

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, MARCH 16, 2015 TIME: 6:15 PM

AGENDA

• **AT 6:15PM – WORK SESSION REGARDING ABANDONED/DERELICT BUILDINGS**

I. CALL TO ORDER (6:15 PM)

II. ROLL CALL

III. INVOCATION

IV. PLEDGE OF ALLEGIANCE

MAYOR'S AWARDS

1. NH Division 1 Girls Alpine Skiing State Champions
2. NH Division 2 Boys Winter Track State Champions

PRESENTATION

1. Haven Well Contamination Blood Testing – Rick Cricenti, Director Emergency Services Unit, NH Department of Health and Human Services

V. ACCEPTANCE OF MINUTES – MARCH 2, 2015

VI. PUBLIC COMMENT SESSION

VII. PUBLIC HEARINGS

- A. RESOLUTION APPROPRIATING THE SUM OF ONE MILLION FOUR HUNDRED SEVENTEEN THOUSAND, EIGHT HUNDRED NINETY-SEVEN DOLLARS AND TWELVE CENTS (\$1,417,897.12) FOR EXPENSES RELATING TO MUNICIPAL COMPLEX IMPROVEMENTS
- B. RESOLUTION APPROPRIATING THE SUM OF FOUR HUNDRED TWELVE THOUSAND, ONE HUNDRED SIXTY-ONE DOLLARS AND NINETY-TWO CENTS (\$412,161.92) FOR EXPENSES RELATING TO MADBURY WELL UPGRADES
- C. RESOLUTION APPROPRIATING THE SUM OF ONE HUNDRED THIRTY-SIX THOUSAND, THREE HUNDRED ELEVEN DOLLARS AND THIRTY-NINE CENTS (\$136,311.39) FOR EXPENSES RELATING TO MCDONOUGH STREET AREA SEWER LINE REPLACEMENT
- D. ORDINANCE AMENDING CHAPTER 7, ARTICLE II – TAXICABS IS HEREBY DELETED IN ITS ENTIRETY AND REPLACED WITH A NEW ARTICLE II ENTITLED TRANSPORTATION SERVICES

- E. ORDINANCE AMENDING THE ZONING MAP BY REZONING THE FOLLOWING LOTS FROM INDUSTRIAL (I), OFFICE RESEARCH (OR) OR MUNICIPAL (M) TO GATEWAY (GW):
- ASSESSORS MAP 163, LOTS 33, 34 AND 37;
 - ASSESSORS MAP 165, LOTS 1, 2 AND 14;
 - ASSESSORS MAP 172, LOTS 1 AND 3;
 - ASSESSORS MAP 173, LOTS 2 AND 10;
- AND INCLUDING CATE STREET BETWEEN HODGSON'S BROOK AND BARLETT STREET; AND AMENDING THE ZONING ORDINANCE AS FOLLOWS:
- ARTICLE 7, SECTION 10.730 – GATEWAY PLANNED DEVELOPMENT:
 - AMEND SECTION 10.734.20 – LOT REQUIREMENTS, BY ESTABLISHING FRONT YARD STANDARDS RELATIVE TO STREETS OTHER THAN LAFAYETTE ROAD;
 - AMEND SECTION 10.734.33 BY MODIFYING THE MAXIMUM BUILDING HEIGHT STANDARDS;
 - INSERT A NEW SECTION 10.734.40 – WORKFORCE HOUSING INCENTIVES, TO ALLOW INCREASED BUILDING HEIGHT AND BUILDING LENGTH, AND TO ALLOW PARKING TO BE LOCATED IN A REQUIRED FRONT YARD OR BETWEEN A PRINCIPAL BUILDING AND A STREET, FOR A GATEWAY PLANNED DEVELOPMENT THAT CONTAINS 10% OR GREATER WORKFORCE HOUSING UNITS.
 - ARTICLE 15 – DEFINITIONS:
 - AMEND SECTION 10.1530 – TERMS OF GENERAL APPLICABILITY, BY INSERTING DEFINITIONS OF “WORKFORCE HOUSING” AND “WORKFORCE HOUSING UNIT.”

VIII. APPROVAL OF GRANTS/DONATIONS

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

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First reading of Resolution Authorizing a Bond Issue and/or Notes of up to Twenty Three Million Two Hundred Thousand Dollars (\$23,200,000.00) for the Construction of a New Parking Facility (***Sample motion – move to pass first reading and schedule a public hearing and adoption of the Resolution at the April 20, 2015 City Council meeting***)
- B. First reading of Resolution Authorizing a Bond Issue and/or Notes of up to Five Million Dollars (\$5,000,000.00) for Costs related to Elementary School Facility Improvements (***Sample motion – move to pass first reading and schedule a public hearing and adoption of the Resolution at the April 6, 2015 City Council meeting***)
- C. Second 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
- D. Second reading of Ordinance the Zoning Map by rezoning the following lots from Industrial (I), Office Research (OR) or Municipal (M) to Gateway (GW):
- Assessors Map 163, Lots 33, 34 and 37;
 - Assessors Map 165, Lots 1, 2 and 14;
 - Assessors Map 172, Lots 1 and 2;

- Assessors Map 173, Lots 2 and 10; and including Cate Street between Hodgson's Brook and Bartlett Street; and amending the Zoning Ordinance as follows:

- Article 7, Section 10.730 – Gateway Planned Development:
 - Amend Section 10.734.20 – Lot Requirements, by establishing front yard standards relative to streets other than Lafayette Road;
 - Amend Section 10.734.33 by modifying the maximum building height standards;
 - Insert a new Section 10.734.40 – Workforce Housing Incentives, to allow increased building height and building length, and to allow parking to be located in a required front yard or between a principal building and a street, for a Gateway Planned Development that contains 10% or greater workforce housing units.
- Article 15 – Definitions:
 - Amend Section 10.1530 – Terms of General Applicability, by inserting definitions of “workforce housing” and “workforce housing unit.”

- E. Adoption of Resolution Appropriating the sum of One Million Four Hundred Seventeen Thousand, Eight Hundred Ninety-Seven Dollars and Twelve Cents (\$1,417,897.12) for Expenses relating to Municipal Complex Improvements (*A two-thirds vote of the Council is required for Adoption*) (**Sample motion – move to adopt the Resolution, as presented**)
- F. Adoption of Resolution Appropriating the sum of Four Hundred Twelve Thousand, One Hundred Sixty-One Dollars and Ninety-Two Cents (\$412,161.92) for Expenses relating to Madbury Well Upgrades (*A two-thirds vote of the Council is required for Adoption*) (**Sample motion – move to adopt the Resolution, as presented**)
- G. Adoption of Resolution Appropriating the sum of One Hundred Thirty-Six Thousand, Three Hundred Eleven Dollars and Thirty-Nine Cents (\$136,311.39) for Expenses relating to McDonough Street Area Sewer Line Replacement (*A two-thirds vote of the Council is required for Adoption*) (**Sample motion – move to adopt the Resolution, as presented**)

X. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. 2015 Omnibus Sidewalk Obstruction Renewals – See Attached Listings (**Anticipated action – move to refer to the City Manager with power**)
- B. Letter from Christina O’Grady, American Lung Association, requesting permission to hold the 6th Annual American Lung Association Cycle the Seacoast ride on Sunday, May 3, 2015 (**Anticipated action – move to refer to the City Manager with power**)
- C. Letter from Kathie Lynch, President of Portsmouth Little League, Inc., requesting permission to affix temporary signage to be located at the Plains and Hislop Park baseball fields during the 2015 baseball season from April 11th through the end of the fall ball program, in addition, maintain signage to the rear of the Plains scoreboard (**Anticipated action – move to refer to the City Manager with power**)

- D. Letter from Robert Sutherland, Secretary of St. John's Lodge No 1 requesting permission to hold the annual 5k on Sunday, April 11, 2015. ***(Anticipated action – move to refer to the City Manager with power)***

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

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

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

Items Which Require Action Under Other Sections of the Agenda

1. Request for First Reading of Proposed Resolutions and Ordinances:
 - 1.1 First Reading of Proposed Resolution Authorizing a Bond Issue and/or Notes of up to Twenty Three Million Two Hundred Thousand Dollars (\$23,200,000.00) for the Construction of a New Parking Facility ***(Action on this item should take place under Section IX of the Agenda)***
 - 1.2 First Reading of Resolution Authorizing a Bond Issue and/or Notes of up to Five Million Dollars (\$5,000,000.00) for Costs related to Elementary School Facility Improvements ***(Action on this item should take place under Section IX of the Agenda)***
2. Public Hearing and Adoption of Resolutions:
 - 2.1 Proposed Public Hearing and Adoption of Resolutions for Use of Bond Premiums
 - a) Resolution Appropriating the sum of One Million Four Hundred Seventeen Thousand, Eight Hundred Ninety-Seven Dollars and Twelve Cents (\$1,417,897.12) for Expenses relating to Municipal Complex Improvements ***(Action on this item should take place under Section IX of the Agenda) (Two-thirds vote required for adoption of Resolution)***
 - b) Resolution Appropriating the sum of Four Hundred Twelve Thousand, One Hundred Sixty-One Dollars and Ninety-Two Cents (\$412,161.92) for Expenses relating to Madbury Well Upgrades ***(Action on this item should take place under Section IX of the Agenda) (Two-thirds vote required for adoption of Resolution)***
 - c) Resolution Appropriating the sum of One Hundred Thirty-Six Thousand, Three Hundred Eleven Dollars and Thirty-Nine Cents (\$136,311.39) for Expenses relating to McDonough Street Area Sewer Line Replacement ***(Action on this item should take place under Section IX of the Agenda) (Two-thirds vote required for adoption of Resolution)***

3. Public Hearings/Second Readings for Proposed Ordinances
 - 3.1 Public Hearing/Second 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 (***Action on this item should take place under Section IX of the Agenda***)
 - 3.2 Public Hearing/Second Reading of Proposed Ordinance Amending the Zoning Map by Rezoning Lots Outlined in the Ordinance from Industrial (I), Office Research (OR) or Municipal (M) to Gateway (GW) and including Cate Street Between Hodgson’s Brook and Barlett Street; and Amending the Zoning Ordinance Article 7, Section 10.730 Gateway Planned Development and Article 15 – Definitions (***Action on this item should take place under Section IX of the Agenda***)

City Manager’s Items Which Require Action:

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

Informational items

1. Events Listing
2. Legislative Subcommittee Update
3. News Release from Cooperative Alliance for Seacoast Transportation (COAST)
4. Letter from New Hampshire Municipal Association
5. Reminder of City Council Work Session Re: Master Plan and Impact Fees
6. New Hampshire Water Works Association’s Journal Article Re: Portsmouth Water Efficiency

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 January 7, 2015; January 14, 2015; February 4, 2015 and February 11, 2015 meetings of the Historic District Commission are now available on the City’s website
2. *Notification that the minutes of the January 15, 2015 meeting of the Planning Board is now available on the City’s website
3. *Notification that the minutes of the January 7, 2015, February 3, 2015, February 4, 2015 and March 3, 2015 meetings of the Site Review Technical Advisory Committee 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: MONDAY, MARCH 2, 2015

PORTSMOUTH, NH
TIME: 7:00PM

I. CALL TO ORDER (7:00PM)

At 7:00 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 (7:07 p.m.), Morgan, Spear and Thorsen

III. INVOCATION

Mayor Lister asked everyone to join in a moment of silent prayer in memory of Bob Hopley who recently passed away.

IV. PLEDGE OF ALLEGIANCE

Peter Bresciano led in the Pledge of Allegiance to the Flag.

Councilor Shaheen on behalf of the City Council would like to wish former Mayor Eileen Foley Happy 97th Birthday.

PRESENTATION

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

Peter Bresciano, Taxi Chair and Lawrence Cataldo, Taxi Commissioner provided a brief presentation on the proposed new Taxi Ordinance to be known as Transportation Services Ordinance. Commissioner Cataldo stated that the new definition under Transportation Services would include taxi, limousines and ride share vehicles. He said it was important to have a level playing field. He addressed the various transportation services that can be used for hire. Chair Bresciano said that this could be a win-win for Portsmouth by reducing regulations, identifying all for-hire drivers and less enforcement after startup is complete.

Assistant Mayor Splaine said that this ordinance is a way of regulating ride sharing services. He is concerned with the elderly and making sure that they are treated fairly with the deregulation of the fare structure.

Councilor Shaheen thanked the Commission for addressing this issue. She is concerned with the market pressures. Councilor Shaheen said the Council might want to set a maximum limit for pricing.

Councilor Thorsen spoke regarding the placement of the placard and whether it would be visible. Chair Bresciano said the placard would be visible.

Councilor Morgan asked how someone would file a complaint. Chair Bresciano said that has not changed. The person would write a letter to the Taxi Commission and submit the letter to the City Clerk's office for inclusion on the Taxi Commission Agenda.

V. ACCEPTANCE OF MINUTES – FEBRUARY 17, 2015

Councilor Spear moved to approve and accept the minutes of the February 17, 2015 City Council meeting. Seconded by Councilor Morgan.

Councilor Dwyer moved to correct the bottom of Page 8 to change her comment to read as follow: *“there is a well known social physiology strategy that you can make problems so large that we can't solve them and she is afraid we are in danger of doing that.”* Seconded by Councilor Spear and voted.

Main motion passed as amended.

VI. PUBLIC COMMENT SESSION

John Palreiro said do we need a business so arrogant that they need to have our ordinance amended to meet their needs. He expressed his opposition to the ordinance and suggested amending the ordinance to allow ride sharing and having companies comply with the existing ordinance as amended. He said he would support the use of a decal versus a placard on the vehicles.

Jerry Zelin requested the Council create a covenant for the Harborcorp project requiring that there would not be a casino put in place with the development.

Ryan Fallon, Somersworth, NH said that he worked during the recent snow storm and the surge price charged by UBER was \$2.17. He said that UBER would create a free market.

Merle White, Rye, NH and Anchor Taxi, said that UBER is not operating on a regular basis. He said an open playing field does not include the taxi owners having to pay \$6,000.00 for insurance.

Councilor Spear moved to suspend the rules in order to take up Item IX. 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. Seconded by Councilor Kennedy and voted.

- IX. 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

Councilor Spear moved 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. Seconded by Councilor Lown.

Assistant Mayor Splaine said that the city will make sure there is proper insurance, background checks are run, and that vehicles are properly inspected. He said between now and the public hearing there should be a way to protect residents and seniors.

Councilor Kennedy said the taxi owners brought up good points and she would like to see a decal on the outside of the vehicle. She said UBER is having difficulty with commercial insurance. She also stated the vehicles should have displayed passenger's rights.

Councilor Morgan said maybe we could put a mechanism in place to review the ordinance in a year to see how it is working.

City Attorney Sullivan said a stand by amendment could be created and he could have something available for the next Council meeting for the Council to consider at second reading.

Councilors discussed various amendments to the ordinance such as:

- Rights of individuals be posted inside the taxi
- Replace a placard with a decal
- 1 year review of ordinance by the City Council

Motion passed.

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

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

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

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

Councilor Thorsen said we need to know what is attached to the grant when we accept them. Councilor Kennedy said we should know what the cost is of accepting these grants when they come before the Council.

- Acceptance of Donation from Mr. Richard Grossman in support of Police Explorer Cadets - \$20.00

Councilor Kennedy moved to approve and accept the donation to the Portsmouth Police Department. Seconded by Councilor Morgan and voted.

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- 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)*

Councilor Shaheen moved 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. Seconded by Councilor Lown and voted on a unanimous voice vote.

X. 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)***

Councilor Lown moved to adopt the Consent Agenda. Seconded by Councilor Kennedy and voted.

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

Councilor Kennedy moved to refer to the City Manager for report back. Seconded by Councilor Shaheen.

City Manager Bohenko said we have been working with Fairpoint on this issue but it has been difficult while they were on strike.

The Council agreed that we need to help the residents of The Keefe House.

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

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)

City Manager Bohenko said that these funds are for improvements to the Little Harbour School.

Assistant Mayor Splaine move to authorize the City Manager to bring back for first reading the proposed Bond Resolution, as presented at the March 16, 2015 City Council meeting. Seconded by Councilor Dwyer.

Councilor Spear said that there is concern with investing funds into this structure with the long term needs that also need to be addressed.

City Manager Bohenko said that the School Board will be available at the future meetings on this matter.

Motion passed.

2. Request to Renew Lease Agreement for Sons of Italy

Councilor Kennedy moved 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. Seconded by Councilor Shaheen and voted.

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*)

City Manager Bohenko said he provided in his memorandum what the premiums were and what we would be looking for, we could use bonds on the same project. He is proposing some work at City Hall, replacement of windows throughout the building and work to the brick façade.

Councilor Spear moved to authorize the City Manager to bring back for public hearing and action at the March 16, 2015 City Council meeting the aforementioned three Bond Premium Resolutions. Seconded by Councilor Shaheen and voted.

4. Work Session Re: Abandoned/Derelict Buildings

City Manager Bohenko said he would like to have the Work Session on March 16th prior to the next City Council meeting.

Councilor Shaheen moved to establish a Work Session on March 16, 2015 regarding abandoned/derelict buildings, as requested by Mayor Lister. Seconded by Councilor Spear and voted.

Informational items

1. Events Listing
2. Programmatic Needs Assessment Re: Municipal Complex
3. Bicycle Friendly Communities Application

Councilor Lown said 2½ years ago he suggested the City apply to be a bicycle friend community and was told we should take things step by step and now we just submitted the applications. He said Concord and Keene are bronze communities and we could be ranked higher which is exciting to him.

4. Reschedule of Planning Board Work Session Re: Master Plan Kick-off Process

City Manager said the Master Plan Kick-off meeting will be held on March 12, 2015 versus March 5, 2015 as originally planned.

Councilor Kennedy asked how the public would be involved in the Master Plan Kick-off and if they do not have involvement when it would be. City Manager Bohenko he would get that information back to the City Council.

5. Use of Restrictive Covenant to Prevent Development of HarborCorp Lot for Use as a Casino

Councilor Kennedy asked where we are at with the bill to possibly allow Keano. She said they are not prohibited in the zoning ordinance.

City Attorney Sullivan said Mr. Zelin shared the observation with him and he said we are concerned if circumstances change over time.

Mayor Lister asked how we could speed up the process. City Attorney Sullivan said City Manager Bohenko would provide the developer with the information of concerns from the Council.

Councilor Thorsen said we should bring a motion forward for the next meeting.

- 1) The zoning ordinance needs something to prohibit gambling;
- 2) If there is a land swap, that there is a covenant in place; and
- 3) Resolution urging Harborcorp to put restrictions in its deed

Councilor Dwyer said we do not want gambling in the City. Councilor Shaheen expressed concern with a precedent in granting a covenant. City Attorney Sullivan reported that the zoning ordinance does not allow for a casino now. He further stated that Attorney Zelin does not agree with this. He said we could suggest a proposal in the ordinance to create a definition that would be not included in the table of uses.

Councilor Morgan said she supports approaching the developer. She stated that we have done a great deal for this developer over the years.

City Manager Bohenko said for the next meeting he would work on adding a definition with City Attorney Sullivan and Planning Director Taintor. Councilor Morgan said she would like to include the idea of adding a covenant.

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*)

Assistant Mayor Splaine said he would come forward on April 6th with a Resolution for the City Council to act on.

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 the City's economic development does 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?

Councilor Kennedy said she would like to look at this for a budgetary need. She said she would like to know what we could do for small businesses. She said the Chamber of Commerce is doing a great job for the bigger businesses. Councilor Kennedy asked City Manager Bohenko to report back on these areas and should we put funds in the budget to support small businesses in the City.

Councilor Spear said in reading the questions the body that would be better equipped to answer the questions would be the Economic Development Commission (EDC).

City Manager Bohenko said the EDC does set goals and objectives annually and he would work with staff and the EDC and provide a report back to the City Council on this matter. City Manager Bohenko said to define small businesses would be 50 people or less. Councilor Kennedy said she feels small businesses would be 10 people or less. City Manager Bohenko said that there are probably 1,000 businesses with 10 or less employees.

Councilor Lown said the best thing we could do for businesses downtown is build a new parking garage.

Councilor Thorsen said the EDC is looking at small businesses on their agenda for Monday morning. City Manager Bohenko said that we could provide a comprehensive report back on this matter.

D. COUNCILOR LOWN

1. Parking and Traffic Safety Committee Action Sheet of February 12, 2015 meeting

Councilor Lown spoke to the handicap parking policy and the change is only for high occupancy spaces downtown. Councilor Kennedy said there is no way to tell where the spaces are located. City Manager Bohenko said we would work on publicizing this.

Councilor Lown moved to approve and accept the Action Sheet of the February 12, 2015 Parking and Traffic Safety Committee meeting. Seconded by Councilor Spear and voted. Assistant Mayor Splaine and Councilor Kennedy voted opposed.

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 17th, 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

Councilor Dwyer said the Work Session covered a great deal of material but we did not bring it to the next step. She said for clarity we need the Planning Board to take it to the next step with proposed amendments for the BNB and short term rentals. She said her suggestions are outlined above.

Councilor Dwyer moved to send these items as outlined to the Planning Board for response and prepare the necessary amendments to the zoning ordinance. Seconded by Councilor Spear.

Councilor Thorsen said he supports sending this to the Planning Board to get things started.

Motion passed.

F. COUNCILOR MORGAN

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

City Manager Bohenko said that we will have a Work Session on this matter and we will bring in Mr. Mayberry as requested by Councilor Morgan.

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

Councilor Spear moved to have the City Attorney report back with the proper language for a Referendum allowing for Election of Mayor; (1) Candidate would choose either to run for Mayor or run for Council; (2) The statutory authority and responsibility of Mayor would remain unchanged and, (3) this would take effect 2017. Seconded by Councilor Lown.

City Attorney Sullivan said he would prepare the Charter amendment and a public hearing on the amendment will need to be held by the City Council and then the Council could vote to place the question on the ballot.

Councilor Spear said that people want to see us elect our Mayor in this way. Councilor Thorsen said we could lose good people by this change to the election process. Councilor Kennedy said in some communities the Council selects who will be Mayor and she would like to see us do that. Assistant Mayor Splaine said he would oppose the motion and feels the City Council is the wrong venue for this. He said a Charter Commission should be created. Councilor Lown said all we are doing is moving the issue forward and holding a public hearing on the matter. He said the voters would make the decision on this question. Councilor Shaheen said she would support the motion and the voters would decide; the question is when the time would be right. Councilor Morgan said she would not support the motion. She feels we have a good system in place and is concerned that this could lead into a lot of money for candidates. She also stated that there needs to be a process to allow public dialogue on this matter.

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

H. COUNCILOR THORSEN

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

Councilor Thorsen said he feels next time we have a Resolution come forward he offers his memorandum as a tool for others to follow.

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

Councilor Shaheen asked if we have a responsibility to have a protocol from the CDC in place regarding the detection of exceeded water standards for Total Trihalomethanes (TTHMs) in our water system.


Councilor Morgan would like the City Council to be informed on bills that the City will be taking a stance on at the State level on behalf of the Council. Councilor Morgan said she would like City Manager Bohenko to report back to the Council on how the bills would be handled in the future. Councilor Dwyer said she serves on the subcommittee for the legislative delegation and when there is a need to build consensus the committee approaches the entire City Council and there has been nothing that has risen to that level this year.

Councilor Kennedy requested a report back on the water situation. City Manager Bohenko said that we could try to get the State here to report on this matter.

Councilor Kennedy suggested that residents assist the City with cleaning out storm drains near their homes due to the upcoming weather forecast of rain.

XIV. ADJOURNMENT

At 10:00 p.m., Councilor Spear moved to adjourn. Seconded by Councilor Lown and voted.

A handwritten signature in cursive script that reads "Kelli L. Barnaby".

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 16, 2015, at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a Resolution Appropriating the sum of One Million Four Hundred Seventeen Thousand, Eight Hundred Ninety-Seven Dollars and Twelve Cents (\$1,417,897.12) for Expenses relating to Municipal Complex Improvements. 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 16, 2015, at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a Resolution Appropriating the sum of One Million Four Hundred Seventeen Thousand, Eight Hundred Ninety-Seven Dollars and Twelve Cents (\$1,417,897.12) for Expenses relating to Municipal Complex Improvements. 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

**IN THE YEAR OF OUR LORD TWO THOUSAND AND FIFTEEN
CITY OF PORTSMOUTH, NEW HAMPSHIRE
GENERAL FUND BOND PREMIUM APPROPRIATION**

RESOLUTION #

A RESOLUTION APPROPRIATING THE SUM OF ONE MILLION FOUR HUNDRED SEVENTEEN THOUSAND, EIGHT HUNDRED NINETY-SEVEN DOLLARS AND TWELVE CENTS (\$1,417,897.12) FOR EXPENSES RELATING TO MUNICIPAL COMPLEX IMPROVEMENTS.

RESOLVED:

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

THAT, the sum of **One Million Four Hundred Seventeen Thousand, Eight Hundred Ninety-Seven Dollars and Twelve Cents (\$1,417,897.12)** be and hereby is appropriated for improvements to the Municipal Complex. Such sum representing a proportionate amount of the **Three Million, Five-Hundred Fifty-Six Thousand, One Hundred Thirty-Seven Dollars and Eighty-Five Cents (\$3,556,137.85)** premium the City received from the sale of its \$32,746,000 General Obligation Capital Improvement Bonds (after payment of underwriter's discount) that is allocable to the General Fund project financed by such bonds. \$11,817,000 of the \$32,746,000 General Obligation Capital Improvement Bond was issued for General Fund capital projects.

THAT, the expected useful life of the project is determined to be at least 20 years.

THAT, this resolution shall take effect upon its passage.

APPROVED BY:

ROBERT J. LISTER, MAYOR

ADOPTED BY CITY COUNCIL

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

SECTION 7.14-AMENDMENTS TO BUDGET AFTER ADOPTION

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

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, March 16, 2015, at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a Resolution Appropriating the sum of Four Hundred Twelve Thousand, One Hundred Sixty-One Dollars and Ninety-Two Cents (\$412,161.92) for Expenses relating to Madbury Well Upgrades. 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 16, 2015, at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a Resolution Appropriating the sum of Four Hundred Twelve Thousand, One Hundred Sixty-One Dollars and Ninety-Two Cents (\$412,161.92) for Expenses relating to Madbury Well Upgrades. 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

21M00057206

**IN THE YEAR OF OUR LORD TWO THOUSAND AND FIFTEEN
CITY OF PORTSMOUTH, NEW HAMPSHIRE
WATER FUND BOND PREMIUM APPROPRIATION**

RESOLUTION #

A RESOLUTION APPROPRIATING THE SUM OF FOUR HUNDRED TWELVE THOUSAND, ONE HUNDRED SIXTY-ONE DOLLARS AND NINETY-TWO CENTS (\$412,161.92) FOR EXPENSES RELATING TO MADBURY WELL UPGRADES.

RESOLVED:

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

THAT, the sum of **Four Hundred Twelve Thousand, One Hundred Sixty-One Dollars and Ninety-Two Cents (\$412,161.92)** be and hereby is appropriated for improvements to Madbury Well upgrades. Such sum representing a proportionate amount of the **Three Million, Five-Hundred Fifty-Six Thousand, One Hundred Thirty-Seven Dollars and Eighty-Five Cents (\$3,556,137.85)** premium the City received from the sale of its \$32,746,000 General Obligation Capital Improvement Bonds (after payment of underwriter's discount) that is allocable to the Water Fund project financed by such bonds. \$3,500,000 of the \$32,746,000 General Obligation Capital Improvement Bond was issued for Water Fund capital projects.

THAT, the expected useful life of the project is determined to be at least 20 years.

THAT, this resolution shall take effect upon its passage.

APPROVED BY:

ROBERT J. LISTER, MAYOR

ADOPTED BY CITY COUNCIL

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

SECTION 7.14-AMENDMENTS TO BUDGET AFTER ADOPTION

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

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, March 16, 2015, at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a Resolution Appropriating the sum of One Hundred Thirty-Six Thousand, Three Hundred Eleven Dollars and Thirty-Nine Cents (\$136,311.39) for Expenses relating to McDonough Street Area Sewer Line Replacement. 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 16, 2015, at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a Resolution Appropriating the sum of One Hundred Thirty-Six Thousand, Three Hundred Eleven Dollars and Thirty-Nine Cents (\$136,311.39) for Expenses relating to McDonough Street Area Sewer Line Replacement. 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

**IN THE YEAR OF OUR LORD TWO THOUSAND AND FIFTEEN
CITY OF PORTSMOUTH, NEW HAMPSHIRE
SEWER FUND BOND PREMIUM APPROPRIATION**

RESOLUTION #

A RESOLUTION APPROPRIATING THE SUM OF ONE HUNDRED THIRTY-SIX THOUSAND, THREE HUNDRED ELEVEN DOLLARS AND THIRTY-NINE CENTS (\$136,311.39) FOR EXPENSES RELATING TO MCDONOUGH STREET AREA SEWER LINE REPLACEMENT.

RESOLVED:

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

THAT, the sum of **One Hundred Thirty-Six Thousand, Three Hundred Eleven Dollars and Thirty-Nine Cents (\$136,311.39)** be and hereby is appropriated for improvements to McDonough Street Area Sewer Line replacement. Such sum representing a proportionate amount of the **Three Million, Five-Hundred Fifty-Six Thousand, One Hundred Thirty-Seven Dollars and Eighty-Five Cents (\$3,556,137.85)** premium the City received from the sale of its \$32,746,000 General Obligation Capital Improvement Bonds (after payment of underwriter's discount) that is allocable to the Sewer Fund project financed by such bonds. \$17,429,000 of the \$32,746,000 General Obligation Capital Improvement Bond was issued for Sewer Fund capital projects.

THAT, the expected useful life of the project is determined to be at least 20 years.

THAT, this resolution shall take effect upon its passage.

APPROVED BY:

ROBERT J. LISTER, MAYOR

ADOPTED BY CITY COUNCIL

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

SECTION 7.14-AMENDMENTS TO BUDGET AFTER ADOPTION

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

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, March 16, 2015, at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a Proposed Ordinance amending Chapter 7, Article II – Taxicabs to be deleted in its entirety and replaced with a new Article II entitled – Transportation Services. The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

KELLI L. BARNABY, 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 16, 2015, at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a Proposed Ordinance amending Chapter 7, Article II – Taxicabs to be deleted in its entirety and replaced with a new Article II entitled – Transportation Services. The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

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

PM00007893

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 1st.

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:

Robert J. Lister, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

h\ordinances\ordinances\7.2 transportation services

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, March 16, 2015 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a on a proposed Ordinance amending the Zoning Map by rezoning the following lots from Industrial (I), Office Research (OR) or Municipal (M) to Gateway (GW):

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

and including Cate Street between Hodgson's Brook and Bartlett Street; and amending the Zoning Ordinance as follows:

- Article 7, Section 10.730 – Gateway Planned Development:
 - Amend Section 10.734.20 – Lot Requirements, by establishing front yard standards relative to streets other than Lafayette Road;
 - Amend Section 10.734.33 by modifying the maximum building height standards;
 - Insert a new Section 10.734.40 – Workforce Housing Incentives, to allow increased building height and building length, and to allow parking to be located in a required front yard or between a principal building and a street, for a Gateway Planned Development that contains 10% or greater workforce housing units.
- Article 15 – Definitions:
 - Amend Section 10.1530 – Terms of General Applicability, by inserting definitions of “workforce housing” and “workforce housing unit.”

The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

KELLI L. BARNABY, CMC/CNHMC
CITY CLERK

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, March 16, 2015 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a on a proposed Ordinance amending the Zoning Map by rezoning the following lots from Industrial (I), Office Research (OR) or Municipal (M) to Gateway (GW):

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

and including Cate Street between Hodgson's Brook and Bartlett Street; and amending the Zoning Ordinance as follows:

- Article 7, Section 10.730 – Gateway Planned Development:
 - Amend Section 10.734.20 – Lot Requirements, by establishing front yard standards relative to streets other than Lafayette Road;
 - Amend Section 10.734.33 by modifying the maximum building height standards;
 - Insert a new Section 10.734.40 – Workforce Housing Incentives, to allow increased building height and building length, and to allow parking to be located in a required front yard or between a principal building and a street, for a Gateway Planned Development that contains 10% or greater workforce housing units.
- Article 15 – Definitions:
 - Amend Section 10.1530 – Terms of General Applicability, by inserting definitions of “workforce housing” and “workforce housing unit.”

The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

KELLI L. BARNABY, CMC/CNHMC
CITY CLERK

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

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

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

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

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

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

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

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

Minimum _____ 70’
Maximum _____ 90’

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

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

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

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

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

10.734.40 Workforce Housing Incentives

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

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

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

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

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

Workforce housing

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

Workforce housing unit

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

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

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

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

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

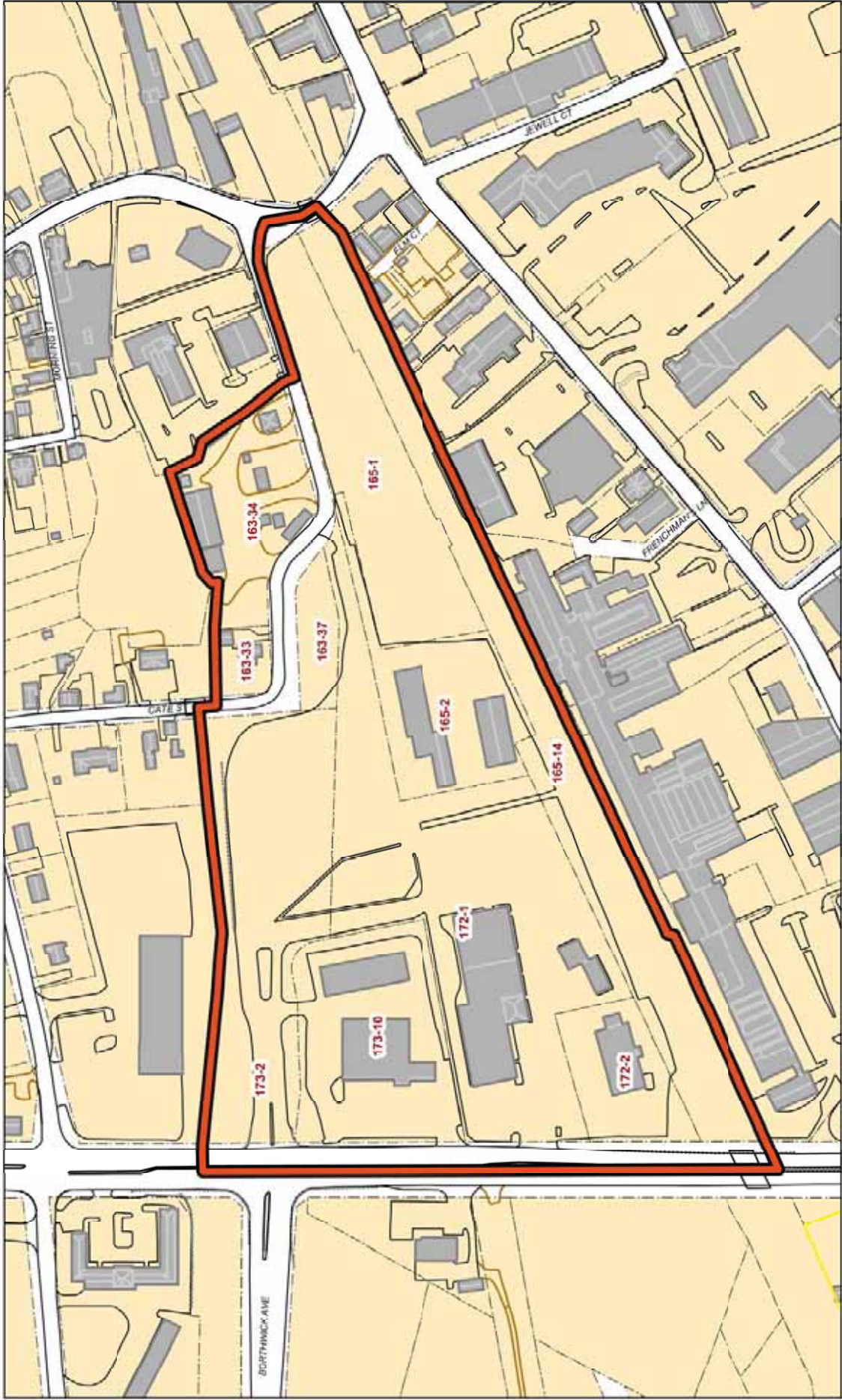
This ordinance shall take effect upon its passage.

APPROVED:

Robert Lister, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk



Area Proposed To Be Rezoned to Gateway District (GW)



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

**CITY OF PORTSMOUTH
TWO THOUSAND FIFTEEN
PORTSMOUTH, NEW HAMPSHIRE**

RESOLUTION # – 2015

**A RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF
UP TO TWENTY THREE MILLION TWO HUNDRED THOUSAND
DOLLARS (\$23,200,000) FOR THE CONSTRUCTION OF A NEW
PARKING FACILITY.**

BE IT RESOLVED:

THAT, the sum of up to **Twenty Three Million Two Hundred Thousand Dollars (\$23,200,000)** is appropriated for the construction of a New Parking Facility;

THAT, to meet this appropriation, the City Treasurer, with the approval of the City Manager, is authorized to borrow, on a competitive or negotiated basis, up to **Twenty Three Million Two Hundred Thousand Dollars (\$23,200,000)** through the issuance of bonds and/or notes of the City under the Municipal Finance Act;

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

THAT this Resolution shall take effect upon its passage.

APPROVED:

ROBERT J. LISTER, MAYOR

ADOPTED BY CITY COUNCIL

**KELLI BARNABY, MMC
CITY CLERK**

**CITY OF PORTSMOUTH
TWO THOUSAND FOURTEEN
PORTSMOUTH, NEW HAMPSHIRE**

RESOLUTION # – 2015

A RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF UP TO FIVE MILLION DOLLARS (\$5,000,000) FOR COSTS RELATED TO LITTLE HARBOUR ELEMENTARY SCHOOL FACILITY IMPROVEMENTS.

RESOLVED:

THAT, the sum of **Five Million Dollars (\$5,000,000)** is appropriated for Little Harbour School Facility Improvements;

THAT, to meet this appropriation, the City Treasurer, with the approval of the City Manager, is authorized to borrow, on a competitive or negotiated basis, up to **Five Million Dollars (\$5,000,000)** through the issuance of bonds and/or notes of the City under the Municipal Finance Act;

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

THAT, this Resolution shall take effect upon its passage.

APPROVED:

ROBERT J. LISTER, MAYOR

ADOPTED BY CITY COUNCIL

**KELLI BARNABY, MMC
CITY CLERK**

Memo

To: Mayor Robert Lister and City Council

From: Kelli L. Barnaby, City Clerk

Date: March 16, 2015

Re: 2015 Omnibus Sidewalk Obstruction Renewals

Please find attached the listing of 2015 Omnibus sidewalk obstruction renewal applications without changes, submitted thus far and that have met the appropriate insurance and fee requirements.

If you should have any questions, please do not hesitate to contact me directly or via e-mail at klbarnaby@cityofportsmouth.com.

cc: John P. Bohenko, City Manager

2015 Sidewalk Obstruction Renewal Applications

<u>Business</u>	<u>LOCATION</u>	<u>FEE</u>	<u>Tables</u>	<u>Chairs</u>	<u>Bench</u>	<u>Planters</u>	<u>Sign</u>	<u>INSURANCE</u>	<u>App Date</u>
Agave Mexican Bistro (Dos)	111 State St.	\$60.00					1	6/5/2015	3/2/2015
A Little Bit of Naples	130 Congress St.	\$60.00					1	9/1/2015	3/6/2015
Attrezzi	78 Market St.	\$60.00					1	12/18/2015	3/6/2015
Breaking New Grounds	14 Market Sq.	\$1,194.00	15	42				9/25/2015	3/5/2015
Canine Cupboard LLC	220 State St.	\$60.00					1	1/1/2016	3/9/2015
Colby's Breakfast & Lunch	43 Rutland St.	\$60.00					1	10/1/2015	3/4/2015
Corks & Curds	13 Commercial Alley	\$60.00					1	11/13/2015	3/4/2015
Diversion Puzzles & Games	123 Congress St.	\$60.00					1	7/15/2015	2/27/2015
Dos Amigos Burritos	107 State St.	\$148.00	2	4				9/25/2015	2/23/2015
Fat Belly's	2 Bow St.	\$60.00					1	9/12/2015	3/6/2015
Geno's Chowder and Sandwich Shop	177 Mechanic St.	\$60.00					1	4/1/2016	3/9/2015
Helen Marks	42 Market St.	\$60.00					1	5/19/2015	3/9/2015
Izzy's Grozen Yogurt	33 Bow St.	\$60.00				1		7/1/2015	2/23/2015
Jumpin Jay's Fish Café	150 Congress St.	\$60.00				1		9/25/2015	2/23/2015
Kaffee VonSolln	79 Daniel St.	\$148.00	2	4				8/12/2015	2/20/2015
Martingale Wharf	99 Bow St.	\$60.00					1	6/1/2015	2/17/2015
Michelle's on Market Square	10 Market Sq.	\$208.00	2	4			1	9/1/2015	3/9/2015
Moxy	106 Penhallow St.	\$120.00				2		3/22/2015	2/24/2015
Music Hall, The	28 Chestnut St.	\$60.00					1	7/1/2015	2/23/2015
Olde Port Properties	26 Congress St.	\$60.00					1	4/1/2016	3/5/2015
Portsmouth Athenaeum	9 Market Sq.	\$60.00					1	8/26/2015	3/2/2015
Portsmouth Brewery	56 Market St.	\$60.00					1	10/1/2015	3/2/2015
Portsmouth Salt Cellar	7 Commercial Alley	\$60.00					1	1/18/2016	2/25/2015
River House	53 Bow St.	\$120.00				2		4/22/2015	3/2/2015
Scallops	65 Daniel St.	\$60.00					1	9/11/2015	3/2/2015
Starbucks Coffee	One Market Sq.	\$240.00	4	8				10/1/2015	3/9/2015
Ten Thousand Villages	75 Congress St.	\$60.00					1	11/15/2015	3/2/2015
Tugboat Alley	47 Bow St.	\$60.00				1		10/25/2015	2/27/2015
Water Monkey	33 Vaughan Mall	\$60.00					1	5/25/2015	2/25/2015
White Heron Tea	601 Islington St.	\$180.00				2	1	1/24/2016	3/2/2015



AMERICAN LUNG ASSOCIATION®
Fighting for Air

**American Lung Association
of the Northeast**

LungNE.org
1-800-LUNG USA

OFFICES:

Connecticut

45 Ash Street
E. Hartford, CT 06108

Maine

122 State Street
Augusta, ME 04330

Massachusetts

460 Totten Pond Road
Suite 400
Waltham, MA 02451

393 Maple Street
Springfield, MA 01105

New Hampshire

1800 Elm Street
Manchester, NH 03104

New York

155 Washington Ave., Suite 210
Albany, New York 12210

21 West 38th Street, 3rd Floor
New York, New York 10018

237 Mamaroneck Ave., Suite 205
White Plains, New York 10605

700 Veterans Memorial Highway
Hauppauge, New York 11788

1595 Elmwood Avenue
Rochester, New York 14620

Rhode Island

260 West Exchange Street
Suite 102B
Providence, RI 02903

Vermont

372 Hurricane Lane
Suite 101
Williston, VT 05495

March 10, 2015

City of Portsmouth
Attn: Dave Allen
1 Junkins Avenue
Portsmouth NH 03801

Dear Dave,

The 6th annual American Lung Association Cycle the Seacoast ride is scheduled for Sunday, May 3rd, 2015. With close to 400 cyclists expected we are looking forward to a very exciting day.

The first riders will be leaving Redhook Brewery at 7:00 a.m. and the last rider will be in around 3:00 p.m. The route is being worked on. As soon as the final maps are printed, I will be sure to forward a copy to you. We will be supplying our own safety and first aid volunteers with the assistance of the Port City Amateur Radio Club. Also enclosed is a copy of our \$250,000 insurance coverage from SCS Insurance where you are listed as an additional insured.

If you need anything else from me, please do not hesitate to let me know. Please let me know if you have any suggestions for police support along the route. We look forward to another safe and successful year. Thank you.

Sincerely,

Christina O'Grady
Associate of Development
American Lung Association
207-624-0310

***** version - 11-12-14 *****

Cycle The Seacoast - Sunday, May 3, 2015 - 25 Mile Route					Orange Signs - 25 mi. route
Segment distance	Directions	Total distance	Distance to rest stop	Signage	Notes
	Start - Redhook Brewery		11.6		
0.1	Left onto Coporate Drive	0.1	11.5	Left Arrow	Yellow - common route
1.1	Left on Ashland Rd	1.2	10.4	Left Arrow	
0.2	2 signs for cycle path - each end	1.4	10.2	Single file - narrow path	
0.3	Right to stay on Ashland Rd	1.7	9.9	Right Arrow	
0.3	Right onto Rockingham Ave	2.0	9.6	Right Arrow	
0.1	Right onto Woodbury Ave	2.1	9.5	Right Arrow	
0.2	Left onto Dennett St	2.3	9.3	Left Arrow	
0.7	Right onto Maplewood Ave	3.0	8.6	Right Arrow	
0.3	Continue onto Middle St	3.3	8.3	Caution - Railroad Tracks	
0.2	Left onto State St	3.5	8.1	Left Arrow	
0.5	Right onto Marcy St	4.0	7.6	2 Right Arrows	
0.3	Left to stay on Marcy St	4.3	7.3	Left Arrow	
0.0	Bear Left at triangle	4.3	7.3	Straight Arrow	
0.5	Continue into New Castle Ave	4.8	6.8		
2.8	CAUTION - METAL GRATE BRIDGE Wentworth Bridge	7.6	4.0	Sign - Caution Must Walk Bikes	New Castle Police 7-11 RM- Matt Vonburg 7-11
1.1	Left @ T onto Sagamore, Route 1A	8.7	2.9	Left Arrow	Portsmouth Police 7-11 RM - Nick Handy 11 - 3
0.5	Circle - 3rd exit onto 1A/Pioneer Rd	9.2	2.4	2 signs - Left Arrow before circle, Straight Arrow after	Rye Police 7-3
0.5	Before Brackett Rd.	9.7	1.9	Runners Ahead	
1.3	Pass Odiorne State Park	11.0	0.6		
0.6	Rest Stop - Pebble Cove Motel	11.6	5.2	Rest Stop sign	
0.0	200 ft. after rest stop	11.6	5.2	Single file for next mile	
3.1	CAUTION - HAIRPIN TURN!	14.7	2.1	Caution - Hairpin turn	
0.6	Right onto Harbor Rd	15.3	1.5	Sign 25 Miles only with Right Arrow	RM needed 7:30 - 10:30 AM Also need 50 and 100 mi straight signs here

0.2	Right onto Locke Rd	15.5	1.3	Right Arrow	
0.6	Right onto Central Rd	16.1	0.7	Right Arrow	
0.6	Right onto Washington Rd at Stop Sign 50 and 100 milers rejoin	16.7	0.1	Right Arrow	RM needed
0.1	REST STOP - Tate & Foss Real Estate	16.8	8.0	Mandatory Stop	
0.1	Left onto Lang Rd	16.9	7.9	Left Arrow	
1.3	Left behind Service Credit Union	18.2	6.6	Left Arrow	
0.2	Right onto Longmeadow Rd	18.4	6.4	Right Arrow	
0.0	Cross Route 1 onto Ocean Rd	18.4	6.4	Straight Arrow	
1.9	Cross Route 33 Stay on Ocean Rd	20.3	4.5	Straight Arrow	
0.3	Right onto Portsmouth Ave	20.6	4.2	Right Arrow	
0.0	Cross Railroad Tracks	20.6	4.2	Caution Railroad Tracks	
1.0	Left onto Bike Path	21.6	3.2	Left Arrow	
1.6	Exit Bike Path Right onto Corporate	23.2	1.6	Right Arrow	
1.6	Right onto Redhook Way	24.8	0.0	Congratulations You Finished	



CERTIFICATE OF LIABILITY INSURANCE

OP ID: RM

DATE (MM/DD/YYYY)

10/09/2014

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER SCS Agency, Inc. P.O. Box 220493 11 Grace Avenue - Suite 300 Great Neck, NY 11022-0493		CONTACT NAME: PHONE (A/C, No, Ext): _____ FAX (A/C, No): _____ E-MAIL ADDRESS: _____ PRODUCER CUSTOMER ID #: ALAO-73	
INSURED American Lung Association of the Northeast, Inc. 45 Ash St. East Hartford, CT 06108		INSURER(S) AFFORDING COVERAGE INSURER A : Philadelphia Insurance Co. NAIC # 18058 INSURER B : _____ INSURER C : _____ INSURER D : _____ INSURER E : _____ INSURER F : _____	


COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC	X		PHPK-1199996	07/01/2014	07/01/2015	EACH OCCURRENCE \$ 1,000,000
	DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000						
							MED EXP (Any one person) \$ 10,000
							PERSONAL & ADV INJURY \$ 1,000,000
							GENERAL AGGREGATE \$ 3,000,000
							PRODUCTS - COMP/OP AGG \$ 3,000,000
							\$
A	<input type="checkbox"/> AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS			PHPK-1199996	07/01/2014	07/01/2015	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000
	BODILY INJURY (Per person) \$						
							BODILY INJURY (Per accident) \$
							PROPERTY DAMAGE (PER ACCIDENT) \$
							\$
							\$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> DEDUCTIBLE RETENTION \$ 10,000			PHUB-466214	07/10/2014	07/10/2015	EACH OCCURRENCE \$ 5,000,000
	AGGREGATE \$ 5,000,000						
							\$
							\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y/N <input checked="" type="checkbox"/> N/A If yes, describe under DESCRIPTION OF OPERATIONS below						<input type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
 Re: Cycle the Seacoast Event to be held on May 3rd, 2015.
 The Certificate Holder is included as additional insured as respects to General Liability as required by written contract or agreement subject to policy terms and conditions.

CERTIFICATE HOLDER**CANCELLATION**

CITY OF PORTSMOUTH 1 JUNKINS AVENUE PORTSMOUTH, NH 03801	COPORTS SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE 

© 1988-2009 ACORD CORPORATION. All rights reserved.

PORTSMOUTH LITTLE LEAGUE, INC.
PO Box 8321
PORTSMOUTH, NH 03802



March 8, 2015

John Bohenko
City Manager
City of Portsmouth,
Portsmouth, NH 03801

Dear Mr. Bohenko:

Similar to prior requests, which were approved by the City Council, Portsmouth Little League, Inc. respectfully requests approval for temporary signage to be located at the Plains and Hislop Park baseball fields during the 2015 baseball season.

Our request is two-fold. First we are requesting permission to affix signage in the form of banners to be attached to the fences surrounding the outfield and foul lines at Plains and Hislop fields following the established color guidelines. The signage represents advertising for local businesses that have donated to and support the league. We are requesting permission to affix the banners to the fences from April 11 [Field Clean-up Day] through the end of our fall ball program. Second, we are requesting permission to maintain signage to the rear of the Plains scoreboard. The local business that advertises on the back of the scoreboard will be required to adhere to the city and league's guidelines for the sign and will be responsible for the sign materials. Signage at this site provides the league with a continued revenue stream that helps us meet our goals each year.

This season the league will be adjusting to the new age determination guidelines established by Little League Baseball, finishing the interior renovations to the concession stand at Central field, and repairing any damage associated with the winter weather to the fields [once we can see them!].

Little League has a long and proud tradition in the City of Portsmouth. We are grateful for all the support we have received in the past and plan to continue to offer a safe and quality program that meets the needs of the community we serve. Please let me know if it would be of benefit for me to attend the Council meeting at which this request is considered. Thank you.

Sincerely,

Kathie Lynch
President
3 Boyan Place
Portsmouth, NH 03801



RW Robert L. Sutherland Jr. Sec
St. John's Lodge No 1 F. & A. M.
280B Bayside Rd
Greenland, NH 03840-2162

March 2, 2015
To: The City Manager
1 Junkins Ave.
Portsmouth, NH 03801

Dear Mr. Bohenko

The Worshipful Master of St. John's Lodge No. 1 Wor. Bro Roderick MacDonald request that we be allowed to hold our annual 5K again this year on April 11 at 8 AM using the same route as last year. We will have the usual insurance that is required and look forward to your response.

The funds from this year's race will be going to the Seacoast Food Pantry.

Sincerely,

Robert L. Sutherland Jr.


RW Robert L. Sutherland, Jr.
Sectary: robert7615@aol.com
280B Bayside Rd
Greenland, NH 03840-2162
630-828-5246

**CITY OF PORTSMOUTH
PORTSMOUTH, NH 03801**

Office of the City Manager

Date: March 12, 2015

To: Honorable Mayor Robert J. Lister and City Council Members

From: John P. Bohenko, City Manager 

Re: City Manager's Comments on March 16, 2015 City Council Agenda

Work Session:

1. **Abandoned/Derelict Buildings.** As a result of the March 2nd City Council meeting, the Mayor has requested that the City Council meet in a Work Session on Monday evening at 6:15 p.m., regarding abandoned and derelict buildings. City Attorney Robert Sullivan will give an update to the City Council regarding this matter.

Presentation:

1. **Haven Well Contamination Blood Testing.** On Monday evening, Rick Cricenti, Director of the Emergency Services Unit with the New Hampshire Department of Health & Human Services, will make a presentation to the City Council regarding the pending Haven Well Contamination Blood Testing program. He will review the proposed testing protocols and provide an update regarding the process and schedule.

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 Proposed Resolution Authorizing a Bond Issue and/or Notes of up to Twenty Three Million Two Hundred Thousand Dollars for the Construction of a New Parking Facility.** As a result of the February 17, 2015 City Council meeting, under Section IX of the Agenda, I am bringing back for first reading the [attached proposed Resolution](#) authorizing a Bond Issue and/or Notes of up to Twenty Three Million Two Hundred Thousand Dollars for the Construction of a New Parking Facility.

I recommend the City Council move to pass first reading and schedule a public hearing and second reading of a proposed Resolution Authorizing a Bond Issue and/or Notes of up to Twenty Three Million Two Hundred Thousand Dollars for the Construction of a New Parking Facility, at the April 20, 2015 City Council meeting, as presented. Action on this matter should take place under Section IX of the Agenda.

- 1.2 **First Reading of Resolution Authorizing a Bond Issue and/or Notes of up to Five Million Dollars (\$5,000,000) for Costs related to Little Harbour Elementary School Facility Improvements.** As a result of the March 2nd City Council meeting, under Section IX of the Agenda, I am bringing back for first reading the [attached proposed Resolution authorizing a Bond Issue and/or Notes of up to Five Million Dollars \(\\$5,000,000\) for Costs related to Little Harbour Elementary School Facility Improvements.](#) 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 pass first reading and schedule a public hearing and second reading of the proposed Resolution authorizing a Bond Issue and/or Notes of up to Five Million Dollars (\$5,000,000) for Costs related to Elementary School Facility Improvements, at your April 6, 2015 City Council meeting, as presented. Action on this matter should take place under Section IX of the Agenda.

2. **Public Hearings and Adoption of Resolutions.**

- 2.1 **Proposed Public Hearing and Adoption of Resolutions for Use of Bond Premiums.** As a result of the March 2nd City Council meeting, under Section VII of the Agenda, I am bringing back for public hearing and adoption [the attached proposed Resolutions regarding the Use of Bond Premiums](#) as follows:

- a) Resolution Appropriating the Sum of One Million Four Hundred Seventeen Thousand, Eight Hundred Ninety-Seven Dollars and Twelve Cents (\$1,417,897.12) for Expenses Relating to Municipal Complex Improvements.
- b) Resolution Appropriating the Sum of Four Hundred Twelve Thousand, One Hundred Sixty-One Dollars and Ninety-Two Cents (\$412,161.92) for Expenses Relating to Madbury Well Upgrades.
- c) Resolution Appropriating the Sum of One Hundred Thirty-Six Thousand, Three Hundred Eleven Dollars and Thirty-Nine Cents (\$136,311.39) for Expenses Relating to McDonough Street Area Sewer Line Replacement.

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 combined proceeds of the bond financed \$11,817,000 of General Fund capital 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 \$32,746,000 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) with a total bond premium 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 \$32,746,000 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 is allocated as follows:

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

Given that these projects have a useful life exceeding the original bond issue from which the premiums were received, and the eligibility 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 of the total \$3,556,137.85 to fund costs associated with General Fund, Water Fund and Sewer Fund projects.

If approved as recommend, 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 for future principal payments on the bond issue.

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

- a) Move to adopt a Resolution Appropriating the Sum of One Million Four Hundred Seventeen Thousand, Eight Hundred Ninety-Seven Dollars and Twelve Cents (\$1,417,897.12) for Expenses Relating to Municipal Complex Improvements.*
- b) Move to adopt a Resolution Appropriating the Sum of Four Hundred Twelve Thousand, One Hundred Sixty-One Dollars and Ninety-Two Cents (\$412,161.92) for Expenses Relating to Madbury Well Upgrades.*
- c) Move to adopt a Resolution Appropriating the Sum of One Hundred Thirty-Six Thousand, Three Hundred Eleven Dollars and Thirty-Nine Cents (\$136,311.39) for Expenses Relating to McDonough Street Area Sewer Line Replacement.*

Action on this matter should take place under Section IX of the Agenda.

3. **Public Hearings/Second Readings for Proposed Ordinances.**

- 3.1 **Public Hearing/Second 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.** As a result of the March 2nd City Council meeting, under Section VII of the Agenda, I am bringing back for public hearing and a second reading the attached proposed Ordinance amending Chapter 7, Article II replacing the existing Taxi Ordinance with a new Ordinance entitled Transportation Services. The [attached Ordinance](#) includes the two amendments requested at the March 2, 2015 City Council meeting. At first reading of the captioned ordinance on March 2, 2015, the Council requested that two potential amendments to the form of the Ordinance which went to first reading be brought to the Council at second reading on March 16, 2015.

The two motions which would satisfy that request are as follows:

- 1) MOVE that the following sentence be added at the end of the first paragraph of Section 7.208 FARE REGULATION which shall read as follows:*

“In no situation shall the fare for any single transportation service beginning and ending within the City of Portsmouth exceed the total sum of \$25.00.”

(Explanation not part of the motion: The maximum fare contained in this proposed amendment was based on input requested from Great Bay Taxi based upon the cost of a taxi ride under the current ordinance commencing at the Kittery town line and continuing to the Rye town line which is 5.1 miles, \$21.95.)

- 2) *MOVE that Section 7.202 VEHICLE REGISTRATION of the proposed ordinance by the addition of the following sentence after the words “...Transportation Services” and before the words “There shall be a fee...” which shall read as follows:*

“The placard shall be displayed in such a manner as to be plainly visible from the exterior of the vehicle by any potential customer”

And further, authorize the City Manager to bring back for third and final reading the proposed Ordinance at the April 6, 2015 City Council meeting, as presented. Action on this matter should take place under Section IX of the Agenda.

- 3.2 **Public Hearing/Second Reading of Proposed Ordinance Amending the Zoning Map by Rezoning Lots Outlined in the Ordinance from Industrial (I), Office Research (OR) or Municipal (M) to Gateway (GW) and including Cate Street Between Hodgson’s Brook and Bartlett Street; and Amending the Zoning Ordinance Article 7, Section 10.730 Gateway Planned Development and Article 15 – Definitions.** At its meeting on December 8, 2014, the City Council passed first reading on several amendments to the Zoning Map and Zoning Ordinance proposed by Portsmouth Land Acquisitions, the owner of several parcels of land on the Route One Bypass and Cate Street, and voted to schedule a public hearing and second reading for the March 16, 2015 Council meeting ([see attached Ordinance](#)). This date was chosen so that the Council’s action on these proposed amendments could be informed by the public design charrette for the Islington Street corridor (i.e., the West End), which was held in February 2015.

The zoning amendments proposed by Portsmouth Land Acquisitions would (a) rezone 10 parcels in the area bounded by the Route 1 Bypass, Hodgson Brook, Bartlett Street and the railroad line to the Gateway District; (b) amend the Zoning Ordinance to provide several incentives for including workforce housing units in a “Gateway Planned Development”; and (c) define the terms “workforce housing” and “workforce housing unit” to be consistent with the State’s workforce housing statute enacted in 2008.

The West End charrette took place on February 20-23 and was attended by a significant number of Portsmouth residents, including members of the City Council and the Planning Board. The charrette generated new and exciting ideas for development in the study area, including the parcels proposed for rezoning to the Gateway district. Because of the amount of interest in the charrette, several participants expressed their concern that the visioning process should be allowed to proceed further before any action is taken on rezoning of land within the study area.

A preliminary West End Vision Plan based on the charrette is expected to be available for public review in the very near future, after which residents will have approximately three weeks to provide their comments on the Vision Plan. Given the status of the visioning process, it is recommended that the Council keep the

public hearing open to allow for consideration of alternative zoning options for the study area, which could include new character-based zoning districts or other zoning strategies.

It would also be appropriate to request the Planning Board to reconsider the proposed zoning amendments in the light of the ideas raised during the charrette and the preliminary Vision Plan. However, the Planning Board could not take up this matter until its April 16th meeting, and it is therefore recommended that the public hearing and second reading be continued to the April 20th City Council meeting.

I would recommend that the City Council move to continue the public hearing and second reading to the City Council meeting on April 20, 2015, and to refer the proposed zoning amendments to the Planning Board for a report back. Action on this matter should take place under Section IX of the Agenda.

City Manager's Items Which Require Action:

There are no items under this Section of the Agenda.

Informational Items:

1. **Events Listing.** For your information, [attached is a copy of the Events Listing](#) updated after the last City Council meeting on March 2, 2015. In addition, this can be found on the City's website.
2. **Legislative Subcommittee Update.** The City's recent focus has been on bills that address three issues of interest to the City: the meals and room tax, reinstatement of the property tax exemption for poles and conduits for the telecommunications industry and changes to the right-to-know law.

Portsmouth generates approximately 80% of the Rockingham County room tax, returning \$5.5 million to the State. This does not include revenue from conference room rentals, or revenue generated from our meals tax. The State will not release information regarding Portsmouth's contribution to the meals tax but with 312 licensed facilities with over 21,000 restaurant seats, we know the City's contribution is significant. Because the revenue distributed by the State is based on population, Portsmouth only receives 1.6% of the net revenue distributed to municipalities by the State; broken down, we received \$1,323,450 out of the \$63.8 million paid to municipalities in 2015. The City has provided testimony in support of two bills that attempt to help cities and towns receive and collect funds for municipal services that support tourism. SB 213 is a bill sponsored by Senator Nancy Stiles that originally attempted to increase by a small percent the revenue received by those cities that contribute a disproportionately higher amount to the meals and room tax. It has been amended to recommend a Committee to study the distribution of the meals and room tax. The Mayor also recently testified in support of SB 253, a bill sponsored by Senator

Martha Fuller Clark that is enabling legislation for municipalities to charge a hotel occupancy fee to offset municipal services.

The City has also testified in opposition to HB 547, a bill that would reinstate the property tax exemption for telephone poles and conduits for the telecommunications industry. This bill is poorly drafted and if passed, would result in two different values for the same pole, one value for the telecommunication company and another value for the electric utilities company. This is very likely to set up an equal protection challenge by the electric utility companies. The City opposes the bill because it will not only reduce tax revenues but because it prescribes a specific formula regarding how these poles and conduits must be appraised. This formula was adopted without any expert testimony and local assessors, who are certified by the DRA, not legislators, should be appraising City property.

The City has also been tracking bills relative to amending the right-to-know law. HB 646 is a bill that allows a municipality to recover a small part of the labor cost involved in responding to right-to-know requests and HB 285 is relative to the ability of municipalities to review written legal correspondence without an attorney being present if done in a nonpublic session.

3. **News Release from Cooperative Alliance for Seacoast Transportation (COAST).** For your information, [attached is a news release from Cooperative Alliance for Seacoast Transportation \(COAST\)](#), regarding the proposed elimination of the Route 7 bus service due to lack of local financial support.
4. **Letter from New Hampshire Municipal Association.** For your information, [attached is a letter from the New Hampshire Municipal Association](#), regarding the various types of state aid to local government and the impact to municipalities and local property taxes.
5. **Reminder of City Council Work Session Re: Impact Fees and Master Plan.** This is a reminder that the City Council will hold a Work Session on Monday, March 23, 2015 at 6:30 p.m., in the Eileen Dondero Foley Council Chambers, regarding Impact Fees and the Master Plan.
6. **New Hampshire Water Works Association's Journal Article Re: Portsmouth Water Efficiency.** For your information, [attached is a copy of the New Hampshire Water Works Association's \(NHWWA\) Journal Article](#) that Deputy Public Works Director Brian Goetz was asked to write for the NHWWA Journal regarding the City's water efficiency efforts. The Journal will go to print and be mailed out later this month ([see attached Agenda](#)).

Event Listing by Date

Starting Date: 3/ 2/2015
Ending Date: 12/31/2015

Start End	Type Description	Location	Requestor	Vote Date
3/ 8/2015 3/ 8/2015	WALK Molly Campbell or Chris Holton-Jablonski (436-4762) are the contacts for this event. This event will begin in Kittery over the Memorial Bridge , continue down State Street to gather at South Church.	Bridge Walk	South Church - March for Selma	3/ 2/2015
3/15/2015 3/15/2015	RACE	Pease	New Heights	12/ 8/2014
3/29/2015 3/29/2015	ROAD RACE Donald Allison is the contact for this event. Telephone No. (617) 835-2378	Portsmouth High School	Eastern States 20 Mile	11/17/2014
4/18/2015 4/18/2015	WALK Emily Christian is the contact for this event. Telephone: 781-693-5154 This event begins at 10:00 a.m. to 2:00 p.m., start and finish at Little Harbour School.	Little Harbour School - start and finish	National Multiple Sclerosis So	10/20/2014
5/ 3/2015 5/ 3/2015	FESTIVAL Barbara Massar is the contact for this event. This event begins at Noon to 4:00 p.m. Street closure - Pleasant Street - State Street to Market Square; no parking on Market Street - Bow Stree to ISSCo. entrance.	Downtown	Pro Portsmouth, Inc. - Childre	9/22/2014
5/ 3/2015 5/ 3/2015	WALK Richard B. Wagner is the contact for this event. This walk is from 10:00 a.m. from 5:00 p.m.	Lower Parking Lot of City Hall	AIDS Response Seacoast	1/20/2015
5/ 9/2015 5/ 9/2015	ROAD RACE Carolyn Ostrom, Community Relations Specialist (603) 610-5530 Cell: (617) 501-2728 costrom@vtnhkomen.org This race begins on the Peirce Island Bridge and finishes at Strawberry Banke - Hancock Lot	Strawbery Banke	Susan G. Komen New Hampshire R	9/22/2014
5/17/2015 5/17/2015	RACE Renee T. Bouchard is the contact for this event.(603) 431-5454. Date changed from May 3, 2015 by PDA.	Pease Tradeport	Madeline's Daughter Bridal Sho	12/ 8/2014
5/24/2015 5/24/2015	ROAD RACE Jeanine Sylvester is the contact for this event. Telephone Number 603-430-1212 This event begins at 11:00 a.m.	Redhook Ale Brewery	Runner's Alley	1/20/2015
6/13/2015 6/13/2015	FAIR Barbara Massar is the contact for this event. This event begins at 9:00 a.m. to 4:00 p.m. throughout downtown	Downtown	38th Market Square Day - Pro P	9/22/2014
6/13/2015 6/13/2015	ROAD RACE Barbara Massar is the contact for this event. This event begins at 9:00 a.m. with roving closures for race course	Market Square	38th 10K Road Race - Pro Ports	9/22/2014

Run: 3/12/15
10:09AM

Event Listing by Date

Page: 2

Starting Date: 3/ 2/2015

Ending Date: 12/31/2015

Start End	Type Description	Location	Requestor	Vote Date
6/20/2015 6/20/2015	FUND Alyssa Salmon is the contact of this event. Contact No. 430-1140 x14.	Pleasant Street	Big Brothers Big Sisters of th	8/ 4/2014
6/27/2015 6/27/2015	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

Run: 3/12/15
10:09AM

Event Listing by Date

Page: 3

Starting Date: 3/ 2/2015

Ending Date: 12/31/2015

Start End	Type Description	Location	Requestor	Vote Date
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
9/19/2015 9/19/2015	WALK Ken La Valley is the contact for this event. This event is from 10:00 a.m. to Noon Registration begins at 8:30 a.m.	Peirce Island	American Foundation for Suicid	3/ 2/2015
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



Elimination of Route 7 Bus Service Proposed

Lack of Local Financial Support Cited

FOR IMMEDIATE RELEASE

Wednesday, March 5, 2015

Contact: Rad Nichols, Executive Director, COAST
603-743-5777

Dover, NH – For a number of years, some communities along Route 7 have not fully funded COAST’s financial requests, resulting in the need to reexamine whether the service could be sustained. Over the fall and winter, COAST staff held several meetings with key stakeholders along the bus route to examine alternatives to a proposed elimination of Route 7. Ultimately, without adequate local financial support COAST cannot continue to sustain Route 7 bus service (which serves to connect Exeter, Newmarket, Stratham, Greenland, Portsmouth, and Newington). Unfortunately, the discussions did not result in solutions to avoid the elimination of Route 7. The proposed elimination also includes all associated complementary ADA paratransit service along the portions of the corridor serviced solely by Route 7.

After years of making small adjustments to the service in order to increase ridership (which are just now having positive impacts), Route 7 continues to have the lowest number of riders per hour of all routes in the COAST system. This is partly a function of; (1) the very limited schedule COAST is able to operate, (2) the large geographic area the route covers and, (3) the rural nature of large segments of the bus route. At the same time, for those who ride the service, Route 7 serves as a critical connection between the six communities it serves.

Unfortunately, the low ridership has negatively impacted the willingness of municipalities served by Route 7 to provide financial support. Three communities have now eliminated, or are proposing elimination of, any funding for the route. The end result is an annual shortfall in excess of \$45,000 in local support needed to operate the route. The lack of adequate political and financial support makes the route no longer practical. The proposed elimination of services would tentatively take effect on Monday, June 29, 2015.

COAST Executive Director, Rad Nichols, stated, “Proposing the elimination of Route 7 and the associated ADA paratransit services has been extremely difficult. I understand how these services are an absolute lifeline for many of our riders. Unfortunately, there simply are not sufficient funds to continue their operation.”

It is hoped that at least two of the communities currently served by Route 7 will work with COAST to maintain some level of service within their community. However, any future service would operate very differently than the current Route 7 bus service.

As required by the Federal Transit Administration (FTA) whenever a significant service change is proposed, COAST is working on establishing a meeting schedule for public outreach meetings related to

the proposed elimination of Route 7. As soon as the meeting locations and times are established COAST will publish an announcement. It is anticipated that these meetings will take place in late March and early April. After the public outreach meetings and the receipt of public comments on the proposed changes, the COAST Board of Directors could take a final action on the proposal to eliminate all Route 7 services. The earliest time at which this action could be taken would be at their April 22 meeting.

For more information on these proposed service adjustments, visit www.coastbus.org or call COAST at (603) 743-5777.

The Cooperative Alliance for Seacoast Transportation (COAST) has provided public transit service to the Seacoast New Hampshire region since 1982. Nearly 13 million passengers have boarded COAST buses in that time. COAST is a public, non-profit transit system that relies primarily on federal and local government support to operate.



March 5, 2015

The Honorable Neal Kurk, Chair
House Finance Committee
Room 201-212, Legislative Office Building
Concord, NH 03301

RE: NHMA Testimony on HB 1 and HB 2

Dear Chairman Kurk:

Thank you for this opportunity for the New Hampshire Municipal Association to express our member's concerns with HB 1-A and HB 2-FN-A-L, as introduced. As you know, NHMA is a nonprofit non-partisan membership association representing 232 of the 234 cities and towns in the state. Our mission is to strengthen New Hampshire cities and towns and their ability to serve the public, and we do that, in part, through the advocacy of member-determined legislative policy positions.

New Hampshire local governments have a long tradition of delivering essential public services through a close partnership with state government. This partnership, however, is in jeopardy as the state continues to downshift to cities and towns the primary responsibility to maintain and pay for these public services. We understand that state budgets and revenues are tight, but it goes without saying that the same is true at the local level.

Understanding the various types of aid provided by the state to local governments is critical to understanding the effect that state-level budgetary decisions have on municipalities and local property taxes. With the property tax as the primary source of local revenue, reductions in any state aid program, or the shift of state costs to municipalities, most likely results in increased property taxes.

Meals and Rooms Distribution

One of the most significant general state aid revenues to municipalities is the meals and rooms tax distribution under RSA 78-A:26. When the meals and rooms tax was first enacted in 1967, the statutory intent was to share the revenue with municipalities, with the state retaining 60% and municipalities receiving 40% of the revenues generated from the tax. Funding to municipalities was frozen early on, and the municipal share has never been close the 40% provided by statute. In 1993 the law was amended to provide a catch-up formula in order to reach the statutorily intended 60/40

split. Under the formula, 75% of the year-over-year increase in revenue from the meals and rooms tax (but not more than \$5 million in any one year) is added to the previous year's municipal distribution.

This was a great development for municipalities. As the meals and rooms tax revenues gradually increased, so did the municipal share of those revenues. In 2010 the state/municipal split reached 71%/29%. However, the catch-up formula was suspended from fiscal years 2010 through 2014, freezing the distribution to municipalities at the 2009 level of \$53.8 million, while annual revenues from the meals and rooms tax increased by nearly \$50 million over that period. The catch-up formula was re-instated for fiscal year 2015, resulting in \$63.8 million paid to municipalities last December, which is approximately 25% of the revenue generated from that tax. Provisions in HB 1 and HB 2 propose to yet again suspend the catch-up formula for fiscal year 2016, thereby continuing to delay attainment of the required 40% funding level to municipalities.

Environmental State Aid Grants

For over 55 years, the state aid grant program has provided more than \$400 million to eligible municipalities to help offset the cost of local water and wastewater infrastructure projects. Recognizing that these public works projects are typically driven by comprehensive federal and state regulations, are large in scope and extremely costly, and provide environmental benefits well beyond the boundaries of the host municipality, the state and federal governments have historically contributed a share of project costs. This is further recognition that cities and towns cannot bear these costs of compliance with federal and state regulations alone. While there is currently a bill (HB 511) in this session to explore future funding and redesign of the state aid grant program, this program has proven to be very effective in leveraging local and other funding toward much needed water and wastewater infrastructure projects—infrastructure assets which are vital to our state economy and environment. It is critical that the legislature continue to fund the state share of this important environmental program.

Highway Funding

NHMA members have long supported legislation to ensure that adequate state revenue is dedicated to highway improvements, including increases in the road toll (gas tax) under RSA 260:32, increases in motor vehicle registration fees, or any other source, so long as all additional revenues are used exclusively for highway purposes, and provided that the proportionate share of such additional revenues is distributed to cities and towns as required by existing law. We strongly supported the road toll increase enacted last year in SB 367, understanding that:

- 12%, or approximately \$4 million, of the additional revenue raised would be distributed to municipalities under the highway block grant formula, and
- The existing annual municipal bridge aid appropriation of \$6.8 million would be *supplemented* by an additional \$6.8 million from the road toll increase for a total of \$13.6

million annually to help alleviate the 10-year waiting period for state assistance with costly municipal bridge repair/replacement projects.

HB 1 as introduced contains the \$4 million increase in the block grant funding, which will be very helpful with municipal road projects. The municipal bridge aid, however, contains only the \$6.8 million funding provided by the road toll increase. In other words, the road toll increase *supplanted* rather than *supplemented* the municipal bridge aid program. We were told that reduction was made because municipalities were not “spending” the additional bridge aid money that became available in fiscal year 2015. To assist municipalities with funding their required match, section 314 in HB 2 includes a provision to reduce the current 20% local match to 15%. We are confident that municipalities have the need for and can use bridge aid with annual funding of \$13.6 million as contemplated during the debates on SB 367, provided they have time to make the appropriations at town meetings or council/aldermen meetings—even with a 20% match. Returning the \$6.8 million highway fund portion of the municipal bridge aid program is critical, especially when there is a 10-year wait for municipal bridge aid and approximately 350 municipal bridges are red listed!

Revenue Sharing

In 1969, reform of the manner in which the state taxed businesses led to the implementation of the business profits tax (BPT). This necessitated the elimination of antiquated local taxes which were more reflective of an agricultural economy of the past, but were assessed and collected by municipalities and were part of the property tax base for municipalities, school districts and counties. The intent of RSA 31-A was stated as follows:

In consideration of the removal of certain classes of property from taxation, which would otherwise have the effect of reducing the tax base of cities and towns of the state, it is hereby declared to be the policy of the state to return a certain portion of the general revenues of the state to the cities and towns for their unrestricted use...Chapter 5, Laws of 1970.

On March 31, 1970, in testimony on House Bill 1, then New Hampshire Attorney General Warren Rudman responded to concerns that future legislatures might choose not to honor this commitment to municipalities to fund revenue sharing, stating

Now the charge has been leveled that future legislators might choose not to honor this pledge...*It seems quite doubtful to me that once this bill is passed that any legislator would go back on its pledge to return revenue to cities and towns that originally belonged to those cities and towns. And I might also add, in passing, that I could hardly see a Governor signing a bill which would deprive cities and towns of the revenue which they once had. (Emphasis added.)*

Despite Attorney General Rudman's argument that no legislator would ever renege on this commitment to cities and towns, revenue sharing has been suspended since 2010, resulting in a loss to municipalities and counties of \$25 million per year. The impact of this loss varies among municipalities, with deferred maintenance, use of reserves or fund balance, budget reductions and/or property tax increases among the common responses to the loss of revenue sharing funds from the state.

Flood Control PILOTS

Eighteen municipalities are subject to interstate flood control compacts under which annual payments-in-lieu-of-taxes (PILOTs) are provided to compensate those municipalities for taxable property that was taken out of use to help mitigate downstream flooding from both the Merrimack and Connecticut rivers. Except for fiscal year 2013, municipalities were reimbursed by the State of New Hampshire for the full amount of the PILOTs, even if the other states (Massachusetts and Connecticut) did not fund their share of the payments under the terms of the compacts. Recently, obtaining any portion of the required payments from Massachusetts has only been successful due to the active involvement of the NH Attorney General's Office. HB 1 includes appropriations of \$825,000 in both fiscal year 2016 and 2017 to fund the flood control PILOTs. However, to the extent that agency income (i.e. payments from Massachusetts and Connecticut) is not received, then the PILOT payments to municipalities would be reduced. We urge the committee to include language in HB 2 to ensure full payment of the PILOTs regardless of funds received from other states.

We understand the state's frustration with having to either utilize the Attorney General's limited resources on this issue or subsidize the Massachusetts portion of these payments. However, what appears to be absent in discussions regarding these flood control PILOTs is the correlation between the sacrifice made by these eighteen municipalities (approximately 19,500 acres of taxable land) and the benefits provided to downstream communities *in New Hampshire*, as well as Massachusetts and Connecticut. Attached are several articles and photographs of the devastating flood of 1936 which necessitated the creation of these interstate flood control compacts in the first place. Average annual PILOT payments of merely \$42 per acre (\$825,000/19,500 acres) seem a very reasonable price to pay for the protection afforded by the flood control system.

FEMA Match

Section 357 of HB 2 repeals the \$4.9 million appropriation provided last year in SB 409 for state matching funds for disaster assistance grants. These funds were for eight declared disasters that occurred from February 2010 through July 2013, and for which 257 local governments (including municipalities, schools and village districts) paid the required 25% FEMA match. Until 2010, the state shared the 25% FEMA match with local governments, splitting that amount equally in

recognition of the significant impact disaster-related costs could have on municipal, school and village district budgets. We ask the committee to support the appropriation enacted in SB 409.

Conclusion

On behalf of our municipal members, we urge the state to consider and re-energize the state-municipal partnership necessary to the effective provision of key public services. This includes the appropriation of the necessary resources to deliver public services critical to the economic vitality and quality of life in State of New Hampshire, as well as in cities and towns. Paying for and providing public services in New Hampshire is a joint responsibility of state and local governments. How well New Hampshire citizens are served will largely depend on how well this partnership works and we hope that our state is committed to being full partners in this important relationship with us.

I would like to acknowledge NHMA Government Finance Advisor Barbara Reid and Communications and Member Services Coordinator Timothy Fortier for their assistance in the preparation of this testimony and their work on HB1 and HB 2.

Thank you for your consideration of our municipal member's concerns and we look forward to working with you to create a good budget for the state. Please do not hesitate to contact any of us if you have any questions or if we can provide further information.

Respectfully,



Judy A. Silva
Executive Director

Cc: Members of the House Finance Committee
The Honorable Maggie Hassan, Governor
The Honorable Shawn Jasper, House Speaker
The Honorable Chuck Morse, Senate President
NHMA Board of Directors

Manchester, New Hampshire Flood March 1936

FLOOD WORST IN HISTORY OF CITY

Soldiers, Police and Firemen on duty as Many Are Rescued from Homes

Manchester is in the throes of the worst flood conditions in its history, surpassing the conditions prevailing in 1896.

All of the city's bridges are closed with the exception of Granite and Queen City bridges.

The National Guard units were called out to assist in doing police duty.

All call men were ordered to their respective fire stations in the event of emergencies.

Police Effect Rescues.

Police effected several rescues from lowlands along the Merrimack and Piscataquog rivers, the last one being a sensational rescue of the animal trainer and the feeder at the Manchester Zoo.

Patriotic civic and fraternal clubs and other organizations have thrown open their doors to flood victims throughout the city. Members of Legion posts, the Red Cross, Boy Scouts, Salvation Army, the Veterans of Foreign Wars, nurses of the Manchester District Association and others are standing by to aid in helping refugees.

Local telephone service is continued throughout the city but due to an unusually heavy number of calls, the service has been slowed up.

Mayor Issues Appeal.

Mayor Caron issued a statement urging all persons to keep away from bridges and banks of rivers and to remain at home until the flood dangers have subsided.

As the rampaging waters of the Merrimack and Piscataquog rivers continued to rise this forenoon, Highway Department workers closed bridge after bridge as a precautionary measure.

With the water well over 12 feet at the Amoskeag dam and with indications that the river will rise still more, Amoskeag bridge was closed at 10 o'clock several hours after the McGregor was closed. Water is running across the lower level of this span but there is no immediate danger of its being carried away.

Two landslides at Kelley's Falls bridge caused the Highway department to close this bridge shortly after 10 o'clock. Tons of sand rolled down into the river at the western edge of the Kelley's Falls dam but officials of the Public service company expressed no anxiety. There was another slide under the bridge at the western approach and as more slides continued later in the morning, city officials feared it might undermine the supports at that point.

The Public Service company has some poles in the section of the slides at the bridge and men were promptly sent out to anchor the power lines in the event the poles should fall.

As the Merrimack rose to unprecedented heights, a long row of summer homes on the west bank above Amoskeag were submerged and it was feared that some of them may be carried down the river. There are more than 50 homes in that group and some of them are occupied the year around but their

occupants moved out last night, according to reports.

The entire police force has been on duty since midnight and the National Guard units were called out this morning in order to give the police officers an opportunity to get much deserved rest. The men on the 4 o'clock shift had been on duty without a stop for 20 hours up to noon.

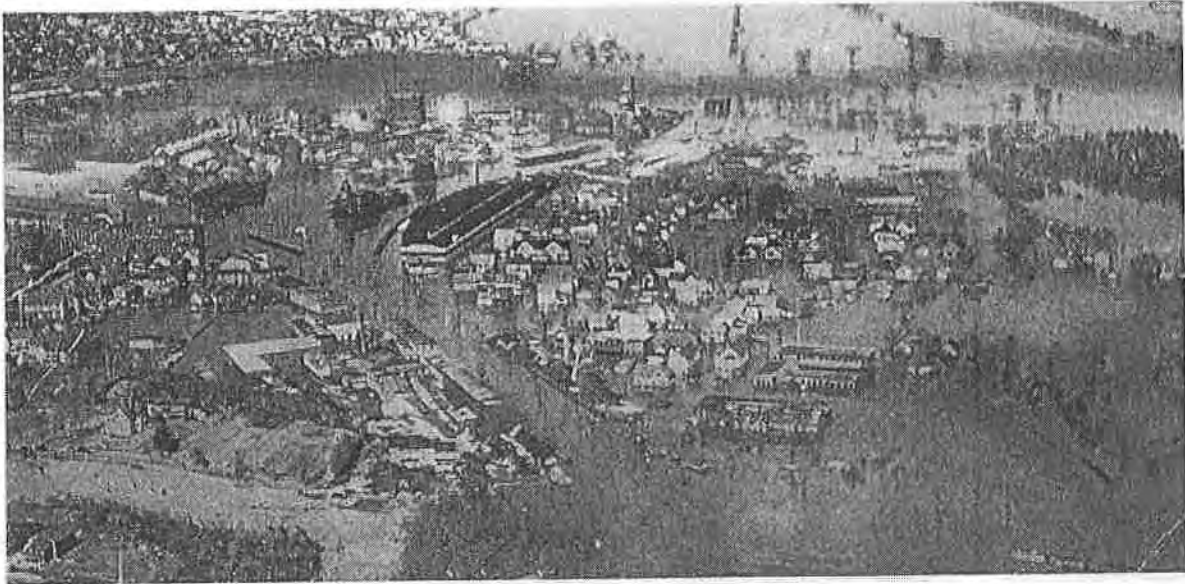
Police officers went to Wentworth street during the night and assisted in the removal of 30 persons from their homes. Last night they moved out one family from Groux's island and this morning the other family living on the island was taken to safety. They also helped in the rescue of the animal trainer and his assistant from the Manchester zoo.

Thousands of persons were out this morning watching the Merrimack and Piscataquog rivers. The police had no difficulty in keeping the crowds back. Hundreds obtained vantage points on the North Weare branch railroad overpass and had a good view of the flooded area south to the shoe factories. Granite bridge was crowded with pedestrians who watched the rise of the river. Hundreds more were on Amoskeag bridge until it was closed. A large crowd was at the South Main street bridge until it was closed.

In order to get an idea of the situation throughout the city, Mayor Caron left at 1 o'clock for a general tour of inspection in company with police and highway officials.

Manchester Leader and Evening Union, Manchester, NH 20 Mar 1936

FLOOD OF MARCH 1936



Nashua, New Hampshire

The winter of 1935-1936 was a severe one with lower than normal temperatures. As of early March it was estimated that the snowpacks in Northern New England averaged about 7.5 inches of water. In Southern New England, snow water equivalents of 3.5 inches were normal.

On March 9, a warm, moisture-laden front moved into, and stalled over New England resulting in increased temperatures as well as heavy rainfall during the period March 11-13. Rainfall amounts were significantly enhanced by the orographics of the White Mountains. Large areas of 5 inch rainfall in New Hampshire and Maine were reported.

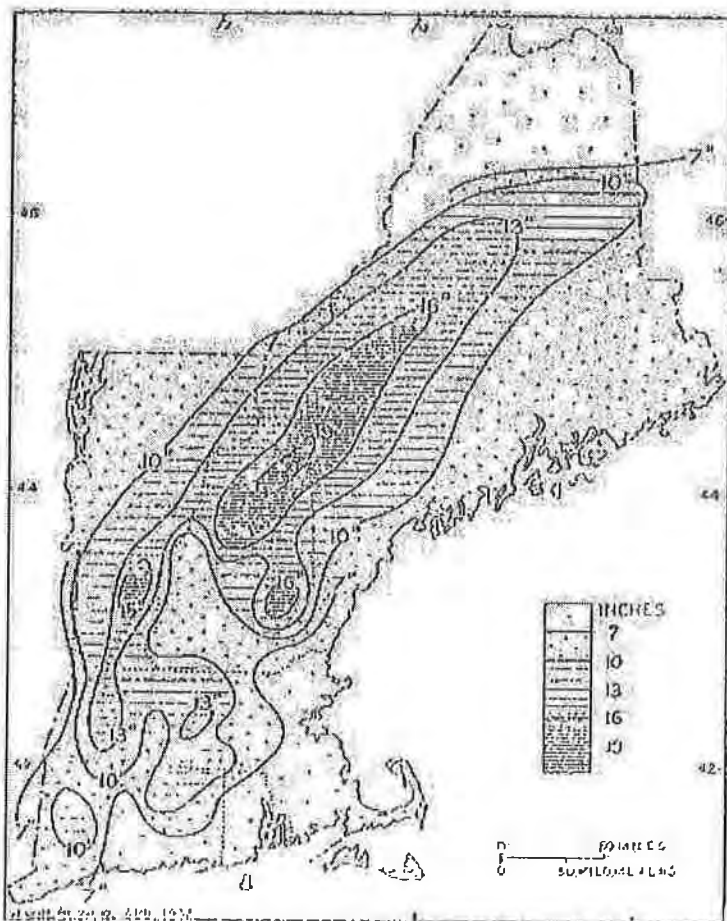
The combination of heavy rain and melting snow resulted in flooding throughout New England. A most significant damage during this period resulted from the movement of ice on the rivers, and the resultant ice jams and breaks. An example of the severe ice damage occurred at Holyoke Dam. An ice jam above the dam initially resulted in the Connecticut River cutting a new channel on the east side of the river to get around the jam. When the jam broke, it moved downstream, over the dam in over 9 feet of water. In doing so, the ice sheared off 1000 foot wide by 5 foot high section of the granite dam. The state of Maine also received a vast amount of damage from ice flows (see photo below). While the ice flood resulting from this first portion of the event was substantial, for the most part it was merely "priming the pump" for what was to come next.

The major impact occurred a few days later when a second system moved into New England dumping even more rainfall. The Pinkham Notch station on Mount Washington, which had received over 7 inches of rain during the March 11-13 rain, received over 10 inches on March 18 and 19. Other areas of heavy rainfall were focused on the Blackstone and Ware River basins, and on the east side of the

Berkshires, draining into the Deerfield and Westfield Rivers.

Again, the combination of heavy rain and melting snow resulted in severe flooding. Almost the entire snow cover in New England, except that in Northern Maine and New Hampshire contributed major runoff to the rivers. This time the most significant damage was caused by the flooding itself. In fact, at many locations, this was the most severe flooding that has ever been experienced. In the table below, for locations marked with * the 1936 flood continues to be flood of record 60 years later. The entire reach of the Connecticut River was severely impacted. New flow records were established from Hartford all the way up to northern New Hampshire. The Merrimack River basin also saw substantial damage. In Hookset NH, over 18 feet of water flowed through the downtown. Inundation in Nashua, NH is depicted in the photograph above.

A third less severe system came up a few days later. However, this final event served only to lengthen the duration of the flooding rather than cause any new significant flood peaks. During the two week period, the majority of New England was impacted by a combination of rainfall and snowmelt totalling over 10 inches. In fact, a peak estimate of nearly 30 inches was observed. (See diagram).



Rainfall and Water Equivalent of Snow Melted, March 9-21, 1936 (from Climatic Data, US Weather Bureau, New England Section, March 1936)



Flooding of the Merrimack and Nashua Rivers at Nashua, N.H., March 19, 1936. The railroad station (center) is near Armory Street. (Photograph from the New Hampshire Water Resources Division of the Department of Environmental Services.)



CITY OF PORTSMOUTH

Municipal Complex
1 Junkins Avenue
Portsmouth, New Hampshire 03801
(603) 431-2000

CITY COUNCIL WORK SESSION

IMPACT FEES AND MASTER PLAN

DATE: MONDAY, MARCH 23, 2015
LOCATION: CITY HALL – EILEEN DONDERO FOLEY COUNCIL CHAMBERS
TIME: 6:30PM

A G E N D A

- I. Call to Order – Robert J. Lister, Mayor
- II. Introduction – John P. Bohenko, City Manager
- III. Impact Fees
 - Presentation by Bruce Mayberry, Consultant
 - Discussion/Questions
- IV. Master Plan
 - Overview by Rick Taintor, Planning Director
 - Discussion/Questions
- V. Work Force Housing
 - Overview by Rick Taintor, Planning Director
 - Discussion/Questions
- VI. Adjournment

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

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

**Journal of the
New Hampshire Water Works Association**

Contents

NHWWA Annual Financial Statement	page 13
Water Works Operator Certification for 2013	page 15
The City of Portsmouth's Water Efficiency Efforts	page 17

By Brian Goetz, Deputy Director of Public Works, Portsmouth, NH

JOURNAL STAFF

Stephen Del Deo, Editor

Susan Kowalski, Desktop Publishing

NH Water Works Association

Board of Directors

**Guy Chabot, Manchester Water Works
President**

**Francis Lyons, FX Lyons, Inc.
Vice-President**

**David Paris, Manchester Water Works
Treasurer**

Rene Pelletier, NH Department of Environmental Services

Mark Naylor, NH Public Utilities Commission

Ian Rohrbacher, Rochester Water Department

John Lyons, Granite State Analytical

Lee Ransom, R.H. White

Charles Roberts, Concord Water Department

Carl McMorran, Aquarion Water Co.

William Boulanger, Dover Water Department

Stephen Del Deo, Loudon, Executive Director

NEW HAMPSHIRE WATER WORKS ASSOCIATION

18 N. Main St., Suite 308, Concord, NH 03301

(603) 415-3959

nhwwa@worldpath.net

www.nhwwa.org

THE CITY OF PORTSMOUTH'S WATER EFFICIENCY EFFORTS

by Brian F. Goetz – Deputy Director of Public Works

Overview of Portsmouth Water System and History of Water Efficiency Efforts

The Portsmouth, NH Water System is a regional water system serving the Seacoast communities of Portsmouth, Greenland, New Castle and Newington, and portions of Durham, Madbury and Rye. The history of water service in Portsmouth dates back over 200 years. Original service to City residents was developed in 1797 by entrepreneurs to serve the need for potable water service in the concentrated areas of downtown Portsmouth, and also to serve the expanding brewing industry in the City. In 1891 the City acquired the assets of the Portsmouth Aqueduct Company and has been the system owner and operator since then.

Water mains consist predominantly of cast iron or ductile iron pipe. The water distribution system has a total of approximately 190 miles of water main ranging in diameter from 2-inch to 24-inch pipe. There are 1,000 public fire hydrants and nearly 2,500 valves in the system.

The first documented effort to promote water conservation and efficiency occurred in 1871 when a communication was sent by the water company to the City Council and the local paper requesting people to conserve water. In 1911 the Water Commission recommended that meters be installed to cut down on water consumption. By 1913, nearly 300 individual customer meters had been installed. By 1920, the entire system was metered and subsequently, water consumption was reduced by 14%.

Water Usage and Customer Demographics

The Portsmouth water system has approximately 8,250 customers including over 1,000 commercial/industrial customers. A comprehensive rate study conducted by the City analyzed 2012 customer data to determine water usage in the area. This analysis revealed that commercial and industrial customers used 55% of the water consumed in the system. Residen-

tial accounts used 37% of the water. On average, a single-family residential customer used five units of water a month, or 133 gallons-per-day. The system serves 738 multi-family accounts ranging from duplexes to condominium and apartment complexes. An analysis of these customers revealed that if they were all individually metered then the 738 multi-family accounts would become 4,500 individually metered accounts. The following table summarizes the Portsmouth water system's usage demographics for 2012:

Customer Classification	Total Accounts	Total Gallons per Day	Average Gallons per Day per Account
Single Family Residential	5,932	788,956	133
Multi Family Residential	738	398,520	540
Irrigation	231	65,835	285
Commercial	879	1,134,789	1,291
Industrial	80	759,600	9,495
Municipal	78	41,340	530
Water Districts	2	123,864	61,932

The water supply sources for the system consist of the Bellamy Reservoir and Water Treatment Facility in Madbury, and eight sand and gravel wells. Total yield of the system is approximately 7.6 million gallons per day. Average system pumpage from 2012 to 2014 was 4.5 million gallons per day. The City has also been proactive with the management of the water system through updating its water system master plan every ten years and investing in infrastructure, which included the construction of a LEED-certified water treatment facility in 2011, a total cost of \$23 million. Current system upgrades include the replacement of the Hobbs Hill elevated water storage tank, the upgrade to Madbury Well #2 and #3 pump stations, and the replacement of Madbury #4 and Greenland Wells.

Typical Indoor Water Use and Plumbing Code Changes

The American Water Works Association's Research Foundation performed a comprehensive analysis of indoor water usage for its 1999 published report. The report breaks down typical indoor water use as follows:

- Toilets – 27%
- Clothes Washers – 22%
- Showers and Baths – 19%
- Faucets – 16%
- Other Domestic – 2%
- Dishwashers – 1%
- Leaks – 13%

The Energy Policy Act of 1992 mandated that beginning in 1994, common flush toilets would have to be designed to use a maximum of 1.6 gallons per flush. Additionally, in 1997 new legislation established standards for residential dishwashers and clothes washing machines effective in 2010 and 2011, respectively. Studies have determined that, on average, washing machines last approximately 14 years, meaning that every year 7% of older machines are replaced with more efficient models.

Water Conservation Retrofit Kits

Recognizing the importance of indoor water use efficiency and the need to educate the community, the City began offering free water conservation retrofit kits to residential customers in 2006. This program proved to be quite successful with over 1,750 customers participating. The kits included low-flow faucet aerators, a low-flow showerhead, a toilet tank bladder to reduce water usage per flush in higher flow toilets, leak detection tablets and other water saving information.

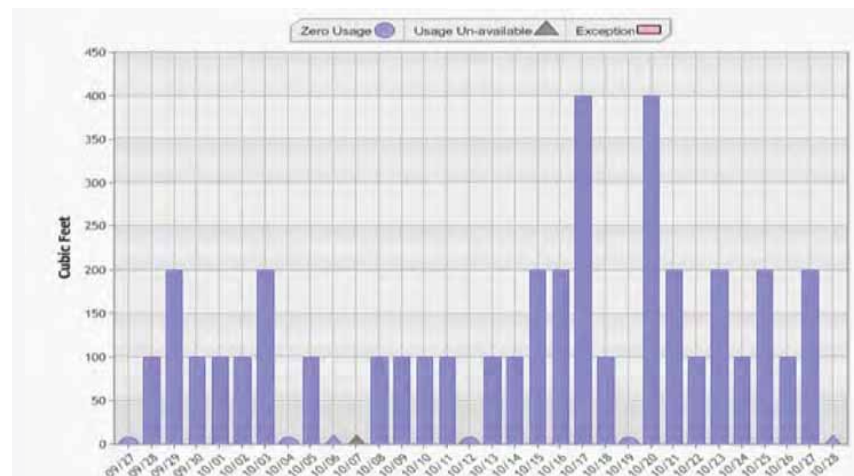
Inclining Block Rates

Following recommendations from its 2006 Water and Sewer Rate Study, the City implemented inclining block rates. Customers using over 7,500 gallons/month are charged 20% more for water and 10% more for

sewer. This generally effects only the larger commercial and industrial customers in the system. Analysis from 2012 confirmed that 82.6% of water bills were billed for usage in the first tier.

Automatic Meter Reading System and Monthly Billing

The City embarked on a water meter reading system upgrade in 2008. By 2010 nearly all of the system's customer meters had been upgraded to a fixed automatic radio read system (AMR) that gives the water system staff the ability to monitor daily consumption. This upgrade also made it easier for the City to go from billing customers every four months (three times a year) to monthly. Therefore, customers are now able to better monitor their usage patterns and respond to potential leaks or inefficient water use. The following graphic shows daily water usage for the City's Department of Public Works and shows how it effectively identifies daily water usage patterns:



Rain Barrel Program

The City's next outreach effort included offering rain barrels to qualifying residents at a reduced cost to engage residents in considering stormwater effects and source water protection. From 2010 to 2011, over 600 barrels were sold to Portsmouth residents, who have in return encouraged others to participate in irrigating lawns and flower gardens, while saving on water bills and reducing stormwater runoff.

WaterSense Utility Partner

In 2013 the Portsmouth Water Division became a Utility Partner in the EPA's WaterSense program. The WaterSense program aims to decrease indoor and outdoor water use through water-efficient products and simple water-saving practices. The program encourages customers to look for WaterSense labeled products, which have been independently certified for efficiency and performance, and promotes water-saving techniques that reduce stress on water systems and the environment. WaterSense labeled products must meet EPA's criteria for efficiency and performance. Independently tested and certified products bear the WaterSense label, which makes it easy for consumers to identify and select a variety of quality, water-efficient products and services for their homes and lawns.

Leak Detection Program and SCADA System Trends

Leak detection is a vital component of the maintenance program for the more than 190 miles of transmission and distribution pipelines in the water system. A comprehensive program was undertaken by Portsmouth in 2014 to improve the process of pinpointing existing and potential leaks. This initiative surveyed areas including Newington, New Castle and various areas of southern Portsmouth, resulting in repairs and improvements in multiple problem areas. Additionally, the entire Pease portion of the water system was surveyed with money from a New Hampshire DES leak detection grant. Thirty-three miles were surveyed and two small leaks were identified and fixed along with one service line leak. Leaks are now tracked in the City's electronic asset management database, where the information is utilized by City staff to assess, justify and schedule capital replacements.

The water system is managed around the clock by a staff of state-certified water system operators. Continuous monitoring of the system is also provided by a computer SCADA system and remote station control communications via radio, where pumpage and water tank level trends are routinely analyzed to identify any patterns that show excessive water demand trends. Daily, monthly, and annual pumpage trends are also tracked and compared with water sales to determine the level of water loss in the system over time.

Actual Water Use – Ten Year Trend

The current New Hampshire Department of Environmental Service's (NHDES) septic regulations for a private residence dwelling uses a basis of 300 gallons per day as an average usage (NH Env-Wq 1008.02(c)). The City of Portsmouth has performed detailed analysis of its own residential (including multi-family residences) water use as part of its water system master planning process. The most recent 2012 analysis of water compared usage to a previous analysis done by the City in 1999. The data revealed that average daily residential water consumption had dropped from 217 to 199 gallons per day, a decline of 8.3%. The 2012 analysis further identified water usage for single family homes to be 133 gallons per day.

The Next Phase of Water Efficiency – Rebate Program



Residential Toilet and Washing Machine Rebate Program

The City's latest water efficiency effort will be directed at the numerous older properties in Portsmouth that likely have less efficient appliances and toilets. Through this program, qualifying residential water and sewer customers are being offered rebates for installing high efficiency toilets and washing machines. This program was approved as part of the Water and Sewer Enterprise Fund's FY15 Capital Improvement Plan, in which \$75,000 was authorized from each fund for a total of \$150,000 dedicated to this program.

The rebates are \$100 for qualifying toilets and \$150 for qualifying washing machines. Customers will have to provide documentation and receipts of their purchases and will also have to agree that they will allow

City staff to inspect the installations. It is the City's intent to audit a few customers periodically to verify these installations.

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

This program will be offered to all residential customers served by the Portsmouth Water and Sewer Divisions, including multi-family residences. The program is modeled after those in place at a number of other New England water systems, most notably the Acton Water District in Acton, Massachusetts. It is our understanding that Portsmouth will be the first water system in New Hampshire to offer rebates of this nature.

Reduction in Water Use and Rate Model Adjustments

Most water systems rely on metered customer water usage for customer billing. The Portsmouth Water Division's rates are also highly dependent on metered water use for billing, with the fixed monthly base rates covering only eight percent of the revenue requirement. Therefore, there is a legitimate concern that water usage reductions will result in a reduction in revenues, thus, a need for rate increases to make up for the difference. However, water efficiency measures generally happen over time and if water systems are diligent with monitoring use, then rates can be adjusted to assure revenue requirements are met.

The City of Portsmouth developed a thorough rate model as part of its 2012 Water and Sewer Rate Study. This model enables City staff to input budget expenses and project future water operational and capital improvement costs, and measure customer water usage on an annual basis. Projected water demand increases or reductions for future years are also incorporated in the model, which is set up to create a pro-forma budget for the water system over a ten year period of time. This tool is utilized annually by City Staff to determine that rates are set appropriately and also to project future budget needs and water usage trends.

With that said, it is a legitimate question to ask water systems why they would invest money to reduce consumption if it will end up reducing revenues. The answer is that in actuality, water efficiency investments are less expensive than locating, permitting, constructing and treating a new source of supply. Additionally, these are one-time investments that do not incur ongoing operating and maintenance costs. These conservation initiatives also provide opportunities for the Portsmouth Water Division and its customers to build a partnership that ultimately improves the overall environment of the community.