

# CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH  
DATE: MONDAY, MAY 18, 2015 TIME: 6:15PM

## AGENDA

- 6:15PM – AN ANICIPATED “NON-MEETING” WITH COUNSEL RE: LITIGATION/MEDIATION – RSA 91-A:2, I (b)
- 6:30PM – WORK SESSION REGARDING PROPOSED CHARTER AMENDMENT ALLOWING FOR ELECTION OF THE MAYOR

### I. CALL TO ORDER (6:15PM)

### II. ROLL CALL

### III. INVOCATION

### IV. PLEDGE OF ALLEGIANCE

### PRESENTATIONS

1. Art-Speak Annual State of the Arts Report and Request to Extend the Agreement between the City and Art-Speak – Nancy Carmer, Economic Development Program Manager (**Sample motion – move to authorize the City Manager to Extend the Agreement from July 1, 2015 through June 30, 2016**)
2. \*Update Re: Doble Center, David Moore, Community Development Director
3. \*Final Report of the Self Assessment of Fire Department Operations - Steve Achilles, Fire Chief (**The following link on the City’s Website will allow you to view the Report**): [http://www.cityofportsmouth.com/fires/PFD\\_Self\\_Assessment\\_FINAL-REPORT.pdf](http://www.cityofportsmouth.com/fires/PFD_Self_Assessment_FINAL-REPORT.pdf)

### V. ACCEPTANCE OF MINUTES – MAY 4, 2015 & MAY 11, 2015

### VI. PUBLIC COMMENT SESSION

### VII. PUBLIC HEARING

- A. 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.” (*Public Hearing kept open from the March 16, 2015 City Council meeting*)

## VIII. APPROVAL OF GRANTS/DONATIONS

*(There are no items under this section of the agenda)*

## IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. 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.”

## X. CONSENT AGENDA

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

- A. Acceptance of Police Department Grants:
- NH Highway Safety for DWI/DUI Patrol Grant - \$8,580.00
  - NH Highway Safety for Sobriety Checkpoints Grant - \$6,864.00
  - NH Highway Safety for Pedestrian Patrols Grant - \$6,292.00
  - NH Highway Safety for Enforcement Patrols Grant - \$6,292.00
  - NH Highway Safety to Address Red Light Running Grant - \$6,292.00
- (Anticipated Action – move to approve and accept the grants to the Portsmouth Police Department)***
- B. Request for License from Brendin McCord, owners of Bennett's Store for property located at 41 Congress Street for a projecting sign on an existing bracket ***(Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Brendin McCord, owners of Bennett's Store for a projecting sign at property located at 41 Congress Street and, further, authorize the City Manager to execute License Agreements for this request)***

#### **Planning Director's Stipulations:**

- ***The license shall be approved by the Legal Department as to content and form;***
  - ***Any removal or relocation of the projecting sign, for any reason, shall be done at no cost to the City; and***
  - ***Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason, shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works***
- C. Request for License from Shore Gregory, owners of ROW 34 for property located at 5 Portwalk Place for 1 projecting sign on new bracket on Hanover Street at corner of Portwalk Place ***(Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Shore Gregory, owners of ROW 34 for 1 projecting sign at property located at 5 Portwalk Place at corner of Hanover Street and, further, authorize the City Manager to execute License Agreements for this request)***

#### **Planning Director's Stipulations:**

- ***The license shall be approved by the Legal Department as to content and form;***
- ***Any removal or relocation of the projecting sign, for any reason, shall be done at no cost to the City; and***

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

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

- A. Letter from John Prochilo, CEO of Northeast Rehabilitation Hospital regarding concerns with Wastewater Treatment Facility “Option 2”

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

### **A. CITY MANAGER**

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

1. Public Hearing and Second Reading of Proposed Ordinance:
  - 1.1 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.”

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

1. Request for Approval of Parking Lot Agreement Re: Albacore Lot
2. Peirce Island Wastewater Treatment Facility Recommendation

### **Informational items**

1. Events Listing
2. \*Reminder Re: Continue of FY16 Budget Public Hearing and Work Session
3. Report Back Re: Small Business
4. \*Report Back Re: Seacoast Outright Pride Event
5. Short-term Rentals
6. Household Hazardous Waste Day (***The following link on the City's Website will allow you to view information on the safe disposal of household hazardous waste products***): <http://www.cityofportsmouth.com/publicworks/solidwaste-recycle-hhw.htm>
7. African Burying Ground Events May 20, 2015 to May 23, 2015

### **B. MAYOR LISTER**

1. Appointments to be Voted:
  - Appointment of Matthew Cardin to the Conservation Commission as a Regular member
  - Appointment of Kimberly Meuse to the Conservation Commission as a Regular member
  - Appointment of Kate Zamarchi to the Conservation Commission as a Regular member
  - Appointment of Adrienne Harrison to the Conservation Commission as an Alternate member
  - Appointment of Samantha Wright to the Conservation Commission as an Alternate member
  - Reappointment of Carl Diemer to the Recreation Board
  - Appointment of Patrick Moretti to the Zoning Board of Adjustment as a Regular member

### **C. ASSISTANT MAYOR SPLAINE**

1. Arranging an Interactive Work Session for PS21 Topics on the Search for Walkability, On-Street Parking, and Street Flow (***Postponed from the May 4, 2015 City Council meeting***)

### **D. COUNCILOR KENNEDY**

1. \*Parking Update: Transportation Patterns and On Street Parking Increased in Accordance with our Visiting Parking Experts

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

## **XIV. ADJOURNMENT**

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

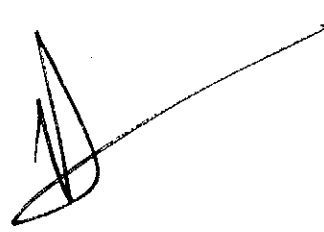
*\*Indicates Verbal Report*

## **INFORMATIONAL ITEMS**

1. \*Notification that the minutes of the March 25, 2015 and April 1, 2015 meetings of the Historic District Commission 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.*

DATE: May 11, 2015  
TO: JOHN P. BOHENKO, CITY MANAGER  
FROM: ROBERT P. SULLIVAN, CITY ATTORNEY  
RE: MAY 18, 2015 CITY COUNCIL WORK SESSION  
PROPOSED CHARTER AMENDMENT ALLOWING FOR ELECTION OF  
THE MAYOR



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This memorandum is an update of prior correspondence regarding the captioned topic prepared for the City Council Work Session of May 18, 2015.

At the City Council meeting of March 2, 2015 by a 5 to 4 vote, the City Council passed a motion made by Councilor Spear:

“...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 the Mayor would remain unchanged and, (3) this would take effect 2017”.

This memorandum will provide the actual text of a proposed Charter Amendment to accomplish the foregoing. It will also include the required brief explanation which would necessarily accompany such a Charter Amendment through the statutory process for adoption. Finally, it will discuss the procedure for adoption of the proposed amendment and its submission to the voters at referendum as well as the approval and review process mandated by state law.

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**PROPOSED AMENDMENT**

The Municipal Charter of the City of Portsmouth be and hereby is amended as follows:

1. SECTION 4.3 – THE MAYOR is hereby deleted in its entirety.
2. SECTION 4.1 - ADMINISTRATION OF THE CITY shall be amended by deleting the sentence, “The City Council shall consist of nine (9)

Councilors elected at-large for terms of two years” and replacing it with the sentence, “The City Council shall consist of eight (8) Councilors elected at-large for terms of two (2) years and one Mayor elected as described in this Charter. To the extent not inconsistent with the duties and authorities provided elsewhere in this Charter, the Mayor shall serve as a full voting member of the City Council and be subject to all provisions of the Charter applicable to members of the City Council generally”.

3. A new SECTION 4.3 – THE MAYOR AND ASSISTANT MAYOR shall be added to the Charter, reading as follows:

SECTION 4.3 – THE MAYOR AND ASSISTANT MAYOR – The Mayor shall be that person who receives the largest number of votes at any municipal election while specifically listed on the ballot as being a candidate for the position of Mayor. The City Councilor who has received the largest number of votes for the position of City Councilor shall be the Assistant Mayor. In the event of a tie vote for either position, the tie shall be decided by vote of the City Council. Any candidate listed on the municipal ballot as seeking the position of Mayor may not be listed on the ballot as being a candidate for any other municipal office.

4. Effective date: This Charter Amendment shall become effective January 1, 2017.

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State law requires that if the Council chooses to put the foregoing amendment on the ballot it must be accompanied by a brief explanation. The brief explanation would be as follows:

#### **BRIEF EXPLANATION**

Currently, that candidate for the City Council who receives the largest number of votes at any municipal election is designated as the Mayor. That person receiving the second largest number of votes is designated as the Assistant Mayor. If this proposed Charter Amendment is adopted then any individual seeking the position of Mayor would be obligated to run specifically for that position and no other. The candidate for Mayor receiving the most votes would become the Mayor. The candidate for the City Council who receives the most votes would become the Assistant Mayor. There would be no other change in the authority or duties of the Mayor or the Assistant Mayor. The new process for the selection of the Mayor would become effective with the election to be held in November of 2017.



## **PROCEDURE**

The process which governs the handling of the proposed amendment by the Council is described in state law at RSA 49-B, relevant portions of which are attached. Briefly, the statute requires that if the Council wishes to proceed with this proposed amendment it shall provide for notice and a public hearing. The notice must be published in the newspaper at least seven (7) days prior to the hearing before voting to put the question on a municipal ballot for referendum vote. The notice must contain both the text of the proposed amendment and a brief explanation. Subsequent to the public hearing, and within seven (7) days of receiving approval from the Secretary of State, the Attorney General and the Department of Revenue Administration under RSA 49-B:5 I, the City Council may order the proposed amendment to be placed on the ballot at the next regular municipal election held not less than sixty (60) days after that order is passed.

## **STATE APPROVALS**

RSA 49-B:5-a requires that the City Clerk file a report with the Secretary of State, the Attorney General and the Commissioner of the Department of Revenue Administration within ten (10) days of passage by the City Council of a vote to put a proposed Charter Amendment on a referendum ballot so that those officials may, "review the proposed Charter Amendment to ensure that it is consistent with the general laws of this state". If any of those officials do not approve, the proposed charter amendment, "shall not be placed on the municipal ballot". However, "failure to specify objections to a proposed Charter or Charter Amendment under this section shall constitute approval by the Secretary of State, Attorney General or the Commissioner of the Department of Revenue Administration".

Attached hereto are:

1. A redline version of the relevant Municipal Charter sections showing the proposed Charter Amendments for illustration purposes; and
2. Copies of RSA 49-B:4-6 inclusive, the primary state laws regulating the Charter Amendment process.

attachment

The Municipal Charter of the City of Portsmouth be and is hereby amended so that Section 4 – CITY COUNCIL shall read as follows (deletions from existing language ~~stricken in red~~; additions to existing language **bolded in red**; remaining language unchanged from existing):

#### ARTICLE IV - CITY COUNCIL

##### SECTION 4.1 - ADMINISTRATION OF CITY

The entire administration of all fiscal, prudential, and municipal affairs of the City of Portsmouth and each of its departments shall be vested in the City Council except as expressly otherwise provided by this Charter. ~~The City Council shall consist of nine (9) councilors elected at large for terms of two (2) years.~~ **The City Council shall consist of eight (8) Councilors elected at-large for terms of two (2) years and one Mayor elected as described in this Charter. To the extent not inconsistent with the duties and authorities provided elsewhere in this Charter, the Mayor shall serve as a full voting member of the City Council and be subject to all provisions of the Charter applicable to members of the City Council generally. The City Clerk shall act as Clerk of the Council.**

##### SECTION 4.3 - ~~THE MAYOR~~

~~A candidate for City Councilor who shall receive the largest number of votes at any election shall become the Mayor. The City Councilor who shall receive the next largest amount of votes shall be the Assistant Mayor. In the event two or more persons shall receive an equal number of votes, and that number of votes is the largest number received by any City Councilor, the person having the longest period of service as a City Councilor shall be the Mayor and the person having the next longest period of service shall be the Assistant Mayor. In the event one person shall receive the largest number of votes and two or more persons shall receive an equal number of votes, and that number shall be next to the largest number of votes received by any Councilor, the person receiving the equal number of votes who has the longest period of service shall be the Assistant Mayor. Where periods of service are equal, ties shall be decided by vote of the Council.~~

**SECTION 4.3 – THE MAYOR AND ASSISTANT MAYOR – The Mayor shall be that person who receives the largest number of votes at any municipal election while specifically listed on the ballot as being a candidate for the position of Mayor. The City Councilor who has received the largest number of votes for the position of City Councilor shall be the Assistant Mayor. In the event of a tie vote for either position, the tie shall be decided by vote of the City Council. Any candidate listed on the municipal ballot as seeking the position of Mayor may not be listed on the ballot as being a candidate for any other municipal office.**

**TITLE III  
TOWNS, CITIES, VILLAGE DISTRICTS, AND UNINCORPORATED PLACES**

**CHAPTER 49-B  
HOME RULE--MUNICIPAL CHARTERS  
Amendment of Municipal Charter**

**Section 49-B:4**

**49-B:4 Charter Commission; Membership; Procedure; Preliminary Report. –**

- I. The charter commission shall consist of 9 members, all of whom shall be registered voters of the municipality and elected as hereinafter provided.
  - (a) Within 5 days after the deadline for requesting a recount of a vote confirming the establishment of a charter commission, or within 5 days after the recount if a recount is requested, the municipal officers shall meet to order a special election to be held on a Tuesday not less than 35 days or more than 60 days after such meeting for the purpose of electing charter commission members provided, however, that in a municipality with biennial elections, the special election shall be held on a Tuesday not less than 25 days or more than 133 days after such meeting. For purposes of this subparagraph, the provisions of RSA 40:4-c relative to recounts shall apply, except that a recount must be requested no later than the first Friday following the vote.
  - (b) Members shall be elected in the same manner as the municipal officers except that they shall be elected at large and without party designation. The names of the candidates shall be arranged on the ballot in an order determined by lot, publicly selected by the city or town clerk. Declarations of candidacy for the commission shall be filed as provided in RSA 669:19, except that the filing period shall begin on the fourth Wednesday before the election and end on the Friday of the following week.
  
- II. Within 5 days after the deadline under RSA 669:30 for requesting a recount, the municipal clerk shall notify those elected to the charter commission of the date, time, and place of the organizational meeting of the charter commission. However, if a recount is requested, such notice shall be given within 5 days after the last recount is completed. The date, time, and place of the organizational meeting shall be fixed by the clerk. The date shall be at least 7 days and not more than 14 days after the date of the notice. The charter commission shall organize by electing from its members a chairperson, a vice chairperson and a secretary and shall file notice thereof with the municipal clerk. Vacancies occurring on the

commission shall be filled by vote of the commission from the voters of the municipality. Members shall serve without compensation but shall be reimbursed from the commission's account for expenses lawfully incurred by them in the performance of their duties.

- III. The charter commission may adopt rules and regulations governing the conduct of its meetings and proceedings and may employ such legal, research, clerical, or other employees and consultants as are deemed necessary within the limits of its budget.
- IV. (a) A municipality shall provide its charter commission, free of charge, with suitable office space and with reasonable access to facilities for holding public hearings, may contribute clerical and other assistance to such commission, and shall permit it to consult with and obtain advice and information from municipal officers, officials, and employees during ordinary business hours. The municipal officers shall credit to the charter commission's account a sum of at least \$100. A municipality may appropriate additional funds to the charter commission account. Such funds may be raised by taxation, borrowed, or transferred from surplus.  
(b) In addition to funds made available by a municipality, the charter commission account may receive funds from any other source, public or private, provided that no contribution of more than \$50 shall be accepted from any source other than the municipality unless the name and address of the person or agency making the contribution and the amount of the contribution are disclosed in writing filed with the clerk. Within 30 days after submission of its final report the charter commission shall file with the clerk a complete account of all its receipts and expenditures for public inspection. Any balance remaining in its account shall be credited to the municipality's surplus account.
- V. Before issuing its preliminary report, the charter commission shall hold at least 2 public hearings, scheduled at its discretion. At least one of such hearings shall be for the purpose of receiving information, views, comments, and other pertinent material relative to its functions and at least one shall be for the purpose of explaining, in general terms, its proposed preliminary report and receiving comments on its proposal. The commission may, but is not required to, provide a draft of its preliminary report at the latter hearing. Notice of each such hearing shall be posted in at least 2 public places in the municipality and published in a newspaper of general circulation in the municipality at least 7 days before the date of the meeting.
- VI. (a) The charter commission shall file with the municipal clerk a

preliminary report including the text of the charter which the commission intends shall be submitted to the voters and any explanatory information the commission deems desirable, and shall provide sufficient copies of the preliminary report to the municipal clerk to permit its distribution to each voter requesting it. The commission shall also file the preliminary report with the secretary of state, the attorney general, and the commissioner of the department of revenue administration as provided in RSA 49-B:4-a, l.

- (b) The preliminary report shall include a written opinion by an attorney admitted to the bar of this state that the proposed charter is not in conflict with the constitution or the general laws. The filing of the preliminary report shall be accomplished by the date indicated below:
  - (1) If the charter commission was elected in a town with its annual meeting in March, on or before October 15 of the same year.
  - (2) If the charter commission was elected in a town with its annual meeting in April, on or before November 15 of the same year.
  - (3) If the charter commission was elected in a town with its annual meeting in May, on or before December 15 of the same year.
  - (4) If the charter commission was elected at a biennial municipal election in November, on or before June 15 of the following year.
  - (5) If the charter commission was elected at a special election, or at any election in a municipality not described in subparagraph (b)(1), (2), (3), or (4), within 170 days after its election.
- (c) Upon receipt of the preliminary report, the municipal clerk shall, except as provided in paragraph VII, file a certified copy with the appropriate state officials as provided in RSA 49-B:4-a.

VII. The commission may recommend, in either its preliminary or its final report, that no new charter be adopted. If the commission makes such a recommendation in its preliminary report, the preliminary report shall be deemed a final report and shall not be submitted to the state officials for review under RSA 49-B:4-a. If the commission makes such a recommendation in either the preliminary or final report, no charter question shall be placed on the municipal ballot, and the commission shall take no further action except to wind up its affairs within 60 days after the submission of its report.

**Source.** 1979, 241:1. 1988, 223:3. 1991, 304:6, 7. 1992, 96:1; 194:1-3. 2003, 25:4. 2006, 22:1, eff. May 30, 2006. 2012, 101:1, eff. May 29, 2012. 2014, 292:2, eff. Sept. 30, 2014.

### **Section 49-B:4-a**

#### **49-B:4-a Review and Approval by State Departments. –**

- I. The chairman of the charter commission, if any, and otherwise the municipal clerk shall file a report, which shall include the name and address of the clerk and the chairman of the charter commission, with the secretary of state, the attorney general, and the commissioner of the department of revenue administration as follows:
  - (a) The chairman of the charter commission shall file a copy of the preliminary report relative to any new municipal charter or charter revision at the same time the preliminary report is filed with the municipal clerk pursuant to RSA 49-B:4, VI.
  - (b) Within 10 days after the filing of the report relative to any charter amendment, if initiated by the municipal officers, the municipal clerk shall file a certified copy of the report.
  - (c) Promptly after the filing of the petitioners' affidavit relative to a charter amendment, the municipal clerk shall file a certified report consisting of a copy of said affidavit.
  - (d) Within 14 days of receipt of such report, the secretary of state, the attorney general, and the commissioner of the department of revenue administration shall notify in writing the municipal clerk and the chairman of the charter commission, if any, of his or her receipt. Within 45 days after the receipt of the report the secretary of state, attorney general, and commissioner of the department of revenue administration shall review the proposed charter, charter revision, or charter amendment to insure that it is consistent with the general laws of this state, and shall give notice to the municipal clerk approving or disapproving the proposed charter.
- II. If the secretary of state, the attorney general, or the commissioner of the department of revenue administration does not approve, the proposed charter question shall not be placed on the municipal ballot unless the objections to the proposed charter are resolved as provided in this section. If the proposed charter amendment was initiated by a petition, official petition forms shall not be provided. The secretary of state, attorney general, and commissioner of the department of revenue administration shall specify their objections in writing to the municipal clerk, and to the petitioners' committee if relative to a charter amendment initiated by such petitioners' committee, within the period of time allowed for review and shall offer recommendations for changes in language which would correct

any inconsistencies they may find in the proposed charter to be voted upon. Failure to specify objections to a proposed charter within 45 days shall constitute approval by the secretary of state, attorney general, or the commissioner of the department of revenue administration.

- III. Upon receiving notice of such objections, the charter commission may make such changes as appear necessary and resubmit the proposed charter within 30 days to the official or officials who raised the objections. Such officials shall thereafter make reasonable efforts to review the changes and provide notice of approval or disapproval to the municipal clerk in time to enable the charter commission to file its final report by the deadline stated in RSA 49-B:4-b.
- IV. The governing body of the municipality may seek judicial review of a decision of the secretary of state, attorney general, or the commissioner of the department of revenue administration by appeal in superior court, pursuant to RSA 49-B:10, IV.

**Source.** 2014, 292:2, eff. Sept. 30, 2014.

#### **Section 49-B:4-b**

##### **49-B:4-b Final Report. –**

- I. Upon approval from the secretary of state, attorney general, and commissioner of the department of revenue administration under RSA 49-B:4-a, the charter commission shall submit to the municipal officers its final report, which shall include the full text and explanation of the proposed new charter, such comments as the commission deems desirable, an indication of the major differences between the current form of government and the proposed charter, and a written opinion by an attorney admitted to the bar of this state that the proposed charter is not in conflict with the constitution or the general laws. Minority reports, if filed, shall not exceed 1,000 words. The submission of the final report and minority reports, if any, shall be accomplished by the date indicated below:
  - (a) If the charter commission was elected in a town with its annual meeting in March, on or before January 15 of the following year.
  - (b) If the charter commission was elected in a town with its annual meeting in April, on or before February 15 of the following year.
  - (c) If the charter commission was elected in a town with its annual meeting in May, on or before March 15 of the following year.
  - (d) If the charter commission was elected at a biennial municipal election, on or before September 15 of the following year.

- (e) (e) If the charter commission was elected in a municipality not described in subparagraph (a), (b), (c), or (d), within 245 days after its election.
- II. Upon the submission of the final report, the municipal officers shall order the proposed new charter to be submitted to the voters at the next municipal election after the filing of the final report, unless the final report recommends that no charter be adopted, as provided in RSA 49-B:4, VII. In the case of municipalities with biennial elections, the charter shall be submitted to the voters at the next regular municipal election or at a special municipal election so long as such election is held at least 45 days after the filing of the final report. If the next regular election is less than 45 days after the filing of the report, the charter shall be submitted at the following regular election.
- III. Except as provided in RSA 49-B:4-c, the charter commission shall continue in existence for 60 days after submission of its final report to the municipal officers, or until the date of the election at which the charter is voted upon, whichever is later, for the purpose of winding up its affairs.

**Source.** 2014, 292:2, eff. Sept. 30, 2014.

#### **Section 49-B:4-c**

##### **49-B:4-c Continuation of Charter Commission. –**

- I. If the charter commission is unable to obtain approval pursuant to RSA 49-B:4-a in time to submit its final report by the date established in RSA 49-B:4-b, or otherwise does not complete its preliminary or final report in accordance with the schedule established in this subdivision, it shall continue in existence for another year. Subject to paragraph II, if the commission's existence continues, any requirements of RSA 49-B:4, V and VI, RSA 49-B:4-a, and RSA 49-B:4-b that have not previously been satisfied shall apply as if the commission had been elected in the second year.
- II. A charter commission shall not be extended beyond a second year of existence.

**Source.** 2014, 292:2, eff. Sept. 30, 2014.

#### **Revision of Municipal Charter**

#### **Section 49-B:4-d**



**49-B:4-d Definition of Revision.** – For purposes of this chapter, a "revision" to a municipal charter shall mean any change to an existing charter that results in a change in the municipality's form of government to any of the following forms:

- I. Traditional town meeting.
- II. Official ballot town meeting.
- III. Town council.
- IV. Official ballot town council.
- V. Budgetary town meeting.
- VI. Representative town meeting.
- VII. City under mayor-alderman plan.
- VIII. City under council-manager plan.
- IX. Any other form hereafter expressly authorized by statute.

**Source.** 2014, 292:2, eff. Sept. 30, 2014.

#### **Section 49-B:4-e**

**49-B:4-e Procedure for Revising Charter.** –

- I. The municipal officers may determine that a revision of the municipal charter is necessary and, by order, submit the question of establishment of a commission to revise the charter to the voters, in the same manner as provided for the establishment of a charter commission under RSA 49-B:3; or
- II. On the written petition of a number of voters equal to 20 percent of the number of ballots cast in the municipality at the last regular municipal election, but in no event fewer than 10 registered voters, the municipal officers shall, by order, submit the question of establishment of a commission to revise the charter to the voters as provided in this section. The petition shall read substantially as follows: "Each of the undersigned voters requests the municipal officers to submit to the voters, at the next municipal election, the question of establishment of a charter commission to draft a revision to the municipal charter." The petition shall be submitted on or before the date indicated for a petition under RSA 49-B:3, II.
- III. The establishment of a commission to revise the charter, the membership of the commission, and the procedures of the commission shall in all respects be the same as for a commission to draft a new charter under RSA 49-B:3, RSA 49-B:4, RSA 49-B:4-a, and RSA 49-B:4-b, including all dates and time periods thereunder, except that the following question shall be substituted for the question specified in RSA 49-B:3, IV:

"Shall a charter commission be established for the purpose of revising or amending the municipal charter?"

- IV. If a commission that has been elected to revise the charter determines that one or more amendments to the charter are required, it may propose such amendments.
- V. A commission to revise the charter shall not be continued under RSA 49-B:4-c.

**Source.** 2014, 292:2, eff. Sept. 30, 2014.

## **Amendment of Municipal Charter**

### **Section 49-B:4-f**

**49-B:4-f Definition of Amendment.** – For purposes of this chapter, an "amendment" to a municipal charter shall mean any change to an existing charter that does not constitute a revision under RSA 49-B:4-d.

**Source.** 2014, 292:2, eff. Sept. 30, 2014.

### **Section 49-B:5**

#### **49-B:5 Charter Amendments, Procedure. –**

- I. The municipal officers may determine that one or more amendments to the municipal charter are necessary and, by order, provide for notice and hearing on them in the same manner as provided in RSA 49-B:5, V(a). Within 7 days after receiving approval from the secretary of state, the attorney general, and the commissioner of the department of revenue administration under RSA 49-B:4-a, the municipal officers may order the proposed amendment to be placed on a ballot at the next regular municipal election. In the case of municipalities with biennial elections, the municipal officers may order amendments to be placed on the ballot at either the next regular municipal election or the next state biennial election, whichever occurs earlier, that occurs not less than 60 days after the order.
  - (a) Each amendment shall be limited to a single subject, but more than one section of the charter may be amended as long as it is germane to that subject.
  - (b) Alternative statements of a single amendment are prohibited.
- II. On the written petition of a number of voters equal to at least 20 percent of the number of ballots cast in a municipality at the last regular municipal

election, but in no case fewer than 10 voters, the municipal officers shall, by order, provide that proposed amendments to the municipal charter be placed on a ballot in accordance with the procedures set out below:

- (a) Each amendment shall be limited to a single subject but more than one section of the charter may be amended as long as it is germane to that subject.
- (b) Alternative statements of a single amendment are prohibited.

II-a. The following procedure shall be used in the alternative method set out in paragraph II:

- (a) Any 5 voters of the municipality may file with the municipal clerk an affidavit stating that they shall constitute a petitioners' committee. Such affidavit shall be signed by the members of such committee and an additional 20 voters of the municipality and shall include:
  - (1) The language of each proposed amendment.
  - (2) The names and addresses of the committee members.
  - (3) The address to which all notices to the committee are to be sent.
- (b) The petitioners' committee, or voters of the municipality designated by the committee, may circulate the petition and file it in proper form.
- (c) Promptly after the affidavit is filed by the petitioners' committee, the clerk shall file a certified copy of the affidavit, including the proposed amendment, for review of the proposed amendment in accordance with RSA 49-B:4-a. Promptly after receiving approval of the proposed amendment from the state officials under RSA 49-B:4-a, the clerk shall issue petition blanks to the committee.

- III. (a) The petition forms shall read substantially as follows: "Each of the undersigned voters respectfully requests the municipal officers to provide for the amendment(s) of the municipal charter as set out below." If more than one subject is included in a petition, each subject shall be addressed in a separate amendment. Each signature affixed to a petition shall be in ink or other indelible instrument and shall be followed by the place of domicile of the voter with street and number, if any. No petition shall contain any party or political designation.
- (b) The clerk shall note the date of each petition form issued and all petitions, unless sooner filed, shall become null and void for every purpose on the 120th day after the date of issue.
- (c) Each petition form shall have printed on its back an affidavit to be executed by the circulator, stating that he personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his presence, that he believes them to be genuine

- signatures of the persons whose names they purport to be, that each signer has signed no more than one petition, and that each signer had an opportunity before signing to read the petition.
- (d) Petition forms shall be assembled as one instrument and filed at one time with the clerk. The clerk shall note thereon the date of filing.
- III. Within 20 days after the petition is filed, the clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective, shall promptly send a copy of the certificate to the petitioners' committee by mail, and shall file a copy with the municipal officers.
- (a) A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the clerk within 2 days after receiving the copy of his certificate. Within 10 days after the date of filing of the notice of intention, the committee may file a supplementary petition to correct the deficiencies in the original petition. Such supplementary petition shall in form and content comply with the requirements for an original petition under paragraph III.
- (b) Within 5 days after the filing of a supplementary petition the clerk shall complete and file a certificate as to its sufficiency in the manner provided for in an original petition.
- (c) When an original or supplementary petition has been certified insufficient, the committee may, within 2 days after receiving the copy of the clerk's certificate, file a request with the municipal officers for review. The municipal officers shall inspect the petitions and shall make due certificate thereof, copies of which shall be filed with the municipal clerk and mailed to the committee. The certificate of the municipal officers shall be a final determination of the sufficiency of the petitions.
- (d) Any petitions finally determined to be insufficient shall be void. Such petitions shall be stamped void by the clerk and shall be sealed and retained by the clerk in the manner required for secret ballots.
- IV. (a) Within 10 days of receipt of a report that a petition is sufficient, the municipal officers shall by order provide for a public hearing on the proposed amendment. The notice of the hearing shall be published in a newspaper having general circulation in the municipality at least 7 days prior to the hearing, and shall contain the text of the proposed amendment and a brief explanation. The hearing shall be conducted by the municipal officers or a committee appointed by them; provided that in the case of an amendment submitted by

voter petition, the hearing shall be conducted by the municipal officers. If, as a result of the public hearing, substantive changes are made to the proposed amendment, a second hearing shall be held. Notice of the hearing and the conduct thereof shall be as provided in this section.

- (b) Within 7 days after the last public hearing, the municipal officers or the committee appointed by them shall file with the municipal clerk a report containing the final draft of the proposed amendment and a written opinion by an attorney admitted to the bar of this state that the proposed amendment is not in conflict with the general laws or the constitution. In the case of a committee report, a copy shall be filed with the municipal officers. Upon such filing, the provisions of RSA 49-B:4-a shall apply in the same manner as for a charter adoption; provided, however, that the municipal officers or the appointed committee shall be substituted for the charter commission for purposes of RSA 49-B:4-a, III.
- (c) Within 7 days after the approval by the secretary of state, the attorney general and the commissioner of the department of revenue administration, or within 7 days after the last public hearing in the case of an amendment submitted by voter petition, the municipal officers shall order the proposed amendment to be placed on the ballot at the next regular municipal election. In the case of municipalities with biennial elections, the municipal officers shall order the amendments to be placed on the ballot at either the next regular municipal election or at a special municipal election that occurs not less than 60 days after the date of the order.

**Source.** 1979, 241:1. 1988, 223:4, 5. 1991, 304:13. 1992, 96:2, 3. 1995, 53:2. 2005, 38:1. 2008, 230:1, 2, eff. Aug. 19, 2008. 2014, 292:2, eff. Sept. 30, 2014.

## **General Provisions Applicable to Charter Actions**

### **Section 49-B:6**

**49-B:6 Submission to Voters.** – The method of voting at municipal elections when a question relating to a charter revision, a charter adoption, or a charter amendment is involved shall be in the manner prescribed for municipal elections. In a town, the question shall appear on the ballot before any other questions except the election of officers. In a city, the question shall appear in the order determined by the city clerk.

- I. In the case of a charter revision or a charter adoption the question to be submitted to the voters shall include a summary prepared by the charter commission which explains both the current form of government used by the municipality and the changes in that form of government which will occur if the charter revision or charter is approved by the voters. The question to be submitted to the voters shall be in substance as follows:

"Shall the municipality approve the (charter revision) (charter) recommended by the charter commission?"

- II. (a) Subject to subparagraph (b), in the case of one or more charter amendments, each amendment shall be voted upon separately and the question to be submitted to the voters on each amendment shall be in substance as follows:

"Shall the municipality approve the charter amendment reprinted (summarized) below?" Each such question shall be followed by the text or a summary of the amendment.

- (b) Alternatively, at the discretion of the charter commission, 2 or more amendments may be listed and voted upon together. In such case, the question shall be in substance as follows:

"Shall the municipality approve the charter amendments reprinted (summarized) below?" The question shall be followed by the text or summary of each of the amendments that are being voted upon together.

- III. (a) In the case of a charter revision or charter adoption, at least 2 weeks prior to the date of the election the municipal officers shall cause the final report of the charter commission to be printed, shall make copies available to the voters in the clerk's office, and shall post the report in the same manner that proposed ordinances are posted.
- (b) In the case of one or more charter amendments, at least 2 weeks prior to the date of the election, the municipal officers shall cause the proposed amendment and any summary thereof to be printed, shall make copies available to the voters in the clerk's office, and shall post the amendment and any summary thereof in the same manner that proposed ordinances are posted.

- IV. If at least 3/5 of the ballots cast on any question under paragraph I favor acceptance, the new charter or the charter revision shall become effective as provided in subparagraph (a). If a majority of the ballots cast on any question under paragraph II favor acceptance, the charter amendment shall become effective as provided in subparagraph (b).

- (a) Charter revisions, new charters, or repeals of charters adopted by the voters shall become effective immediately for the purpose of conducting necessary elections; otherwise charter revisions, new charters, and repeals of charters shall become effective on the first day of the next succeeding municipal year or as specified in any transition provisions of the charter.

- (b) Charter amendments adopted by the voters shall become effective on the first day of the next succeeding municipal year or on a date determined by the municipal officers, whichever occurs first.

**Source.** 1979, 241:1. 1983, 34:1. 1985, 128:1. 1991, 304:9, eff. Aug. 23, 1991. 2014, 292:2, eff. Sept. 30, 2014.

AGREEMENT

The City of Portsmouth, a municipal corporation with a principal place of business of 1 Junkins Avenue, Portsmouth, County of Rockingham and State of New Hampshire (hereinafter "City") and Art-Speak, a non-profit corporation, with a principal place of business of 1 Junkins Avenue, Portsmouth, County of Rockingham and State of New Hampshire hereby enter this agreement for the purposes contained therein:

**WHEREAS** Art-Speak was created to act on behalf of the City of Portsmouth on cultural matters;

**WHEREAS** Art-Speak was charged by the City of Portsmouth with implementing the cultural plan developed by the Mayor's Blue Ribbon Commission on Arts and Culture adopted by the City Council and incorporated into the City's Master Plan;

**WHEREAS** Art-Speak seeks financial support and assistance with administrative functions necessary to serve its purposes on behalf of the City of Portsmouth; and,

**WHEREAS** the City desires the services of Art-Speak to act as liaison between the City and the Community on arts and cultural matters for the aforementioned purposes;

Now then, during the term of this agreement (Article 5);

1. Art-Speak shall provide the following services to the City of Portsmouth:
  - A. Promote appreciation, awareness, participation, and dialogue in the support of arts and culture in the City of Portsmouth;
  - B. Serve in an advisory capacity for all City government departments;
  - C. Provide an annual state-of-the-City cultural report;
  - D. Manage the Art-Speak website and social media tools;
  - E. Convene an annual arts and cultural forum;
  - F. Manage the Public Art Referral Policy, acquisitions, donations and stewardship guidelines;
  - G. Monitor Percent for Art Ordinance guidelines; administer the RFP process; manage installations in concert with the City; and undertake relevant promotion, advocacy, communication and education.
  - H. Conduct Arts and Economic Prosperity Study with the Americans for the Arts;
  - I. Provide business and cultural exchanges;
  - J. Manage the Piscataqua Arts and Cultural Alliance (PACA);
  - K. Provide regional and state cultural collaboration opportunities; and
  - L. Manage its accounting and financial services and be responsible in all aspects for its own tax filings as required under Section 501 (c)



(3) of the Internal Revenue Tax Code. Art-Speak shall provide the City a financial statement on an annual basis including a summary of revenues raised and expenditures.

2. The City shall provide funding in the amount of \$15,000 in FY 15/16 for the aforementioned services and, to a degree which it deems appropriate, perform the following services on behalf of Art-Speak.
  - A. Supply office space, telephone, computer and normal office supplies, materials, postage, and secretarial, legal, and technical services for the contractor; and
  - B. Liaison with City to departments, commissions, and Boards of the City of Portsmouth with respect to cultural matters and to implementation of Percent for Art Ordinance and the City's Public Art Referral Policy.
  - C. Support in preparation of grants.
3. The City shall provide other services and pay additional funds as negotiated and approved by its City Manager.
4. The City shall retain services of an independent contractor selected in consultation with Art-Speak. Such contractor shall be assigned to serve as Executive Director of Art-Speak under a separate agreement to be negotiated between the contractor, Art-Speak and the City.
5. This agreement is in force until from July 1, 2015 to June 30, 2016 and may be terminated, extended or renegotiated at that time.

Dated this \_\_\_\_\_ day of May 2015.

**City of Portsmouth**

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

Dated this \_\_\_\_\_ day of May 2015

**Art-Speak**

By: \_\_\_\_\_  
Mike Teixeira  
Art-Speak President

## **CITY COUNCIL MEETING**

MUNICIPAL COMPLEX  
DATE: MONDAY, MAY 4, 2015

PORTSMOUTH, NH  
TIME: 6:30PM

At 6:30 p.m., an Anticipated “Non-Meeting” with Counsel was held regarding Litigation – RSA 91-A:2, I (b).

### **I. CALL TO ORDER**

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

### **II. ROLL CALL**

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

### **III. INVOCATION**

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

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

Sophia Nute led in the Pledge of Allegiance to the Flag.

### **PROCLAMATIONS**

#### **1. Poet Laureate**

David Phreaner provided a brief history of the Poet Laureate program and announced that this would be the 10<sup>th</sup> Poet Laureate.

Councilor Kennedy read the Proclamation declaring Kate Leigh as the 2015 Poet Laureate. Ms. Leigh was presented the quill from the former Poet Laureate Kimberly Cloutier Green. Ms. Leigh accepted the Proclamation with thanks and read one of her poems for the City Council entitled Lilacs.

#### **2. Police Week in Portsmouth – Peace Officers’ Memorial Day**

Councilor Shaheen read the Proclamation declaring May 10, 2015 – May 16, 2015 as Police Week in the City of Portsmouth and May 15<sup>th</sup> as Peace Officers’ Memorial Day. Mayor Lister presented the Proclamation to Police Chief Dubois who accepted it with thanks and appreciation.

#### **3. Bike/Walk to Work Day**

Councilor Lown read the Proclamation declaring May 15, 2015 as Bike/Walk to Work Day in Portsmouth. Mayor Lister said the Proclamation will be placed on file.

## V. ACCEPTANCE OF MINUTES – APRIL 20, 2015

**Councilor Lown moved to approve and accept the minutes of the April 20, 2015 City Council meeting. Seconded by Councilor Shaheen and voted.**

## VI. PUBLIC COMMENT SESSION

Bob Shouse said part of the parking solution is at hand this evening. He said if the second garage is built at the Gary's Beverage lot than the third parking garage should be created at the Worth Lot.

Jonathan Sobel submitted a petition regarding Sheafe Street where the residents are requesting residential parking and that no parking meters are installed on their street.

Roy Hesel spoke in favor of electing the Mayor separate from the City Council and to create Ward City Councilors to expand the Council representation around the entire City.

Merle White, Anchor Taxi presented a letter to the City Council that was an email sent by UBER to encourage contacting the City Council to express support of UBER remaining in the City.

John Paleriro, Great Bay Taxi said UBER has not presented their insurance to the City as of today. He said the taxi owners are required to carry liability insurance and UBER should as well.

George Dempsey said the City needs to acknowledge the decent police officers in the department. He spoke to the many issues facing the Police Department currently.

Paul Mannle said it is not appropriate to stifle comments from the public. He asked when the City became anti pro speech and that there needs to be more of a dialogue between residents and the City Council.

## VII. PUBLIC HEARING

- A. 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

City Manager Bohenko provided a presentation on the new Parking Facility and spoke to the work of the Economic Development Commission in finding this location.

Everett Eaton, EDC Chair, said the EDC Subcommittee has worked on this matter for the last 14 months and all 20 sites where considered and rated and 165 Deer Street is the site recommended by the EDC.

Nick Cracknell, Planner spoke on the long term vision of the north end which is where the new parking facility will be located. Planner Cracknell showed renderings of a possible design for the building with an active streetscape. He spoke to the main components of the Municipal Parking Garage Project micro-Apartments, Ground-Floor Commercial space, Civic space and a Mixed-Used Building that would be a liner building. He reported that the facility would have 600 parking spaces and would be a 5 story building.

City Manager Bohenko spoke regarding the pro-forma for the garage. He addressed the existing pass holders and transient users at the High Hanover Parking Garage and the proposed increased rates for 2017. He reported of the remaining 500 pass holders the rate for 24 hours would go to \$150.00 and the 12 hour rate to \$125.00. He said an increase in the hourly rate would increase from \$1.00 to \$1.25. He also addressed existing and proposed meter-rates, on street meter rates for the high occupancy spaces will increase to \$2.00 in 2017 and the non high occupancy spaces will increase to \$1.50. City Manager Bohenko reported on the projected expenditures and revenues for the new garage and the projected new revenue from the High Hanover garage and the new meter revenue. He spoke to the next steps being as follows:

- Revised letter of intent (Non-Binding) – May, 2015
- Site Analysis – (ongoing)
- Financial Analysis (ongoing)
- Bonding Authorization (May 4, 2015)
- Development Agreement (May-June, 2015)
- Design & Permitting (July 2015 – March 2016)
- Building Construction (2016 – 2017)

Mayor Lister reopened the public hearing and said individuals will be given two opportunities to speak, the first will be for 2 minutes and the second round if needed, will be for 3 minutes.

*The following individuals spoke in favor of the Public Hearing:*

1. Rick Chellman
2. Brian Kelly, Seacoast Repertory Theatre
3. Monte Bohanan, Music Hall
4. Nancy Novelline Clayburgh
5. Chirstina Lusky
6. Steve Marchand
7. Paul Young
8. Tracey Kozak
9. Harold Whitehouse
10. Crystal Paradis
11. Jasmin Hunter
12. Sally Mulhern
13. Greg Schwartz
14. Jason Boucher
15. Ms. Joy
16. Abby Hackett

17. Chris Hackett
18. Barry McArdle
19. Lisa DeStefano
20. Mike Talis
21. Jeff Mountjoy
22. Phil Cohen
23. Sophia Nute
24. Jennifer Zorn
25. Joe Lamond
26. Duncan Craig
27. Peter Weeks
28. Dixie Tarbell
29. Eric Weinrieb
30. Ned Reynolds
31. Caitlyn Hassett
32. Dan Whitham, Sheraton Harborside Hotel
33. Kathleen Cavalaro, Seacoast Repertory Theatre
34. Nancy Potter
35. Dan
36. Peter Loughlin
37. David Moreau
38. Elizabeth Moreau
39. Katrina Quintans
40. Joshua Cyr
41. Jim Jalbert
42. Lily
43. Trevor Bartlett
44. Doug Bates, Greater Portsmouth Chamber of Commerce
45. Judy Miller
46. Jeff Kisiel

*The following individuals spoke opposed to the Public Hearing:*

1. Susan Denenberg
2. Claire Kittredge
3. Paul Mannle
4. Joe Caldarola
5. Rick Becksted

*The following individuals spoke for the second round of speakers:*

1. Rick Becksted
2. Joe Caldarola
3. Susan Deneberg
4. Phil Cohen

5. David Moreau
6. Brian Kelly
7. Jason Boucher
8. Paul Mannle

With no further speakers Mayor Lister closed the public hearing.

Mayor Lister called for a brief recess at 9:50 p.m. At 10:05 p.m., Mayor Lister called the meeting back to order.

## **IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES**

- A. Adoption 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

**Councilor Spear moved to Adopt the Proposed Resolution, as presented. Seconded by Councilor Shaheen.**

Councilor Spear said we have heard a great deal regarding the benefits of a new parking garage and the staff has looked at great depth to find another location for a parking garage. He thanked the staff and EDC for their hard work and those that came out this evening in order to have their voices heard on this matter.

Councilor Shaheen said we have a historic opportunity that has plagued this community for too long. She thanked everyone that has worked so hard on this issue. She said the City Council, staff and City Manager Bohenko have worked on the front lines of this. She thanked the community and everyone for being here this evening. Councilor Shaheen said the time is now and we need to move forward.

Assistant Mayor Splaine said that this is a perfect location and we are ensuring that there will be quality parking for the City with building this garage at 165 Deer Street. He said he was fascinated by the civility of the discussion and this is the passion we needed to get to yes on this matter. He stated that this project has not been rushed in any means. Assistant Mayor Splaine said he supports satellite parking and having a transportation center.

Councilor Lown spoke to City staff and the EDC for their hard work. He thanked everyone that came out to speak on this matter. He said he will vote on this matter and will vote in favor of the motion. He stated he has no personal or financial benefits to this lot and does not have a conflict of interest. Councilor Lown said the matter of reduced parking for residents will be on the next Parking & Traffic Safety Committee agenda for review.

Councilor Thorsen said that this has been a long road and knows we need more parking in the area of the downtown, but more in the north end. He stated when the Council received the price for the new parking garage he also felt it was too expensive, but then the plan came out and the various increases in parking fees will help with the expense. He said he would like to see a 50% discount for resident parking. He said he would prefer to see a revenue bond versus a general obligation bond because a revenue bond will tie the garage to the revenues that are going to pay for it.

Councilor Dwyer said this needs to be a comprehensive plan with a set of principles and guidelines. She stated we will need to plan for more parking after this garage and she hopes we get ahead of it this time. She said she wants to place a priority on resident parking and that is where the pressure will be for the next couple of years.

***Councilor Kennedy moved to amend the motion to make this a revenue bond. Seconded by Councilor Morgan.***

Councilor Kennedy said she is please that so many people came out and that the City Council is here to support everyone. She said she is concern for the elderly and feels this needs to be a revenue bond that will put an end to making this a taxpayers issue. She stated we need a transportation plan and a transportation center in the City.

City Manager Bohenko said the City has a triple A rating and we can borrow at a low rate. He said in order to have a revenue bond we would need to make our parking fund an enterprise fund and we would no longer be able to use revenues for the general fund. He said we would also not receive the rate we would with a revenue bond versus a general fund bond and we would need to purchase principle and interest insurance for the bond.

Councilor Thorsen said he did not have this answer on Friday when he brought it forward and he is no longer in favor of a revenue bond and was sorry for this uninformed idea.

***Councilor Kennedy withdrew the amendment to the motion and Councilor Morgan the second to the motion.***

Discussion followed on increasing the rates and having the Fee Committee review the matter.

Councilor Kennedy asked when the next vote on the garage would take place. City Attorney Sullivan said the purchase and sales agreement would be the next vote and that would be a complicated and complex document.

Councilor Morgan said there has been great discussion and thanked everyone that sent messages and called. She said she is happy with the civility this evening and would like to point out that along with the hours we have an enormous amount of volunteers that have worked on this matter. She said we need a parking structure on Deer Street but would like the Frank Jones property to be looked at. She would like to hear more of the time line for the project at the next City Council meeting and she would vote in support of the Resolution.

Mayor Lister passed the gavel to Assistant Mayor Splaine.

Mayor Lister thanked everyone for coming out this evening and for the messages on this matter and that parking is not a single issue in the City. He said we are very fortunate in the City because everyone worked together and he is proud of the City and the neighborhoods. He said this is a great place to be and it is not about the destination it is about the journey. He stated he works with an amazing City staff and City Manager Bohenko.

Assistant Mayor Splaine returned the gavel to Mayor Lister.

**On a unanimous roll call 9-0, voted to Adopt the Proposed Resolution, as presented.**

## **X. CONSENT AGENDA**

- A. Acceptance of Membership Dues to Art-Speak
  - Harbor Light Stage Inc. - \$100.00

***(Anticipated action – move to approve and accept the membership dues to the Piscataqua Arts & Cultural Alliance, a program of Art-Speak, as listed)***
- B. Letter from Sister Mary Agnes, Run with the Cause, requesting to hold the 19<sup>th</sup> Annual St. Charles Children's Home 5k Road Race at Pease International Tradeport on Monday, September 7, 2015 at 9:00 a.m. ***(Anticipated Action – move to refer to the City Manager with power)***
- C. Letter from Josh Pierce, Seacoast Area Bicycle Riders, requesting permission to allow SABR to host a commuter breakfast on Friday, May 15, 2015 from 7:00 a.m. to 10:00 a.m. ***(Anticipated action – move to refer to the City Manager with power)***
- D. Letter from Duncan Regonini, Portsmouth Professional Firefighters Local 1313, requesting permission to hold 2 boot drives, the first on Saturday, June 27, 2015, and the second on Saturday, August 8, 2015 from 8:00 a.m. to 5:00 p.m. in Market Square ***(Anticipated action – move to refer to the City Manager with power)***
- E. Request for License from James Woodhouse, owners of Louie's for property located at 84-86 Pleasant Street for a projecting sign on an existing bracket ***(Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of James Woodhouse, owners of Louie's for a projecting sign at property located at 84-86 Pleasant Street and, further, authorize the City Manager to execute License Agreements for this request)***



**Planning Director's Stipulations:**

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

- F. 2015 Omnibus Sidewalk Obstruction Renewals (Final) *(List Attached)*  
***(Anticipated Action – move to refer to the City Manager with power)***
- G. Letter from Robert L. Sutherland, Jr., St. John's Lodge No. 1, requesting permission to March from the William Pitt Tavern to St. John's Church on Sunday, June 21, 2015 at 9:00 a.m. ***(Anticipated action – move to refer to the City Manager with power)***
- H. Letter from Mike Young, President of Portsmouth Babe Ruth, requesting permission to place 10 outfield signs on the inside of the fence at Leary Field  
***(Anticipated action – move to refer to the City Manager with power)***

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

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

- A. Friends of Sheafe Street Petition requesting "Residential Parking Only" on Sheafe Street from 5:00 p.m. to 9:00 a.m. Monday – Sunday, maximum day-time parking allowed and further to designate Residential Reserved evening Parking on Sheafe Street and not install Parking meters on the residential street

**Councilor Kennedy moved to refer to the Parking & Traffic Safety Committee for report back. Seconded by Councilor Spear and voted.**

- B. Letter from Attorney Bernard Pelech regarding Portsmouth Land Acquisition, LLC Proposed Rezoning Bartlett Street and Route 1 Bypass Area

Deputy City Manager Allen said the letter is requesting that the group of properties go through a design review and it is not for vesting purposes.

Councilor Dwyer said this would be difficult without more information for the City Council to vote on this matter. City Attorney Sullivan said a yes vote by the City Council would allow the Planning Board to talk about this matter. Councilor Dwyer asked if we could authorize the Planning Board to look at it without a sign off.

**Councilor Spear moved the City Council authorize Portsmouth Land Acquisition, LLC to submit a proposal for Design Review to the Planning Board which includes a portion of City Land. Seconded by Councilor Morgan.**

City Attorney Sullivan stated this project cannot be built under the current zoning ordinance.

**Motion passed with Councilors Kennedy and Morgan voting opposed.**

- C. Letter from Michael Busby, Eversource Energy, regarding Proposed Hanover/High Street Underground Improvement Project

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

- D. Letter from Delmira Pirini Morse regarding the pursuit of a Memorial for the Immigrants who resided in the North End

**Councilor Spear moved to accept the letter and place it on file. Seconded by Assistant Mayor Splaine.**

Assistant Mayor Splaine said he wants to ensure that Ms. Morse is kept inform on this matter.

**Motion passed.**

**Councilor Morgan moved to suspend the rules in order to take up Items XII. D.1. & F.1. – Update on the Prescott Park Arts Festival. Seconded by Assistant Mayor Splaine and voted.**

#### **XII D.1. & F.1. – Update on the Prescott Park Arts Festival**

Councilor Kennedy said this is under her name on the agenda for informational. She would like residents to hear the outcome of the Committee's decision and if there is another outreach person could they meet with residents. She also asked how people can share information.

Councilor Morgan said she would like to have a report back from the Committee. She would like this on the next City Council agenda.

Councilor Shaheen said Mayor Lister is reconvening the working group and a report back will be provided after the meeting of the working group. She reported that Ben and the Board are working on the vacancy from the resignation of Joey.

Councilor Kennedy said she would like people to meet on the agreement and would like a time line of when that would take place.

Mayor Lister said he has a meeting next week with the working group.

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

### **A. CITY MANAGER**

1. Request for First Reading of Proposed Ordinance Amending Chapter 1, Article VIII, Section 1.807 of the Ordinances – BEQUESTS OR GIFTS TO CITY EMPLOYEES

**Councilor Lown moved to authorize the City Manager to bring back for first reading at the May 18, 2015 City Council meeting the aforementioned Ordinance, as presented. Seconded by Councilor Shaheen.**

Councilor Dwyer said she feels we need to play out some of these items within the ordinance before it goes to first reading. She said items #1 and #3 of the ordinance make sense but items #2 and #4 do not and have unintended consequences.

***City Manager Bohenko withdrew his recommendation and will work with Councilor Lown and City Attorney Sullivan on the ordinance to address the concerns expressed by Councilor Dwyer relative to Items 2 and 4.***

2. Request for Approval of Parking Agreement with Connect Community Church

**Councilor Spear moved to approve the aforementioned License Agreements, and further, authorize the City Manager to execute Agreement, as presented. Seconded by Councilor Shaheen and voted.**

City Manager Bohenko reminded the City Council of the All Day City Council Budget Work Session with Departments on Saturday, May 9<sup>th</sup> at 8:00 a.m. in the Levenson Room at the Library.

City Manager Bohenko announced that the City Council will be holding the Public Hearing on the FY16 Budget on Monday, May 11, 2015 at 7:00 p.m. in the Eileen Dondero Foley Council Chambers.

### **B. MAYOR LISTER**

1. Appointments to be Considered:
  - Appointment of Matthew Cardin to the Conservation Commission as a Regular member
  - Appointment of Kimberly Meuse to the Conservation Commission as a Regular member
  - Appointment of Kate Zamarchi to the Conservation Commission as a Regular member

- Appointment of Adrienne Harrison to the Conservation Commission as an Alternate member
- Appointment of Samantha Wright to the Conservation Commission as an Alternate member
- Reappointment of Carl Diemer to the Recreation Board
- Appointment of Patrick Moretti to the Zoning Board of Adjustment as a Regular member

The City Council considered the appointments listed above and will take action on these at the May 18, 2015 City Council meeting.

**C. ASSISTANT MAYOR SPLAINE**

1. Arranging an Interactive Work Session for PS21 Topics on the Search for Walkability, On-Street Parking, and Street Flow

Assistant Mayor Splaine requested to have this on for the May 18, 2015 City Council Agenda due to the late hour.

**E. COUNCILOR LOWN**

1. Parking & Traffic Safety Committee Action Items and Minutes of the April 9, 2015 meeting

**Councilor Spear moved to approve and accept the minutes of the April 9, 2015 Parking & Traffic Safety Committee meeting. Seconded by Councilor Dwyer and voted. Councilor Kennedy voted opposed.**

**F. COUNCILOR MORGAN**

2. May 11<sup>th</sup> Pease Development Authority Airport Committee meeting at 6:00 p.m. at the PDA Office Re: Helicopter Sales

Councilor Morgan announced on May 11<sup>th</sup> at 6:00 p.m. at the PDA Office there will be a meeting regarding Helicopter Sales.

**G. COUNCILOR THORSEN**

1. New Parking Garage (Update)

Councilor Thorsen said this was informational only.

**XIII. MISCELLANEOUS/UNFINISHED BUSINESS**

**XIV. ADJOURNMENT**

**At 11:30 p.m., Assistant Mayor Splaine moved to adjourn. Seconded by Councilor Spear and voted.**

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

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

## **SPECIAL CITY COUNCIL MEETING**

MUNICIPAL COMPLEX  
DATE: MONDAY, MAY 11, 2015

PORTSMOUTH, NH  
TIME: 7:00PM

### **I. CALL TO ORDER**

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

### **II. ROLL CALL**

Present: Mayor Lister, Assistant Mayor Splaine, Councilors Shaheen, Kennedy (7:05 p.m.), Lown, Dwyer, Morgan (7:05 p.m.), Spear and Thorsen

### **III. PUBLIC HEARING**

A. PROPOSED FY JULY 1, 2015 THROUGH JUNE 30, 2016 BUDGET

### **IV. PRESENTATION – JOHN P. BOHENKO, CITY MANAGER**

City Manager Bohenko provided a presentation on the FY16 Budget. He stated the budget covers services for all City departments. He reported on the Budget Work Session held on Saturday where the departments presented their budgets to the City Council. He spoke to the Joint Budget Committee (JBC) recommendation of a guideline set for existing services and the budget would not increase more than 3.9%. City Manager Bohenko said he is presenting a budget that is below the recommendation of the JBC with an increase of 2.86% for a total budget request of \$101,433,702.00. He stated that 83% of the budget is made up of salaries and benefits. City Manager Bohenko said due to the uncertainty of negotiated salaries and benefits associated with the 9 unsettled agreements, the FY16 proposed budget includes \$490,000.00 appropriation to reserve funds to offset costs. He addressed the net increase of .21 full-time positions as follows:

- Police Department – Addition of one Dispatcher
- Public Works – Net decrease of 3.9 FTE:
  - One addition sanitary laborer
  - Reallocation of a portion of the Equipment Maintenance staff to the Water, Sewer, and Parking
- School Department – Net increase of 3.11 FTE:
  - Decrease of one Elementary Teacher
  - Increase of one Career & Technical Education Teacher to Full Time
  - Three Elementary Reading Teachers no longer funded by Federal Grants

City Manager Bohenko reported on the health insurance increase of 2.7% and retirement increase 7.28% for the general government, police, fire and school departments. He addressed the major impacts on the Non-Operating Budget being Debt Service, Rockingham County Tax and Capital Outlay. He said over the last 10 years, the total Rockingham County tax obligation has increased over 26% while Portsmouth share of this tax obligation has increase more than 55%.

City Manager Bohenko spoke to the various revenues and the parking revenue which is estimated to be \$5,459,500.00. City Manager Bohenko reported on the history of our bond rating and how we remain at an AAA rating. He said our long-term liabilities are as follows:

- Unassigned Fund Balance Ordinance
- Leave at Termination Stabilization Fund
- Health Insurance Stabilization Fund
- Debt Service Planning Policy
- Capital Improvement Plan
- Rolling Stock Replacement Program

City Manager Bohenko spoke to the downshift of State obligations as it relates to Meals and Rooms Tax and Retirement. He said Portsmouth receives only 1.6% of the \$63.8 million Meals and Rooms tax distributed to cities and towns statewide.

He said in terms of retirement, prior to FY10 the State contributed 35% of the employer's share to NHRS for Teachers, Police, and Fire personnel. The State reduction of the contribution to Portsmouth equates to \$8.3 million in the past seven fiscal years.

Total Effect of State Downshift for FY2000 – FY2016

<b>State Program</b>	<b>Total FY 00-16 City of Portsmouth Effect</b>
Shared Revenue	\$12,079,319.00
Statewide Property Tax	\$11,750,318.00
Rooms and meal Distribution	\$1,000,000.00
Retirement Contribution	\$8,300,000.00
<b>Total</b>	<b>\$33,129,637.00</b>

He reported on the projected tax rate increase is \$0.48 which equates to a median residential home valued at \$319,000.00 an annual increase of \$153.17 with a monthly increase of \$12.76.

City Manager Bohenko stated that Portsmouth has the lowest equalized tax rate out of the 13 cities in New Hampshire at a rate of \$16.11. The cities compared with are Laconia, Nashua, Manchester, Franklin, Concord, Dover, Lebanon, Rochester, Somersworth, Keene, Claremont and Berlin.

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

Erik Anderson said he is impressed with City Manager Bohenko's presentation this evening and the only comment he can make is that he is concerned that the budget has exceed \$100 million. He stated we are not a very big City and should not have a budget this size. He spoke to the State pushdowns but we can't say they are entirely at fault for the budget being at \$101 million. He asked what the surrounding communities budgets are such as Newington, New Castle, Stratham, Greenland, and Rye. Mr. Anderson said he does not know where to go to make a recommendation for a reduction in the budget. He asked the City Council to keep the budget below \$100 million.

**Councilor Morgan moved to keep the Budget Public Hearing open. Seconded by Assistant Mayor Splaine.**

Councilor Morgan said this is a great deal of information and residents have not had enough time to review the budget and our work session discussion from Saturday. She said we need to provide the residents with more time to provide comments and ask questions.

Councilor Spear said he disagrees with Councilor Morgan and feels people have had time to review the budget. He has not received any emails or calls asking for additional time or questions relative to the budget. He said there is no indication of a need for further comments.

Councilor Kennedy said she received calls from 2 individuals that are attending Portsmouth Listens this evening and were unable to attend this evening and provide comments on the budget but would like additional time made for them to participate in the public hearing process.

Assistant Mayor Splaine agrees with Councilors Kennedy and Morgan and said we should keep the public hearing open until the end of the process. He said we are not scheduled to vote on the budget until June 8<sup>th</sup> and feels the public hearing should remain open until prior to the vote. He said the engagement of residents could improve and would like to see a year round budget approach.

Councilor Thorsen said if the City Council kept the public hearing open he does not see things changing between now and the May meetings, but would like to have a continuation of the budget public hearing until June.

City Attorney Sullivan said we need to continue the public hearing to a date certain.

City Manager Bohenko recommended keeping it open until May 20<sup>th</sup> and starting the meeting at 6:30 p.m. and then the Council could go into their budget work session discussions.

Councilor Morgan said she would like her motion to include the date of May 20<sup>th</sup> at 6:30 p.m. Councilor Kennedy said she agrees as the second to the motion.

**On a roll call 7-2, voted to keep the Public Hearing open on the FY16 Budget until May 20, 2015 at 6:30 p.m. Assistant Mayor Splaine, Councilors Shaheen, Kennedy, Lown, Dwyer, Morgan and Thorsen voted in favor. Councilor Spear and Mayor Lister voted opposed.**

**At 7:35 p.m., Councilor Kennedy moved to adjourn. Seconded by Councilor Morgan and voted.**



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



## LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, March 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

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- 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.”

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KELLI L. BARNABY, CMC/CNHMC  
CITY CLERK

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# MEMORANDUM

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**TO:** John P. Bohenko, City Manager  
**FROM:** Rick Taintor, Planning Director *RT.*  
**DATE:** May 1, 2015  
**RE:** City Council Referral –  
Request to Rezone Land on Cate St., Bartlett St. and Route 1 Bypass to the Gateway District, and to amend the Zoning Ordinance by providing for Workforce Housing Incentives in Gateway Planned Developments

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

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

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

**10.734.40 Workforce Housing Incentives**

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

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

The Planning Board previously considered this request at its meeting on October 16, 2014. At that time, planning for the Islington Street Corridor (West End) charrette was under way, and the Board determined that it would be premature to make a recommendation regarding rezoning to the Gateway district until residents had an opportunity to weigh in on a vision for the future of this area. Therefore, the Board voted "to report to the City Council that the Planning Board does not support re-zoning these parcels at this time and would recommend moving forward including them in the Charrette process currently scheduled for February." Attached to this memorandum is my memo of November 4, 2014, containing a detailed analysis of the rezoning requests and transmitting the initial Planning Board report.

After receiving the Planning Board's report on the rezoning request, the City Council voted on December 8, 2014, to schedule the public hearing and second reading on the proposed Zoning

Ordinance amendments for its meeting on March 16, 2015. At the March 16 meeting, the Council voted to keep the public hearing open to May 18, 2015, in order for the Planning Board to consider the rezoning request in the context of the West End Vision Plan and associated zoning proposals.

The Planning Board reconsidered the request at its meeting on April 30, 2015. The applicant's attorney made a presentation to the Board in support of the request and responded to questions from the Board. Members of the Board also reviewed the preliminary Vision Plan developed by TPUDC and raised a number of concerns about its appropriateness as applied to the parcels under consideration. The consensus of the Board was that Gateway zoning would be more appropriate than Character District 4 for the subject parcels.

Following the public hearing and discussion, the Planning Board voted unanimously in favor of (1) Portsmouth Land Acquisition's request to rezone the subject parcels to the Gateway district, and (2) the staff recommendations to amend two provisions of the Zoning Ordinance relating to building setbacks and height.

The Planning Board did not support Portsmouth Land Acquisition's request to insert a new Section 10.734.40 in the Ordinance regarding Workforce Housing Incentives. Board members were concerned about the considerable increases in residential density and building scale which the proposed amendments would allow in exchange for including a modest percentage of workforce housing.

Although the Board does not recommend the specific workforce housing incentives proposed by Portsmouth Land Acquisition, members are generally supportive of encouraging the provision of affordable housing in the Gateway district. Therefore, the Board requested the Planning Department to draft alternative language to provide zoning flexibility for Gateway Planned Development projects that incorporate workforce housing; and voted to postpone this matter to its next meeting on May 21, 2015, in order to consider this issue further.

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## MEMORANDUM

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

---

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

- Assessors Map 163, Lots 33, 34 and 37,
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and including Cate Street between Hodgson's Brook and Bartlett Street, and that the Zoning Map be revised accordingly; and further that the Zoning Ordinance, Article 7, Section 10.730 – Gateway Planned Development, be amended by inserting a new Section 10.734.40 as follows:

### **10.734.40 Workforce Housing Incentives**

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

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

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

### **Background**

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

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

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

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

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

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

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

#### *Requested Zoning Map Amendment*

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

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

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

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

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

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

*Proposed Zoning Ordinance Amendments*

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

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

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

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

2. Increase the maximum building length to 350 feet.

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

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

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

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

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

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

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

### **Additional Issues Not Addressed by the Requested Zoning Amendment**

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

#### *Building Setbacks and Height*

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

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

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

#### *Workforce Housing Definition and Price/Occupancy Controls*

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

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



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

The statute further defines “affordable” as follows:

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

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

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

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

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

### **Planning Board Report and Recommendation**

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

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

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

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

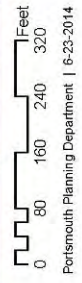
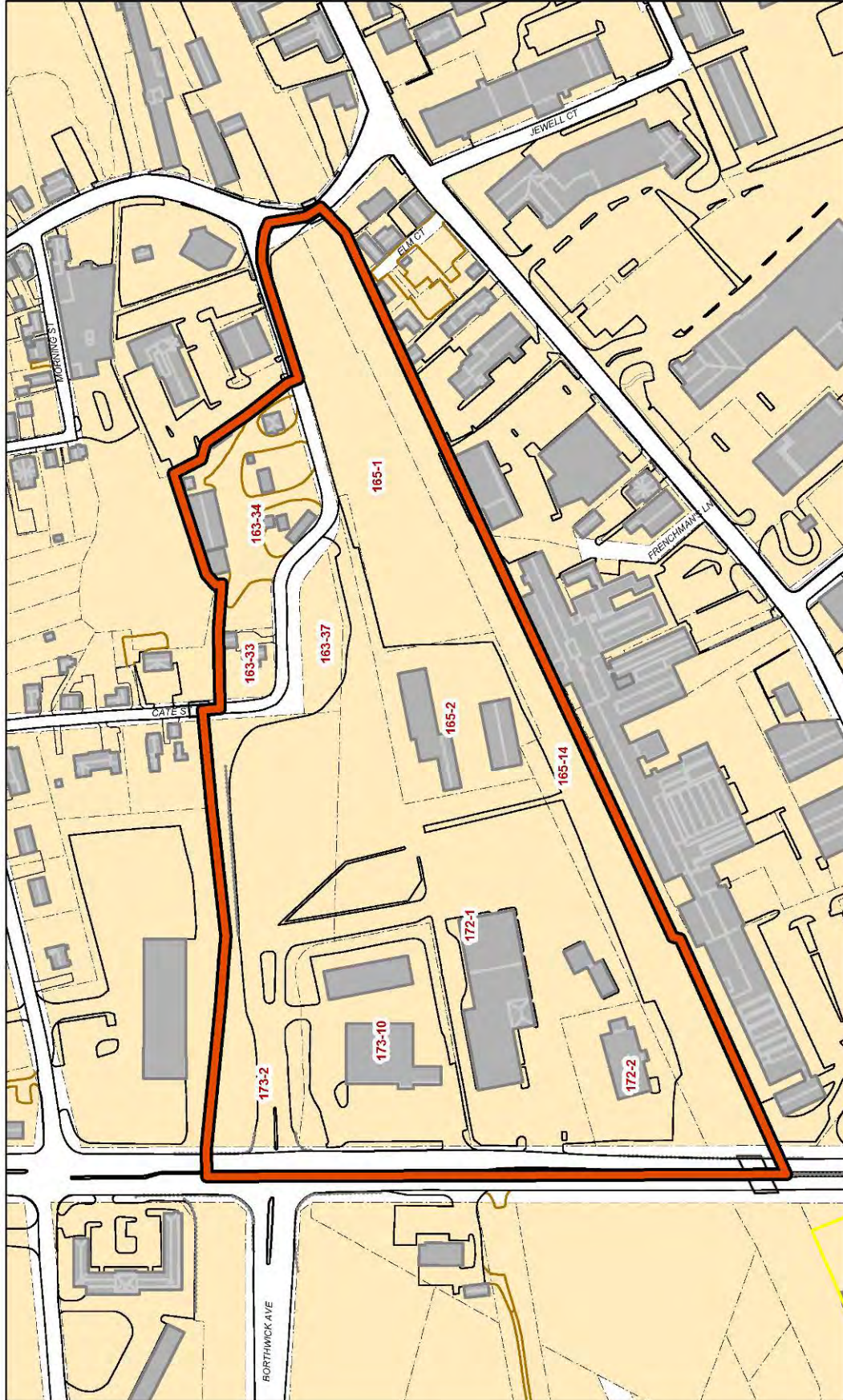
for a meeting in January 2015, which would allow the requested amendments to be considered in parallel with the charrette process.

### **Public Hearing Requirements**

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

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

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



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



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

Proposed CD4 District



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’

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

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
<del>56' (minimum front yard, 10' from front lot line)</del>	<del>38'</del>
<del>76' (maximum front yard, 30' from front lot line)</del>	<del>51'</del>
<del>86' (40' from front lot line)</del>	<del>58'</del>
<b>20'</b>	<b>30'</b>
<b>30'</b>	<b>45'</b>
<b>40'</b>	<b>60'</b>
<b>50'</b>	<b>60' (max.)</b>

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

**PORTSMOUTH POLICE DEPARTMENT**

**MEMORANDUM**



DATE: 13 MAY, 2015  
TO: JOHN P. BOHENKO, CITY MANAGER  
FROM: KATHLEEN LEVESQUE, OFFICE OF THE CHIEF  
RE: GRANTS SUBMITTED FOR THE MAY 18<sup>TH</sup>, 2015 CITY COUNCIL MEETING  
AGENDA

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The Police Commission will be meeting at 5:00 p.m. this afternoon to accept the following New Hampshire Highway Safety Grants and forward them to the city council for their action at the May 18<sup>th</sup> city council meeting.

Because this morning is the deadline for agenda items for that meeting, I am sending you the information prior to the Commission's meeting this afternoon.

- 1.) A grant in the amount of \$8,580 has been received from NH Highway Safety for DWI/DUI patrols.
- 2.) A grant in the amount of \$6,864 has been received from NH Highway Safety for Sobriety Checkpoints in Portsmouth.
- 3.) A grant in the amount of \$6,292 has been received from NH Highway Safety for Pedestrian Patrols to address j-walking and bicycle safety.
- 4.) A grant in the amount of \$6,292 has been received from NH Highway Safety for Enforcement Patrols addressing speed issues in Portsmouth.
- 5.) A grant in the amount of \$6,292 has been received from NH Highway Safety to address red light running in Portsmouth.

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

Respectfully submitted,

A handwritten signature in black ink that reads "Kathleen M. Levesque". The signature is written over a horizontal line.

Kathleen M. Levesque  
Office of the Chief

kml/attachments

## Karen Senecal

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**From:** Speikers, Luann <Luann.Speikers@nhhsa.nh.gov>  
**Sent:** Tuesday, May 12, 2015 3:47 PM  
**To:** Karen Senecal  
**Cc:** Frank Warchol  
**Subject:** RE: Approval

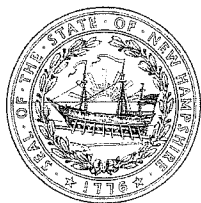
This email confirms that's the Highway Safety Agency is receipt of your signed grant applications and I have given you verbal and email confirmation that the following grants have been approved by our office.

Red Light Running  
Pedestrian Patrols  
Speed Enforcement  
Sobriety Checkpoints  
DWI/DUI

Please call if you have any questions.

LuAnn E. Speikers  
Highway Safety Field Representative  
New Hampshire Highway Safety Agency  
78 Regional Drive, BLDG 2  
Concord, N.H. 03301-8530  
603-271-2197  
FAX:603-271-3790  
Luann.speikers@nhhsa.nh.gov





Margaret Wood Hassan  
GOVERNOR

STATE OF NEW HAMPSHIRE  
OFFICE OF THE GOVERNOR  
HIGHWAY SAFETY AGENCY  
78 REGIONAL DRIVE, BUILDING 2  
CONCORD, N.H. 03301-8530

TDD Access: Relay NH 1-800-735-2964  
603-271-2131  
FAX 603-271-3790

Peter M. Thomson  
COORDINATOR

REC'D APR 22 2015

April 15, 2015

Chief Stephen J. Dubois  
Portsmouth Police Department  
3 Junkins Avenue  
Portsmouth, NH 03801

Dear Chief Dubois:

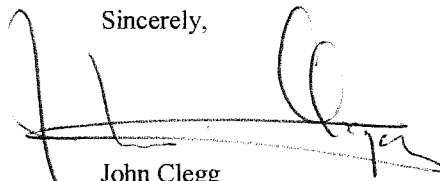
Enclosed are five (5) applications for highway safety grants for the City of Portsmouth. If you concur with the contents of these contracts, please sign the signature sheets (page 2) as Project Director; secure the signature of the City Manager, and complete the Joint Approval Form. **Return the entire signed contract packets as received**, and they will be given consideration for final approval.

**Please be advised that no equipment may be ordered or funds expended under these agreements until final approval has been granted and notice to this effect has been sent to you.**

Grant recipients are advised to check with local financial officials as to which account reimbursement checks will be credited.

Should you have any questions concerning these agreements, please do not hesitate to contact me.

Sincerely,



John Clegg  
Program Manager

/djf  
Enclosure

**JOINT APPROVAL  
OF  
HIGHWAY SAFETY PROJECT APPLICATION**

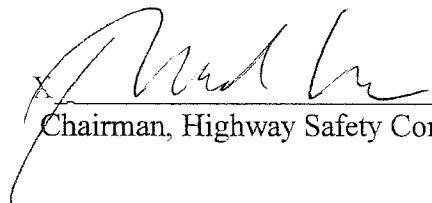
TO: NH Highway Safety Agency  
78 Regional Drive, Building #2  
Concord, NH 03301-8530


Date: 5-4-15

This is to certify that the **PORTSMOUTH** Highway Safety Committee has reviewed the attached Federal Highway Safety Project Application and is aware of the contents of the application.

This further certifies that after due consideration by the Committee and the city/town officials that this project application represents a top priority need of the town or city for the period covered by the grant period.

X   
\_\_\_\_\_  
Chairman, Board of Selectmen or  
Other Authorizing Official

  
\_\_\_\_\_  
Chairman, Highway Safety Committee

X   
\_\_\_\_\_  
Project Director

**CONTRACTUAL AGREEMENT  
FOR HIGHWAY SAFETY PROJECT GRANT**

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

**For HSA Use Only**

Date Received	Project Number
Date Approved	PSP and Task # 15-02, 08

**Part I**

1. Project Title <b>Portsmouth DWI/DUI Patrols</b>	2. Type of Application (Check One) <input checked="" type="checkbox"/> Initial <input type="checkbox"/> Revision <input type="checkbox"/> Continuation
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3. Applicant A. Name of Agency      DUNS Number 073976706 Portsmouth Police Department	B. Address of Agency 3 Junkins Avenue Portsmouth NH 03801-4511
C. Government Unit (Check One) <input type="checkbox"/> State <input checked="" type="checkbox"/> City/Town <input type="checkbox"/> County <input type="checkbox"/> Other (specify):	D. Name Address of Governmental Unit City of Portsmouth One Junkins Avenue Portsmouth, NH 03801

4. Contract Duration A. Contract Period Start Date:              April 1, 2015 Termination Date:      September 15, 2015	Functional Area    K8 - 410 Alcohol SAFETEA-LU CFDA#              20.601 Program Title      Alcohol Traffic Safety & Drunk Driving Preven Funding Source    National Highway Traffic Safety Administratio
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**6. Description of Project (Describe in detail in Schedule A) and Source of Funds**

**Budget (Provide itemization as called for on Schedule B) and Source of Funds**

Cost Category	Total Budget	Federal Budget	Local Budget	State Budget	Other Funds
a. Personnel Services	\$8,580.00	\$8,580.00			
b. Current Expense					
c. Equipment					
d. Indirect Costs Audit					
e. Contractual Services					
f. Other					
Total Estimated Costs Including Non-Federal Share	\$8,580.00	\$8,580.00			

**7. Local Benefit:**

It is anticipated that the federal share for local benefit will be: 100% (\$8,580.00)

**SCHEDULE A  
GENERAL PROJECT INFORMATION**

Description of Project

**STATEMENT OF PROBLEM/NEED:** The City of Portsmouth is home to many restaurants, bars, shops, and businesses. Portsmouth is one of the oldest settlements of the United States. The area was first settled as Strawberry Banke in 1623, and is the sixth oldest town in the United States.

Portsmouth's history and numerous community events attract tens of thousands of people to an already congested downtown. Large crowds of people attend the Chowder Festival, The Annual Market Square Day, The Annual Taste of the Nation at Strawberry Banke, Fireworks, The Seacoast Jazz Festival, The Bow Street Fair (craft fair), The Folk and Acoustic Festival, The Arts Festival, and The Blues Festival.

The City of Portsmouth continues to grow as a major center of attraction for seacoast residents and tourists visiting the state. Driving while impaired continues to be a problem on roads traversing the City of Portsmouth. The night-life offered by the numerous bars and restaurants creates an atmosphere that encourages the drinking of alcoholic beverages. Despite joint efforts with the NH Bureau of Liquor Enforcement, over-serving is commonplace. The direct result is a high number of impaired drivers leaving the city in motor vehicles while under the influence of intoxicating liquor. This poses a severe safety risk to the motoring public. Presently in the City of Portsmouth there are 87 establishments that serve alcohol and 42 establishments that sell alcohol.

Many of the bars and restaurants are frequented by college students from UNH on Thursday night (promo nights) before they go home on Friday for the weekend. The majority of DWI/DUI arrests in Portsmouth occur on Thursday, Friday, Saturday and holidays between the hours of 9:00 PM-3:00 AM. Drinking and driving is also a problem on Thursday nights because many establishments have promotional nights that offer half price drinks to attract patrons.

Year	DWI Arrests
2012	54
2013	57
2014	49

Although statistics show a decrease in DWI/DUI arrests over the last three years, this can, in part, be attributed to the fact that the Portsmouth Police Department has made a concerted effort to address the problem through conducting overtime patrols funded by the NH Highway Safety Agency. Additional funds are needed in order for the police department to continue to establish enforcement efforts. Without this continued effort, additional dedicated enforcement will not be conducted and the infractions will surely increase.

**PROPOSED SOLUTION:** In an effort to combat the DWI problem, the Portsmouth Police Department will hire, on an off-duty basis, officers who have completed training in the identification of intoxicated drivers. These fully trained officers will conduct one-man DWI enforcement patrols (30 4-hour shifts) on those evenings (Thursday, Friday, Saturday, and holidays) and during those times (9:00 PM-3:00 AM) when the drunk driver is felt to be most prevalent. **It is understood that one (1) overtime DWI/DUI patrol will be conducted during NHTSA's "Driver Sober or Get Pulled Over" mobilization scheduled for August 19-September 7, 2015.** Primary emphasis will be placed on apprehending the drunk driver; however, adherence to all traffic laws, including the state's occupant protection law, will be monitored and enforced. **It is understood that these patrols will be conducted on an overtime basis and officers will be paid at their overtime (1.5) rate for work exceeding their normal 40 hours per week. Part-time officers will be paid at their normal hourly rate.**

**ANTICIPATED RESULTS:** The DWI enforcement campaign will increase law enforcement's ability to apprehend DWI/DUI offenders, as well as deterring many would-be drunk drivers from getting behind the wheel in the first place. The goal is to provide safe motoring to the public and to reduce the number of DWI/DUI-related crashes both within the city limits, as well as in bordering seacoast towns. It is anticipated that for the project period a total of 15 DWI arrests will be made.

**ADDITIONAL CONTRACT CONDITIONS:** It is agreed that "Overtime Selective Traffic Enforcement Program Report" forms (HS-200) will be completed for each patrol and submitted to the NH Highway Safety Agency along with requests for reimbursement.

New Hampshire's Child Passenger Safety law is a primary law. A driver should be stopped for violating RSA 265:107-a which requires that all vehicle occupants under the age of 18 riding in a motor vehicle must be restrained and properly fastened in a safety belt and children under the age of 7 must be restrained and properly secured in an approved child passenger safety seat. If the passenger is 57 inches or more in height, the provisions of this paragraph shall not apply. It is agreed that whenever a stop is made during a patrol supported by this agreement, action will be taken to enforce the state's child passenger safety law.

The recipient of these funds is encouraged to provide programs to encourage the use of safety belts by all drivers and passengers in motor vehicles (23 U.S.C. 1200.11 (a)(d)) and to adopt and enforce seat belt use policies for employees operating company-owned, rented, or personally-owned vehicles when performing official business.

See attached Addenda for additional information that is hereby made a part of this contractual agreement.

## ADDENDUM TO THE APPLICATION FOR HIGHWAY SAFETY PROJECT GRANT

PROJECT REPORTS: It is agreed that quarterly reports will be made to the NH Highway Safety Agency for one year summarizing the progress being made in implementing the project and identifying any problems being encountered. A final report will be made upon completion of the project. Monthly reports will be submitted within 20 days of the project termination date.

PROJECT TERMS: All purchases and expenditures under this project will be subject to audit procedures satisfactory to Federal regulations. It is understood that no monies provided under this project will be used for the replacement of any existing equipment which currently meets Federal Highway Safety Standards. If any existing equipment is sold or traded during the project period, in order to reduce the actual outlay of funds for equipment which is provided under this project, the proceeds will be applied in pro-rated amounts to the Federal and local shares of the costs of the project.

PROCUREMENT AND EQUIPMENT COST: State agencies receiving federal funds for the purchase of equipment are required to process orders through the Division of Plant and Property Management in accordance with state regulations. Items of equipment requiring testing and certification to verify their accuracy (i.e. breath testing devices and traffic control radar) must be selected from the State approved devices.

EQUIPMENT: Equipment acquired under this agreement for use in highway safety program areas shall be used and kept in operation for highway safety purposes by the State; or the State, by formal agreement with appropriate officials of a political subdivision or State agency, shall cause such equipment to be used and kept in operation for highway safety purposes (23 CRF 1200.21).

PROJECT INVENTORY: An inventory of each item of equipment having a useful life of more than two years and a cost of five thousand dollars (\$5,000.00) or more will be provided to the NH Highway Safety Agency during the period in which it is in use. Before such equipment is disposed of, either by trade-in or write-off, authorization will be obtained from the Highway Safety Agency, acting as agent for the National Highway Traffic Safety Administration.

PROJECT CREDIT: All publications, public information or publicity released in conjunction with this project shall state that "this project is being supported in part through a grant from the NH Highway Safety Agency with federal funds provided by the National Highway Traffic Safety Administration, US Department of Transportation", or words to that effect.

AUDIT REPORTS: The grantee agrees to provide the NH Highway Safety Agency with a copy of the audit report including this project which was conducted under provisions of Circular A-133 - Audit of State and Local Governments and Non-Profit Organizations.

### Certifications and Assurances

#### Section 402 Requirements (as amended by Pub. L. 112-141)

(a) The Governor is responsible for the administration of the State highway safety program through the NH Highway Safety Agency (NH RSA 238) which has adequate powers and is suitably equipped and organized (as evidenced by appropriate oversight procedures governing such areas as procurement, financial administration, and the use, management, and disposition of equipment) to carry out the program (23 USC 402(b) (1) (A)); (b) The political subdivisions of this State are authorized, under NH RSA 238:6, to carry out within their jurisdictions local highway safety programs which have been approved by the Governor and are in accordance with the uniform guidelines promulgated by the Secretary of Transportation (23 USC 402(b) (1) (B)); (c) At least 40 percent of all Federal funds apportioned to this State under 23 USC 402 for this fiscal year will be expended by or for the benefit of the political subdivision of the State in carrying out local highway safety programs in accordance with 23 USC 402(b) (1) (C), 402(h)(2), unless this requirement is waived in writing; (d) This State's highway safety program provides adequate and reasonable access for the safe and convenient movement of physically handicapped persons, including those in wheelchairs, across curbs constructed or replaced on or after July 1, 1976, at all pedestrian crosswalks throughout the state in accordance with 23 USC 402(b) (1) (D); (e) The State will implement activities in support of national highway safety goals to reduce motor vehicle related fatalities that also reflect the primary data-related crash factors within the State as identified by the State highway safety planning process, including: 1) National law enforcement mobilizations; 2) Sustained enforcement of statutes addressing impaired driving, occupant protection, and driving in excess of posted speed limits; 3) An annual statewide safety belt use survey in accordance with 23 CFR Part 1340 for the measurement of State safety belt use rates; 4) Development of statewide data systems to provide timely and effective data analysis to support allocation of highway safety resources. 5) Coordination of its highway safety plan, data collection, and information systems with the state strategic highway safety plan as defined in section 148 (a). (23 USC 402 (b) (1) (E)); (f) The State shall actively encourage all relevant law enforcement agencies in the State to follow the guidelines established for vehicular pursuits issued by the International Association of Chiefs of Police that are currently in effect. (23 USC 402 (j)). 6) The State will not expend Section 402 funds to carry out a program to purchase, operate, or maintain an automated traffic enforcement system. (23 U.S.C. 402(c)(4)).

#### Other Federal Requirements

(g) All NH Highway Safety Agency employee's time which is charged to federal funds utilize Section 402 funds. All Time and Attendance charges from federal sources come from that single cost objective which brings the State of New Hampshire into compliance with the applicable federal regulation as stated in 2 CFR 225, Appendix B, h(3). An additional certification will be provided by the NH Highway Safety Agency each year in April in order to meet the federal requirement for biennial certification. (h) Cash drawdowns will be initiated only when actually needed for disbursement (49 CFR 18.20); cash disbursements and balances will be reported in a timely manner as required by NHTSA (49 CFR 18.21); the same standards of timing and amount, including the reporting of cash disbursement and balances, will be imposed upon any secondary recipient organizations (49 CFR 18.41); failure to adhere to these provisions may result in the termination of drawdown privileges. (i) The State has submitted appropriate documentation for review to the single point of contact designated by the Governor to review Federal programs, as required by Executive Order 12372 (Intergovernmental Review of Federal Programs); (j) Equipment acquired under this agreement for use in highway safety program areas shall be used and kept in operation for highway safety purposes by the State; or the State, by formal agreement with appropriate officials of a political subdivision or State agency, shall cause such equipment to be used and kept in operation for highway safety purposes (23 CFR 1200.21). (k) The State will comply with all applicable State procurement procedures and will maintain a financial management system that complies with the minimum requirements of 49 CFR 18.20; (l) The State's highway safety program has been specifically exempted from the provisions of Circular A-95 by the Governor of the State of New Hampshire. (m) Federal Funding Accountability and Transparency Act (FFATA). The State will comply with FFATA guidance, OMB Guidance on FFATA Subaward and Executive Compensation Reporting, August 27, 2010, ([https://www.fsrs.gov/documents/OMB\\_Guidance\\_on\\_FFATA\\_Subaward\\_and\\_Executive\\_Compensation\\_Reporting\\_08272010.pdf](https://www.fsrs.gov/documents/OMB_Guidance_on_FFATA_Subaward_and_Executive_Compensation_Reporting_08272010.pdf)) by reporting to FSRS.gov for each sub-grant awarded. 1) Name of the entity receiving the award; 2) Amount of the award; 3) Information on the award including transaction type, funding agency, the North American Industry Classification System code or Catalog of Federal Domestic Assistance number (where applicable), program source; 4) Location of the entity receiving the award and the primary location of performance under the award, including the city, State, congressional district, and country, and an award title descriptive of the purpose of each funding action; 5) A unique identifier (DUNS); 6) The names and total compensation of the five most highly compensated officers of the entity if, of the entity receiving the award and of the parent entity of the recipient, should the entity be owned by another entity; (i) The entity in the preceding fiscal year received—(I) 80 percent or more of its annual gross revenues in Federal awards; and (II) \$25,000,000 or more in annual gross revenues from Federal awards; and ii) The public does not have access to information about the compensation of the senior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986; 7) Other relevant information specified by the Office of Management and Budget in subsequent guidance or regulation. (n) The State highway safety agency will comply with all Federal statutes and implementing regulations relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin (and 49 CFR Part 21); (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794) and the Americans with Disabilities Act of 1990 (42 USC § 12101, *et seq.*; PL 101-336), which prohibits discrimination on the basis of disabilities (and 49 CFR Part 27); (d) the Age Discrimination Act of 1975, as amended (42U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970(P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse of alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§ 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 *et seq.*), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; The Civil Rights Restoration Act of 1987, which provides that any portion of a state or local entity receiving federal funds will obligate all programs or activities of that entity to comply with these civil rights laws; (k) the requirements of any other nondiscrimination statute(s) which may apply to the application; and (l) the Civil Right Restoration Act of 1987 (Pub.L. 100-259) which requires Federal-aid recipients and all sub recipients to prevent discrimination and ensure non-discrimination in all programs and activities.

#### The Drug-Free Workplace Act of 1988(41 U.S.C. 8103)

In accordance with the Drug-Free Workplace Act of 1988 (41 U.S.C. 702) and former Governor Judd Gregg's Executive Order No. 89-6, the State will provide a drug-free workplace by: a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition; b. Establishing a drug-free awareness program to inform employees about: 1) The dangers of drug abuse in the workplace; 2) The grantee's policy of maintaining a drug-free workplace; 3) Any available drug counseling, rehabilitation, and employee assistance programs; and 4) The penalties that may be imposed upon employees for drug violations occurring in the workplace. c. Making it a requirement that each employee engaged in the performance of the grant be given a copy of the statement required by paragraph (a). d. Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will: 1) Abide by the terms of the statement; and 2) Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction. e. Notifying the agency within ten days after receiving notice under subparagraph (d) (2) from an employee or otherwise receiving actual notice of such conviction. f. Taking one of the following actions, within 30 days of receiving notice under subparagraph (d) (2), with respect to any employee who is so convicted: 1) Taking appropriate personnel action against such an employee, up to and including termination; or 2) Requiring such employee to participate

satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency. g. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f) above.

#### Buy America Act

The subgrantee will comply with the provisions of the Buy America Act (49 U.S.C. 5323(j)) which contains the following requirements: Only steel, iron and manufactured products produced in the United States may be purchased with Federal funds unless the Secretary of Transportation determines that such domestic purchases would be inconsistent with the public interest; that such materials are not reasonably available and of a satisfactory quality; or that inclusion of domestic materials will increase the cost of the overall project contract by more than 25 percent. Clear justification for the purchase of non-domestic items must be in the form of a waiver request submitted to and approved by the Secretary of Transportation.

#### Political Activity (Hatch Act)

The subgrantee will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

#### Certification Regarding Federal Lobbying

##### Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that: 1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement. 2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions. 3. The undersigned shall require that the language of this certification be included in the award documents for all sub-award at all tiers (including subcontracts, subgrants, and contracts under grant, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

#### Restriction on State Lobbying

None of the funds under this program will be used for any activity specifically designed to urge or influence a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body. Such activities include both direct and indirect (e.g., "grassroots") lobbying activities, with one exception. This does not preclude a State official whose salary is supported with NHTSA funds from engaging in direct communications with State or local legislative officials, in accordance with customary State practice, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.

#### Certification Regarding Debarment and Suspension

In accordance with the provision of 49 CFR Part 29, the State agrees that it shall not knowingly enter into any agreement under its Highway Safety Plan with a person or entity that is barred, suspended, declared ineligible, or voluntarily excluded from participation in the Section 402 program, unless otherwise authorized by NHTSA. The State further agrees that it will include a clause in all lower tier covered transactions and in solicitations for lower tier covered transactions.

#### Instructions for Primary Certification

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below. 2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.

3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default. 4. The prospective primary participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary participant learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances. 5. The terms *covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded*, as used in this clause, have the meaning set out in the Definitions and coverage sections of 49 CFR Part 29. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations. 6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction. 7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions. 8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the list of Parties Excluded from Federal Procurement and Non-procurement Programs. 9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings. 10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

#### Certification Regarding Debarment, Suspension, and Other Responsibility Matters-Primary Covered Transactions

1. The prospective primary participant certifies to the best of its knowledge and belief, that its principals: a) are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency; b) have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of record, making false statements, or receiving stolen property; c) are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or Local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and d) have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default. 2. Where the prospective primary participant is unable to certify to any of the Statements in this certification, such prospective participant shall attach an explanation to this proposal.

#### Instructions for Lower Tier Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below. 2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment. 3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances. 4. The terms *covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded*, as used in this clause, have the meanings set out in the Definition and Coverage sections of 49 CFR Part 29. You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations. 5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated. 6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions. (See below) 7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Non-procurement Programs. 8. Nothing contained in



the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings. 9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transactions:

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency. 2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Policy to Ban Text Messaging While Driving

In accordance with Executive Order 13513, Federal Leadership On Reducing Text Messaging While Driving, and DOT Order 3902.10, Text Messaging While Driving, States are encouraged to: 1. Adopt and enforce workplace safety policies to decrease crashes caused by distracted driving including policies to ban text messaging while driving: a) Company-owned or –rented vehicles, or Government-owned, leased or rented vehicles; or b) Privately-owned when on official Government business or when performing any work on behalf of the Government. 2. Conduct workplace safety initiatives in a manner commensurate with the size of the business, such as: a) Establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving; and b) Education, awareness, and other outreach to employees about the safety risks associated with texting while driving.

Environmental Impact

The Governor's Representative for Highway Safety has reviewed the State's Fiscal Year highway safety planning document and hereby declares that no significant environmental impact will result from implementing this Highway Safety Plan. If, under a future revision, this Plan will be modified in such a manner that a project would be instituted that could affect environmental quality to the extent that a review and statement would be necessary, this office is prepared to take the action necessary to comply with the National Environmental Policy Act of 1969 (42 USC 4321 et seq.) and the implementing regulations of the Council on Environmental Quality (40 CFR Parts 1500-1517).

Policy on Seat Belt Use

In accordance with Executive Order 13043, Increasing Seat Belt Use in the United States, dated April 16, 1997, the Grantee is encouraged to adopt and enforce on-the-job seat belt use policies and programs for its employees when operating company-owned, rented, or personally-owned vehicles. The National Highway Traffic Safety Administration (NHTSA) is responsible for providing leadership and guidance in support of this Presidential initiative. For information on how to implement such a program, or statistics on the potential benefits and cost-savings to your company or organization, please visit the Buckle Up America section on NHTSA's website at [www.nhtsa.dot.gov](http://www.nhtsa.dot.gov). Additional resources are available from the Network of Employers for Traffic Safety (NETS), a public-private partnership headquartered in the Washington, DC, metropolitan area, and dedicated to improving the traffic safety practices of employers and employees. NETS is prepared to provide technical assistance, a simple, user-friendly program kit, and an award for achieving the President's goal of 90 percent seat belt use. NETS can be contacted at 1 (888) 221-0045 or visit its website at [www.trafficsafety.org](http://www.trafficsafety.org).

HS-4(a) (3/28/13)

**ADDENDUM TO THE APPLICATION  
FOR HIGHWAY SAFETY PROJECT GRANT**

FEDERAL REGULATIONS

2 CFR Part 25 (formerly Circular A-87). This provides principles for determining the allowable costs of programs administered by State, local and federally-recognized Indian tribal governments under grants from and contracts with the Federal Government. They are designed to provide the basis for a uniform approach to the problem of determining costs and to promote efficiency and better relationships between grantees and the Federal Government. The principles are for determining costs only and are not intended to identify the circumstances nor to dictate the extent of Federal and State or local participation in the financing of a particular project. They are designed to provide that federally-assisted programs bear their fair share of costs recognized under these principles except where restricted and prohibited by law.

COMMON RULE (49 CFR Part 18) (Effective October 1988) This rule establishes the Uniform Administrative Requirements for Grants and Cooperative Agreements and Sub-awards to state and local governments and Indian tribal governments. Administrative rules set forth include:

18.10	Forms for Applying for Grants	18.32	Equipment
18.11	State Plans	18.33	Supplies
18.20	Standards for Financial Management Systems	18.34	Copyrights
18.21	Payment	18.35	Sub-awards to Debarred and Suspended Parties
18.22	Allowable Costs	18.36	Procurement
18.23	Period of Availability of Funds	18.37	Subgrants
18.24	Matching or Cost Sharing	18.40	Monitoring and Reporting Program Performance
18.25	Program Income	18.41	Financial Reporting
18.26	Non-Federal Audits	18.42	Retention and Access Requirements for Records
18.30	Changes	18.50	Closeout
18.31	Real Property		

CIRCULAR A-133 (June 1997). This Circular establishes audit requirements for State and local governments that receive Federal aid, and defines Federal responsibilities for implementing and monitoring those requirements.

Further information concerning these Circulars may be obtained by contacting the Financial Management Branch, Budget Review Division, Office of Management & Budget, Washington, DC 20503. Telephone 202-395-4773.

FEDERAL FUNDING ACCOUNTABILITY & TRANSPARENCY ACT. *Data Universal Numbering System (DUNS) Numbers Requirement.* As the recipient of federal highway safety funds, the applicant agency must have a DUNS number. This is a unique nine-character number that identifies the applicant agency and is used by the federal government to track how federal funds are distributed. If the applicant agency is authorized to make sub-awards under this contract, it must: 1) notify potential sub-recipients that no entity may receive a sub-award unless that entity has provided the applicant agency with its DUNS number; and 2) the applicant agency may not make a sub-award to an entity unless the entity has provided its DUNS number to the applicant agency.  
(<http://fedgov.dnb.com/webform>)

**CONTRACTUAL AGREEMENT  
FOR HIGHWAY SAFETY PROJECT GRANT**

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

**For HSA Use Only**

Date Received	Project Number
Date Approved	PSP and Task # 15-02, 09

**Part I**

1. Project Title <b>Portsmouth Sobriety Checkpoints (2)</b>	2. Type of Application (Check One) <input checked="" type="checkbox"/> Initial <input type="checkbox"/> Revision <input type="checkbox"/> Continuation
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3. Applicant	
A. Name of Agency      DUNS Number 073976706 Portsmouth Police Department	B. Address of Agency 3 Junkins Avenue Portsmouth NH 03801-4511
C. Government Unit (Check One) <input type="checkbox"/> State <input checked="" type="checkbox"/> City/Town <input type="checkbox"/> County <input type="checkbox"/> Other (specify):	D. Name Address of Governmental Unit City of Portsmouth One Junkins Avenue Portsmouth, NH 03801

4. Contract Duration A. Contract Period Start Date:            April 1, 2015 Termination Date:    September 15, 2015	Functional Area    K8 - 410 Alcohol SAFETEA-LU CFDA#              20.601 Program Title      Alcohol Traffic Safety & Drunk Driving Preven Funding Source    National Highway Traffic Safety Administratio
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**6. Description of Project (Describe in detail in Schedule A) and Source of Funds**

Budget (Provide itemization as called for on Schedule B) and Source of Funds					
Cost Category	Total Budget	Federal Budget	Local Budget	State Budget	Other Funds
a. Personnel Services	\$6,864.00	\$6,864.00			
b. Current Expense					
c. Equipment					
d. Indirect Costs Audit					
e. Contractual Services					
f. Other					
Total Estimated Costs Including Non-Federal Share	\$6,864.00	\$6,864.00			

7. Local Benefit:  It is anticipated that the federal share for local benefit will be: <u>100%</u> (\$6,864.00)
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SCHEDULE A  
GENERAL PROJECT INFORMATION

Description of Project

STATEMENT OF PROBLEM/NEED: The City of Portsmouth continues to grow as a major center of attraction for New Hampshire Seacoast residents and tourists visiting the state. The night-life offered by numerous bars and restaurants creates an atmosphere that encourages the drinking of alcoholic beverages. Despite joint efforts with the NH Bureau of Liquor Enforcement, over-serving is commonplace. The direct result is a high number of impaired drivers leaving the city in motor vehicles while under the influence of intoxicating liquor. This poses a severe safety risk to the motoring public. Portsmouth has over 140 liquor licenses issued, which is the most in the state.

The problem is self-evident in the following statistics. DWI/DUI arrests for the

Year	DWI Arrests	Calls For Service
2005	190	38,466*
2006	160	42,083*
2007	138	37,889*
2008	122	38,215*
2009	117	33,820*
2010	62	35,981*
2011	64	35,026*
2012	54	30,684*
2013	57	32,463*
2014	49	34,092*

\*NOTE: Calls for Service numbers have been corrected back to 2005 to reflect the report methodology used in more recent years to include only calls an officer was dispatched to (prior earlier year numbers included all CAD activity calls).

These statistics are evidence that focused efforts since 2005 have been effective, however, a continuation of aggressive enforcement efforts like sobriety checkpoints are necessary to further impact the problem. Proactive/preventive measures such as highly publicized, high profile sobriety checkpoints are necessary to decrease the incidence of DWI and further enhance enforcement/apprehension efforts.

The majority of DWI arrests in Portsmouth occur on Thursday, Friday, Saturday, and holidays between the hours of 9:00 PM-3:00 AM.

PROPOSED SOLUTION: In an effort to combat the DWI problem, the Portsmouth Police Department will hire, on an off-duty basis, officers who have completed training in the identification of intoxicated drivers. These fully trained officers, will conduct two (2) DWI sobriety checkpoint patrols (in accordance with State guidelines and the Sobriety Checkpoint Operational Guidelines (Revised 2014) made available during the 2014 "Sobriety Checkpoint for Supervisors" training offered by the NH Police Standards & Training Council or during training received from a qualified officer/member of the Sobriety Checkpoint Committee) on those evenings (Thursday, Friday, Saturday, and holiday evenings) and during those hours (9:00 PM - 3:00 AM) when the drunk driver is felt to be most prevalent. These will be small-scale sobriety checkpoints. Each checkpoint will involve eight (8) officers which includes an officer-in-charge and a safety officer on the above identified evenings and times. **It is understood that one (1) overtime sobriety checkpoint will be conducted during NHTSA's "Driver Sober or Get Pulled Over" mobilization scheduled for August 19-September 7, 2015.** Primary emphasis will be placed on apprehending the drunk driver; however, adherence to all traffic laws, including the state's occupant protection law, will be monitored and enforced. **It is understood that these patrols will be conducted on an overtime basis and officers will be paid at their overtime (1.5) rate for work exceeding their normal 40 hours per week. Part-time officers will be paid at their normal hourly rate.**

ANTICIPATED RESULTS: The DWI enforcement campaign will both increase the department's ability to apprehend DWI offenders as well as deter many would be drunk drivers from getting behind the wheel in the first place. The goal is to provide safe motoring to the public and to reduce the number of DWI related crashes both within the city limits, as well as in bordering seacoast towns. It is anticipated that for the project period a total of six DWI arrests will be made.

(over)

ADDITIONAL CONTRACT CONDITIONS: It is agreed that: a) the "Sobriety Checkpoint Activity Program Report" forms (HS-200-A) will be completed for each patrol and submitted to the NH Highway Safety Agency along with requests for reimbursement; b) the officer(s) responsible for supervising a sobriety checkpoint must have attended the 2014 "Sobriety Checkpoint for Supervisors" training offered by the NH Police Standards & Training Council or receive training from a qualified officer/member of the Sobriety Checkpoint Committee no less than 45 days prior to the date of the sobriety checkpoint; c) sobriety checkpoints are to be conducted in accordance with the Sobriety Checkpoint Operational Guidelines (Revised 2014) made available during the 2014 "Supervisors" training offered by the NH Police Standards & Training Council or during training received from a qualified officer/member of the Sobriety Checkpoint Committee; and d) an officer of the NH Liquor Commission's Bureau of Enforcement is authorized to participate in the sobriety checkpoint in order to conduct the "Last Drink" Analysis (funded by the NH Highway Safety Agency).

New Hampshire's Child Passenger Safety law is a primary law. A driver should be stopped for violating RSA 265:107-a which requires that all vehicle occupants under the age of 18 riding in a motor vehicle must be restrained and properly fastened in a safety belt and children under the age of 7 must be restrained and properly secured in an approved child passenger safety seat. If the passenger is 57 inches or more in height, the provisions of this paragraph shall not apply. It is agreed that whenever a stop is made during a patrol supported by this agreement, action will be taken to enforce the state's child passenger safety law.

The recipient of these funds is encouraged to provide programs to encourage the use of safety belts by all drivers and passengers in motor vehicles (23 U.S.C. 1200.11 (a)(d)) and to adopt and enforce seat belt use policies for employees operating company-owned, rented, or personally-owned vehicles when performing official business.

See attached Addenda for additional information that is hereby made a part of this contractual agreement.

## ADDENDUM TO THE APPLICATION FOR HIGHWAY SAFETY PROJECT GRANT

PROJECT REPORTS: It is agreed that quarterly reports will be made to the NH Highway Safety Agency for one year summarizing the progress being made in implementing the project and identifying any problems being encountered. A final report will be made upon completion of the project. Monthly reports will be submitted within 20 days of the project termination date.

PROJECT TERMS: All purchases and expenditures under this project will be subject to audit procedures satisfactory to Federal regulations. It is understood that no monies provided under this project will be used for the replacement of any existing equipment which currently meets Federal Highway Safety Standards. If any existing equipment is sold or traded during the project period, in order to reduce the actual outlay of funds for equipment which is provided under this project, the proceeds will be applied in pro-rated amounts to the Federal and local shares of the costs of the project.

PROCUREMENT AND EQUIPMENT COST: State agencies receiving federal funds for the purchase of equipment are required to process orders through the Division of Plant and Property Management in accordance with state regulations. Items of equipment requiring testing and certification to verify their accuracy (i.e. breath testing devices and traffic control radar) must be selected from the State approved devices.

EQUIPMENT: Equipment acquired under this agreement for use in highway safety program areas shall be used and kept in operation for highway safety purposes by the State; or the State, by formal agreement with appropriate officials of a political subdivision or State agency, shall cause such equipment to be used and kept in operation for highway safety purposes (23 CRF 1200.21).

PROJECT INVENTORY: An inventory of each item of equipment having a useful life of more than two years and a cost of five thousand dollars (\$5,000.00) or more will be provided to the NH Highway Safety Agency during the period in which it is in use. Before such equipment is disposed of, either by trade-in or write-off, authorization will be obtained from the Highway Safety Agency, acting as agent for the National Highway Traffic Safety Administration.

PROJECT CREDIT: All publications, public information or publicity released in conjunction with this project shall state that "this project is being supported in part through a grant from the NH Highway Safety Agency with federal funds provided by the National Highway Traffic Safety Administration, US Department of Transportation", or words to that effect.

AUDIT REPORTS: The grantee agrees to provide the NH Highway Safety Agency with a copy of the audit report including this project which was conducted under provisions of Circular A-133 - Audit of State and Local Governments and Non-Profit Organizations.

### Certifications and Assurances

#### Section 402 Requirements (as amended by Pub. L. 112-141)

(a) The Governor is responsible for the administration of the State highway safety program through the NH Highway Safety Agency (NH RSA 238) which has adequate powers and is suitably equipped and organized (as evidenced by appropriate oversight procedures governing such areas as procurement, financial administration, and the use, management, and disposition of equipment) to carry out the program (23 USC 402(b) (1) (A)); (b) The political subdivisions of this State are authorized, under NH RSA 238:6, to carry out within their jurisdictions local highway safety programs which have been approved by the Governor and are in accordance with the uniform guidelines promulgated by the Secretary of Transportation (23 USC 402(b) (1) (B)); (c) At least 40 percent of all Federal funds apportioned to this State under 23 USC 402 for this fiscal year will be expended by or for the benefit of the political subdivision of the State in carrying out local highway safety programs in accordance with 23 USC 402(b) (1) (C), 402(h)(2), unless this requirement is waived in writing; (d) This State's highway safety program provides adequate and reasonable access for the safe and convenient movement of physically handicapped persons, including those in wheelchairs, across curbs constructed or replaced on or after July 1, 1976, at all pedestrian crosswalks throughout the state in accordance with 23 USC 402(b) (1) (D); (e) The State will implement activities in support of national highway safety goals to reduce motor vehicle related fatalities that also reflect the primary data-related crash factors within the State as identified by the State highway safety planning process, including: 1) National law enforcement mobilizations; 2) Sustained enforcement of statutes addressing impaired driving, occupant protection, and driving in excess of posted speed limits; 3) An annual statewide safety belt use survey in accordance with 23 CFR Part 1340 for the measurement of State safety belt use rates; 4) Development of statewide data systems to provide timely and effective data analysis to support allocation of highway safety resources. 5) Coordination of its highway safety plan, data collection, and information systems with the state strategic highway safety plan as defined in section 148 (a). (23 USC 402 (b) (1) (E)); (f) The State shall actively encourage all relevant law enforcement agencies in the State to follow the guidelines established for vehicular pursuits issued by the International Association of Chiefs of Police that are currently in effect. (23 USC 402 (j)). 6) The State will not expend Section 402 funds to carry out a program to purchase, operate, or maintain an automated traffic enforcement system. (23 U.S.C. 402(c)(4)).

### Other Federal Requirements

(g) All NH Highway Safety Agency employee's time which is charged to federal funds utilize Section 402 funds. All Time and Attendance charges from federal sources come from that single cost objective which brings the State of New Hampshire into compliance with the applicable federal regulation as stated in 2 CFR 225, Appendix B, h(3). An additional certification will be provided by the NH Highway Safety Agency each year in April in order to meet the federal requirement for biennial certification. (h) Cash drawdowns will be initiated only when actually needed for disbursement (49 CFR 18.20); cash disbursements and balances will be reported in a timely manner as required by NHTSA (49 CFR 18.21); the same standards of timing and amount, including the reporting of cash disbursement and balances, will be imposed upon any secondary recipient organizations (49 CFR 18.41); failure to adhere to these provisions may result in the termination of drawdown privileges. (i) The State has submitted appropriate documentation for review to the single point of contact designated by the Governor to review Federal programs, as required by Executive Order 12372 (Intergovernmental Review of Federal Programs); (j) Equipment acquired under this agreement for use in highway safety program areas shall be used and kept in operation for highway safety purposes by the State; or the State, by formal agreement with appropriate officials of a political subdivision or State agency, shall cause such equipment to be used and kept in operation for highway safety purposes (23 CFR 1200.21). (k) The State will comply with all applicable State procurement procedures and will maintain a financial management system that complies with the minimum requirements of 49 CFR 18.20; (l) The State's highway safety program has been specifically exempted from the provisions of Circular A-95 by the Governor of the State of New Hampshire. (m) Federal Funding Accountability and Transparency Act (FFATA). The State will comply with FFATA guidance, OMB Guidance on FFATA Subaward and Executive Compensation Reporting, August 27, 2010, ([https://www.fsrcs.gov/documents/OMB\\_Guidance\\_on\\_FFATA\\_Subaward\\_and\\_Executive\\_Compensation\\_Reporting\\_08272010.pdf](https://www.fsrcs.gov/documents/OMB_Guidance_on_FFATA_Subaward_and_Executive_Compensation_Reporting_08272010.pdf)) by reporting to FSRs.gov for each sub-grant awarded. 1) Name of the entity receiving the award; 2) Amount of the award; 3) Information on the award including transaction type, funding agency, the North American Industry Classification System code or Catalog of Federal Domestic Assistance number (where applicable), program source; 4) Location of the entity receiving the award and the primary location of performance under the award, including the city, State, congressional district, and country, and an award title descriptive of the purpose of each funding action; 5) A unique identifier (DUNS); 6) The names and total compensation of the five most highly compensated officers of the entity if, of the entity receiving the award and of the parent entity of the recipient, should the entity be owned by another entity; (i) The entity in the preceding fiscal year received—(I) 80 percent or more of its annual gross revenues in Federal awards; and (II) \$25,000,000 or more in annual gross revenues from Federal awards; and ii) The public does not have access to information about the compensation of the senior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986; 7) Other relevant information specified by the Office of Management and Budget in subsequent guidance or regulation. (n) The State highway safety agency will comply with all Federal statutes and implementing regulations relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin (and 49 CFR Part 21); (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794) and the Americans with Disabilities Act of 1990 (42 USC § 12101, *et seq.*; PL 101-336), which prohibits discrimination on the basis of disabilities (and 49 CFR Part 27); (d) the Age Discrimination Act of 1975, as amended (42U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970(P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse of alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§ 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 *et seq.*), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; The Civil Rights Restoration Act of 1987, which provides that any portion of a state or local entity receiving federal funds will obligate all programs or activities of that entity to comply with these civil rights laws; (k) the requirements of any other nondiscrimination statute(s) which may apply to the application; and (l) the Civil Right Restoration Act of 1987 (Pub.L. 100-259) which requires Federal-aid recipients and all sub recipients to prevent discrimination and ensure non-discrimination in all programs and activities.

### The Drug-Free Workplace Act of 1988(41 U.S.C. 8103)

In accordance with the Drug-Free Workplace Act of 1988 (41 U.S.C. 702) and former Governor Judd Gregg's Executive Order No. 89-6, the State will provide a drug-free workplace by: a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition; b. Establishing a drug-free awareness program to inform employees about: 1) The dangers of drug abuse in the workplace; 2) The grantee's policy of maintaining a drug-free workplace; 3) Any available drug counseling, rehabilitation, and employee assistance programs; and 4) The penalties that may be imposed upon employees for drug violations occurring in the workplace. c. Making it a requirement that each employee engaged in the performance of the grant be given a copy of the statement required by paragraph (a). d. Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will: 1) Abide by the terms of the statement; and 2) Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction. e. Notifying the agency within ten days after receiving notice under subparagraph (d) (2) from an employee or otherwise receiving actual notice of such conviction. f. Taking one of the following actions, within 30 days of receiving notice under subparagraph (d) (2), with respect to any employee who is so convicted: 1) Taking appropriate personnel action against such an employee, up to and including termination; or 2) Requiring such employee to participate

satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency. g. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f) above.

#### Buy America Act

The subgrantee will comply with the provisions of the Buy America Act (49 U.S.C. 5323(j)) which contains the following requirements: Only steel, iron and manufactured products produced in the United States may be purchased with Federal funds unless the Secretary of Transportation determines that such domestic purchases would be inconsistent with the public interest; that such materials are not reasonably available and of a satisfactory quality; or that inclusion of domestic materials will increase the cost of the overall project contract by more than 25 percent. Clear justification for the purchase of non-domestic items must be in the form of a waiver request submitted to and approved by the Secretary of Transportation.

#### Political Activity (Hatch Act)

The subgrantee will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

#### Certification Regarding Federal Lobbying

##### Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that: 1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement. 2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions. 3. The undersigned shall require that the language of this certification be included in the award documents for all sub-award at all tiers (including subcontracts, subgrants, and contracts under grant, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

#### Restriction on State Lobbying

None of the funds under this program will be used for any activity specifically designed to urge or influence a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body. Such activities include both direct and indirect (e.g., "grassroots") lobbying activities, with one exception. This does not preclude a State official whose salary is supported with NHTSA funds from engaging in direct communications with State or local legislative officials, in accordance with customary State practice, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.

#### Certification Regarding Debarment and Suspension

In accordance with the provision of 49 CFR Part 29, the State agrees that it shall not knowingly enter into any agreement under its Highway Safety Plan with a person or entity that is barred, suspended, declared ineligible, or voluntarily excluded from participation in the Section 402 program, unless otherwise authorized by NHTSA. The State further agrees that it will include a clause in all lower tier covered transactions and in solicitations for lower tier covered transactions.

#### Instructions for Primary Certification

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below. 2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.



3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default. 4. The prospective primary participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary participant learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances. 5. The terms *covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded*, as used in this clause, have the meaning set out in the Definitions and coverage sections of 49 CFR Part 29. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations. 6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction. 7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions. 8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the list of Parties Excluded from Federal Procurement and Non-procurement Programs. 9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings. 10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

#### Certification Regarding Debarment, Suspension, and Other Responsibility Matters-Primary Covered Transactions

1. The prospective primary participant certifies to the best of its knowledge and belief, that its principals: a) are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency; b) have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of record, making false statements, or receiving stolen property; c) are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or Local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and d) have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default. 2. Where the prospective primary participant is unable to certify to any of the Statements in this certification, such prospective participant shall attach an explanation to this proposal.

#### Instructions for Lower Tier Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below. 2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment. 3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances. 4. The terms *covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded*, as used in this clause, have the meanings set out in the Definition and Coverage sections of 49 CFR Part 29. You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations. 5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated. 6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions. (See below) 7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Non-procurement Programs. 8. Nothing contained in

the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings. 9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transactions:

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency. 2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Policy to Ban Text Messaging While Driving

In accordance with Executive Order 13513, Federal Leadership On Reducing Text Messaging While Driving, and DOT Order 3902.10, Text Messaging While Driving, States are encouraged to: 1. Adopt and enforce workplace safety policies to decrease crashes caused by distracted driving including policies to ban text messaging while driving: a) Company-owned or -rented vehicles, or Government-owned, leased or rented vehicles; or b) Privately-owned when on official Government business or when performing any work on behalf of the Government. 2. Conduct workplace safety initiatives in a manner commensurate with the size of the business, such as: a) Establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving; and b) Education, awareness, and other outreach to employees about the safety risks associated with texting while driving.

Environmental Impact

The Governor's Representative for Highway Safety has reviewed the State's Fiscal Year highway safety planning document and hereby declares that no significant environmental impact will result from implementing this Highway Safety Plan. If, under a future revision, this Plan will be modified in such a manner that a project would be instituted that could affect environmental quality to the extent that a review and statement would be necessary, this office is prepared to take the action necessary to comply with the National Environmental Policy Act of 1969 (42 USC 4321 et seq.) and the implementing regulations of the Council on Environmental Quality (40 CFR Parts 1500-1517).

Policy on Seat Belt Use

In accordance with Executive Order 13043, Increasing Seat Belt Use in the United States, dated April 16, 1997, the Grantee is encouraged to adopt and enforce on-the-job seat belt use policies and programs for its employees when operating company-owned, rented, or personally-owned vehicles. The National Highway Traffic Safety Administration (NHTSA) is responsible for providing leadership and guidance in support of this Presidential initiative. For information on how to implement such a program, or statistics on the potential benefits and cost-savings to your company or organization, please visit the Buckle Up America section on NHTSA's website at [www.nhtsa.dot.gov](http://www.nhtsa.dot.gov). Additional resources are available from the Network of Employers for Traffic Safety (NETS), a public-private partnership headquartered in the Washington, DC, metropolitan area, and dedicated to improving the traffic safety practices of employers and employees. NETS is prepared to provide technical assistance, a simple, user-friendly program kit, and an award for achieving the President's goal of 90 percent seat belt use. NETS can be contacted at 1 (888) 221-0045 or visit its website at [www.trafficsafety.org](http://www.trafficsafety.org).

HS-4(a) (3/28/13)

NH Highway Safety Agency  
78 Regional Drive, Building #2  
Concord, NH 03301-8530  
Telephone 603-271-2131

**ADDENDUM TO THE APPLICATION  
FOR HIGHWAY SAFETY PROJECT GRANT**

FEDERAL REGULATIONS

2 CFR Part 25 (formerly Circular A-87). This provides principles for determining the allowable costs of programs administered by State, local and federally-recognized Indian tribal governments under grants from and contracts with the Federal Government. They are designed to provide the basis for a uniform approach to the problem of determining costs and to promote efficiency and better relationships between grantees and the Federal Government. The principles are for determining costs only and are not intended to identify the circumstances nor to dictate the extent of Federal and State or local participation in the financing of a particular project. They are designed to provide that federally-assisted programs bear their fair share of costs recognized under these principles except where restricted and prohibited by law.

COMMON RULE (49 CFR Part 18) (Effective October 1988) This rule establishes the Uniform Administrative Requirements for Grants and Cooperative Agreements and Sub-awards to state and local governments and Indian tribal governments. Administrative rules set forth include:

18.10	Forms for Applying for Grants	18.32	Equipment
18.11	State Plans	18.33	Supplies
18.20	Standards for Financial Management Systems	18.34	Copyrights
18.21	Payment	18.35	Sub-awards to Debarred and Suspended Parties
18.22	Allowable Costs	18.36	Procurement
18.23	Period of Availability of Funds	18.37	Subgrants
18.24	Matching or Cost Sharing	18.40	Monitoring and Reporting Program Performance
18.25	Program Income	18.41	Financial Reporting
18.26	Non-Federal Audits	18.42	Retention and Access Requirements for Records
18.30	Changes	18.50	Closeout
18.31	Real Property		

CIRCULAR A-133 (June 1997). This Circular establishes audit requirements for State and local governments that receive Federal aid, and defines Federal responsibilities for implementing and monitoring those requirements.

Further information concerning these Circulars may be obtained by contacting the Financial Management Branch, Budget Review Division, Office of Management & Budget, Washington, DC 20503. Telephone 202-395-4773.

FEDERAL FUNDING ACCOUNTABILITY & TRANSPARENCY ACT. Data Universal Numbering System (DUNS) Numbers Requirement. As the recipient of federal highway safety funds, the applicant agency must have a DUNS number. This is a unique nine-character number that identifies the applicant agency and is used by the federal government to track how federal funds are distributed. If the applicant agency is authorized to make sub-awards under this contract, it must: 1) notify potential sub-recipients that no entity may receive a sub-award unless that entity has provided the applicant agency with its DUNS number; and 2) the applicant agency may not make a sub-award to an entity unless the entity has provided its DUNS number to the applicant agency.  
(<http://fedgov.dnb.com/webform>)

**CONTRACTUAL AGREEMENT  
FOR HIGHWAY SAFETY PROJECT GRANT**

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

**For HSA Use Only**

Date Received	Project Number
Date Approved	PSP and Task # 15-06, 02

**Part I**

1. Project Title <b>Portsmouth Pedestrian Patrols</b>	2. Type of Application (Check One) <input checked="" type="checkbox"/> Initial <input type="checkbox"/> Revision <input type="checkbox"/> Continuation
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3. Applicant	
A. Name of Agency      DUNS Number 073976706 Portsmouth Police Department	B. Address of Agency 3 Junkins Avenue Portsmouth NH 03801-4511
C. Government Unit (Check One) <input type="checkbox"/> State <input checked="" type="checkbox"/> City/Town <input type="checkbox"/> County <input type="checkbox"/> Other (specify):	D. Name Address of Governmental Unit City of Portsmouth One Junkins Avenue Portsmouth, NH 03801

4. Contract Duration A. Contract Period Start Date:              April 1, 2015 Termination Date:      September 15, 2015	Functional Area    PS - Pedestrian/Bicycle Safety CFDA#              20.600 Program Title      State & Community Highway Safety Funding Source    National Highway Traffic Safety Administratio
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**6. Description of Project (Describe in detail in Schedule A) and Source of Funds**

**Budget (Provide itemization as called for on Schedule B) and Source of Funds**

Cost Category	Total Budget	Federal Budget	Local Budget	State Budget	Other Funds
a. Personnel Services	\$6,292.00	\$6,292.00			
b. Current Expense					
c. Equipment					
d. Indirect Costs Audit					
e. Contractual Services					
f. Other					
Total Estimated Costs Including Non-Federal Share	\$6,292.00	\$6,292.00			

**7. Local Benefit:**

It is anticipated that the federal share for local benefit will be: 100% (\$6,292.00)

**SCHEDULE A  
GENERAL PROJECT INFORMATION**

Description of Project

**STATEMENT OF PROBLEM/NEED:** The City of Portsmouth is home to many restaurants, bars, shops, and businesses. Portsmouth is one of the oldest settlements of the United States. The area was first settled as Strawberry Banke in 1623, and is the sixth oldest town in the United States.

The City of Portsmouth's history and numerous community events attract tens of thousands of people to an already congested downtown. Large crowds of people attend the Chowder Festival, the Annual Market Square Day, the Annual Taste of the Nation at Strawberry Banke, fireworks, the Seacoast Jazz Festival, the Folk and Acoustic Festival, the Arts Festival, and the Blues Festival.

The Portsmouth Middle School is in close proximity to the downtown area. During the school year there are six early release days when the students are dismissed at 11:00 AM. Many of these students are unsupervised as they walk to the downtown area saturated with pedestrians who are "j-walking" and ignoring signage at crosswalks, as well as motorists not stopping for pedestrians using crosswalks. The problem of pedestrian violations occurs daily (Sunday through Saturday) and is prevalent between the hours of 6:00 AM and 9:00 PM Monday through Friday and on Saturday and Sundays from 11:00 AM-7:00 PM. Many people are visiting these stores, shops, or businesses from the time these shops open until they close. Business owners typically are getting their establishments ready for business during early morning hours and can be found crossing streets in Portsmouth early. During some of the major events (Chowder Festival, the Annual Market Square Day) vendors are setting up very early (6:00 AM) and a large influx of people (pedestrians) visit vendors throughout the day into the evening hours.

Year	MV Crashes Involving Pedestrians
2012	19
2013	12
2014	3

**Pedestrian Violations**

Year	Pedestrian Warnings	Pedestrian Summonses
2012	1	1
2013	16	4
2014	15	2

Although statistics show a decrease in pedestrian warnings and summonses over the last three years, this can, in part, be attributed to the fact that the Portsmouth Police Department has made a concerted effort to address the problem through conducting overtime patrols funded by the NH Highway Safety Agency. Additional funds are needed in order for the police department to continue to establish enforcement efforts. Without this continued effort, additional dedicated enforcement will not be conducted and the infractions will surely increase.

**PROPOSED SOLUTION:** In an effort to combat the problems being experienced with pedestrian violations, the Portsmouth Police Department will hire, on an off-duty basis, officers to work one-man overtime pedestrian enforcement patrols (22 4-hour shifts) on those days and during those times (Monday-Friday 6:00 AM-9:00 PM and Saturday and Sunday 11:00 AM-7:00 PM) when the violations are felt to be most prevalent. Adherence to all traffic laws, including the state's occupant protection law, will be monitored and enforced. **It is understood that these patrols will be conducted on an overtime basis and officers will be paid at their overtime (1.5) rate for work exceeding their normal 40 hours per week. Part-time officers will be paid at their normal hourly rate.**

**ANTICIPATED RESULTS:** Intense enforcement and visibility will result in a continuing perception that the Portsmouth Police Department takes pedestrian safety seriously. The goal is to increase the number of motor vehicle stops and to create a high visibility deployment effort at crosswalk locations. It is anticipated that for the project period a total of 20 summonses and warnings for pedestrian violations will be issued.

(over)

ADDITIONAL CONTRACT CONDITIONS: It is agreed that "Overtime Selective Traffic Enforcement Program Report" forms (HS-200) will be completed for each patrol and submitted to the NH Highway Safety Agency along with requests for reimbursement.

New Hampshire's Child Passenger Safety law is a primary law. A driver should be stopped for violating RSA 265:107-a which requires that all vehicle occupants under the age of 18 riding in a motor vehicle must be restrained and properly fastened in a safety belt and children under the age of 7 must be restrained and properly secured in an approved child passenger safety seat. If the passenger is 57 inches or more in height, the provisions of this paragraph shall not apply. It is agreed that whenever a stop is made during a patrol supported by this agreement, action will be taken to enforce the state's child passenger safety law.

The recipient of these funds is encouraged to provide programs to encourage the use of safety belts by all drivers and passengers in motor vehicles (23 U.S.C. 1200.11 (a)(d)) and to adopt and enforce seat belt use policies for employees operating company-owned, rented, or personally-owned vehicles when performing official business.

See attached Addenda for additional information that is hereby made a part of this contractual agreement.

## ADDENDUM TO THE APPLICATION FOR HIGHWAY SAFETY PROJECT GRANT

PROJECT REPORTS: It is agreed that quarterly reports will be made to the NH Highway Safety Agency for one year summarizing the progress being made in implementing the project and identifying any problems being encountered. A final report will be made upon completion of the project. Monthly reports will be submitted within 20 days of the project termination date.

PROJECT TERMS: All purchases and expenditures under this project will be subject to audit procedures satisfactory to Federal regulations. It is understood that no monies provided under this project will be used for the replacement of any existing equipment which currently meets Federal Highway Safety Standards. If any existing equipment is sold or traded during the project period, in order to reduce the actual outlay of funds for equipment which is provided under this project, the proceeds will be applied in pro-rated amounts to the Federal and local shares of the costs of the project.

PROCUREMENT AND EQUIPMENT COST: State agencies receiving federal funds for the purchase of equipment are required to process orders through the Division of Plant and Property Management in accordance with state regulations. Items of equipment requiring testing and certification to verify their accuracy (i.e. breath testing devices and traffic control radar) must be selected from the State approved devices.

EQUIPMENT: Equipment acquired under this agreement for use in highway safety program areas shall be used and kept in operation for highway safety purposes by the State; or the State, by formal agreement with appropriate officials of a political subdivision or State agency, shall cause such equipment to be used and kept in operation for highway safety purposes (23 CRF 1200.21).

PROJECT INVENTORY: An inventory of each item of equipment having a useful life of more than two years and a cost of five thousand dollars (\$5,000.00) or more will be provided to the NH Highway Safety Agency during the period in which it is in use. Before such equipment is disposed of, either by trade-in or write-off, authorization will be obtained from the Highway Safety Agency, acting as agent for the National Highway Traffic Safety Administration.

PROJECT CREDIT: All publications, public information or publicity released in conjunction with this project shall state that "this project is being supported in part through a grant from the NH Highway Safety Agency with federal funds provided by the National Highway Traffic Safety Administration, US Department of Transportation", or words to that effect.

AUDIT REPORTS: The grantee agrees to provide the NH Highway Safety Agency with a copy of the audit report including this project which was conducted under provisions of Circular A-133 - Audit of State and Local Governments and Non-Profit Organizations.

### Certifications and Assurances

#### Section 402 Requirements (as amended by Pub. L. 112-141)

(a) The Governor is responsible for the administration of the State highway safety program through the NH Highway Safety Agency (NH RSA 238) which has adequate powers and is suitably equipped and organized (as evidenced by appropriate oversight procedures governing such areas as procurement, financial administration, and the use, management, and disposition of equipment) to carry out the program (23 USC 402(b) (1) (A)); (b) The political subdivisions of this State are authorized, under NH RSA 238:6, to carry out within their jurisdictions local highway safety programs which have been approved by the Governor and are in accordance with the uniform guidelines promulgated by the Secretary of Transportation (23 USC 402(b) (1) (B)); (c) At least 40 percent of all Federal funds apportioned to this State under 23 USC 402 for this fiscal year will be expended by or for the benefit of the political subdivision of the State in carrying out local highway safety programs in accordance with 23 USC 402(b) (1) (C), 402(h)(2), unless this requirement is waived in writing; (d) This State's highway safety program provides adequate and reasonable access for the safe and convenient movement of physically handicapped persons, including those in wheelchairs, across curbs constructed or replaced on or after July 1, 1976, at all pedestrian crosswalks throughout the state in accordance with 23 USC 402(b) (1) (D); (e) The State will implement activities in support of national highway safety goals to reduce motor vehicle related fatalities that also reflect the primary data-related crash factors within the State as identified by the State highway safety planning process, including: 1) National law enforcement mobilizations; 2) Sustained enforcement of statutes addressing impaired driving, occupant protection, and driving in excess of posted speed limits; 3) An annual statewide safety belt use survey in accordance with 23 CFR Part 1340 for the measurement of State safety belt use rates; 4) Development of statewide data systems to provide timely and effective data analysis to support allocation of highway safety resources. 5) Coordination of its highway safety plan, data collection, and information systems with the state strategic highway safety plan as defined in section 148 (a). (23 USC 402 (b) (1) (E)); (f) The State shall actively encourage all relevant law enforcement agencies in the State to follow the guidelines established for vehicular pursuits issued by the International Association of Chiefs of Police that are currently in effect. (23 USC 402 (j)). 6) The State will not expend Section 402 funds to carry out a program to purchase, operate, or maintain an automated traffic enforcement system. (23 U.S.C. 402(c)(4).

### Other Federal Requirements

(g) All NH Highway Safety Agency employee's time which is charged to federal funds utilize Section 402 funds. All Time and Attendance charges from federal sources come from that single cost objective which brings the State of New Hampshire into compliance with the applicable federal regulation as stated in 2 CFR 225, Appendix B, h(3). An additional certification will be provided by the NH Highway Safety Agency each year in April in order to meet the federal requirement for biennial certification. (h) Cash drawdowns will be initiated only when actually needed for disbursement (49 CFR 18.20); cash disbursements and balances will be reported in a timely manner as required by NHTSA (49 CFR 18.21); the same standards of timing and amount, including the reporting of cash disbursement and balances, will be imposed upon any secondary recipient organizations (49 CFR 18.41); failure to adhere to these provisions may result in the termination of drawdown privileges. (i) The State has submitted appropriate documentation for review to the single point of contact designated by the Governor to review Federal programs, as required by Executive Order 12372 (Intergovernmental Review of Federal Programs); (j) Equipment acquired under this agreement for use in highway safety program areas shall be used and kept in operation for highway safety purposes by the State; or the State, by formal agreement with appropriate officials of a political subdivision or State agency, shall cause such equipment to be used and kept in operation for highway safety purposes (23 CFR 1200.21). (k) The State will comply with all applicable State procurement procedures and will maintain a financial management system that complies with the minimum requirements of 49 CFR 18.20; (l) The State's highway safety program has been specifically exempted from the provisions of Circular A-95 by the Governor of the State of New Hampshire. (m) Federal Funding Accountability and Transparency Act (FFATA). The State will comply with FFATA guidance, OMB Guidance on FFATA Subaward and Executive Compensation Reporting, August 27, 2010, ([https://www.fsr.gov/documents/OMB\\_Guidance\\_on\\_FFATA\\_Subaward\\_and\\_Executive\\_Compensation\\_Reporting\\_08272010.pdf](https://www.fsr.gov/documents/OMB_Guidance_on_FFATA_Subaward_and_Executive_Compensation_Reporting_08272010.pdf)) by reporting to FSR.gov for each sub-grant awarded. 1) Name of the entity receiving the award; 2) Amount of the award; 3) Information on the award including transaction type, funding agency, the North American Industry Classification System code or Catalog of Federal Domestic Assistance number (where applicable), program source; 4) Location of the entity receiving the award and the primary location of performance under the award, including the city, State, congressional district, and country, and an award title descriptive of the purpose of each funding action; 5) A unique identifier (DUNS); 6) The names and total compensation of the five most highly compensated officers of the entity if, of the entity receiving the award and of the parent entity of the recipient, should the entity be owned by another entity; (i) The entity in the preceding fiscal year received—(I) 80 percent or more of its annual gross revenues in Federal awards; and (II) \$25,000,000 or more in annual gross revenues from Federal awards; and ii) The public does not have access to information about the compensation of the senior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986; 7) Other relevant information specified by the Office of Management and Budget in subsequent guidance or regulation. (n) The State highway safety agency will comply with all Federal statutes and implementing regulations relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin (and 49 CFR Part 21); (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794) and the Americans with Disabilities Act of 1990 (42 USC § 12101, *et seq.*; PL 101-336), which prohibits discrimination on the basis of disabilities (and 49 CFR Part 27); (d) the Age Discrimination Act of 1975, as amended (42U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970(P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse of alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§ 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 *et seq.*), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; The Civil Rights Restoration Act of 1987, which provides that any portion of a state or local entity receiving federal funds will obligate all programs or activities of that entity to comply with these civil rights laws; (k) the requirements of any other nondiscrimination statute(s) which may apply to the application; and (l) the Civil Right Restoration Act of 1987 (Pub.L. 100-259) which requires Federal-aid recipients and all sub recipients to prevent discrimination and ensure non-discrimination in all programs and activities.

### The Drug-Free Workplace Act of 1988(41 U.S.C. 8103)

In accordance with the Drug-Free Workplace Act of 1988 (41 U.S.C. 702) and former Governor Judd Gregg's Executive Order No. 89-6, the State will provide a drug-free workplace by: a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition; b. Establishing a drug-free awareness program to inform employees about: 1) The dangers of drug abuse in the workplace; 2) The grantee's policy of maintaining a drug-free workplace; 3) Any available drug counseling, rehabilitation, and employee assistance programs; and 4) The penalties that may be imposed upon employees for drug violations occurring in the workplace. c. Making it a requirement that each employee engaged in the performance of the grant be given a copy of the statement required by paragraph (a). d. Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will: 1) Abide by the terms of the statement; and 2) Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction. e. Notifying the agency within ten days after receiving notice under subparagraph (d) (2) from an employee or otherwise receiving actual notice of such conviction. f. Taking one of the following actions, within 30 days of receiving notice under subparagraph (d) (2), with respect to any employee who is so convicted: 1) Taking appropriate personnel action against such an employee, up to and including termination; or 2) Requiring such employee to participate



satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency. g. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f) above.

#### Buy America Act

The subgrantee will comply with the provisions of the Buy America Act (49 U.S.C. 5323(j)) which contains the following requirements: Only steel, iron and manufactured products produced in the United States may be purchased with Federal funds unless the Secretary of Transportation determines that such domestic purchases would be inconsistent with the public interest; that such materials are not reasonably available and of a satisfactory quality; or that inclusion of domestic materials will increase the cost of the overall project contract by more than 25 percent. Clear justification for the purchase of non-domestic items must be in the form of a waiver request submitted to and approved by the Secretary of Transportation.

#### Political Activity (Hatch Act)

The subgrantee will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

#### Certification Regarding Federal Lobbying

##### Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that: 1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement. 2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions. 3. The undersigned shall require that the language of this certification be included in the award documents for all sub-award at all tiers (including subcontracts, subgrants, and contracts under grant, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

#### Restriction on State Lobbying

None of the funds under this program will be used for any activity specifically designed to urge or influence a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body. Such activities include both direct and indirect (e.g., "grassroots") lobbying activities, with one exception. This does not preclude a State official whose salary is supported with NHTSA funds from engaging in direct communications with State or local legislative officials, in accordance with customary State practice, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.

#### Certification Regarding Debarment and Suspension

In accordance with the provision of 49 CFR Part 29, the State agrees that it shall not knowingly enter into any agreement under its Highway Safety Plan with a person or entity that is barred, suspended, declared ineligible, or voluntarily excluded from participation in the Section 402 program, unless otherwise authorized by NHTSA. The State further agrees that it will include a clause in all lower tier covered transactions and in solicitations for lower tier covered transactions.

#### Instructions for Primary Certification

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below. 2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.

3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default. 4. The prospective primary participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary participant learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances. 5. The terms *covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded*, as used in this clause, have the meaning set out in the Definitions and coverage sections of 49 CFR Part 29. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations. 6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction. 7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions. 8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the list of Parties Excluded from Federal Procurement and Non-procurement Programs. 9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings. 10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

#### Certification Regarding Debarment, Suspension, and Other Responsibility Matters-Primary Covered Transactions

1. The prospective primary participant certifies to the best of its knowledge and belief, that its principals: a) are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency; b) have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of record, making false statements, or receiving stolen property; c) are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or Local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and d) have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default. 2. Where the prospective primary participant is unable to certify to any of the Statements in this certification, such prospective participant shall attach an explanation to this proposal.

#### Instructions for Lower Tier Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below. 2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment. 3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances. 4. The terms *covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded*, as used in this clause, have the meanings set out in the Definition and Coverage sections of 49 CFR Part 29. You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations. 5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated. 6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions. (See below) 7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Non-procurement Programs. 8. Nothing contained in

the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings. 9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transactions:

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency. 2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Policy to Ban Text Messaging While Driving

In accordance with Executive Order 13513, Federal Leadership On Reducing Text Messaging While Driving, and DOT Order 3902.10, Text Messaging While Driving, States are encouraged to: 1. Adopt and enforce workplace safety policies to decrease crashes caused by distracted driving including policies to ban text messaging while driving: a) Company-owned or -rented vehicles, or Government-owned, leased or rented vehicles; or b) Privately-owned when on official Government business or when performing any work on behalf of the Government. 2. Conduct workplace safety initiatives in a manner commensurate with the size of the business, such as: a) Establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving; and b) Education, awareness, and other outreach to employees about the safety risks associated with texting while driving.

Environmental Impact

The Governor's Representative for Highway Safety has reviewed the State's Fiscal Year highway safety planning document and hereby declares that no significant environmental impact will result from implementing this Highway Safety Plan. If, under a future revision, this Plan will be modified in such a manner that a project would be instituted that could affect environmental quality to the extent that a review and statement would be necessary, this office is prepared to take the action necessary to comply with the National Environmental Policy Act of 1969 (42 USC 4321 et seq.) and the implementing regulations of the Council on Environmental Quality (40 CFR Parts 1500-1517).

Policy on Seat Belt Use

In accordance with Executive Order 13043, Increasing Seat Belt Use in the United States, dated April 16, 1997, the Grantee is encouraged to adopt and enforce on-the-job seat belt use policies and programs for its employees when operating company-owned, rented, or personally-owned vehicles. The National Highway Traffic Safety Administration (NHTSA) is responsible for providing leadership and guidance in support of this Presidential initiative. For information on how to implement such a program, or statistics on the potential benefits and cost-savings to your company or organization, please visit the Buckle Up America section on NHTSA's website at [www.nhtsa.dot.gov](http://www.nhtsa.dot.gov). Additional resources are available from the Network of Employers for Traffic Safety (NETS), a public-private partnership headquartered in the Washington, DC, metropolitan area, and dedicated to improving the traffic safety practices of employers and employees. NETS is prepared to provide technical assistance, a simple, user-friendly program kit, and an award for achieving the President's goal of 90 percent seat belt use. NETS can be contacted at 1 (888) 221-0045 or visit its website at [www.trafficsafety.org](http://www.trafficsafety.org).

HS-4(a) (3/28/13)

**ADDENDUM TO THE APPLICATION  
FOR HIGHWAY SAFETY PROJECT GRANT**

FEDERAL REGULATIONS

2 CFR Part 25 (formerly Circular A-87). This provides principles for determining the allowable costs of programs administered by State, local and federally-recognized Indian tribal governments under grants from and contracts with the Federal Government. They are designed to provide the basis for a uniform approach to the problem of determining costs and to promote efficiency and better relationships between grantees and the Federal Government. The principles are for determining costs only and are not intended to identify the circumstances nor to dictate the extent of Federal and State or local participation in the financing of a particular project. They are designed to provide that federally-assisted programs bear their fair share of costs recognized under these principles except where restricted and prohibited by law.

COMMON RULE (49 CFR Part 18) (Effective October 1988) This rule establishes the Uniform Administrative Requirements for Grants and Cooperative Agreements and Sub-awards to state and local governments and Indian tribal governments. Administrative rules set forth include:

18.10	Forms for Applying for Grants	18.32	Equipment
18.11	State Plans	18.33	Supplies
18.20	Standards for Financial Management Systems	18.34	Copyrights
18.21	Payment	18.35	Sub-awards to Debarred and Suspended Parties
18.22	Allowable Costs	18.36	Procurement
18.23	Period of Availability of Funds	18.37	Subgrants
18.24	Matching or Cost Sharing	18.40	Monitoring and Reporting Program Performance
18.25	Program Income	18.41	Financial Reporting
18.26	Non-Federal Audits	18.42	Retention and Access Requirements for Records
18.30	Changes	18.50	Closeout
18.31	Real Property		

CIRCULAR A-133 (June 1997). This Circular establishes audit requirements for State and local governments that receive Federal aid, and defines Federal responsibilities for implementing and monitoring those requirements.

Further information concerning these Circulars may be obtained by contacting the Financial Management Branch, Budget Review Division, Office of Management & Budget, Washington, DC 20503. Telephone 202-395-4773.

FEDERAL FUNDING ACCOUNTABILITY & TRANSPARENCY ACT. *Data Universal Numbering System (DUNS) Numbers Requirement.* As the recipient of federal highway safety funds, the applicant agency must have a DUNS number. This is a unique nine-character number that identifies the applicant agency and is used by the federal government to track how federal funds are distributed. If the applicant agency is authorized to make sub-awards under this contract, it must: 1) notify potential sub-recipients that no entity may receive a sub-award unless that entity has provided the applicant agency with its DUNS number; and 2) the applicant agency may not make a sub-award to an entity unless the entity has provided its DUNS number to the applicant agency. (<http://fedgov.dnb.com/webform>)

# CONTRACTUAL AGREEMENT FOR HIGHWAY SAFETY PROJECT GRANT

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

### For HSA Use Only

Date Received	Project Number
Date Approved	PSP and Task # 15-03, 02

**Part I**

<b>1. Project Title</b> Portsmouth Enforcement Patrols	<b>2. Type of Application (Check One)</b> <input checked="" type="checkbox"/> Initial <input type="checkbox"/> Revision <input type="checkbox"/> Continuation
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<b>3. Applicant</b>	
<b>A. Name of Agency</b> DUNS Number 073976706 Portsmouth Police Department	<b>B. Address of Agency</b> 3 Junkins Avenue Portsmouth NH 03801-4511
<b>C. Government Unit (Check One)</b> <input type="checkbox"/> State <input checked="" type="checkbox"/> City/Town <input type="checkbox"/> County <input type="checkbox"/> Other (specify):	<b>D. Name Address of Governmental Unit</b> City of Portsmouth One Junkins Avenue Portsmouth, NH 03801

<b>4. Contract Duration</b> <b>A. Contract Period</b> Start Date:              April 1, 2015 Termination Date:      September 15, 2015	Functional Area    SC - Speed Control CFDA#                20.600 Program Title        State & Community Highway Safety Funding Source      National Highway Traffic Safety Administratio
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**6. Description of Project (Describe in detail in Schedule A) and Source of Funds**

Budget (Provide itemization as called for on Schedule B) and Source of Funds					
Cost Category	Total Budget	Federal Budget	Local Budget	State Budget	Other Funds
a. Personnel Services	\$6,292.00	\$6,292.00			
b. Current Expense					
c. Equipment					
d. Indirect Costs Audit					
e. Contractual Services					
f. Other					
<b>Total Estimated Costs Including Non-Federal Share</b>	<b>\$6,292.00</b>	<b>\$6,292.00</b>			

<b>7. Local Benefit:</b> It is anticipated that the federal share for local benefit will be: <u>100%</u> ( <u>\$6,292.00</u> )
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**SCHEDULE A  
GENERAL PROJECT INFORMATION**

Description of Project

STATEMENT OF PROBLEM/NEED: Two consecutive public surveys conducted in the City of Portsmouth by a research group from the University of New Hampshire have identified speeding motorists as the major concern of Portsmouth residents as related to police services.

Excessive speed is a problem and citizen complaints are frequent. National Statistics show that excessive speed contributes to an increase in injury resulted crashes.

Through monitoring citizen complaints, as well as conducting Stealth Stat Surveys, the following streets have been identified as having excessive speeding problems: South Street, Ocean Road, Aldrich Road, Pleasant Street, Islington Street, Lafayette Road, Woodbury Avenue, Maplewood Avenue, Market Street, Elwyn Road, Greenland Road, and Middle Road.

The majority of speeding offenses occur throughout the morning and evening weekday commuter hours and throughout the morning and afternoon on weekend days, specifically Sunday through Saturday 6:00 AM-9:00 PM.

Additionally, certain times of the year, there is an increase of child pedestrian traffic. This includes days when there is an early release from school, during the first days of school and when there is trick or treat during the Halloween season.

Year	Speed Warnings	Speed Summonses
2012	685	89
2013	709	71
2014	1087	82

Although statistics show an increase in speed warnings and speed summonses, this can, in part, be attributed to the fact that the Portsmouth Police Department has made a concerted effort to address the problem of speeding motorists through conducting overtime patrols funded by the NH Highway Safety Agency. Additional funds are needed in order for the police department to continue to establish enforcement efforts. Without this continued effort, additional dedicated enforcement will not be conducted and the infractions will surely increase.

PROPOSED SOLUTION: In an effort to combat the problems being experienced with motor vehicle violations, the Portsmouth Police Department will hire, on an off-duty basis, officers to work one-man overtime enforcement patrols (22 4-hour shifts) on those days and during those times (Sunday-Saturday 6:00 AM-9:00 PM) when the violations are felt to be most prevalent. Adherence to all traffic laws, including the state's occupant protection law, will be monitored and enforced. **It is understood that these patrols will be conducted on an overtime basis and officers will be paid at their overtime (1.5) rate for work exceeding their normal 40 hours per week. Part-time officers will be paid at their normal hourly rate.**

ANTICIPATED RESULTS: Intense enforcement and visibility will result in a continuing perception that the Portsmouth Police Department takes the offense of speeding seriously and vigorously enforces speed limits throughout the city. The goal is to increase the number of motor vehicle stops and to create a high visibility deployment effort on the identified streets. It is anticipated that for the project period a total of 72 speed summonses and warnings will be issued.

ADDITIONAL CONTRACT CONDITIONS: It is agreed that "Overtime Selective Traffic Enforcement Program Report" forms (HS-200) will be completed for each patrol and submitted to the NH Highway Safety Agency along with requests for reimbursement.

New Hampshire's Child Passenger Safety law is a primary law. A driver should be stopped for violating RSA 265:107-a which requires that all vehicle occupants under the age of 18 riding in a motor vehicle must be restrained and properly fastened in a safety belt and children under the age of 7 must be restrained and properly secured in an approved child passenger safety seat. If the passenger is 57 inches or more in height, the provisions of this paragraph shall not apply. It is agreed that whenever a stop is made during a patrol supported by this agreement, action will be taken to enforce the state's child passenger safety law.

The recipient of these funds is encouraged to provide programs to encourage the use of safety belts by all drivers and passengers in motor vehicles (23 U.S.C. 1200.11 (a)(d)) and to adopt and enforce seat belt use policies for employees operating company-owned, rented, or personally-owned vehicles when performing official business.

See attached Addenda for additional information that is hereby made a part of this contractual agreement.

## ADDENDUM TO THE APPLICATION FOR HIGHWAY SAFETY PROJECT GRANT

PROJECT REPORTS: It is agreed that quarterly reports will be made to the NH Highway Safety Agency for one year summarizing the progress being made in implementing the project and identifying any problems being encountered. A final report will be made upon completion of the project. Monthly reports will be submitted within 20 days of the project termination date.

PROJECT TERMS: All purchases and expenditures under this project will be subject to audit procedures satisfactory to Federal regulations. It is understood that no monies provided under this project will be used for the replacement of any existing equipment which currently meets Federal Highway Safety Standards. If any existing equipment is sold or traded during the project period, in order to reduce the actual outlay of funds for equipment which is provided under this project, the proceeds will be applied in pro-rated amounts to the Federal and local shares of the costs of the project.

PROCUREMENT AND EQUIPMENT COST: State agencies receiving federal funds for the purchase of equipment are required to process orders through the Division of Plant and Property Management in accordance with state regulations. Items of equipment requiring testing and certification to verify their accuracy (i.e. breath testing devices and traffic control radar) must be selected from the State approved devices.

EQUIPMENT: Equipment acquired under this agreement for use in highway safety program areas shall be used and kept in operation for highway safety purposes by the State; or the State, by formal agreement with appropriate officials of a political subdivision or State agency, shall cause such equipment to be used and kept in operation for highway safety purposes (23 CRF 1200.21).

PROJECT INVENTORY: An inventory of each item of equipment having a useful life of more than two years and a cost of five thousand dollars (\$5,000.00) or more will be provided to the NH Highway Safety Agency during the period in which it is in use. Before such equipment is disposed of, either by trade-in or write-off, authorization will be obtained from the Highway Safety Agency, acting as agent for the National Highway Traffic Safety Administration.

PROJECT CREDIT: All publications, public information or publicity released in conjunction with this project shall state that "this project is being supported in part through a grant from the NH Highway Safety Agency with federal funds provided by the National Highway Traffic Safety Administration, US Department of Transportation", or words to that effect.

AUDIT REPORTS: The grantee agrees to provide the NH Highway Safety Agency with a copy of the audit report including this project which was conducted under provisions of Circular A-133 - Audit of State and Local Governments and Non-Profit Organizations.

### Certifications and Assurances

#### Section 402 Requirements (as amended by Pub. L. 112-141)

(a) The Governor is responsible for the administration of the State highway safety program through the NH Highway Safety Agency (NH RSA 238) which has adequate powers and is suitably equipped and organized (as evidenced by appropriate oversight procedures governing such areas as procurement, financial administration, and the use, management, and disposition of equipment) to carry out the program (23 USC 402(b) (1) (A)); (b) The political subdivisions of this State are authorized, under NH RSA 238:6, to carry out within their jurisdictions local highway safety programs which have been approved by the Governor and are in accordance with the uniform guidelines promulgated by the Secretary of Transportation (23 USC 402(b) (1) (B)); (c) At least 40 percent of all Federal funds apportioned to this State under 23 USC 402 for this fiscal year will be expended by or for the benefit of the political subdivision of the State in carrying out local highway safety programs in accordance with 23 USC 402(b) (1) (C), 402(h)(2), unless this requirement is waived in writing; (d) This State's highway safety program provides adequate and reasonable access for the safe and convenient movement of physically handicapped persons, including those in wheelchairs, across curbs constructed or replaced on or after July 1, 1976, at all pedestrian crosswalks throughout the state in accordance with 23 USC 402(b) (1) (D); (e) The State will implement activities in support of national highway safety goals to reduce motor vehicle related fatalities that also reflect the primary data-related crash factors within the State as identified by the State highway safety planning process, including: 1) National law enforcement mobilizations; 2) Sustained enforcement of statutes addressing impaired driving, occupant protection, and driving in excess of posted speed limits; 3) An annual statewide safety belt use survey in accordance with 23 CFR Part 1340 for the measurement of State safety belt use rates; 4) Development of statewide data systems to provide timely and effective data analysis to support allocation of highway safety resources. 5) Coordination of its highway safety plan, data collection, and information systems with the state strategic highway safety plan as defined in section 148 (a). (23 USC 402 (b) (1) (E)); (f) The State shall actively encourage all relevant law enforcement agencies in the State to follow the guidelines established for vehicular pursuits issued by the International Association of Chiefs of Police that are currently in effect. (23 USC 402 (j)). 6) The State will not expend Section 402 funds to carry out a program to purchase, operate, or maintain an automated traffic enforcement system. (23 U.S.C. 402(c)(4)).

### Other Federal Requirements

(g) All NH Highway Safety Agency employee's time which is charged to federal funds utilize Section 402 funds. All Time and Attendance charges from federal sources come from that single cost objective which brings the State of New Hampshire into compliance with the applicable federal regulation as stated in 2 CFR 225, Appendix B, h(3). An additional certification will be provided by the NH Highway Safety Agency each year in April in order to meet the federal requirement for biennial certification. (h) Cash drawdowns will be initiated only when actually needed for disbursement (49 CFR 18.20); cash disbursements and balances will be reported in a timely manner as required by NHTSA (49 CFR 18.21); the same standards of timing and amount, including the reporting of cash disbursement and balances, will be imposed upon any secondary recipient organizations (49 CFR 18.41); failure to adhere to these provisions may result in the termination of drawdown privileges. (i) The State has submitted appropriate documentation for review to the single point of contact designated by the Governor to review Federal programs, as required by Executive Order 12372 (Intergovernmental Review of Federal Programs); (j) Equipment acquired under this agreement for use in highway safety program areas shall be used and kept in operation for highway safety purposes by the State; or the State, by formal agreement with appropriate officials of a political subdivision or State agency, shall cause such equipment to be used and kept in operation for highway safety purposes (23 CFR 1200.21). (k) The State will comply with all applicable State procurement procedures and will maintain a financial management system that complies with the minimum requirements of 49 CFR 18.20; (l) The State's highway safety program has been specifically exempted from the provisions of Circular A-95 by the Governor of the State of New Hampshire. (m) Federal Funding Accountability and Transparency Act (FFATA). The State will comply with FFATA guidance, OMB Guidance on FFATA Subaward and Executive Compensation Reporting, August 27, 2010, ([https://www.fsrs.gov/documents/OMB\\_Guidance\\_on\\_FFATA\\_Subaward\\_and\\_Executive\\_Compensation\\_Reporting\\_08272010.pdf](https://www.fsrs.gov/documents/OMB_Guidance_on_FFATA_Subaward_and_Executive_Compensation_Reporting_08272010.pdf)) by reporting to FSRS.gov for each sub-grant awarded. 1) Name of the entity receiving the award; 2) Amount of the award; 3) Information on the award including transaction type, funding agency, the North American Industry Classification System code or Catalog of Federal Domestic Assistance number (where applicable), program source; 4) Location of the entity receiving the award and the primary location of performance under the award, including the city, State, congressional district, and country, and an award title descriptive of the purpose of each funding action; 5) A unique identifier (DUNS); 6) The names and total compensation of the five most highly compensated officers of the entity if, of the entity receiving the award and of the parent entity of the recipient, should the entity be owned by another entity; (i) The entity in the preceding fiscal year received—(I) 80 percent or more of its annual gross revenues in Federal awards; and (II) \$25,000,000 or more in annual gross revenues from Federal awards; and ii) The public does not have access to information about the compensation of the senior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986; 7) Other relevant information specified by the Office of Management and Budget in subsequent guidance or regulation. (n) The State highway safety agency will comply with all Federal statutes and implementing regulations relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin (and 49 CFR Part 21); (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794) and the Americans with Disabilities Act of 1990 (42 USC § 12101, *et seq.*; PL 101-336), which prohibits discrimination on the basis of disabilities (and 49 CFR Part 27); (d) the Age Discrimination Act of 1975, as amended (42U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970(P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse of alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§ 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 *et seq.*), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; The Civil Rights Restoration Act of 1987, which provides that any portion of a state or local entity receiving federal funds will obligate all programs or activities of that entity to comply with these civil rights laws; (k) the requirements of any other nondiscrimination statute(s) which may apply to the application; and (l) the Civil Right Restoration Act of 1987 (Pub.L. 100-259) which requires Federal-aid recipients and all sub recipients to prevent discrimination and ensure non-discrimination in all programs and activities.

### The Drug-Free Workplace Act of 1988(41 U.S.C. 8103)

In accordance with the Drug-Free Workplace Act of 1988 (41 U.S.C. 702) and former Governor Judd Gregg's Executive Order No. 89-6, the State will provide a drug-free workplace by: a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition; b. Establishing a drug-free awareness program to inform employees about: 1) The dangers of drug abuse in the workplace; 2) The grantee's policy of maintaining a drug-free workplace; 3) Any available drug counseling, rehabilitation, and employee assistance programs; and 4) The penalties that may be imposed upon employees for drug violations occurring in the workplace. c. Making it a requirement that each employee engaged in the performance of the grant be given a copy of the statement required by paragraph (a). d. Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will: 1) Abide by the terms of the statement; and 2) Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction. e. Notifying the agency within ten days after receiving notice under subparagraph (d) (2) from an employee or otherwise receiving actual notice of such conviction. f. Taking one of the following actions, within 30 days of receiving notice under subparagraph (d) (2), with respect to any employee who is so convicted: 1) Taking appropriate personnel action against such an employee, up to and including termination; or 2) Requiring such employee to participate



satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency. g. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f) above.

#### Buy America Act

The subgrantee will comply with the provisions of the Buy America Act (49 U.S.C. 5323(j)) which contains the following requirements: Only steel, iron and manufactured products produced in the United States may be purchased with Federal funds unless the Secretary of Transportation determines that such domestic purchases would be inconsistent with the public interest; that such materials are not reasonably available and of a satisfactory quality; or that inclusion of domestic materials will increase the cost of the overall project contract by more than 25 percent. Clear justification for the purchase of non-domestic items must be in the form of a waiver request submitted to and approved by the Secretary of Transportation.

#### Political Activity (Hatch Act)

The subgrantee will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

#### Certification Regarding Federal Lobbying

##### Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that: 1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement. 2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions. 3. The undersigned shall require that the language of this certification be included in the award documents for all sub-award at all tiers (including subcontracts, subgrants, and contracts under grant, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

#### Restriction on State Lobbying

None of the funds under this program will be used for any activity specifically designed to urge or influence a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body. Such activities include both direct and indirect (e.g., "grassroots") lobbying activities, with one exception. This does not preclude a State official whose salary is supported with NHTSA funds from engaging in direct communications with State or local legislative officials, in accordance with customary State practice, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.

#### Certification Regarding Debarment and Suspension

In accordance with the provision of 49 CFR Part 29, the State agrees that it shall not knowingly enter into any agreement under its Highway Safety Plan with a person or entity that is barred, suspended, declared ineligible, or voluntarily excluded from participation in the Section 402 program, unless otherwise authorized by NHTSA. The State further agrees that it will include a clause in all lower tier covered transactions and in solicitations for lower tier covered transactions.

#### Instructions for Primary Certification

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below. 2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.

3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default. 4. The prospective primary participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary participant learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances. 5. The terms *covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded*, as used in this clause, have the meaning set out in the Definitions and coverage sections of 49 CFR Part 29. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations. 6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction. 7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions. 8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the list of Parties Excluded from Federal Procurement and Non-procurement Programs. 9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings. 10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

#### Certification Regarding Debarment, Suspension, and Other Responsibility Matters-Primary Covered Transactions

1. The prospective primary participant certifies to the best of its knowledge and belief, that its principals: a) are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency; b) have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of record, making false statements, or receiving stolen property; c) are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or Local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and d) have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default. 2. Where the prospective primary participant is unable to certify to any of the Statements in this certification, such prospective participant shall attach an explanation to this proposal.

#### Instructions for Lower Tier Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below. 2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment. 3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances. 4. The terms *covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded*, as used in this clause, have the meanings set out in the Definition and Coverage sections of 49 CFR Part 29. You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations. 5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated. 6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions. (See below) 7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Non-procurement Programs. 8. Nothing contained in

the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings. 9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transactions:

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency. 2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Policy to Ban Text Messaging While Driving

In accordance with Executive Order 13513, Federal Leadership On Reducing Text Messaging While Driving, and DOT Order 3902.10, Text Messaging While Driving, States are encouraged to: 1. Adopt and enforce workplace safety policies to decrease crashes caused by distracted driving including policies to ban text messaging while driving: a) Company-owned or –rented vehicles, or Government-owned, leased or rented vehicles; or b) Privately-owned when on official Government business or when performing any work on behalf of the Government. 2. Conduct workplace safety initiatives in a manner commensurate with the size of the business, such as: a) Establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving; and b) Education, awareness, and other outreach to employees about the safety risks associated with texting while driving.

Environmental Impact

The Governor's Representative for Highway Safety has reviewed the State's Fiscal Year highway safety planning document and hereby declares that no significant environmental impact will result from implementing this Highway Safety Plan. If, under a future revision, this Plan will be modified in such a manner that a project would be instituted that could affect environmental quality to the extent that a review and statement would be necessary, this office is prepared to take the action necessary to comply with the National Environmental Policy Act of 1969 (42 USC 4321 et seq.) and the implementing regulations of the Council on Environmental Quality (40 CFR Parts 1500-1517).

Policy on Seat Belt Use

In accordance with Executive Order 13043, Increasing Seat Belt Use in the United States, dated April 16, 1997, the Grantee is encouraged to adopt and enforce on-the-job seat belt use policies and programs for its employees when operating company-owned, rented, or personally-owned vehicles. The National Highway Traffic Safety Administration (NHTSA) is responsible for providing leadership and guidance in support of this Presidential initiative. For information on how to implement such a program, or statistics on the potential benefits and cost-savings to your company or organization, please visit the Buckle Up America section on NHTSA's website at [www.nhtsa.dot.gov](http://www.nhtsa.dot.gov). Additional resources are available from the Network of Employers for Traffic Safety (NETS), a public-private partnership headquartered in the Washington, DC, metropolitan area, and dedicated to improving the traffic safety practices of employers and employees. NETS is prepared to provide technical assistance, a simple, user-friendly program kit, and an award for achieving the President's goal of 90 percent seat belt use. NETS can be contacted at 1 (888) 221-0045 or visit its website at [www.trafficsafety.org](http://www.trafficsafety.org).

HS-4(a) (3/28/13)

NH Highway Safety Agency  
78 Regional Drive, Building #2  
Concord, NH 03301-8530  
Telephone 603-271-2131

## **ADDENDUM TO THE APPLICATION FOR HIGHWAY SAFETY PROJECT GRANT**

### FEDERAL REGULATIONS

2 CFR Part 25 (formerly Circular A-87). This provides principles for determining the allowable costs of programs administered by State, local and federally-recognized Indian tribal governments under grants from and contracts with the Federal Government. They are designed to provide the basis for a uniform approach to the problem of determining costs and to promote efficiency and better relationships between grantees and the Federal Government. The principles are for determining costs only and are not intended to identify the circumstances nor to dictate the extent of Federal and State or local participation in the financing of a particular project. They are designed to provide that federally-assisted programs bear their fair share of costs recognized under these principles except where restricted and prohibited by law.

COMMON RULE (49 CFR Part 18) (Effective October 1988) This rule establishes the Uniform Administrative Requirements for Grants and Cooperative Agreements and Sub-awards to state and local governments and Indian tribal governments. Administrative rules set forth include:

18.10	Forms for Applying for Grants	18.32	Equipment
18.11	State Plans	18.33	Supplies
18.20	Standards for Financial Management Systems	18.34	Copyrights
18.21	Payment	18.35	Sub-awards to Debarred and Suspended Parties
18.22	Allowable Costs	18.36	Procurement
18.23	Period of Availability of Funds	18.37	Subgrants
18.24	Matching or Cost Sharing	18.40	Monitoring and Reporting Program Performance
18.25	Program Income	18.41	Financial Reporting
18.26	Non-Federal Audits	18.42	Retention and Access Requirements for Records
18.30	Changes	18.50	Closeout
18.31	Real Property		

CIRCULAR A-133 (June 1997). This Circular establishes audit requirements for State and local governments that receive Federal aid, and defines Federal responsibilities for implementing and monitoring those requirements.

Further information concerning these Circulars may be obtained by contacting the Financial Management Branch, Budget Review Division, Office of Management & Budget, Washington, DC 20503. Telephone 202-395-4773.

FEDERAL FUNDING ACCOUNTABILITY & TRANSPARENCY ACT. *Data Universal Numbering System (DUNS) Numbers Requirement.* As the recipient of federal highway safety funds, the applicant agency must have a DUNS number. This is a unique nine-character number that identifies the applicant agency and is used by the federal government to track how federal funds are distributed. If the applicant agency is authorized to make sub-awards under this contract, it must: 1) notify potential sub-recipients that no entity may receive a sub-award unless that entity has provided the applicant agency with its DUNS number; and 2) the applicant agency may not make a sub-award to an entity unless the entity has provided its DUNS number to the applicant agency. (<http://fedgov.dnb.com/webform>)

**CONTRACTUAL AGREEMENT  
FOR HIGHWAY SAFETY PROJECT GRANT**

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

**For HSA Use Only**

Date Received	Project Number
Date Approved	PSP and Task # 15-03, 09

Part I

1. Project Title <b>Portsmouth Red Light Running</b>	2. Type of Application (Check One) <input checked="" type="checkbox"/> Initial <input type="checkbox"/> Revision <input type="checkbox"/> Continuation
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3. Applicant	
A. Name of Agency      DUNS Number 073976706 Portsmouth Police Department	B. Address of Agency 3 Junkins Avenue Portsmouth NH 03801-4511
C. Government Unit (Check One) <input type="checkbox"/> State <input checked="" type="checkbox"/> City/Town <input type="checkbox"/> County <input type="checkbox"/> Other (specify):	D. Name Address of Governmental Unit City of Portsmouth One Junkins Avenue Portsmouth, NH 03801

4. Contract Duration A. Contract Period Start Date:            April 1, 2015 Termination Date:    September 15, 2015	Functional Area    PT - Police Traffic Services CFDA#              20.600 Program Title      State & Community Highway Safety Funding Source    National Highway Traffic Safety Administratio
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6. Description of Project (Describe in detail in Schedule A) and Source of Funds

Budget (Provide itemization as called for on Schedule B) and Source of Funds					
Cost Category	Total Budget	Federal Budget	Local Budget	State Budget	Other Funds
a. Personnel Services	\$6,292.00	\$6,292.00			
b. Current Expense					
c. Equipment					
d. Indirect Costs Audit					
e. Contractual Services					
f. Other					
Total Estimated Costs Including Non-Federal Share	\$6,292.00	\$6,292.00			

7. Local Benefit: It is anticipated that the federal share for local benefit will be: <u>100%</u> ( <u>\$6,292.00</u> )
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**SCHEDULE A  
GENERAL PROJECT INFORMATION**

Description of Project

**STATEMENT OF PROBLEM/NEED:** The City of Portsmouth is home to many restaurants, bars, shops, and businesses. Portsmouth is one of the oldest settlements of the United States. The area was first settled as Strawberry Banke in 1623 and is the sixth oldest town in the United States.

The City of Portsmouth's history and numerous community events attract tens of thousands of people to an already congested downtown. Large crowds of people attend the Chowder Festival, the Annual Market Square Day, the Annual Taste of the Nation at Strawberry Banke, fireworks, the Seacoast Jazz Festival, the Bow Street Fair (craft fair), the Folk and Acoustic Festival, the Arts Festival, and the Blues Festival.

Arterial ways throughout the City of Portsmouth handle a heavy volume of traffic. Motorists are not only residents, but also business travelers and tourists who are unfamiliar with the roadways and numerous traffic intersections guarded by both stop signs and traffic signal lights. Red light violators pose one of the most dangerous and hazardous situations for motorists and pedestrians. Lack of enforcement at intersections causes motorists to take risks and speed up to beat the red light creating the potential for crashes.

"Red light/stop sign runners" are typically those motorists who are rushing to get to work on time, are trying to get to planned events or activities in Portsmouth, or going to the mall. The problem of "Red Light Running" occurs at intersections located throughout the City of Portsmouth Monday through Friday between the hours of 6:00-10:00 AM and evenings from 3:00-7:00 PM and on Saturday and Sunday from 10:00 AM-5:00 PM.

Year	Crashes at Intersections	Red Light Warnings	Red Light Summonses
2012	244	18	7
2013	231	164	35
2014	256	190	30

Statistics include red light and stop sign violations

Although statistics show an increase in red light summonses and warnings over the last three years, this can, in part, be attributed to the fact that the Portsmouth Police Department has made a concerted effort to address the problem through conducting overtime patrols funded by the NH Highway Safety Agency. Additional funds are needed in order for the police department to continue to established enforcement efforts. Without this continued effort, additional dedicated enforcement will not be conducted and the infractions will surely increase.

**PROPOSED SOLUTION:** In an effort to combat the problems being experienced with red light running/stop sign violations, the Portsmouth Police Department will hire, on an off-duty basis, up two officers to work two-man overtime enforcement patrols (22 4-hour shifts) on those days and during those times (Monday-Friday 6:00-10:00 AM and 3:00-7:00 PM and Saturday and Sunday 10:00 AM-5:00 PM) when the violations are felt to be most prevalent. Adherence to all traffic laws, including the state's occupant protection law, will be monitored and enforced. **It is understood that these patrols will be conducted on an overtime basis and officers will be paid at their overtime (1.5) rate for work exceeding their normal 40 hours per week. Part-time officers will be paid at their normal hourly rate.**

**ANTICIPATED RESULTS:** Intense enforcement and visibility will result in a continuing perception that the Portsmouth Police Department is aggressively enforcing these dangerous red light running violations.

The goal is to increase the number of motor vehicle stops and to create a high visibility effort throughout the city. It is anticipated that for the project period a total of 100 summonses and warnings for red light running/stop sign violations will be issued.

**ADDITIONAL CONTRACT CONDITIONS:** It is agreed that "Overtime Selective Traffic Enforcement Program Report" forms (HS-200) will be completed for each patrol and submitted to the NH Highway Safety Agency along with requests for reimbursement.

New Hampshire's Child Passenger Safety law is a primary law. A driver should be stopped for violating RSA 265:107-a which requires that all vehicle occupants under the age of 18 riding in a motor vehicle must be restrained and properly fastened in a safety belt and children under the age of 7 must be restrained and properly secured in an approved child passenger safety seat. If the passenger is 57 inches or more in height, the provisions of this paragraph shall not apply. It is agreed that whenever a stop is made during a patrol supported by this agreement, action will be taken to enforce the state's child passenger safety law.

The recipient of these funds is encouraged to provide programs to encourage the use of safety belts by all drivers and passengers in motor vehicles (23 U.S.C. 1200.11 (a)(d)) and to adopt and enforce seat belt use policies for employees operating company-owned, rented, or personally-owned vehicles when performing official business.

See attached Addenda for additional information that is hereby made a part of this contractual agreement.

**ADDENDUM TO THE APPLICATION FOR HIGHWAY SAFETY PROJECT GRANT**

PROJECT REPORTS: It is agreed that quarterly reports will be made to the NH Highway Safety Agency for one year summarizing the progress being made in implementing the project and identifying any problems being encountered. A final report will be made upon completion of the project. Monthly reports will be submitted within 20 days of the project termination date.

PROJECT TERMS: All purchases and expenditures under this project will be subject to audit procedures satisfactory to Federal regulations. It is understood that no monies provided under this project will be used for the replacement of any existing equipment which currently meets Federal Highway Safety Standards. If any existing equipment is sold or traded during the project period, in order to reduce the actual outlay of funds for equipment which is provided under this project, the proceeds will be applied in pro-rated amounts to the Federal and local shares of the costs of the project.

PROCUREMENT AND EQUIPMENT COST: State agencies receiving federal funds for the purchase of equipment are required to process orders through the Division of Plant and Property Management in accordance with state regulations. Items of equipment requiring testing and certification to verify their accuracy (i.e. breath testing devices and traffic control radar) must be selected from the State approved devices.

EQUIPMENT: Equipment acquired under this agreement for use in highway safety program areas shall be used and kept in operation for highway safety purposes by the State; or the State, by formal agreement with appropriate officials of a political subdivision or State agency, shall cause such equipment to be used and kept in operation for highway safety purposes (23 CFR 1200.21).

PROJECT INVENTORY: An inventory of each item of equipment having a useful life of more than two years and a cost of five thousand dollars (\$5,000.00) or more will be provided to the NH Highway Safety Agency during the period in which it is in use. Before such equipment is disposed of, either by trade-in or write-off, authorization will be obtained from the Highway Safety Agency, acting as agent for the National Highway Traffic Safety Administration.

PROJECT CREDIT: All publications, public information or publicity released in conjunction with this project shall state that "this project is being supported in part through a grant from the NH Highway Safety Agency with federal funds provided by the National Highway Traffic Safety Administration, US Department of Transportation", or words to that effect.

AUDIT REPORTS: The grantee agrees to provide the NH Highway Safety Agency with a copy of the audit report including this project which was conducted under provisions of Circular A-133 - Audit of State and Local Governments and Non-Profit Organizations.

Certifications and Assurances

Section 402 Requirements (as amended by Pub. L. 112-141)

(a) The Governor is responsible for the administration of the State highway safety program through the NH Highway Safety Agency (NH RSA 238) which has adequate powers and is suitably equipped and organized (as evidenced by appropriate oversight procedures governing such areas as procurement, financial administration, and the use, management, and disposition of equipment) to carry out the program (23 USC 402(b) (1) (A)); (b) The political subdivisions of this State are authorized, under NH RSA 238:6, to carry out within their jurisdictions local highway safety programs which have been approved by the Governor and are in accordance with the uniform guidelines promulgated by the Secretary of Transportation (23 USC 402(b) (1) (B)); (c) At least 40 percent of all Federal funds apportioned to this State under 23 USC 402 for this fiscal year will be expended by or for the benefit of the political subdivision of the State in carrying out local highway safety programs in accordance with 23 USC 402(b) (1) (C), 402(h)(2), unless this requirement is waived in writing; (d) This State's highway safety program provides adequate and reasonable access for the safe and convenient movement of physically handicapped persons, including those in wheelchairs, across curbs constructed or replaced on or after July 1, 1976, at all pedestrian crosswalks throughout the state in accordance with 23 USC 402(b) (1) (D); (e) The State will implement activities in support of national highway safety goals to reduce motor vehicle related fatalities that also reflect the primary data-related crash factors within the State as identified by the State highway safety planning process, including: 1) National law enforcement mobilizations; 2) Sustained enforcement of statutes addressing impaired driving, occupant protection, and driving in excess of posted speed limits; 3) An annual statewide safety belt use survey in accordance with 23 CFR Part 1340 for the measurement of State safety belt use rates; 4) Development of statewide data systems to provide timely and effective data analysis to support allocation of highway safety resources. 5) Coordination of its highway safety plan, data collection, and information systems with the state strategic highway safety plan as defined in section 148 (a). (23 USC 402 (b) (1) (E)); (f) The State shall actively encourage all relevant law enforcement agencies in the State to follow the guidelines established for vehicular pursuits issued by the International Association of Chiefs of Police that are currently in effect. (23 USC 402 (j)). 6) The State will not expend Section 402 funds to carry out a program to purchase, operate, or maintain an automated traffic enforcement system. (23 U.S.C. 402(c)(4)).

### Other Federal Requirements

(g) All NH Highway Safety Agency employee's time which is charged to federal funds utilize Section 402 funds. All Time and Attendance charges from federal sources come from that single cost objective which brings the State of New Hampshire into compliance with the applicable federal regulation as stated in 2 CFR 225, Appendix B, h(3). An additional certification will be provided by the NH Highway Safety Agency each year in April in order to meet the federal requirement for biennial certification. (h) Cash drawdowns will be initiated only when actually needed for disbursement (49 CFR 18.20); cash disbursements and balances will be reported in a timely manner as required by NHTSA (49 CFR 18.21); the same standards of timing and amount, including the reporting of cash disbursement and balances, will be imposed upon any secondary recipient organizations (49 CFR 18.41); failure to adhere to these provisions may result in the termination of drawdown privileges. (i) The State has submitted appropriate documentation for review to the single point of contact designated by the Governor to review Federal programs, as required by Executive Order 12372 (Intergovernmental Review of Federal Programs); (j) Equipment acquired under this agreement for use in highway safety program areas shall be used and kept in operation for highway safety purposes by the State; or the State, by formal agreement with appropriate officials of a political subdivision or State agency, shall cause such equipment to be used and kept in operation for highway safety purposes (23 CFR 1200.21). (k) The State will comply with all applicable State procurement procedures and will maintain a financial management system that complies with the minimum requirements of 49 CFR 18.20; (l) The State's highway safety program has been specifically exempted from the provisions of Circular A-95 by the Governor of the State of New Hampshire. (m) Federal Funding Accountability and Transparency Act (FFATA). The State will comply with FFATA guidance, OMB Guidance on FFATA Subaward and Executive Compensation Reporting, August 27, 2010, ([https://www.fsrs.gov/documents/OMB\\_Guidance\\_on\\_FFATA\\_Subaward\\_and\\_Executive\\_Compensation\\_Reporting\\_08272010.pdf](https://www.fsrs.gov/documents/OMB_Guidance_on_FFATA_Subaward_and_Executive_Compensation_Reporting_08272010.pdf)) by reporting to FSRS.gov for each sub-grant awarded. 1) Name of the entity receiving the award; 2) Amount of the award; 3) Information on the award including transaction type, funding agency, the North American Industry Classification System code or Catalog of Federal Domestic Assistance number (where applicable), program source; 4) Location of the entity receiving the award and the primary location of performance under the award, including the city, State, congressional district, and country, and an award title descriptive of the purpose of each funding action; 5) A unique identifier (DUNS); 6) The names and total compensation of the five most highly compensated officers of the entity if, of the entity receiving the award and of the parent entity of the recipient, should the entity be owned by another entity; (i) The entity in the preceding fiscal year received—(I) 80 percent or more of its annual gross revenues in Federal awards; and (II) \$25,000,000 or more in annual gross revenues from Federal awards; and ii) The public does not have access to information about the compensation of the senior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986; 7) Other relevant information specified by the Office of Management and Budget in subsequent guidance or regulation. (n) The State highway safety agency will comply with all Federal statutes and implementing regulations relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin (and 49 CFR Part 21); (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794) and the Americans with Disabilities Act of 1990 (42 USC § 12101, *et seq.*; PL 101-336), which prohibits discrimination on the basis of disabilities (and 49 CFR Part 27); (d) the Age Discrimination Act of 1975, as amended (42U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970(P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse of alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§ 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 *et seq.*), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; The Civil Rights Restoration Act of 1987, which provides that any portion of a state or local entity receiving federal funds will obligate all programs or activities of that entity to comply with these civil rights laws; (k) the requirements of any other nondiscrimination statute(s) which may apply to the application; and (l) the Civil Right Restoration Act of 1987 (Pub.L. 100-259) which requires Federal-aid recipients and all sub recipients to prevent discrimination and ensure non-discrimination in all programs and activities.

### The Drug-Free Workplace Act of 1988(41 U.S.C. 8103)

In accordance with the Drug-Free Workplace Act of 1988 (41 U.S.C. 702) and former Governor Judd Gregg's Executive Order No. 89-6, the State will provide a drug-free workplace by: a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition; b. Establishing a drug-free awareness program to inform employees about: 1) The dangers of drug abuse in the workplace; 2) The grantee's policy of maintaining a drug-free workplace; 3) Any available drug counseling, rehabilitation, and employee assistance programs; and 4) The penalties that may be imposed upon employees for drug violations occurring in the workplace. c. Making it a requirement that each employee engaged in the performance of the grant be given a copy of the statement required by paragraph (a). d. Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will: 1) Abide by the terms of the statement; and 2) Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction. e. Notifying the agency within ten days after receiving notice under subparagraph (d) (2) from an employee or otherwise receiving actual notice of such conviction. f. Taking one of the following actions, within 30 days of receiving notice under subparagraph (d) (2), with respect to any employee who is so convicted: 1) Taking appropriate personnel action against such an employee, up to and including termination; or 2) Requiring such employee to participate



satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency. g. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f) above.

#### Buy America Act

The subgrantee will comply with the provisions of the Buy America Act (49 U.S.C. 5323(j)) which contains the following requirements: Only steel, iron and manufactured products produced in the United States may be purchased with Federal funds unless the Secretary of Transportation determines that such domestic purchases would be inconsistent with the public interest; that such materials are not reasonably available and of a satisfactory quality; or that inclusion of domestic materials will increase the cost of the overall project contract by more than 25 percent. Clear justification for the purchase of non-domestic items must be in the form of a waiver request submitted to and approved by the Secretary of Transportation.

#### Political Activity (Hatch Act)

The subgrantee will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

#### Certification Regarding Federal Lobbying

##### Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that: 1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement. 2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions. 3. The undersigned shall require that the language of this certification be included in the award documents for all sub-award at all tiers (including subcontracts, subgrants, and contracts under grant, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

#### Restriction on State Lobbying

None of the funds under this program will be used for any activity specifically designed to urge or influence a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body. Such activities include both direct and indirect (e.g., "grassroots") lobbying activities, with one exception. This does not preclude a State official whose salary is supported with NHTSA funds from engaging in direct communications with State or local legislative officials, in accordance with customary State practice, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.

#### Certification Regarding Debarment and Suspension

In accordance with the provision of 49 CFR Part 29, the State agrees that it shall not knowingly enter into any agreement under its Highway Safety Plan with a person or entity that is barred, suspended, declared ineligible, or voluntarily excluded from participation in the Section 402 program, unless otherwise authorized by NHTSA. The State further agrees that it will include a clause in all lower tier covered transactions and in solicitations for lower tier covered transactions.

#### Instructions for Primary Certification

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below. 2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.

3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default. 4. The prospective primary participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary participant learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances. 5. The terms *covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded*, as used in this clause, have the meaning set out in the Definitions and coverage sections of 49 CFR Part 29. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations. 6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction. 7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions. 8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the list of Parties Excluded from Federal Procurement and Non-procurement Programs. 9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings. 10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

#### Certification Regarding Debarment, Suspension, and Other Responsibility Matters-Primary Covered Transactions

1. The prospective primary participant certifies to the best of its knowledge and belief, that its principals: a) are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency; b) have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of record, making false statements, or receiving stolen property; c) are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or Local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and d) have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default. 2. Where the prospective primary participant is unable to certify to any of the Statements in this certification, such prospective participant shall attach an explanation to this proposal.

#### Instructions for Lower Tier Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below. 2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment. 3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances. 4. The terms *covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded*, as used in this clause, have the meanings set out in the Definition and Coverage sections of 49 CFR Part 29. You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations. 5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated. 6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions. (See below) 7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Non-procurement Programs. 8. Nothing contained in

the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings. 9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transactions:

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency. 2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Policy to Ban Text Messaging While Driving

In accordance with Executive Order 13513, Federal Leadership On Reducing Text Messaging While Driving, and DOT Order 3902.10, Text Messaging While Driving, States are encouraged to: 1. Adopt and enforce workplace safety policies to decrease crashes caused by distracted driving including policies to ban text messaging while driving: a) Company-owned or –rented vehicles, or Government-owned, leased or rented vehicles; or b) Privately-owned when on official Government business or when performing any work on behalf of the Government. 2. Conduct workplace safety initiatives in a manner commensurate with the size of the business, such as: a) Establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving; and b) Education, awareness, and other outreach to employees about the safety risks associated with texting while driving.

Environmental Impact

The Governor's Representative for Highway Safety has reviewed the State's Fiscal Year highway safety planning document and hereby declares that no significant environmental impact will result from implementing this Highway Safety Plan. If, under a future revision, this Plan will be modified in such a manner that a project would be instituted that could affect environmental quality to the extent that a review and statement would be necessary, this office is prepared to take the action necessary to comply with the National Environmental Policy Act of 1969 (42 USC 4321 et seq.) and the implementing regulations of the Council on Environmental Quality (40 CFR Parts 1500-1517).

Policy on Seat Belt Use

In accordance with Executive Order 13043, Increasing Seat Belt Use in the United States, dated April 16, 1997, the Grantee is encouraged to adopt and enforce on-the-job seat belt use policies and programs for its employees when operating company-owned, rented, or personally-owned vehicles. The National Highway Traffic Safety Administration (NHTSA) is responsible for providing leadership and guidance in support of this Presidential initiative. For information on how to implement such a program, or statistics on the potential benefits and cost-savings to your company or organization, please visit the Buckle Up America section on NHTSA's website at [www.nhtsa.dot.gov](http://www.nhtsa.dot.gov). Additional resources are available from the Network of Employers for Traffic Safety (NETS), a public-private partnership headquartered in the Washington, DC, metropolitan area, and dedicated to improving the traffic safety practices of employers and employees. NETS is prepared to provide technical assistance, a simple, user-friendly program kit, and an award for achieving the President's goal of 90 percent seat belt use. NETS can be contacted at 1 (888) 221-0045 or visit its website at [www.trafficsafety.org](http://www.trafficsafety.org).

HS-4(a) (3/28/13)

**ADDENDUM TO THE APPLICATION  
FOR HIGHWAY SAFETY PROJECT GRANT**

FEDERAL REGULATIONS

2 CFR Part 25 (formerly Circular A-87). This provides principles for determining the allowable costs of programs administered by State, local and federally-recognized Indian tribal governments under grants from and contracts with the Federal Government. They are designed to provide the basis for a uniform approach to the problem of determining costs and to promote efficiency and better relationships between grantees and the Federal Government. The principles are for determining costs only and are not intended to identify the circumstances nor to dictate the extent of Federal and State or local participation in the financing of a particular project. They are designed to provide that federally-assisted programs bear their fair share of costs recognized under these principles except where restricted and prohibited by law.

COMMON RULE (49 CFR Part 18) (Effective October 1988) This rule establishes the Uniform Administrative Requirements for Grants and Cooperative Agreements and Sub-awards to state and local governments and Indian tribal governments. Administrative rules set forth include:

18.10	Forms for Applying for Grants	18.32	Equipment
18.11	State Plans	18.33	Supplies
18.20	Standards for Financial Management Systems	18.34	Copyrights
18.21	Payment	18.35	Sub-awards to Debarred and Suspended Parties
18.22	Allowable Costs	18.36	Procurement
18.23	Period of Availability of Funds	18.37	Subgrants
18.24	Matching or Cost Sharing	18.40	Monitoring and Reporting Program Performance
18.25	Program Income	18.41	Financial Reporting
18.26	Non-Federal Audits	18.42	Retention and Access Requirements for Records
18.30	Changes	18.50	Closeout
18.31	Real Property		

CIRCULAR A-133 (June 1997). This Circular establishes audit requirements for State and local governments that receive Federal aid, and defines Federal responsibilities for implementing and monitoring those requirements.

Further information concerning these Circulars may be obtained by contacting the Financial Management Branch, Budget Review Division, Office of Management & Budget, Washington, DC 20503. Telephone 202-395-4773.

FEDERAL FUNDING ACCOUNTABILITY & TRANSPARENCY ACT. *Data Universal Numbering System (DUNS) Numbers Requirement.* As the recipient of federal highway safety funds, the applicant agency must have a DUNS number. This is a unique nine-character number that identifies the applicant agency and is used by the federal government to track how federal funds are distributed. If the applicant agency is authorized to make sub-awards under this contract, it must: 1) notify potential sub-recipients that no entity may receive a sub-award unless that entity has provided the applicant agency with its DUNS number; and 2) the applicant agency may not make a sub-award to an entity unless the entity has provided its DUNS number to the applicant agency. (<http://fedgov.dnb.com/webform>)

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# MEMORANDUM

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**TO:** John P. Bohenko, City Manager  
**FROM:** Rick Taintor, Planning Director *RT.*  
**DATE:** May 18, 2015  
**RE:** City Council Referral – Projecting Sign  
Address: 41 Congress Street  
Business Name: Bennett's Store  
Business Owner: Brendin McCord

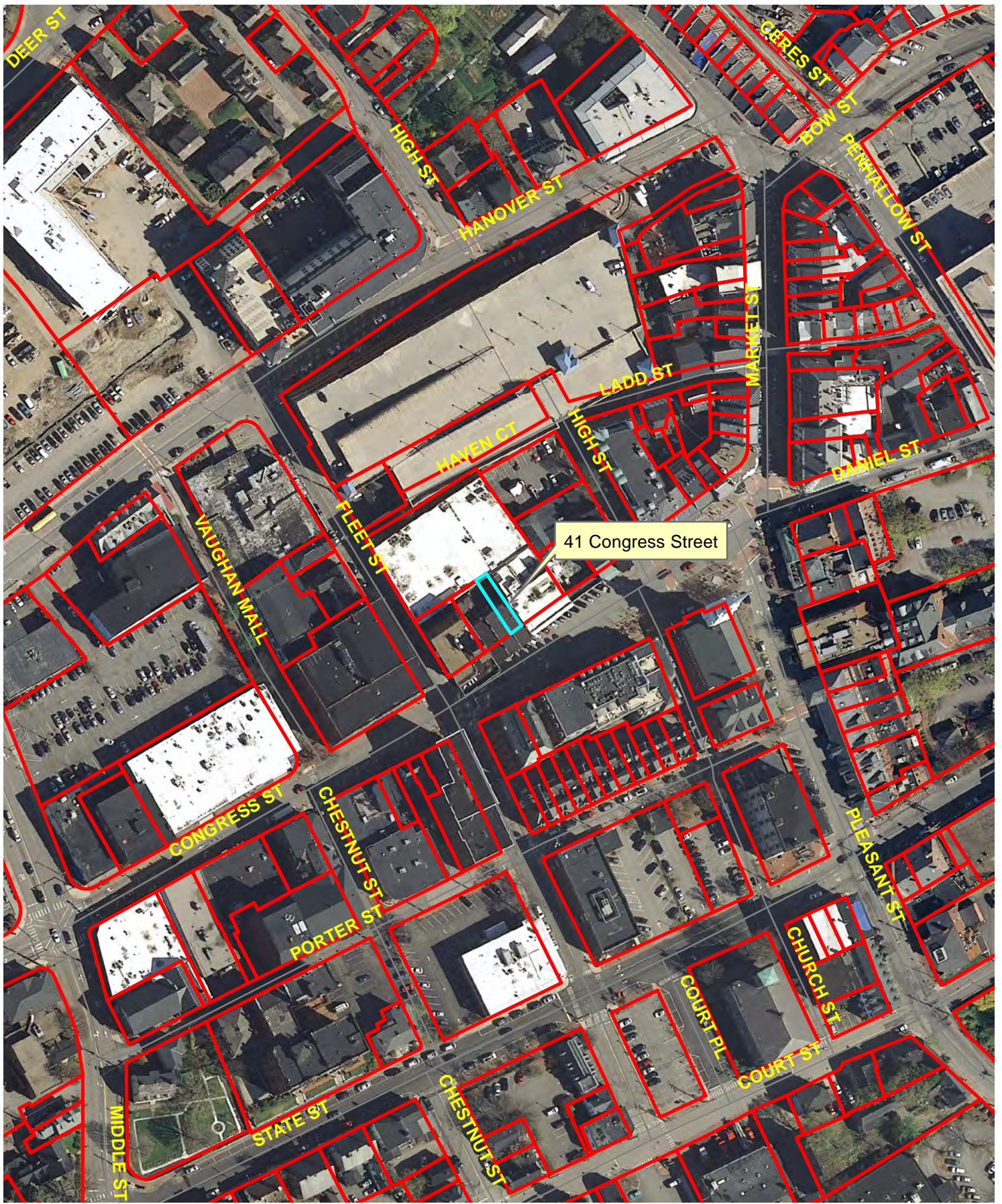
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Permission is being sought to install a projecting sign on an existing bracket, as follows:

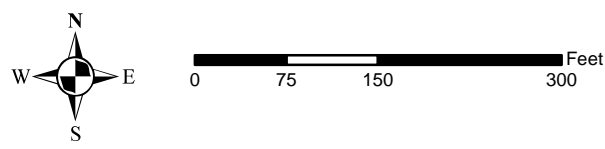
Sign dimensions: 36" x 27"  
Sign area: 6.6 sq. ft.  
Height from sidewalk to bottom of sign: 12.0"

The proposed sign complies with zoning requirements. If a license is granted by the City Council, no other municipal approvals are needed. Therefore, I recommend approval of a revocable municipal license, subject to the following conditions:

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



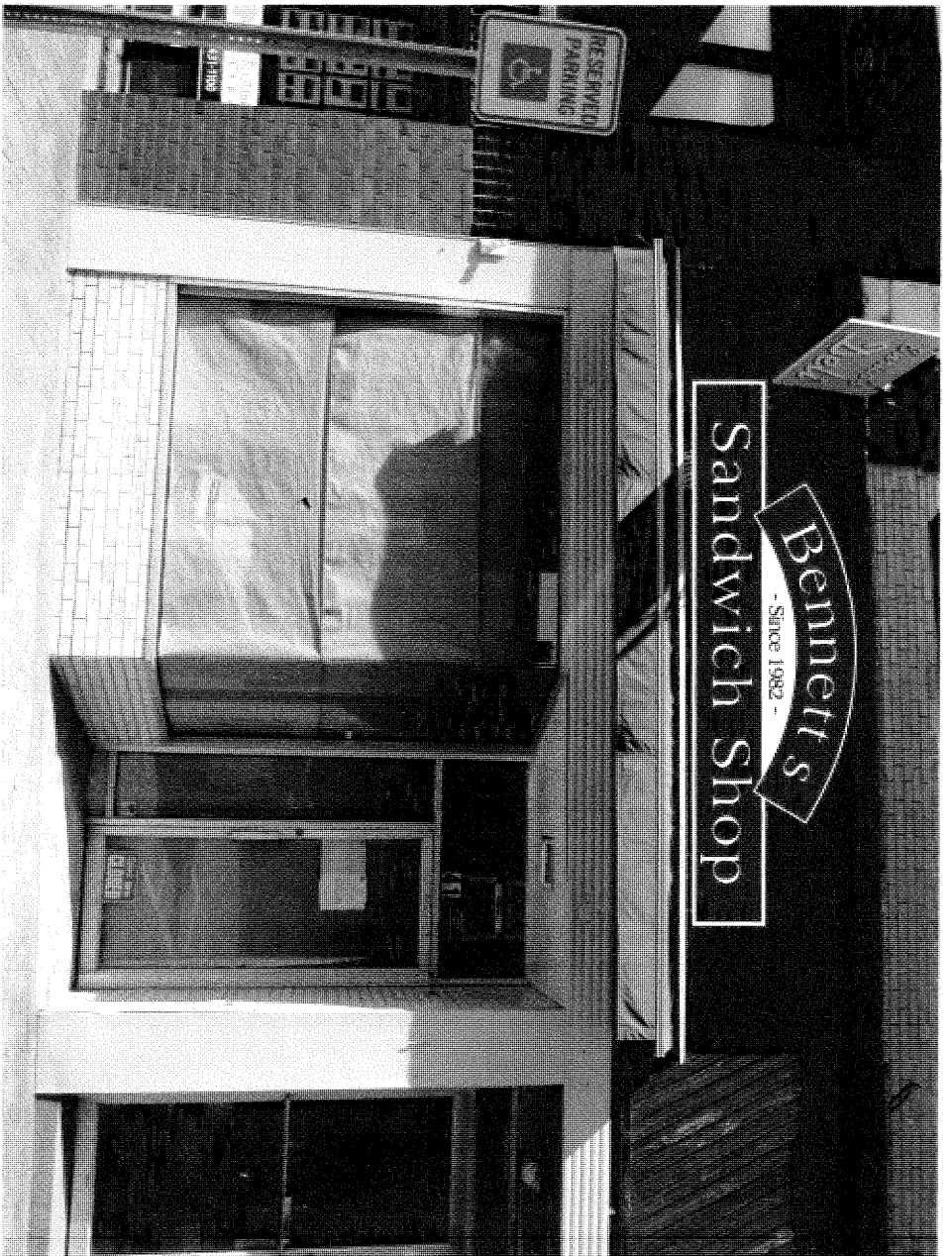
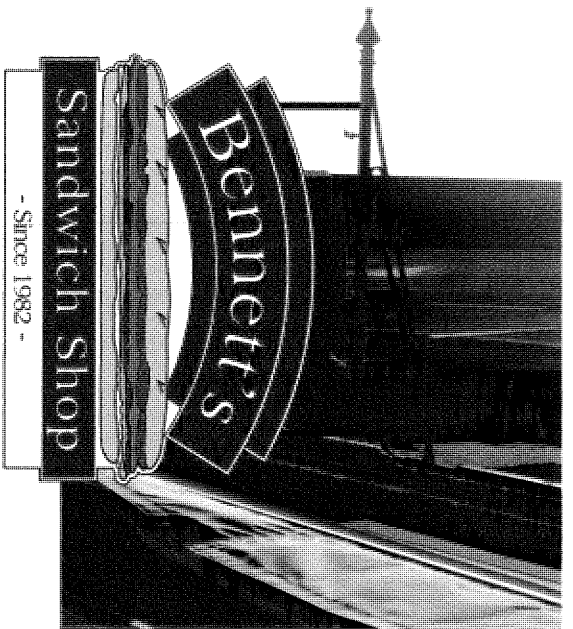
41 Congress Street



# Request for Projecting Sign License 41 Congress Street

Bennett's Store  
41 Congress Street  
1 Projecting Sign





PortsmouthSign.com  
603-436-0047

**REVISION:**

All orders under \$250 include 1 revision only. All orders over \$250 include 3 revisions only. Additional revisions will be charged at \$25 per revision.

**PLEASE NOTE:**

Designs are NOT actual size and color may vary depending on printer and/or monitor.

4/17/15

I understand this Order Form is the final production order and replaces all previous drawings, notes and verbal instructions to this job. Standard vinyl & paint colors will be used. Custom colors and specific matches to PMS colors will be an additional fee. I have carefully reviewed this form and verify that it contains all necessary specifications and represents my order. I authorize fabrication according to this approval.

RETURN SIGNED TO: [service@portsmouthsign.com](mailto:service@portsmouthsign.com)

**SIGNATURE:** \_\_\_\_\_

Date: \_\_\_\_\_

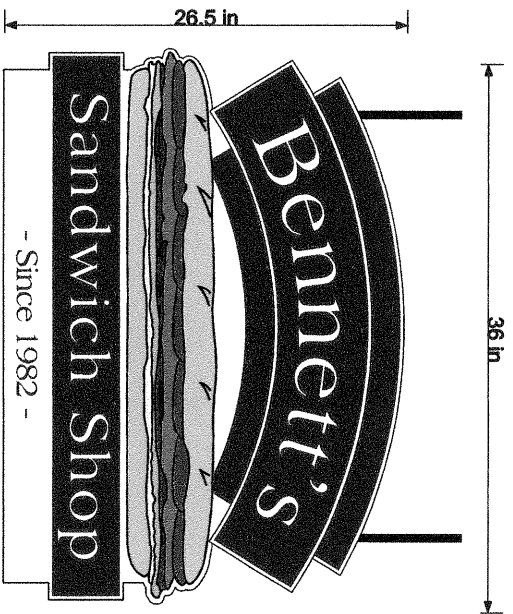
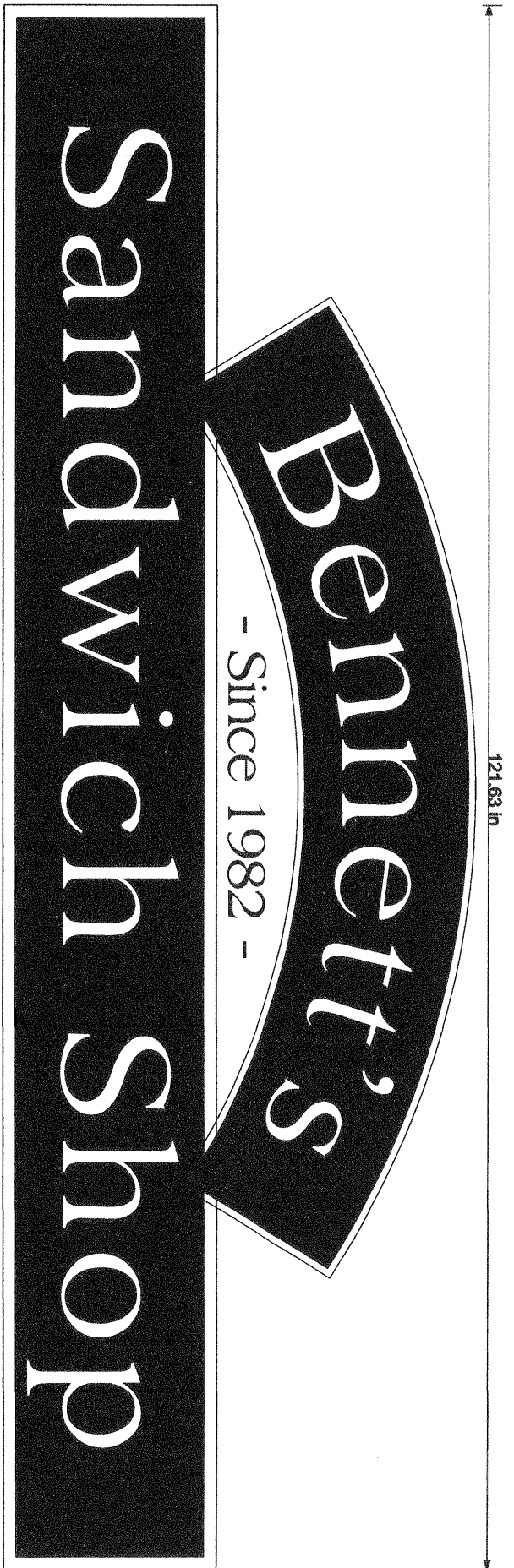
©COPYRIGHT 2015, BY PORTSMOUTH SIGN COMPANY. All designs and custom artwork remain the property of Portsmouth Sign Company until the order is complete and paid in full.

Shop Use Only  Qty:  SS  DS  Materials:  Background Color:  Vinyl Color:  HP  Int  Other:

Member of:  
**GREATER DOVER**  
 CHAMBER OF COMMERCE  
**PORTSMOUTH**  
 CHAMBER OF COMMERCE  
 the Greater York Region  
 Chamber of Commerce







<p>PORTSMOUTH SIGN COMPANY portsmouthsign.com 603-436-0047</p>	<p><b>REVISION:</b> All orders under \$250 include 1 revision only. All orders over \$250 include 3 revisions only. Additional revisions will be charged at \$25 per revision.</p> <p><b>PLEASE NOTE:</b> Designs are NOT actual size and color may vary depending on printer and/or monitor.</p>	<p><b>4/17/15</b></p> <p>I understand this Order Form is the final production order and replaces all previous drawings, notes and verbal instructions to this job. Standard vinyl &amp; paint colors will be used. Custom colors and specific matches to PMS colors will be an additional fee. I have carefully reviewed this form and verify that it contains all necessary specifications and represents my order. I authorize fabrication according to this approval.</p> <p>SIGNATURE: _____</p> <p>Date: _____</p>	<p>Member of:</p> <p>GREATER DOVER CHAMBER OF COMMERCE PORTSMOUTH the Greater York Region Chamber of Commerce</p>
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@COPYRIGHT 2015, BY PORTSMOUTH SIGN COMPANY. All designs and custom artwork remain the property of Portsmouth Sign Company until the order is complete and paid in full.

Shop Use:  SS  DS

Qty: \_\_\_\_\_

Materials: \_\_\_\_\_

Background Color: \_\_\_\_\_

Vinyl Color:  HP  Int

Other: \_\_\_\_\_

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# MEMORANDUM

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**TO:** John P. Bohenko, City Manager  
**FROM:** Rick Taintor, Planning Director *RT.*  
**DATE:** May 18, 2015  
**RE:** City Council Referral – Projecting Sign  
Address: 5 Portwalk Place  
Business Name: ROW 34  
Business Owner: Shore Gregory

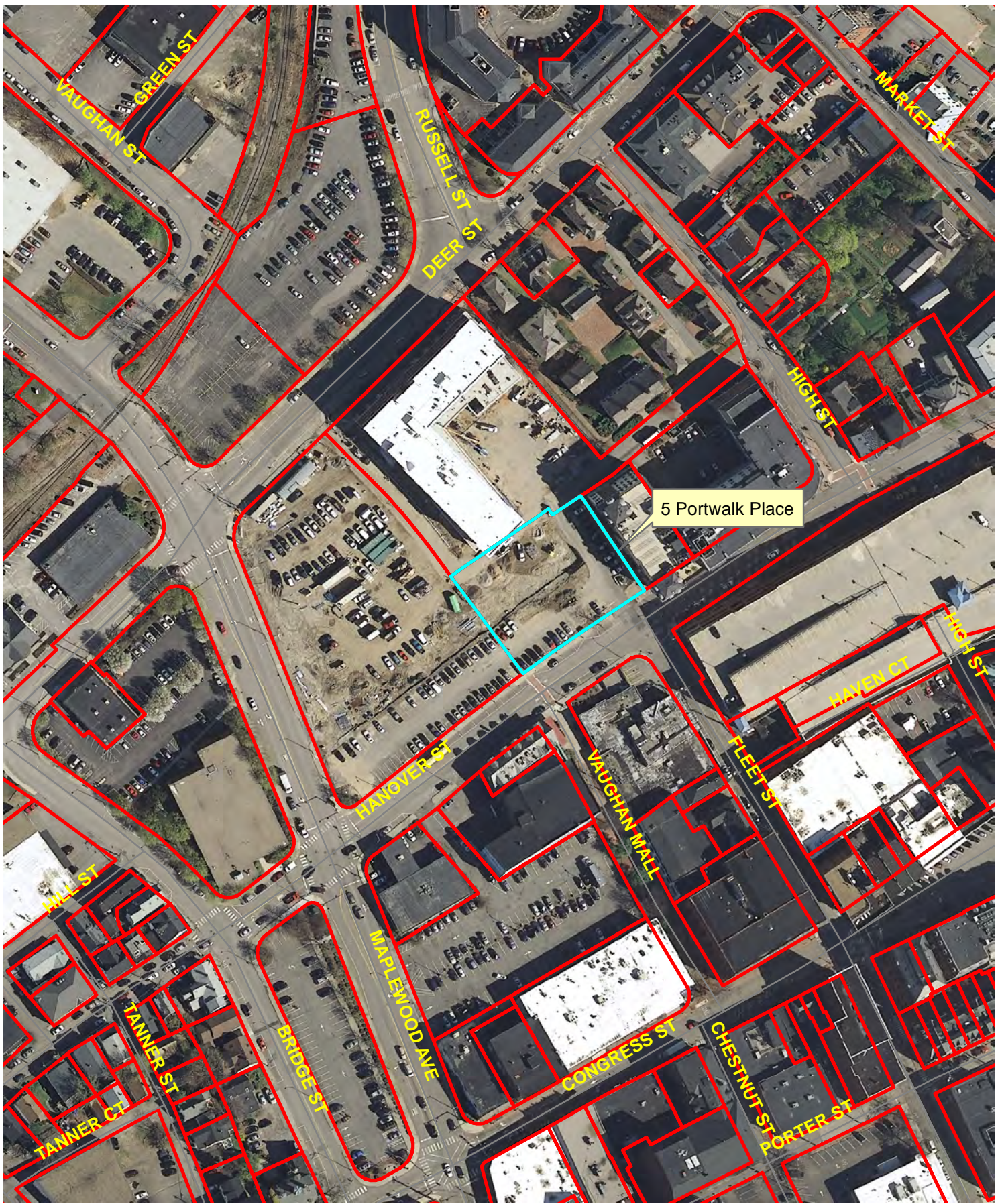
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Permission is being sought to install a projecting sign on a new bracket on Hanover Street, as follows:

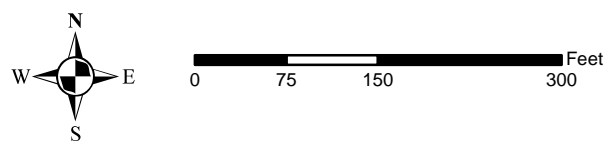
Sign dimension: 20" x 87"  
Sign area: 24.2 sq. ft.  
Height from sidewalk to bottom of sign: 22.0"

The proposed sign complies with zoning requirements. If a license is granted by the City Council, no other municipal approvals are needed. Therefore, I recommend approval of a revocable municipal license, subject to the following conditions:

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



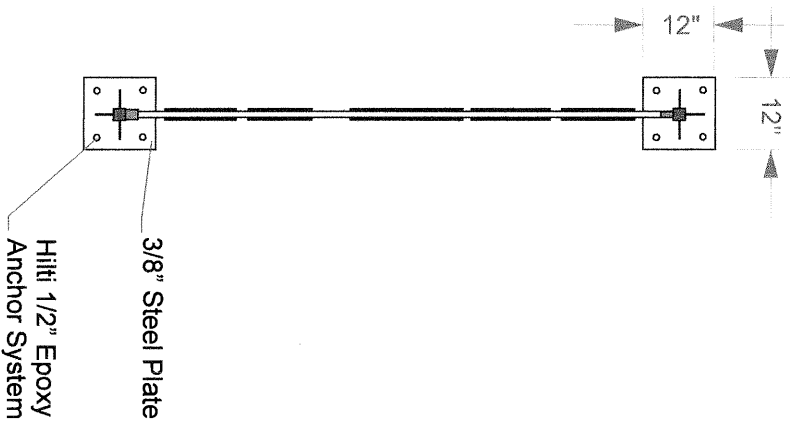
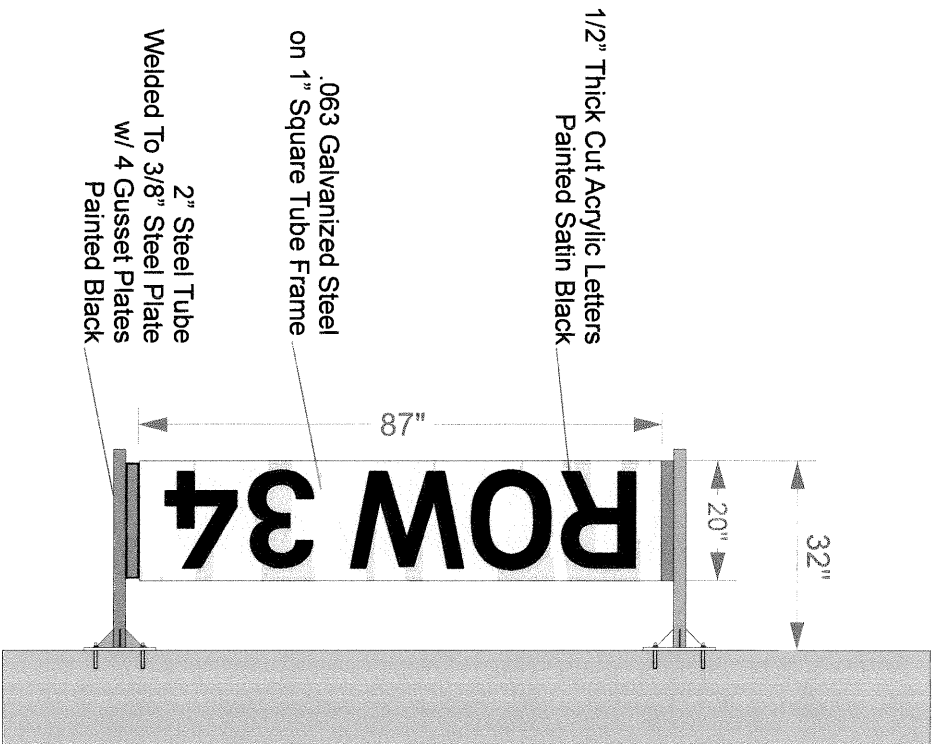
5 Portwalk Place



# Request for Projecting Sign License 5 Portwalk Place

Row 34  
5 Portwalk Place  
1 Projecting sign





Qty: (2)  
Sign Panel = 12 sq. ft.

REVISIONS

PROJECT

DATE

SCALE

DRAWING TITLE

DRAWING NUMBER

**NEON COMPANY INC**

119 Herbert St. Framingham, MA 01702

508-879-2663

**Row 34**

5 Portwalk Place  
Portsmouth, NH 03801

04/14/15 3/8" = 1'-0" Exterior Blade Sign Details

**1.00**



70 BUTLER STREET • SALEM, NEW HAMPSHIRE 03079  
(603) 893-2900 FAX (603) 893-1628  
[www.northeastrehab.com](http://www.northeastrehab.com)

May 13, 2015

Honorable Mayor Robert Lister and City Council Members  
Portsmouth City Hall  
1 Junkins Avenue  
Portsmouth, New Hampshire 03801

Re: Northeast Rehabilitation Hospital Network's Introduction and  
Concerns Regarding Wastewater Treatment Facility "Option 2"

Dear Mayor Lister and Councilors,

#### Introduction

I am the CEO of Northeast Rehabilitation Hospital Network ("Northeast Rehab"), and I respectfully submit this letter to the Council for its consideration. Given the close proximity of our Pease hospital to the Pease wastewater treatment plant (we are the closest abutter), we are particularly sensitive to the issues surrounding the City's treatment of wastewater.

We have recently learned that City Staff and the Council are considering a significantly expanded treatment plant option at Pease ("Option 2") that would remove primary treatment from the existing Peirce Island plant and would process all of Portsmouth's wastewater at a much larger Pease plant. Although Northeast Rehab has only recently learned about the existence of this new proposal, we also understand that City Staff intends to present their recommendation to the Council at the May 18th City Council meeting. In light of this expedited timeframe, the purpose of this letter is to provide the Council with some background information on Northeast Rehab, with a focus on our Pease facility, and formally express our concerns with the so-called Option 2.

#### About Northeast Rehab

Northeast Rehab provides inpatient and outpatient rehabilitation care for patients who have suffered disabling injuries or illnesses. Most of our inpatients have significant cognitive issues as well as severe physical limitations. We have 4 inpatient hospitals in New Hampshire and about two dozen outpatient clinics in Northeastern Massachusetts and Southern New Hampshire. One

of our four inpatient hospitals is located at 105 Corporate Drive in the Pease International Tradeport (“Northeast Rehab at Pease”) and provides high-quality rehabilitation services to patients who live in the Seacoast and Southern Maine communities. We employ 683 people in New Hampshire with 133 of those based at Pease.

Northeast Rehab at Pease opened in July 2011, consists of approximately 40,000 square feet with 33 private rooms, and is licensed as an acute rehab hospital. Our rehab hospital at Pease provides patients with state-of-the-art facilities and high-quality care, offers a location that is close to home for patients and families living in the Seacoast area and serves as a significant resource to the four acute care hospitals in the Seacoast area. We expended a tremendous amount of time, energy, and other resources in establishing our Pease location, and we truly believe that it is a wonderful and unique facility.

We built Northeast Rehab at Pease from the ground up and, using our 25 years of experience in acute inpatient rehab, we specifically designed our Pease hospital to be patient friendly with a focus on a quiet healing environment. This includes minimizing sound disturbances and incorporating large windows into the building’s design to promote a quiet and natural healing environment.

Another important component of our rehab hospital at Pease is our outdoor therapeutic environment. We specifically designed our hospital grounds to include an outdoor mobility park for patients to practice their therapy skills; a mini-golf setup to improve balance and coordination; varied terrains to increase comfort in natural surroundings; and even a handicap accessible horticulture area where patients can garden. Moreover, to simulate real-world situations in New England, our patients and therapists utilize these outdoor features in good weather and bad. There is also an outside cafeteria area where patients and families can dine together while enjoying the outdoors and fresh air.

We are exceptionally proud of our hospital at Pease and I extend an open invitation to the Mayor and the Councilors to visit and to tour the facility first-hand. In the meantime, I have enclosed several photographs of the facility for your reference.

#### Concerns With “Option 2”

Given the nature of our operations at Pease, our emphasis on outdoor rehabilitation, and our proximity to the Pease wastewater treatment plant, we are extremely concerned with the potential impacts of Option 2, which proposes a significant increase in both wastewater facility footprint and capacity.

Moreover, Option 2 contemplates expanding the plant toward our hospital at Pease and would remove the existing line of trees and encroach upon the wetlands that currently serve as a natural buffer between our hospital and the Pease wastewater treatment plant. In expanding the existing Pease treatment facility as contemplated in Option 2, we have legitimate concerns about the resulting increases in traffic and noise, odor, and negative visual impacts.

Notwithstanding these particular concerns, Northeast Rehab believes that when Option 1 and Option 2 are compared in light of recently available information, it is clear that Option 1 is the best and prudent choice for the City and its businesses and residents. First and foremost, Option 2 is estimated to be at least \$40 million dollars more than Option 1. This incredible cost difference will be passed on to residents and businesses in the City and is estimated to result in a 30% higher average bill than Option 1. Second, Option 2 would require significant and prolonged disruption to the downtown in order for the necessary pumping infrastructure to be installed beneath City streets. This would interfere with downtown residents, merchants, and visitors alike for several years. Third, the prospect of a regional wastewater system, which once served as a basis for renewed interest in Option 2, does not appear to be a viable possibility. Finally, it appears that the regulatory risks are actually greater with Option 2.

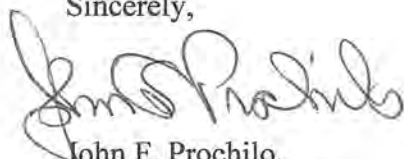
### Conclusion

Given that Option 2 is more expensive, entails more regulatory risk, is not justified regionally, and would result in significant and prolonged disruption to downtown Portsmouth, Northeast Rehab urges the Councilors to move forward with Option 1.

Thank you for your consideration in this matter. We understand this is one of the most important decisions that the Council has faced in recent memory, and we appreciate the opportunity to participate in the public dialogue.

I look forward to attending next Monday's City Council meeting and will be available to answer any questions should they arise.

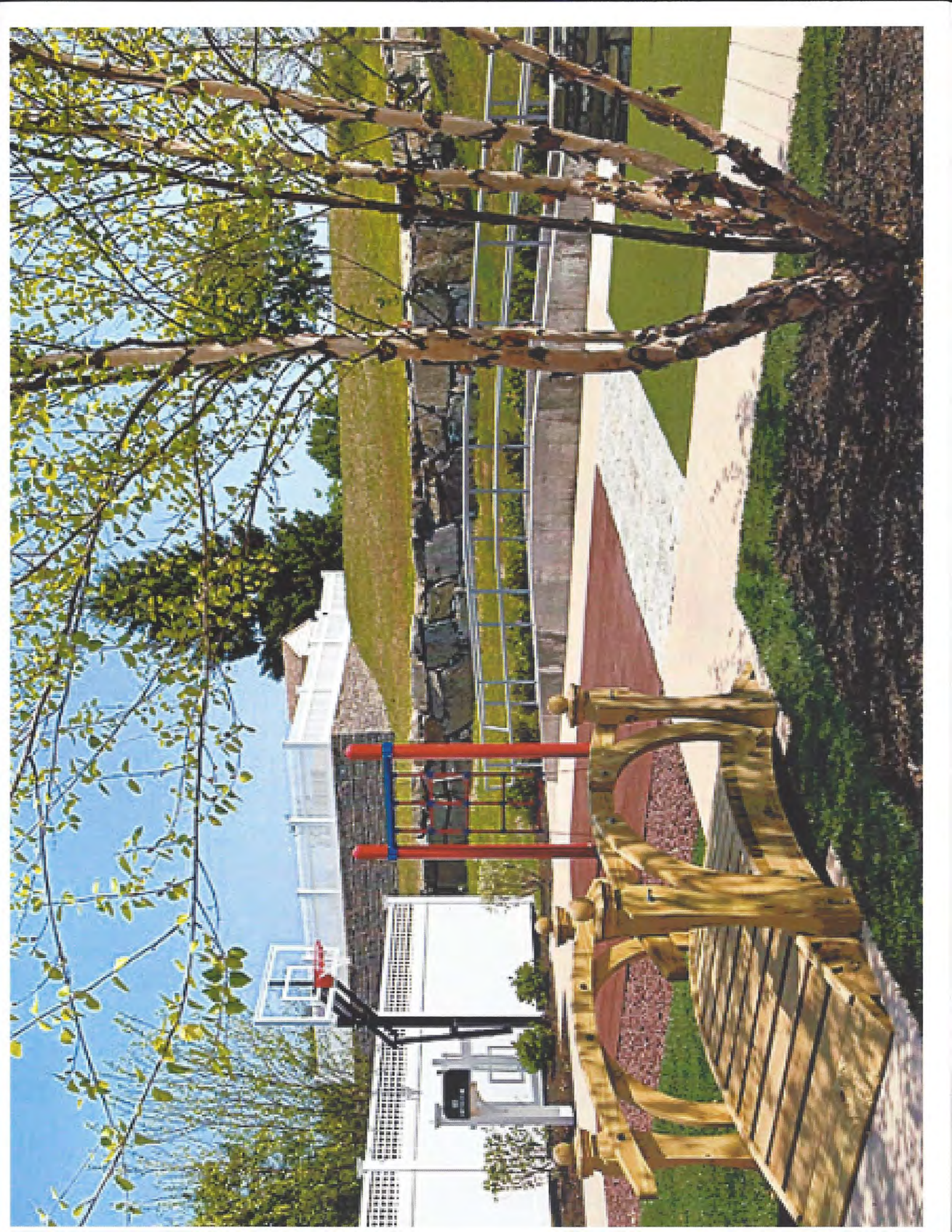
Sincerely,



John F. Prochilo,  
Chief Executive Officer  
Northeast Rehabilitation Hospital

Attachments












**CITY OF PORTSMOUTH  
PORTSMOUTH, NH 03801**

**Office of the City Manager**

**Date:** May 14, 2015  
**To:** Honorable Mayor Robert J. Lister and City Council Members  
**From:** John P. Bohenko, City Manager   
**Re:** City Manager's Comments on May 18, 2015 City Council Agenda

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**6:15 p.m. Non-meeting with counsel regarding litigation/mediation in accordance with RSA 91-A:2, I (b).**

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

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***Work Session:***

6:30 p.m.

1. **Proposed Charter Amendment Allowing for the Election of the Mayor.** At the April 6<sup>th</sup> City Council meeting, the Council voted to schedule a Work Session for the May 4, 2015 City Council meeting, regarding a Charter Amendment for the election of Mayor and Council Candidates. Instead, the Mayor requested that this Work Session be held on Monday evening. [Attached is a memorandum from City Attorney Robert Sullivan](#), regarding this matter.

***Presentations:***

1. **Art-Speak Annual State of the Arts Report and Request to Extend the Agreement Between the City and Art-Speak.** On Monday evening, Art-Speak will give its annual report on local arts and culture activity during FY 14/15 and request renewal of the Agreement between the City and Art-Speak for the period July 1, 2015 through June 30, 2016.

In the report, Art-Speak President Mike Teixeira will provide a snapshot of how local cultural organizations are faring, a progress report of the newly established Portsmouth Area Arts and Cultural Alliance (PACA), and a glimpse of the year ahead. The report will also include an update on the following work required under the current funding agreement between Art-Speak and the City:

- Assist the City in implementation of the Cultural Plan for promotion appreciation, awareness, participation, and dialogue in the support of arts and culture in the City of Portsmouth;
- Convene an annual arts and cultural forum;
- Serve as an advisor to all departments of City government on arts and cultural issues;
- Perform a coordination function for local cultural organizations and advocate on their behalf at the local, state and national level;

During FY 14/15, Art-Speak continued implementation of the Cultural Plan and promoted Portsmouth as a local and regional arts and culture leader with diverse cultural assets that contribute to local quality of life and economic vitality. It has successfully engaged the business community through the activities of PACA, resulting in a broader spectrum of stakeholders and a more sustainable revenue stream for Art-Speak to continue its mission. In 2014/15 Art-Speak raised \$3,200 through donations and other grants for its operations. The FY 15/16 UDAG Budget includes \$15,000 for Art-Speak to continue the work outlined in the annual report.

By supporting the activities of Art-Speak, the City of Portsmouth advocates and leverages the power of the local creative economy and continues to be a model for other communities. [Attached is a copy of the Agreement between the City and Art-Speak for your information.](#)

*I recommend that the City Council move to authorize the City Manager to extend the agreement from July 1, 2015 through June 30, 2016.*

2. **Update Re: Doble Center.** An update on the Doble Center will be made to the City Council by David Moore, Community Development Director, at Monday evening's meeting.
3. **Final Report of the Self-Assessment of Fire Department Operations.** On Monday evening, Fire Chief Steve Achilles will make a presentation to the City Council regarding the Final Report of the Self-Assessment of Fire Department Operations (April 2015). This final report is available on the City's website at [http://www.cityofportsmouth.com/fires/PFD\\_Self\\_Assessment\\_FINAL-REPORT.pdf](http://www.cityofportsmouth.com/fires/PFD_Self_Assessment_FINAL-REPORT.pdf).

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

### **1. Public Hearing/Second Reading for Proposed Ordinance.**

- 1.1 **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 (Public Hearing kept open from the March 16, 2015 City Council meeting).** Portsmouth Land Acquisitions, the owner of several parcels of land on the Route One Bypass and Cate Street, has requested that the area generally bounded by Hodgson's Brook, Bartlett Street, the Pan Am Railroad line and the Route One Bypass be rezoned to the Gateway district, and that the Zoning Ordinance be amended to provide incentives for developments that include workforce housing. The Council opened its public hearing on this matter at its meeting on March 16, 2015, and then voted to continue the public hearing and second reading to May 18, 2015, and to refer the proposed zoning amendments to the Planning Board for a report back.

At its meeting on April 30, 2015, the Planning Board considered the proposed zoning changes and voted unanimously in favor of (1) the request to rezone the subject parcels to the Gateway district, and (2) the staff recommendations to amend two provisions of the Zoning Ordinance relating to building setbacks and height. However, the Board did not support the workforce housing incentives proposed by Portsmouth Land Acquisitions because of the considerable increases in residential density and building scale that would be allowed. The Board requested the Planning Department staff to draft alternative language to provide zoning flexibility for projects that incorporate workforce housing, and postponed the matter to its next meeting on May 21, 2015. [Attached is a memorandum from Rick Taintor, Planning Director](#), that explains this further.

It is the staff's recommendation to postpone second reading on the proposed zoning amendments to the June 1st City Council meeting and to keep the public hearing open until the Planning Board has had an opportunity to complete its review and make a final recommendation.

*I recommend that the City Council move to continue the public hearing and postpone the vote on second reading to the City Council meeting on June 1, 2015 until after the Planning Board has worked on the Workforce Housing portion of this Ordinance. Action on this matter should take place under Section IX of the Agenda.*

## ***Consent Agenda:***

1. **Acceptance of Police Department Grants.** [Attached under Section X of the Agenda is a memorandum](#), dated May 13, 2015, from John F. Golumb, Chairman of the Portsmouth Police Commissioners, and Police Chief Stephen J. DuBois, requesting that the City Council approve the following grants:
  - a) A grant in the amount of \$8,580 has been received from NH Highway Safety for DWI/DUI patrols.
  - b) A grant in the amount of \$6,864 has been received from NH Highway Safety for Sobriety Checkpoints in Portsmouth.
  - c) A grant in the amount of \$6,292 has been received from NH Highway Safety for Pedestrian Patrols to address j-walking and bicycle safety.
  - d) A grant in the amount of \$6,292 has been received from NH Highway Safety for Enforcement Patrols addressing speed issues in Portsmouth.
  - e) A grant in the amount of \$6,292 has been received from NH Highway Safety to address red light running in Portsmouth.

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

2. **Request for License to Install Projecting Signs.** [Attached under Section X of the Agenda](#) are requests for a projecting sign licenses (see [attached memorandums from Rick Taintor, Planning Director](#)):
  - Brendin McCord, owner of Bennett's Store for property located at 41 Congress Street.
  - Shore Gregory, owner of ROW 34 for property located at 5 Portwalk Place for the installation of a projecting sign on a new bracket on Hanover Street.

*I recommend the City Council move to approve the aforementioned Projecting Sign Licenses as recommended by the Planning Director and, further, authorize the City Manager to execute this License Agreements for these requests. Action on this item should take place under Section X of the Agenda.*

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

1. **Request for Approval of Parking Lot Agreement Re: Albacore Lot.** I have [attached a proposed new License Agreement](#) that will provide an additional 50 spaces at the Albacore Submarine site off Market Street. The public parking in the designated area will be



available during hours of operation of the City's Downtown Parking Shuttle. The License Agreement is for a period of 2 years for an annual fee of \$5,500 to be paid in bi-annual payments. In addition, the City will be surfacing and striping the portion of the parking area designated for this use which will be funded through the parking and expenditures fund. The City will also be installing a bus shelter and signage.

*I recommend that the City Council move to refer this matter to the City Manager with power and, and further, authorize the City Manager to execute this Agreement, as presented.*

2. **Peirce Island Wastewater Treatment Facility Recommendation.** As a result of the last meeting, [attached is a memorandum](#) from Public Works Director Peter Rice, Deputy Public Works Director Brian Goetz, Deputy City Attorney Suzanne Woodland, and City Engineer Terry Desmarais, regarding a recommendation for the Wastewater Treatment Facility.

As you may be aware, at the April 8, 2013 City Council meeting the Council, voted the following motion:

*“Move to comply with EPA mandate to meet secondary treatment at the Peirce Island Wastewater Treatment Plant with the ability to treat a total nitrogen limit 8 milligrams per liter on a seasonal rolling average basis, stay within the current fence line, and to support the Biological Aerated Filter (BAF) technology.”*

City staff will be present on Monday evening to answer any questions the City Council may have regarding this matter.

*I recommend that the City Council move to reaffirm the City Council's vote of April 8, 2013 to move forward with the Peirce Island Wastewater Treatment Facility upgrade.*

### ***Informational Items:***

1. **Events Listing.** For your information, [attached is a copy of the Events Listing](#) updated after the last City Council meeting on May 4, 2015. In addition, this can be found on the City's website.
2. **Reminder Re: Continue of FY16 Budget Public Hearing and Work Session.** This is a reminder that the FY16 Budget Public Hearing and Work Session is on Wednesday, May 20, 2015 at 6:30 p.m., in the Eileen Dondero Foley Council Chambers.
3. **Report Back Re: Small Business.** [Attached is a memorandum from Everett Eaton, Chair of the Economic Development Commission](#), regarding City support of small business. This is the report back as requested by Councilor Esther Kennedy.
4. **Report Back Re: Seacoast Outright Pride Event.** As you will recall, at the April 20<sup>th</sup> City Council meeting, Seacoast Outright requested to hold a Pride Event on June 27, 2015 in Market Square. I am reporting back that City staff and myself met with Chuck Rhoades,

Chair of Seacoast Outright Board of Directors, regarding the logistics of the event. For your information, the event will be held from 12:00 p.m. to 4:00 p.m.; Porter to Congress Streets will be closed from Noon until after Pro Portsmouth's Summer in the Streets, which is held after 4:00 p.m. The event also includes six walk routes and all walkers will be on the sidewalks and meet in Market Square. Mr. Rhoades is working with City departments to ensure a successful event.

5. **Short-term Rentals.** As you will recall, at the March 2, 2015 City Council meeting, the Council voted to request the Planning Board 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 exception

For your information, [attached is a memorandum from Rick Taintor, Planning Director](#), responding to the City Council's request. The Planning Board considered these draft amendments at its meeting on April 30, 2015, and voted to postpone the matter in order to allow the Planning Department to prepare a revised draft for consideration. Issues of concern to Board members included (1) whether short-term rentals should be allowed by right or by special exception in the MRB district; (2) the requirement that lots with short-term rentals conform to all dimensional standards of the Zoning Ordinance, (3) the proposed 300-foot separation requirement, and (4) off-street parking standards.

The matter will be addressed again at the Planning Board's meeting on May 21, 2015. Therefore, this matter will be placed on the agenda for the City Council meeting on June 1, 2015.

6. **Household Hazardous Waste Day.** For your information, Household Hazardous Waste Spring Collection Day is on Saturday, May 30, 2015 between 8:00 a.m. and noon at the Department of Public Works facility at 680 Peverly Hill Road. [Attached is information](#) regarding the safe disposal of household hazardous waste products, which is also available on the City's website at <http://cityofportsmouth.com/publicworks/solidwaste-recycle-hhw.htm>.
7. **African Burying Ground Events May 20, 2015 to May 23, 2015.** For your information, [attached is a list of African Burying Ground Events from May 20, 2015 to May 23, 2015.](#)

## LICENSE AGREEMENT

Agreement made on \_\_\_\_\_, 2015, by and between the City of Portsmouth, New Hampshire (“Licensee”), having a mailing address Portsmouth City Hall, 1 Junkins Avenue, Portsmouth, NH 03801, and the Portsmouth Submarine Memorial Association d/b/a Albacore Park (“Licensor”), having a business address of 600 Market Street, Portsmouth, NH 03801.

WHEREAS, Licensor is the fee owner of land with a building thereon commonly known as the Albacore Park, located on the City of Portsmouth, Tax Map at Map 209, Lot 87 and

WHEREAS, the Licensee has asked permission to utilize the entirety of the paved area hereinafter referred to as “Parking Area” which is located off the Albacore Connector Rd on the west side of the Albacore Park parking lot as more particularly described in Exhibit A, attached hereto and incorporated herein, for public parking.

NOW THEREFORE, in consideration of the mutual promises, covenants and other good and valuable consideration set forth herein, the sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. Grant of License. Licensor hereby grants to the Licensee, a license (the License) to use the Parking Area for public parking.
2. Term. Beginning on June 4, 2015 (the “Commencement Date”) the Licensor grants to the Licensee, the License, pursuant to which the Licensee and its employees, contractors, agents and invitees (the public) shall have the right to enter upon and use the Parking Area solely and exclusively for the Permitted Use as described and defined in Paragraph 3 herein. The Licensee shall have the right to use the Parking Area for that period of time (the “Term”) beginning on the Commencement Date and ending on January 1, 2017 (the “Termination Date”). Either party may terminate this Agreement for cause with five (5) days written notice to the other party. No written notice is required if there is a threat to the public health or welfare. Either party may terminate this Agreement without cause by giving written notice to the other party 30 days in advance of the bi-annual payment date set forth in paragraph 5.

If Licensor elects to terminate the License, then Licensee shall, not more than five (5) days following the receipt of the Termination Notice, surrender the Parking Area free of all personalty of the Licensee and Licensor shall remit any credit due to the City for payment of the license fee.

In addition, the parties may elect to renew for successive one (1) year period (each an “Extension Term”). The parties shall notify each other of their intent to

renew 30 days before the Termination Date. The Extension Term shall be in writing and executed by both parties.

3. Permitted Use. The Licensee, its employees, agents and invitees (the public) may use the Parking Area solely and exclusively for parking of Class A motor vehicles (passenger cars and trucks with a gross weight of 10,000 pounds or less) during the hours that the City of Portsmouth public shuttle is operating.

The parties agree that Licensor may exclusively use the Parking Area for certain private events, not to exceed 4 days during the term of this Agreement and upon 30 days written notice from Licensor to Licensee.

4. Restrictions on Use. The following uses are expressly prohibited at the Parking Area:
  - (a) consumption of alcohol;
  - (b) use or storage of hazardous substances;
  - (c) possession of firearms; and
  - (d) idling of vehicles or equipment.
5. Annual Fee. Commencing on the Commencement Date, the Licensee shall pay to the Licensor bi-annual payments in the amount of \$2,750 to be paid on the June 4<sup>th</sup> and on September 5<sup>th</sup> during the term of this Agreement. These payments shall be made payable to the Portsmouth Submarine Memorial Association.
6. Signs. Licensee shall be responsible for designing and installing appropriate signage identifying the terms of public parking in the Parking Area. The signage must include the following information:
  - a. Public parking hours.
  - b. No Parking between the hours of 2am and 8am.
7. Improvements. Prior to June 4, 2015, Licensee shall install signage on the Parking Area. Prior to June 4, 2015, the Licensee shall add approximately 1 1/4 inch overlay of paving to the Parking Area, stripe parking spaces, and install a bus shelter on the edge of the Parking Area at a location approved by the Licensor. The Licensee shall be responsible for the cost of paving and striping the entirety of the Parking Area.
8. Maintenance. During the period identified in Item 3, the obligation of maintaining the Parking Area, including but not limited to plowing and sanding, shall be with the Licensee. Licensor will be responsible for maintaining Parking Area for all times except for hours of Permitted Use as set forth in paragraph 3.
9. Security. Licensee shall provide security for the Parking Area from dusk until the shuttle stops running consistent with the schedule set forth in paragraph 3.

10. Indemnification. Licensee shall defend and hold harmless the Licensor for any claims made against the Licensor, including attorney's fees and costs, arising out of the Licensee's negligent use or negligent occupancy of the leased Parking Area. This indemnification does not include claims based on the Licensor's own legal fault.
11. Representations. This Agreement has been duly executed and delivered by the Licensee and Licensor and each party avers that it has authority to execute and deliver this Agreement and the terms and conditions contained therein.
12. Miscellaneous Provisions.
  - (a) No Third Party Beneficiaries. Nothing in this Agreement, expressed or implied, is intended to confer upon any person, other than each of the parties hereto; any benefits, rights or remedies under or by reason of this Agreement.
  - (b) Entire Agreement. This Agreement and the attachments hereto, each of which is hereby incorporated herein, sets forth all of the agreements, promises, covenants conditions and undertakings between the parties with respect to the subject matter hereof, and supersedes all prior and contemporaneous agreements and understandings, inducements, or conditions, express or implied, oral or written.
  - (c) Amendment. No waiver or modification of any of the terms of this Agreement shall be valid unless in writing and signed by each of the parties hereto. Failure by any party to enforce any rights under this Agreement shall not be construed as a waiver of such rights, and a waiver by any party of a default hereunder in one or more instances shall not be construed as constituting a continuing waiver or as a waiver of other instances of default.
  - (d) License Not Assignable. The rights granted to the Licensee hereunder are personal and are not assignable or otherwise transferable except as otherwise specified in this Agreement.
  - (e) Partial Invalidity. In the event any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal or unenforceable in any respect, the remainder of this License shall not be affected hereby, and each covenant and provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.
13. Governing Law. The construction and effect of the terms of this Agreement shall be determined in accordance with the laws of the State of New Hampshire.

14. Notices. All notices and other communication which are required or permitted by this Agreement shall be in writing and delivered by personal service, sent by registered or certified first class US mail, postage prepaid, properly addressed, return receipt requested, or by overnight receipt delivery service such as Federal Express, if intended for the Licensee, addressed to John P. Bohenko, City Manager, City of Portsmouth, at the address first set forth above, and if intended for the Licensor, at the address first set forth above.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed on the day and year first written above.

PORTSMOUTH SUBMARINE MEMORIAL ASSOCIATION

By: \_\_\_\_\_  
Phillip Munck, President

Approved by vote of Portsmouth Submarine  
Memorial Association Board of Directors  
dated \_\_\_\_\_

CITY OF PORTSMOUTH

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

Approved by vote of the City Council  
dated \_\_\_\_\_



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Feet



# City of Portsmouth

*Department of Public Works*



## MEMORANDUM

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TO: John Bohenko, City Manager

FROM: Peter Rice, P.E., Director of Public Works  
Brian Goetz, Deputy Director of Public Works  
Suzanne Woodland, Deputy City Attorney  
Terry Desmarais, P.E., City Engineer

DATE: May 12, 2015

SUBJECT: Recommendation on Wastewater Treatment Options  
Pease Wastewater Option Evaluation

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In 2005, the Environmental Protection Agency (EPA), which is responsible for issuing permits for the discharge of wastewater, determined that it was necessary under federal law for the City of Portsmouth to upgrade its Peirce Island Wastewater Treatment Facility (WWTF). The City began this process with the Wastewater Master Plan. At the end of the Master Plan process, the only option acceptable to the EPA was for the City to proceed with an upgrade of the Peirce Island WWTF to meet secondary treatment standards, the process and schedule for which was later incorporated into a Consent Decree. This project was anticipated to cost the City between \$35 million and \$45 million.

During the course of technology piloting and preliminary design, the scope of the Peirce Island WWTF Upgrade changed to include a larger size facility and a higher level of treatment to meet EPA and the Department of Environmental Services (DES) regulatory requirements. These changes resulted in increased costs of the Peirce Island WWTF Upgrade to \$80 million. In addition to increased costs, the City had concerns over regulatory uncertainties on bypass and blending and received a request from Exeter and Stratham to treat their wastewater at the Pease WWTF. City staff identified these concerns for the City Council and outlined options for moving forward: (1) upgrade the Peirce Island WWTF (current path per the Consent Decree) or (2) take all of the City's wastewater and treat it at a new facility at the existing Pease WWTF location. The City Council directed the City Manager to evaluate the feasibility and costs of the Pease WWTF approach in November 2014 ("Pease Wastewater Option Evaluation").

The City tasked the engineering consulting firm ARCADIS to complete the Pease Wastewater Option Evaluation. ARCADIS had recently completed the value engineering for the Peirce Island WWTF upgrade. The first phase of the work was to develop site plans for the existing Pease WWTF site. These site plans were presented to the City Council in January 2015 and



showed that a facility could be constructed at the Pease WWTF to treat all of the City's current and projected future wastewater flows and potential regional wastewater flow. The next phase of the work looked at how to pump wastewater from the downtown Portsmouth to the Pease WWTF location and how to discharge the treated wastewater back to the Piscataqua River. The consultant developed capital and 20-year life cycle costs for the options. City staff presented the results of the evaluation to the City Council on April 27, 2015.

The focus of the presentation was on the impacts, costs and risks associated with the two options. Both of these options will have substantial impacts on the City during and after construction. Upgrading the Peirce Island WWTF will require a lot of construction traffic through the downtown while upgrading the Pease WWTF will require a lot of utility construction in downtown streets. The capital costs for both options are significant. Upgrading the two existing treatment facilities is estimated to cost \$90.1 million in the near term. For the Pease option, the cost to construct all the necessary pipelines (through the downtown) that convey the wastewater to the new Pease WWTF and then back to a new Deer Street outfall was estimated to cost an additional \$41.3 million or \$131.4 million. These costs would be approximately \$6.5 million more or \$137.9 million if the Deer Street outfall was not approved by the DES and had to be extended to Peirce Island. While both options have risks associated with design, implementation and future regulatory requirements, the details of the Pease WWTF option are much less defined than those of upgrading the Peirce Island WWTF and the Pease WWTF individually.

After carefully evaluating the City's options and weighing the important considerations, staff recommends that the City Council reaffirm their vote of April 8, 2013 to move forward with upgrading the existing Peirce Island WWTF. The full report from ARCADIS will be posted to the City's wastewater web site once finalized. City staff will be available to discuss this recommendation and other questions at the May 18, 2015 City Council meeting. City staff will continue to work with Exeter and Stratham to discuss the option of treating their wastewater at the Pease WWTF location.

**Recommended motion:** Move to reaffirm the City Council's vote of April 8, 2013 to move forward with the Peirce Island Wastewater Treatment Facility upgrade.

Run: 5/14/15  
10:31AM

## Event Listing by Date

Page: 1

Starting Date: 5/ 4/2015

Ending Date: 12/31/2015

Start End	Type Description	Location	Requestor	Vote Date
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
5/14/2015 5/14/2015	RACE Gregg Hopkins, Vice President of Marketing is the contact for this event. This event begins at 6:30 a.m. and ends at 7:30 a.m.	Deer Street and Portwalk Place	Newmarket International, Inc.	4/20/2015
5/15/2015 5/15/2015	CLINIC Ann Rugg is the contact for this event. This event is part of Bike/Walk to Work Week Market Square from 12:00 to 12:30 p.m.	Market Square	Fix A Flat Clinic for Women	4/20/2015
5/15/2015 5/15/2015	TOUR Josh Pierce is the contact for this event. This event begins at 7:00 a.m. to 10:00 a.m. at Popovers in Market Square.	Market Square - Popover	Seacoast Area Bicycle Riders	5/ 4/2015
5/16/2015 5/16/2015	RIDE Contact Laura Horwood-Benton, Public Programming and Community Relations Librarian at Library 603-766-1711. Ride starts at 2:00 p.m. from Portsmouth Library and ends at the Wentworth Gardner Home. Sponsors include Old as Adam Antiques & Vintage Haberdashery, Ceres Bakery and Seventh Settlement.	Bicycle Ride Starting point at Portsmouth Library		/ /
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
5/20/2015 5/20/2015	ART EXH David Moore is the contact for this event. He may be reached at 610-7226. This event is with African Burial Ground Sculptor and Students	Chestnut Street	African Burying Ground	/ /
5/22/2015 5/22/2015	VIGIL David Moore, Community Development Director is the contact. Contact #610-7226 This is the overnight African Burying Ground Ancestral Vigil.	New Hope Baptist Church - 236 Peverly Hill Road	African Burying Ground	/ /
5/23/2015 5/23/2015	ART EXH David Moore, Community Development Director is the contact for this event. This unveiling is at 8:30 a.m. Contact # 610-7226	Chestnut Street - Street Artwork Unveiling at Afri	African Burying Ground	/ /
5/23/2015 5/23/2015	CELEBRATIC David Moore, Community Development Director is the contact for this event. Contact #610-7226 This event begins at 10:30 a.m.	Portsmouth Middle School	African Burying Ground	/ /
5/23/2015 5/23/2015	MEMORIAL David Moore, Community Development Director is the contact for this event. Contact #610-7226 This reburial ceremony begins at 8:30 a.m. This is being combined with the ArtWork unveiling.	Chestnut Street - Reburial Ceremony	African Burying Ground	/ /

Run: 5/14/15  
10:31AM

## Event Listing by Date

Page: 2

Starting Date: 5/ 4/2015

Ending Date: 12/31/2015

Start End	Type Description	Location	Requestor	Vote Date
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
5/30/2015 5/30/2015	WALK Cynthia Rybczyk, Heart Walk Director, New Hampshire is the contact for this event. The event registration is at 8:30 a.m. and the walk begins at 10:00 a.m. Contact info: (603) 518-1557 or via e-mail at Cynthia.rybczyk@heart.org	Little Harbour School	American Heart/Stroke Associat	3/ 2/2015
5/31/2015 5/31/2015	WALK Shamera Simpson, Community Director is the contact for this event. This event begins at 8:00 a.m. until 12:00 p.m.	Little Harbour School	March of Dimes	4/ 6/2015
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
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
6/21/2015 6/21/2015	MARCH March to William Pitt Tavern	March to William Pitt Tavern	St. John's Lodge, No. 1	5/ 4/2015
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	FUND Tim Dame is the contact for this event. Contact #603-834-1896 This event is from 8:00 a.m. to 5:00 p.m.	Market Square - MDA Boot Drive	Portsmouth Professional Fire F	/ /
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
6/27/2015 6/27/2015	PRIDE Contact: Chuck Rhoades (603) 502-4192. Close off Porter to Congress Streets. Six walk routes proposed: City Hall on Junkins; HOtel Portsmouth to Middle to State; Little Harbour School onto South, Richards, Parrott, Court; Peirce Island to Marcy, State; Cross Memorial Bridge from Kittery Harbour Place, Daniel Street; and Portsmouth High School onto Middle Street, Congress Street. All routes end up on Pleasant Street.	Market Square	Seacoast Outright	4/20/2015
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

## Event Listing by Date

Starting Date: 5/ 4/2015

Ending Date: 12/31/2015

Start End	Type Description	Location	Requestor	Vote Date
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; Tel. 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; Tel. 433-5515	Strawbery Banke Museum	Portsmouth Rotary Club - Thund	12/22/2014
8/ 8/2015 8/ 8/2015	FUND Tim Dame is the contact for this event. Contact #603-834-1896 This event is from 8:00 a.m. to 5:00 p.m.	Market Square - MDA Boot Drive	Portsmouth Professional Fire F	5/ 4/2015
8/22/2015 8/22/2015	BIKE TOUR Emily Christian is the Logistics Associate This event begins in Stratham Hill, over to Kittery, back through Portsmouth by way of Marcy Street to 1B.	Through the City to and from Stratham Hill Park	National Multiple Sclerosis So	1/ 5/2015
9/ 7/2015 9/ 7/2015	ROAD RACE Contact: Sister Mary Agnes	Pease International Tradeport	St. Charles Children's Hme	5/ 4/2015
9/13/2015 9/13/2015	ROAD RACE This is part of the Run Portsmouth Road Race Series 5K Races for 2015 Wendy McCoolle is the contact for this event. wendy@mybreakfastcancersupport.org Telephone No. 759-5640	Portsmouth Middle School	Celebrate Pink 5K Road Race &	12/22/2014
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

Run: 5/14/15  
10:31AM

## Event Listing by Date

Page: 4

Starting Date: 5/ 4/2015

Ending Date: 12/31/2015

Start End	Type Description	Location	Requestor	Vote Date
9/26/2015 9/27/2015	BIKE TOUR Donna Hepp is the contact for this event. dhepp3@gmail.com or 414-258-3287	Rte. 1B over Memorial Bridge	Granite State Wheelmen	11/17/2014
9/26/2015 9/27/2015	FESTIVAL David Hallowell is the contact for this event.	Pleasant Street	Portsmouth Maritime Folk Festi	12/ 8/2014
9/26/2015 9/27/2015	TOUR This event is for two days. Caroline Amport Piper is the contact. Tel. (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
10/17/2015 10/17/2015	FUND Mary-Jo Monusky, Executive Director is the contact for this event. This event is a 5k walk/fundraiser. Starts and ends at 11 Jewell Court from 9:00 a.m. to 11:00 a.m.	11 Jewell Court - start and finish	Arts in Reach	4/ 6/2015
11/ 8/2015 11/ 8/2015	ROAD RACE Jay Diener is the contact for this event. This event begins at 8:00 a.m.	Portsmouth, New Castle and Rye	Seacoast Half Marathon	4/20/2015
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	Seacoast Rotary Club - Turkey	12/ 8/2014

## MEMORANDUM

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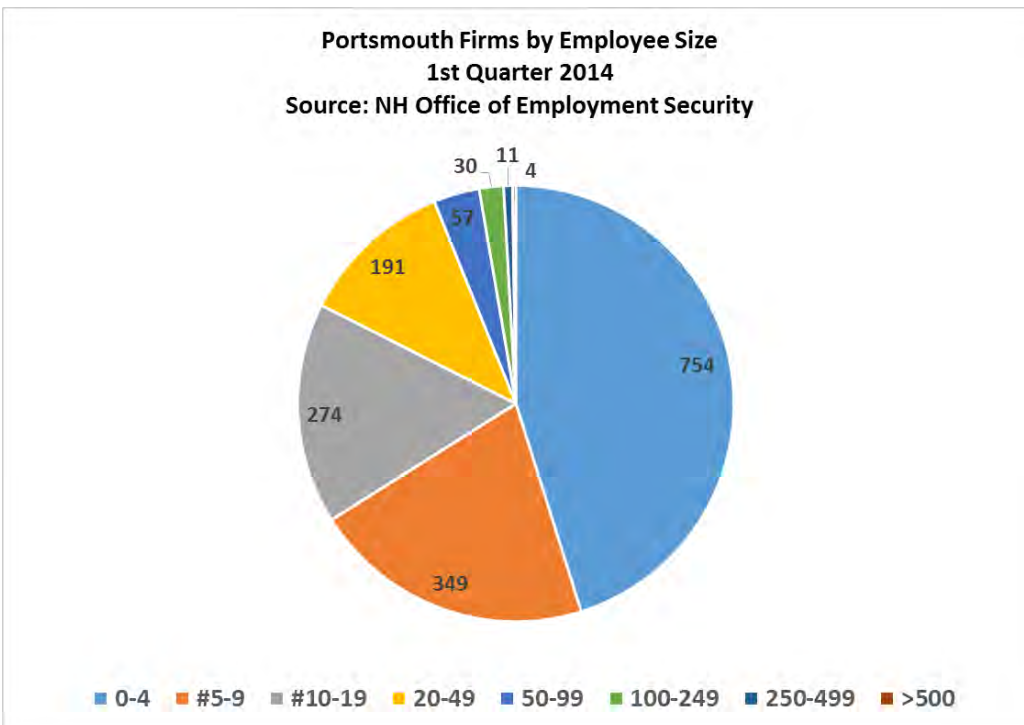
**DATE:** APRIL 30, 2015  
**TO:** MAYOR ROBERT J. LISTER AND CITY COUNCILORS  
**FROM:** EVERETT EATON, CHAIR, ECONOMIC DEVELOPMENT COMMISSION  
**RE:** CITY SUPPORT OF SMALL BUSINESS

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This memo is in response to a referral to the Economic Development Commission regarding Councilor Kennedy’s questions concerning, “How can the City of Portsmouth be more supportive of Small Business in our Community?” Councilor Kennedy requested the EDC response to focus on businesses with 25 or less employees. The EDC and staff provide the following information and responses starting with an overview of the Portsmouth business profile.

### General Profile of Portsmouth Business Community and Size Categories

Like most of New Hampshire, Portsmouth’s economy is comprised primarily of small businesses. Data from the Economic and Labor Market Information Bureau of the NH Employment Security Office, demonstrate that Portsmouth is home to 1,700 ± businesses or 5% of the State’s 37,800 businesses. Most local businesses are service producing enterprises (1,635) with manufacturing (115) and government (50) entities employing a distance second and third. **Of the 1,700 Portsmouth-based businesses, 1,368 or 80% employ 19 employees or less and 1,559 or 92% employ 49 employees or less.** As the chart and table below indicate, roughly 44% of Portsmouth businesses employ four or less people such as start-ups, self-employed individuals, small independent contractors, professional service providers and independent retail or home-based-occupations.



Size	# Firms	Jobs 3/14	Total Qtrly Wage	Ave Weekly Wage
1-4	745	1,537	\$22,284,007	\$1,115
5-9	349	2,311	\$33,474,020	\$1,115
10-19	274	3,716	\$53,458,158	\$1,108
20-49	191	5,905	\$71,851,151	\$942
50-99	57	3,994	\$52,173,866,	\$1,006
100-249	30	4,499	\$63,482,994	\$1,091
250-499	11	3,753	\$56,353,891	\$1,155
>500	4	3,325	\$76,585,872,	\$1,764
Total	1,699	29,040	\$430,235,653	\$1,140

Source: New Hampshire Employment Security, Concord, New Hampshire 03301

City Activities Focused on Small Business

From the profile information provided above it is evident that Portsmouth consists of predominately small businesses. This means most of the City/business interface is with small companies and that interaction is spread across all City departments for infrastructure improvements, land use permitting, inspections, or economic development activities.

The City communicates with local businesses in various ways, with the most efficient being via the City’s website. When there is an event that could temporarily impact a particular business or commercial area, City staff may visit the company or, for larger areas, issue email notices and press releases. In cases where there is a construction or infrastructure project that will impact businesses, the City invites businesses to informational meetings, visits businesses and posts information on the City website. City Economic Development staff is available during office hours to meet one on one with business owners in addition to conducting business visits. Staff makes a point to attend local business association and professional organization meetings with a concentration of small business people in an effort to meet and talk with business owners. For more information on this work, a list of City activity focused on small local business is attached.

Free business counseling is available to local small businesses through a City partnership with the Small Business Development Center (SBDC). The City provides office space in City Hall for trained SBDC business counselors to provide no cost one-on-one counseling to local small business. In addition to one-on-one counseling, the SBDC has developed a series of e-learning online resources for businesses which is also accessible at no cost. A recent report to the EDC showed that since 2011, the SBDC has provided over 560 hours of annual business counseling in City Hall for a total of 2,240 total hours. During that time, 146 local companies received support from the SBDC. Additional free counseling is available through City staff referrals to the Seacoast SCORE program for similar mentoring.

The City is a member of three local organizations that support local businesses: Seacoast Local, the Greater Portsmouth Chamber of Commerce and the Tenants Association at Pease. The City has partnered for promotion of shop local initiatives such as Seacoast Local’s Plaid Saturday event and

the Chamber's *Shop Portsmouth on Friday Night*, and *Fashion Night Out* events, and Restaurant Week.

#### Current Pertinent EDC Initiatives

The Economic Development Commission is in discussion with the University of New Hampshire Cooperative Extension for participation in the Business Retention and Expansion Program that involves a comprehensive three-step process which includes training for community leaders to conduct business visitations to survey businesses on needs, concerns and development plans with follow-up by a local task force with support from resources within and outside the community. The City and the Chamber are also currently working with Google to convene a series of events to assist small businesses develop web-presence.

The EDC and City staff are committed to serving and supporting local companies and is open to ideas on how expanding this commitment.



## **City Activity Focused on Small Business**

### **Economic Development Office Activities:**

- Provide information and one-on-one assistance in individual entrepreneur's business plan development.
- Respond to small business requests for business location assistance.
- Assist and interface where necessary and appropriate in small business land use permitting.
- When appropriate, make referrals to other business assistance organizations such as the Small Business Development Center (SBDC), SCORE, State of NH Business Resource Center and the Micro-Credit programs.
- Where appropriate, assist business to access capital by providing referrals to local conventional and non-conventional lenders such as the Rockingham Economic Development Corporation, Small Business Administration, Business Finance Authority and Granite State Development Corporation.
- Assist businesses in use of the Manufacturing Extension Partnership (MEP) and federal procurement assistance and the NH International Trade Resource Center to determine readiness and to promote expansion into global markets.
- Participate in local business association activities and meetings such as the West End Business Association, CIBOR, and Pease Tenant Association.
- Work collaboratively with City Public Works staff to notify business owners of construction activity and create strategies to mitigate and minimize business disruption during extensive municipal construction projects in the city.
- Connect business with the appropriate NH Department of Resources and Economic Development programs for job training grants and workforce development programs, energy efficiency subsidy, business continuity programs.
- Participate in Commercial Industrial Board of Realtors meetings to provide awareness of local businesses real estate needs and new business inquiries.
- Market Portsmouth as a great location to operate a small business.

### **Other City Activities Which Support Small Business:**

- Partnership with the NH Small Business Development Center for free small business one-on-one business counseling.
- Partnership with the Chamber of Commerce for Tourism which supports local small businesses in the culinary, retail and hospitality industries. Monthly meetings are held with member representatives of these sectors. Result is Restaurant Week, Shop Portsmouth Friday Night, Fashion Night Out, and other events which primarily benefit small, independently-owned, local businesses.
- Partnership with Art-Speak which advocates for non-profit arts, historical and cultural organizations, individual artists, citizens, and businesses, as well as its economy through advocates for local cultural organizations and independent artists.
- Membership in Seacoast Local organization.
- Creation of local Economic Revitalization Zones to enable eligible expanding businesses to take advantage of the NH business tax credits.
- Partnership with Google in the *Get Portsmouth on the Map* initiative to provide resources to small business to create an online presence.

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# MEMORANDUM

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**TO:** John P. Bohenko, City Manager  
**FROM:** Rick Taintor, Planning Director *RT.*  
**DATE:** May 6, 2015  
**RE:** City Council Referral – Short-Term Rentals

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At its meeting on March 2, 2015, the City Council voted to request 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.

In response to this request, the Planning Department drafted a set of draft amendments to the Zoning Ordinance relating to “short-term vacation rentals” including the following provisions:

1. Define “short-term vacation rental” as a new use and allow it by special exception in the GRA, GRB and MRO districts, and as a permitted use in the CBA, CBB, CD4, CD5 and B districts.
2. Insert a new Section 10.837.20, “Short-Term Vacation Rentals,” with the following provisions:
  - o The lot shall comply with existing zoning standards;
  - o Occupancy shall be limited to no more than two persons per bedroom;
  - o The short-term rental use shall require a license from the City Council, with a fee to cover administrative and inspection services;
  - o No two short-term rental facilities shall be located within 300 feet of each other;
  - o The dwelling shall comply with building and life safety codes, and shall be subject to initial inspections and annual re-inspections to verify compliance;

- The owner shall pay all state rooms taxes;
- No tents, trailers or other temporary shelters shall be used for living or sleeping in connection with the short-term rental use.

3. Add “short-term vacation rental” to the table of off-street parking standards.

In addition, the draft ordinance would amend several other provisions of the Zoning Ordinance relating to transient accommodations:

- Change the definitions of “Bed and Breakfast,” “Bed and Breakfast 1” and “Bed and Breakfast 2” by reducing the number of guest rooms and the capacity of the dining facilities.
- Change the Table of Uses to allow Bed and Breakfast 1 by special exception in the Rural and Single Residence districts.
- Change the Table of Uses to prohibit hotels and motels with more than 250 rooms in the CBA and CD4 districts, and to require special exceptions in the CBB and CD5 districts.

The Planning Board considered these draft amendments at its meeting on April 30, 2015, and voted to postpone the matter in order to allow the Planning Department to prepare a revised draft for consideration. Issues of concern to Board members included (1) whether short-term rentals should be allowed by right or by special exception in the MRB district; (2) the requirement that lots with short-term rentals conform to all dimensional standards of the Zoning Ordinance, (3) the proposed 300-foot separation requirement, and (4) off-street parking standards.

The matter will be addressed again at the Board’s meeting on May 21, 2015. Therefore, it is recommended that the matter be placed on the agenda for the City Council meeting on June 1, 2015 (rather than May 18 as currently anticipated).



## *Portsmouth African Burying Ground*

IN HONOR OF THOSE FORGOTTEN

The City of Portsmouth and its Mayor-appointed African Burying Ground Committee have announced a multi-day commemoration to coincide with the completion of the African Burying Ground Memorial Park – We Stand in Honor of Those Forgotten

**May 20th - May 23rd**

[For updates on this schedule and more information, please visit AfricanBuryingGroundNH.org](http://AfricanBuryingGroundNH.org)

### **On-site event with artist and sculptor Jerome Meadows, Portsmouth Middle School Students**

**Wednesday May 20th - 9:00 a.m.**

Portsmouth Middle School students who worked with Mr. Meadows during a school outreach project in October 2014 join him on-site to reveal the ceramic tiles they designed, which will be installed in the decorative railing at the site. Mr. Meadows reconnects with the students and speaks with them about the final preparations of the artworks since they last met. This event coincides with a Middle School Art Show of student works about the African Burying Ground at the Seacoast African American Cultural Center gallery at 10 Middle Street (now open).

### **African Burying Ground Ancestral Vigil at New Hope Baptist Church**

**Friday May 22nd - 7:00 p.m.**

As part of the reburial celebration in May, members of the community hold an all-night vigil at the New Hope Baptist Church, 263 Peverly Hill Rd, Portsmouth. The community keeps vigil with the remains in their custom-built wood caskets at the Church from 7:00 pm Friday, May 22nd until 7:00 am Saturday. Services of remembrance take place at 7:00 pm Friday, 12:00 midnight and 6:00 am Saturday morning. Tradition dictates that at no point during the night are the remains of the ancestors be left alone. To facilitate this tradition the hours between services are open for anyone desiring to pay homage to the ancestors in their own way. This could mean just sitting quietly, reciting a poem, saying a prayer, singing a song, playing the piano or other instrument, etc. Those wishing to do so should contact JerriAnne Boggis, 603 318-5120, ([jaboggis@comcast.net](mailto:jaboggis@comcast.net)), or Kelvin Edwards, 603 380-0193 ([keledw@comcast.net](mailto:keledw@comcast.net)). Each request should include name, phone number and/or email address, what tribute will be made and time desired for the tribute.

### **Reburial Ceremony at African Burying Ground**

**Saturday May 23rd - 8:30 a.m.**

The reburial ceremony follows the August 17, 2014 Consecration Ceremony held at the site just prior to the commencement of project construction, which took place the next day. As many as 200 individuals are buried beneath the street. Nine caskets will be placed in a vault, which was constructed as part of the Memorial. The ceremony includes traditional African burial customs likely familiar to those being buried beneath the street as well as the unveiling of the art works by project artist and sculptor Jerome B. Meadows.

### **Public Celebration at Portsmouth Middle School Auditorium**

**Saturday May 23rd - 10:30 a.m.**

Following the reburial ceremony, a public celebration with food, music, and inspirational voices takes place at the Portsmouth Middle School Auditorium. Full program details, including speakers and musical performances to come.

### **On site walk-about with project artist and construction team**

**Saturday May 23rd - 1:30 p.m.**

After the public celebration, members of the construction team including the project artist and sculptor return to the African Burying Ground to walk the site and answer questions about the Memorial installation. All members of the public are invited to speak with the construction team members and reflect on the day's events.

### **Burial Vault Lid Placement**

**Saturday May 23<sup>rd</sup>**

At the close of the day, the burial vault lid will be placed on the vault. Members of the public will be invited to witness from a safe distance. Preparations for the placement of lid will begin at 5:00 p.m.



# CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

## APPOINTMENT APPLICATION

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

JAN 28 2012

Committee: Conservation Commission

**Initial applicant**

Name: Matthew R. Cardin Telephone: (603) 851-1921

Could you be contacted at work?  YES/NO If so, telephone # (603) 621-9259 Ext. 25

Street address: 202 Raleigh Way, Portsmouth, NH 03801

Mailing address (if different): \_\_\_\_\_

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

How long have you been a resident of Portsmouth? 3.5 Years

### Occupational background:

I am an Environmental Scientist for TRC Environmental and previously, Normandeau Associates. I have been  
working in private environmental consulting throughout NH and the Northeast for the past 7 years. I am a Certified  
Wetland Scientist through the NH Joint Board of Licensure. I am mainly involved with managing natural resource  
field surveys and working with regulatory agencies to manage projects in an effort to avoid and minimize impacts.

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

I have previously worked, as an Environmental Consultant, in preparing City of Portsmouth Conditional Use Permit  
for a client to restore wetland and regulated upland buffer to impacts incurred at a residential home. The home-  
owner, Peter Britz, myself and the Conservation Commission worked together to design a wetland mitigation plan to  
restore function to the wetland area. I worked with Mr. Britz and presented to the Conservation Commission for  
design approval.

OVER  
➔

Have you contacted the chair of the Board/Commission to determine the time commitment involved? YES/NO

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

Reasons for wishing to serve: I wish to serve the City with hopes of providing insight as a Wetland/

Wildlife biologist to preserving the City's natural resources and provide a dynamic approach to development, as an  
environmental consultant, by using the best available science and performance standards available and assisting  
with providing alternative solutions to minimize environmental impacts with regards to the conservation and  
preservation of the City's natural resources. I'm also interested in engaging in the City/Community in the most  
interesting/best way possible with my time.

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

I am an active member of the New Hampshire Association of Natural Resource Scientist (NHANRS) with a wetland  
and wildlife discipline. I'm also a member of the NHANRS Legislative Committee with several other NHANRS  
members. I was a Board Member for approximately 2 years at a regional mountain biking organization known as  
C.L.I.M.B., Concerned Long Island Mountain Bikers, during my residence in Long Island, NY.

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

1) Phil Cohen, 114 Crescent Way, Portsmouth, NH, (603) 334-6705  
Name, address, telephone number

2) Mark Mattson, 51 Cottage Street, Portsmouth, NH, (603) 319-5300  
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature:  Date: 1/28/14

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

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

Matthew R. Cardin • 202 Raleigh Way • (603) 851-1921

January 28, 2014

Mayor Robert Lister  
Portsmouth City Council  
1 Junkins Ave  
Portsmouth, NH 03801

**Re: Conservation Commission Application**

Mayor Lister and the City Council,

I have enclosed my application to be considered for the vacant seat on the City of Portsmouth's Conservation Commission. I am an Environmental Consultant as a wetland/wildlife scientist for TRC Environmental and previously for Normandeau Associates. I have worked with Peter Britz and presented in front of the Commission before and now wish to serve as part of that Board. I have been a proud Portsmouth resident for over three years. My wife and I have enjoyed living in the City immensely and now I wish to volunteer my time with hopes of having a bigger part in what makes this City so great.

In my application, I specify that I will not be able to attend all monthly Conservation Commission meetings. If I am to be honest with the reality of my work schedule and it's tendencies, I would anticipate missing an average of two meetings a year due to short-term work travel commitments. I hope this isn't a discouragement on my application. I understand attendance is paramount and missing meetings will be avoided at the most extent feasible.

Thank you for your time and consideration. I have received a good deal of support from peers, friends and colleagues within Portsmouth and I'm more than happy to provide additional references if needed. Please don't hesitate to contact me at (603) 851-1921 or at [mr.cardin@gmail.com](mailto:mr.cardin@gmail.com) with any questions.

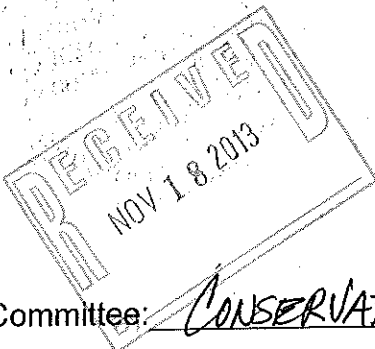
Sincerely,



Matthew R. Cardin

CITY OF PORTSMOUTH, N.H.  
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION



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

Committee: CONSERVATION Initial applicant

Name: KIMBERLY MEUSE Telephone: 603-373-8709

Could you be contacted at work?  YES  NO If so, telephone # 203-913-9694

Street address: 579 SAGAMORE AVE, UNIT #97

Mailing address (if different): \_\_\_\_\_

Email address (for clerk's office communication): KIMBERLYMEUSE@GMAIL.COM

How long have you been a resident of Portsmouth? 2.5 YEARS

Occupational background:  
FINE ARTIST, COMPUTER GRAPHICS ILLUSTRATOR, WATERCOLOUR ART WORKSHOP INSTRUCTOR

Please list experience you have in respect to this Board/Commission:  
COUNCIL WOMAN, 2009-2011, STRATFORD, CT  
PUBLIC WORKS COMMITTEE MEMBER, STRATFORD WATER COMMISSION,  
BEAUTIFICATION COMMITTEE CHAIR, BUILDING NEEDS COMMITTEE  
MEMBER, ORDINANCE COMMITTEE, SHAKESPEARE THEATRE REVIEW BOARD,  
SCHOOL BOARD/COUNCIL LIAISON, PROJECT GREENSWEEP CHAIR

STRATFORD, CT





Have you contacted the chair of the Board/Commission to determine the time commitment involved? YES/NO

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

Reasons for wishing to serve: AS A FINE ARTIST, I AM ABLE TO WORK AT HOME AND SCHEDULE TIME FOR VOLUNTEERING IN THE COMMUNITY. WORKING AS A COMMUNITY VOLUNTEER IN CT HAS REWARDING FOR ME AND A PLEASURE TO FIND A MEANINGFUL MANNER TO CONTRIBUTE TO THE BETTERMENT OF THE TOWN. CITIZEN VOLUNTEERS ARE VITAL TO MAINTAINING THE HEART OF A COMMUNITY. IT'S TIME WELL SPENT, IN MY OPINION.

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

AMERICAN RED CROSS - PORTSMOUTH, NH-RESPONDS-EXETER, ARTS IN REACH - PORTSMOUTH, TIDEWATCH ASSOCIATION BOARD MEMBER, PORTSMOUTH DEMOCRATS

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

- 1) GIBSON KENNEDY, 267 MARCY STREET, PORTSMOUTH (FORMER EMPLOYER)  
Name, address, telephone number
- 2) LARRY DRAKE  
JOAN JACOBS } 579 SAGAMORE AVE, PORTSMOUTH, 603-373-8511  
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature: Kimberly Munn Date: 11/18/13

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

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

# Kimberly Meuse

579 Sagamore Avenue, #97 • Portsmouth, NH 03801 • Phone: 603-373-8709 • E-Mail: kimberlymeuse@gmail.com



## Objective

Conservation Commission volunteer/member.

## Experience

Town Council Member, Town of Stratford, CT (pop. approx. 51,000)      December 2008-December 2011

- Represented the 7<sup>th</sup> District, as well as the town residents at large. Responsibilities included attending monthly Council meetings involving a Mayor and 10 district representatives, researching town issues, and issues specific to the 7th district of approximately 5,000 residents.
- **Water Pollution Control Authority**, Stratford, CT (2009-2011)
- **Stratford Public Works** committee member (2009-2011)
- **Stratford Building Needs** alternate member (2009-2011)
- **Stratford Beautification Committee** Chair/Project Greencsweep annual town clean-up Chair (2009-2011)
- Stratford Town representative member of **Keep America Beautiful** (2009-2011)
- **Stratford Longbrook Park Commission**, co-Chair (2009-2011)
- **Stratford Board of Education Town Council Liaison** (2009-2011)
- **Stratford Arts Commission** (2009-2011)
- **Stratford Finance Advisory Committee**, co-Chair (2009-2011)
- **Stratford Safe Routes to School** committee (2009-2011)
- **Stratford Long Range Facilities Planning Committee**, (2009-2011)

## Skills

As a member of the Town Council, my various duties required me to attend and participate in the decision process for a number of committees and commissions.

During the time of my council term, serving the town and the 7th district involved intensive research and study of the various issues and concerns of the community. I was involved above and beyond my duties as councilmember, offering my time to groups that were established during my term to:

- Study improving our school facility planning
- Work towards energy efficiency within town buildings
- Recommend a consulting group to get the town of Stratford's historic Shakespeare Theater renovated and viable
- Work with the elementary school in my district with the Safe Routes to School grant/study.
- Work with Keep America Beautiful and the town grant writer towards replenishing the tree population in the community.

received  
3/12/15

CITY OF PORTSMOUTH, N.H.  
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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

Committee: CONSERVATION COMMISSION Initial applicant

Name: KATE ZAMARCHI Telephone: 603-828-3487

Could you be contacted at work?  YES/NO If so, telephone# 603-828-3487

Street address: 123 HILLSIDE DRIVE, PORTSMOUTH NH 03801

Mailing address (if different): \_\_\_\_\_

Email address (for clerk's office communication): KATE.ZAMARCHI@GMAIL.COM

How long have you been a resident of Portsmouth? 31 YEARS

Occupational background:

\* ADMIN + SUPPLY (E-G) US ARMY RESERVES 10 YRS

\* INFORMATION TECHNOLOGY ANALYSIS + MANAGEMENT 26 YRS

\_\_\_\_\_  
\_\_\_\_\_

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

\* ARTIST + NATURALIST (HOBBY) 40 YRS

\* NEW HAMPSHIRE NATURE RESOURCE STEWARD (GRADUATE 2014)

NH - COOP EXT

\* PARTICIPATED ON BOARDS WITHIN MY PROFESSIONAL CAREER

\_\_\_\_\_  
\_\_\_\_\_



Have you contacted the chair of the Board/Commission to determine the time commitment involved? YES/NO

Would you be able to commit to attending all meetings? YES/NO ONE EXCEPTION 5/2015

Reasons for wishing to serve: AS A RESIDENT THE PAST 31 YEARS ALONG WITH MY TRAINING RECEIVED IN THE NH NATURE-RESOURCE STEWARD PROGRAM, - I WOULD BRING ENTHUSIASM AND LOVE FOR THE CITY TO ENSURE PROPER UTILIZATION AND PROTECTION OF OUR CITY'S NATURAL RESOURCES. I AM AT A TIME IN MY LIFE WHEN I HAVE TIME AND ABILITY TO GIVE BACK, IT WOULD BE AN HONOR.

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

NH NATURE RESOURCE STEWARD VOLUNTEER

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

1) LAUREN CHASE-ROWELL 156 STEVEN'S HILL RD, NOTTINGHAM, NH 03290  
Name, address, telephone number 603-436-7538 LAURENCHASEROWELL@GMAIL.COM

2) MARY TEBO-DAVIS 329 MAST RD, GOFFSTOWN, NH 03045  
Name, address, telephone number 603-641-6060 MARY.TEBO@UNH.EDU

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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2. The Mayor will review your application, may contact you, check your references, and determine any potential conflict of interests; and
3. This application may be forwarded to the City Council for consideration at the Mayor's discretion; and
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5. Application will be kept on file for one year from date of receipt.

Signature: Kate Zamparichi Date: March 11, 2015

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

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



CITY OF PORTSMOUTH, N.H.  
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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



Committee: Conservation Committee

Name: Adrienne Harrison Telephone: 207 409 2834 (cell)

Could you be contacted at work?  YES  NO If so, telephone # 207 409 2834 (cell best)

Street address: 238 Highland St

Mailing address (if different): \_\_\_\_\_

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

How long have you been a resident of Portsmouth? 7 years

Occupational background:

Currently work as a coastal resilience specialist  
for National Oceanic and Atmospheric Administration  
(NOAA) at regional office in Durham.

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

- MS in Community Planning and Development from USM
- 10 years experience providing technical support to  
state and regional organizations focused on  
coastal resource conservation
- Expertise in green infrastructure, impacts of development  
on natural resources, and impacts of climate change  
on natural and human systems.

Have you contacted the chair of the Board/Commission to determine the time commitment involved? YES/NO

Would you be able to commit to attending all meetings? YES/NO (current ~~Thursday~~ <sup>Wednesday</sup> afternoon schedule is perfect.)

Reasons for wishing to serve: Interest in preserving functions of natural resources in Portsmouth; learn about local processes for considering best options for balancing development and conservation; interest in treating stormwater with green infrastructure

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

Previously served on Piscataqua Sustainability Initiative and Sustainable Portsmouth

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

1) Skye Maher, Portsmouth, 603 436 8035  
Name, address, telephone number

2) Cathy Coletti, Portsmouth, 603 559 0024  
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature: A. Lauri Date: 3/19/15

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

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

## Adrienne Rae Harrison

Phone: (207) 409-2834  
Email: [adeharrison@gmail.com](mailto:adeharrison@gmail.com)

238 Highland Street  
Portsmouth, NH 03801

Coastal resilience professional with 10-years of experience managing multiple projects, building partnerships and communicating decision-relevant science and information to government and NGO partners. Knowledgeable of current trends in flood risk assessments, flood mitigation policies, natural infrastructure, living shorelines and marsh migration.

### Professional Experience

**NOAA Coastal Services Center/Office for Coastal Management** **2005-2015**  
*Northeast Coastal Resilience Specialist (2007-2014)*  
*California Coastal Management Associate (2005-2007)*

### Accomplishments

- Provide leadership and expertise in advancing regional, state, and local climate adaptation and resilience planning:
  - Serve as federal co-chair for Northeast Regional Ocean Council's Coastal Hazards Resilience Committee
  - Assist the New Hampshire Coastal Adaptation Workgroup with coastal risk assessments and evaluate adaptation options
  - Work with NOAA team to develop an economic framework to evaluate options for adapting coastal infrastructure
  - Support cost-benefit analysis of adaptation strategies using COAST tool for 3 NH coastal communities
- Coordinate marsh migration community of practice for federal, state and NGO partners:
  - 3 years building capacity for marsh migration modeling with NE coastal management programs
  - Organize workshops for coastal managers to discuss state of marsh migration modeling methodologies, parameters, and management applications of results
  - Contract oversight for marsh migration modeling and policy guidance document
- Provide technical assistance on NOAA tools and training:
  - Provide demonstrations of NOAA's Coastal Flooding and Sea Level Rise Viewer, including the marsh migration viewer for coastal managers
  - Co-delivered 2 NOAA training courses in Maine - Green Infrastructure for Coastal Resilience; Climate Adaptation for Coastal Communities
- Oversight of resilience grant program for New England's coastal communities
  - Oversight for total of \$200,000 granted to 8 communities
  - Lead RFP development, proposal scoring and review process, communications (applicants, award recipients, and fiscal manager), and progress reporting
- Project management for NOAA contract tasks and deliverables in NE region, including development and coordination of plans, tasks, schedules, reporting, and measures of success
- Facilitation and meeting planning services for federal, state and local partners

### Education

*University of Southern Maine, Muskie School of Public Service* 2005  
MS, Community Planning and Development  
Thesis: Maine's Aquaculture Industry: A Comparison of Concerns and Regulations

*University of Rhode Island* 2003  
BS, Marine and Coastal Policy and Management  
Magna Cum Laude; Presidential Award for Excellence

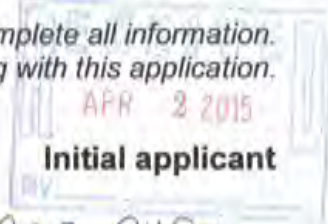
### Volunteer Activities & Personal Interests

*Piscataqua Sustainability Initiative*: Community study circles using The Natural Step to advance sustainability  
*Personal Interests*: exploring White Mountains region of NH, paddle boarding, yoga, gardening

CITY OF PORTSMOUTH, N.H.  
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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



Committee: Conservation Commission

Name: Samantha Wright Telephone: ~~201-923-9490~~  
603-828-7643

Could you be contacted at work? YES  NO  If so, telephone # \_\_\_\_\_

Street address: 820 Middle Rd. Portsmouth, NH

Mailing address (if different): \_\_\_\_\_

Email address (for clerk's office communication): samantha.c.wright@gmail.com

How long have you been a resident of Portsmouth? 2 years 8 months

Occupational background:  
Geomorphologist at Truslow Resource Consulting LLC,  
an environmental consulting company in Portsmouth

Please list experience you have in respect to this Board/Commission:  
As part of my occupation I work on environmental  
issues daily. I have also presented projects to  
conservation commissions in other towns.





Have you contacted the chair of the Board/Commission to determine the time commitment involved? YES/NO

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

Reasons for wishing to serve: I would like to be more involved with local government and feel my ~~self~~ background could help the Conservation Commission, and ultimately help protect the natural resources of Portsmouth.

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

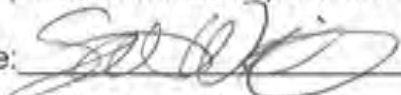
856-375-1707

1) John Fornella, 555 Sagamore Ave., Apt. 20, Portsmouth  
Name, address, telephone number

2) Terrri Way, 102 White Cedar Blvd, Portsmouth 603-767-7444  
Name, address, telephone number

**BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:**

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

Signature:  Date: 3/18/15

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

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

CITY OF PORTSMOUTH, N.H.  
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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



Committee: PORTSMOUTH RECREATION BOARD Renewing applicant

Name: CARL F. DIEMER Telephone: 603-427-4517 MOBILE  
603-431-2195 HOME

Could you be contacted at work?  YES /  NO - If so, telephone # SAME AS MOBILE

Street address: 337 AUDRICH RD. PORTSMOUTH, NH 03801

Mailing address (if different): SAME AS ABOVE

Email address (for clerk's office communication): CDIEMER337@COMCAST.NET

How long have you been a resident of Portsmouth? 35 YEARS

Occupational background:  
AUTOMOTIVE MANUFACTURE BUSINESS CONSULTANT  
COMMUNITY ORGANIZATION

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

Reasons for wishing to continue serving: I HAVE ENJOYED SERVING ON  
THE BOARD AS I AM INTERESTED AND DEDICATED TO  
PROVIDING THE CITY OF PORTSMOUTH RESIDENTS WITH THE  
BEST RECREATIONAL PROGRAMS AND FACILITIES AVAILABLE.



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

BSA TROOP 164, PORTSMOUTH, NH  
PORTSMOUTH ELKS LODGE #97, PORTSMOUTH, NH  
\_\_\_\_\_  
\_\_\_\_\_

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

- 1) THOMAS FERRINI, TAFT RD. PORTSMOUTH, NH 312-5882  
Name, address, telephone number
- 2) ED DELVALLE, BUCKMINSTERWAY, PORTSMOUTH, NH  
Name, address, telephone number 498-5330

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature: C. A. Diemer Date: 4/20/15

**CITY CLERK INFORMATION ONLY:**

New Term Expiration Date: 4-1-2018  
Annual Number of Meetings: 3 Number of Meetings Absent: Ø  
Date of Original Appointment: 11/27/2000

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



# CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

## APPOINTMENT APPLICATION

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

Committee: Board of Adjustment Initial applicant

Name: Patrick O Moretti Telephone: 603-433-2264

Could you be contacted at work?  YES  NO If so, telephone# 603-436-7480

Street address: 63 Clinton St

Mailing address (if different): \_\_\_\_\_

Email address (for clerk's office communication): pmoretti@ricclumber.com

How long have you been a resident of Portsmouth? 54 yrs

Occupational background:

I have been General Manager of Ricci Lumber Company in Portsmouth for more than 30 yrs and an Employee since 1977 my position requires me to interact with 100's of customers, employees, manage assets, buy and sell million of dollars and make decisions.

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

Having been in the building industry for all of my adult life, I've been involved in all facets of the construction process. I am well versed in blueprint reading, building codes, safety, structural analysis and project management. As a lifelong resident I understand the need to balance the growth of the community with the requests of its citizens.

OVER  
➔

Have you contacted the chair of the Board/Commission to determine the time commitment involved? YES/NO

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

Reasons for wishing to serve: Current serving as an alternate to  
the BOA. wish to serve as a full member.

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

Empco Advisory Council, Activant Advisory Council  
Habitat for Humanity, Seaside-home builder  
Various School Committees  
Currently on the BOA as an alternate

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

- 1) Edward Hayes (603) 436-7480 105 Bramlett St Portsmouth  
Name, address, telephone number
- 2) Howard Porter (603) 231-6995 6 Spencer Way Kittery  
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature: [Signature] Date: 4/20/15

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

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

## Patrick O. Moretti

63 Clinton St - Portsmouth, NH 03801

(603)433-2264 - Cell (603)817-6501

[patmoretti@comcast.net](mailto:patmoretti@comcast.net)

### Education

*Golden Gate University Peace-*

Business

*NHCC Stratham -*

Business Computer Management

*Dale Carnegie -*

Communications & Human relations

*Industry lead education -*

NRLA/WWPA/BROSCO/Etc.

*Portsmouth High School*

Honors Graduate

### Achievements

*V2 Advisory Council -*

Activant Computer Systems

*Emco Advisory Council -*

BP Building Products

*Portsmouth Herald Contributor-*

Building/Construction Q&A articles

*Servistar NH committee Leader*

Advertising and product selection

*PHS Vocational Advisory Council*

Helping guide teachers and students

*Working with Local and Civic groups*

### Interests

*Marketing Experience-*

Website Management

Marketing Strategies

Event Concept and Execution

Loyalty building programs

Advertising in all types of Media

*Management Experience-*

Personnel decisions

Negotiating with vendors and customers

Communicating verbally and written

Inventory Control/Ordering/Purchasing

Pricing Management

Customer service and relations

Product selection and merchandising

Store design, improvement, maintenance

Managing and supervising associates

Working closely with the owner

Interact with company software provider

*Additional Experience-*

Multiple business software packages

Company systems management including

network, phone and video

Computer implementation/repair

Blueprint reading/takeoffs

Published Articles

Developed Company Safety Program

Developed Company Handbook

CDL-B License

### Other Details

*Distinctions -*

Photography, Sports, Family, Travel,

Blending, Landscaping, Computing

### Summary

*Dedicated team member eager to provide whatever support the business environment demands and the ownership requires. Having learned and worked at every position in a retail operation, my experience gives me the unique ability to adapt to any emerging situation. With a proven track record of increasing sales, profits, and customer loyalty, my passion is to help build a winning team with a commitment to optimizing a company's success.*

### Proficiencies

- Engineered Products and Design
- Blueprint Design and Takeoff
- Computer Network and Management
- Personnel Administration
- Advertising and Marketing
- Product Knowledge and Procurement
- Merchandising and Product Placement
- Customer Relations
- Instruction for Associate Growth
- Procedural Development

### Experience

#### Co-Operative Heating Service Portsmouth, NH Apprentice 1973-1980

Having been working with my father since a very young age, I was officially hired as a part time employee the summer of 74. My job was to run pipe and wire during the installation of boilers and electrical panels. Other tasks were to assemble motor units for the circulators and blower units, cut tin for duct work and clean up the jobsites. This job taught me constructive thinking, problem solving, practical math skills and how to work with my hands. When I began college I left the company as a regular employee, but continued to fill in when I was needed and available. The company closed its doors in 1982 because of a terminal illness with the owner.

#### Ricci Supply Co Inc Portsmouth, NH Associate and Manager 1977-Present

Hired as a part time employee while I attended to college, within a year I was working fulltime for the company and going to school at night. Initially my job was stocking shelves in the hardware department, but moved into sales within 6 months. Over the next five years I was promoted through multiple jobs including lead CDL driver, Yard Foreman, Head Purchaser, Store Manager, IT Manager and finally General Manager and Vice President. On my watch, the company has grown from a small local operation to a nationally recognized building materials supplier. This was accomplished by developing innovative marketing ideas to drive customers in the door while maintaining a consistently well trained staff.

### Other Experience

**Izzy's Corner Grocery** - Portsmouth, NH Stock Clerk 1974-1975

**Two Brewers Steakhouse** - Portsmouth, NH Fry Cook 1975

**Rose's Corner Grill** - Portsmouth, NH Part-time Cook 1976-1977

**Rockingham Community Action Program** - Summer Councilor of 1976 & 1977

Wednesday, April 29, 2015

To: Portsmouth City Councilors,

I have asked that the following item be placed on the City Council Agenda for our Monday, May 4th meeting:

**Re: Arranging An Interactive Work Session For PS21 Topics On The Search For Walkability, On-Street Parking, And Street Flow.**

During the past few months, PS21 - Portsmouth Smart Growth for the 21st Century -- has held three excellent and productive, thought-provoking forums where a large number of quality ideas for improving the walkability, on-street parking availability, and street / traffic flow have been presented.

This past Tuesday night, Portsmouth resident Rick Chellman, an internationally-known traffic engineer and street design expert, spoke on the topic "Rethinking Portsmouth Streets." He suggested a wide variety of ideas that could create several dozen on-street parking spaces, plus potentially improve street and traffic flow in our downtown area.

Two other recent forum presentations were offered by PS21, with parking expert Michael Manville and walkable cities author and planner Jeff Speck, who has written "Walkable City: How Downtown Can Survive America One Step At A Time."

Through the years, I have found that just about everyone has an opinion about what works well, and what would work better, in street flow and parking solutions. We have excellent city staff members who have developed expertise in this field, and a Parking and Traffic Safety Committee with dedicated members who visit these issues regularly.

As an aside, I was chair of the Parking and Traffic Safety Committee way back in 1977-78 when I was Assistant Mayor at that time, and we got very involved in an extensive citywide street/parking review project. It's interesting to see how so much has changed -- mostly for the better -- during the past 35+ years. (My goodness, more than a third of a Century ago? I'm feeling old just writing that.)

In each of the three PS21 forums, I learned something -- in fact, a lot. As a member of the audience, I was challenged to think "outside the box," as a 1990s business motto asked us to do. I think all in attendance at each of the PS 21 forums were so challenged. From judging the questions audience members raised, we have a lot to continue talking and thinking about. That's a good thing.

With that in mind, I suggest that we set up an interactive work session -- perhaps better described in this case as a "work shop" -- for the early fall in September or October to invite PS21 organizers to sift through some of the many ideas which we have already heard. I asked Rick Chellman if he would like to meet with the City

Council and staff in such a format, and depending on his schedule I'm sure that could be worked out.

Between now and that time, I'm sure the City Manager and staff are evaluating the ideas thus far presented at PS21 forums and will keep us up-to-date on their own suggestions for improvement. We should welcome the opportunity to explore how to improve our downtown. and involve a lot of our residents and businesses in that adventure. An interactive work session / work shop can allow us to do some of that.

Thank You,

Jim Splaine  
City Councilor