

# CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH  
DATE: MONDAY, OCTOBER 22, 2012 TIME: 7:00PM

## AGENDA

- I. CALL TO ORDER [7:00PM or thereafter]
- II. ROLL CALL
- III. INVOCATION
- IV. PLEDGE OF ALLEGIANCE
  
- V. ACCEPTANCE OF MINUTES *(There will be no minutes on for acceptance)*
  
- VI. PUBLIC COMMENT SESSION
  
- VII. PUBLIC HEARING
  - A. PROPOSED ORDINANCE WHICH WOULD AMEND THE ZONING ORDINANCE, CHAPTER 10, TO REZONE 143 DANIEL STREET (FORMER CONNIE BEAN PROPERTY) FROM MUNICIPAL TO CENTRAL BUSINESS B (CBB) AND ALSO, TO PLACE THAT PROPERTY IN THE DOWNTOWN OVERLAY DISTRICT (DOD)
  
- VIII. APPROVAL OF GRANTS/DONATIONS
  - A. \*Acceptance of Donation to the Coalition Legal Fund
    - Town of Moultonborough - \$6,500.00*(Sample motion – move to approve and accept the donation, as listed, to be placed in the Coalition Legal Fund)*
  
- IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES
  - A. First reading of Proposed Ordinance amending Chapter 7, Article IX, Section 7.901 (E) – Penalties of the City Ordinances to amend Section 7.105 (A) Parking Violation – Expired Meter Fine Amount from \$10.00 to \$15.00 *(Sample motion – move to pass first reading and schedule a public hearing and second reading of the proposed Ordinance, as presented, at the November 13, 2012 City Council meeting)*
  
  - B. Second Reading of Proposed Ordinance which would amend the Zoning Ordinance, Chapter 10, to Rezone 143 Daniel Street (former Connie Bean Property) from Municipal to Central Business B (CBB) and also, to place that property in the Downtown Overlay District (DOD) *(Sample motion – move to pass second reading and refer to a third and final reading of the proposed Ordinance Amendments, as presented, at the November 13, 2012 City Council meeting)*

C. Third and final reading of Various Housekeeping Amendments to the City's Code of Ordinances.

- Chapter 1, Article VI – RESIDENCY REQUIREMENTS – delete in its entirety
- Chapter 3, Article I, Section 3.111 – HOGS – delete in its entirety
- Chapter 5, Article I, Section 5.102 – RESIDENTS OF THE CITY – delete in its entirety
- Chapter 5, Article I, Section 5.103 – AGE LIMIT – delete in its entirety
- Chapter 6, Article VI – DANCING – delete in its entirety
- Chapter 9, Article II – SUNDAY ORDINANCES – delete in its entirety

***(Sample motions – move to pass third and final reading of the proposed Ordinance Amendments, as presented)***

D. Third and final reading of Ordinance Amendment to Chapter 7, Article I, Section 7.102 – Parking Meter Zones

- Downtown High Occupancy Zone: Parking shall be at the rate of one dollar fifty cents (\$1.50) per hour in the following areas:
  1. Daniel Street, starting at Chapel Street through to Market Square
  2. Bow Street, starting at Chapel Street through to Market Street
  3. Congress Street, starting at Market Square through to Chestnut Street
  4. Pleasant Street, starting from Court Street through to Market Square
  5. Market Street, starting from Moffatt-Ladd House through to Market Square
- Parking in all other parking meter zones shall be at the rate of one dollar (\$1.00 per hour)

***(Sample motion – move to pass third and final reading of the proposed Ordinance Amendments, as presented)***

## X. CONSENT AGENDA

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

- A. Letter from Jacqui Bryan and Marci Francis, Susan G. Komen Race for the Cure, requesting permission to hold the Annual Susan G. Komen New Hampshire Race for the Cure 5K on Saturday, May 11, 2013 (***Anticipated action – move to refer to the City Manager with power***)
- B. Letter from Caroline Piper and Dave Anderson, Friends of the South End, requesting permission to hold the Annual Fairy House Tour Event on Saturday, September 21<sup>st</sup> and Sunday, September 22<sup>nd</sup> 2013 (***Anticipated action – move to refer to the City Manager with power***)
- C. Letter from Karen Butz Webb, Executive Director, Project Safety Association, requesting permission to hold the 2<sup>nd</sup> Annual Project Safety 5K Road Race on Saturday, September 28, 2013 (***Anticipated action – move to refer to the City Manager with power***)
- D. Request for Approval of Pole License to install/replace an underground conduit system located on Farm Lane (***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***)
- E. Request for Approval of Pole License to install/replace an underground conduit system located on Griffin Road (***Anticipated action – move to approve the aforementioned Pole License Agreement as recommended by the Public Works Department with the approval conditioned upon amendment of the license to allow for the collection of any lawfully assessed real estate taxes***)
- F. Request for License from Jamie Belilah owner of Jamie Belilah Expert European Skin Care, for property located at 85 Daniel Street for a projecting sign on a new bracket (***Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Jamie Belilah owner of Jamie Belilah Expert European Skin Care, for a projecting sign at property located at 85 Daniel Street on a new bracket and, further, authorize the City Manager to execute License Agreements for this request***)

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

- ***The licenses shall be approved by the Legal Department as to content and form;***
- ***Any removal or relocation of the projecting signs, 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 signs, 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***

- G. Request for License from Rita Fabbriatore owner of Pickwick’s Mercantile, for property located at 64 State Street for a projecting sign on a new bracket ***(Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Rita Fabbriatore owner of Pickwick’s Mercantile, for a projecting sign at property located at 64 State Street on a new bracket and, further, authorize the City Manager to execute License Agreements for this request)***

**Planning Director’s Stipulations:**

- ***The licenses shall be approved by the Legal Department as to content and form;***
- ***Any removal or relocation of the projecting signs, 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 signs, 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***

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

- A. Letter from Billie Tooley requesting permission to donate a bench for placement in Haven Park on Pleasant Street in memory of parents
- B. Letter from Christopher McInnis, Trustee, Portsmouth City Investment Realty Trust, Airgead Realty Trust & Talam Realty Trust, requesting Change in Zoning of 678 and 680 Maplewood Avenue and 261 Myrtle Avenue ***(Sample motion – move to refer to the Planning Board for a report back)***
- C. School Department 2012 Progress Report

## XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

### A. CITY MANAGER

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

1. First Reading of Proposed Resolution and Ordinance Amendments:
    - 1.1 First reading of Proposed Ordinance amending Chapter 7, Article IX, Section 7.901 (E) – Penalties of the City Ordinances to amend Section 7.105 (A) Parking Violation – Expired Meter Fine Amount from \$10.00 to \$15.00 (**Action on this item should take place under Section IX of the Agenda**)
  2. Public Hearing/Second Reading of Proposed Resolution and Ordinance Amendments:
    - 2.1 Public Hearing/Second Reading of Proposed Ordinance which would amend the Zoning Ordinance, Chapter 10, to Rezone 143 Daniel Street (former Connie Bean Property) from Municipal to Central Business B (CBB) and also, to place that property in the Downtown Overlay District (DOD) (**Action on this item should take place under Section IX of the Agenda**)
  3. Third and Final Reading Proposed Resolution and Ordinance Amendments:
    - 3.1 Third and Final Reading of Various Housekeeping Amendments to the City's Code of Ordinances
      - Chapter 1, Article VI – RESIDENCY REQUIREMENTS – delete in its entirety
      - Chapter 3, Article I, Section 3.111 – HOGS – delete in its entirety
      - Chapter 5, Article I, Section 5.102 – RESIDENTS OF THE CITY – delete in its entirety
      - Chapter 5, Article I, Section 5.103 – AGE LIMIT – delete in its entirety
      - Chapter 6, Article VI – DANCING – delete in its entirety
      - Chapter 9, Article II – SUNDAY ORDINANCES – delete in its entirety
- (Action on this item should take place under Section IX of the Agenda)**

3.2 Third and Final Reading of Proposed Ordinance Amendment to Chapter 7, Article I, Section 7.102 – Parking Meter Zones

- Downtown High Occupancy Zone: Parking shall be at the rate of one dollar fifty cents (\$1.50) per hour in the following areas:
  1. Daniel Street, starting at Chapel Street through to Market Square
  2. Bow Street, starting at Chapel Street through to Market Street
  3. Congress Street, starting at Market Square through to Chestnut Street
  4. Pleasant Street, starting from Court Street through to Market Square
  5. Market Street, starting from Moffatt-Ladd House through to Market Square
- Parking in all other parking meter zones shall be at the rate of one dollar (\$1.00 per hour)

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

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

1. Proposed Portwalk Licenses and Easements
2. Proposed Refinancing of Osprey Landing
3. Spinney and Middle Road Easements and Transfers

**Informational Items**

1. Events Listing
2. Retreat Agenda – October 27, 2012
3. Report on waiver of City Council referrals to the Planning Board under City Ordinance, Chapter 11, Article VI (leases, licenses, temporary easements)

**B. MAYOR SPEAR**

1. Appointments to be Considered:
  - Karina Quintans to the Planning Board (alternate)
  - Robert Marchewka reappointment to the Economic Development Commission
  - Jeffrey Mountjoy reappointment to the Housing Endowment Fund
2. Appointments to be Voted:
  - Appointment of Francesca Marconi Fernald to the Peirce Island Committee
  - Appointment of George Melchior to the Historic District Commission as a regular member (*currently an alternate*)
  - Reappointment of John Leith to the Portsmouth Housing Authority (Considered at the April 16, 2012 Council Meeting)
3. Resignation:
  - James Feehley from the Taxi Commission

**C. ASSISTANT MAYOR LISTER**

1. Proposed Amendments to the City Manager's Employment Agreement

**XIII. MISCELLANEOUS/UNFINISHED BUSINESS**

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

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

*\*Indicates Verbal Report*

**INFORMATIONAL ITEMS**

*(There are no informational items for this agenda)*

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

## LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, October 22, 2012 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH, on a Proposed Ordinance which would amend the Zoning Ordinance, Chapter 10, to Rezone 143 Daniel Street (former Connie Bean Property) from Municipal to Central Business B (CBB) and also, to place that property in the Downtown Overlay District (DOD). The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

KELLI L. BARNABY, CMC/CNHMC  
CITY CLERK

### Legal Notice

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, October 22, 2012 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH, on a Proposed Ordinance which would amend the Zoning Ordinance, Chapter 10, to Rezone 143 Daniel Street (former Connie Bean Property) from Municipal to Central Business B (CBB) and also, to place that property in the Downtown Overlay District (DOD). The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

KELLI L. BARNABY, CMC/CNHMC  
CITY CLERK

#12517

11P 10/5



ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 10, Article 4 of the Ordinances of the City of Portsmouth is hereby amended to read as follows:

The lot designated as Assessors Map 105, Lot 19 (143 Daniel Street) be rezoned from Municipal (M) to Central Business B (CBB); that the Downtown Overlay District be extended across Daniel Street to include said lot; and that the Zoning Map referenced in Chapter 10, Article 4, Section 10.420 (District Location and Boundaries) of the Ordinances of the City of Portsmouth be amended, as shown on the attached exhibit titled "Connie Bean Center – Proposed Rezoning to Central Business B (CBB) and Downtown Overlay District (DOD)."

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

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

This ordinance shall take effect upon its passage.

APPROVED:

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

ADOPTED BY COUNCIL:

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



---

# MEMORANDUM

---

**TO:** John P. Bohenko, City Manager  
**FROM:** Rick Taintor, Planning Director *RT*  
**DATE:** September 26, 2012  
**RE:** City Council Referral –  
Rezoning of 143 Daniel Street from Municipal (M) to Central Business B (CBB) and Downtown Overlay District (DOD)

---

On August 6, 2012, the City Council voted to sell the property at 143 Daniel Street (the Connie Bean Center). As with all City-owned properties, this parcel is currently in the Municipal (M) zoning district. In order to make clear to potential purchasers what zoning regulations will apply, it is important to apply a new zoning designation to the parcel.

143 Daniel Street is bordered on three sides by the Central Business B (CBB) district, with the Central Business A (CBA) district on the fourth side. Rezoning the property to CBB will allow uses and apply dimensional and intensity standards that are consistent with those that apply to the adjoining properties.

The Downtown Overlay District (DOD) faces the parcel on the west side of Daniel Street. Extending the DOD to include 143 Daniel Street will ensure the continuity of ground-floor commercial uses and thereby support street-level vitality in this area of the downtown.

At its meeting on September 20, 2012, the Planning Board voted to recommend that the lot designated as Assessors Map 105, Lot 19 (143 Daniel Street) be rezoned from Municipal (M) to Central Business B (CBB); that the Downtown Overlay District (DOD) be extended across Daniel Street to include said lot; and that the Zoning Map be revised accordingly.

The proposed zoning changes are shown on the attached map.



ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, Article IX, Section 7.901 – PENALTIES of the Ordinances of the City of Portsmouth be amended to read as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

Section 7.901 PENALTIES

- E. Notwithstanding any other provisions of this Ordinance, any person violating the following sections of this Chapter or any rule made by the Chief of Police pursuant thereto, shall forfeit to the City of Portsmouth within forty-eight (48) hours of such violation the amount designated below. In the event that the forfeiture amounts not made within thirty (30) calendar days of the violation, then the forfeiture shall be twice the sum listed below. In the event of failure to make such forfeiture, said person shall be subject to a fine of not more than \$100.00 upon conviction therefore in the Portsmouth District Court. (Amended 9/6/94)

<u>Section</u>	<u>Parking Violation</u>	<u>Fine Amount</u>
7.105 (A)	Expired Meter ( <del>Adopted 6/28/04</del> )	<del>\$10.00</del> <b>\$15.00</b>
7.315 (A)	Parking Within an Intersection	\$25.00
7.315 (B)	Parked in Crosswalk	25.00
7.315 (C)	Blocking Fire Hydrant	25.00
7.315 (D)	Parked Within 15 Feet of Fire Station Driveway ( <del>Amended 6/28/04</del> )	15.00
7.315 (E)	Parked Blocking Driveway	25.00
7.315 (F)	Parked on Sidewalk (Amended 11/18/2002)	25.00
7.315 (G)	Obstructing Traffic During Construction Activity (Amended 6/28/04)	15.00
7.315 (H)	Double Parking (Amended 6/28/04)	15.00
7.315 (I)	Violating Traffic Signs Prohibiting Parking	25.00
7.315 (J)	Parked, Wrong Direction (Amended 6/28/04)	15.00
7.316	Back to Curb (Amended 6/28/04)	15.00
7.319	Distance from Curb (Amended 6/28/04)	15.00
7.320	Obstructing Street	25.00
7.324	One Hour Parking (Amended 6/28/04)	15.00
7.325	30 Minute Parking (Amended 6/28/04)	15.00
7.326	15 Minute Parking (Amended 6/28/04)	15.00
7.327	Limited Parking - Two Hours (Amended 6/28/04)	15.00
7.330	Parked in No Parking Area	20.00
7.331	Parking Too Close to Intersection	20.00
7.601	Trucks, Vans & Other Commercial Delivery Vehicles on Certain Streets During Certain Hours	25.00
7.602	Truck Loading/Unloading Zones Established (10/20/2003)	25.00

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

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

This ordinance shall take effect upon passage.

APPROVED:

---

Eric Spear, Mayor

ADOPTED BY COUNCIL:

---

Kelli L. Barnaby, City Clerk

**CITY OF PORTSMOUTH  
LEGAL DEPARTMENT  
MEMORANDUM**

DATE: October 4, 2012  
TO: JOHN P. BOHENKO, CITY MANAGER  
FROM: ROBERT P. SULLIVAN, CITY ATTORNEY  
RE: CHAPTER 7 ORDINANCE



---

During the City Council meeting of October 1, 2012, the Council requested an ordinance change with respect to the fine charged for Expired Meter Violation from \$10 to \$15. Attached is the requested ordinance.

attachment

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS that the following amendments be made to:

A. That Chapter 1, Article VI – RESIDENCY REQUIREMENTS of the Ordinances of the City of Portsmouth be deleted in its entirety;

*(Explanation not part of ordinance: Passage of this ordinance would delete department head residency requirement which was ruled unconstitutional by the Court in the early 1980s.)*

B. That Chapter 3, Article I, Section 3.111 – HOGS of the Ordinances of the City of Portsmouth be deleted in its entirety;

*(Explanation not part of ordinance: Passage of this ordinance would eliminate a provision which allowed the Health Officer to issue permits for the keeping of hogs, "within the compact part of the City".)*

C. That Chapter 5, Article I, Section 5.102 – RESIDENTS OF THE CITY of the Ordinances of the City of Portsmouth be deleted in its entirety;

*(Explanation not part of ordinance: Passage of this ordinance would remove from the ordinances a requirement that members of the Fire Department, "establish residence anywhere within a ten mile direct line radius of the Central Fire Station" as well as other requirements, all of which have been superseded by collective bargaining.*

D. That Chapter 5, Article I, Section 5.103 – AGE LIMIT of the Ordinances of the City of Portsmouth be deleted in its entirety;

*(Explanation not part of ordinance: Passage of this ordinance would remove an unused provision which would prevent persons under the age of 21 or over the age of 35 from being, "appointed a permanent fireman" as well as remove an age limitation on the now non-existent call Fire Department.*

E. That Chapter 6, Article VI – DANCING of the Ordinances of the City of Portsmouth be deleted in its entirety;

*(Explanation not part of ordinance: Passage of this ordinance would eliminate an obsolete licensing provision regarding public dances in the City which requires a license; requires a fee; requires the City Manager approve the location of the dance; calls for police attendance at each dance; requires a matron to be, "in charge of the ladies parlor and toilet" and establishes hours when dances are allowed.)*

F. That Chapter 9, Article II - SUNDAY ORDINANCES of the Ordinances of the City of Portsmouth be deleted in its entirety

*(Explanation not part of ordinance: Passage of this ordinance would eliminate a series of unenforced ordinances which prohibit or limit amateur or professional sports, "moving pictures and theatricals" and certain retail trades on Sunday.*

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

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

This ordinance shall take effect upon its passage.

APPROVED:

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

ADOPTED BY COUNCIL:

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



ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, Article I, Section 7.102 – PARKING METER ZONES of the Ordinances of the City of Portsmouth be amended to read as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

Section 7.102: PARKING METER ZONES

All of those streets, parts of streets and off-street parking lots, the time for parking upon which is limited by any ordinance of the City of Portsmouth, and any such areas the time for parking upon which may at any time hereafter be limited by any ordinance of the City or any amendment thereto are designated as parking meter zones. **Parking in parking meter zones at metered spots upon streets or in off-street metered lots shall be at the rate of \$1.50 per hour with the for a maximum time permitted for of parking of three (3) consecutive hours, unless otherwise established by ordinance. The rate for such parking shall be:**

**A. DOWNTOWN HIGH OCCUPANCY ZONE:**

**Parking shall be at the rate of one dollar fifty cents (\$1.50) per hour in the following areas:**

- 1. Daniel Street, starting at Chapel Street through to Market Square**
- 2. Bow Street, starting at Chapel Street through to Market Street**
- 3. Congress Street, starting at Market Square through to Chestnut Street**
- 4. Pleasant Street, starting from Court Street through to Market Square**
- 5. Market Street, starting from Moffatt-Ladd House through to Market Square.**

**B. Parking in all other parking meter zones shall be at the rate of one dollar (\$1.00) per hour.**

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

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

This ordinance shall take effect as of January 2, 2013.

APPROVED:

---

Eric Spear, Mayor

ADOPTED BY COUNCIL:

---

Kelli L. Barnaby, City Clerk

## Downtown High Occupancy Meter Zone

### Downtown Streets in the High Occupancy Zone (\$1.50 per hour)

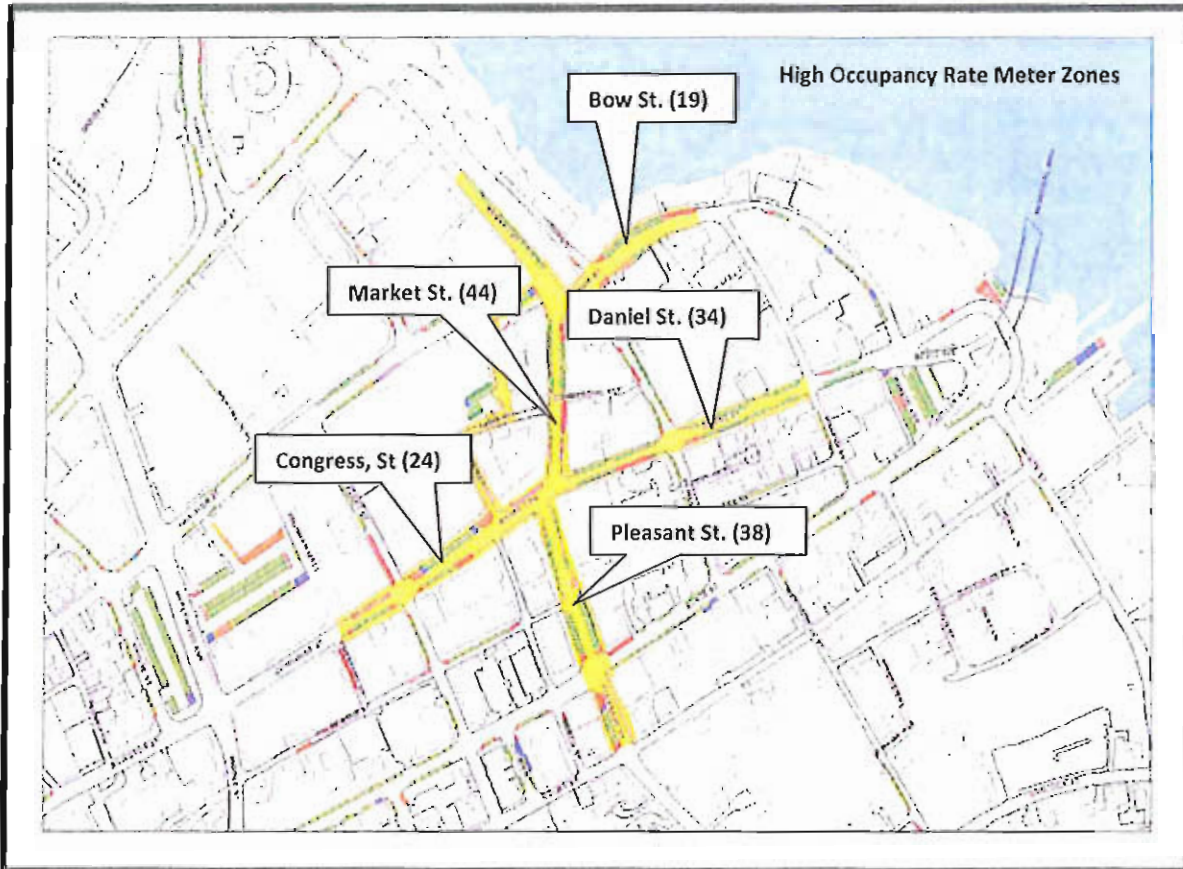


Figure 1

Phase #1, Strategy #2: Increase all 2-hour on-street time limits to 3-hours. *Institute with passage of the Parking Omnibus.*

**Daniel St.**, starting at Chapel St. through to Market Square (34 metered spaces)

**Bow St.**, starting at Chapel St. through to Market St. (19 metered spaces)

**Congress St.**, Market Square through to Chestnut St. (24 metered spaces)

**Pleasant St.** from Court St. through to Market Square (38 metered spaces)

**Market St.** starting from Moffatt-Ladd House through to Market Square (44 metered spaces)

Total metered spaces in downtown: **782** (Not including Sheafe and Livermore Streets)

Total metered spaces in High Occupancy Area: **159**

Total metered spaces outside HOA: **623** (Not including Sheafe and Livermore Streets)

Parking Omnibus:

	All Meters @ \$1.50	Just High Occupancy @ \$1.50	Difference
Parking Meters (change to \$1.50 per hr)	458,950	191,800	(267,150)
Increase Parking Limit from 2Hr to 3 Hrs	(61,000)	(61,000)	-
First hour Free In Garage	(343,750)	(343,750)	-
Residence Free on Sunday (use 20% resident usage)	(30,000)	(30,000)	-

<b>Total Change Without Expired Meter Violation Fee Increase</b>	<b>24,200</b>	<b>(242,950)</b>	<b>(267,150)</b>
Increase Expired Meter fine from \$10 to \$15 (and late fine from \$25 to \$30)	253,125	253,125	

<b>Total Change With Expired Meter Violation Fee Increase</b>	<b>277,325</b>	<b>10,175</b>	<b>(267,150)</b>
---	----------------	---------------	------------------



Presented by

NATIONAL SERIES SPONSORS



received  
10/5/12

**NEW HAMPSHIRE**

October 4, 2012

Eric Spear & City Council  
City of Portsmouth  
1 Junkins Avenue  
Portsmouth NH 03801

Dear Mayor Spear & City Council:

First of all I want to thank you for allowing us to have the first ever Susan G. Komen Race For The Cure in the State of NH. The event was a tremendous success with over 1200 participants raising over \$220,000 to help end breast cancer. We are honored that Strawberry Banke has asked us back for the same Mother's Day Weekend next year and we are hoping you will grant us permission once again.

On behalf of Vermont-New Hampshire Affiliate of Susan G. Komen for the Cure®, I am respectfully requesting permission from the City of Portsmouth to produce the following event in 2013:

Susan G. Komen New Hampshire Race for the Cure® (5K) on May 11, 2013 to start at 8:30 AM at Strawberry Banke in Portsmouth, NH. (Please see attached revised 5 K race route)

As you may know Susan G. Komen for the Cure is the world's largest and most progressive grassroots network fighting to end breast cancer forever. With your permission, this will be second 5K event held in Portsmouth.

Jacqui Bryan, RACE CO-CHAIR  
Marci Francis, RACE CO-CHAIR  
Carol Munson, RACE ADMINISTRATOR  
Barbara Massar, RACE DIRECTOR

**Committee**

Sophie Bednarek  
Karen Bensley  
Liz Boudreaux  
Allison Brownell  
Tish Campbell  
Stacey DeSimone  
Eric Flaim  
Judy George  
Ken George  
Tricia Harmon  
Michael Hudson  
Paula Mahoney  
Mollie Mulligan  
Carolyn Ostrom  
Debbie Peretz  
Valerie Rochon  
Allison Rubin  
Katherine Ruel  
Tiffany Teaford  
Keslie Tomlinson  
Randi Turban  
Michelle Vangel  
Cynthia Vigdor  
Val Wawrin  
Jen Wheeler

**Contacts for NH Komen Race**

Marci Francis  
6 Christie Lane  
Stratham, NH 03885  
marcifrancis@yahoo.com Cell: 802-683-9187

Jacqui Bryan  
51 Wentworth Road  
Rye, NH 03870  
Jacquib22@gmail.com Cell: 498-2988

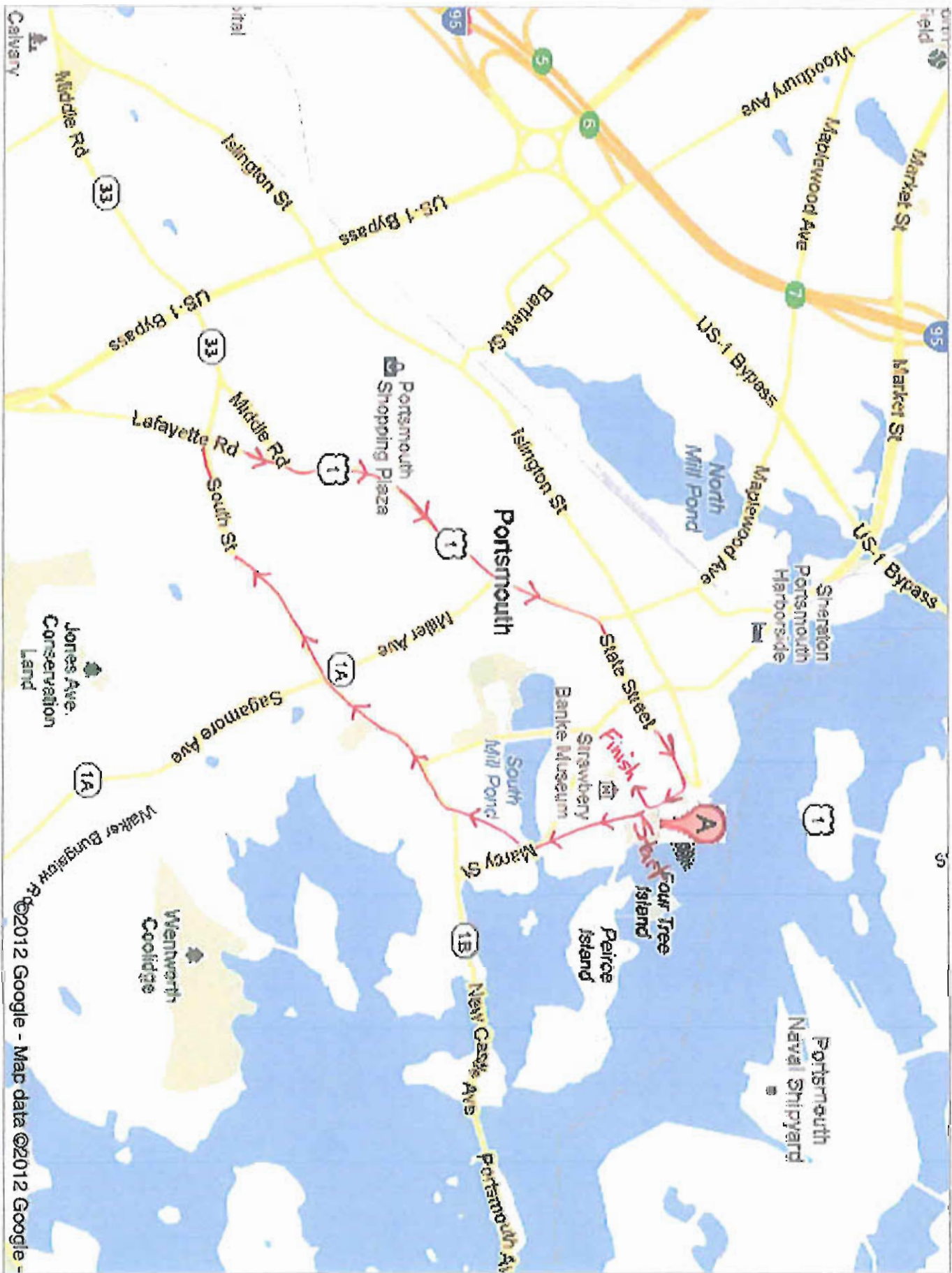
Ed Harvey  
University System of New Hampshire  
Edmund.Harvey@usnh.edu Phone: 603-862-1246

Thank you in advance for your consideration.  
Best regards,

Jacqui Bryan & Marci Francis  
  
cc: John Bohenko, City Manager

Vermont-New Hampshire Affiliate  
of Susan G. Komen for the Cure  
P.O. Box 2496, 21 Bonnet Street  
Manchester Center, VT 05255  
802-362-2733  
Fax: 802-366-4909  
Email: info@vtnhkomen.org  
www.komenvtnh.org







Directions to Atkinson St  
5.0 km – about 10 mins



**A** Marcy St

1. Head **southeast** on **Marcy St** toward **Atkinson St**  
About 1 min
2. Turn **left** onto **Pleasant St**
3. Continue onto **Marcy St**

go 450 m  
total 450 m

go 10 m  
total 450 m

go 51 m  
total 500 m

**Total: 500 m – about 2 mins**  
total 0.0 km



**B** Marcy St

4. Head **southwest** on **South St** toward **Salter St**  
Destination will be on the right  
About 4 mins

go 1.9 km  
total 1.9 km

**Total: 1.9 km – about 4 mins**  
total 0.0 km



**C** South St

5. Head **west** on **South St** toward **Lafayette Rd**
6. Take the **1st right** onto **U.S. 1 N/Lafayette Rd**  
Continue to follow U.S. 1 N  
About 1 min

go 45 m  
total 45 m

go 1.0 km  
total 1.1 km

**Total: 1.1 km – about 2 mins**  
total 0.0 km



**D** Middle St, Portsmouth, NH 03801

7. Head **northeast** on **U.S. 1 N** toward **Cabot St**  
About 1 min
8. Turn **right** onto **State Street**  
About 1 min

go 550 m  
total 550 m

go 600 m  
total 1.2 km

**Total: 1.2 km – about 3 mins**  
total 0.0 km



**E** State Street

9. Head **east** on **State Street** toward **Marcy St**
10. Take the **1st right** onto **Marcy St**
11. Turn **right** onto **Atkinson St**

go 58 m  
total 58 m

go 150 m  
total 210 m

go 86 m  
total 300 m

**Total: 300 m – about 49 secs**



**F** Atkinson St

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.

Map data ©2012 Google

Directions weren't right? Please find your route on [maps.google.com](http://maps.google.com) and click "Report a problem" at the bottom left.

Friends of the South End  
PO Box 443  
Portsmouth, NH 03802



October 9, 2012

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

Dear John,

On behalf of the Friends of the South End and the annual Fairy House Tour event, we would like to ask once again for the City's permission to host our event on Saturday, Sept. 21, 2013 and Sunday, Sept. 22, 2013 from 11:00-3:00 pm both days, as well as to help clear our area from conflicting events.

The Tour will encompass the usual route within the South End and we are asking the city for permission to use Peirce Island for parking and fairy house building, as well as the use of Prescott Park.

We will once again supply crossing guards at the Prescott Park side of the Peirce Island Bridge and anticipate hiring a police officer to aid in the public's crossing over Marcy Street at the Prescott Park flag pole.

We look forward to working once again with the city to create one of our area's most beloved events. Please let us know if you need more detailed information at this time and we look forward to meeting with the city departments at a date set at your convenience.

Thank you for always helping us create a magical event in our neighborhood.

Caroline Amport Piper  
Proposed 2013 Coordinator  
caroline@canoeharbor.com  
(603) 686-4338

Dave Anderson  
President  
Friends of the South End.



# PROJECT SAFETY ASSOCIATION

*Project Safety Association.....helping Seacoast families avoid the dangerous consequences of teen substance abuse, bullying, peer pressure, unsafe internet practices and other high-risk behaviors through prevention education.*



**P.O. Box 4345**  
**Portsmouth, NH 03802-4345**  
**[www.projectsafetysau52.org](http://www.projectsafetysau52.org)**

October 9, 2012

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

Re: Project Safety Association, Road Race

Dear John:

As Executive Director of Project Safety Association, I would like to request approval of Project Safety's 2<sup>nd</sup> Annual 5K Road Race to be held in September of 2013. The details follow:

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

Race Date and Time: Saturday, September 28, 2013, with a start time of 8:30 a.m.

Race Course: We will use the 5K course used by most organizations. Course commencing at Portsmouth High School, left onto South Street, right onto Middle Street, bear right to Court Street, right onto Marcy Street back to South and finishing at the High School. We will obtain the permission of Jeff Collins, PHS Principal and Rus Wilson, PHS Athletic Director to again use the High School facility for the race location (pre-registration, registration and post race refreshments).

Please let me know if you need additional information.

Thanks so much for your help.

Sincerely,

Karen Butz Webb, Executive Director  
[projectsafetyassociation@gmail.com](mailto:projectsafetyassociation@gmail.com)

**InterOffice Memo**

**To:** John P. Bohenko, City Manager  
**From:** Tom Richter, Engineering Technician  
**Date:** October 5, 2012  
**Subject:** Bay Ring License Agreement

---

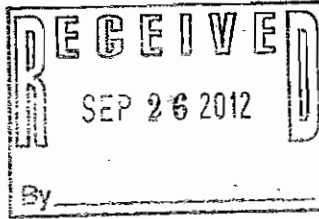
I have reviewed the underground utility location information provided by Bay Ring for their Petition and Pole License for an underground conduit system running alongside Farm Lane as indicated on the attached plan.

This underground system will provide telecommunication services to Port City Nissan. Bay Ring will cut across their Farm Lane drive apron but will repair to city specifications.

This underground system currently poses no impact to existing city infrastructure and the Public Works Department recommends approval of this license.

Attached is a picture of the proposed location of the system. Please call with any questions you may have.

cc: Peter Rice, P.E. Deputy Director of Public Works  
Kelli Barnaby, City Clerk



September 24, 2012

Ms. Kelli Barnaby  
Office of the City Clerk  
City of Portsmouth  
One Junkins Avenue  
Portsmouth, NH 03801

Dear Ms. Barnaby:

On behalf of Freedom Ring Communications, LLC d/b/a BayRing Communications, please find enclosed a petition and order to place conduit within the public right-of-way of Farm Ln. Additionally you will find a set of plans depicting the work proposed on Farm Ln.

We've had discussion about this project with the City's Public Works Department and our contractor has started the process of pulling a permit.

BayRing is looking to have this installed by October 26th, hopefully before frost is a factor. Please take into consideration this date.

We have approval from Port City Nissan for trenching on their lot.

Should you have any questions regarding this submittal or require additional information, please contact me at 603-766-1016.

Sincerely,

Donny Pelletier  
OSP Manager  
BayRing Communications

PETITION AND CONDUIT LICENSE

PETITION

Portsmouth, New Hampshire

September 24, 2012

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

Freedom Ring Communications, LLC d/b/a BayRing Communications, requests a license to install and maintain underground conduits, cables, wires and maintain 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 way.

Farm Ln – one (1), three-inch PVC conduit at an approximate depth of 30 inches, from the FairPoint Riser Pole #2, three hundred fourteen (314) feet of trenching, to our new Bayring hand hole. Total distance of approximately three hundred fourteen (314) feet, more particularly shown on the associated plans prepared by BayRing Communications, dated September 24, 2012.

ORDERED

This \_\_\_\_\_ day of \_\_\_\_\_, 2012, that BayRing Communications be and hereby is granted a license to install and maintain underground conduits, cables, wires and maintain structures with wires, cables, conduits and devices thereon, together with such sustaining, strengthening and protecting fixtures, in the public way covered by said petition. All conduit(s) shall be installed in accordance with the City's Public Works Departments specifications.

City of Portsmouth, New Hampshire

By: \_\_\_\_\_

By: \_\_\_\_\_

By: \_\_\_\_\_

By: \_\_\_\_\_

By: \_\_\_\_\_

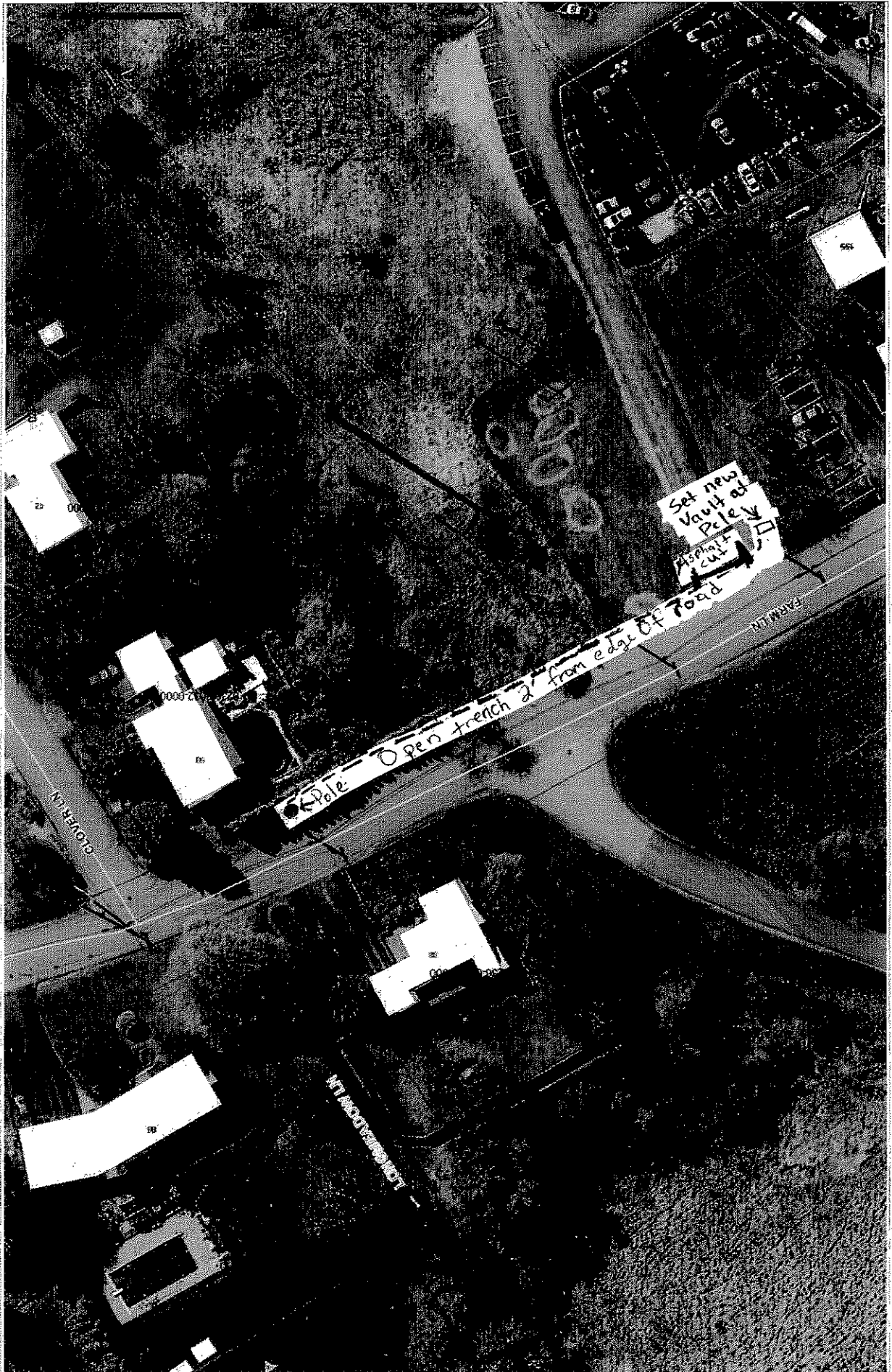
By: \_\_\_\_\_

Received and entered in the records of the City of Portsmouth: Book \_\_\_\_\_ Page \_\_\_\_\_

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

Attest: \_\_\_\_\_

City Clerk



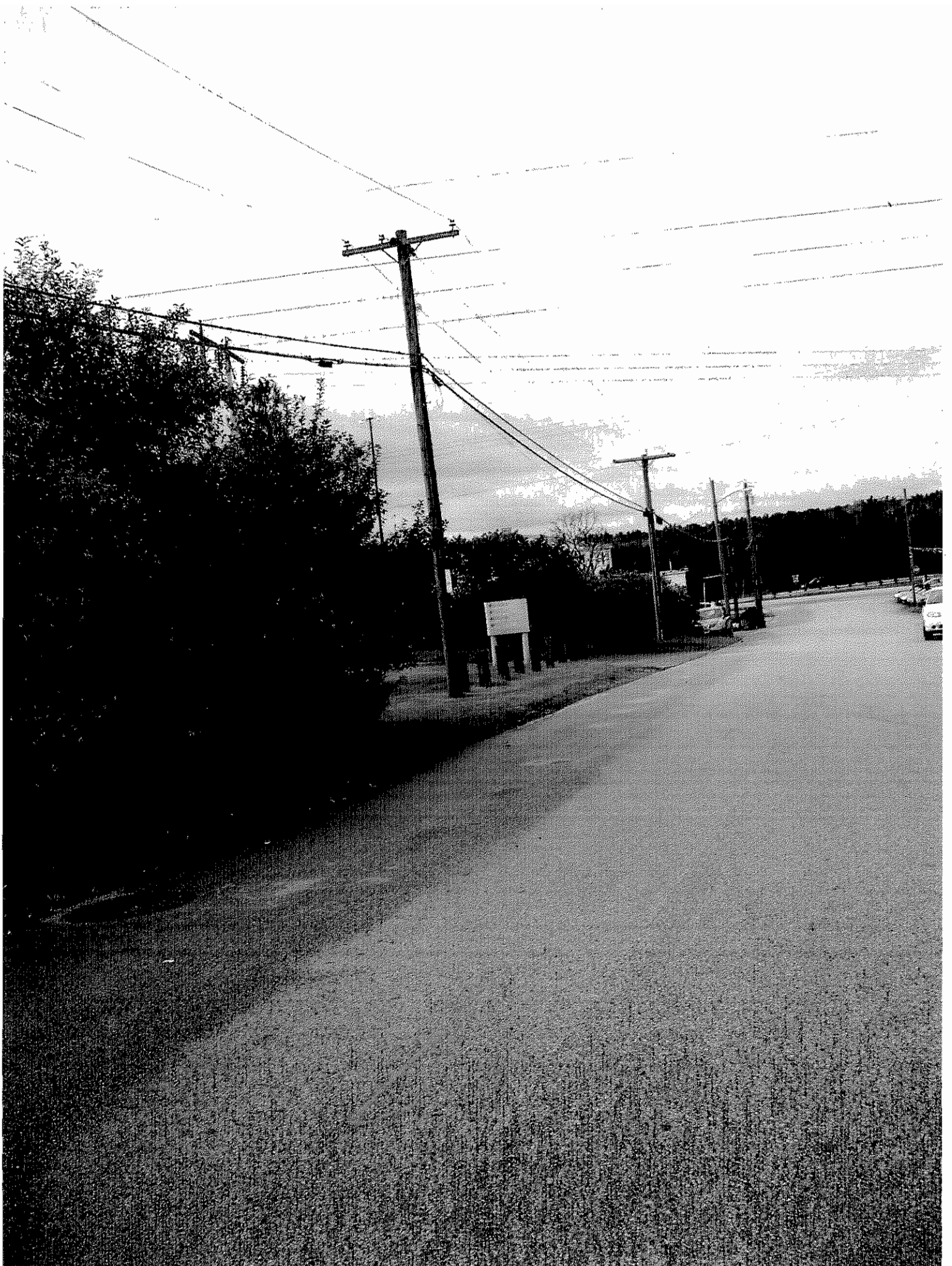
Farm Underground

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: \_\_\_\_\_





**InterOffice Memo**

**To:** John P. Bohenko, City Manager  
**From:** Tom Richter, Engineering Technician  
**Date:** October 5, 2012  
**Subject:** Bay Ring License Agreement

---

I have reviewed the underground utility location information provided by Bay Ring for their Petition and Pole License for an underground conduit system running underneath Griffin Road as indicated on the attached plan.

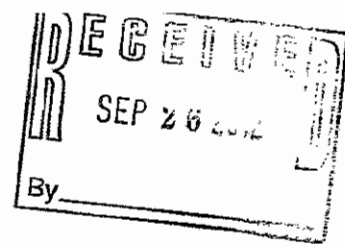
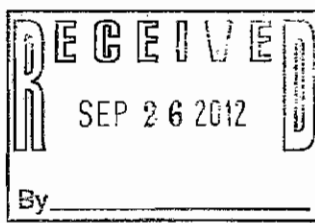
This underground system will provide telecommunication services to Bay Ring clients on Griffin Road. Bay Ring will use a directional boring method so that there will be no open trenching of Griffin Road.

This underground system currently poses no impact to existing city infrastructure and the Public Works Department recommends approval of this license.

Attached is a picture of the proposed location of the system. Please call with any questions you may have.

cc: Peter Rice, P.E. Deputy Director of Public Works  
Kelli Barnaby, City Clerk





September 21, 2012

Ms. Kelli Barnaby  
Office of the City Clerk  
City of Portsmouth  
One Junkins Avenue  
Portsmouth, NH 03801

Dear Ms. Barnaby:

On behalf of Freedom Ring Communications, LLC d/b/a BayRing Communications, please find enclosed a petition and order to place conduit within the public right-of-way of Griffin Rd. Additionally you will find a set of plans depicting the work proposed on Griffin Rd.

We've had discussion about this project with the City's Public Works Department and our contractor has started the process of pulling a permit.

BayRing is looking to have this installed by October 26th, hopefully before frost is a factor. Please take into consideration this date.

We have approval from CP Management for trenching on their lot. June Little has been our point of contact.

Should you have any questions regarding this submittal or require additional information, please contact me at 603-766-1016.

Sincerely,

A handwritten signature in cursive script that reads "Donny Pelletier".

Donny Pelletier  
OSP Manager  
BayRing Communications

**PETITION AND CONDUIT LICENSE**

**PETITION**

Portsmouth, New Hampshire

September 21, 2012

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

Freedom Ring Communications, LLC d/b/a BayRing Communications, requests a license to install and maintain underground conduits, cables, wires and maintain 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 way.

**Griffin Rd** – one (1), three-inch PVC conduit at an approximate depth of 30 inches from our BayRing hand hole, approximately twenty (20) feet, up to the roadway. Directional Boring under Griffin Rd approximately thirty Six (36) feet, then continuing to trench twenty four (24) feet. Total distance of approximately eighty (80) feet, more particularly shown on the associated plans prepared by BayRing Communications, dated September 21, 2012.

**ORDERED**

This \_\_\_\_\_ day of \_\_\_\_\_, 2012, that BayRing Communications be and hereby is granted a license to install and maintain underground conduits, cables, wires and maintain structures with wires, cables, conduits and devices thereon, together with such sustaining, strengthening and protecting fixtures, in the public way covered by said petition. All conduit(s) shall be installed in accordance with the City’s Public Works Departments specifications.

**City of Portsmouth, New Hampshire**

By: \_\_\_\_\_

By: \_\_\_\_\_

By: \_\_\_\_\_

By: \_\_\_\_\_

By: \_\_\_\_\_

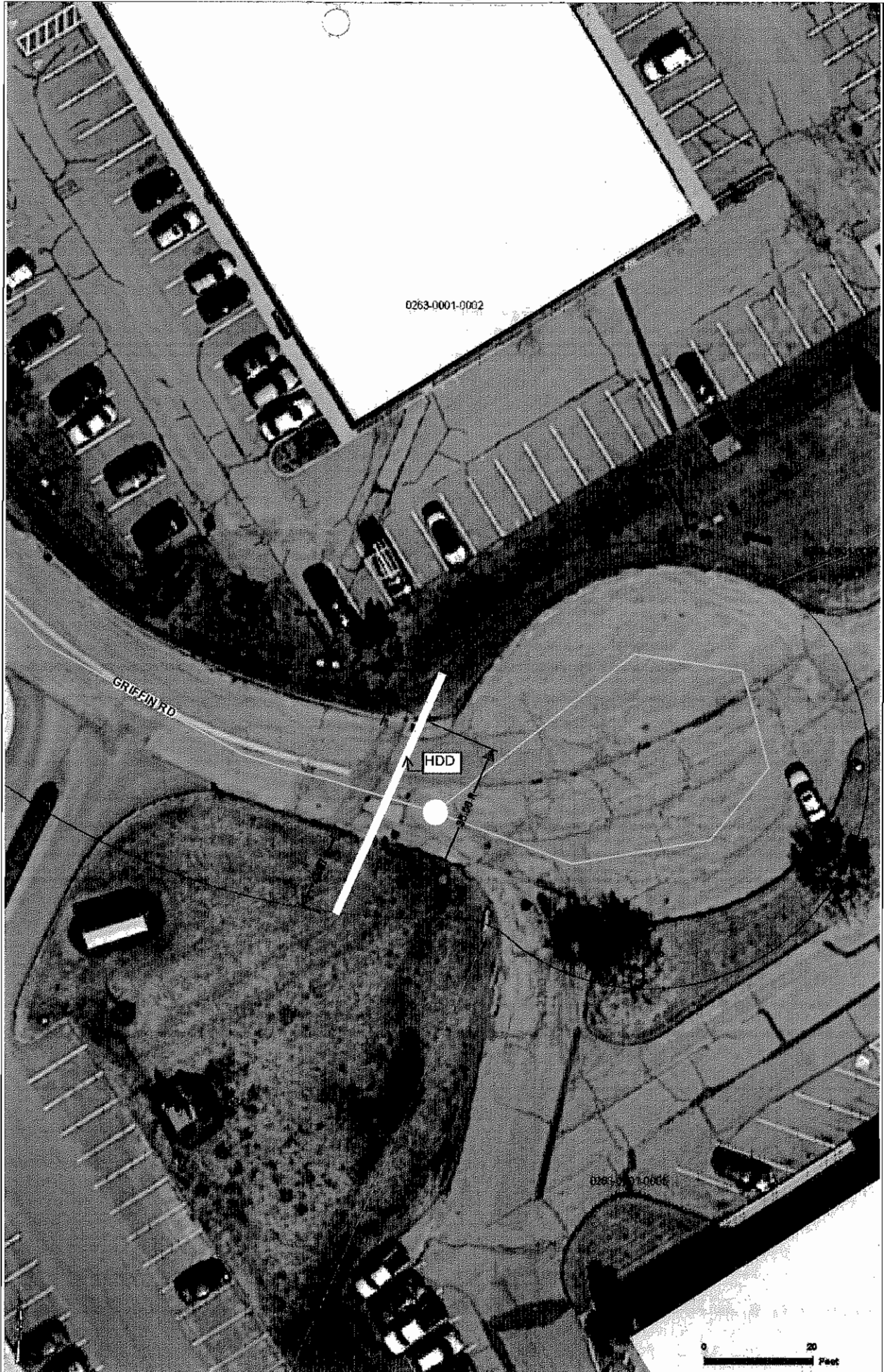
By: \_\_\_\_\_

Received and entered in the records of the City of Portsmouth: Book \_\_\_\_\_ Page \_\_\_\_\_

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

Attest: \_\_\_\_\_

**City 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.

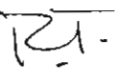
Approved by City Council: \_\_\_\_\_



---

# M E M O R A N D U M

---

**TO:** John P. Bohenko, City Manager  
**FROM:** Rick Taintor, Planning Director   
**DATE:** October 10, 2012  
**RE:** City Council Referral – Projecting Sign  
Address: 85 Daniel Street  
Business Name: Jamie Belillah Expert European Skin Care  
Business Owner: Jamie Belillah

---

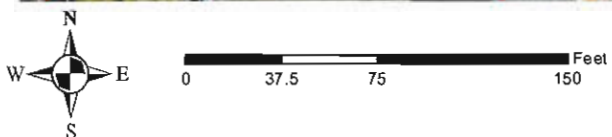
Permission is being sought to install a projecting sign on a new bracket, as follows:

Sign dimensions: 41" x 28"  
Sign area: 8.0 sq. ft.  
Height from sidewalk to bottom of sign: 7'8"  
Maximum protrusion from building: 47 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.





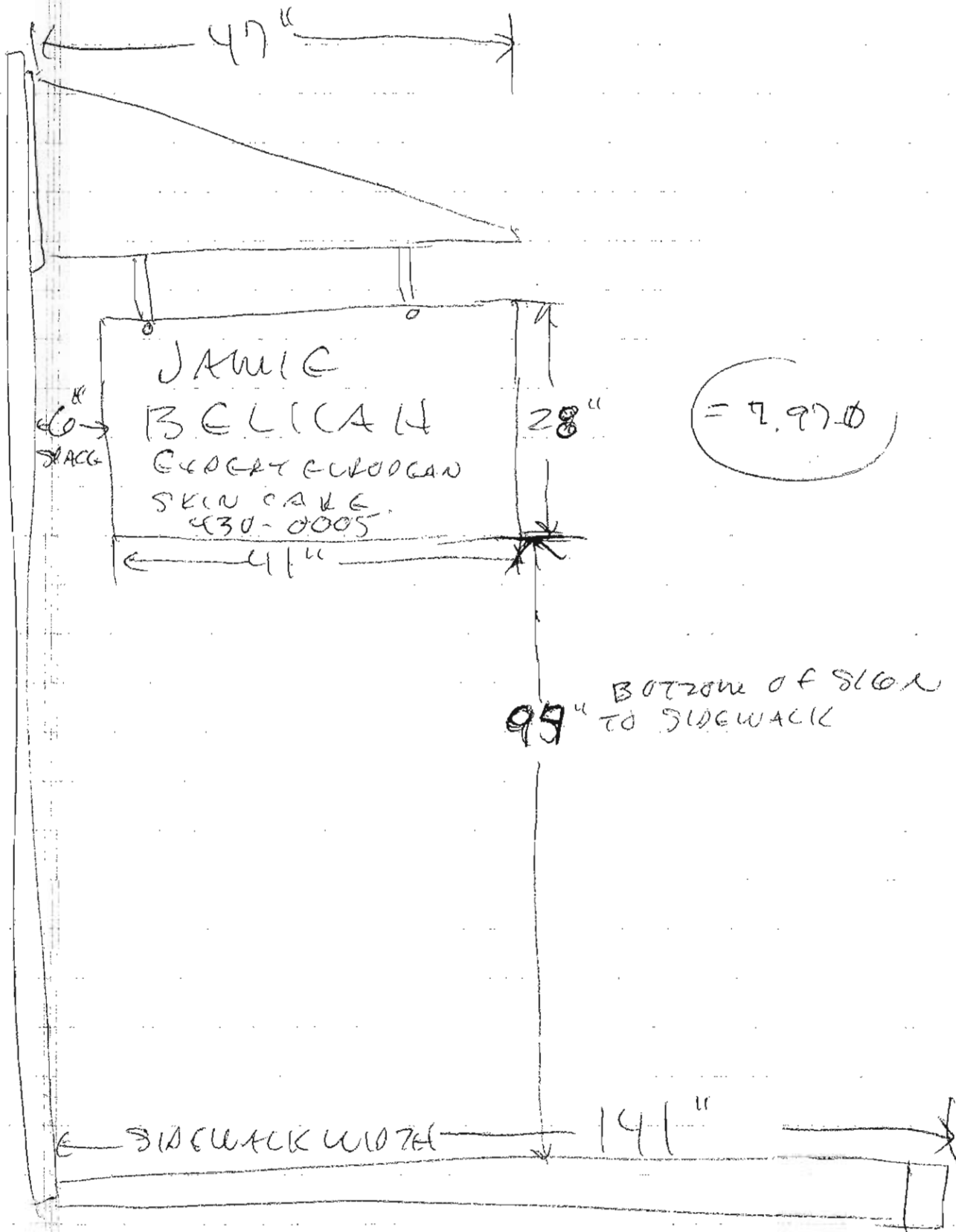
# Request for Projecting Sign License 85 Daniel Street



Jamie Bellah Expert European Skin Care  
85 Daniel Street  
1 Projecting Sign








$$\frac{141}{3} = 47" \equiv 6 + 41 = 47"$$

---

# MEMORANDUM

---

**TO:** John P. Bohenko, City Manager  
**FROM:** Rick Taintor, Planning Director   
**DATE:** October 15, 2012  
**RE:** City Council Referral – Projecting Sign  
Address: 64 State Street  
Business Name: Pickwick's Mercantile  
Business Owner: Rita Fabbricatore

---

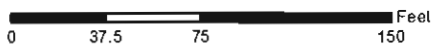
Permission is being sought to install a projecting sign on a new bracket, as follows:

Sign dimensions: 35" x 45"  
Sign area: 8.5 sq. ft.  
Height from sidewalk to bottom of sign: 8'0"  
Maximum protrusion from building: 41 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 64 State Street



Pickwick's Mercantile  
64 State Street  
1 Projecting Sign



The following dimensions must be provided :

H = Height of Sign (inches)

L = Length of Sign (inches)

S = Spacing from building (inches)

C = Clearance above Sidewalk (feet)

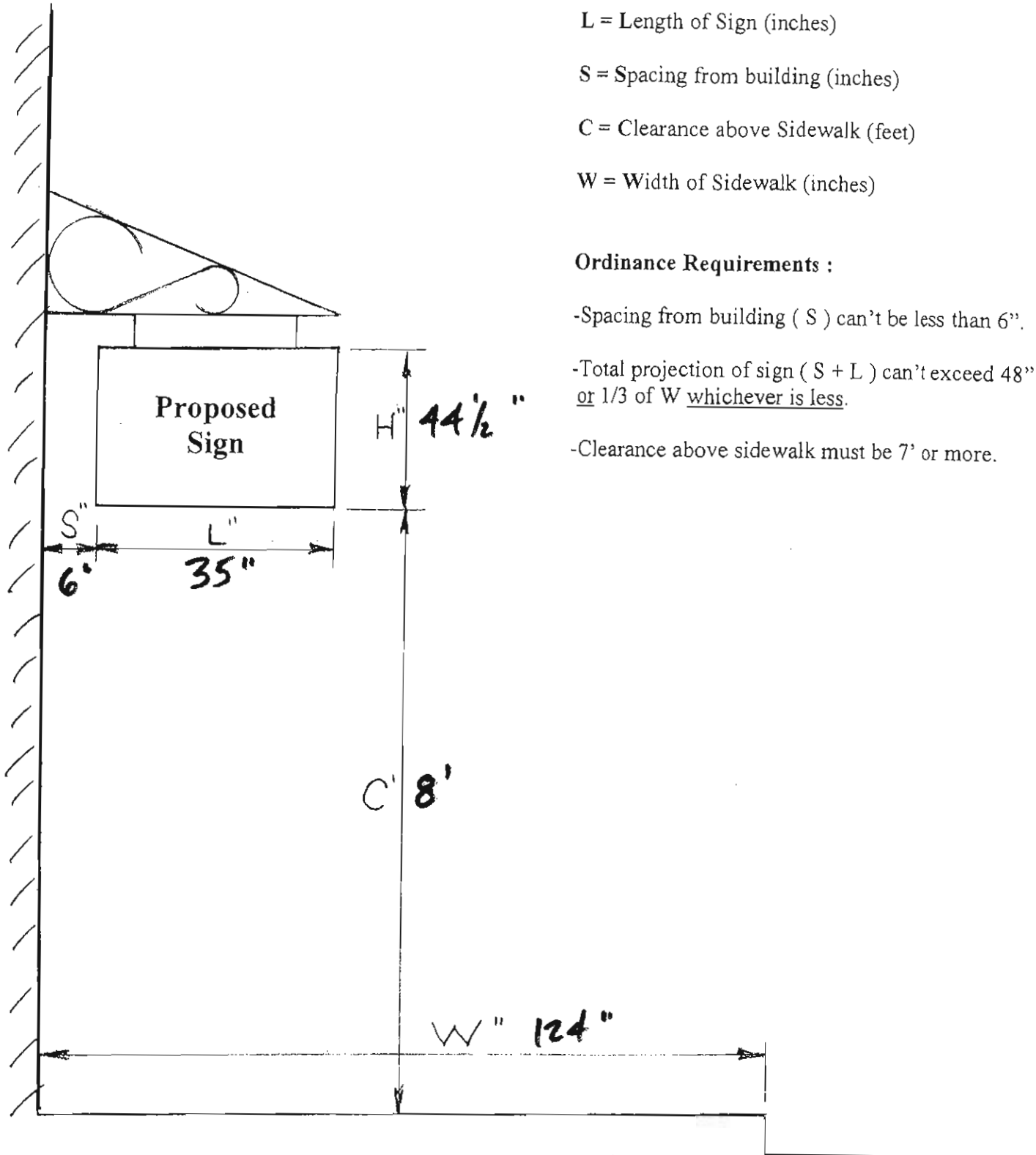
W = Width of Sidewalk (inches)

**Ordinance Requirements :**

-Spacing from building ( S ) can't be less than 6".

-Total projection of sign ( S + L ) can't exceed 48" or  $\frac{1}{3}$  of W whichever is less.

-Clearance above sidewalk must be 7' or more.



$$6'' + 35'' = 41'' < 48'' < \frac{124}{3} = 41.3'' \quad \checkmark$$

Sample Drawing to Accompany Projecting Sign Applications

Chuck  
<Pickwick's Mercantile.pdf>



13" x 55" Single Sided Extra Sign



35" x 44.5"  
Double Sided  
Extra Sign

# BILLIE TOOLEY

166 Newcastle Avenue  
Portsmouth, NH 0380

603-770-0347  
btooley@comcast.net

October 15, 2012

Portsmouth City Council  
City Hall  
1 Junkins Avenue  
Portsmouth, NH 03801



Dear Members of the City Council:

At the suggestion of Mr. Everett Kern, I am writing to ask for permission to donate a bench for placement in Haven Park on Pleasant Street in memory of my parents. The family feels it would be a lovely way to honor their legacy in a public setting for all to enjoy. My parents loved the outdoors a great deal, particularly parks. I have monies that were given me and can be used to purchase a simple engraved granite bench. My mother lived the last ten years of her life in Portsmouth and greatly appreciated the quality of life and safety it provided her.

If granted permission, I am more than happy to work with the City on its exact placement and the time of year when it can be done. The family would also like to ask permission to plant a flowering bush near the bench sometime in the spring as our way of marking the occasion.

Should you have any questions or need further details, please do not hesitate to contact me at your convenience. I may be reached at 603-770-0347.

Thank you for your kind consideration of this request.

Sincerely,

Billie Tooley  
166 Newcastle Avenue  
Portsmouth, NH 03801

October 16, 2012



Portsmouth City Council  
c/o John P. Bohenko, City Manager  
City of Portsmouth  
Municipal Complex | 1 Junkins Avenue  
Portsmouth, NH 03801

RE: Zone Change Request

To the Members of the City Council:

As Trustee of Airgead Realty Trust, Portsmouth City Realty Investment Trust, and Talam Realty Trust (*owner of (2) parcels and applicant for (1) parcel*), I would request the Council consider rezoning for the parcels listed below, as requested, pursuant to the attached plan from Altus Engineering showing the proposed new zone line and the parcels requested to be rezoned as drawn:

Parcel Identification	Current Zone District	Requested Zone District Change
678 Maplewood Avenue Map 220, Lot 89 (0.17 +/- acres) Owner: Airgead Realty Trust	SRB	Business
680 Maplewood Avenue Map 220, Lot 90 (1.49 +/- acres) Owner: Portsmouth City Realty Investment Trust	SRB	Business
261 Myrtle Avenue Map 220, Lot 87 (2.6 +/- acres) Applicant: Talam Realty Trust	SRB	Approximately 1.83 +/- Acres rezoned to Business and leave remaining 0.77 +/- acres as currently zoned SRB

We would appreciate the Council's careful consideration of this matter pursuant to the proximity of the Interstate and the current Business zone line, with regards to our requested rezoning.

Should any Council member have any questions, please feel free to reach me at my contact information listed below:

Thank you for your time and consideration in this matter.

Best Regards,

Christopher McInnis, Trustee  
Portsmouth City Investment Realty Trust, Airgead Realty Trust & Talam Realty Trust  
Email: [christopher.mcinnis@gmail.com](mailto:christopher.mcinnis@gmail.com) | Phone: 603-918-6846



**AGREEMENT**

*THIS AGREEMENT* made this 26<sup>th</sup> day of September, 2012, by and between CATHERINE T. MORETTI, of 261 Myrtle Avenue, Portsmouth, New Hampshire (hereinafter referred to as "SELLER"), and TALAM REALTY TRUST, of 678 Maplewood Avenue, Portsmouth, New Hampshire (hereinafter referred to as "BUYER").

**WITNESSETH:**

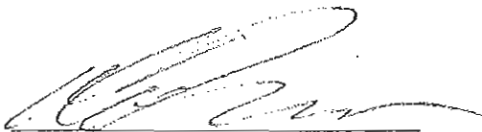
WHEREAS, BUYER and SELLER have entered into that certain Purchase and Sale Agreement of even date herewith (the "Purchase and Sale Agreement") in which Buyer, or its assigns, agrees to buy and Seller agrees to sell property located at 261 Myrtle Avenue, Portsmouth, New Hampshire.


NOW, THEREFORE, for good and valuable consideration, the receipt whereof is hereby acknowledged, and as a material inducement for the Buyer to enter into the Purchase and Sale Agreement, Seller agrees as follows:

1. Seller hereby agrees that, upon Buyer's request, she will sign any and all applications made by Buyer which relate to the Property, including but not limited to applications made to the City of Portsmouth's Planning or Zoning Boards (the "Applications").
2. Seller agrees to sign any letters or other documents necessary and/or customary for Buyer to prosecute said Applications.
3. Seller acknowledges Buyer's exclusive right to submit permitting applications to state and local authorities.
4. Seller agrees that she, her family and/or consultants will not speak with anyone about the Applications without a representative of Buyer present.

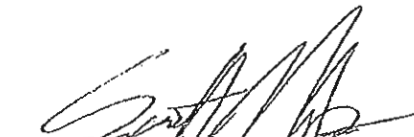
IN WITNESS WHEREOF, the parties have hereunto set their hands this 26<sup>th</sup> day of September, 2012.


**SELLER:**

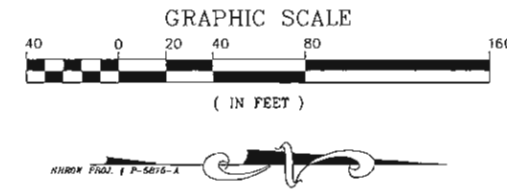
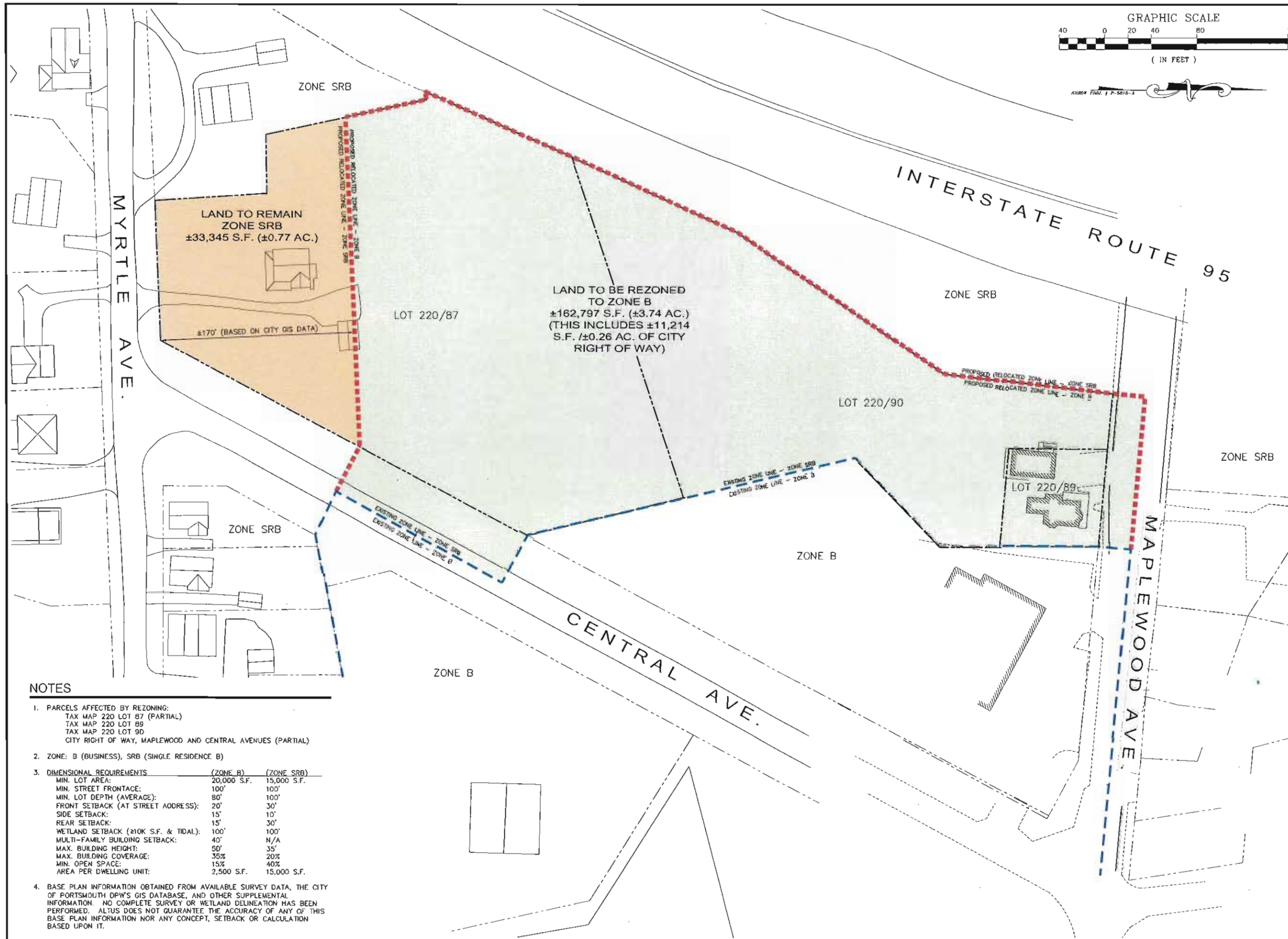
  
\_\_\_\_\_  
Witness

  
\_\_\_\_\_  
Catherine T. Moretti

**BUYER:**

  
\_\_\_\_\_  
Witness

By:  T.T.E.  
\_\_\_\_\_  
Christopher McInnis, Trustee



ENGINEER:  
**ALTUS**  
ENGINEERING, INC.  
133 COURT STREET PORTSMOUTH, NH 03801  
(603) 433-2335

ISSUED FOR: CITY COUNCIL

ISSUE DATE: OCTOBER 17, 2012

REVISIONS

NO.	DESCRIPTION	BY	DATE
0	CITY COUNCIL	EBS	10/17/12

DRAWN BY: EBS  
APPROVED BY: EDW  
DRAWING FILE: 4461-C01.dwg

SCALE:  
22" x 34" - 1" = 40'  
11" x 17" - 1" = 80'

OWNER:  
MAP 220, LOTS 89  
AIRGEAD REALTY TRUST  
MAP 220, LOT 87  
CATHERINE T. MORETTI  
VERONICA J. MORETTI  
MAP 220 LOT 90  
PORTSMOUTH CITY  
REALTY INVESTMENT  
TRUST

APPLICANT:  
TALAM REALTY TRUST  
1 JUNIPER ROAD  
NORTH HAMPTON, NH 03861

TITLE:  
ZONE LINE  
RELOCATION  
EXHIBIT

SHEET NUMBER:  
**EXHIBIT-A**

- NOTES**
- PARCELS AFFECTED BY REZONING:  
TAX MAP 220 LOT 87 (PARTIAL)  
TAX MAP 220 LOT 89  
TAX MAP 220 LOT 90  
CITY RIGHT OF WAY, MAPLEWOOD AND CENTRAL AVENUES (PARTIAL)
  - ZONE: B (BUSINESS), SRB (SINGLE RESIDENCE B)
  - DIMENSIONAL REQUIREMENTS

	(ZONE B)	(ZONE SRB)
MIN. LOT AREA:	20,000 S.F.	15,000 S.F.
MIN. STREET FRONTAGE:	100'	100'
MIN. LOT DEPTH (AVERAGE):	80'	100'
FRONT SETBACK (AT STREET ADDRESS):	20'	30'
SIDE SETBACK:	15'	10'
REAR SETBACK:	15'	30'
WETLAND SETBACK (≥10K S.F. & TIDAL):	100'	100'
MULTI-FAMILY BUILDING SETBACK:	40'	N/A
MAX. BUILDING HEIGHT:	50'	35'
MAX. BUILDING COVERAGE:	35%	20%
MIN. OPEN SPACE:	15%	40%
AREA PER DWELLING UNIT:	2,500 S.F.	15,000 S.F.

  - BASE PLAN INFORMATION OBTAINED FROM AVAILABLE SURVEY DATA, THE CITY OF PORTSMOUTH DPW'S GIS DATABASE, AND OTHER SUPPLEMENTAL INFORMATION. NO COMPLETE SURVEY OR WETLAND DELINEATION HAS BEEN PERFORMED. ALTUS DOES NOT GUARANTEE THE ACCURACY OF ANY OF THIS BASE PLAN INFORMATION NOR ANY CONCEPT, SETBACK OR CALCULATION BASED UPON IT.

P4461



XI. C.

# PORTSMOUTH SCHOOL DEPARTMENT

## OFFICE OF THE SUPERINTENDENT OF SCHOOLS

EDWARD McDONOUGH  
SUPERINTENDENT OF SCHOOLS

STEPHEN ZADRAVEC  
ASSISTANT SUPERINTENDENT

STEPHEN BARTLETT  
BUSINESS ADMINISTRATOR

October 15, 2012

Honorable Mayor Spear and Members of the City Council  
c/o City Hall  
1 Junkins Avenue  
Portsmouth, New Hampshire 03801

Dear Mayor Spear and City Councilors:

The Portsmouth School Board has requested that a copy of this progress report be made available for review. I would be happy to answer any questions you may have after reviewing the report.

Sincerely, on behalf of the Portsmouth School Board,

Edward R. McDonough  
Superintendent of Schools

cc Portsmouth School Board  
John P. Bohenko, City Manager

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

AN EQUAL OPPORTUNITY EMPLOYER

1 JUNKINS AVENUE, PORTSMOUTH, NEW HAMPSHIRE 03801 (603) 431-5080 FAX (603) 431-6753

# 2012 PROGRESS REPORT

## MISSION-DRIVEN

*Teachers, staff and administrators are committed to ensuring every child makes continuous growth as a learner.*

*Teachers regularly examine student data to monitor their progress against standards.*

*Teachers collaborate to share best practices and strategies to help all meet the standards.*

*Intervention/Enrichment blocks are used to provide learners more time to learn key knowledge and skills, or when they evidence attainment, opportunities to go deeper in the content area.*

*Despite external factors, the district believes all children can learn at high levels and that our teachers and staff have the will and skill to see that all achieve.*

*Our students will graduate career or college and citizenship ready.*

## DID YOU KNOW?

Last year, the district expanded learning time to provide all learners, K-8, with an additional 15 minutes per day, the equivalent of an additional 7.5 days of instruction.

The percentage of students at PHS taking the Scholastic Aptitude Test (SAT) has risen to 81%.

Comparing NECAP performance index scores from 2010 to 2011, the district improved in both reading and math in grades 3-8 as a whole and at the 11th grade.

## PORTSMOUTH SCHOOLS IMPROVE PROFICIENCY LEVELS RISE IN READING

The Portsmouth Schools continue to make strides in improving student achievement as measured by the State's assessment known as NECAP.

The scores reflect improvements in areas that the district has invested professional development resources in and has focused collaborative time in for teachers.

**READING PROFICIENCY.** The percentage of proficient readers grew from 2010 to 2011 from 81% to 85%.

At PHS, proficiency levels went from 79% to 86%. Proficiency levels increased by 3, from 86% to 89% at NFS, and remained level at LHS and PMS.

While the percentage of profi-

cient readers at Dondero dropped by 4%, (7 readers) the number of distinguished readers at Dondero went from 17% to 26%.

The focus we have put into reading district-wide continues to impact student learning as students progress through the grades.

Teachers have done great work incorporating literacy through the content areas at all levels.

**MATH PROFICIENCY.** Dondero saw the largest gain in math proficiency in 2011 at 82%, up from 77% in 2010. LHS proficiency rose by 3% to 90% and NFS rose 3% to 83%.

Math proficiency dropped by

7% at the middle school and 6% at the high school.

In math, students at the middle and high school are still not performing at high levels.

We are undertaking an in-depth curriculum review in the area of math and the sequence of courses student take from middle to high school.

Many students are not prepared for success on the NECAP math test to the sequence of courses and not being exposed to the level of material required.

As we raise the bar for all, we expect to see gains on NECAP and other tests.

**WHOLE SCHOOL READING PROFICIENCY:** The table below shows the proficiency levels (**those earning distinction and proficiency in bold**) of students based upon the 2011 Fall NECAP Assessment.

SCHOOL	Distinction	Proficient	PSD Proficient vs. State	Partially	Substantially Below
Dondero	26%	52%	<b>78%</b> 79%	18%	4%
Little Harbour	41%	48%	<b>89%</b> 79%	9%	2%
New Franklin	35%	52%	<b>87%</b> 79%	9%	2%
Middle School	22%	57%	<b>79%</b> 79%	15%	6%
High School	31%	55%	<b>86%</b> 77%	10%	4%

**WHOLE SCHOOL MATH PROFICIENCY:** The table below illustrates the proficiency levels attained by all students at each school in math.

SCHOOL	Distinction	Proficient	PSD Proficient vs. State	Partially	Substantially Below
Dondero	27%	55%	<b>82%</b> 75%	10%	8%
Little Harbour	55%	35%	<b>90%</b> 75%	10%	7%
New Franklin	46%	37%	<b>83%</b> 75%	9%	2%
Middle School	21%	43%	<b>64%</b> 68%	20%	16%
High School	4%	37%	<b>41%</b> 36%	27%	32%



**DATA PROFILE 2012**

2011-12 Enrollment	2,705
Students with Educational Disabilities	419 pupils 15.50%
Economically Disadvantaged Students	24%
Limited English Proficient Students	2.5%
Average Daily Attendance	95.4%
Drop out percentage	1.1%
Percentage of Highly Qualified Teachers	100%

The District is required to report progress of each school in making adequate yearly progress (AYP).

For more info visit:  
[www.ed.state.nh.us/education](http://www.ed.state.nh.us/education)

**DEVELOPMENTAL READING ASSESSMENT STUDENTS AT BENCHMARK INCREASING**

The District uses the Developmental Reading Assessment (DRA) to track student progress over time. To be sure, reading becomes increasingly more difficult over time as students learn to read the lines (comprehension), read between the lines (inference) and read beyond the lines (evaluation).

The district has invested in early education, especially, all day Kindergarten, and has seen increasingly higher percentages of students at, or beyond, the DRA benchmark over time. On the whole, if you look at percentages of students in 08-09 vs. 11-12, you will see increasing numbers of students meeting or exceeding the reading target for their grade level.

Teachers are looking at the data in their grade level teams and providing "just-in-time" intervention and enrichment. While this data may be less reliable and valid in making comparisons across schools, it nonetheless illustrates how teachers are closely monitoring the progress of their students and setting goals for fall to spring growth for every learner.

The DRA is a key tool in tracking readers, developing interventions and measuring growth. The table to the right allows you to track different cohorts of students at a grade level or you can track a cohort over time as they advance through the grades.

K-5 ELEMENTARY SCHOOLS

	08-09	09-10	10-11	11-12
K	91%	96%	95%	91%
1st	67%	77%	82%	88%
2nd	59%	75%	76%	72%
3rd	64%	73%	77%	85%
4th	77%	82%	80%	88%
5th	80%	76%	93%	91%

FOUR YEAR TREND DATA OF PERCENTAGES OF STUDENTS MEETING DRA BENCHMARK AT LEVEL

**SPRING BENCHMARK  
DRA Levels Established by the District**

Kindergarten	Level 2
1st Grade	Level 16
2nd Grade	Level 28
3rd Grade	Level 38
4th Grade	Level 40
5th Grade	Level 50

**MATH ASSESSMENT AT ELEMENTARY LEVELS  
LOCAL MID AND END OF YEAR MONITORING**

The district has continued to work on developing our own mid year and end of year assessment in mathematics and has set a more rigorous cut score than that used on NECAP to measure proficiency.

Use of these internally developed assessments (mid and end of year) help us monitor student progress more regularly than with NECAP data. Portsmouth has developed its own rigorous tool that sets a high bar for student proficiency.

Over the last two years, the district has focused attention and leveraged grant resources to increase the consistency and quality of math instruction. This was done through a successful Math Science Partnership grant that focused on facilitating a "lesson study" model at each grade level and in each building.

**'11 & '12 END OF YEAR MATH ASSESSMENT RESULTS**

GRADE	PROFICIENCY '11	PROFICIENCY '12
Grade 1	NA	80.4%
Grade 2	65.4%	65.1%
Grade 3	73.5%	77.8%
Grade 4	39.1%	58.9%
Grade 5	43.9%	54.5%



# PROFESSIONAL LEARNING COMMUNITIES

*THE DISTRICT'S IMPROVEMENT STRATEGY*

In Portsmouth, we have invested a great deal of effort into building Professional Learning Communities (PLCs) in each of our schools. This strategy for improvement is framed around clear goals for student learning, a culture of collaboration, and a focus on results. Educators meet regularly during monthly delayed openings to examine evidence of student work, to share successful practices, and to design interventions for students who need extra support.

This continuous process of feedback and planning has helped drive many of the improvements seen in student performance over the

last three years. Teachers have dedicated themselves to meeting every child where they are in their learning and finding the right path to bring them to meeting and exceeding grade level expectations.

This year we find ourselves digging deep into understanding how grade level expectations will evolve with the new set of national standards, known as the Common Core State Standards (CCSS). Teachers spent two days at the end of June studying these standards and designing plans for implementation. State assessments will be changing to meet these new standards by the

2014-2015 school year. These new standards were designed with the goal of having all students complete high school with knowledge and skills necessary for success in college and the workplace. They have been designed to create a ladder with each grade level contributing towards a focused set of expectations, going into greater depths of student understanding on fewer topics than in the past. Teachers will begin to shift units of study, lessons, and assessments to better align with these standards. They will work in their PLCs to assemble evidence of student learning and expand implementation of the CCSS over the next two years.



## SCIENCE NECAP SCORES RISE AT ALL LEVELS

*Through the PLC process, teachers have set a goal to improve students' lab skills and lab report write-ups.*

*Assistant Superintendent Zdravec noted teachers continue to select authentic tasks by creating their own assessments that valued writing about science. Teachers have been focused on this goal for over a year and have put in some really great work with kids. This internal focus and effort has resulted in improved external assessment results as well. Three-year comparative proficiency levels are included below.*

### NECAP SCIENCE PROFICIENCY LEVELS

2009 2010 2011

#### GRADE 4

PSD	62%	62%	69%
NH	53%	54%	55%

#### GRADE 8

PMS	33%	30%	35%
NH	24%	27%	28%

#### GRADE 11

PHS	36%	26%	37%
NH	24%	24%	27%

## MIDDLE SCHOOL NWEA RESULTS MEASURES OF ACADEMIC PROGRESS

This past year, the middle school began using a computer adapted assessment known as NWEA's Measures of Academic Progress (MAP). MAP measures a student's growth over time.

Not only did PMS students set individual growth goals, but MAP is a nationally normed test that tells whether a student who tests at a

certain level in the Fall makes "typical" or expected growth. The tables below show the grade level percentages of students who met their growth target.

Also, because MAP has been correlated to the NECAP, we see the percentage projected to be above the State standards, as

well as those who scored at or above the 50th percentile of all who took MAP nationally.



### READING

GRADE	STUDENT COUNT	% GROWTH	% PROFICIENT	% MEDIAN
Grade 6	136	68.4%	86.5%	72.3%
Grade 7	150	62.7%	80.6%	72.3%
Grade 8	169	54.4%	74.1%	68.2%

### MATHEMATICS

GRADE	STUDENT COUNT	% GROWTH	% PROFICIENT	% MEDIAN
Grade 6	134	63.4%	84. %	70.5%
Grade 7	149	55.7%	79.7%	59.5%
Grade 8	169	67.5%	71.8%	67.6%



**NECAP WRITING  
PROFICIENCY**

	2009	2010	2011
<b>Grade 5</b>			
PSD	NA	67%	61%
NH	NA	56%	55%
<b>Grade 8</b>			
PMS	NA	58%	56%
NH	NA	64%	61%
<b>Grade 11</b>			
PHS	52%	53%	49%
NH	50%	45%	48%

**Visit us on the Web**  
www.cityofportsmouth.com/schools

*The purpose of the Portsmouth Schools is to educate all students by challenging them to become thinking, responsible, contributing citizens who continue to learn throughout their lives.*



**PORTSMOUTH SCHOOL BOARD**  
Member pictured left to right: Mary Olea, Leslie Stevens, Chair; Tom Martin, Vice-Chair; Mitch Shuldman, Patrick Ellis, Ann Walker and Kent LaPage  
Not Pictured: Carol Chellman and Dexter Legg

# KEY INITIATIVES FOR 2012-13 SCHOOL YEAR

**COMMON CORE**

Last June, Assistant Superintendent Zdravec organized an institute so staff may begin to familiarize themselves with the Common Core Standards and to begin to understand the implications for classroom instruction. This work will continue in the 2012-13 school year.

**TECHNOLOGY**

Technology, especially a fully functional infrastructure, is critical for the mission of the school department.

To this end, the district has **increased** its **bandwidth** capacity this year by five times (5X) what we have enjoyed in the past. Last year, we blocked many sites from classroom and student use because it took up too much capacity, but this year we expect teachers and students to have more robust access to streaming content on the web.

Similarly, we continue to dedicate resources to achieve our **goal of wireless access throughout our facilities**. Last year, the high school used monies donated from the Pease Air Show to install wireless access points in the high school and we expect to complete the second phase this year. As phases of the middle school are completed, wireless access will exist throughout the Parrott Avenue campus.

Finally, we have leveraged our **investment** in the middle school to move to a **virtual desktop environment**. The district will implement this server based solution at the middle school and look to expand to the high school

in FY 14.

**TEACHER QUALITY**

Last year, the district formed a **task force** to make **recommendations** for a **more rigorous hiring process**, a **more supportive induction process** and for improving professional development and the supervision/evaluation processes throughout the district.

This year, the district has **hired twenty-four new staff** under these new procedures. The school department will now **work to implement a mentoring component and professional development supports, tailored to the needs of our new teachers**. We will continue to implement the two year cycle (administrative and peer review process) while we keep an eye on the NH Department of Education's waiver request, which will require additional components to be added to the evaluation phase.

**SCHOOL BOARD -TEACHER DIALOGUE**

This year, a small group of School Board members (Vice-Chair Tom Martin, Ann Walker and Dexter Legg) and teachers will meet periodically throughout the year to have conversations about how we as a district can continue to improve and address issues of mutual concern.

**WELLNESS**

The District's Wellness Team has asked each building to find ways to increase physical activity for students. 5-2-1-0 remains a key message and many teachers undertook training to bring Yoga to their classrooms.

Nutrition Director, Deb Riso, has been working to partner with the UNH Coop Extension and local farms to bring local-

ly grown fresh fruits and vegetables to the lunch room.

**ACT PLAN TEST**

The ACT PLAN is a comprehensive guidance resource that helps students monitor progress toward career and college readiness.

Just as the middle school has moved to NWEA's *Measures of Academic Progress* to monitor student progress and to target growth areas, the high school will **administer the ACT PLAN to every sophomore in October**. Students will receive feedback on their strengths and weaknesses on skills, assess career opportunities and begin to make plans for the remaining years of high school and post-graduate plans.

Administration of the ACT PLAN will take place in the sophomore year and will provide staff with more information about a student's critical reading skills, math problem solving skills and writing ability.


**FACILITIES**

Phase I of the middle school is complete but for "punch list items," instructional space has been added to Little Harbour, PEEP classrooms have been constructed at Dondero and central office has moved to the municipal complex.

Part I of the Elementary Facilities Committee charge is complete and the School Board will begin to organize a committee to look more closely at our three K-5 elementary schools in anticipation of capital improvement funds becoming available in FY 16.

**CITY OF PORTSMOUTH  
PORTSMOUTH, NH 03801**

*Office of the City Manager*

**Date:** October 18, 2012  
**To:** Honorable Mayor Eric Spear and City Council Members  
**From:** John P. Bohenko, City Manager   
**Re:** City Manager's Comments on October 22, 2012 City Council Agenda

---

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

1. **Acceptance of Donation to the Coalition Legal Fund.** The City has received a check from the Town of Moultonborough in the amount of \$6,500.00 donating funds to the Coalition Legal Fund, which will be utilized to continue our fight to eliminate the statewide property tax.

*I would recommend the City Council move to approve and accept the donation, as listed, to be placed in the Coalition Legal Fund. Action on this matter should take place under Section VIII of the Agenda.*

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

1. **First Reading of Proposed Resolution and Ordinance Amendments:**
  - 1.1 **First Reading of Proposed Ordinance amending Chapter 7, Article IX, Section 7.901 (E) – Penalties of the City Ordinances to amend Section 7.105 (A) Parking Violation Expired Meter Fine Amount from \$10.00 to \$15.00.** As a result of the October 1<sup>st</sup> City Council meeting, the Council requested an ordinance change with respect to the fine charged for Expired Meter Violation from \$10.00 to \$15.00. Attached under Section IX of the Agenda, I am bringing back for first reading the aforementioned Ordinance.

*I would recommend the City Council move to pass first reading and schedule a public hearing and second reading of the proposed Ordinance, as presented, at the November 13, 2012 City Council meeting. Action on this item should take place under Section IX of the Agenda.*



2. **Public Hearing/Second Reading of Proposed Resolution and Ordinance Amendments:**

- 2.1 **Public Hearing/Second Reading of Proposed Ordinance which would amend the Zoning Ordinance, Chapter 10, to Rezone 143 Daniel Street (former Connie Bean Property) from Municipal to Central Business B (CBB) and also, to place that property in the Downtown Overlay District (DOD).** As a result of the October 1<sup>st</sup> City Council meeting, under Section IX of the Agenda, I am bringing back for public hearing and second reading **the attached proposed Ordinance and map** which would amend Zoning Ordinance, Chapter 10, to rezone 143 Daniel Street (former Connie Bean property) from Municipal to Central Business B (CBB) and also, to place that property in the Downtown Overlay District (DOD).

As you will recall, at the August 20, 2012 City Council meeting, the Council referred a proposed rezoning from Municipal to Central Business B (CBB), and also that it be included with the Downtown Overlay District (DOD) to the Planning Board for report back. **Attached is a memorandum from Rick Taintor, Planning Director**, regarding this matter. At its September 20, 2012 meeting, the Planning Board voted to recommend the rezoning of this property.

On Monday evening, Rick Taintor, Planning Director, will make a presentation regarding this matter.

*I would recommend the City Council move to pass second reading and schedule a third and final reading of the proposed Ordinance Amendments, as presented, at the November 13, 2012 City Council meeting. Action on this item should take place under Section IX of the Agenda.*

3. **Third and Final Reading Proposed Resolution and Ordinance Amendments:**

- 3.1 **Third and Final Reading of Various Housekeeping Amendments to the City's Code of Ordinances.** As a result of the October 1st City Council meeting, under Section IX of the Agenda, I am bringing back for third and final reading the **attached Ordinance** with various housekeeping amendments to the City's Code of Ordinances as follows:

- A. That Chapter 1, Article VI - RESIDENCY REQUIREMENTS of the Ordinances of the City of Portsmouth be deleted in its entirety;

*(Explanation not part of ordinance: Passage of this ordinance would delete department head residency requirement which was ruled unconstitutional by the Court in the early 1980s.)*

- B. That Chapter 3, Article I, Section 3.111 - HOGS of the Ordinances of the City of Portsmouth be deleted in its entirety;

*(Explanation not part of ordinance: Passage of this ordinance would eliminate a*

*provision which allowed the Health Officer to issue permits for the keeping of hogs, "within the compact part of the City".)*

- C. That Chapter 5, Article I, Section 5.102 - RESIDENTS OF THE CITY of the Ordinances of the City of Portsmouth be deleted in its entirety;

*(Explanation not part of ordinance: Passage of this ordinance would remove from the ordinances a requirement that members of the Fire Department, "establish residence anywhere within a ten mile direct line radius of the Central Fire Station" as well as other requirements, all of which have been superseded by collective bargaining.)*

- D. That Chapter 5, Article I, Section 5.103 -AGE LIMIT of the Ordinances of the City of Portsmouth be deleted in its entirety;

*(Explanation not part of ordinance: Passage of this ordinance would remove an unused provision which would prevent persons under the age of 21 or over the age of 35 from being, "appointed a permanent fireman" as well as remove an age limitation on the now non-existent call Fire Department.)*

- E. That Chapter 6, Article VI - DANCING of the Ordinances of the City of Portsmouth be deleted in its entirety;

*(Explanation not part of ordinance: Passage of this ordinance would eliminate an obsolete licensing provision regarding public dances in the City which requires a license; requires a fee; requires the City Manager approve the location of the dance; calls for police attendance at each dance; requires a matron to be, "in charge of the ladies parlor and toilet" and establishes hours when dances are allowed.)*

- F. That Chapter 9, Article II - SUNDAY ORDINANCES of the Ordinances of the City of Portsmouth be deleted in its entirety;

*(Explanation not part of ordinance: Passage of this ordinance would eliminate a series of unenforced ordinances which prohibit or limit amateur or professional sports, "moving pictures and theatricals" and certain retail trades on Sunday.)*

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

- 3.2 **Third and Final Reading of Proposed Ordinance Amendment to Chapter 7, Article I, Section 7.102 – Parking Meter Zones.** As a result of the October 1st City Council meeting, under Section IX of the Agenda, I am bringing back for third and final reading the **attached proposed Ordinance amendment** to Chapter 7, Article I, Section 7.102 – Parking Meter Zones. Also, **attached is a map**, regarding the following proposed amendment:

Section 7.102: PARKING METER ZONES

All of those streets, parts of streets and off-street parking lots, the time for parking upon which is limited by any ordinance of the City of Portsmouth, and any such areas the time for parking upon which may at any time hereafter be limited by any ordinance of the City or any amendment thereto are designated as parking meter zones. ~~Parking in parking meter zones at metered spots upon streets or in off-street metered lots shall be at the rate of \$1.50 per hour with the~~ **for a** maximum time permitted ~~for~~ **of** parking of three (3) **consecutive** hours, unless otherwise established by ordinance. **The rate for such parking shall be:**

**A. DOWNTOWN HIGH OCCUPANCY ZONE:**

**Parking shall be at the rate of one dollar fifty cents (\$1.50) per hour in the following areas:**

- 1. Daniel Street, starting at Chapel Street through to Market Square**
- 2. Bow Street, starting at Chapel Street through to Market Street**
- 3. Congress Street, starting at Market Square through to Chestnut Street**
- 4. Pleasant Street, starting from Court Street through to Market Square**
- 5. Market Street, starting from Moffatt-Ladd House through to Market Square.**

**B. Parking in all other parking meter zones shall be at the rate of one dollar (\$1.00) per hour.**

Also, I have **attached an economic impact sheet** regarding this matter.

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

## ***Consent Agenda:***

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

- Jamie Belilah, owner of Jamie Belilah Expert European Skin Care, for property located at 85 Daniel Street
- Rita Fabbriatore, owner of Pickwick's Mercantile, for property located at 64 State 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 the License Agreements for these requests. Action on this matter should take place under Section X of the Agenda.*

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

1. **Proposed Portwalk Licenses and Easements.** Parade Office LLC (Portwalk) requests City Council authorization for the City Manager's execution and delivery of three (3) documents. (These are all elements of a site plan approved by the Planning Board.) Each of these documents relate to Phase III of the Portwalk development, the area being used at the present time as a municipal parking lot. **The documents are attached.** A brief description of each is as follows:
  - A. **EASEMENT AND LICENSE AGREEMENT** – This document would allow Portwalk to construct roof overhangs (cornices) in City airspace at six (6) locations described as easement areas 1 through 6 in the attached deed. It would also allow Portwalk to construct doors which would swing into the public right-of-way or airspace in two (2) locations described as license areas 1 and 2 in the attached document. The form of document attached in this memorandum has been reviewed and approved by the City's Planning, Public Works and Legal departments.
  - B. **PARKING SPACE LICENSE AND SIDEWALK LICENSE AGREEMENT** – This agreement would authorize the use by Portwalk of six (6) on-street parking spaces on Hanover Street, two (2) on-street parking spaces on Deer Street and all of the sidewalks abutting the property on Hanover Street, Maplewood Avenue and Deer Street for construction purposes. The use of those areas would be required to be in conformance with a Construction Management and Mitigation Plan (CMMP) which the City administration will negotiate and enter into with Portwalk. The License would be for a twenty-four (24) month construction period. Except for final review of the descriptions of the areas involved, this document has been reviewed and approved by the City's Planning, Public Works and Legal departments.
  - C. **NON-EXCLUSIVE EASEMENT TO CONSTRUCT TEMPORARY SUPPORT OF SUBSURFACE CONSTRUCTION** – By this document the City would give Portwalk the



authority to utilize a construction method for the project which would consist of numerous steel rods to be drilled underneath City streets surrounding the project for the purpose of upholding subsurface walls during the early construction stages. After their use for this purpose the steel rods would be abandoned in place beneath the City streets. This will be the first time such a construction method has been utilized in the City of Portsmouth. It should be noted this method has been used elsewhere. In particular we have reviewed an agreement under which the City of Boston authorized the Brigham and Women's Hospital to utilize this construction method for hospital construction in 2012. The use of these steel rods (called tie-backs) has been thoroughly examined by the City's Public Works Department. The attached agreement has been reviewed by the City's Planning and Legal departments. Moreover, an outside consultant, R.W. Gillespie & Associates, Inc. has opined that the method can be utilized without damage to City property. An important facet of the attached agreement is that the current property owner, and all future property owners, will be liable to indemnify and hold the City harmless from any damage or claims caused by use of the construction method or by the fact that the steel rods will remain underneath the City streets even subsequent to construction of the new building. After this extensive review, neither the City's Planning, Public Works nor Legal departments object to the use of the tie-backs in the event that the City Council authorizes that to occur by approving the attached easement document.

*I would recommend the City Council move to authorize the City Manager to execute and deliver an Easement and License Agreement; a Parking Space License and Sidewalk License Agreement and a Non-Exclusive Easement to Construct Temporary Support of Subsurface Construction for the benefit of Parade Office LLC, all as presented.*

2. **Proposed Refinancing of Osprey Landing.** Attached is a letter from John M. Sullivan, Attorney for Inishmaan Associates L.P., which outlines the proposed refinancing of the Osprey Landing Project.

Essentially, Inishmaan desires to conduct an overall refinancing of the Osprey Landing property in order to take advantage of the current loan market conditions. The City now holds a fifth mortgage securing contingent repayment of a 1.3 million dollar loan of Community Development Block Grant (CDBG) funds made in 1994. Inishmaan is asking the City to re-work that loan.

As part of its overall refinancing, Inishmaan will restructure all of its debt, including the primary funding provided by HUD and the NH Housing Finance Authority. Inishmaan seeks to restructure its debt with the City in such a way that the CDBG loan would become fourth in priority rather than fifth and stand behind \$10.5 million dollars in HUD and NHHFA loans rather than \$16.4 million which originally stood ahead of the City loan. Moreover, whereas the current City mortgage would not be repaid unless the project were sold to an entity which did not operate the rental units as currently restricted, under the proposed refinancing the City could anticipate repayment of the loan, based upon current projection of available funds, between 2022 and 2026.

Of especial importance, the refinancing proposal in no way diminishes the affordability protections in place at this time.

The refinancing as proposed by Inishmaan would require the negotiation, drafting, execution and recording of a new note, mortgage, regulatory agreement, assignment of leases and related documents.

Municipal staff including Community Development, Planning and Legal Departments, have reviewed the proposal and believe it to be in the City's best interest to proceed with it.

The City Attorney has recommended the proposed motion to replace a somewhat more cumbersome resolution as proposed in the letter from Attorney John Sullivan.

*Therefore, I would recommend the City Council move to authorize the City Manager, "to negotiate and execute any and all documents of any type necessary to implement the refinancing and restructuring of the mortgage indebtedness to the City of Portsmouth of Inishman Associates L.P. as described in a letter dated October 1, 2012 addressed to City Attorney Robert P. Sullivan from Attorney John M. Sullivan".*

3. **Spinney and Middle Road Easements and Transfers.** Paul Sanderson, Trustee of the Lynn J. Sanderson and Frances T. Sanderson Revocable Trust, has obtained subdivision and site plan approval from the Planning Board to develop certain parcels off of Spinney Road. The approved subdivision calls for adjustments to a number of lot lines in favor of abutting property owners and the establishment of new lots. As part of those approvals, there are multiple conveyances of easements and rights-of-way to the City. The property interests to be conveyed to the City are shown on the **attached photographs** (which do not show the new lot lines) and which are described below:

- (1) An easement, approximately 20' by 20' feet on the westerly side of Spinney Road, to maintain an existing municipal catch basin;
- (2) An easement, approximately 10' x 10' feet, on the westerly side of Spinney Road, for the purpose of maintaining a subsurface water main, hydrant and associated infrastructure;
- (3) An easement, triangular in shape at the corner of Lot 13-1 on the westerly side of Spinney Road, for the purpose of maintaining a subsurface sewer main and associated infrastructure;
- (4) Conveyance in fee of a 15-foot strip on the easterly side of Spinney Road and conveyance of a portion of Spinney Road itself over which the City has certain rights, but not a fee interest;
- (5) An easement approximately 100' x 15' feet on the south side Sewall Road for the purpose of drainage;

- (6) An easement to have the right to maintain a certain rain garden to be constructed on private property off of Sewell Road (the easement places no duty on the City to maintain the rain garden, but allows the City to do so if the owner fails to maintain it); and
- (7) An easement, approximately 20' x 108' feet on the westerly side of Middle Road, for the purpose of documenting the City's existing drainage infrastructure and flowage.

*I would recommend the City Council move to authorize the City Manager to accept the easements and conveyances relative to the subdivision and site plan approval granted to Paul Sanderson, Trustee for property located off of Spinney Road and Middle Road.*

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

1. **Events Listing.** For your information, **attached is a copy of the Events Listing** updated after the last City Council meeting on October 1, 2012. In addition, this now can be found on the City's website.
2. **City Council Retreat Agenda,** For your information, **attached is a copy of the Agenda for the City Council Retreat** scheduled for Saturday, October 27, 2012 at the Library's Levenson Room.
3. **Report on Waiver of City Council Referrals to the Planning Board under City Ordinance, Chapter 11, Article VI (leases, licenses, temporary easements).** **Attached is a report from Rick Taintor, Planning Director,** regarding waivers of City Council referrals to the Planning Board under City Ordinance, Chapter 11, Article VI (leases, licenses, temporary easements). As the report explains, when the Zoning Ordinance was enacted in December 2009, a section of the previous Zoning Ordinance was deleted and moved to the City's general Ordinances with some wording changes. The relocated section was the provision requiring the City Council to refer certain proposed actions to the Planning Board for review and report back.

Recently, it became apparent that the wording changes were too expansive and have resulted in conflicts with established City procedure regarding licenses, leases and temporary easements.

The revised City Ordinance allows the Planning Board to waive any City Council referral required by the City Ordinance. Therefore, at its meeting on September 20, 2012, the Planning Board voted to waive all referrals from the City Council to the Planning Board for leases of land with a lease term less than 5 years, all leases of buildings, all temporary easements and all licenses, and to make this waiver retroactive to December 21, 2009.



Return to:  
Alec L. McEachern, Esq.  
Shaines & McEachern, PA  
P. O. Box 360  
Portsmouth, NH 03802-0360

## **EASEMENT AND LICENSE AGREEMENT TAX MAP 125 LOT 1**

In consideration of the mutual obligations contained herein, **Parade Office, LLC** (“GRANTEE”) a Delaware Limited Liability Company with a principal place of business at c/o Cathartes Private Investments 31 Milk Street, Suite 501, Boston, MA 02109 and the **City of Portsmouth** (“GRANTOR”), a municipal corporation with a principal place of business at 1 Junkins Avenue, Portsmouth, NH 03801, hereby enter this Easement and License Agreement on behalf of themselves and their successors and assigns.

This Easement and License Agreement is for the purpose of allowing the GRANTEE its successors and assigns to construct, install and maintain certain roof overhangs, also known as cornices, in the GRANTOR’s airspace as well as to place certain temporary and/or transitory door swings in GRANTOR’s property or airspace, all appurtenant to a certain parcel of land located at 195 Hanover Street in Portsmouth, County of Rockingham and State of New Hampshire, being shown on the City of Portsmouth’s Assessor’s Map as Tax Map 125 Lot 1 and created under a Subdivision Plan dated June 4, 2008, with revision 3 dated April 14, 2009, and recorded in the Rockingham County Registry of Deeds as Plan D-35916 (hereinafter the “Subject Property”). As a material condition hereof, all roof overhangs provided for in this Agreement shall be constructed in accordance with approvals issued or to be issued to the GRANTEE by the GRANTOR’s Historic District Commission and Planning Board. Parade Office, LLC acquired the Subject Property by deed recorded in the Rockingham County Registry of Deeds at Book 3756, Page 2701.

The terms and conditions of the Easement and License Agreement are as follows:

1. The GRANTOR grants to GRANTEE its successors and assigns the below described Easements and Licenses in connection with the Subject Property, which areas are shown on a plan entitled “Easement and License Plan Tax Map 125 Lot 1 Property of Parade Office, LLC 195 Hanover Street Portsmouth, New Hampshire County of Rockingham” dated September 12, 2012, with revision 2 dated September 19, 2012, to be recorded herewith (hereinafter the “Recorded Plan”). The below described Easements and Licenses are appurtenant to the Subject Property:

## EASEMENT AREA # 1

An Easement for the purpose of constructing, maintaining, repairing and replacing roof overhangs extending into the public air space, all appurtenant to the GRANTEE's proposed building, said Easement Area # 1 being described on the Recorded Plan as "Building Cornice Easement # 1," being more particularly bounded and described as follows:

Beginning at a point in the southerly sideline of Deer Street, said point being S 45° 37' 55" W a distance of 21.33 feet from land now or formerly of Parade Residence Hotel, LLC; thence proceeding along said Deer Street S 45° 37' 55" W a distance of 30.51 feet to a point; thence turning and proceeding into said Deer Street right-of-way N 44° 22' 04" W a distance of 2.40 feet to a point; thence turning and proceeding through said Deer Street N 46° 09' 13" E a distance of 30.50 feet to a point; thence turning and proceeding through said Deer Street S 44° 32' 41" E a distance of 2.12 feet to the point of beginning.

Containing 69 square feet, more or less.

## EASEMENT AREA # 2

An Easement for the purpose of constructing, maintaining, repairing and replacing roof overhangs extending into the public air space, all appurtenant to the GRANTEE's proposed building, said Easement Area # 2 being described on the Recorded Plan as "Building Cornice Easement # 2," being more particularly bounded and described as follows:

Beginning at a drill hole in the northerly sideline of Hanover Street, said point being located an arc length of 23.79 feet southerly of land now or formerly of Portwalk Residential, LLC; thence proceeding into said Hanover Street right-of-way S 37° 10' 51" E a distance of 2.79 feet to a point; thence turning and proceeding through said Hanover Street S 52° 49' 09" W a distance of 51.14 feet to a point; thence turning and proceeding through said Hanover Street N 37° 10' 51" W a distance of 2.44 feet to a point in the northerly sideline of said Hanover Street; thence turning and proceeding along said Hanover Street N 52° 25' 34" E a distance of 51.15 feet to the point of beginning.

Containing 134 square feet, more or less.

### EASEMENT AREA # 3

An Easement for the purpose of constructing, maintaining, repairing and replacing roof overhangs extending into the public air space, all appurtenant to the GRANTEE's proposed building, said Easement Area # 3 being described on the Recorded Plan as "Building Cornice Easement # 3," being more particularly bounded and described as follows:

Beginning at a point in the northerly sideline of Hanover Street, said point being N 51° 29' 05" E a distance of 18.19 feet from an angle point in said northerly sideline of Hanover Street; thence proceeding into said Hanover Street right-of-way S 37° 10' 51" E a distance of 2.78 feet to a point; thence turning and proceeding through said Hanover Street S 52° 49' 09" W a distance of 46.65 feet to a point; thence turning and proceeding through said Hanover Street N 37° 10' 51" W a distance of 1.99 feet to a point in the northerly sideline of Hanover Street; thence turning and proceeding along said sideline of Hanover Street N 51° 29' 05" E a distance of 28.46 feet to a point; thence proceeding N 52° 25' 34" E a distance of 18.19 feet to the point of beginning.

Containing 116 square feet, more or less.

### EASEMENT AREA # 4

An Easement for the purpose of constructing, maintaining, repairing and replacing roof overhangs extending into the public air space, all appurtenant to the GRANTEE's proposed building, said Easement Area # 4 being described on the Recorded Plan as "Building Cornice Easement # 4," being more particularly bounded and described as follows:

Beginning at a point in the northerly sideline of Hanover Street, said point being an arc length of 3.86 feet southerly of a drill hole at the intersection of said Hanover Street and Maplewood Avenue; thence proceeding along said Hanover Street on a curve to the left having a radius of 15.00 feet an arc length of 3.86 feet to said drill hole; thence proceeding along said Hanover Street N 51° 29' 05" E a distance of 27.18 feet to a point; thence turning and proceeding into said Hanover Street right-of-way S 37° 10' 51" E a distance of 3.27 feet to a point; thence turning and proceeding through said Hanover Street S 52° 49' 09" W a distance of 31.00 feet to a point; thence turning and proceeding through said Hanover Street N 37° 10' 51" W a distance of 3.05 feet to the point of beginning.

Containing 91 square feet, more or less.

#### EASEMENT AREA # 5

An Easement for the purpose of constructing, maintaining, repairing and replacing roof overhangs extending into the public air space, all appurtenant to the GRANTEE's proposed building, said Easement Area # 5 being described on the Recorded Plan as "Building Cornice Easement # 5," being more particularly bounded and described as follows:

Beginning at a point in the easterly sideline of Maplewood Avenue, said point being N 21° 47' 03" E a distance of 31.02 feet from the intersection of Maplewood Avenue and Hanover Street; thence proceeding along said Maplewood Avenue S 21° 47' 03" E a distance of 31.02 feet to a point at said intersection; thence proceeding along said Maplewood Avenue on a curve to the left having a radius of 15.00 feet, an arc length of 3.48 feet to a point; thence turning and proceeding into said Maplewood Avenue right-of-way S 68° 12' 58" W a distance of 2.70 feet to a point; thence turning and proceeding through said Maplewood Avenue N 21° 47' 02" W a distance of 34.50 feet to a point; thence turning and proceeding through said Maplewood Avenue N 68° 58' 52" E a distance of 2.30 feet to the point of beginning.

Containing 80 square feet, more or less.

#### EASEMENT AREA # 6

An Easement for the purpose of constructing, maintaining, repairing and replacing roof overhangs extending into the public air space, all appurtenant to the GRANTEE's proposed building, said Easement Area # 6 being described on the Recorded Plan as "Building Cornice Easement # 6," being more particularly bounded and described as follows:

Beginning at a point in the easterly sideline of Maplewood Avenue, said point being an arc length of 8.79 feet northerly of a magnetic nail at the intersection of Maplewood Avenue and Deer Street; thence proceeding along a curve to the left having a radius of 42.00 feet, an arc length of 8.79 feet to said magnetic nail; thence proceeding along said Maplewood Avenue S 21° 47' 03" E a distance of 66.59 feet to a point; thence turning and proceeding into said Maplewood Avenue right-of-way S 68° 12' 58" W a distance of 2.05 feet to a point; thence turning and proceeding through said Maplewood Avenue N 21° 47' 02" W a distance of 75.32 feet to a point; thence turning and proceeding through said Maplewood Avenue N 68° 15' 33" E a distance of 2.96 feet to the point of beginning.

Containing 157 square feet, more or less.

## LICENSE AREA # 1

A License for the placement of door swings into the public right-of-way or air space, all appurtenant to the GRANTEE's proposed building, said License Area # 1 being described on the Recorded Plan as "DOOR SWING LICENSE # 1 AREA = 15 S. F.," being more particularly bounded and described as follows:

Beginning at a point in the northerly sideline of Hanover Street, said point being S 52° 25' 34" E a distance of 72.16 feet from a drill hole in the northerly sideline of Hanover Street; thence proceeding along said Hanover Street N 52° 25' 34" E a distance of 5.13 feet to a point; thence turning and proceeding into said Hanover Street right-of-way S 37° 54' 22" E a distance of 2.18 feet to a point; thence turning and proceeding through said Hanover Street S 52° 05' 38" W a distance of 7.00 feet to a point; thence turning and proceeding through Hanover Street N 37° 54' 22" W a distance of 2.19 feet to a point; thence turning and proceeding N 51° 29' 05" E a distance of 1.87 feet to the point of beginning.

Containing 15 square feet, more or less.

## LICENSE AREA # 2

A License for the placement of door swings into the public right-of-way or air space, all appurtenant to the GRANTEE's proposed building, said License Area # 2 being described on the Recorded Plan as "DOOR SWING LICENSE # 2 AREA = 6 S. F.," being more particularly bounded and described as follows:

Beginning at a point in the easterly sideline of Maplewood Avenue, said point being S 21° 47' 03" E a distance of 42.34 feet from a magnetic nail at the intersection of Maplewood Avenue and Deer Street; thence proceeding along said Maplewood Avenue S 21° 47' 03" E a distance of 4.00 feet to a point; thence turning and proceeding into said Maplewood Avenue right-of-way S 68° 15' 33" W a distance of 1.52 feet to a point; thence turning and proceeding through said Maplewood Avenue N 21° 47' 02" W a distance of 4.00 feet to a point; thence turning and proceeding through said Maplewood Avenue N 68° 12' 58" E a distance of 1.52 feet to the point of beginning.

Containing 6 square feet, more or less.

2. GRANTEE agrees that all of its construction activities performed pursuant to this Easement and License Agreement shall be in strict conformance to terms, conditions and specifications approved by the Director of Public Works of the City of Portsmouth in writing

prior to the initiation of any construction or renovation of the subject properties.

3. GRANTEE agrees to maintain the areas granted by this Easement and License Agreement in a clean, safe and sound fashion at all times; take any actions necessary to protect the public safety; and to conduct any maintenance or repairs deemed at any time to be reasonable or necessary by the Public Works Director of the GRANTOR.

4. GRANTEE agrees to indemnify, defend and hold harmless the GRANTOR and its officials, agents and employees from any and all claims for personal injury or property damage arising in any way out of the existence or use of GRANTEE's rights under this Easement and License Agreement.

5. The Easements created by this Agreement shall cease to exist in the event that the building shown on GRANTEE's Site Plan Approval for the Subject Property, dated 2012, shall cease to exist.

6. In addition to any other remedies available to law or in equity, the GRANTOR shall have the right to enter and terminate the License Agreement portions of this Agreement if at any time GRANTEE or its successors or assigns fails to maintain strict compliance with each and every term and condition of its obligations under this Agreement, or in the event that a paramount municipal interest should arise.

7. All terms and conditions of this Agreement are binding on the parties to this Agreement and to their successors and assigns of every kind however created.

IN WITNESS WHEREOF this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

(The remainder of this page has been intentionally left blank; signature page to follow.)



**GRANTOR**  
The City of Portsmouth

\_\_\_\_\_  
Witness

\_\_\_\_\_  
John P. Bohenko, City Manager  
Pursuant to Vote of the City  
Council on \_\_\_\_\_, 2012

**GRANTEE**  
Parade Office, LLC

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Jeffrey Johnston, Manager

STATE OF NEW HAMPSHIRE  
COUNTY OF ROCKINGHAM

This instrument was acknowledged before me on \_\_\_\_\_, 2012, by John P. Bohenko in his capacity as the City Manager for the City of Portsmouth, New Hampshire.

Before me,

\_\_\_\_\_  
Notary Public / Justice of the Peace  
My Commission Expires

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

This instrument was acknowledged before me on \_\_\_\_\_, 2012, by Jeffrey Johnston in his capacity as Manager of Parade Office, LLC.

Before me,

\_\_\_\_\_  
Notary Public/ Justice of the Peace  
My Commission Expires:

**Portwalk Easement and License Agreement  
Tax Map 125 Lot 1**

**A Full Size Copy of the Plan is on file in the City Clerk's  
Office and at the Library**

**PARKING SPACE LICENSE AND SIDEWALK LICENSE AGREEMENT**  
**FOR 195 HANOVER STREET**

The **City of Portsmouth** (hereinafter “City”), a municipal corporation with a principal place of business of 1 Junkins Avenue, Portsmouth, New Hampshire 03801, for good and valuable consideration as set forth herein, hereby grants this Revocable License to **Parade Office, LLC**, a Delaware Limited Liability Company (hereinafter “Licensee”) with a principal place of business at c/o Cathartes Private Investments, 31 Milk Street, Suite 501, Boston, Massachusetts 02109, for use in connection with the Licensee’s improvements to 195 Hanover Street under its approved Site Plan (hereinafter the “Project”), pursuant to the following terms and conditions:

1. **Area of License:** The City authorizes Licensee, its successors and assigns, to utilize the sidewalk along portions of Hanover Street, Maplewood Avenue and Deer Street and on-street parking areas along portions of Hanover Street and Deer Street that abut 195 Hanover Street (Tax Map 125 Lot 1), as shown on the plan attached hereto as Exhibit A, titled, “Parking Space License and Sidewalk License Exhibit Portwalk Lot 3 Map 125 Lot 1 195 Hanover Street Portsmouth, New Hampshire” dated September 18, 2012, and prepared by Tighe & Bond (hereinafter respectively the “Licensed Sidewalk Areas,” the “Licensed Parking Areas,” and collectively the “Licensed Areas”). There will be an impact to six (6) on-street parking spaces on Hanover Street and two (2) on-street parking spaces on Deer Street. There will be an impact to all of the sidewalks abutting 195 Hanover Street along Hanover Street, Maplewood Avenue and Deer Street.
2. **Use:** Licensee shall make use of the Licensed Areas for the purpose of facilitating Licensee’s construction activities only and in accordance with the terms and conditions set forth herein and consistent with a Construction Management and Mitigation Plan (“CMMP”) entered into between the City and Licensee.
3. **Term:** This License shall commence on or after November 1, 2012, upon five (5) business days advance written notice from Licensee to City, and shall terminate twenty-four (24) months from such commencement date. Licensee may make application to the City Manager for an additional sixty (60) days should Licensee, in spite of due diligence in the construction of the project, require additional time to complete the project.

4. **Notice:** The Licensee shall provide notice to the City's Director of Public Works when Licensee assumes control and use of the Licensed Areas and again when it returns the Licensed Areas to the City's control and use.
5. **Payment Terms For Parking License:** The payment obligation shall commence on the commencement of the License Term, as set forth in paragraph 3 of this Agreement and shall continue through the duration of the Term. Licensee shall make monthly payments, payable to the City of Portsmouth, at the then prevailing published City rate. Payment shall be made in advance of use of the Licensed Parking Areas. The initial payment shall be prorated in the event it is for less than a full month it and shall be paid when the Licensee files written notice of the commencement of the License Term. All further payments called for under this License shall be made prior to the first of the month. All payments shall be delivered to the City Parking Clerk, 1 Junkins Avenue, Portsmouth, NH. Failure to make payment at the first of the month will result in a one-time late charge equal to Fifty Percent (50%) of the payment amount.

If Licensee elects to return parking spaces to safe and effective use by the public prior to the termination of this License, or if such spaces shall be eliminated by the City prior to the termination of this License, the payment obligation shall be reduced correspondingly. Licensee shall contact the Director of Public Works for a determination that the spaces have been returned to safe and effective use. Licensee may terminate this License prior to the end of the term. Failure to remove all vehicles, barriers, materials and equipment and return the Licensed Parking Areas to the City of Portsmouth in the manner prescribed under this License by the end of the term shall result in an additional assessment. It is in the City's interest that the Licensed Parking Areas be returned to the public use as soon as possible.

6. **Sidewalk License:** There shall be no payment for Licensee's use of the Licensed Sidewalk Areas. The Licensee may return all or any portion of the sidewalk to safe and effective use by the public prior to the termination of this License. Licensee shall contact the Director of Public Works for a determination that the sidewalk has been returned to safe and effective use. Licensee may terminate this License prior to the end of the term. Failure to remove all vehicles, barriers, materials and equipment and return the Licensed Sidewalk Areas to the City of Portsmouth in the manner prescribed under this License by the end of the term may result in enforcement action by the City. It is in the City's interest that the Licensed Sidewalk Areas be returned to the public use as soon as possible.
7. **Indemnification:** Licensee agrees to indemnify and hold harmless the City of Portsmouth for any and all property damage, bodily injury or personal injury that arises as a result of its utilization of the Licensed Area. This obligation survives termination or revocation of this agreement.

8. **Insurance:** At all times the Licensee shall maintain insurance for bodily injury and property damage in the amount of at least \$1,000,000 per occurrence. Licensee shall maintain a certificate of insurance on file with the City's Legal Department during the term of this Agreement.
  
9. **Maintenance of Area:** During the course of this Agreement, Licensee will maintain the Licensed Area in neat and orderly fashion and in accord with the CMMP. The Licensee shall secure the perimeter of the Licensed Area in accordance with its approved CMMP.
  
10. **Damage:** To the extent improvements to the public ways within the Licensed Area are not already described in the approved site plan, Licensee agrees to take reasonable steps to remedy any damage to the Licensed Area caused by the Licensee's activities. The City may elect to accept reasonable reimbursement from the Licensee in lieu of remedy.
  
11. **Compliance With Other Laws:** This Agreement does not relieve Licensee from compliance with any other local, state or federal laws or regulations or conditions imposed by any local board or the CMMP. Failure to abide by any local, state or federal laws or regulations may, at the City's discretion, result in revocation.
  
12. **Revocation:** The City may terminate this agreement or any provision contained in this agreement on five (5) business days advance written notice provided to Licensee if the public interest requires such termination.
  
13. **Contractor and Subcontractor Parking:** Licensee understands and agrees that its contractors and subcontractors for the project shall not utilize on-street parking.
  
14. **Materials:** Construction materials may be stored within the Licensed Area provided that the materials consist only of those needed on an immediate and ongoing basis for the construction and that the materials do not pose a danger or nuisance to pedestrians using the temporary or abutting sidewalks.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

**City of Portsmouth**

By: \_\_\_\_\_  
 John P. Bohenko, City Manager  
 Pursuant to vote of the City Council  
 of \_\_\_\_\_ 2012.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

**Parade Office, LLC**

By: \_\_\_\_\_  
Jeffrey M. Johnston  
Its Duly Authorized Manager



**Portwalk Parking Space License and Sidewalk License Agreement  
For 195 Hanover Street**

**A Full Size Copy of the Plan is on file in the City Clerk's  
Office and at the Library**

**PLEASE CROSS REFERENCE UNDER PARADE OFFICE, LLC  
IN THE GRANTOR INDEX**

**NON-EXCLUSIVE EASEMENT TO CONSTRUCT  
TEMPORARY SUPPORT OF SUBSURFACE CONSTRUCTION**

THIS EASEMENT is created and established this \_\_\_ day of October, 2012, by and between PARADE OFFICE, LLC, its successors and assigns, a Delaware limited liability company, having a principal place of business in care of Cathartes Private Investments, 31 Milk Street, Boston, MA 02114 (hereinafter "Owner"), and the CITY OF PORTSMOUTH, NEW HAMPSHIRE, a municipal corporation duly organized and situated in the County of Rockingham, State of New Hampshire, having a principal place of business at 1 Junkins Avenue, Portsmouth, New Hampshire (hereinafter "City"), and shall be binding on their successors and assigns.

WHEREAS, the Owner is the fee simple owner of property situated in Portsmouth, County of Rockingham and State of New Hampshire, shown as Lot 3 on a plan entitled "Subdivision Plan for Parade Office, LLC, Hanover Street, High Street, Deer Street & Maplewood Avenue," recorded in the Rockingham County Registry of Deeds as Plan No. D-32144 (hereinafter referred to as the "Original Lot"); and

WHEREAS, the Owner received Site Plan Approval from the City's Planning Board on January 19, 2012 (amended July 19, 2012 and September 20, 2012), and a Certificate of Appropriateness from the City's Historic District Commission on August 1, 2012, for the construction of a mixed use building which includes approximately 72,000 s.f. of subsurface parking (hereinafter the "Improvements"); and

WHEREAS, Owner proposes to use sheet pile walls for temporary excavation support at the property/right of way line adjacent to Hanover Street, Maplewood Avenue and Deer Street (the "Streets"), and the Conceptual Design Plans call for the use of power-installed helical anchors (tie-backs) that extend below the streets to laterally brace these walls, and the installation of these tie-backs requires an easement from the City; and

WHEREAS the Portsmouth City Council, by vote taken at the October 22<sup>nd</sup>, 2012 meeting, authorized the granting of an easement for the installation of tie-backs to serve as temporary support for the subsurface construction, which will be partially within the boundaries of Deer Street, Maplewood Avenue and Hanover Street (the "Streets"), which are public streets; and

NOW THEREFORE, in consideration of the covenants and promises hereinafter made, the parties agree as follows:

1. Grant of Easement: The City grants an easement to the Owner for the activities listed in paragraph 2 below subject to the provisions and conditions spelled out in this Easement.
2. Permitted Activities: The Easement grants the Owner the right to install tie-backs a minimum of 5'5" below the surface of Deer Street, Maplewood Avenue and Hanover Street for lateral support of the pile wall during excavation and construction of the subsurface parking for the improvements described above.
3. Construction Process: The interior foundation system of the proposed parking structure will consist of conventional spread footing foundation with an under drained, slab-on-grade for the lowest level. The perimeter foundation of the garage is planned to consist of a cast-in-place reinforced concrete wall, all of which will be within the Project Site owned by the Owner. After the soil and rock are excavated from the interior of the pile wall system, the floor slabs are cast from the bottom up, against the pile wall. After the slabs are cast, the horizontal earth pressure is transferred to the permanent garage structure. At that point, the tie-backs have provided their functionality and are no longer needed and will be abandoned in place.

The location and installation of the tie-backs shall be in accordance with the drawings entitled "PORTWALK LOT 3, PORTSMOUTH, NEW HAMPSHIRE, CONCEPTUAL TEMPORARY EXCAVATION SUPPORT PLAN FOR CATHARTES PRIVATE INVESTMENTS, BY McPHAIL ASSOCIATES, LLC, CONSULTING GEOTECHNICAL ENGINEERS," dated 08-20-12, updated 09-10-12 and 10-09-12 (3 Sheets - Sheets 2 and 3 to be recorded in the Rockingham

County Registry of Deeds); See also EXCAVATION SUPPORT EASEMENT PLAN, TAX MAP 125, LOT 1, PROPERTY OF PARADE OFFICE, LLC, 195 HANOVER STREET, PORTSMOUTH, NEW HAMPSHIRE, COUNTY OF ROCKINGHAM, PREPARED BY MSC CIVIL ENGINEERS AND LAND SURVEYORS, dated September 18, 2012 and revised September 26, 2012, to be recorded in the Rockingham County Registry of Deeds (together these Plans are hereinafter referred to as "Plans").

4. Term:

- a. The Easement shall run from November 1, 2012 until September 1, 2013 unless otherwise terminated by Agreement of the Owner and the City.
- b. The Owner shall, at its own cost and expense, ensure that all aspects of the tie-backs and any work performed by the Owner in conjunction with the tie-backs are in compliance with any and all relevant laws, regulations and requirements. The Owner shall bear sole responsibility for any and all noncompliance by the tie-backs or by any work performed by the Owner in connection with the tie-backs including, but not limited to, fines penalties, obligations and requirements.

5. Installation and Maintenance of the Tie-Backs:

- a. The Owner shall install the tie-backs in accordance with the Plans.
- b. The Owner shall, during the term of this Easement, be responsible for the tie-backs.
- c. Installation and repair shall be in accordance with all applicable federal, state and local rules, regulations, laws and permit requirements in effect as of the date of this Easement, as amended from time to time.
- d. Installation shall be in accordance with the terms and conditions of the September 20, 2012 Planning Board Site Plan Approval including the recommendations contained in the September 20, 2012 letter addressed to City Attorney Robert Sullivan from R.W. Gillespie Associates, Inc.

6. Default:

- a. The Owner shall be deemed to be in default of the terms of this Easement if it fails to install and maintain the tie-backs as required hereunder, or violates any other term or condition of this Easement; or
- b. Fails to pay any of the permit fees associated with the Project that are required under this Easement.

7. Costs and Expenses:

- a. All costs and expenses related to the installation of the tie-backs shall be the sole responsibility of the Owner.
- b. In the event the installation of the tie-backs causes damage to any City property, the Owner shall bear the responsibility for the cost of repair, which repairs may include, but are not limited to, repaving and reconstruction of curbs, sidewalks and/or roadways.

8. Indemnification:

- a. The Owner, its successors and assigns, shall defend, indemnify and hold harmless the City from and against all claims, demands, liabilities, causes of action, suits, judgments and expenses (including reasonable attorneys' fees and costs) (collectively referred to as "Claims"), arising from or related to any injury to or death of any person or damage to property or for compensation on account of, or in any way growing out of or related to:
  - (i) the design, construction, or installation of the tie-backs; or
  - (ii) the maintenance and continued presence of any part of the tie-backs on or under the Streets; or
  - (iii) any act, failure to act or neglect of the Owner pursuant to the provisions hereof; or
  - (iv) any violation by Owner or any agent or contractor of Owner of any term or specification contained in this Easement; or
  - (v) leakage of gas, sewage or water into or upon the City's property or the property of third parties caused by any act, failure to act or neglect by Owner or any agent or contractor

of Owner, and which are related to the Permitted Activities carried out by the Owner.

The provisions of Section 8.a(i) through (v) shall not apply when the events so described are caused by the sole negligence or willful act of the City, its agents, contractors, subcontractors and/or employees.

b. No director, officer, shareholder, member, manager, agent or employee of the Owner, shall have any personal liability hereunder. No holder of any mortgage on the Project shall have any liability hereunder unless such mortgagee takes title to the Project Site.

c. The City's recourse hereunder shall be limited solely to Owner's interest in the Project and the Project site. This provision shall not apply to the Owner's obligation to defend and indemnify pursuant to Section 8 relative to claims of which the City becomes aware following the termination of Owner's interest in the Project and Project site, provided the acts or omission that underlie such Claims occurred or arose while the Owner had an interest in the Project or Project site.

d. The City shall give written notice of any such Claims to the Owner. In the event that any such Claims arise for which the City has the right to seek indemnification hereunder, then the Owner shall have the obligation to forthwith assume the defense of the City in connection therewith.

e. The indemnification contained in this Easement shall survive the term of the Easement and shall be binding on the successors and assigns of the Owner.

9. Insurance:

- a. For the term of this Easement, the Owner shall maintain the following policies of insurance in commercially reasonable limits:
  - (i) General liability coverage, including coverage for products/completed operations and pollution for the activities of employees, agents, subcontractors, and representatives; and
  - (ii) Workers' Compensation and Employer's Liability as required by law.



- b. All policies of insurance shall name the City as additional insured and payee with respect to the work undertaken in accordance with this Easement. Evidence of these policies of insurance must be submitted to the City together with the Easement. The Owner shall submit to the City renewal certificates on an expiring insurance policy required hereunder within ten (10) days of the date of expiration thereof. Each insurance policy shall contain a valid provision or endorsement that the policy may not be cancelled, terminated, or amended without the provision of at least ten (10) days' written notice thereof to the City. Further, the Owner shall not cancel, terminate, or amend any policy of insurance required hereunder unless it has another policy in place that complies with this Easement.

10. Non-Exclusivity of License: The easement granted in connection with this Easement is not exclusive to the Owner. The City reserves the right to use the Streets described in this Easement for any purpose for which the public ways are used in Portsmouth.

11. Binding Effect: This Easement shall be recorded in the Rockingham County Registry of Deeds. The indemnification contained in this Easement shall survive the term of the Easement and shall be binding on the successors and assigns of the Owner.

IN WITNESS WHEREOF, the parties have executed this Easement as of this \_\_\_ day of October, 2012.

**OWNER**

PARADE OFFICE, LLC

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Jeffrey M. Johnston, Managing Member

STATE OF NEW HAMPSHIRE  
ROCKINGHAM COUNTY, SS

On this \_\_\_\_ day of \_\_\_\_\_, 2012, the foregoing instrument was acknowledged before me by Jeffrey M. Johnston, Managing Member of Parade Office, LLC, being duly authorized.

\_\_\_\_\_  
Justice of the Peace/Notary Public  
Printed Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

CITY OF PORTSMOUTH

\_\_\_\_\_  
Witness

\_\_\_\_\_  
John P. Bohenko, City Manager  
Acting pursuant to a vote of the City  
Council dated October \_\_, 2012

STATE OF NEW HAMPSHIRE  
ROCKINGHAM COUNTY, SS

On this \_\_\_\_ day of \_\_\_\_\_, 2012, the foregoing instrument was acknowledged before me by John P. Bohenko, Portsmouth City Manager, being duly authorized.

\_\_\_\_\_  
Justice of the Peace/Notary Public  
Printed Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

October 1, 2012

Robert P. Sullivan  
City Attorney  
City of Portsmouth  
One Junkins Avenue  
Portsmouth, NH 03801

By Mail and Email

**RE: Osprey Landing**

Dear Bob:

I am writing on behalf of our client, Inishmaan Associates, L.P. ("Inishmaan"). As you will recall back in 1994, the City of Portsmouth authorized a \$1.3 million loan of Community Development Block Grant funds (the "CDBG Loan") to facilitate the development of Osprey Landing. Presently, we are working with Inishmaan on the refinancing and restructuring of its mortgage indebtedness. As part of these efforts, we are requesting that the City Council authorize the City Administration to execute the documents necessary to permit the restructuring of the CDBG Loan. As outlined below, we are pleased to advise you that the proposed restructuring provides benefits for all parties involved.

A. HISTORY

In the mid-1990s, the City led the charge on a major redevelopment project. A neighborhood know as Mariner's Village, which was full of 50 year old abandoned and/or substandard occupied buildings, was transformed into what today is the Osprey Landing Apartment Complex; the single family homes along Shearwater Drive and Dunlin Way; the Spinnaker Point Condominium and the Homewood Suites Hotel on Portsmouth Boulevard.

The redevelopment involved the use of funding from HUD, NHHFA and the City's CDBG program. As part of the project documents, the long term affordability of a significant portion of the rental units was assured by recorded covenants.

The City in fact was honored in 1995 by HUD for its innovative leadership in redeveloping Mariner's Village.

B. REFINANCE

The CDBG Loan when made ranked fifth in priority and stood behind \$16.4 million in HUD and NHHFA loans. The CDBG Loan had no expected repayment schedule, and would only be repaid if Inishmaan ever chose to sell the apartments to a for-profit developer.

Inishmaan's successful track record at Osprey Landing and the current interest rate environment combine to permit Inishmaan to obtain (i) the refinance of NHHFA's first mortgage

PRETI FLAHERTY

October 1, 2012

Page 2

and (ii) the attractive restructure of the repayment terms on the CDBG Loan. In particular, NHHFA actively supports the idea of more rapidly recycling grant funds, like the CDBG Loan, so that the City can put such monies back to work sooner rather than later.

If the restructuring is authorized by the Council, going forward, the CDBG Loan would rank fourth in priority (as opposed to fifth) and stand behind \$14.05 million in HUD and NHHFA loans (a \$2.38 million improvement over the original financing). More importantly, NHHFA has agreed to allow the restructure of the payment terms on the CDBG Loan. Given current projections of available funds, by virtue of the restructure, the City can anticipate repayment in full of the CDBG Loan between 2022 and 2026. Again, repayment in 10-14 years is a vast improvement over the current circumstance, where no payments at all are on the horizon.

In conjunction with the refinancing, all of the affordability restrictions established in 1994 will continue unchanged.

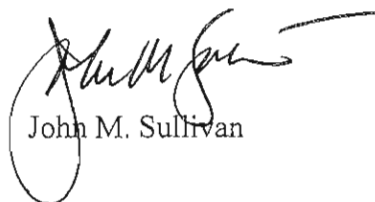
C. NEXT STEPS

To move forward we ask that the City Administration request approval from the City Council to authorize the actions necessary to complete the refinance/restructure of the CDBG Loan. Towards that goal, I have prepared and attach draft resolution language for you to consider.

Following approval by the Council, we would anticipate the preparation of closing documents and a closing in 2-4 weeks thereafter. Please advise if I can be of additional assistance in moving this process along.

Best regards.

Sincerely yours,



John M. Sullivan

cc: John C. Madden, Inishmaan Associates, L.P.

PRETI FLAHERTY

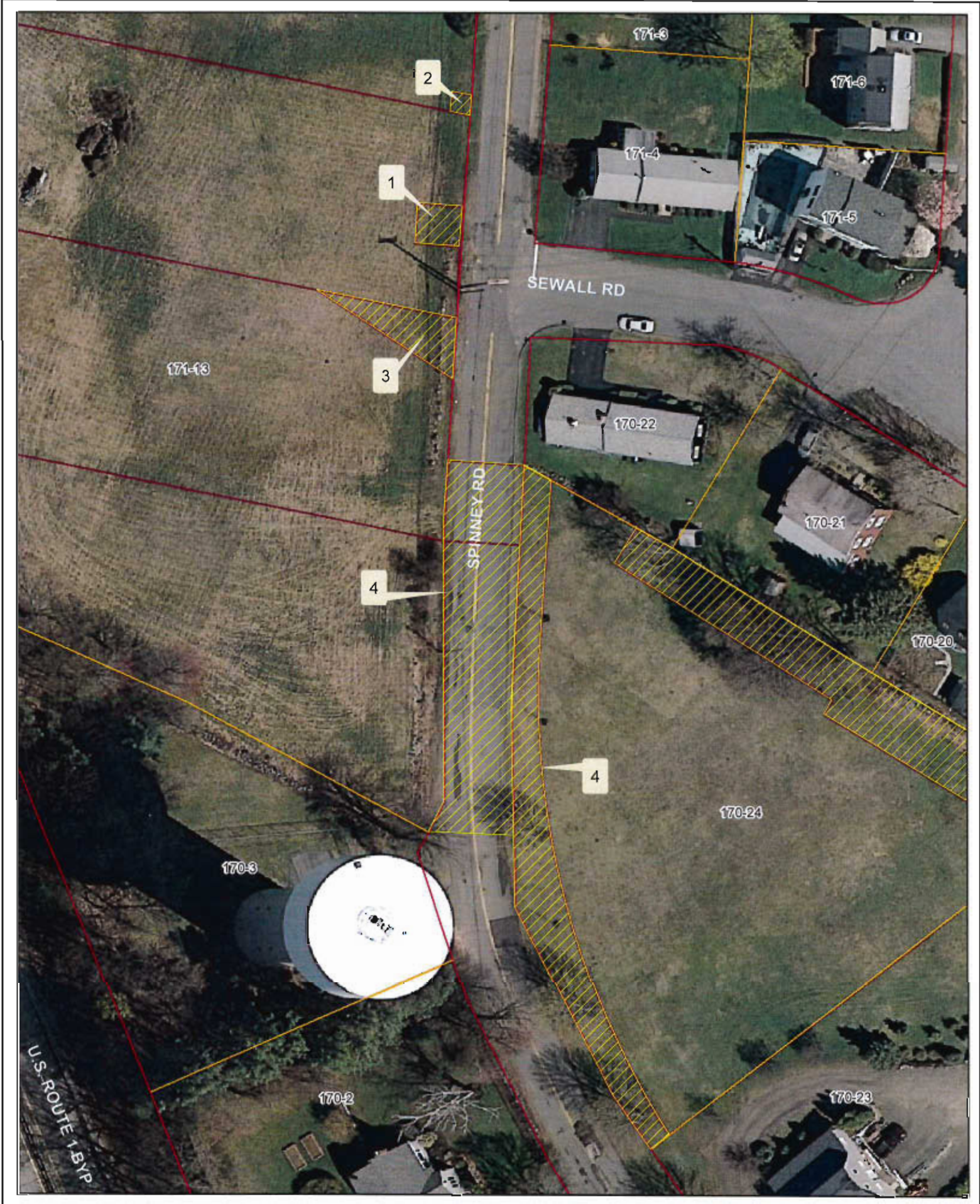
October 1, 2012

Page 3

**Proposed Council Resolution**

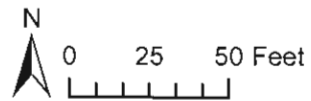
RESOLVED: The City Manager after consultation with the City Attorney is authorized on behalf of the City to execute all documents necessary (i) to subordinate the City's existing \$1.3 million mortgage and CDBG note from Inishmaan Associates, L.P. to new first mortgage loan documents in favor of NHHFA in the amount of approximately \$10,654,000, consisting of a new note, mortgage, regulatory agreement, assignment of leases, UCC financing statements and other security documents; (ii) to consent to the amendment of the terms of the existing third and fourth mortgages in favor of NHHFA, to become a \$2.75 million second mortgage and a \$650,000 third mortgage; and (iii) to amend the priority and repayment terms of the City's \$1.3 million CDBG loan to allow repayment of such loan from available surplus project revenues.





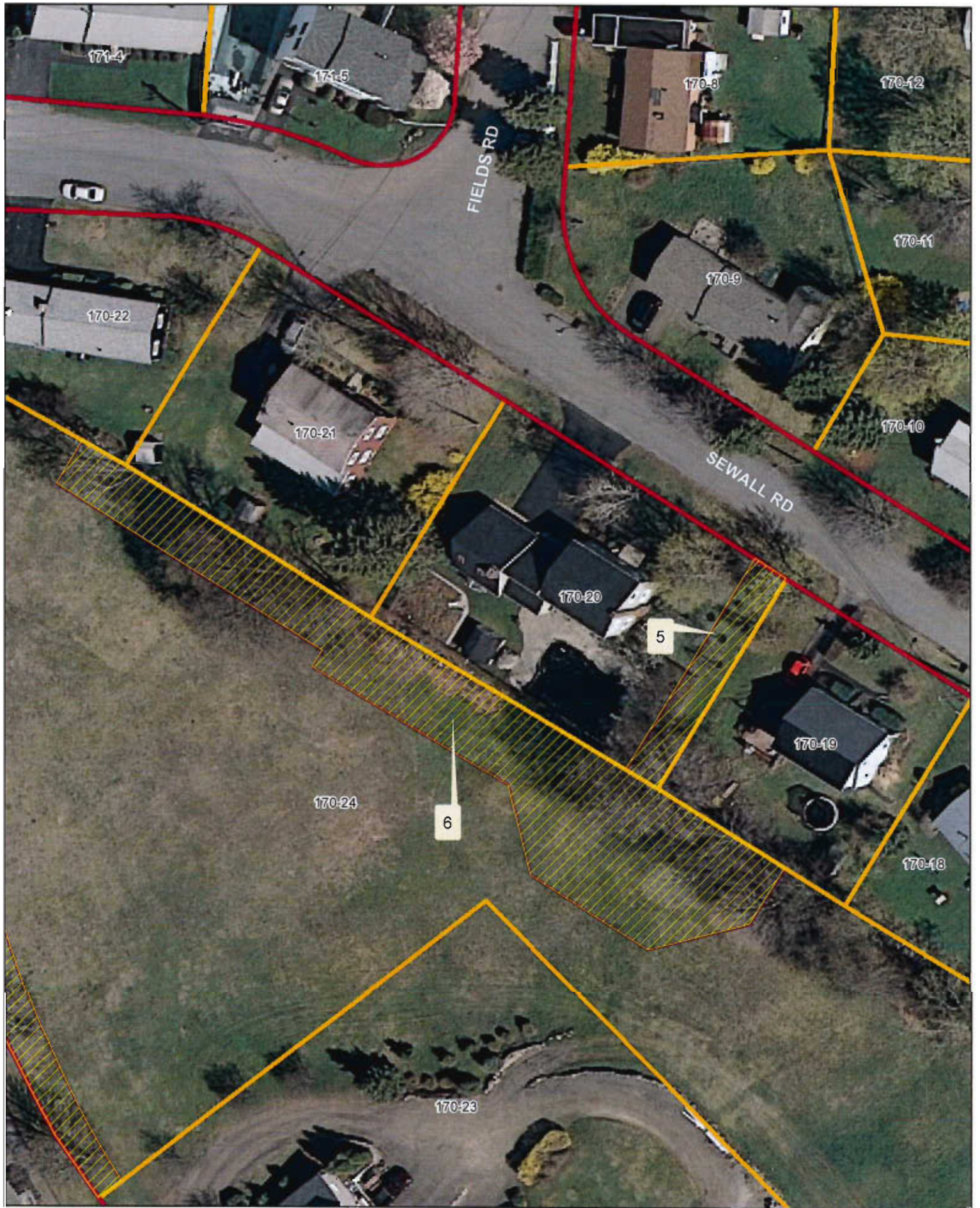
**Spinney Rd & Middle Rd Easements**  
**Figure 1**

Map prepared by City of Portsmouth Department of Public Works  
 U:\Projects\0515 Spinney & Middle Road Easements and Transfers\Easements 1-4.pdf



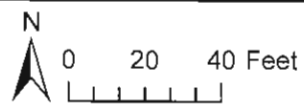
Printed: Oct. 10th, 2012





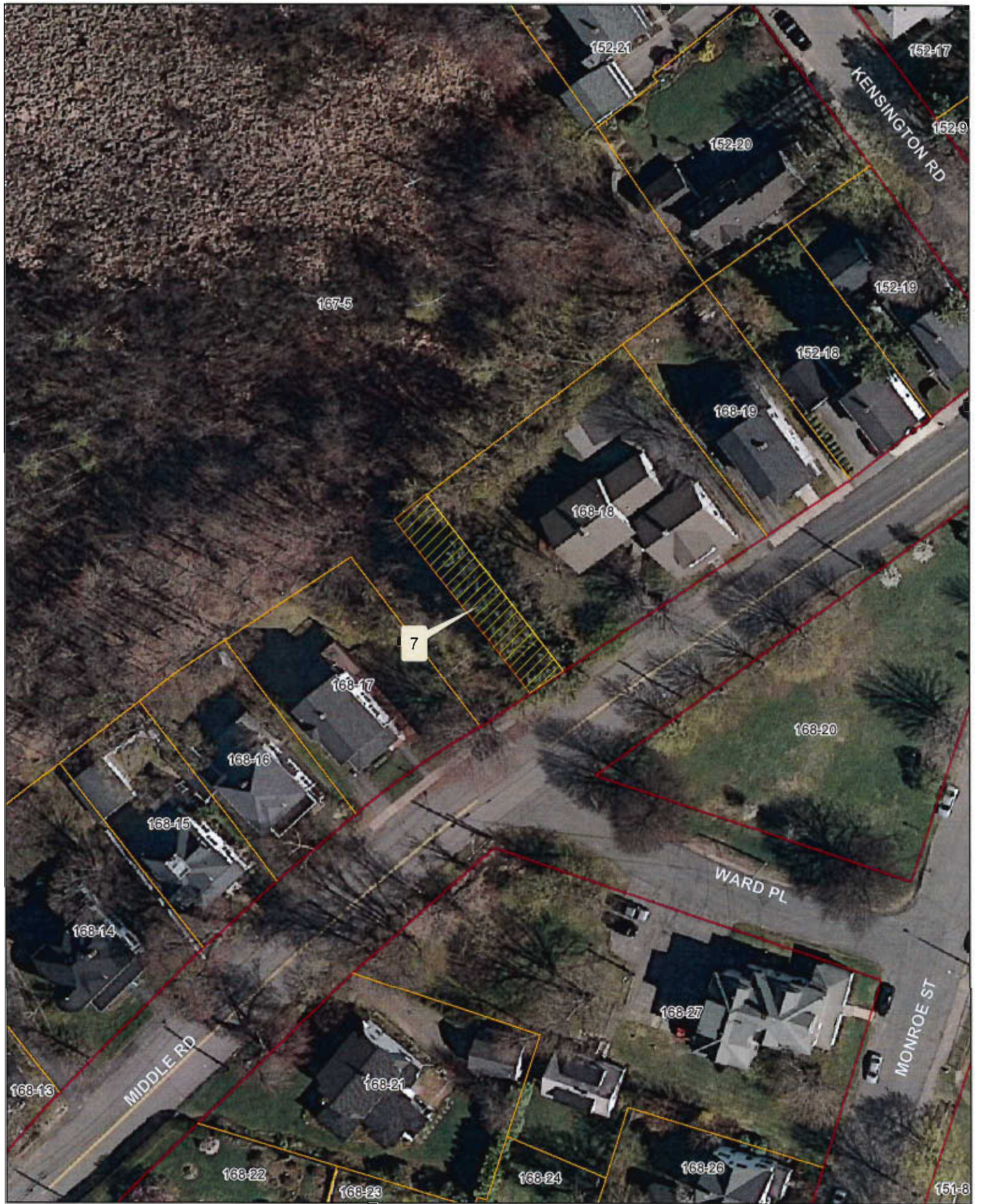
**Spinney Rd & Middle Rd Easements**  
**Figure 2**

Map prepared by City of Portsmouth Department of Public Works

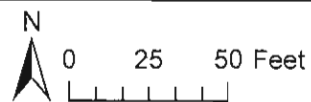


Printed: Oct. 10th, 2012





**Spinney Rd & Middle Rd Easements**  
**Figure 3**





## Event Listing by Date

Starting Date: 1/ 1/2012

Ending Date: 8/31/2013

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: 8/31/2013

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 5/20/2012	BIKE TOUR Kelly Sicard is the contact for this event. Tel. (603)669-2411 ex. 120	Pease International Tradeport	Breathe New Hampshire	3/ 5/2012
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.  **This event has been canceled.	YMCA - Peverly Hill Road	GPCC - YMCA - CANCELED	12/19/2011
5/20/2012 5/20/2012	MARCH Contact Mylene Hollick. Starting and Finishing at Little Harbour Elementary School from 9:00 a.m. to 1:00 p.m.	Little Harbour School	Seacoast March for Babies	5/ 7/2012
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/ 8/2012 6/ 8/2012	FESTIVAL Barbara Massar is the contact for this event.	Downtown	Market Square Day	9/ 4/2012
6/ 8/2012 6/ 8/2012	FESTIVAL Barbara Massar is the contact for this event. This event begins at 9:00 a.m. to 4:00 p.m.	Market Square	Pro Portsmouth	9/ 4/2012
6/ 8/2012 6/ 8/2012	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/ 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
6/23/2012 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
6/24/2012 6/24/2012	MARCH This event begins at 8:30 a.m. - the route from the William Pitt Tavern on Court Street to Atkinson Street down State Street then up Chapel Street to the Church.  Robert Sutherland, Jr. is the contact for this event - 436-1095.	Masonic Lodge - Miller Avenue	St. John's Lodge	6/11/2012



## Event Listing by Date

Starting Date: 1/1/2012

Ending Date: 8/31/2013

Start End	Type Description	Location	Requestor	Vote Date
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/ 3/2012 7/ 3/2012	FIREWORKS Fireworks begin at 9:15 p.m.	Leary Field	City of Portsmouth	/ /
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/ 8/2012 7/ 8/2012	PARADE Contacts: Peter Somssich and Josh Denton Begins from City Hall lower lot area at 2:00 p.m. and proceed through downtown.	Begins at City Hall lower lot area and proceeds th	Welcome Home, Iraq Veterans Pa	3/19/2012
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
7/14/2012 7/14/2012	FUND Contact:: Mark Herrholz, Secretary, Portsmouth Professional Fire Fighters	Market Square	Portsmouth Professional Firefi Boot Drive for MDA 8:00 a.m. to 5:00 p.m.	5/21/2012
7/15/2012 7/15/2012	ROAD RACE Brenda M. Blonigen is the contact of this event. Her cell number is (603) 475-4080	Pease Tradeport - Great Bay Community College	The Minuteman Fund	3/ 5/2012
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
7/28/2012 7/28/2012	RACE Contact Alyssa Aldrich Close Chestnut Street on Saturday, July 28, 2012 from 4:00 p.m. to 6:00 p.m. (Rain date of Saturday, August 4, 2012)	Chestnut Street	Big Brothers Big Sisters of th	5/ 7/2012
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

## Event Listing by Date

Starting Date: 1/ 1/2012

Ending Date: 8/31/2013

Start End	Type Description	Location	Requestor	Vote Date
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
8/11/2012 8/11/2012	SIDEWALK Alan Keith is the contact on this event. This is a sidewalk sale on the south side of the Connors Cottage from 8:00 a.m. to 1:00 p.m.	Connors Cottage	Alan Keith	8/ 6/2012
8/18/2012 8/18/2012	BIKE TOUR Heidi R. Roy, Development Manager is the contact for this event. Her contact number: 623-3502. The race enters Portsmouth on Ocean Road to Banfield Road to a left on Peverly Hill Road, Right onto Middle Road, bear right onto South Street, right onto Marcy Street, left on Route 1B south, across into New Castle follow thru New Castle, left onto Sagamore Road to rotary, around rotary to Route 1A south to Odiome State Park	Thru South End	National Multiple Sclerosis So	4/ 2/2012
8/18/2012 8/18/2012	FUND Contact: Mark Herrholz, Secretary, Portsmouth Professional Firefighters - Boot Drive for MDA 8:00 a.m. to 5:00 p.m.	Market Square	Portsmouth Professional Firefi	5/21/2012
8/18/2012 8/18/2012	TOUR Christina Mirasolo is the contact for this event. She can be reached on her cell 781-389-0427. This is a Red Carper Roll Out Event - outsidet of the 100 Club on High Street from 5:45 p.m. to 6:45 p.m.	100 Club - High Street	Destination Partners	8/ 6/2012
9/ 3/2012 9/ 3/2012	ROAD RACE Sister Mary Agnes is the contact for this event. This event begins at 9:00 a.m. on Pease Tradeport.	Pease Tradeport	St. Charles Children's Home	8/ 6/2012
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
9/14/2012 9/16/2012	TELLURIDE Chris Curtis is the contact for this event. He can be reached at 766-2199. This is the Annual Telluride by the Sea Weekend Celebration of Film. They will be closing Chestnut Street from Congress to Porter Street. They will also be hanging a banner across the Congress Stree end of Chestnut,	Chestnut Street	Music Hall	7/16/2012
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

## Event Listing by Date

Starting Date: 1/ 1/2012

Ending Date: 8/31/2013

Start End	Type Description	Location	Requestor	Vote Date
9/22/2012 9/22/2012	FUND	Prescott Park	New Hampshire Fish and Lobster	/ /
9/23/2012 9/23/2012	WALK	Strawbery Banke Caitlyn Mosher Ellis, Development Officer is the contact for this event. This event begins and ends at Strawbery Banke. Set up 6:00 a.m., race begins at 10:00 a.m., Post walk cleanup completed by approx. 2:00 p.m.	Alzheimer's Association	7/16/2012
9/29/2012 9/30/2012	FESTIVAL	Portsmouth - downtown area Maritime Folk Festival on September 29th and September 30th - On September 29th.	Maritime Folk Festival	6/11/2012
9/29/2012 9/29/2012	ROAD RACE	Portsmouth High School 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.	Project Safety	2/21/2012
9/29/2012 9/29/2012	WALK	Peirce Island Ken La Valley is the contact for this event - 603-862-4343. Registration for this event begins at 8:00 a.m. and the walk duration is 10:00 a.m. to Noon. The walk would begin and end on Peirce Island near the outdoor pool. Walkers would make a 2.6 mile loop starting from Peirce Island to Marcy Street, continuuiing onto South Street, Miller Avenue, Middle Street, State Street and finishing at Peirce Island.	American Foundation for Suicid	4/ 2/2012
10/ 4/2012 10/ 4/2012	VIGIL	Vaughan Mall Marsie Silvestro, Executive Director is the contact for this event. This event is from 6:00 p.m. to 7:00 p.m. at the Vaughan Mall.	A Safe Place	9/17/2012
10/13/2012 10/13/2012	ROAD RACE	Community Campus - 100 Campus Drive 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 7:00 a.m. to 12:00 p.m. Catherine Edison, Development Director of Community Child Care Center is also a contact.  This event has changed locations from Little Harbour School.	GPCC - Community Child Care	8/ 6/2012
10/31/2012 10/31/2012	PARADE	Downtown Trevor Bartlett is the contact for this event. This event begins at Peirce Island and ends at Prescott Park. The parade begins at 7:00 p.m.	Portsmouth Halloween Parade Co	10/ 1/2012
11/11/2012 11/11/2012	ROAD RACE	Portsmouth High School Jay Diener, Co-Race Director is the contact for this event. This race begins and ends at Portsmouth High School.	Seacoast Half Maranthon	3/20/2012
11/22/2012 11/22/2012	ROAD RACE	Prescott Park 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.	GPCC - Seacoast Rotary Ciub -	12/19/2011
12/ 1/2012 12/ 1/2012	FESTIVAL	Market Square Pat Remick is the contact for this event. This event is at 5:00 p.m. in Market Square.	Tree Lighting	/ /

## Event Listing by Date

Starting Date: 1/ 1/2012

Ending Date: 8/31/2013

Start End	Type Description	Location	Requestor	Vote Date
12/ 1/2012 12/ 1/2012	PARADE Pat Remick is the contact for this event. This event starts at 6:00 p.m. at 800 Islington Street - up Islington Street - cross over to Congress Street thru Market Square - turn onto Pleasant Street - ends the parking lot at the corner of Junkins and Parrott Avenue.	Islington Street to Market Square	Holiday Parade	/ /
12/ 1/2012 12/ 1/2012	ROAD RACE Patti Maccabe is the contact for this event. Her cell number is 603-867-9799. This event begins and ends at Little Harbour School, registration begins at 9:00 a.m. and race starts at 10:00 a.m.	Little Harbour School - start and finish	Arthritis Foundation	10/ 1/2012
12/31/2012 12/31/2012	FESTIVAL Barbara Massar is the contact for this event.	Market Square	Pro Portsmouth	9/ 4/2012
1/ 1/2013 1/ 1/2013	ROAD RACE Doug Bates is the contact for this event. This event is part of the Road Race series.	Little Harbour School	GPCC - Great Bay Servies	12/19/2011
5/ 5/2013 5/ 5/2013	FESTIVAL Barbara Massar is the contact for this event. This event takes place in various locations downtown.	Downtown - Various locations	Children's Day	9/ 4/2012
6/ 8/2013 6/ 8/2013	ROAD RACE Barbara Massar is the contact for this event. This event begins and ends at Market Square.	Downtown	Market Square Road Race	9/ 4/2012
6/22/2013 6/22/2013	MUSIC Barbara Massar is the contact for this event. This is part of the Summer in the Streets series which begins at 5:00 p.m. and ends at 9:30 p.m.	Pleasant Street	Pro Portsmouth - Summer in the	9/ 4/2012
6/29/2013 6/29/2013	MUSIC Barbara Massar is the contact for this event. This is part of the Summer in the Streets series that starts at 5:00 p.m. to 9:30 p.m.	Pleasant Street	Pro Portsmouth - Summer in the	9/ 4/2012
7/ 6/2013 7/ 6/2013	MUSIC Barbara Massar is the contact for this event. This is part of the Summer in the Streets series begins at 5:00 p.m. and ends at 9:30 p.m.	Pleasant Street	Pro Portsmouth - Summer in the	9/ 4/2012
7/13/2013 7/13/2013	MUSIC Barbara Massar is the contact for this event. This is part of the Summer in the Streets series which begins at 5:00 p.m. and ends at 9:30 p.m.	Pleasant Street	Pro Portsmouth - Summer in the	9/ 4/2012
7/20/2013 7/20/2013	MUSIC Barbara Massar is the contact for this event. This is part of the Summer in the Streets series which begins at 5:00 p.m. and ends at 9:30 p.m.	Pleasant Street	Pro Portsmouth - Summer in the	9/ 4/2012
7/27/2013 7/27/2013	MUSIC Barbara Massar is the contact for this event. This event is part of the Summer in the Streets series which begins at 5:00 p.m. and ends at 9:30 p.m.	Pleasant Street	Pro Portsmouth - Summer in the	9/ 4/2012

Run: 10/17/12  
7:51AM

## Event Listing by Date

Page: 7

Starting Date: 1/ 1/2012

Ending Date: 8/31/2013

Start End	Type Description	Location	Requestor	Vote Date
8/ 3/2013 8/ 3/2013	MUSIC Barbara Massar is the contact for this event. This event is part of the Summer in the Streets series which begins at 5:00 p.m. and ends at 9:30 p.m.	Pleasant Street	Pro Portsmouth - Summer in the	9/ 4/2012



# CITY COUNCIL RETREAT

SATURDAY, OCTOBER 27, 2012

8:00 A.M. TO 3:00 P.M.

PORTSMOUTH PUBLIC LIBRARY

LEVENSON ROOM

## Agenda

8:00 a.m. – 8:15 a.m.

Coffee

8:15 a.m. – 8:30 a.m.

Introduction

*John P. Bohenko, City Manager*

8:30 a.m. – 9:45 a.m.

FY 2014 Budget Process

*John P. Bohenko, City Manager*

*Judie Belanger, Finance Director*

*30 min. – Staff Presentation  
45 min. – Council Discussion*

- Charter Requirements
- Other Budget Process Ideas
- Policy re: Use of Unassigned Fund Balance

9:45 a.m. – 10:15 a.m.

Bike Friendly Communities

*10 min. – Staff Presentation  
20 min. – Council Discussion*

*Rick Taintor, Planning Director*

*Peter Britz, Env. Planner/Sustainability Coordinator*

10:15 a.m. – 10:30 a.m.

Break

10:30 a.m. – 11:00 a.m.

Senior Services Update

*10 min. – Staff Presentation  
20 min. – Council Discussion*

*Rus Wilson, Recreation Director*

*Mary Ann List, Library Director*

*David Moore, Community Development Director*

**11:00 a.m. – 12:00 p.m.**

*20 min. – Staff Presentation  
40 min. – Council Discussion*

**Water & Sewer Rate Study**

*Dave Allen, Deputy City Manager  
Peter Rice, Deputy Director of Public Works*

- Impacts of any proposed changes to rate model

**12:00 p.m. – 1:00 p.m.**

*60 min. Council Discussion*

**Working Lunch**

**Discussion Re: Citizen Interaction with City Council**

- E-mail communications
- Round table forums
- City Council agendas and input

**1:00 – 2:15 p.m.**

*30 min. – Staff Presentation  
45 min. – Council Discussion*

**Wastewater Update**

*John P. Bohenko, City Manager  
Dave Allen, Deputy City Manager  
Peter Rice, Deputy Director of Public Works*

**2:15 p.m. – Finish**

**Non-meeting with counsel re: negotiations  
RSA 91-A:2, I**

*Dianna Fogarty, Director of Human Resources  
Thomas M. Closson, City Negotiator  
Robert Sullivan, City Attorney*

- Collective Bargaining
  - Schedule
  - Goals
  - New regulatory environment

**Adjournment**

---

# MEMORANDUM

---

**TO:** John P. Bohenko, City Manager  
**FROM:** Rick Taintor, Planning Director *RT.*  
**DATE:** October 16, 2012  
**RE:** Planning Board Waiver of City Council Referrals

---

When the Zoning Ordinance was enacted in December 2009, a section of the previous Zoning Ordinance was deleted and moved to the City's general Ordinances with some wording changes. The relocated section was the provision requiring the City Council to refer certain proposed actions to the Planning Board for review and report back.

The previous Zoning Ordinance required the following items to be referred to the Planning Board:

1. Disposal of any municipally owned land, including tax-title land and land owned by municipal authority;
2. Any plan for the construction, alterations, relocation, or discontinuance of a public way;
3. Any offer by any public or semi-public body or by a public utility to convey to the City any rights to land;
4. Acquisition of land or the proposed use of municipally owned land for any municipal purpose or for the use of any municipal authority including general location plans for the extension or relocation of municipal utilities; and
5. Plans for the construction or rehabilitation of municipal buildings of a public nature, or for the rehabilitation of existing municipal buildings for public purposes, and for monuments or other similar features. The review of the Planning Board may include building elevations, site plans and plot plans, including the development and treatment of the grounds surrounding such building.

The Zoning Ordinance adopted in December 2009 replaced the above list with the following:

1. Any acquisition or disposition of municipal real property, including fee transfers, easements and licenses;
2. Any plan for the construction, alteration, relocation, acceptance or discontinuance of a public way.

Recently, it became apparent that the wording changes were too expansive and have resulted in conflicts with established City procedure regarding licenses, leases and temporary easements.

The revised City Ordinance allows the Planning Board to waive any City Council referral required by the City Ordinance. Therefore, at its meeting on September 20, 2012, the Planning Board voted to waive all referrals from the City Council to the Planning Board for leases of land with a lease term than 5 years, all leases of buildings, all temporary easements and all licenses, and to make this waiver retroactive to December 21, 2009.

# PLANNING BOARD APPLICATIONS

## TO BE CONSIDERED:

- Karina Quintans as an Alternate member

## INFORMATIONAL:

- Richard Burbine

<b>PLANNING BOARD</b>			
Blenkinsop, Anthony Building Inspector, Ex-Officio City Manager, Ex-Officio	484 Union St.	R	12/31/2012
Geffert, MaryLiz A.	272 Walker Bungalow Road	R	12/31/2012
Gladhill, William	12 Barberry Lane	R	12/31/2014
Groth, Brian (Alternate)	40 Dover St.		12/31/2012
Ricci, John, Chair	19 Taft Rd.	R	12/31/2014
Rice, John	460 FW Hartford Dr.	R	12/31/2014
Roberts, Paige, Vice Chair	1 Walton Alley	R	12/31/2012
Novelline Clayburgh, Nancy, Council Rep.	405 FW Hartford Drive		12/31/2013
Vacancy (Alternate)			12/31/2011

received  
9/25/12



# CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

## APPOINTMENT APPLICATION

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

Committee: Planning Board Initial applicant

Name: Karina Quintans Telephone: 603 501 0280

Could you be contacted at work?  YES  NO If so, telephone # 603 501 0280

Street address: 51 McDunough St.

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

Email address (for clerk's office communication): kquintans@comcast.net

How long have you been a resident of Portsmouth? 5.5 years

Occupational background:

See attached resume  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

5 years involvement in Portsmouth as neighborhood coordinator working w/ the city to address traffic, safety, parking, crime prevention, development, zoning etc issues affecting Islington Creek Neighborhood. Served on

Mayor's BRC on Sustainable Practices. OVER

Master's degree in international development



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: Homeowner/resident committed to maintaining quality of life and the beauty and character, as well as strong sense of community in this great city. Track record of success in working with the city.

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

Islington Creek Neighborhood Association  
Zero Waste Portsmouth

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

1) Kendra Ford, 603, 431 6675, 30 Pine St  
Name, address, telephone number

2) Julie Ross, 1167 South St., 603 205 0758  
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature: [Signature] Date: 9/25/2012

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

**EXPERIENCE SUMMARY**

- **Leadership/Governance:** 4 years experience as community leader performing advocacy (crime prevention, safety, infrastructure improvements, sustainability) and developing/ implementing zero waste practices
- **Project Development/ Management:** 12+ years experience including the development of project plans, estimates, and schedules; coordinating and directing up to 10-person multi-disciplinary teams; and consistently delivering projects exceeding client expectations; 10+ years budget management experience including experience overseeing operational budgets valued at over \$60M
- **Proposals:** 7+ years experience developing federal/DoD ID/IQ proposals, maintaining >75% win rate, and achieved a 100% win rate over 5 years for a single 8(a)/SB client on contracts totaling over \$13B in capacity; wrote grant proposals securing approx. \$3M for non-profits
- **International/ Rural Development:** 5+ years experience providing technical, analytical, editorial support to international and rural development research projects; developed basic databases to capture and analyze research data; reviewed, co-authored and edited final research reports
- **Networking/Relationship Building:** developed and maintain relationships across the City of Portsmouth (City Manager, City Council; Chief of Police, Director of Public Works; Assistant Superintendent of Schools); built partnerships with non profits, schools, businesses and govt to run 3 successful campaigns in the last 4 yrs; >20 years experience working with Program Directors and Executive Directors of various organizations/companies

**LEADERSHIP/GOVERNANCE**

**Director, Islington Creek Neighborhood Association ('08-Present):** 4+ years experience representing 400+ households; advocating for improved crime prevention, safety, and street improvements. Hold community outreach meetings with various city department heads, and annual community events including National Night Out. Attend/speak at City Council meetings. Maintain relationships with the Mayor, City Council, the City Manager, Director of Public Works and the Chief of Police.

- *Secured \$2M budget approval for street improvements*
- *Collaborated with the City for the development of new ordinances in support of increased safety within the neighborhood*

**Director, Zero Waste Portsmouth ('09-Present):** 3 years experience as a community leader advocating for zero waste practices across the city of Portsmouth working with local government, non profits and businesses.

- *Partnered with the City of Portsmouth to implement the first public recycling program in 2011 through a grassroots, collaborative, public art project*
- *Developed and implemented zero waste programs for multiple organizations across the City of Portsmouth including the Farmer's Market, Share Your Strength Seacoast, SASS*

**PROJECT DEVELOPMENT/MANAGEMENT**

**Zero Waste Portsmouth, Portsmouth, NH ('09-'11):** Led the development and implementation of a grassroots, collaborative, public art project in support of the first downtown public recycling project. Developed project plans/proposals, schedule and budget. Developed and managed partnerships with local government, local schools and businesses. Supported 8-person team during the performance of advocacy and fundraising of over \$20K. Delivered two presentations to the City Council to successfully procure project approvals. Commended by multiple stakeholders/partners:

*I want to again congratulate you on a job well done. Your persistence was key to the success of this project. ~John Bohenko, City Manager, Portsmouth, NH*

*I wanted to congratulate you and your associates on the successful project. People like you make this City unique and proactive and make me proud to work here. ~Nancy M. Carner, City of Portsmouth Economic Development Program Manager, Portsmouth, NH*

**Tyco Telecommunications, Inc, NH ('07-'09):** Coordinated the acquisition of environmental permits for three multi-million dollar undersea fiber optic cable projects located in the Middle East, Eastern Europe, and the U.S. Participated in weekly conference calls with permitting teams connecting up to 25 participants in multiple worldwide locations. Tracked/monitored permit acquisition using MS Project and MS Excel. Developed cost estimates for the acquisition of operational permits. Developed and implemented RFP process for the procurement of subcontractors.

**Arab American Anti-Discrimination Committee of MA, Boston, MA ('03-'04):** Planned and implemented two Faces of Iraq exhibitions including opening receptions, school programs, and speaker series (est. 1000 attendees). Developed/tracked project budget, work plan and schedule. Prepared grant proposals to secure funding. Directed 8-person implementation team plus 10 event volunteers. Authored press releases and print media. Managed public relations and procured project sponsors.

**FOREIGN LANGUAGE**

- Spanish language proficiency

**INDUSTRY EXPERIENCE**

- International development, Civic engagement, AE design, construction, environmental remediation and construction, environmental permitting (natural gas pipelines, undersea fiber optic cables), energy generation, transmission and distribution

**COUNTRY EXPERIENCE**

- >3 months: Costa Rica, Chile, Indonesia, India, Philippines
- Short term: China, Mongolia, Peru, Afghanistan
- Managed projects in the MENA region and Eastern Europe
- Lived in Saudi Arabia, Venezuela, Italy

**EDUCATION**

- M.A. International Development, Ohio University
- B.S. Finance, Babson College

**AWARDS / OTHER:**

- Mayor's Award, Recognition of Service, City of Portsmouth, NH, 2011
- Management Team/Steering Committee, Sustainable Portsmouth ('08-'09)
- Committee Member, Mayor's Blue Ribbon Committee on Sustainable Practices ('08-'09)
- Academic Achievement Award, 1996; Extraordinary Contribution to the Development Studies Program Award, 1995 and 1997
- President of the Development Studies Student Organization; Graduate Student Senate, International Student Union Representative: Ohio University
- Interests: traveling, running, tennis, photography

**Director/Co-founder, World Bamboo Organization ('03- '05):** Co-led the development of a 501e6 international networking and advocacy organization focused on the planning of the 7th World Bamboo Congress, New Delhi, India, (est. 700 international attendees).

**PPL Global, U.S and Chile ('99 - '02):** Managed the implementation of a new financial reporting system including development of chart of accounts, data conversion/migration, system testing. Performed problem solving to address system conversion issues. Developed/monitored annual budgets. Provided monthly budget variance reports to Asset Directors through the first year following implementation to ensure seamless execution of related processes and procedures.

- Commended by James S. Potter, Executive Director of Northeast Business Development: *"Thanks so much for the support you provided during the integration of the Penobscot Hydro assets. Your organizational and analytical skills were critical to ensuring a successful transition."*

**PROPOSALS**

**Entrega+ LLC ('05-Present):** Develop/write sections for federal/DoD ID/IQ and commercial proposals including project descriptions, resumes, management/ technical approach, quality/safety, SB participation plans.

- Earned commendations from multiple clients:

*"... Karina is consistent, reliable, and thorough in executing and developing our proposals, has excellent organizational skills, and is well received by all of the Charter folks... She has no doubt been a key player in helping us to win contracts with a total capacity of over \$13B in the 5 years that we've worked with her." -Tim Cady, Federal Programs Manager, Charter Environmental, Inc.*

*"I didn't emphasize enough how much I appreciated your efforts. Your dedication combined with your proficiency is a powerful combination. I'm very impressed." Bruce Campbell, Vice President and General Manager, Weston Solutions, Inc.*

*"The project turned out great, the outcome was better than I had hoped, you really did a great job... the final product would not have gotten done without your leadership." Matthew Lilly, Former V.P. Danaher Controls*

**Council on International Educational Exchange, Portland, ME (7/07 - Present):** Develop grant proposals submitted to the US Department of Education for Chinese and Arabic language study abroad scholarship programs (\$400K awarded in 2008; \$750K submitted April 2012).

**INTERNATIONAL/RURAL DEVELOPMENT EXPERIENCE**

**International Network for Bamboo and Rattan, Beijing, China, (3/98 - 3/00):** Supported executive management during transition to international organization. Developed Annual Plan of Work and Budget, organizational structure, strategic plans, and review of grant proposals.

- Wrote grant proposal to obtain US\$2.4M (awarded) of program funding from the Directorate General for Int'l Cooperation (Netherlands)

**InHand Abra Foundation, Manila, Philippines, (2/99 - 3/00):** Wrote \$17K grant proposal (awarded) for socio-economic research project identifying barriers to improved performance of microenterprises as part of a sustainable development project; analyzed project survey data/research results and co-

**PUBLICATIONS**

- *Ancient Grass, Future Natural Resource: The National Bamboo Project of Costa Rica: A Case Study of the Role of Bamboo in International Development.* 1998. Beijing/New Delhi: INBAR.
- *Bamboo in Abra: An Investigation of the Production to Consumption System.* 2000. Beijing: INBAR

**VOLUNTEER FUNDRAISING**

- **Sexual Assault Support Services, 2010.** Completed half marathon to raise money for sexual assault educational programs (team raised >\$8,000).
- **Pennies for Peace, 2009.** Mobilized 21 local businesses, 3 schools, and 10 individuals to collect loose coins over 6 weeks, raising \$4,100 to support children's education in Pakistan and Afghanistan.
- **Share Our Strength, 2009.** Raised \$1,500 through a 5-day fast in support of child hunger reduction programs.
- **Arthritis Foundation, 2002.** Raised \$4000 for completing a one day, 14-mile hike into and out of the Grand Canyon to support arthritis research.

wrote final published case study -- *Bamboo in Abra: An Investigation of the Production to Consumption System.* 2000. Beijing: INBAR.

***Biodiversity Conservation Network, Jakarta, Indonesia (6/97 - 12/97):***

Supported USAID-funded research project to assess the viability of community-based micro-enterprises; developed project profile sheets; wrote project status reports; assisted in the preparation of USAID reports. Conducted site visits.

***Rural Action, Inc., Trimble, OH (9/96 - 5/97):*** Developed database to capture the results of a survey of Athens County farmers and agriculturalists to support the analysis of economic development priorities in Athens County, which resulted in the successful implementation of a sustainable agriculture project still active today.

**OTHER EXPERIENCE**

***Merck Family Fund, Milton, MA (6/03 - 4/04):*** Managed bookkeeping, financial analysis/reporting, AP/AR, bank reconciliations, office and subcontractor management for a family foundation focused on restoring/protecting the environment and strengthening the urban community. Administered biannual grant process for approx. 100 grantees.

***Consultant, Campus Compact, MA ('01 - '08).*** Provided technical support for a non-profit dedicated to developing the civic skills of students, building community partnerships, and integrating civic engagement with teaching and research.

- Commended by Karen Chisholm, Director, MACC AmeriCorps\*VISTA Program: "In our hectic, under-resourced non-profit environment, we can use only the most efficient, independent, flexible and professional project consultants. You are the best by our standards, and we're always grateful for your contributions..."



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.

FEB 29 2012

Committee: Planning Board Alternate Initial applicant

Name: Richard Burbins Telephone: 494-3004

Could you be contacted at work? YES/NO If so, telephone # 494-3004

Street address: 188 Broad St.

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

Email address (for clerk's office communication): RBurbins@Comcast.net

How long have you been a resident of Portsmouth? 7 years

Occupational background:  
Please See Resume attached

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

OVER  
➔



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

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

Reasons for wishing to serve: I want to give back to this great city!! If there are other committees that Eric needs help with let me know!

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

Life is Good Kids Foundation Board of Directors  
Music Hall Member  
Prescott Park Arts Member  
Housing Partnership Sponsor

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

1) Tim Coughlin, 186 Broad St. 430-7963  
Name, address, telephone number

2) Midge Nelson 122 Rockland, 431-2903  
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: 2/28/2012

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

**Richard M. Burbine**  
188 Broad Street  
Portsmouth, New Hampshire 03801  
Home: 603-373-0997 — Cellular: 603-494-3004  
[rburbine@comcast.net](mailto:rburbine@comcast.net)

## **Sales and Operations Executive**

### **Profile**

Senior executive with extensive experience managing sales, marketing and operations at the district and regional level.

Motivational management style with a record of building and retaining highly effective sales and operations teams. Able to identify areas of strength and weakness and implement company policies, standards, changes in operation and systems that optimize productivity and profitability.

Sales and General Management qualifications:

- ~ P & L Management
- ~ Strategic and Market Planning
- ~ Budgeting and Expense Control
- ~ Contract/Price Negotiation
- ~ Sales and Business Development
- ~ Presentations and Trainings
- ~ Staff Development and Motivation
- ~ Merger/Acquisition Management

### **Professional Experience**

2002-2011      Regional Vice President  
                    NRT, LLC

Full P& L accountability for the Coldwell Banker Residential Brokerage Northern New England Region consisting of up to 25 Branch offices with 550 Sales Associates.

- ~ Expanded marketplace through acquisitions in Maine and New Hampshire resulting in \$51M in gross revenue
- ~ Managed all aspects of operations including facilities, lease negotiation and consolidation
- ~ Developed, instituted and monitored sales and marketing strategies

1998 – 2002      Vice President, Sales  
                    DeWolfe Companies, Lexington, MA

Promoted to VP for the 34 office Northern Massachusetts, New Hampshire and Maine Region.

- ~ Successfully managed transitions of five acquired companies adding over \$4M in revenue
- ~ Recruited, hired and trained 23 Sales Managers
- ~ Consistently outperformed the marketplace delivering same store revenue increases of 16-21%

1997 – 1998      Regional Vice President  
                    DeWolfe Companies, Lexington, MA

Regional Sales and Operations Vice President for the 11-office Central New Hampshire and Massachusetts region. Full development of sales and expense budgets with P&L responsibility. Concurrent project management included company-wide liaison with IT department overseeing market analysis and financial analysis software development.

- ~ Developed and instituted successful sales plan initiative resulting in revenue increases of 14%
- ~ Improved market penetration in new construction and condominium market segments
- ~ Created Excel based reporting system ensuring timely and accurate sales data

1993 – 1997 Vice President / Branch Manager  
Norwood Realty, Inc. Bedford, New Hampshire  
1990 – 1993 Branch Manager  
1988 – 1990 Sales Manager, New Homes Division

Received subsequent promotions throughout 10-year tenure with this long established real estate company culminating with a senior position on the Executive committee, reporting to the President/Owner. Managed individual offices in Concord, Manchester and Amherst, New Hampshire prior to company-wide responsibilities including P&L, budgeting, sales planning, recruiting and technology integration.

1985 – 1988 President/General Manager  
Bedford Village Inn Inc., Bedford, New Hampshire

Managed the construction, start-up and operation of this AAA four diamond Inn, Restaurant and Function Facility. Accolades from Bon Appétit, Gourmet, Wine Spectator and Architectural Digest further enhanced the property's reputation resulting in annual sales of \$5.5 Million, far exceeding projections. Managed all day-to-day operations, with a staff of 125, and oversaw all marketing, advertising and promotional activities.

1979 – 1985 Director of Operations  
Fitzwillys Inc., New Haven Connecticut

Direct P&L responsibility for this four-restaurant chain in Western Massachusetts and Connecticut. Recruited, hired and trained all Management personnel. Developed and instituted policy and training manuals. Consistently increased revenues through sales training and marketing initiatives with commensurate increases in profit.

## **Education**

- ~ BA, Communications, University of Massachusetts, Amherst Massachusetts
- ~ Extensive Professional Training in Sales & Leadership including:
  - Wharton School CEO Series 2004
  - NRT Leadership Development Series

## **Philanthropy**

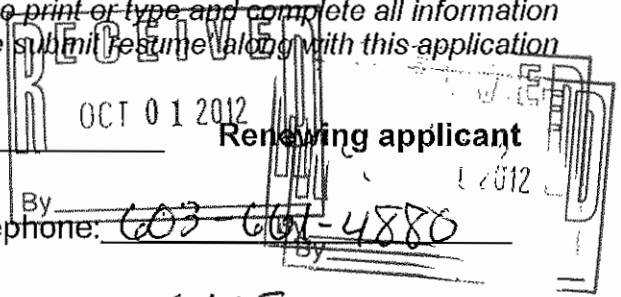
- ~ Director and Development Committee Member, Life is Good Kids Foundation, Boston, MA.
- ~ Coldwell Banker Cares
- ~ The Housing Partnership, Sponsor
- ~ Families in Transition Manchester, N.H., Sponsor
- ~ Portsmouth Music Hall, Portsmouth, N.H., member
- ~ Prescott Park Arts, Portsmouth, N.H. member



CITY OF PORTSMOUTH, N.H.  
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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



Committee: ECONOMIC DEVELOPMENT

Name: ROBERT MARCHEWKA

Telephone: 603-661-4880

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

Street address: 327 SAGAMORE AVE

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

Email address (for clerk's office communication): BOB@ONECOMMERCIALREALESTATE.COM

How long have you been a resident of Portsmouth? 30 YEARS

Occupational background:

COMMERCIAL REAL ESTATE

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

Reasons for wishing to continue serving: I ENJOY SERVING MY CITY  
AND FEEL MY BACKGROUND OFFERS VALUABLE  
INSIGHT AND KNOWLEDGE TO THE BOARD

OVER  
➔

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

COMMERCIAL INVESTMENT BOARD OF REACTORS

WARWICK CLUB

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

1) RENEE RIEDEL, ONE HARBOR PLACE, 436-8686  
Name, address, telephone number

2) BOB SHAINES, 282 CORPORATE DR, 436-3110  
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: Robert Marchion Date: 9/27/12

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 10/1/2016

Annual Number of Meetings: 11 Number of Meetings Absent: 0  
(2011)

Date of Original Appointment: 3/15/2010

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



# CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

## APPOINTMENT APPLICATION

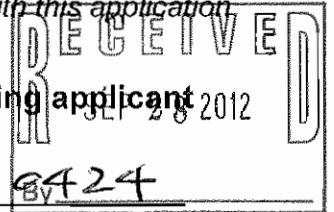
Instructions: Please print or type and complete all information  
Please submit resume' along with this application.

Committee: HOUSING ENDOWMENT FUND

Renewing applicant SEP 28 2012

Name: JEFFREY MOUNTJOY

Telephone: 603.766.8424



Could you be contacted at work?  YES  NO - If so, telephone # 766-0424

Street address: 62 ORCHARD STREET

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

Email address (for clerk's office communication): JEFF@OLDEPORTPROPERTIES.COM

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

Occupational background:

OWNER/REALTOR - OLDE PORT PROPERTIES  
26 CONGRESS ST  
PORTSMOUTH.

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

Reasons for wishing to continue serving: \_\_\_\_\_

PROMOTE HOME OWNERSHIP ACROSS PORTSMOUTH  
AND ADVOCATE FOR FIRST TIME HOME BUYERS

OVER  
➔



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

TRUSTEE BOARD MEMBER - THE MUSIC HALL  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

1) GEORGE CARLISLE 26 CONGRESS ST 766-0424  
Name, address, telephone number  
2) WAYNE SEMPRINI 26 CONGRESS ST 766-0424  
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

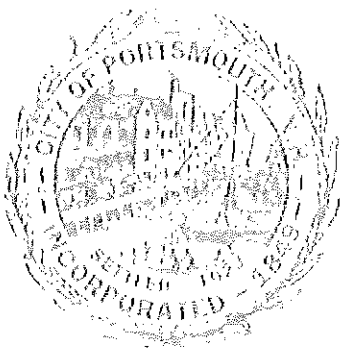
- 1. This reappointment application is for consideration and does not mean you will necessarily be reappointed to this Board/Commission; and
- 2. The Mayor will review your application, may contact you, check your references, and determine any potential conflict of interests; and
- 3. This application 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: [Handwritten Signature] Date: 9/26/12

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 06/01/2015  
Annual Number of Meetings: 1 (2011) Number of Meetings Absent: 0  
Date of Original Appointment: 3/17/2003

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



# CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

## APPOINTMENT APPLICATION

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



Committee: Peirce Island Committee

Name: FRANCESCA MARCONI FERNALD Telephone: cell 603 930-9700

Could you be contacted at work?  YES  NO If so, telephone # 603 427-2070

Street address: 1000 Mapewood Ave Portsmouth

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

Email address (for clerk's office communication): francesca177@comcast.net

How long have you been a resident of Portsmouth? 48 years

Occupational background:

18 yrs Owner/operator Geno's Chowder & Sandwich Shop inc  
manager Geno's 10 years prior  
VA case worker for Congressman Bob Smith (R-NH) 85'  
Galley help m/r New Shoreham II 83'-84'

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

Former member F.O.S.E Steering Committee 4 years  
ST Thomas Aquinas H.S. Fashion Show committee 4 years  
ST. PATRIC School school board 0 years



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

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

Reasons for wishing to serve: I am a native to the South End / Puddle Dock and wish to help maintain all the wonderful work that has so far been done to the island.

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

Son's of ITALY

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

1) Beth Griffin Richards Ave Portsmouth 436-5276  
Name, address, telephone number

2) Christine Cuzzi Cornwall St. Portsmouth 475-7788  
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: Francesca Hancock Fernald Date: 9/19/12

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



CITY OF PORTSMOUTH, N.H.  
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

Instructions: Please print or type and complete all information.

MAY 16 2012

Committee: HISTORIC DISTRICT COMMISSION Renewing applicant - Alt.

Name: GEORGE MELCHIOR Telephone: 603 431 7019

Could you be contacted at work? YES If so, telephone # 207 438 5044

Street address: 1061 SOUTH ST

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

Email address (for clerk's office communication): george.w.melchior@navy.mil

How long have you been a resident of Portsmouth? 8 yrs

Occupational background (attach resume if there is not enough space provided):

Architect, Structural Engineer, Parking  
consultant, Planner, Military Engineer  
Facilities Management

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

Reasons for wishing to continue serving: WOULD LIKE TO BECOME  
FULL-TIME MEMBER (CURRENTLY ALTERNATE). I  
ENJOY THE OPPORTUNITY TO SERVE & GIVE BACK  
TO MY COMMUNITY.

OVER  
→

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

SAME (Society of American Military Eng.)

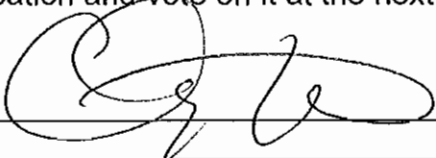
Please list two character references not related to you or city staff members:

1) JOE ALMIEDA (502 - 8605), PORTSMOUTH  
Name, address, telephone number

2) MARTIN RYAN (502 - 8635), PORTSMOUTH  
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.

Signature: 

Date: 17 MAY 12 (2b 1/19/05)

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 06-01-2015

2011 Annual Number of Meetings: 18 Number of Meetings Absent: 6

Date of Original Appointment: January 1, 2008



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

MAR 27 2012

Committee: PORTSMOUTH HOUSING AUTHORITY Renewing applicant

Name: JOHN F. LEITH Telephone: 436 0336

Could you be contacted at work? YES/NO - If so, telephone # 436 5418

Street address: 83 WOODBURY AVE

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

Email address (for clerk's office communication): FARRELLFA@COMCAST.NET

How long have you been a resident of Portsmouth? 58 yrs

Occupational background:

UNDERTAKER

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

Reasons for wishing to continue serving: TO TRY AND HELP MAINTAIN  
THE PHA'S HIGH STANDARDS OF AFFORDABLE HOUSING  
FOR CITY RESIDENTS.

OVER  
➔



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

---

---

---

---

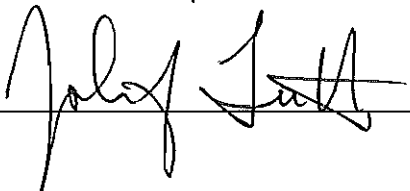
---

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

- 1) MARIL GRAY 140 SUMMER ST PORTS 235-2152  
Name, address, telephone number
- 2) JANET MITCHELL 90 COAKLEY RD PORTS 431-1458  
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: 3/26/12

**CITY CLERK INFORMATION ONLY:**

New Term Expiration Date: 7/1/17

Annual Number of Meetings: 12 Number of Meetings Absent: 2

Date of Original Appointment: 7/6/92

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


10-10-12

I, Jim Feehley due to personal reasons is tendering my resignation from the Taxi Commission.

James J Feehley

**CITY OF PORTSMOUTH  
PORTSMOUTH, NH 03801**

TO: Mayor Eric Spear & City Council Members

FROM: Assistant Mayor Robert Lister,  Chair of City Manager Evaluation Committee

DATE: October 16, 2012

SUBJECT: Proposed Amendments to City Manager's Employment Agreement

---

Subsequent to the evaluation of the City Manager, the City Council requested that the Evaluation Committee discuss with the City Manager his Employment Agreement. The Committee was interested in seeing if the City Manager would extend his Employment Agreement for three (3) years, which would expire on June 30, 2017 (presently, the City Manager's contract expires on June 30, 2014).

As part of that discussion, the Committee discussed with the City Manager his compensation. The Evaluation Committee is recommending that the City Manager's salary effective November 1, 2012 be \$143,000.00.

In addition, it also provides that the City will contribute 16% of the employee's salary in a 457 Deferred Compensation Plan. Presently, the City contributes approximately 6% into this plan. This amount has not changed since 1999. As you are aware, the City Manager is not in the New Hampshire Retirement System, but rather has his own Defined Contribution Plan for retirement. It also should be noted that the \$143,000.00 salary, is slightly less than what the Concord City Manager receives. Further, the Concord City Manager is in the New Hampshire Retirement System, and receives Deferred Compensation and pays no co-pay for health insurance.

The Committee is recommending the following Motion for the City Council to consider on Monday evening regarding the City Manager's Employment Agreement:

Motion to authorize the Mayor to execute the following Amendments to the City Manager's Employment Agreement:

1. Effective November 1, 2012, the Employees salary will be \$143,000.00, Commencing July 1, 2013 and every July 1<sup>st</sup> thereafter through July 1, 2016, the Employee will receive a COLA Adjustment based on the 10-year rolling average of the CPI for the Boston/Brockton/Nashua Index.
2. Effective November 1, 2012, the City will contribute 16% of the Employee's salary in a 457 Deferred Compensation Plan.
3. Term of Agreement to be extended by three (3) years to expire June 30, 2017.

Further, that all other terms and conditions of the City Manager's Employment Agreement dated May 8, 2009 shall remain in full force and effect.