

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, DECEMBER 8, 2014 TIME: 6:00PM

AGENDA

- I. CALL TO ORDER (6:00 PM)
- II. ROLL CALL
- III. ANTICIPATED “NON-MEETING” IN ACCORDANCE WITH RSA 91-A:2, I (a) REGARDING COLLECTIVE BARGAINING
- IV. INVOCATION
- V. PLEDGE OF ALLEGIANCE

PRESENTATIONS

1. Citywide Neighborhood Committee Re: Transportation – Cristy Cardoso
 2. Report on Parking Shuttle Program – Juliet Walker
 3. Proposed Association of Portsmouth Teacher's Contract – School Department
- VI. ACCEPTANCE OF MINUTES – AUGUST 4, 2014 AND AUGUST 18, 2014 AND SEPTEMBER 22, 2014
 - VII. PUBLIC COMMENT SESSION
 - VIII. APPROVAL OF GRANTS/DONATIONS

(There are no grants/donations on for acceptance)

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First Reading of Proposed Ordinance amending Chapter 10 – Zoning Ordinance, Section 10.440 Table of Uses, use #15.20 and Section 10.1530 Terms of General Applicability, regarding Helipad and Heliport ***(Sample motion – move to act on first reading and schedule a second reading and public hearing at the December 22, 2014 City Council meeting regarding the proposed Ordinance, as presented, and further, refer this matter to the Planning Board for report back)***
- B. First Reading of Bonding Resolution of up to Six Hundred Thousand Dollars (\$600,000.00) for the Purchase of a Heavy Rescue Fire Truck ***(Sample motion – move to pass first reading and schedule a public hearing and adoption of a Bonding Resolution appropriating the sum of up to Six Hundred Thousand (\$600,000) Dollars, for the FY15 purchase of a Heavy Rescue Fire Truck, as presented at the December 22, 2014 City Council meeting)***

- C. First Reading of Proposed Ordinance amending Chapter 10 – Zoning Ordinance, Section 10.1110 – Off-street Parking (**Sample motion – move to pass first reading and schedule a public hearing and second reading of the proposed Ordinance as recommended by the Planning Board at the December 22, 2014 City Council meeting, as presented**)
- D. First Reading of Proposed Ordinance amending Chapter 10 – Zoning Ordinance, Article 7, Section 10-.734 – Gateway Planned Development Intensity and Dimensional Stands, subsection 10.734.20 – Lot Requirements – building height and setback standards relative to streets other than Lafayette Road, Amend by inserting a new Section 10.734.40 – Definitions of “Workforce Housing Incentives”, Amend Article 15, Section 10.1530 – Terms of General Applicability, by inserting new terms and definitions of “Workforce Housing” and Workforce Housing Unit” to be consistent with State law (**Sample motion – move to pass first reading and schedule a public hearing and second reading of the Proposed Ordinance, as presented, at the December 22, 2014 City Council meeting**)
- E. Second Reading of Proposed Ordinance amending Chapter 1, Article IX, Section 1.901: - Conflict of Interest of the Administrative Code (*Continued from the November 17, 2014 City Council meeting*)
- F. Second Reading of Proposed Ordinance amending that the following lots be rezoned from Industrial (I), Office Research (OR) or Municipal (M) to Character District 4 (CD4):
- Assessors Map 163, Lots 33, 34 and 37;
 - Assessors Map 165, Lots 1, 2 and 14
 - Assessors Map 172, Lots 1 and 2;
 - Assessors Map 173, Lots 2 and 10
- and including Cate Street between Hodgson’s Brook and Bartlett Street, as shown on the attached exhibits title “Areas Proposed To Be Rezoned to Character District 4 (CD4)”, and further that the Zoning Map referenced in Chapter 10, Article 4, Section 10.420 (District Location and Boundaries) of the Ordinances of the City of Portsmouth be revised accordingly (*Continued Second Reading from the November 17, 2014 City Council meeting*) (**Sample motion – move not to approve second reading of the proposed Ordinance, as presented**)

X. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. *Acceptance of Police Department Donation:
- An anonymous donation of \$50 in cash was received in support of the Portsmouth Police Explorers (**Anticipated action – move to approve and accept the donation to the Portsmouth Police Department**)
- B. Letter from Matt Junkin, President, Seacoast Rotary, requesting to hold the 7th Annual Seacoast Rotary Turkey Trot 5k, on Thursday, November 26, 2015 (**Anticipated action – move to refer to the City Manager with power**)

- C. Letter from David Hallowell, PMFF Board Member, requesting permission to conduct the Annual Portsmouth Maritime Folk Festival on September 26 and 27, 2015 ***(Anticipated action – move to refer to the City Manager with power)***
- D. Letter from Sarah Jarvis, Rye Fire Department, requesting permission for the use of the High Hanover Parking Garage in December, 2014 for fundraising to attend the Firefighter Stair Climb in Seattle Washington, in March 2015 ***(Sample motion – move to refer to the City Manager with power)***
- E. Letter from Tracey Tucker, New Heights, requesting permission to hold the 6th annual St Paddy's 5 Miler Road Race on Sunday, March 15, 2015 at the Pease Tradeport ***(Anticipated action – move to refer to the City Manager with power)***
- F. Letter from Jessica Parker, Cross Roads House, requesting permission to hold the Homeless Memorial Service on Thursday, December 18, 2014 at 5:30 p.m. in Market Square ***(Anticipated action – move to refer to the City Manager with power)***
- G. Request for Approval of Pole License to install 2 poles located on Islington Street/Barberry Street as a part of circuit upgrades in this area ***(Anticipated action – move to approve the aforementioned Pole License Agreement as recommended by the Public Works Department with the approval conditioned upon amendment of the license to allow for the collection of any lawfully assessed real estate taxes)***
- H. Request for Approval to Pole License to install 1 pole and 5 feet of underground cable from pole to house #31 on Sherburne 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)***

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Renee T. Bouchard, Chairperson, requesting permission to hold the First Annual "Bridal Miles" 5k Road Race and Walk on Sunday, May 3, 2015 at the Pease Tradeport ***(Sample motion – move to refer to the City Manager with power)***

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 10 – Zoning Ordinance, Section 10.440 Table of Uses, use #15.20 and Section 10.1530 Terms of General Applicability, regarding Helipad and Heliport ***(Action on this items should take place under Section IX of the Agenda)***

- 1.2 First Reading of Bonding Resolution of up to \$600,000.00 (Six Hundred Thousand Dollars) for the Purchase of a Heavy Rescue Fire Truck (**Action on this items should take place under Section IX of the Agenda**)
 - 1.3 First Reading of Proposed Ordinance amending Chapter 10 – Zoning Ordinance, Section 10.1110 - Off-street Parking (**Action on this items should take place under Section IX of the Agenda**)
 - 1.4 First Reading of Proposed Ordinance amending Chapter 10 – Zoning Ordinance, Article 7, Section 10-.734 – Gateway Planned Development Intensity and Dimensional Stands, subsection 10.734.20 – Lot Requirements – building height and setback standards relative to streets other than Lafayette Road, Amend by inserting a new Section 10.734.40 – Definitions of “Workforce Housing Incentives”, Amend Article 15, Section 10.1530 – Terms of General Applicability, by inserting new terms and definitions of “Workforce Housing” and Workforce Housing Unit” to be consistent with State law (**Action on this items should take place under Section IX of the Agenda**)
2. Second Reading of Proposed Resolutions and Ordinances:
- 2.1 Second Reading of Proposed Ordinance amending Chapter 1 , Article IX, Section 1.901: Conflict of Interest of the Administrative Code (*Public Hearing held and closed on November 17, 2014, Second Reading continued from November 17, 2014*) (**Action on this items should take place under Section IX of the Agenda**)
 - 2.2 Second Reading of Proposed Ordinance amending that the following lots be rezoned from Industrial (I), Office Research (OR) or Municipal (M) to Character District 4 (CD4):
 - Assessors Map 163, Lots 33, 34 and 37;
 - Assessors Map 165, Lots 1, 2 and 14
 - Assessors Map 172, Lots 1 and 2;
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City Manager’s Items Which Require Action:

1. Request for Approval of a Proposed Four-Year Agreement between the City of Portsmouth and the Association of Portsmouth Teachers
2. Review and Presentation Water/Sewer Assistance Program
3. Review and Presentation Water Efficiency Rebate Program

4. Portwalk Door Swing License Agreement

Informational items

1. Events Listing
2. Plan Portsmouth North End Preliminary Vision Plan
3. City Council Non Public Session Re: 165 Deer Street

B. MAYOR LISTER

1. *Report of Appointment Process
2. Appointments to be Considered:
 - Jennifer Zorn – Appointment to the Economic Development Commission
 - William Gladhill – Reappointment to the Planning Board
 - John Ricci – Reappointment to the Planning Board
 - Rebecca Perkins – Appointment to the Portsmouth Housing Authority
 - Arthur Parrott – Reappointment to the Zoning Board of Adjustment
 - Stacy Lonergan – Appointment to the Zoning Board of Adjustment
3. Appointment to be Voted:
 - Everett Eaton – Reappointment to the Economic Development Commission
4. *Establish a Blue Ribbon Committee on Sagamore Creek Land:
 - Two City Council Members
 - Representative from the Conservation Commission
 - Representative from the School Board
 - Representative from the Recreation Board
 - Ex-officio City Manager or his designees
 - One Resident

Committee Charge: The charge of the Blue Ribbon Committee on the Sagamore Creek Land is to develop a plan for public usage of the 66-acre city-owned parcel. A report back to the City Council shall be completed on or prior to September 21, 2015

C. ASSISTANT MAYOR SPLAINE

1. *Budget

D. COUNCILOR DWYER

1. Request for Internal Report from Fire Commission/Fire Department (*See attached Correspondence regarding Internal Report*) (**Sample motion – move to request a report back by the end of April 2015 in advance of budget deliberations**)

E. COUNCILOR MORGAN

1. *Parking for Handicap Residents

F. COUNCILOR SPEAR

1. Report of Evaluation Subcommittee Re: City Manager Compensation (***Sample motion – moved in accordance with Section 4, Paragraph 4 in the City Manager’s Employment Agreement to authorize \$10,000.00 to be made to the City Manager’s 401(a) Plan in January 2015 representing in addition to his compensation for FY15***)

G. COUNCILOR THORSEN

1. Conflict of Interest Ordinance Amendment Options #1 - #3 (*Continued from November 17, 2014 City Council Meeting*)

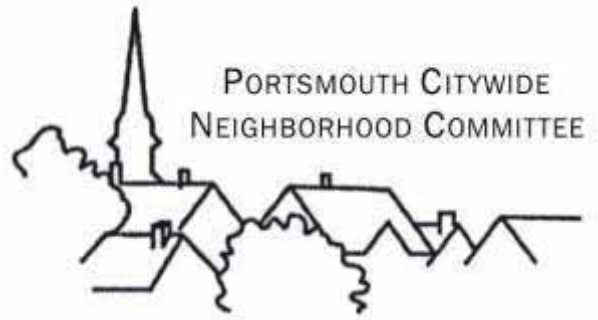
XIII. MISCELLANEOUS/UNFINISHED BUSINESS

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

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

**Indicates Verbal Report*

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



**Report to the City Council on transportation
from Portsmouth's Neighborhoods
December 2014**

Steering Committee Members: Cristy Cardoso, Kathy Bergeron, Cliff Lazenby, Paul Mannle

Background

Mayor Lister approached the Citywide Neighborhood Committee in May of 2014 to request a report back on transportation in Portsmouth from the City's Neighborhood Groups. The Citywide Neighborhood Steering Committee responded to that request with a 10 question survey that was distributed to neighborhood leadership in September of 2014. In this report you will find key findings from our survey as well as some insights and action items that neighborhood groups would like to see acted upon by this council and City Staff.

Survey Overview

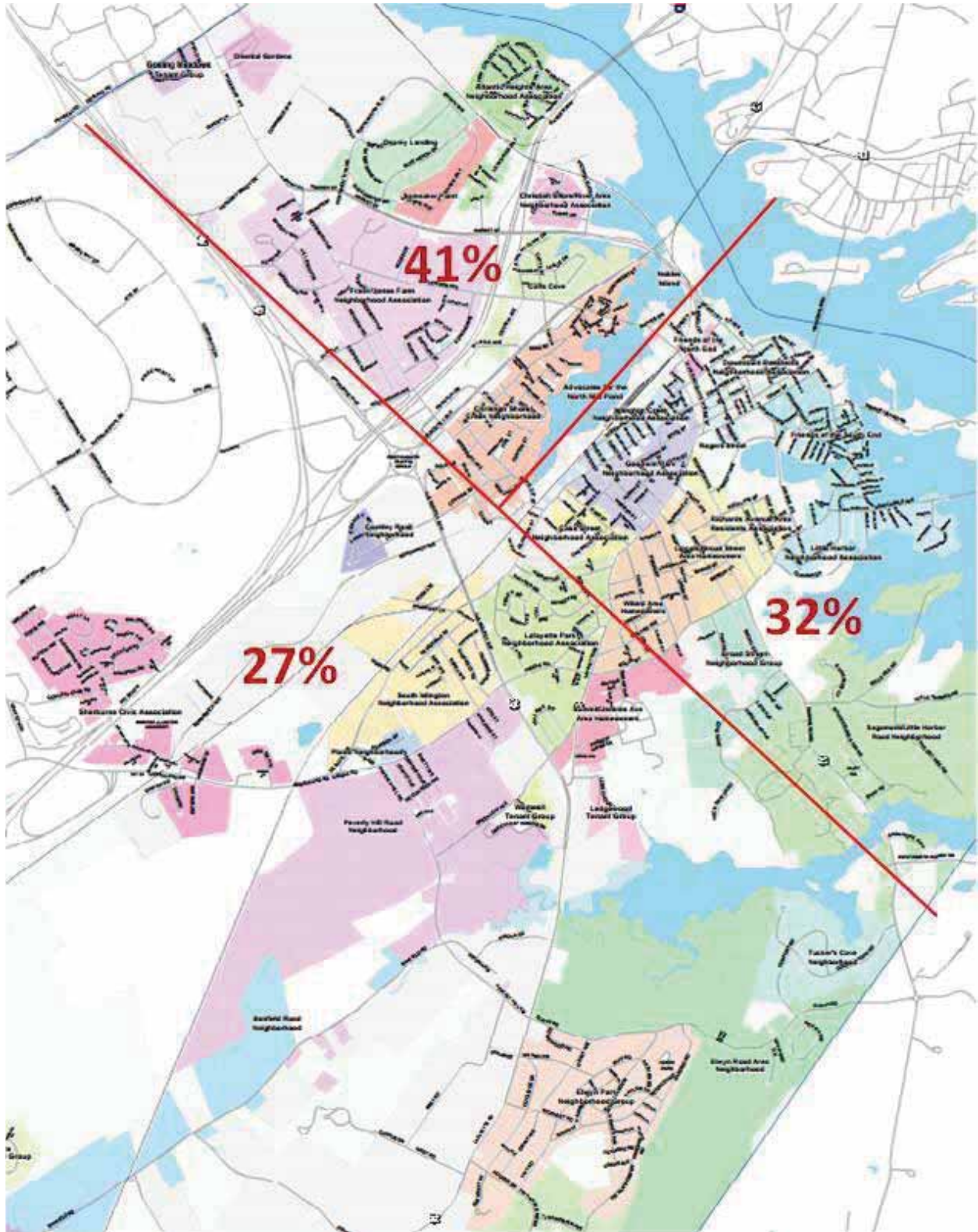
The survey ran from September through October and was publicized through neighborhood group leadership, in local news outlets and through social media. The majority of the questions were open ended and allowed respondents to communicate details about current transportation assets and deficits in their neighborhood and to suggest areas of concern in their neighborhood and the city as a whole. When applicable, we have provided the full text answers to questions in the attached appendix to allow City Council members and City Staff to read and act upon the transportation issues cited.

About the respondents:

The survey results were collected from 316 respondents residing in 33 distinct neighborhoods. The top five neighborhoods in volume of participants were Frank Jones Farm, Christian Shore Creek, Spinnaker Point, Elwyn Park and Wibird Area Homeowners Organization, which accounted for 48% of the overall total respondents.

Frank Jones Farm	12%	Little Harbor Neighborhood Association	2%
Christian Shore Creek	11%	Broad Street	1%
Spinnaker Point	10%	Cutts Cove	1%
Elwyn Park	8%	Downtown Residents Assoc	1%
Wibird Area Homeowners (WAHOO)	7%	Nobles Island	1%
Peverly Hill Road Neighborhood Group	5%	Springbrook	1%
Atlantic Heights Area Neighborhood Assoc	5%	Summit /Jenkins Area	1%
Islington Creek	4%	Osprey Landing	1%
Goodwin Park Area	3%	Sagamore/Little Harbor Road	1%
Lafayette Park	3%	Lang Road	1%
Cass St Neighborhood Assoc	3%	Richards Ave Area Residents Assoc	1%
Lincoln/Broad St Home Owners	3%	Stonegate	1%
Maple Haven	3%	Beechstone Tenants Group	<1%
Sherburne Civic Association	3%	Eastwood Homeowners	<1%
Sherburne Civic/South Islington	3%	Friends of the North End	<1%
The Woodlands	2%	Ocean Road	<1%
Friends of the South End	2%		

Respondents were distributed throughout the city with the majority from the Northwest portion followed by the East and West/South as illustrated in the map below.



After determining where in the city respondents lived, we asked how far each respondent commuted each day. 60% replied that they commute less than 5 miles per day. These responses support data published by New Hampshire Employment Security, that indicates that 51.9% of Portsmouth residents work within the city of Portsmouth, and the average commuting time for Portsmouth residents is 19.7 minutes.

	Response Count	Percent of total
less than 5 miles	189	60%
5-15 miles	47	15%
15-25 miles	35	11%
more than 25 miles	45	14%

Transportation Assets

Next, we asked what existing transportation related assets improved neighborhoods the most. Sidewalks, signs, stop signs, bike lanes, traffic signals, and crosswalks were the most frequently mentioned transportation assets. The word cloud below illustrates these assets with the size of the text signifying the frequency that the asset was mentioned.



*24% of respondents either declined to name an asset or responded that there were no assets of note.

Negative Impacts

Conversely, when asked what transportation related problems negatively impact their neighborhood, a lack of, or inadequate sidewalks and bike lanes were often cited as concerns. Speed and dangerous or difficult to navigate intersections were by far the most frequently mentioned transportation concerns in the city's neighborhoods. The lack of enforcement, traffic and infrastructure in need of repair or maintenance were also common themes.



*8% of respondents either declined to answer or responded that there were no negative impacts of note.

When respondents were asked what they would like to see done to improve transportation in their neighborhoods we saw a diverse set of thoughtful answers that ranged from providing bus shelters and street trees to connecting specific sections of sidewalks to adding traffic lights and enforcing traffic ordinances. The full text is provided in the attached appendix. It is our hope that these can be reviewed, and where possible, acted upon quickly.

Action Item: Distribute the specific feedback we gathered to the appropriate city department and identify items that are immediately actionable.

How residents work on improving transportation in neighborhoods

Next, we asked an open ended, multi-part question that was intended to determine whether survey respondents had successfully worked with city departments to address any transportation concerns in their neighborhoods. Twenty-nine percent of respondents said that they had attempted to work with city departments on a wide range of issues from enforcement to infrastructure. Of those, more than half (62%) said that their concerns were addressed, at least somewhat. Thirty-eight percent of those who had tried to work with departments indicated that their concerns had not been addressed.

Have you ever worked with City departments to resolve any transportation related concerns in your neighborhood?

YES	NO	No Answer
29%	26%	45%

For those who answered no, we asked respondents to give reasons why they hadn't attempted to work through city departments on the transportation issues in their neighborhoods. Beyond not having the time or being unaware of the steps to take to engage the city, a strong sense of frustration was expressed. The reasons were varied but the long wait for results and an outright lack of response were common answers. The full text of these answers can be found in the attached appendix but a few telling examples are called out here.

"25 years of being ignored or minimally acknowledged by Traffic and Safety and Public Works."

"Length of time has been frustrating, lack of clarity about what steps to take."

"They are too busy and have higher priorities meeting business needs over citizen needs."

Action Item: Develop easier ways for residents to communicate with city departments. Make City Council aware of lingering issues and the reasons for delays in addressing concerns. Ensure that all calls and emails to city departments get a response of some kind.

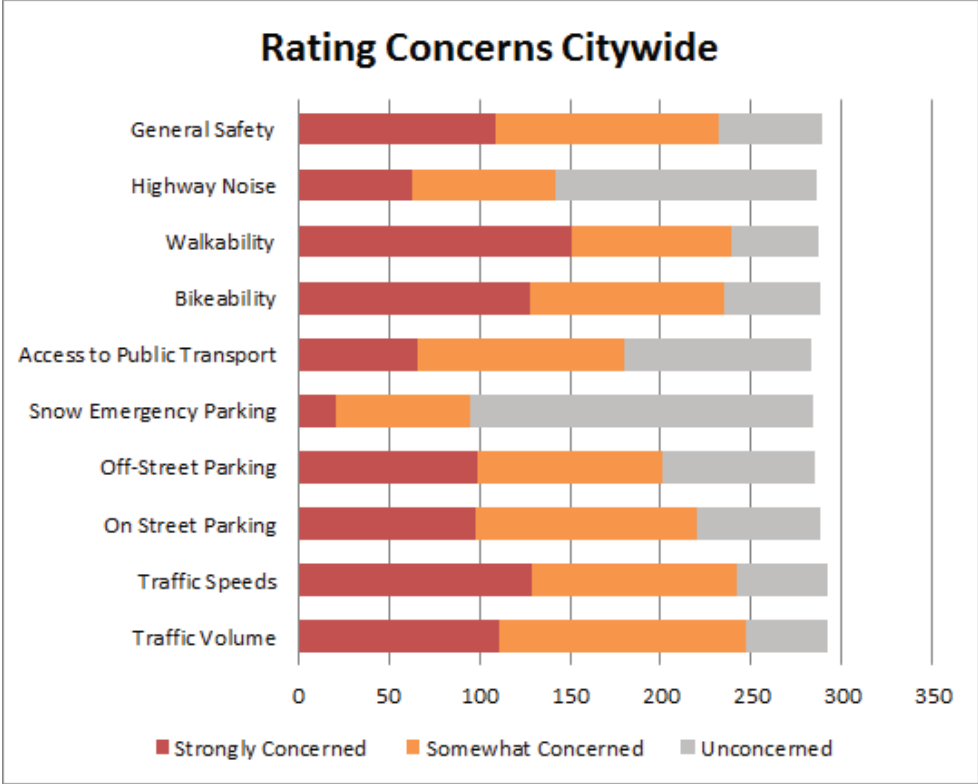
Lastly, we asked if residents had seen the recently completed Bike/Ped Master plan. Only 19% of the respondents said that they had seen it. Those who were aware of the Bike/Ped Master plan tended to give additional positive feedback such as; "Great!", "Yes. I am excited", "Yes and it is very exciting - I would do even more", and "Yes looks great I wish it could happen faster". Additionally, both those who had seen the completed plan as well as those who had not raised concerns about the timelines for implementation of these projects.

Have you seen Portsmouth's recently completed Bicycle Pedestrian Master Plan?

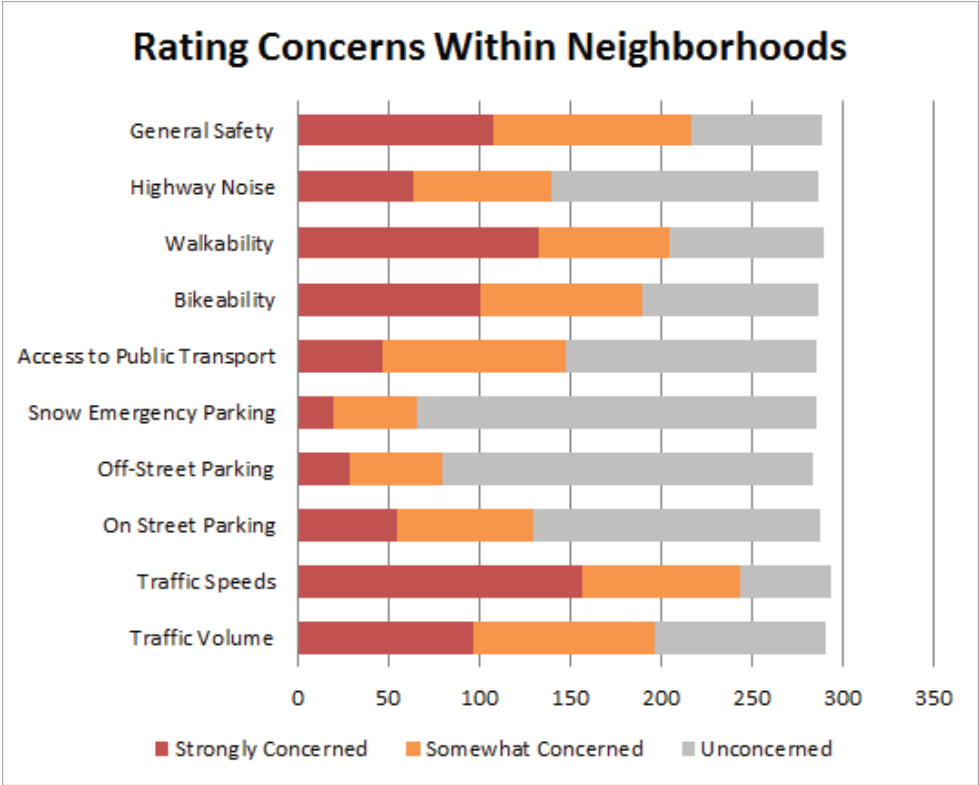
YES	NO	No Answer
19%	46%	36%

"A plan is great, but an action is better."

Action Item: Continue to raise awareness about the projects identified within the Bike/Ped master plan and communicate timelines for their implementation.



The next chart illustrates what the respondents are most concerned within their own neighborhoods. Traffic Speeds are a clear leading concern with General Safety and Walkability following.



How can we improve transportation in the city as a whole?

We closed the survey by asking respondents what they would like to see done to improve transportation in the City as a whole. Respondents supplied suggestions for increasing public transportation and alternative transportation, creating pedestrian only zones, increasing parking, and reducing traffic congestion. The word cloud below illustrates the major themes and locations. In the appendix you will find the full text of these responses, many of them identify specific areas of concern.



*31% of respondents declined to answer.

Closing

After reviewing the survey results, members of the Citywide Neighborhood Steering Committee feel that new and existing initiatives such as Complete Streets policy, Bicycle and Walk Friendly policies, the Bicycle Pedestrian Plan and the Safe Routes to School Action Plan in many cases deal with the concerns voiced by our respondents. On paper, Portsmouth is set to be the safe, walkable community that many of our survey respondents want it to be. However, the work of improving our infrastructure to meet those goals lies ahead.

It is important that the city does more to communicate to residents these plans and how they will guide future work. Accessible information on the process of prioritizing projects, securing funding, and timelines for implementation are extremely important but are often missing from the public dialogue. For example, the bike lane project on Lafayette Road and Middle Street identified in the 2010 Safe Routes to School plan, now in the planning stages, is set to be completed in the fall of 2015. While this development is certainly positive, the long horizon for the solution is a great example of where frustration arises and why continual communication on the status of long term plans is such an important part of the process. A mechanism for residents to obtain the status on these types of initiatives would likely lessen frustration.

Recognizing that Portsmouth's evolution to a regional business center and tourist destination has resulted in increased traffic and other transportation related issues is a great place to start. None of the roads in our city are the seldom travelled rural routes that they once were. While it may not be possible for every street in the city to have sidewalks or bike lanes built immediately, this survey indicates that residents feel strongly that it should be possible to step outside their homes to safely walk a dog, commute locally by bicycle or simply get some exercise despite the increased traffic on our streets.

While we recognize that there is a long wait for many major infrastructure updates, and many of those will be addressed with initiatives that are currently underway, our survey results contained clear calls for non-infrastructure related action including better enforcement of speed limits, enforcement of illegal parking around intersections outside of the downtown core and re-routing truck traffic. We hope that these concerns are looked at closely and that the problem areas identified by our respondents get attention from the appropriate departments to increase the safety of existing conditions throughout the city.

Attachments

Appendix of open ended survey questions and responses.

MEMORANDUM

TO: JOHN P. BOHENKO, CITY MANAGER
FROM: JULIET WALKER, TRANSPORTATION PLANNER *JW*
SUBJECT: DOWNTOWN PARKING SHUTTLE REPORT AND RECOMMENDATION
DATE: 11/03/2014

Over 18,686 one-way riders have used the Downtown Parking Shuttle, which has been in operation for 27 weeks. The total cost per one-way rider for the Portsmouth Downtown Parking Shuttle is \$5.66. Included in this memorandum are total costs for this service, an analysis of daily and weekly ridership, a summary of public outreach and feedback, and staff recommendations for extension of the pilot service.

Current Operations

The City contracted with TransAction Corporate Shuttles to operate the Downtown Parking Shuttle which runs between the Connect Community Church (CCC) parking lot on Market Street to the Hanover Parking Garage. From May 2nd to August 3rd the service operated on Fridays from 4pm to 1:30am, Saturdays from 12pm to 1:30am, and Sundays from 12pm to 10pm for a weekly cost of \$1,892. Beginning August 7th, the service hours were expanded to include Thursdays from 4pm to 1:30am and additional hours on Friday starting at 12pm for a weekly cost of \$2,839. The current contract ended on November 2. To date, the City has expended \$63,400 this year for the contract with TransAction to operate this service.

In addition, the City will have expended a total of \$27,998 for marketing of this service, with the majority of those costs expended in the first 4 months. The City contracted with Darci Creative, LLC for the marketing effort. Total on-site security costs at the CCC lot during shuttle operation are \$14,368. Therefore, the total shuttle costs after 27 weeks of operation is \$105,765.

Parking Shuttle Costs

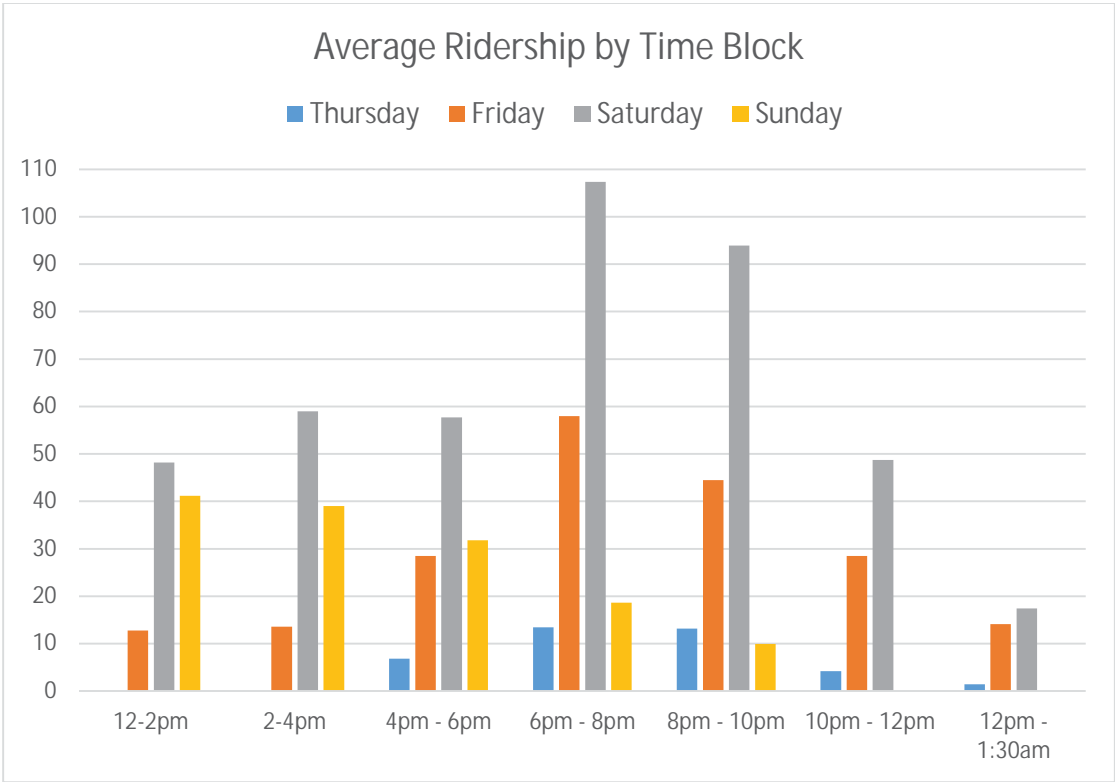
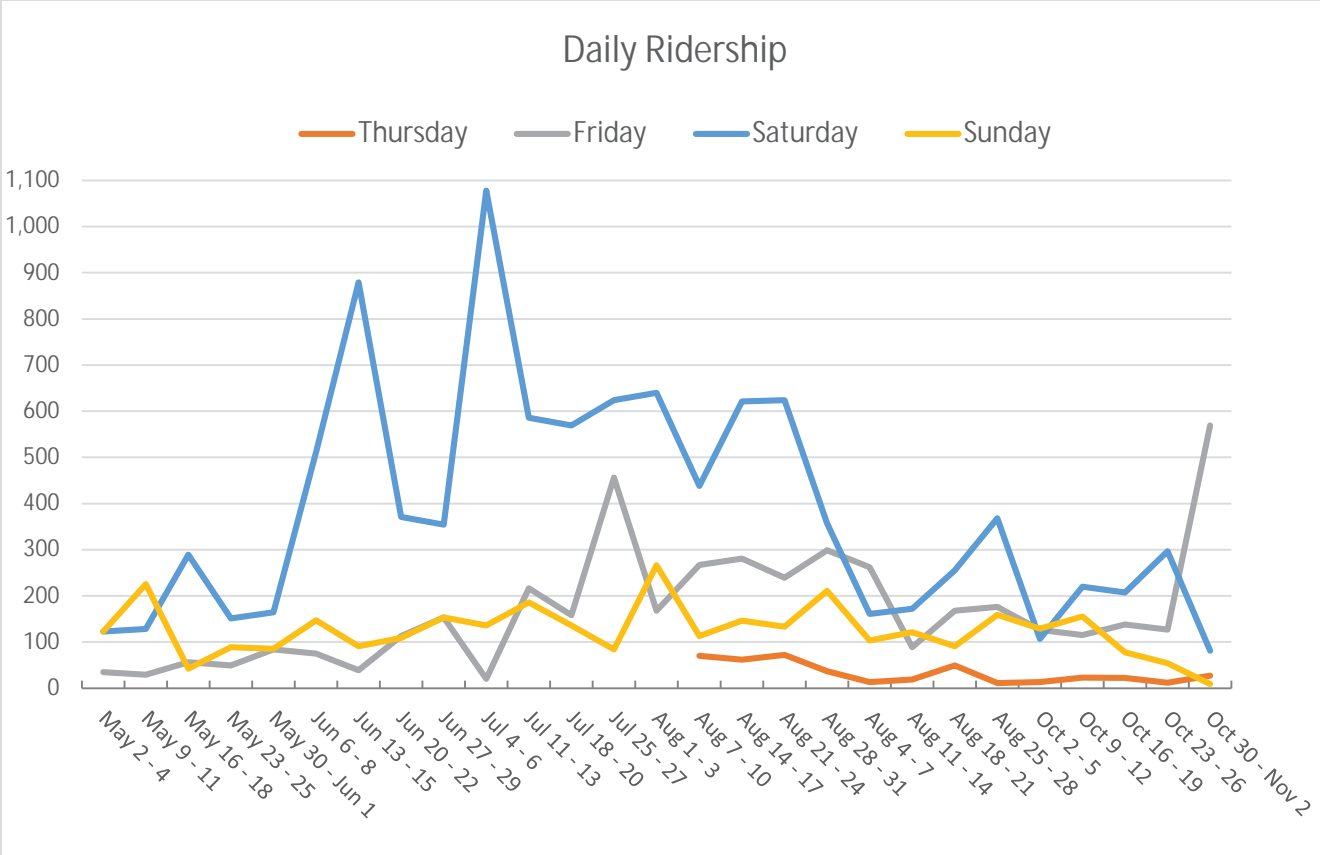
Service Period	Service Hours	Total Weekly Service Hours	Weekly Cost
5/2 – 8/3/2014 (14 weeks)	Friday 4pm-1:30am (9.5 hrs) Saturday 12pm-1:30am (13.5 hrs) Sunday 12pm-10pm (10 hrs)	33 hours	\$1,892
8/7 – 11/2/2014 (13 weeks)	Thursday 4pm – 1:30am (9.5 hrs) Friday 12pm-1:30am (13.5 hrs) Saturday 12pm-1:30am (13.5 hrs) Sunday 12pm-10pm (10 hrs)	46.5 hours	\$2,839
Total TransAction Cost			\$63,400
Total Marketing Costs			\$27,998
Total Security Costs			\$14,368
Total Parking Lot Lease¹			\$0
Total Parking Shuttle Costs			\$105,765

¹ The parking lot usage agreement with the Connect Community Church stipulates that in exchange for public use of 93 parking spaces the City would conduct pavement repair and crack sealing of the lot, which was completed in 2009. At the request of the Church, the City is currently reviewing the terms of this agreement.

To date, the shuttle has transported approximately 18,686 total one-way riders. The average weekly ridership is 692 one-way riders, ranging from a low of 281 for the 1st week to 1,234 for Market Square Day Weekend. This results in a total cost per one-way rider of \$5.66.

Daily and Weekly Ridership

	Dates	Thursday	Friday	Saturday	Sunday	Weekly Total	Weekly Average
Week 1	May 2 - 4		35	123	123	281	281.0
Week 2	May 9 - 11		29	128	225	382	331.5
Week 3	May 16 - 18		56	289	42	387	350.0
Week 4	May 23 - 25		49	151	89	289	334.8
Week 5	May 30 - Jun 1		84	164	85	333	334.4
Week 6	Jun 6 - 8		75	511	147	733	400.8
Week 7	Jun 13 - 15		39	879	91	1,009	487.7
Week 8	Jun 20 - 22		113	371	109	593	500.9
Week 9	Jun 27 - 29		153	354	153	660	518.6
Week 10	Jul 4 - 6		20	1078	136	1,234	590.1
Week 11	Jul 11 - 13		216	586	186	988	626.3
Week 12	Jul 18 - 20		158	569	136	863	646.0
Week 13	Jul 25 - 27		456	624	84	1,164	685.8
Week 14	Aug 1 - 3		168	640	266	1,074	713.6
Week 15	Aug 7 - 10	70	267	438	113	888	725.2
Week 16	Aug 14 - 17	62	281	621	146	1,110	749.3
Week 17	Aug 21 - 24	72	239	624	133	1,068	768.0
Week 18	Aug 28 - 31	37	299	357	211	904	775.6
Week 19	Aug 4 - 7	13	262	161	103	539	763.1
Week 20	Aug 11 - 14	19	89	172	121	401	745.0
Week 21	Aug 18 - 21	49	168	255	91	563	736.3
Week 22	Aug 25 - 28	11	176	368	159	714	735.3
Week 23	Oct 2 - 5	13	126	107	129	375	719.7
Week 24	Oct 9 - 12	23	115	220	155	513	711.0
Week 25	Oct 16 - 19	22	138	207	78	445	700.4
Week 26	Oct 23 - 26	12	127	297	54	490	692.3
Week 27	Oct 30 - Nov 2	27	569	81	9	686	692.1
Total		430	4,507	10,375	3,374	18,686	



Business and Ridership Feedback

As part of the shuttle marketing effort, the City's marketing consultant, Darci Creative, LLC, reached out directly to 55 businesses in the downtown. A list of the businesses contacted through this effort is attached to this memorandum. The Chamber of Commerce was also consulted during this process and assisted with marketing the shuttle service to visitors and Chamber members.

The addition of service on Thursdays and extension of the Friday hours were a direct response to feedback received from the downtown businesses.

City staff has received feedback about the service via e-mail as well as the Twitter feed. Overall, the feedback staff has received from both ridership and downtown businesses has been positive. In addition, we are currently undertaking a survey of riders to learn more about how often they are using the service and why.

Recommendation for Extension of Service

In late October, the Connect Community Church requested that the City re-negotiate the terms of the parking lot usage and maintenance agreement to include financial compensation. Per the terms of the existing agreement, the City conducted pavement repair and crack sealing of the lot in 2009 in exchange for public use of 93 spaces until 2019. The Church has agreed to a temporary bridge agreement for 3-months that would enable to City to evaluate an appropriate fee for ongoing public use of the lot. The City has agreed to pay the Church \$9,000 for this 3-month period.

City staff has recommended that the pilot downtown shuttle service be extended to the end of January 2015. The terms of the extension are as follows:

- 1) Provide service Friday and Saturday 12 to 1:30am and Sunday 12 to 10pm (\$2,467.26 per week)
- 2) Eliminate Thursday service due to low existing demand
- 3) Budget \$1,500 for additional marketing during the holiday shopping season
- 4) Pay Connect Community Church for parking lot use (\$3,000 per month)
- 5) Provide night-time security details for CCC lot (\$700 per week)

The total cost for this extension of service is \$51,674.

Projected Annual Costs for Downtown Parking Shuttle

The attached memorandum, dated October 2, 2014, provides a summary of projected annual operating costs if the City continued the service next year. As explained in the memorandum, the projected annual cost for *shuttle operation alone* is \$168,433 for 4 days of service and \$281,867 for 7 days of service.

Marketing, security, and lease costs were not included in these projections. If the City operates the shuttle in 2015, staff recommends considering an annual budget of \$12,000 for marketing and \$40,000 to \$70,000 for night-time security services at the CCC lot (dependent on how many evenings a week the shuttle is running). In addition, pending negotiation of a new use agreement with the Connect Community Church, starting in February 2015 there will be an additional annual cost to the City for ongoing public use of the lot.

Businesses Contacted Directly for Marketing / Outreach Effort

5 Thai Bistro
Alex and Ani
Blue Mermaid Island Grill
Book & Bar
Bull moose
Cava
Ceres Bakery
Club Boutique/City Shoes
Cure
Diversions games
Dos Amigos
Flatbread Pizza
G. Willikers!
Ganesh Imports
Healthfood Store
Hilton Garden Inn
IOS
Izzy's Frozen Yogurt
Joes NY Pizza
Kilwins
Library Restaurant
Life is Good
Massimo
Newburyport Savings Bank
Orange Leaf
People's United Bank
Piscataqua Savings Bank
Poco's Bow Street Cantina

Popovers on the Square
Portsmouth Flatbread
Portsmouth Gas Light Co.
Portsmouth Provisions
Pretty Little Things
Provident Bank
Ri Ra Irish Pub
River House
Runners Alley
Samba Salon
Serendipity
Soupery
State Street Saloon
Stonewall Kitchen
Summer Sessions
Surf Portsmouth/ Surf Sushi Bar
Td bank
Ten thousand Villages
The Dolphin Striker
The Fresh Press
The Juicery
The Loft
The Music Hall
The Rosa
The Seacoast Rep
The Wellington Room
Thirsty Moose

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

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, AUGUST 4, 2014

PORTSMOUTH, NH
TIME: 6:15PM

At 6:15PM, a Work Session was held regarding Police Department Space Needs Study with the Police Commission, Police Chief Dubois and Consultants Lavallee/Brensinger Architects – Will Gatchell and Ian Reeves.

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 Kennedy (via conference call), Lown, Dwyer, Morgan, Spear and Thorsen

Absent: Councilor Shaheen

III. INVOCATION

IV. PLEDGE OF ALLEGIANCE

Mayor Lister asked Fire Chief Achilles to lead in a moment of silence followed by the Pledge of Allegiance.

PRESENTATION

1. Report Back from Fire Chief Steve Achilles Re: Rail Transportation of Liquid Propane Gas

Fire Chief Achilles provided a Presentation regarding the Rail Transportation of Liquid Propane Gas which reviewed the following:

- Hazard Classifications
- LPG Safety Data Sheets
- Control Consideration
- Fire Department Preparedness
- Emergency Planning
- Modeling of a Catastrophic Release of LPG

Chief Achilles also spoke on the 9 classifications of hazardous materials and the departments trained preparedness to handle these types of hazards. He addressed the Code Red system versus 911 and map modifications. He explained that many things would need to go wrong for there to be a catastrophic event.

Councilor Morgan thanked Chief Achilles for the presentation and asked him to walk us through the worse case scenario and the plan in place. Chief Achilles said Maplewood Avenue would be the worse location and it would extend ½ mile around the location for the downtown area. He said a failure of systems would need to happen and fire that goes undetected for a period of time.

Chief Achilles stated if a 911 call was made the department would identify the problem that exists. He also intended we would start evacuating areas as needed and work with the Code Red system.

Assistant Mayor Splaine thanked Chief Achilles for the presentation. He indicated that he is concern for the firefighters which would be in the front lines of any event that was to take place. Assistant Mayor Splaine asked if the Chief would agree that we do not want to have such a problem and the best way to prevent something from occurring would not to have an expansion of Sea-3. Chief Achilles said the Fire Department does not have a preference with the Sea-3. He said he is approaching this some a fire safety stand point.

V. ACCEPTANCE OF MINUTES – APRIL 21, 2014

Councilor Lown moved to accept and approve the minutes of the April 21, 2014 City Council meeting. Seconded by Councilor Spear.

On a unanimous roll call 7-0, voted to accept and approve the minutes of the April 21, 2014 City Council meeting. Mayor Lister abstained from voting as he did not attend the April 21, 2014 meeting.

VI. PUBLIC COMMENT SESSION

Lou Brown spoke regarding water access from Spinnaker Way. He said there is no way to get to the tracks and feels that is a big issue. He stated Sea-3 is more serious than some think.

Mark Frank spoke in favor of the Resolution for Market Basket employees. He said he boycotts the Market Basket and feels Portsmouth should stand along side of the other areas in the State of New Hampshire.

Bob Gibbons spoke to Chief Achilles' presentation and stated that we need a detailed evacuation plan in place and his neighborhood could not shelter in place.

Jerry Karabelas spoke on traffic on Court Street and how it has tripled over the last 20 years. He requested a 3 way stop on Atkinson and Marcy Streets with speed bumps installed.

Stuart Wisong provided a packet of information with a copy of the helicopter schedule of tours which begin at 7:00 a.m. and end at 10:00 p.m., 7 days a week. He stated this is a serious issue which is affecting people's values of their homes.

Rich DiPentima commented on Chief Achilles' presentation and that an evacuation of 1/2 miles might not be enough. The 1/2 mile is a false sense of security.

Joe Caldarola spoke regarding the gambling ordinance and said he had difficulty understanding the definition. He spoke to Kearsarge Way and truck traffic. He said Assistant Mayor Splaine met with hi and City Officials and that they are working on an access road for Kearsarge Way.

Del Morse said the temporary road will provide access but there needs to be a long term plan put in place. There also needs to be a rerouting of oil truck for their refueling at Irving terminals. She said these trucks are creating safety concerns.

VII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Police Department Grant and Donation
- Acceptance of Grant from Seacoast CrimeStoppers to underwrite the 2015 Citizen Police Academy and a portion of the 2014 Academy - \$6,600.00
 - Acceptance of Donation from William Mortimer in support of the Portsmouth Police Explorers - \$25.00

Councilor Lown move to accept and approve the grant and donation to the Portsmouth Police Department, as listed. Seconded by Councilor Spear.

On a unanimous roll call 8-0, voted to accept and approve the grant and donation to the Portsmouth Police Department, as listed.

VIII. PUBLIC HEARING

- A. ORDINANCE AMENDING CHAPTER 10 – ZONING ORDINANCE, ARTICLE 15, DEFINITIONS, SECTION 10.1530 – TERMS OF GENERAL APPLICABILITY, ARE HEREBY AMENDED BY ADDING THE FOLLOWING NEW TERM AND DEFINITION: BUILDING FOOTPRINT – THE HORIZONTAL AREA OF A LOT COVERED BY THE BUILDING, EXCLUDING (A) GUTTERS, CORNICES AND EAVES PROJECTING NOT MORE THAN 30 INCHES FROM A VERTICAL WALL, AND (B) STRUCTURES LESS THAN 18 INCHES ABOVE GROUND LEVEL SUCH AS DECKS AND PATIOS

Mayor Lister read the legal notice, declared the public hearing open and called for speakers. With no speakers, Mayor Lister closed the public hearing.

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First Reading of Ordinance amending Chapter 7, Vehicles, Traffic and Parking Omnibus Ordinance

Councilor Spear move to pass first reading on the proposed Ordinance amendment and schedule a public hearing and second reading at the August 18, 2014 City Council meeting. Seconded by Councilor Dwyer.

On a unanimous roll call 8-0, voted to pass first reading on the proposed Ordinance amendment and schedule a public hearing and second reading at the August 18, 2014 City Council meeting.

- B. First Reading of Ordinance amending Chapter 10, Article 15, Section 10.1530 by the addition of the following new definition – Commercial Gambling Operation

Councilor Thorsen requested to withdraw this ordinance at this time.

Councilor Lown moved to postpone action on this Ordinance. Seconded by Councilor Dwyer .

On a unanimous roll call 8-0, voted to postpone action on this Ordinance.

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

Councilor Dwyer moved to pass first reading and schedule a public hearing and second reading on the proposed Ordinance amendment at the September 22, 2014, City Council meeting, and further, recommend that this matter be referred to the Planning Board for a report back to the City Council. Seconded by Councilor Spear.

Councilor Spear said if ordinances are being crafted before going to the Planning Board then this is becoming a habit and it is bad government.

Councilor Dwyer brought forward the issue of affordable housing. She stated that the Planning Board has spent a great deal of time on issues that the City Council has no desire of pursuing. She feels this process adds more value for the Planning Board to review.

On a roll call 6-2, voted pass first reading and schedule a public hearing and second reading on the proposed Ordinance amendment at the September 22, 2014, City Council meeting, and further, recommend that this matter be referred to the Planning Board for a report back to the City Council. Assistant Mayor Splaine, Councilors Kennedy, Dwyer, Morgan, Thorsen and Mayor Lister voted in favor. Councilors Lown and Spear voted opposed.

- D. Second Reading of Ordinance amending Chapter 10 – Zoning Ordinance, Article 15, Definitions, Section 10.1530 – Terms of General Applicability, are hereby amended by adding the following new term and definition: Building Footprint – The horizontal area of a lot covered by the building, excluding (a) gutters, cornices and eaves projecting not more than 30 inches from a vertical wall, and (b) structures less than 18 inches above ground level such as decks and patios

Councilor Lown moved to pass second reading on the proposed Ordinance amendment and hold third and final reading at the August 18, 2014 City Council meeting. Seconded by Councilor Spear.

On a unanimous roll call 8-0, voted to pass second reading on the proposed Ordinance amendment and hold third and final reading at the August 18, 2014 City Council meeting.

X. CONSENT AGENDA

- A. Request for License from Bruce Dupont, owner of Menemsha Blues Portsmouth for property located at 1 Congress Street for a projecting sign on a new bracket ***(Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Bruce Dupont, owner of Menemsha for a projecting sign at property located at 1 Congress 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***

- B. Request for License from Gale Gertler, owner of Southwest Passage for property located at 214 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 Gale Gertler, owner of Southwest Passage for a projecting sign at property located at 214 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***

- C. Request for License from Sara Sullivan, owner of Sara Sullivan, for property located at 24 Congress 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 Sara Sullivan, owner of Sara Sullivan, for a projecting sign at property located at 24 Congress 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***

- D. Request for License from Chi Zhang, owner of Dozo Restaurant, for property located at 96 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 Chi Zhang, owner of Dozo Restaurant, for a projecting sign at property located at 96 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. *Acceptance of Membership Dues to Art-Speak
- Strawberry Banke Museum - \$100.00
 - NH Art Association - \$125.00
 - Portsmouth Public Library - \$150.00
 - Raka - \$150.00

(Anticipated action – move to accept and approve the Charter Membership Dues to the Piscataqua Arts & Culture Alliance, a program of Art-Speak, as listed)

- F. *Acceptance of Donations to Art-Speak
- Tim Allison - \$25.00
 - Joyce G. Volk - \$25.00
 - Elaine S. Krasker - \$50.00
 - Jameson S. French - \$100.00
 - Dana and Shaula Levenson - \$100.00
 - Coughlin, Rainboth, Murphy & Lown - \$150.00

(Anticipated action – move to accept and approve the donations to Art-Speak, as listed)

- G. Letter from Alyssa Salmon, Big Brothers Big Sisters of the Greater Seacoast, requesting permission to close Pleasant Street on Saturday, June 20, 2015 from 3:00 p.m. – 6:00 p.m. for the Annual Stiletto Sprint (Rain date of Sunday, June 21, 2015) ***(Anticipated action – move to refer to the City Manager with power)***

- H Letter from Sister Mary Agnes, St. Charles Children’s Home, requesting permission to hold the 18th Annual Run with the Cause 5k Road Race at Pease International Tradeport on September 1, 2014 at 9:00 a.m. ***(Anticipated action – move to refer to the City Manager with power)***

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

On a unanimous roll call 8-0, voted to adopt the Consent Agenda.

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from The Citywide Neighborhood Steering Committee, requesting that a policy be put in place that would include communication with the State of New Hampshire Department of Transportation regarding sound barriers during any construction project

Assistant Mayor Splaine moved to refer to Mayor Lister to work with NHDOT Commissioner, State Senator Martha Fuller Clark and our Legislative Delegation with a report back to the City Council. Seconded by Councilor Dwyer.

On a unanimous roll call 8-0, voted to refer to Mayor Lister to work with NHDOT Commissioner, State Senator Martha Fuller Clark and our Legislative Delegation with a report back to the City Council.

- B. Letter from Bernard Pelech, Attorney, Law Office of Wholey & Pelech, regarding Request for Restoration of Involuntarily Merged Lots Pursuant to RSA 674:39aa (2 Sylvester Street/Tax Map 232, Lot 35)

Councilor Lown moved to refer to City staff for review and report back at the August 18, 2014 City Council meeting. Seconded by Councilor Spear.

On a unanimous roll call 8-0, voted to refer to City staff for review and report back at the August 18, 2014 City Council meeting.

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

1. Request to Establish City Council Retreat

Councilor Spear moved to establish a City Council Retreat on Saturday, October 4, 2014 from 9:00 a.m. to 3:00 p.m., in the Levenson Room at the Portsmouth Public Library. Seconded by Councilor Morgan.

On a unanimous roll call 8-0, voted to establish a City Council Retreat on Saturday, October 4, 2014 from 9:00 a.m. to 3:00 p.m., in the Levenson Room at the Portsmouth Public Library.

2. Rescission of Bond Authorization for Various Projects

Councilor Lown moved to approve rescinding the remaining borrowing authority with regard to the following Resolutions:

Water Fund:

- Resolution #11-1998 for \$2,088,000.00 – Rescind amount \$1,320,000.00.
- Resolution #12-2005 for \$10,100,000.00 – Rescind amount \$7,842,303.00.

Sewer Fund:

- Resolution #11-2002 for \$22,500,000.00 – Rescind amount \$2,666,811.11.
- Resolution #8-2001 for \$2,900,000.00 – Rescind amount \$13,327.99.
- Resolution #16-2007 for \$1,500,000.00 – Rescind amount \$430,286.26.

Seconded by Councilor Spear.

On a unanimous roll call 8-0, voted to approve rescinding the remaining borrowing authority with regard to the following Resolutions:

Water Fund:

- Resolution #11-1998 for \$2,088,000.00 – Rescind amount \$1,320,000.00.
- Resolution #12-2005 for \$10,100,000.00 – Rescind amount \$7,842,303.00.

Sewer Fund:

- Resolution #11-2002 for \$22,500,000.00 – Rescind amount \$2,666,811.11.
- Resolution #8-2001 for \$2,900,000.00 – Rescind amount \$13,327.99.
- Resolution #16-2007 for \$1,500,000.00 – Rescind amount \$430,286.26.

3. Request for First Reading Re: Various FY15 Capital Plan Projects

Councilor Lown moved to authorize the City Manager to bring back for first reading the various proposed Resolutions, as presented, at the August 18, 2014 City Council meeting. Seconded by Councilor Dwyer.

On a unanimous roll call 8-0, voted to authorize the City Manager to bring back for first reading the various proposed Resolutions, as presented, at the August 18, 2014 City Council meeting.

4. Report Back Re: Portsmouth Cottage Senior Hospital Authorizing CDBG Loan

Community Development Director Moore came forward to address this matter and discussed the need to move forward with the replacement of the windows at the Cottage Senior Housing facility.

Councilor Lown moved to authorize the City Manager to take any and all action to implement the following:

- To subordinate the current loan with the Cottage Senior Housing Limited Partnership behind the new debt;
- To increase the size of the loan from a current balance of \$52,400.00 to a new principal balance of \$130,000.00 (an increase of \$77,600.00); and
- Modify the distribution of surplus cash from which the City's debt is paid from 90% to 25% and modify the maturation date to occur in 2034.

Seconded by Councilor Spear.

On a unanimous roll call 8-0, voted to authorize the City Manager to take any and all action to implement the following:

- **To subordinate the current loan with the Cottage Senior Housing Limited Partnership behind the new debt;**
- **To increase the size of the loan from a current balance of \$52,400.00 to a new principal balance of \$130,000.00 (an increase of \$77,600.00); and**
- **Modify the distribution of surplus cash from which the City's debt is paid from 90% to 25% and modify the maturation date to occur in 2034.**

5. Polling Hours for September 9, 2014 State Primary Election

City Clerk Barnaby recommended that polling hours for the September 9th State Primary Election be 8:00 a.m. to 7:00 p.m.

Councilor Lown moved to set the polling hours from 8:00 a.m. to 7:00 p.m. for the State Primary Election on Tuesday, September 9, 2014. Seconded by Councilor Spear.

On a unanimous roll call 8-0, voted to set the polling hours from 8:00 a.m. to 7:00 p.m. for the State Primary Election on Tuesday, September 9, 2014.

6. Request for a Encumbrance Permit (Sidewalk Closure) for Construction Project at 185 Austin Street for an Additional Period of Six Months

City Manager Bohenko advised the City Council that the owner realized that more work needed to be completed and there is a need to extend the 30 days sidewalk obstruction for an additional six months.

Councilor Spear moved to authorize the City Manager to enter into a license with Mr. Osterhoudt to facilitate construction activities at 185 Austin Street. Seconded by Councilor Dwyer.

Councilor Dwyer would like to refer this to the Parking and Traffic Safety Committee for review.

Councilor Lown moved to amend the motion to extend the license for 60 days with a report back from the Parking Traffic & Safety Committee. Seconded by Councilor Spear.

On a unanimous roll call 8-0, voted to pass the motion as amended.

7. Request for First Reading of Proposed Ordinance Amendment to Chapter 7, Article II, Section 7.230 - Prohibited Conduct by Taxi Medallion Holders or Owners

Assistant Mayor Splaine moved to authorize the City Manager to bring back for first reading the proposed Ordinance amendment, as presented, at the August 18, 2014 City Council meeting. Seconded by Councilor Spear.

On a unanimous roll call 8-0, voted to authorize the City Manager to bring back for first reading the proposed Ordinance amendment, as presented, at the August 18, 2014 City Council meeting.

8. Report Back Re: Architectural Design Review Outside the Historic District

City Manager Bohenko advised the City Council that the Planning Board has recommended against this.

Councilor Spear moved to postpone this matter pending a report back. Seconded by Councilor Lown.

Planning Director Taintor stated the Planning Board reviewed the request on 2 or 3 occasions and there are several ways the Planning Board does address architectural design review. Director Taintor reviewed the various way of addressing architectural design review.

Discussion followed on this matter.

On a unanimous roll call 8-0, voted to postpone this matter pending a report back.

City Manager's Informational Item #9 – Report Back Re: Building and Development Compliance with Land Use Boards

Councilor Morgan requested a report back in 3-4 months on how the process is going in order to identify any needs and provide feed back.

At 9:55 p.m., Mayor Lister declared a brief recess. At 10:00 p.m., Mayor Lister called the meeting back to order.

City Manager's Informational Item #10 – Report Back Re: Enforcement of Land Use regulation Violations

City Attorney Sullivan apologized for not prioritizing this matter correctly for a report back to the City Council.

City Manager's Informational Item #3 – Report Back Re: Helicopters

City Manager encourages individuals that have complaints regarding the helicopters to use the PDA hotline and the FAA hotline.

Councilor Morgan thanked City Manager Bohenko for working on this matter. Discussion followed regarding FAA and contacting our legislative delegation and congressional delegation regarding this matter and the need to create dialogue between the Council and the owner of the helicopter company.

B. MAYOR LISTER

1. Appointment to be Considered:

- Cristy Cardoso – reappointment to the Citywide Neighborhood Committee

The City Council considered the reappointment of Cristy Cardoso which will be voted on at the August 18, 2014 City Council meeting.

2. Appointments to be Voted:

- Robert Capone to the Cable Television and Communications Commission
- Matthew Cardin as an Alternate to the Conservation Commission
- Vincent Lombardi as an Alternate to the Historic District Commission
- Mary Lou McElwain as an Alternate to the Parking and Traffic Safety
- Lisa Louttit to the Recreation Board
- Jeremiah Johnson as an Alternate to the Zoning Board of Adjustment

Councilor Lown moved to appoint Robert Capone to the Cable Television and Communications Commission until April 1, 2016; appointment of Matthew Cardin as an Alternate to the Conservation Commission until April 1, 2016 filling the unexpired term of Shelley Saunders; appointment of Vincent Lombardi as an Alternate to the Historic District Commission until June 1, 2016 filling the unexpired term of Dan Rawling; appointment of Mary Lou McElwain as an Alternate to the Parking and Traffic Safety Committee; appointment of Lisa Louttit to the Recreation Board until April 1, 2015 filling the unexpired term of Ed DeValle; and appointment of Jeremiah Johnson as an Alternate to the Zoning Board of Adjustment until December 1, 2018. Seconded by Councilor Spear.

On a unanimous roll call 8-0, voted to appoint Robert Capone to the Cable Television and Communications Commission until April 1, 2016; appointment of Matthew Cardin as an Alternate to the Conservation Commission until April 1, 2016 filling the unexpired term of Shelley Saunders; appointment of Vincent Lombardi as an Alternate to the Historic District Commission until June 1, 2016 filling the unexpired term of Dan Rawling; appointment of Mary Lou McElwain as an Alternate to the Parking and Traffic Safety Committee; appointment of Lisa Louttit to the Recreation Board until April 1, 2015 filling the unexpired term of Ed DeValle; and appointment of Jeremiah Johnson as an Alternate to the Zoning Board of Adjustment until December 1, 2018.

3. Acceptance of Resignations:

- Alicia Weaver resignation from Citizens Advisory Committee
- John Weaver resignation from Library Board of Trustees

Councilor Lown moved to accept with regret the resignations of Alicia Weaver from the Citizens Advisory Committee and John Weaver from the Library Board of Trustees and to send a letter of thanks and appreciation to Alicia and John for their service to the City. Seconded by Councilor Dwyer.

On a unanimous roll call 8-0, voted to accept with regret the resignations of Alicia Weaver from the Citizens Advisory Committee and John Weaver from the Library Board of Trustees and to send a letter of thanks and appreciation to Alicia and John for their service to the City.

4. Letter from Police Commission Chairman John F. Golumb response to motorcycle noise and speeding enforcement throughout the City

Councilor Morgan spoke to the number of complaints from neighborhoods relative to the noise and speed of motorcycles throughout the City. She stated that there needs to be more enforcement and would like to receive more information from Chief Dubois and the Police Commission on this matter.

5. Letter from Governor Margaret Hassan Re: Proposed Expansion of Sea-3 Facility in Newington

Mayor Lister said this is informational only and no action is required.

6. Letter to Governor Margaret Hassan Re: Sound Barriers

Mayor Lister said this is informational only and no action is required.

C. ASSISTANT MAYOR SPLAINE

1. Resolution Supporting Market Basket Employees

Assistant Mayor Splaine moved following Statement of Support that the Portsmouth City Council extends our sincere best wishes and support for the cause of the loyal employees and faithful customers of the Market Basket family. We are hopeful for, and encourage, a solution that will be in the interest of Portsmouth Market Basket employees and customers. Seconded by Councilor Morgan.

Discussion followed on this matter.

Mayor Lister passed the gavel to Assistant Mayor Splaine.

Mayor Lister acknowledges the issues surrounding this matter but is not sure we need a resolution. He supports the employees but does not feel that the City Council should be support a Resolution.

Assistant Mayor Splaine returned the gavel to Mayor Lister.

Assistant Mayor Splaine moved to amend the motion that the Council is hopeful for, and encourage, a solution that will be in the best interest of Portsmouth Market Basket employees and customers. Seconded by Councilor Morgan.

On a roll call 6-2, voted that the Council is hopeful for, and encourage, a solution that will be in the best interest of Portsmouth Market Basket employees and customers, as amended. Assistant Mayor Splaine, Councilors Kennedy, Dwyer, Morgan, Spear and Mayor Lister voted in favor. Councilors Lown and Thorsen voted opposed.

Councilor Spear moved to suspend the rules in order to continue the meeting until 11:20 p.m. Seconded by Councilor Lown and voted.

2. Atlantic Heights Emergency Access

Assistant Mayor Splaine stated that Atlantic Heights would like to find a second access for emergencies.

3. Unattended Buildings Status Review

Assistant Mayor Splaine inquired as to the status of this matter. City Manager Bohenko said the City is still working on this matter and the work is ongoing. City Attorney Sullivan said that this is the next item on his list for report back to the City Council and he would try to report back at the next Council meeting.

D. COUNCILOR KENNEDY

1. Noise Issues Citywide

Councilor Kennedy requested that the City Manager bring back a data driven mechanism to measure sound in the City.

E. COUNCILOR LOWN

1. Parking and Traffic Safety Committee Action Sheet and Minutes of the July 10, 2014 meeting

Councilor Spear move to accept and approve the action sheet and minutes of the July 10, 2014 Parking and Traffic Safety Committee meeting. Seconded by Councilor Thorsen.

On a roll call 7-1, voted to accept and approve the action sheet and minutes of the July 10, 2014 Parking and Traffic Safety Committee meeting. Councilor Kennedy voted opposed.

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

XIV. ADJOURNMENT

At 11:30 p.m., Councilor Spear moved to adjourn. Seconded by Councilor Dwyer.

On a unanimous roll call 8-0, at 11:30 p.m., voted to adjourn.



Kelli L. Barnaby, CMC/CNHMC
City Clerk

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, AUGUST 18, 2014

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

- At 6:00PM an anticipated “Non-Meeting” with Counsel was held regarding Negotiations in accordance with RSA 91-A:2, I (b-c)

I. CALL TO ORDER

Mayor Lister called the meeting to order at 7:10 p.m.

II. ROLL CALL

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

III. INVOCATION

Assistant Mayor Splaine asked everyone to remember the many contributions to the City of Portsmouth of former City Councilor John Hynes who recently passed away and sent condolences to his family.

IV. PLEDGE OF ALLEGIANCE

Assistant Mayor Splaine led the Pledge of Allegiance.

Assistant Mayor Splaine moved to suspend the rules to move Items 12.B.4., Webber Independent Review and 12.C.1. , Webber Estate Matter, up on the Agenda for Council action. Seconded by Councilor Shaheen and voted.

Mayor Lister passed the gavel to Assistant Mayor Splaine.

Mayor Lister stated that today a meeting was held with himself, Assistant Mayor Splaine, Police Commission Chair Golumb and the other Police Commissioners. He thanked everyone who have come out and spoken on this issue. He stated that today’s meeting resulted in a collaborative agreement to have an independent review of the Goodwin/Webber matter and come back with good solutions.

He then introduced Police Commission Chairman John Golumb who read into the record a letter dated August 18, 2014 from outlining the intent to appoint an independent investigatory “entity” of the Goodwin/Webber matter. He continued that an e-mail address has been established on the city website to receive input: publicinput@cityofportsmouth.com, or citizens can write letters addressed to the Police Commission via the Police Department. He concluded that all questions should be submitted by September 21, 2014 as the Commission intends to begin its inquiry no later than September 30, 2014.

Assistant Mayor Splaine stated this is a major step and commended the Police Commission for taking the leadership role immediately and not waiting. He stated he is not totally satisfied with the extent of the investigation but will see how it evolves.

Councilor Shaheen asked if the public input e-mail is anonymous. Deputy Police Chief McDonald it was just set up today, but there could be another e-mail address set up that is anonymous or people can send anonymous letters.

Councilor Morgan stated that after this is done, she would like to see a panel set up for ethics training and an outreach to raise awareness with senior citizens and address the vulnerability of this group. She stated it may be difficult for seniors to find information via a website but feels as a community we should be proactive.

Councilor Dwyer asked if part of the conversation was to engage a professional group instead of 3 separate individuals for the panel as there are groups that counsel for these types of issues. She stated she feels it is important that this be done correctly from the beginning so we don't end up investigating the panel that investigated the issue and to provide guidance. City Manager Bohenko stated he will work with the Mayor and the Police Commission Chair and if they need more guidance or more money for such service, he will come back to the City Council.

Councilor Thorsen stated he lauds the Commission for their speed but is concerned that we are in the middle of a judicial process and doesn't feel the group can make a recommendation until that process is complete. He continued that to set expectations too early, some questions aren't going to be able to be answered so instead of second guessing, they will only be able to come back with a framework. He stated he understands that the public wants action now, but there is only so much that can be done quickly.

PRESENTATION

1. 3-D Modeling – David Allen, Deputy City Manager; and Rick Taintor, Planning Director

Planning Director Rick Taintor gave a brief demonstration of the 3-D modeling program which is part of the ongoing efforts to improve the City's development review process for the Historic District Commission and other Land Use Boards.

Discussion ensued regarding the various applications available and some limitations still to be worked out.

Councilor Spear stated there have been a lot of requests that people want to have done right away. He continued that the last Council gave the authority for this to be done and it has taken a year and he is glad we are moving forward. He stated that he doesn't feel that most of the general public would be using this unless there is a specific project they are interested in. Planning Director Taintor stated that is correct and it would not be on the website at this point although he is open to it in the future.

Councilor Kennedy asked why it will not be on the website immediately. Planning Director Taintor stated basically it is due to the time and resources required. City Manager Bohenko stated that this was meant to be a tool for the Historic District Commission who are making the policy decisions. He stated that developers will be required to present the city with a 3D model to drop into our system and stated that we may be able to have a system in the library for public viewing.

Councilor Dwyer stated that there needs to be a policy that there not be several versions of the same project floating around and that the newest version is the one available for viewing. Planning Director Taintor agreed stating that is an issue for all Boards and Commissions.

V. ACCEPTANCE OF MINUTES – MAY 5, 2014; MAY 12, 2014; MAY 19, 2014; AND MAY 27, 2014

Councilor Lown moved to accept and place on file the minutes from May 5, 2014, May 12, 2014, May 19, 2014 and May 27, 2014 City Council meetings. Seconded by Councilor Dwyer and voted.

VI. PUBLIC COMMENT SESSION

Tom Carroll – spoke regarding the upcoming Dept. of Environmental Services meeting stating the Council has received a preliminary report from the DES on their tentative findings. He stated he wants to attend the meeting but was told he cannot. He stated he isn't aware of any final report having been released and he has a list of questions he wants asked at the meeting which are extremely important.

Gloria Goyette – spoke regarding the noise impact of the Prescott Park Arts Festival over the summer stating that the neighbors should be able to expect some quality of life but this has gone on 6 nights a week for 3-4 hours a night. She stated that the Police have said they are limited in what they can do and she presented a spread sheet of the decibel levels at various locations and times around Prescott Park.

Mark Brighton – stated the public is angry about the Webber estate issue and he is glad action is being taken.

Arthur Clough – first spoke regarding the importance of the elderly having someone to advocate on their behalf. Secondly, he spoke regarding alleged sexual harassment in the City organization which he has previously spoken about and that no City Councilor has followed up with him regarding the issue. He stated that silence is the currency of malice and he is brokenhearted for the victims who are held in silence.

Rick Becksted – spoke regarding bonding and the Capital Improvements Plan stating it has become a really big issue. He stated that the quality of life for the residents of Panaway Manor needs to be addressed and discussed the safety concern of the Middle Street Bridge which was completed but is still unsafe for school children to walk across.

Seth Levine – spoke regarding the appointment of the “entity” to investigate the Goodwin/Webber issue stating that the independence is challenged if solely appointed by the Police Commission and also feels that they need to give respect to the judicial proceedings.

VII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of \$45,000.00 Grant from the Charitable Gift Fund for Restoration of the Kearsarge Fire Pumper

Councilor Lown moved to approve and accept the \$45,000.00 grant from the Charitable Gift Fund, as submitted. Seconded by Councilor Kennedy and voted.

VIII. PUBLIC HEARING

- A. ORDINANCE AMENDING CHAPTER 7, VEHICLES, TRAFFIC AND PARKING OMNIBUS ORDINANCE

Parking and Transportation Director Mark Nelson gave a brief overview of the changes to Chapter 7, Vehicles, Traffic and Parking as an omnibus ordinance which incorporates changes approved by the Parking and Traffic Safety Committee the previous year if they are deemed to be working well.

Mayor Lister read the public hearing notice and declared the public hearing open. Seeing no one wishing to speak, Mayor Lister closed the public hearing.

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First Reading of Proposed Ordinance Amendment to Chapter 1, Article II, Section 7.230 – Prohibited Conduct by Medallion Holders or Owners

Councilor Lown moved to pass first reading and schedule a public hearing and second reading on the proposed Ordinance amendment, as presented, at the September 22, 2014 City Council meeting. Seconded by Councilor Kennedy and voted.

- B. First Reading of Resolution Authorizing a Bond Issue and/or Notes of up to Three Million Four Hundred Seventy Five Thousand Dollars (\$3,475,000.00) for Costs related to Fiscal Year 2015 Citywide Seawall, Street, and Sidewalk Improvements

Councilor Spear moved to pass first reading and schedule a public hearing and adoption of a Bond Resolution for City Improvements in the amount of \$3,475,000.00 at the September 22, 2014 City Council meeting. Seconded by Councilor Spear and voted.

- C. First Reading of Resolution Authorizing a Bond Issue and/or Notes of up to Seven Hundred Fifty Thousand Dollars (\$750,000.00) for Costs related to Fiscal Year 2015 School Facilities Improvements

Councilor Lown moved to pass first reading and schedule a public hearing and adoption of a Bond Resolution for School Facilities Improvements in the amount of up to \$750,000.00 at the September 22, 2014 City Council meeting, seconded by Councilor Shaheen.

Councilor Kennedy asked the City Manager to address the citizen comment regarding bonding money. City Manager Bohenko stated we are never guaranteed we will get a premium as it is only when the market wants our bonds and we have been lucky. He continued that by law, we have 2 choices on how to use the money; either pay down debt or reassign it for similar projects. He stated staff is currently reviewing what to recommend to the City Council.

Motion voted.

- D. First Reading of Resolution Authorizing a Bond Issues and/or Notes of the City Under the Municipal Finance Act and/or Participation in the State Revolving Fund (SRF) Loan of up to Four Million Eight Hundred Thousand Dollars (\$4,800,000.00) related to Greenland Well Upgrades, Maplewood Avenue Waterline Replacement and Water System Pressure-Storage Improvements

Councilor Lown moved to pass first reading and schedule a public hearing and adoption of a Bond Resolution for Water System Upgrades and Improvements in the amount of up to \$4,800,000.00 at the September 22, 2014 City Council meeting. Seconded by Councilor Spear and voted.

- E. First Reading of Resolution Authorizing a Bond Issue and/or Notes of the City Under the Municipal Finance Act and/or Participation in the State Revolving Fund (SRF) Loan of up to One Million Dollars (\$1,000,000.00) for Costs related to the Pease Waste Water Treatment Plant Upgrades

Councilor Spear moved to pass first reading and schedule a public hearing and adoption of a Bond Resolution for Pease Water Treatment Plant Upgrade in the amount of up to \$1,000,000.00 at the September 22, 2014 City Council meeting, seconded by Councilor Shaheen.

Councilor Kennedy asked where are we in the process with the waterline upgrades, well upgrades, etc and would like this information provided before the next Council meeting. City Manager Bohenko stated he would provide a memorandum. Councilor Kennedy asked that be provided as far in advance as possible and would like the presentation made on television for the public and the memorandum posted to the website.

Motion voted.

- F. Second Reading of Ordinance amending Chapter 7, Vehicles, Traffic and Parking Omnibus Ordinance

Councilor Spear moved to pass second reading and schedule a third and final reading of the proposed ordinance amendments to be incorporated into Chapter 7, Vehicle, Traffic and Parking Ordinance, as presented, at the September 22, 2014 City Council meeting, seconded by Councilor Dwyer.

Councilor Kennedy asked for clarification on various points of the ordinance. She asked how many parking spots are being lost as a result of the ordinance, including parking spaces that aren't necessarily defined or lined as spaces but that people use on a daily basis.

Parking and Traffic Director Nelson stated they do only count the lined spaces but agrees there are a lot of other "spaces" that people use to park. He stated they are working towards making safe parking spaces that are enforceable.

Councilor Kennedy asked about the Atlantic Heights neighborhood stating that people park in the area outlined as "No Parking" in this ordinance and where will the park now. Mr. Nelson responded that the Little League parents are the people who park in these spots and a letter has been sent to inform them of the changes. Councilor Kennedy then asked about the recent

change of a portion of Hanover Street to a 2 way street and what type of outreach was done to inform people of the change. Parking Director Nelson stated they went door to door with flyers in the neighborhood in addition to signage.

Councilor Shaheen asked if anything has been discussed regarding mopeds on sidewalks. City Manager Bohenko stated it will be discussed by the Parking and Traffic Safety Committee at a future meeting.

Motion voted.

- G. Third and Final Reading of Ordinance amending Chapter 10 – Zoning Ordinance, Article 15, Definitions, Section 10.1530 – Terms of General Applicability, are hereby amended by adding the following new term and definition: Building Footprint – The horizontal area of a lot covered by the building, excluding (a) gutters, cornices and eaves projecting not more than 30 inches from a vertical wall, and (b) structures less than 18 inches above ground level such as decks and patios

Councilor Spear moved to pass third and final reading on the proposed Ordinance amendment, as presented. Seconded by Councilor Lown and voted.

X. CONSENT AGENDA

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

- A. Request for License from Andrea Lucas, owner of Barre & Soul for property located at 163 Court 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 Andrea Lucas, owner of Barre & Soul for a projecting sign at property located at 163 Court 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
- B. Request for License from Rudy Nadilo, owner of Dapresy for property located at 16 Market Square, Unit #3 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 Rudy Nadilo, owner of Dapresy for a projecting sign at property located at 16 Market Square, Unit #3 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
- C. *Acceptance of Membership Dues to Art-Speak
- Calypso Communication - \$150.00
 - Portsmouth Historic House Association, Inc. - \$75.00
- (Anticipated action – move to approve and accept the the membership dues to the Piscataqua Arts & Culture Alliance, a program of Art-Speak, as listed)***
- D. *Acceptance of Donations to Art-Speak
- Kevin and Peggy Hodges - \$25.00
 - Port City Online (Doug Roberts) - \$50.00
 - Portsmouth Music and Arts Center (Russ Grazier) - \$150.00
- (Anticipated action – move to approve and accept the donations to Art-Speak, as listed)***
- E. Letter from Nicole Galovski, Programming Director of NH Film Festival, requesting permission to close Chestnut Street on Friday, October 17, 2014 for the NHFF red carpet opening night gala ***(Anticipated action – move to refer to the City Manager with power)***
- F. Approval of Pole License to install 2 poles on Heritage 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)***
- G. Approval of Underground Conduit System on Longmeadow Road ***(Anticipated action – move to approve the aforementioned Pole License Agreement as recommended by the Public Works Department with the approval conditioned upon amendment of the license to allow for the collection of any lawfully assessed real estate taxes)***

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Gerald Zelin regarding development of the North End

Councilor Spear moved to accept and place on file, seconded by Councilor Dwyer.

Councilor Spear stated this goes back to the Council initiative this past Spring for further development of the Northern Tier. He stated it is critical to engage the public but a lot of people are away during the summer months. He stated the City has used this time to lay the groundwork for public involvement in the fall and therefore feels it is premature to adopt these

ideas until this process has occurred.

Councilor Kennedy stated that this should be referred to the City Manager for a report back and feels that we want the public input first.

Assistant Mayor Splaine moved to amend and refer to the City Manager for report back on the progress to the North End vision plans at the next Council meeting, seconded by Councilor Kennedy.

City Manager Bohenko stated the City has contracted with the firm Town Planning and Urban Design Collaborative (TPUDC) to produce the new Character based code. TPUDC is the firm that worked with the City on the initial character based zoning project.

The process that will be followed to develop the zoning code for the next two areas will be similar to the process used in developing our initial character based code in the central downtown area. That process will begin with a kick-off meeting that is scheduled for Tuesday, September 23rd. The kick-off meeting will be preceded by a public outreach program to ensure local residents and business owners are aware of the charrette locations, the public meeting schedule, and other related activities. Following the kick-off meeting, the consultant will begin collecting the field information for the two study areas and preparing for the four day design charrette on the North End. The North End design charrette has been scheduled to take place on November 10th through November 14th. The schedule for the Islington Street Corridor charrette is still being arranged but will likely take place in January or February of next year. He continued the four day event begins with a public presentation on the first day that will include a hands-on workshop. The second day will include both technical meetings as well as an open studio that will allow members of the public to stop in at their convenience to engage in the process and contribute their ideas. The third day will include a pin-up and review session to present alternatives and gather feedback from the public on those alternatives. The final day of the charrette will include a work in progress presentation that will describe the process to date, explain the elements of the plan, and present other findings and work products developed during the charrette. This presentation also offers the public another opportunity to provide feedback and shape the direction and vision for the areas. Also, included in the deliverables will be a Master Plan for the areas being studied that will include the identification of areas of critical importance for historic preservation; building heights and proposed solutions to rectify height discrepancies; building value assessment; new, existing and retrofitted buildings; potential locations for new parks and plazas as well as enhanced design for any existing underutilized public spaces; potential new street, alley or sidewalk connections; streetscape improvements; on-site and off-site parking and potential locations for private infill buildings. Finally, following the Charrette, the consultant will prepare a draft of amendments to the Character-Based Zoning Ordinance. The draft ordinance will be vetted through the Planning Board and ultimately the City Council public review process. He stated he can look at Mr. Zelins' letter and see what else they can do and have reached out to him as well, but concluded that the Staff wants a good process and positive development.

Councilor Morgan stated she agrees with Council Kennedy that we need to have public input before everything else and feels that there are 2 separate processes; the Charette and Visioning. City Manager Bohenko stated these are not different things.

Discussion ensued.

Councilor Lown stated he has respect for Mr. Zelin but changes take time and he is asking for immediate implementation.

Councilor Thorsen addressed the 3rd point in Mr. Zelins's letter stating that design review is a statutory term but it really should be "early vesting" for the developer. He stated that people are concerned that early vesting is giving the advantage to developers so the Council doesn't have time to make any changes. He stated we need more discussion of what design review is.

Assistant Mayor Splaine stated we are missing the boat and giving up an opportunity if we don't get on top of "early vesting" in the North End. He stated we should balance grown and commended the staff for the upcoming schedule, but feels that the participants in the Charette process are going to be stakeholders and not necessarily the neighborhoods and we need time to reach out.

Councilor Kennedy stated that design review is decided before abutters and community members are informed and if we are as open as we say we are, then we have to make sure every citizen has the opportunity to have input.

City Manager Bohenko stated that the sticking point is item 3 in the letter, but everything else is taken care of through the Charette process.

Discussion ensued.

Assistant Mayor Splaine and seconder of the motion to amend, Councilor Kennedy, withdrew the motion.

Councilor Spear and seconder of the motion to accept and place on file, Councilor Dwyer, withdrew the motion.

Councilor Dwyer moved to refer to the City Manager to create an opportunity for the City Councilor to have an informed discussion to better understand the design review process, and to take action based on that discussion. Seconded by Councilor Thorsen and voted.

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

City Manager's Items Which Require Action:

1. Report Back Re: Letter from Bernard Pelech, Attorney, Law Office of Wholey & Pelech, regarding Request for Restoration of Involuntarily Merged Lots Pursuant to RSA 674:39aa (2 Sylvester Street/Tax Map 232, Lot 35)

Planning Director Taintor stated the property that is the subject of this request is located at 2 Sylvester Street and is shown on Assessors Map 232 as Lot 35. The Assessors Map indicates that the lot contains 0.363 acre (15,812 sq. ft.) and has 198 feet of frontage on Sylvester Street and 80 feet of frontage on Middle Road.

The request letter states that the existing lot corresponds to 5 separate lots on a 1903 plan, and that at some undetermined point between 1903 and 2000 three of these lots were involuntarily merged by the City into a single lot (former Lot 232-35). The other two original lots were also combined at some point into a single lot (former Lot 232-34), but the request letter does not indicate whether this merger was voluntary or involuntary. However, the letter does state that a previous owner voluntarily merged lots 34 and 35 to create the current Lot 35, and includes the Voluntary Lot Merger Form dated 2/24/2005. He stated his conclusion after reading the law is that the Council has no jurisdiction over this request for restoration and he is neither in favor nor against.

City Attorney Sullivan read the statutes as follows:

RSA 674:39-aa provides that “lots or parcels that were involuntarily merged prior to September 18, 2010 ... shall at the request of the owner, be restored to their premerger status” The statute distinguishes between “involuntary” and “voluntary” mergers as follows:

- “Involuntary merger” and “involuntarily merged” mean lots merged by municipal action for zoning, assessing, or taxation purposes without the consent of the owner.
- “Voluntary merger” and “voluntarily merged” mean a merger under RSA 674:39-a, or any overt action or conduct that indicates an owner regarded said lots as merged such as, but not limited to, abandoning a lot line.

RSA 674:39-aa only applies where “no owner in the chain of title voluntarily merged his or her lots.” Further, RSA 674:39-aa,II(b) states “If any owner in the chain of title voluntarily merged his or her lots, then all subsequent owners shall be stopped from requesting restoration.”

RSA 674:39-aa assigns the responsibility for “restoration of involuntarily merged lots” to the City Council. If the merged lots meet the criteria in the statute, the Council must vote to restore them to their premerger status. Conversely, if the merged lots do not meet the criteria in the statute, the City Council has no jurisdiction to grant a request to split the lots. A decision by the Council regarding a request to restore lots to their premerger status may be appealed to the Zoning Board of Appeals, but no standards for such appeals are set forth in the statute. Unlike other situations where lots are proposed to be merged or separated, there is no role for the Planning Board in this process.

Councilor Lown moved to suspend the rules to allow Attorney Pelech to address the Council. Seconded by Councilor Dwyer and voted.

Attorney Pelech stated this is a unique situation The lot was originally comprised of 5 separate lots as shown on the attached 1903 plan of Prospect Park. He continued that Lots 231, 232, and 233 as shown on the 1903 Prospect Park plan were involuntarily merged by the City of Portsmouth and were shown as 1 lot, Tax Map 232, Lot 35 on the April, 2000 Portsmouth Tax Maps. Subsequently, Irving W. Spinney who owned Tax Map 232, Lots 34 and 35 voluntarily merged the lots which Voluntary Merger is recorded in the Rockingham County Registry of Deeds at Book 4456, Page 0664. In conclusion, on behalf of the present owners the Comacks, I would respectfully request that the City Council vote to unmerge the lot shown as Lot 231 on

the 1903 Prospect Park Plan. This lot was involuntarily merged with lots 232 and 233 by the city and should be entitled to be unmerged pursuant to the statute.

Councilor Lown stated that operative word is “voluntary” and if Mr. Spinney voluntarily merged the lots in 2005 and it was because he said the city had already merged the 5 lots and he had no choice, then he agrees it wasn’t voluntary and the City has the burden of proof that it was voluntary. Mr. Pelech clarified that he merged them because he was being taxed for 2 separate lots. Councilor Lown stated he still has questions on Mr. Spinney’s intent and feels it is a matter of assumptions.

Councilor Thorsen stated he agrees and the crux of the matter is that there is no precedent in intent of involuntary merger because of previous involuntary merger and the stated purpose was to lower taxes with one lot.

Councilor Spear moved to resolve that the City Council does not have jurisdiction over this request, seconded by Councilor Kennedy. Motion passed on a 6-3 vote, Councilors Lown, Morgan and Thorsen voted opposed.

2. License Request Re: 28-32 Dearborn Street

City Attorney Sullivan stated this has been a long process for this applicant and he has been before all of the required Boards and Commissions.

Councilor Spear moved to authorize the City Manager to enter into a revocable license with Mr. Regan for purposes of installation of a set of granite steps. Seconded by Councilor Thorsen and voted.

Informational items

1. Events Listing
2. 2015 Cyclical Revaluation
3. Update on the Schedule for the Phase 2 of the Character-Based Zoning Project
4. Reminder Re: Port Advisory Committee Meeting
5. Proposed Enrollment of City Manager in the New Hampshire Retirement System
6. Report Back Re: 185 Austin Street
7. Lafayette Road/Route 1 Bypass Intersection Improvements

There were no questions regarding the City Manager’s Informational Items.

B. MAYOR LISTER

1. Appointment to be Voted:
 - Cristy Cardoso – reappointment to the Citywide Neighborhood Committee

Assistant Mayor Splaine moved to approve the reappointment of Cristy Cardoso to the Citywide Neighborhood Committee with term to expire April 1, 2017. Seconded by Councilor Shaheen and voted.

2. Resignation – Chris Hubbard from the Peirce Island Committee

Councilor Shaheen moved to accept the resignation with regret and a letter of thanks and appreciation for service. Seconded by Councilor Spear and voted.

3. Report Back Re: Traffic Issues in City Neighborhoods

Mayor Lister read a letter from Police Chief Dubois addressing the Police Department awareness and actions in response to the additional traffic being generated due to various construction projects in the city which urges that residents be cautious and patient through these repairs and improvements to city streets.

Councilor Morgan thanked Chief Dubois for stepping up their efforts.

4. Webber Independent Review *(previously addressed)*

C. ASSISTANT MAYOR SPLAINE

1. Webber Estate Matter *(previously addressed)*

D. COUNCILOR LOWN

1. Proposed Ordinance Re: Gifts and Bequests

Councilor Lown stated this is not designed to have any effect on the Webber case and is not meant to prohibit gifts to employees or prohibit employees from accepting gifts but is meant to prevent unseemly situations. He clarified that it is different from the existing Ordinance Section 1.8.

Councilor Lown moved to refer to the Legal Department for report back, seconded by Councilor Spear.

Councilor Thorsen stated this is an interesting proposal and we need to look at the legality of it. He stated this looks like it would put the burden on the testator and we have no jurisdiction over a person building a will. He stated it relates to an integrity issue and is less than a bribe, but the impression of influence.

Councilor Shaheen stated she is concerned with the 2 year time period because someone diagnosed suddenly does not have the luxury of time. She stated this may not be meant to be in relation to the Webber case but feels that perhaps it should be as far as maybe limit the amount of the bequest.

Councilor Dwyer stated that she feels the key is whether or not the current Ethics Ordinance needs to be strengthened and feels this is narrowly drawn and should be looked at side by side with the current ordinance.

Councilor Lown stated this is not designed to direct people on what to do with their assets but what employees do.

Assistant Mayor Splaine stated he feels that this should include elected/appointed officials as well but will leave it in the hands of the City Attorney.

Motion voted.

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

Councilor Kennedy asked when a report back will be made regarding noise.

City Manager Bohenko stated that they have made contact with the FAA through the PDA and will be having a meeting. He continued that the helicopter issue is separate from the other noise issues. He stated also, regarding the other noise issues, there will be interns taking noise readings around the city but the question we need to answer is what are we really trying to accomplish and what can we enforce. He stated that the City Attorney has been working with the owner of the Gas Light and that noise issue.

Discussion ensued regarding acceptable levels of volume.

Mayor Lister stated there is currently a working group assembled to work with the Prescott Parks Arts Festival and feels that this shouldn't be discussed in this forum at this time.

Councilor Morgan stated another issue has been the impact of the Mavericks baseball games on that neighborhood.

Councilor Dwyer stated this is a more complicated issue and feels that the City Manager's approach to get advice and input from other resources is appropriate.

Councilor Shaheen stated it is worth pausing and validating peoples frustration especially during this time of year and the amount of construction occurring is also adding to it all.

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

Councilor Lown moved to adjourn at 10:20 p.m. Seconded and voted unanimously.

Respectfully submitted:



Valerie A. French
Deputy City Clerk

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, SEPTEMBER 22, 2014

PORTSMOUTH, NH
TIME: 6:00PM

I. CALL TO ORDER [6:00PM]

Mayor Lister called the meeting to order at 6:00 p.m.

II. ROLL CALL

Present: Mayor Lister, Assistant Mayor Splaine, Councilors Shaheen (6:05 p.m.), Kennedy, Lown, Dwyer (6:05 p.m.), Morgan (6:05 p.m.), Spear and Thorsen

III. ANTICIPATED “NON-PUBLIC” SESSION WITH COUNSEL RE: CONSIDERATION OF ACQUISITION OF REAL PROPERTY – RSA 91-A:3, II (d)

Councilor Spear moved to enter into a Non-Public Session regarding Consideration of Acquisition of Real Property per RSA 91-A:3, II (d). Seconded by Councilor Kennedy.

On a unanimous roll call 6-0, voted to enter into a Non-Public Session regarding Consideration of Acquisition of Real Property per RSA 91-A:3, II (d). Councilors Shaheen, Dwyer and Morgan were not present for this vote.

IV. INVOCATION

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

V. PLEDGE OF ALLEGIANCE

Mayor Lister asked State Representative Laura Pantelakos to lead in the Pledge of Allegiance.

PROCLAMATION

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

Assistant Mayor Splaine read the Proclamation declaring September 17th – September 23rd as Constitution Week in Portsmouth. Andrea Abbott of the Ranger Chapter accepted the Proclamation with thanks and appreciation.

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

Councilor Lown moved to approve and accept the minutes of the June 2, 2014 and June 9, 2014 City Council meetings. Seconded by Councilor Morgan and voted.

VII. PUBLIC COMMENT SESSION

Erik Anderson said the City needs to be more aggressive when dealing with derelict buildings. He said the City Council referred the matter to the City Attorney for report back with recommendation and would like to know how long it would take to have the matter come back before the Council.

Joe Onosko spoke opposed to the City Council revisiting the Webber case. He stated that Ms. Webber had dementia when making a new will.

Representative Laura Pantekalos thanked Mayor Lister for allowing her the honor of leading in the Pledge of Allegiance this evening. She expressed her opposition to parking enforcement on Sunday's and asked the City Council to have no enforcement on Sunday's.

Rich DiPentima said there is no way the City's action would have anything to do with a propane shortage this year. The Sea-3 expansion will take 9 to 10 months.

Jerry Zelin said there has been no vision plan in place but 2 days after his letter the Planning Department announced dates for meetings to deal with that matter. The Planning Departments role is design review.

Barbara DeStefano said there is no noise problem in the City. People are complaining about one helicopter flying over. We live near an airport

Jasmin Hunter of Keep Portsmouth Loud, said what is great about this City is it produces noise. She said the movement is positive we need music, theatre, arts and culture.

Lou Solome said during the previous City Council meeting the Fire Chief spoke at the meeting and said that we could handle Sea-3 expansion despite there is no access. He also said he had no idea how many people will be in the new condos, which are 15 feet from the railroad.

Maureen Conley spoke in support of Jasmin's comments and that the noise ordinance can be used against any business in the City. It will happen hear as well. She asked that the current ordinance be reviewed to grant exemptions to businesses so they are represented fairly and equally.

George Dempsey said a new police station is not needed.

Sara LaChance spoke about vision and quality in respect to noise. She said the Elwyn Park area neighborhood is loud because it is an active neighborhood and she is proud of that. She said that we need to focus on the longer view of the noise issue.

Bob Gibbons thanked the City Council for their continued support in opposing the expansion of Sea-3. He said part of the Sea-3 storage tank is built on land that has been non compliant for the last 18 years.

Peter Somssich thanked the City Council for being level headed on the Sea-3 expansion, noise issues and parking. He urges the City Council not to compromise on the Sea-3 issue. In terms of the Fire Department we need to analyze whether we could handle an accident like the one that took place in Canada.

Jane Zill spoke regarding the Webber case. She said there is a lack of transparency not one member of the problem has supported the case being settled by mediation. She said city employees should not benefit from the Webber case and feels that Sergeant Goodwin should have been put on administrative leave.

VIII. APPROVAL OF GRANTS/DONATIONS

A. Acceptance of Police Department Grant and Donations:

- Acceptance of Grant from Department of Justice for replacement of bullet-proof vests for sworn officers - \$5,898.43
- Acceptance of Donations to defray the cost of producing and airing Public Service Announcements (PSAs) regarding the department's opiate addiction initiative:
 - Mr. Gerald W. Howe and his wife, Ms. Jocelyn Frechette - \$1,000.00
 - Mr. James Frechette - \$500.00
 - Mr. and Mrs. Peter C. Frechette - \$250.00

Councilor Spear moved to approve and accept the grant and donations to the Portsmouth Police Department. Seconded by Councilor Kennedy and voted.

B. Acceptance of Donation to Welfare Department from Unifit in the amount of \$2,500 for the Back to School Drive

Councilor Kennedy moved to accept and approve the donation to the Welfare Department for the Back to School Drive, as presented. Seconded by Councilor Morgan and voted.

C. Acceptance of Grant for Household Hazardous Waste Collection in the amount of \$5,594.00

Councilor Kennedy moved to accept and expend a \$5,594.00 DES grant for the purpose of household hazardous waste collection events and authorize the City Manager to execute any documents which may be necessary for this grant contract. Seconded by Councilor Morgan and voted.

IX. PUBLIC HEARINGS

A. PROPOSED ORDINANCE AMENDMENT TO CHAPTER 7, ARTICLE II, SECTION 7.230 – PROHIBITED CONDUCT BY MEDALLION HOLDERS OR OWNERS

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

Mayor Lister read a letter from Taxi Commissioner Cataldo regarding the ordinance into the record. The letter states that the Commission received many complaints regarding the conduct of taxi owners. The issues related to public safety. This ordinance amendment was unanimously approved by the commission.

After three calls and no speakers, Mayor Lister declared the public hearing closed.

- B. ORDINANCE AMENDING CHAPTER 10 – ZONING ORDINANCE, SECTION 10.440, TABLE OF USES – RESIDENTIAL, MIXED RESIDENTIAL, BUSINESS AND INDUSTRIAL DISTRICTS, BY CHANGING USE #1.41 (MULTIFAMILY DWELLING, 3 OR 4 DWELLING UNITS) FROM “P” (PERMITTED) TO “S” (SPECIAL EXCEPTION) IN THE GENERAL RESIDENCE A AND B (GRA & GRB) DISTRICTS

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

City Manager Bohenko requested that Principal Planner Nick Cracknell come forward to speak on this matter. He said there will be a motion needed to suspend the rules to allow for an amendment to the ordinance to allow Townhouses.

Principal Planner Cracknell stated that there are over 70 properties that are affected with the zoning amendment and that a 3 plus development would only require a special exception. He stated that this amendment would make sure the development would focus on dwelling unit's density rather than the particular type of dwelling structure with use of a map. He reviewed GRA districts with the City Council and the GRB district. He reported if this does not get amended it could cause a single townhouse to become a multi-unit.

Councilor Spear moved to suspend the rules to allow for an amendment to the ordinance. Seconded by Councilor Thorsen and voted.

City Manager Bohenko outlined the amendment as requested by the Planning Director.

Councilor Kennedy moved that the Ordinance be amended to include the provision requiring a special exception for the Townhouse use as described in the memorandum from the Planning Director addressed to the City Manager dated September 9, 2014. Seconded by Councilor Spear and voted.

Mayor Lister called for speakers to come forward to speak to the ordinance.

Paul Burton spoke in opposition to the ordinance and the amendment and feels the amendment was brought forward by his attempt to exercise his permitted uses. He spoke to a meeting he had with the Planning Director in April on his property.

Mayor Lister stated that the public hearing will remain open until the October 20, 2014 City Council meeting.

Councilor Spear moved to continue to the public hearing and second reading on the amended ordinance to the October 20, 2014 City Council meeting. Seconded by Councilor Kennedy and voted.

C. ORDINANCE AMENDING THAT THE FOLLOWING LOTS BE REZONED FROM INDUSTRIAL (I), OFFICE RESEARCH (OR) OR MUNICIPAL (M) TO CHARACTER DISTRICT 4 (CD4):

- ASSESSORS MAP 163, LOTS 33, 34 AND 37;
- ASSESSORS MAP 165, LOTS 1, 2 AND 14
- ASSESSORS MAP 172, LOTS 1 AND 2;
- ASSESSORS MAP 173, LOTS 2 AND 10

AND INCLUDING CATE STREET BETWEEN HODGSON'S BROOK AND BARTLETT STREET, AS SHOWN ON THE ATTACHED EXHIBITS TITLE "AREAS PROPOSED TO BE REZONED TO CHARACTER DISTRICT 4 (CD4)", AND FURTHER THAT THE ZONING MAP REFERENCED IN CHAPTER 10, ARTICLE 4, SECTION 10.420 (DISTRICT LOCATION AND BOUNDARIES) OF THE ORDINANCES OF THE CITY OF PORTSMOUTH BE REVISED ACCORDINGLY

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

Deputy City Manager Allen said this issue was brought forward on June 2nd to the City Council and relates to the Frank Jones Property. He indicated the property originally was proposed to go to a CD4. He stated that the Planning Board held a public hearing on this matter at the August 21st meeting where there were 2 speakers and representatives of developers and suggested uses were brought forward on design elements, heights and set backs. The Planning Board voted to not recommend the CD4 but as a gateway district.

City Manager Bohenko requested after the public hearing is held not to close the public hearing but to continue it and refer the ordinance back to the Planning Board for a report back and refer the letter from Mr. Pelech for report back as well.

Discussion followed among the City Council regarding the ordinance and recommendations of the Planning Board.

Mayor Lister called speakers forward to speak to the Ordinance.

Attorney Pelech said he client owns 20 acres and he did not initiate the zoning change request. He said he spoke in opposition of the ordinance for CD4 at the Planning Board public hearing and the areas that included. Attorney Pelech stated that CD4 would require HDC approval. He indicated he would like to move forward and continue to work with the Planning Board on this matter and provide incentives for workforce housing.

Rick Becksted stated he found out about this ordinance when the City Council packet came out last Friday. He said meetings take place with owners of properties but where are the notices of these changes to residents. He said the owners of U-Haul were looking to expand their property and the zoning amendment would affect the property. He further indicated he feels this is spot zoning.

Dave Gross expressed concerns regarding height. He said the City needs to take a good look at the property and there is a need to make the connector road.

Mike Teel said that the proposed zoning amendment is being done without any notification to the abutters.

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

City Manager Bohenko stated that this had a public process and the Planning Board chose to slow the matter down.

Councilor Kennedy requested that when the matter goes to the Planning Board that there is an explanation of gateway.

Motion passed.

- D. RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF UP TO THREE MILLION FOUR HUNDRED SEVENTY FIVE THOUSAND DOLLARS (\$3,475,000.00) FOR COSTS RELATED TO FISCAL YEAR 2015 CITYWIDE SEAWALL, STREET, AND SIDEWALK IMPROVEMENTS

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

Public Works Director Rice reviewed the projects with the City Council.

With no speakers, Mayor Lister closed the public hearing.

- E. RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF UP TO SEVEN HUNDRED FIFTY THOUSAND DOLLARS (\$750,000.00) FOR COSTS RELATED TO FISCAL YEAR 2015 SCHOOL FACILITIES IMPROVEMENTS

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

Superintendent McDonough spoke to the project to replace the lighting at the High School athletic fields. He indicated the difficulty in finding replacement parts due to the age of the lights.

With no speakers, Mayor Lister declared the public hearing closed.

- F RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF THE CITY UNDER THE MUNICIPAL FINANCE ACT AND/OR PARTICIPATION IN THE STATE REVOLVING FUND (SRF) LOAN OF UP TO FOUR MILLION EIGHT HUNDRED THOUSAND DOLLARS (\$4,800,000.00) RELATED TO GREENLAND WELL UPGRADES, MAPLEWOOD AVENUE WATERLINE REPLACEMENT AND WATER SYSTEM PRESSURE-STORAGE IMPROVEMENTS

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

Deputy Public Works Director Goetz spoke to the Water System Bond Resolutions and that these have been recommended through past master plans.

With no speakers, Mayor Lister declared the public hearing closed.

- G. RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF THE CITY UNDER THE MUNICIPAL FINANCE ACT AND/OR PARTICIPATION IN THE STATE REVOLVING FUND (SRF) LOAN OF UP TO ONE MILLION DOLLARS (\$1,000,000.00) FOR COSTS RELATED TO THE PEASE WASTE WATER TREATMENT PLANT UPGRADES

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

Rick Becksted suggested that the City use the \$3.2 million bond premium received rather than bonding for this project.

City Manager Bohenko requested Finance Director Belanger speak on the regulations for bond premiums and their uses. Finance Director Belanger explained the regulations and said they will be coming forward with a recommendation for projects.

Rick spoke to the City's debt figure of \$107,000.00 in October 2013 which did not include the Middle School or the Wastewater Treatment Plant. He expressed concern with an increase in taxes for residents.

With no further speakers, Mayor Lister declared the public hearing closed.

X. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First Reading of Proposed Ordinance amending Chapter 1, Article VIII, Section 1.807 by the creation of a new provision identified as 1.807 Bequests or Gifts to City Employees

Councilor Spear moved to postpone first reading until we hear back from the Committee investigating the Webber issue. Seconded by Councilor Thorsen.

Councilor Spear said the inquiry into the affairs might have a recommendation for an ordinance language to fashion a better ordinance down the line.

Councilor Kennedy said she is concerned that there is no ordinance currently in place.

Councilor Lown said he appreciates the spirit of the motion but there is no link with this ordinance and the Webber case. This ordinance is not intended to prevent any one from giving or receiving a gift.

Assistant Mayor Splaine said we need an ordinance in place from preventing this from happening again and suggested moving forward on this matter.

Councilor Shaheen said that as a City Councilors we should be wrestling with this. She feels the urgencies to have an ordinance in place to protect someone. She said she would support Councilor Spear's motion.

Councilor Morgan would like to keep the discussion open until another meeting.

On a roll call 6-3, voted to postpone first reading until an independent investigation into the Webber Estate is completed. Councilors Shaheen, Dwyer, Morgan, Spear, Thorsen and Mayor Lister voted in favor. Assistant Mayor Splaine, Councilors Kennedy and Lown voted opposed.

- B. Second Reading of Proposed Ordinance Amendment to Chapter 7, Article II, Section 7.230 – Prohibited Conduct by Medallion Holders or Owners

Councilor Kennedy moved to pass second reading and schedule a third and final reading on the proposed Ordinance amendment, as presented, at the October 6, 2014 City Council meeting. Seconded by Councilor Dwyer and voted.

- E. Adoption of Resolution Authorizing a Bond Issue and/or Notes of up to Three Million Four Hundred Seventy Five Thousand Dollars (\$3,475,000.00) for Costs related to Fiscal Year 2015 Citywide Seawall, Street, and Sidewalk Improvements

Councilor Kennedy moved to adopt the Bond Resolution for City Improvements in the amount of \$3,475,000.00. Seconded by Councilor Shaheen and voted.

- F. Adoption of Resolution Authorizing a Bond Issue and/or Notes of up to Seven Hundred Fifty Thousand Dollars (\$750,000.00) for Costs related to Fiscal Year 2015 School Facilities Improvements

Councilor Kennedy moved to adopt the Bond Resolution for School Facilities Improvements in the amount of up to \$750,000.00. Seconded by Councilor Morgan and voted.

- G. Adoption of Resolution Authorizing a Bond Issue and/or Notes of the City Under the Municipal Finance Act and/or Participation in the State Revolving Fund (SRF) Loan of up to Four Million Eight Hundred Thousand Dollars (\$4,800,000.00) related to Greenland Well Upgrades, Maplewood Avenue Waterline Replacement and Water System Pressure-Storage Improvements

Councilor Shaheen moved to adopt the Bond Resolution for Water System Upgrades and Improvements in the amount of up to \$4,800,000.00. Seconded by Councilor Dwyer and voted.

- H. Adoption of Resolution Authorizing a Bond Issue and/or Notes of the City Under the Municipal Finance Act and/or Participation in the State Revolving Fund (SRF) Loan of up to One Million Dollars (\$1,000,000.00) for Costs related to the Pease Waste Water Treatment Plant Upgrades

Councilor Dwyer moved to adopt the Bond Resolution for Pease Water Treatment Plant Upgrade in the amount of up to \$1,000,000.00. Seconded by Councilor Shaheen and voted.

- I. Third and Final Reading of Ordinance amending Chapter 7, Vehicles, Traffic and Parking Omnibus Ordinance

Councilor Spear moved to pass third and final reading of the proposed ordinance amendments to be incorporated into Chapter 7, Vehicle, Traffic and Parking Ordinance, as presented. Seconded by Councilor Dwyer.

Councilor Kennedy asked what is the difference between a designated parking spot and a spot. Director of Parking and Transportation Mark Nelson a define space is outlined in our ordinances or marked on the ground. He said a spot is not defined.

Councilor Kennedy asked how many undefined spaces do we have in the City. Director Nelson stated he would get that number out to the City Council.

Councilor Kennedy said she would not support the ordinance because she needs to know how many spaces we are losing with the ordinance.

City Manager Bohenko indicated that overall we will gain 2 new spaces. He said we have answered the questions that we are plus 2 with parking spaces.

Motion passed. Councilor Kennedy voted opposed.

Mayor Lister requested a brief recess at 9:55 p.m. At 10:05 p.m., Mayor Lister called the meeting back to order.

XI. CONSENT AGENDA

- A. Acceptance of Donations to Art-Speak:

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

(Anticipated action – move to approve and accept the donations to Art-Speak, as listed)

- B. Acceptance of Membership Dues to Art-Speak

- NH Institute of Art \$150.00

(Anticipated action – move to approve and accept the membership dues to the Piscataqua Arts & Cultural Alliance, a program of Art-Speak, as listed)

- C. Acceptance of Donations to the Coalition Legal Fund:
- Town of Grantham, NH \$1,000.00
 - Town of Moultonborough, NH \$6,500.00
- (Anticipated action – move to approve and accept the donations as listed, to be placed in the Coalition Legal Fund)***
- D. Letter from Laurie A. Mantegari, Scarecrows of the Port, requesting permission to place scarecrows in designated locations throughout the Portsmouth Downtown Area from October 9th through November 1st, 2014 ***(Anticipated action – move to refer to the City Manager with power)***
- E. Letter from Carolyn Ostrom, NH Community Relations Specialist, Susan G. Komen for the Cure requesting permission to conduct the Susan G. Komen Race for the Cure 5K on May 9, 2015 at Strawberry Banke ***(Anticipated action – move to refer to the City Manager with power)***
- F. Letter from Jay Diener, Co-race Director, Seacoast Half Marathon, requesting permission to hold the 9th Annual Seacoast Half Marathon on Sunday, November 19, 2014 ***(Anticipated action – move to refer to the City Manager with power)***
- G. Letter from Barbara Massar, Pro Portsmouth, requesting permission to hold the following 2015 Events:
- First Night Portsmouth 2015 – Tuesday, December 31, 2014
 - Children’s Day 2015 – Sunday, May 3, 2015 from Noon – 4:00 p.m.
 - 38th Annual Market Square Day Festival & 10K Road Race – Saturday, June 13, 2015 from 9:00 a.m. – 4:00 p.m.
 - 13th Annual Summer in the Street – Saturday evenings – June 27, July 5, July 11, July 18, July 25, August 1, 2015
- (Anticipated action – move to refer to the City Manager with power)***
- H. Letter from Caitlyn Hassett and Amanda Beaulieu, Event Coordinators, Portsmouth Chamber of Commerce, requesting permission to use Hanover Street/Market Street parking lot for an ice sculpting demonstration on Sunday, February 15, 2015 as part of the 2nd Annual Fire and Ice Festival ***(Anticipated action – move to refer to the City Manager with power)***
- I. Letter from Zhana Morris, Production Manager, The Music Hall, regarding Parking Meter Permit Requests for the Music Hall’s 2014-2015 Season ***(Anticipated action – move to refer to the City Manager with power)***
- J. Request for Approval of Pole License to install 1,070’ of underground conduit located on Raynes Avenue and Vaughn Street to provide underground power to various developments in the area ***(Anticipated action – move to approve the aforementioned Pole License Agreement as recommended by the Public Works Department with the approval conditioned upon amendment of the license to allow for the collection of any lawfully assessed real estate taxes)***

- K. Letter from Trevor Bartlett, Portsmouth Halloween Parade, requesting permission to hold the 20th Annual Halloween Parade on Friday, October 31, 2014 (*Anticipated action – move to refer to the City Manager with power*)

Councilor Spear moved to adopt the Consent Agenda. Seconded by Councilor Shaheen and voted.

XII. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Michelle F. Harper, Logistics Director, The Charity Defense March, requesting the closure of Chestnut Street on Thursday, June 25, 2015, between the hours of 10:00 a.m. to 7:00 p.m. for a gathering area for participants of the registration day at the Music Hall

Councilor Dwyer moved to refer to the City Manager with power. Seconded by Councilor Kennedy and voted.

- B. Letter from Attorney Bernard Pelech, regarding Rezoning Request – Cate Street/Route 1 Bypass area

Councilor Spear moved to refer to the Planning Board for report back. Seconded by Councilor Kennedy and voted.

XIII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

- 1. Request for Approval of a Proposed Two-Year Agreement between the City of Portsmouth and the Professional Management Association

Human Resources Director Fogarty discussed the salient points of the two-year Agreement between the City and the Professional Management Association.

Councilor Spear moved to accept the proposed contract with the Professional Management Association to expire on June 30, 2016. Seconded by Councilor Morgan.

Councilor Lown stated he would vote against the motion because PMA is not changing their health insurance.

Motion passed. Councilor Lown voted opposed.

- 2. Request for Approval of a Three-Year Non-Supervisory Cafeteria Personnel Proposed Agreement

Human Resources Director Fogarty advised the City Council that this is a three year contract and reviewed the salient points within the agreement.

Councilor Spear moved to accept the proposed contract with the Non-Supervisory Cafeteria Personnel to expire on June 30, 2017. Seconded by Councilor Lown and voted.

3. Report Back Re: Proposed Easement at 7 Andrew Jarvis Drive

City Manager Bohenko reported to the City Council that Public Works Director Rice has been working to get an easement at 7 Andrew Jarvis Drive. The deed was prepared by the Legal Department and recommended moving forward.

Councilor Lown moved to authorize the City Manager to accept a permanent easement from D. R. Lemieux Builders, Inc. at the intersection of Andrew Jarvis Drive and Lafayette Road, as presented. Seconded by Councilor Spear.

Councilor Kennedy asked if the Portsmouth High School sign would be going back up. Public Works Director Rice indicated that the sign was located on private property and part of the plan is to find a letter location for the sign and it will be part of the project.

Motion passed.

4. Request to Establish a Work Session for Monday, September 29, 2014 at 6:30 p.m. in the Eileen Dondero Foley Council Chambers regarding Wastewater Treatment Plant Update

Councilor Kennedy moved to establish a Work Session for Monday, September 29, 2014 at 6:30 p.m., in the Eileen Dondero Foley Council Chambers, regarding an update on the Peirce Island Wastewater Treatment Facility project. Seconded by Councilor Shaheen.

Councilor Morgan asked if there are any materials for the meeting that they are sent to the City Council ahead of time for review. City Manager Bohenko said we would try. He also indicated much of the information will be accompanied by a presentation.

Motion passed.

5. Polling Hours for November 4, 2014 State General Election

Councilor Lown moved to set the polling hours from 8:00 a.m. to 7:00 p.m. for the State General Election on November 4, 2014. Seconded by Councilor Kennedy.

Councilor Shaheen stated she understands historically the polls close at 7:00 p.m. and asked if it would be possible to extend the hours to 8:00 p.m. City Clerk Barnaby explained that the polling hours are extended to 8:00 p.m. during a Presidential General Election. She also indicated the difficulty in finding poll workers and that the majority of the workers are elderly and it makes for a very long day.

Motion passed.

6. Update on Middens at Peirce Island

City Manager Bohenko said Deputy Public Works Director Goetz and Community Development Director Moore meet with the Peirce Island Committee on this matter and discussed the proposed plan described in his memorandum dated September 18, 2014.

Councilor Kennedy moved to authorize the City Manager to move forward with the proposed plan of action and schedule as described in the City Manager's memorandum dated September 18, 2014. Seconded by Councilor Morgan.

Councilor Lown stated he would like to see the City apply for some grants for this project.

Motion passed.

City Manager's Informational Items

- *Update Re: Worth Lot Maintenance, Paving and Lighting Upgrades*

Assistant Mayor Splaine asked for an overview of the work that will be done on the Worth Lot. Public Works Director Rice reported on the project and outlined what will be done with paving, new electrical conduit, installation of a raised median in the center of the lot, the installation of trees, etc. He also indicated the work on the lot will begin next week.

Councilor Dwyer asked if a loading zone was considered as part of the project. Public Works Director Rice stated that was not considered but he would look into it.

- *City Council Retreat Draft Agenda*

Councilor Morgan suggested that the agenda for the Retreat be limited in terms of presentations by the staff. She would like more time for the City Council to have discussion on items versus listening to staff making presentations. City Manager Bohenko stated he would adjust times for presentations and ensure that the City Council has ample time to have discussion among themselves regarding items of interest.

B. MAYOR LISTER

1. Appointment to be Considered:

- Amy Burns – appointment to the Cable Television and Communication Commission
- John Pratt – reappointment to the Economic Development Commission
- John Crist – reappointment to the Library Board of Trustees
- Stephanie Hausman – appointment to the Library Board of Trustees
- Shaula Balomenos Levenson – appointment to the Library Board of Trustees
- Donald Margeson – appointment to the Library Board of Trustees
- Rick Becksted Jr. – appointment to the Recreation Board

The City Council considered the above referenced appointments which will be voted on at the October 6, 2014 City Council meeting.

2. Establish a public forum regarding noise issue on October 2, 2014 from 6:30 – 8:30 p.m. in the Eileen Dondero Foley Council Chambers

Councilor Shaheen said she is concerned with the broad issue of noise. She would like to see the Council focus on the Prescott Park Arts Festival which maybe more constructive to hear the concerns centered on that at this time. Mayor Lister said people want to advocate hearing their own noise issues. He further stated the reason for the forum is to have people come forward with solutions.

Councilor Kennedy stated a concern at Prescott Park is the use of amplification. She said she would like to hear people address the ordinance and make suggestions for changes.

Assistant Mayor Splaine said we need to look for solution and the issue is about quality of life.

Councilor Dwyer suggested setting ground rules. Councilor Morgan suggested keeping comments to 2 minutes and after 8:30 p.m. open up to more comment to 9:00 p.m. Councilor Dwyer said that residents should be allowed to speak first. Councilor Kennedy agreed with Councilor Dwyer.

Mayor Lister announced that a public forum regarding noise issue will take place on Thursday, October 2, 2014 from 6:30 p.m. – 8:30 p.m. in the Eileen Dondero Foley Council Chambers.

3. Establish a date in late October regarding Federal Aviation Administration

City Manager Bohenko reported that he received word from Dave Mullen of the PDA indicating the FAA has refused to meet with the City Council in a public meeting.

4. Letter from Susan and Fred Lewis regarding picnic for the “Adopt the Spot” participants

No action required. Councilor Kennedy announced that there are 40 more Adopt-A-Spots available.

C. ASSISTANT MAYOR SPLAINE

1. “Non-Meetings” vs. “Non-Public Sessions:”

Assistant Mayor Splaine withdrew this item until the October 6, 2014 City Council meeting due to the lateness of the hour.

Councilor Spear moved to suspend the rules in order to take up Item XIII. E.2. – Recommendation of the Fire Department Study Committee. Seconded by Councilor Morgan and voted.

E. COUNCILOR LOWN

2. Recommendation of the Fire Department Study Committee

Councilor Lown thanked all those that work on this Committee. He said a consultant will conduct an independent study on the Fire Department.

Councilor Lown moved to direct the City Manager to work with the Fire Department to enter contract negotiations with Public Safety Strategies Group to conduct an independent study of the Fire Department with the funding for the study to come from contingency in the amount up to \$39,000.00. Seconded by Councilor Spear.

City Manager Bohenko stated that the money can be taken from the Contingency Fund and he would work with the Fire Department on this.

Assistant Mayor Splaine said it is important to have efficient survey in the City across the board. He does not understand why we feel that we have to always go towards using a consultant and he would like to see the Council more innovated and get residents involved and use their talents. He stated he would vote oppose to the motion because he feels there are better ways to do this.

Councilor Dwyer stated that the Committee spent a year and read the reports done by other communities and the technologies that are now in place in those communities.

Councilor Kennedy said the Police Department did their own report.

Fire Chief Achilles said the Commission and Department feels that this is a valuable process. The City Council needs to commit that if changes are required to save money the department is committed to that and if changes are needed they will cost money and the Council needs to be committee to that as well. He spoke to staffing levels being the same as they were 15 years ago and the demand for services by the department have increased and continue to increase. He spoke to the department moving forward with bench marks and initiatives.

Councilor Lown withdrew his motion and Councilor Spear the second to the motion.

Councilor Lown requested to postpone voting on this matter and that the City Council is provided with the summary of questions asked of each consultant and a copy of the RFQ.

D. COUNCILOR KENNEDY

1. Taking Care of Recycling Bins on Market Square and Vaughan Mall

Councilor Kennedy requested that City Manager Bohenko have the recycling bins in Market Square and Vaughan Mall repaired.

Councilor Lown moved to suspend the rules in order to take up Item XIII. E.1. – Webber Estate Settlement. Seconded by Councilor Spear and voted.

E. COUNCILOR LOWN

1. Webber Estate Settlement

Councilor Lown said that the investigation will be transparent and more so than a trial the investigation will interview whoever needs to be. He further stated that justice means many different things and a judge will decide that. He also stated there is nothing dirty about a settlement. Councilor Lown said it is about being fair to the taxpayers.

Councilor Lown moved to have the City approve the Settlement. Seconded by Councilor Thorsen.

Councilor Thorsen said the issue is what the best position for the City is. He said there is a risk reward here and that this is a probate proceeding with narrow decisions.

Assistant Mayor Splaine said he is surprised and stunned that there continues to be an effort to short circuit the court approach. He said that this was not a personnel issue, this was a process issue.

Councilor Morgan states she supports this going to court and does not support a settlement.

Councilor Dwyer said we want transparency and would like to hear what the investigation will look at and understand it.

Councilor Shaheen said she concurs with Councilor Dwyer and she would not support the motion. She stated what matters are the public trust and moving forward.

Mayor Lister passed the gavel to Assistant Mayor Splaine.

Mayor Lister said he would not support the motion and feels we need to have an independent evaluation.

Assistant Mayor Splaine returned the gavel to Mayor Lister.

On a roll call vote 1-8, motion to have the City approve the Settlement failed to pass. Councilor Lown voted in favor. Assistant Mayor Splaine, Councilors Shaheen, Kennedy, Dwyer, Morgan, Spear, Thorsen and Mayor Lister voted opposed.

Councilor Lown moved that City Attorney Sullivan approach counsel's for the other parties to stay the proceedings in Probate Court until the investigation is concluded and the Council revisit the previous motion to approve the Settlement at that time. Seconded by Councilor Spear.

Discussion followed on this matter.

On a roll call vote 2-7, motion that City Attorney Sullivan approach counsel's for the other parties to stay the proceedings in Probate Court until the investigation is concluded and the Council revisit the previous motion to approve the Settlement at that time failed to pass. Councilors Lown and Spear voted in favor. Assistant Mayor Splaine, Councilors Shaheen, Kennedy, Dwyer, Morgan, Thorsen and Mayor Lister voted opposed.

3. Parking & Traffic Safety Committee Action Sheet and Minutes of the August 14, 2014 meeting

Councilor Spear moved to approve and accept the action sheet and minutes of the August 14, 2014 Parking & Traffic Safety Committee meeting. Seconded by Councilor Shaheen and voted. Councilor Kennedy voted opposed.

D. COUNCILOR KENNEDY

3. *Free Parking on Sunday during the winter

Councilor Kennedy requested City Manager Bohenko look at 20 Sunday's starting November 1st as free parking during the winter.

F. COUNCILOR DWYER

2. Formal request to PDA for transition plan from Grimmel Re: Scrap

Postponed until the October 6, 2014 City Council meeting.

G. COUNCILOR MORGAN

1. City Ordinance for Helicopters

Postponed until the October 6, 2014 City Council meeting.

2. EDC – Updating the composition of the Economic Development Committee

Postponed until the October 6, 2014 City Council meeting.

3. North End Visioning process

Postponed until the October 6, 2014 City Council meeting.

XIV. MISCELLANEOUS/UNFINISHED BUSINESS

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

At 12:45 p.m., Councilor Spear moved to adjourn. Seconded by Councilor Lown and voted.

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

Kelli L. Barnaby, CMC/CNHMC
City Clerk

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

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

1. In Section 10.440, Table of Uses – Residential, Mixed Residential, Business and Industrial Districts, amend use # 15.20 as follows:

Use		OR	I	WI
15.20 Helipad or helipad				
15.21 Helipad, as an accessory use to a permitted hospital use		S	S	S
15.22 Helipad, as an accessory use incidental to a permitted use, not to include the carrying of persons or freight as a commercial operation		S N	S N	S N

[Note: Designations in all other zoning districts to be “N” for helipad, and to remain “N” for heliport.]

2. In Section 10.1530, Terms of General Applicability, insert the following new terms and definitions in alphabetical order:

Helipad

An area of land, water, or a structure designated for the occasional landing and takeoff of helicopters but not used solely for that purpose, and not including facilities for helicopter fuel, service, maintenance or overhaul, or sale of products.

Heliport

An area of land, water, or a structure used or intended to be used for the landing and takeoff of helicopters, together with appurtenant buildings and facilities.

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

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

This ordinance shall take effect upon its passage.

APPROVED:

Robert Lister, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

**THE CITY OF PORTSMOUTH
TWO THOUSAND FOURTEEN
PORTSMOUTH, NH**

RESOLUTION #

A RESOLUTION APPROPRIATING THE SUM OF SIX HUNDRED THOUSAND (\$600,000) DOLLARS AND AUTHORIZING THE BORROWING OF SIX HUNDRED THOUSAND (\$600,000) DOLLARS THROUGH THE ISSUE OF BONDS AND NOTES OR THE EXECUTION OF LEASE PURCHASE AGREEMENTS FOR THE ACQUISITION OF ONE FIRE APPARATUS.

BE IT RESOLVED:

THAT the sum of **Six Hundred Thousand (\$600,000) Dollars** be and is hereby appropriated for the acquisition of one Fire Apparatus.

THAT in order to meet said appropriation the City Treasurer, with approval of the City Manager, is authorized to borrow, on a competitive or negotiated basis, up to **Six Hundred Thousand (\$600,000) Dollars** through the issue of bonds and/or notes of the City under the Municipal Finance Act and/or the execution of lease purchase agreements.

THAT the expected useful life of the fire apparatus is determined to be at least 10 years.

THAT this resolution shall take effect upon its passage.

APPROVED BY:

ROBERT J. LISTER, MAYOR

ADOPTED BY CITY COUNCIL

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



Portsmouth Fire Department

Administration

OCT 22 2014

To: City Manager John Bohenko

From: Fire Chief Steven Achilles SCA

Date: 10/22/2014

Re: Heavy Rescue Fire Truck

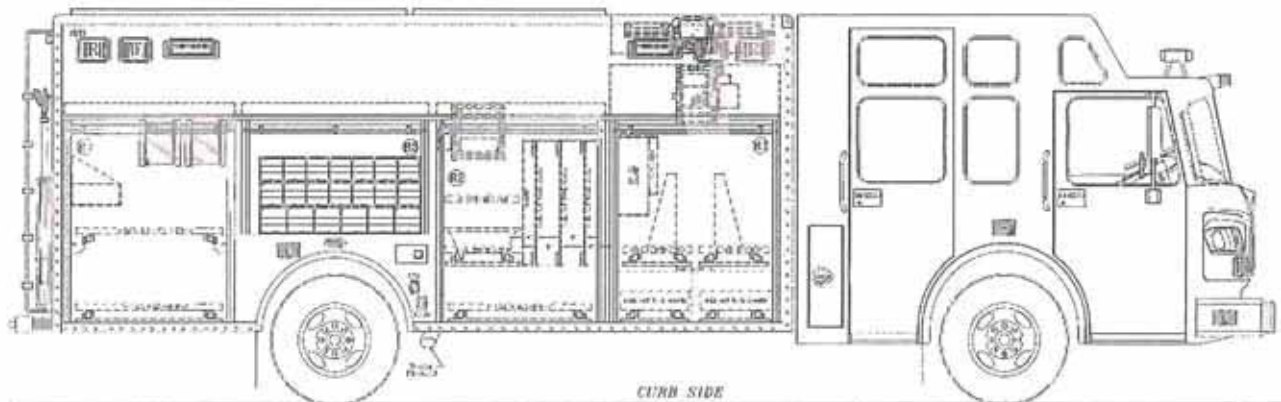
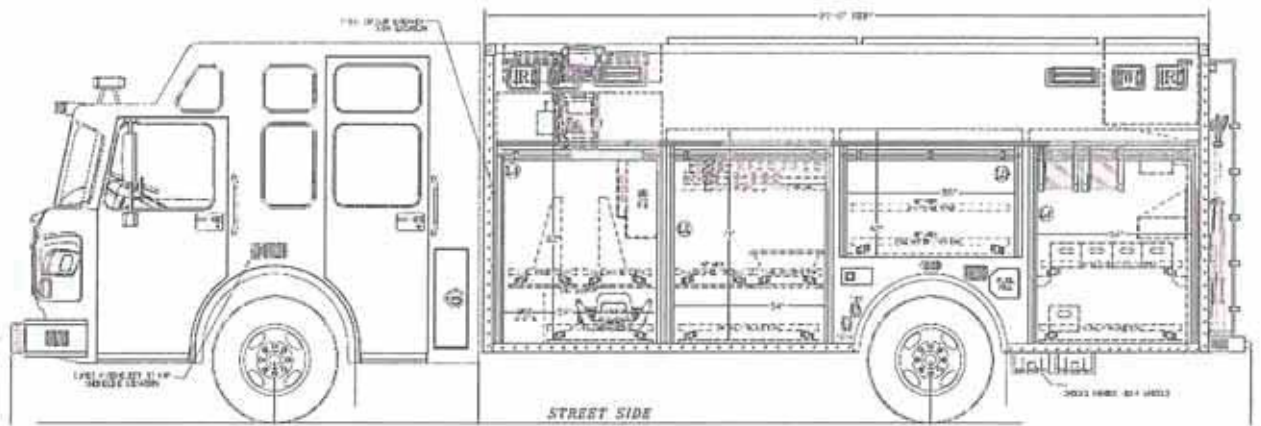
The following is a description of a Heavy Rescue Fire Truck:

A "Heavy Rescue" unit is usually staffed with 3 to 4 personnel and carries everything that a department may use on a technical rescue incident.

Equipment expected to be carried by our department unit:

- Confined space equipment (tripod, hardware, ropes, communications, patient packaging)
- Extrication equipment (power units, electrical units, struts, cribbing, shoring, pneumatic air bags)
- Water rescue (cold water rescue suits, retrieval equipment, patient packaging)
- Rope rescue (ropes, hardware, patient packaging (stokes baskets), mechanical advantage systems, high angle rescue equipment).
- Mobile scene lighting and generator

Please refer to page 2 for the general look and layout of a unit similar to the specifications we have developed.





Portsmouth Fire Department

Administration

To: City Manager John Bohenko

From: Fire Chief Steven Achilles

Date: 9/25/2014

Re: **Heavy Rescue Fire Truck Bonding Resolution Request**

The following is a description of a proposed resolution for the FY 15 purchase of a Heavy Rescue Fire Truck:

Resolution for a bond authorization of up to \$600,000.00 for the purchase of a Heavy Rescue fire truck.

This project was identified in the FY15 Capital Improvement Program as VE-FD-02: Vehicle Replacement- Heavy Rescue Unit 1. This project is to replace the department's current Rescue which is a 1986 Chevrolet medium duty truck and cargo chassis. The new Heavy Rescue will carry equipment and supplies necessary in performing technical rescues, complex vehicle extrications, and support operations. Included in this project is specialized and appropriate equipment, radios, and vehicle lettering and striping.

The department will be bidding and selecting a manufacturer based on price, required features, and build time. We will also consider demonstrator models that meet the specifications. The current unit will be taken out of service upon delivery of the new Heavy Rescue.

Department Memorandum

VE-FD-02: VEHICLE REPLACEMENT-HEAVY RESCUE UNIT 1

This allocation is to replace Rescue 1, a 1986 Chevrolet with manual transmission. The new heavy rescue unit will carry equipment needed to perform technical rescues, heavy vehicle extrication, below grades/collapse and support services. This allocation includes equipment, radios, lettering and striping, etc.



		FY15	FY16	FY17	FY18	FY19	FY20	Totals 15-20	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/State	0%							\$0	\$0	\$0
Bond/Lease	100%	\$600,000						\$600,000	\$0	\$600,000
Other	0%							\$0	\$0	\$0
Revenues	0%							\$0	\$0	\$0
PPP	0%							\$0	\$0	\$0
Totals		\$600,000	\$0	\$0	\$0	\$0	\$0	\$600,000	\$0	\$600,000
Commenche FY: 2015		Quarter: 1st		Priority: I	Impact On Operating Budget:		Negligible			

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That the Ordinances of the City of Portsmouth, Chapter 10 – Zoning Ordinance, Section 10.1110 – Off-Street Parking, be amended by inserting a new paragraph 10.1115.24 as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

10.1115.24 The provisions of Section 10.1112.50 – Maximum Number of Parking Spaces, shall not apply to buildings and uses within the Downtown Overlay District.

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

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

This ordinance shall take effect upon its passage.

APPROVED:

Robert Lister, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

MEMORANDUM

TO: John P. Bohenko, City Manager
FROM: Rick Taintor, Planning Director *RT.*
DATE: November 4, 2014
RE: City Council Referral –
Request to Rezone Land on Cate St., Bartlett St. and Route 1 Bypass to the Gateway District, and to amend the Zoning Ordinance by providing for Workforce Housing Incentives in Gateway Planned Developments

Portsmouth Land Acquisition, LLC, has requested that the following lots be rezoned from Industrial (I), Office Research (OR) or Municipal (M) to Gateway (GW):

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

and including Cate Street between Hodgson's Brook and Bartlett Street, and that the Zoning Map be revised accordingly; and further that the Zoning Ordinance, Article 7, Section 10.730 – Gateway Planned Development, be amended by inserting a new Section 10.734.40 as follows:

10.734.40 Workforce Housing Incentives

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

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

The City Council received this request at its meeting on September 22, 2014, and voted to refer it to the Planning Board for a report. At the same time, the Council voted to continue its second reading and public hearing on the proposed rezoning to CD4 until after the Planning Board has submitted its report. The Planning Board held a public hearing on the requested amendments to the Zoning Map and Zoning Ordinance at its meeting on October 16, 2014.

Background

At its meeting on June 2, 2014, the City Council voted to request the Planning Board to consider rezoning the land on the east side of the Route 1 Bypass between the Islington Street bridge and the Traffic Circle. The Planning Department has also been considering zoning options for a portion of this study area, between the railroad line and Hodgson's Brook; and the

City has long been interested in establishing a new road connection from the Bypass to Bartlett Street, which would open this area up for redevelopment. Parcels within this latter area are currently constrained by being in the Industrial zoning district, which has restrictive use and dimensional standards and may not represent the best use of the land from the City's or the owners' perspectives.

The City Council has authorized a study for expanding Character-Based Zoning to include the area bounded by Bartlett Street, the railroad line, the Route 1 Bypass and Hodgson's Brook (the design charrette is currently planned to take place in February 2015). Therefore, the Planning Department proposed that the City consider as an interim measure the rezoning of this area to Character District 4 (CD4). On July 14, the City Council voted to pass first reading on this proposed rezoning, to schedule a public hearing and second reading for September 22, and to refer the proposal to the Planning Board for a report and recommendation.

The Planning Board held a public hearing on the proposed rezoning at its August meeting and voted "to report back to the City Council that this area should be rezoned from the existing Industrial and Office Research zoning, but that the proposed rezoning to Character District 4 (CD4) is not appropriate at this time. The Board recommends that further study is needed to determine the best zoning approach for these parcels."

On September 15, 2014, Attorney Bernard W. Pelech (representing Portsmouth Land Acquisition, LLC, owner of a majority of the subject parcels) submitted a request that the area previously proposed for rezoning to CD4 be instead rezoned to the Gateway district, along with modifications to several other zoning standards for Gateway Planned Development projects in which Workforce Housing constitutes at least 10% of the total dwelling units. The City Council considered this request at its meeting on September 22, 2014, and voted to refer it to the Planning Board for a report. At the same time, the Council voted to continue its second reading and public hearing on the proposed rezoning to CD4 until after the Planning Board has responded to Attorney Pelech's letter. Subsequently, Attorney Pelech submitted a letter to the Planning Board regarding this matter.

Effect of the Requested Amendments to the Zoning Map and the Zoning Ordinance

The request by Portsmouth Land Acquisition, LLC, has two components: an amendment to the Zoning Map to change the zoning for several parcels from their existing designations (Industrial, Office Research, and Municipal) to the Gateway district, and an amendment to the Zoning Ordinance to allow increased residential density and building size, and to relax off-street parking requirements, for Gateway Planned Development projects that include workforce housing.

Requested Zoning Map Amendment

The area proposed to be rezoned is shown on the two maps at the end of this memorandum. Note that these are the same maps originally proposed for rezoning to the CD4 district and therefore the map titles still refer to the CD4 district. Although Portsmouth Land Acquisition is now requesting a rezoning to Gateway, the proposed zoning boundaries are unchanged from the previous proposal.

Rezoning to the Gateway district would allow the following uses that are not permitted by the existing Industrial zoning (partial listing):

Use Group	Use
<i>Residential Uses:</i>	Townhouse
<i>Institutional Residence or Care Facilities:</i>	Assisted living center Residential care facility (S)
<i>Educational, Religious, Charitable, Cultural and Public Uses:</i>	Place of assembly (S) School Museum Performance facility
<i>Medical Services and Health Care:</i>	Medical offices and clinics (outpatient only) Clinics with inpatient care (S) Ambulatory surgical center (S)
<i>Services, Other Than Health Care:</i>	Group day care facility Personal services Consumer services Laundry and dry cleaning establishments – drop-off/pick-up or self-service
<i>Retail Trade:</i>	Convenience goods Retail sales Shopping center
<i>Eating and Drinking Places:</i>	Nightclub or bar Restaurant
<i>Lodging Establishments:</i>	Boarding house (S) Hotel or motel (S) Conference center
<i>Motor Vehicle Related Uses:</i>	Sales, renting or leasing of passenger cars, light trucks, motorcycles, etc. Motor vehicle service station (S) Sales, renting or leasing of trucks (S)

(S) = requires special exception from Zoning Board of Adjustment

Several industrial uses that are permitted in the Industrial district are prohibited in the Gateway district.

In addition to the basic use, dimensional and intensity standards, properties in the Gateway district are eligible to be considered for a Conditional Use Permit from the Planning Board to allow a “Gateway Planned Development” (GPD), the regulations for which are set forth in Section 10.730 of the Zoning Ordinance. The GPD option allows multifamily dwellings to be included in a mixed-use development, provided that residential uses comprise at least 30 percent and not more than 70 percent of the gross floor area of the development. The GPD also allows taller buildings (up to 60 feet, compared with a 40-foot limit in the Gateway district without a conditional use permit, increased building coverage (75% vs. 30%), reduced off-street parking requirements, and other changes designed to increase flexibility while encouraging a higher standard of design.

Proposed Zoning Ordinance Amendments

In addition to the proposed rezoning to the Gateway district, Portsmouth Land Acquisition is also requesting changes to three zoning provisions for Gateway Planned Development projects in which at least 10% of the dwelling units qualify as “workforce housing”:

1. Reduce the minimum lot area per dwelling unit to 1,000 sq. ft.

A Gateway Planned Development currently requires a minimum of 2,500 sq. ft. of lot area per dwelling unit. This is equal to the requirement in the Business (B) district, and permits a higher residential density than any other area of the City except for the downtown (Central Business A and B and Character Districts 4 and 5), in which there is no residential density limit.

The proposed amendment would increase the allowable residential density from 17.4 units per acre to 43.6 units per acre, representing a potential 150% increase in density in exchange for designating 10% of the total dwelling units as workforce housing.

2. Increase the maximum building length to 350 feet.

Section 10.522 of the Zoning Ordinance states that “The maximum building length of a multifamily dwelling shall not exceed 160 feet.” This provision was added to the Ordinance in October 2010, partially in response to issues raised by a proposed multifamily development on Lang Road and Longmeadow Road. At that time, the following estimated building dimensions of were provided to the Planning Board for comparison:

Heritage Hill	90' x 33'
Riverbrook (Middle Rd.)	120' x 28'
Osprey Landing	145' x 30'
Cedars (1)	155' x 50'
Cedars (2)	180' x 50'
Beechstone	280' x 38'
Lang & Longmeadow (proposed)	160' x 90'

The zoning amendment by Portsmouth Land Acquisition would allow buildings with substantially greater length than any of the existing multifamily dwellings in the City. On the other hand, the historic Button Factory complex on Islington Street, which consists of a group of connected industrial buildings that have been converted to mixed residential-nonresidential use, extends approximately 1,100 feet from end to end.

3. Allow required off-street parking to be located in a required front yard or between a principal building and a street.

Section 10.1113.20 of the Zoning Ordinance provides, “Required off-street parking shall not be located in any required front yard, or between a principal building and a street (including on a corner lot).” This provision applies in all zoning districts and was added as part of the 2009 comprehensive revision of the Ordinance so that parking areas

would be located beside or behind buildings, in order to enhance the streetscape and encourage more pedestrian-friendly development.

The requested amendment would exempt a Gateway Planned Development with at least 10% workforce housing units from this City-wide provision, allowing off-street parking spaces to be (a) in front of a principal building and (b) closer to the street than the 30-foot front yard required in the Gateway District.

Additional Issues Not Addressed by the Requested Zoning Amendment

The requested amendments to the Zoning Map and Zoning Ordinance raise at least two additional sets of issues that will need to be addressed at the same time. These are (1) standards for maximum building height, and for minimum and maximum building setbacks from streets; and (2) definitions of “workforce housing” and mechanisms for administering the workforce housing requirements and ensuring long-term affordability.

Building Setbacks and Height

Because the Gateway Planned Development section was created specifically for the Lafayette Road corridor, it includes two dimensional standards that reference setbacks from Lafayette Road:

- Sec. 10.734.20 establishes the front yard as between 70 and 90 feet from the centerline of Lafayette Rd.
- Sec. 10.734.33 establishes the maximum building height in relation to the building setback from the centerline of Lafayette Rd.

These are two distinct provisions: the first supersedes the 30-foot front yard requirement in Article 5, but the second is a constraint on the 60-foot height limit in Sec. 10.734.31. In order to minimize ambiguity, Section 10.734.20 should be amended to define the front yard requirement for properties that do not front on Lafayette Road, and this may be different for parcels fronting on the Route 1 Bypass vs. those that front on another road (such as the new road to be constructed between the Bypass and Bartlett Street as part of a GPD project by Portsmouth Land Acquisition). Consideration should also be given to modifying Section 10.734.33 as regards maximum building height in relation to setback from the Route 1 Bypass.

Workforce Housing Definition and Price/Occupancy Controls

The requested amendment to the Zoning Ordinance uses the term “workforce housing” but does not define it. RSA 674:58, IV defines “workforce housing” separately for ownership and rental housing units, as follows:

Ownership Housing: “Housing which is intended for sale and which is affordable to a household with an income of no more than 100 percent of the median income for a 4-person household for the metropolitan area or county in which the housing is located as published annually by the United States Department of Housing and Urban Development.”

Rental Housing: “Rental housing which is affordable to a household with an income of no more than 60 percent of the median income for a 3-person household for the metropolitan area or county in which the housing is located as published annually by the United States Department of Housing and Urban Development.”

The statute further defines “affordable” as follows:

“Housing with combined rental and utility costs or combined mortgage loan debt services, property taxes, and required insurance that do not exceed 30 percent of a household’s gross annual income.”

For the Portsmouth area, these definitions mean that a workforce housing unit must have a purchase price not exceeding **\$284,000** or a monthly rent (including utilities) not exceeding **\$1,140**. (The maximum purchase price is an estimate and would need to be confirmed based on actual mortgage terms and insurance costs, and the current property tax rate.)

In addition, the statute provides that a specified percentage of a housing development must be available for occupancy by families in order to qualify as “workforce housing”:

“Housing developments that exclude minor children from more than 20 percent of the units, or in which more than 50 percent of the dwelling units have fewer than two bedrooms, shall not constitute workforce housing”

If the Zoning Ordinance is to be amended to include the proposed “workforce housing incentives”, the amendment should also incorporate the above definitions and restrictions. In addition, the Ordinance (or regulations adopted by the Planning Board to implement the incentives) should include mechanisms for administering and enforcing the workforce housing provisions and for ensuring long-term affordability and compliance with the statutory definitions.

Planning Board Report and Recommendation

The Planning Board considered the requested zoning amendments at its meeting on October 16, 2014, and voted as follows:

Voted to report to the City Council that the Planning Board does not support re-zoning these parcels at this time and would recommend moving forward including them in the Charrette process currently scheduled for February.

It was noted that the Planning Board’s action did not imply any specific outcome of the charrette process, and that in fact the result of the visioning and planning process could be to recommend rezoning these parcels to the Gateway district rather than to a Character district.

If the City Council wishes to proceed with consideration of the requested amendments to the Zoning Map and Zoning Ordinance, this can be done in parallel with the charrette process currently anticipated for late February 2015. Specifically, the Council may schedule first reading on the amendments for its December 8, 2014, meeting. In preparation for that meeting, the Planning Department can draft a revised ordinance incorporating the additional provisions necessary to address the building height/setback and workforce housing issues described above. At first reading the Council may vote to schedule a public hearing and second reading

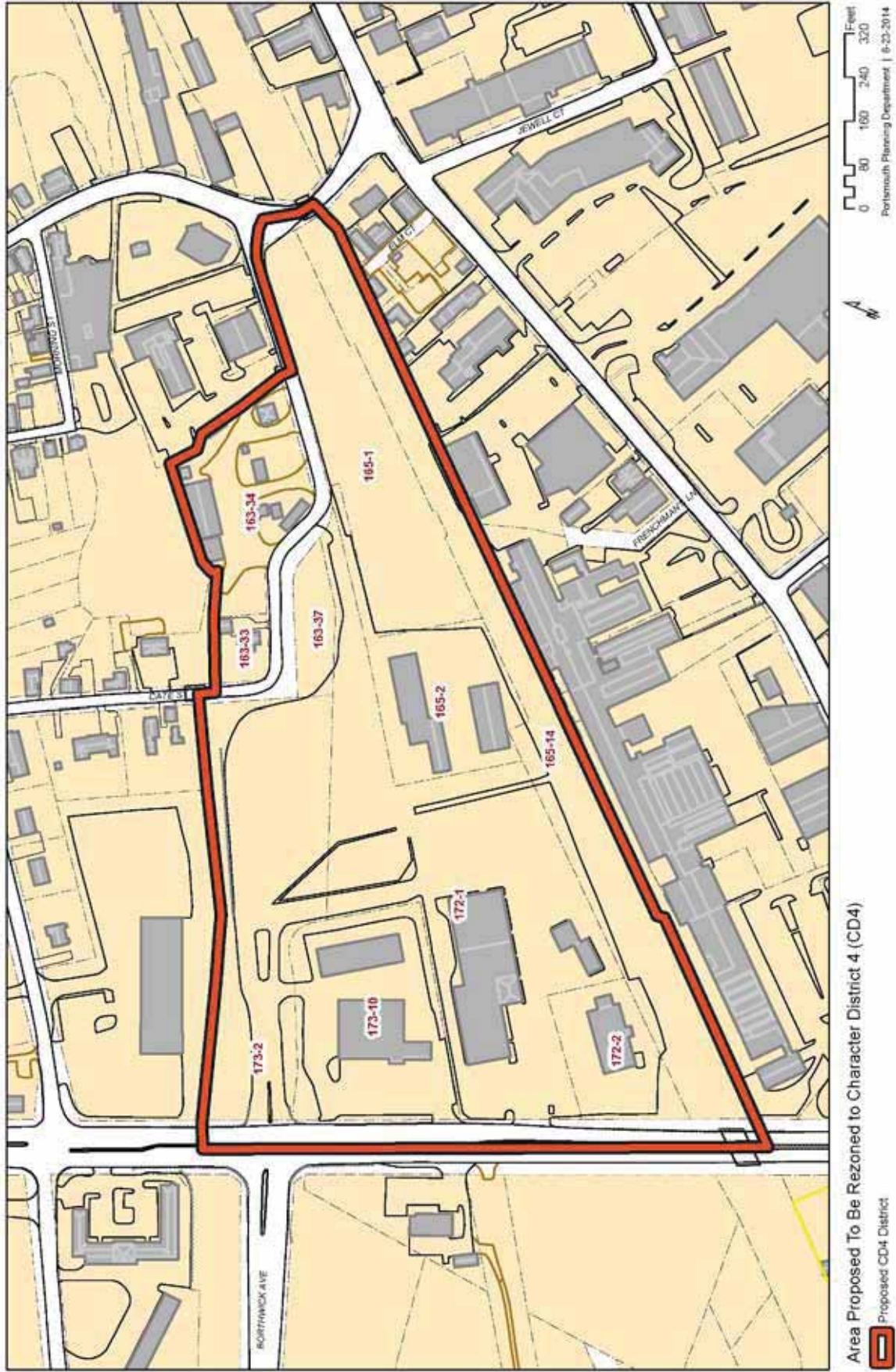
for a meeting in January 2015, which would allow the requested amendments to be considered in parallel with the charrette process.

Public Hearing Requirements

Effective July 10, 2014, RSA 675:7 now requires that municipalities send individual notices of proposed zoning amendments to owners of affected properties in certain cases:

If a proposed amendment to a zoning ordinance would change a boundary of a zoning district and the change would affect 100 or fewer properties, notice of a public hearing on the amendment shall be sent by first class mail to the owners of each affected property. If a proposed amendment to a zoning ordinance would change the minimum lot sizes or the permitted uses in a zoning district that includes 100 or fewer properties, notice of a public hearing on the amendment shall be sent by first class mail to the owner of each property in the district. Notice by mail shall be sent to the address used for mailing local property tax bills, provided that a good faith effort and substantial compliance shall satisfy the notice by mail requirements of this paragraph.

As the requested amendment to the Zoning Map would affect fewer than 100 properties, notice of a public hearing on the amendment must be sent to all affected property owners in addition to the normal posting.





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

Proposed CD4 District



Law Offices of
WHOLEY & PELECH
55 CONGRESS STREET, SUITE B
P.O. BOX 395
PORTSMOUTH, NEW HAMPSHIRE 03802-0395



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

bernie@wholey-pelech.com

BERNARD W. PELECH*

JOHN J. WHOLEY
(1922-2001)

ADMITTED NH & ME BARS

November 12, 2014

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

HAND DELIVERED

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

Dear Mayor Lister and Members of the City Council:

As you know from my previous correspondence, I represent Portsmouth Land Acquisition, LLC, owners of the property located between the Route 1 Bypass, Cate Street, the railroad line, and Bartlett Street.

At its most recent meeting, the Planning Board postponed indefinitely my request that the area be rezoned to a Gateway District. Since that time, I have met with and spoken with members of the Planning Department who have advised that they will work with the Applicant in bringing forward a second rezoning request to rezone the area to the Gateway District.

It is my understanding that at the November 17th meeting, the second reading of the previous proposal brought forth by the City to rezone the area to a CD-4 District is scheduled.

On behalf of my client, I would respectfully request that the Council not pass the second reading of the ordinance rezoning the area to Character District 4 and instead schedule a first reading of an ordinance rezoning the area to Gateway District at its December 8th meeting.

Thank you for your anticipated cooperation in this matter. I look forward to working with the Council, Planning Department, and the Planning Board in bringing a much needed revitalization to this area.

Sincerely,

Bernard W. Pelech

BWP/ajs

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

1. That the following lots be rezoned from Industrial (I), Office Research (OR) or Municipal (M) to Gateway (GW):

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

and including Cate Street between Hodgson’s Brook and Bartlett Street, as shown on the attached exhibits titled “Areas Proposed To Be Rezoned to Gateway (GW)”, dated 12-8-2014;

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

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

A. Amend Article 7, Section 10.734 – Gateway Planned Development Intensity and Dimensional Standards, subsection 10.734.20 – Lot Requirements, as follows:

~~Front yard, measured from the centerline of Lafayette Road~~

Minimum _____ 70’
Maximum _____ 90’

Front yard	Minimum	Maximum
Measured from the centerline of Lafayette Road	70’	90’
Measured from the sideline of the Route 1 Bypass	30’	n.a.
Measured from the sideline of any other public or private street	20’	40’

B. Amend Article 7, Section 10.734 – Gateway Planned Development Intensity and Dimensional Standards, subsection 10.734.33, as follows:

10.734.33 No portion of a building shall have a height that is greater than its horizontal distance to the centerline of Lafayette Road from a lot line adjoining a street multiplied by 0.67 **1.5**, rounded to the nearest whole number. The following examples illustrate this requirement:

Distance from street right-of-way line	Maximum building height
56' (minimum front yard, 10' from front lot line)	38'
76' (maximum front yard, 30' from front lot line)	51'
86' (40' from front lot line)	58'
20'	30'
30'	45'
40'	60'
50'	60' (max.)

C. Amend Article 7, Section 10.734 – Gateway Planned Development Intensity and Dimensional Standards, by inserting a new Section 10.734.40 as follows:

10.734.40 Workforce Housing Incentives

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

10.734.41 The minimum lot area per dwelling unit shall be 1,000 square feet.

10.734.42 The maximum building length set forth in Article 5, Section 10.522 shall be increased to 350 feet.

10.734.43 Required off-street parking may be located in a required front yard or between a principal building and a street.

D. Amend Article 15, Section 10.1530 – Terms of General Applicability, by inserting the following new terms and definitions in alphabetical order:

Workforce housing

A dwelling, or group of dwellings developed as a single project, containing workforce housing units, provided that a housing development that excludes minor children from more than 20 percent of the units, or in which more than 50 percent of the dwelling units have fewer than two bedrooms, shall not constitute workforce housing for the purposes of this Ordinance.

Workforce housing unit

A housing unit which qualifies as “workforce housing” under RSA 674:58, IV, including:

- (a) housing which is intended for sale and which is affordable to a household with an income of no more than 100 percent of the median income for a 4-person household for the Portsmouth-Rochester HUD Metropolitan Fair Market Rent Area (HMFA) as published annually by the United States Department of Housing and Urban Development (HUD), or**
- (b) rental housing which is affordable to a household with an income of no more than 60 percent of the median income for a 3-person household for the Portsmouth-Rochester HMFA as published annually by HUD.**

For the purposes of this definition, "affordable" means housing with combined rental and utility costs or combined mortgage loan debt services, property taxes, and required insurance that do not exceed 30 percent of a household's gross annual income. To qualify as a workforce housing unit under this Ordinance, the unit must be subject to enforceable restrictions as to price and occupancy, such as a recorded land lease or deed restriction, as determined by the Planning Board, in order to ensure its long-term availability and affordability. A workforce housing unit is a specific type of affordable unit as defined in this Ordinance. (See also: affordable unit.)

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

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

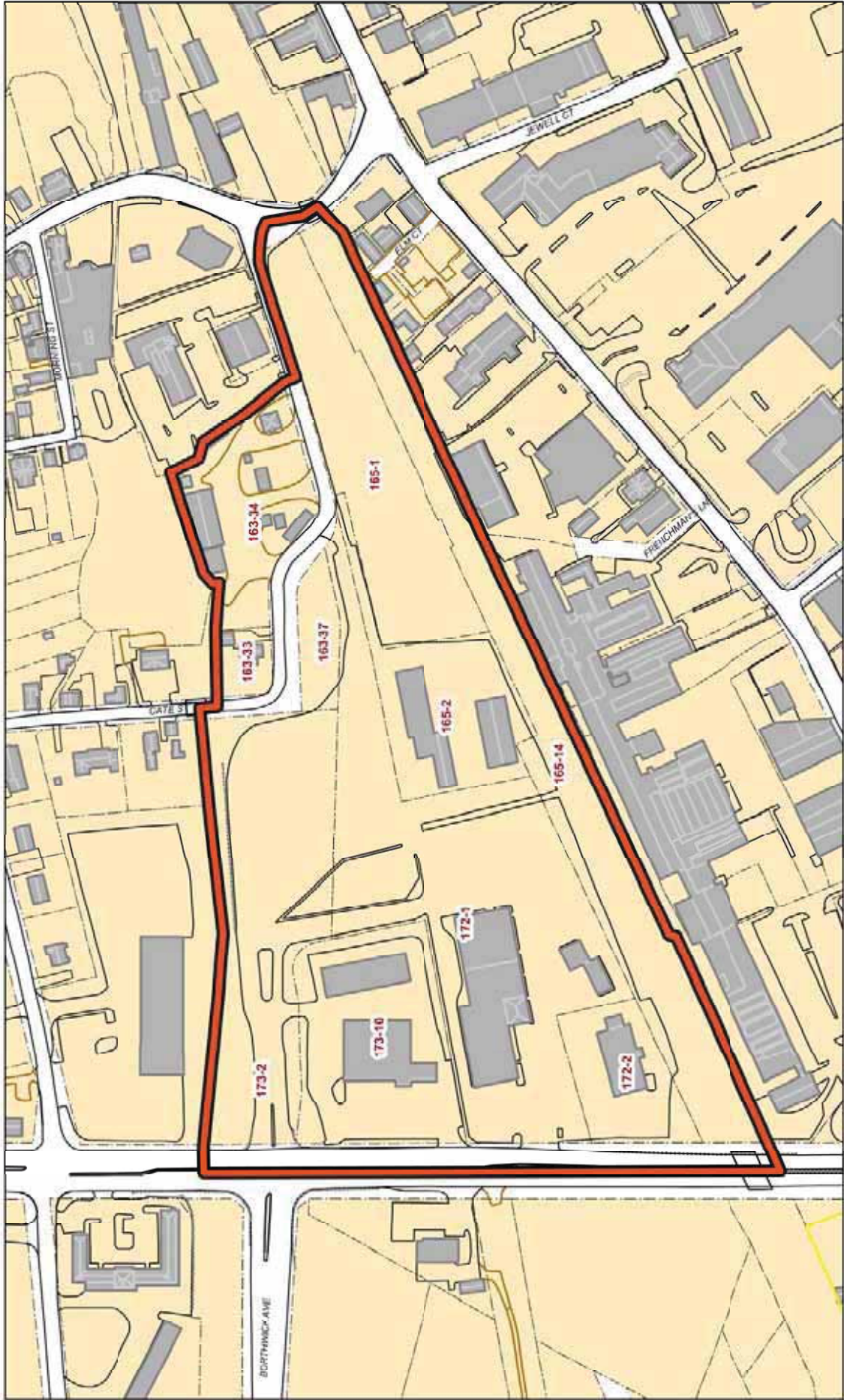
This ordinance shall take effect upon its passage.

APPROVED:

Robert Lister, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk



Area Proposed To Be Rezoned to Gateway District (GW)

 Proposed Gateway District



0 80 160 240 320 Feet
Portsmouth Planning Department | 12-8-2014

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. **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 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 passage **with respect to the City Council and the School Board. It will take effect with respect to Police and Fire Commission as of January 1, 2016.**

APPROVED:

Robert J. Lister, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

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

ORDINANCE #
THE CITY OF PORTSMOUTH ORDAINS

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

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

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

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

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

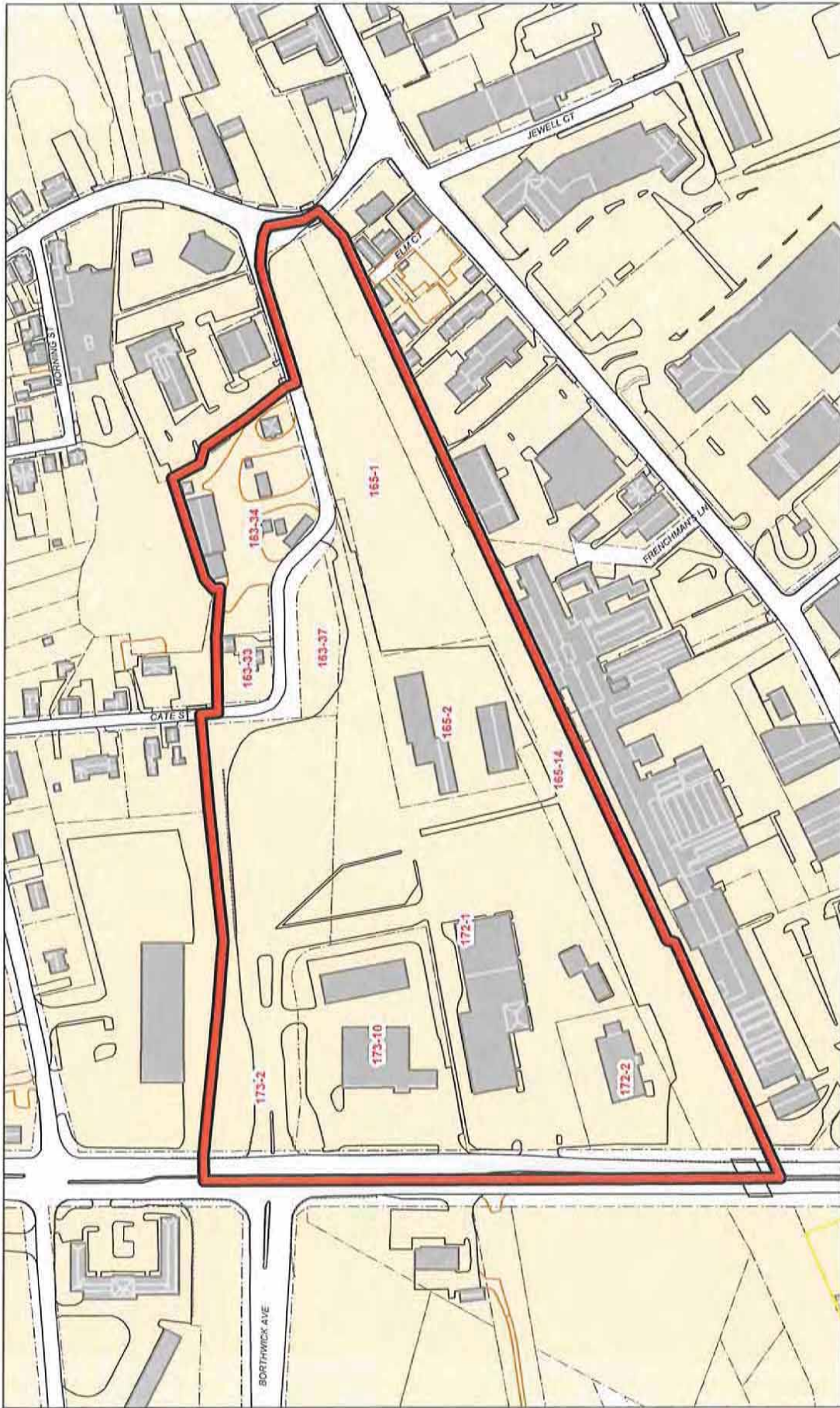
This ordinance shall take effect upon its passage.

APPROVED:

Robert J. Lister, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk



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

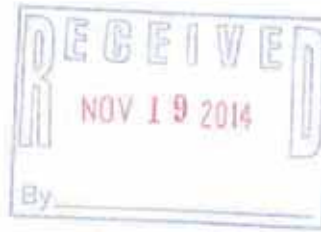
 Proposed CD4 District



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



19 November 2014



Portsmouth NH City Council
c/o City Clerk's Office
1 Junkins Ave
Portsmouth NH 03801

Dear City Council,

My name is Matt Junkin. I am the President of the Seacoast Rotary Club and the Race Director of the Seacoast Rotary Turkey Trot 5k.

I am writing this letter to ask the City Council consider approval of our 7th Annual race which will take place on Thanksgiving November 26th 2015. Registration for the race begins at 7am and the race will commence at 8:30 AM at Strawberry Banke.

Thank you for your consideration as well as the support you have provided for this event over the last 6 years.

Best Regards,

Matt Junkin

A handwritten signature in black ink, appearing to read "Matt Junkin".

President, Seacoast Rotary

mrjunkin@gmail.com

603-591-0083



November 14, 2014

Mayor Robert J. Lister
and City Council Members
City of Portsmouth
1 Junkins Ave,
Portsmouth, NH 03801

Cc: John P. Bohenko, City Manager

Re: Requesting permission for Annual Portsmouth Maritime Folk Festival

On behalf of the Portsmouth Maritime Folk Festival (PMFF), a New Hampshire Non Profit Corporation, I am requesting permission to hold the Annual Portsmouth Maritime Folk Festival on September 26th and 27th, 2015.

This event celebrates Portsmouth's maritime history and seafaring traditions, with presentations and performances that are free and open to the public. As we make our own arrangements with city historical venues (Moffatt-Ladd House, Warner House, The Athenaeum, and others) and local pubs and businesses (RiRa, The Rusty Hammer, The Works, and others) we do not require any street closings or police details.

We do request the closure of the three parking spaces immediately in front of the RiRa Pub and Breaking New Grounds (about 22 Market Square) from 12AM until 6PM on September 27th. We have been able to coordinate this same closure with the City in prior years and it has gone very smoothly. We would print the signs and setup the barriers if the city could leave them near the parking spaces the evening before. 5 barriers would be good; one for the street side of each space, and one for the front and rear opening to the set of spaces.

Weather permitting, we do like to have some shanty singing outside, in Market Square and some other areas around town, on the sidewalks, with respect for public access and safety. People seem to like the festive and historic nature of the singing, and it raises awareness for the special indoor events over the course of the weekend.

The schedule, in brief, is:

Saturday, September 26th:

10 AM Shanty singers call the festival to a start in the public sidewalk area facing 22Market Square. This is outside the RiRa Pub which enthusiastically welcomes our presence and provides ample space for performers without hindering pedestrian traffic.

11AM - 2PM Singing and lectures at historic sites, pubs, and restaurants.

Sunday, September 27th:

1 - 4:30 PM Cameo concerts, singarounds, and shanty performance at The Works, the Rusty Hammer, the Portsmouth Athenaeum, Oppenheimer, and outside the RiRa Pub in Market Square.

5:00 PM Festival Close. The performers gather back in front of RiRa at 22 Market Square, with the same provisions with the pub and pedestrian traffic considerations as the day before.

We'd like to use the same 4 wooden 'A-frame' signs that we have been allowed to use in prior years. These are about 24 inches wide by about 60 inches tall, displaying the event schedule near each key venue around the city. We keep these largely on the grass areas off any sidewalks, on each venue's private property as much as possible. Pedestrians would not be inconvenienced or put at risk.

It should be further noted that all of the performers and volunteer staff for this event are experienced professionals having been part of this festival in the past, and numerous similar events. We work with everyone to provide clear guidance on their being good stewards for the maritime festivities and good neighbors to the City.

We sincerely hope that our plans meet with the approval of the City. We'd love be able to invite the Mayor, City Council Members, and the City Manager join us for in a weekend of maritime history, tradition and song.

I will be happy to provide other information or answer any questions.

Thank you for your time and consideration,



David Hallowell
PMFF Board Member

437 Marcy St.
Portsmouth
603-433-9355



November 19, 2014

Mr. John Bohenko and Members of the Portsmouth City Council:

I am writing to request the use of the High Hanover Parking garage as a fundraising event for Leukemia & Lymphoma. I am participating in the Scott Firefighter Stairclimb again, held in Seattle this coming March. Last year I raised almost \$2500, with the help of my one-day event, using the parking garage stairs.

I am looking to hold the same fundraising event this December. Last year's event was very successful. I received a great deal of public support for the cause at the event.

Please let me know how to proceed and if there are any questions or concerns I can answer.

Thank you,

Sarah Jarvis
Rye Fire
206.914.5049



November 24, 2014

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



Re: Fund Raiser Event- March 15th at the Pease Tradeport

Dear Mr Bohenko and the City Council,

This letter is to formally seek permission to hold our sixth annual road race on Sunday, March 15th 2015 at the Pease Tradeport. This event, called the St Paddy's 5 Miler, is again being hosted by Paddy's American Grille and will be a critically needed fund raising event for New Height's, the Seacoast's largest, most comprehensive out-of-school program for young people (those entering 6th grade to those in 12th.) New Height's mission is to help teens make a successful transition to adulthood. They do this by providing teens with health-related opportunities and programs that foster respect for themselves, others, and the environment. 100% of the revenue goes directly to New Heights.

We have received formal permission for this event from David Mullins, the Executive Director of the Pease Development Authority . See attached "Right of Entry" document. We have terrific community support and the event will be sponsored by The Granite Springs Foundation, Data Risk LLC, Doahue, Tucker & Ciandella, The PDA, and Ocean Properties among others. The event is formally sanctioned by USA Track & Field and carries 3,000,000 in general liability coverage.

Details:

Date&Time: Sunday March 15, 2015- 10:30 am start

Beneficiary: New Heights, Adventures for Teens

PDA's "Right-of-Entry" - Received

Course-Approved by the PDA, USATF Sanctioned (map attached)

Event Insurance-\$3,000,000 general aggregate limit

Host Location-Paddy's American Grilles, Contact: General Manager

Safety-Police & EMT's will be contacted, large team of volunteers confirmed

Thank you for your consideration, we look forward to a safe and successful morning on Sunday March 15th.

Sincerely,

Tracey Tucker

Race Director & Executive Director - New Heights



PEASE
INTERNATIONAL
DEVELOPMENT
AUTHORITY

35 International Business Parkway, Dover, NH 03820

October 21, 2014

Tracey Tucker, Executive Director
New Heights: Adventures for Teens
100 Campus Drive
Portsmouth, NH 03801

RECEIVED
OCT 22 2014
Per _____

Todd Hanson
JSA Architects
273 Corporate Drive
Portsmouth, NH 03801

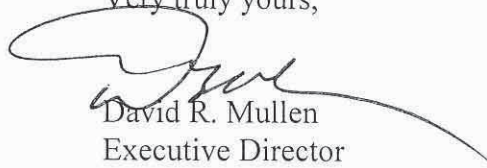
Re: Right of Entry for St. Paddy's Five Mile Race
March 15, 2015

Dear Tracey and Todd:

The Pease Development Authority ("PDA") has reviewed New Height's request to hold a five mile road race on Sunday, March 15, 2015. PDA grants its permission for New Heights to hold the event subject to the requirements outlined in the enclosed Memorandum (including an event plan) and the Right of Entry (to be issued at a later date).

If you have any questions, please call Marie Aleksy at (603) 766-9291.

Very truly yours,


David R. Mullen
Executive Director

DRM:msa
Enclosure

cc: K. William Hopper, Airport Manager
Mark H. Gardner, Deputy General Counsel

MEMORANDUM

RE: REQUIREMENTS FOR SPECIAL EVENTS HELD THROUGH A RIGHT OF ENTRY AT THE PEASE INTERNATIONAL TRADEPORT

I. PRE- EVENT REQUIREMENTS

A. Permission

To ensure that the area is available, Sponsors of the event ("Sponsor") must obtain written permission from the Pease Development Authority ("PDA").

1. Event sponsors must first receive permission from the PDA;
2. If PDA grants permission, additional permission as may be required, must be obtained from local authorities which may include the City of Portsmouth and/or the Town of Newington, before an event **may be advertised or held**;
3. Events must be for the benefit of a qualified non-profit/charitable organization;
4. Events will only be scheduled by a written request from the event sponsor on a "first come, first served" basis;
5. Sponsor must submit a **written** request for an event no sooner than **6 months** and no later than **90 days** before the date of the event. Only written requests will be considered;
6. No event is considered an annual event. Sponsors must submit a written request for permission for **each event, each time**.
7. Sponsors should not enter into any contractual obligations or expend funds for the event until permission is granted by PDA;
8. Events must follow the City of Portsmouth's event protocol;
9. PDA reserves the right to revoke or terminate its permission at will and that PDA need not state a reason for any such revocation or termination.

B. Written Request by Sponsor

Sponsor must submit a written request to the PDA Executive Director that includes:

1. Purpose of the event;
2. Date of event, including dates for set-up and rain date (if needed);
3. Location of event;
4. Race course plan (if applicable);
5. Expected number of participants;
6. Parking arrangements; and
7. Miscellaneous: Include clean up plans and other relevant details (such as if a post party will be held).

C. Time Period

1. Events on the Tradeport may be held from March 1 through October 31;
2. Events may only be held on Saturday, Sunday and holidays. With the exception of holidays, no events may be held on Monday through Friday;
3. Only one event may take place at a time and events may not overlap;

D. Location/Course

1. Road events (e.g. races and walks) shall take place on the Corporate Drive – International Drive loop;
2. Road events shall be no more than 6.2 miles (10k) long

II. SPONSOR'S RESPONSIBILITY AFTER PERMISSION IS GRANTED

If PDA grants permission for the event, then before the event takes place, Sponsor must provide to PDA:

1. **Insurance.** A certificate of insurance from the Sponsor and certificates of insurance from event vendors that meet PDA's insurance requirements.
2. **Permits.** The sponsor must obtain all necessary municipal and/or local permits prior to the event;
3. **Traffic Control.** Traffic control during the event including, but not limited to traffic crossing guards at designated crossings.
4. **Parking lots.** Written permission from Tradeport tenant(s) for use of parking areas during

the event.

5. **Permission from Tradeport Tenants.** Written permission from Tradeport tenant(s) if event will take place on a tenant's property.
6. **Event Plan to include:**
 - a. designated parking areas
 - b. designated street crossing areas
 - c. location(s) of traffic crossing guards
 - d. number and locations of porta-potties

III. **MISCELLANEOUS**

1. **Condition of Event Area:**

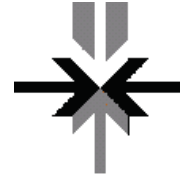
Sponsor shall ensure that the event area is safe for use by participants and attendees, which may include removal of street debris for road events.

2. **Permanent Markings.**

No permanent markings of any type shall be used in the event area including roadways.

3. **Clean Up.**

Sponsor is responsible for cleaning up the premises after the event and returning the premises to the same or better condition as it was before the event was held.



CROSS ROADS HOUSE
600 Lafayette Road
Portsmouth, NH 03801
Ph 603.436.2218
Fax 603.430.9217

Dear Mayor Lister and Portsmouth City Council Members:

This year will be the 8th year Cross Roads House has sponsored a Homeless Memorial Service. Last year we had our largest show of support to date with more than 75 people in attendance. It was so great to see such a large amount of support from our community on this important and relevant issue. There were many of our board members, outside agencies and even a number of shelter residents who participated in the event.

Part of the success of our event last year was due to our visibility to the public by holding the event in Market Square; this allowed us to spread more awareness to the public and gave us an opportunity to bring our message to the people in our community and give them the opportunity to join us in remembering those less fortunate. We would like to be able to hold the event in Market Square again this year.

This year we would like to be able to hold the Memorial on Thursday December 18th in Market Square starting at 5:30pm and lasting approximately an hour and a half. We are hoping to attract a similar number of attendants as we had last year (around 75) to this event. I don't see a need for street closures.

We would also hope that Mayor Lister or another representative from the city would be willing to speak at this event.

Please approve this request. Please respond to Jessica Parker 603-436-2218 ext 112 OR Jessica Brazeau 603-531-9166 .

Please let us know if there are any more details you need for the approval process.

Thank you for your consideration.

City of
Portsmouth
Department of Public Works



MEMORANDUM

TO: John P. Bohenko, City Manager
FROM: Tom Richter, Engineering Technician
DATE: November 20, 2014
SUBJECT: PSNH License Agreement 63-0586

I have reviewed the pole location information provided by PSNH for Petition and Pole License 63-0586.

This request is to license 2 poles located on Barberry Lane. These two poles are slated for replacement as a part of PSNH's circuit upgrade in this area.

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 pole locations. 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 "P. Rice", is written over the cc line.

PETITION AND POLE LICENSE

PETITION

Manchester, New Hampshire

September 18, 2014

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

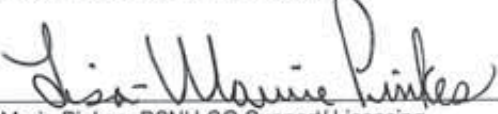
PUBLIC SERVICE OF NEW HAMPSHIRE and Northern New England Telephone Operations LLC d/b/a FairPoint Communications-NNE, request a license to install and maintain underground conduits, cable and wires, and maintain poles and structures with wires, cables, conduits and devices thereon, together with such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

License two (2) pole(s), 110/6Y, 110/10 located on Islington Street/Barberry Street 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 September, 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. 63-0586, dated 8/7/2014, 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



**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

September 25, 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 63-0586 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)

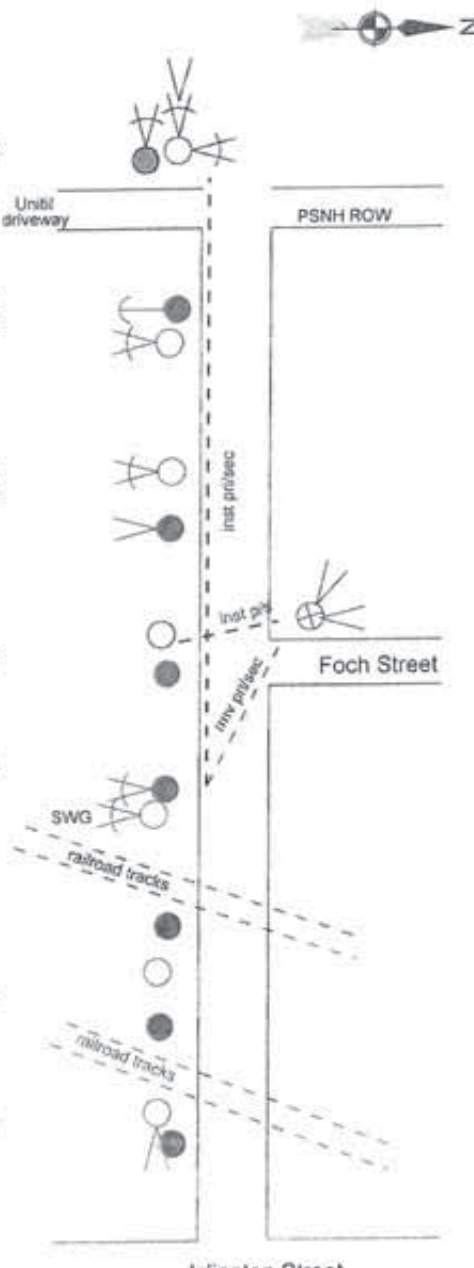
POLE LOCATION PLAN

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

DATE 08/07/2014
MUNICIPALITY: Portsmouth
STREET / ROAD: Islington Street/Barberry Street
PSNH OFFICE: Portsmouth
PSNH ENGINEER: Jim Osburn
TELCO ENGINEER: Joe Considine

LICENSE NO. 63-0586
STATE HWY. DIV. NO. 6
STATE LICENSE NO. _____
WORK REQUEST# 2375573
WORK FINANCIAL # 9P420570
TELCO PROJECT # 281252

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												
110/10	90/9	50/2	35/75	43.06610 070.78142						200		inst/rmv JO pole/anc	
110/9	90/8	45/2	35/61	43.06604 070.78109						120		inst/rmv JO pole/anc	
110/8	90/7	45/2	30/60	43.06586 070.78022						120		inst/rmv JO pole/anc	M
110/7	9000/1											inst Lts anchor	
110/6Y	90/6	50/2		43.06586 070.78022						180		inst JO pole FP rmv 100% pole	M
110/6	90/5	50/2	40/84	43.06577 070.77962						160		inst/rmv JO pole/anc	
110/5	90/4		40/40									remove & omit JO pole	
110/4	90/3	55/2	40/51	43.06570 070.77915						150		inst/rmv JO pole	M
110/3	90/2	45/2	40/51	43.06538 070.77760								inst/rmv JO pole inst Lts anchor	



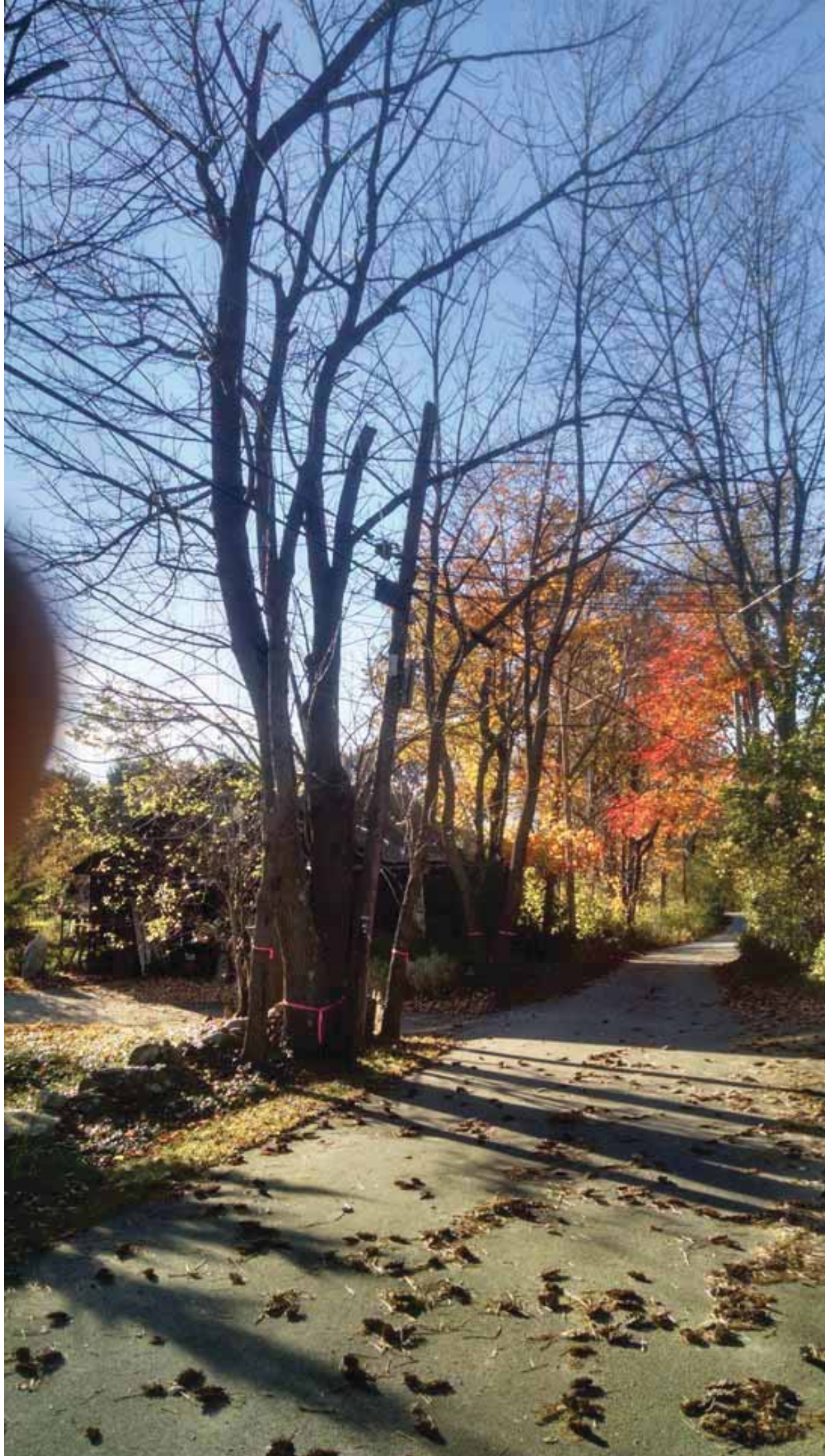
ADDENDUM PER RSA 231:163

- 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: November 21, 2014
SUBJECT: PSNH License Agreement 63-0589

I have reviewed the pole location information provided by PSNH for Petition and Pole License 63-0589.

This request is to license 1 underground conduit system that will provide residential power service under a city sidewalk for a distance of approximately 8 feet. The sidewalk panels interrupted will be replaced by the homeowner in accordance with city specifications.

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

Attached is a picture of the pole where the conduit will be placed. Please call with any questions you may have.

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



**Public Service
of New Hampshire**

60 W. Pennacook Street, Manchester, NH 03101

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

The Northeast Utilities System

November 7, 2014

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



Dear City Clerk,

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

Enclosed for your review find two copies of PSNH Petition and Pole License number 63-0589 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.

Sarah Dynia

Sarah Dynia
Customer Operations Support - Licensing
Public Service of New Hampshire
PO Box 330
Manchester, NH 03105-9989
Tel. 603-634-3552
E-Mail: sarah.dynia@nu.com

Enclosure(s)

**PETITION AND POLE LICENSE
PETITION**

Manchester, New Hampshire

November 7, 2014

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

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

License one (1) pole(s), 5 feet of underground cable from pole 90/1 to house # 31 on Sherburne Avenue in the City of Portsmouth.

PUBLIC SERVICE OF NEW HAMPSHIRE

BY: 
Sarah Dynia, PSNH CO-Support / Licensing

LICENSE

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

ORDERED

This 7th day of November, 2014, that, PUBLIC SERVICE OF NEW HAMPSHIRE be granted a license to erect and maintain poles and structures, with wires, cables, conduits and devices thereon, together with sustaining, strengthening and protecting fixtures, in the public ways covered by said petition. All of said wires, except such as are vertically attached to poles and structures, shall be placed in accordance with the National Electrical Safety Code in effect at the time of petition and/or license is granted.

The approximate location of the poles and structures shall be shown on plan marked "PUBLIC SERVICE OF NEW HAMPSHIRE" No. 63-0589, dated 11/7/2014, attached to and made a part hereof.

Town of Portsmouth, New Hampshire

Town of Portsmouth, New Hampshire

BY: _____

BY: _____

BY: _____

BY: _____

BY: _____

BY: _____

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

Date: _____

ATTEST: _____
Town Clerk

POLE LOCATION PLAN

DATE	11/07/2014	LICENSE NO.	63-0589
MUNICIPALITY:	Portsmouth	STATE HWY. DIV. NO.	6
STREET / ROAD:	31 Sherburne Avenue	STATE LICENSE NO.	
PSNH OFFICE:	Portsmouth	WORK REQUEST#	2400792
PSNH ENGINEER:	Richard St Cyr	WORK FINANCIAL #	9P420707
TELCO ENGINEER:		TELCO PROJECT #	

Pole Numbers		Pole Sz-CI	Eq BH	INSTALL	REMOVE	REF	100% LTS	J/O	100% TEL	Span	DIST FROM	Remarks	DOC REQ
LTS	TEL			POLE	PB								
90/1	46/8					⊕			↓				
				<div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;"> <p>sidewalk</p> </div> <div style="text-align: center;"> <p>Lincoln</p> </div> </div>									
				<p>pole GPS 43.07036 70.75788</p>									
				<p>Sherburne</p>									
				<p>Richards Ave</p>									
				<p>Rockland</p>									
				<ul style="list-style-type: none"> • URD is going 5 feet under city sidewalk to home 									

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:



100 Rockland St
Portsmouth, New Hampshire
Street View - Sep 2011



November 13, 2014

"The Bridal Miles" 5K Road Race & Walk

Sunday, May 3, 2015

Start time: 10:00 AM

Dear Mayor Lister, City Manager Bohenko and Portsmouth City Council Members,

Please accept this letter as our formal request to run the FIRST annual "Bridal Miles" 5K Road Race and Walk on Sunday May 3, 2015 beginning at 11:00 AM at Pease Tradeport in Portsmouth. Below are the details of the event for your consideration:

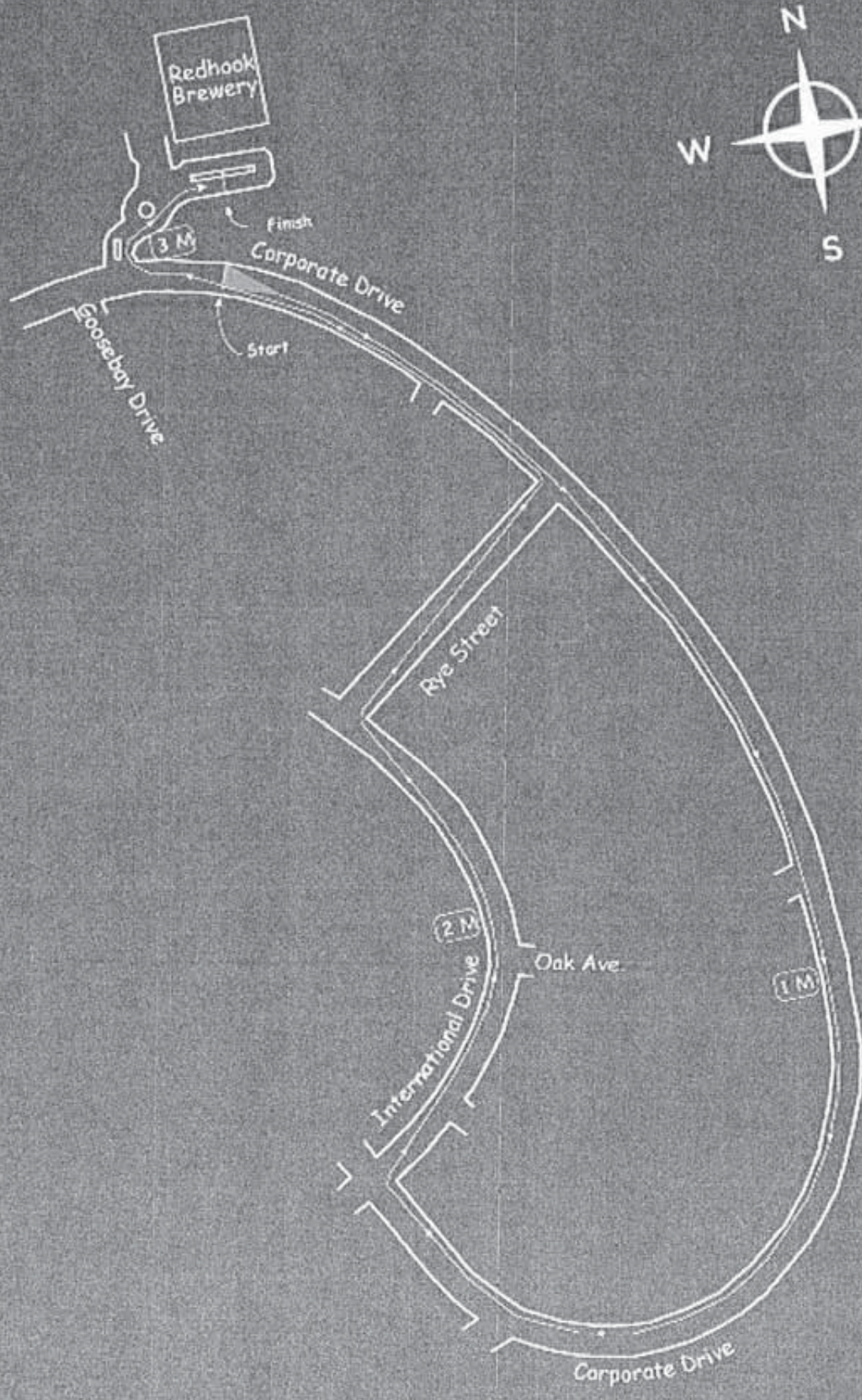
- The Bridal Miles 5K Road Race & Walk will encourage the participation of serious runners as well as walkers.
- We expect to register 300-500 runners/walkers. Because this is our first time planning this event, it is difficult to estimate the exact number of participants, but will notify the municipality as the event gets closer so that we can plan accordingly.
- The route we hope to use is the Runner's Alley/Redhook 5K route at Pease Tradeport which is a certified course and has been used in the past to great success. I have attached a copy of the map route for your review. The race would begin on Corporate Drive, proceed to International Drive, on to Rye Street and then back onto Corporate Drive, finishing just outside the Redhook Brewery.

This event is not only a celebration of Madeleine's Daughter's 40 years of successful business here in Portsmouth, but it is also a fund raiser for My Breast Cancer Support, an independent, New Hampshire based, non-profit organization dedicated to assisting local breast cancer patients with everything from household and family support to living expenses and wellness assistance. We plan to work closely with the City of Portsmouth and NH DOT to ensure all parties are comfortable with our final plans so that we can have the most successful event possible for this very worthy cause.

Respectfully,

Renée T. Bouchard

"The Bridal Miles" 5K Chairperson



Certified Course




USA
TRACK & FIELD

NH07024RF
Expires 2017

Area not for sale without permission
November 15, 2011

**CITY OF PORTSMOUTH
PORTSMOUTH, NH 03801**

Office of the City Manager

Date: December 4, 2014
To: Honorable Mayor Robert J. Lister and City Council Members
From: John P. Bohenko, City Manager 
Re: City Manager's Comments on December 8, 2014 City Council Agenda

6:00 p.m.

Anticipated "Non-Meeting" in accordance with RSA 91-A:2, I (a) Regarding Collective Bargaining

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

Presentations:

1. **Citywide Neighborhood Committee Re: Transportation.** Cristy Cardoso, Chair of the Citywide Neighborhood Committee, will give a report to the City Council regarding transportation. For your information, [attached is a Report on Transportation from Portsmouth's Neighborhoods December 2014.](#)
2. **Report on Parking Shuttle Program.** On Monday evening, Juliet Walker, Transportation Planner, will give a report to the City Council regarding the Parking Shuttle Program. [Also, attached is a copy of a memorandum from Juliet Walker of the Downtown Parking Shuttle Report.](#)
3. **Presentation Re: Proposed Association of Portsmouth Teacher's Contract.** Representatives from the School Department will make a presentation to the City Council regarding the proposed Four-Year Agreement reached between the City of Portsmouth and the Association of Portsmouth Teachers to expire June 30, 2018. Subsequent to the Presentation, City Council may act on this matter under the City Manager's Action Items on 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 10 – Zoning Ordinance, Section 10.440 Table of Uses, use #15.20, and Section 10.1530 – Terms of General Applicability, regarding Helipad and Heliport.** At the November 17, 2014 City Council meeting, the Council voted to request that the City Attorney and Planning Director draft an Ordinance for first reading at the December 8, 2014 City Council meeting with the definitions of helipad and heliport, and amending the Table of Uses to permit a helipad for medical purposes only as a special exception in the Office Research (OR), Industrial (I), or Waterfront Industrial (WI) districts.

Attached, under Section IX of the Agenda, is a proposed Ordinance for first reading amending Chapter 10 – Zoning Ordinance, Section 10.440 Table of Uses, use #15.20, and Section 10.1530 – Terms of General Applicability regarding definitions of “helipad” and “heliport.” This proposed Ordinance modifies the existing limitations on helicopter takeoff and landing facilities and revises the terminology so as to make the meaning clearer.

Under the current Zoning Ordinance, the Zoning Board of Adjustment is authorized to grant a special exception in the Office Research, Industrial or Waterfront Industrial zoning districts for a “heliport” provided that (a) it is an accessory use incidental to a permitted use, and (b) there is no commercial use of the facility. Under the proposed Ordinance, the special permit could only be granted for a helipad as an accessory use to a permitted hospital use. All other helipads and heliports would be prohibited.

In the existing Zoning Ordinance the term “heliport” is not defined. The proposed new definitions would clearly distinguish a “helipad” from a “heliport,” so that the ZBA would not be authorized to permit any facility that included helicopter fueling, service, maintenance or overhaul, or sale of products.

Action is required on this matter by the City Council to act on first reading and schedule a second reading and public hearing at the December 22, 2014 City Council meeting regarding the proposed Ordinance, as presented, and further refer this matter to the Planning Board for report back. Action on this item should take place under Section IX of the Agenda

- 1.2 **First Reading of Bonding Resolution of up to Six Hundred Thousand Dollars (\$600,000) for the Purchase of a Heavy Rescue Fire Truck.** As a result of the November 17th City Council meeting, under Section IX of the Agenda, I am bringing back for first reading [the attached proposed Bonding Resolution](#) of up to Six Hundred Thousand Dollars (\$600,000) for the purchase of a Heavy Rescue

Fire Truck. Also, attached is FY15 CIP Sheet, Page 39 for your review. In addition, attached are memorandums from Fire Chief Steve Achilles requesting the Bonding Resolution as well as a description of the heavy rescue fire truck.

As you are aware, Bonding Resolutions require a public hearing, two readings and a two-thirds vote is required of the City Council for passage.

I recommend the City Council move to pass first reading and schedule a public hearing and adoption of a Bonding Resolution appropriating the sum of up to Six Hundred Thousand (\$600,000) Dollars, for the FY15 purchase of a Heavy Rescue Fire Truck, as presented, at your December 22, 2014 City Council meeting. Action on this item should take place under Section IX of the Agenda

- 1.3 **First Reading regarding a Proposed Ordinance amending Chapter 10 – Zoning Ordinance, Section 10.1110 – Off-Street Parking.** As a result of the November 17th City Council meeting, under Section IX of the Agenda, I am bringing back for first reading a proposed Ordinance amending Chapter 10 – Zoning Ordinance, Section 10.1110 – Off-Street Parking.

In order to limit the extent of paved parking areas in the City’s commercial districts, the 2010 Zoning Ordinance included a provision establishing caps on the number of off-street parking spaces that businesses are allowed to provide. However, these maximum off-street parking standards, which are set forth in Section 10.1112.50 of the Ordinance, did not anticipate the subsequent reductions in the parking requirements in the Downtown Overlay District. As a result, in the area of the City where additional off-street parking is most needed, the Ordinance severely limits the amount of off-street parking that nonresidential or mixed-use buildings may provide.

The attached proposed Ordinance amends the Zoning Ordinance by exempting the Downtown Overlay District from the maximum off-street parking standards. This will allow developers of properties in the DOD to provide as much off-street parking as they believe is necessary to support their projects.

I recommend the City Council move to pass first reading and schedule a public hearing and second reading of the proposed Ordinance as recommended by the Planning Board at the December 22, 2014 City Council meeting, as presented. Action on this item should take place under Section IX of the Agenda

- 1.4 **First Reading Re: Rezone Cate Street Area to Gateway.** Portsmouth Land Acquisition, LLC, has requested that the following lots be rezoned from Industrial (I), Office Research (OR) or Municipal (M) to Gateway (GW):
- Assessors Map 163, Lots 33, 34 and 37,
 - Assessors Map 165, Lots 1, 2 and 14,
 - Assessors Map 172, Lots 1 and 2,

- Assessors Map 173, Lots 2 and 10, and including Cate Street between Hodgson’s Brook and Bartlett Street, and that the Zoning Map be revised accordingly; and further that the Zoning Ordinance, Article 7, Section 10.730 – Gateway Planned Development, be amended by inserting a new Section 10.734.40 as follows:

10.734.40 Workforce Housing Incentives

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

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

The City Council received this request at its meeting on September 22, 2014, and voted to refer it to the Planning Board for a report. The Planning Board held a public hearing on the requested amendments at its meeting on October 16, 2014, and voted as follows:

Voted to report to the City Council that the Planning Board does not support re-zoning these parcels at this time and would recommend moving forward including them in the charrette process currently scheduled for February.

It was noted that the Planning Board’s action did not imply any specific outcome of the charrette process, and that in fact the result of the visioning and planning process could be to recommend rezoning these parcels to the Gateway district rather than to a Character district. ([See attached memorandum from Rick Taintor, Planning Director, dated November 4, 2014.](#))

On November 12, 2014, Attorney Bernard Pelech, representing Portsmouth Land Acquisition, LLC, submitted a letter requesting that first reading on the requested amendments to the Zoning Map and Zoning Ordinance be scheduled for the City Council meeting on December 8, 2014 ([see attached letter](#)). At its November 17th meeting the Council voted to proceed as requested by Attorney Pelech. Accordingly, [attached](#) is a draft Ordinance that places the map and text changes requested by Attorney Pelech into ordinance format, and also includes the following additional provisions that are needed to complete the ordinance, as described in the Planning Director’s memorandum:

- (a) building height and setback standards relative to streets other than Lafayette Road;

- (b) definitions of “workforce housing” and “workforce housing unit” to be consistent with State law.

At first reading the Council may vote to schedule a public hearing and second reading for its meeting on March 2, 2015, which would allow the requested amendments to be considered in parallel with the visioning process for the Islington Street Corridor of which this area is a part. The charrette for the Islington Street Corridor study area is scheduled for February 20-23, 2015.

I recommend the City Council move to pass first reading and schedule public hearing and second reading of the Proposed Ordinance, as presented, at the March 2, 2015, City Council meeting. Action on this item should take place under Section IX of the Agenda.

2. **Second Reading of Proposed Resolutions and Ordinances:**

2.1 **Second Reading of Proposed Ordinance amending Chapter 1, Article IX, Section 1.901: Conflict of Interest of the Administrative Code (Continued Second Reading from the November 17, 2014 City Council Meeting).**

As you will recall, at the November 17th City Council meeting, the Council continued second reading of the Proposed Ordinance amending Chapter 1, Article IX, Section 1.901: Conflict of Interest of the Administrative Code.

If adopted this ordinance would accomplish the following:

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.

Action on this matter is required by the City Council and should take place under Section IX of the Agenda.

2.2 **Second Reading of Proposed Ordinance amending that the following lots be rezoned from Industrial (I), Office Research (OR) or Municipal (M) to Character District 4 (CD4):**

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

and including Cate Street between Hodgson’s Brook and Bartlett Street, as shown on the attached exhibits title “Areas Proposed To Be Rezoned to Character District 4 (CD4)”, and further that the Zoning Map referenced in Chapter 10, Article 4, Section 10.420 (District Location and Boundaries) of the Ordinances of the City of Portsmouth be revised accordingly (Tabled Second Reading from the November 17, 2014 City Council meeting). As you will recall, at the November 17th City Council meeting the Council closed the public hearing on the aforementioned Ordinance and voted to table second reading pending action on the request of Portsmouth Land Acquisition, LLC, that the same area be rezoned instead to the Gateway district. If the Council votes to pass first reading and schedule a public hearing and second reading on the rezoning to Gateway, the proposed Ordinance regarding rezoning to CD4 would no longer be appropriate to consider.

I recommend the City Council move not to approve second reading of the proposed Ordinance, as presented. Action on this item should take place under Section IX of the Agenda.

Consent Agenda:

1. **Acceptance of Police Department Donation.** Attached [under Section X of the Agenda is a memorandum](#), dated November 19, 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 donation:
 - a) An anonymous donation of \$50 in cash was received in support of the Portsmouth Police Explorers.

I recommend that the City Council move to approve and accept the donation to the Portsmouth Police Department. 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 a Proposed Four-Year Agreement between the City of Portsmouth and the Association of Portsmouth Teachers.** The City has reached a proposed Four-Year Agreement between the City of Portsmouth and the Association of Portsmouth Teachers to expire June 30, 2018.

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

- A letter from Thomas Closson, City Negotiator outlining the changes.
- The Teacher's Contract showing the insertions and deletions to implement the Tentative Agreement if approved.
- Cost Analysis

Representatives from the School Board and School Department will be making a presentation on the salient aspects of these Agreements.

City Council can act on this matter on December 8, 2014 or at your December 22, 2014 meeting. (City Council must act no later than December 22, 2014).

I would recommend the City Council move to accept the proposed contract with the Association of Portsmouth Teachers to expire on June 30, 2018.

2. **Review and Presentation Water/Sewer Assistance Program.** On Monday evening, Finance Director Judie Belanger and Deputy Public Works Director Brian Goetz, will give a presentation to the City Council regarding the Water/Sewer Assistance Program.

Effective January 1, 2015, the City will implement two (2) Water and Sewer Assistance Programs for residential home-owners or tenants serviced by the City's Water and Sewer Divisions which will allow qualifying customers' assistance with the payment of their water and sewer bills. A total of \$100,000 (\$50,000 for Water Fund and \$50,000 for Sewer Fund) was appropriated and funded by Unrestricted Net Position as adopted by the City Council during the FY15 Budget Process.

The first program offered is for Annual Assistance of a 25% discount off of water and sewer bills for income-eligible homeowners or tenants who reside at the service property and have a current water and sewer account with the City. This program will be valid from the date of acceptance forward and will be good for one (1) year. It will not be applicable to any past due balances that may be on the customer's account.

The second program offered is for temporary assistance of up to a 50% credit toward an outstanding residential water and sewer balance to a maximum of \$300 for a verifiable financial hardship that occurred within the past six (6) months such as major medical expenses, job loss, or a change in marital status.

[The attached information sheet](#) for these programs will be mailed to residential customers in January 2015 as an insert along with their December Consumption Bill. This information will also be available on the City's website.

Motion to ratify the program.

3. **Review and Presentation Water Efficiency Rebate Program.** A presentation will be given to the City Council by Finance Director Judie Belanger and Deputy Public Works Brian Goetz on Monday evening regarding the Water Efficiency Rebate Program.

Attached is information regarding the City's Water Efficiency Rebate Program which will soon be offered to customers of our water and sewer systems. Through this program, qualifying residential water and sewer customers are being offered rebates for installing high efficiency toilets and washing machines. This program was approved as part of the Water and Sewer Enterprise Fund's FY15 Capital Improvement Plan, \$75,000 was authorized from each fund for a total of \$150,000 dedicated to this program.

The rebates are \$100 for qualifying toilets and \$150 for qualifying washing machines. Customers will have to provide documentation and receipts of their purchases and will also have to agree that they will allow City staff to inspect the installations. It is our intent to audit a few customers periodically to verify these installations.

Qualifying low flow toilets are ones that are certified to use an average of 1.28 gallons of water per flush and have passed rigorous testing standards. Older model toilets use anywhere from 3.5 to 8 gallons of water per flush. Qualifying high efficiency washing machines use 15 gallons of water per load versus 23 to 40 gallons per load for older, less efficient machines.

This program will be offered to all residential customers served by the Portsmouth Water and Sewer Divisions, including multi-family residents. Information will be mailed to these customers in December and will also be available on the City's website and at the water/sewer billing department.

This program is modeled after those in place at a number of other New England water systems, most notably the Acton Water District in Acton, Massachusetts. It is our understanding that we will be the first water system in New Hampshire to offer rebates of this nature. This adds to our other previous water efficiency outreach efforts which have included the distribution of 1,775 water conservation retrofit kits from 2006 to 2009, the installation of automatic water meter reading system and institution of monthly billing, the City's rain barrel program that sold 600 barrels at reduced rates to customers from 2009 to 2011 and the City's Water Division becoming an EPA WaterSense partner in 2013.

Motion to ratify the program.

4. **Portwalk Door Swing License Agreement.** Attached is a letter from Tighe and Bond requesting an amendment to the original Easement and License Agreement between the City of Portsmouth and Hanover Apartments, LLC (Portwalk) that was dated December 5, 2012. That original Agreement covered a number of easements for cornice projections from the building over the City sidewalk as well as license areas associated with two exit door swings.

At its September 21, 2014 meeting, the Planning Board approved modifications to the site plan which included the widening of the sidewalks along Hanover Street as well as the relocation of the door, which is the subject of this License Agreement ([see attached Agreement](#)). The new proposed door location is approximately 45 feet to the west of the original location. The license area requested is reduced from 15 square feet in the original Agreement to 9 square feet in the amended Agreement as a result of the change from a double door to a single door ([see attached site plan](#)).

I recommend the City Council move to authorize the City Manager to enter execute the amended License Agreement with Hanover Apartments LLC.

Informational Items:

1. **Events Listing.** For your information, [attached is a copy of the Events Listing](#) updated after the last City Council meeting on November 17, 2014. In addition, this can be found on the City's website.
2. **Plan Portsmouth North End Preliminary Vision Plan.** For your information, [attached is an aerial of Plan Portsmouth North End Preliminary Vision Plan.](#)
3. **City Council Nonpublic Session Re: 165 Deer Street.** Just a reminder that on December 15, 2014 at 6:30 p.m., the City Council will meet in nonpublic session regarding acquisition of real property pursuant to RSA 91-A:3, II (d) regarding 165 Deer Street. [See attached Agenda.](#)



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Fax 603 559-2701
www.jacksonlewis.com

ALBANY, NY	GRAND RAPIDS, MI	NAPA, CA	RALEIGH-DURHAM, NC
ALBUQUERQUE, NM	GREENVILLE, SC	NEW ORLEANS, LA	RAPID CITY, SD
ATLANTA, GA	HARTFORD, CT	NEW YORK, NY	RICHMOND, VA
AUSTIN, TX	HOUSTON, TX	NORFOLK, VA	SACRAMENTO, CA
BALTIMORE, MD	INDIANAPOLIS, IN	OMAHA, NE	SAINT LOUIS, MO
BIRMINGHAM, AL	JACKSONVILLE, FL	ORANGE COUNTY, CA	SAN DIEGO, CA
BOSTON, MA	LAS VEGAS, NV	ORLANDO, FL	SAN FRANCISCO, CA
CHICAGO, IL	LONG ISLAND, NY	OVERLAND PARK, KS	SAN JUAN, PR
CINCINNATI, OH	LOS ANGELES, CA	PHILADELPHIA, PA	SEATTLE, WA
CLEVELAND, OH	MEMPHIS, TN	PHOENIX, AZ	STAMFORD, CT
DALLAS, TX	MIAMI, FL	PITTSBURGH, PA	TAMPA, FL
DAYTON, OH	MILWAUKEE, WI	PORTLAND, OR	WASHINGTON, DC REGION
DENVER, CO	MINNEAPOLIS, MN	PORTSMOUTH, NH	WHITE PLAINS, NY
DETROIT, MI	MORRISTOWN, NJ	PROVIDENCE, RI	

MY DIRECT DIAL IS: 603-559-2729
MY EMAIL ADDRESS IS: THOMAS.CLOSSON@JACKSONLEWIS.COM

November 7, 2014

John P. Bohenko

Re: Tentative Agreement with the Association of Portsmouth Teachers

Dear John:

After extensive negotiations, and 2 full days of mediation, I am pleased to report that the Portsmouth School Board has reached a tentative agreement with the Association of Portsmouth Teachers (“the Union”). The highlights of this tentative agreement are as follows:

1.) Duration

- A 4 year contract, retroactive to July 1, 2014, extending through June 30, 2018.

2.) Health Insurance

- In March 2015, the Union will move from the current 5 health insurance plan options to 2 health insurance plan options (Blue Choice 10/20/45 with an 80%/20% premium split or Matthew Thornton Blue 3/15/1 with an 84.5%/15.5% premium split).
- On July 1, 2017, the Union will move to SchoolCare’s Consumer Driven Health Plan (“the CDHP”) with a 95%/5% premium split. However, in the event that in November 2016, the Affordable Care Act’s Cadillac Tax is triggered under the CDHP, the parties will agree to reopen the contract to negotiate an alternative health insurance plan that does not trigger the Cadillac Tax. If the parties are unable to agree on an alternative plan that does not trigger the Cadillac Tax, they will each submit a plan that does not trigger the Cadillac Tax to binding arbitration by no later than April 2017.

3.) Compensation

- Longevity payments will be frozen at current levels and paid only to those teachers who are already receiving them.

- Automatic COLAs will be eliminated.
- The salary schedule will be adjusted by 2.9%, 2.0%, 2.25% and 2.5% over the term of the contract.
- The salary scale will be gradually adjusted over the term of the contract to create 16 equal salary intervals at 3% each. As a result, current large variations between intervals will be gradually reduced over the term of contract.
- Significant changes will be made to the manner of determining compensation and advancement within the salary scale:
 - o Increases in compensation will shift away from the traditional seniority/longevity system. Instead, teachers will be required to earn 3 achievements units (“AUs”) annually to advance an interval on the salary scale. AUs will be awarded for submitting professional learning community goal(s), reporting out results, and writing an annual self-evaluation. In 2016-17, teachers may earn additional AUs.
 - o A Teacher Quality Panel (based on a shared governance model between teachers and administrators) will be created to provide in-district coursework and to develop a framework for identifying and preparing highly effective teachers.
 - o A “Model Teacher” career ladder will be added to the compensation structure in 2017-18, at a level 7.5% above existing salary levels.
 - o Advanced degree tracks will remain in the contract, and in 2015-16, teachers who attain interval 13 will be paid on a different schedule than in prior years.
- Extracurricular stipends will be increased by 2% in year 1 and 2% in year 3 of the contract, and the parties will create a joint labor/management committee to examine equity among different schools in the District on extracurricular payments.

4.) Language / Working Conditions

- Lunch for teachers will be for a minimum of 25 minutes.
- “Ideal” class size and weighting requirements will be removed from the contract and class size will be aligned to applicable New Hampshire Department of Education minimum standards.
- All new hires will have sick leave capped at 150 days, sick leave accrual will be set at 17 days for all employees, and 1 additional day of personal leave will be awarded to all employees.
- For purposes of implementing reductions in force, seniority will no longer be the sole determinant – the contract will include a point system considering experience in certified area, track status, seniority, and a narrative evidencing contributions to the District.

- Sabbatical leave may be deferred if suitable teaching replacement is not found.

I look forward to answering any questions you, or the City Council, may have.

Sincerely,
JACKSON LEWIS P.C.

[Thomas M. Closson](#)

Thomas M. Closson

TMC/kd

4844-6946-8960, v. 1

Portsmouth Teachers

	BASE				Total for 4 Years				Avg
	FY 14-15	FY 14-15	FY 15-16	FY 16-17	FY 17-18	FY 14-15	FY 15-16	FY 16-17	FY 17-18
cola	0.00%	0.00%	0.00%	0.00%	0.00%	\$14,908,708	\$15,091,304	\$15,241,210	\$15,354,895
cola	0.00%	2.02%	2.00%	2.00%	2.00%	\$2,254,531	\$2,301,511	\$2,357,742	\$2,377,638
retirement	14.16%	14.16%	15.67%	15.67%	15.67%	\$376,002	\$414,064	\$465,999	\$514,184
Step Salaries						\$99,538	\$99,538	\$99,538	\$99,538
Advanced Degree						\$44,605	\$44,872	\$45,190	\$45,451
Longevity						\$226,762	\$226,762	\$226,762	\$226,762
Dept Head						\$141,321	\$141,321	\$141,321	\$141,321
Xtra days						\$18,051,467	\$18,319,372	\$18,577,762	\$18,759,789
Coaching						\$1,380,937	\$1,401,432	\$1,421,199	\$1,435,124
Extra Curric						\$2,556,088	\$2,870,646	\$2,911,135	\$2,939,659
FICA						\$3,937,025	\$4,272,078	\$4,332,334	\$4,374,783
Retirement						\$21,988,492	\$22,591,450	\$22,910,096	\$23,134,572
Subtotal						\$0	\$602,958	\$318,647	\$224,476
Cost of Current Contract						0.00%	2.74%	1.41%	0.98%
						\$21,988,492	\$22,591,450	\$22,910,096	\$23,134,572
						\$90,624,609	\$90,624,609	\$90,624,609	\$90,624,609
						\$1,146,080	\$1,146,080	\$1,146,080	\$1,146,080
						5.21%	5.21%	5.21%	5.21%
						1.30%	1.30%	1.30%	1.30%
Cost of Current Contract with COLA						\$21,988,492	\$23,031,744	\$23,356,761	\$23,585,727
						\$432,661	\$610,591	\$325,017	\$228,966
						1.97%	2.72%	1.41%	0.98%
						\$92,395,385	\$92,395,385	\$92,395,385	\$92,395,385
						\$1,597,235	\$1,597,235	\$1,597,235	\$1,597,235
						7.26%	7.26%	7.26%	7.26%
						1.82%	1.82%	1.82%	1.82%
Interval Salaries						\$15,371,412	\$15,694,388	\$16,105,260	\$16,506,978
Advanced Degree						\$2,319,579	\$2,391,036	\$2,473,490	\$2,545,528
Longevity						\$373,536	\$373,536	\$373,536	\$373,536
Dept Head						\$111,913	\$111,913	\$111,913	\$111,913
Xtra days						\$46,009	\$46,780	\$47,868	\$48,742
Coaching						\$233,759	\$233,759	\$238,434	\$238,424
Extra Curric						\$153,196	\$153,196	\$156,259	\$156,259
Subtotal						\$18,609,404	\$19,004,608	\$19,506,760	\$19,981,380
FICA						\$1,423,619	\$1,453,853	\$1,492,267	\$1,528,576
Retirement						\$2,635,092	\$2,978,022	\$3,056,709	\$3,131,082
Subtotal						\$4,058,711	\$4,431,875	\$4,548,976	\$4,659,658
Cost of Tentative Agreement						\$21,988,492	\$23,436,483	\$24,055,736	\$24,641,038
						\$679,623	\$768,368	\$619,254	\$585,301
						(\$215,912)	(\$215,256)	(\$152,568)	(\$474,720)
Estimated Insurance Savings Adjustment						\$626,711	\$553,112	\$466,686	\$110,581
						2.85%	2.44%	1.99%	0.46%
						\$1,757,090	\$1,757,090	\$1,757,090	\$1,757,090
						7.74%	7.74%	7.74%	7.74%
						1.94%	1.94%	1.94%	1.94%

AGREEMENT

BETWEEN THE

PORTSMOUTH SCHOOL BOARD

AND

ASSOCIATION OF PORTSMOUTH TEACHERS

Effective from July 1, ~~2008-2014~~ through June 30, ~~2014-2017~~8

The language included in this document is still in draft form and is subject to final review and approval by all parties."

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SECTION I - BOARD AND ASSOCIATION

Article 1

RECOGNITION

For the purposes of collective negotiations pursuant to RSA 273-A, the BOARD recognizes the ASSOCIATION as the exclusive representative of all professional employees of the Portsmouth School System whether under contract, on leave or employed. Professional employees shall include any individual employed by the Portsmouth School System, the qualifications for whose positions are such as to require them to hold an appropriate credential issued by the State Board of Education under its regulations governing the certification of professional school personnel, EXCEPT that the term does not include members of the Superintendent's Advisory Council. This council consists of Principals, Directors, Coordinators, and Central Office Administrators. The ASSOCIATION agrees to negotiate for all professional employees without discrimination and without regard to membership in the ASSOCIATION.

Article 2

DUES DEDUCTION

The BOARD agrees to deduct from the salaries of its employees dues for the ASSOCIATION OF PORTSMOUTH TEACHERS, NEA-NH, and the National Education Association as said teachers authorize the BOARD to deduct. A check will be written to the ASSOCIATION equal to the amount deducted on a month-to-month basis.

Article 3

REPRESENTATION FEES

It is recognized that the negotiations for, and administration, of the AGREEMENT entails expenses which appropriately should be shared by all employees who are beneficiaries of this AGREEMENT. To this end, if an employee in the bargaining unit does not join the ASSOCIATION, such employee will, as a condition of employment by the BOARD, execute an authorization for the deduction of a "representation fee" which shall be a sum equivalent to membership dues and assessments required to be paid by members of the ASSOCIATION, which sum shall be retained for a scholarship fund. The committee to award the scholarship shall be made up of two administrators, two members of the ASSOCIATION, and one member of the "representation fee" group. The scholarship shall be given in the name of the ASSOCIATION OF PORTSMOUTH TEACHERS. The ASSOCIATION agrees to indemnify and defend the BOARD, the Portsmouth School District and SAU, the City of Portsmouth and any employee, official, agent, representative or attorney of any such entity from any claim arising out of or in any way connected with the "representation fee."

Article 4

PRESIDENT OF APT

The President of the ASSOCIATION OF PORTSMOUTH TEACHERS or his or her designee shall be released at full pay not to exceed the equivalent of three (3) days per year and the ASSOCIATION will reimburse substitute costs to the school system.

Article 5

EMERGENCY BOARD ACTION

The BOARD, subject only to the language of this AGREEMENT, reserves to itself full jurisdiction and authority over matters of policy and retains the right in accordance with applicable laws and regulations to direct and manage all activities of the school district. In an emergency affecting the health, safety, or welfare of the students of the schools, the BOARD may take whatever actions it deems necessary.

Article 6

ASSOCIATION MEETING

The September first semi-annual meeting of the Teachers' Association will be between the hours of 8 a.m. and 3 p.m. on the workshop day that precedes the opening of school. This meeting will be approximately one (1) hour in length.

Article 7

USE OF SCHOOL BUILDINGS

The ASSOCIATION and its representatives shall have the right to use school buildings at all reasonable hours for meetings. This use must be within the hours when custodians are regularly employed and within accepted school policy.

Article 8

ASSOCIATION - USE OF FACILITIES AND EQUIPMENT

8.1 Representatives of the ASSOCIATION and their affiliates shall be permitted to transact ASSOCIATION business on school property at all reasonable times, provided that this shall not disrupt normal school operations.

8.2 The ASSOCIATION and its representatives shall have the right to use school facilities and office equipment. ~~including computers, typewriters, mimeograph machines, and other duplicating equipment at reasonable times when such equipment is not otherwise in use.~~ The ASSOCIATION shall pay for the costs of all materials and supplies incidental to such use.

Article 9

BULLETIN BOARDS AND MAILBOXES

9.1 The ASSOCIATION and its representatives shall have the right to put notices and matters of ASSOCIATION concern on teacher's bulletin boards; at least one shall be provided in each building.

9.2 The Executive Board of the ASSOCIATION shall have the right to place notices,

circulars, and other material in the teachers' mailboxes, provided that such materials shall not relate to any State, local or national political matter of a non-educational nature, or any partisan political electioneering material. The ASSOCIATION shall take all reasonable steps to ensure that the material is not slanderous, libelous, or in any way flagrantly harmful to the school, its staff, or any other individual or group. Any materials will be in good taste. Copies of all materials distributed to the general membership, exclusive of material distributed to the Executive Board shall be given to building principals and the Superintendent, but their approval will not be required.

Article 10

SCHOOL BOARD MAILINGS

The Superintendent will send to the employee representative all materials provided for the School Board meetings in a timely manner.

~~When the Superintendent compiles materials to be mailed to the BOARD concerning the School BOARD meeting, the Superintendent will furnish the President of the ASSOCIATION and the Chief Negotiator of the Association each with a copy of the same material. Also, any materials placed in the BOARD folders the day of a School Board meeting will be furnished to them. Any additional materials distributed at the BOARD meeting will be given to them or their designee.~~

Article 11

ASSOCIATION BUSINESS DURING THE SCHOOL DAY

Designated representatives of the ASSOCIATION shall be allowed to receive telephone calls and other communications concerning ASSOCIATION business at any time during school hours providing it does not disrupt the teacher's classroom assignment or interfere with the daily operation of the school.

Article 12

TEACHER/ADMINISTRATOR MEETINGS

The BOARD recognizes the right of all teachers to receive advice if they so desire. If a teacher meets with an administrator, the teacher, upon hearing the topic to be discussed, may request a representative from the ASSOCIATION to attend the meeting. This will apply in all cases except where the safety or welfare of a student is seriously threatened.

Article 13

NEGOTIATION PROCEDURE

13.1 Not later than October 1st of the year preceding the expiration of this AGREEMENT, the parties agree to enter into negotiations, in accordance with procedures set forth herein, in a good faith effort to reach agreement on all matters raised by either party concerning salaries and fringe benefits and other conditions of employment. Any agreement reached shall be reduced to writing and signed by the BOARD and ASSOCIATION. The BOARD shall make a good-faith effort to secure the funds necessary to implement said AGREEMENT. If such funds are not forthcoming, the BOARD and the ASSOCIATION shall resume negotiations regarding the matters affected thereby, in accordance with the provisions of the AGREEMENT.

13.2 The BOARD and the ASSOCIATION may, if they so desire, utilize the services of outside consultants, and may call upon professional representatives to assist in negotiations.

13.3 If, by December 1st, the parties fail to reach agreement on any matter or matters, which are the subject of negotiation, either party may declare impasse. In the event of an impasse, a mediator shall be appointed for the purpose of assisting the parties in reconciling their differences and resolving the controversy on terms, which are mutually acceptable.

13.4 A mediator shall be appointed by PELRB acting on its authority under RSA 273-A. The parties shall make selections in order of preference and return the list to PELRB for appointment. The mediator shall meet with the parties or their representatives, or both, as soon as possible, either jointly or separately, and shall take such other steps, as he/she may deem appropriate in order to persuade the parties to resolve their differences and effect a mutually acceptable agreement. If the dispute is not resolved prior to the thirty (30) days after the impasse is declared and the parties agree in advance, the mediator shall recommend terms of settlement regarding the disputed matters submitted. Said recommendations shall be made within thirty (30) days of his/her appointment. Either the BOARD or the ASSOCIATION may make such findings and recommendations public if no agreement is reached within ten (10) days after their receipt from the mediator.

13.5 The costs for the services of the mediator including per diem expenses, if any, and actual and necessary travel and subsistence expenses, will be shared equally by the BOARD and the ASSOCIATION.

Article 14

AGREEMENT PROVISIONS

14.1 This AGREEMENT shall be construed as a BOARD policy for the terms of said AGREEMENT, and the BOARD shall carry out the commitments contained herein, and give them full force and effect as though they were BOARD policy.

14.2 The BOARD agrees not to negotiate with any teachers' group or association, other than the designated unit in regard to any matter subject to negotiations under Article 13, Section 1 of this AGREEMENT as long as the ASSOCIATION shall represent a majority of the professional employees of Portsmouth, New Hampshire School System. This shall not prevent the BOARD from communicating or consulting with any individual teacher or group of teachers for any purpose the BOARD shall deem desirable in the discharge of responsibilities, nor shall it preclude any teacher from appearing before the BOARD in his/her own behalf on matters relating to employment by the BOARD.

14.3 This AGREEMENT may not be modified, in whole or in part, by the parties, except by an instrument in writing, duly executed by both parties.

14.4 Whenever any notice is required to be given by either party to this AGREEMENT to the other, pursuant to the provisions of this AGREEMENT, either party may do so by telegram, registered or certified mail, at the following addresses:

If by ASSOCIATION, to: School Administrative Unit 52
~~School Board, School Department~~

1 Junkins Ave, Suite 402 Clough Drive, Portsmouth, NH 03801

If by BOARD, to: President of the Association, or his/her designee, at the appropriate address filed with the BOARD.

14.5 Except as this AGREEMENT shall hereinafter otherwise provide, all terms, conditions, of employment, and benefits in effect at the time this AGREEMENT is signed shall continue to be so applicable. Unless otherwise provided in this AGREEMENT, nothing contained herein shall be interpreted and/or applied so as to eliminate, reduce, or otherwise detract from any terms, conditions of employment, and benefits existing prior to its effective date.

14.6 If any provision of this AGREEMENT or any application of this AGREEMENT to any employee or group of employees shall be found contrary to law, then such provision or application shall not be deemed valid and subsisting, except to the extent permitted by law, but all other provisions or application shall continue in full force and effect.

14.7 If any article or part of this AGREEMENT is held to be invalid by operation of law, or by any tribunal of competent jurisdiction, or if compliance with or enforcement of any article or part should be restrained by such tribunal, the remainder of the AGREEMENT shall not be affected thereby and the parties shall enter into immediate negotiations for the purpose of arriving at a mutually satisfactory replacement for such article or part.

Article 15

CONTINUITY OF OPERATIONS

15.1 Both parties recognize the desirability of continuous and uninterrupted operation of the instructional program during the school year, and the avoidance of disputes, which threaten to interfere with such operation. The ASSOCIATION accordingly agrees, during the period of this AGREEMENT, that it will not, nor will any of its members acting in its behalf cause, authorize, or support, nor will any of its members take part in, a strike against the Portsmouth School System.

15.2 In the event that negotiations do not bring about an agreement by July 1 or a revised agreement by September 1, this contract remains in effect until an agreement is reached.

15.3 If negotiations are resumed due to a budget reduction and no revised agreement is reached by September 1, neither party shall take any action to impair the operation of the schools.

Article 16

RE-EMPLOYMENT NOTICE/JUST CAUSE

16.1 Teachers under a continuing contract who are not to be re-employed in the district shall be notified in writing no later than April 1. No teacher shall be non-renewed, suspended, disciplined, reprimanded, adversely evaluated, reduced in rank or compensation, or deprived of any professional advantage without just cause, except that the non-renewal or dismissal of teachers during their probationary period in the district will be dealt with according to RSA 189:13 and 14 and shall not be subject to the grievance procedure.

Effective 2008-09, a committee will be established by the Association and the administration to establish an evaluation process for athletic coaches. The current evaluation process will remain in place pending agreement on a new process.

16.2 It is understood by both parties, that a teacher who is re-employed off the RIF list and has never taught in that certified area, in a contracted capacity, will be placed in that position on a one-year trial basis. That teacher will demonstrate competency in that new position. The teacher will devote 40 of the next 50 staff development hours to the new teaching assignment. Further, it is expected that 15 of those 40 hours will be accumulated during that first year.

Said teacher's status for employment in other certified areas will NOT be affected by Article 16.2.

Teachers so re-employed will be observed at least two (2) times resulting in an evaluation prior to January 1. If as a result of evaluations, the teacher is not renewed, he/she will be notified in writing with reasons stated no later than April 1. He/she will return to RIF list in that certification and will not be rehired in that certification until he/she has demonstrated competence in a position in that certification.

Article 17

RIGHTS OF THE PARTIES

There shall be no reprisals taken against any teacher by reason of membership in the ASSOCIATION or participation in its lawful activities, nor shall action be taken against a teacher for processing a grievance.

Article 18

HEALTH AND SAFETY

18.1 The BOARD shall provide a safe and healthy classroom environment.

18.2 The BOARD will reimburse each teacher the fee for the criminal record check charged by the Department of Safety when teachers renew their state certificate.

SECTION II - RESPONSIBILITIES OF PROFESSIONAL EMPLOYEES

Article 19

WORK YEAR

19.1 The teacher work year shall be no more than ~~186 days in 2008-09, 2009-10, and 2010-11, and 187 days in 2011-12 and 2012-13 and 2013-14~~ except that teachers initially entering the Portsmouth School System will be expected to appear one additional day prior to the opening of school.

19.2 The Association shall be responsible for the development of the school calendar. The Association shall make a provision for staff, SAU #50 and parent input, and shall consult with the Superintendent. The Association shall provide a final draft of the calendar to the School Board for final approval by the first meeting in February.

19.3 Any member required by the School Department to work beyond his/her contracted days will be paid on a per diem based on position and current step for the fiscal year in which the extra work is performed, with the exceptions noted in 19.1.

19.4 Some teachers, specialists or librarians, may have work situations that require one (1) or more days in-school time at the beginning and/or at the end of the school year without normal student contact. These professionals shall have the number of student free days equal to the

number of buildings in which they teach. This Section shall apply to elementary school teachers in Physical Education, Art, Music, English Second Language, Speech, Occupational Therapy, and Computer.

Article 20

TIME REQUIREMENT

20.1 An eight (8) hour "on-site" workday will be established with a duty free, uninterrupted lunch period at least equal of 25 minutes or the student lunchtime, whichever is greater. Teachers are expected to be available to:

- A. Aid students on an after-school basis as needed.
- B. Attend department or other professional staff meetings designed to provide meaningful professional growth or to clarify school business in general.
- C. Conduct parent conferences.
- D. Participate in Student Evaluation/Placement Team meetings as necessary.
- E. Participate in other school-related activities as scheduled by the administration, such as the distribution of report cards, parent-teacher group meetings, and school sponsored activities. Participation and attendance assignments will be distributed among all staff as equitably as possible.
- F. Meetings shall be programmed and attended by those teachers and administrators involved. These meetings will not exceed an average of two (2) hours per week and shall not be held during teacher planning time unless mutually agreed upon between the teachers and the administrators involved.

20.2 The eight (8) hour day shall be spent on school site and may include classes, study halls, student contact, planning, peer coaching, training, meeting in collegial groups, or other activities. As professionals, teachers need time in their schedule for other activities related to the educational process.

20.3 Elementary teachers will have planning time, including common team planning time, provided on a weekly basis within the confines of the eight (8) hour work day. The planning time will include special assignment blocks, such as art, music, physical education, computer and library period. Effective 2009-10, the administration, with Association input, may phase out the computer and library classes from planning time. However, this is not intended to lead to a decrease in planning time.

20.4 All part-time teachers will share classroom and duty assignments and responsibilities in proportion to their percentage of salary.

20.5 No more than two (2) periods per semester per subject certification may be filled with part-time employees unless special circumstances arise.

20.6 All teachers are expected to be in school a reasonable amount of time before and after school.

20.7 Work may be accomplished within the building or other appropriate setting. Before leaving the building, the teacher must inform the principal or supervisor of his/her destination, purpose and expected time of return.

20.8 The SAU will make every effort that is practical and possible to provide teachers with access to a telephone, which allows for confidential communications with parents.

Article 21

RELATIONSHIP OF PROFESSIONAL AND PARAPROFESSIONAL STAFF

21.1 A professional is defined as any person hired for a position for which professional certification is required and who bears the primary responsibility for the educational process in his/her area.

21.2 Professional and paraprofessional staff shall work together to provide quality education to the students in the Portsmouth Schools.

21.3 Professional staff may initiate and will participate in the process to determine the students to be assigned to the paraprofessional staff.

21.4 Professional staff shall participate in the selection of materials and preparation of the program to be implemented by the paraprofessional staff to plan lessons, implement lessons, diagnose, and/or evaluate.

Article 22

TEACHERS' HANDBOOK AND BOARD POLICIES

22.1 Each teacher shall be provided with one (1) copy of the appropriate school handbooks in September of each year. The Superintendent's office shall furnish the elementary teachers with the standard system-wide regulations and the individual building principals shall furnish respective building regulations.

22.2 The BOARD agrees to furnish each school in the district with at least one copy of the BOARD policies.

22.3 The BOARD agrees to furnish the ASSOCIATION with five (5) current copies of the staff directory.

22.4 The cost of printing this agreement will be shared equally between the BOARD and the ASSOCIATION.

Article 23

CLASS SIZE

~~23.1 Class sizes shall be determined by the classification under which they are listed. The ideal recommended class sizes are listed below:~~

~~Elementary 20 – 24~~

~~Middle School . . . 24 – 27~~

~~Senior High 24 – 27~~

The School Board recognizes the importance of establishing appropriate class size in order to meet the needs of all learners in the classroom. The school board will make every effort to keep class size at 20:1 or lower in grades K-5. Similarly, the school board is cognizant of

class size at the middle and high school levels and desires appropriate class size in order to learn in small groups, have one on one interactions and permit teachers to craft different strategies for children in their classes and therefore will make every effort to keep class size at a 24-27:1 or lower in grades 6-12. The district will, by law, not exceed the standards set forth in Ed 306.17, Class Size:

- a. K-2, 25 students or fewer per educator, provided that each school strive to achieve the class size of 20 students or fewer per educator
- b. Grades 3-5, 30 students or fewer per educator, provided that each school strive to achieve the class size of 25 students or fewer per educator
- c. Middle and High School, 30 students or fewer per block/period per educator
- d. Class size requirements may be exceeded in study halls, band or chorus
- e. In the interest of safety, the maximum number of students in laboratory classes such as science or career and technical education shall be determined by the number of work stations designed for the area and in no case shall exceed 24 students

23.2 The District recognizes that certain students require more attention from the classroom teacher than do others. Therefore, in determining class sizes, the varied needs of all students will be considered, whenever possible. ~~When considering identified handicapped students with Individualized Educational Plans, Student Evaluation/Placement Teams will use the following formula:~~

<u>Handicap</u>	<u>Weight Factor</u>
Mental Retardation	2.0-3.0
Hearing Impairment	1.5-3.0
Deafness	2.0-3.0
Speech or Language Impairment	1.0-2.5
Visual Impairment	1.5-2.0
Emotional Disability	1.5-3.0
Orthopedic Impairment	1.0-2.0
Other Health Impairment	1.0-3.0
Specific Learning Disability	1.0-2.5
Deafness - Blindness	2.0-3.0
Autism	2.0-3.0
Diagnosed Attention Deficit Disorder	1.0-3.0

~~504 Plan ————— 1.0-1.5~~

~~Multiple Disabilities ————— 2.5-3.0~~

~~Traumatic Brain Injury ————— 2.5-3.0~~

~~Other~~

~~Receiving services but not coded educationally~~

~~Handicapped at this time ————— 1.0-1.5~~

~~English as a second language ————— 1.0-2.0~~

~~A current weighted count will be maintained by each building Principal in each school. The determination of classroom-weighted counts will include consultation with the SEPT Team and classroom teacher each time a weighted count list is completed. Within reason, students who are assigned a paraprofessional will not be over weighted.~~

~~The Superintendent, with Association input, will issue a memorandum no later than April 15 of each year re-emphasizing the importance of observing the language in this section.~~

~~23.3 The number of students assigned to a classroom shall not exceed the pupil stations that can reasonably be located in that area.~~

~~23.4 Any employee involved with an identified or potential handicapped student will be a member of the Student Evaluation/Placement Team and will attend and participate in the SEPT meetings for that student when required.~~

Article 24

PROFESSIONAL DEVELOPMENT

24.1 A statement of Professional Development credits will be issued to each teacher by October 1 of each year.

24.2 It is the responsibility of the employee to continually participate in Professional Development and other training, both within and outside the district, for the purpose of professional growth and re-certification requirements. Employees are responsible for obtaining the required number of professional development hours in their area(s) of certification to fulfill the three-year timelines as outlined by the Department of Education.

It is the responsibility of the employer to provide during the school year in-service training to all employees whose assignments require them to teach students who have individual educational programs. Such in-service training shall focus on P.L. 94-142, other relevant laws, regulations, and standards of a like nature, and shall address especially the technical aspects involved in developing individualized educational programs and satisfying the requirements of the law.

Article 25

TEACHER RESPONSIBILITIES

25.1 Teachers are expected to attend SEPT team and parent conferences at mutually agreeable times.

25.2 Teachers' attendance at open house or visitation times scheduled for parent participation is vitally important. Teachers who are unable to attend may be asked to submit in writing their reasons to their principal.

Article 26

CONTINUOUS IMPROVEMENT PROCESS AND TEACHER EVALUATIONS

Article 26.1 It is understood that a key component to professional growth will involve a requirement that each teacher establish annual goals, which are measurable and ensure continuous improvement and achievement of student outcomes. These goals and their attainment shall be part of the evaluation process.

The parties agree and the BOARD delegates to the professional staff, through the establishment of a Teacher Quality Panel (TQP), the responsibility of organizing and implementing a system-wide self evaluation program system-. The evaluation system will be established in such a way as to coordinate teachers and administrators' efforts in achieving the goals of the district and a responsibility for achieving student outcomes. This panel will establish criteria for valid evidence to be used in demonstrating continuous growth and effective teaching.

The educational process is an extremely complex one and professional staff striving for excellence is the most important element in a sound educational program. Thus, evaluation of the educational process is essential and ongoing in order to ensure the retention of highly effective professionals.

Professional Staff Evaluations should serve the following purposes:

1. To aid the individuals to grow professionally.
2. To encourage high standards in the field of education.
3. To enhance the quality of educational services to the students' community.

Staff evaluations are designed to be positive in nature and to promote professional growth. There may be cause, as a result of the evaluation process which dictates that the BOARD dismiss, non-renew, or direct other appropriate action be taken in individual cases.

26.2 Since evaluations are designed to provide accurate feedback to staff on performance against set standards, Danielson's framework for effective teaching will serve as the basis of an evidence-driven process of evaluation. Staff may choose evidence beyond the administrator's observations to contribute to the evaluation according to Danielson's rubrics. This evidence may include, but is not limited to, parent and/or student feedback surveys,

lesson or unit plans, videos of instruction, student assessments, and other professional contributions.

The **summative** evaluation, over time, should evidence a teacher's growth in performance toward distinguished according to Danielson's rubrics.

~~26.1— It is understood that the strategic planning process will involve a requirement that each teacher establish annual goals, which are measurable and ensure continuous improvement and achievement of student outcomes. These goals and their attainment shall be part of the evaluation process.~~

~~The parties agree and the BOARD delegates to the professional staff, through the established strategic planning process, the responsibility of organizing and implementing a system-wide evaluation program. The evaluation system will be established in such a way as to coordinate teachers and administrators' efforts in achieving the goals of the strategic plan as it is changed from time to time including a responsibility for achieving student outcomes. This committee shall also set forth a list of teachers' responsibilities and accountabilities and areas of evaluation.~~

~~The educational process is an extremely complex one and professional staff striving for excellence is the most important element in a sound educational program. Thus, evaluation of the educational process is essential and ongoing in order to ensure the retention of competent professionals.~~

~~Professional Staff Evaluations should serve the following purposes:~~

- ~~1. To aid the individuals to grow professionally.~~
- ~~2. To encourage high standards in the field of education.~~
- ~~3. To enhance the quality of educational services to the students' community.~~

~~Staff evaluations are designed to be positive in nature and to promote professional growth. There may be cause, as a result of the evaluation process which dictates that the BOARD dismiss, non-renew, or direct other appropriate action be taken in individual cases.~~

~~26.2— Since evaluations are designed to be positive in nature and to promote professional growth, the manner, method, time and location will be selected with these purposes in mind.~~

26.3 For the purpose of evaluations, the year will be considered from April 1 through March 31, except that first year teachers will be evaluated from September through June, unless stated otherwise in the continuous improvement plan.

26.4 Both parties must sign the formal written evaluation following a conference to discuss it. Such signatures indicate only that the evaluation has been completed and read by the staff member and not that he/she agrees with it.

26.5 If the staff wishes, he/she may submit comments for inclusion within five (5) school days.

26.6 In conformity with the intent of regulations and standards adopted for the implementation of P.L. 94-142, no employee shall be held accountable if a child does not achieve the growth projected in the Goals and Objectives of the child's Individualized Educational Plan.

26.7 The building administrator will send to the Superintendent a copy of the evaluation, which, after his/her review, will be placed in the employee's personnel file in the Superintendent's Office.

26.8 The administration shall make every effort to maximize class instruction time and minimize interruptions of the academic process due to non-academic activities.

Article 27

PERSONNEL FILES

27.1 Each teacher shall be entitled to knowledge of and access to supervisory records and reports of competence, personal character, and efficiency maintained in his/her personnel file with reference to evaluations of his/her performance in the Portsmouth School District. Any documents to be placed in a teacher's folder shall be photocopied and sent to the teacher at the same time they are placed in the folder. No document may be used against an individual if a copy has not been given to the individual.

27.2 In the event that the BOARD or its representative removes materials from an employee's file, a dated notation shall be placed in the file.

27.3 No information contained in the files of an employee will be released to an outside person or agency without prior approval of the employee, except to verify employment, duration of employment and confirmation of pay step.

27.4 Upon notice, each teacher shall have the right to review and reproduce material in his/her personnel file, and to have inserted his/her own written comments regarding the material.

27.5 The district agrees to protect the confidentiality of personal references, academic credentials, and other similar documents. No separate file, which is not available for the teacher's inspection, will be established.

Article 28

SENIORITY

28.1 ~~For the purposes of evaluation and to resolve problems of length of service,~~ Seniority shall be based on latest date of hire with continuous years of employment as members of the teachers' bargaining unit in the Portsmouth School System with the exception of part-time employees and employees who have taken LOAs or sabbaticals. The date of hire is defined as the meeting date that the BOARD approved the teacher's nomination. If the meeting date cannot be confirmed the date of hire would be September 1 of that year.

The following criteria will be used:

- A. Part-time teachers will receive the same seniority percentage as their salary percentage. Teachers who work less than a full year will receive seniority for each month worked and they will be placed on the seniority list consistent with years worked. If date of hire is earlier than placement on the list then the part-time teacher would be deemed to be more senior.
- B. Required military service will in no way prevent accumulation of seniority.

- C. When two members have the same date of hire, the one that has taken fewer leaves of absence LOA or sabbaticals is senior. A teacher who has more than one LOA or sabbatical will be moved a seniority year down for each LOA or sabbatical with this teacher being more senior of that group.
- D. When two members are equal, the one with the greater number of years in the system is senior.
- E. There is NO break in service for any teacher on the RIF list.
- F. ~~When members still have the same seniority and problems of length of service remain, the BOARD will invoke the "Clustering" clause of this contract.~~
- G. Professional employees in the system may maintain seniority in the bargaining unit by annually joining and paying dues to NEA and NEA-NH or by contributing the same amount to the APT Scholarship Fund.
- H. A full-time employee is defined as any employee working ~~186 days or more per year in 2008-09, 2009-10 or 2010-11, and~~ 187 days ~~or more in 2011-12 or 2012-13 or 2013-14.~~ For purposes of seniority, anyone working more than ~~186 days in 2008-09, 2009-10, or 2010-11 and~~ 187 days ~~in 2011-12 or 2012-13 or 2013-14~~ will not accrue additional seniority for that school year.

28.2 The BOARD will maintain a current seniority list based on seniority and areas of certification. This list will be updated and posted in every school by March 1st of each school year. A copy of this list shall be mailed to the APT President.

~~Article 29~~

~~CLUSTERING~~

~~When it is necessary to Reduce in Force (RIF) or to bring back a teacher from a cluster with the same date of hire, the following criteria will be used to determine who will return:~~

~~(Numbers in the parenthesis () below represent values for factors used for each criteria.)~~

~~Level 1~~

- ~~(3) • Previous evaluations~~
- ~~(3) • Grade level experience/number of years taught in area of certification~~
- ~~(3) • Previous teaching experience such as type of student, teaming, a knowledge of and previously demonstrated capacity in a particular method(s) of instruction.~~

~~If the teachers in question are deemed by the administration to be equal in total points in Level 1, and only if they are deemed equal, then Level 2 criteria will be used to determine who will return.~~

~~Level 2~~

- ~~(2) • Professional involvement such as committees, and activities which put the school & system in a positive light~~
- ~~(2) • Other certifications/Degrees~~
- ~~(2) • Staff Development~~

~~(1) • Attendance~~

~~(1) • Co-curricular experience such as coaching, clubs, PTA, etc.~~

Article 30

ASSIGNMENT CHANGE

30.1 When either school administration or an employee desires a change in assignment, the party desiring such a change must notify the other in writing. If the transfer of assignment is at the request of the administration, then those teachers with five (5) years or less seniority may be transferred without regard to seniority. When teachers with more than five (5) year's seniority are involved then the least senior may be transferred first. When the transfer request is at the request of the teacher, the decision will be based on sound educational reasons.

30.2 Teachers transferred to another building at the request of the administration in Article 30.1 will be given two (2) days of non-school time with per diem pay to make the move.

30.3 No more than three percent (3%) of the staff may be transferred after August 1st.

30.4 Transfers, assignments or re-assignments within the school building will be excluded from this article except that all transfers will be for sound educational reasons and the person being transferred will be so notified in writing.

30.5 When enrollments necessitate the closing of a school, the administration will meet with the teachers involved to discuss the options available to them. A timeline and procedures (including procedures for the appropriate distribution of materials and equipment) will be developed as far in advance as possible. The administration will attempt to make placements that are compatible with the teachers' areas of strength, experience and preference.

30.6 Any teacher transferring into another teaching certification against his/her will shall be entitled to:

- A. Written reasons for the transfer.
- B. The right to a hearing before the Superintendent within ten (10) school days of the notice of the transfer.
- C. A program with material and guidance to assist the teacher in his/her new area of certification.

Article 31

REDUCTION IN FORCE

~~31.1 The BOARD agrees that any reduction in the number of teachers employed in the Portsmouth School System shall not be arbitrary. Only under extreme or unusual circumstances will the BOARD reduce the numbers unless the weighted average student/teacher ratios fall below the following (except that established special education classes will not be included):~~

~~Elementary 23:1 Secondary 27:1 (by department)~~

~~31.1 In the event the BOARD decides it is necessary to reduce the number of teachers~~

due to reasons of economy, **financial exigency**, declining enrollment, program elimination or reduction, or the consolidation or elimination of positions, such reduction in force will be made in accordance with the following procedures.

31.2 The Board will make every reasonable effort to minimize the effect of reduction in force. The Board will first examine if it can be accomplished through attrition (retirements, resignations.) The Superintendent shall send written notification **by February 1st** to the President of the Association and all teachers whose positions are being reduced or eliminated. When the BOARD determines that a reduction in force is necessary, the BOARD will first look to see if it can be accomplished through attrition (retirements and resignations); If not, the Superintendent of Schools shall notify the ASSOCIATION and TEACHERS in the specific classifications within which it is necessary to reduce or eliminate positions. For purposes of reduction in force, all teachers will be classified according to their present assignment.

31.2 If the number of teachers is reduced, it will be done based on seniority with the least senior being released first, in the following manner:

~~K-12 Based upon the latest date of hire with continuous years in the Portsmouth School System and certification. When two (2) or more teachers are deemed equal the clustering clause (Article 29) will be invoked.~~

31.3 The decision to implement a reduction in force in a certification area will be made at the discretion of the School Board after all information is received and carefully reviewed. ~~If a need still exists for reductions.~~ The School Board wishes to retain those teacher who not only have proper certification, but who have relevant teaching experience as well as evidence of involvement in the district and shall consider the following factors (points) in order-total:

1. Experience, teaching in Portsmouth, in certified area; (1-4 years, 1 point; 5-9 years, 2 points; 10-14 years, 3 points; 15-19 years, 4 points; 20-24 years, 5 points, 25 or more, 6 points)

2. Track / Degree Status (Track A, 1 point; Track B, 1 .5 points; Track C, 2 points; Track D, 2.5 points; Track E, 3 points; Track F, 3.5 points; and Track G, 4 points)

3. Professional Responsibility: Each year teachers complete a narrative reflection highlighting their contributions to the district. Teachers will be awarded up three points, a point for every activity where they evidence service to children (co and extra-curricular activities) or participation in school or district committees or projects.

4. Seniority in district (1-4 years, 1 point; 5-9 years, 2 points, 10-14 years, 3 points; 15-19 years, 4 points; 20-24 years, 5 points, 25 or more, 6 points)

<i>Relevant Teaching Experience</i>	<i>Points</i>
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<u>1-4 years</u> 1	<u>5-9 years</u> 2	<u>10-14 years</u> 3	<u>15-19 years</u> 4	<u>20-24 years</u> 5	<u>25+years</u> 6	<i>Maximum of 6 points</i>	
Track / Degree Status						Points	
<u>Track A</u> 1	<u>Track B</u> 1.5	<u>Track C</u> 2	<u>Track D</u> 2.5	<u>Track E</u> 3	<u>Track F</u> 3.5	<u>Track G</u> 4	<i>Maximum of 4 points</i>
Professional Responsibility						Points	
1 point per activity / committee / stipended or non-stipended co and extra-curricular activities during the prior three years						<i>Maximum of 3 points</i>	
Seniority						Points	
<u>1-4 years</u> 1	<u>5-9 years</u> 2	<u>10-14 years</u> 3	<u>15-19 years</u> 4	<u>20-24 years</u> 5	<u>25+years</u> 6	<i>Maximum of 6 points</i>	
TOTAL						19 Points	

Bumping Rights: The right to bump a less senior teacher in another academic area may only occur if the teacher has taught within the endorsement for a period equal to the least senior teacher in the certified area.

- 4. Subject matter competency;
- 5. Evidence of professional growth

If the Board determines all factors are equal, then seniority will prevail in making the final determination.

Classifications are defined as follows:

- A. Early Childhood, PK
- B. Grades K-5
- C. Reading Specialists, K-5
- D. Grades 6-8 (by subject matter taught): Reading / English Language Arts, Modern & Classical Language, Technology Education, FACS, Computer, Math, Science and Social Studies.
- E. Grades 9-12 (by subject matter taught) Business, English Language Arts, Modern and Classical Language by certification: Spanish, Latin, French; Computer, FACS, Technology Education, Math, Science by certification: general science, physics, chemistry, biology; Social Studies, Career and Technical Education (by program).
- F. Music, K-12
- G. Physical Education and Health, K-12
- H. Art, K-12
- I. Guidance Counselor, K-12

- ~~J. Special Education Case Manager, K-12~~
- ~~K. Resource Room (by certification) K-12~~
- ~~L. Nurse, K-12~~
- ~~M. Psychologist, K-12~~

~~31.3 Teachers so reduced will be re-employed in the inverse order in which they were reduced. Teachers hired before July 1, 1993 will be placed on a re-employment list for five (5) years. New teachers hired on or after July 1, 1993 will be placed on a re-employment list for three (3) years. This list will be updated and posted quarterly. If a re-called teacher accepts or refuses a part-time position, that teacher maintains his/her seniority in reduction in-force recall for any appropriate full-time position. However, if a teacher refuses an offer of full-time contracted re-employment, that teacher's name will be removed from the reemployment list, unless the opening occurs during the school year and/or if the teacher is under contract to another school district for that year. Nonetheless, a teacher may opt to be passed over one (1) time while on the RIF list without permanently being removed.~~

~~When no appropriate vacancy occurs during the time allotted or when the teacher is unable to accept because of another contract, that teacher will be given due consideration if he/she subsequently applies to fill a vacancy.~~

~~31.4 The decision to implement a reduction in force in a classification shall be made at the sole discretion of the Superintendent. The BOARD and ASSOCIATION expect to retain those teachers in a classification who, at the discretion of the Superintendent will be the most effective teachers for the district and students s/he serves. The following criteria will serve to determine the most effective teachers (Insert language from clustering, Article 29): When it is necessary to Reduce in Force (RIF) or to bring back a teacher from a cluster with the same date of hire, the following criteria will be used to determine who will return:(Numbers in the parenthesis () below represent values for factors used for each criteria.)~~

~~Level 1~~

- ~~• (3) Previous evaluations~~
- ~~• (3) Grade level experience/number of years taught in area of certification~~
- ~~• (3) Seniority in district~~
- ~~• (3) Previous teaching experience such as type of student, teaming, a knowledge of and previously demonstrated capacity in a particular method(s) of instruction.~~

~~If the teachers in question are deemed by the administration to be equal in total points in Level 1, and only if they are deemed equal, then Level 2 criteria will be used to determine who will return.~~

~~Level 2~~

- ~~• (2) Professional involvement such as committees, and activities which put the school & system in a positive light~~
- ~~• (2) Other certifications/Degrees~~

- ~~• (2) Staff Development~~
- ~~• Attendance~~
- ~~• Co-curricular experience such as coaching, clubs, PTA, etc.~~

Level 3

- ~~• If the Superintendent determines all other factors are equal, then seniority will prevail in making the final determination.~~

~~31.4 Whenever there is an opening for a professional position including new or part-time positions, all teachers presently working within that certification will be notified of that opening through posting, so that any present staff member working within that certification would be able to apply for that position. A staff member who has that needed certification, but is presently working in another certification would be able to apply for an opening only when their date of hire is equal to or greater than the hiring back year in the RIF list in that certification.~~

~~The resulting position will be offered to teachers who are on the re-employment list, in order, and who are available and certified for that position.~~

~~31.5 It is understood by both parties, if any professional employee, as a result of reduction in force, is scheduled to teach in an area in which he/she is certified but does not have experience beyond student teaching, will be placed in that position on a one-year trial basis. That teacher will demonstrate competency in that new position. The teacher will devote 40 of the next 50 staff development hours to the new teaching assignment. Further, it is expected that 15 of those 40 hours will be accumulated during that first year.~~

~~Said teacher's status for employment in other certified areas will NOT be affected by Article 31.5~~

~~Teachers so assigned will be observed at least two (2) times resulting in an evaluation prior to January 1. If as a result of evaluations the teacher is not renewed, he/she will be notified in writing with reasons stated no later than April 1. He/she will return to RIF list in that certification and will not be rehired in that certification until he/she has demonstrated competence in a position in that certification.~~

~~31.4 Any substitute work that is likely to result in employment as a permanent substitute will be offered to qualified and certified teachers on the re-employment list whenever possible.~~

~~31.5 Teachers so reduced will be re-employed in the inverse order in which they were reduced. Teachers hired before July 1, 1993 will be placed on a re-employment list for five (5) years. New teachers hired on or after July 1, 1993 will be placed on a re-employment list for three (3) years. This list will be updated and posted quarterly. If a re-called teacher accepts or~~

refuses a part-time position, that teacher maintains his/her seniority in reduction in- force recall for any appropriate full-time position. However, if a teacher refuses an offer of full-time contracted re-employment, that teacher's name will be removed from the reemployment list, unless the opening occurs during the school year and/or if the teacher is under contract to another school district for that year. Nonetheless, a teacher may opt to be passed over one (1) time while on the RIF list without permanently being removed.

31.6 Teachers under a continuing contract who are not to be re-employed in the District shall be notified in writing no later than April 1. However, if the individual's position is included in the BOARD'S proposed budget, said individual will be notified of such and that individual would not be subject to RIF recall provisions until August 10, however they would be subject to Article 30 (Assignment Change) and in the case of said teachers, Article 30.3 will be waived.

Article 32

DEPARTMENT HEADS

~~The BOARD shall employ Department Heads at the High School and the Middle School. The BOARD may also employ Department Heads at the elementary level or K-12 for specialized areas within the school system; i.e. computer education, reading, special education, guidance, art, etc.~~

~~Department Heads will be paid a stipend in addition to their teaching responsibilities. Department Heads will be required to teach a full schedule of classes. Department Heads' duties will be teaching, curriculum, budget, schedule, supervision, and aiding the classroom teacher in any way possible within his/her area. Other reasonable responsibilities may be added as necessary with the Principal's approval after consultation with the Department Head. Department Heads and Team Leaders will be assigned to three (3) year terms and may apply to reassignment to the position. Department Heads and Team Leaders will serve at the discretion of the Superintendent.~~

~~Department Heads may be required to work two (2) extra days at a per diem rate as part of their overall responsibilities.~~

Article 32A

IMPROVEMENT PLANNING

32A.1 The parties agree there ~~may~~ will be educational, instructional, and organizational changes implemented in the future through the improvement planning process.

The ASSOCIATION and the BOARD will work cooperatively to implement improvement planning. Neither party will utilize the collective bargaining agreement to impede the implementation of improvement planning goals.

It is understood that the flexibility envisioned by this section does not include changes in seniority, wages, insurance, leave benefits, or length of work year unless specifically negotiated and approved by all appropriate parties.

~~32A.2 School Year and Schedule Flexibility - The School Department will be allowed flexibility in scheduling and rescheduling the basic school day and the teachers' work day within the confines of an eight (8) hour teacher "on-site" work day and the maximum student instructional time. The standard work year shall be 186 days in 2008-09, 2009-10, and 2010-11 and 187 days in 2011-12 and 2012-13 and 2013-14 for returning teachers and 187 days in 2008-09, 2009-10, and 2010-11 and 188 days in 2011-12 and 2012-13 and 2013-14 for teachers initially entering the Portsmouth School System. This may be changed by negotiation.~~

32A.3 Daily Schedules - Teachers will work eight (8) hours but teachers in the same school may work different hours. For example, a school could be open from 7:00 a.m. to 5:00 p.m. and with some teachers working from 7:00 a.m. until 3:00 p.m. and others working from 9:00 a.m. to 5:00 p.m. Teachers with less than full-time contracts will have on-site work days (or work weeks) proportionally reduced.

32A.4 Instructional/Duty Time - Daily instructional/duty time shall not exceed six hours. Daily instructional/duty time shall include time assigned to study halls, skill centers, and other assigned student related duties.

~~32A.5 School Site Decision Making Option - As part of the improvement planning process, the parties agree to establish a committee to make recommendations for establishing a procedure for school based decision making. Each school team may seek a one (1) year waiver from the ASSOCIATION and the BOARD to provide contract flexibility with respect to non-economic items. Both the BOARD and the Superintendent and the ASSOCIATION through its Executive Board must agree to the waivers before changes can be made.~~

32A.6 Career Ladder. In 2016-2017 this agreement introduces a career ladder that uses the terms Developing, Professional and Model Teacher. Interval is a term used to describe movement on the pay scale. Achievement Units (AUs) describe the knowledge and skill necessary for an educator to evidence to move up along on the new pay scale. When educators accumulate 3 AUs they move one interval along the pay scale. There shall be no limit on the number of teachers who achieve Model Teacher status.

32A.7 Teacher Quality Panel (TQP). In 2015-2016, there shall be a joint panel composed of three teachers representing the three grade spans (PK-5; 6-8 and 9-12) and three administrators representing the three levels appointed by the union and the school board. The TQP will 1) ensure the reliability and validity of performance evaluations conducted by administrators; Establish criteria for evidence used in self-evaluations on Danielson's framework; 2) establish staff training to strengthen peer feedback and 3) in 2016-17 the TQP will review all candidate evidence and make recommendations for teachers who wish to move onto the Model teacher career ladder.

SECTION III - GRIEVANCE PROCEDURE

Article 33

CONTRACT CLARIFICATION

33.1 Where a teacher or the ASSOCIATION questions an interpretation of the contract or conditions of employment implied but not necessarily stated in the written contract, he/she, or

the ASSOCIATION may initiate a grievance, except that non-renewal or dismissal of probationary teachers will be dealt with according to State law.

A grievance to be considered under this procedure must be initiated by the employee or the ASSOCIATION within twenty (20) school days of when the employee should have reasonably known of its occurrence.

33.2 Failure at any step of this procedure to communicate the decision on a grievance within the specified time limits shall permit the aggrieved employee to proceed to the next step, except at the BOARD level. Failure at any step of this procedure to appeal a grievance to the next step within the specific time limits shall be deemed to be acceptance of the decision rendered at that step. A decision on the grievance at the BOARD level shall be rendered within the time limit set forth or the grievance shall be deemed favorable to the grievant.

33.3 Any employee who has a grievance shall discuss it first with his/her immediate supervisor, if applicable, in an attempt to resolve the matter informally at that level. If the action or inaction being grieved originated with the Superintendent or the BOARD, the grievance may be initiated at the Superintendent's level.

33.4 If, as a result of the discussion, the matter is not resolved to the satisfaction of the employee within seven (7) school days, he/she shall set forth his/her grievance in writing to his/her immediate supervisor or Superintendent, if appropriate, specifying: (a) The nature of the grievance and date occurred; (b) the nature and extent of the injury, loss, or inconvenience; (c) the results of previous discussions if any; (d) his/her dissatisfaction with decisions previously rendered; and (e) the remedy requested. The immediate supervisor or the Superintendent shall communicate his/her decision to the employee and ASSOCIATION within five (5) school days of receipt of the written grievance.

33.5 No later than ten (10) school days after receipt of the immediate supervisor's or Superintendent's decision, the employee and ASSOCIATION may appeal the decision to the Superintendent of Schools or BOARD, if appropriate.

The appeal must be made in writing, reciting the matter submitted to the immediate supervisor, as specified above, and his/her dissatisfaction with decisions previously rendered. The Superintendent shall meet with the employee and the ASSOCIATION to attempt to resolve the matter as quickly as possible, but within a period not to exceed five (5) school days, and the Superintendent shall communicate his decision in writing to the employee and the ASSOCIATION, and the immediate supervisor within ten (10) school days.

33.6 If the grievance is not resolved to the grievant's satisfaction, he/she and the ASSOCIATION, no later than five (5) school days after receipt of the Superintendent's decision, may request a review by the BOARD. The request shall be submitted in writing through the Superintendent of Schools, who shall attach all related papers and forward the request to the BOARD. The BOARD, or committee thereof, shall review the grievance and shall, at the option of the BOARD, or upon the request of the grievant, hold a hearing within thirty (30) school days. A decision in writing shall be communicated within thirty (30) calendar days of the hearing. A decision will be deemed communicated to the ASSOCIATION if it is postmarked, first class and return receipt requested, within the time limit.

33.7 If the decision of the BOARD does not resolve the grievance to the satisfaction of the grievant and he/she wishes a review by a third party, he/she shall so notify the ASSOCIATION

within five (5) school days of receipt of the BOARD'S decision. If the ASSOCIATION determines that the matter should be reviewed further, it shall, in writing, so advise the BOARD through the Superintendent within ten (10) school days of receipt of the BOARD'S decision. The parties shall then initiate a request for arbitration under the procedure set forth herein.

33.8 A request shall be made to the American Arbitration Association to submit a roster of persons qualified to function as arbitrators in the dispute in question.

33.9 If the parties are unable to determine a mutually satisfactory arbitrator from the submitted list, they shall request the American Arbitration Association to submit a second roster of names.

33.10 If the parties are unable to determine, within ten (10) school days of the initial request for arbitration, a mutually satisfactory arbitrator from the second submitted list, the American Arbitration Association may be requested by either party to designate an arbitrator.

33.11 Neither the BOARD nor the ASSOCIATION will be permitted to assert any grounds or evidence before the arbitrator, which were not previously disclosed to the other party. The findings of the arbitrator shall be binding on the BOARD, ASSOCIATION, and grievant. Any of the parties may appeal to the courts the decision of the arbitrator, in accordance with RSA 542 upon the condition that the appealing party pays the reasonable attorneys' fees of both parties relating to the appeal.

33.12 The BOARD, the aggrieved, and the ASSOCIATION shall receive copies of the arbitrator's report. This shall be accomplished within thirty (30) calendar days of the completion of the arbitrator's hearing.

33.13 Should the grievant so elect, the aggrieved person shall be represented at all stages of the grievance procedure by his/herself, or by a representative selected or approved by the ASSOCIATION. The ASSOCIATION shall be notified at all levels and has the right to be present at all levels.

33.14 The parties participating in this involvement are guaranteed individual freedom from restraint, interference, coercion, discrimination, or reprisal in presenting an appeal with respect to a personal grievance.

33.15 The fees and expenses of the arbitrator shall be shared by the two parties equally.

33.16 If the parties disagree as to the meaning or interpretation of any of the provisions of this AGREEMENT, either party may utilize the clarification procedure set forth in Article 33 in order to resolve said dispute.

33.17 Judgment to process a grievance under this provision shall not indicate agreement as to the validity of the grievance, but only that the parties view the grievance procedure as an expeditious means of resolving grievances.

33.18 All documents, communication, and records dealing with the process of a grievance shall be filed separately from the personnel files of the parties of the participants and shall not be forwarded to any prospective employer of the grievant, nor shall such documents be revealed or the grievance(s) be alluded to in any communication between the administration and said prospective employer. A copy of all documents shall be given to the grievant.

SECTION IV - LEAVES AND BENEFITS

Article 34

SHORT TERM LEAVES AND ABSENCES

34.1 Each teacher will be granted seventeen (17) days per year for personal illness or illness in the immediate family. A maximum of three (3) days per year for personal business or emergency ~~leave~~ ~~leave that cannot be conducted at any other time~~, may be used from sick leave. ~~After five (5) years of continuous service in the Portsmouth School System, such leave will be earned at the rate of seventeen (17) days per year. For all employees hired prior to July 1, 2014, there is unlimited accumulation of such leave; all employees hired after July 1, 2014 will accumulate sick leave as set forth in this article to a maximum of one hundred and fifty (150) days.~~ No more than fifteen (15) days per year of paid leave may be used for illness in the immediate family. Personal leave may not exceed ~~two (2)~~ three (3) days per year, unless approved by the Superintendent of Schools.

~~Leave days for personal business, which must be transacted during school time, would include activities such as court appearances and legal matters.~~ The teacher will provide twenty-four (24) hours advance notice. Taking a personal day preceding or subsequent to any school holiday or vacation, ~~or an election day, or during the month of June shall~~ will shall require prior approval from the Superintendent.

These short term leave days will be earned at the rate of:

~~Twelve (12) days - 1.2 per month~~

Seventeen (17) days - 1.7 per month

The BOARD will provide one (1) day of additional pay, at the teacher's current pay rate, to any employee who has used no sick days or personal days in a school year.

34.2 The BOARD agrees to pay 85% of the accumulated short term leaves of absence days to a maximum of 190 days, in a cash payment at the per diem rate which the teacher last earned to any teacher who retires from the system under N.H. State Retirement Laws or upon a teachers voluntary resignation so long as the teacher has worked ten (10) or more years in the system. (The exception to this voluntary resignation provision is that a teacher resigning in the face of dismissal or non-renewal based upon charges of serious criminal misconduct will not be paid for accumulated sick leave under this contract even if the employee voluntarily resigns). All employees hired after July 1, 1996 will earn and accumulate sick leave in accordance with the other provisions set forth in this article but shall receive no payout for accumulated short term leave of absent days either upon retirement or voluntary resignation.

34.3 In the event of prolonged absence as a result of accident or illness, the SCHOOL BOARD will consider circumstances that might warrant extension of full or partial sick pay.

34.4 A leave bank is hereby established which entitles an individual for reasons of personal illness to borrow, in advance, sick leave not yet accumulated, not to exceed 183 days.

34.5 When an individual who has borrowed from the sick bank returns to work in the system, he/she will repay the sick bank at the rate of 50% of sick days that he/she is accumulating after returning to work.

34.6 In the event that a teacher leaves the system owing time to the sick bank such time will be repaid in cash (days x the rate per day paid to the individual when the time was borrowed) over a period not to exceed three (3) years. This may be extended with BOARD approval.

34.7 Any teacher receiving sick bank or income protection benefits under Section IV, Article 34.4 shall be entitled to life insurance, retirement, disability insurance and health insurance for a period of two (2) years. After two (2) years, the teacher will have the option of continuing these benefits at his/her own expense. While the teacher is on disability, he/she will be deemed to be under contract to the school system.

34.8 Any person covered under this agreement shall be granted sick leave for the purpose of maternity. The duration of sick leave may be six (6) weeks, or longer as determined by her doctor. Upon return, the Superintendent will assign the teacher to her former position or an appropriate alternate position.

Article 35

OTHER SHORT TERM LEAVES OF ABSENCE

35.1 Members of the bargaining unit may be entitled to the following leaves of absence without loss of pay:

1. Professional days
 - a. Leave may be granted to a teacher for the purpose of school visitations, attending conferences, or professional meetings, subject to prior approval by the Superintendent.
 - b. Professional days will not be charged against accumulated leave.
2. Bereavement leave
 - a. Bereavement leave will be granted as follows:

<u>Not to exceed 10 days</u>	<u>Not to exceed 5 days</u>
Spouse	Parent
Child	Sister
	Brother
	Parent-in-law

<u>Not to exceed 3 days</u>
Sibling-in-law
Grandparent
Aunt
Uncle
 - b. Extensions may be granted by application to the Superintendent.
 - c. Leave may also be granted by application to the Superintendent of Schools for the following:

Niece
Nephew
Close personal friend
Cousin

- d. Bereavement days will not be charged against accumulated leave.
- 3. Civil Leave for Jury Duty or Witness Service
 - a. Upon application to the Superintendent, leave will be granted to the teacher who is subpoenaed as a witness in a civil or criminal case, or is called for jury duty. Application will be made in advance with supporting documentation.
 - b. The teacher shall forward to the BOARD all reimbursement for such service, except what is used for personal expenses, but not to exceed gross pay for the period of leave.
- 4. Religious Leave

Teachers may receive up to two (2) additional personal days each year for commonly accepted religious holidays, such as Rosh Hashanah and Yom Kippur, where the tenets of the teacher's religion prohibit work on such days and require their attendance at religious services. Teachers must give the Superintendent five (5) days advance notice. These days will not be charged against short-term leave days.

Article 36

OTHER LEAVES

36.1 If any individual is requested by the Superintendent of Schools to attend a function on behalf of the BOARD, such time shall not be charged to an individual's personal time.

36.2 Extensions of Article 35 may be granted by the Superintendent.

Article 37

SUBSTITUTE TEACHERS

37.1 The School Department agrees to fill any temporary absence of a teacher with a certified teacher in the subject area or grade level where possible. It is recognized that extreme circumstances may arise whereby a substitute cannot be located. Such circumstances will be stated in writing to the ASSOCIATION by the Superintendent if the ASSOCIATION so requests.

37.2 Substitute teachers will be provided for all classroom teachers including art, music and physical education teachers in any situation of a one-half or full day or days of absence.

37.3 Substitute teachers shall be informed of their duties and responsibilities including, but not limited to, following plans, grading and scoring written work.

37.4 Details concerning the duties and responsibilities will be supplied to all prospective substitutes by the administration.

37.5 In the event of an unscheduled absence, the teacher will notify the school administration as soon as possible prior to the absence. It will be the responsibility of the school administration to arrange for the substitute.

37.6 It is the teacher's responsibility to keep at least five (5) days of lesson plans available for a substitute. These plans will be kept current.

Article 38

EXTENDED LEAVES OF ABSENCE

38.1 With BOARD approval, a leave of absence for professional growth, without pay or any other benefits, up to two (2) years shall be granted to any teacher who joins the Peace Corps, VISTA, or National Teacher Corps, or any other educational professional development. Upon return from such leave, a teacher who while on leave served in a teaching capacity, shall be placed on the salary scheduled at the level which he/she would have achieved had he/she remained actively employed in the system during the period of his/her absence. Teachers may work in other school systems on an exchange basis as long as a one-to-one exchange is maintained and there is prior approval by the Superintendent of Schools.

38.2 Each teacher will be granted leave for required annual military unit field training up to eleven (11) days duration when such required training falls within the school year, and when it cannot be scheduled during vacation periods.

Voluntary military activities will not be applicable under this section unless expressly approved by the BOARD.

38.3 Any teacher adopting or giving birth to a child shall be granted a leave of absence not to exceed two (2) years without pay or benefits. Such leave shall commence upon his/her receiving de facto custody of said child or upon completion of sick leave or as much time as is necessary to fulfill the requirements for the adoption.

38.4 A leave of absence without pay or any other benefits of up to one (1) year may be granted to any teacher for the purpose of caring for a sick member of the teacher's immediate family. Additional leave may be granted upon recommendation of the Superintendent.

38.5 Teachers who have been employed at least seven (7) years in the school department shall be entitled to a LEAVE OF ABSENCE of one full year, without pay or other benefits. These leaves will be limited to three percent (3%) of those eligible, based on seniority and will be granted only if a suitable replacement has been found.

38.6 Other requests for leaves of absence for special reasons may be granted by the BOARD upon recommendation of the Superintendent.

38.7 All benefits to which a teacher was entitled at the time of leave, including accumulated sick leave, shall be restored upon return, and he/she will be assigned within the scope of certification. The teacher may keep insurances in force while on leave by paying the cost of the benefits to the school department, if the carrier allows. These payments shall be made thirty (30) days prior to the due date.

38.8 Upon return from leave granted pursuant to Article 38.1 and 38.2, the teacher shall be placed on the salary schedule at the level he/she would have achieved if he/she had not been absent.

38.9 All extension, renewals, or modifications of leaves shall be requested in writing and granted in writing.

38.10 Extended leaves of absence will be granted only upon completion of five (5) years in the Portsmouth School System. Requests for leaves of absences after July 15 will only be granted if a suitable replacement can be found.

38.11 All leave of absence requests shall be forwarded to the School Board through the Superintendent. Leaves of absences will be granted on the condition of a January 5 notification of intent to return.

38.12 Any teacher returning from a leave of absence shall return only at the beginning of a school year, unless otherwise provided by the BOARD.

Article 39

SABBATICAL LEAVE

39.1 Upon recommendation of the Superintendent of Schools, sabbatical leaves may be granted to members of the bargaining unit by the BOARD. Should the Superintendent fail to recommend sabbatical leave(s), the teacher(s), involved may appeal the Superintendent's decision directly to the BOARD.

39.2 The BOARD will budget for three (3) sabbatical leaves annually. The BOARD may grant up to three (3) sabbaticals annually based on the merit of these requests. If denied, reasons in writing will be sent to the candidates.

39.3 No more than three (3) sabbatical leaves will be granted simultaneously.

39.4 The teacher must have completed five (5) consecutive years in the Portsmouth School System.

39.5 The teacher will be paid half salary with full benefits for a one-year leave or full pay and benefits for a half-year leave.

39.6 Requests for leave must be received by the Superintendent in writing no later than February 1, and action must be taken by the BOARD no later than March 15.

39.7 Teachers who have been granted a sabbatical in March recognize that the sabbatical may be delayed until a suitable teaching replacement can be found. A final determination will be made no less than three weeks before the sabbatical is scheduled to begin. Any determination to delay a sabbatical shall not be subject to the grievance procedure outlined in Article 33.

39.8 Requests for sabbatical leave may be granted by the BOARD for any reason; however, the leave must be of a significant nature and value.

39.9 Before leaving for sabbatical leave, the teacher will agree in writing to continue working in the system for at least two (2) years. Upon the teacher's return, he/she will be paid on the step he/she would have received if leave had not been taken. A report of the sabbatical will be made to the Superintendent and BOARD upon completion of the leave.

Article 40
INSURANCE

40.1a—Each employee will be covered by BC/BS Comp 100 Managed Care or equal and comparable coverage for an individual, two person, or family plan. The District will also provide a medical rider to cover a maximum of one million dollars (\$1,000,000).

Should employees choose, they may participate in the BC/BS Blue Choice One (1) program rather than the Comp 100-Managed Care plan. Selection of the plan by the employee will be made prior to each plan year. An employee exercising this option to switch between Blue Choice One (1) and Comp 100-MC (or vice versa) shall provide written notice to the School Board and NHMA Insurance Trust by April 1 prior to the start of the plan year (July 1 through June 30). Effective July 1, 2008 or as practicable thereafter, the District may offer two (2) additional optional plans based upon Blue Choice One and Matthew Thornton plans with premium share as described below. Co-pay shall be twenty dollars (\$20.00) for office visits, fifty dollars (\$50.00) for emergency room visits, and \$10/\$20/\$30 for 30-day retail or 90-day mail order prescriptions.

The premium share for the Comp 100-MC, Blue Choice One, and the new Blue Choice optional plans shall be as follows:

Comp 100-MC and Blue Choice

Year	Employer Share	Employee Share
2008-09	81%	19%
2009-10	81%	19%
2010-11	80%	20%
2011-12	80%	20%
2012-13	80%	20%
2013-14 2014-15	80%	20%

The School Board will offer employees the option of electing health insurance under the Matthew Thornton Plan and the new optional Matthew Thornton plan so long as it is offered by the NHMA Health Insurance Trust. The employee shall pay the following percentage of the cost of premiums so long as Matthew Thornton’s cost remains at least 5% below the Blue Choice premium.

If the premium for Matthew Thornton is not at least 5% below the Blue Choice premiums the employee and employer’s percentage cost of the premiums shall be the same as those for Comp 100-MC and Blue Choice as set forth above:

Matthew Thornton

Year	Employer Share	Employee Share
------	----------------	----------------

2008-09	85%	15%
2009-10	85%	15%
2010-11	84.5%	15.5%
2011-12	84.5%	15.5%
2012-13	84.5%	15.5%
2013 <u>4</u> -14 <u>5</u>	84.5%	15.5%

On March 13, 2015/Pay Period 13, the teachers shall move to two health care plans Blue Choice \$5.00 co-pay RX 10/20/45 (80%/20%) premium split and Matthew Thornton Blue \$5.00 co-pay RX 3/15/1 (84.5%/15/5% premium split.

Beginning on July 1, 2017, the District will offer coverage only under the Consumer Driven Health Plan offered through SchoolCare (“the CDHP”). The District will pay 95% of the premium cost for single, two person or family coverage and employees will pay 5% of the premium cost.

In November 2016 if the CDHP* exceeds the threshold levels for the “Cadillac Tax” under the ACA the Employer and the Association will reopen Article 40-Insurance for negotiations with the express intent of identifying a healthcare plan that complies with the ACA and does not result in the imposition of the so called “Cadillac Tax”. If the parties cannot agree on a proposed plan, the plans shall be submitted to binding arbitration no later than April 1, 2017. The parties shall mutually agree to the selection of the Arbitrator.

*The CBA defines CDHP as SchoolCare’s high deductible plan currently known as the Consumer Driven Health Plan.

The Association agrees to participate in a City-wide committee to explore health insurance options.

40.1b Should the parties agree in writing to establish a cafeteria style plan dealing in insurance issues during the course of this three (3) year agreement - such plan would only become effective if ratified by the Association, approved by the School Board and approved by the City Council.

40.1c The BOARD will setup an IRS 125 Premium Conversion Plan which will allow each employee to choose to pay his/her portion of the health insurance premium with pretax dollars.

40.2 The District shall pay one hundred percent (100%) Delta Dental Plan Number 1, with no deductible, family plan.

40.3 The BOARD need not provide coverage in Articles 40.1 and 40.2 if the employee is already covered under the same or a similar health plan. If an employee is found to have dual

coverage, the employee must pay back to the BOARD an amount equal to the premiums paid by the BOARD during this time.

Article 41

DISABILITY INSURANCE

The School Board will self-insure or purchase income protection insurance for each teacher who works at least fifteen (15) hours or more per week to begin no sooner than the 91st day of disability. Payments shall equal 66 2/3% of the monthly salary of the teacher at the date of disability. Said insurance will run until age 65 and shall be coordinated with social security benefits. It is understood that a teacher shall not accept benefits under the income protection plan and simultaneously borrow time from the sick bank.

The teacher and the school system shall be joint beneficiaries of this insurance. Should a disabled teacher owe days to the sick bank at the time he/she accepts payment under the income protection plan, it is agreed that these days will be repaid from the insurance proceeds, equally over five (5) years.

Article 42

LIFE INSURANCE

The School Board will purchase term life insurance for each teacher who works at least fifteen (15) hours or more per week in an amount equal to two (2) times the annual income of the teacher. In the event that a teacher dies while under contract to the school system, any sick leave borrowed from the sick bank will be repaid to the school system from the proceeds of the insurance. The balance of the proceeds will be turned over to the beneficiary named by the teacher. Additional life insurance may be purchased by the teacher. The teachers will pay for this insurance on a monthly basis through payroll deduction. It is understood that employees age 70 and over will have their benefits reduced in accordance with the certificate schedule attached as Attachment #1 to this Contract.

Article 43

POLICIES

The BOARD will provide the ASSOCIATION with copies of all insurance policies under which employees are covered.

Article 44

RETIREMENT PROVISIONS

44.1 The BOARD agrees to pay 85% of all short term leave of absence days, not to exceed one hundred and ninety (190) days for employees hired on or before June 30, 1996, in a cash payment at the per diem rate which the teacher last earned, to any teacher who retires from the system under N.H. State Retirement Laws or voluntarily resigns his or her employment if the teacher has completed ten (10) or more years in the system. It is understood that employees hired after July 1, 1996 will earn and accumulate sick leave in accordance with the other provisions set forth in this contract but shall receive no payout for accumulated short-term leave of absence days either upon retirement or voluntary resignation.

44.2 If a teacher wishes early payout of accrued leave in accordance with paragraph 44.1, the retiring or resigning teacher may notify the Superintendent by December 15th prior to the year of the first payment of accumulated sick leave. This will enable the employee at his/her discretion to receive this payment of accumulated sick leave over a one (1), two (2), or three (3) year period. It is understood that once a teacher accepts the first payment under the single/multi-year payout plan that he/she may no longer withdraw his/her notice of retirement or resignation.

Article 45

WORKERS' COMPENSATION

Workers' Compensation benefits will be provided as specified in the New Hampshire Statutes. The BOARD will pay the difference between Workers' Compensation and regular salary (gross, less FICA, withholding and retirement at the time of the injury).

Article 46

STUDENT APPROPRIATION

An appropriation equal to three dollars (\$3.00) per student in elementary schools shall be placed in the budget. The expenditure of this money will be decided jointly by the Principal and teachers in each school.

SECTION V - SALARIES

Article 47

PROFESSIONAL DEVELOPMENT AND ADVANCED DEGREE PAYMENT

47.1 The BOARD agrees to budget for professional growth each year. The amount will equal one-third (1/3) of the number of staff members times the cost of one four (4) credit graduate course in a matriculating program at the University of New Hampshire. These funds may be used for course reimbursement, conferences, workshops and enrichment programs that clearly and substantially support the teacher's specific job assignment, district-wide initiatives, or for re-training or cross-certification at the approval of the administration.

47.2 A committee, ~~known as the PD Committee~~, comprised of teachers and administrators will develop a schedule of deadline dates and how the disbursements will be allotted. ~~The PD Committee will also serve as the quality review committee for all Professional Learning Community SMART Goals and will award and track the two (2) AU's related to establishing (by November 1st) and reporting out results (May 15th).~~

47.3 Only staff development hours in excess of those necessary to achieve certification will be counted toward the Advanced Degree Schedule, limited to five (5) credits every three (3) years. Such credits for advanced degree payments must be ~~earned through in-house professional development credit~~ or directly related to the improvement or accomplishment of the teaching assignment. ~~The PD Committee will approve and establish an expanding set of~~

in-house professional development opportunities that will be credit-bearing on the advanced degree schedule. These opportunities will be extended courses on current topics for the purposes of increasing professional growth. The PD Committee will review proposals from staff to offer in-house courses. Teachers offering in-house courses will receive a \$50 per hour stipend.

~~Credits may be transferred during a teacher's current re-certification cycle or the cycle just completed. Credit will not be given for previous cycles.~~

Transfer requests must be made on or before September 1 in order to be credited to the current year's contract.

47.4 Course reimbursement will be paid within four (4) to six (6) weeks upon proof of payment with original receipts. If a teacher drops a course, he/she must notify Central Office immediately and must reimburse the District either through payroll deduction or cash payment within two (2) weeks of said notification. The teacher must provide official evidence, within two (2) weeks of receiving notification, of a minimum grade B or better. If said grade(s) is not obtained, the teacher must reimburse the District either through payroll deduction or cash payment within two (2) weeks.

47.5 Adjustments will be made to contracts for any course work completed prior to September when a transcript of official documentation of a minimum grade of B or its equivalent is received in Central Office on or before September 1.

It is the employee's responsibility to notify Central Office that an adjustment should be made. No adjustments will be made after September 1.

Adjustments will be made only for credits that clearly and substantially support the teacher's specific job assignment.

Credits that substantially duplicate other units will not receive salary credit. A teacher who has completed course work, but whose documentation will not be completed until after September 1, will be entitled to an appropriate adjustment if an appropriate official of the School the teacher is attending certifies that the course work has been completed by letter to the Superintendent delivered prior to September 1, in many cases, a certification from the Professor will be acceptable.

Article 48

HIRING HELP

The BOARD agrees to make every effort to hire those teachers who are fully and appropriately certified or certifiable. The BOARD may hire certified or certifiable personnel on a lower step than their level of experience.

Article 49

COLA ADJUSTMENTS

~~49.1: COLA Adjustment Formula:~~

~~Effective July 1, of each year from July 1, 2008 through July 1, 2013, a COLA adjustment percentage increase shall be computed which shall not be less than 2% nor more than 5%.~~

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

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

~~49.2: Applicability After Contract Expires:~~

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

~~49.3: Applicability of COLA Adjustment to Salary and Longevity Schedules:~~

~~The COLA Adjustment percentage shall be applicable to the salary and longevity schedules for contract years 2008-09 through 2011-12 effective on July 1 of those contract years. For contract years 2012-2013 and 2013-2014 only, COLA adjustments will be paid according to the terms of the parties' March 2012 Memorandum of Agreement.~~

Article 50

ADVANCED DEGREES

Effective July 1, 2003, all teachers are required to have a Bachelor's Degree from an accredited institution of higher education. The district will pay a stipend for teachers who have attained additional coursework as described in Appendix A.

Steps 1-12 of the Advanced Degree Schedule in Appendix A shall adjust by the rolling 10-year average COLA each year for 5 years, except 2011-12 will be COLA plus \$300.

Step 13 of the Advanced Degree Schedule shall adjust as follows:

2008-09	Rolling 10-year average COLA plus 5% plus \$750.
2009-10	Rolling 10-year average COLA plus 5%.
2010-11	Rolling 10-year average COLA plus 5%.

<u>2011-12</u>	<u>Rolling 10-year average COLA plus \$300.</u>
<u>2012-13</u>	<u>Rolling 10-year average COLA</u>
<u>2013-14</u>	<u>Rolling 10-year average COLA</u>

~~During 2008-09, an alternative method for movement on the Advanced Degree Schedule will be phased in. Professional Learning Projects (PLP) that are approved in advance and certified as satisfactorily completed in accordance with the terms of the Appendix entitled "Professional Learning Projects" attached to this contract will be eligible to earn credit on the Advanced Degree Schedule. The purpose of a PLP is to support the development of an engaged learning community through innovative strategies in responding to student learning needs and sharing promising practices among educators. A PLP proposal must contribute to progress on district/building goals/initiatives including, but not limited to literacy, personalization, technology, power standards and assessment. Projects should connect together as many aspects of the District's "5 area framework" as possible by including elements of curriculum, instruction, assessment, professional development, and community.~~

Article 51

LONGEVITY AND INTERDISCIPLINARY COUNCIL

~~After 13 yrs. ————— \$2729~~

~~After 16 yrs. ————— \$3276~~

~~Staff employed after July 1, 1979 will receive longevity based on years in the Portsmouth School District.~~

~~It is understood the School Board over time wishes to re-allocate monies traditionally dedicated to Longevity compensation to be available to reward highly effective teachers who achieve Model Teacher status. As such, 2014-15 will be the last year teachers will achieve one- of the three levels outlined in the contract; those who have attained a level of longevity will continue to receive an annual stipend.~~

~~Teachers with more than 25 years of service in the District as of July 1, 2014 will continue to receive a stipend in the amount of \$4,544 for participation on the Interdisciplinary Council. All teachers who receive the Interdisciplinary Council stipend will continue to receive, annually, \$4,544 until the teacher retires or resigns, are eligible to join the Interdisciplinary Council. The Council will meet no more than quarterly during off-duty hours at the call of the Superintendent to provide input on curricular and instructional issues to the Curriculum Committee. Attendance at meetings will be mandatory. Eligible teachers joining the Council will be eligible for a \$4000~~

base rate adjustment in lieu of a longevity adjustment. Hours will count for certification but not count for Professional Learning Project credits. Similarly, teachers, after 13 years or after 16 years in the Portsmouth School, will continue to receive stipends of \$3,099 and \$3,722 respectively. It is further understood that a teacher receiving a longevity stipend is not precluded from achieving model teacher status; however, beginning July 1, 2015, no additional members of the bargaining unit will receive longevity.

Article 52

LEADERSHIP

DEPARTMENT HEADS AND TEAM LEADERS

5152.1 The BOARD shall employ Department Heads, Team Leaders and Coordinators. Department Heads will be paid a stipend in addition to their teaching responsibilities. While these leadership positions include teaching responsibilities; assignments will be flexible based upon district needs and job assignment. These leadership positions will be evaluated by the Principal / or Administrator and will serve at the discretion on the Superintendent. These leadership positions may be required to work additional days as part of their overall responsibilities, but only upon prior approval of the Principal / Administrator.

52.2. Department heads, team leaders and coordinators in special education and performing arts will be paid accordingly.

Department Heads will be required to teach a full schedule of classes. Department Heads' duties will be teaching, curriculum, budget, schedule supervision , and aiding the classroom teacher in any way possible within his/her area.

Department Heads will be paid \$4,0500 plus \$75.00 for each teacher under their supervision.

52.3. Team Leaders (Middle School) will be paid \$3,0500.

52.4 Coordinators will be paid \$4,0500 plus \$75.00 for each teacher under their supervisionsupervision. Special Education and Performing Art will be included as Coordinators.

52.5 Model Teachers will be paid a stipend equal to 7.5% of the interval salary beginning in the 20167-178 school year.

52.6 Teacher Quality Panel will be paid a stipend of \$3,000 effective 2015/2016 School Year.

Article 53

SALARY PAYMENT SCHEDULE

Each teacher may choose to be paid in either twenty-one (21) or twenty-six (26) payments, biweekly, starting with the first School Department payday after the start of the school year in September. The Business Department must be notified by the end of the previous school year if the payment schedule for the following year is to change. Once a teacher requests either the

twenty-one (21) or twenty-six (26) payments, no change may be made in this schedule until the following year.

Article 54 SALARY SCHEDULE

~~Both parties agree that teachers will progress to the next successive salary step as in the past. For contract years 2012-2013 and 2013-2014 only, salary step increases will be paid according to the terms of the parties' March 2012 Memorandum of Agreement. The BOARD reserves the right to increase any salary set prior to July 1, 1985.~~

The Salary increases will be as follows:

2014-2015 – 2.9%

2015-2016 – 2.0%

2016-2017 – 2.25%

2017-2018 – 2.5%

The Salary Schedule shall be changed as indicated in Appendix A.

54.1 Both parties agree that teachers will progress to the next successive salary step as in the past for the 2014-15 school year.

Commencing in 2015-16, both parties agree that teachers will advance in salary by attaining Achievement Units (AUs) that allow teachers to move up the Interval Scale as described below. The intent of the AUs is to ground the compensation system in clear measures of growth in teacher practice as well as strong contributions to a professional learning community.

54.2 Annual Achievement Units. In 2015-2016 annual achievement units will be started to be worked on. Three (3) prescribed AUs are required to move to the next interval. Two AU's associated with our professional learning community process are earned when SMART goals are approved and when results are reported. Awarding AUs for effective PLC work will not be dependent on a particular result in learning, but rather, submitting SMART goals and collecting evidence of student learning must suggest authentic implementation of PLC practice. The third AU is attained when the teacher ~~earns an "effective" or higher annual summative evaluation.~~ completes a comprehensive self-evaluation against Danielson's framework self-evaluation addressing all of Danielson's domains. The District's Professional Development

Committee, consisting of teachers and administrators will serve as the quality review panel for the PLC process (See Article 47).

54.3 Additional Achievement Units: Beginning in the 20167-178 school year, it is understood that teachers may advance an additional interval (three intervals) every two years. The newly formed Teacher Quality Panel will determine, in 2015-16, the menu of AU's for educators in all content areas and grade levels including the following areas:

- Professional Development activities, in-district courses and additional coursework in one's content area or pedagogy provided such activities are not being used for credit under the provisions of Advance Degree in Article 47..
- Contributions to colleagues
- Overall contributions to students, the school and district.

54.3 Tracking and Awarding of Achievement Units: The District's Professional Development Committee will determine attainment of PLC Achievement Units. ~~The appropriate building administrator will conduct an annual summative evaluation.~~ The building administrator will track completion of annual self-evaluation. The teacher will be responsible for submitting all professional development and transcripts of a B or better for all external coursework.

54.4 Model Teacher. Beginning in 20167-178, any teacher with nine (9) or more years of successful teaching experience may provide evidence of highly effective teaching to the District's Teacher Quality Panel (TQP). The TQP will review evidence against Danielson's domains and make recommendations to Assistant Superintendent for any teacher judged "distinguished" in all of Danielson's domains will earn model teacher status. There is no limit to the number of teachers who may be achieve model teacher status. Model teachers will earn a stipend equal to 7.5% of their teacher interval salary.

~~Both parties agree that teachers will progress to the next successive salary step as in the past. For contract years 2012-2013 and 2013-2014 only, salary step increases will be paid according to the terms of the parties' March 2012 Memorandum of Agreement.~~

~~The BOARD reserves the right to increase any salary set prior to July 1, 1985.~~

Article 55

COACHING, EXTRA-CURRICULAR, AND SPECIAL SERVICES COMPENSATION

All coaching, extracurricular, and special services compensation will increase ~~by two percent (2.0%) in 2008-09~~ by two percent (42.0%) in 2014-15 and ~~in 2016-2017~~ Any Portsmouth teacher will receive the following additional stipend (non-cumulative) for coaching a middle or high-school sport:

1 st and 2 nd year of coaching	\$250 per year
3 rd through 7 th year of coaching	\$500 per year
8 th and more years of coaching	\$750 per year

Any Portsmouth teacher coaching an elementary school sport for three or more years will receive a stipend of \$250 per year.

A Joint Labor Management Committee will be established to oversee the disbursement of Extra-curricular stipends with the goal to have equity within the district.

DRAFT

HIGH SCHOOL**0 – 2 Years****3 –7 Years****Over 8 Years**

Football (boys)

Head Coach	5,188	5,436	5,696
Assistants, 2	3,061	3,203	3,353
Junior Varsity	2,778	2,906	3,039
Freshman	2,354	2,460	2,571
Assistant	1,929	2,012	2,102

Basketball (boys)

Head Coach	5,188	5,436	5,696
Junior Varsity	2,778	2,906	3,039
Freshman	1,929	2,012	2,102

Basketball (girls)

Head Coach	5,188	5,436	5,696
Junior Varsity	2,778	2,906	3,039
Freshman	1,929	2,012	2,102

Baseball (boys)

Head Coach	3,345	3,502	3,666
Junior Varsity	2,212	2,311	2,414
Freshman	1,644	1,715	1,790

Softball (girls)

Head Coach	3,345	3,502	3,666
Junior Varsity	2,212	2,311	2,414
Freshman	1,644	1,715	1,790

	<u>0 – 2 Years</u>	<u>3 –7 Years</u>	<u>Over 8 Years</u>
<u>HIGH SCHOOL (Continued)</u>			
Soccer (boys)			
Head Coach	3,345	3,502	3,666
Junior Varsity	2,212	2,311	2,414
Freshman	1,644	1,715	1,790
Soccer (girls)			
Head Coach	3,345	3,502	3,666
Junior Varsity	2,212	2,311	2,414
Freshman	1,644	1,715	1,790
Ice Hockey (boys)			
Head Coach	3,345	3,502	3,666
Junior Varsity	2,212	2,311	2,414
Field Hockey (girls)			
Head Coach	3,345	3,502	3,666
Assistant	2,212	2,311	2,414
Junior Varsity	2,212	2,311	2,414
Freshman	1,644	1,715	1,790
Spring Track (boys)			
Head Coach	3,345	3,502	3,666
Junior Varsity	2,212	2,311	2,414
Freshman	1,644	1,715	1,790

	<u>0 – 2 Years</u>	<u>3 –7 Years</u>	<u>Over 8 Years</u>
<u>HIGH SCHOOL (Continued)</u>			
Spring Track (girls)			
Head Coach	3,345	3,502	3,666
Junior Varsity	2,212	2,311	2,414
Winter Track (boys)			
Head Coach	3,345	3,502	3,666
Junior Varsity	2,212	2,311	2,414
Freshman	1,644	1,715	1,790
Winter Track (girls)			
Head Coach	3,345	3,502	3,666
Junior Varsity	2,212	2,311	2,414
Volleyball (girls)			
Head Coach	2,778	2,906	3,039
Junior Varsity	1,929	2,012	2,414
Freshman	1,644	1,715	1,790
Swimming (boys/girls)			
Head Coach	2,778	2,906	3,039
Junior Varsity	1,644	1,715	1,790
Fall Cheerleaders (girls)			
Head Coach	2,778	2,906	3,039
Assistant	1,644	1,715	1,790

	<u>0 – 2 Years</u>	<u>3 –7 Years</u>	<u>Over 8 Years</u>
<u>HIGH SCHOOL (Continued)</u>			
Winter Cheerleaders			
Head Coach	2,778	2,906	3,039
Junior Varsity	1,644	1,715	1,790
Cross Country (boys)			
Head Coach	2,778	2,906	3,039
Junior Varsity	1,929	2,012	2,414
Cross Country (girls)			
Head Coach	2,778	2,906	3,039
Tennis (boys)			
Head Coach	2,354	2,460	2,571
Tennis (girls)			
Head Coach	2,354	2,460	2,571
Golf (boys)			
Head Coach	2,212	2,311	2,414
Lacrosse (boys)			
Head Coach	3,345	3,502	3,666
Junior Varsity	2,212	2,311	2,414
Lacrosse (girls)			
Head Coach	3,345	3,502	3,666
Junior Varsity	1,644 2,212	1,715 2,311	1,790 2,414

	<u>0 – 2 Years</u>	<u>3 –7 Years</u>	<u>Over 8 Years</u>
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HIGH SCHOOL (Continued)

Equipment Manager (fall)	2,070	2,162	2,259
Equipment Manager (winter)	2,070	2,162	2,259
Equipment Manager (spring)	2,070	2,162	2,259

<u>MIDDLE SCHOOL</u>	<u>0 – 2 Years</u>	<u>3 –7 Years</u>	<u>Over 8 Years</u>
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Basketball (boys)			
Coach 2 @	1,502	1,566	1,632
Basketball (girls)			
Coach 2 @	1,502	1,566	1,632
Baseball			
Coach 2 @	1,220	1,270	1,323
Lacrosse			
Coach 2 @	1,220	1,270	1,323
Softball			
Coach 2 @	1,220	1,270	1,323
Soccer (boys/girls)			
Coach 4 @	1,220	1,270	1,323
Field Hockey (girls)			
Coach 2 @	1,220	1,270	1,323

MIDDLE SCHOOL
(Continued)

0 – 2 Years

3 – 7 Years

Over 8 Years

Cross Country (boys/girls)

Coach 1 @ 1,220 1,270 1,323

Track (boys and girls)

Coach 1 @ 1,220 1,270 1,323

Volleyball

Coach 2 @ 1,220 1,270 1,323

ELEMENTARY

Basketball (boys and girls)

Director 2 @ 1,136 1,136 1,136

Coach 9 @ 568 568 568

Soccer (boys/girls)

Director 625 625 625

Coach 4 @ 397 397 397

Track (boys/girls)

Director 624 624 624

Coach 3 @ 312 312 312

HIGH SCHOOL

Amigos (3) 1,623

Chess Club 1,079

Freshman Class Advisor (2) 1,363

Granite State Challenge 937

Junior Class Advisor (2) 1,648

HIGH SCHOOL
(Continued)

Junior World Council Advisor	1,648
Literary Magazine Advisor	1,363
Math Team Advisor	1,079
National Honor Society (2)	1,079
Newspaper Advisor	1,079
Senior Class Advisor	2,216
Sophomore Class Advisor (2)	1,363
Student Council Advisor	1,648
Yearbook Advisor (2)	2,216

Music

Assistant Band Instructor	3,068	
Chamber Singers	937	
Color Guard	1,623	
Concert Percussion Ensemble	3,246	
Madrigal Singers	1,623	
Marching Band Director	5,199	5,696
Marching Band Instructor-Fall	2,597	
Instrumental Instructor		
Marching Band Instructor (3) Fall	1,623	
Instrumental Instructor		
Marching Band Instructor Fall	649	
Instrumental Instructor		
Men's-PHS Vocal Ensemble	1,081	

PHS Spring ~~Wind~~ Instrumental 1,623
Ensemble

~~Treble Choir~~ PHS Vocal Ensemble 1,081

DRAFT

HIGH School (Continued)

Voc

Audio Tech Advisor	1,623
FBLA Advisor	1,623
FCCLA Advisor	1,623
Skills Advisor	1,623

Drama

Drama -Coordinator Fall Musical	5,199	
Drama - Spring Festival	1,623	
Drama - Spring Show	1,623	
Drama Musical Conductor	1,623	<u>3,246</u>

Enrichment

Destination Imagination Coaches	937
Destination Imagination Coordinator	1,079

Sped

Special Olympics Coaches (2)	1,933
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MIDDLE SCHOOL

Art Club	937
Bowling Club	937
Chess Club	937
Math Counts (2)	937
Newspaper Advisor	937
Ski and Snowboard Club (2)	1,363
Student Council Advisor (2)	937

MIDDLE SCHOOL (Continued)

Student Aspiration Advisor (2)	937
Yearbook Advisor	1,363

Music

Chamber Singers	937
Fall Instrumental Ens.	937
Spring Instrumental Ens.	937
Jazz Band	937

ELEMENTARY

(Numbers vary per building)

Safety Patrol	937
Chess Club	937
Peer Leadership	937
Student Council	937
School Store	937
Yearbook Advisor	937

Music

Band Conductor (2)	1,649
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**Article 56
POSTINGS**

56.1 The Superintendent shall provide the President of the ASSOCIATION, and have posted in each school, a list of vacancies and/or openings within the Portsmouth School System as frequently as the openings arise. This is to include all openings, full or part-time, co- or extra-curricular, federal, or special programs.

56.2 All open co- or extra-curricular positions and coaching positions will be posted in each school within the system. All qualified candidates within the system at the time of the opening will be interviewed. It is desirable to employ certified personnel whenever possible.

Article 57

EXTRA PAYMENT SCHEDULE

57.1 Payments for extra-curricular assignments and travel will be made in two (2) installments; the first pay period in December and the last pay period in June.

57.2 Payment schedule for coaches (less any deductions for loss of time and other deductions mutually agreed upon by both parties and authorized in writing by the teacher) will be:

Fall sports	First pay period in October
Winter sports	First pay period in February
Spring sports	First pay period in May

Article 58

NEW POSITIONS

In the event the school department establishes an entirely new co-curricular position, the School Department shall establish the rate for said position after consultation with the Association. If the Association disagrees with the rate to be established by management, it may negotiate for higher/lower compensation. During the pendency of such negotiation, the rate as established by the department shall be used if the job is filled. If a higher compensation is ultimately negotiated, it shall be retroactive to the first date that the new position was filled (in the absence of an agreement to the contrary between both parties). It is understood that the new position will be included in the first subsequent collective bargaining agreement forwarded to the City Council for approval.

Article 59

NO CHILD LEFT BEHIND ACT

In the event any school in the School District is required under Title I of the NCLBA of 2001 to develop an improvement plan, the parties agree that the BOARD, notwithstanding any other provision in this agreement, may assign employees to and from that school and make reasonable modifications to the duties and/or hours of employees assigned to the school. The BOARD agrees to provide thirty (30)-days written notice before transferring any teacher and agrees to bargain the impact of any teacher affected by the NCLBA.

Article 60
DURATION

This Agreement shall be effective July 1, ~~2008~~, 2014 and shall expire on June 30, 20148.

SIGNATURES

As Approved by the Portsmouth City Council, _____.

For the Portsmouth
School Board:

For the Association
of Portsmouth Teachers:

Chairperson

President

Superintendent of Schools

Chief Negotiator

City Negotiator

NEA/NH Representative

**APPENDIX A
TEACHER SALARY SCHEDULE**

2014-15

1	34,447
2	35,881
3	37,317
4	38,752
5	40,187
6	41,623
7	43,059
8	44,494
9	45,930
10	47,365
11	49,757
12	52,150
13	55,116

ADVANCED DEGREE SCHEDULE

	<u>0-12</u>	<u>Step 13*(FY 2014-15)</u>	<u>Step 13 (FY 2013-14 or earlier)</u>
Track B	2,582	4,000	5,417
Track C	6,306	8,008	9,711
Track D	6,972	8,725	10,478
Track E	8,002	9,627	11,246
Track F	8,968	10,873	12,778
Track G	10,299	12,205	14,311

LONGEVITY IN PORTSMOUTH

After 13 Years	2,729
After 16 Years	3,276
Interdisciplinary Council	4,000

APPENDIX B
COLA ADJUSTMENT FORMULA

CONSUMER PRICE INDEX - CPI-U (NOV. TO NOV. BOSTON-BROCKTON-NASHUA)	
FY 00	2.30%
FY 01	3.40%
FY 02	4.58%
FY 03	2.82%
FY 04	3.99%
FY 05	3.04%
FY 06	2.52%
FY 07	3.26%
FY 08	2.06%
Nov. 06 to Nov. 07	3.40%
Average	3.14%

APPENDIX C

PROFESSIONAL LEARNING PROJECTS (PLP): THEORY INTO ACTION

Purpose: The Purpose of the Professional Learning Project (PLP) is to support the development of an engaged learning community through innovative strategies in responding to student learning needs and sharing promising practices among educators. The PLP proposal must contribute to progress on district/building goals/initiatives including, but not limited to literacy, personalization, technology, power standards and assessment. Projects should connect together as many aspects of our “5 area framework” as possible by including elements of curriculum, instruction, assessment, professional development, and community.

Inquiry Question: This question frames the project and guides the professional learning. The question should be framed to focus on a specific issue appropriate to the teaching assignment/role of the individual(s). The question should be specific enough to be answered through action research, including research of best practices and the collection of actual student work.

Some samples:

What are effective strategies in accelerating the growth of students who are more than two years below grade level in reading?

How can technology be integrated effectively to increase student learning in the content areas?

Teacher (s): The Professional Learning Project can be a proposal for an individual or a group. Collaboration is strongly encouraged as well as a team approach to meeting the needs of students across classrooms. This might include small study circles devoted to discussion of common readings tied to a project theme.

Proposed Timeline: The duration of the PLP can be for as little as a semester and as long as two years, but PLP credits will only be awarded upon successful completion of the project.

Proposals: The Professional Learning Project should outline the research to be completed, the actions to be taken, and the evidence of student learning expected in addressing the inquiry question. The proposal should be detailed with dates for key events. An inquiry journal will be used to reflect on the professional learning throughout the project. The proposal should contain reasonable estimates of the time necessary to complete each phase of the PLP. The ultimate success of the project will lie in many educators engaging in this process of life-long learning, reflecting on what they have learned and bringing that new understanding or insight into their everyday classroom planning and instruction. Project participants will also be required to make a public presentation of their work to the staff and/or community. Deadlines for proposals to begin in the Fall semester is May 1 for the Spring semester is November 1.

Committee: A Committee made up of three teachers appointed by the APT and three administrators appointed by the Superintendent will review PLP proposals and recommend to the Superintendent those proposals that the Committee deems appropriate along with an estimate of the credits that will be awarded upon the successful completion of the project. The Superintendent will make a final determination within 30-days of receipt of the proposal from

the Committee. The Committee will also evaluate PLPs in progress and determine if the PLP has been satisfactorily completed and how many credits should be awarded. If the Committee is not unanimous in determining whether the PLP has been satisfactorily completed or how many credits to award, the matter shall be referred to the Superintendent for a final determination. If the teacher(s) disagree with the Superintendent's final determination, the teacher(s) involved, accompanied by another member of the bargaining unit, shall be given the opportunity to discuss the PLP with the Superintendent.

Credits: PLP credits will be awarded after all requirements are met. PLP credits will be based upon a conversion table that roughly equates to the time commitment of university credits and degrees. For example, a three-credit university course normally requires 45 hours of class time plus 2 hours of travel/preparation for each hour of class time, or a total of 135 hours.

Staff Development Hours: Only staff development hours in excess of those necessary to achieve certification will be counted toward advancement on the Advanced Degree schedule, limited to 5 credits every 3 years.

Transition: No PLP or Profession Development credits will be awarded for professional activities conducted prior to the effective date of the CBA. No teacher will be placed higher on the new Advanced Degree schedule higher than his/her current track status.

Salary Adjustments: Salary adjustments based upon successful completion of the PLP shall be applied once a year in accordance with present contract language.

APPENDIX D

NEW METHODS FOR MOVING ACROSS SALARY TRACKS
Effective Fall 2009

Track A	Track B	Track C	Track D	Track E	Track F
Bachelors Degree	Bachelors Degree Plus 15 Credits	Masters Degree OR Bachelors Degree Plus 45 Credits	Masters Degree Plus 15 Credits OR Bachelors Degree Plus 60 Credits	Masters Degree Plus 30 Credits OR Bachelors Degree Plus 75 Credits	Two Masters Degrees OR CAGS Degree OR Masters Degree Plus 45 Credits OR Bachelors Degree Plus 90 Credits

Credits: Credits can be earned three ways:

1. Taking approved graduate courses- Number of credits is determined by course
2. Current PD hours conversion- Every three years 50 non-course/PLP/recertification PD hours can be converted into 5 credits
3. Completing a Professional Learning Project- Credits determined by PLP committee

**APPENDIX A
SALARY SCHEDULE**

	<u>2014-15</u>		<u>2015-16</u>		<u>2016-17</u>		<u>2017-18</u>	
Step 1	40,961	41,783	Interval (1)	42,723	Interval (1)	43,791	Interval (1)	43,791
Step 2	42,455	43,141	Interval (2)	44,005	Interval (2)	45,105	Interval (2)	45,105
Step 3	43,995	44,543	Interval (3)	45,325	Interval (3)	46,458	Interval (3)	46,458
Step 4	45,591	45,990	Interval (4)	46,685	Interval (4)	47,852	Interval (4)	47,852
Step 5	47,244	47,485	Interval (5)	48,085	Interval (5)	49,287	Interval (5)	49,287
Step 6	48,958	49,028	Interval (6)	49,528	Interval (6)	50,766	Interval (6)	50,766
Step 7	50,733	50,622	Interval (7)	51,013	Interval (7)	52,289	Interval (7)	52,289
Step 8	52,573	52,266	Interval (8)	52,544	Interval (8)	53,857	Interval (8)	53,857
Step 9	54,480	53,965	Interval (9)	54,120	Interval (9)	55,473	Interval (9)	55,473
Step 10	56,456	55,719	Interval (10)	55,744	Interval (10)	57,137	Interval (10)	57,137
Step 11	58,504	57,589	Interval (11)	57,416	Interval (11)	58,852	Interval (11)	58,852
Step 12	60,626	59,678	Interval (12)	59,139	Interval (12)	60,617	Interval (12)	60,617
Step 13	64,420	61,843	Interval (13)	61,031	Interval (13)	62,436	Interval (13)	62,436
		63,852	Interval (14)	63,246	Interval (14)	64,309	Interval (14)	64,309
		65,713	Interval (15)	65,302	Interval (15)	66,238	Interval (15)	66,238
		Interval (16)	Interval (16)	67,376	Interval (16)	68,225	Interval (16)	68,225

Model Teacher*

Note: Teachers at Step 13 in 2014-15 will advance to Interval 15 in 2015-16. * Teachers who achieve model teacher status in 2017-18 will earn a stipend equal to 7.5% of their teacher interval. Teachers who do not earn AU's in 15-16 will be held harmless in FY 17 (same FY 16 salary).

ADVANCED DEGREE TRACK

	<u>2014-15</u>		<u>2015-16</u>		<u>2016-17</u>		<u>2017-18</u>	
Track B	0-12 2,604	13 (FY 16) 4,035	0-12 2,656	13 (FY 14) 4,116	0-12 2,716	13 (FY 16) 4,208	0-12 2,784	13 (FY 16) 4,314
Track C	6,362	8,080	6,489	8,242	6,635	8,427	6,801	8,638
Track D	7,034	8,803	7,175	8,979	7,336	9,181	7,520	9,411
Track E	7,703	9,802	7,857	9,998	8,034	10,223	8,235	10,479
Track F	9,047	10,859	9,228	11,188	9,436	11,440	9,671	11,726
Track G	10,390	12,404	10,598	12,662	10,836	12,947	11,107	13,271
		14,438		14,727		15,058		15,435

Note: Teachers who achieve Step 13 beginning in FY 16 and thereafter, will be paid in accordance with the (FY 16) schedule above.

LONGEVITY

	<u>2014-15</u>	<u>2015-16</u>	<u>2016-17</u>	<u>2017-18</u>
After 13 years	3,099	3,099	3,099	3,099
After 16 years	3,722	3,722	3,722	3,722
Interdisciplinary Council	4,544	4,544	4,544	4,544

Teachers who receive longevity in 14-15, will continue to receive it.

City of Portsmouth NH

Water and Sewer Assistance Programs



Program Effective Date: 01/01/15

If you are a current customer of the City of Portsmouth's Water and Sewer Division you may be eligible for one of the following assistance programs:

(1) Receive On-going Assistance of 25% off your water and sewer bills with the Water & Sewer Annual Assistance Program.

Water & Sewer Annual Assistance Program

25% discount on water and sewer for income-eligible homeowners or tenants serviced by the City of Portsmouth's Division of Water and Sewer.

- (1) Applicant must reside at the property and have a current water and sewer account at the address on the application.
- (2) See Application Section A for income restrictions.
- (3) Program discount is valid from date of acceptance forward. It is not applicable to any past due balances on the customer's account.
- (4) Applicant must provide the required documents as described on the application and schedule an appointment with the Billing Office.

(2) Receive Temporary Assistance of up to a \$300 credit toward your water and sewer bill once per year.

Water & Sewer Temporary Assistance

The City of Portsmouth Water and Sewer customers may receive up to a \$300 sewer credit if you have a verifiable financial hardship that occurred within the past six (6) months (e.g. major medical expenses, job loss, or a change in marital status).

- (1) Applicant must reside at the property and have a current water and sewer account at the address on the application.
- (2) Must be a verifiable financial hardship (see application form for more details).
- (3) Applicant must provide the required documents as described on the application and schedule an appointment with the Billing Office.



Water and Sewer Billing Office - City Hall
1 Junkins Ave
Portsmouth, NH 03801
603-610-7248 / www.cityofportsmouth.com

To access these services:

1. Verify your eligibility.

Check your eligibility for the programs for which you are applying (see programs listed to left).

2. Complete the appropriate application.

Be sure to include all requested documents as listed in the applications. (Applications are available at City of Portsmouth Water & Sewer Billing Office and online at www.cityofportsmouth.com.)

3. Water & Sewer Assistance applicants must set up their appointment through the Billing Office.

Please contact the Water & Sewer Billing Office located at Portsmouth City Hall to set up your appointment.

Phone # (603) 610-7248

Process Time for Applications:

Within three (3) weeks of your appointment you will receive a notification of approval, pending, or denial. Discounts through the Annual Assistance Program are good for one (1) year.

You need to apply each successive year thereafter.



Residential Toilet and Washing Machine Rebate Program Additional Information

Q. Why is Portsmouth offering toilet and washing machine rebates?

A. We are offering this program to our customers as an incentive to replace older, inefficient toilets and washing machines with high efficiency models. This is another step toward making our water and sewer systems as efficient as possible. When customers use less water then we have to produce and treat less water and wastewater, which saves water and money for everyone in the long run.

Q. Who qualifies for the program?

A. Residential customers who receive water service from the Portsmouth Water Division. Customers must submit an application with their original toilet and/or washing machine purchase receipt.

Q. How do I get an application?

A. You can download and print an application from the City of Portsmouth's website:
<http://www.cityofportsmouth.com/publicworks/index.htm>

You can also stop by City Hall or call our water billing department at (603) 610-7248 to receive one by mail.

Q. Do multi-family units qualify?

A. Multi-Family residential customers qualify but must provide additional information regarding their property and washing machines to receive the rebate. Please contact the Department of Public Works Metering office at 766-1443 to get further information.

Q. I live in a condo/townhome. I do not pay a water bill to a water utility, but to my condo association. Can I participate in the rebate program?

A. Yes! Master-metered condo and townhome associations are considered multifamily accounts by the Portsmouth Water Division. If you own your condo/townhome and are interested in replacing older fixtures, you may be eligible for a residential rebate. Customers must submit an application with their original toilet purchase receipt. To ensure you receive your rebate, include the model number of the toilet, removed from the box if it is not listed on the toilet purchase receipt. Include your condo/townhome association's name and primary address on your application.

Q. Is new construction eligible?

A. No, only existing customers are eligible.

Q. Can I email my application to you?

A. No. We must have an original signed application and the original purchase receipt.

Q. May I apply for each of my toilet rebates separately?

A. Yes. If you decide to purchase one toilet now and the next toilet at a later date (and funding is still available), you may apply for the second toilet.

Q. Why were only WaterSense toilets chosen for the rebate toilet list?

A. WaterSense toilets were chosen for the rebate list (1.3 gallons per flush) because it is the U.S. Environmental Protection Agency's labeling program for water efficiency. The WaterSense labeled toilets use an average of 1.28 gallons of water per flush and have passed rigorous testing standards. A list of the eligible toilets can be found at the following website:

http://www.epa.gov/watersense/product_search.html

Q. I want to make sure that I get the most for my money. Where can I find more information about toilet performance?

A. Visit the Maximum Performance (MaP) testing website for their assessment of popular toilet models. The MaP Testing program is a cooperative effort among Canadian and American partners to identify how well popular toilets models perform bulk removal using a realistic test media and to grade each toilet model based on this performance. Their website is:

<http://www.map-testing.com/>

Q. What stores participate in the program?

A. Any retailer that sells approved WaterSense labeled toilets can participate in the program.

Q. Can I purchase my toilet online?

A. You may purchase your toilet online and still receive a rebate. However, we will need the actual toilet purchase receipt shipped in the package you receive with your toilet(s).

Q. Can I purchase my toilet through a plumber?

A. Yes. Make sure the receipt from the plumber shows the toilet manufacturer, make, and model number and the price of the toilet(s) listed separately from any installation charges. Send the original work order along with your completed application.

Q. Who pays for installation?

A. Customers are responsible for the installation.

Q. The applications state that a site visit may be conducted to verify toilet replacements and washing machine installations. What does this mean?

A. Portsmouth will randomly select customers for inspections.

Q. How much water is saved by replacing my toilet and/or washing machine?

A. The amount of water savings depends on what type of toilet you are replacing, the number of persons in the household, and how often you use the fixture. Typical pre-1980 toilets use 8.0 to 5.0 gallons per flush (gpf); installing a more efficient toilet will save between 6.72 to 3.4 gpf. Typical homes built between 1981 and 1993 use 4.5 to 3.5 gpf. The following examples show the estimated water and cost savings for customers installing higher efficiency toilets and washing machines utilizing FY15 water and sewer billing rates:

- **Typical Family of Four, each flushing 4x/day:**
 - 3.5 gallon toilet = 56 gallons/day
 - 1.28 gallons toilet = 20.5 gallons/day
 - Estimated Savings of 13,000 gallons/year
 - 17.4 billable units
 - \$72.13 – water
 - \$194.83 - sewer

- **One Load of Laundry a Day:**
 - Older Top Loading Washer = 40 gallons/day
 - High Efficiency Washer = 13 gallons/day
 - Estimated Savings of 10,000 gallons/year
 - 13.4 billable units
 - \$55.48 – water
 - \$149.87 - sewer



City of Portsmouth

Portsmouth Water Division

Clothes Washer Rebate Application

Please make sure you read this application carefully, fill out completely, and sign bottom.

Customer Information

Name: _____ Service address: _____
 Telephone: _____ Account number (from water bill): _____
 (day) _____ Email address: _____
 (evening): _____

High-Efficiency Clothes Washer Information

Brand	Model name	Model No.	Purchase Date	Purchase Price

Rebate applications must be submitted within 90 days of purchase. Be sure to include the receipt!

Terms and Conditions: Please Read and Sign Below

- Rebates are available to residential Portsmouth Water Division (PWD) account holders. Applicant must be the owner of the property listed on the rebate application.
- Applicant is responsible for verifying that the appliance is on the Consortium of Energy Efficiency (CEE) qualifying list **at Tier 3**. The list can be accessed via the Super Efficient Home Appliances Initiative Clothes Washer Qualifying Product List website at:
<http://library.cee1.org/content/qualifying-product-lists-residential-clothes-washers>
- **Make sure you purchase the exact make and model # indicated on the Tier 3 list.**
- Applicant agrees and understands that the PWD does not guarantee that the installation of a high-efficiency clothes washer will result in water savings, as site-specific water consumption varies.
- PWD does not warrant, endorse, or assume liability for the quality, performance, or safety of the contractor and/or retailer or wholesaler, or performance of any appliance or fixture. Choice and acceptance of materials used is solely the applicant's.
- In order to be eligible to participate in the rebate program, applicants must have an account in good standing with the PWD and agree that the PWD or its representative has the right to inspect and may inspect the installation of the fixture before or after the rebate credit is applied to applicant's water bill.
- An unaltered dated sales receipt, listing the make and model number, **MUST** accompany this application.
- Applicant understands that PWD may withhold rebate until any or all of the above listed conditions are met.
- The clothes washer rebate is \$150 and will be in the form of a check mailed to the customer.
- The PWD reserves the right to discontinue the rebate program and/or to change the amount of eligible rebate on any appliance or fixture at any time and without further notice.
- **The rebate offer is on a first-come, first-serve basis until funding is exhausted. Only one rebate allowed per household. Applications must be received within 90 days of purchase.**
- I have read, understand, and agree to the terms and conditions of this rebate program.

Signature of applicant

Date

**Please Mail or drop off this form and documentation:
 Portsmouth Water Division, Finance Department, 1 Junkins Ave., Portsmouth, NH 03801**



City of Portsmouth

Portsmouth Water Division

Toilet Rebate Application

Please make sure you read this application carefully, fill out completely, and sign bottom.

Customer Information

Name: _____	Mailing address: _____
Account number (from water bill): _____	Town: _____ State: _____ Zip: _____
Telephone: (day) _____	Property address where toilet(s) installed (if different from mailing address): _____
(evening): _____	
Email address: _____	

Toilet Information

Only toilets that are on the list of WaterSense labeled toilets are eligible for a rebate.

Manufacturer	Model name	Model No.	Purchase Date	Purchase Price
1.				
2.				

Rebate applications must be submitted within 90 days of purchase. Be sure to include the receipt!

Multi-Family residential customers qualify but must provide additional information regarding their property and toilets to receive the rebate. Please contact the Department of Public Works Metering office at 766-1443 to get further information.

Program Guidelines

- Rebates are available to residential Portsmouth Water Division (PWD) account holders. Applicant must be the owner of the property listed on the rebate application.
- **The rebate offer is on a first-come, first-serve basis until funding is exhausted. Applications must be received within 90 days of purchase. The new toilet must be installed.**
- The rebate is \$100 per toilet and will be in the form of a check mailed to the customer. PWD reserves the right to limit the number of toilets eligible for rebate to a customer.
- Old toilets cannot be reused.
- New building construction projects do not qualify for rebates. Rebates must replace an existing higher-flow toilet with a qualifying high-efficiency toilet.
- Applicant is responsible for verifying that the new toilet is an **EPA WaterSense labeled high-efficiency toilet**. The list of eligible toilets can be accessed via the EPA's website at http://www.epa.gov/watersense/product_search.html
- **Make sure you purchase the exact make and model # indicated on the list.**
- An unaltered dated sales receipt, listing the make and model numbers, **MUST** accompany this application and be submitted by within 90 days of purchase.
- In order to be eligible to participate in the rebate program, applicants must have an account in good standing with the PWD and agree that the PWD or its representative has the right to inspect the installation of the fixture before or after the rebate credit is applied to the applicant's water bill.

Applicant agrees and understands that the Portsmouth Water Division does not guarantee that the installation of a high efficiency toilet will result in water savings, as site-specific water consumption varies. The Portsmouth Water Division does not warrant, endorse, or assume liability for the quality, performance, or safety of the contractor and/or retailer or wholesaler, or performance of any appliance or fixture. Applicant agrees to hold harmless the City of Portsmouth and employees against loss, damage, expense and liability resulting from the loss, destruction or damage to property arising out of or in any way connected with the installation of a toilet. Applicant agrees that the PWD or its representative has the right to inspect the installation of the fixture before or after the rebate credit is applied to the applicant's water bill.

Signature of applicant

Date

Mail to: Portsmouth Water Division, Finance Department, 1 Junkins Ave., Portsmouth, NH 03801

City of Portsmouth

Water Efficiency Rebate Program Announcement

Postcard to be mailed to all residential water and sewer customers in December 2014

Water Efficiency Rebate Program

The City of Portsmouth's Water and Sewer Division is pleased to announce our latest effort to promote water efficiency in our water and sewer systems — A Toilet and Washing Machine replacement rebate for eligible residential water customers.

Qualifying customers who replace older, inefficient toilets and clothes washing machines with high efficiency, low flow models will be eligible to receive a \$100 rebate per toilet and \$150 per washing machine.

Additional information and forms can be found on the City of Portsmouth's website: <http://www.cityofportsmouth.com/publicworks/index.htm>

Customers can also stop by the Water/Sewer Billing Office at City Hall on Jenkins Avenue in Portsmouth or the Department of Public Works office on 680 Peverly Hill Road in Portsmouth or call during business hours at: 603-427-1530





C-0872-1
December 2, 2014

Mr. John Bohenko, City Manager
City of Portsmouth Municipal Complex
1 Junkins Avenue
Portsmouth, New Hampshire 03801

**Re: Amended Door Swing License
Portwalk – Lot 3, Hanover Street**

Dear Mr. Bohenko:

On behalf of Portwalk HI, LLC and Hanover Apartments, LLC, we are pleased to provide the following information to support a request for approval of an amended door swing license at the above referenced project:

- Hanover Street Door Swing License Exhibit, Sheet 1 of 1 dated December 2, 2013

The City Council previously granted approval of a door swing license for the Portwalk – Lot 3 project along the Hanover Street sidewalk. As shown in the enclosed exhibit, the door in the previously approved Site Plan was located approximately 82ft southwest of the intersection of Hanover Street and Portwalk Place. The approved door previously provided access the project's parking deck.

The latest Site Plan approved by the Planning Board and constructed by the applicant expanded the restaurant space along the Hanover Street sidewalk towards the entrance of the project's basement level parking garage. The expanded restaurant footprint resulted in the relocation the previously approved door along the Hanover Street sidewalk. This door was shifted 37.5ft further southwest down the Hanover Street sidewalk. The relocated door provides a means of egress for the expanded restaurant space onto the Hanover Street sidewalk. The relocated door swings across the property line.

The applicant respectfully requests that City Council approve the amended door swing license.

Very truly yours,

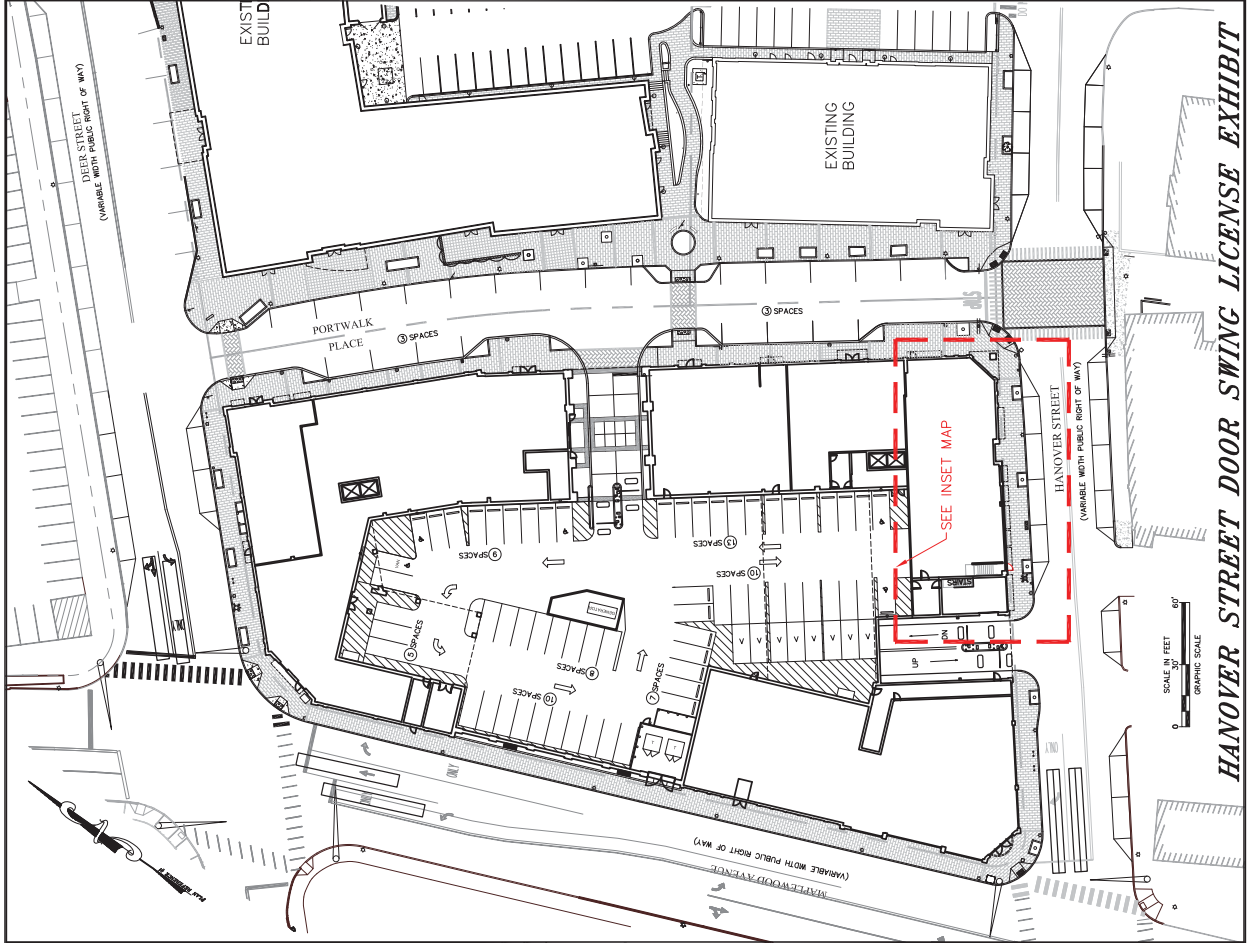
TIGHE & BOND, INC.

Patrick M. Crimmins, P.E.
Senior Engineer

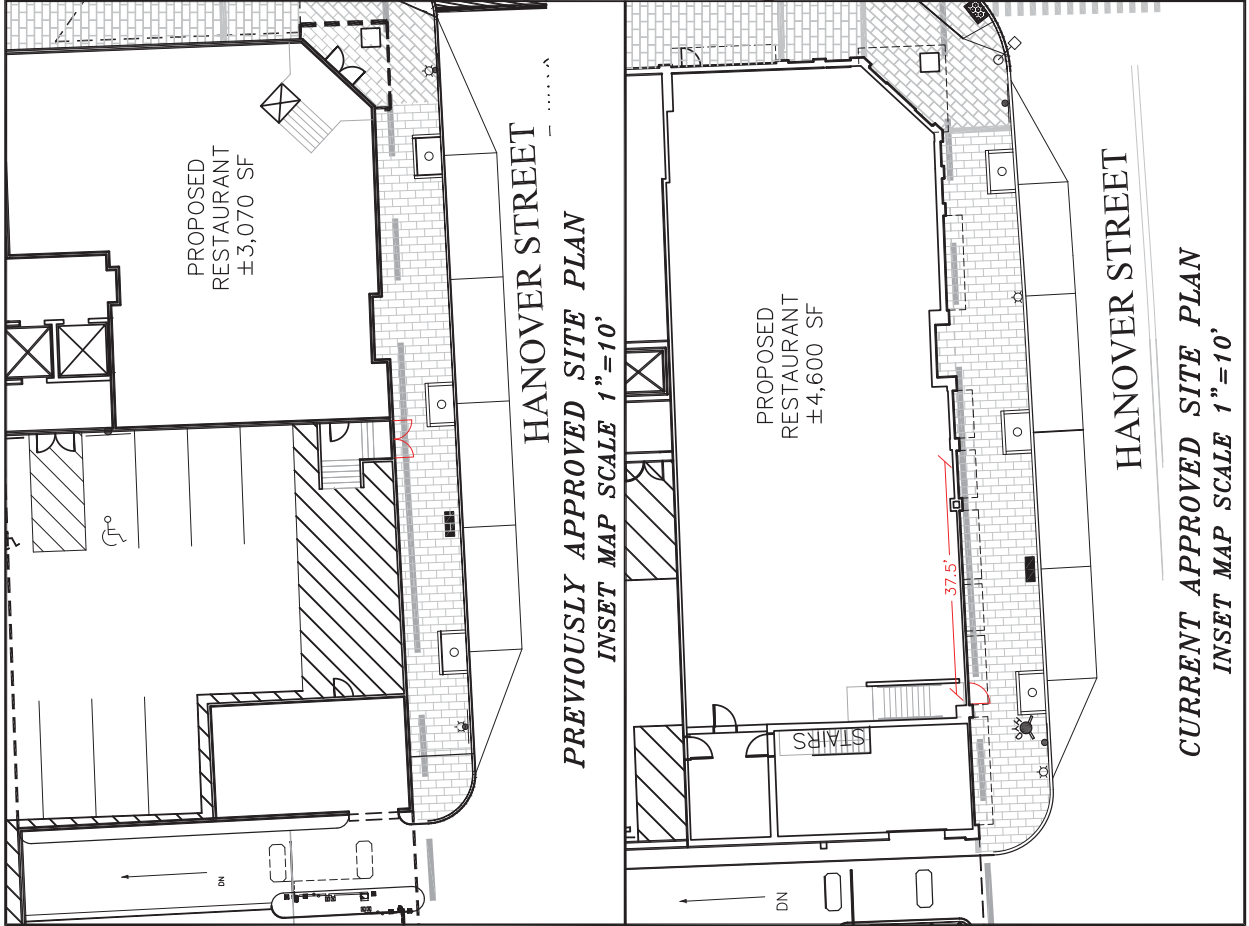
J:\C\C0872 - Cathartes Portsmouth, NH Portwalk Lot 3 Mixed Use\ADMIN\1208721-041 (Door Swing).Doc

Enclosures





HANOVER STREET DOOR SWING LICENSE EXHIBIT



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

**AMENDMENT TO EASEMENT AND LICENSE AGREEMENT
TAX MAP 125 LOT 1**

THIS FIRST AMENDMENT TO EASEMENT AND LICENSE AGREEMENT TAX MAP 125 LOT 1 is entered into on this ___ day of December 2014, by **Hanover Apartments, LLC** (“Hanover”), a New Hampshire limited liability company with a principal place of business at c/o Cathartes Private Investments, 11 Beacon Street, Suite 1120, Boston, MA 02108, and the **City of Portsmouth** (“Portsmouth”), a municipal corporation with a principal place of business at 1 Junkins Avenue, Portsmouth, NH 03801, on behalf of themselves and their successors and assigns, as follows:

WHEREAS, Hanover’s predecessor in title, Parade Office, LLC (“Parade Office”) and Portsmouth previously entered into a certain Easement and License Agreement dated December 5, 2012, (the “Easement and License Agreement”) that was recorded in the Rockingham County Registry of Deeds at Book 5385, Page 2326, for the purpose of establishing certain easements for roof overhangs into the public air space as well as certain licenses for transitory door swings into the public air space, all for the benefit of Parade Office, its successors and assigns, being shown on a certain Plan entitled “Easement and License Plan Tax Map 125 Lot 1 Property of Parade Office, LLC 195 Hanover Street Portsmouth, New Hampshire County of Rockingham” dated September 12, 2012, and last revised September 26, 2012, prepared by MSC Civil Engineers & Land Surveyors, Inc. and recorded in the Rockingham County Registry of Deeds as Plan No. D-37552 (the “Easement and License Plan”); and

WHEREAS, the Easement and License Agreement and the Easement and License Plan pertain to a certain parcel of land located at 195 Hanover Street in Portsmouth, County of Rockingham and State of New Hampshire, being shown as Lot 3 on a certain Subdivision Plan dated June 4, 2008, with revision 3 dated April 14, 2009, and recorded in the Rockingham County Registry of Deeds as Plan D-35916 and shown on the City of Portsmouth’s Assessor’s Map as Tax Map 125 Lot 1 (hereinafter the “Subject Property”); and

WHEREAS, Parade Office submitted the Subject Property to condominium ownership by Declaration dated December 7, 2012, and recorded in the Rockingham County Registry of Deeds at Book 5386 Page 2543 (“Condominium Declaration”); and

WHEREAS, the Condominium Declaration created two condominium units, being Unit #1 and Unit #2, both as further described in the Condominium Declaration and as shown on a

certain condominium site plan titled, "Condominium Site Plan 195 Hanover Street Condominium Tax Map 125 Lot 1 Property of Parade Office, LLC 195 Hanover Street Portsmouth, New Hampshire County of Rockingham," prepared by MSC Civil Engineers & Land Surveyors, Inc. and last revised on December 6, 2012, and recorded in the Rockingham County Registry of Deeds as Plan D – 37508 ("Condominium Site Plan"); and

WHEREAS, Parade Office conveyed Unit #1 of the Condominium to Hanover by deed dated December 11, 2012, and recorded in the Rockingham County Registry of Deeds at Book 5387 Page 2814; and

WHEREAS, during the construction of Unit #1 of the Condominium, the size and location of the door associated with Door Swing License #1 as shown on the Easement and License Plan was changed; and

WHEREAS, the door associated with Door Swing License #1 is part of Unit #1 of the Condominium now owned by Hanover; and

WHEREAS, the parties recognize that, as a result of the change to the size and location of the door associated with Door Swing License #1, changes to the existing Door Swing License #1 contained in the Easement and License Agreement are now necessary for the proper use and enjoyment of Hanover's property.

NOW THEREFORE, the parties declare and agree as follows:

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

1. LICENSE AREA #1, as set forth in paragraph 1 of the Easement and License Agreement is hereby deleted and replaced in its entirety by the following new LICENSE AREA #1, which area is shown on a plan entitled "Easement and License Plan Tax Map 125 Lot 1 Property of Parade Office, LLC 195 Hanover Street Portsmouth, New Hampshire County of Rockingham" dated September 12, 2012, with revision 5 dated August 6, 2014, to be recorded herewith (hereinafter the "Recorded Plan"):

LICENSE AREA # 1

A License for the placement of door swings into the public right-of-way or air space, all appurtenant to the GRANTEE's proposed building, said License Area # 1 being described on the Recorded Plan as "DOOR SWING LICENSE # 1 AREA = 9 S. F.," being more particularly bounded and described as follows:

Beginning at a point in the northerly side line of Hanover Street, said point being N 51°29'05" E a distance of 127.04 feet from the beginning of a curve at the intersection of Hanover Street and

Maplewood Avenue; thence proceeding along said Hanover Street and land now or formerly of Hanover Apartments, LLC N 51°29'05" E a distance of 4.00 feet to a point; thence turning and proceeding into said Hanover Street S 38°30'55" E a distance of 2.18 feet to a point; thence turning and proceeding through said Hanover Street S 51°29'05" W a distance of 4.00 feet to a point; thence turning and proceeding through said Hanover Street N 38°30'55" W a distance of 2.18 feet to the point of beginning.

Containing: 9 square feet (.0002 acres) more or less.

2. All terms of the Easement and License Agreement, not otherwise amended by this document, are hereby incorporated by reference and affirmed by the parties as if fully set forth herein.

IN WITNESS WHEREOF this _____ day of December, 2014.

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

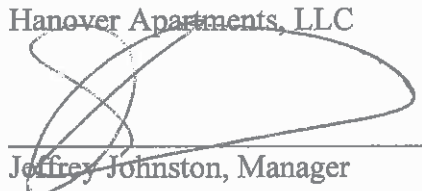
GRANTOR
The City of Portsmouth

Witness

John P. Bohenko, City Manager
Pursuant to Vote of the City
Council on _____



Witness

GRANTEE
Hanover Apartments, LLC


Jeffrey Johnston, Manager

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

This instrument was acknowledged before me on December ___, 2014, by John P. Bohenko in his capacity as the City Manager for the City of Portsmouth, New Hampshire.

Before me,

Notary Public / Justice of the Peace
My Commission Expires

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

This instrument was acknowledged before me on December ___, 2014 by Jeffrey Johnston in his capacity as Manager of Hanover Apartments, LLC.

Before me,

Notary Public/ Justice of the Peace
My Commission

Event Listing by Date

Starting Date: 11/17/2014

Ending Date: 9/30/2015

Start End	Type Description	Location	Requestor	Vote Date
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
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
3/29/2015 3/29/2015	ROAD RACE Donald Allison is the contact for this event. Telephone No. (617) 835-2378	Portsmouth High School	Eastern States 20 Mile	11/17/2014
4/18/2015 4/18/2015	WALK Emily Christian is the contact for this event. Telephone: 781-693-5154 This event begins at 10:00 a.m. to 2:00 p.m., start and finish at Little Harbour School.	Little Harbour School - start and finish	National Multiple Sclerosis So	10/20/2014
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

Run: 12/04/14
9:18AM

Event Listing by Date

Page: 2

Starting Date: 11/17/2014

Ending Date: 9/30/2015

Start End	Type Description	Location	Requestor	Vote Date
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
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
9/26/2015 9/27/2015	BIKE TOUR Donna Hepp is the contact for this event. dhepp3@gmail.com or 414-258-3287	Rte. 1B over Memorial Bridge	Granite State Wheelmen	11/17/2014
9/26/2015 9/27/2015	TOUR This event is for two days. Caroline Amport Piper is the contact. Telephone (603) 686-4338	South End	Friends of the South End	11/17/2014

NORTH END PRELIMINARY VISION PLAN



- 1 NOBLE'S ISLAND
- 2 ALBACORE MUSEUM
- 3 PSNH SUBSTATION
- 4 MAPLEWOOD/DENNETT GATEWAY REDEVELOPMENT
- 5 MARSH LANE PARK
- 6 WATERFRONT DINING
- 7 MILL POND CIVIC PLAZA & GREEN
- 8 MILL POND WATERFRONT PARK
- 9 3S ARTSPACE
- 10 MARKET STREET ROUNDABOUT & PARKS

- 11 NORTH END PLAZA
- 12 FUTURE HARBORCORP/WHOLE FOODS CONVENTION CENTER
- 13 UNION CEMETERY/NORTH CEMETERY
- 14 MAPLEWOOD HISTORIC HOMES
- 15 TRANSIT ORIENTED DEVELOPMENT
- 16 FUTURE PASSENGER RAIL STATION
- 17 FUTURE NORTH END PARKING GARAGE W/ MIXED-USE LINER BUILDING
- 18 FUTURE MAPLEWOOD AVENUE SQUARE/PARK
- 19 FUTURE ARTISAN/WORFORCE HOUSING DISTRICT
- 20 FUTURE UPWARD EXTENSION OF HEINEMANN BUILDING
- 21 FUTURE MIXED-USE DISTRICT
- 22 FUTURE INFILL & LINER BUILDINGS
- 23

DESIGN NARRATIVE

The North End is envisioned over the long term to grow as a complementary extension of Portsmouth's downtown. Unlike many other areas of the City, very little historical context remains. This fact, coupled with several larger vacant parcels, makes this district ripe for redevelopment opportunities close to downtown.

The North End Vision Plan has four main components:

CIVIC SPACE

The Plan incorporates an extensive network of parks, plazas, paths, trails and open space. One essential feature is the waterfront trail network along the periphery of the North Mill Pond. With several landscaped fingers, this network is designed to pull the waterfront back into the North End. In celebrating the unique history of this area, a central civic space is located adjacent to the former shipbuilding and launch ramp as a series of hardcape plazas, greens and waterfront esplanades for active and passive recreation. Across the Maplewood Avenue bridge, the existing City-owned boat launch site on Marsh Lane is expanded into a new park. The trail network also includes a path through the Union & North Cemeteries.

BUILDING DESIGN

The massing strategy of the vision plan is to respond to the surrounding context and viewsheds by stepping down building heights and densities towards the waterfront and existing historic structures. While Portsmouth's downtown is rich in historical architectural styles, public opinion during the charrette expressed a desire for a mixture of contemporary building design, styles and materials in the North End. This purposeful distinction will help to define the North End as a unique entity while complementing and contrasting with the historic character of the larger downtown.

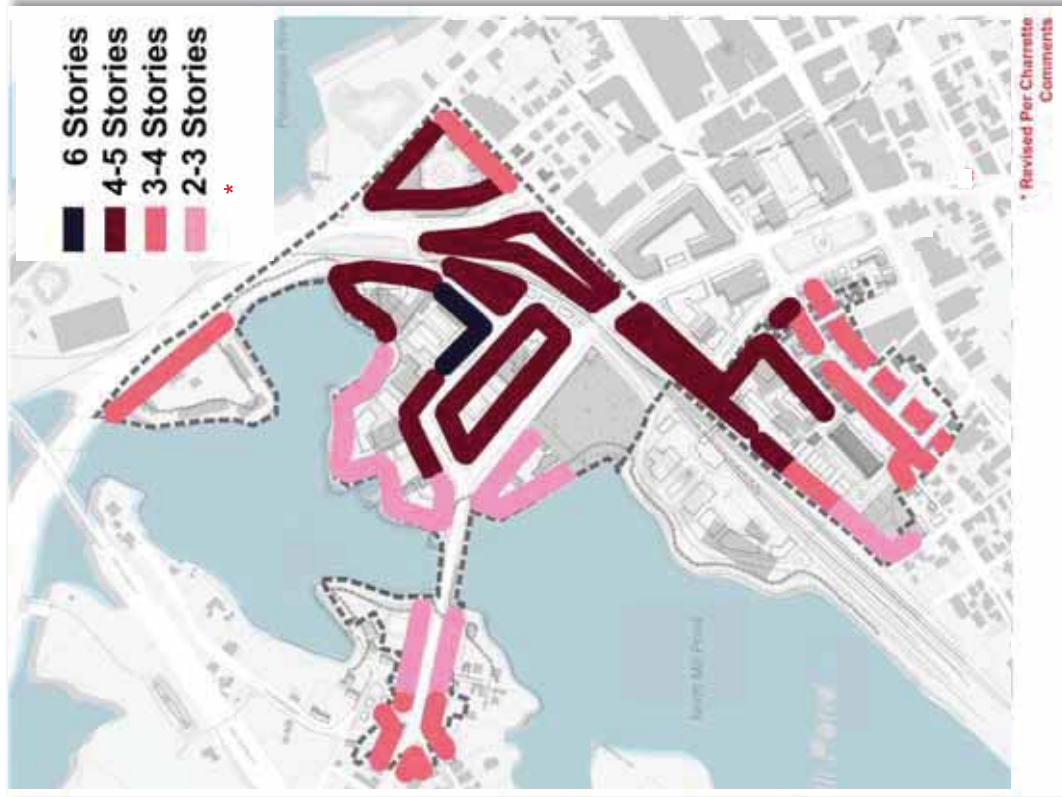
LAND USE

Land uses in the North End will include a variety of residential, office and commercial spaces. The Vision Plan anticipates a range of mixed-use building types from smaller rowhouses and live-work units to mid-rise buildings. Ground floor uses will be commercial in order to activate streetscapes and to keep residences out of potential flood zones. Ideally, these residential units will incorporate a full range of housing opportunities from affordable workforce housing to luxury units. Parking will be located in the rear of lots, in subterranean garages or in wrapped parking structures to be concealed from public view. There may be an opportunity to support infill housing on the former PSNH Substation parcel now that much of the equipment has been removed or consolidated.

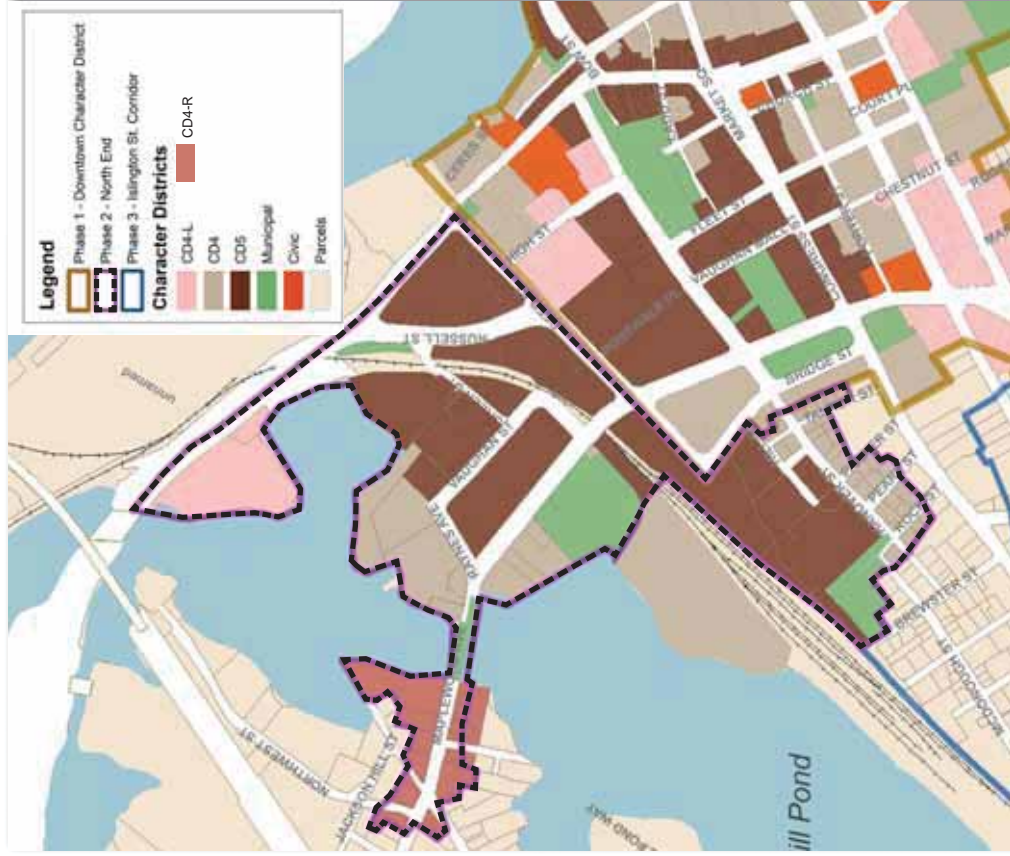
TRANSPORTATION & INFRASTRUCTURE

The Vision Plan anticipates a harmonious integration of various modes of transportation including pedestrian, bicycle, vehicular and transit connections in the form of bus and future passenger rail lines. All thoroughfares are designed to be pedestrian-friendly and incorporate multi-modal design features including generous sidewalks and bike lanes where possible. The City is planning to replace the Maplewood Avenue bridge over the North Mill Pond. When this is done, there may be opportunities to integrate new buildings and waterfront dining to better connect the Dennett Street area with the North End.

PLAN PORTSMOUTH
 NORTH END PRELIMINARY VISION PLAN

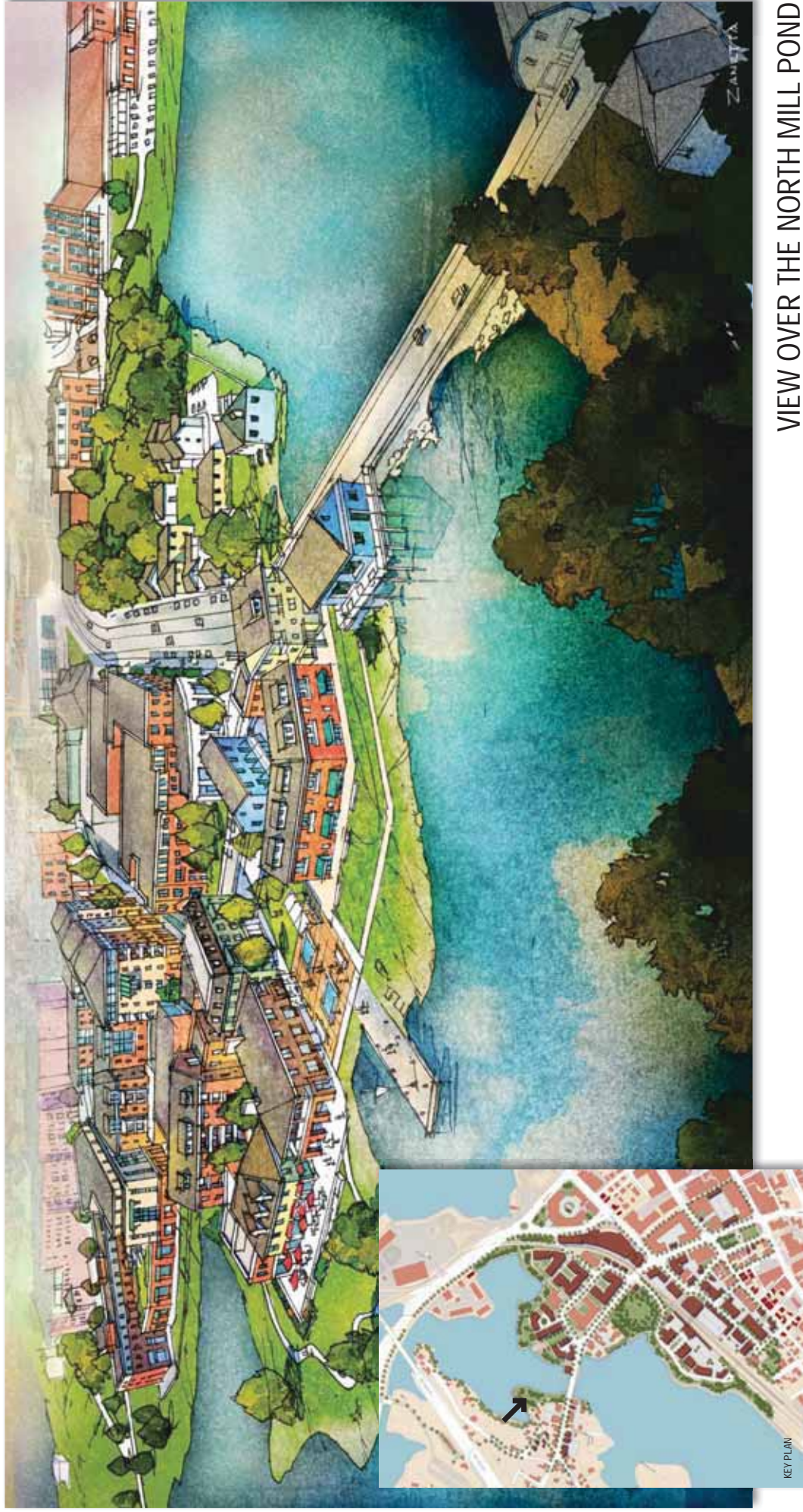


PRELIMINARY BUILDING HEIGHT MAP



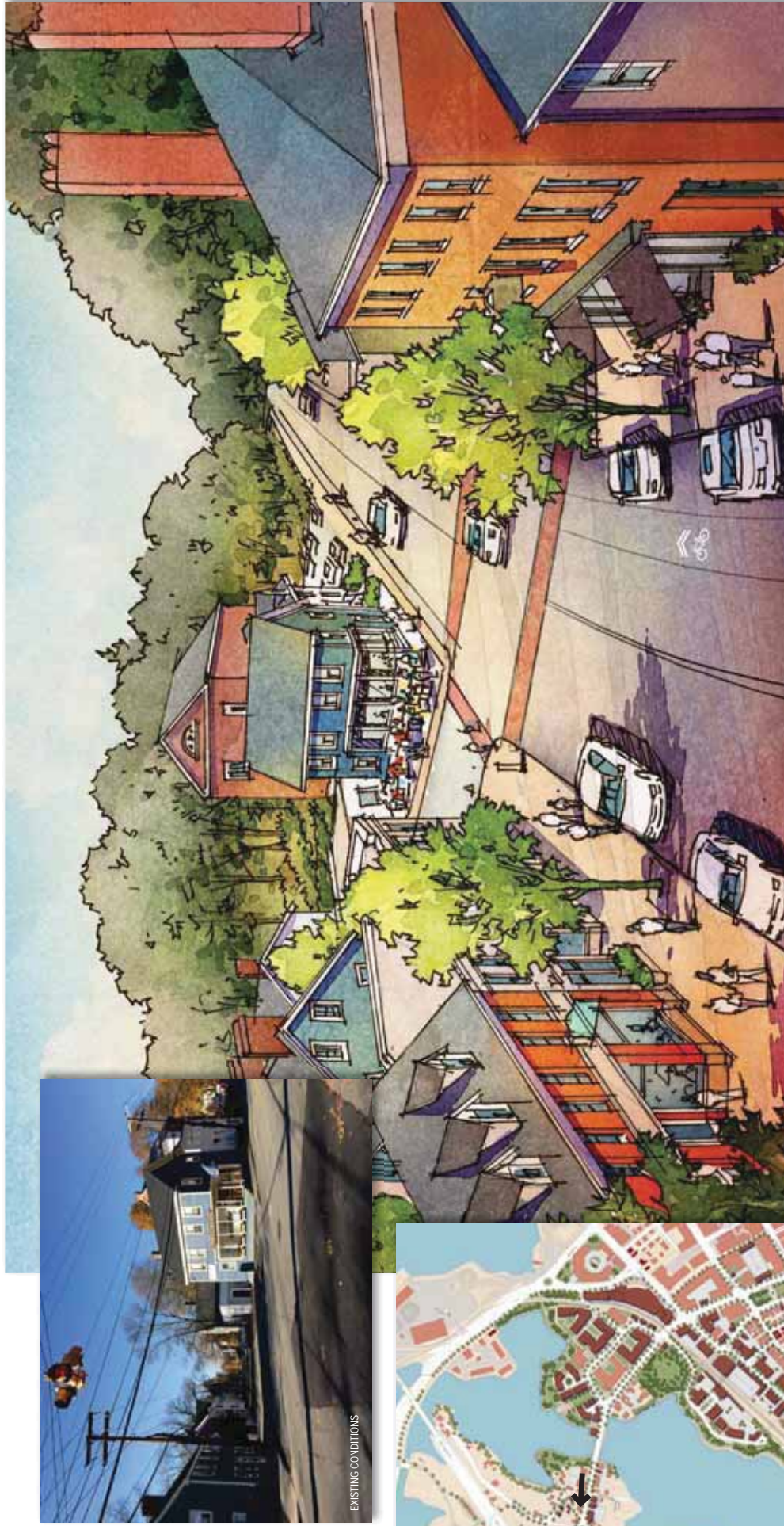
PRELIMINARY REGULATING PLAN

PLAN PORTSMOUTH
NORTH END PRELIMINARY VISION PLAN



VIEW OVER THE NORTH MILL POND

PLAN PORTSMOUTH
NORTH END PRELIMINARY VISION PLAN



VIEW OF THE MAPLEWOOD AVENUE/DENNETT STREET GATEWAY



PLAN PORTSMOUTH
NORTH END PRELIMINARY VISION PLAN



NORTH MILL POND PLAZA

PLAN PORTSMOUTH
NORTH END PRELIMINARY VISION PLAN



THE DEER STREET MIXED-USE DISTRICT



CITY OF PORTSMOUTH

Municipal Complex
1 Junkins Avenue
Portsmouth, New Hampshire 03801
(603) 431-2000

CITY COUNCIL NON-PUBLIC SESSION RE: ACQUISITION OF REAL PROPERTY PURSUANT TO RSA 91-A:3, II (d)

DATE: MONDAY, DECEMBER 15, 2014

LOCATION: CITY HALL – EILEEN DONDERO FOLEY COUNCIL CHAMBERS &
CONFERENCE ROOM A

TIME: 6:30 PM

SUBJECT: 165 Deer Street

A G E N D A

- I. Roll Call vote of Council in Attendance
- II. Roll Call vote for motion to enter into Non-Public Session Re: Acquisition of Real Property Pursuant to RSA 91-A:3, II (d)
- III. Adjournment

KELLI L. BARNABY, CMC/CNHMC
CITY CLERK

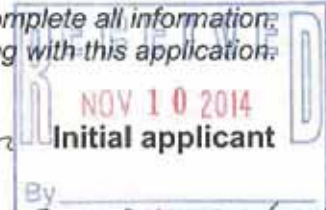
NOTICE TO MEMBERS OF THE PUBLIC WHO ARE HEARING IMPAIRED: If you require assistance, contact Dianna Fogarty, Human Resources Director, at 603-610-7270, one week before the meeting to make arrangements.



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 Commission

Name: Jennifer Zorn Telephone: 603-812-7132 (cell)

Could you be contacted at work? YES NO If so, telephone# 603-812-7132 (cell)

Street address: 83 Merrimac St.

Mailing address (if different): P.O. Box 1572

Email address (for clerk's office communication): jenzorn66@gmail.com

How long have you been a resident of Portsmouth? 5 years

Occupational background:

20+ years experience providing regulatory, project management and public outreach services to land development community, both private and public sectors.

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

Professional experience in the areas of: feasibility studies, agency compliance, zoning compliance, project management, consensus building, historic preservation and impact studies relative to community character/socioeconomics.



Have you contacted the chair of the Board/Commission to determine the time commitment involved? YES/NO I contacted Nancy Carner. She provided details on commitment.

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

Reasons for wishing to serve: I would like to be part of the team of people, citywide, that continue to make Portsmouth a wonderful community for all ages. And, assist with the mission of the EDC to foster prosperity but also retain the characteristics important to the residents.

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

Big Brothers / Big Sisters
UNH Advisory Committee / Memorial Bridge, as a Living Bridge
SIPP (2010 - 2014)

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

1) Maurice Foster, 15 Harding Rd 603-436-8959
Name, address, telephone number

2) Michael Frandzel, 404 Union St. 603-502-0608
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: [Handwritten Signature] Date: Nov. 10, 2014

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

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

Jennifer L. Zorn
83 Merrimac Street, Portsmouth, NH 03801
(603) 812-7132 or jenzorn66@gmail.com

Summary

Over twenty years of experience providing regulatory, project management and public outreach services to the land development community, both private and public sectors. Earned a reputation for excellence among clients and agencies alike and offers a broad range of knowledge; including ability to interface between the client, multi-disciplinary staff, regulatory approval agencies and public stakeholders. Successful at acquiring multi-level land development approvals as well as managing complex and/or controversial projects on schedule and under budget.

Signature Strengths

Owner's representation	Budget and schedule adherence
Project planning and strategy	Public Involvement
Project management	Regulatory approvals
Violation negotiation and resolution	Feasibility studies
Testimony	Problem solving and consensus building

Agency compliance:

- USEPA, USFWS, USACOE, FAA, NHDES, NHDHR

Work accomplished in:

- NH, ME, NJ, NY, VT, PA

Professional Certifications & Education

American Institute of Certified Planners (AICP), #016754, 2001 to present
M.A. Environmental Management, Montclair State University, NJ 1997
B.S. Environmental Planning and Design, Rutgers University - Cook College, NJ 1992
A.A. Humanities, County College of Morris, NJ 1988

Positions Held

<u>Public Outreach Coordinator.</u> McFarland Johnson, Concord, NH	2010 to present
<u>Sr. Project Manager.</u> Zorn Consulting, LLC, Morristown, NJ	2005 to 2010
<u>Project Manager.</u> URS Corporation, Wayne, NJ	2002 to 2005
<u>Senior Planner.</u> Matrix Environmental, Florham Park, NJ	2002
<u>Principal Planner.</u> The RBA Group, Morristown, NJ	1999 to 2001
<u>Senior Permitting Agent.</u> DSI, Fairfield, NJ	1999
<u>Senior Planner.</u> Edwards and Kelcey, Inc., Morristown, NJ	1995 to 1998
<u>Senior Planner.</u> Connolly Environmental, Inc., Denville, NJ	1990 to 1995

CITY OF PORTSMOUTH, N.H.
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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



Committee: Planning Board

Name: William F. Waldhill Telephone: 603-534-1083 Cell

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

Street address: 12 Barberry Lane

Mailing address (if different): _____

Email address (for clerk's office communication): vilho1@comcast.net

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

Occupational background:

See attached Resume

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

Reasons for wishing to continue serving: I have been on the Planning Board now for a few years and with the Master Plan process starting up in 2015, I believe I can contribute alot to the process. I have enjoyed giving back to my community and being apart of it. I believe I have so much to give to the city in these next few years.

OVER
➔

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

Historic District Commission
CIP Sub committee

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

- 1) Dennis Coakley 10 Barberry Lane 603-431-7507
Name, address, telephone number
- 2) Jane Clarke 777 Middle Road 603-436-8148
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature: *[Handwritten Signature]* Date: 11/25/14

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 12/31/2017
 Annual Number of Meetings: 21 Number of Meetings Absent: 0
(2013)
 Date of Original Appointment: 3/1/2010

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

CITY OF PORTSMOUTH, N.H.
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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



Committee: RANNING BOARD

Name: JOHN RICCI Telephone: 603-234-9932

Could you be contacted at work? YES/NO - If so, telephone # Y 436-3112

Street address: 19 TAFT ROAD

Mailing address (if different): _____

Email address (for clerk's office communication): jricci@ricciconstruction.com

How long have you been a resident of Portsmouth? 42 YEARS

Occupational background:

PROFESSIONAL ENGINEER & CONSTRUCTION
MANAGER

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

Reasons for wishing to continue serving: I HAVE SERVED
FOR 11 YEARS AND HAVE ENJOYED
SERVING ON THE CITY'S BEHALF



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

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

1) KEVIN SEMPRINI ISLINGTON CT 603.834.4996
Name, address, telephone number

2) ALAN WESTON 603.661.2301
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature:  Date: 11.14.14

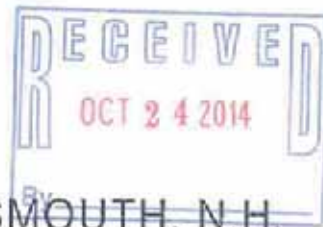
CITY CLERK INFORMATION ONLY:

New Term Expiration Date: _____

Annual Number of Meetings: 21 (2013) Number of Meetings Absent: 3

Date of Original Appointment: 08/05/2002

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



CITY OF PORTSMOUTH, N.H.
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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

Committee: Portsmouth Housing Authority Initial applicant

Name: Rebecca Perkins Telephone: (603) 223-9182

Could you be contacted at work? YES NO If so, telephone# see above

Street address: 249 Islington St., Apt. 2

Mailing address (if different): same

Email address (for clerk's office communication): rperkins@orr-reno.com

How long have you been a resident of Portsmouth? 2 years (grew up in Stratham; moved back from DC)

Occupational background:
Attorney; I now practice in New Hampshire,
but have also practiced in New York
City and Washington, D.C.

Please list experience you have in respect to this Board/Commission:
I have been involved in housing in New
Hampshire for several years now. Current-
ly, I serve on the Board of the Workforce
Housing Coalition and helped found the
603 Initiative. I also served on the
state Workforce Housing Advisory
Council in 2009-2010.

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: Housing is vitally important to building strong communities, and I am passionate about keeping talented New Hampshire natives in New Hampshire.

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

Workforce Housing Coalition (Board; Outreach Chair)
603 Initiative (Founder)
Natick (Chair of the Board)
Seacoast Rugby Club

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

1) Ben Frost, NHHFA (603) 310-9361
Name, address, telephone number

2) Susanne Delaney, State Department (603) 817-2736
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: R. Perts Date: 10/24/14

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

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: BOARD OF ADJUSTMENT



Name: ARTHUR PARROTT Telephone: 436-9256

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

Street address: 190 GRANT AVENUE

Mailing address (if different): _____

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

How long have you been a resident of Portsmouth? 43 years

Occupational background:

NUCLEAR ENGINEER (Retired) PNS

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

Reasons for wishing to continue serving: Even after serving a few years, I continue to find the applications to the BOA to be interesting and, sometimes, challenging.



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

- Portsmouth Board of Registrars
- Executive Committee, Seacoast Shipyard Assoc.
- Boy Scouts (Troop 162) Merit Badge Advisor
- Seacoast Family Food Pantry (Former Board Member)
- Portsmouth Planning Board (Former Member)

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

(Portsmouth references preferred)

- 1) Peter Torrey 436-8297
25 T.J. Gamester, Ave. Portsmouth
 Name, address, telephone number
- 2) Col. James L. Walters 436-5550
200 Grant Ave., Portsmouth
 Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature: AS Parrott Date: 11/26/2014

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 12/1/2019

Annual Number of Meetings: 16 Number of Meetings Absent: ∅
(2013)

Date of Original Appointment: 3/29/2009

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.

Historic District Commission or Zoning Board of Adjustments,

Committee: or the City of Portsmouth's Fishing Industry Committee

Initial applicant

Name: Stacy Lonergan Telephone: 603-957-0347

Could you be contacted at work? YES/NO If so, telephone # yes 603-957-0347

Street address: 99 Boyd Road, Portsmouth, NH 03801

Mailing address (if different): _____

Email address (for clerk's office communication): stacy.lonergan@gmail.com

How long have you been a resident of Portsmouth? 30+ years

Occupational background:

Property Management in Boston, MA

Commercial Real Estate brokerage and permitting 20 years (office
R&D, Flex, Hotels)

Currently permitting administrator for national building contractor in 26 states

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

Raised in the South End during the revitalization of the area from 70's to the 80's

Published articles in the New England Real Estate Journal 2003, 2004

Featured "Women in Real Estate" New England Real Estate Journal 2003, 2004



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: _____

It's time to serve my city and give back to to the community

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

Portsmouth Elks - Member

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

1) Dan Freund, 37 Prospect Street 603-817-0161


Name, address, telephone number

2) Russ Graizer, 220 KEARSARGE WAY 603431-4278

Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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2. The Mayor will review your application, may contact you, check your references, and determine any potential conflict of interests; and
3. This application may be forwarded to the City Council for consideration at the Mayor's discretion; and
4. If this application is forwarded to the City Council, they may consider the application and vote on it at the next scheduled meeting.
5. Application will be kept on file for one year from date of receipt.

Signature:  Date: 6/9/2014

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

6/27/2012

STACY LONERGAN

99 Boyd Road, Portsmouth, NH 03801 ● 603-957-0347 ● stacy.lonergan@gmail.com

Production, Marketing, & Sales Support

Dedicated and technically skilled business professional with a versatile administrative and marketing support skill set developed through extensive training experience as a team member.

Key Skills

Office Management	Report & Document Preparation	Site Location
Permit Coordination	Spreadsheet & Database Creation	Building – Site Permitting
Creation of Marketing Materials	Market Research	Meeting & Event Planning

Experience

Home Brands, Inc., Portsmouth, NH

2014 to Current

Permitting & Licensing Administrator

- Responsible for processing and maintaining paperwork pertaining to licenses, permits, registrations and other legal documents required for the installation of outdoor storage products in over 26 states.
- Work with County, Townships, Towns & City plans examiners, zoning administrators, and historic district commissions within the 26 state my company operates within.
- Stay abreast of changing muni code of states, counties, & cities/town municipal codes.
- Order stamped engineered drawings per muni code as needed for building permit applications.
- Work with various code enforcement offices in 26 states; resolve code enforcement issues.

Riverside & Pickering Marine Contractors, Eliot, ME

2012 to 2014

Assistant to the Director of Operations

- Assist the Director of Operations in designing, developing, planning and management of wetlands construction projects from concept to completion. Initiating and conducting sales calls, attending meetings and follow up through completion of the sales and permitting processes.
- Maintain company leads, opportunities, and “wins” in SalesForce.
- Follow up and/or processing of on-going permitting projects with federal, state, and local agencies.
- Implementation of inventory software and company operating procedures of picking of materials.
- Create purchase orders and sales orders for materials required for repairs and maintenance of company construction equipment and vessels.
- Create sales estimates and client contracts. Book sales calls for the Estimator based on area low tides and weather.
- Process service calls for clientele repairs of docking systems.
- Securing materials required for residential and commercial wetlands projects with tight timing deliverables. Working within the constraints of a construction timetable based on tides and availability of marine construction vessels.
- Coordination of inventory and picking process with Yard Coordinator and marine construction crews.

- Assist Account Executives with preparation of proposals, writing general correspondence, research potential prospects, eblasts, creation of sell sheet. Assisting the creation of marketing materials/general collateral material, create print display concept advertisements, book print advertising with local print media and chamber inserts. Create and maintain the company's social media outlets (Twitter, Facebook, and LinkedIn) and the many other tasks deemed necessary for the overall success of the office.
- Rebrand company logo, website and stationary. Maintain company CRM Salesforce
- Collect weekly time billing sheets from Account Executives and process via QuickBooks Timesheets
- Prepare monthly invoices to clients

NAI Norwood Group, Portsmouth, NH *Commercial Real Estate Brokerage*

Office Manager, 2008 to 2010

Marketing Coordinator, 2008 to 2010

- Assist the Portsmouth and Bedford offices, the company and its agents. Writing proposals, writing purchase and sales agreements, writing letters of intent, writing general correspondence, researching client information imputing listing information, sending eblasts, printing flyers. Assisting the creation of marketing materials/general collateral material, create print display concept advertisements, book print advertising with local print media and chamber inserts. Create and maintain the company's social media outlets (Twitter, Facebook, and LinkedIn) and the many other tasks deemed necessary for the overall success of the office.
- Research and update property/contact databases and/or prospects in the NH Seacoast Market
- Co-ordinate the signage for the Portsmouth office with company vendor, review proofs with agents, order sign installation and removal
- Prepare annual Portsmouth office marketing budget and quarterly review with company controller and Vice President.
- Member of the NAI Global Marketing Committee and Branding Committee. Participated as Marketing Director representative on behalf of NAI Norwood Group

Vitalicious, Hampton, NH *Natural Food Consumer Packaged Goods* **2005 to 2007**

Sales and Trade Show Coordinator, 2007

Administrative Assistant, 2005 to 2007

Served as assistant to the Vice President of Sales

- Negotiate contracts with tradeshow sales staff for booth space, arrange logistics, book demonstration staff, arrange travel for exhibit staff, and contract all necessary media promotions for shows, contract with exhibit service vendors. Provide assistance of the construction and tear-down of the exhibit booth. Prepare food product for sampling. National travel 35%.
- Responsible for company tradeshow budget in excess of \$250,000 annually consisting of 22 trade shows.
- Provide sales support to Vice President of Sales. Arrange travel for VP of Sales
- Plan coordination of all tradeshow from pre-show to post-close
- Manage database mining, sales tracking; generate reports that support executive decision making.
- Contract and coordinate national in-store demo programs
- Assemble sales kits
- Supported partnership with strategic product broker network interfaced with national broker network Acosta/NSS
Major Top MSA Shows: Natural Products Expo West, Natural Products Expo East, Food Marketing Institute, International Fancy Food, International Dairy Deli Bakery Association

O'Connell Hospitality Group, Danvers, MA *Commercial Hotel Real Estate Brokerage 2002 to 2005*

Director

- Real estate hotel property brokerage, implemented successful marketing program; contact property owners, present marketing plans, close on listings
- Prepared broker opinion of value packages, client research, press releases, and manage corporate website presence. Represent company at industry events. Coordinate annual company golf outing
- Create concept print display advertisements for business trade publications
- Published Article New England Real Estate Journal, February 3, 2003, "2003 Outlook for Maine Hotels is Bright."
- "Spotlight: Women in Commercial Real Estate" New England Real Estate Journal November 2003 & 2004.
- Sold Inn at Ocean's Edge, Lincolnville, Maine, Marriott Eagle Crest, Ypsilanti, MI
- Average listing portfolio value: \$25,000,000

Commercial Facilities, Portsmouth, NH *Commercial Real Estate Brokerage 1993 to 2002*

Real Estate Broker

- Prepare marketing packages for sales team
- Provide office support to sales team
- Sales and leasing of commercial real estate
- Site locator, exclusive representation of Cabletron Systems that successfully located and negotiated leases thirty first class and R&D facilities nationally as a tenant representative a fortune 500 company over the course of 18 months
- Pursue potential commercial real estate investments for Wedge Group, Houston, Texas
- Site location, initial feasibility study and permitting of Hampton Inn, Portsmouth, NH, opened 1997 and was market leader in the Hampton Inn East Coast from Maine to Florida. It continues to be a market leader in its competitive set
- Sales: Days Inn, Saugus, MA, Radisson Hotel Chelmsford, MA, Holiday Inn Express, Dover, NH,
- Market study & easements of Marriott WindWatch, Hauppauge, NY: 358 rooms, 18-hole golf course, and partial permitted undeveloped residential land
- Retail site locations - clients: Outback Steak House, Wendy's, and independent retailers

Hamilton Realty, Allston, MA *Property Management 1988 to 1993*

Property Manager

- Prepare marketing packages for sales team.
- Property Management: Multi-family portfolio of 600 units in Greater Boston Area and Downtown Boston.
- AP/AR, payroll, tenant retention, coordination of property maintenance for assigned assets.
- Prepare and authorized tenant evictions, review tenant retention lease requests, review of marketing efforts of vacancies.
Review of lease rent rolls and tenant lease summary of assigned assets.
Prepare require reports per the terms so ordered by the bankruptcy court. Hamilton emerged from bankruptcy in 1993

from a debt of \$675 million.

Education

Northeastern University , Boston, MA 1988-1991
Portsmouth Senior High School, Portsmouth, NH 1987

Business Administration

Licensed Real Estate Broker - New Hampshire.

Skills:

Microsoft Office 2010

Adobe InDesign

Microsoft Publisher

Microsoft CRM

ACT!

Catylist

InnoVia MLS System

Social Media for Business

Salesforce

Fishbowl Inventory System



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 Dev Commission

Name: EVANOT EATON Telephone: 430-3508

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

Street address: 155 Pinetrees Rd.

Mailing address (if different): Same

Email address (for clerk's office communication): EVANOT.EATON@TD.COM

How long have you been a resident of Portsmouth? 29 years

Occupational background:
VP COMM LENDING - TD BANK

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

Reasons for wishing to continue serving: _____
Strong Economy Supports ~~the~~ LOWER TAX RATES



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

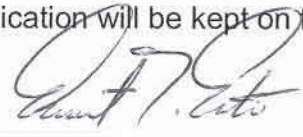
Prescott Park
Romney Club

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

1) JOHN BOSEN 427-5500
Name, address, telephone number
2) MIKE MCKENRY 436-1344
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: 11/2/14

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 10-1-2018
Annual Number of Meetings: 11 Number of Meetings Absent: 0
2013
Date of Original Appointment: 7/16/2001

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

Request for Report from Fire Commission/Fire Department: A committee representing Portsmouth citizens, Councilors, the Fire Department and the Fire Commission met for over a year to learn about the current operations of the Department and to identify four major questions that were important to pursue for the improvement of the Department. Those are important questions to answer as we review the Fire Department budget in the coming years. Since the majority of the Council voted to have the Chief and the Commission conduct the research internally rather than with outside expertise, I would like to request that report back by the end of April 2015 in advance of budget deliberations. Although Councilors seemed to be concerned that Chief Achilles was too new in his position to address changes in the Department, he has served the Department now for over 14 years so the timing of a review seems optimal.

Councilor Chris Dwyer

**CITY OF PORTSMOUTH
PORTSMOUTH, NH 03801**

TO: Mayor Robert J. Lister & City Council Members

FROM: Eric Spear, Chair of City Manager Evaluation Committee

DATE: December 4, 2014

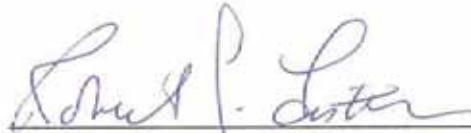
SUBJECT: Report of Evaluation Committee Re: City Manager Compensation

As requested by the City Council, the City Manager Evaluation Committee met to discuss additional compensation above his base salary which is allowed under Section 4, Paragraph B of the City Manager's Employment Agreement, which states:

"The Employee shall be provided with such additional or further compensation above his base salary as may be voted by the City Council from time-to-time, based upon its annual performance evaluation and review of the Employee."

The Evaluation Committee consisting of myself, Councilor Lown and Councilor Dwyer are recommending that a payment of \$10,000 be made to the City Manager's 401(a) Plan in January 2015 representing an addition to compensation for FY 2015. In addition to many positive achievements for the City, the Committee felt that the City Manager had achieved a major milestone when the City achieved AAA Bond Rating. This bond rating has resulted in hundreds of thousands of dollars in savings for the City as it borrows for infrastructure improvements.

In accordance with Section 4, Paragraph B of the City Manager's Employment Agreement, move to authorize \$10,000 to be made to the City Manager's 401(a) Plan in January 2015 representing an addition to his compensation for FY15.



On behalf of Councilor Eric Spear
Robert J. Lister, Mayor

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, School Board 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. Listing an individual's primary source of annual income and capital assets. However, in no instance shall disclosure be mandated of any capital asset whose value at the time of disclosure is below Ten Thousand (\$10,000) 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: 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.
- D. Determining Violations: For violation and enforcement purposes, complaints alleging violation of the mandatory disclosure ordinances shall be administered in accordance with the process 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)

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 passage with respect to the City Council and the School Board. It will take effect with respect to Police and Fire Commission as of January 1, 2016.

No person in office or municipal employment on the date of adoption of this amendment shall not be subject to its terms until that person shall commence a subsequent term of office.

APPROVED:

Robert J. Lister, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

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

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- 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 **the City Manager and** members of the City Council, School Board 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.

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- 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: 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.
- D. Determining Violations: For violation and enforcement purposes, complaints alleging violation of the mandatory disclosure ordinances shall be administered in accordance with the process 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)

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 passage with respect to the City Council and the School Board. It will take effect with respect to Police and Fire Commission as of January 1, 2016.

APPROVED:

Robert J. Lister, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

ORDINANCE #
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Municipal Official: For the purpose of mandatory financial disclosure, the term "Municipal Official" shall be defined to include members of the City Council, School Board Police Commission, Fire Commission, **Board of Adjustment, Planning Board, Historic District Commission, and Trustees of the Trust Funds.**

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.

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APPROVED:

Robert J. Lister, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk