

# CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH  
DATE: TUESDAY, FEBRUARY 21, 2012 TIME: 7:00PM

## AGENDA

- 6:00PM – ANTICIPATED “NON-MEETING” WITH COUNSEL RE: LITIGATION - RSA: RSA 91-A:2 I (c)

- I. CALL TO ORDER [7:00PM or thereafter]
- II. ROLL CALL
- III. INVOCATION
- IV. PLEDGE OF ALLEGIANCE

### PRESENTATION

1. Greater Portsmouth Chamber of Commerce – UDAG Loan Request (*Sample motion – move to suspend the rules in order to take up Item XII A.1. for action*) (*Sample motion – move to approve the request from the Greater Portsmouth Chamber of Commerce for an Urban Development Action Grant loan to develop a dedicated tourism website, and further, authorize the City Manager to enter into all necessary agreements to execute this loan request*)

- V. ACCEPTANCE OF MINUTES – FEBURARY 6, 2012

- VI. PUBLIC COMMENT SESSION

- VII. PUBLIC HEARINGS

- A. RESOLUTION INCREASING THE MAXIMUM INCOME LIMIT FOR INDIVIDUALS QUALIFYING FOR THE ELDERLY REAL ESTATE TAX EXEMPTION:

#### ELDERLY EXEMPTION AT 2.9%

SINGLE	\$34,486.00 INCREASE OF \$972.00
MARRIED	\$42,542.00 INCREASE OF \$1,199.00
ASSET LIMIT OF	\$114,958.00 INCREASE OF \$3,240.00

- B. RESOLUTION INCREASING THE MAXIMUM INCOME LIMIT FOR INDIVIDUALS QUALIFYING FOR THE DISABLED REAL ESTATE TAX EXEMPTION:

#### DISABLED EXEMPTION AT 2.9%

SINGLE	\$34,486.00 INCREASE OF \$972.00
MARRIED	\$42,542.00 INCREASE OF \$1,199.00
ASSET LIMIT OF	\$114,958.00 INCREASE OF \$3,240.00

**VIII. APPROVAL OF GRANTS/DONATIONS**

- A. \*Acceptance of Donation/Lloyd M. Horlick Revocable Trust to the Portsmouth Fire Department - \$211,000.00 ***(Sample motion – move to accept this donation under the terms described in the Trust)***

**IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES**

- A. First reading of Proposed Zoning Ordinance Amendments – Office Research District ***(Sample motion – move to pass first reading and schedule a public hearing and second reading on the proposed ordinance amendment, as presented, at the March 19, 2012 City Council meeting)***
- B. Adoption of Resolution Increasing the Maximum Income Limit for Individuals Qualifying for the Elderly Real Estate Tax Exemption:

**Elderly Exemption at 2.9%**

Single	\$34,486.00 increase of \$972.00
Married	\$42,542.00 increase of \$1,199.00
Asset Limit of	\$114,958.00 increase of \$3,240.00

***(Sample motion – move to adopt the Resolution for Elderly Exemptions, as submitted)***

- C. Adoption of Resolution Increasing the Maximum Income Limit for Individuals Qualifying for the Disabled Real Estate Tax Exemption:

**Disabled Exemption at 2.9%**

Single	\$34,486.00 increase of \$972.00
Married	\$42,542.00 increase of \$1,199.00
Asset Limit of	\$114,958.00 increase of \$3,240.00

***(Sample motion – move to adopt the Resolution for the Disabled Exemptions, as submitted)***

- D. Third and final reading of Amendments to Chapter 7 – Vehicles, Traffic Parking Omnibus Ordinances, Section 7A.406 – Horse Drawn Carriages spaces on Pleasant Street and Section 7.330 – by eliminating the No Parking Area on State Street between Court Place and Church Street to install 4 new metered spaces and Ordinance cleanup measures ***(Sample motion – move to pass third and final reading of the proposed ordinance, as presented)***
- E. Third and final reading of Amendment to Chapter 7, Article III, Section 7.330 – No Parking – Junkins Avenue both sides ***(Sample motion – move to pass third and final reading of the proposed ordinance, as presented)***

## X. CONSENT AGENDA

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

- A. Letter from Karen Butz Webb, Project Safety Association, requesting permission to hold a 5K Road Race on Saturday, September 29, 2012 at 8:30 a.m. ***(Anticipated action – move to refer to the City Manager with power)***
- B. Letter from Kimberly McGlinchey and Deirdre Barrett, PHS Ecology Club Advisors, requesting permission to hold the 2<sup>nd</sup> Annual 5K Road Race on Saturday, May 12, 2012 from 1:00 p.m. – 3:00 p.m. ***(Anticipated action – move to refer to the City Manager with power)***
- C. Request for Approval of Pole License to install/replace 4 poles located on Richards Avenue, Miller Avenue, and Highland 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)***
- D. Request for a License from Angela Drew, owner of Wear House on Congress Street for property located at 74 Congress Street to install a projecting sign on an existing bracket ***(Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Angela Drew, owner of Wear House on Congress Street to install a projecting sign at 74 Congress Street and, further, authorize the City Manager to execute a License Agreement for this request)***

#### **Planning Director's Stipulations:**

- ***The license shall be approved by the Legal Department as to content and form;***
  - ***Any removal or relocation of the projecting sign, for any reason, will be done at no cost to the City; and***
  - ***Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason, shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works***
- E. Letter from Kathie Lynch, Portsmouth Little League, requesting approval for temporary signage to be located at the Plains and Hislop Park baseball fields during the 2012 baseball season ***(Anticipated action – move to refer to the City Manager with power)***

## XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

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

## XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

### A. CITY MANAGER

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

1. Consideration of First Reading of Proposed Resolution and Ordinance Amendments:
  - 1.1 First Reading of Proposed Zoning Ordinance Amendments – Office Research District (**Action on this matter should take place under Section IX of the Agenda**)
2. Public Hearing and Adoption of Proposed Resolutions:
  - 2.1 Public Hearing and Adoption of Resolutions Amending Elderly & Disabled Exemptions Income Asset Limits (**Action on this matter should take place under Section IX of the Agenda**)
3. Third and Final Reading of Proposed Ordinance Amendments:
  - 3.1 Third and Final Reading of Ordinance Amendments to Chapter 7 – Vehicles, Traffic Parking Omnibus Ordinances (**Action on this matter should take place under Section IX of the Agenda**)
  - 3.2 Third and Final Reading of Amendment to Chapter 7, Article III – Section 7.330 – No Parking – Junkins Avenue (**Action on this matter should take place under Section IX of the Agenda**)

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

1. Greater Portsmouth Chamber of Commerce – UDAG Loan Request
2. Request for Approval of Teacher's Early Retirement
3. Request for Approval of Tentative Agreement between the Portsmouth Police Commission and NEPBA Local #11, Portsmouth Patrolman's Association
4. Proposed Memorandum of Agreement between the Portsmouth School Board and the Association of Portsmouth Teachers
5. Report Back Re: Policy Regarding Appointments to City Boards and Commissions
6. Request to Renew Seacoast Growers' Association (Farmers' Market) Proposed 2012 License Agreement

7. Proposed Amendment Re: Fund Balance Ordinance
8. Proposed Bond Refunding Resolution
9. Proposed Funding Authorization for Long-Term Control Plan Projects

**Informational Items**

1. Events Listing
2. \*Peter Rice – New England Water Environment Association Alfred E. Peloquin Award
3. Report Back Re: Parrott Avenue Place to Mark Wentworth Home Property Conveyance

**B. MAYOR SPEAR**

1. Appointments to be Considered:
  - Appointment of Daniel Rawling to the Historic District Commission
  - Reappointment of James Russ to the Peirce Island Committee
2. Appointments to be Voted:
  - Appointment of Sherry-Lea Bloodworth Botop as an Alternate to the Planning Board
  - Reappointment of Phyllis Eldridge to the Trustee of the Trust Funds
3. Appointment of School Board Member to the Board of Library Trustees
4. Current Boards and Commissions Vacancies

**C. COUNCILOR KENNEDY**

1. \*Senior Services Update

**D. COUNCILOR THORSEN**

1. Non-Binding Resolution – Flat Budget

**XIII. MISCELLANEOUS/UNFINISHED BUSINESS**

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

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

*\*Indicates Verbal Report*

## **INFORMATIONAL ITEMS**

1. Notification that the Conservation Commission Minutes of January 11, 2012 meeting are available on the City's website for your review
2. Notification that the Historic District Commission Minutes of the December 7, 2011 meeting are available on the City's website for your review
3. Notification that the Planning Board Minutes of the October 20, 2011 meeting are available on the City's website for your review
4. Notification that the Site Review Technical Advisory Committee Minutes of the January 31, 2012 meeting are available on the City's website for your review


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

**CITY OF PORTSMOUTH  
PORTSMOUTH, NH 03801**

*Office of the City Manager*

**DATE:** January 31, 2012

**TO:** Honorable Mayor Eric Spear and City Council Members

**FROM:** John P. Bohenko, City Manager 

**RE:** **Greater Portsmouth Chamber of Commerce UDAG Loan Request**

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Attached is a letter from Economic Development Commission Chair Everett Eaton regarding a request from the Greater Portsmouth Chamber of Commerce for an Urban Development Action Grant (UDAG) loan to develop a dedicated tourism website. I recommend that this request be acted upon at the February 21, 2012 City Council meeting.



# CITY OF PORTSMOUTH

Economic Development Department  
(603) 619-7220

January 31, 2012

Honorable Mayor Eric Spear and City Council Members  
City Hall  
1 Jenkins Ave.  
Portsmouth, NH 03801

Dear Mayor Spear and City Council Members:

Attached is a request from the Greater Portsmouth Chamber of Commerce for funding to develop a dedicated tourism website. This request was made to the Economic Development Commission (EDC) during the Chamber's April 2011 quarterly tourism report and the EDC has been working with the Chamber on refining the proposal in the ensuing months. Below is a summary of the EDC's response to the proposal and a recommendation to the City Council.

As you are aware, for the past 11 years the City has had a successful partnership with the Greater Portsmouth Chamber of Commerce for promotion of Portsmouth as a cultural tourist destination. The City has provided an annual grant of \$45,000 from UDAG funds in exchange for services such as attending trade shows, hosting travel writers and promoting Portsmouth as a travel destination nationally and internationally through collateral such as *The Guide to the Seacoast*, *The Harbor Guide* and various seasonal lure brochures. It also organizes Restaurant Week and Retail Week as a means to entice visitors and residents to local restaurants and retailers during the slower tourist months. The Chamber collects and reports to the EDC on a series of visitation metrics including web, phone and kiosk inquiries, Harbor Trail tours, Hampton-Toll traffic, lodging occupancy, and cruise ship visits. The EDC believes this partnership leverages the city's competencies and adds value to our mutual goal of maintaining the vitality and success of our business community without duplication of effort.

Recent quarterly tourism reports by the Chamber have demonstrated that visitors are more frequently accessing visitor information via the internet rather than via traditional methods which has precipitated the funding request to develop a Greater Chamber of Commerce website dedicated to tourism. At its November, 2011 meeting the EDC heard a presentation from Doug Bates, Chamber President, and Valerie Rochon, Chamber of Commerce Tourism Manager on the need for a tourism website. The presentation provided examples of both business to business websites and tourism websites. Ms. Rochon made the distinction between private commercial websites and a non-profit Chamber of Commerce or a Visitor and Convention Bureau website. The EDC sees this as an opportunity to have a one-stop website location for all Portsmouth tourism destination information versus the fragmented information that is available currently. The estimated cost to develop the website is \$22,000-\$30,000.

Following the presentation, the EDC determined that the tourism website request has merit. However, the consensus was to loan rather than grant the funds to the Chamber to create the website. The loan would be made from UDAG funds and would be used to leverage private funding from tourism business stakeholders. The terms that were proposed are included in as an attachment to this memorandum.

The EDC recommends that the City Council approve the use of UDAG funds for the loan as proposed.

Sincerely,  


Everett Eaton, Chair  
Portsmouth Economic Development Commission

CC: John P. Bohanko, City Manager  
EDC

1 Jenkins Avenue  
Portsmouth, New Hampshire 03801  
Fax (603) 271-1693



**Terms and Conditions of Potential Loan to Greater Portsmouth  
Chamber of Commerce for Tourism Website**

Purpose of Loan: To create and launch a tourism-focused destination website aimed at visitors to the greater Portsmouth area.

Loan Amount: Up to \$30,000

Loan Term: 5 years (60 months)

Rate: 75% of the Prime Rate fixed as advertised in the *Wall Street Journal* on the date of closing.

Repayment: Year 1 Monthly interest only  
Years 2-5 Monthly principal and interest

Financial Reporting: Submission of Chamber annual financial statement.

Other Conditions: Evidence of progressive action on solicitation of funds from stakeholders served by the website

GREATER  
**PORTSMOUTH**  
CHAMBER OF COMMERCE

05 July 2011

Mr. Everett Eaton, Chair, Economic Development Commission  
c/o Nancy Carmer  
City of Portsmouth  
1 Junkins Avenue  
Portsmouth, NH 03801

Dear Everett:

Thank you for the opportunity to present our proposal for funding of a new tourism website to promote Portsmouth and the Seacoast area, as a continuation of the economic development partnership between the City of Portsmouth and the Greater Portsmouth Chamber of Commerce.

The internet has been a great equalizer for the tourism industry. Years ago, only the larger hotel groups and destinations could afford to advertise in their target markets. Portsmouth, for example, will never have the budget Las Vegas does to market the destination. However, with the advent of the internet, websites and search engines, even the smallest destinations have the opportunity for a presence in the marketplace.

In 2010, Rockingham County generated \$68.5 million dollars in rooms and meals tax revenue for the State of New Hampshire, contributing 30% of the State's entire R&M revenue. Portsmouth and the Seacoast are significant contributors to these revenue dollars. To remain competitive, a tourism-based website is critical to our success.

As with any marketing, identifying your customer is a key step. The current Greater Portsmouth Chamber of Commerce website was built as a business to business site, and serves that purpose well. It is not targeted to the visitor. If Portsmouth is to compete in the global tourism marketplace, we must have a website that entices the visitor to come, enjoy all that we have to offer, stay for multiple days, and return home as an Ambassador for the Seacoast.

I encourage you to visit these sites which highlight the difference between a B to B vs. a tourism website. (Also see examples attached.)

5 July 2011

City of Portsmouth

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Examples of tourism sites:

[disneyworld.disney.go.com](http://disneyworld.disney.go.com)

[visitmyrtlebeach.com](http://visitmyrtlebeach.com)

[gonewport.com](http://gonewport.com)

Examples of B to B sites:

[newburyportchamber.org](http://newburyportchamber.org)

[portsmouthchamber.org](http://portsmouthchamber.org)

[napleschamber.org](http://napleschamber.org)

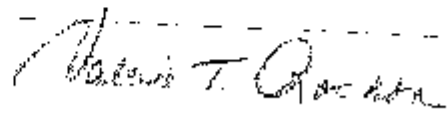
The GPCC seeks to create a website that will fully support our current destination marketing initiatives. We will seek community partners to collaborate in an effort to get the best of Portsmouth on one site. Portsmouth has some great existing sites and we will seek to collaborate (as we did with Big Brown Books on the Harbor Guide: The Official Guide to Portsmouth & the Seacoast) to create the "official" Destination Portsmouth Website. This can be accomplished in two ways:

We can build it gradually over three years or we can build it in one year. The cost in dollars is essentially the same in our request: \$30,000. However the continued loss of increased visitor revenue by waiting three years to have full functionality could be substantial. We request a one-time grant of \$30,000 from the City for fiscal year 2012. This represents the best value.

Sincerely,



Doug Bates, President



Valerie Rochon, Tourism Manager

## **CITY COUNCIL MEETING**

MUNICIPAL COMPLEX  
DATE: MONDAY, FEBRUARY 6, 2012

PORTSMOUTH, NH  
TIME: 6:30 PM [or thereafter]

At 5:30 p.m. an anticipated "Non-Meeting" with Counsel was held regarding Negotiations RSA 91-A:2, I (b-c).

At 6:30 p.m. a Work Session was held regarding FY13 Budget Discussion.

### **I. CALL TO ORDER [7:00PM or thereafter]**

**Mayor Spear called the meeting to order at 7:10 p.m.**

### **II. ROLL CALL**

Present: Mayor Spear, Assistant Mayor Lister, Councilors Coviello, Kennedy, Novelline Clayburgh, Lown, Dwyer, Smith and Thorsen.

### **III. INVOCATION**

Mayor Spear asked everyone to join in a moment of Silent Prayer.

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

Councilor Dwyer led the Pledge of Allegiance.

### **PRESENTATIONS**

1. Comprehensive Annual Financial Report (CAFR) – Scott McIntyre of Melanson, Heath & Company, P.C. Auditors' Financial Report for the Year Ending June 30, 2011 (Annual Audit)

Scott McIntyre of Melanson, Heath & Company reviewed the City of Portsmouth Financial Report for the Year Ending June 30, 2011 highlighting various sections of interest. He concluded that the overall findings show that the audit went well with no significant audit adjustments.

Councilor Dwyer asked for an explanation of OPEB in layman's terms. Mr. McIntyre explained that OPEB, Other Post Employment Benefits, refers to benefits that retirees continue to receive at the City of Portsmouth's rate, and therefore, the retiree is indirectly being subsidized by the City and is therefore a liability.

In answer to Councilor Smith's inquiry as to another way to fund this liability, Mr. McIntyre stated an irrevocable trust could be set up but there is no statutory authority to do so. City Manager Bohenko stated that is why we have a stabilization fund and going forward as insurance rates increase, retirees could look elsewhere for coverage.

Councilor Kennedy referred to page 48, Sewer Fund, asking if the \$31,647,669.00 in the Net Assets at the End of the Year, are cash assets. Mr. McIntyre stated it is all assets, infrastructure, fixed, etc.

Mayor Spear thanked Mr. McIntyre for his presentation.

**V. ACCEPTANCE OF MINUTES – DECEMBER 19, 2011; JANUARY 3, 2012 AND JANUARY 17, 2012**

**Councilor Coviello moved to accept the Council Meeting Minutes of December 19, 2011, January 3, 2012 and January 17, 2012. Seconded by Assistant Mayor Lister and voted.**

**VI. PUBLIC COMMENT SESSION**

Mayor Spear opened the public Comment Session:

Joseph Caldarola – stated he is speaking on behalf of the people who signed the letter that is on the Agenda regarding the parking issue on Dennett Street and Kane Street, asking the Parking and Traffic Safety Committee to reconsider their previously approved plan. He stated that the neighbors have come up with their own plan and would like to present it to the Parking and Traffic Safety Committee to review. *(Councilor Smith stated that the Parking and Traffic Safety Committee will review this item at the March meeting).*

Attorney Malcolm McNeill – representing 10 State Street LLC, referred to City Manager item 1, Various Approvals Requested by NHDOT Re: Construction of Memorial and Scott Avenue Bridges, stated that his clients hold a building permit that expects certain progress to be made on the project. He stated that this is being complicated due to the contemporaneous building of the bridge and there is a concern that the State project may interfere with this project. He stated that the City Manager and the City have been responsive since learning of this conflict last week and he requests that the City take reasonable measure for his clients reasonable access to the property.

Jerry Hejtmanek – spoke regarding the Sunday Parking ordinance change stating that he was a City Councilor when this was passed and there were reasons that it was adopted. He stated that it alleviates residents parking in a spot on Saturday evening until Monday morning and also, most people visiting downtown are non-residents which burden our City services, but create revenue with this parking provision. He stated we would lose \$175,000.00 in revenue which can only be used for parking related expenditures, but this frees up money for other issues.

Dean Plager – stated he does not want to see the Sunday Parking changed stating it makes good sense and provides needed revenue.

Linda Plumer – stated she supports Councilor Kennedy’s proposal for an advisory committee for the Waste Water Treatment Facility as her water/sewer bill went up 100% this month and feels that people need to get educated and have better communication with what is coming up on this issue.

Rebecca Emerson – spoke regarding Sunday Parking stating that she wants the Sunday parking enforcement to continue year-round as it is mostly tourists who choose to visit Portsmouth and feels that the Sunday Parking enforcement promotes turnover. She stated that we shouldn’t use church goers as a reason to change the ordinance because that already is accommodated by enforcement starting at noon. She stated if we choose to accommodate one religion then we need to accommodate others as well. She stated that the Council should not turn away \$200,000.00 in revenue, noting that it could fund the Fire Station budget supplement being discussed this evening. She concluded by stating that she would also like to see the parking garage fee raised to \$1.00 per hour.

Mary Olea – stated she supports the formation of the Waste Water Treatment Facility Advisory Committee and feels that community thrives on public participation.

Tom Martin – spoke regarding the Sunday Parking issue stating that the Council has a fiduciary responsibility and this is not the time to rescind any funding. He stated he finds this odd that it is being discussed when there are other issues that are more important. He conclude by stating that he would like to see more bike racks and noted that there is plenty of free parking spaces that are just a short walking distance away from town.

Aaron Garganta – speaking as president of the Sherburne Civic Association – thanked the City for their support of the letter to the State regarding noise from I-95 which was recently discussed at a hearing with the Public Works Committee where the Rockingham Avenue neighborhood presented their request to get a sound barrier. He stated their goal is to get the State to build sound barriers which they have been asking for 12 years and have recently joined with the Rockingham Avenue Neighborhood. He thanked Councilors Thorsen and Smith for testifying at the hearing and stated that even if they are not successful, it has pointed out that the DOT process is broken and doesn’t provide relief for neighborhoods in existence long before the highway was put in. He stated he looks forward to working with the City and finding out how we can we collaboratively with the Rockingham Planning District for the DOT to see if we can get something put into the 10-year CIP.

Bill St. Laurent - thanked the City for making the agenda packet information available on-line. Secondly, he stated he supports the formation of the Advisory Committee for the Waste Water Treatment Facility stating there are important decisions that need to be made and wants to see people appointed that are concerned for the future of the City.

Seeing no one else wishing to speak, Mayor Spear closed the public comment session.

## VII. PUBLIC HEARINGS

- A. ORDINANCE AMENDMENTS TO CHAPTER 7 – VEHICLES, TRAFFIC PARKING OMNIBUS ORDINANCES, SECTION 7A.406 – HORSE DRAWN CARRIAGES SPACES ON PLEASANT STREET AND SECTION 7.330 – BY ELIMINATING THE NO PARKING AREA ON STATE STREET BETWEEN COURT PLACE AND CHURCH STREET TO INSTALL 4 NEW METER SPACES AND ORDINANCE CLEANUP MEASURES

Mayor Spear read the legal notice, declared the public hearing open and called for speakers. Seeing no one wishing to speak, Mayor Spear closed the public hearing.

- B. ORDINANCE AMENDMENT TO CHAPTER 7, ARTICLE III, SECTION 7.330 – NO PARKING – JUNKINS AVENUE BOTH SIDES.

Mayor Spear read the legal notice, declared the public hearing open and called for speakers. Seeing no one wishing to speak, Mayor Spear closed the public hearing.

- C. RESOLUTION AUTHORIZING A SUPPLEMENTAL APPROPRIATION OF UP TO \$150,000.00 FROM UNASSIGNED FUND BALANCE (F.K.A. UNDESIGNATED FUND BALANCE) FOR THE OPERATION OF THE FIRE DEPARTMENT.

Mayor Spear read the legal notice, declared the public hearing open and called for a first round of speakers with a 3 minute time limit:

Fire Chief LeClaire – reviewed his request to restore funds that were cut from the budget last spring. He stated his professional recommendation is always to staff at recommended levels for all three fire stations. He continued that in the past Mayor Sirrell had wanted to staff fully at 14 during the night shift as that is when people are most vulnerable and now we don't have enough staff for more than 2 stations resulting in longer response times. He stated that in order for him to meet the 2.9% budget requested by the City Manager, he needs to have the \$150,000.00 restored to his budget. Next, he discussed the ISO issue that was in today's newspaper stating this is reviewed every six years and they are due back this spring. Previously our rating was a 4 which is one of the best ratings, but now it will be worse and insurance will be affected negatively. He stated this isn't about insurance or negotiations, but is about the safety of the citizens and the Council needs to make a decision, how much is a life worth? He stated they had previously presented an ordinance for city-wide sprinklers but that is now illegal due to a State ruling and urged people to contact their State Representatives. He stated his mission is to ensure the safety of all that enjoy the City of Portsmouth and asked the Council to approve this funding from unassigned fund balance.

Fire Commission Chairman Richard Gamester – referred to a statement on the Taxpayer's Association that the Fire Commission is a “rubber stamp” for the Fire Chief, stating that this isn't the case, but they don't air their dirty laundry in public. He reviewed the previous times that they have appeared before the Council for this supplemental funding due to it being removed from the budget and knowing that it would affect the operation of Station 3. He stated that costs have risen for all departments in uncontrolled costs, i.e. salary, personnel, health insurance, NH Retirement, etc. and trimming the fat is now cutting deep into the bone. He concluded by asking that we don't play politics with public safety any longer.

Kara Kelley – supports funding to keep Station 3 open.

Sarah Sullman – supports funding to keep Station 3 open.

Ralph DiBernardo - supports funding to keep Station 3 open.

Mark Brighton, President of Portsmouth Taxpayers Association – is not in favor of the supplemental budget request unless offset suggestions are made.

Shelly Vetter – owner of Discover Child Center - supports funding to keep Station 3 open.

Arthur Clough – is not in favor of the supplemental budget request.

Nick Paquette – supports funding to keep Station 3 open. (Presented a petition with 500 names of people supporting funding to keep Station 3 open.)

Bill St. Laurent – is not in favor of the supplemental budget request.

Aaron Kelly – supports funding to keep Station 3 open.

Joe (Inaudible) - supports funding to keep Station 3 open.

Janet Davis – supports funding to keep Station 3 open.

Tim Marden – supports funding to keep Station 3 open.

Lea Chase – supports funding to keep Station 3 open.

Joseph Freda – supports funding to keep Station 3 open.

Kim Bridge – supports funding to keep Station 3 open.

Laura Griswold – supports funding to keep Station 3 open.

Grant Turpin – supports funding to keep Station 3 open.

Michelle Young - supports funding to keep Station 3 open.



Ruth Griffin - supports funding to keep Station 3 open.

Tom Lebosquet– supports funding to keep Station 3 open.

Jennifer Matthes – supports funding to keep Station 3 open.

Susan Delaney, Vice President of Pease Tenants Association. – read a letter from Discovery Child Care Center and presented other tenant letters in support of funding to keep Station 3 open.

Ryan Chase – supports funding to keep Station 3 open.

Bill Charland – supports funding to keep Station 3 open.

James Lamond – supports funding to keep Station 3 open.

Steve Griswold – supports funding to keep Station 3 open.

Stephen Gallagher – supports funding to keep Station 3 open.

Ian Shearman – supports funding to keep Station 3 open.

Crystal Paradis – supports funding to keep Station 3 open.

Kelly Heard – supports funding to keep Station 3 open.

Erik Anderson - is not in favor of the supplemental budget request.

Justin Gamester – supports funding to keep Station 3 open.

Vassilios Pamboukes – supports funding to keep Station 3 open.

George Remick – supports funding to keep Station 3 open.

Linda Plumer – supports funding to keep Station 3 open.

**Mayor Spear called for the second round of speakers with no limit of time:**

Aaron Garganta – supports funding to keep Station 3 open.

Arthur Clough – is not in favor of the supplemental budget request.

Mark Brighton – is not in favor of the supplemental budget request.

Janet Davis – supports funding to keep Station 3 open.

Rick Condon, President of the Firefighters Union – supports funding to keep Station 3 open.

**Seeing no one else wishing to speak, Mayor Spear closed the public hearing.**

**Assistant Mayor Lister moved to suspend the rules to move up Item IX.E. on the agenda for Council action. Seconded by Council Smith and voted.**

E. Adoption of Resolution Authorizing a Supplemental Appropriation of up to \$150,000.00 from Unassigned Fund Balance (F.K.A. Undesignated Fund Balance) for the Operation of the Fire Department.

**Assistant Mayor Lister moved to authorize a supplemental appropriation of up to \$150,000.00 from Unassigned Fund Balance for the Operation of the Fire Department, seconded by Councilor Smith.**

Assistant Mayor Lister stated he doesn't want to compromise the safety of the citizens of Portsmouth, but the Council has a financial responsibility. He stated that the opinion of most people he has spoken with is to keep Station 3 open, but there is still some misinformation out there. He stated that Chief LeClaire has explained many times the coverage of each station and their response times and has given a strong recommendation regarding keeping Station 3 open tonight. He stated that he is concerned with the physical building of Station 3 and that will need to be addressed in the long-term and we need to look at the big picture of public safety.

Councilor Smith stated he also supports the request stating that the comparisons being made to the City of Manchester aren't correct as they have 15 firefighters at each of 4 stations per shift and we have 11-12 divided between stations. Secondly, he stated that regarding the \$150,000.00 for the Indoor Pool, he stated that was approved because of all of the people who came out in support of their quality of life, which is important as well. He then discussed the ISO rating, stating he has an insurance broker's license and he can confirm that this rating is an important factor in setting rates. He concluded by stating that during the recent ice storm that paralyzed the morning commute, our safety personnel demonstrated their dedication to their jobs.

Councilor Coviello stated he has changed his position and will now support this request but feels that there now needs to be an honest conversation with the taxpayers. He stated that taxes will go up as will the water and sewer rates, how much depends on the EPA ruling. He stated that this means that some families won't be able to afford to live in Portsmouth any longer. He continued regarding the Pool funding, that figure stays the same for 5 years and then it is over, but with this funding, the Fire Department budget will continue to increase every year. He stated he values the work of the firefighters and will support this because Chief LeClaire has said he would be able to come in with the 2.9% budget requested by the City Manager if this is approved.

Councilor Kennedy stated she will also support this based on the outpouring of support both in the chambers and the 500 signatures on the petition. She stated she doesn't want to see the demographics of the City change either but feels that it is important to keep Station 3 open at this time, but it means we will have to say no to other things coming up.

Councilor Dwyer stated she has supported this twice before and appreciates everyone coming out tonight and feels that it is unfortunate that the facts are not understood unless accompanied by hundreds of people speaking their minds, and hopes that it isn't necessary for other issues. She stated she is also concerned with where to take the money from as she feels it should come from Contingency.

City Attorney Sullivan stated that the Council must deal with the motion on the table before changing it.

Councilor Novelline Clayburgh stated she supports the motion as she has learned recently that we receive revenues from our coverage of Newington and Greenland which is approximately \$70,000.00 and several members in the union have also made changes in their insurance coverage to Matthew Thornton which has saved \$18,000.00 already with potential for more in the future. She stated that she was happy to hear the Chief say the 2.9% restriction will be reached by the Fire Department.

Councilor Lown stated it is a difficult decision as he respects the people who have spoken as well as the Fire Department and the importance of public safety, but his job is to speak for the taxpayers. He stated that if he thought that anybody or neighborhood was in jeopardy, he would vote for this. He continued that he doesn't like the idea of a supplemental request and is uncomfortable with handling a budget issue that was decided by the previous Council. He stated the funding is coming from either Unassigned Fund Balance or Contingency Fund and the fund balance should not be used for non operating budget expenditures according to the rating agencies. He stated that the issue is not about keeping Station 3 open because it is open when the staffing levels are enough to send a truck out and that is the choice of the Fire Chief not to send the truck out with just 2 people and he understands that, but if you sent the truck out with 2 people you could respond within 4 minutes, and then perhaps wait another 4 minutes for another truck to get there. He stated we could triple the budget and some of the tragedies or potential tragedies would still occur, there is no way to eliminate that risk. He concluded that in light of the economy we need to start doing business a different way and he will oppose this motion.

Councilor Thorsen stated he has looked at the standards, spoken with the Chief, attended the neighborhood meeting, looked at the maps and travelled the routes himself to measure the times. He continued that Portsmouth is not a grid City and it is not a straight shot across the City, and he feels that closing Station 3 would result in a black hole of coverage. He stated he wishes that Station 2 would have been located more centrally, such as near Market Basket, but we need to put safety before finances. He stated he will not support the current motion because of the funding source.

Councilor Smith thanked everyone for their e-mails and then discussed that the City has an excellent bond rating and we have extra money in the Unassigned Fund Balance above the recommended 8-10%. He continued that last budget year the Chief told everyone that he would be back if they passed the level-funded budget and here he is. He stated that Mayor Sirrell was a founding member of the Taxpayer's Association, but she wouldn't have denied public safety.

Councilor Dwyer stated that public safety is a priority but so is economic development and if we believed that the current situation is never going to change, and closed our eyes to what Pease has become over a ten year period, an economic engine of our workforce, then she would have similar concerns that we will never catch up. She stated that giving priority to Station 3 is giving priority to economic development. She addressed Councilor Lown's concerns, stating there was a full explanation of the budget and staffing levels at the January 28, 2012 Retreat so people should be up to speed. She stated she would still like to know if the Council would vote to take it out of Contingency instead.

Councilor Coviello stated that Contingency versus Unassigned Fund Balance is semantics and he is concerned with depleting the Contingency. He stated it takes 6 votes to take it out of Unassigned Fund Balance if something happens, and only 5 votes you take it out of Contingency.

Discussion ensued regarding the process of changing the motion and funding source and its implications on the next budget with City Manager Bohenko clarifying that appropriating the funds from unassigned fund balance would add it to the FY12 making the Fire Department budget \$150,000.00 higher than it is today. Taking it out of the Contingency Fund, would be a one time expenditure and would not add it to the bottom line of the Fire Department budget.

*Mayor Spear passed the gavel to Assistant Mayor Lister.*

Mayor Spear stated that everyone wants Station 3 to remain open and not diminish public safety, but the problems we are facing are cost problems. He read the increases of the Fire Department budget over the last 10 years which ranged from 4-6% annually until the last 3 years where it was flat. He stated that during the last 3 years with the level-funding, the staffing levels have gone down and none of the public hearing speakers talked about solving the problem. He stated these challenges have to be met and cannot be ignored. He stated that safety is important and we could keep removing other services, but the decisions have to be made.

*Assistant Mayor Lister passed the gavel back to Mayor Spear.*

Councilor Dwyer stated other solutions do need to be addressed i.e., regionalization, contracts, etc. but doesn't think it is an either/or situation. She stated it is not logical to close it and we should move forward on 2 tracks.

Councilor Smith referred to Mayor Spear not supporting this because the increases have not been in line with inflation, but there are lots of other things that are not in line with inflation. He stated that since 9/11 the City has had to take on additional duties, i.e. Port coverage, underground rescues, etc.

Councilor Thorsen stated he wants to see Station 3 remain open, but will vote no on this motion due to the funding source.

Chief LeClaire stated that if the funding does not come from the unassigned fund balance, he will have to come back again next year and do the same thing all over again.

**Motion passed on a 6-3 roll call vote. Assistant Mayor Lister, Councilors Coviello, Kennedy, Novelline Clayburgh, Dwyer and Smith voted in favor. Councilors Lown, Thorsen and Mayor Spear voted opposed.**

*Mayor Spear called a recess at 10:10 p.m. and reconvened the meeting at 10:20 p.m.*

**Councilor Kennedy moved to suspend the rules to continue the meeting past 10:00 p.m. Seconded by Assistant Mayor Lister and voted.**

**Assistant Mayor Lister moved to suspend the rules to move up Item XI.A.1 – Various Approvals Request by NH DOT regarding Construction of Memorial and Scott Avenue Bridges - 1.1 through 1.3 on the agenda for Council action. Seconded by Councilor Novelline Clayburgh and voted.**

1. Various Approvals Requested by NHDOT Re: Construction of Memorial and Scott Avenue Bridges

City Manager Bohenko stated he has met with Attorney McNeill and Lisa Destefano addressing their concerns and stated that a new traffic pattern has been established. He stated they will continue to communicate with all parties concerned throughout the process.

- 1.1 License for Temporary Construction Laydown Area and Temporary Traffic Pattern

**Councilor Novelline Clayburgh moved to authorize the City Manager to enter a license agreement with NHDOT for the Memorial Bridge construction laydown area and to authorize the temporary traffic pattern as presented, and further authorize the City Manager to take any other actions necessary to implement the provisions of that license agreement.**

Councilor Kennedy stated that there have been a number of people that have been mesmerized by the activity at the bridge and asked if there is going to be an assigned viewing area established so people can watch the process safely. City Manager Bohenko stated that probably Prescott Park will be designated and reminded people that there is a web cam to watch the activity as well.

Councilor Smith stated that the Parking and Traffic Safety Committee usually reviews the traffic pattern issues, but has not on this issue, so asked Public Works Director Parkinson to verify that the appropriate signage has been erected. He also asked how many metered parking spaces will be lost. Public Works Director Parkinson verified that the appropriate signage has been placed and stated that 15-20 spaces will be lost.

Councilor Smith asked about the effect on businesses at the south end of State Street. Public Works Director Parkinson stated that these businesses will remain open.

Councilor Smith stated that the City usually gets a licensing agreement when spaces are being used. City Manager Bohenko stated this is an 80%-20% funding between the State and City, so it isn't necessary.

Councilor Smith asked that the construction workers not be allowed to park at Prescott Park.

**Motion passed on an 8-0 vote with Councilor Coviello abstaining due to being the structural engineer of the 10 State Street LLC project.**

- 1.2 License for Use of City Property Under Scott Avenue Bridge for Bridge Maintenance Staff Parking

**Councilor Smith moved to authorize the City Manager to enter a license agreement with NH DOT for the Memorial Bridge lift operators on City land under the Scott Avenue Bridge as presented, and further authorize the City Manager to take any other actions necessary to implement the provisions of that license agreement, seconded by Councilor Novelline Clayburgh. Motion passed on an 8-0 vote with Councilor Coviello abstaining due to being the structural engineer of the 10 State Street LLC project.**

- 1.3 Easement for Use of City Property Under Scott Avenue Bridge for Backup Generator and Utility Transformer Cabinets

**Councilor Smith moved to refer the NH DOT's request for an easement to locate a backup generator and utility transformer cabinets on City land under the Scott Avenue Bridge as part of the Memorial Bridge replacement project to the Planning Board for a report back, seconded by Assistant Mayor Lister. Motion passed on an 8-0 vote with Councilor Coviello abstaining due to being the structural engineer of the 10 State Street LLC project.**

Keith Cota, Chief Project Engineer for the State of New Hampshire Department of Transportation gave an update of the progress of removing the middle part of the bridge.

## VIII. APPROVAL OF GRANTS/DONATIONS

- A. \*Acceptance of Wellness Grant - \$2,500.00

**Assistant Mayor Lister moved to accept and approve the Wellness grant as presented. Seconded by Councilor Novelline Clayburgh and voted.**

- B. Acceptance of Re-allocation Grant for Sagamore Island Purchase - \$12,500.00

**Councilor Dwyer moved to authorize the City Manager to accept and expend a NH Coastal Program grant in the amount of \$12,500.00 to purchase the Island in Sagamore Creek as presented. Seconded by Councilor Novelline Clayburgh and voted.**

## IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First reading of Resolution Increasing the Maximum Income Limit for Individuals Qualifying for the Elderly Real Estate Tax Exemption:

**Elderly Exemption at 2.9%**

Single	\$34,486.00 increase of \$972.00
Married	\$42,542.00 increase of \$1,199.00
Asset Limit of	\$114,958.00 increase of \$3,240.00

**Councilor Smith moved to pass first reading and authorize the City Manager to bring back for public hearing and adoption the proposed Resolution at the February 21, 2012 City Council meeting. Seconded by Councilor Novelline Clayburgh and voted.**

- B. First reading of Resolution Increasing the Maximum Income Limit for Individuals Qualifying for the Disabled Real Estate Tax Exemption:

**Disabled Exemption at 2.9%**

Single	\$34,486.00 increase of \$972.00
Married	\$42,542.00 increase of \$1,199.00
Asset Limit of	\$114,958.00 increase of \$3,240.00

**Councilor Smith moved to pass first reading and authorize the City Manager to bring back for public hearing and adoption the proposed Resolution at the February 21, 2012 City Council meeting. Seconded by Councilor Coviello and voted.**

- C. Second reading of Amendments to Chapter 7 – Vehicles, Traffic Parking Omnibus Ordinances, Section 7A.406 – Horse Drawn Carriages spaces on Pleasant Street and Section 7.330 – by eliminating the No Parking Area on State Street between Court Place and Church Street to install 4 new metered spaces and Ordinance cleanup measures

**Councilor Smith moved to pass second reading for the proposed changes to Chapter 7 of the Vehicles, Traffic Parking Omnibus Ordinances, as recommended by the Parking Committee, and schedule a third and final reading at the February 21, 2012 City Council meeting. Seconded by Councilor Novelline Clayburgh and voted.**

- D. Second reading of Amendment to Chapter 7, Article III, Section 7.330 – No Parking – Junkins Avenue both sides

**Councilor Smith moved to pass second reading for the proposed changes to Chapter 7 of the Vehicles, Traffic Parking Omnibus Ordinances, as recommended by the Parking Committee, and schedule a third and final reading at the February 21, 2012 City Council meeting. Seconded by Assistant Mayor Lister and voted.**

## **IX. CONSENT AGENDA**

**Councilor Kennedy asked to remove Item F, Fairy House Tour, from the Consent Agenda.**

**Councilor Smith moved adopt the Consent Agenda Items A-E and G as presented. Seconded by Assistant Mayor Lister and voted.**

- A. \*Acceptance of Funds for Art-Speak – Betty LaBranche Real Estate - \$50.00  
***(Anticipated action – move to accept and approve the donation to Art-Speak to support Art-Speak’s Art & Economic Prosperity Survey, as presented)***
- B. Request for Approval of Pole License to install/replace one pole located on Mendum Avenue ***(Anticipated action – move to approve the aforementioned pole license 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)***
- C. Letter from Olivia Kopri, Sexual Assault Support Services, requesting permission to hold the 5<sup>th</sup> Annual 5K to Keep Kids SAFE on Pease International Tradeport on Sunday, April 15, 2012 at 11:00 a.m. ***(Anticipated action – move to refer to the City Manager with power)***
- D. Letter from Jeanine Sylvester, Runner’s Alley, LLC, requesting permission to hold the 15th Annual Runner’s Alley/Redhook Brewery Memorial 5K on Sunday, May 27, 2012 at 11:00 a.m. ***(Anticipated action – move to refer to the City Manager with power)***
- E. Letter from Robert Sutherland, Jr., St. John’s Lodge, requesting permission to hold the 5K “Out of Hibernation” Road Race on Saturday, April 14, 2012 at 9:00 a.m. ***(Anticipated action – move to refer to the City Manager with power)***



- G. Letter from Eli Sokorelis, State Street Saloon, requesting the renewal of license for 2 dumpsters located on Church Street (***Anticipated action – move to refer to the City Manager with power***)
- F. Letter from Caroline Amport and Nancy Pollard, Friends of the South End, requesting permission to hold the Annual Fairy House Tour on Saturday, September 15, 2012 from 9:00 a.m. – 1:00 p.m. and Sunday, September 16, 2012 from 11:00 a.m. – 3:00 p.m. (***Anticipated action – move to refer to the City Manager with power***)

**Councilor Smith moved to adopt Consent Agenda Item F with anticipated action to refer to the City Manager with power. Seconded by Councilor Novelline Clayburgh and voted 8-0. Councilor Kennedy abstained as she is a member of the Friends of the South End.**

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

- A. Letter from Dennett Street residents requesting that the Parking and Traffic Safety Committee reconsider the parking plan for the intersection of Dennett and Kane Streets

**Councilor Smith moved to refer to the Parking and Traffic Safety Committee for reconsideration. Seconded by Assistant Mayor Lister and voted.**

- B. Letter from the Greater Portsmouth Chamber of Commerce regarding UDAG Loan Request for Tourism Website

Councilor Dwyer stated there was a lot of discussion at the Economic Development Commission meetings to make sure that this is different than other websites. She stated that people will be able to book hotels and restaurants from the website. She stated it is a revolving loan and they may not need to use that much of it.

Councilor Coviello asked who will be overseeing this loan and how quickly it is spent.

City Manager Bohenko stated that it will be jointly monitored by the EDC and City staff.

Councilor Dwyer stated that the EDC gets quarterly reports from the Chamber of Commerce.

Councilor Coviello stated that the money could be spent before the quarterly report.

Councilor Smith asked if the businesses have to be members of the Chamber to be included on the website.

City Manager Bohenko stated that this is a loan and not a grant but he will have the Chamber of Commerce at the February 21<sup>st</sup> meeting to answer these questions.

**Councilor Dwyer moved to bring back for action at the February 21, 2012 City Council meeting. Seconded by Assistant Mayor Lister and voted.**

- C. Letter from Julie Bokar and Jeanne Carter, Fuel Training Studio, requesting permission to hold outdoor fitness classes on Peirce Island 2 evenings and 2 mornings starting in April through September

**Councilor Kennedy moved to refer to the Recreation Board and Peirce Island Committee for report back. Seconded by Assistant Mayor Lister and voted.**

- D. Letter from David Choate, III, Grubb & Ellis Northern New England, requesting that the Planning Board consider amending Section 10.836.20 of the Zoning Ordinance regarding drive-through lanes for retail/commercial buildings outside of the Central Business District

**Councilor Dwyer moved to refer to the Planning Board for report back. Seconded by Councilor Novelline Clayburgh and voted.**

- E. Letter from John Golomb, Chairman of Portsmouth Police Commission requesting amendments to the Pawn Shop Ordinance

Councilor Coviello moved to refer to the City Attorney to draft an ordinance for first reading, seconded by Assistant Mayor Lister.

Councilor Thorsen asked if this will impact all jewelry stores as well.

Councilor Smith asked if the City even has the authority to regulate this activity.

City Attorney Sullivan stated it is a chicken and egg situation.

A friendly amendment was made to the motion as follows with mover and seconder agreeing.

**Councilor Coviello moved to refer to the City Attorney for a report back. Seconded by Councilor Lister and voted.**

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

### **A. CITY MANAGER**

#### **2. Sunday Parking Enforcement**

Assistant Mayor Lister moved to refer to the City Attorney to bring back an ordinance for first reading at the February 21, 2012 City Council meeting, seconded by Assistant Mayor Lister.

Councilor Novelline Clayburgh stated she had an idea to issue stickers to residents so that they don't have to pay for Sunday parking.

Councilor Dwyer stated she is not in favor of changing this because we have been meeting with a parking consultant with a major parking report to look at parking in a major way, so looking at one issue like this, we are undermining what has been put in place. She stated that we need to use the consultant's report to establish a policy.

Councilor Smith stated he would like to see this issue be referred to the Parking and Traffic Safety Committee for review with the Parking Consultant's report.

Original motion was withdrawn.

**Councilor Smith moved to refer to the Parking and Traffic Safety Committee for a report back at a Council Work Session, seconded by Assistant Mayor Lister.**

Councilor Coviello asked if this is appropriate for that committee as they are not a policy making group. Councilor Smith stated that they would be reviewing the data from the study and enterprise fund, not creating a policy. City Manager Bohenko stated the committee would come back to the Council with a report and recommendations for Council to vote on.

Councilor Lown stated he would like to have a Council Work Session to review this issue.

Councilor Thorsen would also like a Work Session after the Parking and Traffic Safety Committee has reviewed it. He stated he would like to be able to discuss the new ideas i.e. stickers for residents, but is in favor of eliminating Sunday enforcement altogether. He stated he wants to know the financial impact of that and also find ways to off-set that loss.

**Motion voted.**

3. Proposed Zoning Ordinance Amendments – Office Research District

**Councilor Dwyer moved to accept the Planning Board's recommendation and further, authorize the City Manager to bring back for first reading the proposed ordinance amendment, as presented, at the February 21, 2012 City Council meeting, seconded by Councilor Lown.**

Councilor Kennedy stated she is concerned that there are potential CCRC's in this ordinance. Deputy City Manager Hayden explained that there are 100% assisted living units which are different from Continuous Care Retirement Communities that have various stages of care units. She stated she is also concerned with height of buildings as this was a concern of many people while she was campaigning. Deputy City Manager Hayden stated there are no height changes in this ordinance proposal.

**Motion voted.**

**Informational Items**

1. Events Listing
2. Economic Development Commission Agenda and Minutes
3. Next Steps Resulting from City Council Retreat

Councilor Smith expressed a concern with city e-mails that the Council has received that are returned undelivered as anonymous and feels it is because people are clicking "Do not reply" not realizing what it will do. He asked that the IT staff look into it.

**B. MAYOR SPEAR**

1. Appointments to be Considered:
  - Appointment of Sherry-Lea Bloodworth Botop as an Alternate to the Planning Board
  - Reappointment of Phyllis Eldridge to the Trustee of the Trust Funds

Mayor Spear explained that since the last meeting he has reconsidered how he will handle appointments to Committees and referred to the City Attorney's memo outlining the Mayor's authority regarding appointments. He stated he felt that the Rule 23 process adopted by the Council is confusing, taxing on the City staff and an unnecessary diminution of his duties and authorities. He deferred to City Attorney Sullivan for further explanation.

City Attorney Sullivan explained that relative priority of law applies in this situation where an Ordinance or the City Charter trumps a Council Rule, a State Law trumps an Ordinance, and so on. He stated that he had explained at the time Rule 23 could only be operative if the Mayor agreed to abide by it.

Councilor Smith stated he respectfully disagrees and feels that the applicants should be presented by the Council Representative to the Board. He continued that he will not support the recommended applicant to the Planning Board as she has only been a resident for 6 months.

Councilor Kennedy asked for a list of appointments directed by Ordinance for clarification. She stated she agrees with the unwritten rule that a person should be a resident for at least 2 years to be considered and feels that this should have been discussed privately prior to this being presented to the Council.

Councilor Lown stated he will be recusing himself from the vote on the Planning Board appointment because the applicants' husband works for his law firm, but he feels that the unwritten 2-year rule should not be applied to this applicant because she is a highly qualified individual and the City and Planning Board would be lucky to have her.

Councilor Thorsen asked if there were other applicants for this position.

Mayor Spear replied yes, and he interviewed both applicants.

Councilor Thorsen stated he has met the recommended applicant and was impressed with her exemplary qualifications, but he is willing to listen to the discussion.

Assistant Mayor Lister stated that this is what creating Rule 23 was meant to eliminate, the discussion of individual candidates in the public forum.

Councilor Novelline Clayburgh stated she wants the City Attorney to draft verbage to create a rule requiring two year residency.

Councilor Smith stated he is appalled at the Mayor for not following Rule 23 which he previously agreed to abide by and that he said he would work with the Council, but now has chosen not to.

**The two applicants will be voted at the February 21, 2012 City Council Meeting.**

2. Resignations
  - Jennifer Wilhelm as an Alternate to the Conservation Commission
  - Brett Pasinella of the Sustainable Practices Blue Ribbon Committee

**Councilor Smith moved to accept the resignations with regret and a letter of thanks. Seconded by Assistant Mayor Lister and voted.**

3. \*Appointment of City Council Representatives

Councilor Novelline Clayburgh stated that Rule 23 should be applied to these appointments.

Councilor Smith urged Mayor Spear to do the right thing.

City Attorney Sullivan ruled that Rule 23 would apply to these appointments.

In accordance with the procedure outlined in Rule 23, the following Council appointments were made:

- African Burying Ground Blue Ribbon Committee – Councilor Dwyer
- Chamber of Commerce Liaison – Councilor Thorsen
- Fee Schedule Study Committee – Councilors Novelline Clayburgh and Smith
- Legislative Subcommittee – Assistant Mayor Lister, Councilors Dwyer and Smith
- Pease Development Authority Liaison – Assistant Mayor Lister
- Pease Development Authority – Port Subcommittee – Councilor Kennedy
- Recreation Board – Councilor Novelline Clayburgh
- Rockingham Planning Commission – No appointment made at this time
- Sustainable Practices Blue Ribbon Committee – Councilor Lown and Councilor Kennedy
- Veteran Organization – Assistant Mayor Lister and Councilor Smith

After some discussion, it was decided that no Councilor would be appointed to the Rockingham Planning Commission until City Manager Bohenko clarifies the status of this Commission.

4. \*Reactivate the following Mayor's Blue Ribbon Committees *(No action required)*
  - African Burying Ground Blue Ribbon Committee
  - Citywide Neighborhood Steering Blue Ribbon Committee
  - Sustainable Practices Blue Ribbon Committee
  - Transportation Policy Blue Ribbon Committee
  - Trees & Public Greenery Blue Ribbon Committee

Mayor Spear stated that he is not ignoring Rule 23 but he was elected by the people to be the Mayor and perform those duties.

### **C. COUNCILOR KENNEDY**

1. Advisory Committee for Wastewater Treatment Facility Improvements

**Councilor Kennedy moved that the City Council create an Advisory Committee to facilitate communication between the citizens of the City, the City Council, consultants and municipal staff during the anticipated process of designing and constructing a new Wastewater Treatment Facility on Peirce Island. The role of the Committee will be to facilitate communications from the community at-large and the City Council to municipal staff during the design and construction process. The Committee shall also assist in the dissemination of the information to the community at-large and the City Council from municipal staff in the design and construction process. The Committee shall consist of the following persons appointed by the City Council following the submission of written applications:**

- 2 members of the City Council**
- 2 City staff members**
- 1 member of the Economic Development Commission**
- 1 member of the Friends of the South End**
- 1 representative from the Peirce Island Committee**
- 2 community members at-large**

**Further, the committee shall assume its functions at the time that the borrowing resolution to fund the design and construction of the Wastewater Treatment Facility is adopted by the City Council. The Committee shall continue in existence and operation until final acceptance by the City of the new Wastewater Treatment Facility.**

**Motion seconded by Councilor Novelline Clayburgh.**

Councilor Kennedy stated that this Advisory Committee would be similar to those that were formed for the new Library, Fire Station 2, etc. and she made a promise to bring this forward.

Discussion ensued regarding whether there is a need for this committee and the appropriate timing of appointing the committee which would be after the bonding resolution is adopted, probably in 2014.

City Manager Bohenko stated that the City tries very hard to put information out to the public as it becomes available via the website, presentations, etc. He stated we are scheduling an open house on a Saturday in March for people to go out to the island when the weather is better.

**Councilor Thorsen moved to postpone indefinitely appointing the Advisory Committee for Wastewater Treatment Facility Improvements, seconded by Councilor Novelline Clayburgh. Motion passed on a 7-2 roll call vote. Assistant Mayor Lister, Councilors Coviello, Novelline Clayburgh, Dwyer, Smith, Thorsen and Mayor Spear voted in favor. Councilors Kennedy and Lown voted opposed.**

2. \*Update on Senior Services

Councilor Kennedy stated she continues to get questions from seniors regarding the status of the services no longer provided by the Senior Center.

City Manager Bohenko stated he has contacted the Portsmouth Housing Authority and received information today regarding the Purchase and Sales Agreement which is 2 volumes. He stated that City Attorney Sullivan will review the documents and provide a summary to the Council. He briefly reviewed the background of the non-profit group, 127 Parrott Avenue Place, which sold the property to the Mark Wentworth Home in 2008, which included a verbal commitment to provide senior services, but not a written commitment. He explained that the City was not involved with the sale of this property. He concluded by stating that the Portsmouth Housing Authority will be discussing the issue at their meeting on Wednesday, February 8<sup>th</sup> at noon.

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

Councilor Dwyer stated that the Soweto Gospel Choir will be performing on Monday, February 13, 2012 at the African Burying Ground Fund-raiser at The Music Hall.

Councilor Smith wished Councilor Kennedy a Happy Birthday.

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

**Councilor Coviello moved to adjourn at 11:55 p.m. Seconded and voted unanimously.**

Respectfully submitted:  
Valerie A. French, Deputy City Clerk

### Elderly & Disabled Exemption Impact

Exemption Type	Exemption Amount	Number Currently Receiving Exemption	Value Loss	Revenue Loss
65 through 74	\$ 125,000.00	41	\$ 5,125,000.00	\$ 88,508.75
75 through 79	\$ 175,000.00	23	\$ 4,025,000.00	\$ 69,511.75
80 and over	\$ 225,000.00	64	\$ 14,400,000.00	\$248,688.00
Disabled	\$ 100,000.00	11	\$ 1,100,000.00	\$ 18,997.00
Totals		139	\$ 24,650,000.00	\$425,705.50

Note: The current tax rate of \$17.27 would be decreased to \$17.16 a difference of 11 cents on the current tax rate if the elderly and disabled exemptions were not granted.



## LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on **Tuesday**, February 21, 2012 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH, on a Resolution Increasing the Maximum Income Limit for Individuals Qualifying for the Elderly Real Estate Tax Exemption to \$34,486.00 for single and \$42,542.00 for married and total assets may not exceed \$114,958.00 whether single or married. The complete Resolution is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

KELLI L. BARNABY, CMC/CNHMC  
CITY CLERK



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

**RESOLUTION # - 2012**

**BE IT RESOLVED:**

Pursuant to RSA 72:39-b the City hereby amends the elderly exemption from property tax, based on assessed value for qualified taxpayers, such that the exemptions shall be available only when the qualifying taxpayer(s) have a net income of not more than \$34,486 for a single taxpayer or \$42,542 for married taxpayers, inclusive of social security payments and total assets may not exceed \$114,958 whether single or married The elderly exemption shall remain unchanged except as amended hereby.

**THAT** this Resolution shall take effect upon its passage.

**APPROVED:**

\_\_\_\_\_  
**ERIC SPEAR, MAYOR**

**ADOPTED BY THE CITY COUNCIL:  
, 2012**

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

**NOTE: This exemption becomes effective for the tax year April 1, 2012.**

## LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on **Tuesday**, February 21, 2012 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH, on a Resolution Increasing the Maximum Income Limit for Individuals Qualifying for the Disabled Real Estate Tax Exemption to \$34,486.00 for single and \$42,542.00 for married and total assets may not exceed \$114,958.00 whether single or married. The complete Resolution is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

KELLI L. BARNABY, CMC/CNHMC  
CITY CLERK



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

**RESOLUTION # - 2012**

**BE IT RESOLVED:**

Pursuant to RSA 72:37-b, City hereby amends the disabled exemption from property tax, based on assessed value for qualified taxpayers, such that the exemptions shall be available only when the qualifying taxpayer(s) have a net income of not more than \$34,486 for a single taxpayer or \$42,542 for married taxpayers, inclusive of social security payments and total assets may not exceed \$114,958 whether single or married. The disabled exemption shall remain unchanged except as amended hereby.

**THAT** this Resolution shall take effect upon its passage.

**APPROVED:**

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**ERIC SPEAR, MAYOR**

**ADOPTED BY THE CITY COUNCIL:  
, 2012**

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

**NOTE: This exemption becomes effective for the tax year April 1, 2012.**

ORDINANCE #  
 THE CITY OF PORTSMOUTH ORDAINS

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

1. Amend Article 4 – Zoning Districts and Use Regulations, Section 10.440 – Table of Uses – Residential, Mixed Residential, Business and Industrial Districts, as follows:

Use	OR
2.10 Assisted living facility	<del>N</del> <b>P</b>
2.11 Assisted living center	
3.70 Club, fraternal or service organization	<del>N</del> <b>S</b>

1. Amend Article 5 – Dimensional and Intensity Standards, Section 10.531 – Table of Dimensional Standards – Business and Industrial Districts, as follows:

	OR
Minimum Lot Dimensions	
Lot Area	<del>3</del> <b>2</b> acres <sup>1</sup>
Continuous street frontage	<del>300'</del> <b>200'</b> <sup>1</sup>
Depth	<del>300'</del> <b>200'</b> <sup>1</sup>
Minimum Yard Dimensions	
Front	50' <sup>1, 3</sup>
Side	<del>75'</del> <b>50'</b> <sup>1</sup>
Rear	50'

NA = Not Applicable      NR = No Requirement

Notes:

1. See Section 10.532.10 for requirements for lots adjacent to North Mill Pond.
3. See Section 10.533 for special requirements on Lafayette Road.

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

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

This ordinance shall take effect upon its passage.

APPROVED:

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Eric Spear, Mayor

ADOPTED BY COUNCIL:

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Kelli L. Barnaby, City Clerk



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# M E M O R A N D U M

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**TO:** John P. Bohenko, City Manager  
**FROM:** Rick Taintor, Planning Director  
**DATE:** January 27, 2012  
**RE:** Proposed Zoning Ordinance Amendments – Office Research District

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As you will recall, on December 5, 2011, a set of proposed amendments to the Zoning Ordinance relating to use and dimensional standards in the Office Research district was presented to the City Council for first reading. After discussion, the Council voted to postpone the ordinance changes for the new City Council.

Accordingly, I am resubmitting the attached proposed ordinance changes for consideration by the City Council. For the benefit of new Council members, this memorandum reviews the background of the proposal and summarizes the proposed changes.

## Request and Recommendations

Attorney Paul McEachern submitted a letter to the City Council on July 12, 2011, requesting that seven parcels on the westerly side of Lafayette Road be rezoned from the Office Research (OR) district to the Gateway district. The City Council referred this request to the Planning Board for a recommendation, and the Planning Board held public hearings on this request on September 15 and October 20, 2011.

After considering the original request and comments at the public hearings, the Planning Board determined that rezoning the subject parcels to Gateway would not be advisable. Instead, following the Planning Department's analysis and recommendations, the Planning Board voted unanimously on October 20, 2011, to recommend that the Zoning Ordinance be amended as follows:

1. Amend Section 10.531, Table of Dimensional Standards – Business and Industrial Districts, as follows (deletions from existing language ~~stricken~~; additions to existing language **underlined bold**):

	OR
Minimum Lot Dimensions	
Lot Area	<del>3</del> <b><u>2</u></b> acres <sup>1</sup>
Continuous street frontage	<del>300'</del> <b><u>200'</u></b> <sup>1</sup>
Depth	<del>300'</del> <b><u>200'</u></b> <sup>1</sup>

	<b>OR</b>
Minimum Yard Dimensions	
Front	50' <sup>1,3</sup>
Side	<del>75'</del> <b>50'</b> <sup>1</sup>
Rear	50'

NA = Not Applicable      NR = No Requirement

Notes:

1. See Section 10.532.10 for requirements for lots adjacent to North Mill Pond.
3. See Section 10.533 for special requirements on Lafayette Road.

2. Amend Section 10.440, Table of Uses – Residential, Mixed Residential, Business and Industrial Districts, as follows:

Use	OR
2.10 Assisted living facility	
2.11 Assisted living center	<del>N</del> <b>P</b>
3.70 Club, fraternal or service organization	<del>N</del> <b>S</b>

Background and Analysis

Attorney Paul McEachern has requested that the City Council vote to rezone seven parcels on the westerly side of Lafayette Road from the Office Research (OR) district to the Gateway district. The request was made on behalf of Aphrodite Georgopolous, Trustee of the Georgopolous Revocable Trust, owner of the parcel at 1900 Lafayette Road. The parcels for which the rezoning was requested are between the Public Service of New Hampshire property and West Road, and include the following:

- 1700 Lafayette Road – Public Service Company of New Hampshire
- \_\_\_\_\_ Lafayette Road – Michael R. Iafolla (future Armed Forces Reserve Center)
- 1900 Lafayette Road – Georgopolous Revocable Trust
- 1950 Lafayette Road – Portsmouth Casey Home Association
- 2000 Lafayette Road – NH Department of Employment Security
- 2010 Lafayette Road – Service Federal Credit Union
- 2032 Lafayette Road – Service Federal Credit Union

These parcels are shown on the attached map titled “Requested Rezoning from OR to Gateway – Lafayette Road.”

All but two of the parcels in this OR district are already developed, and one of the two undeveloped parcels is planned to be developed as a new Armed Forces Reserve Center next year. This federal project will be designed and constructed with no City control, and the project is not consistent with either the Gateway District or the City’s goals for the corridor.

Construction of the Reserve Center will leave the applicant's parcel as the only undeveloped parcel in this Office Research district, and will make it more difficult to develop under the existing zoning regulations.

These parcels were identified in the 2005 Master Plan as an area to be considered for zoning changes, and were proposed to be included in the Gateway District as part of the comprehensive revision of the Zoning Ordinance in 2009. Thus, the requested rezoning is consistent with the Planning Board's vote of two years ago.

The Planning Board held a public hearing on this request at its meeting on September 15, 2011. Following the public hearing, Board members felt that the existing Office Research district was too restrictive in this area, but that rezoning these parcels to the Gateway district would not be appropriate because of the wide range of retail uses that are allowed in that district, with potential impacts on the residential district in terms of light, noise, traffic and aesthetics. The Board voted to postpone consideration of the request to the October meeting and requested the Planning Department staff to look at changes to the Office Research or Gateway districts that could enhance the development potential of the existing OR parcels while still protecting the residential neighborhood.

The Planning Department considered three options: (1) rezoning to a different existing zoning district; (2) rezoning to a modified Gateway district; and (3) amending the Office Research district to provide more flexibility for development. After reviewing the options, the Department recommended that the dimensional standards for the Office Research district be amended as follows:

- Reduce the required lot area from 3 acres to 2 acres;
- Reduce the required street frontage from 300 feet to 200 feet;
- Reduce the required lot depth from 300 feet to 200 feet; and
- Reduce the required side yard (i.e., building setback) from 75 feet to 50 feet.

These changes would make the required lot and yard dimensions for the Office Research district identical to those for the Industrial district except for the required front yard, which is 70 feet in the Industrial district and 50 feet in the OR district.

The recommended changes would apply to all Office Research districts. In addition to the parcels on Lafayette Road, there are four other Office Research districts of varying size throughout the City:

Borthwick Avenue	19 lots	Largely developed (hospital, offices, financial services); remaining undeveloped land (including proposed CCRC site) is constrained by wetlands or has difficult access
Commerce Way / Portsmouth Blvd.	16 lots	Mostly developed (office park)

North Mill Pond / Bartlett Street / Cate Street	14 lots	Includes railroad land adjacent to North Mill Pond and commercial uses on Bartlett and Cate Streets. This area is highly constrained by the Pond and the railroad tracks, and most lots and uses do not conform to the OR zoning requirements. The Planning Department is working to develop a proposal for more appropriate zoning in this area.
Market Street (adjacent to I-95)	1 lot	Fully developed (hotel and offices)

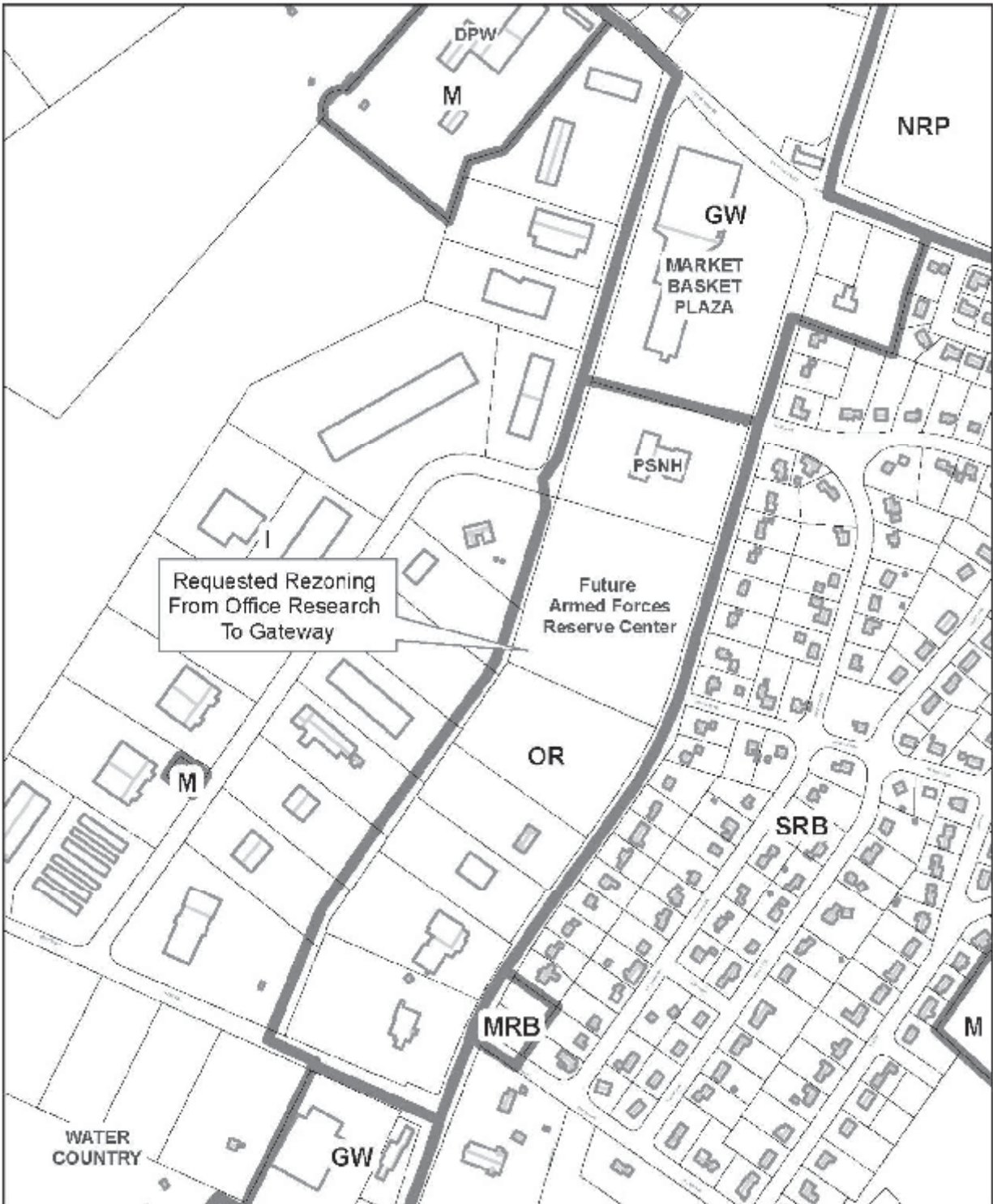
The Office Research districts are shown on the attached map titled “Office Research Districts.”

Modifying the dimensional standards for the OR District will have relatively little impact on OR districts overall, but will enhance the development potential of specific lots. The proposed reductions in required lot area and frontage will make a small number of lots conforming that are currently nonconforming (two lots on Lafayette Road, six lots on Commerce Way, one lot on Bartlett Street, and none in the Borthwick Avenue or Market Street OR districts). More importantly, the proposed reduction in required side yard setback will increase the flexibility for site planning on all lots.

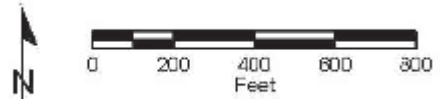
In addition to the recommended changes in dimensional standards, the Department recommended that two minor changes be made to the Table of Uses:

- Allow Assisted Living Center (currently prohibited in OR but allowed in the B and GB districts, and in the Gateway district by conditional use permit;
- Allow Club, Fraternal or Service Organization by special exception (currently prohibited in OR but allowed in B, GB and Gateway by special exception, and in CBB without a special exception).

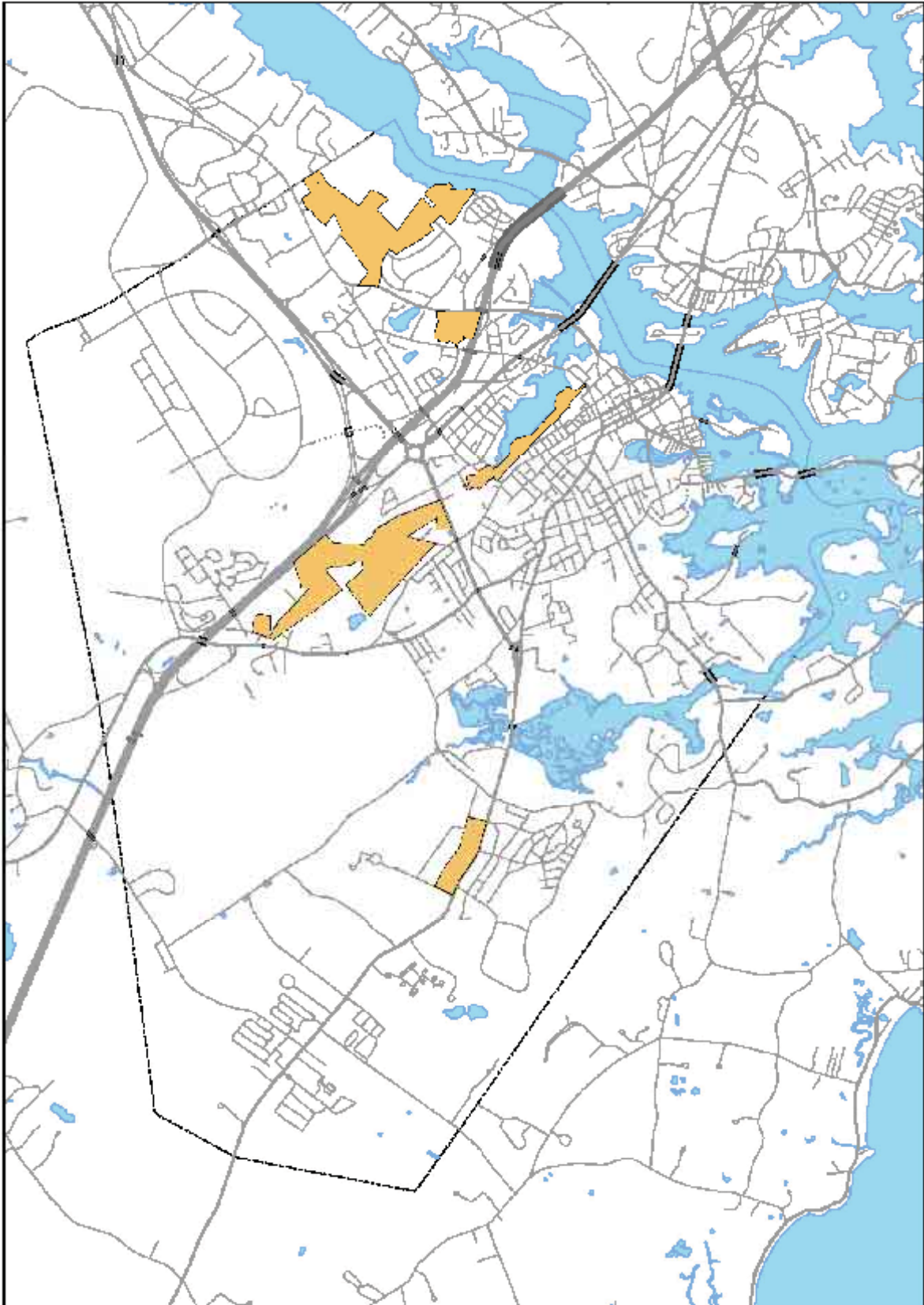
The Planning Board held a public hearing on the above recommendations at its meeting on October 20, 2011. Following the public hearing, the Planning Board voted unanimously to recommend that the Zoning Ordinance be amended as set forth at the beginning of this memorandum.



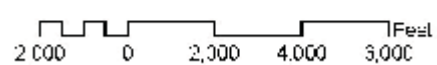
Requested Rezoning From OR to Gateway  
Lafayette Road








Office Research U stricts  
City of Seattle Planning Department 1/27/2012



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# M E M O R A N D U M

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**TO:** John P. Bohenko, City Manager  
**FROM:** Rick Taintor, Planning Director   
**DATE:** February 15, 2012  
**RE:** Proposed Zoning Ordinance Amendments – Office Research District

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Attached is supplemental information that may be useful to the City Council in considering the proposed amendments to the Zoning Ordinance standards for the Office Research (OR) district. Included are the complete Table of Dimensional Standards (1 page) and Table of Uses (10 pages) for the OR district, showing the existing standards and the proposed amendments. Items that are proposed to be changed are indicated in **red**.

## Table of Dimensional Standards – Office Research District

Proposed changes are in **red** font.

	Existing	Proposed
<b>Minimum Lot Dimensions</b>		
<b>Lot Area</b>	3 acres	<b>2 acres</b>
Continuous <b>street frontage</b>	300'	<b>200'</b>
Depth	300'	<b>200'</b>
<b>Minimum Yard Dimensions</b>		
Front	50'	50'
Side	75'	<b>50'</b>
Rear	50'	50'
<b>Maximum Structure Dimensions</b>		
<b>Structure</b> height	60'	60'
<b>Roof appurtenance</b> height	10'	10'
<b>Building coverage</b>	30%	30%
<b>Floor Area Ratio</b>	NR	NR
<b>Minimum open space</b>	30%	30%

NA = Not Applicable

NR = No Requirement



## Table of Uses – Office Research District

P = Permitted    S = Special Exception    CU = Conditional Use Permit    N = Prohibited

Proposed changes are in **red** font.

Use	Existing	Proposed
<b>1. Residential Uses</b>		
1.10 <b>Single family dwelling</b>	N	N
1.20 <b>Two-family dwelling</b>	N	N
1.30 <b>Townhouse</b>	N	N
1.40 <b>Multifamily dwelling</b>		
1.41 3 or 4 <b>dwelling units</b>	N	N
1.42 5 to 8 <b>dwelling units</b>	N	N
1.43 More than 8 <b>dwelling units</b>	N	N
1.50 Conversion of a <b>building</b> existing on January 1, 1980, with less than the required minimum lot area per dwelling unit specified in Article 5		
1.51 To 2 <b>dwelling units</b>	N	N
1.52 To 3 or 4 <b>dwelling units</b>	N	N
1.53 To 5 to 8 <b>dwelling units</b>	N	N
1.54 To more than 8 <b>dwelling units</b>	N	N
1.60 <b>Live/work unit</b>	N	N
1.70 <b>Manufactured housing park</b>	N	N
1.80 <b>Planned unit development (PUD)</b>		
1.81 <b>Open space PUD</b>	N	N
1.82 <b>Residential density incentive PUD</b>	N	N
<b>2. Institutional Residence or Care Facilities</b>		
2.10 <b>Assisted living facility</b>		
2.11 <b>Assisted living center</b>	N	<b>P</b>
2.12 <b>Assisted living home</b>	N	N

P = Permitted S = Special Exception CU = Conditional Use Permit N = Prohibited

Proposed changes are in **red** font.

Use	Existing	Proposed
<b>2.20 Residential care facility</b>		
2.21 5 or fewer residents	N	N
2.22 More than 5 residents	S	S
<b>3. Educational, Religious, Charitable, Cultural and Public Uses</b>		
<b>3.10 Place of assembly</b>		
3.11 Religious	N	N
3.12 Other nonprofit	N	N
<b>3.20 School</b>		
3.21 Primary or secondary	N	N
3.30 Post-secondary	P	P
<b>3.30 Historic preservation building</b>	P	P
<b>3.40 Museum</b>	P	P
<b>3.50 Performance facility</b>		
<b>3.51 Indoor performance facility</b>		
3.511 Occupancy up to 500 persons	N	N
3.512 Occupancy more than 500	N	N
<b>3.52 Outdoor performance facility</b>		
3.521 Occupancy up to 500 persons	N	N
3.522 Occupancy more than 500	N	N
<b>3.60 Cemetery</b>	N	N
<b>3.70 Club, fraternal or service organization</b>	N	<b>S</b>
<b>3.80 Municipally operated park and related activities</b>	P	P
<b>4. Recreational Uses</b>		
<b>4.10 Religious, sectarian or private non-profit recreational use</b>	N	N
<b>4.20 Cinema or similar indoor amusement use with no live performance</b>	N	N
<b>4.30 Indoor recreation use, such as bowling alley or arcade</b>	N	N

Proposed changes are in **red** font.

Use	Existing	Proposed
4.40 Health club, yoga studio, martial arts school, or similar <b>use</b>		
4.41 Up to 2,000 sq. ft. GFA*	N	N
4.42 More than 2,000 sq. ft. GFA	N	N
4.50 <b>Outdoor recreation use</b>	N	N
4.60 <b>Amusement park, water park or theme park</b>	N	N
<b>5. Office Uses, Non-Medical</b>		
5.10 <b>Professional office</b>	P	P
5.20 <b>Business office</b> (incl. real estate office)	P	P
5.30 <b>Financial institution</b>		
5.31 <b>Financial services office</b>	P	P
5.32 <b>Retail bank</b>	S	S
5.40 <b>Social service campus</b>		
5.41 Nonresidential	N	N
5.42 <b>Residential</b>	N	N
5.50 Media studio		
5.51 Excluding any transmitting antenna tower	N	N
5.52 Including accessory transmitting antenna tower	N	N
5.60 Publishing facility or similar electronic production operation	P	P
5.70 <b>Call Center</b>	N	N
<b>6. Medical Services and Health Care</b>		
6.10 <b>Hospital</b>	P	P
6.20 Medical offices and <b>clinics</b> (outpatient only)	P	P
6.30 <b>Clinics</b> with inpatient care	S	S
6.40 Ambulatory surgical center	S	S
6.50 <b>Substance abuse treatment facility</b>	N	N
6.60 Psychiatric hospital for the criminally insane	N	N

\* GFA = gross floor area.

Proposed changes are in **red** font.

Use	Existing	Proposed
<b>7. Services, Other Than Health Care</b>		
7.10 Day Care		
7.11 <b>Family day care facility</b>	N	N
7.12 <b>Group day care facility</b> including private preschool and kindergarten	N	N
7.20 <b>Personal services</b>	N	N
7.30 Consumer services such as copy shop, bicycle repair, and pet grooming	N	N
7.40 Trade, craft and general service <b>establishments</b> , such as shops for plumbers, electricians, painters, paper hangers, upholsterers, sign painters and printers	P	P
7.50 <b>Veterinary Care</b>	S	S
7.60 Laundry and dry cleaning <b>establishments</b>		
7.61 Drop-off/pick-up only for items to be dry cleaned or laundered off site	S	S
7.62 Self-service laundry for <b>use</b> by the general public	N	N
7.63 Dry cleaning <b>establishment</b> with on-site cleaning facilities.	N	N
7.70 Undertaking <b>establishment</b> , funeral parlor or mortuary chapel, excluding crematorium	N	N
<b>8. Retail Trade</b>		
8.10 <b>Convenience goods</b>		
8.11 <b>Convenience goods 1</b>		
8.111 Hours of operation between 6:00 AM and 11:00 PM	N	N
8.112 24 hours per day operation	N	N
8.12 <b>Convenience goods 2</b>		
8.121 Hours of operation between 6:00 AM and 11:00 PM	N	N
8.122 24 hours per day operation	N	N
8.30 <b>Retail sales</b> conducted within a <b>building</b>		
8.31 Not <b>marine-related</b>	N	N
8.32 <b>Marine-related</b>	N	N
8.40 <b>Shopping center</b>	N	N



Proposed changes are in **red** font.

Use	Existing	Proposed
8.50 <b>Retail sales, large format</b>	N	N
8.60 <b>Fish market</b>	N	N
8.70 Manufacture of goods sold at retail on the premises, such as crafts, coffee roasting and bakery goods	N	N
8.80 <b>Gateway planned development</b>	N	N
8.90 <b>Sexually oriented business</b>	N	N
<b>9. Eating and Drinking Places</b>		
9.10 <b>Nightclub or bar</b>		
9.11 Occupant load less than 250	N	N
9.12 Occupant load from 250 to 500	N	N
9.13 Occupant load greater than 500	N	N
9.20 <b>Restaurant, take-out only</b>	N	N
9.30 <b>Restaurant, fast food</b>	N	N
9.40 <b>Restaurant</b> with no <b>accessory uses</b> and with no <b>nightclub</b> or <b>bar</b> , place of public assembly or function room.	N	N
9.50 <b>Restaurant</b> , place of public assembly or function room		
9.51 Occupant load less than 250	N	N
9.52 Occupant load from 250 to 500	N	N
9.53 Occupant load greater than 500	N	N
9.60 <b>Permanently moored vessel</b> used as <b>restaurant</b> or <b>bar</b> , with occupant load less than 250	N	N
<b>10. Lodging Establishments</b>		
10.10 <b>Boarding house</b>	N	N
10.20 <b>Bed and breakfast</b>		
10.21 <b>Bed and Breakfast 1</b>	N	N
10.22 <b>Bed and Breakfast 2</b>	N	N
10.30 <b>Inn</b>	N	N

Proposed changes are in **red** font.

Use	Existing	Proposed
<b>10.40 Hotel or motel</b>		
9.51 Up to 125 rooms	P	P
9.52 126 to 250 rooms	S	S
9.52 251 to 500 rooms	N	N
9.53 More than 500 rooms	N	N
10.50 Conference hotel	N	N
10.60 Conference center	N	N
<b>11. Motor Vehicle-Related Uses</b>		
11.10 Sales, renting or leasing of passenger cars and light trucks, motorcycles, tractors, snowmobiles and small power equipment (e.g., lawnmowers), including accessory repair services	N	N
11.20 <b>Motor vehicle service station, motor vehicle repair</b> or washing facility for passenger cars and light trucks	N	N
11.30 Sales, rental, leasing, distribution, and repair of trucks over 10,000 lb gross vehicle weight (GVW), <b>recreational vehicles</b> , marine craft or <b>manufactured housing</b> , and related equipment	N	N
11.40 <b>Impound lot</b> (principal or accessory use)	N	N
11.50 <b>Truck fueling facility</b>	N	N
11.60 <b>Truck terminal</b>	N	N
<b>12. Marine Craft Related Uses</b>		
12.10 Boat landings, boat docks, boathouses and associated marine <b>uses</b>		
12.11 Non-commercial	N	N
12.12 <b>Fishing boat landing 1</b>	N	N
12.13 <b>Fishing boat landing 2</b>	N	N
12.20 <b>Marina</b>		
12.21 With no repair, servicing or fueling facilities	N	N
12.22 With repair, servicing or fueling facilities	N	N
12.30 Repair of commercial marine craft and marine-related <b>structures</b>	N	N
12.40 <b>Landside support facility</b> for <b>commercial passenger vessel</b>	N	N

Proposed changes are in **red** font.

Use	Existing	Proposed
<b>13. Wholesale Trade, Warehousing and Distribution</b>		
<b>13.10 Wholesale use</b>		
13.11 Not <b>marine-dependent</b>	N	N
13.12 <b>Marine-dependent</b>	N	N
13.20 <b>Wholesale sales</b> devoted to, and in the same establishment as, a permitted retail use		
13.21 Occupying up to 20% of <b>gross floor area</b> of establishment	N	N
13.22 Occupying 21% to 40% of <b>gross floor area</b> of establishment	N	N
13.30 Wholesale lumber yards, lumber and contractor sales		
13.31 Not <b>marine-dependent</b>	N	N
13.32 <b>Marine-dependent</b>	N	N
13.40 Warehousing or distribution of non-flammable, non-hazardous materials, not classified as a <b>high hazard use</b>		
13.41 Not <b>marine-dependent</b>	N	N
13.42 <b>Marine-dependent</b>	N	N
<b>14. Industrial Uses</b>		
<b>14.10 Light industry</b>		
14.11 Not <b>marine-dependent</b>	N	N
14.12 <b>Marine-dependent</b>	N	N
<b>14.20 Research and development</b>		
14.21 Not <b>marine-dependent</b>	S	S
14.22 <b>Marine-dependent</b>	S	S
<b>14.30 Food processing</b>		
14.31 Not including seafood processing	N	N
14.32 Including seafood processing	N	N
<b>14.40 Electronics manufacturing</b>	N	N
<b>14.50 General manufacturing</b>		
14.51 Not <b>marine-dependent</b>	N	N
14.52 <b>Marine-dependent</b>	N	N

Proposed changes are in **red** font.

Use	Existing	Proposed
14.60 Biological or chemical laboratory 14.61 Not <b>marine-dependent</b> 14.62 <b>Marine-dependent</b>	 N N	 N N
14.70 <b>Recycling facility and plant</b>	N	N
14.80 <b>High hazard use</b> , including other uses listed in this section but not including uses described in 14.90	N	N
14.90 Storage (other than normal accessory use), processing, disposal, or transfer of petroleum, petrochemicals, natural gas and liquid petroleum products, coal, alcohol, wood pulp, solid or liquid waste, junk or hazardous waste as classified by Federal or State law	N	N
<b>15. Transportation and Utilities</b>		
15.10 Public or private transformer station, substation, pumping station or automatic telephone exchange, not including any <b>business office</b> , storage yard or storage <b>building</b> 15.11 Essential to service the area in which it is located 15.12 Providing community-wide or regional service	 S N	 S N
15.20 Heliport, as an <b>accessory use</b> incidental to a permitted <b>use</b> , not to include the carrying of persons or freight as a commercial operation	S	S
<b>16. Wireless Telecommunications Facilities</b>		
16.10 Satellite dish receiver 42 inches or less in diameter: 16.11 Building-mounted, maximum height less than or equal to 4 feet from the roof surface 16.12 Ground-mounted, complying with all yard requirements for the district	 P P	 P P
16.20 Satellite dish receiver more than 42 inches in diameter: 16.21 Building-mounted, maximum height less than or equal to 4 feet from the roof surface 16.22 Ground-mounted, complying with all yard requirements for the district	 S S	 S S
16.30 Whip antenna not more than 30 feet in height	P	P



Proposed changes are in **red** font.

Use	Existing	Proposed
16.40 Other <b>wireless telecommunications facility</b> not included above	N	N
<b>17. Agricultural Uses</b>		
17.10 Farm, not including the keeping of <b>farm animals</b>	N	N
17.20 Keeping of <b>farm animals</b>	N	N
<b>18. Temporary Uses</b>		
18.10 <b>Construction trailer</b>	P	P
18.20 <b>Temporary structure</b>		
18.21 Up to 30 days	P	P
18.22 31 to 90 days	P	P
18.23 91 to 180 days	S	S
18.24 More than 180 days	N	N
18.30 <b>Manufactured housing</b> not on a foundation, as temporary replacement housing for a <b>dwelling</b> on the same <b>lot</b> destroyed by natural causes, provided that there is an active building permit for rebuilding the destroyed <b>dwelling</b>		
18.31 Up to 180 days	P	P
18.32 More than 180 days	P	P
18.40 Carts or trailers, including outdoor display area, used for the seasonal sale of dry goods, Christmas trees, flowers, fruits, vegetables, seasonal products and prepared food	P	P
<b>19. Accessory Uses</b>		
19.10 <b>Accessory use</b> to a permitted <b>principal use</b> , but not including any outdoor storage	P	P
19.20 <b>Home occupation</b>		
19.21 <b>Home occupation 1</b>	N	N
19.22 <b>Home occupation 2</b>	N	N
19.30 Concessions and services located within the principal <b>building</b>	P	P
19.40 <b>Drive-through facility</b> , as accessory use to a permitted <b>principal use</b>	S	S

P = Permitted    S = Special Exception    CU = Conditional Use Permit    N = Prohibited

Proposed changes are in red font.

Use	Existing	Proposed
<b>20. Accessory Storage</b>		
20.10 Indoor storage of motor vehicles or boats as an accessory use	P	P
20.20 <b>Outdoor storage</b> of registered motor vehicles owned by residents of the premises or business. Such vehicles may include only one <b>commercial vehicle</b> , which shall be limited to no more than 2 axles and 6 wheels.	P	P
20.30 <b>Outdoor storage</b> for not more than 9 consecutive months of boats owned by residents of the property: 20.31 Not more than one motorboat or sailboat longer than 12 feet 20.32 Any number of (a) motorboats or sailboats up to 12 feet in length, or (b) hand-powered craft (canoes and kayaks) without restriction as to length	P	P
20.40 <b>Outdoor storage</b> of lobster traps, lobster buoys and associated rope	N	N
20.50 <b>Outdoor storage</b> of raw or partially finished material 20.51 Not <b>marine-dependent</b> 20.52 <b>Marine-dependent</b>	N	N
20.60 <b>Outdoor storage</b> of machinery, equipment and vehicles 20.61 Not <b>marine-dependent</b> 20.62 <b>Marine-dependent</b> (other than allowed by 20.30 or 20.40 above)	N	N

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, VEHICLES, TRAFFIC PARKING 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):

*[Introductory note, (not part of ordinance). The following changes to the parking ordinance were either implemented by the Parking Committee for testing during the last year or are part of ongoing improvements to the parking ordinance and are forwarded to the City Council for approval. Each ordinance change is as shown on diagrams attached hereto.]*

**Section 7A.406: HORSE DRAWN CARRIAGES**

**There is hereby established an area comprised of two parking spaces on the westerly side of Pleasant Street directly adjacent to Congress Street to be marked “Reserved for Horse and Carriage”, Monday through Friday, 6 p.m. to 10 p.m., Saturday and Sunday, 12 p.m. to 10 p.m. In addition to any other parking prohibiting law, vehicles parking in that location in contravention of this limitation shall be subject to towing by the City with the costs to be borne by the owner of the vehicle.**

**BE IT FURTHER ORDAINED THAT:**

Section 7.330: NO PARKING

A. Unless otherwise designated by ordinance, parking shall be prohibited at all times in the following described streets and locations:

116. State Street:
  - a. northerly side, from the point of intersection of the easterly street line of Middle Street and the northerly curb line of State Street ~~432~~ **85** feet easterly.
  - b. ~~northerly side from Wright Avenue a distance of 105 feet in a westerly direction.~~
  - c. southerly side from Middle Street ~~52~~ **90** feet easterly.
  - d. ~~southerly side from Court Place a distance of 370 feet in a westerly direction.~~
  - e. ~~southerly side beginning at a point 227 feet from the intersection of Pleasant Street and State Street running 85 feet in an easterly direction.~~

- f. northerly side ~~starting at the junction of Church and State Streets; thence running in a westerly direction 60 feet more or less,~~ **from Fleet Street to Pleasant Street.**
- g. southerly side, beginning at the intersection of Pleasant Street, westerly to the intersection of Church Street.
- h. northerly side, ~~between the New England Telephone Company parking lot and~~ **from 507 State Street, westerly 67 feet.**
- i. ~~southerly side from the intersection with Middle Street easterly to the end of the building currently occupied by the Baptist Church.~~

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

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

This ordinance shall take effect upon its passage.

APPROVED:

---

Eric Spear, Mayor

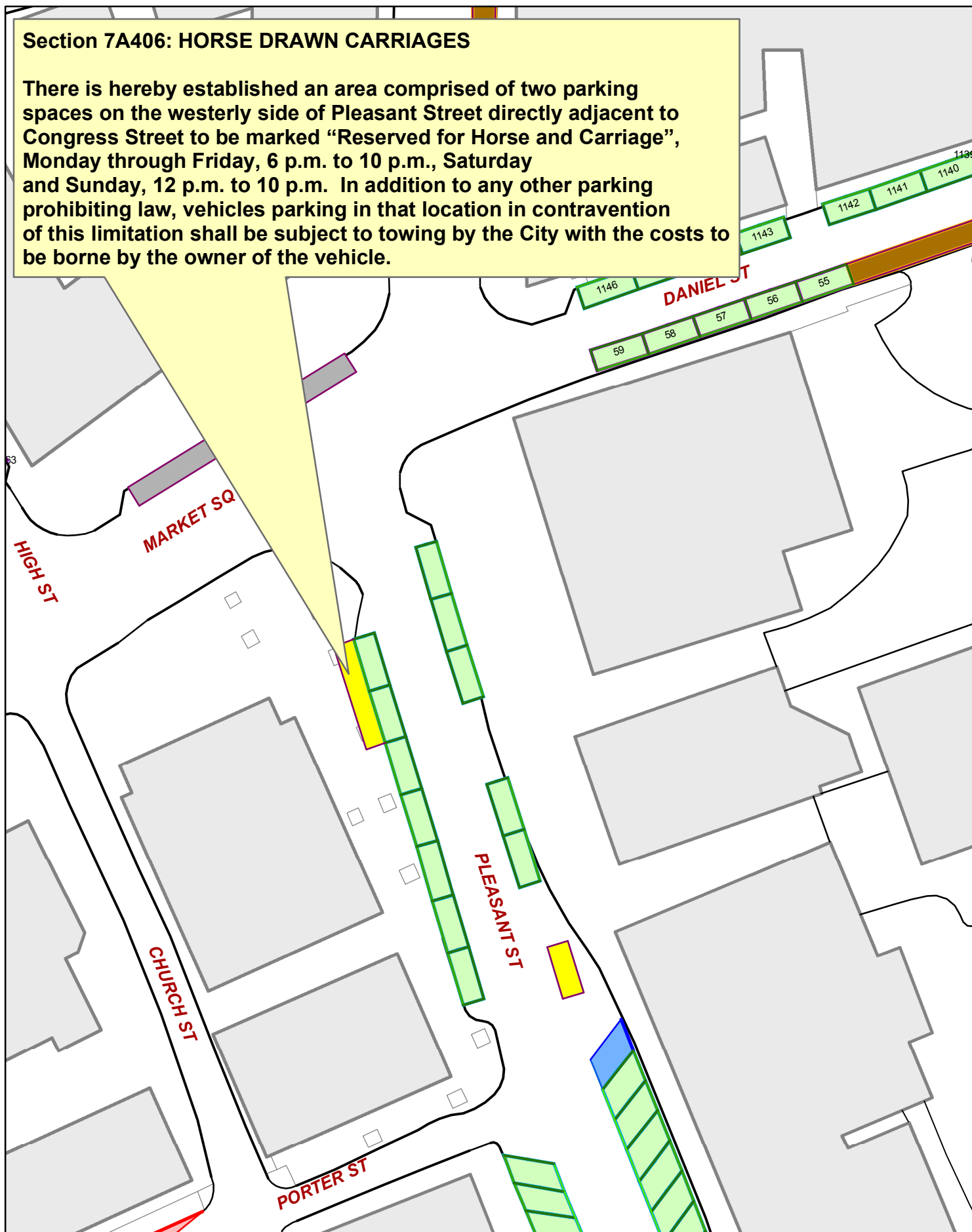
ADOPTED BY COUNCIL:

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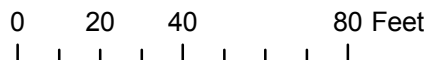
Kelli L. Barnaby, City Clerk

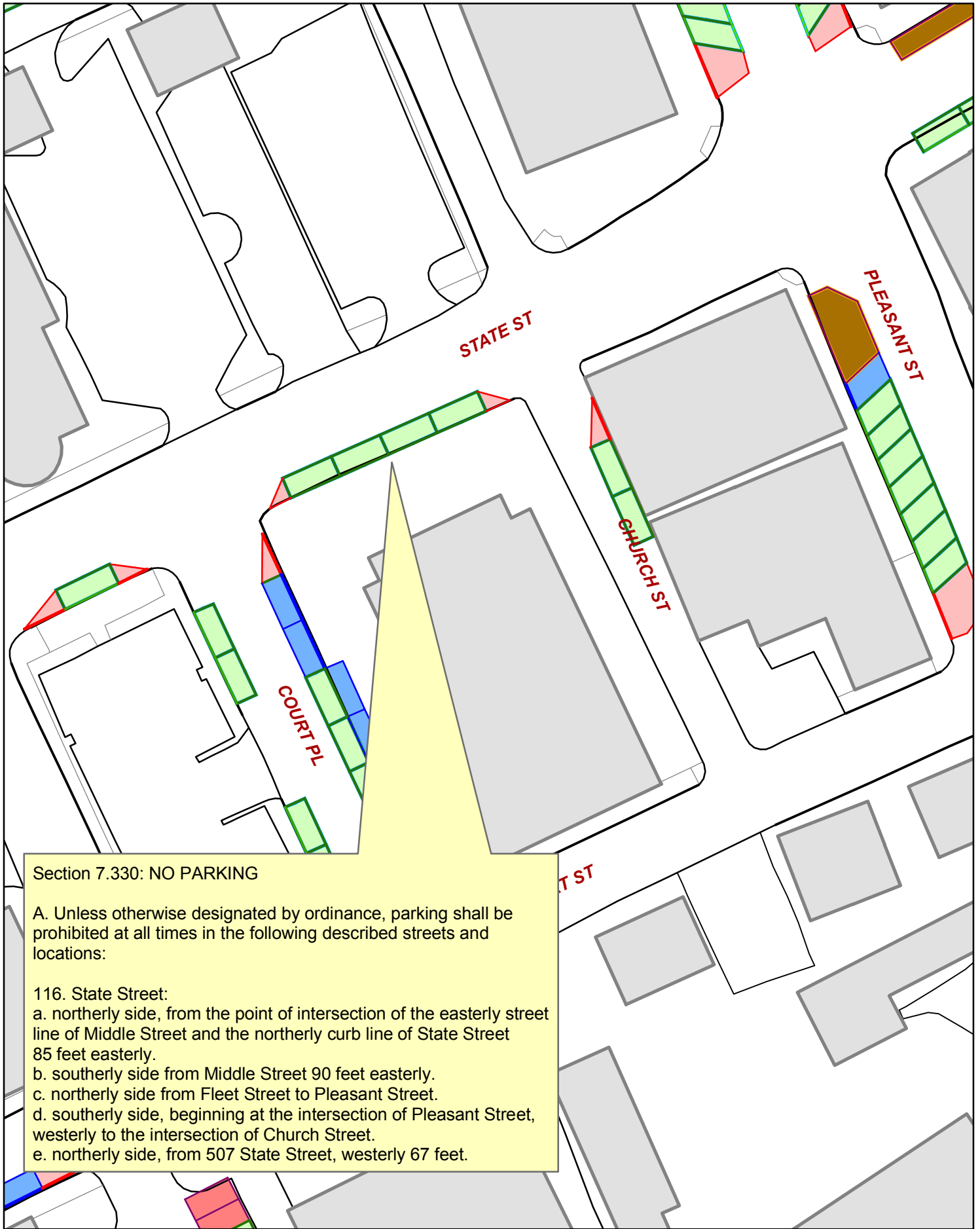
### Section 7A406: HORSE DRAWN CARRIAGES

There is hereby established an area comprised of two parking spaces on the westerly side of Pleasant Street directly adjacent to Congress Street to be marked "Reserved for Horse and Carriage", Monday through Friday, 6 p.m. to 10 p.m., Saturday and Sunday, 12 p.m. to 10 p.m. In addition to any other parking prohibiting law, vehicles parking in that location in contravention of this limitation shall be subject to towing by the City with the costs to be borne by the owner of the vehicle.



City of Portsmouth  
Proposed - 2 Horse and Carriage Spaces  
Pleasant Street at Market Square





**Section 7.330: NO PARKING**

A. Unless otherwise designated by ordinance, parking shall be prohibited at all times in the following described streets and locations:

116. State Street:

- a. northerly side, from the point of intersection of the easterly street line of Middle Street and the northerly curb line of State Street 85 feet easterly.
- b. southerly side from Middle Street 90 feet easterly.
- c. northerly side from Fleet Street to Pleasant Street.
- d. southerly side, beginning at the intersection of Pleasant Street, westerly to the intersection of Church Street.
- e. northerly side, from 507 State Street, westerly 67 feet.

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, Article III, Section 7.330 – **NO PARKING** sub-section A of the Ordinances of the City of Portsmouth which shall read as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

**Section 7.330: NO PARKING**

A. Unless otherwise designated by ordinance, parking shall be prohibited at all times in the following described streets and locations:

61. Junkins Avenue: both sides, ~~from Pleasant Street to Parrott Avenue.~~

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

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

This ordinance shall take effect upon its passage.

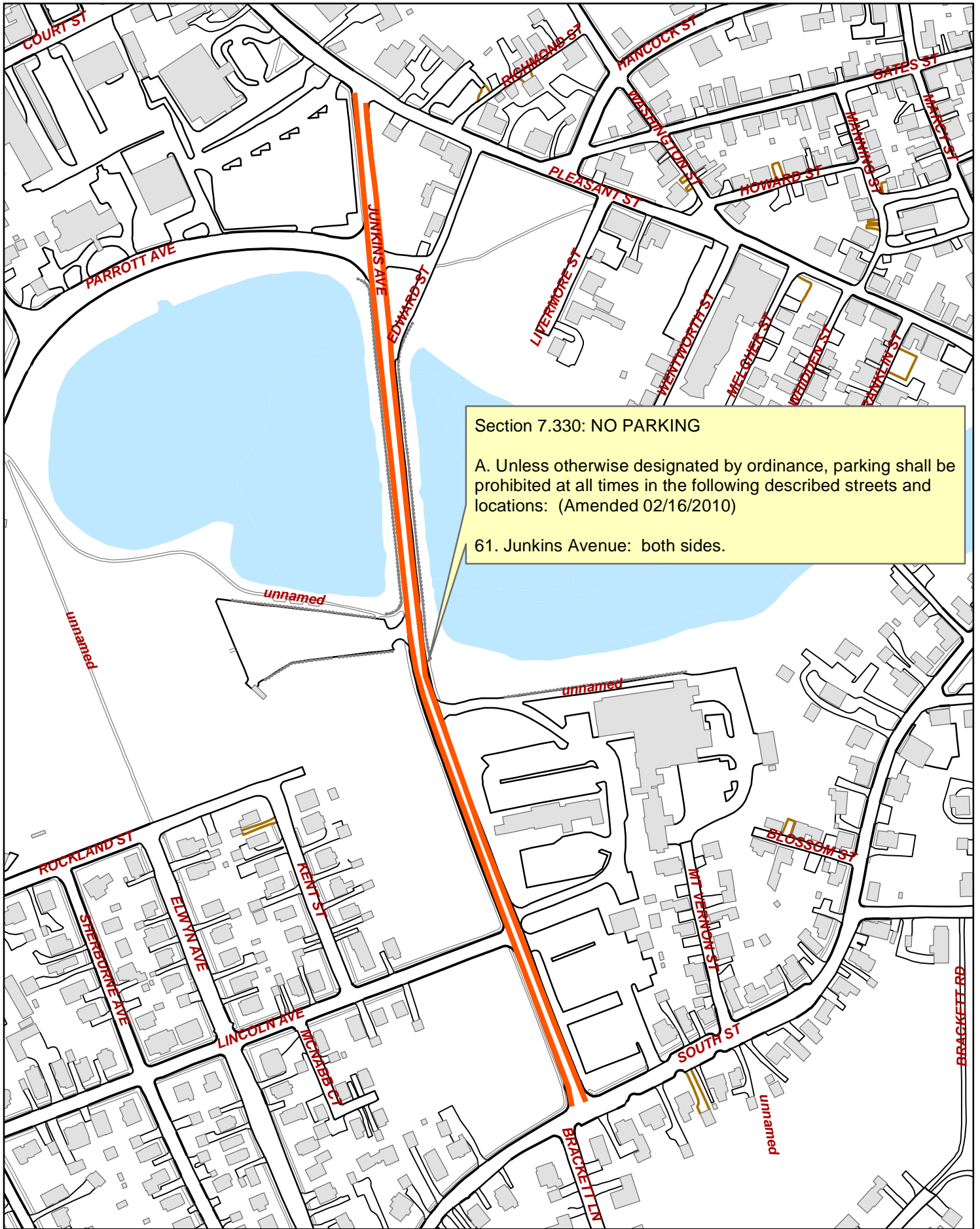
APPROVED:

\_\_\_\_\_  
Eric Spear, Mayor

ADOPTED BY COUNCIL:

\_\_\_\_\_  
Kelli L. Barnaby, City Clerk



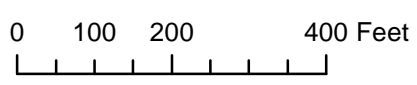


Section 7.330: NO PARKING

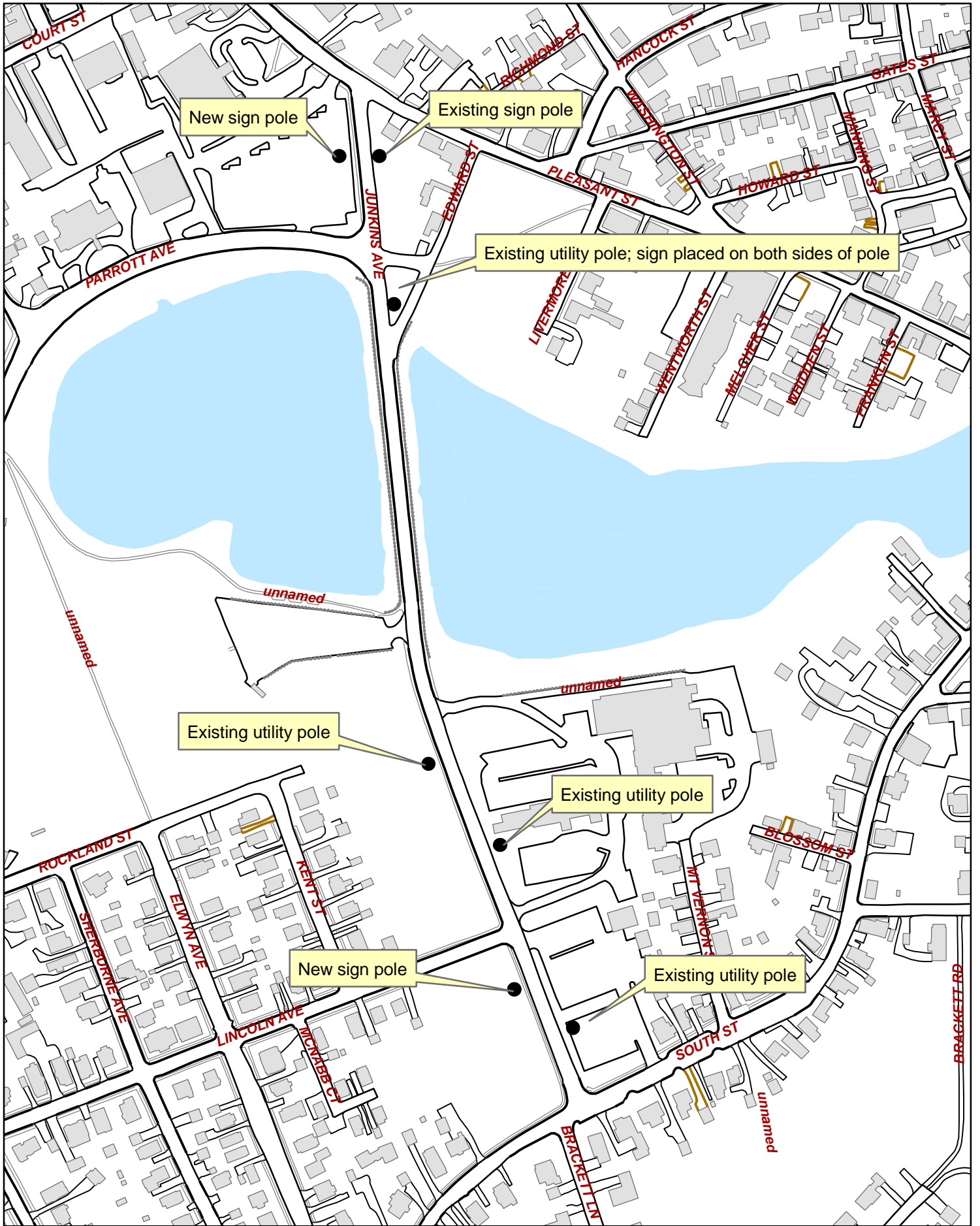
A. Unless otherwise designated by ordinance, parking shall be prohibited at all times in the following described streets and locations: (Amended 02/16/2010)

61. Junkins Avenue: both sides.

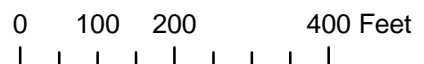
City of Portsmouth  
 No Parking Both Sides  
 Junkins Avenue







City of Portsmouth  
 Placement of No Parking Signs  
 Junkins Avenue



**PROJECT SAFETY ASSOCIATION  
P.O. BOX 4345  
PORTSMOUTH, NH 03802-4345**

February 16, 2012

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

Re: Project Safety Association, Road Race

Dear Mr. Bohenko:

As Executive Director of Project Safety Association I would like to request approval of Project Safety's implementation of a 5K road race in September of 2012. The details follow:

Race to Benefit: Project Safety Association, providing substance abuse prevention programming to Portsmouth students (K-12) and their families.

Race Date and Time: September 29, 2012, with a start time of 8:30 a.m.

Race Course: We will use the 5K course used by most organizations. Course commencing at Portsmouth High School, left onto South Street, right onto Middle Street, bear right to Court Street, right onto Marcy Street back to South and finishing at the High School. In addition to and following the 5K race, we will hold a 1 mile "family team race" around the High School campus/track. We have obtained the permission of High School Athletic Director and are awaiting permission to use the cafeteria of the High School for registration and post race refreshments.

Please let me know if you need additional information and what our next step will be. Thanks so much for your help.

Sincerely,

Karen Butz Webb, Executive Director



# PORTSMOUTH SCHOOL DEPARTMENT

## PORTSMOUTH HIGH SCHOOL

JEFFREY T. COLLINS  
PRINCIPAL

KATHLEEN A. BLAKE  
ASSISTANT PRINCIPAL

SHAWN C. DONOVAN  
ASSISTANT PRINCIPAL

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

February 7, 2012

Portsmouth City Council  
1 Junkins Avenue  
Portsmouth, NH 03801



Dear City Council Members,

We are writing to request permission from the City of Portsmouth to hold our 2<sup>nd</sup> annual 5K road race in collaboration with Great Bay Community College on May 12, 2012, from 1:00-3:00 PM. The title of the race is "Run for the Sol" and the money raised is to support the addition of solar panels to Portsmouth High School.

We have requested and been granted permission to hold the race at the Trade Port (please see attached documentation). The start and finish line are at Great Bay Community College. The college has offered us full access to parking and restroom facilities as well as numerous volunteers. The race course map is attached. We will, once again, need police assistance in order to facilitate the safety at intersections and crossings.

If you require more information please contact Dee Barrett or Kimberly McGlinchey, PHS Ecology Club Advisors, at 436-7100 or email [kmcglinchey@portsmouth.k12.nh.us](mailto:kmcglinchey@portsmouth.k12.nh.us) or [d Barrett@portsmouth.k12.nh.us](mailto:d Barrett@portsmouth.k12.nh.us). We also feature more information on our web page at [www.runforthesol.com](http://www.runforthesol.com). Thank you for your consideration.

Sincerely,

Kimberly McGlinchey  
ECO Club Advisor

Deirdre Barrett  
ECO Club Advisor

January 12, 2011

Ed McDonough, Superintendent  
Portsmouth School District  
50 Clough Drive  
Portsmouth, NH 03801

Re: Right of Entry for Use of Road Network for Road Race  
PHS Eco Club - Saturday, May 12, 2012

Dear Mr. McDonough:

Enclosed are duplicate originals of the Right of Entry for the above referenced premises. Please have an authorized representative sign and return **both** to the Pease Development Authority for countersignature. A full executed original will be returned to you.

If you have any questions, please let me know.

Very truly yours,



Marie S. Aleksy  
Paralegal

:msa

Enclosure

cc: Mark H. Gardner, Deputy General Counsel



P:\ROE\PHSEcoROE\tr011212.wpd



**PEASE**  
INTERNATIONAL  
DEVELOPMENT  
AUTHORITY

55 International Drive Portsmouth, NH 03801

January 12, 2012

Mr. Ed McDonough, Superintendent  
Portsmouth School District  
50 Clough Drive  
Portsmouth, NH 03801

Re: Right of Entry for Use of Road Network for Road Race  
Saturday, May 12, 2012

Dear Mr. McDonough:

This letter will authorize the Portsmouth School District and the Portsmouth High School Eco Club (collectively "PHS Eco") and/or any agent or contractor to enter upon and utilize a portion of the road network situated on Pease International Tradeport as shown as the route on the attached Exhibit A (the "Premises") for a period of five (5) hours commencing at 11:30 a.m. Saturday, May 12, 2012, for the purpose of sponsoring, managing and overseeing a road race. This Right of Entry will expire at 4:30 PM on May 12, 2012, unless otherwise extended by agreement of PHS Eco and Pease Development Authority.

This authorization is conditioned upon the following:

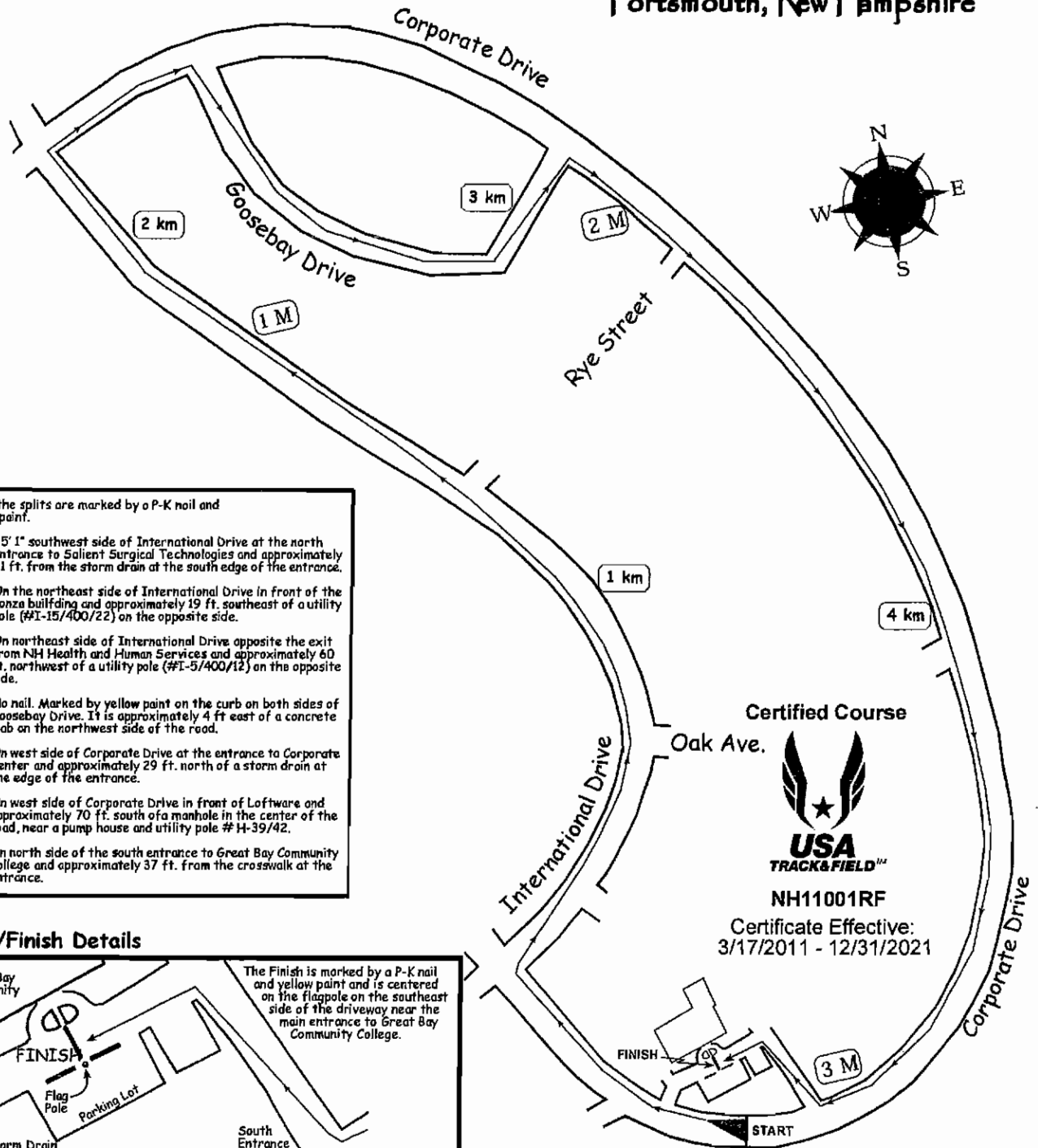
1. PHS Eco's agreement herein that any use of the Premises is at its sole risk and that its signature below constitutes its agreement to assume full responsibility for any and all risk of loss or damage to property and injury or death to persons by reason of or incident to its entry or the entry by any of its employees, agents or contractors upon the premises and/or the exercise of any of the authorities granted herein. PHS Eco expressly waives all claims against the Pease Development Authority for any such loss, damage, personal injury or death caused by or occurring as a consequence of PHS Eco's use of the Premises or the conduct of activities or the performance of responsibilities under this authorization. PHS Eco further agrees to indemnify, save, hold harmless, and defend the Pease Development Authority, its officers, board members, agents and employees, from and against all suits, claims, demands or actions, liabilities, judgements, costs and attorney's fees arising out of PHS Eco's use of the Premises or any activities conducted or undertaken in connection with or pursuant to this authorization.

2. PHS Eco and/or any agent or contractor of PHS Eco providing to the Pease Development Authority satisfactory evidence of comprehensive general liability insurance to a limit of not less than Two Million Dollars (\$2,000,000.00) per occurrence, naming the Pease Development Authority as additional insured.

Each such policy or certificate therefor issued by the insurer shall to the extent obtainable contain (i) a provision that no act or omission of any employee, officer or agent of PHS Eco which would otherwise result in forfeiture or reduction of the insurance therein provided shall affect or limit the obligation of the insurance company to pay the amount of any loss sustained, (ii) an agreement by the insurer that such policy shall not be canceled without at least thirty (30) days prior written notice by registered mail to Pease Development Authority; (iii) provide that the insurer shall have no right of subrogation against Pease Development Authority; (iv) a provision that any liability insurance coverage required to be carried shall be primary and non-contributing with respect to any insurance carried by PDA.

# Run for the Sol 5K Road Race

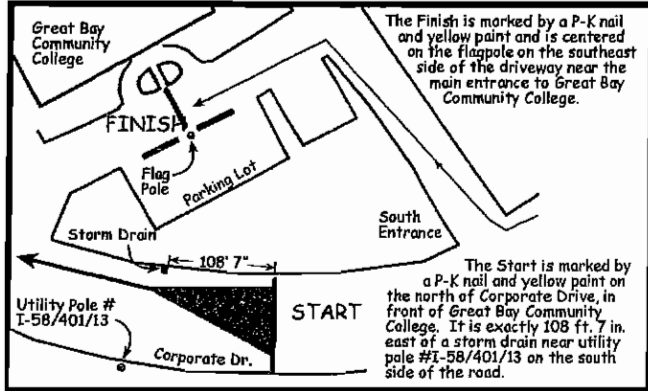
Portsmouth, New Hampshire



### Splits

- All of the splits are marked by a P-K nail and yellow paint.
- 1 km 25' 1" southwest side of International Drive at the north entrance to Salient Surgical Technologies and approximately 61 ft. from the storm drain at the south edge of the entrance.
  - 1 M On the northeast side of International Drive in front of the Lonza building and approximately 19 ft. southeast of a utility pole (#I-15/400/22) on the opposite side.
  - 2 km On northeast side of International Drive opposite the exit from NH Health and Human Services and approximately 60 ft. northwest of a utility pole (#I-5/400/12) on the opposite side.
  - 3 km No nail. Marked by yellow paint on the curb on both sides of Goosebay Drive. It is approximately 4 ft east of a concrete slab on the northwest side of the road.
  - 2 M On west side of Corporate Drive at the entrance to Corporate Center and approximately 29 ft. north of a storm drain at the edge of the entrance.
  - 4 km On west side of Corporate Drive in front of Loftware and approximately 70 ft. south of a manhole in the center of the road, near a pump house and utility pole #I-39/42.
  - 3 M On north side of the south entrance to Great Bay Community College and approximately 37 ft. from the crosswalk at the entrance.

### Start/Finish Details



Measured March 17, 2011  
by: Ron Fitzpatrick  
603.731.3345 - rjfitz@tds.net

EXHIBIT "B"  
EVENT PLAN

Portsmouth High School ECO club  
Run for the Sol 5 K Race  
Procedural Plan for Race  
Contact- Kimberly McGlinchey [kmcglinchey@portsmouth.k12.nh.us](mailto:kmcglinchey@portsmouth.k12.nh.us)  
Cell phone 603-767-7365  
Dee Barrett [DBarrett@portsmouth.k12.nh.us](mailto:DBarrett@portsmouth.k12.nh.us)

**A. Purpose of Event- To raise funds for solar panels to be installed at Portsmouth High School**

**B. Date of Event and Schedule of events**

**Date- May 12<sup>th</sup>**

**Schedule**

- Delivery of Porta Potties- May 11<sup>th</sup> afternoon
- Set Up-11:00 am May 12, 2012
- Start of Race - 1:00 am May 12, 2012
- Awards and End of Race- 2:00 May 2012
- Clean Up-completed by 3:00
- Porta Pottie Pick up- May 13<sup>th</sup>

**NO RAIN DATE WILL BE SCHEDULED**

**C. Location of Event- Please see attached map for specific placement of officials and police**

Great Bay Community College Parking lot and Entrance

Race will be run according to certified course, unless PTA needs us to alter the course due to construction or an unseen event, such as puddles.

**D. Race Course Plan- Please see attached**

**E. Expected number of participants- we are anticipating 100 to 150 people including volunteers.**

**G. Miscellaneous:**

Police will follow the race course with runners; an additional police office will be at Corporate Drive and International.

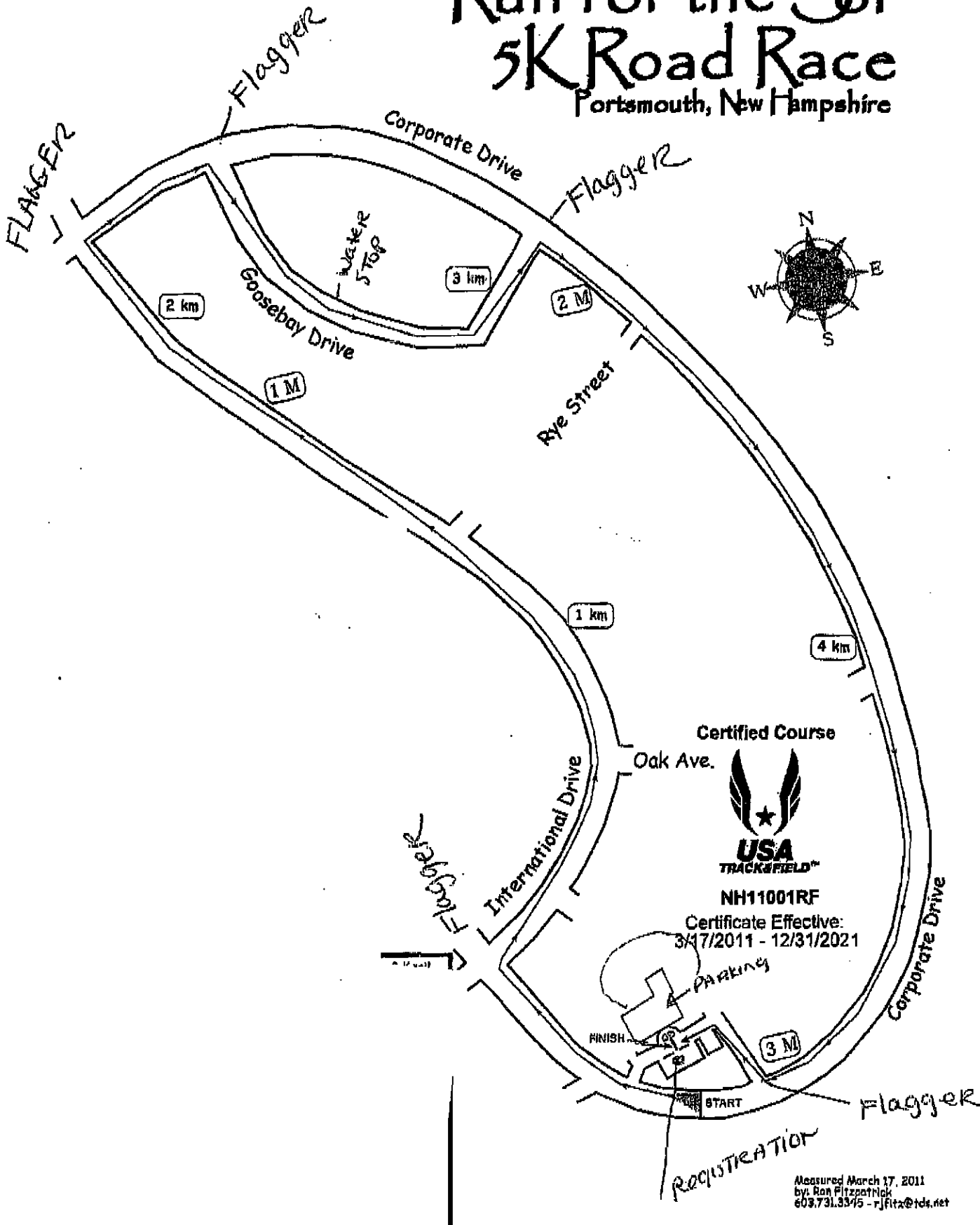
Flaggers will be located as shown on map

Water station is located on Goosebay Drive.



# Run for the Sol 5K Road Race

Portsmouth, New Hampshire



Measured March 17, 2011  
by: Ron Fitzpatrick  
603.731.3345 - rjfitz@tds.net

**InterOffice Memo**

**To:** John P. Bohenko, City Manager  
**From:** Tom Richter, Engineering Technician  
**Date:** February 14, 2012  
**Subject:** PSNH License Agreement #63-0527

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I have reviewed the pole location information provided by PSNH for Petition and Pole License #63-0527.

This request is to license four poles located on Richards Avenue, Miller Avenue, and Highland Street. These poles are being moved in conjunction with the city's sewer separation Contract 3b. There will be a net loss of 4 poles in the implementation of this license. The location of these new poles pose no impact to existing city infrastructure. The Public Works Department recommends approval of this license.

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

cc: David Allen, P.E. Deputy Director of Public Works  
Kelli Barnaby, City Clerk



**Public Service  
of New Hampshire**

A Northeast Utilities Company

PSNH Energy Park  
780 North Commercial Street, Manchester, NH 03101

Public Service Company of New Hampshire  
P.O. Box 330  
Manchester, NH 03105-0330  
(603) 669-4000  
www.psnh.com

February 9, 2012

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

**FEB 10 2012**

Dear City Clerk,

Public Service of New Hampshire is hereby requesting permission to install/replace poles located in the City of Portsmouth. Enclosed for your review is pole license petition 63-0527 for pole(s) located in the City of Portsmouth.

Upon approval, please have the license section signed by the proper authority. The copy labeled "Portsmouth" should be retained for your records.

Please return the remaining copies along with any invoices for payment to my attention at the address below.

If the petition is rejected, please return all copies of the license petitions with an explanation of rejection.

If you have any additional questions or require more information, please contact me at 603-634-2218 .

Respectfully,

*Lisa-Marie Pinkes*

Lisa-Marie Pinkes  
Representative-A Records  
Public Service of New Hampshire  
60 West Pennacook Street PO Box 330  
Manchester, NH 03105-9989

Enclosure(s)

**PETITION AND POLE LICENSE**

PETITION

Manchester, New Hampshire

February 3, 2012

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

PUBLIC SERVICE OF NEW HAMPSHIRE and Northern New England Telephone Operations LLC d/b/a 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:

*Miller Ave, Highland St -*

License four (4) pole(s), 89/9, 95/7, 95/10, 94/7 located on Richards Avenue in the City of Portsmouth.

Northern New England Telephone Operations LLC  
d/b/a FairPoint Communications-NNE

PUBLIC SERVICE OF NEW HAMPSHIRE

BY: *J. Floyd*

BY: *Lisa-Marie Pinkes*  
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 3rd day of February, 2012, that, PUBLIC SERVICE OF NEW HAMPSHIRE and Northern New England Telephone Operations LLC d/b/a 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 "PUBLIC SERVICE OF NEW HAMPSHIRE and Northern New England Telephone Operations LLC d/b/a FairPoint Communications-NNE No. 63-0527, dated 2/3/2012, 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: \_\_\_\_\_

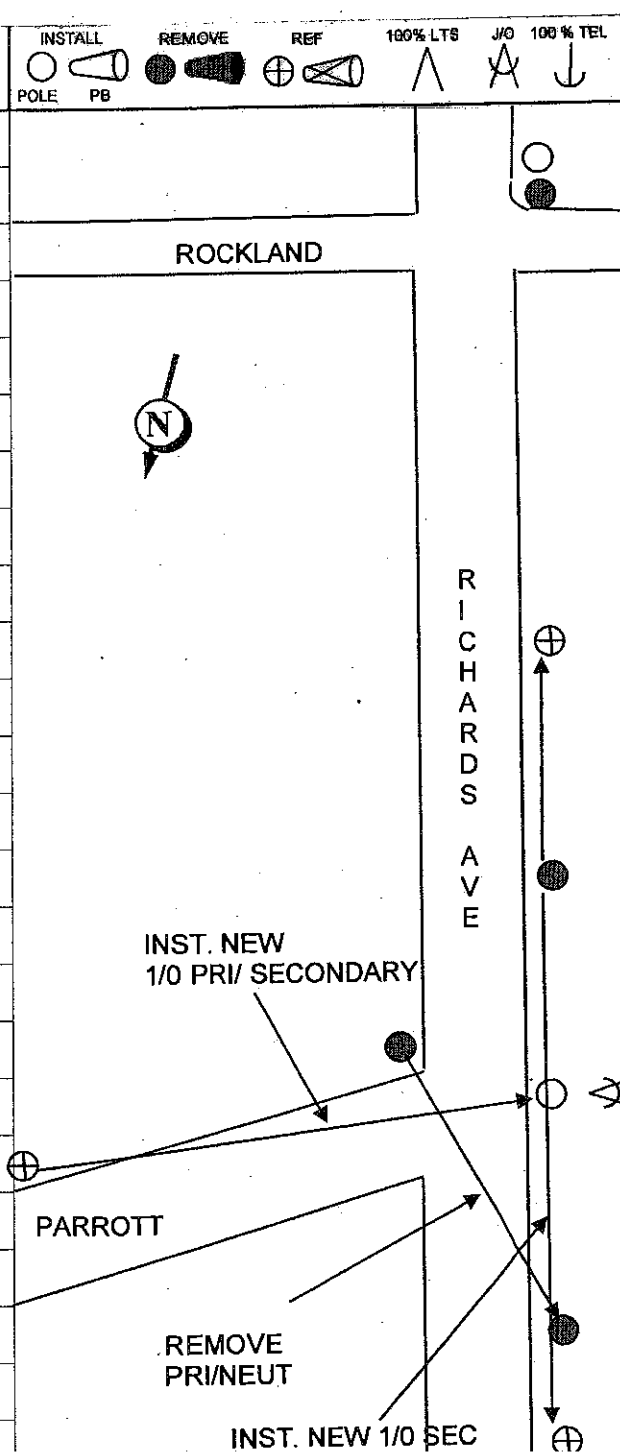
ATTEST: \_\_\_\_\_  
Town Clerk

# POLE LOCATION PLAN

PUBLIC SERVICE OF NEW HAMPSHIRE and  
Northern New England Telephone Operations LLC d/b/a FairPoint Communications-NNE

DATE	02/03/2012	LICENSE NO.	63-0527
MUNICIPALITY:	Portsmouth	STATE HWY. DIV. NO.	6
STREET / ROAD:	Richards Avenue	STATE LICENSE NO.	
PSNH OFFICE:	Portsmouth	WORK REQUEST#	1863058
PSNH ENGINEER:	Sonny Lemire	WORK FINANCIAL #	9P220081
TELCO ENGINEER:	Joe Considine	TELCO PROJECT #	244139

Pole Numbers		Pole	Eq	INSTALL	REMOVE	REF	100% LTS	J/O	100% TEL	Span	DIST. FROM	Remarks	DOC REQ
LTS	TEL	Sz-Cl	BH	POLE	PB								
89 13	18 12	40'2 40'3 2000	Y									RELOCATE POLE 3' SOUTH INSTALL ANC 6' LEAD INSIDE OF SIDEWALK <i>Lic# 1106</i>	S/R
89 10	18 9											existing pole--	
89 9	18 8											RELOCATE POLE 27' TO CORNER splice out primary/ secondary midspan svcs.	M
80 1	25 1	45' 2007										REMOVE POLE, FEED FROM P89/9	M
89 9	18 8	45'2										NEW RELOCATED, INST H/A 1/0 SECONDARY TO 80/2 EXISTING POLE, INSTALL 1/0 TPX FROM 89/9 & SPLICE	M
80 2													
89 8	18 7	1950										REMOVE OH WIRE TO 80/1 REMOVE POLE/ANC REDIRECT URD SVC TO P.7	
89	18	2000										EXISTING POLE, XFER TPX SVC TO 121/123	





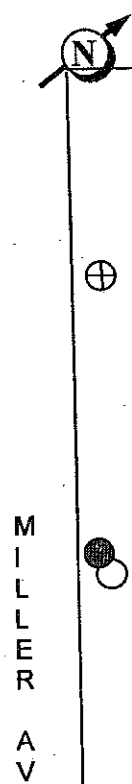


# POLE LOCATION PLAN

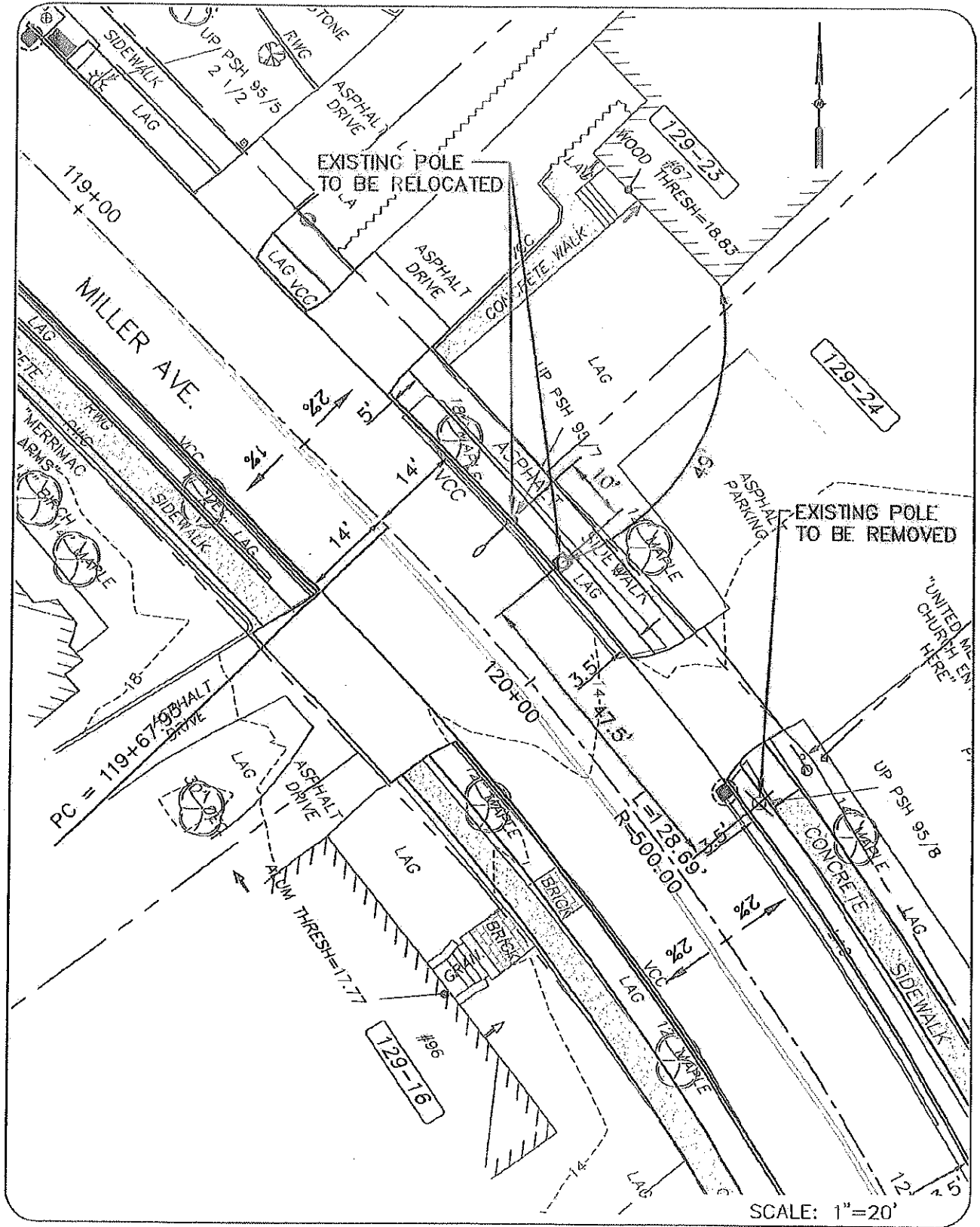
PUBLIC SERVICE OF NEW HAMPSHIRE and  
Northern New England Telephone Operations LLC d/b/a FairPoint Communications-NNE


DATE	<u>02/03/2012</u>	LICENSE NO.	<u>63-0527</u>
MUNICIPALITY:	<u>Portsmouth</u>	STATE HWY. DIV. NO.	<u>6</u>
STREET / ROAD:	<u>Richards Avenue</u>	STATE LICENSE NO.	
PSNH OFFICE:	<u>Portsmouth</u>	WORK REQUEST#	<u>1863058</u>
PSNH ENGINEER:	<u>Sonny Lemire</u>	WORK FINANCIAL #	<u>9P220081</u>
TELCO ENGINEER:	<u>Joe Considine</u>	TELCO PROJECT #	<u>244139</u>

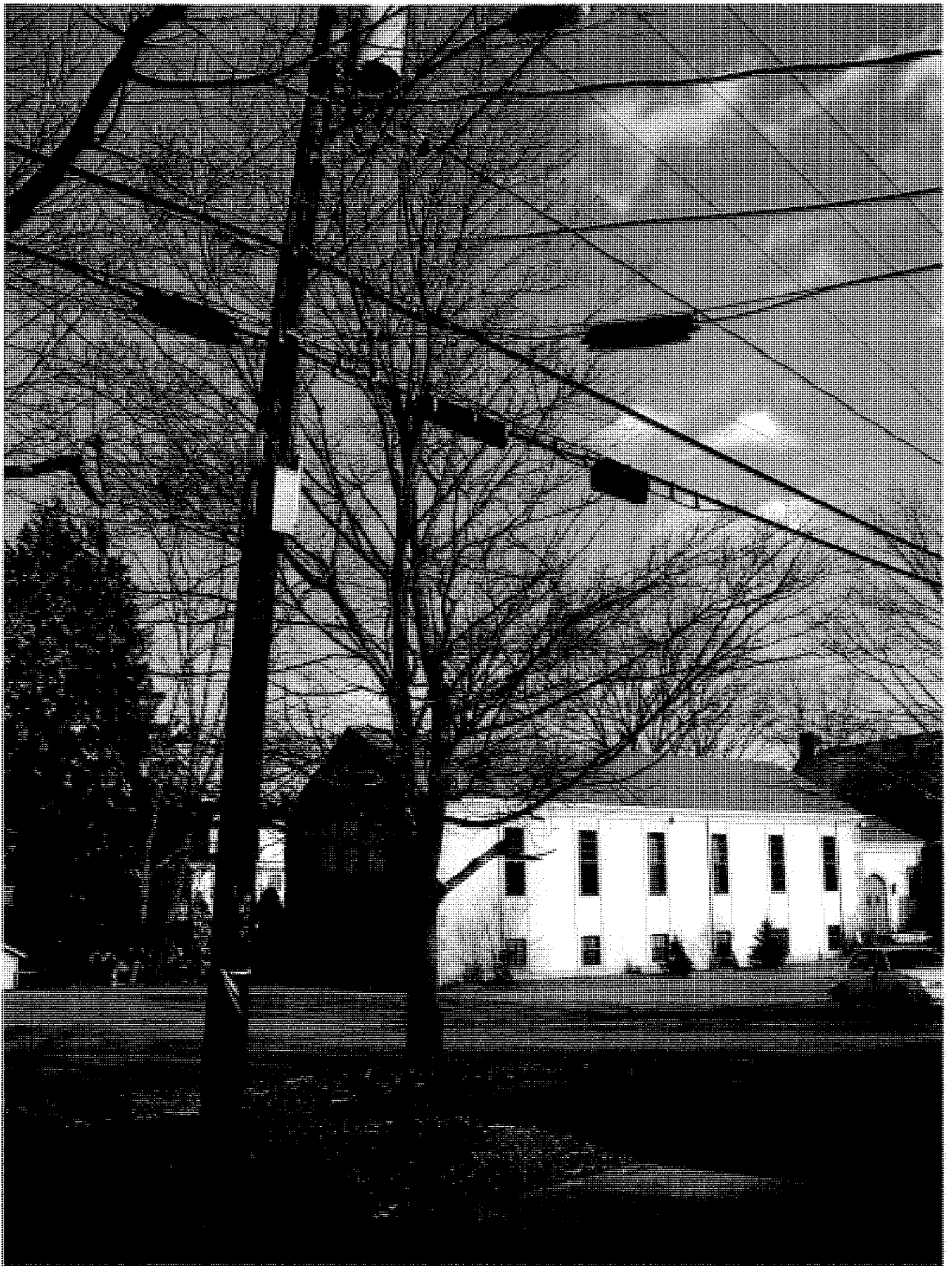
Pole Numbers		Pole Sz-CI	Eq BH	INSTALL POLE PB	REMOVE	REF	100% LTS	J/O	100% TEL	Span	DIST. FROM	Remarks	DOC REQ
LTS	TEL												
MIDDLE													
<u>95</u> 4	<u>47</u> 2												
<u>91</u> 1	<u>48</u> 1												
<u>91</u> 2	<u>48</u> 2												
MERRIMAC ST													
<u>95</u> 5	<u>47</u> 2Y	1971 35'4 40'2	Y									EXISTING POLE TAKE UP SLACK FROM P1 REMOVE SVC POLE FLOAT SECONDARIES INSTALL H/A & TAKE UP SLACK	
<u>95</u> 7	<u>47</u> 3Y	1970 35'										REPLACE POLE-XFER 3PH	S/R
<u>95</u> 7	<u>47</u> 3Y	45'2	Y									RELOCATE POLE 10' SOUTH NEW POLE & SIDEWLK GUY TO ANCHOR 3' LEAD	M
<u>95</u> 8	<u>47</u> 4	1970 35'4										REMOVE POLE	





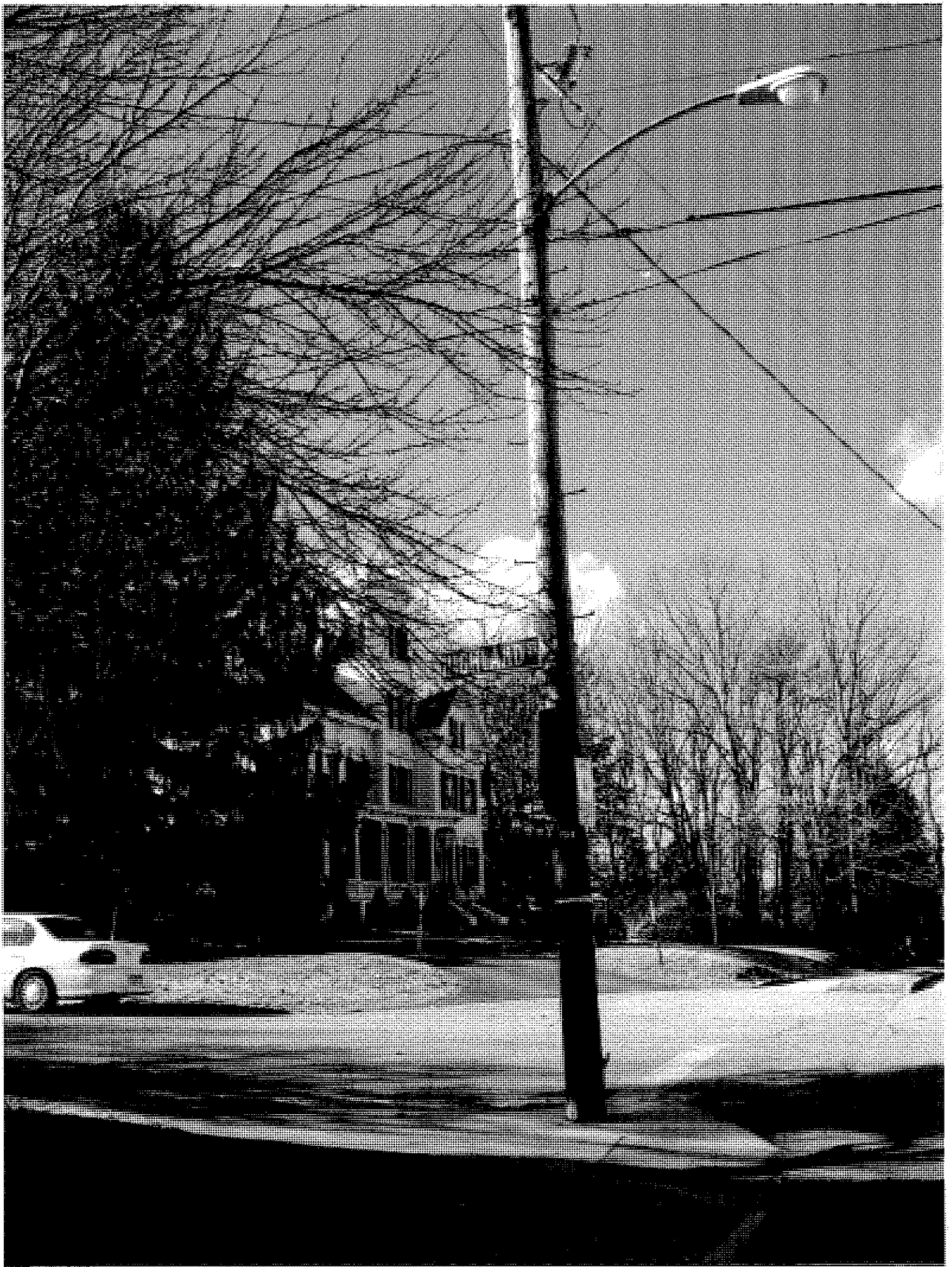


DATE 6/13/11	 25 Vaughan Mall, Portsmouth, N.H. 03801 Tel. 603-436-6192 Fax. 603-431-4733	UTILITY POLE RELOCATION PLAN LINCOLN AREA SEWER SEPARATION (CO.#3B) CITY OF PORTSMOUTH PORTSMOUTH, NH	FIG.  FIG
PROJECT 1512			



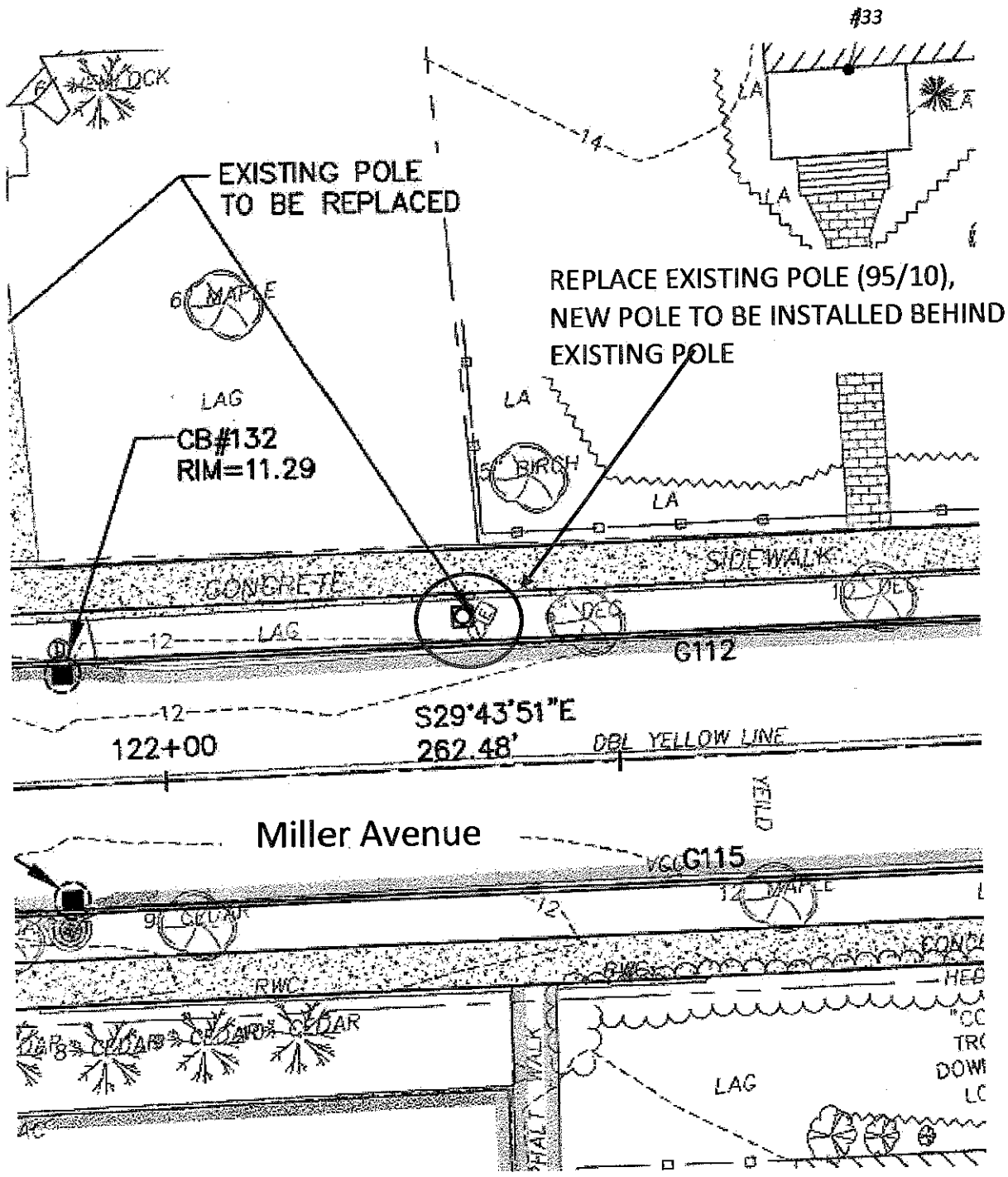












**UTILITY POLE RELOCATION PLAN**  
 Lincoln Area – Contract 3B  
 Portsmouth, New Hampshire

**Underwood  
 Engineers, Inc.**

DATE 2/2012

FIGURE FIG





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:**

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# M E M O R A N D U M

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**TO:** John P. Bohenko, City Manager  
**FROM:** Rick Taintor, Planning Director  
**DATE:** February 15, 2012  
**RE:** City Council Referral – Projecting Sign  
Address: 74 Congress Street  
Business Name: Wear House  
Business Owner: Angela Drew

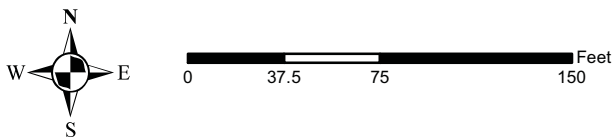
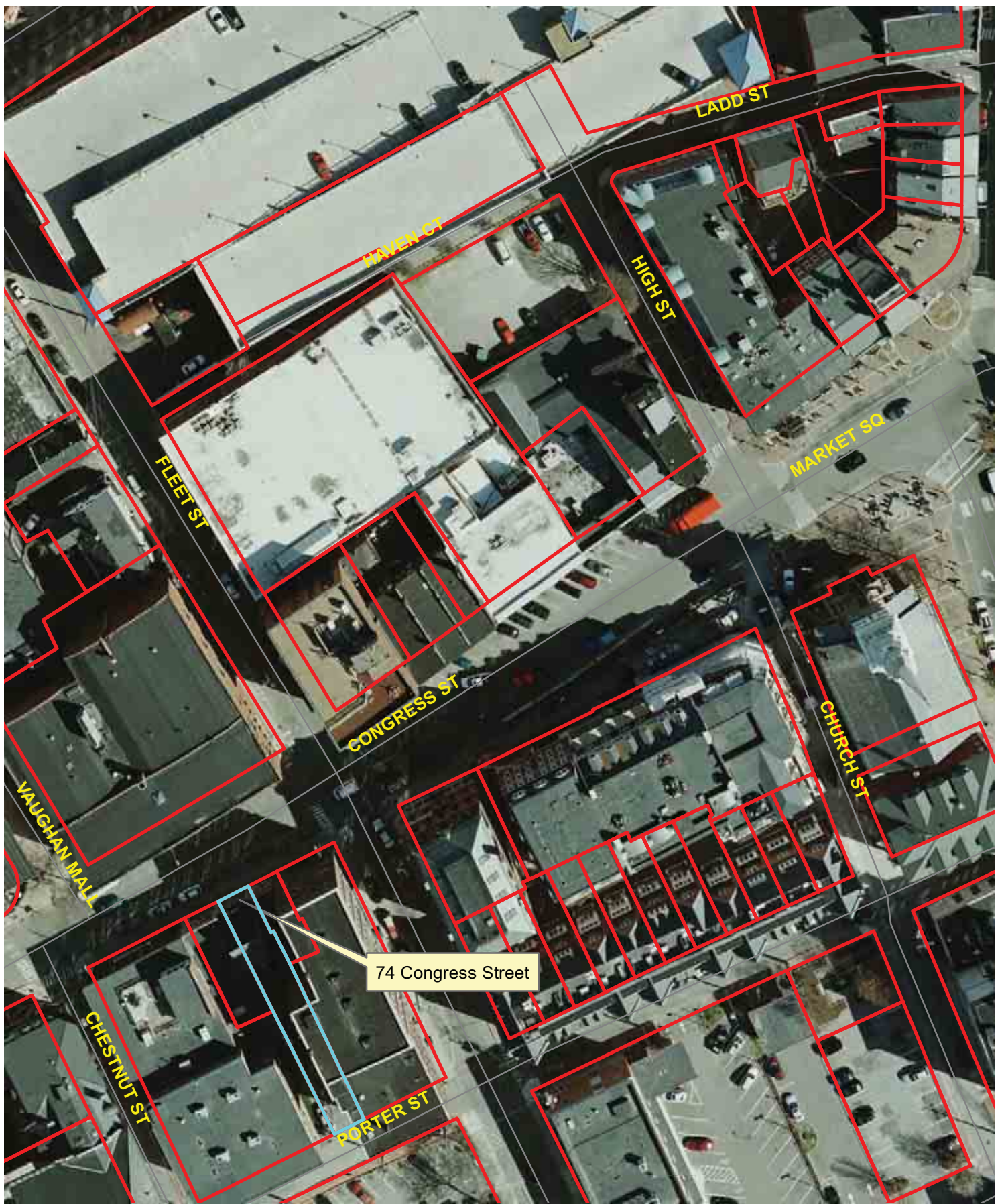
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Permission is being sought to install a projecting sign on an existing bracket, as follows:

Sign dimensions: 24" x 36"  
Sign area: 4.7 sq. ft.  
Height from sidewalk to bottom of sign: 8'7"  
Maximum protrusion from building: 36 in.

The proposed sign complies with zoning requirements. If a license is granted by the City Council, no other municipal approvals are needed. Therefore, I recommend approval of a revocable municipal license, subject to the following conditions:

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

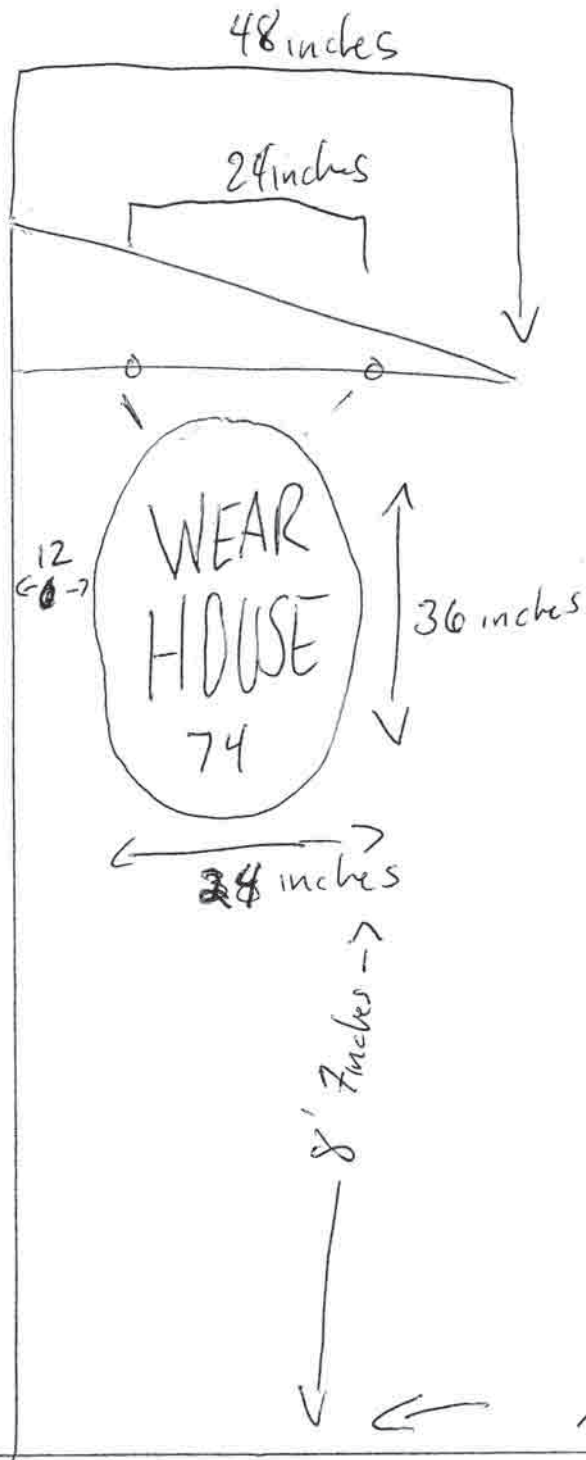


# Request for Projecting Sign License 74 Congress Street



Wear House  
74 Congress Street





- Sign
- OVAL
  - w/ Brass Frame
  - white background face
  - Black letters / and #'s

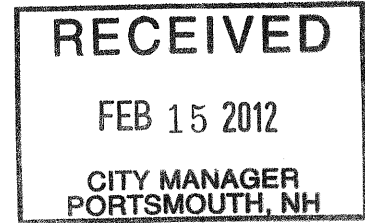
PORTSMOUTH LITTLE LEAGUE, INC.

PO Box 8321

PORTSMOUTH, NH 03802

February 13, 2012

John Bohenko  
City Manager  
City of Portsmouth,  
Portsmouth, NH 03801



Dear Mr. Bohenko:

Similar to prior requests, which were approved by the City Council, Portsmouth Little League, Inc. respectfully requests approval for temporary signage to be located at the Plains and Hislop Park baseball fields during the 2012 baseball season.

Our request is two-fold. First we are requesting permission to affix signage in the form of banners to be attached to the fences surrounding the outfield and foul lines at Plains and Hislop fields following the established color guidelines. The signage represents advertising for local businesses who have donated to and support the league. We are requesting permission to affix the banners to the fences from April 14 [Field Clean-up Day] through the end of our fall ball program. Second, we are requesting permission to maintain signage to the rear of the Plains scoreboard. The local business that advertises on the back of the scoreboard will be required to adhere to the city and league's guidelines for the sign and will be responsible for the sign materials. Signage at this site provides the league with a continued revenue stream that helps us meet our goals each year.

Following the completion of the field expansion and renovation project at Hislop Field last year the league expended the surplus funds that had been designated for the Hislop project. This season as we work to renovate the Central concession stand, replace the Central and Hislop batting cages, and replace the Plains scoreboard we are hoping for a good business response to signage at the fields.

Little League has a long and proud tradition in the City of Portsmouth. We are grateful for all the support we have received in the past and plan to continue to offer a safe and quality program that meets the needs of the community we serve. Please let me know if it would be of benefit for me to attend the Council meeting at which this request is considered. Thank you.


Sincerely,

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

Kathie Lynch  
President  
3 Boyan Place  
Portsmouth, NH 03801

**CITY OF PORTSMOUTH  
PORTSMOUTH, NH 03801**

*Office of the City Manager*

**Date:** February 16, 2012  
**To:** Honorable Mayor Eric Spear and City Council Members  
**From:** John P. Bohenko, City Manager   
**Re:** City Manager's Comments on February 21, 2012 City Council Agenda

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*6:00 p.m. – Non-meeting with counsel.*

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

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***Presentation:***

1. **Presentation Re: Greater Portsmouth Chamber of Commerce - UDAG Loan Request.** At the February 6, 2012 City Council meeting, the Council voted to bring back for action at the February 21<sup>st</sup> City Council meeting a letter from Economic Development Commission (EDC) Chair Everett Eaton regarding a request from the Greater Portsmouth Chamber of Commerce for an Urban Development Action Grant (UDAG) loan to develop a dedicated tourism website. The letter recommended that the City Council approve the request under the terms outlined in the correspondence (see attached letter). Chamber President Doug Bates and Tourism Manager Valerie Rouchon will make a short presentation regarding this request at Tuesday evening's meeting, which will highlight the features of the proposed destination website. The EDC will have representation at the meeting from the subcommittee that reviewed the request.

*I would recommend the City Council suspend its rules and take this matter up for action immediately following the presentation.*

*Motion: Move to approve the request from the Greater Portsmouth Chamber of Commerce for a UDAG loan to develop a dedicated tourism website, and further, authorize the City Manager to enter into all necessary agreements to execute this loan request.*



## ***Acceptance of Grants and Donations:***

1. **Acceptance of Donation/Lloyd M. Horlick Revocable Trust.** Former Portsmouth resident, Dr. Lloyd M. Horlick, passed away in February 2009. The beneficiary of a Trust that he created, Karen Horlick Von Sydow, passed away in Dover on December 12, 2011. Upon the death of Ms. Von Sydow, the Trust provides for a disposition of approximately \$211,000.00 as follows:

“...to the CITY OF PORTSMOUTH, solely for the benefit of the PORTSMOUTH FIRE DEPARTMENT, Portsmouth, New Hampshire, to be used for the benefit of said Fire Department in any manner the then serving Fire Chief and Deputy Fire Chief(s) shall unanimously determine”.

Pursuant to City Council policy, I am requesting that the City Council accept this donation from the Lloyd M. Horlick Revocable Trust of 2005 under the terms described in the Trust.

*I would recommend the City Council move to accept the donation, as described in the Trust. Action on this item should take place under Section VIII of the Agenda.*

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

1. **Consideration of First Reading of Proposed Resolution and Ordinance Amendments:**
  - 1.1 **First Reading of Proposed Zoning Ordinance Amendments – Office Research District.** As a result of the February 6<sup>th</sup> City Council meeting, under Section IX of the Agenda, I am bringing back for first reading the [attached proposed Zoning Ordinance](#) amending Chapter 10 – Zoning Ordinance – Article 4 - Zoning Districts and Use Regulations, Section 10.440 – Table of Uses – Residential, Mixed Residential, Business and Industrial Districts and Article 5 – Dimensional and Intensity Standards, Section 10-531 Table of Dimensional Standards – Business and Industrial Districts. Also [attached is a memorandum from Rick Taintor, Planning Director, dated January 27, 2012](#), which was originally submitted to the City Council. Further, I have [attached a memorandum from Rick Taintor, dated February 15, 2012](#) which is supplemental information that the City Council requested at the last meeting regarding the subject matter. Please note the Planning Board voted unanimously on October 20, 2011 to recommend that the Zoning Ordinance be amended as requested.

*I would recommend the City Council move to pass first reading and schedule a public hearing and second reading on the proposed ordinance amendment, as presented, at the March 19, 2012 City Council meeting. Action on this item should take place under Section IX of the Agenda.*



2. **Public Hearing and Adoption of Proposed Resolutions:**

2.1 **Public Hearing and Adoption of Resolutions Amending Elderly & Disabled Exemptions Income and Asset Limits.** As a result of the February 6<sup>th</sup> City Council meeting, under Section IX of the Agenda, I am bringing back for public hearing and adoption the [attached proposed Resolutions amending Elderly and Disabled Exemption Income and Asset Limits](#). Annually, the City of Portsmouth reviews income and asset levels for both the Elderly and Disabled Exemptions pursuant to RSA 72:39-b and RSA 72.37-b and makes recommendations as to these levels.

Last year, the City Council adopted resolutions # 2-2011 and # 3-2011 which increased the income and asset levels for both the elderly and disabled exemptions by 1.00% from the previous year. The current elderly and disabled exemption income levels are \$33,514 for a single taxpayer, \$41,343 for married taxpayers, and an asset limit of \$111,718.

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

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

If qualified, for disabled taxpayers, the exemption off the assessed value of the property is \$100,000. This year, the November to November CPI of the Boston-Brockton-Nashua November consumer price index (CPI) is 2.9%. If the City Council wishes to adjust the income and asset levels for both the elderly and disabled taxpayers by the November to November CPI of 2.9%, this would increase the limits (rounded up) as follows:

- Single                    \$34,486    increase of \$972
- Married                  \$42,542    increase of \$1,199
- Asset Limit of         \$114,958    increase of \$3,240

Any adjustment if approved would be for assessments as of April 1, 2012 for the 2012 tax year or FY13.

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

I have [attached for your information the tax impact of the elderly and disabled exemptions for FY12](#).

*I would recommend the City Council move to make the following two separate motions:*

*1) Move to adopt the Resolution for Elderly Exemptions, as submitted. (Resolution requires two readings and a majority vote.)*

*2) Move to adopt the Resolution for Disabled Exemptions, as submitted. (Resolution requires two readings and a majority vote.)*

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

3. **Third and Final Reading of Proposed Ordinance Amendments.**

3.1 **Third and Final Reading of Amendments to Chapter 7 – Vehicles, Traffic Parking Omnibus Ordinances.** As a result of the February 6th City Council meeting, [under Section IX of the Agenda, I am bringing back for third and final reading the proposed Omnibus Ordinance Amendment](#) to Chapter 7 – Vehicles, Traffic Parking Omnibus Ordinances, Section 7A.406 – Horse Drawn Carriages spaces on Pleasant Street and Section 7.330 – by eliminating the No Parking area on State Street, between Court Place and Church Street; installing four new metered spaces; and undertaking ordinance cleanup measures ([see attached aerial maps and explanation](#)). At its October 13, 2011 meeting, the Parking Committee recommended forwarding the aforementioned Chapter 7 Omnibus Ordinance Amendment to the City Council for approval. The City Council approved the minutes at the November 21, 2011 City Council meeting.

*I would recommend the City Council move to pass third and final reading of the proposed ordinance, as presented. Action on this item should take place under Section IX of the Agenda.*

3.2 **Third and Final Reading of Amendment to Chapter 7, Article III – Section 7.330: No Parking – Junkins Avenue.** As a result of the February 6th City Council meeting, [under Section IX of the Agenda, I am bringing back for third and final reading the proposed Ordinance Amendment](#) to Chapter 7, Article III, Section 7.330 ([see attached map](#)):

Section 7.330: No Parking

A. Unless otherwise designated by ordinance, parking shall be prohibited at all times in the following described streets and locations:

61. Junkins Avenue: both sides, ~~from Pleasant Street to Parrott Avenue.~~

The [attached map](#) depicts the placement of “No Parking” signs on Junkins Avenue. Only two new sign poles will have to be erected, one adjacent to the Parrott Avenue parking lot and another south of Lincoln Avenue. Six other signs will be placed on existing utility poles or sign poles. This strategy will enable us to adequately post the entire street at all through-traffic access points while preventing sign clutter in the

vicinity of the South Mill Pond. We will try to limit the signs, and there will be no signs on the causeway.

At its October 13, 2011 meeting, the Parking Committee recommended forwarding the aforementioned proposed Ordinance Amendment to the City Council for approval. The City Council approved the minutes at the November 21, 2011 City Council meeting.

*I would recommend the City Council move to pass third and final reading of the proposed ordinance, as presented. Action on this item should take place under Section IX of the Agenda.*

### ***Consent Agenda:***

1. **Request for Approval of Pole License.** Attached under Section X of the Agenda is the following request for a PSNH Pole License Agreement 63-0527 (see attached memorandum from Tom Richter, Engineering Technician, Public Works Department):

- a) License for four poles located on Richards Avenue, Miller Avenue, and Highland Street.

*I would recommend the City Council 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. Action on this matter should take place under Section X of the Agenda.*

2. **Request for License to install a Projecting Sign Re: 74 Congress Street (Wear House).** Attached under Section X of the Agenda is the following request for a projecting sign license (see memorandum from Rick Taintor, Planning Director):

- Angela Drew, owner of Wear House located at 74 Congress Street.

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

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

1. **Greater Portsmouth Chamber of Commerce - UDAG Loan Request.** If the City Council suspends the rules, action will be taken under presentations on the Agenda regarding the aforementioned request.

2. **Request for Approval on Teacher's Early Retirement.** The School Board has requested that the City Council consider approving a teacher's early retirement incentive. [Attached is a letter from Edward McDonough, Superintendent of Schools, along with the Memorandum of Understanding](#), outlining the following details:

- 1) Eligible members with fifteen (15) years or more service in the district by the end of 2011-12 school year, and who file an irrevocable commitment to retire from the district between the date of this agreement and on or before Friday, January 27, 2012 and who actually retire under the NHRS at the end of the 2011-12 school year receive a one-time payment of \$12,000.
- 2) Any eligible members who have more than five (5) years and less than fifteen (15) years or more service in the district by the end of the 2011-12 school year, and who file an irrevocable commitment to retire from the district between the date of this memorandum and on or before Friday, January 27, 2012 and who actually retire under the NHRS at the end of the 2011-12 school year can receive a one-time payment of \$1,000 for every year of service in the district not to exceed \$10,000.

As the letter states, five (5) teachers have submitted their intent to retire as a result of the program subject to City Council approval. The anticipated savings to the school district is \$80,615.

*I am recommending that the City Council approve the request from the Portsmouth School Board to offer a retirement incentive to teachers, as presented.*

3. **Request for Approval of Tentative Agreement between the Portsmouth Police Commission and NEPBA Local #11, Portsmouth Patrolman's Association.** The Police Commission has approved a Tentative Agreement with the Portsmouth Patrolman's Association to expire on June 30, 2014.

This Tentative Agreement represents the fifth agreement reached between the Portsmouth Police Commission and NEPBA Local #11, Portsmouth Patrolman's Association. The major differences between this Tentative Agreement and the Tentative Agreement that was submitted to the City Council in July 2011 are as follows:

- The COLA increase is effective January 1, 2012. The COLA was effective July 1, 2011 under the previous agreement. Deferring the COLA increase six (6) months results in a savings of \$34,725.
- This Tentative Agreement does not include educational incentives and shift differentials which would have cost \$65,997.
- In addition, it does not include the step after 8 years of service resulting in a reduction of \$10,035.

Although this Tentative Agreement does not have the overtime concessions (which achieved an estimated savings of \$27,372) that were included in the last Tentative Agreement, the overall cost of this Agreement is \$83,385 less expensive than the one presented in July.

I have [attached the following information](#) regarding the aforementioned subject matter:

- [Economic Impact Analysis;](#)
- [Letter from Thomas Closson, Interim City Negotiator, with the highlights of the contract; and,](#)
- [The proposed Collective Bargaining Agreement with Insertions and Deletions.](#)

*Action is requested on this matter.*

4. **Proposed Memorandum of Agreement between the Portsmouth School Board and the Association of Portsmouth Teachers.** On Tuesday evening, I am requesting that the City Council approve the aforementioned Memorandum of Agreement (MOA). The Association of Portsmouth Teachers agreed to freeze their STEP and COLA increases for six months next school year (2012-13), and would again freeze STEP and COLA for six months, during the 2013-14 school year in exchange for an added year on their contract. Their contract is scheduled to expire on June 30, 2013. Accepting their proposal would extend the contract to June 30, 2014, bringing them in line with the other nine (9) collective bargaining agreements.

The School Department has determined that the cost for STEPS and COLA's for FY'13 including benefits (FICA, retirement, etc) is \$727,974. If approved, next year's savings would be roughly \$364,000 and of course, similar savings would be achieved in FY'14.

[Attached please find the following documents:](#)

- [A letter from Edward McDonough, Superintendent of Schools, requesting the City Council approve the extension of the Association of Portsmouth Teacher's Collective Bargaining Agreement with the terms and conditions outlined in his letter.](#)
- [Memorandum of Agreement between the Portsmouth School Board and the Association of Portsmouth Teachers.](#)

*I am recommending that the City Council approve the Memorandum of Agreement between the Portsmouth School Board and the Association of Portsmouth Teachers, as presented.*

5. **Report Back Re: Policy Regarding Appointments to City Boards and Commissions.** [Attached as requested by City Councilors Clayburgh and Smith is a proposed City Council Policy regarding appointments to City Boards and Commissions.](#) If the policy is adopted it would require the City Council to appoint only those persons to Boards and Commissions that have resided in the City of Portsmouth for a cumulative total of 2 years.

*The City Council can move the following actions:*

- 1) *Vote to approve this policy,*
- 2) *Vote to amend this policy, or*
- 3) *Vote to reject the policy.*

6. **Request to Renew Seacoast Growers' Association (Farmers' Market) Proposed 2012 License Agreement.** The Seacoast Growers' Association has requested renewal of their License Agreement. [Attached is a draft of the proposed 2012 License Agreement](#) with the Seacoast Growers' Association to allow a Farmers' Market at the municipal complex. The Seacoast Growers' Association has been conducting their Farmers' Market at the municipal complex over the past ten years.

If this draft agreement meets with the approval of City Council, I would ask that you authorize me to enter into the proposed Agreement between the Seacoast Growers' Association and the City of Portsmouth for a License Agreement to conduct their Farmers' Market for 2012. I've requested that a representative of the Seacoast Growers' Association be in attendance on Tuesday evening to answer any questions you may have regarding this matter.

*I would recommend the City Council move to authorize the City Manager to enter into a License Agreement with the Seacoast Growers' Association for 2012, as presented.*

7. **Proposed Amendment Re: Fund Balance Ordinance.** As part of the budget presentation at the City Council retreat held on January 28, 2012, the Finance Director, Judie Belanger described the new fund balance model in conformity with Governmental Accounting Standards Board (GASB) Statement No. 54.

As you know, the City currently has a Municipal Fund Balance Ordinance Chapter 1, Article XIV, Section 1.14 – which addresses the use and maintenance of the Undesignated portion of the fund balance. The new fund balance model changes the terminology of Undesignated Fund Balance to Unassigned Fund Balance. Therefore, the terminology change makes it necessary for the City to amend the current City ordinance to reflect the new terminology. [Attached is a copy of the proposed Ordinance.](#)

*I would recommend the City Council move to authorize the City Manager to bring back for first reading the proposed Fund Balance Ordinance, at the March 5, 2012 City Council meeting.*

8. **Proposed Bond Refunding Resolution.** As part of the budget presentation at the City Council retreat held on January 28, 2012, a refunding (refinancing) opportunity was discussed which may result in substantial savings to the City.

The City issued a \$46,640,000 bond on September 15, 2002. The majority of the proceeds (\$38 Million) financed the construction/renovation of the High School.

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

The average coupon rate (interest) for the remaining life of the bond is 4.47%. The City, by opting to refinance this bond in the current market, could experience an average interest rate below 2% resulting in substantial savings of approximately \$2.2 Million in total debt service or in excess of \$200,000 per year, net of all issuance costs, over the remaining life of the bond.

Keeping in mind that interest rates are subject to change, the table below demonstrates the comparison of the existing debt service with the estimated new debt along with the projected savings for the remaining life of the bond.

<u>Fiscal Year</u>	<u>Existing Debt Service</u>	<u>New Debt Service</u>	<u>Savings</u>
2013	\$3,679,587.50	\$3,473,237.50	\$206,350.00
2014	\$2,728,875.00	\$2,521,175.00	\$207,700.00
2015	\$2,633,875.00	\$2,424,125.00	\$209,750.00
2016	\$2,538,875.00	\$2,333,125.00	\$205,750.00
2017	\$2,443,875.00	\$2,238,175.00	\$205,700.00
2018	\$2,348,875.00	\$2,139,375.00	\$209,500.00
2019	\$2,263,375.00	\$2,054,293.75	\$209,081.25
2020	\$2,186,187.50	\$1,977,725.00	\$208,462.50
2021	\$2,106,625.00	\$1,901,943.75	\$204,681.25
2022	\$2,024,687.50	\$1,819,812.50	\$204,875.00
2023	<u>\$1,941,562.50</u>	<u>\$1,736,437.50</u>	<u>\$205,125.00</u>
Total	\$ 26,896,400.00	\$ 24,619,425.00	\$ 2,276,975.00

[Attached is a copy of a proposed Refunding Resolution](#) that I am recommending the City Council authorize the City Manager to bring back for first reading at the March 5<sup>th</sup> City Council meeting.

*I would recommend the City Council move to bring back for first reading a proposed Refunding Resolution of up to Twenty Million Dollars (\$20,000,000) to refinance the remaining portion of a callable bond issued September 15, 2002 and all related costs, at the March 5, 2012 City Council meeting. (The Refunding Resolution requires two readings and a public hearing with two-thirds vote of the City Council.)*

9. **Proposed Funding Authorization for Long-Term Control Plan Projects.** As you are aware, for the past 2 1/2 years the City has been working under a Consent Decree that dictates schedules for various projects related to the wastewater collection and treatment system. The projects related to the collection system improvements are defined in the City's Long-Term Control Plan. That plan, which was updated during the Wastewater Master Plan process, outlines a series of sewer separation projects that are designed to reduce the occurrences of combined sewer overflows (CSO's).



The consent decree included 6 CSO projects; three of those are referred to as the Lincoln 3 planning area, two as the Islington planning area and one as the Court/State planning area. To date, State Street and the first Islington project have been completed. The first phase of the Lincoln projects (referred to as Lincoln 3A) will be completed this spring. The other three projects need to be constructed over the next 2 1/2 years. Those projects are Lincoln 3B and Cass Street, followed by Lincoln 3C. The three remaining project areas are shown on the [attached maps](#).

The estimated sewer related costs for the three projects is \$12.5 million. The sewer division will be requesting authorization to borrow up to \$12.5 million to fund these projects. The cost of these projects has been included in the current rate model.

*I am recommending the City Council move to authorize the City Manager to bring back for first reading a Bond Resolution for the aforementioned long-term control plan projects for first reading at the March 5, 2012 City Council meeting, as presented.*

### ***Informational Items:***

1. **Events Listing.** For your information, [attached is a copy of the Events Listing](#) updated after the last City Council meeting on February 6, 2012. In addition, this now can be found on the City's website.
2. **Peter Rice – New England Water Environment Association Alfred E. Peloquin Award.** At the New England Water Environment Association annual meeting, Peter Rice, the City Engineer for the Water and Sewer divisions of Public Works, received the Association's 2011 Alfred E. Peloquin Award for his work in wastewater operations.

Established in 1990 as the NEWEA Operations Award and renamed the Alfred E. Peloquin Award in 1992, the award is given annually to an individual who has shown a high level of interest and performance in wastewater operations in each of the six New England states, and who has made a significant contribution to the wastewater field in such areas as improvements to the environment, cost-effective plant operations, public relations, innovative process controls, industrial pretreatment, training, Association contributions and related activities. The award honors NEWEA's former Executive Director for his initiatives in training programs for wastewater treatment and his many years of dedicated service to the New England Water Environment Association.

The award recognizes an individual whose personal service has contributed to excellence in plant operations, either directly at a treatment plant or indirectly through assistance to plant operations personnel.

During Peter's 10 years with the City he has worked tirelessly in dealing both with regulatory and operational issues involving the Portsmouth Sewer Division. His technical knowledge and pragmatic approach to the myriad of issues associated with operating the wastewater collection and treatment systems have served the City well.



While all those in the City who have worked with Peter recognize his passion and talents in the wastewater field, it is fitting and gratifying that his efforts and achievements are being recognized on a regional stage by NEWEA.

3. **Report Back Re: Parrott Avenue Place to Mark Wentworth Home Property Conveyance.** [Attached is a memorandum from City Attorney Robert Sullivan](#) regarding the Parrott Avenue Place to Mark Wentworth Home property conveyance as requested by the City Council.



# PORTSMOUTH SCHOOL DEPARTMENT

## OFFICE OF THE SUPERINTENDENT OF SCHOOLS

EDWARD McDONOUGH  
SUPERINTENDENT OF SCHOOLS

STEPHEN ZADRAVEC  
ASSISTANT SUPERINTENDENT

STEPHEN BARTLETT  
BUSINESS ADMINISTRATOR

February 1, 2012

Mr. John P. Bohenko  
City Manager  
1 Junkins Avenue  
Portsmouth, NH 03801

Re: Retirement Incentive

Dear Mr. Bohenko,

As you are aware, the School Board is looking at a 6% increase in the budget in order to maintain status quo. In an attempt to achieve savings without compromising education, the School Board approved a one-time retirement incentive package, subject to the approval of the City Council. The purpose of this program was to provide a lump sum payment as an incentive to long term employees who are eligible to retire. The savings would be achieved by replacing employees at the top of the pay scale with new employees who would be paid at a lower rate. The details of the program are outlined below:

Eligible members who have fifteen (15) years or more service in the district by the end of the 2011-12 school year, and who file an irrevocable commitment to retire from the district between the date of this agreement and on or before Friday, January 27, 2012 and who actually retire under the NHRS at the end of the 2011-12 school year can receive:

### **A one-time payment of \$12,000**

Any eligible members who have more than five (5) years and less than fifteen (15) years or more service in the district by the end of the 2011-12 school year, and who file an irrevocable commitment to retire from the district between the date of this memorandum and on or before Friday, January 27, 2012 and who actually retire under the NHRS at the end of the 2011-12 school year can receive:

### **A one-time payment of \$1,000 for every year of service in the district not to exceed \$10,000**

I am pleased to inform you that five (5) teachers have submitted their intent to retire as a result of this program. Steve Bartlett, Business Administrator has calculated that the school department would reduce the salary line item by \$137,711; the incentive would cost \$57,096 resulting in total savings of \$80,615.

I am requesting a meeting with the City Council so that I may present this package to them for approval and answer any questions they may have.

Thank you for your consideration.

Edward R. McDonough  
Superintendent of Schools

cc Dianna Fogarty, Director of Human Resources

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

AN EQUAL OPPORTUNITY EMPLOYER

50 CLOUGH DRIVE, PORTSMOUTH, NEW HAMPSHIRE 03801-5297 • (603)431-5080 • FAX (603)431-6753



# PORTSMOUTH SCHOOL DEPARTMENT

## OFFICE OF THE SUPERINTENDENT OF SCHOOLS

EDWARD McDONOUGH  
SUPERINTENDENT OF SCHOOLS

STEPHEN ZADRAVEC  
ASSISTANT SUPERINTENDENT

STEPHEN BARTLETT  
BUSINESS ADMINISTRATOR

### MEMORANDUM OF UNDERSTANDING

#### PORTSMOUTH SCHOOL DISTRICT AND ASSOCIATION OF PORTSMOUTH TEACHERS

#### RETIREMENT INCENTIVE BENEFIT

The Portsmouth School District (District) and the Association of Portsmouth Teachers (APT) currently are parties to a Collective Bargaining Agreement that expires on June 30, 2013. These parties desire to create a temporary retirement incentive benefit for the 2011-12 contract year only.

Eligible members who have fifteen (15) years or more service in the district by the end of the 2011-12 school year, and who file an irrevocable commitment to retire from the district between the date of this agreement and on or before Friday, January 27, 2012 and who actually retire under the NHRS at the end of the 2011-12 school year can receive:

A one-time payment of \$12,000

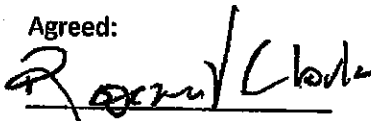
Any eligible members who has more than five (5) years and less than fifteen (15) years or more service in the district by the end of the 2011-12 school year, and who file an irrevocable commitment to retire from the district between the date of this memorandum and on or before Friday, January 27, 2012 and who actually retire under the NHRS at the end of the 2011-12 school year can receive:

A one-time payment of \$1,000 for every year of service in the district not to exceed \$10,000.

This does not set a precedent or past practice for any other situation.

This agreement is null and void unless approved by the City Council

Agreed:

 11/29/11

For the APT

Date



For the District

11/29/11

Date

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

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Representing Management Exclusively in Workplace Law and Related Litigation

Jackson Lewis LLP 100 International Drive Suite 363 Portsmouth, New Hampshire 03801 Tel 603 559-2700 Fax 603 559-2702 www.jacksonlewis.com	ALBANY, NY ALBUQUERQUE, NM ATLANTA, GA BALTIMORE, MD BIRMINGHAM, AL BOSTON, MA CHICAGO, IL CINCINNATI, OH CLEVELAND, OH DALLAS, TX DENVER, CO	DETROIT, MI GREENVILLE, SC HARTFORD, CT HOUSTON, TX INDIANAPOLIS, IN JACKSONVILLE, FL LAS VEGAS, NV LONG ISLAND, NY LOS ANGELES, CA MEMPHIS, TN MIAMI, FL	MILWAUKEE, WI MINNEAPOLIS, MN MORRISTOWN, NJ NEW ORLEANS, LA NEW YORK, NY NORFOLK, VA OMAHA, NE ORANGE COUNTY, CA ORLANDO, FL PHILADELPHIA, PA PHOENIX, AZ PITTSBURGH, PA	PORTLAND, OR PORTSMOUTH, NH PROVIDENCE, RI RALEIGH-DURHAM, NC RICHMOND, VA SACRAMENTO, CA SAN DIEGO, CA SAN FRANCISCO, CA SEATTLE, WA STAMFORD, CT WASHINGTON, DC REGION WHITE PLAINS, NY
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January 30, 2012

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

**RE: Settlement with NEPBA Local #11, Portsmouth Patrolman's Association**

Dear Mayor Spear and Members of the City Council:

I am pleased to recommend for your consideration the terms of a tentative agreement between the Portsmouth Board of Police Commissioners and NEPBA Local #11, Portsmouth Patrolman's Association. The major items in the contract are as follows:

- Term: 6-Year agreement, expiring on June 30, 2014. Only cost items identified as retroactive will be paid retroactively.
- Salaries: No COLA adjustments for FY 09, FY 10 and FY 11. Wages adjusted by the 10-year rolling COLA average, effective January 1, 2012, July 1, 2012 and July 1, 2013. Delete the COLA equity clause.
- Steps: Effective July 1, 2013, a 15-year Master Patrol III step at 3.0% above Master Patrol II will be added to the wage scale.
- Health Insurance:
  - Effective July 1, 2012, employee contribution to Comp 100 and Blue Choice will increase from 18% to 19%.
  - Effective July 1, 2013, employee contribution to Comp 100 and Blue Choice will increase from 19% to 20%.
  - Effective July 1, 2012, employee contribution to Matthew Thornton will increase from 14.5% to 15.0%.
  - Effective July 1, 2013, employee contribution to Matthew Thornton will increase from 15.0% to 15.5%.
  - City may offer 2 new plans under Blue Choice and Matthew Thornton with \$5 co-pay for office visits; \$25 for emergency room; and \$10/\$20/\$45 for prescriptions.
  - Union will serve on a City-wide committee to study health insurance options.



- Longevity: Increase in accordance with COLA formula effective date of City Council approval.
- Clothing Allowance: Increase in accordance with COLA formula effective date of City Council approval.
- Special Detail: Increase in accordance with COLA formula effective date of City Council approval.
- “Donning and Doffing”: The Union agrees not to support directly or indirectly a claim against the City or Commission for pre-and-post-shift donning and doffing wages for the duration of the contract.
- Sick Leave: Add: “Officers hired after December 31, 1986, may only request advance payout of accrued sick leave over the last three years prior to their intended retirement or voluntary termination date. Employees hired after March 1990 cannot receive payment for more than a total of one hundred fifty (150) days of sick leave: This provision cannot be sued in any arbitration proceeding to interpret existing language in the contract.
- Outside Detail: The Union will withdraw any claims for monetary damages due to the change in the outside detail ordinance. The Police Department’s Standard Operating Procedure for outside details will be amended by adding the following language: “The Union will be notified of any changes in the outside detail policy under consideration by the Chief of Police. Upon request by the Union, the Chief will provide the Union with the opportunity for meaningful input and participation in the decision-making process. The Department agrees to impact bargain any changes in the outside detail policy upon request from the Union.”

If you have any questions or comments, please do not hesitate to let me know.

Sincerely yours,



Thomas M. Closson  
Attorney at Law  
Jackson Lewis LLP

WORKING AGREEMENT  
BETWEEN  
THE PORTSMOUTH POLICE COMMISSION  
AND  
PORTSMOUTH POLICE PATROLMAN'S UNION, NEPBA  
LOCAL #11

JULY 01, ~~2006-2008~~ TO JUNE 30, ~~2008~~2014

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**1. PREAMBLE**

The PORTSMOUTH POLICE COMMISSION, hereinafter referred to as the COMMISSION, and the PORTSMOUTH POLICE PATROLMAN'S UNION, LOCAL #11, hereinafter referred to as the UNION in order to arrange and maintain fair and equitable earnings, uniform labor standards and rates and operating conditions, and to promote fair and amicable means of adjustment of any and all disputes which may arise between the parties hereto, and to continue the harmonious relationship which exists between the Police Department and its permanent employees, and to promote the morale, equal rights and opportunities, the well-being and security of the Police and the citizens of the City of Portsmouth, the COMMISSION and UNION AGREE AS FOLLOWS: (Amended: February 19, 1987)

**2. RECOGNITION**

The Commission recognizes the UNION as the sole and exclusive bargaining agent for all permanent members of the Portsmouth Police Department but excluding all members above the rank of Patrol Officer and Parking Enforcement Officers and all civilian employees who are not employed as police officers of the Department, for the purpose of collective bargaining with respect to wages, hours, and other conditions of employment. Nothing in this agreement shall deprive or limit any member of the Portsmouth Police Department or of the UNION in the exercise of any rights, powers and liberties granted them by the laws of the State of New Hampshire or of the United States of America. The Union shall not post any materials which are obscene, defamatory, or impair the operation of the Police administration, the City or the Police Department. (Amended October 6, 2003)

**3. UNION SECURITY**

Any member of the Portsmouth Police Department below the rank of Sergeant who is a member of the UNION, as of the date of the signing of this Agreement, and any member of the Portsmouth Police Department who becomes a member of the UNION during the term of this Agreement, shall remain a member of the UNION for the duration of this Agreement except upon termination of employment or upon resignation from the UNION during a fifteen (15) day 'window period' from August 1 to August 15 of the first year of this agreement and its successor agreements. If the parties have not effectuated an agreement by August 1 of the first year of that agreement's term, the window period for the resignation shall be for fifteen (15) days beginning with the date that the parties effectuate such agreement.

Any member of the bargaining unit who resigns from UNION membership, in accordance with the provisions here and above, shall be required to pay to the UNION an agency fee equal to ninety-five percent (95%) of the membership dues, as his/her fair share of the costs of negotiating and administering the agreement, so long as this percentage accurately reflects the cost of UNION representation. Payment of the agency fee shall begin fifteen (15) days after the resignation of UNION membership and payments shall be deducted in the same manner as UNION dues. (Amended: February 19, 1987) (Amended: April 10, 1990)

**4. MANAGEMENT RIGHTS**

The COMMISSION, through the Chief of Police, retains the rights to issue rules, regulations, and Departmental policies governing the internal conduct of the Police Department. All the rights, responsibilities and prerogatives that are inherent in the COMMISSION or the Chief of Police by virtue of statutory or charter provisions cannot be subject to any grievance or arbitration proceeding. Without

limiting the foregoing, the Commission, through the Chief of Police and the command structure, shall retain the full authority to determine and alter beat boundaries to meet the safety needs of the City. (Amended October 6, 2003).

## **5. EMPLOYEE RIGHTS**

The COMMISSION and the Police Department agree not to discriminate against any employee covered by this Agreement in conditions of employment in order to discourage or encourage membership in the UNION, or to discriminate against any employee because he or she has given testimony, or taken part in a grievance procedure, or proceedings of the UNION. It is agreed that an employee shall not be transferred or reassigned unjustly or unreasonably and that no permanent employee shall be disciplined except for just cause, and that any and all disciplinary actions taken against any member of the Portsmouth Police Department covered by this Agreement will be subject to the grievance procedure. (Amended October 6, 2003).

## **6. FAIR PRACTICES**

The COMMISSION and the Police Department and the UNION reaffirm and will maintain the policy not to discriminate against any person because of sex, race, creed, color, national origin, marital status, sexual orientation, Vietnam era Veteran status, disability or participation in UNION activities and affairs. (Amended: April 10, 1990, October 6, 2003)

## **7. MANAGEMENT - LABOR MEETINGS**

(A) The COMMISSION and the UNION shall meet at reasonable times and places to negotiate changes in this and successor Agreements. No more than three (3) officers shall be designated for such negotiation purposes, and they shall suffer no loss of pay in attending such meetings.

(B) Grievance meetings with the COMMISSION and/or the Chief of Police shall be held during mutually satisfactory time periods. No more than two (2) officers, including the grievant, shall attend such meetings without loss of pay. (Amended: February 19, 1987) (Amended: April 10, 1990)

(C) Officers who are off duty will not be compensated for their attendance at meetings or hearings related to grievances, including arbitration hearings, but off-duty officers are entitled to compensation for attending negotiations and management-labor meetings. (Amended October 6, 2003).

## **8. NEW EMPLOYEES**

All new police officers shall serve a probationary period of twelve (12) months as a full-time police officer. Probationary officers are considered at will employees and can be terminated without cause at any point in the probationary period. Probationary officers may not contest termination through the grievance procedure of this Agreement nor through the New Hampshire Public Employee Labor Relations Board on the ground of breach of contract, although other statutory challenges to termination remain available to the probationary employee. Probationary employees will be designated TBA and will not be eligible for shift pick. All police officers who have satisfactorily completed the probationary period shall be known as "Permanent Police Officers" and the time spent on probation shall be considered as a portion of seniority. Permanent employees may, upon completion of their probationary period, become members of the UNION and shall come under the terms of this Agreement. The department will make available to UNION officers departmental copying equipment on an as needed

basis for making copies of the labor Agreement for distribution to its members and to newly hired police officers. (1 Amended: July 01, 1974); (2 Amended: February 19, 1987); (3 Amended: April 10, 1990) (4. Amended October 6, 2003)

## **9. RESIDENCY**

As a condition of employment, all patrol officers will be domiciled to within a thirty (30) mile radius of the Portsmouth Police Department and shall remain domiciled within that radius during their term of employment. Newly hired patrol officers shall, within six (6) months of employment, become domiciled to within a thirty (30) mile radius of the Portsmouth Police Department and shall remain domiciled within that radius during their term of employment. (Amended: July 01, 1985, October 6, 2003).

## **10. SENIORITY**

The seniority of a police officer shall be determined by the length of time the officer has been a member of the Police Department, including time served in a probationary status, and in the event the officer is a rehired employee as stated in Section 11. In the event that more than one (1) employee was employed on the same date, then the seniority and shield numbers shall be determined according to the grade received on their written entrance examination. If two (2) or more employees receive the same grade, then a supplementary examination shall be given. The officer receiving the highest mark shall have seniority over the officer receiving the next lower mark, and shall continue down the line until all officers have been assigned a position in Seniority. The lowest number, being number one (1), shall be assigned to the most senior officer, and the remaining shield numbers shall be issued numerically by seniority to all other police officers. (Amended: July 01, 1982, October 6, 2003)

## **11. REHIRED EMPLOYEES**

Any rehired employee who has already completed a probationary period shall not be required to serve another probationary period if rehired within an eighteen (18)-month period from the date he or she terminated employment. Seniority shall be restored except for the time not employed by the Department and the rate of pay shall be determined by the COMMISSION. (Amended: July 01, 1982, October 6, 2003)

## **12. SENIORITY LISTS**

A. The Police Department shall establish a seniority list and it shall be posted as changes are made. Any objection to the list as posted shall be reported within ten (10) days of said posting, or it shall stand approved. Seniority time, as stated in Section 10 of this Agreement, shall commence from the first day of employment as a probationary officer on a full-time basis.

B. The seniority list for Special Detail is to be incorporated in the primary seniority listing. Special Detail employees shall be allowed to participate in all competitive examinations for which they are otherwise eligible. In the event that Special Detail positions are eliminated, requiring return to uniform of one (1) or more Special Detail employees such return to uniform shall be in inverse order of Special Detail seniority. Special Detail employees returned to duty as a patrol officer shall not be entitled to the Special Detail stipend, but will receive a pro-rated payment for all time served in Special Detail.

C. A Special Detail officer returned to uniform due to a reduction in force shall have recall rights to Special Detail positions for two (2) years, or until he/she is returned to a Special Detail position, whichever occurs first. (Amended: April 10, 1990, October 6, 2003).

### **13. VACANCIES**

Vacancies in the position of Patrol Officer and Special Details shall be filled as soon as practicable as determined by the Chief of Police. (Amended October 6, 2003).

### **14. SPECIAL DETAILS AND CANINE HANDLERS**

A. Any positions or assignments in the Police Department not subject to regular shift rotation shall be considered as a "SPECIAL DETAIL," involving an increase in compensation and shall be open to competitive examination. Any officer of the Police Department having completed two (2) consecutive years of service on the date of the examination or before, shall be considered an eligible candidate to take part in an examination for the position, as per Section 16 of this Agreement. (Amended: July 01, 1982) (Amended: February 19, 1987) (Amended March 19, 1999) (Amended October 6, 2003).

B. Effective January 1, 2004, Canine handlers will be paid four (4) hours of overtime per week for the care, feeding and training of the dog.

1. Officers with two years of consecutive service on or before the date of the examination shall be considered eligible to take part in the examination and/or assessment center for this position, as per section sixteen of the contract. Applicants will appear before an oral board of certified canine handlers and instructors, who will make their recommendations to the Chief of Police and the Board of Police Commissioners for appointment. Applicants must own or reside at a property that is suitable for the care and maintenance of a police canine.

2. Candidates on the K-9 list will have no standing on the Special Detail list unless they have successfully completed the candidate process for a Special Detail position. (Grandfather Clause: Officers Mansfield and Black shall have the right to a Special Detail vacancy if, for any reason, they no longer have a canine and are therefore unable to continue as part of the K-9 unit.)

3. In the event of a reduction in force, K-9 officers shall not be considered "Detectives" for purposes of personnel reduction.

4. Officers assigned to the K-9 Unit will not be subject to normal shift rotation. The K-9 officers will be assigned to the Bureau of Patrol Services. Duty hours will be arranged by management based on the number of canine teams and support needs. On shift, K-9 officers will be assigned as "TBA", (To Be Announced), and utilized to fill vacancies in the shift assignments. The administration will have the ability to adjust their hours and days off.

**15. PROMOTION TO SERGEANT**

Vacancies in the Sergeant ranks will be posted and members having completed five (5) years of continuous service or more at the time of the test shall be permitted to sign up for participation in a competitive examination as per Section 16. All appointments and promotions up to and including the rank of Sergeant, shall be made from the ranks of the Department and not from an outside source.

**16. PROMOTIONS**

Promotions in the Portsmouth Police Department for the rank of Sergeant, or for vacancies in any Special Details, shall be made by the COMMISSION from a list of candidates who have successfully passed the following requirements:

A. They must have fulfilled the time requirements as stated in Section 14 and 15, and have successfully completed a written examination and assessment center.

B. A candidate for promotion must receive a passing score on the written portion of the examination before being allowed to continue to participate in the assessment center. The passing score shall be posted prior to the testing procedures.

C. After both the written examination and assessment center have been completed, the written portion will carry sixty percent (60%) of the weighted score and the assessment center forty percent (40%). An assessment center involves the performance-based appraisal of the candidates through a practical exercise process. Candidates are evaluated by a team of appraisers who are trained to conduct a series of exercises that reflect the duties required of the position being sought by the candidates for promotion.

D. Seniority shall be included in the total score, and shall be computed as follows:

D.1 In the case of any officer having completed six (6) years or more of continuous service, he/she shall receive one (1) point for each year of seniority accrued from six (6) years to the end of the tenth (10th) year.

D.2 He/she shall receive an additional point for each five (5) years completed after ten (10) years, as indicated in the following:

6 years:	1 point
7 years:	2 points
8 years:	3 points
9 years:	4 points
10 years:	5 points
15 years:	6 points
20 years:	7 points
25 years:	8 points
30 years:	9 points
etc.	

These points will be added to the examination scores, and shall count in determining his/her position on the established list. The COMMISSION may make an appointment from any one of the top three (3) candidates. In the event that an officer who is ranked amongst the top three (3) scorers on the Availability List, chooses to remove him or herself from the candidacy for a particular position, his/her

candidacy slot shall be filled by an officer desiring to be a candidate, who scored the next highest on the Eligibility Listing. Officers not desiring to be considered a candidate for a particular promotion, shall retain his/her numerical position on the Availability Listing, until said Listing is replaced. This Availability List will remain in effect no more than two (2) years from the date of the exam, or until repealed by the COMMISSION. A new list will be posted and exams given prior to the expiration of the Availability List. Any officer whose name is still on the List at the time of its expiration, shall then be required to take part in the next exam to have his/her name again placed on the Availability List. Notice of all exams, including the areas to be tested, materials for review, numbers of positions to be filled, when possible, and the list of eligible officers shall be posted at a reasonable time prior to the examination date. (Amended: July 01, 1980) (Amended: February 19, 1987)

## 17. PERSONNEL REDUCTION

In the case of a reduction in the ranks of the Police Department, employees with the least seniority will be first to terminate their employment or be temporarily laid off. Rehiring will be done opposite the laying-off procedure, in that, the officer laid off last because of higher seniority will be the first rehired. Should he/she refuse for whatever reason, he/she will lose all seniority and be placed at the bottom of the re-hiring list. Rehire rights shall expire two (2) years after the date of lay-off. (Amended October, 1994, October 6, 2003).

## 18. TEMPORARY SERVICE OUT-OF-RANK

Members of the Police Department who are designated— to assume the duties and responsibilities of a higher rank shall be compensated for this service at the same rate of pay as the person for whom they are filling in. Such higher rate shall apply for all the time spent in this position providing that a vacancy exists in that rank.

## 19. SALARIES

The following salary schedules shall apply to the officers covered by this Working Agreement:

### POLICE OFFICER

July 1, 2007- December 31, 2011

<u>POSITION</u>		<u>SALARY</u>	<u>BI-WEEKLY</u>	<u>HOLIDAY/DAILY</u>	<u>HOURLY</u>	<u>OVERTIME</u>
<u>MASTER PATROL</u>						
<u>II</u>	<u>12 Years</u>	<u>54,886.07</u>	<u>2,111.00</u>	<u>211.10</u>	<u>26.39</u>	<u>39.58</u>
<u>MASTER PATROL</u>	<u>10 Years</u>	<u>53,417.09</u>	<u>2,054.50</u>	<u>205.45</u>	<u>25.68</u>	<u>38.52</u>
<u>MAXIMUM</u>	<u>6 Years</u>	<u>49,690.32</u>	<u>1,911.17</u>	<u>191.12</u>	<u>23.89</u>	<u>35.83</u>
<u>PATROL 5TH</u>	<u>42 Months</u>	<u>48,478.36</u>	<u>1,864.55</u>	<u>186.46</u>	<u>23.31</u>	<u>34.96</u>
<u>PATROL 4TH</u>	<u>30 Months</u>	<u>46,313.36</u>	<u>1,781.28</u>	<u>178.13</u>	<u>22.27</u>	<u>33.40</u>
<u>PATROL 3RD</u>	<u>18 Months</u>	<u>44,374.46</u>	<u>1,706.71</u>	<u>170.67</u>	<u>21.33</u>	<u>32.00</u>
<u>PATROL 2ND</u>	<u>6 Months</u>	<u>42,440.66</u>	<u>1,632.33</u>	<u>163.23</u>	<u>20.40</u>	<u>30.61</u>
<u>PATROL 1ST</u>	<u>Date of hire</u>	<u>40,762.51</u>	<u>1,567.79</u>	<u>156.78</u>	<u>19.60</u>	<u>29.40</u>

January 1, 2012 – June 30, 2012



<u>POSITION</u>	<u>SALARY</u>	<u>BI- WEEKLY</u>	<u>HOLIDAY/DAILY</u>	<u>HOURLY</u>	<u>OVERTIME</u>
<u>MASTER PATROL II</u>	<u>\$56,219.80</u>	<u>\$ 2,162.30</u>	<u>\$ 216.23</u>	<u>\$ 27.03</u>	<u>\$ 40.54</u>
<u>MASTER PATROL</u>	<u>\$54,715.13</u>	<u>\$ 2,104.43</u>	<u>\$ 210.44</u>	<u>\$ 26.31</u>	<u>\$ 39.46</u>
<u>MAXIMUM</u>	<u>\$50,897.79</u>	<u>\$ 1,957.61</u>	<u>\$ 195.76</u>	<u>\$ 24.47</u>	<u>\$ 36.71</u>
<u>PATROL 5TH</u>	<u>\$49,656.38</u>	<u>\$ 1,909.86</u>	<u>\$ 190.99</u>	<u>\$ 23.87</u>	<u>\$ 35.81</u>
<u>PATROL 4TH</u>	<u>\$47,438.77</u>	<u>\$ 1,824.57</u>	<u>\$ 182.46</u>	<u>\$ 22.81</u>	<u>\$ 34.21</u>
<u>PATROL 3RD</u>	<u>\$45,452.76</u>	<u>\$ 1,748.18</u>	<u>\$ 174.82</u>	<u>\$ 21.85</u>	<u>\$ 32.78</u>
<u>PATROL 2ND</u>	<u>\$43,471.97</u>	<u>\$ 1,672.00</u>	<u>\$ 167.20</u>	<u>\$ 20.90</u>	<u>\$ 31.35</u>
<u>PATROL 1ST</u>	<u>\$41,753.04</u>	<u>\$ 1,605.89</u>	<u>\$ 160.59</u>	<u>\$ 20.07</u>	<u>\$ 30.11</u>

July 1, 2012 – June 30, 2013

<u>POSITION</u>	<u>SALARY</u>	<u>BI- WEEKLY</u>	<u>HOLIDAY/DAILY</u>	<u>HOURLY</u>	<u>OVERTIME</u>
<u>MASTER PATROL II</u>	<u>\$57,591.56</u>	<u>\$ 2,215.06</u>	<u>\$ 221.51</u>	<u>\$ 27.69</u>	<u>\$ 41.53</u>
<u>MASTER PATROL</u>	<u>\$56,050.17</u>	<u>\$ 2,155.78</u>	<u>\$ 215.58</u>	<u>\$ 26.95</u>	<u>\$ 40.42</u>
<u>MAXIMUM</u>	<u>\$52,139.70</u>	<u>\$ 2,005.37</u>	<u>\$ 200.54</u>	<u>\$ 25.07</u>	<u>\$ 37.60</u>
<u>PATROL 5TH</u>	<u>\$50,868.00</u>	<u>\$ 1,956.46</u>	<u>\$ 195.65</u>	<u>\$ 24.46</u>	<u>\$ 36.68</u>
<u>PATROL 4TH</u>	<u>\$48,596.28</u>	<u>\$ 1,869.09</u>	<u>\$ 186.91</u>	<u>\$ 23.36</u>	<u>\$ 35.05</u>
<u>PATROL 3RD</u>	<u>\$46,561.81</u>	<u>\$ 1,790.84</u>	<u>\$ 179.08</u>	<u>\$ 22.39</u>	<u>\$ 33.58</u>
<u>PATROL 2ND</u>	<u>\$44,532.68</u>	<u>\$ 1,712.80</u>	<u>\$ 171.28</u>	<u>\$ 21.41</u>	<u>\$ 32.11</u>
<u>PATROL 1ST</u>	<u>\$42,771.81</u>	<u>\$ 1,645.07</u>	<u>\$ 164.51</u>	<u>\$ 20.56</u>	<u>\$ 30.85</u>



~~Effective January 1, 2005, the Master Patrol I (ten year step) will be seven and one-half percent (7.50%) above the maximum (six year) patrol step, and a new step will be added to the salary schedule entitled Master Patrol II, which will be 2.75% higher than the Master Patrol I step. To be eligible for the Master Patrol Officer II step, the officer must be at the Master Patrol step and have twelve (12) years or more years of service. Effective July 1, 2013, a fifteen (15)-year Master Patrol III step at three percent (3.00%) above Master Patrol II will be added to the wage scale.~~

~~Effective January 1, 2012, employees wages will be adjusted by 2.43%. Effective July 1, 2012 the employees wages will be adjusted by 2.44% and on July 1, 2013 a COLA adjustment percentage increase shall be computed which shall not be less than 2% nor more than 5%. There will be no COLA adjustments for contract years 2008-09, 2009-10, or 2010-11.~~

~~The COLA Adjustment percentage shall be determined by the rolling ten (10)-year average in the CPI-U for the Boston-Brockton-Nashua--MA-NH-ME-CT all items index as computed by the Bureau of Labor Statistics of the U.S. Department of Labor. BLS's calendar year for this index is November through November, it is not published on a December to December basis. The reference base is 1982-1984 equals 100 until BLS updates the reference base at which time the parties agree to adopt the official reference based as used by BLS.~~

~~Thus if the rolling ten (10)-year average in the CPI-U for the Boston SMSA is 1.5% the applicable COLA adjustment would be 2%; if it is 3.5% the applicable COLA adjustment would be 3.5%; if it is 5.5% the applicable COLA adjustment would be 5.0%.~~

~~Effective July 1, 2007, a COLA adjustment percentage increase shall be computed which shall not be less than 2% nor more than 5%.~~

~~The COLA Adjustment percentage shall be determined by the annual increase in the CPI-U for the Boston Broekton Nashua MA NH ME CT all items index as computed by the Bureau of Labor Statistics of the U.S. Department of Labor for the most recent calendar year preceding the July 1 adjustment. BLS's calendar year for this index is November through November, it is not published on a December to December basis. The reference base is 1982-1984 equals 100 until BLS updates the reference base at which time the parties agree to adopt the official reference based as used by BLS.~~

~~Thus if the CPI-U for the Boston SMSA calendar year 2006(Nov. 2005-Nov. 2006) is 1.5% the applicable COLA adjustment on July, 2005 would be 2%; if it is 3.5% the applicable COLA adjustment would be 3.5%; if it is 5.5% the applicable COLA adjustment would be 5.0%.~~

Applicability After Contract Expires: It is clearly understood that in the event that the ~~two-six~~ year Working Agreement expires without a successor Working Agreement being settled prior to July 1, ~~2008~~ 2014 that no further COLA adjustments after July 1, ~~2007-2013~~ will be generated under the Working Agreement even ~~though-if~~ the Working Agreement has an evergreen clause. It is further agreed that continuation of COLA adjustments are not to be deemed "status quo" as the term has been used by the PELRB in the event that a successor agreement has not been settled by July 1, ~~2008~~ 2014.

~~(A) "COLA Adjustment Equity": The parties agree that in the event that the City approves a general wage increase or a COLA increase for IAFF Local #1313 or AFSCME Local #1386 bargaining units that is greater than the wage increase generated under the COLA Adjustment clause in this contract, the Commission shall make good faith efforts to provide the additional wage increase to equal the higher increase of one or more of the above named units, which at least will include petitioning the City Council. If the Union is not satisfied, it shall have the right to reopen this contract to negotiate wages only for the contract year in question. The wage increase generated by the COLA adjustment~~



~~clause shall be implemented for that contract year. This "COLA Adjustment Equity" language shall not be activated by:~~

~~1. Reclassification or upgrades that affect 10% or fewer employees in a bargaining unit during any one contract year.~~

~~2. General wage increases where the increase results from a concession agreed to by a union which generates the dollars to pay the increase above the applicable COLA percentage, including such concessions as a switch of health insurance plans to SchoolCare. (This is not applicable to "co-pay" concessions which parallel the co-pay concession embodied in the health insurance section of this contract.)~~

~~3. New Stipends payable for increased qualification levels such as the establishment of a paramedic or similar pay stipend.~~

~~4. General wage increases that might be mandated by an outside authority such as binding interest arbitration if such legislation ever is passed and becomes applicable to the bargaining units listed above.~~

(BA) "Initial Entry" The Commission through the Chief of Police reserves the right to place a newly-hired employee on a salary schedule at a level commensurate to that individual's experience and competence." After such initial placement, the individual shall progress on the salary schedule in accordance with its terms. Said initial placement is not subject to the grievance and arbitration procedures of this contract.

(CB) "Master- Patrol Officer" - Having met the following criteria, Patrol Officers will be eligible for the designation of Master Patrol Officer.

1. The Patrol Officer must have completed ten (10) years of consecutive service with the Portsmouth Police Department as a full-time police officer.

2. The eligible officer must have met all of the standards for Patrol Officer as mandated by the Portsmouth Police Department's Manual of Rules and Regulations, and all General Orders of the Department.

3. The officer will have maintained a level of satisfactory attendance at Departmental training sessions.

4. Regarding disciplinary matters, the officer will not have, through a due process disciplinary action, been formally penalized, or served a portion of the resulting penalty, (under the mandates of Sections 40.00 through 40.23, of the Portsmouth Police Department's Manual of Rules and Regulations) within a period of twenty-four (24) months prior to receiving the Master Patrol Officer designation. An officer who has been penalized through a due process disciplinary action during the past twenty-four (24) months may apply to the Chief of Police for a waiver of this time period. The COMMISSION may or may not grant the waiver, at their discretion.

Master Patrol Officer is a designation only and not a rank. Master Patrol Officers, by virtue of this designation and years of experience, are expected to serve as positive role models and uphold the highest standards of excellence and professionalism within the organization. Prior to a supervisor arriving on-scene the most senior Master Patrol Officer will take charge at a crime scene or critical incident and will direct the activities of all junior officers.

The Portsmouth Police COMMISSION reserves the right to remove the Master Patrol Officer designation from an individual officer as the result of a due process disciplinary action. (Amended: April 09, 1985)

The Master Patrol Officer designations will be made by the Portsmouth Police COMMISSION through the recommendation of the Chief of Police. Effective January 1, 2005 the Master Patrol Officer will be paid at a rate of seven and one-half percent (7.5%) above the base salary of a Patrol Officer at the maximum (six year) step. (Amended 10/6/03) The effective date for the Master Patrol Officer designation for those eligible is January 07, 1984.

(DC) "Special Details" - In addition to the base rate of Patrol Officer's maximum pay. Special Detail personnel (See Section 14) will be compensated as follows:

Initial Appointment	\$1,431.40
After 1 year	\$1,706.62
After 2 years	\$1,981.82

Effective ~~January 1, 2004~~, January 1, 2012 Special Detail stipends will be increased by ~~3.9%~~ 2.44% and thereafter in accordance with the COLA increase as calculated above. (Amended: February 19, 1987) (Amended: April 10, 1990) (Amended October,1994) (Amended March 19, 1999) (Amended October 6, 2003) (Amended February 6, 2012)

**20. HOURS OF DUTY**

The hours of duty shall be so established by the Chief of Police in that, the work week will consist of five (5) eight (8) hour days followed by forty-eight (48) hours off. Any duty requiring extension of the eight (8)-hour work period will be considered as overtime.

**21. OVERTIME**

No officer will be required to work more than his regular eight- (8) hour shift or forty (40) hourweek except as provided in this Section. Any officer required to do so, will be paid at a rate of pay one and one half times his regular hourly rate, and this pay will, hereinafter, be referred to as "Overtime Pay." Overtime will start after the first fifteen (15) minute period either before or after the officer's regular duty hours. Any time worked over this fifteen- (15) minute period to the first hour will be paid as one (1) hour at the overtime pay. Any time worked over this first hour will be paid at the regular overtime rate for only the time worked. It is expressly understood that time spent on outside or private work details will not be counted in determining the number of hours worked for overtime purposes. Overtime compensation shall not be compounded, pyramided, or added to compensation for any other purpose, including but not limited to court appearances or call backs. Outside work details are not subject to this limitation. (Amended: July 01, 1981, October 6, 2003)

The Union agrees not to support directly or indirectly a claim against the City or Commission for pre- and post-shift donning and doffing wages for the duration of this contract.

## **21.A INSTEAD OF CASH PAYMENT FOR OVERTIME**

(1) "Compensatory Time" may be earned and accumulated for later use, but not to exceed a number of hours specified by the Chief of Police. The number of hours will be set forth in the Standard Operating Procedures (S.O.P.).

(2) "Compensatory Time" may be earned per S.O.P. at the same compensation rate as cash payment, i.e.: one (1) hour equals one and one-half (1-1/2) hours-compensatory time. If an Officer requests compensatory time, the Department has the discretion to award compensatory time or overtime. The Department will not require an officer to take Compensatory Time in lieu of overtime.

## **22. TRAVEL REIMBURSEMENT AND OVERTIME POLICIES REGARDING AUTHORIZED TIME SPENT ON DEPARTMENT RELATED BUSINESS:**

A. Officers ordered to travel on Department related business are entitled to compensation under the following guidelines:

### **1. TRAVEL REIMBURSEMENT AND OVERTIME POLICIES REGARDING AUTHORIZED TIME SPENT ON DEPARTMENT RELATED BUSINESS: REPORTING TO DUTY ASSIGNMENT WITHIN A 20 MILE RADIUS OF THE PORTSMOUTH POLICE STATION**

Officers who are ordered to report to work (including training) at a location other than the Portsmouth Police Station will not be compensated for time spent traveling to or from said location and will not receive mileage reimbursement if the location is within a twenty (20) mile radius of the Portsmouth Police Station.

### **2. TRAVEL REIMBURSEMENT AND OVERTIME POLICIES REGARDING AUTHORIZED TIME SPENT ON DEPARTMENT RELATED BUSINESS: TRAVEL BY CAR TO ASSIGNED DUTY OTHER THAN PORTSMOUTH POLICE STATION OUTSIDE A 20 MILE RADIUS**

Officers who are ordered to report to work (including training) at a location other than the Portsmouth Police Station and outside a twenty- (20) mile radius of the Portsmouth Police Station, will be compensated for the time spent traveling to and from the training or duty. The officer will also receive mileage reimbursement if the officer uses his or her own personal vehicle. The point of reference for computing travel time and mileage will be the Portsmouth Police Station. Overtime compensation for time spent in travel will be paid depending on whether or not the officer is on duty in excess of eight (8) hours on a given day or in excess of forty (40) hours in a given week. Officers returning from duty before the completion of an eight (8) hour period (counting travel outside the twenty (20) mile radius) shall report to work at the Portsmouth Police Station unless the assigned duty has occurred on a scheduled day off.

### **3. TRAVEL REIMBURSEMENT AND OVERTIME POLICIES REGARDING AUTHORIZED TIME SPENT ON DEPARTMENT RELATED BUSINESS: TRAVEL BY PLANE, TRAIN OR BUS TO AN ASSIGNED DUTY STATION**



An officer traveling to an assigned duty station via plane, train, or bus will be compensated for time spent involved in such travel by receiving an equal number of hours off within a two week time period. Officers are expected to arrive approximately one half hour before planned departure for all plane, train and bus transportation. A flat limousine cost will be paid for travel to and from Logan Airport at the prevailing rate regardless of whether the officer chooses to use his or her own vehicle or alternate means of transportation. Parking fees and mileage reimbursement will not be paid.

**4. TRAVEL REIMBURSEMENT AND OVERTIME POLICIES REGARDING AUTHORIZED TIME SPENT ON DEPARTMENT RELATED BUSINESS: SHIFT REASSIGNMENT DURING TRAINING**

When an officer is scheduled for training during a scheduled workday(s) the officer's work hours may, for that day(s) only, be adjusted to conform to the scheduled training. When an officer is scheduled for training during a scheduled day off, the officer at his/her option, may agree to adjust their day(s) off to conform to the training schedule. In any event, this shall not alleviate the Department of the obligation to pay overtime in excess of eight (8) hours in a day or forty (40) hours in a week.

**5. TRAVEL REIMBURSEMENT AND OVERTIME POLICIES REGARDING AUTHORIZED TIME SPENT ON DEPARTMENT RELATED BUSINESS: OVERNIGHT STAYS**

When training is to occur on consecutive days and overnight accommodations are provided at or near the training site, officers will be compensated in accordance with paragraph (2) above, except compensation for travel will be limited to (1) trip to the training site and (1) trip returning from the training site unless specifically ordered otherwise.

**6. TRAVEL REIMBURSEMENT AND OVERTIME POLICIES REGARDING AUTHORIZED TIME SPENT ON DEPARTMENT RELATED BUSINESS: MILEAGE RATE AND MEAL REIMBURSEMENT**

The mileage rate will be adjusted according to the rate used by the City of Portsmouth for mileage reimbursement. (Amended: April 10, 1990) Meal reimbursement will be based on current Department SOP for per diem in-state and out-of-state travel. (Amended October 6, 2003)

**23. OUTSIDE WORK DETAILS<sup>1</sup>**

Outside Work Details apply to those jobs where officers are paid by persons and/or firms needing police coverage, either as required under State law or City ordinance, or for the safety and protection of the general public. These include construction companies working on or near roadways, public dances, rallies, private parties, athletic events, political events, etc. Voluntary overtime details shall be considered, "Outside Work." Management reserves the right to order in officers to fill outside work details if necessary for public safety.

<sup>1</sup> As a part of this Agreement, Local #11 has agreed to withdraw any claims for monetary damages due to the change in the outside detail ordinance, and the Department has agreed to add the following language to its Standard Operating Procedures: "The Union will be notified of any changes in the outside detail policy under consideration by the Chief of Police. Upon request by the Union, the Chief will provide the Union with the opportunity for meaningful input and participation in the decision-making process. The Department agrees to impact bargain any changes in the outside detail policy upon request from the union.."

Policies and procedures along with the recording of and the number of police personnel assigned to all Outside Work Details shall be the responsibility of the Chief of Police and the Portsmouth Police COMMISSION. At all times, the Department's shift needs shall take priority over Outside Work Details. If the Department is unable to fill a shift, the Department may transfer an Officer from an Outside Work Detail. It is the responsibility of the station officer to notify the on duty shift commander anytime an officer cancels a detail within twenty-four (24) hours.

If any officer, signed up for an Outside Work Detail, cancels that job within a twenty-four (24) hour period of the job starting time, that officer is subject to a one week work penalty. This means that the officer will be subject to being bumped by any officer from any job regardless of money earned and days off. If an officer does cancel on such a job, it is the officer's responsibility to make an explanation to the Chief of Police or his designee. If the explanation is not satisfactory the officer is subject to a one-week work penalty. This work penalty is not considered a disciplinary measure and is not subject to the grievance procedure.

Outside or private work details shall be paid at the overtime rate for a Patrol Officer at the three and one-half year step with a guaranteed minimum of four (4) hours. Overtime and/or "Budgets" will be subject to Section 21 "Overtime" Pay. Overtime jobs carry a three- (3) hour minimum. (Amended March 19, 1999, October 6, 2003)

#### **24. CALL BACK PAY SPECIAL ASSIGNMENTS**

Any officer called back to work during his/her off-duty time, shall be paid a minimum of three (3) hours at the overtime rate, and time-and-one-half for any hour beyond that. This shall include duty for parades or special functions where extra police protection is required as well as any other instance. Officers must have at least a 15-minute break in service to be eligible for call back pay. Officers called in or held-over to work periods contiguous to their shifts shall not be eligible for the 3-hour minimum but will be compensated for all time worked. Call back pay may not be compounded, pyramided or added to compensation for any other purpose. (Amended October 6, 2003)

#### **25. COURT APPEARANCES**

If officers are required by the Department to attend Court or a hearing during their off duty hours they shall be paid a three (3) hour minimum at their time and one half rate, but shall pay to the Department any and all witness fees paid to them for attending the Court or the hearing. This will include Local, County, State and Federal Courts. (Amended: July 01, 1983) Any officer who becomes eligible for this pay will fill out an overtime slip showing the time he/she arrived in Court and the time he/she left along with the name of the Defendant in the case.. Officers calling in sick for Court are not eligible to work overtime or outside details within a twenty four (24)-hour period. Compensation for court appearances may not be compounded, pyramided, or added to compensation for any other purpose unless the officer has had at least a 15-minute break in service after the court appearance. The Police Department will make every effort to reschedule court appearances for officers who are out on injured leave. In the event the case cannot be continued, and the officer is physically able to appear in court, no overtime compensation will be paid. (Amended: October, 1994, October 6, 2003).

#### **26. EXCHANGE OF DAYS OFF**

Members of the Police Department shall be permitted to substitute or exchange time with members of equal rank if determined by the officer in command to be equally qualified and provided

that all substitutions in each individual case shall be permitted only with the approval of the Chief of Police or his designee. Any arrangements for exchanges of days off will be arranged by the parties desiring the exchange. Days off will be arranged so that both parties will have made use of the exchange in a fourteen (14) day period or two workweeks. Members desiring swap under the provisions of this Section hereby waive their rights to the provisions set forth in Chapter 464:1, New Hampshire Laws 1965, otherwise known as the Forty-Hour Bill.

## **27. SHIFT ASSIGNMENTS**

Work assignments for the three (3) month periods shall be made by seniority choice. Days off will remain constant for each permanent beat throughout all shift changes. The Chief of Police or his designee shall cause a list to be posted thirty (30) days prior to the next shift change containing a list of officers in seniority position and the permanent beats to be filled for the tour-of-duty the officer is assigned (night or day shift). The night shift will include all positions on the evening and midnight shifts through 8:00 A.M. Within fourteen (14) days each position will be filled by seniority choice; the officer having the highest seniority on his shift having the first choice, etc. This will not apply to positions assigned to special details.

No officer will not be assigned to more than three (3) consecutive night shifts, nor will any officer be assigned to two (2) consecutive day shifts. This will not apply to those positions not subject to regular shift rotation. After the assignments have been picked and turned over to the Chief of Police or his designee, within seven (7) days any officer desiring to switch assignments may make application to the Chief of Police, and such swaps will not be affected by seniority claim. This shift arrangement may be changed when, in the opinion of the Chief of Police, such a system is detrimental to the adequate policing of the City. Notwithstanding the provisions of the seniority system set forth above, probationary officers (not covered by the terms of this contract) may be assigned to a day shift following three (3) consecutive night shifts. (Amended: July 01, 1974)

## **28. HOLIDAYS**

The following Holidays shall be paid Holidays for all members regardless of whether his/her day off falls on the Holiday or not, nor if it falls during his annual, sick or injured leave:

INDEPENDENCE DAY  
LABOR DAY  
COLUMBUS DAY  
VETERANS DAY  
THANKSGIVING DAY  
FRIDAY FOLLOWING THANKSGIVING DAY  
CHRISTMAS DAY  
NEW YEARS DAY  
DR. MARTIN LUTHER KING, JR. DAY (Observed as Civil Rights Day in NH)  
WASHINGTON'S BIRTHDAY  
GOOD FRIDAY (one-half day)  
MEMORIAL DAY

## **29. PERSONAL DAYS**

All permanent officers shall be entitled to four days off per Fiscal Year which will be classified as "Personal Days" with pay. These days may be utilized only when authorized by the Shift

Commander or Supervisor and must not require the hiring of overtime. They shall be used within the Fiscal Year earned, or lost. (Amended: February 19, 1987) (Amended March 19, 1999).

### **30. VACATION**

The Winter vacation period will begin on the first Saturday of December and continue through Friday before the first Saturday of May. The Summer vacation period will begin on the first Saturday of May and continue through the Friday before the first Saturday of December.

The vacation list will be posted sixty (60) days prior to the start of each vacation period. The list will be in order of seniority and vacations will be picked first by the most senior officer and continue down the list until all officers listed have chosen.

Detectives will be listed on separate lists from those of uniformed officers. The list will be completed no later than thirty (30) days from the date of posting, at which time it will be turned over to the Chief of Police or his designee for final posting. When the Summer list is posted and has reached this state, a second list will be posted at this time indicating the officers in order of seniority who may have postponed vacation time not taken during the previous Winter vacation period. These officers will have two (2) weeks to pick their remaining days from those periods not chosen on the Summer vacation list. Permanent officers completing one (1) year shall be allowed ten (10) working days vacation to be counted as "Summer Vacation" and must be taken during the Summer vacation period. After completing the second year, each officer will earn an additional day per year to the completion of his eleventh year, when he shall have earned ten (10) Summer vacation days and ten (10) Winter vacation days.

On completing his twelfth year, he shall earn a bonus day, thus earning two (2) extra days for the twelfth year and will then continue to earn as before, one day per year to the completion of his twentieth (20th) year, at which time, the officer will have earned thirty (30) days of vacation.

No vacation time will be earned after twenty (20) years. Of these thirty days of vacation, ten days must be taken during the Summer vacation period, and the first ten days extra time earned must be taken during the Winter vacation period and cannot be postponed. Time earned between the twelfth and twentieth year will be included on the Winter vacation earned time list, but may be postponed and taken either during the Winter vacation period or postponed and chosen on the Summer vacation list after the normal Summer vacation list is completed.

However, nothing in this Section shall prevent an officer from requesting the use of any earned time during any part of the year subject to the submission of the proper vacation time request form and subject to the approval of the Chief of Police. Each member may accumulate no more than fifty (50) days' annual leave. This may be accumulated from year-to-year by saving a maximum of 1/3 total leave earned by that member for that year. (Amended: July 01, 1982) (Amended: April 10, 1990)

### **31. METHOD OF PICKING VACATIONS**

As previously stated, Summer vacation time must be taken during the Summer vacation period and cannot be postponed, except to accumulate leave as stated in Section 30. The Summer vacation list will be posted in one week periods, however, so any officer desiring to split their earned time into two, five-day periods may do so. This will not prevent any officer from choosing two (2) consecutive five-day periods. Winter vacation time will be all extra earned time over and above the original ten (10) days earned upon completion of the first year. The first ten days of this extra earned time must be taken



during the Winter vacation period, and cannot be postponed. Time earned between the twelfth year and the completion of the twentieth year is still considered as Winter vacation time but can be postponed to the Summer vacation list after all Summer vacations are chosen.

Winter time will also be posted in one (1) week periods and will be chosen as follows:

Officers will pick in seniority sequence but on their first pick, must pick only full, five (5) day periods. No single extra days may be chosen at this time. When all officers who have full, five (5) day periods have chosen, then the list can restart in order of seniority and the odd remaining days will be chosen. Officers will be allowed three (3) working days to pick. If the pick has not been made in that time, it shall move to the next officer. The officer who lost a pick in this way may choose at any time thereafter. (Amended: July 01, 1980, October 6, 2003)

## **32. SICK LEAVE**

A. Sick leave without loss of pay shall be computed at the rate of fifteen (15) days per year, or one and one quarter (1-1/4) days per month, and may be accumulated without limit. Upon death or retirement or voluntary termination of employment, the City will pay to the officer or his family or heirs or to the estate of the deceased officer an amount representing ninety percent (90%) of the sick leave the officer may have accumulated to the date of his retirement, death or termination of employment. Employees hired after March 30, 1990 shall have sick leave accumulation limited to one hundred and fifty (150) days. (Amended: July 01, 1982) (Amended: April 10, 1990) Employees hired after February 23, 1998 will not receive any payout for accumulated sick leave upon termination or retirement.

B. Officers calling out sick must speak to a supervisor. Officers who call out sick for work or Court are not eligible to work in any law enforcement capacity, including but not limited to their regularly scheduled shift, swaps, overtime or outside details for 24 hours from the time they notify the Department. (Revised February 15, 1998, October 6, 2003).

C. Officers requesting advance payouts for accrued sick leave prior to retirement must do so in writing to the Chief of Police indicating an irrevocable date of retirement and the dates they wish to receive one, two or three lump sum payments (at 90% of the current wage). Once the payout begins, the employee may not withdraw said notice of retirement or voluntary termination. (October 6, 2003)

(D) Officers hired after December 31, 1986, may only request advance payout of accrued sick leave over the last three years prior to their intended retirement or voluntary termination date. Employees hired after March 1990 cannot receive payment for more than a total of one hundred (150) days of sick leave. This provision cannot be used in any arbitration to interpret existing contract language.

## **33. MATERNITY LEAVE**

Upon application of the employee and approval by the Chief of Police a medical leave of absence for maternity shall be granted to permanent, full-time employees who have been employed at least one (1) year before said application.

Employees granted a medical leave of absence for maternity purposes shall utilize any or all of their accumulated sick, annual or comp time or a combination of the three before going out on leave without pay except with written approval from the Chief of Police.

Said leave of absence shall not exceed six (6) months after birth for maternity purposes; Said leave of absence shall not exceed twelve (12) weeks after birth for paternity purposes. No more than two (2) weeks of paid "sick leave" may be used for the paternity leave. Said leave shall also be applicable to parents who adopt a Child.

Said leave shall commence upon the determination of said employee and/or the recommendation of her attending physician.

Employees on a leave of absence without pay will be eligible to continue their health insurance coverage by paying group rate premiums to the department.

Upon returning from a leave an employee's medical insurance shall be reinstated and the department shall pick up coverage on the first day of the first calendar month after they return.

An employee shall not forfeit seniority during this leave of absence.

An employee shall notify the Chief of Police one (1) month prior to returning to work.

Upon application to the Chief of Police, these restrictions may be waived, on a case-by-case basis, at the Chief's discretion.

(Amended: October, 1994) (Amended March 19, 1999)

#### **34. FAMILY AND MEDICAL LEAVE ACT**

For the purposes of maternity or paternity leave, intermittent leave is not permitted without permission from the Chief of Police or his/her designee. Employees who are using paid sick leave while on FMLA leave shall not be eligible for any Department overtime or outside work detail. Employees using annual leave while on FMLA leave shall not be eligible for Departmental overtime but shall be eligible for outside work details. Except as noted herein, the Department shall follow the City of Portsmouth's Family and Medical Leave Policy. (Amended October 6, 2003)

#### **35. MILITARY LEAVE**

Except as noted herein, the Department shall follow the City of Portsmouth's Military Leave Policy.

#### **36. INJURED LEAVE**

A. When a police officer is absent from duty because of sickness or injury which does not arise out of the performance of his duties, and such sickness or injury is certified by a registered physician approved by the Board of Police Commissioners, full base pay for lost time will be allowed subject to the provisions of Paragraph "C".

B. When a police officer is absent from duty caused by injury incurred while performing his duties as a police officer, he shall be allowed full base pay, except that there shall be deducted the amount to which said officer is entitled under any policy providing City Employees with compensation under the Workmen's Compensation Act. If such injury shall continue for more than ninety (90) days, the Chief of Police shall, at once, order a complete physical and/or mental examination by two (2) registered physicians, and if the report of their examination shall prognosise the injury as one which

permanently incapacitates said officer, application shall then be made for retirement under the provisions of the New Hampshire Police Retirement Law; provided, however, that if at a later time, said officer can be restored to duty, he shall be so allowed, and all seniority rights will be restored, providing the Chief of Police with a certificate from two (2) registered physicians, designated by the Chief of Police, testifying to the satisfactory physical or mental condition of said officer. If no vacancy exists said officer shall be entitled to the first vacancy in the ranks of permanent police officer, which occurs. If the diagnosis is that the injury is not of a permanent nature, he shall receive full base pay as provided herein for the duration of the injury, provided, however that the Chief of Police shall report the condition of all such injured officers on a monthly basis to the COMMISSION, supplying it with medical reports from two (2) registered physicians designated by the Chief of Police, such continuation of said wages shall then be subject to the approval of the Board of Police Commissioners. If any police officer who receives his base salary, as provided, herein, is reimbursed by a third party for its liability for such injury, the said police officer shall reimburse the Department for the amount allowed him as payment for service lost as a result of said injury. Said reimbursement will be made from the amount received by the officer after the expenses incurred by the officer in the recovery amount has been deducted. Employees shall not be eligible to work Departmental overtime or outside work details while on Injured Leave. (Amended October 6, 2003)

C. The procedure for the administration of Paragraphs "A" and "B" shall be as follows:

Full base pay will be allowed for sickness or injury as provided in Paragraph "A" for the sick leave accumulated by the officer as provided in Section #31 of this Agreement.

The ninety (90) day period and any additional time allowed by the COMMISSION under Paragraph "B" shall be for continuous absence caused by injury incurred in the performance of police duties, and shall not be accumulative.

In any case, it shall be the duty of the officer to have his attending physician certify to the Chief of Police within four (4) days of such illness or injury, giving him a report containing the cause of the illness or injury and his estimated duration of the illness or injury. No provision of Paragraph "A" and "B" shall be construed to prevent the COMMISSION from directing the Chief of Police to investigate any illness or injury so certified, and require an examination by two (2) physicians selected by the Chief of Police or the Board of Police Commissioners. (Amended: July 1, 1980)

In the event the medical prognosis for an employee indicates that they will not be available to work for the majority of a shift they are not eligible to pick a shift. Upon their return to duty they will be assigned a shift that is comparable to the hours or schedule they were eligible for had they picked a shift. (Amended October 6, 2003)

### **37. TEMPORARY ALTERNATIVE DUTY**

(A). In compliance with RSA 281-A:23-b, the Commission may provide temporary alternate duty assignments (light duty) for injured employees.

(B). Employees covered by this working agreement who have been on authorized leave due to illness or injury, may request a light duty assignment. The officer must provide management with a release from his or her physician utilizing the State forms outlining the duties that can and can not be performed. The officer will return to a light duty assignment within the sworn service of the Police Department. Said assignments shall be in accordance with the following:

- 1) PATROL DIVISION – Employees assigned to the patrol division who request light duty in accordance with this section, may be assigned to work light duty assignments within the patrol division or as call takers within the dispatch center and will have the same work schedule, subject to authorization from his/her physician and the availability of a light duty assignment. Officers may also be assigned administrative tasks such as, but not limited to updating warrant files, assisting with managing the outside workbook, etc. The Department will make a reasonable attempt to insure that the Officer's days off and hours of light duty will coincide, to the extent possible, with the officers selected shift he/she selected pursuant to the "Shift Pick". If an officer can not be assigned to his/her previously selected shift due to the lack of light duty work, the Department shall consider the officer's individual circumstances in making a light duty assignment.
  - 2) SPECIAL DETAILS – Officers assigned to Special Details (i.e. Detectives, Youth Services) may perform light duty that is consistent with "Special Detail" assignments or within the dispatch center as call takers. Officers may also be assigned administrative tasks such as, but not limited to updating warrant files, assisting with managing the outside workbook, etc.
  - 3) CALL TAKERS – The Commission agrees that the provisions above relating to "call takers within the dispatch center" shall be negotiated with the Portsmouth Police Civilians Employees Association. (Amended October 6, 2003)
- (C) Nothing in this agreement shall be construed as conflicting with the injured leave section of the contract.
- (D) It shall be entirely optional for employees with non-work related injuries or illnesses to accept a light duty assignment. It is the sole discretion of the Chief of Police whether or not to offer a light-duty assignment to officers who are injured off-duty. Officers who return to a light-duty position due to an off-duty injury will receive compensation for the hours worked. Officers with work related injuries shall have priority for light duty assignments.
- It is understood by the parties that light duty is not intended to be used as a means of punishment. The Chief of Police will not require an employee to report for light duty if there is no light-duty work available.
- (E) Light duty assignments shall not affect the shift assignments, or shift bid possibilities, or other employees. Employees assigned to light duty shall be assigned to the same shift as their assignment before the injury, subject to the limitations in Section 36 and in Section 37, Paragraph B (1) above.
- (F) The Chief of Police may require an officer to be examined by the Work Performance Center anytime after four weeks if the Chief has a concern that the officer is fit for regular duty. The officer may request a mutually acceptable neutral physician to render an opinion if he/she contests the Police Department's ruling. The neutral physician shall be designated jointly by the City's physician and the employee's physician as soon as practicable under the circumstances. The two (2) physicians shall endeavor to designate a neutral physician capable of examining the employee within seven (7) calendar days of his/her designation as neutral physician. The costs of the neutral physician shall be borne

by the City. If the report of the neutral physician supports the assignment of full duty, the employee shall forthwith report for appropriate duty. If the report does not support the assignment of full duty, the employee shall remain on light duty status. Each physician who administers an examination under this procedure shall be provided, by the City, a detailed analysis of the physical requirements of the task (s) to which the employee shall be assigned if returned to limited duty, and shall be asked to make his/her determination of the fitness of the examined employee to perform limited duty based on the specific physical requirements of each limited duty task. Each physician who determines that an examined employee is capable of being assigned to limited duty shall be required to specify in his/her report which, if any, limited duty task(s) the examined employee is capable of performing, and the recommended number of hours per day and per week that the employee may be assigned to limited duty.

- (G) Officers assigned to light duty are not eligible to work any overtime listed in the "work book" which includes "budgets" or "outside details".
- (H) An employee whose physician has approved him/her for a light duty assignment and who loses any workers compensation benefits for refusal to accept temporary alternate duty offered by the Police Department shall not be eligible for injured leave.  
(Amended: March 19, 1999)

### 38. WORKMAN'S COMPENSATION INSURANCE

The City shall provide, at no cost to the employee, Workman's Compensation Insurance for each member of the Department.

### 39. HEALTH INSURANCE: BLUE CROSS - BLUE SHIELD

A. The City shall provide health insurance for individual, two person, or family coverage for full-time employees. The employee shall have a choice between BC/BS Plan, Comp 100 with a Managed Care rider or Blue Choice One (1). After implementation of the plans, the employee will be allowed to choose between said plans prior to the Health Insurance contract renewal date each July. The employer may provide equal and comparable coverage to the above mentioned plans.

Effective July 1, ~~2003-2012~~, the employee's cost will be ~~sixteen-nineteen~~ percent (~~1619~~%) of the premium and the Commission will pay eighty ~~four-one~~ percent (~~8481~~%). Effective July 1, ~~2004-2013~~ the employee's cost will be ~~seventeen-twenty~~ percent (~~1720~~%) of the premium and the ~~Board Commission~~ will pay eighty ~~three~~ percent (~~8380~~%). ~~Effective July 1, 2005 the employee's cost will be eighteen percent (18%) of the premium and the Board will pay eighty-two percent (81%).~~

The Commission will offer employees the option of choosing health insurance under the Matthew Thornton Plan so long as it is offered by the NHMA Health Insurance Trust. The employee shall pay the following percentage of the cost of premiums so long as Matthew Thornton's cost remains at least 5% below the Blue Choice premium. If the premium for Matthew Thornton is not at least 5% below the Blue Choice premiums the employee and employer's percentage cost of the premiums shall be the same as those for Comp 100-MC and Blue Choice as set forth above:

<del>Employee Percentage</del>	<del>Employer Percentage</del>
<hr/>	
<hr/>	



<del>2006-2007</del>	<del>14.5%</del>	<del>2005-2007</del>	<del>85.5%</del>
<del>2007-2008</del>	<del>14.5%</del>	<del>2007-2008</del>	<del>85.5%</del>
<u>Year</u>	<u>Employee Percentage</u>	<u>Year</u>	<u>Employer Percentage</u>
<u>July 1, 2012</u>	<u>Fifteen Percent (15.0%)</u>	<u>July 1, 2012</u>	<u>Eight-five Percent (85.0%)</u>
<u>July 1, 2013</u>	<u>Fifteen and One-Half Percent (15.5%)</u>	<u>July 1, 2012</u>	<u>Eighty-four and One-Half Percent (84.5%)</u>

Effective as soon as possible after City Council approval, the City may offer two (2) additional optional plans based upon the Comp 100-MC and Blue Choice One plans with premium share as described above. Co-pay shall be five dollars (\$5.00) for office visits, twenty-five dollars (\$25.00) for emergency room visits, and \$10/\$20/\$45 for 30-day retail or 90-day mail order prescriptions.

The Union agrees to participate in a City-wide committee exploring health insurance options.

Health Insurance: Should the parties agree in writing to establish a cafeteria style plan dealing in insurance issues during the course of this three (3) year agreement - such plan would only become effective if ratified by the Union, approved by the Commission and approved by the City Council.

The parties agree that employees currently receiving stipends in lieu of health insurance coverage will continue to receive them at the dollar level in effect at the time this agreement is reached. No additional employees shall receive such stipends when both spouses work for the City. Further, the City will not provide health and/or dental coverage if an employee is already covered by the same or similar health and/or dental plan by the City or the School Department. If the employee is found to have dual coverage the employee must pay back to the City an amount equal to the premiums paid by the City during the time of dual coverage. (Amended: March 19, 1999, October 6, 2003)

#### **40. DELTA DENTAL INSURANCE**

The City agrees to pay such sums as necessary each month for each permanent member and each probationary member of the Department (including their dependents), with a \$750.00 maximum benefit per person per contract year to Delta Dental Plan I for the following coverages: A = 100%; B = 60%; C = 50% This coverage is effective on October 01, 1981. (Amended: April 09, 1984)

#### **41. LIABILITY INSURANCE**

The City of Portsmouth shall provide at no cost to the employee, insurance coverage in the amount of \$1,000,000 for liability protection for actions arising out of the performance of the employee's duties, including action for False Arrest. This liability insurance also automatically includes Accidental Death Coverage up to \$10,000 per person. (Amended: July 01, 1981)

#### **42. LIFE INSURANCE**

The City of Portsmouth shall provide, at no cost to the employee, life insurance coverage of no less than \$15,000 on each member of the Police Department effective upon approval by the City Council. (Amended: July 01, 1976)

### 43. FUNERAL & EMERGENCY LEAVE

In the event of the death of one of the following relatives of any member of the Police Department, the employee shall be entitled to leave without loss of pay for three (3) consecutive calendar days, which shall include regularly scheduled days off. The purpose of this leave is to attend the funeral or memorial service for the deceased relative. Either before the leave is taken or upon returning to duty the employee will complete the funeral leave form so that it can be recorded in the employee's personnel file. (Amended: July 01, 1981) (Amended: February 19, 1987, October 6, 2003)  
Relatives covered are:

Current Spouse	Children	Step-Children
Mother	Father	Step-Mother
Sister	Brother	Step-Father
Mother-in-law	Father-in-law	Grandchildren
Aunts	Uncles	Nieces
Nephews	Sister-in-law	Brother-in-law
Grandparents (maternal & paternal)		

The above relatives will apply to both the employee and his/her current spouse. In addition to the above, the Chief of Police may grant Emergency Leave if in his opinion, the circumstances warrant and on application by the employee. (Amended: October 6, 2003)

### 44. LONGEVITY PAY

Any member having completed five (5) years of continuous service by December 31st will be paid a longevity bonus as follows: after five (5) years \$115.67 and an additional \$30.00 \$34.70 per year for every additional year of service thereafter. (Amended: July 01, 1981) ~~One half of the longevity payment for 2003-04 shall be increased by 3.9%. Effective July 1, 2012, the longevity payment will increase by 2.44%.~~ Thereafter, the longevity payment will increase in accordance with the COLA provisions of Section 19. (Amended October 6, 2003) (Amended January 1, 2012).

### 45. CLOTHING ALLOWANCE

The City of Portsmouth will provide the amount of ~~six hundred forty four dollars and seventy seven cents (\$644.77), effective July 01, 2003~~ seven hundredthirty five dollars and twenty four cents (\$735.24) to be paid to each member of the Department for the purpose of purchasing uniforms and/or clothing worn as part of the uniform. Said amount(s) will be paid on or about July 01st of each of the Fiscal Years, or at such time set by the COMMISSION.

Effective July 1, ~~2004 and 2005~~ 2012 and each July 1 thereafter through June 30, 2014, the clothing allowance will increase in accordance with the COLA adjustments for base wages as described in Article 19 above. The uniform is outlined in the PPD SOP (P-102)

The City will repair any article of clothing at no cost to the employee or replace articles of clothing at a depreciated value, based upon the age and wear of articles at the time of damage resulting from any enforcement action or legitimate police activity. Any equipment torn or otherwise damaged under like circumstances will be repaired or replaced as required at no cost to the employee.



All new employees hired between July 01<sup>st</sup> and December 31<sup>st</sup> shall receive a complete and full uniform including equipment at the expense of the Department and shall be considered his clothing allotment for the Fiscal Year. If an employee is hired between January 01<sup>st</sup> and June 30<sup>th</sup>, his uniform and equipment will be supplied, however, his allowance shall be one-half (1/2) of the usual amount for the next Fiscal Year. In the event of a change in duty from Line Officer to the Detective Division and Youth Services Division or from the Detective Division and Youth Services Division to Line Duty, an additional \$100.00 Clothing Allowance will be paid. (Amended: July 01, 1975) (Amended: February 19, 1987) (Amended: April 10, 1990, March 19, 1999, October 6, 2003)

#### **46. GRIEVANCE PROCEDURE**

The term "GRIEVANCE" shall include any dispute concerning the application or interpretation of any of the provisions of this Agreement.

(A) Any employee having a grievance shall bring it to the attention of the Deputy Chief of Police within five (5) working days of the occurrence of the event giving rise to the grievance or of the employees knowledge of said event. If the grievance is resolved at this informal level the settlement shall not be used as precedent for future cases.

(B) Should the employee not be satisfied with the responses at this grievance step, which response may be oral, the employee shall bring the grievance to the attention of the Board of Directors in writing within forty-eight (48) hours of having brought it to the attention of the Commander in Step 1 above. The Board of Directors shall determine the justification of said grievance.

(C) If the Board of Directors feel that the grievance exists, it will arrange for a meeting within ten (10) days of the receipt of the grievance with the Chief of Police in an attempt to adjust the grievance. Upon the Union's request, the Chief's answer will be reduced to writing within five (5) working days after the meeting unless the time is extended by mutual agreement. (Amended October 6, 2003)

(D) In the event that the grievance cannot be satisfactorily settled between the Chief of Police and the representatives of the Union, the matter will be referred to the Commission within ten (10) days after the Chief's answer. The Commission shall meet with the Union for a hearing on the grievance within twenty (20) days of their request for said hearing. If the issue involves discipline, the Commission may require the grievant or the employee on whose behalf the grievance was filed to appear at the Commission hearing. In the event the Commission requires the presence of the grievant at the hearing, the officer will be entitled to overtime pay provided he or she has worked in excess of eight hours a day/forty hours a week as stated in Section 21 of the Agreement. (Amended October 6, 2003)

(E) (Section 1) - If the Grievance has not been resolved to the satisfaction of the aggrieved employee, the UNION may, by giving notice to the COMMISSION within ten (10) working days after the conclusion of the meeting referred to in Section (D) submit the grievance to Arbitration. Such notice shall be addressed in writing to the COMMISSION.

(Section 2) - In the event that the UNION elects to proceed to Arbitration, the COMMISSION, or it's designee, and the UNION will endeavor to agree upon a mutually acceptable Arbitrator and obtain a commitment from said Arbitrator to serve. If the parties are unable to agree upon an Arbitrator or to obtain a commitment to serve, the grievance shall be referred to the American Arbitration Association by the UNION no later than twenty (20) days after the receipt of the notice of submission to Arbitration, Section 1. In such event, the Arbitrator shall be selected in accordance with the rules of the American Arbitration Association, then applicable to voluntary labor Arbitration.

(Section 3) – The COMMISSION and the UNION agree that they will individually be responsible for their own costs, including overtime, for their preparation, participation and presentation at arbitration. The COMMISSION and the UNION further agree that they shall equally share in the compensation and the expense of the Arbitrator. (Amended October 6, 2003)

(Section 4) – The function of the Arbitrator is to determine the interpretation of specific provisions of this Agreement. There shall be no right in Arbitration to obtain and no Arbitrator shall have any power or authority to award or determine any change in, modification or alteration of, addition to, or deduction from any other provision of this Agreement. The Arbitrator may or may not, make his/her award retroactive to the initial filing date of the grievance as the equities of the case may require.

(Section 5) – Each grievance shall be separately processed at any Arbitration proceeding hereunder, unless the parties otherwise agree.

(Section 6) – The Arbitrator shall furnish a written opinion specifying the reasons for his decision. The decision of the Arbitrator, if within the scope of his authority and power within this Agreement, shall be final and binding upon the UNION and the COMMISSION and the aggrieved employee who initiated the grievance.

(Section 7) – The arbitration provisions of this Section shall be subject to RSA:542 Arbitration of disputes.

(F) For the purposes of the grievance and arbitration procedure set forth above, “working day” shall mean the days of Monday through Friday excluding holidays. (Amended: April 10, 1990)

#### **47. SAFETY AND HEALTH**

The parties to this Agreement will cooperate in the enforcement of safety rules and regulations. Complaints concerning the safety of members or unhealthy working conditions will be a matter of Grievance as provided in Section 46.

#### **48. CRUISER MAINTENANCE**

No employee shall be required to perform any duty involving the scheduled maintenance or repair of the Department’s motor vehicles or buildings. During the course of their shifts, officers will conduct a check of their vehicle and equipment, complete a discrepancy slip as needed, and report any problems to their shift supervisor. (Amended: March 19, 1999)

#### **49. PRESENT BENEFITS**

Any and all benefits now in existence and which are not specifically contained herein shall continue to accrue to said employees, and shall be made a part thereof.

#### **50. SEPARABILITY**

Should any provision of this Agreement be held invalid by any court or tribunal of competent jurisdiction, or if compliance with or enforcement of any such provision should be

restrained by any court, all other provisions of this Agreement shall remain in force. In the event that this Agreement shall provide more advantageous benefits than those provided in any statutes, the terms of this Agreement shall prevail.

**51. REOPENING OF CONTRACT**

It is hereby agreed by the COMMISSION and the UNION that any and all terms of this Agreement relating to working conditions shall be opened for additions or omissions at any time before it's expiration date upon agreement of both parties.

**52. DURATION OF CONTRACT**

The terms of this Agreement shall be in effect, where reasonable, from the first day of July, ~~2006-2008~~ through June 30, ~~2008~~2014, but shall remain in effect after that date unless either party notifies the other by registered mail of it's desire to terminate said contract. Such a termination shall not be effective until sixty (60) days after receipt by registered mail of the notice of termination. No cost item shall be retroactive unless specifically provided by the terms of this Agreement and approved by the City Council. (Amended: March 04, 1987) (Amended: February 19, 1987) (Amended: April 10, 1990) (Amended: October, 1994) (Amended October 6, 2003)

**53. NO STRIKE/LOCKOUT**

During the life of this Agreement, neither the UNION nor any UNION Officer, Representative or employee shall engage in, induce or encourage any strike (whether sympathetic, general or any other kind), walk-out, work stoppage, sit-down, slow-down, withholding of services, or any other interference with the operations of the Police Department. The Commission agrees not to conduct a lock-out. The UNION and it's Officers shall not be considered to have violated this Article if they have used all reasonable efforts to prevent or cause to cease the ACTIVITIES prohibited by this Section. In the event of a violation of this Section, the COMMISSION or the UNION, as the case may be, may at it's option, institute any or all proceedings in a Court of Law, or in Equity, or before the Public Employee Labor Relations Board or in Arbitration pursuant to the procedures described in this Agreement.

**54. PERFORMANCE EVALUATION SYSTEM**

Employees will receive an annual evaluation by their supervisor. The parties agree to negotiate the evaluation procedures as required by law. (Amended October 6, 2003)

**SIGNATURES:**

Dated this \_\_\_\_\_ day of \_\_\_\_\_, ~~2006~~2012

**PORTSMOUTH POLICE  
PORTSMOUTH POLICE PATROLMAN'S  
COMMISSION  
UNION, LOCAL #11**

\_\_\_\_\_  
President

\_\_\_\_\_  
Chair

NEGOTIATING COMMITTEE

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Chief Negotiator

Date of City Council Approval: \_\_\_\_\_

4827-9208-5770, v. 2

\_\_\_\_\_  
\_\_\_\_\_  
Chief of Police

\_\_\_\_\_  
City Negotiator



# PORTSMOUTH SCHOOL DEPARTMENT

## OFFICE OF THE SUPERINTENDENT OF SCHOOLS

EDWARD McDONOUGH  
SUPERINTENDENT OF SCHOOLS

STEPHEN ZADRAVEC  
ASSISTANT SUPERINTENDENT

STEPHEN BARTLETT  
BUSINESS ADMINISTRATOR

**To:** John P. Bohenko, City Manager  
**CC:** Dianna Fogarty, Human Resource Director  
**From:** Edward McDonough, Superintendent of Schools *(EM)*  
**Date:** 2/15/2012  
**Re:** Amendment to the Association of Portsmouth Teachers' (APT) contract

As you are aware, the Association of Portsmouth Teachers' have agreed to freeze their STEP and COLA increases for six months next school year (2012-13), and would again freeze their STEP and COLA, for six months, during the 2013-14 school year in exchange for an added year on their contract. Their contract is scheduled to expire on June 30, 2013. Accepting their proposal would extend the contract to June 30, 2014, bringing them in line with the other nine (9) collective bargaining agreements.

We have determined that the cost for the STEPS and COLA's for FY'13 is \$612,000 and with the "mark-up" (FICA, retirement, etc) for a total cost of \$727,974. If approved, next year's savings would be roughly \$364,000 and of course, similar savings would be achieved in FY'14.

Please include the attached Memorandum of Agreement for approval on the February 21, 2012 City Council Agenda.

Thank you for your consideration. If you have any questions regarding this agreement, please call me at 431-5080.

# **MEMORANDUM OF AGREEMENT**

## **Portsmouth School Board and Association of Portsmouth Teachers**

**NOW COME** the Portsmouth School Board (“the Board”) and the Association of Portsmouth Teachers (“the Association”) and on this \_\_\_ day of February, 2012, hereby agree as follows:

1. The Board and the Association are parties to a Collective Bargaining Agreement with a duration of July 1, 2008 through June 30, 2013 (“the CBA”).
2. In an effort to provide cost savings to the Board and additional contractual security to the Association, the parties agree to modify the CBA as follows:
  - a. The parties agree to add an additional year to the CBA, so that the CBA will now expire on June 30, 2014;
  - b. The parties agree that Article 49.1 of the CBA will be modified so that the COLA currently scheduled for July 1, 2012 will now occur on the fourteenth paycheck for both 21 and 26- paycheck teachers calculated on the same formula currently included in the CBA. The fourteenth paycheck for 21 paycheck teachers will include a one time retro amount equal to the difference between the fourteenth check and their halfway point that would have occurred at ten and one half paychecks; and;
  - c. The parties agree that Article 49.1 of the CBA will be further modified so that an additional COLA will occur on the fourteenth paycheck for both 21 and 26- paycheck teachers calculated on the same formula currently included in the CBA. The fourteenth paycheck for 21 paycheck teachers will include a one time retro amount equal to the difference between the fourteenth check and their halfway point that would have occurred at ten and one half paychecks; and;
  - d. The parties agree that Article 54 of the CBA will be modified so that the effective date of any salary step increase for 2012-2013 school year will occur on the fourteenth paycheck for both 21 and 26- pay period teachers. The fourteenth paycheck for 21 paycheck teachers will include a one time retro amount equal to the difference between the fourteenth check and their halfway point that would have occurred at ten and one half paychecks; and
  - e. The parties agree that Article 54 of the CBA will be further modified to provide the opportunity for an additional salary step increase, on the same

terms already included in the CBA, during the 2013-2014 school year, provided however that the effective date of any such salary step increase will occur on the fourteenth paycheck for both 21 and 26- paycheck teachers. The fourteenth paycheck for 21 paycheck teachers will include a one time retro amount equal to the difference between the fourteenth check and their halfway point that would have occurred at ten and one half paychecks; and

3. With the exception of those changes outlined in Paragraph 2 above, all of the remaining terms of the CBA will remain in place and will continue in full force and effect through June 30, 2014.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Portsmouth School Board

Dated: \_\_\_\_\_

\_\_\_\_\_  
Association of Portsmouth Teachers

Dated: \_\_\_\_\_

\_\_\_\_\_  
Approved by the Portsmouth City Council





## CITY OF PORTSMOUTH

CITY COUNCIL POLICY No. 2012 - \_\_\_\_\_

### **POLICY REGARDING APPOINTMENTS TO CITY BOARDS AND COMMISSIONS**

**WHEREAS** the City Council believes that familiarity with the City of Portsmouth is a beneficial prerequisite to service on City Boards and Commissions;

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

It is generally the policy of the City Council of the City of Portsmouth to appoint to membership on City Boards and Commissions only those persons who have resided in the City of Portsmouth for a cumulative total of at least two (2) years.

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

Adopted by the Portsmouth City Council on \_\_\_\_\_, 2012.

---

Kelli L. Barnaby, CMC/CNHMC  
City Clerk

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

January 30, 2012

John Bohenko  
Portsmouth City Manager  
1 Junkins Ave.  
Portsmouth NH 03801

Dear Mr. Bohenko,

The Seacoast Growers Association wishes to thank you, the City Council and the people of Portsmouth for once again providing our Portsmouth Farmers Market with a home for the 2011 season. Your support has been instrumental in sustaining over 50 seacoast farms and helping us provide local food to thousands of residents and visitors.

We are requesting a contract renewal for our 2012 season, May 5 through November 3. With permission of the City Council we will use the same space at 1 Junkins Ave. and abide by the same rules. We ask that the City Council put this to a vote at their next meeting.

We are available at your convenience to facilitate this agreement. Thank you for your consideration.



Edie Barker  
Vice President  
Seacoast Growers Association

## **LICENSE AGREEMENT**

The City of Portsmouth, a municipal corporation with a principal place of business at 1 Junkins Avenue, Portsmouth, New Hampshire 03801 (hereinafter "City") and the Seacoast Growers' Association, a non-profit association of individual vendors (hereinafter "Vendors" or "Association") with a principal place of business at Portsmouth, New Hampshire and a mailing address at PO Box 4401, Portsmouth New Hampshire 03802-4401 agree as follows:

1) The Seacoast Growers' Association is licensed by the Portsmouth City Council to operate a Farmers' Market on Saturday mornings between May 5, 2012 through November 3, 2012 pursuant to the conditions enumerated below.

2) Each individual member Vendor of the Seacoast Growers' Association, as well as the Association itself, jointly and severally agree to the following conditions relative to permission to use the Upper Municipal Lot by the Seacoast Growers' Association granted by the City.

### **A. SITE CONDITIONS:**

- The City Hall Municipal Lot will be reserved for use by the Association as defined in the attached Appendix I. The Association is authorized to cover the existing handicap parking signs in the municipal parking lot and to utilize the spaces as otherwise designated as handicap spaces during the hours in which the Farmer's Market is authorized. The Association shall immediately remove the coverings from the handicap parking space signs at the end of the authorized period. There shall be no use by the Association of Lot B as shown on the attached Appendix I.
- Parking on grassy areas prohibited.
- Market area to be left in broom-clean condition one hour after closing.
- All trash generated by the market shall be removed by the Association upon closing of the Farmers' Market and shall be maintained in a clean, neat condition during the market operation.
- The Vendors shall implement any temporary marking of Vendor spaces which may be directed by the City.
- The Seacoast Growers' Association shall provide police coverage from 8:00 a.m. to 12:00 p.m. unless otherwise determinate by the Police Chief, at its own expense, to control traffic and monitor parking during the hours when the Farmers' Market is in operation.
- A centrally located hand washing booth shall be available at all times.
- The Seacoast Growers' Association agrees to operate the Farmer's Market during the 2011 season on a "CARRY IN – CARRY OUT" basis.

### **B. HOURS AND TIME OF MARKET:**

- Hours of operation will be 8:00 a.m. until 1:00 p.m.
- Set up and breakdown time will be two hours before and one hour after operation hours.

**C. SALE OF ITEMS:**

- Products which may be sold at the Seacoast Growers' Association market shall follow the guidelines and definitions outlined within the Association's Bylaws and Rules and Regulations (a copy of which is attached hereto as Appendix II).
- Craft Vendors shall be limited to a maximum of twenty percent (20%) of the total Vendors.
- New food vendor permit applications will be processed within thirty (30) days.

**D. HEALTH REQUIREMENTS:**

The Health Officer will have the authority to shut down the entire market if any single Vendor fails to comply with any Health Officer's directive to cure any situation creating a public health concern. The Health Officer shall make reasonable efforts to notify the President of the Seacoast Growers' Association or his/her assignee(s) at the time a warning is issued. Specific health requirements include, but are not limited to the following:

- Vendors shall be excepted from the general City requirement of obtaining a Hawkers & Peddlers License (\$250.00). The following license fee schedule shall apply to Farmer's Market Vendors:
  1. Fruit and vegetable vendors at the Farmer's Market pay no fee.
  2. Non-produce/Non-food vendors at the Farmer's Market pay no fee.
  3. Prepared food vendors (anything other than non-prepared fruits and vegetables) pay a seasonal fee of \$140.00 per season.
- Non-recycled farm fresh eggs may be sold provided that they are stored at proper temperature (at or below forty-one (41) degrees Fahrenheit) during transport to and while displayed at the Farmers' Market.
- Baked goods sold at the Farmers' Market must be individually or collectively wrapped while displayed and sold and baked in a licensed facility.
- Any Vendor who sells potentially hazardous foods (which includes any perishable food or food product which consists in whole or in part of milk or any other ingredient capable of supporting rapid and progressive growth of infectious and toxigenic micro-organisms including, but not limited to, cream fillings and pies, cakes and pastries, custard products, meringue-topped baked goods or butter-cream type fillings in bakery products), shall take appropriate measures to ensure that such products are transported, stored, and displayed in refrigerated or ice-cooled containers to maintain temperature of such products at 41 degrees Fahrenheit or below at all times so to prevent spoilage or contamination.
- All animals are prohibited within the Farmers' Market with the exception of hearing ear dogs, guide dogs and service dogs as they are defined in RSA 167-D:1.
- The above items do not eliminate or supersede other areas of compliance set by ordinance or regulations or within the grant of authority by the Portsmouth City Council.
- In addition to the foregoing, each Vendor member of the Seacoast Growers' Association shall comply with all applicable Federal, State and Municipal laws, regulations and ordinances.

**OTHER CONDITIONS:**

- The Seacoast Growers' Association shall provide the City with a current list of board members with appropriate contact information.
- The Seacoast Growers' Association agrees to indemnify and hold the City of Portsmouth harmless for any and all claims of liability, (including bodily injury or property damage) of any type or kind arising out of the Association's operation or use of this license agreement. This provision shall survive termination of this agreement.
- Additionally, the Seacoast Growers' Association shall maintain general liability insurance in the amount of Two Million Dollars (\$2,000,000.00) naming the City of Portsmouth as an additional insured. A certificate demonstrating this insurance shall be kept on file with the City Clerk of the City at all times relevant to the operation of the Association under this agreement.
- The City hereby specifically approves the sale of wine and hard cider products at the Farmer's Market by Association members Jeweltown Vineyards, Sweet Baby Vineyard and Nottingham Orchards. There shall be no open containers or consumption of wine on municipal premises. All wine sales must be conducted in strict accordance with RSA 178:8 III and any rules adopted pursuant thereto by the State of New Hampshire Liquor Commission. This provision of the license agreement with the Association may be revoked immediately and without cause if that action is determined to be appropriate by the City.
- Should Seacoast Growers' Association provide patrons access to the restroom facilities located in City Hall, an individual will be designated for each date of operation to escort patrons to the restroom and out of the building. A list of responsible persons and the dates they are assigned this responsibility shall be submitted to the Health Department with the application packet. The Health Department must approve in advance of any modification.
- This agreement may be terminated at the sole discretion of the City of Portsmouth in the event that:
  1. The Seacoast Growers' Association fails to abide by the terms of this agreement.
  2. It is determined that the City of Portsmouth has a paramount need for the area which would otherwise be utilized by the Seacoast Growers' Association.
- The City reserves the right to modify any provision in this agreement in the event that such modification is made necessary by any change in state or federal law.

**CITY OF PORTSMOUTH**

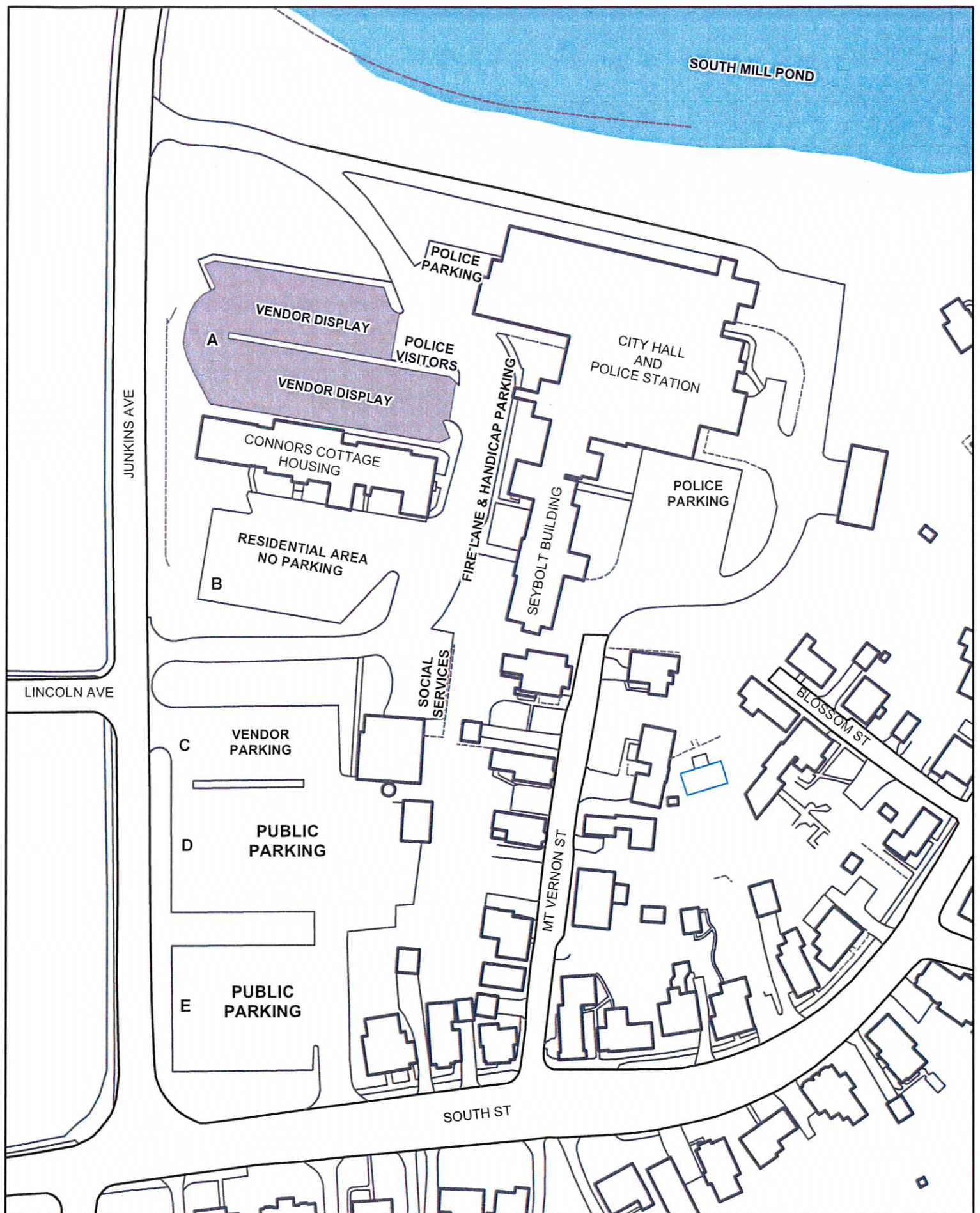
Dated: \_\_\_\_\_

By: \_\_\_\_\_  
John P. Bohenko, City Manager  
Pursuant to vote by the City Council on \_\_\_\_\_

**SEACOAST GROWERS' ASSOCIATION**

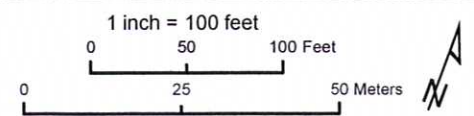
Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Edie Barker, Acting President  
Pursuant to vote by the Seacoast Growers'  
Association on \_\_\_\_\_



**Appendix 1: Farmer's Market  
Seacoast Growers Association 2012 Season**

Map prepared by Portsmouth Department of Public Works, 07 February 2012  
Map document: U:\Projects\0042 Farmers Market\Farmers Market Parking2012.mxd





ORDINANCE #  
THE CITY OF PORTSMOUTH ORDAINS

That Chapter 1, Article XIV, Section 1.14 – MUNICIPAL FUND BALANCE 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 1.1401: MANDATED FUND BALANCE

The General Fund Balance of the City, at the end of any fiscal year as recorded in accordance with generally accepted accounting principles (GAAP) and excluding any and all reserves, and any dedicated fund balances of the General Fund (otherwise referred to as ~~Undesignated~~ **Unassigned** Fund Balance of the General Fund) shall be maintained at the prescribed amount of not less than 7% of the actual Total General Fund appropriations for that fiscal year.

Section 1.1402: OPERATIONAL OBJECTIVE

Notwithstanding the provision of 1.1401, it is recognized that the financial management goal of the City of Portsmouth is to annually maintain an ~~Undesignated~~ **Unassigned** Fund Balance of greater than 10% of total general fund appropriations.

Section 1.1403: USE OF UNDESIGNATED **UNASSIGNED** FUND BALANCE

In any subsequent fiscal year, the City Council may utilize the excess of actual ~~Undesignated~~ **Unassigned** Fund Balance of the General Fund (as determined by the annual financial audit of the City) over the prescribed level in 1.1401 from the prior fiscal year for capital projects, transfers to capital reserve, or any other appropriation nonrecurring in nature.

Section 1.1404: EMERGENCY APPROPRIATIONS

At any time, in any budget year, the City Council may, after notice and public hearing, make emergency appropriations from Fund Balance to meet an essential need for public expenditure. Such appropriations shall be adopted by written resolution, after notice and public hearing by a favorable vote of a majority of the members of the City Council. If such appropriation reduces the ~~Undesignated~~ **Unassigned** Fund Balance to a level below that prescribed by 1.1401 of this ordinance, the resolution authorizing such appropriation shall include a plan to restore the funds within a period not to exceed two (2) years to the prescribed level. The City Council may, by a two-thirds (2/3) majority vote appropriate from the ~~Undesignated~~ **Unassigned** Fund Balance for non-emergency appropriations by following the foregoing procedure, provided that such appropriation does not reduce the ~~Undesignated~~ **Unassigned** Fund Balance below the minimum balance required by 1.1401 of this ordinance.

Section 1.1405: RESTORATION PLAN

Whenever the ~~Undesignated~~ **Unassigned** Fund Balance of the General Fund is less than the prescribed level, the City Council shall be required, within the fiscal year, to formulate and implement a plan to restore such prescribed amount to the General Fund, such plan shall not exceed a two (2) year period.



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

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

This ordinance shall take effect upon its passage.

APPROVED:

---

Eric Spear, Mayor

ADOPTED BY COUNCIL:

---

Kelli L. Barnaby, City Clerk

**CITY OF PORTSMOUTH  
TWO THOUSAND TWELVE**

**PORTSMOUTH, NEW HAMPSHIRE**

**RESOLUTION # \_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE ISSUANCE OF REFUNDING BONDS TO REFINANCE CERTAIN OUTSTANDING BONDS OF THE CITY SO AS TO REDUCE INTERESTS COSTS, AND TO PAY ALL COSTS INCIDENTAL AND RELATED THERETO.**

**BE IT RESOLVED:**

THAT in order to reduce interest costs associated with the outstanding portion of the City's \$46,640,000 General Obligation Bonds dated September 15, 2002 (the "Refunded Bonds"), the City is authorized to issue refunding bonds in the amount of up to TWENTY MILLION DOLLARS (\$20,000,000) to refinance all or any portion of the Refunded Bonds, and to pay associated interest costs, redemption premium and all issuance expenses associated therewith, such refunding bonds to be issued by the City Treasurer, with the approval of the City Manager, and otherwise in accordance with the Municipal Finance Act.

THAT the discretion of fixing the dates, maturities, rates of interest, forms and other details of such refunding bonds is hereby delegated to the City Treasurer with the approval of the City Manager.

THAT this resolution shall take effect upon its passage.

**APPROVED:**

\_\_\_\_\_  
**ERIC SPEAR, MAYOR**

**ADOPTED BY CITY COUNCIL**

\_\_\_\_\_  
**KELLI BARNABY, CMC/CNHMC  
CITY CLERK**

**IN THE YEAR OF LORD  
TWO THOUSAND AND TWELVE  
PORTSMOUTH, NEW HAMPSHIRE**

**RESOLUTION # –**

**A RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF THE CITY UNDER THE MUNICIPAL FINANCE ACT AND/OR PARTICIPATION IN THE STATE REVOLVING FUND (SRF) LOAN FOR COSTS RELATED TO THE LONG TERM CONTROL PLAN (LTCP) IMPLEMENTATION NOT TO EXCEED TWELVE MILLION FIVE HUNDRED THOUSAND (\$12,500,000) DOLLARS.**

**RESOLVED:**

**THAT the sum of up to Twelve Million Five Hundred Thousand (\$12,500,000) Dollars is appropriated for the LTCP Implementation.**

**To meet this appropriation, the City Treasurer, with the approval of the City Manager is authorized to borrow up to Twelve Million Five Hundred Thousand (\$12,500,000) Dollars through the issuance of bonds and/or notes of the City under the Municipal Finance Act and/or a loan program offered through the State of New Hampshire Department of Environmental Services, identified as the State Revolving Fund Loan, such borrowing to be effected by the issuance of bonds and/or notes of the City under the Municipal Finance Act in connection with the LTCP Implementation.**

**That the expected useful life of the project identified as LTCP Implementation will exceed twenty (20) years.**

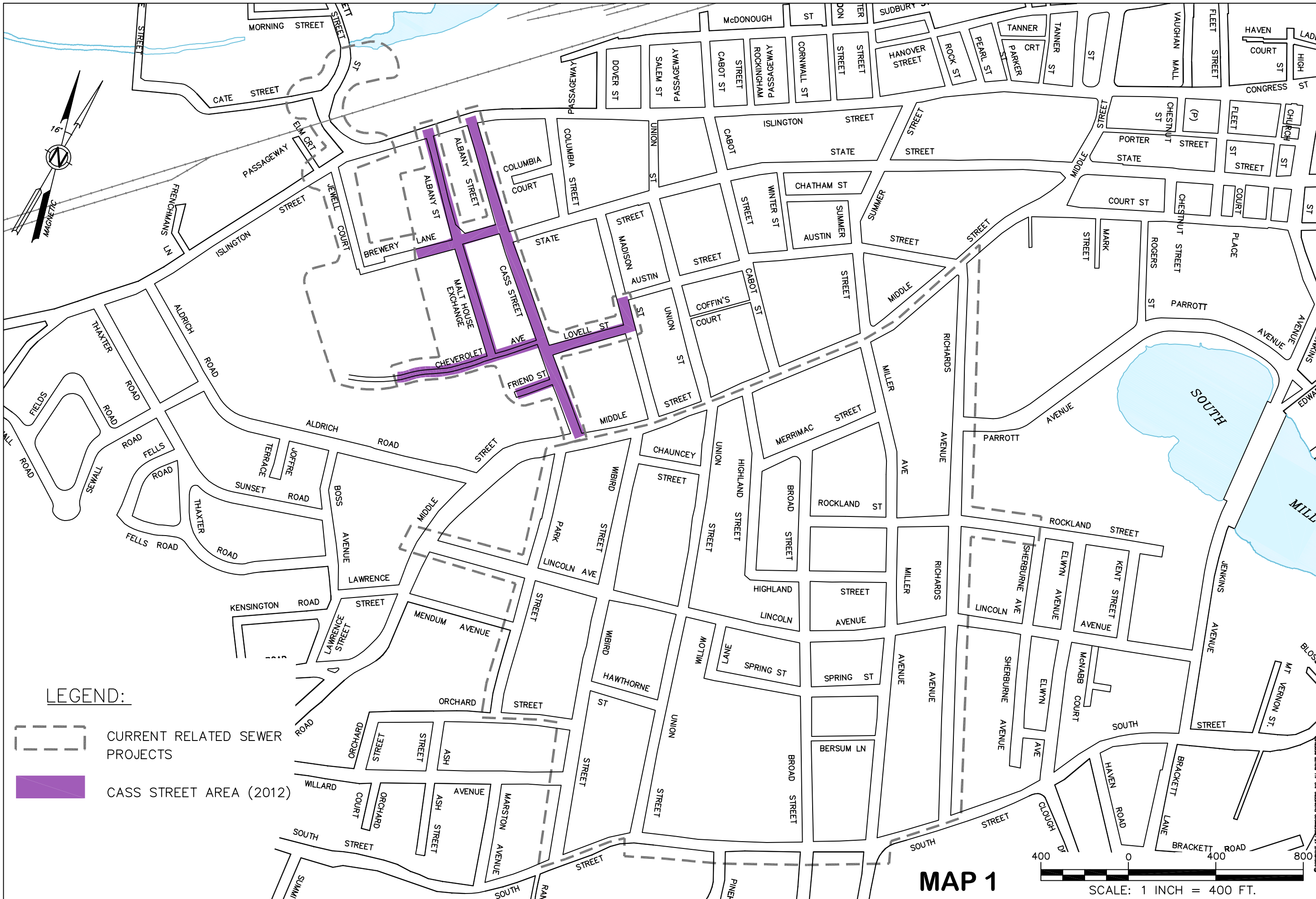
**That this Resolution shall take effect upon its passage.**

**APPROVED:**



**\_\_\_\_\_  
ERIC SPEAR, MAYOR**

**ADOPTED BY CITY COUNCIL**

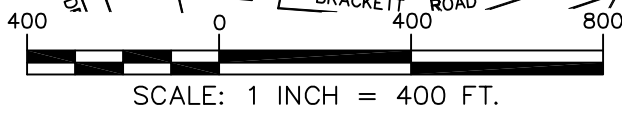
**\_\_\_\_\_  
KELLI L. BARNABY, CMC/CNHMC  
CITY CLERK**



**LEGEND:**

-  CURRENT RELATED SEWER PROJECTS
-  CASS STREET AREA (2012)

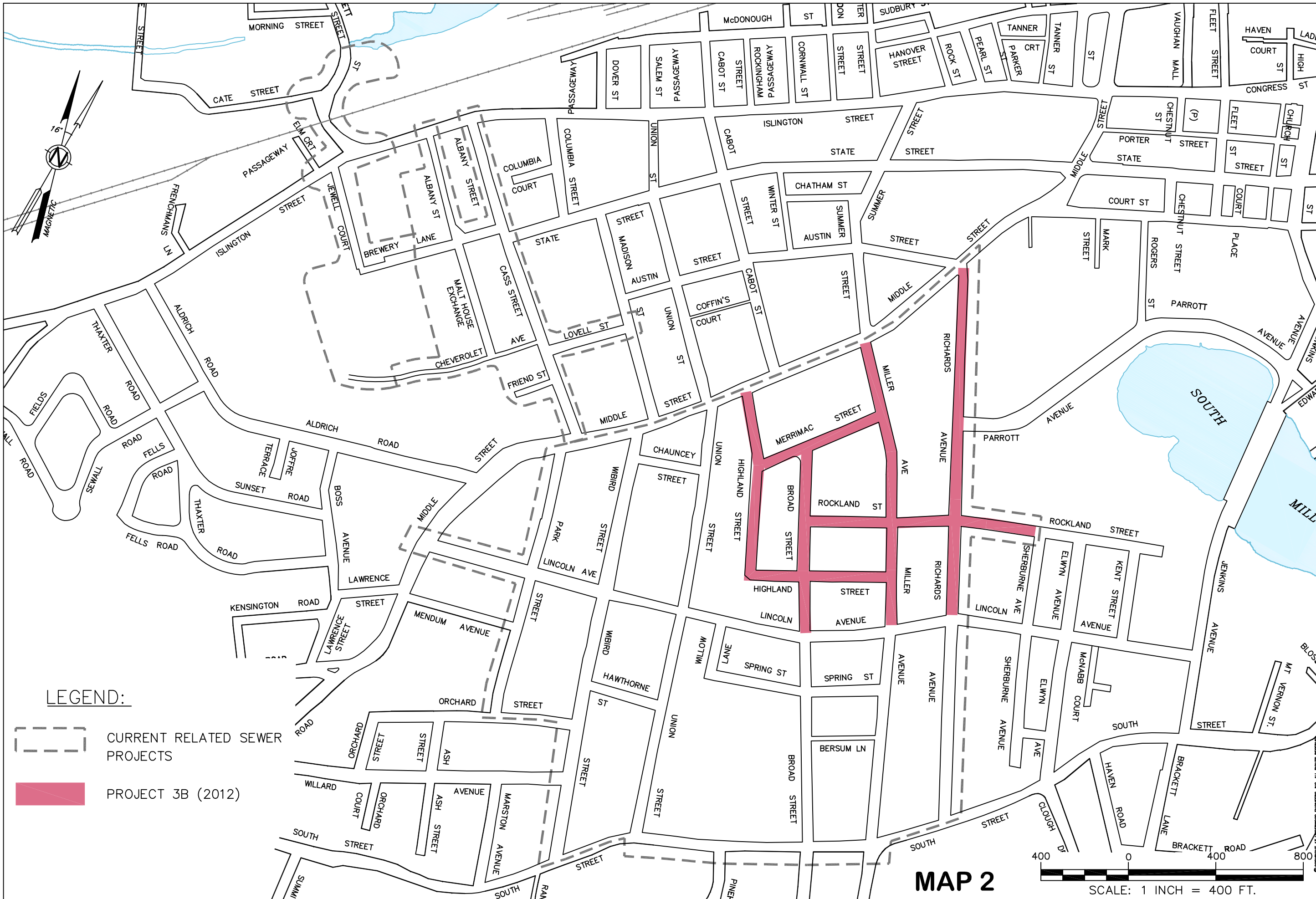
**MAP 1**



Drawn	RMG	ISSUE FOR
Checked		APPROVAL
Approved		By
Date	11/3/11	Date
Book No.	1565	CONSTRUCTION
Project No.	1565	By
Dwg. ID	1565_RL_P&I_P&S	RECORD DRAWING
Scale	AS SHOWN	By
		Date
		APPD
		REVISIONS
		No.

**Underwood Engineers, Inc.**  
 25 Vaughan Mall, Portsmouth, N.H. 03801  
 Tel. 603-436-6192 Fax. 603-431-4733

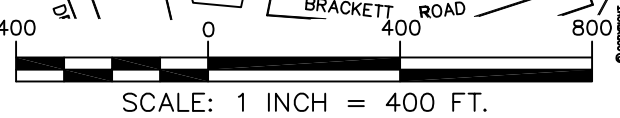
CASS ST. AREA SEWER IMPROVEMENTS  
 LINCOLN AREA SEWER SEPARATION  
 CITY OF PORTSMOUTH  
 PORTSMOUTH, NH



**LEGEND:**

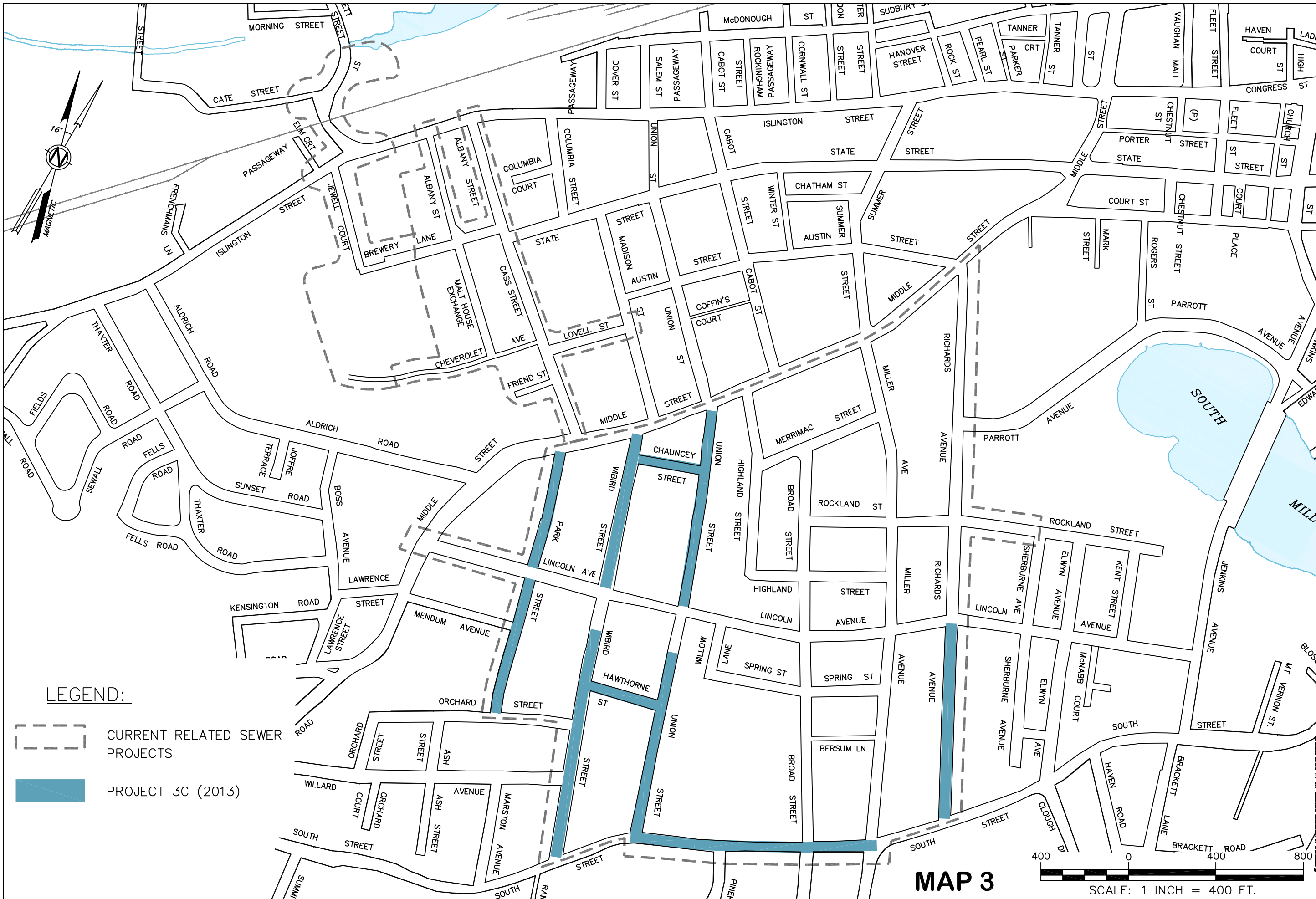
- CURRENT RELATED SEWER PROJECTS
- PROJECT 3B (2012)

**MAP 2**





<b>Underwood Engineers, Inc.</b>		25 Vaughan Mall, Portsmouth, N.H. 03801 Tel. 603-436-6192 Fax. 603-431-4733																			
<b>PROJECT 3B SEWER IMPROVEMENTS</b>		<b>CITY OF PORTSMOUTH</b>																			
<b>LINCOLN AREA SEWER SEPARATION</b>		<b>PORTSMOUTH, NH</b>																			
DWG NO	SHEET	DATE	BY																		
	OF 1																				
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ISSUE FOR	APPROVAL	CONSTRUCTION	RECORD DRAWING																		
	By	By	By																		
	Date	Date	Date																		
NO.	REVISIONS	APPD																			
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Approved																					
Date	11/23/11																				
Book No.	1565																				
Project No.	1565																				
Dwg. ID	1565_EG_PHS_2																				
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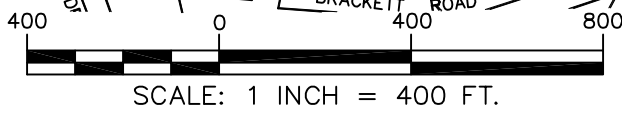




**LEGEND:**

-  CURRENT RELATED SEWER PROJECTS
-  PROJECT 3C (2013)

**MAP 3**



Drawn	RMG	ISSUE FOR
Checked		APPROVAL
Approved		By
Date	11/3/11	Date
Book No.	1565	CONSTRUCTION
Project No.	1565	By
Dwg. ID	1565_P3C_P15.3	RECORD DRAWING
Scale	AS SHOWN	By
		Date
		APPD
		REVISIONS
		NO.

**Underwood Engineers, Inc.**  
 25 Vaughan Mall, Portsmouth, N.H. 03801  
 Tel. 603-436-6192 Fax. 603-431-4733

PROJECT 3C SEWER IMPROVEMENTS  
 LINCOLN AREA SEWER SEPARATION  
 CITY OF PORTSMOUTH  
 PORTSMOUTH, NH

Run: 2/17/12  
9:51AM

## Event Listing by Date

Page: 1

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

Start End	Type Description	Location	Requestor	Vote Date
1/ 1/12 1/ 1/12	ROAD RACE Stu Simon is the contact for this event - 436-2014. This event begins at 11:00 a.m.	Little Harbour School	Great Bay Services	4/ 4/11
2/13/12 2/13/12	CONCERT Vernis Jackson is the contact for this event.	Chestnut Street	African Burying Ground Committ	12/19/11
3/11/12 3/11/12	ROAD RACE Todd Hanson is the contact for this event. He can be reached at 436-2551. This event starts at 10:30 a.m.	Pease Tradeport	St. Paddy's 5 Miler	3/15/12
3/25/12 3/25/12	ROAD RACE Donald Allison is the contact for this event. This event begins at Portsmouth High School to Route 1A South. The event begins at 11:00 a.m.	Portsmouth High School	Eastern States 20 Mile	1/17/12
4/14/12 4/14/12	ROAD RACE Robert Sutherland, Jr. is the contact for this event. This event begins and ends at the Baptist Church on Miller Avenue. Race starts at 9:00 a.m.	Baptist Church - Miller Avenue	St. John's Lodge - Out of Hibe	2/ 6/12
4/14/12 4/14/12	WALK Heidi R. Roy, Development Manager is the contact for this event. This event begins and ends at Little Harbour School, from 10:00 a.m. to 2:00 p.m.	Little Harbour School	National Multiple Sclerosis So	12/19/11
4/15/12 4/15/12	ROAD RACE Olivia Kopri is the contact for this event. This event begins at approximately 11:00 a.m. This event starts and finishes at Martin's Point Health Care.	Pease Tradeport	Sexual Assault Support Service	2/ 6/12
4/15/12 4/15/12	WALK Randy Eaton is the contact of this event. The event beings at City Hall and ends at Prescott Park, starting at 1:00 p.m.	City Hall	Walk for Faith	12/19/11
5/ 6/12 1/ 3/12	BIKE TOUR Kathryn M. Libby is the contact for this event. This event begins at 7:00 a.m. and ends at approximately 4:00 p.m.	Little Harbour School	American Lung Association	12/19/11
5/ 6/12 5/ 6/12	FESTIVAL Barbara Massar is the contact for this event. This event begins at Noon until 4:00 p.m.	Downtown Portsmouth	Pro Portsmouth - Children's Da	1/18/12
5/ 6/12 5/ 6/12	WALK Barbara Kautz is the contact for this event (207-363-5833). This event begins at 10:00 a.m. and the walk starts at 2:00 p.m. and ends around 5:00 p.m.	Lower Parking Lot of City Hall	AIDS Response Seacoast	1/17/12
5/12/12 5/12/12	ROAD RACE Deborah Peretz is the contact for this event. This event begins at 9:00 a.m.	Strawberry Banke	Susan G. Komen for the Cure	10/ 3/11



## Event Listing by Date

Starting Date: 1/ 1/12

Ending Date: 12/31/12

Start End	Type Description	Location	Requestor	Vote Date
5/19/12 5/19/12	ROAD RACE Doug Bates is the contact for this event. This event is part of the Greater Portsmouth Chamber of Commerce Road Race series. This event begins and ends at the YMCA on Peverly Hill Road.	YMCA - Peverly Hill Road	GPCC - YMCA	12/19/11
5/27/12 5/27/12	ROAD RACE Jeanine Sylvester is the contact for this event. This event begins at 11:00 a.m.	Redhook Ale Brewery	Runner's Alley	2/ 6/12
6/ 9/12 6/ 9/12	FESTIVAL Barbara Massar is the contact for this event. This event begins at 9:00 a.m. to 4:00 p.m.	Downtown Portsmouth	Pro Portsmouth - Market Square	1/17/12
6/ 9/12 6/ 9/12	ROAD RACE Barbara Massar is the contact for this event. This is the Market Square Day Road Race that starts at 9:00 a.m. in Market Square.	Starts in Market Square	Pro Portsmouth - Market Square	2/17/12
6/23/12 6/23/12	FESTIVAL This is a Summer in the Street Music Series. It begins at 5:00 p.m. to 9:30 p.m.	Downtown - Pleasant Street/State and Square	Pro Portsmouth - summer in the	1/17/12
6/30/12 6/30/12	FESTIVAL Barbara Massar is the contact for this event. This is Summer in the Streets event beginning at 5:00 p.m. to 9:00 p.m.	Downtown - Pleasant Street/State and Square	Pro Portsmouth - Summer in the	1/17/12
7/ 7/12 7/ 7/12	FESTIVAL Barbara Massar is the contact for this event. This is a part of the Summer in the Streets series that begins at 5:00 p.m. and ends at 9:30 p.m.	Downtown - Pleasant Street/State and Square	Pro Portsmouth - Summer in the	1/17/12
7/ 7/12 7/ 7/12	ROAD RACE Doug Bates is the contact for this event. This event is part of the Road Race Series. It begins and ends at Little Harbour School at 9:00 a.m.	Little Harbour School	GPCC - Harbour Trail	12/19/11
7/14/12 7/14/12	FESTIVAL Barbara Massar is the contact for this event. This event is part of the Summer in Street Series. It begins at 5:00 to 9:30 p.m.	Downtown - Pleasant Street/State and Square	Pro Portsmouth - Summer in the	1/18/12
7/21/12 7/21/12	FESTIVAL Barbara Massar is the contact for this event. This event is part of the Summer in the Streets begins at 5:00 p.m. to 9:30 p.m.	Downtown - Pleasant Street - between State Street	Pro Portsmouth - Summer in the	1/17/12
7/28/12 7/28/12	FESTIVAL Barbara Massar is the contact for this event. This event is part of the Summer in the Streets series that begins at 5:00 p.m. and ends at 9:30 p.m.	Downtown - Pleasant Street - between State Street	Pro Portsmouth - Summer in the	1/17/12
8/ 2/12 8/ 2/12	ROAD RACE Doug Bates is the contact for this event. This event is part of the Road Race series. It begins and ends at Peirce Island at 6:00 p.m.	Peirce Island	GPCC - Portsmouth Rotary Club	12/19/11

Run: 2/17/12  
9:51AM

## Event Listing by Date

Page: 3

Starting Date: 1/ 1/12

Ending Date: 12/31/12

Start End	Type Description	Location	Requestor	Vote Date
8/ 4/12 8/ 4/12	FESTIVAL Barbara Massar is the contact for this event. This event is part of the Summer in the Street series which begins at 5:00 p.m. and ends at 9:30 p.m.	(Raindate)Downtown - Pleasant Street/State and Squ	Pro Portsmouth - Summer in the	1/17/12
8/ 8/12 8/ 8/12	FESTIVAL Doug Bates is the contact for this event. This is the 2012 Greater Portsmouth Chamber of Commerce Annual Dinner "Celebrating Portsmouth Business".	Pleasant Street from State to Congress Street	Greater Portsmouth Chamber of	2/17/12
9/ 9/12 9/ 9/12	BIKE TOUR Susanne Delaney or Catherine Keenan are the contacts for this event. This event begins and ends at Market Square.	Downtown	Portsmouth Criterium	12/ 6/11
9/15/12 9/15/12	ROAD RACE Doug Bates is the contact for this event. This event is part of the Road Race series - it begins at 9:00 a.m.	Little Harbour School	GPCC - BreastCancerStories.org	12/19/11
9/15/12 9/16/12	TOUR Caroline Amport (686-4338) and Nancy Pollard are the contacts for this event. This event begins on Saturday, September 15th from 9:00 a.m. to 1:00 p.m. and Sunday, September 16th - 11:00 a.m. to 3:00 p.m.	South End	Friends of the South End	2/ 6/12
10/13/12 10/13/12	ROAD RACE Doug Bates is the contact for this event. This event is the for the Community Child Care and it is part of the Road Race series. This event begins at 9:00 a.m.	Little Harbour School	GPCC - Community Child Care	12/19/11
11/22/12 11/22/12	ROAD RACE Doug Bates is the contact for this event. This event is part of the Road Race Series. The event begins at 8:30 a.m.	Prescott Park	GPCC - Seacoast Rotary Club -	12/19/11

CITY OF PORTSMOUTH  
LEGAL DEPARTMENT  
MEMORANDUM

RECEIVED

FEB 9 2012

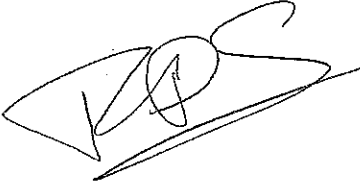
CITY MANAGER  
PORTSMOUTH, NH

DATE: February 9, 2012

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: ROBERT P. SULLIVAN, CITY ATTORNEY

RE: PARROTT AVENUE PLACE TO MARK WENTWORTH HOME PROPERTY  
CONVEYANCE



At its meeting of February 6, 2012, the City Council expressed an interest in being advised as to whether or not the conveyance of the former Home for Aged Women on Parrott Avenue from Parrott Avenue Place Inc. to the Mark Wentworth Home contained any restrictions which would assure continuation of the programs for Senior Citizens which have been held in the building.

This will advise that to answer that question I have reviewed two volumes of closing documents dated January 5, 2009 provided to the City by Portsmouth Housing Development Ltd. These included the Purchase and Sale Agreement and the deed for the transaction.

The brief answer to the Council's question is that I find no written agreement, limitation or restriction which would compel Mark Wentworth Home to continue to utilize either the property involved in the transaction or any proceeds which might be received by Mark Wentworth from the sale of that property for the continuation of any senior citizen programs.

However, I am advised by attorneys involved in the closing that Mark Wentworth Home has anecdotally indicated an intent to continue and extend senior citizen programs either at the property or utilizing the proceeds from the sale of the property. This information was also reported in the Portsmouth Herald on Wednesday, February 8, 2012, at which time William Henson, Chief Operating Officer, of the Mark Wentworth Home is quoted as saying, "the new, merged non-profit will continue to serve the City's senior citizens." Moreover, the resolution dated December 17, 2008 voted by the Board of Trustees of Mark Wentworth Home authorizing the acquisition of the property contains a provision reading, "the [Mark Wentworth Home] desires to hire Living and Innovations Inc. to manage the programs acquired from Compass Care and [PHA Housing Development Limited] and to develop further programming for senior citizens in the Seacoast area".

A final point which might be of interest to the City Council is that Mark H. Wentworth Home is a non-profit corporation established for, "...maintaining homes for the aged and for the invalids of the general public in Portsmouth, New Hampshire, and surrounding areas, with no pecuniary benefit or profit or benefit to its officers or members...".

cc: Joe Couture, Executive Director (PHA)  
John Bosen, Esq.  
William Henson, (Mark H. Wentworth Home)

h:\rps\com dev\memo re-parrot ave place & mark wentworth home



**CONSIDERATION**  
**CITY OF PORTSMOUTH, N.H.**  
**BOARDS AND COMMISSIONS**

**received**  
1/16/17

**APPOINTMENT APPLICATION**

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

Committee: PORTSMOUTH HISTORIC BOARD - Initial applicant

Name: DANIEL T. RAWLING Telephone: 603-430-4013

Could you be contacted at work?  YES  NO If so, telephone # 430-4013

Street address: 911 MIDDLE ST. - PORTSMOUTH

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

Email address (for clerk's office communication): dan@rawlingdesign.com

How long have you been a resident of Portsmouth? 14 years

Occupational background:

30+yrs. in Architecture & landscape Design - principal - Rawling Design Assoc. -  
Facility Planning - Concord Academy, Concord MA. -  
Development Planning - Appleton Trust, Lowell, MA + W. Lewis Barlow Architects - Lowell  
NATIONAL PARK SERVICE - Lowell, Ma

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

Preservation background developed w/ National Park Service Historic Properties -  
Adaptive Reuse/Design Experience w/ Historic Buildings, Residential to 1 million sq. ft. -  
Infill & new construction proposals within historic districts -  
Experience working w/ Committees, Boards & Government Agencies -  
Building Experience - Creative & Sensitive Architectural Design Experience -

OVER  
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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 believe in the importance of the Historic Board's mission & the importance of citizen participation. I also think it's a good match with the professional skills that are needed and those that I have developed in my career.

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

Selectmen - Ward 2 -

(PREVIOUSLY) - PORTSMOUTH HISTORICAL SOCIETY, PORTSMOUTH ADVOCATES, PORTSMOUTH LISTENS, SUSTAINABLE PORTSMOUTH, PISCATAQUA SUSTAINABILITY INITIATIVE, SUSTAINABILITY FAIR

Please list two character references not related to you or city staff members:

1) Martha Fuller Clark - 152 Middle Street, Portsmouth 603.498.6939  
Name, address, telephone number

2) Richard Adams - 75 Kent Street, Portsmouth 603.436.4445  
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: 01.09.12

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**



ed

**CONSIDERATION**

**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*

DEC 12 2011 11:03 AM

Committee: Peirce Island Committee

**Renewing applicant**

Name: James Russ Telephone: 603 430 9744

Could you be contacted at work? YES/NO - If so, telephone # 603 498 0468

Street address: 20 Pleasant PT DR

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

Email address (for clerk's office communication): Jimruss@Comcast.net

How long have you been a resident of Portsmouth? 40 years

Occupational background:

Town Planner

Real Estate Sales

Boat Building, Repair - Currently unemployed

Employed at Kittery PT Yacht Yards

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

Reasons for wishing to continue serving: Enjoy being involved in betterment projects at Peirce Island and I enjoy volunteering time to the City.

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

New England Mountain Bike Association  
Portsmouth Athenaeum  
1

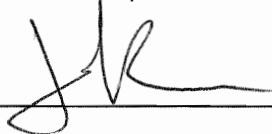
Please list two character references not related to you or city staff members:

1) Jack Kelley, Newcastle Ave, Portsmouth 433-3232  
Name, address, telephone number

2) Joe Baroni, Pleasant Pt Dr, Portsmouth 986-6509  
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature:  Date: 12/7/11

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: \_\_\_\_\_

Annual Number of Meetings: \_\_\_\_\_ Number of Meetings Absent: \_\_\_\_\_

Date of Original Appointment: \_\_\_\_\_

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





## TO BE VOTED

### 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: Planning Board or Historic District Comm Initial applicant

Name: Sherry-Lea Bloodworth Bishop Telephone: (603) 828-1685

Could you be contacted at work?  YES  NO If so, telephone # (above)

Street address: 55 Elmira Avenue, Portsmouth 03801

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

Email address (for clerk's office communication): slb@nhcf.org

How long have you been a resident of Portsmouth? 19 years

#### Occupational background:

My background is in community development, philanthropy, design, planning and architecture. Please see resume for details.

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

I have organized, participated in and/or been affiliated with dozens of planning and re-development projects beginning in the 1990's when I served on a panel for the re-urbanization of downtown Birmingham to multiple, large scale, city and county wide projects following Hurricane Katrina. I've facilitated

OVER  
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and organized community outreach initiatives in relation to this work and worked with local mayors, councils, state government including juries commissions, and governors, federal officials (FEMA) for profit and non-profit architects, engineers, planners and developers. Raised over \$50M in funds for rebuilding efforts from for profit, non-profit and government entities.

This summer I served on a panel of Loeb fellows from Harvard at the invitation of the mayor we revisited the re-urbanization project and looked at new districts, parks, civil rights trails, business districts and entertainment districts as well as greenways and walk/bike paths.

Have you contacted the chair of the Board/Commission to determine the time commitment involved? YES/NO ; we've communicated via email.

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

Reasons for wishing to serve: Planning is essential to ensuring and maintaining a high quality of life. I would love to use my experience serving the residents of Portsmouth and our city and continue to work with planners, architects, developers, engineers, city officials and others to ensure that Portsmouth continues to maintain the high quality of life it offers now -- the reason we moved here.  
Please list any organizations, groups, or other committees you are involved in:

Through my work I am involved with many organizations, however I have been very slow to accept any board appts. before finding out if I will serve on this board. I am a Rotarian.

Please list two character references not related to you or city staff members:

1) Michael Grote, New Orleans, LA (334) 354-0516  
Name, address, telephone number

2) Celina Adams, 446 Market St. (603) 430-9182 ext 1272  
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: 12-12-11

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



**POSITIONS PRIOR TO  
2005 INCLUDE:**

**Sidewalk Film Festival**

**Birmingham, AL**

***Executive Director***

- Arranged for Disney to premiere *Sweet Home Alabama* at the Alabama Theater, their first "out of town" premiere;
- Promoted the Festival throughout the state and country, raised corporate sponsorship, and fostered a liaison with the Governor's office;
- Celebrated nearly triple attendance and highest funding in the Festival's six year history.

**Regions (AmSouth) Bank**

**Birmingham, AL**

***Corporate Contributions/Community Relations***

- Founded Charitable Foundation for bank managing \$16M in grant funds;
- Created criteria for review and selection process for grant-making;
- Identified, created and supported programs serving communities throughout the Southeast in civic, health, education, civil rights and other areas;
- Worked directly with CEO and Board of Directors in grant-making process.

**Hartford Seminary**

**Hartford, CT**

***Capital Campaign/Development Director***

- Formed and recruited Capital Campaign Committee including recruiting the CEO of Aetna as chair;
- Managed all media and events related to development.

**Education:**

**Louisiana State University**

**Continuing education at Sanford University, University of Alabama**

**Multiple philanthropy education courses over 15-20 years.**

**Professional Associations:**

**Member of the Association of Fundraising Professionals (15+ years)**

**Advisory Board's Philanthropy Leadership Council member**

**Rotary International**

**Excellent references furnished upon request.**

**OTHER INTERESTS/ACCOMPLISHMENTS:**

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Trained at San Francisco Ballet and performed professionally across the country for 15 years.

Served on Board of Directors for Young Audiences of America with Yo-Yo Ma, Quincy Jones and Gregory Hines

Actively involved in committees or Boards to form the following:

- Christmas in April/Rebuilding Together (Birmingham & Hartford)
- BRAVO ( Birmingham's Regional Arts Volunteer Organization) co-founder
- Vision 2020— Planning Committee for low-income communities of Birmingham, Alabama
- Started corporate foundation for large bank; managed \$18M; funded and advised community programs
- City Dance
- HeadStart for Literacy
- Alabamza Ballet
- Hartford Ballet
- Education Spectrum for Autism
- Region 2020's Reurbanization Plan for Birmingham
- Founding member Housing Resource Center Association of the Gulf Coast
- Chair of 100<sup>th</sup> K&KCOM! playground build – June 2008
- Guest speaker/Oprah guest at Superdome V-Day 10<sup>th</sup> Anniversary



**Warnke Community Consulting**  
*Partners to Nonprofits*

Sherry-Lea Bloodworth is one of my heroes. I met Sherry-Lea in the early months after Hurricane Katrina, in East Biloxi, Mississippi, a low-income, African- and Vietnamese- American neighborhood that had been destroyed by the storm. By the time I first visited East Biloxi in December, 2005, Sherry-Lea was already a legend there. Acting as an unaffiliated volunteer, she had played a pivotal role in coordinating the relief and recovery effort. She had negotiated with trucking firms in Georgia and Florida for the delivery of donated emergency supplies; secured food and water through cold calls to corporations and relief organizations; arranged personally for emergency evacuations of elderly and other fragile residents; directed activities on the ground with community and nonprofit leaders; and interacted effectively with all levels of city, state and Federal governments. She knew the Mayor, she knew everyone at FEMA worth knowing; she knew the pastors of the local churches; she knew everybody.

My company, Warnke Community Consulting ([www.warnkecc.com](http://www.warnkecc.com)), works with local neighborhood-based organizations and neighborhood leaders to design and implement innovative community development programs and plans. Through our affiliate, Alembic Development Company, we build affordable and supportive housing projects. In East Biloxi, collaborating with Sherry-Lea, we helped Bill Stallworth, the local Biloxi City Councilman, create a neighborhood-based nonprofit redevelopment organization, now called the Hope Community Development Agency, and we completed, with the assistance of Sherry-Lea and the Gulf Coast Community Design Studio, a comprehensive community plan that outlined residents' vision for the recovery and rebuilding of East Biloxi. Later, my colleagues and I worked with Sherry-Lea while she was directing Architecture for Humanity's efforts in the three coastal counties of Mississippi. We could have accomplished little of our work without Sherry-Lea's extensive help and guidance.

Sherry-Lea would be a significant asset to any community of committed, intelligent professionals. She is a wonderful leader and collaborator, at ease with people from all walks of life, animated, articulate, both passionate and patient. She listens happily and well. She is fearless.

A native of New Orleans and coastal Louisiana, Sherry-Lea has an instinctive feel for the vernacular of the place, and she cares deeply about communities. She has a strong sense of all of the elements that contribute to intelligent community development, from community participation to zoning considerations to financing. In East Biloxi, she was instrumental in bringing many of these elements together. She was able to secure over \$3 million in funding from Oprah's Angels Network for Architecture for Humanity's Model Home project in East Biloxi, and she shepherded the project, with different architects and builders all on the ground simultaneously, building to a new code, with a city administration that was not always friendly towards the initiative, through to a successful conclusion. Sherry-Lea also acted as a liaison



between the Hope Community Development Agency and the Gulf Coast Community Design Studio in their development work together, helping each organization to understand the priorities and personalities of the other, with a steady and informed insistence on quality design and construction.

In addition to a sure aesthetic, Sherry-Lea brings a clear sense of justice to her development work. She understands the importance of discerning a community's aspirations for its future, of identifying and recruiting first-rate professionals to help advance those aspirations when necessary and of ensuring that the work of these professionals remains true to the community's own vision. She believes that all neighborhoods can and should have affordable housing built to high standards of craftsmanship and safety and designed in a manner that honors the community's traditions and history. She has substantial experience creating and implementing processes that allow for the early, consistent and robust involvement of community residents.

I have been engaged in community development work over the past twenty years as a staff member at national housing intermediaries, as consultant, as a board member and as a developer and I can think of no one in my experience who would be a better fit any philanthropic endeavor.

Benjamin Wanke, Principal/Founder  
Wanke Community Consultants  
37 West 20<sup>th</sup> Street  
Suite 803  
New York, NY 10011



Thank you for giving me the opportunity to recommend Sherry-Lea Bloodworth. I've known Ms. Bloodworth since 2005, when she was working tirelessly on the hurricane recovery and rebuilding effort in East Biloxi, Mississippi. From the moment I first met her, I knew instantly that she was someone with whom I wanted to work. She has a unique ability to bring people from all sectors together, and an unrelenting commitment to do whatever necessary to provide hope, dignity and inspiration to people in need of support. Whether she's testifying to a congressional committee on Capitol Hill about road blocks in the provision of FEMA funds, or helping the low-income elderly and families of pediatric patients navigate through a labyrinth of bureaucracy to access health care funding, Ms. Bloodworth carries herself with infectious enthusiasm and the utmost professionalism.

Her positive impact on communities all along of the Gulf Coast will be felt for years to come. Parks and community organizations now stand as a testament of her commitment to the region. More than one thousand families in East Biloxi, Bay St. Louis, and Gulfport received support and pro bono design services from the local design studios that she was instrumental in creating. When meeting these families, one can't help but notice their incredible sense of pride, gratitude, and sense of ownership due to the empowering approach Ms. Bloodworth and her colleagues in these community design studios implemented when they engaged these families and took them through the design process. This is also what differentiates Ms. Bloodworth's projects from those of other development agencies, which often leave many homeowners out of the process in the rush to meet donor targets and get projects delivered in the wake of major disasters.

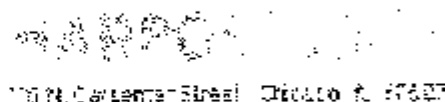
Of all of Ms. Bloodworth's assets, her greatest is her ability to engage stakeholders at all levels and facilitate open, non-threatening conversations about building better communities. I have worked in many regions throughout the United States and around the world and know how critical it is to have someone like Ms. Bloodworth to create cohesion and alignment in order to bring a project to life, and to give it life.

Thank you for your thoughtful consideration.

Very truly yours,



Gregg Sherida, Program Officer  
Kargo Productions, Inc.





**TO BE VOTED**

**CITY OF PORTSMOUTH, N.H.  
BOARDS AND COMMISSIONS**

DEC 27 2011

**APPOINTMENT APPLICATION**



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

DEC 27 2011

Committee: Trustee of the Trust Funds **Renewing applicant**

Name: Phyllis Eldridge Telephone: 431-1293

Could you be contacted at work? YES/NO - If so, telephone # 431-7100 x 2924

Street address: 50 South School Street, #6

Mailing address (if different): —

Email address (for clerk's office communication): Phyllis917@gmail.com

How long have you been a resident of Portsmouth? 3

**Occupational background:**

I've worked as a teacher, bookstore clerk,  
but more recently, I have been a  
program manager for non-profit agencies.  
Currently, I am the coordinator of Futures a  
PHS.

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

Reasons for wishing to continue serving: The board continues  
to be interesting & challenging. Also -  
The other 2 trustees are very new-  
someone needs to be the 'elder  
statesman.'

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

Currently, no other groups.  
In the past, Library Trustee,  
HDC member, Planning Board,  
City Council, and a few non-  
profit boards.

Please list two character references, not related to you or city staff members:

1) Gerry Howe 45 Miller Ave. 431-4101  
Name, address, telephone number

2) Bill Mortomas 235 Pullards Dr. 436-7806  
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature: Phyllis Eldredge Date: December 15, 2011

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 1/1/2015

Annual Number of Meetings: 24 Number of Meetings Absent: 2

Date of Original Appointment: 9/1/2007

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

Phyllis Eldridge  
50 South School Street, Unit 6  
Portsmouth, NH 03801  
(603) 431-1293 phyllis917@gmail.com

### **Education**

Boston University, Master of Business Administration, 1981  
SUNY Cortland, Master of Education, 1974  
Syracuse University, Bachelor of Science, 1970

### **Experience**

2006-Present

Futures— Coordinator of Futures at Portsmouth High School. This is a mentoring and financial assistance program for indigent, first generation college bound students.

1997-2006

Lamprey Health Care, Newmarket, NH Ancillary Services Manager  
Administer Infolink, an Information & Referral Program, which provides social service referrals in three counties: Medical Financial Assistance, a free short-term prescription assistance program; Portsmouth Regional Prescription Assistance Program, which connects eligible people to free ongoing prescriptions drugs directly from pharmaceutical companies; and Lamprey Senior Transportation which enables seniors and the disabled to remain independent in their own homes by providing rides to essential services. Research and write grants to support each program. Grants have been received from the United Way of the Greater Seacoast, NH Department of Transportation, Bureau of Elderly and Adult Services, Foundation for Seacoast Health, City of Portsmouth, Community Development Block Grant, Endowment for Health, and 29 local towns and cities.

Collaborate and coordinate with other groups seeking similar outcomes: Transportation Collaborative, NH 211, Dental Coalition, Alliance for Community Health, Elder Wrap, etc.

Promote programs to groups, potential donors and the public

1993-1997

Stroudwater Books and Cafe, Portsmouth, NH Duties included general sales, producing monthly newsletter, book discussion groups, and special orders.

1990-1993

Children's Garden Pre-school Teacher, working with 3-4 year olds.

1972-1975

Public school teacher at Kiernan School, Utica, NY 2nd Grade

Public School teacher in Rochester, NY Multi-grade 4-6 and 1st grade

### **Civic and Non-Profit Experience**

1984-Present

Trustee of the Trust Funds for the city of Portsmouth

Current Chairman, Co-Chair Portsmouth Library Capital Campaign

Current Member, New Library Building Committee

Current Member, COAST Board of Directors

Current Member, ServiceLink Advisory Board (non-profit agency that assists seniors, adults with disabilities and their families)

Chair, Portsmouth Library Trustees

City Councilor, Portsmouth, NH, two terms

Member, Vice Chair, Portsmouth Planning Board

Member, Vice Chair, Chair, Portsmouth Historic District Commission

Board Member, President, Families First Health and Support Center

Board Member, Chair, Portsmouth Children's Museum



# PORTSMOUTH SCHOOL DEPARTMENT

## OFFICE OF THE SUPERINTENDENT OF SCHOOLS

EDWARD McDONOUGH  
SUPERINTENDENT OF SCHOOLS

STEPHEN ZADRAVEC  
ASSISTANT SUPERINTENDENT

STEPHEN BARTLETT  
BUSINESS ADMINISTRATOR

February 14, 2012

The Honorable Eric Spear, Mayor  
City of Portsmouth  
Portsmouth City Hall Hall  
1 Junkins Avenue  
Portsmouth, New Hampshire 03801

Dear Mayor Spear:

I am forwarding this letter to apprise you that Ms. Mary Olea has been selected to serve as the School Board's liaison to the Portsmouth Library Board of Trustees. Ms. Olea is excited to undertake her role with the Portsmouth Public Library.

Thank you for your consideration regarding this matter. Please do not hesitate to contact me with any questions or concerns.

Sincerely,

Ms. Leslie Stevens,  
Chair, Portsmouth School Board

Cc: Mr. John P. Bohenko, Portsmouth City Manager  
Ms. Mary Olea, Portsmouth School Board Member



## BOARDS AND COMMISSIONS

### VACANCIES

The following is a listing of vacancies for various Boards and Commissions. If you are interested in applying for a Board or Commission, please complete an application and submit it to the City Clerk's Office.

If you have any questions, please contact the Mayor's Office or the Office of the City Clerk.

- 1 Alternate Member to the Building Code Board of Appeals – The vacancy to be filled would need to be (1) a mechanical engineer or master plumber and (2) electrical engineer or master electrician
- 2 Members to the Cable Television & Communications Commission
- 1 Alternate Member to the Cable Television & Communications Commission
- 4 Members to the Citywide Neighborhood Steering Committee
- 2 Alternate Member to the Conservation Commission
- 1 Alternate Member to the Historic District Commission
- 1 Member to the Parking and Traffic Safety Committee
- 4 Members to the Peirce Island Committee
- 1 Alternate Member to the Planning Board
- 2 Members to the Taxi Commission
- 2 Member to the Sustainable Practices Blue Ribbon Committee
- 2 Members to Zoning Board of Adjustment

MOTION FOR A NON-BINDING RESOLUTION AS FOLLOWS:

WHEREAS the City Council ought to set the financial vision for the City of Portsmouth and give budgetary guidance early in the annual budget process,

WHEREAS the residents of the City of Portsmouth should not be asked to pay property taxes beyond their current ability to pay, and

WHEREAS the main component in the calculation of property tax rates is the annual budget,

THEREFORE be resolved that the City Council desires to see no increase to the budget for fiscal year 2013, and respectfully asks the heads of all city departments to work diligently to achieve that goal.

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## MEMORANDUM

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**TO:** City Council Members  
**FROM:** Liz Good, Planning Department  
**SUBJECT:** Conservation Commission Minutes  
**DATE:** February 9, 2012

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Please be advised that the approved minutes from the January 11, 2012 Conservation Commission meeting are now available on the City's website for your review.

## MEMORANDUM

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**TO:** City Council Members  
**FROM:** Liz Good, Planning Department  
**SUBJECT:** Historic District Commission Minutes  
**DATE:** February 2, 2012

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Please be advised that the approved minutes from the December 7, 2011 Historic District Commission meeting are now available on the City's website for your review.

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## MEMORANDUM

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**TO:** City Council Members  
**FROM:** Jane Shouse, Planning Department *JMS*  
**SUBJECT:** Planning Board Minutes  
**DATE:** February 9, 2012

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Please be advised that the approved minutes from the October 20, 2011 Planning Board meeting are now available on the City's website for your review.

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## MEMORANDUM

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**TO:** City Council Members  
**FROM:** Jane Shouse, Planning Department *JMS*  
**SUBJECT:** Site Review Technical Advisory Committee Minutes  
**DATE:** February 9, 2012

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Please be advised that the approved minutes from the January 31, 2012 Site Review Technical Advisory Committee meeting are now available on the City's website for your review.