

# CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH  
DATE: MONDAY, MARCH 2, 2015 TIME: 7:00 PM

## **AGENDA**

- I. CALL TO ORDER (7:00 PM)
- II. ROLL CALL
- III. INVOCATION
- IV. PLEDGE OF ALLEGIANCE

### **PRESENTATION**

1. Taxi Commission Re: Proposed Ordinance – Peter Bresciano, Chair and Lawrence Cataldo, Taxi Commissioner

### **V. ACCEPTANCE OF MINUTES – FEBRUARY 17, 2015**

### **VI. PUBLIC COMMENT SESSION**

### **VII. PUBLIC HEARING**

- A. RESOLUTION AUTHORIZING THE ISSUANCE OF REFUNDING BONDS TO REFINANCE CERTAIN OUTSTANDING BONDS OF THE CITY SO AS TO REDUCE INTERESTS COSTS, AND TO PAY ALL COSTS INCIDENTAL AND RELATED THERETO ASSOCIATED WITH THE OUTSTANDING PORTION OF THE CITY'S \$6,960,000.00 GENERAL OBLIGATION BONDS DATED AUGUST 1, 2005 (THE "REFUNDED BONDS"), THE CITY IS AUTHORIZED TO ISSUE REFUNDING BONDS IN THE AMOUNT OF UP TO THREE MILLION FOUR HUNDRED SIXTY THOUSAND DOLLARS (\$3,460,000.00) TO REFINANCE ALL OR ANY PORTION OF THE REFUNDED BONDS, AND TO PAY ASSOCIATED INTEREST COSTS, REDEMPTION PREMIUM AND ALL ISSUANCE EXPENSES ASSOCIATED THEREWITH, SUCH REFUNDING BONDS TO BE ISSUED BY THE CITY TREASURER, WITH THE APPROVAL OF THE CITY MANAGER, AND OTHERWISE IN ACCORDANCE WITH THE MUNICIPAL FINANCE ACT

### **VIII. APPROVAL OF GRANTS/DONATIONS**

- A. Acceptance of Police Department Grant and Donation:
  - Acceptance of Grant from the NH Department of Justice to provide funding for the Police Department part-time Domestic Violence & Sexual Assault Victim Advocate - \$30,000.00
  - Acceptance of Donation from Mr. Richard Grossman in support of Police Explorer Cadets - \$20.00

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

## IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First reading of Ordinance amending Chapter 7, Article II – Taxicabs to be deleted in its entirety and replaced with a new Article II entitled – Transportation Services
- B. Adoption of Proposed Resolution Authorizing the Issuance of Refunding Bonds to Refinance Certain Outstanding Bonds of the City so as to Reduce Interests Costs, and to Pay all Costs Incidental and related thereto associated with the outstanding portion of the City's \$6,960,000.00 General Obligation Bonds dated August 1, 2005 (the "Refunded Bonds"), the City is authorized to issue refunding bonds in the amount of up to Three Million Four Hundred Sixty Thousand Dollars (\$3,460,000.00) to refinance all or any portion of the Refunded Bonds, and to pay associated interest costs, redemption premium and all issuance expenses associated therewith, such refunding bonds to be issued by the City Treasurer, with the approval of the City Manager, and otherwise in accordance with the Municipal Finance Act (***Sample motion – move to adopt the proposed Bond Resolution of up to Three Million Four Hundred Sixty Thousand Dollars (\$3,460,000.00) to refinance the remaining portion of a callable bond issued August 1, 2005 and all related costs***) (*The Refunding Resolution requires two readings and a public hearing with two-thirds vote of the City Council*)

## X. CONSENT AGENDA

### ***A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA***

- A. Letter from Cynthia Rybczyk, American Heart/Stroke Association, requesting permission to hold the Heart/Stroke Walk on Saturday, May 30, 2015 (***Anticipated action – move to refer to the City Manager with power***)
- B. Letter from Ken La Valley, American Foundation for Suicide Prevention, requesting permission to hold the Out of the Darkness Community Walk on Saturday, September 19, 2015 from 10:00 a.m. – Noon (***Anticipated action – move to refer to the City Manager with power***)

## XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Nancy Elwell regarding the city leasing a portion of the Fairpoint Parking Lot on State Street/Islington Street for the residents of The Keefe House (***Sample motion – move to refer to the City Manager for report back***)

## XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

### **A. CITY MANAGER**

#### **Items Which Require Action Under Other Sections of the Agenda**

- 1. First Reading of Proposed Resolutions and Ordinances:

- 1.1 First Reading of Proposed Ordinance amending Chapter 7, Article II – Taxicabs to be deleted in its entirety and replaced with a new Article II entitled – Transportation Services (***Action on this item should take place under Section IX of the Agenda***)
2. Public Hearing and Adoption of Proposed Resolution:
  - 2.1. Public Hearing/Adoption of Proposed Bond Resolution of up to Three Million Four Hundred Sixty Thousand Dollars (\$3,460,000.00) to Refinance the remaining portion of a Callable Bond issued August 1, 2005 and all related costs (***Action on this item should take place under Section IX of the Agenda***)

**City Manager's Items Which Require Action:**

1. Request from the Portsmouth School Department for First Reading of a Proposed Bond Resolution of up to Five Million Dollars (\$5,000,000.00) for Elementary School Improvements (Little Harbour School)
2. Request to Renew Lease Agreement for Sons of Italy
3. Proposed Request for Public Hearing and Adoption of Resolutions for Use of Bond Premiums (*Resolution requires a Public Hearing and Adoption with two-thirds vote of the City Council*)
4. Work Session Re: Abandoned/Derelict Buildings

**Informational items**

1. Events Listing
2. Programmatic Needs Assessment Re: Municipal Complex
3. Bicycle Friendly Communities Application
4. Reschedule of Planning Board Work Session Re: Master Plan Kick-off Process
5. Use of Restrictive Covenant to Prevent Development of HarborCorp Lot for Use as a Casino

**B. ASSISTANT MAYOR SPLAINE**

1. Letter requesting a Resolution to the U.S. Supreme Court In Support of Marriage Equality (*Tabled from the February 17, 2015 City Council meeting*)

**C. COUNCILOR KENNEDY**

1. \*How can the City of Portsmouth be more supportive of Small Business in our Community?

As we review the Budget I would like to be able to answer the following questions for my fellow residents:

Questions to Answer:

- What is the current number of small businesses in our Portsmouth Community?
- How does the City of Portsmouth communicate with our small business owners?
- Should the City be staffing the Visitor Kiosk on Market Street?
- Should the City's economic development supports set up a small business group to gather information about their current needs?
- How does the City's economic development supports work with organizations like Buy Local?
- Given that you can find Small Business in most of our neighborhoods. Has the Mayor's Blue Ribbon Neighborhood community discussed small business and the neighborhood's needs?

**D. COUNCILOR LOWN**

1. Parking and Traffic Safety Committee Action Sheet of February 12, 2015 meeting  
***(Sample motion – move to approve and accept the Action Sheet of the February 12, 2015 Parking and Traffic Safety Committee meeting)***

**E. COUNCILOR DWYER**

1. \*Formal request for the Planning Board to prepare proposed amendments to the zoning ordinance to address short-term rentals by home owners. Based on the Council-Planning Board work session discussion of February 17<sup>th</sup>, the Planning Board could take into account discussion points that emerged, including at least:
  - a) Creating a definition that captures the short-term rental, perhaps a bed-breakfast 3 rather than attempting to force-fit one of current definitions;
  - b) Addressing in the definition the requirements for number of rooms, parking, length of stay, life safety plan, health-food inspections, registration with the City
  - c) Considering which current zoning districts can allow the rental by special exemption

**F. COUNCILOR MORGAN**

1. \*Impact Fees *(Tabled from the February 17, 2015 City Council meeting)*

**G. COUNCILOR SPEAR**

1. \*Election of Mayor and Council Candidates Proposed Charter Amendment

Request the following Information:

Ask the City Attorney to Report Back with the proper language for a Referendum allowing for Election of Mayor;

- Candidates would choose either to run for Mayor or run for Council;
- The statutory authority and responsibility of Mayor would remain unchanged and,
- This would take effect 2017

## **H. COUNCILOR THORSEN**

1. Criteria for Measuring the Appropriateness of Council Resolutions (*See Attached Memorandum*)

## **XIII. MISCELLANEOUS/UNFINISHED BUSINESS**

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

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

*\*Indicates Verbal Report*

## **INFORMATIONAL ITEMS**

1. \*Notification that the minutes of the December 2, 2014; December 16, 2014; January 21, 2015 and February 3, 2015 Zoning Board of Adjustment meetings are now available on the City's website

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

## **CITY COUNCIL MEETING**

MUNICIPAL COMPLEX  
DATE: TUESDAY, FEBRUARY 17, 2015

PORTSMOUTH, NH  
TIME: 6:00PM

At 6:00 p.m., the City Council held a Work Session regarding AIRBNB.

### **I. CALL TO ORDER (7:00PM)**

At 7:10 p.m., Mayor Lister called the regular City Council meeting to order.

### **II. ROLL CALL**

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

Absent: Councilor Spear

### **III. INVOCATION**

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

### **IV. PLEDGE OF ALLEGIANCE**

Ralph DiBernardo led in the Pledge of Allegiance to the Flag.

Mayor Lister acknowledged Peter Rice, Public Works Director and the entire Public Works staff for all their work with the recent snow storms and their removal efforts. He requested that the residents be patient and understanding due to the amount of snow that we have had in the last week. He thanked Deputy City Manager Allen, Fire Chief Achilles and Police Chief Dubois for their work on relocating residents at Patriots Park to area hotels during this weekend because of damaged roofs from the snow impacts and affects.

## **PRESENTATIONS**

### **1. Pavement Management Program – Peter Rice, Public Works Director**

Director Rice provided a brief review of the program for the Pavement Management Process. He reviewed the pavement deterioration curve and the management history and reported the program began in 1997 and that there are 6 areas to the process. Director Rice reported on the Pavement Condition Index used to project averages for all City roads.

Councilor Kennedy spoke to her concerns regarding the life span of sidewalks.

City Manager Bohenko said the CIP next year will have the addition of appendixes for streets and sidewalks.

Councilor Kennedy would like to have a section on the website entitled Transportation Issues that would contain roads and sidewalks with categories.

City Manager Bohenko said everyone is very interested in streets and sidewalks and we are working on making the process friendly for its users and also look at several surveys to be created through Survey Monkey to residents on various topics.

Assistant Mayor Splaine thanked Director Rice for the information and the science of this. He said we know there are areas in the City that need sidewalks and asked how we would move that along in the process as a priority. City Manager Bohenko said next year we would provide a more aggressive plan for installing and reconstruction along with a rating system.

Director Rice explained the grant funding lost for Peverly Hill Road during the government sequester and how that funding will be coming to us and the need to look at a complete reconstruction of the road and sidewalks. City Manager Bohenko said that this is a high priority and he hopes we do not start earmarking funds then all our processes go out the window. He asked people that live on Peverly Hill Road to remain patient.

Mayor Lister asked once the Maplewood Avenue bridge replacement is completed is an assessment done on the traffic pattern change rerouting vehicles to Dennett Street to look at what impact that has had on the road way. Director Rice said that would be done.

2. Update Re: 21 Brewster Street – Robert Sullivan, City Attorney

City Attorney Sullivan provided a detailed update regarding 21 Brewster Street. He spoke to the history of the building and the issues relating to the building. He advised the City Council that he has not had any contact with Mr. Hogan but Mr. Hogan's lawyer is responsive and trial date has been set for May 28<sup>th</sup>.

**V. ACCEPTANCE OF MINUTES – FEBRUARY 3, 2015**

**Councilor Lown moved to approve and accept the minutes of the February 3, 2015 City Council meeting. Seconded by Councilor Morgan and voted.**

**On a unanimous roll call vote 8-0, motion passed.**

**VI. PUBLIC COMMENT SESSION**

Steve Little said the issue of AIRBNB is about the behavior. He reported that he has received a cease and desist letter from the City for his property. He said there needs to be some rules of conduct.

Ralph DiBernardo asked the City Council to ensure residential zoning. He said short term rentals impact residents and values on homes. He spoke to the small area between homes on Islington Street and that there is no room for extra parking.

John Palreiro spoke opposed to UBER being allowed to operate in the City. He stated that the insurance for drivers of UBER is not valid for the operation in the City and to transport people from place to place.

Margot Doering stated she use to run a BNB. She informed the City Council that there have always been private BNB's and they are known as homestead BNB's. Ms. Doering said BNB's are not viable in the downtown and that in 2004 there were 6 BNB's in the downtown and now there are only 3.

Barbara DeStefano spoke to insurance for AIRBNB and that homeowners policies would not cover such operations. She also said UBER drivers could not use their own car insurance to transport individuals because the policy would not cover that type of use.

Bernie Pelech spoke on AIRBNB issue and said some people have received letter to cease and desist and others have not and are still operating. He feels this matter should be dealt with through the zoning ordinance there should be a definition between someone that remains on the premises and one that is for when the owners leave the premises.

Jeff Cooper said something needs to be done and right away or you can do nothing. He does not agree with some people such as himself receiving a cease and desist order and others not. He said the original complaint filed against him was due to parking issues. He said there needs to be a clear definition of AIRBNB.

Paul Mannle endorsed the City refinancing bonds as long as we receive an integrated rate of 2% or lower and it does not affect our AAA bond rating. He would like to see us refinance all our bonds if we could get interest rates of 2% or lower.

## VII. PUBLIC HEARINGS

- A. RESOLUTION INCREASING THE MAXIMUM INCOME LIMIT FOR INDIVIDUALS QUALIFYING FOR THE ELDERLY REAL ESTATE TAX EXEMPTION:

### **PROPOSED INCREASE OF ELDERLY EXEMPTION BY 1.7%**

SINGLE	\$36,311.00 INCREASE OF \$607.00
MARRIED	\$44,793.00 INCREASE OF \$749.00
ASSET LIMIT OF	\$121,039.00 INCREASE OF \$2,023.00

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

- B. RESOLUTION INCREASING THE MAXIMUM INCOME LIMIT FOR INDIVIDUALS QUALIFYING FOR THE DISABLED REAL ESTATE TAX EXEMPTION:

### **PROPOSED INCREASE OF DISABLED EXEMPTION BY 1.7%**

SINGLE	\$36,311.00 INCREASE OF \$607.00
MARRIED	\$44,793.00 INCREASE OF \$749.00
ASSET LIMIT OF	\$121,039.00 INCREASE OF \$2,023.00



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

### VIII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Grant from the New Hampshire Charitable Foundation – Piscataqua Region Community Fund for the Portsmouth Smart Growth Presentation and Work Shop - \$4,500.00

**Councilor Kennedy moved to approve and accept from the New Hampshire Charitable Foundation \$4,500.00 for funding of Portsmouth Smart Growth for 21<sup>st</sup> Century (PS21) sponsorship of Jeff Speck Presentation and Workshop on Walkability. Seconded by Councilor Morgan.**

**On a unanimous roll call vote 8-0, motion passed.**

### IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First Reading of Proposed Bond Resolution of up to (\$3,460,000) Three Million Four Hundred Sixty Thousand Dollars to Refinance the remaining portion of a Callable Bond issued August 1, 2005 and all related costs

**Councilor Shaheen moved to pass first reading and schedule a public hearing and adoption at the March 2, 2015 City Council meeting of the proposed Bond Resolution of up to Three Million Four Hundred Sixty Thousand Dollars (\$3,460,000) to refinance the remaining portion of a callable bond issued August 1, 2005 and all related costs. Seconded by Councilor Lown.**

Councilor Thorsen and City Manager Bohenko discussed bond premiums and the process used in issuing them and their use.

**On a unanimous roll call vote 8-0, motion passed.**

- B. Adoption of Resolution Increasing the Maximum Income Limit for Individuals Qualifying for the Elderly Real Estate Tax Exemption:

**Proposed increase of Elderly Exemption by 1.7%**

Single	\$36,311.00 increase of \$607.00
Married	\$44,793.00 increase of \$749.00
Asset Limit of	\$121,039.00 increase of \$2,023.00

**Councilor Lown moved to adopt the proposed Resolution increasing the Maximum Income Limit for Individuals Qualifying for the Elderly Real Estate Tax Exemption by 1.7%, as presented. Seconded by Councilor Kennedy.**

Councilor Kennedy asked how we came up with 1.7%. City Manager Bohenko said CPI and social security were both at 1.7% when we looked at them in November.

**On a unanimous roll call vote 8-0, motion passed.**

- C. Adoption of Resolution Increasing the Maximum Income Limit for Individuals Qualifying for the Disabled Real Estate Tax Exemption:

**Proposed increase of Disabled Exemption by 1.7%**

Single	\$36,311.00 increase of \$607.00
Married	\$44,793.00 increase of \$749.00
Asset Limit of	\$121,039.00 increase of \$2,023.00

**Councilor Lown moved to adopt the proposed Resolution increasing the Maximum Income Limit for Individuals Qualifying for the Disabled Real Estate Tax Exemption by 1.7%, as presented. Seconded by Councilor Shaheen.**

**On a unanimous roll call vote 8-0, motion passed.**

**X. CONSENT AGENDA**

- A. Letter from Kelly Heinze, Alzheimer's Association, requesting permission to hold the Seacoast Walk To End Alzheimer's on Sunday, October 4, 2015  
***(Anticipated action – move to refer to the City Manager with power)***
- B. Acceptance of Donations to the Art-Speak Annual Appeal:
- Jack and Pamela Blalock - \$50.00
  - Laurence McCullough - \$100.00
- (Anticipated action – move to approve and accept the donations to the Art-Speak, as listed)***
- C. Acceptance of Donation for PACA Membership Dues (Art-Speak)
- Pinetree Institute - \$75.00
- (Anticipated action – move to approve and accept the membership dues for Piscataqua Arts & Cultural Alliance, a program of Art-Speak, as listed)***
- D. Letter from Ashleigh Tucker, The Music Hall, requesting permission to hold the second annual Music Hall Open House event on Saturday, June 27, 2015  
***(Anticipated action – move to refer to the City Manager with power)***

**Councilor Kennedy moved to adopt the Consent Agenda, as presented. Seconded by Councilor Shaheen.**

**On a unanimous roll call vote 8-0, motion passed.**

## **XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS**

- A. Letter from Jerry Zelin regarding Harborcorp – Restrictive Covenant for Casino

**Councilor Kennedy moved to refer to the City Attorney for report back and to send copies of the letter to the Planning Board, Zoning Board of Adjustment and Historic District Commission for review. Seconded by Assistant Mayor Splaine.**

**On a unanimous roll call vote 8-0, motion passed.**

- B. Letter from John Rawlings regarding 2 AIRBNB operating in his neighborhood which strongly impacts their quality of life and potentially property value

**Councilor Kennedy moved to accept and place the letter on file. Seconded by Councilor Lown.**

**On a unanimous roll call vote 8-0, motion passed.**

- C. Letter from Lauren Moore, Sexual Assault Support Services, requesting permission to set up a small table in Market Square in front of the North Church to hold the first annual Clothesline Project for one day in March or April (suggested dates listed in letter) from 11:00 a.m. to 3:00 p.m.

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

**On a unanimous roll call vote 8-0, motion passed.**

- D. Letter from Ellen & Dexter Legg requesting the City to maintain the integrity and characteristics of the neighborhoods of Portsmouth and protect all property owners by prohibiting short term rentals in residential districts

**Councilor Kennedy moved to accept and place the letter on file. Seconded by Councilor Morgan.**

**On a unanimous roll call vote 8-0, motion passed.**

## **XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS**

### **A. CITY MANAGER**

1. Adoption of Proposed Capital Improvement Plan (CIP) FY2016 - FY2021

**Assistant Mayor Splaine moved to adopt the Capital Improvement Plan FY2016 – FY2021. Seconded by Councilor Shaheen.**

**Councilor Thorsen moved to amend the Capital Improvement Plan as follows:**

- **Page 46 – Fire Station 3 Replacement move from FY16 to FY17**
- **Page 48 – Police Department Land Acquisition move from FY16 to FY17**
- **Page 49 – Police Department Facilities move from FY17 to FY18**
- **Page 94 – Bike PED replacement of \$50,000.00 from General Fund with \$1 million appropriation in FY15 from bonding**
- **Page 39 – Fire Engine 4 move from FY17 to FY16**

**Seconded by Councilor Morgan.**

Councilor Thorsen said bond prices are good and we should move forward with these projects and some of them have safety issues involved.

Councilor Kennedy said she is concerned with the large number we are bonding. City Manager Bohenko said the financial summary section outlines costs. He said once the plan is adopted it would be reduced to cost in the budget and the line item would be increased to add back in Fire Engine #4.

Police Chief Dubois stated that we would need the right space for the right project for the Police Department Facilities. He said you also need to consider that construction costs increase each year.

City Manager Bohenko said with the addition of Fire Engine #4 would be a net increase of \$95,000.00.

Councilor Lown spoke in favor of the Bike PED plan. He said the Council needs to decide if it wants to pay now or pay later. He said the Bike PED plan was supported 3 years ago and it took 3 years to produce the plan.

Councilor Dwyer spoke to the Police Department Facilities and that we cannot retrofit the current building.

Councilor Shaheen feels that we need to look for land as described by Chief Dubois for a new facility.

**On a unanimous roll call vote 8-0, amendment to motion passed.**

Assistant Mayor Splaine stated he would support the main motion as amended. He would like to make sure that in the future we focus a little more on the needs of the City as a whole.

Councilor Thorsen said he would support the Capital Improvement Plan this year because there are many safety issues.

**On a unanimous roll call 8-0, voted to adopt the Capital Improvement Plan FY2016 – FY2021, as amended.**

**Councilor Lown moved to suspend the rules in order to continue the meeting beyond 10:00 p.m. Seconded by Councilor Morgan.**

**On a unanimous roll call voted 8-0, motion passed.**

3. Request for WSCA Antenna License

**Councilor Shaheen moved to authorize the City Manager to enter into a five year License Agreement with WSCA for the installation and operation of an antenna at WSCA's cost. Seconded by Councilor Morgan.**

**On a unanimous roll call vote 8-0, motion passed.**

At 10:15 p.m., Mayor Lister called for a brief recess. Mayor Lister called the meeting back to order at 10:25 p.m.

2. Request for First Reading of \$23.2 Million Dollar Bond Re: Proposed Second Parking Garage at 165 Deer Street

City Manager Bohenko said a Work Session was held on this matter on February 5<sup>th</sup> to keep this moving along and for public discussion.

**Councilor Shaheen moved to authorize the City Manager to bring back for first reading a \$23.2 Million Dollar Bond for a proposed second parking garage at the March 16, 2015 City Council meeting, as presented. Seconded by Assistant Mayor Splaine.**

Councilor Morgan said we need a parking structure around the north end but feels the cost is high with the plan of increasing the rates of High Hanover Parking Garage and the meters that would create a greater distance for people to find parking. She said there needs to be resident parking passes in the areas and would like to see something come forward. Councilor Morgan said that Councilor Smith had worked on this matter in the past while serving on the Council. City Manager Bohenko said this is something we could work on and he provided a pro-forma to keep the item moving.

Councilor Kennedy said she is going to request as we go through the vision we include our transportation plan and how that looks. She said her neighborhood did not want this and did not see this as an option. Councilor Kennedy expressed concern with the height of the conference center building.

Councilor Shaheen said this will create 600 parking spaces in the City and she knows of 5 small business owners that have left downtown because there patrons could not find parking.

Assistant Mayor Splaine said he would like to look at discount rates for downtown parking. He said maybe we don't need to send all the money back to the general fund. He said we need to make sure the public is greatly involved.

Councilor Dwyer said we keep forgetting that we have a transportation plan that we invested great time on the planning and we have a bike pedestrian plan. She agrees with Assistant Mayor Splaine that there is a feeling now that you can make problems so small that they become larger pieces. Councilor Lown said there was a Transportation Committee and issued a report in 2013.

**On a unanimous roll call vote 8-0, motion passed.**

**Informational items**

- Snow Removal Cost Summary

City Manager Bohenko provided a memorandum from Public Works Director Rice regarding the snow removal cost which does not include the load out this evening or later this week. He reported currently the total snow budget is over 106% with \$604,810.41 expended. He stated that he would be coming back at a future meeting to request a special appropriation for the snow removal budget.

Deputy City Manager Allen spoke to the property manager today and they are ahead on the removal of snow at Patriots Park. He said 2 of the 8 buildings failed from the snow. He said the company they have working to remove the snow is there 24/7 and there is also a structural engineer on site. He said they should have the first of repairs done tomorrow. Deputy City Manager Allen informed the City Council that residents were staged as far away as Kennebunk and now everyone is back in the City housed at local hotels.

Assistant Mayor Splaine expressed concerns about other roofs with the amount of snow on them. He said if a tenant is concerned with their roof and calls the landlord and they do not act in any way what should the person do. Deputy City Manager Allen said residents should contact the Building Inspector. City Manager Bohenko said they could call him, Deputy City Manager Allen or the Building Inspection Department.

Councilor Shaheen would like to know about alternatives to make up the snow days in the schools. City Manager Bohenko said he would speak with Superintendent McDonough on this matter.

- Land use Compliance

Councilor Morgan asked about the Land Use Compliance position.

City Manager Bohenko left the meeting and had Deputy City Manager Allen assume his seat at the Dias.

Deputy City Manager Allen said Vincent Hayes has been hired as our Land Use Compliant Agent and has already found some items that were not done in accordance with plans submitted by contractors. He reported a project on South Street their plans as approved by the Historic District Commission to construct wooden steps and concrete steps were put in place instead and now they will need to go back to the Historic District Commission requesting the change.

**Councilor Lown moved to table the remainder of the City Council Agenda until the March 2, 2015 City Council meeting. Seconded by Councilor Thorsen. Items remaining area as follows:**

- **Assistant Mayor Splaine – Letter requesting a Resolution to the U.S. Supreme Court In Support of Marriage Equality**
- **Councilor Kennedy – Portsmouth Small Business. How is the city supporting small businesses:**
- **Councilor Morgan – Impact Fees**

**On a roll call vote 6-2, motion passed. Assistant Mayor Splaine, Councilors Shaheen, Lown, Dwyer, Thorsen and Mayor Lister voted in favor. Councilors Kennedy and Morgan voted opposed.**

Deputy City Manager Allen announced that the Islington Street Charrette will be held on February 20, 2015 through February 23, 2015 at the Frank Jones Center. He said the closing of the Charrette would be held at City Hall on Monday, February 23, 2015 at 6:30 p.m. in the Eileen Dondero Foley Council Chambers.

### **XIII. MISCELLANEOUS/UNFINISHED BUSINESS**

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

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



Kelli L. Barnaby, MMC, CMC, CNHMC  
City Clerk

## LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, March 2, 2015, at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a Resolution Authorizing the Issuance of Refunding Bonds to Refinance Certain Outstanding Bonds of the City so as to Reduce Interests Costs, and to Pay all Costs Incidental and related thereto associated with the outstanding portion of the City's \$6,960,000.00 General Obligation Bonds dated August 1, 2005 (the "Refunded Bonds"), the City is authorized to issue refunding bonds in the amount of up to Three Million Four Hundred Sixty Thousand Dollars (\$3,460,000.00) to refinance all or any portion of the Refunded Bonds, and to pay associated interest costs, redemption premium and all issuance expenses associated therewith, such refunding bonds to be issued by the City Treasurer, with the approval of the City Manager, and otherwise in accordance with the Municipal Finance Act. 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, MMC, CMC, CNHMC  
CITY CLERK

### Legal Notice

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, March 2, 2015, at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a Resolution Authorizing the Issuance of Refunding Bonds to Refinance Certain Outstanding Bonds of the City so as to Reduce Interests Costs, and to Pay all Costs Incidental and related thereto associated with the outstanding portion of the City's \$6,960,000.00 General Obligation Bonds dated August 1, 2005 (the "Refunded Bonds"), the City is authorized to issue refunding bonds in the amount of up to Three Million Four Hundred Sixty Thousand Dollars (\$3,460,000.00) to refinance all or any portion of the Refunded Bonds, and to pay associated interest costs, redemption premium and all issuance expenses associated therewith, such refunding bonds to be issued by the City Treasurer, with the approval of the City Manager, and otherwise in accordance with the Municipal Finance Act. 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, MMC, CMC, CNHMC  
CITY CLERK



**CITY OF PORTSMOUTH  
TWO THOUSAND FIFTEEN**

**PORTSMOUTH, NEW HAMPSHIRE**

**RESOLUTION #\_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE ISSUANCE OF REFUNDING BONDS TO REFINANCE CERTAIN OUTSTANDING BONDS OF THE CITY SO AS TO REDUCE INTERESTS COSTS, AND TO PAY ALL COSTS INCIDENTAL AND RELATED THERETO.**

**BE IT RESOLVED:**

THAT in order to reduce interest costs associated with the outstanding portion of the City's \$6,960,000 General Obligation Bonds dated August 1, 2005 (the "Refunded Bonds"), the City is authorized to issue refunding bonds in the amount of up to THREE MILLION FOUR HUNDRED SIXTY THOUSAND DOLLARS (\$3,460,000) to refinance all or any portion of the Refunded Bonds, and to pay associated interest costs, redemption premium and all issuance expenses associated therewith, such refunding bonds to be issued by the City Treasurer, with the approval of the City Manager, and otherwise in accordance with the Municipal Finance Act.

THAT the discretion of fixing the dates, maturities, rates of interest, forms and other details of such refunding bonds is hereby delegated to the City Treasurer with the approval of the City Manager.

THAT this resolution shall take effect upon its passage.

**APPROVED:**

\_\_\_\_\_  
**ROBERT J. LISTER, MAYOR**

**ADOPTED BY CITY COUNCIL**

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

PORTSMOUTH POLICE DEPARTMENT

MEMORANDUM

FEB 20 2015

DATE: FEBRUARY 18, 2015  
TO: JOHN P. BOHENKO, CITY MANAGER  
FROM: JOHN F. GOLUMB, CHAIRMAN, PORTSMOUTH POLICE COMMISSION  
STEPHEN J. DUBOIS, CHIEF OF POLICE  
RE: GRANTS & DONATIONS

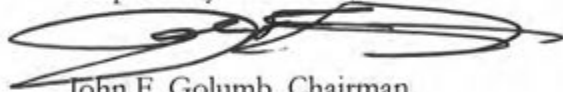
At the February 18<sup>th</sup>, 2015 monthly Police Commission meeting, the Board of Police Commissioners approved and accepted the following grants and donations:

1. Grants & Donations:

- A grant in the amount of \$30,000 from the New Hampshire Dept. of Justice to provide funding for our part-time Domestic Violence & Sexual Assault Victim Advocate.
- A donation in the amount of \$20 from Mr. Richard Grossman in support of the Portsmouth Police Explorer Cadets.

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

ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE

REC'D JAN 2 1 2015

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER  
ATTORNEY GENERAL



ANN M. RICE  
DEPUTY ATTORNEY GENERAL

January 13, 2015

Stephen J. Dubois, Chief  
Portsmouth Police Department  
3 Junkins Drive  
Portsmouth, New Hampshire 03801

Re: 2015 Violence Against Women Grant program

Dear Chief Dubois:

I am pleased to inform you that grant funding in the amount of \$30,000 has been approved by the Governor and Executive Council to your agency. The time period for this funding is from January 1, 2015 through December 31, 2015.

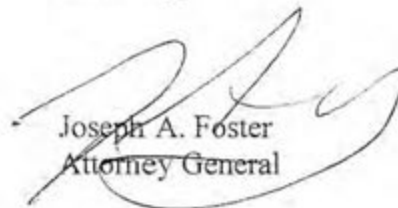
Enclosed please find numerous documents that require your signature. Please sign and return the originals of documents 1 through 4 to Susan Dearborn at this office and retaining a copy for your program files. Documents included are (1) the original grant award, (2) the program Guidelines and Conditions, (3) the Certificate of Debarment statement, (4) the Compliance with OVW Confidentially and Privacy Provisions, and (5) the EEOP Certification, please complete this form and cc me on the email when you submit it to the Office of Civil Rights per their instructions. And finally, (6) if you are a non-profit you must submit a copy of your IRS 501(c)(3) Determination Letter – see enclosed letter dated November 12, 2013 from OJP.

We have also enclosed a copy of your expenditure report for your review and initial financial expenditure filing. Should you choose an electronic Microsoft Excel spreadsheet version of the expenditure report, it is available from this office, per your request. Expenditure reports must be submitted to this office on a quarterly basis, with a due date of 15 days beyond the previous quarter's end. For example, with an award that begins on January 1 – your first quarterly report is due on April 15<sup>th</sup> or 15 days after the close of the first quarter on March 31.

Should you have any questions concerning your grant project, please contact Susan Dearborn of the NH Department of Justice-Grants Management Unit by email at [susan.dearborn@doj.nh.gov](mailto:susan.dearborn@doj.nh.gov) or by phone at 603-271-8091.

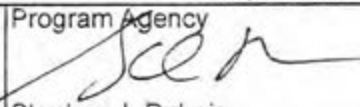
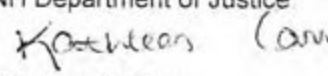
Congratulations again on your new 2015 VAWA award. Also, a sincere thank you for your efforts on behalf of victims of violence crimes in New Hampshire.

Sincerely,



Joseph A. Foster  
Attorney General

JAF/shd  
enclosures

STATE OF NEW HAMPSHIRE DEPARTMENT OF JUSTICE GRANT AWARD		
Agency Name:	Portsmouth Police Department	Vendor No.: 159594-B001
Program Name:	PD Victim Assistant	Amount: \$ 30,000.00
Grant Start Date:	01/01/2015	State Grant Number: 2015W087
Grant End Date:	12/31/2015	Federal Grant Number: 2014-WF-AX-0047
Appropriation No.:	02-20-20-201510-5017-072-500574	
Head of Agency	Project Director	Fiscal Officer
Stephen J. Dubois Portsmouth Police Chief 3 Junkins Drive Portsmouth, NH 03801 603-610-7572	Kristin Maki V/W Advocate 3 Junkins Drive Portsmouth, NH 03801 603-610-7464	Karen Senecal 3 Junkins Ave. Portsmouth, NH 03801 603-610-7416 Tammie Perez
Federal Grant Name:	Violence Against Women Act - 2014	
Federal Agency:	United States Department of Justice	
Bureau/Office:	Office on Violence Against Women	
CFDA Number:	16.588	
Purpose of Grant:	DV/SA Victim Advocate	
Program Requirements:	See signed Program Guidelines and Special Conditions.	
Match Requirements:	Match must be spent on program allowable activities.	
Program income Requirements:	Program Income must be reported and spent on program allowable activities.	
Reporting Requirements:	Monthly or quarterly Financial reports. Required Performance reports and audit. Adherence to Program Conditions and Guidelines. Completion of Monitoring forms and processes.	
Approval	Program Agency	NH Department of Justice
Name	 Stephen J. Dubois	 Kathleen B. Carr
Title	Portsmouth Police Chief	Director of Administration
Date		1-15-15
All terms of this grant award are not valid unless signed by both authorized parties.		

## VAWA PROGRAM GUIDELINES AND CONDITIONS

I, the below-named individual, on behalf of the below-named agency (hereinafter referred to as "subgrantee"), am legally authorized to submit and accept grants on behalf of the applicant agency, and hereby certify that the grant program outlined in this application package, if funded by STOP Violence Against Women formula grant funds, will adhere to the following guidelines and conditions:

1. The subgrantee assures that it will comply with all relevant statutory and regulatory requirements which may include, among other relevant authorities the Violence Against Women Act of 1994, P.L. 103-322, the Violence Against Women Act of 2000, P.L. 106-386, the Omnibus Crime Control and Safe Streets Act of 1968, U.S.C. 3711 et seq., the Violence Against Women and Department of Justice Reauthorization Act of 2005, P.L. 109-162, and OVW's implementing regulations at 28 C.F.R. Part90.

2. The subgrantee agrees to comply with the financial and administrative requirements set forth in the current edition of the Office on Violence Against Women (OVW) Financial Grants Management Guide available at <http://www.justice.gov/sites/default/files/ovw/legacy/2013/04/25/ovw-fgmg.pdf>.

3. The subgrantee agrees to implement this project within ninety (90) days following the grant award date or provide a letter to this office outlining their reasons for delay. Grant programs not started within (90) days of the original grant award date are subject to automatic cancellation of their grant funding.

4. The subgrantee assures that federal funds received for this grant program will not be used to supplant State and local funds that would otherwise be available for the program's purpose. The subgrantee further assures that the Violence Against Women Program grant funds will be expended only for purposes and activities covered within the subgrantees approved application.

5. The subgrantee agrees to provide information on the program supported with Violence Against Women Program grant funds as requested by the United States Department of Justice and the New Hampshire Department of Justice, Grants Management Unit and to retain grant-related documentation for a period of at least three (3) years after the close of the federal grant award period.

6. The subgrantee authorizes representatives from the United States Department of Justice and the New Hampshire Department of Justice to access and examine all records, books, papers, and/or documents (paper or electronic) related to this Violence Against Women Program. Further, the subgrantee agrees to submit to performance monitoring visits by the New Hampshire Department of Justice and/or the United States Department of Justice on a periodic basis.

7. The subgrantee agrees to maintain detailed time and attendance records for personnel positions partially or fully funded with Violence Against Women grant program funding.

## VAWA PROGRAM GUIDELINES AND CONDITIONS

8. The subgrantee agrees that all Violence Against Women Program grant funds will be expended only on program allowable activities. The subgrantee must obtain prior written approval from the New Hampshire Department of Justice in order to make any changes in program activities or budget changes or the subgrant start and/or ending dates, which were set forth in the subgrantee's application.

9. Equipment purchased with Violence Against Women Program grant funds shall be inventoried by the subgrantee. The inventory must include the item description, serial number, cost, location, and percentage of federal Violence Against Women Program grant funds expended on the item.

10. The subgrantee agrees that the title to any equipment purchased with Violence Against Women Program funds will revert back to the New Hampshire Department of Justice, Grants Management Unit, when it is no longer being used for the intended purposes for which it was acquired.

11. The subgrantee agrees that grant funds will not be used to conduct public awareness or community education campaigns or related activities. However, grant funds may be used to support, inform, and provide outreach to victims about available services.

12. The subgrantee and all its contractors will comply, with the nondiscrimination requirements of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 USC 3789 (d), or Victims of Crime Act (as appropriate); Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973, as amended; Subtitle A, Title II of the Americans With Disabilities Act (ADA) (1990); Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; Executive Order 13279 (Equal Protection of the laws for Faith-based and Community Organizations); Department of Justice Non-Discrimination Regulations, 28 CFR Part 42, Subparts C, D, E, and G; and Department of Justice regulations on disability discriminations, 28 CFR Part 35 and Part 39, and Department of Justice Equal Treatment Regulations, 28 CFR Part 38. Additional information available at <http://www.justice.gov/sites/default/files/ovw/legacy/2014/06/20/faqs-ngc-vawa.pdf>

13. The subgrantee assures that in the event a Federal or State court or Federal or State administrative agency makes a finding of discrimination within the three years prior to the receipt of the federal financial assistance and after a due process hearing against the subgrantee on the grounds of race, color, religion, national origin, sex, age, or disability, a copy of the finding will be submitted to the New Hampshire Department of Justice, Grants Management Unit and to the U.S. Department of Justice, Office for Civil Rights, Office of Justice Programs, 810 7<sup>th</sup> Street, NW, Washington, D.C. 20531. For additional information regarding your obligations under civil rights please reference the state website at [http://doj.nh.gov/grants/civil\\_rights.html](http://doj.nh.gov/grants/civil_rights.html) and understand if you are awarded funding from this office, civil rights compliance will be monitored by this office, and the Office for Civil Rights, Office of Justice Programs, U.S. Department of Justice.

## VAWA PROGRAM GUIDELINES AND CONDITIONS

14. If required, within 30 days from the date of the award, the subgrantee will submit for approval, an acceptable Equal Employment Opportunity Plan (EEO) as required by 28 CFR 42.301 et seq. or a Certification Form to both the NH DOJ and the Office of Civil Rights, Office of Justice Programs, US DOJ at 810 7<sup>th</sup> Street, NW, Washington, DC 20531. Failure to submit an approved EEO or Certification is a violation of the Program Guidelines and Conditions and may result in suspension or termination of funding, until such time as the subgrantee is in compliance. Additional information on EEO requirements may be found here: [http://doj.nh.gov/grants/civil\\_rights.html](http://doj.nh.gov/grants/civil_rights.html).

15. The subgrantee must certify that Limited English Proficiency persons have meaningful access to any services provided by this program. National origin discrimination includes discrimination on the basis of limited English proficiency (LEP). Meaningful access may entail providing language assistance services, including oral and written translation when necessary. The U.S. Department of Justice has issued guidance for grantees to help them comply with these requirements. The guidance document can be accessed on the Internet at [www.lep.gov](http://www.lep.gov).

16. The subgrantee agrees to complete and keep on file, as appropriate, the Immigration and Naturalization Service Employment Eligibility Form (I-9). This form is to be used by the subgrantee to verify that persons employed by the subgrantee are eligible to work in the U.S.

17. The subgrantee assures that no Federal appropriated funds have been paid or will be paid, by or on behalf of the subgrantee, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the subgrantee shall complete and submit Standard Form - LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.

18. Grants are funded for the grant award period noted on the grant award document. No guarantee is given or implied of subsequent funding in future years.

19. Repayment of this grant may be required if the subgrantee receives a state or federal forfeiture, which exceeds the amount of the grant award.

20. Pursuant to 23 USC §§402, 403 and 29 USC §668, the subgrantee agrees to encourage on-the-job seat belt policies and programs for their employees and contractors when operating company-owned, rented, or personally owned vehicles.



## VAWA PROGRAM GUIDELINES AND CONDITIONS

21. All materials and publications (written, visual, or sound) resulting from subgrant award activities shall contain the following statements: "This project was supported by subgrant No. \_\_\_\_\_ awarded by the state administering office for the STOP Formula Grant Program. The opinions, findings, conclusions, and recommendations expressed in this publication, program or exhibition are those of the author(s) and do not necessarily reflect the views of the state or the U.S. Department of Justice, Office on Violence Against Women.

22. The subgrantee agrees to comply with the provisions of 42 U.S.C. 13925(b)(2), nondisclosure of confidential or private information, which includes creating and maintaining documentation of compliance, such as policies and procedures for release of victim information.

23. The subgrantee agency agrees that, should they employ a former member of the NH Department of Justice (NHDOJ), that employee or their relative shall not be perform work on or be billed to any federal or state subgrant or monetary award that the employee directly managed or supervised while at the NHDOJ for the life of the subgrant without the express approval of the NH Department of Justice.

24. The Hatch Act restricts the political activity of individuals principally employed by state or local executive agencies that work in connection with programs financed in whole or part by federal loans or grants. The Hatch Act prohibits a grant-funded person from becoming a candidate for public office in a partisan election. For further information please refer to U.S.C. Title 5 Sections 1501-1508 and Title 5 of the Code of Federal Regulations part 151.

25. State or local prosecution, law enforcement, and courts must have consulted with their local victim service programs during the course of developing their grant applications in order to ensure that proposed services, activities and equipment acquisitions are designed to promote the safety, confidentiality, and economic independence of victims of domestic violence, sexual assault, stalking, and dating violence.

26. If your program charges for services, (e.g. visitation centers) the subgrantee agrees that there must be a sliding scale based on client income. Any and all program income generated may only be expended on grant allowable activities within the current grant funding cycle and subgrantee shall provided that information to the NH Department of Justice on a quarterly basis utilizing a program income statement.

27. The subgrantee agrees that grant funds will not be used to support the development or presentation of a domestic violence, sexual assault, dating violence, and/or stalking curriculum for primary or secondary schools. The subgrantee further agrees that grant funds will not be used to teach primary or secondary school students from an already existing curriculum.

## VAWA PROGRAM GUIDELINES AND CONDITIONS

28. All 501(c)(3) organization (except churches) doing business in New Hampshire MUST be registered with the NH Charitable Trust Unit at the NH Department of Justice and may have additional requirements to register with the NH Secretary of State's office dependent upon the structure of your organization. See <http://doj.nh.gov/site-map/charities.htm>

29. The recipient agrees to comply with applicable requirements regarding registration with the System for Award Management (SAM) (or with a successor government-wide system officially designated by OMB and OVW). The recipient also agrees to comply with applicable restrictions on sub-awards to first-tier subrecipients that do not acquire and provide a Data Universal Numbering System (DUNS) number. The details of recipient obligations are posted on the Office on Violence Against Women web site at <http://www.ovw.usdoj.gov/docs/sam-award-term.pdf> (Award

Condition: Registration with the System for Award Management (SAM) and Universal Identifier Requirements), and are incorporated by reference here.

30. The Violence Against Women Reauthorization Act of 2013 added a new civil rights provision that applies to all OVW grants issued in FY 2014 or after. This provision prohibits OVW grantees from excluding, denying benefits to, or discriminating against any person on the basis of actual or perceived race, color, religion, national origin, sex, gender identity, sexual orientation, or disability in any program or activity funded in whole or in part by OVW. The grantee acknowledges that it will comply with this provision.

31. Approval of this award does not indicate approval of any consultant rate in excess of \$650 per day or \$81.25 per hour. A detailed justification must be submitted to and approved by the Office on Violence Against Women prior to obligation or expenditure of such funds. Although prior approval is not required for consultant rates below these specified amounts, grantees are required to maintain documentation to support all daily or hourly rates.

32. The grantee agrees that grant funds will not support activities that compromise victim safety and recovery, such as: procedures or policies that exclude victims from receiving safe shelter, advocacy services, counseling, and other assistance based on their actual or perceived sex, age, immigration status, race, religion, sexual orientation, gender identity, mental health condition, physical health condition, criminal record, work in the sex industry, or the age and/or sex of their children; pre-trial diversion programs not approved by OVW or the placement of offenders in such programs; mediation, couples counseling, family counseling or any other manner of joint victim-offender counseling; mandatory counseling for victims, penalizing victims who refuse to testify, or promoting procedures that would require victims to seek legal sanctions against their abusers (e.g., seek a protection order, file formal complaint); the placement of perpetrators in anger management programs; or any other activities outlined in the solicitation under which the approved application was submitted.

**VAWA PROGRAM GUIDELINES AND CONDITIONS**

33. The grantee agrees that the legal assistance eligibility requirements, as set forth below, are a continuing obligation on the part of the grantee. The legal assistance eligibility requirements are: (1) any person providing legal assistance through a program funded under this Grant Program (A) has demonstrated expertise in providing legal assistance to victims of domestic violence, dating violence, sexual assault, or stalking in the targeted population; or (B) (i) is partnered with an entity or person that has demonstrated expertise described in subparagraph (A); and (ii) has completed or will complete training in connection with domestic violence, stalking or sexual assault and related legal issues, including training on evidence-based risk factors for domestic and dating violence homicide; (2) any training program conducted in satisfaction of the requirement of paragraph (1) has been or will be developed with input from and in collaboration with a State, local, territorial, or tribal domestic violence, dating violence, sexual assault or stalking victim service provider or coalition, as well as appropriate State, local, territorial and tribal law enforcement officials; (3) any person or organization providing legal assistance through this Program has informed and will continue to inform State, local, territorial or tribal domestic violence, dating violence, stalking or sexual assault programs and coalitions, as well as appropriate State and local law enforcement officials of their work; and (4) the grantee's organizational policies do not require mediation or counseling involving offenders and victims physically together, in cases where sexual assault, dating violence, domestic violence, stalking or child sexual abuse is an issue.

*Stephen J. DuBois, Chief of Police*

Name and Title of Authorized Representative

*[Signature]*

Signature

*1/30/15*

Date

*Portsmouth Police Dept, 3 Jenkins Ave, Portsmouth, NH 03801*

Name and Address of Agency

DEPARTMENT OF JUSTICE  
STATE OF NEW HAMPSHIRE



CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND  
VOLUNTARY EXCLUSION  
LOWER TIER COVERED TRANSACTIONS

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 28 CFR §67.510, Participants' responsibilities. The intent of this Order was to ensure that no recipient of federal funds had been restricted from conducting business with the federal government due to any of the causes listed in 28 CFR §67.305 and 28 CFR §67.405.

By signing this document, you are certifying that neither your agency, nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in any transaction by any Federal department or agency.

If you are unable to sign this certification, you must attach an explanation to this certification.

Stephen J. Dubois, Chief of Police  
Name and Title of Authorized Representative

[Signature]

Signature

1/30/15

Date

Portsmouth Police Dept., 3 Jenkins Ave, Portsmouth, NH 03801  
Name and Address of Agency.



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## Acknowledgement of Notice of Statutory Requirement to Comply with the Confidentiality and Privacy Provisions of the Violence Against Women Act, as Amended

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Under section 40002(b)(2) of the Violence Against Women Act, as amended (42 U.S.C. 13925(b)(2)), grantees and subgrantees with funding from the Office on Violence Against Women (OVW) are required to meet the following terms with regard to nondisclosure of confidential or private information and to document their compliance. By signature on this form, applicants for grants from OVW are acknowledging that they have notice that, if awarded funds, they will be required to comply with this provision, and will mandate that subgrantees, if any, comply with this provision, and will create and maintain documentation of compliance, such as policies and procedures for release of victim information, and will mandate that subgrantees, if any, will do so as well.

### **(A) In general**

In order to ensure the safety of adult, youth, and child victims of domestic violence, dating violence, sexual assault, or stalking, and their families, grantees and subgrantees under this subchapter shall protect the confidentiality and privacy of persons receiving services.

### **(B) Nondisclosure**

Subject to subparagraphs (C) and (D), grantees and subgrantees shall not—

- (i) disclose, reveal, or release any personally identifying information or individual information collected in connection with services requested, utilized, or denied through grantees' and subgrantees' programs, regardless of whether the information has been encoded, encrypted, hashed, or otherwise protected; or
- (ii) disclose, reveal, or release individual client information without the informed, written, reasonably time-limited consent of the person (or in the case of an unemancipated minor, the minor and the parent or guardian or in the case of legal incapacity, a court-appointed guardian) about whom information is sought, whether for this program or any other Federal, State, tribal, or territorial grant program, except that consent for release may not be given by the abuser of the minor, incapacitated person, or the abuser of the other parent of the minor.

If a minor or a person with a legally appointed guardian is permitted by law to receive services without the parent's or guardian's consent, the minor or person with a guardian may release information without additional consent.

**(C) Release**

If release of information described in subparagraph (B) is compelled by statutory or court mandate—

- (i) grantees and subgrantees shall make reasonable attempts to provide notice to victims affected by the disclosure of information; and
- (ii) grantees and subgrantees shall take steps necessary to protect the privacy and safety of the persons affected by the release of the information.

**(D) Information sharing**

(i) Grantees and subgrantees may share—

- (I) nonpersonally identifying data in the aggregate regarding services to their clients and nonpersonally identifying demographic information in order to comply with Federal, State, tribal, or territorial reporting, evaluation, or data collection requirements;
- (II) court-generated information and law enforcement-generated information contained in secure, governmental registries for protection order enforcement purposes; and
- (III) law enforcement-generated and prosecution-generated information necessary for law enforcement and prosecution purposes.

(ii) In no circumstances may—

- (I) an adult, youth, or child victim of domestic violence, dating violence, sexual assault, or stalking be required to provide a consent to release his or her personally identifying information as a condition of eligibility for the services provided by the grantee or subgrantee;
- (II) any personally identifying information be shared in order to comply with Federal, tribal, or State reporting, evaluation, or data collection requirements, whether for this program or any other Federal, tribal, or State grant program.

**(E) Statutorily mandated reports of abuse or neglect**

Nothing in this section prohibits a grantee or subgrantee from reporting suspected abuse or neglect, as those terms are defined and specifically mandated by the State or tribe involved.

**(F) Oversight**

Nothing in this paragraph shall prevent the Attorney General from disclosing grant activities authorized in this Act to the chairman and ranking members of the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate exercising Congressional oversight authority. All disclosures shall protect confidentiality and omit personally identifying information, including location information about individuals.

**(G) Confidentiality assessment and assurances**

Grantees and subgrantees must document their compliance with the confidentiality and privacy provisions required under this section.

As the duly authorized representative of the applicant, I hereby acknowledge that the applicant has received notice of that if awarded funding they will comply with the above statutory requirements. This acknowledgement shall be treated as a material representation of fact upon which the Department of Justice will rely if it determines to award the covered transaction, grant, or cooperative agreement.

Stephen J. Dubois Chief of Police  
Typed Name of Authorized Representative Title

Telephone Number 603-610-7572

See 02/17/15  
Signature of Authorized Representative Date Signed

Portsmouth Police Dept  
Agency Name

**Public Reporting Burden Paperwork Reduction Act Notice.** Under the Paperwork Reduction Act, a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. We try to create forms that are accurate, can be easily understood, and which impose the least possible burden on you to provide us with information. The estimated average time to complete and file this form is 60 minutes per form. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, you can write to the Office on Violence Against Women, U.S. Department of Justice, 145 N Street, NE, 10<sup>th</sup> Floor, Washington, DC 20530.

# CERTIFICATION FORM

## Compliance with the Equal Employment Opportunity Plan (EEOP) Requirements

Please read carefully the Instructions (see below) and then complete Section A or Section B or Section C, not all three.

Recipient's Name: <u>Portsmouth Police Dept</u>	DUNS Number: <u>073776706</u>	
Address: <u>3 Jordan Ave Portsmouth, NH 03801</u>		
Grant Title: <u>PD Victim Assistant</u>	Grant Number: <u>2015W087</u>	Award Amount: <u>30,000</u>
Name and Title of Contact Person: <u>KAREN SPENCER</u>		
Telephone Number: <u>603-610-7416</u>	E-Mail Address: <u>kspencer@cityofportsmouth.com</u>	

### Section A—Declaration Claiming Complete Exemption from the EEOP Requirement

Please check all the following boxes that apply:

- Recipient has less than fifty employees.     Recipient is an Indian tribe.     Recipient is a medical institution.  
 Recipient is a nonprofit organization.     Recipient is an educational institution.     Recipient is receiving an award less than \$25,000.

I, \_\_\_\_\_ [responsible official],  
certify that \_\_\_\_\_ [recipient] is  
not required to prepare an EEOP for the reason(s) checked above, pursuant to 28 C.F.R. § 42.302.  
I further certify that \_\_\_\_\_ [recipient]  
will comply with applicable federal civil rights laws that prohibit discrimination in employment and in the delivery of  
services.

Print or Type Name and Title

Signature

Date

### Section B—Declaration Claiming Exemption from the EEOP Submission Requirement and Certifying That an EEOP Is on File for Review

If a recipient agency has fifty or more employees and is receiving a single award or subaward of \$25,000 or more, but less than \$500,000, then the recipient agency does not have to submit an EEOP to the OCR for review as long as it certifies the following (42 C.F.R. § 42.305):

I, \_\_\_\_\_ [responsible official],  
certify that \_\_\_\_\_ [recipient],  
which has fifty or more employees and is receiving a single award or subaward for \$25,000 or more, but less than  
\$500,000, has formulated an EEOP in accordance with 28 CFR pt. 42, subpt. E. I further certify that within the last  
twenty-four months, the proper authority has formulated and signed into effect the EEOP and, as required by applicable  
federal law, it is available for review by the public, employees, the appropriate state planning agency, and the Office for  
Civil Rights, Office of Justice Programs, U.S. Department of Justice. The EEOP is on file at the following office:

\_\_\_\_\_ [organization],  
\_\_\_\_\_ [address].

Print or Type Name and Title

Signature

Date

### Section C—Declaration Stating that an EEOP Utilization Report Has Been Submitted to the Office for Civil Rights for Review

If a recipient agency has fifty or more employees and is receiving a single award or subaward of \$500,000 or more, then the recipient agency must send an EEOP Utilization Report to the OCR for review.

I, Stephen J. Dubois, Chief of Police [responsible official],  
certify that Portsmouth Police Dept. [recipient],  
which has fifty or more employees and is receiving a single award of \$500,000 or more, has formulated an EEOP in  
accordance with 28 CFR pt. 42, subpt. E, and sent it for review on 9/9/14 + resubmitted 1/15/15 [date] to the  
Office for Civil Rights, Office of Justice Programs, U.S. Department of Justice.

Stephen J. Dubois, Chief of Police  
Print or Type Name and Title

[Signature]  
Signature

1/30/15  
Date



## INSTRUCTIONS

### Completing the Certification Form

#### Compliance with the Equal Employment Opportunity Plan (EEOP) Requirements

The federal regulations implementing the Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968, as amended, require some recipients of financial assistance from the U.S. Department of Justice subject to the statute's administrative provisions to create, keep on file, submit to the Office for Civil Rights (OCR) at the Office of Justice Programs (OJP) for review, and implement an Equal Employment Opportunity Plan (EEOP). See 28 C.F.R. pt. 42, subpt. E. All awards from the Office of Community Oriented Policing Services (COPS) are subject to the EEOP requirements; many awards from OJP, including awards from the Bureau of Justice Assistance (BJA), the Office of Juvenile Justice and Delinquency Prevention (OJJDP), and the Office for Victims of Crime (OVC) are subject to the EEOP requirements; and many awards from the Office on Violence Against Women (OVW) are also subject to the EEOP requirements. If you have any questions as to whether your award from the U.S. Department of Justice is subject to the Safe Streets Act's EEOP requirements, please consult your grant award document, your program manager, or the OCR.

Recipients should complete *either* Section A *or* Section B *or* Section C, not all three.

#### Section A

The regulations exempt some recipients from all of the EEOP requirements. Your organization may claim an exemption from all of the EEOP requirements if it meets any of the following criteria: it is a nonprofit organization, an educational institution, a medical institution, or an Indian tribe; *or* it received an award under \$25,000; *or* it has less than fifty employees. To claim the complete exemption from the EEOP requirements, complete Section A.

#### Section B

Although the regulations require some recipients to create, maintain on file, and implement an EEOP, the regulations allow some recipients to forego submitting the EEOP to the OCR for review. Recipients that (1) are a unit of state or local government, an agency of state or local government, or a private business; *and* (2) have fifty or more employees; *and* (3) have received a single grant award of \$25,000 or more, but less than \$500,000, may claim the limited exemption from the submission requirement by completing Section B. In completing Section B, the recipient should note that the EEOP on file has been prepared within twenty-four months of the date of the most recent grant award.

#### Section C

Recipients that (1) are a unit of state or local government, an agency of state or local government, or a private business, *and* (2) have fifty or more employees, *and* (3) have received a single grant award of \$500,000 or more, must prepare, maintain on file, *submit to the OCR for review*, and implement an EEOP. Recipients that have submitted an EEOP Utilization Report (or in the process of submitting one) to the OCR, should complete Section C.

#### Submission Process

If a recipient receives multiple awards subject to the Safe Streets Act, the recipient should complete a Certification Form for each grant. Recipients should download the online Certification Form, have the appropriate official sign it, electronically scan the signed document, and then send the signed document to the following e-mail address: [EEOPForms@usdoj.gov](mailto:EEOPForms@usdoj.gov). *The document must have the following title: EEOP Certification.* If you have questions about completing or submitting the Certification Form, please contact the Office for Civil Rights, Office of Justice Programs, 810 7<sup>th</sup> Street, NW, Washington, DC 20531 (Telephone: (202) 307-0690 and TTY: (202) 307-2027).

### **Public Reporting Burden Statement**

Paperwork Reduction Act Notice. Under the Paperwork Reduction Act, a person is not required to respond to a collection of information unless it displays a current valid OMB control number. We try to create forms and instructions that are accurate, can be easily understood, and which impose the least possible burden on you to provide us with information. The estimated minimum average time to complete and file this application is 20 minutes per form. If you have any comments regarding the accuracy of this estimate, or suggestions for making this form simpler, you can write to the Office of Justice Programs, 810 7th Street, N.W., Washington, D.C. 20531.

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS:

That Chapter 7, Article II, - TAXICABS - of the Ordinances of the City of Portsmouth be hereby deleted in its entirety and replaced with the following:

**CHAPTER 7, ARTICLE II – TRANSPORTATION SERVICES**

**Section 7.201 TRANSPORTATION SERVICES**

This ordinance serves to regulate transportation services within the City of Portsmouth, whether described as taxi cab service, ride sharing services or any other conduct in which a motor vehicle is used for the transportation of passengers for hire, the destination and route of which are under the direction and control of the passenger and which transportation has its point of origin within the City.

**Section 7.202: VEHICLE REGISTRATION**

All vehicles used in the provision of transportation services in the City of Portsmouth shall be registered with the City Clerk. Such registration shall be on a form prepared by the City Clerk which requires the listing of the vehicle by make, model, year of manufacture, vehicle identification number, license plate number and color. The City Clerk shall issue a placard to every registered vehicle to be used in the provision of transportation services. The placard issued by the City Clerk shall be prominently displayed on the vehicle whenever it is actually being used for the provision or solicitation of transportation services. There shall be a fee of twenty-five dollars (\$25.00) payable to the City Clerk for the issuance of each placard, such fee may be adjusted annually by the City Council during its budget adoption process.

**Section 7.203: LICENSE**

Any person operating a vehicle engaged in providing transportation services in the City must first obtain a license to be issued by the City Clerk. The application for the license shall be on a form prepared by the City Clerk. The form shall require that the applicant provide a copy of a valid motor vehicle operator's license, the current residential address of the applicant, and a written authorization from the Chief of the Portsmouth Police Department or his/her designee which indicates that a background check has been performed on the applicant and that none of the following apply:

- a. The individual has three or more convictions for moving violations, in this or any other state, in the three full years prior to the date of the application.
- b. The privilege of the individual to operate a motor vehicle has been revoked and/or suspended at any time, in this or any other state, in the three full years prior to the date of the application, for any reason related to the operation of a motor vehicle.

- c. The individual has been convicted of a felony or misdemeanor, in this or any other state, in the seven full years prior to the date of the application.
- d. The individual has been convicted of a felony involving a controlled substance or violence, in this or any other state, in the fifteen full years prior to the date of the application.

The license authorized by this provision shall be annual and must be renewed each year effective May 1<sup>st</sup>.

The fee to be paid by the applicant for the conduct of the background check required by this ordinance shall initially be in the amount of \$50.00 to be paid to the Portsmouth Police Department. Each applicant shall additionally pay a fee in the amount of twenty-five dollars (\$25.00) to the City Clerk prior to the issuance of the license. Each of these fees may be adjusted annually by the City Council during its budget adoption process. Thereafter, the fee may be adjusted as necessary by the City Council during its annual budget process.

#### Section 7.204: **INSURANCE**

Every owner of a vehicle used in the provision of Transportation Services shall maintain at all times in the office of the City Clerk satisfactory proof of commercial personal injury and property damage liability insurance covering the vehicle and any person who might drive that vehicle in the performance of Transportation Services for any time period in which the vehicle might be providing Transportation Services. The personal injury coverage shall be not be less than \$100,000.00 for injury to one person with a total coverage of not less than \$300,000 for each accident. The property damage coverage shall be not less than \$50,000 per occurrence.

If the required insurance coverage terminates, expires or is suspended the registration shall immediately terminate and expire and the placard must immediately be returned to the City Clerk. All required insurance policies shall contain a provision which will provide for the automatic notification by the insurer to the City of the cancellation or expiration of the policy. Said notice shall be provided to the City Clerk.

#### Section 7.205: **TRANSPORTATION SERVICE LOCATIONS**

The City Council may designate any portion or portions of the public street or highway to be used as a place in which vehicles may stand or park to solicit business in accordance with the provisions of this ordinance. Such locations may be identified as "taxi" stands or by any other designation approved by the City Council.

For a one (1) year transition period commencing with the date of adoption of this ordinance the use of such transportation service locations shall be limited to those companies

or individuals holding taxi medallions to operate within the City as of February 18, 2015. Thereafter, only vehicles bearing valid Transportation Service placards and actually soliciting Transportation Services may park in designated Transportation Service locations.

Section 7.206:       **SAFETY INSPECTIONS**

All vehicles engaged in the provision of Transportation Services must be lawfully inspected for vehicle safety in accordance with the laws of the State of New Hampshire.

Section 7.207:       **ANNUAL RENEWAL**

Every Transportation Service Registration and Transportation Service Operator License must be renewed annually on its date of issuance.

Section 7.208:       **FARE REGULATION**

There shall be no regulation of fares. However, prior to the initiation of any Transportation Service being provided to any individual, the operator of the Transportation Service vehicle and the passenger engaging such services shall reach agreement as to the amount which will be paid by the passenger to the operator for the Transportation Service.

Any disputes which may arise with regard to the fare for any Transportation Service may be brought to the Transportation Service Commission for resolution. Any determination made by the Transportation Service Commission shall be final and binding on all parties.

Section 7.209:       **TRANSPORTATION SERVICE COMMISSION**

There is hereby established a Transportation Service Commission. On the date of adoption of this ordinance the Transportation Service Commission shall consist of the members of the Taxi Commission holding office immediately prior to that date. Thereafter, the Transportation Service Commission shall be comprised of (1) City Councilor; (1) member of the business community; (4) citizens of the City of Portsmouth; who shall be selected by the Mayor with the approval of the City Council; and the Chief of Police or his/her designee; . The Transportation Service Commission shall serve co-terminus with each City Council and shall annually elected one of its members to be Chair.

The Transportation Service Commission shall serve in an advisory role to the City Council with respect to all matters relating to Transportation Services. The Transportation Service Commisison shall also resolve any fare dispute and impose any penalty as authorized by this ordinance.

Section 7.210: **COMPLIANCE WITH STATE AND FEDERAL LAW**

Every owner and operator of any vehicle utilized in the provision of Transportation Services shall operate at all times in compliance with all applicable state and federal law, including but not limited to provisions relating to the proper designation of employees as compared to independent contractors, worker's compensation, federal income tax withholding and social security. The business records of each owner or operator demonstrating compliance with this provision shall be made available on demand for review by the City Clerk or the Transportation Service Commission.

Section 7.211: **PENALTIES FOR VIOLATION**

The owner or operator of any vehicle engaged in the provision of Transportation Services who violates the provisions of this ordinance shall be subject to the following:

- a. Suspension or revocation of Transportation Service vehicle registration or operator license by vote of the Transportation Service Commission; and/or
- b. An administrative penalty as may be determined by the Transportation Service Commission, in an amount not to exceed three hundred dollars (\$300.00), payment of which shall be a condition of continued maintenance of the Transportation Service vehicle registration or operator's license; and/or
- c. Payment upon conviction by a Court of competent jurisdiction of any amount determined by the Court up to the maximum permissible penalty authorized by state law for violation of a municipal ordinance.

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

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

This ordinance shall take effect upon its passage.

APPROVED:

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Robert J. Lister, Mayor

ADOPTED BY COUNCIL:

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Kelli L. Barnaby, City Clerk

h\ordinances\ordinances\7.2 transportation services

February 18, 2015



Founders Affiliate  
2 Wall Street, Manchester, NH 03101  
Tel. (603) 669-5833 www.heart.org

City of Portsmouth  
Attn: City Manager John Bohenko  
1 Junkins Ave  
Portsmouth, NH 03801

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

I am writing on behalf of the American Heart/American Stroke Association to request permission to use the Little Harbour Elementary School for our upcoming Heart|Stroke Walk on Saturday, May 30<sup>th</sup>.

The Heart|Stroke Walk is the American Heart Association's signature fundraising event, which promotes physical activity and heart-healthy living in a fun environment. The New Hampshire Heart|Stroke Walk raises money to fund research and education, advocate for health and save lives. American Heart Association investments have helped to bring us "heart milestones" such as cardiopulmonary resuscitation (CPR), microsurgery, heart valve replacement, coronary bypass surgery, the pacemaker and drug treatments for high blood pressure and congestive heart failure and many others.

We are expecting roughly 200 community members to join us at the walk which will include music provided by WOKQ, free food donated by Hannaford and Subway, educational vendors and a walk through town that will both begin and end at the school. The event is free to all who attend and is open to the public.

The exact walk route has not been identified but my goal is to work with the Portsmouth Police Department and their recommendations on a safe walk route for all attendees. I have left a message for Captain Warchol to begin that process.

Event registration is planned for 8:30am the morning of May 30<sup>th</sup>, with the walk taking place at 10am and the whole event to be wrapped up by noon.

I appreciate your consideration of our event request. Please feel free to contact me with any questions about this letter or for more information about the Heart|Stroke Walk at (603) 518.1557 or via email at [Cynthia.rybczyk@heart.org](mailto:Cynthia.rybczyk@heart.org).

Sincerely,

A handwritten signature in black ink that reads "Cynthia Rybczyk".

Cynthia Rybczyk  
Heart Walk Director, New Hampshire Office





American Foundation  
*for* Suicide Prevention

February 18, 2015

City of Portsmouth  
Mayor's Office  
1 Junkins Avenue  
Portsmouth, NH 03801

Dear Honorable Mayor Lister and City Council Members;

The Portsmouth chapter of the AFSP Out of the Darkness Walk has hosted a fundraising and education walk since 2006 in Portsmouth. This event has grown to more than 300 walkers annually. In fact, in 2014 we have more than 600 walkers and raised \$100,000 to support local and state suicide prevention education as well as national research programs. We would like to continue the tradition and success of this program and are asking for permission to again host the Out of the Darkness Community Walk in the City of Portsmouth.

**The proposed date and time is as follows;**

**Date: September 26, 2015 (Saturday)**

**Registration Begins: 8:30am**

**Walk Duration: 10am – Noon**

The walk would begin and end on Pierce Island (see attached proposed walk route).

We would like to thank you for your consideration and look forward to your decision.

Respectfully,

Ken La Valley, Chair  
OOTD Walk Committee  
66 Hunter Lane  
Barrington, NH 03825



# American Foundation for Suicide Prevention

## Proposed Walk Route (2.3 Miles)

Start: Pierce Island Outdoor Pool

To: Pierce Island Rd.

To: Left on Marcy St.

To: Left on Pleasant St.

To: Right on New Castle Ave.

To: Right on Junkins Ave.

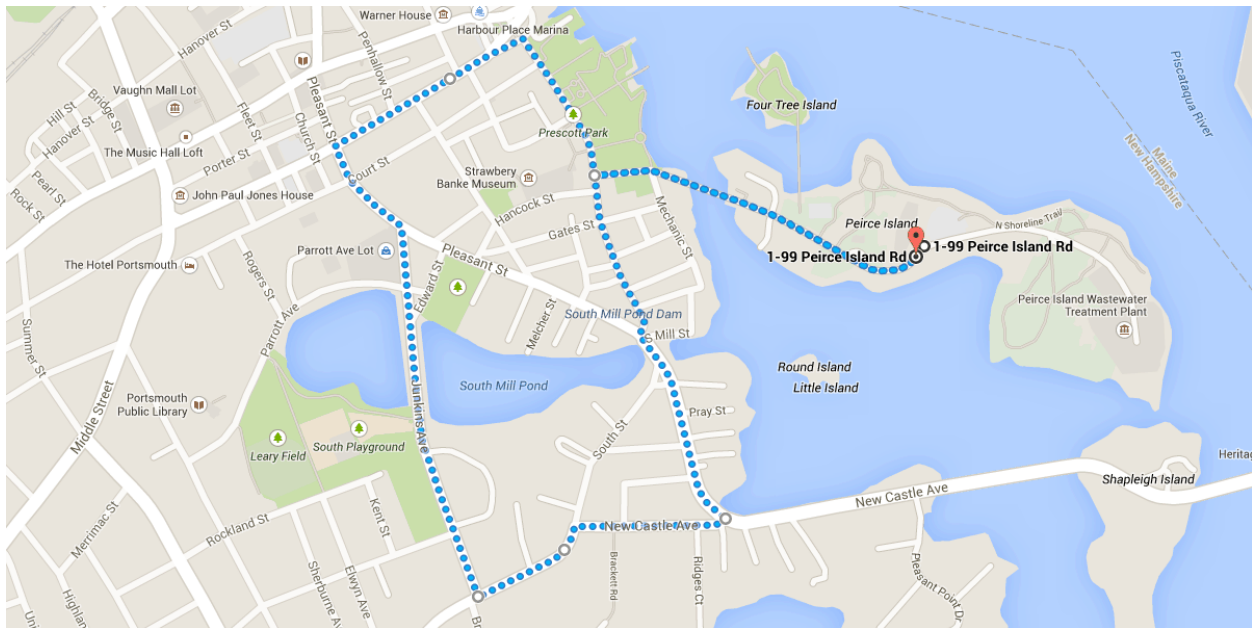
To: Left on Pleasant St.

To: Right on State St.

To: Right on Marcy St.

To: Left on Pierce Island Rd.

End: Pierce Island Outdoor Pool



FEBRUARY 23.2015

THE PORTSMOUTH CITY COUNCIL  
ATTN: OFFICE OF THE CITY CLERK  
CITY HALL  
PORTSMOUTH NH

It is hereby requested that the City Council of Portsmouth NH place into discussion the feasibility of leasing a portion of the Fairpoint Parking Lot on State Street/Islington Street.

Research indicates that the land, as of this writing, cannot be used for a public/private parking lot because of a Homeland Security Restriction put in place after September 11, 2001. A similar restriction on the Parking lot for the Isles of Shoals Ferry company had also been put in place at that time as well. It was rescinded via a motion passed by a previous Council.

The land in question is ideal; located within easy and safe walking distance to the heart of downtown. I live next door to the lot and no more than one or two vehicles are ever parked there.

Wouldn't looking into leasing this land provide a partial solution to a problem the city can't and should not postpone indefinitely? We are, after all, a nation of baby boomers! And Let's especially not overlook returning veterans returning from foreign ward with disabling injuries.

**There are only 68 disabled parking spots, and 1900 citizens who carry one type of certification or another, issued by their physicians stating that a need exists.**

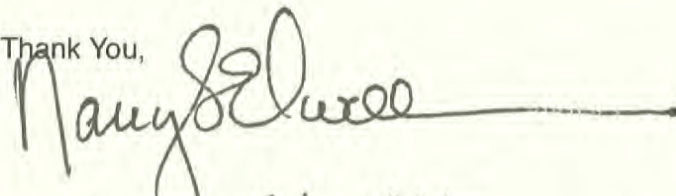
Despite repeated requests for clarification of the situation no response has been received from the Chair of the Parking Commission- who is a sitting member of this council. Only a vague non specific statement. Minutes of the most recent meeting of the Commission have not been heard and voted on by the Council.

I, along with 18 other residents of The Keefe House, signed and submitted a request to increase the available spaces. Our petition was sent to the City Council, in January, via the City Clerk to be filed as a public record and a agenda item. It was duly referred to Mr. Bohenko who referred it along to the PTSC where it has languished. with only bandaid 'fixes- except retuning crippling restrictions in the downtown core of the city. I might add that we do NOT camp out for weeks at a time, as Mr. Lown has claimed publicly - an embarrassing and unsubstantiated claim.

Fairpoint could provide many new spaces for those of us in need, including elders and disabled veterans.

We await your earliest possible attention to a very important, largely neglected issue that remains unresolved.


Thank You,



NANCY ELWELL  
PORTSMOUTH, NH.

**CITY OF PORTSMOUTH  
PORTSMOUTH, NH 03801**

**Office of the City Manager**

**Date:** February 26, 2015  
**To:** Honorable Mayor Robert J. Lister and City Council Members  
**From:** John P. Bohenko, City Manager   
**Re:** City Manager's Comments on March 2, 2015 City Council Agenda

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***Presentation:***

1. **Taxi Commission Re: Proposed Ordinance.** On Monday evening, Chairman Peter Bresciano and Commissioner Lawrence Cataldo of the Taxi Commission, will make a presentation to the City Council regarding a proposed ordinance to replace the existing Taxi Ordinance.

***Acceptance of Grants and Donations:***

1. **Acceptance of Police Department Grant and Donation.** [Attached under Section VIII of the Agenda is a memorandum](#), dated February 18, 2015, 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 donation:
  - a) A grant in the amount of \$30,000 from the New Hampshire Dept. of Justice to provide funding for our part-time Domestic Violence & Sexual Assault Victim Advocate.
  - b) Donation in the amount of \$20.00 from Mr. Richard Grossman in support of the Portsmouth Police Explorer Cadets.

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

## ***Items Which Require Action Under Other Sections of the Agenda:***

### **1. Request for First Reading of Proposed Resolutions and Ordinances.**

- 1.1 **First Reading of Ordinance amending Chapter 7, Article II – Taxicabs to be deleted in its entirety and replaced with a new Article II entitled – Transportation Services.** Under Section IX of the Agenda, [attached for first reading is a proposed Ordinance](#) amending Chapter 7, Article II replacing the existing Taxi Ordinance with a new Ordinance entitled Transportation Services (refer to the Presentation for additional information).

*The City Council may move to accept the recommendation of the Taxi Commission, and further, authorize the City Manager to bring back for public hearing and second reading the proposed Ordinance at the March 16, 2015 City Council meeting, as presented. Action on this matter should take place under Section IX of the Agenda.*

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

- 2.1 **Public Hearing/Adoption of Proposed Bond Resolution of up to Three Million Four Hundred Sixty Thousand Dollars (\$3,460,000) to Refinance the remaining portion of a Callable Bond issued August 1, 2005 and all related costs.** As a result of the February 17<sup>th</sup> City Council meeting, under Section VII of the Agenda, I am bringing back for public hearing and adoption the [attached proposed Bond Resolution](#) of up to Three Million Four Hundred Sixty Thousand Dollars (\$3,460,000) to refinance the remaining portion of a callable bond issued August 1, 2005 and all related costs. In reviewing the City's debt schedule, a refunding (refinancing) opportunity is available which may result in total future savings. The City issued a \$6,960,000 bond on August 1, 2005. The proceeds financed the construction of the Public Library.

The original bond terms included a call provision which allows the issuer the option to pay off bonds prior to the maturity date by issuing another bond at a lower interest rate. The average coupon rate (interest) for the remaining life of the bonds is 4.199%. Keeping in mind that interest rates are subject to change, the City, by opting to refinance this bond in the current market, could experience a savings in excess of \$278,000 net of all issuance costs, over the remaining life of the bonds.

*I recommend the City Council move to adopt the proposed Bond Resolution of up to Three Million Four Hundred Sixty Thousand Dollars (\$3,460,000) to refinance the remaining portion of a callable bond issued August 1, 2005 and all related costs. (The Refunding Resolution requires two readings and a public hearing with two-thirds vote of the City Council.) Action on this matter should take place under Section IX of the Agenda.*

## ***City Manager's Items Which Require Action:***

1. **Request from the Portsmouth School Department for First Reading of a Proposed Bond Resolution of up to Five Million Dollars (\$5,000,000) for Elementary School Construction Improvements (Little Harbour School).** [Attached is a letter from Leslie Stevens, Chair of the Portsmouth School Board](#) requesting the City Council approve a bond issue of up to Five Million Dollars (\$5,000,000) to undertake the construction improvements for the Little Harbour Elementary School. This will allow the School Department to bid the project before the beginning of FY 2016 (July 1, 2015). This was discussed at your Work Session with the School Department.

*I recommend the City Council move to authorize the City Manager to bring back for first reading the proposed Bond Resolution, as presented, at your March 16, 2015 City Council meeting.*

2. **Request to Renew Lease Agreement for Sons of Italy.** [Attached is a copy of a letter from the Sons of Italy, Seacoast Area Lodge #2303](#) requesting the renewal of their Lease Agreement for the property at One Plains Avenue, for a one-year extension effective April 1, 2015 through March 31, 2016. Also, [attached is a copy of the revised Lease Agreement.](#)

*I recommend the City Council move to extend the Lease Agreement with the Sons of Italy at One Plains Avenue, for a period of one year from April 1, 2015 through March 31, 2016.*

3. **Proposed Request for Public Hearing and Adoption of Resolutions for Use of Bond Premiums.** The City of Portsmouth currently holds the highest bond rating available from Standard and Poor's rating agency (AAA). The City was able to take advantage of its excellent bond rating when on June 27, 2013 and June 25, 2014, the City of Portsmouth issued \$6,696,000 and \$26,050,000 in bonds respectively. The proceeds of the bond will finance \$8,017,000 of General Fund capital projects, \$3,800,000 for School projects, \$3,500,000 for Water projects, and \$17,429,000 for Sewer Projects for a total of \$32,746,000 in projects. In addition to the \$32.746 million principal, the City received a premium of \$3,556,137.85 from the winning underwriter at closing. A premium is the amount by which the purchase price of a bond is greater than its par value. Under certain market conditions, in order to enhance the marketability of the bonds, bond underwriters will structure their bids with bond premiums. In this case, the City of Portsmouth received a True Interest Cost (TIC) rates of 2.39% (2013) and 2.72% (2014) and total bond premiums of \$3,556,137.85. Under Federal Tax Law and State Statutes, the City is restricted on how to appropriate and use these funds.

RSA 33:3-states that any premium received shall not be used to increase the amount to be spent for the purpose for which the loan was originally incurred. Therefore, the City cannot use this money to increase the costs of the projects set forth for the \$32.746 Million bond issuance. However, the RSA states "a city by a vote of 2/3 of the City Council may authorize the expenditure for the premiums received for any purpose or purposes for which bonds or serial notes may be issued for an equal or longer period of time."

The bond premium of \$3,556,137.85 has been allocated as follows:

- General Fund in the amount of \$1,417,897.12;
- Water Fund \$412,161.92;
- Sewer Fund \$1,726,078.81

In accordance with State Statute, the staff and I recommend that the City Council authorize appropriations of \$1,966,370.43 from bond premiums for capital projects as follows:

General Fund project:

- Municipal Complex Improvements - \$1,417,897.12

Water Fund project:

- Madbury Well Upgrades - \$412,161.92

Sewer Fund project:

- McDonough Street Area Sewer Line Replacements - \$136,311.39

If approved as recommended, this will leave a bond premium balance in the Sewer Fund of \$1,589,767.42 which was received from bonds issued for the upgrade to the City's Sewer treatment plant and will be used to lower future bonding needs for that project.

As these projects have a useful life that exceeds the original bond issue from which the premiums were received, and would be eligible for bonding under the Municipal Finance Act, it is in the best interest of the City to utilize the premium of \$1,966,370.43 to fund costs associated with General Fund, Water Fund and Sewer Fund projects.

*I recommend the City Council move to authorize the City Manager to bring back for public hearing and action at the March 16<sup>th</sup> City Council meeting the aforementioned three Bond Premium resolutions.*

4. **Work Session Re: Abandoned/Derelict Buildings.** The Mayor has requested that the City Council meet on March 16, 2015 at 6:00 p.m., in a Work Session prior to the regular City Council meeting regarding abandoned/derelict buildings.

*I recommend the City Council move to establish a Work Session on March 16, 2015 regarding abandoned/derelict buildings, as requested by Mayor Lister.*

## ***Informational Items:***

1. **Events Listing.** For your information, [attached is a copy of the Events Listing](#) updated after the last City Council meeting on February 17, 2015. In addition, this can be found on the City's website.
2. **Programmatic Needs Assessment Re: Municipal Complex.** The Public Works Department will be advertising for proposals from qualified architectural/engineering firms to conduct a comprehensive programmatic needs evaluation of the City Hall Complex at 1 Junkins Avenue. The objective of this evaluation is to assess the current and future operational needs of each department located at the City Hall Complex. (City Hall moved to this complex in 1989.)

The municipally operated buildings at the City Hall Municipal Complex are comprised of the Boiler Plant and the City Hall which is comprised of three (3) sections; the 1929 building (Seybolt); the 1950s administrative building; and the 1962 addition. Each of these buildings have electrical, plumbing, heating and ventilation systems that range in age and condition.

Through its efforts to better identify the capital needs at the City's Municipal Complex, the Department of Public Works contracted with ISES Corporation (ISES), an engineering firm that specializes in facilities assessments, to perform a Facility Condition Assessment of the City Hall Municipal complex. The Facility Condition Assessment identified planning level costs for short-and long-term facility upgrades.

Among the various building systems reviewed by ISES include: site conditions; exterior structure; interior finishes; accessibility (Americans with Disabilities Act, ADA compliance); health, fire & life safety; heating ventilation and air conditioning (HVAC); electrical, plumbing, and elevators. Based on their initial assessment of the City Municipal Complex, the cost to address the identified deficiencies is over \$10,000,000. This cost is planning level cost. The final cost will depend on the extent of work, additional design, and the ability to phase construction while continuing to operate a municipal government.

The City Hall Complex is anticipated to continue to be used to house the majority of the City departments and nonprofit groups for the foreseeable future. The current configuration and infrastructure of the City Hall Complex has not significantly changed since it was a hospital before the City moved in. In addition to the physical problems of the building, insufficient space and lack of storage is a growing operational problem for the City departments that use the complex.

This Programmatic Needs Assessment will look at how the current configuration is used by staff and determine if changes to the buildings' configuration will improve function and service at the City Hall Complex. The intent of the programmatic needs assessment is to ensure that any investment made to the physical plant of the Complex does not preclude future changes that will address the operational needs of the City departments using the Complex.



3. **Bicycle Friendly Communities Application.** For your information, [attached is a memorandum from Juliet Walker, Transportation Planner](#), regarding the Bicycle Friendly Communities Application.
4. **Reschedule of Planning Board Work Session Re: Master Plan Kick-off Process.** For your information, the Planning Board has rescheduled the March 5, 2015 Work Session to Thursday, March 12, 2015 starting at 6:30 p.m., regarding the Master Plan Kick-off Process.
5. **Use of Restrictive Covenant to Prevent Development of HarborCorp Lot for Use as a Casino.** [Attached is a report back from City Attorney Robert Sullivan](#) regarding the use of a restrictive covenant to prevent the development of HarborCorp lot for use as a casino.



# PORTSMOUTH SCHOOL DEPARTMENT

## OFFICE OF THE SUPERINTENDENT OF SCHOOLS

EDWARD McDONOUGH  
SUPERINTENDENT OF SCHOOLS

STEPHEN ZADRAVEC  
ASSISTANT SUPERINTENDENT

STEPHEN BARTLETT  
BUSINESS ADMINISTRATOR

February 24, 2015

Portsmouth City Hall  
1 Junkins Avenue  
Portsmouth, New Hampshire 03801

Attention: Mr. John P. Bohenko, City Manager

Dear John,

Subject: Elementary School Upgrades

The Portsmouth School Board, at its February 17, 2014 meeting, voted to approve a three-year summer plan to add sprinklers and complete other improvements at Little Harbour School. The School Department has worked with Energy Efficient Investments (EEI), located in Merrimack, New Hampshire to identify energy savings measures and systems upgrades; we have attached a copy of their estimate to complete the proposed work.

The School Board is requesting approval from the City Council for \$5,000,000 so we may begin to undertake this work at the conclusion of the current school year. We thank you and the City Council, in advance, for your support of this capital project.

Sincerely,

Leslie Stevens, Chair  
Portsmouth School Board

Enclosures: 1

cc: Ms. Judie Belanger, Finance Director  
Mr. Edward McDonough, Superintendent of Schools  
Mr. Stephen T. Bartlett, Business Administrator

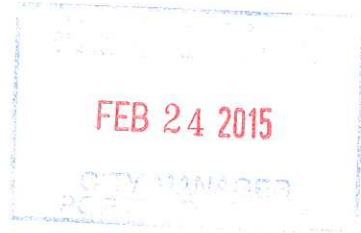
"THE PURPOSE OF THE PORTSMOUTH SCHOOLS IS TO EDUCATE ALL STUDENTS BY CHALLENGING THEM TO BECOME THINKING, RESPONSIBLE, CONTRIBUTING CITIZENS WHO CONTINUE TO LEARN THROUGHOUT THEIR LIVES."

AN EQUAL OPPORTUNITY EMPLOYER

1 JUNKINS AVENUE, PORTSMOUTH, NEW HAMPSHIRE 03801 (603) 431-5080 FAX (603) 431-6753

## LITTLE HARBOUR CODE UPGRADE PROJECT

ENERGY CONSERVATION MEASURES		TOTAL	PHASE I	PHASE II	PHASE III
Lighting		174,750	131,050	43,700	
Walk In Coolers		7,119	7,119		
Boilers and Hot Water Heaters		133,440	133,440		
Unit Ventilators		41,700	41,700		
ERVS		547,660	547,660		
Electric to Hydronic Conversion		695,000	521,250	173,750	
Kitchen Hood		17,290	17,290		
DDC Controls		222,400	166,800	55,600	
Solar PV		50,000		50,000	
Water Conservation		20,757	15,567	5,190	
Building Envelope		15,500	11,625	3,875	
General conditions		193,014	144,760	48,254	
<b>ECM Performance Contract Subtotal</b>		<b>\$2,118,630</b>	<b>\$1,738,261</b>	<b>\$380,369</b>	
<b>CODE UPGRADE MEASURES</b>					
ADA Upgrades - Lift		120,000	90,000	30,000	
Architecture/Engineering		100,000	100,000		
Asbestos Abatement		357,500	143,000	143,000	71,500
Asbestos Consultant		75,000	30,000	30,000	15,000
Cafeteria Ceiling		50,000			50,000
Ceiling Tiles		352,000	264,000	88,000	
Cleaning		21,000	10,500	10,500	
Disposal		8,000	4,000	4,000	
Electrical/ Fire Alarm		195,000	156,000	39,000	
Fire Protection Contractor		286,000	143,000	143,000	
Flooring		65,000	16,250	32,500	16,250
IT Infrastructure Replacement		126,700	63,350	63,350	
Kitchen Equipment Upgrades		100,000	50,000	50,000	
Mis Metal		15,000	15,000		
Moving		55,000	27,500	27,500	
Painting		21,000	10,500	10,500	
Public Address/Clock Replacement		13,000	6,500	6,500	
Roofing/Exterior		390,000	195,000	195,000	
White Boards		60,000	30,000	30,000	
<b>Construction Management Subtotal</b>		<b>\$ 2,410,200</b>	<b>\$ 1,354,600</b>	<b>\$ 902,850</b>	<b>\$ 152,750</b>
Subtotal CM + PC		\$4,528,830	\$3,092,861	\$1,283,219	\$152,750
Contingency- 10%		\$452,883	181,153	181,153	90,577
<b>Total</b>		<b>\$4,981,713</b>	<b>\$3,274,014</b>	<b>\$1,464,372</b>	<b>\$243,327</b>



Order Sons of Italy  
Seacoast Area Lodge No. 2303  
PO BOX 132  
Portsmouth, NH 03802-0132

February 22, 2015

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

Dear Mr. Bohenko and Members of Portsmouth City Council:

I am writing to you on behalf of the Sons of Italy, Seacoast Area Lodge #2303.

Our non-profit organization is currently occupying the "school house" located on Plains Avenue in Portsmouth. We would like you to approve an extension of our lease.

Thank you for your consideration.

Sincerely,

Dave Wolf

Recording Secretary

## LEASE

This lease is made by and between the **City of Portsmouth**, a municipal corporation organized and existing under the laws of the State of New Hampshire and having a usual place of business at 1 Junkins Avenue in said Portsmouth, hereinafter LESSOR, and the **SONS OF ITALY** of Plains School House, Portsmouth, New Hampshire, hereinafter LESSEE.

### **1. PREMISES**

LESSOR leases to LESSEE a certain building/area known as the Sons of Italy situated at Plains School House in said Portsmouth, County of Rockingham and State of New Hampshire.

### **2. RENT**

The payment due under this lease shall be \$1.00 per year payable on the first day of each year in advance.

### **3. TERM**

A. **Initial Term:** The term of this lease shall commence on **APRIL 1, 2015** and shall end **MARCH 31, 2016**.

B. **Termination:** Notwithstanding any other provision in this lease, this lease may be terminated by the LESSEE upon thirty days (30) written notice to the LESSOR.

### **4. PARKING**

LESSEE shall use only such portion of the surrounding grounds as LESSOR may designate for parking.

### **5. WASTE**

LESSEE shall not allow any waste, rubbish or other objectionable materials to accumulate within the premises or upon the surrounding grounds. LESSEE shall arrange and pay for proper rubbish receptacles and private rubbish disposal.

### **6. UTILITIES**

LESSEE shall arrange for the prompt payment of all water, gas, heat, lights and power, telephone service and other utilities furnished to the premises throughout the term of the Lease, and all other costs and expenses of every kind whatsoever of or in connection with the use, operation and maintenance of the premises and all activities conducted thereon, and LESSOR shall have no responsibilities for such expenses.

**7. REPAIRS AND MAINTENANCE**

LESSEE shall, throughout the term of this Lease, at its own cost, and without any expense to LESSOR, keep and maintain the leased premises in good condition and repair, and shall return the premises on termination of this lease to the City in such condition. LESSOR shall not be obligated to make any repairs to the leased premises. LESSEE shall also comply with and abide by all federal, state and municipal laws, ordinances and regulations affecting the leased premises, the improvements thereon or any activity or condition on or in such premises. No alteration of the premises which is visible from the exterior thereof and no alteration of the interior which exceeds Two Hundred (\$200) Dollars in cost shall be made without the prior written approval of the LESSOR'S City Manager.

**8. DAMAGE AND DESTRUCTION**

In case the building on the premises is destroyed and damaged so as to make it untenable, LESSEE, if not in default hereunder, may elect to terminate this Lease with the City of Portsmouth by written notice delivered to LESSOR within sixty (60) days after the occurrence of such damage or destruction.

**9. LESSOR'S RIGHT OF ENTRY**

LESSEE shall permit LESSOR and the agents and employees of LESSOR to enter into and upon the premises at all reasonable times to inspect the same, or to make repairs or improvements called for in this Agreement.

**10. SUBLETTING AND ASSIGNMENT**

LESSEE shall not assign this Lease or sublet any portion of the premises.

**11. ACCEPTANCE OF PREMISES AND ADA COMPLIANCE**

- A. LESSEE by acceptance of the premises, acknowledge that they are fit for the uses of the LESSEE.
- B. The LESSOR and LESSEE agree that the LESSEE shall be solely responsible for making the services and/or programs which it offers accessible to the handicapped as this term is recognized in the Americans with Disabilities Act. Where it is necessary to make structural modifications to the building and/or property in order to achieve the goal of accessibility of the unique services and programs offered by the LESSEE, then LESSEE shall be solely responsible for making such structural modifications. Prior to making any structural modifications, the LESSEE shall obtain the consent of the LESSOR.

**12. LIENS**

LESSOR shall keep all of the premises free and clear of all liens arising out of LESSEE'S occupancy of the premises and at all times promptly and fully pay or discharge any claims on which any lien could be based.

**13. INDEMNIFICATION OF LESSOR**

LESSEE shall indemnify and hold harmless the LESSOR, its officers, agents and employees from and against any and all claims, demands, suits, judgments or liability whatsoever, including the costs of defense and reasonable attorney's fees, for bodily injury, death or property damage arising out of the use or condition of the premises during the term of this lease. LESSEE also agrees to indemnify and hold harmless the LESSOR from any claims brought against LESSEE for failure to provide accessible services and programs under the Americans with Disabilities Act or to otherwise fail to comply with the responsibilities under the Americans with Disabilities Act as a provider of public accommodations.

**14. DEFAULT**

In the event of any breach of this Lease by the parties or failure to perform any condition herein, the parties may in addition to all rights and remedies each has at law, LESSOR shall give:

- A. Written notice to the LESSEE of a claimed breach. If such breach is not cured within 30 days, the LESSOR shall have the right of reentry and may remove all persons and property from the premises to be stored at the expense of the LESSEE. LESSOR, after reentry, may terminate this Lease and in addition to its other rights, may recover from LESSEE, its reasonable costs and damages occasioned by LESSEE'S breach.
- B. LESSOR shall give written notice to LESSEE of the LESSEE'S failure to perform any condition of this Lease. If such failure is not cured within 30 days, the LESSOR may, but shall not be required to, obtain substitute performance of the condition. LESSEE shall repay to LESSOR ON DEMAND, the entire expense thereof including compensation to the agents and employees of LESSOR. Any act or thing done by LESSOR pursuant to the provisions of this Section shall not be or be construed as a waiver of any such default by LESSEE, or as waiver of any covenant, term or condition herein contained or the performance thereof, or of any other right or remedy of LESSOR, hereunder or otherwise. All amounts payable by LESSEE to LESSOR under any of the provisions of this Lease, if not paid when the same becomes due as in this Lease provided, shall bear interest from the date they become due until paid at the rate of eleven (11%) percent per annum, compounded annually.
- C. LESSEE may terminate this Lease after 30 days written notice to LESSOR specifying any breach or failure of the LESSOR to perform under the provisions of this Agreement.

- D. Either party reserves the right to contest the claim of breach or failure to perform under this Agreement and to collect reasonable costs and damages occasioned thereby.

**15. SURRENDER OF PREMISES**

All alterations, additions and improvements made in or to the premises in the nature of fixtures shall unless otherwise provided by written Agreement or by the terms hereof, be the property of LESSOR and remain and surrendered with the premises and LESSEE hereby waives all claim for damages to a loss of any property belonging to LESSEE that may be in or upon the premises.

**16. NOTICE**

Any notice required under this Lease or other writing which may be given by either party hereto to the other shall be deemed to have been given when made in writing and deposited in the U.S. MAIL, registered and prepaid and addressed as follows:

TO LESSOR:  
City Manager  
City of Portsmouth  
1 Junkins Avenue  
Portsmouth, NH 03801

TO LESSEE:  
Sons of Italy  
John Semprini, President  
P.O. Box 132  
Portsmouth, NH 03801

**17. USE OF PREMISES**

The premises shall be used solely for the following purposes:

- A. Holding therein official business meetings of LESSEE between the hours of 8:00 a.m. and 11:00 p.m.
- B. No alcoholic beverages shall be used, consumed or possessed upon the premises.

**18. REGULATIONS**

LESSEE agrees that it shall abide by and enforce among its staff any reasonable rules and regulations established by the LESSOR which may be modified from time to time.

**19. EXTENSION OR RENEWAL**

There is no automatic extension or renewal of this lease and no further notice is required on the part of the LESSOR.



**20. INSURANCE**

LESSEE shall, at all times during the term of this Lease, maintain in effect bodily injury insurance covering the premises and the operations of the LESSEE in the amount of One Million (\$1,000,000) Dollars per occurrence and property damage insurance in the amount of at least Five Hundred Thousand (\$500,000) Dollars per occurrence. Such insurance shall be drawn so as to protect LESSOR and LESSEE. All insurance shall be written in a form satisfactory to LESSOR. LESSEE shall deliver to the LESSOR certificates of all insurance which shall provide that LESSOR shall be notified of the cancellation thereof or of nonpayment of premiums. In the event the insurance is altered, terminated or in case of nonpayment of premium, LESSOR shall, at its option. The cost of such insurance shall be paid by the LESSEE within ten (10) days of notice by LESSOR that such effect such insurance payment is due.

**21. PUBLIC BENEFIT**

No later than June 20, 2014 the Lessee shall provide to the City Manager for presentation to the City Council a narrative description of the benefit which inures to the public generally directly related to the use of the leased premises by the Lessee.

IN WITNESS WHEREOF, the parties have executed this Lease at Portsmouth on

\_\_\_\_\_ 2015.

**CITY OF PORTSMOUTH**

\_\_\_\_\_  
John P. Bohenko, City Manager

Pursuant to vote of the City Council on  
\_\_\_\_\_, **2015.**

**SONS OF ITALY**

\_\_\_\_\_  
John Semprini, President

\_\_\_\_\_  
WITNESS

\_\_\_\_\_  
WITNESS

Run: 2/26/15  
10:45AM

## Event Listing by Date

Page: 1

Starting Date: 2/17/2015

Ending Date: 12/31/2015

Start End	Type Description	Location	Requestor	Vote Date
3/15/2015 3/15/2015	RACE	Pease	New Heights	12/ 8/2014
3/29/2015 3/29/2015	ROAD RACE	Portsmouth High School Donald Allison is the contact for this event. Telephone No. (617) 835-2378	Eastern States 20 Mile	11/17/2014
4/18/2015 4/18/2015	WALK	Little Harbour School - start and finish 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.	National Multiple Sclerosis So	10/20/2014
5/ 3/2015 5/ 3/2015	FESTIVAL	Downtown 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.	Pro Portsmouth, Inc. - Childre	9/22/2014
5/ 3/2015 5/ 3/2015	WALK	Lower Parking Lot of City Hall Richard B. Wagner is the contact for this event. This walk is from 10:00 a.m. from 5:00 p.m.	AIDS Response Seacoast	1/20/2015
5/ 9/2015 5/ 9/2015	ROAD RACE	Strawbery Banke 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 Strawbery Banke - Hancock Lot	Susan G. Komen New Hampshire R	9/22/2014
5/17/2015 5/17/2015	RACE	Pease Tradeport Renee T. Bouchard is the contact for this event.(603) 431-5454. Date changed from May 3, 2015 by PDA.	Madeline's Daughter Bridal Sho	12/ 8/2014
5/24/2015 5/24/2015	ROAD RACE	Redhook Ale Brewery Jeanine Sylvester is the contact for this event. Telephone Number 603-430-1212 This event begins at 11:00 a.m.	Runner's Alley	1/20/2015
6/13/2015 6/13/2015	FAIR	Downtown Barbara Massar is the contact for this event. This event begins at 9:00 a.m. to 4:00 p.m. throughout downtown	38th Market Square Day - Pro P	9/22/2014
6/13/2015 6/13/2015	ROAD RACE	Market Square Barbara Massar is the contact for this event. This event begins at 9:00 a.m. with roving closures for race course	38th 10K Road Race - Pro Ports	9/22/2014
6/20/2015 6/20/2015	FUND	Pleasant Street Alyssa Salmon is the contact of this event. Contact No. 430-1140 x14.	Big Brothers Big Sisters of th	8/ 4/2014

Run: 2/26/15  
10:45AM

## Event Listing by Date

Page: 2

Starting Date: 2/17/2015

Ending Date: 12/31/2015

Start End	Type Description	Location	Requestor	Vote Date
6/27/2015 6/27/2015	FILM EXPO Ashleigh Tucker, Special Events Manager is the contact for this event. She can be reached at 433-3100 ex. 6014	Chestnut Street	The Music Hall	2/17/2015
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
8/22/2015 8/22/2015	BIKE TOUR Emily Christian is the Logistics Associate This event begins in Stratham Hill, over to Kittery, back through Portsmouth by way of Marcy Street to 1B.	Through the City to and from Stratham Hill Park	National Multiple Sclerosis So	1/ 5/2015
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

Run: 2/26/15  
10:45AM

## Event Listing by Date

Page: 3

Starting Date: 2/17/2015

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

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## MEMORANDUM

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**TO:** JOHN P. BOHENKO, CITY MANAGER

**FROM:** JULIET WALKER, TRANSPORTATION PLANNER *JW*

**SUBJECT:** BICYCLE FRIENDLY COMMUNITIES APPLICATION

**DATE:** 02/26/2015

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On February 11, 2015, we submitted an application on behalf of the City to achieve recognition as a Bicycle Friendly Community by the League of American Cyclists. To date, 335 communities representing all 50 states have achieved BFC designation. In New Hampshire, Keene and Concord are Bicycle Friendly Communities. The application consists of approximately 90 questions that request information regarding the existing and planned bicycle network, information about the City's street design standards and policies, bicycle education and advocacy programs, enforcement of laws and regulations that support bicycle safety, and evaluation and assessment initiatives to measure the City's progress related to bicycle friendly measures.

After the deadline, the applications are first sent to local reviewers for comment. Local reviewers usually have 2-3 weeks to submit an online review of the applicant. Once all local feedback is received, it is shared with the judging panel. Each judge then takes about 2-3 weeks to review each application, together with any supplemental material and the local feedback. We anticipate hearing back from the League regarding the City's designation by early April of this year.

The designation has a number of categories, summarized as follows:

- Platinum communities usually show excellence across the board. These are the type of communities that have a comfortable and safe bike network, excellent bike parking, great bike education programs, a supportive police force and just people on bikes everywhere.
- Gold communities do have strong bike cultures as well, but may still need to complete their bike network or reach more children with Safe Routes to School programs.
- Silver communities are somewhat welcoming to bikes and are easy to navigate for intermediate and experienced cyclists. But there is still a lot of work left to do in certain areas.
- Bronze communities might not necessarily feel bike friendly. These communities may only have a couple bike lanes in place and motorists may not yet be aware that they need to share the road with bicyclists. However, important steps are being taken in a number of areas. For example, a community might have several cycling instructors that give regular cycling skill classes for adults and there is a Safe Routes to School program at most schools.

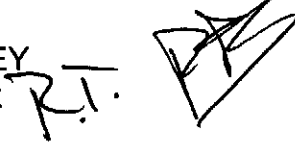
**CITY OF PORTSMOUTH**

**LEGAL DEPARTMENT**

**MEMORANDUM**

DATE: February 25, 2015

TO: HONORABLE MAYOR ROBERT J. LISTER & CITY COUNCIL

FROM: ROBERT P. SULLIVAN, CITY ATTORNEY  
RICK TAINTOR, PLANNING DIRECTOR 

RE: USE OF RESTRICTIVE COVENANT TO PREVENT DEVELOPMENT OF  
HARBORCORP LOT FOR USE AS A CASINO

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At the Council meeting of February 17, 2015 the Mayor and City Council received a petition signed by numerous citizens which, among other issues, raised the question of whether or not a restrictive covenant provided by the owners of the HarborCorp lot could be used to prevent future development of the site as a casino. The Council requested an opinion as to the efficacy of that suggestion.

We have considered the matter and offer the following:

1. The development of a casino within the City would not currently be allowed by state law, which prohibits casino gambling or by the Portsmouth zoning ordinance, which does not authorize that use of land anywhere within the City. Moreover, the development proposal being made by HarborCorp does not contain any casino element.
2. Nonetheless, we have become aware that one concern of the Petitioners is that state law could change, the Portsmouth zoning ordinance could be amended and the developer could change its development plans.

With the foregoing in mind, we note that the concept of land use regulation by the recording of permanent restrictive covenants is a blunt edged tool. It is complex to implement, primarily due to legal technicalities attendant to the recording of such covenants. Moreover, it is inflexible by nature and therefore cannot be readily adjusted to meet changing circumstances. Nonetheless, restrictive covenants can be recorded and if one was recorded to prevent development of property for a casino use it would likely have its desired effect.

We have a remaining concern, however. It is our belief that if the City were to demand or exact a restrictive covenant from the developer in order to approve an otherwise permissible development, the developer might conceivably have a claim which could be made against the City in the nature of taking. Without significantly more detail, this is only a concern, not a certainty. Based upon that concern, however, it is our recommendation that if the City is to acquire a restrictive covenant over the property in question, that the acquisition incur only with the agreement of the developer and not as a demand or an exaction.

cc: John P. Bohenko, City Manager  
Gerald Zelin, Esq.  
Susan Duprey, Esq.

Wednesday, February 11, 2015

To: Portsmouth City Councilors

I have asked that the following item be placed on the City Council Agenda for Tuesday, February 17th:

**Resolution To The U.S. Supreme Court  
In Support Of Marriage Equality**

I have no Resolution to propose right now, but instead will ask that City Council members and residents who might support this position suggest wording for the Resolution, and I invite Council members to co-sponsor it for introduction at the Monday, April 6th Council meeting.

I am taking this approach so that we can be as inclusive as we can be on this matter of importance to many of our Portsmouth citizens.

The U.S. Supreme Court is taking up a decision of the 6th U.S. Circuit Court of Appeals that upholds laws in Kentucky, Michigan, Ohio and Tennessee that define marriage as the union of a man and a woman. The Court will likely hear the case in late April, and make a decision in June.

In the meantime, many Americans are coming forward to join in an Amicus Brief. Edie Windsor, who won her lawsuit in 2013 when the Court struck down a central portion of the so-called "Defense of Marriage Act," is the first signature on that Brief. That Act is the law that had denied federal benefits to legally married gays and lesbians. In early 2013, the Portsmouth City Council proudly voted unanimously to support the effort to encourage the Court to stick down that Act.

In a grassroots, non-government effort, the nationwide Human Rights Campaign is inviting all citizens to join Edie Windsor in the Amicus Brief. All those interested can visit [HRC.org](http://HRC.org) to add their names.

Portsmouth is the New Hampshire city that began serious statewide discussion about gay and lesbian equality, dating back to 1993 in these Chambers with a public hearing that filled the room.

Since then, our state has made great strides in supporting equality for our gay and lesbian residents. In the late 1990s, New Hampshire became the 11th state to put sexual orientation into our civil rights laws. In 2007, we adopted Civil Unions, followed two years later by becoming just the 5th state to adopt marriage equality -- and the first to do solely by legislation action.

Now, just 61 months after that law became effective, there are 37 states allowing gay and lesbian marriage.



We have more to do, of course. Portsmouth a year ago became the first community in our state to adopt protection in our employment for transgender citizens, and that is an ongoing cause on the state level.

I think this is a matter that we should support, but I want to do it in as inclusive and welcoming way as possible, thus my presentation of the title of the Resolution at this time, to be followed on April 6th with a written Resolution co-sponsored by all who wish to do so.

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 FEBRUARY 12, 2015, AT EILEEN DONDERO FOLEY COUNCIL CHAMBERS, MUNICIPAL COMPLEX, ONE JUNKINS AVENUE, PORTSMOUTH, NEW HAMPSHIRE.

PRESENT: COUNCILOR LOWN, DEPUTY CITY MANAGER ALLEN, DEPUTY FIRE CHIEF HEINZ, POLICE CAPTAIN FRANK WARCHOL, PUBLIC WORKS DIRECTOR RICE, PARKING & TRANSPORTATION ENGINEER EBY, AND MEMBERS: CYPHER, WHITEHOUSE, GRAY, and ALTERNATE MEMBER: MCELWAIN.

ABSENT: SHARI DONNERMEYER

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- [1] **Acceptance of Minutes for January 2015** - Voted to accept January 2015 minutes
  
  - [2] **Acceptance of Financial Report –January 2015 –** Voted to accept January Financials
  
  - [3] **Action Item – Anne Avenue Parking–** Location will be reviewed when weather permits.
  
  - [4] **Action Item – Brewery Lane –** When weather permits, confirm signs are in conformance with existing ordinance.
  
  - [5] **Old Business - Dearborn Lane & Dearborn Street -** Voted to post “No Parking signs Here to Corner” on each side of Dearborn Lane, from the drive way on the north side and before the garage on the south side, pointing towards Dearborn Street.
  
  - [6] **Old Business - Handicap Parking Policies and Regulations, Keefe House –** Voted to approve enforcement of existing time limits on all vehicles, including those displaying handicap plates or placards, for all metered and handicapped on-street spaces within the High-Occupancy Meter Zone. Enforcement to begin after signs are installed, outreach, and a change in policy has been conducted.
  
  - [7] **Old Business - Dennett Street speeding-** Voted to have DOT, Police, and the Department of Public Works continue to work together to monitor speed and place warning signs during the Maplewood Avenue bridge reconstruction project.

- [8] **Public Comment** - Resident Doug Roberts, 247 Richards Avenue, expressed his feelings about reducing parking spaces to 7 feet wide, and having 10 foot wide lanes, as well as limiting the speed on Dennett Street. Mr. Roberts wants the City to investigate the intersection where a pedestrian was killed.

Police Captain Warchol responded by saying the intersection at Route 1 and Spring Brook Circle is not in the City's jurisdiction, the section of road being referred to is maintained and designed by the State. The City can look into the situation and offer recommendations for improvements.

**Adjournment** – At 9:25 AM, **Voted** to adjourn.

Respectfully submitted by:

Cynthia Huyghue-Fancy  
Secretary to the Committee

# MEMO

TO: Honorable Mayor Robert Lister & Members of the City Council

FROM: Jack Thorsen, Councilor

DATE: February 23, 2015

SUBJECT: Criteria for Measuring the Appropriateness of Council Resolutions

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From time to time and for various purposes and reasons, resolutions are brought forward for approval by the City Council. During my tenure as a councilor, I have seen many of these resolutions, and have always understood that these are proposed with good intentions by councilors. Of late, however, I have begun to wonder by what criteria an official statement by the City of Portsmouth ought not to be made, and if made, should be rejected by the Council, based on the failure to meet some standard of appropriateness, notwithstanding the underlying substance of the proposal.

The following is my analysis of the question, and my opinion and position concerning resolutions at the present time. I hope that this analysis is helpful to you as you consider the appropriateness of any resolution brought to you for your consideration.

Three questions are proposed. If a resolution meets the requirement of any one question, it may be appropriate for consideration.

**1) Does the resolution have a direct impact on the policy or operation of the City of Portsmouth?**

We councilors are elected to do the work of governing the City of Portsmouth. So, if the resolution directly affects the City, then the resolution is likely appropriate for consideration.

**2) Does the resolution petition the State of New Hampshire, or the Federal Government, on a matter that will affect the City of Portsmouth?**

State and federal laws govern the City of Portsmouth, so the policies set at the state and federal levels may have an impact on the City. If so, it is appropriate for the Council to consider action, such as resolutions, that would influence those governing bodies. If, on the other hand, the action taken by another governing body, in receipt of a resolution from the City, has no material impact on the City, then it would likely not be appropriate for the Council to consider that resolution.

### **3) Is the resolution innocuous and uncontroversial?**

We councilors are representatives of all the residents of the City of Portsmouth. If there is no direct or indirect impact to the City, then the question should be whether the resolution is innocuous, meaning that it has no adverse effect on any party, and that is it uncontroversial, meaning that it is generally supported by the community. On that last point, I would consider, for my own purposes of analysis, that there is general support by the community if only a small percent of residents would object. By small percent of residents, I mean no more than 1%-2%.

#### **How would these questions affect recently considered resolutions?**

There are many resolutions that are innocuous and noncontroversial. They include the recognition of holidays, special events, and to honor people for achievements beneficial to the community. No one is adversely affected by such resolutions, and they are very unlikely to have any substantial opposition within the community.

There are resolutions that are controversial, such as the resolution in support of repealing the Defense of Marriage Act, which was sent to the US Supreme Court last year. I voted in favor of this resolution because I thought the law was technically a bad law, but in retrospect, I realize that it was too controversial to support, meaning many in our community objected.

A controversial resolution could be considered if it has a direct or indirect affect on the City. In cases where the law is settled in New Hampshire, such as concerning Marriage Equality, and where the resolution would then have no affect on the City, it should be rejected. This would be the case for the current proposal to petition the US Supreme Court on a matter that would affect another state, but not the City. Cases, such as the prohibition of of dangerous materials on rail lines, or gambling, made to the State of New Hampshire are examples of resolutions that would affect the City, though the community may not universally support them. The latter would be appropriate to consider.

Another controversial resolution was in support of the employees of Market Basket. That might be a close call, as a substantial majority of residents supported the employee strike. It was, however, not innocuous, in that the resolution chose one party over the other in what was a private and potentially litigious affair. Thus, in my opinion, this resolution ought to have been rejected.

So, in summary, I would like to suggest that you consider these three questions to determine, in your own mind, whether a resolution is appropriate, before considering the merits of the underlying position the resolution takes.

If any of the three questions can be supported, then the resolution might be appropriate, and the Council should then consider the resolution on the substance of the statement.

If all three questions fail, that is there is no direct or indirect affect to the City (the first two questions), and that it is not innocuous or is controversial (the third question), then please reject the resolution, or better, not bring it forward.

Thank you for reading and considering this analysis. I hope that they are useful to you in your consideration of the appropriateness of a resolution.

Sincerely, and with great respect,

Jack Thorsen  
City Councilor  
City of Portsmouth, New Hampshire