

AREA SERVICE AGREEMENT

The City of Portsmouth, a municipal corporation having a principal place of business of 1 Junkins Avenue, Portsmouth, County of Rockingham and State of New Hampshire 03801 (hereinafter "City") and British Beer Company, Inc. (hereinafter "Licensee" or "British Beer Company"), having a principal place of business of 2 Portwalk Place, Portsmouth, County of Rockingham and State of New Hampshire 03801, hereby enter this Area Service Agreement ("Agreement") for the purposes set forth herein:

PRELIMINARY: Pursuant to the successful completion of the summer 2011 pilot sidewalk café program, and in accordance with the principles set forth more fully in the preamble to City Council Policy No. 2012-02 (the "Policy"), the City is desirous of permitting Licensee to utilize City property as part of its restaurant operation. This arrangement shall be strictly articulated according to the terms and provisions of this Agreement. No obligation or expectation shall inhere upon either party beyond the 2014 season.

It is the intent of this agreement to implement City Council Policy No. 2012-02, which is hereby incorporated by reference and in all respects made part of this agreement.

SCOPE OF AUTHORITY GRANTED: This Agreement shall convey from the City to Licensee a bare license to expand its restaurant activities onto City property, and no interest in the underlying real estate is conveyed through the terms of this Agreement.

TERMS AND CONDITIONS

1. **Term of Agreement:** This Agreement shall commence on the date of its completed execution, and, unless suspension or termination should occur

sooner, all provisions of the Agreement, except those governing indemnification pursuant to the terms set forth within this Agreement, shall expire at midnight on Sunday, October 19, 2014.

2. **Area Use:** The City authorizes Licensee to utilize a certain Area as shown on attached Exhibit A (hereinafter "Area") solely for the purpose of conducting outdoor restaurant operations, which may include the sale of alcoholic beverages in accordance with all applicable provisions of law and other provisions of this Agreement.
3. **Special Municipal Events:** Licensee's use of the Area subject to this Agreement may be precluded, modified or otherwise subject to any terms and conditions deemed necessary by the City to accommodate special municipal events. Such events may include but shall not be limited to: the Portsmouth Criterium, Children's Day, and Market Square Day. Any such adjustments to the use of the Area which may be mandated by the City shall be undertaken without cost to the City, and Licensee shall receive no refund or reimbursement for such adjustments.
4. **Area Service Fee:** Prior to commencing use of the Area, Licensee shall pay the City a single lump sum in the amount of \$4,670.00.
5. **Hours of Operation:** Licensee may utilize the Area for authorized purposes during its normal business hours, except that all tables within the Area shall be cleared of all food and alcoholic beverages by 10:30 p.m. Monday through Saturday and by 10:00 p.m. on Sunday. Further, no alcohol may be served within the Area less than thirty (30) minutes prior to the foregoing closure times.
6. **Conditions Governing Service of Alcoholic Beverages:** In addition to complying with all local, state, and federal laws, as well as rules and regulations of the NH State Liquor Commission, Licensee shall abide by the following conditions in conducting its service of alcoholic beverages in the Area:
 - a. Alcoholic beverages shall only be served to patrons who are seated at a table serviced by waitstaff within the Area, and such beverages must be consumed while seated within the Area;
 - b. Alcoholic beverages shall only be served to patrons ordering a substantial meal;
 - c. The service of alcoholic beverages at tables in the Area shall be conducted by waitstaff only, and no person in the Area shall be permitted to bring his or her own alcoholic beverage to a table;
 - d. Licensee shall bear full responsibility for ensuring that no alcoholic beverages are passed, taken, or otherwise transmitted to individuals on surrounding City property from within the Area.

7. **Smoking Prohibited:** Smoking shall not be permitted within the Area, and Licensee shall bear full responsibility for maintaining conformity with this provision.
8. **Certain Devices Prohibited:** No devices which produce an open flame or otherwise rely upon combustion in any form shall be permitted within the Area. Such prohibited devices shall include, but not be limited to: tabletop candles, outdoor torches, grills, and propane heaters.
9. **New Hampshire State Liquor Commission:**
 - a. Licensee's occupancy of the Area is conditioned upon receipt of prior approval of this Agreement by the State Liquor Commission.
 - b. Licensee further agrees to comply at all times with all laws, rules and regulations enforced by the New Hampshire State Liquor Commission.
 - c. Licensee shall also self-report any violations of such laws in writing within forty-eight (48) hours of the violation, rules and regulations to both the City and to the State Liquor Commission.
10. **Health Department:**
 - a. Licensee's occupancy of the Area is conditioned upon prior approval by the City Health Department of all outdoor food service and cleaning operations.
 - b. Licensee's occupancy of the Area is conditioned upon review and approval by the City Health Department that kitchen facilities are sufficient to support the demands of the additional seating to be placed in the Area.
 - c. The Area shall be maintained in a clean and sanitary condition at all times, and all garbage shall be contained at all times in covered receptacles.
 - d. At the close of business, the Area shall be left in a clean condition, and all ground debris shall be swept up and disposed of. In conducting such cleaning, Licensee acknowledges that washing debris materials into City storm drains or sewer lines is expressly forbidden.
 - e. Within the Area, no food preparation, grilling, service windows, service counters, wait stations, or bus buckets shall be permitted, and condiments, paper products and the like shall be removed from the Area and stored in a secure, indoor location at all times except when actually being used by seated customers.
 - f. By and through this Agreement, Licensee expressly agrees to comply with all additional laws, rules, regulations and orders which may issue from the City Health Department.

11. Inspections Department:

- a. Licensee's occupancy of the Area is conditioned upon review by the City Inspections Department and approval that all bathroom facilities in the main restaurant facility of Licensee are sufficient to support the additional seating in the Area.
- b. Licensee shall also receive permits from the City Inspections Department prior to installing any Area lighting.
- c. By and through this Agreement, Licensee expressly agrees to comply with all additional laws, rules, regulations and orders of the Inspections Department.

12. Fire Department:

- a. Licensee's occupancy of the Area is conditioned upon receipt from the City Fire Department of all necessary Place of Assembly inspections, permits, and modifications thereto.
- b. Licensee's occupancy of the Area is further conditioned upon review and approval by the City Fire Department of the means of egress from the Area.
- c. Licensee expressly agrees to strictly comply with all reasonable laws, rules, regulations and orders of the City Fire Department, including the foregoing.

13. Audio/Visual Interference Prohibited:

- a. No live entertainment performances, film, television, music, speakers or other sound or entertainment amplification devices shall be placed within the Area for any purpose.
- b. No such entertainment shall be situated or conducted inside the building in such a manner that it is transmitted, whether intentionally or incidentally, to patrons in the Area or to adjoining City property.

14. Design of Area Improvements:

- a. Within the Area, every detail of the Licensee's improvements shall comply with the representations and depictions set forth in Exhibit A.
- b. Moreover, every detail of the Licensee's improvements, including but not limited to lighting, access and egress, placement of structures and items of personal property, and every other detail of every kind is expressly subject to the prior approval and continuing review of the City. To this end, the Licensee expressly agrees to make every modification to structural items or items of personal property as may be required by the City.
- c. Notwithstanding the foregoing, the following specific criteria shall apply to Area improvements:

- i. There shall be no canopy to protect the Area, unless it is completely supported by hardware on the building structure and uses no vertical supports in or around the sidewalk café;
- ii. Umbrellas may be placed over individual tables, though no such umbrellas may bear any advertising or logo;
- iii. No improvements or personal property located within the Area shall extend on or over any municipal property located outside of the Area; and
- iv. There shall be no advertising of any kind within the Area.

15. Non-interference with City Infrastructure and Amenities:

- a. Through this Agreement, the Licensee expressly agrees that its use of the Area shall not damage sidewalks, curbing, bike racks, street trees, light poles, trash containers, utilities or any other City amenities or infrastructure, and that its use shall not make the same inaccessible for public use or maintenance purposes.
- b. Licensee shall further bear full responsibility for providing sufficient staffing and supervision within the Area to maintain an orderly dining environment that does not impede or negatively impact passers-by or other users of City infrastructure or amenities.

16. Compliance with Americans with Disabilities Act ("ADA"): The Area as used by the Licensee shall comply fully with all provisions of the ADA. The Licensee shall be fully and solely liable for assuring that the Area, and the services and programs which the Licensee offers within the Area, are accessible to the handicapped, as defined by the ADA. Where structural modifications to the Area are necessary to achieve accessibility of services and programs offered by the Licensee, Licensee shall be solely liable for making such structural modifications, but before doing so shall obtain the consent of the City.

17. Enclosure System and Area Use Specifications:

- a. The Licensee's use of the Area and installation of an enclosure system shall be subject to the conditions and layout depicted in Exhibit A and the application materials submitted to the City, and any alterations therefrom shall require the express written approval of the City.
- b. In all instances, Licensee shall be fully and solely liable for assuring that installation of the enclosure is conducted in conformity with the requirements set forth in City Council Policy No. 2012-02.

18. Indemnification: The Licensee agrees to indemnify and hold harmless the City and its officials, employees and agents from any demand, claim, cost or liability of any type arising from the existence or use of this Agreement. This indemnification provision shall survive the termination of the Agreement, whether termination is for cause or otherwise.

19. **Insurance:** At all times during the term of this Agreement, the Licensee shall maintain and provide the City general liability and alcohol service liability insurance coverage of not less than \$3,000,000.00 covering all activities conducted under this Agreement. The City shall be named as an additional insured on all policies. All such insurance shall be approved by the City Legal Department in advance of Licensee's occupancy of the Area, and shall meet all terms, conditions and specifications as the Legal Department may elect to set forth.
20. **Additional Costs:** The Licensee shall bear all costs of every kind associated in any way with the existence of the Area and its use by Licensee. There shall be no obligation on the City to expend any sums of money to accommodate the existence of this Agreement or Licensee's use of the Area.
21. **Suspension for Cause:** For cause, the City may suspend use of the Area by Licensee on an administrative basis without reimbursement of any portion of the Area Service fee for up to fourteen (14) consecutive days, at the sole discretion of the City. No public hearing shall be required prior to such administrative suspension.
22. **Revocation for Cause:** This Agreement may be revoked, in its entirety, by the City for cause by vote of the City Council. No public hearing shall be required prior to such revocation, and in the event of revocation, the Area Service fee shall not be returned to Licensee. Cause for revocation shall include, but not be limited to, the breach of any condition set forth within this Agreement, or the breach of any other City Council policy, ordinance, or pertinent local, state or federal statutory provision.
23. **Revocation without Cause:** This agreement may be revoked in its entirety by the City, without cause, by vote of the City Council. No public hearing shall be required prior to such revocation. In the event of revocation without cause, the Area Service Fee shall be returned on a pro rata basis.
24. **Restoration of Area:** Licensee shall immediately remove from the Area each and every structure and item of personal property, leaving the Area in an unobstructed, clean and sanitary condition, upon termination of this Agreement for any reason or the close of the outdoor restaurant season. In no case shall any items remain in the Area later than October 23, 2014. Licensee shall restore the Area to exactly match the depiction shown in the attached Exhibit A.

25. **Non-assignability:** This Agreement is not assignable, nor may the obligations of Licensee in any way be transferred, alienated, or delegated to any other party.

Dated this _____ day of _____, 2014.

City of Portsmouth

Witness

By: _____
John P. Bohenko
City Manager

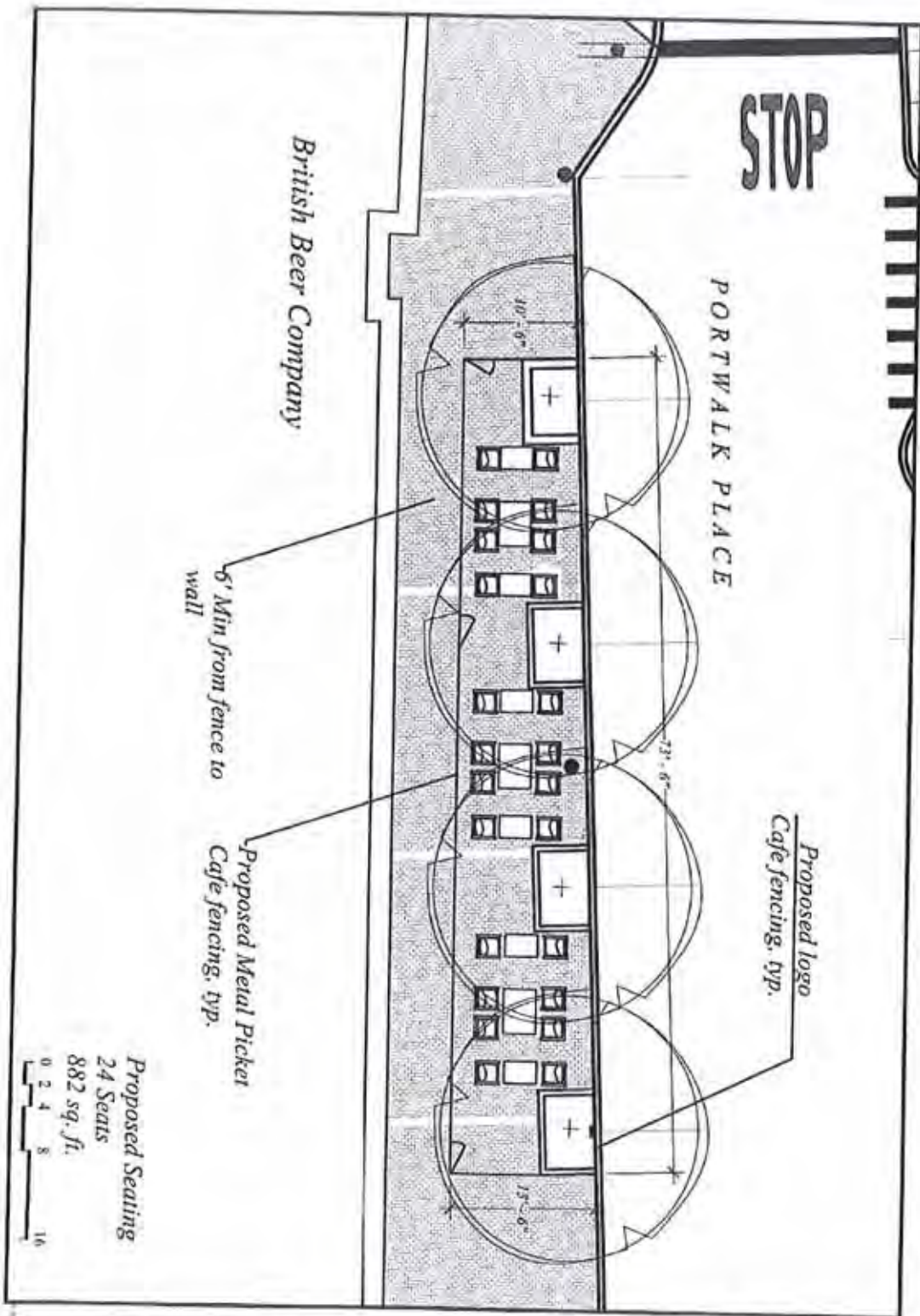
Duly authorized by vote of City Council
on _____, 2014.

Dated this _____ day of _____, 2014.

British Beer Company

Witness

By: _____
Gary Simon



Portwalk
 STREET ACTIVATION PLAN
 British Beer Company Exterior Seating Concept



Project No.	448
Contract No.	248
Date	10/27/07
Scale	1/4" = 1'-0"
Author	John L. Smith
Checked	John L. Smith
Project	10/27/07

L-1

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PRELIMINARY: Pursuant to the successful completion of the summer 2011 pilot sidewalk café program, and in accordance with the principles set forth more fully in the preamble to City Council Policy No. 2012-02 (the "Policy"), the City is desirous of permitting Licensee to utilize City property as part of its restaurant operation. This arrangement shall be strictly articulated according to the terms and provisions of this Agreement. No obligation or expectation shall inhere upon either party beyond the 2014 season.

It is the intent of this agreement to implement City Council Policy No. 2012-02, which is hereby incorporated by reference and in all respects made part of this agreement.

SCOPE OF AUTHORITY GRANTED: This Agreement shall convey from the City to Licensee a bare license to expand its restaurant activities onto City property, and no interest in the underlying real estate is conveyed through the terms of this Agreement.

TERMS AND CONDITIONS

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indemnification pursuant to the terms set forth within this Agreement, shall expire at midnight on Sunday, October 19, 2014.

2. **Area Use:** The City authorizes Licensee to utilize a certain Area as shown on attached Exhibit A (hereinafter "Area") solely for the purpose of conducting outdoor restaurant operations, which may include the sale of alcoholic beverages in accordance with all applicable provisions of law and other provisions of this Agreement.
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 - c. Notwithstanding the foregoing, the following specific criteria shall apply to Area improvements:

- i. There shall be no canopy to protect the Area, unless it is completely supported by hardware on the building structure and uses no vertical supports in or around the sidewalk café;
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- a. Through this Agreement, the Licensee expressly agrees that its use of the Area shall not damage sidewalks, curbing, bike racks, street trees, light poles, trash containers, utilities or any other City amenities or infrastructure, and that its use shall not make the same inaccessible for public use or maintenance purposes.
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- a. The Licensee's use of the Area and installation of an enclosure system shall be subject to the conditions and layout depicted in Exhibit A and the application materials submitted to the City, and any alterations therefrom shall require the express written approval of the City.
- b. In all instances, Licensee shall be fully and solely liable for assuring that installation of the enclosure is conducted in conformity with the requirements set forth in City Council Policy No. 2012-02.

18. Indemnification: The Licensee agrees to indemnify and hold harmless the City and its officials, employees and agents from any demand, claim, cost or liability of any type arising from the existence or use of this Agreement. This indemnification provision shall survive the termination of the Agreement, whether termination is for cause or otherwise.

19. **Insurance:** At all times during the term of this Agreement, the Licensee shall maintain and provide the City general liability and alcohol service liability insurance coverage of not less than \$3,000,000.00 covering all activities conducted under this Agreement. The City shall be named as an additional insured on all policies. All such insurance shall be approved by the City Legal Department in advance of Licensee's occupancy of the Area, and shall meet all terms, conditions and specifications as the Legal Department may elect to set forth.
20. **Additional Costs:** The Licensee shall bear all costs of every kind associated in any way with the existence of the Area and its use by Licensee. There shall be no obligation on the City to expend any sums of money to accommodate the existence of this Agreement or Licensee's use of the Area.
21. **Suspension for Cause:** For cause, the City may suspend use of the Area by Licensee on an administrative basis without reimbursement of any portion of the Area Service fee for up to fourteen (14) consecutive days, at the sole discretion of the City. No public hearing shall be required prior to such administrative suspension.
22. **Revocation for Cause:** This Agreement may be revoked, in its entirety, by the City for cause by vote of the City Council. No public hearing shall be required prior to such revocation, and in the event of revocation, the Area Service fee shall not be returned to Licensee. Cause for revocation shall include, but not be limited to, the breach of any condition set forth within this Agreement, or the breach of any other City Council policy, ordinance, or pertinent local, state or federal statutory provision.
23. **Revocation without Cause:** This agreement may be revoked in its entirety by the City, without cause, by vote of the City Council. No public hearing shall be required prior to such revocation. In the event of revocation without cause, the Area Service Fee shall be returned on a pro rata basis.
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25. **Non-assignability:** This Agreement is not assignable, nor may the obligations of Licensee in any way be transferred, alienated, or delegated to any other party.

Dated this _____ day of _____, 2014.

City of Portsmouth

Witness

By: _____
John P. Bohenko
City Manager

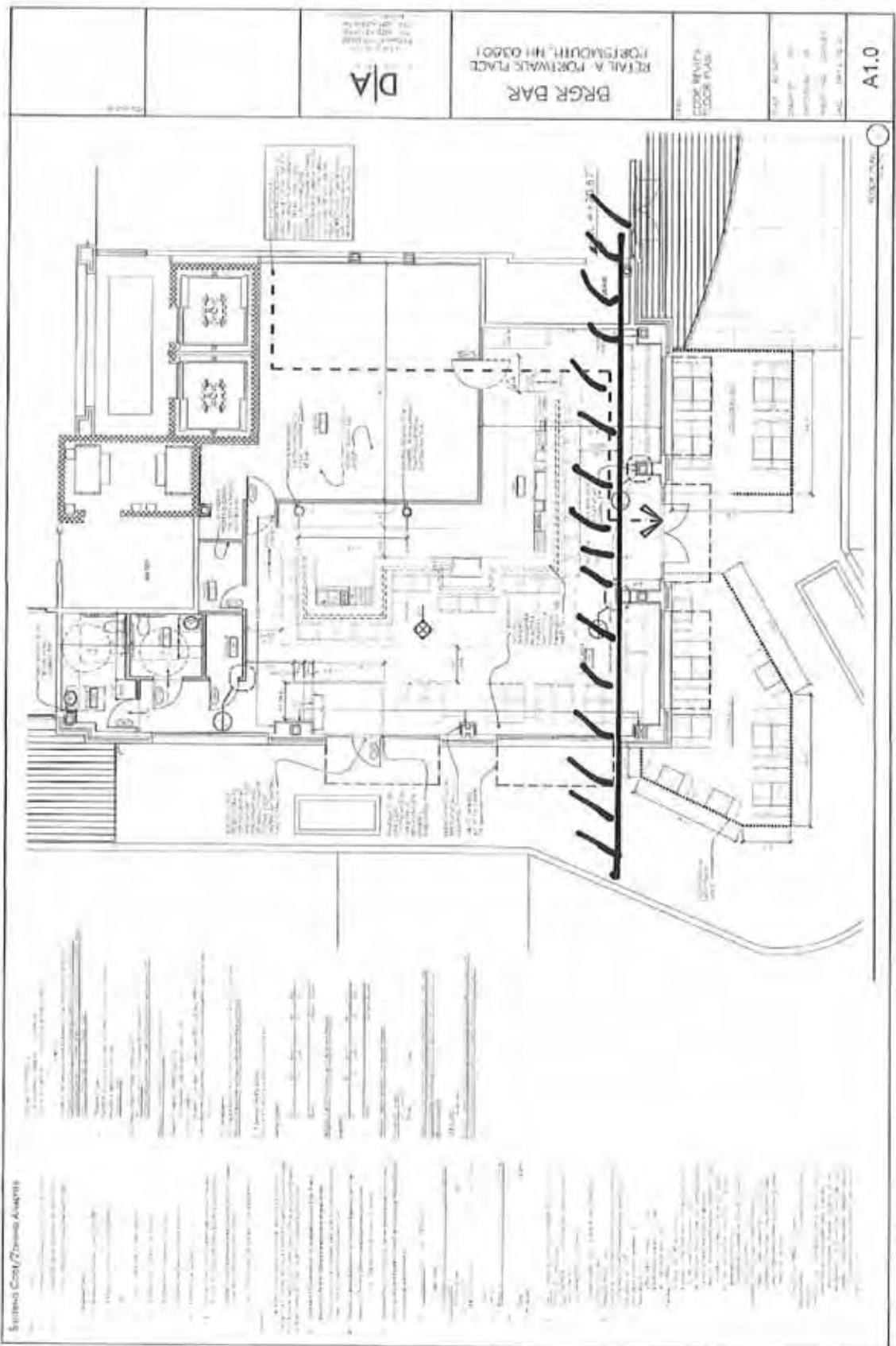
Duly authorized by vote of City Council
on _____, 2014.

Dated this _____ day of _____, 2014.

BRGR Bar

Witness

By: _____
Phelps Dieck



**CITY OF PORTSMOUTH
LEGAL DEPARTMENT
MEMORANDUM**

DATE: February 14, 2014

TO: RICK TAINTOR, PLANNING DIRECTOR
JANE SHOUSE, PLANNING DEPARTMENT

FROM: SUZANNE M. WOODLAND, ASSISTANT CITY ATTORNEY

RE: EASEMENTS FOR PLANNING BOARD AGENDA

DRAINAGE EASEMENT FOR ALDRICH IMPROVEMENTS: Last year, the Department of Public Works undertook drainage work on Aldrich Street that was part of budgeted capital improvements. It was necessary as part of that work to install a new drain line within an existing sewer line easement area on property owned by Mary Griffin at 129 Aldrich Street. A new easement deed was prepared to reflect the addition of the drain line within the same easement area. See attached plan for the Griffin property.

In addition, the new Aldrich area drain project replaced deteriorated drain line on property owned by Saco Avenue Professional Building at 125 Brewery Lane. The City staff anticipates updating the existing deed to show the location of the new drain and abandonment of the old line.

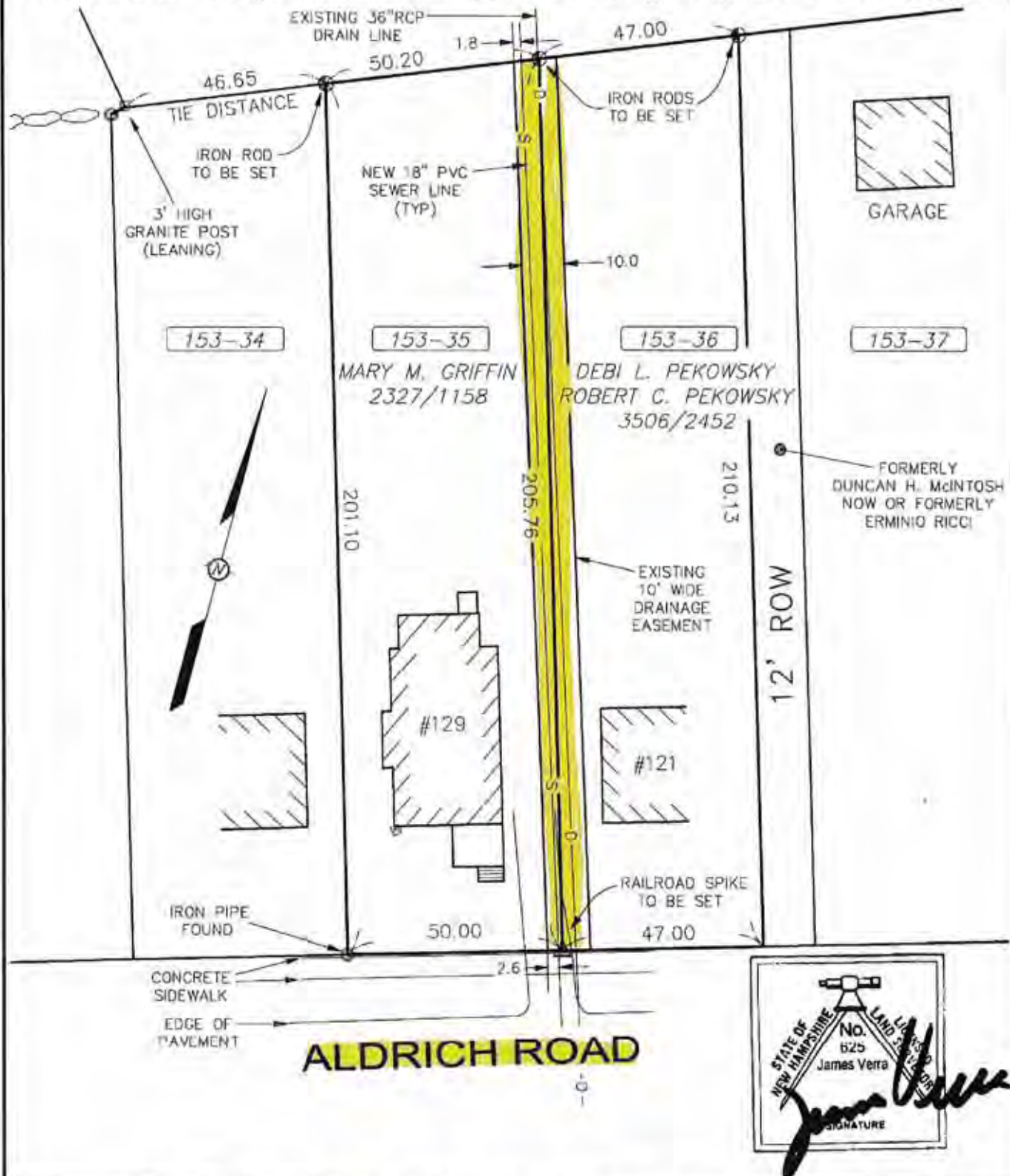
SIDEWALK EASEMENT FOR 185 COTTAGE STREET: As part of the capital improvement project to increase pedestrian access from the Coakley Road neighborhood over the Route 1 Bypass, the City upgraded sidewalks on Cottage Street. After some delay due to the need of the City to obtain authority from the executor of the Estate of Jane C. Garland, the City was able to obtain a sidewalk easement from the property owner of 185 Cottage Street. See attached plan showing the sidewalk area.

65 – 67 MARK STREET UTILITY EASEMENT: The owner of property at 65 Mark Street requested authority to tie a private yard drain into the City's public drain system to resolve storm water ponding on the property. After investigation, staff determined it was in the best interest of the City to extend and improve the existing public drain infrastructure to address municipal stormwater needs at the end of Mark Street. To that end, the City is in the process of finalizing a utility easement across the property of 65 Mark Street owned by 8 Adams Road, LLC. See attached plan. The new drain line is parallel to an existing sewer line across the property of 65 Mark Street. The City has an existing easement for the sewer line. This new easement deed proposes providing one "utility corridor" for both public lines.

REQUESTED ACTION: The Planning Board recommend that the City Council approve the acquisition of the updated easement rights for property owned by: Mary Griffin; Saco Avenue Professional Building; Estate of Jane C. Garland; and 8 Adams Road, LLC.

James Verra and Associates, Inc.

101 SHATTUCK WAY-SUITE 8, NEWINGTON, NH 03801 (P) 603-436-3557 © 2013 by JAMES VERRA and ASSOC., INC.



ALDRICH ROAD

STATE OF NEW HAMPSHIRE
 No. 625
 James Verra
 LAND LICENSE
 No. 21570
 DATE 10-14-2013
 SIGNATURE

**SKETCH SHOWING NEW SEWER LINE
 121 & 129 ALDRICH ROAD, PORTSMOUTH, N.H.
 for PORTSMOUTH DEPT. OF PUBLIC WORKS**

DATE:	10-14-2013
JOB NO.	21570
PLAN NO.	21570SK2
SCALE:	1" = 30'



NOTES:

1. ALL DISTANCES ARE IN FEET AND INCHES.
2. ALL DISTANCES ARE TO THE CENTER OF THE LINE UNLESS OTHERWISE NOTED.
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FOR REVIEW

DISCLAIMER:

This map is a representation of the land shown and does not constitute a warranty of title or a guarantee of accuracy. The surveyor is not responsible for any errors or omissions in this map. The surveyor is not responsible for any errors or omissions in this map. The surveyor is not responsible for any errors or omissions in this map.

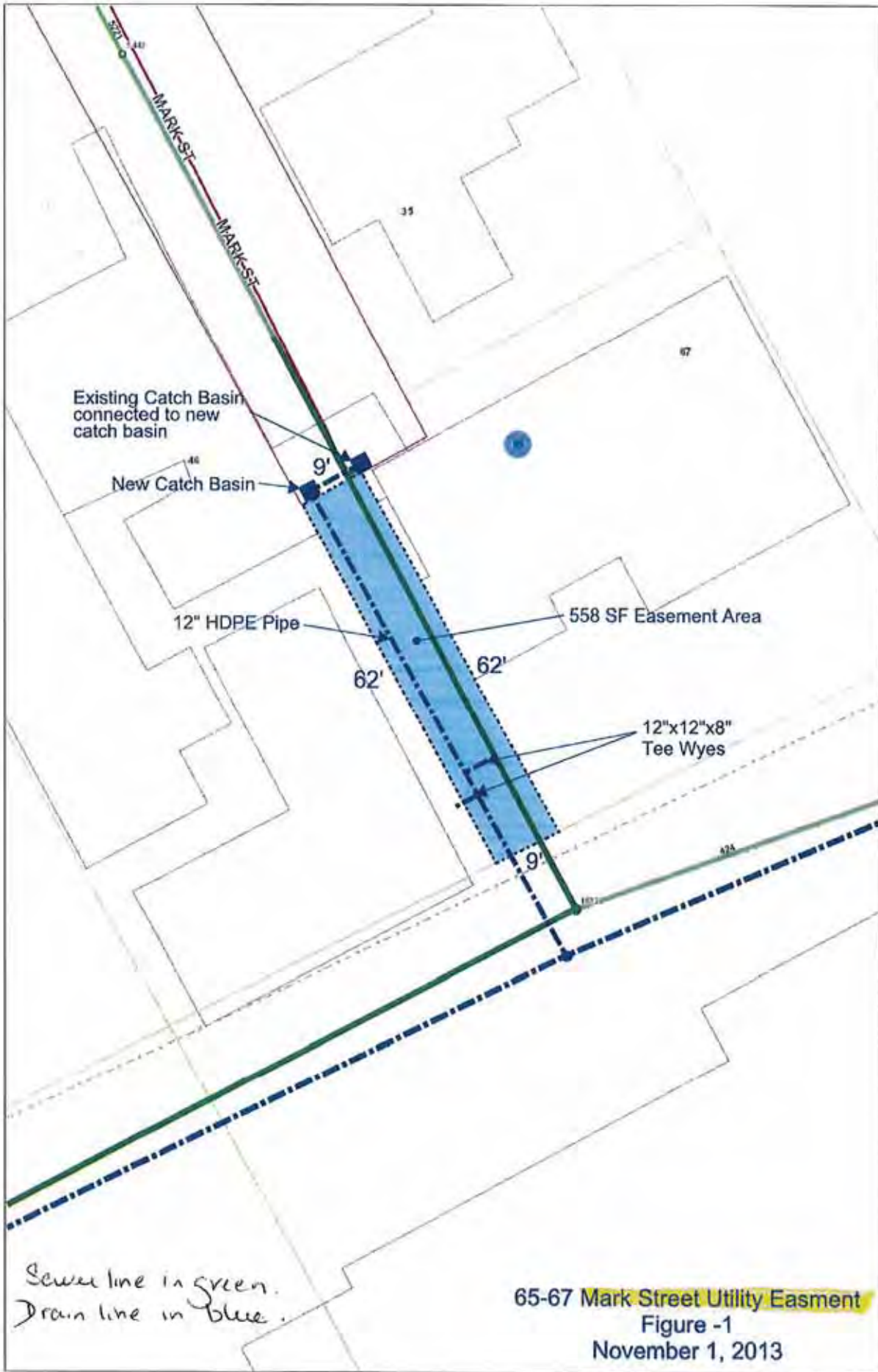
STANDARD PROPERTY SURVEY & PROPOSED SIDEWALK EASEMENT

185 Cottage Street
 Portsmouth, Rockingham County, New Hampshire

Colman C. Garfield
 185 Cottage Street
 Portsmouth, NH 03801

EASTERLY SURVEYING, Inc.
 181 EXETER ROAD, SUITE 41
 BETHLEHEM, MAINE 05904
 PHONE: 603-883-1234
 FAX: 603-883-1235

TAX MAP 174 LOT 1A



65-67 Mark Street Utility Easement
Figure -1
November 1, 2013

Event Listing by Date

Starting Date: 3/17/2014

Ending Date: 12/31/2014

Start End	Type Description	Location	Requestor	Vote Date
3/30/2014 3/30/2014	ROAD RACE Donald Allison is the contact for this event. His number: 617-835-2378 This race begins at Portsmouth High, exit right onto South Street, to Pleasant Street, to Marcy Street, to New Castle, then right onto Sagamore to the four corners.	Portsmouth High School	Eastern States 20 Mile	10/21/2013
4/12/2014 4/12/2014	RACE Robert L. Sutherland, Jr. is the contact for this event. 828-5246 Robert7615@aol.com This race begins at 8:00 a.m.	Miller Avenue	St. John's Lodge	3/17/2014
4/12/2014 4/12/2014	WALK Kim Blanchard is the contact for this event. She can be reached at 836-4758. This event begins at 10:00 a.m.	Little Harbour School	National Multiple Sclerosis So	11/18/2013
5/ 4/2014 5/ 4/2014	BIKE TOUR Christina O'Grady is the contact for this event. This event begins and ends at Redhook Brewery. This race has three different routes and length.	Begins and ends at Redhook Brewery	American Lung Association	12/16/2013
5/ 4/2014 5/ 4/2014	FESTIVAL Barbara Massar is the contact for this event. This event begins at Noon to 4:00 p.m. Street closure - Pleasant Street - State Street to Market Square No Parking on Market Street-Bow Street to Isle of Shoals Steamship Company entrance.	Downtown	Pro Portsmouth - Children's Da	9/ 3/2013
5/ 4/2014 5/ 4/2014	WALK Richard B. Wagner, Executive Director is the contact for this event. This event is from 10:00 a.m. to 5:00 p.m. The walk will begin at 2:00 p.m. and end around 5:00 p.m. in the lower parking lot of Portsmouth Municipal Complex.	Portsmouth Municipal Complex - Lower Lot	AIDS Response Seacoast	2/ 3/2014
5/10/2014 5/10/2014	ROAD RACE Allison Brownell, Race Co-Chair is one of the contacts for this race. Her cell number is 845-430-9351 The race begins at 8:30 a.m.	Marcy Street	Susan G. Komen New Hampshire R	8/19/2013
5/17/2014 5/18/2014	BIKE TOUR Contact: Kelly Sicard, Director of Special Events and Volunteers	Will begin and end at Pease Tradeport includes Mem	Breathe New Hampshire	12/16/2013
5/17/2014 5/17/2014	RACE Pack & Boots 5K Community Road Race Series Contact: Doug Bates, Portsmouth Chamber - President@portsmouthchamber.org		Easter Seals Veteran's Count	11/18/2013
5/25/2014 5/25/2014	RACE Contact: Jeanine Sylvester, Proprietor, Runner's Alley, LLC (603) 430-1212. This is a 5K start and finish at Redhook Brewery.	Pease	Runner's Alley/Redhook Brewery	1/21/2014
6/ 7/2014 6/ 7/2014	ROAD RACE Jennifer Hubbell, Executive Director is the contact for this event. She can be reached at (603) 512-2799 The road race would being at 9:00 a.m.	Pease Tradeport	Girls on the Run New Hampshire	2/ 3/2014

Event Listing by Date

Starting Date: 3/17/2014

Ending Date: 12/31/2014

Start End	Type Description	Location	Requestor	Vote Date
6/ 8/2014 6/ 8/2014	BIKE TOUR Mary M. Condella, is the organizer of this event. This event begins and ends at Little Harbour School. Registration is from 7:30 to 8:00 a.m. Start time of the ride is 8:30 a.m.	Little Harbour School	Seacoast Ride for PKD	2/ 3/2014
6/ 8/2014 6/ 8/2014	RACE 5K to Keep Kids Safe Community Road Race Series Contact: Christiana Amesquita (603) 437-4107 or Christiana@sassnh.org	Pease Tradeport	Sexual Assault Support Service	11/18/2013
6/14/2014 6/14/2014	FAIR This is the 37th Annual Market Square Day from 4:00 a.m. to 6:00 p.m. Barbara Massar is the contact for this event.	Market Square	Pro Portsmouth	9/ 3/2013
6/14/2014 6/14/2014	ROAD RACE This is the 37th Annual 10K Road Race. The race begins at 9:00 a.m. in Market Square.	Market Square	Pro Portsmouth	9/ 3/2013
6/21/2014 6/21/2014	RACE Alyssa Salmon is the contact on this event. She can be reached at 430-1140 ex. 14 The event is from 3:00 p.m. to 6:00 p.m. Rain date of June 22, 2014.	Pleasant Street	Big Brother Big Sister	9/ 3/2013
6/22/2014 6/22/2014	MARCH Robert L. Sutherland is the contact for this event. (603) 828-5246	Miller Avenue	St. John's Lodge	3/17/2014
6/28/2014 6/28/2014	MUSIC This is Summer in the Street event. It begins at 5:00 p.m. to 9:30 p.m. Street closures - Pleasant Street - Porter Street to Market Square.	Market Square	Pro Portsmouth	9/ 3/2013
7/ 5/2014 7/ 5/2014	MUSIC This is Summer in the Street event. This event is from 5:00 p.m. to 9:30 p.m. Street Closures - Pleasant Street - Porter Street to Market Square.	Market Square	Pro Portsmouth	9/ 3/2013
7/12/2014 7/12/2014	MUSIC This is a Summer in the Street event. The event is from 5:00 p.m. to 9:30 p.m. Street Closures - Pleasant Street - Porter Street to Market Square	Market Square	Pro Portsmouth	9/ 3/2013
7/19/2014 7/19/2014	ART EXH Katharine A. Muth, Executive Director is the contact for this event. The rain date of this event is Saturday, July 26, 2014.	Various Locations	NH Art Association	2/18/2014
7/19/2014 7/19/2014	MUSIC This is the Summer in the Street event. This event is from 5:00 p.m. to 9:30 p.m. Street Closures - Pleasant Street - Porter Street to Market Square	Market Square	Pro Portsmouth	9/ 3/2013

Event Listing by Date

Starting Date: 3/17/2014

Ending Date: 12/31/2014

Start End	Type Description	Location	Requestor	Vote Date
7/26/2014 7/26/2014	MUSIC This is the Summer in the Street event. This event is from 5:00 to 9:30 p.m. Street Closures - Pleasant Street - Porter Street to Market Square	Market Square	Pro Portsmouth	9/3/2013
8/2/2014 8/2/2014	MUSIC This is a Summer in the Street event. The event is from 5:00 p.m. to 9:30 p.m. Street closures - Pleasant Street - Porter Street to Market Square	Market Square	Pro Portsmouth	9/3/2013
8/23/2014 8/23/2014	ROAD RACE Thunder Chicken Community Road Race Series Contact: Justin Finn		Portsmouth Rotary Club	11/18/2013
9/7/2014 9/7/2014	BIKE TOUR Contact: Thomas Martin, Race Director	Downtown Portsmouth	Portsmouth Criterium	12/16/2013
9/13/2014 9/13/2014	ROAD RACE Celebrate Pink Community Road Race Series Contact: Wendy McCoolle		My Breast Cancer Support	11/18/2013
9/20/2014 9/20/2014	ROAD RACE Pease Tradeport Holly Davis and Melissa Mikulski are the contacts for this event. hdavis@bottomline.com or mmikulski@bottomline.com This event is being held at Pease.		Bottomline Technologies	2/18/2014
9/27/2014 9/27/2014	ROAD RACE Karen Butz Webb is the contact for this event. She can be reached at projectsafetyassociation@gmail.com. This race begins and ends at Portsmouth High School at 8:30 a.m.	Portsmouth High School	Project Safety Association	11/18/2013
9/28/2014 9/28/2014	WALK Becky Coliandris, Development Officer is the contact for this event. This event begins and ends at Strawberry Banke. Walk site opens at 8:30 a.m., the walk kicks off at 10:00 a.m.	Strawberry Banke	Alzheimer's Association	1/21/2014
10/11/2014 10/11/2014	RACE Contacts: Catherine Edison, Community Child Care Center (603) 422-8223 Ben Anderson and Hannah Comeau, Prescott Park Arts Festival (603) 436-2848 or hannah@prescottpark.org Community Road Race Series		Prescott PAF/Community Child C	11/18/2013
11/27/2014 11/27/2014	ROAD RACE Contact: Matt Junkin		Seacoast Rotary Club	11/18/2013

**CITY OF PORTSMOUTH
LEGAL DEPARTMENT
MEMORANDUM**

DATE: March 12, 2014
TO: JOHN P. BOHENKO, CITY MANAGER
FROM: ROBERT P. SULLIVAN, CITY ATTORNEY
RE: PORTWALK



This memorandum will respond to your request for a brief explanation of the current land use regulatory issues at the Portwalk development site bounded by Hanover Street, Maplewood Avenue, Deer Street and Portwalk Place (the "Project"). It is my understanding that the memorandum is for dissemination for informational purposes to the Mayor and City Council on the March 17, 2014 agenda.

On or about February 25, 2014, the City Legal Department was made aware that Pro Con, Inc., Hanover Apartments, LLC and Parade Office, LLC (the "Developers") were proceeding with construction work on the project in apparent violation of the exterior façade approved by the Historic District Commission as well as the site plan approved by the Planning Board. Pro Con is the design/build contractor, Hanover Apartments and Parade Office are the owners. The construction items at issue included the installation of perhaps of thirty (30) unapproved windows, a change in the "banding" the exterior on the building from granite to fiberglass, a change in the appearance of an exterior wall and utility installation in contradiction to the approved site plan. There was also an issue concerning whether a restaurant at the Project would require a grease trap.

On Friday, February 28, 2014, the Developers were summoned to City Hall to discuss this situation with representatives of the City's Planning and Inspection Departments, the Deputy City Manager and myself. After lengthy and contentious discussion the Developers, jointly and severally agreed to take the following actions to address Historic District and Planning issues:

- o The Developers agreed to appear before the Portsmouth Historic District Commission on the evening of March 5, 2014 requesting approval from the HDC for each and every variation from the previously approved HDC plans for the Project. The HDC remains in the process of reviewing the items which the Developers have submitted for approval. If new variations are identified, they will be submitted to the HDC for approval by the April submission date.
- o No later than March 17, 2014 the Developers agree to submit a revised site plan certified by its engineer to include each and every variation from the approved site plan for the project, which revised site plan shall be placed on the next Planning Board agenda.

- o The Developers agreed to comply with whatever final decision might be reached by the HDC and the Planning Board with regard to those items under their respective jurisdictions, expeditiously and without delay.
- o Developers agreed to waive any right of appeal from the final decision of either the HDC or the Planning Board.
- o The grease trap required by the Public Works Department of the City of Portsmouth to serve a restaurant to be located in the Project shall be designed and constructed by the Developers to the standards required by the Public Works Department.

All of the foregoing is in the form of a written letter agreement signed by Mark Stebbins as Chairman and CEO of Pro Con , Inc. and Jeff Johnston on behalf of Hanover Apartments, LLC; Parade Office, LLC and Cathartes Private Investments. That obligation has been secured by a bond issued by the Travelers Casualty and Surety Company of America as surety to Pro Con in the amount of \$500,000.00 to ensure compliance with whatever determinations are made by the HDC and the Planning Board. Please note that the \$500,000.00 is in addition to the \$2,050,000.00 bond held by the City to secure compliance with the site review agreement approved by the Planning Board.

The foregoing agreement was considered by the City officials involved in the meeting on February 28, 2014 to be the resolution of the outstanding issues which would most efficiently accomplish the City's goal of ensuring compliance by the Developers with their land use regulatory obligations to the City. We continue to believe that the Developers' agreement to perform the foregoing actions remains the course of action which is most beneficial to the City. Please note that the Developers have specifically obligated themselves to do whatever the HDC and the Planning Board instruct them to do, **without any appeal**, and they have bonded that obligation (emphasis added).

Please note further that no certificate of occupancy for the completed building will be issued until it has been determined by the City that the site and the structure are in compliance with all building permit obligations, including land use regulatory approvals.

cc: David Allen, Deputy City Manager
 Rick Taintor, Planning Director
 Rick Hopley, Chief Building Inspector
 Peter J. Loughlin, Esq.
 Jeff Johnston
 Mark Stebbins

Memo

To: John P. Bohenko, City Manager
From: David S. Allen, Deputy City Manager
Date: April 2, 2014
Re: Architectural Review of Portwalk III Project

The text below was emailed to the members of the HDC and copied to the City Council to inform them of the City's engagement of Jim McNeely Architects to provide review services to catalog the changes between the HDC approval and the as-built conditions of this project:

As you are aware, Phase III of the Portwalk project, currently under construction, was found to have a number of changes incorporated into the building that were either different from or not shown on the plans as approved by the HDC. On February 15, 2014, the developer submitted to the City an initial set of plans intended to show all of the changes from the original HDC approval. Although those plans did show a number of the changes, at the March 5, 2014 HDC meeting it was evident from a quick review that there were other changes that were not included in the submission. As such, the Developer has recently submitted a new inventory of design changes for the hotel portion of the building. The Developer has indicated that the remaining changes to the other sections of the building will be submitted to the HDC by next week's meeting.

In order to insure that the HDC has a complete inventory of all the changes made to the building since the August 1, 2012 HDC approval, the City has engaged the services of an independent architect, Mr. James McNeely, from McNeely Architects in Boston, MA. Importantly, the full cost of Mr. McNeely's services will be paid for by the Portwalk Developer. Mr. McNeely came highly recommended by Tom Amstler, the City's architect of the Portsmouth Public Library. A copy of his biography from his web page is attached. Additional information on Mr. McNeely can be found at <http://www.imcneely.net>.

Mr. McNeely's charge on the project will be to catalogue and verify the changes that have been made to the appearance of the facades and give a professional opinion whether each change is architecturally inappropriate, an improvement, or indifferent from the approved design.

As you know, the Portwalk project is on the HDC agenda for Wednesday April 2, 2014 at which time the Commission will finalize the review process from which a final decision on the application will be made. It is anticipated that Mr. McNeely will have sufficient information by April 9, 2014 for the Commission to begin rendering decisions on the design changes. Given that the Developer will be submitting additional information to the HDC pertaining to the remaining sections of the building it is anticipated that this process will likely take several HDC meetings to conclude their review of the application.

James McNeely Architects

Home | About | Publications | Services | Contact

Biography



Mr. McNeely received undergraduate and graduate degrees from Yale University where he studied with Vincent Scully and Paul Rudolph. Before starting his firm in 1974, he worked with Rudolph in New Haven and Boston, with Benjamin Thompson in Cambridge, and served as Urban Design Officer for the Cambridge Redevelopment Authority.

He has been an architectural consultant for the planning offices at the Massachusetts General Hospital and the Massachusetts Institute of Technology. He has taught courses at Harvard University, served on design juries at the Massachusetts Institute of Technology, and has lectured and written frequently about the nineteenth century houses of Beacon Hill. He has been an officer of the Beacon Hill Architectural Commission and the Beacon Hill Civic Association. He is currently an officer of the North Bennet Street School and a Council Member of Historic New England.

He is married to Barbara W. Moore, co-author and publisher of *Beacon Hill, A Living Portrait*, and *Back Bay, A Living Portrait*. They divide their time between Beacon Hill and South Freeport, Maine.

Shuttle Bus Route:

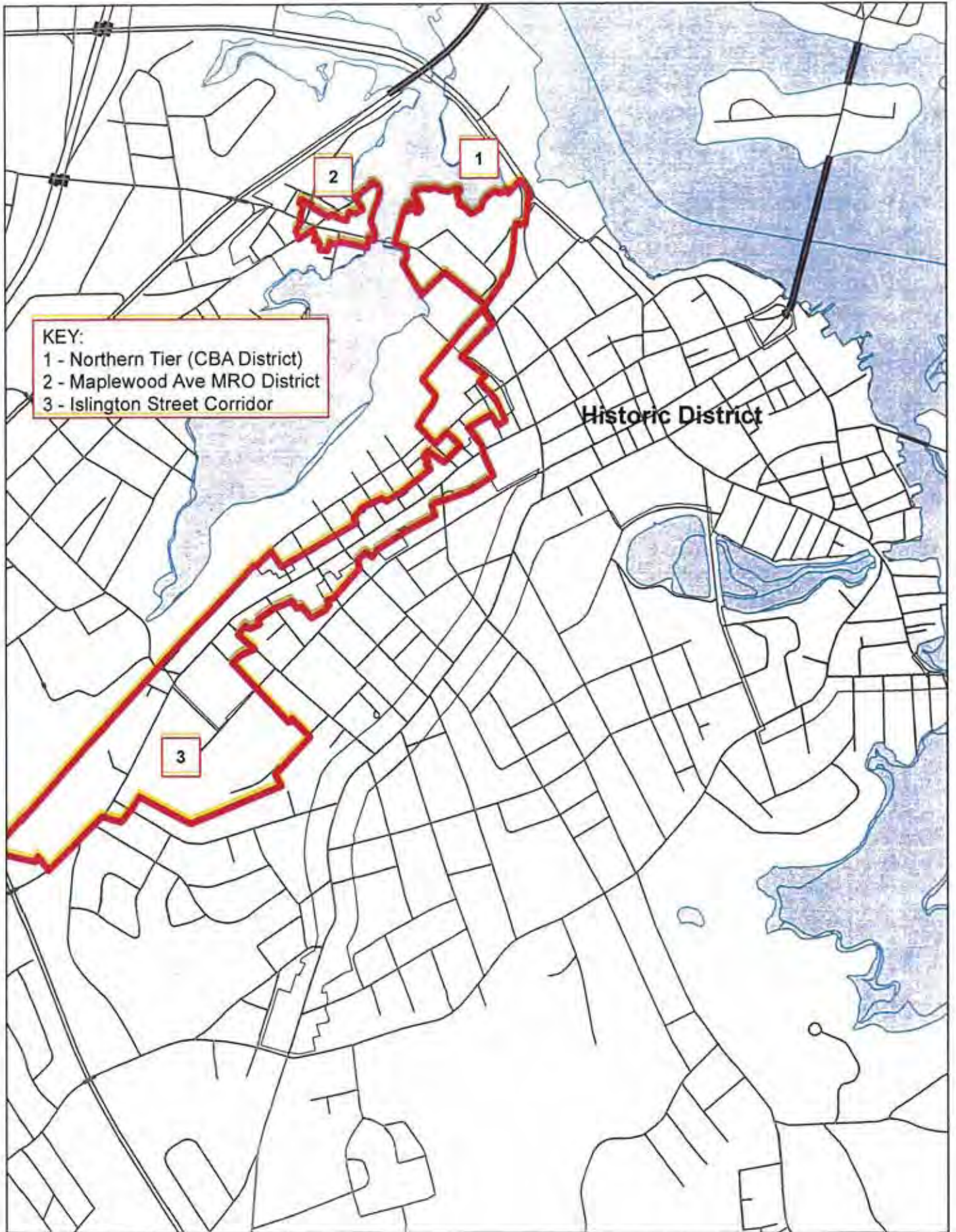


Other data:

Type of Vehicle to be used as Shuttle:



Contract Cost: \$37,124.00 (based on \$57.34 per hour for 35 hours of operation each weekend) plus marketing.



Form-Based Zoning Project:
Potential Expanded Study Areas

CONSIDERATION

CITY OF PORTSMOUTH, N.H.
BOARDS AND COMMISSIONS



APPOINTMENT APPLICATION

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

Committee: Conservation Commission **Renewing applicant**

Name: Barbara McMillan Telephone: 603 433 6438

Could you be contacted at work? YES/ NO - If so, telephone # 603-271-7889

Street address: 84 Hillside Drive, Portsmouth NH 03801

Mailing address (if different): _____

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

How long have you been a resident of Portsmouth? over 20 years

Occupational background:

- 1998 - Present: Watershed Outreach Coordinator, NH Dept of Environmental Services (DES)
- 1995-1998: Recycling Coordinator, NH DES
- 1993-1995: Recycling Outreach Coordinator, NH Office of State Planning

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

Reasons for wishing to continue serving: _____

I would like to continue to give back to the City of Portsmouth by serving of the Conservation Commission. I believe that my expertise and background regarding stormwater management and its impact to our water quality provides a nice balance with the other conservation commission



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

- The Dorr Foundation, Chair - Portsmouth, NH
- Manomet Center for Conservation Sciences, Trustee - Manomet, MA
- The Hodgson Brook Advisory Board, Member - Portsmouth, NH

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

- 1) Sally Soule 978-407-8106 P.O. Box 102, Kittery, Me. 03905
Name, address, telephone number
- 2) John Craig 603-828-1687 112 Hillside Drive, Portsmouth NH
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: Barbara McMullen Date: 2/27/2014

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 4/1/2017

Annual Number of Meetings: 10 Number of Meetings Absent: 2

Date of Original Appointment: 4/1/2006

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: CONSERVATION Initial applicant

Name: KIMBERLY MEUSE Telephone: 603-343-8709

Could you be contacted at work? YES NO If so, telephone # 203-913-9694

Street address: 579 SAGAMORE AVE, UNIT #97

Mailing address (if different): _____

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

How long have you been a resident of Portsmouth? 2.5 YEARS

Occupational background:

FINE ARTIST, COMPUTER GRAPHICS ILLUSTRATOR, WATERCOLOR
ART WORKSHOP/INSTRUCTOR

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

STRATFORD, CT {
COUNCIL WOMAN, 2009-2011, STRATFORD, CT
PUBLIC WORKS COMMITTEE MEMBER, STRATFORD WATER COMMISSION,
BEAUTIFICATION COMMITTEE CHAIR, BUILDING NEEDS COMMITTEE
MEMBER, ORDINANCE COMMITTEE, SHAKESPEARE THEATRE REVIEW BOARD,
SCHOOL BOARD/COUNCIL LIAISON, PROJECT GREENSWEEP CHAIR

OVER
➔

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

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

Reasons for wishing to serve: AS A FINE ARTIST, I AM ABLE TO WORK AT HOME AND SCHEDULE TIME FOR VOLUNTEERING IN THE COMMUNITY. WORKING AS A COMMUNITY VOLUNTEER IN CT HAS REWARDING FOR ME AND A PLEASURE TO FIND A MEANINGFUL MANNER TO CONTRIBUTE TO THE BETTERMENT OF THE TOWN. CITIZEN VOLUNTEERS ARE VITAL TO MAINTAINING THE HEART OF A COMMUNITY. IT'S TIME WELL SPENT, IN MY OPINION.

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

AMERICAN RED CROSS - PORTSMOUTH, NH RESPONDS - EXETER, ARTS IN REACH - PORTSMOUTH, TIDEWATCH ASSOCIATION BOARD MEMBER, PORTSMOUTH DEMOCRATS

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

- 1) GIBSON KENNEDY, 267 MARCY STREET, PORTSMOUTH (FORMER EMPLOYER)
Name, address, telephone number
- 2) LARRY DRAKE
JOAN JACOBS / 579 SAGAMORE AVE, PORTSMOUTH, (603-373-8511)
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: Kimberly Muse Date: 11/18/13

If you do not receive the appointment you are requesting, would you be interested in serving on another board or commission? Yes No

Please submit application to the City Clerks Office, 1 Junkins Avenue, Portsmouth, NH 03801

Kimberly Meuse

579 Sagamore Avenue, #97 • Portsmouth, NH 03801 • Phone: 603-373-3709 • E-Mail: kimberlymeuse@gmail.com

Objective

Conservation Commission volunteer/member.

Experience

Town Council Member, Town of Stratford, CT (pop. approx. 51,000) December 2008-December 2011

- Represented the 7th District, as well as the town residents at large. Responsibilities included attending monthly Council meetings involving a Mayor and 10 district representatives, researching town issues, and issues specific to the 7th district of approximately 5,000 residents.
- **Water Pollution Control Authority, Stratford, CT (2009-2011)**
- **Stratford Public Works** committee member (2009-2011)
- **Stratford Building Needs** alternate member (2009-2011)
- **Stratford Beautification Committee Chair/Project Greensweep annual town clean-up Chair (2009-2011)**
- Stratford Town representative member of **Keep America Beautiful (2009-2011)**
- **Stratford Longbrook Park Commission, co-Chair (2009-2011)**
- **Stratford Board of Education Town Council Liaison (2009-2011)**
- **Stratford Arts Commission (2009-2011)**
- **Stratford Finance Advisory Committee, co-Chair (2009-2011)**
- **Stratford Safe Routes to School** committee (2009-2011)
- **Stratford Long Range Facilities Planning Committee, (2009-2011)**

Skills

As a member of the Town Council, my various duties required me to attend and participate in the decision process for a number of committees and commissions.

During the time of my council term, serving the town and the 7th district involved intensive research and study of the various issues and concerns of the community. I was involved above and beyond my duties as councilmember, offering my time to groups that were established during my term to:

- Study improving our school facility planning
- Work towards energy efficiency within town buildings
- Recommend a consulting group to get the town of Stratford's historic Shakespeare Theater renovated and viable
- Work with the elementary school in my district with the Safe Routes to School grant/study.
- Work with Keep America Beautiful and the town grant writer towards replenishing the tree population in the community.



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: SUSTAINABILITY Initial applicant

Name: SAMUEL W (WES) TATOR Telephone: 603-661-2867

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

Street address: 411 MIDDLE ST, Apt. 5 PORTSMOUTH NH
0380

Mailing address (if different): _____

Email address (for clerk's office communication): wes@26greenprofitably

How long have you been a resident of Portsmouth? 3 1/4 YEARS

Occupational background:

COMMERCIAL REALTOR FOR 13 YEARS
HEALTHCARE/CLINIC ADMIN. 10 YEARS +
SALES (OTHER THAN R.E.) 10 YEARS +/-

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

I AM A LEED ACCREDITED PROFESSI.
I HAVE LOTS OF EXPERIENCE IN PROPERTY VAL

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

Would you be able to commit to attending all meetings? YES/NO *AT PRESENT YES AND SUBJECT TO EMERGENCIES.*

Reasons for wishing to serve: PORTSMOUTH IS MY HOME.
SUSTAINABILITY IS MY PASSION

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

FOUNDER, NH CHAPTER OF US GREEN BUILDING COUNCIL (CREATED STEWARDS LEED)
PLAN NEW HAMPSHIRE, COMMITTED TO SUSTAINABLE ENVIRONMENTAL GUIDO OF AIA NH. *COMMITMENT'S*

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

ALL ARE PORTSMOUTH RESIDENTS
1) BERT COHEN, 431-5113, bcohen@comcast.net
Name, address, telephone number
2) SKYE MAHER, 498-6799, SKEMAHER@gmail.com
Name, address, telephone number
3) BOB VACCARO, 411 MIDDLE ST, PORTSMOUTH, 4304013
Name, address, telephone number 606@VOCARYDONATION.COM

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: 3/4/14

If you do not receive the appointment you are requesting, would you be interested in serving on another board or commission? Yes No

Please submit application to the City Clerks Office, 1 Junkins Avenue, Portsmouth, NH 03801
6/27/2012



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: Taxi Commission

Initial applicant

Name: Lawrence J. Cataldo Telephone: 603-430-3762

Could you be contacted at work? YES/NO If so, telephone # 908-528-3933 mobile

Street address: 133 Islington Street Unit 10

Mailing address (if different): _____

Email address (for clerk's office communication): larrycataldo@yahoo.com

How long have you been a resident of Portsmouth? Since 2005

Occupational background:

My last position ending in 2012 was Vice President – Planning & Strategy for a Middle East

maintenance and construction company. I held that position for more than 4 years. Prior to that, I was an independent consultant for a telecom research/consulting firm specializing in finance and

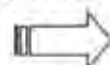
business solutions. Moreover, I was a corporate economist for over 30 years while working for AT&T, Verizon and Telcordia Technologies (now Ericsson Inc).

Areas of expertise: financial consulting, project and program management, strategic and tactical planning, and process engineering

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

1. As a construction company executive, I was often required to build consensus through negotiation among managers from other departments who often disagreed with each other, in the interests of achieving common corporate goals. This skill will be useful during commission meetings.
2. I mediated with major banks on approving loans for proposed government construction projects. This experience will be useful for dealing with taxi companies.
3. As a business consultant, I analyzed numerous problems and found feasible solutions through research and dialog. Study methods can be useful for resolving the taxi availability problems.
4. Throughout my career, I gave numerous public presentations and chaired sessions at major professional conferences on new research about business and financial problems. This can be useful in giving City Council and public briefings.
5. While employed with Verizon, I testified as an expert witness on economic studies before a state regulatory commission which resulted in positive rulings for the company. The legal training I received prior to testifying and the experience in the public process will help me work on the Commission in adjudicating enforcement issues.

OVER



Have you contacted the chair of the Board/Commission to determine the time commitment involved? YES/NO No but I reviewed the city calendar of meetings.

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

Reasons for wishing to serve: I am keenly interested in Portsmouth's future as a city that continues healthy economic growth while at the same time protecting its historic past.

After working for years for consulting companies and with large telecommunications corporations I would like to apply this business experience to make a difference working with the City by solving problems, advising on ways to make process improvements and other work that would provide public benefit.

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

Member and volunteer of the Strawberry Banke Museum.

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

1) See attached character reference sheet
Name, address, telephone number

2) See attached character reference sheet
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: Lawrence J. Cataldo Date: March 12, 2014

If you do not receive the appointment you are requesting, would you be interested in serving on another board or commission? Yes XX No

Please submit application to the City Clerks Office, 1 Junkins Avenue, Portsmouth, NH 03801

References for Lawrence Cataldo

1. Lawrence Yerdon
Strawbery Banke Museum
14 Hancock Street, Portsmouth
603-433-1103
2. Joseph Caldarola
170 Dennett Street, Portsmouth
603-674-5204
3. Ray Van Sickler
909 Greenridge Road
Jacksonville, FL 32207
904-396-5143
4. John Hayes
Ericsson Incorporated
1 Jefferson Drive
Piscataway, NJ 08854
848-459-8147

LAWRENCE J. CATALDO

133 Islington Street
Portsmouth, New Hampshire 03801 USA
Email Address: larrycataldo@yahoo.com

CAREER SUMMARY

My recent position was Vice President – Planning, Strategy and Bank Relations for the Al Kholi Group in Riyadh, Saudi Arabia with a turnover of about \$100 million annually. The group of companies provided construction and facilities maintenance services for government agencies and universities. Besides the planning aspects of this job, I managed relationships with the six largest banks in the country and provided banking services for each operational division. In 2011, I arranged bank financing of \$160 million for more than 30 projects. I also served as acting financial controller for over a 6 month period.

My career covers domestic and international experience as a financial consultant, planner, strategist and both project and program manager. Besides the Al Kholi Group, I held leadership positions with Telcordia Technologies Inc., AT&T and Verizon in financial, regulatory, and process engineering organizations. I had extensive experience in pricing and cost-benefit modeling, complex market entry and competitive threat analyses, investment feasibility solutions and business process improvements.

At the financial consulting level, this experience includes the research, design and development of financial models (including 1-3 year forecasts of cash flow and P/L results), investment feasibility models, market-based pricing models and cost-benefit analyses. I developed an optimal financing model for new projects and introduced this modeling approach to the local Saudi banks.

From a project and program management perspective, this experience includes more than a dozen international projects, some for at least a year on site, leading teams for information technology, operations, disaster recovery and business process related efforts in Canada, Europe, Asia and the Middle East. As a program manager, I co-led a company-wide Y2K effort to ensure that all departments of a telecom company had prepared properly for swift disaster recovery.

In the telecom-consulting environment, I developed and managed strategic and tactical initiatives including complex market entry solutions and forward-looking technology studies.

At the process engineering level, this experience includes consulting on staffing and manpower planning for a major telecom network restructure. I developed company-wide staffing requirements based on business functionality.

PROFESSIONAL WORK HISTORY

Vice President – Planning, Strategy and Bank Relations

2008 - 2012

Joined the Al Kholi Group in Riyadh, Saudi Arabia to lead the corporate planning effort and conduct special studies on financial and operations aspects. The Al Kholi Group is a conglomerate of facilities maintenance and construction companies with an annual turnover of over \$100 million.

- Conducted a comprehensive review of and revision to the table of organization with position levels and titles for over 4,000 employees. Developed different strategies and presented them to the Board of Directors for approval. Led the debate on the best pathways forward
- Served on the senior management team tasked with initiating and implementing major structural changes to the company. Developed detailed plans to reorganize the finance organization and actively pursued recruiting of key senior managers. Appointed interim project manager to implement Microsoft Dynamics, replacing several other systems
- Managed banking relations with six top Saudi banks beginning in 2009 and directed day-to-day banking operations. I secured loans valued of over \$160 million for over 30 maintenance and construction projects and prepared revenue forecasts and forward looking project cash flows
- As supervising cash manager, met the monthly payroll without delay and exercised control on all payments. Recommended new approaches to alleviate frequent cash shortages
- Held the position of acting financial controller for over six months and initiated changes in loan policies on invoices that saved the companies over \$1 million in bank interest charges. Made changes to accounting practices and initiated a new fixed assets section.

Independent Financial/Management Consultant

1998 – 2007, 2013

In 2013, an Atlanta-based HR consulting firm engaged me on a short assignment to work for a large government water desalination company in Riyadh, Saudi Arabia. I prepared a three year planning document for the internal communications group that outlined topics, issues and the use of the latest technology to meet a substantial communications gap.

From 1998 through 2007, Telcordia Technologies (now owned by Ericsson) engaged me on four separate occasions, three of which were for long term (up to one year) assignments in the Middle East. In addition, I was employed by three other consulting firms to address specific financial and marketing initiatives.

Telcordia Technologies Inc.

Project Manager – Fixed Assets Accounting/Finance Project

- On-site project manager and finance consultant in a multi-year project with Saudi Telecom; the firm is restructuring fixed asset classifications for its \$22 billion capitalization program.
- Responsible for day-to-day project activities and progress reports to top management.
- Reviewed current processes, procedures, policies, records and data in the area of Fixed Asset Management. Conducted an extensive present mode of operation review (PMO), and led an investigation on company-wide fixed asset databases.
- Prepared and implement process recommendations, and teamed with engineers in developing new fixed asset classifications. Devised detailed implementation plans including inventory management. Resulted in a successful implementation of new fixed asset classifications.

Senior Consultant - Process Engineering Task Force

- Senior consultant on Saudi Telecom's process engineering task force formed to reorganize the Network and other major corporate organizations.
- Responsible for investigating and analyzing manpower needs and appropriate processes in the Network Sector. Advised general managers on manpower target levels and sub-organization structure (e.g., number of directors) and salary grades.
- Analyzed dozens of organizations and recommended reduced staffing requirements to meet corporate-wide guidelines. Received a commendation from the client's HR vice president.

Project Manager - Y2K Project

- Managed a team of 50 of highly trained specialists at Saudi Telecom for this broad-ranged \$7.5 million Y2K project.
- Responsible for day-to-day operations and project status reports to senior managers.

- o Served as co-program manager to ensure company-wide readiness in every facility.
- o Successfully completed all tests and established service outage contingency plans for every major organization. Presented final status reports to the Board of Directors management committee. Cited for outstanding service by the company president.

Senior Project Manager - Cost Modeling/Number Portability Projects

- o Managed teams of engineers and cost specialists to implement large-scale network cost and pricing model and brought project back on schedule. Reversed deteriorating client relationship and resolved all outstanding issues.
- o Researched, designed and developed comprehensive revenue-cost, cash flow software programs for wireless and advanced telecom network investment models for Deutsche Telecom and other clients.

ClientPath, LLC - Doylestown, PA

- o Developed a national market plans based on extensive market research on demographic characteristics for this real estate consulting firm.

McGrath & Associates - Lawrenceville, NJ

- o Directed a three-month long survey research effort, then designed and developed and a complex pricing model (a micro-simulation model).

Earlier Full Time Appointments in Telecommunications

Telcordia Technologies, Inc. – Piscataway, NJ

Verizon Corp – New York, NY

AT&T – New York, NY and Bedminster, NJ

TEACHING EXPERIENCE

Substitute teacher - Bound Brook New Jersey School District

Corporate instructor - AT&T and Telcordia Technologies Inc..

Adjunct assistant professor - St. John's University

EDUCATION

University of New Hampshire, Durham, New Hampshire
Master of Arts Degree – Economics (Whittemore School of Business)

St. Anselm College, Manchester, New Hampshire
Bachelor of Arts Degree - Business & Economics (cum laude)

New York University, New York, New York
Post graduate study in forecasting and mathematical economics

George Washington University, Washington, D.C.
Core program training on the fundamentals of Project Management

Contact: Mobile 908-528-3933 Home Phone 603-430-3762



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: Taxi Commission Initial applicant

Name: Stephen Dunfey Telephone: 498-8481

Could you be contacted at work? YES / NO If so, telephone # 498-8481

Street address: 675 South Street, #5

Mailing address (if different): _____

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

How long have you been a resident of Portsmouth? 22 years

Occupational background:

writer for Seacoast Scene and various freelance outlets

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

I have experience in state and local government including two terms in the N.H. state legislature and also appointed by Gov. Hugh Gallen to the N.H. State Port Authority where I served as Vice-Chairman in the early 1980's.

OVER

Have you contacted the chair of the Board/Commission to determine the time commitment involved? YES NO discussed with Assistant Mayor Splaine

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

Reasons for wishing to serve: I am interested in community service and see an opportunity to contribute that in the Taxi Commission.

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

I recently served on the Board of Directors of the Seacoast Mental Health Center and the N.H. Art Association. I help produce an art show every year in my mother's name.

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

1) Jim Splaine 201 Oriental Gardens 727-466-3546
Name, address, telephone number

2) Paul McEachern 282 Corporate Drive 436-3110
Name, address, telephone number

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3. This application may be forwarded to the City Council for consideration at the Mayor's discretion; and
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5. Application will be kept on file for one year from date of receipt.

Signature: Stephen C Dambay Date: 3/27/14

If you do not receive the appointment you are requesting, would you be interested in serving on another board or commission? Yes ___ No x

Please submit application to the City Clerks Office, 1 Junkins Avenue, Portsmouth, NH 03801



received
3/11/14

CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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

Committee: Citizens Advisory Committee Initial applicant

Name: Judith P. Bunnell Telephone: 431-6714 (603)
Cell # 812-7469 (603)

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

Street address: 534 Colonial Drive, Ports. NH 03801

Mailing address (if different): _____

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

How long have you been a resident of Portsmouth? 50 years

Occupational background:

Tenant Services officer - Meals on
wheels Manager, Senior Center
Director, Consultant to Portsmouth
Housing Authority, Senior Social
Services Coordinator.

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

Have written grants + Received
funds from CDBG - attended
Many of the Advisory Committees
Meetings - Very aware of what
they do and stand for -

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

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

Reasons for wishing to serve: To perform my civic duty - help advocate for various programs for all ages, particularly Senior citizens and to be involved in my city -

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

NH Delegate to National Institute of Senior Centers, member of National Council on Aging - Mayor's Blue Ribbon Com for finding a Senior Center Sub-committee member of Recreation Board -

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

(Portsmouth references preferred)

- (works) 1) Craig Welch, PNA Ex. Director - 436-4310
Name, address, telephone number South St. Portsmouth -
- 2) Nancy Emerson 442 Wslington St. 431-3838
Name, address, telephone number Portsmouth

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5. Application will be kept on file for one year from date of receipt.

Signature: Judith P. Bunnell Date: 3/11/2014

If you do not receive the appointment you are requesting, would you be interested in serving on another board or commission? Yes No ✓ not @ this time -

Please submit application to the City Clerks Office, 1 Junkins Avenue, Portsmouth, NH 03801

CITY OF PORTSMOUTH, N.H.
BOARDS AND COMMISSIONS



APPOINTMENT APPLICATION

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

Committee: Conservation Commission **Renewing applicant**

Name: Steve J Miller Telephone: 433-1160

Could you be contacted at work? YES/NO - If so, telephone # 214-0146

Street address: 38 Thornton Street

Mailing address (if different): _____

Email address (for clerk's office communication): SJM544@comcast.net

How long have you been a resident of Portsmouth? 22 years

Occupational background:

Environmental Education

Science Trainer

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

Reasons for wishing to continue serving: _____

To continue to serve Portsmouth.



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

See Attached

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

1) Alissa Stone 595 Elm Hill Road 475-1011
Name, address, telephone number

2) Peter Britz Newburyport 431-2000
Name, address, telephone number

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Signature: [Handwritten Signature] Date: March 10, 2014

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 4-1-2017

Annual Number of Meetings: 10 Number of Meetings Absent: Ø
2013

Date of Original Appointment: 11-17-2003

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

STEVEN JOSEPH MILLER
Coastal Training Program Coordinator
89 Depot Road
Greenland, NH 03840
Steve.Miller@wildlife.nh.gov

SJM saw Comcast, not home

EDUCATION

Master of Environmental Studies. Yale School of Forestry and Environmental Studies, 1986. Wildlife and Ecosystem Studies. Project title, "A Comparison of Small Mammals Captured by Barn Owls (*Tyto alba*) and Live-trapped in a Grassland in Lake Nakuru National Park, Kenya."

Bachelor of Science. Ohio State University, 1977. Zoology, Undergraduate Research Scholarship, "Social Behavior of Thirteen-lined Ground Squirrel (*Citellus tridecemlineatus*),"

PROFESSIONAL EXPERIENCE

Coastal Training Program Coordinator, 2002 to present. Great Bay National Estuarine Research Reserve, Stratham, NH. Established the Coastal Training Program at GBNERR completing all NOAA requirements, including market analysis of available training resources, decision maker needs assessment, and strategic plan. The mission of the CTP is to advance informed decision making by transferring technical information and training to target audiences through a comprehensive program. Current responsibilities include implementing the CTP strategic plan, which involves continued development and implementation of mechanisms to provide science-based resources and information to decision makers, coastal land managers, and other target audiences. In 2008 the CTP held 28 training events for 735 participants.

Vice President of Interpretation, 1992-2002. Seacoast Science Center, Rye, NH.

Instructor, 1999-2001. College of Lifelong Learning, Portsmouth, NH.

Instructor, 1996, 1998, and 1999. New Hampshire College, Portsmouth, NH.

Instructor and Dive Master, 1994-2001. Cornell University's Shoals Marine Lab, Maine.

Scientific Diving Officer, 1990-1992. Smithsonian Tropical Research Institute, Panama.

Lab Manager and Scientific Diving Officer, 1986-1990. Catalina Marine Science Center, Catalina Island, California.

Teaching Assistant, 1986. Yale University, Connecticut and Puerto Rico. Ecology.

Instructor, 1984. School for Field Studies, U.S. Virgin Islands.

Director, 1981-1983. Forfar Field Station, Andros Island, Bahamas.

Teaching Assistant, 1981-1984. Cornell University's Shoals Marine Lab, Maine. **Natural**

History Interpreter, 1977-1978. Forfar Field Station, Andros Island, Bahamas.

Field Research Assistant, 1975-1980. Ohio State University.

RELATED PROFESSIONAL ACTIVITIES

Member, Hodgson Brook Advisory Board, 2005 to present.

Vice President, Advocates for the North Mill Pond, 2004 to present.

Portsmouth Conservation Commission 2002 – present. Chair 2006 – present.

Member, Portsmouth Pierce Island Committee, 2000-2002.

Member, Mayor's Blue Ribbon Committee for the Great Bog, 1999-2001.

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: Conservation Commission **Renewing applicant**

Name: Elissa Hill Stone Telephone: 603-475-1011

Could you be contacted at work? YES/NO - If so, telephone # 603-433-1935

Street address: 595 FW Hartford Drive

Mailing address (if different): _____

Email address (for clerk's office communication): estone@stonehillenvironmental.com

How long have you been a resident of Portsmouth? since 1996

Occupational background:

owner and manager of StoneHill Environmental Inc
600 State St, Suite 2, Portsmouth. Company founder 1989.
Environmental consultant including wetland delineation
and assess. Prior NJ Dept Env Protection since 1979

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

Reasons for wishing to continue serving: Every application poses

new site specific concerns - so these are very interesting

for me and slightly different than my usual business

day-to-day concerns. There have been several applications

where I have been able to contribute technical review

specific to my background that has been different

from other commissioners ie soil science & haz subst situations.

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

Soil Science Society of Northern New England
" " " Southern " "
National Assoc of Environmental Professionals
Soil Science Society of America
American Society of Agronomy (farming)

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

1) Steve Miller 38 Thornton St 433-1160
Name, address, telephone number

2) Mary Ann Blandhard 34 Harrison Ave 431-7008 CC vice chair
Name, address, telephone number

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5. Application will be kept on file for one year from date of receipt.

Signature: Elisabeth Date: 3-1-2014

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 04-01-17

Annual Number of Meetings: 10 Number of Meetings Absent: 0
2013

Date of Original Appointment: 5-16-2011

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: Conservation Commission **Renewing applicant**

Name: Allison Tanner Telephone: 603-431-4147

Could you be contacted at work? YES/ NO - If so, telephone # 207-985-5323

Street address: 380 Greenleaf Ave

Mailing address (if different): _____

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

How long have you been a resident of Portsmouth? 35 years

Occupational background:

1997 - Present: Corning Incorporated 2 Alfred Rd Ferrisburk Me 04043
Employed as a product Development Scientist
Previous: Portsmouth Regional Hospital
Registered Nurse/Maternal-Child Health

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

Reasons for wishing to continue serving: Continuing to serve on the
Conservation Commission is my way of giving
back to the community in which I live & to
support my desire to maintain the quality
of life we have in Portsmouth, for all residents.

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

PHS track official

New England Day Lily Society

Riverly Hill/Greenleaf Ave Neighborhood Assoc.

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

1) Susan Chamberlin 390 Greenleaf Ave 431-5954
Name, address, telephone number

2) Jean Provencher 124 Parsons Rd. Rye, NH 436-8299
Name, address, telephone number

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Signature: Deborah Tucker Date: 3/8/14

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 4-1-2017

Annual Number of Meetings: 10 Number of Meetings Absent: 0

Date of Original Appointment: 1-15-1990

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: Portsmouth Housing Authority **Renewing applicant**

Name: Amy Schwartz Telephone: 603-502-4126

Could you be contacted at work? YES NO - If so, telephone # 1203-862-5099

Street address: 55 Sunset Rd, Portsmouth NH 03801

Mailing address (if different): _____

Email address (for clerk's office communication): amy.schwartz@unh.edu

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

Occupational background:

academic & research administration - UNH
health care, health policy

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

Reasons for wishing to continue serving: _____

I enjoy being involved in my
community and feel strongly about
providing services for low income and
disabled citizens



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

Trustee, Foundation for Seacoast Health

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

1) Craig Welch - 246 Middle Rd. 817-9739
Name, address, telephone number

2) Jennifer Matthes - 69 Sunset Rd. 498-8343
Name, address, telephone number

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Signature:  Date: 3/5/14

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 04/01/2019

Annual Number of Meetings: 13 Number of Meetings Absent: 1
2013

Date of Original Appointment: 9/20/2010

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

CITY OF PORTSMOUTH, N.H.
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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

Committee: Pease Island Committee **Renewing applicant**

Name: Stephen G Philp Telephone: 603-436-2328

Could you be contacted at work? YES/ NO - If so, telephone # 603-964-6560

Street address: 39 SPRING ST. PORTSMOUTH, NH 03811
EXT 6013

Mailing address (if different): _____

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

How long have you been a resident of Portsmouth? 33 yrs.

Occupational background:

Computer Systems Mgr.

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

Reasons for wishing to continue serving: I visit Pease Island
almost every day. I feel that it
is a special Portsmouth resource and
I would like to see it remain safe,
clean & an all-season recreational
area.



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

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

- 1) Robert Gallo 91 Spring St Portsmouth 603 433-2754
Name, address, telephone number
- 2) Richard Smith C.R.E.A Hanover St
Name, address, telephone number Portsmouth

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- 5. Application will be kept on file for one year from date of receipt.

Signature: [Signature] Date: 2/1/2014

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 12-31-15
 Annual Number of Meetings: 6 Number of Meetings Absent: 0
 Date of Original Appointment: 4-19-2010

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

CITY OF PORTSMOUTH, N.H.
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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

Committee: Peirce Island **Renewing applicant**

Name: John Simon Telephone: 603-205-5474

Could you be contacted at work? YES/NO - If so, telephone # 603 205-5474

Street address: 21 Humphreys Court

Mailing address (if different): PO Box 1090

Email address (for clerk's office communication): john@wordpraxis.com

How long have you been a resident of Portsmouth? 20+ years

Occupational background:

Writer, editor

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

Reasons for wishing to continue serving: Committed to continue working

for preservation and enhancement of Peirce Island including

exploring and documenting its history

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

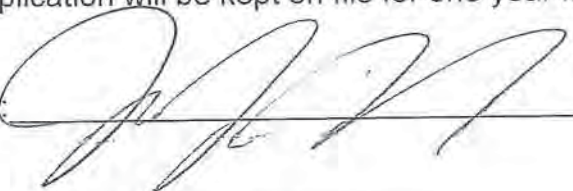
Please list two character references not related to you or city staff members:
(Portsmouth references preferred)

- 1) Melissa McLeod 67 Ridges Court 603-433-6646
Name, address, telephone number

- 2) Laura Gunning 42 Humphreys Court 603-205-3340
Name, address, telephone number

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5. Application will be kept on file for one year from date of receipt.

Signature:  Date: MARCH 3, 2014

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 12/31/2015
Annual Number of Meetings: 6 Number of Meetings Absent: 1
Date of Original Appointment: ²⁰¹³ 3/1/2010

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

CITY OF PORTSMOUTH, N.H.
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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

Committee: Recreation Board **Renewing applicant**

Name: Jackie Cali-Pitts Telephone: 603-431-7657 ⁵¹² ₀₀₋₉₈₈

Could you be contacted at work? YES/NO - If so, telephone # no (Retired)

Street address: 40 Bedford Way Apt 112

Mailing address (if different): _____

Email address (for clerk's office communication): Cali0917@AOL.com

How long have you been a resident of Portsmouth? ^{3rd} 40 years

Occupational background:
Retired Verizon
Former Mgr. AT&T Services National Passport
Center

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

Reasons for wishing to continue serving: I have served on
the board since the days of Joe Tate. I
believe recreation has come a long way in
the city, but still has a way to go. I
was there when Rusty Wilson came aboard
and would like to be there when he
leaves.

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

I believe that a strong recreational program ought to be available to all members of the Comm from very young to very old, and I have had the privilege of seeing that take fruition. This is a subject I have based from experts over the years. I have not had a

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

1) Rose Cronk
Name, address, telephone number

formal resume on years -
UWA BB certificate not done
Monmouth - two certificate postcard
education a sampling
Handling Ref 736-9304

2) Nancy Clayburgh
Name, address, telephone number

Laura Santelakos

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: [Signature] Date: 3/1/14

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 9-1-2017

Annual Number of Meetings: 4 Number of Meetings Absent: 0
2013

Date of Original Appointment: 12/10/1989

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

H. B. ... 112

Jacqueline A. Pitts

110 Ledgewood Drive • Portsmouth, NH 03801 • (603) 431-7657/Cell (603) 512-5788 • cali0917@aol.com

PROFILE

Results-oriented, quality driven **Customer Service Professional** offering extensive and diversified knowledge, experience, and success. Pioneered strategic and tactical solutions to enhance customer service, bottom-line performance, quality, and profitability within a fast paced, growth oriented environment. Highly organized and detail oriented individual with optimum planning and time management skills. Successful working under pressure and stress and consistently meeting goals and objectives. Demonstrated ability to facilitate change both as a Manager and as an individual contributor through well-developed communication, interpersonal, and listening skills. Focused on company growth and profitability while increasing client loyalty, as well as employee motivation. Proven decision making and problem/issue resolution skills. Consistently established and maintained customer rapport with a wide range of staff. Ability to learn and integrate new information and procedures easily. Proficient with Microsoft Office software.

Areas of Expertise Include:

- * **Communication and Interpersonal skills**
- * **Research and Analysis**
- * **Public Speaking/Presentations**
- * **Problem Identification and Resolution**
- * **Team Development and Training**
- * **Public Relations/Customer Rapport**

EXPERIENCE

AT&T Technical Solutions - Dover, NH 1996-2009
CUSTOMER SERVICE SUPERVISOR (2000-2009)

Compiled statistics relating to; work volume, customer service requests, and complaints, using computer data input by employees. Monitored service calls to observe employee's demeanor, technical accuracy, ensuring adherence to company's policies and procedures. Supervised employees in a fast paced call center responsible for nationwide incoming calls. Handled training modules concerning federal regulations (including new citizenship and passport regulations). Monitored and dealt with creative programs pertaining to attendance issues in a non-union and union environment. Scheduled work hours and resolved conflicts. Conducted semi-annual and annual performance reviews; developed goal plans for staff for quality improvement. Interviewed and hired staff. Trained new supervisors on company procedures and personnel management skills.

- *Implemented team approach and held weekly staff meetings to increase quality.*
- *Created and implemented internal Help Desk.*
- *Instrumental in condensing rules and regulations into easily interpreted format for customer service*
- *Team won center-wide recognition of excellence.*

AT&T Technical Services/Stanley Associates (National Passport Information Services) - Dover, NH
CUSTOMER SERVICE REPRESENTATIVE (1996-2000)

Worked on demanding and difficult situations and consistently brought unique crises to satisfactory conclusions. Ensured smooth and efficient daily operations, utilizing superlative problem solving and decision making skills.

- *20+ years background with national telecommunication systems including Verizon and AT&T.*
- *Designed, wrote, and produced in-house help desk procedure for AT&T Passport Information Center.*
- *Audited and implemented streamlined payroll distribution system for over 700 employees.*
- *Worked on multiple software systems including Deltek Payroll System.*

EDUCATION/SPECIALIZED TRAINING

University of New Hampshire, Durham, NH - Bachelor of Arts Degree/Social Services

Notre Dame College - Manchester, NH - Certificate in Pastoral Ministry Education *132 Master*

Microsoft Word, Excel, and PowerPoint software Course

Communications Seminar

COMMUNITY

Recipient: New Hampshire Citizens Alliance Award and Martin Luther King Award

Volunteer: Special Olympics, Pro Portsmouth, Strawberry Banke, Portsmouth Maritime Commission and the Portsmouth Recreation Board (current member and past Chair).

Active in local and state politics (served on the Portsmouth School Board).



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 Initial applicant

Name: KATHRYN R LYNCH Telephone: 431-5287

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

Street address: 3 BOYAN PLACE PORTSMOUTH NH 03801

Mailing address (if different): _____

Email address (for clerk's office communication): kathrynelynch@hotmail.com

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

Occupational background: RN

1973 - present various staff RN roles in hospitals & medical offices

1979-1981 Instructor LSU Medical Center School of Nursing

1981-1983; 1990-2000 Assistant Professor UNH Dept of Nursing

2000-2002; 2004 Lecturer (PT) MGH Institute of Health Professions Dept of Nursing

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

1996 → present - various leadership positions with Portsmouth Little League including president 1997-2001; 2002 → present

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

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

Reasons for wishing to serve: strong interest and concern for providing recreation resources and activities to our community to maintain health and promote wellness

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

PORTSMOUTH LITTLE LEAGUE

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

1) Tom and Vicki Decker 182 Richards Avenue, Portsmouth NH 603-433-4048
Name, address, telephone number

2) Nancy Clayburgh 405 FW Hartford Dr Portsmouth NH 603-436-6525
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: Kathy R Date: 2/27/14

If you do not receive the appointment you are requesting, would you be interested in serving on another board or commission? Yes ___ No Possibly

Please submit application to the City Clerks Office, 1 Junkins Avenue, Portsmouth, NH 03801

Dianne M. Kirby, Deputy City Clerk
1 Junkins Avenue
Portsmouth, NH 03801
Tel: (603) 610-7208
Fax: (603) 427-1579
Email: dmkirby@ch.cityofportsmouth.com

Memo

To: Mayor Robert Lister
From: Dianne M. Kirby, Deputy City Clerk *DMK*
Date: April 2, 2014
Re: Taxi Commission Meeting of March 17, 2014

At the Taxi Commission meeting on March 17, 2014, Commissioner John Palreiro tendered his resignation. Detective Newport moved to approve with regret the application for resignation of Commissioner Palreiro which was seconded by Assistant Mayor Splaine and voted.

Wednesday, April 2, 2014

To the Portsmouth City Council:

On the April 7th City Council Agenda, as a carry-over from our meeting of March 17th, the topic of "Sea-3" appears under my name.

At that meeting, at the suggestion of a number of residents advocating for greater safety, I will be requesting that the Council vote to express to the Newington Planning Board our opposition to the Sea-3 expansion proposal at this time, and that if they do approve it that we urge them to continue to join us in assuring greater safety on the Pan Am tracks through Portsmouth and the Seacoast.

A lot of things in life we have no "control" over, but we sure can "influence" and thus affect. What I have learned about the Sea-3 expansion proposal and the Pan Am rail line contributes to my strong conviction that Sea-3 should not expand. I'm in favor of growth and development, but not when it has a very real likely negative effect on the lives of the people of our neighborhoods -- and in this case Portsmouth and the entire Seacoast.

Essentially, it comes down to a question: Do we want a vision for our future that includes becoming the area's largest hazardous cargo depot any more than it already is?

I also urge that we ask the Pease Development Authority to seriously consider the proposal to build a track route through Pease Tradeport from the Newington Sea-3 area to Greenland connectors, thereby avoiding the shipment of additional hazardous cargoes through Portsmouth's heavily-populated neighborhoods and Downtown businesses.

We should also forward that request to Gov. Maggie Hassan and to our area-wide State Legislative delegations.

As an abutter to the development with obvious and intense regional impact, I think that Portsmouth has to be recorded on the Sea-3 expansion request. We shouldn't want Newington or anyone to be able to say in five or ten years if an incident has occurred that Portsmouth never expressed our objection to the expansion.

As an aside, in [The Portsmouth Herald](#) story of Sunday, March 30th, Paul Bogan, the Vice President of Operations for Sea-3, was quoted as saying, *"It's in our best interest to make things safe for all the communities and towns."*

If so, he can insist - INSIST -- that Pan Am provide greater margins of safety in their operations. Both Sea-3 and Pan Am will make considerable profit on this expansion. Sea-3 and Pan Am -- not taxpayers -- should bear the costs for rail crossing controls and lights where streets and roads intersect the rail lines, expected to be very expensive just in Portsmouth. They should also pay for additional needed training for our first-responding emergency personnel.

Sea-3 and Pan Am should upgrade their tracks to at least Class 2 standards but PROMISE to operate the trains carrying propane and other hazardous cargoes at no more than 10 MPH.

They should also pay toward evacuation plans for our Downtown and Islington Street neighborhoods, and for studying egress for neighborhoods that may be cut off if a hazardous cargo shipment derails or causes a problem.

A permanent connector road is necessary for the Atlantic Heights area, and that should not be burdened onto our taxpayers since much of the need for that road is the rail line owned by Pan Am.

They should upgrade their engines to pollute less, and provide greater quiet. They should agree not to park their hazardous cargoes in area rail yards overnight.

And as I asked at the Monday, March 24th Newington Planning Board meeting, they should agree to alert Seacoast-area safety personnel of their schedule when shipping propane and other hazardous cargoes; an agreement that I and others had worked out with Sea-3 and the then-Boston & Maine Railroad in the late 1970s when we initially addressed these concerns.

Those are minimal expectations that we should have from companies that say they want to be neighborly, and which want to ship hazardous cargo on the rails through our neighborhoods and Downtown. Unless and until those expectations are met and guaranteed, we should express our opposition to expansion plans that affect not just our quality of life, but could cause loss of life as well.

Thank You

Jim Splaine
City Councilor

March 12, 2014

To the Portsmouth City Council,

I have asked the following item be placed on the City Council Agenda for Monday, March 17th:

Creating A Fee Penalty Guideline For Violations Of Land Use Board Approvals

While watching the meeting of the Historic District Commission of Wednesday, March 5th, I was surprised to learn that perhaps there are no current ordinances that provide a penalty for violations of land use board approvals.

Fortunately for the people of Portsmouth, the violations of Portwalk from the original permissions granted were caught. But the "**I Forgot, I'm Sorry Syndrome**" should not be accepted as an excuse for such violations -- whether intentional, or not.

I would like to ask for clarification of what statutory authority the City of Portsmouth does indeed have, in addition to forcing a developer or builder to revert back to what had been formally granted.

In this case, the dilemma seems to be that if there are some things that were done without approval, the HDC might well "grant" approval now -- after the fact. That alone sets a dangerous precedent.

Putting the issue of Portwalk aside, in the future, if developers or builders want to make changes after plans have been approved, all they have to do is unilaterally make their change -- and if by chance they are "caught," they just have to plead their case that their change was better than plans originally approved. Then all is forgiven?

I recently reviewed the very first report of the Citywide Neighborhood Committee presented on February 6, 1995 co-written by then City Councilor Evelyn Sirrell and myself, along with resident Ginny Weeks. In the "Conclusion" we observed that one of the major problems was with enforcement of zoning laws. The **Portwalk Incident** highlights that.

On page 31 concerning RECOMMENDATIONS we wrote: "***Zoning Enforcement seems to be a low priority with Administrative staff. Strengthen procedure and clarify staff responsibilities regarding enforcement. Empower staff to follow through with enforcement policy.***"

That was written 19 years ago, and I'm sure our administrative staff does much greater oversight now. But maybe we need to do even better, and a stronger ordinance is needed. If our land use boards are to have any real influence over building Portsmouth's future, they need to have the tools to enforce their decisions. At the very least, a builder or developer should not be given the easy way out when violations have been discovered.

I propose that we ask our City Attorney and staff to come up with a fee penalty guideline that can be used for violations of land use board approvals. I also ask that we ask our City Attorney and staff to pursue a fine for the violations of Portwalk in the most recent instance.

Otherwise, this matter becomes just another example of someone casually going through a STOP sign without really stopping: you get away with it if you don't hit anything and no one notices.

Thank You,

Jim Splaine - City Councilor

March 12, 2014

To: Portsmouth City Council

I have asked that the following be placed on the City Council Agenda for Monday, March 17th:

Status Of Abandoned Or Derelict Buildings

My intent is to ask our good City Attorney and City Manager what our current approach is toward buildings throughout the city that appear to be either abandoned, or in disrepair -- especially business properties, but long-vacant houses as well.

During my Neighborhood Walks, I have been made aware and seen a number of situations of apparently virtually abandoned buildings. To be specific about a few, there is an old former store off Sherburne Road, two homes in Pannaway Manor, a home on Woodlawn Circle, an old store front on a corner on Hanover Street, and an old former gasoline station on Islington Street. There certainly are other examples.

Perhaps in some cases a phone call from city staff could result in either some clarification of abandonment, or an encouragement to make the property more presentable. Perhaps in other cases the city needs to take action to be sure that there is compliance with safety and environmental concerns.

But even if basic safety and environmental matters are met and the property is boarded up and utilities are turned off, the actual impact on the neighborhood should be a consideration since the general ambience is affected, as well as nearby property values likely reduced.

I'm not sure of the depth of what the city should do, either under our own ordinances or state statutes -- but I do know that residents of several neighborhoods which I have visited are concerned about inaction, and about the impact on their neighborhoods.

Relating to this, I also would like an update of our ordinances concerning abandoned vehicles, especially those which remain in locations even on private property which have not been registered for a long period of time.

In one Neighborhood Walk, I was shown two locations in the Pannaway Manor area. It seems that there should be some clarification, and enforcement, of procedures regarding abandoned vehicles -- which affect not only a neighborhood, but also may have environmental and liability impact as well.

Thank You,

Jim Splaine - City Councilor

MINUTES
PARKING AND TRAFFIC SAFETY COMMITTEE MEETING

8:00 A.M. – Thursday, March 13, 2014
City Hall – Eileen Dondero Foley Council Chambers

I. CALL TO ORDER:

Chairman Pro Tem Lown called the meeting to order at 8:00 a.m.

II. ROLL CALL:

Members Present:

Councilor Brad Lown
Carl Roediger, Deputy Fire Chief
Frank Warchol, Police Captain
Peter Rice, Public Works Director
Ronald Cypher, Member
Ted Gray, Member
Harold Whitehouse, Member

Members Absent:

John Bohenko, City Manager
Shari Donnermeyer, Member

Staff Advisors Present:

Mark Nelson, Parking Division Director
Tom Cocchiaro, Parking Operations Manager
Juliet Walker, Transportation Planner

III. ACCEPTANCE OF THE MINUTES:

Mr. Gray moved to accept the minutes of February 13, 2014, seconded by Public Works Director Rice. Motion passed.

IV. FINANCIAL REPORT:

Public Works Director Rice moved to accept the Financial Report and place on file, seconded by Mr. Gray. Motion passed.

V. NEW BUSINESS:

A. Informational Item: Citizen request assistance in traffic slowing on Spinney Road

Captain Warchol explained that Reverend Shippee had contacted the police regarding speeding in the Spinney Road/Middle Road area since the closing of the Islington Street Bridge. He stated the police department has conducted extensive monitoring which has helped the situation and the will continue to do so throughout the construction of the bridge.

Public Works Director Rice stated they have also received complaints that people are trying to go over the bridge still even though there are several signs. He stated they will work to make the signage more visible.

Mr. Whitehouse asked if there is anything in the CIP for sidewalks on Spinney Road in the upcoming year. Public Works Director Rice stated there are sidewalks planned 2 years from now in the CIP.

Chairman Lown asked if the property ownership issues have been resolved on Spinney Road. Public Works Director Rice stated that we have obtained easements.

No Action required.

- B. Informational Item: Citizen concern raised at City Council meeting regarding need for Crosswalk on Middle Street @ Cabot Street

Parking Division Director Nelson stated a review of the area does show that there is not a crosswalk at that particular intersection but there are 2 crosswalks close to that area; one 200' to the south and one 500' towards town. He stated that this area is included in the upcoming study to be conducted with the bicycle master plan and grant funding being received, so it is possible that they may determine a need for one there.

No action required.

VI. OLD BUSINESS:

- A. Discussion Item – Status on Hanover Street (vicinity Rock St) changes

Parking Division Director Nelson explained that the 2-way sign plan has been done and the signs will be installed in one-day. He stated that Dig-safe will come in the upcoming week and then DPW will install the appropriate signs all at once to hopefully avoid confusion.

No action required.

- B. Discussion Item - Status on pedestrian-activated crosswalk acquisition

Parking Division Director Nelson stated he recently walked the area with the vendor, but the installation will have to wait until the Spring after the ground thaws as prep work will need to be done. He stated we are also trying to make sure it dovetails with the ongoing reconstruction project on Lafayette Road, but feels the roadway is wide enough in that location so it shouldn't be a problem.

No action required.

VII. PUBLIC COMMENT:

There were no speakers for Public Comment.

VIII. INFORMATIONAL:

A. Update on NHDOT Projects

Parking Director Nelson updated the Committee on the ongoing NHDOT Projects as follows:

- a). Lafayette Road section where overpass was removed will be finished on the other side before summer;
- b). Islington Street Bridge, the sewer pipe has been ordered, the gas line needs to be rerouted before going on to the next stage;
- c). Maplewood Avenue Bridge, was going to be out of service in May but has been moved back to August 1st.

Chairman Lown stated it seems all of our bridges are due for reconstruction at the same time. Public Works Director Rice stated that is correct as they have all been "red-listed".

No action required.

B. Parking Shuttle Status

Parking Division Director Nelson stated that the project has been awarded to Transaction Corporate Shuttles of Woburn MA for \$36,000.00 which was considerably lower than other bids received. He stated that have a long history in this business and great references and run similar services in Massachusetts and Manchester. He stated he and Juliet Walker will be meeting with the CEO of the company and are currently getting quotes for shelters. He stated the CCC Church will be one location where a shelter will be located. He stated that we will need to market this program and ensure signage is visible to those coming into town.

Public Works Director Rice stated they will be putting together the memo for the City Manager to brief the City Council as well. He stated the shelters will have a countdown meter and there will be message boards at the High/Hanover garage directing people to these shuttle locations when the garage is full.

Chairman Lown asked what the turnaround time will be and what days they will be running. Public Works Director Rice stated that this will be run originally as a pilot program to collect data on when/how often it is used etc. He stated it will run in 10 minute intervals and will be run on Fridays, Saturdays and Sundays beginning in early May through the summer. He stated the good price that we are getting the service will help us be able to add hours as needed, but we need to get the infra-structure in place first. He stated he would like to coordinate the opening with "Bike to Work" week if possible.

Mr. Whitehouse asked if this money is coming out of the parking revenues. Public Works Director Rice stated yes, it will be coming from unmet parking needs.

Chairman Lown asked if there will be any cost to CCC Church for the shelter. Public Works Director Rice stated no, they are happy to have it located there because they have students that can utilize it as well. Chairman Lown asked if they want anything in return for allowing it

to be located there. Public Works Director Rice stated no, but the City has done some line striping and paving in the past.

No action required.

IX. MISCELLANEOUS:

Action Item – Request for Handicap Parking space @ 49 Rockingham Avenue
(Not on agenda)

Public Works Director Rice explained that this item came in after the agenda had been sent out but that it is a matter of urgency for the requester who is terminally ill.

Public Works Director Rice moved to install a handicap space at 49 Rockingham Avenue for the necessary period of time, seconded by Mr. Cypher. Motion passed.

Mr. Whitehouse asked if there has been any update from the EDC regarding the new parking garage location recommendation.

Chairman Lown stated the EDC is forming a sub-committee and there is currently discussion regarding the “Gary’s Beverage” lot with a public/private partnership opportunity.

Mr. Whitehouse asked if there is a time limit for reporting back. Chairman Lown stated no, and stated that there has been some distress expressed in not being able to consider the Worth Lot in the discussions.

Chairman Lown stated that we are still in discussions with GSA regarding the McIntyre Federal Building and feels that at the very least we should be able to use the parking lot more than we currently do.

X. ADJOURNMENT

Mr. Whitehouse moved to adjourn at 8:30 a.m. Seconded by Mr. Gray and voted unanimously.



March 5, 2014

VIA E-MAIL (jdt@mind.net)

Councilor Esther Kennedy
Councilor Jack Thorsen
City of Portsmouth, NH

Re: Legal Questions regarding Financial Disclosures

Dear Ms. Kennedy and Mr. Thorsen,

It was a pleasure meeting with you both last week. I write as you have requested to confirm our conversation and to provide some language that may helpful if the Council considers amending the City Administrative Code in the ways we discussed.

1. Preemption/Enabling Legislation

First, there was concern about whether the City had authority to require financial disclosures, and if any state or federal law preempted the City from requiring financial disclosures from City elected and appointed officials and employees. I noted that RSA 31:39-a (regarding conflict of interest ordinances which may require disclosure of financial interests for specified officers and employees) and RSA 49-C:33, I(c) (permitting city charter provisions to address conflicts of interest in ways at least as stringent as state law) provide the City with the authority necessary to require such disclosures. I also noted that I was unaware of any state or federal statute that would prohibit such a requirement.

In addition, both NH law and court opinions set forth clear and strong requirements regarding conflicts of interest. Whether mentioned in a charter or not, all officials and employees of every municipality must comply with the general principles regarding conflicts of interest. A person has a disqualifying conflict of interest in a matter when he has a "direct personal and pecuniary [financial] interest in the outcome" of a matter before him or her. That interest must be "immediate, definite and capable of demonstration; not remote, uncertain contingent or speculative." *Atherton v. Concord*, 109 N.H. 164 (1968). The reasons for this rule are obvious: a person cannot serve two masters at once. The public interest must not be jeopardized by the acts of a public official who has a personal financial interest which is, or may be, in conflict with the public interest. Thus, there is no doubt that conflicts of interest are regulated in City government whether or not the Charter or Administrative Code say anything about them. It is simply not optional.

Finally, we all agreed that financial disclosures are an important part of the larger issue of transparency. Everyone who is elected, appointed or hired to perform services for the City is doing the public's work, spending the public's money, and affecting the public interest. Citizens need to know what the government is doing and have confidence that their City officials and employees are acting in the public interest, without conflicts or bias caused by personal or financial interests. That is the purpose from which the rest of our discussion flowed, and that is what I have kept in mind when drafting the language you requested.

2. Requirements of Charter Amendment C

We then turned our attention to Charter Amendment C, adopted 11/3/1987. It states the following:

"The City Council shall establish a Conflict of Interest Ordinance for City Departments, including police and school boards and commissions, no later than sixty (60) days after passage of this provision. The ordinance will contain as a minimum, but is not limited to:

- A. Mandatory financial disclosure by all police, school, municipal officials, whether appointed or elected, of current personal sources of income and all capital assets including, but not limited to, stock and real estate holdings and interests, in a sworn statement before the City Clerk at least biannually or before assuming office.
- B. Mandatory review boards and procedures to determine violation of the ordinance.
- C. Mandatory penalties for violations of the ordinance.
- D. Comprehensive definitions of such violations, and procedures to be used in reporting, investigating, and correcting the results of violations."

The concern you expressed was that City's Administrative Code did not adequately carry out the requirements set forth in Amendment C. In particular, Articles VIII and IX address ethics, conflicts of interest and mandatory disclosures, but it was not clear whether they really accomplish the goal intended by Amendment C.

Attached to this letter please find the memo I shared with you at our meeting. It sets forth the requirements of Amendment C and my observation of exactly what Articles VIII and IX require. It also lists a variety of terms which are either not defined or are used inconsistently among Amendment C and the two Articles. Those definition issues seem to have led to quite a bit of confusion about which officials and employees are required to make certain disclosures, and whether as a whole the Articles are doing enough to carry out Amendment C's requirements. We concluded that they are not. It is not clear how that happened but we agreed it was entirely possible that the definitions and terms used in the Administrative Code and the Charter were in line in the past but that over time one or both have changed so that they no longer agree.

From a big picture perspective, we noted it would make sense to (1) fix what can be fixed in the Administrative Code now, (2) if the Council decides it is necessary, begin the Charter amendment procedure to make changes to Amendment C and/or any other part of the Charter, and (3) if the Charter is amended, make further changes to the Administrative Code to conform to the changes in the Charter.

3. Potential Amendments to Administrative Code Articles VIII and IX

The heart of the issue was the use in Amendment C of the term "City Departments." The disclosure requirements are supposed to apply to "City Departments", which is a term never used or defined in the Charter or the Administrative Code. It is modified by "including police and school boards and commissions," but it is not clear whether that means "including and ONLY including" or "including but not limited to." If read broadly, the disclosure requirements in the Administrative Code should apply to all departments of the City, including but not limited to police and school officials, elected or appointed. If read narrowly, it should apply only to police and school board and officials.

You asked me how a court might look at this issue. I explained that, as a general matter of law, New Hampshire courts faced with an undefined term usually begin with the assumption that the word should be understood according to the "plain and ordinary meaning" used. Courts would also look at the term in the context of the entire document (contract, charter, ordinance, statute, etc.) and assume the intent was for all of the sections to work together. Courts do not ordinarily ascribe a meaning to an undefined term which makes no sense in light of the other sections of the document, or which leads to an absurd result. If a document is ambiguous and intent is difficult to determine, a court will look to the intent of the drafters at the time it was written. (In this case, that would mean looking back to see what was intended in 1987 when Amendment C was adopted, which I understand is something you plan to do.)

Turning back to the documents, Amendment C mandates that the Council adopt an ordinance that requires financial disclosure by all "City Departments, including police and school boards and officials whether appointed or elected...." These disclosures must include "current personal sources of all income and all capital assets, including, but not limited to, stock and real estate holdings and interests...."

However, while Article VIII applies to "officers" and "employees" fairly broadly, it is not clear if it applies to the same intended group under Amendment C. In addition, Article VIII requires only disclosures of interest in legislation, investments creating a conflict of interest with legislation, and incompatible employment. It does not require the specific financial disclosures that are mandated by Amendment C.

Article IX is somewhat the opposite. It seems only to apply to the City Councilors and School Board members, rather than the larger group required by Amendment C, but it does require financial disclosures along the lines of those listed in Amendment C.

In other words, one Article does some of what is required, the other Article does a different piece of what is required, but together they don't seem to accomplish all of what is required by the Charter (or needed on a practical level) and there is some confusion. We discussed merging them into one article but you both felt keeping them separate made more sense. My understanding is that the issue of ethics in general for the Council is somewhat different than the issue of financial disclosures, and you prefer to keep those separate for ease of understanding. This brought us to the second idea, which is to keep the articles separate but amend each of them to add things that are missing and remove unnecessary items. This is the option with which you asked me to go forward to draft some language.

4. Specific Instructions for Amending Language

The language attached was written under the guidance you provided, including:

- A. Assume that Amendment C's reference to "City Departments" and "municipal officials" is intended to be interpreted broadly.
- B. Specifically, assume that Amendment C is intended to include not only the Charter Departments as defined in the Charter, but also the departments listed in Article I, boards as listed in Article III, commissions and authorities as listed in Article VI, and other municipal officials and employees whose position with the City require transparency regarding personal and financial conflicts of interest to maintain the public's confidence in the integrity of City government.
- C. In Article VIII, add to the definition of "officers" people who are voting members of boards, commissions and authorities as listed in Articles III and IV, as well as other officials including the City Manager.
- D. In Article IX, add to the disclosure of "sources of income" the income and assets of spouses, and add a disclosure requirement regarding public, private or civic board memberships in organizations with a relationship to the city and leadership positions in organizations with a connection to the City. You did not ask me to broaden the scope of the definition of "Municipal Official" in this section to include all those included in Article VIII, so I have not done that, but I have added the City Manager as you requested.

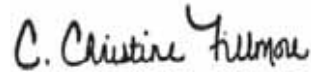
City of Portsmouth
March 5, 2014
Page 5 of 5

E. Although we agreed that Amendment C uses broad language regarding the disclosures required, we also agreed that it makes sense only to require disclosures which are related to City property, City businesses, and other City-specific situations rather than broad financial disclosures of every stock held and every business interest having no connection with the City. Amendments as we discussed will not bring Article IX into total compliance with Amendment C, you believed it was closer to the actual intent of Amendment C.

F. Please note as well that the section on “Disclosures of Confidential Information” was duplicative of the next section regarding Investments, and did not actually address confidential information. I have added suggested language that may be helpful as a starting point if this was the original intent of that section.

I hope this information is helpful. Please do not hesitate to contact me at any time should you have further questions or concerns.

Regards,



C. Christine Fillmore
Staff Attorney
NH Municipal Association
25 Triangle Park Drive
Concord, NH 03301
1-800-852-3358 ext. 3408
legalinquiries@nhmunicipal.org

Meeting w/Councilors Jack Thorsen and Esther Kennedy

Portsmouth City Charter/Administrative Code Review
Disclosure of Interests

February 26, 2014

Charter Amendment C –

1. Requires Conflict of Interest Ordinance for “City Departments” including police and school boards
2. Requires mandatory financial disclosures by all “police, school, municipal officials whether appointed or elected”
3. Disclosures of current personal sources of income and all capital assets including but not limited to stock and real estate holdings and interests, at least biannually or before holding office

Administrative Code – two sections addressing the issue

Article VIII – Ethics

1. Applies to “Officers” in §1.801(A) which include police commission and school board as required by Charter Amd. C. Also applies to others defined as “officers” which includes
 - a. City Councilors
 - b. School board members
 - c. Police Commission members
 - d. Fire Commission members
 - e. Members of every land use regulatory board, meaning Board of Adjustment, Planning Board, Historic District Commission, Conservation Commission, Technical Advisory Committee, Traffic Safety Committee, Building Code Board of Appeals, Recreation Board, Planning and Development Council and Economic Development Commission
 - f. Every department head as that term is used in the Administrative Code
 - g. Chief of Police
 - h. Fire Chief
 - i. Superintendent of School
 - j. Trustees of Trust Funds
 - k. Housing Authority members
2. Requires disclosures of:
 - a. Interest in legislation
 - b. Investments creating a conflict
 - c. Incompatible employment

Article IX – COI/Mandatory Financial Disclosure

1. Applies to “Municipal Officials” in §1.901(B) meaning
 - a. City Councilors
 - b. School Board members

2. Requires Financial Disclosure Statement by all Municipal Officials annually
 - a. Financial disclosures include sources of annual income and capital assets of at least \$5,000 including stocks, bonds or other business interests in any business entity with connection to City, as well as all real estate and interest in real estate in City.

Issues between Charter Amendment C and Administrative Code

1. “*City Departments*” as used in Amendment C is not defined anywhere in Charter or Admin. Code
2. Charter defines “*Charter Departments*” to include Police Department, Fire Department and School
3. Amendment C applies to “*municipal officials*” which is never defined in Charter or Code
4. Admin Code §1.102 lists departments and organization of them, but does not define them as “City Departments.”
5. Admin Code Art III refers to “boards” but doesn’t call them City Departments or Charter Departments
6. Admin Code Art IV refers to “commissions and authorities” but doesn’t call them City Departments or Charter Departments
7. Admin Code does, however, refer to “Charter Departments,” but not in the financial disclosure sections
8. Admin Code Art. VIII applies to “*department heads*” as referred to in Admin Code, but there is no definition of “department head” in the Code.

Issues to Consider

1. City Departments – what was meant by this in Charter Amd. C?
2. Municipal Officials – what was meant by this in Charter Amd C?
3. Article VIII and IX could be combined or more clearly defined, because Article VIII does not go as far as required by Charter Amendment C. Article IX of Code applies only to City Council and School, but second requirement of Amendment C is for disclosures by all police school and “municipal officials”. This seems to mean a broader group, perhaps as defined in Article VIII as “officers.”

Suggested Amendments to Article VIII: Code of Ethics

Section 1.801: Definitions

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

- A. Officer: The term "Officer" shall be defined to include every member of the City Council, School Board, Police Commission, Fire Commission, each member of every Board listed in Article III of this Administrative Code, each member of every Commission and Authority listed in Article IV of this Administrative Code, every department administrator of all departments listed in Section 1.102 of this Administrative Code, the City Manager, Chief of Police, Fire Chief, Superintendent of Schools, and the Trustees of the Trust Funds,
- B. Employee: The term "Employee" shall include all employees of the City including but not limited to the Police, School and Fire Departments whose salary is paid in whole or in part from the City Treasury.
- C. Governing Body: The term "Governing Body" shall mean the City Council, School Board, Police Commission, and Fire Commission.
- D. Official Duties: The term "Official Duties" shall mean the following:
 - 1. In the case of members of the City Council, School Board, Fire Commission, Police Commission and the City Manager, those duties and responsibilities set forth in the City Charter, this Administrative Code, and/or established by State law.
 - 2. In the case of members of any Board under Article III of this Administrative Code and members of any Commission or Authority under Article IV of this Administrative Code and the Trustees of the Trust Funds, those duties and responsibilities set forth in the legislation that established each board and/or outlines the duties and responsibilities of each board, the City Charter and this Administrative Code.
 - 3. In the case of the Chief of Police, the Superintendent of School, the Fire Chief, and all Employees, those duties and responsibilities set forth in the respective job description for each party or Employee.

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- Deleted:** land use regulatory board, i.e., the Board of Adjustment, Planning Board, Historic District Commission, Conservation Commission, Technical Advisory Committee, Traffic Safety Committee, Building Code Board of Appeals, Recreation Board, Planning and Development Council, and Economic Development Commission
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- Deleted:** and members of the Housing Authority

Section 1.802: Conflicts of Interest

- A. No Officer or Employee shall engage in any business or transaction or shall have a financial or other private interest, direct or indirect, which is in conflict with the proper discharge of his/her Official Duties.
- B. Representing Private Interests before City Agencies: No Officer or Employee shall appear in behalf of private interests before any Governing Body or Board, Commission or Authority of which the Officer or Employee is a member or for which membership is subject to approval by the Officer or Employee.

Officers and Employees, however, may appear without compensation in behalf of constituents or in the performance of public or civic obligations. This section shall not prohibit appearances

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upon matters only incidentally requiring official action which do not develop into a substantial part of the individual's Official Duties, provided that the retainer is not for the purpose of appearing before the Governing Body, Board, Commission or Authority.

- C. Representing Private Interests Before Courts: No officer or Employee shall represent private interests in any action or proceeding against the interests of the Board, Commission, Authority or Governing Body of which the Officer or Employee is a member, or for which membership is subject to approval by the Officer or Employee in any litigation to which the City is a party.
- D. Disclosures of Interest in Litigation: A Councilor who has a direct or indirect financial or other private interest in any proposed legislation shall publicly disclose, on the official records of the Council, the nature and extent of such interest.
- E. Disclosures by Officer or Employee of Interest in Legislation: An Officer or Employee who has a direct or indirect financial interest or other private interest in any legislation, and who participates in in discussion before or gives official opinion to the Council, shall publicly disclose on the official record the nature and extent of such interest.
- F. Gifts and Favors: No officer or Employee shall accept any gift, over \$100.00, whether in the form of service, loan, thing or promise, or any other form, from any person, firm or corporation which to his/her knowledge is interested directly or indirectly in any manner whatsoever, in business dealings with the City. This provision shall not apply to campaign contributions of \$100.00 or less.
- G. Disclosures of Confidential Information: No Officer or Employee shall divulge to the public any information which that Officer or Employee learned by virtue of his/her official position, or in the course of his/her Official Duties, if: (1) A public body properly voted to withhold that information from the public by a vote of 2/3, as required by RSA 91-A:3, III, and if divulgence of such information would constitute an invasion of privacy, or would adversely affect the reputation of some person other than a member of the public body or would render proposed municipal action ineffective; or (2) The Employee or Officer knew or reasonably should have known that the information was exempt from disclosure pursuant to RSA 91-A:5, and that its divulgence would constitute an invasion of privacy, or would adversely affect the reputation of some person other than a member of the public body or agency, or would render proposed municipal action ineffective.
- H. Investments in Conflict with Official Duties: Any Officer or Employee who holds any direct or indirect investment in any financial, business, commercial or other private entity which creates a conflict with his/her Official Duties shall publicly disclose on the official record the nature and extent of such interest.
- I. Incompatible Employment: No Officer or Employee shall engage in or accept private employment or render or seek services or goods for private interests when such employment or service creates a conflict with his/her Official Duties.

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General note: Although substantively Sections 1.804 and 1.805 do not seem to need any revision based upon our discussion, any official terms (Employee, Official, Official Duties, etc.) should be capitalized to avoid confusion.

Suggested Amendments to Article IX: Conflict of Interest/Mandatory Financial Disclosure

Section 1.901: City Council and School Board Disclosures

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

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

Municipal Official: For the purpose of mandatory financial disclosure, the term "Municipal Official" shall be defined to include City Council, City Manager, and School Board members.

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

Capital Assets: The term "capital assets" shall be defined to include all corporate stocks or bonds or any other business interest in any business entity which maintains a business location in the City of Portsmouth, owns property in the City of Portsmouth, transacts substantial business in the City of Portsmouth, or transacts business with the City of Portsmouth. The term "capital assets" shall also be defined to include all real estate holdings and interest in real estate located in the City of Portsmouth.

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Financial Disclosure Statement: The term "Financial Disclosure Statement" shall mean a written statement, given under oath, listing an individual's and his/her spouse' primary source of annual income and capital assets. However, in no instance shall disclosure be mandated of capital assets whose value at the time of disclosure is below Five Thousand (\$5,000) dollars nor shall the value of any source of income or the value of any capital asset be required for disclosure.

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Affiliation Disclosure Statement: The term "Affiliation Disclosure Statement" shall mean a written statement, given under oath, listing an individual's board or leadership position (paid or unpaid) with every public, private, professional or civic organization (whether or not for profit) which maintains a business location in the City of Portsmouth, owns property in the City of Portsmouth, transacts substantial business in the City of Portsmouth, or transacts business with the City of Portsmouth.

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- C. Obligation of all Municipal Officials: From and after June 30, 1988, all Municipal Officials will maintain an updated Financial Disclosure Statement and an updated Affiliation Disclosure Statement at the Office of the City Clerk. Each statement shall be updated annually as of June 30th. Forms shall be prepared by the City Clerk and made available to all municipal officials for this purpose, substantially the same as the forms attached.

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D. Determining Violations: For violation and enforcement purposes, complaints alleging violations of the Mandatory Disclosure Ordinance shall be administered in accordance with the process and penalties available under the Municipal Code of Ethics, Reference Chapter 1, Article VIII.

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E. Public Records: Financial Disclosure Statements and Affiliation Disclosure Statements shall be public records. (Amended 6/4/2007).

F. Return of Records: Financial Disclosure Statements and Affiliation Disclosure Statements shall be returned to the public official six (6) months after leaving office.

(Adopted In Its Entirety 3/21/88, Amended 3/28/88)

Sample Financial Disclosure Statement

The undersigned Municipal Official of the City of Portsmouth discloses the following sources (both mine and those of my spouse) of Income and Capital Assets as defined in Section 1.901(B) of the Administrative Code of the City of Portsmouth:

Primary Source of Income:

Capital Assets:

Municipal Official

Date: _____

Please Print Name

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

The foregoing instrument was acknowledged before me this _____ (date) by
_____ (name of person acknowledged).

Notary Public

Print Name: _____

My commission expires:

Sample Affiliation Disclosure Statement

The undersigned Municipal Official of the City of Portsmouth discloses the following board or leadership positions (paid or unpaid) with every organization as required in Section 1.901(B) of the Administrative Code of the City of Portsmouth:

Organization:

Position with Organization:

Municipal Official

Date: _____

Please Print Name

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM


The foregoing instrument was acknowledged before me this _____ (date) by
_____ (name of person acknowledged).

Notary Public

Print Name: _____


My commission expires:

MEMORANDUM

TO: John P. Bohenko, City Manager
FROM: Liz Good, Planning Department 
SUBJECT: Conservation Commission Minutes
DATE: March 13, 2014

Please be advised that the approved minutes from the July 10, 2013 Conservation Commission meeting are now available on the City's website for your review.

MEMORANDUM

TO: John P. Bohenko, City Manager
FROM: Liz Good, Planning Department 
SUBJECT: Historic District Commission Minutes
DATE: March 13, 2014

Please be advised that the approved minutes from the August 21, 2013, September 4, 2013, and September 11, 2013 Historic District Commission meetings are now available on the City's website for your review.

MEMORANDUM

TO: John P. Bohenko, City Manager
FROM: Jane Shouse, Planning Department *JMS*
SUBJECT: Planning Board Minutes
DATE: March 25, 2014

Please be advised that the approved minutes from the following Planning Board meetings are now available on the City's website for your review:

October 17, 2013

October 24, 2013

October 31, 2013

Thank you.
jms

MEMORANDUM

TO: John P. Bohenko, City Manager *JML*
FROM: Jane Shouse, Planning Department
SUBJECT: Site Review Technical Advisory Committee Minutes
DATE: March 27, 2014

Please be advised that the approved minutes from the March 4, 2014 Site Review Technical Advisory Committee meeting are now available on the City's website for your review.

MEMORANDUM

TO: John Bohenko, City Manager
FROM: Mary E. Koepenick, Planning Department *M.E. Koepenick*
SUBJECT: Board of Adjustment Minutes
DATE: March 28, 2014

The approved Minutes of the following Board of Adjustment meetings are now available for review on the City's website:

April 18, 2013