

# CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH  
DATE: MONDAY, MARCH 5, 2012 TIME: 7:00PM

## AGENDA

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

### PROCLAMATION

1. Music in Our Schools Month – “Music Lasts a Lifetime”

### V. ACCEPTANCE OF MINUTES – FEBURARY 21, 2012

### VI. PUBLIC COMMENT SESSION

### VII. PUBLIC HEARING

- A. CAPITAL IMPROVEMENT PLAN (CIP) FY2013-2018 (***Action on this matter will be taken at the March 19, 2012 City Council meeting***)

- Letter from Karina Quintans, Islington Creek Neighborhood Coordinator, requesting that the remaining \$1.2M of the budget within the Capital Improvement Plan be approved during the current year approval process and allocated with no further delays to completing the work for sidewalk improvements throughout the Islington Creek Neighborhood

### VIII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Grants/Donation to the Portsmouth Police Department
  - Grant from the Department of Justice to support the Victim/Witness Advocate position in court office - \$70,219.00
  - Grant from the Department of Highway Safety for DWI/DUI Patrols - \$8,250.00
  - Donation from St. Andrew's Lodge No. 56 in support of the Portsmouth Police Honor Guard - \$500.00

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

- B. \*U.S. Homeland Security Grant Acceptance, Critical Care and Supplemental Oxygen  
***(Sample motion – move to authorize the City Manager to execute any and all documents and agreements to allow portable ventilators, provided by the State of New Hampshire for the benefit of the municipality in emergency situations, to be granted directly to the Portsmouth Regional Hospital to be stored, maintained and deployed as necessary)***

- C. \*Acceptance of Grant for Art-Speak
- Rotary Club of Portsmouth - \$2,000.00
- (Sample motion – move to approve and accept the grant to Art-Speak, as presented)***

## **IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES**

- A. First reading of Proposed Ordinance Amendment to Chapter 1, Article XIV, Section 1.14 – Municipal Fund Balance by the deletion of the terminology *Undesignated* throughout the Ordinance with the replacement of the terminology **Unassigned**
- B. First reading of Resolution Authorizing the Issuance of Refunding Bonds to Refinance Certain Outstanding Bonds of the City so as to Reduce Interest Costs and to Pay all Costs Incidental and Related Thereto. The City is authorized to issue refunding bonds in the amount of up to Twenty Million Dollars (\$20,000,000.00)
- C. First reading of 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 (\$12,500,000.00) Dollars

## **X. CONSENT AGENDA**

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

- A. Letter from Kelly Sicard, Breathe New Hampshire, requesting permission to hold the 27<sup>th</sup> Annual Seacoast Bike Tour on Saturday, May 19, 2012 and May 20, 2012  
***(Anticipated action – move to refer to the City Manager with power)***
- B. Letter from Brenda Blonigen, The Pease Air National Guard Base Minuteman Fund, requesting permission to hold the 2<sup>nd</sup> Annual Pease 7k Road Race/Walk on Sunday, July 15, 2012 on the Pease Tradeport ***(Anticipated action – move to refer to the City Manager with power)***
- C. Request for a License from Heidi Archibald, owner of The Colour Bar on Pleasant Street for property located at 86 Pleasant 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 Heidi Archibald, owner of The Colour Bar on Pleasant Street to install a projecting sign at 86 Pleasant 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***

- D. Request for a License from Jay Schadler, owner of Jay Schadler Studio on Fleet Street for property located at 82 Fleet 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 Jay Schadler, owner of Jay Schadler Studio on Fleet Street to install a projecting sign at 82 Fleet 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. Request for a License from Mark McNabb, owner of 82-86 Congress LLC, on Chestnut Street for property located at 25 Chestnut 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 Mark McNabb, owner of 82-86 Congress LLC, on Chestnut Street to install a projecting sign at 25 Chestnut 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***
- F. Request for Renewal of Boarding House Permit for G. Edward Gowen Jr., 350-352 Hanover Street (***Anticipated action – move to authorize the City Manager to issue the Boarding House Permit for G. Edward Gowen Jr., 350-352 Hanover Street***)
- G. Request for Renewal of Boarding House Permit for Paul H. White, 278 Cabot Street (***Anticipated action - move to authorize the City Manager to issue the Boarding House permit for Paul H. White, 278 Cabot Street***)
- H. Request for Approval of Pole License to install/replace 1 pole located at the intersection of State Street and Cass 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***)

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

- A. Letter from Michael and Anne Coffey with a Petition from residents of Haven Road, Brackett Lane and Brackett Road regarding the number of events being held at the Little Harbour School and the problems that are associated with the events (***Sample motion – move to refer to the Parking and Traffic Safety Committee for report back***)
- B. Letter from Steven Marison, Peirce Island Committee Chair, requesting a memorial plaque be placed on a bench at Peirce Island in memory of Harold Hapgood and his dog Puma
- C. Letter from Barbara Devanna requesting an easement in perpetuity over an area of 750 square feet for property located at 55 Meredith Way (***Sample motion – move to refer to the Planning Board for report back***)
- D. Letter from William Mortimer and Jack Kelley, requesting the City Council to make a donation to the Portsmouth High School Clipper Band to participate in the Disney Music Festival in Orlando, Florida from April 22 through April 29, 2012

## 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 Ordinance Amendment to Chapter 1, Article XIV, Section 1.14 – Municipal Fund Balance by the deletion of the terminology *Undesignated* throughout the Ordinance with the replacement of the terminology **Unassigned (Action on this matter should take place under Section IX of the Agenda)**
  - 1.2 First reading of Resolution Authorizing the Issuance of Refunding Bonds to Refinance Certain Outstanding Bonds of the City so as to Reduce Interest Costs and to Pay all Costs Incidental and Related Thereto. The City is authorized to issue refunding bonds in the amount of up to Twenty Million Dollars (\$20,000,000.00) **(Action on this matter should take place under Section IX of the Agenda)**
  - 1.3 First reading of 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 (\$12,500,000.00) Dollars **(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 Re: Proposed Capital Improvement Plan (CIP) FY2013-2018 **(Action on this matter will be taken at the March 19, 2012 City Council meeting)**

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

1. Policy Regarding Use of City Property for Sidewalk Cafes Providing Alcohol Services

#### Informational Items

1. Events Listing
2. Economic Development Commission Agenda and Draft Minutes

**B. MAYOR SPEAR**

1. Appointment to be Considered:
  - Appointment of Christopher Mulligan to the Zoning Board of Adjustment
2. Appointments to be Voted:
  - Appointment of Daniel Rawling to the Historic District Commission
  - Reappointment of James Russ to the Peirce Island Committee
3. \*Work Session on March 12<sup>th</sup> at 6:30 p.m. regarding Guiding Principles Re: Parking & Disposal of Connie Bean Center
4. \*Work Session on March 26<sup>th</sup> at 6:30 p.m. regarding Quarterly Meeting with Economic Development Commission, Planning Board and Historic District Commission
5. \*Work Session on April 9<sup>th</sup> at 6:30 p.m. regarding Update on Wastewater Treatment

**C. COUNCILOR NOVELLINE CLAYBURGH**

1. Recommended Ordinance Amendments – Magazine Solicitors’, Alarm Systems Service and Dog Licensing (***Sample motion – move to authorize the drafting of Ordinances regarding these recommendations for first reading at the March 19, 2012 City Council meeting***)

**D. COUNCILOR DWYER**

1. \*Update on Middle School

**E. COUNCILOR SMITH**

1. Parking and Traffic/Safety Committee Meeting Minutes and Action Sheet from February 16, 2012 meeting
2. Recommended Ordinance Amendments – Magazine Solicitors’, Alarm Systems Service and Dog Licensing (***Sample motion – move to authorize the drafting of Ordinances regarding these recommendations for first reading at the March 19, 2012 City Council meeting***)

**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 Planning Board Minutes of November 17, 2011 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.

The Council Chambers  
City Hall  
Portsmouth, New Hampshire

A Proclamation

**Whereas:**

The month of March is designated as "Music in our Schools Month" by the Music Educators National Conference, with this year's theme being "Music Lasts a Lifetime;" and

*Whereas:*

The study of music contributes to young people's development through heightened skills in listening, reading, self-expression and creativity; and

*Whereas:*

Music and the other arts significantly enhance the morale and quality of the school environment; and

*Whereas:*

Music education in the Portsmouth Public Schools includes a broad range of types of music and active musical experiences for all students; and

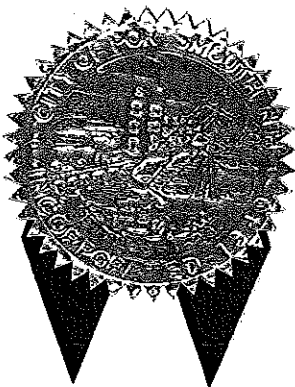
*Whereas:*

The City of Portsmouth is enormously proud of the many musical achievements at the local, state, regional and national level of our elementary, middle and high school students and staff.

Now, therefore, I, Eric Spear, Mayor of the City of Portsmouth, on behalf of the members of the City Council and the citizens of Portsmouth, do hereby proclaim the month of March 2012 as

***Music in Our Schools Month***

focusing on this year's theme of "Music Lasts a Lifetime" and urge all citizens to support the purposes and practice of music education while encouraging students, teachers, parents, and all citizens to participate and recognize the importance of music education programs in our schools.



Given with my hand and the  
Seal of the City of Portsmouth,  
on this 5th day of March, 2012.

Eric Spear, Mayor of Portsmouth



## CITY COUNCIL MEETING

MUNICIPAL COMPLEX  
DATE: TUESDAY, FEBRUARY 21, 2012

PORTSMOUTH, NH  
TIME: 7:00 PM [or thereafter]

At 6:00 p.m. an anticipated "Non-Meeting" with Counsel was held regarding Litigation RSA 91-A:2, I (c).

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

Mayor Spear called the meeting to order at 7:05 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 Lown led the Pledge of Allegiance.

## PRESENTATION

### **1. Greater Portsmouth Chamber of Commerce – UDAG Loan Request**

City Manager Bohenko spoke to the letter from the Economic Development Commission recommending approval of the UDAG Loan request of the Greater Portsmouth Chamber of Commerce.

Doug Bates, Chamber President thanked Councilor Novelline Clayburgh for having served as the City Council Liaison and welcomed Councilor Thorsen who will serve as the new Council Liaison.

Valerie Rouchon, Tourism Manager provided a brief presentation regarding the development of a dedicated tourism website. She spoke to the importance of a destination website and the goals that they are seeking to achieve.

**Councilor Lown moved to suspend the rules in order to take up Item XII. A.1. for action – Greater Portsmouth Chamber of Commerce – UDAG Loan Request. Seconded by Assistant Mayor Lister and voted.**

**Councilor Novelline Clayburgh moved 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. Seconded by Councilor Coviello.**

Councilor Smith asked if the businesses on the website will need to have a membership with the Chamber. Ms. Rouchon said that more than 90% of their members are businesses and feels this is a non-issue. She did indicate that they would be looking at members versus non-members.

Councilor Thorsen said that the Chamber site would promote businesses and asked how that is determined and is there a revenue stream. Ms. Rouchon said if they want a live link from the website to the businesses there is a small fee. She further stated that they would negotiate on commissions.

Mr. Bates said that this website will require maintenance and upkeep on a regular basis and this is a guarantee to finish the website which is the purpose of the loan.

Ms. Rouchon advised the City Council that the Chamber is speaking with their members presently on this website.

Councilor Coviello said if a hotel is not a member of the Chamber will they be listed on the website. Ms. Rouchon said they are still evaluating and discussing that question. She stated that the Chamber is leaning in the direction of charging two separate rates.

Councilor Coviello asked who is on the Committee for the development of the website. Ms. Rouchon said the Committee is made up of people experienced in design, social media, and computer techs.

Assistant Mayor Lister said it is important to consider all businesses in the community. He further stated it is a destination for the City and all small businesses need to be considered.

Councilor Kennedy said that the City Council would give specific funds and feels all businesses should be listed because they all make up the downtown. She said perhaps the Chamber should look at it as a separate issue. She inquired if other technology is being considered such as tweeting. Ms. Rouchon said they have a social media person on the committee and that is being considered.

Councilor Smith said the businesses on the front page had Portsmouth and Southern Maine. He inquired how many outside members would be allowed. Ms. Rouchon said all members will be listed, it is a regional experience.

Councilor Coviello asked if Mr. Levenson would like to speak as the representative of the Economic Development Commission as to whether a discussion took place on businesses versus non-businesses. Mr. Levenson said a destination website is less about a specific business that is or is not listed. He stated that the Seacoast and Portsmouth specifically would be promoted and all businesses would benefit and we need to consider cultural and historical destinations. He also indicated that access would be available and the Economic Development Commission was assured of that by the Chamber.

Councilor Novelline Clayburgh asked if there would be a link to the City of Portsmouth website. Ms. Rouchon said there would be 2 links, one to the Chamber and one from the City.

**Motion passed with Councilor Smith voting opposed.**

Councilor Smith said he supports the Chamber but has a difficult time with some businesses being alienated and supported with public dollars. He stated if it was specific to downtown and Portsmouth only he would have supported the motion but it is promoting other areas as well. He further stated we still don't know how businesses that are not members would be treated.

**V. ACCEPTANCE OF MINUTES – FEBURARY 6, 2012**

**Councilor Coviello moved to approve and accept the minutes of the February 6, 2012 City Council meeting. Seconded by Assistant Mayor Lister and voted.**

**VI. PUBLIC COMMENT SESSION**

Ralph DiBernardo spoke opposed to the proposed zoning amendment for Office Research Districts. He said it appears to relate to properties that have been discussed over the last 4 years. He stated he would like the City Council to be very clear on what this zoning change would be. Mr. DiBernardo said we need to know what parcels are being affected.

Attorney Paul McEachern spoke in favor of the proposed zoning amendment and sending it forward to a public hearing. He said his client owns property on the west side of Lafayette Road and it has been for sale for many years and the owners feel that the current zoning is effecting the sale. He further stated that this proposed amendment has been unanimously approved by the Planning Board.

Rick Horowitz spoke about the Police Contract and that there appears to be nothing unreasonable with it but he is opposed because the benefits have been going up over the years at a much higher rate than the publics. He stated that this contract was only available for review by the public for one week and the public should be given more time and would like to see a delay in voting on the contract. He further discussed the issue of an investigation into identity theft which involves a member of the Association of Portsmouth Taxpayers. He indicated that there have been several members of the Association of Portsmouth Taxpayers that feel intimidated by the police officers and intimidation cannot be tolerated. Mr. Horowitz said the person being investigated is also a member of WAVE and Portsmouth Listens and feels those organizations should be investigated as well.

Tim Black, President of Local 11, said he is here to comment on the e-mail received by the City Council on delaying the contract that was presented in the newspaper. He said both sides have worked tirelessly on this contract. He stated the contract carries no more terms than the contract brought forward last September to the City Council. Mr. Black said that the contract meets the parameters of the Council and asked that they move forward and vote on the contract this evening.

Paul Mannle requested the City Council to oppose the proposed zoning change. He said the changes are not minor or housekeeping in nature. He stated that this is not what the residents of Lafayette Road want. Mr. Mannle asked why the residents have to keep coming forward to speak opposed to such zoning changes. He said the proposed changes do not protect the neighborhoods on Lafayette Road, it allows changes to impact the neighborhood.

## **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

Mayor Spear read the legal notice, declared the Public Hearing open and called for speakers. Seeing no speakers, Mayor Spear declared the Public Hearing closed.

- 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

Mayor Spear read the legal notice, declared the Public Hearing open and called for speakers. Seeing no speakers, Mayor Spear declared the Public Hearing closed.

**VIII. APPROVAL OF GRANTS/DONATIONS**

- A. Acceptance of Donation/Lloyd M. Horlick Revocable Trust to the Portsmouth Fire Department - \$211,000.00

**Councilor Kennedy moved to accept this donation under the terms described in the Trust. Seconded by Assistant Mayor Lister.**

Councilor Novelline Clayburgh asked who will decide how the money is spent. City Attorney Sullivan said it would be the Fire Chief or the Deputy as designated in the Trust.

Councilor Thorsen said that this is wonderful but asked if this is an open ended decision. City Attorney Sullivan said that Mr. Horlick did not require the Fire Chief to discuss it with any one.

City Manager Bohenko said he thinks that the Fire Chief would speak with the Fire Commission but does not need to. He further stated he would like to see this as a non reoccurring expense but the Chief has the right to spend it how he wants.

**Motion passed.**

**IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES**

- A. First reading of Proposed Zoning Ordinance Amendments – Office Research District

**Councilor Lown moved 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. Seconded by Councilor Coviello.**

Councilor Smith said he has not made a decision on this matter. He stated by letting a second reading and public hearing it allows for discussion and the public to come forward and speak.

Mayor Spear asked City Manager Bohenko if there would be a presentation at second reading on this proposed Ordinance. City Manager Bohenko confirmed that there would be a presentation at the Public Hearing and second reading.

Assistant Mayor Lister said he would like to know if this is specific to one property.

Planning Director Taintor provided a brief synopsis of the Ordinance. He stated that the amendment applies to all Office Research Districts in the City and not just one location. He added that the request that came to the City Council was to look at 7 or 8 parcels on Lafayette Road. He said the Planning Board heard from the neighbors to not have the parcels changed to Gateway. He further stated that they are looking at changing zoning in the Bartlett Street area and the Table of Use Regulations were reviewed as well. Planning Director Taintor said two issues are recommended for changes with Assisted Living and Fraternal Organizations. He said this does not allow for Continued Care Retirement Communities, those uses are not allowed in an Office Research District.

Councilor Kennedy said she is against changing all Office Research Districts in the City. She said that if rezoning for one parcel is being considered then they should be going before the Board of Adjustment for a special exception. She stated that she sees zoning changes as life changes.

Councilor Dwyer responded from her experience in serving on the Planning Board. She said the last Master Plan voted to look at the Office Research Districts as it is a long standing issue. She further stated that the parcels do not meet the current uses of the zoning. Councilor Dwyer said this is part of an on-going issue of districts in the City.

Councilor Coviello asked Planning Director Taintor to correct anything that is not correct in his comments. He said the Board of Adjustment and Planning Board are two different paths. The Board of Adjustment provides leeway for use and dimensional leeway. He stated that is one meeting, then you have policy decisions. Policy should not occur with the Board of Adjustment. Councilor Coviello said the Planning Board and City Council make policy decisions and are more thorough and therefore, he feels it is a more appropriate process. He stated he received calls in support of the changes being recommended and feels the public hearing process is good.

**Motion passed with Councilor Kennedy voting opposed.**

- 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

**Councilor Coviello moved to adopt the Resolution for Elderly Exemptions, as submitted. Seconded by Assistant Mayor Lister and voted.**

- 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

**Councilor Kennedy moved to adopt the Resolution for the Disabled Exemptions, as submitted. Seconded by Assistant Mayor Lister and voted.**

- 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

City Attorney Sullivan requested a minor amendment to the Ordinance which would require the City Council to suspend the rules in order to make a motion for the amendment.

**Councilor Coviello moved to suspend the rules to amend Section 7A.406 – Horse Drawn Carriages from reading – In addition to any other parking prohibiting law, to read as follows: *In addition to any other penalty provided by law.* Seconded by Councilor Dwyer and voted.**

**Councilor Smith moved to pass third and final reading of the proposed ordinance, as amended. Seconded by Councilor Coviello and voted.**

- E. Third and final reading of Amendment to Chapter 7, Article III, Section 7.330 – No Parking – Junkins Avenue both sides

**Councilor Smith moved to pass third and final reading. Seconded by Councilor Dwyer.**

Councilor Lown said he understands the reason but will vote against the ordinance. He does not see this as a problem and does not want to see signs placed.

Councilor Coviello said he agrees with Councilor Lown and Councilor Kennedy expressed the same views.

Councilor Dwyer said with the last City Council, Mayor Spear asked for this to be looked at and was brought forward by the Traffic & Safety Committee for control signage on existent poles.

Councilor Smith stated for the record that the causeway is no parking. He also said that the Traffic & Safety Committee has endorsed the ordinance amendment and would only require two new signs which would be affixed to poles.

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

#### **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***)

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

**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**

2. Request for Approval of Teacher's Early Retirement

City Manager Bohenko asked Superintendent McDonough to speak on this matter.

Superintendent McDonough said in order to achieve budget guidelines without compromising education, the School Board approved a one-time retirement incentive package, subject to Council approval. The purpose of this program was to provide a lump sum payment as an incentive to long term employees who are eligible to retire. He spoke to the details of the program as outlined:

*Eligible members who have 15 years or more service in the district by the end of the 2011-2012 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 retired under the NHRS at the end of the 2011-2012 school year can receive a one-time payment of \$12,000.00*

*Eligible members who have more than 5 years and less than 15 years or more service in the district by the end of the 2011-2012 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 2011-2012 school year can receive a one-time payment of \$1,000.00 for every year of service in the district not to exceed \$10,000.00*

He reported that 5 teachers have submitted their intent to retire as a result of this program with estimated savings of \$80,615.00.

**Councilor Lown moved to approve the request from the Portsmouth School Board to offer a retirement incentive to teachers, as presented. Seconded by Councilor Dwyer.**

Councilor Novelline Clayburgh thanked Superintendent McDonough and staff for this creativity and meeting the budget guideline.

Assistant Mayor Lister echoed Councilor Novelline Clayburgh's comments.

**Motion passed.**

3. Request for Approval of Tentative Agreement between the Portsmouth Police Commission and NEPBA Local #11, Portsmouth Patrolman's Association

Negotiator Tom Closson reviewed the highlights for the contract with the City Council.

- 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 \$34,725.00
- This Tentative Agreement does not include educational incentives and shift differentials which would have cost \$65,997.00
- In addition, it does not include the step after 8 years of service resulting in a reduction of \$10,035.00

**Assistant Mayor Lister moved to approve the Tentative Agreement between the Portsmouth Police Commission and NEPBA Local #11 Portsmouth Patrolman's Association. Seconded by Councilor Smith.**

Assistant Mayor Lister said this agreement falls within the guidelines of the City Council and will assist in the preparation of the FY13 budget.

Councilor Lown said he would support the agreement. He feels the morale in the department would suffer if not approved. He said the union has made significant concessions and savings for the City. Councilor Lown stated it would allow for recruitment of new officers and puts the contract in sync with other contracts in the City. He would like to see further changes in health insurance in the future. In addition, he said that Tom Flygare was on the front lines negotiating this contract and we should honor his hard work and support this.

Councilor Dwyer said that this contract takes away an unknown liability regarding the flagger issue. It also allows the Police Commission to move forward with items in the recent Police Study.

Councilor Smith spoke in support of the contract, and stated it has significant cost savings for the City. He also stated it would allow for a Health Insurance Task Force Committee and have police officers as representatives.

Councilor Thorsen said he wants to approve the contract if not for a couple of items, he will vote opposed. He expressed concern with the pensions and overtime and there needs to be rules to mitigate these matters.

Councilor Coviello said he would not support the contract. He stated that no one wants to oppose the contract. He spoke to the increase in health care costs and the need for further concessions.

Councilor Kennedy spoke in support of the contract because it is only for two years. She said that health insurance costs with federal changes are bigger than we think. She stated that the Police Department needs to start looking at overtime and sick time and we all need to give and look for more cuts.

Councilor Novelline Clayburgh said she would support the contract. She stated that negotiations require concessions and compromise and a two year contract makes it more attractive for the City Council. She further stated that changes should be made for new hires.

Mayor Spear asked the Police Commission if they felt confident with meeting the 2.9% budget guideline with the adoption of this contract. Commissioner Golumb said they will meet the 2.9% increase guideline. Mayor Spear said the increase cost is 7% with the contract and asked how the Commission will manage the cost increases. Commissioner Golumb said that the Commission will take advantage of the organizational study.

Councilor Lown said he would like the Commission to state that they are committed to making the changes based on the Police Study. Commissioner Golumb said they are committed but it will take time to put the changes in place.

**On a roll call vote 7-2, motion passed. Assistant Mayor Lister, Councilors Kennedy, Novelline Clayburgh, Lown, Dwyer, Smith and Mayor Spear voted in favor. Councilors Coviello and Thorsen voted opposed.**

4. Proposed Memorandum of Agreement between the Portsmouth School Board and the Association of Portsmouth Teachers

Superintendent McDonough advised the Council that the Association of Portsmouth Teachers' have agreed to freeze their STEP and COLA increases for six months next school year (2012-2013), and would again freeze their STEP and COLA, for six months, during the 2013-2014 school year in exchange for an added year on their contract. The contract would extend to June 30, 2014 bringing them in line with the other nine collective bargaining agreements. He further stated that if approved, next year's savings would be roughly \$364,000.00 and similar savings would be achieved in FY'14.

**Assistant Mayor Lister moved to approve the Memorandum of Agreement between the Portsmouth School Board and the Association of Portsmouth Teachers, as presented. Seconded by Councilor Dwyer.**

Negotiator Tom Closson addressed the language and its complexity regarding some teachers receiving 26 paychecks and some receiving 21.

City Manager Bohenko requested some leeway with the language in accepting the agreement. Assistant Mayor Lister as maker of the motion and Councilor Dwyer as second to the motion agreed to the changes.

Councilor Lown commended the School Board and teachers for doing this and said the City Council appreciates their sacrifice.

**Motion passed.**

5. Report Back Re: Policy Regarding Appointments to City Boards and Commissions

City Manager Bohenko reviewed the policy and said if adopted the policy would only allow those persons who have resided in the City for a cumulative total of at least two years to serve on a City Board or Commission.

Councilor Lown said he does not see the need for a policy. He stated that the City Council can vote an applicant up or down on its merits.

Councilor Thorsen said he does not see a purpose for this policy. He stated that the City Council is the top deliberative body and we do not need a rule to curb our decision. He further stated that each City Council would have a different way of evaluating applications. Councilor Thorsen said he is opposed to the policy based on the need for flexibility to have good people serve.

Councilor Dwyer said she normally would agree with Councilors Smith and Novelline Clayburgh, and in the spirit of fairness the City Council needs a rule and feels that two years is too long. She stated she would like to amend the policy to a one year residency requirement.

**Councilor Dwyer moved to amend the Policy to allow for the appointment of those persons who have resided in the City of Portsmouth for at least 1 year. Seconded by Assistant Mayor Lister.**

Assistant Mayor Lister said he feels that we should have less than a two year requirement.

Councilor Kennedy said she feels in any community you live in takes time, and many people are in agreement that two years is appropriate.

Councilor Coviello said he would be fine with the one year requirement for a full member position but a different requirement for alternate members.

Councilor Novelline Clayburgh said she supports the amendment for the reasons stated. She said some Councilors feel that there needs to be a rule, and it is a good policy.

Councilor Smith said he supports the amendment to a one year requirement and feels it is important to have a policy in place. He said that this has been an issue for many years with the Council. He further stated that it takes time to become part of a specific community.

**On a roll call 6-3, voted to amend the Policy to allow for the appointment of those persons who have resided in the City of Portsmouth for at least 1 year. Assistant Mayor Lister, Councilors Kennedy, Novelline Clayburgh, Dwyer, Smith and Mayor Spear voted in favor. Councilors Coviello, Lown and Thorsen voted opposed.**

**On a roll call vote 5-4, main motion passed as amended. Assistant Mayor Lister, Kennedy, Novelline Clayburgh, Dwyer and Smith voted in favor. Councilors Coviello, Lown, Thorsen and Mayor Spear voted opposed.**

6. Request to Renew Seacoast Growers' Association (Farmers' Market) Proposed 2012 License Agreement

**Councilor Smith moved to authorize the City Manager to enter into a License Agreement with the Seacoast Growers' Association for 2012, as presented. Seconded by Councilor Lown and voted.**

7. Proposed Amendment Re: Fund Balance Ordinance

City Manager explained the terminology change for the Fund Balance Ordinance. He said the term Undesignated has been changed to Unassigned.

**Councilor Smith moved to authorize the City Manager to bring back for first reading the proposed Fund Balance Ordinance, at the March 5, 2012 City Council meeting. Seconded by Assistant Mayor Lister and voted.**

8. Proposed Bond Refunding Resolution

City Manager Bohenko said this is regarding a bond issued on September 15, 2002 with the majority of the proceeds financing the construction/renovation of the High School. He stated that 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. City Manager Bohenko reported that 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 \$200,000.00 per year, net of all issuance costs, over the remaining life of the bond.

**Councilor Smith moved to bring back for first reading a proposed Refunding Resolution of up to Twenty Million Dollars (\$20,000,000.00) 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. Seconded by Councilor Coviello.**

Councilor Lown said this is one illustration of why you should have a high bond rating.

**Motion passed.**

9. Proposed Funding Authorization for Long-Term Control Plan Projects

Deputy Public Works Director Allen reported that for the past 2 ½ 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. He stated that plan 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). Deputy Public Works Director Allen also reported that 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. He said the first phase of the Lincoln projects will be completed this spring. The other three projects need to be constructed over the next 2 ½ years. Those projects are Lincoln 3B and Cass Street, followed by Lincoln 3C.

**Councilor Novelline Clayburgh moved 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. Seconded by Councilor Smith and voted.**

City Manager's Informational Items

- Peter Rice – New England Water Environment Association Alfred E. Peloquin Award

City Manager Bohenko announced at the New England Water Environment Association annual meeting, Peter Rice, 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. He stated that 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.

- Events Listing

Councilor Coviello said during the campaign last year he received complaints from individuals regarding the number of events occurring at the Little Harbour School and the noise created from the amplification systems. City Manager Bohenko stated that he advises each event coordinator to curtail amplification.

Mayor Spear advised the City Council that the City Manager is working with him on establishing dates for Work Sessions on matters discussed at the Council Retreat held in January. He requested the Council provide feed back in the next few days relative to the tentative dates.

- March 12<sup>th</sup> – Parking Guiding Principles & Disposal of Connie Bean Center at 6:30 p.m. in the Eileen Dondero Foley Council Chambers
- March 26<sup>th</sup> – Quarterly Meeting with Planning Board, Historic District Commission and the Economic Development Commission at 6:30 p.m. in the Eileen Dondero Foley Council Chambers
- April 9<sup>th</sup> – Quarterly Wastewater Update at 6:30 p.m. in the Eileen Dondero Foley Council Chambers

Mayor Spear requested that the City Council advise City Manager Bohenko of any conflicts with the above referenced dates.

**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

The above referenced appointment recommendations will be brought back for Council vote on March 5, 2012.

Councilor Novelline Clayburgh said the matrix that was developed by City Attorney Sullivan states that the appointment authority for the Historic District Commission would be by the City Council and does not see that the Mayor would make that appointment. Mayor Spear stated that he spoke with Councilor Thorsen on this appointment to the Historic District Commission and he had no issues with bringing the application forward.

Councilor Thorsen said that he spoke with Mayor Spear on the appointment of Daniel Rawling to the Historic District Commission as well as the Chair of the Commission.

Councilor Kennedy stated that she will be contacting each applicant to find out if they would like to be appointed and if they have not been contacted she will vote opposed to the applicant.

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

*Mayor Spear withdrew the application for Sherry-Lea Bloodworth Botop for appointment as an Alternate to the Planning Board due to the recently adopted Council Policy which indicates that a person must be a resident for 1 year before appointment to a Board or Commission.*

Councilor Dwyer said that Ms. Botop has been a resident in the City for 10 months at this point and would make a good appointment to the Planning Board. She stated that Ms. Botop's application could be voted on by the Council with an effective date of April. Mayor Spear said he still would like to withdraw the application at this point and Ms. Botop could reapply at a later date if she chooses.

**Councilor Coviello moved to reappoint Phyllis Eldridge to the Trustee of the Trust Funds until January 1, 2015. Seconded by Councilor Novelline Clayburgh and voted.**

3. Appointment of School Board Member to the Board of Library Trustees

Mayor Spear advised the City Council that the School Board is recommending the appointment of Mary Olea as the School Board Representative to the Board of Library Trustees.



**Councilor Coviello moved to approve the selection of Mary Olea to serve as the School Board's liaison to the Portsmouth Library Board of Trustees. Seconded by Assistant Mayor Lister and voted.**

4. Current Boards and Commissions Vacancies

Mayor Spear provided the City Council with a list of current vacancies of various Boards and Commissions and requested that each Councilor try to bring two names forward for the available vacancies.

**C. COUNCILOR KENNEDY**

1. \*Senior Services Update

Councilor Kennedy stated that there are still issues involving the senior services program. She indicated that the cost of these services is prohibitive for some, and she is fearful that there will be no funding available for this program. Councilor Kennedy said that this is a quality of life issue.

City Manager Bohenko reported that there is a Senior Services Retreat tomorrow. He stated that information gathering is ongoing and we will hear from a national consultant at the retreat relative to senior services. City Manager Bohenko also stated that he could provide more information on this matter in a month.

Councilor Novelline Clayburgh said last week there was an all day retreat which was an active group of people. She said at the retreat a need for a senior center, transportation issues, and funding sources were discussed.

**D. COUNCILOR THORSEN**

1. Non-Binding Resolution – Flat Budget

Councilor Thorsen read the Non-Binding Resolution which calls for a flat budget.

**Councilor Thorsen moved to adopt this Non-Binding Resolution requesting a flat budget. Seconded by Councilor Kennedy.**

Councilor Thorsen said this is a Non-Binding Resolution for the purpose of vision and guidance. He stated that the City Council has discussed their positions on where the budget ought to be. He felt it was important to bring this Resolution forward to discuss what we expect in the budget.

City Manager Bohenko reviewed the various ways we have approached the budget. He stated it is the City Council's duty to bring a budget that fits the community. He said he would try to bring in a budget below the 2.9%. If this Resolution passes this evening, he does not want the Council to feel he is not following their wishes. He indicated we could work towards a flat budget in the future and indicated that the Council may want to ask Department Heads what effect a flat budget would have on them.

Councilor Thorsen said he does not want to postpone it any further. He said when is a decision like this needed.

City Manager Bohenko stated over the last three fiscal years we have held to a flat line budget and reduced our work force by 9%.

Councilor Kennedy said she seconded the motion because she agrees. She stated it always seems like it is not an appropriate time to discuss a flat budget and she feels the target should have been a 0% increase this year.

City Manager Bohenko said we can't ignore the past. The last three years we have kept the budget flat; at some point you will affect quality of life.

Assistant Mayor Lister said he agrees with some points made by Councilor Thorsen but he will not agree with the Resolution. He said for the last three years we have had a flat budget and to go to a flat budget now is what creates mistrust between the City Council and employees. He further stated that departments have done a great job at coming in at a 2.9% increase.

Councilor Novelline Clayburgh said she would not support the Resolution. She said our City Manager explained that this is his budget and once the City Manager provides the Council with the budget it becomes their budget.

Councilor Coviello stated that the Council has done what the goal of the Non-Binding Resolution is. He understands the concerns, and the Council will receive a great deal of information from departments at the Work Sessions. Councilor Coviello said he would not support the Resolution.

Councilor Lown said he respects what Councilor Thorsen is looking for and does not feel a Non-Binding Resolution would hurt, but he said he feels it is important to keep an open mind.

Councilor Smith said he would not support the Resolution but does like the meaning. He said he feels that this should come forward in August. He suggested that the Council hold a mini-retreat in August to discuss budget guidelines.

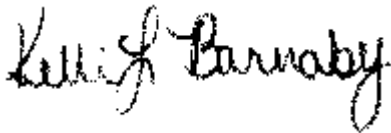
**On a roll call vote 2-7, motion to adopt this Non-Binding Resolution requesting a Flat Budget failed to pass. Councilors Kennedy and Thorsen voted in favor. Assistant Mayor Lister, Councilors Coviello, Novelline Clayburgh, Lown, Dwyer, Smith and Mayor Spear voted opposed.**

Mayor Spear recommended if the Council has questions for departments they should submit them in writing to the City Manager for answers.

**XIII. MISCELLANEOUS/UNFINISHED BUSINESS**

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

At 9:55 p.m., Councilor Smith moved to adjourn. Seconded by Councilor Novelline Clayburgh and voted.

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

Kelli L. Barnaby, CMC/CNHMC  
City Clerk

## LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a PUBLIC HEARING will be held by the Portsmouth City Council on Monday, March 5, 2012, at 7:00 p.m., Council Chamber, Municipal Complex, 1 Junkins Avenue, Portsmouth, New Hampshire, on the proposed CAPITAL IMPROVEMENT PLAN. The complete Capital Improvement Plan is on file in the Office of the City Clerk during regular business hours, Monday – Friday, 8:00 a.m. – 4:30 p.m.

CITY OF PORTSMOUTH, NH

Capital Plan Summary 13'

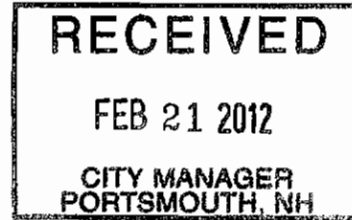
Description

I.	EQUIPMENT AND VEHICLE SCHEDULE	\$835,000
II.	BUILDING & INFRASTRUCTURE	\$4,072,500
III.	INFORMATION MANAGEMENT SYSTEMS	\$232,000
IV.	TRANSPORTATION MANAGEMENT PLAN	\$27,447,000
	CAPITAL CONTINGENCY	\$37,500
	SUBTOTALS	\$32,624,000
V.	ENTERPRISE FUNDS TOTAL	\$14,350,000
	GRAND TOTAL	\$46,974,000

\*\$1,550,000 is proposed to be funded from FY13' General Fund

KELLI L. BARNABY, CMC/CNHMC  
CITY CLERK

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CITY OF PORTSMOUTH, NH Capital Plan Summary 13' Description	
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KELLI L. BARNABY, CMC/CNHMC CITY CLERK	
#12517	11P 2/23



16 February 2012

Mayor Eric Spear  
Portsmouth City Hall  
1 Junkins Ave  
Portsmouth, NH 03801

Mayor Spear,

In 2009, the Portsmouth City Council approved a \$2M budget over 5 years for sidewalk improvements throughout our neighborhood in response to the submission of our petition which held more than 100 signatures (copy of original request is enclosed). To-date, 2 of the 5 year budget has been approved, spent and improvements executed. However, last fiscal year, 2011, we were disheartened to learn that the next 3 of the 5 year budget had been postponed by an additional 12 months.

We understand that we face challenging economic times and tough choices must be made. Needless to say, our request for new sidewalks is to ensure the safety of our neighborhood residents and others who travel frequently through our streets daily either on foot, by bicycle, or moving vehicle. Moreover, the remainder of the work to be done happens to be on the streets that need it the most—and why we identified those areas as the highest priority areas in our 2009 petition, due the poor condition of the sidewalks and the heavier foot and car traffic.

This issue has been addressed with the city numerous times since at least 2005 (7 years ago), first, under the leadership of Elizabeth Rabadam, which I then picked up when Elizabeth moved. All said, we respectfully request that the remaining \$1.2M of the budget (last 3 of the 5 years) within the Capital Improvement Plan, be approved during the current year approval process and allocated with no further delays to completing the work. We are willing to work with the City to ensure our request successfully passes through the Capital Improvement Plan approval process.

Thank you for your continued attention and responsiveness to our neighborhood needs.

Sincerely,

A handwritten signature in black ink, appearing to read "K Quintans".

Karina Quintans  
Neighborhood Coordinator  
51 McDonough Street

Enclosure:

Copy of Islington Creek 2009 petition submission

Cc:

John Bohenko, City Manager  
Steve Parkinson, Director, DPW  
Portsmouth City Council

**IslingtonCreek**  
Neighborhood Association

September 29, 2008

John Bohenko, City Manager  
City of Portsmouth  
One Junkins Avenue  
Portsmouth, New Hampshire 03801

Dear Mr. Bohenko:

We, the undersigned, respectfully request **new sidewalks** throughout our neighborhood and **traffic calming measures** along McDonough Street, **to enhance safety** for residents and others who travel frequently through our streets daily either on foot, by bicycle, or moving vehicle.

Our neighborhood is known as Islington Creek and is a mixed use area (residential, commercial and industrial), sandwiched between Islington Street and North Mill Pond, located within a quarter of a mile of downtown Portsmouth. Like other Portsmouth neighborhoods with housing stock built for our city's working class, our neighborhood is densely settled. These geographic and land-use characteristics influence vehicular traffic, and pedestrian and bicycling patterns in the following ways:

- Large trucks use our streets seven days per week, often above the posted speed limit to service Nickerson-Remick, Regan Electric, Celebrity Sandwich and the tow yard behind the McDonough Street studios; UPS and FEDEX trucks also drive through the neighborhood daily and of course, US Postal Workers/trucks;
- Cars, trucks, motorcycles looking to circumvent congestion on Islington Street often speed down McDonough Street; many bicyclists also travel McDonough to avoid traffic on Islington Street;
- Residents and children walk/bike through the neighborhood on their way to and from downtown Portsmouth, neighborhood parks, the public library, and other city/neighborhood amenities, and/or to walk their pets and push their baby strollers, most often on the street because our sidewalks are too unsafe and difficult to walk on, nor are they continuous.

Attached is a map of our neighborhood where we would like to see new sidewalks and traffic calming measures (Attachment 3). For traffic calming, we request enhanced bump-outs and (perceived) street narrowing through the use of parking lines along McDonough Street as traffic calming measures. Various residents have made multiple requests for traffic and safety measures in the past two years (Attachment 4). Together we, the residents of Islington Creek neighborhood and members of the wider community who travel to the neighborhood daily or weekly for work or community events, respectfully submit our request to the City of Portsmouth officials.

Sincerely,

Karina Quintans  
Neighborhood Coordinator  
51 McDonough Street  
Tel: 501-0280; email: kquintans@comcast.net

Attachments:

1. Petition (100+ signatures)
2. List of high priority streets
3. Map of Islington Creek Neighborhood
4. Chronology of Previous Traffic and Safety Correspondence and Public Meeting Notes

Exhibits

- A) Color (subset) and Black/White photographs of sidewalks throughout neighborhood

Cc:

Mayor Tom Ferrini  
Assistant Mayor, Jack Blalock  
Councilor Ken Smith, Chairperson Traffic and Safety Committee  
Councilor Eric Spear

**IslingtonCreek**  
Neighborhood Association

**Attachment 1.**  
**Petition (100+ signatures)**

**IslingtonCreek**  
Neighborhood Association

**Attachment 2.**

**List of High Priority Streets (not in order)**

**Approximate # of housing units in our neighborhood: 400 units**

**1) Hanover Street**

- a. Highly traveled pedestrian route to downtown Portsmouth
- b. Main route for Hanover resident/tenant vehicles exiting the neighborhood

**2) McDonough/Sudbury Street**

- a. Main pedestrian route connecting to Hanover and downtown Portsmouth
- b. Highly traveled by commercial vehicles daily, including UPS, FEDEX, Regan Electric, Nickerson-Remick, and USPS
- c. Highly traveled by resident vehicles into and out of neighborhood

**3) Brewster Street**

- a. Main pedestrian access to businesses on Islington between Rock and Brewster -- Celebrity Sandwich, Cafe Kilim, as well as Mobil Station/Mobil Mart, etc.
- b. Main pedestrian access to Rock Street Park.
- c. Main vehicle access into and out of neighborhood from Islington Street
- d. Continued gentrification will reduce crime and mischief on the street.

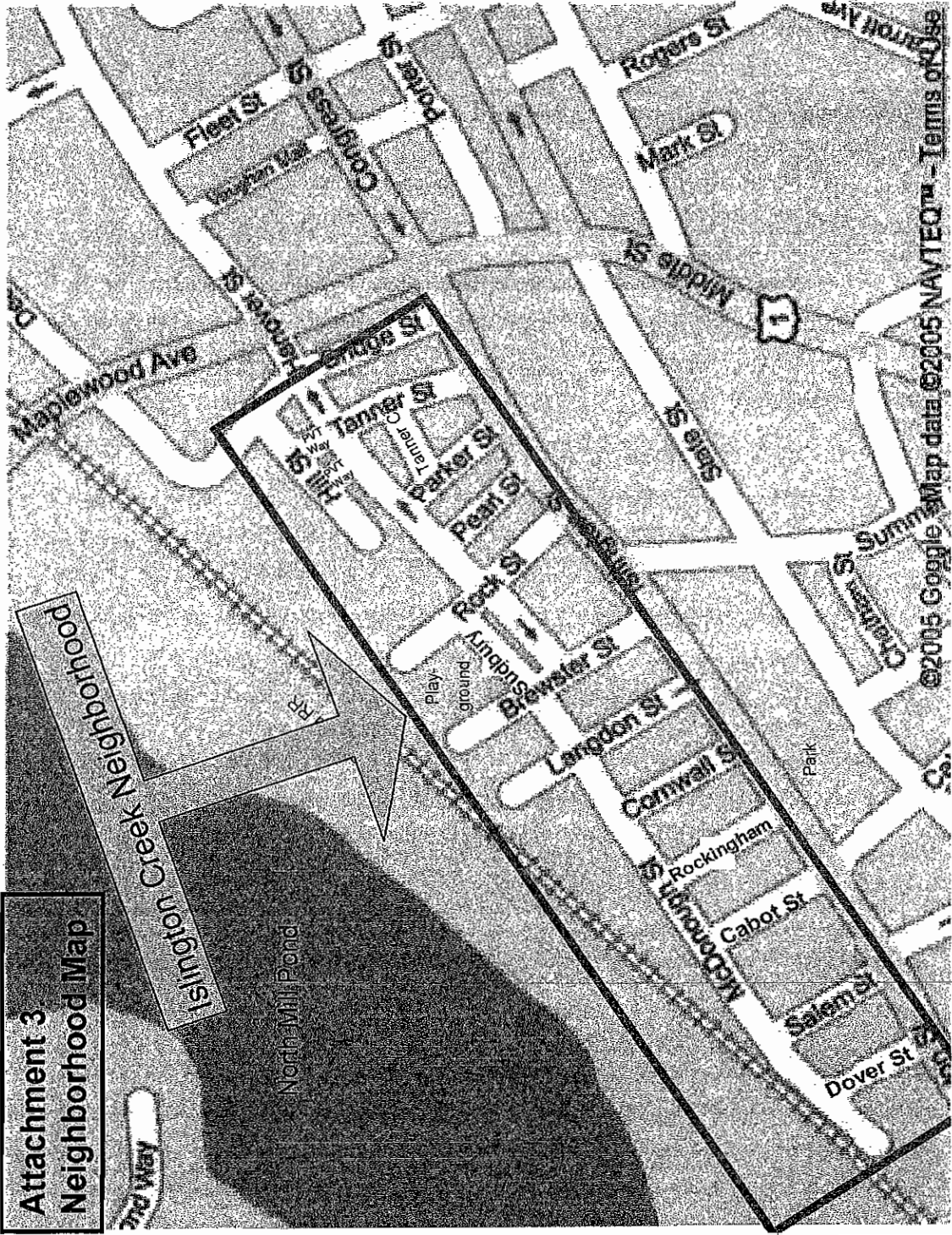
**4) Rock Street**

- a. Main pedestrian/vehicular access to Rock Street Park
- b. Daily pedestrian access to Islington restaurants by Heineman employees
- c. Daily vehicle access into/out of Heineman building parking lot by employees
- d. Improvements to this street will attract more people to the park

**5) Pearl Street**

- a. Pedestrian and vehicular access to The Pearl function hall
- b. Daily vehicle access into/out of Heineman building parking lot by employees





**Islington Creek Neighborhood Association  
Chronology of Parking and Traffic Correspondence and Public Meeting Notes**

**Attachment 4.**

**Chronology of Parking and Traffic Correspondence and Public Meeting Notes**

April 4, 2006 Correspondence Sent to Mayor Steve Marchand with a Petition signed by 50+ Residents .....6  
April 4, 2006 Correspondence to Mayor: Attachment 1.....7  
May 11, 2006 Traffic and Safety Committee meeting.....8  
Summer 2006, Walk-through meeting.....9  
November 7, 2006 public meeting with Public Works Department (*revised*) .....10  
On March 10, 2007 Islington Creek sent via email an abridged list of Priorities .....12

**Islington Creek Neighborhood Association  
Chronology of Parking and Traffic Correspondence and Public Meeting Notes**

**April 4, 2006 Correspondence Sent to Mayor Steve Marchand with a Petition signed by 50+ Residents**

**List of General Concerns**

- Large trucks use our streets seven days per week to service the following businesses: Nickerson Remick, Regan Electric, and the tow yard behind the McDonough Street studios.
- Cars associated with employees of Heinemann Publishing, Nickerson Remick, Regan Electric, and the multiple small businesses in the McDonough Street studios bring peak-hour traffic and on-street parkers to our streets.
- Business vehicles associated with Islington Street businesses, e.g. Robins Auto Parts, regularly travel our streets.
- Cars, trucks, and motorcycles looking to circumvent Islington Street's congestion often speed down our streets.
- Many bicyclists travel McDonough Street to avoid the traffic conditions on Islington Street
- Resident families stroll our streets on their way to neighborhood parks, the public library, and other downtown amenities and/or to walk their pets.
- Children walk and bicycle, often in the street, because some streets do not have continuous sidewalks, to neighborhood parks, school bus stops, and each other's homes.

**See Attachment ("Attachment 1") for Detailed List of Concerns**

**April 4, 2006 Request for Action**

Various residents have made multiple requests for signage and safety evaluations. Together we, the residents of Islington Creek neighborhood, make this joint request for an evaluation of our traffic and safety signage so motorists can be aware of the residential nature of this part of our city.

**Islington Creek Neighborhood Association  
Chronology of Parking and Traffic Correspondence and Public Meeting Notes**

**April 4, 2006 Correspondence to Mayor: Attachment 1**

**I Traffic-safety signage**

**A. Playground safety signage**

The two playgrounds/parks within the neighborhood do not have any safety signage to notify motorists to be alert there is playground/park in the immediate vicinity.

**B. "Children at Play" signage**

There is only one "children at play" sign in the entire neighborhood; it is installed at McDonough and Salem Streets. There should be additional signs, at least in the vicinity of the parks and playgrounds and at the intersections where the greatest number of trucks enter/exit the neighborhood (Brewster and Langdon Streets).

**C. Speed Limit signage: 20 miles/hour**

There is only one 20 mile/hour speed limit sign in the entire neighborhood; it is installed on Cabot Street. We are requesting the installation of a battery of 20 mile/hour speed limit signage on McDonough Street, where the greatest number of incidents of speeding is observed.

**II Street-directional signage**

**A. Street signs missing at the following intersections:**

1. Hanover Street @ 1) Pearl Street ;2) Rock Street; and 3) Tanner Street
2. Tanner Street @ Hanover Street
3. Tanner Court @ Tanner Street
4. Parker Street @ Islington Street
5. Rock Street @ Islington Street (sign on opposite side of Islington Street)
6. Brewster Street @ McDonough Street
7. Cabot Street @ McDonough Street
8. Cabot Street @ Islington Street (no sign on the north side of intersection into neighborhood)
9. Rockingham Street @ Islington Street (sign on opposite side of Islington Street)

**B. Need "three-way stops" and signage at the following intersections:**

1. McDonough / Brewster / Sudbury
2. McDonough / Langdon
3. McDonough / Cabot (three stop signs are installed; need "three way stop" signage)

**C. Need "dead-end" signs at northern ends of following streets:**

1. Cabot Street
2. Langdon Street
3. Brewster Street
4. Rock Street

**D. One-way street signage: missing signs at:**

1. Sudbury Street.
2. Hanover (going east) @ Rock Street

**E. Need "Private Way" signage:**

Two private ways connect Hanover and Hill Streets (between 317 and 299 Hanover and between 299 and 285 Hanover.) In neighborhood meetings, residents have asked about the public/private status of these streets. Owners of abutting properties have installed their own parking-regulation signage on these streets. Please install "Private Way" signage, if they are private ways.

## **Islington Creek Neighborhood Association Chronology of Parking and Traffic Correspondence and Public Meeting Notes**

### **May 11, 2006 Traffic and Safety Committee meeting**

#### IV. OLD BUSINESS:

(A) Islington Street Neighborhood \* Request for review of neighborhood signage \* Report back (resident letter & Petition attached) \*

Debbie Finnigan referred to the packet she presented to the members at the on-site showing the signage needed in the neighborhood from a safety perspective or replacement of signs as they do not meet reflectivity. Built this on stop line requests to help them realize they need to come to a stop. There are conflicts within the Ordinances. Debbie Finnigan copied the Ordinance to include in their packet and put in what her thoughts were as to what is needed to be done in order to make sure that all things were consistent and not confusing.

A safety study was done on Islington St. with recommendations as follows: Two gas stations on Islington between Dover and Bridge Sts. In theory there is parking there, they are not labeled, but the Ordinance says there is two hour parking from Bridge, Congress & Islington down to Salem St. and people can park there for two hours. The recommendation from the study is to remove that parking. In the number of times Debbie Finnigan has been out there, has not seen anyone parking there and feels a "no parking" sign should be there to help sight distance coming out of those gas stations.

The Second one is Langdon St., there is a sight distance and recommended removing that first space going westerly and feels this is a good idea. The other option they proposed was Cornwall has better sight distance coming onto Islington than Langdon and should be reversed.

Lastly, Debbie Finnigan has an issue with Brewster St. It is pretty much the same width as many of the one-way streets in the area with parking on one side or both sides. It is presently two way, has parking on one side and causes conflict. One of the neighbors Debbie Finnigan spoke with stated they like it the way it is. Personally from a safety perspective to put on record that she is uncomfortable with that as she has almost been hit by people coming around the street from Hanover St. There is just not enough pavement for two cars and parking. Personally in this particular neighborhood would rather save the parking than the two-way street, there are ways to get in and out of this neighborhood, however, it is up to the Committee, for the record this is her recommendation. According to the Ordinance it is two-way and there is parking on the side closest to Rock St. not on the other side. It is not labeled and need signs, but it is in the Ordinance and believes this will help the neighborhood's concerns.

The Chair asked with this recommendation how many would actually have to go as Ordinance change. One is removal of one space on Islington St., the signage is clarifying what has already been approved and getting the proper signs and replacing warning signs.

Debbie Finnigan stated there are Ordinance changes within that document only because there is conflict within the Ordinances so they will have to be approved by the City Council to fix them in the book. Part of what she is charged to do is when she finds issues within the traffic and parking Ordinances especially conflicts where things are omitted is to bring them to the attention of those who can make the changes.

The Chair referred to her other recommendation to remove the school crossing sign. After realizing the location of the school Debbie Finnigan changed her recommendation from removing the sign to putting the sign higher on the pole to the standard level.

John Connors commented on changing Brewster to one-way there is not enough room and where would people go? Debbie Finnigan stated they would either go down Sudbury or McDonough. Debbie Finnigan felt this might be controversial but whether it passes or not, people need to know she feels this is a safety concern. The reason she wants it one-way in that particular direction is to take into effect Celebrity Sandwich's parking lot is in the back and it would not be helpful to them to have it one-way from McDonough to Islington and people would still drive there the wrong way which would also create safety concerns. There would have to be a no-right turn sign at the gas station.

## **Islington Creek Neighborhood Association Chronology of Parking and Traffic Correspondence and Public Meeting Notes**

Assist. Fire Chief stated it makes sense for the one-way to go from Islington down, but how does that affect Rock St. and affect any traffic pattern? Also he agrees that Brewster is a tight street and there are conflicts and from the Fire Department's standpoint we just have to pick and chose what streets we go down when there's an incident in that area. Also agrees you don't want to change every street to make in an even in and out, as almost every street would have to be reassessed.

Debbie Finnigan stated she was trying to do the least amount of change to make it safe and would be happy to take another look at all of this in general. Feels you try to have an even amount of one-ways in and one-ways out and in this case there are a lot of one-ways in and not too many coming out.

Ted Gray felt you are creating a problem with some of the businesses on Rock St.

The Chair suggested instead of changing Brewster, remove parking on both sides.

Debbie Finnigan responded that would be fine but also knows that there is a feeling of not removing parking and was trying to be sensitive to all.

The Chair asked how many parking spaces are along that other side?

Debbie Finnigan responded maybe 8 cars parking there, maybe 9 depending on how close they are.

The Chair asked about going ahead with her recommendations proposed this morning with taking the Brewster St. out of the recommendation for further study in order to look at either one-way streets back and forth, removing parking and trying to clear it up.

Debbie Finnigan responded this is her recommendation, but it is up to the Committee.

Jonathan Bailey stated it would give us an opportunity to look back in the Police record and see what traffic incidents there, see how much of a problem we have.

Debbie Finnigan respectfully disagrees, just because there are no accidents it doesn't mean it is the right thing to do.

Asst. Fire Chief stated there is a high risk occupancy on Brewster St. and his concern is if there was an incident there and had traffic coming up we would have access issues, as there is an apartment building on Brewster with concern of its residents and anything we can do to improve access might be a concern.

MOTION made by Herb Bunnell to approve recommendation excluding Brewster Street for further study.  
Seconded by John Connors. Motion passed.

Debbie Finnigan asked if there was a feeling of this Committee that we also look at between Sudbury and Hanover at Rock St. to see if it should be one-way or two-way and parking as part of Brewster Street.

The Chair thought it would be appropriate to zero in on this.

John Connor stated that one-way on Rock all the way down there's no way to get out so that one little section should be two-way for access in and out for business and residents.

The Chair stated this would be part of the study.

### **Summer 2006, Walk-through meeting**

Deborah Finnigan conducts a walk-through of the neighborhood with Jay Dennett, Chris Loder, and others.

# Islington Creek Neighborhood Association Chronology of Parking and Traffic Correspondence and Public Meeting Notes

November 7, 2006 public meeting with Public Works Department

## Notes from meeting

### 1. Traffic

#### General / Neighborhood-wide

- Speed - establish a speed and post it
- Revise existing signage to include 4-way stop signs, correctly-located stop signs, e.g. not on light poles like at Langdon and McDonough Street.

#### Specific Locations

- Traffic signal at Cabot and Islington is inefficient (turn it off?; do study?)

### 2. Circulation

#### General / Neighborhood-wide

- Need to update one-way street signage - people drive the wrong way on one-way streets
- Business patrons parking on corners of intersections of Islington Street making turning into and exiting from street dangerous and difficult
- Remove existing bump-outs: Intersections with bump outs are difficult to navigate when there are multiple cars stopped at intersection

#### Specific Locations

- At Cabot at Islington – with parked cars, you cannot have 2-way travel on the street at the same time
- Brewster Street – need to study one-way vs. two-way travel with parked cars on one side, 2-way travel is difficult on the street at the same time
  - Consideration: Nickerson-Remmick-related trucks used Brewster Street to travel to/from the business.
- At Rock Street and Hanover Street, the one-way signage for Hanover Street is incredibly confusing.
- One-way signage for Hanover Street at Pearl Street is insufficient for both people exiting the Heinemann parking lot and people entering Hanover from Pearl Street.

### 3. Parking

#### General / Neighborhood-wide

- Consider striping parking spaces with pavement markings
- Residents want a resident parking program that includes a sticker system.
- Residents want better enforcement of resident parking restricted already in place on Hanover Street, e.g. ticketing of non-residents.

#### Specific Locations

- Examine parking on Brewster Street between Hanover and Sudbury – how many spaces belong there? Can people really park on the corners of the streets?
- Parking on Brewster Street north of Sudbury near the Park is problematic for business owner/s
  - Define parking on "Rock Street Ext" near the Park
- Customers of Cafe Kilim and Celebrity Sandwich in the signed "no-parking zones" on the corner of Brewster and Islington Streets and in front of residential driveways on Brewster Street
- Why not resident parking throughout the interior of the neighborhood?

### 4. Public Works

- Sweep the streets more often; have not been swept since spring of 2004?
- Examine street lighting – the neighborhood is very dark at night
- Street lighting on Sudbury is non-existent
- Street lighting in the park at night – drinking, drug activity, graffiti, and sleeping in the park
- Look at the "sidewalk" through park – gravel paving material washes into Brewster Street drainage basins

### 5. Crosswalks

- Crosswalk on Islington between Bridge and Tanner has good signage; others should have the same type and quantity
- Add crosswalks:

## Islington Creek Neighborhood Association Chronology of Parking and Traffic Correspondence and Public Meeting Notes

1. Rockingham Street to cross Islington Street to access the park
  2. Winter Street to cross State Street to access the park
  3. Brewster Street at Islington
  4. Langdon Street at Islington
  5. State Street at Islington
- Check alignment of crosswalk at Cornwall and Islington – it does not line up with the park entrance
  - Why is the crosswalk at Bridge and Hanover located where it is?
6. Sidewalks
- Where they exist, sidewalks are asphalt and in poor condition; they are non-existent in many places.
7. Intersections
- Patrons of Celebrity Sandwich and Cafe Kilim park continually in the “No parking from here to corner” zone. This makes entering the two-way Brewster Street dangerous—you can hit an exiting car if you are making a right turn onto Brewster; if you are exiting Brewster Street, it is impossible.
  - On-street parking on Islington Street at Cornwall causes vehicles not to see pedestrians waiting at and entering the crosswalk from the Cornwall side of the street.
  - On-street parking on either side of Langdon Street on Islington Street makes exiting the street difficult and dangerous
  - Trucks trying to turn left on Hanover from Rock Street cannot make the left turn because of the on-street parking. Many have to drive the wrong-way up Rock Street to get out of the neighborhood.
  - Intersection at Bridge and Hanover is very dangerous for cars and pedestrians—accidents happen daily
  - Trees at intersections need to be trimmed to improve for sight lines for to turns and stop signs
  - At night, many cars park too close to intersections in areas not intended for parking. Parking spaces are at a premium at night.

At the conclusion of the November 7, 2006 meeting, Deborah Finnigan asked that the neighborhood association prioritize the concerns and a follow-up meeting would be scheduled.



**Islington Creek Neighborhood Association**  
**Chronology of Parking and Traffic Correspondence and Public Meeting Notes**

**On March 10, 2007 Islington Creek sent via email an abridged list of Priorities**

**Priorities:**

- speed-limit signs
- 4-way stop signs with striping
- children-at-play signs
- better street-crossing signs at crosswalks at Islington Street
- resolution of vehicular and pedestrian safety issue at Bridge and Hanover Street--residents want a 4-way stop sign

**Other concerns:**

- There are few street signs with the names of the streets;
- Once you're in, the one-way maze is confusing for lack of signage—few signs with street names; lack of consistent one-way street signage, etc.
- The narrowness of the streets is cause for large trucks, buses (yes, buses), and other big vehicles (mail delivery; oil delivery; uniform and linen delivery; Nickerson-Remmick insulation trucks, etc.) to drive the wrong way down one-way streets because they cannot negotiate the turns given the parking;
- The Davies Tire situation with people parking on the Islington sidewalks is becoming particularly bothersome to residents--particularly those pushing baby carriages. There are many families in this neighborhood.
- The vendors' parking at Davies Tire and Robbins Auto Parts is also getting out of control, i.e. drivers park everywhere making pedestrian mobility difficult and dangerous.

PORTSMOUTH POLICE DEPARTMENT

MEMORANDUM

RECEIVED

FEB 17 2012

CITY MANAGER  
PORTSMOUTH, NH

DATE: 15 FEBRUARY, 2012  
TO: JOHN P. BOHENKO, CITY MANAGER  
FROM: GERALD W. HOWE, CHAIRMAN, PORTSMOUTH POLICE COMMISSION  
DAVID J. FERLAND, CHIEF OF POLICE  
RE: GRANTS & DONATIONS

At the February 15<sup>th</sup>, monthly Police Commission meeting, the Board of Police Commissioners approved and accepted the following donations:

- a. A grant in the amount of \$70,219 from the Department of Justice to support the Victim/Witness Advocate position in our court office.
- b. A grant in the amount of \$8,250 from the Department of Highway Safety for DWI/DUI Patrols.
- c. A donation in the amount of \$500 from St. Andrew's Lodge No. 56 in support of the Portsmouth Police Honor Guard.

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

Respectfully submitted,



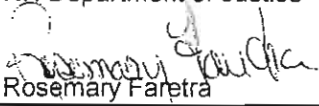
John F. Golumb, Chairman  
Board of Police Commissioners



David J. Ferland, Chief of Police

cc: Board of Police Commissioners  
Finance Director Judie Belanger  
Admin. Captain Frank Warchol

STATE OF NEW HAMPSHIRE  
DEPARTMENT OF JUSTICE  
GRANT AWARD

Agency Name: Portsmouth Police Department		Vendor No.: 159594-B001
Program Name: DV/SA Victim Advocate		Amount: \$ 70,219.00
Grant Start Date: 01/01/2012	State Grant Number: 2012W087	
Grant End Date: 07/31/2012	Federal Grant Number: 2010-WF-AX-0042	
Appropriation No.: 02-20-20-201510-5017-072-500575		
Head of Agency	Project Director	Fiscal Officer
David J. Ferland Portsmouth Police Chief 3 Junkins Drive Portsmouth, NH 03801 603-427-1500 x407	Kristin Maki VW Advocate	Tammy Perez 3 Junkins Ave. Portsmouth, NH 03801 603-610-7400
Federal Grant Name:	Violence Against Women Act - 2010	
Federal Agency:	United States Department of Justice	
Bureau/Office:	Office on Violence Against Women	
CFDA Number:	16.588	
Purpose of Grant:	DV/SA Victim Advocate	
Financial Requirements:	See signed Program Conditions and Guidelines.	
Match Requirements:	Match funds must be generated from program allowable activities.	
Reporting Requirements:	Monthly or quarterly Financial reports Annual performance report and audit Adherence to State and Federal guidelines and conditions	
Approval	Program Agency	NH Department of Justice
Name	David J. Ferland	 Rosemary Faretra
Title	Portsmouth Police Chief	Director of Administration
Date		1-17-12
All terms of this grant award are not valid unless signed by both authorized parties.		

**CONTRACTUAL AGREEMENT  
FOR HIGHWAY SAFETY PROJECT GRANT**

For HSA Use Only

State Of New Hampshire  
Highway Safety Agency  
78 Regional Drive, Building 2  
Concord, NH 03301-8530

Date Received January 23, 2012	Project Number #308-12A-026
Date Approved January 23, 2012	PSP and Task # 12-12, 02

Part I

1. Project Title Portsmouth DWI/DUI Patrols	2. Type of Application (Check One) <input checked="" type="checkbox"/> Initial <input type="checkbox"/> Revision <input type="checkbox"/> Continuation
--	---

3. Applicant A. Name of Agency      DUNS Number 073976706 Portsmouth Police Department	B. Address of Agency 3 Junkins Avenue Portsmouth NH 03801-4511
C. Government Unit (Check One) <input type="checkbox"/> State <input checked="" type="checkbox"/> City/Town <input type="checkbox"/> County <input type="checkbox"/> Other (specify):	D. Name Address of Governmental Unit City of Portsmouth One Junkins Avenue Portsmouth, NH 03801

Contract Duration A. Contract Period Start Date:            January 1, 2012 Termination Date:    September 15, 2012	Functional Area    K8 - 410 Alcohol SAFETEA-LU CFDA#              20.601 Program Title      Alcohol Traffic Safety & Drunk Driving Preven Funding Source    National Highway Traffic Safety Administratio
--	--

6. Description of Project (Describe in detail in Schedule A) and Source of Funds

Budget (Provide itemization as called for on Schedule B) and Source of Funds					
Cost Category	Total Budget	Federal Budget	Local Budget	State Budget	Other Funds
a. Personnel Services	\$8,250.00	\$8,250.00			
b. Current Expense					
c. Equipment					
d. Indirect Costs Audit					
e. Contractual Services					
f. Other					
Total Estimated Costs Including Non-Federal Share	\$8,250.00	\$8,250.00			

7. Local Benefit: It is anticipated that the federal share for local benefit will be: <u>100%</u> ( <u>\$8,250.00</u> )
--

**\*\*IN THE INTEREST OF PERSONAL AND BUSINESS I.D. SECURITY, WE NO LONGER PHOTOCOPY PERSONAL AND BUSINESS CHECKS TO SHOW GRANTS, DONATIONS, ETC. RECEIVED BY THE DEPARTMENT.**

**DONATIONS:**

- a. **A DONATION IN SUPPORT OF THE PORTSMOUTH POLICE HONOR GUARD IN THE AMOUNT OF \$500 FROM ST. ANDREW'S LODGE No. 56**

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:

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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.**

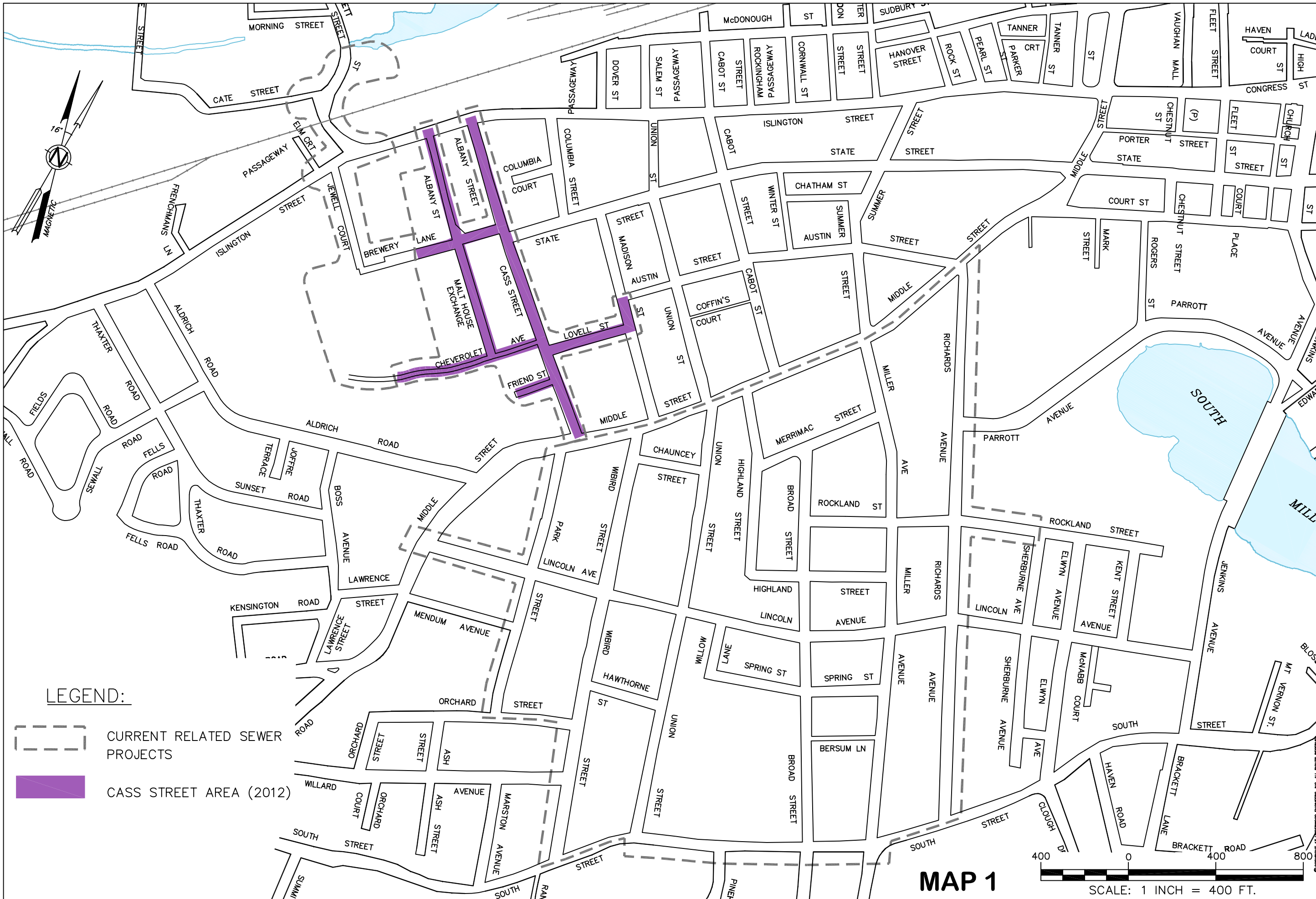
**That this Resolution shall take effect upon its passage.**

**APPROVED:**



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

**ADOPTED BY CITY COUNCIL**

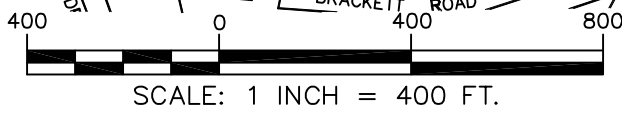
**\_\_\_\_\_  
KELLI L. BARNABY, CMC/CNHMC  
CITY CLERK**



**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.PLA.PAS	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







Feb. 17, 2012

Mr. John Bohenko  
City Manager  
Portsmouth City Hall  
3 Junkins Ave  
Portsmouth, NH 03801



Dear Mr. Bohenko,

Breathe New Hampshire is preparing once again for our 27th annual Seacoast Bike Tour on May 19 & 20, 2012. An anticipated 175 cyclists and close to 70 volunteers will participate in this two-day charity cycling event to benefit Breathe New Hampshire.


The event will again begin and end at the Pease International Tradeport, with an overnight in Ogunquit, ME. Normally we go through a small portion of Portsmouth on Saturday morning and again Sunday on the return, but with the Memorial Bridge construction we've had to adjust our routes. We are still currently working on finalizing our routes for Saturday and Sunday as it has taken a great deal of effort to re-direct participants on routes that are cyclist-friendly and that will still connect us to our finish line in Ogunquit, ME. We will be traveling through the center of Dover to get into Maine. Although we are not cycling through the center of Portsmouth, the event start and end is still in Portsmouth in Pease Tradeport.

The start and finish line location at 14 Manchester Square in Pease will again be at the International Marketplace. This location is also been our location for our finish line barbeque as in the past. The finish line barbeque usually takes place from approximately 11AM to 2:30PM on Sunday, May 20, with food, music, raffles and festivities. Last year and the previous years, the building contact at 14 Manchester Square had given us permission to grill out on their patio area, and they have also given permission for a band to play, as long as both are permitted by the town of Portsmouth.

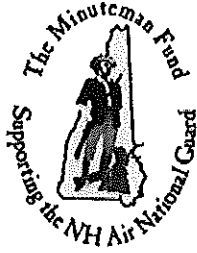
Please mail or email any forms that need to be completed and I will be sure to complete and return them as soon as possible. If you have any questions or concerns, I can be reached by phone at 603-669-2411 X 120 or by email [ksicard@breathenh.org](mailto:ksicard@breathenh.org).

Thank you in advance for your time and consideration.

Sincerely,

  
Kelly Sicard  
Director of Special Events & Volunteers

*Thank John!  
What a challenge  
this year with  
Memorial Bridge! ☺*



The Minuteman Fund  
302 Newmarket Street, Bldg 100  
Pease ANGB, NH 03803-0157

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

Dear Mr. Bohenko,

23 February 2012

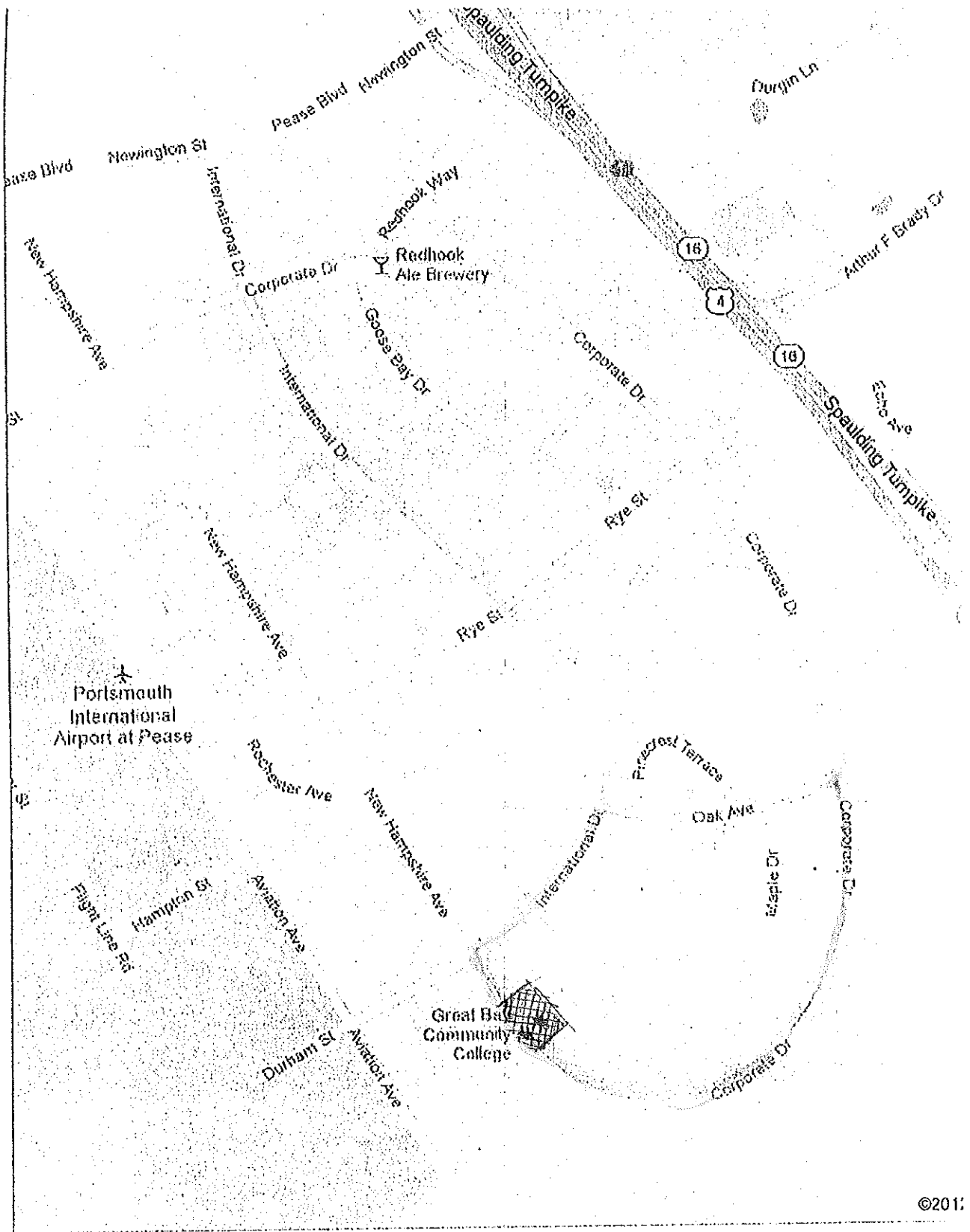
The Pease Air National Guard Base Minuteman Fund would like to request your authorization to hold a 2<sup>nd</sup> Annual Pease 7K Road Race/Walk on Sunday, July 15, 2012 on the Pease Tradeport in Portsmouth. The purpose of this event is not only to promote physical fitness, but also to unite the civilian and military communities and to raise funds for two good causes. The proceeds collected from this event will go to the Pease Minuteman Fund and the Pease Kids' Corps. The Minuteman Fund is a nonprofit organization which strives to improve the morale, welfare and recreation of members of the New Hampshire Air National Guard. The Pease Kids' corps is our on-base organization which has provided sponsorship to children living with life threatening diseases since the mid-1990s.

Last year's event was held during the same weekend in July; however it was on the Newington side of the Pease Tradeport and traveled down Arboretum Drive. We are unable to utilize that area of the Tradeport due to the road construction that is being conducted. There were 79 people registered last year with only 69 that participated on that day. We expect a small increase in the number of participants for this year's event; however I do not believe that the number will be over 100 runners. We have volunteers that will cover all of the major areas and will be out directing the runners and ensuring their safety. I have been working with Lieutenant Darrin P. Sargent of the Portsmouth Police Department and looking at the area that we hope to hold the race. I have attached a map outlining the route we are hoping to utilize. Our planning committee has secured authorization from Mr. David R. Mullen from the Pease Development Authority to hold the race at this location.

We had great success with this event last year and hope to continue with this year's event. If you have any questions, please feel free to contact me at (603) 430-2400, cell (603) 475-4080.

Sincerely,

  
Brenda M. Blonigen



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## MEMORANDUM

---

**TO:** John P. Bohenko, City Manager  
**FROM:** Rick Taintor, Planning Director *RT.*  
**DATE:** February 24, 2012  
**RE:** City Council Referral – Projecting Sign  
Address: 86 Pleasant Street  
Business Name: The Colour Bar  
Business Owner: Heidi Archibald

---

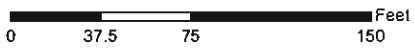
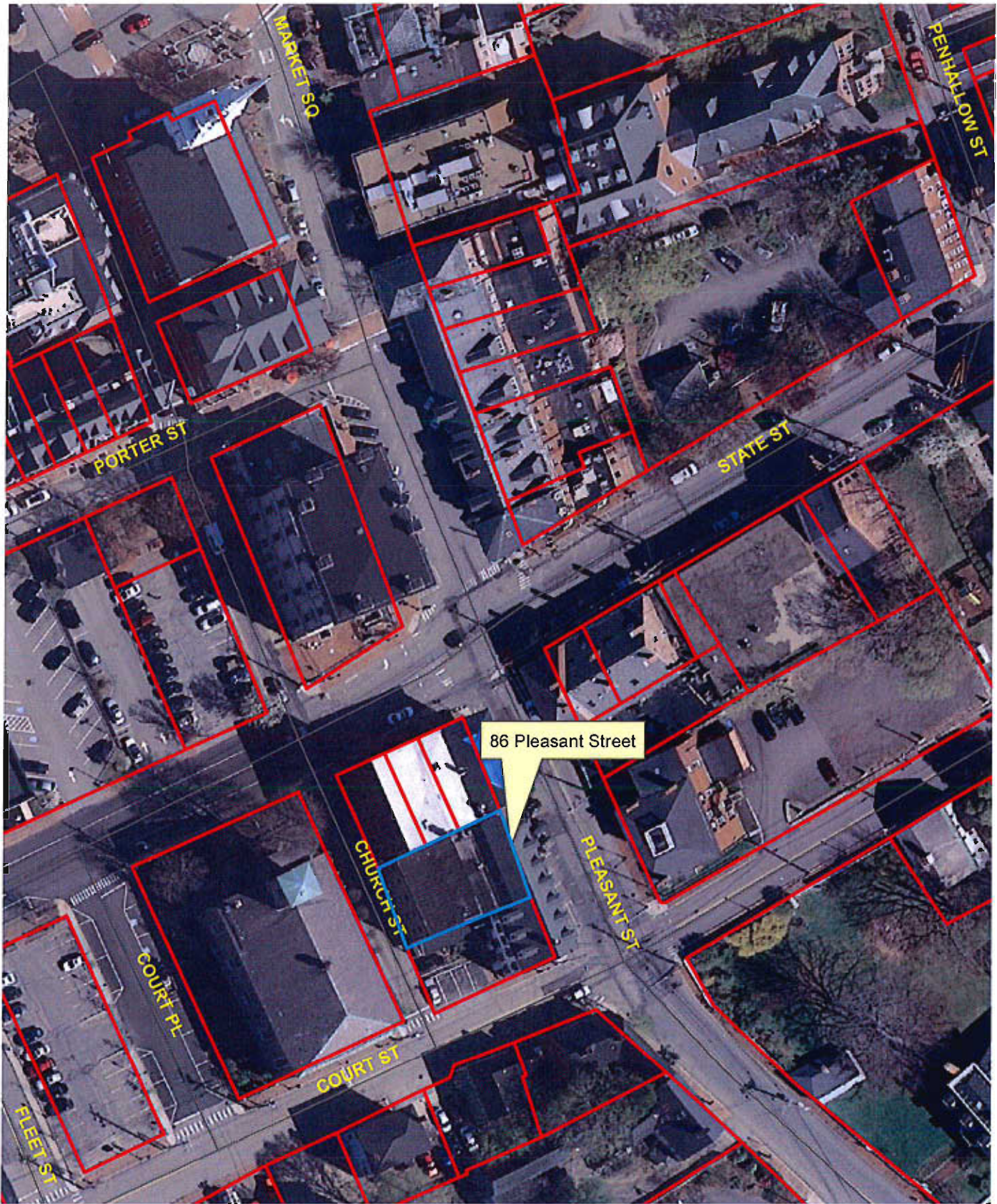
Permission is being sought to install a projecting sign on an existing bracket, as follows:

Sign dimensions: 30" x 32"  
Sign area: 6.7 sq. ft.  
Height from sidewalk to bottom of sign: 8'3"  
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 86 Pleasant Street

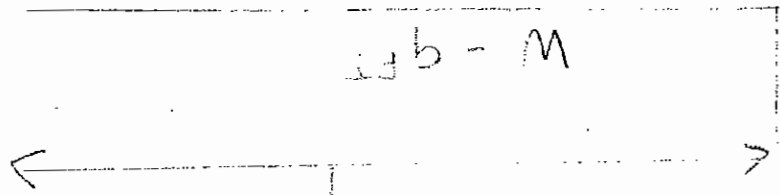
Map produced by Planning Department 2-22-2012



The Colour Bar  
86 Pleasant Street  
1 Projecting Sign



W - 9 FT

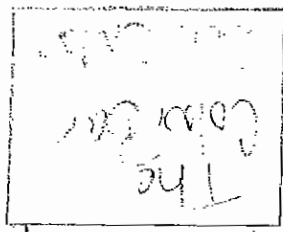


36"  $\equiv \frac{1}{3}$  sidewalk width

108"

32"

30"



Sign to be Black  
with white lettering

---

# MEMORANDUM

---

**TO:** John P. Bohenko, City Manager  
**FROM:** Rick Taintor, Planning Director *RT*  
**DATE:** February 24, 2012  
**RE:** City Council Referral – Projecting Sign  
Address: 82 Fleet Street  
Business Name: Jay Schadler Studio  
Business Owner: Jay Schadler

---

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

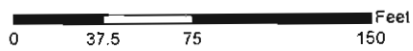
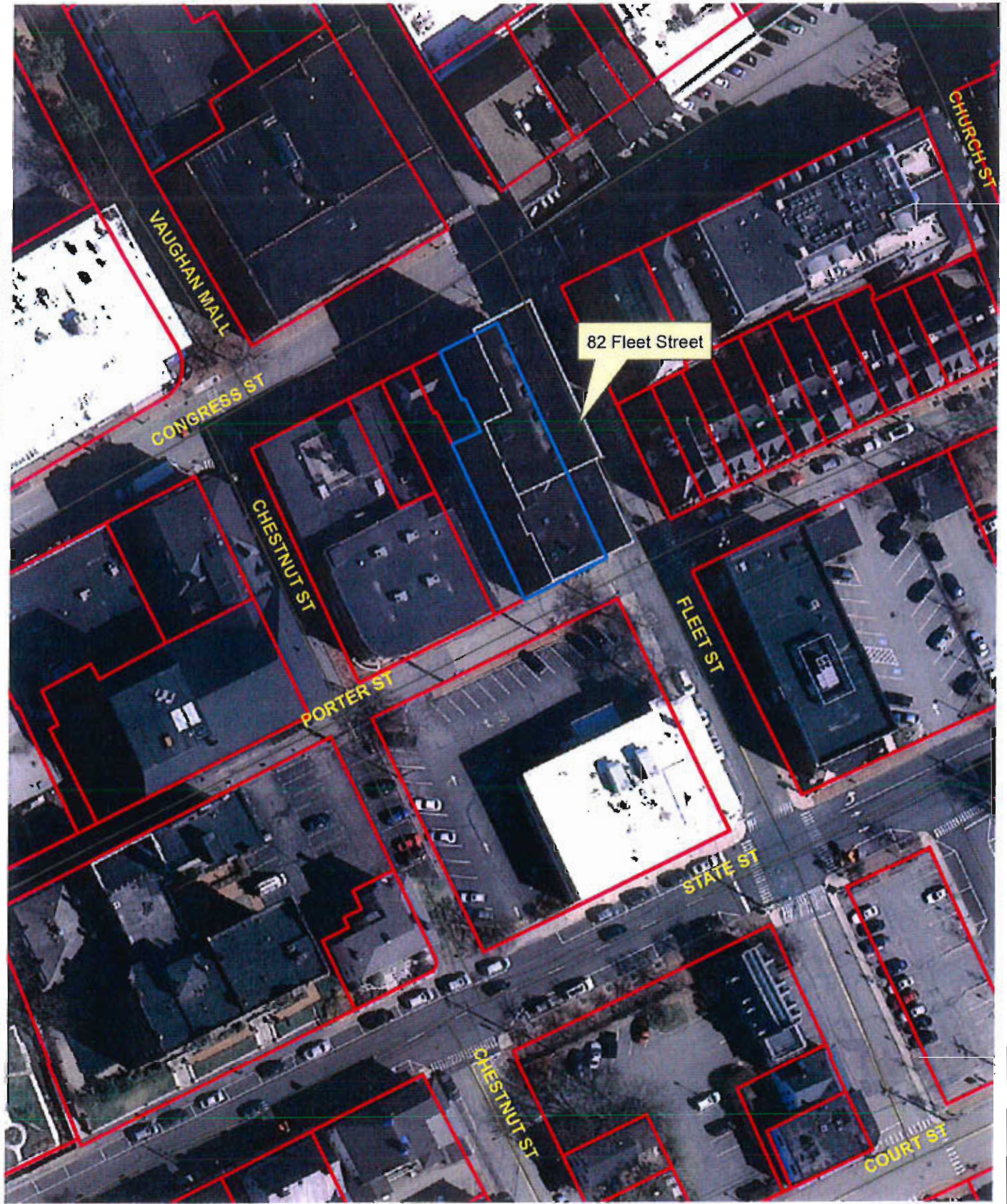
Sign dimensions: 24" x 36"  
Sign area: 6.0 sq. ft.  
Height from sidewalk to bottom of sign: 10'0"  
Maximum protrusion from building: 30 in.

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 82 Fleet Street

Map produced by Planning Department 2-22-2012



Jay Schadler Studio  
82 Fleet Street  
1 Projecting Sign








---

# M E M O R A N D U M

---

**TO:** John P. Bohenko, City Manager  
**FROM:** Rick Taintor, Planning Director   
**DATE:** February 27, 2012  
**RE:** City Council Referral – Projecting Sign  
Address: 25 Chestnut Street  
Business Name: 82-86 Congress LLC  
Business Owner: Mark McNabb

---

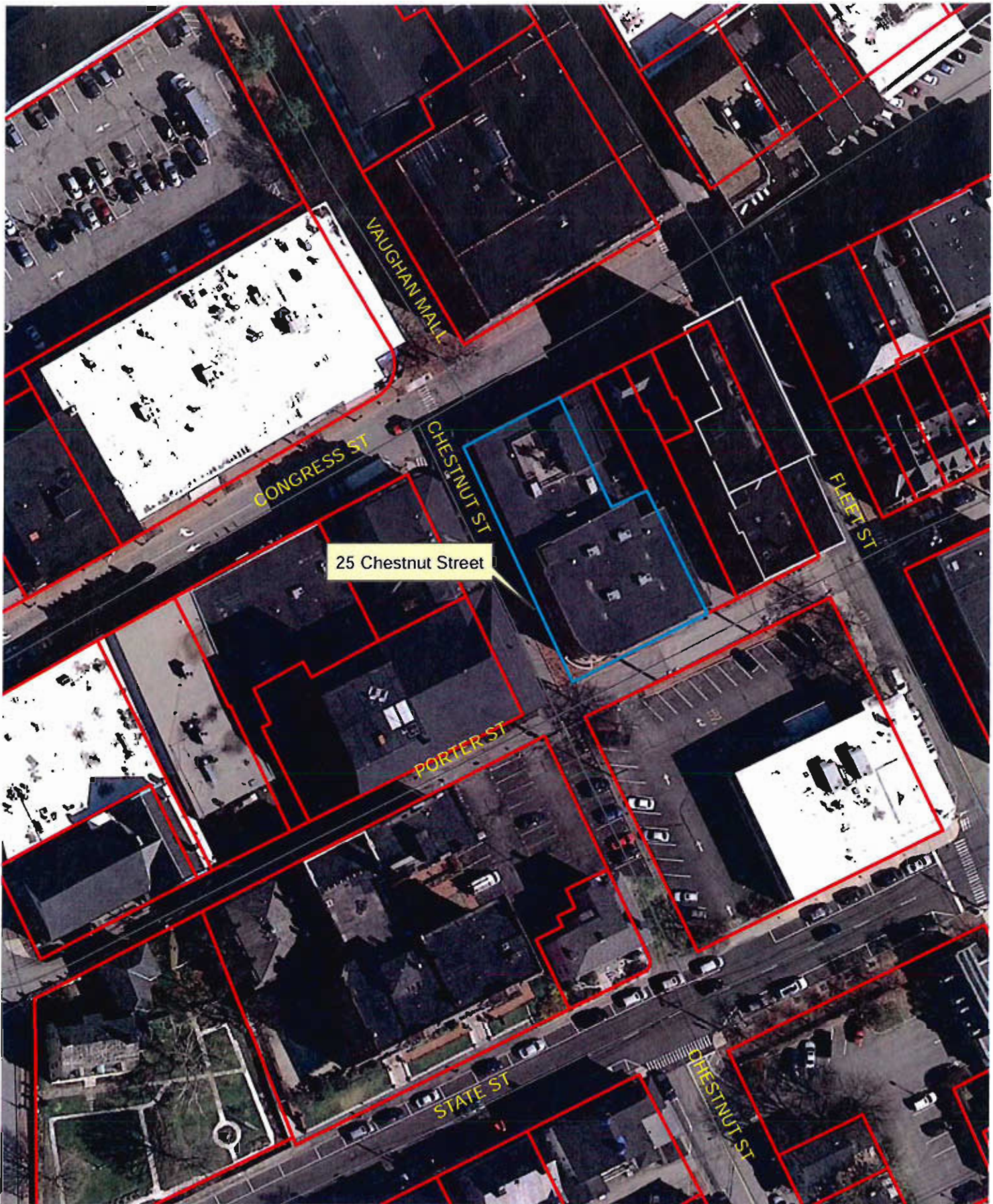
Permission is being sought to install a projecting sign on an existing bracket, as follows:

Sign dimensions: 18" x 41"  
Sign area: 5.2 sq. ft.  
Height from sidewalk to bottom of sign: 10'0"  
Maximum protrusion from building: 24 in.

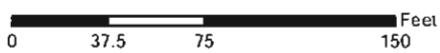
The proposed sign complies with zoning requirements. If a license is granted by the City Council, no other municipal approvals are needed. Therefore, I recommend approval of a revocable municipal license, subject to the following conditions:

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.





25 Chestnut Street

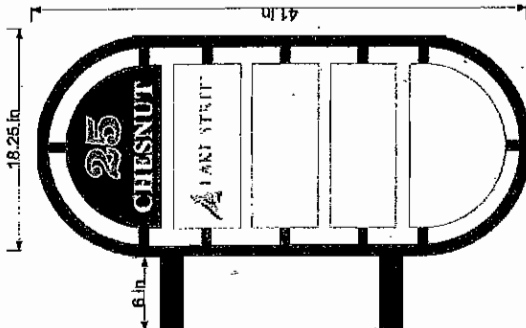
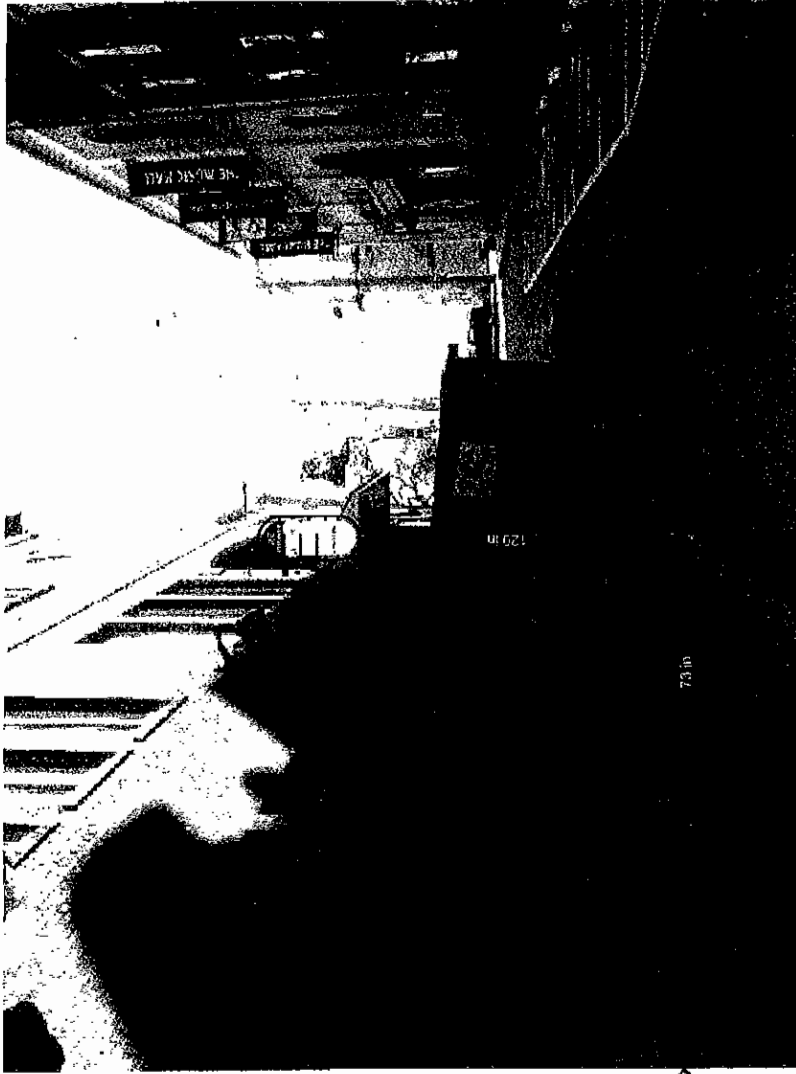


# Request for Projecting Sign License 25 Chestnut Street



25 Chestnut Street  
1 Projecting Sign





$6 + 18.25 = 24.25 < \frac{73}{3} = 24.33$   
 "1/3 sidewalk test"

Qty: \_\_\_\_\_ SS/DS: \_\_\_\_\_ Material: \_\_\_\_\_ Background Color: \_\_\_\_\_ Vinyl Color: HP  Int  Other: \_\_\_\_\_ Revision: \_\_\_\_\_

**PORTSMOUTH**  
**[SIGN]**  
**COMPANY**

Phone: 603-436-0047  
 email: [service@portsmouthsignco.com](mailto:service@portsmouthsignco.com)  
**All designs and custom artwork remain the property of Portsmouth Sign Company until the order is complete and paid in full.**  
 NOTE: Designs are NOT actual size

**All orders under \$100 include 1 revision only. All orders over \$100 include 3 revisions only.**

1/30/12

I understand this Order Form is the final production order and replaces all previous drawings, notes and verbal instructions to this job. I have carefully reviewed this form and verify that it contains all necessary specifications and represents my order exactly. I authorize fabrication according to this approval.

SIGNATURE: \_\_\_\_\_ Date: \_\_\_\_\_

RETURN SIGNED TO: [service@portsmouthsignco.com](mailto:service@portsmouthsignco.com)

**City of Portsmouth**

**Legal Department**

**Memorandum**

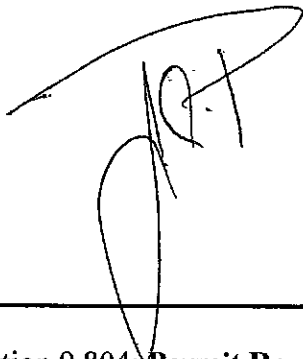
Date: February 28, 2012

To: John P. Bohenko, City Manager

From: Jason C. Page, Zoning Officer

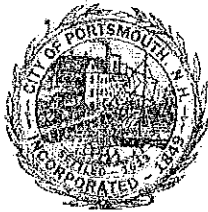
Re: Boarding House renewals

---

A handwritten signature in black ink, appearing to be 'J. Page', is written over the 'Re:' line and extends upwards into the 'To:' line.

Pursuant to Article VIII: **Boarding Houses**, Section 9.804: **Permit Renewal**, I have concluded the inspections for 278 Cabot Street and 350-352 Hanover Street and recommend their renewal.

430-4030



CITY OF PORTSMOUTH, NEW HAMPSHIRE  
OFFICE OF THE CITY CLERK

**BOARDING HOUSE PERMIT APPLICATION**

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

**APPLICANT INFORMATION**

DEC 20 2011

1:30

Applicant Name: G Edward Gowen Jr Telephone: 603-867-9260

Address: 355 Great Bay Rd City/State/Zip: Greenland NH 03840

Boarding House Location: 350-352 Hanover St, Portsmouth NH  
03801

Number of Rooms 12

**CERTIFICATION**

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

Signature: Edward Gowen Date: 12-13-11

-----  
**Administrative Use Only**

Approved by the Zoning Officer:

[Signature] Date 2-6-12

Approved by the City Council: \_\_\_\_\_



CITY OF PORTSMOUTH, NEW HAMPSHIRE  
OFFICE OF THE CITY CLERK

**BOARDING HOUSE PERMIT APPLICATION**

rcvd. 1-3-2012

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

**APPLICANT INFORMATION**

Applicant Name: Paul White Telephone: 207-439-4894

Address: PO Box 1325 City/State/Zip: Portsmouth, NH 03802-1325

Boarding House Location: 278 Cabot St

Number of Rooms 12

**CERTIFICATION**

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

Signature: [Signature] Date: 1/3/12

-----  
**Administrative Use Only**

Approved by the Zoning Officer:

[Signature] Date 2-6-12

Approved by the City Council: \_\_\_\_\_

**InterOffice Memo**

**To:** John P. Bohenko, City Manager  
**From:** Tom Richter, Engineering Technician  
**Date:** February 22, 2012.  
**Subject:** PSNH License Agreement #63-0528

---

I have reviewed the pole location information provided by PSNH for Petition and Pole License #63-0528.

This request is to license one pole located at the intersection of State Street and Cass Street. This pole is being moved in conjunction with the city's sewer separation Cass Street Area Contract. The location of this new pole poses no impact to existing city infrastructure. The Public Works Department recommends approval of this license.

Attached is a picture of the pole. 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**

60 W. Pennacook Street, Manchester, NH 03101

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

The Northeast Utilities System

February 14, 2012

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

**FEB 16 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 63-0528 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 7, 2012

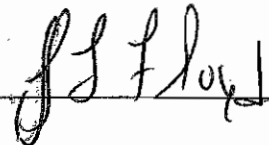
To the City Council of the City of Portsmouth New Hampshire.

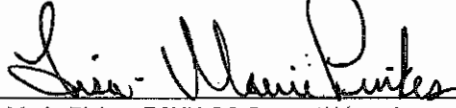
PUBLIC SERVICE OF NEW HAMPSHIRE and Northern New England Telephone Operations LLC d/b/a FairPoint Communications-NNE, request a license to install and maintain underground conduits, cable and wires, and maintain poles and structures with wires, cables, conduits and devices thereon, together with such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

License one ( 1) pole(s), 3/45 located on Cass Street in the City of Portsmouth.

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

PUBLIC SERVICE OF NEW HAMPSHIRE

BY: 

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

LICENSE

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

ORDERED

This 7th 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. 63-0528, dated 2/1/2012, 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

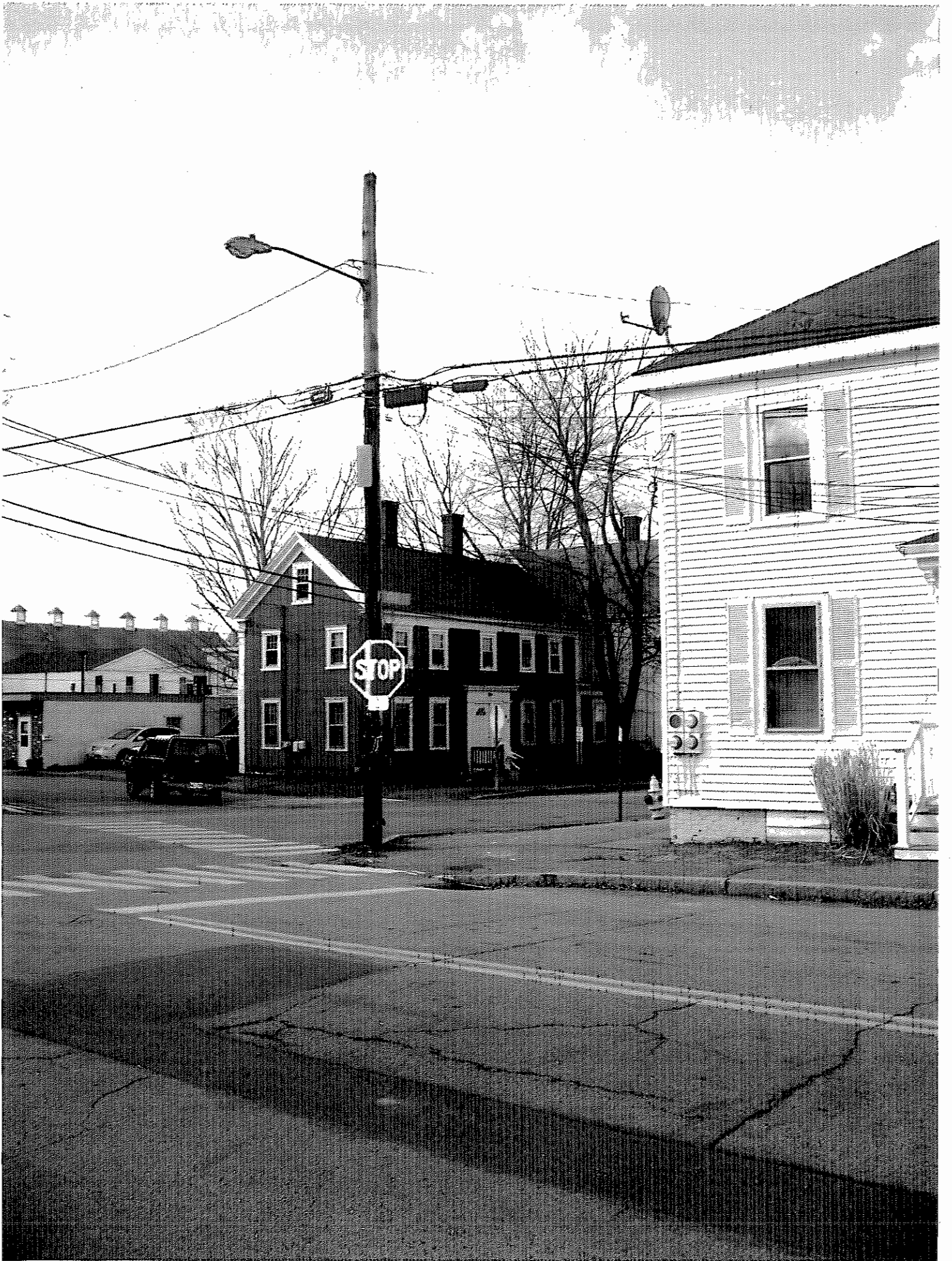


ADDENDUM PER RSA 231:163

- 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:**



FEB 16 2012

February 15, 2012

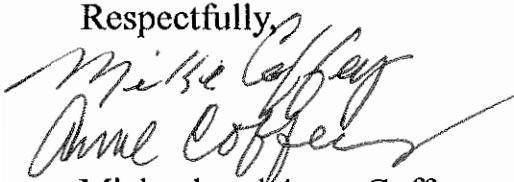
Ms. Kelli Barnaby, City Clerk  
City of Portsmouth  
City Clerk's Office  
1 Junkins Avenue  
Portsmouth, NH 03801

Re: Petition for City Council

Dear Ms. Barnaby:

We are enclosing a petition for submission to the City Council. Thank you for bringing it to the attention of the Council members.

Respectfully,

Handwritten signatures of Michael and Anne Coffey in cursive script.

Michael and Anne Coffey  
86 Haven Road  
Portsmouth, NH 03801

## PETITION

We are residents of either Haven Road, Brackett Lane and Brackett Road. We ask the City Council and the City Manager to take our interests more fully into account when considering whether to approve requests to hold events at the Little Harbour School. More events are being held at LHS than ever before, and they have led to the following problems:

Traffic and Parking: Events with a large number of participants, such as walks and runs, have resulted in our small neighborhood being flooded with people looking for places to park. Many park illegally. The City's "Process for Organizing Events in the City" requires that event planners "[p]romote use of public transit and remote parking for event participants and attendees." We ask that you condition approval of any future events on full compliance with this aspect of the Process.

Noise: The outdoor events often make use of public address systems set up on the LHS sidewalk or playground and which broadcast directly into our homes. They have started playing music and making announcements as early as 7:30 a.m. The Process requires that the City Council "manage *the number and logistics* of events to assure . . . that there is not an *unreasonable disruption for residents . . .*" We feel the use of these sound systems has been unreasonably disruptive and ask that you not permit their use for outdoor morning events at LHS.

Unfair burden: More events are being held at LHS than ever before. The disruption that these events create should be more fairly distributed. Other possible locations include Pierce Island and Pease Tradeport.

<u>NAME</u>	<u>ADDRESS</u>
<u>Pauline Tucker</u>	<u>143 Brackett</u>
<u>Cynthia Bacon</u>	<u>26 Brackett Rd</u>
<u>Robert Bacon</u>	<u>26 Brackett Rd</u>
<u>MICHAEL EDWARDS</u>	<u>64 BRACKETT RD</u>
<u>Thomas Caputo</u>	<u>139 Brackett Road</u>
<u>Karen Caputo</u>	<u>139 Brackett Road</u>
<u>Elizabeth Dunne</u>	<u>13 Brackett Lane</u>
<u>Byron Pappas</u>	<u>2 Brackett Lane</u>

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<u>NAME</u>	<u>ADDRESS</u>
<u>Mike Coffey</u>	<u>86 Haven Rd.</u>
<u>Aime Coffey</u>	<u>86 Haven Rd</u>
<u>James Lamond</u>	<u>84 Haven Rd</u>
<u>Catherine Lamond</u>	<u>84 Haven Rd.</u>
<u>Keray Anderson</u>	<u>16 Brackett Rd</u>
<u>Jim Allen</u>	<u>16 Brackett Rd.</u>
<u>Donna Saunders</u>	<u>65 Brackett Rd.</u>
<u>Mukul K. Gulria</u>	<u>65 Brackett Rd</u>

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NAME

ADDRESS

<u>Naime A. McLaughlin</u>	<u>15 Haven Rd.</u>
<u>Richard Swartz</u>	<u>390 South Street</u>
<u>Susan Hubbard</u>	<u>57 Haven Road</u>
<u>Carol Kato</u>	<u>110 Clough Dr.</u>
<u>Jim Kato</u>	<u>100 CLOUGH RD</u>
<u>Margaret Paul</u>	<u>52 Haven Rd</u>
<u>Tom Paul</u>	<u>52 HAVEN RD</u>
_____	_____



**PETITION**

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NAME

ADDRESS

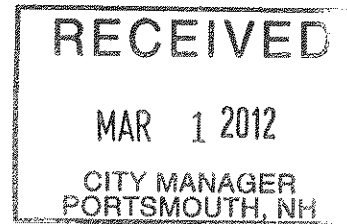
Chris (LaCoe)  
Edward P. W. Fisher  
Laura Montville  
RONAN DONOHUE  
Ann Donohue  
Jennifer Jacobs  
\_\_\_\_\_  
\_\_\_\_\_

68 Brackett Rd, Portsmouth  
56 Broad St Rd,  
40 Brackett Rd, Portsmouth, NH  
29 HAVEN RD. PIRCE  
"  
38 Haven Rd  
\_\_\_\_\_  
\_\_\_\_\_

THE PEIRCE ISLAND COMMITTEE REQUESTS A MEMORIAL PLAQUE  
ON ONE OF THE NEW BENCHES. IN THE MEMORY OF HAROLD  
HAPGOOD AND HIS DOG PUMA. A MEMBER OF THIS COMMITTEE AND  
LONG TIME RESIDENT OF PORTSMOUTH. A GREAT EDUCATOR AND  
LOVER OF OPEN SPACES IN THIS CITY. BY A VOTE OF ALL  
MEMBERS.

AUTHORIZED BY CHAIRMAN STEVEN MARISON  
AND WITNESSED BY RICHARD SMITH





7 Blackberry Hill Rd.  
Berwick, Maine 03901  
Feb 25, 2012

John P. Bohenko, City Manager  
City Hall  
1 Junkins Ave.  
Portsmouth, N.H. 03801

Dear Mr. Bohenko:

In 1980, I bought a house at 55 Pine St., Portsmouth, which is now listed as 55 Meredith Way. In 1983 I sold this house to my brother, William Cohen who passed away last October. Another brother, Robert Cohen and I have been appointed administrators of the property and we plan to sell it.

My brother's deed shows 100 foot frontage on Meredith Way which never was completed and so his frontage is really on a "paper street". His driveway actually crosses over city property to reach Pine St.

We would like to have an easement in perpetuity over an area of 750 sq. ft. that allowed him access to his property (see attached sketch, Exhibit 1). Pine Street Park is adjacent to his land and we would like an easement from the park fence to the end of his property line. This is the width of his driveway. (approximately 30 feet).

Thank you for your consideration. You can E-mail with any questions:  
BDevanna@comcast.net

Sincerely,

A handwritten signature in cursive script that reads "Barbara Devanna".

Barbara Devanna  
1-207-698-1759

A handwritten signature in cursive script that reads "Robert Cohen B.D.". The "B.D." is written in a smaller, more formal font.

Robert Cohen, 84 Birch St., Peabody, MA 01960 1-978-535-0407

Cc: Eric Spear, Mayor – Portsmouth City Council  
Nick Cracknell, Planning Dept.

Enclosures : Copy of Deed  
Sketch, Exhibit 1 and picture

EXHIBIT 1



KNOW ALL MEN BY THESE PRESENTS, That William J. Devanna and Barbara A. Devanna of 245 Thorton Street, Portsmouth, County of Rockingham and State of New Hampshire

for consideration paid, grant to William Cohen of 55 Pine Street, Portsmouth, County of Rockingham and State of New Hampshire

with Quitclaim Covenants the following described premises:

Two certain lots of land, with the buildings thereon, situated on the northerly side of Pine Street in Portsmouth, County of Rockingham and State of New Hampshire, and bounded and described as follows:

Beginning at the southwesterly corner of said premises, at a post at land now or formerly of Kostanty Zabrocki Estate;

Thence turning and running easterly along said Pine Street, one hundred (100) feet, more or less, to land now or formerly of Alvin Mayo;

Thence turning and running northerly along said last mentioned land, one hundred and fifty (150) feet, more or less, to a wire fence, at land now or formerly of Nancy V. Tebbetts and Margaret E. Tebbetts; and

Thence turning and running westerly along said last mentioned land, and also along land now or formerly of Lloyd Rader and Edith Rader, one hundred (100) feet, more or less, to said Zabrocki land;

Thence turning and running southerly along said Zabrocki land; one hundred fifty (150) feet, more or less, to the point of beginning.

Being the same premises conveyed to these Grantors by deed of John Hassett, Jr. and Marjorie Hassett dated April 24, 1980 and recorded in the Rockingham County Registry of Deeds at Book 2362, Page 1473.

We are \_\_\_\_\_, husband and wife of ~~XXXXXXX~~, release to said grantee all rights of homestead and other interests therein.

Witness OUR hands and seals this \_\_\_\_\_ day of \_\_\_\_\_, 1983 .

Witness:

\_\_\_\_\_  
William J. Devanna

\_\_\_\_\_  
Barbara A. Devanna

State of New Hampshire

Rockingham ss.:

A. D. 1983

Personally appeared William J. Devanna and Barbara A. Devanna known to me, or satisfactorily proven, to be the persons whose names subscribed to the foregoing instrument and acknowledged that t hey executed the same for the purposes therein contained.

Before me, \_\_\_\_\_  
Justice of the Peace -- Notary Public

William D. Mortimer  
235 Hillside Drive  
Portsmouth, NH 03801



February 29, 2012

The Honorable Eric Spear and City Council  
City Hall  
1 Junkins Avenue  
Portsmouth, NH 03801

Dear Mayor and City Council,

The entire Portsmouth High School Clipper Band has been invited to participate in the Disney Music Festival in Orlando, Florida from April 22 through April 29, 2012. This is a prestigious invitation.

Portsmouth High School Instrumental Music accomplishments include the following:

1. The Clipper Band performs for the school and community throughout the Fall at every home football game. In addition the Clipper Band participates in marching band festivals and competitions through Maine and Massachusetts. This past fall, the Clipper Band received its highest overall rating in over 20 years. The group was given a Gold Medal rating in every caption, resulting in an overall rating of a Gold Medal at the Maine Band Directors Association (MBDA) Finals held in Portsmouth last October.
2. The Clipper Band participates in a number of community events every year. These events include honoring those who serve our country on Veteran's Day every November, escorting Santa Claus down Market Street at the Holiday Parade every December, and remembering those who have made the ultimate sacrifice for our country at the Memorial Day Parade and commencement ceremonies at the South Street Cemetery each May.
3. Members of the Clipper Band are also in a variety of other ensembles that perform throughout the community and across the country. Woodwind and Brass ensembles ring in the holiday cheer with various December appearances starting with the lighting of the tree. Chamber music groups and soloists showcase their talents for the community at the annual Chamber Music and Chocolate Festival every March. **OUR PERCUSSION ENSEMBLE WAS JUST AWARDED THE WORLD CHAMPIONSHIP TITLE AT THE WINTER COLOR GUARD INTERNATIONAL (WGI) COMPETITION HELD IN OHIO LAST APRIL.**

And, did you know these students attend a Band Camp at Portsmouth High School for one week in August? They stand out in the field drilling and practicing for over 100 hours in the blazing sun during their summer vacation. The level of commitment these young people demonstrate is truly commendable.

The Band also played at the Christmas dinner for the Citizen Seniors, sponsored by the Portsmouth Rotary Club in 2010. Their music was beautiful and the Seniors were deeply touched, not only by the quality of their performance, but by the students' exemplary behavior. These young people bring joy to many others, on many levels.

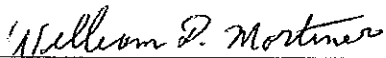
THE STUDENTS IN THE CLIPPER BAND ARE A CREDIT TO THEMSELVES, THEIR SCHOOL AND THE PORTSMOUTH COMMUNITY. THEY ARE AMBASSADORS FOR PORTSMOUTH HIGH SCHOOL AND THE ENTIRE CITY OF PORTSMOUTH, NEW HAMPSHIRE.

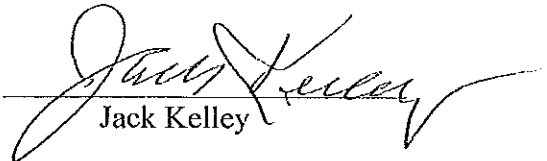
Eric Gagnon and Steve Cirillo did a great job in developing the Portsmouth High School Band into championship accomplishment.

Jack Kelley and I have volunteered to help raise funds for the trip. We are asking the City Council for their consideration for a donation toward the trip to Disneyworld.

Please support this request for funds.

Respectfully submitted,

  
William D. Mortimer

  
Jack Kelley


cc: City Manager, John Bohenko

Please make check payable to:  
The Portsmouth High School Band  
50 Andrew Jarvis Drive  
Portsmouth, NH 03801



**CITY OF PORTSMOUTH  
PORTSMOUTH, NH 03801**

*Office of the City Manager*

**Date:** March 1, 2012  
**To:** Honorable Mayor Eric Spear and City Council Members  
**From:** John P. Bohenko, City Manager   
**Re:** City Manager's Comments on March 5, 2012 City Council Agenda

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

1. **Acceptance of Police Department Grants and Donation.** Attached under Section VIII of the Agenda is a memorandum, dated February 15, 2012, from John F. Golumb, Chairman of the Portsmouth Police Commissioners, and Police Chief David J. Ferland, requesting that the City Council approve the following grants and donations:
  - a. A grant in the amount of \$70,219 from the Department of Justice to support the Victim/Witness Advocate position in our court office.
  - b. A grant in the amount of \$8,250 from the Department of Highway Safety for DWI/DUI Patrols.
  - c. A donation in the amount of \$500 from St. Andrew's Lodge No. 56 in support of the Portsmouth Police Honor Guard.

The Police Commission is submitting this information pursuant to City Policy Memorandum #94-36 for City Council approval and acceptance.

*I would recommend that the City Council move to approve and accept the grants and donation to the Portsmouth Police Department, as listed. Action on this matter should take place under Section VIII of the Agenda.*

2. **U.S. Homeland Security Grant Acceptance, Critical Care and Supplemental Oxygen.** As part of a U.S. Homeland Security Grant to the State of New Hampshire, funds were provided for a Critical Care and Supplemental Oxygen Program. Portsmouth Regional Hospital can improve response capability in a disaster event by participating in this program, which will provide the hospital with portable ventilators that will enhance preparedness during medical surge events and reduce adverse outcomes that could result from a lack of medical surge equipment. It is required that the ventilators – which are complicated machines that need biomedical maintenance and regular use to remain operational – be awarded to the hospital so that they can be used and maintained.



Because of U.S. Homeland Security requirements, the City of Portsmouth must agree, by being a signatory to the grant agreement, that this equipment be provided to Portsmouth Regional Hospital. There are no grant match requirements and no local funds are needed for this project. Portsmouth Regional Hospital will be the fiscal agent and meet the various grant requirements.

*I would recommend the City Council move to authorize the City Manager to execute any and all documents and agreements to allow portable ventilators, provided by the State of New Hampshire for the benefit of the municipality in emergency situations, to be granted directly to the Portsmouth Regional Hospital to be stored, maintained and deployed as necessary. Action on this matter should take place under Section VIII of the Agenda.*

3. **Acceptance of Grant for Art-Speak.** Art-Speak requests that a \$2000 grant from the Rotary Club of Portsmouth be accepted by the City Council on behalf of Art-Speak. The grant was awarded to support Art-Speak's Art & Economic Prosperity Survey.

*I would recommend the City Council move to approve and accept the grant to Art-Speak, as presented. Action on this matter 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 Ordinance Amendment to Chapter 1, Article XIV, Section 1.14 – Municipal Fund Balance by the deletion of the terminology Undesignated throughout the Ordinance with the replacement of the terminology Unassigned.** As a result of the February 21<sup>st</sup> City Council meeting, under Section IX of the Agenda, I am bringing back for first reading the aforementioned proposed Ordinance amendment ([see attached](#)). 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.

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

1.2 **First Reading of Resolution Authorizing the Issuance of Refunding Bonds to Refinance Certain Outstanding Bonds of the City so as to Reduce Interest Costs and to Pay all Costs Incidental and Related Thereto. The City is authorized to issue refunding bonds in the amount of up to Twenty Million Dollars (\$20,000,000)**

As a result of the February 21<sup>st</sup> City Council meeting, under Section IX of the Agenda, I am bringing back for first reading the aforementioned proposed Resolution ([see attached](#)).

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

*I would recommend the City Council move to pass first reading and schedule a public hearing and adoption of a proposed Refunding Resolution of up to Twenty Million Dollars (\$20,000,000) as presented, at the March 19, 2012 City Council meeting. (The Refunding Resolution requires two readings and a public hearing with two-thirds vote of the City Council.) Action on this matter should take place under Section IX of the Agenda.*

- 1.3 **First Reading of 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.** As a result of the February 21<sup>st</sup> City Council meeting, under Section IX of the Agenda, I am bringing back for first reading the aforementioned proposed Resolution ([see attached](#)). 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 would recommend the City Council move to pass first reading and schedule a public hearing and adoption of a Bond Resolution for the aforementioned long-term control plan, as presented, at the March 19, 2012 City Council meeting. (The Refunding Resolution requires two readings and a public hearing with two-thirds vote of the City Council.) Action on this matter should take place under Section IX of the Agenda.*

2. **Public Hearing:**

- 2.1 **Public Hearing Re: Proposed Capital Improvement Plan (CIP) FY2013-2018.** In accordance with Section 7.7 of the City Charter, a Public Hearing on the proposed Capital Improvement Plan for FY2013-2018 will take place on Monday evening at 7:00 p.m. At that time, I have requested that staff make a PowerPoint presentation giving the public an overview of the proposed Capital Plan for the aforementioned years. In addition, I will have copies available of the summary pages for the public, as well as the capital expenditures that will be proposed in the FY2013 budget. Also, a copy of the Capital Plan is on our web page ([www.cityofportsmouth.com](http://www.cityofportsmouth.com)).

The City Council is required, in accordance with Section 7.8 of the City Charter, to adopt the Capital Plan subsequent to the Public Hearing and before the City Manager submits the budget to the City Council. I anticipate that I will be transmitting my proposed FY2013 budget to you on or about April 11, 2012. Given that projected date, I am suggesting the City Council adopt the proposed Capital Improvement Plan at your March 19<sup>th</sup> City Council meeting. In accordance with the Charter, you could adopt the CIP no later than your April 2nd meeting. [Please bring your Capital Improvement Plan with you.](#) If you need another copy, please let me know.

*I would suggest that action on this matter be taken at the March 19th City Council meeting, at which time I will recommend adoption of the CIP with any appropriate amendments.*

**Consent Agenda:**

1. **Request for Licenses to install Projecting Signs.** [Attached](#) under Section X of the Agenda are the following requests for projecting sign licenses ([see memorandums from Rick Taintor, Planning Director](#)):

- Heidi Archibald, owner of The Colour Bar for property located at 86 Pleasant Street
- Jay Schadler, owner of Jay Schadler Studio for property located at 82 Fleet Street.
- Mark McNabb, owner of 82-86 Congress LLC for property located at 25 Chestnut Street.

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

2. **Request for Approval of Pole License.** Attached under Section X of the Agenda is the following request for a PSNH Pole License Agreement #63-0528 (see attached memorandum from Tom Richter, Engineering Technician, Public Works Department):

- a) License for one pole located at the intersection of State Street and Cass Street. This pole is being moved in conjunction with the City's Sewer Separation Cass Street Area Contract.

*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.*

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

1. **Policy Regarding Use of City Property for Sidewalk Cafes Providing Alcohol Service.** As you know, during the 2011 season the City Council allowed the pilot use of City property in the downtown for two sidewalk cafes providing alcohol service -- Popovers on the Square and The District (formerly known as Pesce Italian Kitchen + Bar). The purpose of the pilot was to determine the public benefit and efficacy of such sidewalk café operations. Each of the two establishments operated under an Area Service Agreement that specified certain terms and conditions of operation and design.

As I have begun to receive requests for the coming season from a number of establishments, I have drafted for your consideration the [attached policy](#) regarding the use of City property for sidewalk cafes providing alcohol service.

*I would recommend the City Council move to take this matter up for action at the March 19<sup>th</sup> City Council meeting.*

### ***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 21, 2012. In addition, this now can be found on the City's website.
2. **Economic Development Commission Agenda and Draft Minutes.** For your information, [attached are the Economic Development Commission Agenda](#) for Friday, March 9, 2012 and [the draft minutes](#) of the February 10, 2012 meeting.

# DRAFT

FEBRUARY 28, 2012

CITY OF PORTSMOUTH

CITY COUNCIL POLICY NO. \_\_\_\_\_

## **POLICY REGARDING USE OF CITY PROPERTY FOR SIDEWALK CAFES PROVIDING ALCOHOL SERVICE**

WHEREAS, the City Council allowed the pilot use of City property by two sidewalk cafes providing alcohol service during the 2011 summer season; and

WHEREAS, the City Council recognizes the benefit to residents, businesses, visitors and the City's economic vitality of allowing sidewalk cafes with alcohol service on City property; and

WHEREAS the City Council desires to balance said benefits of sidewalk cafes with the safety, desires, and convenience of the public at large; and

WHEREAS the City Council also recognizes that the City has the inherent authority to regulate any obstructions on City sidewalks and any intrusions into City sidewalks; and

WHEREAS the City Council recognizes the authority of the State to regulate alcohol service.

NOW THEREFORE, the City Council adopts the following policies, criteria and standards with regard to the use of City property for sidewalk cafes providing alcohol service:

1. Requests for use of City property for sidewalk cafes providing alcohol service shall be made in writing to the City Council on an annual basis with no expectation of continued year-to-year use of the sidewalk area on a continuing basis.
2. Such requests shall include a dimensioned site plan of the existing conditions, including a depiction of public infrastructure such as curb lines, light poles, bike racks, street trees, tree grates, manhole covers, meters, licensed A-frame signs, adjacent on-street parking and loading zones, adjacent accessible sidewalk curb cuts and the like. Such requests shall also include a dimensioned site plan depicting the proposed table/chair layout plan for the sidewalk café, dimensioned routes of travel within the sidewalk café area and on the adjoining public sidewalk, as well as detail sheets for the proposed enclosure system, tables, chairs, lighting, trash receptacles, and the like.
3. The terms and conditions of any such requests that are approved by the City Council in any given year shall be described in an annual Area Service Agreement, which includes a clear depiction of the Area approved for sidewalk café use, with said Area Service Agreement to be signed by the City Manager and the party or parties making the request.



4. The term of the Area Service Agreement should be for no more than six (6) months and shall typically run mid-April thru mid-October.
5. Area Service Agreements shall not be assignable to other parties.
6. Use of the Area subject to the Area Service Agreement may be precluded, modified or made subject to any such terms and conditions as may be determined by the City in order to accommodate special municipal events.
7. A ten dollar (\$10.00) per square foot fee will be charged for the Area subject to the Area Service Agreement and the fee shall be for the entire 6 month season with no proration of the fee. The minimum fee for the season shall be \$2,000 even if the size of the Area subject to the Agreement is less than 200 square feet. The fee shall be due and payable prior to authorization to use the Area.
8. The Area specified for sidewalk café use in the Area Service Agreement shall be restored upon termination of the Area Service Agreement at season's end. Specifically, at season's end, the enclosure system, tables, chairs and all other materials in their entirety shall be removed from the City-owned area with the area left in an unobstructed, undamaged, clean and sanitary condition at no cost to the City.
9. Sidewalk cafés on City property shall indemnify and hold harmless the City of Portsmouth and shall maintain and provide insurance of the types and amounts specified by the City's Legal Department.
10. Sidewalk cafes shall not damage sidewalks, curbing, bike racks, street trees, light poles, trash containers, utilities or any other City amenities or infrastructure, or make same inaccessible for public use or maintenance purposes.
11. Sidewalk cafes may utilize the Area for authorized purposes during their normal business hours, except that all tables within the Area shall be cleared of all food and alcoholic beverages by 10:30 p.m. Monday through Saturday and by 10:00 p.m. on Sunday with no alcohol served within the Area subsequent to one-half hour before the foregoing closure times.
12. Sidewalk café operators shall agree at all times to comply with all laws, rules and regulations of the NH State Liquor Commission and all other local, state and federal laws. Approval of the Area Service Agreement by the State Liquor Commission is required. Alcoholic beverage violations shall be self-reported to the State Liquor Commission.
13. Sidewalk cafes shall only serve alcoholic beverages to patrons who are seated at a table and who are ordering a substantial meal with service at tables conducted by wait staff only.
14. Sidewalk café operators will agree that they shall be solely responsible for compliance with the Americans with Disabilities Act.
15. The Area Service Agreement may be suspended at the sole discretion of the City on an administrative basis.

16. The Area Service Agreement may be revoked in its entirety, excepting for indemnity provisions, by the City by vote of the City Council.

17. Sidewalk cafes with alcohol service should meet the following site design standards:

- Be separated from the public pedestrian space on the adjacent municipal sidewalk by an enclosure system consisting of heavy duty black decorative metal materials or equivalent as approved by the City Manager or his designee; special attention shall be paid to the method used to support the enclosure system in order to avoid damage to public property and insure public safety; the minimum height of the enclosure system shall be 30 inches and the maximum height shall be 36 inches.
- Sidewalk cafes shall have no audio or visual or entertainment of any type located outside, and no visual entertainment shall be situated on the inside of the building in such a manner that it is directed to patrons in the sidewalk café.
- Sidewalk café seating shall be appurtenant and contiguous to a doorway accessing the main restaurant facility with service provided within the Area approved by the City, and the adjacent public pedestrian way shall not be crossed in order to provide alcohol or food service to additional areas.
- The internal dimensions and table/chair layout of the sidewalk café Area must allow for the passage of customers and wait staff and shall, in any event, meet ADA requirements.
- Sidewalk cafes must provide a 5-foot radius clearance from the center of restaurant doorways (exterior) and doorways shall be kept clear at all times and a 5-foot minimum clear pedestrian path in front of restaurant doorways (exterior) shall be maintained at all times.
- The enclosure system, tables and chairs shall be movable/non-permanent.
- In Market Square the minimum width for the pedestrian way adjacent to the Area shall be 10-feet to 12-feet depending on site conditions. In all other areas where sidewalk cafes are allowed the width for the pedestrian way adjacent to the Area shall, at a minimum, be 5-feet and, in any event, meet ADA, but will depend on site conditions. The pedestrian way in both instances shall allow for and provide clear unimpeded passage and access along the Area. The pedestrian way shall be located entirely on the public sidewalk and shall meet criteria that ensure pedestrian safety, usability and ADA compliance. In no event shall the Area interfere with accessibility or public safety, including safe lines of site for drivers.
- Canopies over the sidewalk café shall not be allowed unless they are completely supported by hardware on the building structure, that is, there shall be no vertical supports in or around the sidewalk café; table umbrellas without logos are allowed, but must not extend beyond the Area.

- No advertising of any kind shall be allowed in the Area.
  - No improvements or personal property located within the Area shall extend on or over any municipal property located outside the Area.
18. Smoking should not be allowed in the sidewalk café Area.
19. Sidewalk café operators shall agree at all times to comply with all local laws, rules regulations and orders including, but not limited to the following:
- Health Department to approve outdoor food service operations and cleaning operations, with the Area to be left in a clean and sanitary condition at all times and garbage contained at all times in covered receptacles. The Area shall be left in clean condition at close of business with all garbage removed in its entirety from the Area, and any ground debris swept up, at close of daily business. No food prep, grilling, service windows, service counters, wait stations, or bus buckets shall be allowed in the Area and no condiments, paper products or the like shall be stored on the tables in the Area. Health Department shall review/approve that kitchen facilities are sufficient to support additional seating.
  - Inspections Department shall review/approve that bathroom facilities are sufficient to support outdoor sidewalk café seating. Permits shall be sought from the Inspections Department for any proposed Area lighting.
  - A Place of Assembly inspection and updated Place of Assembly permit shall be required from the Fire Department and the Fire Department shall review/approve means of egress.
20. No Area Service Agreement should be approved by the City except in conformance with the foregoing.
21. The above are policy guidelines that will serve as the basis for Area Service Agreements, which may include other terms and conditions deemed by the City to be in the public interest.
22. The number and location of sidewalk cafes on City sidewalks shall be at the sole unfettered discretion of the City Council acting in the public interest and no entitlement is created by this policy for any party to have a sidewalk café at any location.

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

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

\_\_\_\_\_  
 Kelli L. Barnaby, CMC/CNHMC  
 City Clerk

Run: 2/29/12  
8:03AM

## Event Listing by Date

Page: 1

Starting Date: 1/ 1/2012  
Ending Date: 12/31/2012

Start End	Type Description	Location	Requestor	Vote Date
1/ 1/2012 1/ 1/2012	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/ 4/2011
2/13/2012 2/13/2012	CONCERT Vernis Jackson is the contact for this event.	Chestnut Street	African Burying Ground Committ	12/19/2011
3/11/2012 3/11/2012	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	3/15/2012
3/25/2012 3/25/2012	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	1/17/2012
4/14/2012 4/14/2012	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/ 6/2012
4/14/2012 4/14/2012	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	12/19/2011
4/15/2012 4/15/2012	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/ 6/2012
4/15/2012 4/15/2012	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	12/19/2011
5/ 6/2012 1/ 3/2012	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	12/19/2011
5/ 6/2012 5/ 6/2012	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	1/18/2012
5/ 6/2012 5/ 6/2012	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	1/17/2012
5/12/2012 5/12/2012	ROAD RACE Kimberly McGlinchey and Deirdre Barrett are the ECO Club Advisors and they are the contacts for this event. The time of this event is 1:00 p.m. to 3:00 p.m.	Pease Tradeport	Portsmouth High School ECO Clu	2/21/2012

## Event Listing by Date

Starting Date: 1/ 1/2012  
Ending Date: 12/31/2012

Start End	Type Description	Location	Requestor	Vote Date
5/12/2012 5/12/2012	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/ 3/2011
5/19/2012 5/19/2012	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	12/19/2011
5/27/2012 5/27/2012	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/ 6/2012
6/ 9/2012 6/ 9/2012	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	1/17/2012
6/ 9/2012 6/ 9/2012	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	2/17/2012
6/23/2012 6/23/2012	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	1/17/2012
6/30/2012 6/30/2012	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	1/17/2012
7/ 7/2012 7/ 7/2012	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	1/17/2012
7/ 7/2012 7/ 7/2012	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	12/19/2011
7/14/2012 7/14/2012	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	1/18/2012
7/21/2012 7/21/2012	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	1/17/2012
7/28/2012 7/28/2012	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	1/17/2012

## Event Listing by Date

Starting Date: 1/ 1/2012  
Ending Date: 12/31/2012

Start End	Type Description	Location	Requestor	Vote Date
8/ 2/2012 8/ 2/2012	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	12/19/2011
8/ 4/2012 8/ 4/2012	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	1/17/2012
8/ 8/2012 8/ 8/2012	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	2/17/2012
9/ 9/2012 9/ 9/2012	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/ 6/2011
9/15/2012 9/15/2012	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	12/19/2011
9/15/2012 9/16/2012	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/ 6/2012
9/29/2012 9/29/2012	ROAD RACE Karen Butz Webb is the contact for this event. This event begins and ends at Portsmouth High School. the course starts 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 PHS.	Portsmouth High School	Project Safety	2/21/2012
10/13/2012 10/13/2012	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	12/19/2011
11/22/2012 11/22/2012	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 -	12/19/2011



**MEMORANDUM**

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**DATE: FEBRUARY 24, 2012**  
**TO: ECONOMIC DEVELOPMENT COMMISSION**  
**FROM: EVERETT EATON, CHAIRMAN**  
**RE: UPCOMING MEETING FRIDAY, MARCH 9, 2012**

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The next EDC meeting is on March 9, 2012 from 7:30-9 am. in City Hall Conference Room A. If you are unable to attend the meeting, please contact Nancy Carmer at **610-7220**.

<b>3/9/12</b>	<b>7:30 A.M.</b>	<b>CITY HALL</b>	<b>CONFERENCE ROOM A</b>
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- 1) Approval of draft meeting minutes of February 10, 2012 (enclosed)
- 2) Presentation on 2012 Capital Improvement Infrastructure Projects – Steve Parkinson, Public Works Director
- 3) Old Business
  - City Council vote on Chamber of Commerce Website Loan
  - Continuation of discussion on Tax Increment Financing
  - 2012 EDC Action Plan (draft sent with Feb 10<sup>th</sup> agenda)
- 3) New Business
  - Potential new Economic Revitalization Zones
- 4) Public Comment
- 5) Confirm Next Meeting: Friday, April 6, 2012/Adjourn

Informational Items:

- a) NH Employment Security Economic and Labor Market Reports:
  - January 2012 *NH Economic Conditions Report*
- b) Portsmouth Naval Shipyard 2011 Economic Report

CC: City Council  
Steve Parkinson, Public Works Director

**DRAFT  
MEETING MINUTES  
PORTSMOUTH ECONOMIC DEVELOPMENT COMMISSION**

February 10, 2012

Conference Room A City Hall

7:30 a.m.

Members Present: Everett Eaton, Chairman; Dana Levenson, Eric Gregg, Ron Zolla, Robert Marchewka, Philip Cohen, Christine Dwyer, Josh Cyr, Jack Thorsen, John Bohenko  
Excused: Lisa DeStefano, Vice-Chairman, Tim Allison  
Absent: Josh Cyr

Chairman Eaton opened the meeting at 7:37 a.m.

**Welcome to new City Council EDC representative Jack Thorsen**

Chairman Eaton formally welcomed Jack Thorsen, the new 2012 City Council representative to the EDC. Mr. Thorsen expressed his thanks and enthusiasm for being appointed to the Commission.

**Approval of draft meeting minutes of January 6, 2011**

Following a motion by Commissioner Dwyer and a second by Commissioner Levenson, the draft meeting minutes of December 2, 2011 were unanimously approved as written.

**Tax Increment Financing (TIF) Discussion with Matthew Walsh, Assistant for Special Projects, City Manager's Office, City of Concord, NH**

Chairman introduced Mr. Walsh and thanked him for attending the meeting. City Manager Bohenko explained that to date, the City of Portsmouth's TIF activity is limited to adoption of the TIF legislation and to preliminary discussions on potential TIF projects and districts.

Mr. Walsh provided an overview of the TIF legislation and the process involved in administering a TIF project. He provided examples of several TIF projects in Concord including the Grappone Conference Center, the Sears Block and the Sanel Building redevelopments. He concluded his presentation with thirteen recommendations ("Commandments") for successful municipal TIF projects. Following questions and answers from the EDC on the process, Chairman Eaton thanked Mr. Walsh for coming and Mr. Bohenko presented him with a small token of appreciation for his presentation.

**Old Business**

*Parking Supply and Demand Analysis Study - Next Steps*

City Manager Bohenko reported that the City Council has referred the report to the Parking and Traffic Safety (PTS) Committee. City staff will be developing strategies to implement the report recommendations and will work with the PTS Committee on this task. Since there is a symbiotic relationship in the various report recommendations, the desired means to forward is an omnibus approach.

Ms. Dwyer expressed the need for a set of clear principles which the PTS Committee can apply to assure consistency in project evaluations and outcomes. She said that the City Council must have an understanding of these principles before it takes action on an omnibus parking proposal. The discussion concluded that there needs to be a discussion with the Mayor about developing a parallel track of educating the new PTS Committee and developing the guiding principles. Commissioner Levenson expressed the need to incorporate the EDC perspective of promoting mixed use in the downtown and strategies to mitigate the parking cost of locating a business downtown.

### **Update Chamber of Commerce Website Loan Terms**

Chairman Eaton said that the EDC subcommittee members met with Chamber President Doug Bates and Chamber Board of Director Member Ben Wheeler to discuss requested modifications to the proposed tourism website loan terms. The consensus was to increase the loan term from four to five years and to allow interest only payments for the first year so that the site can start to generate revenues from stakeholders and hotel booking fees. Also, a requirement that a joint check for the loan proceeds be issued to the Chamber and to the web designer was dropped. If approved, the loan proceeds will go solely to the Greater Portsmouth Chamber of Commerce.

### **Update on Memorial Bridge Replacement**

As most EDC members were aware, the center span of the historic bridge was floated out this week. Work will now begin on dismantling the towers and the approach spans. The City Council has entered into agreements and licenses with NHDOT for a construction lay down area and for parking easements for bridge attendants. Temporary traffic detours and Wright Avenue parking lot modifications have been instituted.

### **2012 EDC Action Plan**

Due to time constraints, this item was deferred to the March 2, 2012 meeting.

### **New Business**

*Potential new Economic Revitalization Zones* - Due to time constraints, this item was deferred to the March 2, 2012 meeting.

### **Other Business**

A discussion ensued on what the next steps are for developing a TIF in the City. Councilor Dwyer said that the presentation from Concord illustrates the trend that many NH cities and towns are working innovatively to create successful developments modeled after Portsmouth. The effort has resulted in many interesting projects statewide. She feels that Portsmouth needs to continue to be innovative in economic development. She said the City cannot rest on its laurels or the development and job opportunities will occur elsewhere. Commissioner Cohen feels that there is a need to educate residents that are fearful of new development. Councilor Dwyer said the City needs to promote TIF as a planning and development mechanism over which the city has more control. It was agreed to continue the discussion of next steps for TIF at the March 2<sup>nd</sup> EDC meeting.

### **Public Comment**

No members of the public were present for comment.

### **Confirm Next Meeting: Friday, March 2, 2012**

With no further business the meeting adjourned at 9:14 a.m.

Respectfully submitted,  
Nancy Carmer  
Economic Development Program Manager



received  
2/16/11

CITY OF PORTSMOUTH, N.H.  
BOARDS AND COMMISSIONS

KLB

APPOINTMENT APPLICATION

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

Committee: Zoning Board of Adjustment Initial applicant

Name: Christopher P. Mulligan Telephone: 969-0537

Could you be contacted at work? YES/NO NO If so, telephone # 427-5500

Street address: 74 Austin Street, Portsmouth, NH 03801

Mailing address (if different): \_\_\_\_\_

Email address (for clerk's office communication): cmulligan@bosenspringer.com

How long have you been a resident of Portsmouth? 1996-2004; Oct 2010-present

Occupational background:

Practicing attorney in Portsmouth since 1995.

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

Practicing attorney since 1995, with a moderate amount of my practice devoted to land use and planning. Former member of Town of Durham ZBA.

Have attended various OEM seminars and workshops.

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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 have the time and expertise to do a good job and I know I can help.

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

New Hampshire and Maine Bar Associations; Newmarket Business Association  
Durham Business Association; Greater Portsmouth Chamber of Commerce.

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Please list two character references not related to you or city staff members:

1) Ed Hayes, President, Ricci Lumber, 105 Bartlett St., Portsmouth 396-814  
Name, address, telephone number

Dean Dan Innis, Whitmore Sch. Bus., Prop. Ale House Inn, 552 State St.,  
2) Portsmouth, 285-1150  
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:  Date: 2/15/11

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 Junkins Avenue, Portsmouth, NH 03801**

**CHRISTOPHER P. MULLIGAN, ESQ.**  
**BOSEN & SPRINGER, PLLC**  
One New Hampshire Avenue, Suite 215  
Portsmouth, NH 03801  
Telephone: (603) 427-5500  
Facsimile: (603) 427-5510  
e-mail: [cmulligan@bosenspringer.com](mailto:cmulligan@bosenspringer.com)  
Business Law-Litigation-Real Estate-Estate Planning  
*Trial Practice in State and Federal Courts in Maine and New Hampshire*

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**EXPERIENCE:**

June, 2004 to Present	<b><u>BOSEN &amp; SPRINGER, PLLC</u></b> , Portsmouth, NH. Attorney.	
November, 2001 to May, 2004	<b><u>WATSON &amp; BOSEN, P.A.</u></b> , Portsmouth, NH. Attorney.	
September, 1995 November, 2001	<b><u>HARMAN LAW OFFICES</u></b> , Portsmouth, NH. Attorney.	
October, 1995	Admitted to Bar of States of New Hampshire and Maine	
Summer 1994	<b><u>HARMAN LAW OFFICES</u></b> Portsmouth, NH. Summer intern.	
Summer 1993	<b><u>ALASKA STATE PARKS</u></b> , Tok, Alaska. Ranger.	
1990-1992	<b><u>CHASE AUTOMOTIVE FINANCE</u></b> , New York, NY. correspondent and Retail client services manager.	Executive

**EDUCATION:**

UNIVERSITY OF MAINE SCHOOL OF LAW. Portland, ME. JD, 1995. *cum laude*  
COLUMBIA UNIVERSITY, New York, NY. AB, 1989.



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**



**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 -

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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

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.

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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**

# City of Portsmouth

## Fee Committee



## Memorandum

DATE: March 2, 2012

TO: HONORABLE MAYOR SPEAR AND CITY COUNCIL

FROM: COUNCILORS NOVELLINE CLAYBURGH AND SMITH

RE: RECOMMENDED ORDINANCE AMENDMENTS – FEE COMMITTEE

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As a result of the Fee Committee meeting on Wednesday, February 29, 2012, the Committee is recommending certain amendments dealing with fee issues as outlined in the attached memorandum from City Attorney Robert P. Sullivan to City Manager John P. Bohenko.

Therefore, the Fee Committee is recommending that the City Council move to authorize the drafting of Ordinances regarding these recommendations for first reading at the March 19, 2012 City Council meeting.

If you should have any questions, please do not hesitate to contact us.

cc: John P. Bohenko, City Manager  
Robert P. Sullivan, City Attorney  
Kelli L. Barnaby, City Clerk  
Andrew Purgiel, Deputy Finance Director

**CITY OF PORTSMOUTH**

**LEGAL DEPARTMENT**

**MEMORANDUM**

DATE: February 28, 2012  
TO: JOHN P. BOHENKO, CITY MANAGER  
FROM: ROBERT P. SULLIVAN, CITY ATTORNEY  
RE: FEE ISSUES



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The City Clerk has brought to the attention of the Legal Department certain proposed changes in the authority provided by City ordinance for the collection of specified fees. She requests to know what action would be required by the City in order to implement the recommendations. Each recommendation and the action required by the City to implement it follow:

1. **Question:** Magazine solicitors' ordinance needs to be amended to reference the fee location. Presently there is no reference to the fee so we are unable to charge for a license. The fee is referenced in the fee resolution that is adopted with each budget.

**Answer:** The action which should be taken to implement this recommendation is the adoption of a new ordinance which authorizes the magazine solicitors' fee to be set each year during the budget adoption process.

2. **Question:** The alarm systems monitored by the Council, Chapter 5, Article VIII, Section 5.802 – SERVICE CHARGE - needs to be changed to reflect the fees on the fee schedule.

**Answer:** Implementation of this recommendation calls for an ordinance amending the referenced ordinance by the addition of a new provision which will authorize the fee for a false alarm to be adopted each year during the budget adoption process.

3. **Question:** Dog license fee, RSA 466:39, City or Town Bylaws; A City or Town can raise the annual fee required for a dog license by an additional \$1. I would like to have the fee increased.

**Answer:** Because RSA 466:39 requires that this action be taken by "the local governing body" this additional fee needs to be established by City ordinance. My recommendation would be that the new ordinance authorize that the dog license fee be established at, "the maximum allowed by state law as it may be amended from time to time" so that the ordinance would not have to be further amended if the state legislation changes.

cc: Kelli L. Barnaby, City Clerk  
Andrew Purgiel, Deputy Finance Director



## **ARTICLE XVI: MAGAZINE SUBSCRIPTION SOLICITORS**

That is shall be unlawful for any solicitor as defined in Section 6.1601 to engage in such business within the City of Portsmouth when the subject of the sale is any of the articles specified in Section 6.1602 without first obtaining a license therefore in compliance with this Ordinance.

### **Section 6.1601: DEFINITIONS**

For the purposes of this Ordinance, a solicitor is defined as any person, firm or corporation, whether as owner, agent, consignee or employee, whether a resident of the City or not, who takes or attempts to take orders, goods, wares, merchandise or personal property of any nature for future delivery, whether or not such person has a sample of the goods, wares, merchandise or personal property, or whether he is collecting advance payments on such sales.

### **Section 6.1602: MAGAZINE SUBSCRIPTIONS**

Applicants for licenses under this Ordinance must file with the City Clerk a sworn application in writing on a form furnished by the Clerk which shall give the following information:

- A. The name or names of the person/persons having the management of applicant's business during that time that it is proposed that it will be carried on in the City. If the applicant is an employer, the name, description and address of each employee together with a photograph of each employee shall accompany the application;
- B. Permanent home address and full local address of applicant;
- C. A brief description of the nature of the business and the goods to be sold;
- D. If the applicant is an employee, the name and address of the employer together with evidence sufficient to establish the nature of the relationship and a photograph of the applicant.

### **Section 6.1603: INVESTIGATION AND ISSUANCE OF LICENSE**

Upon receipt of an application, the City Clerk shall cause a copy thereof to be sent to the Chief of Police who shall investigate the truth of the facts stated in the application. No license shall be issued on the day application is made and application shall be either granted or denied within ten days of the application date. If as a result of such investigation, the truth of the facts stated in the application is established, a license will be issued. Such license shall contain the following:

- A. Name
- B. Address
- C. Photograph
- D. Nature of Business
- E. Expiration Date

**Section 6.1604: RENEWAL**

Licenses shall expire one year after date of issuance.

**Section 6.1605: BADGES**

Licenses shall be displayed on the outer clothing of the solicitor when he is engaged in soliciting door to door or in any public place. A solicitor shall recite his license number upon the request of any citizen.

**Section 6.1606: REVOCATION OF LICENSES**

Permits and licenses issued pursuant to this Ordinance may be revoked by the City Clerk of the City of Portsmouth after notice and hearing for any of the following causes:

- A. Fraud, misrepresentation or false statement contained in the application for license;
- B. Fraud, misrepresentation or false statement made in the course of carrying on his business as a solicitor;
- C. Any violation of this Ordinance;
- D. Conviction of any crime involving fraud, misrepresentation or violation of the Consumer Protection Laws of this State or of the United States.

Notice of hearing for revocation of license shall be given by registered mail, postage to the local address appearing on the application. Notice shall be mailed seven days prior to the date set for the hearing. Any person aggrieved by the action of the City Clerk in refusing to issue a license or in revoking a license may appeal to the City Council. Such appeal shall be taken by filing a written statement with the City Council within fourteen days of notice of the action complained of. The Council shall set a time and place for hearing the appeal and notify the applicant of the date in the same manner as notice of revocation hearing is given.

***- ADDITION OF FEE SECTION -***

**Section 6.1607: PENALTY**

Any person violating any of the provisions of this Ordinance shall be guilty of a violation.

**ARTICLE VIII: ALARM SYSTEMS MONITORED BY THE CITY**

**Section 5.801: DEFINITIONS**

For the purpose of this Article, the following definitions shall be applicable:

Alarm System: Any assembly of equipment and/or devices which, with or without human involvement, is reasonably calculated to notify either police or fire officials and lead them to believe that there is a situation requiring their urgent attention.

Unfounded Emergency Call: Any response by police or fire officials to the activation of an alarm system, when no objective indication of a situation requiring their urgent attention is found by the responding police or fire offices; false alarm.

**Section 5.802: SERVICE CHARGE**

***- AMEND THIS SECTION TO REFLECT THE FEES ON THE FEE SCHEDULE -***

The owner of any premises served by an alarm system shall be obligated to pay a service charge to the City of Portsmouth for all unfounded emergency calls to that premises in excess of the number of such calls permitted by this Article. This service charge shall be in the amount of \$20.00 per unfounded emergency call to the police for the 6th through 9th call per calendar year and \$50.00 per call in excess of 9 calls. The service charge for unfounded emergency calls to fire officials shall be \$50.00. Said service charge is to be paid within 30 days of billing, payment to be made to the department issuing the bill. (Amended 1/25/88)

**Section 5.803: PERMISSIBLE UNFOUNDED EMERGENCY CALLS**

The owner of any premises served by an alarm system shall be permitted the following number of unfounded emergency calls prior to the imposition of a service charge:

- A. Unfounded Emergency Calls to Police Offices  
Five calls per calendar year (Amended 1/25/88)
  
- B. Unfounded Emergency Calls to Fire Officials  
Two calls per six calendar month period (January to June inclusive or July to December inclusive)

**Section 5.804: ALARM SYSTEMS MONITORED BY THE CITY**

Any person, firm, or corporation maintaining an alarm system located wholly or in part on City premises shall be subject to the following provisions:

- A. Such alarm systems shall be maintained in strict conformance to any operating standards that may be from time to time promulgated by the Department Head with jurisdiction over the premises in which the alarm system is located.
- B. A service charge shall be paid to the City department which monitors any alarm system. The rates to be charged for these alarm systems shall be established and adjusted as necessary by the City Manager with the approval of the Police Commission or Fire Commission, in the event the system is monitored by either department. This fee shall be payable in advance and no part thereof may be refunded or transferred.

(Amended title of Ordinance & Section 5.804 and replaced Item B in its entirety 5/3/99)

**Section 5.805: PROHIBITIONS**

Direct Dialers: The use of so-called direct dialer tape alarm systems, which automatically engage available telephone lines, is prohibited within the City of Portsmouth

**Section 5.806: PENALTY**

Any person, firm or corporation who violates any provision of Section 5.805 of this Ordinance shall be subject to a fine of not more than \$100.00 upon conviction.

## **ARTICLE VII: DOGS AND OTHER PETS**

***- ADDITION OF SECTION THAT WILL AUTHORIZE THAT THE DOG LICENSE FEE BE ESTABLISHED AT, "THE MAXIMUM ALLOWED BY STATE LAW -***

### **Regulation of Animals in General**

#### **Section 6.701: ANIMAL BITES**

It shall be the duty of every person bitten by an animal, or his or her parent or guardian, and any attending physician, to report to the Animal Control Officer the bite within twenty-four (24) hours. The report shall describe the circumstances of the bite and the name, address and telephone number of the owner or keeper of the animal to the extent known.

#### **Section 6.702: NUISANCE ANIMALS**

No owner, keeper or other person having control shall permit an animal to be a nuisance animal. For the purposes of this section, nuisance animal means any animal or animals which:

1. Molests or harasses passersby, domestic animals or passing vehicles in the public way;
2. Attacks or threatens persons or other domestic animals;
3. Punctures the skin of any person or domestic animal;
4. Damages property other than that of its owner;
5. Defecates off the premises of the animal's owner, and the owner, or other individual in control of the animal, fails to remove such deposit immediately;
6. Barks, whines, howls or cries in a continuous fashion for more than thirty (30) minutes.

#### **Section 6.703: CRUELTY**

It shall be unlawful to torture, torment or neglect any animal as provided in RSA 644:8 and the penalties set forth therein shall apply.

#### **Section 6.704: RABIES VACCINATION**

Every owner or keeper of any dog, cat or ferret shall be required to obtain such rabies vaccination as may be proscribed by RSA 436-100 as it may from time to time be amended.

## **Regulation of Dogs**

### **Section 6.705: DEFINITIONS**

The following definitions shall apply to this article:

*At-large.* At-large shall mean not under the control of the owner, or another individual either by leash, cord, chain or other similar means of physical restraint.

*Dog.* Dog shall include both male and female of the canine species. Dog shall also mean any animal which is considered to be a wolf-hybrid as defined in RSA 466-A.

*Enforcement official.* Enforcement official when used herein shall mean any Animal Control Officer, Police Officer, or other individual authorized to enforce the provisions of this chapter and such state statutes pertaining to animals.

*Keeper.* A keeper shall be any person or persons, firm, association or corporation who has temporary control or responsibility for a dog with the permission of the Owner.

*Owner.* Owner shall include any person or persons, firm, association or corporation owning, keeping or harboring a dog. The owner identified on any current dog license shall be prima facie evidence of the ownership of the dog.

*Vicious dog.* Vicious dog shall mean a dog that, without provocation, attacks or bites a person or other domestic animal.

### **Section 6.706: AT-LARGE PROHIBITED**

- a. Prohibition. Except as exempted below, no person shall permit a dog owned by him or her or under his or her control to be at-large as defined by this Ordinance or to trespass upon the property of another, public or private.
- b. Exemptions. A dog shall not be deemed at-large if it is:
  1. On the premises of the dog's owner;
  2. On the premises of the person under whose control the dog is supervised ;
  3. On the premises of another person as long as that person has given permission for the dog to be at-large;
  4. In any designated off-leash dog area managed and regulated by the City of Portsmouth. Designated off-leash areas shall be any City property posted under the authority of the Public Works Department as an off-leash area.
- c. No Defense. Failure of a Keeper to comply with this provision shall not relieve the Owner of responsibility from compliance.

**Section 6.707: CONDUCT IN OFF-LEASH AREAS**

- a. Voice Control and Observation on Private Property. Every person who allows a dog to be off-leash in the designated areas under section 6.706(b)(1)- (3) shall maintain voice control over the dog and shall keep the dog under observation at all times unless the dog is contained by an invisible fence system or enclosure sufficient to prevent the dog from leaving the premises.
- b. Voice Control and Observation on Public Property. Every person who allows a dog to be off-leash in a designated area under section 6.706(b)(4) shall, unless excepted under subsection c below, maintain voice control over the dog and shall keep the dog under observation at all times.
- c. South Mill Pond Dog Park Rules: Dogs are permitted to be off-leash and not under voice control in the dog park. Due to the risks associated with this activity, the following shall apply:
  - 1. Entry into the dog park is restricted to persons age 12 and older
  - 2. Dogs must have current licenses and vaccination tags;
  - 3. Dogs must be under observation;
  - 4. Dogs must be spayed or neutered that are one year or older;
  - 5. Spike and choke collars must be removed; and
  - 6. Dog owners are responsible for their dogs' actions.

**Section 6.708: LICENSE**

Every owner of a dog more than four (4) months old shall be required to license such dog within 30 days of ownership and annually thereafter with the City Clerk in the manner proscribed by RSA 466 as it may be from time to time amended. Failure to license any dog as provided in this section shall be a violation and the penalty shall be \$25.00 and not those penalties set forth in Section 6.710.

**Section 6.709: REMOVAL OF DOG WASTE REQUIRED**

The owner, keeper or person in control of any dog shall be responsible for the removal of any defecation deposited by such dog on any public or private property.



## **Penalties, Impoundment and Enforcement**

### **Section 6.710: PENALTIES**

An offense of any provision of this chapter by any person shall be deemed a violation and shall be punishable by the following penalties:

1. First offense. A first offense of any provision of this chapter in any twelve-month period shall be punishable by a fine of fifty dollars (\$50.00)
2. Second offense. A second offense of any provision of this chapter in any twelve-month period shall be punishable by a fine of one hundred dollars (\$100.00).
3. Third and subsequent offenses. A third or subsequent offense of any provision of this chapter in any twelve-month period shall be punishable by a fine of two hundred dollars (\$200.00).

In addition to the penalties provided in this section, any animal found in violation of this chapter may be impounded as provided in Section 6.711 of this chapter.

### **Section 6.711: IMPOUNDMENT**

- a. Authority to Impound. Animals who have bitten or are in violation of any provision of this chapter may be taken by any enforcement official and impounded in a humane manner.
- b. Place of Impoundment. Animals shall be impounded with such area veterinarians and/or animal welfare organizations as any enforcement official may deem reasonable and appropriate.
- c. Impoundment and Boarding Fees. The owner of any animal impounded under the provisions of this chapter shall be responsible for all impoundment and boarding fees. Owner shall make payment directly to the veterinarian or animal welfare organization to obtain release of the animal.
- d. Disposition of Unredeemed Animals. If any impounded animal is not redeemed within (7) days of its impoundment, it may be adopted or given away in accord with the policies and practices of the veterinarian or organization responsible for impoundment. If any unredeemed animal is not adopted or given away because of disease, temperament or other cause, it shall be euthanized in a humane way. The impoundment period may be waived by the enforcement official in case of a severely injured animal whose owner cannot be located or is unwilling to claim the animal.
- e. Collection. Any sums owed under this chapter may be collected in a civil action brought under this section.

- f. Interference with Impoundment. Any person who interferes with the impounding of an animal or releases, or who attempts to release, an impounded animal contrary to this article shall be in violation of this chapter and may be subject to such additional charges as may be applicable under the criminal code.
- g. Notice of Impoundment. Within twenty-four (24) hours of the impoundment of any animal, the enforcement official shall make every reasonable attempt to notify the owner of the impounded animal of such impoundment. Such notice shall include either personal contact with the owner or a written notice posted at the dwelling house of the owner.
- h. Surrender for Impoundment. The enforcement official may elect to demand the surrender of any animal when there are reasonable grounds to believe the safety of the public or the animal will be benefited by such action. Reasonable grounds shall include without limitation: the impoundment of any animal that has bitten; risk of flight with the animal; or that the animal is or will within 48 hours be the subject of any complaint filed with the Animal Control Committee. The enforcement official shall provide a written summary to the Owner of the reasons for the demand for surrender. Failure to surrender any animal upon demand shall be a violation of this ordinance the penalty for which is \$100 per day and not the penalties set forth under 6.710.

**Section 6.712: ANIMAL CONTROL COMMITTEE**

- a. Animal Control Committee Established. For purposes of this section, an Animal Control Committee is established. The Animal Control Committee shall be comprised of the Police Chief or his/her designee a veterinarian who shall be paid for his/her time, and a resident of Portsmouth appointed by the Mayor. The Police Chief or his/her designee shall be the Chair of the Committee. The designated Animal Control Officer shall be the prosecuting officer for any complaint brought before the Committee.
- b. Vicious Dogs. The Animal Control Officer or a City resident may make a written complaint directed to the Chair of the Animal Control Committee that a dog is alleged to be vicious as defined in Section 6.705.
- c. Repeated Dog at Large. In the event that any dog shall be found to be at-large three (3) or more times in a twelve-month period, the Animal Control Officer or a City resident may make a written complaint directed to the Chair of the Animal control Committee.
- d. Repeated Nuisance Animals. In the event that any animal shall be found to be a nuisance three (3) or more times in a twelve-month period, the Animal Control Officer or a City resident may make a written complaint to the Chair of the Animal Control Committee.

- e. Procedure. The Committee shall hear all complaints described in paragraphs b, c and d of this section. All hearings shall be public and the rules of evidence shall not apply. If the animal is impounded when the written complaint is filed, the hearing shall be within fourteen (14) days. All other complaints shall be heard within thirty (30) days.
- f. Orders. The Animal Control Committee may issue such orders as are necessary to protect the public and/or the animal. Such orders may include, but are not limited to: confinement in a secure enclosure or other similar restriction; muzzling; training; adoption; restricting the sale or transfer of the animal; requiring permanent identification; or euthanization in a humane manner. The Committee shall also have the authority to require proof of owner's adequate insurance or resources in the event of any future claims for damage by the subject animal. In addition, the Animal Control Committee may revoke the privilege of any owner to keep, harbor or have custody of any animals while in the City and that no new privileges be granted. The Animal Control Committee shall have the authority to modify such orders without hearing upon the agreement of the Owner and the enforcement official that a modification would be in the best interest of the public or the animal.
- g. Penalty For Violation Of Orders. Any person who violates any provision of any order of the Animal Control Committee shall be in violation of this ordinance and subject to a penalty of fifty dollars (\$50.00) for each day of non-compliance.

**Section 6.713: INTERFERENCE WITH ENFORCEMENT OFFICIALS**

Any person or persons who hinders, interferes with, obstructs or uses abusive or profane language against any enforcement official when in the course of their duties shall be in violation of this ordinance and subject to a penalty of \$100.00.

**Section 6.714: PAYMENT OF PENALTIES**

Any penalties and fines assessed pursuant to this ordinance may be paid to the Clerk of Court of the Portsmouth District Court at any time prior to trial.

**Section 6.715: SEPARABILITY OF PROVISIONS**

Each provision of this Ordinance shall be deemed independent of all other provisions herein, and if any provision of this Ordinance is declared invalid, all other provisions shall remain valid and enforceable.

(Ordinance deleted in its entirety and replaced on May 16, 2005)

# TITLE XLV ANIMALS

## CHAPTER 466 DOGS AND CATS

### Penalties, etc.

#### Section 466:39

**466:39 City or Town Bylaws.** – The local governing body may make such additional bylaws and regulations concerning the licensing and restraining of dogs as it deems reasonable, and may affix penalties not exceeding \$50 for a breach thereof. Such bylaws and regulations shall relate only to dogs owned or kept in such city or town, and the annual fee required for a license shall in no case be more than \$1 in addition to the sum hereby required.

**Source.** 1891, 60:23. PL 150:41. RL 180:41. RSA 466:39. 1994, 353:13, eff. Jan. 1, 1995. 2007, 339:1, eff. Jan. 1, 2008.

# ACTION SHEET

## PARKING and TRAFFIC SAFETY COMMITTEE

Councilor Ken Smith, Chairman

To: City Council Meeting of March 5, 2012

Re: Parking Committee Meeting held February 16, 2012

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### ACTIONS:

- [1] **ACCEPTANCE OF MINUTES**: Being the first meeting of the newly formed Parking and Traffic Safety Committee, there were no minutes to accept.
- [2] **Portwalk Lot 3**– TAC Referral – Request for Loading Zone on Hanover Street from 6 am to 9 am and removal of parking spaces - **MOTION** made by City Manager Bohenko to approve the site plan as presented and create a loading zone from 6 am to 9 am daily in the four parking spaces on the northerly side of Hanover Street, between the garage entrance and Portwalk Way, and the removal of two parking spaces on Hanover Street to accommodate the parking garage entrance, seconded by Mr. Whitehouse. **Motion passed.**
- [3] **550 Peverly Hill Road**– TAC Referral – Presentation of speed and sight distance study for proposed driveways – **MOTION** made by Public Works Director Parkinson to approve the single driveway for Lots 1 and 2 at 550 Peverly Hill Road and to include stipulation in property deeds regarding the shared driveway, seconded by Mr. Cyphers. **Motion passed with Mr. Whitehouse voting opposed.**
- [4] **Bow Street Valet** – Request from Atlantic Parking to conduct valet operations from two parking spaces –**MOTION** made by City Manager Bohenko to change the two parallel parking spaces on the southerly side of Bow Street, nearest Penhallow Street, to a valet parking zone from 5 p.m. to 12 a.m., Monday through Sunday. The spaces shall remain open for public parking from 12 a.m. to 5:00 p.m., metered during designated times. The fee for use shall be \$2.00 per space per day. This approval is for a 6 month pilot period. Seconded by Public Works Director Parkinson. **Motion passed.**
- [5] **86 Haven Road** – Tabled to February 2012 by Traffic & Safety Committee – Citizen request for “No Parking” in vicinity of Brackett Road – Report back from school officials. - **MOTION** made by City Manager Bohenko to refer to March 8, 2012 meeting for a report back from Fire Department regarding street widths, Public Works Department regarding signage, and Legal Department regarding Committee implementing pilot programs, seconded by Mr. Cyphers. **Motion passed.**

- [6] **“Malls” Signs on Interstate 95** – Citizen request for directional signs – **MOTION** made by Mr. Whitehouse to send a letter to the State Dept. of Transportation Commissioner requesting “Malls” Signs on Interstate 95, seconded by Deputy Police Chief Dubois. **Motion passed.**
- [7] **Downtown Speed Limits** – City Council Referral – Speed study – **MOTION** made by Public Works Director Parkinson to refer to the March 8, 2012 meeting for a report back from the Public Works Department, seconded by City Manager Bohenko. **Motion passed.**

**MINUTES**  
**PARKING AND TRAFFIC SAFETY COMMITTEE MEETING**

8:00 A.M. – Thursday, February 16, 2012  
City Hall – Eileen Dondero Foley Council Chambers

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**I. CALL TO ORDER:**

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

**II. ROLL CALL:**

**Members Present:**

Councilor Ken Smith, Chair  
John Bohenko, City Manager  
Steve Parkinson, Public Works Director  
Stephen Dubois, Deputy Police Chief  
Steve Achilles, Assistant Fire Chief  
Ron Cypher, Member  
Harold Whitehouse, Member

**Members Absent:**

Ted Gray (excused)

**Staff Advisors Present:**

Jon Frederick, Parking & Transportation Director  
Michael Angstadt, Legal Department

**III. ACCEPTANCE OF THE MINUTES: NONE**

**IV. NEW BUSINESS:**

- A. **Portwalk Lot 3 – TAC Referral – Request for Loading Zone on Hanover Street from 6 am to 9 am and removal of parking spaces**

Parking and Transportation Director Jon Frederick explained that the Portwalk is requesting the conversion of four parking spaces on the northerly side of Hanover Street, east of their proposed garage entrance, to a loading zone from 6 am to 9 am, which would facilitate trash removal from the site. He further reviewed the previous action taken on the request stating the original request was approved by both the Parking Committee and Traffic & Safety Committees on November 10, 2011, but the City Council tabled the actions of both committees at the December 5, 2011 meeting. As a result, the Planning and Legal Departments have requested that the Parking and Traffic Safety Committee revisit this issue for a new recommendation to the City Council. He concluded that the proposed site plan will result in the net loss of two parking spaces on Hanover Street but the proposed loading zone will have no impact on parking meter enforcement hours and will prevent any traffic obstructions during trash removal from the site.



Patrick Crimmins from Tighe & Bond reviewed the site plan outlining what Jon Frederick previously stated. He stated that the spaces for the trash receptacles will have less impact on the pedestrian experience which was a concern with the previous proposal.

**City Manager Bohenko moved to approve the site plan as presented and create a loading zone from 6 am to 9 am daily in the four parking spaces on the northerly side of Hanover Street, between the garage entrance and Portwalk Way, and the removal of two parking spaces on Hanover Street to accommodate the parking garage entrance, seconded by Mr. Whitehouse. Motion passed.**

**B . 550 Peverly Hill Road – TAC Referral – Presentation of speed and sight distance study for proposed driveways -**

Parking and Transportation Director Frederick explained that the TAC referred the construction of driveways serving two proposed lots on Peverly Hill Road to this committee for review. He stated the TAC required the developer to conduct a speed and sight distance study and to determine if sight distances would be adequate for construction of the lot driveways. He stated that a site walk of this site was held on February 14<sup>th</sup>.

John Chagnon of Ambit Engineering further explained the request for a speed and sight distance study and introduced Stephen Pernaw of Pernaw & Company to review the results.

Mr. Pernaw explained that the speed limit on Peverly Hill Road is posted at 25 mph and the average speed was 32 mph. He stated the important figure they looked at was the 85 percentile which is used for evaluation purposes and that speed was 38 mph. He continued to review the site distance issue of Lots 1 and 2 stating that there is insufficient site distances for Lot 2 and sufficient site distance for Lot 1, so therefore, they recommend sharing a driveway for both lots in order to meet the site distance requirement.

Mr. Cypher asked if these are single family homes or multi-family units. City Manager Bohenko stated it is zoned for single-family.

Deputy Chief Dubois asked for clarification that this was conducted for a 24 hour period with 293 cars. Mr. Pernaw stated yes.

Mr. Whitehouse stated he had asked Deputy Chief Dubois for an accident report of the area. Deputy Chief Dubois reported that there were 7 accidents on Peverly Hill Road in the past year; 6 intersection related and 1 deer. He stated none were due to speed. Mr. Whitehouse stated he doesn't agree with the findings of Mr. Pernaw stating that he has witnessed higher speeds on that road.

Chairman Smith stated he would like to see something added to the deeds that specifies the driveway situation so that the property owners don't come back to the City.

**Public Works Director Parkinson moved to approve the single driveway for Lots 1 and 2 at 550 Peverly Hill Road and to include a stipulation in the property deeds regarding the shared driveway, seconded Mr. Cyphers.**

City Manager Bohenko asked about the configuration of the driveways to the homes and if there will be a turn-around area so they can pull out facing forward. Mr. Chagnon stated that this stipulation could be put into the subdivision approval.

Mr. Whitehouse stated he will not support this because he is concerned with the rise in the road at that location as well as the speeding problem.

**Motion passed with Mr. Whitehouse voting opposed.**

- C. **Bow Street Valet** – Request from Atlantic Parking to conduct valet operations from two parking spaces

Parking and Transportation Director Frederick explained that this had previously been approved by the City Council as a 6-month pilot program but it did not come to fruition due to a breakdown in negotiations between the parties. He stated they are requesting the same terms of the original agreement but since the 6-months has expired and the valet area and traffic pattern has changed in the meantime, the issue must be reviewed again. He stated that Paul Street representing Atlantic Parking Services is present to answer any questions.

**City Manager Bohenko moved to change the two parallel parking spaces on the southerly side of Bow Street, nearest Penhallow Street, to a valet parking zone from 5 p.m. to 12 a.m., Monday through Sunday. The spaces shall remain open for public parking from 12 a.m. to 5:00 p.m., metered during designated times. The fee for use shall be \$2.00 per space per day. This approval is for a 6 month pilot period. Seconded by Public Works Director Parkinson.**

Mr. Whitehouse asked if we have permission from the banks to use their spaces.

Mr. Street stated he will check, but knows that Optima have approved it. He stated there had been an insurance issue but this has been resolved.

City Manager Bohenko stated that this is a 6 month pilot program so we will ensure everything is signed and approved.

Chairman Smith asked for clarification that they will be using the lower portion of the Optima Lot. Mr. Frederick stated yes.

**Motion passed.**

**D. 86 Haven Road** – Tabled to February 2012 by Traffic and Safety Committee – Citizen request for “No Parking” in vicinity of Brackett Road – Report back from school officials

Mike Coffey of 86 Haven Road once again reviewed the parking issues he is concerned with regarding the parents picking up and dropping off students at Little Harbor School. He stated there has been some improvement, but feels that although some parents have stopped parking there, others are taking their place. He submitted for the record a letter from his neighbor Jim Lamond who expressed the same concerns. Mr. Coffey continued that he feels signage, or the lack thereof, is another problem in the area as there are only 1 posted 20 mph speed limit sign, one school zone sign, and one crosswalk at Brackett and Clough Drive. He stated there is no clear direction of traffic flow and pedestrian flow. He stated that he was told that because Haven Road is not posted, the default speed limit is 30 mph. He stated he feels that because it is in a school zone it should be posted the same as the area of South Street. He stated that the police need to enforce the speed limit and feels that fire trucks also would have a problem getting down the roads during school pick up/drop off times.

Charlie Grossman, Principal of Little Harbour School – stated that immediately after the last meeting that this was discussed, he sent out another parent letter asking parents to be considerate when dropping off and picking up. He stated that he received considerable feedback which included being told that it is a public street, etc. He stated that he is sympathetic to the neighbors and feels that he is in the odd predicament of having to be a junior parking enforcer when he doesn't have any authority.

Mr. Coffey stated that he will be presenting a petition for the next City Council meeting regarding the parking issue caused by the weekend events being held at Little Harbour School while the Middle School construction is ongoing because this is causing the same problems.

City Manager Bohenko asked what has been done to date to rectify the situation. Chairman Smith explained that the committee was going to authorize “No Parking” signs during the specific times of the day, but that was going to impact negatively on the neighbors, so they have been trying other solutions in the meantime. City Manager Bohenko stated there should be a survey done of the neighbors as to what solutions they would offer.

Mr. Whitehouse asked if the police department can implement a pilot program of the No Parking signs for a period of 30 days. City Manager Bohenko stated he believes that this committee could implement the pilot program. Michael Angstadt from the Legal Department stated he feels the ordinance does confirm that but he will bring back a written confirmation.

Deputy Chief Dubois stated that there will be unintended consequences to that solution as it will drive people to other neighborhoods and therefore, more people will be crossing South Street.

Assistant Fire Chief Achilles stated regarding the concern of fire apparatus being able to go down the streets, he stated that has not been evaluated yet, but they will do that.

Chairman Smith stated that we have tried to resolve this issue by having the School address it, but it has not been successful and therefore, he feels that we need to get a report back from the various city departments and look at implementing a pilot program. He stated that in the meantime, enforcement of blocked driveways needs to be done by the Police Department.

**City Manager Bohenko moved to refer to March 8, 2012 meeting for a report back from the Fire Department regarding street widths, Public Works Department regarding signage, and Legal Department regarding Committee implementing pilot programs, seconded by Mr. Cyphers. Motion passed.**

**E. "Malls" Signs on Interstate 95 – Citizen request for directional signs**

Chairman Smith stated this is a request from some Woodbury Avenue residents who want a sign on the highway directing people to the correct exit for the Malls.

**Mr. Whitehouse moved to send a letter to the State Department of Transportation Commissioner requesting "Malls" Signs on Interstate 95, seconded by Deputy Police Chief Dubois. Motion passed.**

**F. Downtown Speed Limits – City Council referral – Speed study**

Public Works Director Parkinson stated that this issue came up when the Council had the Bow Street, Chapel Street, and Penhallow Street speed limit issue before them and it was determined that it did not fall in line with the State RSA's. He stated the Public Works Department will be meeting with consultants and getting prices for a speed study for the downtown Central Business District.

Deputy Chief Dubois further explained that the State RSA's establish speed limits cannot be lower than 25 mph.

Mr. Frederick stated that there is a stipulation in the RSA that if there are engineering and speed studies that warrant lowering the speed limit due to terrain, etc. then they can be lowered.

Assistant Fire Chief Achilles asked if this would be expanded to other streets. Public Works Director Parkinson stated they are starting with the core downtown area and then will look at what else doesn't fall under any speed limit schedule in the ordinance.

**Public Works Director Parkinson moved to refer to the March 8, 2012 meeting for a report back from the Public Works Department, second by City Manager Bohenko. Motion passed.**

Assistant Fire Chief Achilles reported that there was a pedestrian accident at State/Fleet Street intersection this morning and requested that the timing of the crosswalk signals be reviewed. Public Works Director Parkinson stated that they will be erecting a mast arm at Fleet Street to make these lights more visible.

Mr. Whitehouse asked that the other committee members be given a copy of the recently released parking study and DVD to review. City Manager Bohenko stated he will do that and stated that it is also on the city's website.

Chairman Smith recognized Andrew Purgiel, Deputy Finance Director, in the back of the room asking if there were any financials to report on. Mr. Purgiel stated not at this time. City Manager Bohenko stated these would be provided for future meetings.

**V. OLD BUSINESS: NONE**

**VI. ADJOURNMENT**

**Public Works Director Parkinson moved to adjourn at 8:45 a.m. Seconded and voted unanimously.**

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## MEMORANDUM

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**TO:** City Council Members  
**FROM:** Jane Shouse, Planning Department  
**SUBJECT:** Planning Board Minutes  
**DATE:** February 17, 2012

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Please be advised that the approved minutes from the November 17, 2011 Planning Board meeting are now available on the City's website for your review.