

# CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH  
DATE: MONDAY, MAY 6, 2013 TIME: 7:00PM

## AGENDA

- 6:30PM – ANTICIPATED “NON-MEETING” WITH COUNSEL RE: NEGOTIATIONS RSA: 91-A:2, I (b-c)

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

### PROCLAMATIONS

1. Bike/Walk to Work Day in Portsmouth
2. Police Week in Portsmouth – Peace Officers’ Memorial Day

### PRESENTATION

1. Report Back Re: New Adventure Entertainment, LLC d/b/a The Page Restaurant

### V. ACCEPTANCE OF MINUTES – APRIL 10, 2013 AND APRIL 15, 2013

### VI. PUBLIC COMMENT SESSION

### VII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Grant from the Our New Hampshire Heritage – a fund of Northeast Auctions, an advised fund within the New Hampshire Charitable Foundation for Restoration of the Kearsarge Fire Pumper - \$15,000.00 (***Sample motion – move to approve and accept the grant from Our New Hampshire Heritage – a fund of Northeast Auctions, an advised fund within the New Hampshire Charitable Foundations, as submitted***)
- B. Acceptance of Police Department Grant from Seacoast CrimeStoppers to fund the purchase of a fume hood - \$3,595.00 (***Sample motion – move to approve and accept the grant to the Portsmouth Police Department, as listed***)

### VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. Adoption of Proposed Budget Resolutions for Fiscal Year July 1, 2013 through June 30, 2014 (FY2014)

- Resolution #5-2013 – General Fund Expenditures (***Sample motion – move to adopt Resolution #5 – General Fund Expenditures***)
- Resolution #6-2013 – Municipal Fees (***Sample motion – move to adopt Resolution #6 – Municipal Fees***)
- Resolution #7-2013 – Sewer Fund Expenditures (***Sample motion – move to adopt Resolution #7 – Sewer Fund Expenditures***)
- Resolution #8-2013 – Water Fund Expenditures (***Sample motion – move to adopt Resolution #8 – Water Fund Expenditures***)
- Resolution #9-2013 – Special Revenues and Committed Fund Balances for Necessary Expenditures (***Sample motion – move to adopt Resolution #9 – Special Revenues and Committee Fund Balances for Necessary Expenditures***)
- Resolution #10-2013 – Investment Policy (***Sample motion – move to adopt Resolution #10 – Investment Policy***)

## **IX. CONSENT AGENDA**

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

- A. Request for License from Carla Goodnight, owner of CJ Architects for property located at 4 Market Street for a projecting sign on a existing bracket (***Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Carla Goodnight, owner of CJ Architects for a projecting sign at property located at 4 Market Street 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***

- B. Request for License from Janice Morse, owner of Newburyport Five Cents Savings Bank for property located at 254 State Treet for 2 projecting signs on a new bracket ***(Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Janice Morse, owner of Newburyport Five Cents Savings Bank for 2 projecting signs at property located at 254 State Street 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***

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

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

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

**A. CITY MANAGER**

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

1. Adoption of Proposed Budget Resolutions:

1.1 Adoption of Proposed Budget Resolutions for Fiscal Year July 1, 2013 through June 30, 2014 (FY2014) ***(Action on this matter should take place under Section VIII of the Agenda)***

- Resolution #5-2013 – General Fund Expenditures
- Resolution #6-2013 – Municipal Fees
- Resolution #7-2013 – Sewer Fund Expenditures
- Resolution #8-2013 – Water Fund Expenditures
- Resolution #9-2013 – Special Revenues and Committed Fund Balances for Necessary Expenditures
- Resolution #10-2013 – Investment Policy

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

1. Request to Amend Seacoast Growers' Association License Agreement
2. Request to Change Work Session Date Re: Report Back from Transportation Policy Committee
3. Request for Approval of Expenditure from the African Burying Ground Trust
4. Acceptance of Sidewalk Easement Re: 1190 Lafayette Road (Comfort Inn)
5. Report Back Re: Letter from Aphrodite and Louis Georgopoulos – Zoning of Property at 1900 Lafayette Road
6. Report Back Re: Request to Rezone Property at 3020 Lafayette Road from Mixed Residential Business (MRB) to Gateway

### **Informational Items**

1. Events Listing
2. Letter from Pease Development Authority Re: The Port
3. Report Back Re: 299 Vaughan Street – Request for Urbanized Shoreland

### **B. MAYOR SPEAR**

1. Parking Revenues
2. Appointments Needed to the Public Access Financial Advisory Committee
  - City Council Representative (Presently Councilor Coviello)
  - Cable Commission Representative – John Gregg
3. Appointments to be Considered:
  - Daniel Rawling – Reappointment to the Historic District Commission
  - Jonathan Wyckoff – Reappointment to the Historic District Commission
  - Kory Sirmaian – Reappointment to the Recreation Board
4. Appointments to be Voted:
  - Jay Leduc – Appointment as an Alternate to the Planning Board
  - Todd Henley – Reappointment to the Recreation Board
  - Christine Lukacz – Reappointment to the Portsmouth Housing Endowment Fund

### **C. COUNCILOR DWYER**

1. \*Update on Middle School Project

### **D. COUNCILOR SMITH**

1. Parking and Traffic Safety Committee Action Sheet and Minutes of the April 11, 2013 meeting (***Sample motion – move to approve and accept the Action Sheet and Minutes of the April 11, 2013 Parking and Traffic Safety Committee meeting***)

**XII. MISCELLANEOUS/UNFINISHED BUSINESS**

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

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

*\*Indicates Verbal Report*

**INFORMATIONAL ITEMS**

1. Notification that the Historic District Commission Minutes of the November 14, 2012 meeting are available on the City's website for your review
2. Notification that the Planning Board Minutes of the December 20, 2012 meeting are available on the City's website for your review
3. Notification that the Planning Board Minutes of the January 24, 2013 meeting are available on the City's website for your review
4. Notification that the Site Review Technical Advisory Committee Minutes of the April 2, 2013 meeting are available on the City's website for your review

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

The Council Chambers  
City Hall  
Portsmouth, New Hampshire

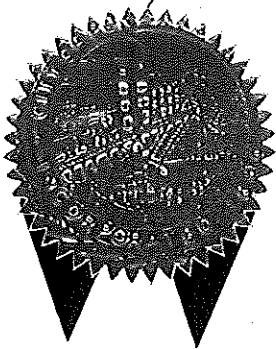
A Proclamation

- Whereas:** May is National Bike Month and bicycling is an integral part of Portsmouth's multi-modal transportation system; and
- Whereas:** Portsmouth is one of several municipalities participating in New Hampshire's 11th annual Bike/Walk to Work Day; and
- Whereas:** Last year, over 400 commuters took to the streets of the Seacoast aboard their bikes or in their walking shoes and visited one of eight commuter breakfasts in the region; and
- Whereas:** This year, there will be 10 locations offering free breakfast to participants who also will be fitting a workout into a busy day, reducing their pollution footprint, and avoiding traffic jams; and
- Whereas:** The goals of Bike/Walk to Work Day are to promote bicycling and walking as safe ways to get to work, decrease traffic congestion, improve air quality, and raise public awareness of opportunities to improve bicycle and pedestrian facilities in the Seacoast; and
- Whereas:** If the average person biked or walked to work once every two weeks instead of driving, we could prevent the pollution of close to one billion gallons of gasoline from entering the atmosphere every year.

Now, therefore, I, Eric Spear, Mayor of the City of Portsmouth, on behalf of the members of the City Council and the citizens of Portsmouth, do hereby proclaim Friday, May 17, 2013, as

***Bike/Walk to Work Day in Portsmouth***

and encourage all citizens to celebrate by leaving their motor vehicles at home and making a healthy commute by walking or riding their bicycles.



Given with my hand and the  
Seal of the City of Portsmouth,  
on this 6<sup>th</sup> day of May, 2013.

A handwritten signature in cursive script, reading "Eric Spear".

Eric Spear, Mayor of Portsmouth

The Council Chambers  
City Hall  
Portsmouth, New Hampshire

A Proclamation

- Whereas:** Congress and the President of the United States have designated May 15th as Peace Officers' Memorial Day and the week in which it falls as National Police Week; and
- Whereas:** The members of the Portsmouth Police Department play an essential role in safeguarding the rights and freedoms of Portsmouth and the State of New Hampshire; and
- Whereas:** It is important that all citizens know and understand the duties, responsibilities, hazards, and sacrifices of their Police Department; and
- Whereas:** The members of our Police Department recognize their duty to serve the people by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression; and
- Whereas:** The men and women of the Portsmouth Police Department unceasingly provide a vital public service.

Now, therefore, I, Eric Spear, Mayor of the City of Portsmouth, on behalf of the members of the City Council, do hereby call upon all citizens of Portsmouth and upon all patriotic, civic, and educational organizations to observe the week of May 12 to May 18, 2013, as

***Police Week in Portsmouth***

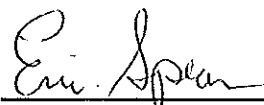
with appropriate ceremonies and observances in which all of our people may join in commemorating all law enforcement officers past and present who, by their faithful and loyal devotion to their responsibilities, have rendered a dedicated service to their communities and, in so doing, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

I further call upon all citizens of Portsmouth to observe May 15, 2013, as

***Peace Officers' Memorial Day***

in honor of those law enforcement officers who, through their courageous deeds, have made the ultimate sacrifice in service to their community, or have become disabled in the performance of duty. Let us recognize and pay respect to the survivors of our fallen heroes by lowering all City, State and American flags in Portsmouth to half staff on Wednesday, May 15, 2013.

Given with my hand and the  
Seal of the City of Portsmouth,  
on this 6<sup>th</sup> day of May, 2013.



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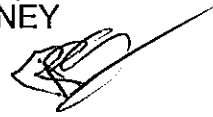
Eric Spear, Mayor of Portsmouth

**CITY OF PORTSMOUTH  
LEGAL DEPARTMENT**

**MEMORANDUM**

DATE: May 1, 2013

TO: MAYOR ERIC SPEAR & CITY COUNCIL

FROM: JOHN P. BOHENKO, CITY MANAGER   
STEPHEN DUBOIS, POLICE CHIEF  
ROBERT P. SULLIVAN, CITY ATTORNEY 

RE: THE PAGE RESTAURANT

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On April 15, 2013, the City Council voted to, "request that the City Manager, the Police Department and Legal Department conduct a full inquiry into the operation of the Page Restaurant during the term of its current ownership and report back to the City Council as soon as possible". This Memorandum is the report requested by the City Council.

Attached hereto is a Memorandum prepared by the Portsmouth Police Department dated April 30, 2013 entitled, "Calls for Service Involving The Page Restaurant". This Memorandum constitutes a summary of Police calls commencing on July 28, 2007 and continuing through April 6, 2013 which are believed by the Police Department to have relevance to the City Council request. There are 102 entries in the report. Many of the incidents listed in the report are of a very serious nature, including numerous fights with personal injury (7/15/12; "... a fight ensued...one of the participants suffered a fractured skull after being kicked in the head") and culminating in an incident on April 6, 2013 during which the report describes "it is believed that the victim ultimately died from his injuries". However, rather than try to characterize in summary fashion the nature of all of the police calls relating to The Page, the Council is requested to review of the police calls to form its own conclusions regarding the nature of the incidents which are described.

The Police Department Memorandum of April 30, 2013 also includes a description of calls for service in the entire downtown area for the purposes of allowing the Council to compare calls involving The Page with those involving the rest of the downtown. The report further includes a description of previous meetings by the police with The Page concerning these issues; a description of reports contained in the records of the NH Liquor Commission and a brief description of the criminal investigation of the death of the individual which occurred during the previously described incident on April 6, 2013. The final item described has led to the announcement by the Rockingham County Attorney on April 30, 2013 that New



Adventure Entertainment, LLC d/b/a The Page Restaurant, has been charged with the commission of a felony.

In an effort to provide the Council with options that are available to it in response to the situation described in this Memorandum the following appear to be actions which could be taken by the Council:

1. **No action:** Given that New Adventure Entertainment, LLC is now under felony indictment in the criminal courts and the near certainty of civil litigation arising from the same incident, as well as the possibility that the State Liquor Commission may take action on its own, the Council could choose to stand by and allow these proceedings to be conducted by others.
2. **Negotiate:** Because the owners of The Page through counsel, Daniel Hoefle, Esquire, have indicated a desire to negotiate with the City the terms and conditions under which the City might forebear from taking legal action against The Page, the Council might authorize that such negotiation be commenced. Attorney Hoefle has suggested that the owners of The Page would be willing to enter an agreement with the City under which the dance floor area known as "The Stadium" would be permanently closed and converted into some form of restaurant which would be unlikely to produce the kind of social problems which have been generated in the past as described in the police report.
3. **File:** The most aggressive option which seems to be available to the Council, if it chooses to act in this matter, is that pursuant to State law and the regulations of the New Hampshire State Liquor Commission, "the governing body of any City or Town... may petition the [Liquor] Commission for the revocation of a Liquor license located within that community", Liq 207 01 Petition for Revocation. If the Council were to pass a Motion, "that the City file a Petition for Revocation of the Liquor license of The Page Restaurant", the actual filing of the Petition would be an administrative function of the City filed at the direction of the office of the City Manager.

At the City Council meeting on May 6, 2013 when it is anticipated that this Memorandum will be received by the Council and Police Chief Stephen Dubois will be prepared to make a presentation to the Council in further explanation of the items which have been described above

attachments

cc: Daniel C. Hoefle, Esquire.

h:\rps\Police\The Page\Memo re Page Options

## PORTSMOUTH POLICE DEPARTMENT

### MEMORANDUM

DATE: 30 APRIL, 2013  
TO: CITY ATTORNEY ROBERT SULLIVAN  
FROM: CHIEF STEPHEN DUBOIS  
RE: CALLS FOR SERVICE INVOLVING THE PAGE RESTAURANT

On April 15<sup>th</sup>, 2013 the City Council requested the police department conduct an inquiry into the operations of the Page Restaurant during the term of its current ownership. With that, I conducted the analysis shown below of police department involvement with The Page or patrons of The Page that I believe to be relevant to the discussion.

#### Police Reports

When an officer is dispatched to a call for service or generates his/her own call, sometimes because of the level of offense or arrest, the officer must complete a full report. Below is a synopsis of those reports that had some relevance to The Page.

Date	Description
7/28/07	Person taken into protective custody for intoxication. Was intoxicated and unwanted at The Page.
10/6/07	Person reporting their wallet and jacket stolen from The Page.
10/21/07	Person arrested for driving while intoxicated, was coming from The Page.
10/29/07	Person removed from The Page earlier in the evening for being too intoxicated; this person was involved in a fight and subsequently charged with simple assault, resisting arrest and disorderly conduct.
1/14/08	Sexual assault investigation initiated involving two people leaving a party at The Page intoxicated.
1/19/08	Person arrested for Driving While Intoxicated. One of the places he was drinking prior to arrest was The Page
3/8/08	Intoxicated person at The Page refusing to leave was arrested for criminal trespass.
3/16/08	Person at The Page taken into protective custody due to their level of intoxication.
4/14/08	Two females taken into protective custody in the parking lot of the Post Office. One had BAC of .221 and the other .212, last drinking at The Page.

5/04/08	An officer located a male vomiting in the bushes of the Vaughn Mall. The male was taken into protective custody and had a BAC of .17. He said he had been drinking at The Page
5/4/08	A large scale fight in the Bridge Street lot that was a spillover of an altercation that started inside The Page as a pushing and shoving match on the dance floor.
5/31/08	Person part of large group outside of The Page at closing. Was taken into custody for Disorderly Conduct for refusing to stop yelling. BAC .17.
6/1/08	Two males who were part of a large crowd that had just left The Page were involved in a fight. An officer on the scene had to take one of the subjects to the ground in order to break them up.
6/8/08	Stolen cell phone from the bathroom
6/14/08	A person's stolen credit card was used at The Page.
6/17/08	A fight within the bar between two patrons over being pushed
7/6/08	Several subjects leaving The Page intoxicated. As one of them was being arrested by an officer, he resisted and was subsequently Tasered.
7/12/08	Person outside The Page waiting for someone to come out to fight with him. Was taken into custody for disorderly conduct.
7/20/08	A person was cited for having an open container after leaving the side door of The Page with a bottle of beer.
7/26/08	Person was arrested for DWI. He had just left The Page and had a BAC of .11.
7/27/08	An altercation between a male and other people from The Page ends up in two separate fights with the same people. One of the people ends up on the ground getting his head kicked and two teeth knocked out.
9/14/08	Police arrived to a large crowd outside The Page at closing and observed a male on the ground with another male on top of him, punching him in the face. As the assaulting individual was being arrested, he resisted and fought with officer.
9/14/08	A male was arrested for driving while intoxicated. He said he was last drinking at The Page where he had 5 beers. He provided a BAC test which showed a BAC of .15.
9/21/08	Two males at The Page were given barmnet letters after being disorderly inside and threatening toward one of the owners.
10/4/08	A purse was stolen inside The Page.
10/11/08	A car was stopped and the driver was arrested for driving while intoxicated. He said he was last drinking at The Page. He provided a BAC test which showed a BAC of .17.
10/12/08	An altercation that started inside The Page ended up in the Worth Parking lot where a fight ensued. One of the parties ended up with a chipped tooth.
10/25/08	An altercation inside the entrance of The Page where one male grabbed another by the neck and punched him in the face.

11/1/08	An intoxicated male was taken into protective custody after he was trying to walk home unsuccessfully. He submitted to a breath test which showed a BAC of .20. He had just come from The Page.
11/15/08	Bouncers at The Page had to physically remove an intoxicated patron who was causing problems. The person was charged with assaulting the bouncer.
11/20/08	After being kicked out of The Page twice, a male kicked and broke a large window of the business. He had a BAC of .19.
11/27/08	Two females left The Page to walk to a nearby friend's house. Two males were following them and making them feel uncomfortable. When they arrived at the friend's house, the two males assaulted the friend sending him to the hospital.
11/28/08	A male vomited at the bar at The Page and was asked to leave. When he did he slammed the door of the business causing it to break.
11/30/08	A woman who was stopped and arrested for driving while intoxicated was last drinking at The Page.
12/6/08	While waiting in line to go to the bathroom, one female tried to punch another.
12/19/08	Male was arrested for Driving While Intoxicated. The last place he was drinking at was The Page.
12/26/08	Female taken into protective custody at The Page. She registered a .23 BAC. She had not been served at The Page, but was let in.
1/24/09	A fight between two males who were leaving The Page at closing; one of the males went to the hospital and received stitches.
1/31/09	A 19-year-old female was taken to the hospital after being served alcohol at The Page.
2/1/09	A female who had just left The Page was found on a bench with vomit between her legs. She was taken into protective custody with a BAC of .12.
3/7/09	A male was taken into protective custody after being disorderly. He was given a breath test which showed a BAC of .23; he said he had been drinking at The Page.
3/8/09	An argument that started at The Page ultimately led to a simple assault arrest.
3/28/09	A purse was stolen from the downstairs of The Page.
7/10/09	Woman was arrested for driving while intoxicated. She refused to take a test to determine alcohol content. She said she had come from The Page.
8/8/09	Two males were involved in a fight after leaving The Page.
10/18/09	Female who was having a difficult time walking home was taken into protective custody. She said she "had a lot to drink while working at The Page"
10/23/09	A pushing and shoving match inside The Page that turned into a fight outside

10/23/09	As a result of a fight that had occurred earlier on at The Page, one of the participants was involved in a verbal domestic disturbance with his girlfriend.
11/28/09	While leaving The Page at closing, one male sucker punched another male.
11/29/09	A doorman at The Page was punched in the face after trying to stop a patron from leaving with an open beer.
12/20/09	An argument that started inside The Page between two women spilled out to the Vaughn Mall where a physical assault occurred.
12/27/09	A male who had left The Page was arrested for driving while intoxicated. During a breath test, he showed a BAC of .13.
1/1/10	A woman had her wallet stolen while at The Page.
1/15/10	A woman's purse was stolen from the DJ area of The Page.
1/16/10	A male was having trouble walking home and when stopped by police was taken into protective custody. He was last at The Page and had a BAC of .17.
1/17/10	A male and female were having an argument outside of The Page. A passer by made a comment to the male who proceeded to punch him until he was on the ground.
1/30/10	During a bar check of The Page one of the patrons was observed being intoxicated. When interviewed the patron said he had eight drinks. A breath test showed BAC of .14.
3/6/10	A disorderly, intoxicated male was taken into custody after assaulting one of the bouncers at The Page. He also resisted officers while being taken into custody.
4/18/10	Male was arrested for driving while intoxicated. He said he was last at The Page; he had a BAC of .10.
6/20/10	A male who was kicked out of The Page earlier in the night was found passed out in the Vaughn Mall. He was taken into protective custody. It was discovered he got into The Page under a fake ID. He submitted to a breath test which showed a BAC of .20.
7/23/10	A female came to the station to report that while she was at The Page in the basement bar, another female put her in a choke hold and started to punch her.
8/28/10	Theft of a purse reported at The Page
9/11/10	A male was arrested for driving while intoxicated. He said he was coming from The Page and didn't know how much he had to drink. He provided a blood test which showed an alcohol content of .24.
10/16/10	A male was taken into protective custody due to his level of intoxication. He had earlier been involved in an argument in front of The Page that was dispersed by intervention from Page staff.
10/21/10	Theft of a purse from The Page
10/30/10	A confrontation that began at The Page between two males ended up in an assault on Islington Street.
10/30/10	Theft of money from a wallet at The Page

11/6/10	Male subject was being disruptive at The Page and was removed. Because the male had continued to be belligerent outside The Page, he was taken into protective custody.
11/27/10	A female who was picked up at The Page was brought to the station after passing out in the back of a cab. Once at the station she threw up in the lobby and was then transported to the hospital where she showed an alcohol content of .35. A second female who was with her was taken into protective custody with a BAC of .21.
11/27/10	A male and female were kicked out of The Page. The male and female were ultimately taken into protective custody.
12/4/10	A report of a theft of a purse
1/14/11	A male was arrested for driving while intoxicated. He said he was last drinking at The Page.
1/30/11	A male who was involved in a fight in front of The Page at closing received a broken orbital.
3/5/11	An altercation that began inside The Page ended up in an assault outside of the business at closing.
3/5/11	A female found in a snow bank vomiting on the sidewalk was taken into protective custody. A male, who was located nearby, was also vomiting and taken into protective custody. Both male and female were last drinking at The Page.
3/20/11	A male inside The Page had a confrontation which resulted in an assault outside as the bar was closing.
3/26/11	A male who was kicked out of The Page was arrested for disorderly conduct and resisting arrest.
4/2/11	A bouncer suffered a fractured eye by a patron who was in the downstairs of the bar and was asked to leave.
5/6/11	Two sisters who were drinking at The Page got into a fight in the parking garage.
6/4/11	A report of theft of services from The Page. A statement from an employee said that it is common for customers to get intoxicated and leave their credit cards at the bar and forget to close out their tab.
6/12/11	A female was found lying on the ground in front of The Page. She was intoxicated and said her friends were inside. Her level of intoxication was such that she was transported to the hospital.
6/16/11	During a criminal mischief report, the officers followed a blood trail to a suspect's residence. When they interviewed the suspect, he said he was at The Page the previous night and had become extremely intoxicated and did not know how he got home or how he got his cut.
6/25/11	Officers who responded to The Page for a fight outside after closing arrested a male for disorderly conduct.
6/26/11	A male was arrested for driving while intoxicated. Stating that he had just left The Page, the male gave a breath test that showed a BAC of .18.

7/16/11	An altercation that began inside The Page ended in the Vaughn Mall with an assault where multiple people were arrested and a victim who was kicked in the head and body and suffered broken ribs and a ruptured spleen.
11/24/11	While trying to break up a fight in the crowd outside The Page at closing, an officer was punched in the face.
12/3/11	While walking in the area of The Page a male was punched until he became unconscious by another male who was being kicked out of The Page.
12/17/11	While leaving The Page a group of males was "jumped" by another group of males who were also at The Page. One of the males ended up getting punched and kicked in the head until he was unconscious.
12/23/11	An altercation that started in front of The Page ended with a male getting kicked in the head and knocked unconscious in front of the parking garage.
1/6/12	An altercation between a female and a male inside The Page
3/31/12	Theft of money from The Page
4/13/12	One of three males who were being kicked out of The Page broke the front door on the way out.
6/16/12	Patrons leaving The Page got involved in a fight in which one of the participants had part of his ear bit off.
7/15/12	After The Page let out a fight ensued between two groups of people. One of the participants suffered a fractured skull after being kicked in the head.
8/5/12	A male who was kicked out of The Page was taken into protective custody due to his level of intoxication.
11/3/12	Stolen purse from The Page
11/16/12	After being kicked out of The Page for a third time, a male assaulted a bouncer and broke a window of the business.
11/24/12	A male, who was kicked out of The Page twice, called to report being assaulted by bouncers.
12/27/12	Theft of a purse
12/31/12	A male was being kicked out of The Page due to his level of intoxication. While being kicked out he assaulted the bouncers.
2/16/13	After leaving The Page, a male got into an argument with another male at a nearby business and was ultimately assaulted in front of the parking garage.
4/6/13	A male punched another male in the head multiple times on the dance floor. This was retaliation for the victim spilling a drink on the suspect. It is believed that the victim ultimately died from his injuries.

### Calls for Service in the Downtown 2011 to the Present

A more recent snapshot of activity can be derived from looking at the calls for service in the downtown since 2011. While not all of these calls required a report to be written, they all would have required some sort of police response. For this analysis I queried calls in the downtown area

that were categorized as one of the following; aggravated assault, simple assault, disorderly conduct, fight, intoxicated/protective custody, liquor offenses and unwanted. While the calls were spread out throughout the downtown, the majority (61) were at The Page. The next closest number connected to an establishment that serves alcohol was 45. If you include the Vaughn Mall calls, an area which is adjacent to The Page, that number of calls attached to The Page increases to 70.

#### Previous Meetings Between The Page and the Police Department.

The police department has had meetings with current management from The Page over the years expressing concerns for the types and amounts of calls at that location. After a serious assault on July 15<sup>th</sup> 2012 the owners of The Page met with Chief Ferland and other members of the department's senior staff in an effort to make the Page more responsive to community standards. Less than a month after that meeting on 8-3-12 and 8-4-12 the Liquor Commission conducted an enforcement initiative resulting in five administrative violations.

#### NH Liquor Commission Reports

The NH Liquor Commission maintains its own database of past and current administrative investigations. From their database, since The Page has been under its current management, it has the following administrative violations:

1. 12/28/07 – RSA 179:20 – Employee Restrictions - \$100
2. 01/16/08 – RSA 179:20 – Employee Restrictions - \$100
3. 02/17/08 – Verbal warning for RSA 179:51 – Disorderly Premise
4. 07/16/08 – RSA 179:5 – Prohibited Sales Intoxication - \$500 fine, 4 points on license. 3 day suspension w/ 1 day held in abeyance.
5. 07/20/08 – Verbal warning for RSA 179:27 – Unapproved Area.
6. 05/06/09 – RSA 179:5 – Prohibited Sales Minor - \$500 fine, 4 points. 3 day suspension all held in abeyance.
7. 03/17/10 – RSA 179:50 – Intoxicated Patron Loitering - \$250.
8. 03/28/12 – RSA 179:51 – Disorderly Premise - \$250
9. 04/18/12 – RSA 179:5 – Prohibited Sales Intoxication - \$1000 with \$500 held in abeyance. 4 points, 3 day suspension w/ 1 day held in abeyance. (Lower lounge only).

The following are charges that have not yet been resolved by the Liquor Commission and are currently pending;

1. RSA 179:20 – Employee Restrictions (drinking) on 08/03/12
2. RSA 179:27 – Restrictions on Serving/Unapproved Area 08/03/12
3. RSA 179:27 – Restrictions on Serving/Unapproved Area 08/04/12
4. RSA 179:5 – Prohibited Sales Intoxication 08/04/12
5. RSA 179:20 – Employee Restrictions (drinking) 08/04/12



### Current Investigations

In addition to the ongoing death investigation that began with an assault on the dance floor on April 6<sup>th</sup> of this year, on April 29<sup>th</sup> The Page was charged with a Felony for a violation of the statute that covers liquor laws and is soon to be indicted by the Rockingham County Attorney's office.

## SPECIAL CITY COUNCIL MEETING

MUNICIPAL COMPLEX  
DATE: WEDNESDAY, APRIL 10, 2013

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

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

Mayor Spear called the meeting to order at 7:40 p.m.

### **II. ROLL CALL**

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

Absent: Councilor Coviello

### **III. PUBLIC HEARING**

#### **A. PROPOSED FY JULY 1, 2013 THROUGH JUNE 30, 2014 BUDGET**

Mayor Spear announced that City Manager Bohenko will provide a presentation on the budget then he would open the public hearing for speakers.

### **IV. PRESENTATION – JOHN P. BOHENKO, CITY MANAGER**

City Manager Bohenko provided a presentation on the FY14 Budget. He spoke to the work session held this past Saturday with the various departments making their budget presentations. He addressed the challenges with this budget and the down shifting of costs from the State and their elimination of various revenues. He stated that Portsmouth continues to have a stable and predictable tax rate with a high quality of services to the public.

The FY14 Proportion of Operating & Non-Operating Proposed Budget is as follows:

- Operating \$73,216,323.00 which equates to 79 % of the budget
- Non-Operating \$20,006,814.00 which equates to 21% of the budget
- This represents a \$2,764,884.00 increase over FY13 or 3.92%

City Manager Bohenko stated that the average rate of increase for FY10-FY14 was 1.76%, the retirement rates will increase by \$1,256,903.00 for FY14, health insurance by \$106,673.00, and the County Tax is estimated at \$4,540,274.00. He reported that the proposed tax rate for FY14 is \$18.00 which represents a \$.45 increase. The tax rate three-year average was \$.20 annually, or 1.1% each year.

City Manager Bohenko thanked the School Board, Police & Fire Commissions and all department heads for their hard work on the budget. He thanked Finance Director Belanger and Finance Department staff for their continued hard work and congratulated them on receiving the 7<sup>th</sup> Annual Financing Budget Award for the City of Portsmouth.

## V. PUBLIC COMMENT/INPUT

Mayor Spear read the legal notice, declared the public hearing open and called for speakers.

Rick Horowitz thanked City Manager Bohenko for his presentation and stated that we cannot continue to increase our spending. He spoke to the capital spending for the High School and Middle School projects and the new Fire Station 2. He stated that the budget increase is unreasonably large and addressed the pension costs and its effect on the budget. Mr. Horowitz recommended a 0% increase for the FY14 Budget.

Mark Brighton urged the City Council to do the right thing when it comes to approving the budget. He stated a 3.9% increase in the budget is still above the cost of inflation. He spoke to the tax calculator the Association of Portsmouth Taxpayers have on their website for residents to calculate the tax rate, and what it would have been if the City did not increase budgets over the cost of inflation.

Kathy Baker said in order to maintain a status quo budget means an increase higher than the rate of inflation. She stated that spending starts with priorities and contracts. She asked why the City owns so many buildings which should be placed on the tax rolls to generate tax revenue. Ms. Baker said big differences could be made through contracts and benefits if they were aligned with the public sector. She stated that the City is becoming unaffordable and the Council needs to start recognizing this.

Diane Giese inquired about the \$10,000.00 for senior services in the budget and what would it be used for. She expressed concern with transportation issues and asked if the changes to the City Hall entrance would affect the Seybolt side of the building.

William St. Laurent spoke opposed to the 4% increase in the budget and urged a 0% increase to the FY14 Budget. He also stated that the cost of the middle school project is too high. He said the average middle income person will no longer be able to live in the City and the Council needs to listen to the taxpayers and decrease the budget.

Rick Horowitz spoke about his family relocating from California to Portsmouth 9 years ago because of the financial state California was in at that time. He expressed his concern with New Hampshire heading in this same direction. He asked for more fiscal responsibility.

William St. Laurent asked the Council to work towards reducing union contracts.

Norm Olsen stated across America communities are cutting back and asking city employees to be creative with their budget requests. He said the retirement and pension costs are unsustainable and is deeply disappointed with the proposed 4% increase to the budget. Mr. Olsen said Portsmouth is one of the highest in the state for employees per capita. He asked the Council and departments to be more innovative.

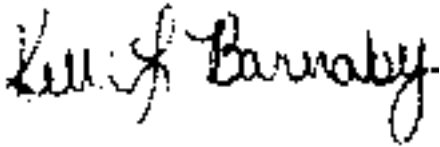
Mark Brighton said the 4% budget does not offer a challenge to the department heads. He spoke opposed to the increase in cost from contracts.

With no further speakers, Mayor Spear declared the public hearing closed. He thanked department heads for their work and asked the City Manager to address some of the questions made during the public comment.

City Manager stated that the senior transportation costs are \$143,000.00. The \$10,000.00 in the Recreation Department is for various programs for the senior citizens. He also reported new growth equals \$50,000,000.00 and the tax rate would have been \$.25 higher if not for the new growth.

## **VI. ADJOURNMENT**

At 8:00 p.m., Mayor Spear closed the meeting.

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

Kelli L. Barnaby, CMC/CNHMC  
City Clerk

## CITY COUNCIL MEETING

MUNICIPAL COMPLEX  
DATE: MONDAY, APRIL 15, 2013

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

At 6:30 p.m., an Anticipated “Non-Meeting” – Consultation with Legal Counsel was held – RSA 91-A:2 I (b).

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

Mayor Spear called the meeting to order at 7:40 p.m.

### **II. ROLL CALL**

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

### **III. INVOCATION**

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

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

Councilor Smith led the Pledge of Allegiance to the Flag.

### **PROCLAMATIONS**

#### **1. Earth Day**

Councilor Lown read the Proclamation declaring April 22, 2013 as Earth Day and encouraging residents, businesses and institutions to use the occasion to celebrate the Earth and commit to building a sustainable and green economy, and urged others to undertake similar actions to participate in various Service Projects in our City.

#### **2. Poet Laureate**

David Phreaner, Co-Chair of the Portsmouth Poet Laureate Program announced the nominees for the 9<sup>th</sup> distinguished Portsmouth Poet Laureate. Assistant Mayor Lister read the Proclamation declaring Kimberly Cloutier Green as the 2013 Poet Laureate. Shelley Girdner, poet and Lecturer in English at UNH introduced Kimberly as the new Portsmouth Poet Laureate. John-Michael Albert congratulated Kimberly and passed the Quill on to her. Ms. Green accepted the Proclamation with thanks and read one of her poems for the City Council.

## **PRESENTATIONS**

### 1. Presentation Re: Clipper Foundation – Stuart Levenson and Phil Pettis

Mr. Pettis stated that The Clipper Foundation was founded to foster excellence in public education within the Seacoast area schools. The Mission of the Foundation is a community-wide partnership to enhance the quality of public education within our schools by:

- *Funding innovative initiatives that fall outside of the school budget*
- *Working collaboratively with school districts to achieve their vision*
- *Building community-wide support for the benefit of our schools*

Mr. Levenson reported on the campaign goal of The Clipper Foundation being \$1,000,000.00 and announced to date they have raised \$700,000.00.

### 2. Presentation Re: Proposal to Portsmouth City Council for Study Circle Dialogue on Transportation – Jim Noucas (Mr. Cooper and Mr. Spaulding provided presentation because Mr. Noucas was not available to attend the meeting)

Mr. Cooper stated that Portsmouth Listens is seeking support for a series of citizen Study Circles on transportation this May. The 2013 Portsmouth Sustainable Transportation Dialogue would kickoff on Thursday, May 2, 2013 with a session on Transportation 101, which will be followed by 5 Study Circle sessions. The Dialogue will ask, “What are the characteristics of a sustainable transportation system that makes Portsmouth the best place to live, work and play for all of our residents, workers and visitors?” Mr. Spaulding reported that Portsmouth Listens will send e-mails that will be all inclusive of the City of Portsmouth.

Councilor Novelline Clayburgh suggested that Portsmouth Listens get the involvement of the City-wide Neighborhood Groups. Mr. Cooper advised the Council that Ms. Cardoso has been contacted. Councilor Coviello asked if the study circles would be open to non-residents. Mr. Cooper said yes. Assistant Mayor Lister encouraged Portsmouth Listens to reach out and get all stakeholders involved in the process.

## **V. ACCEPTANCE OF MINUTES – APRIL 1, 2013 & APRIL 8, 2013**

**Councilor Coviello moved to approve and accept the minutes of the April 1, 2013 and April 8, 2013 City Council meetings. Seconded by Assistant Mayor Lister and voted.**

## **VI. PUBLIC COMMENT SESSION**

Tom Carroll spoke to his complaint letter sent to the Pease Development Authority and their lack of response. He expressed his continued concern regarding rust dust issues at the Port and the need for this to be addressed.

## VII. PUBLIC HEARING

- A. RESOLUTION AUTHORIZING THE BORROWING OF UP TO THREE MILLION THREE HUNDRED THOUSAND DOLLARS (\$3,300,000.00) THROUGH THE ISSUE OF BONDS AND NOTES FOR ADDITIONAL COSTS FOR THE CONSTRUCTION, EXPANSION AND RENOVATION OF THE PORTSMOUTH MIDDLE SCHOOL

Mayor Spear read the legal notice, declared the public hearing open and called for speakers.

Councilor Dwyer stated there would be a presentation on the Resolution this evening and questions asked during the Council Work Session on the middle school have been incorporated as part of the presentation.

Dexter Legg, Co-Chair of the JBC advised the City Council that Jim LaPosta of JCJ Architects and Superintendent McDonough will be addressing the Council during the presentation.

Mr. Legg provided background information regarding the project. He reported the School Board selected the Parrott Avenue site after a lengthy, comprehensive and public evaluation. JCJ completed conceptual and schematic designs to meet the middle school education program now and in the future. He indicated that the costs to renovate the building estimated at \$40.8 million and were fully approved by the State Department of Education (DOE). The City Council approved a \$37.5 million Bonding Resolution in August, 2009 and the JBC was launched in October, 2009. He outlined accomplishments of the JBC and addressed the cost overview of the project. Mr. Legg advised the Council that the middle school was the last project to be approved by the State DOE.

Jim LaPosta, JCJ reported on construction phasing. He stated the decision was made by the School Board to keep students on-site during construction. The construction broke into three integrated phases and required temporary partitions, entrances and spaces never designed or intended to be permanent. He provided a diagram of the section remaining, which is Phase III of the building. The space that is being delivered is 129,765 square feet. He reviewed the total cost reduction summary. The project scope reductions through thoughtful Value Management discussions that maintain academic program and overall quality of construction to deliver a 50+ year facility totaling \$2,857,700 include:

Total Cost Reduction Summary:

- |  |                |
|--|----------------|
| • Value Management – Pre Bid                   | \$1,077,900.00 |
| • Value Management – Post Bid                  | \$919,800.00   |
| • Value Management – During Construction       | \$140,000.00   |
| • Furniture, Furnishings & Equipment Reduction | \$527,000.00   |
| • Public Art Allowance Reduction               | \$115,000.00   |
| • Builder’s Risk Transfer                      | \$78,000.00    |

Unanticipated Costs:

- Phase 1 Temporary Heat Issue  
*Utility company delayed permanent gas service*
- Phase 2 Structural Issues  
*Clay tile verses brick in existing walls*  
*Unsuitable steel bearing conditions*  
*Fire stair redesign; additional columns*
- Phase 2 Existing Pier/Soil Issues  
*Excavation uncovered deteriorated concrete*  
*Remediation plan/redesign caused delay*

Mr. LaPosta spoke to safety issues that needed correcting in order to move forward with the project. He advised the Council that the building is now structurally sound.

Superintendent McDonough outlined the items contained in Phase 3 which require the additional funding:

- Auditorium and Cafeteria (dual purpose space)
- Choral classroom / Performance Arts stage (dual purpose space)
- Band and Music classrooms
- New school main entrance
- Three story “connector” between new classroom wing and renovated 1930’s building

Jim LaPosta spoke to the measures needed to provide spaces for the complete academic program:

- If the Connector between Phase 1 and Phase 2 is not completed, there will be accessibility issues requiring an additional elevator
- Existing Gymnasium would serve as new Cafeteria; there would be no stage
- Existing classrooms in the 1975 addition would need to serve as new band and music rooms
- Partially demolished sections of the 1975 addition and temporary partitions would need to be made permanent and weather tight
- Phase 2 air handling units would need to be placed on the 1975 addition requiring some structural modifications
- School would operate two, separate mechanical systems where the existing system is at, or near the end of, its useful life

Mr. LaPosta showed the Council diagrams of what the building would look like if these items are not completed.

Councilor Dwyer stated a major concern is the new main entrance. She spoke to communities hardening their entrances, and if the new entrance is not constructed it would leave an open entrance and create safety concerns.



Mayor Spear called speakers to come forward to address the City Council on the public hearing.

Abi Wool, 6<sup>th</sup> grader at the middle school asked the City Council to finish the project and spoke to the many items that would not be completed if this funding is not approved by the Council.

Ashley Cooper, 8<sup>th</sup> grader at middle school spoke to the older sections and the hardship it creates for students to learn. She asked the Council to complete the project.

Mikaela Shevlin, student at middle school spoke in support of completing the middle school. She told the Council about a portion of a ceiling falling and mold being exposed. She said that the old section of the building is in poor condition and the project needs to be finished.

John O'Leary spoke in support of the additional funding for the completion of the middle school project. He addressed the hard work of the JBC and that coming back to the City Council to request additional funding was not what they wanted to do but it is what is needed in order to complete the project. He stated that there were safety issues with the building that needed to be addressed, unforeseen expenses. He urged the City Council to support the funding request and to the work of the JBC.

Lori Lampert spoke in support of the additional funding request in order to complete the project. She spoke to the strong performing arts at the middle school and within our community. She stated that the building needs to be completed and the new main entrance is necessary to address safety concerns.

David Lampert concurred with Mr. O'Leary's comments regarding this matter and the project needs to be completed and done correctly. He said it is necessary to give the students and teachers what they need in order to have a proper learning environment.

Maria Sillari said the presentation shows that the project needs to be completed. She said we need to finish the school and not short change the students or residents.

Roger Goldenberg spoke in support of the Resolution and the completion of the middle school project. He said the new school stands as a symbol of good government in a thriving community. Mr. Goldenberg stated by completing the building it shows that education is important.

Nancy Pearson said if the additional funding is not granted, the percent of arts project would be lost. She spoke to the importance of performing arts in the community and the need for that section of the building to be completed. She said if the project is not completed it could impact how people view this community, and whether they see it as thriving or not.

Olin Johannessen stated that he is the Choral Instructor at the middle school and spoke to the need for the project to be completed. He spoke to the strong performing arts at the school and its importance to the community and the students. He said there has been a change in the morale of students and teacher's, positive change in student's ability to learn all because of this valuable new modern section of the building.

Larry Drake urged the City Council to complete the funding for the middle school. He said we need to provide a good educational experience for the students.

Janet Groat said the presentation and comments made have spoken to the need to approve the additional funding for the middle school. She said there was a very small contingency for the project and now there is a need for the additional funding. She stated that this is not a Cadillac project but more of a hybrid and urged the Council to approve the Resolution.

Anna Nuttall is an art teacher at the middle school and spoke in support of the Resolution for additional funding. She said an assembly space is lacking at the middle school, and much needed. She said the lack of an assembly space creates limitations for teachers and students. She also expressed her support of the percent for arts project funding.

Carol Chellman thanked the City Council for their work on improving the City. She is concerned if we did not approve the funding now, the construction costs would increase. She stated that the JBC has done an excellent job and was transparent with the process and progress of the project.

Aubrey Gewehr spoke in support of the Resolution and the presentation. He said this is a legacy project and we need to keep a long view of this. He echoed the comments of Ms. Chellman.

Marylou McElwain spoke in favor of the Resolution and the performance arts room should not be compromised.

Kent LaPage said you can never do enough for the children of the world. He spoke in support of the Resolution in order to complete the project. He questioned the original price provided for the project and the guaranteed maximum price. He asked why the City is paying JCJ for their meals and hotels when they come to the City. He said JCJ had originally agreed to pay those costs. Mr. LaPage said the percent for arts item should be placed at the end of the list for the project

Tom Holbrook said he is a parent and business owner in the City and we must complete Phase 3 of the project. He said we need to consider what kind of message it would send, if we didn't complete the project.

Saunte Gray spoke in support of the middle school project and Resolution. She said the Council needs to finish the project.

With no further speakers, Mayor Spear declared a brief recess at 9:35 p.m. At 9:45 p.m., Mayor Spear called the meeting back to order.

## **VIII. APPROVAL OF GRANTS/DONATIONS**

*There are no items on under this section of the agenda*

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

- A. Adoption of Resolution Authorizing the Borrowing of up to Three Million Three Hundred Thousand Dollars (\$3,300,000.00) through the Issue of Bonds and Notes for Additional Costs for the Construction, Expansion and Renovation of the Portsmouth Middle School

**Councilor Covilelo moved to adopt the \$3.3 Million Dollar Bond Authorization, as presented. Seconded by Assistant Mayor Lister.**

Councilor Kenendy said the City is looking at an additional \$3.3 million dollars and spoke to the items we were promised and now are not receiving. She said it is sad that we are not staying within budget for this project. She stated the contractors have let the City and the students down.

Assistant Mayor Lister thanked everyone for coming out and speaking on this matter this evening. He said we have asked tough questions of the JBC and urged residents to look at the construction site; the focus of the project was to support the education programs in 6<sup>th</sup>-8<sup>th</sup> grades. He thanked the students for coming forward to speak this evening.

Councilor Thorsen stated in the beginning the Council said there was no way we would not finish the project. He thanked Councilor Dwyer for her work on the JBC and the level of detail provided by her. He said we need to adopt the bonding Resolution and that the City Council's backs are against the wall.

City Manager Bohenko explained the two ways to appropriate the remaining amount of money.

Councilor Smith thanked Co-Chairs Councilor Dwyer and Dexter Legg for their hard work on the JBC and amount of time they have put into this project. He said we need to finish the school.

Councilor Dwyer said over the last few meetings it has shown how complicated it is to build a school and meet the variety of needs required. She said one reason the JBC wants to ask for the additional money now is because we can receive 33% of the funds back from the State.

Councilor Lown said we need to find out if the overruns should have been funded before. He said the reimbursement of funds from the State is an important issue.

Councilor Novelline Clayburgh said she will support the motion to adopt the Resolution. She said safety is crucial to the schools. She requested the questions raised by Mr. LaPage be answered. She extended her thanks to Ernie Carrier and Peter Middleton that also serve on the JBC.

**On a unanimous roll call 9-0, voted to adopt the \$3.3 Million Dollar Bond Authorization, as presented.**

- B. Third and Final Reading of Proposed Amendments to Chapter 10 – Zoning Ordinance – Article 12 – Signs, Section 10.1230 – Sign Districts, Section 10.1240 – Permitted Sign Types; Section 10.1250 – Sign Dimensional Standards, Section 10.1290 – Sign Definitions, and Section 10.1270 – Additional Sign Regulation

**Councilor Lown moved to pass third and final reading on the proposed Ordinance, as presented. Seconded by Councilor Coviello and voted. Councilors Kennedy and Smith abstained from voting on this matter.**

- C. Third and Final Reading of Proposed Amendments to Chapter 10 – Zoning Ordinance – Article 5 – Dimensional and Intensity Standards, Section 10.515 – Measurement Rules, Section 10.516 – Exceptions to Yard Requirements and Article 15 – Definitions, Section 10.1530 – Term of General Applicability

**Councilor Lown moved to pass third and final reading on the proposed Ordinance, as presented. Seconded by Councilor Coviello.**

Councilor Kennedy said she will vote opposed to the motion because she does not feel air conditioned units should be so close to the homes.

Councilor Thorsen said he would like to divide the motion to remove the HVAC reference from the ordinance.

Councilor Dwyer said this is not about the location of the units but the calculation of lot coverage. Councilor Lown said Councilor Dwyer is correct, it is not the placement of units but the lot coverage.

Councilor Thorsen said based on this information he would not vote to divide the question.

Councilor Kennedy stated she would still oppose the motion and expressed concern relative to the noise HVAC units create. Councilor Smith said we have a noise ordinance that could address such issues.

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

- D. Third and Final Reading of Proposed Amendments to Chapter 10 – Zoning Ordinance – Article 6 – Overlay Districts, Section 10.630 - Historic District and Section 10.635.20 – Work Sessions

**Councilor Coviello moved to pass third and final reading on the proposed Ordinance, as presented. Seconded by Councilor Kennedy and voted. Councilor Smith voted opposed.**

**X. CONSENT AGENDA**

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

- A. Letter from Josh Pierce, Seacoast Area Bike Routes, requesting permission to hold the Bike/Walk to Work Day in the Seacoast on Friday, May 17, 2013  
***(Anticipated action – move to refer to the City Manager with power)***
- B. \*Acceptance of Donations for Art-Speak
- Catherine V. Sununu - \$150.00
  - Robin Lurie-Meyerkopf - \$150.00
- (Anticipated action – move to accept and approve the donations to Art-Speak for the General Administration line item, as presented)***
- C. \*Acceptance of Donations to Fire Department
- Kearsarge Historical SFE - \$2,661.19
  - Anonymous - \$15.00
- (Anticipated action – move to approve and accept the donations to the Portsmouth Fire Department, as listed)***
- D. \*Acceptance of Donation to Recreation Department
- Jodi L. and Mark C. Stone - \$250.00
- (Anticipated action – move to approve and accept the donation to the Portsmouth Recreation Department, as listed)***
- E. Second 2013 Omnibus Sidewalk Obstruction Renewals – See Attached Listings  
***(Anticipated action – move to refer to the City Manager with power)***

**Councilor Lown moved to adopt the Consent Agenda, as presented. Seconded by Councilor Kennedy and voted.**

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

- A. Letter from Ben Hayman, Oceana, requesting permission to hold a public demonstration event on Saturday, April 20, 2013 from 12:00 p.m. – 2:00 p.m. in the stage area of the Vaughan Mall

**Councilor Lown moved to refer to the City Manager with power. Seconded by Councilor Novelline Clayburgh and voted.**

- B. Letter from Ryan Glen Hirsch, NH Green Party, Idle No More, Occupy New England, requesting permission to hold an Environmental March in downtown on Sunday, April 28, 2013 at Noon

**Councilor Lown moved to refer to the City Manager with power. Seconded by Councilor Coviello and voted.**

## XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

### A. CITY MANAGER

#### 1. Proposed Amendment to the Memorial Bridge Illumination Trust

City Manager Bohenko reported the Town of Kittery did not approve the trust document at the April 1, 2013 Town Council meeting. He stated in order to proceed with this project, he recommends the Council amend the Trust to require only the signature from the City of Portsmouth. This would allow the funds that have been raised to be placed in the Trust in order to proceed with the installation of the lighting. He advised the Council he would work with the Town of Kittery to establish a separate memorandum of understanding for the shared expenses on the operation and maintenance of the lights.

**Assistant Mayor Lister moved to amend the Trust document for the Memorial Bridge Illumination, as presented. *The Trust will require only the signature from the City of Portsmouth so that the funds that have been raised can be placed in the Trust in order to proceed with the installation of the lighting.* Seconded by Councilor Coviello and voted.**

#### 2. Application for Sidewalk Café Providing Alcohol Service a) The District Restaurant

City Manager Bohenko recommended approval of the Area Service Agreement for This District Restaurant.

**Councilor Lown moved to authorize the City Manager to enter into an Area Service Agreement with The District Restaurant for outdoor alcohol service on City land for the 2013 season subject to City Council Policy No. 2012-02 regarding use of City property for sidewalk cafes providing alcohol service. Seconded by Councilor Coviello.**

Councilor Kennedy said that she would oppose the motion because the amount should be higher to use the public sidewalks.

City Manager Bohenko reported that City staff worked with Ri Ra and they will be reconfiguring their area to maintain a minimum 3 foot buffer between their fence and the bench as required by the City Council vote.

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

#### 3. Request for Restoration of Involuntary Merged Lots Re: 79 Lois Street

City Manager Bohenko requested that the City Council suspend the rules to allow Attorney McEachern to address the Council.

**Councilor Coviello moved to suspend the rules to allow Attorney McEachern to make a brief presentation to the City Council regarding the above referenced matter. Seconded by Councilor Smith and voted.**

Attorney McEachern reported that Beth Gross-Santos has requested the Council restore seven lots, merged by City action, to their premerger status. He said the owner will apply to voluntarily merge the seven lots into two new lots one (with the existing dwelling) fronting on Lois Street and the other fronting on Marjorie Street. The existing lot contains a single-family dwelling and a shed, each of which cross one of the lot lines that are proposed to be restored. The applicant has indicated that if this request is granted, the shed will be removed and the lot line that runs through the dwelling will be eliminated through a voluntary lot merger. He said if the Council grants this request, and the owner subsequently submits a request to voluntarily merge the seven lots into two lots, variances will still be required to construct a dwelling on the new Marjorie Street lot.

Councilor Thorsen said there was some questions as whether the lots were involuntarily merged in the first place so then the statute would not apply. He said the tax card is treated as one lot. City Attorney Sullivan stated that there is no document to show there was a merger.

**Councilor Coviello moved to approve the request of Beth Gross-Santos to “unmerge” the lots at 79 Lois Street. Seconded by Councilor Smith and voted.**

4. Request for License Re: 70 State Street

City Manager Bohenko advised the Council that McNabb Properties and B&M Wharf, LLC are requesting a license to encumber the sidewalks and certain parking spaces abutting 70 State Street to complete renovations of Rosa Restaurant. He said the encumbrance of the sidewalk would be intermittent, when lifts are required to complete certain exterior work. The applicant also seeks to encumber three parking spaces on State Street to facilitate the activities and seeks a license through June 28, 2013.

**Councilor Novelline Clayburgh moved to authorize the City Manager to negotiate and enter into a license with McNabb Properties/B&M Wharf LLC to facilitate construction activities at 70 State Street. Seconded by Assistant Mayor Lister and voted.**

Informational Items

City Manager Bohenko announced the Spring 2013 Household Hazardous Waste Day is scheduled for Saturday, May 4, 2013 from 8:00 a.m. to noon.

City Manager Bohenko reported in response to increasing concern about the scale and character of development in Portsmouth's historic downtown area, the City's Planning Department is managing a planning process to consider the concept of a “form-based” zoning code regulatory framework as an alternative to the existing zoning regulations that apply in this area. He spoke to Town Planning and Urban Design Collaborative (TPUDC) that will be conducting an intensive five-day charrette (workshop) and visioning process to produce a community vision plan and a draft form-based code for the downtown.

He said the charrette process is designed to encourage an open and public forum so all stakeholders can have a voice in the future of Portsmouth. He reported the multi-day charrette will begin on Thursday, June 6<sup>th</sup> and conclude on Monday, June 10<sup>th</sup>.

## **B. MAYOR SPEAR**

1. Appointments to be Considered:
  - Jay Leduc – Appointment as an Alternate to the Planning Board
  - Todd Henley – Reappointment to the Recreation Board
  - Christine Lukacz – Reappointment to the Portsmouth Housing Endowment Fund

The City Council considered the above referenced appointments which will be voted on at the May 6, 2013 City Council meeting.

2. Appointment to be Voted:  
Michael Barker – Appointment to the Taxi Commission

**Councilor Coviello moved to appoint Michael Barker to the Taxi Commission until December 31, 2013 filling the unexpired term of Jim Feehley. Seconded by Assistant Mayor Lister and voted.**

3. Resignation of Ed DeValle from the Recreation Board

**Councilor Smith moved to accept the resignation of Ed DeValle with regret and that a letter of thanks is sent to Mr. DeValle for his years of service to the City. Seconded by Assistant Mayor Lister and voted.**

4. \*Public Input Session Re: Parking – Monday, June 17, 2013

Mayor Spear announced the City Council will be conducting a Public Input Session regarding Parking on Monday, June 17, 2013.

## **C. COUNCILOR SMITH**

1. Proposed Work Session to Review Transportation Policy Committee Report

**Assistant Mayor Lister moved to establish a Work Session for June 10, 2013 at 6:30 p.m. to Review the Transportation Policy Committee Report. Seconded by Councilor Coviello.**

Councilor Smith reported that this will be a regional approach on transportation. Mayor Spear thanked Councilor Smith for his and the Committee's hard work on this matter.



**XIII. MISCELLANEOUS/UNFINISHED BUSINESS**

The Page Restaurant (not on agenda)

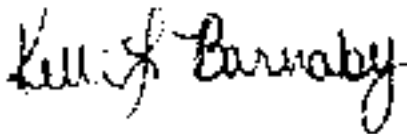
**Assistant Mayor Lister moved to request that the City Manager, Police Department and Legal Department conduct a full inquiry into the operation of The Page Restaurant during the term of its current ownership with a report back to the City Council as soon as possible. Seconded by Councilor Coviello and voted.**

Councilor Kennedy announced that Timberland has selected Peirce Island for the Day of Caring, which will take place on Thursday, April 18, 2013.

Mayor Spear reminded the Council and public of the City Council Work Session tomorrow evening at 6:30 p.m. on the Water and Sewer Budget.

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

**At 11:00 p.m., Assistant Mayor Lister moved to adjourn. Seconded by Councilor Coviello and voted.**



Kelli L. Barnaby, CMC/CNHMC  
City Clerk

COPY



NEW HAMPSHIRE  
CHARITABLE FOUNDATION

April 24, 2013

APR 29 2013

Mr. Christopher LeClair  
City of Portsmouth, NH-Fire Department  
170 Court Street  
Portsmouth, NH 03801

Grant ID#: 85780

Dear Christopher LeClair :

I am pleased to inform you that a \$15,000.00 grant from the Our New Hampshire Heritage - a fund of Northeast Auctions, an advised fund within the New Hampshire Charitable Foundation, has been awarded to City of Portsmouth, NH-Fire Department Our New Hampshire Heritage - a fund of Northeast Auctions grant for restoration of the Kearsarge fire pumper by the Portsmouth Fire Department.. The grant will be paid to City of Portsmouth, NH -- your fiscal sponsor.

*Payment of your award may be included with this letter or sent separately.* Your check will reference the grant ID number as shown above. A Terms of Award information sheet which explains the terms and conditions of the grant accompanies this letter. Please review this document carefully. Deposit of the grant award check signifies your acceptance and intent to comply with the terms of the award; it also serves as our receipt for this payment.

We ask that publicity for your program make reference to the support provided by the Our New Hampshire Heritage - a fund of Northeast Auctions of the New Hampshire Charitable Foundation. Information about the Foundation's publicity guidelines, including logos may be found on our website at [www.nhcf.org/publicity](http://www.nhcf.org/publicity).

If you have any questions, please contact Stacie Harriman for assistance. Our best wishes for the success of your programs.

Sincerely,

Judith T. Burrows  
Director of Program Operations

cc: City of Portsmouth, NH

**PLEASE NOTE:** By accepting this gift, the grant recipient acknowledges that the entire value of this contribution is for charitable purposes and no goods, services or benefits were provided to any individuals affiliated with said donor advised fund.



NEW HAMPSHIRE  
CHARITABLE FOUNDATION

LAKES MANCHESTER MONADNOCK NASHUA NORTH COUNTRY PISCATAQUA UPPER VALLEY

## TERMS OF AWARD

**Grant awards are made only for the purpose(s) specified in the enclosed award letter. Deposit of the grant award check signifies your intent to comply with the terms and conditions of the award as outlined below, and serves as our receipt for the enclosed grant award payment.**

1. **Expenditure of Grant Funds** - The grant award is made only for the purpose(s) specified in the award letter, and subject to any conditions included therein.

Grants may be used to support attempts to influence legislation of any governmental body when both specifically allowed in the Resolution, and under certain circumstances. These circumstances include either (i) the grant recipient has made the election to lobby referred to in Section 501(h) of the Internal Revenue Code and a copy of Form 5168 is forwarded to the Foundation or (ii) no substantial part of the activities of the grant recipient is carrying on propaganda or otherwise attempting to influence legislation.

In any case, no part of any grant may be used for a political campaign. Grants may, however, be used to make available the result of nonpartisan analysis, study and research.

2. **Return of Grant Funds to New Hampshire Charitable Foundation and its Regions**
  - (a) Awards which have not been qualified for and paid within 12 months of the award date revert to the uncommitted balances of the funder.
  - (b) Grant funds should be expended within 12 months after payment is issued. At the end of this period, any unexpended grant funds should be returned to the Foundation, or a written request for an extension of time should be submitted to the Foundation.
  - (c) Grants will be returned if the Foundation determines that the grant recipient has not performed in accordance with the **Terms of Award**, or met the conditions described in the award letter.
  - (d) Unexpended grant balances should be returned to the Foundation if the grant recipient loses its exemption from federal income taxation as provided for under Section 501(c)(3) of the Internal Revenue Code.

PORTSMOUTH POLICE DEPARTMENT

MEMORANDUM

APR 30 2013

DATE: 24 APRIL, 2013  
TO: JOHN P. BOHENKO, CITY MANAGER  
FROM: JOHN F. GOLUMB, CHAIRMAN, PORTSMOUTH POLICE COMMISSION  
STEPHEN J. DUBOIS, CHIEF OF POLICE  
RE: GRANT


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At the April 24<sup>th</sup>, 2013 monthly Police Commission meeting, the Board of Police Commissioners approved and accepted the following grant:

- a. A grant in the amount of \$3,595 from Seacoast CrimeStoppers to fund the purchase of a fume hood. A fume hood will aid in the processing of crime scene evidence.

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

Respectfully submitted,

  
John F. Golumb, Chairman  
Board of Police Commissioners

  
Stephen J. DuBois, Chief of Police

cc: Board of Police Commissioners  
Finance Director Judie Belanger  
Admin. Mgr. Karen Senecal  
Budget Coordinator Tammie Perez



P.O. Box 4237  
Portsmouth, New Hampshire  
03802-4237

REC'D APR 18 2013

April 16, 2013

Jerry Howe, Commissioner  
Portsmouth Police Commission  
3 Junkins Avenue  
Portsmouth, NH 03801

Re: Grant to Portsmouth Police Department- Fume Hood

Dear Commissioner Howe:

Seacoast Crime Stoppers is pleased to grant \$3,595.00 to the Portsmouth Police Department to fund the purchase of a fume hood to aid in the processing of crime scene evidence. Cashing the enclosed check will indicate your acceptance of the grant and its conditions.

As you are aware, for consideration of the grant, you have agreed to adhere to the Publicity Requirements set out in the attached, and encourage you use the credit line "made possible by a grant from Seacoast Crime Stoppers." Additionally, you should use our logo, list our web address and tip line whenever giving credit for the grant.

If you have any questions, please feel free to contact me at (603) 431-5144.  
Congratulations and best wishes to your organization.

Very truly yours,

SEACOAST CRIME STOPPERS

By: 

Antje S. Bourdages, Member  
Board of Directors

ASB:wps  
Enclosure

CITY OF PORTSMOUTH, NEW HAMPSHIRE  
GENERAL FUND APPROPRIATION BILL  
FOR FISCAL YEAR ENDING JUNE 30, 2014

**RESOLUTION #5-2013**

A RESOLUTION MAKING APPROPRIATION OF SUMS FOR ALL THE NECESSARY GENERAL FUND EXPENDITURES FOR THE OPERATION OF GENERAL OPERATING DEPARTMENTS AND SERVICES OF THE CITY OF PORTSMOUTH, NEW HAMPSHIRE FOR THE FISCAL YEAR ENDING JUNE 30, 2014.

**RESOLVED:**

By the City Council of the City of Portsmouth, New Hampshire assembled, to defray the current General Fund Expenses of the City for the Fiscal Year ending June 30, 2014, for the specific purposes stated in the General Budget adopted herewith. Said sums to be appropriated from the General Fund Revenues as follows:

Department	Appropriation
General Government	\$16,536,628
Police	\$9,174,659
Fire	\$7,434,078
School	\$39,820,958
Transfer to Indoor Pool	\$150,000
Non-Operating	\$19,721,814
<b>Total</b>	<b>\$92,838,137</b>

**THAT**, there is therefore appropriated the total sum of **Ninety-Two Million, Eight Hundred Thirty-Eight Thousand, One Hundred Thirty-Seven (\$92,838,137) Dollars.**

**APPROVED BY:**

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

**ADOPTED BY THE CITY COUNCIL:**

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

**CITY OF PORTSMOUTH, NEW HAMPSHIRE  
ANNUAL APPROVAL OF FEE SCHEDULE  
FOR THE FISCAL YEAR ENDING JUNE 30, 2014**

**RESOLUTION #6-2013**

**BE IT RESOLVED:**

**That the attached fee schedule (Exhibit A) is found to be reasonable and appropriate and is recommended for adoption. The fees denoted with an asterisk have been changed, all others are incorporated for convenience.**

**THAT, these fees attached (Exhibit A) shall be effective July 1, 2013.**

**APPROVED BY:**

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

**ADOPTED BY CITY COUNCIL:**

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

City of Portsmouth  
 Fee Schedule  
 Finance Department

\* (Indicates change from current fee)

<u>Ordinance / Non-Ordinance Title</u>	<u>NOTES</u>	<u>Description</u>	<u>Fiscal Year Last Adjusted</u>	<u>FY 2012 Schedule</u>	<u>FY 2013 Schedule</u>	<u>Suggested FY 2014 Schedule</u>
RSA-80:56	Individual occurrences not tracked	Non Sufficient Funds check processing fee	Pre FY 02	\$30.00	\$30.00 per check	\$30.00
Non-Ordinance	Individual occurrences not tracked	Copies: Into be copied; i.e., discharge papers, small items				
Non-Ordinance	Individual occurrences not tracked	8 1/2 x 11 or 8 1/2 x 14	Pre FY 02	\$0.25	\$0.25 per copy	\$0.25
Non-Ordinance	Individual occurrences not tracked	Items that generate a minimum of research, i.e. certificate of occupancy, fire reports, minutes of meetings, pages of past annual reports.	Pre FY 02	\$0.50	\$0.50 per copy	\$0.50
Non-Ordinance	Individual occurrences not tracked	In-house material requiring research time, piecing together etc. Example: older fire/ police reports, past budgets, plot plans, septic systems, old minutes, old deeds, agreements and other similar items.	Pre FY 02	\$2.00	\$2.00 1st copy	\$2.00
Non-Ordinance	Individual occurrences not tracked	All copies made on 11 x 17 pages.	Pre FY 02	\$0.50	\$0.50 all subsequent pages	\$0.50
Non-Ordinance	Individual occurrences not tracked	Tax bills prepared for parties other than owners.	Pre FY 02	\$0.50	\$0.50 per copy	\$0.50
Non-Ordinance	Individual occurrences not tracked	Tax bills prepared for parties other than owners.	Pre FY 02	\$2.00	\$2.00 1st copy	\$2.00
Non-Ordinance	Individual occurrences not tracked	Tax bills prepared for parties other than owners.	Pre FY 02	\$1.00	\$1.00 each additional copy	\$1.00
Non-Ordinance	Individual occurrences not tracked	Tax Card/Tax Map from laser printer (Free to property owner)	FY 04	\$1.00	\$1.00 Each Print	\$1.00
Non-Ordinance	Individual occurrences not tracked	Standard Assessing data base cd	Pre FY 02	\$75.00	\$75.00	\$75.00
Non-Ordinance	Individual occurrences not tracked	DVD copies of City related events	Pre FY 02	\$10.00	\$10.00	\$10.00



City of Portsmouth  
 Fee Schedule  
 City Clerk

Ordinance / Non-Ordinance Title	NOTES	Description	Fiscal Year Last Adjusted	FY 2012 Schedule	FY 2013 Schedule	Suggested FY 2014 Schedule
* (Indicates change from current fee)						
<b>Chapter 5: Article IV Section 402</b>						
License to handle any gasoline or similar fluids within the City.	FY 12 there were 26 Petroleum Licenses processed for \$5,075.	Initial License Fee	FY 03	\$275.00	\$275.00 per location	* \$300.00
		Annual Renewal Fee	FY 03	\$75.00	\$75.00 Up to 9,999 gallons	* \$100.00
		Annual Renewal Fee	FY 03	\$100.00	\$100.00 10,000 to 14,999	* \$125.00
		Annual Renewal Fee	FY 03	\$125.00	\$125.00 15,000 to 19,999	* \$150.00
		Annual Renewal Fee	FY 03	\$150.00	\$150.00 20,000 to 24,999	* \$175.00
		Annual Renewal Fee	FY 03	\$175.00	\$175.00 25,000 to 29,999	* \$200.00
		Annual Renewal Fee	FY 03	\$200.00	\$200.00 30,000 to 34,999	* \$225.00
		Annual Renewal Fee	FY 03	\$225.00	\$225.00 35,000 to 39,999	* \$250.00
		Annual Renewal Fee	FY 03	\$250.00	\$250.00 40,000 to 44,999	* \$275.00
		Annual Renewal Fee	FY 03	\$275.00	\$275.00 45,000 to 49,999	* \$300.00
		Annual Renewal Fee	FY 03	\$300.00	\$300.00 50,000 and over	* \$325.00
<b>Chapter 6: Article I Section 109C</b>						
Licenses-Gon. Provisions-Duties of licensee	Change of license location fee not charged	Change Location of Licensed Business	Pre FY 02	\$1.00	\$1.00 Per Occurrence	\$1.00
<b>Chapter 6: Article I Section 110B</b>						
Licenses-Gon. Provisions-Transfer of license	No Initial license fee charged	Transfer of License	Pre FY 02	\$10.00	\$10.00 Per Occurrence	\$10.00
<b>Chapter 6: Article II Section 201</b>						
Billiards and Bowling	FY 12 there were 6 license issued for \$1,400	License	FY 03	\$20.00	\$20.00 Per Year, Per Table or Lane	* \$25.00
<b>Chapter 6: Article III Section 302</b>						
Model Slot Car Racing	No licenses issued in FY 12	License	Pre FY 02	\$25.00	\$25.00 Per Year	\$25.00

City of Portsmouth  
 Fee Schedule  
 City Clerk

<u>Ordinance / Non-Ordinance Title</u>	<u>NOTES</u>	<u>Description</u>	<u>Fiscal Year Last Adjusted</u>	<u>FY 2012 Schedule</u>	<u>FY 2013 Schedule</u>	<u>Suggested FY 2014 Schedule</u>	
* (Indicates change from current fee)							
<u>Chapter 6: Article IV Section 403C</u>							
Coin Operated Amusement Devices	FY 12 there were 13 licenses issued for \$5,085.	License	FY 03	\$75.00	\$75.00 For each of the first 30 machines, per year	\$75.00	
			FY 03	\$10.00	\$10.00 For each machine over 30, per year	\$10.00	
<u>Chapter 6: Article V Section 502</u>							
Boxing and Wrestling	No licenses issued in FY 12	License	Pre FY 02	\$10.00	\$10.00 Each Day	\$10.00	
<u>Chapter 6: Article VI Section 602</u>							
Dancing	No licenses issued in FY 12	License	Pre FY 02	\$10.00	\$10.00 Per Dance	\$10.00	
<u>Chapter 6: Article VII Section 707D</u>							
Dog Ordinance	No dogs sold in FY 12	Procuring City Owned Dogs	Pre FY 02	\$3.00 to \$10.00	\$3.00 to \$10.00 Per Dog (Discretion of Animal Control Officer)	\$3.00 to \$10.00	
<u>Chapter 6: Article IX Section 801C12</u>							
Circus License	No licenses issued in FY 12	Amusement Devices	Pre FY 02	\$30.00	\$30.00 Per Day	\$30.00	
			Carnivals (For Operation)	Pre FY 02	\$125.00	\$125.00 Per Day	\$125.00
			Including Each Amusement Device	Pre FY 02	\$30.00	\$30.00	\$30.00
			Circus (For Operation)	Pre FY 02	\$125.00	\$125.00 Per Day	\$125.00
			Including Each Amusement Device	Pre FY 02	\$30.00	\$30.00	\$30.00
			Fairs (For Operation)	Pre FY 02	\$10.00	\$10.00 Per Day	\$10.00
			Including Each Amusement Device	Pre FY 02	\$5.00	\$5.00 Per Day	\$5.00
			Temporary Structures	Pre FY 02	\$10.00	\$10.00 Per Day	\$10.00
<u>Chapter 6: Article IX Section 902</u>							

City of Portsmouth  
 Fee Schedule  
 City Clerk

Ordinance / Non-Ordinance Title	NOTES	Description	Fiscal Year	FY 2012	FY 2013	Suggested
			Last Adjusted	Schedule	Schedule	FY 2014
<u>* (Indicates change from current fee)</u>						
Circus License	No license issued in FY 12	Total fee for Circus license shall not be less than	Pre FY 02	\$75.00	\$75.00 Per Day	\$75.00
<b>Chapter 6: Article X Section 1003</b>						
Theatricals, Parades, Open Air Meetings	No license issued in FY 12	License	Pre FY 02	\$300.00	\$300.00 Not to exceed per day	\$300.00
		License to exhibit in any hall	Pre FY 02	\$50.00	\$50.00 Not to exceed per day	\$50.00
<b>Chapter 6: Article XIII Section 1315</b>						
Hawkers and Peddlers	FY 12 there were 7 license issued for \$1,750	License	Pre FY 02	\$250.00	\$250.00 Per Year	\$250.00
<b>Chapter 6: Article XIV Section 1402</b>						
Pawn Brokers	FY 12 there were 7 license issued for \$245	License	Pre FY 02	\$35.00	\$35.00 Per Year	\$50.00 *
<b>Chapter 6: Article XV Section 1502</b>						
Roller Skating Rinks	No license issued in FY 12	License	Pre FY 02	\$50.00	\$50.00 Per Year	\$50.00
<b>Chapter 6: Article XVI Section 1608</b>						
Magazine Subscription Solicitors	No license issued in FY 12	License	FY 06	\$50.00	\$50.00 Per Year	\$50.00
<b>Chapter 9: Article V Section 504 C</b>						
Sidewalk Obstructions	FY 12 there were 1 vendor licensing 1 newsrack	Newsrack	Pre FY 02	No Charge	No Charge	No Charge
<b>Chapter 9: Article V Section 504 C</b>						
Sidewalk Obstructions	FY 12 there were 69 licenses issued for \$6,530.	Obstruction (Including Restaurant Table)	Pre FY 02	\$50.00	\$50.00 Each Obstruction (Including Restaurant Table)	\$60.00 *
<b>Chapter 9: Article V Section 504 C</b>						
Sidewalk Obstructions		Restaurant Chairs	Pre FY 02	\$5.00	\$5.00 Each Restaurant Chair	\$7.00 *
<b>Chapter 13: Section 203 A</b>						
Mobile Homes	FY 12 there were 3 Mobile Home Parks with 277 occupied spaces for a total fee of \$5,540	Mobile home space, occupied, located within a mobile home park.	FY 03	\$20.00	\$20.00 Annually (Due April 1)	\$25.00 *

City of Portsmouth  
Fee Schedule  
City Clerk

Ordinance / Non-Ordinance Title	NOTES	Description	Fiscal Year	FY 2012	FY 2013	Suggested FY 2014 Schedule	
			Last Adjusted	Schedule	Schedule		
* (Indicates change from current fee)							
<u>Chapter 13: Section 203 B</u>							
Mobile Homes	There are no Mobile Home Parks in the City of Portsmouth with two or less homes.	A minimum fee per mobile home park shall be charged for those parks having but two or less occupied spaces.	Pre FY 02	\$10.00	\$10.00	Annually (Due April 1)(not less than \$10.00)	\$10.00
		In the case of overlapping jurisdiction, only one fee per annum may be imposed. When an original license/permit is issued on or after July 1st of any year, the permit fee for the remainder of the year shall be one half the permit fee. The City Clerk shall charge the fee for the transfer of the permit in amount not to exceed \$10.00 for a mobile home park. Such license/permit fees herein provided for in this section of this Ordinance shall be in lieu of all inspection or other fees and all other local taxes other than ad valorem taxes.					
			Pre FY 02	\$10.00	\$10.00		\$10.00
Non-Ordinance	FY 12 collections of \$1,335 with 267 occurrences	Notarization	FY 05	\$5.00	\$5.00	Per Document	\$5.00
Non-Ordinance	FY 12 collections of \$345 with 23 occurrences	Tag day, permits	FY 05	\$15.00	\$15.00		\$15.00
Non-Ordinance	FY 12 collections of \$120 with 2 occurrences	Ward checklist	Pre FY 02	\$60.00	\$60.00	per set	\$60.00
Non-Ordinance	FY 12 collections of \$25 with 2 occurrences	Ward checklist for individual wards	Pre FY 02	\$10.00-\$15.00	\$10.00-\$15.00	(based on size of ward)	\$10.00-\$15.00
Non-Ordinance	FY 12 collections of \$640 with 32 occurrences	Event permit (fairs, parades etc. not governed by ordinance)	FY 05	\$20.00	\$20.00		\$20.00
Non-Ordinance	FY 12 collections of \$0 with 0 occurrences	Ordinance Books	Pre FY 02	\$100.00	\$100.00		\$100.00
Non-Ordinance	FY 12 collections of \$0 with 0 occurrences	Ordinance book supplements (distributed 2 x per year)	Pre FY 02	\$50.00	\$50.00		\$50.00
Non-Ordinance	FY 12 collections of \$75 with 13 occurrences	Voter certification	FY 05	\$5.00	\$5.00		\$5.00
Non-Ordinance	FY 12 collections of \$600 with 6 occurrences	Voter History Disk	FY 05	\$100.00	\$100.00	per election	\$100.00
Non-Ordinance	FY 12 collections of \$25 with 5 occurrences	Articles of agreement filing	Pre FY 02	\$5.00	\$5.00		\$5.00
RSA 540:1-B	FY 12 collections of \$0 with 0 occurrences	Restricted Property Listing	FY 12	\$15.00	\$15.00	per form	\$15.00

EXHIBIT A

City of Portsmouth  
Fee Schedule  
Planning Department

\*(Indicates change from current fee)

Suggested  
FY 2014  
Schedule

Ordinance / Non-Ordinance Title	NOTES	Description	Fiscal Year Last Adjusted	FY 2012 Schedule	FY 2013 Schedule	Suggested FY 2014 Schedule
<b>PLANNING BOARD</b>						
Non-Ordinance	The Planning Department reported the following application numbers and fees for FY 12:	Subdivision applications(residential)	FY 07	\$200.00	\$200.00	* \$300.00
Non-Ordinance	Applications:	Plus Per Lot	FY 07	\$100.00	\$100.00	\$100.00
Non-Ordinance	Site Review 28	Subdivision applications(non-residential)	FY 09	\$350.00	\$350.00	\$350.00
Non-Ordinance	Subdivision 7	Plus Per Lot	FY 07	\$150.00	\$150.00	\$150.00
Non-Ordinance	Lot Line revisions 14					
Non-Ordinance	Conditional Use 23					
Non-Ordinance	Board of Adjustment 100					
Non-Ordinance	HDC 110	Lot Line Revision/Verification	FY 09	\$175.00	\$175.00	* \$250.00
Non-Ordinance	Conservation Commission 34					
Non-Ordinance	State Wetland Permits 14	Filing of Condominium Site Plans per				
Non-Ordinance	Revenues:	State Statute-no subdivision	FY 11	\$50.00	\$50.00	\$50.00
Non-Ordinance	Planning Board \$52,299	Lot Consolidation-no subdivision	FY 10	\$175.00	\$175.00	\$175.00
Non-Ordinance	Board of Adjustment \$29,064					
Non-Ordinance	Site Review \$34,003					
Non-Ordinance		Conditional Use Permit (Wetlands):				
Non-Ordinance		1 and 2 Family Dwellings	FY 13	\$100.00	Deleted	Deleted
Non-Ordinance		All applicants(except 1-2 Family dwellings)	FY 13	\$250.00	Deleted	Deleted
Non-Ordinance		on lots 5 acres or less	FY 13	\$450.00	Deleted	Deleted
Non-Ordinance		on lots greater than 5 acres	FY 13	\$450.00	Deleted	Deleted
Non-Ordinance		Area of disturbance in wetland or wetland buffer:				
Non-Ordinance		-up to 100 sq ft	FY 13	N/A	\$50.00	\$50.00
Non-Ordinance		-up to 1,000 sq ft	FY 13	N/A	\$250.00	\$250.00
Non-Ordinance		-greater than 1,000 sq ft	FY 13	N/A	\$500.00	\$500.00
<b>PLANNING-BOARD OF ADJUSTMENT</b>						
Non-Ordinance		Residential application 1-2 dwelling units	FY 13	\$75.00	\$125.00	\$125.00
Non-Ordinance		3-4 dwelling units	FY 13	\$175.00	\$200.00	\$200.00

City of Portsmouth  
 Fee Schedule  
 Planning Department

\* (Indicates change from current fee)

<u>Ordinance / Non-Ordinance Title</u>	<u>NOTES</u>	<u>Description</u>	<u>Fiscal Year Last Adjusted</u>	<u>FY 2012 Schedule</u>	<u>FY 2013 Schedule</u>	<u>Suggested FY 2014 Schedule</u>
Non-Ordinance		5-10 dwelling units	FY 13	\$200.00	\$250.00	\$250.00
Non-Ordinance		11-30 dwelling units	FY 07	\$300.00	\$300.00	\$300.00
Non-Ordinance		30+ dwelling units	FY 12	\$300.00	\$300.00	\$300.00
Non-Ordinance		For each unit over 30	FY 12	\$50.00	\$50.00	\$50.00
Non-Ordinance		Total application fee shall not exceed (cap)	FY 12	\$2,000.00	\$2,000.00	\$2,000.00
Non-Ordinance		Residential application-accessory structure only	FY 11	\$50.00	\$50.00	\$50.00
Non-Ordinance		Non-residential applications	FY 12	\$300.00	\$300.00	\$300.00
Non-Ordinance		In Addition:				
Non-Ordinance		Per \$1,000 of valuation of new construction	Pre FY 02	\$5.00	\$5.00	\$5.00
Non-Ordinance		Total application fee shall not exceed (cap)	FY 12	\$2,000.00	\$2,000.00	\$2,000.00
Non-Ordinance		Signs	FY 13	\$175.00	\$200.00	\$200.00
		PLANNING-SITE REVIEW				
Non-Ordinance		All developments	FY 07	\$300.00	\$300.00	\$500.00 *
Non-Ordinance		In Addition:				
Non-Ordinance		Per \$1,000 of Site costs only	Pre FY 02	\$5.00	\$5.00	\$5.00
Non-Ordinance		Total application fee shall not exceed (cap)	FY 08	\$15,000.00	\$15,000.00	\$15,000.00
		PLANNING-HISTORIC DISTRICT				
Non-Ordinance		Residential applications 1 dwelling unit	FY 11	\$50.00	\$50.00	\$50.00
Non-Ordinance		2 dwelling units	FY 11	\$75.00	\$75.00	\$75.00
Non-Ordinance		3 dwelling units	FY 11	\$100.00	\$100.00	\$100.00
Non-Ordinance		4-10 dwelling units	FY 06	\$125.00	\$125.00	\$125.00
Non-Ordinance		11-30 dwelling units	FY 06	\$250.00	\$250.00	\$250.00
Non-Ordinance		30+ dwelling units	FY 12	\$300.00	\$300.00	\$300.00

City of Portsmouth  
 Fee Schedule  
 Planning Department

\*(Indicates change from current fee)

<u>Ordinance / Non-Ordinance Title</u>	<u>NOTES</u>	<u>Description</u>	<u>Fiscal Year Last Adjusted</u>	<u>FY 2012 Schedule</u>	<u>FY 2013 Schedule</u>	<u>Suggested FY 2014 Schedule</u>
Non-Ordinance		For each unit over 30	FY 12	\$50.00	\$50.00	\$50.00
		Accessory structure, mechanical equipment or replacement of doors/windows only	FY 13	N/A	\$50.00	\$50.00
Non-Ordinance		Non-residential applications	FY 07	\$300.00	\$300.00	\$300.00
		In Addition:				
Non-Ordinance		Per \$1,000 of valuation of new construction	Pro FY 02	\$5.00	\$5.00	\$5.00
Non-Ordinance		Total application fee shall not exceed (cap)	FY 13	\$2,000.00	\$3,000.00	\$3,000.00
Non-Ordinance		Non-residential applications-accessory structure, mechanical equipment or replacement of doors/windows only	FY 11	\$50.00	\$50.00	\$50.00
Non-Ordinance		Signs	FY 13	\$175.00	\$200.00	\$200.00

City of Portsmouth  
 Fee Schedule  
 Inspection Department

\* (Indicates change from current fee)

Ordinance / Non-Ordinance  
 Title

NOTES

Description	Fiscal Year Last Adjusted	FY 2012 Schedule	FY 2013 Schedule	Suggested FY 2014 Schedule
Initial	FY 11	\$50.00	\$50.00	\$50.00
Extension	FY 11	\$25.00	\$25.00	\$25.00
<b>BUILDING PERMIT FEES:</b>				
<b>Chapter 12: Part I Section 108.2</b>				
International Building Code- and Chapter 12: Part II Section R108.2	Note: All Construction Permit Fees rounded up to the nearest \$5.00			
International Residential Code-	Following is a summary of Building Permits:			
FY 12	Minimum Fee-Residential FY 07 \$50.00 \$50.00 \$50.00			
Non-Residential Commercial	Special Inspection Fee FY 07 \$60.00 \$60.00 Per Hour \$60.00			
Issued Value	Emergency Inspection Fee FY 07 \$60.00 \$60.00 Per Hour \$60.00			
300 \$83,095,896	New Construction-Residential (includes Additions)			
Residential	Habitable Enclosed Living Spaces FY 13 \$0.25 \$0.30 Per gross square ft of floor area \$0.30			
Issued Value	Habitable Unenclosed Living Spaces FY 13 \$0.20 \$0.25 Per gross square ft of floor area \$0.25			
295 \$17,825,428	Nonhabitable or Unfinished Spaces FY 13 \$0.15 \$0.20 Per gross square ft of floor area \$0.20			
Alterations and Other	New Construction-Commercial FY 13 \$0.30 \$0.40 Per gross square ft of floor area \$0.40			
Issued Value	Minimum Fee-Commercial FY 04 \$50.00 \$50.00 \$50.00			
271 \$4,172,894	Fire Sprinkler Systems FY 07 \$0.04 \$0.04 Per gross square ft of sprinkled area \$0.04			
Permit Fee: \$262,431	Fire Alarm Systems: (Per device installed)			
	FY 07	\$100.00	\$100.00	per Fire Alarm Control Panel \$100.00
	FY 07	\$50.00	\$50.00	to Modify an Existing Fire Alarm Control Panel \$50.00
	FY 07	\$35.00	\$35.00	per Remote Annunciator Panel \$35.00
	FY 07	\$35.00	\$35.00	per Voice Alarm / Notification System \$35.00
				(High Rise Feature)
	FY 07	\$35.00	\$35.00	per Off Site Notification Circuit \$35.00



City of Portsmouth  
 Fee Schedule  
 Inspection Department

\* (Indicates change from current fee)

Ordinance / Non-Ordinance  
 Title

Ordinance / Non-Ordinance Title	NOTES	Description	Fiscal Year Last Adjusted	FY 2012 Schedule	FY 2013 Schedule	Suggested FY 2014 Schedule	
		(Central Station or Master Box)					
			FY 07	\$2.00	\$2.00 per Initiation and Notification Device	\$2.00	
			FY 07	\$2.00	\$2.00 per Supervisory Device	\$2.00	
			FY 04	\$5.00	\$5.00 per Fire Safety Control Device (Magnetic Door Holder, Elevator Recall, Smoke Control, etc.)	\$5.00	
			FY 07	\$2.00	\$2.00 per Voice Alarm System Device (Phone or Radio hookup)	\$2.00	
		Flat Rate Permits	FY 06	\$35.00	\$35.00	\$35.00	
		Flat Rate Permits: Includes: siding, replacement windows, pools, sheds, buried tanks, pad mounted generators, temporary structures, change-in-occupancy with no construction.					
		Demolition Permits	FY 06	\$50.00	\$50.00 For structures up to 2,000 SF floor area	\$50.00	
			FY 04	\$10.00	\$10.00 per \$1,000 of demolition cost for structures over 2,000sf	\$10.00	
		General Renovations					
		Residential Rates	FY 04	\$7.00	\$7.00 per \$1,000 of renovation cost	\$7.00	
		Commercial Rates	FY 04	\$10.00	\$10.00 per \$1,000 of renovation cost	\$10.00	
		If, in the opinion of the Code Official, the type of residential renovation or repair does not lend itself to a square footage calculation, then the permit fee shall be based on (1) \$7.00 per \$1,000 of renovation cost. If there is a fee difference between the square foot rate and the construction cost rate, the rate yielding the larger amount shall be assessed.  If, in the opinion of the Code Official, the type of commercial renovation or repair does not lend itself to a square footage calculation, then the permit fee shall be based on (2) \$10.00 per \$1,000 of renovation cost. If there is a fee difference between the square foot rate and the construction cost rate, the rate yielding the larger amount shall be assessed.					
			FY 04	\$7.00	\$7.00	\$7.00	
			FY 04	\$10.00	\$10.00	\$10.00	
		Sign Permits-Minimum Fee	FY 04	\$50.00	\$50.00	\$50.00	
		Special Event Sign	FY 07	\$35.00	\$35.00 per single event	\$35.00	
		Fee per sq ft of sign area (Permanent or Temporary)	FY 04	\$1.00	\$1.00	\$1.00	
		Reinspection Fee	FY 07	\$100.00	\$100.00 Per Reinspection	\$100.00	

Chapter 12: Part I Section 109.7

**City of Portsmouth  
Fee Schedule  
Inspection Department**

\* (Indicates change from current fee)

<u>Ordinance / Non-Ordinance Title</u>	<u>NOTES</u>	<u>Description</u>	<u>Fiscal Year Last Adjusted</u>	<u>FY 2012 Schedule</u>	<u>FY 2013 Schedule</u>	<u>Suggested FY 2014 Schedule</u>
International Building Code- and <u>Chapter 12: Part II Section R109.5</u> International Residential Code-						
<u>Chapter 12: Part I Section 108.4</u> International Building Code- and <u>Chapter 12: Part II Section R108.7</u> International Residential Code-		<p><b>Fee for Nonpermitted Work</b></p> <div style="border: 1px solid black; padding: 5px; margin: 5px 0;">                     Any person who is found to have demolished, constructed, altered, removed, or changed the use of a building or structure without the benefit of a building, electrical, plumbing, mechanical, or change in use permit shall, upon issuance of said permit(s), be assessed a charge of (1) 200% of the regular permit fee or (2) \$200.00 whichever is greater. If the regular permit fee is over (3) \$200.00, the permit fee shall be the regular fee plus (4) \$200.00.                 </div>				
			FY 04	\$2.00	\$2.00	\$2.00
			FY 07	\$300.00	\$300.00	\$300.00
			FY 07	\$300.00	\$300.00	\$300.00
			FY 07	\$300.00	\$300.00	\$300.00
<u>Chapter 12: Part I Section 110.6</u> International Building Code- and <u>Chapter 12: Part II Section R110.6</u> International Residential Code-		<b>Fee for Certificate of Use and Occupancy</b>	FY 07	\$100.00	\$100.00	\$100.00
<u>Chapter 12: Part I Section 106.3.6</u> International Building Code-		<p><b>Outside Plan Review Services (adjustment to permit)</b> (for all applicable building permits meaning building, electric, plumbing, mechanical or fire protection permits)</p>	FY 07	-30%	-30%	* -20%

**ELECTRICAL FEES:**

Chapter 12: Part I Section 108.2

International Building Code-

Following is a summary of Electrical Permits:  
FY 12

City of Portsmouth  
 Fee Schedule  
 Inspection Department

\* (Indicates change from current fee)

Ordinance / Non-Ordinance  
 Title

NOTES

Description	Fiscal Year Last Adjusted	FY 2012 Schedule	FY 2013 Schedule	Suggested FY 2014 Schedule
Plan Review Fee	FY 04	\$50.00	\$50.00	\$50.00
Special Inspection Fee	FY 07	\$60.00	\$60.00 Per Hour	\$60.00
Emergency Inspection Fee	FY 07	\$60.00	\$60.00 Per Hour	\$60.00
Reinspection fees	FY 07	\$100.00	\$100.00 Each additional inspection after the second rejection for the same item(s)	\$100.00
Minimum Electric Permit Fee	FY 07	\$50.00	\$50.00	\$50.00
<b>Residential-Service Equipment</b>				
Single Phase	FY 07	\$25.00	\$25.00 up to & including 100 Amps.	\$25.00
Single Phase	FY 08	\$50.00	\$50.00 101 to 200 Amps.	\$50.00
Single Phase	FY 07	\$70.00	\$70.00 201 to 400 Amps.	\$70.00
Single Phase	FY 07	\$15.00	\$15.00 Meters (each)	\$15.00
<b>Lighting Fixtures, Power Utilization</b>				
Equipment & Outlets	FY 04	\$1.00	\$1.00 Each Device	\$1.00
<b>Pad Mounted Generators:</b>				
12 KW or less	FY 12	\$75.00	\$75.00	\$75.00
13 KW to 20 KW	FY 12	\$125.00	\$125.00	\$125.00
21 KW and above	FY 12	\$175.00	\$175.00	\$175.00
Manual Gen. set transfer	FY 12	\$10.00	\$10.00	\$10.00
Automatic Gen. set transfer	FY 12	\$25.00	\$25.00	\$25.00
All fees shall be rounded up to the nearest \$5.00 with a minimum	FY 04	\$50.00	\$50.00	\$50.00
<b>Commercial-Contract Cost Fee Method</b>				
First \$5000.00 of electrical construction cost from				
\$0.01 to \$5,000.00	FY 04	\$25.00	\$25.00 Rate per Thousand Dollars of Contract Cost	\$25.00
Next \$5000.00 of electrical construction cost from				
\$5,000.01 to \$10,000.00	FY 04	\$20.00	\$20.00 Rate per Thousand Dollars of Contract Cost	\$20.00
Next \$5000.00 of electrical construction cost from				
\$10,000.01 to \$15,000.00	FY 04	\$15.00	\$15.00 Rate per Thousand Dollars of Contract Cost	\$15.00

FY 12  
 Permits: 555  
 Permit Fees: \$195,170

and  
 Chapter 12: Part II Section R108.2  
 International Residential Code-

City of Portsmouth  
 Fee Schedule  
 Inspection Department

\* (Indicates change from current fee)

Ordinance / Non-Ordinance Title	NOTES	Description	Fiscal Year Last Adjusted	FY 2012 Schedule	FY 2013 Schedule	Suggested FY 2014 Schedule
<u>Chapter 12: Part I Section 109.7</u> International Building Code- and <u>Chapter 12: Part II Section R109.5</u> International Residential Code-		Each \$1000.00 of electrical construction cost from \$15,000.01 & over	FY 07	\$10.00	\$10.00	Rate per Thousand Dollars of Contract Cost \$10.00
		<b>Reinspection fees</b> If, upon being called for any inspection, the work is not in compliance with this Code, verbal notice will be given as to the deficiencies and such deficiencies shall be noted on the code official's report. The permit holder shall be responsible for correcting the item(s) and for notifying the code official to reinspect said deficiencies. If when called to reinspect these deficiencies, all is correct, no further action will be taken. However, if during the first reinspection, the work in question has not been corrected, there will be a \$50.00 reinspection fee assessed, which must be paid at the Inspection Office before a third inspection will be made. For each subsequent reinspection of the same deficiency or deficiencies, a like procedure and fee shall be assessed.				
			FY 07	\$100.00	\$100.00	\$100.00
<u>Chapter 14: Section 102A E</u> Housing Code	City does not currently collect fee or issue certificate	Certificate of Occupancy	Pre FY 02	\$1.00	\$1.00	Per Building (Good for 3 years) \$1.00

**PLUMBING/MECHANICAL PERMIT FEES:**

Chapter 15, Part I of II: Section 106.6.2

International Plumbing Code &

Chapter 15, Part II of II: Section 106.5.2

International Mechanics Code

Following is a summary of Plumbing Permits:  
 FY 12  
 Permits: 763  
 Permit Fees: \$155,786

Residential rate:	Pre FY 02	FY 07	FY 10	Each	
Fee per fixture (plumbing or gas)	\$5.00	\$5.00	\$5.00	Each	\$5.00
Water distribution piping (per dwelling)	\$30.00	\$30.00	\$30.00	Each	\$30.00
Waste and vent piping (per dwelling)	\$30.00	\$30.00	\$30.00	Each	\$30.00
Septic System (per dwelling)	\$30.00	\$30.00	\$30.00	Each	\$30.00
Gas distribution piping (per gas meter)	\$30.00	\$30.00	\$30.00	Each	\$30.00
Heating & Cooling Equipment: (Boiler, Furnace, Airhandlers, Unit Heaters, Condenser, Gas Logs, Fireplace Inserts, Solid Fuel Stoves, etc...)	\$20.00	\$20.00	\$20.00	per Mechanical Equipment	\$20.00
Gas Appliance: (Cloths Dryers, Range/Oven					

City of Portsmouth  
 Fee Schedule  
 Inspection Department

\* (Indicates change from current fee)

Ordinance / Non-Ordinance  
 Title

NOTES

Description	Fiscal Year Last Adjusted	FY 2012 Schedule	FY 2013 Schedule	Suggested FY 2014 Schedule
Water Heater, etc....)	FY 10	\$5.00	\$5.00 per Gas Appliance	\$5.00
Air Distribution System:	FY 10	\$5.00	\$5.00 per Register	\$5.00
Minimum Permit Fee	FY 07	\$50.00	\$50.00	\$50.00
<b>Commercial rate:</b>				
Required Plan Review Fee	FY 04	\$50.00	\$50.00 Plumbing	\$50.00
(Per contractor and for each revision of plans)	FY 04	\$50.00	\$50.00 Mechanical	\$50.00
Minimum Permit Fee:	FY 04	\$50.00	\$50.00	\$50.00
<b>Commercial-Contract Cost Fee Method</b>				
First \$5000.00 of electrical construction cost from				
\$0.01 to \$5,000.00	FY 07	\$25.00	\$25.00 Rate per Thousand Dollars of Contract Cost	\$25.00
Next \$5000.00 of electrical construction cost from				
\$5,000.01 to \$10,000.00	FY 07	\$20.00	\$20.00 Rate per Thousand Dollars of Contract Cost	\$20.00
Next \$5000.00 of electrical construction cost from				
\$10,000.01 to \$15,000.00	FY 07	\$15.00	\$15.00 Rate per Thousand Dollars of Contract Cost	\$15.00
Each \$1000.00 of electrical construction cost from				
\$15,000.01 & over	FY 07	\$10.00	\$10.00 Rate per Thousand Dollars of Contract Cost	\$10.00
<b>Commercial Range &amp; Duct Extinguishing System:</b>				
Base Permit Fee (Per System):	FY 06	\$150.00	\$150.00	\$150.00
<small>At time of first inspection, if system(s) are not ready for testing within 1/2 hour from time of inspectors arrival, or if system fails the inspection, a reinspection shall be scheduled after paying a \$150 fee. This procedure and fee shall be repeated for each failed inspection or incomplete system visit.</small>				
	FY 13	\$150.00	\$300.00	\$300.00
Special Inspection Fee	FY 07	\$60.00	\$60.00 Per hour	\$60.00
Emergency Inspection Fee	FY 07	\$60.00	\$60.00 Per Hour	\$60.00

City of Portsmouth  
 Fee Schedule  
 Inspection Department

\* (Indicates change from current fee)

Ordinance / Non-Ordinance  
 Title

NOTES

Description

Fiscal Year  
 Last Adjusted

FY 2012  
 Schedule

FY 2013  
 Schedule

Suggested  
 FY 2014  
 Schedule

Chapter 15, Part I of II: Section 107.1.2.4

International Plumbing Code

Reinspection Fee	FY 07	\$100.00	\$100.00	\$100.00
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Chapter 15, Part II of II: Section 107.6

International Mechanics Code

Reinspection Fee	FY 07	\$100.00	\$100.00	\$100.00
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Chapter 15, Part I of II: Section 108.6

International Plumbing Code

**Work Commencing Before Permit Issuance**

Any person who is found to have done plumbing work without the proper permits shall, upon issuance of said permit(s), be assessed a charge of (1) 150% of the regular permit fee or (2) \$100.00 whichever is greater. If the regular permit fee is over (3) \$200.00, the permit fee shall be the regular fee plus (4) \$200.00

	FY 04	\$2.00	\$2.00	\$2.00
	FY 07	\$300.00	\$300.00	\$300.00
	FY 07	\$300.00	\$300.00	\$300.00
	FY 07	\$300.00	\$300.00	\$300.00

Chapter 15, Part II of II: Section 106.5.1

International Mechanic Code

**Commencing work before permit issuance**

Any person who is found to have done mechanical work without the proper permits shall, upon issuance of said permit(s), be assessed a charge of (1) 150% of the regular permit fee or (2) \$100.00 whichever is greater. If the regular permit fee is over (3) \$200.00, the permit fee shall be the regular fee plus (4) \$200.00.

	FY 04	\$2.00	\$2.00	\$2.00
	FY 07	\$300.00	\$300.00	\$300.00
	FY 07	\$300.00	\$300.00	\$300.00
	FY 07	\$300.00	\$300.00	\$300.00

City of Portsmouth  
 Fee Schedule  
 Police Department

\* (Indicates change from current fee)

Ordinance / Non-Ordinance  
 Title

Suggested  
 FY 2014  
 Schedule

Chapter 5: Article VIII Section 802

Alarm Systems Service Charge

Ordinance / Non-Ordinance Title	NOTES	Description	Fiscal Year Last Adjusted	FY 2012 Schedule	FY 2013 Schedule	Suggested FY 2014 Schedule		
	FY 12 Police-Unfounded Emergency Calls were as follows:							
	Occurrences	Revenue						
	725	No charge	Police-Unfounded Emergency calls	Pre FY 02	No Charge	No Charge	No Charge	
	82	\$6,150.00	Police-Unfounded Emergency calls	FY 08	\$75.00	\$75.00	4th Occurrence per calendar year	\$75.00
	57	\$4,275.00	Police-Unfounded Emergency calls	FY 08	\$75.00	\$75.00	5th Occurrence per calendar year	\$75.00
	46	\$3,450.00	Police-Unfounded Emergency calls	FY 08	\$75.00	\$75.00	6th Occurrence per calendar year	\$75.00
	33	\$3,300.00	Police-Unfounded Emergency calls	FY 08	\$100.00	\$100.00	7th Occurrence per calendar year	\$100.00
	27	\$4,050.00	Police-Unfounded Emergency calls	FY 10	\$150.00	\$150.00	8th Occurrence per calendar year	\$150.00
	16	\$3,200.00	Police-Unfounded Emergency calls	FY 10	\$200.00	\$200.00	9th Occurrence per calendar year	\$200.00
	19	\$5,700.00	Police-Unfounded Emergency calls	FY 08	\$300.00	\$300.00	10th-15th Occurrences per calendar year	\$300.00
	0	\$0.00	Police-Unfounded Emergency calls	FY 09	\$400.00	\$400.00	16th-20th Occurrences per calendar year	\$400.00
	0	\$0.00	Police-Unfounded Emergency calls	FY 10	\$500.00	\$500.00	21th-25th Occurrences per calendar year	\$500.00
	0	\$0.00	Police-Unfounded Emergency calls	FY 10	\$1,000.00	\$1,000.00	Each Occurrences 26 or over per calendar year	\$1,000.00
	1005	\$30,125.00	Fire-Unfounded Emergency calls	Pre FY 02	No Charge	No Charge	0-2 Occurrences per January to June	No Charge
			Fire-Unfounded Emergency calls	Pre FY 02	\$50.00	\$50.00	Each Occurrence over 2 per January to June	\$50.00
	Total calls by FY		Fire-Unfounded Emergency calls	Pre FY 02	No Charge	No Charge	0-2 Occurrences per July to December	No Charge
	FY 11	1,030	Fire-Unfounded Emergency calls	Pre FY 02	\$50.00	\$50.00	Each Occurrence over 2 per July to December	\$50.00
	FY 10	1,031						
	FY 09	1,041						
	FY 08	1,224						
	FY 07	1,335						
	FY 06	1,214						
	Fire Department does not currently monitor unfounded Emergency calls							

Chapter 7: Article V Section 504

Bicycles

	Fee is not charged	License	Pre FY 02	No Charge	No Charge	No Charge
Non-Ordinance	New fee for FY 13	Li-Visa research	FY 13	N/A	\$150.00	\$150.00

City of Portsmouth  
 Fee Schedule  
 Fire Department

\* (Indicates change from current fee)

<u>Ordinance / Non-Ordinance Title</u>	<u>NOTES</u>	<u>Description</u>	<u>Fiscal Year Last Adjusted</u>	<u>FY 2012 Schedule</u>	<u>FY 2013 Schedule</u>	<u>Suggested FY 2014 Schedule</u>
<u>Chapter 5: Article IV Section 406</u> Petroleum Inspector	N/A	Compensation	Pre FY 02	\$0.32	\$0.32 per 1,000 gallons (not to exceed the sum of \$2.00 per tankor) (minimum fee shall not be less than \$1.00)	\$0.32
<u>Chapter 5: Article IX Section F403.2</u> Open Burning	FY 12 there were 181 permits issued for \$1,190		FY 13	\$5.00	\$10.00 Inspection Fee	\$10.00
Non-Ordinance	FY 12 there were 12 reports researched for \$300	Environmental Reports and Research	FY 06	\$25.00	\$25.00	\$25.00





City of Portsmouth  
 Fee Schedule  
 Public Works

\* (Indicates change from current fee)

<u>Ordinance / Non-Ordinance Title</u>	<u>NOTES</u>		<u>Description</u>	<u>Fiscal Year</u>	<u>FY 2012</u>	<u>FY 2013</u>	<u>Suggested</u>
				<u>Last Adjusted</u>	<u>Schedule</u>	<u>Schedule</u>	
							<u>Schedule</u>
Non-Ordinance	353	\$3,530.00	CFC Removal	FY 04	\$10.00	\$10.00 per unit	\$10.00
Non-Ordinance	397	\$3,970.00	Yard Waste Disposal (contractors)	FY 04	\$10.00	\$10.00 per Pickup Truck or Trailer	\$10.00
Non-Ordinance	24	\$264.00	Yard Waste Disposal (contractors)	FY 04	\$11.00	\$11.00 per 1 ton dump	\$11.00
Non-Ordinance	4	\$48.00	Yard Waste Disposal (contractors)	FY 04	\$12.00	\$12.00 per tree chipper box	\$12.00

City of Portsmouth  
Fee Schedule  
Recreation

\*(Indicates change from current fee)

Suggested  
FY 2014  
Schedule

Ordinance / Non-Ordinance  
Title

NOTES

Description

Fiscal Year  
Last Adjusted  
FY 2012  
Schedule  
FY 2013  
Schedule

RECREATION-SPINNAKER PT.

Calendar Year Information:		
	2011	2012
Non-Ordinance	Members	Members
Non-Ordinance	Adult Residence 826	1,048
Non-Ordinance	Sr. Citizen Residence 658	421
Non-Ordinance	Non Resident Tax Payer 96	117
Non-Ordinance	FY Revenue \$145,710	\$144,307

Adult Resident	FY 13	\$180.00	\$192.00	per year	*	\$216.00
Senior Citizen Resident	FY 13	\$90.00	\$96.00	per year	*	\$108.00
Adult Non-Resident	FY 13	\$360.00	\$384.00	per year	*	\$432.00
Senior Citizen Non-Resident	FY 14	N/A	N/A	per year	*	\$216.00
Daily Guest Fee Resident	PRE FY 02	\$5.00	\$5.00	per day		\$5.00
Daily Guest Fee Non-Resident	FY 12	\$10.00	\$10.00	per day		\$10.00

RECREATION-INDOOR POOL

Per the "Consolidation Lease and Operations Agreement to Maintain the Portsmouth Public Pool"

Article III Section 3.2

SIPP shall set prices for all services offered on the Premises including:

classes, lessons, memberships, rental fees, and special event operations subject to the following:

All prices affecting City residents shall be subject to review and approval by the City Manager or his designee.

The Recreation Department reported the following Indoor Pool revenue:		
FY 10	FY 11:	FY 12:
\$92,680	\$304,532	\$351,561

5 & Under, Resident	FY 11	\$3.00	\$3.00	per session		\$3.00
5 & Under, Non-Resident	FY 11	\$5.00	\$5.00	per session		\$5.00
5 & Under, Resident/Membership	FY 11	\$180.00	\$180.00	per year		\$180.00
5 & Under, Non-Resident/Membership	FY 11	\$240.00	\$240.00	per year		\$240.00
6-17, Resident	FY 11	\$5.00	\$5.00	per session		\$5.00
6-17, Non-Resident	PRE FY 02	\$10.00	\$10.00	per session		\$10.00
6-17, Resident/Membership	FY 11	\$180.00	\$180.00	per year		\$180.00
6-17, Non-Resident/Membership	FY 11	\$240.00	\$240.00	per year		\$240.00
18-59, Resident	FY 11	\$5.00	\$5.00	per session		\$5.00
18-59, Non-Resident	FY 11	\$10.00	\$10.00	per session		\$10.00
18-59, Resident/Membership	FY 11	\$300.00	\$300.00	per year		\$300.00

City of Portsmouth  
Fee Schedule  
Recreation

\* (Indicates change from current fee)

<u>Ordinance / Non-Ordinance Title</u>	<u>NOTES</u>	<u>Description</u>	<u>Fiscal Year Last Adjusted</u>	<u>FY 2012 Schedule</u>	<u>FY 2013 Schedule</u>	<u>Suggested FY 2014 Schedule</u>	
Non-Ordinance		18-59, Non-Resident/Membership	FY 11	\$540.00	\$540.00 per year	\$540.00	
Non-Ordinance		Senior Citizen, Resident	FY 11	\$3.00	\$3.00 per session	\$3.00	
Non-Ordinance		Senior Citizen, Non-Resident	FY 11	\$5.00	\$5.00 per session	\$5.00	
Non-Ordinance		Senior Citizen, Resident/Membership	FY 11	\$240.00	\$240.00 per year	\$240.00	
Non-Ordinance		Senior Citizen, Non-Resident/Membership	FY 11	\$300.00	\$300.00 per year	\$300.00	
Non-Ordinance		First Adult, Resident/Family Rate	FY 11	\$300.00	\$300.00 per year	\$300.00	
Non-Ordinance		First Adult, Non-Resident/Family Rate	FY 11	\$540.00	\$540.00 per year	\$540.00	
Non-Ordinance		Second Adult, Resident/Family Rate	FY 11	\$180.00	\$180.00 per year	\$180.00	
Non-Ordinance		Second Adult, Non-Resident/Family Rate	FY 11	\$300.00	\$300.00 per year	\$300.00	
Non-Ordinance		Maximum Per Family, Resident/Family Rate	FY 11	\$720.00	\$720.00 per year	\$720.00	
Non-Ordinance		Maximum Per Family, Non-Resident/Family Rate	FY 11	\$720.00	\$720.00 per year	\$720.00	
		Swimming Lessons (rates based on a 8 lesson Session)					
		Resident Member	FY 11	\$30.00	\$30.00	\$30.00	
		Resident Non-Member	FY 11	\$45.00	\$45.00	\$45.00	
		Non-Resident Member	FY 11	\$65.00	\$65.00	\$65.00	
		Non-Resident Non-Member	FY 11	\$100.00	\$100.00	\$100.00	
Non-Ordinance		Pool Rental	FY 11	\$150.00	\$150.00 per hour	\$150.00	
Non-Ordinance		per staff	FY 09	\$40.00	\$40.00	\$40.00	
		New Member Processing Fee	FY 11	\$25.00	\$25.00	\$25.00	
		RECREATION-OUTDOOR POOL					
Non-Ordinance	The Recreation Department reported the following Outdoor Pool usage: 2011 2012 Revenue Collected \$22,085 \$35,225	18 & Under, Resident	PRE FY 02	\$0.00	\$0.00 per day	\$0.00	
Non-Ordinance		18 & under, Non-Resident	FY 12	\$2.00	\$2.00 per day	\$2.00	
Non-Ordinance		19 & Over, Resident	FY 12	\$2.00	\$2.00 per day	\$2.00	
Non-Ordinance		19 & over, Non-Resident	FY 12	\$4.00	\$4.00 per day	\$4.00	
			RECREATION-MISCELLANEOUS				

EXHIBIT A

City of Portsmouth  
Fee Schedule  
Recreation

\* (Indicates change from current fee)

Ordinance / Non-Ordinance Title	NOTES	Description	Fiscal Year Last Adjusted	FY 2012 Schedule	FY 2013 Schedule	Suggested FY 2014 Schedule
Non-Ordinance		Field/Gym-Organized Teams(all inclusive)	PRE FY 02	\$25.00	\$25.00 per team	* \$30.00
Non-Ordinance		Practice-Field/Gym use (does not apply to youth athletics including Little League)	FY 12	\$20.00	\$20.00	\$20.00
		Co-sponsored (non-swim team) programs maintenance fee (placed in maintenance fund)	FY 06	\$200.00	\$200.00 per team	\$200.00
		Non-Resident participants in co-sponsored (non-swim team) programs (placed in maintenance fund)	FY 06	\$20.00	\$20.00 per person	\$20.00
Non-Ordinance		Electrical Light Usage at Ballfields(does not apply to youth athletics)	PRE FY 02	\$45.00	\$45.00	* \$60.00
Non-Ordinance		Room Rental	PRE FY 02	\$10.00	\$10.00	\$10.00
		Peirce Island Boat Launch:				
Non-Ordinance	FY 12 Boat Ramp fees collected:	Boat Launch (Non-Resident)	PRE FY 02	\$100.00	\$100.00 per season	* \$150.00
Non-Ordinance	\$9,720	Boat Launch (Non-Resident)	FY 09	\$15.00	\$15.00 per launch	* \$20.00
Non-Ordinance		Kayaks, non-motorized (Non-Resident)	PRE FY 02	\$5.00	\$5.00 per launch	* \$10.00
Non-Ordinance		Kayaks, non-motorized (Non-Resident)	PRE FY 02	\$50.00	\$50.00 per season	* \$75.00
Non-Ordinance		Commercial (Non-Resident)	FY 09	\$30.00	\$30.00 per launch	* \$50.00

City of Portsmouth  
Fee Schedule  
Health Department

\* (Indicates change from current fee)

Ordinance / Non-Ordinance  
Title

NOTES

Description

Fiscal Year  
Last Adjusted

FY 2012  
Schedule

FY 2013  
Schedule

Suggested  
FY 2014  
Schedule

HEALTH

FY 12 Health Permits were as follows:

Ordinance / Non-Ordinance Title	# of Permits	Fees Collected	Class	Fiscal Year Last Adjusted	FY 2012 Schedule	FY 2013 Schedule	Suggested FY 2014 Schedule
Non-Ordinance			A4 Restaurants (400+ seating capacity)	FY 07	\$350.00	\$350.00	* \$500.00
Non-Ordinance			A3 Restaurants (300-399 seating capacity)	FY 07	\$350.00	\$350.00	* \$450.00
Non-Ordinance			A2 Restaurants (200-299 seating capacity)	FY 07	\$350.00	\$350.00	* \$400.00
Non-Ordinance	64	\$22,400.00	A1 Restaurants (100-199 seating capacity)	FY 07	\$350.00	\$350.00	\$350.00
Non-Ordinance	9	\$2,700.00	B Restaurants (70-100 seating capacity)	FY 07	\$300.00	\$300.00	\$300.00
Non-Ordinance	31	\$7,440.00	C Restaurants (51-75 seating capacity)	FY 07	\$240.00	\$240.00	\$240.00
Non-Ordinance	26	\$4,680.00	D Restaurants (20-50 seating capacity)	FY 07	\$180.00	\$180.00	\$180.00
Non-Ordinance	93	\$11,625.00	E Restaurants (0-25 seating capacity)	FY 07	\$125.00	\$125.00	\$125.00
Non-Ordinance			E Bakeries	FY 07	\$125.00	\$125.00	\$125.00
Non-Ordinance			E Markets or stores with less than 2 food preparation areas selling prepared foods and inc. fish markets, seafood stores and fish processing facilities	FY 07	\$125.00	\$125.00	\$125.00
Non-Ordinance			E Catering	FY 07	\$125.00	\$125.00	\$125.00
Non-Ordinance	8	\$2,800.00	F Supermarkets	FY 08	\$350.00	\$350.00	* \$500.00
Non-Ordinance	6	\$480.00	G Bed and Breakfast Operations	FY 07	\$80.00	\$80.00	\$80.00
Non-Ordinance			G Nursing Home (Food Service)	FY 07	\$80.00	\$80.00	\$80.00
Non-Ordinance	32	\$1,600.00	H Prepackaged Foods (movie theaters, gas stations, video, candy, department, drug stores)	PRE FY 02	\$50.00	\$50.00	\$50.00
Non-Ordinance	7	\$1,050.00	M Mobile Food Operations	FY 12	\$200.00	\$200.00	\$200.00
Non-Ordinance	Individual occurrences not tracked		T Temporary Food Permit (14 days or less) (Portsmouth business with food service permit exempt)	FY 12	\$100.00	\$100.00 (up to four (4) weeks before the day of the event)	* \$125.00
Non-Ordinance	Individual occurrences not tracked			PRE FY 02	\$100.00	\$100.00 (thereafter)	\$100.00
Non-Ordinance	Individual occurrences not tracked		TT Sampling for non potentially hazardous foods (14 days or less)	FY 10	\$15.00	\$15.00 (up to four (4) weeks before the day of the event)	\$15.00

EXHIBIT A

\* (Indicates change from current fee)

City of Portsmouth  
Fee Schedule  
Health Department

Ordinance / Non-Ordinance Title	NOTES	Description	Fiscal Year Last Adjusted	FY 2012 Schedule	FY 2013 Schedule	Suggested FY 2014 Schedule
		(Portsmouth business with food service permit exempt)				
Non-Ordinance		V Limited Events (1 to 4 events per year)	FY 10	\$40.00	\$40.00 (thereafter)	\$40.00
Non-Ordinance		W Farmer's Market Permit (period 5/01/xx-11/01/xx)	FY 08	\$60.00	\$60.00	* \$150.00
Non-Ordinance		X No Fee for Health Department Permits: Religious Organizations Youth Groups School Related organizations	FY 10	No Fee	No Fee	No Fee
		These organizations will need to obtain the appropriate Health Permit however there will be no fee associated with the permit.				
Non-Ordinance		Y Fundraiser Permit	FY 12	\$100.00	\$100.00 per event	* \$200.00

City of Portsmouth  
 Fee Schedule  
 Parking / Transportation

\*(Indicates change from current fee)

Ordinance / Non-Ordinance Title	NOTES	Description	Fiscal Year Last Adjusted	FY 2012 Schedule	FY 2013 Schedule	Suggested FY 2014 Schedule
<b>Chapter 6: Article XIII Section 1307</b>						
Vendor from Motor Vehicle	FY 12-No permits issued	Vendor From Motor Vehicle Permit April 15- November 15	FY 10	\$5,000.00	\$5,000.00 Minimum Bid	\$5,000.00
<b>Non-Ordinance</b>						
Valet Parking	FY 12 -2 vendors	Valet - from non High Occupancy Metered Parking Spaces	FY 10	\$10.00	\$10.00 space per day	\$10.00
		Valet - from High Occupancy Metered Parking Spaces	FY 14	N/A	N/A	\$15.00
	FY 12 -2 permits issued	Valet - from Commercial Loading Zone	FY 10	\$500.00	\$500.00 annually	\$500.00
<b>Chapter 7: Article I Section 114A</b>						
Construction Permit	Revenue: FY 10 \$45,549    FY 11 \$62,665    FY 12 \$27,890	Motor Bag	FY 13	\$20.00	\$30.00 Per Day	\$30.00
<b>Chapter 7: Article I Section 114B</b>						
Construction Permit		Motor Bag	FY 13	\$5.00	Delete Cost of Bag	Delete
<b>Chapter 7: Article III Section 321G</b>						
Snow Emergency-Parking Ban		Resident Snow Ban Rate for Parking In High Hanover Parking Facility	FY 07	\$3.00	\$3.00 per Snow Ban Event	\$3.00
<b>Chapter 7: Article IV Section 402 C</b>						
High Hanover Parking Garage	Hourly rate revenue: FY 10 \$1,199,995    FY 11 \$1,295,817    FY 12 \$1,338,958  Monthly pass revenue: FY10 \$614,260    FY 11 \$571,648    FY 12 \$595,950  Pass Reinstatement revenue: FY 10 \$2,965    FY 11 \$2,805    FY 12 \$2,865  Monthly passes as of Dec 12 as follows: 349 - \$100 per month (24 hr passes) 367 - \$80 per month (day passes) 0 - \$50 per month (night passes)	Rates	FY 05	\$0.75	\$0.75 Hourly Rate-After First Hour	\$0.75
			FY 13	N/A	Free First Hour	Free
			FY 13	N/A	Free Resident-Sunday	Free
			PRE FY 02	\$80.00	\$80.00 Monthly Pass Daytime (7am-7pm)	\$80.00
			PRE FY 02	\$50.00	\$50.00 Monthly Pass Nighttime (7pm-7am)	\$50.00
			PRE FY 02	\$100.00	\$100.00 Monthly Pass 24 hr	\$100.00
			FY 11	\$15.00	\$15.00 Lost Ticket Fee/Max Daily rate	\$15.00
			FY 08	\$35.00	\$35.00 Garage Pass Deposit	\$35.00
			FY 08	\$15.00	\$15.00 Pass Reinstatement Fee-Leaseholders	\$15.00
			FY 13	N/A	\$1.25 Per Hour Charge	\$1.25
<b>Chapter 7: Article IV Section 408</b>						
	FY 12- 1 permits issued					



EXHIBIT A

City of Portsmouth  
 Fee Schedule  
 Parking / Transportation

\*(Indicates change from current fee)

<u>Ordinance / Non-Ordinance</u>	<u>NOTES</u>	<u>Description</u>	<u>Fiscal Year Last Adjusted</u>	<u>FY 2012 Schedule</u>	<u>FY 2013 Schedule</u>	<u>Suggested FY 2014 Schedule</u>
<u>Title</u>						
Boat launch		Peirce Island Overnight Boat Launch Parking	FY 10	\$5.00	\$5.00 Nightly	\$5.00
<b>Chapter 7: Article VI Section 604</b>						
Truck Loading/Unloading Zones	FY 12 - 77 permits issued for \$1,925	Commercial Loading Zone Permit	FY 10	\$25.00	\$25.00 Annually	\$25.00
<b>Chapter 7: Article IX Section 903</b>						
Summons Administration Fee	Revenue: FY 10 \$8,783 FY 11 \$9,415 FY 12 \$11,016	Summons Administration Fee	FY 08	\$75.00	\$75.00	\$75.00
<b>Chapter 7: Article X Section 1004B</b>						
Towing	Revenue: FY 10 \$31,250 FY 11 \$16,175 FY 12 \$11,219	Boot Removal Administration Fee	FY 08	\$75.00	\$75.00	\$75.00

City of Portsmouth  
 Fee Schedule  
 Water / Sewer Divisions

\* (Indicates change from current fee)

Ordinance / Non-Ordinance Title	NOTES	Description	Fiscal Year	FY 2012	FY 2013	Suggested
			Last Adjusted	Schedule	Schedule	FY 2014 Schedule
<b>Chapter 11: Article II Section 204</b>						
Private Sewage Disposal	see Chapter 15, Part II of II: Section 106.5.2 for Soptic System fee(per dwelling)	Inspection Fee	PRE FY 02	N/A	N/A	
<b>Chapter 11: Article II Section 205</b>						
Building Sewers and Connections		Permit and Inspection Fee	PRE FY 02	\$10.00	\$10.00	\$10.00
Storm Water Connection Permit Fee (Dependent upon revision of ordinance)		Permit and Inspection Fee	FY 06	\$200.00	\$200.00	\$200.00
Industrial Discharge Permit Fee, Including Permit Renewals		Class 1, Permit and Inspection Fee	FY 08	Consultant Based	Consultant Based Fee	Consultant Based Fee
Industrial Discharge Permit Fee, Including Permit Renewals		Class 2, Permit and Inspection Fee	FY 08	Consultant Based	Consultant Based Fee	Consultant Based Fee
Industrial Discharge Permit Fee, Including Permit Renewals		Class 3, Permit and Inspection Fee	FY 08	\$500.00	\$500.00	\$500.00
Industrial Discharge Permit Fee, Including Permit Renewals		Class 4, Permit and Inspection Fee	FY 08	\$500.00	\$500.00	\$500.00
Industrial Discharge Permit Fee, Including Permit Renewals		Class 5, Permit and Inspection Fee	FY 08	\$500.00	\$500.00	\$500.00
Oil and Grease Trap Permit Fee		Permit and Inspection Fee	FY 06	\$100.00	\$100.00	\$100.00
Oil and Grease Trap Permit Renewal Fee		Permit and Inspection Fee	FY 06	\$50.00	\$50.00	\$50.00

Non-Ordinance	FY12 Occurrences were as follows		WATER and SEWER FEES				
	Occurrences	Revenue	Finance Charge, Unpaid balances after due date	PRE FY 02	18% annual	18% annual	18% annual
Non-Ordinance			Turn On	PRE FY 02	\$25.00	\$25.00	* \$30.00
Non-Ordinance	200	\$5,000	Turn Off	PRE FY 02	\$25.00	\$25.00	* \$30.00
Non-Ordinance	151	\$3,775	Final Billing Request	PRE FY 02	\$35.00	\$35.00	* \$40.00
Non-Ordinance	330	\$11,550	Hydrant Rental Deposit	FY 08	\$1,000.00	\$1,000.00	\$1,000.00
Non-Ordinance	Occurrences not tracked individually		Yearly Account History	PRE FY 02	\$10.00	\$10.00	\$10.00
Non-Ordinance	10	\$350	Frozen Meter Repairs <= 1 1/2"	PRE FY 02	\$35.00	\$35.00	\$35.00
Non-Ordinance			Frozen Meter Repairs >1 1/2"	PRE FY 02	\$50.00	\$50.00	\$50.00

City of Portsmouth  
 Fee Schedule  
 Water / Sewer Divisions

\* (Indicates change from current fee)

Ordinance / Non-Ordinance	Title	NOTES	Description	Fiscal Year	FY 2012	FY 2013	Suggested
				Last Adjusted	Schedule	Schedule	FY 2014
							Schedule
Non-Ordinance	1	\$190	Emergency Callout  If parts exceed the minimum charge, customer is charged for parts.  Based on current wages + benefits  Minimum callout=4 hours overtime per union contracts	FY 12	\$190.00	\$190.00	\$190.00
Non-Ordinance			Meter Testing <1 1/2"	PRE FY 02	\$35.00	\$35.00	* \$50.00
Non-Ordinance			Meter Testing >=1 1/2"	PRE FY 02	\$50.00	\$50.00	* \$70.00
			When requested by customer, (if meter test fails no charge to customer)				
Non-Ordinance			Water Services Application Fee	FY 08	\$100.00	\$100.00	\$100.00
Non-Ordinance			Meter Reading System Repairs  Plus cost of parts	FY 12	\$50.00	\$50.00	\$50.00
Non-Ordinance			Fire Flow Testing	FY 13	N/A	\$200.00 per Test	\$200.00
Non-Ordinance			Fire Services, Fee per Month				
Non-Ordinance			1"	FY 08	\$2.55	\$2.55	\$2.55
Non-Ordinance			1 1/2"	FY 08	\$3.82	\$3.82	\$3.82
Non-Ordinance			2"	FY 08	\$5.09	\$5.09	\$5.09
Non-Ordinance			2 1/2"	FY 08	\$7.64	\$7.64	\$7.64
Non-Ordinance			3"	FY 08	\$12.22	\$12.22	\$12.22
Non-Ordinance			4"	FY 08	\$19.35	\$19.35	\$19.35
Non-Ordinance			5"	FY 08	\$31.57	\$31.57	\$31.57
Non-Ordinance			6"	FY 08	\$38.69	\$38.69	\$38.69
Non-Ordinance			8"	FY 08	\$71.28	\$71.28	\$71.28
Non-Ordinance			10"	FY 08	\$107.93	\$107.93	\$107.93
Non-Ordinance			12"	FY 08	\$162.88	\$162.88	\$162.88
Non-Ordinance	1,040	\$104,000	Hydrant Rentals to Municipalities per hydrant	PRE FY 02	\$100.00	\$100.00	\$100.00
Non-Ordinance	2,096	\$104,800	Backflow Test	PRE FY 02	\$50.00	\$50.00	\$50.00

City of Portsmouth  
 Fee Schedule  
 Water / Sewer Divisions

\* (Indicates change from current fee)

Ordinance / Non-Ordinance Title	NOTES		Description	Fiscal Year	FY 2012	FY 2013	Suggested FY 2014 Schedule
				Last Adjusted	Schedule	Schedule	
Non-Ordinance	Occurrences not tracked individually		Permits	PRE FY 02	\$25.00	\$25.00	\$25.00
Non-Ordinance	Occurrences not tracked individually		Test Only	PRE FY 02	\$10.00	\$10.00	\$10.00
Non-Ordinance	Occurrences not tracked individually		Test and Sampling	PRE FY 02	\$40.00	\$40.00	\$50.00 *
Non-Ordinance			Sewer Surcharges-BOD Portsmouth	PRE FY 02	\$0.12	\$0.12 per LB	\$0.12
Non-Ordinance	not tracked by location		Pense	PRE FY 02	\$0.12	\$0.12 per LB	\$0.12
Non-Ordinance			TSS Portsmouth	PRE FY 02	\$0.13	\$0.13 per LB	\$0.13
Non-Ordinance	not tracked by location		Pense	PRE FY 02	\$0.13	\$0.13 per LB	\$0.13
Non-Ordinance	2,736 M gals	\$98,741	Dumping Fees per 1,000 gals	FY 05	\$60.00	\$60.00	\$60.00
Non-Ordinance	Occurrences not tracked individually		Recreation Vehicles	FY 12	\$25.00	\$25.00	\$25.00
Non-Ordinance	Occurrences not tracked individually		Sewer Connection Permits, as req'd ENV-WQ 703.07	PRE FY 02	\$100.00	\$100.00	\$100.00
(Dependent upon revision of ordinance)			Sewer Connection Fees	PRE FY 02	\$250.00	\$250.00	\$250.00
Non-Ordinance	279	\$4,185	Equipment Rate (Water & Sewer) - Pick Up	FY 12	\$15.00	\$15.00 per hour	\$15.00
Non-Ordinance	164	\$6,540	Backhoe	PRE FY 02	\$40.00	\$40.00 per hour	\$45.00 *
Non-Ordinance	31	\$2,046	Excavator	PRE FY 02	\$66.00	\$66.00 per hour	\$70.00 *
Non-Ordinance	126	\$5,020	Dump	PRE FY 02	\$40.00	\$40.00 per hour	\$45.00 *
Non-Ordinance			Compressor	PRE FY 02	\$8.00	\$8.00 per hour	\$10.00 *
Non-Ordinance			Pump	PRE FY 02	\$10.00	\$10.00 per hour	\$15.00 *
Non-Ordinance			Roller	PRE FY 02	\$20.00	\$20.00 per hour	\$25.00 *
Non-Ordinance			Loader	PRE FY 02	\$50.00	\$50.00 per hour	\$55.00 *
Non-Ordinance			Steamer	PRE FY 02	\$10.00	\$10.00 per hour	\$15.00 *
Non-Ordinance			Sewer Rodder	PRE FY 02	\$20.00	\$20.00 per hour	\$25.00 *
Non-Ordinance	4	\$260	Vactor	FY 03	\$65.00	\$65.00 per hour	\$70.00 *
Non-Ordinance			Paver	PRE FY 02	\$17.00	\$17.00 per hour	\$20.00 *
Non-Ordinance			TV Camera Vehicle	FY 08	\$65.00	\$65.00 per hour	\$70.00 *
Ordinance	FY 12	\$47,121	Water - Capacity Improvement Multiplier (CIM) EDU = equivalent dwelling unit	FY 13	\$527.00	\$684.00 per EDU	\$652.00 *
Ordinance	FY 12	\$52,938	Sewer - Capacity Improvement Multiplier (CIM) EDU = equivalent dwelling unit	FY 13	\$814.00	\$918.00 per EDU	\$744.00 *

City of Portsmouth  
 Fee Schedule  
 Library

\* (Indicates change from current fee)

<u>Ordinance / Non-Ordinance Title</u>	<u>NOTES</u>	<u>Description</u>	<u>Fiscal Year Last Adjusted</u>	<u>FY 2012 Schedule</u>	<u>FY 2013 Schedule</u>	<u>Suggested FY 2014 Schedule</u>
		<b>LIBRARY</b>				
Non-Ordinance	FY 12 collections of \$27,907 with 636 cards distributed over 2 year period, there are card holders who do not purchase cards—(city employees and local business owners)	Non-Resident Library Card	FY 09	\$80.00	\$80.00	\$80.00
Non-Ordinance		Non-Resident Library Card-1/2 year	FY 09	\$45.00	\$45.00	\$45.00
Non-Ordinance		Non-Resident Library Card-Senior Rate	FY 09	\$75.00	\$75.00	\$75.00
Non-Ordinance		Non-Resident Library Card-Senior Rate 1/2 rate	FY 09	\$40.00	\$40.00	\$40.00

City of Portsmouth  
 Fee Schedule  
 Prescott Park

\* (Indicates change from current fee)

Ordinance / Non-Ordinance  
 Title

NOTES

Description

Fiscal Year  
 Last Adjusted

FY 2012  
 Schedule

FY 2013  
 Schedule

Suggested  
 FY 2014  
 Schedule

Chapter 8: Article II Section 202 E 7 b

Park Property-

Fiscal Year 2012 revenue collected was \$43,220.

Daytime Docking Fees

RESIDENT (May 1-Sep 30)

Craft up to twenty (20) ft in length overall	FY 08	\$2.00	\$2.00 Per Hour	\$2.00
For craft twenty-one (21) ft to forty (40) ft overall	FY 08	\$3.00	\$3.00 Per Hour	\$3.00
For craft thirty-one (31) ft to forty (40) ft overall	FY 08	\$4.00	\$4.00 Per Hour	\$4.00
For craft over forty-one (41) ft to fifty (50) ft overall	FY 08	\$5.00	\$5.00 Per Hour	\$5.00
For craft over fifty (50) ft overall	FY 08	\$6.00	\$6.00 Per Hour	\$6.00

NON-RESIDENT (May 1-Sep 30)

Craft up to twenty (20) ft in length overall	FY 09	\$5.00	\$5.00 Per Hour	\$5.00
For craft twenty-one (21) ft to forty (40) ft overall	FY 09	\$8.00	\$8.00 Per Hour	\$8.00
For craft thirty-one (31) ft to forty (40) ft overall	FY 09	\$10.00	\$10.00 Per Hour	\$10.00
For craft over forty-one (41) ft to fifty (50) ft overall	FY 09	\$12.00	\$12.00 Per Hour	\$12.00
For craft over fifty (50) ft overall	FY 09	\$15.00	\$15.00 Per Hour	\$15.00

RESIDENT (May 1-Sep 30)

Craft up to twenty (20) ft in length overall	FY 08	\$25.00	\$25.00 Per Day	\$25.00
For craft twenty-one (21) ft to forty (40) ft overall	FY 08	\$30.00	\$30.00 Per Day	\$30.00
For craft thirty-one (31) ft to forty (40) ft overall	FY 08	\$35.00	\$35.00 Per Day	\$35.00
For craft over forty-one (41) ft to fifty (50) ft overall	FY 08	\$40.00	\$40.00 Per Day	\$40.00
For craft over fifty (50) ft overall	FY 08	\$55.00	\$55.00 Per Day	\$55.00

NON-RESIDENT (May 1-Sep 30)

Craft up to twenty (20) ft in length overall	FY 09	\$35.00	\$35.00 Per Day	\$35.00
For craft twenty-one (21) ft to forty (40) ft overall	FY 09	\$50.00	\$50.00 Per Day	\$50.00
For craft thirty-one (31) ft to forty (40) ft overall	FY 09	\$70.00	\$70.00 Per Day	\$70.00
For craft over forty-one (41) ft to fifty (50) ft overall	FY 09	\$85.00	\$85.00 Per Day	\$85.00
For craft over fifty (50) ft overall	FY 09	\$100.00	\$100.00 Per Day	\$100.00

Park Property-24 Hour Docking Fees

(to be paid in advance)

City of Portsmouth  
 Fee Schedule  
 Prescott Park

\* (Indicates change from current fee)

Ordinance / Non-Ordinance  
 Title

NOTES

Description	Fiscal Year Last Adjusted	FY 2012 Schedule	FY 2013 Schedule	Suggested FY 2014 Schedule
<b>RESIDENT (Oct 1-Apr 30)</b>				
Craft up to twenty (20) ft in length overall	FY 10	\$1.00	\$1.00 Per Hour	\$1.00
For craft twenty-one (21) ft to forty (40) ft overall	FY 11	\$1.00	\$1.00 Per Hour	\$1.00
For craft thirty-one (31) ft to forty (40) ft overall	FY 10	\$2.00	\$2.00 Per Hour	\$2.00
For craft over forty-one (41) ft to fifty (50) ft overall	FY 11	\$3.00	\$3.00 Per Hour	\$3.00
For craft over fifty (50) ft overall	FY 10	\$3.00	\$3.00 Per Hour	\$3.00
<b>NON-RESIDENT (Oct 1-Apr 30)</b>				
Craft up to twenty (20) ft in length overall	FY 11	\$3.00	\$3.00 Per Hour	\$3.00
For craft twenty-one (21) ft to forty (40) ft overall	FY 10	\$4.00	\$4.00 Per Hour	\$4.00
For craft thirty-one (31) ft to forty (40) ft overall	FY 10	\$5.00	\$5.00 Per Hour	\$5.00
For craft over forty-one (41) ft to fifty (50) ft overall	FY 10	\$6.00	\$6.00 Per Hour	\$6.00
For craft over fifty (50) ft overall	FY 11	\$8.00	\$8.00 Per Hour	\$8.00
<b>RESIDENT (Oct 1-Apr 30)</b>				
Craft up to twenty (20) ft in length overall	FY 11	\$13.00	\$13.00 Per Day	\$13.00
For craft twenty-one (21) ft to forty (40) ft overall	FY 10	\$15.00	\$15.00 Per Day	\$15.00
For craft thirty-one (31) ft to forty (40) ft overall	FY 11	\$18.00	\$18.00 Per Day	\$18.00
For craft over forty-one (41) ft to fifty (50) ft overall	FY 10	\$20.00	\$20.00 Per Day	\$20.00
For craft over fifty (50) ft overall	FY 11	\$28.00	\$28.00 Per Day	\$28.00
<b>NON-RESIDENT (Oct 1-Apr 30)</b>				
Craft up to twenty (20) ft in length overall	FY 11	\$18.00	\$18.00 Per Day	\$18.00
For craft twenty-one (21) ft to forty (40) ft overall	FY 10	\$25.00	\$25.00 Per Day	\$25.00
For craft thirty-one (31) ft to forty (40) ft overall	FY 10	\$35.00	\$35.00 Per Day	\$35.00
For craft over forty-one (41) ft to fifty (50) ft overall	FY 11	\$43.00	\$43.00 Per Day	\$43.00

City of Portsmouth  
 Fee Schedule  
 Prescott Park

\* (Indicates change from current fee)

<u>Ordinance / Non-Ordinance</u> Title	NOTES	Description	Fiscal Year Last Adjusted	FY 2012 Schedule	FY 2013 Schedule	Suggested FY 2014 Schedule
Park Property-Seasonal Rental Docking Fees		For craft over fifty (50) ft overall	FY 10	\$50.00	\$50.00 Per Day	\$50.00
		RESIDENT (April 1 - November 1)	FY 10	\$100.00	\$100.00 Per Season per boat foot	\$100.00
		NON-RESIDENT (April 1 - November 1)	FY 10	\$120.00	\$120.00 Per Season per boat foot	\$120.00



**CITY OF PORTSMOUTH, NEW HAMPSHIRE  
ANNUAL SEWER FUND APPROPRIATION  
AND CASH REQUIREMENTS  
FOR THE FISCAL YEAR ENDING JUNE 30, 2014**

**RESOLUTION #7-2013**      A RESOLUTION MAKING APPROPRIATION OF SUMS OF MONEY FOR ALL NECESSARY SEWER FUND EXPENSES FOR THE OPERATION OF THE SEWER SYSTEM OF THE CITY OF PORTSMOUTH, NEW HAMPSHIRE FOR THE FISCAL YEAR ENDING JUNE 30, 2014.

**RESOLVED:**                      BY THE CITY COUNCIL OF THE CITY OF PORTSMOUTH, NEW HAMPSHIRE ASSEMBLED AS FOLLOWS:

THAT, there is hereby an appropriated sum of **Nine Million, Nine Hundred Fifty-Seven Thousand, Nine Hundred Twelve (\$9,957,912) Dollars** based on the full accrual basis of accounting to defray expenses for the operation of the sewer system for the City of Portsmouth.

THAT, there is hereby cash requirements of **Thirteen Million, One Hundred Thousand, Five Hundred and Fourteen (\$13,100,514) Dollars** for the purpose of principal debt repayment, purchase of assets, funding of the rate stabilization reserve to increase net assets, and to defray expenses for the operations of the sewer system.

THAT, the sewer user rate effective July 1, 2013 is **\$10.68** per unit (1 unit equals 100 cubic feet or 748 gallons of water consumed) for the first 10 units of consumption per month, and **\$11.75** per unit for all units used thereafter to yield a portion of revenue to meet the cash requirement for the operation of the City of Portsmouth's sewer system.

**APPROVED BY:**

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

**ADOPTED BY CITY COUNCIL**

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

**CITY OF PORTSMOUTH, NEW HAMPSHIRE  
ANNUAL WATER FUND APPROPRIATION  
AND CASH REQUIREMENTS  
FOR THE FISCAL YEAR ENDING JUNE 30, 2014**

**RESOLUTION #8-2013**      **A RESOLUTION MAKING APPROPRIATION OF SUMS OF MONEY FOR ALL NECESSARY WATER FUND EXPENSES FOR THE OPERATION OF THE WATER SYSTEM OF THE CITY OF PORTSMOUTH, NEW HAMPSHIRE FOR THE FISCAL YEAR ENDING JUNE 30, 2014.**

**RESOLVED:**              **THE CITY COUNCIL OF THE CITY OF PORTSMOUTH, NEW HAMPSHIRE ASSEMBLED AS FOLLOWS:**

**THAT, there is hereby appropriated the sum of Seven Million, One Hundred Seventy-Seven Thousand, Three Hundred Forty-Five (\$7,177,345) Dollars based on the full accrual basis of accounting to defray expenses for the operations of the water system for the City of Portsmouth.**

**THAT, there is hereby cash requirements of Nine Million, Five Hundred Fifty Thousand, One Hundred Fifty-Three (\$9,550,153) Dollars for the purpose of principal debt repayment, the purchase of assets and to defray expenses for the operations of the water system.**

**THAT, the water user rate effective July 1, 2013 is \$4.15 per unit (1 unit equals 100 cubic feet or 748 gallons) for the first 10 units of water consumed per month, and \$5.00 per unit for all units consumed thereafter to yield a portion of revenue to meet the cash requirement for the operation of the City of Portsmouth's water system.**

**APPROVED BY:**

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**ERIC SPEAR, MAYOR**

**ADOPTED BY CITY COUNCIL**

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

**CITY OF PORTSMOUTH, NEW HAMPSHIRE  
ANNUAL APPROPRIATION FOR THE EXPENDITURE OF  
SPECIAL REVENUES, DEBT SERVICE FUND AND COMMITTED FUND  
BALANCE FOR THE FISCAL YEAR ENDING JUNE 30, 2014**

**RESOLUTION #9-2013**    **A RESOLUTION MAKING APPROPRIATION OF SUMS OF MONEY FROM SPECIAL REVENUES, DEBT SERVICE FUND, AND COMMITTED FUND BALANCE FOR NECESSARY EXPENDITURES FOR THE FISCAL YEAR ENDING JUNE 30, 2014.**

**RESOLVED:**            **BY THE CITY COUNCIL OF THE CITY OF PORTSMOUTH, NEW HAMPSHIRE ASSEMBLED AS FOLLOWS:**

THAT, there is hereby appropriated supplemental funding from the General Fund Committed Health Insurance Fund Balance to defray the expenses of Health Insurance costs in excess of General Fund Appropriations for Health Insurance Premiums for Fiscal Year ending June 30, 2014.

THAT, there is hereby appropriated supplemental funding from the General Fund Committed Leave at Termination Fund Balance to defray the expenses of Leave at Termination in excess of General Fund Appropriations for Leave at Termination for Fiscal Year ending June 30, 2014.

THAT, there is hereby appropriated supplemental funding from any other General Fund Committed Fund Balance to defray expenses for Fiscal Year ending June 30, 2014.

THAT, there is hereby appropriated any sums necessary to pay debt service associated with Betterment Assessments, to include principal and interest, from a Debt Service Fund.

THAT, there is hereby appropriated any sums received from all Special Revenues received from but not limited to Federal, State, and Local Grants and Donations for Fiscal Year ending June 30, 2014.

THAT, there is hereby appropriated any sums received from Special Revenue Sources, to a maximum of **Nineteen Million (\$19,000,000) Dollars** for the purposes for which such sums may be lawfully expended.

**APPROVED BY:**

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

**ADOPTED BY CITY COUNCIL**

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

**CITY OF PORTSMOUTH, NEW HAMPSHIRE  
ANNUAL APPROVAL OF INVESTMENT POLICY  
FOR THE FISCAL YEAR ENDING JUNE 30, 2014**

**RESOLUTION #10-2013    A RESOLUTION APPROVING AN INVESTMENT POLICY FOR  
THE FISCAL YEAR ENDING JUNE 30, 2014**

**RESOLVED:                    BY THE CITY COUNCIL OF THE CITY OF PORTSMOUTH,  
NEW HAMPSHIRE ASSEMBLED AS FOLLOWS:**

**THAT, the following investment policy is hereby approved for Fiscal  
Year ending June 30, 2014 in conformance with State Law.**

The City of Portsmouth recognizes an investment program as one aspect of sound public financial management. The investment program aims at matching the structure of the money market and operations of the City to achieve the best possible results for the City, considering such matters as safety, liquidity, and over-all yield. New Hampshire State Statute (RSA 48:16) authorizes the City Treasurer as custodian of City funds to invest funds not immediately needed for the purpose of expenditure and requires the annual approval by the City Council of an investment policy.

**SCOPE**

This Policy applies to all financial assets of the City of Portsmouth. Interest earned on public funds will be considered public money as is the principal invested, both are resources to achieve a public purpose.

This policy does not include the Trust Funds. The Trust Funds adhere to the Investment Guidelines for the Trust Assets of the City which are adopted by the Trustees of the Trust Funds.

**OBJECTIVES**

1. Where circumstances may arise and/or in maintaining compliance with this policy, the security and maintenance of principal will take precedent over the security and maintenance of interest.
2. Investments selected shall provide reasonable liquidity as directed by cash flow.
3. The desired return of investments shall be maximized, subject to #1 and #2 above.
4. This investment program encourages participation by financial institutions with the assumption that retention of funds in the local community will, in addition to the direct benefit of investment earnings, benefit the local economy, promote orderly growth and in turn enhance the tax base.
5. The City Finance Director/City Treasurer will endeavor to have 100% of available funds invested on a day-to-day basis.

**DELEGATION OF RESPONSIBILITY**

1. Administration of cash management is by the Finance Director/City Treasurer. The Finance Director/City Treasurer is responsible for setting major investment strategy and conducts the day to day execution of policy.
2. Whenever the Finance Director/City Treasurer has in custody an excess of funds which are not immediately needed for the purpose of expenditure, the Finance Director/City Treasurer shall invest these funds in eligible investments defined by RSA 48:16.
3. All participants in the investment process shall act prudently to safeguard the public funds and confidence. Cash Management procedures fit the legal requirements and organizational structure and adheres to the commonly accepted "Prudent Person Rule".
4. The Cash Management Program operates daily and requires routine procedures to implement it. The City Finance Director/Treasurer shall review cash management and banking services on a continual and ongoing basis to assure that the policy objectives are met.

**ELIGIBLE INVESTMENT TRANSACTIONS**

Eligible investments are defined by RSA 48:16; accordingly investments will be in the following types of instruments:

1. The Public Investment Pool established pursuant to RSA 383:22.
2. Deposits including money market accounts, or certificates of deposits, or repurchase agreements, and all other types of interest bearing accounts, of federally insured banks chartered under the laws of New Hampshire or the federal government with a branch within the state, or in obligations fully guaranteed as to principal and interest by the United States government.

3. Certificates of deposit which meet all of the following conditions:
  - a) The funds are initially invested through a federally insured bank chartered under the laws of New Hampshire or the federal government with a branch within the state, selected by the treasurer.
  - b) The selected bank arranges for the deposit of the funds in certificates of deposit in one or more federally insured financial institutions located in the United States, for the account of the treasurer.
  - c) The full amount of principal and any accrued interest of each such certificate of deposit is covered by federal deposit insurance.
  - d) The selected bank acts as custodian with respect to such certificates of deposit issued for the account of the treasurer.

#### **SAFEKEEPING AND COLLATERALIZATION**

The Finance Director/City Treasurer shall have custody of all moneys belonging to the City. The Finance Director/City Treasurer shall deposit the same in participation units in the public deposit investment pool established pursuant to RSA 383:22, or in federally insured banks chartered under the laws of New Hampshire or the federal government with a branch within the state, except that funds may be deposited in federally insured banks outside the state if such banks pledge and deliver to a third party custodial bank or the regional federal reserve bank collateral security for such deposits of the following types:

- (a) United States government obligations;
- (b) United States government agency obligations; or
- (c) Obligations of the State of New Hampshire in value at least equal to the amount of the deposit in each case.

#### **ETHICS AND CONFLICTS OF INTEREST**

The "prudent person rule" shall be applied in the context of managing an overall portfolio. The authorized individuals acting in accordance with policy, exercising due diligence, and acting in good faith shall be relieved of personal responsibility for an individual investment's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments. Authorized individuals shall refrain from personal business activity that could conflict with the proper execution of the City's investment program, or which could impair their ability to make impartial decisions.

**APPROVED BY:**

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**ERIC SPEAR, MAYOR**

**ADOPTED BY CITY COUNCIL**

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

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## M E M O R A N D U M

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TO: John P. Bohenko, City Manager  
FROM: Rick Taintor, Planning Director *RT*  
DATE: April 30, 2013  
RE: City Council Referral – Projecting Sign  
Address: 4 Market Street  
Business Name: CJ Architects  
Business Owner: Carla Goodnight

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

Sign dimensions: 30" x 38"  
Sign area: 7.9 sq. ft.  
Height from sidewalk to bottom of sign: 10'7"  
Maximum protrusion from building: 36 in.

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

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



4 Market Street



# Request for Projecting Sign License 4 Market Street

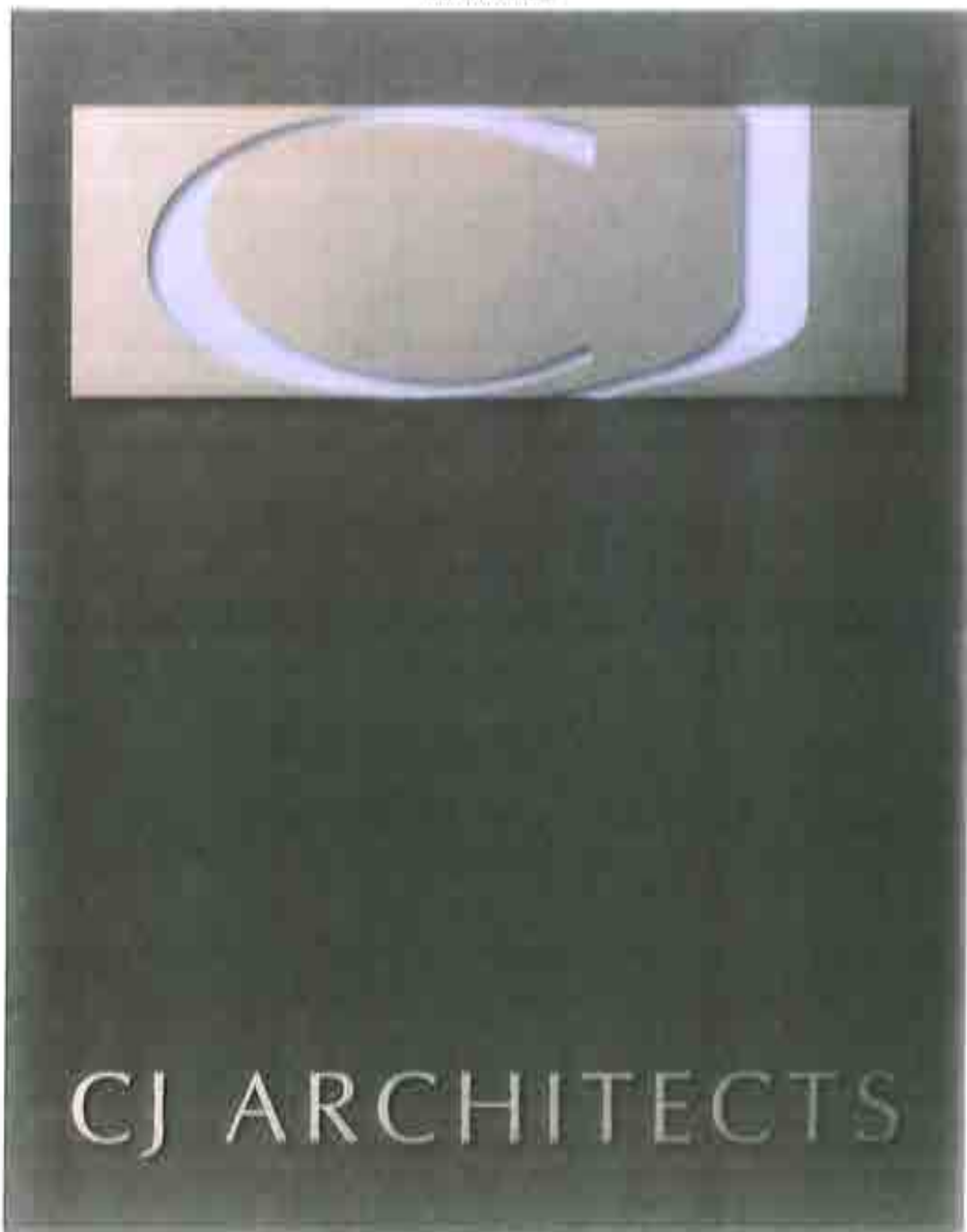
Map produced by Planning Department 4-29-2013

C.J. Architects  
4 Market Street  
1 Projecting Sign





30 INCHES




11-10-11

PROPOSED SIGN DESIGN

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## MEMORANDUM

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TO: John P. Bohenko, City Manager  
FROM: Rick Taintor, Planning Director   
DATE: April 30, 2013  
RE: City Council Referral – Projecting Sign  
Address: 254 State Street  
Business Name: Newburyport Five Cents Savings Bank  
Business Owner: Janice Morse, CEO

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Permission is being sought to install two projecting signs on new brackets, as follows:

Sign dimensions: 34" x 15"  
Sign area: 3.5 sq. ft.  
Height from sidewalk to bottom of sign: 12'0"  
Maximum protrusion from building: 42 in.

Sign dimensions: 30" x 21"  
Sign area: 4.4 sq. ft.  
Height from sidewalk to bottom of sign: 12'0"  
Maximum protrusion from building: 42 in.

The proposed signs comply 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 for each sign, 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  
254 State Street

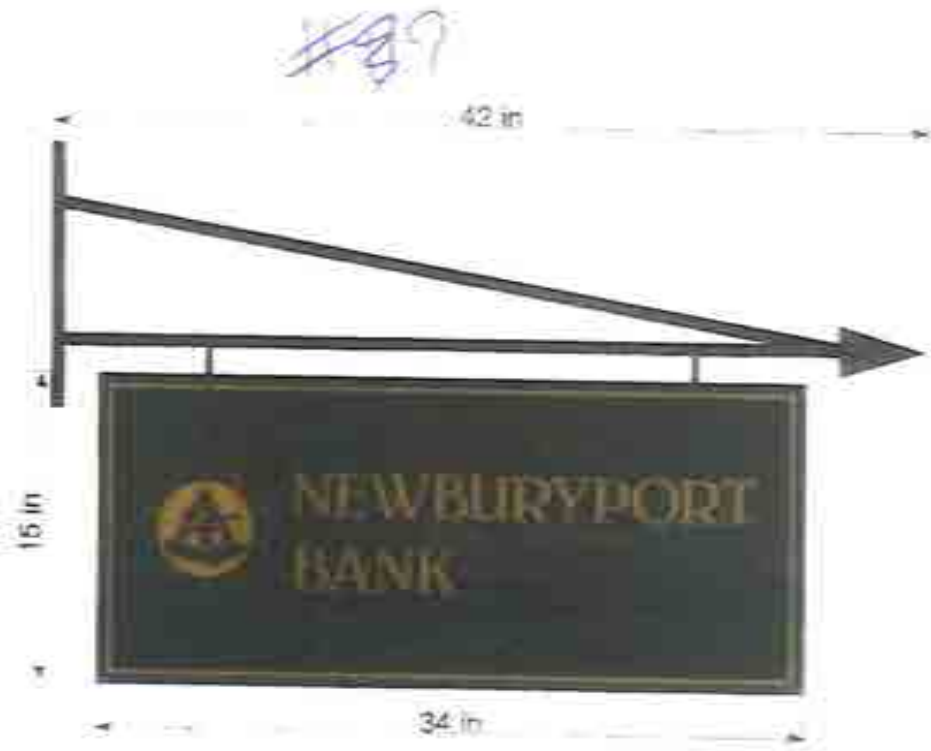
Map produced by Planning Department 4-29-2013

Newburyport Five Cent Savings Bank  
254 State Street  
1 of 2 Projecting Signs



Newburyport Five Cent Savings Bank  
254 State Street  
2 of 2 Projecting Signs





Qty: \_\_\_\_\_ SS:PS: \_\_\_\_\_ Material: \_\_\_\_\_ Dimensions: \_\_\_\_\_ Color:  HT  IS  Other: \_\_\_\_\_

*Chase*

PORTSMOUTH  
**[SIGN]**  
 COMPANY  
 Phone: 508-435-0067

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

**REVISION**

All orders under \$250 include 1 revision only. All orders over \$250 include 3 revisions only. Additional revisions will be charged at \$25 per revision.

**APPROVAL**

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

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

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



City: SEDS      Address: MASS      Project: NEW      File Code:  HP    JG    Other



email: [service@portsmouthsignco.com](mailto:service@portsmouthsignco.com)  
 All designs and custom artwork remain the property of Portsmouth Sign Company until the order is complete and paid in full.  
 NOTE: Designs are NOT for sale.

**REVISION:**  
 All orders under \$250 include 1 revision only. All orders over \$250 include 3 revisions only. Additional revisions will be charged at \$25 per revision.


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

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

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

**CITY OF PORTSMOUTH  
PORTSMOUTH, NH 03801**

***Office of the City Manager***

**Date:** May 2, 2013  
**To:** Honorable Mayor Eric Spear and City Council Members  
**From:** John P. Bohenko, City Manager   
**Re:** City Manager's Comments on May 6, 2013 City Council Agenda

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*6:30 p.m. – Non-meeting with counsel.*

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

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***Presentation:***

1. **Report Back Re: New Adventure Entertainment LLC d/b/a The Page Restaurant.** As requested by the City Council, attached is a report back from the Police Chief, City Attorney, and myself, regarding the history of issues with New Adventure Entertainment LLC d/b/a The Page Restaurant. On Monday evening, the Chief, the City Attorney and myself will be making a presentation regarding this matter. Subsequent to the presentation regarding the report back, action may be taken by the City Council as it relates to the renewal of The Page's liquor license, which expires at the end of May 2013.

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

1. **Acceptance of Grant from the Our New Hampshire Heritage – a fund of Northeast Auctions, an advised fund within the New Hampshire Charitable Foundation for Restoration of the Kearsarge Fire Pumper.** I am pleased to announce that a \$15,000.00 grant has been awarded from the Our New Hampshire Heritage – a fund of Northeast Auctions, an advised fund within the New Hampshire Charitable Foundation to the City of Portsmouth, NH-Fire Department Our New Hampshire Heritage – a fund of Northeast Auctions, for restoration of the Kearsarge fire pumper by the Portsmouth Fire Department.



*I would recommend the City Council move to approve and accept the grant from Our New Hampshire Heritage – a fund of Northeast Auctions, an advised fund within the New Hampshire Charitable Foundation, as submitted. Action on this item should take place under Section VII of the Agenda.*

2. **Acceptance of Police Department Grant.** Attached under Section VII of the Agenda is a memorandum, dated April 24, 2013, from John F. Golumb, Chairman of the Portsmouth Police Commissioners, and Police Chief Stephen J. DuBois, requesting that the City Council approve the following grant:

1. A grant in the amount of \$3,595 from Seacoast CrimeStoppers to fund the purchase of a fume hood. A fume hood will aid in the processing of crime scene evidence.

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

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

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

1. **Adoption of Proposed Budget Resolutions:**

- 1.1 **Adoption of Budget Resolutions for Fiscal Year July 1, 2013 through June 30, 2014 (FY2014).** On Monday evening, I am requesting that the City Council adopt the proposed FY 2014 Budget (July 1, 2013 thru June 30, 2014). For your review and action, under Section VIII of the Agenda, attached are six proposed Resolutions relative to the annual budget adoption process.

**Resolution No. 5-2013 – General Fund Expenditures.** In this resolution, the proposed appropriations for the General Government, Police, Fire, and School Departments, Transfer to Indoor Pool and Non-Operating appropriations are listed separately. The total proposed FY14 General Fund budget is \$92,838,137.

#### FY14 PROPOSED BUDGET

GENERAL GOVERNMENT	\$16,536,628
POLICE	\$9,174,659
FIRE	\$7,434,078
SCHOOL	\$39,820,958
TRANSFER TO INDOOR POOL	\$150,000
NON-OPERATING	\$19,721,814
TOTAL	\$92,838,137

The FY 2014 original Proposed Budget of \$93,223,137 was submitted to the City Council on March 28, 2013. The Operating Budget submitted by the Departments, achieved the City Council directive to submit an operating budget at no more than 4.0%. The proposed budget of \$92,838,137 which includes both operating and non-operating is an increase of 2.52% over FY13. The submitted budget and estimated revenues resulted in a tax rate increase of 45¢ over FY13 for a rate of \$18.00 per \$1,000 of valuation.

Since the submission of the Budget to the City Council, adjustments were made which reduced the proposed budget to \$92,838,137 which reduced the proposed tax rate by 9¢ to \$17.91. This will result in an increase of 36¢ or 2.05% from FY 13.

The total reduction from the originally submitted Proposed Budget is as follows:

Capital Outlay	\$135,000
Overlay	\$100,000
Info Technology	\$ 50,000
Collective Bargaining Contingency	\$100,000
Total	<u>\$385,000</u>

**Resolution No. 6-2013** adopts Municipal Fees that have been recommended by the Fee Committee. The total revenue generated from these fees is estimated at \$881,500 or 1% of the total FY14 General Fund Revenues.

**Resolution No. 7-2013** establishes the annual appropriation, cash requirements and user rates for the Sewer Fund. The adoption of this Resolution includes a two step, inclining block rate structure. As Sewer charges are based on water consumption, the first 10 units (1 unit equals 100 cubic feet or 748 gallons) of water consumed per month will be charged a sewer rate of \$10.68 per unit, all consumption over 10 units per month will be charged at \$11.75 per unit. This increase translates to an approximate monthly increase of \$11.40 to the average residential user. Eighty percent (80%) of all residential customers fall in the 10 units or less tier.

**Resolution No. 8-2013** establishes the annual appropriation, cash requirements and user rates for the Water Fund. Similar to Sewer, the adoption of this Resolution will include a two step, inclining block rate structure. There is no increase in the water rate for FY14. The first 10 units (1 unit equals 100 cubic feet or 748 gallons) of water consumed per month will be charged at \$4.15 per unit, all consumption over 10 units per month will be charged at \$5.00 per unit, both rates are unchanged from the previous fiscal year. Eighty percent (80%) of all residential customers fall in the 10 units or less tier.

**Resolution No. 9-2013** allows for the expenditure of Special Revenues, Debt Service Fund, and Committed Fund Balances. This allows the City to expend from committed fund balances, donations and Federal and State Grants as they are accepted and received.

**Resolution No. 10-2013** deals with the adoption of an annual investment policy. State law requires the annual adoption of such a policy by every city and town.

*Suggested Motions:*

*Move to adopt Resolution #5 – General Fund Expenditures.*

*Move to adopt Resolution #6 – Municipal Fees.*

*Move to adopt Resolution #7 – Sewer Fund Expenditures.*

*Move to adopt Resolution #8 – Water Fund Expenditures.*

*Move to adopt Resolution #9 – Special Revenues, Debt Service Fund, and Committed Fund Balances for Necessary Expenditures.*

*Move to adopt Resolution #10 – Investment Policy.*

*(Actions on Resolutions 5 thru 10 should take place under Section VIII of the Agenda.)*

## ***Consent Agenda:***

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

- Carla Goodnight, owner of CJ Architects for property located at 4 Market Street.
- Janice Morse, CEO of Newburyport Five Cents Savings Bank for property located at 254 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 IX of the Agenda.*

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

1. **Request to Amend Seacoast Growers' Association License Agreement.** Attached is a letter from Edie Barker, President of the Seacoast Growers' Association, requesting an amendment to their License Agreement which would allow Throwback Brewery to sell its beer at the Portsmouth Farmers' Market. Also, attached is an amended Agreement,

which shows the deletions from existing language ~~stricken~~; additions to existing language **bolded**; and remaining language unchanged.

*I would recommend the City Council move to approve an amendment to the Seacoast Growers' Association License Agreement, as presented.*

2. **Request to Change Work Session Date Re: Report Back from Transportation Policy Committee.** At your last meeting, the City Council established a work session for June 10, 2013 at 6:30 p.m., regarding the report of the Transportation Policy Committee. That same night, there will be a presentation and report on Form-Based Zoning that resulted from the charrette. The presentation on the charrette will take place on June 10<sup>th</sup> at 6:00 p.m., in the Levenson Room at the Library.

Given the importance of City Council Members having the ability to attend this presentation on Form-Based Zoning, I am recommending the work session on Transportation Policy take place on June 3, 2013 at 6:00 p.m. prior to your regular meeting. I have discussed this matter with the Chairman of the Transportation Policy Committee, Councilor Ken Smith and the Mayor, and they have no problem with this change.

*I would recommend the City Council move to approve the change of date for the Work Session on Transportation Policy to Monday, June 3, 2013 at 6:00 p.m.*

3. **Request for Approval of Expenditure from the African Burying Ground Trust.** On February 20, 2013 the African Burying Ground Committee and Fundraising Volunteers organized an educational and awareness outreach event for the African Burying Ground Memorial Park Project. The Committee once again successfully partnered with The Music Hall on a performance and candlelight procession to the African Burying Ground and raised funds for the project. In accordance with the partnership with The Music Hall, a portion of the funds collected for the event need to be returned to The Music Hall. These funds, having been deposited in the African Burying Ground Trust, require a vote of the Council in order to move forward.

*I would recommend the City Council vote to expend a total of \$2,818.50 from the African Burying Ground Trust pursuant to the fundraising partnership with The Music Hall described above.*

4. **Acceptance of Sidewalk Easement Re: 1190 Lafayette Road (Comfort Inn).** Attached for acceptance is a Sidewalk Easement from MacLeod Enterprises, Inc. to the City of Portsmouth, which was required by the Planning Board in connection with the Comfort Inn project at 1190 Lafayette Road. This is a routine easement similar to those which have been required at various developments along Route 1.

*I would recommend the City Council move to authorize the City Manager to accept the sidewalk easement at 1190 Lafayette Road from MacLeod Enterprises, Inc.*

5. **Report Back Re: Letter from Aphrodite and Louis Georgopoulos - Zoning of Property at 1900 Lafayette Road.** On November 9, 2012, Aphrodite and Louis Georgopoulos submitted the attached letter to the City Manager regarding zoning of a parcel at 1900 Lafayette Road. On December 17, 2012, the City Council referred the letter to the Planning Board for a report back. The Planning Board considered the current request at its meetings on January 24 and April 18, 2013, and in a work session on March 28, 2013.

This lot and the surrounding Office Research District have been considered by the Planning Board several times in the last decade:

- In December 2006, the Board recommended the creation of a "Nonresidential Planned Unit Development" option to allow the development of a Smuttynose brewery and restaurant on the Georgopoulos lot and the adjacent lot.
- In October 2009, the Board recommended that the Office Research District on Lafayette Road, including the Georgopoulos lot, be included in the newly created Gateway District as part of the comprehensive revision of the Zoning Ordinance and Zoning Map.
- In October 2011, the Board recommended changes to the use and dimensional standards of the OR District, rather than rezoning the Lafayette Road OR parcels to a new district.

It is clear from this history that Elwyn Park residents and City Councilors are opposed to allowing retail and service uses in this area because of the potential impacts due to traffic, light and noise. After reviewing the range of possible options, the Planning Department staff concluded that multifamily residential development would be the most appropriate use to add to the currently allowed uses in the Office Research district at this location. Multifamily development might provide a transitional buffer between the single-family residential neighborhood on the opposite side of Route 1, and could be consistent in scale with the nonresidential uses that are already allowed in the OR District. In addition, assisted living centers could also be appropriate in this area, as they are similar in scale and impact to residential developments. Staff therefore drafted a zoning amendment to allow multifamily residential and assisted living uses in the Office Research District by conditional use permit. Rather than modifying the allowed uses or dimensional requirements for the Office Research District, the draft zoning amendment would create a new type of use subject to all of the additional requirements and standards included in the section.

When multifamily residential and assisted living uses were proposed for the OR District in 2011, concerns were raised by residents in other areas of the City who were afraid that this might be a way to allow the continuing care retirement community that had been proposed for the large OR parcel off Islington Street. In order to allay this concern, the proposed Conditional Use Residential Development option is restricted to "principal arterials" as shown in the City's Master Plan. The attached map shows all OR District in

the City and the principal arterials, which are Interstate 95, the Spaulding Turnpike, the Route 1 Bypass, and Lafayette Road (Route 1) from the Bypass to the Rye line. Other than limited-access highways (I-95, Route 16 and the Route 1 Bypass), Lafayette Road is the only principal arterial in the City. Therefore, the only area in which the new use would be permitted is the OR District on Lafayette Road.

At its meeting on April 18, 2013, the Planning Board voted unanimously to recommend that the Zoning Ordinance be amended as set forth in the [attached document](#).

#### Potential Development Density Under the Proposed Amendment

The proposed Conditional Use Residential Development provision would allow up to about 70 dwelling units on the parcel at 1900 Lafayette Road. The provision requires between 1.3 and 1.8 off-street parking spaces per dwelling unit; therefore, a 70-unit development would include between 91 and 126 spaces.

In order to meet the required 50% open space requirement, and assuming that the maximum number of off-street parking spaces is provided in surface lots, 70 dwelling units could be accommodated on the site in 4-story buildings. However, for two-story townhouse or garden apartment units, the maximum possible density (with surface parking) might drop to about 50 units.

For an assisted living center, the draft ordinance requires 1,500 sq. ft. of developable lot area per assisted living unit, which would allow up to about 120 units on the site at 1900 Lafayette Road. The Zoning Ordinance requires the provision of 1 parking space for every two assisted living units, so a 119-unit facility would require 60 parking spaces.

It is important to emphasize that the above numbers are estimates based solely on the standards in the proposed ordinance, and not on any site design concept. The actual potential development under the Conditional Use Residential Development provision may be less than the estimates based on ratios in the proposed ordinance.

*I would recommend the City Council move to accept the Planning Board's recommendation and, further, authorize the City Manager to bring back for first reading the attached proposed Ordinance amendment at the May 20, 2013 City Council meeting.*

6. **Report Back Re: Request to Rezone Property at 3020 Lafayette Road from Mixed Residential Business (MRB) to Gateway.** On February 21, 2013, Jonathan N. Bursaw submitted the [attached letter](#) to Mayor Spear requesting that the City change the zoning of the parcel at 3020 Lafayette Road from Mixed Residential Business (MRB) to Gateway. At its meeting on March 4, 2013, the City Council voted to refer this request to the Planning Board for a report back.

The Bursaw parcel is bounded on two sides by the Maple Haven neighborhood and the Single Residence B District. The current use is as a convenience store (Bursaw's Pantry).

On the opposite side of Ocean Road is Fire Station No. 2, rezoned from General Business to Municipal in 2010. The parcels on the opposite side of Lafayette Road, including the new Service Credit Union headquarters building and campus, are in the Gateway District. (See attached map.)

The parcel is 0.27 acre in area (about 11,800 sq. ft.), which conforms to the 7,500 sq. ft. minimum lot area requirement in the MRB District. However, the Gateway District requires a lot area of at least 43,560 sq. ft. (1 acre), so rezoning to the Gateway District would create a substantial new nonconformity. In addition, the existing building on the parcel does not comply with the frontage or setback standards for the Gateway District, and it would not be possible to erect a new building on the site conforming to those requirements.

The Planning Board discussed this request in a work session on March 28, 2013. Options presented for consideration included:

- Rezone to Gateway
- Rezone to Business
- Expand permitted uses in MRB
- Leave existing zoning in place

Based on a review of the allowed uses and dimensional standards in the MRB, Gateway and Business Districts, it was the consensus of the Board that the existing zoning is appropriate and no rezoning was recommended. Of particular concern was the small size of the lot and its location at a busy signalized intersection. The Board recognized that it would be difficult to increase the intensity of use on this parcel because of limited area for providing off-street parking and accommodating turning movements so close to the traffic signal.

On March 29, 2013, Mr. Bursaw submitted a letter stating that he has no specific alternative uses in mind for the property, but requested a rezoning to Gateway to open up a wider range of permitted uses. The particular uses that are identified in Mr. Bursaw's letter are gas stations and food service establishments. In this regard, it should be noted that a gas station would not be allowable at this location even if the zoning were changed to Gateway, because the Zoning Ordinance requires that a lot containing a service station (a) be at least one acre in area, and (b) be at least 200 feet from a residential zoning district. Based on these considerations, the Planning Board voted unanimously at its meeting on April 18, 2013, to recommend that the zoning designation for this parcel not be changed.

*I would recommend the City Council move to accept the Planning Board's recommendation that the zoning designation for this parcel not be changed.*

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

1. **Events Listing.** For your information, attached is a copy of the Events Listing updated after the last City Council meeting on April 15, 2013. In addition, this now can be found on the City's website.
2. **Letter from Pease Development Authority Re: The Port.** For your information, attached is a letter from David Mullen, Executive Director of the Pease Development Authority, in response to the City Manager's letter dated December 17, 2012, regarding the Port.
3. **Report Back Re: 299 Vaughan Street - Request for Urbanized Shoreland.** At the March 4, 2013 City Council meeting, a letter from Patrick Crimmins of Tighe & Bond was received requesting the City submit an application for an Urbanized Shoreland Exemption. This exemption, if granted, would have exempted the owner of the property at 299 Vaughan Street from the regulations of the Shoreland Water Quality Protection Act. The City Council voted to refer the request to the City Manager for a report back.

After discussions between City Staff and the owner of the property at 299 Vaughan Street and their engineer from Tighe & Bond, it was determined that based on the project design for the proposed municipal parking lot in this location, this property would qualify for a permit from the Shoreland Water Quality Protection Act and no exemption was required. The applicant submitted a permit application and was granted approval by the NH Department of Environmental Services on April 19, 2013 (see attached).



Seacoast Growers Association

PO Box 4401

Portsmouth, NH 03042



Dear Honorable Mayor and Council Members,

We would respectfully like to request an amendment to our agreement, between the city of Portsmouth and the Seacoast Growers Association, which would allow an additional vendor of alcoholic products, Throwback Brewery. This brewery is a small seacoast based operation which we feel would add to our diversity.

Thank you for your consideration,

Edie Barker

A handwritten signature in black ink, appearing to read "Edie Barker". The signature is fluid and cursive, written over the printed name.

Seacoast Growers Association President

## LICENSE AGREEMENT

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

1) The Seacoast Growers' Association is licensed by the Portsmouth City Council to operate a Farmers' Market on Saturday mornings between May 4, 2013 through November 2, 2013 pursuant to the conditions enumerated below.

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

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

- The City Hall Municipal Lot will be reserved for use by the Association as defined in the attached Appendix I. The Association is authorized to cover the existing handicap parking signs in the municipal parking lot and to utilize the spaces as otherwise designated as handicap spaces during the hours in which the Farmer's Market is authorized. The Association shall immediately remove the coverings from the handicap parking space signs at the end of the authorized period. There shall be no use by the Association of Lot B as shown on the attached Appendix I.
- Parking on grassy areas prohibited.
- Market area to be left in broom-clean condition one hour after closing.
- All trash generated by the market shall be removed by the Association upon closing of the Farmers' Market and shall be maintained in a clean, neat condition during the market operation.
- The Vendors shall implement any temporary marking of Vendor spaces which may be directed by the City.
- The Seacoast Growers' Association shall provide police coverage from 8:00 a.m. to 12:00 p.m. unless otherwise determinate by the Police Chief, at its own expense, to control traffic and monitor parking during the hours when the Farmers' Market is in operation.
- A centrally located hand washing booth shall be available at all times.
- The Seacoast Growers' Association agrees to operate the Farmer's Market during the 2013 season on a "CARRY IN – CARRY OUT" basis.

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

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

**C. SALE OF ITEMS:**

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

**D. HEALTH REQUIREMENTS:**

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

- Vendors shall be excepted from the general City requirement of obtaining a Hawkers & Peddlers License (\$250.00). The following license fee schedule shall apply to Farmer's Market Vendors:
  1. Fruit and vegetable vendors at the Farmer's Market pay no fee.
  2. Non-produce/Non-food vendors at the Farmer's Market pay no fee.
  3. Prepared food vendors (anything other than non-prepared fruits and vegetables) pay a seasonal fee of \$140.00 per season.
- Non-recycled farm fresh eggs may be sold provided that they are stored at proper temperature (at or below forty-one (41) degrees Fahrenheit) during transport to and while displayed at the Farmers' Market.
- Baked goods sold at the Farmers' Market must be individually or collectively wrapped while displayed and sold and baked in a licensed facility.
- Any Vendor who sells potentially hazardous foods (which includes any perishable food or food product which consists in whole or in part of milk or any other

ingredient capable of supporting rapid and progressive growth of infectious and toxigenic micro-organisms including, but not limited to, cream fillings and pies, cakes and pastries, custard products, meringue-topped baked goods or butter-cream type fillings in bakery products), shall take appropriate measures to ensure that such products are transported, stored, and displayed in refrigerated or ice-cooled containers to maintain temperature of such products at 41 degrees Fahrenheit or below at all times so to prevent spoilage or contamination.

- All animals are prohibited within the Farmers' Market with the exception of hearing ear dogs, guide dogs and service dogs as they are defined in RSA 167-D:1.
- The above items do not eliminate or supersede other areas of compliance set by ordinance or regulations or within the grant of authority by the Portsmouth City Council.
- In addition to the foregoing, each Vendor member of the Seacoast Growers' Association shall comply with all applicable Federal, State and Municipal laws, regulations and ordinances.
- No vendor shall provide fruit or vegetables to be sampled onsite unless a three bay sink is provided in which all such fruits, vegetables and the utensils provided to cut or serve them shall be washed on site (fruits and vegetables in a collander). No spillage onto the ground shall be permitted from the three bay sink.

#### **E. OTHER CONDITIONS:**

- The Seacoast Growers' Association shall provide the City with a current list of board members with appropriate contact information.
- The Seacoast Growers' Association agrees to indemnify and hold the City of Portsmouth harmless for any and all claims of liability, (including bodily injury or property damage) of any type or kind arising out of the Association's operation or use of this license agreement. This provision shall survive termination of this agreement.
- Additionally, the Seacoast Growers' Association shall maintain general liability insurance in the amount of Two Million Dollars (\$2,000,000.00) naming the City of Portsmouth as an additional insured. A certificate demonstrating this insurance shall be kept on file with the City Clerk of the City at all times relevant to the operation of the Association under this agreement.
- ~~The City hereby specifically approves the sale of wine and hard cider products at the Farmer's Market by Association members Jeweltown Vineyards, Sweet Baby Vineyard, Nottingham Orchards and Throwback Brewery. There shall be no open containers or consumption of wine on municipal premises. All wine sales must be conducted in strict accordance with RSA 178:8 III and any rules adopted pursuant thereto by the State of New Hampshire Liquor Commission. This provision of the license agreement with the Association may be revoked~~

~~immediately and without cause if that action is determined to be appropriate by the City.~~

- **The City hereby approves the sale of the following alcohol products at the Farmer's Market by Association members:**
  1. Wine by Jeweltown Vineyards
  2. Wine by Sweet Baby Vineyard,
  3. Hard Cider products by Nottingham Orchards; and
  4. Beer by Throwback Brewery.

**No other alcohol sales or possession is approved.**

**There shall be no open containers or consumption of alcoholic beverage on municipal premises. All alcoholic beverage sales must be conducted in strict accordance with state law and any rules adopted pursuant thereto by the State of New Hampshire Liquor Commission. This provision of the license agreement with the Association may be revoked immediately and without cause if that action is determined to be appropriate by the City.**

- Should Seacoast Growers' Association provide patrons access to the restroom facilities located in City Hall, an individual will be designated for each date of operation to escort patrons to the restroom and out of the building. A list of responsible persons and the dates they are assigned this responsibility shall be submitted to the Health Department with the application packet. The Health Department must approve in advance of any modification.
- For the purpose of operating the Farmer's Market on the property of the City of Portsmouth it is understood that neither a Homestead License issued by the State of New Hampshire nor a Home Food Processors License issued by the State of Maine is recognized or confers any benefit to the vendor.
- This agreement may be terminated at the sole discretion of the City of Portsmouth in the event that:
  1. The Seacoast Growers' Association fails to abide by the terms of this agreement.
  2. It is determined that the City of Portsmouth has a paramount need for the area which would otherwise be utilized by the Seacoast Growers' Association.
- The City reserves the right to modify any provision in this agreement in the event that such modification is made necessary by any change in state or federal law.

**CITY OF PORTSMOUTH**

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

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

**SEACOAST GROWERS' ASSOCIATION**

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

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

[https://agreements/seacoast-growers/seacoast-growers-agr-2013](#)

pd

Return to:  
City of Portsmouth Legal Department  
City Hall  
1 Junkins Avenue  
Portsmouth, NH 03801

019545

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2013 APR 15 AM 10:49

**EASEMENT DEED**

**KNOW ALL BY THESE PRESENTS** that **MACLEOD ENTERPRISES, INC.**, a New Hampshire Corporation, with an address of 1190 Lafayette Road, Portsmouth, County of Rockingham and State of New Hampshire 03802, for consideration paid, hereby grants to the **CITY OF PORTSMOUTH**, a municipal body politic, with a principal place of business at 1 Junkins Avenue, Portsmouth, County of Rockingham, State of New Hampshire, with **QUITCLAIM COVENANTS**, the following:

An Easement 8' wide for the purpose of constructing, reconstructing and maintaining a sidewalk along the northerly sideline of Lafayette Road, said Easement being bounded and described as follows:

Beginning at a point on the northwesterly sideline of Lafayette Road, said point being S 34-19-56 W a distance of 4.80 feet from land now or formerly of Walter S. Wakefield, thence proceeding along said northwesterly sideline of Lafayette Road S 34-19-56 W a distance of 78.73 feet to a point; thence turning and proceeding through land now or formerly of MacLeod Enterprises, Inc. N 55-40-04 W a distance of 8.00 feet to a point; thence turning & proceeding through land of said Macleod Enterprises, Inc. N 34-19-56 E a distance of 78.73 feet to a point; thence turning and proceeding through land now or formerly of MacLeod Enterprises, Inc. S 55-40-04 E a distance of 8.00 feet to the point of beginning.

Containing: 630 s.f. (0.014 acres)

Dated this 10<sup>th</sup> day of April, 2013.

**MACLEOD ENTERPRISES, INC.**

By:   
M. Kevin MacLeod, President

ROCKINGHAM COUNTY  
REGISTRY OF DEEDS

STATE OF NEW HAMPSHIRE  
COUNTY OF ROCKINGHAM

This instrument was acknowledged before me on this 10<sup>th</sup> day of April, 2013 by M. Kevin MacLeod as President of MacLeod Enterprises, Inc.



*Eileen Fraser*  
\_\_\_\_\_  
Notary Public  
My commission expires: \_\_\_\_\_



REC-11  
APR 24 2013  
1503 11:22

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## M E M O R A N D U M

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**TO:** John P. Bohenko, City Manager  
**FROM:** Rick Taintor, Planning Director *RT*  
**DATE:** April 24, 2013  
**RE:** City Council Referral – Letter from Aphrodite and Louis Georgopoulos Regarding Zoning of Property at 1900 Lafayette Road

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On November 9, 2012, Aphrodite and Louis Georgopoulos submitted a letter to the City Manager regarding zoning of a parcel at 1900 Lafayette Road. On December 17, 2012, the City Council referred the letter to the Planning Board for a report back. The Planning Board considered the current request at its meetings on January 24 and April 18, 2013, and in a work session on March 28, 2013.

This lot and the surrounding Office Research district have been considered by the Planning Board several times in the last decade:

- In December 2006, the Board recommended the creation of a "Nonresidential Planned Unit Development" option to allow the development of a Smuttynose brewery and restaurant on the Georgopoulos lot and the adjacent lot.
- In October 2009, the Board recommended that the Office Research district on Lafayette Road, including the Georgopoulos lot, be included in the newly created Gateway District as part of the comprehensive revision of the Zoning Ordinance and Zoning Map.
- In October 2011, the Board recommended changes to the use and dimensional standards of the OR district, rather than rezoning the Lafayette Road OR parcels to a new district.

It is clear from this history that Elwyn Park residents and City Councilors are opposed to allowing retail and service uses in this area because of the potential impacts due to traffic, light and noise. After reviewing the range of possible options, the Planning Department staff concluded that multifamily residential development would be the most appropriate use to add to the currently allowed uses in the Office Research district at this location. Multifamily development might provide a transitional buffer between the single-family residential neighborhood on the opposite side of Route 1, and could be consistent in scale with the nonresidential uses that are already allowed in the OR district. In addition, assisted living centers could also be appropriate in this area, as they are similar in scale and impact to residential developments. Staff therefore drafted a zoning amendment to allow multifamily residential and assisted living uses in the Office Research district by conditional use permit. Rather than modifying the allowed uses or dimensional requirements for the Office Research District, the draft zoning amendment would create a new type of use subject to all of the additional requirements and standards included in the section.

When multifamily residential and assisted living uses were proposed for the OR district in 2011, concerns were raised by residents in other areas of the City who were afraid that this might be a way to allow the continuing care retirement community that had been proposed for the large OR parcel off Islington Street. In order to allay this concern, the proposed Conditional Use Residential Development option is restricted to "principal arterials" as shown in the City's Master Plan. The attached map shows all OR district in the City and the principal arterials, which are Interstate 95, the Spaulding Turnpike, the Route 1 Bypass, and Lafayette Road (Route 1) from the Bypass to the Rye line. Other than limited-access highways (I-95, Route 16 and the Route 1 Bypass), Lafayette Road is the only principal arterial in the City. Therefore, the only area in which the new use would be permitted is the OR district on Lafayette Road.

At its meeting on April 18, 2013, the Planning Board voted unanimously to recommend that the Zoning Ordinance be amended as set forth in the attached document.

#### Potential Development Density Under the Proposed Amendment

The proposed Conditional Use Residential Development provision would allow up to about 70 dwelling units on the parcel at 1900 Lafayette Road. The provision requires between 1.3 and 1.8 off-street parking spaces per dwelling unit; therefore, a 70-unit development would include between 91 and 126 spaces.

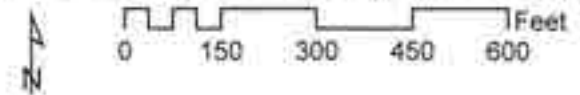
In order to meet the required 50% open space requirement, and assuming that the maximum number of off-street parking spaces is provided in surface lots, 70 dwelling units could be accommodated on the site in 4-story buildings. However, for two-story townhouse or garden apartment units, the maximum possible density (with surface parking) might drop to about 50 units.

For an assisted living center, the draft ordinance requires 1,500 sq. ft. of developable lot area per assisted living unit, which would allow up to about 120 units on the site at 1900 Lafayette Road. The Zoning Ordinance requires the provision of 1 parking space for every two assisted living units, so a 119-unit facility would require 60 parking spaces.

It is important to emphasize that the above numbers are estimates based solely on the standards in the proposed ordinance, and not on any site design concept. The actual potential development under the Conditional Use Residential Development provision may be less than the estimates based on ratios in the proposed ordinance.



1900 Lafayette Road





## Section 10.740 Conditional Use Residential Development

### 10.741 Purpose

The purpose of this section is to allow specified residential uses in parcels fronting on principal arterials in Office Research districts, in order to provide additional development options for such parcels and to provide increased housing opportunities for moderate income households, the elderly and those requiring assistance with daily living activities.

### 10.742 Conditional Use Residential Development Permit

- 10.742.10 The Planning Board may grant a conditional use permit to authorize a Conditional Use Residential Development (CRD) on a parcel that is located in an Office Research district and that has frontage on a principal arterial **street** as shown in the Master Plan.
- 10.742.20 The CRD shall conform to the criteria and standards set forth herein and shall comply with all zoning, site plan and subdivision regulations that apply, other than those waived or modified hereunder.

### 10.743 Uses Permitted in a Conditional Use Residential Development

- 10.743.10 In addition to the uses allowed in the underlying district in Section 10.440, a CRD may include the following permitted uses, alone or in combination:
  - 10.743.11 Multifamily dwelling or townhouse.
  - 10.743.12 Live/work space, combining a dwelling unit with an integrated work space principally used by one or more of the residents of the dwelling unit.
  - 10.743.13 Assisted living center
- 10.743.20 A CRD may include more than one **dwelling** on a single **lot**, provided that the Planning Board finds through the conditional use permit process that safe and convenient access will be provided to all **structures**.

### 10.744 Dimensional and Intensity Standards

#### 10.744.20 Dimensional Standards

Notwithstanding any other provision of the Zoning Ordinance, a CRD shall comply with all of the following **lot** requirements, which shall be computed on the basis of the total **developable area** of the **lot**:

## DRAFT

Minimum <b>lot area</b>	2 acres
Minimum <b>lot area per dwelling unit</b>	2,500 sf
Minimum <b>lot area per assisted living unit</b>	1,500 sf
Minimum continuous <b>street frontage</b> on a principal arterial	200'
Minimum <b>lot depth</b>	200'
Minimum <b>side yard</b>	50'
Maximum <b>building coverage</b>	75%
Maximum <b>building height</b>	50'
Minimum <b>open space</b>	50%
Minimum percentage of the <b>lot frontage</b> that shall be occupied by <b>buildings</b> or <b>open space</b>	60%

### 10.745 Site Design Standards

#### 10.745.10 Off-Street Parking and Bicycle Parking

10.745.11 **Off-street parking** shall be provided at the following rates:

**Multifamily dwelling or townhouse:**

Minimum: 1.3 spaces per **dwelling unit**

Maximum: 1.8 spaces per **dwelling unit**

**Assisted living center:**

Minimum: 0.5 spaces per **assisted living unit**

10.745.12 All surface parking areas shall be set back at least 50 feet from a public **street**. Within this required 50-foot setback, the maximum width of any accessway or driveway to a surface parking area shall be 30 feet.

10.745.13 Bicycle parking spaces or storage capacity shall be provided at a rate of at least 15 percent of the off-street parking spaces provided for motor vehicles.

#### 10.745.20 Pedestrian Circulation

10.745.21 Pedestrian walkways shall provide connections through the CRD to the public **street** right-of-way, and between the CRD and adjacent land uses.

10.745.22 At least one 8-foot wide pedestrian walkway shall be provided throughout the project site, connecting adjacent streets, accessways, sidewalks and **off-street parking** areas to the entrances of all **principal buildings**.

## DRAFT

- 10.745.23 Pedestrian areas shall be clearly distinguished from vehicular and bicycle traffic areas through the use of paving materials, landscaping, or other means.
- 10.745.24 A CRD with more than one **principal building** or **off-street parking** area shall include an internal pedestrian network that provides logical and direct routes for pedestrians throughout the site.
- 10.745.25 Parking lots shall include internal walkways spaced not more than 150 feet apart. Where possible, these walkways shall be aligned to connect with major building entries or other destinations.

### 10.746 Building Design Standards

#### 10.746.10 Pedestrian Orientation

- 10.746.11 Every **principal building** shall have at least one entrance that does not require passage through an **off-street parking** lot or garage to gain access.

#### 10.746.20 Architectural Design

- 10.746.21 **Building** facades more than 50 feet in length shall be divided into shorter segments by means of changes in materials, varying roof lines or other architectural treatments.
- 10.746.22 **Buildings** shall incorporate features such as cornices, architectural moldings, side lights, transom lights, regularly spaced ground floor windows, and distinct corners with iconic corner features such as turrets.
- 10.746.23 Rooftop **building** systems, such as mechanical and electrical equipment and antennas, shall be screened with appropriate architectural elements from all key observation points.
- 10.746.24 All blank walls within 50 feet of, and visible from, a **street**, pedestrian pathway, park, or adjacent **lot** shall be treated with one or more of the following measures:
  - (a) Install a vertical trellis in front of the wall with climbing vines or plant materials. For large blank wall areas, the trellis must be used in conjunction with other treatments described below;
  - (b) Provide a landscaped planting bed at least 8 feet wide or a raised planter bed at least 2 feet high and 3 feet wide in front of the wall. Plant materials that will obscure or screen at least 50 percent of the wall's surface within four years are to be planted in the planting bed;

## DRAFT

- (c) Provide artwork (mosaic, mural, sculpture, relief, etc.) over at least 50 percent of the blank wall surface; and/or
- (d) Other method as approved by the Board. For example, landscaping or other treatments may not be necessary on a wall that employs high-quality building materials (such as brick) and provides desirable visual interest.

### 10.747 Review and Approval Process

#### 10.747.10 Required Information

The CRD conditional use permit application shall include the following additional information unless waived by the Planning Board:

- 10.747.11 Location of all proposed **structures**;
- 10.747.12 Elevations for all sides of all **buildings**;
- 10.747.13 Description and illustration of the proposed **building** materials and colors;
- 10.747.14 Location and illustration of each amenity to be provided (for example, benches, pedestrian scale lighting or bicycle racks);
- 10.747.15 Documentation of how the proposed CRD will comply with each standard set forth in Sections 10.744 through 10.746.

#### 10.747.20 Planning Board Findings

Prior to granting a conditional use permit for project under this section, the Board shall make all of the following findings:

- 10.747.21 The proposed project is consistent with the purpose and intent set forth in Section 10.741; and
- 10.747.22 The proposed project (and any conditions of approval) meets the CRD standards in Section 10.740; and
- 10.747.23 The anticipated impacts of the proposed CRD on traffic, market values, stormwater runoff or environmental factors will not be more detrimental to the surrounding area than the impacts of conventional residential development of the site.

#### 10.747.30 Modifications of Standards

In granting a conditional use permit, the Planning Board may modify specific standards and requirements set forth in this Section (including development intensity and dimensional standards, and building design standards) provided that the Planning Board finds such modification will promote design flexibility and



## DRAFT

overall project quality, and that such modification is consistent with the purpose and intent set forth in Section 10.731.

### **10.747.40 Major Project Changes**

The following shall be deemed to be major changes to an approved CRD project, and shall require Planning Board approval of an amendment to the conditional use permit:

- 10.747.41 An increase of more than 10% in total approved gross floor area;
- 10.747.42 An increase of more than 10% in the approved number of residential units;

### **10.748 Legal Review**

All restrictive covenants, cooperative agreements or similar instruments requiring the City's approval or participation shall be reviewed as to content and form by the Legal Department. Such reviews may include condominium or cooperative agreements which are to be enacted as part of the project.

Nov. 9, 2012

John P. Bohenko, City Manager  
 City Of Portsmouth, N.H.  
 1 Jenkins Avenue  
 Portsmouth, N.H. 03801



Dear Mr. Bohenko,

When Army wanted to do environmental and archeological and other studies on Iafolla's, and our land on 1900 Lafayette Road, prior to purchasing, they agreed to give us all copies of their findings if they did not purchase land after 6 months.

When the Army did not purchase our 4 ¼ acres, they sent us a 4 inch package, which I just reviewed.

I now know why Army did not purchase our land.

Enclosed are the three letters:

- 1) Army notifying Portsmouth they were purchasing Iafolla's and our land.
- 2) Portsmouth "begging" Army not to purchase Iafolla's and our land.
- 3) Army telling Portsmouth they still were buying lands with copies to US Senators and Congressmen of N.H.

Now we know why Army only purchased Iafolla's land and not ours – to APPEASE, PORTSMOUTH.

Prior to reviewing Army's materials, I asked City Planner why Portsmouth was not forcing the Army to build a service road behind their land and ours to complete and connect with service road behind all the buildings to the south on Lafayette Road? (They are only building a small entrance to their land).

He answered, "We asked them, and they told us they didn't have enough land." I told Rick Taintor, "You should have told them they could buy our land." Taintor just shrugs his shoulders. (This was in late summer before I read Portsmouth's letter "begging" Army not to purchase both parcels).

#### History Of Our Frustration

- 1) Prior to City's rezoning, Stable Builders was buying both parcels to build "high end" houses. They went to former City Planner. He told them neighbors would complain!
- 2) Mike Iafolla received a call from him, saying that city did not want us to build houses. Land was too valuable and in 6 months the new rezoning would change our lands to Commercial. Two (2) years later we went to Public Hearing. Nobody objected. (Your minutes of this meeting will confirm – NO OBJECTIONS!).

The final results did not change our zoning. They stated they wanted our lands to be a "BUFFER" between Industrial and residential. What a joke, we are the only land zoned "office space" in the area. Our lands were only land not included in "GATEWAY".

Attorney Mika Donahue (Iafolla's lawyer) wrote City of Portsmouth that, what they did was illegal and resulted in "REVERSE ZONING." (THE CITY NEVER RESPONDED). After that, the Planning Board UNANIMOUSLY voted THREE (3) times to change our lands to "GATEWAY." All three (3) times were denied! (Why do we have a Planning Board?) It is also interesting that Mayor's Letter to Army three (3) times states THIS IS PROPOSED GATEWAY to Portsmouth and Valuable Land.

- 3) SMUTTENOSE BREWERY optioned our 4 ¼ acres. He went to City Hall, he was told to also option Iafolla's land and they would change zoning so he could build other buildings a "CAMPUS" with other commercial tenants. He agreed to option Mike Iafolla's land. Some months later after two (2) Public Hearings (readings), he was DENIED. Portsmouth lost, probably by 40 million dollars of assessed value! (City was built on Brewery month).
- 4) I received a call from Peter Weeks, prior to Army making decision to purchase our lands. He asked if I would talk to attorney Robert Sullivan. I agreed to talk to him (several times). The City of Portsmouth wanted to buy our land for ball fields. I agreed to sell to city. They then found other land (even agreed to lease land).
- 5) At third time of city trying to change my land to "GATEWAY" we were DENIED! Neighbor spoke in favor!

Many new and proposed office buildings are now being built but all go to Pease. Nobody even looks to purchase our land because zoned "office".

We have been very patient and cooperative.

Now that we have read these 3 letters the city has been unfair to us, I hope your City Council members do something, now that you know the HISTORY. We look forward to hearing from you soon.

*Aphrodite Georgopoulos and  
Louis H. Georgopoulos*  
Aphrodite Georgopoulos & Louis Georgopoulos  
1145 Van Buren Avenue  
Venice, California 90291  
Phone + Fax: (310)-821-1511  
Cell: (561)-212-2422  
(We are 3 hours behind your time)

Copies To

Attorney Robert Sullivan  
Rick Tainter, Planner  
All City Councilors



REPLY TO  
ATTENTION OF

Real Estate Division

DEPARTMENT OF THE ARMY  
NEW ENGLAND DISTRICT, CORPS OF ENGINEERS  
696 VIRGINIA ROAD  
CONCORD, MASSACHUSETTS 01742-2751  
January 22, 2010 *1 page*

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

Re: 1900 Lafayette Road, Portsmouth, NH

Dear Mr. Bohenko:

As you are probably aware, the Government has been seeking approximately six buildable acres of land in the area of Portsmouth, NH for construction of an Army Reserve Center. The above site at 1900 Lafayette Road is being considered as a potential site for this project. The property consists of two ownerships. One parcel is owned by the Estate of Michael Iafolla and the second parcel is owned by the Aphrodite Georgopoulos Revocable Trust. A map showing the location of the property is attached.

We would appreciate hearing from you regarding any questions or concerns regarding this site. Please call me at (978) 318-8585 or e-mail me at [joseph.m.redlinger@usace.army.mil](mailto:joseph.m.redlinger@usace.army.mil) to discuss this site.

Sincerely,

*Joseph M. Redlinger*  
Joseph M. Redlinger  
Chief, Real Estate Division

Enclosure



Thomas G. Ferrini  
Mayor

## CITY OF PORTSMOUTH

Municipal Complex  
1 Junkin Avenue  
Portsmouth, New Hampshire 03801  
(603) 610-7200  
Fax (603) 427-1526

February 9, 2010 - 2 pages

Joseph M. Redlinger, Chief  
Real Estate Division  
Department of the Army  
New England District, Corps of Engineers  
696 Virginia Road  
Concord, MA 01742-2751

**Re: 1900 Lafayette Road  
Portsmouth, NH**

Dear Mr. Redlinger:

City Manager John P. Bohenko provided the City Council and me with a copy of your letter dated January 22, 2010, regarding the Department of the Army's interest in two (2) parcels of land at 1900 Lafayette Road. These parcels total approximately 10.5 acres.

Please be advised that the City Council has reviewed this matter and is concerned with the federal government purchasing such a large tract of land along a major gateway of the City of Portsmouth. Our primary concern is this potential transaction represents significant opportunity costs in terms of future tax revenue and vibrancy of the proposed new Gateway District. In addition to the tax revenue implications, the opportunity to revitalize the corridor as envisioned will be negatively impacted as a result of this change.

From a financial perspective, the prime location and development potential of these parcels means this transaction would represent a very sizable cost to the City in terms of lost future revenues. Because the federal government is a non-taxable entity, this transaction would add ten and a half acres of prime developable land on Route 1 to the list of tax exempt properties in the City. Presently, 14% of the total property in Portsmouth is non-taxable, of which ten (10) parcels owned by the federal government already represent approximately \$35 million in land value and a loss of \$600,000 in annual tax revenue. To add more non-taxable land to Portsmouth's already burdened property tax list would not be in best long-term interest of the City. Therefore, we ask the Department of the Army to reconsider its review of this property given its private economic development potential.

Joseph M. Redlinger, Chief  
Page 2  
February 9, 2010

If this project were to move forward, the City Council would have other concerns as it relates to land use issues for the construction of a facility by the federal government. It is our understanding that the federal government does not need to follow local land use regulations, but does use a "good neighbor" policy. Because of the importance of this corridor, it would be essential that any development by the federal government on this location be in keeping with the intent of our proposed Gateway District.

In closing, I, along with the City Council, appreciate the opportunity that the Department of the Army has given us to comment on this project.

Sincerely,



Thomas G. Ferrini  
Mayor

TGF/jed

c: Carol Shea-Porter, U.S. Representative  
Judd Gregg, U.S. Senator  
Jeanne Shaheen, U.S. Senator  
John P. Bohenko, City Manager



REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
NEW ENGLAND DISTRICT, CORPS OF ENGINEERS  
636 VIRGINIA ROAD  
CONCORD, MASSACHUSETTS 01742-2751

March 5, 2010

Real Estate Division

Honorable Thomas G. Ferrini  
Mayor, City of Portsmouth  
Municipal Complex  
1 Junkins Avenue  
Portsmouth, NH 03801

Dear Mayor Ferrini,

This letter is in response to your letter of February 9, 2010 regarding the site in Portsmouth, New Hampshire being considered for the new Pease, NH Armed Forces Reserve Center (AFRC).

Thank you for your comments regarding the property located at 1900 Lafayette Road. I understand your concerns that government-owned property does not provide tax revenue to the city, but this would be true of any property that the government acquired and is not unique to the 1900 Lafayette Road location. That said, the government is continuing to work all aspects of the site selection process, including engineering feasibility studies, initial design considerations, environmental and archeological studies, and real estate acquisition analyses on multiple sites. Once this process is completed the government will be able to make a more informed evaluation of the various sites under consideration.

The U.S. Army Corps of Engineers prides itself on all aspects of its business practices being transparent and strives for open, two-way communications with communities and elected officials. To view current information and fact sheets on the Pease AFRC project, please visit our web site at: <http://www.lri.usace.army.mil/> - click on the Projects of Interest tab, then on the Pease, New Hampshire, Army Reserve Center link.

As an aside, I would like for you to understand further that I am simply acting in my capacity as the real estate member of the project delivery team being managed out of our Louisville District. For this reason, it is probably more appropriate that all future correspondence pertaining to the Pease, NH AFRC project be addressed to the Project Manager, Ms. Betty Beck. Betty can be reached by mail at U.S. Army Corps of Engineers, Louisville Romano Mazzoli Federal Building, 600 Dr. Martin Luther King, Jr. Place, Louisville, Kentucky 40202, or via email at [Betty.C.Beck@usace.army.mil](mailto:Betty.C.Beck@usace.army.mil). Her telephone number is (502) 315-6861.

Our mission for this project is to provide the men and women of the New Hampshire Army Reserve with a new Army Reserve Center that matches their dedication and selfless service. We count on your support to help us accomplish this great mission.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph M. Redlinger". The signature is written in a cursive style with a long, sweeping underline that extends to the left.

Joseph M. Redlinger  
Chief, Real Estate Division

Copy Furnished:  
Carol Shea-Porter, U.S. Representative  
Judd Gregg, U.S. Senator  
Jeanne Shaheen, U.S. Senator



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# MEMORANDUM

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APR 24 2013

**TO:** John P. Bohenko, City Manager  
**FROM:** Rick Taintor, Planning Director *RT*  
**DATE:** April 24, 2013  
**RE:** City Council Referral – Request to Rezone Property at 3020 Lafayette Road  
from Mixed Residential Business (MRB) to Gateway

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On February 21, 2013, Jonathan N. Bursaw submitted a letter to Mayor Spear requesting that the City change the zoning of the parcel at 3020 Lafayette Road from Mixed Residential Business (MRB) to Gateway. At its meeting on March 4, 2013, the City Council voted to refer this request to the Planning Board for a report back.

The Bursaw parcel is bounded on two sides by the Maple Haven neighborhood and the Single Residence B district. The current use is as a convenience store (Bursaw's Pantry). On the opposite side of Ocean Road is Fire Station No. 2, rezoned from General Business to Municipal in 2010. The parcels on the opposite side of Lafayette Road, including the new Service Credit Union headquarters building and campus, are in the Gateway district. (See attached map.)

The parcel is 0.27 acre in area (about 11,800 sq. ft.), which conforms to the 7,500 sq. ft. minimum lot area requirement in the MRB district. However, the Gateway district requires a lot area of at least 43,560 sq. ft. (1 acre), so rezoning to the Gateway district would create a substantial new nonconformity. In addition, the existing building on the parcel does not comply with the frontage or setback standards for the Gateway district, and it would not be possible to erect a new building on the site conforming to those requirements.

The Planning Board discussed this request in a work session on March 28, 2013. Options presented for consideration included:

- Rezone to Gateway
- Rezone to Business
- Expand permitted uses in MRB
- Leave existing zoning in place

Based on a review of the allowed uses and dimensional standards in the MRB, Gateway and Business districts, it was the consensus of the Board that the existing zoning is appropriate and no rezoning was recommended. Of particular concern was the small size of the lot and its location at a busy signalized intersection. The Board recognized that it would be difficult to increase the intensity of use on this parcel because of limited area for providing off-street parking and accommodating turning movements so close to the traffic signal.

On March 29, 2013, Mr. Bursaw submitted a letter stating that he has no specific alternative uses in mind for the property, but requested a rezoning to Gateway to open up a wider range of permitted uses. The particular uses that are identified in Mr. Bursaw's letter are gas stations and food service establishments. In this regard, it should be noted that a gas station would not be allowable at this location even if the zoning were changed to Gateway, because the Zoning Ordinance requires that a lot containing a service station (a) be at least one acre in area, and (b) be at least 200 feet from a residential zoning district.

Based on these considerations, the Planning Board voted unanimously at its meeting on April 18, 2013, to recommend that the zoning designation for this parcel not be changed.

X. B.

received  
2/25/13

Bursaw's Pantry, LLC  
3020 Lafayette Road  
Portsmouth, New Hampshire 03801  
603.431.1297

21 February, 2013

The Honorable Eric Spear  
Mayor, City of Portsmouth  
1 Junkins Ave.  
Portsmouth, NH 03801

Dear Mayor Spear:

As the owner and operator of Bursaw's Pantry, LLC, I respectfully request the City of Portsmouth change the zoning on my property from Mixed Residential Business [MRB] to Gateway District.

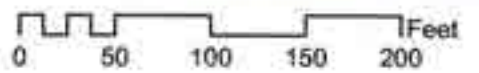
Thank you for your assistance. If you have any questions, please feel free to contact me.



Jonathan N. Bursaw



3020 Lafayette Road



## Event Listing by Date

Starting Date: 4/15/2013

Ending Date: 1/31/2014

Start End	Type Description	Location	Requestor	Vote Date
4/20/2013 4/20/2013	PUBLIC Contact: Ben Hayman, Senior Organizer - Event will be held stage area of Vaughan Mall from 12:00 to 2:00 p.m.	Vaughan Mall Stage	Oceana	4/15/2013
4/28/2013 4/28/2013	MARCH Contact: Ryan Hirsch This is a march in downtown Portsmouth starting at 12:00 p.m. and will last approximately one hour.	Downtown Portsmouth	NH Green Party, Idle No More &	4/15/2013
4/28/2013 4/28/2013	ROAD RACE Dawn Sawyer is the contact for this event. Tel. 502-4511. This event begins at the Portsmouth Police Department, Jenkins Avenue at 10:00 a.m. and finishes at Greenland Police Department, Portsmouth Avenue. There will be shuttle to starting line and then from finish line to parking at Portsmouth High School.	Portsmouth Police Department to Greenland Police D	Chief Michael Maloney Memorial	12/ 3/2012
5/ 5/2013 5/ 5/2013	BIKE TOUR Gale Auclair, Senior Development Manager is the contact for this event. This event begins at Little Harbour School, at 7:00 a.m.	Little Harbour School - begins and ends	American Lung Association	2/ 4/2013
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
5/ 5/2013 5/ 5/2013	WALK Calvin Sanborn is the contact for this event. This event begins and ends at City Hall lower parking lot, from 10:00 a.m. to 5:00 p.m.	City Hall	AIDS Response Seacoast	1/22/2013
5/11/2013 5/11/2013	ROAD RACE Kimberly McGinchee and Deirdre Barrett are the contacts for this event. They can be reached at Portsmouth High School 435-7100. This event begins at 1:00 p.m. and ends at 3:00 p.m.	Pease Tradeport	ECO Club - Portsmouth High Sch	1/22/2013
5/11/2013 5/11/2013	ROAD RACE Jacqui Bryan (498-2988) and Marc Francis ((802)863-9187) are the contacts for this event. This event begins and ends at Strawberry Banke.	Strawberry Banke	Susan G. Komen for the Cure	10/22/2012
5/17/2013 5/17/2013	BIKE TOUR Josh Pierce is the contact for this event. This event is from 7:00 a.m. to 10:00 a.m. at Popovers.	Market Square - Popovers	Seacoast Area Bicycle Routes	4/15/2013
5/18/2013 5/18/2013	BIKE TOUR Kelly Sicard is the contact for this event.	Pease Tradeport	Breathe New Hampshire	2/ 4/2013
5/18/2013 5/18/2013	MARCH Contact: Jill Teeters, Community Director at (603) 573-9552. Event will be held at Little Harbour School.	Little Harbour School	March of Dimes	3/18/2013
5/18/2013 5/18/2013	ROAD RACE Doug Bates is the contact for this event. He can be reached at 610-5513. This race is down and back on Lang Road, at 9:00 a.m.	Lang Road	Veterans Count Race - GPCC	4/ 1/2013

## Event Listing by Date

Starting Date: 4/15/2013

Ending Date: 1/31/2014

Start End	Type Description	Location	Requestor	Vote Date
5/26/2013 5/26/2013	ROAD RACE Jeanine Sylvester is the contact for this event - 430-1212. The event begins and ends at the Redhook Ale Brewery, at 11:00 a.m.	Redhook Ale Brewery - Pease Tradeport	Runner's Alley	1/22/2013
6/ 2/2013 6/ 2/2013	ROAD RACE Kristen Lyons is the contact for this event. It begins at 11:00 a.m. at Pease Tradeport. This event was originally scheduled for May 19th.	Pease Tradeport	Sexual Assault Support Service	2/ 4/2013
6/ 8/2013 6/ 8/2013	ROAD RACE Barbara Massar is the contact for this event. This event begins and ends at Market Square. This is the Market Square Race and Market Square Day Festival.	Market Square - Road Race and Festival	Pro Portsmouth	9/ 4/2012
6/ 9/2013 6/ 9/2013	ROAD RACE John Martin is the contact for this event. This event begins and ends at Little Harbour School, with a starting time of 8:30 a.m. Registration is 7:30 to 8:00 a.m. From the school following route 1B to 1A and turning back on the same route at North Beach, N. Hampton. Event should finish by 12:30 p.m.	Little Harbour School - start and finish	Seacoast Bike Ride	12/ 3/2012
6/15/2013 6/15/2013	FUND Ayissa Salmon is the contact for this event. Telephone number 430-1140 ex. 14.	Pleasant Street	Big Brothers Big Sisters of th	4/ 1/2013
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
6/22/2013 6/23/2013	ROAD RACE Contact: Garfield Jones of Fatman Productions at (517) 916-2002 or Garfield@fatmanproductions.com. This is the Cambridge, MA based Community Running Association in conjunction with the New England Chapter of the American Liver Foundation 24 hour relay.	Along Seacoast Route 1A, South Street, Municipal P	Fatman Productions	1/ 7/2013
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/ 4/2013 7/ 4/2013	ROAD RACE Contact: Dave Abbett. This 5K event is at the Pease Tradeport.	Pease Tradeport	Sub 5 Race Management	1/ 7/2013
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

## Event Listing by Date

Starting Date: 4/15/2013

Ending Date: 1/31/2014

Start End	Type Description	Location	Requestor	Vote Date
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
8/1/2013 8/1/2013	ROAD RACE Justin Finn is the contact for this race. This race begins at Peirce Island at 6:00 p.m. This is part of the Greater Portsmouth Chamber of Commerce Community Road Races.	Peirce Island - Prescott Park Course	Portsmouth Rotary Club Thunder	12/17/2012
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
9/8/2013 9/8/2013	ROAD RACE Thomas Martin is the contact for this event. This event begins and ends in downtown.	Downtown	Portsmouth Criterium	2/4/2013
9/14/2013 9/14/2013	ROAD RACE Doug Bates is the contact.	Little Harbour School Community Road Race Series	BreastCancerStories.org	12/17/2012
9/21/2013 9/22/2013	TOUR Caroline Amport Piper (603-686-4338) and Dave Anderson are the contacts for this event. This is a two-day event from 11:00 a.m. to 3:00 p.m. both days.	South End	Friends of the South End	10/22/2012
9/28/2013 9/29/2013	FESTIVAL David Hallowell is the contact for this event. This event is from Noon to 6:00 p.m. in front of the RiRa Pub and Breaking New Grounds	Pleasant Street	Portsmouth Maritime Folk Fest	2/4/2013
9/28/2013 9/28/2013	ROAD RACE Karen Butz Webb, Executive Director is the contact for this event. This event begins and ends at Portsmouth High School. E-mail address for information is: projectsafetyassociation@gmail.com	Portsmouth High School	Project Safety Association	10/22/2012
9/29/2013 9/29/2013	WALK Contact: Caitlyn Mosher Ellis (617) 393-2092. Strawberry Banke - Walk site opens at 8:30 a.m. for registration, the Walk kicks off at 10:00 a.m. and clean up by 1:00 p.m. The 1.3 and 2.7 mile routes will both go through the downtown area (using Congress Street).	Walk begins and ends at Strawberry Banke	Alzheimer's Association	1/7/2013
10/12/2013 10/12/2013	ROAD RACE This is a collaborative race with the Community Child Care. Contacts for this event are Ben Anderson of Prescott Park (436-2848) and Catherine Edison of Community Child Care Center (422-8223). This is part of the GPCC road race series.	Little Harbour School - Start and Finish	Prescott Park Arts Festival/Co	3/4/2013
11/28/2013 11/28/2013	ROAD RACE Doug Bates is the contact.	Peirce Island Community Road Race Series	Seacoast Rotary Club Turkey Tr	12/17/2012
1/1/2014 1/1/2014	ROAD RACE Doug Bates is the contact.	Little Harbour School Community Road Race Series	Great Bay Services	12/17/2012



DEVELOPMENT  
AUTHORITY

April 25, 2013

John P. Bohenko, City Manager  
City of Portsmouth - City Hall  
One Junkins Avenue  
Portsmouth, New Hampshire 03801

APR 29 2013

Dear Mr. Bohenko:

A handwritten signature in black ink that reads "John".

Thank you for your letter of last December 17<sup>th</sup>. Since that time, considerable resources and funds have been expended to improve operations at the Market Street Marine Terminal.

The following improvements are intended to enhance control and contain the impact of industrial activities to within the Port terminal perimeter:

- 1) The implementation and construction of a storm water improvement project has made it possible to better control stormwater and process water on the property.
- 2) Consolidation and segregation of cargo and the establishment of truck lanes within the terminal were designed to limit truck traffic in cargo areas and minimize dirt being tracked by trucks around the terminal and onto Market Street.
- 3) Increased sweeping of the yard and at the intersection of the terminal entrance and Market Street, has additionally reduced the tracking of dirt from the terminal. The Division, assisted by PDA Maintenance staff, is currently evaluating sweeping/vacuum equipment from different vendors to determine which is the best equipment available. One company provided an on-site demonstration of their equipment on April 17<sup>th</sup> and on April 23<sup>rd</sup> another company provided us product information. Just yesterday, Division staff inspected another piece of equipment off site.
- 4) As in the past, on Mondays, Wednesdays and Fridays a terminal tenant employee continues to patrol Market Street with a bucket and a magnet to pick up any metal material on the street.

In short, there have been many improvements at the Market Street Marine Terminal during the past five (5) months since the November 7, 2012 photograph (Figure 2) attached to your letter was taken. The Division encourages the City of Portsmouth to continue its vigilant oversight of Market Street Marine Terminal operations and to keep the lines of communication open. Should you receive any complaints, have comments or suggestions please contact me. Thank you.

Sincerely,

David R. Mullen  
PDA Executive Director

DRM:hs





The State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner



SHORELAND IMPACT PERMIT 2013-00771

Permittee: GSM Realty Trust  
c/o William Creighton, Trustee  
227 Market Street  
Portsmouth, NH 03801  
Project Location: 299 Vaughan Street, Portsmouth  
Portsmouth Tax Map/Lot No. 124 / 10  
Waterbody: North Mill Pond

**NOTE--  
CONDITIONS**

APPROVAL DATE: 04/19/2013

EXPIRATION DATE: 04/19/2018

Based upon review of the above referenced application, in accordance with RSA 483-B, a Shoreland Impact Permit was issued. This permit shall not be considered valid unless signed as specified below.

**PERMIT DESCRIPTION:** Impact 27,214 sq. ft. in order to demolish two existing buildings and construct a parking lot with a stormwater water management plan.

**THIS APPROVAL IS SUBJECT TO THE FOLLOWING PROJECT SPECIFIC CONDITIONS:**

1. All work shall be in accordance with plans by Tighe & Bond Consulting Engineers dated March 12, 2013 and received by the NH Department of Environmental Services (DES) on April 2, 2013.
2. There shall be no impacts within wetlands, surface waters, or their banks until any permit as may be required under RSA 482-A has been obtained.
3. No more than 82.3% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. All pervious technologies used shall be designed, installed and maintained to effectively absorb and infiltrate stormwater.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.

DES Web site: [www.des.nh.gov](http://www.des.nh.gov)

P.O. Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095

Telephone: (603) 271-3503 • Fax: (603) 271-6588 • TDD Access: Relay NH 1-800-735-2964

9. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**GENERAL CONDITIONS THAT APPLY TO ALL DES SHORELAND IMPACT PERMITS:**

1. A copy of this permit shall be posted on site during construction in a prominent location visible to inspecting personnel;
2. This permit does not convey a property right, nor authorize any injury to property of others, nor invasion of rights of others;
3. The Wetlands Bureau shall be notified upon completion of work;
4. This permit does not relieve the applicant from the obligation to obtain other local, state or federal permits, and/or consult with other agencies as may be required (including US EPA, US Army Corps of Engineers, NH Department of Transportation, NH Division of Historical Resources (NH Department of Cultural Resources), NHDES-Alteration of Terrain, etc.);
5. Transfer of this permit to a new owner shall require notification to and approval by the Department;
6. This permit shall not be extended beyond the current expiration date.
7. This project has been screened for potential impacts to known occurrences of rare species and exemplary natural communities in the immediate area. Since many areas have never been surveyed, or have received only cursory inventories, unidentified sensitive species or communities may be present. This permit does not absolve the permittee from due diligence in regard to state, local or federal laws regarding such communities or species.

APPROVED: \_\_\_\_\_



Craig W. Day  
DES Wetlands Bureau

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**BY SIGNING BELOW I HEREBY CERTIFY THAT I HAVE FULLY READ THIS PERMIT AND AGREE TO ABIDE BY ALL PERMIT CONDITIONS.**

\_\_\_\_\_  
OWNER'S SIGNATURE (required)

\_\_\_\_\_  
CONTRACTOR'S SIGNATURE (required)

To: City Manager, John Bohenko

May 2, 2013

From: Eric Spear

Re: City Council Agenda Items for May 6, 2013

Please add under my name the following items:

- 1) Change the hourly garage rate from \$0.75 to \$1.00 per hour.
- 2) Change the holiday parking policy reducing the free days from 18 days to 10.
- 3) Add two hours of curbside parking meter enforcement from 7pm to 9pm.
- 4) Collect parking meter revenue from the Parrott Avenue parking lot at the rate of \$0.50 an hour.


The motions for items 3 and 4 would be to bring back for first reading on our May 20 meeting. For each of the items above, please provide the amount of estimated revenue to the city and the subsequent reduction in the tax rate for FY14.

Thanks

Eric

# CITY OF PORTSMOUTH PORTSMOUTH, NH 03801

## Office of the City Manager

**DATE:** May 2, 2013  
**TO:** Honorable Mayor Eric Spear and City Council Members  
**FROM:** John P. Bohenko, City Manager   
**SUBJECT:** Appointments Needed to the Public Access Financial Advisory Committee

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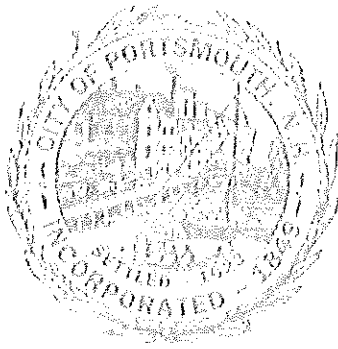
As you may recall, the Cable Television Public Access Charitable Trust Agreement of August 25, 2009 was established to receive that portion of the Comcast franchise fee payments that exceed \$360,000 annually. Pursuant to that Trust, the Public Access Financial Advisory Committee was set up to review annually Portsmouth Public Media's ("PPM's) budget and to authorize, or not, disbursements from the Trust.

The members of that Committee, who were appointed in 2009, now need to be appointed/re-appointed. The Public Access Financial Advisory Committee is established by the trust as follows:

- 1 member appointed by the Portsmouth City Council; Councilor Coviello has been serving in that capacity.
- 1 member appointed by the City Manager of the City of Portsmouth; Andrew Purgiel has been serving.
- 1 member appointed by the Cable Commission, its successor, or like committee. Brian Gregg has been serving, but is no longer interested. Assistant City Attorney Suzanne Woodland inquired of John Gregg and he is willing to assume this responsibility.

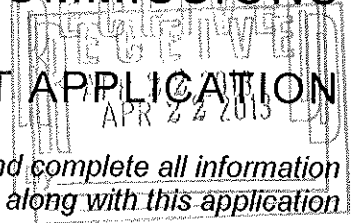
According to the trust terms, all members of the Public Access Financial Advisory Committee are to serve at the pleasure of the appointing authority; however, each appointment of a member shall specify a term no greater than three years. Since the Cable Commission is on hiatus, the "successor" by default is the City Council. Appointments/re-appointments should be made in May as the Committee is to review and approve PPM's budget by July 1.

In summary, the Council should reappoint a Council member. Presently, Councilor Coviello serves in this role. The term could be for just one year or up to three. In addition, the Council should appoint John Gregg, who has previously served as Chair of the Cable Commission and is willing to serve in this capacity. Again, the term could be for just one year or up to three.



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

## APPOINTMENT APPLICATION



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

Committee: Portsmouth Historic Board **Renewing applicant**

Name: Daniel T. Rawling Telephone: 603-430-4013

Could you be contacted at work?  YES/NO - If so, telephone # 430-4013

Street address: 411 Middle St. - Portsmouth

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

Email address (for clerk's office communication): dan@rawlingdesign.com

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

### Occupational background:

30+ yrs. in Architecture & Landscape Design - principal - Rawling Design Assoc,  
Facility Planning - Concord Academy - Concord, MA  
Development + Planning - Appleton Trust, Lowell MA + W. Lewis Barlow Architects, Lowell  
NATIONAL PARK SERVICE - Preservation & Planning - Lowell, MA

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

Reasons for wishing to continue serving: My initial appointment was a short  
term completion of another's term - I feel I am now oriented & better  
able to be effective than previously - It utilizes skill sets that  
I possess and desire to share with my Community - I believe in the  
importance of the Historic Board's mission & the importance of citizen participation.



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

Selectman - Ward 2  
(Previously) - Portsmouth Historical Society, Portsmouth Advocates,  
Portsmouth listens, Sustainable Portsmouth, Piscataqua Sustainability  
Initiative, Sustainability Fairs

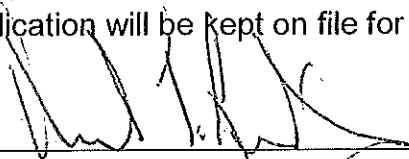
Please list two character references not related to you or city staff members:  
(Portsmouth references preferred)

1) Martha Fuller Clark - 152 Middle St. - Portsmouth 603-436-6939  
Name, address, telephone number

2) Richard Adams - 75 Kent St. - Portsmouth 603-436-9445  
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

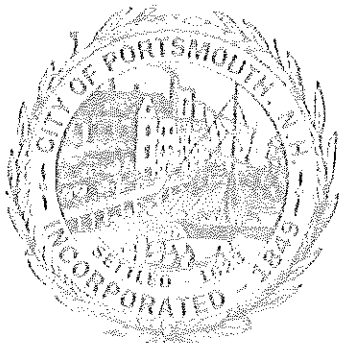
1. This reappointment application is for consideration and does not mean you will necessarily be reappointed to this Board/Commission; and
2. The Mayor will review your application, may contact you, check your references, and determine any potential conflict of interests; and
3. This application may 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: 04.22.13

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 06-01-2016  
Annual Number of Meetings: 17 Number of Meetings Absent: 1  
Date of Original Appointment: 3-5-12 (filled unexpired term)

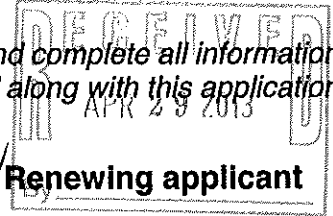
Please submit application to: City Clerk's Office, 1 Junkins Avenue, Portsmouth, NH 03801



# 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: Historic District Commission **Renewing applicant**

Name: Jonathan Wyckoff Telephone: 436-4863

Could you be contacted at work?  YES  NO - If so, telephone# 431-8669- 235-9224

Street address: 135 Sparhawk St.

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

Email address (for clerk's office communication): JONM WYCKOFF @ GMAIL.COM

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

### Occupational background:

- Construction Management + supervision
- Lt. Commercial + Residential Contractor

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

Reasons for wishing to continue serving: Because of the increase in construction activity in the district I feel my experience is helpful,



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

Ports Historical Society  
N.H. Historical Society  
Portsmouth Athenaeum  
Historic New England  
Wyckoff House Association

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

(Portsmouth references preferred)

1) Cynthia Smith 766 Deaneff 433-8851  
Name, address, telephone number

2) William Gindoff 229 Clinton 427-2550  
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:

4-29-13

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 6-1-2016

Annual Number of Meetings: 19 Number of Meetings Absent: 1

Date of Original Appointment: 7-11-05 (AM) 6/9/07 (Reg. mbc)

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: RECREATION BOARD Renewing applicant

Name: KORY SIRMAIAN Telephone: 603-828-2253

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

Street address: 1133 WOODBURY AVENUE

Mailing address (if different): SAME

Email address (for clerk's office communication): KSIRMAIAN@BOBSTORES.COM

How long have you been a resident of Portsmouth? 11 YEARS

Occupational background:

CURRENT - DISTRICT MANAGER, BOB'S STORES  
FORMER - VP/GENERAL MANAGER, MACY'S  
FORMER PROFESSION - PARTNER IN CPA FIRM.

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

Reasons for wishing to continue serving: I WISH TO SERVE ON THE CITY OF PORTSMOUTH RECREATION BOARD SO WE MAY CONTINUE TO IDENTIFY AND MEET THE RECREATION NEEDS OF OUR RESIDENTS. DURING MY TENURE, OUR BOARD PROVIDED THE NECESSARY SUPPORT TO THE CITY COUNCIL TO RELOCATE THE ALUMNI/VENTNOR SOFTBALL FIELD, CONSTRUCTED THE CONNIE BEAN GYMNASIUM AS PART OF THE MIDDLE SCHOOL RENOVATION, RENOVATED BOTH THE HISLOP AND PLAINS BASEBALL FIELDS AND PLAYGROUNDS, AND HIRED A COORDINATOR OVER  
→  
6/27/2012  
TO PROVIDE ESSENTIAL SERVICES TO OUR SENIOR CITIZENS. I WOULD LIKE THE OPPORTUNITY TO FURTHER IMPROVE OUR RECREATION PROGRAM OFFERINGS SO

EACH OF OUR RESIDENTS HAS THE ABILITY TO LEAD A HEALTHY, ACTIVE LIFE.

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

- FORMER LITTLE LEAGUE COACH - PORTSMOUTH LITTLE LEAGUE
- RECREATION BASKETBALL COACH - PORTSMOUTH (1-5 GRADE) AND MIDDLE SCHOOL
- FORMER PORTSMOUTH YOUTH FOOTBALL COACH - PORTSMOUTH LITTLE LEAGUE CLIPPED
- MEMBER - PORTSMOUTH COUNTRY CLUB, GREENLAND, NH

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

- 1) CARL DIEMER RECREATION BOARD CHAIRMAN, 603-427-4511 (CELL)  
Name, address, telephone number
- 2) TOM FERRINI, FORMER MAYOR OF PORTSMOUTH, 603-812-1010 (CELL)  
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: Wong Simian Date: 4/1/13

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 4-1-2016

Annual Number of Meetings: 5 Number of Meetings Absent: 0

Date of Original Appointment: 11-22-2010

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

**Kory J. Sirmaian, CPA**  
1133 Woodbury Avenue, Portsmouth, NH 03801  
[sirmaian@comcast.net](mailto:sirmaian@comcast.net)  
Home: 603-373-0494  
Cell: 603-828-2253

**Bob's Stores**  
**District Manager**  
**Boston, MA District**  
**January 2007-Current**

- Overall P & L responsibility for 11 Bob's Stores in Boston, MA District with a projected annual sales volume of \$110 million.
- Oversee 11 Store Managers, 22 Senior Managers (Merchandise Managers and Operations Managers), 30 Apparel and Footwear Managers, 22 Department Supervisors, and approximately 550 Sales Associates.
- Improved Sales Performance in District in first year to achieve comp sales increases for 7 stores at an average for the district of 7.56%.
- Developing management staff to enhance the customer's service experience and to analyze business results to utilize as a tool for identifying merchandising opportunities.

**Bob's Stores**  
**Manager of Store Operations**  
**Home Office, Meriden, CT**  
**September 2004 – December 2006**

- Developed and administered chain wide comprehensive store audit program to evaluate customer service, store environment, visual merchandising, operations, and compliance with established processes and procedures. Improved chain wide sales results by \$2.5 million as a result of improvement in store execution.
- Chair of the company's Best Method Team. Developed improvements to store merchandising and operating procedures. Developed method for receiving and processing merchandise receipts and subsequent placement onto selling floor.
- Authored 4 store training manuals (Sales Associate Service Training, Operational Excellence Training, Asset Protection and Safety Training, and Management Development Training) and conducted chain wide implementation training in district training sessions.
- Responsible for \$1 million existing store capital improvement budget and \$850 K store repairs and maintenance operating budget. Prioritized project improvements based on return on investment calculations. Instituted energy management systems in 10 stores, reducing energy costs, and improving store environments.
- Opened 2 new stores per year during 2005 and 2006 under the financial budget established for construction, furniture and fixtures, and equipment. Authored "New Store Opening Manual" with department responsibilities and automated project tracking.

**Macy's**  
**Vice President/General Manager**  
**Newington, NH Store**  
**June 2002 – September 2004**

- Improved sales performance of Newington store for each of two years (4% and 3% comp store increases for fiscal 2003 and 2004 respectively).
- Won the Chairman's Contest for the company during Holiday 2003. The 4 performance criteria were Sales, Customer Service Response Letters, Thanks for Sharing Loyalty Program, and Gift Card Sales. Store won a \$7,500 Employee Lounge makeover for winning the contest.
- Introduced Misses Better Sportswear and Men's Designer Collections into the Newington store. Prepared proposal for presentation to Regional Vice President and Macy's Buying/Allocations, Herald Square, NY. Introductions increased store volume by \$1.8 million and improved sales in complimentary businesses (Women's Shoes, Cosmetics and Fragrances, and Men's Sportswear).
- Developed and promoted 5 managers to higher volume Macy's stores during tenure.

**Macy's**  
**Director of Operations**  
**Newington, NH Store**  
**August 2001 – June 2002**

- Improved store environment and appearance through focused effort on store recovery, merchandise replenishment, and efficiencies in the receipt and processing of merchandise.
- Improved level of customer service through development and implementation of customer awareness and appreciation program. Improved store's results from 2<sup>nd</sup> last in district to first in both \* Customer Service Response Letters and \* Tell Us What You Think customer feedback website.

**Bob's Stores**  
**Store Manager**  
**Salem, NH Store**  
**May 1999 – July 2001**

- Improved sales performance of Salem store for each of two years (5.6% and 4% comp store increases for fiscal 2000 and 2001 respectively). Achieved the #1 sales volume in the chain during 2 major promotional periods of Back-to-School and Holiday.
- Store won every company sponsored sales contest during tenure. Trained selling floor associates and front end cashiers to suggestive sell add-on items.
- Recognized as a training store for district in both merchandising and operations.

**Bob's Stores**  
**Director of Store Expenses**  
**Corporate Office, Meriden, CT**  
**January 1995 – July 2001**

- Hired for a newly created position within Store Operations Department to institute financial controls for all store expenses. Reduced Store Payroll Expense as a % to sales each year during 5 year period despite minimum wage increases and escalating management salaries. Developed Store Operating Models by sales volume groupings and implemented wage and expense reduction strategies chain wide.
- Developed store process improvements through partnership with outside consultants Senn-Delaney and Maynard Associates. Improved merchandising and operational efficiencies reducing store payroll and operating expenses.

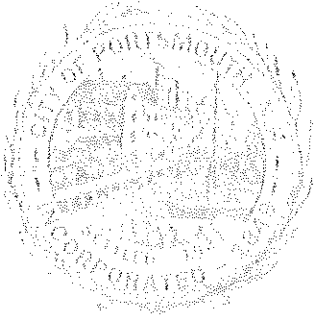
**Bugle Boy Industries, Inc.**  
**Director of Retail Operations**  
**Home Office, Simi Valley, CA**  
**September 1990-December 1994**

- Developed home office support team for nationwide chain of retail outlet stores. Built, staffed, and operated 130 stores during 4 year period with the company.
- Opened 2 home office locations for the Retail Division; Andover, MA and Simi Valley, CA. Relocated to CA to establish new home office support facility with distribution center and company store.

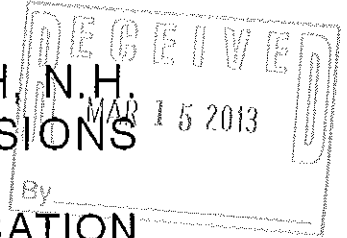
**Noone & Sirmaian, CPAs**  
**Lawrence, MA**  
**September 1987-September 1990**  
**Partner**

**Education: University of Massachusetts, Lowell, MA**  
**Bachelor of Science in Business Administration, Cum Laude 1982**

**Licensed as a Certified Public Accountant**



# 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: Jay Leduc Telephone: 603-373-8475

Could you be contacted at work?  YES  NO If so, telephone # 603-559-8839

Street address: 873 Maplewood Ave.

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

Email address (for clerk's office communication): jay-educ@hotmail.com

How long have you been a resident of Portsmouth? 14 years

Occupational background:

Environmental Engineer currently leading the EHS Management for Irving Oil at their U.S. Corporate Office in Portsmouth, NH.

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

I have presented development plans at numerous planning, zoning, conservation, and traffic boards/commissions in various U.S. States including but not limited to NH, ME, VT, MA, PA, FLA, NY, NJ, RI, and DE.



Have you contacted the chair of the Board/Commission to determine the time commitment involved? YES/NO - reviewed schedule on-line.

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

Reasons for wishing to serve: As someone who has chosen Portsmouth to live and raise a family in, I now wish to contribute to the growth and great living standard this city has to offer.

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

Currently none.

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

1) Dave King, State St., 603-502-2834  
Name, address, telephone number

2) Ben Byboth, Leslie St., 603-501-9839  
~~603-438-6786~~  
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: March 12, 2013

If you do not receive the appointment you are requesting, would you be interested in serving on another board or commission? Yes  No  Also interested in Citywide Neighborhood Committee  
Please submit application to the City Clerks Office, 1 Junkins Avenue, Portsmouth, NH 03801

6/27/2012

Resume Enclosed



**August 1999 – October 2001**

**Jacques Whitford Company**

**Portsmouth, NH**

***Senior Environmental Engineer***

Senior member of a design team primarily focused on representing commercial and industrial clients requiring environmental consulting, public representation, and analytical services for existing and proposed real-estate developments. Responsibilities included:

- Conducting presentations on environmental safety features for proposed retail fueling facilities at municipal and state hearing boards.
- Reviewing federal, state, and municipal regulations to ensure all design aspects were in compliance with existing and proposed regulations.
- Corresponding with government representatives to resolve any potential conflicts with facility designs and/or operations.
- Completing all necessary permit applications and government reporting before, during, and after completion of development projects.
- Conducting on-site construction management, environmental auditing, and meetings with government officials as necessary.
- Conducting groundwater monitoring and submitted tri-annual reports for privately owned landfills and related industrial facilities.
- Preparing and submitting quarterly and annual US Environmental Protection Agency (EPA) reports on behalf of several industrial clients.
- Conducting Phase I and II Site Investigations on properties involved in potential acquisitions or divestitures.

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**EDUCATIONAL EXPERIENCE**

**October 2010 – October 2012 University of New Brunswick**  
***Masters of Business Administration (MBA)***

**Saint John, NB**

**September 1993 – April 1998 University of Waterloo**  
***Honors Bachelor of Applied Sciences, Engineering, Systems Design***

**Waterloo, ON**

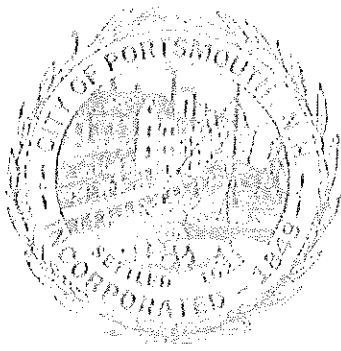
**Additional Educational Merits:**

- Risk Management Certificate, Dalhousie University 2003
- Environmental Engineering Option, University of Waterloo 1998
- Environmental Assessment Certificate, University of Waterloo 1998

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\* References available upon request.

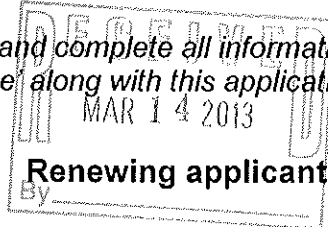




# CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

## APPOINTMENT APPLICATION

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



Committee: RECREATION BOARD

Name: TODD HENLEY Telephone: 603.498.4358

Could you be contacted at work?  YES  NO - If so, telephone # 207.439.3800

Street address: 76 SUZANNE DRIVE

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

Email address (for clerk's office communication): thenley@kitteryrecreation.com

How long have you been a resident of Portsmouth? 12 years

Occupational background:

Recreation Supervisor for Kittery Recreation Department - 6 yrs. 2008 - present  
Recreation Assistant for Portsmouth Rec. Dept. - 1998-2008  
Seacoast Division Manager for NH Sports & Social Club - 2007 - present

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

Reasons for wishing to continue serving: I have a passion for recreation for all ages and a passion for the city I live in. After serving my first term on the board, I feel comfortable with the process, the people and the expectations now and want to become more involved in the future. Have only missed 1 meeting in my time also.



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

NH Sports & Social Club - Seacoast

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

1) Janice Grady, 120 Rogers Rd. Kittery, ME 207.439-3800  
Name, address, telephone number

2) Kelleigh Murphy, 494 Elm St. Manchester, NH 603.644.3570  
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: 3/5/13

**CITY CLERK INFORMATION ONLY:**

New Term Expiration Date: 4-1-2016

Annual Number of Meetings: 5 Number of Meetings Absent: 1

Date of Original Appointment: 11-22-2010

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

# TODD A. HENLEY

## OBJECTIVE

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To serve on the Recreation Board for the City of Portsmouth by combining my skills and experience in the recreation and education fields.

## EDUCATION

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1998 – 2000     McIntosh College     Dover, NH  
*Associates Degree – Business Science - Tourism/Hospitality Management*

2005 – 2007     Southern New Hampshire University     Portsmouth, NH  
*Associates Degree Candidate – Business Administration – Technical Management*  
3.8 GPA

## WORK EXPERIENCE

---

2008 - Present     Kittery Recreation Department     Kittery, ME  
*Program Coordinator/ Recreation Supervisor*

- Supervise and manage staff
- Programmer of sports, classes, senior events and activities, etc.
- General office duties, customer service, computer tech, etc.
- Instructor, referee, support after-school program
- Plan, organize and supervise Adventure Camp
- Safety Coordinator, CPR/First Aid Instructor

2007 - Present     New Hampshire Sports & Social Club     Portsmouth, NH  
*Seacoast Division Manager*

- Organize, promote and operate adult sports leagues in the Seacoast area.
- Supervise, train and manage multiple staff.
- Find sponsorships and host charity events.

2001 - 2008     Dover School District     Dover, NH  
*ASPIRE Coordinator - Special Education Tutor*

- Coordinator of Department of Education granted program helping students learn job skills and get credit for working in community.
- Tutor students in multiple subjects.
- Behavior Management

1997 – 2008     Portsmouth Recreation Department     Portsmouth, NH  
*Recreation Supervisor – Summer Youth Program Director*

- Supervisor to many youth sports and activities programs.
- Director of summer youth program.
- Hire, schedule, train and manage summer staff.
- Budget and plan trips and activities for summer program.

#### SPECIAL SKILLS

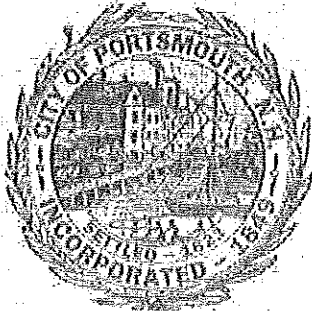
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- Certified American Heart Association CPR/First Aid Instructor.
- CPI certified.
- Bloodborne Pathogen/Hazardous Materials Instructor.
- Van Driver Safety Instructor.
- Excellent Microsoft Office skills.

#### REFERENCES

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References available upon request.



CITY OF PORTSMOUTH, N.H.  
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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

Committee: Portsmouth Housing Endowment fund  Renewing applicant

Name: Christina Lukacz Telephone: 603-431-5142

Could you be contacted at work?  YES  NO - If so, telephone # 603-817-3260

Street address: 45 Taft Road

Mailing address (if different): SAME

Email address (for clerk's office communication): clukacz@mortgagenetwork.com

How long have you been a resident of Portsmouth? 2000

Occupational background:

Mortgage Network - Portsmouth - March 2007

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

Reasons for wishing to continue serving: to bring local lending expertise to the board & assist my fellow neighbors achieve the dream of home ownership

OVER  
➔

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

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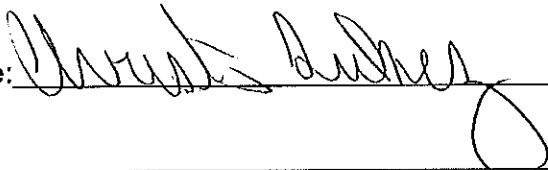
Please list two character references not related to you or city staff members:  
(Portsmouth references preferred)

1) Kelly Peracchi, 3 Shannon Dr. Stratham 817-6315  
Name, address, telephone number

2) Brenda Jennings 54 Taft Rd Portsmouth 603-334-6513  
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: 1-30-13

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 06/01/2015  
Annual Number of Meetings: 0 Number of Meetings Absent: N/A  
Date of Original Appointment: 1/8/07

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

# ACTION SHEET

## PARKING and TRAFFIC SAFETY COMMITTEE

Councilor Ken Smith, Chairman

To: City Council Meeting of May 6, 2013

Re: Parking and Traffic Safety Committee Meeting held **April 11, 2013**

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### **ACTIONS:**

- [1] Accepted and placed on file the minutes (with one amendment) of the Parking and Traffic Safety Committee Meeting held March 14, 2013.
- [2] Accepted and placed on file the Financial Report.
- [3] **Report Back on Parrott Avenue Parking Deck Concept** – following a presentation by City Planner Nick Cracknell and discussion by the Committee, City Manager Bohenko, for purposes of discussion, **MOVED** to report back to the City Council a recommendation to pursue a distributed parking system to include a parking deck on the Parrott Avenue Lot, use of the McIntyre Lot upon receipt by the City and pursue a public/private partnership in the Northern Tier, seconded by Assistant Fire Chief Achilles. **Motion passed.**
- [4] **Bike Corral locations for the biking season** – **MOTION** made by Mr. Gray to table, seconded by Mr. Whitehouse. **Motion passed.**
- [5] **Parking On-Street on Miller Avenue**– **MOTION** made by City Manager Bohenko to table to next meeting for report back and design from the Public Works Department, seconded by Mr. Cypher. **Motion passed.**
- [6] **Public Comment:** There were 4 speakers.
- [7] **Informational Items:** Updates on the following issues were given with **no action taken** by the Committee at this time:
  - A. **Frequently asked Questions document** – This information will be posted on the website and committee members can make recommendations for additions/deletions/changes to City Manager Bohenko.
  - B. **Off-street Lots (and their rules) in the City Ordinances** – Parking Division Director Nelson explained that they are currently reviewing and updating to clear up inconsistencies.

- C. **Ordinance Omnibus** – Parking Division Director Nelson explained that they are currently drafting the yearly omnibus ordinance with previously approved PTS actions.
  - D. **Parking Garage Projects for this Summer** – Parking Division Director Nelson explained that there will be Stair tower improvements, elevator upgrade and a Parking Enforcement Officer (PEO) station.
- [8] **Valet Parking – Portwalk Project** – *NOT* an agenda item – **MOTION** made by City Manager Bohenko to suspend the rules to take up this item, seconded by Public Works Director Parkinson. **Motion passed.** **MOTION** made by Mr. Gray to refer to the Legal Department for a report back at the May 9, 2013 Parking and Traffic Safety Committee meeting, seconded by Public Works Director Parkinson. **Motion passed.**



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

8:00 A.M. – Thursday, April 11, 2013  
City Hall – Eileen Dondero Foley Council Chambers

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**I. CALL TO ORDER:**

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

**II. ROLL CALL:**

**Members Present:**

Councilor Ken Smith, Chair  
Dave Allen, Deputy City Manager  
Steve Parkinson, Public Works Director  
Frank Warchol, Police Department Rep.  
Steve Achilles, Assistant Fire Chief  
Ron Cypher, Member  
Sheri Donnermeyer, Member  
Ted Gray, Member  
Harold Whitehouse, Member

**Staff Advisors Present:**

Mark Nelson, Parking Division Director  
Tom Cocchiaro, Parking Operations Supervisor

**III. ACCEPTANCE OF THE MINUTES:**

**Mr. Gray moved to accept the minutes of March 14, 2013, seconded by Mr. Whitehouse.** Mr. Whitehouse offered an amendment to the minutes of Page 3, removing the reference to Woodbury Avenue in his statement regarding the reconfiguration of Maplewood Avenue. **Motion passed as amended.**

**VI. NEW BUSINESS:**

A. Report Back on Parrott Avenue Parking Deck Concept

Nick Cracknell, City Planner, stated that at the request of the Parking and Traffic Safety Committee he has brought back a presentation on the concept of adding a parking deck to the Parrott Avenue Lot. He reviewed the downtown parking goals including; 5-minutes walk from Market Square, capturing traffic prior to it entering Market Square, façade improvements should respect the context within the Historic District; encouragement of a multi-modal facility; integration with other existing or potential development projects and balancing cost with net parking gain. He continued that they are approaching the Parrott Avenue Lot by evaluating it as part of a policy to locate smaller, more dispersed parking facilities within the downtown area and to minimize impacts to abutting businesses and residents. He stated that this also utilizes city-owned property. Next, he reviewed the existing conditions of the lot which currently provides 175 spaces and meets the 5-minute walk to Market Square goal. He stated the challenge of the lot is the lot shape, depth to ground-water, cost of screening and the visual impact from Pleasant Street.

Finally, he reviewed the pros and cons of adding a single level parking deck stating again that this was a presentation on the concept only.

Ms. Donnermeyer asked for clarification that this would cost \$2-3 million for 80 spaces. Planner Cracknell stated it is approximately 110 spaces. Public Works Director Parkinson stated that there are many factors that need to be decided and addressed before hard numbers can be discussed.

Ms. Donnermeyer asked what the cost of the Worth Lot was projected to be when being discussed by the City Council. City Manager Bohenko reiterated Public Works Director Parkinsons' comments stating that there are multiple factors that impact costs but there was no preliminary design done regarding the Worth Lot. He stated that the minimum cost per parking space regardless of where it is built is \$25,000 and can be as much as \$30,000 per space.

Assistant Fire Chief Achilles asked if the cost of the Parrott Avenue Lot is offset because it is already city-owned property. City Manager Bohenko stated yes, and there is also a cost difference in leasing spaces from a private developer.

Mr. Whitehouse asked about the entrance and exit configuration. Planner Cracknell explained that it will be the same pattern as currently exists with an entrance at Pleasant Street and entrance/exit onto Parrott Avenue.

Ms. Donnermeyer asked where the building machinery would be stored during construction. Planner Cracknell stated that there is a large are behind the Courthouse that could accommodate the machinery and it is also city-owned property.

Chairman Smith asked what the overall height of the structure would be. Planner Cracknell stated 12-14' range. Chairman Smith stated Chairman Smith stated that the overall concept is for this to be a part of a distributed parking system which would include the McIntyre Building and a private/public arrangement in the Northern Tier.

Ms. Donnermeyer asked for clarification as to why the Parrott Avenue Lot was chosen over other areas. Chairman Smith again explained that the concept is to have a distributed parking system and to get people out of their cars to go into the downtown. He stated that the Worth Lot would cause traffic congestion issues. He stated that the Parrott Avenue parking deck option could also accommodate bicycle parking spaces under the deck.

Assistant Deputy Fire Chief Achilles stated he supports the concept and stated there is already a lot of activity in the Parrott Avenue area especially during the summer with events, there is a need for additional parking.

**For purposes of discussion, City Manager Bohenko moved to report back to the City Council a recommendation to pursue a distributed parking system to include a parking deck on the Parrott Avenue Lot, use of the McIntyre Lot upon receipt by the City and pursue a public/private partnership in the Northern Tier, seconded by Assistant Fire Chief Achilles. Motion passed.**

- B. **Bike Corral locations for the biking season** – Three downtown parking spaces proposed.

**Mr. Gray moved to table, seconded by Mr. Whitehouse. Motion passed.**

- C. **Parking On-Street on Miller Avenue** - Citizen letter asking for restriction of parking due to changes caused by recent construction. There are some restrictions in the city ordinance for Miller Avenue

Parking Division Director Nelson explained that this is a request from Adam and Donna Berry who are residents of Miller Avenue requesting placement of “no parking signs” along Miller Avenue due to the installation of sidewalks and curbs with recent water and sewer line upgrades. He further explained that the street is 28’ wide and there needs to be 10’ on each side of a yellow line for driving, leaving only 4’ for parking, which is too narrow for that purpose. This confirms the citizen letter’s contention that Miller Avenue is tight for both parking and driving. He reviewed some options available to address the issue.

Chairman Smith stated that when this was designed parking on both sides of the street serve as a traffic calming measure, but feels that perhaps a bike lane could be put in place instead.

Public Works Director Parkinson stated that this issue is going to occur on other streets as upgrades are made, but he doesn’t see a lot of cars parked on Miller Avenue. He stated he does have a concern with the intersection with South Street and Sagamore as the “no parking” signs have been taken down. He stated he would recommend extending the “no parking” on the westerly side for 150’ to have a clear zone but would leave the rest alone.

**City Manager Bohenko moved to table to next meeting for a report back and design from the Public Works Department, seconded by Mr. Cypher. Motion passed.**

#### **IV. FINANCIAL REPORT:**

Chairman Smith stated that Financial Report was inadvertently passed over earlier in the agenda and called for a motion to accept the report.

**Mr. Cypher moved to accept the Financial Report and place on file. Seconded by Mr. Whitehouse and passed.**

Mr. Whitehouse asked why there is a tremendous amount of revenue in the parking validation line item. Parking Division Director Nelson stated that businesses have been buying more validations than expected. He clarified that this is for the parking garage only and stated that there is a list of participating businesses on the Park Portsmouth website.

#### **VI. PUBLIC COMMENT**

Bob Hassold, 15 Mt. Vernon Street – stated he had come to speak against the Parrott Avenue parking deck option but after hearing the presentation has mixed emotions. He stated currently the lot provides free parking for employees and asked if they will be metered if this proposal goes forward. Chairman Smith stated that nothing has been

determined but he would like to see a mix of paid and non-paid spaces. Mr. Hassold then asked how snow removal would be handled from the upper deck. City Manager Bohenko stated it would be removed the same way it is from the High/Hanover parking garage. Mr. Hassold continued stating that the Parrott Avenue lot area is currently a trash barrel and unclean area and stated that this option may be better because it would be maintained by the City. He stated that this deck could be an improvement, but it is also an historic area of the city and he wouldn't want it there if he lived in the area. He stated he would still like to see the Worth Lot option go forward.

Dick Bagley, 213 Pleasant St. - stated he lives next to where the deck is being proposed to be built and feels that there are many points of view on the issue. He stated that the neighborhood already has made their opposition known with the petition previously presented of more than 300 signatures and feels that maybe it wasn't clear enough that they oppose any parking structure on that lot. He continued that there are already safety issues regarding the High/Hanover Lot and that the same issue will occur with any other structure. He stated that the south end residents are wondering why, if the Parrott Avenue Lot was previously #5 out of 7 choices, is it now being brought forward instead of the Worth Lot. He stated he understands that the vote has already been taken prior to the public comment section but he wonders why this should go forward if it is a part of a 3 piece proposal and the other 2 pieces aren't in place. He concluded by stating that he had a problem building a new house in the area because of the Historic District and wonders how the HDC will feel about this being built in that area.

Cathy Baker, 127 Gates Street – stated she is not a direct abutter but does live in the historic district and also wonders why this is now the number one choice when it was previously 5<sup>th</sup>. She stated this site is also the only one in an historic district and building a structure there will ruin the view. She stated that the parking problem is being created by developers who are not required to provide parking and it then becomes the city's problem. She stated we need to take traffic away from the downtown as it is already gridlocked in the summertime. She discussed the effect of variances being granted for commercial building in residential areas on property values and feels that this would cause the same domino effect in the south end neighborhoods. She concluded by stating that there is now as much, if not more, opposition as people become aware of what is being proposed.

Dan Rawling, 41 Middle Street - stated that we need to think of the city as our home and we are the homeowners. He stated that the Parrott Avenue Lot is a unique property as it fronts the water and a park and open space. He concluded by stating that if there needs to be a parking structure built in the urban core, then it could be put in the Court Street area which is currently underutilized.

*End Public Comment.*

## **VII. INFORMATIONAL**

### **A. Frequently Asked Questions**

City Manager Bohenko asked the members to look over the questions and if there were any questions or comments to let him know. He stated this will be posted on the website and can be updated as needed. He stated that this document has been reviewed by the Economic Development Commission as well.

B. **Off-street Lots (and their rules) in the City Ordinances**

Parking Division Director Nelson stated that they have been reviewing the parking lots a/k/a parking areas and their signage with what is in the City Ordinances and have found several that are not included. He stated that these will be included in the Omnibus Ordinance they are also working on.

C. **Ordinance Omnibus** – In process of turning former PTS approved rules into city ordinances - *No discussion*

D. **Parking Garage Projects for this Summer** – Stair-tower improvements, elevator upgrade, PEO station

Mr. Whitehouse asked who is responsible for cleaning the High/Hanover Parking Garage and has it ever been contracted out. City Manager Bohenko stated it has not been contracted out and is the responsibility of the Public Works Department. He stated they have instituted a program to paint, clean and maintain it more regularly.

**Valet Parking – Portwalk Project** – *NOT* an agenda item

**City Manager Bohenko moved to suspend the rules to take up the above stated item and to allow Attorney McEachern to address the committee, seconded by Public Works Director Parkinson. Motion passed.**

Attorney Alec McEachern stated he is representing his client Timothy Levine regarding the Valet Parking service provided at the Portwalk. He stated that they had obtained a copy of Atlantic Parking Services contract to review, but after Mr. Levine had met with City Attorney Sullivan, they were under the impression that they did not need to enter into this contract because the service is provided on the private street. He stated that he is concerned because when they went through the site review process it was approved with certain spaces set aside for valet parking. He stated that this is a legal issue regarding property rights and they need to know does his client have the right to operate a valet service under that agreement.

City Manager Bohenko stated that the City Attorney needs to address the issue. He stated that the street being referred to is a unique situation with an agreement with Catharsis Development that it was to be treated as a public street or otherwise it would not have been supported. He stated that the street is in the Central Business District and the intent was to treat it as a city street in order to avoid confusion of the residents and visitors.

Chairman Smith stated there are 2 issues; first, the contract regarding private rights and secondly, the concept of valet parking in that area. He stated that previous practice has been to allow 90 day trial periods and that this would allow them time to work out the issue.

Assistant Fire Chief Achilles clarified that the 90 day trial period is for new valet services and this already is in operation.

City Manager Bohenko stated that the next meeting is within 30 days and it can be worked out in the meantime and if not, it would become a civil issue.


**Mr. Gray moved to refer to the Legal Department for a report back at the May 9, 2013 Parking and Traffic Safety Committee meeting, seconded by Public Works Director Parkinson. Motion passed.**

#### **VIII. ADJOURNMENT**

**Mr. Gray moved to adjourn at 9:15 a.m., seconded and passed unanimously.**

## MEMORANDUM

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**TO:** John P. Bohenko, City Manager  
**FROM:** Liz Good, Planning Department   
**SUBJECT:** Historic District Commission Minutes  
**DATE:** April 11, 2013

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Please be advised that the approved minutes from the November 14, 2012 Historic District Commission meeting are now available on the City's website for your review.

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## MEMORANDUM

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**TO:** John P. Bohenko, City Manager  
**FROM:** Jane Shouse, Planning Department *JWS*  
**SUBJECT:** Planning Board Minutes  
**DATE:** April 22, 2013

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Please be advised that the approved minutes from the December 20, 2012 Planning Board meeting are now available on the City's website for your review.



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## MEMORANDUM

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**TO:** John P. Bohenko, City Manager  
**FROM:** Jane Shouse, Planning Department *JMS*  
**SUBJECT:** Planning Board Minutes  
**DATE:** April 22, 2013

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Please be advised that the approved minutes from the January 24, 2013 Planning Board meeting are now available on the City's website for your review.

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## MEMORANDUM

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**TO:** John P. Bohenko, City Manager  
**FROM:** Jane Shouse, Planning Department *JMS*  
**SUBJECT:** Site Review Technical Advisory Committee Minutes  
**DATE:** April 25, 2013

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Please be advised that the approved minutes from the April 2nd, 2013 Site Review Technical Advisory Committee meeting are now available on the City's website for your review.