

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, JANUARY 5, 2015 TIME: 6:30PM

AGENDA

- I. CALL TO ORDER (6:30PM)
 - II. ROLL CALL
 - III. ANTICIPATED “NON-MEETING” WITH COUNSEL RE: PROPOSED EARLY RETIREMENT PROGRAM IN ACCORDANCE WITH RSA 91- A: 2, I (b)
 - IV. INVOCATION
 - V. PLEDGE OF ALLEGIANCE
- PRESENTATION**
1. Pedestrian and Bicycle Plan – Juliet Walker, Transportation Planner
- VI. ACCEPTANCE OF MINUTES – NOVEMBER 17, 2014, DECEMBER 8, 2014 AND DECEMBER 22, 2014
 - VII. PUBLIC COMMENT SESSION
 - VIII. PUBLIC HEARING
 - A. RESOLUTION IN THE AMOUNT OF FIVE HUNDRED FIFTY-FIVE THOUSAND FIVE HUNDRED DOLLARS (\$555,500.00) FOR A SUPPLEMENTAL APPROPRIATION RE: COLLECTIVE BARGAINING AGREEMENTS
 - IX. APPROVAL OF GRANTS/DONATIONS
 - A. Acceptance of Donation from Mark Wentworth Home in the amount of \$15,000.00 in support of the monthly Senior Luncheons (***Sample motion – move to approve and accept the donation from The Mark Wentworth Home, as listed***)
 - X. CONSIDERATION OF RESOLUTIONS AND ORDINANCES
 - A. Adoption of Resolution in the amount of Five Hundred Fifty-Five Thousand Five Hundred Dollars (\$555,500.00) for a Supplemental Appropriation Re: Collective Bargaining Agreements. (***Sample motion – move to adopt a Resolution in the amount of Five Hundred Fifty-Five Thousand Five Hundred Dollars (\$555,500.00) for a Supplemental Appropriation from Unassigned Fund Balance regarding Collective Bargaining Agreements in accordance with Section 7.14 of the City Charter (Two-thirds vote required for passage)***)

- B. Third and Final 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 accept the recommendation of the Planning Board that the Zoning Ordinance be amended as proposed and, further, move to pass third and final reading)**
- C. Third and Final Reading of Proposed Ordinance amending Chapter 10 – Zoning Ordinance, Section 10.1110 – Off-Street Parking by Inserting a new paragraph 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 **(Sample motion – move to pass third and final reading of the proposed Ordinance as recommended by the Planning Board, as presented)**

XI. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

A. Acceptance of Police Department Grant and Donations:

- A Grant in the amount of \$7,391.00 from Susteen Advanced Mobile Forensics. The total cost of the equipment is \$12,390.00, the grant pays for \$7,391.00 of the cost and the matching funds of \$4,999.00 will come from the main ICAC funding Grant already in place
- Donation of a Gateway laptop computer by Homeland Security to the Portsmouth Police Department. This is forfeited equipment resulting from a New Hampshire Internet Crimes Against Children Task Force Case
- A Donation in the amount of \$25.00 from retired Police Commissioner William Mortimer in support of the Portsmouth Explorer Post
- A Donation in the amount of \$151.40 from retired Chief Dr. David “Lou” Ferland, in support of the Portsmouth Police Explorers
- A Donation to the Police Department from Newburyport Five Cents Savings Bank in the amount of \$500.00

(Anticipated action - move to approve and accept the grant and donations to the Portsmouth Police Department)

B. Acceptance of Donation to the Fire Department from Newburyport Five Cents Savings Bank in the amount of \$500.00 **(Anticipated action - move to approve and accept the donation to the Portsmouth Fire Department)**

C. *Acceptance of Donation to the Coalition Legal Fund:

- Town of Carroll - \$1,000.00

(Anticipated action - move to approve and accept the donation, as listed, to be placed in the Coalition Legal Fund)

D. Letter from Emily Christian, National Multiple Sclerosis Society, Greater New England Chapter, requesting permission to hold the 2015 Bike MS NH Seacoast Escape on Saturday, August 22, 2015 **(Anticipated action – move to refer to the City Manager with power)**

XII. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

(There are no written communications or petitions on for acceptance)

XIII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

Items Which Require Action Under Other Sections of the Agenda

1. Public Hearing and Adoption of Resolution:
 - 1.1 Public Hearing and Adoption of Resolution in the amount of Five Hundred Fifty Five Thousand Five Hundred Dollars (\$555,500.00) for a Supplemental Appropriation Re: Collective Bargaining Agreements **(Action on this item should take place under Section X of the Agenda)**
2. Third and Final Reading of Proposed Ordinances:
 - 2.1 Third and Final 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 item should take place under Section X of the Agenda)**
 - 2.2 Third and Final Reading regarding a Proposed Ordinance amending Chapter 10 – Zoning Ordinance, Section 10.1110 - Off-Street Parking by Inserting a new paragraph 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 **(Action on this item should take place under Section X of the Agenda)**

City Manager's Items Which Require Action:

1. Ratification of Purchase of Property Re: 113 Cottage Street

Informational items

1. Events Listing
2. Report Back Re: Abandoned or Derelict Buildings

B. MAYOR LISTER

1. Joint Budget Committee Recommendation for FY16 Operating Budget *(See attached memorandum)* **(Sample motion – move to accept budget guidelines recommended from the Joint Budget Committee for the FY16 Operating Budget, as presented)**
2. *Report Back Re: Members to the Blue Ribbon Committee on the Sagamore Creek Land

At the City Council meeting on December 8, 2014, the Blue Ribbon Committee on Sagamore Creek Land was established. The charge of the Committee 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:

The following Committee members have been appointed:

1. Councilor Eric Spear, Chairman, Council Representative
2. Councilor Christine Dwyer, Council Representative
3. Allison Tanner, Representative from the Conservation Commission
4. Lennie Mullaney, Representative from the School Board
5. Kory Sirmaian, Representative from the Recreation Board
6. John Mikolaites, Resident
7. Alison Pyott, Resident
8. Ex-officio City Manager, or his designees Non-Voting

3. Appointment to be Considered:

- Jay Leduc – Appointment to the Planning Board as a regular member (current alternate)
- Reagan Ruedig – Appointment to the Historic District Commission as a regular member (current alternate)
- Richard Shea – Appointment to the Historic District Commission as an alternate member

4. Resignations:

- Shelley Saunders from the Conservation Commission
- Tracy Kozak from the Historic District Commission

C. ASSISTANT MAYOR SPLAINE

1. AIRBNB – How we can make it work in Portsmouth (*See attached*)

D. COUNCILOR KENNEDY

1. *Commercial Properties and the potential Assessors letter being sent out by the City

E. COUNCILOR LOWN

1. Parking & Traffic Safety Committee Action Sheet and Minutes of the November 13, 2014 meeting (***Sample motion – move to approve and accept the action sheet and minutes of the November 13, 2014 Parking & Traffic Safety Committee meeting***)

F. COUNCILOR DWYER

1. Request for Work Session Re: Home-owner short-term rentals (*See attached*)

G. COUNCILOR THORSEN

1. Reconsideration of Adoption of Bonding Resolution of up to Six Hundred Thousand Dollars (\$600,000.00) for the Purchase of a Heavy Rescue Fire Truck

XIV. MISCELLANEOUS/UNFINISHED BUSINESS

XV. 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.

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, NOVEMBER 17, 2014

PORTSMOUTH, NH
TIME: 5:30 PM [or thereafter]

I. CALL TO ORDER (5:30 P.M.)

Mayor Lister called the meeting to order at 5:30 p.m.

II. ROLL CALL

In attendance at 5:30 p.m.: Mayor Lister, Assistant Mayor Splaine, Councilors Shaheen, Lown and Spear.

III. ANTICIPATED "NON-MEETING" IN ACCORDANCE WITH RSA 91-A:2, I (a) REGARDING COLLECTIVE BARGAINING

Councilor Spear moved to adjourn to Conference Room A for a "Non-Meeting" in accordance with RSA 91-A:2, I (a) regarding Collective Bargaining, seconded by Councilor Shaheen. Motion voted on a 5-0 roll call.

IV. ANTICIPATED "NON-PUBLIC" SESSION

- A. **LAND NEGOTIATIONS IN ACCORDANCE WITH RSA 91-A:3, II (d)**
- B. **PERSONNEL IN ACCORDANCE WITH RSA 91-A:3, II (a)**

Councilor Shaheen moved to go into "Non-Public" Session regarding Land Negotiations in accordance with RSA 91-A:3, II (d) and Personnel in accordance with RSA 91-A:3, II (a), immediately following the "Non-meeting", seconded by Councilor Lown. Motion passed on a 6-0 roll call vote (Councilor Thorsen arrived in time for vote and Councilor Dwyer was also in attendance at the Non-meeting and Non-Public Sessions for a total of 7 Councilors present)

CALL TO ORDER OF REGULAR MEETING

Mayor Lister called the regular meeting to order in Council Chambers at 7:05 p.m.

ROLL CALL

Mayor Lister requested the Clerk take another roll call for attendance.

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

V. INVOCATION

VI. PLEDGE OF ALLEGIANCE

Mayor Lister requested Josh Denton from the audience to lead the Pledge of Allegiance.

VII. PRESENTATIONS

▪ Blue Ribbon Committee on Sustainable Practices

Bert Cohen, Chair, Peter Britz, Environmental Planner, Patrick Ellis, School Board Representative, members Josh Denton and Bob Cook, gave a brief presentation of past and current sustainability issues and gave some ideas for future measures, including “pay as you throw” program for trash removal to coincide with the upcoming Master Plan process.

Councilor Morgan stated she appreciates the work of the Committee and Chairman Cohen for his passion as well as Peter Britz. She stated they are enthusiastic and knowledgeable and she looks forward to seeing the vision brought forward.

Assistant Mayor Splaine stated he doesn't want to lose sight of the sustainability ideas going forward with the Waste Water Treatment Facility. He stated he recently toured the Durham Treatment Plant and wants the City Manager to look into that as well.

Mayor Lister thanked the Sustainable Practices Committee for their presentation.

▪ U.S. Post Office Relocation

Joseph Mulvey, Real Estate Specialist for the US Postal Service, gave a brief update regarding the recent notice from General Services Administration (GSA) to vacate their current space at 80 Daniels Street, the McIntyre Federal Building. He stated they would prefer to remain in the current location but if they have to relocate they would like to have a combination retail/mail carrier facility with approximately 13,660 square feet, as currently they are in 2 separate locations. He concluded that the first phase of the relocation process is to notify the elected officials and public and receive public comment and he gave the address as follows: Joseph Mulvey, Relocation Specialist, 2 Congress Street, Room 8, Milford, MA 01757.

Mayor Lister stated that the City will work with them through the process.

Councilor Dwyer clarified that the GSA is not longer involved in the postal service activities. Mr. Mulvey stated that is correct as the postal service separated from the government in the 1970's.

Councilor Shaheen stated that a new location hasn't yet been identified but asked if they are looking to stay downtown. Mr. Mulvey stated they would like to stay as close as possible to the existing facility but if they do combine the two services, they will require greater parking so they may have to go outside of the downtown. Councilor Shaheen clarified that if they are able to stay in existing location then they will still have to have 2 facilities for the 2 separate functions. Mr. Mulvey stated yes.

VIII. ACCEPTANCE OF MINUTES – JULY 14, 2014

Councilor Shaheen moved to accept the Minutes of the July 14, 2014 City Council meeting. Seconded by Councilor Dwyer and voted on an 8-0 roll call. (Councilor Kennedy was disconnected at time of this vote)

IX. PUBLIC COMMENT SESSION

Bob Hassold – stated Portsmouth is a popular destination with a serious parking problem. He stated that there have been many discussions with many Councils and he wants this Council to be the one that ends the problem by beginning the construction of a new parking garage in Spring 2015. He suggested asking the PDA to lease a few acres in the Port while the garage is being built.

Sarah Hourihane on behalf of Rebecca Perkins – stated they both sit on the Workforce Housing Coalition and are excited to hear about the redevelopment plan for the Frank Jones Center and that it may include workforce housing and hopes that the city will work toward this plan.

Nancy Novelline Clayburgh – spoke regarding One Sky Community Services located on Banfield Road which supports children with developmental disabilities and brain injuries. She stated that her 25 year old son Michael has been able to be a contributing member of the community and earn his own money, graduate high school, volunteer and play sports and lives a fulfilling life and not one of institutionalization, because of this organization.

Dick Bagley – President of One Sky Community Services – stated they are looking to inform the public regarding the services provided to people with various maladies. He stated they are asking for public support in several ways; people to volunteer to serve on the Board, public support to contact State legislature to continue funding as the shift is towards for-profit organizations instead on non-profits; and finally, businesses to provide work opportunities for those who are leaving school ready to enter the workforce. He thanked Lowe's and Target for their support and urged more companies to become involved.

David Lafevers – stated he is concerned that the handicap parking spaces downtown are now enforced as 3 hour parking spots which takes away spaces for those who need it near their residences. He asked that more handicap spaces be provided.

Jeffrey Cooper – stated he received a cease and desist order from the City regarding his AirBnB which he and his wife began in order to supplement income to pay taxes and make repairs etc. He stated that the AirBnB is a gray area of what constitutes a business versus a private residence use. He stated there are no signs, names, websites, food service etc. and is only one room in their house. He stated it is unfortunate that this has become an issue and would like the ZBA to look for positive solutions and a win/win outcome when they appeal.

Jane Zill - thanked the Mayor and Police Commissioners for holding the recent public forum regarding the Webber inquiry and applauds the courage and integrity of the officials and public who attended.

Mark Brighton – stated that “pay as you throw” was mentioned during the presentation and wonders what problem is being solved by this program. He stated this would just add another tax to residents and would lead to illegal dumping, trash burning etc.

Arthur Clough – thanked Assistant Mayor Splaine for trying to bring transparency to the City. He continued with the Webber/Goodwin issue stating that at the 08/18/14 Council meeting Council Shaheen asked if the e-mail address set up for public comment would be anonymous and he was concerned with the answer as it did not say that it would be. He stated he is also

concerned with the choice of the investigator by the Police Commission and feels that the police interfered with John Connors constitutional rights to speak. He stated that the number given out to the public goes straight to voice mail. Finally, he stated that if this one person has this inheritance, there may be others.

Susan Denenberg – stated that in relation to the Sustainable Practices presentation, the transportation policy and the reuse of current properties should be included with this program. She stated that part of the problem with parking downtown is that people aren't aware of where it is available and gave the example of the Heineman Lot on Rock Street that only had 8 cars parked when she checked. She continued that some time ago it was stated that businesses were going to be surveyed by the Chamber of Commerce but this still hasn't been done. She concluded by reminding everyone that the Nelson/Nygaard parking study reported that we have a management problem and not a parking problem.

X. PUBLIC HEARINGS

A. ORDINANCE AMENDING CHAPTER 1, ARTICLE IX, SECTION 1.901: - CONFLICT OF INTEREST OF THE ADMINISTRATIVE CODE

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

Paul Mannle – stated that the City has been out of compliance with the requirements and suggested as a compromise that the reporting amount be lowered to \$5,000; list only the source of income; remove the asset portion and include all elected and land use board officials.

Dick Bagley – stated he doesn't understand what is trying to be accomplished with this as we are asking people to serve on our boards who have the qualifications to be on the board but then they could appear to have a conflict of interest. He stated we do need to have transparency but we need to go about it correctly.

Rick Becksted – stated that the financial disclosure forms were implemented in 1987 to protect citizens and doesn't understand why the board members no longer receive the forms when they are appointed. He stated there are people who have served on the land use boards in the past who remember signing those forms. He stated he understands that people feel it is a privacy issue but feels that they are representing citizens and we need to have confidence in these people. He stated that the minimum reporting amount should be reduced to \$5,000.00.

Arthur Clough – stated that these boards are adjudicating whether or not something can be built and we need transparency in the process. He cited several recent projects that the votes were split and seemed to be inconsistent and he feels that Councilor Thorsen's amendments should be approved.

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

- ### **B. 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 declared the continuation of the Public Hearing from the September 22, 2014 City Council meeting and called for speakers:

Bernie Pelech – explained his opposition to the proposed ordinance stating that it makes no sense zoning it the same as the Lower end of Daniel Street, Penhallow, Sheafe and State Streets as there is no similarity to that area. He suggested that rezoning to a Gateway District with mixed use and workforce housing could bring a new vibrancy to the underused area. He stated the Portsmouth Housing Authority also supports this as a Gateway District and concluded by asking that the Council vote this proposal down.

Rick Becksted – stated he grew up in this area and it is the same now as it was then. He stated he would like to see this go through the Charette process as was done with the North End. He stated there was some controversy at first but after awhile progress was made and a good discussion held. He stated we should wait until February and let it go through the Charette process.

Dan Rawling – stated he agrees with Mr. Becksted that this should be allowed to go through the Charette process which the basic intent of this is to develop ideas to deal with properties such as this.

Amanda Bouchard – speaking on behalf of her parents Dave and Sherry Gross – stated she owns a business in this area and her parents own 201 Cate Street and they agree that something needs to be done to the area and knew that there was a Charette process being proposed but did not know this ordinance had been proposed. She stated they are not in favor of the current proposal and urged the Council to wait and see what the people have to say through the Charette process.

Paul Mannle – stated that one of the parcels is zoned a natural resource protection area so that needs to be considered. He stated that the Council should wait until the Charette process to go forward but we don't want to miss an opportunity to buy this property. He stated if the City is serious about solving the parking problems, then 3 acres of this could be used for a parking garage with 300-350 spaces per level and run shuttles up and down Islington Street. He suggested that workforce housing, police station, municipal ice rink, are other options for the area. Finally, he stated that the School Department could run their Culinary Program through the Frank Jones Center.

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

XI. APPROVAL OF GRANTS/DONATIONS

A. Acceptance of Police Department Grant and Donations:

1. A grant from the Department of Justice, Office of Juvenile Justice and Delinquency Prevention (OJJDP), for the Internet Crimes Against Children Task Force - \$260,254.00
2. Donations:
 - a) A donation in the amount of \$3,000 from the Banyan Fund, under the aegis of Mr. and Mrs. Gerald W. Howe, to defray the cost of producing and airing Public Service Announcements (PSAs) regarding the department's opiate addiction initiative.
 - b) Donations in support of the Police Explorer Cadets:
 - A donation in the amount of \$50 from retired Chief David "Lou" Ferland
 - A donation in the amount of \$25 from former Commissioner William Mortimer
 - A donation in the amount of \$400 from the "Friends of the South End"

Councilor Shaheen moved to approve and accept the grant and donations to the Portsmouth Police Department, seconded by Councilor Dwyer. Motion passed on a 9-0 roll call vote.

3. Acceptance of Donation to Senior Services Program from the Balance of the Margaret Tebbetts Checking Account - \$813.52

Councilor Shaheen moved to approve and accept the donation to the Senior Services Program, as presented, seconded by Councilor Morgan. Motion passed on an 8-0 roll call vote, Councilor Lown abstained.

XII. 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

Councilor Morgan moved to pass first reading and schedule a second reading and public hearing for January 5, 2015 regarding the proposed Ordinance, as presented, and further refer this matter to the Planning Board for report back, seconded by Councilor Thorsen.

Councilor Dwyer stated the hospital is already allowed to have the helipad for emergency transport and asked if this would be meant to eliminate it anywhere else in Portsmouth. City Manager Bohenko clarified that it would not affect the hospital.

Planning Director Taintor stated that the Hospital helipad is a pre-existing non-conforming use. Councilor Dwyer stated she is concerned that if the Hospital had to relocate it for some reason, they wouldn't be able to do so without going to the ZBA..

Councilor Shaheen agrees and stated that the problem we are trying to solve is the red helicopters and making sure that no other companies can come in and do the same thing but feels that our current ordinance already does that.

Councilor Morgan referred to a previous meeting she attended with Planning Director Taintor, Deputy City Manager Allen and City Attorney Sullivan where it was agreed that there currently is no definition for heliport. Planning Director Taintor stated that is correct. Councilor Morgan continued that this is not blocking any emergency helicopters because those fall under State law. Planning Director Taintor stated that is not correct, the only State law is regarding landing in an emergency situation, not as a part of regular hospital use. He stated if the hospital wanted to move or expand their existing helicopter pad they would have to go before the ZBA.

Councilor Morgan stated the intention is to avoid more of what we already have which are helicopters flying over the city and disturbing the peace of residents.

Discussion ensued.

Assistant Mayor Splaine stated this is an important discussion that needs to be had and allow the public to give their input. He stated there needs to be a definition of helipad/heliport at the very least and feels that the Hospital would be accommodated regardless of what they needed to do. He stated he doesn't want to put a company out of business but he doesn't want to see 2 or 3 more come here either.

Motion to pass first reading and refer to 2nd reading and public hearing FAILED on a 4-5 roll call vote. Assistant Mayor Splaine, Councilors Kennedy, Morgan and Thorsen voted in favor. Councilors Shaheen, Low, Dwyer, Spear and Mayor Lister voted opposed.

Councilor Dwyer moved to request the City Attorney and Planning Director to bring back an ordinance for first reading at the 12/8/2014 Council meeting with the definitions of helipad and heliport, table of use with provision for helipad for medical purposes only as a special exception in the OR (Office Research), I (Industrial), or WI (Waterfront Industrial) zones, seconded by Councilor Shaheen.

Councilor Morgan stated it is not about the red helicopters but meant to clarify and clearly define the issue in our ordinance. Councilor Shaheen stated we cannot have this conversation without the red helicopters as they are what caused it to become an issue for discussion.

Motion passed on a 9-0 roll call vote.

Councilor Spear moved to suspend the rules to bring Item XIV.B.1. (Mayor Lister item) up on the Agenda. Seconded by Councilor Dwyer and passed on a 8-0 roll call vote. (Councilor Lown out of Chambers)

1. Report Back Re: Meeting with Police Commission

Mayor Lister thanked everyone for coming to speak on the issue stating the purpose of the meeting being that we are all on the same page in regards to the scope of the investigation. He then read the statement of Police Commission Chair John Golumb.

Assistant Mayor Splaine stated he felt it was excellent that the City Council voted unanimously to share their concerns, and those of many of the public, with the Police Commission. He felt the result of the discussions in the non-public session was productive and made their case of the Roberts Task Force to go wherever the facts and the evidence will lead them. He stated he hopes that the investigation will be comprehensive and extensive. He stated the probate court case will be coming up in late April and he hopes that what needs to be done will be done.

Councilor Spear asked Commissioner Chair Golumb if it was an omission in the charge that there was no inclusion of possible actions that the Commission or Department could have taken or can take in the future. He stated he wants to make sure that it also being communicated to Judge Roberts that they would like to hear from the Task Force what can be done to improve from a departmental and Commission standpoint. Commissioner Golumb stated that the "but not limited to" covers that and any other issues they feel are relevant.

Councilor Dwyer stated she has the same concern and feels it is a very passive directive when it was meant to be a proactive call for transparency and that the charge be such that the Police Department be included in it. She stated that if the phrase "but not limited to" conveys that and Judge Roberts understands it to be as such, then that is fine. Commissioner Golumb stated the wording was meant to give Judge Roberts a range and not limit the charge. He stated he has had that conversation with Judge Roberts and apologizes if that was not clear.

Assistant Mayor Splaine asked if the panel has subpoena power and power to take testimony under oath. City Attorney Sullivan stated the Task Force does not have subpoena powers but they do have the authority from the Police Commission to order anyone employed by the Portsmouth Police Department to present themselves. He stated there are rules with this including Union representation.

Mayor Lister stated he feels comfortable with the public input received and will wait for the report back.

Councilor Shaheen moved to suspend the rules to bring Item XV.A.1. (City Manager Item) up on the Agenda. Seconded by Councilor Dwyer and passed on a 9-0 roll call vote.

1. Request for First Reading of Bonding Resolution of up to \$600,000.00 (Six Hundred Thousand Dollars) for the Purchase of a Heavy Rescue Fire Truck

Assistant Mayor Splaine moved to authorize the City Manager to bring back for first reading at the December 8, 2014 City Council meeting, 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, seconded by Council Shaheen.

Chief Achilles explained the need for the Heavy Rescue Fire Truck and answered questions regarding value, staffing levels and life expectancy which is 15-20 years. He further explained that the current truck is not working up to capacity and that they have to remove equipment from the truck to keep it going.

Councilor Lown asked if they could use a trailer to haul the equipment instead of the truck. Chief Achilles explained that the equipment is dispersed between vehicles and that they have tried a trailer in the past but it is not conducive to the timeliness required. He stated that this has been put off previously in the CIP and it now needs to be dealt with. City Manager Bohenko stated that is correct it has been in the CIP and the Council needs to vote to bond it.

Motion passed on a 9-0 roll call vote.

Councilor Spear moved to suspend the rules to bring Item XV.C.1. (Councilor Lown Item) up on the Agenda. Seconded by Councilor Shaheen and passed on a 9-0 roll call vote.

1. Fire Department Study Committee Recommendation

Councilor Low explained that this was on the last meeting agenda and tabled which he feels was due to the union having spoken to City Councilors individually prior to the meeting. He stated that although they also attended the last meeting, they did not get up and speak at public comment.

Assistant Mayor Splaine stated that he feels that the union and fire department employees can come up with their own ideas and feels that we can learn from the employees and not hire a consultant for \$39,000. He stated the results are usually local names plugged into a standard report. He suggested that another committee be formed to meet with employees, administration, union etc.

Councilor Spear feels this should be looked at as a learning opportunity for an outside professional to look at the organization as a whole. He doesn't agree that a standard report will be submitted but will show us how to best utilize our people and possible reconfiguration of the department which could save taxpayer money.

Councilor Morgan agrees with Assistant Mayor Splaine that there is a huge value in starting the process in-house and having the employees come together as a group and brainstorm. She stated she would favor postponing the study until after this process has been conducted.

Councilor Dwyer stated there is a value in having an outside consultant come in and give a different perspective and feels this is especially true with entrenched unionized personnel. She stated she feels that the consultant may come back with some difficult recommendations.

Councilor Shaheen is concerned with the timing of this study in relation to Chief Achilles having only been on the job for a year + and wonders if he has had enough time to implement changes he is looking to make.

Chief Achilles stated both he and the Fire Commissioners support a mechanism to look at the organization and continued that this will be the 2nd budget session for him and he will be bringing forward measures regarding staffing levels.

Discussion ensued regarding the timing of bringing in a consultant.

Councilor Shaheen asked if the unions were involved during the committee process. Councilor Lown stated they were invited to attend and did attend all of the meetings, but they did not participate, nor did they voice any opposition during the meetings and also are not in attendance this evening.

Councilor Shaheen asked if there was a specific issue or event that made this come forward.

Councilor Lown explained that former Mayor Spear had formed the committee not to address any specific issue but because reform is difficult within these types of institutions and therefore felt we should bring in an outside consultant. He continued that during the budget process year after year, overtime continues to be an issue at \$500,000 and the explanation given to the Council is difficult to understand and it is an entrenched practice.

Councilor Dwyer further explained that there had been operational efficiency committees formed for the school department and police department which garnered results but the least change has come from the Fire Department. She stated we understand it is the nature of the work and the staffing levels that are required etc. but every year questions asked by the Council are never answered to anyone's satisfaction and it is a continuous loop of discussion year after year.

Mayor Lister passed the gavel to Assistant Mayor Splaine.

Mayor Lister stated that Chief Achilles has done a great job and works well with other Departments and feels that if the School Board had wanted more information from him when he was Superintendent, he would have wanted them to ask him before going outside. He stated he would like to give the Chief the opportunity to give his input first.

Assistant Mayor Lister passed the gavel back to Mayor Lister.

Councilor Morgan stated that Chief Achilles can put out anonymous surveys to the staff to gather information. Chief Achilles stated that the Fire Department Study Committee was provided a lot of information and it will also be provided during the budget process.

Councilor Shaheen stated there are 2 paths; first map out a process and timetable for the Chief to come back to the Council or rely on a committee that was provided the data but still want more information. She continued that she understands the issue of having heard the same information over and over but feels that was the previous administrator.

Chief Achilles stated he is trying to adopt processes that are localized to his department. He stated he would be concerned with tabling this motion and would rather see it voted up or down as it would be unfair to the consultant as well as he needs to know how to proceed for the upcoming budget.

Motion to direct the City Manager to work with the Fire Department to enter contract negotiations with Public Safety Strategies Group FAILED on a 4-5 roll call vote. Councilors Lown, Dwyer, Spear and Thorsen voted in favor. Assistant Mayor Splaine, Councilors Shaheen, Kennedy, Morgan and Mayor Listered voted opposed.

Councilor Lown stated that this has been a huge expenditure of time for everyone on the Committee and their work is done. He suggested that the people who voted opposed move forward with the next step.

Assistant Mayor Splaine moved to suspend the rules to allow meeting to go beyond 10:00 p.m., seconded by Councilor Shaheen. Motion passed on a 9-0 roll call vote.

Mayor Lister called a 10 minutes recess from 10:15 – 10:25 p.m.

- B. 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 from the September 22, 2014 City Council meeting)*

Councilor Spear moved to postpone second reading until December 8, 2014 City Council meeting, seconded by Assistant Mayor Splaine.

Councilor Thorsen asked why this should be postponed. Councilor Spear explained that if this ordinance is voted down before another option is brought forward, then the pre-existing zoning would be back in play and is not in the best interest of the City. Councilor Thorsen stated that he thought this would be voted down and then we would go through the Charette process before bringing back another option. He stated the property has been pulled off the market and he doesn't understand the need to postpone the vote.

Motion passed on a 7-2 roll call vote. Councilors Morgan and Thorsen voted opposed.

- C. Second Reading of Proposed Ordinance amending Chapter 1, Article IX, Section 1.901: - Conflict of Interest of the Administrative Code

Councilor Thorsen moved to continue the second reading to the December 8, 2014 City Council meeting, seconded by Assistant Mayor Splaine.

Councilor Thorsen explained that there are 3 amendments for consideration included in the Council packet information and feels that it would require more discussion than what time

would allow this meeting and therefore, would like to continue to the next meeting.

City Manager Bohenko clarified that the public hearing was closed this evening, but people can speak on it again during the public comment session.

Motion passed on a 9-0 roll call vote.

- D. Third and Final Reading of Proposed Ordinance amending Chapter 7, Article II, Section 7.213 – Fees and Terms for Medallions/Licenses

Councilor Dwyer moved to pass third and final reading of the proposed Ordinance as presented, Seconded by Councilor Shaheen and passed on a 9-0 roll call vote.

- E. Third and Final Reading of Ordinance amending Chapter 10 – Zoning Ordinance, Section 10.202, Table of Uses – Residential Mixed Residential, Business and Industrial Districts, by changing Use #1.30 (Townhouse) and 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 third and final reading of the proposed Ordinance as presented. Seconded by Councilor Morgan and passed on a 9-0 roll call vote.

XIII. CONSENT AGENDA

Councilor Lown moved to adopt the Consent Agenda s presented. Seconded by Councilor Shaheen and passed on a 9-0 roll call vote.

- A. Acceptance of Membership Dues to Art-Speak
Pro Musica
shire Theatre Project

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

- B. Letter from Donald Allison requesting to hold the 20th Annual Eastern State 20 Mile Road Race on Sunday, March 29, 2015 ***(Anticipated action – move to refer to the City Manager with power)***
- C. Letter from Donna Hepp, Seacoast Century C-Coordinator, Granite State Wheelmen, Inc, requesting to hold the Seacoast Century on September 26-27, 2015 ***(Anticipated action – move to refer to the City Manager with power)***
- D. Letter from Caroline Amport Piper, Friends of the South End, requesting permission to hold the Annual Fairy House Tour on Saturday, September 26, 2015 and Sunday, September 27, 2015 from 11:00 a.m. – 3:00 p.m. ***(Anticipated action – move to refer to the City Manager with power)***

- E. Request for Approval of Pole License to install 2 poles located at the intersection of Lafayette Road and the Route 1 ByPass in conjunction with the NHDOT Project replacing the Flyover bridge **(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)**
- F. Request for Approval of Comcast License agreement to install 40' of underground conduit located on Green Street to provide cable services to on-going developments on Green Street **(Anticipated action – move to approve the aforementioned Comcast 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. Request for License from Keith R. Malinowski, owner of Portsmouth Buddhist Center for property located at 84 Pleasant Street for a projecting sign on a bracket **(Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Keith R. Malinowski, owner of Portsmouth Buddhist Center for a projecting sign at property located at 84 Pleasant 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

- H. Request for License from Angel Williams, owner of SIX Degrees for property located at 47 Bow 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 Angel Williams, owner of SIX Degrees for a projecting sign at property located at 47 Bow 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

XIV. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Kyle Crosen-Langelier regarding The Board of Adjustment controversial denial of carport application

Assistant Mayor Splaine moved to refer to the Zoning Board of Adjustment, seconded by Councilor Lown.

Councilor Dwyer asked for clarification that there is no further recourse for an appeal. City Attorney Sullivan stated that is correct. Councilor Dwyer stated she doesn't think it is correct that the staff advises people that will be going before the ZBA on the appeals from a legal standpoint.

Councilor Spear stated that there are 43 non-conforming approved lots mentioned in the letter and he would like to see there be a way for people to do things to their property without having to go to the Board of Adjustment by expanding Character based zoning and would like this discussed in the budget process.

Motion passed on a 9-0 roll call vote.

- B. Letter from Gloria Guyette regarding noise and other issues at Prescott Park

Councilor Lown moved to accept and place the letter on file. Seconded by Councilor Shaheen and passed on a 9-0 roll call vote.

- C. Letter from Attorney Bernie Pelech Re: Rezoning Request for Cate Street/Route 1 Bypass Area Gateway District (***Postponed to December 8, 2014 City Council Meeting***)

XV. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

1. Request for First Reading of Bonding Resolution of up to \$600,000.00 (Six Hundred Thousand Dollars) for the Purchase of a Heavy Rescue Fire Truck (***Previously acted upon***)
2. Easement Deed for Public Service Company of New Hampshire for Transformer Pad in Prescott Park

Councilor Lown moved to authorize the City Manager to execute an easement to Public Service Company of New Hampshire across property owned by the City of Portsmouth in Prescott Park for the purpose of providing utility service to the soon to be renovated docks for the South Floating Docks project, seconded by Councilor Thorsen.

Councilor Dwyer stated she is concerned that they are going to be cutting trees and feels that there is a different sensibility in Prescott Park. She stated she wants to make sure that the City is contacted for input when this goes forward. Community Development Director David Moore stated he agrees, but clarified that this is a small area on a concrete pad with no trees.

City Manager Bohenko stated he will make sure we are represented.

Motion passed on a 9-0 roll call vote.

3. Establish a Mayor's Blue Ribbon Committee Re: City-Owned Sagamore Creek Land – Capital Improvement Plan Project

City Manager Bohenko stated that the Mayor will be bringing forward appointments to this Blue Ribbon Committee at a future meeting.

4. Report Back and Request for First Reading regarding a Proposed Ordinance amending Chapter 10 – Zoning Ordinance, Section 10.1110- Off-street Parking for Conference Centers

Councilor Spear moved to authorize the City Manager to bring back for first reading the proposed Ordinance as recommended by the Planning Board at the December 8, 2014 City Council meeting as presented, seconded by Assistant Mayor Splaine.

Councilor Morgan asked if there are any impact fees that can be imposed as is done in other cities and towns as there will be impacts on water and sewer, traffic, parking etc. or will the taxpayers continue to foot the bill. Planning Director Taintor explained that we do not have impact fees and a conscious decision was made not to have them because we feel we get better results through negotiations with each development and not by a set formula. He continued that impact fees are primarily used for residential developments due to impact on schools etc.

Councilor Spear asked if this will have any impact on Whole Foods. City Manager Bohenko stated it will raise the cap. Planning Director Taintor stated they are invested now because it was presented in December 2013 and has been through design review and the site plan application was submitted.

Councilor Dwyer stated that it was wise for the Planning Board to remind us that when the changes were previously made, we were going to be building a 2nd parking garage, but that hasn't happened yet and now we are in a deficit situation. Secondly, she would like to have a short work session on impact fees for the citizens and new Councilors who are not familiar with them.

Councilor Morgan stated she finds it inadequate to have 1 space per 100 sq. ft. and feels this is a never-ending problem.

Motion passed on a 9-0 roll call vote.

5. Request for Special Non-Public Session with Counsel regarding discussions on Parking Garage Land Negotiations

Councilor Spear moved to hold a non-public session to discuss a parking garage at 165 Deer Street on Monday, December 15, 2014 at 6:30 p.m., seconded by Councilor Dwyer.

Assistant Mayor Splaine asked when we will be coming forward with information for the public as they are concerned with this issue. City Manager Bohenko stated he would like to get the City Council's perspective.

Motion passed on a 9-0 roll call vote.

6. Holiday Free Parking

Assistant Mayor Splaine moved to approve Holiday Free Parking commencing on Monday, December 15, 2014 through Friday, January 2, 2015, seconded by Councilor Shaheen.

Councilor Thorsen asked if anyone has measured the efficacy of this policy as to whether it really brings more people to downtown to shop and also, how do the businesses feel about the policy.

Councilor Spear agrees that those questions need to be asked and feels it should show up as an expense item in the budget. He stated he wonders if there are other ways to spend this money, such as advertising, than to offer free parking.

Councilor Lown suggested instead of free parking, we not ticket people and instead leave a "Happy Holidays" sticker on the cars as he has seen in another municipality.

Mayor Lister asked the Council Liaison to the Chamber of Commerce, Assistant Mayor Splaine, to get feedback from the Chamber.

Motion passed on a 9-0 roll call vote.

7. Report Back and Request for First Reading Re: Rezone Cate street Area to Gateway

City Manager Bohenko stated that the idea is to have an ordinance ready to go as the Charette process goes forward to give direction to the consultant.

Councilor Dwyer stated this is a good idea as the Gateway District is a complicated concept. She stated she doesn't favor Attorney Pelechs' amendments however.

Councilor Dwyer moved to authorize the City Manager to bring back for first reading the proposed Ordinance, as presented, at the December 8, 2014 City Council meeting, seconded by Councilor Shaheen.

Discussion ensued regarding the suggestions in Attorney Pelech's letter.

Motion passed on a 9-0 roll call vote.

8. Request for Approval Re: Isles of Shoals Employee Parking Agreement

Assistant Mayor Splaine moved to authorize the City Manager to negotiate and enter into an Agreement with Pease Development Authority, Division of Ports and Harbors and the Isles of Shoals Steamship Company, Inc., to allow employees of the downtown area to purchase City permits to park in the lot, seconded by Councilor Dwyer. *The motion also gives the City Manager authority to renegotiate the terms of this agreement in the future without future action of the Council.*

Motion passed on a 9-0 roll call vote.

9. Request for Approval Re: Strawberry Banke Snow Ban Parking Agreement

Councilor Spear moved to authorize the City Manager to negotiate and enter into an Agreement with Strawberry Banke Museum to allow residents to park in its lot during snow bans (as amended). Seconded by Councilor Dwyer and passed on a 9-0 roll call vote.

Informational items

1. Events Listing
2. Planning Board Presentation and Public Hearing Re: Capital Improvement Plan
3. Senior Activity Center Update
4. Parking Shuttle Report
5. Meeting with Federal Aviation Administration in Burlington, Massachusetts
6. Final Bicycle and Pedestrian Plan
7. Annual Update on Complete Streets Policy Implementation
8. Update Re: Red Pine Scale
9. Airbnb and Similar Online Property Rental Arrangements
10. Update Re: Commercial Alley Lighting

Councilor Shaheen would like to see the Parking Shuttle Report presented at the next meeting.

Mayor Lister commended Transportation Planner Juliet Walker and Planning Director Taintor on the Bicycle and Pedestrian Report. Councilor Spear agreed and asked that this be added to a future work session agenda.

Councilor Morgan stated that following up on the Transportation Policy, Portsmouth Listens had done a great deal of work on this and feels that all of the pieces of the puzzle need to come together. City Manager Bohenko clarified that the Transportation Policy had recently been adopted by the City Council.

Councilor Dwyer asked about the AirBNB. City Attorney Sullivan explained that they addressing this on a case by case basis upon complaint.

Councilor Morgan asked that there be a database of complaints kept to keep track of the issue going forward.

Assistant Mayor Splaine stated the due to today's technology, this and other issues, such as Uber, will be coming up more and more and the City needs to begin addressing these.

Councilor Lown asked if renting out property for AirBNB is against the zoning ordinance, the State Room and Meals tax or both. City Attorney Sullivan stated both and explained that neighborhood zoning entitles people in the neighborhood protection against their neighbors doing something against code.

B. MAYOR LISTER

1. Report Back Re: Meeting with Police Commission (*Previously acted upon*)
2. Report of Appointment Process (*Postponed to 12/08/2014 Council meeting*)
3. eCity Award

Mayor Lister read the award from Google naming the City of Portsmouth the 2014 e-city for New Hampshire which recognizes the strongest online business community in each state.

4. Appointment to be Considered:
 - Everett Eaton – Reappointment to the Economic Development Commission

The reappointment of Everett Eaton to the Economic Development Commission was considered and will be voted at the December 8, 2014 City Council meeting.

C. COUNCILOR LOWN

1. Fire Department Study Committee Recommendation (*Previously acted upon*)
2. Parking and Traffic Safety Committee Action Sheet and Minutes of the September 11, 2014 meeting

Councilor Shaheen moved to approve and accept the action sheet and minutes of the September 11, 2014 Parking and Traffic Safety Committee meeting. Seconded by Councilor Dwyer and passed on an 8-0 roll call vote. (Councilor Kennedy no longer in attendance via tele- conference)

D. COUNCILOR THORSEN

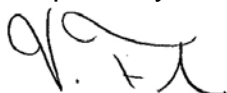
1. Conflict of Interest Ordinance Amendment Options #1 - #3 (*Postponed to December 8, 2014 City Council Meeting*)

XV. MISCELLANEOUS/UNFINISHED BUSINESS

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

Councilor Lown moved to adjourn at 11:40 p.m., seconded by Council Shaheen and voted unanimously.

Respectfully submitted:



Valerie A. French, Deputy City Clerk

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, DECEMBER 8, 2014

PORTSMOUTH, NH
TIME: 6:00PM

I. CALL TO ORDER [6:00PM]

II. ROLL CALL

Present: Mayor Lister, Assistant Mayor Splaine, Councilors Shaheen, Kennedy, Lown, Dwyer (via conference call at 6:10 p.m.), Morgan, Spear and Thorsen

III. ANTICIPATED “NON-MEETING” IN ACCORDANCE WITH RSA 91-A:2, I (a) REGARDING COLLECTIVE BARGAINING

Councilor Spear moved to enter into “Non-Meeting” in accordance with RSA 91-:2, I (a) regarding Collective Bargaining. Seconded by Councilor Shaheen.

On a unanimous roll call 8-0, voted to enter into “Non-Meeting” in accordance with RSA 91-A:2, I (a) regarding Collective Bargaining.

IV. INVOCATION

Mayor Lister asked for a moment of silent prayer in memory of former Mayor Robert Shaines.

V. PLEDGE OF ALLEGIANCE

Mayor Lister asked City Attorney Sullivan to lead in the Pledge of Allegiance to the Flag.

PRESENTATIONS

1. Citywide Neighborhood Committee Re: Transportation – Cristy Cardoso

Cristy Cardoso, Chair of the Citywide Neighborhood Committee and Cliff Lazenby provided the City Council with an update on the survey they conducted regarding Transportation. She reported that 316 residents in 33 distinct neighborhoods participated in the survey. She indicated neighborhoods expressed they were negatively impacted by a lack of sidewalks, bike lanes, the need for more enforcement of speed and infrastructure repairs or maintenance where also common themes.

Councilor Morgan asked that the report be forwarded to Police Chief Dubois to review with comments back on dealing with speeding issues and the need for more enforcement.

Councilor Kennedy asked where the Citywide Neighborhood Committee would like to see the report to go from here. Cristy stated they would like feed back and residents need to feel they were listened to.

City Manager Bohenko stated if the Citywide Neighborhood Committee was to conduct future surveys the staff would assist with survey tools.

2. Report on Parking Shuttle Program – Juliet Walker

Juliet Walker, Transportation Planner provided the City Council with an update on the Parking Shuttle Program and reported over 27 weeks there have been 18,686 one-way riders that have used the Downtown Parking Shuttle. Juliet spoke to daily ridership, average ridership by time block. She stated the staff has recommended that the downtown shuttle service be extended to the end of January 2015 and the total cost of the extension of service will be \$51,674.00.

Councilor Kennedy stated she is encouraged with the shuttle and businesses would like to see the shuttle 7 days per week. She said she would like to move forward with the program and make improvements.

3. Proposed Association of Portsmouth Teacher's Contract – School Department

Dexter Legg, Vice Chair of School Board and Superintendent Ed McDonough presented the proposed Four-Year Agreement reached between the City of Portsmouth and the Association of Portsmouth Teacher's to expire June 30, 2018.

Councilor Thorsen said that this is an interesting contract and has innovated aspects.

Councilor Shaheen said she feels this is a model contract for other communities.

Councilor Spear stated there is more risk on both sides of this contract.

Assistant Mayor Splaine said he is very pleased with the presentation by School Board Vice Chair, Dexter Legg and that this contract is an investment.

Mayor Lister passed the gavel to Assistant Mayor Splaine.

Mayor Lister thanked the School Board and teacher's for working together on this contract. He said he is pleased to focus on student achievement.

Assistant Mayor Splaine returned the gavel to Mayor Lister.

VI. ACCEPTANCE OF MINUTES – AUGUST 4, 2014 AND AUGUST 18, 2014 AND SEPTEMBER 22, 2014

Councilor Spear moved to approve and accept the minutes of the August 4, 2014; August 18, 2014 and September 22, 2014 City Council meetings. Seconded by Councilor Shaheen.

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

VII. PUBLIC COMMENT SESSION

Charlie Griffin spoke on the bike lane project on Lafayette Road and Islington Street. He expressed concerns on the presentation made by Juliet Walker with the traffic on Andrew Jarvis Drive and Lafayette Road and how that will impact bicyclists.

David Noard said there is a strong transparency need for individuals serving on our boards and commissions.

Claire Kittredge – spoke in support of the proposed financial disclosure statements. She said it is good government and we should not be concerned with people not wanting to serve on boards or commissions. In addition, the financial disclosure statements should be expanded to department heads and the City Manager.

Arthur Clough said we need to know more about the individuals serving on our boards and commissions. He said he wants to see transparency and the Council should vote appropriately.

Diana Gilbert said there are a large number of developers coming to the City with enormous amounts of money and some form of transparency is necessary.

Rick Becksted spoke regarding smart growth and as we expand, the cost of providing services increases. He said we should have impact fees for developments, which is done in other communities, such as Dover.

David Witham spoke regarding financial disclosures and does not see an issue for the need to have our land use boards fill out forms. He said if members of the land use boards feel there is a potential conflict of interest they know enough to recues themselves. He said that this is one of the most transparent communities in the State and there are a lot of good people doing good things in this City by volunteering to serve.

Councilor Spear moved to suspend the rules in order to take up Item XII. A.1. – Request for Approval of a Property Four-Year Agreement between the City of Portsmouth and the Association of Portsmouth Teachers. Seconded by Assistant Mayor Splaine.

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

XII. A.1. - Request for Approval of a Proposed Four-Year Agreement between the City of Portsmouth and the Association of Portsmouth Teachers

Councilor Spear moved to accept the proposed contract with the Association of Portsmouth Teachers to expire on June 30, 2018. Seconded by Councilor Shaheen.

Councilor Lown spoke in support of the contract and said that this is a big change in the health insurance and thanked the teacher's for agreeing to the change.

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

At 9:15 p.m., Mayor Lister declared a brief recess. Mayor Lister called the meeting back to order at 9:25 p.m.

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

Councilor Morgan moved to pass 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. Seconded Councilor Kennedy.

Planning Director Taintor explained that the change is to define helipad and heliport and the other changes are to the table of uses.

Assistant Mayor Splaine said that this has nothing to do with the Tradeport or the current helicopter service.

Councilor Shaheen said currently you could not land a helicopter downtown unless there was an emergency.

Councilor Lown said the current ordinance allow heliports and defining it will tighten up the ordinance.

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

- 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

Councilor Shaheen moved to pass first reading and schedule a public hearing and adoption of a Bonding Resolution appropriating the sum of up to Six Hundred Thousand (\$600,000.00) Dollars, for the FY15 purchase of a Heavy Rescue Fire Truck, as presented at the December 22, 2014 City Council meeting. Seconded by Assistant Mayor Splaine.

Councilor Kennedy is questioning major purchases until we know the cost of a new wastewater treatment plant.

Councilor Thorsen said we could get a used vehicle versus new and save money.

City Manager Bohenko stated that Fire Chief Achilles will look into various options available to us before a purchase is made.

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

- C. First Reading of Proposed Ordinance amending Chapter 10 – Zoning Ordinance, Section 10.1110 – Off-street Parking

Councilor Spear moved 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. Seconded by Councilor Thorsen.

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

- 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

Councilor Thorsen moved to pass first reading and schedule a public hearing and second reading of the Proposed Ordinance, as presented, at the March 2, 2015 City Council meeting. Seconded by Councilor Lown.

Assistant Mayor Splaine asked City Manager Bohenko why we are going out to the March 2, 2015 meeting on the public hearing. City Manager Bohenko said on February 20, 2015 we will be conducting a Charrette and it will be on that area of the City. Assistant Mayor Splaine said by passing first reading is there any impact to the area. City Manager Bohenko said a building permit filed would need to proceed under this ordinance change. Assistant Mayor Splaine said there has been talk about that property being used for parking and work force housing.

Councilor Kennedy said she reviewed the ordinance and there are many definitions for work force housing. She is concerned with the many questions and to put something out before we have the Charrette is not the right process.

City Manager Bohenko said we could move to March 16th or April 6th to allow for more input from people.

Councilor Shaheen said the most valuable take a ways from the Charrettes was hearing people’s reactions to things. She said the timing works beautifully and she would agree to go out to March 16th.

Councilor Thorsen said this is a tactical maneuver and he supports the ordinance because it moves the discussion away from industrial.

Assistant Mayor Splaine moved to amend the motion to schedule a public hearing and second reading of the Proposed Ordinance, as presented at the March 16, 2015 meeting. Seconded by Councilor Kennedy.

Assistant Mayor Splaine said he is excited with the connector road and what could be developed.

On a unanimous roll call 9-0, voted to amend the motion to schedule a public hearing and second reading of the Proposed Ordinance, as presented at the March 16, 2015 meeting.

On a unanimous roll call 9-0, voted to pass main motion as amended.

- 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)*

Councilor Spear moved to pass second reading and hold third and final reading at the December 22, 2014 City Council meeting. Seconded by Councilor Thorsen.

Councilor Thorsen moved to amend Section 1.901 (B) – Municipal Official to add Board of Adjustment, Planning Board, Historic District Commission and Trustees of the Trust Funds. Seconded by Councilor Kennedy.

Councilor Thorsen said he feels that this amendment should be included if there is a conflict of interest without a financial disclosure. He feels we have many people with integrity on the boards but that may not be the way in the future. We should include a financial disclosure for the future of our boards.

Councilor Spear said David Witham spoke to the issue well. He said people keep using the word transparent and Councilor Spear said we have that now. He said the question is what problem are we trying to solve and there have been no examples of any problems with the land use boards.

Councilor Lown said he would vote against the amendment and said there is no wrong doing taking place on the land use boards.

Councilor Kennedy said she would support the motion. She stated she completes many financial disclosure forms for the various boards she sits on.

Councilor Dwyer said conflict of interest is different than financial disclosure. She stated she has no problem with elected officials completing a financial disclosure but feels it is different for boards and commissions. She said she has heard from 4 former Mayor's that it is difficult to find individuals willing to serve on our boards and commissions.

Councilor Shaheen asked City Attorney Sullivan if the main motion would ensure we are in compliance with the Charter. City Attorney Sullivan said it is the decision of the City Council if we are in compliance with the Charter. He feels adoption of the amendment as proposed appears to be closer to the Charter than the current ordinance.

Councilor Lown said Judge Gray ordered, it is the City Council decision what we pass.

Councilor Shaheen said she has wrestled with this over the last several months. She stated she is resentful that a vote against the amendment is not complying with transparency. Councilor Shaheen said she keeps coming back to, what is the problem we are trying to solve and in what spirit.

Councilor Morgan said she would support the amendment of Councilor Thorsen. She said she does not feel we will have a problem with getting people to serve on boards and commissions.

Mayor Lister passed the gavel to Assistant Mayor Splaine.

Mayor Lister said during the Municipal Election there was a survey asking if you support financial disclosure. He said because you need to be careful with yes or no questions, and since that time, a year later, it is difficult to fill vacancies to boards and commissions his answer changed. He said you need to find qualified people to serve on the boards and commission. He said people put in long hours, there is a difference between conflict of interest and financial disclosure. Mayor Lister said if anyone thinks that this Council is not transparent, you have not been paying attention to anything. He said we are doing the right things. He said there is a screening process for people that apply to serve for a board and commission and stated he would not be supporting the amendment.

Assistant Mayor Splaine returned the gavel to Mayor Lister.

On a roll call vote 4-5, motion to amend Section 1.901 (B) – Municipal Official to add Board of Adjustment, Planning Board, Historic District Commission and Trustees of the Trust Funds failed to pass. Assistant Mayor Splaine, Councilors Kennedy, Morgan and Thorsen voted in favor. Councilors Shaheen, Lown, Dwyer, Spear and Mayor Lister voted opposed.

Councilor Thorsen moved to amend Section 1.901 (B) – Municipal Official to add the City Manager. Seconded by Councilor Kennedy.

Councilor Spear said the main source of income for a City Manager is his salary with the City. He feels this is in search of a problem that does not exist. He is concern what message this sends to people that may want to work here.

Councilor Lown said the City Manager is not moon lighting a second job and his salary from the City is his source of income.

Councilor Kennedy said there are contracts that the City Manager decides on that are small in nature and do not come to the City Council for a vote.

On a roll call vote 4-5, motion to amend Section 1.901 (B) – Municipal Official to add the City Manager ***failed*** to pass. Assistant Mayor Splaine, Councilors Kennedy, Morgan and Thorsen voted in favor. Councilors Shaheen, Lown, Dwyer, Spear and Mayor Lister voted opposed.

On a unanimous roll call 9-0, voted to pass second reading and hold third and final reading at the December 22, 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*)

Councilor Spear moved not to approve second reading of the proposed Ordinance, as presented. Seconded by Councilor Thorsen.

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

X. 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)***

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

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

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

Councilor Kennedy moved to refer to the City Manager with power. Seconded by Councilor Shaheen.

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

At 11:00 p.m., Councilor Shaheen moved to suspend the rules in order to continue the meeting beyond 10:00 p.m. Seconded by Councilor Kennedy.

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

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

2. Review and Presentation Water/Sewer Assistance Program

City Manager Bohenko said a presentation will be made on the Water/Sewer Assistance Program.

Finance Director Belanger reviewed the program with the City Council. She stated that \$100,000.00 was appropriated with \$50,000.00 from the water fund and \$50,000.00 from the sewer fund. She discussed eligibility and criteria for the program and that residents would need to apply each year. Finance Director Belanger stated that this is a pilot program and the program will roll out in January and that she will provide a report back to the City Council on how the program is working in the future.

Councilor Spear moved to ratify the program. Seconded by Councilor Shaheen.

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

3. Review and Presentation Water Efficiency Rebate Program

Deputy Public Works Director Goetz spoke to the Water Efficiency Rebate Program. He stated that the program was approved as part of the Water and Sewer Enterprise Fund's FY15 Capital Improvement Plan with \$75,000.00 being authorized from each fund for a total of \$150,000.00 dedicated to this program. He addressed previous water efficiency efforts made beginning in 2006 through 2013. Director Goetz spoke to the potential water savings for high efficiency washers and toilets and that the program rollout will be effective December 9, 2014. He announced that a postcard will be mailed out to eligible customers by the end of December, 2014.

Councilor Morgan asked if staff thought of outreaching through the School Department weekly newsletter for parents and families. Director Goetz said that is an excellent idea and he will contact Superintendent McDonough.

Councilor Spear moved to ratify the program. Seconded by Councilor Shaheen.

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

4. Portwalk Door Swing License Agreement

City Attorney Sullivan explained a Door Swing License Agreement. He stated this is so the door may open up onto the City sidewalk. He said as the building was developed in Portwalk there was a change in the location of the door that was approved by the Planning Board and this will change the license agreement reached in 2012.

Councilor Lown moved to authorize the City Manager to enter and execute the amended License Agreement with Hanover Apartments LLC. Seconded by Councilor Thorsen.

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

B. MAYOR LISTER

1. Report of Appointment Process

Mayor Lister reviewed the Appointment Process with the City Council.

Councilor Morgan said a month ago she shared thoughts of making a change in the composition of the Economic Development Commission and having a person from the Sustainability Committee serve on the Commission.

Mayor Lister said Councilor Morgan could bring that matter forward at the next meeting.

Councilor Shaheen recommended Councilor Morgan attends the next Economic Development Commission meeting to see the dynamics.

Councilor Kennedy said she would like to see an update every 3 months on the status of applications to boards and commission. She said if an applicant is not going to be considered they should receive a letter advising them of that.

Mayor Lister announced that he is appointing Councilor Morgan to serve on the Sustainable Practices Blue Ribbon Committee.

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

The City Council considered the appointments listed above, which will be acted on at the December 22, 2014 City Council meeting.

3. Appointment to be Voted:

- Everett Eaton – Reappointment to the Economic Development Commission

Assistant Mayor Splaine moved to reappoint Everett Eaton to the Economic Development Commission until October 1, 2018. Seconded by Councilor Shaheen.

Councilor Shaheen thanked Everett for his continued service to the Economic Development Commission and asked Mayor Lister to send a letter to Everett acknowledging his service and thanking him for his time and commitment to the Economic Development Commission.

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

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

No vote is required as this is a Blue Ribbon Committee.

Councilor Kennedy asked why this is coming forward before the Master Plan and she would like to see it become a standing committee.

Councilor Spear said an outcome of the Blue Ribbon Committee could be a recommendation to make it a regular committee.

Assistant Mayor Splaine said some people are concerned that this is moving too fast and it is not transparent. He feels it is transparent and thanked Mayor Lister for moving forward on this matter.

Councilor Kennedy asked City Manager Bohenko to come back with a time line for various items to let the public know when we can expect them to move forward, such as, the Master Plan, Wastewater Treatment Plant, Noise Concerns, Sidewalks and Senior Center. She would like a report back with a point of reference of times for when these matters will be coming forward to the City Council. City Manager said he would have a report back for Councilor Kennedy at the December 22, 2014 City Council meeting.

C. ASSISTANT MAYOR SPLAINE

1. Budget

Assistant Mayor Splaine thanked Mayor Lister for creating the Joint Budget Committee. He said it has been a good Committee and it brings departments together and allows for visioning.

Councilor Morgan asked Mayor Lister about the documents being posted on the website and that she would like the documents posted at least 2 business days before the meeting. She said people watching the meeting at home should have access to the documents as the meeting is occurring.

Mayor Lister said the reason they are not on the website is because the documents are drafts. He said information will be placed on the website when we get into the presentations. Councilor Morgan said that the documents could be stamped draft.

E. COUNCILOR MORGAN

1. Parking for Handicap Residents

Councilor Morgan asked what we can do to support our handicap residents that need to park in the garage during snow emergencies. City Manager Bohenko said he will provide information on this at the next City Council meeting.

D. COUNCILOR DWYER

1. Request for Internal Report from Fire Commission/Fire Department (See *attached Correspondence regarding Internal Report*)

Councilor Dwyer said she wants to make sure we follow through on the internal report from the Fire Commission and Fire Department and she would like to have the information by the end of April. She said some thought the Chief was too new as Chief, but he was Deputy Fire Chief for 14 years.

Councilor Dwyer moved to request a report back by the end of April 2015 in advance of budget deliberations. Seconded by Assistant Mayor Splaine.

Councilor Shaheen said she would like to give the Chief more time to implement changes. She asked Councilor Dwyer if we want to tie any of the work to the next contracts. Councilor Dwyer said she does not feel that this is really about the contracts. She said matters could be brought up in the report and could be part of the next contracts. She said some changes could be put in place prior to the contracts. She also said the union did not take an opinion on the report and she feels it is about other strategies to put in place.

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

F. COUNCILOR SPEAR

1. Report of Evaluation Subcommittee Re: City Manager Compensation

Councilor Spear spoke on the City Manager's Evaluation Committee and the recommendation of a \$10,000.00 payment made to the City Manager's 401 (a) Plan. He said that City Manager Bohenko has made many achievements and most recently the Triple A bond rating, which has saved the City a substantial amount of money.

Councilor Spear moved in accordance with Section 4, Paragraph B of the City Manager's Employment Agreement, move to authorize \$10,000.00 to be made to the City Manager's 401(a) Plan in January 2015 representing an addition to his compensation for FY15. Seconded by Councilor Lown.

Councilor Lown spoke to the negotiations which took place in 2011. He said City Manager Bohenko negotiated in good faith and deferred the issue of compensation at that time, and everyone agreed that the issue would be revisited. He said that the City Council would have given City Manager Bohenko far more then, than we are now. He said that this is a question of good faith and should have been dealt with 3 years ago.

Councilor Morgan said she supports the motion and wishes more information was provided to residents on the amount of money saved since we received the Triple A bond rating. She would also like to see that City Manager Bohenko provide his own evaluation next time, which would be in addition to the City Council's evaluation.

On a roll call vote 8-1, motion passed. Assistant Mayor Splaine, Councilors Lown, Dwyer, Morgan, Spear, Thorsen and Mayor Lister voted in favor. Councilor Kennedy voted opposed.

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

Councilor Shaheen said looking forward to 2015 she feels the Council has been in a reactionary form and the City Council needs to understand how to best prioritize the agenda. She said an example is we are here again until after midnight.

Mayor Lister said the bottom line is Councilors talk too much about the issues and it is not necessary to express your views 3 or 4 times about a matter, we need to be more efficient.

XIV. ADJOURNMENT

At 12:30 a.m., Councilor Lown moved to adjourn. Seconded by Councilor Spear and voted.



Kelli L. Barnaby, CMC/CNHMC
City Clerk

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, DECEMBER 22, 2014

PORTSMOUTH, NH
TIME: 6:30PM

At 6:30 p.m. a Non-Public Session RE: Acquisition of Real Property Pursuant to RSA 91-A:3, II (d) was held.

Councilor Morgan arrived at 6:45 p.m.

Councilor Spear moved to enter into Non-Public Session in accordance with RSA 91-A:3, II (d) regarding Acquisition of Real Property. Seconded by Councilor Lown.

Assistant Mayor Splaine moved to amend the motion by adding the purpose of the Non-Public Session is to discuss real estate on Cottage Street related to the Doble Center. Seconded by Councilor Shaheen.

On a roll call vote 3-5, motion failed to pass. Assistant Mayor Splaine, Councilors Shaheen and Kennedy voted in favor. Councilors Lown, Dwyer, Spear, Thorsen and Mayor Lister voted opposed. *Councilor Morgan was not present for vote.*

On a roll call vote 7-1, main motion passed to enter into Non-Public Session in accordance with RSA 91-A:3, II (d) regarding Acquisition of Real Property. Councilors Shaheen, Kennedy, Lown, Dwyer, Spear, Thorsen and Mayor Lister voted in favor. Assistant Mayor Splaine voted opposed. *Councilor Morgan was not present for vote.*

I. CALL TO ORDER [6:30PM]

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

IV. INVOCATION

Mayor Lister asked everyone to remember those that are homeless during this Holiday season and wished everyone a Merry Christmas.

V. PLEDGE OF ALLEGIANCE

Mayor Lister asked Steve Cirillo to lead in the Pledge of Allegiance to the Flag.

PRESENTATION

1. Portsmouth High School Ensemble – Steve Cirillo

Portsmouth High School Ensemble played a selection of Holiday carols for the City Council to enjoy.

VI. ACCEPTANCE OF MINUTES – OCTOBER 6, 2014 AND OCTOBER 20, 2014

Councilor Shaheen moved to approve and accept the minutes of the October 6, 2014 and October 20, 2014 City Council meetings. Seconded by Assistant Mayor Splaine and voted.

VII. PUBLIC COMMENT SESSION

Tom Carroll wished the people of Portsmouth Happy Holidays. He said the City has much to be thankful for this evening. He spoke of the view from the gateway of the City since the removal of the scrap metal operations. He said he is looking forward to see what the future of the Port will bring.

Rick Becksted spoke regarding financial disclosure forms and conflict of interest. He said the ordinance from Councilor Thorsen should be listed on the agenda as financial disclosure and not just conflict of interest. He said 10 years ago land use board members filled out financial disclosure forms. He asked why they are not being filled out now.

Dick Bagley wished everyone a Merry Christmas. He asked the City Council to consider the large numbers in the FY16 Capital Improvement Plan and said there needs to be priorities. He said the presentations at the last City Council meeting were very helpful and it was nice to hear from the Citywide Neighborhood Committee. He feels that the City Council should have a person on the Citywide Neighborhood Committee. He stated he is pleased with the new contract for teachers and wants to make sure that the guidelines are followed.

Paul Mannle said issues will come and go and when all is said and done you know what will remain. We are Portsmouth, we are a community and we need to remember that and come together.

Ryan Fallon, resident of Somersworth, NH, said he is a driver for Uber and provided materials to the City Council for their review. He said it is a connection between the rider and the driver. There is no contact with the customer before or after the ride. He spoke to the intensive background checks that are done by Uber and proposed the City Council allow a trial run by Uber.

VIII. PUBLIC HEARINGS

- A. ORDINANCE AMENDING CHAPTER 10 – ZONING ORDINANCE, SECTION 1.440 TABLE OF USES, USE #15.20 AND SECTION 10.1530 TERMS OF GENERAL APPLICABILITY, REGARDING HELIPAD AND HELIPORT

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

- B. ORDINANCE AMENDING CHAPTER 10 – ZONING ORDINANCE, SECTION 10.1110 – OFF-STREET PARKING BY INSERTING A NEW PARAGRAPH 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

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

- C. BONDING RESOLUTION OF UP TO SIX HUNDRED THOUSAND DOLLARS (\$600,000.00) FOR THE PURCHASE OF A HEAVY RESCUE FIRE TRUCK

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

Fire Chief Achilles provided a brief presentation on the purchase of a heavy rescue fire truck. He said the current unit is a 1986 vehicle and it is becoming increasingly difficult to find replacement parts for the equipment. He said they are looking at not having a custom unit built in order to save money.

Rick Becksted said we need to expend the money because it is a safety issue and the vehicle saves lives and that is important. He does not see a problem purchasing a demonstration model.

Dick Bagley agreed with comments made by Rick Becksted. He said the truck allows the Fire Department to act in an efficient way. He asked the City Council to approve the request.

Paul Mannle spoke in favor of Fire Chief Achilles' request and said this is a life safety issue.

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

IX. APPROVAL OF GRANTS/DONATIONS

(There are no grants/donations on for acceptance)

X. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. Second 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

Councilor Kennedy moved to pass second reading and schedule third and final reading at the January 5, 2015 City Council meeting regarding the proposed Ordinance, as presented. Seconded by Councilor Dwyer.

Councilor Thorsen said he supports the motion but feels we are leaving a gap in the definition.

Motion passed.

- B. Second Reading of Proposed Ordinance amending Chapter 10 – Zoning Ordinance, Section 10.1110 – Off-Street Parking by Inserting a new paragraph 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

Councilor Shaheen moved to pass second reading of the proposed Ordinance as recommended by the Planning Board and schedule third and final reading at the January 5, 2015 City Council meeting, as presented. Seconded by Councilor Lister.

Councilor Kennedy said some people are confused with the Ordinance. She said this allows people to put more parking on their property and less in the downtown commercial district.

Motion passed.

- C. Adoption of Bonding Resolution of up to Six Hundred Thousand Dollars (\$600,000.00) for the Purchase of a Heavy Rescue Fire Truck

Councilor Morgan moved to adopt the Bonding Resolution appropriating the sum of up to Six Hundred Thousand (\$600,000.00) Dollars, for the FY15 purchase of a Heavy Rescue Fire Truck, as presented. Seconded by Councilor Shaheen.

Councilor Shaheen asked Chief Achilles about the vehicle that was on the replacement list for 10 years. Chief Achilles said the department first wanted to replace the vehicle in 2006.

Councilor Kennedy said in the Resolution it does not mention equipment and expressed concerns. She would not vote in favor because she needs more details.

Chief Achilles said we purchase vehicles with funds approved and equipment is a part of that and the department does not go over the amount approved.

Councilor Kennedy feels we need to let the public know what we are going to buy.

Councilor Lown said this is a difficult one for him. Chief Achilles said the vehicle needs some major repairs and this is a primary piece of apparatus since 1986 but he would like to see this as part of the internal report back in April by the Fire Department.

Mayor Lister said we could wait until January 5th and generate questions and answer them at that meeting.

Councilor Lown moved to table the Resolution. Seconded by Councilor Thorsen.

Councilor Thorsen asked what will be done with the current equipment and what the resale value of the equipment is.

Councilor Dwyer said that the list of questions needs to be clear.

Councilor Shaheen said she is concerned with tabling the motion and asked why Chief Achilles could not answer any questions this evening.

Councilor Morgan said she is in favor of supporting the purchase of the truck but understands the questions asked by Councilor Thorsen.

Chief Achilles said the truck has little to no value, less than \$5,000.00. He said they looked at what is being built and found something for less than \$500,000.00, which is a demonstration model. He stated there would be challenges with purchasing a used truck and would rather purchase a demonstration model that is new.

Councilor Thorsen asked if they could get a truck for less than \$600,000.00.

Chief Achilles said we could get something around \$500,000.00. He said we have a grant to purchase some of the equipment needed for the vehicle.

Councilor Shaheen would like to pass the Resolution. She said the most important thing we do is ensure public safety.

Councilor Lown said he would like to see the Resolution come back with the internal report of the department due in April.

On a roll call vote 4-5, main motion failed to pass. Assistant Mayor Splaine, Councilors Shaheen, Dwyer, Morgan voted in favor. Councilors Kennedy, Lown, Spear, Thorsen and Mayor Lister voted opposed.

Assistant Mayor Splaine asked if Councilor Thorsen would be in favor of bringing the matter back at the next City Council meeting and having it placed under his name for action on the agenda. Councilor Thorsen said he would.

Councilor Lown said he would like to combine the issues with the department's internal review.

City Attorney Sullivan reported that the City Council is currently at the point where the Resolution failed. Councilor Thorsen has stated he would make a motion at the next City Council meeting to reconsider the vote. He said when the motion comes before the City Council it is a simple majority for reconsideration of the Resolution and adoption would require a majority vote.

Councilor Thorsen stated he would bring the Resolution back for Reconsideration under his name for the January 5, 2015 City Council meeting.

- D. Third and Final Reading of Proposed Ordinance amending Chapter 1, Article IX, Section 1.901: - Conflict of Interest of the Administrative Code

Councilor Spear moved to substitute the ordinance in its entirety as presented by City Attorney Sullivan and move to pass third and final reading. Seconded by Councilor Thorsen.

Councilor Shaheen asked City Attorney Sullivan independent of the amendment, is the current language addressing the Charter what we need to address. City Attorney Sullivan said yes. Councilor Shaheen said the amendments by Councilor Thorsen would get us closer and in line with the Charter. City Attorney Sullivan said there is no right answer because it is the decision of the City Council.

Motion passed.

Councilor Kennedy said it has been stated that 10 years ago financial disclosures were filled out and asked if we have copies of them. City Manager Bohenko said he is not aware of any financial disclosures being completed, City Attorney Sullivan concurred with City Manager Bohenko and City Clerk Barnaby also concurred with the City Manager and City Attorney.

XI. CONSENT AGENDA

- A. Letter from Chris Vlangas, Cystic Fibrosis Foundation, requesting to hold the Aptails CF Cycle for Life on Saturday, July 18, 2015 and Sunday, July 19, 2015 ***(Anticipated action – move to refer to the City Manager with power)***
- B. Letter from Doug Bates, Greater Portsmouth Chamber of Commerce, requesting permission to conduct the 2015 Run Portsmouth Road Race Series:
- Easter Seals Veteran’s Count – Pack & Boots 5k on Saturday, July 4, 2015 at Strawberry Banke at 9:00 a.m.
 - Portsmouth Rotary Club – Thunder Chicken Road Race on Saturday, August 1, 2015 at Strawberry Banke at 9:00 a.m.
 - CelebratePink 5K Road Race & Walk on Sunday, September 13, 2015 at Portsmouth Middle School at 9:00 a.m.
 - Memorial Bridge Road Race, Saturday, October 10, 2015 at Memorial Bridge at 10:00 a.m.
- (Anticipated action – move to refer to the City Manager with power)***
- C. Letter from Doug Bates, Greater Portsmouth Chamber of Commerce, requesting to conduct the 2015 Portsmouth Challenge on Saturday, May 23, 2015 at the Portsmouth High School at 9:00 a.m. ***(Anticipated action – move to refer to the City Manager with power)***
- D. Request for License from Gary Simon, owner of British Beer Company for property located at 2 Portwalk Place for a projecting sign on a bracket ***(Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Gary Simon, owner of British Beer Company for a projecting sign at property located at 2 Portwalk Place 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 Donation to Art-Speak – Robin Albert Lehman - \$150.00
(Anticipated action – move to approve and accept the donation to Art-Speak, as listed)
- F. Acceptance of Membership Dues to Art-Speak – Portsmouth Public Media, Inc. - \$125.00
(Anticipated action – move to approve and accept the membership dues to the Piscataqua Arts & Cultural Alliance, a program of Art-Speak, as listed)

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

XII. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Formal Request for Resident Handicapped Parking Spaces for residents of 20 Islington Street

City Manager Bohenko said he would like to refer the letter to the Parking & Traffic Safety Committee for review.

Councilor Kennedy moved to refer to the Parking & Traffic Safety Committee with an update back to the City Council at the January 20, 2015 City Council meeting. Seconded by Councilor Spear and voted.

XIII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

1. Request for Approval of a Proposed Tentative Agreement between the City of Portsmouth and the AFSCME #1386 School Custodials

City Manager Bohenko said he is requesting the approval of AFSCME #1386 School Custodials contract, as presented.

Dianna Fogarty, Human Resources Director, reviewed the contract that is for 3 years, retroactive back to July 1, 2014 and a 10-year rolling COLA as with the other contracts.

Councilor Shaheen moved to accept the proposed contract with AFSCME #1386 School Custodial to expire on June 30, 2017. Seconded by Councilor Spear and voted.

2. Request for Approval of a Proposed Tentative Agreement between the City of Portsmouth and the Portsmouth Paraprofessional Association

Dianna Fogarty, Human Resources Director, reviewed the contract with the Council which is also a 3 year contract with a 10 year rolling COLA. She reviewed a change in language for when paraprofessionals need to accompany students on field trips they will receive an additional stipend.

Councilor Dwyer asked how many paraprofessionals this applies to. Human Resources Director Fogarty said 95 individuals.

Councilor Spear moved to accept the proposed contract with the Portsmouth Paraprofessional Association to expire on June 30, 2017. Seconded by Councilor Dwyer and voted.

3. Request for Supplemental Appropriation Re: Collective Bargaining Agreements

City Manager Bohenko said this is a request for a supplemental appropriation for collective bargaining agreements. He said this matter was discussed at the retreat and it would be funded through Unassigned Fund Balance. He stated no funds would be released until the City Council approves the contract.

Councilor Spear moved to establish a public hearing for January 5, 2015 to raise and appropriate \$555,500.00 from Unassigned Fund Balance. Seconded by Councilor Dwyer.

Councilor Thorsen asked what level are we at in Unassigned Fund Balance. City Manager Bohenko said we would be at 12.2% with the adoption of the supplemental appropriation.

Motion passed.

4. Release of Easement Re: John Ahlgren

City Attorney Sullivan reported on January 22, 2013, the City Council approved the acceptance of a new utility easement from John Ahlgren who owns property at the end of Langdon Street and Brewster Street. He further stated the acquisition of this easement was recommended by the Planning Board on October 18, 2012. The purpose of the easement is to install upgraded infrastructure to alleviate flooding that occurs during significant rain events at the end of Brewster Street and in the adjacent low areas north of McDonough Street.

City Attorney Sullivan stated during the course of finalizing both the easement and the construction plans, it became apparent that an existing sewer easement encumbering John Ahlgren's property is not necessary. In order to clear up the title, the Legal Department recommends that the unnecessary easement be released.

Councilor Spear moved to authorize the City Manager to release an easement from Mr. Ahlgren to the City found in the Rockingham County Registry of Deeds at Book 4186, Page 2604. Seconded by Councilor Dwyer and voted.

City Manager's Informational Items

1. *Events Listing*
2. *Income and Expense Survey – 2015 Commercial Revaluation*
3. *Report Back Re: Handicapped Spaces*
4. *Report Back Re: Various Items*
 - a. *Master Plan*
 - b. *Senior Center*
 - c. *Wastewater Treatment Facility*
 - d. *Helicopter Meetings*
 - e. *Review of Noise Ordinance/95 Barrier*
5. *City Council Agenda Re: January 5, 2015*

City Manager Bohenko stated that Item #4 provides the updates on matters Councilor Kennedy was requesting.

Councilor Kennedy requested copies of the survey that will be used in the 2015 Commercial Revaluation. She stated a great deal of personal information is being asked for and wanted to know if the information is voluntary and what would happen if the company refuses to answer the questions. City Manager Bohenko said he would provide a memorandum back to the City Council on this matter.

Councilor Shaheen said she would like to better understand process. She said she knows of 5 items that need to be reported back on. City Manager Bohenko said that is a fair question. He suggested if the City Council wants an update on projects he would provide the update. He asked that people are judicial about asking for the updates. Councilor Shaheen said it is more about process with the City Council.

Mayor Lister said we have talked about bringing issues to the City Council. He said Councilor Kennedy has issues and brought them forward. He further stated she brought the matters forward and City Manager Bohenko reported back at the next meeting. Mayor Lister said the City Council could call the City Manager to ask questions on items but we need to determine the priority of these items. City Manager Bohenko said he would give some thought to the process.

Councilor Morgan suggested conducting a meeting at the beginning of 2015 to discuss Council priorities. Mayor Lister said we added more work sessions in order to do that type of thing.

Councilor Kennedy said that she just wanted to see a time line and does not see why that is an issue. She thanked City Manager Bohenko for the report on her questions.

Councilor Shaheen said she is not questioning the appropriateness of the request; she is questioning handling the appropriateness of the issues and process in the future. City Manager Bohenko said he will give some thought on this matter.

City Manager Bohenko said with the short week next week he would like to have the City Council get information to him by Tuesday and have the packet go out on Wednesday.

Councilor Spear asked when the report back on derelict buildings will be brought back to the City Council. City Manager Bohenko said he knows we owe the City Council that report but City Attorney Sullivan has been busy with court cases and a report back will be provided soon.

B. MAYOR LISTER

1. Appointments to be Voted:
 - Jennifer Zorn – Appointment to the Economic Development Commission
 - William Gladhill – Reappointment to the Planning Board
 - John Ricci – Reappointments to the Planning Board
 - Rebecca Perkins – Appointment to the Portsmouth Housing Authority
 - Arthur Parrott – Reappointment to the Zoning Board of Adjustment

Councilor Shaheen requested to pull out the appointment of Rebecca Perkins separately as she will need to abstain from voting on Ms. Perkins.

Assistant Mayor Splaine voted to appoint Jennifer Zorn to the Economic Development Commission until October 1, 2018; reappointment of William Gladhill to the Planning board until December 31, 2017; reappointment of John Ricci to the Planning Board until December 31, 2017; and the reappointment of Arthur Parrott to the Zoning Board of Adjustment until December 1, 2019. Seconded by Councilor Spear and voted.

Assistant Mayor Splaine moved to appoint Rebecca Perkins to the Portsmouth Housing Authority until April 1, 2016 filling the unexpired term of Thomas Heaney. Seconded by Councilor Spear and voted. Councilor Shaheen abstained from voting on this matter.

2. Resignation of Mary Ann List from the Joint Building Committee

Councilor Kennedy moved to accept with regret the resignation of Mary Ann List from the Joint Building Committee. Seconded by Assistant Mayor Splaine with a letter of thanks and appreciation sent to Ms. List for her years of service on the Joint Building Committee and voted.

C. ASSISTANT MAYOR SPLAINE

1. Update on Uber and Ride-Sharing Services: The Taxi Commission will hold a public forum for input and discussion Wednesday, January 14, 2015

Assistant Mayor Splaine spoke to the recent meeting of the Taxi Commission and their decision to hold an open forum at 7:00 p.m. on Wednesday, January 14, 2015 to receive public input regarding Uber and Ride-Sharing Services.

Assistant Mayor Splaine asked City Attorney Sullivan what the latitude would be for the City Council to allow Uber to operate until the Taxi Commission is ready to report back at the end of January or the beginning of February. He said Uber has good back ground checks and that allowing them to work would provide assistance with an unmet need for taxi's during the Holiday's. He feels that the Taxi Commission is trying to find a way to make this work for everyone.

City Attorney Sullivan said the Ordinance and the intent of the City Council in this situation have some unique issues. He has determined and expressed to the Taxi Commission by reading the current Ordinance the way Uber operates would happen to be in violation of the current Taxi Ordinance. He further stated anyone operating would be violating the Ordinance without a taxi driver license. City Attorney Sullivan said when the ordinance was adopted the situation of Uber did not exist. There are concerns with the Police Department on the Ordinance as well as in Manchester, NH and Portland, ME and they're looking at this matter and have decided not to proceed against Uber currently.

Councilor Thorsen said a company not operating in the City can come into the City and pick people up. He also spoke to limousine services and said we are defining something different now.

City Attorney Sullivan said Uber operates from the point of the Taxi Ordinance like a taxi. Uber would fit the definition of the current Taxi Ordinance. The item of a limousine is addressed in the Ordinance and he reviewed the definition for the Council.

Councilor Kennedy said she will vote against the motion. She said we have a Commission on this matter. She would like the Taxi Commission to come up with a decision before the City Council acts on this. She is concerned with liability issues.

Councilor Thorsen said there is no motion on the floor.

Mayor Lister passed the gavel to Assistant Mayor Splaine.

Mayor Lister thanked Commissioner Catalado for his work on this matter. He appreciates the concerns of Councilor Kennedy and he believes that Assistant Mayor Splaine, a member of the Taxi Commission is coming to ask if there is a way to allow Uber to work.

Assistant Mayor Splaine returned the gavel to Mayor Lister.

Councilor Lown said we should defer to the Taxi Commission on this matter. He said City Attorney Sullivan is stating that Uber is a taxi and would require a medallion and was not considered at the time of the original Ordinance adoption.

Councilor Shaheen asked if we would need to enforce this matter currently if Uber is operating in the City.

City Attorney Sullivan said the Police Department would need to issue a violation. He said if the City Council makes a clear intent on this matter the Police Department and Legal Department would decide on the enforcement.

Councilor Dwyer said Assistant Mayor Splaine said when he made the statement it was his request and not a vote of the Taxi Commission. Assistant Mayor Splaine said there was no vote by the Taxi Commission and it was his intent to bring the matter forward. He would like to have enforcement officers to take no action in the next 60 days until the Taxi Commission provides a report back to the City Council.

Assistant Mayor Splaine moved that the City Council allow a temporary 60 day request of the law enforcement officials of the City not to restrain Uber from operating in the City with a report back to the City Council from the Taxi Commission. Seconded by Councilor Spear.

Councilor Thorsen questioned whether we have the power to do this and what liability issue could we be facing. He said we should enforce our Ordinances and we need to define matters and solve them. He stated he would not support the motion at this time.

Councilor Kennedy said she agrees with Councilor Thorsen. She did not take away from Commissioner Cataldo that this was a consensus of the Commission. She would like a vote from the Commission before we move forward. She said the key to this is the safety of the people and vehicles.

Councilor Morgan said she agrees with the comments of Councilors Thorsen and Kennedy. She asked if there is a reason why this is a pressing issue and a reason not to wait for the Taxi Commission to work on this and follow its normal schedule.

Assistant Mayor Splaine said there our reasons to consider this now. It is clear that Uber is here to stay in this world. He said there is a need for more taxis and we will see that need during the Holiday's.

Councilor Shaheen said the urgency is, the industry is ahead of the Ordinance right now.

City Attorney Sullivan said he believes that is the situation. He said current drivers would be subject to being ticketed because the Ordinance does not allow for Uber drivers and they could be summons every time they bring an Uber vehicle into the City.

Councilor Shaheen said that the Taxi Commission should do their work and report back. She does not feel that this is urgent.

On a roll call vote 4-5, motion *failed* to pass. Assistant Mayor Splaine, Councilors Lown, Spear and Mayor Lister voted in favor. Councilors Shaheen, Kennedy, Dwyer, Morgan and Thorsen voted opposed.

Councilor Thorsen moved that the City Council recognizes that the situation with Uber, such that it may not be covered under current ordinances and therefore request City enforcement officials to be cognizant of that in its authority until such time that the ordinances can be adjusted. Seconded by Councilor Shaheen.

Councilor Kennedy said she feels we are bypassing the Taxi Commission.

Councilor Morgan asked if the motion would be a statement from the City Council. City Attorney Sullivan said yes. Councilor Morgan said it would be subject to the interpretation by the law enforcement officials.

Motion passed with Councilor Lown voting opposed.

XIV. MISCELLANEOUS/UNFINISHED BUSINESS

XV. ADJOURNMENT

At 9:30 p.m., Councilor Lown moved to adjourn. Seconded by Assistant Mayor Splaine and voted.



Kelli L. Barnaby, CMC/CNHMC
City Clerk

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, January 5, 2015 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a Supplemental Appropriation in accordance with Section 7.14 of the City Charter to raise and appropriate \$555,500.00 from Unassigned Fund Balance regarding Collective Bargaining Agreements. The complete Resolution is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

KELLI L. BARNABY, CMC/CNHMC
CITY CLERK

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KELLI L. BARNABY, CMC/CNHMC
CITY CLERK

PM-204096

**CITY OF PORTSMOUTH, NEW HAMPSHIRE
SUPPLEMENTAL APPROPRIATION
FOR THE FISCAL YEAR ENDING JUNE 30, 2015**

RESOLUTION # -

**A RESOLUTION AUTHORIZING A SUPPLEMENTAL
APPROPRIATION FROM UNASSIGNED FUND BALANCE
FOR NECESSARY EXPENDITURES RELATED TO
CONTRACTUAL OBLIGATIONS.**

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

THAT, the City Council has determined that the sum of up to **Five
Hundred Fifty-Five Thousand Five Hundred (\$555,500)
Dollars** is to be appropriated from Unassigned Fund Balance to
defray the expenditures related to contractual obligations for the
Fiscal Year ending June 30, 2015.

THAT, to meet this appropriation, the City Manager is authorized to
transfer these funds from Unassigned Fund Balance.

APPROVED BY:

ROBERT J. LISTER, MAYOR

ADOPTED BY CITY COUNCIL

KELLI L. BARNABY, CITY CLERK

SECTION 7.14-AMENDMENTS TO BUDGET AFTER ADOPTION

No appropriation shall be made for any purpose not included in the annual budget as adopted unless voted by a two-thirds (2/3) majority of the Council after a public hearing held to discuss said appropriation. The Council shall, by resolution, designate the source of any money so appropriated.



December 17, 2014

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

Dear John,

Please accept this check for \$15,000.00 as a donation to the City in support of the twice monthly Senior Luncheons. We have watched these luncheons grow from the initial 25 to 30 attendees to what have now become regularly sold out events of 60 or more.

Our Vision Statement reads: Mark Wentworth Home is an active participant in a community dedicated to ensuring our seniors are fully engaged in living better lives, longer.

We believe that the partnerships we have forged with the City on the Interim Senior Center, Senior Transportation, and now the increased support of these luncheons, are something we should all be proud of and relate directly to our Vision above. The seniors of Portsmouth who are participating in these programs are most assuredly living better lives than they would without them.

We would like to thank you and the City Council for the role you have played in making sure these initiatives continue.

Very truly yours,



William C. Henson
President and CEO



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

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

RECEIVED

PORTSMOUTH POLICE DEPARTMENT

DEC 22 2014

MEMORANDUM

CITY MANAGER
PORTSMOUTH, NH

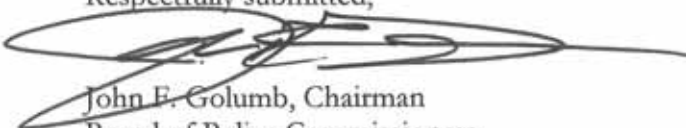
DATE: 17 DECEMBER, 2014
TO: JOHN P. BOHENKO, CITY MANAGER
FROM: JOHN F. GOLUMB, CHAIRMAN, PORTSMOUTH POLICE COMMISSION
STEPHEN J. DUBOIS, CHIEF OF POLICE
RE: GRANTS & DONATIONS


At the December 17th, 2014 monthly Police Commission meeting, the Board of Police Commissioners approved and accepted the following grants and donations:

1. Grants & Donations:
 - a. A grant in the amount of \$7,391 from Susteen Advanced Mobile Forensics The total cost of the equipment is \$12,390; the grant pays for \$7,391 of the cost and the matching funds of \$4,999 will come from the main ICAC funding grant already in place.
 - b. Donation of a Gateway laptop computer by Homeland Security to the Portsmouth Police Department. This is forfeited equipment resulting from a New Hampshire Internet Crimes Against Children Task Force case.
 - c. A donation in the amount of \$25 from retired police commissioner William Mortimer in support of the Portsmouth Explorer Post.
 - d. A donation in the amount of \$151.40 from retired chief, Dr. David 'Lou' Ferland, in support of the Portsmouth Police Explorers.
 - e. A donation in the amount of \$500 from Newburyport Five Cent Savings Bank.

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

Respectfully submitted,


John F. Golumb, Chairman
Board of Police Commissioners


Stephen J. DuBois, Chief of Police

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

2014- 2015 Law Enforcement Mobile Forensics Grants

Hello Everyone,

When we decided to launch our Susteen Community Outreach Grant and later our Secure View Next Generation grant in mid-2014, we had no idea what tremendous feedback we would receive. Susteen has been at the forefront of Mobile Forensics since the FBI came to us in 2005 and described the need for a product that could pull essential data off of mobile phones easily. We felt that the time was right to give back to an industry that has given so much to the people they protect and serve. A list of some of our recipients from last year can be found on this page. Please see the enclosed grants. We look forward to helping your department too!

Thank you,

Jeremy Kirby

Director of Sales

SECURE VIEW
NEXT GENERATION MOBILE FORENSICS

2014-2015 Susteen Advanced Mobile Forensics Grant (SVNG)

All Departments Free to Apply

Grant Background: This grant is intended for law enforcement agencies in need of Advanced Mobile Forensics Software. Law enforcement agencies are having trouble keeping up with the increasing amount of cases involving cell phone data. The ability to capture and analyze information such as deleted data, texts, calls and App information from social networking sites is paramount. The Susteen Mobile Forensics Grant gives law enforcement agencies the ability to acquire Next-Generation mobile forensics software at steeply discounted prices using matching funds. This grant includes extra features to provide departments with extra power for their mobile forensic needs.

Need:

- Qualified Agencies should have more than 20 sworn full-time officers/deputies.
- Qualified Agency should protect and serve a population area of over 15,000.
- Qualified Agency should have one employee who can attend webinar (at no cost) on correct software operation.
- If the above are not met, agency may still apply and will be considered.

Description of Project:

- **Goals:** The Susteen Mobile Forensics Grant should be used by law enforcement agencies to help build better cases and increase conviction rates. This should be a benefit to the community that they serve.
- **Objectives:** The grant's objective is to allow law enforcement agencies access to Next-Generation cell phone forensics tools including advanced analytics for current forensics software users. Law Enforcement agencies will be better equipped to handle the increasing amount of cases involving cell phone data.
- **Process:** Return application below and allocate matching funds. Grants are available on an immediate needs basis. **Grant is non-competitive as it is first come, first serve.**
- **Outcome:** This grant will provide **up to 90** law enforcement agencies the ability to obtain Next-Generation mobile-forensic software at a steeply discounted rate.
- **Integration:** The Secure View Next-Gen NUC complements current software in use at law enforcement agencies and will integrate current reports and data.

Return to: Susteen C/O Grants Department 8001 Irvine Center Dr. Ste. 1500 Irvine, Ca. 92618
Or via Email to: grants@susteen.com www.secureview.us

Description of the Product and What is Included:

- **Secure View NUC:** The most complete tool for the cell phone forensic investigator. The Secure View NUC supports thousands of phones. Law Enforcement agencies gain case file extraction, analyzing and bookmarking in one complete package. The Secure View NUC is the only mobile forensic tool that provides 3 specific processes for examination: Acquire, Analyze, and Report. The Secure View NUC is pre-programmed with a gathering tool for pre-set field triage, password acquisition tool to unlock cell phones, advanced analytics tool and deleted data recovery.
- **Complete Cable Kit including:** • Secure View NUC with Intel Core i5 vPro Processor • Windows® 7 Ready • Secure View 3 Embedded Software with add-ons • Hard-sided Carrying Case •
- **Add-on Modules:** svPIN, svDDR, svLOADER, svSMART
- **New for 2015:** svDetect early warning database system and svConnect feature for advanced data gathering support.
- **Get Crucial Data from More Sources:** Facebook, LinkedIn, Vibe, Kik, Twitter, Instagram etc.
- **iPhone Unlocking Features:** Instant passcode recovery for all iOS versions up to iOS 7* and simple 4-digit iOS 4/5/6 passcodes recovered in minutes. Up to iPhone 4 hardware.
- **Physical Analyzer Features:** Deleted Data Physical Analyzer for image dumps of cell phones.
- **Complimentary Webinar Training for your Department**
- **Free Shipping**

Work plan/Timeline/Conditions:

- All applications for the Susteen Mobile Forensics Grant must be submitted prior to December 31st, 2014.
- Grant is open to 120 participating agencies. Once limit is met, no further submissions will be accepted.
- If approved, matching Law Enforcement agency funds must be received by January 31st, 2015.
- Training will be scheduled once unit is received by Law Enforcement Agency and is done live, online and at no cost to the Law Enforcement Agency.

Budget:

Susteen understands that federal funds have become harder to receive. Many Law Enforcement Agencies do not have the \$15,500-\$20,000 needed to purchase multiple mobile forensic examining software suites. This grant drastically cuts down the cost of acquiring the Next-Generation Secure View NUC Mobile Forensics Unit. The Susteen Mobile Forensics Grant will cover 60% of the cost for departments to acquire a new Secure View NUC. The grant timeframe is set up specifically to help agencies acquire matching funds.

Item	MSRP	<u>Grant Pays</u>	Cost per Unit to Law Enforcement Agency	Amount of Units needed *Max 3
Next-Gen Secure View NUC Package	\$12,390	\$7,391	\$4,999 <small>MATCH</small>	*

*Mark desired # of licenses

Application may be returned via email or mail: Approval process takes less than a week.

Name: _____

Organization: _____

Address: _____

City: _____ St. _____ Zip: _____

Phone: _____

E-mail: _____

Amount of Sworn Full Time Officers: _____

Current Mobile Forensic Software in Use: _____

Estimated Volume of Phone Extractions per Month: _____

Has an officer been formally trained on mobile forensic software before? _____ Y/N

Do you currently have Secure View Software or have used it in the past? _____ Y/N

Prepared by: _____ Rank: _____ Date: _____

Population of city/area served: _____

Signature: _____

Return to: Susteen C/O Grants Department 8001 Irvine Center Dr. Ste. 1500 Irvine, Ca. 92618
Or via Email to: grants@susteen.com www.secureview.us

From: O'Reilly, Jacqueline
Sent: Friday, November 21, 2014 3:27 PM
To: Tom Grella
Subject: RE: Vendor Grant

Approval from the ICAC grant manager to cover the Susteen grant "match"

Hi Tom,

This is an allowable cost and is approved to be supported by grant funds.

Thanks,
Jackie

Jacqueline O'Reilly
Program Manager
Youth Development, Prevention and
Safety Division



Office of Juvenile Justice and Delinquency Prevention



Matching funds will come from
the ICAC grant
(this is the approval from the grant manager)

NEW HAMPSHIRE INTERNET CRIMES AGAINST CHILDREN TASK FORCE

MEMORANDUM

DATE: DECEMBER 1, 2014
TO: THE PORTSMOUTH POLICE COMMISSION
FROM: SGT. TOM GRELLA, NH ICAC TASK FORCE COMMANDER
RE: FORFEITED EQUIPMENT

In August of 2013, the NH ICAC Task Force was involved in a joint-investigation with Homeland Security. The case involved the possession of Child Sexual Abuse Images (CSAI). The investigation determined that Daryl Robertson was the person responsible for the conduct.

At the time, Mr. Robertson lived with his mother, Martha Thyng, at her home in Barrington, NH. On August 5, 2013 a search warrant was executed at the Barrington address. Seized during the search was a Gateway laptop computer. Shortly after the day of the search warrant operation, Mr. Robertson took his own life. As a result, the case was closed.

On October 24, 2014 Martha Thyng abandoned the laptop to Homeland Security.

On December 1, 2014, Homeland Security sent me a letter relinquishing the laptop to the NH ICAC Task Force. I am requesting the Police Commission accept the donation into the equipment compliment of the Portsmouth Police Department. The laptop will be assigned to an affiliate of the NH ICAC Task Force for use in Child Exploitation investigations. The laptop will remain the property of the Portsmouth Police Department.

Thank you,


Sgt. Tom Grella, Commander, NH ICAC



NEWBURYPORT
FIVE CENTS SAVINGS
BANK

December 10, 2014

Portsmouth Fire Department
170 Court Street
Portsmouth, NH 03801

Dear Friends:

On behalf of Newburyport Five Cents Savings Bank, I am pleased to present to your organization the enclosed donation. This bank prides itself in its commitment to the local and surrounding communities.

We understand the current financial pressure that has been placed on charitable organizations and municipal entities, and hope that our gift will help to demonstrate our support for the good work that you do. Aligned with our mission, we encourage our employees to also become active in volunteering and contributing their time to many of the social groups in our great communities.

Wishing you great success in 2015!

Sincerely,

Janice C. Morse
President & CEO

JCM/ejb
Enc. Ck. \$500.00

RECEIVED
DEC 15 2014

BY:



National
Multiple Sclerosis
Society
Greater
New England
Chapter

XI. D.



December 15, 2014

Ms. Kelli L. Barnaby, City Clerk
One Junkins Avenue
Portsmouth, NH 03801

Dear Ms. Barnaby,

On behalf of the National Multiple Sclerosis Society, Greater New England Chapter, I would like to extend our deep gratitude for the continuous support Portsmouth has shown throughout the years.

Although we are in the middle of winter, I have begun planning for the 2015 Bike MS NH Seacoast Escape. This year's date is set for Saturday, August 22nd. The purpose of this letter is to ask for permission to use roads within Portsmouth and to inform you of the route through the city of Portsmouth. I have enclosed written riding directions for you. Our first cyclist (of approximately 250) should enter Portsmouth at 10:30am, and the last cyclist should depart at 1:00 PM.

Our routes feature safety stops every 10-15 miles, so that our cyclists remain hydrated and nourished. All cyclists agree to follow rules of the road, and are directed to ride single file. We issue one warning to cyclists not following the rules of the road. On the next infraction, we pull them from the ride and require they ride to the finish in one of our safety vehicles.

We mark our route with small cardboard signs attached to utility poles or stakes. We will begin marking the route on August 20th. A volunteer will follow the route on the day of the ride and remove all signs after the final cyclist has passed.

Please let me know if you have any questions about the ride and/or our route. I can be reached at 781-693-5154.

Sincerely,

Emily Christian
Logistics Associate
Emily.Christian@nmss.org

2015 Bike MS NH Seacoast Escape - 60 mile

ms	Direction	Description	Go	Town:
0.00	L	out of Stratham Hill Park onto Route 33	0.60	
0.60	R	onto Squamscott Road	1.10	
1.70	R	onto Route 108	1.00	Newfields
2.70	R	onto New Road @ Ship to Shore Restaurant	0.10	Newmarket
2.80		Caution: Narrow wooden bridge	2.30	
5.10	R	stop sign onto Route 108 (use caution entering town center)	0.60	
5.70	Sharp R	onto Bay Road	0.40	
6.10	BL	to stay on Bay Road	7.00	Durham
13.10	BR	onto Route 108	0.30	
13.40		REST STOP -- Durham Town Offices --Route 108		
13.40	BR	out of rest stopn ROUTE SPLITS	0.10	
13.50	R	at traffic light to continue on Route 108	0.60	
14.10		pass under Route 4	2.30	Madbury
16.40	S	through light	1.00	Dover
17.40	S	through light on Route 108 Caution: busy area	0.10	
17.50	S	through 2 lights, passing under Spaulding Turnpike	0.30	
17.80	BL	to stay on Route 108	0.40	
18.20	S	through light, continue on Route 108	0.30	
18.50	BR	at traffic light, following signs for Routes 4,9 and 108	0.10	
18.60	BL	staying on path for Routes 4,9 and 108	0.10	
19.70	R	onto Portland Avenue	0.10	
18.80	BR	onto unmarked Cocheco Street (towards water)	0.30	
19.10	S	through stop sign	0.40	
19.50	BR	at yield sign onto Gulf Road	1.80	
21.30	X	bridge over water	1.20	Eliot, ME
22.50	R	at light onto Route 236 South	0.40	
22.90	R	onto Route 103 South	1.50	
24.40	R	onto River Road	2.90	
27.30	BR	at yield sign onto Old Road	0.70	
28.00	S	after stop sign onto Route 103 East	0.30	
28.30		REST STOP -- Eliot Elementary School - 1298 State Road		
28.30	L	out of rest stop, staying on Route 103	0.10	
29.35	R	staying on Route 103 East	0.90	
30.25	S	through yellow blinking light	1.70	Kittery, ME
31.95		Pass under I-95	0.30	
32.25	R	staying on Route 103 East	0.40	
32.65	L	onto Government Street	0.10	
32.75	BR	up hill on Government Street	0.20	
32.95	R	onto Route 1 South	0.10	
33.05		Cross bridge back to New Hampshire (stay on sidewalk)	0.50	Portsmouth
33.55	R	onto Harbour Place which becomes State Street	0.10	
35		*Follow signs for Strawberry Banke*		
33.45	L	onto Marcy Street	0.30	
33.75	L	onto Route 1B South	1.50	
35.25		Caution: crossing bridge		

L=Left, R=Right, X=Cross, S=Straight, B=Bear, @=at

2015 Bike MS NH Seacoast Escape - 25 mile


es	Direction	Description	Go	Town: /
0.00	L	out of Stratham Hill Park onto Route 33	0.60	
0.60	R	onto Squamscott Road	1.10	
1.70	R	onto Route 108	1.00	Newfields
2.70	R	onto New Road @ Ship to Shore Restaurant	0.10	Newmarket
2.80		Caution: Narrow wooden bridge	2.30	
5.10	R	stop sign onto Route 108 (use caution entering town center)	0.60	
5.70	Sharp R	onto Bay Road	0.40	
6.10	BL	to stay on Bay Road	7.00	Durham
13.10	BR	onto Route 108	0.30	
13.40		REST STOP -- Durham Town Offices - Route 108		
13.40	BR	out of rest stop ROUTE SPLITS	0.10	
13.50	L	at stop sign to continue on Route 108	1.30	Newmarket
14.80	R	Bennet Rd	1.60	
		Caution: Narrow wooden bridge		
16.40	L	Packers Falls	2.00	
		Caution: Look right		
18.40	R	S. Main St	0.50	
18.90	L	Grant	1.10	
20.00	L	Ash Swamp	2.00	
22.00	L	Ash Swamp	0.10	
23.10	R	Rt. 108 South	1.30	
23.40	L	Squamscott Road	1.10	Stratham
24.50	L	Onto Route 33/Portsmouth Ave.	0.60	
25.1	R	Finish Chute		
	FINISH	Finish Line - Congratulations! You made it!		
Route closes at 4:00PM				

2015 Bike MS NH Seacoast Escape - 60 mile

Miles	Direction	Description	Go	Town:
35.25		Caution: crossing bridge		Newcastle
35.25	BL	to stay on Route 1B South	1.60	Rye
36.85		Walk bike over bridge on wooden walkway	1.10	Portsmouth
37.95	L	at stop sign onto Route 1A South	0.50	
38.45	L	at rotary to stay on Route 1A South	1.80	
40.25		REST STOP - Odiorne State Park -- Route 1A		
40.25	L	out of rest stop, pass Rye Harbor St.Park	7.50	North Hampton
47.75	R	onto Route 111	3.20	
51.85	S	thru traffic light, continue onto Route 111	0.50	
52.35	L	at stop sign	0.10	
52.45	R	at stop sign onto Route 151N	0.10	
52.55	L	onto Walnut Ave.	1.70	
54.25	R	onto Lovering Road	1.40	
55.65	L	onto Post Road	0.10	
55.75	L	onto Winnicut Road	1.70	Stratham
57.45	X	Union Road	2.20	
59.65	R	Onto Route 33/Portsmouth Ave.	1.00	
60.65	S	through stop light	0.30	
60.95	R	into Stratham Hill Park		
	FINISH	Finish Line - Congratulations! You made it!		
Route closes at 4:00PM				

**CITY OF PORTSMOUTH
PORTSMOUTH, NH 03801**

Office of the City Manager

Date: December 31, 2014
To: Honorable Mayor Robert J. Lister and City Council Members
From: John P. Bohenko, City Manager 
Re: City Manager's Comments on January 5, 2015 City Council Agenda

6:30 p.m. Non-meeting with counsel in accordance with RSA 91-A:2, I (b) regarding proposed early retirement program.

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

Presentation:

1. **Pedestrian and Bicycle Plan.** Juliet Walker, Transportation Planner, will be presenting an overview of the City's Bicycle and Pedestrian Plan, which was prepared with consulting assistance from Toole Design Group. The Plan lays out a citywide bicycle and pedestrian network and provides recommendations to improve the safety, connectivity, and quality of facilities for biking and walking in the City. The Bicycle and Pedestrian Plan is a stand-alone document to guide planning, capital improvements and programming related to biking and walking, but it will also be incorporated into the Transportation chapter of the City's Master Plan.

Acceptance of Grants/Donations:

1. **Acceptance of Donation Re: Senior Luncheons.** [Attached is a letter from William Henson, President and CEO of The Mark Wentworth Home](#) regarding a donation to the City of \$15,000.00 in support of monthly Senior Luncheons.

I recommend that the City Council move to approve and accept the donation from The Mark Wentworth Home, as listed. Action on this matter should take place under Section IX of the Agenda.

Items Which Require Action Under Other Sections of the Agenda:

1. Public Hearing and Adoption of Resolution:

- 1.1 **Public Hearing and Adoption of Resolution in the amount of Five Hundred Fifty-Five Thousand Five Hundred Dollars (\$555,500) for a Supplemental Appropriation Re: Collective Bargaining Agreements.** As a result of the December 22, 2014 City Council meeting, under Section VIII of the Agenda, I am bringing back for public hearing and adoption the [attached proposed Resolution](#) in the amount of Five Hundred Fifty-Five Thousand Five Hundred Dollars (\$555,500) for a Supplemental Appropriation Re: Collective Bargaining Agreements.

As you will recall, in the FY15 Budget, the City Council appropriated \$500,000 to offset the cost of collective bargaining agreements. At the time the Council established this appropriation, it was understood that there may be a need for a supplemental appropriation from unassigned fund balance to cover the cost for contracts that have been settled during FY15. The following collective bargaining agreements have or will be approved by the City Council as follows:

Professional Management Association	\$ 61,000
Non-Union Employees	\$ 48,000
Association of Portsmouth Teachers	\$ 680,000
Administrators (School)	\$ 54,000
Custodians (School)	\$ 18,500
Paraprofessionals (School)	\$ 79,000
Supervisors Management Association	\$ 20,000
AFSCME #1386 (Tentative Agreement)	\$ 95,000
Total	\$1,055,500
FY15 Appropriation	<u>(\$500,000)</u>
Amount Requested from Unassigned Fund Balance	\$ 555,500

Therefore, I recommend the City Council move to adopt a Resolution in the amount of Five Hundred Fifty-Five Thousand Five Hundred Dollars (\$555,500) for a Supplemental Appropriation from Unassigned Fund Balance regarding Collective Bargaining Agreements in accordance with Section 7.14 of the City Charter. (Two thirds vote is required for passage.) Action on this matter should take place under Section X of the Agenda.

2. Third and Final Reading of Proposed Ordinances:

- 2.1 **Third and Final 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.** As a result of the December 22nd City Council meeting, under Section X of the Agenda, I am bringing back for third and final reading the [attached 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 its meeting on December 18, 2014, the Planning Board considered the proposed Ordinance and voted to recommend that the Zoning Ordinance be amended as proposed.

As voted and requested by the City Council, the City Attorney and Planning Director drafted the [attached Ordinance](#) 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. First Reading of the proposed Ordinance was held at the December 8, 2014 City Council meeting. 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.

I recommend the City Council move to accept the recommendation of the Planning Board that the Zoning Ordinance be amended as proposed and, further, move to pass third and final reading. Action on this item should take place under Section X of the Agenda

- 2.2 **Third and Final Reading regarding a Proposed Ordinance amending Chapter 10 – Zoning Ordinance, Section 10.1110 – Off-Street Parking.** As a result of the December 22nd City Council meeting, under Section X of the Agenda, I am bringing back for third and final 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 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 third and final reading of the proposed Ordinance as recommended by the Planning Board, as presented. Action on this item should take place under Section X of the Agenda

Consent Agenda:

1. **Acceptance of Police Department Grant and Donations.** Attached under Section XI of the Agenda is a memorandum, dated December 17, 2014, from John F. Golumb, Chairman of the Portsmouth Police Commissioners, and Police Chief Stephen J. DuBois, requesting that the City Council approve the following grant and donations:

- a) A grant in the amount of \$7,391 from Susteen Advanced Mobile Forensics. The total cost of the equipment is \$12,390; the grant pays for \$7,391 of the cost and the matching funds of \$4,999 will come from the main ICAC funding Grant already in place.
- b) Donation of a Gateway laptop computer by Homeland Security to the Portsmouth Police Department. This is forfeited equipment resulting from a New Hampshire Internet Crimes Against Children Task Force case.
- c) A donation in the amount of \$25 from retired Police Commissioner William Mortimer in support of the Portsmouth Explorer Post.
- d) A donation in the amount of \$151.40 from retired Chief, Dr. David “Lou” Ferland, in support of the Portsmouth Police Explorers.
- e) A donation in the amount of \$500.00 from Newburyport Five Cents Savings Bank.

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

2. **Acceptance of Donation to the Fire Department.** Attached is a letter from Newburyport Five Cents Savings Bank regarding a donation in the amount of \$500.00 to the Portsmouth Fire Department.

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

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

➤ Town of Carroll \$1,000.00

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

City Manager's Items Which Require Action:

1. **Ratification of Purchase of Property Re: 113 Cottage Street.** On Monday evening, I am requesting the City Council ratify the purchase of land and building adjacent to the Doble Center for \$270,000. In 2003, the property at 113 Cottage Street was purchased by the present owner for \$280,000.

As you can see in the [attached figure and listing sheet](#), 113 Cottage Street abuts the former Paul A. Doble Reserve Center also on Cottage Street. Acquisition of this parcel will have multiple benefits for the City's future use of the Doble property. These include adding additional square footage to the Doble parcel, thereby, making more outdoor space available. In addition, City control of this property may eliminate conflicts between a more intensive use of the Doble Center and this adjacent residential use by future owners. Funding for the purchase of this property could come from the proceeds of the sale of the Mariner Park Associates Property which in August 14, 2000 the City Council voted that the proceeds from this property be used for property acquisitions, land conservation, and recreational purposes. (This fund has a balance of \$502,000.) The purchase of this property falls within the categories authorized by the City Council.

Therefore, I recommend the City Council ratify the purchase of 113 Cottage Street in the amount of \$270,000 from the aforementioned fund, and, further, refer this matter to the Planning Board for their advisory review.

Informational Items:

1. **Events Listing.** For your information, [attached is a copy of the Events Listing](#) updated after the last City Council meeting on December 22, 2014. In addition, this can be found on the City's website.
2. **Report Back Re: Abandoned or Derelict Buildings.** On September 30, 2014, the City Attorney provided you with [the attached memorandum](#) regarding abandoned or derelict buildings. In his memorandum, there are certain conditions in which the City can take action against hazardous and dilapidated buildings. It appears that in the cases cited by residents on abandoned or dilapidated buildings that the City may not be successful in the courts in correcting or alleviating these problem properties. Although there are a small number of properties in the City of Portsmouth that fall into this category, they are still a

significant nuisance to the neighborhood that they are located in. I asked the City Attorney to investigate the possibility of using eminent domain to remedy blighted or derelict buildings which have been abandoned for more than five years and present a nuisance to the neighborhoods in which they are located ([see attached memorandum](#)). At this time, I am not recommending the use of eminent domain for this purpose but rather bring it to you for further discussion by yourself and the public for a possible remedy for this persistent problem. I would recommend that on February 9, 2015, the City Council meet in a work session at 6:30 p.m., to discuss this matter further.

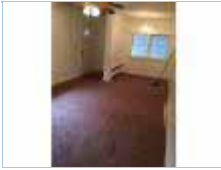


113 Cottage St Portsmouth, New Hampshire
03801

MLS# 4364271
Residential

List Price:
\$279,900

Listed By: Jeffrey Marple of RE/MAX By The Bay



Zoning: GRA
Year Built: 1955
Color:
Gross Taxes: \$4,439.89

Tax Year: 2013
Monthly Assoc.\$:
Lot Acre: 0.23
Lot SqFt: 10,019

Road Frontage: Yes/ 100
Water Frontage:
Water Acc Type:
of Stories: 1

Rooms: 5
Bedrooms: 2
Total Baths: 2
Full: 1
3/4 Baths: 0
1/2 Baths: 1
Garage Capacity: 2
Garage Type: Attached
Total Fin SqFt: 1,104
Apx Fin Above Grd: 1,104
Apx Fin Below Grd: 0
Foot Print:
Flood Zone: Unknown
Style: Ranch

Water Body Type: **Water Body Restr.:** **Surveyed:** Unknown **Seasonal:** No
Water Body Name:

Public Rems: One floor living, close to highways for commuting but also close to downtown Portsmouth. Kitchen just recently remodeled. This ranch style home has 2 bedrooms and 1 1/2 baths, attached 2-car garage, breezeway and nice backyard.

Approximate Room Dimensions

ROOM	DIMS	LEVEL	ROOM	DIMS	LEVEL	FLOOR	BR	FB	3/4	1/2
Living Rm		1	Master BR		1	1st	2	1	0	1
Kitchen		1	2nd BR		1	2nd				
Dining Rm	Area	1	3rd BR			3rd				
Family Rm			4th BR			4th				
Office/Study			5th BR			Bsmt				
Utility Rm			Den							
Other Rm 1			Other Rm							
Other Rm 2			3							

Features

Basement: Full, Sump Pump, Unfinished**Driveway:** Paved**Exterior:** Vinyl**Interior Features:** 1st Floor Master BR, Dining Area, Family Room, Living Room**Docs Available:** Deed**Heating/Cooling:** Baseboard, Hot Water**Lot Description:** City Lot, Level**Roads:** Public**Sewer:** Public**Construction:** Wood Frame**Electric:** 100 Amp, Circuit Breaker(s)**Foundation:** Concrete**Disability Features:** One-Level Home**Water:** Public**Garage/Parking:** Attached**Heat Fuel:** Oil**Negotiable:****Roof:** Shingle-Asphalt**Water Heater:** Electric**Other:****Village:****County:** Rockingham**Book/Pg:** 4195/ 1238**Plan/Survey:****Property ID:****Devel/Subdiv:****Const. Status:** Existing**Home Energy Rating Index:****District:****High Sch:****Jr./Mid Sch:****Elem Sch:****Timeshare/Fract. Ownrshp:** No**# Weeks:****Timeshare %:****LISTED BY****Jeffrey Marple****RE/MAX By The Bay****72 Mirona Road****Portsmouth, NH 03801****Email:** jmarple@marplejames.com**Off. Ph#:** (603) 431-1111**Agt. Ph#:** (603) 431-1111**Cell Ph#:** (603) 427-7082**Fax Ph#:** (603) 431-5779www.marplejames.com

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113 COTTAGE ST

Location	113 COTTAGE ST	Assessment	\$247,900
Mblu	0174/ 0016/ 0000/ /	Appraisal	\$247,900
Acct#	35276	PID	35276
Owner	S AND D REALTY MANAGEMENT LTD LLC	Building Count	1

Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2014	\$97,900	\$150,000	\$247,900

Assessment			
Valuation Year	Improvements	Land	Total
2014	\$97,900	\$150,000	\$247,900

Owner of Record

Owner	S AND D REALTY MANAGEMENT LTD LLC	Sale Price	\$280,000
Co-Owner		Book & Page	4195/1238
Address	500 US HWY L BYPASS PO BOX 570 PORTSMOUTH, NH 03801	Sale Date	11/19/2003

Ownership History

Ownership History
No Data for Ownership History

Building Information

Building 1 : Section 1

Year Built: 1955
Living Area: 1104
Replacement Cost: \$150,658
Building Percent Good: 65
Replacement Cost Less Depreciation: \$97,900

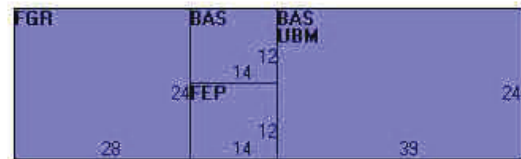
Building Attributes	
Field	Description
Style	Ranch
Model	Residential
Grade:	C
Stories:	1
Occupancy	1
Exterior Wall 1	Vinyl Siding
Exterior Wall 2	
Roof Structure:	Gable/Hip
Roof Cover	Asph/F Gls/Cmp
Interior Wall 1	Drywall/Sheet
Interior Wall 2	
Interior Flr 1	Inlaid Sht Gds
Interior Flr 2	Carpet
Heat Fuel	Gas
Heat Type:	Hot Water
AC Type:	None
Total Bedrooms:	2 Bedrooms
Total Bthrms:	1
Total Half Baths:	1
Total Xtra Fixtrs:	0
Total Rooms:	5
Bath Style:	Avg Quality
WB Fireplaces	0
Extra Openings	0
Metal Fireplaces	0
Extra Openings	0

Building Photo



(http://images.vgsi.com/photos/PortsmouthNHPhotos/\00\00\67\57.JPG)

Building Layout



Building Sub-Areas			Legend
Code	Description	Gross Area	Living Area
BAS	First Floor	1104	1104
FEP	Porch, Enclosed	168	0
FGR	Garage, Attached	672	0
UBM	Basement, Unfinished	936	0
		2880	1104

Extra Features

Extra Features	Legend
No Data for Extra Features	

Land

Land Use

Use Code 1010
Description SINGLE FAM MDL-01
Zone GRA
Neighborhood 129
Alt Land Appr No
Category

Land Line Valuation

Size (Acres) 0.23
Frontage
Depth
Assessed Value \$150,000
Appraised Value \$150,000

Outbuildings

Outbuildings	Legend
No Data for Outbuildings	

Valuation History

Appraisal			
Valuation Year	Improvements	Land	Total
2013	\$97,900	\$150,000	\$247,900
2012	\$98,900	\$150,000	\$248,900
2011	\$98,900	\$150,000	\$248,900

Assessment			
Valuation Year	Improvements	Land	Total
2013	\$97,900	\$150,000	\$247,900
2012	\$98,900	\$150,000	\$248,900
2011	\$98,900	\$150,000	\$248,900

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Paul A. Doble Army Reserve Center

Subject Property: 113 Cottage Street
100 ft. by 100 ft.

113 Cottage Street



Event Listing by Date

Starting Date: 12/22/2014

Ending Date: 12/31/2015

Start End	Type Description	Location	Requestor	Vote Date
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
1/ 1/2015 1/ 1/2015	RACE This race is part of the Greater Portsmouth Chamber of Commerce. This event begins and ends at the Portsmouth Middle School. It begins at 11:00 a.m. Beth Wheland is the contact for this event. bwheland@greatbayservices.com; Cell 603-969-9783	Portsmouth Middle School	Great Bay Services	12/22/2014
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
3/15/2015 3/15/2015	RACE	Pease	New Heights	12/ 8/2014
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/ 3/2015 5/ 3/2015	RACE Renee T. Bouchard is the contact for this event.(603) 431-5454	Pease Tradeport	Madeline's Daughter Bridal Sho	12/ 8/2014
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

Run: 12/31/14
9:01AM

Event Listing by Date

Page: 2

Starting Date: 12/22/2014

Ending Date: 12/31/2015

Start End	Type Description	Location	Requestor	Vote Date
6/13/2015 6/13/2015	ROAD RACE Barbara Massar is the contact for this event. This event begins at 9:00 a.m. with roving closures for race course	Market Square	38th 10K Road Race - Pro Ports	9/22/2014
6/20/2015 6/20/2015	FUND Alyssa Salmon is the contact of this event. Contact No. 430-1140 x14.	Pleasant Street	Big Brothers Big Sisters of th	8/ 4/2014
6/27/2015 6/27/2015	MUSIC Barbara Massar is the contact for this event. This event begins at 5:00 p.m. to 9:30 p.m.	Market Square - Pleasant Street	Summer in the Street Music Ser	9/22/2014
7/ 4/2015 7/ 4/2015	MUSIC Barbara Massar is the contact for this event. This event begins at 5:00 p.m. to 9:30 p.m.	Market Square - Pleasant Street	Summer in the Streets Music Se	9/22/2014
7/ 4/2015 7/ 4/2015	RACE This race is part of the Run Portsmouth Road Race Series 5K Races for 2015. David Hampson is the contact for this event. david.hampson@willis.com; Telephone No. 334-3032	Strawbery Banke	Easter Seals Veteran's Count	12/22/2014
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 7/19/2015	BIKE TOUR Chris Vlangas, Development Director and Thomas MacLennan, Logistics Specialists are the contacts for this event.	Coastline and Mainland from Kittery, ME	Cystic Fibrosis Foundation	12/22/2014
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
8/ 1/2015 8/ 1/2015	RACE This is part of the Run Portsmouth Road Race Series 5K Races for 2015 Justin Finn is the contact for this event. justinf@secureplanninginc.com; Telephone No. 433-5515	Strawbery Banke Museum	Portsmouth Rotary Club - Thund	12/22/2014
9/13/2015 9/13/2015	ROAD RACE This is part of the Run Portsmouth Road Race Series 5K Races for 2015 Wendy McCoolle is the contact for this event. wendy@mybreakfastcancersupport.org Telephone No. 759-5640	Portsmouth Middle School	Celebrate Pink 5K Road Race &	12/22/2014

Event Listing by Date


Starting Date: 12/22/2014

Ending Date: 12/31/2015

Start End	Type Description	Location	Requestor	Vote Date
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	FESTIVAL David Hallowell is the contact for this event.	Pleasant Street	Portsmouth Maritime Folk Festi	12/ 8/2014
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
10/10/2015 10/10/2015	RACE This is part of the Run Portsmouth Road Race Series 5K Races for 2015 Catherine Edison of Community Child Care Center of Portsmouth is one of the contacts. CEdison@communitycampus.org and Ben Anderson or Meghan Toner of Prescott Park Arts Festival Tel. 436-2848	Start Memorial Bridge Portsmouth - Finish Prescott	Memorial Bridge Road Race	12/22/2014
11/26/2015 11/27/2015	RACE Matt Junkin of Seacoast Rotary Club is the contact for this event. mrjunkin@gmail.com; Tel. 591-0083	Strawbery Banke Museum	Seacoast Rotary Club - Turkey	12/22/2014
11/26/2015 11/26/2015	ROAD RACE Matt Junkin is the contact for this event.	Peirce Island - begins and ends	Seacoast Rotary Club	12/ 8/2014

CITY OF PORTSMOUTH
LEGAL DEPARTMENT
MEMORANDUM

DATE: December 29, 2014
TO: JOHN P. BOHENKO, CITY MANAGER
FROM: ROBERT P. SULLIVAN, CITY ATTORNEY
RE: EMINENT DOMAIN AS A REMEDY FOR BLIGHTED PROPERTIES



You have requested a brief outline of the manner in which eminent domain might be used to remedy blighted or derelict properties which have been abandoned for more than five (5) years and present a nuisance to the neighborhoods in which they are located. With regard to more traditional remedies for derelict properties please see my memo to your office of September 30, 2014, attached.

The concept under discussion would have the City Council identify blighted or derelict properties for which no other remedy appears available. For the City to use eminent domain as a response to a "blighted" property, that term must be defined as a: structure or property that is (1) beyond repair; (2) a public nuisance; (3) unfit for human habitation or use; or (4) is abandoned when such structures or property constitutes a menace to health and safety. This definition would be consistent with the definition of "public use" as found in the eminent domain statute at RSA 498-A:1.

The next step in the process after the Council decided whether or not a property was blighted or derelict would be for administrative staff to contact the property owner and indicate that unless the condition of the property was improved the City would commence eminent domain proceedings to acquire the property. If the owner complied with this request, the matter would be resolved.

If the owner failed to comply with the request then the Council could initiate formal eminent domain proceedings, including holding a public hearing on public necessity and retaining an outside appraiser to place a value on the property. The property owner would then be offered the sum of money determined by the appraiser. If the owner accepted the offer, the property would be acquired by the City.

If the owner did not accept the offer, then the City would follow the statutory procedure to take the property by recording a Declaration of Taking with the Board of Tax and Land Appeals and a Notice at the Registry of Deeds. The City would then own the property.

Once the City has acquired the property, by whatever means, the thought would be that the City would then resell the property to a buyer who would be required by the transaction documents to bring the property up to an acceptable condition.

Although it is most likely that the City's acquisition price for the property would exceed the price for which the City could then sell the property, if there were a surplus between the two the City might consider returning that surplus to the original property owner.

attachment

h:\rps\city manager\memo re-derelict buildings & eminent domain

CITY OF PORTSMOUTH
LEGAL DEPARTMENT
MEMORANDUM

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



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

STATE LAW

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

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

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

MUNICIPAL ORDINANCE

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

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

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

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

CIVIL LAWSUIT

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

LAWS THAT DO NOT EXIST

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

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

DISCUSSION

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

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

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

APPENDIX

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

attachment

cc: Jason Page, Zoning Enforcement Officer

CITY OF PORTSMOUTH PORTSMOUTH, NH 03801

Office of the City Manager

DATE: December 31, 2014
TO: Honorable Mayor Robert J. Lister and City Council Members
FROM: John P. Bohenko, City Manager
RE: Joint Budget Committee Recommendation Regarding FY16 Operating Budget

As you are aware, the City Council voted to reestablish the Joint Budget Committee (JBC) which shall advise and make recommendations to the City Manager and the City Council on guidelines for the preparation of the proposed FY16 budget.

The JBC met three times; November 5, 2014, November 25, 2014, and December 17, 2014. At the December 17th meeting, a very preliminary FY16 proposed budget was presented for both the operating and the non-operating budget (see attached). The preliminary Operating budget was prepared based on increases or changes in rates associated with COLA adjustments, Retirement, Health Insurance premium, Workers' Compensation, Electricity, Natural Gas, Gasoline, and other operating adjustments. The non-operating budget include adjustments primarily associated with Debt Service, County Tax, Property & Liability, Rolling Stock, and Capital Outlay.

The JBC focused on the Operating Budget and recommends that a guideline be set that would result in the continuation of existing services. Due to increases in rates such as COLA, Retirement, and Health Insurance, the preliminary operating budget was presented with an overall increase of approximately 4%. The JBC recommends that for each department there not be a set percentage increase but an *overall* operating budget increase of no more than \$3,000,000 or 3.95%.

JPB/ams

Attachment

**JOINT BUDGET
COMMITTEE
DECEMBER 17, 2014**

**FISCAL YEAR 2016 PRELIMINARY
BUDGET**

FY2016 BUDGET

Major Categories

OPERATING

COLA

Retirement

Leave at Termination

Health Insurance

Worker's Compensation

Energy

NON-OPERATING

- Debt Service
- Capital Outlay
- County Tax
- Overlay
- Rolling Stock
- Property & Liability

GENERAL GOVERNMENT

FY15 Budget *(Adjusted by Collective Bargaining)*

\$ 17,219,382

Step increase *(includes benefits and retirement)*

124,900

Retirement *(due to increase in rates)*

14,326

Health Insurance

90,372

Workers' Compensation

(14,575)

Other Benefits *(i.e. Longevity, FICA,)*

3,014

Electricity

145,900

Natural Gas

24,990

Gasoline

15,750

Other Operating @3%

124,296

528,972

3.07%

2% Collective Bargaining

Includes benefits including Retirement

199,746

Total

728,718

4.23%

POLICE DEPARTMENT

Adopted FY15 Budget	\$	9,354,354	
Step increase <i>(includes benefits and retirement)</i>		105,507	
Retirement <i>(due to increase in rates)</i>		37,983	
Health Insurance		75,842	
Workers' Compensation		(5,054)	
Other Benefits <i>(i.e. Longevity, FICA,)</i>		2,701	
Gasoline		7,420	
Other Operating @3%		13,099	
		237,497	2.54%
2% Collective Bargaining			
<i>Includes benefits including Retirement</i>		142,039	
Total		379,536	4.06%

FIRE DEPARTMENT

Adopted FY15 Budget	\$	<u>7,762,440</u>	
Step increase <i>(includes benefits and retirement)</i>		116,945	
Retirement <i>(due to increase in rates)</i>		43,274	
Health Insurance		58,767	
Workers' Compensation		(14,129)	
Other Benefits <i>(i.e. Longevity, FICA,)</i>		3,322	
Electricity		8,200	
Natural Gas		4,200	
Gasoline		3,780	
Other Operating @3%		<u>9,261</u>	
		<u>233,621</u>	3.01%
2% Collective Bargaining			
<i>Includes benefits including Retirement</i>		<u>117,536</u>	
Total		<u>351,157</u>	4.52%

SCHOOL DEPARTMENT

FY15 Budget <i>(Adjusted by Collective Bargaining)</i>	\$	41,805,970	
Step increase <i>(includes benefits and retirement)</i>		498,453	
Retirement <i>(due to increase in rates)</i>		312,392	
Health Insurance		313,091	
Workers' Compensation		(5,028)	
Other Benefits <i>(i.e. Longevity, FICA,)</i>		1,881	
Electricity		281,964	
Natural Gas		5,570	
Fuel Oil		64	
Gasoline		0	
Tuition		(95,146)	
Transportation		26,469	
Other Operating @3%		89,434	
		<hr/>	
		1,429,144	3.42%
		<hr/> <hr/>	
2% Collective Bargaining			
<i>Includes benefits including Retirement</i>		129,056	
		<hr/>	
Total		1,558,200	3.73%
		<hr/> <hr/>	

TOTAL OPERATING BUDGET

FY15 Operating Budget Budget	\$	76,292,146	
Step increase <i>(includes benefits and retirement)</i>		845,805	
Retirement <i>(due to increase in rates)</i>		407,974	
Health Insurance		538,072	
Workers' Compensation		(38,786)	
Other Benefits <i>(i.e. Longevity, FICA,)</i>		10,918	
Electricity		436,064	
Natural Gas		34,760	
Fuel Oil		64	
Gasoline		26,950	
Tuition		(95,146)	
Transportation		26,469	
Other Operating @3%		236,090	
		2,429,234	3.18%
2% Collective Bargaining		588,376	
<i>Includes benefits including Retirement</i>			
Total		3,017,611	3.96%

NON-OPERATING BUDGET

	FY15 BUDGET	PREMINARY INCREASE	FY16 BUDGET	% Change
RELATED EXPENSES	275,000	-	275,000	0
SERVICE	11,231,523	886,352	12,117,875	7
AGENCY	250,000	-	250,000	0
LAY	1,000,000	-	1,000,000	0
TY	4,764,174	238,209	5,002,383	5
ERTY & LIABILITY	318,000	3,000	321,000	0
NG STOCK	786,300	164,960	951,260	20
R NON-OPERATING	679,325	-	679,325	0
AL OUTLAY	1,600,000	320,000	1,920,000	20
PREMINARY NON-OPERATING BUDGET	20,904,322	1,612,521	22,516,843	7

FY 16 PRELIMINARY BUDGET

PRELIMINARY BUDGET DISCUSSION ONLY	FY15 BUDGET	FY16 STEPS	OTHER INCREASE	FY16 BUDGET	% CHANGE	COLA 2%	TOTAL	\$ CHANGE
OPERATING BUDGET								
GOVERNMENT	17,219,382	124,900	404,073	17,748,354	3.07%	199,746	17,948,100	728,718
DEPARTMENT	9,354,354	105,507	131,990	9,591,851	2.54%	142,039	9,733,890	379,536
DEPARTMENT	7,762,440	116,945	116,675	7,996,061	3.01%	117,536	8,113,597	351,157
DEPARTMENT	41,805,970	498,453	930,691	43,235,114	3.42%	129,056	43,364,170	1,558,200
VE BARGAINING CONTINGENCY	-	-	-	-	-	-	-	-
R TO INDOOR POOL	150,000	-	-	150,000	0.00%	-	150,000	-
INARY OPERATING BUDGET	76,292,146	845,805	1,583,430	78,721,380	3.18%	588,376	79,309,757	3,017,611
NON-OPERATING								
ATED EXPENSES	275,000	-	-	275,000	-	-	275,000	-
VICE	11,231,523	-	886,352	12,117,875	-	-	12,117,875	886,352
ENCY	250,000	-	-	250,000	-	-	250,000	-
	1,000,000	-	-	1,000,000	-	-	1,000,000	-
	4,764,174	-	238,209	5,002,383	-	-	5,002,383	238,209
Y & LIABILITY	318,000	-	3,000	321,000	-	-	321,000	3,000
STOCK	786,300	-	164,960	951,260	-	-	951,260	164,960
NON-OPERATING	679,325	-	-	679,325	-	-	679,325	-
OUTLAY	1,600,000	-	320,000	1,920,000	-	-	1,920,000	320,000
ARY NON-OPERATING BUDGET	20,904,322	-	1,612,521	22,516,843	7.71%	-	22,516,843	1,612,521
OPERATING & NON-OPERATING								
	97,196,468	845,805	3,195,951	101,238,223	4.16%	588,376	101,826,600	4,630,132



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

RECEIVED
DEC 19 2014
By: Regulumbk.
Renewing applicant

Committee: PLANNING BOARD

Name: JAY LEDUC Telephone: 603-373-8475

Could you be contacted at work? YES/ NO - If so, telephone # 603-312-6880

Street address: 873 MAPLEWOOD AVE.

Mailing address (if different): _____

Email address (for clerk's office communication): JAY_LEDUC@HOTMAIL.COM

How long have you been a resident of Portsmouth? 15+ YEARS

Occupational background:

- ENVIRONMENTAL ENGINEER

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

Reasons for wishing to continue serving: ENJOY THE WORK ?

CONTRIBUTING TO THE CITY.

OVER
➔

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

FREEDOM RUGBY - PORTSMOUTH
USA HOCKEY - EXETER (YOUTH)
ROCHESTER MENS HOCKEY
DOVER MENS HOCKEY

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

- 1) DAVE KING, STATE ST PORTSMOUTH, NH, 603-502-2834
Name, address, telephone number
- 2) JOHN RICCI, 225 BANFIELDS Rd. (WOODS) 603-436-3112
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: Dec. 12, 2014

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 10-1-2017

Annual Number of Meetings: 13 Number of Meetings Absent: 4

Date of Original Appointment: ²⁰¹⁴(as alternate) 5/6/2013

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

QUALIFICATION SUMMARY

EHS Management

- Development of ISO based EHS management systems that ensure regulatory compliance and operational excellence.
- Experienced in working with business managers to successfully develop leading and lagging indicators that improve EHS performance and culture.
- Management of comprehensive audit programs that identify key gaps, drives continuous improvement, and eliminates potential hazards.

Safety Culture Development

- Developed and implemented an incident management system for a company with seven business units and over 10,000 employees.
- Proven ability to build, enhance and sustain a culture of safety within a highly complex multi-national company.
- Extensive knowledge in developing effective occupational and process safety related goals and objectives.

Environmental Leadership

- Experienced in working with federal, state and provincial governments to strongly influence proposed and existing regulations.
- Research and development of various industrial ecology techniques that allow large industrial facilities to reduce their environmental footprint while improving operating efficiency and public perception.
- Climate change expert with the ability to successfully develop and implement goals, metrics, strategy, and processes that reduce GHG emissions across the supply chain.

PROFESSIONAL EXPERIENCE

As Director of Environment, Health and Safety (EHS), I am responsible for governance, oversight, and performance for all EHS related matters. Reporting directly to the executive team, the following is a brief summary of typical responsibilities:

- EHS Committee – I am responsible for leading EHS Managers to ensure EHS related strategies, policies, and objectives are implemented effectively and consistently throughout the company. I am also responsible to ensure compliance with all EHS requirements, managing EHS audits, and benchmarking performance.
- Environmental Performance – Ensuring the company remains an environmental leader within the industry through the development of strategies and targets that create competitive advantages while minimizing the impact of operations on the surrounding environment.
- Safety Performance – Developing and implementing safety culture enhancing programs across the organization to ensure regulatory compliance, increase safety awareness and reduce recordable injury frequency.
- Incident Management – Developing and implementing a fully integrated system across the business units to report, track, investigate, and analyze incidents and near misses. Incidents are investigated using a root cause analysis tool with automatic notifications to senior management.
- Emergency Response – Responsible for the development and management of all emergency response and crisis management plans, procedures, and training.
- Reporting – Responsible for developing and presenting all monthly, quarterly and annual EHS reports to the Executive Team.
- Government Relations – Developing and maintaining strong relations with all levels of government and public agencies seeking consultation on proposed and existing regulatory requirements.
- Remediation – Responsible for managing the remediation and reclamation of all land and water bodies adversely impacted by operations.
- Acquisitions and Divestitures – Responsible for environmental and safety assessments for all acquisitions and divestitures of company assets to ensure acceptable risk tolerances are achieved.
- Audit – Responsible for the management of an EHS audit program to ensure compliance and operational excellence.
- Corporate Social Responsibility (CSR) – Working with a cross-functional team of business and corporate managers to develop key performance indicators to enhance sustainable work practices and objectives.

Jay Leduc

873 Maplewood Ave. Portsmouth, NH 03801

Ph: 603-373-8475

email: jay_educ@hotmail.com

WORK EXPERIENCE

September 2014 – Current **Director of EHS** **Portsmouth, NH**
Sprague Operating Resources:

Sprague is one of the largest independent suppliers of energy and materials handling services in the Northeast with products including home heating oil, diesel fuels, residual fuels, gasoline and natural gas.

January 2014 - September 2014 **Manager of EHS** **Wilmington, MA**
Royal DSM:

Royal DSM is a global science-based company active in health, nutrition and materials. By connecting its unique competences in Life Sciences and Materials Sciences DSM is driving economic prosperity, environmental progress and social advances to create sustainable value for all stakeholders simultaneously. DSM delivers innovative solutions that nourish, protect and improve performance in global markets such as food and dietary supplements, personal care, feed, medical devices, automotive, paints, electrical and electronics, life protection, alternative energy and bio-based materials.

October 2001 – December 2013 **Director of EHS** **Portsmouth, NH**
Irving Oil:

Irving Oil is a family-owned and privately-held regional energy processing, transporting, and marketing company headquartered in Saint John, New Brunswick, Canada, with U.S. marketing operations in Portsmouth, New Hampshire. With over 900 fueling locations, operations from eight distribution terminals, and a delivery fleet of tractor-trailers, they serve wholesale, commercial, and retail customers in Atlantic Canada, Quebec, and New England

EDUCATIONAL EXPERIENCE

October 2010 – October 2012 **University of New Brunswick** **Saint John, NB**
Executive Masters of Business Administration, MBA

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

Additional Educational Merits:

- Risk and Loss Management Certificate, Dalhousie University
 - Environmental Engineering Option, University of Waterloo
 - Environmental Assessment Certificate, University of Waterloo
-

VOLUNTEER EXPERIENCE

Portsmouth Planning Board – Member of the City of Portsmouth Planning Board requiring monthly review of site plans for proposed new developments and modification to existing properties within the city limits.

ead



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.*

FEB 17 2012

Initial applicant

Committee: Historic District Commission

Name: Reagan B. Ruedig Telephone: 603-373-8391

Could you be contacted at work? YES/NO If so, telephone # 646-342-9275 (cell)

Street address: 27 Rock Street, Portsmouth, NH 03801

Mailing address (if different): _____

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

How long have you been a resident of Portsmouth? 2 years (since 12/15/2009)

Occupational background:

Architectural Conservator, 2007-2009, in the Boston area.

Historic Preservationist, 2010-current, in the state of New Hampshire.

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

Intern at the Philadelphia Historical Commission while in graduate school.

Historian/preservationist working on sites throughout the state of New Hampshire.

Served on the Buildings and Grounds Committee for the John Paul Jones house for the

Portsmouth Historical Society, on the Board of Trustees since Dec. 2011.

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: To contribute to the preservation community in Portsmouth and the city's future development.

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

Board of Trustees for the Portsmouth Historical Society, Building and Grounds Committee for the

John Paul Jones House (Historical Society)

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

1) Lynne Monroe, 5 Hobbs Road, Kensington, NH 603-778-1799
Name, address, telephone number

2) John Mayer, 68 Cabot Street, Portsmouth, NH 603-422-9551
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: Reagan B. Ruddy Date: 2/17/2012

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

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

REAGAN BAYDOUN RUEDIG

27 Rock Street, Portsmouth, NH 03801
tel. 646-342-9275 rbaydown@gmail.com

EDUCATION

- University of Pennsylvania**, School of Design Philadelphia, PA 2005-2007
MSHP, concentration in Site Management
- New York University**, Institute of Fine Arts New York, NY 2001-2004
MA in Art History and Archaeology, concentration in
Ancient Greek Architecture
- Duke University**, College of Arts and Sciences Durham, NC 1997-2001
BA in Art History, minor in Classical Archaeology,
certificate in Markets and Management
-

EMPLOYMENT

- Preservation Company**, Kensington, NH *Historian*. 2010-present
Preservation consulting work including Section 106 compliance review, National Register
Nominations, individual and historic district determinations of eligibility, and Historic Structure
Reports. Projects located throughout the state of New Hampshire and southern Maine.
- Building Conservation Associates, Inc.**, Dedham, MA *Architectural Conservator*. 2007-2009
Completed exterior conditions surveys and interior finishes analyses, prepared construction
documents using AutoCAD, performed mortar and paint analyses, monitored construction projects,
assisted in the writing of specifications for construction.
- Samothrace Excavations, New York University,** *Preservation Management Consultant*. 2008
Institute of Fine Arts, Samothrace, Greece *Archaeologist, Architectural Draftsman*. 2004
Documented site conditions, drafted reports and recommendations for site preservation management,
and collaborated on conservation treatment of archaeological monuments at the Sanctuary of the
Great Gods on Samothrace. Archaeological responsibilities included architectural drawings, pottery
drawings, assisting in preparation of publication.
- University of Pennsylvania Museum of Archaeology and** *Architectural Draftsman*. 2007
Anthropology, Philadelphia, PA/Arcadia, Greece
Documented architectural fragments and remains in situ by hand and drafted field drawings of
architectural fragments into AutoCAD as part of the architectural team at for the Mt. Lykaion
Excavation and Survey Project in Arcadia, Greece.
- Preservation Alliance of Greater Philadelphia/** *Samuel S. Fels Fund Intern*. 2006
Philadelphia Historical Commission
Surveyed neighborhoods for nomination for Philadelphia Register Historic District with experimental
digital methods, researched and prepared nomination forms, and helped develop handbook for
district nominations.
- Metropolitan Museum of Art, Department of** *Collections Management Assistant*. 2004-2005
Greek and Roman Art, New York, NY
Managed and expanded database of the Greek and Roman collection, worked with curators to write
and generate new descriptive material for the new installation of South Italian and Roman art (open
April 2007), research and editorial assistant.

City College, City University of New York

Adjunct Professor. 2004

Lectured two semesters of the Greek and Roman Art undergraduate/graduate course.

Pratt Institute, Brooklyn, NY

Visiting Instructor. 2003, 2004

Lectured two semesters of the Survey of Western Art I undergraduate course.

Institute for Aegean Prehistory, Greenwich, CT

Library/Research Assistant. 2002-2004

Edited and researched articles for publication by the Institute.

Aphrodisias Excavations, New York University,

Archaeologist, Sculpture Team Member. 2002

Institute of Fine Arts, Aphrodisias, Turkey

Responsibilities included overseeing the excavation of 2 trenches, recording excavation and producing reports, recording and drawing archaeological finds, and writing catalogue entries for sculpture in the museum.

Agora Excavations, American School of Classical Studies in Athens, Greece

Excavator. 2001

Responsibilities included physical excavation work and assisting in pottery analysis.

COURSEWORK AND PROJECTS

The Plastic Club of Philadelphia: a Site Management Study and Building Analysis: Master's Thesis in Historic Preservation, a study in site management approaches to a local Philadelphia art club.

The Jacob Rittenhouse House Summary Building Report: Conditions Assessment Report on a historic house in Philadelphia for a Building Pathology course with Michael C. Henry.

Preservation Management Plan for Historic RittenhouseTown, Inc.: Preservation Plan for an historic site in Philadelphia for a Studio course in preservation planning with Randall Mason and Carol Franklin.

The Woodlands: A Report on Architectural Investigations and Archival Research: Report on an historic house in Philadelphia for an Architectural Archaeology course with John Milner.

Conservation and Management Plan, Gordion, Turkey: Preservation Plan for the archaeological site of Gordion for a Conservation of Archaeological Sites course with Frank Matero.

Character Analysis and Furnishing Plan for James Dundas Pratt and the Estate of Whitehall: Report and historic interior furnishing plan for an American Domestic Interiors course with Gail C. Winkler.

Feasibility Study Report: Feasibility assessment and analysis for rehabilitation of a historic building in Philadelphia for an Economics of Preservation course with Donovan Rypkema.

SKILLS AND TRAINING

Conservation: Materials science, porosity/water absorption analysis, paint and mortar analysis techniques, salt analysis.

Computer Skills: AutoCAD, Microsoft Word, Excel, Access, FileMaker Pro, TMS, Adobe Photoshop, Illustrator, InDesign, GoLive, GIS/ArcView, and others.

Fine Arts: Drawing and drafting, sculpting, printmaking, photography.

AWARDS

Fellowship, NYU Institute of Fine Arts: Leo and Karen Gutmann Foundation Award, Fall 2002

Shelby White and Leon Levy Summer Travel Award, Summer 2002

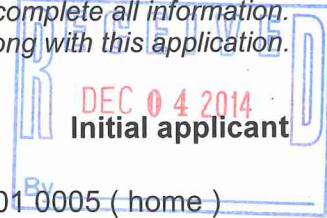
Graduated Cum Laude, Duke University, May 2001



CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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



Committee: Historic District Commission

Name: Richard Michael Shea Telephone: 603 501 0005 (home)

Could you be contacted at work? YES/ NO If so, telephone # 603 427 6281

Street address: 19 Howard Street - Portsmouth NH 03801

Mailing address (if different): NA

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

How long have you been a resident of Portsmouth? Approximately four years

Occupational background:

Licensed Architect - Private sector work -both residential and commercial

Federal Architect - 30 Years

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

Previous Design Projects presented to Portsmouth HDC - Approved!!!!

Personal renovation and restoration of six, 18th and 19th century homes in the seacoast

Former Board Chairmen for the Restoration of Centennial Hall, Historic School in North Hampton

Designed both commercial and residential buildings through-out the Seacoast

Design and Construction Manager for USPS Facilities throughout New England



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: I feel that Portsmouth is a wonderful place to live.
As an Architect and resident, I am interested in continuing to help preserve and maintain what People love about Portsmouth's architecture, amenities, and sense of community.
I also want to be a part in Portsmouth's growth. We can't stop growth, but we can have a voice in helping to keep Portsmouth's History and Future blend together successfully.

Please list any organizations, groups, or other committees you are involved in:
I am currently free of groups, committees, and organizations. I have the time to be involved.

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

- 1) Ruth Griffin 479 Richards Ave. Portsmouth NH 603 436 5272 or 603 436 2323
Name, address, telephone number
- 2) Kathy Kane 337 Pleasant Street, Portsmouth NH 603 502 2174
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

1. This application is for consideration and does not mean you will necessarily be appointed to this Board/Commission; and
2. The Mayor will review your application, may contact you, check your references, and determine any potential conflict of interests; and
3. This application may be forwarded to the City Council for consideration at the Mayor's discretion; and
4. If this application is forwarded to the City Council, they may consider the application and vote on it at the next scheduled meeting.
5. Application will be kept on file for one year from date of receipt.

Signature:  Date: 12/2/2014

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

Mayor Lister,

received
12/18/14

12-13-14

This Letter is to inform you, that I plan on resigning from the conservation commission as of 1-1-15.

I had a new baby in November and I just don't have the time.

Thanks -
Shelley Saunders

Resignation

Tracy S. Kozak
28 Walden St
Portsmouth NH
03801

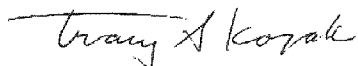
Ms. Kelli Barnaby
City Clerk
City of Portsmouth
Portsmouth, NH 03801

December 18, 2014

Dear Ms. Barnaby

With great reluctance and as recently discussed with the HDC Chairman, I am resigning my position as Vice Chairman on the Historic District Commission, due to family health reasons. I am truly honored to have had the opportunity to serve for 7-1/2 years on this commission. I had hoped to complete the remaining 18 months of my term, however my mother was recently diagnosed with advanced cancer and has moved into our home with us for care. This, along with my young family and full time job leaves me not enough time to adequately meet the demands of my HDC position at this particular time. I wish the best of luck to the Commission as they move forward, and hope to serve our city again in some way in the future.

Sincerely,



Tracy S. Kozak

Cc: Joseph Almeida, HDC Chairman; Lizbeth Good, Planning Department

Tuesday, December 30, 2014

To the Portsmouth City Council

I have asked that the following item be placed on the City Council Agenda for our Monday, January 5, 2015 meeting:

AIRBNB -- How we can make it work in Portsmouth?

In keeping with our approach of spending a few minutes to discuss a new Agenda item, then following-up with more specific proposals, I ask that we discuss the concept of airbnb and how the effects may best be addressed in our community.

As each of you, I have seen the Internet bring dramatic change in the way that business operates. Having been on the Internet since the early 1990's, I've experienced first-hand the evolution from days of dial-up service-providers with their familiar buzz tones and hard-to-find .coms, to instant and constant on-line availability with millions of WEBSITES.

We are currently engaging in one of these with the concept of ride-sharing and the use of Uber and similar services -- all spreading at an incredible pace because of the Internet.

It is nothing new that Portsmouth residents have throughout our history "rented" parts of their homes to visitors or vacationers. Many of our sea captains of olde and their crews did that, and whether they were called "Bed & Breakfast" businesses is probably something they didn't have to determine in those days.

However, with the evolution of the Internet, concepts for renting for short and longer periods of time parts or whole of residences has become easier, and more profitable. Yet, our zoning ordinances exist in large part to protect our neighborhoods, and to allow our residents to enjoy the ambiance and comfort of the neighborhood where they choose to call "home."

We have seen the recent months-long discussions concerning airbnb. To be pro-active instead of re-active to the expansion of airbnb and similar business arrangements, I think we should spend time to evaluate where we are, and what kind of changes, if any, are needed in the way we apply our regulations. And whether any adaptation in those regulations is needed.

I have no specific proposal to offer at this point other than to suggest that our City Attorney bring us up-to-date with the status of airbnb in Portsmouth, and our regulations regarding such. We might also want to ask for input from our planning and zoning staff and volunteer boards as to questions or matters they feel need to be clarified.

A follow-up suggestion might be to have an open public worksession, inviting input from those who have offered Bread & Breakfast services, engaged through airbnb, or have problems in their neighborhoods where such businesses have operated. At this point, we need to learn more.

Perhaps, too, there will be a way to allow airbnb services to operate in parts of our community regardless of zoning requirements, as long as there is consensus and mutual agreement among the neighbors. Government sometimes intercedes when it need not do so, and many neighborhood relationships can work themselves out by neighbors-working-with-neighbors instead of government having a blanket one-size-meets-all policy.

Thank You,

Jim Splaine
City Councilor

ACTION SHEET
PARKING AND TRAFFIC SAFETY COMMITTEE

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: CYNTHIA HUYGHUE-FANCY, SECRETARY TO THE COMMITTEE

RE: ACTIONS TAKEN BY THE PORTSMOUTH PARKING AND TRAFFIC SAFETY COMMITTEE MEETING HELD ON THURSDAY NOVEMBER 13, 2014, AT EILEEN DONDERO FOLEY COUNCIL CHAMBERS, MUNICIPAL COMPLEX, ONE JUNKINS AVENUE, PORTSMOUTH, NEW HAMPSHIRE.

PRESENT: COUNCILOR LOWN, CITY MANAGER BOHENKO, DEPUTY FIRE CHIEF HEINZ, POLICE CAPTAIN WARCHOL, PUBLIC WORKS DIRECTOR RICE, AND MEMBERS: CYPHER, GRAY, WHITEHOUSE, DONNERMEYER AND ALTERNATE MEMBER: MCELWAIN.

-
- [1] **Acceptance of Minutes – September 11, 2014** – No minutes available.
- [2] **Acceptance of Financial Report - October 2014** - **Voted** to accept the October 14, 2014 Financial Report.
- [3] **Action Item: 118 Maplewood Avenue parking problem – Dr. David Schopick**
Voted to table items and contact Dr. Schopick regarding his parking concerns.
- [4] **Action Item: Request for Residential Handicap space at 263 Hanover Street** – Resident Debra Baptista stated her name and address as 263 Hanover Street. Mrs. Baptista is a disabled veteran and requests a spot in front of her home to be marked handicapped. **Voted** to have the space outside 263 Hanover marked as handicapped.
- [5] **Action Item: Request on Aldrich for stop signs- Vince Lombardi** – **Voted** to place raised cross walks at the intersection of Aldrich and Boss.
- [6] **Action Item: 2-Hour parking signs returned to Islington Street - Dr. Angela Lambert** – 2 Hour parking sign will be returned per ordinance.
- [7] **Action Item: Wibird Street parking inset- Susan Dixon** – Susan Dixon at 68 Wibird addressed the committee regarding the need for a driveway and parking space in front of their residence. **Voted** to have curb cut with a driveway apron placed at 68 Wibird.
- [8] **Action Item: Additional taxi stand spaces** - **Voted** to have a taxi stand on State Street at 69 Pleasant Street. Additionally, a letter will be sent to the Taxi Commissioner regarding the approved location and to gather information as to their need for more taxi stands.
- [9] **Old Business:**
Haven Road - Report back on this issue in December-Councilor Lown

Portwalk Place – Determine if Portwalk Place is being used as a valet service road, and report back on valet agreement for road.

Islington/Congress traffic light – A request for review of Islington/Congress intersection traffic light was presented to Public Works staff. Staff to review and determine if improvements can be made and report back.

[10] **Public Comment:**

Sherry Brandsema, 865 Woodbury Avenue, addressed the committee with safety concerns when backing out of her driveway, and when residents are trying to cross the street. Cars traveling at high speeds pose a safety issue. Mrs. Bradshaw offered the following suggestions to address her concern: increase speed traps, increase fines for speeding, and install more effective signage.

Mr. Joe Calderola, 170 Dennett Street said since the Maplewood Bridge has been closed traffic has increased, and he feels a speed sign would help cut down on speeding.

Portsmouth's Parking and Transportation Department is working with the School Department and the State Department of Transportation to place signage more effectively on this road to address the issue. The Public Works department will also review alternative solutions to address the speeding issue.

[11] **Informational:**

Bike corral location to be discussed in February 2015.

Adjournment – At 9:01 AM, **Voted** to adjourn.

Respectfully submitted by:

Cynthia Huyghue-Fancy
Secretary to the Committee

MINUTES
PARKING AND TRAFFIC SAFETY COMMITTEE MEETING

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

I. CALL TO ORDER:

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

II. ROLL CALL:

Members Present:

Councilor Brad Lown
John P. Bohenko, City Manager
James Heinz, Deputy Fire Chief
Frank Warchol, Police Captain
Peter Rice, Public Works Director
Ronald Cypher, Member
Ted Gray, Member
Harold Whitehouse, Member
Shari Donnermeyer, Member
Mary Lou McElwain, Alternate*
**(Alternate votes in place of Members when absent)*

Staff Advisors Present:

Andrew Purgiel, Deputy Finance Director
Juliet Walker, Transportation Planner
Terry Desmarais, City Engineer
Tom Cocchiaro, Parking Manager

III. ACCEPTANCE OF THE MINUTES:

No minutes available

IV. FINANCIAL REPORT:

**Moved to accept the October 2014 Financial Report and place on file.
Motion passed.**

V. NEW BUSINESS:

A. Action Item: 118 Maplewood Avenue parking problem Dr. David Schopick -
On a unanimous roll call 9-0, voted to table items and contact Dr. Schopick regarding his parking concerns.

B. Action Item: Request for Residential Handicap space at 263 Hanover Street -
Resident Debra Baptista stated her name and address 263 Hanover Street. Mrs. Baptista is a disabled veteran and requested a spot in front of her home be marked handicapped. **On a unanimous roll call 9-0, voted to have the parking space in front of 263 Hanover marked as handicapped.**

C. Action Item: Request on Aldrich for stop signs- Vince Lombardi – Resident Vince Lombardi, 75 Aldrich Road, presented his concerns about cars speeding down Aldrich, where Aldrich intersects Boss Street. Mr. Lombardi said speeding cars pose safety concerns for residents.

Mr. Lombardi provided a few options he felt could control the issue, one option is to have a three way stop sign placed at the intersection of Aldrich and Boss. The next option could be to have raised cross walks placed at the same intersection. The third option would be to have enforcement placed at the intersection. The last option would be to have the residents place their cars on both sides of the street to slow traffic.

On a unanimous roll call 9-0, voted to place a raised cross walk in the intersection of Aldrich and Boss in 2015.

D. Action Item: 2-Hour parking signs returned to Islington Street - Dr. Angela Lambert - A 2 Hour parking sign will be returned per ordinance.

E. Action Item: Wibird Street parking inset- Susan Dixon – Susan Dixon, 68 Wibird addressed the committee regarding the need for a driveway and parking space in front of her family's residence. **On a unanimous roll call 9-0, voted to have a curb cut with a driveway apron placed at 68 Wibird.**

F. Action Item: Additional taxi stand spaces - **On a unanimous roll call 9-0, voted to have a taxi stand at 69 Pleasant Street after hours in the loading zone. A letter will be sent to the Taxi Commissioner regarding the approved location and to gather information about the need for more taxi stands.**

VI. OLD BUSINESS:

A. Discussion Item: Haven Road - Councilor Lown- Report back on this issue in December.

B. Discussion Item: Portwalk Place – Determine if Portwalk Place is being used as a valet service road and report back on valet agreement.

C. Discussion Item: Islington/Congress traffic light – A request to review Islington/Congress intersection traffic light was presented to Public Works staff. Staff will review to determine if improvements can be made and report back.

D. Islington/Congress Intersection traffic light- Public Works staff to report back if improvements can be made.

E. 865 Woodbury Avenue road way- Public Works staff to report back findings

VII. PUBLIC COMMENT

Sherry Brandsema, 865 Woodbury Avenue, addressed the committee with safety concerns when backing out of her driveway, and when residents are trying to cross the street. Cars traveling at

high speeds pose a safety issue. Mrs. Brandsema offered the following suggestions to address her concern: increase speed traps, increase fines for speeding, and install more effective signage and stop signs.

Mr. Joe Calderola, 170 Dennett Street said since the Maplewood Bridge has been closed traffic has increased, and he feels a speed sign would help cut down on speeding.

Mr. Rice said, the Parking and Transportation staff is working with the School Department and the Department of Transportation to place signage more effectively on this road to address the issue. The Public Works department will also review alternative solutions to address speeding.

VIII. INFORMATIONAL:

A. Bike Corral location to be discussed in February 2015

IX. ADJOURNMENT - At 9:01 a.m., voted to adjourn.

TO: Council Colleagues

FROM: Chris Dwyer

RE: Home-owner short-term rentals

Given the range of concerns arising over short-term rentals in Portsmouth (both from those who want to open their homes as well as neighbors who have raised concerns), I think it is time that we formally addressed the house-sharing-economy as represented by platforms such as Airbnb, HomeAway, VRBO, etc. As recent actions by the ZBA suggest, we need to provide clearer direction for homeowners, land use boards, and enforcement officials.

I would like to recommend that we take steps toward that direction by asking the Planning Board review the issues and make any recommendations required for zoning changes (understanding that we may need to take additional action beyond zoning changes). Alternatively we may want to have a joint session of Council, Planning Board, and ZBA to discuss various issues and concerns (given the complexity of the issues) prior to asking the Planning Board to take on the task. Some preliminary thoughts about possible directions:

1. Define short-term (e.g., 30 days or less) **rental arrangements of rooms** within a house/condo/apartment in the current zoning definitions as Bed and Breakfasts and/or Inns. We would require owners to abide by the appropriate restrictions and expectations associated with those definitions, e.g., inspections, payment of taxes. Like a B&B or Inn, there would be a certain number of rooms designated and renters wouldn't be allowed to bring in as many people as they wish. Likely would require an addition to the existing definitions, e.g., Bed and Breakfast 3. Would be important to review Table of Uses for applicable permitted/special exception zoning districts (see current definitions below).

Bed and breakfast (Permitted in MRB, CBA, CBB, B; special exception MRO and GRA/GRB if type 1). The provision of short-term lodging and breakfast within an owner-occupied dwelling. The capacity of the dining facilities shall accommodate no more than 25 persons.

Bed and Breakfast 1 A bed and breakfast with between 1 and 5 guest rooms.

Bed and Breakfast 2 A bed and breakfast with between 6 and 10 guest rooms

Inn (Permitted in CBA, CBB, GB, GW, B; special exception MRB). A building offering lodging for transient boarders with up to 15 sleeping rooms. An Inn may have a caretaker residence but does not have to be occupied by the owner, and shall not serve food to the public.

2. Short-term (e.g., 30 days or less) **rentals of full houses**. This seems to be the area that has caused the most concern locally in neighborhoods and will require the most discussion to determine in which zones, if any, this is an allowable use and with what, if any, restrictions.

3. **Accessory apartments**. As we are looking at short-term rentals, I think we could also look at zoning restrictions on other living arrangements such as accessory apartments that are intended as long-term rentals. For those who need the additional income (the reason given by some of the Airbnb renters) and have appropriately sized houses/lots, the idea of adding an apartment might be a preferable to the short-term rentals. We could review zoning regulations for allowable uses that are less disruptive than the Airbnb-type rentals.

**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

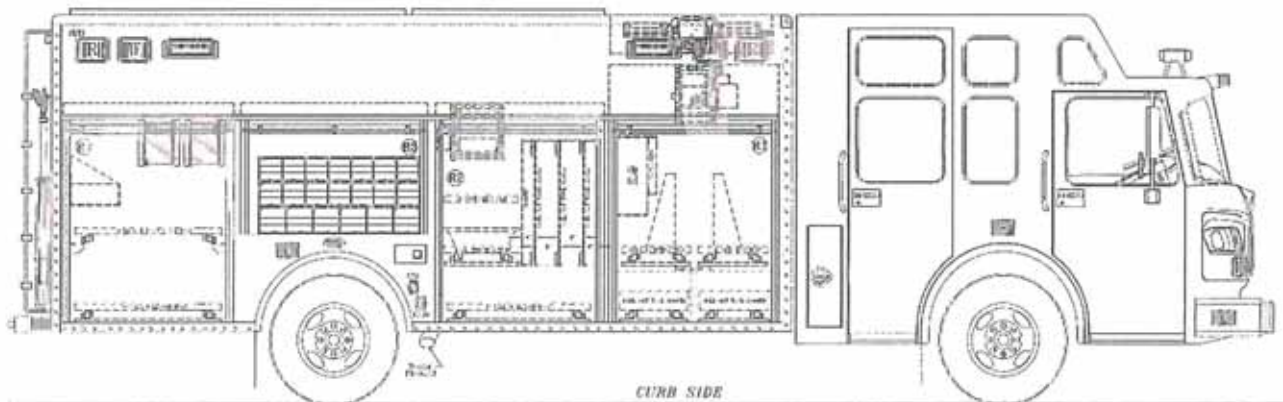
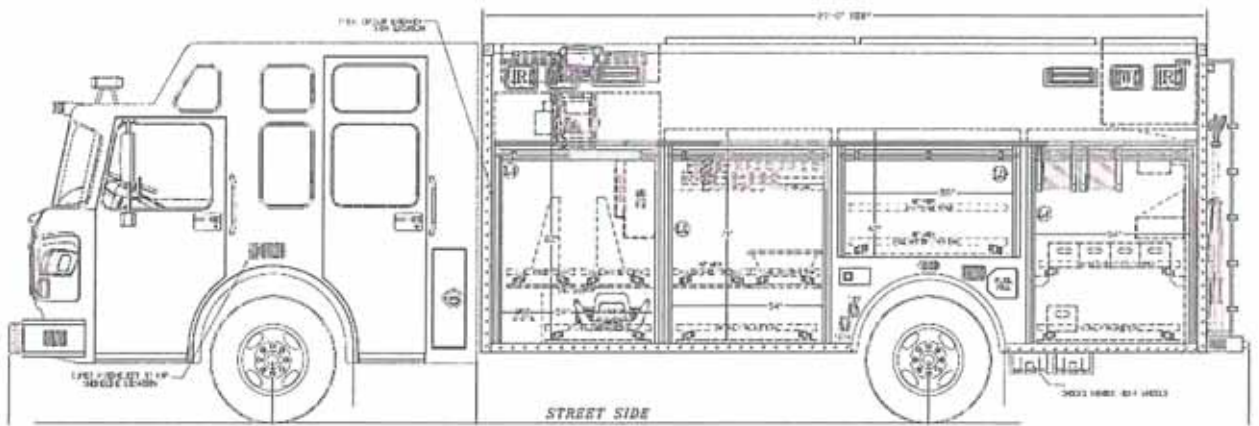
The following is a description of a Heavy Rescue Fire Truck:

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.



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

2. **Public Hearing and Adoption of Bonding Resolution:**

2.1 **Public Hearing and Adoption 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 December 8th City Council meeting, under Section VIII of the Agenda, I am bringing back for public hearing and adoption 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 adopt 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. Action on this item should take place under Section X of the Agenda.

3. **Third and Final Reading of Proposed Ordinances:**

3.1 **Third and Final Reading of Proposed Ordinance amending Chapter 1, Article IX, Section 1.901: Conflict of Interest of the Administrative Code.** As a result of the December 8th City Council meeting, under Section X of the Agenda, I am bringing back for third and final reading the [attached proposed Ordinance](#) amending Chapter 1, Article IX, Section 1.901: Conflict of Interest of the Administrative Code.

While the City Attorney was reviewing this Ordinance after it had passed second reading at the last meeting of the City Council, he noted three (3) minor modifications which should be made to produce a clean version of the ordinance for third reading. The first is to change the title of Section 1.901 from “City and School Board Disclosures” to “Municipal Official Disclosures” to reflect a change in the ordinance made by the Council at second reading. The other two changes are simple proofreading items. All three changes are shown in red on the attached ordinance.

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