CITY OF PORTSMOUTH

CITY COUNCIL POLICY No. 2023 -

Ethics and Transparency Policy

1. Council Conflict of Interest Policy

- 1.1** City Councilors should not exert undue influence on quasi-judicial board members in their official capacity, including speaking on issues before quasi-judicial boards that are not related to a direct abutter interest in the proposal.
- 1.2** Council members shall not attend other Councilor's committee meetings unless noticed in advance, or unless they were invited to participate as a guest, if their attendance might create a Council quorum.
- 1.3** Council members shall not vote on matters pertaining to their own personal reputational interest, including issues of Ethics and Conflict of Interest.
- 1.4** In order to preserve the public confidence in the ethical operation of the City Council, any Councilor who has a concern about a potential conflict of interest for him/her/themselves and the need for recusal, the Councilor shall:
 - Confer with the City Legal Department to seek a written opinion.
 - Share that opinion with the Council and the public before the questioned action is taken.
 - If there is a question that arises during Council discussion, the Councilor shall request an opinion from the City Attorney prior to engaging in further discussion.

2. Transparency

The Council shall not meet unless the meeting is duly noticed (This includes without limitation meetings with legal counsel, which meetings are currently permitted to occur without notice to the public under NH law.)

Should any conversation in nonpublic session be beyond the noticed scope of the meeting and requirements of law, any Councilor may raise a point of order during the course of the meeting of the digression. A point of order could without limitation include a request for a legal opinion as to whether the discussion is appropriate or lawful under RSA:91-A, and/or to request a vote of the City Council as to whether to proceed with the discussion topic.

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

Adopted by the Portsmouth City Council on _____, 2023.

Kelli L. Barnaby, CMC/CNHMC
City Clerk

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 1, Article IX, Section 1.901 – **MUNICIPAL OFFICIALS DISCLOSURES** of the Ordinances of the City of Portsmouth be amended as follows (deletions from existing language **stricken**; additions to existing language **bolded**; remaining language unchanged from existing):

ARTICLE IX: CONFLICT OF INTEREST/MANDATORY FINANCIAL DISCLOSURE

Section 1.901: MUNICIPAL OFFICIALS DISCLOSURES

A. Preliminary: This ordinance is adopted by the City of Portsmouth in compliance with the mandate contained in the Charter Amendment entitled "CONFLICT OF INTEREST" which was adopted by referendum vote of the City of Portsmouth on November 3, 1987 as amended pursuant to referendum vote of the City of Portsmouth on November 7, 2017. This ordinance may be referred to as the Mandatory Disclosure Ordinance.

B. Definition: For purposes of this Article only, the following terms shall be defined in the following manner:

Municipal Official: For the purpose of mandatory financial disclosure, the term "Municipal Official" in this provision shall include members of the City Council, School Board, Police Commission, Fire Commission, Planning Board, Zoning Board of Adjustment and Historic District Commission, **including City employees appointed to the Land Use Boards.**

Income: The term "income" shall be defined as a gain of recurrent benefit usually measured in money that derives from capital, labor, or investment.

Capital Assets: The term "capital assets" shall be defined to include interests and investments in Portsmouth-based businesses, businesses owned by Portsmouth residents and businesses which transact business with the City of Portsmouth. The term "capital assets" shall also be defined to include all real estate holdings and interests in real estate located in the City of Portsmouth.

Financial Disclosure Statement: The term "financial disclosure statement" shall mean a written statement, given under oath:

- 1) Listing an individual's primary source of annual income and capital assets. However, in no instance shall disclosure be mandated of any capital asset whose value at the time of disclosure is below Ten Thousand (\$10,000) dollars nor shall the value of any source of income or the value of any capital asset be required for disclosure.
- 2) Listing any sources of income, whether or not connected with the City of Portsmouth which individually produce income in an amount greater than \$10,000 calculated annually on a per calendar year basis.
- 3) **Listing affiliations with local organizations in which a person is serving in a fiduciary capacity, such as a trustee, director, or other officer.**

- C. Obligation of All Municipal Officials: All municipal officials will maintain an updated financial disclosure statement in the Office of the City Clerk. The Financial Disclosure Statement shall be updated annually as of June 30th. Forms shall be based on the form used by the State to implement RSA 15-A (attached) prepared by the City Clerk for approval by the City Council and made available to all municipal officials for this purpose.
- D. Determining Violations: For violation and enforcement purposes, complaints alleging violation of the mandatory disclosure ordinances shall be administered in accordance with the process under the Municipal Code of Ethics, Reference Chapter I, Article VIII.
- E. Public Records: Financial Disclosure Statements shall be public records.
- F. Return of Records: Financial Disclosure Statements shall be returned to the public official six (6) months after leaving office.
- G. Penalties: Any violation of this article shall be subject to the penalties prescribed for violation of the City Code of Ethics, Sec. 1.801 et seq.

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

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

This ordinance shall take effect upon its passage.

APPROVED:

Deaglan McEachern, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

Gift and Donation Submission Form

9/Donations received by the City of Portsmouth must be accepted by the City Council. Please complete this form and submit it to the City Manager for inclusion on an upcoming agenda.

Date:	9/28/2023
Department/ Contact Person:	Portsmouth Fire Department Chief; William McQuillen
Donation Amount:	1920 American LaFrance Fire Truck (Estimated Value \$40,000-\$60,000 subject to final appraisal)

Are Funds to be directed to a particular department, program or fund? – If yes, please provide detail below:

Yes, Vehicle is to be donated to Portsmouth Fire Department.
--

Is there a particular purpose intended with this donation:

Provide an antique classic for use in parades and special events.

Other Information/Special Conditions:

The donor requires a right of first refusal to purchase the vehicle if PFD decides they no longer have any use for this vehicle.
If available the PFD will allow occasional use by the donor for special events at donor's expense.

Donor Information

First & Last Name:	Attn: James Dunaway General Manager of BVA
Business Name:	Bayberry Vintage Autos LLC
Address*:	1 Liberty Ln E Ste 100 Hampton NH 03842
Phone*:	603-929-4265
Email*:	Service@bayberryvintage.com

Gift and Donation Submission Form

Please note that gifts/donations to individual employees with a value of \$100 or more are not permitted. Information with an asterisk () indicates it will not be publicly distributed.*



City of Portsmouth Assessor Office

CM Info Item #1

To: Karen Conard, City Manager

From: Rosann Maurice-Lentz, City Assessor

Cc: Susan Morrell, City Attorney

Judith Belanger, Finance Director

Date: September 28, 2023

Re: Report Back - Non-Profit Filing Requirements for Property Tax Exemption

At the Portsmouth City Councils August 7, 2023, meeting Councilor Cook requested a report back on the requirements a non-profit has for providing proof of non-profit status in the city.

A non-profit organization whose mission is of a religious, educational, or charitable nature may qualify for a property tax exemption. The property must be owned, used, and occupied by the organization (RSA 72:23) as of April 1 of the year the application is made.

If applying for the charitable exemption, the organization must meet the definition of charitable which requires an applicant to provide some charitable service. The organization must be obligated by its charter to provide this charitable service to a substantial and indefinite segment of the general public that includes residents of NH and, there must be no financial profit or benefit to its officers or members, or those of any related organization. The fact an organization's activities are not conducted for profit shall not in itself be sufficient to render the organization charitable.

The organization must file annually with the City of Portsmouth Assessing Department, on or before April 15, a list of all property for which an exemption is claimed. (RSA 72:23-c). This form is known as the BTLA Form A-9.

BTLA Form A-12, Statement of Financial Condition, must also be filed before June 1 annually to maintain their charitable exemption. This form applies only to charitable organizations.

RSA 72:23-c-ii grants the authority for the assessing official to request such materials concerning the organization seeking exemption including its organizational documents such as the organization's charter or articles of incorporation that indicates they are required by it to perform charitable acts to a substantial and indefinite segment of the population that includes NH residents.

Additional, request may include information concerning the nature of membership, functions, property and the nature of that property, and such other information as shall be reasonably required to make determinations of exemption of property under this chapter.