

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, SEPTEMBER 22, 2014 TIME: 6:00PM

AGENDA

- I. CALL TO ORDER (6:00 P.M.)
- II. ROLL CALL
- III. ANTICIPATED “NON-PUBLIC” SESSION RE: CONSIDERATION OF ACQUISITION OF REAL PROPERTY – RSA 91-A:3, II (d)
- IV. INVOCATION
- V. PLEDGE OF ALLEGIANCE

PROCLAMATION

1. Daughters of the American Revolution (DAR) – Constitution Week

VI. ACCEPTANCE OF MINUTES – JUNE 2, 2014 AND JUNE 9, 2014

VII. PUBLIC COMMENT SESSION

VIII. APPROVAL OF GRANTS/DONATIONS

A. Acceptance of Police Department Grant and Donations:

- Acceptance of Grant from Department of Justice for replacement of bullet-proof vests for sworn officers - \$5,898.43
- Acceptance of Donations to defray the cost of producing and airing Public Service Announcements (PSAs) regarding the department’s opiate addiction initiative:

- Mr. Gerald W. Howe and his wife, Ms. Jocelyn Frechette - \$1,000.00
- Mr. James Frechette - \$500.00
- Mr. and Mrs. Peter C. Frechette - \$250.00

(Sample motion – move to approve and accept the grant and donations to the Portsmouth Police Department)

B. Acceptance of Donation to Welfare Department from Unutil in the amount of \$2,500 for the Back to School Drive ***(Sample motion – move to accept and approve the donation to the Welfare Department for the Back to School Drive, as presented)***

C. Acceptance of Grant for Household Hazardous Waste Collection in the amount of \$5,594.00 ***(Sample motion – move to accept and expend a \$5,594.00 DES grant for the purpose of household hazardous waste collection events and authorize the City Manager to execute any documents which may be necessary for this grant contract)***

IX. PUBLIC HEARINGS

- A. PROPOSED ORDINANCE AMENDMENT TO CHAPTER 7, ARTICLE II, SECTION 7.230 – PROHIBITED CONDUCT BY MEDALLION HOLDERS OR OWNERS
- B. ORDINANCE AMENDING CHAPTER 10 – ZONING ORDINANCE, SECTION 10.440, TABLE OF USES – RESIDENTIAL, MIXED RESIDENTIAL, BUSINESS AND INDUSTRIAL DISTRICTS, BY CHANGING USE #1.41 (MULTIFAMILY DWELLING, 3 OR 4 DWELLING UNITS) FROM “P” (PERMITTED) TO “S” (SPECIAL EXCEPTION) IN THE GENERAL RESIDENCE A AND B (GRA & GRB) DISTRICTS
- C. ORDINANCE AMENDING THAT THE FOLLOWING LOTS BE REZONED FROM INDUSTRIAL (I), OFFICE RESEARCH (OR) OR MUNICIPAL (M) TO CHARACTER DISTRICT 4 (CD4):
- ASSESSORS MAP 163, LOTS 33, 34 AND 37;
 - ASSESSORS MAP 165, LOTS 1, 2 AND 14
 - ASSESSORS MAP 172, LOTS 1 AND 2;
 - ASSESSORS MAP 173, LOTS 2 AND 10
- AND INCLUDING CATE STREET BETWEEN HODGSON’S BROOK AND BARTLETT STREET, AS SHOWN ON THE ATTACHED EXHIBITS TITLE “AREAS PROPOSED TO BE REZONED TO CHARACTER DISTRICT 4 (CD4)”, AND FURTHER THAT THE ZONING MAP REFERENCED IN CHAPTER 10, ARTICLE 4, SECTION 10.420 (DISTRICT LOCATION AND BOUNDARIES) OF THE ORDINANCES OF THE CITY OF PORTSMOUTH BE REVISED ACCORDINGLY
- D. RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF UP TO THREE MILLION FOUR HUNDRED SEVENTY FIVE THOUSAND DOLLARS (\$3,475,000.00) FOR COSTS RELATED TO FISCAL YEAR 2015 CITYWIDE SEAWALL, STREET, AND SIDEWALK IMPROVEMENTS
- E. RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF UP TO SEVEN HUNDRED FIFTY THOUSAND DOLLARS (\$750,000.00) FOR COSTS RELATED TO FISCAL YEAR 2015 SCHOOL FACILITIES IMPROVEMENTS
- F. RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF THE CITY UNDER THE MUNICIPAL FINANCE ACT AND/OR PARTICIPATION IN THE STATE REVOLVING FUND (SRF) LOAN OF UP TO FOUR MILLION EIGHT HUNDRED THOUSAND DOLLARS (\$4,800,000.00) RELATED TO GREENLAND WELL UPGRADES, MAPLEWOOD AVENUE WATERLINE REPLACEMENT AND WATER SYSTEM PRESSURE-STORAGE IMPROVEMENTS
- G. RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF THE CITY UNDER THE MUNICIPAL FINANCE ACT AND/OR PARTICIPATION IN THE STATE REVOLVING FUND (SRF) LOAN OF UP TO ONE MILLION DOLLARS (\$1,000,000.00) FOR COSTS RELATED TO THE PEASE WASTE WATER TREATMENT PLANT UPGRADES

X. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First Reading of Proposed Ordinance amending Chapter 1, Article VIII, Section 1.807 by the creation of a new provision identified as 1.807 Bequests or Gifts to City Employees ***(Sample motion – move to pass first reading and schedule a public hearing and second reading of the proposed Ordinance at the October 6, 2014 City Council meeting, as presented)***

- B. Second Reading of Proposed Ordinance Amendment to Chapter 7, Article II, Section 7.230 – Prohibited Conduct by Medallion Holders or Owners ***(Sample motion – move to pass second reading and schedule a third and final reading on the proposed Ordinance amendment, as presented, at the October 6, 2014 City Council meeting)***

- C. Second Reading of Proposed Ordinance amending Chapter 10 – Zoning Ordinance, Section 10.440, Table of Uses – Residential, Mixed Residential, Business and Industrial Districts, by changing use #1.41 (Multifamily dwelling, 3 or 4 dwelling units) from “P” (permitted) to “S” (special exception) in the General Residence A and B (GRA & GRB) districts

Proposed Motion #1 (to be made under suspension of the rules prior to the public hearing)

(Move that the ordinance be amended to include the provision requiring a special exception for the Townhouse use as described in the memorandum from the Planning Director addressed to the City Manager dated September 9, 2014)

Proposed Motion #2 (to be made after the final speaker at the public hearing)

(Move to continue the public hearing and second reading on the amended ordinance to October 20, 2014)

- D. Second Reading of Proposed Ordinance amending that the following lots be rezoned from Industrial (I), Office Research (OR) or Municipal (M) to Character District 4 (CD4):
 - Assessors Map 163, Lots 33, 34 and 37;
 - Assessors Map 165, Lots 1, 2 and 14
 - Assessors Map 172, Lots 1 and 2;
 - Assessors Map 173, Lots 2 and 10

and including Cate Street between Hodgson’s Brook and Bartlett Street, as shown on the attached exhibits title “Areas Proposed To Be Rezoned to Character District 4 (CD4)”, and further that the Zoning Map referenced in Chapter 10, Article 4, Section 10.420 (District Location and Boundaries) of the Ordinances of the City of Portsmouth be revised accordingly

Proposed Motion (to be made after the final speaker at the public hearing)

(Move to continue the public hearing and second reading of the ordinance until a response is received from the Planning Board to the letter addressed to Honorable Mayor Robert Lister from Attorney Bernard Pelech dated September 15, 2014 regarding this rezoning)

Note: Under written communications Attorney Pelech's letter will be referred to the Planning Board for report back

- E. Adoption of Resolution Authorizing a Bond Issue and/or Notes of up to Three Million Four Hundred Seventy Five Thousand Dollars (\$3,475,000.00) for Costs related to Fiscal Year 2015 Citywide Seawall, Street, and Sidewalk Improvements ***(Sample motion – move adopt the Bond Resolution for City Improvements in the amount of \$3,475,000.00) (Please note that a Bonding Resolution require two readings, a public hearing and two-thirds vote of the City Council)***
- F. Adoption of Resolution Authorizing a Bond Issue and/or Notes of up to Seven Hundred Fifty Thousand Dollars (\$750,000.00) for Costs related to Fiscal Year 2015 School Facilities Improvements ***(Sample motion – move to adopt the Bond Resolution for School Facilities Improvements in the amount of up to \$750,000.00) (Please note that a Bonding Resolution require two readings, a public hearing and two-thirds vote of the City Council)***
- G. Adoption of Resolution Authorizing a Bond Issue and/or Notes of the City Under the Municipal Finance Act and/or Participation in the State Revolving Fund (SRF) Loan of up to Four Million Eight Hundred Thousand Dollars (\$4,800,000.00) related to Greenland Well Upgrades, Maplewood Avenue Waterline Replacement and Water System Pressure-Storage Improvements ***(Sample motion – move to adopt the Bond Resolution for Water System Upgrades and Improvements in the amount of up to \$4,800,000.00) (Please note that a Bonding Resolution require two readings, a public hearing and two-thirds vote of the City Council)***
- H. Adoption of Resolution Authorizing a Bond Issue and/or Notes of the City Under the Municipal Finance Act and/or Participation in the State Revolving Fund (SRF) Loan of up to One Million Dollars (\$1,000,000.00) for Costs related to the Pease Waste Water Treatment Plant Upgrades ***(Sample motion – move to adopt the Bond Resolution for Pease Water Treatment Plant Upgrade in the amount of up to \$1,000,000.00) (Please note that a Bonding Resolutions require two readings, a public hearing and two-thirds vote of the City Council)***
- I. Third and Final Reading of Ordinance amending Chapter 7, Vehicles, Traffic and Parking Omnibus Ordinance ***(Sample motion – move to pass third and final reading of the proposed ordinance amendments to be incorporated into Chapter 7, Vehicle, Traffic and Parking Ordinance, as presented)***

XI. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. *Acceptance of Donations to Art-Speak:
- Debbie Needleman \$ 25.00
 - Nicole Bodoh Jacobson \$ 75.00
 - Duncan Craig \$100.00
- (Anticipated action – move to approve and accept the donations to Art-Speak, as listed)***
- B. *Acceptance of Membership Dues to Art-Speak
- NH Institute of Art \$150.00
- (Anticipated action – move to approve and accept the membership dues to the Piscataqua Arts & Cultural Alliance, a program of Art-Speak, as listed)***
- C. *Acceptance of Donations to the Coalition Legal Fund:
- Town of Grantham, NH \$1,000.00
 - Town of Moultonborough, NH \$6,500.00
- (Anticipated action – move to approve and accept the donations as listed, to be placed in the Coalition Legal Fund)***
- D. Letter from Laurie A. Mantegari, Scarecrows of the Port, requesting permission to place scarecrows in designated locations throughout the Portsmouth Downtown Area from October 9th through November 1st, 2014 ***(Anticipated action – move to refer to the City Manager with power)***
- E. Letter from Carolyn Ostrom, NH Community Relations Specialist, Susan G. Komen for the Cure requesting permission to conduct the Susan G. Komen Race for the Cure 5K on May 9, 2015 at Strawberry Banke ***(Anticipated action – move to refer to the City Manager with power)***
- F. Letter from Jay Diener, Co-race Director, Seacoast Half Marathon, requesting permission to hold the 9th Annual Seacoast Half Marathon on Sunday, November 19, 2014 ***(Anticipated action – move to refer to the City Manager with power)***
- G. Letter from Barbara Massar, Pro Portsmouth, requesting permission to hold the following 2015 Events:
- First Night Portsmouth 2015 – Tuesday, December 31, 2014
 - Children’s Day 2015 – Sunday, May 3, 2015 from Noon – 4:00 p.m.
 - 38th Annual Market Square Day Festival & 10K Road Race – Saturday, June 13, 2015 from 9:00 a.m. – 4:00 p.m.
 - 13th Annual Summer in the Street – Saturday evenings – June 27, July 5, July 11, July 18, July 25, August 1, 2015
- (Anticipated action – move to refer to the City Manager with power)***

- H. Letter from Caitlyn Hassett and Amanda Beaulieu, Event Coordinators, Portsmouth Chamber of Commerce, requesting permission to use Hanover Street/Market Street parking lot for an ice sculpting demonstration on Sunday, February 15, 2015 as part of the 2nd Annual Fire and Ice Festival (***Anticipated action – move to refer to the City Manager with power***)
- I. Letter from Zhana Morris, Production Manager, The Music Hall, regarding Parking Meter Permit Requests for the Music Hall's 2014-2015 Season (***Anticipated action – move to refer to the City Manager with power***)
- J. Request for Approval of Pole License to install 1,070' of underground conduit located on Raynes Avenue and Vaughn Street to provide underground power to various developments in the area (***Anticipated action – move to approve the aforementioned Pole License Agreement as recommended by the Public Works Department with the approval conditioned upon amendment of the license to allow for the collection of any lawfully assessed real estate taxes***)
- K. Letter from Trevor Bartlett, Portsmouth Halloween Parade, requesting permission to hold the 20th Annual Halloween Parade on Friday, October 31, 2014 (***Anticipated action – move to refer to the City Manager with power***)

XII. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Michelle F. Harper, Logistics Director, The Charity Defense March, requesting the closure of Chestnut Street on Thursday, June 25, 2015, between the hours of 10:00 a.m. to 7:00 p.m. for a gathering area for participants of the registration day at the Music Hall (***Sample motion – move to refer to the City Manager with power***)
- B. Letter from Attorney Bernard Pelech, regarding Rezoning Request – Cate Street/Route 1 Bypass area (***Sample motion – move to refer to the Planning Board for report back***)

XIII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

Items Which Require Action Under Other Sections of the Agenda

- 1. First Reading of Proposed Resolutions and Ordinances:
 - 1.1 First Reading of Ordinance amending Chapter 1, Article VIII, Section 1.807 by the creation of a new provision identified as 1.807 Bequests or Gifts to City Employees (***Action on this item to take place under Section X of the Agenda***)

2. Public Hearing/Second Reading of Proposed Resolutions and Ordinances:
 - 2.1 Second Reading of Proposed Ordinance Amendment to Chapter 7, Article II, Section 7.230 – Prohibited Conduct by Medallion Holders or Owners (**Action on this item to take place under Section X of the Agenda**)
 - 2.2 Second Reading of Proposed Ordinance amending Chapter 10 – Zoning Ordinance, Section 10.440, Table of Uses – Residential, Mixed Residential, Business and Industrial Districts, by changing use #1.41 (Multifamily dwelling, 3 or 4 dwelling units) from “P” (permitted) to “S” (special exception) in the General Residence A and B (GRA & GRB) districts (**Action on this item to take place under Section X of the Agenda**)
 - 2.3 Second Reading of Proposed Ordinance amending that the following lots be rezoned from Industrial (I), Office Research (OR) or Municipal (M) to Character District 4 (CD4):
 - Assessors Map 163, Lots 33, 34 and 37;
 - Assessors Map 165, Lots 1, 2 and 14
 - Assessors Map 172, Lots 1 and 2;
 - Assessors Map 173, Lots 2 and 10and including Cate Street between Hodgson’s Brook and Bartlett Street, as shown on the attached exhibits title “Areas Proposed To Be Rezoned to Character District 4 (CD4)”, and further that the Zoning Map referenced in Chapter 10, Article 4, Section 10.420 (District Location and Boundaries) of the Ordinances of the City of Portsmouth be revised accordingly (**Action on this item to take place under Section X of the Agenda**)
3. Public Hearing and Adoption of Bonding Resolutions:
 - 3.1 Public Hearing and Adoption of Proposed Resolutions for Bond Authorization for FY15 City Improvements (**Action on these items to take place under Section X of the Agenda**)
 - A. Resolution for Borrowing Authorization of up to \$3,475,000.00 for FY15 Citywide Seawall, Street, and Sidewalks
 - Seawall Repairs and Improvements - \$1,275,000.00
 - McDonough Street Area Improvements - \$400,000.00
 - Maplewood Avenue Rehabilitation - \$1,300,000.00
 - Pease International Tradeport Roadway Rehabilitation - \$500,000.00
 - B. Resolution for borrowing authorization of up to \$750,000.00 for FY15 School Facilities Improvements

- C. Resolution for borrowing authorization of up to \$4,800,000.00 related to Water System Upgrades and Improvements
 - Greenland Well Upgrades - \$1,000,000.00
 - Maplewood Avenue Waterline Replacement - \$3,300,000.00
 - Water System Pressure-Storage Improvements - \$500,000.00
- D. Resolution for borrowing authorization of up to \$1,000,000.00 for FY15 Pease Wastewater Treatment Plant Upgrades

(Action on these items to take place under Section X of the Agenda)

- 4. Third and Final Reading of Proposed Resolution and Ordinances:
 - 4.1 Third and Final Reading of Ordinance Amending Chapter 7 Re: Parking Omnibus ***(Action on this item should take place under Section X of the agenda)***

City Manager's Items Which Require Action:

- 1. Request for Approval of a Proposed Two-Year Agreement between the City of Portsmouth and the Professional Management Association
- 2. Request for Approval of a Three-Year Non-Supervisory Cafeteria Personnel Proposed Agreement
- 3. Report Back Re: Proposed Easement at 7 Andrew Jarvis Drive
- 4. Request to Establish a Work Session for Monday, September 29, 2014 at 6:30 p.m. in the Eileen Dondero Foley Council Chambers regarding Wastewater Treatment Plant Update
- 5. Polling Hours for November 4, 2014 State General Election
- 6. Update on Middens at Peirce Island

Informational items

- 1. Events Listing
- 2. Trustees of the Trust Funds Financial Reports
- 3. Public Forum Re: Air Quality
- 4. City Council Retreat Draft Agenda
- 5. Character-Based Zoning Phase II Kick-off Meeting
- 6. Update Re: Worth Lot Maintenance, Paving and Lighting Upgrades
- 7. PDA (Airport) Noise Report for August 2014
- 8. Update on Cemetery Action Plan Steps

B. MAYOR LISTER

1. Appointment to be Considered:
 - Amy Burns – appointment to the Cable Television and Communication Commission
 - John Pratt – reappointment to the Economic Development Commission
 - John Crist – reappointment to the Library Board of Trustees
 - Stephanie Hausman – appointment to the Library Board of Trustees
 - Shaula Balomenos Levenson – appointment to the Library Board of Trustees
 - Donald Margeson – appointment to the Library Board of Trustees
 - Rick Becksted Jr. – appointment to the Recreation Board
2. *Establish a public forum regarding noise issue on October 2, 2014 from 6:30 – 8:30 p.m. in the Eileen Dondero Foley Council Chambers
3. *Establish a date in late October regarding Federal Aviation Administration
4. Letter from Susan and Fred Lewis regarding picnic for the “Adopt the Spot” participants

C. ASSISTANT MAYOR SPLAINE

1. “Non-Meetings” vs. “Non-Public Sessions:” (***Sample motion – move that the Portsmouth City Council agrees not to hold any more “non-meetings,” and that when non-public sessions are held they will follow the provisions of the New Hampshire Right-To-Know Law with a recorded public vote prior to meeting behind closed-doors for any purpose.***)

D. COUNCILOR KENNEDY

1. *Taking Care of Recycling Bins on Market Square and Vaughan Mall
2. *Non Public with the Police Commission on Personnel
3. *Free Parking on Sunday during the winter
4. *Thank You to the City for Adopt a Spot reception and the need for more Volunteers

E. COUNCILOR LOWN

1. Webber Estate Settlement
2. Recommendation of the Fire Department Study Committee (***Sample motion – move to direct the City Manager to work with the Fire Department to enter contract negotiations with Public Safety Strategies Group to conduct an independent study of the Fire Department with the funding for the study to come from contingency in the amount up to \$39,000.00***)
3. Parking & Traffic Safety Committee Action Sheet and Minutes of the August 14, 2014 meeting (***Sample motion – move to approve and accept the action sheet and minutes of the August 14, 2014 Parking & Traffic Safety Committee meeting***)

F. COUNCILOR DWYER

1. *Webber-Goodwin: Clarification of what the independent investigation would/would not cover, e.g., what questions to be answered, so that we can determine whether or not we want to consider/reconsider the mediation. Critical to clarify to public that the investigation cannot determine the disposition of the will
2. Formal request to PDA for transition plan from Grimmel Re: Scrap (See attached)

G. COUNCILOR MORGAN

1. *City Ordinance for Helicopters
2. *EDC – Updating the composition of the Economic Development Committee
3. *North End Visioning process

XIV. MISCELLANEOUS/UNFINISHED BUSINESS

XV. ADJOURNMENT [AT 10:00PM OR EARLIER]

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

**Indicates Verbal Report*

INFORMATIONAL ITEMS

1. Notification that the Conservation Commission minutes for January 8, 2014, February 12, 2014, March 12, 2014, April 9, 2014, May 14, 2014 and June 11, 2014 meetings are available on the city website
2. Notification that the Historic District Commission minutes of August 6, 2014 and August 13, 2014 meetings are available on the city website
3. Notification that the Zoning Board of Adjustment minutes for the July 22, 2014 meeting are available on the city website.

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

The Council Chambers
City Hall
Portsmouth, New Hampshire

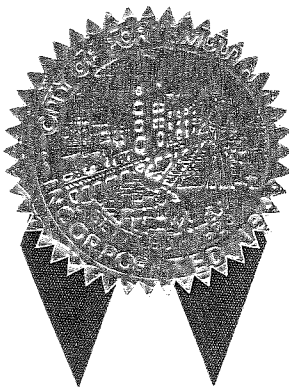
A Proclamation

- WHEREAS:** September 17, 2014 marks the two hundred and twenty-seventh anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and
- Whereas:** It is fitting and proper to officially recognize this magnificent document and the anniversary of its creation; and
- Whereas:** It is fitting and proper to officially recognize the patriotic celebrations which will commemorate the occasion; and
- Whereas:** Public law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17th through September 23rd as constitution week.

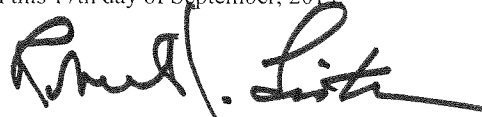
Now therefore, I, Robert J. Lister, Mayor of the City of Portsmouth, do hereby join with all of the members of the City Council and the citizens of Portsmouth to hereby proclaim September 17, 2014 through September 23, 2014, as

Constitution Week in Portsmouth

and ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787.



Given with my hand and the
Seal of the City of Portsmouth,
on this 17th day of September, 2014


Robert J. Lister, Mayor of Portsmouth

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, JUNE 2, 2014

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

At 6:00PM, An Anticipated “Non-Meeting” with Counsel was held Re: Litigation and Negotiations – RSA: 91-A:2, I (b-c).

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

Mayor Lister called the meeting to order at 7:20 p.m.

II. ROLL CALL

Present: Mayor Lister, Assistant Mayor Splaine, Councilors Shaheen, Kennedy, Lown, Dwyer, Morgan, Spear and Thorsen

III. INVOCATION

IV. PLEDGE OF ALLEGIANCE

Mayor Lister asked State Representative Laura Pantelakos to lead in a moment of silence followed by the Pledge of Allegiance.

PROCLAMATION

1. Portsmouth Symphony Orchestra – Mitchell Shuldman

Councilor Dwyer read the Proclamation declaring Portsmouth Symphony Orchestra as Portsmouth’s Community Orchestra. Mitchell Shuldman and Janet Polasky accepted the Proclamation with thanks and appreciation.

V. ACCEPTANCE OF MINUTES – *(There are no minutes available for acceptance)*

VI. PUBLIC COMMENT SESSION

Tom Carroll stated that Promote our Port will be the new name for Save our Port. He spoke to the PDA’s announcement last week to not renew the agreement with Grimmell. He suggested leasing the lot for parking by the City to meet the parking needs.

Larry Drake urged the City Council to vote to appeal the Town of Newington’s decision on Sea-3. He stated that the expansion puts the City at extreme risk.

Catherine DiPentima thanked the City Council for their effort and hard work on the Sea-3 issue. She spoke in support of the Council voting to appeal the Town of Newington’s decision. She indicated that this is explosive non-odorized gas which is a real concern for the City. Ms. DiPentima said the Council are the stewards of the City and need to take action.

Bob Gibbons would like the City Council to appeal the Town of Newington's Planning Board decision for the expansion of Sea-3. He commended Councilor Shaheen for opening the discussion of a quiet zone in our City and indicated that these items will cost the City approximately \$400,000.00 per unit. He said the safety of the residents of the City are in the City Council's hands.

Matt Nania spoke in favor of the City Council appealing the Town of Newington's Planning Board decision for the expansion of Sea-3. He said they can only receive up to 16 cars per day and if they need more they need to seek further approvals. He further stated that a train going through the downtown is not safe.

Arthur Clough said any one using an electronic device during this meeting is violating the right to know law. He also addressed employee pensions.

State Representative Laura Pantelakos asked the City Council to consider some way to remove parking meters from Noon to 7:00 p.m. on Sunday's in the downtown. She said we need to start giving residents a break.

Mark Brighton said 2 City Councilors have spouses working for the City and does not feel that the best interest of the City is being met. He asked that City Councilors recuse themselves from votes on their spouses departments.

Erik Anderson asked the City Council to take into account the increase to the budget. He said it is a modest increase but you need to consider how the budget has increased over time and if the budget is sustainable.

Rick DiPentima reminded the City Council that you are making a decision that over 700 residents of the City are asking you to appeal with regards to Sea-3.

Assistant Mayor Splaine moved to suspend the rules in order to take up Item XI. C.1. – Sea-3 (Vote to appeal Town of Newington Planning Board decision?). Seconded by Councilor Lown and voted.

Assistant Mayor Splaine moved to authorize the City Manager to direct the Legal Department to take any and all action necessary and appropriate to appeal the decision by the Newington Planning Board to approve the site plan for the Sea-3 project. Seconded by Councilor Shaheen.

Assistant Mayor Splaine stated the Council had a long discussion on this matter earlier in Non-Meeting with Counsel.

Councilor Thorsen asked if the City Attorney could explain the matter of making these decisions in Non-Meeting with Counsel.

City Attorney Sullivan said this is a policy decision for the City Council. He said no actions can take place in a Non-Meeting with Counsel.

On a unanimous roll call 9-0, motion passed.

VII. APPROVAL OF GRANTS/DONATIONS

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

VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

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

IX. CONSENT AGENDA

- A. Request for Approval of Pole License to install 3 poles on Sagamore Avenue as part of the Sagamore Avenue Complete Street Project ***(Anticipated action – move to approve the aforementioned Pole License Agreement as recommended by the Public Works Department with the approval conditioned upon amendment of the license to allow for the collection of any lawfully assessed real estate taxes)***
- B. Letter from Duncan J. Regonini, Secretary, Portsmouth Professional Firefighters Local 1313, requesting permission to conduct two Fill-the-Boot Drive voluntary “toll booths”, at Market Square to collect donations for the Muscular Dystrophy Association on Saturday, July 12, 2014 and Saturday August 9, 2014 between 8:00 a.m. and 5:00 p.m. ***(Sample motion – move to refer to the City Manager with power)***
- C. Letter from Kevin Walker, Area General Manager, Hilton Garden Inn, requesting a temporary road closure of Portwalk Place on June 14, 2014 in conjunction with Market Square Day from 7:00 a.m. to 7:00 p.m. ***(Sample motion – move to refer to the City Manager with power)***
- D. Letter from Ruth Griffin requesting permission to plant 2 trees of her choice in front of property located at 479 Richards Avenue ***(Sample motion – move to refer to the Trees and Greenery Committee)***

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

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

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

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

1. Discussion Re: Proposed FY15 Budget
 - Resolution No. 6-2014 – Municipal Fees

City Manager Bohenko said the first item to discuss is Resolution #6 – Municipal Fees.

Councilor Lown asked if City Manager Bohenko would like a straw vote to approve the fees.

City Manager Bohenko asked the Council if there was additional information needed.

Councilor Kennedy asked about the parking fee for the parking garage. She feels we are still too low and would like to know what the discussion was on this matter. City Manager Bohenko stated that the fee would be a 33% increase and this is not the last you will see of it but this is a supplemental increase in the fee this year. He indicated it is based on supply and demand and small businesses and offices use the parking as an economic development tool to locate their business downtown.

Councilor Dwyer said the concern was about escalating the fee over time with notice. She said the list of parking passes were reviewed and most were small businesses or people that live downtown and did not have off-street parking available to them.

Deputy City Manager Allen reviewed fees relating to the Historic District. Councilor Shaheen asked if there were fees that are paid each time the inspector has to come out to the property. Deputy City Manager Allen said the fee would be charged each time the person comes out. He spoke to the increase to the subdivision fees from \$500.00 to \$900.00 and lot size variances from \$125.00 to \$150.00. He also spoke to the increase in water and sewer fees for customers from \$652.00 to \$1,300.00, connection fees from \$1,225.00 to \$1,275.00, sewer fees from \$744.00 to \$1,800.00 and connection fees from \$350.00 to \$500.00.

Councilor Kennedy asked how you know when an independent reviewer for inspections should be hired. Deputy City Manager Allen said it is done in conjunction with the Planning Department and the Public Works Department based on the impact of time required. Councilor Kennedy asked who makes the decision. Deputy City Manager Allen said these projects go through Planning Board and the Site Review Technical Advisory Committee.

Councilor Morgan spoke on Inspection Department fees for non permitted work and applicability and how it fits. Councilor Dwyer said it is related to the building code.

The City Council seems to have consensus to move forward with the fee schedule next week for adoption.

Councilor Kennedy said she would like to know for future years the increase in rates and what other communities are charging.

City Manager Bohenko said inspections are on a case by case basis and determined internally by the inspector. He said he would speak with Deputy City Manager Allen and the Technical Advisory Committee, and the cost is in relation to the project it serves. The City hires the consultant and sends the developer a bill.

- Resolution No. 7-2014 – General Fund Expenditures

City Manager Bohenko said the Resolution breaks down General Government, Police, Fire, School, Collective Bargaining, Transfer to Indoor Pool and Non-Operating. He reported that the Resolution total is \$96,741,762.00. City Manager Bohenko reviewed each section in the Resolution and advised the City Council that the indoor pool is going to do \$80,000.00 in improvements this year. He said the increase is 3.93% from last year.

Councilor Dwyer suggested that there are some areas in the Capital Improvement Plan that could come from unassigned fund balance and she identified 5 reductions in the amount of \$375,000.00. The areas for reduction are located on page 19 of the budget and are as follows:

- II-24 Fire Station 3
- II-25 Police Department Study
- II-48 Planning Master Plan Process
- II-65 Hampton Rail
- II-79 Atlantic Height Connector

City Manager Bohenko said he would lay out something that could be used over time from unassigned fund balance and he would rather not do it on a case by case basis.

Councilor Dwyer likes the idea of a program going forward. City Manager Bohenko said \$375,000.00 would bring us down to a number away from our goals.

Councilor Thorsen said we often talk about an average house and how that would affect a home in regards to a tax increase.

City Manager Bohenko said the median \$316,600.00 household figures are listed on page 58. He said last year should be around the same. We need to talk about the taxes we are paying not the tax rate. Discussion centered on the revaluation and how the tax rate comes down.

Assistant Mayor Splaine discussed the delivery of services provided to the public.

Councilor Shaheen said given that the household median value is the same as last year and the budget increase is a little over 3% and with the increase in revenue, the overall impact to the resident is 1.6% to the taxpayers. City Manager Bohenko said that is correct.

City Manager Bohenko spoke to the Capital Improvement Plan and said there are things he does not want to cut such as I-68 Intersection Upgrade: Market Street At-Grade Crossing which is a State match. I-65 Hampton Branch Rail Trail which is grant funding. He stated we could look at a retaining wall program as there are 30 in the City. City Manager Bohenko said he could come back next week with proposed cuts in the Capital Improvement Plan.

Councilor Shaheen asked about contract negotiations related to health insurance plans. City Manager Bohenko said you needed to be very careful because you can't negotiate in public. He said the City Council is concerned with health care issues. In 2018 we have the issue of the Cadillac tax because there will be a 40% increase in our health insurance and the tax is against the insurer that is a key item to get us below the threshold.

Councilor Kennedy thanked Councilor Dwyer suggesting \$375,000.00 in reductions to the Capital Improvement Plan. She said that we are only \$3.2 million dollars away from being a \$100 million dollar City. She said we brought in revenues that allow us to reach the 1.6% and we keep adding money expecting people to pay. Councilor Kennedy said she would like to bring forward the 3 tier for the sewer billing.

Councilor Lown said he would postpone the 2 studies for Police and Fire Departments and he would make a motion next week, if needed. He stated the median 3 years ago was \$311,000.00 and over the last 4 years the rate has increased 1.1%. He said he would not support a motion to reduce the budget by \$1,000,000.00.

Councilor Dwyer moved to remove \$200,000.00 from Unassigned Fund Balance and reduce the Capital Improvement Plan by \$100,000.00. Seconded by Councilor Shaheen and voted. Assistant Mayor Splaine voted opposed.

Councilor Spear moved to authorize the City Manager to come back with Resolution #7-2014 – General Fund Expenditures, as presented with the exception of the Capital Improvement Plan reduction. Seconded by Assistant Mayor Splaine and voted. Councilors Kennedy, Morgan and Thorsen voted opposed.

- Resolution No. 8-2014 – Sewer Fund Expenditures

City Manager Bohenko spoke to Resolution #8 which includes an assistance program with an increase of \$50,000.00. He said there will also be \$50,000.00 from water and it has no net cost increase. He said the 3 tier program would not target people. He reported that the average increase for the sewer is \$31.81 for the rate payer and 80% of households use 10 units or less.

Councilor Kennedy reported that Cambridge, MA has a 3 tier approach and an assistance program. She said many residents are concerned with their sewer bills and they are right on the edge of lower class. She would like to look at the 3 tier approach again and feels there is a way to do both.

Councilor Kennedy moved to look at a 3 tier approach for water and sewer along with assistance program for the elderly and disabled. Seconded by Councilor Morgan.

City Manager Bohenko said someone needs to pay for it and Massachusetts has a different tax structure than New Hampshire. He stated that the 3 tier will hurt the people you are trying to help.

Councilor Spear said all 9 Councilors are concerned with the sewer rate increases. He said are we going to go about this right and help the people in need. He stated a 3 tier would hurt the industrial users and the multi-user resident would pay more. Councilor Spear said we need to stick with the Resolution, as presented.

Councilor Morgan said she supports 3 tier because it brings up conservation and we need to send that message. She asked Deputy Public Works Director Goetz if the Portsmouth Housing Authority is under industrial or multifamily. Deputy Public Works Director Goetz responded that they are multifamily. Councilor Morgan asked if we should have vouchers for the Portsmouth Housing Authority. Deputy Public Works Director said the tier 3 would impact the Housing Authority and David Hyder did a summary of the Housing Authority's 6 bigger accounts, which indicated that 140 Court Street and 245 Middle Street would see an increase. City Manager Bohenko stated all the units would be impacted.

Councilor Shaheen stated she would not support a 3 tier. She said she wants to clarify a statement made earlier. Councilor Shaheen stated that her husband is the Executive Director of the Portsmouth Housing Authority and is not an employee of the City; it is funded through federal funding. She also stated residents in the units are not paying the water bill and when the fees increase the section 8 vouchers would be effected.

Councilor Dwyer said we need to make a point of what the goal of this is. She said we need to figure out how many can't afford the increase and to mitigate the impact for those people.

Mayor Lister passed the gavel to Assistant Mayor Splaine.

Mayor Lister stated he is opposed to going to a tier 3 and feels it is detrimental to residents.

Assistant Mayor Splaine returned the gavel to Mayor Lister.

On a roll call vote 4-5, motion to look at a 3 tier approach for water and sewer along with assistance program the elderly and disabled failed to pass. Assistant Mayor Splaine, Councilors Kennedy, Morgan, Thorsen voted in favor. Councilors Shaheen, Lown, Dwyer, Spear and Mayor Lister voted opposed.

Councilor Spear moved to authorize the City Manager to bring back Resolution #8-2014 – Sewer Fund Expenditures, as presented. Seconded by Councilor Lown and voted. Assistant Mayor Splaine voted opposed.

- Resolution No. 9-2014 – Water Fund Expenditures

Councilor Spear moved to authorize the City Manager to bring back Resolution #9-2014 – Water Fund Expenditures, as presented. Seconded by Councilor Lown and voted.

- Resolution No.10-2014 – Special Revenues, Debt Service Fund and Committed Fund Balances for Necessary Expenditures
- Resolution No. 11-2014 – Investment Policy

There was no discussion regarding Resolutions No. 10–2014 and No. 11-2014.

2. Phase II of the Character Based Zoning Project Re: North End

City Manager Bohenko said a presentation was given at the last meeting and he is seeking direction on the project for the North End and needs to know if any changes are needed.

Principal Planner Cracknell said we are expanding the CBZ into the North End and Islington Street including the infrastructure and streetscape. He reviewed Exhibit I and Deer Street and property on Maplewood Avenue and Vaughan would be next then the transition to Bridge, Dennett, Court and State Streets, which is 50 acres and Islington Street is 100 acres.

Councilor Spear moved to approve the study area for the North End Character-Based Zoning project, as presented. Seconded by Councilor Lown.

Councilor Shaheen asked if the \$100,000.00 in the Capital Improvement Plan would cover Phase II and if we need to look at Phase III, would there be a need for more funding. Principal Planner Cracknell said the number last year was \$100,000.00 that included the lion share of Phase II and III but we have expanded the areas and we will come back with a new number from our consultants.

Councilor Kennedy feels that Dearborn Street and Marsh Lane need to be included. City Manager Bohenko said he does not feel that would be difficult, we would define the line at Marsh and draw the line at Dearborn Street.

Councilor Thorsen said he would like to look at the land behind the tracks because it is developable and will leave that as a Phase II and Phase III question. City Manager Bohenko said we could look at it in Phase III. Principal Planner Cracknell said the railroad controls 75% of the area. City Manager Bohenko stated he would like to get the North End completed and then go back to speak with the consultant and put it into Phase III.

Assistant Mayor Splaine said we must look at this zoning before voting on the vision and find a way with the consultants to see part of the Charrette process by going into the neighborhoods.

Motion passed.

Councilor Spear moved to reschedule the June 9th Work Session regarding Financial Disclosure to Tuesday, June 17, 2014 at 6:30 p.m. Seconded by Councilor Shaheen and voted.

Assistant Mayor Splaine indicated he would be out of town on June 17th.

Councilor Spear moved to establish a Special Meeting of the City Council for Monday, June 9, 2014 at 6:30 p.m. for adoption of the FY15 Budget which includes the six Resolutions identified in the City Manager's comment. Seconded by Councilor Shaheen and voted.

B. MAYOR LISTER

1. Appointments to be Voted:
 - Paul Mannle to the Citywide Neighborhood Steering Committee
 - Dan Rawling to the Historic District Commission as a Regular Member
 - Tristan Law appointment to the Taxi Commission

Assistant Mayor Splaine moved to appoint Paul Mannle to the Citywide Neighborhood Steering Committee until April 1, 2017; Daniel Rawling as a regular member of the Historic District Commission until June 1, 2016; and Tristan Law to the Taxi Commission until December 31, 2015. Seconded by Councilor Dwyer and voted.

D. COUNCILOR KENNEDY

1. The possibility of adding additional Zoning Board of Adjustment members to the Board

Councilor Kennedy said she is looking for guidance on the Zoning Board of Adjustment meetings. She stated the last 2 meetings had 5 members available and could vote but there is a rule if only 5 members are available people can pull their project. She would like to know if we could add alternates to the boards. She said she would like to have a work session on this matter and see how people feel. Councilor Kennedy said she would like to look at the number of meetings per month, a deadline for the agenda, and making the process of having people go to another meeting.

Mayor Lister said he met with the Chairs of the Planning Board, Historic District Commission and Zoning Board of Adjustment and these are real issues as expressed by Councilor Kennedy. He said after a certain time in the evening it is difficult to make decisions.

City Attorney Sullivan said Councilor Kennedy observations cover a lot of ground. He stated the Zoning Board of Adjustment is covered by State law which allows 7 members but alternates can be added to land use boards with up to 5 alternates. He further stated it is a practice not a written process regarding if the full board could move their application to another meeting. He said that could be done at the Historic District Commission level by regulations. He further stated that the Zoning Board of Adjustment in this City is the largest board in the State.

Councilor Spear said we need a finding from the Zoning Board of Adjustment on this matter before adding any members as alternates. He said the numbers of applications have increased and running the meetings is a skill set. He stated that the boards should work with staff as a resource for running meetings.

Councilor Thorsen said he supports reducing the Zoning Board of Adjustment to 5 members and adding more alternates. He said all 3 boards should be asked questions and provide a report back and a work session to follow. He asked what in the process could we make better and he would like to know what larger cities are doing.

Councilor Shaheen moved to suspend the rules to continue the meeting beyond 10:00 p.m. at 10:45 p.m. Seconded by Councilor Thorsen and voted. Assistant Mayor Splaine voted opposed.

Councilor Shaheen stated that people are concerned with residential projects going through the same process as large developments.

Councilor Dwyer said she would like a report back from the Chairs with suggested changes to their own process. She said we have always tried to make changes to committee process and it has always been met negatively with the boards but now they are looking for changes.

Councilor Shaheen asked if we should have a work session with them.

Councilor Kennedy requested a report back at the July 14th City Council meeting regarding adding additional alternate members to the land use boards, reviewing the number of meetings being held by land use boards per month, establishing a deadline for submitting materials for land use board agendas, creating a time for adjournment of the land use meetings, and the effect of making applicants go to another meeting if the board is unable to get to their item on the agenda due to the lateness of the hour.

Councilor Dwyer suggested a report back from the land use board chairs with suggested changes to their own process.

E. COUNCILOR LOWN

1. Parking & Traffic Safety Committee Action Sheet and Minutes of the May 8, 2014 meeting

Councilor Kennedy asked how many parking spaces are going away with the request for “No Parking” near intersection of Preble/Ranger Ways. Councilor Lown said the new zones have not been decided yet so that is not known.

Councilor Lown said the unsafe parking near the driveway on Middle Street, is under the current ordinance and it is illegal to park there. He stated hash marks have been put in place.

Councilor Shaheen moved to approve and accept the action sheet and minutes of the May 8, 2014 Parking & Traffic Safety Committee meeting. Seconded by Assistant Mayor Splaine and voted. Councilor Kennedy voted opposed.

F. COUNCILOR DWYER

1. Proposed Rezoning East Side of Route 1 Bypass from Islington Street Bridge to Traffic Circle

Councilor Dwyer said this is regarding the Frank Jones property and to create a TIF we need to look at the zoning for the area. She would like the Planning Board to put on the agenda what kind of zoning would be appropriate. She said we need to look at the east side of the Bypass. She further stated we may want the Planning Board to look at the entire Bypass but this will get us started. Councilor Dwyer said she spoke with Deputy City Manager Allen and Planning Director Taintor on this matter and they may look at more than 1 zone and maybe that property will be well served by more than 1 zone.

Councilor Thorsen said he likes the approach and that Phase III CBZ will include most of this. He said he would support sending this to the Planning Board and to change the zone out of industrial to something new.

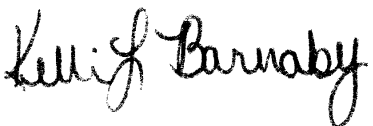
Councilor Dwyer moved to refer to the Planning Board. Seconded by Councilor Thorsen and voted.

XII. MISCELLANEOUS/UNFINISHED BUSINESS

Councilor Kennedy thanked City Clerk Barnaby for putting the land use board minutes on the website rather than including them in the Council packets.

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

At 11:15 p.m., Councilor Spear moved to adjourn. Seconded by Councilor Shaheen and voted.



Kelli L. Barnaby, CMC/CNHMC
City Clerk

SPECIAL CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, JUNE 9, 2014

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

I. CALL TO ORDER

Mayor Lister called the meeting to order at 6:35 p.m.

II. ROLL CALL

Present: Mayor Lister, Assistant Mayor Splaine, Councilors Shaheen, Kennedy, Lown, Dwyer, Morgan, Spear and Thorsen

III. INVOCATION

Mayor Lister asked everyone to join in a moment of silent prayer.

IV. PLEDGE OF ALLEGIANCE

Councilor Thorsen led the Pledge of Allegiance to the Flag.

V. PUBLIC COMMENT SESSION

Joe Caldarola spoke regarding the need to control the budget.

Norm Olsen spoke to staffing levels in the City in comparison to our population and other communities. He addressed the increase in costs for the Fire and Police Departments.

Paul Mannle spoke to the rate of inflation and how it relates to the budget. He addressed the discounts provided to parking garage pass holders and said if he could receive a discount on his taxes he would pay 10 years of taxes in advance.

VI. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. Adoption of Budget Resolutions for Fiscal Year July 1, 2014 through June 30, 2015 (FY2015)

City Manager Bohenko said this evening the City Council will be asked to act on the Resolutions before you in order to adopt the budget. He stated each Resolution will be voted on separately and he would be recommending 4 projects to be removed or reduced from the Capital Improvement Plan:

- Fire Station 3 Space Needs Study
- Park and Playground Improvements
- Longmeadow Road Extension
- Capital Contingency

City Manager Bohenko said the increase for the budget would be \$.21 or 1.17% from FY14 rate. He said if the budget is adopted residents will see an increase of \$66.48 over FY14.

- Resolution #6-2014 - Municipal Fees

Councilor Spear moved to adopt Resolution #6 – Municipal Fees. Seconded by Councilor Lown.

Councilor Kennedy stated she is having a problem with some of the Planning Department fees and also feels the parking rate payers should be increased and the monthly payer's fees should be higher.

Councilor Thorsen would like to increase the monthly parking rate to \$200.00.

City Manager Bohenko said there was discussion on this matter. He stated it has not been increased in some time and the Economic Development Commission felt it should be increase and they will look at it again next year.

Councilor Spear said people are paying the entitlement for parking in the garage. He stated it is inappropriate to compare the 24 hour pass to someone parking in the garage for 24 hours. He said residents live downtown are using those passes to park in the garage and feels we need to be careful on this as well.

Councilor Dwyer said working on the Fee Committee we evaluated those that hold leases and often people living downtown or working downtown in retail. She said we should increase them again and probably should have in the past.

Councilor Lown as a member of the Fee Committee said a great deal of time was spent looking at all fees. He said this is a way for the City to double charge for the spaces and earn extra revenues.

Councilor Shaheen said asking people that signed a contract with the City and receive an increase more than 33% would be unfair. She also indicated that the fees are likely to increase next year.

Discussion followed on how the parking permits work in the City.

Councilor Thorsen said he feels that parking fees are a tax and parking permits should be eliminated.

City Manager Bohenko said if the parking permits were eliminated the City would lose money. He said there is a fine line to competition with surround towns that have free surface lots. The Fee Committee is raising the rates 33% this year and we will take a look at the fee again next year.

Councilor Dwyer said it is good to look at the economics of it and view the big picture and bring things into balance.

Assistant Mayor Splaine said we need to look at the value of not having leased spots at High Hanover Parking Garage and he would support the Resolution, as presented.

On a roll call 8-1, voted to adopt the Resolution #6 – Municipal Fees. Assistant Mayor Splaine, Councilors Shaheen, Lown, Dwyer, Morgan, Spear, Thorsen and Mayor Lister voted in favor. Councilor Kennedy voted opposed.

- Resolution #7-2014 - General Fund Expenditures

Councilor Spear moved to adopt Resolution #7 – General Fund Expenditures. Seconded by Councilor Lown.

Councilor Thorsen said the expenditures are too high and we need to reduce expenses rather than using fees. He recommended reducing expenditures by \$1.2 million. He said last week we shifted things around by \$300,000.00. He stated he would not support the Resolution, as presented.

Councilor Kennedy said she is not comfortable going above the cost of living increase. She said the budget has increased substantial each year. She stated if the revenues went away the budget has increased by 3.4% and we need to look at all residents and their ability to pay.

Assistant Mayor Splaine said Councilors Thorsen and Kennedy have made good points. He said over the last few weeks everyone has made good points. He would vote in favor of the budget and said the staff and City Manager Bohenko have done some great work with this budget. He spoke to a document he prepared back in 1989 that he would provide to the City Council which is a year round budget approach. Assistant Mayor Splaine spoke about the City Council setting budget goals and having them set at least by September for FY16. He said we need to do a better job for next year.

Councilor Dwyer said we need to keep bonding in mind. There is a fear that the increase in revenues is what has allowed us to reduce the tax increase but a portion is the increase in valuation. City Manager Bohenko reported it is \$.27 on the rate for growth which amounts to \$1.1 million in new growth. Councilor Dwyer asked what percentage of the increase represents the operating budget. City Manager Bohenko stated about half of that.

Councilor Shaheen said she will support the Resolution. She said we need to do due diligence and deliberate and pass the budget. Councilor Shaheen added that the budget is an award winning document and she is grateful for the hard work that went into preparing it. She also stated that she has heard that people want the rate lowered but she has not heard where they want to make those cuts.

Councilor Thorsen said he agrees with Assistant Mayor Splaine that the budget process should start earlier and suggested starting in September as well.

Councilor Thorsen moved to reduce the Collective Bargaining line item from \$500,000.00 to \$200,000.00. Seconded by Councilor Kennedy for point of discussion.

Councilor Dwyer said she is concern that the \$500,000.00 might not be enough.

City Manager Bohenko stated if you do not have the money in the line item you would need to appropriate the funds and have a public hearing and find the funds which are normally from unassigned fund balance.

Councilor Shaheen spoke in opposition to the amendment and expressed concern for what that would mean for the process.

Councilor Thorsen said he is concerned with the \$500,000.00 and finds that contract negotiations take longer than you think and we will not settle them all this year. He said the issue is we are putting something in the budget that might not happen and will affect the tax rate.

On a roll call vote 2-7, motion to amend the Collective Bargaining line item from \$500,000.00 to \$200,000.00 *failed* to pass. Councilors Morgan and Thorsen voted in favor. Assistant Mayor Splaine, Councilors Shaheen, Kennedy, Lown, Dwyer, Spear and Mayor Lister voted opposed.

Councilor Lown said he supports the motion and that the Police Department has the same number of staff as they did back in 1985. He said the increase of \$5.00 more a month people receive great services and students receive a great education. He stated if the City Council thinks the budget is extravagant then the Council needs to say what the City can do without.

Councilor Shaheen said she echoes the comments of Councilor Lown. She stated it is not fair after asking the department heads to outline their priorities to go back and asked them to make cuts.

Councilor Spear said the budget for any City Council is looking at the value and what we can approve to pay. He stated that the budget went down 3 years ago and does not feel that the Council is lacking compassion. He said this is the first City Council to have a program for relief for water and sewer bills. Councilor Spear spoke to the increase programming and service for seniors. He stated the Council made moves that were hard choices and postpone costs and this year we settled contracts with the Fire Department.

Councilor Thorsen said he respects every City Councilors point on this but he feels we can make cuts without reducing services.

Councilor Dwyer said the average household will see a \$5.00 a month tax increase and a \$2.50 increase on their sewer bill and that can be rebated if you can't afford the sewer increase.

Councilor Shaheen said we are talking about a 1.27% increase. She said no one here wants to increase taxes it is protecting services and education for students.

Councilor Kennedy questioned the amount of the increase. City Manager Bohenko stated last week we were at \$.29, this week we are at \$.21 which is \$66.00 for the median home. Councilor Kennedy said it is a little higher than \$5.00.

Councilor Morgan thanked the staff for all the time and work on the document and thanked residents that have sent in emails or called on the budget. She said the City had the opportunity years ago to address upgrades to the water and sewer plants before City Manager Bohenko arrived and we did not take advantage of the federal funds. Councilor Morgan said she feels we have a very large sewer department budget.

Mayor Lister passed the gavel to Assistant Mayor Splaine.

Mayor Lister said he would support the Resolution and we need to support all the departments. He said we need to recruit and train quality employees and support the Fire Department keeping up safe response times.

Assistant Mayor Splaine returned the gavel to Mayor Lister.

On a roll call 7-2, voted to adopt Resolution #7 – General Fund Expenditures. Assistant Mayor Splaine, Councilors Shaheen, Lown, Dwyer, Morgan, Spear and Mayor Lister voted in favor. Councilors Kennedy and Thorsen voted opposed.

Department	Appropriation
General Government	\$17,010,942.00
Police	\$ 9,343,994.00
Fire	\$ 7,757,108.00
School	\$40,975,396.00
Collective Bargaining	\$ 500,000.00
Transfer to Indoor Pool	\$ 150,000.00
Non-Operating	\$20,904,322.00
Total	\$96,641,762.00

- Resolution #8-2014 - Sewer Fund Expenditures

City Manager Bohenko explained the Resolution and spoke to the pilot program for assistance which represents \$50,000.00.

Councilor Spear moved to adopt Resolution #8 – Sewer Fund Expenditures. Seconded by Councilor Lown.

Councilor Thorsen spoke to the assistance program and said some people are embarrassed to seek assistance and we need to be sensitive to that.

On a unanimous roll call 9-0, voted to adopt Resolution #8 – Sewer Fund Expenditures.

An appropriated sum of \$9,960,619.00 based on full accrual basis of accounting to defray expenses for the operation of the sewer system.

Cash requirements of \$14,933,716.00 for the purpose of principal debt repayment, purchase of assets, funding of the rate stabilization reserve to increase net position, and to defray expenses for the operation of the sewer system.

The sewer user rate effective July 1, 2014 is \$11.21 per unit (1 unit equals 100 cubic feet or 748 gallons of water consumed) for the first 10 units of consumption per month, and \$12.34 per unit for all units used thereafter to yield a portion of revenue to meet the cash requirements for the operation of the sewer system.

- Resolution #9-2014 - Water Fund Expenditures

City Manager Bohenko reported that water rates have not increased in the last 5 years.

Councilor Lown moved to adopt Resolution #9 – Water Fund Expenditures. Seconded by Councilor Spear.

On a unanimous roll call 9-0, voted to adopt Resolution #9 – Water Fund Expenditures.

An appropriated sum of \$7,421,302.00 based on full accrual basis of accounting to defray expenses for the operations of the water system.

Cash requirements of \$9,007,763.00 for the purpose of principal debt repayment, the purchase of assets and to defray expenses for the operations of the water system.

The water user rate effective July 1, 2014, is \$4.15 per unit (1 unit equals 100 cubic feet or 748 gallons) for the first 10 units of water consumed per month, and \$5.00 per unit for all units consumed thereafter to yield a portion of revenue to meet the cash requirements for the operation of the water system.

- Resolution #10-2014 - Special Revenues, Debt Service Fund and Committed Fund Balance for Necessary Expenditures

City Manager Bohenko explained that this is for Special Revenues, Grants, etc.

Councilor Spear moved to adopt Resolution #10 – Special Revenues and Committee Fund Balances for Necessary Expenditures. Seconded by Assistant Mayor Splaine.

Councilor Kennedy asked about the Chamber of Commerce and who they service. She said there is \$40,000.00 of dedicated funds to the entity and would like to get information on the services the Chamber provides and numbers. She said many small businesses are not being supported and have another similar association they use.

Economic Development Manager Carmer came forward to speak on the services provided by the Chamber of Commerce. She spoke to some of their initiatives such as retail week, arts and culture, and history.

Councilor Kennedy said she would like to know the number of City of Portsmouth businesses the Chamber assists. Ms. Carmer said we could ask for the numbers and how many businesses are in the City and how many businesses that our outside of the City that they work with.

Assistant Mayor Splaine liaison for the City Council to the Chamber of Commerce stated they meet once a month at 7:30 a.m. and work with other Chambers. He said when businesses do well the City does well and the Chamber does enormous work on promoting the City of Portsmouth. He also indicated that the Chamber has a great deal of information available on their website and urged Councilor Kennedy to view the site.

Councilor Shaheen said there is miss information on the Chamber of Commerce. She said we are not directing \$40,000.00 from the general fund we want them to support the City of Portsmouth as a destination to visit.

Discussion followed on the various information contained on the Chamber of Commerce's website.

On a unanimous roll call 9-0, voted to adopt Resolution #10 – Special Revenues and Committee Fund Balances for Necessary Expenditures.

- Resolution #11-2014 - Investment Policy

Councilor Spear moved to adopt Resolution #11 – Investment Policy. Seconded by Councilor Shaheen.

On a unanimous roll call 9-0, voted to adopt Resolution #11 – Investment Police.

City Manager Bohenko said that the City Council has adopted the budget and he would like to start the budget process in late September.

Councilor Spear said on the Police Needs Study we have a work session on what they would like to do.

City Manager Bohenko said the Police Commission will come before the City Council in a work session before funds are expended.

Councilor Morgan thanked the City Manager for his comments. She asked what would take place in late September. City Manager Bohenko said he would bring in the City Council to discuss the budget process and suggested having a facilitator for a round table discussion.

Mayor Lister thanked all staff and commissioners for the work on this budget especially Finance Director Belanger and Deputy Finance Director Purgiel and City Manager Bohenko.

VII. MISCELLANEOUS/UNFINISHED BUSINESS

VIII. ADJOURNMENT [AT 10:00PM OR EARLIER]

At 8:45 p.m., Councilor Spear moved to adjourn. Seconded by Councilor Shaheen and voted.

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

Kelli L. Barnaby, CMC/CNHMC
City Clerk

PORTSMOUTH POLICE DEPARTMENT

MEMORANDUM


DATE: 13 AUGUST, 2014
TO: JOHN P. BOHENKO, CITY MANAGER
FROM: JOHN F. GOLUMB, CHAIRMAN, PORTSMOUTH POLICE COMMISSION
STEPHEN J. DUBOIS, CHIEF OF POLICE
RE: GRANTS & DONATIONS


At the August 13th, 2014 monthly Police Commission meeting, the Board of Police Commissioners approved and accepted the following grants and donations:

1. Grant & Donations:
 - A grant in the amount of \$5,898.43 has been received from the Dept. of Justice for replacement of bullet-proof vests for sworn officers.
 - Donations: The following donations were made specifically to defray the cost of producing and airing Public Service Announcements (PSAs) regarding the department's opiate addiction initiative:
 - A donation in the amount of \$1,000 from Mr. Gerald W. Howe and his wife, Ms. Jocelyn Frechette;
 - A donation in the amount of \$500 from Mr. James Frechette;
 - A donation in the amount of \$250 from Mr. & Mrs. Peter C. Frechette.

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

Respectfully submitted,


John F. Golumb, Chairman
Board of Police Commissioners


Stephen J. DuBois, Chief of Police

copies: Board of Police Commissioners
Finance Director Judie Belanger
Admin. Mgr. Karen Senecal
Business Assistant Tammie Perez



[\ / NIJ Standards \ /](#) [\ / Glossary \ /](#) [\ / BVP Manuals \ /](#)

Section Status > Application History > Application Details OMB #1121-0235
(Expires: 10/31/2016)

1. Registration

- 1.1 [Agency Information](#)
- 1.2 [Agency Contacts](#)
- 2. Application**
- 2.1 [Application Profile](#)
- 2.2 [Manage Application](#)
- 2.3 [Review Application](#)
- 2.4 [Submit Application](#)

3. Payment

- 3.1 [Bank Information](#)
- 3.2 [Print Bank Form](#)
- 3.3 [Manage Receipts](#)
- 3.4 [Payment Request](#)
- 3.5 [Payment History](#)

4. Status

- 4.1 [Current Status](#)
- 4.2 [LEA Status](#)
- 4.3 [Application History](#)

5. Personal Information

- 5.1 [User Profile](#)
- 5.2 [Change Password](#)



BVP HELP DESK
(Toll-Free 1-877-758-3787)

Application Profile

Participant	PORTSMOUTH CITY
Fiscal Year	2014
Number of Agencies Applied	0
Total Number of Officers for Application	88
Number of Officers on Approved Sub-Applications	88
Unspent BVP Funds Remaining	\$10,443.41
Unspent BVP Funds Obligated for Vest Purchases	\$5,712.50

Sub-Application Profile

Fiscal Year	2014
<u>Vest Replacement Cycle</u>	5
Number of Officers	88
Zylon Replacement	0
<u>Emergency Replacement Needs</u>	0
Stolen or Damaged Officer Turnover	0

Application Details

NIJ#	Quantity	Unit Price	Extended Cost	Tax Shipping and Handling	Total Cost
AII-2	16	\$775.00	\$12,400.00	\$0.00	\$12,400.00
Grand Totals	16		\$12,400.00	\$0.00	\$12,400.00

Award Summary for FY2014 Regular Solicitation

Funds Type	Eligible Amount	Award	Date Approved	Status
Regular Fund	\$12,400.00	<u>\$5,898.43</u>	<u>07/28/14</u>	Approved by BVP
Grand Totals:	\$12,400.00	<u>\$5,898.43</u>		

[Return](#)

PORTSMOUTH CITY WELFARE
1 JUNKINS AVE
PORTSMOUTH, NH 03801
610-7267

TO: JOHN BOHENKO, CITY MANAGER
FROM: ELLEN TULLY
SUBJECT: UNITIL DONATION
DATE: 9/11/14
CC:

Since 2006, the Welfare Office has sponsored a back to school drive to help the neediest students in Portsmouth with backpacks and back to school supplies. Donations of gift cards and supplies are given by area citizens, businesses and other organizations.

I was approached by school board member and Unitil employee, Gary Epler, about the possibility of Unitil making a monetary donation to the back to school drive. Ultimately, a donation of \$2,500 was approved by Unitil.

This year, the drive helped more than 125 area students, an all time high.

Subject: GRANT OF MATCHING FUNDS PURSUANT TO RSA 147-B:6, I-A

GRANT AGREEMENT

The State of New Hampshire and the Grantee hereby mutually agree as follows:

GENERAL PROVISIONS

1. IDENTIFICATIONS

1.1 State Agency Name Department of Environmental Services		1.2 State Agency Address 29 Hazen Drive Concord, NH 03301	
1.3 Grantee Name City of Portsmouth		1.4 Grantee Address 680 Peverly Hill Road Portsmouth, NH 03801	
1.5 Effective Date Upon G&C approval	1.6 Completion Date June 30, 2015	1.7 Audit Date N/A	1.8 Grant Limitation \$5,594
1.9 Grant Officer for State Agency Dean F. Robinson II, HHW Coordinator NH Department of Environmental Services		1.10 State Agency Telephone Number 603-271-2047	
1.11 Grantee Signature		1.12 Name & Title of Grantee Signor	
1.13 Acknowledgment: State of New Hampshire, County of Rockingham On ____ / ____ / _____, before the undersigned officer, personally appeared the person identified in block 1.12., or satisfactorily proven to be the person whose name is signed in block 1.11., and acknowledged that s/he executed this document in the capacity indicated in block 1.12.			
1.13.1 Signature of Notary Public or Justice of the Peace (Seal)			
1.13.2 Name & Title of Notary Public or Justice of the Peace			
1.14 State Agency Signature(s)		1.15 Name/Title of State Agency Signor(s) Thomas S. Burack, Commissioner	
1.16 Approval by Attorney General's Office (Form, Substance and Execution) By: _____ Attorney, On: ____ / ____ / _____			
1.17 Approval by the Governor and Council By: _____ On: ____ / ____ / _____			

2. **SCOPE OF WORK.** In exchange for grant funds provided by the state of New Hampshire, acting through the agency identified in block 1.1 (hereinafter referred to as "the State"), pursuant to RSA 21-O, the Grantee identified in block 1.3 (hereinafter referred to as "the Grantee"), shall perform that work identified and more particularly described in the scope of work attached hereto as EXHIBIT A (the scope of work being referred to as "the Project").

3. **AREA COVERED.** Except as otherwise specifically provided for herein, the Grantee shall perform the Project in, and with respect to, the state of New Hampshire.

4. **EFFECTIVE DATE; COMPLETION OF PROJECT.**

4.1 This Agreement, and all obligations of the parties hereunder, shall become effective on the date in block 1.5 or on the date of approval of this Agreement by the Governor and Council of the State of New Hampshire whichever is later (hereinafter referred to as "the Effective Date").

4.2 Except as otherwise specifically provided for herein, the Project, including all reports required by this Agreement, shall be completed in ITS entirety prior to the date in block 1.6 (hereinafter referred to as "the Completion Date").

5. **GRANT AMOUNT; LIMITATION ON AMOUNT; VOUCHERS; PAYMENT.**

5.1 The Grant Amount is identified and more particularly described in EXHIBIT B, attached hereto.

5.2 The manner of, and schedule of payment shall be as set forth in EXHIBIT B.

5.3 In accordance with the provisions set forth in EXHIBIT B, and in consideration of the satisfactory performance of the Project, as determined by the State, and as limited by subparagraph 5.5 of these general provisions, the State shall pay the Grantee the Grant Amount. The State shall withhold from the amount otherwise payable to the Grantee under this subparagraph 5.3 those sums required, or permitted, to be withheld pursuant to N.H. RSA 80:7 through 7-c.

5.4 The payment by the State of the Grant amount shall be the only, and the complete, compensation to the Grantee for all expenses, of whatever nature, incurred by the Grantee in the performance hereof, and shall be the only, and the complete, compensation to the Grantee for the Project. The State shall have no liabilities to the Grantee other than the Grant Amount.

5.5 Notwithstanding anything in this Agreement to the contrary, and notwithstanding unexpected circumstances, in no event shall the total of all payments authorized, or actually made, hereunder exceed the Grant limitation set forth in block 1.8 of these general provisions.

6. **COMPLIANCE BY GRANTEE WITH LAWS AND REGULATIONS.** In connection with the performance of the Project, the Grantee shall comply

with all statutes, laws, regulations, and orders of federal, state, county, or municipal authorities which shall impose any obligations or duty upon the Grantee, including the acquisition of any and all necessary permits.

7. **RECORDS AND ACCOUNTS.**

7.1 Between the Effective Date and the date seven (7) years after the Completion Date the Grantee shall keep detailed accounts of all expenses incurred in connection with the Project, including, but not limited to, costs of administration, transportation, insurance, telephone calls, and clerical materials and services. Such accounts shall be supported by receipts, invoices, bills and other similar documents.

7.2 Between the Effective Date and the date seven (7) years after the Completion Date, at any time during the Grantee's normal business hours, and as often as the State shall demand, the Grantee shall make available to the State all records pertaining to matters covered by this Agreement. The Grantee shall permit the State to audit, examine, and reproduce such records, and to make audits of all contracts, invoices, materials, payrolls, records or personnel, data (as that term is hereinafter defined), and other information relating to all matters covered by this Agreement. As used in this paragraph, "Grantee" includes all persons, natural or fictional, affiliated with, controlled by, or under common ownership with, the entity identified as the Grantee in block 1.3 of these general provisions.

8. **PERSONNEL.**

8.1 The Grantee shall, at its own expense, provide all personnel necessary to perform the Project. The Grantee warrants that all personnel engaged in the Project shall be qualified to perform such Project, and shall be properly licensed and authorized to perform such Project under all applicable laws.

8.2 The Grantee shall not hire, and it shall not permit any subcontractor, subgrantee, or other person, firm or corporation with whom it is engaged in a combined effort to perform such Project, to hire any person who has a contractual relationship with the State, or who is a State officer or employee, elected or appointed.

8.3 The Grant officer shall be the representative of the State hereunder. In the event of any dispute hereunder, the interpretation of this Agreement by the Grant Officer, and his/her decision on any dispute, shall be final.

9. **DATA: RETENTION OF DATA; ACCESS.**

9.1 As used in this Agreement, the word "data" shall mean all information and things developed or obtained during the performance of, or acquired or developed or obtained during the performance of, or acquired or developed by reason of, this Agreement, including, but not limited to, all studies, reports, files, formulae, surveys, maps, charts, sound recordings, video recordings, pictorial reproductions, drawings, analyses, graphic representations, computer programs, computer printouts, notes, letters, memoranda, papers, and

documents, all whether finished or unfinished.

9.2 Between the Effective Date and the Completion Date the Grantee shall grant to the State, or any person designated by it, unrestricted access to all data for examination, duplication, publication, translation, sale, disposal, or for any other purpose whatsoever.

9.3 No data shall be subject to copyright in the United States or any other country by anyone other than the State.

9.4 On and after the Effective Date all data, and any property which has been received from the State or purchased with funds provided for that purpose under this Agreement, shall be the property of the State, and shall be returned to the State upon demand or upon termination of this Agreement for any reason, whichever shall first occur.

9.5 The State, and anyone it shall designate, shall have unrestricted authority to publish, disclose, distribute and otherwise use, in whole or in part, all data.

10. CONDITIONAL NATURE OR AGREEMENT.

Notwithstanding anything in this Agreement to the contrary, all obligations of the State hereunder, including without limitation, the continuance of payments hereunder, are contingent upon the availability or continued appropriation of funds, and in no event shall the State be liable for any payments hereunder in excess of such available or appropriated funds. In the event of a reduction or termination of those funds, the State shall have the right to withhold payment until such funds become available, if ever, and shall have the right to terminate this Agreement immediately upon giving the Grantee notice of such termination.

11. EVENT OF DEFAULT; REMEDIES.

11.1 Any one or more of the following acts or omissions of the Grantee shall constitute an event of default hereunder (hereinafter referred to as "Events of Default"):

11.1.1 failure to perform the Project satisfactorily or on schedule; or

11.1.2 failure to submit any report required hereunder; or

11.1.3 failure to maintain, or permit access to, the records required hereunder; or

11.1.4 failure to perform any of the other covenants and conditions of this Agreement.

11.2 Upon the occurrence of any Event of Default, the State may take any one, or more, or all, of the following actions:

11.2.1 give the Grantee a written notice specifying the Event of Default and requiring it to be remedied within, in the absence of a greater or lesser specification of time, thirty (30) days from the date of the notice; and if the Event of Default is not timely remedied, terminate this Agreement, effective two (2) days after giving the Grantee notice of termination; and

11.2.2 give the Grantee a written notice specifying the Event of Default and suspending all payments to be made under this Agreement and ordering that the

portion of the Grant Amount which would otherwise accrue to the grantee during the period from the date of such notice until such time as the State determines that the Grantee has cured the Event of Default shall never be paid to the Grantee; and

11.2.3 set off against any other obligation the State may owe to the Grantee any damages the State suffers by reason of any Event of Default; and

11.2.4 treat the agreement as breached and pursue any of its remedies at law or in equity, or both.

12. TERMINATION.

12.1 In the event of any early termination of this Agreement for any reason other than the completion of the Project, the Grantee shall deliver to the Grant Officer, not later than fifteen (15) days after the date of termination, a report (hereinafter referred to as the "Termination Report") describing in detail all Project Work performed, and the Grant Amount earned, to and including the date of termination.

12.2 In the event of Termination under paragraphs 10 or 12.4 of these general provisions, the approval of such a Termination Report by the State shall entitle the Grantee to receive that portion of the Grant amount earned to and including the date of termination.

12.3 In the event of Termination under paragraphs 10 or 12.4 of these general provisions, the approval of such a Termination Report by the State shall in no event relieve the Grantee from any and all liability for damages sustained or incurred by the State as a result of the Grantee's breach of its obligations hereunder.

12.4 Notwithstanding anything in this Agreement to the contrary, either the State or except where notice default has been given to the Grantee hereunder, the Grantee, may terminate this Agreement without cause upon thirty (30) days written notice.

13. **CONFLICT OF INTEREST.** No officer, member or employee of the Grantee and no representative, officer or employee of the State of New Hampshire or of the governing body of the locality or localities in which the Project is to be performed, who exercises any functions or responsibilities in the review or approval of the undertaking or carrying out of such Project, shall participate in any decision relating to this Agreement which affects his or her personal interests or the interest of any corporation, partnership, or association in which he or she is directly or indirectly interested, nor shall he or she have any personal or pecuniary interest, direct or indirect, in this Agreement or the proceeds thereof.

14. **GRANTEE'S RELATION TO THE STATE.** In the performance of this Agreement, the Grantee, its employees, and any subcontractor or subgrantee of the Grantee are in all respects independent contractors, and are neither agents nor employees of the State. Neither the Grantee nor any of its officers, employees, agents, members, subcontractors or subgrantees, shall have authority to bind the State nor are they entitled to any of the benefits, workmen's compensation or emoluments provided by the State to its employees.

15. **ASSIGNMENT AND SUBCONTRACTS.** The Grantee shall not assign, or otherwise transfer any interest in this Agreement without the prior written consent of the State. None of the Project Work shall be subcontracted or subgranted by the Grantee other than as set forth in Exhibit A without the prior written consent of the State.

16. **INDEMNIFICATION.** The Grantee shall defend, indemnify and hold harmless the State, its officers and employees, from and against any and all losses suffered by the State, its officers and employees, and any and all claims, liabilities or penalties asserted against the State, its officers and employees, by or on behalf of any person, on account of, based on, resulting from, arising out of (or which may be claimed to arise out of) the acts or omissions of the Grantee or Subcontractor, or subgrantee or other agent of the Grantee.

Notwithstanding the foregoing, nothing herein contained shall be deemed to constitute a waiver of the sovereign immunity of the State, which immunity is hereby reserved to the State. This covenant shall survive the termination of this agreement.

17. **INSURANCE AND BOND.**

17.1 The Grantee shall, at its sole expense, obtain and maintain in force, or shall require any subcontractor, subgrantee or assignee performing Project work to obtain and maintain in force, both for the benefit of the State, the following insurance:

17.1.1 statutory workers' compensation and employees liability insurance for all employees engaged in the performance of the Project, and

17.1.2 comprehensive public liability insurance against all claims of bodily injuries, death or property damage, in amounts not less than \$2,000,000 for bodily injury or death any one incident, and \$500,000 for property damage in any one incident; and

17.2 The policies described in subparagraph 17.1 of this paragraph shall be the standard form employed in the State of New Hampshire, issued by underwriters acceptable to the State, and authorized to do business in the State of New Hampshire. Each policy shall contain a clause prohibiting cancellation or modification of the policy earlier than ten (10) days after written notice has been received by the State.

18. **WAIVER OF BREACH.** No failure by the State to enforce any provisions hereof after any Event of Default shall be deemed a waiver of its rights with regard to that Event, or any subsequent Event. No express waiver of any Event of Default shall be deemed a waiver of any provisions hereof. No such failure or waiver shall be deemed a waiver of the right of the State to enforce each and all of the provisions hereof upon any further or other default on the part of the Grantee.

19. **NOTICE.** Any notice by a party hereto to the other party shall be deemed to have been duly delivered or given at the time of mailing by certified mail, postage prepaid, in a United States Post Office addressed to the

parties at the addresses first above given.

20. **AMENDMENT.** This agreement may be amended, waived or discharged only by an instrument in writing signed by the parties hereto and only after approval of such amendment, waiver or discharge by the Governor and Council of the State of New Hampshire.

21. **CONSTRUCTION OF AGREEMENT AND**

TERMS. This Agreement shall be construed in accordance with the law of the State of New Hampshire, and is binding upon and inures to the benefit of the parties and their respective successors and assignees. The captions and contents of the "subject" blank are used only as a matter of convenience, and are not to be considered a part of this Agreement or to be used in determining the intent of the parties hereto.

22. **THIRD PARTIES.** The parties hereto do not intend to benefit any third parties and this Agreement shall not be construed to confer any such benefit.

23. **ENTIRE AGREEMENT.** This Agreement, which may be executed in a number of counterparts, each of which shall be deemed an original, constitutes the entire agreement and understanding between the parties, and supersedes all prior agreements and understandings relating hereto.

EXHIBIT A
List of Services

1. The Grantee shall conduct the collection portion of its Project for **Portsmouth, Newington, Rye, and Greenland**, in accordance with the terms and conditions of a contract which incorporates, at a minimum, all of the provisions set forth in Section 3 below between the Grantee and its contracted permitted hazardous waste transporter (the contractor). For purposes of this agreement, the contractor shall mean the primary contractor and the Subcontractor means all additional contractors that the contractor hires for participating in the Project.
2. The Grantee shall spend its grant monies solely for the purpose of paying the Project's contractor and/or for paying the expenses associated with conducting the Project's educational component, as required under the NH Hazardous Waste Rules Env-Hw 1003.07.
3. The Grantee shall enter into a contract with a contractor to perform the household hazardous waste collection project that includes, as a minimum, the following provisions:
 - a. That the contractor shall handle all household hazardous wastes collected at the project site as hazardous wastes, and shall comply with all state and federal laws and regulations governing hazardous waste, including but not limited to, the provisions of RSA 147-A and Chapter Env-Wm 100 through Chapter Env-Hw 1000 involving hazardous waste safety standards, transportation requirements, and requirements for proper generation, treatment, storage, and disposal of hazardous wastes. Said requirements shall include RSA 147-A, Chapter Env-Hw 100 through Chapter Env-Wm 1000, and those of the state(s) through which and to which the waste has been sent;
 - b. That the contractor must act as the generator of the hazardous wastes that it collects at the project site and that the contractor must sign the Project's manifest forms as such generator;
 - c. That the contractor must have all necessary permits and licenses to handle and transport hazardous wastes in New Hampshire and other states associated with the conduct of the project;
 - d. That the contractor may not assign or subcontract any of the duties to be performed under the contract without prior written approval by the Grantee and by the Department. Further, that any additional Subcontractor must also have all necessary permits and licenses to carry out the functions that are the subject of the subcontract;
 - e. That the contractor shall, at its sole expense, obtain and maintain in force, and shall require all Subcontractors to obtain and maintain in force, comprehensive public liability insurance against all claims of bodily injuries, death, or property damage, in amounts and terms complying with, at a minimum, all applicable state requirements for hazardous waste transporters, including NH Code of Administrative Rules Env-Hw 603.12. Such policies shall cover the State and the Grantee as additional insured parties and shall comply, in form and substance, with all applicable provisions of the NH Liability Insurance Act, RSA Ch. 412, and the rules thereunder;
 - f. That the contractor shall transport all household hazardous wastes collected at the project site to an authorized treatment, storage, or disposal facility. Said facility shall be in compliance with appropriate state and federal requirements.

EXHIBIT A
Page 2

- g. That the Grantee shall not pay the contractor until after (1) the Department has received copies of all Project manifest forms required under Part Env-Hw 510, including Copy #2 of all Project manifest forms signed by the operator of the permitted hazardous waste facility or facilities to which the Project's collected hazardous wastes were delivered, and (2) the Department has reviewed the Project's collection, handling, transportation, storage, treatment, recycling and disposal of hazardous waste for compliance with applicable state and federal requirements. The Department's payment of funds to the Grantee shall not be construed as a waiver of any past, present or future right, claim, or cause of action related to the performance of this agreement or the enforcement of any applicable State or federal law;
 - h. That the contractor shall adhere to a work plan and a site safety plan, such plans may be reviewed by the Department.
 - i. That the Department may exercise its authority to modify, suspend or terminate the Project if it decides that the Project poses a threat to human health or the environment; and
- 4. The Grantee shall conduct public education activities regarding household hazardous waste in accordance with the provisions of RSA 147-B:6, I-a and Section Env-Hw 1003.07. Said activities shall include those set forth in the Grantee's application for Grant Monies, as approved by the Department.
- 5. The Grantee shall keep a count of persons participating in the Project and to conduct a questionnaire of said persons incorporating, at a minimum, the questions set forth on the Participant Exit Survey.
- 6. The Grantee shall conduct the collection portion of its project on or before the completion date shown in Section 1.7 of the contract. Failure to do so may result in termination of this agreement.
- 7. The Grantee shall allow the Department to have access to and conduct any monitoring of the Project deemed necessary by the Department to ensure its compliance with the terms of the contract and with state and federal statutes and regulations.

EXHIBIT B
Method of Payment

1. The State agrees to pay the Grantee the Grant Monies upon the successful completion of the Project. Successful completion shall mean that (1) the Grantee has fulfilled the terms and conditions of this agreement, (2) the Grantee's accounting records, submitted to the Department have been reviewed by the Department, (3) the contractor has fulfilled the terms and conditions of its contract with the Grantee, and (4) the State has received and reviewed all Project manifest forms required in accordance with this contract and all applicable state and federal requirements. No Grant Monies shall be paid to the Grantee until the Department has determined that all the Project's collected hazardous wastes have been delivered to a permitted hazardous waste facility and the Department has reviewed the handling, transportation, and storage, treatment, recycling and/or disposal of the Project's collected hazardous wastes for compliance with applicable state and federal requirements. Said requirements shall include RSA 147-A, Chapter Env-Wm 100 through Chapter Env-Wm 1000, and those of the state(s) through which and to which the waste has been sent. However, the payment of funds to the Grantee shall not be construed as a waiver by the Department of any past, present or future right, claim or cause of action related to the performance of this agreement or the enforcement of all applicable state or federal laws.
2. Upon fulfillment of the terms and conditions of this contract, including all of the conditions of a successful completion of the Project, the Department shall pay to the Grantee Grant Monies in the amount not to exceed \$5,594. This amount is based on a rate of **\$0.18 per capita** and on a population base of **31,078** to be made to the Grantee within 30 days of either the Department's receipt of the Grantee to be served by this Project. However, in no case shall the Department pay more than fifty percent (50%) of the total costs of the Project. Payment shall be made to the Grantee within 30 days of either the Department's receipt of the Grantee's invoice or the Department's determination that the Project has been successfully completed in accordance with this contract, whichever is later.
3. Grantee expenses not directly associated with the Project shall not be reimbursable by the Department. Only costs that otherwise would not have been spent by the Grantee were it not for the Project, and the Grantee's coordination thereof, shall be reimbursed by the Department. Nonreimbursable items shall include, but not be limited to, the following: employee benefits, payroll taxes, insurance, rent, utilities, dues, and depreciation.
4. The Grantee agrees to expend monies on the Project in an amount not less than the Project's Grant Monies, in fulfillment of the matching requirement set forth in RSA 147-B:6, I-a and in Part Env-Wm 1003.
5. The Grantee agrees to pay for all Project costs beyond the amount of Grant Monies.
6. Prior to the Department's awarding of the Grant Monies specified in this agreement, the Grantee agrees to provide the Department with records showing an accounting for all monies spent and/or costs incurred from the Project, including the Project's Grant Monies. Further, the Grantee agrees that no Grant Monies shall be paid by the Department unless and until the Department has reviewed and determined that such costs or expenditures qualify for funding under the terms of this agreement, and all applicable state and federal requirements; provided that the Department's payment of funds to the Grantee shall not be construed as a waiver of any past, present or future right, claim or cause of action related to the performance of this agreement or any applicable state or federal law.
7. The Grantee agrees to submit an invoice to the State for the Grant Monies specified in this agreement. Said invoice shall be submitted to the NH Department of Environmental Services, 29 Hazen Drive, Concord, NH 03301-6509.

EXHIBIT C
Special Provisions

1. The State reserves the right to audit the Grantee's expenditures for the Project and to retract and/or seek reimbursement for Grant Monies paid to the Grantee whenever, subsequent to payment of Grant Monies, it becomes known that any of the terms and conditions of this agreement were, in fact, not fulfilled.
2. Paragraph 15 of the General Provisions is amended in that the parties intend the Grantee to retain a Contractor in accordance with Exhibit A of this agreement.

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, September 22, 2014 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a Proposed Ordinance amending Chapter 7, Article II, Section 7.230 – Prohibited Conduct by Medallion Holders or Owners. The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

KELLI L. BARNABY, CMC/CNHMC
CITY CLERK

LEGAL/PUBLIC NOTICE

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KELLI L. BARNABY, CMC/CNHMC
CITY CLERK

#12517

11P 8/21

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That the ordinances of the City of Portsmouth are hereby amended by the addition of a new provision entitled Chapter 7, Article II, Section 7.230 – PROHIBITED CONDUCT BY MEDALLION HOLDERS OR OWNERS which shall read as follows:

Section 7.230: PROHIBITED CONDUCT BY MEDALLION HOLDERS OR OWNERS

No holder of a taxi medallion or owner of a taxi to which a medallion has been issued shall, either individually or in conjunction with any other person, transport passengers for hire within the City except by the use of vehicles which have been issued a taxi medallion by the City.

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

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

This ordinance shall take effect upon its passage.

APPROVED:

Robert J. Lister, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, September 22, 2014 at 7:00 p.m., Eileen Dondero Foley Council on a Proposed Ordinance amending Chapter 10 – Zoning Ordinance, Section 10.404, Table of Uses – Residential, Mixed Residential, Business and Industrial Districts, by changing use #1.41 (Multifamily dwelling, 3 or 4 dwelling units) from “P” (permitted) to “S” (special exception) in the General Residence A and B (GRA & GRB) districts. The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

KELLI L. BARNABY, CMC/CNHMC
CITY CLERK

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, September 22, 2014 at 7:00 p.m., Eileen Dondero Foley Council on a Proposed Ordinance amending Chapter 10 – Zoning Ordinance, Section 10.404, Table of Uses – Residential, Mixed Residential, Business and Industrial Districts, by changing use #1.41 (Multifamily dwelling, 3 or 4 dwelling units) from “P” (permitted) to “S” (special exception) in the General Residence A and B (GRA & GRB) districts. The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

KELLI L. BARNABY, CMC/CNHMC
CITY CLERK

#12517

1tP 8/7

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

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

In Section 10.440, Table of Uses – Residential, Mixed Residential, Business and Industrial Districts, change “P” (permitted) to “S” (special exception) for use #1.41 in the General Residence A and B (GRA & GRB) districts, as follows:

Use	R	SRA SRB	GRA GRB	GRC (A)	GA/ MH
1.40 Multifamily dwelling					
1.41 3 or 4 dwelling units	N	N	P S	P	P
1.42 5 to 8 dwelling units	N	N	N	S	P
1.43 More than 8 dwelling units	N	N	N	N	P

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

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

This ordinance shall take effect upon its passage.

APPROVED:

Robert Lister, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, SEPTEMBER 22, 2014 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH, on the proposed Ordinance:

Rezone the following lots from Industrial (I), Office Research (OR) or Municipal (M) to Character District 4 (CD4):

- Assessors Map 163, Lots 33, 34 and 37;
- Assessors Map 165, Lots 1, 2 and 14;
- Assessors Map 172, Lots 1 and 2;
- Assessors Map 173, Lots 2 and 10;

and including Cate Street between Hodgson's Brook and Bartlett Street, as shown on two exhibits titled "Areas Proposed To Be Rezoned to Character District 4 (CD4)" dated 6-23-2014;

and revise the Zoning Map referenced in Chapter 10, Article 4, Section 10.420 (District Location and Boundaries) of the Ordinances of the City of Portsmouth accordingly.

The proposed amendment to the Zoning Ordinance and may be reviewed during normal business hours of City Hall in the offices of the City Clerk and Planning Department.

KELLI L. BARNABY, CMC/CNHMC
CITY CLERK

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, SEPTEMBER 22, 2014 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH, on the proposed Ordinance:

Rezone the following lots from Industrial (I), Office Research (OR) or Municipal (M) to Character District 4 (CD4):

- Assessors Map 163, Lots 33, 34 and 37;
- Assessors Map 165, Lots 1, 2 and 14;
- Assessors Map 172, Lots 1 and 2;
- Assessors Map 173, Lots 2 and 10;

and including Cate Street between Hodgson's Brook and Bartlett Street, as shown on two exhibits titled "Areas Proposed To Be Rezoned to Character District 4 (CD4)" dated 6-23-2014;

and revise the Zoning Map referenced in Chapter 10, Article 4, Section 10.420 (District Location and Boundaries) of the Ordinances of the City of Portsmouth accordingly.

The proposed amendment to the Zoning Ordinance and may be reviewed during normal business hours of City Hall in the offices of the City Clerk and Planning Department.

KELLI L. BARNABY, CMC/CNHMC
CITY CLERK

#12517 1t P. 7/18

ORDINANCE #
THE CITY OF PORTSMOUTH ORDAINS

That the following lots be rezoned from Industrial (I), Office Research (OR) or Municipal (M) to Character District 4 (CD4):

- Assessors Map 163, Lots 33, 34 and 37;
- Assessors Map 165, Lots 1, 2 and 14;
- Assessors Map 172, Lots 1 and 2; and
- Assessors Map 173, Lots 2 and 10;

and including Cate Street between Hodgson's Brook and Bartlett Street, as shown on the attached exhibits titled "Areas Proposed To Be Rezoned to Character District 4 (CD4)", dated 6-23-2014;

And that the Zoning Map referenced in Chapter 10, Article 4, Section 10.420 (District Location and Boundaries) of the Ordinances of the City of Portsmouth be revised accordingly.

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

This ordinance shall take effect upon its passage.

APPROVED:

Robert J. Lister, Mayor

ADOPTED BY COUNCIL:

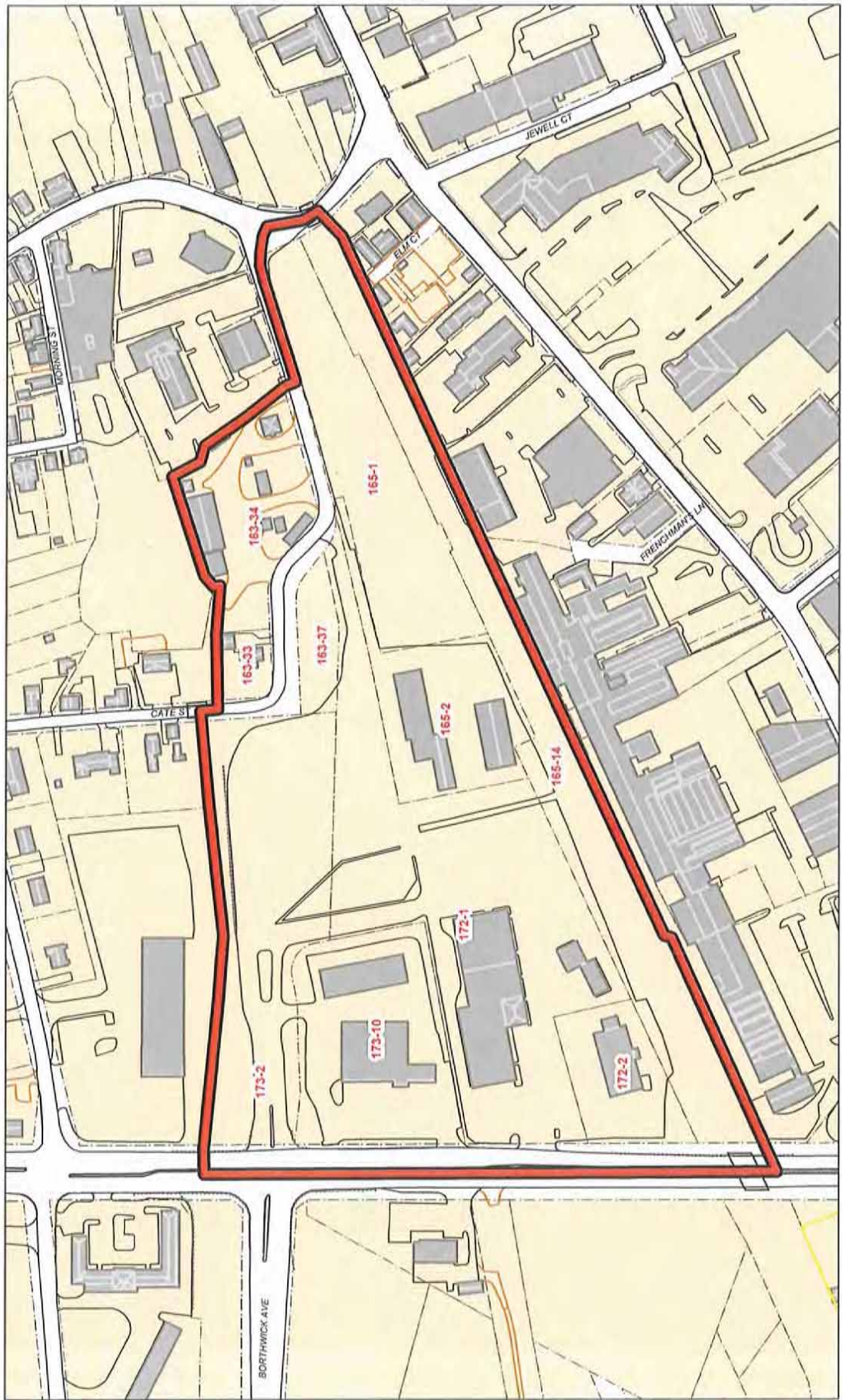
Kelli L. Barnaby, City Clerk



Area Proposed To Be Rezoned to Character District 4 (CD4)

 Proposed CD4 District

Feet
0 80 160 240 320
Petersborough Planning Department | 6-23-2014



Area Proposed To Be Rezoned to Character District 4 (CD4)

Proposed CD4 District



Feet
0 80 160 240 320
Plymouth Planning Department | 6-23-2014

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, September 22, 2014 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a Resolution Authorizing a Bond Issue and/or Notes of up to Three Million Four Hundred Seventy Five Thousand Dollars (\$3,475,000.00) for Costs related to Fiscal Year 2015 Citywide Seawall, Street, and Sidewalk Improvements. The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

KELLI L. BARNABY, CMC/CNHMC
CITY CLERK

Legal Notice

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, September 22, 2014 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a Resolution Authorizing a Bond Issue and/or Notes of up to Three Million Four Hundred Seventy Five Thousand Dollars (\$3,475,000.00) for Costs related to Fiscal Year 2015 Citywide Seawall, Street, and Sidewalk Improvements. The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

Kelli L. Barnaby, CMC/CNHMC
City Clerk

#12517

11P 8/21

CITY OF PORTSMOUTH
TWO THOUSAND FOURTEEN
PORTSMOUTH, NEW HAMPSHIRE

RESOLUTION # — 2014

A RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF UP TO THREE MILLION FOUR HUNDRED SEVENTY FIVE THOUSAND DOLLARS (\$3,475,000) FOR COSTS RELATED TO FISCAL YEAR 2015 CITYWIDE SEAWALL, STREET, AND SIDEWALK IMPROVEMENTS.

BE IT RESOLVED:

THAT, the sum of Three Million Four Hundred Seventy Five Thousand Dollars (\$3,475,000) is appropriated for Fiscal Year 2015 Citywide Seawall, Street and Sidewalk Improvements;

THAT, to meet this appropriation, the City Treasurer, with the approval of the City Manager, is authorized to borrow, on a competitive or negotiated basis, up to Three Million Four Hundred Seventy Five Thousand Dollars (\$3,475,000) through the issuance of bonds and/or notes of the City under the Municipal Finance Act;

THAT That the expected useful life of the project is determined to be at least ten (10) years, and;

THAT That this Resolution shall take effect upon its passage.

APPROVED:

ROBERT J. LISTER, MAYOR

ADOPTED BY CITY COUNCIL

KELLI BARNABY, CMC/CNHMC
CITY CLERK

BI-DPW-27: SEAWALL REPAIRS and IMPROVEMENTS.

This project will consist of repairing sections of seawalls that are the property of the City including those in Prescott Park.

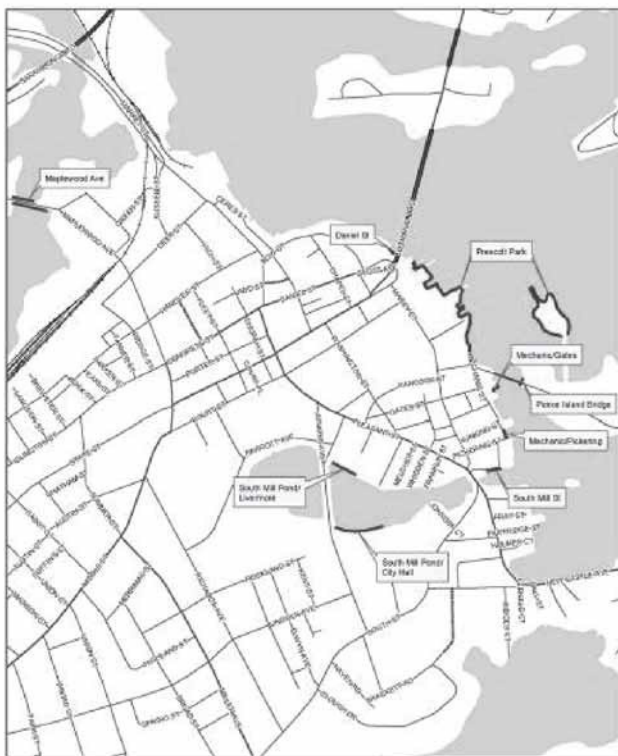


The proposed projects are based on the recommendations of the Citywide Seawall Condition Study



		FY 15	FY 16	FY 17	FY 18	FY 19	FY 20	Totals 15-20	6 PY's Funding	Totals
GF	26%							\$0	\$525,000	\$525,000
Fed/State	0%							\$0	\$0	\$0
Bond/Lease	62%	\$1,275,000						\$1,275,000	\$0	\$1,275,000
Bond Prem. Supp.	12%							\$0	\$250,000	\$250,000
Revenues	0%							\$0	\$0	\$0
PPP	0%							\$0	\$0	\$0
Totals		\$1,275,000	\$0	\$0	\$0	\$0	\$0	\$1,275,000	\$775,000	\$2,050,000
Commence FY:	On-Going	Quarter:	1st	Priority:		Impact On Operating Budget:		Negligible		

BI-DPW-27: SEAWALL REPAIRS and IMPROVEMENTS.



Sea Walls
Portsmouth, New Hampshire
Map prepared by Portsmouth Department of Public Works, 28 December 2008
Map document: \\projects\2008 Sea Walls\seawalls_28.doc

Seawall Repair/Replacement Projects

Location	Project Estimate
Pierce Island Bridge	\$ 75,000
South Mill Pond/Livermore	\$175,000
South Mill Pond/City Hall	\$200,000
Four Tree Island	\$410,000
Prescott Park	\$415,000
<hr/>	
Total Estimated Cost	\$1,275,000
South Mill Street	Completed FY11
Mechanic Street/Gates	Completed FY12
Mechanic Street/Pickering	Completed FY14
Daniel Street	Underway FY14

TSM-CITY-21: ROADWAY: McDonough Street Area Improvements Project

This project is at the request of the Islington Creek Neighborhood Association to have new sidewalks and traffic calming measures installed throughout the McDonough Street Area. The main purpose of this project is to enhance safety for the residents and others who travel through this area on foot, by bicycle, and motor vehicle. This area is a mixed use of residential, commercial, and industrial uses sandwiched between Islington Street and the North Mill Pond. The work will include water, sewer, storm drainage, paving, curbing, and associated landscaping constructed in a phased approach that began in FY10.



		FY 15	FY 16	FY 17	FY 18	FY 19	FY 20	Totals 15-20	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/State	0%							\$0	\$0	\$0
Bond/Lease	100%	\$400,000						\$400,000	\$1,600,000	\$2,000,000
Other	0%							\$0	\$0	\$0
Revenues	0%							\$0	\$0	\$0
PPP	0%							\$0	\$0	\$0
	Totals	\$400,000	\$0	\$0	\$0	\$0	\$0	\$400,000	\$1,600,000	\$2,000,000
Commence FY:	2011	Quarter:	1 st	Priority:		Impact On Operati ng		Negligibl		

TSM-CITY-27: ROADWAY: Maplewood Avenue Rehabilitation .

This project has been initiated by the residents of Maplewood Avenue with the primary purpose to reduce travel speeds, improve pedestrian safety, and eliminate through truck travel. This work will include traffic calming methods (reduced width travel lanes and bump-outs), curbing, signage, pavement markings, pedestrian safety amenities, and sidewalk replacement as needed between Woodbury Ave and Route 1 By-Pass southbound ramp. Recently constructed improvements on Woodbury Avenue are the types of improvements contemplated for this corridor. This project is being coordinated with the water line replacement project.



		FY 15	FY 16	FY 17	FY 18	FY 19	FY 20	Totals 15-20	6 PY's Funding	Totals
GF	7%							\$0	\$100,000	\$100,000
Fed/State	0%							\$0	\$0	\$0
Bond/Lease	93%	1,300,000						\$1,300,000	\$0	\$1,300,000
Other	0%							\$0	\$0	\$0
Revenues	0%							\$0	\$0	\$0
PPP	0%							\$0	\$0	\$0
	Totals	\$1,300,000	\$0	\$0	\$0	\$0	\$0	\$1,300,000	\$100,000	\$1,400,000
Commence FY:	Quarter:	1 st	Priority:	I	Impact On Operating Budget:	Negligibl				

TSM-CITY-28: ROADWAY: PEASE INTERNATIONAL TRADEPORT

Roadway Rehabilitation:

Per the Municipal Service Agreement between the City of Portsmouth and Pease Development Authority, the City shall provide Public Works Services in the Non-Airfield Area of the Airport District. Public Works Services include maintaining and repairing roads, streets, bridges and sidewalks. On the following page are the Streets and Roads within the Airport District that are identified for improvements.



International Drive



Goose Bay Drive



Oak Avenue



Aviation Drive



Arboretum Drive



Exeter Street

		FY 15	FY 16	FY 17	FY 18	FY 19	FY 20	Totals 15-20	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/State	0%							\$0	\$0	\$0
Bond/Lease	100%	\$500,000		\$500,000		\$500,000		\$1,500,000	\$500,000	\$2,000,000
Other	0%							\$0	\$0	\$0
Revenues	0%							\$0	\$0	\$0
PPP	0%							\$0	\$0	\$0
	Totals	\$500,000	\$0	\$500,000	\$0	\$500,000	\$0	\$1,500,000	\$500,000	\$2,000,000
Commence FY:	On=Going	quarter:	1st	Priority:	li	Impact On Operating Budget:		Negligibl		

TSM-CITY-28: ROADWAY: PEASE INTERNATIONAL TRADEPORT
Roadway Rehabilitation:

PEASE INTERNATIONAL TRADEPORT

Street	Estimated Cost
International Drive	\$800,000
Goose Bay Drive	\$550,000
Oak Avenue	\$425,000
Aviation Drive	\$500,000
Arboretum Drive	\$1,250,000
Exeter Street	\$550,000
Rochester Avenue	\$600,000
Total Estimated Cost	<hr/> \$4,675,000

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, September 22, 2014 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a Resolution Authorizing a Bond Issue and/or Notes of up to Seven Hundred Fifty Thousand Dollars (\$750,000.00) for Costs related to Fiscal Year 2015 School Facilities Improvements. The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

KELLI L. BARNABY, CMC/CNHMC
CITY CLERK

Legal Notice

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, September 22, 2014 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a Resolution Authorizing a Bond Issue and/or Notes of up to Seven Hundred Fifty Thousand Dollars (\$750,000.00) for Costs related to Fiscal Year 2015 School Facilities Improvements. The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

Kelli L. Barnaby, CMC/CNHMC
City Clerk

#12517

1tP 8/21

CITY OF PORTSMOUTH
TWO THOUSAND FOURTEEN
PORTSMOUTH, NEW HAMPSHIRE

RESOLUTION # — 2014

A RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF UP TO SEVEN HUNDRED FIFTY THOUSAND DOLLARS (\$750,000) FOR COSTS RELATED TO FISCAL YEAR 2015 SCHOOL FACILITIES IMPROVEMENTS.

RESOLVED:

THAT, the sum of Seven Hundred Fifty Thousand Dollars (\$750,000) is appropriated for Fiscal Year 2015 School Facilities Improvements;

THAT, to meet this appropriation, the City Treasurer, with the approval of the City Manager, is authorized to borrow, on a competitive or negotiated basis, up to Seven Hundred Fifty Thousand Dollars (\$750,000) through the issuance of bonds and/or notes of the City under the Municipal Finance Act;

THAT, the expected useful life of the projects is determined to be at least ten (10) years, and;

THAT, this Resolution shall take effect upon its passage.

APPROVED:

ROBERT J. LISTER, MAYOR

ADOPTED BY CITY COUNCIL

KELLI BARNABY, CMC/CNHMC
CITY CLERK

BI-SD-05: SCHOOL FACILITIES: HIGH SCHOOL ATHLETIC FIELDS LIGHTING

The Portsmouth School Department has maintenance responsibilities for more than 10 acres of athletic fields on the Portsmouth High School Campus, used by both the School and Recreation Departments. Seven fields and the tennis courts have been served by a lighting system that was installed in 1989. The lighting system is now beyond its expected life cycle, resulting in numerous component failures. Due to advances in lighting technology and market conditions, the bulbs, ballasts and fixtures are no longer being manufactured or in stock. An energy efficient lighting upgrade is planned over the next three years. This is a joint request with the Recreation Department.



		FY 15	FY 16	FY 17	FY 18	FY 19	FY 20	Totals 15-20	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/State	0%							\$0	\$0	\$0
Bond/Lease	100%	\$750,000						\$750,000	\$0	\$750,000
Other	0%							\$0	\$0	\$0
Revenues	0%							\$0	\$0	\$0
PPP	0%							\$0	\$0	\$0
	Totals	\$750,000	\$0	\$0	\$0	\$0	\$0	\$750,000	\$0	\$750,000
Commence FY:	2015	Quarter:	1st	Priority:	I	Impact On Operating Budget:		Negligible		

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, September 22, 2014 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a Resolution Authorizing a Bond Issue and/or Notes of the City Under the Municipal Finance Act and/or Participation in the State Revolving Fund (SRF) Loan of up to Four Million Eight Hundred Thousand Dollars (\$4,800,000.00) related to Greenland Well Upgrades, Maplewood Avenue Waterline Replacement and Water System Pressure-Storage Improvements. The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

KELLI L. BARNABY, CMC/CNHMC
CITY CLERK

LEGAL/PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, September 22, 2014 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a Resolution Authorizing a Bond Issue and/or Notes of the City Under the Municipal Finance Act and/or Participation in the State Revolving Fund (SRF) Loan of up to Four Million Eight Hundred Thousand Dollars (\$4,800,000.00) related to Greenland Well Upgrades, Maplewood Avenue Waterline Replacement and Water System Pressure-Storage Improvements. The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

KELLI L. BARNABY, CMC/CNHMC
CITY CLERK

#12517

1tP 8/21

CITY OF PORTSMOUTH TWO
THOUSAND FOURTEEN
PORTSMOUTH, NEW HAMPSHIRE

RESOLUTION # - 2014

A RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF THE CITY UNDER THE MUNICIPAL FINANCE ACT AND/OR PARTICIPATION IN THE STATE REVOLVING FUND (SRF) LOAN OF UP TO FOUR MILLION EIGHT HUNDRED THOUSAND DOLLARS (\$4,800,000) RELATED TO GREENLAND WELL UPGRADES, MAPLEWOOD AVENUE WATERLINE REPLACEMENT AND WATER SYSTEM PRESSURE-STORAGE IMPROVEMENTS.

RESOLVED:

THAT, the sum of up to Four Million Eight Hundred Thousand Dollars (\$4,800,000) is appropriated for Greenland Well Upgrades, Maplewood Avenue Waterline Replacements, Water System Pressure-Storage Improvements;

To meet this appropriation, the City Treasurer, with the approval of the City Manager is authorized to borrow, on a competitive or negotiated basis, up to Four Million Eight Hundred Thousand Dollars (\$4,800,000) through the issuance of bonds and/or notes of the City under the Municipal Finance Act and/or a loan program offered through the State of New Hampshire Department of Environmental Services, identified as the State Revolving Fund Loan, such borrowing to be effected by the issuance of bonds and/or notes of the City under the Municipal Finance Act in connection with the Greenland Well Upgrades, Maplewood Avenue Waterline Replacements and Water System Pressure-Storage Improvements;

THAT the expected useful life of this project is determined to be at least twenty (20) years, and;

THAT this Resolution shall take effect upon its passage.

APPROVED:

ROBERT J. LISTER, MAYOR

ADOPTED BY CITY COUNCIL

KELLI BARNABY, CMC/CNHMC
CITY CLERK

EF-WD-08: GREENLAND WELL UPGRADES

The Water Division has completed a study that has identified upgrades needed at the Greenland Well to improve the reliability and efficiency of this critical resource. The work will involve the installation of another well directly adjacent to the existing structure. Premium efficiency motors, a back-up power supply and a new disinfection system as well as SCADA instrumentation will be included in this work.



Total Project	\$1,000,000	FY 08	FY 09	FY 10	FY 11	FY 12	FY 13	Totals
GF								\$0
Fed/State								\$0
Bond/SRF	100%	\$1,000,000						\$1,000,000
Other								\$0
Revenues								\$0
PPP								\$0
	Totals	\$1,000,000	\$0	\$0	\$0	\$0	\$0	\$1,000,000
Commence FY:	2008	Quarter:	1st	Priority:	I	Prior Years Funding		
Impact on Operating Budget:	Reduced operating costs						Total Project	\$1,000,000

EF-WD-03: MAPLEWOOD AVENUE WATERLINE REPLACEMENT

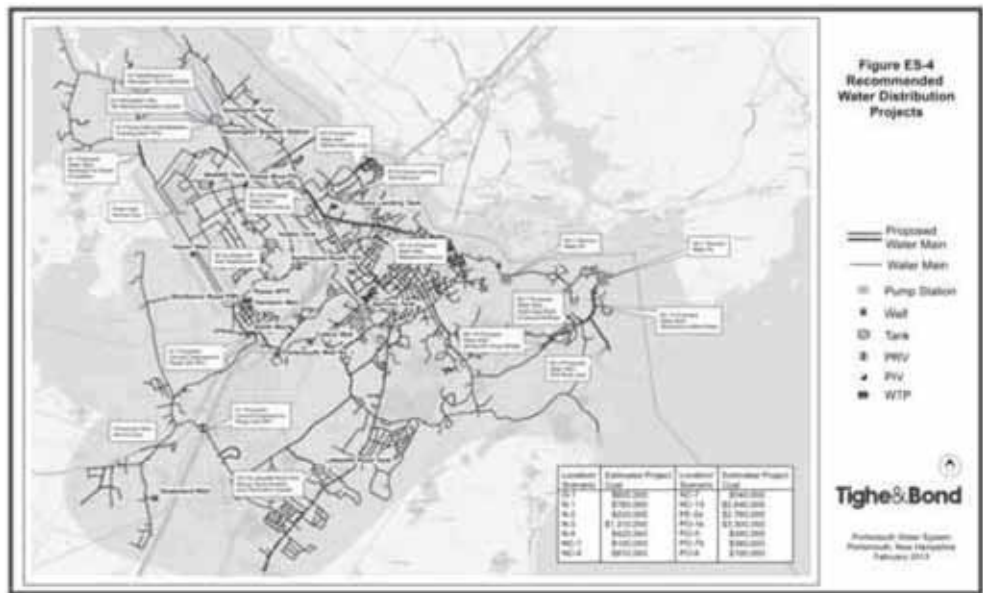
The project consists of replacing approximately 7,500 feet of 6" and 8" 90 year old waterline on Maplewood Avenue with new 16" cement-lined ductile iron waterline. The replacement would begin at the intersection of Woodbury Avenue and Maplewood Avenue and continue to the intersection of Raynes Avenue and Maplewood. Project will result in a looped water system feed into the central business district which will benefit both fire flows as well as water quality.



		FY 15	FY 16	FY 17	FY 18	FY 19	FY 20	Totals 14-19	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/State	0%							\$0	\$0	\$0
Bond/SRF	92%	3,300,000						\$3,300,000	\$0	\$3,300,000
Other	0%							\$0	\$0	\$0
Revenues	8%							\$0	\$300,000	\$300,000
PPP	0%							\$0	\$0	\$0
	Totals	\$3,300,000	\$0	\$0	\$0	\$0	\$0	\$3,300,000	\$300,000	\$3,600,000
Commence FY:		Quarter:	1st	Priority:		Impact On Operating		Negligible		

EF-WD-07: WATER SYSTEM PRESSURE AND STORAGE IMPROVEMENTS.

Project consists of design and construction of new water main, a new water tank and/or booster pump system to improve flow and pressure in the southerly portion of the water system as well as sections of the system which have been identified as needing upgrades as part of the water system hydraulic model and master plan update currently in progress.



		FY 15	FY 16	FY 17	FY 18	FY 19	FY 20	Totals 15-20	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/State	0%							\$0	\$0	\$0
Bond/SRF	100%	\$500,000	\$500,000	\$500,000	\$500,000			\$2,000,000	\$0	\$2,000,000
Other	0%							\$0	\$0	\$0
Revenues	0%							\$0	\$0	\$0
PPP	0%							\$0	\$0	\$0
	Totals	\$500,000	\$500,000	\$500,000	\$500,000	\$0	\$0	\$2,000,000	\$0	\$2,000,000
Commence FY:		Quarter:	1st	Priority:	II	Impact On Operating Budget:		Negligible		

2015

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, September 22, 2014 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a Resolution Authorizing a Bond Issue and/or Notes of the City Under the Municipal Finance Act and/or Participation in the State Revolving Fund (SRF) Loan of up to One Million Dollars (\$1,000,000.00) for costs related to the Pease Waste Water Treatment Plant Upgrades. The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

KELLI L. BARNABY, CMC/CNHMC
CITY CLERK

LEGAL/PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, September 22, 2014 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a Resolution Authorizing a Bond Issue and/or Notes of the City Under the Municipal Finance Act and/or Participation in the State Revolving Fund (SRF) Loan of up to One Million Dollars (\$1,000,000.00) for costs related to the Pease Waste Water Treatment Plant Upgrades. The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

KELLI L. BARNABY, CMC/CNHMC
CITY CLERK

#12517

1tP 8/21

CITY OF PORTSMOUTH
TWO THOUSAND AND FOURTEEN
PORTSMOUTH, NEW HAMPSHIRE

RESOLUTION # - 2014

A RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF THE CITY UNDER THE MUNICIPAL FINANCE ACT AND/OR PARTICIPATION IN THE STATE REVOLVING FUND (SRF) LOAN OF UP TO ONE MILLION DOLLARS (\$1,000,000) FOR COSTS RELATED TO THE PEASE WASTE WATER TREATMENT PLANT UPGRADES.

RESOLVED:

THAT the sum of up to One Million Dollars (\$1,000,000) is appropriated for Pease Waste Water Treatment Plant upgrades;

To meet this appropriation, the City Treasurer, with the approval of the City Manager is authorized to borrow, on a competitive or negotiated basis, up to One Million (\$1,000,000) Dollars through the issuance of bonds and/or notes of the City under the Municipal Finance Act and/or a loan program offered through the State of New Hampshire Department of Environmental Services, identified as the State Revolving Fund Loan, such borrowing to be effected by the issuance of bonds and/or notes of the City under the Municipal Finance Act in connection with the Pease Waste Water Treatment Plant;

That the expected useful life of the project is determined to be at least twenty (20) years,
and;

That this Resolution shall take effect upon its passage.

APPROVED:

ROBERT J. LISTER, MAYOR

ADOPTED BY CITY COUNCIL

KELLI BARNABY, CMC/CNHMC
CITY CLERK

EF-SD-03: PEASE WASTEWATER TREATMENT PLANT UPGRADES

This project addresses capital needs at the Pease Wastewater Treatment Facility. Parts of this plant date back to the original 1950s construction and are beyond their useful life. In addition, the Plant's NPDES discharge permit is up for renewal and this item anticipates additional capital needs which may result from a new permit.



		FY 15	FY 16	FY 17	FY 18	FY 19	FY 20	Totals 15-20	6 FY's Funding	Totals	
GF	0%							\$0	\$0	\$0	
Fed/State	0%							\$0	\$0	\$0	
Bond/SRF	95%	\$1,000,000			\$3,700,000			\$4,700,000	\$3,500,000	\$8,200,000	
Other	0%							\$0	\$0	\$0	
Revenues	5%			\$400,000				\$400,000	\$50,000	\$450,000	
PPP	0%							\$0	\$0	\$0	
	Totals	\$1,000,000	\$0	\$400,000	\$3,700,000	\$0	\$0	\$5,100,000	\$3,550,000	\$8,650,000	
Commence FY:	2013	Quarter:	1st	Priority:	II	Impact On Operating Budget:	High				

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 1, Article VIII, Section 1.807 of the Ordinances of the City of Portsmouth to be amended by the creation of a new provision identified as 1.807 - BEQUESTS OR GIFTS TO CITY EMPLOYEES which shall read as follows:

Section 1.807 - BEQUESTS OR GIFTS TO CITY EMPLOYEES

- A. No individual employee of the City of Portsmouth may accept any bequest or gift from any Portsmouth area resident with a value in excess of two hundred fifty dollars (\$250.00) unless the following conditions are met:
1. The testator/donor is of sound mind, as certified by the testator/donor's treating physician at the time of the document evidencing such gift or bequest; and
 2. The gift or bequest is made more than two (2) years from the testator/donor's date of death; and
 3. The testator has a relationship with such employee that is not based on or primarily related to the official duties of such employee; and
 4. The testator/donor has not amended or revoked any prior will or testamentary document under which the testator/donor includes a gift or bequest to a family member of such testator/donor.
- B. The legatee or donee of any gift or bequest that does not satisfy the above criteria must disclaim the gift or bequest.
- C. The penalty for violation of this section shall be disciplinary action, up to possible termination of employment with the City.

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

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

This ordinance shall take effect upon its passage, **except that this ordinance shall not be applied to any bequest or gift which has been designated or identified in a testamentary or other document prior to the date of final adoption of the ordinance by the City Council.**

APPROVED:

Robert J. Lister, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk
h:\ordires\employees – gift/bequest

City of Portsmouth

Department of Public Works



MEMORANDUM

TO: John P. Bohenko, City Manager

FROM: Mark Nelson, Director of Parking and Transportation

CC: Peter H. Rice, Director of Public Works

DATE: July 29, 2014

SUBJECT: Parking Impact from Ordinance Changes

A review of the proposed omnibus parking ordinance changes show a net gain of two defined parking spaces.

Reference and location	Defined spaces <i>before</i> ordinance change	Defined spaces <i>after</i> ordinance change
A1- Metering four spaces on Chapel Ct	4	4
A2 – Metering nine spaces on Maplewood Ave	9	9
B1 – No parking for safe sightlines on Islington St	0	0
B2 - No parking for safe sightlines on Islington St	0	0
B3- No parking for safe intersection on Miller Ave	0	0
B4- No parking for safe truck entry Preble/Ranger Way	0	0
B5- No parking for emergency vehicle access on State St	0	0
C - Adding two-way traffic (Hanover St)	n/a	n/a
D - Time-limiting taxi stand (Hanover St)	n/a	n/a
E1- Removing loading zone from ordinance (Daniel St)	n/a	n/a
E2 – Sharing loading zone with taxi stand (Hanover St)	n/a	n/a
E3 – Limiting loading zone hours (Market St)	0	2
F – Removing 24-hour loading zone (Market St)	n/a	n/a
G – Change “no parking“ to loading zone (Middle St)	n/a	n/a
Totals	13	15
Net change		+2

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, VEHICLES, TRAFFIC and PARKING of the ordinances of the City of Portsmouth be amended as follows by deletions from existing language stricken and highlighted in **red**; additions to existing language bolded and highlighted in **red**, remaining language unchanged from existing:

[Explanatory note not part of ordinance. The following changes to the parking ordinance were either implemented by the Parking and Traffic Safety Committee on a trial basis last year or are part of ongoing improvements to the parking ordinance and are forwarded to the City Council for approval. Each ordinance change is shown on diagrams attached hereto.]

- A. Amend:** Chapter 7, Article III – TRAFFIC ORDINANCE, Section 7.328: Limited Parking – Three Hours

Section 7.328: LIMITED PARKING – THREE HOURS

- A. No person having control or custody of any vehicle shall stop or cause the same to stop or park for longer than three hours at any time between the hours of 9:00 a.m. and 7:00 p.m. Monday through Saturday, and between 12:00 p.m. and 7:00 p.m. Sunday, Holidays excluded, on the following streets and locations:

4. Chapel Court: two spaces northerly side, and two spaces in the right-of-way at the end of the roadway.

13. Maplewood Avenue: westerly side, from Raynes Avenue to the Union Cemetery, nine consecutive spaces.

- B. Amend:** Chapter 7, Article III – TRAFFIC ORDINANCE, Section 7.330 No Parking:

Section 7.330: NO PARKING

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

58. Islington Street:
 e. northerly side from ~~Columbia Street~~ **Dover Street** to Bartlett Street and from Bartlett Street westerly 500 feet, excepting 55 feet measured easterly from the northeast corner of the intersection of Elm Court and Islington Street.
i. southerly side, beginning 220 feet east from Columbia Street, for 20 feet.
79. Miller Avenue:
b. both sides one hundred fifty feet (150') northerly from the intersection at South Street.
~~b. — westerly side forty feet (40') northerly from the intersection at South Street.~~
~~e. — easterly side one hundred fifty feet (150') northerly from the intersection at South Street~~
95. Preble Way:
c. north side, from easternmost point, westerly for a distance of 65 feet.
- 100. Ranger Way**
a. both sides, from Preble Way, 70 feet on the easterly side and 50 feet on the westerly side.
- 116. State Street:**
f. both sides, from the Piscataqua River edge, southwesterly for 76 feet, to the end of State Street and the beginning of the extension of State Street.

C. Amend: Chapter 7, Article III – TRAFFIC ORDINANCE, Section 7.336: One-Way Streets

Section 7.336: ONE-WAY STREETS

A. Vehicular traffic shall move only in the indicated directions on the following streets.

10. Hanover Street: easterly from ~~Rook~~ **Pearl** Street to Bridge Street.

D. Amend : Chapter 7, Article IVA: BUS STOPS, TAXICAB STANDS & HORSE DRAWN CARRIAGES, Section 7A.408: Taxi Stand Designated

Section 7A.408: TAXI STAND DESIGNATED

The following areas are hereby designated as Taxi stands:

- A. Hanover Street: southerly side, first parking space west from Fleet Street **from 7:00 p.m. to 6:00 a.m.**
-

- E.** Amend: Chapter 7, Article VI – TRUCK LOADING/UNLOADING ZONES, Section 7.601 Truck Loading/Unloading Zones Established:

Section 7.601: TRUCK LOADING/UNLOADING ZONES ESTABLISHED

The following locations are established as exclusive “Truck Loading Zones” on Mondays through Saturdays between the hours of 6:00 a.m. and 7:00 p.m. or as otherwise described below with regard to any particular location. During these times only trucks, vans and other commercial delivery vehicles actively engaged in loading or unloading of product, merchandise or equipment (meaning that no more than 10 consecutive minutes pass without loading or unloading activity) may park. Such vehicles may park at the designated locations for a period not to exceed 30 minutes. Unless otherwise determined by ordinance, at all other times these zones shall be open parking for all vehicles.

4. Daniel Street:
- a. northerly side, 123 feet east from Bow Street for a distance of 45 feet
 - ~~b. northerly side, 215 feet east from Bow Street for a distance of 35 feet~~
 - b. southerly side, 55 feet west from Penhallow Street for a distance of 80 feet
6. Hanover Street:
- b. southerly side, first two spaces west from Fleet Street, from 6:00 a.m. to 11:00 a.m.**
8. Market Street
- c. westerly side between Russell Street and Deer Street, from November 1st through March 30th, 2:00 a.m. to 5:00 p.m. Monday- Friday, 2:00 a.m to 1:00 p.m. Saturday.**
-

- F.** Amend: Chapter 7, Article VI – TRUCK LOADING/UNLOADING ZONES, Section 7.602 Truck Loading/Unloading Zones (24 Hours):

Section 7.602 TRUCK LOADING/UNLOADING ZONES (24 HOURS)

The following locations are established as exclusive “Truck Loading Zones” at all times, 24 hours a day, seven days a week. Only trucks, vans and other commercial delivery vehicles actually engaged in loading or unloading of product, merchandise or equipment may park in the designated locations. Such vehicles may park at the designated locations for a period not to exceed 30 consecutive minutes.

~~3. Market Street~~

~~—a. westerly side between Russell Street and Deer Street, from November 1 through March 30~~

G. Amend: Chapter 7, Article VI – TRUCK LOADING/UNLOADING ZONES, Section 7.603 Loading and Unloading of Live Parked Vehicles.

Section 7.603 LOADING AND UNLOADING OF LIVE PARKED VEHICLES

2. Middle Street: easterly side, beginning 188 feet southwesterly from intersection with Miller Avenue, for a distance of 20 feet (in front of 375 Middle St).

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

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

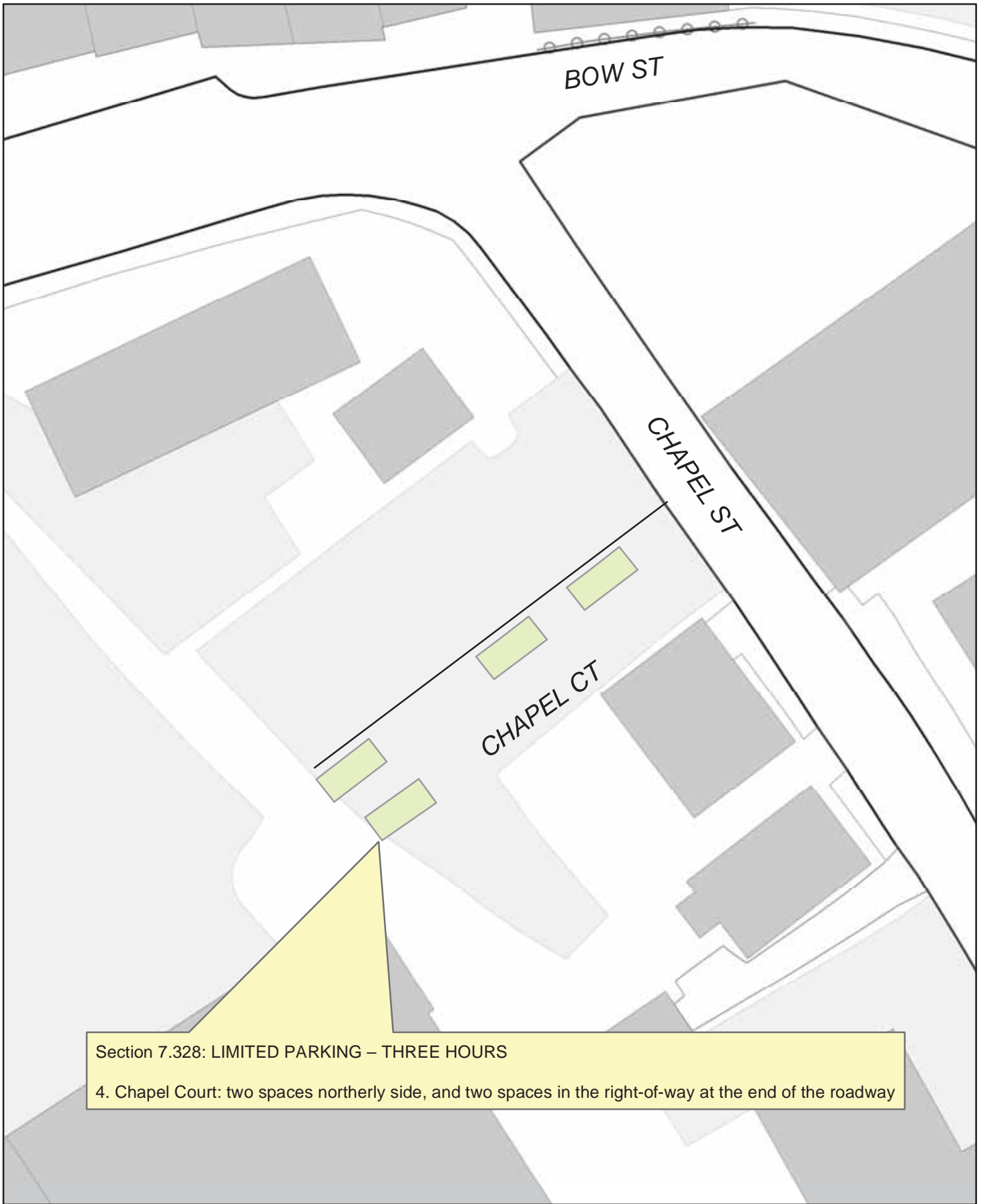
This ordinance shall take effect upon its passage.

APPROVED:

Robert Lister, Mayor

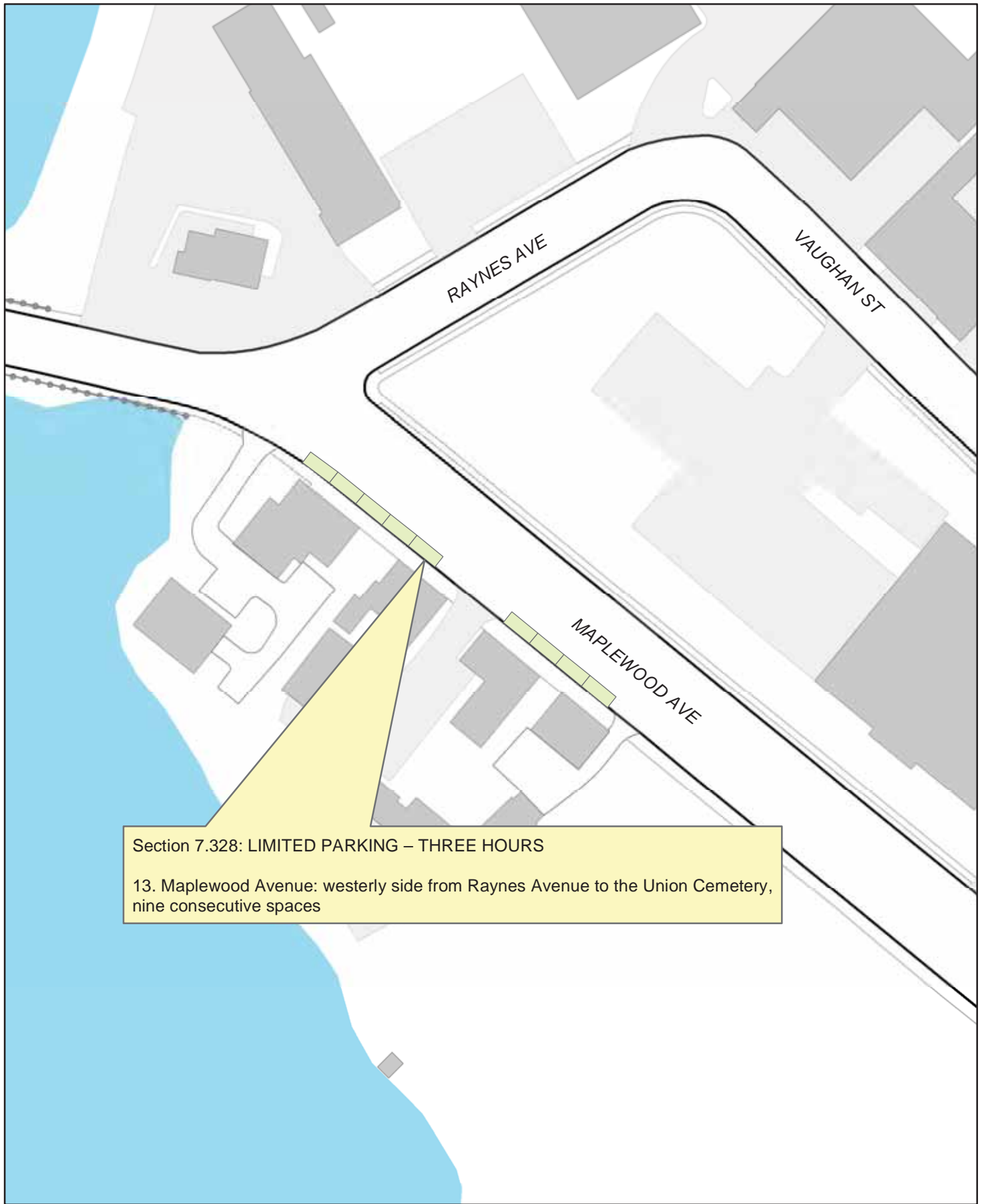
ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk



Section 7.328: LIMITED PARKING – THREE HOURS
4. Chapel Court: two spaces northerly side, and two spaces in the right-of-way at the end of the roadway

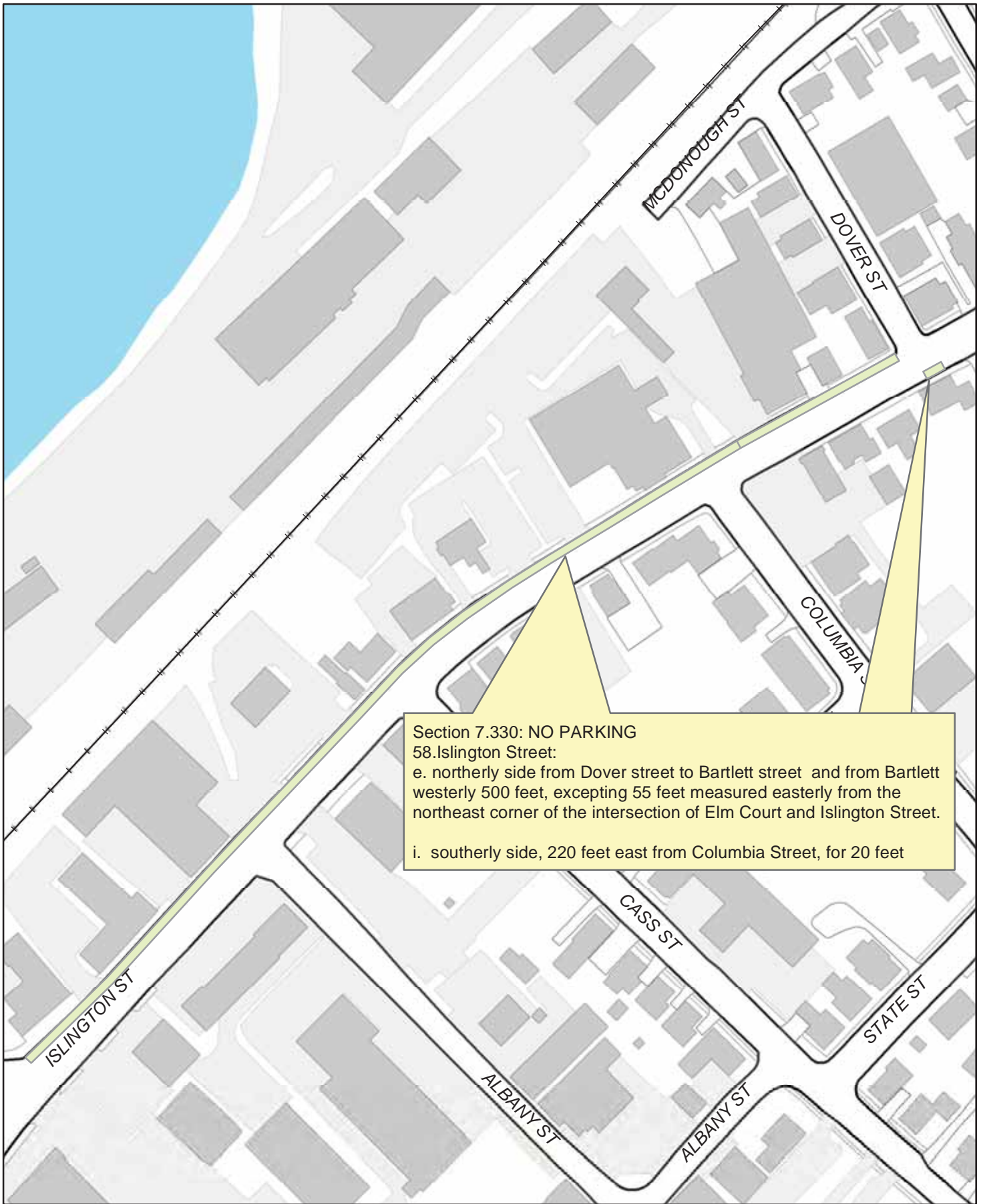
**A1 Chapel Court, Limited Parking Three Hours
Portsmouth, New Hampshire**



Section 7.328: LIMITED PARKING – THREE HOURS

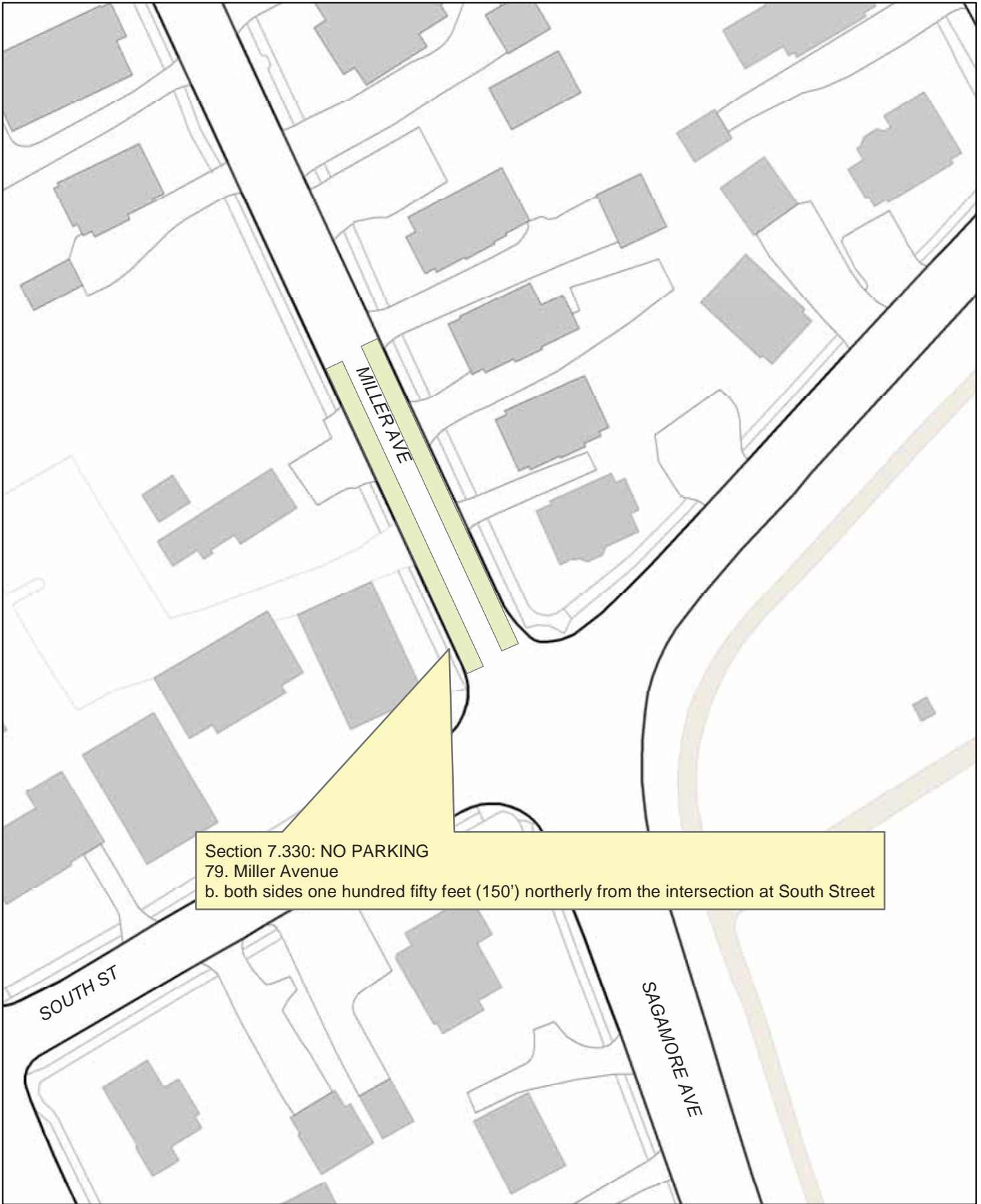
13. Maplewood Avenue: westerly side from Raynes Avenue to the Union Cemetery, nine consecutive spaces

**A2 Maplewod Ave, Limited Parking Three Hours
Portsmouth, New Hampshire**



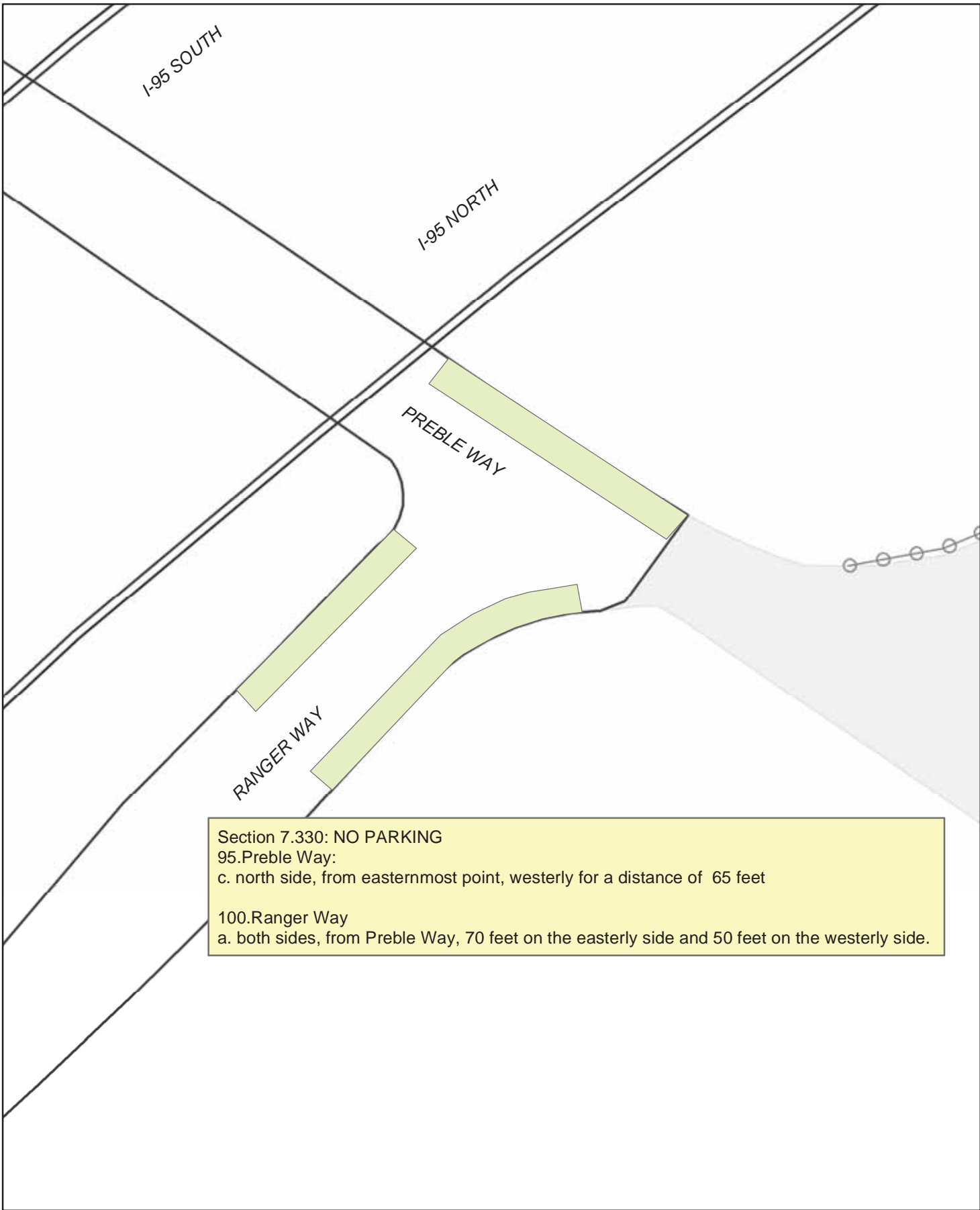
Section 7.330: NO PARKING
58. Islington Street:
e. northerly side from Dover street to Bartlett street and from Bartlett westerly 500 feet, excepting 55 feet measured easterly from the northeast corner of the intersection of Elm Court and Islington Street.
i. southerly side, 220 feet east from Columbia Street, for 20 feet

**B1/B2 Islington Street, No Parking
Portsmouth, New Hampshire**



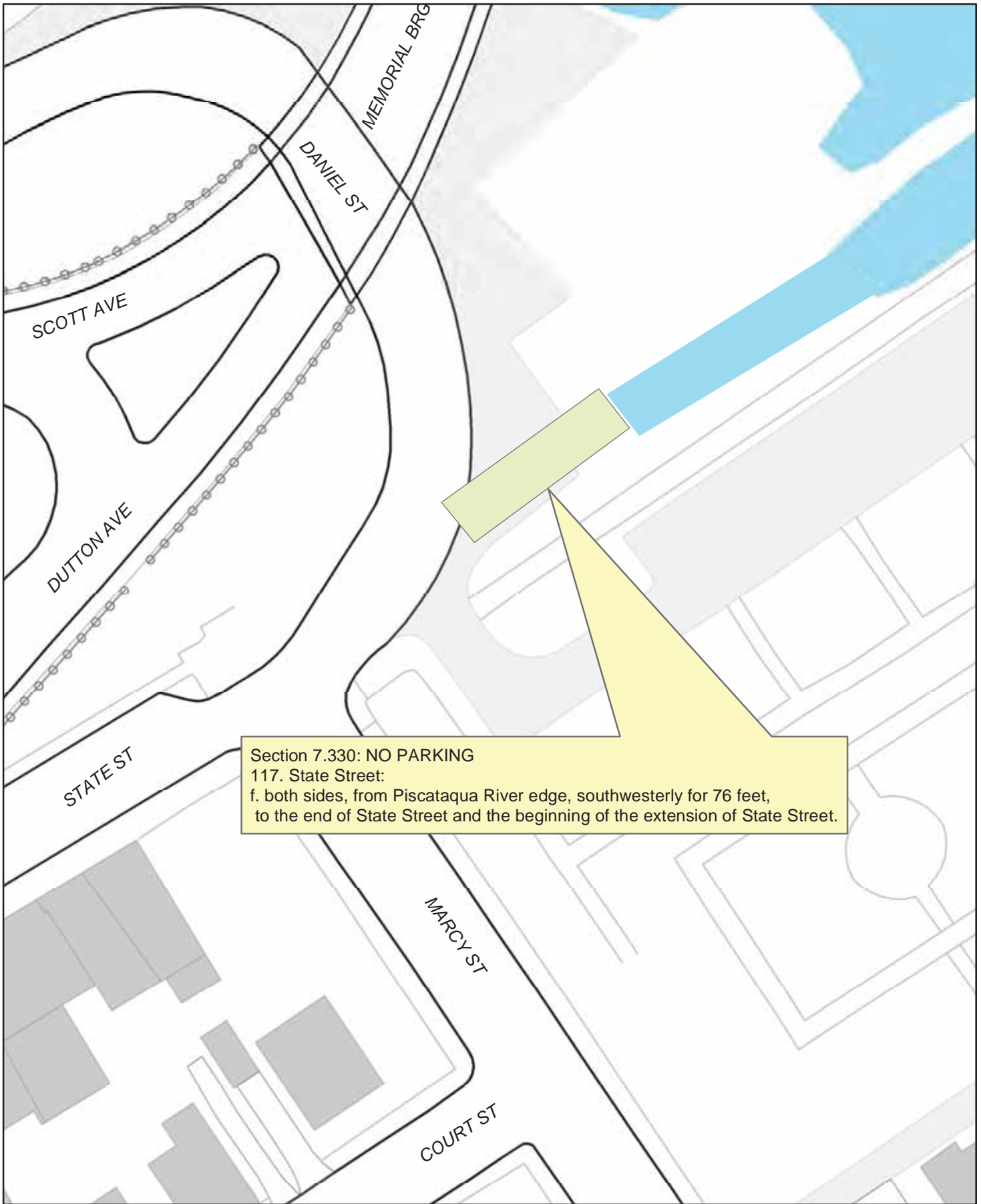
Section 7.330: NO PARKING
79. Miller Avenue
b. both sides one hundred fifty feet (150') northerly from the intersection at South Street

**B3 Miller Ave, No Parking
Portsmouth, New Hampshire**



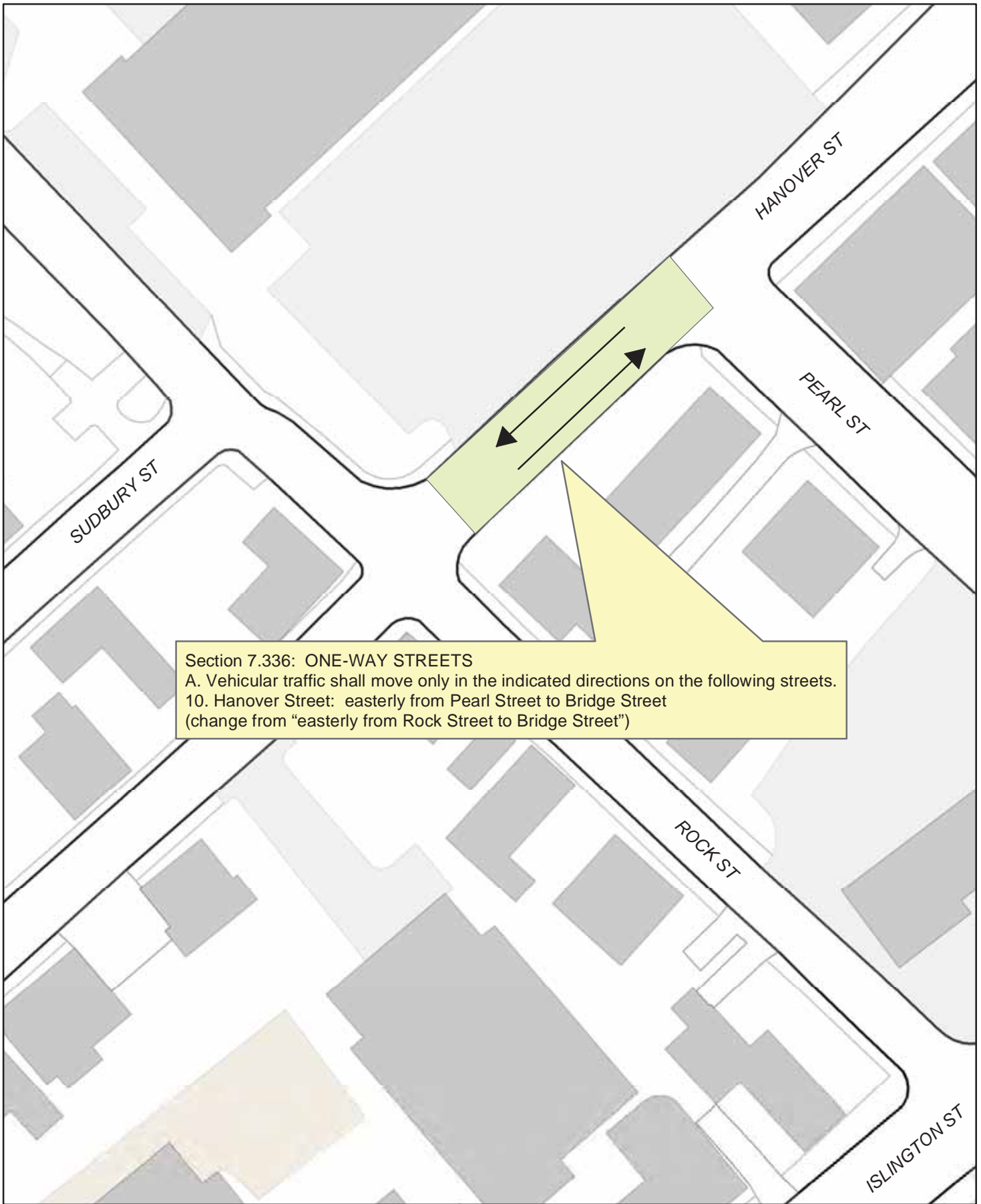
Section 7.330: NO PARKING
95.Preble Way:
c. north side, from easternmost point, westerly for a distance of 65 feet
100.Ranger Way
a. both sides, from Preble Way, 70 feet on the easterly side and 50 feet on the westerly side.

**B4 Preble Way, No Parking
Portsmouth, New Hampshire**



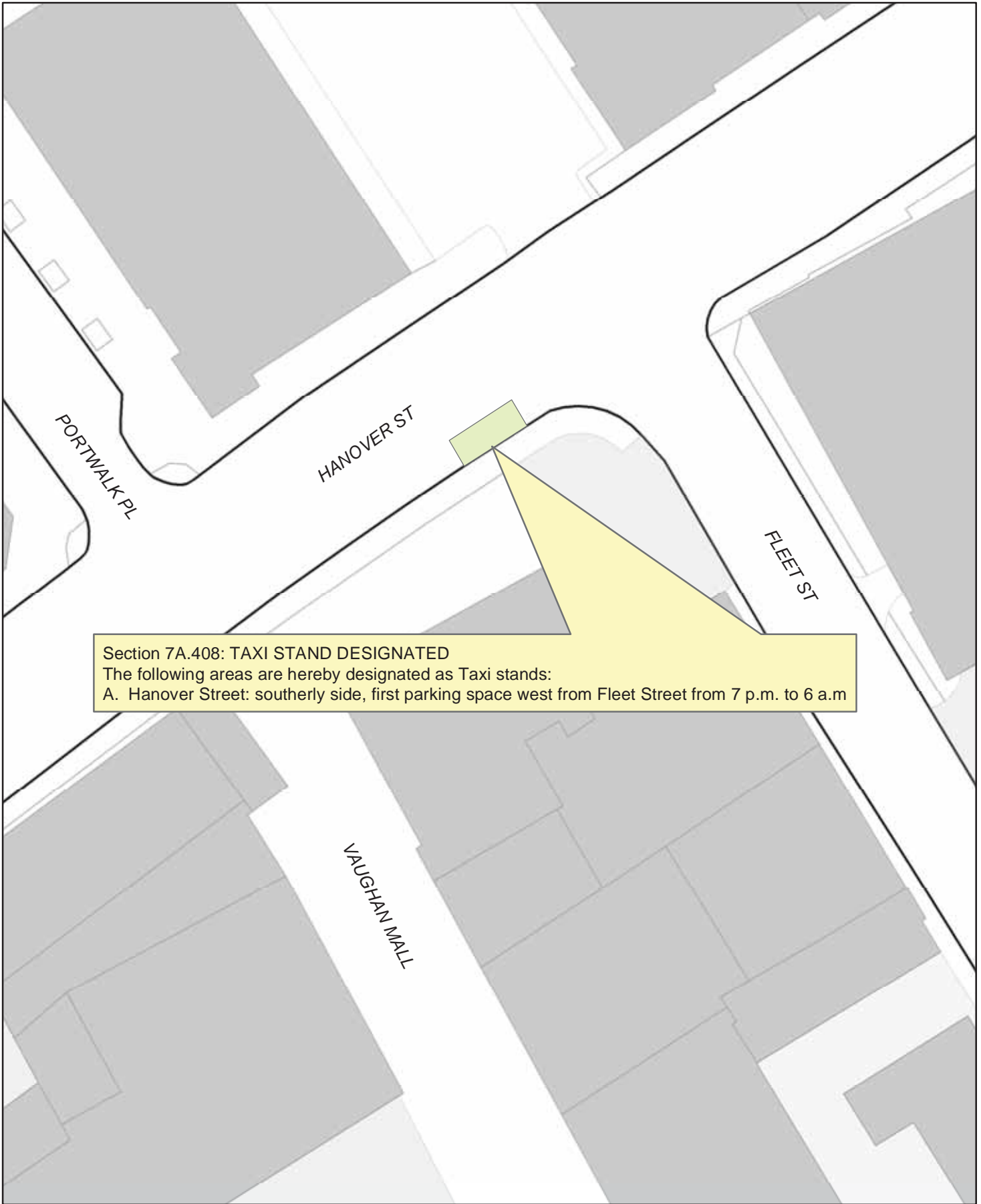
Section 7.330: NO PARKING
117. State Street:
f. both sides, from Piscataqua River edge, southwesterly for 76 feet,
to the end of State Street and the beginning of the extension of State Street.

**B5 State Street, No Parking
Portsmouth, New Hampshire**



Section 7.336: ONE-WAY STREETS
A. Vehicular traffic shall move only in the indicated directions on the following streets.
10. Hanover Street: easterly from Pearl Street to Bridge Street
(change from "easterly from Rock Street to Bridge Street")

**C Hanover Street, One-Way Streets
Portsmouth, New Hampshire**

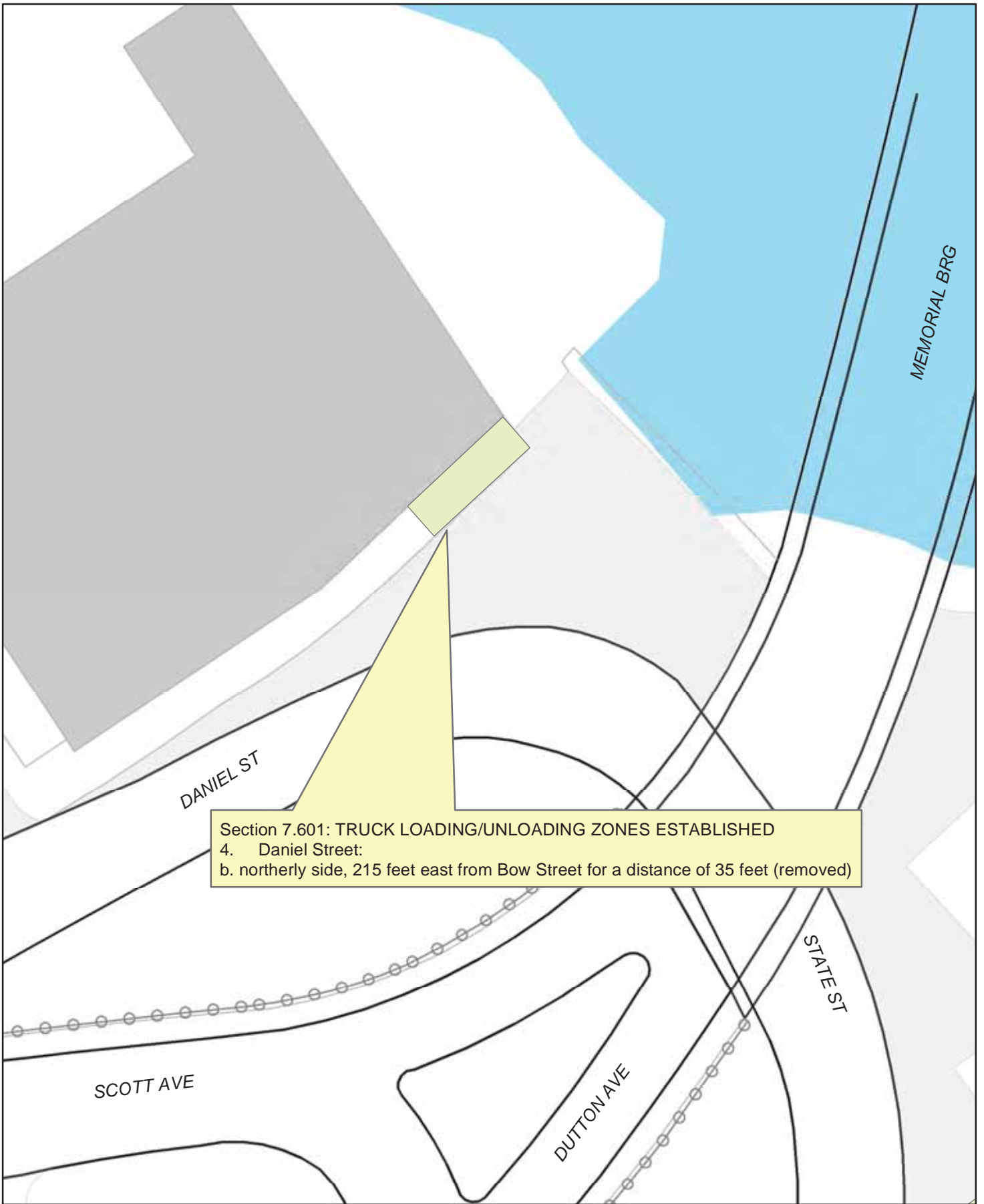


Section 7A.408: TAXI STAND DESIGNATED

The following areas are hereby designated as Taxi stands:

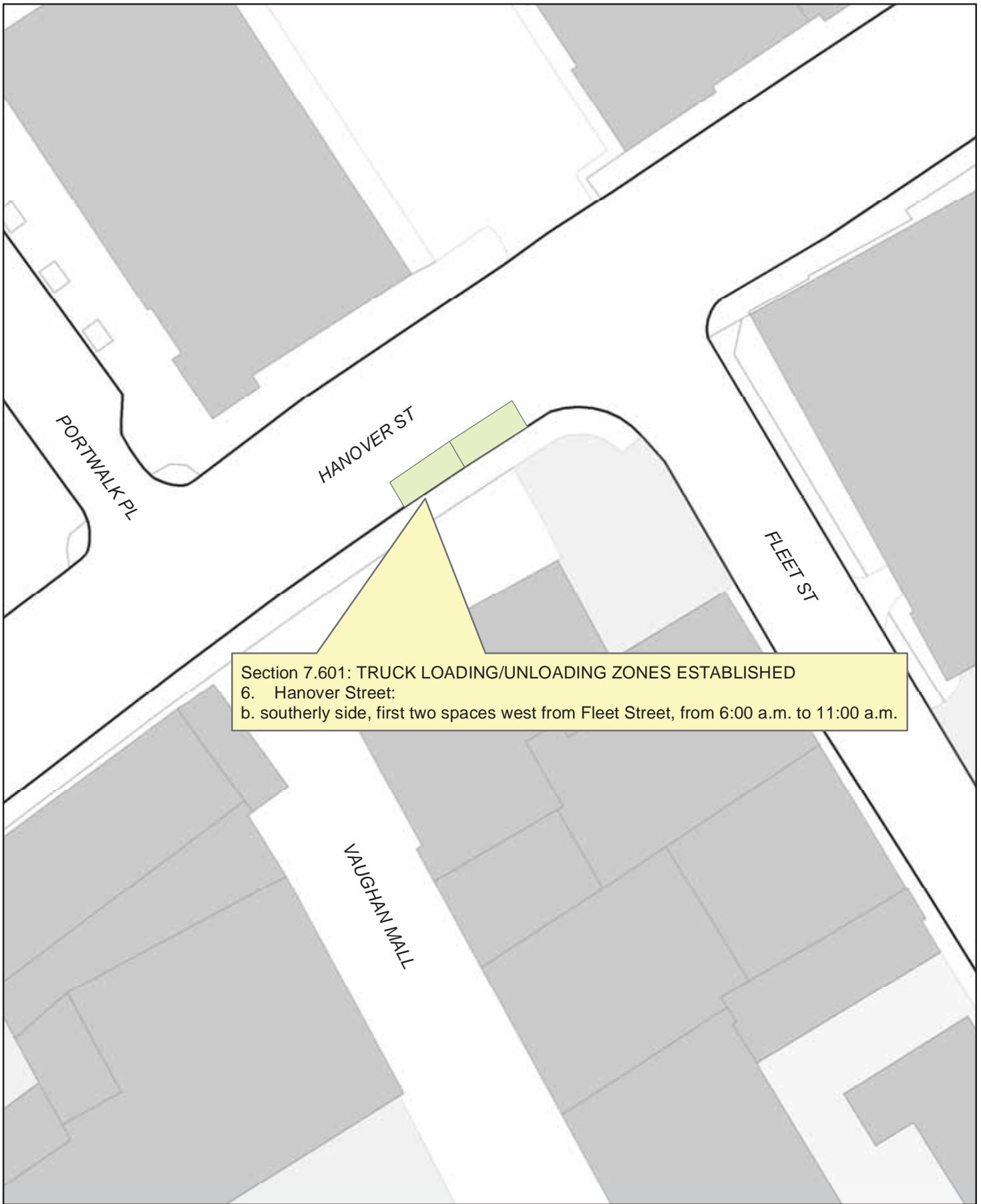
- A. Hanover Street: southerly side, first parking space west from Fleet Street from 7 p.m. to 6 a.m

**D Hanover Street, Taxi Stand Designated
Portsmouth, New Hampshire**



Section 7.601: TRUCK LOADING/UNLOADING ZONES ESTABLISHED
4. Daniel Street:
b. northerly side, 215 feet east from Bow Street for a distance of 35 feet (removed)

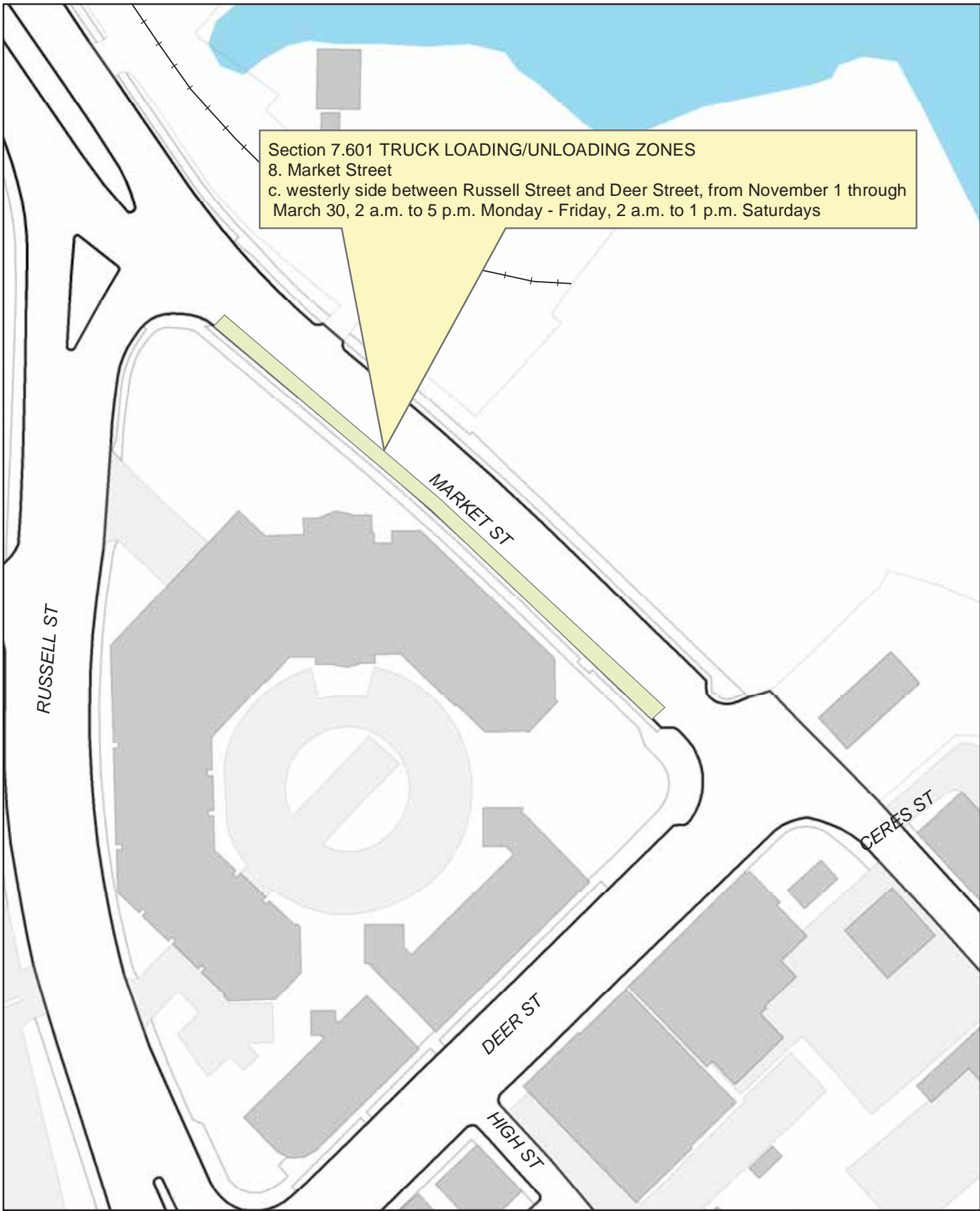
**E1 Daniel Street , Truck Loading Zone
Portsmouth, New Hampshire**



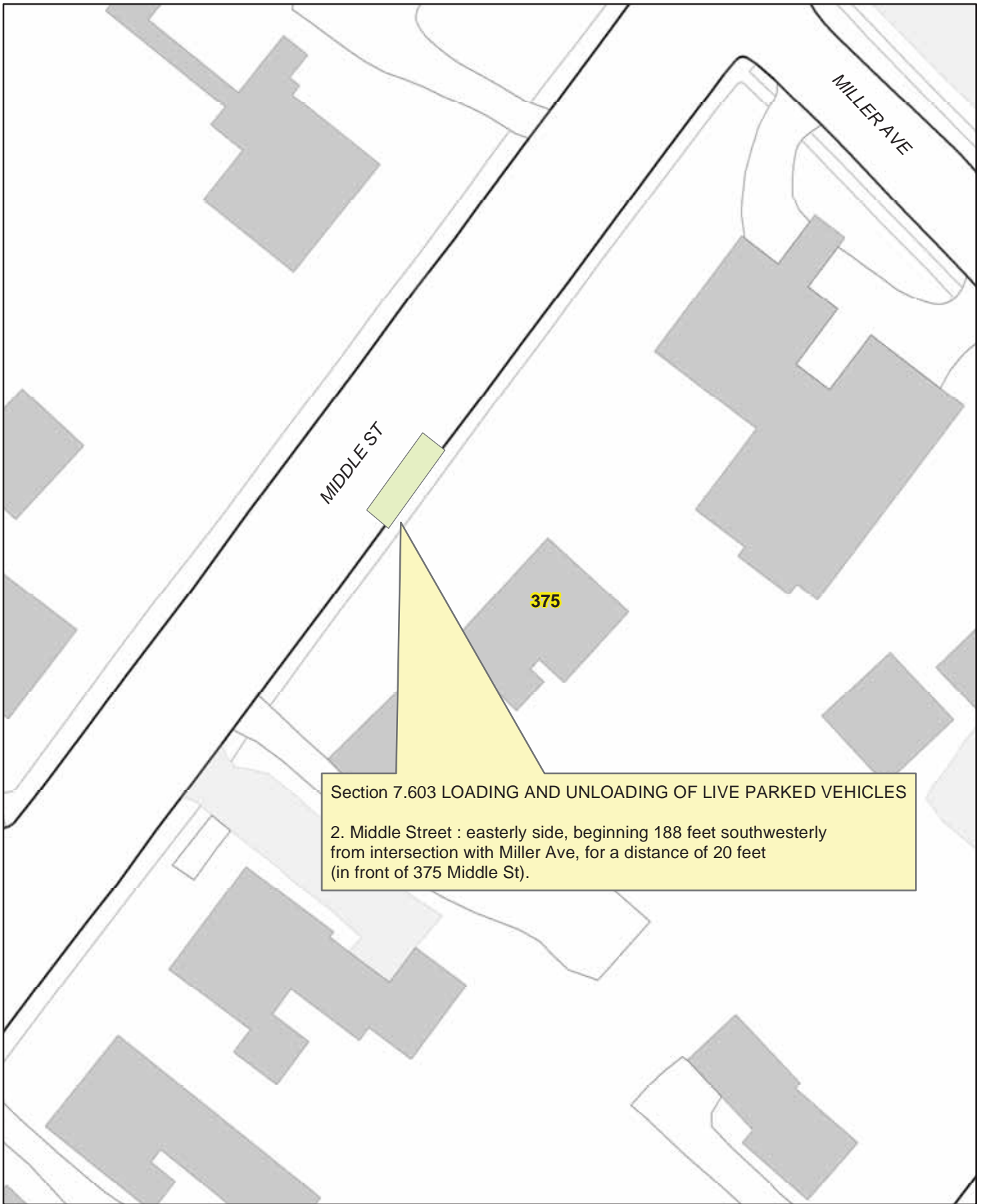
Section 7.601: TRUCK LOADING/UNLOADING ZONES ESTABLISHED
6. Hanover Street:
b. southerly side, first two spaces west from Fleet Street, from 6:00 a.m. to 11:00 a.m.

**E2 Hanover Street, Loading Zone
Portsmouth, New Hampshire**

Section 7.601 TRUCK LOADING/UNLOADING ZONES
8. Market Street
c. westerly side between Russell Street and Deer Street, from November 1 through March 30, 2 a.m. to 5 p.m. Monday - Friday, 2 a.m. to 1 p.m. Saturdays



**E3 Market Street, Loading Zone
Portsmouth, New Hampshire**



MIDDLE ST

MILLER AVE

375

Section 7.603 LOADING AND UNLOADING OF LIVE PARKED VEHICLES

2. Middle Street : easterly side, beginning 188 feet southwesterly from intersection with Miller Ave, for a distance of 20 feet (in front of 375 Middle St).

**G Middle Street, Loading Zone
Portsmouth, New Hampshire**

Map prepared by Portsmouth Department of Public Works, 23 June 2014
Map document: U:\Projects\0113 Traffic and Parking Ordinance Changes\2014

XI. D.

September 2, 2014



City Manager
John Bohenko
1 Junkins Avenue
Portsmouth New Hampshire 03801

Dear Mr. Bohenko,

On behalf of the Scarecrows of the Port Committee, I am writing to request permission to place scarecrows in designated locations throughout the Portsmouth Downtown Area.

We are excited to continue the tradition with the Scarecrows of the Port for the 7th season. We remain a grassroots committee that is working to continue this annual event where retailers and different downtown business associations can collaborate to decorate their stores in a festive manner to attract visitors and locals to the downtown.

At this time we are anticipating 50 scarecrows that would be on City Property. We would like to erect the scarecrows on Thursday, October 9th and take them down on Saturday, November 1st. The Scarecrows of the Port Committee volunteers will be responsible for placement and removal.

As always we appreciate any assistance from DPW. As in the past we will supply you with our insurance coverage information.

Sincerely,

Laurie A. Mantegari
Committee Member
Scarecrows of the Port

Laurie A. Everydaydetails.com
603-601-6223



XI. E.

received
8/13/14

P.O. Box 2496, 21 Bonnet Street, Manchester Center, Vermont 05255

888-550-CURE/802-362-2733 Fax: 802-366-4909

Email: info@vtnhkomen.org www.komenvtnh.org

August 13, 2014

Robert Lister, John Bohenko, and Portsmouth City Council
City of Portsmouth
1 Junkins Avenue
Portsmouth, NH 03801

Dear Mayor Lister, City Manager and City Council,

First, we would like to thank City Manager, John Bohenko, and his team for meeting with us on August 6th to discuss our successful 2014 Susan G. Komen Race for the Cure and to start the preliminary planning for our 2015 Race. We appreciate your time and suggestions, and look forward to another outstanding year.

With your help and support, our 2014 NH Race for the Cure raised over \$170,000 and had 707 participants and 100 volunteers. Even with the rain, we had a lot of men and women who came out to support our local breast cancer survivors. We heard over and over again how great our event was from the start to finish, on the course and on the grounds of Strawberry Banke, so thank you for helping us make it a happy event all around!

On behalf of the Vermont-New Hampshire Race for the Cure®, we are respectfully requesting permission from the City of Portsmouth to conduct the following event in 2015:

Susan G. Komen New Hampshire Race for the Cure® (5K) on May 9, 2015; to take place at Strawberry Banke in Portsmouth, NH starting at 8:30 am using the same course as the 2014 race. (*Please see attached 5K race route*).

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

Thank you in advance for your consideration.

Sincerely,

Carolyn Ostrom, NH Community Relations Specialist
costrom@vtnhkomen.org, Phone – 617-501-2728

Kristen Caseley, Race Chair
kristen.caseley@gmail.com, Phone – 603-475-8879

Ed Harvey, Race Director
Edmund.Harvey@unh.edu, Phone – 603-862-1246

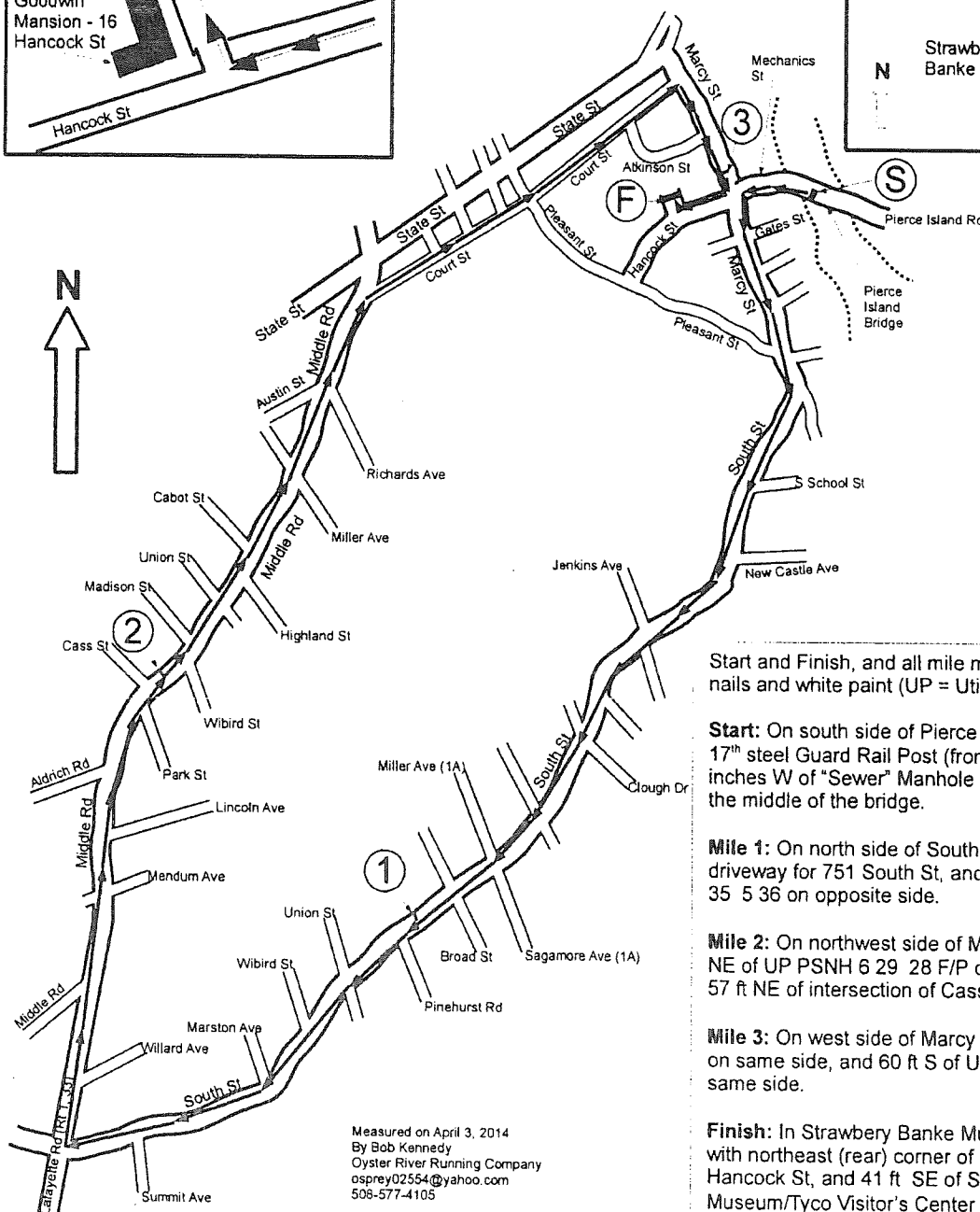
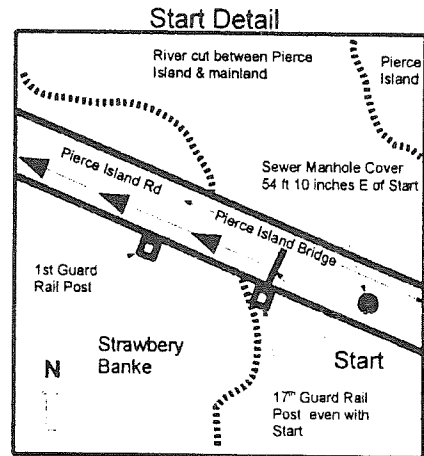
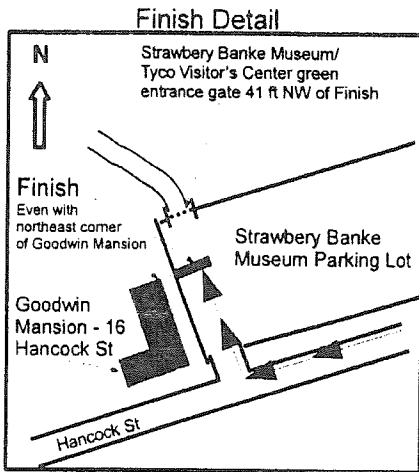


Susan G. Komen New Hampshire Race for the Cure 5K

Portsmouth, New Hampshire



SUSAN G. KOMEN NEW HAMPSHIRE RACE FOR THE CURE 5K USATF CERTIFICATE NH14009TY EFFECTIVE 4-8-14 TO 12-31-24



Start and Finish, and all mile markers marked with P-K nails and white paint (UP = Utility Pole)

Start: On south side of Pierce Island Bridge even with 17th steel Guard Rail Post (from west) and 54 ft 10 inches W of "Sewer" Manhole Cover on south side of the middle of the bridge.

Mile 1: On north side of South St 16 ft E of east driveway for 751 South St, and about 53 ft E of UP 56 35 5 36 on opposite side.

Mile 2: On northwest side of Middle St, 10 ft 10 inches NE of UP PSNH 6 29 28 F/P on same side, and about 57 ft NE of intersection of Cass St and Middle St.

Mile 3: On west side of Marcy St, 19 ft N of storm drain on same side, and 60 ft S of UP PSNH 59 9 9 F/P on same side.

Finish: In Strawbery Banke Museum Parking Lot even with northeast (rear) corner of Goodwin Mansion at 16 Hancock St, and 41 ft SE of Strawbery Banke Museum/Tyco Visitor's Center green entrance gate.

Measured on April 3, 2014
By Bob Kennedy
Oyster River Running Company
osprey02554@yahoo.com
508-577-4105



September 3, 2014

Mayor Lister and the Portsmouth City Council
Portsmouth City Hall
1 Junkins Ave
Portsmouth, NH 03801

received
9/4/14

Dear Honorable Mayor Lister and the City Council,

This is to request your approval to hold the 9th annual Seacoast Half Marathon on Sunday, November 19, 2014.

The Seacoast Half Marathon is a fund-raiser, benefitting a different local non-profit organization each year. The previous beneficiaries were the Market Square Steeple Fund, New Heights, Cross Roads House, Womenade, Great Bay Services, Big Brothers Big Sisters of the Greater Seacoast, and Families First. In the first seven years of the race, we contributed over \$425,000 to those organizations. This year's joint beneficiaries are the Chase Home and Dover Children's Home. The Chase Home for Children provides residential and home-based programs to meet the needs of at-risk children and their families. Dover Children's Home is dedicated to enriching the lives of adolescents and strengthening their family relationships through residential treatment services and educational programs. Our goal this year is to raise and donate a minimum of \$80,000 to these fine organizations. In addition to our beneficiary, other local non-profit organizations have staffed our 'water stops,' and those enthusiastic groups each receive \$500 for their efforts on race day.

The Seacoast Half Marathon has sold out every year. And each year, the race attracts runners and walkers from 16-20 states across the nation, plus a small handful of people from outside the country. So local hotels, retailers and restaurants also benefit from the people who visit Portsmouth for this road race on Veteran's Day weekend.

We expect to have 1,200 participants on race day. 'Competitive walkers' will start at 8:00am, and the runners will start at 8:30. The 13.1 mile course travels through Rye and New Castle, as well as parts of Portsmouth. We avoid the 'downtown' area of Portsmouth to help minimize traffic interruptions. Each year, we work with the Police departments in Portsmouth, Rye and New Castle to minimize the impact of the race on local communities, and to maximize the safety for the racers. This year's race course needs to be modified because of the closing of the bridge over Sagamore Creek, and we have worked with the Portsmouth and Rye Police to develop an alternative that both organizations have endorsed and approved.

We thank your office and the Council for your support of the Seacoast Half Marathon in past years, and hope that you will provide your support again for this year's race.

Sincerely,

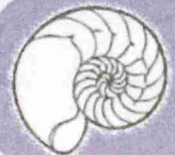
Jay Diener
Co-race director, Seacoast Half Marathon
206 Woodland Rd
Hampton, NH 03842
603.758.1177
racedirector@seacoasthalfmarathon.com



Sunday, November 9, 2014

SEACOAST HALF MARATHON

Caring for the coast, one step at a time





Pro Portsmouth Inc.

ARTS * CULTURE * HISTORY * COMMUNITY

XI. G.

received
9/2/14

September 2, 2014

Mayor Lister and the City Council
City of Portsmouth
1 Junkins Avenue
Portsmouth NH 03801

Dear Mayor Lister and Council:

On behalf of Pro Portsmouth, Inc., I am requesting the City's permission to produce the following:

First Night® Portsmouth 2015

Date: Wednesday, December 31, 2014

Ice Sculpture – Market Square/North Church

Fireworks – South Mill Pond – 7:30pm (Parrott Avenue plus various lot closures for fire safety zone)

Street closures – Church Street @ Congress Street – 1pm to midnight (assembly of ice sculpture, heavy pedestrian traffic), Pleasant Street from Porter to the Square at 4pm (Dance: 5:00pm – 12:00am)

Entertainment/music/children's activities – 4:00pm – Midnight (approx. 10 indoor venues)

School bus 'shuttle service' between indoor venues – 4pm - Midnight

Children's Day, Sunday, May 3, 2015 – Noon – 4pm.

Street closure – Pleasant Street – State Street to Market Square: no parking on Market Street – Bow Street to ISSCo. entrance

38th Annual Market Square Day Festival & 10K Road Race, Saturday, June 13, 2015 - 9am – 4pm.

Street closures – Downtown streets from 4am – 6pm; race course – 9am (roving closures)

13th Annual Summer in the Street, Saturday evenings 5pm – 9:30pm – June 27, July 4, 11, 18, 25, August 1.

Street Closures – Pleasant Street – Porter Street to Market Square

I look forward to meeting with you to discuss the permitting process for all of our upcoming events.

Thank you in advance for your consideration.

Best regards,

Barbara Massar
Executive Director

cc: John P. Bohenko, City Manager

P.O. Box 967
Portsmouth, NH 03802-0967
www.proportsmouth.org

PORTSMOUTH

CITY OF PORTSMOUTH, NH



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

Dear Mr. Bohenko,

The Events Committee of the Greater Portsmouth Chamber of Commerce, chaired by Caitlyn Hassett of the Portsmouth Gas Light Co., is planning the second annual Fire and Ice Festival for President's Day weekend, February 12-16, 2015. In February 2014 we had an extremely successful inaugural festival that incorporated fifteen events at seven different downtown businesses. We are looking to expand our event even further this year by utilizing the new ice skating rink at Strawberry Banke, creating a winter sports exhibit and offering an ice sculpting demonstration.

We are requesting the City's permission to use the Hanover St/Market St parking lot for an ice sculpting demonstration on Sunday February 15th. We have spoken with many of our neighbors who have shown overwhelming support (see attached copy of the petition we used when speaking with our neighbors) for the event. We request that the parking lot be closed from 2:00 a.m. through 11:00 p.m. We will provide safety stanchions around the ice carver and a certificate of insurance for the demonstration. The ice carving will be moved to a private location by 11:00 p.m. on the 15th.

The events that we are bringing to Portsmouth during the City's shoulder season benefit both residents and businesses alike. They bring fun and entertaining events into downtown for our residents, simultaneously increasing revenues at our local business during a time of year that is traditionally very slow.

The list of events brought to the City by the Fire & Ice Festival 2014 included:

- *winter themed movies at The Music Hall and Seacoast Repertory Theater;
- *a winter themed concert at The Player's Ring;
- *winter or fire and ice exhibits at art venues through town;
- *fire and ice sales at retail stores (which also served warm beverages);
- *Authentic dog sled demonstrations/rides and hearth cooking demonstrations at Strawberry Banke;
- *The Gas Light Ice Fest and a Fire & Ice themed Pecha Kucha night at the Gas Light Third Floor.

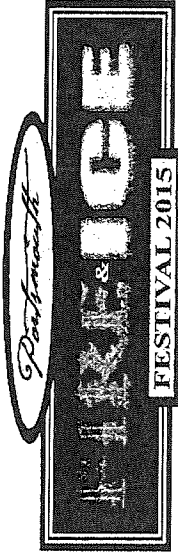
We know, based on information from the National Ice Carving Association, and from the BP World Ice Art Championships in Fairbanks, Alaska, (in its 26th year hosting a month long attraction involving over 70 teams and 45,000 visitors from all over the world), that the demonstrations, competitions and the completed artistic ice sculptures attract residents and visitors of all ages - families, couples, youth and seniors, for a fun and educational experience.

We are happy to provide additional information should you have questions. Thank you for your consideration.

Sincerely,

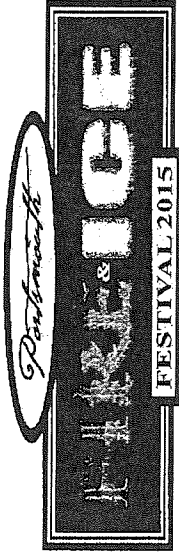
Caitlyn Hassett
Chair, Events Committee
Portsmouth Gas Light; 603-969-8657
functions@portsmouthgaslight.com

Amanda Beaulieu
Events Coordinator
Gr. Portsmouth Chamber of Commerce
events@portsmouthchamber.org



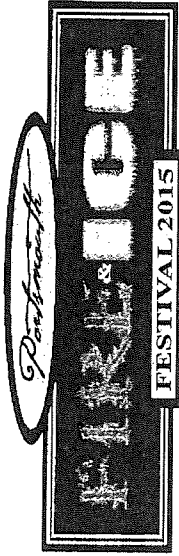
By signing this form, I state that I have no objection to the Greater Portsmouth Chamber of Commerce closing the Hanover/Market St parking lot from 2am-11pm for the Fire & Ice Festival on Sunday, February 15, 2015.

DATE	BUSINESS	NAME	SIGNATURE	RECEIVED BY
	test			
	Don G... Psa. Fin-A-S			
07/30/14	odd show room	Jovity J...	[Signature]	AL
07/30/14	mine les	Scott Lassidas	[Signature]	AL
07/30/14	tennis	Heather Lassard	[Signature]	AL
07/30/14	Reghan Striker	Michelle Nisida	[Signature]	AL
07/30/14	Puttin on the Glitz	Assiah Alvarez	[Signature]	AL
7/30/14	J.L. Coombs	Jill Cross	[Signature]	AL
7/30/14	Banana Republic	Abigail Letouse	[Signature]	AL
7/30/14	Sponges Timbers	Berry McKeary	[Signature]	AL
7/30/14	Souberg	Madigan Parkde	[Signature]	AL
7/30/14	Jvicery	Dani Posa	[Signature]	AL



By signing this form, I state that I have no objection to the Greater Portsmouth Chamber of Commerce closing the Hanover/Market St parking lot from 2am-11pm for the Fire & Ice Festival on Sunday, February 15, 2015.

DATE	BUSINESS	NAME	SIGNATURE	RECEIVED BY
7/30/14	Flower Kiosk	Betsy	<i>[Signature]</i>	AL
7/30/14	Bernadine Gallery	Wendy Crawford	<i>[Signature]</i>	AL
7/30/14	Attrezza's	Cristina Avanzini	<i>[Signature]</i>	AL
7/30	Swiss	Whitney Tangway	<i>[Signature]</i>	AL
7/30	Macro Polo	Shawn Seminski	<i>[Signature]</i>	AL
7/30	Macroscopic	Ruth Spider	<i>[Signature]</i>	AL
7/30	Ahlgren+Podloski	Pollyann Banks	<i>[Signature]</i>	AL
7/30	GOODS	GLEN	<i>[Signature]</i>	AL
7/30	Eye Contact	Steve Sabine	<i>[Signature]</i>	AL
7/30	Fair Skies	Jill D'Angelo	<i>[Signature]</i>	AL
7/30	Livelykids	Mel Wether	<i>[Signature]</i>	AL
7/30	Siren Salon	Danielle Short	<i>[Signature]</i>	AL



By signing this form, I state that I have no objection to the Greater Portsmouth Chamber of Commerce closing the Hanover/Market St parking lot from 2am-11pm for the Fire & Ice Festival on Sunday, February 15, 2015.

DATE	BUSINESS	NAME	SIGNATURE	RECEIVED BY
	Fine Paintings	left letter w/ employee		
	Toko Indo.	↓		
	Prelude			
	Tree House Toys	↓		
	Pisq. Fine Arts	refuses to sign		
	Sumner and Jewers	left letter w/ employee		
	Ganesh	↓		
	Federal Cigar			
	Portsmouth Brewery			
	Fat Bevelly's #	no one there		
	Pretty Poppy seeds	left letter with employee		



XI. I.

The Music Hall
28 Chestnut St.
Portsmouth, NH 03801



September 10, 2014

John Bohenko
City Manager
1 Junkins Ave
Portsmouth, NH 03801

Dear John:

Please find enclosed the Parking Meter Permit requests for the Music Hall's 2014-2015 Season for the City Council's review at their earliest convenience.

I thank you and the City Council for your continued support of the Music Hall. I look forward to hearing from your office soon.

Sincerely,

Zhana Morris
Production Manager-The Music Hall
603-766-2184
Zmorris@themusichall.org

Enc.: Meter Bag Requests 2014-2015

Cc: Mark Nelson-Parking and Transportation Director, Peter Rice-Director of Public Works

9/13/14	Sat	Judy Collins	2 Spaces /2 permits
9/18/14	Thu	Aaron Neville	1 Space / 1 permit
9/23/14	Tue	Pink Martini	6 spaces /2 permits
9/30/14	Tue	Brandi Carlile	4 spaces/2 permits
10/1/14	Wed	Brandi Carlile	4 spaces / 2 permits
10/3/14	Fri	Second City- 55th Anniversary Tour	3 spaces/ 3permits
10/5/14	Sun	Ron White	4 spaces / 2 permits
10/21/14	Tue	ImaginOcean	3 spaces / permits
10/22/14	Wed	Brett Dennen (solo)	4 spaces / 2 permits
10/26/14	Sun	George Benson	6 spaces / 3 permits
11/5/14	Wed	Mavericks	6 spaces / 3 permits
11/19/14	Wed	Skippyjon Jones	2 spaces / 2 permits
12/4/14	Thu	Curious George	2 spaces / 2 permits
2/11/15	Wed	Renee Fleming	6 spaces / 2 permits
2/20/15	Fri	Natalie McMaster & Donnell Leahy	6 spaces / 2 permits
3/10/15	Tue	Fly Guy	2 spaces / 2 permits
3/21/15	Sat	The Moth Mainstage	3 spaces / 3 permits
4/2/15	Thu	The Very Hungry Caterpillar	2 spaces / 2 permits
4/4/15	Sat	Russian National Ballet GISELLE	9 spaces / 4 permits
5/29/15	Fri	Bear Berenstain Bears	2 spaces / 2 permits

The Music Hall Parking Meter Rental Requests as of 9/10/14

City of
Portsmouth
Department of Public Works



MEMORANDUM

TO: John P. Bohenko, City Manager
FROM: Tom Richter, Engineering Technician
DATE: August 12, 2014
SUBJECT: PSNH License Agreement 63-0582

I have reviewed the pole location information provided by PSNH for Petition and Pole License 63-0582.

This request is to license 1,070' of underground conduit located on Raynes Avenue and Vaughn Street. This work is to provide underground power to various developments in the area.

PSNH has agreed to rebuild the sidewalk on Raynes Avenue and repair the sidewalk as needed on Vaughn Street and Maplewood Avenue to the satisfaction of the Public Works Department.

The installation of this underground conduit system poses no impact to existing City infrastructure. The Public Works Department recommends approval of this license.

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

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



**Public Service
of New Hampshire**

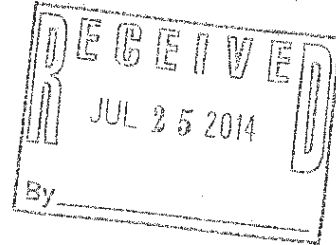
60 W. Pennacook Street, Manchester, NH 03101

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

The Northeast Utilities System

July 24, 2014

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



Dear City Clerk,

Public Service of New Hampshire is hereby requesting permission to install/replace pole(s) located in City of Portsmouth, New Hampshire.

Enclosed for your review find two copies of PSNH Petition and Pole License number 63-0582 for City of Portsmouth review.

Upon approval, please have each copy of the Petition and Pole License signed by the proper authority.

Retain the Petition and Pole License copy labeled "**Portsmouth**" and mail the remaining signed copies along with any invoice for payment to PSNH in the enclosed self-addressed envelope.

If the Petition and Pole License is not approved, please return all copies to PSNH with an explanation.

Please contact me by telephone or e-mail with any questions you may have.

Thank you.

Lisa-Marie Pinkes

Lisa-Marie Pinkes
Customer Operations Support - Licensing
Public Service of New Hampshire
PO Box 330
Manchester, NH 03105-9989
Tel. 603-634-2218
E-Mail: lisa-marie.pinkes@nu.com

Enclosure(s)

**PETITION AND POLE LICENSE
PETITION**

July 24, 2014

Manchester, New Hampshire

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

PUBLIC SERVICE OF NEW HAMPSHIRE requests a license to install and maintain underground conduits, cable and wires, and maintain poles and structures with wires, cables, conduits and devices thereon, together with such sustaining, strengthening and protecting fixtures as may be necessary along, and under the following public ways:

License one (1) pole(s), Underground Cable 220' from existing Riser Poles, 170' for Duct Bank, 300' from MH 15-MH10, 380' from MH10-MH13 on Vaughan and Raynes Streets in the City of Portsmouth.

PUBLIC SERVICE OF NEW HAMPSHIRE

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

LICENSE

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

ORDERED

This 24th day of July, 2014, that, PUBLIC SERVICE OF NEW HAMPSHIRE be granted a license to erect and maintain poles and structures, with wires, cables, conduits and devices thereon, together with sustaining, strengthening and protecting fixtures, in the public ways covered by said petition. All of said wires, except such as are vertically attached to poles and structures, shall be placed in accordance with the National Electrical Safety Code in effect at the time of petition and/or license is granted.

The approximate location of the poles and structures shall be shown on plan marked "PUBLIC SERVICE OF NEW HAMPSHIRE" No. 63-0582, dated 7/14/2014, attached to and made a part hereof.

Town of Portsmouth, New Hampshire

Town of Portsmouth, New Hampshire

BY: _____

BY: _____

BY: _____

BY: _____

BY: _____

BY: _____

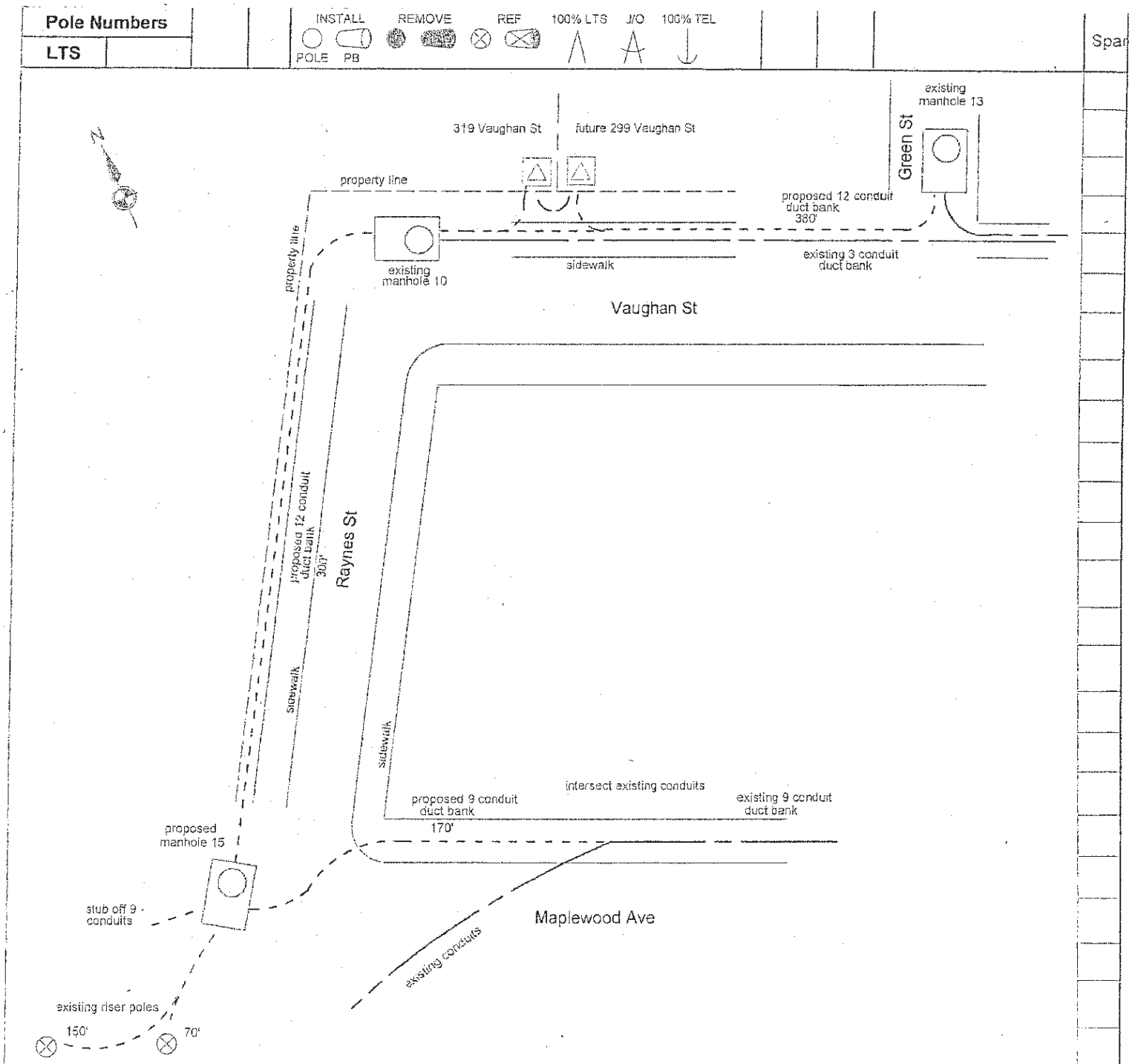
Received and entered in the records of the Town of Portsmouth, New Hampshire, Book _____, Page _____

Date: _____

ATTEST: _____
Town Clerk

POLE LOCATION PLAN

DATE	07/14/2014	LICENSE NO.	63-0582
MUNICIPALITY:	Portsmouth	STATE HWY. DIV. NO.	6
STREET / ROAD:	Vaughan and Raynes Streets	STATE LICENSE NO.	
PSNH OFFICE:	Portsmouth	WORK REQUEST#	2326461
PSNH ENGINEER:	Jim Osburn	WORK FINANCIAL #	9P420317
TELCO ENGINEER:		TELCO PROJECT #	



ADDENDUM PER RSA 231:163

- 1) All licensee(s) and any other entity using and/or occupying property of the City pursuant to a license, lease or other agreement shall provide for the payment of properly assessed real and personal property taxes by the party using or occupying said property no later than the due date.
- 2) All licensee(s) and any other entity using and/or occupying property of the City shall provide for the payment of properly assessed real and personal property taxes on structures or improvements added by the licensee(s) or any other entity using or occupying property of the city; and
- 3) Failure of the licensee(s) and any other entity using and/or occupying property of the City to pay duly assessed personal and real taxes when due shall be cause to terminate said agreement by the lessor.

The changes to the licenses, leases and other agreements set forth in the preceding paragraphs shall remain in effect until changed in accordance with the requirements of RSA 231:163.

Approved by City Council:





September 18, 2014

Greetings,

On behalf of the Portsmouth Halloween Parade committee I would like to request a permit to hold our 20th (!) annual parade this year on Friday, October 31. We plan to march the same route as last year, beginning at Pierce Island to conclude at Prescott Park.

As always, members of the committee will be happy to meet with your team to discuss particulars of the event.

Thank you for your consideration.

Trevor Bartlett
Portsmouth Halloween Parade

T H E
CHARITY
DEFENSE
MARCHSM



September 11, 2014

Mayor Robert Lister
And the City of Portsmouth, NH Council
1 Junkins Ave
Portsmouth, NH 03801

RE: Charity Defense March

To The Honorable Mayor Lister,

My name is Michelle Harper; I'm the Logistics Director for the Charity Defense March (www.charitydefensecouncil.org). We are planning a three day walk to start in Kittery, ME and end in Salem, MA. The March is expecting leaders from many of the largest non-profits in the country. This march is for anyone and everyone working in the charitable sector from executive directors to social workers and for anyone who supports them.

On Thursday, June 25, 2015, we will be holding our registration day at The Music Hall, 28 Chestnut St, Portsmouth, NH. This is the day which all participants gathers; meet one another, and view a safety and orientation video. We are requesting the closure of Chestnut St between the hours of 10am and 7pm for a gathering/social area for the participants. We are anticipating 500 participants though-out that time frame. Ideally, we would like to set up a few 10'x10' pop up tents, tables (6' long), chairs, serve light snacks and have soft music playing.

We are encouraging our participants to arrive a day early to take in the beauty and culture of Portsmouth, NH.

The walk begins in Kittery, ME on Friday, June 26, 2015. Our anticipated time to walk through Portsmouth, NH will be approximately 8:30am-10:30am. Below is a preliminary route (again, this is preliminary; we will work with the police and town to solidify):

Cross Memorial Bridge (from Kittery, ME)>Bear right Scott Ave>Sharp right – U turn to go back under Memorial Bridge on Harbour Pl/Daniel St>Straight – Go under Memorial Bridge and continue on State St>Turn left on Marcy St>Stay left on Marcy St>Bear left on Newcastle Ave>Straight Portsmouth Ave>Bear right Main St>Bear right Wentworth Rd>Left on Sagamore Ave>Left on Pioneer Rd

T H E
CHARITY
DEFENSE
MARCHSM

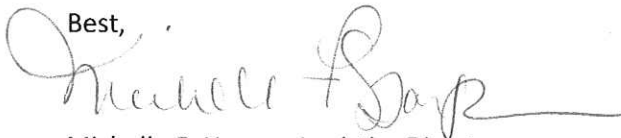
The walk will be supported by staff and approximately 150 volunteers who will be on the event for the entire weekend. We will have a route safety team (10-15 members on bicycles following the walkers), a sweep team (approximately 8 passenger vans, leap frogging along the route, picking up walkers who are not able to make it to the rest stops), and approximately 6 rest stops along the complete route (a place for walkers to stop, get hydration, snacks, and stretch). We will have a medical team in place which will consist of MD, DO, RN, LVN, NP, EMT & Paramedics.

The Charity Defense Council is a tax-exempt, 501(c)(3) national leadership organization for the humanitarian sector based in Massachusetts.

If you have any questions, please feel free to contact me at 617.821.8536 or email at michelle@charitydefensecouncil.org.

Thank you so much for your time and consideration.

Best,



Michelle F. Harper, Logistics Director
Charity Defense March
222 Third St, Suite 2244, Cambridge, MA 02142
www.charitydefensemarch.org

Law Offices of
WHOLEY & PELECH

55 CONGRESS STREET, SUITE B
P.O. BOX 395
PORTSMOUTH, NEW HAMPSHIRE 03802-0395

BERNARD W. PELECH*

JOHN J. WHOLEY
(1922-2001)

ADMITTED NH & ME BARS

TEL 603-436-6121
Fax 603-433-7491

bernie@wholey-pelech.com



September 15, 2014

Honorable Mayor Robert Lister
City Hall
1 Junkins Avenue
Portsmouth, NH 03801

HAND DELIVERED

Re: Rezoning Request - Cate Street/Route 1 Bypass area

Dear Mayor Lister and Members of the City Council:

This office represents Portsmouth Land Acquisition, LLC, owner of approximately 2/3^{rds} of the land between the Route 1 Bypass, Cate Street, and Bartlett Street, which is the subject of a proposed rezoning to a CD4 District.

As the Council is well aware, the Planning Board at its August 21st meeting after a public hearing on the proposed rezoning to a Character District 4, voted to report back to the City Council that the area should be rezoned from the existing Industrial and Office Research Zoning, but that the proposed rezoning to Character District 4 is not appropriate at this time. The Board went onto recommend that, "further study is needed to determine the best zoning approach for these parcels."

As a result of that vote, with the assistance of the City Manager, representative of Portsmouth Land Acquisition had several meetings with the City Manager, Planning Director, Economic Development Director, and other city staff to determine the most appropriate approach to the rezoning.

As a result of these very productive meetings, on behalf of my client I would request that the City Council at the September 22nd meeting pass the first reading of an ordinance "amending the zoning map so that the following lots be rezoned from Industrial (I), Office Research (OR), or Municipal (M) to Gateway (GW):

- Assessor's Map 163, Lots 33, 34, and 37;
- Assessor's Map 165, Lots 1, 2, and 14;
- Assessor's Map 172, Lots 1 and 2;

Page Two
Hon. Mayor Lister
September 10, 2014

- Assessor's Map 173, Lots 2 and 10 and including Cate Street between Hodgson's Brook and Bartlett Street as shown on the attached Exhibit entitled, "Areas Proposed to be Rezoned to Gateway (GW)" and further that the zoning map referenced in Chapter 10, Article 4, Section 10.420 (District Location and Boundaries) of the ordinance of the City of Portsmouth be revised accordingly.

In addition, we would ask that the Zoning Ordinance be further amended by the council passing at the September 22nd meeting, the first reading of the following ordinance amendment:

Add a new section to Article 7, Section 10.7³4.40 entitled, "Workforce Housing Incentives"

If a GPD with a Residential Component contains 10% or greater Workforce Housing Units, the following shall apply:

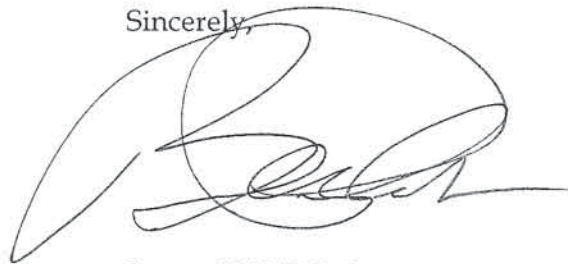
- 10.734.41 The minimum lot area per dwelling unit shall be 1,000 square feet
- 10.734.42 The maximum building length set forth in Article 5, Section 10.522 shall be increased to 350 feet.
- 10.734.43 Required off-street parking may be located in a required front yard or between a principal building and a street.

We believe that the above requested zoning amendments would best allow for the redevelopment of this area and further allow the construction of a public street connecting the Borthwick Avenue intersection to Bartlett Street. It is envisioned that a Gateway Planned Development proposal would be submitted to the Planning Board consisting of multifamily residential units including Workforce Housing, as well as retail, service, and office uses.

From our meetings with city staff, I believe that the requested rezoning and amendment would be supported by the Planning Board.

We would also request that the Council not pass the second reading of the ordinance changing the subject area to a CD-4 District.

Sincerely,



Bernard W. Pelech

BWP/ajs
Enclosures




Area Proposed for Redevelopment to ~~SRB~~ Gateway (GB)

Source: City of Denver, 2014

**CITY OF PORTSMOUTH
PORTSMOUTH, NH 03801**

Office of the City Manager

Date: September 18, 2014
To: Honorable Mayor Robert J. Lister and City Council Members
From: John P. Bohenko, City Manager 
Re: City Manager's Comments on September 22, 2014 City Council Agenda

6:00 p.m. - Nonpublic session in accordance with RSA 91-A:3,II(d) Consideration of Acquisition of Real Property.

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

Acceptance of Grants/Donations:

1. **Acceptance of Police Department Grant and Donations.** Attached [under Section VIII of the Agenda](#) is a memorandum, dated August 13, 2014, from John F. Golumb, Chairman of the Portsmouth Police Commissioners, and Police Chief Stephen J. DuBois, requesting that the City Council approve the following grant and donations:
 - a) A grant in the amount of \$5,898.43 has been received from the Dept. of Justice for replacement of bullet-proof vests for sworn officers.
 - b) Donations totaling \$1,750 made specifically to defray the cost of producing and airing Public Service Announcements (PSAs) regarding the department's opiate addiction initiative:
 - A donation in the amount of \$1,000 from Gerald W. Howe and his wife, Ms. Jocelyn Frechette;
 - A donation in the amount of \$500 from Mr. James Frechette;
 - A donation in the amount of \$250 from Mr. and Mrs. Peter C. Frechette.

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

2. **Acceptance of Donation to Welfare Department.** The City of Portsmouth's Welfare Department has received a donation in the amount of \$2,500 from Unifit for the back to school drive. [Attached is a memorandum from Ellen Tully](#), regarding this matter.

I would recommend the City Council move to accept and approve the donation to the Welfare Department for the back to school drive, as presented. Action on this item should take place under Section VIII of the Agenda.

3. **Acceptance of Grant for Household Hazardous Waste Collection.** As you are aware, \$35,000 has been committed from the Water & Sewer Enterprise Fund for two household hazardous waste collection events in the FY'15 budget.

Household hazardous waste collection events help protect our water supply and reduce the potential of hazardous waste being dumped or inappropriately disposed of. In the interest of protecting public health and ensuring household hazardous waste and unwanted household hazardous products are disposed of in an environmentally sound manner, the City has been hosting the collection event for more than thirteen years. Over 200,000 gallons of hazardous waste have been properly disposed of during this time. An average of 675 families takes advantage of the collection events every year.

In the spirit of being a good neighbor, the City also offers the services to residents of Newington and Greenland. The expenses are shared between the communities on a prorated basis - per vehicle per community.

A grant in the amount of \$5,594.00 from the Department of Environmental Services (DES) has been applied for and is available to the City to assist in managing the cost of these events. This grant would supplement the City funds proposed in the FY'15 budget.

I would recommend the City Council move to accept and expend a \$5,594.00 DES grant for the purpose of household hazardous waste collection events and authorize the City Manager to execute any documents which may be necessary for this grant contract. Action on this item should take place under Section VIII of the Agenda.

Items Which Require Action Under Other Sections of the Agenda:

1. **First Reading of Proposed Resolutions and Ordinances:**

- 1.1 **First Reading of Ordinance amending Chapter 1, Article VIII, Section 1.807 by the creation of a new provision identified as 1.807 BEQUESTS OR GIFTS TO CITY EMPLOYEES.** As requested by Councilor Brad Lown, under Section IX of the Agenda, [attached is a proposed Ordinance](#) amending Chapter 1, Article VIII, Section 1.807 by the creation of a new provision identified as 1.807

BEQUESTS OR GIFTS TO CITY EMPLOYEES. The Legal Department has reviewed this Ordinance, and the salient points are as follows:

Section 1.807 - BEQUESTS OR GIFTS TO CITY EMPLOYEES

- A. No individual employee of the City of Portsmouth may accept any bequest or gift from any Portsmouth area resident with a value in excess of two hundred fifty dollars (\$250.00) unless the following conditions are met:
 - 1. The testator/donor is of sound mind, as certified by the testator/donor's treating physician at the time of the document evidencing such gift or bequest; and
 - 2. The gift or bequest is made more than two (2) years from the testator/donor's date of death; and
 - 3. The testator has a relationship with such employee that is not based on or primarily related to the official duties of such employee; and
 - 4. The testator/donor has not amended or revoked any prior will or testamentary document under which the testator/donor includes a gift or bequest to a family member of such testator/donor.
- B. The legatee or donee of any gift or bequest that does not satisfy the above criteria must disclaim the gift or bequest.
- C. The penalty for violation of this section shall be disciplinary action, up to possible termination of employment with the City.

I recommend the City Council move to pass first reading and schedule a public hearing and second reading of the proposed Ordinance at the October 6th City Council meeting, as presented. Action on this item should take place under Section X of the Agenda.

2. **Public Hearing and Second Reading of Proposed Ordinances:**

- 2.1 **Public Hearing and Second Reading of Proposed Ordinance Amendment to Chapter 7, Article II, Section 7.230 – Prohibited Conduct by Medallion Holders or Owners.** As a result of the August 18th City Council meeting, under Section IX of the Agenda, I am bringing back for public hearing and second reading the [attached proposed Ordinance Amendment to Chapter 7, Article II, Section 7.230 – Prohibited Conduct by Medallion Holders or Owners](#). The Taxi Commission recommended the following proposed Ordinance at their meeting on June 16, 2014.

Section 7.230: Prohibited Conduct by Medallion Holders or Owners.

No holder of a taxi medallion or owner of a taxi to which a medallion has been issued shall, either individually or in conjunction with any other person, transport passengers for hire within the City except by the use of vehicles which have been issued a taxi medallion by the City.

I recommend the City Council move to pass second reading and schedule a third and final reading on the proposed Ordinance amendment, as presented, at the October 6, 2014 City Council meeting. Action on this item should take place under Section X of the Agenda.

- 2.2 **Public Hearing and Second Reading of Proposed Ordinance Amending Chapter 10 – Zoning Ordinance, Section 10.440, Table of Uses – Residential, Mixed Residential, Business and Industrial Districts, by changing use #1.41 (Multifamily dwelling, 3 or 4 dwelling units) from “P” (permitted) to “S” (special exception) in the General Residence A and B (GRA & GRB) districts.** As you will recall, at the August 4th City Council meeting, the Council passed first reading on a proposed ordinance to require a special exception for the development of a 3- or 4-unit dwelling in the GRA or GRB District, and referred it to the Planning Board for a report and recommendations.

The Planning Board considered this proposed amendment to the Zoning Ordinance at its meeting on August 21, 2014, and voted unanimously to recommend in favor of it. [Attached is a memorandum from Rick Taintor, Planning Director, outlining the intent of the Ordinance amendment.](#) In addition, the memorandum outlines a revision to the amendment to include the townhouse use as also requiring a special exception. On Monday evening, Nicholas Cracknell, Principal Planner, will make a presentation, regarding this matter.

Given the substantive change to include the townhouse use, I am recommending the following:

PROPOSED MOTION #1 (to be made under suspension of the rules prior to the public hearing):

MOVED *That the ordinance be amended to include the provision requiring a special exception for the Townhouse use as described in the memorandum from the Planning Director addressed to the City Manager dated September 9, 2014.*

PROPOSED MOTION #2 (to be made after the final speaker at the public hearing):

MOVED *To continue the public hearing and second reading on the amended ordinance to October 20, 2014.*

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

2.2 **Public Hearing and Second Reading of Proposed Rezoning of Property on Route 1 Bypass and Cate Street to Character District 4 (CD4).** As you will recall at the July 14, 2014 City Council meeting, the Council voted to pass first reading on this proposed rezoning, to schedule a public hearing and second reading for the September 22, 2014 City Council meeting, and to refer the proposal to the Planning Board for a report and recommendation. The areas proposed to be rezoned are shown on [the attached two maps](#).

At its meeting on June 2, 2014, the City Council voted to request the Planning Board to consider rezoning the land on the east side of the Route 1 Bypass between the Islington Street bridge and the Traffic Circle. The Planning Department has also been considering zoning options for a portion of this study area, between the railroad line and Hodgson's Brook; and the City has long been interested in establishing a new road connection from the Bypass to Bartlett Street, which would open this area up for redevelopment. Several parcels within this latter area are currently up for sale, and are currently constrained by being in the Industrial zoning district, which has restrictive use and dimensional standards.

The City Council has authorized a study for expanding Character-Based Zoning to potentially encompass the area bounded by Bartlett Street, the railroad line, the Route 1 Bypass and Hodgson's Brook (the kickoff public meeting for this study is scheduled for September 23. Therefore, the Planning Department proposed that the City consider as an interim measure the rezoning of this area to Character District 4 (CD4). On July 14, 2014, the City Council voted to pass first reading on this proposed rezoning, to schedule a public hearing and second reading for September 22, and to refer the proposal to the Planning Board for a report and recommendation.

The rezoning to Character District 4 was proposed in order to promote a mix of uses at a density comparable to the downtown rather than the limited uses and density that are currently allowed by the Industrial district that applies to most of this area.

On August 12, 2014, Robert Graham, on behalf of Merton Alan Investments, LLC (the owner of the parcel at the intersection of Bartlett and Cate Streets, adjacent to the railroad bridge), indicated that Merton Alan Investments was generally happy with the proposed zoning but requested consideration of a relatively minor change in the allowable building footprint. Rather than a maximum of 10,000 sq. ft. coverage, Mr. Graham suggested that the limit be either 10,000 sq. ft. of rentable building area or 11,000 sq. ft. of gross area.

On August 13, 2014, Attorney Bernard Pelech submitted to the Planning Department a variant of the CD4 zoning on behalf of Portsmouth Land Acquisition (Brian Thibeault), the owner of several parcels in the area proposed to be rezoned. The proposed CD4-C "Urban Bypass District" would allow buildings

of up to 50 feet, or up to 60 feet where there is a workforce housing component comprising at least 10 percent of the residential units in the development. In addition, the CD4-C district would not limit the size of the building footprint (the CD4 district sets a maximum footprint of 10,000 sq. ft.).

The Planning Board held a public hearing on the proposed zoning amendment at its meeting on August 21, 2014. At that meeting, Attorney Pelech and Chris McGinnis, representing Portsmouth Land Acquisition, spoke in opposition of the proposed zoning amendment and requested that the Board postpone its consideration in order to give their client more time to talk to abutters and property owners. Other members of the public, including neighboring property owners, also requested that the process be slowed down to give more opportunity for public input. Issues that were raised at the Planning Board public hearing included building height and design, landscaping, and setbacks from the Route 1 Bypass and residential districts.

Following the close of the public hearing, the Planning Board voted to report back to the City Council that this area should be rezoned from the existing Industrial and Office Research zoning districts, but that the proposed rezoning to Character District 4 (CD4) is not appropriate at this time. The Board recommended that further study is needed to determine the best zoning approach for these parcels.

Since the Planning Board meeting and vote, the property owner's development team has met with staff to discuss their objectives, and as a result it is expected that a new zoning proposal will be submitted on behalf of the owner. A draft of the concept of that proposal is contained in the letter dated September 15, 2014 from Attorney Bernard Pelech to the Honorable Mayor Robert Lister. The new proposed zoning would modify the current Gateway zone under the Gateway Planned Development which allows for special incentives to promote economically and environmentally sustainable land use in the Gateway District.

Given this substantive change of this latest proposal from the advertised CD-4 zoning proposal, I am recommending the following:

PROPOSED MOTION #1 (to be made after the final speaker at the public hearing):

MOVED *To continue the public hearing and second reading of the ordinance until a response is received from the Planning Board to the letter addressed to Honorable Mayor Robert Lister from Attorney Bernard Pelech dated September 15, 2014 regarding this rezoning.*

(NOTE: Under Written Communications, Attorney Bernard Pelech's letter will be referred to the Planning Board for report back.)

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

3. **Public Hearing and Adoption of Bonding Resolutions:**

3.1 **Public Hearing and Adoption of Proposed Resolutions for Bond Authorization for FY15 City Improvements.** As a result of the August 18, 2014 City Council meeting, under Section IX of the Agenda, I am bringing back for public hearing and adoption the proposed [attached borrowing authorizations](#) identified in the Capital Improvement Plan. As you are aware, Borrowing Resolutions require two readings and adoption, which includes a public hearing and two-thirds vote of the City Council.

A. **Resolution for Borrowing Authorization of up to \$3,475,000 for FY15 Citywide Seawall, Street, and Sidewalk Improvements.**

- **Seawall Repairs and Improvements - \$1,275,000:** *(page 76 & 77 of CIP FY15-20)*

This project will consist of repairing sections of the seawalls that are the property of the City including those in Prescott Park. The proposed projects are based on the recommendation of the Citywide Seawall Condition Study.

- **McDonough Street Area Improvements - \$400,000:** *(page 117 of CIP FY15-20)*

This project is at the request of the Islington Creek Neighborhood Association to have new sidewalks and traffic calming measures installed throughout the McDonough Street area. This project will enhance safety for the residents and others who travel through this area on foot, by bicycle and motor vehicle. The work will include water, sewer, storm drainage, paving, curbing and associated landscaping constructed in a phased approach and is the final phase.

- **Maplewood Avenue Rehabilitation - \$1,300,000:** *(page 124 of CIP FY15-20)*

This project has been initiated by the residents of Maplewood Avenue with the primary purpose to reduce travel speeds, improve pedestrian safety, and eliminate through truck travel. This work will include traffic calming methods, curbing, signage, pavement markings, pedestrian safety amenities, and sidewalk replacement as needed between Woodbury Ave and Route 1 By-Pass southbound ramp and will be coordinated with the water line replacement project.

- **Pease International Tradeport Roadway Rehabilitation - \$500,000:** *(page 125 of CIP FY15-20)*

Per the Municipal Services Agreement between the City and the Pease Development Authority, the City shall provide Public Works services in the non-airfield area of the Tradeport. These services include maintaining

and repairing roads, streets and sidewalks. These funds will provide continuation of the rehabilitation of roadway infrastructure within the Tradeport.

B. **Resolution for borrowing authorization of up to \$750,000 for FY15 School Facilities Improvements:** *(Page 52 of CIP FY15-20)*

- This project funds the replacement of the lighting system that was installed in 1989 for the 7 athletic fields and tennis courts on the Portsmouth High School Campus. The lighting system is now beyond its expected life resulting in component failure as well as bulbs, ballasts and fixtures are no longer being manufactured. An energy efficient lighting upgrade is planned over the next three years.

C. **Resolution for borrowing authorization of up to \$4,800,000 related to Water System Upgrades and Improvements.**

- **Greenland Well Upgrades - \$1,000,000:** *(identified in the FY08 CIP page 173)*

The Water Division has completed a study that has identified upgrades needed at the Greenland Well to improve the reliability and efficiency of this critical resource. The work will involve the installation of another well directly adjacent to the existing structure. Premium efficiency motors, a back-up power supply and a new disinfection system as well as SCADA instrumentation will be included in this work.

- **Maplewood Avenue Waterline Replacement - \$3,300,000:** *(page 138 of CIP FY15-20)*

This project consists of replacing approximately 7,500 feet of 6” and 8” 90 year old waterline on Maplewood Avenue with new 16” cement-lined ductile iron waterline. The replacement would begin at the intersection of Woodbury Avenue and Maplewood Avenue and continue to the intersection of Raynes Avenue and Maplewood. Project will result in a looped water system feed into the central business district which will benefit both fire flows as well as water quality.

- **Water System Pressure-Storage Improvements - \$500,000:** *(page 142 of CIP FY15-20)*

This project consists of design and construction of sections of the water system which have been identified as needing upgrades as part of the water system hydraulic model and master plan update completed in 2013. This funding is for the replacement of the three existing Madbury well pumps and upgrades to the associated pumping equipment; one of the projects identified to address system pressure and reliability.

D. Resolution for borrowing authorization of up to \$1,000,000 for FY15 Pease Wastewater Treatment Plant Upgrade. (Page 150 of CIP FY15-20)

- This project addresses capital needs at the Pease Wastewater Treatment Facility. Parts of this plant date back to the original 1950s construction and are beyond their useful life. In addition, the Plant's NPDES discharge permit is up for renewal and this item anticipates additional capital needs which may result from a new permit.

I would recommend that the City Council move the following motions:

- 1) *Move to adopt a Bond Resolution for City Improvements in the amount of up to \$3,475,000.*
- 2) *Move to adopt a Bond Resolution for School Facilities Improvements in the amount of up to \$750,000.*
- 3) *Move to adopt a Bond Resolution for Water System Upgrades and Improvements in the amount of up to \$4,800,000.*
- 4) *Move to adopt a Bond Resolution for Pease Water Treatment Plant Upgrade in the amount of up to \$1,000,000.*

Please note that Bonding Resolutions require two readings, a public hearing and two-thirds vote of the City Council. Action on this item should take place under Section X of the Agenda.

4. Third and Final Reading of Proposed Resolutions and Ordinances:

- 4.1 **Third and Final Reading of Ordinance Amending Chapter 7 Re: Parking Omnibus.** As a result of the August 18, 2014 City Council meeting, under Section X of the Agenda, I am bringing back for third and final reading the [attached annual omnibus set of ordinances](#) recommended by the Parking and Traffic Safety Committee. This year the omnibus consists of seven ordinances, three that address loading zones and other ordinances that address a three hour parking limit, a one-way street, a taxi stand and no parking.

The [attached amendments to Chapter 7, Vehicles, Traffic and Parking for the Council's](#) consideration summarize the temporary parking regulations implemented by the Parking and Traffic Safety Committee between June 3, 2013 and June 2, 2014.

In addition, as requested by Councilor Kennedy, [attached is a report back regarding the parking impact from Omnibus Ordinance changes.](#)

I recommend the City Council move to pass third and final reading of the proposed ordinance amendments to be incorporated into Chapter 7, Vehicle, Traffic and Parking Ordinance, as presented. Action on this item should take place under Section X of the Agenda.

Consent Agenda:

1. **Acceptance of Donations to Art-Speak.** Art-Speak has received the following donations in the amount of \$125.00 and Art-Speak requests that the City Council accept the following donations on behalf of Art-Speak:

- Debbie Needleman \$ 25.00
- Nicole Bodoh Jacobson \$ 75.00
- Duncan Craig \$ 100.00

I would recommend that the City Council move to approve and accept the donations to Art-Speak, as listed. Action on this item should take place under Section XI of the Agenda.

2. **Acceptance of Membership Dues to Art-Speak.** Art-Speak has received the following Charter Membership Dues to the Piscataqua Arts & Cultural Alliance, a program of Art-Speak:

- NH Institute of Art \$150.00

Art-Speak requests that the City Council accept the donations on behalf of Art-Speak.

I would recommend that the City Council move to approve and accept the membership dues to the Piscataqua Arts & Cultural Alliance, a program of Art-Speak, as listed. Action on this item should take place under Section XI of the Agenda.

3. **Acceptance of Donations to the Coalition Legal Fund.** The City of Portsmouth has received the following donations to the Coalition Legal Fund, which will be utilized to continue our fight to eliminate the statewide property tax:

- Town of Grantham, NH \$1,000.00
- Town of Moultonborough \$6,500.00

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

City Manager's Items Which Require Action:

1. **Request for Approval of a Proposed Two-Year Agreement between the City of Portsmouth and the Professional Management Association.** The City has reached a Tentative Agreement with the Professional Management Association (PMA) for a two-year agreement from July 1, 2014 to expire on June 30, 2016.

A few of the major items in the Tentative Agreement are as follows:

- 1) Section 4.B (COLA Adjustments) – COLA adjustments according to 10-year rolling COLA average effective July 1, 2014 and July 1, 2015 (provided retroactive payment for July 1, 2014 COLA adjustment will only be paid to employees on the City's payroll at time of final execution of the CBA).
- 2) Section 12 (Medical Coverage) – Union has the option of either moving entirely to the CDHP at 95%/5% premium split, or retaining their current SchoolCare Plans at an 85.5%/14.5% premium split effective July 1, 2014 and an 85%/15% premium split effective July 1, 2015. Regardless of which health insurance option the Union selects, the City's total contribution to health insurance coverage (including any premium, additional tax or assessment) will not exceed the current threshold levels for assessment of the "Cadillac Tax" under the Affordable Care Act.

For your information and to facilitate discussion regarding this matter, [attached please find the following documents:](#)

- [A letter from Tom Closson, City Negotiator outlining the major changes to the Professional Management Association Agreement.](#)
- [The PMA Contract showing the insertions and deletions to implement the Tentative Agreement if approved.](#)
- [Cost Analysis of the two \(2\) year agreement.](#)

This Agreement will also cover non-union employees as well.

Also, this proposed Agreement is posted on the City's Website at:
<http://www.cityofportsmouth.com/hr/contracts-municipal.htm>

I would recommend the City Council move to accept the proposed contract with the Professional Management Association to expire on June 30, 2016.

2. **Request for Approval of a Three-Year Non-Supervisory Cafeteria Personnel Proposed Agreement.** The City has reached a Tentative Agreement with the Non-Supervisory Cafeteria Personnel for a three-year agreement from July 1, 2014 to expire on June 30, 2017.

A few of the major items in the Tentative Agreement are as follows:

- 1) Three-year agreement with an annual rolling 10-year COLA of 2% to 5% on July 1, 2014, July 1, 2015 and July 1, 2016.
- 2) Health Insurance – Effective September 1, 2014, or as soon as practicable thereafter, the School Department will offer full-time employees only the Consumer Driven Health plan (CDHP) issued by Cigna Insurance under its SchoolCare Plan of the New Hampshire School Health Care Coalition. The employee’s premium cost share for the CDHP (single, 2-person or family option) will be 5% of the total premium. The School Department’s premium cost share will be 95% of the total premium.

For your information and to facilitate discussion regarding this matter, [attached please find the following documents:](#)

- [A letter from Tom Closson, City Negotiator outlining the changes to the Non-Supervisory Cafeteria Personnel Agreement.](#)
- [The Non-Supervisory Cafeteria Personnel’s Contract showing the insertions and deletions to implement the Tentative Agreement if approved.](#)

Also, this proposed Agreement is posted on the City’s Website at:
<http://www.cityofportsmouth.com/hr/contracts-school.htm>

The Food Service Program is a self-funding program that pays all the costs to run the program including all salaries and benefits. Therefore, the program will absorb the costs required to implement this contract.

I would recommend the City Council move to accept the proposed contract with the Non-Supervisory Cafeteria Personnel to expire on June 30, 2017.

3. **Report Back Re: Proposed Easement at 7 Andrew Jarvis Drive.** The City has negotiated an easement with D.R. Lemieux Builders, Inc. over property at 7 Andrew Jarvis Drive which will allow the City to widen and improve Andrew Jarvis Drive to alleviate congestion at Portsmouth High School ([see attached map](#)). The proposed easement deed was prepared by the Legal Department and is recommended by the Department of Public Works.

At its meeting on August 21, 2014, the Planning Board voted to recommend to the City Council that it accept a permanent easement from D.R. Lemieux Builders, Inc. to make

and maintain roadway, sightline and slope improvements at the intersection of Andrew Jarvis Drive and Lafayette Road.

I recommend the City Council move to authorize the City Manager to accept a permanent easement from D. R. Lemieux Builders, Inc. at the intersection of Andrew Jarvis Drive and Lafayette Road, as presented.

4. **Request to Establish a Work Session for Monday, September 29, 2014 at 6:30 p.m. in the Eileen Dondero Foley Council Chambers regarding Wastewater Treatment Plant Update.** I am requesting that the City Council establish a Work Session for Monday, September 29, 2014 at 6:30 p.m., in the Eileen Dondero Foley Council Chambers, regarding a Wastewater Treatment Plant Update. City Staff will present to the City Council items pertaining to the Peirce Island Wastewater Treatment Facility project. In particular, the presentation will include a progress update on the Peirce Island Wastewater Treatment Facility design, project cost estimates, schedule update as it pertains to the Consent Decree and potential items that may impact NPDES permit compliance. The work session will also include a discussion on Exeter and Stratham's request for potential regional wastewater service. A proposed agenda is provided below:

City Council Work Session on Peirce Island WWTF Project
September 29, 2014

Suggested Presentation Agenda

1. Design Update
 - a. Design Progress
 - b. Value Engineering
 - c. Cost Estimates
 - d. Schedule
 - e. Construction Impacts
2. Regulatory and Compliance
 - a. Peer Review and River Impairment Listing
 - b. Effluent Blending
3. Exeter and Stratham Request for Service

I recommend the City Council move to establish a Work Session for Monday, September 29, 2014 at 6:30 p.m., in the Eileen Dondero Foley Council Chambers, regarding an update on the Peirce Island Wastewater Treatment Facility project.

5. **Polling Hours for November 4, 2014 State General Election.** Attached is a memorandum from Kelli Barnaby, City Clerk, recommending the polling hours be set from 8:00 a.m. to 7:00 p.m. for the State General Election on November 4, 2014.

I recommend the City Council move to set the polling hours from 8:00 a.m. to 7:00 p.m. for the State General Election on November 4, 2014.

- 6 **Update on Middens at Peirce Island.** At its meeting on July 14th, the City Council referred a letter from the Peirce Island Committee to me for a report back. In its letter, the Committee recommended that capital plan funds for Peirce Island be used to fund an archaeological study of two middens located on the Island as well as potential remnants of Fort Washington. Middens are deposits containing shells, animal bones, and other refuse that indicate the site of a human settlement, in this case, the two middens found at Peirce Island potentially date from two different periods of the Island's use as a military fort. This work is a follow-on phase of the archaeological investigations that were conducted in preparation for the construction of the Wastewater Treatment Plant. The new investigation is described as elective and has been recommended by the Peirce Island Committee.

Deputy Director of Public Works Brian Goetz and Community Development Director David Moore met with the Peirce Island Committee on September 10, 2014 to review the proposal in preparation for this report back.

As a result of the consultation with the Committee, I recommend the City Council have the City Manager work with staff to implement the recommendation of the Peirce Island Committee. Specifically, I will ask staff to prepare for the site investigations including making preparations for developing an appropriate request for proposals; investigating needed permitting requirements; and assessing opportunities to leverage the use of capital funds with potential grant resources. At the meeting, Deputy Director Goetz explained that a Restoration plan for the Island will be implemented following the completion of the construction on the Wastewater Treatment Plant, currently anticipated to be sometime in 2018. The purpose of the Restoration Plan will be to repair and restore areas on the Island resulting from impacts associated with construction activities and to include improvements to trails and the overall Island environment as deemed appropriate by City Council. City staff recommended and the Committee agreed that the elective archaeological work proposed by the Committee be completed nearer to the completion of the Wastewater Treatment Plant and in preparation for the Restoration Plan activities. Additional information about the Restoration Plan will be provided to the City Council for their input as the project moves forward. Meanwhile, during construction activities, the areas proposed for future exploration will be protected.

I recommend the City Council move to authorize the City Manager to move forward with the proposed plan of action and schedule as described above.

Informational Items:

1. **Events Listing.** For your information, [attached is a copy of the Events Listing](#) updated after the last City Council meeting on August 18, 2014. In addition, this can be found on the City's website.
2. **Trustees of the Trust Funds Financial Reports.** For your information, [attached is a copy of the Trustees of the Trust Funds Annual Report, MS-9 and MS-10](#), for fiscal year 2014 ending June 30, 2014.
3. **Public Forum Re: Air Quality.** For your information, a public forum will be held on Tuesday, September 30, 2014 at 6:30 p.m., in the Eileen Dondero Foley Council Chambers, regarding the New Hampshire Environmental Services (NHDES) Air Quality Study for the Market Street Marine Terminal ([see attached notice of public forum](#)).
4. **City Council Retreat Draft Agenda.** For your information, [attached is a draft agenda for the City Council Retreat](#) scheduled for Saturday, October 4, 2014 from 9:00 a.m. to 4:00 p.m. in the Levenson Room at the Library.
5. **Character-Based Zoning Phase II Kick-off Meeting.** As you are aware, the Character-Based Zoning Phase II Kick-off Meeting is on Tuesday, September 23, 2014 at 7:00 p.m. in the Eileen Dondero Foley Council Chambers. Following the Kick-off Meeting, the consultant will begin the data collection process and begin preparing for the North End visioning and design charrette which will take place from November 10th through the 13th at the new Connie Bean Gymnasium located at the Portsmouth Middle School on Parrott Ave. The four-day visioning and design charrette will begin with a public presentation on the first day that will include a hands-on workshop exercise. The second day will include technical meetings as well as an open studio that will allow members of the public to stop in at their convenience to engage in the process and contribute their ideas. The third day will include a pin-up and review session to present alternatives and gather feedback from the public on those alternatives. The final day of the charrette will include a work-in-progress presentation that will describe the preliminary vision plan for the area, explain the elements of the plan, and present other findings and work products developed during the charrette. This presentation also offers the public another opportunity to provide feedback and shape the final vision for each study area.
6. **Update Re: Worth Lot Maintenance, Paving and Lighting Upgrades.** For your information, [attached is a memorandum from Peter Rice, Public Works Director](#), updating the City Council regarding the Worth Lot Maintenance, Paving and Lighting Upgrades.
7. **PDA (Airport) Noise Report for August 2014.** For your information, [attached is memorandum from Sandra McDonough, Airport Operations/Community Liaison](#), regarding the PDA Noise Report for August 2014.

8. **Update on Cemetery Action Plan Steps.** As you are aware, at the July 14, 2014 City Council meeting, I provided the Council with a copy of a Cemetery Action Plan. For your information, in the next few weeks, work will begin on tomb restoration in the North Cemetery, which will be completed by early November. This work will include the use of historically sensitive materials and techniques that will ensure the stability and protection of several chest and hill tombs in North Cemetery. In addition, background work in preparing for a larger rehabilitation project for the Union Cemetery enclosure wall on Maplewood Avenue is taking place; that project, as well as the tomb work, is being completed in coordination with the Portsmouth Historical Society. In addition, the Department of Public Works is coordinating tree and shrubbery maintenance and removal along the fence lines, perimeter walls, and within the North and Union cemeteries. This work, scheduled to be completed this fall, will need to be carefully conducted due to the presence of gravestones and other sensitive cemetery elements beneath some of the trees. In addition to these developments, the Historic Cemetery Trust adopted by the City Council in July has been fully executed. I will continue to provide updates as appropriate.



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August 12, 2014

Honorable Mayor Robert Lister and City Council
City of Portsmouth
1 Junkins Avenue
Portsmouth, NH 03801

RE: Tentative Agreement with Professional Management Association

Dear Mayor Lister and Members of the City Council:

I am pleased to recommend for your consideration the terms of a tentative agreement with the Portsmouth Professional Management Association. The major items in the contract are as follows:

- 1.) Duration – July 1, 2014 through June 30, 2016. Only changes specifically identified as retroactive will have retroactive effect.
- 2.) Section 3.C.1 (Holiday/Leave Benefits) - Increase maximum additional vacation time accrual to compensate for meetings outside regular schedule from 10 days per calendar year to 12 days per calendar year, provided these additional 2 days will be earned at a rate of 1 additional day per 5 meetings.
- 3.) New Section 3.C.3 (Holiday/Leave Benefits) – “Paid leave time, including but not limited to vacation, compensatory time, personal time, and sick leave, **will not** be considered time worked for purposes of calculating overtime. Holiday time and bereavement leave only **will** be considered time worked for purposes of calculating overtime.”
- 4.) New Section 3.C.4 (Holiday/Leave Benefits) – “Employees shall be entitled to use any accumulated vacation hours or sick leave benefits on an hourly basis.”

- 5.) New Section 3.E.1.d (Holiday/Leave Benefits – Sick Leave Eligibility) – “For employees hired after July 1, 2014, starting in their 6th year of employment with the City, employees will receive 10 sick days per year (or 0.83 per month).”
- 6.) Section 4.A.B (Salary Adjustment) – Effective upon final execution of the CBA (not retroactive) add new Step G at 2% above Step F at employee’s completion of 180 months.
- 7.) Section 4.B (COLA Adjustments) – COLA adjustments according to 10-year rolling COLA average effective July 1, 2014 and July 1, 2015 (provided retroactive payment for July 1, 2014 COLA adjustment will only be paid to employees on the City’s payroll at time of final execution of the CBA). Also, as necessary, adjust other language to reflect duration of CBA.
- 8.) Section 4.B.C (COLA Adjustments) – Remove “parity” language.
- 9.) Section 12 (Medical Coverage) – Union has the option of either moving entirely to the CDHP at 95%/5% premium split, or retaining their current SchoolCare Plans at an 85.5%/14.5% premium split effective July 1, 2014 and an 85%/15% premium split effective July 1, 2015. Regardless of which health insurance option the Union selects, the City’s total contribution to health insurance coverage (including any premium, additional tax or assessment) will not exceed the current threshold levels for assessment of the “Cadillac Tax” under the Affordable Care Act.

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

Sincerely yours,

Thomas M. Closson

Thomas M. Closson
Attorney at Law
Jackson Lewis PC

WORKING AGREEMENT

BETWEEN

CITY OF PORTSMOUTH, NEW HAMPSHIRE

**AND WHERE APPROPRIATE,
THE PORTSMOUTH POLICE COMMISSION**

AND THE

PORTSMOUTH PROFESSIONAL MANAGEMENT ASSOCIATION

SIX-TWO YEAR AGREEMENT

JULY 1, 201408 THROUGH JUNE 30, 20142016

WORKING AGREEMENT

PREAMBLE

This Agreement entered into by the City of Portsmouth (hereinafter referred to as the City), Portsmouth Police Commission (hereinafter referred to as the Commission) and the Portsmouth Professional Management Association (hereinafter referred to as the Association), has as its purpose the promotion of harmonious relations between the City and the Commissions and the Association; the establishment of an equitable and peaceful procedure for the resolution of differences; and to provide for the salary structure, wages, fringe benefits and employment conditions of the employees covered by this Agreement. Within the collective bargaining agreement where the male or female gender is exclusively used, it shall be understood that it does not limit the benefits to just the gender that was mentioned.

As a result of the 1988 Amendment to the City Charter, the Working Agreement must include both the City and Commissions as parties. Where appropriate, reference to the City shall be considered to include the Commissions as well. Such inclusion shall be consistent with the City Charter and applicable City Ordinances.

SECTION I. RECOGNITION AND MANAGEMENT RIGHTS

The City, and where appropriate, the Police Commission recognizes the Association as the exclusive representative of all permanent full-time and part time Department Heads and Management employees as listed in Section I in the following position classifications:

Assessor	City Engineer
Principal Planner	Welfare Director
City Auditor	Community Development Director
Controller	Communications Supervisor
IT Manager	Building Inspector
Deputy Assessor I	Chief Building Inspector
Deputy Library Director	Office Manager
Assistant Library Director	Housing Specialist
Economic Development Director	Deputy Finance Director
Finance Director	Environmental Health Officer
Library Director	Assistant Building Inspector
Planner I	Associate Planner
Planning Director	Accountant I
Plumbing/Mechanical Inspector	Accountant II
Recreation Director	Welfare Case Technician
Special Projects Manager	Housing Code Inspector
Webmaster	Purchasing Coordinator
Deputy Public Works Director	Environmental Planner/Sustainability
Division Director (Parking & Trans)	Coordinator
Revenue Administrator	Appraiser II
Appraiser I	Traffic Engineer
Health Inspector	Parking Manager
Facilities Project Manager	Assistant Community Development Director
Deputy Tax Collector II	Zoning Enforcement Officer
Administrative Assistant	GIS Coordinator
Enterprise Accountant	Community Development Manager
Deputy Assessor II	Electrical Inspector
	Communications Manager

Should any position previously mentioned in this section be modified or eliminated, Section 4 B of the City of Portsmouth Policy Memorandum No. 31 effective November 15, 1993 will be followed and the Association will be notified and the City will offer to negotiate concerning the effects of the exercise of its management prerogative. The City, and where appropriate the Police Commission, retains all the right and authority to manage and direct their respective employees, except as otherwise specified in this Agreement. The Association acknowledges the right of the City and the Police Commission to make any rules and regulations governing the conduct of its employees, provided they are not inconsistent with the provisions of this Agreement. In any case where this Agreement is silent on practices, terms or conditions of employment, the Merit System, as amended, shall prevail, unless its provisions are found contrary to the Law.

SECTION 2. UNION SECURITY

- A. All eligible employees covered by this Agreement as listed in Section 1 above who become and remain members of the Association in good standing within 15 days after the signing of this Agreement during the term of this Agreement shall remain a member of the Association for the duration of this Agreement except upon termination of employment or paying agency service fee as stated in paragraph "C" below.
- B. The Association shall have the exclusive right to the deduction and transmittal of dues on behalf of each member. A member may consent in writing to the authorization of the deduction of Association dues from his/her wages and to the designation of the Association as the recipient thereof. Such consent shall be in a form acceptable to the City and shall bear the signature of the employee. An employee may withdraw his/her authorization for the deduction of Association dues by giving at least 60 days notice, in writing, to the City; at which time Paragraph "C" below shall take effect. A copy of the dues revocation shall be forwarded to the Association.
- C. The City shall require every member of the Bargaining Unit which chooses not to maintain membership in the Association to make a monthly payment of agency service fees computed on the basis of the Association's dues structure for the cost of collective bargaining and contract administration. The Association shall provide written verification of the percentage of dues used for contract negotiations and administration which shall be updated from time to time as necessary. Payment of such fee will be a condition of continued employment of the City of Portsmouth. The City hereby agrees, pursuant to paragraph "A" above, to deduct said sum from the wages of the Members of the Association who have either withdrawn or declined to join the Association, given that written authorization has been received as required.
- D. Agency dues will commence within ten days after becoming a permanent full-time City employee. The amount to be deducted or paid by the employee shall be certified to the City by the Treasurer of the Association. Aggregate deductions/payments of all Association members shall be remitted, together with an itemized statement, to the Treasurer by the fifteenth (15th) day of the succeeding month after said deductions/payments are made. This authorization shall be irrevocable during the term of this Agreement.
- E. The Association agrees to indemnify and hold the City harmless against any and all claims, demands, suits or liability and for all legal costs arising from any actions taken or not taken by the City in compliance with this Section.
- F. New Association members shall, at the City's expense, be provided with a copy of this Working Agreement and all appendices hereto.

SECTION 3. HOLIDAY/LEAVE BENEFITS

- A. The following days shall be recognized and observed as paid holidays:
- New Year's Day
 - Washington's Birthday
 - One-half day on Good Friday¹
 - Memorial Day
 - Independence Day
 - Labor Day
 - Columbus Day
 - Veteran's Day
 - Thanksgiving Day
 - Day after Thanksgiving Day
 - Christmas Day
 - Preceding Monday if Christmas comes on Tuesday
 - Following Friday if Christmas comes on Thursday

Whenever any of the holidays listed above falls on Saturday, the preceding Friday shall be observed as the Holiday. Whenever any of the Holidays listed above falls on Sunday, the following Monday shall be observed as the Holiday. Association members who are required to work on any of the above listed holidays shall receive a day off in lieu of the holiday. Permanent part time employees will not be eligible for holidays.

- B. All regular full-time employees who have been employed by the City, the Fire Department, or the Police Department as appropriate, for a period of at least twelve (12) months and who are otherwise eligible shall be entitled to a vacation based on their anniversary date of employment as follows:

One to two years inclusive	10 days (.833/month)
Three years inclusive	11 days (0.917/month)
Four years inclusive	12 days (1.000/month)
Five years inclusive	13 days(1.083/month)
Six years inclusive	14 days (1.167/month)
Seven years inclusive	15 days (1.250/month)
Eight years inclusive	15 days (1.250/month)
Nine years inclusive	15 days (1.250/month)
Ten years inclusive	15 days (1.25/month)
Eleven years inclusive	16 days (1.333/month)
Twelve years inclusive	16 days (1.333/month)
Thirteen years inclusive	17 days (1.417/month)
Fourteen years inclusive	17 days (1.417/month)
Fifteen years inclusive	18 days (1.5/month)
Sixteen years inclusive	18 days (1.5/month)
Seventeen years inclusive	19 days (1.583/month)
Eighteen years inclusive	19 days (1.583/month)
Nineteen years inclusive	20 days (1.667/month)
Twenty years inclusive	20 days (1.667/month)

¹ In the event the City eliminates 1/2 day on Good Friday from the AFSCME contract in exchange for 1/2 day on Christmas Eve and 1/2 day on New Year's Eve, PMA will adopt the same holiday schedule regarding these holidays.

Once a newly hired employee has completed his or her probationary period, he or she may take earned leave during the first year of service.

All permanent part time employees working 18.25 hours per week or more and who have been employed by the City for a period of at least twelve months and who are otherwise eligible shall be entitled to a vacation based upon their anniversary date of employment as follows:

	30 hrs <u>week</u>	25 hrs <u>week</u>	20 hrs <u>week</u>
1-5 yrs inclusive	8 days	6.5 days	5 days
6 years inclusive	9 days	7 days	6 days
7 years inclusive	10 days	8 days	6 days
8 years inclusive	10 days	9 days	7 days
9 years inclusive	11 days	9 days	7 days
10 years inclusive	12 days	10 days	8 days
11 years inclusive	13 days	11 days	8 days
12 years inclusive	13 days	11 days	8 days
13 years inclusive	14 days	11 days	9 days
14 years inclusive	14 days	11 days	9 days
15 years inclusive	14 days	12 days	9.5 days
16 years inclusive	14 days	12 days	9.5 days
17 years inclusive	15 days	13 days	10 days
18 years inclusive	15 days	13 days	10 days
19 years inclusive	16 days	13 days	10.5 days
20 years inclusive	16 days	13 days	10.5 days

18.25 hrs
week

1-5 years inclusive	5 days
6 years inclusive	5.5 days
7 years inclusive	6 days
8 years inclusive	6.5 days
9 years inclusive	7 days
10 years inclusive	7.5 days
11 years inclusive	8 days
12 years inclusive	8 days
13 years inclusive	8.5 days
14 years inclusive	8.5 days
15 years inclusive	9 days
16 years inclusive	9 days
17 years inclusive	9.5 days
18 years inclusive	9.5 days
19 years inclusive	10 days
20 years inclusive	10 days

Accumulated Days: The maximum accrued vacation for permanent part time employees shall be limited by the following formula.

Hours per week	Accumulation of Days
30	28
25	23
20	18.5
18.5	17.5

- C.1 Association members who are required by the nature of their duties to attend meetings and/or work related activities at times other than their normal work day, shall receive, as compensation for this overtime, one-half (1/2) day added to their vacation time for each meeting attended during a calendar year to a maximum of ten (10) days per calendar year. Beginning July 1, 2014, an additional two (2) days per calendar year may be earned at a rate of one (1) day per five (5) additional meetings attended. Maximum accrued vacation time shall not exceed fifty (50) days. In the event an employee has accumulated more than fifty (50) days of unused vacation at the end of each year, said employee shall be paid no more than 10 days accumulated in excess of fifty (50). Payment will be made in the first payroll in February following the calendar year.
- C.2. Employees, ~~whose regular work week is 37.5 hours, and who~~ are determined to be non-exempt for the purpose of the Fair Labor Standards Act will be paid overtime at the rate of time and one-half their regular rate for hours worked in excess of forty (40) hours per week, thirty seven and one-half hours in a week and shall not earn additional leave under Paragraph 3.C.1 above. ~~For 37.5 hour per week employees, the number of hours to be worked per week to be eligible for the overtime rate shall increase in~~ accordance with the following schedule:

2008-09	37.5 hrs.
2009-10	38.0 hrs.
2010-11	38.5 hrs.
2011-12	39.0 hrs.
2012-13	40 hrs.

~~Non-exempt employees who are regularly scheduled 40 hours a week will be paid overtime at the rate of time and one-half after 40 hours in a week.~~

- C.3. Paid leave time, including but not limited to vacation, compensatory time, personal time, and sick leave will not be considered time worked for purposes of calculating overtime. Holiday time and bereavement time only will be considered time worked for purposes of calculating overtime.
- C.4. Employees shall be entitled to use any accumulated vacation hours or sick leave benefits on an hourly basis.
- D. Each member shall be entitled to two (2) non-accumulative personal leave days per contract year to attend to matters that cannot be transacted at any other time. Personal days will be awarded on July 1 of each year. In order to qualify for the two (2) personal leave days, an employee must have completed his or her probation period prior to July 1. In other words, a new employee will not get any personal days until July 1 following the

completion of his or her probationary period. ~~Effective on July 1, 2009, eligible members will be entitled to four (4) personal days for the 2009-10 contract year only. This is a one-time only increase in personal days and does not carry forward into 2010-11. The additional personal days may not be carried forward or cashed out under any circumstances.~~

- E. A non-exempt employee called in by a supervisor at times other than his/her normal work hours shall be paid a minimum of three (3) hours at the time and one-half rate. Any employee who is recalled with an original call-out minimum time period shall not be entitled to additional compensation until the minimum time requirement has been attained.

E.1 SICK LEAVE ELIGIBILITY

Sick leave without loss of pay shall be computed at the rate of fifteen (15) days per year (or 1.25 days per month).

- a. Employees hired prior to March 30, 1990 shall be entitled to Accumulated Sick Leave without limitation as to the number of days.
- b. Employees hired on or after March 30, 1990 shall have Sick Leave Accumulation limited to 150 days.
- c. Employees hired after July 1, 1996 shall accumulate sick leave as set forth in Item b above, but shall receive no payment of sick leave upon retirement, termination, or death. Any such employee who has accrued one hundred (100) or more sick days shall be paid two day's pay if they used no sick days in the calendar year and one day's pay if they used one sick day in the calendar year. Payment will be made in the first payroll in February following the calendar year.
- d. For employees hired after July 1, 2014, starting in their 6th year of employment with the City, employees will receive 10 sick days per year (or 0.83 per month).

PAYOUT

- de. Upon retirement from employment or termination of the employee, an amount equal to eighty-five percent (85%) of accumulated sick leave shall be paid to the employee. Upon death of an employee, while in the employment of either the City, or the Police Department the City shall pay to the employee's estate an amount equal to one-hundred (100%) percent of the employee's accumulated sick leave.

BUY OUT OPTION

- ef. The parties agree that in the event the City Council appropriates money to use to buy out a portion of employee's sick leave accounts, that each employee may accept buy out of any portion he or she voluntarily agrees to in writing based upon the terms offered. The parties recognize that if limited buy out funds are available, buy out offers will be made to

employees based on seniority.

- E.2 Sick leave for permanent part time employees who work 18.75 hours per week or more shall be based upon the following schedule:

100% = 37.25 hours = 13 days per year (1.083/month)
 80% = 30 hours = 10 days per year (0.883/month)
 67% = 25 hours = 9 days per year (0.750/month)
 53% = 20 hours = 7 days per year (0.583/month)
 50% = 18.75 hours 6.5 days per year (0.542/month)

It is understood that the same restrictions apply with respect to accumulation as apply to full time employees.

- E.3 With due consideration to the budget, members of this bargaining unit shall give notice of their retirement to the City Manager and, when applicable, the Police Commission, by January 15 of the year prior to the Fiscal Year of the intended retirement date.

1. A retiring member, at his/her option, will receive payment for accrued sick leave and annual leave in two installments (or three annual installments if appropriate notice is given):

- a. The first installment may be paid anytime after July 1st of the first fiscal year following the notification of retirement, and shall equal 50% of his/her accrued sick leave.
- b. The second installment shall be paid after July 1st of the second fiscal year following the notification of retirement, and shall equal the balance of his/her accrued sick and annual leave.

[All payments will be calculated in accordance with formulas set forth in other sections of this contract and City Policy and Procedure.]

2. Notice of retirement may not be withdrawn, unless otherwise approved by the City Manager or, when applicable, the Police Commission.

- E.4 Notwithstanding the foregoing, a member may retire without giving the notice set forth in E.3 in which event the payment of his/her accrued sick leave in accordance with the formulas set forth in this Contract will not occur until the start of the next fiscal year after the employee's notice of retirement unless otherwise agreed to by the City Manager (the the Police Commission if applicable) in an exceptional case. Payment shall be made in accordance with paragraph E.1 (de)

- F. All permanent full-time employees shall be entitled to Emergency Leave up to three (3) days with pay for death or grave illness in the immediate family. If needed, an additional two (2) days may be granted by a Department Head at his/her discretion, for the immediate family. Immediate family shall be defined as follows: spouse, child (included adopted child), parent (including parent by adoption), brother, sister, grandparent, grandchild, mother-in-law, father-in-law, sister-in-law, brother-in-law, grandparent-in-law. Grave illness is defined as illness or accident from which one is not likely to survive.

All permanent full-time employees shall be entitled to Emergency Leave up to two (2) days for the death of an aunt, uncle, or of a spouse's aunt or uncle.

SECTION 4A. SALARY ADJUSTMENT

A. The Salary Schedule as approved by the City Council shall be revised to reflect the COLA Adjustments described in Section 4B: COLA Adjustments, below

B. Employees shall be paid in accordance with the following schedule:

First six (6) months	Step A
After 6 months satisfactory service	Step B
After 18 months satisfactory service	Step C
After 30 months satisfactory service	Step D
After 42 months satisfactory service	Step E
After 120 months satisfactory service	Step F* (effective July 1, 2011)
<u>After 180 months satisfactory service</u>	<u>Step G** (effective upon CBA execution and not retroactive)</u>

* Step F will be 2.75% more than Step E. Employees must spend one (1) year at Step E to be eligible for Step F.

** Step G will be 2% more than Step F. Employees must spend one (1) year at Step F to be eligible for Step G.

C. Whenever any full-time PMA member fills a temporary duty assignment in an "Acting" capacity pursuant to written direction from the City Manager or the Human Resources Director, the PMA member will receive step increases in the "Acting" position based upon standard payroll practices for giving step increases in the new grade as if the employee had been promoted. This language shall not be construed to require any specific level of pay once the "Acting" status is terminated and the employee is returned to his or her former position.

SECTION 4B. COLA ADJUSTMENTS

A. ~~Effective July 1, of each year from July 1, 2008-2014 and July 1, 2015, through July 1, 2013, (excluding July 1, 2009)~~ a COLA adjustment percentage increase shall be computed which shall not be less than 2% nor more than 5%.

The COLA adjustment percentage shall be determined by the rolling ten (10) year average in the CPI-U for the Boston-Brockton-Nashua- MA-NH-ME-CT all items index as computed by the Bureau of Labor Statistics of the US Department of Labor for the most recent calendar year preceding the July 1 adjustment. BLS's calendar year for this index is November through November, it is not published on a December to December basis. The reference base is 1982-1984 equals 100 until BLS updates the reference base at which time the parties agree to adopt the official reference base as used by BLS. The applicable COLA averages for the past ten years are attached as Appendix B.

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

B. Applicability After Contract Expires:

It is clearly understood that in the event that the Working Agreement expires without a successor Working Agreement being settled prior to July 1, ~~2014-2016~~ that no further COLA adjustments after July 1, ~~2013-2015~~ will be generated under the Working Agreement even if the Working Agreement has an evergreen clause. It is further agreed that continuation of COLA adjustments are not to be deemed "status quo" as the term has been used by the PELRB in the event that a successor agreement has not been settled by July 1, ~~2014~~2016.

~~C. Applicability of COLA Adjustment to Salary Schedule: The COLA Adjustment percentage shall be applicable to the salary schedule for contract years 2008-09, 2010-11, 2011-12, 2012-13 and 2013-14 effective July 1, of each contract year.~~

~~The parties agree that in the event that the City approves COLA increases, general wage increases, or general bonuses for fiscal years 2009 through 2014 for any other City or School District bargaining unit, except the Association of Portsmouth Teachers, that are greater than the increases generated under the COLA Adjustment clause in this contract, members of this bargaining unit shall be entitled to the same increases. This provision will not be applicable if: a) Another bargaining unit receives COLA increases for fiscal years 2010 through 2014 in accordance with the same COLA formula in this contract, but not for fiscal year 2009.~~

~~b) Another bargaining unit receives COLA increases for fiscal years 2009 through 2014, but the total compounded impact is less than the total compounded impact the COLA adjustments provided by this contract. The total compounded impact is measured by the total new dollars generated on \$1000 in base wages over the term of the contract. For example, under this contract, \$1000 in base wages would generate \$507.24 in total new dollars for fiscal years 2009 through fiscal year 2014 (assuming 3% COLA increases for fiscal years 2011 through 2014). Partial-year COLA adjustments shall result in pro-rated dollar increases for such years. (See Appendix A for calculations on this contract).~~

~~e) Another bargaining unit agrees to a contract through fiscal year 2013, then negotiates a different COLA adjustment for fiscal year 2014 as a part of a successor agreement.~~

~~d) Another bargaining unit receives general wage increases that might be mandated by an outside authority such as the Public Employee Labor Relations Board or under binding interest arbitration if such legislation ever is passed and becomes applicable to the bargaining units listed above.~~

Full-time employees with a Masters degree from an accredited institution of higher education shall receive twelve hundred and eighty nine dollars and twenty five cents (\$1289.25) for full-time employees and six hundred ninety six dollars and twenty cents (\$696.20) for part-time employees, added to base salaries. This will increase by the 10-year rolling COLA average each July 1 of this contract except July 1, 2009.

SECTION 5. WORKMEN'S COMPENSATION

The City shall provide and maintain Worker's Compensation Insurance coverage on each employee covered by this Agreement as provided for under the State Statute.

SECTION 6. DENTAL PROGRAM

The City shall enroll all members in the Association in ~~Delta Dental Plan II or equal and comparable coverage.~~Cigna Dental Coverage. The City shall pay for the single, two-person or family plan as may be required. If the City intends to bid insurance coverage, the Association will be given appropriate advance notice.

SECTION 7. DISABILITY INCOME INSURANCE AND LIFE INSURANCE

The City shall obtain Disability Income Insurance for members of the Association equal to two-thirds (2/3) of the monthly salary not to exceed five thousand (\$5,000) dollars per month. Said insurance shall be effective after the 61st day of disability with benefits payable to age 65. The City shall provide a group life insurance policy for eligible members of the Association in the amount of the current annual salary of the individual employee (rounded up to the nearest one thousand dollars), in accordance with the conditions set forth in the insurance policy. Only regular full-time employees working 25 hours or more a week shall be eligible for Disability Income Insurance and Life Insurance.

SECTION 8. PARENTAL ADOPTION/LEAVE

- A. Upon application of the employee and approval by the City Manager, a maternity leave of absence shall be granted to permanent full-time employees who have been employed at least one (1) year before said application.
- B. Said leave to commence at the beginning of the disability period as determined by the employee's physician and not to exceed three (3) months after the birth of the child.
- C. It will be the responsibility of the employee to notify the City Manager one (1) month prior to the employee's returning to work.
- D. At the beginning of the disability period, said employee shall use 100% of sick and annual leave, unless the City Manager's approval has been obtained under Paragraph H.
- E. An employee shall not forfeit seniority during this parental/adoption leave of absence.
- F. Adoption: Any bargaining unit employee adopting an infant shall be granted a leave of absence not to exceed three (3) months without pay.
 - 1. Such leave shall commence upon her/his receiving de facto custody of said infant or up to two (2) months earlier if necessary to fulfill the requirements of adoption.
- G. Said employee may keep benefits in force while on said leave by paying group rate premiums to the City at 100%.
- H. Based on approval by the City Manager, an employee on maternity or adoption leave may take unpaid leave, with sick leave and vacation time remaining on the books.

SECTION 8.A FAMILY AND MEDICAL LEAVE ACT

Independent of any other section of this contract, employees shall be entitled to leave as required

by the Family and Medical Leave Act.

The Association and the employer agree that the Interim Policy as implemented by the City Manager regarding the Family Medical Leave Act, Policy #30, shall be applicable to the employees covered by this agreement. It is further agreed that should management initiate a change to said policy that it will be negotiated with the Association and subject to all appropriate approvals (unless required by law).

SECTION 9. GRIEVANCE PROCEDURES

- Step 1. A grievance shall mean a complaint by an employee or group of employees arising out of an interpretation of the provisions of this contract or conditions of employment implied but not necessarily stated in this contract. A grievance to be considered under this procedure must be initiated by the employee/employees within fifteen working days of its occurrence or when an employee shall have reasonably known of its occurrence.
- Step 2. Any employee who has a grievance shall discuss it first with an Association representative and attempt to determine if indeed a grievance does exist. This meeting may result in the Association discussing the grievance with the City Manager, or Police Chief as appropriate, (if it is a Police Department matter), in an attempt to resolve the matter informally.
- Step 3. If, as a result of the discussion the matter is not resolved to the satisfaction of the employee within seven working days, after said discussion he shall set forth his grievance in writing to the City Manager or the Police Chief, as appropriate, specifying:
- A. The nature of the grievance and date occurred;
 - B. The nature and extent of the injury, loss or inconvenience;
 - C. The results of previous discussions; and,
 - D. His/her dissatisfaction with decisions previously rendered.
- The City Manager, or Police Chief as appropriate, shall communicate, in writing, his decision to the employee within five (5) working days of the receipt of the written grievance.
- Step 4A. If a grievance which was properly before the Police Chief is not resolved to the employees satisfaction, the employee may request a hearing before the Police Commissioners as appropriate. Such hearing will be provided in Executive Session unless otherwise provided by law. The request for hearing must be made by the employee within five (5) working days of the receipt of the Fire Chiefs or Police Chiefs answer to the grievance. The Commissions shall communicate, in writing, its decision to the employee within five (5) working days of the hearing.
- Step 4B. If the grievance is not resolved to the employee's satisfaction after receipt of either the City Manager's or the Commission's written decision, the employee or the Association on his or her behalf may request arbitration. In order to be timely, the request for arbitration must occur within ten (10) working days of the City

Manager's or Commission's decision, as appropriate. The parties shall attempt to choose an arbitrator by mutual agreement. However, if they are unable to reach agreement, they shall use the services of the New Hampshire Public Employee Relations Board to select an arbitrator. Such arbitration shall be held in accordance with the provisions of the New Hampshire Revised Statutes, Annotated, Chapter 542. Each party shall bear the expense of its own representation at such arbitration proceeding and shall share the cost of the arbitrator as well.

- Step 5. The arbitrator shall have no authority or power to make any award changing, amending, adding to or subtracting from the provisions of this Agreement. The decision and award of this arbitrator shall be in writing and shall be final and binding upon the employee or employees involved and the parties to this agreement. In the event of arbitration; only one case shall be heard at a time before the same arbitrator unless the parties mutually agree otherwise.
- Step 6. Any agreements or settlements reached prior to arbitration regarding the grievance shall be final and binding upon the parties.
- Step 7. Time extensions of the above listed step requirements may be granted by mutually written agreement. The time limits as set forth above when referring to "working days" shall mean weekdays, Monday through Friday, excluding recognized holidays.

SECTION 10. COURSE REIMBURSEMENT

Each Association member shall be entitled to course reimbursement by the City for courses taken that would provide for improved job performance. Prior approval by the City Manager, or as appropriate, the Police Chief is required. Reimbursement shall be contingent upon successful completion.

SECTION 11. LONGEVITY

Employees shall receive the following longevity bonuses payable in December to employees who are on the payroll at the time of payment. Longevity payments will be made annually at the level established below based upon full-time service with the City:

	<u>7/01/08</u>
After the completion of 5 years of service	\$ 257.85
After the completion of 10 years of service	\$ 515.70
After the completion of 15 years of service	\$ 773.55
After the completion of 20 years of service	\$1,031.40
After the completion of 25 years of service	\$1,289.25
After the completion of 30 years of service	\$1,547.10
After the completion of 35 years of service	\$1,804.95

These longevity bonuses will increase by the 10-year rolling COLA average each July 1 of this contract ~~except July 1, 2009~~.

SECTION 12. MEDICAL COVERAGE

A. The Union will have the option of either moving entirely to the Cigna SchoolCare Consumer Driven Health Plan at a 95% (City)/5% (Employee) premium split, or retaining the current SchoolCare plans at an 85.5% (City)/14.5% (Employee) premium split effective July 1, 2014 and an 85% (City)/15% (Employee) premium split effective July 1, 2015. Regardless of which health insurance option the Union selects, the City's total contribution to health insurance (including any premium, additional tax or assessment) will not exceed the current threshold levels for assessment of the "Cadillac Tax" under the Affordable Care Act (\$10,200/single \$27,500/2-person and family). The City will provide health insurance for all bargaining unit members for individual, two person or family coverage as appropriate effective as soon as possible after final approval of this agreement. Each employee shall have the choice between Blue Cross/Blue Shield Plan Comp 100 with a managed care rider, Blue Choice One (1) or Matthew Thornton. After implementation of the plans, the employee will be allowed to choose between said plans prior to the health insurance contract renewal date each July. The employer may provide equal and comparable coverage to the above mentioned plans. If the City intends to bid insurance coverage, the Association will be given appropriate advance notice. Effective July 1, 2009, the City may offer two (2) additional optional plans based upon the Comp 100-MC and Blue Choice One plans with premium share as described above. Co-pay shall be five dollars (\$5.00) for office visits, and \$10/\$20/\$45 for 30-day retail or 90-day mail order prescriptions.

Bl. Co-Pay Applicable to Comp 100 MC and Blue Choice One

Effective July 1, 2008 the employee's cost will be as follows:

Year	Employer Share	Employee Share
2008-09	81%	19%
2009-10	81%	19%
2010-11	80%	20%
2011-12	80%	20%
2012-13	80%	20%
2013-14	80%	20%

Co-Pay Applicable to Matthew Thornton Plan Only

The employee shall pay the following percentage of the cost of premiums so long as Matthew Thornton's cost remains at least 5% below the Blue Choice premium. If the premium for Matthew Thornton is not at least 5% below the Blue Choice premiums the employee and employer's percentage cost of the premiums shall be the same as those for Comp 100-MC and Blue Choice as set forth below:

Year	Employer Share	Employee Share
2008-09	85%	15%
2009-10	85%	15%
2010-11	84.5%	15.5%
2011-12	84.5%	15.5%
2012-13	84.5%	15.5%
2013-14	84.5%	15.5%

B2. The City will establish as soon as possible an IRS 125 Premium Reduction Plan which

employees may voluntarily participate in.

- B3 Should the parties agree in writing to establish a cafeteria style plan dealing in insurance issues during the course of this five (5) year agreement - such plan would only become effective if ratified by the Association, approved by the City Manager and approved by the City Council. Additionally, the parties agree that a flexible spending account may be implemented by management either as part of a cafeteria plan or independently without any additional approvals.
- B4 The Association agrees to participate in a City-wide committee to explore health insurance options.
- C. Permanent Part time employees who work at least thirty hours per week will be provided ~~Blue Cross/Blue Shield~~ coverage as set forth above depending on their date of hire. Said employees will also be provided ~~Delta-Cigna~~ Dental Coverage.
- D. The parties agree that employees currently receiving stipends in lieu of health insurance coverage will receive two hundred and fifty dollars (\$250.00) per quarter effective January 1, 2004. No additional employees shall receive such stipends when both spouses work for the City. Further the City will not provide health and/or dental coverage if an employee is already covered by the same or similar health and/or dental plan by the City or School Department.
- E. Regular full-time employees and part-time employees working at least thirty hours shall have their health and dental coverage commence the first of the month after they have completed sixty consecutive days of service. Prior to sixty days of service an employee may choose to be covered but the employee will pay full cost of coverage until the sixty days have passed. An employee who desires coverage prior to the sixty days service must exercise his or her option on the date of hire.

SECTION 13. HEALTH AND WELFARE AND DENTAL COVERAGE FOR EMPLOYEES WORKING REDUCED HOURS

Any full time employee who has worked as a full time employee more than two years and whose hours are reduced to less than full time in his/her current position will be entitled to ~~BC/BS and Delta-Dental~~ health and dental coverage with the employer and the employee contributing to the cost as set forth below.

- A. The reduction in hours will be at the discretion of the City Manager, or the Police Commission as appropriate.
- B. The employee must work a minimum of 25 hours per week on a regular basis.
- C. Effective July 1, 2002, the employee will pay 30% of the cost of health insurance and dental insurance.
- D. It is understood that it is the City's Manager's or Police Commission's option, as appropriate, to cancel the reduced hours arrangement based on 30 days notice.

SECTION 14. CLOTHING ALLOWANCE

The Deputy Fire Chiefs and Fire Prevention Officer/Safety Officer shall be provided with four-hundred fifty (\$450) dollars clothing allowance per contract year to purchase both work and dress uniforms as prescribed by the Police Chief's approved list.

SECTION 15. DEFENSE OF LAW SUITS

The City shall indemnify and hold harmless any employees covered by this Agreement from any and all losses, including reasonable attorney's fees and other expenses of defense, in connection with any claim, demand, action, suit, or judgment arising out of any act or omission of the employee if, at the time of the act or omission, the employee was acting within the scope of his employment or office.

SECTION 16. MILITARY LEAVE OF ABSENCE

To foster and encourage service in the United States Military Reserve and the National Guard, the City will pay any employee who is a member of the United States Military Reserve or the National Guard, the difference between his or her military pay and the employee's regular weekly straight time pay when on normal annual training sessions. Payment of the above stated differential shall not apply to regular monthly meetings, or when the employee enters full time active duty.

SECTION 17. SENIORITY

Definition: An employee's seniority shall commence with his/her hiring date provided the employee is not discharged and is in the City's continuous employ beyond the probationary period. All employees who are not permanent shall be deemed to have no seniority status and may be discharged. For purposes of interpretation, this seniority definition applies to the date of hire to a position within this Association. This interpretation does not affect longevity or other benefits which may have been so accrued from other bargaining units with the City.

- A. Forfeiture: Seniority is forfeited only by discharge for just cause or retirement or resignation. In no case will seniority be interrupted or forfeited by illness, layoff, military duty or approved leave of absence.
- B. Layoffs: When it is necessary to reduce the number of employees on the City payroll because of the lack of funds, the Police Commission or the City Manager as appropriate will decide which employees will be laid off. The following factors will be considered in determining layoff:
 - 1. Employee efficiency will be a factor in determining the order in which the employees should be released.
 - 2. The advisability of demoting employees in higher classifications to lower classes for which they are qualified, and laying off those in lower classifications will also be considered.
 - 3. All other things being equal, consideration will be given to the employee's length of service with the City of Portsmouth in determining lay-offs.
- C. Re-employment List: Employees separated from the service of the City through no fault of their own shall be placed on a re-employment list.

- D. The City agrees to maintain employees on this re-employment list for twelve (12) months following the employee's date of lay off. This list will be kept for each job classification within each department.
- D. If a vacancy is to be filled, it will be posted within five (5) working days in appropriate City Municipal buildings to allow Association Members an opportunity to indicate their interest in filling such positions by submitting a written statement to that effect to the City Manager, or the Police Commission as appropriate.

SECTION 18. SAVINGS CLAUSE

If any provision of this Agreement shall be contrary to any Law, such invalidity shall not effect the validity of the remaining provisions.

SECTION 19. TIME OF AGREEMENT

This Agreement shall cover a ~~six-two~~ year period commencing on July 1, ~~2008-2014~~ and ending on June 30, ~~2014~~2016 with no provision having retroactive effect unless specifically identified as such.

Should neither party to this Agreement initiate negotiations as required by State law, this Agreement will be considered to remain in force and to have been automatically extended.

SECTION 20. COPIES

All employees, including new employees, shall be provided with a copy of this Agreement, and all appendices at the City's expense. The Human Resources Director and the Police Chief shall comply with this provision no later than thirty (30) days after the signing of this contract.

SIGNATURES

Executed this ____ day of _____, ~~2009~~2014.

**PORTSMOUTH PROFESSIONAL
MANAGEMENT ASSOCIATION**

**CITY OF PORTSMOUTH
NEW HAMPSHIRE**

John P. Bohenko
City Manager

NEGOTIATING COMMITTEE

**CITY OF PORTSMOUTH
Management Association
Negotiating Committee**

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17	INFORMATION TECHNOLOGY MGR. REVENUE ADMINISTRATOR CONTROLLER COMMUNICATIONS MANAGER COMMUNITY DEVELOPMENT DIRECTOR/ASST FOR SPECIAL PROJECTS	\$62,036 \$31.81 \$29.83	\$65,103 \$33.39 \$31.30	\$68,318 \$35.03 \$32.85	\$71,693 \$36.77 \$34.47	\$75,237 \$38.58 \$36.17	\$77,306 \$39.64 \$37.17	\$78,852 \$40.44 \$37.91	Annual 37.5 hrly 40 hrly
18	WELFARE DIRECTOR DEPUTY FINANCE DIR. ASST. LIBRARY DIRECTOR HEALTH OFFICER	\$65,116 \$33.39 \$31.31	\$68,332 \$35.04 \$32.85	\$71,706 \$36.77 \$34.47	\$75,250 \$38.59 \$36.18	\$78,977 \$40.50 \$37.97	\$81,149 \$41.61 \$39.01	\$82,771 \$42.45 \$39.79	Annual 37.5 hrly 40 hrly
19	TAX ASSESSOR RECREATION DIRECTOR	\$68,345 \$35.05 \$32.86	\$71,719 \$36.78 \$34.48	\$75,266 \$38.60 \$36.19	\$78,992 \$40.51 \$37.98	\$82,899 \$42.51 \$39.86	\$85,179 \$43.68 \$40.95	\$86,882 \$44.56 \$41.77	Annual 37.5 hrly 40 hrly
20	CHIEF BUILDING INSPECTOR	\$71,730 \$36.78	\$75,280 \$38.60	\$79,005 \$40.52	\$82,911 \$42.52	\$87,014 \$44.62	\$89,407 \$45.85	\$91,195 \$46.77	Annual 37.5 hrly
21	CITY ENGINEER CITY ENGINEER/WATER/SEWER TRAFFIC ENGINEER	\$75,295 \$38.61 \$36.20	\$79,019 \$40.52 \$37.99	\$82,926 \$42.53 \$39.87	\$87,030 \$44.63 \$41.84	\$91,341 \$46.84 \$43.91	\$93,853 \$48.13 \$45.12	\$95,730 \$49.09 \$46.02	Annual 37.5 hrly 40 hrly
22	LIBRARY DIRECTOR DIVISION DIRECTOR- Parking & Trans PLANNING DIRECTOR	\$77,495 \$39.74 \$37.26	\$81,368 \$41.73 \$39.12	\$85,348 \$43.77 \$41.03	\$91,383 \$46.86 \$43.93	\$95,910 \$49.18 \$46.11	\$98,547 \$50.54 \$47.38	\$100,518 \$51.55 \$48.33	Annual 37.5 hrly 40 hrly
23		\$83,012 \$42.57	\$87,072 \$44.65	\$91,383 \$46.86	\$95,950 \$49.21	\$100,705 \$51.64	\$103,475 \$53.06	\$105,544 \$54.13	Annual 37.5 hrly
24	DEPUTY PUBLIC WORKS DIRECTOR	\$87,079 \$44.66	\$91,391 \$46.87	\$95,915 \$49.19	\$100,866 \$51.62	\$105,657 \$54.18	\$108,562 \$55.67	\$110,733 \$56.79	Annual 37.5 hrly
25	FINANCE DIRECTOR	\$91,433 \$46.89	\$96,005 \$49.23	\$100,805 \$51.69	\$105,844 \$54.28	\$111,138 \$56.99	\$114,194 \$58.56	\$116,478 \$59.73	Annual 37.5 hrly

Permanent part-time employees shall be paid an hourly rate based upon the appropriate salary set forth above.

**PROFESSIONAL MANAGMENT ASSOCIATION
SALARY SCHEDULE
JULY 1, 2013 - JUNE 30, 2014**

GRADE	POSITION	STEP A	STEP B	STEP C	STEP D	STEP E	STEP F	
7	SPECIAL PROJECTS MANAGER	\$37,660	\$39,508	\$41,451	\$43,495	\$45,637	\$46,893	Annual
		\$19.31	\$20.26	\$21.26	\$22.31	\$23.40	\$24.05	37.5 hrly
		\$18.11	\$18.99	\$19.93	\$20.91	\$21.94	\$22.54	40 hrly
8	WEBMASTER	\$39,544	\$41,522	\$43,596	\$45,776	\$48,065	\$49,387	Annual
		\$20.28	\$21.29	\$22.36	\$23.47	\$24.65	\$25.33	37.5 hrly
		\$19.01	\$19.96	\$20.96	\$22.01	\$23.11	\$23.74	40 hrly
9	OFFICE MANAGER ASSOCIATE PLANNER WELFARE CASE TECH.	\$41,318	\$43,354	\$45,485	\$47,731	\$50,084	\$51,461	Annual
		\$21.19	\$22.23	\$23.33	\$24.48	\$25.68	\$26.39	37.5 hrly
		\$19.86	\$20.84	\$21.87	\$22.95	\$24.08	\$24.74	40 hrly
11	ADMINISTRATIVE ASST. ZONING ENFORCEMENT OFFICER PURCHASING COORDINATOR APPRAISER I DEPUTY TAX COLLECTOR II	\$45,506	\$47,745	\$50,101	\$53,199	\$55,163	\$56,679	Annual
		\$23.34	\$24.48	\$25.69	\$27.28	\$28.29	\$29.07	37.5 hrly
		\$21.88	\$22.95	\$24.09	\$25.58	\$26.52	\$27.25	40 hrly
12	ACCOUNTANT I	\$47,961	\$50,317	\$52,805	\$55,424	\$58,173	\$59,773	Annual
		\$24.60	\$25.80	\$27.08	\$28.42	\$29.83	\$30.65	37.5 hrly
		\$23.06	\$24.19	\$25.39	\$26.65	\$27.97	\$28.74	40 hrly
13	ACCOUNTANT II ASST. BLDG CODE INSPECTOR APPRAISER II DEPUTY LBRY DIR. FIRE PREVENT OFFICER HOUSING SPECIALIST RESD. CONTS. INSP. OFFICER COMMUNICATIONS SUPERVISOR	\$50,119	\$52,588	\$55,180	\$57,907	\$60,763	\$62,433	Annual
		\$25.70	\$26.97	\$28.30	\$29.70	\$31.16	\$32.02	37.5 hrly
		\$24.10	\$25.28	\$26.53	\$27.84	\$29.21	\$30.02	40 hrly
14	COMMUNITY DEVEL. MGR. PLANNER I	\$52,625	\$55,255	\$58,019	\$60,919	\$63,966	\$65,725	Annual
		\$26.99	\$28.34	\$29.75	\$31.24	\$32.80	\$33.71	37.5 hrly
		\$25.30	\$26.56	\$27.89	\$29.29	\$30.75	\$31.60	40 hrly
15	GIS COORDINATOR ASST. COMMUNITY DEV. DIRECTOR DEPUTY ASSESSOR AUDITOR ENTERPRISE ACCOUNTANT ECONOMIC DEVELOP. MGR. ELECTRICAL INSPECTOR PLUMBING/MECHANICAL INSPECTOR ENV. PLANNER/SUSTAINABILITY COORD ENVIRONMENTAL COMPLIANCE COORDINATOR IT COORDINATOR HEALTH INSPECTOR	\$55,204	\$57,928	\$60,785	\$63,789	\$66,944	\$68,784	Annual
		\$28.31	\$29.71	\$31.17	\$32.71	\$34.33	\$35.27	37.5 hrly
		\$26.54	\$27.85	\$29.22	\$30.67	\$32.18	\$33.07	40 hrly
16	BUILDING INSPECTOR/ FACILITY PROJECT MGR FIRE MARSHAL	\$57,940	\$60,796	\$63,801	\$66,951	\$70,260	\$72,193	Annual
		\$29.71	\$31.18	\$32.72	\$34.33	\$36.03	\$37.02	37.5 hrly

	DEPUTY ASSESSOR II	\$27.86	\$29.23	\$30.67	\$32.19	\$33.78	\$34.71	40 hrly
	PRINCIPAL PLANNER							
	PARKING MANAGER							
	TRANSPORTATION PLANNER							
17	INFORMATION TECHNOLOGY MGR.	\$60,808	\$63,814	\$66,965	\$70,274	\$73,747	\$75,776	Annual
	REVENUE ADMINISTRATOR	\$31.18	\$32.73	\$34.34	\$36.04	\$37.82	\$38.86	37.5 hrly
	CONTROLLER	\$29.23	\$30.68	\$32.19	\$33.79	\$35.46	\$36.43	40 hrly
	COMMUNICATIONS MANAGER							
	COMMUNITY DEVELOPMENT							
	DIRECTOR/ASST FOR SPECIAL PROJECTS							
18	WELFARE DIRECTOR	\$63,826	\$66,979	\$70,286	\$73,760	\$77,413	\$79,542	Annual
	DEPUTY FINANCE DIR.	\$32.73	\$34.35	\$36.04	\$37.83	\$39.70	\$40.79	37.5 hrly
	ASST. LIBRARY DIRECTOR	\$30.69	\$32.20	\$33.79	\$35.46	\$37.22	\$38.24	40 hrly
	HEALTH OFFICER							
19	TAX ASSESSOR	\$66,991	\$70,299	\$73,776	\$77,427	\$81,258	\$83,492	Annual
	RECREATION DIRECTOR	\$34.35	\$36.05	\$37.83	\$39.71	\$41.67	\$42.82	37.5 hrly
		\$32.21	\$33.80	\$35.47	\$37.22	\$39.07	\$40.14	40 hrly
20	CHIEF BUILDING INSPECTOR	\$70,310	\$73,789	\$77,441	\$81,270	\$85,291	\$87,637	Annual
		\$36.06	\$37.84	\$39.71	\$41.68	\$43.74	\$44.94	37.5 hrly
21	CITY ENGINEER	\$73,804	\$77,454	\$81,284	\$85,307	\$89,533	\$91,995	Annual
	CITY ENGINEER/WATER/SEWER	\$37.85	\$39.72	\$41.68	\$43.75	\$45.91	\$47.18	37.5 hrly
	TRAFFIC ENGINEER	\$35.48	\$37.24	\$39.08	\$41.01	\$43.04	\$44.23	40 hrly
22	LIBRARY DIRECTOR	\$77,495	\$81,368	\$85,348	\$89,573	\$94,011	\$96,596	Annual
	DIVISION DIRECTOR- Parking & Trans	\$39.74	\$41.73	\$43.77	\$45.94	\$48.21	\$49.54	37.5 hrly
	PLANNING DIRECTOR	\$37.26	\$39.12	\$41.03	\$43.06	\$45.20	\$46.44	40 hrly
23		\$81,368	\$85,348	\$89,573	\$94,050	\$98,711	\$101,426	Annual
		\$41.73	\$43.77	\$45.94	\$48.23	\$50.62	\$52.01	37.5 hrly
24	DEPUTY PUBLIC WORKS	\$85,355	\$89,581	\$94,016	\$98,673	\$103,565	\$106,413	Annual
	DIRECTOR	\$43.77	\$45.94	\$48.21	\$50.60	\$53.11	\$54.57	37.5 hrly
25	FINANCE DIRECTOR	\$89,622	\$94,104	\$98,809	\$103,748	\$108,938	\$111,933	Annual
		\$45.96	\$48.26	\$50.67	\$53.20	\$55.87	\$57.40	37.5 hrly

Permanent part-time employees shall be paid an hourly rate based upon the appropriate salary set forth above.



Jackson Lewis P.C.
100 International Drive
Suite 363
Portsmouth, New Hampshire 03801
Tel 603 559-2700
Fax 603 559-2701
www.jacksonlewis.com

Representing Management Exclusively in Workplace Law and Related Litigation

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DETROIT, MI	MORRISTOWN, NJ	PROVIDENCE, RI	

August 12, 2014

Honorable Mayor Robert Lister and City Council
City of Portsmouth
1 Junkins Avenue
Portsmouth, NH 03801

RE: Tentative Agreement with Non-Supervisory Cafeteria Personnel

Dear Mayor Lister and Members of the City Council:

I am pleased to recommend for your consideration the terms of a tentative agreement with the Non-Supervisory Cafeteria Personnel.

The major elements of this contract are as follows:

- Three year agreement with an annual rolling 10-year COLA of 2% to 5% on July 1, 2014, July 1, 2015 and July 1, 2016.
- Health Insurance – Effective September 1, 2014, or as soon as practicable thereafter, the School Department will offer full-time employees only the Consumer Driven Health Plan (CDHP) issued by Cigna Insurance under its SchoolCare Plan of the New Hampshire School Health Care Coalition. The employee’s premium cost share for the CDHP (single, 2-person or family option) will be 5% of the total premium. The School Department’s premium cost share will be 95% of the total premium.
- Change dental insurance to Cigna and increase annual maximum from \$750 to \$1,500.
- Modify existing language to allow written reprimands to remain in an employee’s personnel file indefinitely, but after one year, if there are no similar infractions, written reprimands will be not be considered as a basis for future discipline. However, there will be no time limitation on the School Department’s ability to consider past discipline if the underlying infraction involved a minor.
- Modify existing language to allow suspensions to remain in an employee’s personnel file indefinitely, but after two years, if there are no similar infractions, suspensions will be not be considered as a basis for future discipline. However, there will be no time limitation on the School Department’s ability to consider past discipline if the underlying infraction involved a minor.

- Increase probationary period from sixty (60) consecutive days to sixty (60) work days, which may be increased to ninety (90) work days.
- Provide that similarly qualified internal candidates shall be given preference over outside-non-bargaining unit candidates for promotions and transfers.
- The School Department will provide a cross training program within each school.
- Modify “representative fee” section to provide that resulting scholarship fund will be available to a graduating senior at Portsmouth High School who has a family member who is a member of AFSCME Local 1386.
- Specify that: “Overtime shall be granted in the building where it occurs first on the basis of qualifications...”

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

Sincerely yours,

Thomas M. Closson

Thomas M. Closson
Attorney at Law
Jackson Lewis LLP

SCHOOL CAFETERIA AGREEMENT

BETWEEN

THE PORTSMOUTH SCHOOL BOARD

PORTSMOUTH, NEW HAMPSHIRE

&

PORTSMOUTH MUNICIPAL EMPLOYEES, LOCAL #1386

NON-SUPERVISORY CAFETERIA PERSONNEL

OF THE

AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES

COUNCIL 93, AFL-CIO

July 1, ~~2008-2014~~ – June 30, ~~2014~~2017

WORKING AGREEMENT

This Agreement made and entered into by the Portsmouth School Board and Local #1386 of the American Federation of State, County, Municipal Employees, AFL-CIO (hereinafter called the UNION) representing the Cafeteria employees of the Portsmouth School Board (SAU 52).

WITNESSETH

Whereas the UNION has been established as the certified bargaining representative by the Public Employee Labor Relations Board for the purpose of collective bargaining under the provision of RSA 273-A and is the exclusive representative of all non-supervisory cafeteria employees of the Portsmouth School Board who are enrolled on the Board's payroll.

Cooks
Bookkeeper
School Food Assistant

1. Management's Rights

The direction of department operations and the determination of the methods and the means by which such operations are to be conducted shall be the function of management. All rights and responsibilities not specifically modified by this Agreement shall remain the function of management and the Board and in accordance with the provisions of RSA 273:1:XII.

It shall be the right of the UNION, however, to present and process grievances of its members whose wages, working conditions, or status of employment are changed as a result of management's exercising the above mentioned rights, whenever such grievances exist.

2. Hours Of Work

The normal work week shall consist of any five (5) consecutive days, Monday through Friday. The normal work day hours shall be between 6:30 A.M. and 2:00 P.M. depending on the hours the school is scheduled.

3. Scheduling Change

In the event it is necessary to change an individual employees work schedule it may be changed for one hour, provided a weeks notice is given in advance to the employee affected, stating the duration of the change. Overall schedule changes shall be discussed with the Union prior to implementation and as much advanced notice as possible shall be given to the unit employees.

4. Hours Generally

Generally, a cafeteria employee's hours of work will reflect the hours the school is open.

5. Overtime

The Food Service Director will determine if a supervisor and/or bargaining unit employee is needed on all extra school kitchen use. This is to be done on a rotating basis.

Overtime shall be granted in the building where it occurs first on the basis of qualifications and rotated on the basis of seniority among those signing up for it.

6. Overtime Rate

All employees shall receive time and one-half for all hours worked over eight (8) in any one (1) day and over forty (40) in any one week. ~~thirty-five (35) hours in any one (1) week. Effective each July 1, 2009 through 2013, the hours worked weekly to reach overtime eligibility will increase by one hour, as follows:~~

July 1, 2009	36 hours
July 1, 2010	37 hours
July 1, 2011	38 hours
July 1, 2012	39 hours
July 1, 2013	40 hours

All hours worked off-schedule on catering jobs not paid by the School Department shall be at overtime rates.

7. Overtime List/Distribution

All employees desiring to work overtime shall place their names on an overtime list once a year. This list shall be posted by the School Board for the first three (3) weeks of September to allow employees to sign the sheet. Overtime shall be granted in the building where it occurs first and on the basis of qualifications.

8. Overtime/Call-In

When employees are called in to work outside of their regularly scheduled working hours, they shall be paid at their regular hourly rate for the time worked.

9. Promotions and Transfers

The Food Service Director reserves the right and shall have the right to make promotions and transfers primarily on the basis of ability, experience, performance, attitude, and appearance but shall be governed by District seniority when equal qualifications are present. Similarly qualified internal candidates shall be given preference over outside non-bargaining unit candidates.

All employees who are successful candidates for a vacancy or new job will be given a reasonable opportunity to learn that job.

Vacancies and new jobs that are to be filled shall be posted for five (5) working days in each school to allow employees the opportunity to apply for said position. All vacancies and new jobs that are to be filled, must be filled within thirty (30) working days after the expiration of the posting period.

If the employee fails to learn the job, management shall have the right to transfer the employee back to his or her previous job for a period not to exceed thirty (30) calendar days. Further, any employee who is promoted under this section shall have a one (1) week period to try the new position during which period the employee may elect to return to his or her previous job at the employee's option. This provision shall also apply to promotions outside the unit so that any employee who returns to the unit by exercising an option or because the employee fails to learn the new job shall not lose seniority in the unit.

10. Job Posting

Job posting shall include job specifications, job location, shift and hours, if the job is permanent with a permanent rating and whether or not the job which is to be filled is open because a person has been granted a leave of absence. All postings are to be dated, indicating month, day, and year.

After the position is awarded, the name of the person who has been awarded the position shall be posted for five (5) working days. Any candidate who has applied for the posted position may, in writing, request a meeting with the Food Service Director to discuss the reason(s) why she/he was not selected. Said meeting should take place no later than five (5) working days after the written request has been received.

The Vice-President and Shop Steward shall receive copies of all unit vacancies and new jobs. If vacancies or new jobs are not to be filled or cannot be filled, the Food Service Director shall notify the Vice-President and the Shop Steward no later than thirty-five (35) work days after the position was posted.

Vacancies will be filled in the following order:

1. from current staff utilizing the procedures set forth in this Section 10;
2. from the recall list employees on layoff; and
3. from employees returning from extended leave of absence without pay.

11. Non-Selection

The preceding procedure shall be followed in all transfers and vacancies whether temporary (over thirty (30) days) or permanent.

12. Disciplinary Procedure

All disciplinary actions shall be applied in a fair manner and shall be consistent with the infraction for which disciplinary action is being applied.

All suspensions and discharges must be stated in writing with reason stated and a copy given to the employee, the Vice-President and the Shop Steward at the time of suspension or discharge.

Disciplinary action shall follow this order:

- A. Verbal warning
- B. Written warning
- C. Suspension without pay
- D. Discharge

However, the above sequence need not be followed if an infraction is sufficiently severe to merit immediate suspension or discharge. An employee may be suspended or discharged without written or verbal warning for the following reasons:

- A. Misconduct during employment
- B. Incompetency or inefficiency
- C. Failure to perform assigned duties
- D. Disobedience to his superior
- E. Failure to observe rules and regulations
- F. Incompatibility with other employees
- G. Unauthorized absence from work
- H. Being under the influence of liquor or illegal drugs while on duty
- I. Drinking intoxicating beverages and/or using illegal drugs on duty
- J. Falsifying sickness or any other cause of absence

13. Just Cause

No employee shall be penalized, disciplined, suspended, reprimanded, adversely evaluated, reduced in rank or compensation, or deprived of any advancement without just cause.

14. Written Reprimand

~~The personnel record of an employee will be cleared of written reprimand a~~Written reprimands will not be removed from personnel files. After the period of one (1) year from the date of ~~the a~~ written reprimand, provided there are no similar infractions committed during the intervening period, ~~a written reprimand will not be considered as the basis for other discipline.~~ However, if the discipline involves misconduct of any type against a minor, ~~this limitation will not apply.e~~ document shall remain in the personnel record.

15. Suspension

Suspensions will not be removed from personnel files. After the period of two (2) years from the date of a suspension, provided there are no similar infractions committed during the intervening

period, a suspension will not be considered as the basis for other discipline. However, if the discipline involves misconduct of any type against a minor, this limitation will not apply.

The personnel record of an employee will be cleared of suspension notices after a period of two (2) years from the date of suspension provided no similar infractions have been committed during the intervening period. However, if the discipline involves misconduct of any type against a minor, the document shall remain in the personnel record.

16. Personal Days

Employees may receive two (2) paid personal days ~~for business~~for business which cannot be transacted any other time. Whenever possible, a twenty-four (24) hour notice shall be given. No employee shall take a personal day preceding or subsequent to any vacation period or school holiday or an election day unless upon approval from the Food Service Director. Personal days are to be requested on an appropriate form supplied by the School Board. Abuse of personal days for reasons other than those stated above (business) may be enough for disciplinary action.

17. Sick Leave Accumulation

Sick leave without loss of pay or other benefits shall be computed at the rate of one (1) day per month for ten (10) days per year and may be accumulated to a maximum of seventy-five (75) days. It shall be credited to an employee's record only after it is earned. Sick leave accumulation shall be reported ~~to employees~~to employees in ~~writing~~writing via their paychecks.

Sick leave will be recorded on the basis of average daily hours worked at the time sick leave is earned and charged on the basis of average daily hours worked at the time the leave is used.

The maximum hours that may be accumulated will be four hundred and fifty (450) hours. Sick leave adjustments for employees who accumulate leave exceeding four hundred and fifty (450) hours will be made each June.

18. Sick Leave (Overtime)

All paid sick leave taken shall be counted as hours worked when computing overtime.

19. Sick Leave (Use)

Sick leave shall be used for self, or up to fifteen (15) days per year may be used when imperative, to care for a member of the employee's immediate family. Immediate family shall include spouse, child or parent. This may be extended under extenuating circumstances by the Superintendent of Schools.

20. Sick Leave (Pay Back)

The School Board agrees to pay sixty percent (60%) of the accumulated sick days and a cash payment at the present per diem rate, to any employee who retires from the Portsmouth School Department. This retirement is governed by standards of retirement under the New Hampshire State Retirement System. Any employee who voluntarily resigns his/her employment after ten (10) years of continuous service will receive sixty percent (60%) of his/her sick leave, the only exception being if an employee is discharged for just cause. One hundred percent (100%) payback of all sick leave accumulated upon the death of the employee. Employees hired after July 1, 1996 shall not receive any sick leave payback upon retirement, termination, or death.

The parties agree that in the event the City Council or the School Board appropriates money to use to buy out a portion of employees Sick Leave Accounts each employee may accept a buyout of any portion he/she voluntarily agrees to in writing based upon the terms offered. The parties recognize that if limited buyout funds are ~~available~~ buyout available, buyout offers will be made to employees based upon seniority.

21. Leave Of Absence

After one (1) year of employment and upon the approval of the Director of Food Service, a leave of absence may be granted.

The leave shall be without pay or other benefits. The leave may be granted for such reasons as Personal, Illness or Educational reasons and shall not exceed one (1) year.

Employee will be able to return to position held at the time of the leave. A temporary position will be posted for the duration of the leave.

An extension of the leave may be granted if the employee has been continuously employed for more than three (3) years in the Portsmouth Lunch Program.

Employee will be able to return to any OPEN position for which she is qualified.

Requests for leave must be received no less than THIRTY (30) days prior to the date of the request for such leave to begin except in an emergency situation.

All requests shall be in writing stating the beginning and return dates and the reasons for the requested leave.

No leave shall be granted during the months of September or June.

22. Bereavement Leave

Bereavement leave of seven (7) working days with pay shall be granted full-time or permanent part-time employees in the event of the death of her/his:

Husband/Wife/Civil Union Partner

Child

Bereavement leave of five (5) working days with pay shall be granted in the event of the death of her/his:

- | | |
|---------|---------------|
| Parent | Mother-in-Law |
| Sister | Father-in-Law |
| Brother | |

Bereavement leave of three (3) working days with pay shall be granted in the event of the death of her/his:

- | | |
|----------------|-------------------------------------------------------------------|
| Brother-in-Law | Nephew |
| Sister-in-Law | Ward or other relative living
in the household of the employee |
| Grandmother | |
| Grandfather | Uncle |
| Aunt | Niece |

Extensions may be granted upon request of the employee to the Food Service Director.

23. Union Business

The School Board agrees to allow UNION representatives, stewards, and/or aggrieved employees reasonable time, without loss of pay, during regular working hours for the purpose of processing grievances provided such time away from work does not interfere with the work of the department. The UNION representatives shall obtain prior permission from the Lunch Director, or an authorized representative, to absent themselves from work before leaving a work site and shall obtain prior permission of the immediate supervisor involved before interrupting the work of an employee located at a different work site.

Time lost by representatives of the UNION on grievance settlement or negotiations shall be paid by the School Board as provided for in RSA 273-A:11.

One employee, if elected as a delegate to either the AFSCME International Convention, New Hampshire Public Employee Council 93 Convention, or the New Hampshire State Labor Council Convention, shall be allowed a leave of absence, with pay, not to exceed one (1) working day per year.

24. Uniforms

A selection of the uniform will be made by a committee of three (3) union representatives and one (1) manager.

The final uniform selection will be subject to approval of the Director.

Three (3) uniforms shall be issued to each employee in September of each year.

If an employee does not take his/her full three uniform allowance he/she may receive reimbursement for approved work shoes and or pants with proof of purchase in accordance with the following schedule:

<u>5-63 uniforms pieces</u>	<u>\$0 toward shoes</u>
<u>2-3-4 uniform piecess</u>	<u>\$65 toward shoes</u>
<u>1-2 uniform pieces</u>	<u>\$90 toward shoes</u>
<u>0 uniforms pieces</u>	<u>\$100 toward shoes</u>

25. Holidays

Employees are entitled to the following paid holidays:

Labor Day	Columbus Day*
Teacher's Convention	Veteran's Day
Thanksgiving Day	Day after Thanksgiving
Memorial Day	Teacher's Workshop Day
Martin Luther King's Birthday*	*If a non-school day.
Christmas Day (effective 2011-12 school year)	

26. Holiday Pay

In order to qualify for the holiday pay referred to above, an employee must have worked the last scheduled work day before the holiday and the first scheduled work day after the holiday, except in the case of sick leave supported by a doctor's note.

If the above named holidays fall on a Saturday, then the preceding Friday shall be considered as the holiday. If the holiday falls on a Sunday, then the following Monday shall be considered as the holiday.

27. Holiday (Overtime)

All hours paid on a holiday shall be counted as hours worked for the purpose of computing overtime.

28. Physical Exams

If physical examinations are required of employees beyond their probationary period, all costs and requirements of the examination shall be at the School Board's expense and definition.

The employee shall be required to submit to the School Board a certificate or a reasonable facsimile, which sets forth the results of the physical examination within thirty (30) days from the day the physical was conducted.

29. Health and Dental Insurance

Effective September 1, 2014, or as soon as practicable thereafter, the City will offer full-time employees the Consumer Driven Health Plan (CDHP) issued by Cigna Insurance under its SchoolCare Plan of the New Hampshire Health Care Coalition. The employee's premium cost share for the CDHP (single, 2-person or family option) will be 5% of the total premium. The City's premium cost share will be 95% of the total premium. The City will pay 100% of single dental insurance coverage for bargaining unit members through Cigna.

~~The School Board shall provide health insurance for individual, two person, or family coverage for full-time employees. The health insurance will be BC/BS Plan COMP-100 with a Managed Care Rider, Blue Choice One (1) or Matthew Thornton if available through the NHMA Health Insurance Trust or equal and comparable coverage. Said plans shall include at least \$1,000,000.00 life time coverage. This will apply to all employees scheduled to work thirty (30) or more hours per week. Employees will be provided the option of switching plans prior to the beginning of each plan year. Decision to switch plans should occur by April 1 of the plan year about to end.~~

Co-Pay Applicable to Comp 100 MC and Blue Choice One

~~Effective July 1, 2008, the employee's cost will be nineteen percent (19.0%) of the premium and the City will pay eighty one percent (81.0%). Effective July 1, 2010, the employee's cost will be twenty percent (20.0%) of the premium and the City will pay eighty percent (80.0%).~~

Co-Pay Applicable to Matthew Thornton Plan Only

~~The employee shall pay the following percentage of the cost of premiums so long as Matthew Thornton's cost remains at least 5% below the Blue Choice premium. If the premium for Matthew Thornton is not at least 5% below the Blue Choice premiums, the employee and employer's percentage cost of the premiums shall be the same as those for Comp 100 MC and Blue Choice as set forth above:~~

<u>Year</u>	<u>Employer Share</u>	<u>Employee Share</u>
2008-09	85%	15%
2009-10	85%	15%
2010-11	84.5%	15.5%
2011-12	84.5%	15.5%
2012-13	84.5%	15.5%
2013-14	84.5%	15.5%

~~Effective July 1, 2009, the City may offer two (2) additional optional plans based upon the Comp 100 MC and Blue Choice One plans with premium share as described above. Co-pay shall be five dollars (\$5.00) for office visits, twenty five (\$25) for emergency room visits, and \$10/\$20/\$45 for 30-day retail or 90-day mail order prescriptions.~~

The Union agrees to participate in a City-wide committee to explore health insurance options. Any recommendations shall be subject to the ratification process for both parties.

Should the parties agree in writing to establish a cafeteria style plan dealing in insurance issues during the course of this six (6) year contract – such plan would only become effective if ratified by the Association, approved by the School Board and approved by the City Council.

Effective as soon as possible after final approval of this contract, the School Board will offer employees the option of participating in an IRS 125 (Premium Conversion Plan) so employees may pay their portion of the premium with pretax dollars. (Applicable to co-pay attributed to 95 if possible).

Employees who are not otherwise eligible for ~~Blue Cross/Blue Shield~~ coverage because they work less than thirty (30) hours will be provided the option of purchasing such coverage at the School Board's cost via payroll deduction in accordance with procedures established by the business department. A part-time employee may purchase health insurance in this manner only if he or she earns net wages greater than the cost of the insurance.

~~Effective July 1, 2010, the District will pay one hundred percent (100.0%) of single dental coverage for bargaining unit members.~~

30. Life Insurance

Life insurance may be purchased by the employee at his/her expense at one (1) or two (2) times his/her base salary. This insurance will be at the School Board's group rate.

31. Seniority (Definition)

There shall be two (2) types of seniority:

- a. District seniority
- b. Classification seniority

District seniority shall relate to the time an employee has been continuously employed by the District.

Classification seniority shall relate to the length of time an employee has been employed in a particular grade classification.

32. Seniority (Lay-Offs)

District seniority shall prevail in matters concerning lay-offs and rehiring. Qualified and available permanent employees shall be reinstated before new employees are hired. Recall rights for laid off employees shall terminate on the happening of:

- a) the expiration of eighteen (18) months from the date of layoff; or
- b) the refusal to accept a job which is offered pursuant to this recall provision, whichever occurs first.

33. Seniority (Promotions & Transfers)

District seniority shall be the type considered in matters concerning promotions and transfers as set forth in this Agreement.

34. Seniority Bumping Rights

No employee shall have the right to replace another employee in any classification by virtue of District seniority alone, except that, in the event of the permanent lack of work in any classification, those employees concerned in that classification shall be assigned to the next lower classification for which they have District seniority. Displaced employees in those lower categories shall have the same rights of reassignment as referred to in this Section.

It is understood that an employee may not bump an employee in a higher job category.

35. Seniority List

Upon receiving a promotion, an employee's name shall be entered at the bottom of that particular classification seniority list to which she/he has been promoted, regardless of her/his District seniority, and she/he shall be considered to be the junior employee in that classification regardless of the District seniority of other employees already in that job, until such time as other promotions are made into this classification. The Union shall receive a copy of the bargaining unit seniority list by the end of September each year.

36. Bulletin Boards

The School Board shall provide a bulletin board in each school for the posting of notices of the School Board addressed to its employees and notices of the UNION addressed to its members. The School Board shall locate its bulletin boards in convenient places in the schools. No notice shall be posted in or around School Board property except on such boards and then only after approval by the School Board as being suitable for posting and until it shall have been signed by the UNION President or Secretary. Copies of all UNION notices will be sent to Central Office - Attention of Director of Food Service.

37. Grievance Definition

A grievance shall mean an alleged violation, misinterpretation, or misapplication with respect to one (1) or more employees of any provision(s) of this Agreement.

38. Grievance Time Frame Occurrence

A grievance must be filed by the employee(s) within ten (10) working days of its occurrence or when the employee(s) by reasonable diligence became aware of its occurrence.

39. Grievance Procedure

Grievances shall be processed in the following manner:

- a. An employee (or UNION) who has a grievance shall discuss the grievance with her/his steward. All grievances must be in writing and on an official grievance form.
- b. An initial meeting will be held among the aggrieved employee, UNION representative, and the School Food Service Director, with a written decision to be rendered within five (5) working days.
- c. An unfavorable decision at Step "b" may be appealed in writing to the Superintendent of Schools with five (5) working days. The Superintendent shall have five (5) working days to render a written decision.
- d. An unfavorable decision at Step "c" may be appealed to the School Board in writing. The request for a hearing must be sent in writing to the School Board within ten (10) working days of the unfavorable decision rendered under Step "c".
- e. Should the decision of the School Board be unsatisfactory, the grievance may be taken to arbitration under the rules of the American Arbitration Association. However, if an arbitrator cannot be mutually agreed to, an arbitrator shall be chosen using the PELRB's procedure. The decision of the arbitrator shall be final and binding on the parties as to the matter in dispute. Should the Union wish to submit a grievance to arbitration, it must notify the School Board in writing within four (4) weeks following the Union's receipt of the School Board's answer in Step "d" or it will be considered untimely and the Union's right to arbitration shall be waived.

The arbitrator shall have no authority to alter, amend, modify, change, add to or delete from the provisions of this agreement.

The parties agree that any arbitrators award rendered under this agreement may be subject to review as set forth in RSA 542.

- f. Grievances shall be submitted separately to arbitration and no more than one (1) shall be the subject of a single proceeding unless otherwise agreed to by both parties.

40. Arbitrator's Expense

The expense of the arbitrator shall be borne equally by both parties.

41. Grievance Time Limit

If said grievance is not reported and/or processed within the time limit set forth in this Article, the matter shall be dismissed and no further action shall be taken with respect to such grievance.

The above time may be extended or by-passed by mutual written agreement of the parties.

42. Grievance Decisions

All decisions regarding wages, wage rates, hours worked and not worked, promotions, transfers, and new jobs shall be retroactive to the date the grievance first occurred.

43. Pre-Arbitration Procedure

If the UNION is not satisfied with the disposition of the grievance by the School Board, or if no decision has been rendered within the specified time limits, and prior to the submission of the grievance to arbitration, a representative of the Department involved, Superintendent's Office, School Board, and the UNION will meet to determine if the grievance can be settled without arbitration.

44. Bonding Of Employees

The School Board will provide that those employees whose duties include responsibility for the handling of monies will be bonded and that those employees will be rendered safe from prosecution if those monies are destroyed, stolen, damaged, or lost through no fault of negligence of the employee in charge.

45. Stability of Agreement

Should any Article, Section or portion thereof of this agreement be declared invalid because it is in conflict with a Federal or State Law or be held unenforceable by any court of competent jurisdiction, such determination shall apply only to the specific Article, Section, or Portion thereof specified in the decision. The parties to this Agreement agree to meet to negotiate only on the specific Article, Section or Portion thereof which has been declared invalid or unenforceable, but neither party is required to make concessions in order to reach agreement on the specific Article, Section or Portion thereof in question.

46. Lunch Breaks/Meals

The School Board shall provide, at its cost, one (1) meal per day to each employee covered by this agreement.

Employees who work four (4) hours or more shall be entitled to one ten (10) minute break and employees working six (6) hours or more shall be entitled to an additional ten (10) minute break. The time for taking breaks will vary within each school and shall be mutually agreed on. The breaks called for herein will be on District time.

It will be the employee's responsibility to notify the supervisor at their break time. If the supervisor decides that a break cannot be taken, the employee will be paid for the time.

47. Mileage

Commencing with the execution date of this Agreement, the School Board agrees that employees required to work in more than one (1) school per day shall be reimbursed at the IRS rate per mile. Employees will track their mileage on a daily basis and turn in a log to the Food Service Director in June and December of each year.

48. Probationary Period

All new employees hired after the commencement of this Agreement shall serve a probationary period of sixty (60) ~~consecutive-work~~ days, which may be increased to ninety ~~work~~ (90) ~~work~~ days at the discretion of the Food Service Director and reported to the Personnel Director and reported to the Personnel Department, and shall have no seniority rights during this period but shall be subject to all other clauses of this Agreement. All employees who have worked said probation period days shall be known as regular employees and the probationary period shall be considered part of the seniority time.

It is understood that employees during their probationary period are considered to be employees at will and may be discharged with or without cause.

49. Worker's Compensation

Workers' Compensation benefits will be provided as specified in the New Hampshire Statues.

50. Civil Leave for Juror or Witness Service

Any employee called as a juror or witness shall be paid the difference between the fee received for such services and the amount of straight time earnings lost by the employee by reason of such service. Satisfactory evidence must be submitted to the employee's immediate supervisor. Payment of meals and/or mileage shall not be considered as part of the fee for the purpose of this Agreement.

All time spent while serving on jury duty shall be counted as hours worked.

51. Evaluations

All employees shall be evaluated at least once per employment year.

Prior to May 1st each employee shall receive a written copy of her/his annual evaluation. Such an evaluation shall be ongoing and shall be administered by the employee's supervisor and/or the Director of Food Services.

After the evaluation has been completed a conference shall be held during working hours to discuss the evaluation report.

The employee shall have the right to attach a written response to the evaluation within thirty (30) days of the evaluation.

52. Plus Rate

Employees who work in a higher classification for three or more consecutive days shall be compensated at the same step in the higher classification as they were on before the temporary assignment. When Plus Rate pay is applicable, the employee will be paid for each hour worked retroactive back to the first day.

An employee may be assigned temporarily, for a period not to exceed thirty (30) calendar days, to the work of any position of the same or lower grade without a change in pay.

Assignments to higher paying job classifications, temporary or otherwise, shall be in accordance with the Promotion and Transfer Article of the Agreement.

All new positions, promotions, or transfers beyond a period of thirty (30) days shall be posted on the School Board bulletin boards for a period of at least five (5) working days and any interested employee shall have the opportunity to apply for said position, promotion, or transfer.

53. Meetings

Any meeting which are called by the Food Service Director or any management personnel, acting on behalf of the Director, at which mandatory employee attendance is required shall be held on School Board time. It shall be mandatory for employees to attend said meeting(s).

54. — Maternity Leave

~~Upon application of the employee, a maternity leave of absence without pay shall be granted to permanent, full-time female employees who have been employed at least one (1) year before said application, said leave to commence at the time recommended by the employee's attending physician and to extend for a period not to exceed one (1) year after the birth of the child.~~

~~If an employee who has been granted a maternity leave of absence in accordance with this provision shall fail to return to work upon the expiration of such leave of absence, she shall be deemed to have voluntarily terminated her employment, unless she has been certified by her physician as being physically unable to perform her duties.~~

~~An employee shall be entitled to use her accumulated sick leave benefits with pay until she has depleted that accumulation. The date of entitlement shall commence from the date of confinement or the birth of the child, during which time the employee is certified as being unable~~

~~to perform her regular duties, as verified by an affidavit of the attending physician every thirty (30) days. Requests for such sick leave benefits must be submitted in writing to the SAU no later than thirty (30) days after the date of confinement, in order to be eligible for sick leave benefits.~~

~~All benefits to which the cafeteria employee was entitled at the start of the leave, including accumulated sick leave, shall be restored upon return to work. When an employee is on a non-paid leave status, the cafeteria employee may keep health benefits in force under the present carrier while on leave by paying the premium cost to the School Department on a schedule suggested by the Business Administrator not to exceed one year as set forth above.~~

5554. Education Incentive

The School Board shall pay the cost of any workshop or class that its employees are required to attend. The rate of pay shall be the employee's regular hourly rate for all hours attended. When the School Board requires its employees to become certified, the School Board shall pay for any workshop necessary to complete and/or retain certification.

The School Department will reimburse up to one hundred dollars (\$100.00) annually for courses taken by employees on their own time which are related to their jobs. To receive reimbursement, the course must receive prior approval of the Director of Food Services and the employee must successfully complete the course. The annual budget for reimbursement shall be one thousand dollars (\$1,000.00).

The District will adopt a cross-training program within each school.

5655. Contracting and Sub-Contracting Out

The School Board recognizes the concern of the UNION in regard to contracting or subcontracting out work which results in a reduction of the work force, therefore, during the term of this Agreement the School Board agrees not to contract out or subcontract out any work normally performed by members of the bargaining unit covered by this Agreement.

5756. Dues Deduction

Upon the presentation of a signed authorization card by the employee to the Superintendent, the School Board agrees to deduct the official dues or representative fee of said UNION from the wages of each employee covered by this Agreement and pay the total amount of dues collected to the Treasurer of Local #1386 once a month, along with a statement indicating who has paid dues and/or representative fees.

The UNION will keep the School Board informed of the correct name and address of the Treasurer and Stewards of Local #1386, AFSCME.

If employees have no check coming to them, or if their checks are not large enough to satisfy the dues, then no deduction will be made for them. In no case will the School Board attempt to collect fines or assessments for the UNION beyond the regular dues.

5857. Union Security

It is recognized that the negotiations for and administration of the Agreement entails expenses which appropriately should be shared by all employees who are beneficiaries of this Agreement. To this end, if an employee in the bargaining unit does not join the UNION, such employee will as a condition of employment by the School Board execute an authorization for the deduction of a "representative fee" which shall be a sum equivalent to the membership dues and retained for a scholarship fund. Award will be made to a graduating senior at Portsmouth High School who has matriculated in the Vocational Education program and who has a family member who is a member of AFSCME Local 1386. The committee to award the scholarship shall be made up of two (2) administrators, two (2) members of the UNION, and one (1) member of the "representation fee" group, and the scholarship shall be given in the name of AFSCME.

5958. Notice of Intent to Terminate

Employees NOT intending to return to work for the next school year shall notify the Food Service Director by the first Monday in July.

6059. Family Medical Leave Act And Maternity Leave

The parties agree that the provisions of the Family Medical Leave Act of 1993 shall apply to all bargaining unit members. The Family Medical Leave Act gives employees the right to take time away from work in the event of certain illness or injuries to the employee and/or to care for family members as defined by the Act.

EXAMPLES:

- A. To care for newborns or recently adopted children
- B. To care for a foster child
- C. To take time off for employee's own serious health problems.
- D. To care for a spouse, parent or child with a serious health problem.

The parties recognize that the School Board in due course will adopt a policy implementing procedures for complying the FMLA.

Upon application of the employee, a maternity leave of absence without pay shall be granted to permanent, full-time female employees who have been employed at least one (1) year before said

application, said leave to commence at the time recommended by the employee's attending physician and to extend for a period not to exceed one (1) year after the birth of the child.

If an employee who has been granted a maternity leave of absence in accordance with this provision shall fail to return to work upon the expiration of such leave of absence, she shall be deemed to have voluntarily terminated her employment, unless she has been certified by her physical as being physically unable to perform her duties.

An employee shall be entitled to use her accumulated sick leave benefits with pay until she has depleted that accumulation. The date of entitlement shall commence from the date of confinement or the birth of the child, during which time the employee is certified as being unable to perform her regular duties, as verified by an affidavit of the attending physician every thirty (30) days. Requests for such sick leave benefits must be submitted in writing to the SAU no later than thirty (30) days after the date of confinement, in order to be eligible for sick leave benefits.

All benefits to which the cafeteria employee was entitled at the start of the leave, including accumulated sick leave, shall be restored upon return to work. When an employee is on a non-paid leave status, the cafeteria employee may keep health benefits in force under the present carrier while on leave by paying the premium cost to the School Department on a schedule suggested by the Business Administrator not to exceed one year as set forth above.

6160. Salary Schedule

~~NOTE: Twenty-five cent (.25) per hour additional to the schedule for Satellite employees where the operation is a one (1) employee operation.~~

Salary Schedule (effective 2008-09):

STEP	60-Days	Certified After 60-Days	After 60-Days	Certified After 60-Days	After 1-Year	Certified After 1-Year	After 2-Years	Certified After 2-Years
Cook	\$10.53	\$10.74	\$11.04	\$11.23	\$11.54	\$11.75	\$13.04	\$13.33
Bookkeeper	\$ 9.97	\$10.47	\$10.83	\$11.06	\$11.31	\$11.57	\$12.85	\$13.09
Assistant	\$9.63	\$9.82	\$10.16	\$10.37	\$10.62	\$10.84	\$12.10	\$12.31

Employees who receive a Level I certification from the School Nutrition Association will receive a salary that is equal to 2% above their base pay.

COLA Adjustment

~~Effective July 1, 2008~~2014, ~~and~~ July 1, 2015 and July 1, 2016 of each year from July 1, 2010 through June 30, 2013 a COLA adjustment percentage increase shall be computed which shall not be less than 2% nor more than 5%. ~~The increase on July 1, 2008 shall be three and fourteen-hundredths percent (3.14%).~~

The COLA Adjustment percentage shall be determined by the rolling ten (10)-year average increase in the CPI-U for the Boston-Brockton-Nashua—MA-NH-ME-CT all items index as computed by the Bureau of Labor Statistics of the U.S. Department of Labor for the most recent calendar year preceding the July 1 adjustment. BLS's calendar year for this index is November through November, it is not published on a December to December basis. The reference base is 1982-1984 equals 100 until BLS updates the reference base at which time the parties agree to adopt the official reference based as used by BLS.

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

Applicability After Contract Expires: It is clearly understood that in the event that the ~~six-three~~ year Working Agreement expires without a successor Working Agreement being settled prior to July 1, ~~2014-2017~~ that no further COLA adjustments after July 1, ~~2013-2016~~ will be generated under the Working Agreement even if the Working Agreement has an evergreen clause. It is further agreed that continuation of COLA adjustments are not to be deemed "status quo" as the term has been used by the PELRB in the event that a successor agreement has not been settled by July 1, ~~2014-2017~~.

~~The parties agree that in the event that the City approves COLA increases, general wage increases, or general bonuses for fiscal years 2009 through 2014 for any other City or School District bargaining unit, except the Association of Portsmouth Teachers, that are greater than the increases generated under the COLA Adjustment clause in this contract, members of this bargaining unit shall be entitled to the same increases. This provision will not be applicable if:~~

~~a) Another bargaining unit receives COLA increases for fiscal years 2010 through 2014 in accordance with the same COLA formula in this contract, but not for fiscal year 2009.~~

~~b) Another bargaining unit receives COLA increases for fiscal years 2009 through 2014, but the total compounded impact is less than the total compounded impact the COLA adjustments provided by this contract. The total compounded impact is measured by the total new dollars generated on \$1000 in base wages over the term of the contract. For example, under this contract, \$1000 in base wages would generate \$507.24 in total new dollars for fiscal years 2009 through fiscal year 2014 (assuming 3% COLA increases for fiscal years 2011 through 2014). Partial year COLA adjustments shall result in pro-rated dollar increases for such years. (See Appendix A for calculations on this contract).~~

~~e) Another bargaining unit agrees to a contract through fiscal year 2013, then negotiates a different COLA adjustment for fiscal year 2014 as a part of a successor agreement.~~

~~d) Another bargaining unit receives general wage increases that might be mandated by an outside authority such as the Public Employee Labor Relations Board or under binding interest~~

arbitration if such legislation ever is passed and becomes applicable to the bargaining units listed above.

62.61. Longevity Schedule

Effective	08/2014 / 09/2015
5 YRS	\$464.
10 YRS	\$490
15 YRS	\$516.
20 YRS	\$541
25 YRS	\$567
30 YRS	\$593

Effective July 1, 2008-14 and each July 1 thereafter through July 1, 20137, (~~excluding July 1, 2009~~) the Longevity Schedule will be adjusted in accordance with the rolling ten (10)-year COLA average as described in Article 61.

FOOD SERVICE POSITIONS

6362. Cook

Prepares hot and cold food and/or baked products Follows standardized recipes
Uses all food preparation equipment
Assists in determining quantities of food to prepare
Anticipates future needs and prepares products accordingly
Stores food
Cleans equipment and work area
Serves food to students and teachers
Assists in taking inventory
Reports to Manager for jobs as assigned
May take over for Manager in her absence
Washes utensils, pots, pans
Cleans equipment
Cleans work area
Washes and dries laundry
Wipes tables
Sweeps kitchen floor
Puts away supplies

Qualifications: Prefer six (6) months of quantity cooking experience.

6463. Bookkeeper

Prepares all financial records

Sells tickets and handles cash
Prepares bank deposits
Prepares and serves breakfast
Prepares and portions lunch desserts
Assists in preparing and portioning food for satellite operation
Serves food to students and teachers
Assists in taking inventory
May take over for Manager in her absence
Reports to Manager for jobs as assigned
Washes utensils, pots, pans
Cleans equipment
Cleans work area
Washes and dries laundry
Wipes tables
Sweeps kitchen floor
Puts away supplies

Qualifications: Prefer six (6) months experience keeping records and handling cash.

6564. School Food Assistant (SFA)

Prepares simple food items not requiring recipes
Portions food
Assists Cook (Baker)
Serves food to students and teachers
May assist in handling cash and selling tickets
Washes utensils, pots, pans
Cleans equipment
Cleans work area
Washes and dries laundry
Wipes tables
Sweeps kitchen floor
Puts away supplies
Reports to Manager for jobs as assigned

Qualifications: Entry level position

6665. Satellite Position

Sells tickets and handles cash
Prepares all financial records
Prepares bank deposit
Prepares simple food items not requiring recipes
Portions foods
Serves food to students and teachers

Washes utensils, pots, pans
Cleans equipment
Cleans work area
Wipes tables
Sweep kitchen floor
Puts away supplies
Supervises volunteers/students
Orders supplies

67.66. School Nutrition Association Membership

The School Department will provide an annual membership to the School Nutrition Association.

68.67. Copies

All employees, including new employees upon successful completion of their probation, shall be provided with a copy of this Agreement and all appendices at the expense of the School Department. The Union Steward shall comply with the provision not later than thirty (30) calendar days after the signing of this Agreement for the contract year.

69.68. Duration Of Agreement

This Agreement shall be in full force and effect from July 1, ~~2008-2014~~ to and including June 30, ~~2014-2017~~ and shall continue from year to year thereafter unless written notice of desire to cancel or terminate the Agreement is served by either party upon the other at least one hundred twenty (120) days prior to the budget submission date. Where no such cancellation or termination notice is served, and the parties desire to continue this Agreement but also desire to negotiate changes and/or revisions in this Agreement, either party may serve upon the other a notice at least one hundred twenty (120) days prior to budget submission date of February 2, advising that such party desires to revise or change terms and conditions of such Agreement. This Agreement shall remain in full force and effect until such changes and/or revisions have been agreed upon.

~~The City reserves its right to alter, change, or amend its proposal or to add new proposals any time up to the date that a final agreement is reached.~~

APPENDIX

PORTSMOUTH CAFETERIA EMPLOYEES

BUMPING PROCEDURE

Positions: Cook - Bookkeeper - Food Service Assistant

Cook has: 6 years District Seniority

1 year Classification Seniority

Step 1 LATERAL MOVEMENT: If displaced cook has more Classification seniority than another cook - displaced cook takes cook position at new school - cook that is now displaced (bottom of Classification list) bumps to next lower classification for which they are qualified (bookkeeper) using District seniority.

Step 2 BUMPING DOWNWARD: If original displaced cook is at the bottom of that particular classification list then she "bumps" down into bookkeeper classification using seniority to bump least senior (district seniority) bookkeeper. Least senior bookkeeper then "bumps" least senior food service assistant resulting in last in first out.

LATERAL GOVERNED BY CLASSIFICATION

BUMP GOVERNED BY DISTRICT*

- This procedure would follow whether full or part-time employees or a mix thereof was used.
- Bumps down as long as qualified by using district seniority.

SIGNATURES

Executed this _____ day of _____, 2009~~2014~~

For the Portsmouth School District

~~Mitch Shuldman, Leslie Stevens~~ Chairperson

Portsmouth School Board

~~Thomas Flygare~~ Thomas M.

City Negotiator

~~Edward McDonough~~
Superintendent of Schools

~~Patrieia Laska Deborah Riso~~
Director of School Nutrition

For the Non-Supervisory Cafeteria Personnel AFSCME, Council 93, AFL-CIO

~~Ken Fanjoy, President~~
AFSCME Local #1386

~~Debra Maki~~
Negotiating Committee

~~Steve Lyons, Business Agent~~
AFSCME Local #1386

~~Harriett Spencer~~

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Food Service Workers Rate Scale
2013-2014
7/1/2013

STEP	60 Days	Certified 60 Days	After 60 Days	Certified after 60 Days	After One Year	Certified After One year	After Two Years	Certified After Two Years
Cook	11.62	11.85	12.18	12.39	12.73	12.96	14.38	14.7
Bookkeeper	11	11.55	11.95	12.2	12.48	12.76	14.17	1.144
Assistant	10.62	10.83	11.21	11.44	11.71	11.96	13.35	13.58

2014-2015
7/1/2014

STEP	60 Days	Certified 60 Days	After 60 Days	Certified after 60 Work Days	After One Year	Certified After One year	After Two Years	Certified After Two Years
Cook	11.85	12.09	12.42	12.64	12.99	13.22	14.67	15.00
Bookkeeper	11.22	11.78	12.19	12.45	12.73	13.02	14.46	14.73
Assistant	10.83	11.05	11.44	11.67	11.95	12.20	13.62	13.85

LAFAYETTE RD

417

7

ANDREW JARVIS DR

Building Under Construction Temporary Construction Easement Permanent Easement to City

0 15 30 Feet
1 inch = 30 feet



Easement Plan - 7 Andrew Jarvis Drive

Printed: Sept 16, 2014
Map prepared by Portsmouth Department of Public Works

OFFICE OF THE CITY CLERK

MEMORANDUM

TO: John P. Bohenko, City Manager
FROM: Kelli L. Barnaby, City Clerk
DATE: September 15, 2014
SUBJECT: Polling Hours for November 4, 2014 State General Election

In accordance with RSA 659:4, the City Council shall determine the polling hours for the election. I would request that the polling hours be set from 8:00 a.m. - 7:00 p.m. for the State General Election.

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

Event Listing by Date

Starting Date: 8/18/2014

Ending Date: 6/30/2015

Start End	Type Description	Location	Requestor	Vote Date
8/23/2014 8/23/2014	BIKE TOUR This event begins and ends at Stratham Hill Park. The cyclists will be travelling through the city at approximately 10:30 a.m. and the last cyclist should be departing by 1:00 p.m. Travelling on Marcy Street onto Route 1B South.	Through the City to and from Stratham Hill Park	National Multiple Sclerosis So	6/16/2014
8/23/2014 8/23/2014	ROAD RACE Thunder Chicken Community Road Race Series This race begins at 9:00 a.m. Contact: Justin Finn - 433-5515	Pierce Island	Portsmouth Rotary Club	11/18/2013
9/ 1/2014 9/ 1/2014	RACE Sister Mary Agnes is the contact for this event. Contact No. 781-3108 www.runningnuns.com/race	Pease Tradeport	St. Charles Children's Home	8/ 4/2014
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
9/14/2014 9/14/2014	WALK Peter Newbury is the contact for this event. Telephone No. 206-218-9134	Little Harbour School to Lafayette Park	Open Streets	3/ 3/2014
9/19/2014 9/21/2014	FILM EXPO Chris Curtis is the contact for this event. Contact Number: 766-2199 ccurtis@themusichall.org This event begins on Friday, September 19th at 5:00 p.m. and runs to Sunday, September 21, 2014 until 6:30 p.m.	Congress Street to Porter Street	Music Hall	/ /
9/20/2014 9/21/2014	BIKE TOUR Donna Hepp is the contact for this event. Cell #(414)837-8976 This event begins in Hampton Beach and ends in Cape Neddick then they return on same route.	Rte. 1B over Memorial Bridge to Cape Neddick	Granite State Wheelmen, Inc.	7/14/2014
9/20/2014 9/21/2014	FAIR Caroline Amport Piper (603) 686-4338 This event is for two days.	South End	Friends of the South End	5/19/2014
9/20/2014 9/20/2014	ROAD RACE 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.	Pease Tradeport	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

Run: 9/18/14
2:24PM

Event Listing by Date

Page: 2

Starting Date: 8/18/2014

Ending Date: 6/30/2015

Start End	Type Description	Location	Requestor	Vote Date
9/27/2014 9/27/2014	WALK Ken La Valley is the contact for this event. This event begins and ends at Peirce Island . Registration begins at 8:30 a.m.	Peirce Island	American Foundation for Suicid	4/ 7/2014
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.	Strawbery 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 PPAF/Seacoast Communi	11/18/2013
10/17/2014 10/17/2014	FESTIVAL	Chestnut Street	NH Film Festival	8/18/2014
10/18/2014 10/18/2014	WALK Mary-Jo Monusky, Executive Director of Arts in Reach is the contact for this event. This event is from 9:00 a.m. to 11:00 a.m.	11 Jewel Court	Arts in Reach	7/14/2014
10/25/2014 10/25/2014	WALK This event begins at Prescott Park Public Forum area and will continue onto the Memorial Bridge and back.	Prescott Park - Public Forum	Seacoast Rotary Club	/ /
11/27/2014 11/27/2014	ROAD RACE Contact: Matt Junkin		Seacoast Rotary Club	11/18/2013
12/13/2014 12/13/2014	ROAD RACE This event begins and ends at Little Harbour School. Time: Registration 9:00 a.m. Race: 10:00 a.m.	Little Harbour School	The Arthritis Foundation	7/14/2014
6/20/2015 6/20/2015	FUND Alyssa Salmon is the contact of this event. Contact No. 430-1140 x14.	Pleasant Street	Big Brothers Big Sisters of th	8/ 4/2014

TRUSTEES OF TRUST FUNDS CITY OF PORTSMOUTH, NH
ANNUAL REPORT FOR FISCAL YEAR ENDING JUNE 30, 2014
STATE OF NEW HAMPSHIRE, DEPARTMENT OF REVENUE ADMINISTRATION

Form MS - 9

Date Of Creation	Name of Trust Fund	Purpose of Trust Fund	How Invested	%	PRINCIPAL					INCOME				Grand Total of Principal & Income @ 06/30/14	
					Beg. Bal @ 07/01/13	New Funds Created	Cash Gains or (Losses)	Withdrawals	End Bal. @ 06/30/14	Beg. Bal 07/01/13	Income During Year %	Amount	Expended During Year		End Bal. @ 06/30/14
1954	Josie F. Prescott	Prescott Park	ETF/Mutual Funds, Money Market	100%	4,775,256.83	0.00	41,290.47		4,816,547.30	(741,949.87)	32.0%	124,133.05	244,813.09	(862,629.91)	3,953,917.39
1896	Horace A. Haven	Haven Park	Pooled Investment Funds	100%	13,636.80	0.00	95.00		13,731.80	2,438.49	0.1%	426.89	272.59	2,592.79	16,324.59
1955	William Cater	Cater Park	Pooled Investment Funds	100%	15,080.07	0.00	152.65		15,232.72	10,896.96	0.2%	691.84	10,987.34	601.46	15,834.18
1992	Bishop Flower Fund	Prescott Flowers	Pooled Investment Funds	100%	4,054.99	0.00	25.72		4,080.71	202.94	0.0%	114.13	114.13	202.94	4,283.65
1995	Freedman Bench Fund	Prescott Benches	Pooled Investment Funds	100%	39,035.84	9,000.00	225.28		48,261.12	1,900.81	0.3%	1,245.09	784.10	2,361.80	50,622.92
1995	Prescott Memorial	General Park Projects	Pooled Investment Funds	100%	5,569.40	0.00	43.71		5,613.11	1,868.96	0.1%	200.14	525.24	1,543.86	7,156.97
1999	Peirce Island Fund	Peirce Island Projects	Pooled Investment Funds	100%	4,026.71	0.00	31.54		4,058.25	1,341.00	0.0%	142.95	18.05	1,465.90	5,524.15
2000	Lower State Street Park	State Street Park	Pooled Investment Funds	100%	36,089.02	0.00	268.81		36,357.83	9,656.50	0.3%	1,218.32	153.81	10,721.01	47,078.84
2002	Great Bog Conservation Fund	Great Bog Conservator	Pooled Investment Funds	100%	72.03	0.00	0.55		72.58	21.16	0.0%	2.48	0.31	23.33	95.91
2002	Great Bog Stewardship Fund	Great Bog Conservator	Pooled Investment Funds	100%	13,746.69	0.00	92.88		13,839.57	2,058.63	0.1%	420.94	53.14	2,426.43	16,266.00
2007	Friends of the Southend	Prescott Park	Pooled Investment Funds	100%	13,945.48	1,100.00	85.52		15,131.00	607.88	0.1%	408.02	408.02	607.88	15,738.88
2012	Margaret S. & Marietta Sewel Fund	Prescott Park	Pooled Investment Funds	100%	8,734.57	0.00	53.00		8,787.57	285.12	0.1%	240.22	240.22	285.12	9,072.69
2005	Arts & Cultural Fund	City Arts & Cultural	Cash Accounts	100%	43,918.45	0.00	0.00		43,918.45	(43,358.27)	0.0%	13.56	0.00	(43,344.71)	573.74
2013	Memorial Bridge Illumination Trust	City Arts & Cultural	Cash Accounts	100%	104,000.00	33,609.00	0.00		137,609.00	1.83	0.0%	0.00	0.00	1.83	137,610.83
2009	Cable Television Public Access Trust	City Arts & Cultural	Cash Accounts	100%	289,045.51	108,550.90	0.00		397,596.41	(288,945.51)	0.0%	0.00	108,500.00	(397,445.51)	150.90
2004	Peirce Estate Recreational & Environment	Public Recreation	Time Deposits	100%	593,103.43	0.00	0.00		593,103.43	9,470.56	0.6%	2,180.85	0.00	11,651.41	604,754.84
1997	Marine Maintenance	Public Docks	Cash Accounts	100%	12,575.57	0.00	0.00		12,575.57	30,012.59	12.1%	46,819.28	50,240.68	26,591.19	39,166.76
	TOTAL PARK FUNDS				5,971,891.39	152,259.90	42,365.13	0.00	6,166,516.42	(1,003,490.22)	46.0%	178,257.76	417,110.72	(1,242,343.18)	4,924,173.24
1834	Mary Clark	Scholastic Awards	Pooled Investment Funds	100%	676.67	0.00	5.83		682.50	40.58	0.0%	19.35	2.46	57.47	739.97
1934	Horace Haven	Scholastic Awards	Pooled Investment Funds	100%	2,635.08	0.00	20.42		2,655.50	215.25	0.0%	72.33	9.10	278.48	2,933.98
1917	Annie Fields	Scholastic Awards	Pooled Investment Funds	100%	12,844.83	0.00	117.36		12,962.19	2,590.84	0.1%	386.19	548.75	2,428.28	15,390.47
1955	Gray	Scholastic Awards	Pooled Investment Funds	100%	592,078.00	0.00	4,526.17		596,604.17	12,741.05	4.0%	15,334.85	15,386.88	12,689.02	609,293.19
1971	M. P. Alkon	Scholastic Awards	Pooled Investment Funds	100%	1,450.64	0.00	12.94		1,463.58	251.75	0.0%	41.81	5.23	288.33	1,751.91
1872	Martha DeMeritt	Scholastic Awards	Pooled Investment Funds	100%	1,387,552.35	0.00	10,525.77		1,398,078.12	17,285.17	9.3%	36,222.62	35,013.44	18,494.35	1,416,572.47
1971	Annie McIntosh	Scholastic Awards	Pooled Investment Funds	100%	1,383,825.98	0.00	10,531.01		1,394,356.99	9,300.62	9.1%	35,428.80	33,510.91	11,218.51	1,405,575.50
1974	Barry Hodgdon	Scholastic Awards	Pooled Investment Funds	100%	22,492.35	0.00	177.05		22,669.40	794.72	0.2%	597.75	575.64	816.83	23,486.23
1974	Edward Brady	Scholastic Awards	Pooled Investment Funds	100%	6,727.67	0.00	57.10		6,784.77	632.96	0.0%	191.04	24.13	799.87	7,584.64
1980	James Sullivan	Scholastic Awards	Pooled Investment Funds	100%	8,354.12	0.00	71.52		8,425.64	1,127.89	0.1%	244.60	155.97	1,216.52	9,642.16
1980	Haven School Athletic	Scholastic Awards	Pooled Investment Funds	100%	8,937.54	0.00	71.18		9,008.72	624.17	0.1%	243.07	230.69	9,645.27	9,645.27
1982	Demaris-Brooks	Scholastic Awards	Pooled Investment Funds	100%	55,676.85	0.00	495.39		56,172.24	10,830.57	0.4%	1,674.12	2,011.42	10,493.27	66,665.51
1982	Alice M. Lee	Scholastic Awards	Pooled Investment Funds	100%	12,569.83	0.00	102.17		12,672.00	868.08	0.1%	340.75	343.04	865.79	13,537.79
1982	Bartlett Awards	Scholastic Awards	Pooled Investment Funds	100%	37,442.81	0.00	291.85		37,734.66	93.97	0.3%	981.60	1,124.92	(49.35)	37,685.31
1982	Ermino A. Ricci	Scholastic Awards	Pooled Investment Funds	100%	95,613.24	0.00	740.98		96,354.22	1,846.39	0.6%	2,513.42	2,618.60	1,741.21	98,095.43
1984	Ray Murphy	Scholastic Awards	Pooled Investment Funds	100%	12,127.44	0.00	92.75		12,220.19	72.11	0.1%	309.07	289.30	91.88	12,312.07
1987	Sandra H. Rosen	Scholastic Awards	Pooled Investment Funds	100%	13,997.76	0.00	118.12		14,115.88	1,538.95	0.1%	405.63	51.31	1,893.27	16,009.15
1988	Clarence I. Sherwood	Scholastic Awards	Pooled Investment Funds	100%	31,788.09	0.00	247.56		32,035.65	1,122.74	0.2%	849.74	482.49	1,489.99	33,525.64
1993	Donald Smith	Scholastic Awards	Pooled Investment Funds	100%	5,501.77	0.00	52.54		5,554.31	1,409.27	0.0%	178.40	172.61	1,415.06	6,969.37
1994	Agnes C. Griffin	Scholastic Awards	Pooled Investment Funds	100%	4,258.48	0.00	33.02		4,291.50	85.15	0.0%	112.06	114.20	83.01	4,374.51
1995	Walter Richards Scholarship	Scholastic Awards	Pooled Investment Funds	100%	8,939.58	0.00	64.17		9,003.75	(499.37)	0.1%	220.36	27.87	(306.88)	8,696.87
1994	Theresa Demaris Scholarship	Scholastic Awards	Pooled Investment Funds	100%	11,153.65	0.00	92.89		11,246.54	1,063.56	0.1%	318.95	40.34	1,342.17	12,588.71
1997	John J. Foley Scholarship	Scholastic Awards	Pooled Investment Funds	100%	24,328.15	0.00	188.21		24,516.36	426.44	0.2%	639.54	581.04	484.94	25,001.30
1999	Joseph H. Grilli Scholarship	Scholastic Awards	Pooled Investment Funds	100%	53,323.85	0.00	409.73		53,733.58	566.82	0.4%	1,392.12	1,276.41	682.53	54,416.11
1999	Carrie Lee MacKail Scholarship	Scholastic Awards	Pooled Investment Funds	100%	28,651.88	0.00	221.68		28,873.56	505.43	0.2%	753.14	695.44	563.13	29,436.69
1999	S. Michael Wentworth Scholarship	Scholastic Awards	Pooled Investment Funds	100%	15,553.06	100.00	122.41		15,675.47	647.02	0.1%	416.96	402.81	661.17	16,436.64
2000	Salvatore & Joanne Grasso Scholarship	Scholastic Awards	Pooled Investment Funds	100%	41,049.75	0.00	312.52		41,362.27	55.04	0.3%	1,066.40	635.03	486.41	41,848.68
2000	Phillip Nelson Scholarship	Scholastic Awards	Pooled Investment Funds	100%	17,943.90	0.00	138.45		18,082.35	266.50	0.1%	469.70	484.54	251.66	18,334.01
2003	John Wholey Scholarship	Scholastic Awards	Pooled Investment Funds	100%	17,575.78	0.00	136.58		17,712.36	388.54	0.1%	469.01	59.32	798.23	18,510.59
2003	John & Olga Leary Scholarship	Scholastic Awards	Pooled Investment Funds	100%	892,714.05	0.00	6,797.89		899,511.94	3,541.75	6.0%	23,139.09	20,931.92	5,748.92	905,260.86
2003	William & Irene Mortimer Scholarship	Scholastic Awards	Pooled Investment Funds	100%	41,085.60	0.00	334.18		41,419.78	3,868.39	0.3%	1,147.52	1,145.15	3,870.76	45,290.54
2008	Jhaimie S. Dye Scholarship	Scholastic Awards	Pooled Investment Funds	100%	16,341.37	0.00	134.57		16,475.94	1,108.86	0.1%	458.73	58.10	1,509.49	17,985.43
2008	Lillian D. Goldin Educational Scholarship	Scholastic Awards	Pooled Investment Funds	100%	14,644.69	500.00	119.43		15,264.12	1,314.01	0.1%	413.74	302.16	1,425.59	16,689.71
2008	Harold & Ruth Whitehouse Scholarship	Scholastic Awards	Pooled Investment Funds	100%	5,652.84	0.00	45.68		5,698.52	355.18	0.0%	153.49	269.49	239.18	5,937.70
2009	Henry & Phyllis Coito Scholarship	Scholastic Awards	Pooled Investment Funds	100%	5,463.86	1,875.00	42.93		7,381.79	482.07	0.0%	161.02	19.60	623.49	8,005.28
2009	Diane Lieberman Share Scholarship	Scholastic Awards	Pooled Investment Funds	100%	6,711.08	0.00	49.32		6,760.40	(223.84)	0.0%	169.36	21.42	(75.90)	6,684.50
2011	Col. Helen D Maslanka Scholarship	Scholastic Awards	Pooled Investment Funds	100%	108,854.52	0.00	841.69		109,696.21	1,851.51	0.7%	2,863.29	2,362.76	2,352.04	112,048.25
2011	Henry B Margeson Scholarship	Scholastic Awards	Pooled Investment Funds	100%	7,719.35	2,500.00	25.14		10,244.49	87.21	0.0%	130.62	2,514.48	(2,296.65)	7,947.84
2012	Patty Wojnar Award	Scholastic Awards	Pooled Investment Funds	100%	4,423.39	0.00	34.55		4,457.94	120.27	0.0%	118.62	15.00	223.89	4,681.83
2012	Little Harbour Math Award Fund	Scholastic Awards	Pooled Investment Funds	100%	3,261.84	0.00	25.47		3,287.31	88.69	0.0%	83.44	310.64	(138.51)	3,148.80
2013	Durgin Scholarship	Scholastic Awards	Pooled Investment Funds	100%	41,815.86	0.00	310.32		42,126.18	0.00	0.3%	1,065.59	1,134.78	(69.19)	42,056.99
	TOTAL SCHOLARSHIP FUNDS				5,063,759.55	4,975.00	38,738.54	0.00	5,107,473.09	79,486.31	34.0%	131,797.89	125,959.39	85,324.81	5,192,797.90
1925	T.A. Harris	Vocational	Pooled Investment Funds	100%	28,226.03	0.00	282.34		28,508.37	19,820.79	0.3%	1,279.61	161.55	20,938.85	49,447.22
1943	Theodora Lyman	Humane Education	Pooled Investment Funds	100%	9,808.24	0.00	92.74		9,900.98	5,974.17	0.1%	420.33	53.07	6,341.43	16,242.41
1974	Jones, DeMeritt, Drake	Library Materials	Pooled Investment Funds	100%	5,808.56	0.00	61.65		5,870.21	4,683.21	0.1%	279.42	35.28	4,979.56	10,797.56
1991	PHS Band</														

TRUSTEES OF TRUST FUNDS CITY OF PORTSMOUTH, NH
 ANNUAL REPORT FOR FISCAL YEAR ENDING JUNE 30, 2014
 STATE OF NEW HAMPSHIRE, DEPARTMENT OF REVENUE ADMINISTRATION

Form MS - 9

Date Of Creation	Name of Trust Fund	Purpose of Trust Fund	How Invested	%	PRINCIPAL					INCOME				Grand Total of Principal & Income @ 06/30/14	
					Beg. Bal @ 07/01/13	New Funds Created	Cash Gains or (Losses)	Withdrawals	End Bal. @ 06/30/14	Beg. Bal 07/01/13	Income During Year %	Amount	Expended During Year		End Bal. @ 06/30/14
1962	Common Trust #1	Portsmouth Library	Pooled Investment Funds	100%	57,024.60	0.00	340.67		57,365.27	949.56	0.4%	1,511.54	1,780.68	680.42	58,045.69
1972	Common Trust #2	Portsmouth Library	Pooled Investment Funds	100%	2,160.65	0.00	12.91		2,173.56	36.08	0.0%	57.27	67.48	25.87	2,199.43
1968	Peter Czachor	Portsmouth Library	Pooled Investment Funds	100%	4,157.04	0.00	24.84		4,181.88	69.40	0.0%	110.20	129.81	49.79	4,231.67
1990	Boyan	School Library	Pooled Investment Funds	100%	19,449.16	0.00	134.18		19,583.34	3,384.69	0.2%	598.55	544.32	3,438.92	23,022.26
1998	Jeremy Stewart	Portsmouth Library	Pooled Investment Funds	100%	8,387.46	0.00	57.84		8,445.30	1,455.91	0.1%	262.15	33.10	1,684.96	10,130.26
2007	Dorothy & William D Fernald	Portsmouth Library	Pooled Investment Funds	100%	354,389.09	0.00	2,119.54		356,508.63	6,295.52	2.4%	9,403.17	11,123.85	4,574.84	361,083.47
TOTAL LIBRARY FUNDS					445,568.00	0.00	2,689.98	0.00	448,257.98	12,191.16	3.1%	11,942.88	13,679.24	10,454.80	458,712.78
1993	Portsmouth Housing	Low Income Housing	ETF/Mutual Funds, Money Market	100%	1,750,926.49	0.00	0.00		1,750,926.49	(263,533.18)	10.1%	39,019.28	4,908.07	(229,421.97)	1,521,504.52
TOTAL HOUSING FUNDS					1,750,926.49	0.00	0.00	0.00	1,750,926.49	(263,533.18)	10.1%	39,019.28	4,908.07	(229,421.97)	1,521,504.52
TOTAL ALL FUNDS					16,154,032.29	466,016.87	87,071.30	0.00	16,707,120.46	(1,279,623.26)	100.0%	387,677.14	1,207,173.01	(2,099,119.13)	14,608,001.33

REPORT OF TRUST AND CAPITAL RESERVE FUNDS

\$ 14,608,001.33

Please insert the total of ALL funds here

Town/City Of: **PORTSMOUTH** For Year Ended: **June 30, 2014**

Date Of Creation	Name of Trust Fund	Purpose of Trust Fund	How Invested	%	PRINCIPAL		
					Beg. Bal @ FMV	Unrealized Gains (Losses)	End Bal. @ FMV
1954	Josie F. Prescott	Prescott Park	ETF/Mutual Funds, Money Market	100%	4,864,114.41	668,584.65	5,532,699.06
1896	Horace A. Haven	Haven Park	Pooled Investment Funds	100%	14,180.12	1,917.36	16,097.48
1955	William Cater	Cater Park	Pooled Investment Funds	100%	15,677.50	3,950.82	19,628.32
1992	Bishop Flower Fund	Prescott Flowers	Pooled Investment Funds	100%	4,220.13	574.25	4,794.38
1995	Freedman Bench Fund	Prescott Benches	Pooled Investment Funds	100%	40,484.11	16,025.36	56,509.47
1995	Prescott Memorial	General Park Projects	Pooled Investment Funds	100%	5,790.04	862.83	6,652.88
1999	Peirce Island Fund	Peirce Island Projects	Pooled Investment Funds	100%	4,186.24	565.61	4,751.85
2000	Lower State Street Park	State Street Park	Pooled Investment Funds	100%	37,518.76	5,053.01	42,571.78
2002	Great Bog Conservation Fund	Great Bog Conservatio	Pooled Investment Funds	100%	74.88	10.10	84.98
2002	Great Bog Stewardship Fund	Great Bog Conservatio	Pooled Investment Funds	100%	14,291.29	1,913.61	16,204.90
2007	Friends of the Southend	Prescott Park	Pooled Investment Funds	100%	14,497.96	3,261.28	17,759.24
2012	Margaret S. & Marietta Sewel Fund	Prescott Park	Pooled Investment Funds	100%	9,080.61	1,243.60	10,324.21
2005	Arts & Cultural Fund	City Arts & Cultural	Cash Accounts	100%	104,000.00	33,609.00	137,609.00
2013	Memorial Bridge Illumination Trust	City Arts & Cultural	Cash Accounts	100%	560.19	0.18	560.37
2009	Cable Television Public Access Trust	City Arts & Cultural	Cash Accounts	100%	100.00	50.90	150.90
2004	Peirce Estate Recreational & Environmer	Public Recreation	Time Deposits	100%	592,677.54	425.89	593,103.43
1997	Marine Maintenance	Public Docks	Cash Accounts	100%	12,575.57	0.00	12,575.57
TOTAL PARK FUNDS					5,734,029.36	738,048.46	6,472,077.81
1834	Mary Clark	Scholastic Awards	Pooled Investment Funds	100%	693.85	151.15	845.00
1934	Horace Haven	Scholastic Awards	Pooled Investment Funds	100%	2,695.10	207.05	2,902.15
1917	Annie Fields	Scholastic Awards	Pooled Investment Funds	100%	13,149.70	1,367.98	14,517.68
1955	Gray	Scholastic Awards	Pooled Investment Funds	100%	606,142.52	71,933.52	678,076.04
1971	M. P. Alkon	Scholastic Awards	Pooled Investment Funds	100%	1,485.07	13.65	1,498.72
1872	Mertha DeMeritt	Scholastic Awards	Pooled Investment Funds	100%	1,420,476.36	172,063.13	1,592,539.49
1971	Annie McIntosh	Scholastic Awards	Pooled Investment Funds	100%	1,416,718.08	168,319.68	1,585,037.75
1974	Barry Hodgdon	Scholastic Awards	Pooled Investment Funds	100%	23,026.20	3,237.08	26,263.28
1974	Edward Brady	Scholastic Awards	Pooled Investment Funds	100%	6,890.60	811.46	7,702.06
1980	James Sullivan	Scholastic Awards	Pooled Investment Funds	100%	8,550.84	1,212.53	9,763.37
1980	Haven School Athletic	Scholastic Awards	Pooled Investment Funds	100%	9,143.02	1,186.35	10,329.37
1982	Demaris-Brooks	Scholastic Awards	Pooled Investment Funds	100%	56,971.51	6,774.32	63,745.83
1982	Alice M. Lee	Scholastic Awards	Pooled Investment Funds	100%	12,868.17	1,480.95	14,349.13
1982	Barflett Awards	Scholastic Awards	Pooled Investment Funds	100%	38,351.63	7,168.68	45,520.32
1982	Ermino A. Ricci	Scholastic Awards	Pooled Investment Funds	100%	97,882.61	16,426.40	114,309.01
1984	Ray Murphy	Scholastic Awards	Pooled Investment Funds	100%	12,415.28	2,469.50	14,884.78
1987	Sandra H. Rosen	Scholastic Awards	Pooled Investment Funds	100%	14,330.00	2,028.09	16,358.09
1988	Clarence I. Sherwood	Scholastic Awards	Pooled Investment Funds	100%	32,534.55	4,817.74	37,352.30
1993	Donald Smith	Scholastic Awards	Pooled Investment Funds	100%	5,632.35	944.43	6,576.79
1994	Agnes C. Griffin	Scholastic Awards	Pooled Investment Funds	100%	4,359.55	728.67	5,088.22
1995	Walter Richards Scholarship	Scholastic Awards	Pooled Investment Funds	100%	9,151.76	1,282.16	10,433.92
1994	Theresa Demaris Scholarship	Scholastic Awards	Pooled Investment Funds	100%	11,418.38	1,614.59	13,032.97
1997	John J. Foley Scholarship	Scholastic Awards	Pooled Investment Funds	100%	24,905.58	4,080.06	28,985.64
1999	Joseph H. Griffin Scholarship	Scholastic Awards	Pooled Investment Funds	100%	54,589.49	8,953.21	63,542.69
1998	Carrie Lee MacKail Scholarship	Scholastic Awards	Pooled Investment Funds	100%	29,331.93	4,818.22	34,150.14
1999	S. Michael Wentworth Scholarship	Scholastic Awards	Pooled Investment Funds	100%	15,919.93	2,627.52	18,547.45
2000	Salvatore & Joanne Grasso Scholarship	Scholastic Awards	Pooled Investment Funds	100%	42,024.06	6,487.89	48,511.95
2000	Phillip Nelson Scholarship	Scholastic Awards	Pooled Investment Funds	100%	18,369.80	3,076.42	21,446.22
2003	John Wholey Scholarship	Scholastic Awards	Pooled Investment Funds	100%	17,992.94	2,532.89	20,525.83
2003	John & Olga Leary Scholarship	Scholastic Awards	Pooled Investment Funds	100%	913,914.33	146,951.04	1,060,865.37
2003	William & Irene Mortimer Scholarship	Scholastic Awards	Pooled Investment Funds	100%	42,039.07	5,959.95	47,999.02
2008	Jhalime S. Dye Scholarship	Scholastic Awards	Pooled Investment Funds	100%	16,734.79	2,628.85	19,363.63
2008	Lillian D. Goldin Educational Scholarship	Scholastic Awards	Pooled Investment Funds	100%	14,975.94	2,179.30	17,155.25
2008	Harold & Ruth Whitehouse Scholarship	Scholastic Awards	Pooled Investment Funds	100%	5,787.01	1,098.07	6,885.08
2009	Henry & Phyllis Coito Scholarship	Scholastic Awards	Pooled Investment Funds	100%	5,570.10	900.10	6,470.20
2009	Diane Lieberman Share Scholarship	Scholastic Awards	Pooled Investment Funds	100%	6,870.37	963.88	7,834.25
2011	Col. Helen D Maslanka Scholarship	Scholastic Awards	Pooled Investment Funds	100%	111,438.17	17,978.90	129,417.07
2011	Henry B Margeson Scholarship	Scholastic Awards	Pooled Investment Funds	100%	7,785.22	(2,696.00)	5,089.22
2012	Patty Wojnar Award	Scholastic Awards	Pooled Investment Funds	100%	4,528.38	637.67	5,166.04
2012	Little Harbour Math Award Fund	Scholastic Awards	Pooled Investment Funds	100%	3,339.26	837.53	4,176.79
2013	Durgin Scholarship	Scholastic Awards	Pooled Investment Funds	100%	41,815.86	7,001.76	48,817.62
TOTAL SCHOLARSHIP FUNDS					5,182,819.36	683,074.76	5,865,894.11
1925	T.A. Harris	Vocational	Pooled Investment Funds	100%	29,344.26	4,036.49	33,380.76
1943	Theodora Lyman	Humane Education	Pooled Investment Funds	100%	10,196.81	1,396.35	11,593.16
1974	Jones, DeMeritt, Drake	Library Materials	Pooled Investment Funds	100%	6,038.68	834.81	6,873.49
1991	PHS Band	PHS Band Trips	Pooled Investment Funds	100%	43,997.25	5,862.31	49,859.56
2009 & 2011	Futures Administrative Endowment	Futures Admin	Pooled Investment Funds	100%	255,997.27	(118,896.67)	137,100.60
2010	PHS Student Council	PHS Student	Pooled Investment Funds	100%	22,555.00	3,005.25	25,560.25
TOTAL SCHOOL FUNDS					368,129.28	(103,761.46)	264,367.83
1853	Toppan	Poor & Indigent	Pooled Investment Funds	100%	1,288.32	178.59	1,466.92
1923	Pickering	Poor & Indigent	Pooled Investment Funds	100%	15,262.06	2,087.76	17,349.82
1931	Eclectic Benevolent	Poor & Indigent	Pooled Investment Funds	100%	13,487.45	1,837.60	15,325.06
TOTAL WORTHY POOR FUNDS					30,037.83	4,103.96	34,141.79
1927	Louise K. Hovey	Hovey Fountain	Pooled Investment Funds	100%	8,449.92	1,164.29	9,614.21
1974	Mary C. Dondero	War Memorial	Pooled Investment Funds	100%	10,088.58	1,417.79	11,506.36
1993	Phyllis Hodgdon	Lecture Series	Pooled Investment Funds	100%	236,160.92	32,124.91	268,285.83
2010	African Burying Ground Trust	African Heritage	Time Deposits	100%	493,695.37	306,652.09	800,347.46
2012	Amy & Navy Fund	African Heritage	Time Deposits	100%	24,223.82	(24,223.82)	0.00
TOTAL MEMORIAL FUNDS					772,618.60	317,135.26	1,089,753.87
1880	Austin	Emancipation Day	Pooled Investment Funds	100%	3,245.56	677.04	3,922.60
1976	Tricentennial	Tri-Centennial	Pooled Investment Funds	100%	3,797.63	727.43	4,525.06
1998	Amdassador's Fund	City Ambassador	Pooled Investment Funds	100%	41,448.97	5,409.48	46,858.46
2012	Daniel Street Trust	City Ambassador	Time Deposits	100%	1,500,000.00	0.00	1,500,000.00
TOTAL COMMEMORATION FUNDS					1,548,492.16	6,813.95	1,555,306.12
1982	Common Trust #1	Portsmouth Library	Pooled Investment Funds	100%	59,283.75	7,885.86	67,169.61
1972	Common Trust #2	Portsmouth Library	Pooled Investment Funds	100%	2,246.25	298.80	2,545.04
1988	Peter Czachor	Portsmouth Library	Pooled Investment Funds	100%	4,321.73	574.88	4,896.61
1990	Boyan	School Library	Pooled Investment Funds	100%	20,219.88	2,710.66	22,930.54
1998	Jeremy Stewart	Portsmouth Library	Pooled Investment Funds	100%	8,719.75	1,188.95	9,908.70
2007	Dorothy & William D Fernald	Portsmouth Library	Pooled Investment Funds	100%	368,428.97	49,010.84	417,439.81
TOTAL LIBRARY FUNDS					463,220.13	61,649.98	524,870.11
1993	Portsmouth Housing	Low Income Housing	ETF/Mutual Funds, Money Market	100%	1,790,180.44	235,112.27	2,025,292.71
TOTAL HOUSING FUNDS					1,790,180.44	235,112.27	2,025,292.71
TOTAL ALL FUNDS					15,889,527.16	1,942,177.19	17,831,704.36

CERTIFICATE

Under penalties of perjury, I declare that I have examined the information contained in this form and to the best of my belief it is true, correct and complete.

Phyllis Eldridge **Phyllis Eldridge**
Dana S. Levenson **Dana S. Levenson**
Thomas R. Watson **Thomas R. Watson**

Signed by the Trustees of Trust Funds

on this date August 19, 2014

Print and sign

REMINDERS FOR TRUSTEES

- SIGNATURES** - Print and sign on lines provided above.
- INVESTMENT POLICY** - RSA 31:25 requires the trustees to adopt an investment policy and review and confirm this policy at least annually. A copy of this policy must be filed with the Director of Charitable Trusts (RSA 31:25, 34:5, 35:9).
- PROFESSIONAL BANKING AND BROKERAGE ASSISTANCE** - RSA 31:38-a enables you to have a professional banking or brokerage firm assist you in performing your trustee duties. Refer to the law for further information. Attributable expenses may be charged again
- WEB SITE** - A trustee handbook can be down loaded from the web site for the Attorney General's Charitable Trust Division. www.doj.nh.gov/charitable
- FAIR VALUE** - Fold and complete page 4 to disclose the fair value (market value) of principal only. This information may be obtained from financial publications or from your professional banker or broker.
- CAPITAL RESERVE FUND** - Must be kept in a separate account and not intermingled with any other funds of the municipality (RSA 35:9).
- WHEN and WHERE TO FILE** - By March 1 if filing for a calendar year and by September 1 if filing for optional fiscal year. See addresses on page 4 of this form. If you hold funds for the school, the school business administrator will also need a copy to

FOR DRA USE ONLY

State of New Hampshire
Department of Revenue Administration
Municipal Services Division
PO Box 487, Concord, NH 03302-0487
(603) 230-5090

TRUSTEES OF TRUST FUNDS CITY OF PORTSMOUTH, NH
 ANNUAL REPORT FOR FISCAL YEAR ENDING JUNE 30, 2014
 STATE OF NEW HAMPSHIRE, DEPARTMENT OF REVENUE ADMINISTRATION
 Form MS - 10
 (Common Trust Funds)

HOW INVESTED				PRINCIPAL					INCOME				Grand Total	
Fund	%	Description of Investment	Amount	Beg. Bal @ 07/01/13	Additions		Proceeds From Sales	Gains or (Losses)	End Bal. @ 06/30/14	Beg. Bal 07/01/13	Income During Year	Expended During Year		End Bal. @ 06/30/14
					Purchases	Capital Gains								
Common Trust #1 (Library)		Pooled Investment Funds	58,045.69	1,719.29		10.22			1,729.51	28.47	45.35	53.42	20.40	1,749.91
Harriet Penhallow	3%			9,032.06		54.51			9,086.57	151.92	241.85	284.91	108.86	9,195.42
Haven	16%			2,768.52		17.03			2,785.55	47.48	75.58	89.03	34.03	2,819.57
Mercey E. Ladd	5%			7,492.11		44.29			7,536.40	123.44	196.50	231.49	88.45	7,624.85
Frank Jones	13%			3,182.33		20.44			3,202.77	56.97	90.69	106.84	40.82	3,243.60
John J. Pickering	6%			7,492.11		44.29			7,536.40	123.44	196.50	231.49	88.45	7,624.85
Elderidge	13%			7,463.53		44.29			7,507.82	123.44	196.50	231.49	88.45	7,596.27
Thomas Salter	13%			14,927.15		88.57			15,015.72	246.92	393.00	463.00	176.92	15,192.63
George Vaughn	26%			2,947.52		17.03			2,964.55	47.47	75.58	89.03	34.02	2,998.56
Jacob & Ann Dinnerman	5%													
TOTAL COMMON TRUST #1	100%		58,045.69	57,024.60	0.00	340.67	0.00	0.00	57,365.27	949.56	1,511.55	1,780.70	680.41	58,045.68
Common Trust #2 (Library)		Pooled Investment Funds	2,199.43						1,003.06	16.60	26.34	31.04	11.90	1,014.95
Alfred Gooding	46%			997.12		5.94			1,170.50	19.48	30.93	36.44	13.97	1,184.48
Joseph Upham	54%			1,163.53		6.97								
TOTAL COMMON TRUST #2	100%		2,199.43	2,160.65	0.00	12.91	0.00	0.00	2,173.56	36.08	57.27	67.48	25.87	2,199.43
TOTALS FOR ALL FUNDS		Cash & Bank Deposits	2,608,564.59											
		Investments	12,002,507.55											
		Other Assets	0.00											
		Payables	(3,070.81)											
TOTALS			14,608,001.33	16,154,032.29	466,016.87	87,071.30	0.00	0.00	16,707,120.46	(1,279,623.26)	387,677.14	1,207,173.01	(2,099,119.13)	14,608,001.33

Fees and expenses, if any, paid for Professional Banking Assistance: (RSA 31:38-a,IV)
 1. Name of Bank: _____
 2. Fees Paid: \$ _____
 3. Expenses Paid: \$ _____
 4. Were these fees and expenses paid for totally from income? Yes _____ No _____

Fees and expenses, if any, paid for Professional Brokerage Assistance: (RSA 31:38-a,IV)
 1. Name of Brokerage Firm: H.M. Payson & Sons
 2. Fees Paid: \$ \$38,682.16
 3. Expenses Paid: \$ _____
 4. Were these fees and expenses paid for totally from income? Yes No _____

TRUSTEES OF TRUST FUNDS CITY OF PORTSMOUTH, NH
 ANNUAL REPORT FOR FISCAL YEAR ENDING JUNE 30, 2014
 STATE OF NEW HAMPSHIRE, DEPARTMENT OF REVENUE ADMINISTRATION
 Form MS - 10
 (Common Trust Funds)

HOW INVESTED				PRINCIPAL					INCOME				Grand Total	
Fund	%	Description of Investment	Amount	Beg. Bal @ 07/01/13	Additions		Proceeds From Sales	Gains or (Losses)	End Bal. @ 06/30/14	Beg. Bal 07/01/13	Income During Year	Expended During Year		End Bal. @ 06/30/14
					Purchases	Capital Gains								
Common Trust #1 (Library)		Pooled Investment Funds	58,045.69											
Harriet Penhallow	3%			1,719.29		10.22			1,729.51	28.47	45.35	53.42	20.40	1,749.91
Haven	16%			9,032.06		54.51			9,086.57	151.92	241.85	284.91	108.86	9,195.42
Mercey E. Ladd	5%			2,768.52		17.03			2,785.55	47.48	75.58	89.03	34.03	2,819.57
Frank Jones	13%			7,492.11		44.29			7,536.40	123.44	196.50	231.49	88.45	7,624.85
John J. Pickering	6%			3,182.33		20.44			3,202.77	56.97	90.69	106.84	40.82	3,243.60
Elderidge	13%			7,492.11		44.29			7,536.40	123.44	196.50	231.49	88.45	7,624.85
Thomas Salter	13%			7,463.53		44.29			7,507.82	123.44	196.50	231.49	88.45	7,596.27
George Vaughn	26%			14,927.15		88.57			15,015.72	246.92	393.00	463.00	176.92	15,192.63
Jacob & Ann Dinnerman	5%			2,947.52		17.03			2,964.55	47.47	75.58	89.03	34.02	2,998.56
TOTAL COMMON TRUST #1	100%		58,045.69	57,024.60	0.00	340.67	0.00	0.00	57,365.27	949.56	1,511.55	1,780.70	680.41	58,045.68
Common Trust #2 (Library)		Pooled Investment Funds	2,199.43											
Alfred Gooding	46%			997.12		5.94			1,003.06	16.60	26.34	31.04	11.90	1,014.95
Joseph Upham	54%			1,163.53		6.97			1,170.50	19.48	30.93	36.44	13.97	1,184.48
TOTAL COMMON TRUST #2	100%		2,199.43	2,160.65	0.00	12.91	0.00	0.00	2,173.56	36.08	57.27	67.48	25.87	2,199.43
TOTALS FOR ALL FUNDS		Cash & Bank Deposits	2,608,564.59											
		Investments	12,002,507.55											
		Other Assets	0.00											
		Payables	(3,070.81)											
TOTALS			14,608,001.33	16,154,032.29	466,016.87	87,071.30	0.00	0.00	16,707,120.46	(1,279,623.26)	387,677.14	1,207,173.01	(2,099,119.13)	14,608,001.33

Fees and expenses, if any, paid for Professional Banking Assistance: (RSA 31:38-a,IV)
 1. Name of Bank: _____
 2. Fees Paid: \$ _____
 3. Expenses Paid: \$ _____
 4. Were these fees and expenses paid for totally from income? Yes _____ No _____

Fees and expenses, if any, paid for Professional Brokerage Assistance: (RSA 31:38-a,IV)
 1. Name of Brokerage Firm: H.M. Payson & Sons
 2. Fees Paid: \$ 38,682.16
 3. Expenses Paid: \$ _____
 4. Were these fees and expenses paid for totally from income? Yes No _____



**STATE OF NEW HAMPSHIRE
DEPARTMENT OF ENVIRONMENTAL SERVICES
AIR RESOURCES DIVISION
CONCORD, NH**

NOTICE OF PUBLIC FORUM

The New Hampshire Department of Environmental Services, Air Resources Division (DES), will hold a public forum on the Fugitive Dust/Particulate Air Monitoring Report on **Tuesday, September 30, 2014 at 6:30 p.m.** at the Portsmouth City Hall in the Eileen Dondero Foley Council Chambers, 1 Junkins Ave, Portsmouth, NH. The public forum will include a brief presentation by representatives of DES and will provide the public with an opportunity to ask questions.

At the request by the City of Portsmouth, DES conducted limited air monitoring in the area of the Pease Development Authority, Division of Ports and Harbors, Market Street Marine Terminal in Portsmouth, NH ("the Terminal"). This monitoring was intended to determine if fugitive dust and/or particulate emissions associated with site operations leave the site and potentially impact nearby residential areas and/or commercial establishments. The study was limited in scope and was only intended to be a screening tool for determining whether existing controls at the Terminal during the period of the study were effective in controlling fugitive dust.

This report is posted online at:

<http://des.nh.gov/organization/divisions/air/tsb/ams/aqmdp/documents/r-ard-14-2.pdf>

Craig A. Wright
Director

NH Department of Environmental Services, Air Resources Division

Dated: September 3, 2014

CITY COUNCIL RETREAT

SATURDAY, OCTOBER 4, 2014

9:00 A.M. TO 4:00 P.M.

PORTSMOUTH PUBLIC LIBRARY - LEVENSON ROOM

Agenda

9:00 a.m. – 9:15 a.m.

Coffee

9:15 a.m. – 9:30 a.m.

Introduction

Robert J. Lister, Mayor

9:30 a.m. – 10:15 a.m.

FY 2016 Budget Process

John P. Bohenko, City Manager

Judie Belanger, Finance Director

- Charter Requirements
- Capital Improvement Plan
- Property Reappraisal
- Other Budget Process Ideas
- City Council Discussion
- Recommendation for Joint Budget Committee

10:15 a.m. – 10:30 a.m.

Break

10:30 a.m. – 12:00 p.m.

FY 2016 Budget Process (Continued)

12:00 p.m. – 1:00 p.m.

Working Lunch

1:00 p.m. – 2:30 p.m.

Master Plan Update

Dave Allen, Deputy City Manager

Rick Taintor, Planning Director

- Statutory Authority
 - Planning Board
 - Required Sections
 - Optional Sections
- Status of 2005 Master Plan
- Proposed Master Plan Process
 - Planning Board Role
 - Staff Role
 - Consultant Role
 - Public Participation
- Land Use and Zoning

- Future Land Use Plan
- Character-Based Zoning
- Ongoing Zoning Issues
- Housing
- Municipal Facilities and Services
- Utilities and Infrastructure
- Open Space and Recreation
 - Indoor/Outdoor Recreation Studies

Juliet Walker, Transportation Planner

- Transportation
 - Complete Streets
 - Bike-Ped Plan
 - Wayfinding Plan
 - Street Design Standards

2:30 p.m. – 2:45 p.m.

Break

2:45 p.m. – 4:00 p.m.

Master Plan Update (Continued)

*Peter Britz, Environmental Planner/
Sustainability Coordinator*

- Natural Resources
 - Climate Change Adaptation Study
 - Public Undeveloped Land Assessment (PULA)
 - Stewardship

Nicholas Cracknell, Principal Planner

- Historic and Cultural Resources
 - Expanded Historic District Survey

Adjournment

City of Portsmouth

Department of Public Works



MEMORANDUM

TO: John P. Bohenko
City Manager

FROM: Peter Rice
Director of Public Works

DATE: 9/15/14

SUBJECT: Worth Lot Maintenance, Paving and Lighting Upgrades

The Worth Parking Lot upgrade is scheduled to start the last week of September 2014. These upgrades will include: paving of the entire parking lot; the addition of a four-foot wide raised granite curbed island in the center of the lot where the concrete planters were previously; the replacement of buried electrical wire and parking lot lights; parking lot striping and minor adjustment the parking space layout. The proposed changes will have a net loss of two parking spaces available at the lot.

On June 9, 2014, City Staff held a public informational meeting to present the proposed upgrades at the Worth Lot. As a result of public input, some minor changes were made to the proposed work. These changes include the addition of three tree wells and trees located in the raised island in the center of the parking lot; removal of the brick dividing wall between the Vaughan Mall and the Worth Parking Lot; installation of a wooden guardrail to replace the brick wall; and the addition of new parking lot way finding signs. With the exception of the removal of the brick wall and the addition of wooden guard rails, no improvements to the Vaughan Mall are included with this effort. Attached is a figure which shows the proposed upgrades and pictures of various areas which will be worked on.

The work, exclusive of the Worth Development Corporation's dumpster (discussed below), is anticipated to cost \$320,000. The cost will be paid from parking revenues.

In addition to these parking lot improvements, we are working with the Worth Development Corporation to upgrade and relocate a dumpster enclosure at the lot. This licensed dumpster is part of 2006 agreement between the Worth Development Corporation and the City in which the City agreed to license a dumpster to serve the Worth Building tenants. The dumpster enclosure needs improvement to meet Health Department requirements and improve cleanliness. The Worth Development Corporation has submitted plans to and received approval from the Historic District Commission for permanent screening for the new dumpster.

A license renewal request covering this dumpster will be submitted to City Council under separate cover. However, in order to accommodate the Worth Lot paving schedule, some initial work for the new dumpster location will be necessary prior to the HDC approval of screening plans and City Council approval of the license. This work will include underground piping, electrical and concrete for the dumpster pad and permanent screening.

MAPLEWOOD AVE

25 MAPLEWOOD

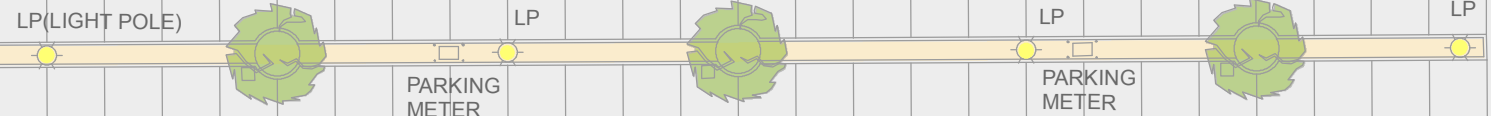
WORTH PARKING LOT
 107 TOTAL SPACES
 77 METERED SPACES
 23 RESERVED SPACES
 5 HANDICAPPED SPACES
 2 15 MINUTE SPACES

64 VAUGHN MALL

5 RESERVED SPACES

RESERVED SPACES

WORTH PARKING LOT



15 MIN.
15 MIN.

VAUGHN MALL STAGE

ENTRANCE SIGN

BIKE RACKS

PARKING METER

RESERVED SPACES

PROPOSED PRIVATE DUMPSTER ENC. BY OTHERS

VAN

PRIVATE CONCRETE SIDEWALK

147-151 CONGRESS

141 CONGRESS

131 CONGRESS

123 CONGRESS

119 CONGRESS

121 CONGRESS

107 CONGRESS

103 CONGRESS

Worth Parking Layout Plan

1 inch = 30 feet



Memorandum

To: Kim W. Hopper, A.A.E., Airport Manager

From: Sandra McDonough, Airport Operations/Community Liaison (3) fcr SM

Date: 9/11/2014

Subj: Noise Report for August 2014

For the calendar month of August 2014, we received a total of 126 inquiries.

Of the **126** inquiries, **108 (86%)** were regarding helicopters and **18 (14%)** were regarding fixed wing aircraft.

Helicopters:

108 inquires from **55** residences.

65% of the inquiries are from **18** residences

35% account for the remaining **38** residences.

Top 4 callers by percentages:

#1 **21%**, #2 **6%**, #3 **5%**, and #4 **4%**.

Inquiries by cities:

Portsmouth: **93**, Kittery Point **6**, York **1**, Hampton **2**, New Castle **1**, Durham **1**, Eliot **1**, Greenland **1**, unknown **2**. Total inquires **108**.

It is very difficult to determine the owner of a helicopter without having an identification number which is located on the helicopter. Out of the 108 phone calls concerning helicopters I was only able to confirm that one was a non-based aircraft. Many of these phone calls simply state the time and the direction that the helicopters were traveling. Other callers expressed concern and stated that helicopters should not be flying over the city for safety reasons. Some callers simply expressed their frustration and viewed helicopter flights as being an invasion of their privacy. One caller stated he had helped people get elected and now they were going to help him.

Not all phone calls regarding helicopters were complaints. A Maine resident wanted to advise the airport that the helicopters were flying in Maine for informational purposes only and another caller from New Castle wanted to inform the airport that although he heard the helicopters, they were not an issue for him.

Fixed wing aircraft:

Out of 18 inquiries:

C-5 10 non-based (55.5%)

KC-135R 3 based (16.6%)

B-767 1 non-based (5.5%)

DC-9 1 non-based (5.5%)

E-3 AWAC 1 non based (5.5%)

combination of aircraft of both based and non based 2 (11.1%)

Total based aircraft inquiries **(16.6%)**

Total non-based aircraft inquiries **(72.2%)**

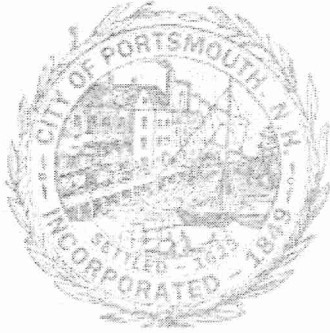
Total inquiries including more than one aircraft of both based and non-based **(11.1%)**

Government owned aircraft accounted for **88.8%** of the fixed wing inquiries.

Civilian aircraft accounted for **11.1%** of the fixed wing inquiries.

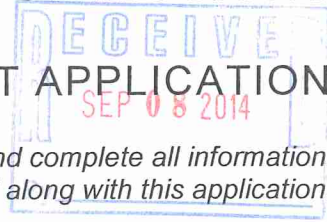
Inquires by cities: **18** total inquiries

Durham: **3**, Greenland **2**, Kittery Point **1**, Eliot **1**, Rye **5**, Portsmouth **1**, Newington **5**



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: Cable Television Commission

Initial applicant

Name: Amy E. Burns Telephone: cell: 617.694.8624

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

Street address: 57B Albacore Way, Portsmouth, NH 03801

Mailing address (if different): _____

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

How long have you been a resident of Portsmouth? 5 years

Occupational background:

I have worked in the healthcare field for 25 plus years in a variety of positions;

on the provider and health insurance side. Experience includes writing and negotiating
Managed care risk based contracts, relationship management with local and national health
plans, negotiation of financial settlements and various IT and revenue cycle process improvement
projects

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

My experience working within and with large complex organizations to resolve operational and financial
issues is relevant I have experience drafting and interpreting legal documents and working
closely with attorneys. I have excellent interpersonal skills and am detailed oriented.

I endorse a team based and collaborative approach to build and maintain strong
professional relationships. I also love TV!



Have you contacted the chair of the Board/Commission to determine the time commitment involved? YES/NO No, but I have spoken to a current member: Ronald Poulin

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

Reasons for wishing to serve: I am interested in becoming more involved in Portsmouth city

activities and feel my professional experience could help the board determine ways that the Cable Commission can work to better serve the Portsmouth constituents and build a collaborative and mutually beneficial relationship with the companies serving our city.

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

Massachusetts Collaborative for Administrative Simplification, through my job as an analyst for Partners HealthCare in the Finance Department. Former B.O.D. member of the Ski Bees Ski Club In North Conway and the Atlantic Pointe Condo Association. Provide continued support to the Atlantic Pointe Condo Association as delegated by the current BOD.

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

1) Susannah Crane 25B Albacore Way, Portsmouth NH 603.205.3653
Name, address, telephone number

2) Steff Riordan 41 Harvard Street, Chelsea MA 617.803.1234
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature:  Date: 9 3 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

Amy E. Burns
57B Albacore Way
Portsmouth, NH 03801
617.694.8624
burns_woods@gmail.com

Profile:

Health care professional with over twenty-five years experience in revenue cycle management activities. Strong knowledge of market trends from both the provider and payer perspective including reimbursement methodologies, contracting strategies, payer policies and system implementation dependencies. Successful relationship manager with excellent analytical, interpersonal and project management skills.

Professional Experience:

Senior Analyst – Payer Operations – Finance **2009 – Present**
Partners HealthCare System

- Chair of seven operational workgroups with national and local health plans focused on improving revenue cycle performance and resolving contractual disputes (ie. financial settlements)
- Act as a liaison to payer contractual negotiations to draft and secure terms to maximize cash collections, reduce AR days and minimize provider write-offs
- Administrator for a government audit database; conduct testing for new releases with IS and database vendor, respond to user requests for assistance, compile and distribute financial reporting of \$36 million in revenue to Sr. Leadership
- Corporate co-lead to Massachusetts Collaborative; a consortium of payers and providers working on initiatives to simplify the administration of healthcare

Team Lead – Payer Management – eCare Program **2007 – 2009**
Partners HealthCare System

- Oversight of a team of business and applications analysts, charged with designing and implementing a single set of patient administrative systems across Partners HealthCare System
- Collaborate with business process and external IS consultants to accomplish project goals and timelines
- Develop functional requirements, test cases and training modules to support the system implementation plan
- Interpret current contractual terms to build accurate expected reimbursement calculations in the contract management application

Corporate Manager – Payer Operations – Finance **2005 – 2007**
Partners HealthCare System

- Managed a team of five analysts supporting revenue enhancement initiatives for two academic medical centers and their affiliated physician organizations
- Presented key payer performance indicators to the Partners Contract Strategy group including: Chief Financial Officer, Vice-President of Contracting, Chief Medical Officer and Chief Legal Counsel
- Developed and managed project plans to guide strategic initiatives aimed at improving the payment cycle

Analyst – Revenue Operations – Finance **2000 – 2005**
Partners HealthCare System

- Identified and resolved payment issues including pre-billing edits, claim rejections and underpayments
- Led a crisis management team to reduce an appeals inventory of \$21 million and implemented reporting and process flows to accelerate future revenue recovery efforts
- Ensured proposed contract terms were compliant with government regulations, internal policies and procedures and could be implemented in multiple registration and billing platforms

Senior Regional Operations Consultant – Network Development 1998 – 2000
Harvard Pilgrim HealthCare

- Monitored out-of-area rate negotiations and implemented process improvements to realize cost savings
- Co-developed algorithm to enable successful technology solution for patient/PCP assignment
- Consultant to various cross functional teams chartered to develop physician compensation models and bonus programs, referral and authorization policies and product development strategies

Senior Regional Business Consultant 1996 –1998
Harvard Pilgrim HealthCare

- Negotiated and implemented contractual arrangements with hospitals and physician groups
- Reviewed financial and utilization data with contracted providers
- Conducted research to determine appropriate network development strategies for new markets

Senior Group Services Coordinator 1993 – 1996
Harvard Pilgrim HealthCare

- Primary contact to providers for resolution of operational and contractual issues
- Conducted provider training sessions regarding plan policies and procedures

Travelers Insurance Company 1990 – 1993

- Held various positions of growing responsibility from Member Services Representative to Provider Relations Representative to Provider Contracting Specialist

Continental Health Affiliates 1989 – 1990

- Marketed a line of home health care services to local social services organizations and health care providers.

Bay State HealthCare 1986 – 1989

- Reviewed requests from plan providers for compliance to prior authorization requirements

Education:

Suffolk University 1996
Masters in Business Administration

University of New Hampshire 1986
Bachelor of Science in Health Management and Policy
Bachelor of Arts in Psychology

Computer Skills:

- Microsoft Office suite of programs
- Various billing and registration systems and contract management applications

Personal:

- Reading, Current Events, Boating, Snowshoeing and General Fitness



CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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



Committee: Economic Development

Name: John Pratt Telephone: 828-2365

Could you be contacted at work? YES / NO - If so, telephone # 430-4458

Street address: 520 FW Hartford Dr.

Mailing address (if different): _____

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

How long have you been a resident of Portsmouth? 6 years

Occupational background:

Chief operating officer - First Colebrook Bank
Pres & CEO Sacooganock Bank, Lancaster
Pres & CEO Olde Port Bank, Portsmouth
42 years in banking including many at First Natl Bank of Ports.

Would you be able to commit to attending all meetings? YES / NO I have attended most

Reasons for wishing to continue serving: This is an important time
for our city relative to economic growth,
stability, ability to attract new business,
retain what we have, The parking garage issue,
& other matters that will impact us
long term. My experience & knowledge
will be beneficial.



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

Trustee, Straubeny Berke

Resigned from Rotary after 20 years but still involved with Endowment Golf Tournaments

Portsmouth Country Club Tournaments Committee

Former member of Ports. Chamber Board

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

(Portsmouth references preferred)

1) ATTY Tim Phoenix, 127 Parrons Ave, 436-0666

Name, address, telephone number

2) Jack Blepek, 148 Brackett Rd, 431-5055

Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature: 

Date: 8/29/14

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 10/1/2018

Annual Number of Meetings: 11 Number of Meetings Absent: 2

Date of Original Appointment: 12/17/2012

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

SEP 03 2014
Renewing applicant
By _____

Committee: Library Board of Trustees

Name: John Crist Telephone: 603 - 433 - 3049

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

Street address: 1414 Eslington St.

Mailing address (if different): _____

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

How long have you been a resident of Portsmouth? 28 years

Occupational background:

Retired school principal. I spent 32 years in teaching and school administration.

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

Reasons for wishing to continue serving: I enjoy serving on this board and feel that I have contributed to the work that it does. I also believe that my reappointment will lend continuity to the work of the Board.



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

Volunteer work at North Church including the
Properties Maintenance Committee
I also serve as the church liaison to scout
troop 164 sponsored by North Church.

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

1) Richard Mason, 3 Suzanne Dr., Portsmouth 436-0840
Name, address, telephone number

2) Paul Kelley, 600 Middle Rd., Portsmouth 436-3635
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: John Crist Date: Sept. 1, 2014

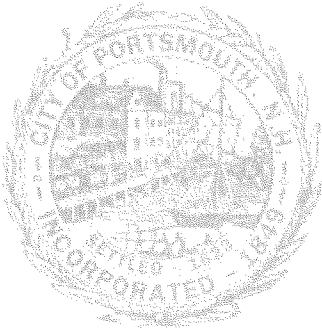
CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 10-1-2017

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

Date of Original Appointment: 9/19/2011

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: Library Board of Trustees Initial applicant

Name: Stephanie Hausman Telephone: 603.531.3609

Could you be contacted at work? YES / NO If so, telephone # 603.224.1236

Street address: 86 Morning St., Portsmouth

Mailing address (if different): _____

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

How long have you been a resident of Portsmouth? 10 years

Occupational background:

I've been a lawyer for 11 years. Before that, I worked in non-profits, retail, fund-raising, and education.

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

Our family is a regular user of the library. We visit youth services every week. My husband, Tom Holbrook, is the managing co-owner of RiverRun Bookstore, so I am well-acquainted with books! I have spoken with library staff about operations and the board position.



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

but I have spoken with library director Mary Ann List

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

Reasons for wishing to serve: We have benefitted from the library's services and I appreciate the services and outreach to disadvantaged members of our community. A strong library contributes to the unique character of our city and, by encouraging literacy, ensures a good foundation for our future.

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

N.H. Bar Association, Professional Conduct Committee of the Attorney Discipline System, Seacoast Women's Giving Circle

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

1) Rebecca Emerson, 34 Woodbury Ave., Portsmouth 603.205.6043
Name, address, telephone number

2) Shannon Palace, 35 Elwyn Ave., Portsmouth, 603.205.5413
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
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: Sitt Date: 2/25/14

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

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

STEPHANIE HAUSMAN

EXPERIENCE

APPELLATE DEFENDER, APPELLATE DEFENDER PROGRAM

Concord, N.H. January 2008 – present
Current position Deputy Chief Appellate Defender
Represent indigent people convicted of crimes on appeal in front of the New Hampshire
Supreme Court. File appeals in the federal district court for the district of New Hampshire
and the United States Supreme Court, including working on a successful petition for writ of
certiorari in Dilboy v. New Hampshire, 131 S. Ct. 3089 (2011). Participate in yearly
trainings of program attorneys.

ATTORNEY, NEW HAMPSHIRE PUBLIC DEFENDER

Manchester and Stratham, N.H. August 2002 - December 2007

Represented indigent people charged with crimes. Met with clients, conducted investigation
of facts, legal research and writing, argued cases in district and superior courts, tried cases to
juries. Also participated in new lawyer and program-wide training, mentored new attorneys,
member of hiring committee.

SUMMER ASSOCIATE, THE MCLANE LAW FIRM

Manchester, N.H. Summer 2001

SUMMER INTERN, AMERICAN CIVIL LIBERTIES UNION OF MICHIGAN

Detroit, MI Summer 2000

EDUCATION

UNIVERSITY OF MICHIGAN LAW SCHOOL, JD

May 2002

Activities: Tutor; Research Assistant; Michigan Journal of Gender & Law; one semester
internship at the Rockingham County Attorney's Office focusing on domestic violence (Fall
2001)

UNIVERSITY OF NEW HAMPSHIRE, BA

December 1994

OTHER ACTIVITIES

MEMBER, NEW HAMPSHIRE BAR ASSOCIATION GENDER EQUALITY COMMITTEE

2013 - present

MEMBER, PROFESSIONAL CONDUCT COMMITTEE, HEARINGS COMMITTEE

2013 - present

SEACOAST WOMEN'S GIVING CIRCLE

2009 - present

VOLUNTEER, WSCA PORTSMOUTH COMMUNITY RADIO

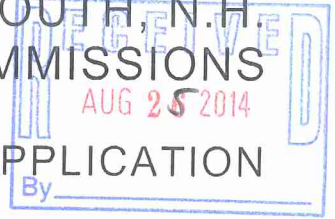
2004 - 2006

BOARD CO-CHAIR/MEMBER, A SAFE PLACE

2002 - 2005



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: Library Trustee Initial applicant

Name: Shawla Balomenus Leonard Telephone: 603.828.5550
603.431.8261

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

Street address: 6 Currier's Cove Portsmouth

Mailing address (if different): _____

Email address (for clerk's office communication): starmom43@aol.com

How long have you been a resident of Portsmouth? 33 years in October

Occupational background:
Education - primary school teacher
Retailer - retail apparel; buyer, manger

Please list experience you have in respect to this Board/Commission:
As a former educator and involved volunteer
at the Portsmouth Public Schools for many years
I have been involved in many boards including
Celebration Graduation, Pep2000 and parent advisory
boards.
Served as president of Sisterhood for
Temple Israel for numerous years.
Very interested and involved in our Portsmouth
Community.

6/27/2012



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

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

Reasons for wishing to serve: I have come to realize how important the library is as a community resource.

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

Advisory Council Currier Art Museum, Manchester, NH
New Hampshire Art Association; artist, member
Seacoast Family Promise; team leader
Temple Israel Portsmouth

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

1) Susan Tober 603.401.0948
Name, address, telephone number

2) Nancy Clayburgh 603.475.3037
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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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: Shaula Blum Date: 8/23/2014

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

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

Shaula Balomenos Levenson

6 Currier's Cove
Portsmouth, NH 03801
603.828.5550
starmom43@aol.com

Education:

University of New Hampshire, B.S., Early Childhood Education

Community Activities / Affiliations:

New Hampshire Art Association, member
Advisory Council for Currier Art Museum
Seacoast Family Promise, team leader
Temple Israel of Portsmouth; past board member and president of Sisterhood
Volunteer in the Portsmouth public schools, some:

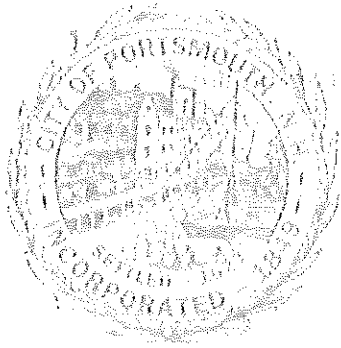
- Founding co-chair of the 'Holiday Home Tour', major fundraiser for after school enrichment programming in the 3 elementary schools
- Co-chair of Celebration Graduation; provided safe graduation night activities each year
- Served on Board of PEP 2000; first time the three Portsmouth elementary schools collaborated. It was a significant change and helped to bring the Portsmouth School Community together.
 - Built safe and new playgrounds at each elementary school
 - Developed and helped run affordable after school enrichment programs at the elementary schools

Occupation / Business:

Educator in primary grades; retired
Retail Apparel; buyer for ladies shoes, managed personnel, provided support in human resources; retired

Persona Interests:

Artist, primarily charcoal and oil
Gardening, reading, travelling
Hiking, running, biking, skiing, snowshoeing



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.

JAN 29 2014

Committee: Board of Library Trustees

Initial applicant

Name: Donald S. Margeson Telephone: (603) 436-6140

Could you be contacted at work? YES/NO If so, telephone# N/A (retired)

Street address: 24 Marcy Street / Portsmouth NH 03801-4651

Mailing address (if different): _____

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

How long have you been a resident of Portsmouth? 18 months

Occupational background:

I enjoyed a 35-year working career as a member of the nonpartisan professional staff to the New Jersey Legislature; see resumé. For the last seven years of my employment, I was a Section supervisor. I retired in 2012.

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

I have no experience in library management or fund trusteeship. While employed, I did have some experience working on a committee, chairing a staff group on professional development (2002-04) and serving on a staff committee that wrote a new manual for nonpartisan legislative committee aides (2005-07).

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: A public library is one of a town's most important institutions. Traditionally, libraries provide no-cost resources for research and pleasure reading. The PPL goes beyond these basic functions, offering computer education classes, movie screenings, and kids' programs, and hosting community group meetings. The library needs the support of City Hall and Portsmouth citizens to allow its services to continue and evolve, and ensure that they are adequately funded. Service on the board seems to me a good way to be directly engaged in providing that support.
Please list any organizations, groups, or other committees you are involved in:

Proprietor (1994 -) and twice-weekly volunteer at the Portsmouth Athenaeum.

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

- 1) Richard G. Kaiser / Vice President & Trust Officer, Piscataqua Savings Bank / 15 Pleasant St. / Portsmouth NH
Name, address, telephone number 03801-0568
(603) 430-2957
- 2) Stephen Erickson / 257 Austin Street / Portsmouth NH 03801 (603) 427-5027
Name, address, telephone number

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

Signature: Donald S. Mayerson Date: JAN. 29, 2014

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

DONALD S. MARGESON
24 MARCY STREET
PORTSMOUTH, NH 03801-4651

EXPERIENCE

OFFICE OF LEGISLATIVE SERVICES (OLS), CENTRAL MANAGEMENT UNIT, NEW JERSEY LEGISLATURE,
December 1977 to July 2012.

POSITIONS HELD

Section Chief, Authorities, Utilities, Transportation and Communications Section (CMU), March 2005 to July 2012. Responsible for assigning all work requests referred to this section and for supervising the section staff's responses to those requests. Section's subject matter includes State and interstate authorities and commissions, transportation capital finance, public utility regulation, renewable energy programs, and communications regulation.

Principal Research Analyst, November 1998 to March 2005. For most of this period, I was assigned to CMU's Revenue, Finance and Appropriations Section, which deals with taxes, State bond issues, appropriations, the State budget, and other legislation with fiscal impact. My main responsibility in the Section was as OLS Aide to the Senate Budget and Appropriations Committee, see below.

Senior Research Associate, July 1987 to October 1998; *Research Associate*, July 1979 to June 1987; and *Assistant Research Associate*, December 1977 to June 1979. During this period, I was assigned to CMU's State Government Section, with lead responsibility for drafting public employee pension and campaign finance legislation, and for advising the Legislature on public pension issues, election procedures, and filling Legislative vacancies.

STANDING LEGISLATIVE COMMITTEE ASSIGNMENTS

OLS Aide, Senate Budget and Appropriations Committee, January 1998 to March 2005. This committee's jurisdiction extends to all legislation having fiscal impact. As a committee of second reference, it reviews and must approve virtually all significant legislation destined for enactment by the New Jersey Legislature.

OLS Aide, Assembly State Government Committee, January 1982 to December 1997. The jurisdiction of this committee includes public employee benefits, pension finance, election law (including I & R and recall), campaign finance, public contracting, and government ethics.

PROFESSIONAL DEVELOPMENT

Legislative Staff Management Institute, July 1999.

EDUCATION

RUTGERS UNIVERSITY SCHOOL OF LAW (NEWARK). J.D., June 1986.

RUTGERS UNIVERSITY - THE GRADUATE SCHOOL. M.A., Political Science, June 1976.

UNIVERSITY OF PENNSYLVANIA. B.A., Political Science, May 1969.

PORTSMOUTH, NH PUBLIC SCHOOLS, Grades K-12; graduated Portsmouth High School, June 1965.

PERSONAL

Married (2003) to Beth (Smollon) Margeson; two sons attend Grades 4 and 2 at Little Harbor School.

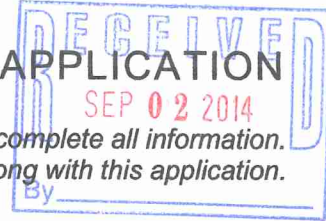
January 29, 2014



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 Initial applicant

Name: RICK BECKSTED JR Telephone: 603-436-2623

Could you be contacted at work? YES NO If so, telephone# 603-817-1912

Street address: 1395 ISLINGTON ST. PORTSMOUTH, NH

Mailing address (if different): _____

Email address (for clerk's office communication): RBECKSTED1@COMCAST.NET

How long have you been a resident of Portsmouth? 31 + YEARS

Occupational background:

LOCAL, SELF EMPLOYED BUILDING CONTRACTOR

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

I AM RAISING TWO CHILDREN THAT ARE VERY
ACTIVE IN CITY SPORTS PROGRAMS. I CURRENTLY
SIT OF THE PORTSMOUTH LL BOARD.



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 SERVE MY COMMUNITY.

I WAS RAISED BY THIS TOWN AND I WOULD
VERY MUCH LIKE TO GIVE BACK. PORTSMOUTH
IS MY HOME

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

PORTSMOUTH LL BOARD OF DIRECTORS, MANAGER
AND COACH BOTH BASEBALL AND FOOTBALL.

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

1) JOHN CRIST, 1414 SUNNINGTON ST. 433-3049
Name, address, telephone number

2) NANCY NOTICE, 28 FOREST GREEN, RYE 427-3436
Name, address, telephone number

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

Signature: [Signature] Date: 9/2/14

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

received
9/10/14

9/8/14

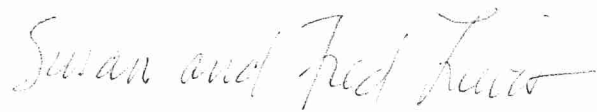
Bob Lister, Mayor
City of Portsmouth
Municipal Complex
1 Junkins Ave.
Portsmouth, NH 03801

Dear Mayor;

Thank you! We were indeed extremely surprised and honored by the picnic for the "Adopt the Spot" participants. The picnic lunch, gift bag and certification were most appreciated. The recognition by you, City Council members and other city officials in attendance was humbling.

We are very fortunate to live in a beautiful city with thoughtful leaders.

Sincerely,



Susan and Fred Lewis
1238 Maplewood Ave.
Portsmouth, NH 03801

Wednesday, September 17, 2014

To: Portsmouth City Councilors
From: Jim Splaine, City Councilor

"Non-Meetings" vs. "Non-Public Sessions"

I have asked that this topic be placed on the City Council Agenda for Monday, September 22nd. I plan to offer the following motion for your consideration:

"That the Portsmouth City Council agrees not to hold any more "non-meetings," and that when non-public sessions are held they will follow the provisions of the New Hampshire Right-To-Know Law with a recorded public vote prior to meeting behind closed-doors for any purpose."

The reason I offer this motion is clear. In recent years, the City Council has frequently been meeting in "non-meetings," a word that is not even in N.H. State Statute, without first voting to do so. This is allowed under the N.H. Right-To-Know Law with the following statutory provision:

91-A:2 Meetings Open to Public. –

I. For the purpose of this chapter, a "meeting" means the convening of a quorum of the membership of a public body, as defined in RSA 91-A:1-a, VI, or the majority of the members of such public body if the rules of that body define "quorum" as more than a majority of its members, whether in person, by means of telephone or electronic communication, or in any other manner such that all participating members are able to communicate with each other contemporaneously, subject to the provisions set forth in RSA 91-A:2, III, for the purpose of discussing or acting upon a matter or matters over which the public body has supervision, control, jurisdiction, or advisory power. A chance, social, or other encounter not convened for the purpose of discussing or acting upon such matters shall not constitute a meeting if no decisions are made regarding such matters. "Meeting" shall also not include:

- (a) Strategy or negotiations with respect to collective bargaining;
- (b) Consultation with legal counsel;
- (c) A caucus consisting of elected members of a public body of the same political party who were elected on a partisan basis at a state general election or elected on a partisan basis by a town or city which has adopted a partisan ballot system pursuant to RSA 669:12 or RSA 44:2; or
- (d) Circulation of draft documents which, when finalized, are intended only to formalize decisions previously made in a meeting; provided, that nothing in this subparagraph shall be construed to alter or affect the application of any other section of RSA 91-A to such documents or related communications.

However, just because we CAN meet privately without a recorded public vote, I believe that we should not. The following provision of the N.H. Right-To-Know Law allows for governing bodies to go into a non-public session for a wide number of purposes, any of which can cover the reasons why the Council has met in the 9 "non-meetings" held this year:

91-A:3 Nonpublic Sessions. –

I. (a) Public bodies shall not meet in nonpublic session, except for one of the purposes set out in paragraph II. No session at which evidence, information, or testimony in any form is received shall be closed to the public, except as provided in paragraph II. No public body may enter nonpublic session, except pursuant to a motion properly made and seconded.

(b) Any motion to enter nonpublic session shall state on its face the specific exemption under paragraph II which is relied upon as foundation for the nonpublic session. The vote on any such motion shall be by roll call, and shall require the affirmative vote of the majority of members present.

(c) All discussions held and decisions made during nonpublic session shall be confined to the matters set out in the motion.

II. Only the following matters shall be considered or acted upon in nonpublic session:

(a) The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, unless the employee affected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted.

(b) The hiring of any person as a public employee.

(c) Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the public body itself, unless such person requests an open meeting. This exemption shall extend to any application for assistance or tax abatement or waiver of a fee, fine, or other levy, if based on inability to pay or poverty of the applicant.

(d) Consideration of the acquisition, sale, or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community.

(e) Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed against the public body or any subdivision thereof, or against any member thereof because of his or her membership in such public body, until the claim or litigation has been fully adjudicated or otherwise settled. Any application filed for tax abatement, pursuant to law, with any body or board shall not constitute a threatened or filed litigation against any public body for the purposes of this subparagraph.

(f) Consideration of applications by the adult parole board under RSA 651-A.

(g) Consideration of security-related issues bearing on the immediate safety of security personnel or inmates at the county correctional facilities by county correctional superintendents or their designees.

(h) Consideration of applications by the business finance authority under RSA 162-A:7-10 and 162-A:13, where consideration of an application in public session would cause harm to the applicant or would inhibit full discussion of the application.

(i) Consideration of matters relating to the preparation for and the carrying out of emergency functions, including training to carry out such functions, developed by local or state safety officials that are directly intended to thwart a deliberate act that is intended to result in widespread or severe damage to property or widespread injury or loss of life.

(j) Consideration of confidential, commercial, or financial information that is exempt from public disclosure under RSA 91-A:5, IV in an adjudicative proceeding pursuant to RSA 541 or RSA 541-A.

III. Minutes of meetings in nonpublic session shall be kept and the record of all actions shall be promptly made available for public inspection, except as provided in this section. Minutes and decisions reached in nonpublic session shall be publicly disclosed within 72 hours of the meeting, unless, by recorded vote of 2/3 of the members present, it is determined that divulgence of the information likely would affect adversely the reputation of any person other than a member of the public body itself, or render the proposed action ineffective, or pertain to terrorism, more specifically, to matters relating to the preparation for and the carrying out of all emergency functions, developed by local or state safety officials that are directly intended to thwart a deliberate act that is intended to result in widespread or severe damage to property or widespread injury or loss of life. This shall include training to carry out such functions. In the event of such circumstances, information may be withheld until, in the opinion of a majority of members, the aforesaid circumstances no longer apply.

If it is felt that the above provisions of the N.H. Right-To-Know Law are not expansive enough to allow the Council to meet with Legal Council or to discuss strategy or negotiations on collective bargaining or contracts, there is nothing precluding the Council from voting to do so by first having a recorded public vote.

The Preamble of the New Hampshire Right-To-Know Law states:

91-A:1 Preamble. – Openness in the conduct of public business is essential to a democratic society. The purpose of this chapter is to ensure both the greatest possible public access to the actions, discussions and records of all public bodies, and their accountability to the people.

The public's business is fully the public's business. As a City Council when the majority is present to discuss public business, we should resist the need to frequently meet in private closed-door meetings, but when it is necessary we should first take a public, recorded vote of the City Council to do so. That is core to our democracy.

Thank You,

Jim Splaine
City Councilor

August 21, 2014

To John Bohenko and Bob Sullivan
To: The Portsmouth City Council

Re: Webber Estate Settlement

Dear John and Bob,

Now that the City Council has sanctioned the creation of a three person panel to thoroughly and independently investigate matters pertaining to the Webber estate, the Council should publicly discuss the possibility of reviving the proposed settlement of the litigation now pending in the Rockingham County Probate Court.

At the time the Police Commission voted unanimously to reject the possibility of a settlement in the litigation, the Council had not yet discussed the possibility of an investigation. It is my impression, based on the comments of the settlement opponents, that opposition to any settlement is based on three factors. First, the opponents of the settlement do not feel it would be fair, equitable, moral, or legal for Officer Goodwin to benefit in any way from the Webber estate. Second, opponents believe a settlement would obviate the need for a trial that might through discovery and testimony reveal the actions of Officer Goodwin and/or Portsmouth Police Department. Third, opponents view approval of the settlement as a capitulation of principle and a reward for greed or wrongdoing.

Addressing the first concern, it is of course possible, perhaps even probable, that if the case goes to trial, the Estate will prevail and Officer Goodwin will inherit the bulk of the Estate – the opposite result settlement opponents wish to see. As the mediator (retired Probate Judge John Maher) has correctly and publicly pointed out, under New Hampshire law there is a very low threshold of proof to establish testamentary capacity. Mrs. Webber only needed to know the extent of her estate and the natural objects of her bounty - her heirs. On the other hand opponents of the second (2012) will and trust must meet a very high standard of proof to establish undue influence. They must persuade the Court under New Hampshire law that the second will and trust was a product of “force or coercion that alter[ed]” Mrs. Webber’s “will” (see the case of *Bartis v. Bartis*, [107 N.H. 34](#), 37, 216 A.2d 784, 786 (1966)). Although the outcome of the Probate Court litigation is of course uncertain, it is quite conceivable that the Estate will succeed in persuading the court to uphold the validity of the 2012 will and trust. Thus, if opposition to any settlement is based on the desire to prevent Officer Goodwin from sharing any portion of the bequest, there is a distinct downside to that approach. If the Estate prevails, Goodwin will inherit the bulk of the Webber estate – about \$2.3 Million. Equally important, the City will lose the opportunity to receive the \$800,000 the settlement would have provided and will instead get nothing. It is the duty of the City Council to look out for the best interests of the citizenry. This duty includes a duty to investigate the possibility of wrongdoing in any of its departments, but it also includes a duty to the taxpayers who are increasingly burdened by having to pay more and more, year after year. What will the Council say to the taxpayers if the Webber case goes to trial and the Estate prevails? Are opponents of the settlement really willing to gamble by going to trial and risk losing \$800,000 that might otherwise provide significant tax relief?

The second concern of settlement opponents (the need to learn what happened) is now presumably moot as a result of the approval of the investigation. The investigatory panel will uncover the necessary facts the citizens wish to know. The process will be open, inclusive, thorough and independent. There is no need for the litigation in the Probate Court to continue in order to discover additional facts. Much discovery in the probate court case has already been done and the investigatory panel will have the benefit of the sworn deposition testimony. Thus, rejection of the settlement for the purpose of facilitating fact-finding in the context of litigation doesn't make much sense.

The third basis for opposing the settlement reflects a lack of understanding of what the concept of a settlement is all about. There is nothing inherently wrong with settling matters involved in litigation. Lawyers and parties do it all the time. When a settlement is reached voluntarily it avoids the cost and uncertainty of a trial. In a will challenge case, the attorneys' and fiduciary's fees incurred by the estate are paid out of the assets of the estate. Therefore, the amount to be distributed between contesting parties is continually and substantially diminished as the litigation proceeds. This of course hurts the residuary legatees (who divide whatever assets remain after the specific bequests are paid). Aaron Goodwin is a specific legatee under the second will and trust. He would receive specified assets, including the real estate and bonds – before any distribution to a residuary beneficiary. The City is a residuary beneficiary under both the first will and the 2012 trust. While litigation benefits the lawyers who charge \$250-\$350 per hour for their work, it hurts the residuary beneficiaries. Even if the case were to go to trial and the 2012 will and trust were held to be invalid, the City as a residuary beneficiary under the first will would likely get LESS than it would get under the proposed settlement due to the costs of litigation.

It appears that many opponents of settlement of the Webber case feel that the proposed settlement was not “transparent”, that it was reached “behind closed doors” and is somehow dishonorable. While it is true in the Webber case that the majority of the parties met privately to reach a settlement, the terms of the settlement are public knowledge and require the approval of the Police and Fire Commissions and the City Council after an open debate at each level.

For the above reasons, I will urge the City Council to recommend that the Police Commission reconsider its rejection of the settlement in light of the Council's approval of an investigation or that the City request, and urge the other settling parties to request, a stay of the litigation for 6 months while the investigatory panel does its work. The Police Commission may then take whatever disciplinary action may be necessary and may institute any needed reforms in the Department. After that, assuming the Commission doesn't change its mind now and assuming the settlement remains extant, I would propose that the police commission revisit the proposed settlement after it has the necessary facts to weigh the equity and wisdom of doing so.

Very truly yours

Bradley M. Lown

FIRE DEPARTMENT STUDY COMMITTEE
RECOMMENDATION TO THE CITY COUNCIL
Monday, September 22, 2014

Establishment and Membership:

In July 2013 the City Council established the Fire Study Committee. The Committee held seven meetings over the last year and was comprised of the following individuals: Councilor Brad Lown, Chair, Councilor M. Christine Dwyer, Norm Olsen, Peter Somssich, Eric Gregg, Fire Commissioner Paul T. Wentworth, and Fire Chief Steve Achilles (ex-officio). Adam Cannon, Special Projects Manager and Tracy Freeman, Executive Assistant provided staff support to the Committee. Fire Commissioner Richard Gamester replaced Paul T. Wentworth as the Fire Commission representative following his departure.

Committee Charge:

The purpose of the Committee is to choose an independent consultant to perform an independent study of the Portsmouth Fire Department for the purpose of recommending to the City Council and Fire Commission changes to the practices and organizational structure of the Department in order to reduce costs and/or improve service without materially affecting public safety.

Background:

The Committee received permission of the City Council in January to authorize the City Manager to work with the Fire Department to put out a RFQ to solicit firms to conduct an independent study of the Fire Department. The Committee received eleven responses from firms and of those firms, five were selected to receive a RFP.

These five firms included (in order of cost proposed):

- Public Safety Strategies Group (PSSG) - \$38,522
- Matrix Consulting Group - \$39,900
- Public Safety Solutions, Inc. - \$48,850
- MGT of America, Inc. - \$49,573
- MMA Consulting Group, Inc. – No Number

The Committee considered all five submissions in detail and ranked each of the firms based on their qualifications, experience, personnel, innovation potential, thoughtfulness in crafting actionable recommendations, total bid cost, number of staff hours for the audit and other factors.

Recommendation:

Of the firms, PSSG received the highest ranking and the Committee is unanimously recommending that PSSG be awarded the Operational Audit in accordance with their proposal for the following reasons:

- Prior quality work and familiarity with the City
- Number of staff hours dedicated to the audit
- Staff qualifications
- Focus placed on the Committee's charge and goals

Should the City Council want to move forward with this recommendation, a motion would need to be made to move to direct the City Manager to work with the Fire Department to enter contract negotiations with Public Safety Strategies Group and that the funding come from contingency.

ACTION SHEET
PARKING and TRAFFIC SAFETY COMMITTEE

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: CYNTHIA HUYGHUE-FANCY, SECRETARY TO THE COMMITTEE

RE: ACTIONS TAKEN BY THE PORTSMOUTH PARKING AND TRAFFIC SAFETY COMMITTEE MEETING HELD ON THURSDAY AUGUST 14, 2014, AT EILEEN DONDERO FOLEY COUNCIL CHAMBERS, MUNICIPAL COMPLEX, ONE JUNKINS AVENUE, PORTSMOUTH, NEW HAMPSHIRE.

PRESENT: COUNCILOR LOWN, CITY MANAGER BOHENKO, DEPUTY FIRE CHIEF ROEDIGER, POLICE LIEUTENANT SARGENT, PUBLIC WORKS DIRECTOR RICE, AND MEMBERS: CYPHER, DONNERMEYER, GRAY, and WHITEHOUSE, ALTERNATE MEMBER: MCELWAIN.

-
- [1] **Acceptance of Minutes - JULY 10, 2014 - Voted** to accept the minutes of JULY 10, 2014 Parking and Traffic Safety Committee Meeting.
- [2] **Acceptance of Financial Report - JULY 2014 - Voted** to accept the JULY 2014 Financial Report.
- [4] **Action Item - Traffic problem on Hanover St. between Rock and Pearl Streets – Voted** to restrict parking along North side of Hanover Street between Pearl and Rock Street, and **amend Chapter 7, Article III, Section 7.330: NO PARKING 53. Hanover Street: a. northerly side from Pearl St to Brewster St.**
- [5] **Action Item - Student drop-off issue on Haven Road – Voted** to have Little Harbour School Staff manage placing and removing barricades with signage per City order, “No Parking” during peak traffic times.
- [6] **Action Item – Traffic and speed issues on Court Street – Voted** in the short term, to explore if police details on Marcy & Court as well as Atkinson & Court Street during special events would be appropriate. Obtain an engineering firm to conduct a warrant study to determine if a stop sign is needed at the corner of the Court & Marcy and Court & Atkinson. At the corner of Pleasant & Court Street there is a site distance issue. Public Works Staff will contact the Langdon House residents to discuss the fence line and adjustment options.
- [7] **Action Item – Bike warning signals for Route 1A – Voted** to place a bike warning sign before Pleasant Point Drive. The signage will meet the guidelines and regulations set forth by Manual on Uniform Traffic Control Devices (MUTCD).

- [8] **Action Item - Request for Crosswalk on Marcy Street near South School Street** – **Voted** to have Public Works create a crosswalk from the north side of South School Street to the handicap curb cut out at the corner of Partridge Street and Marcy Street.

- [9] **Action Item – Request for Crosswalk on Islington near Albany Street** - **Voted** to postpone this item until the design of the Islington Street Improvement project and the Bicycle Pedestrian Master Plan have been completed.

Adjournment – At 9:00 AM, **Voted** to adjourn.

Respectfully submitted by:

Cynthia Huyghue-Fancy
Secretary to the Committee

MINUTES
PARKING AND TRAFFIC SAFETY COMMITTEE MEETING

8:00 A.M. – Thursday, August 14, 2014
City Hall – Eileen Dondero Foley Council Chambers

I. CALL TO ORDER:

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

II. ROLL CALL:

Members Present:

Councilor Brad Lown
David Allen, Deputy City Manager
Carl Roediger, Deputy Fire Chief
Darren Sargent, Police Lieutenant
Peter Rice, Public Works Director
Ronald Cypher, Member
Shari Donnermeyer, Member
Ted Gray, Member
Harold Whitehouse, Member
Mary Lou McElwain, Alternate

Staff Advisors Present:

Mark Nelson, Parking Division Director

III. ACCEPTANCE OF THE MINUTES:

Moved to accept the minutes of July 10, 2014.

Motion passed.

IV. FINANCIAL REPORT:

Moved to accept the July 2014 Financial Report and place on file.

Motion passed.

V. NEW BUSINESS:

A. Action Item: Traffic problem on Hanover St between Rock and Pearl Streets -
On a unanimous roll call 10-0, voted to restrict parking along one side of Hanover Street between Pearl and Rock Street, and amend Chapter 7, Article III; Section 7.330: NO PARKING 53. Hanover Street: a. northerly side from Pearl St to Brewster St.
(This item is enacted as a temporary regulation and will be considered for inclusion in a future omnibus ordinance- See Section 7.330)

B. Action Item: Student drop-off issue on Haven Road -
On a unanimous roll call 10-0, voted to have Little Harbour School Staff manage barricades during peak traffic times on Haven Road & Clough Drive, with signage per City order for “No Parking” during drop off and pick up at school peak hours.

C. Action Item: Traffic and speed issues on Court Street - **On a unanimous roll call 10-0, voted in the short term, to request the additional police detail on Marcy & Court as well as Atkinson & Court Street during special events. Public Works is to have an engineering warrant study conducted to determine if a speed limit and stop sign is needed. At the corner of Pleasant & Court Street, where there is a site distance issue, Public Works Staff will contact the Langdon House residents to discuss the fence line and adjustment options.**

D. Action Item: Bike warning signals for Route 1A - **On a unanimous roll call 10-0, voted to place a sign before Pleasant Point Drive within the City limits of Portsmouth, which meets the bicycle regulations set forth by the Manual on Uniform Traffic Control Devices (MUTCD).**

E. Action Item - Request for Crosswalk on Marcy Street near South School Street- **On a unanimous roll call 10-0, voted to have Public Works create a cross walk from the north side of South School Street to the handicap curb cut out at the corner of Partridge Street and Marcy Street.**

F. Action Item – Request for Crosswalk on Islington near Albany Street - **On a unanimous roll call 10-0, voted for a motion to postpone this item until the Design of the Islington Street Improvement Project and the Bicycle Pedestrian Master Plan have been completed.**

VI. **OLD BUSINESS:**

A. Update on Atlantic Heights road - (David Moore - Community Development)
Mr. Moore provided an update on the Emergency access road (PSNH Boat Road) in the Atlantic Heights Neighborhood. He reminded the Committee that an in-depth presentation on the issue was presented at the Committee' June 12, 2014 meeting. Since that time, he advises that City staff including Police, Fire, DPW, and Community Development representatives had met to discuss outreach to the neighborhood and to workshop protocols already in place for operating the boat road. In addition, the same City representatives met with representatives of PSNH to discuss the FY 15 Capital Improvement Plan item to make improvements to the boat road in cooperation with PSNH to enhance the usefulness of the boat road. This would follow recent coordination with PSNH by the DPW that resulted in the placement of emergency evacuation signage. Various improvements were discussed and DPW is following-up on a scope of work and progressing with this work in parallel with other work on this issue. In addition, a meeting with neighborhood representatives attended by Assistant Mayor Splaine, that was held on site at the Porpoise Way gate of the Boat Road to discuss the operational readiness of the boat road, the process of identifying that particular route, and related neighborhood concerns. In follow-up to this meeting, City staff worked to distribute information about the Boat Road availability in the event of emergencies to the neighborhood via Facebook and the Atlantic Heights' list serve as well as information about the Community Alert System (reverse 911) that can assist in spreading the word about a neighborhood emergency. He also indicated he would be working with the Fire Chief to schedule a meeting in the neighborhood to provide additional information about the Boat Road and its readiness for use by the neighborhood in emergencies.

Mr. Moore also advised the Committee of the concerns expressed at the meeting with neighborhood representatives about the industrial truck traffic accessing industrial use parcels abutting the other end of the neighborhood by the I-95 Bridge. Ms. Morse, an attendee at the meeting, expressed her concerns about the mixing of the truck traffic with residential traffic, the noise associated with the trucks, and highlighted concerns about driving habits of some of the drivers. Mr. Moore said staff discussed some steps to address these concerns including referring enforcement issues to the Police Department (completed), increasing signage related to Jake brake usage on Kearsarge Way (in progress at DPW), contacting the industrial users directly regarding neighborhood experiences and concerns (completed by Police Department). Mr. Moore further advised the Committee that he was aware that the neighborhood intended to advocate through the City Council for a new permanent secondary access that would eliminate truck traffic from Kearsarge Way.

B. New Franklin School

Mr. Whitehouse stated his concerns regarding the increase in traffic around New Franklin Drive heading onto Woodbury Avenue at drop off and pick up times during school hours. Mr. Whitehouse is looking for status on this item and is wondering if any protocols have been implemented to deal with the traffic issue due to the school year starting within a few weeks.

Mr. Rice stated that the Commissioner of the New Hampshire Department of Transportation (NHDOT) has been contacted, and a request has been made to have this intersection be included as part of the bridge design. This is the permanent solution, but in the short term we contacted the NHDOT project manager on the Maplewood Ave Bridge project to determine the changes needed based on increased traffic.

C. Regulating Motor Scooters and Moped Parking

Mr. Gray inquired about the status of the parking issues with scooters and mopeds around the city. Mr. Rice said he will speak to the City's Legal Department and will report back on enforcement options and including the option of designating parking spots for mopeds and scooter parking only.

VII. PUBLIC COMMENT

Jack Hartman representing St. Johns Masonic Association, spoke about having the cross walk from the parking lot to the Temple replaced on Miller Street and also putting a street light in the same area. Mr. Rice said the crosswalk is scheduled to be replaced and once completed, Mr. Rice will have a walk thru to discuss the need for lights.

VIII. INFORMATIONAL:

IX. ADJOURNMENT - At 9:00 a.m., voted to adjourn.

From: Dave Mullen
Sent: Wednesday, August 27, 2014 2:25 PM
To: John P. Bohenko
Subject: Grimmel Departure Timeline

John,

As you will recall although PDA requested a written Departure Timeline, Grimmel Industries representative Tim Garrity instead provided a verbal Departure Timeline at the August 21, 2014 PDA Board Meeting. The following is a direct quote from the minutes of that non-public meeting wherein the minutes of items 1-3 were not sealed. PDA is working with Grimmel's counsel to obtain a written and enforceable commitment to document the promised wind down actions.

“Mr. Garrity reported on the exit strategy for Grimmel to end its operations at the Market Street Terminal (“Terminal”) when its contract expires on December 31, 2014. Grimmel will bring a ship in October to remove as much scrap metal as possible. The areas will be paved and repairs will be made. Grimmel expects that all scrap metal will be gone and repairs finished no later than November 15, 2014”

This constitutes the entire verbal report provided with respect to Grimmel's Departure Timeline.

Thank you
Dave