

CITY COUNCIL MEETING

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

AGENDA

- I. CALL TO ORDER (6:00 P.M.)
- II. ROLL CALL
- III. ANTICIPATED “NON-PUBLIC” SESSION WITH COUNSEL RE: PERSONNEL - RSA 91-A:3, II (a) and (c)

Immediately following Non-Public Session, there will be a Non-Meeting with Counsel in accordance with RSA 91-A:2, I (a) regarding Negotiations

- ANTICIPATED “NON-MEETING” WITH COUNSEL RE: COLLECTIVE BARGAINING NEGOTIATIONS – RSA 91-A:2, I (a)

- IV. INVOCATION
- V. PLEDGE OF ALLEGIANCE
- VI. ACCEPTANCE OF MINUTES – JUNE 16, 2014
- VII. PUBLIC COMMENT SESSION
- VIII. APPROVAL OF GRANTS/DONATIONS

- A. *Acceptance of Grant from the New Hampshire Charitable Foundation from the Our New Hampshire Heritage – a fund of Northeast Auctions for Restoration of the Kearsarge Fire Pumper - \$15,000.00 (***Sample motion – move to approve and accept the grant from the New Hampshire Charitable Foundation from the Our New Hampshire Heritage – a fund of Northeast Auction, as submitted***)
- B. Acceptance of Grant for State Declared Infrastructure Funds (***Sample motion – move to accept and expend a \$12,500.00 Department of Safety grant for the purpose of protecting the water resource at the Madbury Water Treatment Plant and authorize the City Manager to execute any documents which may be necessary for this grant contract***)
- C. Acceptance of Police Department Grants and Donation
 - A donation in support of the Police Department’s planned public service announcements addressing the opiate problems in our community:
 - Amos and Boris Fund under the aegis of Ellen & Ed Frechette - \$1,000.00

- A JAG grant in the amount of \$9,653.00 from the Department of Justice to provide funding to combat drug sales/use in the city. The \$9,653.00 is the city's portion of the \$31,113.00 total grant awarded to Rockingham County
- A grant in the amount of \$6,084.00 from NH Highway Safety for "Operaton Safe Commute" patrols

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

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First Reading of Proposed Ordinance amending Chapter 7, Article II, Section 7.213 – Fees and Terms for Medallions/Licenses ***(Sample motion – move to pass first reading and schedule a public hearing and second reading of the proposed Ordinance at the October 20, 2014 City Council meeting, as presented)***
- B. Third and Final 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 third and final reading on the proposed Ordinance amendment, as presented)***

X. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. *Acceptance of Donation to Art-Speak:
- Harborside Associates, LP \$500.00
- (Anticipated action – move to approve and accept the donation to Art-Speak, as listed)***
- B. *Acceptance of Donation to the Coalition Legal Fund:
- Town of Rye \$5,000.00
- (Anticipated action – move to approve and accept the donation as listed, to be placed in the Coalition Legal Fund)***
- C. Request for Approval of Pole License to install 2 poles located on Woodbury Avenue ***(Anticipated action – move to approve the aforementioned Pole License Agreement as recommended by the Public Works Department with the approval conditioned upon amendment of the license to allow for the collection of any lawfully assessed real estate taxes)***
- D. Request for Approval of Pole License to install 2 poles located on Clinton Street and Thornton/Ruth Streets ***(Anticipated action – move to approve the aforementioned Pole License Agreement as recommended by the Public Works Department with the approval conditioned upon amendment of the license to allow for the collection of any lawfully assessed real estate taxes)***

- E. Letter from Matthew McFarland, Saint Patrick School, requesting permission to hold the 2nd Annual 5k Road Race on Saturday, March 14, 2015 at 10:30 a.m. (**Anticipated action – move to refer to the City Manager with power**)

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

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

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

Items Which Require Action Under Other Sections of the Agenda

1. First Reading of Proposed Resolutions and Ordinances:
 - 1.1 First Reading of Proposed Ordinance amending Chapter 7, Article II, Section 7.213 – Fees and Terms for Medallions/Licenses (**Action on this item to take place under Section IX of the Agenda**)
2. Third and Final Reading of Proposed Resolution and Ordinances:
 - 2.1 Third and Final 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 IX of the Agenda**)

City Manager's Items Which Require Action:

1. Request for Approval of Agreement Between the Trustees of the Trust Funds of the City of Portsmouth and The Gundalow Company
2. Request for Approval of Amendment to Wright Avenue LLC License Agreement
3. Request for Continuous Concrete Sidewalks Union Street from Middle Street to Lincoln Avenue

Informational items

1. Events Listing
2. Report Back Re: Sunday Free Parking Commencing on November 1, 2014 for 20 Sundays
3. Estimated Annualized Operating Costs for Downtown Parking Shuttle
4. Report Back on Commercial Alley Lighting Request
5. Letters and Article Re: Federal Aviation Administration and Helicopter Noise
6. Memorandum of Agreement with Air Force Re: Haven Well
7. Report Back Re: Abandoned or Derelict Buildings
8. Household Hazardous Waste Day
9. News Release Re: Public Meeting on Atlantic Heights Emergency Access

B. MAYOR LISTER

1. Appointments to be Voted:
 - 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. Letter from Governor Hassan Re: Sea-3 (*See attached letter from Governor Hassan*)

C. ASSISTANT MAYOR SPLAINE

1. “Non-Meetings” vs. “Non-Public Sessions:” (*See attached letter from Assistant Mayor Splaine*) (**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.**) (*Tabled from the September 22, 2014 City Council meeting*)

D. COUNCILOR KENNEDY

1. *Non Public with the Police Commission on Personnel (*Tabled from the September 22, 2014 City Council meeting*)

E. COUNCILORS KENNEDY, SPEAR & THORSEN

1. Conflict of Interest / Mandatory Disclosure Ordinance – Option A & Option B (*See attached memorandum from City Attorney Robert P. Sullivan*)

F. COUNCILOR DWYER

1. Formal request to PDA for transition plan from Grimmel Re: Scrap (*See attached letter from Dave Mullen*) (*Tabled from the September 22, 2014 City Council meeting*)
2. Non-Public Sessions (*See attached memorandum from Councilor Dwyer*)

G. COUNCILOR MORGAN

1. *City Ordinance for Helicopters (*Tabled from the September 22, 2014 City Council meeting*)
2. *EDC – Updating the composition of the Economic Development Committee (*Tabled from the September 22, 2014 City Council meeting*)

3. *North End Visioning process (*Tabled from the September 22, 2014 City Council meeting*)
4. *Request for Additional Council Meeting in November

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

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

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

**Indicates Verbal Report*

INFORMATIONAL ITEMS

1. Notification that the Planning Board minutes for April 17, 2014 and May 15, 2014 meetings 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.

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, JUNE 16, 2014

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

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

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

Mayor Lister called the meeting to order at 7:15 p.m.

II. ROLL CALL

Present: Mayor Lister, Assistant Mayor Splaine, Councilors Shaheen (via conference call), 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

Mayor Lister asked Mark Brighton to lead in the Pledge of Allegiance.

PRESENTATIONS

1. Art-Speak Annual State of the Art Report, Memorandum of Understanding Renewal Request and Public Art Referral Policy – Nancy Pearson

Ms. Pearson provided a PowerPoint Presentation review of last year's activities and accomplishments of Art-Speak. She spoke to the creation of the Portsmouth Public Art Walk which consists of a mix of historic and contemporary works of art woven through our city neighborhoods. The Art-Walk launch will be Tuesday, June 17th at 4:30 p.m. from the Discover Portsmouth Center. Ms. Pearson also discussed the Task Force which has created a business plan for the Arts Alliance and next Tuesday, June 24th is the launching and it will take place at the Tyco Center at Strawberry Banke.

Assistant Mayor Splaine moved to adopt the attached Public Art Referral Policy. Seconded by Councilor Dwyer.

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

Assistant Mayor Splaine moved to authorize the City Manager to extend the Memorandum of Understanding (MOU) between the City and Art-Speak from July 1, 2014 through June 30, 2015. Seconded by Councilor Kennedy.

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

2. Historic Cemeteries Update – David Moore

Community Development Director Moore reviewed the 7 historic cemeteries the City is responsible for up keeping. He stated that the cemeteries are historic resources to the City and the community and are valued public places. Director Moore spoke to the 3 sections of the Presentation which include Capital Improvements, Maintenance, and Programming. He addressed the capital improvements which have been made to grave stones.

Councilor Kennedy requested that the City set up a contact for people who wish to volunteer with the work at the historic cemeteries.

Councilor Dwyer requested that the City establish a Cemetery Improvement Trust to be brought back at a future upcoming City Council meeting.

City Manager Bohenko stated he will establish an action plan for these projects.

V. ACCEPTANCE OF MINUTES – MARCH 17, 2014

Councilor Kennedy moved to accept and approve the minutes of the March 17, 2014 City Council meeting. Seconded by Councilor Lown.

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

VI. PUBLIC COMMENT SESSION

Sue Polidura thanked the City Council for the Presentation on Cemeteries. She feels encouraged and the City may be able to receive grants for the maintenance especially for the North Cemetery. She stated that this Saturday is the 226th Anniversary of the signing of the Declaration of Independence. She said there will be a wreath lying on John Langdon's grave and encouraged residents to attend.

Bob Hassold spoke about the Port and said that Grimmell's lease expires at the end of the year and it is not going to be renewed. He requested a Work Session with the PDA, City Council and Port of Portsmouth back in February and asked when that would take place.

Mark Brighton said he has had the pleasure of reviewing the North Cemetery with Ms. Polidura and Assistant Mayor Splaine. He spoke to the many historic items that exist in the cemetery and that the City needs to show appreciation of the cemeteries.

Susan Denenberg spoke about the Worth Lot including the maintenance and improvements that are needed. She suggested placing benches in the lot that have separations in them so people do not sleep on them.

Joe Caldarola said transparency is important and discussed financial disclosures. He said that individuals serving on land use boards should also be required to complete financial disclosure forms. We need to find out where the finances are coming from.

Councilor Spear moved to suspend the rules in order to take up Item X. A.1. - Approval of Tentative Three (3) Year Employment Agreement for Deputy Fire Chief Carl Roediger. Seconded by Assistant Mayor Splaine.

X. A.1. - Approval of Tentative Three (3) Year Employment Agreement for Deputy Fire Chief Carl Roediger

Human Resources Director Fogarty provided an overview of Deputy Fire Chief Carl Roediger's proposed 3-Year Employment Agreement. She stated that the benefits are tied to the Professional Management Association contract.

Councilor Spear moved to approve the three (3) year Employment Agreement for Deputy Fire Chief Carl Roediger to expire June 30, 2017 as recommended by the Fire Commission. Seconded by Councilor Lown.

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

VII. APPROVAL OF GRANTS/DONATIONS

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

VIII. CONSENT AGENDA

- A. Letter from Emily Christian, National Multiple Sclerosis Society, requesting permission to the 2014 Bike MS NH Seacoast Escape on Saturday, August 23, 2014 ***(Anticipated action – move to refer to the City Manager with power)***
- B. Request for Approval of Pole License to install 1 pole located on Court Street and Chestnut Street as part of the African Burial Ground 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)***
- C. Request for Approval of Comcast License Agreement for Raines Avenue and Vaughn Street for underground conduit system as a part of the general upgrade of utilities associated with development in the area ***(Anticipated action – move to authorize the City Manager to negotiate and execute a License Agreement to allow Comcast to place conduit for Raines Avenue and Vaughn Street as requested with the approval conditioned upon amendment of the license to allow for the collection of any lawfully assessed real estate taxes)***

- D. Request for License from Rita Fabricatore, owner of Lady Pickwicks for property located at 56 State Street for a projecting sign on an existing bracket (***Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Rita Fabricatore, owner of Lady Pickwicks for a projecting sign at property located at 56 State Street and, further, authorize the City Manager to execute License Agreements for this request***)

Planning Director's Stipulations:

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

- E. Request for License from Judith Lee, owner of Herringbones LLC for property located at 207 Market Street for a projecting sign on an existing bracket (***Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Judith Lee, owner of Herringbones LLC for a projecting sign at property located at 207 Market Street and, further, authorize the City Manager to execute License Agreements for this request***)

Planning Director's Stipulations:

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

Councilor Spear moved to adopt the Consent Agenda. Seconded by Councilor Kennedy.

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

IX. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

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

X. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

2. Report Back from Planning Board Re: Proposed Zoning Amendments

Planning Director Taintor said that this request was brought to the City Council in February and that the delay was due to the CBZ. He stated the CBZ changed CBZ and CBB property. The CBZ would extend down Islington Street and CBC would conflict with CBZ. He further stated that the CBC would increase density and it is being recommended to create a new definition of "building footprint".

Councilor Spear moved to schedule a first reading on the proposed Ordinance amendment at the July 14, 2014 City Council meeting, as presented. Seconded by Councilor Lown.

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

3. Request to Dispose of Surplus Equipment and Vehicles

City Manager Bohenko stated that the equipment and vehicles would be disposed of through our sealed bid process.

Councilor Kennedy asked about the criteria for what is considered surplus equipment and vehicles. City Manager Bohenko reported that we do a cost benefit analysis and that mileage is not looked at. It is the life cycle and the maintenance needs for the vehicle. In the Police Department you have vehicles with mileage but also running time. He said we were spending more money to fix the cars than it was worth.

Councilor Lown moved to authorize the City Manager to dispose of surplus equipment and vehicles by the sealed bid process. Seconded by Councilor Spear.

Councilor Shaheen asked City Manager Bohenko about a time table on the number of vehicles for the sealed bid process. City Manager said in the next 30 days we need to advertise these items.

Assistant Mayor Splaine asked how this would be advertised and if something would be placed on the website with pictures.

Councilor Kennedy expressed concern with the 2009 car in the Police Department and that the reason for disposing of it should be more than just paint. City Manager Bohenko said that is a good point and he will ask the Police Chief for a better description.

On a roll call 8-1, voted to authorize the City Manager to dispose of surplus equipment and vehicles by the sealed bid process. Assistant Mayor Splaine, Councilors Shaheen, Lown, Dwyer, Morgan, Spear, Thorsen and Mayor Lister voted in favor. Councilor Kennedy voted opposed.

City Manager's Informational items

- Parking Shuttle Statistics

Councilor Kennedy suggested the Shuttle start at 9:00 a.m. on Friday's and Saturday's and on Sunday's the shuttle to run until 11:00 p.m.

- Update of the Implementation Plan Section of the 2005 Master Plan

Councilor Morgan asked that this document be placed on the website under the "What is New" items.

City Manager Bohenko requested Public Works Director Rice to come forward to update the City Council on the Worth Lot project. Director Rice reported that the lighting needs replacement as well as the transformer. Public Works is reviewing the flow of traffic for the parking lot and are developing design criteria for the project. Signage will be replaced and enhanced, there will be an island installed in the middle of the lot with trees. In addition, Peter Taylor will need to replace his dumpster as it does not meet the requirements of the Health Department.

Assistant Mayor Splaine thanked Director Rice for his update on the Worth Lot.

B. MAYOR LISTER

1. City Council Retreat

Mayor Lister reported that a date would be established for the retreat on a Saturday at the end of September or the beginning of October.

Councilor Morgan inquired as to the format for the Retreat Agenda. City Manager Bohenko said we need to focus on aspects of the budget and formulate goals by departments. He said the first part should be the budget process. He said we need to be focused and receive action items to move forward on the budget. He also stated he may bring in a facilitator on the budget process.

C. ASSISTANT MAYOR SPLAINE

1. North Cemetery Commemorative Event, Saturday, June 21st

Assistant Mayor Splaine said the North Cemetery event will be held on Saturday, June 21st at 11:00 a.m. with a wreath laying and speeches. He said Sue Polidura is providing tours of the North Cemetery as well.

2. "The Year-Round Budget Plan"

Assistant Mayor Splaine provided copies of his year end budget planning. He asked that City Manager Bohenko provide copies to any one who would like a copy. He said the plan consists of 50 different thoughts on how to do a better job on budgeting.

Councilor Thorsen said the Council has lacked direction in the beginning of the budget process.

Assistant Mayor Splaine said he would like to see more involvement by the public.

Councilor Dwyer suggested reactivating the Joint Budget Committee in the budget process. She said the most important thing is to have a work session public meeting with the various perimeters on the different phases such as medical and retirement. She stated that may not have been done this year because there were not many changes. Councilor Dwyer also stated that the School Board and the Fire and Police Commissions need involvement early in the process.

Councilor Morgan said we have two points to address; the process and directives. She said she feels the process needs to be looked at and open it up more. She said she is not sure that a Joint Budget Committee is the best plan.

Councilor Kennedy said she agrees with many of the comments and there needs to be directives. She said we provide many opportunities for people to speak in the budget process. She said many people do not feel comfortable in providing comments.

3. Worth Lot Improvement Suggestions

Assistant Mayor Splaine said that this matter was addressed earlier in the agenda.

4. Financial Disclosure Memo

Assistant Mayor Splaine said he cannot attend the meeting tomorrow on Financial Disclosures and wanted to offer thoughts. He referred to his memorandum to the City Council on this matter.

D. COUNCILOR LOWN

1. Medical Insurance Options

Councilor Lown said he provided a memorandum for the City Council and public to be aware of various issues. He said health insurance is not sustainable and could drive up health care by 40% in the City. The School Care insurance we heard about this evening is encouraging.

E. COUNCILOR DWYER

1. Update on African Burying Ground Memorial Park Construction

Councilor Dwyer said you have a brief memorandum on this matter. She said they are nearing the end of fundraising and are close to the \$1 million dollar mark. She stated last year was the 10th Anniversary of discovering the burying ground and are within \$165,000.00 to having everything for the project.

Councilor Dwyer moved to authorize the City Manager to make available \$165,000.00 in Urban Development Action Grant (UDAG) Funds available as cash flow assistance for the completion of the African Burying Ground Memorial Park. Seconded by Assistant Mayor Splaine.

Assistant Mayor Splaine said it is incredible what the Committee has done on this project.

Councilor Thorsen asked City Manager Bohenko if there are terms on the loan. City Manager Bohenko said we intend to have it paid back but before he signs the contract he needs to have funds available. He said there are pledges out there and when the funds come in the funds will go back to UDAG. He stated the interest rates are low right now and it is less of a loan and more of a commitment.

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

XI. MISCELLANEOUS/UNFINISHED BUSINESS**XII. ADJOURNMENT [AT 10:00PM OR EARLIER]**

At 9:40 p.m., Councilor Kennedy moved to adjourn. Seconded by Assistant Mayor Splaine and voted unanimously.



Kelli L. Barnaby, CMC/CNHMC
City Clerk

State of New Hampshire



JOHN J. BARTHELMES
COMMISSIONER OF SAFETY

EARL M. SWEENEY
ASSISTANT COMMISSIONER

DEPARTMENT OF SAFETY

James H. Hayes Safety Building, 33 Hazen Drive, Concord, NH 03305
Tel: (603) 271-2559
Speech/Hearing Impaired
TDD Access Relay NH 1-800-735-2984

August 25, 2014

Chief Steve Achilles
Portsmouth Fire Department
170 Court Street
Portsmouth, NH 03801

Re: Critical Infrastructure Grant Opportunity – Time Sensitive – Due no later than October 15, 2014

Dear Chief Achilles:

This letter is to inform you about an opportunity to apply for Critical Infrastructure Protection (CIP) grant funds for your community via the Homeland Security Grant Program. The NH Department of Safety's Information and Analysis Center (IAC) is charged with oversight for the State's Critical Infrastructure Protection Program (CIPP). The IAC defined state level criteria for each of the 18 CIP sectors and identified assets (facilities) within those sectors statewide. **The IAC has informed us that one or more facilities in your community had an assessment conducted within the past year.** We would like to take this opportunity to work with Law Enforcement, Fire Service, Emergency Management and the facility owner/operator representatives to review the assessment and determine the appropriate mitigation strategies for the site and surrounding community.

The NH-CIPP is designed to reduce the vulnerability of Critical Infrastructure or Key Resource (CI/KR) sites in NH by extending the protected area around a site into the surrounding community and supporting the prevention and preparedness efforts of local first responders. The grant may provide funding for eligible equipment and measures available to local First Responders responsible for the protections, prevention, and response and recovery e at the State designated sites. This will allow your community to better can better safeguard our state assets and minimize the potential for terrorist attacks and all-hazard related damages.

Please review the attached application and program overview package. The IAC can be of assistance with questions about the assessments and sites. For additional information, please contact Jennifer Harper, Operation Chief, at jennifer.harper@dos.nh.gov or 223-3615. The Grants Management Unit can be of direct assistance with the application process; contact Pamela Urban-Morin, Grant Administrator at pamela.s.urban-morin@dos.nh.gov or 271-7033 for assistance with that application and eligibility portion of the process. The deadlines for the NH CIPP funds are very short. All projects must be completed by August 1, 2015. We will work closely with you to complete the whole process in an expedited manner.

This is an important opportunity to acquire much needed equipment or undertake projects to enable us to protect some of New Hampshire's most important assets.

**State of New Hampshire
Department of Safety
2013 Homeland Security Grant Program**



**STATE HOMELAND SECURITY
PROGRAM (SHSP)
and
LAW ENFORCEMENT TERRORISM
PREVENTION-ORIENTED
ACTIVITIES**

**State Declared Infrastructure
Funds**

**Program Guidance and
Application Kit**

\$12,500 available per site at this time.*

To:

State of New Hampshire
Department of Safety
Commissioner's Office
Grants Management Unit
33 Hazen Drive
Concord, NH 03305

**NO FAX OR E-MAIL COPIES WILL BE ACCEPTED
DUE by 10/15/14 at the address above**

PORTSMOUTH POLICE DEPARTMENT

MEMORANDUM

RECEIVED

SEP 25 2014

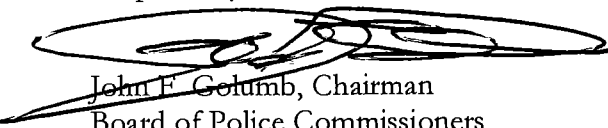
DATE: 17 SEPTEMBER, 2014
TO: JOHN P. BOHENKO, CITY MANAGER
FROM: JOHN F. GOLUMB, CHAIRMAN, PORTSMOUTH POLICE COMMISSION
STEPHEN J. DUBOIS, CHIEF OF POLICE
RE: GRANTS & DONATIONS


At the September 17th, 2014 monthly Police Commission meeting, the Board of Police Commissioners approved and accepted the following grant and donation:

- A. Donation: A donation in support of the Police Department's planned public service announcements addressing the opiate problems in our community. The donation was received from the Amos and Boris Fund in the amount of \$1,000. The Amos and Boris Fund is under the aegis of Ellen and Ed Frechette.
- B. A JAG grant in the amount of \$9,653 has been received from the Dept. of Justice to provide funding to combat drug sales/use in the city. The \$9,653 is the city's portion of the \$31,113 total grant awarded to Rockingham County.
- C. A grant in the amount of \$6,084 has been received from NH Highway Safety for "Operation Safe Commute" patrols.

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



Department of Justice
Office of Justice Programs

Bureau of Justice Assistance

Office of Justice Programs

Washington, D.C. 20531

July 28, 2014

Chairman Katharin Pratt
County of Rockingham
119 North Road
Brentwood, NH 03833

Dear Chairman Pratt:

On behalf of Attorney General Eric Holder, it is my pleasure to inform you that the Office of Justice Programs has approved your application for funding under the FY 14 Edward Byrne Memorial Justice Assistance Grant (JAG) Program: Local in the amount of \$31,113 for County of Rockingham.

Enclosed you will find the Grant Award and Special Conditions documents. This award is subject to all administrative and financial requirements, including the timely submission of all financial and programmatic reports, resolution of all interim audit findings, and the maintenance of a minimum level of cash-on-hand. Should you not adhere to these requirements, you will be in violation of the terms of this agreement and the award will be subject to termination for cause or other administrative action as appropriate.

If you have questions regarding this award, please contact:

- Program Questions, Linda Hill-Franklin, Program Manager at (202) 514-0712; and
- Financial Questions, the Office of the Chief Financial Officer, Customer Service Center (CSC) at (800) 458-0786, or you may contact the CSC at ask.ocfo@usdoj.gov.

Congratulations, and we look forward to working with you.

Sincerely,

Denise O'Donnell

Denise O'Donnell
Director

Enclosures



Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

**GRANT MANAGER'S MEMORANDUM, PT. I:
PROJECT SUMMARY**

Grant

PROJECT NUMBER

2014-DJ-BX-0167

PAGE 1 OF 1

This project is supported under FY14(BJA - JAG) 42 USC 3750, et seq.

1. STAFF CONTACT (Name & telephone number)

Linda Hill-Franklin
(202) 514-0712

2. PROJECT DIRECTOR (Name, address & telephone number)

Darin Melanson
Major
101 North Road
Brentwood, NH 03833-6624
(603) 679-9479

3a. TITLE OF THE PROGRAM

BJA FY 14 Edward Byrne Memorial Justice Assistance Grant (JAG) Program: Local

3b. POMS CODE (SEE INSTRUCTIONS
ON REVERSE)

4. TITLE OF PROJECT

Rockingham County Law Enforcement Initiatives

5. NAME & ADDRESS OF GRANTEE

County of Rockingham
119 North Road
Brentwood, NH 03833

6. NAME & ADDRESS OF SUBGRANTEE

7. PROGRAM PERIOD

FROM: 10/01/2013 TO: 09/30/2017

8. BUDGET PERIOD

FROM: 10/01/2013 TO: 09/30/2017

9. AMOUNT OF AWARD

\$31,113

*Portsmouth: 9,653
portion*

10. DATE OF AWARD

07/28/2014

11. SECOND YEAR'S BUDGET

12. SECOND YEAR'S BUDGET AMOUNT

13. THIRD YEAR'S BUDGET PERIOD

14. THIRD YEAR'S BUDGET AMOUNT

15. SUMMARY DESCRIPTION OF PROJECT (See instruction on reverse)

The Edward Byrne Memorial Justice Assistance Grant Program (JAG) allows states and units of local government, including tribes, to support a broad range of activities to prevent and control crime based on their own state and local needs and conditions. Grant funds can be used for state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, and information systems for criminal justice, including for any one or more of the following program areas: 1) law enforcement programs; 2) prosecution and court programs; 3) prevention and education programs; 4) corrections and community corrections programs; 5) drug treatment and enforcement programs; 6) planning, evaluation, and technology improvement programs; and 7) crime victim and witness programs (other than compensation).

The disparate jurisdictions will use awarded grant funds to purchase equipment, supplies, and pay for officer overtime for public safety efforts. NCA/NCF

Rockingham County Sheriff's Department
Inter-Departmental Communication

TO: Commissioner Tombarello
Commissioner Pratt
Commissioner Coyle

FROM: Sheriff Michael W. Downing
D. Melanson MAJOR FOR THE HIGH SHERIFF

SUBJECT: Public Hearing: 2014 JAG Application: #2014-H1570-NH-DJ

DATE: May 29, 2014

PROGRAM NARRATIVE

The 2014 Edward Byrne Memorial Justice Assistance Grant (JAG) funds (CFDA #16.738) for Rockingham County are \$31,113. The County of Rockingham did not submit the level of violent crime data to qualify for a direct award from BJA, but is in the disparate category. The JAG legislation requires that Rockingham County remain a partner with local jurisdictions receiving funds. This joint application includes two local jurisdictions: Derry and Portsmouth, New Hampshire. Authorized representatives have agreed to a 5% grant administrative fee. Rockingham County is the administrator for the 2014 JAG grant. Each entity will be allocated the following:

Programs:

Town of Derry: \$ 19,905
→ City of Portsmouth: \$ 9,653 ✓
\$ 29,558

Administration Fee:

Rockingham County: \$ 1,555

Total: \$ 31,113

As previously stated, Rockingham County, through its Board of Commissioners, has agreed to act as the Fiscal Agent for the purposes of the 2014 JAG process and Major Darin Melanson of Rockingham County Sheriff's Office will complete the on-line grant application and perform all administrative duties throughout the grant period of 10/01/2013 through 09/30/2017. ***The grant application is due by 8:00 p.m. (Eastern Time) on June 10, 2014.***

The Edward Byrne Memorial Justice Assistance Grant (JAG) funds will be utilized to support a broad range of activities to prevent and control crime and enhance officer safety. The two units of local government in the jurisdiction will utilize the funds for local initiatives that include purchasing equipment/supplies and designing a Drug Interdiction Team within the purpose area of Law Enforcement Programs.

Edward Byrne Memorial Justice Assistance Grant
Grant Application Number: 2014-H1570-NH-DJ
Rockingham County, New Hampshire

ABSTRACT

Applicant Name: Rockingham County, New Hampshire
Title of Project: 2014 Rockingham County Law Enforcement Initiatives

Project Goals:

Derry/Project #1): 2014 NH Justice Assistance Grant (JAG) - The goal of the project is to update and replace existing worn and outdated cruiser video equipment, evidence processing equipment, and illumination devices in each our fleet of patrol vehicles. Additionally, we have goal of providing new tactical equipment to each officer consisting a tactical illumination devices, and the holsters to accommodate the newly issued equipment.

⇒ Portsmouth/Project #1): Drug Interdiction Team
To widen the enforcement capabilities of the department to combat drug sales/use in the city

Strategies Description:

Derry/Project #1: Provide the department with assets that will benefit the daily operation of the police department, provide our officers with the latest technological advances in illumination devices. Provide our detectives with a valuable investigative tool.

Portsmouth/Project #1: Establish a Drug Interdiction Team and through approximately 11 operations during the course of the grant, train patrol officers in drug activity and enforcement.

Project Identifiers:

Derry: Equipment --General, Tactical, Video/Audio Recording

Portsmouth: Community Policing, Crime Prevention, Drug Offenders, Drugs

CONTRACTUAL AGREEMENT FOR HIGHWAY SAFETY PROJECT GRANT

For HSA Use Only

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

Date Received	Project Number
September 4, 2014	#315-15A-018
Date Approved	PSP and Task #
September 10, 2014	15-03, 4

Part I

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

3. Applicant	
<p>A. Name of Agency and Address</p> <p>Portsmouth Police Department 3 Junkins Avenue Portsmouth, NH 03801</p>	<p>B. Government Unit (Check One)</p> <p><input type="checkbox"/> State</p> <p><input checked="" type="checkbox"/> City/Town</p> <p><input type="checkbox"/> County</p> <p><input type="checkbox"/> Other (specify):</p>
<p>4. Contract Duration</p> <p>Contract Period</p> <p style="margin-left: 40px;">Start Date: October 1, 2014</p> <p style="margin-left: 40px;">Termination Date: September 30, 2015</p>	<p>5. Functional Area SC – Speed Control</p> <p>CFDA# 20.600</p> <p>Program Title State & Community Highway Safety</p> <p>Funding Source National Highway Traffic Safety Administration</p>

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

BUDGET AND PERSONNEL DATA		
Personnel Services Overtime "Operation Safe Commute" Patrols	\$4,680.00	\$6,084.00
Salary: 3 hours/patrol x 1 officer x 2 patrols/day x 12 patrol days x \$65.00/hour	1,404.00	
Payroll-related Deductions: \$ 4,680.00 x 30 percent		
*See Proposed Solution (page 2) for exact patrol dates & explanation of pay rates		
Total		\$6,084.00

Part II

7. Acceptance of Conditions. It is understood and agreed by the undersigned that a grant received as a result of this contract is subject to the regulations governing grants which have been furnished (or will be furnished upon request) to the applicant.

A. Project Director		
1) Name Stephen J. Dubois	2) Title Chief, Portsmouth Police Department	3) Address 3 Junkins Avenue Portsmouth, NH 03801
4) Signature X		5) Telephone Number 427-7572
B. Authorized Official		
1) Name John Bohenko	2) Title Portsmouth City Manager	3) Address One Junkins Avenue Portsmouth, NH 03801
4) Signature X		5) Telephone Number 610-7201

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, Article II, Section 7.213 – **FEES AND TERMS FOR MEDALLIONS/LICENSES** of the Ordinances of the City of Portsmouth which shall read as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

Section 7.213: FEES AND TERMS FOR MEDALLIONS/LICENSES

- D. The fee for restoration of any medallion that has been ~~revoked~~ **suspended** shall be one hundred dollars (\$100.00), except that when the ~~revocation~~ **suspension** is due to failure to meet vehicle inspection requirements, no fee shall be due if the vehicle is repaired to the satisfaction of the taxi inspector within ~~24 hours of the revocation~~ **1 business day after suspension**. (Adopted this item (D) 7/19/99; amended 04/21/08).

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

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

City of
Portsmouth
Department of Public Works



MEMORANDUM

TO: John P. Bohenko, City Manager
FROM: Tom Richter, Engineering Technician
DATE: July 24, 2014
SUBJECT: PSNH License Agreement 63-0581

I have reviewed the pole location information provided by PSNH for Petition and Pole License 63-0581.

This request is to license 2 poles on Woodbury Avenue.

The installation of these poles poses no impact to existing City infrastructure. The Public Works Department recommends approval of this license.

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

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

A handwritten signature in black ink, appearing to be "PR", is written over the "cc:" line.



**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 21, 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 three copies of PSNH Petition and Pole License number 63-0581 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

Manchester, New Hampshire

July 14, 2014

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

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

License two (2) pole(s), 177/15PB, 177/6S located on Woodbury Avenue in the City of Portsmouth.

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

PUBLIC SERVICE OF NEW HAMPSHIRE

BY: Jaye Ply

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 14th day of July, 2014, that, PUBLIC SERVICE OF NEW HAMPSHIRE and Northern New England Telephone Operations LLC d/b/a FairPoint Communications-NNE be and hereby are granted a license to erect and maintain poles and structures, with wires, cables, conduits and devices thereon, together with sustaining, strengthening and protecting fixtures, in the public ways covered by said petition. All of said wires, except such as are vertically attached to poles and structures, shall be placed in accordance with the National Electrical Safety Code in effect at the time of petition and/or license is granted.

The approximate location of the poles and structures shall be shown on plan marked *PUBLIC SERVICE OF NEW HAMPSHIRE and Northern New England Telephone Operations LLC d/b/a FairPoint Communications-NNE No. 63-0581, dated 6/2/2014, attached hereto and made a part hereof.

City of Portsmouth, New Hampshire

BY: _____

BY: _____

BY: _____

BY: _____

BY: _____

BY: _____

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

Date: _____

ATTEST: _____

Town Clerk

POLE LOCATION PLAN

PUBLIC SERVICE OF NEW HAMPSHIRE and

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

DATE 06/02/2014

LICENSE NO. 63-0581

MUNICIPALITY: Portsmouth

STATE HWY. DIV. NO. 6

STREET / ROAD: Woodbury Avenue

STATE LICENSE NO. _____

PSNH OFFICE: Portsmouth

WORK REQUEST# 2253641

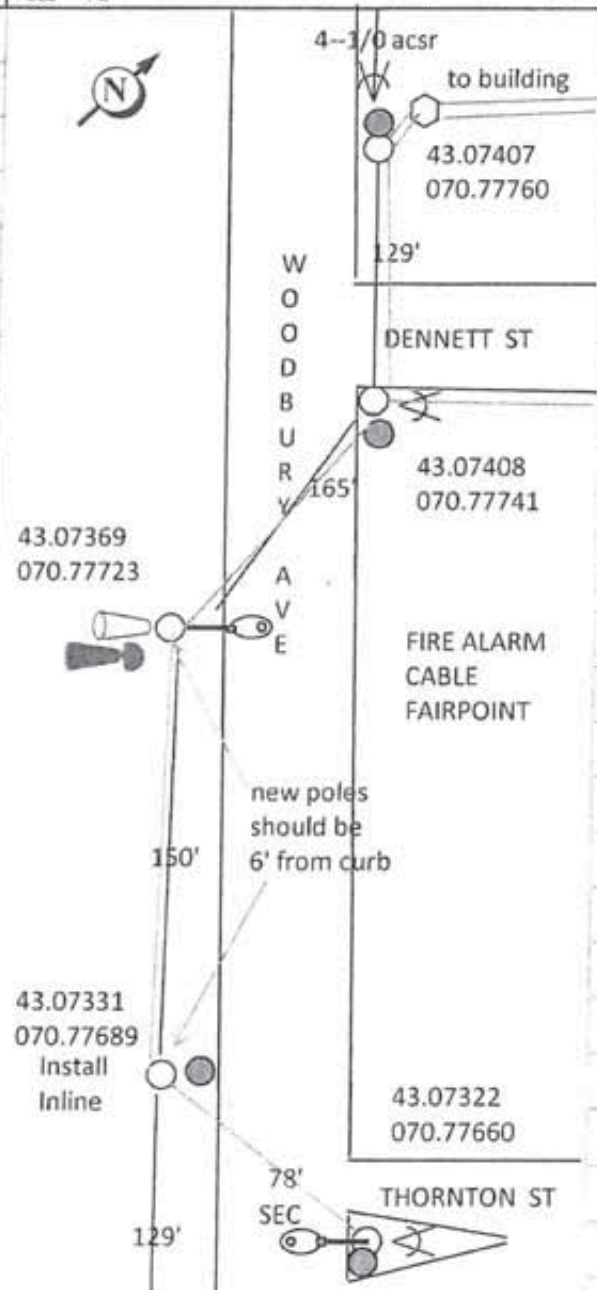
PSNH ENGINEER: Sonny Lemire

WORK FINANCIAL # 9P420004

TELCO ENGINEER: Joe Considine

TELCO PROJECT # _____

Pole Numbers		Pole Sz-CI	Eq BH	INSTALL POLE	REMOVE PB	REF	100% LTS	J/O	100% TEL	Span	DIST FROM	Remarks	DOC REQ
LTS	TEL												
		2002										Long lead H/A for HX	
<u>177</u>	<u>88</u>	45										Meter feeding blinking light @ this pole	
<u>17</u>	<u>15</u>	50'2	Y									Repl pole, D.D.E HX w/open wire, xfer 2 urd risers, inst H/H, convert 75 KVA XFMR Rem. Xarm,3-c/o's, polymers D.D.E 1/0 tpx/ neut to P18	S/R
<u>177</u>	<u>88</u>	50'1	Y									Rem 6 ins, 2-8pin AA, & 2 8pin xarms	
<u>16</u>	<u>14</u>	45'										Repl pole, D.E. 477 acsr from 165/32, inst EXT BRKT for HX, Inst C/O's w/ solid doors Inst side anc	S/R
		2002											
		1968											
<u>177</u>	<u>88</u>	50'2	Y									Repl pole,inst EXT BRKT & xarms for 3 ph tap & c/o's	S/R
<u>15</u>	<u>13</u>	40'3										Replace Pbrace	S/R
<u>177</u>	<u>88</u>	45'2	Y									Rem HX DE BRKT, 3 C/O'S & arresters, xfer F/L & Brkt xfer 50W S/L xfer 1 svc & repl 1 svc 90' remove 3 6pins & 3 c C/O's Pri is D.D.E on upper arms	
<u>15PB</u>	<u>13PB</u>	35'											
		1968											
		1937											
<u>177</u>	<u>88</u>	35										Repl pole, xfer & ins TAN BRKT, xfer 1 oh svc	S/R
<u>14</u>	<u>12</u>	50'2	Y										
<u>186</u>	<u>124/17</u>	40'2	Y									Repl pole, set deep & raked to field, install anchor xfer S/L	S/R
<u>22</u>	<u>177/14A</u>	35											
		2008											



POLE LOCATION PLAN

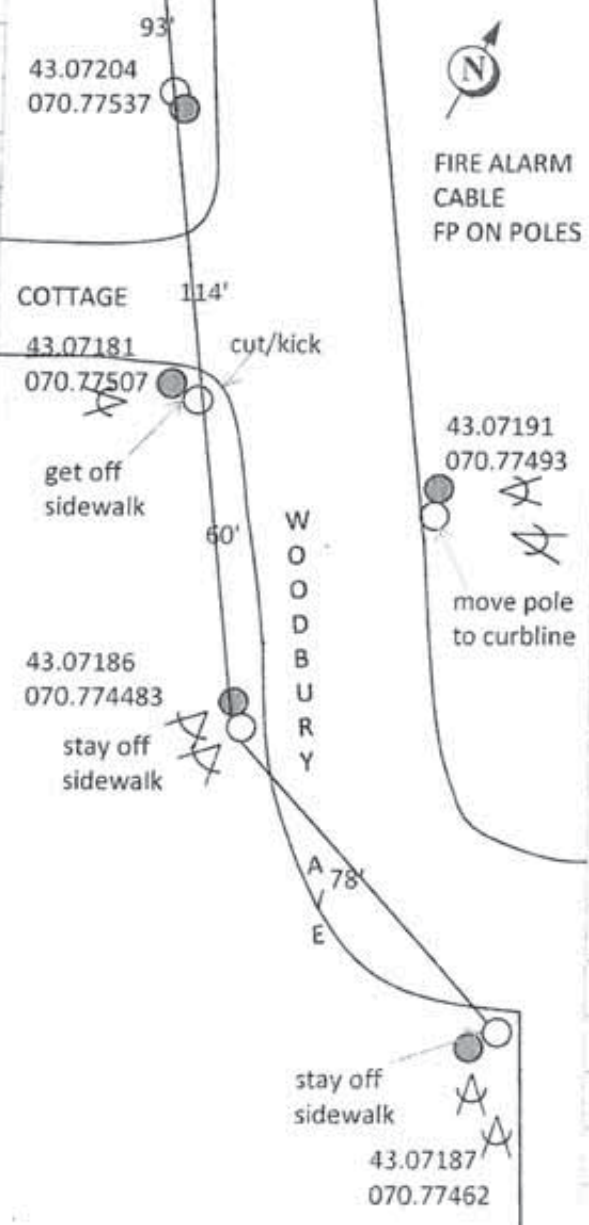
PUBLIC SERVICE OF NEW HAMPSHIRE and

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

DATE 06/02/2014
 MUNICIPALITY: Portsmouth
 STREET / ROAD: Woodbury Avenue
 PSNH OFFICE: Portsmouth
 PSNH ENGINEER: Sonny Lemire
 TELCO ENGINEER: Joe Considine

LICENSE NO. 63-0581
 STATE HWY. DIV. NO. 6
 STATE LICENSE NO. _____
 WORK REQUEST# 2253641
 WORK FINANCIAL # 9P420004
 TELCO PROJECT # _____

Pole Numbers		Pole Sz-CI	Eq BH	INSTALL POLE PB	REMOVE	REF	100% LTS	NO	100% TEL	Span	DIST FROM	Remarks	OCC REQ
LTS	TEL												
<u>177</u> 7	<u>88</u> 7	50'2 35'	Y									Rem 6 pin & 3 insulators Repl pole, Inst EXT BRKT & rem. 3 wire rack, repl (3) svcs, 1-90', 2-60', inst 4/0 tpx sec	S/R
		1949											
<u>177</u> 6	<u>88</u> 6	40 50'1	Y									rem. 4 6 pins, 6 discs on upper 3 discs on feeder tap, rem 2 3 wire racks Install anc & sdwk attachment Replace pole, Inst EXT BRKT Inst xarms for 3 ph ta & inst c/o's w/solid doors for open point	S/R
		1956											
<u>177</u> 6S	<u>88</u> 6S	30 40'2	Y									Replace stub pole & anc	S/R
		1987										Install Sidewalk attachment	
<u>177</u> 5	<u>88</u> 5	35' 50'2	Y									Repl pole/anc, Inst Ext Brkt rem 2 6pins & 6 insulators, rem 4 pin, w ins for sec Replace 25 kva xfmr feeds to P7	S/R
		1946											
<u>177</u> 4	<u>88</u> 4	50'2 35'	Y									Repl pole, will need to release Comcast/Baying cables to set new pole & anchor xfer 1 svc 10' sdwk attachment Rem 2 6pins & 6 ins. 3 wire rack, xfer 70W S/L inst 78" strain & xfer guyspan	S/R
		1951											



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:





City of
Portsmouth
Department of Public Works



MEMORANDUM

TO: John P. Bohenko, City Manager
FROM: Tom Richter, Engineering Technician
DATE: September 25, 2014
SUBJECT: PSNH License Agreement 63-0584

I have reviewed the pole location information provided by PSNH for Petition and Pole License 63-0584.

This request is to license 2 poles located on Clinton Street and Thornton/Ruth Street. This work is to upgrade old poles in the area. These two poles did not have existing licenses and PSNH is requesting licenses with this petition.

The installation of these two poles pose no impact to existing City infrastructure. The Public Works Department recommends approval of this license.

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

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

PETITION AND POLE LICENSE

PETITION

Manchester, New Hampshire

August 18, 2014

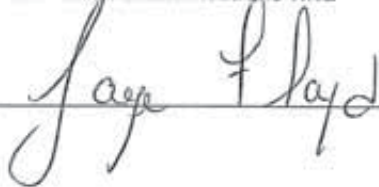
To the City Council of the City of Portsmouth New Hampshire.

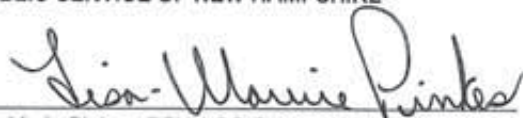
PUBLIC SERVICE OF NEW HAMPSHIRE and Northern New England Telephone Operations LLC d/b/a FairPoint Communications-NNE, request a license to install and maintain underground conduits, cable and wires, and maintain poles and structures with wires, cables, conduits and devices thereon, together with such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

License two (2) pole(s), 180/9, 186/5C located on Clinton/Thornton Streets in the City of Portsmouth.

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

PUBLIC SERVICE OF NEW HAMPSHIRE

BY: 

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

LICENSE

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

ORDERED

This 18th day of August, 2014, that, PUBLIC SERVICE OF NEW HAMPSHIRE and Northern New England Telephone Operations LLC d/b/a FairPoint Communications-NNE be and hereby are granted a license to erect and maintain poles and structures, with wires, cables, conduits and devices thereon, together with sustaining, strengthening and protecting fixtures, in the public ways covered by said petition. All of said wires, except such as are vertically attached to poles and structures, shall be placed in accordance with the National Electrical Safety Code in effect at the time of petition and/or license is granted.

The approximate location of the poles and structures shall be shown on plan marked "PUBLIC SERVICE OF NEW HAMPSHIRE and Northern New England Telephone Operations LLC d/b/a FairPoint Communications-NNE No. 63-0584, dated 8/18/2014, attached hereto and made a part hereof.

City of Portsmouth, New Hampshire

BY: _____

BY: _____

BY: _____

BY: _____

BY: _____

BY: _____

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

Date: _____

ATTEST: _____

Town Clerk

POLE LOCATION PLAN

PUBLIC SERVICE OF NEW HAMPSHIRE and

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

DATE 08/18/2014

LICENSE NO. 63-0584

MUNICIPALITY: Portsmouth

STATE HWY. DIV. NO. 6

STREET / ROAD: Clinton/Thornton Streets

STATE LICENSE NO. _____

PSNH OFFICE: Portsmouth
 PSNH ENGINEER: Sonny Lemire

WORK REQUEST# 2277343
 WORK FINANCIAL # 9P420037

TELCO ENGINEER: Joe Considine

TELCO PROJECT # _____

Pole Numbers		Pole Sz-CI	Eq BH	INSTALL POLE PB	REMOVE	REF	100% LTS	J/O	100% TEL	Span	DIST. FROM	Remarks	DOC REQ
LTS	TEL												
BARTLETT ST													
<u>176</u> 11		45'2"										Existing pole	
<u>180</u> 11	<u>87</u> 2	35' 40'2"	Y									Replace pole, set deep & raked to road, repl 37 kva xfmr w/ 50KVA & 10T, xfer F/L & xfer 2 svcs	S/R
<u>180</u> 10	<u>87</u> 2	40'2" 35' 1943	Y									Repl pole, xfer oh lines, xfer S/L, XFER 4 SVCS	S/R
<u>180</u> 9	<u>87</u> 3	40'2" 35'	Y									Repl pole, xfer pri, d.d.e tpx & neut. Xfer 2" urd svc, xfer 1 oh svc, xfer pallight, need std off brkts & 2" clips remove 25 kva xfmr	S/R
<u>180</u> 8	<u>87</u> 4	1981 35' 40'2"	Y									repl. Pole, xfer oh lines, inst 25 kva xfmr, fuse @ 6T, xfr 50W S/L, XFER 1 SVC	S/R
<u>180</u> 7	<u>87</u> 5	1981 35' 40'2"	Y									Repl pole, xfer oh lines, inst 25 kva fuse @ 6T, xfer urd svc & 1 oh svc	S/R
<u>180</u> 6	<u>87</u> 6	40' 1981										Replace discs w/ polymer remove 25 kva xfmr	

CLINTON ST

7/16" GUY SPAN FROM P176/11

CUT/KICK?

POLE LOCATION PLAN

PUBLIC SERVICE OF NEW HAMPSHIRE and
Northern New England Telephone Operations LLC d/b/a FairPoint Communications-NNE

DATE 08/18/2014

LICENSE NO. 63-0584

MUNICIPALITY: Portsmouth

STATE HWY. DIV. NO. 6

STREET / ROAD: Clinton/Thornton Streets

STATE LICENSE NO. _____

PSNH OFFICE: Portsmouth

WORK REQUEST# 2277343

PSNH ENGINEER: Sonny Lemire

WORK FINANCIAL # 9P420037

TELCO ENGINEER: Joe Considine

TELCO PROJECT # _____

Pole Numbers		Pole Sz-CI	Eq BH	INSTALL POLE	REMOVE PB	REF	100% LTS	J/O	100% TEL	Span	DIST. FROM	Remarks	OOC REQ
LTS	TEL												
SPARHAWK													
<u>186</u> 7	<u>124</u> 5	40'2 35'	Y									Rpl. Pole/anc, Inst brkt, c/o 6T fuse, xfer oh lines & S/L	S/R
												43.07631 070.77249	
<u>186</u> 6	<u>124</u> 4	35' 40'2	Y									Rpl pole,xfer pri/neut-sec, rpl 3 svcs-2-30', 1-60'	S/R
												43.07658 070.77226	
<u>186</u> 5	<u>124</u> 3	35' 40'2	Y									Repl pole,set deep & raked to field, xfer oh lines install 7.2kv 50 kva xfmr w/ 10T fuse,xfer S/L	S/R
												43.07670 070.77213	
<u>186</u> 4	<u>1240</u> 1	35'										Restencil pole, 186/4	
MONTEITH													
<u>186</u> 5A	<u>124</u> 4	40'										Existing pole remove 37 kva xfmr	
<u>186</u> 5B	<u>124</u> 1	35'										Existing pole, replace ins	
RUTH ST													
<u>186</u> 5C	<u>124</u> 5	35 40'2	Y									Repl pole & 2 ancs, Inst brkt, polymer, C/O, 6T, convert 25 kva xfmr, xfer 2 urd svcs	S/R
												43.07746 070.77107	

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:



63 Clinton St

63 Clinton St

Portsmouth, New Hampshire

Street View - Sep 2011



September 24, 2014

Mayor Robert Lister &
City Council Members
1 Junkins Avenue
Portsmouth, NH 03801

Dear Mayor Lister and City Council Members,

I am writing today on behalf of the St. Patrick School, located at 125 Austin Street, Portsmouth. The community of St. Patrick School would like to host its second annual 5k Road Race Saturday March 14th 2015 at 10:30 am and are seeking the City's approval at your next meeting held October 6th, 2014. We would like to have the same route we had last year, which started at Peirce Island and ended in front of Strawberry Banke on Marcy Street.

Thank you in advance for your consideration and I look forward to hearing from you soon. I can be reached via email at mcfarland@rmdavis.com or by phone at 603.498.5778.


Kind regards,



Matthew A. McFarland
Advisory Board Member at Saint Patrick School

**CITY OF PORTSMOUTH
PORTSMOUTH, NH 03801**

Office of the City Manager

Date: October 2, 2014
To: Honorable Mayor Robert J. Lister and City Council Members
From: John P. Bohenko, City Manager 
Re: City Manager's Comments on October 6, 2014 City Council Agenda

6:00 p.m. - *Nonpublic session in accordance with RSA 91-A:3,II (a) and (c) regarding personnel.*

Immediately following Nonpublic Session, there will be a non-meeting with counsel in accordance with RSA 91-A:2,I (a) regarding collective bargaining negotiations.

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

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

2. **Acceptance of Grant for State Declared Infrastructure Funds.** The Madbury Water Treatment Plant has been identified as one of New Hampshire's key resources by the Critical Infrastructure Protection Program.

This program is designed to reduce the vulnerability of Critical Infrastructure or Key Resource sites in NH by extending the protected area around a site into the surrounding community and supporting prevention efforts.

This grant will allow the City to better safeguard the water reservoir by extending the fencing at the property in Madbury thereby protecting the water supply.

A grant in the amount of \$12,500.00 from the Department of Safety has been applied for and is available to the City to assist in managing the cost of the fencing. This grant would supplement the City funds proposed in the FY '15 budget ([see attached](#)).

I would recommend the City Council move to accept and expend a \$12,500.00 Department of Safety grant for the purpose of protecting the water resource at the Madbury Water Treatment Plant 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.

3. **Acceptance of Police Department Grants and Donation.** Attached [under Section VIII of the Agenda is a memorandum](#), dated September 17, 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 grants and donation:

- a) A donation in support of the Police Department's planned public service announcements addressing the opiate problems in our community. The donation was received from the Amos and Boris Fund in the amount of \$1,000. The Amos and Boris Fund is under the aegis of Ellen and Ed Frechette.
- b) A JAG grant in the amount of \$9,653 has been received from the Dept. of Justice to provide funding to combat drug sales/use in the city. The \$9,653 is the city's portion of the \$31,113 total grant awarded to Rockingham County.
- c) A grant in the amount of \$6,084 has been received from NH Highway Safety for "Operation Safe Commute" patrols.

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

Items Which Require Action Under Other Sections of the Agenda:

1. First Reading of Proposed Resolutions and Ordinances:

- 1.1 **First Reading of Proposed Ordinance amending Chapter 7, Article II, Section 7.213 – Fees and Terms for Medallions/Licenses.** Attached under Section IX of the Agenda, is a proposed Ordinance amending Chapter 7, Article II, Section IX of the Agenda, which has been requested by the Taxi Commission. The proposed Ordinance, which was drafted by the Taxi Commission itself appears to eliminate the fee for restoration of a taxi medallion which has been revoked and replaces it with the fee for restoration of medallions which have been suspended. However, even the suspension fee would not be due when the suspension is due to failure to meet a vehicle inspection and the vehicle is repaired within one business day after the suspension.

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 20, 2014 City Council meeting, as presented. Action on this matter should take place under Section IX of the Agenda.

2. Third and Final Reading of Proposed Ordinances:

- 2.1 **Third and Final 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 September 22nd City Council meeting, under Section IX of the Agenda, I am bringing back for third and final reading the attached proposed Ordinance Amendment to Chapter 7, Article 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 third and final reading on the proposed Ordinance amendment, as presented. Action on this item should take place under Section IX of the Agenda.

Consent Agenda:

1. **Acceptance of Donation to Art-Speak.** Art-Speak has received the following donation and Art-Speak requests that the City Council accept the following donations on behalf of Art-Speak for their Annual Appeal:

➤ Harborside Associates, LP \$500.00

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

2. **Acceptance of Donations to the Coalition Legal Fund.** The City of Portsmouth has received a donation from the Town of Rye in the amount of \$5,000.00 to the Coalition Legal Fund, which will be utilized to continue our fight to eliminate the statewide property tax.

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

City Manager's Items Which Require Action:

1. **Request for Approval of Agreement Between the Trustees of the Trust Funds of the City of Portsmouth and The Gundalow Company.** [Attached is an Agreement between the Trustees of the Trust Funds of the City of Portsmouth and The Gundalow Company](#) for City Council review and action.

I would recommend the City Council move to approve the Agreement between the Trustees of the Trust Funds of the City of Portsmouth and The Gundalow Company, and further, authorize the City Manager to execute the document.

2. **Request for Approval of Amendment to Wright Avenue LLC License Agreement.** Wright Avenue, LLC ("Owner") requests an Amendment to the License Agreement for Wright Avenue, LLC dated March 11, 2014 and approved by vote of the City Council on February 18, 2014. [Attached is a letter from Stephen Kelm of Wright Avenue LLC.](#)

The [attached Amendment](#) extends the term of the [attached License Agreement](#) to reflect the current construction schedule and further clarifies the Owner's responsibility to construct, repair and restore the licensed areas after completion of construction.

I would recommend the City Council move to authorize the City Manager to negotiate and enter into an Amendment to the License Agreement for Wright Avenue, LLC dated March 11, 2014 and approved by vote of the City Council on February 18, 2014.

3. **Request for Continuous Concrete Sidewalks on Union Street from Middle Street to Lincoln Avenue.** Attached please find a petition to the City of Portsmouth which staff received on August 18, 2014 from residents on Union Street between Middle Street and Lincoln Avenue. The petition requests concrete sidewalks be installed continuous through driveway aprons. The Department of Public Works current practice is and has historically been to install concrete sidewalks up to either side of a driveway apron and leave the driveway apron continuous asphalt. This practice was selected for ease of maintenance as asphalt is a more forgiving material for a driveway, and to establish consistency throughout the City where applicable (e.g. outside historic districts).

For the reconstruction of the Lincoln Area (5 total construction contracts), approximately 6 miles of new sidewalk and driveway aprons were installed to date. With little exception, the Department's current practice has been followed in that concrete sidewalks were installed up to either side of a driveway apron with continuous asphalt driveway aprons. The exceptions included installation of brick sidewalks with asphalt driveway aprons in the historic district areas and also continuous concrete on Richards Avenue from South Street to Lincoln Avenue to meet historic conditions.

I, along with City Staff, am requesting guidance from the City Council on this requested change from current practice. The options to address this petition include the following:

1. Continue with current practice of constructing concrete sidewalks and asphalt driveway aprons in accordance with the Department's current practice at no additional cost to the project, or,
2. Adopt a new policy for City sidewalk projects which would construct continuous concrete sidewalks through driveway aprons at a 15% to 20% increase in sidewalk construction costs. The cost impact for this work on Union Street, between Middle Street and Lincoln Avenue is approximately \$6,500. If this change were applied to the entire project the projected cost impact would be up to \$42,000. If this were applied to the entire City the cost impact to the bi-annually sidewalk budget would be up to \$160,000.

City staff will be available to discuss the proposed change at Monday's City Council meeting. In the meantime the contractor in this area is installing concrete sidewalks between the driveway aprons only and will install binder pavement in driveways to allow resident access to their homes until a final sidewalk policy is decided on.

I am requesting that the City Council give me direction regarding this matter.

Informational Items:

1. **Events Listing.** For your information, [attached is a copy of the Events Listing](#) updated after the last City Council meeting on September 22, 2014. In addition, this can be found on the City's website.
2. **Report Back Re: Sunday Free Parking Commencing on November 1, 2014 for 20 Sundays.** As requested by Councilor Kennedy, I am reporting back on Sunday free parking commencing on November 1, 2014 for 20 Sundays. For your information, [attached is a spreadsheet](#) that indicates the estimated loss of parking revenue for free Sunday parking. The estimated cost for 20 weeks totals \$261,593 and the estimated cost for 16 weeks totals \$203,200.
3. **Estimated Annualized Operating Costs for Downtown Parking Shuttle.** For your information, [attached is a memorandum from Juliet Walker, Transportation Planner](#), regarding estimated annualized operating costs for the Downtown Parking Shuttle.
4. **Report Back on Commercial Alley Lighting Request.** In response to the City Council referral on the request from Commercial Alley property owners and tenants for "coordinated lighting of the full length of Commercial Alley consistent with the historic nature of Portsmouth", City staff has considered the existing public and private lighting in the Alley and proposes to meet with the stakeholders and propose the following actions:
 - At the Market Street end of the Alley where there is currently no wall-mounted lights, City proposes to enter into an agreement with the building owners of 41 Market St. (Kennedy Gallery) and 31 Market St. (I like That/Commercial Alley Brews) for City to run conduit on the edge of the buildings and purchase and install 2-3 small versions of the Portsmouth streetlight.
 - Where there is existing private lighting infrastructure, enter into an agreement with the building owner for the City to buy and install LED light bulbs with the owners/tenants paying the ongoing electric costs.
 - On the existing PSNH utility pole @ Cava restaurant, City will work with PSNH to purchase and install two smaller, historic, pedestrian-scale lights.
 - DPW estimated cost for lights, bulbs, electrical work is \$10,000-\$12,000.

5. **Letters and Article Re: Federal Aviation Administration and Helicopter Noise.** For your information, [David Mullen, Executive Director, Pease Development Authority, \(PDA\)](#) has provided the following documents regarding a request from the City for a meeting with the Federal Aviation Administration (FAA) to discuss helicopter noise:
 - 1) Letter from David Mullen, Executive Director, PDA, dated August 28, 2014, to FAA requesting a meeting.
 - 2) Letter from Amy L. Corbett, Regional Administrator, FAA, dated September 22, 2014 to the PDA declining the invitation to attend a meeting.
 - 3) Copy of Seacoastonline Article, dated September 29, 2014, “FAA Explains Why It Won’t Meet With The City”.
 - 4) Letter from David Mullen, Executive Director, PDA, dated September 29, 2014 to Senator Jeanne Shaheen, Senator Kelly Ayotte, and Representative Carol Shea-Porter requesting that the FAA come out for a meeting.

6. **Update Re: Memorandum of Agreement with Air Force regarding Haven Well.** For your information, [attached is a memorandum](#) from Suzanne Woodland, Deputy City Attorney and Brian Goetz, Deputy Director of Public Works with the Air Force regarding Haven Well.

7. **Report Back Re: Abandoned or Derelict Buildings.** As you will recall, at the March 17, 2014 City Council meeting, Councilor Splaine requested a report regarding abandoned or derelict buildings. For your information, [attached is a memorandum](#) from City Attorney Robert Sullivan, regarding this matter.

8. **Household Hazardous Waste Day.** For your information, Household Hazardous Waste Day is scheduled for Saturday, October 25, 2014 from 8:00 a.m. – Noon. Residents of Portsmouth, Greenland and Newington may bring their household hazardous waste to the Department of Public Works facility at 680 Peverly Hill Road, Portsmouth. Please note that Proof of Residency Required. There is more information on the City’s Website at <http://cityofportsmouth.com/publicworks/solidwaste-recycle-hhw.htm>.

9. **News Release Re: Public Meeting on Atlantic Heights Emergency Access.** [Attached for your information is a news release](#) regarding a public meeting on the Atlantic Heights Emergency Access.

**AGREEMENT BETWEEN THE TRUSTEES OF TRUST FUNDS
OF THE CITY OF PORTSMOUTH AND THE GUNDALOW COMPANY**

This Agreement is entered into between the Trustees of Trust Funds (hereinafter "Trustees") for the City of Portsmouth (hereinafter "City"), with a principal place of business at Water Street, Portsmouth, NH and a mailing address at P.O. Box 1103, Portsmouth, NH 03802-1103 and The Gundalow Company, a non-profit IRC Section 501(c)(3) corporation (hereinafter "Company") with a principal place of business at 60 Marcy Street, Portsmouth NH 03801 under the terms and conditions described below.

WHEREAS, the Trustees, operating under the authority of the Portsmouth City Council, administer the operation of Prescott Park (hereinafter "the Park") located on Marcy Street in the City of Portsmouth; and

WHEREAS, the Company exists to protect the maritime heritage and environment of the Piscataqua River region through education and programming, which includes the ownership and operation of two (2) so-called non-commercial gundalow boats identified as the Piscataqua and the Adams; and

WHEREAS, the Company desires to operate the Piscataqua and the Adams for educational and programming purposes, as non-commercial vessels, from Prescott Park and the Trustees desire to facilitate that purpose.

NOW THEN, the Trustees and the Company agree as follows:

DOCKAGE

1. During the term of this Agreement Company may dock the Piscataqua and the Adams at designated facilities in Prescott Park. The Adams shall be docked in the so-called quay area and the Piscataqua shall be docked at the existing so-called Sheafe dock owned by the City of Portsmouth and located adjacent to the Sheafe Warehouse.
2. At the option of the Company the Adams may be utilized as the public boarding platform/ docking float at the foot of the ramp of the Sheafe dock in replacement of the float which exists on the date that this agreement is executed. In the event that the Company chooses to take that action, the following shall apply:
 - a. All costs shall be borne by the Company;
 - b. All necessary federal, state and local permitting shall be the complete responsibility of the Company; and
 - c. The disposal of the existing floating dock which is replaced by the Adams shall be the responsibility of the Company and shall be completed either before or simultaneously with the commencement of the use of the Adams as a float.

3. Company uses a small work boat and may continue to keep it tied up at the docking float. No other docking of vessels of any kind is authorized by this agreement.

ANNUAL LICENSE FEE

4. The Company shall pay an annual license fee to the Trustees of Trust Funds on or before July 15th of any year in which this Agreement is in effect in the single lump sum amount of \$ _____¹ (see footnote below).

USE OF DOCK AND QUAY

5. The use of the Sheafe dock and the quay area as described above shall be for the docking of the Piscataqua and the Adams for the purposes described in this Agreement and for no other purpose. The permitted purposes are as follows:
 - a. To tie up the Piscataqua and the Adams.
 - b. To conduct educational programs onboard the Piscataqua and the Adams as approved in advance in writing by the Trustees. In furtherance of this provision the Company shall make a single written request of the Trustees prior to April 1st of any year in which this Agreement is in effect. To the extent that the Company thereafter desires to add additional educational programs, the Company shall secure written approval in advance from the Trustees.
 - c. The following activities are specifically not permitted in Prescott Park, on the ramp or float of the so-called Sheafe dock, in the quay area or onboard either the Piscataqua or the Adams.
 - i. The staging of theatrical or other events involving amplified sound or music.
 - ii. The handling of motor vehicle fuel or the refueling of any boat.
 - iii. The sale of any goods, services or tickets.
 - d. The sale, transport, use, and possession of alcoholic beverages by the Company and its passengers shall be as follows:
 - i. Alcoholic beverages may be kept onboard the Piscataqua at any time for consumption at times when the Piscataqua is not docked at the Park.

¹ License Fee is \$1.00 for the 2014 season in consideration of the \$3,500.00 cost of installation of the electrical pedestal described in item 6.

- ii. Other than as provided above, there shall be no sale, transport, use, possession or consumption of alcoholic beverages in the Park or on the dock.

ADDITIONAL SERVICES TO BE PROVIDED BY TRUSTEES

6. The Trustees shall allow the Company the reasonable use of electricity on an intermittent basis. To facilitate the safe delivery of this electricity the company shall obtain a permit and install an approved electrical "pedestal" connecting the Sheafe Warehouse to the entrance to the Sheafe dock no later than April 1, 2014. The Trustees shall bear the cost of the electricity provided to the pedestal.
7. The Trustees shall allow the Company the reasonable use of non-potable water on an intermittent basis to be provided by means of a water connection to the Sheafe Warehouse. The Trustees shall bear the cost of the water provided.

TERM

8. This Agreement becomes effective on its completed execution by the parties and shall remain in full force and effect unless otherwise terminated until November 1, 2014. At least thirty (30) days prior to November 1, 2014 the Company shall notify the Trustees in the event that it desires to continue to operate under this Agreement. On approval of the Trustees the Agreement shall thereafter be extended by terms of one (1) year commencing each November 1st and continuing until the following October 31st under the same notice provision.

INSURANCE AND FINANCES

9. Company shall maintain at all times during the term of this Agreement general liability insurance in a coverage amount of at least \$2,000,000.00 per occurrence naming the City of Portsmouth and the Trustees of Trust Funds as additional insureds, certificates indicating the existence of such insurance shall be kept on file at all times in the office of the City Attorney of the City of Portsmouth.
10. Financial Books and records of the Company shall be open for review at all times by the Trustees upon reasonable notice to the Company.
11. At any time during the term of this Agreement on request of the Trustees the Company shall provide the Trustees with a full accounting of all income and expense, including donations, sponsorships, and income of any form received by the Company for the prior calendar year.

12. On or before October 1, of every year in which this Agreement is in effect the Company shall provide the Trustees with complete annual financial statements reflecting all financial activities of the Company.

PROPERTY DAMAGE INSURANCE

13. The Trustees, through the City, shall provide property damage insurance for the Sheafe dock. The purpose of this insurance will be to protect the City/Trustees from any property damage which may be occasioned to the dock. The Company may, at its option, secure such other and further insurance as the Company deems necessary beyond those insurances required by this Agreement.

MISCELLANEOUS

14. The Company shall only conduct private parties onboard the Adams or the Piscataqua in accordance with a written private party or charter policy approved in advance in writing by the Trustees.
15. Neither this Agreement nor any of the authority granted under it shall be transferrable or assignable in any way by the Company.
16. This Agreement may be terminated by the Trustees at any time that it is determined by the Trustees in the exercise of reasonable judgment that the Company has operated in breach of its terms.
17. This Agreement describes the entire relationship between the City, the Trustees and the Company.
18. The Company shall have no authority to conduct any activity in Prescott Park not specifically authorized herein.
19. The Company understands that the Park Supervisor represents the Trustees in all matters connected with the Park and the administration of this Agreement and that he/she speaks with the authority of the Trustees on these matters. As such, the Company shall comply with all reasonable instructions of the Park Supervisor.
20. The Company agrees to comply at all times with federal, state and local law, including any ordinances adopted by the Portsmouth City Council, including the existing Park ordinance, Chapter 8, Article II.
21. The Company shall be responsible for all necessary maintenance and repair of the Sheafe dock.
22. The Company agrees to indemnify and hold harmless the City of Portsmouth, the Trustees of Trust Funds and all their respective agents

and employees from any and all liability arising in any way out of the exercise of rights granted to the Company under this Agreement.

- 23. On the termination of this Agreement at any time for any reason, the Company shall be solely responsible for immediately relocating the Piscataqua and the Adams elsewhere from Prescott Park.
- 24. The Company shall provide the Trustees with an annual inspection report detailing the seaworthiness of the Piscataqua and the Adams for the purpose of assuring that the gundalows are safe for maritime use and shall not become a burden on the Trustees by their inability to be removed from the Park.

SIGNAGE

- 25. The only signage authorized by this Agreement is that the Company may erect a sandwich board type sign not exceeding 4' in height at the entrance to the Sheafe dock.

Dated: 5/20/14

GUNDALOW COMPANY



Molly Bolster, Executive Director

Dated: 5/20/14

Jeffrey Little, President

As authorized by the Gundalow Company Board of Directors on 5/20, 2014.

Accepted by the Trustees of Trust Funds.

Dated: 7/10/2014



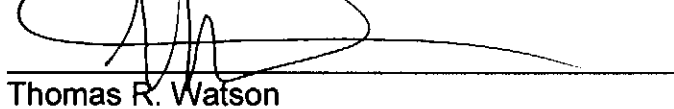
Phyllis Eldridge

Dated: 7/10/2014



Dana Levenson

Dated: 7/10/2014



Thomas R. Watson

Approved by vote of the City Council on _____, 2014.

September 29, 2014

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

Re - 77 State St.
License Agreement

Dear Mr. Bohenko:

The Wright Avenue LLC is requesting to be included on the City Council's agenda for the October 6th meeting. The construction of the new building on 77 State St has been delayed. The use of the licensed area has also been delayed. The project wants to update the License Agreement to reflect the current construction schedule.

Attached is the updated Amendment to the License Agreement. Please let me know if you have any questions.

Sincerely,



Stephen Kelm
Wright Avenue LLC

AMENDMENT TO LICENSE AGREEMENT FOR WRIGHT AVENUE, LLC

The City of Portsmouth (hereinafter "City"), a municipal corporation with a principal place of business of 1 Junkins Avenue, Portsmouth, New Hampshire 03801 and Wright Avenue, LLC, a New Hampshire Limited Liability Company (hereinafter "Licensee") with a principal place of business at 117 Bow Street, Suite A2, Portsmouth, New Hampshire, amend the Licensee Agreement For Wright Avenue LLC pursuant to the following terms and conditions:

1. Paragraph 1A: Change June 24, 2014 to May 22, 2015;
2. Paragraph 1B: Change June 24, 2014 to May 22, 2015;
3. Paragraph 3: Change June 25, 2015 to December 31, 2015 and delete "approximately 16 months from its commencement date.";
4. Paragraph 9: Delete the last sentence of paragraph 9 and insert the following:

The Licensee is solely responsible for all costs associated with constructing, repairing and restoring the sidewalks, parking areas, asphalt, curbing and landscaping in the Licensed Areas. The City will release the \$20,000 it holds in escrow to the Licensee upon completion of this work to the City's satisfaction.

All other terms and provisions of the original License attached and incorporated as Exhibit A remain in full force and effect and are not modified by this Amendment.

Dated this _____ day of _____, 2014.

City of Portsmouth

By: _____
John P. Bohenko, City Manager
Pursuant to vote of the City Council
of _____

Dated this 27th day of SEPTEMBER, 2014.

Wright Avenue, LLC

By:  _____
Stephen Kelm
Its Duly Authorized Member

EXHIBIT A

LICENSE AGREEMENT FOR WRIGHT AVENUE LLC

The **City of Portsmouth** (hereinafter "City"), a municipal corporation with a principal place of business of 1 Junkins Avenue, Portsmouth, New Hampshire 03801, for good and valuable consideration as set forth herein, hereby grants this Revocable License to **Wright Avenue, LLC**, a New Hampshire Limited Liability Company (hereinafter "Licensee") with a principal place of business at 117 Bow Street, Suite A2, Portsmouth, New Hampshire, for use in connection with the Licensee's improvements to 67, 73, 77 State Street under its approved Site Plan (hereinafter the "Project"), pursuant to the following terms and conditions:

1. **Area of License and Pedestrian Access:** The City authorizes Licensee, its successors and assigns, to utilize the sidewalks, parking spaces and City land along portions of State Street and Wright Avenue that abut 67, 73, 77 State Street (Tax Map 105 Lot 18), as shown on the Plan attached hereto as Exhibit A, titled "Redevelopment Plan Wright Avenue, LLC 67, 73, 77 State Street, City License Plan C1, Appendix G"). There will be an impact to all of the sidewalks, parking spaces and City land abutting Tax Map 105, Lot 18.

The City grants Licensee a license for four distinct License Areas as more fully described below. Each License Area differs in its use, duration and public access. In addition to the aforementioned Plan attached as Exhibit A, attached are two additional Exhibits, a Plan titled "Appendix F" depicting the relocation of the ADA parking spaces in the Wright Avenue Parking Lot as Exhibit B and an aerial photograph of the project site showing the Licensed Areas generally as Exhibit C.

A. License Area 1: License Area 1 is the sidewalk area located immediately adjacent to the subject property along the north side of State Street as depicted in the attached Plan as "License Area #1". License Area 1 will be encumbered throughout the term of this License but will be accessible to pedestrians after the erection of scaffolding on or before June 24, 2014.

B. License Area 2: License Area 2 is the sidewalk area located immediately east of License Area 1 abutting City land as depicted in the attached Plan as "License Area # 2". License Area 2 will be accessible to pedestrians on or before June 24, 2014.

C. License Area 3: License Area 3 is City property that includes City sidewalks, City land and four parking spaces in the municipal parking lot, 2 of which are ADA parking spaces as depicted in the attached Plan as "License Area # 3". License Area 3 will be used as a staging area throughout the term of this License and will not be accessible to pedestrians or vehicles until the termination of this License as provided in paragraph 3 below.

D. License Area 4: License Area 4 is three on-street parking spaces and the existing driveway entrance on State Street as depicted in the attached Plan as "License Area # 4". License Area 4 will be used for deliveries and will not be accessible to pedestrians or vehicles until the termination of this License as provided in paragraph 3 below.

2. **Use:** Licensee shall make use of the Licensed Areas for the purpose of facilitating Licensee's construction activities only and in accordance with the terms and conditions set forth herein and consistent with a Construction Management and Mitigation Plan ("CMMP") entered into between the City and Licensee.
3. **Term:** This License shall commence upon its execution and shall terminate on June 25, 2015, approximately 16 months from its commencement date. Licensee may make application to the City Manager for an additional sixty (60) days should Licensee, in spite of due diligence in the construction of the project, require additional time to complete the project. The City reserves the right to increase its License Fees if this License Agreement is extended pursuant to the terms set forth in paragraph 5 below.
4. **Notice:** The Licensee shall provide notice to the City's Director of Public Works when Licensee assumes control and use of the Licensed Areas and again when it returns the Licensed Areas to the City's control and use.
5. **License Fees:**

There shall be no payment for Licensee's use of the City sidewalks as referenced in Licensed Areas 1, 2 and 3 above.

The Licensee shall pay the City for a total of 8 parking spaces per day: the 7 parking spaces referenced in License Areas 3 and 4 plus one additional space in the municipal parking lot for the required ADA access aisle referenced in Exhibit B. The charge per parking space through the initial term of this License will be the construction permit meter bag daily fee of \$30 pursuant to Chapter 7, Article 1, Section 7.114A of the City Ordinance. The charge per parking space for any renewal or extension of this License Agreement will be \$60 per day.

The anticipated total monthly license fee for the use of the 8 spaces is approximately \$7,200 per month (8 spaces x \$30/day x 30 days). Payments shall be made on a monthly basis in advance, with the first payment to be made prior to the start of construction and subsequent payments shall be due on the first day of each successive month.

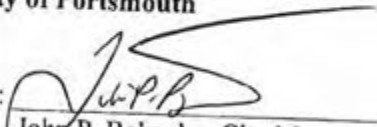
The Licensee may return all or any portion of the sidewalk or parking spaces or City land to safe and effective use by the public prior to the termination of this License. Licensee shall contact the Director of Public Works for a determination that the Licensed Area has been returned to safe and effective use. Licensee may terminate this License prior to the end of the term. Failure to remove all vehicles, barriers, materials and equipment and return the Licensed Areas to the City of Portsmouth in the manner prescribed under this License by the end of the term

may result in enforcement action by the City. It is in the City's interest that the License Areas be returned to the public use as soon as possible.

6. **Indemnification**: Licensee agrees to indemnify and hold harmless the City of Portsmouth for any and all property damage, bodily injury or personal injury that arises as a result of its utilization of the Licensed Area. This obligation survives termination or revocation of this Agreement.
7. **Insurance**: At all times the Licensee shall maintain insurance for bodily injury and property damage in the amount of at least \$1,000,000 per occurrence. Licensee shall maintain a certificate of insurance on file with the City's Legal Department during the term of this Agreement.
8. **Maintenance of Area**: During the term of this Agreement, Licensee will maintain the Licensed Area in neat and orderly fashion and in accord with the CMMP. The Licensee shall secure the perimeter of the Licensed Area in accordance with its approved CMMP.
9. **Damage**: To the extent improvements to the public ways within the Licensed Area are not already described in the approved site plan, Licensee agrees to take reasonable steps to remedy any damage to the Licensed Area caused by the Licensee's activities. Licensee has entered into a Letter of Agreement with the City attached hereto as Exhibit D, whereby Licensee has deposited Twenty Thousand Dollars (\$20,000.00) in an escrow account for the City to apply to the repair and restoration of License Area 3 after construction is complete.
10. **Compliance With Other Laws**: This Agreement does not relieve Licensee from compliance with any other local, state or federal laws or regulations or conditions imposed by any local board or the CMMP. Failure to abide by any local, state or federal laws or regulations may, at the City's discretion, result in revocation.
11. **Revocation**: The City may terminate this Agreement or any provision contained in this Agreement on five (5) business days advance written notice provided to Licensee if the public interest requires such termination.
12. **Contractor and Subcontractor Parking**: Licensee understands and agrees that its contractors and subcontractors for the project shall not utilize on-street parking.
13. **Materials**: Construction materials may be stored within the Licensed Area provided that the materials consist only of those needed on an immediate and ongoing basis for the construction and that the materials do not pose a danger or nuisance to pedestrians using the temporary or abutting sidewalks.


Dated this 11 day of March, 2014.

City of Portsmouth

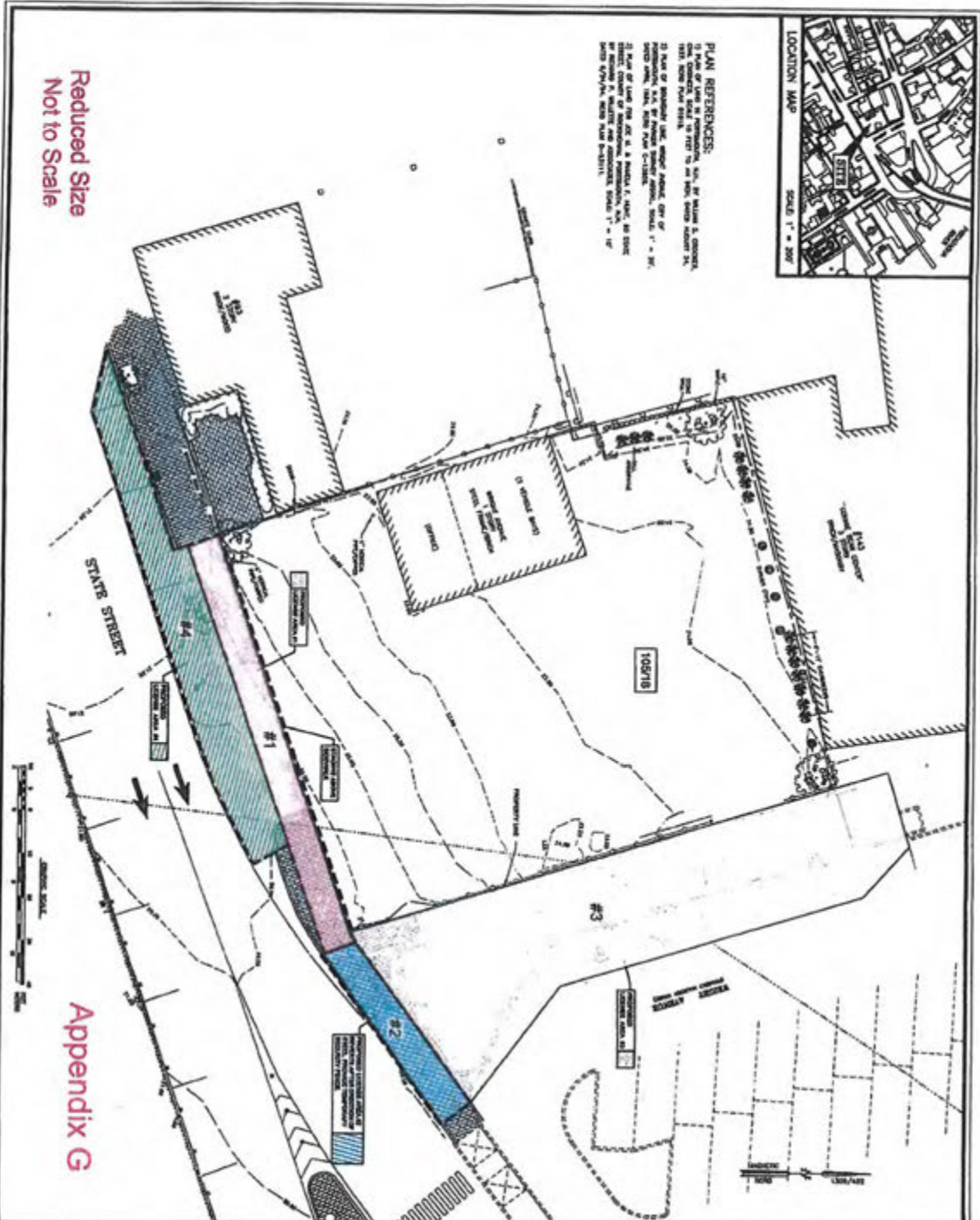
By: 
John P. Bohenko, City Manager
Pursuant to vote of the City Council
of Tuesday, February 18, 2014

Dated this 9th day of MARCH, 2014.

Wright Avenue, LLC

By: 
Stephen Kelm
Its Duly Authorized Member

Reduced Size
Not to Scale



PLAN REFERENCES:
 1) PLAN OF LOTS IN PORTSMOUTH, N.H., OF WRIGHT & COMPANY, CIVIL ENGINEERS, DATED 10/17/1911, AS SHOWN ON MAPS ADVERSE TO THIS CITY LICENSE PLAN.
 2) PLAN OF REDEVELOPMENT, L.C. WRIGHT & COMPANY, CIVIL ENGINEERS, DATED 10/17/1911, AS SHOWN ON MAPS ADVERSE TO THIS CITY LICENSE PLAN.
 3) PLAN OF LOTS FOR LOT 11, A PART OF L. A. WRIGHT & COMPANY, CIVIL ENGINEERS, DATED 10/17/1911, AS SHOWN ON MAPS ADVERSE TO THIS CITY LICENSE PLAN.
 4) PLAN OF LOTS FOR LOT 12, A PART OF L. A. WRIGHT & COMPANY, CIVIL ENGINEERS, DATED 10/17/1911, AS SHOWN ON MAPS ADVERSE TO THIS CITY LICENSE PLAN.

Appendix G

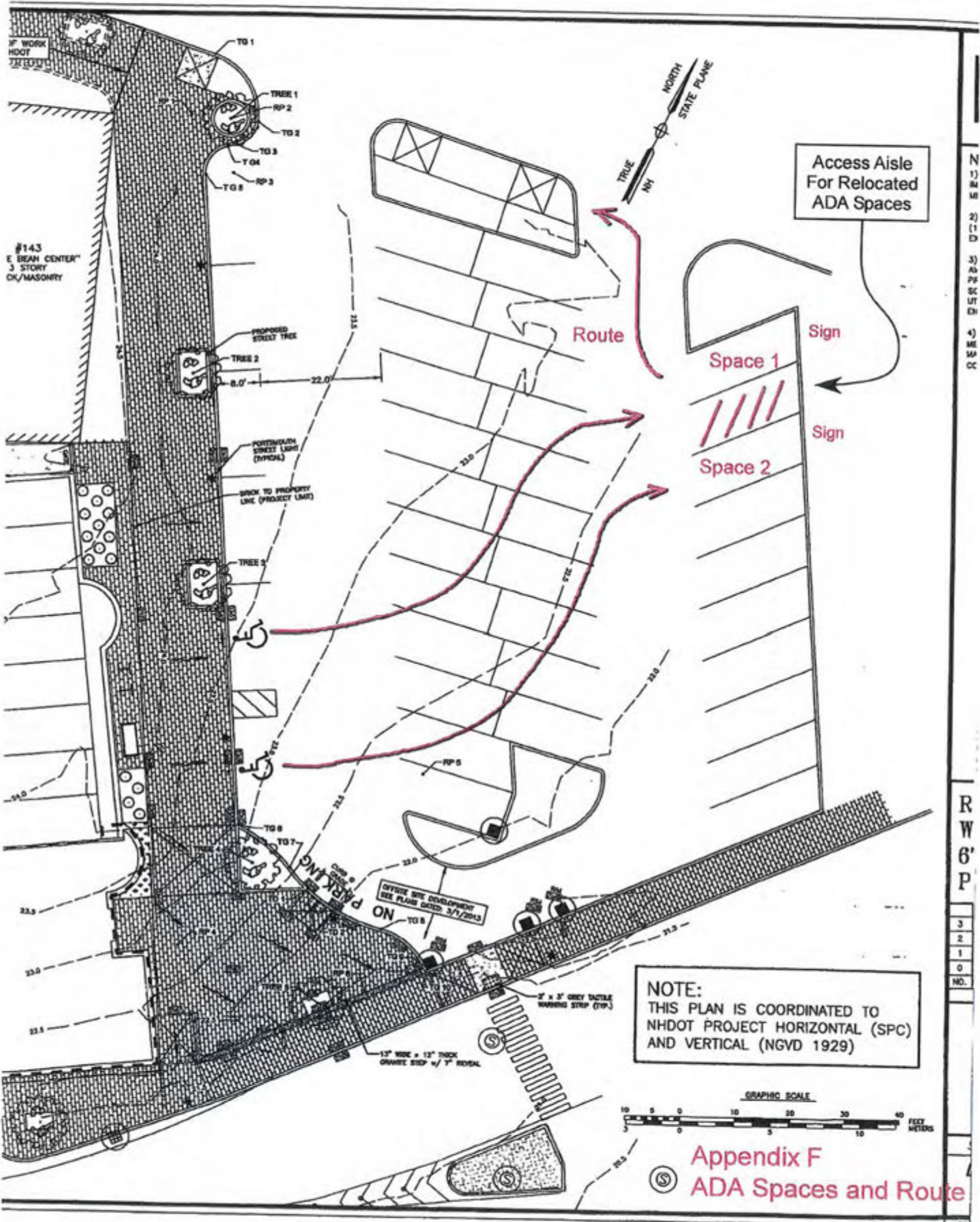
- NOTES:**
- 1) REFER TO THE CITY OF PORTSMOUTH RECORDS FOR THE CITY LICENSE PLAN.
 - 2) REFER TO THE CITY OF PORTSMOUTH RECORDS FOR THE CITY LICENSE PLAN.
 - 3) REFER TO THE CITY OF PORTSMOUTH RECORDS FOR THE CITY LICENSE PLAN.
 - 4) REFER TO THE CITY OF PORTSMOUTH RECORDS FOR THE CITY LICENSE PLAN.
 - 5) REFER TO THE CITY OF PORTSMOUTH RECORDS FOR THE CITY LICENSE PLAN.
 - 6) REFER TO THE CITY OF PORTSMOUTH RECORDS FOR THE CITY LICENSE PLAN.
 - 7) THE PLAN OF THIS PLAN IS TO BE APPROVED BY THE CITY OF PORTSMOUTH.

REDEVELOPMENT PLAN
 WRIGHT AVENUE, LLC
 67, 73, & 77 STATE STREET
 PORTSMOUTH, N.H.

NO.	DESCRIPTION	DATE
1	PRELIMINARY PLAN	10/17/1911
2	CITY LICENSE PLAN	10/17/1911
3	CITY LICENSE PLAN	10/17/1911
4	CITY LICENSE PLAN	10/17/1911
5	CITY LICENSE PLAN	10/17/1911
6	CITY LICENSE PLAN	10/17/1911
7	CITY LICENSE PLAN	10/17/1911
8	CITY LICENSE PLAN	10/17/1911
9	CITY LICENSE PLAN	10/17/1911
10	CITY LICENSE PLAN	10/17/1911



SCALE: 1" = 10'
 CITY LICENSE PLAN
 C1
 DECEMBER 2013



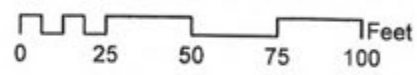
N
 1) IM ME
 2) (1) EP
 3) AP PP SC UT EN
 4) ME MP CC

R
 W
 6'
 P
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 2
 1
 0
 NO.

Appendix F
 ADA Spaces and Route



67-73-77 State Street





CITY OF PORTSMOUTH

LEGAL DEPARTMENT

Robert P. Sullivan, City Attorney – 603-610-7204 (Direct Dial)
Kathleen M. Dwyer, Assistant City Attorney – 603-427-1338 (Phone/Fax)
Suzanne M. Woodland, Assistant City Attorney – 603-610-7240 (Direct Dial)

Municipal Complex
1 Junkins Avenue
Portsmouth, NH 03801
(603) 431-2000
(603) 427-1577 (FAX)

December 23, 2013

Stephen Kelm, Member
Wright Avenue, LLC
117 Bow Street
Suite 102
Portsmouth, NH 03801

67, 73 & 77 State Street
Letter of Agreement

Dear Mr. Kelm:

As discussed at the meeting on Thursday, September 26, 2013 regarding the Construction Management and Mitigation Plan (CMMP) for the 67, 73 & 77 State Street project (the "Project"), it was agreed that it would not be efficient or cost effective for the City to complete work on Wright Avenue just to have the brickwork removed once construction on the Project begins.

The City has forgone completion of the work remaining on Wright Avenue in exchange for Wright Avenue, LLC's agreement to place Twenty Thousand Dollars (\$20,000.00) in escrow for Wright Avenue's completion. The City will deposit these funds in escrow and apply them to repair and restore the area. The work will be performed by the City's contractor to the City's standards and specifications. The estimated cost to repair and restore the area was provided in the site plan approved for this Project. This amount is due regardless of whether the Project moves forward or is ever completed. In the event construction on the Project has not begun by April 1, 2014, the City reserves the right to restore the Wright Avenue area with the escrowed funds.

Page 2
October 1, 2013
67, 73 & 77 State Street
Letter of Agreement

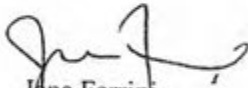
The City has already received Wright Avenue, LLC's first payment in the amount of Ten Thousand Dollars. The second payment of Ten Thousand Dollars is due on or before December 31, 2013.

The parties acknowledge that prior to construction, the CMMP, encumbrance permits and license agreements must be negotiated and approved by the City. This Letter of Agreement does not bind the City to approve any encumbrance permits or license agreements and is only for the purposes of compensating the City for its costs associated with the completion of Wright Avenue as outlined above.

By signing below the parties have indicated their agreement to the terms and conditions set forth above. Please return the executed Letter of Agreement along with payment of Ten Thousand Dollars (\$10,000.00) on or before December 31, 2013.


If you have any questions or require additional information, please call me at 610-7256.

Sincerely,



Jane Ferrini
Staff Attorney
City of Portsmouth

WRIGHT AVENUE, LLC

By: 
Its duly Authorized MANAGING MEMBER
Printed Name: STEPHEN KELT

cc: David Allen, P.E., Deputy City Manager
Peter Rice, P.E., Director of Public Works
Suzanne Woodland, Assistant City Attorney
Paul McEachern, Esquire

Petition to City of Portsmouth

August 2014	New sidewalks
Action petitioned for	We, the undersigned owner residents of Union Street, between Middle and Lincoln, are requesting that the sidewalks being installed on our street be contiguous concrete, (as were installed on Richards Avenue between Lincoln and South) and not interspersed with hot top in front of the driveways. Thank you.

Printed Name	Signature	House number	email	phone
Diane Stradling	<i>Diane Stradling</i>	351	dianestraddling@gmail.com	431-2525
PETAR RAMADANOVIC	<i>Petar</i>	393	PETAR@UNH.EDU	431-5258
Catherine Pebles	<i>Cyril</i>	393	catherine.pebles@unh.edu	431-5258
Mary Lu Hanray	<i>Mary Lu</i>	415	mlhanray@gmail.com	436-6122 436-5232
Michael FRANZEL	<i>Michael Franzel</i>	404	mbfranzel@gmail.com	436-6122
Judith Silver	<i>Judith Silver</i>	404	argentjcyahoo.com	436-6122
Roxus MAROTTA - RETIRED	<i>Roxus Marotta</i>	305	obsidian@sig.net	430-5454
Jeffrey Rezone	<i>Jeffrey Rezone</i>	305	rezone.jeffrey@gmail.com	430-5454
Mark Brighton	<i>Mark Brighton</i>	285	markbrighton@gmail.com	431-5927
Ramona Charland	<i>Ramona Charland</i>	285	ramona.charland@gmail.com	498-0313
Martha Ratay	<i>M.C. Ratay</i>	346	weathersmartha@yahoo.com	436-2004
Brian Ratay	<i>B.D. Ratay</i>	346	zups@joc@gmail.com	617-540-7492

Printed Name	Signature	House number	email	phone
Sybil A. Williams K		323	BHSybil@jgmail.com	433-2724
Sybil A. Monica A		323	themonica@jgmail.com	433-2724
Seckins, Anne		434	aa.seckins@wind.net	430-7698
Seckins, Arthur		434	ar.seckins@comcast.net	430-7698
Beland, Kate		373	jkband@comcast.net	528-5766
Prinle, James		373	jampr@comcast.net	528-5766
Munte, John		354	jakmunt@comcast.net	
DASSARD, RUSSELL		315	rdassard@comcast.net	407-8714
FRANKLIN, F. HARRIS III		415	franklin@comcast.net	352-5000
George M. Kester		336	gmkester@comcast.net	407-828-2229
ALASDAIR DRYSDALE		433	DRYSDALE@comcast.net	502-6522
SCOTT STEWART		364	scottstewart@comcast.net	527-8645
Wendy Tappu		304	wtappu@comcast.net	978-
Stephan Drexler		433	stdrex@comcast.net	502-500-2317
				528-6619

Event Listing by Date

Starting Date: 9/22/2014

Ending Date: 8/ 1/2015

Start End	Type Description	Location	Requestor	Vote Date
9/27/2014 9/27/2014	ROAD RACE Karen Butz Webb is the contact for this event. She can be reached at projectsafetyassociation@gmail.com. This race begins and ends at Portsmouth High School at 8:30 a.m.	Portsmouth High School	Project Safety Association	11/18/2013
9/27/2014 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/ 9/2014 11/ 9/2014	ROAD RACE Jay Diener, Co-race Director is the contact for this event. 603-758-1177 This race begins at Wallis Sands State Park and finishes at Portsmouth High School.	Wallis Sands State Park	Seacoast Half Marathon	9/22/2014
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
12/31/2014 12/31/2014	FESTIVAL Barbara Massar is the contact for this event. This event begins at 4:00 p.m. until Midnight throughout downtown	Market Square	Pro Portsmouth, Inc. - First N	9/22/2014

Event Listing by Date

Starting Date: 9/22/2014

Ending Date: 8/ 1/2015

Start End	Type Description	Location	Requestor	Vote Date
2/15/2015 2/15/2015	FESTIVAL Caitlyn Hassett, Chair, Events Committee Portsmouth Gas Light 969-8657	Hanover Street/Market Street Parking Lot	Chamber of Commerce - Fire & I	9/22/2014
5/ 3/2015 5/ 3/2015	FESTIVAL Barbara Massar is the contact for this event. This event begins at Noon to 4:00 p.m. Street closure - Pleasant Street - State Street to Market Square; no parking on Market Street - Bow Stree to ISSCo. entrance.	Downtown	Pro Portsmouth, Inc. - Childre	9/22/2014
5/ 9/2015 5/ 9/2015	ROAD RACE Carolyn Ostrom, Community Relations Specialist (603) 610-5530 Cell: (617) 501-2728 costrom@vtnhkomen.org This race begins on the Peirce Island Bridge and finishes at Strawberry Banke - Hancock Lot	Strawbery Banke	Susan G. Komen New Hampshire R	9/22/2014
6/13/2015 6/13/2015	FAIR Barbara Massar is the contact for this event. This event begins at 9:00 a.m. to 4:00 p.m. throughout downtown	Downtown	38th Market Square Day - Pro P	9/22/2014
6/13/2015 6/13/2015	ROAD RACE Barbara Massar is the contact for this event. This event begins at 9:00 a.m. with roving closures for race course	Market Square	38th 10K Road Race - Pro Ports	9/22/2014
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
6/27/2015 6/27/2015	MUSIC Barbara Massar is the contact for this event. This event begins at 5:00 p.m. to 9:30 p.m.	Market Square - Pleasant Street	Summer in the Street Music Ser	9/22/2014
7/ 4/2015 7/ 4/2015	MUSIC Barbara Massar is the contact for this event. This event begins at 5:00 p.m. to 9:30 p.m.	Market Square - Pleasant Street	Summer in the Streets Music Se	9/22/2014
7/11/2015 7/11/2015	MUSIC Barbara Massar is the contact for this event. This event begins at 5:00 p.m. to 9:30 p.m.	Market Square - Pleasant Street	Summer in the Street Music Ser	9/22/2014
7/18/2015 7/18/2015	MUSIC Barbara Massar is the contact for this event. This event begins at 5:00 p.m. to 9:30 p.m.	Market Square - Pleasant Street	Summer in the Street Music Ser	9/22/2014
7/25/2015 7/25/2015	MUSIC Barbara Massar is the contact for this event. The event begins at 5:00 p.,m. to 9:30 p.m.	Market Square - Pleasant Street	Summer in the Street Music Ser	9/22/2014

Run: 10/02/14
10:48AM

Event Listing by Date

Page: 3

Starting Date: 9/22/2014

Ending Date: 8/ 1/2015

Start End	Type Description	Location	Requestor	Vote Date
8/ 1/2015 8/ 1/2015	MUSIC Barbara Massar is the contact for this event. This event begins at 5:00 p.m. to 9:30 p.m.	Market Square - Pleasant Street	Summer in the Streets Music Se	9/22/2014

City of Portsmouth
Estimated Loss of Parking Revenue
Free Sunday Parking

	16 Weeks Dec-Mar	20 Weeks Nov-Mar
Revenue Loss		
Parking Meters	\$ 61,000	\$ 87,143
Parking Garage	\$ 96,000	\$ 120,000
Parking Violations	\$ 33,000	\$ 41,250
Total Revenue Loss	<u>\$ 190,000</u>	<u>\$ 248,393</u>
Expenditure Increase		
New Signage	\$ 12,000	\$ 12,000
Meter Decals	\$ 1,200	\$ 1,200
Total Increase in Expenditures	<u>\$ 13,200</u>	<u>\$ 13,200</u>
Net Estimated Cost of Free Parking on Sundays	<u><u>\$ 203,200</u></u>	<u><u>\$ 261,593</u></u>

MEMORANDUM

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: JULIET WALKER, TRANSPORTATION PLANNER *JW*

SUBJECT: ESTIMATED ANNUALIZED OPERATING COSTS FOR DOWNTOWN PARKING SHUTTLE

DATE: 10/2/2014

The Downtown Parking Shuttle currently provides free services from the CCC Lot on Market St to the Hanover Parking Garage Thursday through Sunday for a total weekly cost of \$2,839.11.

Currently, the shuttle runs 9.5 hours on Thursday (4pm to 1:30am), 13.5 hours on Friday and Saturday (12pm to 1:30am), and 10 hours on Sunday (12pm to 10pm) for a total of 46.5 hours per week.

The hourly rate for the existing services (provided by TransAction Corporate Shuttles) varies depending on whether the total daily hours and associated labor requirements necessitate that there be two shifts of drivers. The average hourly rate is \$66.10.

The following table summarizes daily and annual projected costs for operation of the shuttle seven days a week. *The possible hours of service are included as an example only, actual hours of service are flexible and do not impact projected hourly rate or daily cost.*

Projected Weekly and Annual Operating Costs (Monday-Sunday service)

	Total Service Hours	Daily Cost	Possible Hours of Service
Monday	11	727.14	12pm to 11pm
Tuesday	11	727.14	12pm to 11pm
Wednesday	11	727.14	12pm to 11pm
Thursday	11	727.14	12pm to 11pm
Friday	13.5	892.40	12pm to 1:30am
Saturday	13.5	892.40	12pm to 1:30am
Sunday	11	727.14	12pm to 11pm
Weekly Total	82	\$5,420.53	
Annual Total	4,264	\$281,867.46	

Projected Weekly and Annual Operating Costs (Thursday-Sunday service only)

	Total Service Hours	Daily Cost
Thursday	11	\$727.14
Friday	13.5	\$892.40
Saturday	13.5	\$892.40
Sunday	11	\$727.14
Weekly Total	49	\$3,239.10
Annual Total	2,548	\$168,432.99



PEASE

INTERNATIONAL

DEVELOPMENT
AUTHORITY

August 28, 2014

Ms. Amy Corbett
New England Regional Administrator
Federal Aviation Administration
12 New England Executive Park
Burlington, MA 01803-5299



Dear Ms. Corbett:

As you are aware, representatives of the Pease Development Authority, owner and operator of Portsmouth International Airport at Pease (PSM) recently participated in telephone conferences with Bobby Reed, Joe Ingalls and Jim Peters. The subject matter of these calls was recent activity of Seacoast Helicopters, a PSM based flight school and tour operator. Seacoast Helicopters has recently expanded its operations at PSM and also its marketing efforts, resulting in an increase in both flight lessons and tour operations.

Most recently, the local communities surrounding PSM have logged an increasing number of complaints alleging unreasonable helicopter noise, and safety issues in the Seacoast area. These complaints have been reported in the local press and many community members seek a better understanding of the role and responsibility of the Federal Aviation Administration (FAA) in addressing their concerns with respect to routes, operating altitudes and hovering practices.

Pease Development Authority staff has been asked by the Authority Board of Directors to cooperate in scheduling a public information meeting with Seacoast communities. The meeting would be held at the City of Portsmouth's Council Chambers, Portsmouth City Hall, Junkins Avenue, Portsmouth, NH.

The suggested time for the meeting is 6 p.m. and the suggested dates available are September 24th or September 29th. Once a date and time has been confirmed, we are requesting that you or your representative contact the City Manager and PDA Board Member John Bohenko to discuss the meeting format and logistics.

If you require any additional information, please feel free to contact Director Bohenko at 603-431-2000. I and PSM Airport Manager, Bill Hopper at 603-433-6088, are available to speak with you at any time.

Sincerely,

David R. Mullen
Executive Director

cc: Arthur H. Nickless, Jr.
John P. Bohenko
K. William Hopper

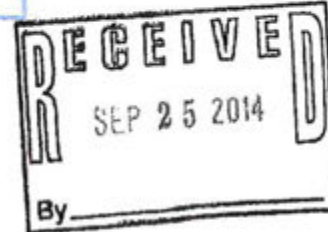


U.S. Department
of Transportation
**Federal Aviation
Administration**

SEP 22 2014

New England Region
Office of the Regional Administrator

12 New England Executive Park
Burlington, MA 01803



Mr. David R. Mullen
Executive Director, Pease International Development Authority
55 International Drive
Portsmouth, NH 03801

Dear Mr. Mullen:

This letter is in response to your request to the Federal Aviation Administration to assist the Pease Development Authority at a meeting with the public on either September 24 or 29, 2014. I understand the purpose of the meeting is to hear complaints regarding routes, operating altitudes and hovering practices of Seacoast Helicopters, LLC.

In response to your request, the Portland Flight Standards District Office (FSDO) manager, Bobby Reed and the Pease Airport manager, Bill Hopper, discussed the presence of the FAA at the upcoming public meeting. The primary purpose of the meeting would be to address public comments and complaints concerning noise and not issues regulatory in nature. Therefore, the Portland FSDO is declining the invitation to attend this meeting.

Seacoast Helicopters, LLC is certified Part 135 rotorcraft air carrier and receives routine surveillance from the FAA. The operator also conducts flight training in Robinson helicopters for the issuance of pilot certificates, as well as air tours done either under Title 14 Code of Federal Regulations (CFR) § 91.147 or while operating under their Part 135 air carrier certificate. All operations conducted by Seacoast Helicopters, LLC must adhere to the regulations of Title 14 CFR Parts 91 and 135, as applicable.

For aircraft that are not operating in compliance with these regulations, a complaint may be made with the Portland FSDO at 207-780-3263 or via the Portland FSDO's website. The website can be found via www.faa.gov, by clicking on the "Flight Standards District Offices (FSDO)" link and selecting the Portland, Maine office. The website contains additional information and individuals may leave electronic feedback, including a complaint.

If you need additional information, please contact Allan Goldsher with my office at 781-238-7025.

Sincerely,

Amy L. Corbett
Regional Administrator

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HELICOPTER NOISE
FAA explains why it won't meet with city

Spokesman says agency can't prohibit flights



By Jeff McMenemy
 jmcmenemy@seacoastonline.com
 Posted Sep. 24, 2014 @ 4:56 pm
 Updated Sep 24, 2014 at 4:57 PM

PORTSMOUTH – A Federal Aviation Administration spokesman has explained why the agency will not participate in a public meeting with city officials to talk about helicopter noise complaints.

The FAA's Jim Peters issued the statement Wednesday. It stated, in part, "(The FAA) does not have the authority to prohibit aircraft overflights of a particular geographic area unless the operation is unsafe, or the aircraft is operated in a manner inconsistent with federal aviation regulations."

There are no FAA regulations requiring helicopters to fly at a certain level.

The Pease Development Authority has been receiving a growing number of noise complaints since early this summer about Seacoast Helicopters, which operates a business at Pease International Tradeport and does tours of downtown Portsmouth.

The FAA statement also states that "airport operators are responsible for addressing noise impacts on the communities they serve," but the primary mission of the FAA is "to ensure the safety and efficiency of our nation's navigable airspace."

Mayor Robert Lister said Wednesday he was disappointed to hear about the FAA's decision. "We would hope they would come to the table and at least have a conversation," he said.

City officials will now reach out to the state's congressional delegation to see if they can help, Lister said.





"All we're asking with any of these projects, Sea-3, the helicopters, all these others, is will people be good neighbors," Lister said. "There's got to be a way they can do their business and we can have good quality of life."

City Manager John Bohenko told the City Council Monday night that the FAA would respond to the city's concerns in writing, but not attend any public meeting. He called the FAA's decision "just ridiculous."

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September 29, 2014

The Honorable Jeanne Shaheen
Office of Senator Shaheen
340 Central Avenue Suite 205
Dover, NH 03820

Dear Senator Shaheen:

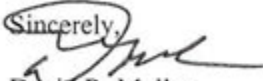
In August, the Pease Development Authority (PDA), owner and operator of Portsmouth International Airport at Pease (PSM) requested of Ms. Amy Corbett, New England Regional Administrator of the Federal Aviation Administration (FAA) that the FAA participate in a public information meeting with the Seacoast communities to address local concerns with respect to the overfly routes, operating altitudes and hovering practices of helicopters touring the seacoast and its historic sites.

Last week, the FAA advised that it had determined the primary purpose of the meeting would be to address public comments and complaints concerning noise and not issues regulatory in nature and declined the request for its participation in such a meeting.

PDA acknowledges that it has received many complaints which are noise related, however, the local communities surrounding PSM are struggling to understand the role of the FAA to address perceived unreasonableness on the part of helicopter operators and are concerned about the potential for accidents and other safety violations.

Further, the public does not understand the process for adopting "mandatory" operating restrictions to restrict noise, which process requires FAA involvement. For many community leaders who have reached out to locally based helicopter operators, they do not believe that "voluntary" restrictions achieved through discussions with stakeholders will be adequate or enforceable.

At this time, the PDA respectfully requests that your office encourage the FAA to review its decision and participate in a public information meeting as requested. If you require additional information or would like to talk further, please contact me directly.

Sincerely,

David R. Mullen
Executive Director

cc: US Senator Kelly Ayotte
US Representative Carol Shea-Porter
Arthur H. Nickless, Jr. - PDA Chairman
John P. Bohenko - Portsmouth City Manager, PDA Director

Attachments: Letter to Ms. Amy Corbett 8/28/14;
Letter to Mr. Mullen 9/22/2014;
Seacoast News 9/24/2014



September 29, 2014

The Honorable Kelly Ayotte
Office of Senator Ayotte
14 Manchester Square, Suite 140
Portsmouth, NH 03801

Dear Senator Ayotte:

In August, the Pease Development Authority (PDA), owner and operator of Portsmouth International Airport at Pease (PSM) requested of Ms. Amy Corbett, New England Regional Administrator of the Federal Aviation Administration (FAA) that the FAA participate in a public information meeting with the Seacoast communities to address local concerns with respect to the overfly routes, operating altitudes and hovering practices of helicopters touring the seacoast and its historic sites.

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Sincerely,

David R. Mullen
Executive Director

cc: US Senator Jeanne Shaheen
US Representative Carol Shea-Porter
Arthur H. Nickless, Jr. - PDA Chairman
John P. Bohenko - Portsmouth City Manager, PDA Director

Attachments: Letter to Ms. Amy Corbett 8/28/14;
Letter to Mr. Mullen 9/22/2014;
Seacoast News 9/24/2014



35 International Blvd., Portsmouth, NH 03801



September 29, 2014

The Honorable Carol Shea-Porter
Office of Representative Shea-Porter
20 North Main Street
Rochester, NH 03867

Dear Representative Shea-Porter


In August, the Pease Development Authority (PDA), owner and operator of Portsmouth International Airport at Pease (PSM) requested of Ms. Amy Corbett, New England Regional Administrator of the Federal Aviation Administration (FAA) that the FAA participate in a public information meeting with the Seacoast communities to address local concerns with respect to the overfly routes, operating altitudes and hovering practices of helicopters touring the seacoast and its historic sites.

Last week, the FAA advised that it had determined the primary purpose of the meeting would be to address public comments and complaints concerning noise and not issues regulatory in nature and declined the request for its participation in such a meeting.

PDA acknowledges that it has received many complaints which are noise related, however, the local communities surrounding PSM are struggling to understand the role of the FAA to address perceived unreasonableness on the part of helicopter operators and are concerned about the potential for accidents and other safety violations.

Further, the public does not understand the process for adopting "mandatory" operating restrictions to restrict noise, which process requires FAA involvement. For many community leaders who have reached out to locally based helicopter operators, they do not believe that "voluntary" restrictions achieved through discussions with stakeholders will be adequate or enforceable.

At this time, the PDA respectfully requests that your office encourage the FAA to review its decision and participate in a public information meeting as requested. If you require additional information or would like to talk further, please contact me directly.

Sincerely,

David R. Mullen
Executive Director

cc: US Senator Jeanne Shaheen
US Senator Kelly Ayotte
Arthur H. Nickless, Jr. - PDA Chairman
John P. Bohenko - Portsmouth City Manager, PDA Director

Attachments: Letter to Ms. Amy Corbett 8/28/14;
Letter to Mr. Mullen 9/22/2014;
Seacoast News 9/24/2014

**CITY OF PORTSMOUTH
LEGAL DEPARTMENT
MEMORANDUM**

DATE: September 18, 2014 (revised: October 3, 2014)

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: SUZANNE M. WOODLAND, DEPUTY CITY ATTORNEY
BRIAN GOETZ, DEPUTY DIRECTOR OF PUBLIC WORKS

RE: HAVEN WELL - MEMORANDUM OF AGREEMENT WITH AIR FORCE

This will advise that the City has reached a Memorandum of Agreement with the U.S. Air Force that will provide the City with initial funding to support the exploration of an alternative water supply source for the City of Portsmouth and Pease International Tradeport. This Agreement follows the discovery of elevated levels of perfluorinated compounds (PFCs) in the Haven Well which required it to be taken offline. The City has supplemented the Pease water system from other sources, but if the Haven Well cannot return to use, as is anticipated, a new supply source must be found for the long-term.

Specifically, the Agreement provides \$154,000 in reimbursement for the City to complete hydrogeological studies on potential water supply sites. Prior to the discovery of PFCs in the Haven Well, the City conducted a comprehensive water supply study in 2008 to determine potential sites for future water supply sources; \$154,000 is the anticipated cost to undertake the next phase of the study which calls for geological investigation of the most promising sites. In addition, the Agreement provides for \$25,000 in reimbursement for technical support provided to the City by the firm of Weston & Sampson which was retained by the City following the discovery of containments on the Haven Well. The Agreement has been executed and a copy is attached to this Memorandum.

Since the discovery of the PFCs, representatives of the City, the N.H. Department of Environmental Services, the N.H. Department of Health and Human Services, the U.S. Environmental Protection Agency and the Air Force and the parties technical consultants, have been meeting weekly to coordinate monitoring, remediation and other next steps. Monitoring of the City's Harrison and Smith Wells along with sentry wells has been ongoing. To date, only minimal levels of PFCs have been identified in other wells and they are well below the provisional health advisory levels. The public water supply remains safe for consumption.

The Agreement expressly reserves the right of the City to request additional funding including funding for further geological investigations, permitting efforts, land acquisition and construction to bring a new well into service. A new groundwater source in New Hampshire normally takes 2 to 5 years to bring into service.

We will also be preparing a press release to brief the news media and inform them about this effort as the search for additional sources of supply will include not only potential sites in Portsmouth but other communities in our Water Division's service territory.

**CITY OF PORTSMOUTH
LEGAL DEPARTMENT
MEMORANDUM**

DATE: September 30, 2014
TO: JOHN P. BOHENKO, CITY MANAGER
FROM: ROBERT P. SULLIVAN, CITY ATTORNEY
RE: ABANDONED OR DERELICT BUILDINGS



Earlier this year the Council requested a report concerning the law regarding abandoned or derelict buildings and a description of the City's approach towards dealing with such buildings. It is known that such buildings exist in Pannaway Manor, the former Getty Station on Islington Street, in the Edmond Avenue neighborhood and certainly in other places in the City.

STATE LAW

The primary state law which is available for the City to deal with such buildings is RSA 155-B, entitled "Hazardous and Dilapidated Buildings". That statute defines the term "hazardous building" to mean, "any building which, because of inadequate maintenance, dilapidation, physical damage, unsanitary condition, or abandonment, constitutes a fire hazard or a hazard to public safety or health". Thus the key requirement for operation under the State law is that the building constitute a fire hazard or a hazard to public safety or health.

When such a condition exists the City Council has the authority to order the property owner to correct the situation causing the hazard or, in an appropriate case, to raze the building. There are technical requirements connected to the order which the City Council might issue. In a contested case the matter is decided by the Court. Ultimately, the Court may issue an order to correct the hazardous condition. If there is no compliance by the property owner the City may itself correct the situation causing the hazard and acquire a lien against the real estate upon which the building is located for the cost. There is also a provision in the statute which would give the City a lien on any insurance proceeds that are payable as a result of the damage or destruction of the property.

There has been no occasion in my experience when the Portsmouth City Council has found that the conditions exist to issue any order against a property in the City under this law.

MUNICIPAL ORDINANCE

The City's housing code contains a provision at Section 14.108 which defines dangerous buildings in a very technical manner, but which includes, "those which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation or are likely to cause sickness or disease so as to work injury to health, morals, safety or general welfare of those living therein". Similar to state law, a dangerous building would be one which, "because of [its] condition[s] [is] unsafe, unsanitary or dangerous to the health, morals, safety or general welfare

of the people of this City". Thus, the local ordinance also establishes a high level of danger which must be caused by any particular building before the ordinance is triggered. When the ordinance is triggered the Housing Code Inspector has the authority to inspect the building and issue a report to the, "the Building Commission". The Building Commission would consist of the Health Officer, the Fire Chief, the Planning Director, the Electrical Inspector and the Plumbing Inspector. Upon receipt of a complaint the Building Commission, if supported by a preliminary investigation, may issue a complaint, hold a hearing and issue written orders compelling repair of the situation creating the dangerous building. Decisions of the building Commission are appealable to the City Council. After such an appeal the City Council is required to hold a public hearing and may affirm or revoke the order of the Building Commission.

The Building Commission has never been called to duty during my term with the City, which commenced in 1982.

In addition to the foregoing, both the Health Officer and the Fire Chief have the authority to investigate and issue orders in situations which threaten the public health or create a fire hazard, respectively. These authorities exist both under local ordinance and in state law. It is not uncommon for either the Health Officer or the Fire Chief, or someone acting under the authority of the Chief to issue orders. An example of a relatively recently issued order concerned The Page Restaurant, which was cited by the Fire Department for lack of sprinklers creating a hazard to persons using the establishment for the purpose of dancing. The business was later closed by the City for other reasons.

CIVIL LAWSUIT

The City also has the authority to bring a civil action in the Superior Court under common law whenever the condition of a building might create a public nuisance. A public nuisance might be defined as, "a substantial and unreasonable interference" caused to the use of the property of other property owners. The number of property owners affected must be sufficient so that the nuisance would be said to be a public nuisance and not merely a private nuisance between two property owners. It is not inconceivable that if a building were in a particularly dilapidated condition it might meet this standard. However, as of yet, no building in my experience has been designated as a public nuisance by the City.

LAWS THAT DO NOT EXIST

Important for understanding of the local issue by the City Council are the following:

- A. There is no state or local law which requires that any property be occupied. If a property owner chooses, any property may be left abandoned or vacant for as long as that property owner desires, as long as none of the standards described in the previous laws is violated.
- B. The City has no property maintenance code. Some cities and towns have adopted property maintenance codes which can regulate everything from the color of buildings to the height of grass on the front lawn. In the past there has been some minor discussion of the adoption of a property maintenance code in the City. No action in that regard has been taken.

DISCUSSION

Whenever anyone in the City should file a complaint with the City administration with regard to the condition of any building, the complaint is investigated and appropriate action is taken as necessary and allowable given the limitations of the law. So, for example, the City has a direct course of action in dealing with fire hazards, public health issues and the like. Councilors will recall, for example, the action taken to deal with the threats to public safety with regard to the property located on the corner of Bridge and Hanover Streets in the recent past.

However, complaints which are received that arise primarily due to the fact that buildings are vacant, but which do not identify any particular threat to health or safety, may not describe a situation where the City has any remedy. This would be true even if the lack of occupation of the building created an unfavorable appearance such as peeling paint or an unmowed lawn.

This type of enforcement work is handled nearly exclusively by the City's Code Enforcement Officer. He is familiar with the rules and has been very successful in dealing with situations which come within them. However, in some cases (one in Pannaway Manor in particular comes to mind) Mr. Page has simply been unable to find the threat to public health or safety which would trigger the ability of the City to take action. This has been frustrating to residents in the vicinity of those buildings as well as City officials interested in taking action on the complaints made by those residents.

APPENDIX

As an appendix to this memorandum I have attached copies of the specific statutes and ordinance which are described herein.

attachment

cc: Jason Page, Zoning Enforcement Officer

**TITLE XII
PUBLIC SAFETY AND WELFARE**

**CHAPTER 155-B
HAZARDOUS AND DILAPIDATED BUILDINGS**

155-B:1 Definitions. – For the purposes of this chapter, the following terms have the following meanings:

- I. "Building" includes any structure or part of a structure.
- II. "Hazardous building" means any building which, because of inadequate maintenance, dilapidation, physical damage, unsanitary condition, or abandonment, constitutes a fire hazard or a hazard to public safety or health.
- III. "Governing body" means the city council or the selectmen of a town.

Source. 1967, 334:1, eff. Sept. 1, 1967.

155-B:2 Repair or Removal of Hazardous Building. – The governing body of any city or town may order the owner of any hazardous building within the municipality to correct the hazardous condition of such building or to raze or remove the same.

Source. 1967, 334:1, eff. Sept. 1, 1967.

155-B:3 Order; Contents. – The order shall state, in writing, the grounds therefor, specifying the necessary repairs, if any, and providing a reasonable time for compliance. It shall also state that a motion for summary enforcement of the order will be made to the court of the district or municipality in which the hazardous building is situated unless corrective action is taken, or unless an answer is filed within the time specified in RSA 155-B:6 and that any costs, attorney's fees, and expenses incurred by the municipality in bringing the property into compliance may be enforced as a lien against the subject property and any other property owned by the same owner in the state pursuant to RSA 155-B:9, II.

Source. 1967, 334:1. 2008, 293:1, eff. June 27, 2008.

155-B:4 Order; Service. – The order shall be served upon the owner of record, or his agent if an agent is in charge of the building, and upon the occupying tenant, if there is one, and upon all lien holders of record, in the manner provided for service of a summons in a civil action. If the owner cannot be found, the order shall be served upon him by posting it at the main entrance to the building and by 4 weeks' publication in a published newspaper of the municipality if there is one, otherwise in a newspaper of general circulation in the state.

Source. 1967, 334:1, eff. Sept. 1, 1967.

155-B:5 Order; Filing. – A copy of the order with proof of service shall be filed with the clerk of the court of the district or municipality in which the hazardous building is located not less than 5 days prior to the filing of a motion pursuant to RSA 155-B:7 to enforce the order. The appropriate district or municipal court shall have jurisdiction under this chapter notwithstanding any contrary provisions in RSA 502-A:14 or in any other section of RSA. At the time of filing such order the governing body shall file for record with the register of deeds a notice of the pendency of the proceeding, describing with the reasonable certainty the lands affected and the nature of the order. If the proceeding be abandoned the governing body shall within 10 days thereafter file with the register of deeds a notice to that effect.

Source. 1967, 334:1, eff. Sept. 1, 1967.

155-B:6 Answer. – Within 20 days from the date of service, any person upon whom the order is served may serve an answer in the manner provided for the service of an answer in a civil action, specifically denying such facts in the order as are in dispute.

Source. 1967, 334:1, eff. Sept. 1, 1967.

155-B:7 Default Cases. – If no answer is served, the governing body may move the court for the enforcement of the order. If such a motion is made the court may, upon the presentation of such evidence as it may require, affirm or modify the order and enter judgment accordingly, fixing a time after which the governing body may proceed with the enforcement of the order. The clerk of the court shall cause a copy of the judgment to be mailed forthwith to persons upon whom the original order was served.

Source. 1967, 334:1, eff. Sept. 1, 1967.

155-B:8 Contested Cases. – If an answer is filed and served as provided in RSA 155-B:6, further proceedings in the action shall be governed by the rules of civil procedure for the district or municipal courts, except that the action has priority over all pending civil actions and shall be tried forthwith. If the order is sustained following the trial, the court shall enter judgment and shall fix a time after which the building shall be destroyed or repaired, as the case may be, in compliance with the order as originally filed or modified by the court. If the order is not sustained, it shall be annulled and set aside. The clerk of the court shall cause a copy of the judgment to be mailed forthwith to the persons upon whom the original order was served.

Source. 1967, 334:1, eff. Sept. 1, 1967.

155-B:9 Enforcement of Judgment. –

1. If a judgment is not complied with in the time prescribed, the governing body may cause the building to be repaired, razed, or removed as set forth in the judgment. The cost of such repairs, razing, or removal shall be a lien against the real estate on which the building is located and may be levied and collected in the same manner as provided in RSA 80 for tax liens. When the building is razed or removed by the municipality, the

governing body may sell the salvage and valuable materials at public auction upon 3 days' posted notice.

II. If the value of the subject real estate is deemed by the municipality to have insufficient value, based on the current tax assessment, to cover the cost of repairs, razing, or removal, the governing body may place a lien for the balance of the cost on any other real property in the state that is owned by the same owner, which additional lien may be levied and collected in the same manner as provided in RSA 80 for tax liens; provided that RSA 80:59 giving such liens priority over all other liens shall not apply. The municipal lien shall be subordinate to any lien of record on such real property.

Source. 1967, 334:1. 2008, 293:2, eff. June 27, 2008.

155-B:9-a Municipal Lien on Owner's Interest in Property Insurance Proceeds. – If the value of the subject real estate is deemed by the municipality to have insufficient value, based on the current tax assessment, to cover the cost of repairs, razing, or removal, and the owner has no other real property within the state, a municipality may assert a lien on the owner's interest in any real property insurance proceeds that are payable as a result of the damage or destruction of that property owner's real property located in the municipality. The lien shall be for the estimated cost to repair, raze, or remove the damaged structure, whichever of those options is the least expensive, minus the value in the remaining real property based on the current tax assessments. The municipal lien shall be subordinate to any lien holder of record, and to any rights, title, or interest in such real property insurance proceeds in favor of any lender holding a mortgage on such real property and who was named as an additional insured or loss payee, by means of loss payable endorsement or otherwise, on any policy of insurance insuring such real property. The insurer's obligations under this section shall commence upon its receipt of a copy of the order under RSA 155-B:4, and a statement of the estimated lien amount allowed under this section, and shall apply only to insurance proceeds held by the insurer as of that date and due to be paid to the owner. The lien, the estimated cost of which shall be approved by the court, shall be for the purpose of reimbursing the municipality for all costs permitted to be recovered by it under RSA 155-B if the municipality elects to demolish the property. Any unexpended funds from the lien shall be returned to the property owner. The property owner shall, within 72 hours of the receipt of a written request by the municipality, provide the municipality with the names, addresses, agents, and policy numbers of all insurance companies which have provided the property owner with insurance on the property. The lien shall automatically expire if the owner rebuilds or demolishes the real property in the manner required by this chapter and the municipality shall provide a written release of the lien to the insurer and the property owner. The insurer shall distribute all proceeds due to the property owner that exceed the lien amount allowed under this section. The municipality shall release the lien in order to permit payment for repairs, razing, or removal of the building.

Source. 2008, 293:3, eff. June 27, 2008.

155-B:10 Statement of Monies Received. – The municipality shall keep an accurate account of the expenses incurred in carrying out the order and of all other expenses theretofore incurred in connection with its enforcement, including specifically, but not exclusively, filing fees, service fees, publication fees, appraisers' fees, witness fees, including expert witness fees, and traveling expenses incurred by the municipality from the time the order was originally made, and shall credit thereon the amount, if any, received from the sale of the salvage, or building or structure, and shall report its action under the order, with a statement of monies received and expenses incurred to the court for approval and allowance. Thereupon the court shall examine, correct, if necessary, and allow the expense account, and, if the amount received from the sale of the salvage, or of the building or structure, does not equal or exceed the amount of expenses as allowed, the court shall by its judgment certify the deficiency in the amount so allowed to the municipal clerk for collection. The owner or other party in interest shall pay the same, without penalty added thereon, and in default of payment by December 1, the clerk shall certify the amount of the expense to the collector for entry on the tax lists as a charge against the real estate on which the building is or was situated and the same shall be collected in the same manner as other taxes and the amount so collected shall be paid into the municipal treasury. If the amount received for the sale of the salvage or of the building or structure exceeds the expense incurred by the municipality as allowed by the court, and if there are no delinquent taxes, the court shall direct the payment of the surplus to the owner or the payment of the same into court, as provided in this chapter. If there are delinquent taxes against the property, the court shall direct the payment of the surplus to the municipal treasurer to be applied to such taxes.

Source. 1967, 334:1, eff. Sept. 1, 1967.

155-B:11 Payment, Tender, Deposit in Court. – The net proceeds of a sale under RSA 155-B:9 or 12 shall be paid to persons designated in the judgment in the proportions as their interests shall appear therein. Acceptance of such payment shall be taken as a waiver of all objections to the payment and to the proceedings leading thereto on the part of the payee and of all persons for whom he is lawfully empowered to act. In case any party to whom a payment of damages is made be not a resident of the state, or his place of residence be unknown, or he be an infant or other person under legal disability, or, being legally capable, refuses to accept payment, or if for any reason it be doubtful to whom any payment should be paid, the municipality may pay the same to the clerk of court to be paid out under the direction of the court; and, unless an appeal be taken such deposit with the clerk shall be deemed a payment of the award.

Source. 1967, 334:1, eff. Sept. 1, 1967.

155-B:12 Personal Property of Fixtures. – If any building ordered razed, removed, or made safe and sanitary by repairs contains personal property or fixtures which will unreasonably interfere with the razing, removal, or repair of such building, or if the razing or removal of the building makes necessary the removal of such personal property or fixtures, the original order of the governing body may direct the removal of such personal property or fixtures within a reasonable time. If the property or fixtures are not removed by the time specified, and the governing body subsequently desires to enforce a judgment under the provisions of this chapter, it may sell the same at public auction as provided in RSA 155-B:9 or if without appreciable value, the governing body may destroy the same.

Source. 1967, 334:1, eff. Sept. 1, 1967.

155-B:13 Hazardous Excavations. – If in any city or town, an excavation for building purposes is left open for more than 6 months without proceeding with the erection of a building thereon, whether or not completed, or if any excavation or basement is not filled to grade or otherwise protected after a building is destroyed, demolished or removed, the governing body may order such excavation to be filled or protected or in the alternative that erection of a building begin forthwith if the excavation is for building purposes. The order shall be served upon the owner or his agent in the manner provided by RSA 155-B:4. If the owner of the land fails to comply with the order within 15 days after the order is served upon him, the governing body shall cause the excavation to be filled to grade or protected and the cost shall be charged against the real estate as provided in RSA 155-B:9.

Source. 1967, 334:1, eff. Sept. 1, 1967.

155-B:14 Local Acts and Charter Provisions. – The provisions of this chapter are supplementary to other statutory and charter provisions and do not limit the authority of any city or town to enact and enforce ordinances on the same subject.

Source. 1967, 334:1, eff. Sept. 1, 1967.

155-B:15 Appeal. – A party aggrieved by the judgment of a municipal or district court upon issue joined in such case may, within 15 days after the rendition of the judgment, appeal to the superior court therefrom and the superior court shall hear said appeal forthwith.

Source. 1967, 334:1, eff. Sept. 1, 1967.

- C. Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises, and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested. Notwithstanding the foregoing provisions of this sub-section, whenever infestation is caused by failure of the owner to maintain a dwelling in a rat proof or reasonably insect proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units, in any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.
- D. Every occupant of a dwelling or of a dwelling unit shall keep all plumbing fixtures, electrical fixtures, heating units and other provided facilities therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care and in the proper use and operation thereof.
- E. The owner or operator of every lodging unit shall change supplied bed linen and towels at least once each week, and prior to letter of any room to any occupant. The owner or operator shall be responsible for the maintenance of all parts of the lodging unit and shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building is leased or occupied by him. Cooking on the premises shall be done only in kitchens or kitchenettes approved by the Health Officer.

Section 14.108: DANGEROUS BUILDINGS DEFINED

All buildings or structures, which have any or all of the following defects, shall be deemed "dangerous buildings":

- A. Those whose interior walls or other vertical structural members, list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base.
- B. Those which, exclusive of the foundation, show 33% or more of damage or deterioration of the supporting member or members, of 50% of damage or deterioration of the non-supporting enclosing or outside walls or covering.
- C. Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded or which have insufficient strength to be reasonable safe for the purpose.
- D. Those which have been damaged by fire, wind, or other causes so as to have become dangerous to life, safety, morals, or the general health and welfare of the occupants or the people of the City of Portsmouth.
- E. Those which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation or are likely to cause sickness or disease so as to work injury to the health, morals, safety or general welfare of those living therein.

- F. Those having light, air and sanitation facilities which are inadequate to protect the health, morals, safety, or general welfare of human beings who live or may live therein.
- G. Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes, or other means of communications.
- H. Those which have parts thereof which are so attached that they may fall and injure members of the public or property.
- I. Those which because of their conditions are unsafe, unsanitary, or dangerous to the health, morals, safety or general welfare of the people of this City.
- J. Those buildings existing in violation of any provision of this Building Code of this City, of any provision of the Fire Prevention Code, or other Ordinances of this City.

Section 14.109: STANDARDS FOR REPAIR, VACATION, AND DEMOLITION

The following standards shall be followed in substance the Housing Code Inspector and the Building Commission in ordering repair, vacation or demolition:

- A. If the "dangerous building" can reasonably be repaired, so that it will no longer exist in violation of the terms of this Ordinance it shall be ordered repaired.
- B. If the "dangerous building" is in such condition as to make it dangerous to the health, morals, safety, or general welfare of its occupants it shall be ordered vacated.
- C. In any case where a "dangerous building" is 50% damaged or decayed or deteriorated from its original value or structure it shall be demolished from its original value or structure it shall be demolished. And in all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this Ordinance, it shall be demolished. In all cases where a "dangerous building" is a fire hazard existing or erected in violation of the terms of this Ordinance or any Ordinance of the City or statute of the State of N.H., it shall be demolished.

Section 14.110: PENALTIES EFFECT OF CONFLICT WITH OTHER PROVISIONS

- A. Any person who shall violate any provision of this Ordinance shall upon conviction be punished by a fine of not more than \$100.00 or be imprisoned not more than 30 days. Each day's failure to comply with any provision of this Ordinance shall constitute a separate violation.
- B. In any case where a provision of this Ordinance is found to be in conflict with a provision of a zoning, building, fire safety or health regulations or code of the City of Portsmouth existing at the time of the adoption of this Ordinance, the provisions which establish the higher standard for the protection and promotion of the health and safety of the people shall prevail.

Section 14.111: DANGEROUS BUILDING - NUISANCES

All "dangerous buildings" within the terms of Section 14.109 of this Ordinance are hereby declared to be public nuisances and shall be repaired, vacated, or demolished as hereinbefore and hereinafter provided.

Section 14.112: DUTIES OF THE HOUSING CODE INSPECTOR

The Housing Code Inspector shall:

- A. Inspect or cause to be inspected semi-annually all public buildings, schools, halls, churches, theatres, hotels, tenements, commercial, manufacturing, or loft buildings for the purpose of determining whether any condition exist which renders such places a "dangerous building" within the terms of Section 14.109 of this Ordinance.
- B. Inspect any building, wall or structure about which complaints are filed by any person to the effect that a building, wall or structure is or may be existing in violation of this Ordinance.
- C. Inspect any building, wall or structure reported (as hereinafter provided for) by the Fire or Police Departments of this City as probably existing in violation of the terms of this Ordinance.
- D. Report to the Building Commission any buildings complained of and/or found by him to be existing in violation of the terms of this Ordinance.
- E. Appear at all hearings conducted by the Building Commission and testify as to the condition of "dangerous buildings".

Section 14.113: BUILDING COMMISSION

A Building Commission is hereby established. The Building Commission shall be a Board consisting of five members, who shall be the head of the Health Department, the head of the Fire Department, the head of the Planning Department, the Electrical Inspector, and the Plumbing Inspector. The Building Commission shall annually elect a Chairman from its membership. The presence of 3 members shall be necessary for a quorum. The minutes of the proceedings of the Building Commission shall be kept, showing the vote of each member upon every question or, if absent or failing to vote, indicating the fact. The Building Commission may adopt from time to time, such rules and regulations as may be deemed necessary to carry into effect the provisions of this Ordinance.

Section 14.114: DUTIES OF THE BUILDING COMMISSION

- A. Upon receipt of a petition filed with it by at least 10 residents of the City of Portsmouth charging that any building is a "dangerous building" or upon receipt of a report of the Housing Code Inspector as provided for in Section 14.113 (D) hereof shall, if preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner, every mortgagee of record and all parties with interest in such building, including persons in possession, a complaint stating the charges in that respect. If the person to be served resides outside the State, service may be made upon him by registered mail and if there are any unascertained persons having an interest in said building, notice may be given them by publication in a newspaper having general circulation in the City of Portsmouth, such publication to be at least 10 days before the date set for the hearing. Such complaint shall contain a notice that a hearing will be held at a place therein fixed not less than 10 days nor more than 30 days after the serving of said complaint; that the owner, mortgagee and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise and give testimony at the time and place fixed in the complaint; that the rules of evidence prevailing in Courts of Law or Equity shall not be controlling in hearings before said Commission.
- B. Hold a hearing and hear such testimony as the Housing Code Inspector or the owner, mortgagee and parties in interest shall offer relative to the "dangerous building".
- C. Make written findings of fact from the testimony offered pursuant to subsection B as to whether or not the building in question is a "dangerous building" within the terms of Section 14.109 hereof.
- D. Issue as order based upon findings of fact made pursuant to subsection C commanding the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in said building.
- E. The Building Commission, by its order, shall:
 - 1. If the repair, alteration or improvement of the said building can be made at a reasonable cost in relation to the value of the building and the ability of the owner to assume such cost, require the owner within the time specified in the order, to repair, alter or improve said building to render it in compliance with Section 14.109 or to vacate and close the building; or
 - 2. If the repair, alteration of the said building or the improvement of the said building cannot be made at a reasonable cost in relation to the value of the building and the ability of the owner to assume such cost, require the owner within the time specified in the order to remove or demolish such building.

Section 14.115: APPEAL TO THE CITY COUNCIL

If the owner is aggrieved by an order of the Building Commission, he may appeal to the City Council within 10 days from the date of the order. Said City Council shall hold a public hearing upon said appeal, due notice of said hearing first having been given to the Building Commission and to the owner. The City Council may affirm or revoke the order of the Building Commission or modify the same in accordance with their findings. If the City Council shall affirm or modify such order, the Building Commission shall proceed to enforce said order as affirmed or so modified, in the manner prescribed in Section 14.117.

Section 14.116: COMPLIANCE

If the owner fails to comply with the order made pursuant to the provisions of this Ordinance to repair, alter, improve, or to vacate and close the building, or to remove or demolish the building, the Building Commission may file a petition in the Superior Court in accordance with the provisions of Section 4 of Chapter 48:A of the N.H. RSA.

Section 14.117: AUTHORITY OF THE BUILDING COMMISSION

The Building Commission and its delegated officers are authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes of the Ordinances and of the provisions of Chapter 48 of the N.H. RSA, including the following powers in addition to others herein granted:

- A. To investigate the building conditions in the City of Portsmouth in order to determine which buildings are "dangerous buildings";
- B. To administer affirmations, examine witnesses and receive evidence;
- C. To enter upon premises for the purposes of making examinations, provided that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession and to obtain an order for this purpose from a court of competent jurisdiction, in the event entry is denied or rejected;
- D. To appoint and fix the duties of such officers, agents and employees as deemed necessary to carry out the purposes of this Ordinance; and
- E. To delegate any of its functions under such Ordinance to such officers as it may designate.

Section 14.118: ADMINISTRATIVE LIABILITY

No officer, agent or employee of the City of Portsmouth shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this Ordinance. Any suit brought against any officer, agent or employee of the City of Portsmouth as a result of any act required or permitted in the discharge of his duties under this Ordinance shall be defended by the City Attorney until the final determination of the proceedings therein.

Section 14.119: DUTIES OF THE FIRE DEPARTMENT

The employees of the Fire Department shall make a report in writing to the Housing Code Inspector of all buildings or structures which are or may be, or are suspected to be "dangerous buildings" within the terms of this Ordinance. Such reports must be delivered to the Housing Code Inspector within 24 hours of the discovery of such buildings by any employee of the Fire Department.

Section 14.120: DUTIES OF THE POLICE DEPARTMENT

All employees of the Police Department shall make a report in writing to the Housing Code Inspector of any buildings or structures, which are or may be, or are suspected to be "dangerous buildings" within the terms of this Ordinance. Such reports must be delivered to the Housing Code Inspector within 24 hours of the discovery of such buildings by any employee of the Police Department.

Section 14.121: SEPARABILITY

It is the intention of the City Council that each separate provision of this Ordinance shall be deemed independent of all other provisions herein and it is further the intention of the City Council that if any provisions of this Ordinance be declared invalid, all other provisions thereof shall remain valid and enforceable.

CHAPTER 3

PUBLIC HEALTH

Article I	Public Health	3.101 - 3.113
Article II	Solid Waste, Yard Waste and Recycling	3.201 - 3.207
Article III	Burying Grounds	3.301 - 3.303
Article IV	Noise Control	3.401 - 3.407
Article V	Lead Paint Poisoning Prevention/Control	3.501
Article VI	Adult Oriented Establishments	3.601 - 3.605
Article VII	Drug-Free Zones	3.701 - 3.704
Article VIII	Mosquito Prevention Control	3.801 - 3.807

ARTICLE I: PUBLIC HEALTH

Section 3.101: NUISANCES

The Health Officer shall inquire into all nuisances and all causes of danger to the public health, and whenever he shall know, or have cause to suspect, that any nuisance or other thing injurious to the public health is in any building, vessel, or enclosure he shall make complaint under oath to some justice of the peace who shall issue a warrant directed to the proper authority to search such building, vessel or enclosure and he may enter therein and make search.

Section 3.102: NOTICES

The Health Officer shall notify the owner or occupant of any building, vessel or enclosure to remove or destroy any nuisance or other thing therein, deemed by him, upon careful examination, to be injurious to the public health, within a reasonable time limited, and in case such owner or occupant shall neglect to comply therewith, the Health Officer shall cause such nuisance to be removed or destroyed. And such owner or occupant shall be liable to pay the expenses of the removal or destruction of such nuisance or other thing, including all fees of the Health Officer, and the same shall be recovered by action brought by the Health Officer in the name of the City.

Section 3.103: ASSISTANCE

The Health Officer may employ suitable assistance to carry out the provisions of the preceding sections; and any person resisting him or them therein shall be prosecuted under the provisions of Section 5, Chapter 147, N.H. RSA.

Section 3.104: KEEPER UNKNOWN

Whenever the owner of any building, vessel or enclosure described in the preceding sections is unknown to the Health Officer or does not reside in the City or the same is unoccupied or the occupant is unable to remove any such nuisance or other thing, said Health Officer may proceed as in the preceding sections without notice.

Section 3.105: VENTILATION AND TOILET FACILITIES

No person shall occupy, lease to any other person or permit any other person to occupy any building, basement, cellar or part thereof, within the compact part of the City, as a dwelling house, office, store, shop, hotel, inn or sleeping apartment, unless the same is provided with suitable toilet facilities, properly ventilated and constructed, and kept in proper sanitary condition, provided with suitable drains or sewers to convey away sink or waste water, or filth, from the premises into some public sewer, if there be one within one hundred feet therefrom; and if not within such distance, for conveying the same away under ground or in such other way that will not be offensive.

Section 3.106: PENALTY, VIOLATION OF SECTION 3:105

Any person who neglects or refuses to comply with the provisions of Section 3:105 shall be fined not exceeding one hundred (\$100) dollars for each day of neglect or refusal after reasonable notice from the Board of Health who may order the discontinuance of any such nuisance.

Section 3.107: POLLUTION OF WATER

No person shall willfully or negligently pollute, or cause to become impure the water of any reservoir, stream, well, or spring, within the limits of the City used for domestic purposes.

Section 3.108: DUMPING IN PONDS

No person shall deposit any filth, rubbish, paper, or any other matter in either of the ponds of the City, or upon the flats thereof, or upon any land whereby the same may be conducted to said ponds or flats, nor in any public place, street or alley.

Section 3.109: SWILL

No person shall remove, transport, or carry in, or through, any of the streets, squares, courts, lanes, avenues, or alleys within the City of Portsmouth, except in covered water tight carts, casks or vessels, approved by the Board of Health annually, any swill or house offal, grease, bones, fat decayed, putrefied, or vile smelling animal or vegetable substances including vault manure, or any refuse substances from any dwelling house or other places in the City.

Section 3.110: MANURE

Within the compact part of the City no manure shall be allowed to accumulate until it becomes offensive to persons residing in the vicinity or passing along any highway; and no swill or garbage, or any animal or vegetable substances shall be allowed to accumulate in or about any premises until the same becomes offensive or putrid. The owner, agent, occupant, or any other person having the care of any building where swill, garbage, or animal or vegetable substance is accumulated, shall cause the same to be removed as often as requested by the Health Officer.

Section 3.111:HOGS

No person shall be allowed to keep any pigs or hogs within the compact part of the City without a permit from the Department of Health.

Section 3.112: PENALTY OR VIOLATION

Any person or persons, company or corporations, that shall violate or cause to be violated by agent or otherwise, any of the provisions of Article I, Chapter 3, or any of the orders, rules or regulations of the Department of Health in reference thereto, or who shall fail or neglect to comply with any of the requirements thereof, by agent or otherwise, upon conviction shall be fined not less than three dollars (\$3) nor more than one hundred (\$100) dollars, for each offense.

NEWS RELEASE

Public Meeting on Atlantic Heights Emergency Access

October 1, 2014

FOR MORE INFORMATION:

City of Portsmouth: 610-7250

The City of Portsmouth is inviting all residents of the Atlantic Heights neighborhood and the general public to attend a public meeting on Tuesday October 14, 2014 at 6:00 p.m. in the Community Room at the Bedford Way Senior Apartments in the Atlantic Heights Area Neighborhood. The purpose of the meeting is to inform neighborhood residents about an emergency evacuation route out of the neighborhood in the event of an emergency.

Fire Chief Steve Achilles will describe the emergency access route, City protocols for its activation, and other related information. The route, which progresses from Porpoise Way through private property to Gosling Road is made available for this use through an agreement with Public Service of New Hampshire (PSNH) and the City of Portsmouth. PSNH and City representatives in the Fire, Police, Public Works, and Community Development Departments have coordinated closely on interdepartmental protocols, installation of emergency evacuation signage, and are coordinating on improvements to the boat road to be completed this fall.

City staff have also met with neighborhood representatives on site as well as the Parking Traffic and Safety Committee to discuss the emergency access issue. "We have received great cooperation from the City Departments and PSNH as well as the neighborhood, now is the time to spread the information about this emergency access route to members of the neighborhood and answer their questions said Fire Chief Achilles.

At the meeting, Fire and Police Department representatives will also encourage residents to sign-up for Portsmouth Community Alert system, a "reverse 911" system which serves as a fast communication service allowing the City of Portsmouth to notify citizens of an emergency situation. It enables the City to provide mass notification quickly and easily. This service is free to all Portsmouth residents. To sign-up or learn more about the system residents are invited to visit <http://www.cityofportsmouth.com/police/cas.htm>.

**CITY OF PORTSMOUTH
PUBLIC MEETING
ON
ATLANTIC HEIGHTS EMERGENCY ROAD ACCESS**

**TUESDAY, October 14, 2014
6:00 PM
COMMUNITY ROOM AT THE
ATLANTIC HEIGHTS SENIOR APARTMENTS
40 BEDFORD WAY**

The City of Portsmouth is inviting all residents of the Atlantic Heights neighborhood and the general public to attend a public meeting on **Tuesday October 14, 2014 at 6:00 p.m. in the Community Room at the Bedford Way Senior Apartments in the Atlantic Heights Area Neighborhood.** The purpose of the meeting is to inform neighborhood residents about an emergency evacuation route out of the neighborhood in the event of an emergency.*

If you would like additional information, please contact 610-7250.

NOTICE TO MEMBERS OF THE PUBLIC WHO ARE HEARING IMPAIRED
If you require assistance, contact Dianna Fogarty, Human Resources Director, at 603-610-7270, one week before the meeting to make arrangements.

* To learn more about the Community Alert System please visit
<http://www.cityofportsmouth.com/police/cas.htm>.



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

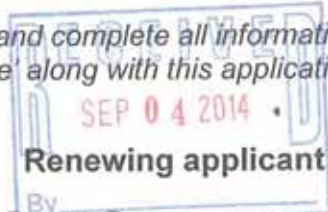
Personal:

- 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 Parrott 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.

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: We have benefited 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

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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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: [Signature] 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 Bulomenos Lorenson 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): starcmon43@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, manager

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.

6/27/2012

Very interested and involved in our Portsmouth
Community.



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

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

Signature: Shala Baker 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:

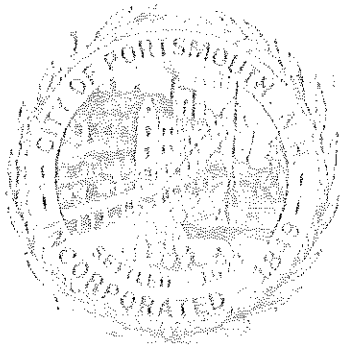
- Founding co-chair of the 'Holiday Home Tour', major fundraiser for after school enrichment programming in the 3 elementary schools
- Co-chair of Celebration Graduation; provided safe graduation night activities each year
- Served on Board of PEP 2000; first time the three Portsmouth elementary schools 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

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: 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

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: 9/2/14

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

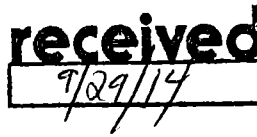
Please submit application to the City Clerks Office, 1 Junkins Avenue, Portsmouth, NH 03801

6/27/2012



STATE OF NEW HAMPSHIRE
OFFICE OF THE GOVERNOR

MARGARET WOOD HASSAN
Governor



September 25, 2014

Robert J. Lister, Mayor
City of Portsmouth Municipal Complex
Portsmouth, NH 03801

Dear Mayor Lister:

Thank you for your September 10th letter updating me on the legal status of Sea-3's proposed expansion and requesting that I issue an executive order on the matter. I appreciate your devotion to the people of Portsmouth and your commitment to this issue.

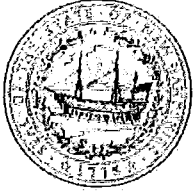
As we have discussed, and as I wrote in my July 25th letter to you, I share the concerns that you and many other Seacoast-area residents have expressed about Sea-3's proposed expansion. I have enclosed a copy of that letter, which discusses our ongoing efforts to improve rail safety within the state. As you know, the New Hampshire Legislature has just established a commission that is about to begin its work on these issues. I have also expressed my concerns about Sea-3 and other railway safety issues in a letter requesting that U.S. Secretary of Transportation Anthony Foxx conduct a federal review of these matters. I have also enclosed a copy of that letter.

For our endeavors to be successful and to ensure the safety of our rail systems, I want to ensure that we work collaboratively, with all stakeholders, so that we resist duplication of efforts and find constructive solutions on this issue of critical importance.

Toward that end, I would appreciate the opportunity to discuss your ideas to address this issue. Please contact my director of scheduling, Alicia Germani, at Alicia.Germani@nh.gov or (603) 271-2121 to set up the appointment.

With every good wish,

Margaret Wood Hassan
Governor



STATE OF NEW HAMPSHIRE
OFFICE OF THE GOVERNOR

MARGARET WOOD HASSAN
Governor

July 24, 2014

The Honorable Anthony Foxx
Secretary
U.S. Department of Transportation
1200 New Jersey Avenue S.E.
Washington, DC 20590

Dear Secretary Foxx:

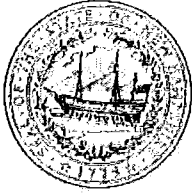
I am writing to you regarding an issue of great concern to the State of New Hampshire's safety and environment.

Sea-3, Inc., a division of Trammo, is planning to expand its liquefied petroleum gas facility and to increase its capacity for off-loading propane from tank cars at its facility in Newington, New Hampshire. This proposed expansion would increase the number of tank cars carrying liquefied propane and increase rail traffic through a variety of residential areas, including the City of Portsmouth, one of the state's most densely populated communities.

Recent events, including the derailments in Lynchburg, Virginia and Lac-Megantic, Quebec, remind us that proper care and regulation of freight trains is essential to ensuring the safety and wellbeing of our people and our economy.

It is because of such disasters that New Hampshire residents are deeply concerned about Sea-3's expansion, and their concerns must be addressed. Residents worry that trains traveling more frequently and at possibility higher speeds could compromise the safety of the neighborhoods. They are concerned that the tracks -- and their dozen-plus related public crossings -- are insufficiently maintained. And, understandably, they worry about such potentially flammable and explosive material traveling through Portsmouth's bustling downtown area.

The State of New Hampshire recognizes the importance of the issue of rail safety and has been doing its due diligence. For example, I convened the freight rail companies that operate in New Hampshire to open a dialogue on safety and communication with my appropriate agencies.



STATE OF NEW HAMPSHIRE
OFFICE OF THE GOVERNOR

MARGARET WOOD HASSAN
Governor

July 25, 2014

Robert J. Lister, Mayor
City of Portsmouth Municipal Complex
1 Junkins Avenue
Portsmouth, NH 03801

Dear Mayor Lister:

Thank you for your letter regarding the proposed expansion of Sea-3's facility in Newington. As I know you have discussed with members of my staff, I understand and share the concerns you and many other Seacoast-area residents have expressed about this proposal.

The vast majority of the authority and responsibility to ensure the safety of our railway system lies with the federal government. That is why I have asked U.S. Secretary of Transportation Anthony Foxx to direct his agency to conduct a comprehensive and thorough review of the proposed Sea-3 expansion. In particular, I have asked that the agency evaluate the condition and safety of the tracks that would transport the LPG, as well as the 15 public rail crossings. I have enclosed a copy of the letter.

At the state level, we have taken measures toward improving freight safety. For example, early in my administration, I convened the freight rail companies that operate in New Hampshire to improve safety and communication with state agencies.

Also, I expect to soon sign House Bill 1376, which will establish a committee to study the safe delivery of oil and gas, including natural gas and propane, throughout the state.

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.

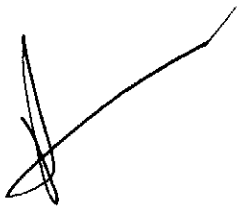
The public's business is fully the public's business. As a City Council when the majority is present to discuss public business, we should resist the need to frequently meet in private closed-door meetings, but when it is necessary we should first take a public, recorded vote of the City Council to do so. That is core to our democracy.

Thank You,

Jim Splaine
City Councilor

**CITY OF PORTSMOUTH
LEGAL DEPARTMENT
MEMORANDUM**

DATE: September 30, 2014
TO: JOHN P. BOHENKO, CITY MANAGER
FROM: ROBERT P. SULLIVAN, CITY ATTORNEY
RE: CONFLICT OF INTEREST / MANDATORY DISCLOSURE



At the request of City Councilors Esther Kennedy, Eric Spear and Jack Thorsen I attach hereto two (2) optional ordinances for presentation to the City Council for consideration. These ordinances are forwarded by those Councilors to the full Council for deliberation with regard to addressing the perceived issue that the City's current Code of Ethics and Mandatory Disclosure ordinances do not satisfy the requirements of Charter Amendment C adopted in November of 1987 by referendum vote.

The ordinances are captioned Option A and Option B. The contemplation is that the Council would select between the two. A brief description of the effect of adoption of each of the options is as follows:

OPTION A

1. Amend existing Mandatory Financial Disclosure ordinance (Section 1.901 et seq.) so that it applies to Police and Fire Commissions as well as City Council and School Board.
2. Amend existing Conflict of Mandatory Financial Disclosure so that violations of the ordinance will be treated as a violation of the City's Code of Ethics (Section 1.801 et seq.).
3. Create a new financial disclosure form modeled after state form.
4. Require that capital assets in excess of \$10,000 only and directly attributed to a business in the City of Portsmouth be disclosed.
5. Require mandatory disclosure of any sources of income whether or not connected with the City in an amount greater than \$10,000 calculated annually on a per calendar year basis.

OPTION B

Option B includes all those changes listed in Option A, plus the following:

- A. Add City Manager to the Mandatory Financial Disclosure requirement and to Ethics ordinance.
- B. Add all members of land use regulatory boards to Mandatory Financial Disclosure requirement.
- C. Amend definition of the term "officer" for Conflict of Interest ordinance purposes to include all of those persons listed in the February 26, 2014 memorandum prepared by Councilor Thorsen for the Council, except for members of TAC, Parking Traffic & Safety, the Recreation Board and the Economic Development Commission.
- D. Include in the Conflict of Interest ordinance the term "municipal official" so that it will be clear that the ordinance relates to Charter Amendment C.
- E. Modify the Mandatory Financial Disclosure ordinance so that the \$10,000.00 income threshold for disclosure applies to "household income".
- F. Require mandatory disclosure of professional affiliations by those individuals required to make the financial disclosure.

INTERESTING ASIDE

As an interesting and relevant aside, during the preparation of these ordinances and while reviewing twenty-five (25) year old City clippings files I came across the Superior Court order in the case of *Evelyn Sirrell v. City of Portsmouth*, Docket #: 89-E-116. As it turns out, that case was brought by the proponents of Charter Amendment C. It challenged the action of the City Council in March of 1988 in adopting what is the City's current Mandatory Disclosure Ordinance. Those proponents raised essentially the same issues which have been raised in the Council this year by others. In the case of *Sirrell v. City of Portsmouth* Judge Douglas Gray does not reach the merits of the question. Rather, relying upon the concept of separation of powers under the state constitution he felt that the Court system should not become involved in the legislative decisions of the Portsmouth City Council in this matter. Specifically, he writes:

"The Portsmouth City Council has adopted, in good faith, an ordinance which it feels best satisfies the voters' wishes. Those who disagree, as in any other political disagreement, have several recourses available. For the court to intervene and intrude upon a purely legislative matter is not only unwise it is constitutionally impermissible".

Judge Gray's opinion from 1989 is in no way determinative of the issue before the City Council at the present time. However, it does go some long way to explain the hitherto unanswered question of why the City Council which was in place at the time that Charter Amendment C was implemented was able to adopt an ordinance which has lasted for twenty-five (25) years, even though that ordinance does appear to be insufficient to satisfy the requirements of that Charter provision.

attachments

OPTION A

ORDINANCE #
THE CITY OF PORTSMOUTH ORDAINS

That Chapter 1, Article IX, Section 1.901: - CONFLICT OF INTEREST of the ADMINISTRATIVE CODE of the Ordinances of the City of Portsmouth be amended to read as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

ARTICLE IX CONFLICT OF INTEREST/ MANDATORY FINANCIAL DISCLOSURE

Section 1.901: CITY COUNCIL AND SCHOOL BOARD DISCLOSURES

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

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

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

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

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

Financial Disclosure Statement: The term "financial disclosure statement" shall mean a written statement, given under oath~~;~~:

- A. **L**isting an individual's primary source of annual income and capital assets. However, in no instance shall disclosure be mandated of **any** capital assets whose value at the time of disclosure is below **Ten Five** Thousand (\$~~105~~,000) dollars nor shall the value of any source of income or the value of any capital asset be required for disclosure.

- B. Listing any sources of income, whether or not connected with the City of Portsmouth which produce income in an amount greater than \$10,000 calculated annually and per calendar year basis.**
- C. Obligation of All Municipal Officials: ~~From and after June 30, 1988, a~~All municipal officials will maintain an updated financial disclosure statement in the Office of the City Clerk. The Financial Disclosure Statement shall be updated annually as of June 30th. Forms shall be **based on the form used by the State to implement RSA 15-A (attached)** prepared by the City Clerk **for approval by the City Council** and made available to all municipal officials for this purpose, ~~the form shall be substantially the form attached.~~
- D. Determining Violations: For violation and enforcement purposes, complaints alleging violation of the mandatory disclosure ordinances shall be administered in accordance with the process ~~and penalties available~~ under the Municipal code of Ethics, Reference Chapter I, Article VIII.
- E. Public Records: Financial Disclosure Statements shall be public records. (Amended 6/4/2007)
- F. Return of Records: Financial Disclosure Statements shall be returned to the public official six (6) months after leaving office.
(Adopted In Its Entirety 3/21/88, Amended 3/28/88)
- G. Penalties: Any violation of this article shall be subject to the penalties prescribed for violation of the City Code of Ethics, Sec. 1.801 et seq.**

Section 1.902: ELECTION CANDIDATE FINANCIAL DISCLOSURE

- A. Required Disclosure: Any candidate running for City Council, School Board, Police or Fire Commissions receiving a monetary contribution from any one person or entity in the amount of a cumulative total of \$100.00 or more in any calendar year must report the name of the individual, address, amount, and date of contribution. The report must be filed, or updated as appropriate, with the Office of the City Clerk seven (7) days prior to any election at which that person is a candidate for any of the foregoing offices. Any contributions which would otherwise require reporting under this ordinance received within the seven days prior to the election must be submitted in a final report to the Office of the City Clerk no later than two weeks following the election.
- B. Violations: For violation and enforcement purposes, complaints alleging violation of the mandatory disclosure ordinance shall be administered in accordance with the process and penalties available under the Municipal Code of Ethics, Reference Chapter 1, Article VIII.
- C. Public Records: All election candidate financial disclosures shall be public records.
(Adopted Section 1.902 In Its Entirety 6/4/2007)

FINANCIAL DISCLOSURE STATEMENT

Pursuant to the Charter and Ordinances of the City of Portsmouth (Chapter 1, Article IX) the undersigned makes the following financial disclosure:

A. Primary Source of Annual Income:

B. Capital Assets:

Date: _____ Name: _____

Signature: _____

Before me appeared the above named individual who stated under oath that the information supplied in this disclosure statement is a true and complete disclosure as required by the Charter and Ordinances of the City of Portsmouth.

Date: _____

Justice of the Peace/Notary Public

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

h:\ordinances\1.9 Conflict of interest - OPTION A

2013 NEW HAMPSHIRE STATEMENT OF FINANCIAL INTERESTS - RSA 15-A

Type or Print Clearly

Full Name _____ Work Address _____ Work Phone _____

Primary Occupation _____ e-mail *optional _____

The office, position, appointment, or employment with state government held by you. NO ACRONYMS

A. List below the name, address, and type of any profession, business, or other organization in which you or a family member was an officer, director, associate, partner, proprietor, or employee, or served in any other professional or advisory capacity, and from which any income in excess of \$10,000 was derived during the preceding calendar year. Sources of retirement benefits other than federal retirement and/or disability benefits shall be included. (Use additional sheets as necessary.)

1. _____
2. _____

If you have no qualifying income indicate by writing your initials next to the following statement. My income does not qualify _____

B. Indicate below whether you or a family member has a special interest in any of the following businesses, professions, occupations, groups, or matters. A person has a reportable special interest in an item on this list if a change in law, a change in administrative rule, a decision whether or not to award a contract, grant a license or permit, discipline a licensee or permittee, or other decision by government affecting the listed business, profession, occupation, group, or matter would potentially have a greater financial effect on you or a family member than it would on the general public:

1. Any profession, occupation, or business licensed or certified by the State of New Hampshire. List each such profession, occupation, or category of business: _____

<input type="checkbox"/> 2. Health Care	<input type="checkbox"/> 3. Insurance	<input type="checkbox"/> 4. Real Estate, including brokers, agent, developers, and landlords	<input type="checkbox"/> 5. Banking or financial services	<input type="checkbox"/> 6. State of New Hampshire, county, or municipal employment
<input type="checkbox"/> 7. N.H. Retirement System	<input type="checkbox"/> 8. Current use land assessment program	<input type="checkbox"/> 9. Restaurants/ lodging	<input type="checkbox"/> 10. Sale and distribution of alcoholic beverages	<input type="checkbox"/> 11. Practice of law
<input type="checkbox"/> 12. Any business regulated by the Public Utilities Commission	<input type="checkbox"/> 13. Horse or dog racing, or other legal forms of gambling	<input type="checkbox"/> 14. Education	<input type="checkbox"/> 15. Water Resources	
<input type="checkbox"/> 16. Agriculture	<input type="checkbox"/> 17. N.H. Business Profits Tax	<input type="checkbox"/> 18. Optional: Specify any other area in which you have a special interest ---		

I have read RSA 15-A and hereby swear or affirm that the foregoing information is true and complete to the best of my knowledge and belief. RSA 15-A:9 Penalty. Any person who knowingly fails to comply with the provisions of this chapter or knowingly files a false statement shall be guilty of a misdemeanor.

Date _____ Signature of Reporting Individual _____

OPTION B

ORDINANCE #
THE CITY OF PORTSMOUTH ORDAINS

That Chapter 1, Article IX, Section 1.901: - CONFLICT OF INTEREST of the ADMINISTRATIVE CODE of the Ordinances of the City of Portsmouth be amended to read as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

ARTICLE IX CONFLICT OF INTEREST/ MANDATORY FINANCIAL DISCLOSURE

Section 1.901: CITY COUNCIL AND SCHOOL BOARD DISCLOSURES

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

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

Municipal Official: For the purpose of mandatory financial disclosure, the term "Municipal Official" shall be defined to include **members of the** City Council, ~~and~~ School Board **members Police Commission, Fire Commission, all members of Land Use Regulatory Boards and Commissions, and the City Manager.**

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

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

Financial Disclosure Statement: The term "financial disclosure statement" shall mean a written statement, given under oath:

- A. **Listing** an individual's primary source of annual income and capital assets. However, in no instance shall disclosure be mandated of **any** capital assets whose value at the time of disclosure is below **Ten Five** Thousand (\$**105,000**) dollars nor shall the value of any source of income or the value of any capital asset be required for disclosure.

B. Listing any sources of household income, whether or not connected with the City of Portsmouth which produce income in an amount greater than \$10,000 calculated annually and per calendar year basis.

C. Listing all employment related professional affiliations.

- C. Obligation of All Municipal Officials: ~~From and after June 30, 1988, a~~All municipal officials will maintain an updated financial disclosure statement in the Office of the City Clerk. The Financial Disclosure Statement shall be updated annually as of June 30th. Forms shall be **based on the form used by the State to implement RSA 15-A (attached)** prepared by the City Clerk **for approval by the City Council** and made available to all municipal officials for this purpose, ~~the form shall be substantially the form attached.~~
- D. Determining Violations: For violation and enforcement purposes, complaints alleging violation of the mandatory disclosure ordinances shall be administered in accordance with the process ~~and penalties available~~ under the Municipal code of Ethics, Reference Chapter I, Article VIII.
- E. Public Records: Financial Disclosure Statements shall be public records. (Amended 6/4/2007)
- F. Return of Records: Financial Disclosure Statements shall be returned to the public official six (6) months after leaving office.
(Adopted In Its Entirety 3/21/88, Amended 3/28/88)
- G. Penalties: Any violation of this article shall be subject to the penalties prescribed for violation of the City Code of Ethics, Sec. 1.801 et seq.**

Section 1.902: ELECTION CANDIDATE FINANCIAL DISCLOSURE

- A. Required Disclosure: Any candidate running for City Council, School Board, Police or Fire Commissions receiving a monetary contribution from any one person or entity in the amount of a cumulative total of \$100.00 or more in any calendar year must report the name of the individual, address, amount, and date of contribution. The report must be filed, or updated as appropriate, with the Office of the City Clerk seven (7) days prior to any election at which that person is a candidate for any of the foregoing offices. Any contributions which would otherwise require reporting under this ordinance received within the seven days prior to the election must be submitted in a final report to the Office of the City Clerk no later than two weeks following the election.
- B. Violations: For violation and enforcement purposes, complaints alleging violation of the mandatory disclosure ordinance shall be administered in accordance with the process ~~and penalties available~~ under the Municipal Code of Ethics, Reference Chapter 1, Article VIII.
- C. Public Records: All election candidate financial disclosures shall be public records.
(Adopted Section 1.902 In Its Entirety 6/4/2007)

FINANCIAL DISCLOSURE STATEMENT

~~Pursuant to the Charter and Ordinances of the City of Portsmouth (Chapter 1, Article IX) the undersigned makes the following financial disclosure:~~

~~A. Primary Source of Annual Income:~~

~~_____~~

~~B. Capital Assets:~~

~~_____~~

~~_____~~

~~_____~~

~~_____~~

~~Date: _____ Name: _____~~

~~Signature: _____~~

~~Before me appeared the above named individual who stated under oath that the information supplied in this disclosure statement is a true and complete disclosure as required by the Charter and Ordinances of the City of Portsmouth.~~

~~Date: _____~~

~~Justice of the Peace/Notary Public~~

BE IT FURTHER ORDAINED AS FOLLOWS: That the City's Code of Ethics, Article VIII be amended so that:

Chapter 1, ARTICLE VIII: CODE OF ETHICS

Section I.801: DEFINITIONS

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

- A. Officer: The term "Officer" shall be defined to include every member of the City Council, School Board, Police Commission, Fire Commission, each member of every land use regulatory board, i.e. the Board of Adjustment, Planning Board, Historic District Commission, Conservation Commission, ~~Technical Advisory Committee~~, ~~Traffic Safety Committee~~, Building Code Board of Appeals, ~~Recreation Board~~, Planning and Development Council, and ~~Economic Development Commission~~, every department head as that term is used in the Administrative Code, **City Manager**, Chief of Police, Fire Chief, Superintendent of Schools, the Trustees of the Trust Funds and members of the Housing Authority

The term "officer" shall be inclusive of the term "municipal official".

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

2013 NEW HAMPSHIRE STATEMENT OF FINANCIAL INTERESTS - RSA 15-A

Type or Print Clearly

Full Name _____ Work Address _____ Work Phone _____

Primary Occupation _____ e-mail *optional _____

The office, position, appointment, or employment with state government held by you. NO ACRONYMS

A. List below the name, address, and type of any profession, business, or other organization in which you or a family member was an officer, director, associate, partner, proprietor, or employee, or served in any other professional or advisory capacity, and from which any income in excess of \$10,000 was derived during the preceding calendar year. Sources of retirement benefits other than federal retirement and/or disability benefits shall be included. (Use additional sheets as necessary.)

1. _____
2. _____

If you have no qualifying income indicate by writing your initials next to the following statement. My income does not qualify _____

B. Indicate below whether you or a family member has a special interest in any of the following businesses, professions, occupations, groups, or matters. A person has a reportable special interest in an item on this list if a change in law, a change in administrative rule, a decision whether or not to award a contract, grant a license or permit, discipline a licensee or permittee, or other decision by government affecting the listed business, profession, occupation, group, or matter would potentially have a greater financial effect on you or a family member than it would on the general public:

1. Any profession, occupation, or business licensed or certified by the State of New Hampshire. List each such profession, occupation, or category of business: _____					
<input type="checkbox"/> 2. Health Care	<input type="checkbox"/> 3. Insurance	<input type="checkbox"/> 4. Real Estate, including brokers, agent, developers, and landlords	<input type="checkbox"/> 5. Banking or financial services	<input type="checkbox"/> 6. State of New Hampshire, county, or municipal employment	
<input type="checkbox"/> 7. N.H. Retirement System	<input type="checkbox"/> 8. Current use land assessment program	<input type="checkbox"/> 9. Restaurants/ lodging	<input type="checkbox"/> 10. Sale and distribution of alcoholic beverages	<input type="checkbox"/> 11. Practice of law	
<input type="checkbox"/> 12. Any business regulated by the Public Utilities Commission	<input type="checkbox"/> 13. Horse or dog racing, or other legal forms of gambling	<input type="checkbox"/> 14. Education	<input type="checkbox"/> 15. Water Resources	<input type="checkbox"/> 18. Optional: Specify any other area in which you have a special interest ----	
<input type="checkbox"/> 16. Agriculture	<input type="checkbox"/> 17. N.H. taxes: Business Profits Tax	<input type="checkbox"/> Business Enterprise Tax	<input type="checkbox"/> Interest and Dividends Tax		

I have read RSA 15-A and hereby swear or affirm that the foregoing information is true and complete to the best of my knowledge and belief. RSA 15-A:9 Penalty. Any person who knowingly fails to comply with the provisions of this chapter or knowingly files a false statement shall be guilty of a misdemeanor.

Date _____ Signature of Reporting Individual _____

Office of
Clerk of Superior Court
Rockingham County
Exeter, New Hampshire 03833

NOV 2 1989

Raymond W. Taylor, Clerk
Karen E. Godzyk, Deputy Clerk
Laurie G. Yadoff, Deputy Clerk
Harriet J. Fishman, Deputy Clerk
Rosalie C. Wilson, Deputy Clerk

Domestic Relations
(603) 778-8580
Civil, Equity Criminal
(603) 772-3714

November 1, 1989

Stephen A. White, Esquire
P.O. Box 1037
Dover, N.H. 03820

Stephen L. Tober, Esquire
P.O. Box 1151
Portsmouth, N.H. 03801

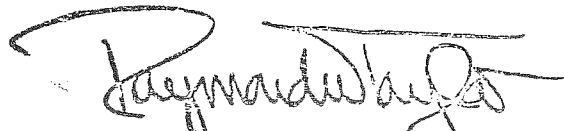
Sharon A. Cuddy, Assistant City Attorney
P.O. Box 628
Portsmouth, N.H. 03801

: 89-E-116 Evelyn Sirrell, et al v. City of Portsmouth

Counsel:

Enclosed please find a copy of the Court's (Gray, J) Order on
the above entitled matter dated October 31, 1989.

Very truly yours,


Raymond W. Taylor, Clerk

/wre
enclosure:

THE STATE OF NEW HAMPSHIRE

ROCKINGHAM COUNTY

SUPERIOR COURT

* * * * *

EVELYN SIRRELL, et al

vs.

No. 89-E-116

CITY OF PORTSMOUTH

* * * * *

ORDER

The case is before the Court on a Petition for a Writ of Mandamus. In November 1987, the voters of Portsmouth voted to amend the charter as follows:

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

- a. Mandatory financial disclosure by all police, school, and municipal officials, whether appointed or elected of current personal sources of income and all capital assets including, but not limited to, stock and real estate holdings and interests, in a sworn statement before the City Clerk at least biannually or before assuming office.
- b. Mandatory review boards and procedures to determine violation of the ordinance.
- c. Mandatory penalties for violations of the ordinance.

- d. Comprehensive definitions of such violations, and procedures to be used in reporting, investigating, and correcting the results of violations.

In March 1988, the City Council of Portsmouth adopted a conflict of interest/mandatory disclosure ordinance which limited financial disclosure to City Council and School Board members. The plaintiffs complain that the ordinance adopted by the Council does not comply with that mandated by the voters by their passage of the charter amendment. The plaintiffs ask for the writ of mandamus ordering the City Council to pass an ordinance in strict compliance with the charter amendment.

The writ of mandamus has its genesis in the ancient mists of the beginnings of the common law. It is an extraordinary writ and will be issued only when the duty of the defendant is clear and unmistakable and where other adequate relief is completely unavailable. Town of Alton v. Fisher, 114 N.H. 359 (1974); Rockhouse Mountain Property Owners Assoc., Inc. v. Town of Conway, 127 N.H. 593 (1986).

In the instant matter, the plaintiffs have several avenues of alternative relief. One is to petition to amend the charter in a specific manner by a detailed referendum question which, if adopted, would be law itself without

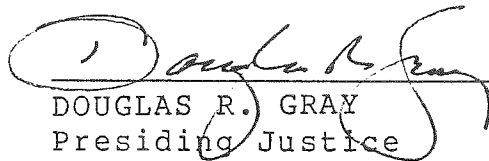
further necessity of Council action. Secondly, the plaintiffs have the basic right to campaign to remove the Council by the election process. Thirdly, the initiation process is available, although presumably the Council feels that it has complied in principle with the voters' desires. However, the process is available.

For the Court to intervene would be for the Court to intrude on purely legislative matters. In this instance, were the Court to order the City Council to write an ordinance in a particular manner, it would require the Court to write the ordinance itself and order the Council to adopt it. This the Court will not, nay, cannot do. The separation of powers requirement of the State Constitution is violated by an encroachment by one branch of government upon a constitutional function of another. Opinion of the Justices, 116 N.H. 406 (1976).

The Portsmouth City Council has adopted, in good faith, an ordinance which it feels best satisfies the voters' wishes. Those who disagree, as in any other political disagreement, have several recourses available. For the Court to intervene and intrude upon a purely legislative matter is not only unwise, it is

constitutionally impermissible.

PETITION DISMISSED.


DOUGLAS R. GRAY
Presiding Justice

DATED: October 31, 1989

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

M. Christine Dwyer
600 Broad Street, Portsmouth, NH 03801

TO: Council Colleagues

FROM: Chris Dwyer

RE: Non-Public Sessions

I recently participated in a webinar about non-public sessions which provided information that helped to clarify the distinctions between non-public sessions and non-meetings. Some of the points made are especially relevant to our Council discussion about non-public sessions and non-meetings. There are two particular areas where non-meetings (91-A:2, I) are especially relevant because the areas are NOT provided for in the law on non-public sessions (RSA 91-A:3). Those are:

- Strategy or negotiations related to collective bargaining
- Consultation with legal counsel that is NOT specifically addressing pending or overtly threatened litigation.

I foresee that as a Council we are likely to need to have both types of discussions over the remainder of the term and so do not believe it would be wise to cut ourselves off from those opportunities.

Apparently, there are some common misunderstandings of 91-A in which the intent is broadly assumed

- I learned that it is a common mistake to think that 91-A:3 (non-public sessions) covers all personnel issues, but the word “personnel” is never actually used in the statute. Rather the focus in 91-A:3, II (a) is specifically about individual employees and focuses on dismissal, promotion, or compensation of individuals. It does not allow non-public sessions for matters related to collective bargaining.
- I further learned that 91-A:3, II(e) related to discussions specifically about “pending claims or litigation” that has been threatened in writing or filed against the public body or a member of the body. It does NOT cover other areas where the Council might want to consult with counsel. In fact, it does not even cover litigation that has been filed by the City against someone else. A recent example would be the Sea-3 discussions related to the Town of Newington’s decisions.

I concluded that we would not want as a Council to cut ourselves off from having meetings about collective bargaining nor consulting with counsel. But I wanted to be sure of my interpretation so I did ask Cordell Johnston, Government Affairs Counsel from the NH Municipal Association, to verify these understandings and he has done so.