

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, DECEMBER 21, 2015 TIME: 7:00PM

AGENDA

- I. CALL TO ORDER (7:00PM)
- II. ROLL CALL

- III. INVOCATION
- IV. PLEDGE OF ALLEGIANCE

PRESENTATION

- 1. Portsmouth Middle School Musical Performance
- 2. Presentation to Mayor and Outgoing City Councilors
- 3. Recognition of African Burying Ground Committee Members & Fundraising Volunteers
- 4. Community Advisory Board Haven Well Contamination Report

PROCLAMATION

- 1. Pro Portsmouth 30th Anniversary

V. ACCEPTANCE OF MINUTES – DECEMBER 7, 2015

VI. PUBLIC COMMENT SESSION

VII. PUBLIC HEARINGS

- A. ORDINANCE AMENDING CHAPTER 7, ARTICLE II, SECTION 7.201 –
TRANSPORTATION SERVICES BY THE ADDITION OF THE FOLLOWING:
TRANSPORTATION SERVICES MEANS THE PROVISION OF TRANSPORTATION
BY A DRIVER TO A RIDER, BEGINNING WHEN A DRIVER ACCEPTS A RIDE
REQUESTED BY A RIDER, CONTINUING WHILE THE DRIVER TRANSPORTS A
REQUESTING RIDER, AND ENDING WHEN THE LAST REQUESTING RIDER
DEPARTS FROM THE VEHICLE
- B. ORDINANCE AMENDING CHAPTER 7, ARTICLE II, SECTION 7.204 –
BACKGROUND CHECK BY THE DELETION OF THE WORDS “OR MISDEMEANOR”
IN ITEM C AND THE DELETION OF ITEM D IN ITS ENTIRETY
- C. ORDINANCE AMEDNING CHAPTER 7, ARTICLE II, SECTION 7.211 – SIGNAGE BY
THE ADDITION OF THE WORD “WHICH” IN ITEM A AND THE DELETION OF “FULL
TEXT OF” IN ITEM B REPLACED WITH “FARE INFORMATION REQUIRED BY”

VIII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Donation Prescott Park Arts Festival Re: City's 3D Computer Model - \$1,000.00 (**Sample motion – move to accept and approve the donation of \$1,000.00 from the Prescott Park Arts Festival for the expansion of the City's 3D computer model**)
- B. Grant Agreement with the New Hampshire Public Utilities Commission - \$450,000.00 (**Sample motion – move to refer to the City Manager with power**)

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. Second reading of Ordinance amending Chapter 7, Article II, Section 7.201 – Transportation Services by the addition of the following: Transportation Services means the provision of transportation by a driver to a rider, beginning when a driver accepts a ride requested by a rider, continuing while the driver transports a requesting rider, and ending when the last requesting rider departs from the vehicle
- B. Second reading of Ordinance amending Chapter 7, Article II, Section 7.204 – Background Check by the deletion of the words “or misdemeanor” in Item C and the deletion of Item D in its entirety
- C. Second reading of Ordinance amending Chapter 7, Article II, Section 7.211 – Signage by the addition of the word “which” in Item A and the deletion of “full text of” in Item B replaced with “fare information required by”
- D. Third and Final Reading amending Zoning Ordinance so that Certain Described Property on Sagamore Grove Road be Rezoned from Waterfront Business (WB) to Single Residence B (SRB)
- E. Third and Final Reading amending Zoning Ordinance - Chapter 10, Section 10.1530 – Term of General Applicability, amend the definitions of “hotel” and “motels as follows – shall not include casino gambling, keno or games of chance

X. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. Letter from Kelly Bosco, Alzheimer's Association, requesting permission to hold the 2016 Seacoast Walk to End Alzheimer's on Sunday, September 25, 2016 (**Anticipated action – move to refer to the City Manager with power**)
- B. Requests for License to Install Projecting Signs:
 - NBT Bank N.A., owner of NBT Bank, for property located at 100 Market Street
 - William Bixby, owner of Ganesh Imports, for property located at 57 Market Street(**Anticipated action – move to approve the aforementioned Projecting Sign Licenses as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreements for these requests**)

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. Letter from Todd Hanson, St. Paddy's 5 Miler, requesting permission to hold the 6th Annual Road Race on Sunday, April 3, 2016 at the Pease Tradeport (***Anticipated action – move to refer to the City Manager with power***)
- D. Request for Approval of Conduit License Agreement #1501 for the installation of 35 feet of 1-4" conduit and underground fiber cable on Borthwick Avenue (***Anticipated action – move to approve the aforementioned Conduit License Agreement as recommended by the Public Works Department with the approval conditioned upon amendment of the license to allow for the collection of any lawfully assessed real estate taxes and further that all stipulations be met as outlined in the memorandum to the City Manager dated December 16, 2015***)

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Attorney Doug Macdonald regarding Restoration of Separate Lots located at 268 & 276 Dennett Street (***Sample motion – move to refer to the Planning Board for report back***)
- B. Letter from Frank S. Warchol, Deputy Police Chief (Acting); regarding proposed amendments to the Transportation Services Ordinance (***Sample motion – move to accept and place on file***)
- C. Memorandum from Peter Bresciano, Chair of Transportation Service Commission regarding proposed amendments to the Transportation Services Ordinance (***Sample motion – move to accept and place on file***)

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

City Manager's Items Which Require Action:

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

Informational items

1. Events Listing
2. 65 Mendum Avenue – Zoning Board of Adjustment Reversal of City Council Approval to "Unmerge" Lots

B. MAYOR LISTER

1. Appointments to be Voted:
 - Appointment of Dexter Legg to the Planning Board effective January 1, 2016
 - Appointment of Jim Lee as an alternate to the Zoning Board of Adjustment
 - Appointment of Jeremiah Johnson as a regular member to the Zoning Board of Adjustment
2. *Report Back Re: Corey MacDonald Severance Agreement

C. ASSISTANT MAYOR SPLAINE

1. Process for Creating A “ Board of Ethics”
2. Transportation Service Commission – Informational Item

D. COUNCILORS SHAHEEN, LOWN, SPEAR

1. Update on McIntyre Federal Building

E. COUNCILOR DWYER

1. Working Group Report for Prescott Park

F. COUNCILOR LOWN

1. Parking & Traffic Safety Committee Action Sheet and Minutes of the December 3, 2015 meeting (***Sample motion – move to approve and accept the Action Sheet and Minutes of the December 3, 2015 Parking & Traffic Safety Committee meeting***)

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 November 4, 2015 and November 18, 2015 meetings of the Historic District Commission are now available on the City’s website
2. Notification that the minutes of the December 1, 2015 Site Review Technical Advisory Committee meeting 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.



**Community Advisory Board
Final Report On
PFC Contamination in Pease Tradeport Wells**

Members

Chairman Rich DiPentima
Councilor Stefany Shaheen
Shelley Vetter, Owner and Director Discovery Child Enrichment Center
Newington Health Officer John Stowell
Portsmouth Health Officer Kim McNamara
Deputy Fire Chief James Heinz
Andrea Amico, Citizen and Parent

Mayor Robert Lister, Ex-officio
Deputy City Manager David Allen, Ex-officio
Deputy Public Works Director Brian Goetz, Ex-officio

December 21, 2015

Introduction

The Community Advisory Board (CAB) was established in April of 2015 by Mayor Robert Lister to address the Perfluorinated chemicals (PFCs) contamination at the water supply wells on the Pease Tradeport.

The charges given the CAB by Mayor Lister are as follows:

1. Act as a liaison between the local and affected community and New Hampshire DHHS;
2. Represent and/or communicate the diverse “voice” of the community;
3. Advise regarding appropriate methods and frequencies of communications between DHHS and the affected community;
4. Participate in planning, recruitment, and attendance at future public meetings; and
5. Review the blood testing results and provide input into the future direction of the testing program and return of blood test results.

Summary of Activities

The CAB held fourteen meetings from May 6, 2015 through December 1, 2015. The minutes and presentation content are all available for review on the city website: Community Advisory Committee – Haven Well at <http://cityofportsmouth.com/CommunityAdvisoryBoardHavenWell.html>

The CAB was provided with presentations from a large variety of experts to better understand the scope and nature of the PFC contamination, to address the remedial actions necessary to restore the contaminated aquifer, to advise and coordinate the blood testing programs, to provide the public and those who received blood tests the best information currently available regarding the potential meaning of these test results, and to advocate for and initiate appropriate health studies of the exposed population.

The initial meeting of the CAB focused on the water distribution system at Pease and the current extent and possible expansion of the PFC contamination of the aquifer. The Portsmouth Department of Public Works, and the New Hampshire Department of Environmental Services (NHDES) presented detailed information to the CAB, especially with regard to the highly contaminated Haven Well which was shut down last year, as well as the Smith and Harrison Wells which show trace amounts of PFC contamination and remain in use. The CAB also was given information by the NHDES regarding the requirements of the federal Safe Drinking Water Act requirements and the methods of testing for PFCs in water. Also presented were the various methods that are employed to treat contaminated water for PFCs, and how such technology would be employed to treat the affected wells and the contaminated aquifer. Of particular concern was the need to prevent the plume of contamination from further degrading the Smith and Harrison Wells.

A major focus of the CAB was the need to provide appropriate PFC blood testing for anyone exposed to drinking water at the Pease Tradeport. Initially, The New Hampshire Department of Health and Human Services (DHHS) agreed to perform 100 blood tests. Through many discussions and intervention by the Governor, DHHS agreed to test anyone who was exposed. DHHS was able to obtain the support of the Centers for Disease Control and prevention (CDC) to analyze 500 blood samples. DHHS also worked closely with the Portsmouth Regional Hospital (PRH) who agreed to draw the blood of all people at no expense, and to arrange courier service to ship the samples to DHHS in Concord. During this initial round of blood testing, 471 samples were tested, including 108 from children under age 12. Two CAB meetings (June 17 and September 9) were held with DHHS to present the results of these initial tests to the public and to put these results in some context with other “exposed” and “un-exposed” populations across the country. The first meeting on June 17 was dedicated to the first 98 adults, and the second, September 9, focused entirely on the 108 pediatric tests. Both meetings were well attended by the public. The CAB also worked with DHHS and PRH to provide continuing education for health care providers regarding the possible health concerns of PFCs so they could better advise their patients. The results of the blood testing did indicate that the Pease population had higher levels of some PFCs in their blood compared to “unexposed” populations. However, the lack of any definitive information regarding the possible health effects of PFC exposure remains a source of frustration and concern. There is a great need to better understand what if any health effects might result for PFC exposure, and at what levels of exposure these risks might be manifested.

As a result of increasing concerns and the desire for additional blood testing of the exposed population, a second round of blood testing was initiated. Approximately 1,100 individuals had their blood drawn during this phase of testing. The analysis of these samples will be conducted by the CDC as well as two private laboratories that DHHS will contract with for this service. The results of these tests will not be available to individuals until January or February of 2016. Once all the samples are available from both rounds of testing, DHHS will conduct a comprehensive analysis of the results and hold a meeting with the community sometime in the spring of 2016 to present and discuss the entire blood testing program results data.

The CAB held meetings where various experts provided information on the potential health effects of PFCs and any potential medical follow-up indicated for those with elevated PFC blood levels. On June 2, Dr. Courtney Corrigan from Harvard School of Public Health and Dr. Richard Clapp from Boston University presented on the current epidemiology of PFCs. On July 15, Dr. Alan Woolf from the Boston Children’s Hospital Region 1 New England Pediatric Environmental Health Specialty Group presented information regarding the medical aspects of PFC exposure. Unfortunately, the availability or indication for any medical treatment or follow-up for those with elevated PFCs is nonexistent. The best advice given was to continue to monitor health status with a person’s individual medical provider, and avoid PFC exposure as much as possible.

On August 26 the CAB met with representatives of the U.S. Air Force to discuss the treatment of the Pease wells and aquifer. There was discussion regarding the order given to the Air Force by the U. S. Environmental Protection Agency (EPA) to treat the Haven well and restore the aquifer. The CAB expressed concern that the Harrison and Smith wells were not included in this order and that low levels of PFCs were still being consumed. The Air Force expressed their intent to do what was necessary to remediate the problem. Since this meeting, a great deal of progress has been made. The Air Force, who indicated they would contest the EPA order, has since agreed to follow the order. They have also agreed to treat the Harrison and Smith wells as part of the overall remediation process.

The CAB met with representatives of the Agency for Toxic Substances and Disease Registry (ATSDR), part of the Centers for Disease Control and Prevention (CDC), on October 14 face-to-face and on November 17 via teleconference to discuss the need for long-term studies to assess the potential health effects of the PFC exposure at Pease. The ATSDR was very interested in working with the community to design an appropriate study with cooperation from DHHS. The Air Force representative at this meeting expressed support for such a study for which the Air Force would provide financial support to ATSDR. The ATSDR is currently engaged in conducting a feasibility assessment of what type of study or registry would best meet the needs of the Pease population. The ATSDR representatives stressed the need to have an ongoing relationship with the community and having input with some type of community advisory panel.

Conclusion

The CAB established by Mayor Lister will end its tenure at the conclusion of the term of the current Mayor and Council. The CAB held its final meeting on December 1 to finalize its work and develop recommendations for the incoming Mayor and City Council.

There have been significant accomplishments and progress made by the CAB in conjunction with all the other agencies involved in this effort. These include the Portsmouth Public Works Department, DHHS, NHDES, CDC, EPA, ATSDR, The Air Force, Portsmouth Regional Hospital, the NH Poison Control Center, and the Northeast Environmental Medicine Practice at Boston Children's Hospital.

Much was accomplished with the cooperation of all these agencies. A comprehensive remediation plan has been put in place to effectively treat the water supply wells and the aquifer at Pease. The Air Force has established a Remediation Advisory Board (RAB), which will have a large community representation. A large bio-monitoring program was conducted to help assess the PFC burden in approximately 1,500 children and adults exposed to the Pease drinking water. Lastly, the commitment of ATSDR, the Air force and DHHS to assist the community in evaluating the possible long-term health effects of PFCs, will provide much needed scientific information to the exposed individuals and their families.

There remains a significant amount of unfinished business that requires the City's and community long-term involvement. In particular, there is an ongoing need to coordinate with DHHS on the release of all the outstanding blood test results, provide guidance to those tested with regard to those results and to conduct a community meeting to discuss the epidemiological analysis of all the blood testing results. There will also be a significant role for the community and the City with regard to coordinating with ATSDR on evaluating the possible health effects of the PFC exposure on the Pease Population. There will also be an ongoing need to communicate with the Pease population as part of any study conducted by ATSDR. One of the major problems encountered by the CAB and DHHS was finding an effective mechanism to communicate with the people working on Pease with regard to activities being conducted and information regarding the PFC exposure follow-up actions.

Recommendations

1. The new Mayor and Council should immediately upon taking office establish a community body to coordinate ongoing issues with ATSDR and DHHS. This should be a high priority for the Council since there will be a need to demonstrate to the community and our partner agencies the City's strong commitment to address the continuing issues regarding this matter. The Mayor should consider appointing some of the current CAB members to the new community body for continuity.
2. The new community body should coordinate with the Restoration Advisory Board (RAB) at Pease to monitor progress on the environmental restoration of the Pease wells and aquifer, and to insure all agreements made by the Air force with the City and the Environmental protection Agency (EPA) are complied with.
3. The City, through its representatives on the Pease Development Authority (PDA), should engage the PDA leadership to develop a more effective mechanism for the new community body to communicate with all individuals working or cared for at the Pease Tradeport.
4. The new community board should, along with its partner agencies, provide health education to the public regarding the overall issues of all the chemicals they are exposed to in the environment and how they can reduce exposure and risk.
5. The City should retain all the CAB information currently on the City website, and keep this information on the website indefinitely.
6. The City should acknowledge that a number of current and former City firefighters were exposed to PFCs at Pease for many years. The Human Resources Department should communicate with the new community body on any new information regarding the possible health effects of this exposure.

The Council Chambers
City Hall
Portsmouth, New Hampshire

A Proclamation

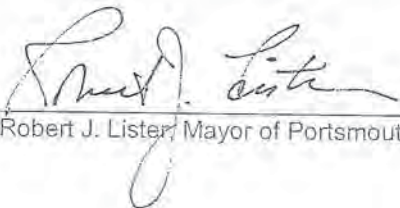
- WHEREAS:** The Seacoast is celebrating First Night® as a New Year's tradition in the heart of Downtown Portsmouth; and
- Whereas:* For 30 years, Pro Portsmouth and its volunteers have worked together to provide an alternative event that is family-friendly and alcohol free in many of our beautiful historic buildings and churches; and
- Whereas:* We welcome the many local and regional musicians and performers who delight us on the last night of 2015; and
- Whereas:* Pro Portsmouth continues its Mission as a non-profit organization dedicated to celebrating and sustaining the vitality of Portsmouth's Arts, Culture and History through events' production and Community collaboration.

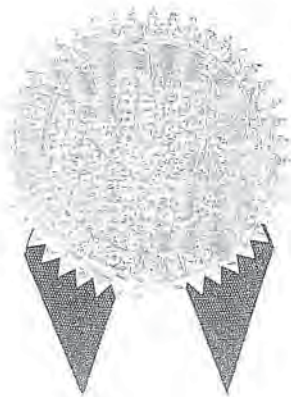
Now, therefore, I, Robert J. Lister, Mayor of the City of Portsmouth, on behalf of the City Council and all our citizens, do hereby welcome our community members and visitors to

First Night® Portsmouth 2016

in the City of Portsmouth and thank Pro Portsmouth and their volunteers for their continued dedication and hard work.

Given with my hand and the
Seal of the City of Portsmouth,
on this 21st day of December, 2015.


Robert J. Lister, Mayor of Portsmouth



CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, DECEMBER 7, 2015

PORTSMOUTH, NH
TIME: 6:15PM

At 6:30 p.m., an Anticipated "Non-Meeting" with Counsel was held regarding Update on outstanding Collective Bargaining Agreements in accordance with RSA 91-A:2, I (b).

I. CALL TO ORDER

At 7:17 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

Attorney John Lyons led in the Pledge of Allegiance to the Flag.

PRESENTATION

1. Report of Sagamore Creek Blue Ribbon Committee

Councilor Spear said the Blue Ribbon Committee was created back in January and met over the last 12 months with much input from the public and visions for the future. He said the Blue Ribbon Committee is proud of the work done on this matter.

David Moore, Assistant City Manager for Special Projects & Community Development Director, outlined the Vision of the Committee:

The Sagamore Creek Land is a unique and valuable community resource that should be conserved and made accessible to all in a balanced manner that promotes waterfront access, protection of invaluable natural features, and permits recreation opportunities that complement one another, which are sensitive to the overall vision of preserving the site's character.

He spoke to the process followed by the Committee and the amount of public input opportunities that were held. He reviewed the Master Plan that is intended to show the type and location of the recommended improvements for the 66 acre parcel. He stated the Committee wants to encourage use of unprogrammed open field space, promote waterfront viewing, limited mowed areas to promote wildlife, reduce maintenance, and create pathways to ensure universal access and partial fence removal/replacement.

V. ACCEPTANCE OF MINUTES – NOVEMBER 5, 2015 AND NOVEMBER 16, 2015

Councilor Lown moved to approve and accept the minutes of the November 5, 2015 and November 16, 2015 City Council meetings. Seconded by Councilor Shaheen and voted.

VI. PUBLIC COMMENT SESSION

George Remick spoke to the naming of the Lafayette Road Park Playground after Dr. & Mrs. Paul Harvey. He stated that Dr. and Mrs. Harvey did a great deal of work for the City and spoke in support to re-naming the playground.

Rick Horowitz spoke regarding Right-to-Know legislation. He said residents, resident groups and the press should not be charged for Right-to-Know requests. Mr. Horowitz spoke regarding Attorney Zelin's letter on Right-to-Know requests and stated that he had a valid point and no resident or newspaper should have to pay for these requests.

Tom Carroll spoke on the need to promote the Port to get a Ferry service to Provincetown, Massachusetts. He asked the City to stay actively informed and to promote the Ferry service.

John Paleriro spoke on the non-enforcement of the ordinance for transportation services. He said recently cabs left the City to provide taxi service to Dover one evening and UBER ended up charging a 4% surcharge for all Portsmouth calls.

Mark Brighton spoke on the Right-to-Know request for taxpayers and how the City should absorb those costs.

Margot Doering spoke in support of preserving the Sagamore Creek land. She said the land should be used by all and would suggest that this area be left free of domestic animals.

Mary Jane Beckwith spoke to the trash on the Sagamore Creek land and stated that for decades the City has not put an effort into cleaning up the site. She said that the capped area is hazardous and should not be used.

Jane Zill requested the City Council support the motion by Councilor Morgan to not charge for Right-to-Know requests and documents. She said that charging for this information discourages public involvement.

Allison Tanner, Conservation Commission Representative, said the Sagamore Creek Blue Ribbon Committee did a great job looking at all areas of concern with the site. She said the site should be open for all people to enjoy.

Steve Miller spoke in support of the Sagamore Creek Blue Ribbon Committee and their work. He said the land is a great resource and allows more residents to use the resources available to them. He said he does not feel there are any safety issues with the site.

John Mikolajczyk spoke in support of Sagamore Creek Blue Ribbon Committee and its recommended Master Plan. He said the property will be used correctly for individuals to enjoy.

Roger Pitroff spoke concern with leaving the Sagamore Creek land open all night for the public's use. He said the Police Department has indicated they do not have the resources to patrol the area. He spoke to the capped area being contaminated and said serious issues exist with the water. Mr. Pitroff said the site should remain as is and not used as an open spaced area for individuals to use.

Samantha Applebaum spoke in support of the natural resources that Sagamore Creek land provides. She expressed concern with the increase of traffic and its affect over the land. She said the area should be left as is and spoke to the seriousness of the capped area and its dangers.

Paul Houlares spoke concern with Sagamore Creek land and said that loose dogs should not be allowed on the land. He said it is important that dogs be leashed to protect the wildlife that exists on the land. He also expressed concern with the traffic that would be increased on Jones Avenue.

Lennie Mullaney thanked all the citizens that have come to the meetings and expressed their thoughts. She said the gate needs to be open and it is public property that people should be invited into to enjoy. She also said that the land needs to be accessible for the handicap.

Ryan Baker said he does not disagree with cleaning up the Sagamore Creek land but does not feel the main entrance should be on Jones Avenue. He said there is a great deal of traffic in that area and having the entrance on Jones Avenue will only increase the amount of vehicles to the area. He said the entrance should be through the High School.

Ralph DiBernardo asked the City Council to put the Transportation Service Ordinance to rest and tell UBER there will be no more changes to the Ordinance. He said we should have a rideshare company that is willing to follow our Ordinance as written.

Nancy Johnson spoke on the Sagamore Creek land Master Plan and stated that the Blue Ribbon Committee has considered all input and thoughts of residents. She said there will be an increase in use and cause further congestion at the site entrance with a limitation of parking.

Stephanie Franz, Deerfield, NH, said she is an UBER driver and has a right to be in the City operating. She stated if the current taxies in the City were providing the services needed then UBER wouldn't be receiving business.

Harrison deBree, Dover, NH, said UBER performs extensive back ground checks and that should be sufficient for operating in the City. He requested that the requirement for City checks should be removed from the Ordinance.

Christopher David, Dover, NH, said that the City is creating a negative feeling not allowing UBER to operate. He said the City is scaring away entrepreneurs from coming to the City. He suggested that the City deregulate the transportation services in the City.

Joel Valenzuela, Concord, NH, spoke in support of UBER and its operating in the City. He said taxi drivers are harassing UBER drivers and its customers, which needs to stop.

Barry Ellis, Wakefield, NH, said he works in the transportation industry here in the City and the current Ordinance is absurd. He said the industry should be deregulated.

Councilor Spear moved to suspend the rules in order to take up Item XII. A.1. – Proposed Adoption of Blue Ribbon Committee’s Report Back Re: Sagamore Creek Parcel. Seconded by Councilor Shaheen and voted.

Councilor Spear moved to adopt the Blue Ribbon Committee’s Report Back as well as its recommendations and Master Plan for the Sagamore Creek parcel. Seconded by Councilor Shaheen.

Councilor Spear said the hours of usage was discussed in-depth in terms of enjoyment during the winter and it would only be allowed for a few months. He said that some people like being active in the evening by snowshoeing, cross country skiing or stargazing and it should be opened to allow for these and other types of activities.

David Moore, Assistant City Manager for Special Projects & Community Development Director, said the trash policy will be carry in and carry out which is what other natural areas do. He said that the water was tested at the site and DES requires the monitoring of the land.

Councilor Spear said people have discussed preserving the site as is. He said the best way to preserve the site is by adopting the plan. He also stated much of the traffic in the area is due to other businesses in the area.

Councilor Kennedy asked who the abutters are that served on the Committee. She said much of the upkeep of trails is done by people that live in the area. She said we have a list of people that have signed petitions and she feels there should be time limits on the use of the land. She said we need a place for our non-domestic animals to roam freely.

Councilor Shaheen asked if the access was explored and whether there was an assessment of the effect of changes.

Councilor Dwyer said high school uses were discussed between the Committee and a number of teachers. The teachers spoke on the value of the land and their current uses by the cross country high school team and the middle school track team. The vernal pools will have added benefits to the students for learning. She said there is no intent for commercialization of the area or the installation of a golf course. Councilor Dwyer said the Committee hopes more people will use bikes and pedestrian access. She spoke to the dog issue and how it is sensitive. She said that the Committee would like to bring the land back to an on-leash site.

Councilor Spear said every activity is in the conjunction with preservation and the Committee is hoping for opening the parcel up to passive recreation and this could lead to other sites being opened up for passive recreational purposes.

Assistant Mayor Splaine said there is much to like in this Master Plan but he is concerned with the process followed. He said 3 generations later the area is much the same and we do not need to use everything and we should leave something for the future.

Councilor Lown thanked Mayor Lister and the Committee for their thoughtful report. He spoke to the vote of the Council 6 months ago to make the site accessible to all. He said the plan is to make the land more accessible and welcoming.

Councilor Morgan said we have the duty to look at all the information. She said she agrees with concerns expressed by Assistant Mayor Splaine. If we are going to protect wild life we can't allow access at night. She said the idea of using the land is great but we must take cautious steps.

Councilor Thorsen said he likes the idea of access and more public use of the area. He did indicate the need for the DES to look at the cap and the land for toxicants to ensure the area is safe.

Councilor Kennedy said she agrees with the plan but is concerned with the process and that there is a petition with 200 signatures that do not agree with these ideas of the Committee.

Councilor Shaheen said she is surprised by the amount of negativity and thanked the Committee for their hard work on this matter. She said the purpose of this is to preserve the 66 acres and we can't lose sight of that point.

Mayor Lister passed the gavel to Assistant Mayor Splaine.

Mayor Lister thanked the Committee for their work on this matter. He asked City Manager Bohenko if this is approved are we approving the plan. City Manager Bohenko said that is correct and we have a report, which is well documented and no substantial amount of money has been expended.

Assistant Mayor Splaine returned the gavel to Mayor Lister.

Councilor Thorsen moved to amend the motion that prior to opening access to the public that:

- 1) Safety related to the cap and toxic materials are analyzed and addressed;**
- 2) Incorporate a report back from the Parking & Traffic Safety Committee as approved by the City Council at the time with regards to the traffic along Jones Avenue;**
- 3) That a trash pick-up strategy be in place**

Seconded by Councilor Morgan.

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

On a roll call 6-3, main motion passed as amended. Councilor Shaheen, Lown, Dwyer, Spear, Thorsen and Mayor Lister voted in favor. Assistant Mayor Splaine, Councilors Kennedy and Morgan voted opposed.

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

VII. PUBLIC HEARINGS

- A. ORDINANCE AMENDING CHAPTER 10 DESCRIBED LAND BE REZONED FROM WATERFRONT BUSINESS (WB) TO SINGLE RESIDENCE B (SRB); LOT 2 AS SHOWN ON A PLAN TITLED "SUBDIVISION PLAN – TAX MAP 201 LOT 1 – APPLICANT: WILLIAM L. PINGREE – OWNER 955 SAGAMORE REALTY TRUST – 955 SAGAMORE AVENUE, CITY OF PORTSMOUTH, COUNTY OF ROCKINGHAM, STATE OF NEW HAMPSHIRE," PREPARED BY AMBIT ENGINEERING, INC, DATED JUNE 2015, REVISED NOVEMBER 6, 2015, CONTAINING 25,698 SQUARE FEET. 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

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

Peter Weeks said the reason he presented the new information on this matter was he wanted to make sure all outstanding questions were answered. He said the rezoning was asked for in August and the Planning Board approved the subdivision. He stated it has been asked if we are losing more waterfront business and we are not. He stated the waterfront property will remain with Lot 1, and Lot 2 could never be used for waterfront activity due to a 30 foot drop at the back of the lot.

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

- B. ORDINANCE AMENDING CHAPTER 10, SECTION 10.1530, TERMS OF GENERAL APPLICABILITY, AMEND THE DEFINITIONS OF "HOTEL" AND "MOTEL" BY INSERTING THE PHRASE "BUT SHALL NOT INCLUDE CASINO GAMBLING, KENO OR OTHER GAMES OF CHANCE" AFTER THE WORDS "RECREATIONAL FACILITIES" IN EACH DEFINITION

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

Jerry Zelin said the reason for the amendment is because the current ordinance allows for a change to the definitions of "hotel" and "motel". He stated he would like to remove game of chance and replace it. He said the amendment would not be bullet proof because the State can amend any zoning ordinance.

Peter Weeks spoke in favor of the proposal of Mr. Zelin. He said the City does not need casinos.

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

VIII. APPROVAL OF GRANTS/DEFINITIONS

- A. Acceptance of Donation from Annette Roylos for lights on the Market Square Christmas Tree - \$200.00

Councilor Shaheen moved to accept and approve for lighting the Market Square Christmas Tree. Seconded by Councilor Kennedy and voted.

- B. Acceptance of Grant from New Hampshire Division of Historical Resources - \$45,725.00

Councilor Lown moved to give the City Manager authority to enter into a grant agreement and accept and expend funds up to \$45,725.00 from the New Hampshire Division of Historical Resources. Seconded by Councilor Shaheen and voted.

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First reading of Ordinance amending Chapter 7, Article II – Transportation Services Ordinance

Assistant Mayor Splaine moved to pass first reading and schedule a public hearing and second reading of the proposed Ordinance amendment, as presented, at the December 21, 2015 City Council meeting. Seconded by Councilor Shaheen.

Councilor Spear said he would like the ordinance split into three separate ordinances. City Attorney Sullivan stated no amendment is needed and he would bring them back each as 3 separate items.

City Attorney Sullivan said this ordinance was drafted to meet the requests of UBER and the ordinance in front of the Council has been approved by UBER. City Attorney Sullivan explained each amendment to the Council that is before them for first reading.

Councilor Lown said the City Council should pass first reading and debate this at second reading and public hearing.

Councilor Dwyer said it is important to know if the Transportation Service Commission approved of the changes. Assistant Mayor Splaine said the Commission met and recommended votes on each of these amendments.

Assistant Mayor Splaine requested that the minutes and a report from the Transportation Service Commission be provided at the public hearing on this ordinance.

Councilor Morgan said she expected some feedback from the Transportation Service Commission. She said she agrees with the comments made by Councilor Kennedy. Assistant Mayor Splaine said that the Commission voted against most of the amendments.

Mayor Lister passed the gavel to Assistant Mayor Splaine.

Mayor Lister said he has been clear since the beginning and we have been round and round with UBER and we must be concerned with the safety of passengers. He stated UBER needs to follow the rules and they're not ready to do that so he would vote against first reading.

Assistant Mayor Splaine returned the gavel to Mayor Lister.

Assistant Mayor Splaine explained the process for receiving a license from the City Clerk's office.

On a roll call vote 6-3, motion passed. Assistant Mayor Splaine, Councilors Shaheen, Lown, Dwyer, Spear and Thorsen voted in favor. Councilors Kennedy, Morgan and Mayor Lister voted opposed.

- B. Second Reading amending Zoning Ordinance so that Certain Described Property on Sagamore Grove Road be Rezone from Waterfront Business (WB) to Single Residence B (SRB)

Councilor Lown moved to pass second reading and schedule third and final reading of this Ordinance at the December 21, 2015 City Council meeting and further, to amend the Zoning Map by rezoning from Waterfront Business (WB) to Single Residence B (SRB) the land shown as Lot 2 on a plan titled "Subdivision Plan – Tax Map 201 – Lot 1 – Applicant: William L. Pingree – Owner: 955 Sagamore Realty Trust – 955 Sagamore Avenue, City of Portsmouth, County of Rockingham, State of New Hampshire," revised November 6, 2015, containing 25,698 s.f. This amendment shall take effect on the date on which the subdivision plat approved by the Planning Board is recorded at the Registry of Deeds. Seconded by Councilor Shaheen.

Councilor Kennedy said she is not willing to give up waterfront acreage. Councilor Lown said Peter Weeks was very clear that we were not giving up waterfront property.

Motion passed with Councilor Kennedy opposed.

- C. Second Reading amending Zoning Ordinance – Chapter 10, Section 10.1530 – Term of General Applicability, amend the definitions of "hotel" and "motels as follows – shall not including casino gambling, keno or other games of chance

Assistant Mayor Splaine moved to pass second reading and schedule third and final reading of the proposed Zoning Ordinance amendment, as presented, at the December 21, 2015 City Council meeting. Seconded by Councilor Kennedy.

Councilor Dwyer moved to amend the motion to substitute "games of chance" with "other forms of gambling." Seconded by Councilor Kennedy.

Amendment to ordinance passed.

Main motion passed, as amended.

- D. Third and final reading of Ordinance amending Chapter 11, Article II, Section 11.216:B – Sewer User Charges/Records/Hook-up by the Elimination of Irrigation Meters

City Manager Bohenko said Brian Goetz, Deputy Public Works Director and David Hyder, Burton and Associates will speak on the elimination of irrigation meters.

Deputy Public Works Director Goetz outlined the options before the City Council.

1. Adopt third reading of Ordinance – Eliminating all irrigation meters (including existing)
2. Grandfather existing irrigation meters and disallow any future irrigation meters (Amendment to Ordinance)
3. Expand irrigation meters to all City customers (Amendment to Ordinance)
4. No Action – Let Ordinance proposal expire

He spoke to what irrigation does to the water demand. He reviewed the current irrigation demand over the last five years and the residential irrigation meters average monthly consumption units.

David Hyder spoke to expanding irrigation meters to all customers as follows:

- This will increase water demand
- This will require additional water supply capacity to meet peak demands during the summer
- Metered water revenue will increase, metered sewer revenue will decrease

He said expanding irrigation meters to all customers will increase seasonal demand. He addressed expanding meters to all customers would reduce sewer system revenues and rates would need to be increased and this will hurt the small users. He stated based on their financial analysis the sewer fund will not be able to remain financially viable with an 8.7% reduction in sewer revenues. He reviewed the sewer fixed charges as follows:

- The City's current sewer revenues are completely dependent on billed water usage
- The City does not assess a fixed charge for the availability of sewer service (a fixed charge is currently assessed for water service)
- The City incurs significant costs regardless of whether a customer uses the sewer system or not (typically around 80% of sewer system costs are fixed)
- It is common industry practice to assess a sewer fixed charge to recover a portion of the fixed cost of providing sewer service

Councilor Spear moved to suspend the rules to allow for public comment on the ordinance. Seconded by Councilor Lown and voted.

Attorney John Lyons stated he represents 20 residents in the City. He said to treat users differently is discriminatory. He explained his opposition to the ordinance and urged the City Council to vote against the ordinance.

Councilor Spear moved to pass third and final reading. Seconded by Councilor Thorsen.

Councilor Thorsen spoke in favor of option 3.

Councilor Lown said cost is not the primary issue but sustainability is. He would support option 2.

Councilor Dwyer said she agrees with option 2.

City Manager Bohenko said if the ordinance is defeated he would work with the next City Council on that matter.

On a voice vote 1-8, motion failed to pass. Councilor Spear voted in favor. Assistant Mayor Splaine, Councilors Shaheen, Kennedy, Lown, Dwyer, Morgan, Thorsen and Mayor Lister voted opposed.

X. CONSENT AGENDA

A. Requests for License to Install Projecting Signs:

- John F. Golumb, owner of Two Ceres Street, for property located at 33 Bow Street
- Bethany Hayes, owner of TJ's Food & Spirits, for property located at 88 Penhallow Street

(Anticipated action – move to approve the aforementioned Projecting Sign Licenses as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreements for these requests)

Planning Director's Stipulations:

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

B. Letter from Caryl Dow, Dottie Bailey and Sarah Rafferty, Compassionate Friends', requesting to hold the 19th Annual Worldwide Candle Lighting on Sunday, December 13, 2015 at 7:00 p.m. in Market Square, for 1 hour *(Anticipated action – move to refer to the City Manager with power)*****

- C. Letter from Deidre Reynolds, NH Chapter Leader for Moms Demand Action, requesting permission to hold a walk from the South Church to Prescott Park to honor the Sandy Hook Anniversary on Sunday, December 13, 2015 from 12:00 p.m. to 1:15 p.m. (**Anticipated action – move to refer to the City Manager with power**)
- D. Letter from Donna Hepp, Granite State Wheelmen, Inc., requesting permission to hold the Seacoast Century on Saturday, September 24, 2016 and Sunday, September 25, 2016 (**Anticipated action – move to refer to the City Manager with power**)
- F. Letter from Doug Bates, President of Greater Portsmouth Chamber of Commerce requesting permission to hold the Chamber of Commerce Run Portsmouth Road Race Series Races for 2016: (**Anticipated action – move to refer to the City Manager with power**)
- Easter Seals Veteran’s Count – Pack & Boots 5k on Monday, July 4, 2016 at Strawberry Banke at 9:00 a.m.
 - Portsmouth Rotary Club – 5K Cross Country Race on Thursday, August 4, 2016 at Portsmouth High School at 6:00 p.m.
 - CelebratePink 5K Road Race & Walk on Sunday, September 18, 2016 at Portsmouth Middle School at 9:00 a.m.
 - Memorial Bridge Road Race, Saturday, October 8, 2016 at Memorial Bridge at 10:00 a.m.
 - Great Bay Services – Resolution 5k on Sunday, January 1, 2017 at Portsmouth Middle School at 11:00 a.m.
- G. Letter from Thomas P. D’Arcy requesting permission to hold a charity fundraiser road race event, “Danielle’s Dash”, on Saturday, April 30, 2016 on Pease Tradeport. (**Anticipated action – move to refer to the City Manager with power**)

Councilor Kennedy requested to remove Item X. E. – Letter from Caroline Piper, Friends of the South End requesting permission to hold the 2016 Fairy House Tours on Saturday, September 24, 2016 and Sunday, September 25, 2016 from the Consent Agenda.

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

- E. Letter from Caroline Piper, Friends of the South End requesting permission to hold the 2016 Fairy House Tours on Saturday, September 24, 2016 and Sunday, September 25, 2016 (**Anticipated action – move to refer to the City Manager with power**)

Councilor Shaheen moved to refer to the City Manager with power. Seconded by Councilor Lown and voted. Councilor Kennedy abstained.

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

A. Letter from Gerald Zelin regarding Right to Know Law

Councilor Morgan moved to suspend the rules to take up Item XII. F.1. – Right-to-Know Law – charging for labor costs. Seconded by Councilor Kennedy and voted.

XII. F.1. Right-to-Know Law – charging for labor costs

Councilor Morgan moved that the Portsmouth City Council does not support any proposal to amend the Right-to-Know law (RSA 91-A) that would allow municipalities to charge for the cost of labor for the reproduction of public documents. It shall be the policy in the City of Portsmouth to not charge city residents and the press for the cost of labor for access to and retrieving or reproducing public documents. Seconded by Councilor Kennedy.

Councilor Morgan stated people need access to government documents.

Assistant Mayor Splaine spoke in support of the motion and said he does not feel that the item would need to be printed just provided to the resident. He said transparency is something that we do.

Councilor Thorsen said he agrees if something is available electronically that the information be provided in that manner.

Councilor Lown said the proposal seeks to not allow the City to make the decision by themselves.

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

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

2. Acceptance of Sagamore Creek Bridge Project

Councilor Lown moved to accept the Sagamore Creek Bridge Project, and further, authorize the City Manager to execute the Certificate of Final Completion of Work. Seconded by Councilor Shaheen and voted.

3. 2016 Schedule of City Council Meetings and Work Sessions

Councilor Spear moved to approve the 2016 Schedule of City Council Meetings and Work Sessions. Seconded by Councilor Lown and voted.

4. Holiday Parking

City Manager Bohenko stated that this was a tradition to allow for free parking during the Holiday season.

Councilor Kennedy moved to approve Holiday Free Parking commencing on Saturday, December 19, 2015 through Sunday, December 27, 2015. Seconded by Councilor Spear and voted.

5. License Request for 110 Chapel Street from Applicant Rye Beach Landscaping, LLC

Councilor Lown moved to authorize the City Manager to negotiate and enter into a revocable meter panel license with Applicant Rye Beach Landscaping, LLC on behalf of owner and accompanying Petition and license for the new electrical conduit. Seconded by Councilor Spear and voted.

City Manager's Informational Items

5. *Zoning Board of Adjustment Action to Override Decision Re: 65 Mendum Avenue*

Councilor Dwyer said the law ordered the City Council to allow for the unmerging of lots unless there was a clear reason not to. She is not sure if we have standing in the appeal for it.

Councilor Thorsen said he does not feel that the Board of Adjustment has the authority to repeal the decision of the City Council. He asked City Attorney Sullivan if the Zoning Board of Adjustment has the authority to repeal the decision. City Attorney Sullivan said he would need to review the matter and report back to the City Council.

B. MAYOR LISTER

1. Appointments to be Considered:
 - Appointment of Dexter Legg to the Planning Board effective January 1, 2016
 - Appointment of Jim Lee as an alternate to the Zoning Board of Adjustment
 - Appointment of Jeremiah Johnson as a regular member to the Zoning Board of Adjustment

The City Councilor considered the above referenced appointments which will be voted on by the City Council at the December 21, 2015 meeting.

2. Appointed to be Voted:
 - Appointment of Jamie Baker to the Citizens Advisory Committee

Councilor Spear moved to appoint Jamie Baker to the Citizens Advisory Committee. Seconded by Councilor Shaheen and voted.

C. ASSISTANT MAYOR SPLAINE

1. Renaming of Lafayette Playground

Assistant Mayor Splaine moved to name the Lafayette Park Playground “The Dr. Paul and Carolyn Harvey Playground.” Seconded by Councilor Lown.

Councilor Dwyer said she can't vote on this due to the stopping of the affordable housings and the daycare center.

Motion passed with Councilors Dwyer and Spear opposed.

D. COUNCILOR SHAHEEN & COUNCILOR DWYER

1. Update Re: Community Meeting on Heroin Epidemic

Councilor Shaheen reported that 60 doses of narcan have been issued in the City. She spoke on the number of deaths that are occurring at the Portsmouth Regional Hospital. She stated that Portsmouth has few referrals to drug court. She said that 50 people at a time can be referred to drug court. Councilor Shaheen said the Police Department is looking at more drug take backs. She also reported that there will be a free narcan giveaway to assist those in need. She also stated that there is a strong need to open a recovery center to deal with this matter and Portsmouth could lead the way on working towards a solution to this problem and further the cost of a treatment facility is a relatively low cost due to the volunteerism that is available.

Councilor Dwyer said services are important and their integration. She stated that this is a chronic disease and people need ongoing support services for dealing with this epidemic. Councilor Dwyer said the community needs to own the issue all together.

Councilor Thorsen said we are going in the right direction and that this is a health issue not a criminal situation.

E. COUNCILOR LOWN

1. Parking and Traffic Safety Committee Action Sheet, Minutes and Work Session Minutes of the November 5, 2015 meeting

Councilor Lown moved to approve and accept the action sheet and minutes of the Parking and Traffic Safety Committee meeting and work session of November 5, 2015. Seconded by Councilor Dwyer and voted. Councilor Kennedy voted opposed.

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

Councilor Morgan requested an update on the McIntyre Building at the December 21, 2015 City Council meeting.

Councilor Kennedy requested an update on the Prescott Park Arts Festival Working Group at the December 21, 2015 City Council meeting.

XIV. ADJOURNMENT

At 11.35 p.m., Councilor Spear moved to adjourn. Seconded by Councilor Lown and voted.

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

Kelli L. Barnaby, 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, December 21, 2015, at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a proposed Ordinance amending Chapter 7, Article II, Section 7.201 – Transportation Services by the addition of the following: Transportation Services means the provision of transportation by a driver to a rider, beginning when a driver accepts a ride requested by a rider, continuing while the driver transports a requesting rider, and ending when the last requesting rider departs from the vehicle. The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

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

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

7/14/01 12:30:09

ORDINANCE #
THE CITY OF PORTSMOUTH ORDAINS:

That Chapter 7, Article II, Section 7.201 – TRANSPORTATION SERVICES - of the Ordinances of the City of Portsmouth which shall read as follows (deletions from existing language **stricken**; additions to existing language **bolded**; remaining language unchanged from existing):

CHAPTER 7, ARTICLE II – TRANSPORTATION SERVICES

Section 7.201: **TRANSPORTATION SERVICES**

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

Transportation Services means the provision of transportation by a driver to a rider, beginning when a driver accepts a ride requested by a rider, continuing while the driver transports a requesting rider, and ending when the last requesting rider departs from the vehicle.

The definition of Transportation Services shall not include limousine services, which provide designated luxury or specialty vehicles by prior appointment for discrete functions or transportation to locations outside the City or the reverse.

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

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

This ordinance shall take effect upon passage.

APPROVED:

Robert J. Lister, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, December 21, 2015, at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a proposed Ordinance amending Chapter 7, Article II, Section 7.204 – Background Check by the deletion of the words “or misdemeanor” in Item C and the deletion of Item D in its entirety. The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

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

LEGAL NOTICE
NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, December 21, 2015, at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a proposed Ordinance amending Chapter 7, Article II, Section 7.204 – Background Check by the deletion of the words “or misdemeanor” in Item C and the deletion of Item D in its entirety. The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.
Kelli L. Barnaby, MMC, CMC, CNHMC
City Clerk

FMCD162673

ORDINANCE #
THE CITY OF PORTSMOUTH ORDAINS:

That Chapter 7, Article II, Section 7.204 – BACKGROUND CHECK - of the Ordinances of the City of Portsmouth which shall read as follows (deletions from existing language **stricken**; additions to existing language **bolded**; remaining language unchanged from existing):

CHAPTER 7, ARTICLE II – TRANSPORTATION SERVICES

Section 7.204: **BACKGROUND CHECK**

Every Transportation Service Provider shall provide the City Clerk with certification of the Chief of the Portsmouth Police Department that all operators of vehicles used under the authority of or in any way in conjunction with the Transportation Services Provider have passed a background check confirming, at a minimum, compliance with the following criteria:

- A. The individual does not have three (3) or more convictions for moving violations, in this or any other state, in the three (3) full years prior to the date of the certification.
- B. The privilege of the individual to operate a motor vehicle has been revoked and/or suspended at any time, in this or any other state, in the three (3) full years prior to the date of the certification, for any reason related to the operation of a motor vehicle.
- C. The individual has not been convicted of a felony **or misdemeanor**, in this or any other state, in the seven (7) full years prior to the date of the certification.
- ~~D. The individual has not been convicted of a felony involving a controlled substance or violence, in this or any other state, in the fifteen (15) full years prior to the date of the certification.~~

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

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

This ordinance shall take effect upon passage.

APPROVED:

Robert J. Lister, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

h\ordinances\ordinances\7.2 transportation services – uber amds (7.204)

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, December 21, 2015, at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a proposed Ordinance amending Chapter 7, Article II, Section 7.211 – Signage by the addition of the word *which* in Item A. and the deletion of full text of in Item B replaced with “fare information required by”. The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

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

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, December 21, 2015, at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a proposed Ordinance amending Chapter 7, Article II, Section 7.211 – Signage by the addition of the word *which* in Item A. and the deletion of *full text of* in Item B replaced with *fare information required by*. The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

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

W00163677

ORDINANCE #
THE CITY OF PORTSMOUTH ORDAINS:

That Chapter 7, Article II, Section 7.211 - SIGNAGE - of the Ordinances of the City of Portsmouth which shall read as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

CHAPTER 7, ARTICLE II – TRANSPORTATION SERVICES

Section 7.209: **FARE REGULATION**

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

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

Section 7.211: **SIGNAGE**

All vehicles engaged in the provision of Transportation Services shall at all times display prominently:

- A. A Placard approved in size, form and content by the City Clerk identifying the Transportation Service Provider **which** shall be plainly visible from the exterior of the vehicle.
- B. A notice providing passengers with the ~~full text of fare information required by~~ Section 7.209 of this ordinance.

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

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

This ordinance shall take effect upon passage.

APPROVED:

Robert J. Lister, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

h\ordinances\ordinances\7.2 transportation services – uber amds (7.211)



RECEIVED
DEC 01 2015

Prescott Park Arts Festival
P.O. Box 4370
Portsmouth, NH 03802
603.436.2848

Ben Anderson
President

Bill Duncan
Co-Chair

Jameson S. French
Co-Chair

Claudette Barker
Vice Chair

Chris Poulin
Secretary

Matt Williams
Treasurer

Board of Directors

Nancy Clayburgh
Tim Coughlin
Tom Dwyer
Dan Plummer
Adam Vicinus

Dave Allen
Deputy City Manager
City of Portsmouth
1 Junkins Avenue
Portsmouth, NH 03801

Dear Dave,

Enclosed please find a check for \$1,000 to be paid towards the 3D Modeling of Prescott Park project.

With thanks,

Ben Anderson
President

The State of New Hampshire and the Grantee hereby mutually agree as follows:

GENERAL PROVISIONS

1. Identification and Definitions.

1.1. State Agency Name Public Utilities Commission		1.2. State Agency Address 21 S. Fruit Street, Concord, NH 03301	
1.3. Grantee Name City of Portsmouth, NH		1.4. Grantee Address 1 Junkins Avenue, Portsmouth, NH 03801	
1.5. Effective Date 06/24/2015	1.6. Completion Date 06/30/2016	1.7. Audit Date N/A	1.8. Grant Limitation \$450,000.00
1.9. Grant Officer for State Agency Karen Cramton		1.10. State Agency Telephone No. (603) 271-2431	
1.11. Grantee Signature		1.12. Name & Title of Grantee Signor	
1.13. Acknowledgment: State of _____, County of _____, on ___/___/___, Before the undersigned officer, personally appeared the person identified in block 1.11., known to me (or satisfactorily proven) to be the person whose name is signed in block 1.12., and acknowledged that he executed this document in the capacity indicated in block 1.12.			
1.13.1 Signature of Notary Public or Justice of the Peace (Seal)			
1.13.2. Name and Title of Notary Public or Justice of the Peace			
1.14. State Agency Signature(s)		1.15. Name & Title of State Agency Signor(s) Martin P. Honigberg, Chairman	
1.16. Approval by Attorney General (Form, Substance and Execution) By: _____ Assistant Attorney General, On: ___/___/___			
1.17. Approval by the Governor and Council On: ___/___/___			

2. SCOPE OF WORK: In exchange for grant funds provided by the State of New Hampshire, acting through the agency identified in block 1.1 (hereinafter referred to as “the State”), the Grantee identified in block 1.3 (hereinafter referred to as “the Grantee”), shall perform that work identified and more particularly described in the scope of work attached hereto as EXHIBIT A (the scope of work being hereinafter referred to as “the Project”). Except as otherwise specifically provided for herein, the Grantee shall perform the Project in the State of New Hampshire.

Initials _____
Date _____

3. EFFECTIVE DATE; COMPLETION OF PROJECT.

3.1. This Agreement, and all obligations of the parties hereunder, shall become effective on the date in block 1.5 or on the date of approval of this Agreement by the Governor and Council of the State of New Hampshire whichever is later (hereinafter referred to as "the effective date").

3.2. Except as otherwise specifically provided for herein, the Project, including all reports required by this Agreement, shall be completed in its entirety prior to the date in block 1.6 (hereinafter referred to as "the Completion Date").

4. GRANT AMOUNT; MANNER OF PAYMENT; LIMITATIONS.

4.1. The Grant Amount is identified and more particularly described in EXHIBIT B, attached hereto.

4.2. The manner of, and schedule of payment shall be as set forth in EXHIBIT B.

4.3. In accordance with the provisions set forth in EXHIBIT B, and in consideration of the satisfactory performance of the Project, as determined by the State, and as limited by subparagraph 4.5 of these general provisions, the State shall pay the Grantee the Grant Amount. The State shall withhold from the amount otherwise payable to the Grantee those sums required, or permitted, to be withheld pursuant to N.H. RSA 80:7 through 7-c.

4.4. The payment by the State of the Grant amount shall be the only, and the complete payment to the Grantee for all expenses, of whatever nature, incurred by the Grantee in the performance hereof, and shall be the only, and the complete, compensation to the Grantee for the Project. The State shall have no liabilities to the Grantee other than the Grant Amount.

4.5. Notwithstanding anything in this Agreement to the contrary, and notwithstanding unexpected circumstances, in no event shall the total of all payments authorized, or actually made, hereunder exceed the Grant limitation set forth in block 1.8 of these general provisions.

5. SPECIAL CONDITIONS. Modifications to these General Conditions and any additional grant conditions shall be set forth in Exhibit C attached hereto.

6. COMPLIANCE BY GRANTEE WITH LAWS AND REGULATIONS. In connection with the performance of the Project, the Grantee shall comply with all applicable statutes, regulations, and orders of federal, state, county, or municipal authorities that impose any legal obligations or duty upon the Grantee, including the acquisition of any and all necessary permits.

7. RECORDS AND ACCOUNTS.

7.1. Between the Effective Date and the date seven (7) years after the Completion Date the Grantee shall keep detailed accounts of all expenses incurred in connection with the Project, including, but not limited to, costs of administration, transportation, insurance, telephone calls, and clerical materials and services. Such accounts shall be supported by receipts, invoices, bills and other similar documents.

7.2. Between the Effective Date and the date seven (7) years after the Completion Date, at any time during the Grantee's normal business hours, and as often as the State shall demand, the Grantee shall make available to the State all records pertaining to matters covered by this Agreement. The Grantee shall permit the State to audit, examine, and reproduce such records, and to make audits of all contracts, invoices, materials, payrolls, records of personnel, data (as that term is hereinafter defined), and other information relating to all matters covered by this Agreement. As used in this paragraph, "Grantee" includes all persons, natural or fictional, affiliated with, controlled by, or under common ownership with, the entity identified as the Grantee in block 1.3 of these general provisions.

8. PERSONNEL.

8.1. The Grantee shall, at its own expense, contract for or provide all personnel necessary to perform the Project. The Grantee warrants that all personnel engaged in the Project shall be qualified to perform such Project, and shall be properly licensed and authorized to perform such Project under all applicable laws.

8.2. The Grantee shall not hire, and it shall not permit any subcontractor, subgrantee, or other person, firm or corporation with whom it is engaged in a combined effort to perform the Project, to hire any person who is a State officer or employee, elected or appointed.

8.3. The Grant Officer shall be the representative of the State hereunder. In the event of any dispute hereunder, the interpretation of this Agreement by the Grant Officer, and his/her decision on any dispute, shall be final.

9. DATA; RETENTION OF DATA; ACCESS.

9.1. As used in this Agreement, the word "data" shall mean all information and things developed or obtained during the performance of, or acquired or developed by reason of, this Agreement, including, but not limited to, all studies, reports, files, formulae, surveys, maps, charts, sound recordings, video recordings, pictorial reproductions, drawings, analyses, graphic representations, computer programs or data, computer printouts, notes, letters, memoranda, papers, and documents, all whether finished or unfinished.

9.2. Between the Effective Date and the Completion Date the Grantee shall grant to the State, or any person designated by it, unrestricted access to all data for examination, duplication, publication, translation, sale, disposal, or for any other purpose whatsoever.

9.3. No data shall be subject to copyright in the United States or any other country by anyone other than the State, unless otherwise specified in Exhibit C..

10. CONDITIONAL NATURE OF AGREEMENT. Notwithstanding anything in this Agreement to the contrary, all obligations of the State hereunder, including, without limitation, the continuance of payments hereunder, are contingent upon the availability or continued appropriation of funds, and in no event shall the State be liable for any payments hereunder in excess of such available or appropriated funds. In the event of a reduction or termination of those funds, the State shall have the right to withhold payment until such funds become available, if ever, and shall have the right to terminate this Agreement immediately upon giving the Grantee notice of such termination.

11. EVENT OF DEFAULT; REMEDIES.

11.1. Any one or more of the following acts or omissions of the Grantee shall constitute an event of default hereunder (hereinafter referred to as "Events of Default"):

11.1.1. failure to perform the Project satisfactorily or on schedule; or

11.1.2. failure to submit any report required hereunder; or

11.1.3. failure to maintain, or permit access to, the records required hereunder; or

11.1.4. failure to perform any of the other covenants and conditions of this Agreement.

11.2. Upon the occurrence of any Event of Default, the State may take any one, or more, or all, of the following actions:

11.2.1. give the Grantee a written notice specifying the Event of Default and requiring it to be remedied within, in the absence of a greater or lesser specification of time, thirty (30) days from the date of the notice; and if the Event of Default is not timely remedied, terminate this Agreement, effective two (2) days after giving the Grantee notice of termination; and

11.2.2. give the Grantee a written notice specifying the Event of Default and suspending all payments to be made under this Agreement and ordering that the portion of the Grant Amount which would otherwise accrue to the grantee during the period from the date of such notice until such time as the State determines that the Grantee has cured the Event of Default shall never be paid to the Grantee; and

11.2.3. set off against any other obligation the State may owe to the Grantee any damages the State suffers by reason of any Event of Default; and

11.2.4. treat the agreement as breached and pursue any of its remedies at law or in equity, or both.

12. TERMINATION.

12.1. In the event of any early termination of this Agreement for any reason other than the completion of the Project, the Grantee shall deliver to the Grant Officer, not later than fifteen (15) days after the date of termination, a report (hereinafter referred to as the "Termination Report") describing in detail all Project Work performed, and the Grant Amount earned, to and including the date of termination.

12.2. In the event of Termination under paragraphs 10 or 12.4 of these general provisions, the approval of such a termination Report by the State shall entitle the Grantee to receive that portion of the Grant amount earned to and including the date of termination.

12.3. In the event of Termination under paragraphs 10 or 12.4 of these general provisions, the approval of such a Termination Report by the State shall in no event relieve the Grantee from any and all liability for damages sustained or incurred by the State as a result of the Grantee's breach of its obligations hereunder.

12.4. Notwithstanding anything in this Agreement to the contrary, either the State or, except where notice default has been given to the Grantee hereunder, the Grantee, may terminate this Agreement without cause upon thirty (30) days written notice.

13. CONFLICT OF INTEREST. No representative, officer, member or employee of the Grantee, and no representative, officer or employee of the State of New Hampshire or of the governing body of the locality or localities in which the Project is to be performed, who exercises any functions or responsibilities in the review or approval of the undertaking or carrying out of such Project, shall participate in any decision relating to this Agreement which affects his or her personal interest or the interest of any corporation, partnership, or association in which he or she is directly or indirectly interested, nor shall he or she have any personal or pecuniary interest, direct or indirect, in this Agreement or the proceeds thereof.

14. GRANTEE'S RELATION TO THE STATE. In the performance of this Agreement the Grantee, its employees, and any contractor, subcontractor or subgrantee of the Grantee are in all respects independent contractors, and are neither agents nor employees of the State. Neither the Grantee nor any of its representatives, officers, employees, agents, members, subcontractors or subgrantees, shall have authority to bind the State nor are they entitled to any of the benefits, worker's compensation or emoluments provided by the State to its employees.

15. ASSIGNMENT AND SUBCONTRACTS. The Grantee shall not assign, or otherwise transfer any interest in this Agreement without the prior written consent of the State.

16. INDEMNIFICATION. The Grantee shall defend, indemnify and hold harmless the State, its officers and employees, from and against any and all losses

Initials _____

Date _____

suffered by the State, its officers and employees, and any and all claims, liabilities or penalties asserted against the State, its officers and employees, by or on behalf of any person, on account of, based on, resulting from, arising out of (or which may be claimed to arise out of) the acts or omissions of the Grantee or its contractors, subcontractor, or subgrantee or other agent of the Grantee in the performance of the Project. Notwithstanding the foregoing, nothing herein contained shall be deemed to constitute a waiver of the sovereign immunity of the State, which immunity is hereby reserved to the State. This covenant shall survive the termination of this agreement.

17. INSURANCE AND BOND.

17.1. The Grantee shall, at its sole expense, obtain and maintain in force, or shall require any subcontractor, subgrantee or assignee performing Project work to obtain and maintain in force, both for the benefit of the State, the following insurance:

- 17.1.1 statutory worker's compensation and employees liability insurance for all employees engaged in the performance of the Project, and
- 17.1.2 comprehensive general liability insurance for all claims of bodily injuries, death or property damage, in amounts not less than \$2,000,000 for bodily injury or death any one incident, and \$500,000 for property damage in any one incident; and

17.2 The policies described in subparagraph 17.1 of this paragraph shall be the standard form employed in the State of New Hampshire, issued by underwriters acceptable to the State, and authorized to do business in the State of New Hampshire. Each policy shall contain a clause prohibiting cancellation or modification of the policy earlier than ten (10) days after written notice thereof has been received by the State. A certificate of insurance demonstrating compliance with subparagraphs 17.1 and 17.2 shall be attached to this Grant Agreement.

18. WAIVER OF BREACH. No failure by the State to enforce any provisions hereof after any Event of Default shall be deemed a waiver of its rights with regard to that Event, or any subsequent Event. No express waiver of any Event of Default shall be deemed a waiver of any provisions hereof. No such failure or waiver shall be deemed a waiver of the right of the State to enforce each and all of the provisions hereof upon any further or other default on the part of the Grantee.

19. NOTICE. Any notice by a party hereto to the other party shall be deemed to have been duly delivered or given at the time of mailing by certified mail, postage prepaid, in a United States Post Office addressed to the parties at the addresses first above given.

20. AMENDMENT. This Agreement may be amended, waived or discharged only by an instrument in writing signed by the parties hereto and only after approval of such amendment, waiver or discharge by the Governor and Council of the State of New Hampshire.

21. CONSTRUCTION OF AGREEMENT AND TERMS. This Agreement shall be construed in accordance with the law of the State of New Hampshire, and is binding upon and inures to the benefit of the parties and their respective successors and assignees. The captions and contents of the "subject" blank are used only as a matter of convenience, and are not to be considered a part of this Agreement or to be used in determining the intent of the parties hereto.

22. THIRD PARTIES. The parties hereto do not intend to benefit any third parties and this Agreement shall not be construed to confer any such benefit.

23. ENTIRE AGREEMENT. This Agreement, which may be executed in a number of counterparts, each of which shall be deemed an original, constitutes the entire agreement and understanding between the parties, and supersedes all prior agreements and understandings relating hereto.

Initials _____
Date _____

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That the following described land be rezoned from Waterfront Business (WB) to Single Residence B (SRB):

Lot 2 as shown on a plan titled "Subdivision Plan – Tax Map 201 Lot 1 – Applicant: William L. Pingree – Owner: 955 Sagamore Realty Trust – 955 Sagamore Avenue, City of Portsmouth, County of Rockingham, State of New Hampshire," prepared by Ambit Engineering, Inc., dated June 2015, revised 11/6/15, containing 25,698 square feet.

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

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

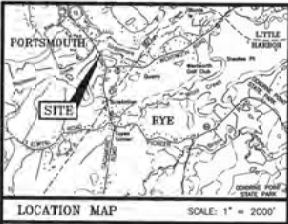
This ordinance shall take effect on the date on which the subdivision plat approved by the Planning Board is recorded at the Registry of Deeds.

APPROVED:

Robert Lister, Mayor

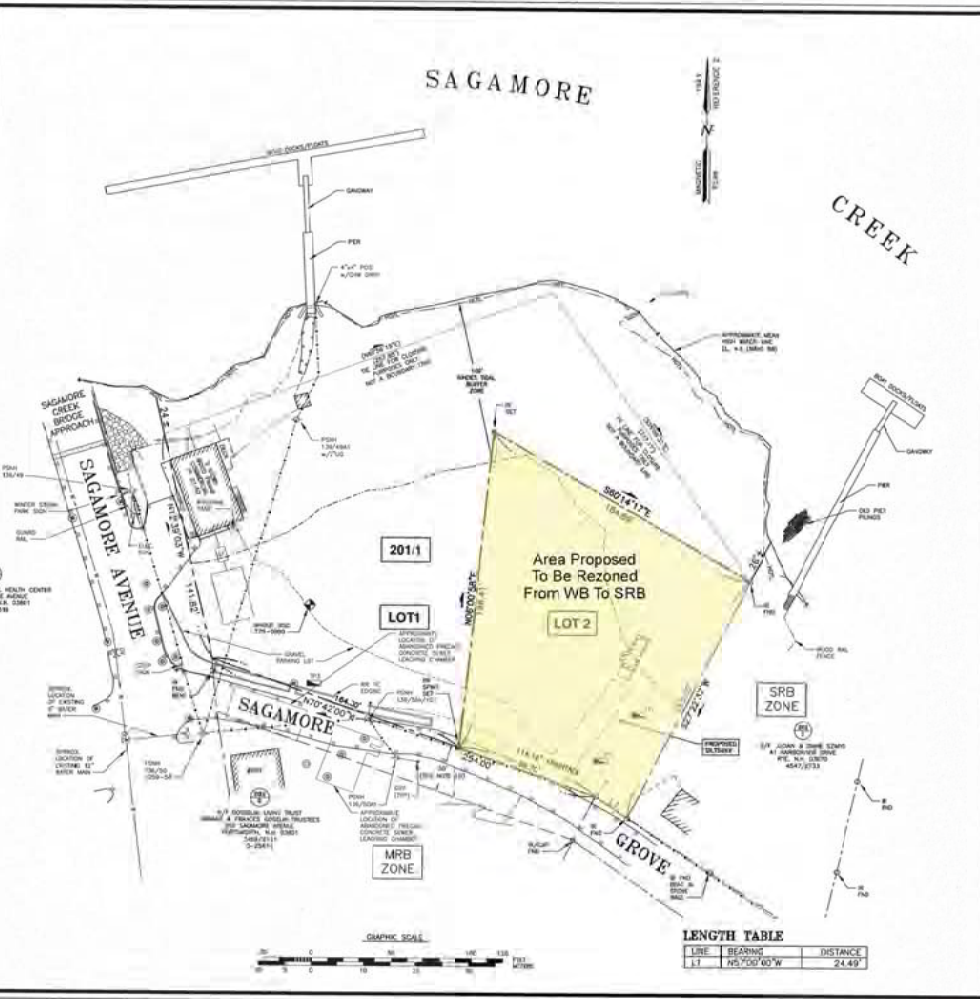
ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk



- LEGEND:**
- 1/4" NOW OR FORMERLY RECORD OF PROBATE
 - 3/4" NOW OR FORMERLY RECORD OF PROBATE
 - 3/4" DEEDS REGISTERED BY DEEDS
 - 3/4" DEEDS REGISTERED BY DEEDS
 - 3/4" MAP (1) (A) ET AL
 - 3/4" ROAD RIGHT OF WAY
 - 3/4" ROAD RIGHT OF WAY
 - 3/4" ROAD RIGHT OF WAY
 - 3/4" DRILL HOLE (FOUR)
 - 3/4" DRILL HOLE (SET)

- PLAN REFERENCES:**
- 1) LAND IN PORTSMOUTH, N.H. AS SAGAMORE GROVE CHARLES SCHMIDT TO LINDA TERRY. SCALE: 1" = 20 FT DATED JUNE 1943 BY JOHN W. SURGIN CIVIL ENGINEER, ROAD PLAN 0-234
 - 2) LAND IN PORTSMOUTH, N.H. SOLE 1/2 SHARE TO JOHN E. & BRUCE PINGREE, SCALE: 1" = 30 FT, DATED DEC. 1944, ROAD PLAN 0-231, BY JOHN W. SURGIN CIVIL ENGINEER, FORCED DEC. 1945, PLAN NO. 8073 FILE NO. 100
 - 3) PROPOSED DOCK FOR DURY, VENT & BRUCE SCHMIDT, SAGAMORE GROVE (OFF SAGAMORE N.E.3) COUNTY OF ROCKINGHAM, PORTSMOUTH, N.H. SCALE: 1" = 20 DATED JUNE 10, 1988, BY AMBIT ENGINEERS, NOT RECORDED
 - 4) PARKING LOT REVISION PLAN, BRUCE SCHMIDT & DURY, N.E.3 SAGAMORE GROVE, COUNTY OF ROCKINGHAM, PORTSMOUTH, N.H. SCALE: 1" = 20 DATED SEPTEMBER 1993, BY AMBIT SURVEY, NOT RECORDED
 - 5) RIGHT OF WAY PLAN, SAGAMORE GROVE, PORTSMOUTH, NEW HAMPSHIRE FOR CITY OF PORTSMOUTH, SCALE: 1" = 20 DATED 4/9/96 BY DONALD WHELAN AND ASSOCIATES, INC. ROAD PLAN 0-25416
 - 6) PLAN OF LOTS FOR THE DURY-KLUENTY REVOCABLE TRUST, SAGAMORE GROVE, COUNTY OF ROCKINGHAM, PORTSMOUTH, N.H. SCALE: 1" = 20 DATED APRIL 20, 1999 BY WALTER, BRIDGE & GOSWELL, INC. ROAD PLAN 0-27321
 - 7) LOT LINE REVISION PLAN 4 & 5 SAGAMORE GROVE PORTSMOUTH, NEW HAMPSHIRE, ASSESSORS PARCELS 201-4 & 201-5 FOR OAK & MALLIE, SCALE: 1" = 20, DATED 12/17/10, BY JAMES WHELAN AND ASSOCIATES, INC. ROAD PLAN 0-2874



AMBIT ENGINEERING, INC.
 Civil Engineers & Land Surveyors
 1100 State Street, Suite 2
 Portsmouth, NH 03801
 Tel: (603) 438-1711
 Fax: (603) 438-0315

- NOTES:**
- 1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 201 A (LOT 1).
 - 2) WINNER OF RECORD: 955 SAGAMORE REALTY TRUST 1/12/2008 MICHAEL T. CONRODIE TRUSTEE 38 FERRY ROAD SULLY, NH 03192 AREL/SBS
 - 3) PARCEL IS PARTIALLY IN FLOOD HAZARD ZONE AE (2) IS SHOWN ON FEMA PANEL 320500280B. EFFECTIVE MAY 17, 2002. NO STRUCTURES OTHER THAN THOSE THAT ARE MARINE RELATED, ARE IN THE FLOOD ZONE.
 - 4) EXISTING LOT AREA: 80,100A S.F. TO MEM. HIGH WHITE 2,000A AC. PROPOSED LOT AREA: LOT 1 81,400A S.F. 25,888 S.F. 1,574A AC. LOT 2 81,400A S.F. 25,888 S.F. 1,574A AC.
 - 5) PARCEL IS LOCATED IN WATERFRONT BUSINESS DISTRICT.
 - 6) ENVIRONMENTAL REQUIREMENTS: MIN. LOT AREA: 20,340 S.F. ZONING: 100 FT. FRONT: 100 FT. SETBACKS: FRONT: 30 FT. SIDE: 30 FT. REAR: 20 FT. MAXIMUM STRUCTURE HEIGHT: 35 FT. MAXIMUM STRUCTURE COVERAGE: 30% MINIMUM COVER SPACE: 20%
 - 7) THE PURPOSE OF THIS PLAN IS TO SHOW THE SUBDIVISION OF ONE LOT INTO TWO LOTS.
 - 8) SAGAMORE GROVE ROAD IS TO BE TREATED AS A PUBLIC WAY PER ACTION BY THE PORTSMOUTH CITY COUNCIL ON OCTOBER 12, 1989. THE ACTION/RESOLUTIONS AND RESOLUTIONS IN FAVOR OF THE CITY OF PORTSMOUTH AT ROAD 3331/475 FMS (#0-29118 ALONG WITH AMBITERS (2011/AND-HIL 2008/801)
 - 9) NEEDED SUBDIVISION APPROVAL: RECORDING
 - 10) THE FIRST 2341(5) OF SAGAMORE GROVE IS A PUBLIC STREET (BY GAGANUM) SEE 400-3490/2151

NO.	DESCRIPTION	DATE
4	REVISED LOT LINES PER DES	11/6/15
1	ADD CIVIL ENGINE RECORD NO.	10/29/15
2	PER AMBIT REVIEW	10/29/15
1	ISSUED FOR APPROVAL	7/20/15
0	ISSUED FOR COMMENT	6/30/15
NO.	DESCRIPTION	DATE
REVISIONS:		

SUBDIVISION PLAN
TAX MAP 201 - LOT 1
 APPLICANT:
WILLIAM L. PINGREE
 OWNER:
955 SAGAMORE REALTY TRUST
955 SAGAMORE AVENUE
CITY OF PORTSMOUTH
COUNTY OF ROCKINGHAM
STATE OF NEW HAMPSHIRE

SCALE: 1" = 30'
 FB 256, PG 24

15/09/2015 10:00:00 AM 15/09/2015 10:00:00 AM 15/09/2015 10:00:00 AM 15/09/2015 10:00:00 AM 15/09/2015 10:00:00 AM

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

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

In Section 10.1530, Terms of General Applicability, amend the definitions of “hotel” and “motel” as follows:

Hotel

A building in which the primary use is transient lodging accommodations offered to the public on a daily rate for compensation and where ingress and egress to the sleeping rooms is made primarily through an inside lobby or office, supervised by a person in charge at all hours. Such facilities may include, where allowed, such accessory uses as restaurants, bars, taverns, nightclubs, function rooms, places of public assembly or recreational facilities, **but shall not include casino gambling, keno or other forms of gambling.** (See also: motel.)

Motel

A building or group of detached or connected buildings intended or used primarily to provide sleeping accommodations to the public on a daily rate for compensation and having a parking space generally located adjacent to a sleeping room with each sleeping room discharging directly outdoors. Such facilities may include, where allowed, such accessory uses as restaurants, bars, taverns, nightclubs, function rooms, places of public assembly or recreational facilities, **but shall not include casino gambling, keno or other forms of gambling.** (See also: hotel.)

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

December 3, 2015

The Honorable Robert Lister, Mayor of Portsmouth
and Members of the Portsmouth City Council
1 Junkins Avenue
Portsmouth, NH 03810



Dear Mayor Lister and Members of the City Council,

On behalf of the Alzheimer's Association, I would like to re-submit for the Agenda a proposed date for the 2016 Seacoast Walk to End Alzheimer's. Last September's Walk began and ended at The Little Harbour School on Sunday, October 4, 2015. This year (2016) we would like to hold the event on Sunday, September 25, 2016 again at the Little Harbour School. We received much positive feedback from our walkers about having the event at the Little Harbour School this year. We believe that the Little Harbour School is the best walk location for all of our participants. We understand the stress that such events can have on the surrounding community and assure you that the Alzheimer's Association is cognizant of your concerns.

We offer two route options for participants. Enclosed please find a copy of the route maps. The 1.3 and 2.7 mile routes will both go through the downtown area (using Congress Street). We are planning to use the same route as last year, but are flexible pending any construction changes that may arise. We will plan on engaging the help of the Portsmouth Police – as last year we hired a detail police officer to be on site and then on the route at crossings. The Walk will take place on the sidewalks through the city to minimize the impact on traffic. We understand what it means to be a good neighbor in the community and will be mindful of the residents in the City of Portsmouth.

We are expecting approximately 800 participants at this, our premier fundraising and awareness event for the Alzheimer's Association in the Seacoast area. In addition, approximately 50 combined volunteers and staff.

The Walk site opens at 8:30AM for registration, the Walk kicks off at 10AM and we are cleaned up by 1PM.

We look forward to working with you. Please feel free to reach out with any questions.

Sincerely,
Kelly Bosco
Development Officer
kbosco@alz.org
603-606-6590 ext. 2151

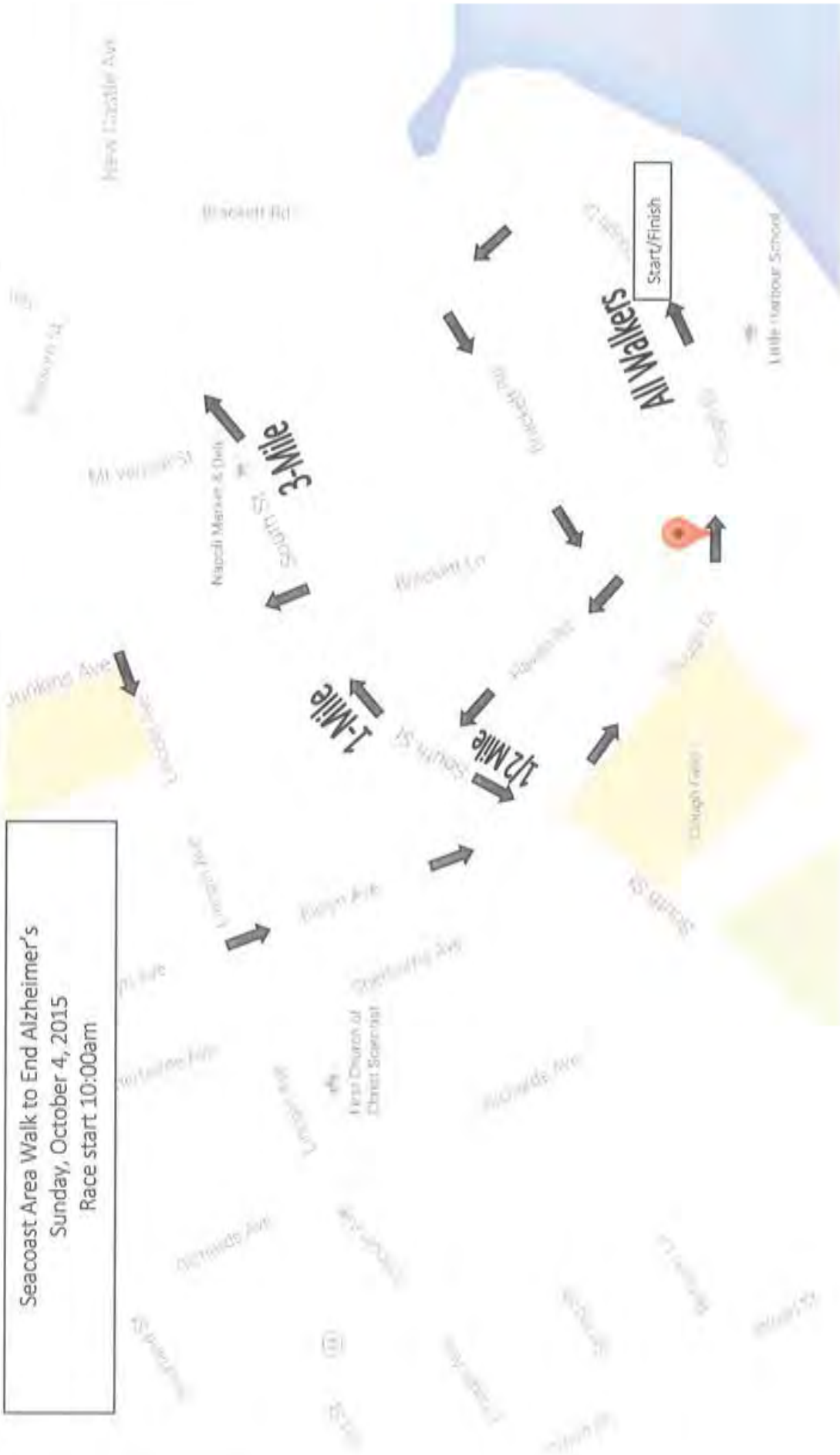
3-Mile Route

Seacoast Area Walk to End Alzheimer's
Sunday, October 4, 2015
Race start 10:00am



1/2 Mile and 1-Mile Routes

Seacoast Area Walk to End Alzheimer's
Sunday, October 4, 2015
Race start 10:00am



M E M O R A N D U M

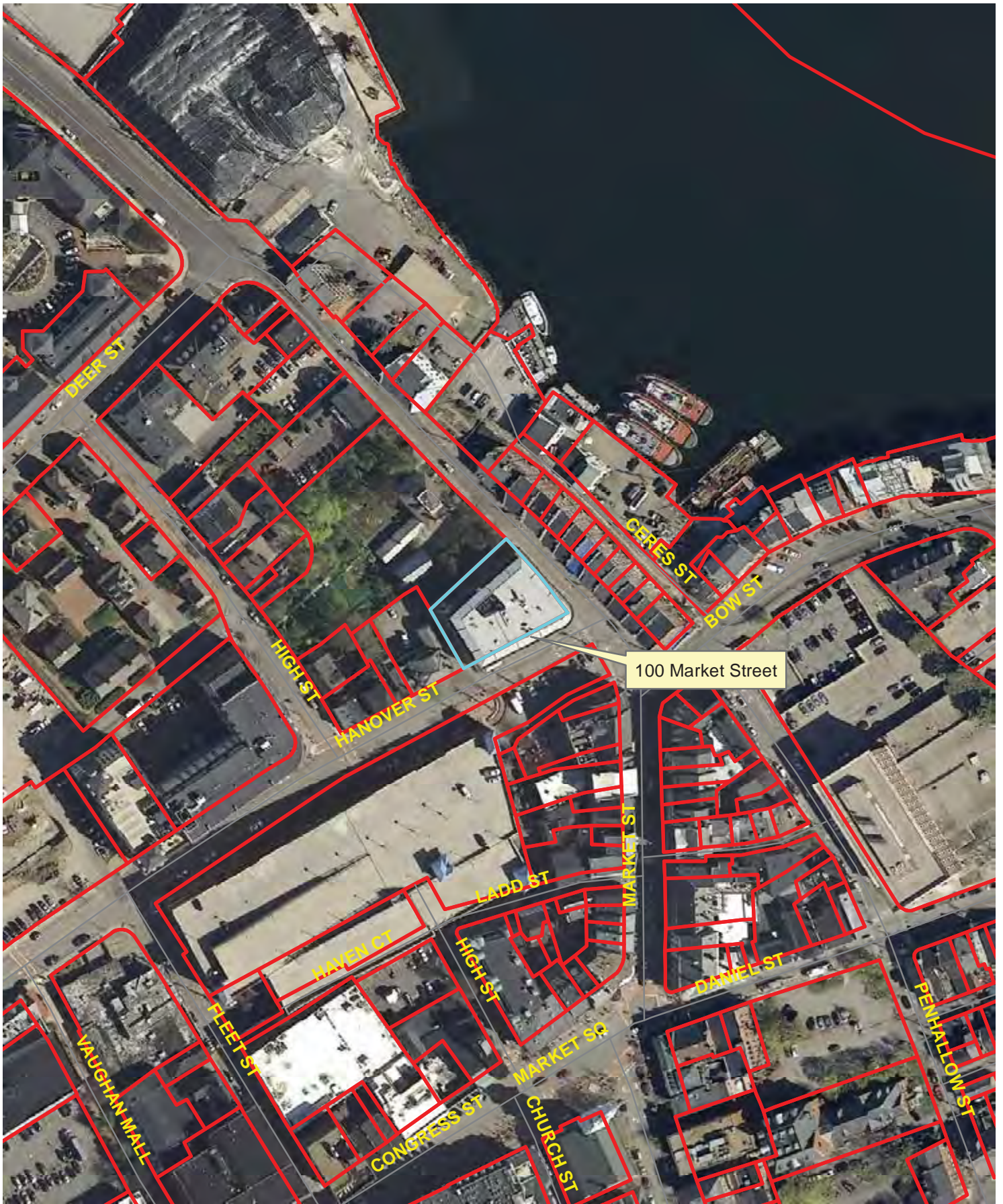
TO: John P. Bohenko, City Manager
FROM: Rick Taintor, Planning Director *RT.*
DATE: December 15, 2015
RE: City Council Referral – Projecting Sign
Address: 100 Market Street
Business Name: NBT Bank
Business Owner: NBT Bank N.A.

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

Sign dimensions: 36" x 24"
Sign area: 6.0 sq. ft.
Height from sidewalk to bottom of sign: 13'0"

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.



100 Market Street



0 75 150 300 Feet

Request for Projecting Sign License 100 Market Street

Map produced by Planning Department 12-14-2015

NBT Bank
100 Market Street
1 Projecting Sign





NEW DOUBLE FACE PROJECTION SIGN

NBT BANK
100 MARKET ST.
PORTSMOUTH, NH



RAPP SIGNS, INC.
 3979 NEW YORK ROUTE, 206
 GREENE, NY 13778-0416
 (607) 656-8167 FAX (607) 656-8877
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APPROVED:

SKETCH # 516011 - N - 46

SCALE: NO SCALE

PLEASE NOTE: PRINTED COLORS ARE REPRESENTATIONS AND MAY NOT BE AN EXACT MATCH OF COLORS USED



NEW DOUBLE FACE PROJECTION SIGN

NBT BANK
100 MARKET ST.
PORTSMOUTH, NH



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 GREENE, NY 13778-9416
 (607) 656-8767 FAX (607) 656-8877
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APPROVED:

SKETCH # 516011 - N - 45

SCALE: NO SCALE

PLEASE NOTE: PRINTED COLORS ARE REPRESENTATIONS AND MAY NOT BE
 AN EXACT MATCH OF COLORS USED



DOUBLE FACE - SANDBLASTED
WESTERN RED CEDAR
PROJECTION SIGN

SIZE: 2'- 0" X 3'- 0"

SECURED TO THE EXISTING MAST-ARM

NBT BANK
100 MARKET ST.
PORTSMOUTH, NH



RAPP SIGNS, INC.
3979 NEW YORK ROUTE 206
GREENE, NY 13776-9416
(807) 656-8167 FAX (807) 656-8677

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APPROVED:

SKETCH # 515101 - N - 20R1

SCALE: 1 1/2" = 1'- 0"

PLEASE NOTE: PRINTED COLORS ARE REPRESENTATIVE AND MAY NOT BE
AN EXACT MATCH OF COLORS (SEE)

M E M O R A N D U M

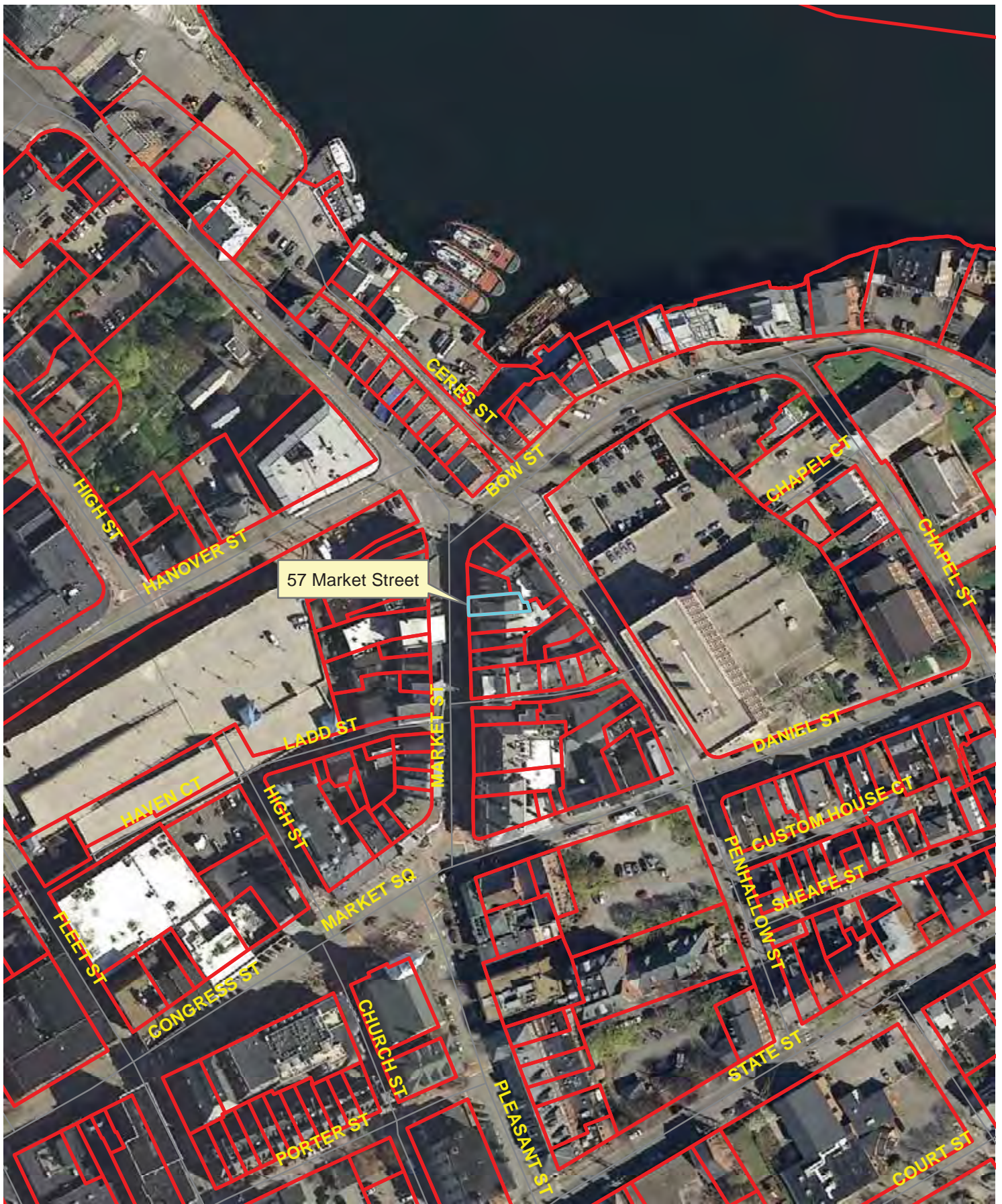
TO: John P. Bohenko, City Manager
FROM: Rick Taintor, Planning Director *RT.*
DATE: December 15, 2015
RE: City Council Referral – Projecting Sign
Address: 57 Market Street
Business Name: Ganesh Imports
Business Owner: William Bixby

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

Sign dimensions: 26" x 36"
Sign area: 6.5 sq. ft.
Height from sidewalk to bottom of sign: 10'5"

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.



57 Market Street



0 75 150 300 Feet

Request for Projecting Sign License 57 Market Street

Ganesh Imports
57 Market Street
1 Projecting Sign



Pole Height 145"

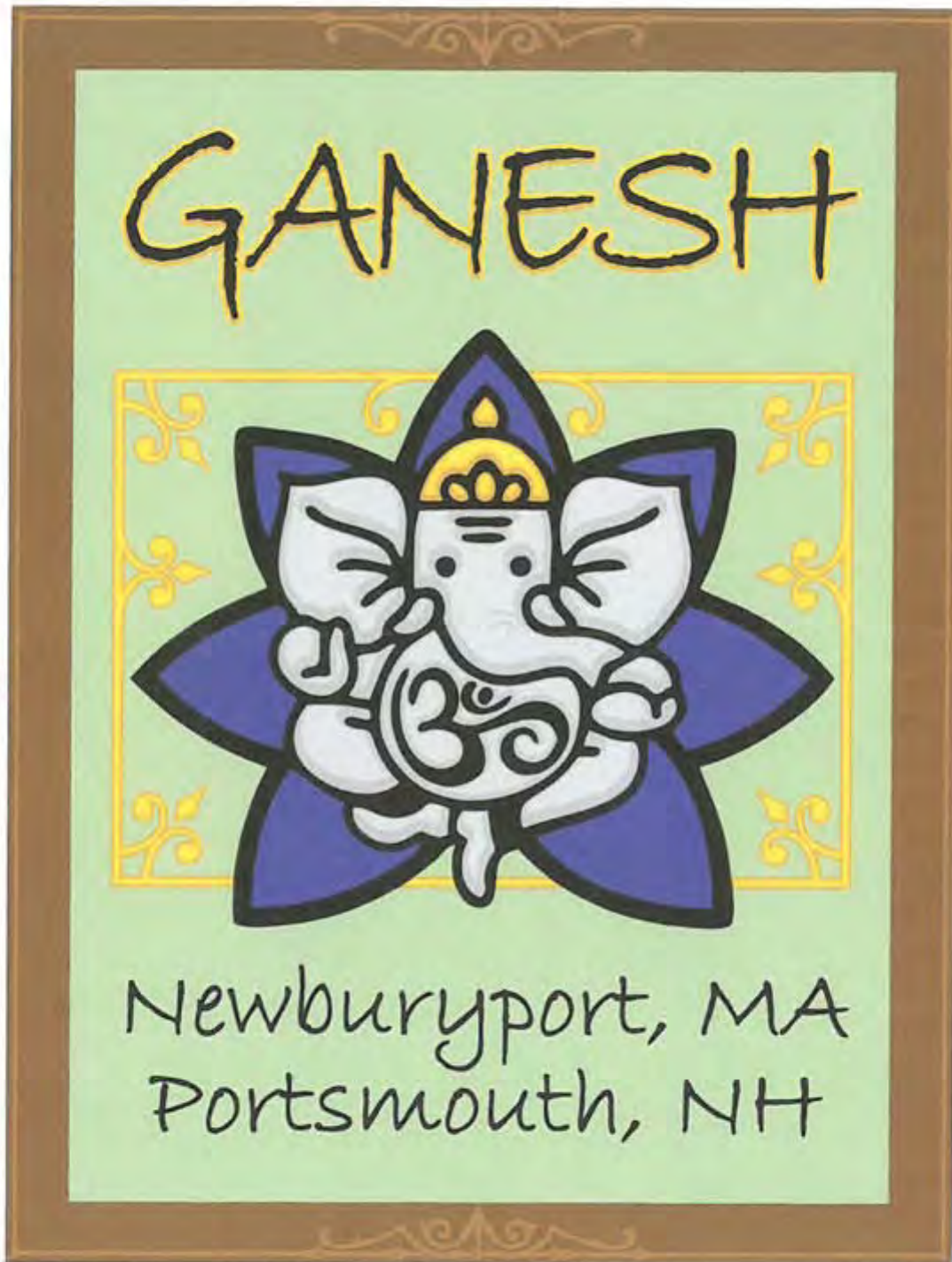


57 Market St.
Pools



26

36





December 8, 2015

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



Re: Fund Raiser Event-- April 3rd at the Pease Tradeport

Dear Mr. Bohenko and the City Council,

This letter is to formally seek permission to hold our sixth annual road race on Sunday, April 3rd 2016 at the Pease Tradeport. This event, called the St Paddy's 5 Miler, is again being hosted by Paddy's American Grille and will be a critically needed fund raising event for New Heights, the Seacoast's largest, most comprehensive out-of-school program for young people (those entering 6th grade to those in 12th.) New Height's mission is to help teens make a successful transition to adulthood. They do this by providing teens with health-related opportunities and programs that foster respect for themselves, others, and the environment. 100% of the revenue goes directly to New Heights. Each year we have generated over \$20,000 in operating support for the organization with this event.

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

Details:

- Date&Time: Sunday April 3rd --- 10:30 am start
- Beneficiary: New Heights, Adventures for Teens
- PDA's "Right-of-Entry"---Received
- Course---Approved by the PDA, USATF Sanctioned (map attached)
- Event Insurance---\$3,000,000 general aggregate limit
- Host Location---Paddy's American Grilles, Contact: General Manager
- Safety---Police & EMT's will be contacted, large team of volunteers confirmed

Thank you for your consideration, we look forward to a safe and successful morning on Sunday April 3rd.

Sincerely,

Todd Hanson
Race Director & Portsmouth Resident

Cc: Tracey Tucker, Executive Director---New Heights

October 28, 2015

Todd Hanson
Race Committee Chair
273 Corporate Drive
Portsmouth, NH 03801


Re: Paddy's Five Miler for New Heights – April 3, 2016

Dear Todd:

The Pease Development Authority (PDA) has reviewed your request to hold the Paddy's Five Miler in support of New Heights, Adventures for Teens on April 3, 2016. PDA grants its permission to hold the event subject to the requirements outlined in the Memorandum, the Guidelines for Special Events Signs (both enclosed), and the Right of Entry (to be issued at a later date).

If you have any questions, please call Liz LaCava at (603) 766-9276.

Very truly yours,



David R. Mullen
Executive Director

DRM:msa
Enclosure
cc: Mark H. Gardner, Deputy General Counsel

City of Portsmouth

Department of Public Works



MEMORANDUM

TO: John P. Bohenko, City Manager

FROM: Ryan Flynn, Construction Project Coordinator *RAF*

DATE: December 16, 2015

SUBJECT: 186 Communications - Petition and License for Underground Cable and Conduit Location #1501

I have reviewed the conduit location information provided by 186 Communications for Petition and License #1501. This request is to license 35 feet of 4 inch conduit within the Borthwick Avenue right-of-way across from Liberty Mutual. The installation would be in the roadway shoulder and not under the pavement.

After examining the proposed installation, I have determined that this work poses no impact to existing city infrastructure, provided the following:

- The conduit is installed beneath the City's twin 18 inch PVC drain pipes by way of directional drilling
- A minimum clearance of 18" is achieved
- The work is completed with a DPW inspector on site
- All applicable permitting has been completed

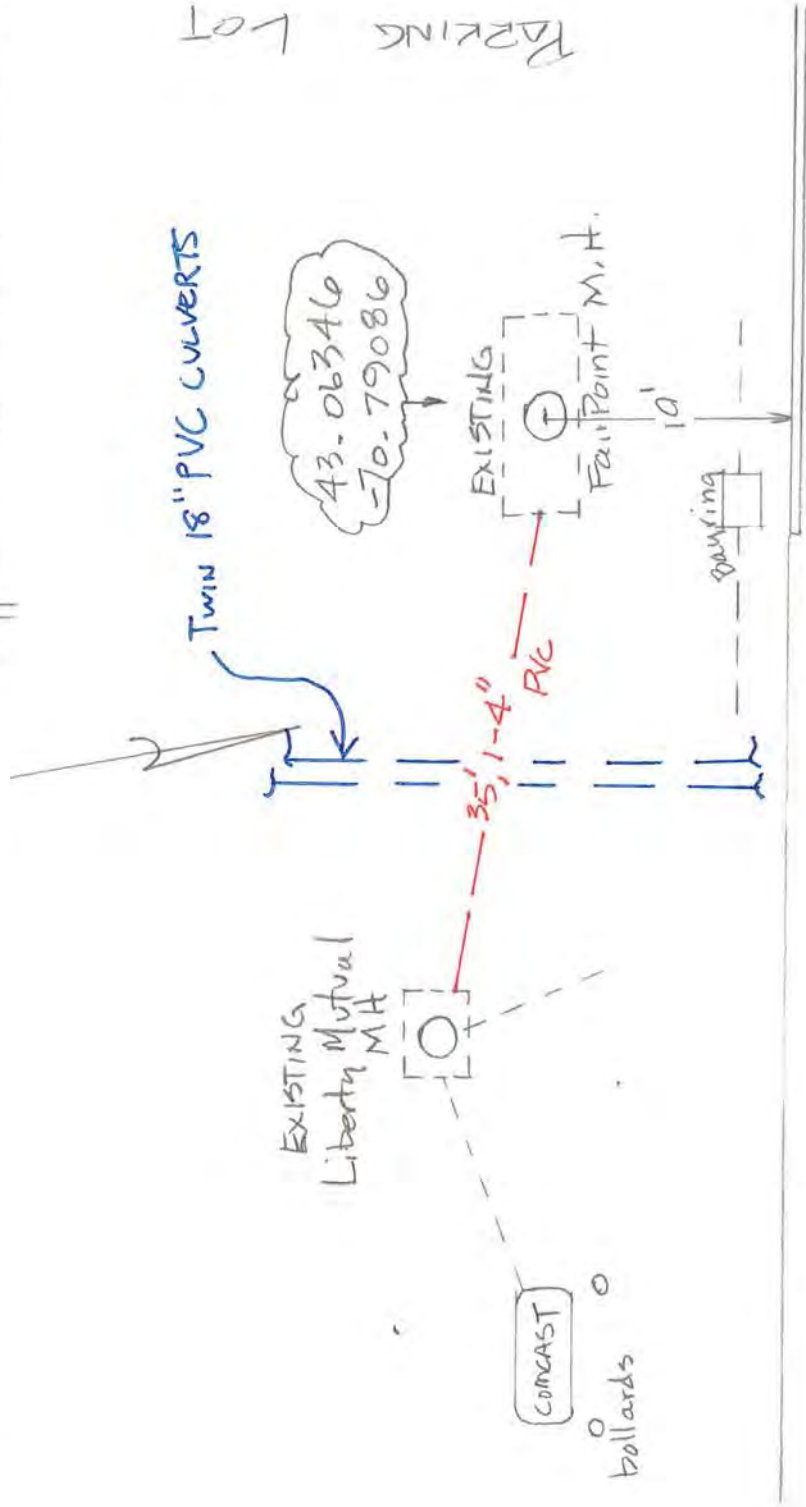
Attached is the submitted plan. Please contact me with any questions.

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

Lic. 1501

186 COMMUNICATIONS
10 N. SOUTHWOOD DR.
NASHUA, NH

PORTSMOUTH NH
BORTHWICK AVE.
NOV. 2015



BORTHWICK

AVE.

#225
LIBERTY
MUTUAL

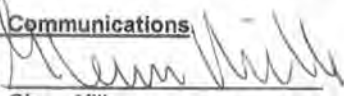
PETITION AND LICENSE FOR UNDERGROUND CABLE AND
CONDUIT LOCATION
PETITION

Nashua, New Hampshire Date: November 13, 2015
To the City Council of Portsmouth, New Hampshire.

186 Communications desires a license to install and maintain a single underground conduit, with the wires and cables therein, in or under the hereinafter named highways or intersecting public highways in said municipality for the purpose of making connections with such poles and buildings for distributing purposes as said Company may deem necessary.

The placement and licensing of approximately 35 feet of 1-4" conduit & underground fiber cable on Borthwick Avenue in the City of Portsmouth, New Hampshire, as per attached location plan.

186 Communications.

By: 
Glenn Mills

LICENSE

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

ORDERED

Date _____

That 186 Communications be and hereby is granted a license to install and maintain underground conduit, with wires and cables therein, in or under, the surface of the highways covered by said petition or intersecting highways for the purpose of making connections with such poles and buildings for distributing purposes as said Company may deem necessary.

The approximate location of the underground conduit shall be shown on a plan marked 186 Communications, Job number 1501, dated November 13, 2015, attached to and made a part of this order.

By: Portsmouth City Council

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

Attest _____
City Clerk

Date _____

In accordance with the requirements of RSA 72:23, I (b) this license is granted to the licensee(s) subject to the condition that the licensee(s) and any other entity using or occupying property of the state, the town, school district or village district(s) within the City of Nashua pursuant to this license shall be responsible for the payment of, and shall pay, all properly assessed real and personal property taxes no later than the due date. Failure of the licensee(s) to pay duly assessed personal and real property taxes when due shall be cause to terminate this license.

In accordance with the requirements of RSA 72:23, I (b), the licensee(s) hereunder and any other entity using or occupying property of the state, the town, school district or village district (s) within the City of Nashua pursuant to this license shall be responsible for the payment of, and shall pay, both current and potential real and personal property taxes when due. Furthermore, in accordance with the requirements of RSA 72:23, I (b), the licensee(s) and any other entity using and/or occupying property of the state, the town, school district or village district(s) within the City of Nashua pursuant to this license shall be obligated to pay real and personal property taxes on structures or improvements added by the licensee(s) or any other entity using or occupying property of the licensor pursuant to this license.

The change to the within license set forth in the preceding two paragraphs shall take effect April 1, 2000 and shall remain in effect until changed in accordance with the requirements of RSA 231:163."

ADDENDUM PER RSA 231:163

- 1) All licensee(s) and any other entity using and/or occupying property of the City pursuant to a license, lease or other agreement shall provide for the payment of properly assessed real and personal property taxes by the party using or occupying said property no later than the due date.
- 2) All licensee(s) and any other entity using and/or occupying property of the City shall provide for the payment of properly assessed real and personal property taxes on structures or improvements added by the licensee(s) or any other entity using or occupying property of the city; and
- 3) Failure of the licensee(s) and any other entity using and/or occupying property of the City to pay duly assessed personal and real taxes when due shall be cause to terminate said agreement by the lessor.

The changes to the licenses, leases and other agreements set forth in the preceding paragraphs shall remain in effect until changed in accordance with the requirements of RSA 231:163.

Approved by City Council:

KEANE & MACDONALD

A PROFESSIONAL CORPORATION • ATTORNEYS AT LAW

December 16, 2015

Mayor Robert Lister
Portsmouth City Council
1 Junkins Avenue
Portsmouth, N.H. 03801

**RE: 268 Dennett Street & 276 Dennett, Street, Portsmouth, NH
Restoration of Separate Lots Pursuant to N.H. RSA 674:39-aa**

Dear Mr. Mayor and Members of the Council:

Please accept this letter as informing the Council that I represent Stewgood, LLC. Stewgood, LLC is the owner of two lots of property located at 268 Dennett Street and 276 Dennett Street in Portsmouth (collectively referred to as the "Properties" or the "Lots"). At some point in the past, the City's Tax Assessor created a single tax card for the Properties (please see the enclosed tax card and map, Ex. 1), whereon both Lots are depicted. With this letter, Stewgood respectfully requests that the City, pursuant to the provisions of RSA 674:39-aa, unmerge the Lots and restore the separate status on all zoning and tax maps, as well as any tax cards or records associated therewith.

Stewgood's request is supported by facts demonstrating that the Lots meet the requirements of RSA 674:39-aa for treatment as separate lots. There are two basic requirements in the statute that must be met relative to a request to unmerge lots. The first requirement is that the request be submitted to the governing body prior to December 31, 2016. This request is being made timely pursuant to the statute. The second requirement is that no owner in the chain of title voluntarily merged the Lots. In reviewing the chain of title for the Property, there is no evidence of a voluntary merger by any of the previous owners.

Research of the chain of title demonstrates that the Lots have been treated as two separate and distinct lots since the subdivision was created in 1925 (See plan Ex. 2). The enclosed deed from Charles I. Pinkham to Arthur Hersey dated August 29, 1925 first conveyed the Lots separately as lot one and lot two from a larger parcel owned by Mr. Pinkham. (See deed, Ex 3). Upon Mr. Hersey's death in February 1944, the lots were conveyed to Eleanor Fritz, Althea Duffy and Marjorie Russell (presumably heirs), who then conveyed the lots to Nettie Hersey on November 7, 1944 (Ex. 4). Nettie Hersey then conveyed Lot 1 to Leon and Marjorie Russell in 1956 (Ex. 5), and Lot 2 was conveyed through several deeds which ultimately ended up also being owned by Leon and Marjorie Russell in October 4, 1965 (Ex. 6). It is noteworthy that the tax card states that the residential structure at 268 Dennett Street was built in 1955, while the Lots were being conveyed separately.

In 1978, Leon Russell died and the Lots were then conveyed by Marjorie to herself and Patricia Holt on April 1, 1985 (Ex. 7). Marjorie died on December 16, 2005, and Patricia Holt later convey both Lots, identified as they had been throughout a Lots No. 1 and No. 2, to herself and Walter B. Holt on February 13, 2003 (Ex. 7A).

Stewgood, LLC acquired 268 Dennett Street (Lot No. 1) and 276 Dennett Street (Lot No. 2) on December 11, 2015, from Marjorie and Walter B. Holt (Ex. 8).

It is clear from the chain of title that the Lots have been treated by the owners as separate lots since the first conveyance in 1925.

There is additional evidence that supports the separate treatment of the Lots. Each lot contains a separate and distinct residential structure. The address for each lot is separate and distinct, 268 and 276, rather than a joint structure that could be noted by a unit number or other related manner (e.g. 268 Unit 1). The City has issued permits and has separate inspection files for each of the Lots. Finally, the City maintains separate water and sewer accounts for each of the Lots and invoices the Lots separately.

Only the City Tax Assessor's office has the Lots treated in a merged manner, and a review of the tax file demonstrates that sometime prior to September 18, 2010, the lots were involuntarily merger by the City (Ex. 9 – note the earliest records in the file which are included in the Exhibit, 9C-9F, indicate that the two Lots were on separate tax cards). There is no evidence in the file to support that any owner had requested a lot merger, and the 2009 tax card from the file (Ex. 9B) depicts both Lots on a single card, demonstrating that the City involuntary merged the Lots occurred prior to 2010.

The owners have taken no action to voluntarily merge the lots, so under the statute, the lots are appropriate candidates for separation. The statute provides at RSA 674:39-aa II that: "Lots or parcels that were involuntarily merged prior to September 1, 2010 by a city, town, county, village district, or any other municipality, shall at the request of the owner, be restored to their premerger status and all zoning and tax maps shall be updated to identify premerger boundaries of said lots or parcels as recorded at the appropriate registry of deeds. From the record, it appears that the Lots were involuntarily merged in the past by municipal action.

In light of the facts set forth above, Stewgood, LLC, respectfully requests that the City Council approve the separation of 268 Dennett Street and 276 Dennett Street on the City's records under RSA 674:39-aa.

Sincerely,



Douglas W. Macdonald

Enclosures

cc: William Stewart, Stewgood, LLC

Ex 1

CURRENT OWNER		TOPO.		UTILITIES		STRT./ROAD		LOCATION		CURRENT ASSESSMENT			
Holt Patricia A	Holt Walter B	1 Level	0 All Public	1 Paved	1 Urban	7 2 Off-St PKG	1 Medium	RESIDENTL	RES LAND	RESIDENTL	Code	Appraised Value	Assessed Value
276 DENNETT ST										1090		234,800	234,800
PORTSMOUTH, NH 03801										1090		161,200	161,200
Additional Owners:										1090		700	700

RECORD OF OWNERSHIP		BK-VOL/PAGE		SALE DATE		Yr. Code		Assessed Value		Yr. Code		Assessed Value	
Holt Patricia A		4885/2907		02/13/2008		2013	1090	234,800	2012	1090	239,600	2011	1090
Holt Patricia A		2542/0761		04/01/1985		2013	1090	161,200	2012	1090	161,200	2011	1090
Other ID: 0143-0013-0000													
CONDO CV													
INLAW Y/N													
LOT SPLIT													
ASSOC PID#													
Total:								396,700				396,700	

EXEMPTIONS		OTHER ASSESSMENTS	
Year	Type	Code	Description
2008	1	VETERAN-1	
Total:		500	

ASSESSING NEIGHBORHOOD	
NBHD/ SUB	NBHD NAME
131/A	TRACING
NOTES	

BUILDING PERMIT RECORD		VISIT/CHANGE HISTORY	
Permit ID	Issue Date	Date	Type
		1/24/2013	JM 00
		6/21/2011	JW 50
		2/2/2009	JW 00
		7/21/2000	JW 07
			DI 1

RECORD OF OWNERSHIP		OTHER ASSESSMENTS	
Year	Type	Code	Description
2008	1	VETERAN-1	
Total:		500	

LAND LINE VALUATION SECTION		BUILDING PERMIT RECORD		VISIT/CHANGE HISTORY	
B Use Code	Use Description	Permit ID	Issue Date	Date	Type
2 1090	MULTI HSES MDL-01			1/24/2013	JM 00
				6/21/2011	JW 50
				2/2/2009	JW 00
				7/21/2000	JW 07
					DI 1

Net Total Appraised Parcel Value: 396,700

Total Card Land Units: 0.00 AC

Parcel Total Land Area: 0.22 AC

Total Land Value: 0

CONSTRUCTION DETAIL

CONSTRUCTION DETAIL (CONTINUED)

Element	Cd.	Ch.	Description	Element	Cd.	Ch.	Description
Style	08		Raised Ranch	Bsm'l Garage	2		
Model	01		Residential				
Grade	C		C				
Stories	1						
Occupancy	1						
Exterior Wall 1	26		Aluminum Siding				
Exterior Wall 2							
Roof Structure	03		Gable/Hip				
Roof Cover	03		Asph/F Gls/Comp				
Interior Wall 1	05		Drywall/Sheet				
Interior Wall 2							
Interior Flr 1	05		Vinyl/Asphalt				
Interior Flr 2	14		Carpet				
Heat Fuel	02		Oil				
Heat Type	02		Warm Air				
AC Type	01		None				
Total Bedrooms	02		2 Bedrooms				
Total Bathrms	1						
Total Half Baths	0						
Total Xtra Fixtrs	1						
Total Rooms	6						
Bath Style	1						
Kitchen Style	1						
Kitchen Gr							
WB Fireplaces	0						
Extra Openings	0						
Metal Fireplaces	0						
Extra Openings	0						

OB-OUTBUILDING & YARD ITEMS(L) / XF-BUILDING EXTRA FEATURES(B)

Code	Description	Sub	Sub Descript	U/B	Units	Unit Price	Yr	Gde	Dp	Ri	Cnd	%Cnd	Apr	Value

BUILDING SUB-AREA SUMMARY SECTION

Code	Description	Living Area	Gross Area	Eff. Area	Unit Cost	Undeprc. Value
FEP	Porch, Enclosed	0	176	123	65.74	11,571
FGR	Garage, Attached	0	672	269	37.66	25,305
FOP	Porch, Open	0	224	45	18.90	4,233
FUS	Upper Story, Finished	1,008	1,008	1,008	94.07	94,823
UEP	Porch, Enclosed, Unfinished	0	176	88	47.04	8,278
UJST	Utility, Storage, Unfinished	0	336	34	9.52	3,198

MIXED USE

Code	Description	Percentage
1090	MULTIHSES MDL-01	100

COSTMARKET VALUATION

Adj. Base Rate:	94.07
Replace Cost	147,409
AYB	1955
EYB	1975
Dep Code	AV
Remodel Rating	
Year Remodeled	
Dep %	35
Functional Obshlc	
External Obshlc	
Cost Trend Factor	
Condition	
% Complete	65
Overall % Cond	95.800
Apprais Val	0
Dep % Ovr	0
Dep Ovr Comment	
Misc Imp Ovr	0
Misc Imp Ovr Comment	
Cost to Cure Ovr	0
Cost to Cure Ovr Comment	

FUS	FOP	FEP	FEP
UST			
		1212	16
	28	4	4
FGR			
		2424	20
			8
	28		

Total Gross Liv/Lease Area: 1,008
 2,592
 1,567
 147,409



CURRENT OWNER		UTILITIES		STRT./ROAD		LOCATION		CURRENT ASSESSMENT		Assessed Value	
HOLT PATRICIA A	1 Level	0 All Public	1 Paved	1 Urban	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL	1090	234,800	234,800	234,800
HOLT WALTER B			7 2 OFF-ST PKG		RES LAND	RES LAND	1090	161,200	161,200	161,200	161,200
276 DENNETT ST			12 Medium		RESIDENTIAL	RESIDENTIAL	1090	700	700	700	700
SUPPLEMENTAL DATA Other ID: 0143-0013-0000 OLD ACCTNU: 51580 PHOTO WARD PREC. 1/2 HSE GIS ID: 34312 ASSOC PID#											

RECORD OF OWNERSHIP		BK-VOL/PAGE		SALE DATE		SALE PRICE V.C.		PREVIOUS ASSESSMENTS (HISTORY)		Total	
HOLT PATRICIA A	4885/2907	02/13/2008	1	0	A	2013 1090	234,800	2012 1090	239,600	2011 1090	239,600
HOLT PATRICIA A	2542/0761	04/01/1985	1			2013 1090	161,200	2012 1090	161,200	2011 1090	161,200
										700/2011 1090	
										Total: 396,700	

EXEMPTIONS		OTHER ASSESSMENTS	
Year	Type Description	Code	Description
2008	1 VETERAN-1		
Total: 500			

ASSESSING NEIGHBORHOOD	
NBHD/ SUB	STREET INDEX NAME
131/A	TRACING
BATCH	

NOTES
 DAUGHTER LIVES THERE
 REP WINDOWS
 NO NEW RENOS/DEFER MAINT=AVG COND
 APPT LETTERS SENT 1/4/13
 SOME STOR UNDR WDK=N/V
 3 XTR FIXTRS IN UBM, KITCH OLD STYLE:
 PAINTD PINE/RECSSD LGHTS, PU HRDWD FLR
 CORR BAS/UBM IN FRONT

BUILDING PERMIT RECORD		VISIT/ CHANGE HISTORY	
Permit ID	Issue Date	Date	Purpose/Result
10-876	12/07/2010	1/24/2013	Measur+Listed
		6/21/2011	Building Permit
		2/2/2009	Measur+Listed
		2/2/2009	Measur/Inf/Dr
		7/21/2000	Entry + Sign

LAND LINE VALUATION SECTION		APPRaised VALUE SUMMARY	
B Use Code	Use Description	Yr.	Code
1 1090	MULTI HSES MDL-01 GRA	2013	1090
Zone	Frontage	2013	1090
	9,732	2013	1090
Depth		Total: 401,500	
		This signature acknowledges a visit by a Data Collector or Assessor	
Unit Price	Units	Total: 396,700	
12.75	9,732	Total: 401,500	
Factor A	Factor S	Total: 396,700	
1.00	1.00	Total: 401,500	
Factor C	Factor Idx	Total: 396,700	
1.00	131	Total: 401,500	
S.I. Adj.	Notes-Adj	Total: 396,700	
1.30		Total: 401,500	
Rec Y/N	Special Pricing	Total: 396,700	
N		Total: 401,500	
CU Cond	Adj. Unit Price	Total: 396,700	
0.000	16.57	Total: 401,500	
Parcel Total Land Area: 0.22 AC		Total Land Value: 161,200	
Total Card Land Units: 0.22 AC		Total Land Value: 161,200	

VISION

CONSTRUCTION DETAIL

CONSTRUCTION DETAIL (CONTINUED)

Element	Cd.	Ch.	Description	Element	Cd.	Ch.	Description
Style	06		Conventional	Bsmnt Garage			
Model	01		Residential				
Grade	B-		B-				
Stories	2						
Occupancy	1						
Exterior Wall 1	26		Aluminum Siding				
Exterior Wall 2							
Roof Structure	03		Gable/Hip				
Roof Cover	03		Asph/F Gls/Cmp				
Interior Wall 1	03		Plastered				
Interior Wall 2	05		Drywall/Sheet				
Interior Fir 1	12		Hardwood				
Interior Fir 2	05		Vinyl/Asphalt				
Heat Fuel	02		Oil				
Heat Type	04		Hot Water				
AC Type	01		None				
Total Bedrooms	04		4 Bedrooms				
Total Bthrms	1						
Total Half Baths	0						
Total Xtra Fixtrs	3						
Total Rooms	6						
Bath Style	1						
Kitchen Style	1						
Kitchen Gr							
WB Fireplaces	0						
Extra Openings	0						
Metal Fireplaces	0						
Extra Openings	0						

OB-UT/BUILDING & YARD ITEMS(L) / X-BUILDING EXTRA FEATURES(B)

Code	Description	Sub	Sub Descript	V/B Units	Unit Price	Yr	Code	Dep Rt	Cnd	%Cnd	Apr Value
SHDI	SHED FRAME	L		128	12.00		D		A	50	700

BUILDING SUB-AREA SUMMARY SECTION

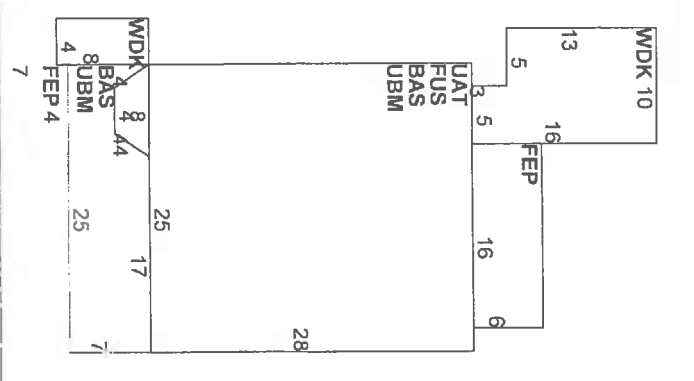
Code	Description	Living Area	Gross Area	Eff. Area	Unit Cost	Undeprc. Value
BAS	First Floor	718	718	718	117.01	84,011
PEP	Porch, Enclosed	0	253	177	81.86	20,710
FUS	Upper Story, Finished	700	700	700	117.01	81,905
UBM	Attic	0	700	70	11.70	8,190
UBM	Basement, Unfinished	0	718	144	23.47	16,849
WDB	Deck, Wood	0	177	18	11.90	2,106

MIXED USE

Code	Description	Percentage
1090	MULTIUSES MDL-01	100

COST/MARKET VALUATION

Adj. Base Rate:	117.01
Replace Cost	213,772
AYB	1929
EYB	1975
Dep Code	AV
Remodel Rating	
Year Remodeled	
Dep %	85
Functional Obsolescence	
External Obsolescence	
Cost Trend Factor	1
Condition	
% Complete	65
Overall % Cond	139,000
Apprais Val	0
Dep % Ovr	0
Dep Ovr Comment	
Misc Imp Ovr	0
Misc Imp Ovr Comment	
Cost to Cure Ovr	0
Cost to Cure Ovr Comment	

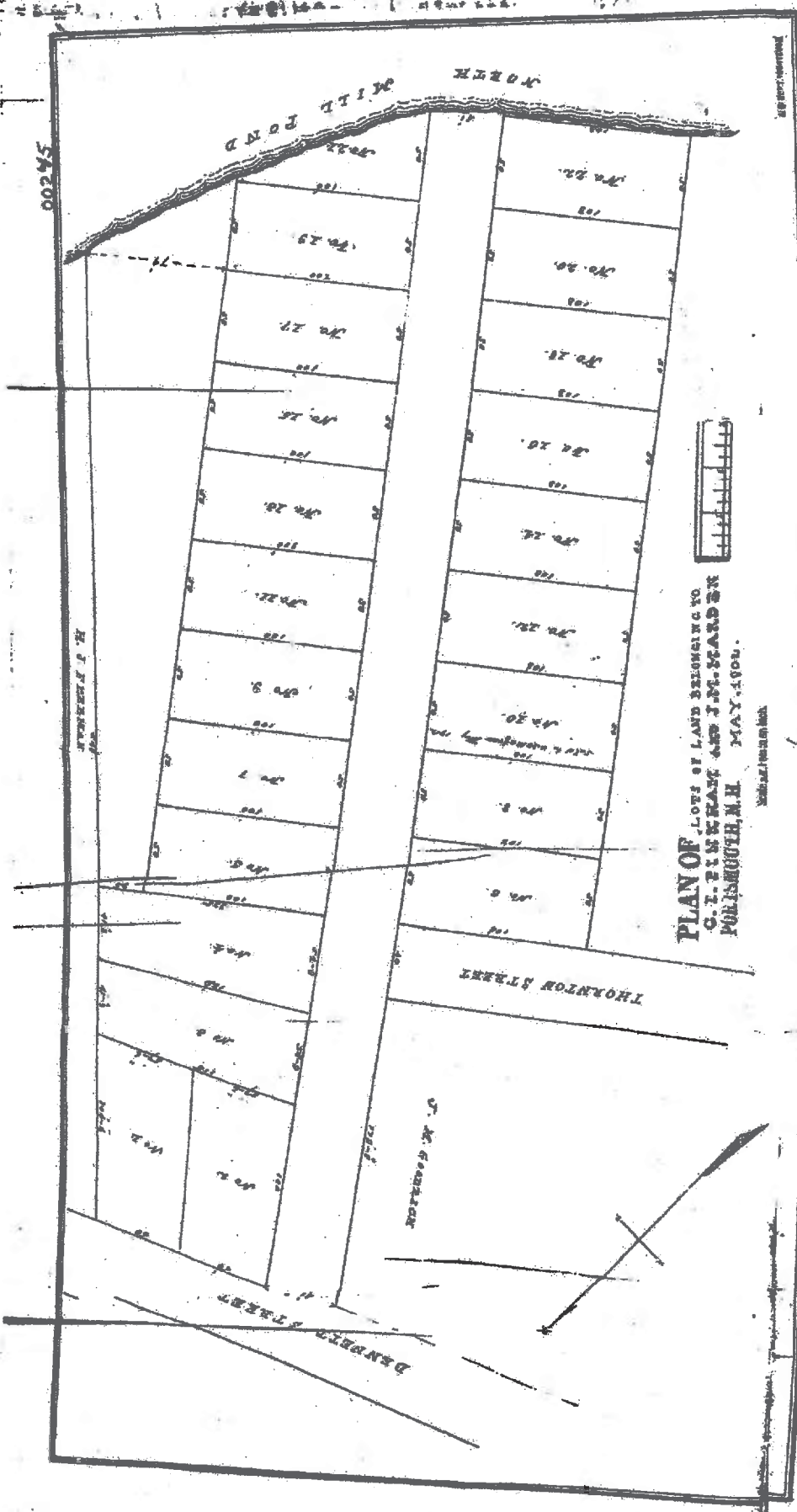


Ttl Gross Liv/Lease Area: 1,418 3,266 1,827 213,772



M/Map/2833 - Show: X
 Search: X
 Map of Portsmouth, NH
 © 2008 Mapbox
 © OpenStreetMap contributors
 © Mapbox

Ex 2



58

1.00

Know all Men by these Presents,

THAT I, Charles I. Pinkham, of Portsmouth in the County of Rockingham and State of New Hampshire

for and in consideration of the sum of one dollar to me in hand, before the delivery hereof well and truly paid by Arthur W. Hersey of said Portsmouth

Pinkham to Hersey

the receipt whereof I do hereby acknowledge, have given, granted, bargained and sold, and by these presents do give, grant, bargain, sell, alien, convey, confirm unto the said Hersey and his heirs and assigns forever,

del. to C. H. Batchelder

Two certain lots of land in said Portsmouth, being lots numbered one (1) and two (2) on a plan recorded in Rockingham Registry of Deeds, Book 584, Page 481, and bounded and described as follows: - northwesterly by Bennett's Street one hundred feet, more or less; northeasterly by land of M^r Court, formerly of Henry J. Freeman, one hundred four feet six inches, more or less; southeasterly by lot number three (3) on said plan one hundred fifteen feet, more or less; and southwesterly by a proposed street one hundred feet, more or less.

Being a part of the premises acquired by me by deeds recorded in said Registry, Book 584, Page 229, and Book 584, Page 272.

to have and to hold the said granted premises, with all the privileges and appurtenances to the same belonging, to him the said Hersey and his heirs and assigns, to his and their only proper use and benefit forever. And I the said Pinkham and my heirs, executors and administrators, do hereby covenant, grant and agree, to and with the said Hersey and his heirs and assigns, that until the delivery hereof I am the lawful owner of the said premises, and possessed and possessed thereof in my own right and fee simple; and have full power and lawful authority to grant and convey the same in manner aforesaid; that the said premises are free and clear from all and every incumbrance whatsoever; and that I and my heirs, executors and administrators, shall and will warrant and defend the same to the said Hersey and his heirs and assigns, against the lawful claims and demands of any person or persons whomsoever.

And I, Lydia L. Pinkham, wife of the said Charles I. Pinkham, do hereby covenant, grant and agree, to and with the said Hersey and his heirs and assigns, that until the delivery hereof I am the lawful owner of the said premises, and possessed and possessed thereof in my own right and fee simple; and have full power and lawful authority to grant and convey the same in manner aforesaid; that the said premises are free and clear from all and every incumbrance whatsoever; and that I and my heirs, executors and administrators, shall and will warrant and defend the same to the said Hersey and his heirs and assigns, against the lawful claims and demands of any person or persons whomsoever.

And I, Lydia L. Pinkham, wife of the said Charles I. Pinkham, do hereby covenant, grant and agree, to and with the said Hersey and his heirs and assigns, that until the delivery hereof I am the lawful owner of the said premises, and possessed and possessed thereof in my own right and fee simple; and have full power and lawful authority to grant and convey the same in manner aforesaid; that the said premises are free and clear from all and every incumbrance whatsoever; and that I and my heirs, executors and administrators, shall and will warrant and defend the same to the said Hersey and his heirs and assigns, against the lawful claims and demands of any person or persons whomsoever.

And we and each of us do hereby release, discharge and waive all such rights of exemption from attachment and levy or sale on process and such other rights as we or either of us, by the Statute of the State of New Hampshire, passed July 4, 1842, entitled "An Act to exempt the Household of Soldiers from attachment and levy or sale or execution" or by any other Statute or Statutes of said State.

In Witness whereof we have hereunto set our hands and seals this twenty ninth day of August in the year of our Lord one thousand nine hundred and 25

SIGNED, DELIVERED AND DELIVERED IN PRESENCE OF US:
Charles I. Pinkham (Sd.)
Lydia L. Pinkham (Sd.)
C. H. Batchelder

STATE OF NEW HAMPSHIRE, ROCKINGHAM, ss. Aug. 29 A. D. 1915.
Personally appeared the above named Charles I. Pinkham and Lydia L. Pinkham and acknowledged the foregoing instrument to be their voluntary act and deed.

BEFORE ME,
Aug. 29 1915 C. H. Batchelder Justice of the Peace.
Received and recorded Aug 31 at 2:00 P.M. 1915 J. W. Green Register.

EX 4
9

Know all Men by these Presents,

That we, Eleanor L. Frits, Althea R. Duffy and Marjorie A. Russell, all of Portsmouth, in the County of Rockingham and State of New Hampshire,

Frits,
et als.
to
Hersey

for and in consideration of the sum of One dollar to us in hand, before the delivery hereof, well and truly paid by Nettie E. Hersey of said Portsmouth, the receipt whereof we do hereby acknowledge,

do to
H. Foyser

have remised, released and forever quitclaimed, and by these presents do remise, release and forever quitclaim unto the said grantee, and her heirs and assigns forever.

Two certain lots of land in said Portsmouth, with the buildings thereon, being Lots No. 1 and No. 2 on a plan recorded in Rockingham Registry of Deeds, Lib. 631, Fol. 481, excepting a small triangular strip on the Northeastly side of Lot No. 1, conveyed by Arthur W. Hersey to Alfred J. McCourt, January 12, 1926, said Lots being bounded and described as follows, viz:

Northwesterly by Dennett Street one hundred (100) feet, more or less; Northeastly by land of Alfred J. McCourt about one hundred and four (104) feet; Southeastly by Lot No. 3 on said plan one hundred and fifteen (115) feet, more or less; and Southwestly by a proposed street or way one hundred feet (100), more or less.

Being the same premises conveyed to Arthur W. Hersey by deed of Charles I. Pinkham, dated August 29, 1925, recorded in Rockingham Registry of Deeds, Lib. 799, Fol. 287, excepting the triangular strip above mentioned, conveyed to McCourt by deed recorded in said Records, Lib. 800, Fol. 342. The grantors and grantee being the children and wife and sole heirs at law of said Arthur W. Hersey, deceased intestate.

Do have and in full the said premises, with all the privileges and appurtenances thereto belonging, to the said grantee and her heirs and assigns forever; and we do hereby covenant with the said grantee that we will warrant and defend the said premises to her, the said grantee and her heirs and assigns, against the lawful claims and demands of any person or persons claiming by, from or under us, except as aforesaid. And we, Stephen S. Frits, Philip J. Duffy and Marjorie A. Russell, husbands respectively of the said grantee, do hereby release, quitclaim and assign unto the said grantee, our homestead right and all other our right and interest therein.

And in consideration aforesaid, do hereby grant and convey unto the said grantee, all the right, title, interest, claim or demand which we, or either of us, have in or to the above described premises, by virtue of an act of the Legislature of the State of New Hampshire, entitled "An Act to exempt the Homestead of Families from attachment and levy or sale or execution," passed July 4, 1851.

And we do hereby release, quitclaim and assign unto the said grantee, all the right, title, interest, claim or demand which we, or either of us, have in or to the above described premises, by virtue of an act of the Legislature of the State of New Hampshire, entitled "An Act to exempt the Homestead of Families from attachment and levy or sale or execution," passed July 4, 1851.

In witness whereof we have hereunto set our hands and seal at this 27th day of November in the year of our Lord, one thousand nine hundred and 1944.

SIGNED, SEALED AND DELIVERED IN PRESENCE OF US:
Harry W. Foyser
Eleanor L. Frits (L.S.)
Stephen S. Frits (L.S.)
Althea R. Duffy (L.S.)
Philip J. Duffy (L.S.)
Marjorie A. Russell (L.S.)
Leola R. Russell (L.S.)

STATE OF NEW HAMPSHIRE, ROCKINGHAM, ss. November 27, A. D. 1944
Personally appeared the above named Eleanor L. and Stephen S. Frits, Althea R. and Philip J. Duffy and Marjorie A. and Leola R. Russell and acknowledged the foregoing instrument to be their voluntary act and deed.

BEFORE ME:
Harry W. Foyser, Justice of the Peace.
Received and recorded Mar. 1, 9:20 A.M., 1945
John W. Green, Register.

del
Ray

(Consideration less than \$100.)
(No revenue stamps required)

Book 1387 Page 0160

1387 150

Know All Men by these Presents,

That I, Nettie E. Hersey of Portsmouth, in the County of Rockingham and State of New Hampshire,

for and in consideration of the sum of ----- One Dollar ----- to me in hand before the delivery hereof well and truly paid by Leon R. Russell and Marjorie A. Russell, both of Portsmouth aforesaid,

the receipt whereof I do hereby acknowledge, have granted, bargained and sold, and by these presents do give, grant, bargain, sell, alien, confirm, convey and confirm unto the said Leon R. Russell and Marjorie A. Russell, as JOINT TENANTS with right of survivorship and not as tenants in common, the survivor and his or her heirs and assigns forever

A certain piece or parcel of land with the buildings thereon situate on the Northeastly side of Bennett Street in said Portsmouth and bounded and described as follows:

Beginning at the Northwestly corner of land of Nettie E. Hersey and thence running Northwestly on said Bennett Street forty (40) feet, more or less; thence turning and running Northeastly one hundred four (104) feet, more or less, by land of Alfred J. McCourt to the Northeastly corner of the premises herein conveyed; thence turning and running Southeastly by Lot No. 3 on the plan hereinafter mentioned to land of Nettie E. Hersey; thence turning and running Southwestly one hundred (100) feet by land of Nettie E. Hersey to Bennett Street and the point begun at.

Reference is made to plan of Lots No. 1 and 2 recorded in Rockingham Registry of Deeds, Lib. 631, Fol. 481.

Being part of the premises acquired by me as widow of Arthur W. Hersey and by Quitclaim Deed of Eleanor L. Fritts, Althea R. Duffy and Marjorie A. Russell, dated February 1945 and duly recorded in Rockingham Registry of Deeds.

To have and to hold the said granted premises, with all the privileges, and appurtenances to the same belong-
ing to them the said Leon R. Russell and Marjorie A. Russell, as JOINT TENANTS with right of survivorship and not as tenants in common, the survivor and his or her heirs and assigns, to them and their only proper use and benefit forever. And I, the said Nettie E. Hersey, for myself and my heirs, executors and administrators do hereby covenant, grant and agree to and with the said Leon R. Russell and Marjorie A. Russell, the survivor his or her heirs and assigns that until the delivery hereof I am the lawful owner of the said premises, and an estate and possessed thereof in my own right in fee simple; and have full power and lawful authority to grant and convey the same in manner aforesaid that the premises are free and clear from all and every incumbrance whatsoever; and that I and my heirs, executors and administrators, shall and will WARRANT AND defend the same to the said Leon R. Russell and Marjorie A. Russell, the survivor and his or her heirs and assigns, against the lawful claims and demands of any person or persons whatsoever.

And I, am a widow.

And I do hereby release all rights of Homestead, secured to me under the laws of New Hampshire.

In Witness Whereof I have hereunto set my hand and seal this 9th day of March in the year of our Lord 19 56.
Signed, sealed and delivered in the presence of us:

Handwritten signature of Mary W. Payer

Nettie E. Hersey (with seal)

State of New Hampshire, Rockingham, ss. March 9, A. D. 19 56.
Personally appeared the above named Nettie E. Hersey, and acknowledged the foregoing instrument to be her voluntary act and deed—Before me:
Handwritten signature of Justice of the Peace

Received and recorded Mar. 13, 10 A.M. 1956

(Consideration less than \$100.)
(No revenue stamps required).

1791-344

Know all Men by these Presents:

THAT we, Patricia Ann Russell Holt and Marilyn Jean Russell Ezzell, both of Portsmouth, in the County of Rockingham and State of New Hampshire, for consideration paid, grant to Marjorie A. Russell of Portsmouth aforesaid,

with quitclaim covenant to the said Marjorie A. Russell. All our right, title and interest in and unto, Two certain lots of land in said Portsmouth, with the buildings thereon, being Lots No. 1 and No. 2 on a plan recorded in Rockingham Registry of Deeds, Lib. 631, Fol: 481, excepting a small triangular strip on the Northeastly side of Lot No. 1, conveyed by Arthur W. Hersey to Alfred J. McCourt, January 12, 1926, said lots being bounded and described as follows, viz:

Northwesterly by Bennett Street one hundred (100) feet, more or less; Northeastly by land now or formerly of Alfred J. McCourt about one hundred and four (104) feet; Southeastly by Lot No. 3 on said plan one hundred and fifteen (115) feet, more or less; and Southwestly by a proposed street or way, one hundred (100) feet, more or less.

Our interest having been acquired under the will of Mattie E. Hersey.

Subject to a mortgage to the Portsmouth Savings Bank, dated December 28, 1965 and recorded in Rockingham Registry of Deeds, Book 1420, Page 137.

And I, Walter B. Holt, husband of Patricia Ann Russell Holt,
And I, Rhoney B. Ezzell, husband of Marilyn Jean Russell Ezzell,
(donor and grantor) and other interests therein.

Witness our hands and seal on this 9th day of August, 1965.

WITNESSES:

Edith M. Council

Marilyn Jean Russell Ezzell
Patricia Ann Russell Holt
Walter B. Holt
Rhoney B. Ezzell
COUNTY OF Rockingham

STATE OF NEW HAMPSHIRE

On this the 9th day of August, 1965, before me, H. Thelma Crowell the undersigned officer, personally appeared Patricia Ann Russell Holt, Walter B. Holt, Marilyn Jean Russell Ezzell and Rhoney B. Ezzell, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained. In witness whereof I hereunto set my hand and official seal.

REC'D & RECORDED OCT 11 1965 9:52 AM

Edith M. Council
Justice of the Peace

(Consideration less than \$100.)
(No revenue stamps required)

Know all Men by these Presents: 1791-345

*311
L. Russell*

TRUST I, Marjorie A. Russell,
of Portsmouth, in the County of Rockingham and State of New Hampshire,
for consideration paid, grant to Leon R. Russell and Marjorie A. Russell, both
of Portsmouth aforesaid,

with warranty covenants to the said Leon R. Russell and Marjorie A. Russell, as JOINT TENANTS
with right of survivorship and not as tenants in common.

Two certain lots of land in said Portsmouth, with the buildings thereon; being
Lots No. 1 and No. 2 on a plan recorded in Rockingham Registry of Deeds, Lib. 631,
Vol. 481, excepting a small triangular strip on the Northeastly side of
Lot No. 1, conveyed by Arthur W. Harshey to Alfred J. McCourt, January 13, 1926,
said lots being bounded and described as follows, viz:

Northwesterly by Bennett Street one hundred (100) feet, more or less; North-
easterly by land now or formerly of Alfred J. McCourt about one hundred and
four (104) feet; Southeastly by Lot No. 3 on said plan one hundred and
fifteen (115) feet, more or less; and Southwestly by a proposed street or way,
one hundred (100) feet, more or less.

Being the same premises acquired by me under the will of Mattie E. Harshey and by
Quitclaim Deed of Patricia Ann Russell Heit and Marilyn Jean Russell Ezell, dated
August 9, 1965 and to be recorded herewith.

Subject to a mortgage to the Portsmouth Savings Bank, dated December 28, 1956 and
recorded in Rockingham Registry of Deeds, Book 1420, Page 137.

And I, Leon R. Russell, of said grantor; release to said grantees all rights of
homestead and other interests therein.

Witness our hand and seal this 4th day of

October, 1965.

WITNESS:

Marjorie A. Russell

Leon R. Russell
Leon R. Russell

STATE OF NEW HAMPSHIRE COUNTY OF Rockingham,

On this the 4th day of October, 1965, before me, N. Thelma Crowell,
the undersigned officer, personally appeared Marjorie A. Russell and Leon R. Russell,

known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instru-
ment and acknowledged that they executed the same for the purpose therein contained.

In witness whereof I hereunto set my hand and official seal.

REC'D & RECORDED - OCT 11 1965 *9:50 AM* *N. Thelma Crowell*
Justice of the Peace

M2542 P0761

Know all Men by these Presents

THAT I, Marjorie A. Russell,

of Portsmouth, in the County of Rockingham and State of New Hampshire,

for and to the use of Marjorie A. Russell and Patricia A. Holt, both

of 276 Dennett Street, Portsmouth, in the County of Rockingham and State of New Hampshire,

with warranty covenants to the said Marjorie A. Russell and Patricia A. Holt, as JOINT TENANTS with right of survivorship and not as tenants in common, the survivor and her heirs and assigns.

Two certain lots of land in said Portsmouth, with the buildings thereon, being Lots No. 1 and No. 2 on a plan recorded in Rockingham Registry of Deeds, Lib. 631, Fol. 481, excepting a small triangular strip on the Northeasterly side of Lot No. 1, conveyed by Arthur W. Hersey to Alfred J. McCourt, January 12, 1926, said lots being bounded and described as follows, vis:

Northwesterly by Dennett Street one hundred (100) feet, more or less; North-easterly by land now or formerly of Alfred J. McCourt about one hundred and four (104) feet; Southeasterly by Lot No. 3 on said plan one hundred and fifteen (115) feet, more or less; and Southwesterly by a proposed street or way, one hundred (100) feet, more or less.

Being the same premises conveyed to Leon R. Russell and Marjorie A. Russell, as Joint Tenants by Warranty Deed of Marjorie A. Russell, dated October 4, 1965 and duly recorded in Rockingham County Registry of Deeds, Book 1791, Page 345, the said Leon R. Russell having deceased and Marjorie A. Russell being the surviving joint tenant.

160321

Apr 25 12 30 PM '85
Rockingham County
Registry of Deeds



And I am a widow. ~~_____~~

Witness my hand and seal 1st day of April, 1985.

WITNESS:

Thelma Crowell

Marjorie A. Russell
Marjorie A. Russell

STATE OF NEW HAMPSHIRE COUNTY OF Rockingham

On this the 1st day of April, 1985, before me, N. Thelma Crowell the undersigned officer, personally appeared Marjorie A. Russell,

known to me (or satisfactorily proved) to be the person whose name I subscribed to the within instrument and acknowledged that she executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

N. Thelma Crowell
Justice of the Peace

EX 7A
27

BK 4885 PG 2907

Return to:
Alec L. McEachern, Esq.
Shaines & McEachern, P.A.
P.O. Box 360
Portsmouth, NH 03802-0360

006542

ROCKINGHAM COUNTY
REGISTRY OF DEEDS

QUITCLAIM DEED

2008 FEB 13 AM 10:19

KNOW ALL MEN BY THESE PRESENTS, that I, **Patricia A. Holt**, a married person, of 268 Dennett Street, Portsmouth, County of Rockingham and State of New Hampshire 03801, for consideration paid, grants to **Walter B. Holt and Patricia A. Holt**, husband and wife, both of 268 Dennett Street, Portsmouth, County of Rockingham and State of New Hampshire 03801, as joint tenants with rights of survivorship, with **QUITCLAIM COVENANTS**, the following described property:

Two certain lots of land with the buildings thereon in said Portsmouth, County of Rockingham and State of New Hampshire, being Lots No. 1 and No. 2 on a plan recorded in Rockingham Registry of Deeds, Lib. 631, Fol. 481, excepting a small triangular strip on the Northeasterly side of Lot No. 1, conveyed by Arthur W. Hersey to Alfred J. McCourt, January 12, 1926, said lots being bounded and described as follows:

Northwesterly by Dennett Street one hundred (100) feet, more or less; Northeasterly by land now or formerly of Alfred J. McCourt about one hundred and four (104) feet; Southeasterly by Lot No. 3 on said plan one hundred and fifteen (115) feet, more or less; and Southwesterly by a proposed street or way, one hundred (100) feet, more or less.

Meaning and intending to describe and hereby convey the same premises in the deed of Marjorie A. Russell to Marjorie A. Russell and Patricia A. Holt, as joint tenants with rights of survivorship, dated April 1, 1985, and recorded in the Rockingham County Registry of Deeds at Book 2542, Page 0761. Marjorie A. Russell deceased at Portsmouth, New Hampshire on December 16, 2005. See Death Certificate of Marjorie A. Russell to be recorded herewith.

This is a non-contractual transfer and not subject to transfer tax imposed under RSA 78-B.

24

BK 4885 P6 2908

The Grantor herein releases all homestead rights and all other rights to the above described property.

EXECUTED this 8th day of February, 2008.

Patricia A. Holt
Patricia A. Holt

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

This instrument was acknowledged before me on February 8, 2008 by Patricia A. Holt.

Alec L. McEachern
Notary Public/Justice of the Peace
My Commission Expires:

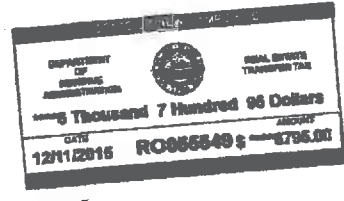


BK 5677 P6 0335

055229

MAIL TO

Return to:
Stewgood LLC
P.O. Box 442
New Castle, NH 03854



WARRANTY DEED

KNOW ALL MEN BY THESE PRESENT, that we, **Walter B. Holt and Patricia A. Holt**, husband and wife, of 268 Dennett Street, Portsmouth, County of Rockingham and State of New Hampshire, for consideration paid, grant to **Stewgood LLC**, a New Hampshire Limited Liability Company in good standing with the State of New Hampshire, with a mailing address of P.O. Box 442 in the City of New Castle, County of Rockingham and State of New Hampshire, with **WARRANTY COVENANTS**:

Two certain lots of land with the buildings thereon in said Portsmouth, County of Rockingham and State of New Hampshire, being Lots No. 1 and 2 on a plan recorded in Rockingham Registry of Deeds in Book 631, Page 481, excepting a small triangular strip on the Northeasterly side of Lot No. 1, conveyed by Arthur W. Hersey to Alfred J. McCourt, January 12, 1926, said lots being bounded and described as follows:

Northwesterly by Dennett Street one hundred (100) feet, more or less; Northeasterly by land now or formerly of Alfred J. McCourt about one hundred and four (104) feet; Southeasterly by Lot No. 3 on said plan one hundred and fifteen (115) feet, more or less; and Southwesterly by a proposed street or way, one hundred (100) feet, more or less.

Meaning and intending to describe and convey the same premises conveyed by Patricia A. Holt to Walter B. Holt and Patricia A. Holt dated February 8, 2008 and recorded at the Rockingham County Registry of Deeds in Book 4885, Page 2907.

The Grantors, Walter B. Holt and Patricia A. Holt, herein release all homestead rights and all other rights to the above described property.

This deed was prepared with information provided by the grantor. No title search was requested or performed.

2015 DEC 11 PM 3:23

ROCKINGHAM COUNTY
REGISTRY OF DEEDS

BK 5677 PG 0336

Executed this December 11, 2015.

Walter B. Holt
Walter B. Holt

Patricia A. Holt
Patricia A. Holt

State of New Hampshire
County of Rockingham

December 11, 2015

Then personally appeared before me, the above-named **Walter B. Holt and Patricia A. Holt** and acknowledged the foregoing instrument to be their voluntary act and deed.

[Signature]
Notary Public/Justice of the Peace
Commission expiration:



Ex 9A

Residential Property Record Card - Portsmouth, New Hampshire

Property Location: 276 Dennett St Map/Lot/Suf: 0143-0013-0000 Account: 51580 Class: R State Class: 109 Printed Tue, Oct 20, 2009 Card 1 of 2

Current Owner		Previous Owner History		Miscellaneous		Assessment Information	
Holt Patricia A		Name	Deed	Deed Info:	4885 /2907	Cost Value	Prior *
Holt Walter B		Holt Patricia A	2542/761	2542/761	GRA	Land:	128,800
276 Dennett St		Russell Marjorie A	2542/761	2542/761	Routing No: 0143-0013-0000	Building:	273,900
Portsmouth Nh 03801		Russell			Neighborhood: 131	Total:	402,700
					Living Units: 1	Assessed Information:	Value: 402,700
					Census Trct: 0		
					District: 0		
					Estimates		
					MRA:	Effective DOV: 4/1/2006	
					Weighted:	Value Flag: COST	
					Market:	Manual Override Reason:	
						NO OVERRIDE	

Notes		Entrance Information	
		Date	Time ID Actv Entrance Code Source
		07/21/2000	10:00 DI Entry & Sign Owner

Sales History			
Book/Page	Date	Price	Type Validity
2542+761	04/01/1985		2 A

Permit Information			
Date	Permit #	Price	Purpose % Comp.
			0
			0

Land Information			
Type	Size	Grade	Influence Factor and % Value
Primary	S 9732 0		0 128,750

Total Acres for this Parcel 0.223						
Out Building Information						
Type	Qty	Year	Size1	Size2	Grade Cond	%Good Value
Shed-Frame	1	1960	8	16	D A	20% 200
	0	0	0	0		0%
	0	0	0	0		0%
	0	0	0	0		0%
	0	0	0	0		0%
	0	0	0	0		0%
	0	0	0	0		0%
	0	0	0	0		0%
	0	0	0	0		0%
	0	0	0	0		0%
	0	0	0	0		0%
Total OBV for this card						200



Ex 9A

49 x 23

Residential Property Record Card - Portsmouth, New Hampshire

Dwelling Information

Style: Old Style
 Condo Style:
 Exterior Walls: Alum/Vinyl
 Story Height: 2.0
 Attic: Unfin
 Interior/Exterior: Better
 Basement: Full
 Bsmt Garage: 0
 Rec Room size: 0
 FBLA size: 0
 Unfinished Area: 0
 Inlaw Apts: 0
 WB Fireplace: Stacks 0 Openings 0
 MTL Fireplace: Stacks 0 Openings 0
 Heating Type: Basic
 Fuel: Oil
 Heating System: Hot Water
 Year Built: 1927
 Eff. Yr Built: 0
 Ground Flr Area: 700
 Tot Living Area: 1424
 Grade: B-
 Condition: Average
 Cost/Design: 0
 CDU: VG
 Building Notes:

Replacement Costs

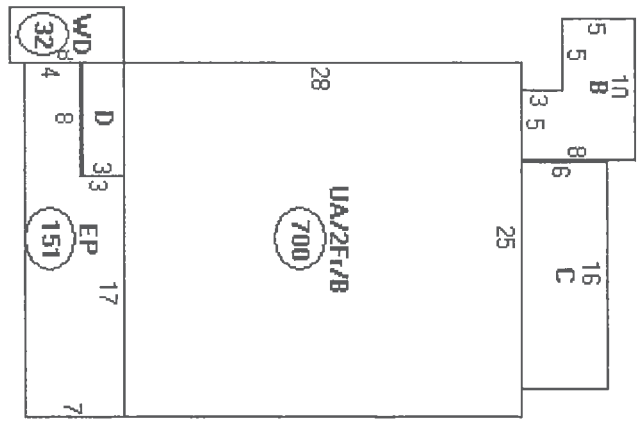
Base Price: 143,530
 Additions: 18,600
 Unfinished Area: 0
 Basement: 0
 Attic: 7,940
 Plumbing: 0
 Heating A/C Adj.: 0
 FBLA: 0
 Rec Room: 0
 Fire Place: 0
 Basement Garage: 0
 Subtotal: 170,070
 Grade Factor: 1.2
 Total RCN: 204,080
 Percent Good: 0.8
 Market Adj.: 0
 Total RCNLD: 163,300

Addition Information

Low 1st	2nd	3rd	Area	Points
31	65	10		
12	96	59		
15	24	17		
12	151	93		
31	32	7		

Low 1st 2nd 3rd Tot

Rooms:	0	2	0	0	6
Bedrooms:	0	0	4	0	4
Full Baths:	0	0	1	0	1
Half Baths:	0	0	0	0	0
Add'l Fixtures:	0	0	0	0	0



Descriptor/Area
 A:UA/2F/B
 700 sqft
 B:W/D
 65 sqft
 C:EP
 96 sqft
 D:FBAY
 24 sqft
 E:EP
 151 sqft
 F:W/D
 32 sqft

Owner/Values: Includes all Land/Buildings/OBYS for this Parcel

	Current	Cost	Market	Income
Land:	128,800	128,800	36,800	0
Building:	273,900	273,900	0	0
Total:	402,700	402,700	0	0

Residential Property Record Card - Portsmouth, New Hampshire

Property Location: 276 Dennett St Map/Lot/Suf: 0143-0013-0000 Account: 51580 Class: R State Class: 109 Printed Tue, Oct 20, 2009 Card 2 of 2

<p>Current Owner</p> <p>Holt Patricia A Holt Walter B 276 Dennett St Portsmouth Nh 03801</p>	<p>Previous Owner History</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Name</th> <th>Deed</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td>Holt Patricia A</td> <td>2542/761</td> <td>04/01/1985</td> </tr> <tr> <td>Russell Marjorie A Russell</td> <td>2542/761</td> <td>04/01/1985</td> </tr> </tbody> </table>	Name	Deed	Date	Holt Patricia A	2542/761	04/01/1985	Russell Marjorie A Russell	2542/761	04/01/1985	<p>Miscellaneous</p> <p>Deed Info: 4885 /2907 Zoning: GRA Routing No: 0143-0013-0000 Neighborhood: 131 Living Units: 1 Census Trct: 0 District: 0 Estimates MRA: Weighted: Market:</p>
Name	Deed	Date									
Holt Patricia A	2542/761	04/01/1985									
Russell Marjorie A Russell	2542/761	04/01/1985									
<p>Assessment Information</p> <p>Cost Value * Prior Land: 128,800 128,800 Building: 273,900 273,900 Total: 402,700 402,700 Assessed Information: Value: 402,700</p> <p>Effective DOV: 4/1/2006 Value Flag: COST Manual Override Reason: NO OVERRIDE</p>											

Entrance Information	
Date	07/21/2000
Time	10:00
ID	DI
Actv	Entry & Sign
Entrance Code	
Source	Owner

Sales History				
Book/Page	Date	Price	Type	Validity
2542+761	04/01/1985		2	A

Permit Information				
Date	Permit #	Price	Purpose	% Comp.
				0
				0

Land Information		Influence Factor and %		Value				
Type	Size	Grade	Influence Factor	%				
Total Acres for this Parcel 0.223								
Out Building Information								
Type	Qty	Year	Size1	Size2	Grade	Cond	%Good	Value
	0	0	0	0	0	0	0%	0
	0	0	0	0	0	0	0%	0
	0	0	0	0	0	0	0%	0
	0	0	0	0	0	0	0%	0
	0	0	0	0	0	0	0%	0
	0	0	0	0	0	0	0%	0
	0	0	0	0	0	0	0%	0
Total OBV for this card								0



Inspection witness by:

Cole-Layer-Trumble Company



Residential Property Record Card - Portsmouth, New Hampshire

Location: 276 Dennett St Map/Lot/Surf: 0143-0013-0000 Account: 51580 Class: R State Class: 109 Printed Tue, Oct 20, 2009 Card 2 of 2

Dwelling Information

Style: Raised Ranch
 Condo Style:
 Exterior Walls: Alumn/Vinyl
 Story Height: 1.0
 Attic: None
 Interior/Exterior: Poorer
 Basement: Full
 Bsmt Garage: 2
 Rec Room size: 0 0
 FBLA size: 0 0
 Unfinished Area: 0
 Inlaw Apts: 0
 WB Fireplace: Stacks 0 Openings 0
 MTL Fireplace: Stacks 0 Openings 0
 Heating Type: Basic
 Fuel: Oil
 Heating System: Warm Air
 Year Built: 1955
 Eff. Yr Built: 1967
 Ground Fir Area: 672
 Tot Living Area: 1104
 Grade: C
 Condition: Average
 Cost/Design: 0
 CDU: AV
 Building Notes:

Replacement Costs

Base Price: 94,490
 Additions: 62,400
 Unfinished Area: 0
 Basement: 0
 Attic: 0
 Plumbing: 0
 Heating A/C Adj.: 0
 FBLA: 0
 Rec Room: 0
 Fire Place: 0
 Basement Garage: 3,110
 Subtotal: 160,000
 Grade Factor: 1
 Total RCN: 160,000
 Percent Good: 0.69
 Market Adj.: 0
 Total RCNLD: 110,400

Addition Information

	Low	1st	2nd	3rd	Area	Points
	14	10			336	314
	11	12			192	193
	11	10			96	110
	31				32	7

Low 1st 2nd 3rd Tot

Rooms:	0	0	2	0	5
Bedrooms:	0	0	3	0	3
Full Baths:	0	0	1	0	1
Half Baths:	0	0	0	0	0
Add'l Fixtures:	0	0	0	0	0

	28	8	4
1F1/FUB	(336)	12	1F1/OP (96) ₁₂
28		8	
1F1/B	(672)	24	EP1/OP (192) ₄

Descriptor/Area
 A: 1F1/B
 672 sqft
 B: 1F1/FUB
 336 sqft
 C: EP1/OP
 192 sqft
 D: 1F1/OP
 96 sqft
 E: W/D
 32 sqft

Owner/Values: Includes all Land/Buildings/OBYS for this Parcel

	Current	Cost	Market	Income
Land:	128,800	128,800	36,800	0
Building:	273,900	273,900	0	0
Total:	402,700	402,700	0	0

05 05 05

EX 90

PROPERTY OWNER		PROPERTY LOCATION		SIDE	LOCATION CODE		CONTROL NO	CARD	
RUSSELL LEON & MARJORIE A 276 DENNETT STREET PORTSMOUTH NH 03801		276 DENNETT STREET CITY OF PORTSMOUTH N.H. JOHN B. PETTY CAE, ASSESSOR		S	/ / / /				1403073001100
LISTER NOTES 1-BASEMENT WET 2-BUILT BY OWNER		RECORD OF TRANSFER THESEY/NETTIE ESTATE OF 101165 1791 345 18900							MORTGAGE

LAND FACTORS	LAND IMPROVEMENTS			SUMMARY
	VALUE	EQ	ASSESSMENT	
19 72	3800	100	3800	LAND BLDGS TOTAL 3800
19				LAND BLDGS TOTAL 15900
19				LAND BLDGS TOTAL 19700

ACREAGE COMPUTATION			
TYPE	ACRES	PRICE	TOTAL
1 H-Lot 38 A	.140	10000	3000
ACREAGE TOTAL			3800

LOT COMPUTATION			
FRONT	REAR	FRONTAGE	DEPTH
1			
2			
3			
4			
LOT TOTAL			

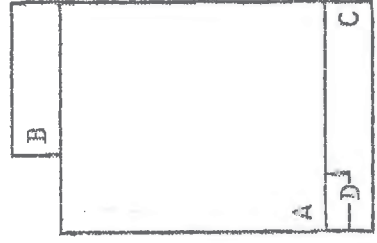
FRONT	REAR	FRONTAGE	DEPTH	STREET PRICE	DEPTH %	ADJ FR PR	TOTAL		
							DEPRECIATION	CORNER	ASSESSMENT
1									
2									
3									
4									
LOT TOTAL									

EX 90

CONTROL NO. 140
 3078001100

OUT BUILDINGS		PRICE
ITEM	1 2 3 4 5 6	18480
PIER FOUND	X	-340
WALL FOUND		
SKIDS		
SGL SDG	X	340
DBL SDG		1580
SHING WALLS		
CONC BLOCK		
BRICK		
STONE		
FLOOR		
INT FINISH		
PLUMB		
ELEC		
SIZE		
AREA		
1- 128 SF		

STRUCTURE VALUE		PRICE
BASE. A	700SF	18480
FOUNDATION.	1/2 CONC WALLS	
EXT WALLS.	1/2 BRICK WALLS	
INSULATION.	NONE	
ROOF.	GABLE ASPH SHG	
BASEMENT.	FULL CONCRETE	
FLOORS.	1 FLOOR	
INT FIN.	1	
ROOMS.	LAYOUT G COND G	
ATTIC.	1-2 STAIR FULL FLR.	
HEAT.	1 H-W CAST	
PLUMBING.	1 BATH 1 SINK	
TILE.	NONE	
DORMERS.	NONE	
SEG. B	ENCLOS-PORCH	804
SEG. C	ENCLOS-PORCH	1287
SEG. D	PAY WINDOW	257
SUB TOTAL FACTOR		22460



SCALE = 20 FT./IN.

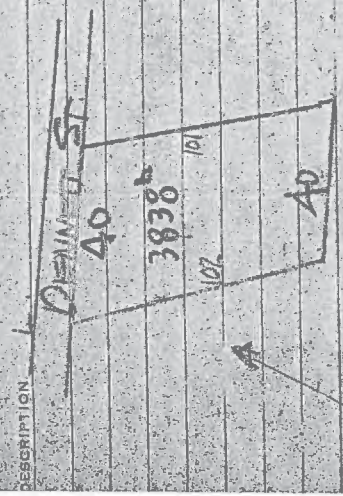
SEG		TYPE	STOR	CONS	CLASS	DIMENSIONS	
A	20-25-28-25						
B	1-0	FRAM	3			6-16-6-16	
C	1-0	FRAM	3			7-25-4-6-3-19	
D	1-0	FRAM	3			3-6-3-6	

OCCUPANCY	CONSTRUCTION	CLASS	AGE	REMOD	COND	REPLACEMENT VALUE	PHYS DEPR	PHYSICAL VALUE	FUNC DEPR	ACTUAL VALUE	EQ	ASSESSMENT	SALE PRICE	DATE MO/YR		
														LISTED DATE	LISTER	
DWLG 1 FAM	2.0S FR B A	3	1930	NO	F+	22460	30	15728		15728	100	45700				
1-6 BLDG55	1.0S FR 1	3.00	OLD		G	384	20	307	25	230	100	200				
BUILDING TOTAL													15958	100	15900	
UNITED APPRAISAL CO													SIGNATURE	3416	REVIEW	2735
													LISTED DATE	12/17/71	LISTER	
													SIGNED	X		

EX 9D

PROPERTY ASSESSMENT RECORD, - CITY OF PORTSMOUTH, N. H.

78 LOT 12
268 DENNET ST.



AD To Lot 11 1387/150 3/9/56

Leon & Marjorie A. Russell 1791/345 10/10/65
LEON R & MARJORIE A RUSSELL —
NETTIE HERSEY 1387-150
1949

RURAL PROPERTY

PROPERTY FACTORS		LAND VALUE COMPUTATIONS AND SUMMARY			OWNERS PREVIOUS TO 1931					
TOPOGRAPHY	LEVEL	ROLLING	EDGE	CLASSIFICATION	NO. OF ACRES	RATE	TOTAL	NAME	DATES	ASSESSMENTS
SOIL TYPE	LOAM	SAND	CLAY	TILLABLE						
LAND CLASS	GOOD	FAIR	POOR	PASTURE						
DRAINAGE	GOOD	F	POOR	WOODED						
WATER SUPPLY	GOOD	FAIR	POOR	WASTE LAND						
FENCES	GOOD	FAIR	NONE	TOTAL ACRES						
ELECTRICITY	YES	NO		TOTAL VALUE LAND						
TELEPHONE	YES	NO		TOTAL VALUE BUILDINGS						
ROAD	PAVED	IMPR	DIRT	TOTAL VALUE LAND & BUILDINGS						
REMARKS:								A.W. Hersey	1926	200

URBAN PROPERTY

PROPERTY FACTORS		LAND VALUE COMPUTATIONS AND SUMMARY					
TOPOGRAPHY	IMPROVEMENTS	FRONTAGE	DEPTH	UNIT PRICE	DEPTH FACTOR	FRONT FT. PRICE	TOTAL
LEVEL	WATER	50		600			300
HIGH	SEWER						
LOW	GAS						
ROLLING	ELECTRICITY						
SWAMPY	ALL UTILITIES						
	GARBAGE DISPOSAL						
STREET	TREND OF DISTRICT						
PAVED	IMPROVING						300
UNIMPROVED	STATIC						350
DIRT	DECLINING						380
SIDEWALK							

ASSESSMENT RECORD		SALE PRICE IF KNOWN	DATE OF TRANSFER	RECORD OF OWNERSHIP
LAND	1951			
BLDGS				
TOTAL				200
LAND	53			
BLDGS				
TOTAL				300
LAND	55			
BLDGS				
TOTAL				380
LAND	56			
BLDGS				
TOTAL				3400
LAND	60			
BLDGS				
TOTAL				400
LAND	69			
BLDGS				
TOTAL				5500
LAND	70			
BLDGS				
TOTAL				800
LAND	71			
BLDGS				
TOTAL				11000
LAND	71			
BLDGS				
TOTAL				11800
LAND	71			
BLDGS				
TOTAL				1200
LAND	71			
BLDGS				
TOTAL				11000
LAND	71			
BLDGS				
TOTAL				12200

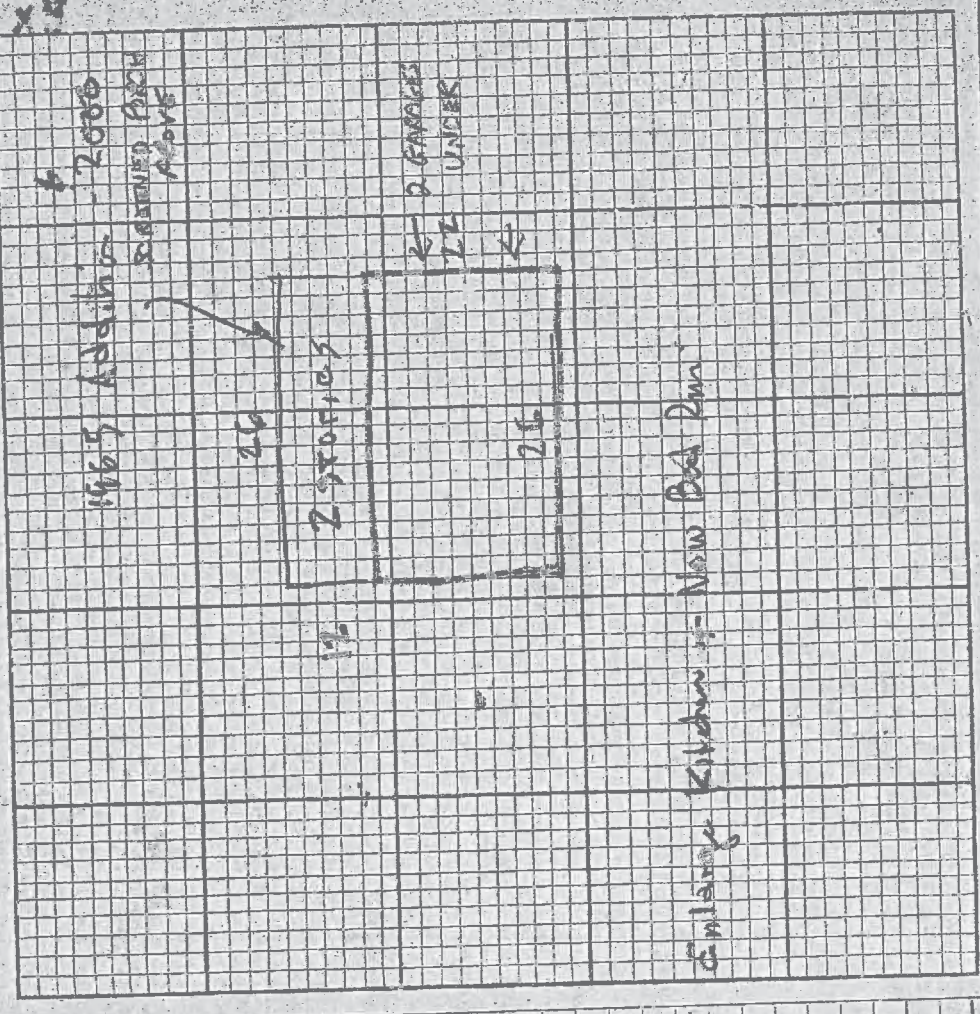
92 9D

RECORD OF BUILDINGS Cost 3,000 + owner's share

NOTES—SPECIAL EQUIPMENT

CONSTRUCTION	FLOORS		
	B	1	2
OCUPANCY	✓		
SINGLE FAMILY			
WO FAMILY			
FAMILY			
APARTMENT			
STORE			
REAR			
LOVE			
OFFICES			
BARHOUSE			
OWN GARAGE			
AS STATION			
FOUNDATION			
CONCRETE			
CONCRETE BLOCK			
BRICK OR STONE			
PIERS			
BELLY AREA FULL			
NO CELLAR			
EXTERIOR WALLS			
CLAPBOARDS			
WIDE SIDING			
DROP SIDING			
NO SHEATHING			
WOOD SHINGLES			
ASBEST SHINGLES			
STUCCO ON FRAME			
STUCCO ON TILE			
BRICK VENEER			
BRICK ON TILE			
SOLID BRICK			
STONE VENEER			
COND OR COND BL			
TERRA COTTA			
METAL			
ROOFING			
ASPH SHINGLES			
WOOD SHINGLES			
SLATE SHINGLES			
SLATE			
TILE			
METAL			
COMPOSITION			
ROLL ROOFING			
INSULATION			

COMPUTATIONS	1951		
	UNIT	SF	@
1ST			
2ND			
3RD			
ADDITIONS			
BASMENT			
WALLS			
ROOF			
FLOORS			
ATTIC			
FINISH			
FIREPLACE			
HEATING			
PLUMBING			
TILING			
TOTAL			
FACTOR			
REPL VAL			
OCUPANCY			
TYPE			



SUMMARY OF BUILDINGS

GRADE	AGE	DATE REMOD.	COND.	REPL VAL	PHYS DEPR	PHYS VALUE	FUNCT DEPR	SOUND VALUE
	1955		G	4,000	18%	3,500		
Two Car Garage Apr C								
TOTAL VALUE BUILDINGS								
TOTAL VALUE BUILDINGS								

PLAN LOT
078 012
443 013

PROPERTY OWNER
RUSSELL LEON R & MARJORIE A
268 DENNETT STREET
PORTSMOUTH NH 03801

PROPERTY LOCATION
268 DENNETT ST
CITY OF PORTSMOUTH N.H.
JOHN B. PETTY CAE, ASSESSOR

SIDE
S

LOCATION CODE
/ / / /

TYPE
RESID

PROJECT
31001

CONTROL NO
1403078001200

DATE
N/A

BOOK
N/A

PAGE
N/A

AMOUNT

1 OF 1

MORTGAGE

RECORD OF TRANSFER

LAND FACTORS

TOPOGRAPHY-1 LEVEL

IMPROVEMENTS-1 C WATER

-2 SEWER

-3 ELEC

LOCATION IMPROVEMENTS

GOOD DRAINAGE

GOOD ZONING

NEIGHBORHOOD

STATIC SANDY LOAM

ACREAGE COMPUTATION

STREET/RD-2 IMPROVE

VALUE

EQ

ASSESSMENT

VALUE

EQ

ASSESSMENT

ACREAGE TOTAL

3200 100 3200

LOT COMPUTATION

ADJ FR PR

TOTAL

DEPRECIATION

FRONT

REAR

FRONTAGE

DEPTH

STREET PRICE

DEPTH %

CORNER

VALUE

EQ

ASSESSMENT

LOT TOTAL

19 LAND

BLDGS

TOTAL

19 LAND

BLDGS

TOTAL

19 LAND

BLDGS

APPRaised

3200

14400

17600

ASSESSED

3200

14400

17600

19 LAND

BLDGS

TOTAL

19 LAND

BLDGS

TOTAL

19 LAND

BLDGS

TOTAL

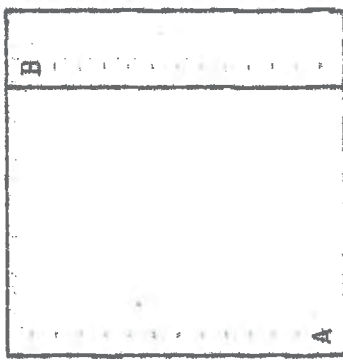
19 LAND

BLDGS

Ex 9 E

11 0 21

CONTROL NO.		STRUCTURE VALUE		PRICE
140 3078001200		STRUCTURAL ELEMENTS		15800
OUT BUILDINGS				330
ITEM	1 2 3 4 5 6			540
PIER FOUND				
WALL FOUND				
SKIDS				
SGL SDG				960
DBL SDG				130
SHING WALLS				
CONC BLOCK				
BRICK				
STONE				
FLOOR				
INT FINISH				
PLUMB				
ELEC				
BASE. A RANCH 1008SF. FOUNDATION. FRAME CONC BLK WALLS EXT WALLS. BLANKET SHG CLAPBOARDS INSULATION. ASPH BASMT GAR ROOF. GABLE FULL 2 CAR CONCRETE FLOOR BASEMENT. FULL CONCRETE FLOORS. 1 LAYOUT G COND G INT FIN. 1 PANEL 1-5 ROOMS. NONE ATTIC. NONE HEAT. 1 W AIR-CD 1 SINK 2 PLUMBING. BATH TILE. NONE DORMERS. NONE SEG. B OPEN-PORCH 288SF				1440
SUB TOTAL FACTOR				19200



SCALE = 20 FT./IN.

A 36-29-36-28		DIMENSIONS					
SEG	TYPE	STOR	CONS	CLASS			
B	30	1.0	FRAM 3	8-36-8-36			
SUB TOTAL FACTOR							
PHYS DEPR	PHYSICAL VALUE	FUNC DEPR	ACTUAL VALUE	EQ	ASSESSMENT	SALE PRICE	DATE MO/YR
25	14400		14400	100	14400		
BUILDING TOTAL							
							14400
							02/11/73

PROPERTY ASSESSMENT RECORD, - CITY OF PORTSMOUTH, N. H.

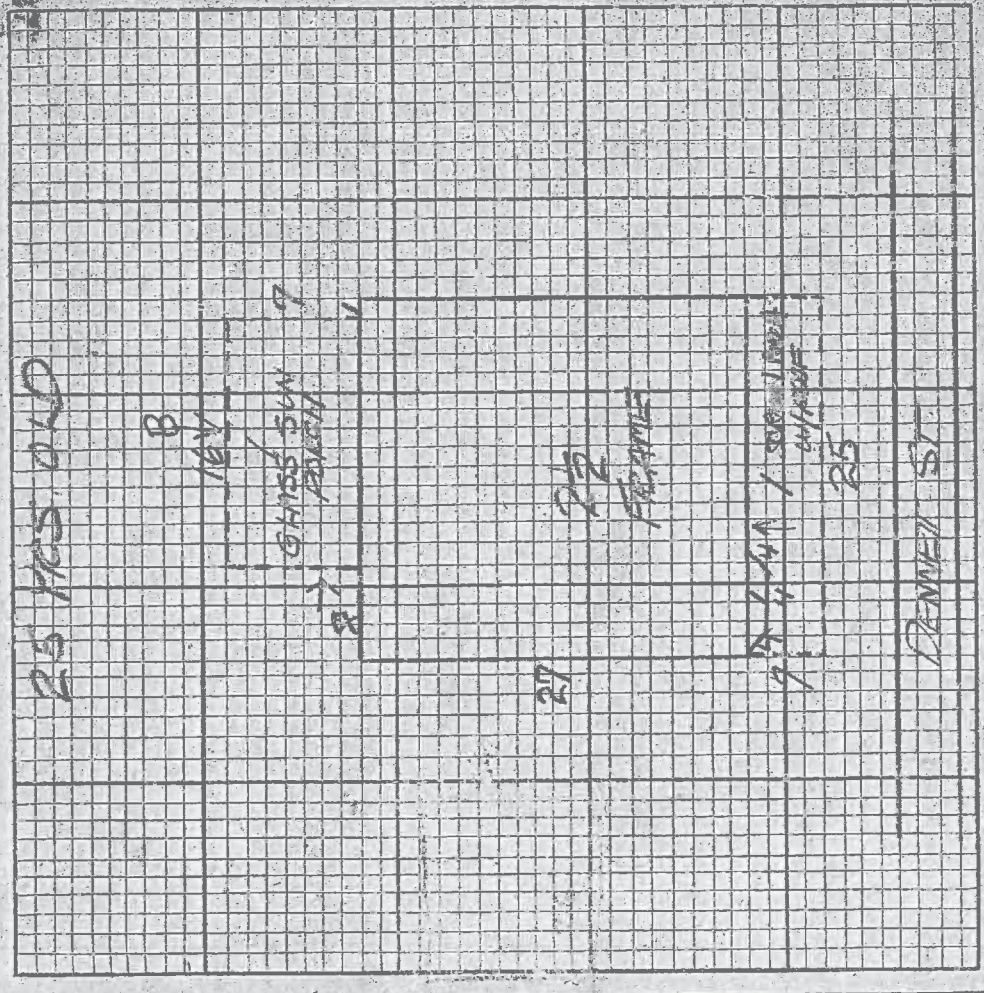
RECORD OF OWNERSHIP		DATE OF TRANSFER	SALE PRICE IF KNOWN	ASSESSMENT RECORD		
78	11			LAND	BLDGS	TOTAL
ADDRESS: 276 DENNETT ST.				1951		
DESCRIPTION: H-2-6-6						3100
Diagram of lot with dimensions: 60, 100, 6, 112, 67						
Enlarged Lot 10'-1387/150 3/4/56						3600
OWNER: Leon A. & Marjorie A. Russell						4200
ADDRESS: 1791/345						5900
DATE: 10/11/65						6400
DATE: 1950						600
						5800
						6400
						1200
						11600
						12800
						2000
						11600
						13600

LAND VALUE COMPUTATIONS AND SUMMARY				OWNERS PREVIOUS TO 1951	
CLASSIFICATION	NO. OF ACRES	RATE	TOTAL	NAME	DATES
TILLABLE	NAME HESEY				
PASTURE	LEON RUSSELL - WET				
WOODED	MARJORIE RUSSELL				
WASIE LAND					
TOTAL ACREAGE					
TOTAL VALUE LAND					
TOTAL VALUE BUILDINGS					
TOTAL VALUE LAND & BUILDINGS				A.W. HERSHEY	1926

LAND VALUE COMPUTATIONS AND SUMMARY						
FRONTAGE	DEPTH	UNIT PRICE	DEPTH FACTOR	FRONT FT. PRICE	TOTAL	
50	150	600			300	
60	100	600			360	
TOTAL VALUE LAND					300	
TOTAL VALUE BUILDINGS					3900	
TOTAL VALUE LAND & BUILDINGS					4200	

PROPERTY FACTORS				PROPERTY FACTORS			
TOPOGRAPHY	LEVEL	POLLING	LEDGE	IMPROVEMENTS	STREET	IMPROVING	STATIC
✓	LOAM	SAND	CLAY	WATER	✓	✓	✓
	GOOD	FAIR	POOR	SEWER			
	GOOD	FAIR	POOR	GAS			
	GOOD	FAIR	POOR	ELECTRICITY			
	GOOD	FAIR	POOR	ALL UTILITIES			
	GOOD	FAIR	NONE	GARBAGE DISPOSAL			
	YES	NO		TREND OF DISTRICT			
	YES	NO		IMPROVING			
	PAVED	IMPR	DIRT	STATIC			
				DECLINING			

RECORD OF BUILDINGS



NOTES--SPECIAL EQUIPMENT

COMPUTATIONS

UNIT	1951
1st 670 S.F.	2700
2nd 670 S.F.	2700
335 S.F.	650
Front Porch	300
Sun Porch	600

CONSTRUCTION	FLOORS			COMPUTATIONS	OCCUPANCY	TYPE	GRADE	AGE	DATE REMOD	COND	REPL VAL	PHYS DEPR	PHYS VALUE	FUNCT DEPR	SOUND VAL
	B	1	2												
OCCUPANCY															
SINGLE FAMILY															
TWO FAMILY															
APARTMENT															
STORE															
THEATRE															
HOTEL															
OFFICES															
WAREHOUSE															
COMM GARAGE															
GAS STATION															
FOUNDATION															
CONCRETE															
CONCRETE BLOCK															
BRICK															
PIERS															
CELLAR AREA FULL															
NO CELLAR															
EXTERIOR WALLS															
GLAZED															
WIDE SIDING															
DROP SIDING															
NO SHEATHING															
WOOD SHINGLES															
ASBESTOS SHINGLES															
STUCCO ON FRAME															
BRICK VENEER															
BRICK ON TILE															
SOLID BRICK															
STONE VENEER															
CONG OR CIND BL															
TERRA COTTA															
TROUSITE															
FLAKE GLASS															
INSULATION															
WEATHERSTRIP															
ROOFING															
ASPH SHINGLES															
WOOD SHINGLES															
ASBESTOS SHINGLES															
SLATE															
TILE															
METAL															
COMPOSITION															
REFL ROOFING															
INSULATION															

SUMMARY OF BUILDINGS

OCCUPANCY	DATE	LISTED	MEAS	AREA	PRICED	19	TOTAL VALUE BUILDINGS	19	TOTAL VALUE BUILDINGS
69-ALUMINUM SIDING									
							7150	45%	3900

204



City of Portsmouth, NH



Police Department

Stephen J. DuBois
CHIEF OF POLICE

December 16, 2015

The Honorable Mayor & City Council
PORTSMOUTH CITY HALL
1 Junkins Avenue
Portsmouth, NH 03801

Dear Mayor & Council:

The City of Portsmouth currently has two UBER drivers in full compliance with the current Transportation Services Ordinance.

UBER has recently requested the Transportation Services Ordinance be amended; specifically, striking the verbiage, "*being convicted of a misdemeanor*", from the background check section, as well as striking the verbiage, "*being convicted of a felony involving a controlled substance or violence that occurred 15 years prior to the date of certification*".

Based upon the letter drafted by Jim Merrill of UBER requesting the change to the current ordinance, it appears UBER has the misguided perception that misdemeanors are not serious in nature and should not be considered as part of the application process barring individuals from becoming a transportation services provider. Misdemeanor crimes against persons include, but are not limited to: Lewdness, Indecent Exposure, Simple Assault, Sexual Assault, Stalking and Conduct After an Accident (Hit & Run).

Additionally, UBER wishes to reduce the time window to remove felony convictions from 15 years down to 7 years; this is not a simple change in the eyes of the police department either. For example, a person could be convicted of a felony for beating someone with a baseball bat, and say he or she served a prison sentence of 8 years for that crime. Upon exiting prison, that person could make application to become an UBER driver; and if the time limit on felony convictions was shortened to only 7-years, such a person would receive approval to drive for UBER.

The ride-sharing business is unique and requires close interaction between drivers and the client base all within the confines of a motor vehicle. It is certainly an area of e-commerce that is becoming mainstream across the country. The City of Portsmouth and the Portsmouth Police Department are dedicated to making this venture safe and successful for all who use the services here in Portsmouth.

To comply with the Portsmouth ordinance as it is currently written costs the UBER driver: \$25 for an in-state Criminal Records check, and \$15 for a certified in-state Motor Vehicle check. These two provisions satisfy the requirements of the ordinance, and satisfy the Portsmouth Police Department.

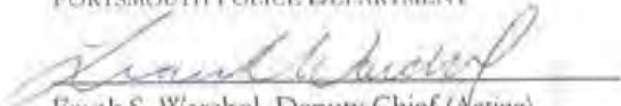
Honorable Mayor & Council
RE: UBER Ordinance Change
December 16, 2015
Page 2 of 2

If either check reveals a violation of the ordinance, the driver will not be accepted as a legal UBER driver in the City of Portsmouth. The ordinance does provide the applicant with an appeal process before the transportation services committee if the application is denied.

The Portsmouth Police Department does not believe there should be any debate at all going on about the safety of the ride sharing public, and especially not when the reason is that it benefits a vendor's business model or wishes. The safety assurances required by the current city ordinance are minimal, and should remain unchanged.

As a company whose business is offering a service to this same ride-sharing public, their safety should be UBER's top priority as well.

Very truly yours,
PORTSMOUTH POLICE DEPARTMENT


Frank S. Warchol, Deputy Chief (Acting)

FSW:kml

Memo

To: Mayor Lister and City Council

From: Chair Peter Bresciano, Transportation Service Commission

Date: December 16, 2015

Re: Amendments to Taxi Ordinance

The City Council requested a brief summary of the Transportation Service Commission's actions with regard to the three (3) requests submitted by UBER by e-mail dated October 20, 2015. The Taxi Commission acting in regular session on Wednesday, November 18, 2015, voted on these changes as follows:

Item 1. Addition to Section 7.201 – creating a definition for “Transportation Services”, as follows: “Transportation Services” means the provision of transportation by a driver to a rider, beginning when a driver accepts a ride requested by a rider, continuing while the driver transports a requesting rider, and ending when the last requesting rider departs from the vehicle.”

Vote failed on a 2-2 roll call vote to amend the Transportation Ordinance to include item one, Chair Bresciano and Lieutenant Cummings voted opposed with Assistant Mayor Splaine abstaining.

On a unanimous roll call voted to recommend to City Attorney Sullivan that the definition for Transportation Service Providers be used by all Transportation Service Providers and not just UBER drivers. Assistant Mayor Splaine abstained.

Item 2. Edits to Section 7.204 – Background Check – see redlines below:

Section 7.204 Background Check

A. The individual does not have more than three (3) **or more** convictions for moving violations, in this or any other state, in the three (3) full years prior to the date of the certification.

On a unanimous roll call voted to disapprove the change and leave the current working of Item A as presently stated within the ordinance, Assistant Mayor Splaine abstained.

B. The privilege of the individual to operate a motor vehicle has **not** been revoked and/or suspended at any time, in this or any other state, in the three (3) full years prior to the date of the certification, for any reason related to the operation of a motor vehicle.

The Commission agreed the wording in Item B is the same working of the ordinance.

C. The individual has not been convicted of a felony **or misdemeanor**, in this or any other state, in the seven (7) full years prior to the date of the certification.

On a unanimous roll call voted to disapprove the change and leave the “or misdemeanor” in the ordinance. Assistant Mayor Splaine abstained.

D. The individual has not been convicted of a felony involving a controlled substance or violence, in this or any other state, in the fifteen (15) full years prior to the date of the certification.

On a unanimous roll call voted to recommend the City Attorney remove the words controlled substances from item D and place them into item C and to leave the remainder of Section D intact. Assistant Mayor Splaine abstained.

Item 3 – Edits to Section 7.211 – Signage – see redlines below:

Section 7.211 Signage

All vehicles engaged in the provision of Transportation Services shall at all times display prominently:

A. A Placard approved in size, form and content by the City Clerk identifying the Transportation Service Provider shall be plainly visible from the exterior of the vehicle.

B. A notice providing passengers with the fare information required by **full text of** Section 7.209 of this ordinance.

On a unanimous roll call voted to approve the change as amended. Assistant Mayor Splaine abstained.

If you have any further questions or concerns, please do not hesitate to contact the Transportation Service Commission.

cc: Taxi Commission
John P. Bohenko, City Manager
Robert P. Sullivan, City Attorney
Kelli L. Barnaby, City Clerk

TO: TRANSPORTATION SERVICE COMMISSION

FROM: DIANNE M. KIRBY, DEPUTY CITY CLERK

RE: CORRECTED ACTIONS TAKEN BY THE TRANSPORTATION SERVICE COMMISSION MEETING HELD ON WEDNESDAY, NOVEMBER 18, 2015, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, MUNICIPAL COMPLEX, ONE JUNKINS AVENUE, PORTSMOUTH, NEW HAMPSHIRE

PRESENT: CHAIR BRESCIANO, COMMISSIONERS DUNFEY, LAW, ASSISTANT MAYOR SPLAINE AND LIEUTENANT CUMMINGS

ABSENT: COMMISSIONER CATALDO

1. At 9:05 a.m. Chair Bresciano called the meeting to order.
2. Acceptance of Minutes – October 21, 2105 – **voted to accept and approve the minutes of the October 21, 2015 Transportation Service Commission meeting.**
3. Appeal of Denied Drivers License by Andrew Babish – Annie’s Taxi – **voted to table this action to December 16, 2015 due to Mr. Babish not being in attendance.**
4. 2016 Transportation Services Commission meeting schedule – **voted to accept as scheduled.**
5. Changes requested by UBER –

Item 1. Addition to Section 7.201 – creating a definition for “Transportation Services”, as follows: “Transportation Services” means the provision of transportation by a driver to a rider, beginning when a driver accepts a ride requested by a rider, continuing while the driver transports a requesting rider, and ending when the last requesting rider departs from the vehicle.”

Vote failed on a 2-2 roll call vote to amend the Transportation Ordinance to include item one, Chair Bresciano and Lieutenant Cummings voted opposed with Assistant Mayor Splaine abstaining.

Voted on a unanimous roll call vote to recommend to City Attorney Sullivan that the definition for Transportation Service Providers be used by all Transportation Service Providers and not just UBER drivers. Assistant Mayor Splaine abstained.

Item 2. Edits to Section 7.204 – Background Check – see redlines below:

Section 7.204 Background Check

A. The individual does not have more than three (3) **or more** convictions for moving violations, in this or any other state, in the three (3) full years prior to the date of the certification.

Voted on a unanimous roll call vote to disapprove the change and leave the current working of Item A as presently stated within the ordinance, Assistant Mayor Splaine abstained. .

C. The individual has not been convicted of a felony **or misdemeanor**, in this or any other state, in the seven (7) full years prior to the date of the certification.

Voted on a unanimous roll call vote to disapprove the change and leave the “or misdemeanor” in the ordinance. Assistant Mayor Splaine abstained.

D. The individual has not been convicted of a felony involving a controlled substance or violence, in this or any other state, in the fifteen (15) full years prior to the date of the certification.

Voted on a unanimous roll call vote to recommend the City Attorney move the words controlled substances from item D and place them into item C and to leave the remainder of Section D intact. Assistant Mayor Splaine abstained.

Item 3 – Edits to Section 7.211 – Signage – see redlines below:

Section 7.211 Signage

All vehicles engaged in the provision of Transportation Services shall at all times display prominently:

A. A Placard approved in size, form and content by the City Clerk identifying the Transportation Service Provider shall be plainly visible from the exterior of the vehicle.

B. A notice providing passengers with the fare information required by **full text of** Section 7.209 of this ordinance.

Voted on a unanimous roll call vote to approve the change as amended. Assistant Mayor Splaine abstained.

6. Adjournment – **At 10:30 a.m. voted to adjourn.**

Respectfully submitted by:

Dianne M. Kirby

Dianne M. Kirby, Deputy City Clerk

TRANSPORTATION SERVICES COMMISSION
Corrected Minutes of the November 18, 2015 meeting

I. CALL TO ORDER

Chair Bresciano called the meeting to order at 9:05 a.m.

II. ATTENDANCE

Present: Members: Chair Peter Bresciano, Assistant Mayor James Splaine
Commissioners Stephen Dunfey and Tristan Law, Lieutenant Chris
Cummings and Deputy City Clerk Dianne Kirby

Absent: Commissioner Lawrence Cataldo,

III. ACCEPTANCE OF MINUTES FROM OCTOBER 21, 2015

Commissioner Dunfey moved to approve and accept the minutes of the October 21, 2015 Transportation Services Commission meeting. Seconded by Commissioner Law. Motion passed.

IV. NEW BUSINESS

1. Appeal of Denied Drivers License by Andrew Babish – Annie’s Taxi

Lieutenant Cummings moved to table this action to December 16, 2015 due to Mr. Babish not being in attendance. Seconded by Commissioner Law. Motion passed.

2. 2016 Transportation Services Commission Meeting Schedule

Chair Bresciano asked if there were any discussion on the 2016 Schedule of Meetings.

Assistant Mayor Splaine asked when the term ends for the members of the board. Chair Bresciano stated he thought it was with the term of the new Council. Deputy City Clerk Kirby stated that letters would be going out to the members of the Commission requesting if they would like to be nominated again by the Mayor or not. Commissioner Law stated he thought the Commission was going to be disbanded. Assistant Mayor Splaine stated this will be revisited in six (6) months.

Commissioner Law moved to accept the 2016 Schedule of Meetings as scheduled. Seconded by Commissioner Dunfey. Motion passed.

3. Misdemeanors (Lieutenant Cummings)

Lieutenant Cummings said UBER has requested that misdemeanors be stricken from the ordinance as part of the background check criteria. He stated the Police Department does not think this is a good idea. He stated there are many misdemeanor crimes that pose harm to the

citizens and visitors to the City that he would not want able to operate a vehicle for hire. He said some of the crimes associated with misdemeanors are:

1. Possession of an unlicensed concealed weapon
2. Domestic abuse
3. Assault
4. Criminal threatening
5. Sexual assault
6. Stalking
7. Joy riding
8. Criminal mischief
9. Theft – receiving stolen property
10. Disorderly conduct
11. Conduct after an accident
12. Resisting arrest
13. Indecent exposure/lewdness
14. Child endangerment

Lieutenant Cummings said he feels these are serious enough to include in our background checks for the protection of our visitors and residents. He said it would be a disservice to our public and not doing what we said we were going to do by protecting our people. He said the transportation for hire within the City needs to have proper background checks.

Lieutenant Cummings stated one of his officers stopped a driver picking up passengers and the driver admitted he was driving for UBER. He said in 2014 that UBER driver had a sexual assault arrest, forceable fondling, simple assault charges and stalking arrests. Chair Bresciano asked how Lieutenant Cummings obtained that information on that individual. Lieutenant Cummings said by his record with the police department, because it was the Portsmouth Police Department that arrested him. Chair Bresciano asked when he was stopped what basis was he given to look at his record. Lieutenant Cummings said it is their policy that the officer gives the driver a warning and tells him/her that he/she can not work in Portsmouth until he/she is approved by the City Clerk's office to do so. He said the officer then writes up the report and files it – if they are stopped a 2nd time they are issued a summons. Lieutenant Cummings stated in this case, it was the next day when another officer saw the report, recognized the driver's name and brought it to his attention that that individual was charged with a misdemeanor and convicted in June. He stated under UBER's guidelines this individual would be allowed to operate.

Lieutenant Cummings said the Police Department's stance has been to keep our residents and visitors safe – getting rid of checking misdemeanors would not be a good move. Chair Bresciano asked what UBER's background report shows. Lieutenant Cummings stated if you look at the small print, the report says:

1. "The depth of information available varies."
2. "Hirease Inc. cannot act as guarantor of information accuracy or completeness"
3. "The information contained herein may not be 100% accurate or complete."

4. "This database is not all encompassing and it is recommended that users of this database use the results in addition to or as ancillary search to a county level criminal search."

Lieutenant Cummings stated if UBER would pay for their drivers to get their State criminal and driver records, all would be fine. He said he can trust that the information stated in the State criminal and driver records is complete.

Chair Bresciano asked Lieutenant Cummings if he bounced this information against State information on this individual. Lieutenant Cummings stated he does not. He stated he has to have a reason to go into someone's records. He stated the person in this UBER background check may be clean as can be, but this report and their small print comments leaves him with an unsafe feeling. Chair Bresciano asked if Lieutenant Cummings has any idea of what the parameters of this company are when they go out looking for information on these individuals. Lieutenant Cummings stated he does not.

Lieutenant Cummings said that is why the State criminal and drivers records would be ideal as he can trust the information contained in them. Chair Bresciano said he hopes the City Council understands that when UBER says they do background checks the Police Department can not verify that this company has done a thorough check. Commissioner Law asked if we can put in the ordinance that all drivers must get their State records. Chair Bresciano said we should leave it as it is. Lieutenant Cummings said UBER's background checks are incomplete.

Assistant Mayor Splaine stated since City Attorney Sullivan is here. He suggested we suspend the rules and take up the changes requested by UBER. City Attorney Sullivan stated he is on his way to another meeting, but if the Commission has any questions for him he has a few minutes.

V. OLD BUSINESS

1. Provider/Driver Fine Proposal (Commissioner Cataldo)

Lieutenant Cummings moved to suspend the rules and take up Old Business item 2 the changes requested by UBER. Seconded by Commissioner Law. Motion passed.

2. Changes requested by UBER (Assistant Mayor Splaine)

City Attorney Sullivan stated he has no position. He said these are policy decisions for the Council and Transportation Services Commission to make. He said the three amendments are straight forward. He said none of them are fatal to what the Council and Transportation Services Commission are trying to accomplish, but they are policy decisions that the policy makers have to decide.

Chair Bresciano asked what the ramifications with item 1 are and should we vote to adopt:

ITEM 1

Addition to Section 7.201 – creating a definition for “transportation Services”, as follows:

“Transportation Services” means the provision of transportation by a driver to a rider, beginning when a driver accepts a ride requested by a rider, continuing while the driver transports a requesting rider, and ending when the last requesting rider departs from the vehicle.”

City Attorney Sullivan said his conclusion is that the moment a Transportation Services driver receives the call – from that moment until sometime later Transportation Service is being provided. He said he feels that service is being provided while the driver is on the way to the passenger. He said that amendment would narrow it so that the Transportation Service under our ordinance would only be provided while the passenger is in the vehicle. He stated his analysis is that this is an insurance matter and not directly related to our ordinance. He said the Portsmouth ordinance seeks to protect passengers when they are passengers and doesn't seek to regulate the conduct of an UBER driver before he picks up the passenger. He said his thought is that the proposed amendment # 1 is something that is important to UBER, but is not particularly for accomplishing the goals of the Transportation ordinance. Chair Bresciano asked if the City Council passes this, would the present paragraph be removed. City Attorney Sullivan said this new paragraph would be added to the present language.

Chair Bresciano said item 2 concerns background checks:

ITEM 2

Edits to Section 7.204 – Background Check – see redlines below:

Section 7.204 Background Check

- A. *The individual does not have more than three (3) **or more** convictions for moving violations, in this or any other state, in the three (3) full years prior to the date of the certification.*
- B. *The privilege of the individual to operate a motor vehicle has **not** been revoked and/or suspended at any time, in this or any other state, in the three (3) full years prior to the date of the certification, for any reason related to the operation of a motor vehicle.*
- C. *The individual has not been convicted of a felony **or misdemeanor**, in this or any other state, in the seven (7) full years prior to the date of the certification.*
- D. *The individual has not been convicted of a felony involving a controlled substance or violence, in this or any other state, in the fifteen (15) full years prior to the date of the certification.*

Chair Bresciano stated in Section A the ordinance does not say more than 3 (or more) it says 3 or more. Lieutenant Cummings said UBER wants it to say 3 or more. Chair Bresciano said we have lived with 3 years for many years without any problems. City Attorney Sullivan stated this is purely a policy determination and up to the judgment of the Commission and the Council.

City Attorney Sullivan stated Section B is the same as the ordinance.

Chair Bresciano stated with Section C UBER wants to take out the word misdemeanor. He further stated Section D, UBER want to remove the complete paragraph concerning controlled substance or violence. He said his feeling on this is that UBER feels felony convictions are covered in Section C and that we don't need Section D. He said his contention is that Section D talks about substance abuse and violence felonies and we are going back 7 years. Lieutenant Cummings said as apppoint of order a felony carries a 3 1/2 – 7 year sentence so theoretically someone can be in jail for 7 years and get out and apply for a license. City Attorney Sullivan said policy decisions are for the Transportation Services Commission and the Council to decide. Lieutenant Cummings said he feels it should be left in.

Chair Bresciano stated item 3 concerns signage:

ITEM 3

Edits to Section 7.211 – Signage – see redlines below:

Section 7.211 Signage

All vehicles engaged in the provision of Transportation Services shall at all times display prominently:

- A. A Placard approved in size, form and content by the City Clerk identifying the Transportation Service Provider shall be plainly visible from the exterior of the vehicle.*
- B. A notice providing passengers with the fare information required by **full text of Section 7.209 of this ordinance.***

City Attorney Sullivan stated in order for our appeal process to work the passenger has to know it exists. He stated signage inside the cab, he feels, is needed and should stay there.

Chair Bresciano said now that we are on this subject he would like to entertain a motion to take each one of these individually and vote on it as our recommendation to the City Council. Assistant Mayor Splaine said his job on the City Council is to listen to members of the public and many people in this community want UBER to be here. He said if we don't solve this one way or another we are really going to have some problems going into the holidays and the spring. He said the Council requested City Attorney Sullivan prepare the ordinance amendment s requested by UBER one by one and that the Council get the input of the Police Department, Transportation Services Commission, City Manager Bohenko and himself (City

Attorney Sullivan). He said at the December 7th meeting they would vote on 1st Reading and receive the input from the Transportation Services Commission. He said if the Council agrees we will go to a 2nd Reading and a Public Hearing would be held on December 21. He said at that time the Council would have a chance to hear everybody's opinion. He said he doesn't think anyone wants to see more arrests or citations issued and we don't want to have to go to court on this. He stated his fear is if we don't solve this by coming up with amendments that UBER and Ride Sharing, under their model, can live with, we are going to lose a very important service. He said people do use UBER.

Assistant Mayor Splaine said the State Legislature is considering this issue. He said he can see the State Legislature getting involved in this and passing a law that is going to allow Ride Sharing to operate everywhere in New Hampshire without City or Town regulations. He said if that happens and we have no laws in place we will have no local regulations. He said that he is not sure that the new Council would want to deregulate, he has no way of knowing that.. He said Councilor Thorsen stated we don't regulate cooks, hotels etc – he said we don't regulate anyone in Portsmouth except City Employees and Taxi Cabs. He said the question is how much of that we should do. He said he thinks something reasonable that allows us to get much of the background checks accomplished is good.

Chair Bresciano said UBER does not want to be an employer. He said they have independent drivers. He said taxi companies have independent drivers. He said the taxi independent drivers go to Concord and get their criminal and driver records, but UBER is saying no they are a technology platform – they only rent the app. He said he can do the same thing and rent out the app. He said he's not going to provide insurance or background checks – they are independent drivers and they should do those themselves. He said UBER says they do background checks - well - here is a sample of their background check. He said as a layman he can't understand any of it. He said it doesn't tell him anything. He further said it doesn't give Lieutenant Cummings any information to go by either. He stated their insurance is the same. He said the Ride Sharers don't want commercial insurance because they have UBER's one million dollars insurance. He said you say the Hot Dog stand doesn't have insurance or background checks, but the Hot Dog stand doesn't have a passenger in the back with a vehicle that the doors lock when they reach 15 miles an hour. He said the Hot Dog stand etc. doesn't have the same type of business a passenger does with public transportation like this.

Lieutenant Cummings said the bottom line is what are we looking for: safety and regulation or free market. He said if we are looking for a free market approach we have to do away with pretty much everything to get to that place – if we want safety and regulation we need to continue on with the background checks and we need to set the proper standard. He said if a company wants to operate in the City then they have to meet those standards.

Lieutenant Cummings stated the City has never said UBER, Ride-Sharing or Lift is banned from operating in the City. He said they can operate as long as they comply with our standards. He said we have to get on the same page and figure out what we want to focus on, safety and regulation or a free market approach.

Chair Bresciano said we have already given up one important item – inspection. He stated this has been done before and the condition of the vehicles got so bad that we went back to

inspections. He said the last time we had an inspection very few vehicles passed and that was a noticed inspection. He said he doesn't know how much more he is willing to give up.

Commissioner Law stated the City may not regulate cooks, but the City does take a very close look at restaurants with the Health inspections and fire codes. He said they inspect restaurants continuously. He said as a Transportation Service Commission we want to create a level playing field. He said our taxi companies are giving us their background checks. He said until we deregulate, he feels UBER should have to do the same.

Chair Bresciano said he would recommend the Commission take a roll call vote on each section separately.

Item 1

Addition to Section 7.201 – creating a definition for “transportation Services”, as follows:

“Transportation Services” means the provision of transportation by a driver to a rider, beginning when a driver accepts a ride requested by a rider, continuing while the driver transports a requesting rider, and ending when the last requesting rider departs from the vehicle.”

Commissioner Law moved to amend the Transportation Ordinance to reflect item 1. Seconded by Commissioner Dunfey.

Lieutenant Cummings asked if this will also include the current taxis. Chair Bresciano said no this will be in addition to the present ordinance. Lieutenant Cummings asked if taxis don't have a fare and they are just sitting on the side of the road, do they fall under this same paragraph. Chair Bresciano said he doesn't think so. Lieutenant Cummings asked why not. Chair Bresciano said City Attorney Sullivan will have to make that distinction. Lieutenant Cummings said that's something we have to think about. He said if we are trying to put all these folks into the same basket and UBER has to meet the same requirements with regards to commercial insurance and backgrounds and everything else then if they are not an actual Transportation Provider unless they have a passenger in the car, one would think the taxis would be the same. He said if we want to make it even across the board – if a taxi company doesn't have a passenger in the vehicle then they aren't technically a taxi. Chair Bresciano said he doesn't have all the answers. He said his opinion on item 1 is that everything is already covered within the current ordinance. Lieutenant Cummings said he agrees with City Attorney Sullivan. He said he is fine with whatever is done, but any change should encompass all Transportation Services Providers not just UBER.

Vote failed on a 2-2 roll call vote to amend the Transportation Ordinance to include item one, Chair Bresciano and Lieutenant Cummings voted opposed with Assistant Mayor Splaine abstaining.

Lieutenant Cummings moved to recommend to City Attorney Sullivan that the definition for Transportation Service Providers be used by all Transportation Service Providers

and not just UBER drivers. **Seconded by Commissioner Law.**

Voted on a unanimous roll call vote to recommend to City Attorney Sullivan that the definition for Transportation Service Providers be used by all Transportation Service Providers and not just UBER drivers. Assistant Mayor Splaine abstained.

Item 2

Edits to Section 7.204 – Background Check – see redlines below:

Section 7.204 Background Check

A. *The individual does not have more than three (3) **or more** convictions for moving violations, in this or any other state, in the three (3) full years prior to the date of the certification.*

Commissioner Law moved to leave the wording of item A as it presently is within the ordinance. Seconded by Lieutenant Cummings.

Voted on a unanimous roll call vote to disapprove the change and leave the current wording of item A as presently stated within the ordinance, Assistant Mayor Splaine abstained. .

Item 2

Edits to Section 7.204 – Background Check – see redlines below:

Section 7.204 Background Check

B. *The privilege of the individual to operate a motor vehicle has **not** been revoked and/or suspended at any time, in this or any other state, in the three (3) full years prior to the date of the certification, for any reason related to the operation of a motor vehicle.*

Chair Bresciano said Item B already reflexes the wording of the ordinance.

Item 2

Edits to Section 7.204 – Background Check – see redlines below:

Section 7.204 Background Check

C. *The individual has not been convicted of a felony **or misdemeanor**, in this or any other state, in the seven (7) full years prior to the date of the certification.*

Commissioner Law moved to disapprove the change and leave the wording or misdemeanor in the ordinance. Seconded by Lieutenant Cummings.

Voted on a unanimous roll call vote to disapprove the change and leave the wording or misdemeanor in the ordinance. Assistant Mayor Splaine abstained.

Item 2

Edits to Section 7.204 – Background Check – see redlines below:

Section 7.204 Background Check

D. The individual has not been convicted of a felony involving a controlled substance or violence, in this or any other state, in the fifteen (15) full years prior to the date of the certification.

Lieutenant Cummings said this is a tuff one. He said if you have a felony for violence that is a pretty good crime. Chair Bresciano said he feels that is the only reason that paragraph is in there because it's dealing with substance abuse and violence with the longer look back period. Lieutenant Cummings said with controlled substances – most possession of your hard core drugs are felonies. He said we may want to rework that as far as controlled substances and crimes involving distribution, sales, and transportation of drugs as those are substantial crimes. He said he is not saying possession of heron (which is a huge issue right now in the City), but if we arrest somebody and they have heron in their pocketbook they get arrested for possession of heron which is a felony charge. He asked if that necessarily falls under the same level as a homicide, 2nd degree homicide or vehicular manslaughter in his mind. He said the answer is no. He said these people are battling an addiction and they have the drug on them. He said that person could have been clean for 14 years and one incident leg to them picking it up. He said we do have the ability to appeal on a case by case basis. He said as it's written right now it's pretty all encompassing, but if it stays, there is always our appeal process. Chair Bresciano asked how Lieutenant Cummings would he reword it. Lieutenant Cummings stated it would indeed be very difficult. Commissioner Law said he would keep it in and use the appeal process for simple cases. Lieutenant Cummings said you could take the controlled substance out and put it in Section C since it also falls under the 7 year window and leave felonies involving violence as is stated. Commissioner Law stated violence is part of someone's history where substance abuse is usually a college thing and 15 years seems long to him. Lieutenant Cummings said violence should stay at 15 years.

Commissioner Law moved to recommend to the City Council to approve the removal of the words controlled substances and leave the remainder of the paragraph intact.

Lieutenant Cummings amended the motion to recommend the City Attorney move the words controlled substances from item D and place them into item C and to a leave the remainder of Section D intact.

Voted on a unanimous roll call vote to recommend the City Attorney move the words controlled substances from item D and place them into item C and to a leave the remainder of Section D intact. Assistant Mayor Splaine abstained.

Item 3

3. Edits to Section 7.211 – Signage – see red lines below:

Section 7.211. SIGNAGE

All vehicles engaged in the provision of Transportation Services shall at all times display prominently:

A. A placard approved in size, form and content by the City Clerk identifying the Transportation Service Provider shall be plainly visible from the exterior of the vehicle.

*B. A notice providing passengers with the fare information required by **full text of Section 7.209** of this ordinance.*

Lieutenant Cummings moved to approve the change as amended. Seconded by Commissioner Law.

Voted on a unanimous roll call vote to approve the change as amended. Assistant Mayor Splaine abstained.

VI. MISCELLANEOUS/UNFINISHED BUSINESS

1. Police Representative Report

Lieutenant Cummings stated he would like to clarify some of the misinformation going around on Mrs. Franz. He stated on October 10th Mrs. Franz was issued a warning and told to register with the City Clerk's office. He stated on October 17th she was issued a summons for violating the City ordinance. On November 7th another warning was issued to her for sitting downtown. At this time she did not have a passenger in the vehicle. On November 14th she was summoned again for operating a vehicle for hire without being registered with the City. He stated she is not the only one out there operating illegally; Mr. Franz is the only one the officers have caught more than once.

He stated it has become a policy within the Police Department to warn drivers the first time they are stopped the rules and told to get registered with the City Clerk's office. He stated if they are pulled over a second time and they still have not complied they will be issue a summons. He stated so far they have only issued one summons. He stated the Police Department is taking an active role in dealing with UBER complaints and unregistered drivers. Assistant Mayor Splaine asked if we know how many vehicles there are out there. Commissioner Law said he has turned on the app and he has seen about five (5) at any given time. Lieutenant Cummings said he has come across about 3 or 4, but once they get a fare the UBER driver goes off the screen and they lose them.

2. Public Comment

Merle White – Anchor Taxi said he gave Mayor Lister an article about an UBER driver in Boston who had committed rape. He said there are now six (6) cases of rape by UBER drivers in Boston right now with a seventh (7th) just added where an UBER driver dragged two (2) police officers down the street. He further stated when they checked the criminal records of the seventh (7th) driver they found he had 20 serious offenses that UBER overlooked.

He stated Assistant Mayor Splaine keeps saying there are 2,100 hotel rooms in Portsmouth. He said approximately 1,500 of those rooms are within walking distance of the downtown area and the hotel shuttles are working later hours. He further stated that UBER has never paid on a claim yet. He stated as soon as their personal insurance finds out they are an UBER driver, they cancel their policy and UBER won't pay because they don't have personal insurance.

John Palreiro – Great Bay Taxi stated in December he came before the Commission to say there are illegal transportation companies operating in Portsmouth. He asked the Council to get a temporary injunction against them until they complied with the ordinance. He asked why UBER is paying for insurance if UBER drivers are sub-contractors. He said these sub-contractors should be supplying their own commercial insurance. He said UBER and Ride-Sharing need to comply with the ordinance or get out. He said it is time for the City to stop them and save the current businesses. He said UBER has stolen money from the legal companies who are trying to serve the City and earn a living.

David Palreiro – Binx Taxi thanked the Commission for turning Great Bay Taxi into a non-viable company by doing away with the medallions. He said Great Bay Taxi is now a bunch of used cars. He further said he believes he is the first non-medallion cab company in the City and he thanks the Commission for the opportunity to start his company without a medallion. He said he did it legally. He said he pays commercial insurance and he is vetted.

VII. ADJOURNMENT

The meeting was adjourned at 10:30 a.m.

Respectfully submitted by:

Dianne M. Kirby


Dianne M. Kirby, Deputy City Clerk

**CITY OF PORTSMOUTH
PORTSMOUTH, NH 03801**

Office of the City Manager

Date: December 17, 2015

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

From: John P. Bohenko, City Manager 

Re: City Manager's Comments on December 21, 2015 City Council Agenda

Presentation:

1. **Portsmouth Middle School Musical Performance.** The Portsmouth Middle School band and vocalists will perform at Monday evening's meeting.
2. **Presentation to Mayor and Outgoing City Councilors.** On Monday evening, Mayor Robert J. Lister; Councilor Stefany Shaheen; Councilor Esther Kennedy; Councilor Zelita Morgan; and Councilor Jack Thorsen will be presented with chairs for their years of service to the City and its residents as members of the City Council.
3. **Recognition of African Burying Ground Committee Members and Fundraising Volunteers.** Mayor Robert Lister will recognize the African Burying Ground Committee Members and Fundraising Volunteers on Monday evening for their commitment and accomplishments in 2015 regarding the completion of the African Burying Ground and Memorial Park.
4. **Community Advisory Board Haven Well Contamination Report.** On Monday evening, Rich DiPentima, Chair of the Community Advisory Board Haven Well Contamination will give a report to the City Council regarding this matter. [Attached is the report.](#)

Acceptance of Grants and Donations:

1. **Acceptance of Donation from Prescott Park Arts Festival Re: City's 3D Computer Model.** The City has received a check in the amount of \$1,000 from the Prescott Park Arts Festival to go towards the expansion of the City's 3D computer model to include Prescott Park.

As you will recall, on December 7, 2015 the City Council voted to authorize the City Manager to enter into a grant agreement and accept and expend funds from the New Hampshire Division of Historical Resources for the purpose of performing a detailed review of Historic properties and their vulnerability to climate change. The grant will also fund the development of a mitigation plan which will include adaptive strategies for the protection of City Resources.

Part of the City's match on that project will be the expansion of the 3D computer model to include the area between the Memorial Bridge and the Mechanic Street/Gate Street, which includes Prescott Park. The cost of the 3D model expansion for this area is \$4,305. The Prescott Park Arts Festival has contributed \$1,000 towards this modeling effort in recognition of the benefit they will derive from the model as they move forward with the planning for potential stage and support structure improvements.

I recommend the City Council move to accept and approve the donation of \$1,000 from the Prescott Park Arts Festival the expansion of the City's 3D computer model. Action on this matter should take place under Section VIII of the Agenda.

2. **Grant Agreement with the New Hampshire Public Utilities Commission.** The City has been notified that we are eligible to receive up to \$450,000 from the New Hampshire Public Utilities Commission. The funding would be to install and operate two solar photovoltaic systems comprised of:

- 1) 265 kilowatt roof mounted solar system at Portsmouth High School and,
- 2) 330 kilowatt ground mounted system at the Madbury Water Treatment Plant in Madbury, NH

This funding will pay for a portion of the project. The balance of the funding to install the systems described will require approximately an additional \$1,292,392 which will be repaid through a power purchase agreement that is being drafted by SunRaise Investment and coordinated by the City's approved energy performance contractor Energy Efficient Investments Incorporated, or EEI. A power purchase agreement is a contract the City enters into with an energy contractor, where the City agrees to purchase the power generated by the solar panels at an agreed upon rate. The contract being considered would require the solar panels to be installed and made operational by the solar provider and the City would agree to pay only for the power it used at a negotiated rate. Currently, we are looking at a rate that would always remain (5) five percent below the rate we pay to our electrical provider. Additionally, the City would not be required to perform any maintenance or repairs on the system. After a period of (6) six years, the City can either A) Purchase the system at Fair Market Value or B) continue to purchase the energy through the existing PPA.

I recommend the City Council move to refer this matter to the City Manager with power. Action on this matter should take place under Section VIII of the Agenda.

Items Which Require Action Under Other Sections of the Agenda:

1. Public Hearing/Second Reading of Proposed Ordinances.

- 1.1 **Public Hearing/Second Reading of Proposed Ordinance amending Chapter 7, Article II, Section 7.201: Transportation Services Ordinance.** As a result of the December 7th City Council meeting, [attached under Section VII of the Agenda, I am bringing back for public hearing and second reading a proposed Ordinance amending Chapter 7, Article II – Taxicabs, Section 7.201: Transportation Services](#) as follows:

Section 7.201: **TRANSPORTATION SERVICES**

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

Transportation Services means the provision of transportation by a driver to a rider, beginning when a driver accepts a ride requested by a rider, continuing while the driver transports a requesting rider, and ending when the last requesting rider departs from the vehicle.

The definition of Transportation Services shall not include limousine services, which provide designated luxury or specialty vehicles by prior appointment for discrete functions or transportation to locations outside the City or the reverse.

Action is required by City Council regarding this matter. (If City Council chooses to take up third and final reading, suspension of the rules will be required.)

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

- 1.2 **Public Hearing/Second Reading of Proposed Ordinance amending Chapter 7, Article II – Transportation Services, Section 7.204 – Background Check.** As a result of the December 7th City Council meeting, [attached under Section VII of the Agenda, I am bringing back for public hearing and second reading a proposed Ordinance amending Chapter 7, Article II – Transportation Services, Section 7.204 – Background Check](#) as follows:

Section 7.204: **BACKGROUND CHECK**

Every Transportation Service Provider shall provide the City Clerk with certification of the Chief of the Portsmouth Police Department that all operators of vehicles used under the authority of or in any way in conjunction with the

Transportation Services Provider have passed a background check confirming, at a minimum, compliance with the following criteria:

- A. The individual does not have three (3) or more convictions for moving violations, in this or any other state, in the three (3) full years prior to the date of the certification.
- B. The privilege of the individual to operate a motor vehicle has been revoked and/or suspended at any time, in this or any other state, in the three (3) full years prior to the date of the certification, for any reason related to the operation of a motor vehicle.
- C. The individual has not been convicted of a felony ~~or misdemeanor~~, in this or any other state, in the seven (7) full years prior to the date of the certification.
- ~~D. The individual has not been convicted of a felony involving a controlled substance or violence, in this or any other state, in the fifteen (15) full years prior to the date of the certification.~~

Action is required by City Council regarding this matter. (If City Council chooses to take up third and final reading, suspension of the rules will be required.)

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

- 1.3 **Public Hearing/Second Reading of Proposed Ordinance amending Chapter 7, Article II – Transportation Services, Section 7.211: Signage.** As a result of the December 7th City Council meeting, [attached under Section VII of the Agenda, I am bringing back for public hearing and second reading a proposed Ordinance amending Chapter 7, Article II – Transportation Services, Section 7.211: signage as follows:](#)

Section 7.209: **FARE REGULATION**

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

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

Section 7.211: **SIGNAGE**

All vehicles engaged in the provision of Transportation Services shall at all times display prominently:

- A. A Placard approved in size, form and content by the City Clerk identifying the Transportation Service Provider **which** shall be plainly visible from the exterior of the vehicle.
- B. A notice providing passengers with the **full text of fare information required by** Section 7.209 of this ordinance.

Action is required by City Council regarding this matter. (If City Council chooses to take up third and final reading, suspension of the rules will be required.)

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

2. **Third and Final Reading of Proposed Ordinances.**

- 2.1 **Third and Final Reading Amending Zoning Ordinance so that Certain Described Property on Sagamore Grove Road be Rezoned from Waterfront Business (WB) to Single Residence B (SRB).** As a result of the December 7th City Council meeting, under Section IX of the Agenda, I am bringing back for third and final reading the [attached proposed amendment to the Zoning Ordinance](#) so that Certain Described Property on Sagamore Grove Road be Rezoned from Waterfront Business (WB) to Single Residence B (SRB).

[Attached is a letter from Peter G. Weeks, PGW Real Estate Consulting](#), on behalf of 955 Sagamore Realty Trust, dated December 2, 2015, describing the rezoning request and the proposed subdivision of the site.

The Planning Board has reviewed both this rezoning request and an application for subdivision approval to create a new lot corresponding to the area proposed for SRB zoning. On October 15, 2015, the Planning Board voted to recommend as follows:

Vote to recommend that the City Council amend the Zoning Map by rezoning from Waterfront Business (WB) to Single Residence B (SRB) the land shown as Lot 2 on a plan titled “Subdivision Plan – Tax Map 201 – Lot 1 – Applicant: William L. Pingree – Owner: 955 Sagamore Realty Trust – 955 Sagamore Avenue, City of Portsmouth, County of Rockingham, State of New Hampshire,” revised 10/9/15, containing 24,000 s.f.; provided that the rezoning shall take effect no earlier than the date on which the subdivision plat approved by the Planning Board is recorded at the Registry of Deeds.

On November 19, 2015, the Planning Board granted final approval for a revised subdivision plan dated November 6, 2015. At its meeting on November 16, 2015, the City Council voted to amend the area of the proposed rezoning to conform to the lot dimensions and area shown on the November 6 plan, and on December 7, 2015, the Council passed second reading on this rezoning proposal with the stipulation recommended by the Planning

I recommend the City Council move to pass third and final reading of the proposed Ordinance, as presented:

Vote to amend the Zoning Map by rezoning from Waterfront Business (WB) to Single Residence B (SRB) the land shown as Lot 2 on a plan titled “Subdivision Plan – Tax Map 201 – Lot 1 – Applicant: William L. Pingree – Owner: 955 Sagamore Realty Trust – 955 Sagamore Avenue, City of Portsmouth, County of Rockingham, State of New Hampshire,” revised 11/6/15, containing 25,698 s.f. This amendment shall take effect on the date on which the subdivision plat approved by the Planning Board is recorded at the Registry of Deeds.

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

- 2.2 **Third and Final Reading of proposed Ordinance Amending Chapter 10 – Zoning Ordinance, Section 10.1530, Terms of General Applicability, Definitions of Hotel and Motel.** As a result of the December 7th City Council meeting, under Section IX of the Agenda, I am bringing back for third and final reading the [attached proposed Ordinance](#) amending Chapter 10 – Zoning Ordinance, Section 10.1530, Terms of General Applicability, Definitions of Hotel and Motel. At its meeting on September 8, 2015, the City Council considered the [attached letter from Gerald Zelin](#) proposing to amend the Zoning Ordinance to prohibit gambling at hotels and motels, and voted to refer the proposal to the Planning Board for a report back.

The Planning Board considered this matter at its meeting on October 15, 2015, and voted to recommend that the City Council amend the definitions of “hotel” and “motel” in Section 10.1530 of the Zoning Ordinance by inserting the phrase “but shall not include casino gambling, keno or other games of chance” in each definition following the words “recreational facilities,” so that the sentence reads as follows:

Such activities may include, where allowed, such accessory uses as restaurants, bars, taverns, nightclubs, function rooms, places of public assembly or recreational facilities, but shall not include casino gambling, keno or other games of chance.

At the December 7th meeting, the City Council voted to amend the proposed ordinance by changing the words “games of chance” to “forms of gambling,” and voted to pass second reading on the ordinance as amended.”

I recommend the City Council move to pass third reading of the proposed Zoning Ordinance amendment, as presented. Action on this matter should take place under Section IX of the Agenda.

Consent Agenda:

1. **Request for License to Install Projecting Signs.** Attached under Section X of the Agenda is a request for projecting sign licenses (see attached memorandums from Rick Taintor, Planning Director):

- NBT Bank N.A., owner of NBT Bank for property located at 100 Market Street
- Ganesh Imports, owner William Bixby for property located at 57 Market 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:

There are no items under this Section of the Agenda.

Informational Items:

1. **Events Listing.** For your information, attached is a copy of the Events Listing updated after the last City Council meeting on December 7, 2015. In addition, this can be found on the City’s website.
2. **65 Mendum Avenue – Zoning Board of Adjustment Reversal of City Council Approval to “Unmerge” Lots.** For your information, attached is a memorandum from City Attorney Robert Sullivan, regarding the Zoning Board of Adjustment reversal of City Council approval to “unmerge lots” at 65 Mendum Avenue.

Event Listing by Date

Starting Date: 12/ 7/2015

Ending Date: 1/31/2017

Start End	Type Description	Location	Requestor	Vote Date
12/31/2015 12/31/2015	FIRST NIGH Barbara Massar, Executive Director is the contact for this event. This event begins at 4:00 p.m. until Midnight www.proportsmouth.org	Throughout Downtown	Pro Portsmouth	8/ 4/2015
1/ 1/2016 1/ 1/2016	RACE Michael Rennebu is the contact for this event. This race starts at 11:00 a.m. Registration at 9:00 a.m.	Portsmouth Middle School	Great Bay Services	12/ 7/2015
3/12/2016 3/12/2016	ROAD RACE Matthew A. McFarland is the contact for this event. He can be reached at 498-5778. This event begins at 10:30 a.m. Starting at Peirce Island and ends at Strawberry Banke	Peirce Island and Strawberry Banke - start and fini	St. Patrick School Road Race	11/16/2015
3/26/2016 3/26/2016	ROAD RACE Donald Allison is the contact for this event. He can be reached at (617) 835-2378. This race begins at Traip Academy in Kittery and travels through Portsmouth.	Through Portsmouth	Eastern States 20 Mile	11/16/2015
4/16/2016 4/16/2016	WALK Emily Christian, Development Manager is the contact for this event. Telephone number 781-693-5154	Little Harbour School - start and finish	National Multiple Sclerosis So	4/16/2016
5/ 1/2016 5/ 1/2016	FAIR Barbara Massar, Executive Director is the contact for this event. This event is Pleasant Street - State Street to Market Square; no parking on Market Street - Bow Street to Isle Shoals Steam Co. entrance. This event is from Noon to 4:00 p.m.	Downtown	Children's Day	8/ 3/2015
5/ 1/2016 5/ 1/2016	RIDE Contact: Melissa Walden, Associate of Development 207-624-0306 Cycle the Seacoast - First riders leaving Redhook Brewery at 7:00 a.m. and the last rider will be in around 3:00 p.m.		American Lung Association	8/17/2015
5/ 7/2016 5/ 7/2016	ROAD RACE Carolyn Ostrom, NH Community Relations Specialist is the contact for this event. The event begins on Peirce Island and ends at Strawberry Banke Starting time is 9:00 a.m.	Peirce Island	Susan G. Koman	8/17/2015
5/ 7/2016 5/ 7/2016	WALK Jenelle Dolan, Community Director is the contact. jdolan@marchofdimes.com Tel. 978-729-5849 Time: 6:00 am. to 12:00 p.m. Location to be determined.	To Be Determined	March of Dimes	10/ 5/2015
6/11/2016 6/11/2016	FESTIVAL Barbara Massar is the contact for this event. This event begins at 9:00 a.m. to 4:00 p.m.	Market Square Day - 39th	Pro Portsmouth	8/ 3/2015
6/11/2016 6/11/2016	RACE Barbara Massar, Executive Director is the contact for this event. This is 5K Road Race that begins in Market Square.	Market Square Road Race	Pro Portsmouth	8/ 3/2015

Event Listing by Date

Starting Date: 12/ 7/2015

Ending Date: 1/31/2017

Start End	Type Description	Location	Requestor	Vote Date
6/18/2016 6/18/2016	RACE Nicole McShane is the contact for this event. Her contact number is 430-1140 ex. 2407 Raindate for this event is Sunday, June 19th.	Pleasant Street	Big Brother Big Sisters of New	10/19/2015
6/25/2016 6/25/2016	MUSIC Barbara Massar, Executive Director is the contact for this event. This event begins at 5:00 p.m. to 9:30 p.m.	Pleasant Street - Street Music Series	Pro Portsmouth	8/ 3/2015
7/ 2/2016 7/ 2/2016	MUSIC Barbara Massar, Executive Director is the contact for this event. This event begins at 5:00 p.m. to 9:30 p.m.	Pleasant Street - Summer in the Street Music Serie	Pro Portsmouth	8/ 3/2015
7/ 4/2016 7/ 4/2016	RACE David Hampson is the contact for this event. Telephone No. 334-3032 Race Start: 9:00 a.m. Registration: 7:30 a.m.	Strawbery Banke, Marcy Street	Easter Seals Veteran's Count	12/ 7/2015
7/16/2016 7/16/2016	MUSIC Barbara Massar is the contact for this event. This event begins at 5:00 to 9:30 p.m.	Pleasant Street - Summer in the Street Music Serie	Pro Portsmouth	8/ 3/2015
7/23/2016 7/23/2016	MUSIC Barbara Massar is the contact for this event. This event begins at 5:00 p.m. to 9:30 p.m.	Pleasant Street - Summer in the Street Music Serie	Pro Portsmouth	8/ 3/2015
7/30/2016 7/30/2016	MUSIC Barbara Massar, Executive Director This event is from 5:00 to 9:30 p.m.	Pleasant Street - Summer in the Street Music Serie	Pro Portsmouth	8/ 3/2015
8/ 4/2016 8/ 4/2016	RACE Justin Finn is the contact for this event. Race Start: 6:00 p.m. Registration: 4:30 p.m.	Portsmouth High School Cross Country Track	Portsmouth Rotary Club	12/ 7/2015
9/18/2016 9/18/2016	RACE Wendy McCoolle is the contact for this event. Telephone #603-759-5640 Race Start: 9:00 a.m. Registration: 7:30 a.m.	Portsmouth Middle School	Celebrate Pink	12/ 7/2015
9/24/2016 9/25/2016	BIKE TOUR Donna Hepp is the contact for this event. Tel. 414-258-3287	Through Portsmouth	Grante State Wheelmen	12/ 7/2015
9/24/2016 9/25/2016	TOUR Caroline Amport Piper is the contact. Tel. (603) 686-4338 Location of this event is to be determined. This event begins each day at 11:00 a.m. to 3:00 p.m.	To Be Determined	Friends of the South End	12/ 7/2015

Run: 12/16/15
10:24AM

Event Listing by Date

Page: 3

Starting Date: 12/ 7/2015

Ending Date: 1/31/2017

Start End	Type Description	Location	Requestor	Vote Date
10/ 8/2016 10/ 8/2016	ROAD RACE Contacts: Catherine Edison at CE Edison@communitycampus.org Ben Anderson - ben@prescottpark.org Angela Greene - angela@prescottpark.org Race Start: 10:00 a.m. Registration: 8:00 a.m.	Memorial Bridge Portsmouth	Memorial Bridge Road Race	12/ 7/2015
11/24/2016 11/24/2016	ROAD RACE Matt Junkin, Race Director is the contact for this event. This is the Thanksgiving Day Turkey Trot which begins at Peirce Island and ends at Strawberry Banke. Registration begins at 7:00 a.m. Race commences at 8:30 a.m.	Peirce Island is the start - Strawberry Banke is th	Seacoast Rotary Turkey Trot 5K	11/16/2015
1/ 1/2017 1/ 1/2017	RACE Michael Rennebu is the contact for this event. Cell #603-969-9783 Race Start: 11:00 a.m. Registration: 9:00 a.m.	Portsmouth Middle School	Great Bay Services	12/ 7/2015


**CITY OF PORTSMOUTH
LEGAL DEPARTMENT
MEMORANDUM**

DATE: December 15, 2015

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: ROBERT P. SULLIVAN, CITY ATTORNEY

RE: 65 MENDUM AVENUE – ZONING BOARD OF ADJUSTMENT
REVERSAL OF CITY COUNCIL APPROVAL TO "UNMERGE" LOTS



At the City Council meeting of December 7, 2015 the Council had received a memorandum from Planning Director Rick Taintor addressed to your office which indicated that on November 17, 2015 the Board of Adjustment heard an appeal by neighbors of 65 Mendum Avenue and reversed the City Council's decision to restore certain lots to their pre-merger status. After review of the memorandum some members of the Council questioned whether the law allowed that action to take place. This memorandum will respond to that question.

The statute at issue is RSA 674:39-aa **Restoration of Involuntarily Merged Lots**. The lack of guidance and detail contained in that statute as to how municipalities should deal with restoring merged lots to their pre-merger status, the appeal from a decision to do so and the planning ramifications which flow from unmerging lots has been problematic to the City in the past. These concerns have previously been made known to the Council.

In connection with the issue raised by the Council, the statute reads, "all decisions of the governing body may be appealed in accordance with the provisions of RSA 676". There is no further guidance. RSA 676, in turn, contains 19 subsections, a majority of which seem to have no application to the merger situation. However, RSA 676:5 entitled **Appeals to Board of Adjustment** sets out an appeals process in which "any matter" may be appealed by "any person aggrieved" to the zoning board. See RSA 676:5 I.

The effect of filing an appeal to the Board of Adjustment, "shall be to maintain the status quo", RSA 676:6. Therefore, the mere filing of an appeal to the Board of Adjustment of a City Council decision to unmerge lots would appear to maintain the merged condition of those lots until the process has been completed. Moreover, an appeal, "shall stay all proceedings under the action appealed from unless the officer from whom the appeal is taken certifies to the Board of Adjustment, after notice of appeal shall been filed with the officer, that by reason of the facts stated in this certificate a stay would in the officers opinion cause imminent peril to life, health, safety,

property or the environment". This emergency situation seems unlikely to ever be true in a lot merger situation.

After a required public hearing, the Board of Adjustment presumably has the authority to decide the appeal by overruling the City Council, although the statute is not express on that point. However, if this were not the case, then the appeal process would be meaningless for at least some of the people "aggrieved".

Of particular significance to the City Council in the 65 Mendum Avenue case is the fact that the action to the Board of Adjustment was brought not by the property owner of the unmerged lots, but rather by neighbors of the 65 Mendum Avenue property. Some Councilors felt that logic would dictate that only a property owner who was denied by the City Council should have the right to appeal to the BOA. However, notwithstanding logic, the statute does not appear to contain that limitation.

The only limitation which I am able to locate in terms of who may file an appeal in a lot merger situation is that all appeals require that the appealing party have proper standing to file the appeal. This requirement lies under RSA 676:5 that an appealing party must be, "a person aggrieved". Case law makes it clear that not everyone in the City is a person aggrieved and therefore not all residents would have standing. In general, the more concrete relationship that any person had to the Council decision to either grant or deny the request to unmerge lots, the more likely that person would be aggrieved for purposes of appeal. Standing issues need to be resolved on a case by case basis based upon the facts of any particular situation. Moreover, appropriate standing to file an appeal with the Board of Adjustment may not be sufficient standing to then appeal a Board of Adjustment decision to the Superior Court. The test becomes more stringent once the case enters the Court system.

In the Mendum Avenue situation, the neighbors to the unmerged lots likely have standing to file an appeal due to their direct proximity to the lots in question. In any event, it would be the responsibility of the property owner of the unmerged lots to raise and litigate the issue, either at the BOA or in the Superior Court.

The direct response to the Council concern, however, is simply that until the matter is decided by court action or by amendment to the statute there appears to be no provision of law which limits the appealing of a City Council decision regarding merger of lots to the owner of the unmerged lots and no other person.

cc: Rick Taintor, Planning Director

CONSIDERATION

received
9/16/15

CITY OF PORTSMOUTH, N.H.
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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

Committee: Planning Board Initial applicant

Name: Dexter R. Legg Telephone: 603-431-7851

Could you be contacted at work? YES/NO If so, telephone # 617-910-7220

Street address: 4 Moebus Terrace, Portsmouth NH 03801

Mailing address (if different): _____

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

How long have you been a resident of Portsmouth? 34 years

Occupational background:

Liberty Mutual Insurance Group 1977-present

Senior Vice President, Corporate Secretary & Chief of Staff to CEO; 2000-present

Vice President, various positions: elected 1995

Various management positions: 1977-1995

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

Co-Chair, Joint Building Committee, Portsmouth Middle School project; 2009-present

Chair, Elementary School Facilities Committee, School Board; 2014-present

Executive leadership positions, Liberty Mutual: establish and manage corporate governance for parent and subsidiary companies; manage preparation and execution of board meetings; provide required support for Directors; confidant and counselor to CEO and Directors; participate in developing and executing strategies, business plans and budgets.

OVER
➔

Have you contacted the chair of the Board/Commission to determine the time commitment involved? NO

Would you be able to commit to attending all meetings? YES

Reasons for wishing to serve:

During the past eight years as a member and leader of the School Board and Joint Building Committee, I have had the privilege of helping make Portsmouth a better city in some small ways. My term ends this year, and I would like to continue contributing to Portsmouth in an appointed, not elected, role. I believe I can add value to the Planning Board and to Portsmouth based on my experiences at Liberty Mutual, the School Board and the JBC

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

Portsmouth School Board, 2008-present; Vice Chair, 2014-present; term ends 1/1/2016
Joint Building Committee, 2009-present; Co-Chair

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

- 1) Chris Dwyer 600 Broad St. Portsmouth 603-436-5247
Name, address, telephone number
- 2) Leslie Stevens 151 Park St. Portsmouth 603-427-1346
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature: [Handwritten Signature] Date: 9/16/2015

If you do not receive the appointment you are requesting, would you be interested in serving on another board or commission? Yes

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

Dexter R. Legg
Senior Vice President, Corporate Secretary and Chief of Staff to the CEO
Liberty Mutual Insurance Group

Dexter Legg was elected Vice President and Corporate Secretary of Liberty Mutual Holding Company in December, 2000. He was appointed Chief of Staff to the CEO in 1998. He was first elected Vice President of Liberty Mutual Insurance Company in 1995 as Manager of Risk Services Information Processes.

Mr. Legg's career with Liberty Mutual spans over 38 years, during which he has worked in various management and staff positions in Statistical Operations, Information Systems, Corporate Strategy and Research, Risk Services and Corporate Administration. He has been involved in various community boards and organizations, and in 2011 was re-elected a member of the Portsmouth, New Hampshire School Board.

Mr. Legg received a B.A. degree in economics from Tufts University. He and his wife live in Portsmouth and have two adult daughters.



CITY OF PORTSMOUTH, N.H.
BOARDS AND COMMISSIONS

11/23/15

APPOINTMENT APPLICATION

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

Committee: Board of Zoning Adjustment **Initial applicant**

Name: Jim Lee Telephone: 603-501-3801

Could you be contacted at work? YES/NO If so, telephone # Yes, 603-501-3801

Street address: 520 Sagamore Avenue, Portsmouth NH 03801

Mailing address (if different): Same

Email address (for clerk's office communication): Jim@JimLee.com

How long have you been a resident of Portsmouth? Since July 2010

Occupational background:

I have been employed full time as a real estate broker since 1980. I practiced real estate in the Knoxville, Tennessee area before moving to Portsmouth in 2010.

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

I have no direct experience serving on a board of this type but in my years as a real estate broker

I have had many occasions to learn of their work.

OVER
➔

Have you contacted the chair of the Board/Commission to determine the time commitment involved? YES/NO No, but I am aware of the time committment required. I have spoken with a current member who encouraged me to apply.

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

Reasons for wishing to serve: I have always had a stongly held belief in giving back service to communities I have lived in. I believe the work of citizen volunteers compliments and multiplies the work of paid staff members.

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

I am a current member and past president of the Seacoast Board of Realtors. I am currently serving on the board of directors at both the Seacoast Baord and New Hampshire Association of Realtors. Master Mason in St. Andrew's Lodge #56 in Portsmouth. Member of Portsmouth Elks Club #97.

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

1) Elizabeth A. Moreau, 99 Bow Street, STE 300E, Portsmouth NH 03801 603-591-3453
Name, address, telephone number

2) Jane S. Leger, 266 McKinley Rd., Portsmouth NH 03801 603-436-9478
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: James Polun Date: 11/20/2015

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

James Ralph Lee (Jim)

520 Sagamore Avenue
Portsmouth NH 03801
603-501-3801
Jim@JimLee.com

Professional Summary:

2010 to present: Engaged in real estate sales in the NH Seacoast and southern Maine areas. Focus is primarily on residential resales of single family homes and condos with some commercial sales.

1980 to 2010: Engaged in real state sales in Knoxville, Tennessee. Focus was primarily residential resales, new construction, and some commercial sales.

1970 to 1980: Owned and managed two restaurants in Knoxville, Tennessee

Highlights:

- * Experienced Seller's Agent
- * Experienced Buyer's Agent
- * Sales Presentations
- * Negotiations Expert
- * Certified Residential Specialist (CRS)
- * Accredited Buyer Representative (ABR)
- * Realtor of the year 1999
- * President, Seacoast Board of Realtors 2013

Experience:

- * Counseled buyers and sellers on market conditions.
- * Guided homebuyers and sellers through the short sale process.
- * Developed close relationships with area Realtors, lenders, and builders to promote referral networks.

Education:

Attended University of Tennessee, Knoxville, TN. Major: Business Administration

Attended Memphis State University, Memphis, TN. Major: Business Administration

Military:

United States Air force. Honorably discharged



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: Jeremiah Johnson Telephone: 603.303.9396

Could you be contacted at work? YES / NO If so, telephone # 603.430.0274

Street address: 4 Fairview Drive

Mailing address (if different): Same

Email address (for clerk's office communication): flashjohnson@comcast.net

How long have you been a resident of Portsmouth? 16 years

Occupational background:

Architect

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

I am currently an alternate on the Board of Adjustment, and would like to apply to become a full-time member now that there is a slot available. I have been an alternate for the past 14 months, and have attended and participated in every meeting since my appointment. I typically have sat on 75%+ of the applications as a full member OVER
due to absence/recusals.

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 believe that volunteering to serve on a land use board is a good way to use my experience and skill set to give back to the community.

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

- Board of Adjustment
- NCARB
- USGBC
- PlanNH

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

1) Eric Weirich 133 Court Street Portsmouth, NH 03801
Name, address, telephone number

2) Steven McHenry 4 Market Street Portsmouth, NH 03801
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: 11/25/2015

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

Wednesday, December 16, 2015

To City Councilors,

I have asked that the following item be placed on the City Council Agenda of Monday, December 21, 2015:

Process For Creating A "BOARD OF ETHICS"

I quote the Portsmouth City Ordinance 1.804 & 1.805 referring to the method for appointing a Board of Ethics. It says that the *"Board shall consist of five persons: one member each selected by lot from the City Council, School Board, Police Commission and Fire Commission and the City Attorney (ex officio) or such other legal counsel (ex officio) that the Board should decide."*

It also establishes that *"The Board member shall be drawn at the first meeting of the calendar year of each of the governing bodies."*

I think we may not have fully and properly followed this Ordinance for a while, and considering that we have undergone a serious ethics matter during the past two years, now is the time for adherence.

It is also possible that by fulfilling our obligation to follow the ordinance of selecting a Board of Ethics by lot, that it will be able to assist in providing ethics training, education, and guidance for the members of our City Council, School Board, Police Commission, Fire Commission, and all of our Boards, Commissions, and Committees.

At the meeting of December 21st, I would like to ask that City Attorney Bob Sullivan advise us, and thereby the new City Council, about the proper procedure for fulfilling this ordinance requirement at the first meetings in January, 2016 of the City Council, School Board, Police Commission, and Fire Commission.

Thank You,

Jim Splaine
City Councilor

Section 1.804: BOARD OF ETHICS

A. There is hereby created and established a method for appointing a Board of Ethics. This Board shall consist of five persons: one member each selected by lot from the City Council, School Board, Police Commission and Fire Commission and the City Attorney (ex officio) or such other legal counsel (ex officio) that the Board should decide. The Board member shall be drawn at the first meeting of the calendar year of each of the governing bodies.

The members of the Board shall elect a chairperson. They shall adopt such rules for the conduct of their business as they see fit and they shall have the power to draw upon the various City departments for reports and information and stenographic and clerical help.

They shall have all subpoena powers as may be available to them under State law.

B. Advisory Opinions: Upon the written request of the Officer or employee concerned, the Board shall render advisory opinions based upon the provisions of this Code. The Board shall file its advisory opinions with the City Clerk but may delete the name of the officer or employee involved.

C. Hearings and Determinations: Any individual having information that an officer or employee as defined in Section 1:801, other than the City Manager or the City Attorney, is engaged in improper activities or has a conflict of interest may present his or her complaint to the City Attorney.

1. Said complaint shall be in writing, under oath, specific and to the point. The City Attorney shall review the written complaint with the Mayor and if either the Mayor or the City Attorney feels that the complaint is of substance, then the Mayor shall refer the matter to the Board.

2. If both the Mayor and City Attorney believe that the complaint is without substance, the person making the complaint and the subject of the complaint shall be notified in writing of that fact.

3. The Board shall hold a hearing which may be public or private at the discretion of the Board and at which the accused party shall be entitled to be represented by Counsel at his or her own expense to examine the party making the complaint, to summon witnesses and to present evidence on his or her behalf. If the Board finds that the individual is guilty as charged in the complaint, the whole matter shall be referred to the appropriate governing body for enforcement as set forth in Section 1:805.

4. Complaints against the City Manager and/or City Attorney for violations of this Ordinance shall be in writing, under oath, specific and to the point, and shall be referred directly to the Mayor or Assistant Mayor. If either the Mayor or Assistant Mayor believes that the complaint is of substance, then the complaint shall be referred to the Board for a hearing as set forth in paragraph C.3 above. If the City Attorney and the Assistant Mayor believe that the complaint is not of substance, then the person making the complaint and the Mayor shall be notified of that decision.

5. Complaints against the Mayor shall be filed with the City Attorney who shall review them with the Assistant Mayor. If either the City Attorney or the Assistant Mayor believes that the complaint is of substance, then the complaint shall be referred to the Board for a hearing as set forth in paragraph C.3 above.

If the City Attorney and the Assistant Mayor believe that the complaint is not of substance then the person making the complaint and the Mayor shall be notified of that decision.

6. All members of the City Council (including the Mayor), School Board, Police Commission and Fire Commission are eligible to serve and must serve on the board when requested to do so except, however, that any person that has been charged in a complaint shall be barred from serving on that particular board.

7. All complaints shall be disposed of or forwarded to the Board by the City Attorney and/or the Mayor and/or the Assistant Mayor within thirty days after receipt.

8. The Board shall have thirty days to investigate and hold meetings and to report to the appropriate governing body as a whole if their findings warrant further action.

9. The statements of the findings of the Board shall be issued upon the request of any person charged.

Section 1.805: ENFORCEMENT

A. Sanctions: In the event that the Board of Ethics determines that any officer or employee subject to its control, has engaged in any act prohibited by this ordinance or failed to make a mandated disclosure, the governing body shall take any one of the following steps:

1. In the case of the Governing body members:

- a. Vote for removal pursuant to the City Charter as amended
- b. Vote to publicly censure the offending member
- c. Vote to place the matter on file
- d. Vote for innocence of any wrong doing

Wednesday, December 16, 2015

To:
Police Chief Stephen Dubois
Acting Deputy Chief Frank Warchol
Police Commission Chair John Golumb
Police Commissioner Brenna Cavanaugh
Police Commissioner Joe Onosko
cc Lt. Chris Cummings
Police Commissioner-elect Joe Plaia

Today, I attended my final meeting as a member of the Portsmouth Transportation Services Commission. I have served on the Commission, which evolved from the "Taxi Commission," since January of 2014. (Seems like a lot longer than that!)

This has been the first time that I had served on this group since I was chair back in 1977-1978, and I quickly learned that many of the same "problems" of back then were still present now.

I wanted to write to you to give my strongest thanks, and commendation, to Lt. Chris Cummings, who has served as the Police Department "representative" on the Transportation Services Commission, per city ordinance, for the past year. The previous representative was excellent as well, but I observe that Lt. Cummings has had a very professional attitude in all that he said and did on the Transportation Services Commission.

This is no half-hearted congratulatory commentary. Being the go-to and point-person with our taxi/ride-sharing/transportation ordinances, especially in the evolutionary moments of change that we have experienced during the past year, is no easy task. Lt. Cummings has done so with patience, understanding, and yet authority as he has worked on the rather complicated matters of ordinance-writing and enforcement.

Lt. Cummings, at least from my experience in working with him and seeing him "in action," deserves our greatest thanks and appreciation. He certainly has mine. Yes, we have disagreed at times -- personally and as a Commission with him -- but that's part of the process. And yes, he has offered insight, knowledge, and a good deal of humor at times.

Thank you for allowing him to be the Police Department "rep." on the Transportation Commission. I can assume that such an assignment is not the most solicited among your staff, but whatever led him to the Commission has been a benefit to our community -- and the safety of our residents and visitors who use transportation services, as well as to the transportation service businesses as well.

Thank You,
Jim Splaine
Portsmouth City Councilor

**CITY OF PORTSMOUTH
PORTSMOUTH, NH 03801**

Office of the City Manager

Date: December 17, 2015
To: Honorable Mayor Robert J. Lister and City Council Members
From: John P. Bohenko, City Manager
Re: Disposition of the McIntyre Federal Building

The following is an update regarding the disposition of the McIntyre Federal Building. As you will recall, the City Council was last updated in August of this year on this issue. As a matter of background, in May of 2014, the City received correspondence from Senator Shaheen's office confirming that U.S. General Services Administration (GSA) Administrator had determined that it would be "in the best interest of the government, the taxpayers, and the City of Portsmouth to vacate the McIntyre Building to enable the property on which it is located to be put to productive use."

At that time the Mayor created the City Council Working Group consisting of the Mayor, Councilors Shaheen, Lown, and Spear to participate in conference calls every 6 weeks with the Boston Regional Administrator and his staff to discuss the disposition process.

The GSA began a programmatic needs analysis of the building tenants that included determination of compliance with new federal office standards for U.S. government agencies and also had an appraisal done of the property. It should be noted that the appraisal cannot be shared with the City due to the City's potential involvement in the transfer of the property

The process of the disposal of the McIntyre parcel by the GSA must adhere to standard federal guidelines and practices that dictate the steps required ensuring the best outcome for the US taxpayer. Those guidelines require that it find suitable locations for all McIntyre tenants except for the US Post Office which is covered by a different Executive Order. As landlord for the McIntyre Federal Building, the GSA has given the Post Office written notification that its lease will expire in 2016. The Working Group has expressed a desire to maintain a retail Post Office in the downtown and continues to be in contact with Post Office representatives. As stated above and in keeping with these practices, prior to disposal of the building the GSA was required to analyze the program needs of all of the current McIntyre tenants. This process determined that the current tenants wish to remain in the downtown and require a secure property containing approximately 40,000 square feet.

GSA operating procedures require a fair market value appraisal prior to divestiture of all federal property. In keeping with the required procedures, the GSA had a professional appraisal of the McIntyre property done. In preparing the appraisal RFP, GSA staff contacted City planning staff regarding applicable local land use regulations for inclusion in the document. The City also requested that the scope of work for appraisal include a hypothetical condition that retained a retail facility for the United States Post Office. Federal regulations prohibit disclosure of the appraised value to the City. The City has completed an independent appraisal for the property.

Following the determination of the fair market value of the property, GSA procedure is to solicit proposals for re-development of the property. Under GSA authorities, GSA may convey real property through various means, including by sale, lease, exchange for other real property that meets the Government's needs, or in exchange for in-kind consideration, such as the performance of construction services. For the Federal McIntyre property, GSA has presented three main options as follows:

1. Exchange of the McIntyre property for Construction Services of the New Facility within the City of Portsmouth Central Business District

Under this approach, the GSA would exchange the Federal McIntyre Property to a developer for fee ownership in another property and this would also include the design and construction of a New Federal Facility in combination with a cash payment to equalize value if necessary.

2. Exchange of the McIntyre property for Fee Ownership of the New Facility in the form of an existing building within the City of Portsmouth Central Business District

Under this approach, the GSA would exchange the Federal McIntyre Property for fee ownership to a parcel within the Delineated Area (Downtown) that is improved with an existing building that meets the GSA's space requirements in combination with a cash payment to equalize value if necessary.

3. Exchange of the McIntyre property for New Facility on City of Portsmouth owned Property

Under this approach, the GSA would exchange the Federal McIntyre property for the design and construction of a New Facility on a property owned by the City of Portsmouth.

After discussion and analysis of the options listed above, the Working Group's suggestion is that alternative #3 above is preferable for the following reasons:

1. Through establishment of a "Redevelopment Committee", the City Council directly participates in the evaluation and selection of a development partner who will design and construct a new federal building on a city-owned property (that is already tax exempt) in exchange for the opportunity to redevelop the McIntyre site (and pay property taxes on the land and building) in direct partnership with the City;

2. This option allows the City Council to maintain control of the scale and design of proposed new buildings and site development at both the McIntyre site and the City-owned property used for the new federal facility downtown;
3. This option helps support the City's economic development goals within the larger downtown area and adds the redeveloped McIntyre Property as a taxable property without removal of another downtown parcel from the tax rolls;
4. This option adds economic value to the redevelopment due to the ability to pool resources such as parking and open space while also reducing risk to the developer and streamlining the permitting process;
5. This option incorporates the opportunity to maintain a retail post office in the downtown.

After consideration of several City-owned parcels in the downtown with potential for an exchange, the Working Group preliminarily identified the Bridge Street Public Parking Lot as a potential site for a new federal building. Such a concept would allow for the construction of a gateway building at the entrance to Islington Street, a concept that was developed in the Islington Street Study. It is possible that an exchange property with the GSA may be in combination with a cash payment to equalize value (it is the Working Group's hope that this requirement could be waived by working with our Congressional Delegation). In the case of the Bridge Street example, the Government would assign its option to purchase the City-owned parcel (i.e. Bridge Street) at fair market value, to a development partner selected by the City. The fair market value of the City-owned parcel would be established through a future market appraisal. Note that this approach has been reviewed and preliminarily approved by the GSA.

Next Steps for GSA in federal property conveyance process

- *Request for Information (RFI)*
Prior to soliciting proposals from developers for the McIntyre parcel, the GSA will issue a RFI (see attached Exhibit 1). The GSA will issue the RFI to obtain responses from real estate developers, construction entities, joint ventures, and other members of the development community (Respondents) who are potentially interested in acquiring the Property through an exchange transaction. The GSA will use the information provided for planning purposes and for making strategic decisions regarding the future use of the Property. Through this RFI, the GSA is exploring potential strategies that may foster the conveyance of the Property out of federal ownership, in exchange for consideration in the form of construction services, fee-for-fee, or other beneficial realty transaction within the City of Portsmouth's Central Business District. The RFI is currently being reviewed by the Office of Management and Budget in Washington. The GSA anticipates issuing the RFI in late December or early January.

- *Industry Day*
Part of that RFI will be to hold an Industry Day for interested respondents. GSA has asked City to be a host the event which will include the presentation of information about the McIntyre Building, GSA disposition requirement and a tour of the McIntyre Building and property.

Next Steps for City in the McIntyre Disposition Process

- *Participation in Industry Day for RFI Process – January/February 2016*
- *Pending City Council review and feedback on Option #3, the City will also complete an appraisal of any city-owned lot considered for an in-kind exchange – Early 2016*
- *City Council Action discussion, public input and action on implementation of the Draft Strategy regarding Exchange of the McIntyre property for new facility on City of Portsmouth-owned Property.*

Attachments:

Exhibit 1 - DRAFT GSA Confidential Request for Information Optimization of the Thomas J. McIntyre Federal Building and Private –Sector Development Opportunity

Exhibit 2 - Draft Strategy regarding Exchange of the McIntyre Property for new facility on City of Portsmouth-owned Property.

Exhibit 1

DRAFT

*GSA Confidential Request for Information Optimization
of the Thomas J. McIntyre Federal Building and Private
–Sector Development Opportunity*

REQUEST FOR INFORMATION

Optimization of the Thomas J. McIntyre Federal Building
and Private-Sector Development Opportunity

80 Daniel Street

Portsmouth, New Hampshire

Responses Due: [INSERT DATE]



U.S. General Services Administration
Public Buildings Service
Real Property Utilization and Disposal
10 Causeway Street
Boston, MA 02222



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I. OVERVIEW

The U.S. General Services Administration (GSA) is considering new approaches to leverage existing assets and engage the private sector to strengthen its real property portfolio. GSA is referred to in this Request for Information (RFI) as the Government.

The property that is the subject of this RFI is located at 80 Daniel Street in Portsmouth, New Hampshire and further described in Section II below (the Property). The Thomas J. McIntyre Federal Building (the High-Rise) occupies the site along with the Portsmouth's Downtown Retail Post Office (the Low-Rise) and two associated parking areas.. Through this RFI, the Government is exploring potential strategies that may foster the conveyance of the Property out of federal ownership, in exchange for consideration in the form of construction services, fee-for-fee, or other beneficial realty transaction within the City of Portsmouth's Central Business District (the Delineated Area).

The Government's key strategic objectives related to the optimization of the Property include:

- Meet the long-term space needs of federal agencies by reducing the government's footprint within the Delineated Area;
- Leverage the expertise of the real estate industry to unlock the equity in the Property;
- Maximize financial return to the government and taxpayers; and
- Promote new market-driven use(s) on the underdeveloped Property

The new facility will require up to 40,000 gross square feet (GSF) and sufficient on- and off-street parking spaces as appropriate to house approximately 100-150 personnel (the New Facility).

The Government will provide greater detail on requirements for the New Facility prior to or as part of the issuance of any solicitation. The New Facility, however, will conform to the criteria and standards established in the *P-100 Facilities Standards for the Public Buildings Service*. These standards are available for download at <http://www.gsa.gov/portal/content/187611>. It is envisioned that this facility would require appropriate security features.

The Government is issuing this RFI to obtain responses from real estate developers, construction entities, joint ventures, and other members of the development community (Respondents) who are potentially interested in acquiring the Property through an exchange transaction. The Government will use the information provided for planning purposes and for making strategic decisions regarding the future use of the Property.

In considering various alternatives, the Government may exercise GSA's authorities to exchange the Property for cash, construction services or other real property, or any combination thereof.

The Government will not enter into a sale or exchange agreement as a result of this RFI. After review of the responses, the Government will determine if there is the breadth and depth of interest from Respondents to proceed with an open, competitive solicitation. If the Government determines through its review that an exchange transaction is not in its best interest, then the Government may explore other options for the Property.

The Government invites Respondents to submit ideas that could assist it in attaining its objectives. The Government will not reimburse Respondents for any expenses associated with responding to this RFI, though the Government sincerely appreciates Respondents' efforts and input. For additional

information on the submission process, see Sections VI and VII of this RFI.

II. PROPERTY DESCRIPTION

The Property is located at Daniel Street in downtown Portsmouth's historic district as shown in Figure 1. It comprises approximately 2.25 acres of land, with 245 feet of frontage on the northwest side of Daniel Street, 378 feet on the northeast side of Penhallow Street, and 186 feet on the southeast side of Bow Street. Improvements include the McIntyre Building - a four-story (plus basement level) steel-frame masonry building containing approximately 107,000 square feet of gross building area and a two-tier outdoor parking lot with ninety-one (91) spaces as well as forty-four (44) indoor parking spaces. The Property is within a short walking distance to Portsmouth's commercial/retail center known as Market Square located at the intersection of Market and Daniel Street and Portsmouth's historic harbor and waterfront commercial areas.



Figure 1: Property Location

The following table contains general descriptions of the above-referenced building located on the Property, which was constructed in 1966:

Table 1: Building List

Building	Description
High-Rise	<ul style="list-style-type: none"> ▪ 4-story building containing approximately 107,254 GSF ▪ Brick and masonry construction ▪ Uses include main lobby, offices, and conference room space
Low-Rise	<ul style="list-style-type: none"> ▪ Brick and masonry construction ▪ Uses include offices, retail space, and a 4-bay loading dock
Parking	<ul style="list-style-type: none"> ▪ 135 total spaces with access off of Bow Street including: ▪ 91 outdoor spaces ▪ 44 indoor spaces

Existing Conditions of Improvements

The Property has been well maintained, although the buildings and infrastructure are in need of modernization.

Site Access/Transportation

The Property is within Portsmouth's downtown historic district and within walking distance of many commercial, retail, and waterfront attractions.

Zoning/Entitlements

On April 21, 2014, the City of Portsmouth adopted a character-based zoning ordinance that includes this property. According to the *City of Portsmouth Zoning Ordinance Article 5A – Character Districts*, the purpose of the Downtown Character District is to encourage development that is compatible with the established character of its surroundings and consistent with the City's goals for the preservation or enhancement of the area. This is accomplished by providing a range of standards for the elements of development and buildings that define a place. More information on the Downtown Character District can be found at: <http://planportsmouth.com/>

The new Character-Based Zoning consists of three levels of density and character including:

- 1) General Urban District – Limited (CD4-L)
- 2) General Urban District (CD4); and
- 3) Urban Center District (CD5).

As detailed in Figure 2 – City of Portsmouth Character Based Zoning Map, the portion of the Property along Bow Street is zoned CD5 while the portion of the property with frontage along Penhallow and Daniel Streets is zoned as CD4.



Figure 2: Character Based Zoning Map

The Government makes no representations with regard to the zoning information included in this RFI. Respondents should verify the present zoning and determine the permitted uses for any proposed future development. For more information on Zoning/Entitlements, respondents are encouraged to contact the City of Portsmouth Department of Planning, Principal Planner Nicholas Cracknell at 603.610.7216.

“AS-IS” Condition

- The Property will be conveyed “AS-IS” and “WHERE-IS” without representation, warranty, or guaranty as to quantity, quality, title, character, condition, size, or kind, or that the same is in proper condition or fit to be used for the Respondent’s intended purpose.
- Respondents must rely on their own independent research and conclusions for all development, financing, construction and operating costs.
- The deed to the Property will contain the standard notice and covenants required by Section 120(h)(3)(A) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (CERCLA) (42 U.S.C. §9620(h)(3)(A)) and the regulations at 40 CFR Part 373.

III. POSSIBLE TRANSACTION STRUCTURES

Under GSA authorities, GSA may convey real property through various means, including by sale, lease, exchange for other real property that better meets the Government's needs, or exchange for in-kind consideration, such as the performance of construction services. The Government is interested in using these authorities to obtain, at a minimum, the New Facility in exchange for the Property, and contemplates execution of a transaction structure that realizes this goal. A cash equalization payment to the Government may be required as part of any future solicitation.

The following are examples of possible transaction structures. The Government may consider other transaction structures as well.

4. Exchange for Construction Services of the New Facility within the City of Portsmouth Central Business District

Under this approach, the Government would exchange the Property for the land as well as the design and construction of a New Facility in combination with a cash payment to equalize value if necessary.

- In exchange for the land, design, and construction of a New Facility within the Delineated Area, the Government would offer title to the Property.
- The Government would evaluate offers and execute the exchange agreement.
- The selected offeror would provide land and design and construction services; and
- The Government would convey Property to the offeror on a mutually agreed upon date following completion of the New Facility.

5. Exchange for Fee Ownership of the New Facility in the form of an existing building within the City of Portsmouth Central Business District

Under this approach, the Government would exchange the Property for fee ownership to a parcel within the Delineated Area that is improved with an existing building that meets the Government's space requirements in combination with a cash payment to equalize value if necessary.

- In exchange for the fee ownership of a parcel improved with an existing building that meets the requirements of the New Facility; the Government would offer title to the Property.
- The Government would evaluate offers and execute the exchange agreement.
- The selected offeror would provide fee title to a replacement parcel; and
- The Government would convey Property to the offeror on a mutually agreed upon date in exchange for the New Facility.

6. Exchange for New Facility on City of Portsmouth owned Property

Under this approach, the Government would exchange the Property for the design and construction of a New Facility on a property owned by the City of Portsmouth. As an example, the city has preliminarily identified the Bridge Street Property, shown in Figure 3, as a potential site for New Facility. If necessary, any exchange property with the City may be required to be in combination with a cash payment to equalize value.. In the case of the Bridge Street example, the Government would assign its option to purchase the Bridge Street Parcel at fair market value, to the selected entity. The fair market value of the Bridge Street Parcel would be established in a future solicitation document. The selected entity would arrange for the closing

on the Bridge Street Parcel with the City of Portsmouth. Once acquired, the selected entity would design and construct the New Facility on the bridge Street Parcel. Upon completion, the fee ownership of the New Facility would then be exchanged for the Property.

- In exchange for the land, design, and construction of a New Facility, the Government would offer title to the Property.
- The Government would evaluate offers and execute the exchange agreement.
- The selected offeror would acquire a parcel owned by the City of Portsmouth and would provide design and construction services; and
- The Government would convey the Property to the offeror on a mutually agreed upon date following completion of the New Facility.



Figure 3 – Bridge Street Lot

The following graphic provides an overview of how the exchange process would work.

1 <u>Solicitation</u>	2 <u>Exchange Agreement</u>	3 <u>New Facility</u>	4 <u>Conveyance</u>
<ul style="list-style-type: none"> • Issue solicitation seeking proposals from entities interested in providing a New Facility through design and construction services or a fee-or-fee exchange. • Review proposals and select preferred exchange partner 	<ul style="list-style-type: none"> • Execute exchange agreement with exchange partner 	<ul style="list-style-type: none"> • Exchange partner completes construction of the New Facility as required under exchange agreement <p>OR</p> <ul style="list-style-type: none"> • Exchange partner identifies existing facility for conveyance to the Government as required under exchange agreement 	<ul style="list-style-type: none"> • Convey the Property to exchange partner upon acceptance of the New Facility

IV. STATEMENT OF LIMITATIONS

1. The Government represents that this RFI, submissions from Respondents to this RFI and any relationship between the Government and Respondents arising from, connected, or related to this RFI, are subject to the specific limitations and representations expressed below, as well as the terms and conditions contained elsewhere in this RFI. By submitting a response to this RFI and without the need for any further documentation, the Respondents acknowledge and agree to the Government's rights and all other terms and conditions as set forth in the RFI, including the Statement of Limitations.
2. The Government reserves the right, in its sole discretion, without liability, to use any or all of the RFI responses in its planning efforts and to develop and operate the Property, in whole or in part, outside of the RFI process. The Government reserves the right to retain all the materials and information, and the ideas and suggestions therein, submitted in response to this RFI. All such material, information, ideas, and suggestions will become the property of the Government.
3. This RFI does not create an obligation on the part of the Government to enter into any agreement, nor to implement any of the actions contemplated herein, nor to serve as the basis for any claim whatsoever for reimbursement of any costs associated with the preparation of responses submitted to the RFI.
4. The submission of an RFI response is not required to participate in any potential future redevelopment process, nor does submission of a response preclude Respondents from participating in any future redevelopment of the Property.
5. To the best of the Government's knowledge, the information provided herein is accurate. However, the Government makes no representations or warranties whatsoever with respect to

this RFI or the Property, including representations and warranties as to the accuracy of any information or assumptions contained in this RFI or otherwise furnished to Respondents by the Government, site and environmental conditions on the Property or the suitability of the Property, or any portion thereof, for any specific uses or development. Respondents should undertake appropriate investigation in preparation of submitting a response. A site inspection will be coordinated to give all Respondents the opportunity to examine existing conditions.

6. This RFI is issued solely for information and planning purposes and does not constitute a solicitation. A response to this notice is not an offer and cannot be accepted by the Government to form a binding contract.
7. The Government may request clarifying discussions with any or all of the Respondents on an individual or group basis. Submission of a response does not guarantee the opportunity to participate in the discussions.
8. No claims for brokers' fees will be paid by the Government.
9. Respondents submitting business information pursuant to this RFI should consult 41 C.F.R. part 105-60 and other implementing regulations concerning the release of such information to third parties under the Freedom of Information Act. All information submitted by Respondents that they consider confidential and not releasable to third parties outside of the Government, and its employees, agents, consultants, and representatives, must be clearly and conspicuously so marked.

V. ADDITIONAL INFORMATION

Pre-Submittal Briefing and Tour

The Government has scheduled a pre-submittal briefing and Property tour for interested parties on [DATE] – time and location to be determined. To sign up for the briefing and tour, [go to www.gsa.gov/mcintyreRPX](http://www.gsa.gov/mcintyreRPX)

Project Inquiries

Questions regarding this RFI must be submitted by [DATE] by email sent to mcintyreRPX@gsa.gov.

Written questions must include the requestor's name, e-mail address, and the Respondent represented. Respondents also may ask questions during the pre-submittal conference. Regarding questions not received in a timely manner, the Government will decide, based on the amount of research needed to answer the question, whether an answer can be provided before the RFI due date.

A copy of all finalized questions and answers will be available at www.gsa.gov/mcintyreRPX

VI. SUBMISSION OF RESPONSES

All interested parties should submit electronically a cover sheet, company description and the attached completed questionnaire with appropriate supporting information clearly marked "Response to RFI – Thomas J. McIntyre Federal Building" by 5:00 p.m. Eastern Time on [DATE], to mcintyreRPX@gsa.gov.

The Government would like to thank you in advance for reviewing this RFI and assisting us in our efforts to plan for the potential repositioning of this Property.

Response Format

1. Cover Sheet, including:
 - Company Name and Address
 - Company Representative Name and Contact Information, including telephone and e-mail
 - Signature of Representative
2. Brief description of the company; size of company; years in business; and type of entity.
3. Response to RFI items in numerical order followed by any additional materials (see Section VII. Request for Information Questionnaire).

Oral Presentations

The Government may seek to engage in follow-up discussions with any or all of the Respondents. The Government will arrange with the Respondents for the time, date and location of the discussions. The submission of a response does not guarantee the opportunity to participate in the discussions.

VII. REQUEST FOR INFORMATION QUESTIONNAIRE

1. Taking into consideration federal construction and setback requirements (see Section I above), describe where you would propose locating the New Facility within the Delineated Area. Elaborate on why any specific location(s) would be optimal as compared to other locations.
2. Of the three examples of transaction structures discussed in Section III above, explain whether exchange for an existing building or new construction would be preferable and why.
3. Are there possible transaction structures that could more effectively accomplish the goal of obtaining a New Facility, other than the transaction structures described in Section III?
4. Describe your general financing strategy for the construction of the New Facility in light of the proposed transaction structure.
5. How would receiving title to the Property *after* completion of the New Facility impact the transaction? Would a different approach, aside from those described within this RFI, be more beneficial? If so, why?
6. How do the existing improvements on the Property factor into future development decisions?
7. How would you view the U.S. Postal Service interest in leasing back approximately 5,000 square feet at the Property post-conveyance and how would this impact the future development and/or value of the exchange?

8. Identify any concerns or risks with the proposed transaction structures (Section III) that would affect your potential interest in the Property. Are there any concerns about market risk, transaction timeline/phasing or any other key execution risks that could impede successful implementation of the proposed transaction structure?
9. What information would you need about the construction services that the Government seeks to receive as consideration for the exchange to prepare as part of your response to a solicitation?
10. Given the scope and scale of this development opportunity, what is an ideal length of time necessary to prepare a comprehensive and detailed response to any future solicitation that seeks to fulfill the strategic objectives stated in this RFI?
11. Given the special requirements associated with the City of Portsmouth's zoning overlay of the Property, identify any concerns related to the future development of the Property that may affect the viability of the proposed exchange transaction.
 - a. What concerns, if any, do you have regarding entitlement risk? At what point in the entitlement process would the entitlement risk be sufficiently mitigated?
 - b. Explain whether any dimensional (height, FAR, setbacks, open space, etc.), use, parking or other requirements affect the viability of the transaction structures identified in this RFI.
12. Do you foresee any challenges in completing a purchase with the City of Portsmouth for the identified parcel considering the conditions included with such a purchase (i.e., the length of the option period)?

Exhibit 2

Draft Strategy regarding Exchange of the McIntyre Property for new facility on City of Portsmouth-owned Property.

Proposed City Strategy for Solicitation of Development Partner for Redevelopment of Thomas J. McIntyre Building Site

City Authority for Purchasing Goods and Professional Services: City Administrative Code pursuant to Section 3.9 of the Revised Charter of the City of Portsmouth, Article V (attached).

Subject to the City Council's Authorization:

1. City creates committee (McIntyre Redevelopment Committee) for sole source procurement of a development partner consisting of:
 - Two City Councilors
 - Planning Board Chairman
 - Economic Development Commissioner
 - City Staff: City Manager, Deputy City Manager, City Attorney, Principal Planner, Economic Development Program Manager
 - GSA representative
 - HDC Chair
 - BOA Chair
 - Two public representatives
2. City Committee prepares and issues Request for Qualifications (RFQ) from Development teams.
3. City Committee reviews RFQs and selects 3-4 teams for submittal of RFP.
4. City Committee issues RFPs and following review of proposals, selects 1-4 teams for interviews and final selection.
5. In cooperation with the Federal Government, City enters into an agreement with the selected development team to either:
 - Design and construct a new federal building on city-owned land in the delineated Central Business District in accordance with the Federal Government's requirements (space, security, etc.).
 - Procure land at fair market value for design and construction of new federal building in the delineated Central Business District in accordance with the Federal Government's requirements.

Upon completion, the Federal Government exchanges the Thomas J. McIntyre Federal Building for the City parcel with the newly constructed federal building in accordance with conveyance and equalized value requirements.

CITY OF PORTSMOUTH, NH

RFQ #24-16

REQUEST FOR QUALIFICATIONS

PROFESSIONAL SERVICES
PRESCOTT PARK MASTER PLAN

Statements of Qualifications, plainly marked RFQ #24-16, "Prescott Park Master Plan" on the outside of a mailing envelope, addressed to the Finance/Purchasing Department, City Hall, 1 Junkins Avenue, Portsmouth, NH 03801 will be accepted until 12:00 pm on Tuesday December 22, 2015.

PART I: Introduction

The City of Portsmouth is seeking a qualified firm or team of firms to work closely with the City, the general public, and stakeholders on a Master Plan for the City-owned Prescott Park. Prescott Park is a 10-acre waterfront park adjacent to the Piscataqua River, a residential neighborhood and the City's Central Business District. The Park is a major and beloved public green space and primary waterfront resource. The park is home to historic buildings (including the Shaw and Sheafe Warehouses, both listed on the State Register of Historic Places). The park itself lies within the City's Historic District; in addition, the Park is within the study area for an in-progress District Nomination being prepared by the State of New Hampshire for the National Register of Historic Places.

Project Background and Purpose

The Park was created over a number of years beginning in the mid-20th Century as a result of a charitable gift of land and money from Josie F. Prescott. The Will of Josie F. Prescott, executed on January 18, 1938, created an arrangement under which her trustees purchased property along Marcy Street and conveyed the same to the City of Portsmouth, "to be used for park and recreational purposes". Operating under that provision her attorney/trustee Charles M. Dale acquired numerous properties in the name of the trust and ultimately conveyed those properties to the City for that purpose. The properties constitute Prescott Park and remain to this day owned by the City of Portsmouth. The same Will of Josie Prescott also created a trust,

the income of which was made available to maintain and operate the Park. The City of Portsmouth Trustees of Trust Funds serve as the operational supervisors of Prescott Park. While many significant maintenance and other improvement projects have been carried out in the park in recent years many features, amenities, surfaces, and structures are in need of replacement, upgrade, or other improvement. Due to the park size, number of different types of infrastructure, and cost for addressing the needs in total as well as the historic, cultural, and environmental import of the park, the City is looking to comprehensively plan for the future. In particular, the City is looking to determine the park uses desired by the public for the future and to develop a strategy for meeting the breadth of physical infrastructure needs in the park in light of the uses desired.

Operational costs of the park are funded primarily through annual earnings of the Josie F. Prescott Trust, a trust managed, per state law (RSA 31:19), by the Trustees of Trust Funds. Some administrative costs are funded through the City's annual budget and operational support and project management for capital projects are also provided by City Departments. In recent years, funding for larger capital improvement projects has been funded through the City's General Fund and, in the case of docking structures, from dock fee revenues.

In its role as Operational Supervisor of the Park, the Trustees of Trust Funds will work in coordination with the City staff on this engagement.

Today, the Park has a diverse array of amenities, which are reflective of the City's historical, cultural, and marine heritage. A figure showing the various park areas and structures is shown below, and provided in a larger format in Appendix B.



Description of Current Uses

Today's Prescott Park is a vibrant hub of activity resulting from various uses. While the Park has many distinctive features, structures, and amenities, the combination of these assets promote various uses by a large cross section of the community. A summary of the informal and formal uses are described below.

General Use Passive Public Waterfront Park. For the general public, the park serves as a large waterfront greenspace accessible to all, at all seasons and times of day. This use is defined by the walking paths, park lighting, open lawn spaces, multiple seating areas, pier structures, a mature urban canopy, fountains and flower gardens, interpretative features, sculptures, picnic tables and cooking grills. The park setting and amenities support impromptu uses as such as fishing, unorganized field sports and other activities consistent with an outdoor public park in an urbanized setting.

Gathering Place and Venue. The Park is used by members of the public as a gathering place for events and other uses, which are expressly permitted by the Trustees of Trust Funds. Examples of these uses include: weddings; public events in the designated Public Forum Area (shown above) where constitutionally protected expressions of free speech are held; a docking facility available for hourly and seasonal overnight docking; and outdoor classes.

Uses through Formal Agreements. There are formal agreements in place that define certain park uses. Each is summarized below:

- The Gundalow Company – The Gundalow Company a non-profit IRS Section 501(c)3 organization leases the Sheafe Warehouse Dock to tie-up its Piscataqua vessel as part of its educational programming in pursuit of its mission to protect the maritime heritage and environment of the Piscataqua River.
- The Players' Ring – The Players Ring Company, a non-profit IRS Section 501(c)3 organization, leases the Marine Railway Headhouse at 105 Marcy Street to pursue its mission to promote the efforts of local artists through the production of original works, while providing an affordable theatre space to local production companies.
- Prescott Park Arts Festival – The Prescott Park Arts Festival (PPAF), Inc. is a non-profit IRS Section 501(c)3 organization, which is provided use of several structures and spaces within the park, including the stage. The Festival's mission

is to provide quality family entertainment, promote artistic excellence in the community and maintain quality presentations of both entertainment and educational events. The Festival attracts nearly 250,000 visitors to the Park each year for its musical, theatrical, and dance performances on the stage. The Festival also hosts various celebrations, food festivals, movie nights, and theater classes within the park.

- New Hampshire Art Association – The NH Art Association (NHAA) is a non-profit art association and is one of the oldest statewide art associations in the country. The organization hosts juried art exhibitions in the park out of the Sheafe Warehouse in addition to its other programs and exhibitions at its nearby Gallery on State Street.

Anticipated Capital Needs

In addition to the regular maintenance activities of the full-time and part-time staff working in the park, the following is a partial list of recent capital improvement projects and upgrades:

1. Utilities
 - a. Upgrade of water and electric utilities to South Docks, 2015
2. General Site Work
 - a. Resurfacing of formal garden fountain tops, 2015
 - b. Brick sidewalks along Marcy and Mechanic Street, 2014
 - c. Hovey Fountain Access Improvements, 2011
3. Buildings
 - a. Concession Building – Reconstruction, 2014
 - b. Sheafe – Roof Replacement, 2011
 - c. New electrical panel and service to Sheafe Dock, 2015
 - d. Shaw Warehouse – Roof replacement, new siding (gable ends), and foundation work, 2014
 - e. Marine Railway Headhouse – Several building improvements in interior and roof work, 2013
 - f. Four Tree Island – Roof replacements on picnic tables (various years)
4. Marine Structures
 - a. South Dock Replacement, 2015

The following is a list of the anticipated capital improvements needed in the park:

1. Electrical and pedestrian lighting system replacement;

2. Irrigation system improvements;
3. Upgrade or replacement of walkway surfaces in park;
4. Interior and exterior improvements to Sheafe and Shaw Warehouses;
5. Perimeter fencing; fountain repointing; refuse & recycling; park benches;
6. Landscape plan for mature and decaying trees; and
7. Seawall, rip-rap, and related shoreland protection.

Concurrent Planning Efforts

The City of Portsmouth is currently working on its next City-wide Master Plan. The previous Master Plan document was completed in 2005 and emphasized the creation of public gathering places, access to the waterfront, and adoption of policies to promote a walkable and bicycle-friendly community. Public input into the next Master Plan is ongoing and completion is scheduled for fall 2016.

The Planning Department is in the process of adding Prescott Park to the City's inventory of 3D mapped areas. This should be completed prior to end of 2015 (<http://planportsmouth.com/3d/index.html>).

The Prescott Park Arts Festival (PPAF) has begun the process of creating a "comprehensive strategic plan that will define its future for the next five years." According to PPAF's description of the effort it is anticipated to result in an organizational strategy to support its mission and create a vision for strategic priorities among other outcomes.

Anticipated Scope Items & Deliverables

Following the submittal of Statements of Qualifications and ranking, select firms will be asked to submit proposals. The following outline is a list of anticipated scope items for the final contract and does not represent a final scope of work. This outline is not necessarily all-inclusive and, in the proposal process, Firms will be encouraged to include any tasks or alternatives and services deemed necessary to satisfactorily complete the project. Firms are encouraged to bring both industry expertise and creative ideas tested elsewhere and tailored to Portsmouth to help the community design the project approach that best suits the City and Prescott Park.

1. Existing Conditions and Uses

- 1a.** Create a Park-wide (including Four Tree Island) Existing Conditions Plan, which identifies, all structures, facilities, marine structures; parking and vehicular access ways; seawalls and seawall materials; water, sewer, irrigation, and electrical utilities; irrigation

and drainage infrastructure; paths and path materials; signage; all park furniture and amenities; trees, landscape, and flower beds; and edges and edge materials. Documents relating to the parks history and development and other resources will be available.

1b. Create an Existing Uses Plan of all existing uses (informal and formal, organized and unorganized) throughout the park including Four Tree Island. Provide a narrative description of the uses.

1c. Create a Facilities Assessment Report which provides an assessment of critical building infrastructure needs in the Park focusing on utilities; structures; buildings and seawalls; and other major Park elements. Identify pedestrian circulation, layout, and other civil site issues that should be addressed as part of the overall planning process.

2. Public Participation

2a. In close coordination with the City, conceive a structure and schedule of public participation activities including social media, interviews, survey, public input meetings and/or charrettes for the purpose of identifying and assessing current uses as well as determining desired uses, features, and amenities.

2b. The public input program will ensure the involvement of the residents and general public, elected and appointed officials, and various other Park stakeholders at all project stages. Public Participation components shall be part of both Existing Conditions work (above) as well as creation of a Master Plan (below).

3. Master Plan for Uses and Facilities

3a. Create a *Park Master Plan of Uses* which shows the overall final program of uses and the capital needs associated with implementing the Master Plan. The Plan will address the allocation among competing uses of spaces within the Park, whether it be in the Sheafe and Shaw Wharehouses, open lawn areas or parking facilities.

3b. Create a *Facilities Master Plan* that will be used to implement the Master Plan. This will include a list of needed improvements, opinions of cost for each improvement; and a phased approach for implementation.

PART II: Required Contents of the Statement of Qualifications (SOQ)

Statements of Qualifications, plainly marked RFQ #24-16, "Prescott Park Master Plan" on the outside of the mailing envelope, addressed to the Finance/Purchasing Department, City Hall, 1 Junkins Avenue, Portsmouth, NH 03801 will be accepted until 12:00 pm on Tuesday December 22, 2015.

Please note the following in preparing submittals to this RFQ:

- a. SOQ components should appear in the order they are requested below, and be easily navigable via a series of tabbed and labeled sections.
- b. One original submittal and five (5) copies of the SOQ are required; the original should be single-sided and clipped together to facilitate document reproduction if necessary. A digital version shall also be submitted.
- c. Pages shall be no larger than letter-size (8 1/2 x 11 inches) or, if folded to that dimension, twice letter size (11 x 17 inches). It is acceptable to produce the Submittal on both sides of the paper in the bound documents.

Required contents:

1. Cover letter:

Provide a cover letter (up to two pages), which clearly identifies the project manager, briefly explains relevant past work, and includes a statement of project understanding.

2. Firm Experience (for each firm in the team, if applicable):

Describe relevant experience of the firm or firms. This information shall be summarized in a matrix format in each of the following primary areas of focus:

- a. site specific master planning in urbanized settings;
- b. waterfront parks;
- c. historic preservation and cultural resource planning;
- d. landscape architecture; and
- e. facilities planning

3. Project Team:

List each member of the proposed Project Team along with their:

- a. Team Member Name and Firm affiliation
- b. Area of specialty
- c. Specific involvement/role in projects used as references
- d. Office location
- e. Total years of experience
- f. Years with current firm

One member of the Project Team must be identified as the Project Manager. Resumes (up to two pages per team member) shall also be included.

4. Past Projects and References

Provide information, including narrative and depictions, of relevant past projects (up to five).

Clearly indicate the role the proposed team members played in each project. The project descriptions shall be current and limited to a maximum of one full page per project, along with client references and up-to-date contact information (name, title, organization, phone, cell and email). Firms are encouraged to include one sample work product from a similar engagement.

5. Additional Information

Appendices can be included to supply other relevant information not specifically called for above. Please limit to no more than an additional 5 pages.

The scope of work, which will be prepared during the proposal process by the firms selected from this qualifications process, shall be sufficient to address the following:

PART III: Process, Schedule, and Selection

Ranking of Qualifications

Each SOQ will be reviewed and ranked according to the following criteria:

- | | |
|--|-----------------|
| a. Responsiveness to Submission Requirements | Up to 10 points |
| b. Firm experience & relevance of past work | Up to 35 points |
| c. Overall Project Team experience | Up to 35 points |
| d. Project Manager experience | Up to 20 points |

Selection and Contract

Upon review of all responsive SOQs using the criteria outlined above, the City may select up to three (3) firms to submit proposals and interview. Upon completion of the interviews (if required), the City anticipates negotiating a final Scope of Services and fee with the highest ranking firm.

Schedule

Work is anticipated to begin immediately after contract signature. A final schedule will be negotiated with the successful firm.

City Role

City staff will be responsible for administering the project and overseeing the firm's work in coordination with the City Council and the City's Trustees of Trust Funds. This project will benefit from meaningful public engagement and input of Portsmouth residents, the general public and various stakeholders.

Reservation of Rights

The City of Portsmouth reserves the right to reject any or all statements of qualifications, to waive technical or legal deficiencies, to proceed or not to proceed with any subsequent proposal process, or to negotiate without further process any contract as may be in the best interest of the City. The City also reserves the right to negotiate directly with the selected firm for additional project work including but not limited to studies, design, and construction administration.

The City reserves the right to make such inquiries regarding the firm's qualifications and reputation as it deems necessary to evaluate the firm. The firm may be requested to execute releases to obtain information from third parties. Failure to execute a release upon request may result in disqualification.

Contract Document

Upon selection, the successful firm will be sent a contract for execution. When the contract is executed by both parties, the Consultant will be instructed to commence providing the work outlined in the contract. All information, data, documents, photos, computer records, and other materials of any kind acquired or developed by the consultant pursuant to this project shall be the property of the City of Portsmouth.

APPENDIX A
RELEASE OF ALL CLAIMS FOR PURPOSE OF REFERENCE CHECK

TO: _____
Name of Reference ("Reference")

Name of Employer/Organization ("Entity")

Address

Address

On behalf of the undersigned Firm I hereby agree to release and hold harmless the above-named Reference and Entity from any and all claims and causes of action including without limitation actions for defamation, slander or interference with contractual relations for any statements made to the City during the course of the City's investigation of Firm's qualifications.

Dated: _____ Firm: _____

By: _____

Print Name: _____

Title: _____

APPENDIX B



ACTION ITEMS AND MINUTES
PARKING and TRAFFIC SAFETY COMMITTEE MEETING

8:00 A.M. – Thursday, December 3, 2015
City Hall – Eileen Dondero Foley Council Chambers

Action Items requiring an immediate ordinance during the next Council meeting: none
Temporary Action Items requiring an ordinance during the annual omnibus: none

ACTIONS:

- [1] Accepted and placed on file the minutes of the Parking and Traffic Safety Committee Meeting held November 5, 2015.

- [2] Accepted and placed on file the Financial Report dated October 31, 2015.

- [3 (VI.A.)] **Action Item:** Woodbury Avenue/Franklin Drive corridor study draft recommendations - **VOTED** to report back to the Committee after a neighborhood meeting has been conducted.

- [4 (V.C.)] **Action Item:** Request to modify NO PARKING restriction on east side of Summit Avenue - **VOTED** to direct City staff to evaluate and report back with a recommendation.

- [5 (V.A.)] **Action Item:** Congress Street loading zone, impact on crosswalk visibility at Chestnut Street - **VOTED** to direct City staff to evaluate and report back with a recommendation.

- [6 (V.B.)] **Action Item:** Request for parking on Chapel Street between Bow Street and Daniel Street - **VOTED** to make no changes at this time, and report back on providing three spaces as part of the reconstruction project.

- [7 (VI.B.)] **Action Item:** Request for No Parking on east side of Cutts Street between Maplewood Avenue and Leslie Drive - **VOTED** to direct City staff to evaluate and report back with a schematic showing sight distances and potential parking in the area.

- [8 (VI.C.)] **Action Item:** Pleasant Street at Court Street - **VOTED** to install an all-way STOP at the intersection of Pleasant Street and Court Street.

I. CALL TO ORDER:

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

II. ROLL CALL:

Members Present:

Councilor, Brad Lown
City Manager, John Bohenko
Public Works Director, Peter Rice
Deputy Fire Chief, James Heinz
Acting Deputy Police Chief, Frank Warchol
Member, Ted Gray
Member, Ronald Cypher
Member, Harold Whitehouse
Member, Shari Donnermeyer
Alternate Member, Mary Lou McElwain

Staff Advisors Present:

Parking Manager, Joey Giordano
Parking and Transportation Engineer, Eric Eby
Transportation Planner, Juliet Walker

III. ACCEPTANCE OF THE MINUTES:

Ted Gray motioned to accept November 5, 2015, meeting minutes.
Shari Donnermeyer seconded.

Motion passed 9-0.

IV. FINANCIAL REPORT:

Harold Whitehouse motioned to accept October 31, 2015, financial report.
Shari Donnermeyer seconded.

Motion passed 9-0.

V. NEW BUSINESS:

Public Works Director Rice motioned to suspend the rules to move action item VI.A. to the beginning of the meeting. City Manager Bohenko seconded. **Vote 9-0, to suspend the rules.**

VI.A. Woodbury Avenue/Franklin Drive corridor study draft recommendations -

Kevin Dandrade, Principal/Senior Project Manager with TEC, Inc., made a presentation on the Woodbury Avenue Corridor Traffic Study between Rockingham Avenue and Dennett Street. He discussed existing challenges, including mixed roadway users, New Franklin Elementary School traffic, and sign clutter. Project goals are to increase vehicular capacity, upgrade/repair/replace deficient infrastructure, reduce driver confusion and conflict points, and provide a complete streets design. TEC traffic study methodology included field inventory, sight distance evaluations, detailed traffic counts, and public meetings. A meeting was held on June 22, 2015, at New Franklin School to collect feedback via a charrette process. Mr. Dandrade stated the traffic volumes were analyzed for the following items: signal warrant analysis, turn lane warrant analysis, and capacity and queue analysis. TEC reviewed traffic flow alternatives, including closing streets, consolidating intersections, and altering traffic patterns near New Franklin Elementary.

Mr. Dandrade stated the preferred alternative included a number of different items, which are meant to enhance the pedestrian environment, standardize bicycle accommodations, and reduce or control the number of conflict points. Mr. Dandrade discussed a few of the items in the preferred alternative. These included pedestrian islands, restriping, and a traffic signal. TEC will finalize the draft report and submit it to the Committee.

City Manager Bohenko stated that a neighborhood meeting, including the New Franklin School PTO, community, and school department, would be scheduled.

The Committee briefly discussed New Franklin School buses exiting onto Woodbury Avenue and the need for physical improvements before changes can be implemented.

City Manager Bohenko motioned to report back to the Committee after a neighborhood meeting has been conducted. Public Works Director Rice seconded.

Vote 9-0, to report back to the Committee after a neighborhood meeting has been conducted.

Shari Donnermeyer motioned to suspend the rules to move action item V.C. forward. Ronald Cypher seconded. **Vote 8-1, to suspend the rules.** Deputy Fire Chief, James Heinz opposed.

C. Request to modify NO PARKING restriction on east side of Summit Avenue (Colby Gamester) – Eric Eby provided video of afternoon school bus traffic on Summit Avenue. Currently, no parking is allowed on the east side of Summit Avenue. Additional “No Parking” signage has been posted to alert citizens.

Shari Donnermeyer motioned to direct City staff to evaluate and report back with a recommendation. Ronald Cypher seconded. **Vote 9-0, to direct City staff to evaluate and report back with a recommendation.**

Public Works Director Rice motioned to suspend the rules to allow public comment. **Vote 9-0, to suspend the rules.**

Colby Gamester, 1207 South Street, stated his support for modifying the parking restriction on Summit Avenue.

A. Congress Street loading zone, impact on crosswalk visibility at Chestnut Street (Andrew Chase) – The loading zone area is not supported by an ordinance. Trucks unloading sometimes impede pedestrian sight line at the crosswalk on Congress Street at Chestnut Street. Ted Gray expressed concern with posting additional signage in the area.

Ted Gray motioned to direct City staff to evaluate and report back with a recommendation. Ronald Cypher seconded. **Vote 9-0, to direct City staff to evaluate and report back with a recommendation.**

B. Request for parking on Chapel Street between Bow Street and Daniel Street (Eric Spear) – Eric Eby stated that three spaces are planned as part of the Chapel Street reconstruction project at one end of the street, however the head-in parking near the old City Hall building does not allow for additional parking. Two lanes are needed in order to use the head-in parking. He also stated both lanes are needed when the traffic backs up due to the drawbridge. The right turn lane on Chapel Street allows for traffic to flow downtown when the other lane is stopped due to bridge traffic.

Mary Lou McElwain opposed adding parking spaces due to congestion and safety concerns.

Harold Whitehouse motioned to make no changes at this time, and report back on providing three spaces as part of the Chapel Street reconstruction project. Shari Donnermeyer seconded. **Vote 9-0, to make no changes at this time, and report back on providing three spaces as part of the Chapel Street reconstruction project.**

VI. OLD BUSINESS:

B. Request for No Parking on east side of Cutts Street between Maplewood Avenue and Leslie Drive (Cindy Dodds) – Committee did a site visit on Tuesday, December 1, 2015. Staff recommended adding the area as a No Parking zone in the City's Code of Ordinances to support the signage posted along the section of Cutts Street. Ted Gray supported designated parking in specific areas on Cutts Street.

Public Works Director Rice motioned to direct City staff to evaluate and report back with a schematic showing sight distances and potential parking in the area. Ted Gray seconded. **Vote 9-0, to direct City staff to evaluate and report back with a schematic showing sight distances and potential parking in the area.**

C. Pleasant Street at Court Street (PTS referral to DPW staff - August 2014 PTS action) – Public Works Director Rice stated a request was presented last year to change the intersection due to sight distance issues. Eric Eby stated that a traffic consultant studied the intersection operations during peak conditions and concluded that an all-way STOP should be installed. The Committee discussed obstruction of sight lines due to angled parking on Pleasant Street, and private fence and vegetation at the intersection's opposite corner.

City Manager Bohenko motioned to accept staff recommendation to install an all-way STOP at the intersection of Pleasant Street and Court Street. Shari Donnermeyer seconded. **Vote 9-0, to install an all-way STOP at the intersection of Pleasant Street and Court Street.**

VII. PUBLIC COMMENT

No public comment.

VIII. INFORMATIONAL

A. Banfield Road traffic volume update – Eric Eby presented a graph showing the traffic volume comparisons between July and October. The traffic counter was stationed for one week during July and October to collect data. July weekday daily traffic volumes were slightly higher than October weekday volumes, which is typical for roadways in the area as supported by NHDOT data. July Sunday traffic volumes were higher than October Sunday volumes, however they were still less than October weekday volumes. Staff continues to move forward with the design to update the culvert crossings near Heritage Avenue and a master plan, and collaboration continues with NHDOT and Water Country representatives.

B. Boot removal fee - Joey Giordano stated once someone has accumulated \$125.00 in outstanding parking fines, they are placed on the boot list. A parking enforcement officer would process the vehicle license plate and contact the City Clerk's office prior to installing the boot device on the vehicle. The removal fee is \$150.00. All parking citations must be paid along with the \$150.00 fee in order to have the boot removed. The City Clerk's list is updated daily.

C. Idaho Stop Law for bicycles – Eric Eby provided an FAQ (frequently asked questions) on Idaho Stop Law, which allow for bicyclists to treat stop signs like yield signs. This would be a state legislative action, not a city action.

D. Public Information Meeting for Maplewood Avenue Reconstruction Design Project has been scheduled for December 9, 2015, at 7:00 p.m. in Conference Room A of City Hall.

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

Respectfully submitted by:

Amy Chastain
Secretary of the Committee