

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: TUESDAY, FEBRUARY 16, 2016 TIME: 6:30PM

AGENDA

- 6:30PM - ATSDR WORK SESSION RE: PEASE TRADEPORT COMMUNITY ADVISORY PANEL (CAP)

- I. CALL TO ORDER
- II. ROLL CALL
- III. INVOCATION
- IV. PLEDGE OF ALLEGIANCE

PRESENTATIONS

1. Comprehensive Annual Financial Report (CAFR) – Scott McIntire
<http://cityofportsmouth.com/finance/CAFR15.pdf>
2. Update Re: Acceptance of Over the Counter Credit Card Payments

V. ACCEPTANCE OF MINUTES – JANUARY 25, 2016

VI. PUBLIC COMMENT SESSION

VII. PUBLIC HEARINGS

- A. RESOLUTION AMENDING ELDERLY EXEMPTION

OPTION A

PROPOSED INCREASE OF ELDERLY EXEMPTION

| | |
|----------------|-------------------------------------|
| SINGLE | \$40,000.00 INCREASE OF \$3,689.00 |
| MARRIED | \$55,000.00 INCREASE OF \$10,207.00 |
| ASSET LIMIT OF | \$175,000.00 INCREASE OF 53,961.00 |

OPTION B

PROPOSED INCREASE OF ELDERLY EXEMPTION

| | |
|----------------|--------------------------------------|
| SINGLE | \$40,000.00 INCREASE OF \$3,689.00 |
| MARRIED | \$55,000.00 INCREASE OF \$10,207.00 |
| ASSET LIMIT OF | \$175,000.00 INCREASE OF \$53,961.00 |

IF THE CITY COUNCIL WISHES TO ADJUST THE EXEMPTION AMOUNTS FOR ELDERLY TAXPAYERS IN COMPARISON TO NEIGHBORING COMMUNITIES, THIS WOULD DECREASE THE LIMIT AS FOLLOWS:

| | |
|------------|--------------------------------------|
| AGES 65-74 | \$120,000.00 DECREASE OF \$5,000.00 |
| AGES 75-79 | \$160,000.00 DECREASE OF \$15,000.00 |
| AGES 80+ | \$200,000.00 DECREASE OF \$20,000.00 |

B. RESOLUTION AMENDING DISABLED EXEMPTION

| | |
|----------------|--------------------------------------|
| SINGLE | \$40,000.00 INCREASE OF \$3,689.00 |
| MARRIED | \$55,000.00 INCREASE OF \$10,207.00 |
| ASSET LIMIT OF | \$175,000.00 INCREASE OF \$53,961.00 |

IF QUALIFIED FOR DISABLED TAXPAYERS THE CURRENT EXEMPTION OFF THE ASSESSED VALUE OF THE PROPERTY WOULD REMAIN THE SAME AT \$100,000.00

- C. PROPOSED CAPITAL IMPROVEMENT PLAN (CIP) FY2017-2022 (**Action to be taken at the March 7th City Council meeting**) *A copy of the Capital Improvement Plan is on our web page and you may view the YouTube Presentation of Work Session held on February 10, 2016*
<http://planportsmouth.com/2017-2022CapitalImprovementPlan.pdf> / <https://youtu.be/-PnBqbyoB8E>
<http://cityofportsmouth.com/cip-ch22.html>

VIII. APPROVAL OF GRANTS/DONATIONS

- A. Electric Charging Stations Grant - \$10,000.00 (**Sample motion – motion to authorize the City Manager to enter into an agreement between the State of New Hampshire and the City of Portsmouth pertaining to the NH Department of Environmental Services Electrical Vehicle Supply Equipment Rebate Program**)

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First Reading of Resolution Authorizing a Bond Issue and/or Notes of the City under the Municipal Finance Act and/or Participation in the State Revolving Fund (SRF) Loan of up to Seventy Five Million Dollars (\$75,000,000.00) for Costs related for the Construction of the Peirce Island Wastewater Treatment Facility (*Roll Call Vote Required*) (**Sample motion – move to pass first reading and bring back for public hearing and adoption a Resolution Authorizing a Bond Issue and/or Notes of the City under the Municipal Finance Act and/or Participation in the State Revolving Fund (SRF) Loan of up to Seventy-Five Million (\$75,000,000) Dollars for Costs Related for the Construction of the Peirce Island Wastewater Treatment Facility, as presented, at the City Council meeting of March 7, 2016) (Roll Call Vote Required)**)
- B. First Reading of Resolution Authorizing a Supplemental Appropriation from Unassigned Fund Balance for Necessary Expenditures related to Middle School Construction of up to Six Hundred Fifty Thousand (\$650,000.00) Dollars (*Roll Call Vote Required*) (**Sample motion – move to pass first reading and bring back for public hearing and adoption a Resolution authorizing a supplemental appropriation from Unassigned Fund Balance the sum of up to Six Hundred Fifty Thousand (\$650,000.00) Dollars for Necessary Expenditures Related to the Middle School Construction, as presented, at the City Council meeting of March 7, 2016) (Roll Call Vote Required)**)

C. Adoption of Resolution Amending Elderly Exemption

On Tuesday evening, the City Manager is requesting that the City Council act on adoption of either Option A or B of the following Resolutions for the elderly exemption.

OPTION A

Proposed increase of Elderly Exemption

| | |
|----------------|-------------------------------------|
| Single | \$40,000.00 increase of \$3,689.00 |
| Married | \$55,000.00 increase of \$10,207.00 |
| Asset Limit of | \$175,000.00 increase of 53,961.00 |

OPTION B

Proposed increase of Elderly Exemption

| | |
|----------------|--------------------------------------|
| Single | \$40,000.00 increase of \$3,689.00 |
| Married | \$55,000.00 increase of \$10,207.00 |
| Asset Limit of | \$175,000.00 increase of \$53,961.00 |

If the City Council wishes to adjust the exemption amounts for elderly taxpayers in comparison to neighboring communities, this would decrease the limit as follows:

| | |
|------------|--------------------------------------|
| Ages 65-74 | \$120,000.00 decrease of \$5,000.00 |
| Ages 75-79 | \$160,000.00 decrease of \$15,000.00 |
| Ages 80+ | \$200,000.00 decrease of \$20,000.00 |

D. Adoption of Resolution Amending Disabled Exemption

| | |
|----------------|--------------------------------------|
| Single | \$40,000.00 increase of \$3,689.00 |
| Married | \$55,000.00 increase of \$10,207.00 |
| Asset Limit of | \$175,000.00 increase of \$53,961.00 |

If qualified for disabled taxpayers the current exemption off the assessed value of the property would remain the same at \$100,000.00

(Sample motion – move to adopt the Disabled Exemption, as presented)

X. **CONSENT AGENDA**

A. Request for License to install Projecting Sign:

- Richard Kahler owner of Kahler Chiropractic, for property located at 100 Market Street ***(Anticipated action – move to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request)***

Planning Director's Stipulations:

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

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

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

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

City Manager's Items Which Require Action:

1. Report Back Re: License Requests for 40 Bridge Street
2. Report Back Re: Request of Stewgood, LLC, to restore the lots at 268 and 276 Dennett Street to their premerger status pursuant to NH RSA 674:39-aa
3. Request for Equitable Waiver for Building Fees Re: Lonza

Informational items

1. Events Listing
2. Update Re: 165 Deer Street New Municipal Parking Garage

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

- Report of Legislative Subcommittee as written:
 - RE: HB1216 Re: Creation of Documents under Right-to-Know

XIV. ADJOURNMENT

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

**Indicates Verbal Report*

INFORMATIONAL ITEMS

1. Notification that the minutes of the December 15, 2015 meeting of the Zoning Board of Adjustment are now available on the City's website
2. Notification that the minutes of the January 6, 2016 and January 13, 2016 meeting of the Historic District Commission are now available on the City's website

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



CITY OF PORTSMOUTH

Municipal Complex
1 Junkins Avenue
Portsmouth, New Hampshire 03801
(603) 610-7200
Fax (603) 427-1526

Jack Blalock
Mayor

February 9, 2016

Regional Director Commander Tarah Somers
Agency for Toxic Substances and Disease Registry
Division of Community Health Investigations
Region 1
5 Post Office Square, Suite 1010
Boston, MA 02109

Re: ATSDR Pease Tradeport Community Advisory Panel

Dear Commander Somers:

As the newly elected Mayor of Portsmouth, I request your consideration of five (5) former Community Advisory Board (CAB) members for selection to serve on ATSDR's local Community Advisory Panel (CAP) regarding PFC exposure at Pease Tradeport.

I understand the creation and administration of a CAP is the responsibility of ATSDR, and there is a nomination and selection process. I also believe it is important to give new members of the public an opportunity to serve as valuable contributors to this very important issue. However, in response to public input, the CAB has recommended that some of its former members should also serve on the new CAP. Families of employees and children who have attended daycare at Pease have made it clear that this continuity of representatives will give them some measure of reassurance that the valuable knowledge and accomplishments gained will be carried forward.

The five former CAB members I would like you to consider are:

Rich DiPentima, former Chairman of the CAB
Stefany Shaheen, former City Councilor
Shelley Vetter, Owner and Director of Discovery Child Enrichment Center Daycare at Pease
Andrea Amico, parent of child attending a Pease daycare facility
Kim McNamara, Portsmouth Health Officer

Thank you for your consideration of this important matter.

Very truly yours,

Jack Blalock
Mayor

c.: John P. Bohenko, City Manager



City of Portsmouth Memorandum

To: John P. Bohenko, City Manager
From: Kim McNamara, Health Officer
Re: Pease Community Assistance Panel Formation & Function
Date: February 9, 2016

The Code of Federal Register notice entitled the “Development of a Community Assistance Panel (CAP)” provides for the development and formation of CAPs at selected Superfund sites, such as Pease Tradeport, to be created and administered by the Agency for Toxic Substances and Disease Registry (ATSDR).

ATSDR is a federal public health agency of the U.S. Department of Health and Human Services. ATSDR uses the best available science-based information to take responsive public health measures and provide trustworthy health information to prevent harmful exposures and diseases related to toxic substances. ATSDR is soon to establish a CAP in Portsmouth to address questions and concerns about health impacts related to the PFC contamination in the Pease water supply. ATSDR is the federal agency with the legal and financial mechanisms to address community public health studies.

CAPs are non-statutory groups that provide a mechanism for information exchange with the affected community and to obtain input on the community, its public health needs and concerns, and exposure issues. With ATSDR responsible for CAP oversight, the need for City personnel to oversee these activities is alleviated. ATSDR will consult with CAP members to ensure the CAP meetings address the informational needs of the community. CAP members are responsible to serve as a voice for the affected community and may include representatives of the community affected by the site and other interested stakeholders, as well as other government officials or scientific technical advisors, as deemed appropriate by the ATSDR Director. The panel is generally composed of 12 to 15 adults. There is a nomination process that includes submission of a resume and explanation of interest in the subject matter.

Under Mayor Lister, a local Community Advisory Board (CAB) was formed to assist in the process of communication with the community and to guide the information process regarding the PFC contamination in the Pease water supply and the release of blood testing results on consumers of that water. Upon completion of the CAB’s mission in December 2015 to provide recommendations to the Mayor and City Council, included in those recommendations was that some of the CAB members also serve on the CAP for continuity and community assurance. This recommendation was based on public input as well as a general consensus of the CAB. Five members of the previous CAB stated a willingness to participate in the future CAP. They are:

- Rich DiPentima, former Chairman of the CAB
- Stefany Shaheen, former City Councilor
- Shelley Vetter, Owner and Director of Discovery Child Enrichment Center at Pease
- Andrea Amico, parent of child attending a Pease daycare facility
- Kim McNamara, Portsmouth Health Officer

It would seem appropriate for the Mayor to request ATSDR consider these five individuals for acceptance on the impending CAP in response to community requests.

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, JANUARY 25, 2016

PORTSMOUTH, NH
TIME: 6:00PM [or thereafter]

At 6:00 p.m. a Work Session was held relative to the Purchase and Sales Agreement for 165 Deer Street regarding New Municipal Parking Garage.

I. CALL TO ORDER

Mayor Blalock called the meeting to order at 7:10 p.m.

II. ROLL CALL

Present: Mayor Blalock, Assistant Mayor Splaine, Councilors Perkins, Dwyer, Lown, Pearson, Spear, Cyr and Denton

III. INVOCATION

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

IV. PLEDGE OF ALLEGIANCE

Councilor Cyr led in the Pledge of Allegiance to the Flag.

PRESENTATION

1. Update Re: Doble Army Reserve Center

David Moore, Assistant City Manager for Special Projects and Community Development Director; provided an outline of the property description, planned reuse, background on transfer, proposed historic restrictions and Army Reserve next steps. He said the site is 3.49 acres and reviewed the exterior/interior description and the floor plan. He indicated the planned reuse is the creation of a vibrant modern Senior Center for (55+ Activity Center). Assistant City Manager Moore said the Center would promote healthy aging, cultivate welcoming environment, provide diverse and intergenerational programs, foster community involvement and provide comprehensive transportation element. He outlined the timeline and stated in 2016 the Army Reserve is re-focusing the transfer effort and the Section 106 process was addressed. Assistant City Manager Moore reviewed the next steps as follows:

- Continue to work at the level of the Office of Chief of Army Reserve; working with Congressional Delegation
- Communicate to Army Reserve formally the impact of the historic restrictions, encourage their "Recordation" approach
- Follow the other Environmental Review procedures in preparation of Finding of Suitability to Transfer (to the Army Corps)
- Using the final report of the Blue Ribbon Committee on Seniors as a guide, advance preparations for an effective reuse

City Manager Bohenko said he feels it is important to keep the congressional Delegation on this matter to move ahead.

V. ACCEPTANCE OF MINUTES – JANUARY 11, 2016

Councilor Spear moved to adopt the minutes of the January 11, 2016 City Council meeting. Seconded by Councilor Lown.

Councilor Pearson moved to amend page 11 under her name to remove financial disclosure forms and replace with conflict of interest forms and further amend page 12 to read as follows: “Councilor Pearson said she does not think they’re mutually exclusive and parking and micro housing or workforce housing can go together.” Seconded by Councilor Spear.

Main motion passed as amended.

VI. PUBLIC COMMENT SESSION

Laura Pantelakos, State Representative, expressed concern with the need for policies for the delegation. She said she comes to the City because she is concerned with bills and feels that the City Manager and staff need to have the right to go to Concord, NH to speak on bills of interest to the City and various departments.

Lawrence Cataldo said he supports the motion that will be presented by Assistant Mayor Splaine regarding non-meetings.

Jane Zill spoke to the guiding principles and feels that “Advocate maintaining local authority” does not serve the public. She also expressed her opposition to HB 1611 on the right-to-know bill.

Esther Kennedy said the agenda for the Legislative Subcommittee was not on the website today. She addressed the issue of non-meetings and tried to find other communities that use non-meetings like the City of Portsmouth does. She also spoke to the proposed elderly exemption and that there will be no increase to social security this year.

Joe Caldarola said it is important to have open and honest discussions.

Paul McEachern spoke in favor of Assistant Mayor Splaine suggested motion. He said there should be an agenda saying the topic for the non-meeting.

Mark Brighton spoke in support of Assistant Mayor Splaine’s proposed motion and urged the City Council to pass the motion as presented.

Arthur Clough spoke to non-meetings and said he supports Assistant Mayor Splaine’s proposed motion. He said that he feels the Planning Department is over involved in land use matters.

Cathy Baker spoke to the need for openness in non-meetings. She urged the City Council to pass Assistant Mayor Splaine's proposed motion.

Christopher David, Dover, NH spoke against HB 1697 regarding UBER. He said that transportation services matters should be handled on the local level.

Dick Bagley said the Deer Street parking garage seems ideal for a new parking facility. He said that the residents are deserving of thoughtful analysis on the parking garage and that could not be completed by February.

Jerry Zelin spoke in support of Assistant Mayor Splaine's proposed motion regarding non-meetings. He also spoke in support of the parking garage to be located on Deer Street but is concerned relative to the cost of a liner building.

VII. PUBLIC HEARINGS

- A. ORDINANCE AMENDING CHAPTER 10 – ZONING ORDINANCE, ARTICLE 4, SECTION 10.440 TABLE OF USES – RESIDENTIAL, MIXED RESIDENTIAL AND INDUSTRIAL DISTRICTS – USE 170 MANUFACTURED HOUSING PARK, SUPPLEMENTAL REGULATIONS 10.814

AMEND CHAPTER 10 – ZONING ORDINANCE, ARTICLE 5, SECTION 10.521 – TABLE OF DIMENSIONAL STANDARDS – RESIDENTIAL AND MIXED RESIDENTIAL DISTRICTS AS FOLLOWS: MINIMUM YARD DIMENSION, MAXIMUM STRUCTURE DIMENSIONS

AMEND CHAPTER 13 – MOBILE HOME ORDINANCE BY DELETING IT IN ITS ENTIRETY

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

Assistant Mayor Splaine said he does not own property but lives in Oriental Gardens and will not be participating in the discussion and left the Chambers.

Jessa Berna, Planning Department, made a presentation regarding both ordinances under public hearing A and B. Ms. Berna said this would apply to all manufactured housing parks. She spoke to the objective to establish dimensional standards for manufactured housing parks and implement wetland protection plan standards and procedures. She reviewed background information on how manufactured housing at Hillcrest Estates had no site plan until it was adopted in November 2015 for the park. She also spoke to the deletion of Chapter 13 Mobile Home Ordinance. Ms. Berna addressed conditional use permits for manufactured units. She stated that new units can be approved administratively after the site review plan is adopted.

Attorney Bernard Pelech spoke on behalf of Hillcrest Estates. He addressed the history of the park. He said the mobile home ordinance was never an issue until a new Building and Assistant Building Inspector came to the City. He spoke to the site improvements that have been made and that there are 230 sites with less than 10 school aged children. He said the ordinance is the result of 35 meetings and said they agree to it and hope the City Council would approve the change.

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

- B. ORDINANCE AMENDING CHAPTER 10 – ZONING ORDINANCE, ARTICLE 10, SECTION 10.1016 – PERMITTED USES BY ADDITION USES, ACTIVITIES AND ALTERNATIONS ARE PERMITTED IN WETLANDS AND WETLANDS BUFFERS

AMEND ARTICLE 10, SECTION 10.1017 – CONDITIONAL USES BY ADDING THE FOLLOWING – WETLAND PROTECTION PLAN

AMEND ARTICLE 15, SECTION 10.1530 – TERMS OF GENERAL APPLICABILITY, BY INSERTING THE FOLLOWING NEW TERMS AND DEFINITIONS – IMPERVIOUS SURFACE

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

Assistant Mayor Splaine returned to the meeting.

VIII. APPROVAL OF GRANTS/DONATIONS

- A. Approval and Acceptance Re: Bench - \$2,000.00 from Amanda Donovan in memory of her mother Alda Irons

Councilor Spear moved to approve and accept a donation for a bench, as presented. Seconded by Councilor Cyr and voted.

- B. Donations in support of the Explorer Cadets as follows:
- \$34.77 from Dr. David Ferland
 - \$129.00 from Dr. David Ferland
 - \$850.00 from the Friends of the South End

Councilor Lown moved to approve and accept the donations to the Police Explorer Cadets, as presented. Seconded by Councilor Dwyer and voted.

- C. Donation from Newburyport Five Cents Savings Bank - \$500.00

Councilor Lown moved to approve and accept the donation from Newburyport Five Cents Savings Bank, as presented. Seconded by Councilor Spear and voted.

- D. Acceptance of Grant from New Hampshire Highway Safety for DWI patrols - \$13,798.00

Councilor Lown moved to approve and accept the grant for DWI patrols, as presented. Seconded by Councilor Spear and voted.

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First reading of Proposed Resolution Amending Elderly Exemption

OPTION A

Proposed increase of Elderly Exemption

| | |
|----------------|--------------------------------------|
| Single | \$40,000.00 increase of \$3,689.00 |
| Married | \$55,000.00 increase of \$10,207.00 |
| Asset Limit of | \$175,000.00 increase of \$53,961.00 |

OPTION B

Proposed increase of Elderly Exemption

| | |
|----------------|--------------------------------------|
| Single | \$40,000.00 increase of \$3,689.00 |
| Married | \$55,000.00 increase of \$10,207.00 |
| Asset Limit of | \$175,000.00 increase of \$53,961.00 |

If the City Council wishes to adjust the exemption amounts for elderly taxpayers in comparison to neighboring communities, this would decrease the limit as follows:

| | |
|------------|--------------------------------------|
| Ages 65-74 | \$120,000.00 decrease of \$5,000.00 |
| Ages 75-79 | \$160,000.00 decrease of \$15,000.00 |
| Ages 80+ | \$200,000.00 decrease of \$20,000.00 |

City Manager Bohenko said that at the last City Council meeting the Council was looking for an Option B which is before you today. He explained both operations and stated Option A does not deal with assessed values and Option B deals with assessed values and that these are in line with North Hampton. He stated he would like to have one option voted on for a public hearing on February 16, 2016.

Councilor Dwyer moved to authorize the City Manager to proceed with the proposed increases to income, asset and exemption limits only for the elderly exemption, and further, pass first reading and hold public hearing and adoption at the February 16, 2016 City Council meeting, as presented. Seconded by Councilor Spear.

Councilor Dwyer said it is important to increase the income and asset limit and allow more people into the pool otherwise we are distributing the burden to younger families.

Assistant Mayor Splaine asked if we could have a public hearing on both options. City Attorney Sullivan said it would be permissible to have a public hearing on both but the City Council would need to be careful in its adoption of a Resolution.

Councilor Dwyer agreed to Assistant Mayor Splaine's change and the motion shall read:

Moved to authorize the City Manager to proceed with the proposed increases to income, asset and exemption limits only for the elderly exemption, and further, pass first reading and hold a public hearing and adoption at the February 16, 2016 City Council meeting, as presented and further to include Option A in the public hearing at the February 16, 2016 City Council meeting.

Motion passed.

B. First reading of Proposed Resolution Amending Disabled Exemption

| | |
|----------------|--------------------------------------|
| Single | \$40,000.00 increase of \$3,689.00 |
| Married | \$55,000.00 increase of \$10,207.00 |
| Asset Limit of | \$175,000.00 increase of \$53,961.00 |

If qualified for disabled taxpayers the current exemption off the assessed value of the property would remain the same at \$100,000.00

Councilor Spear moved to authorize the City Manager to proceed with the proposed increases to income and asset limits only for the disabled exemption, and further, pass first reading and hold a public hearing and adoption at the February 16, 2016 City Council meeting, as presented. Seconded by Councilor Lown and voted.

C. Second reading of Ordinance amending Chapter 10 – Zoning Ordinance, Article 4, Section 10.440 Table of Uses – Residential, Mixed Residential and Industrial Districts – Use 170 Manufactured housing park, Supplemental Regulations 10.814

Amend Chapter 10 – Zoning Ordinance, Article 5, Section 10.521 – Table of Dimensional Standards – Residential and Mixed Residential Districts as follows: Minimum Yard Dimension, Maximum Structure Dimensions,

Amend Chapter 10 – Zoning Ordinance, Article 8 – Section 10.810 – Residential and Institutional Residence or Care Uses by adding the following – 10.814 – Manufactured Housing Park Dimensional Standards

Amend Chapter 13 – Mobile Home Ordinance by deleting it in its entirety

Assistant Mayor Splaine said he would be recusing himself from voting on this matter.

Councilor Lown moved to pass second reading and hold third and final reading of the proposed Ordinance at the February 1, 2016 City Council meeting, as presented. Seconded by Councilor Spear.

Discussion was held regarding modular and tiny homes.

Motion passed. Assistant Mayor Splaine recused himself from the vote.

Councilor Spear moved to suspend the rules in order to take up third and final reading. Seconded by Councilor Lown and voted. Assistant Mayor Splaine recused himself from the vote.

Councilor Spear moved to pass third and final reading, as presented. Seconded by Councilor Lown and voted. Assistant Mayor Splaine recused himself from the vote.

- D. Second reading of Ordinance amending Chapter 10 – Zoning Ordinance, Article 10, Section 10.1016 – Permitted Uses by addition Uses, activities and alterations are permitted in wetlands and wetlands buffers

Amend Article 10, Section 10.1017 – Conditional Uses by adding the following – Wetland Protection Plan

Amend Article 15, Section 10.1530 – Terms of General Applicability, by inserting the following new terms and definitions – Impervious Surface

Councilor Spear moved to pass second reading and hold third and final reading of the proposed Ordinance at the February 1, 2016 City Council meeting, as presented. Seconded by Councilor Lown and voted. Assistant Mayor Splaine recused himself from the vote.

Councilor Spear moved to suspend the rules in order to take up third and final reading. Seconded by Councilor Lown and voted. Assistant Mayor Splaine recused himself from the vote.

Councilor Spear moved to pass third and final reading, as presented. Seconded by Councilor Lown and voted. Assistant Mayor Splaine recused himself from the vote.

X. CONSENT AGENDA

- A. Letter from Thomas Bringle, Arthritis Foundation, requesting permission to hold the annual Jingle Bell Run/Walk for Arthritis on Sunday, December 11, 2016 at 10:00 a.m. (***Anticipated action – move to refer to the City Manager with power***)
- B. Letter from Jeanine Sylvester, Runner's Alley, requesting permission to hold the 19th Annual Runner's Alley/Redhook Brewery Memorial 5k on Sunday, May 29, 2016 at 11:00 a.m. (***Anticipated action – move to refer to the City Manager with power***)

- C. Letter from Chris Vlangas, Cystic Fibrosis Foundation, requesting permission to hold the CF Cycle for Life on Saturday, July 16, 2016 (***Anticipated action – move to refer to the City Manager with power***)
- D. Letter from Kathie Lynch, Portsmouth Little League, Inc., requesting permission for temporary signage to be located at the Plains and Hislop Park baseball fields during the 2016 baseball season (***Anticipated action – move to refer to the City Manager with power***)
- E. Letter from Robert L. Sutherland, Jr, St. John's Lodge requesting permission to hold the annual St. John's Lodge 5k on Saturday, April 9, 2016 at 8:00 a.m. (***Anticipated action – move to refer to the City Manager with power***)
- F. *Acceptance of Donations to the Coalition Legal Fund
- Town of Center Harbor - \$500.00
 - Town of Carroll - \$1,000.00
- (***Anticipated action – move to approve and accept the donation, as listed to be placed in the Coalition Legal Fund***)
- G. Letter from Amanda Beaulieu, Greater Portsmouth Chamber of Commerce, requesting permission to hold the 3rd Annual Fire & Ice Festival on February 10-15, 2016 (***Anticipated action – move to refer to the City Manager with power***)
- H. Letter from David Hallowell, Portsmouth Maritime Folk Festival, requesting permission to hold the 17th Annual Portsmouth Maritime Folk Festival on Saturday, September 24, 2016 and Sunday, September 25, 2016 (***Anticipated action – move to refer to the City Manager with power***)

Councilor Lown moved to adopt the consent agenda. Seconded by Councilor Spear and voted.

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

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

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

1. FY 2017 Budget Guidelines

City Manager Bohenko said budget guidelines have been provided for no more than 3%.

Councilor Lown moved to accept the budget guidelines for FY 2017 as recommended by the Joint Budget Committee to set a goal for the Operating Budget of no more than a 3%

increase inclusive of budgeting for collective bargaining contingency. Seconded by Councilor Spear.

Councilor Lown said people need to remember that this is a goal.

Mayor Blalock passed the gavel to Assistant Mayor Splaine.

Mayor Blalock said this is just a guideline we are not raising the budget to 3 but we need to fund what is necessary to keep status quo.

Assistant Mayor Splaine returned the gavel to Mayor Blalock.

On an 8-1, roll call, motion passed. Councilors Perkins, Dwyer, Lown, Pearson, Spear, Cyr, Denton and Mayor Blalock voted in favor. Assistant Mayor Splaine voted opposed.

B. MAYOR BLALOCK

1. Approve City Council Rules and Order

Councilor Spear moved to adopt the current City Council Rules and order. Seconded by Councilor Lown.

Mayor Blalock stated at 10:00 p.m. any items remaining on the City Council agenda under the City Manager's name would become Consent Agenda items and may be pulled by one member of the Council if they choose not to include a particular item as part of the Consent Agenda.

Assistant Mayor Splaine asked what would happen if we do not complete the agenda. Mayor Blalock said we would move business to the next agenda.

City Manager Bohenko said we may want to start at 6:30 p.m. for those items that do not require action at the discretion of the Mayor for that next agenda.

Assistant Mayor Splaine said he would vote against the next rule change. He said we are all elected and represent people and we are all equal under the Charter. He said that the City Council should not have a quota of items under their names they should be able to place as many items as they want under their names.

Councilor Denton said he agrees with Assistant Mayor Splaine that Councilors should not be limited to a number of items under their names.

Councilor Spear moved to amend Rule 37 so that at 10:00 p.m. any items remaining under the City Manager's name on an Agenda become Consent Agenda items. Seconded by Councilor Lown and voted. Meetings will still conclude at 10:30 p.m.

Councilor Spear moved to amend Rules 7 that Council members are limited, to one item of business per City Council agenda unless further items are approved in advance by the Mayor. And further amend Rule 4 that each Councilor "may" place a single item of

business on the agenda, unless further items are approved in advance by the Mayor. Seconded by Councilor Lown. On a roll call 7-2, motion passed. Councilors Perkins, Dwyer, Lown, Pearson, Spear, Cyr and Mayor Blalock voted in favor. Assistant Mayor Splaine and Councilor Denton voted opposed.

2. Appointments to be Considered:
 - Appointment of Nicholas Kirsch to the Cable Television Communication Commission as an regular member
 - Appointment of Clayton Emery to the Cable Television Communication Commission as an Alternate members
 - Appointment of Stefany Shaheen to the Economic Development Commission
 - Appointment of Lawrence Cataldo to the Citywide Neighborhood Steering Committee
 - Reappointment of Francesca Marconi Fernald to the Peirce Island Committee
 - Reappointment of Lisa Louttit to the Peirce Island Committee
 - Reappointment of Steven Marison to the Peirce Island Committee
 - Reappointment of John McVay to the Peirce Island Committee
 - Reappointment of Sylvia Olson to the Peirce Island Committee
 - Reappointment of Stephen Philp to the Pierce Island Committee
 - Reappointment of John Simon to the Peirce Island Committee
 - Reappointment of Richard Smith to the Peirce Island Committee
 - Reappointment of Marc Stettner to the Peirce Island Committee
 - Reappointment of William Townsend to the Peirce Island Committee
 - Reappointment of Harold Whitehouse to the Peirce Island Committee
 - Appointment of Jody Record to the Planning Board as an Alternate member
 - Reappointment of Elizabeth Moreau to the Planning Board
 - Appointment of Thomas Ferrini to the Portsmouth Housing Authority
 - Reappointment of Peter Bresciano to the Transportation Services Commission
 - Appointment of Daniel Umbro to the Trees and Public Greenery Committee
 - Appointment of Joan Walker to the Trees and Public Greenery Committee
 - Reappointment of Thomas Watson to the Board of Trustees of the Trust Funds
 - Appointment of Peter McDonell to the Zoning Board of Adjustment as an Alternate member

The City Council considered the appointments outlined which will be voted on at the February 1, 2016 City Council meeting.

3. City Council Ward Liaisons (*See attached*)
 - Ward One – Assistant Mayor James Splaine
 - Ward Two – Councilor Rebecca Perkins
 - Ward Three – Councilor Josh Denton
 - Ward Four – Councilor Eric Spear
 - Ward Five – Councilor Nancy Pearson

Mayor Blalock announced that this is to appoint Ward Liaisons to be used as a contact name for the public.

Councilor Pearson asked where the information will be posted for the public. City Manager Bohenko said it would be on the front page of the website.

Mayor Blalock said that this is not exclusive; this is the contact for people that do not know who to contact.

Assistant Mayor Splaine feels that this will work and he has heard concerns surrounding 140 Thornton Street and will bring that matter forward at the next meeting and look at the demolition ordinance.

C. City Council Policy for "Non-Meetings"

Assistant Mayor Splaine moved that it is the policy of the Portsmouth City Council that 'non-meeting' will be held only when necessary in order to discuss 'strategy or negotiations with respect to collective bargaining,' or 'consultation with legal counsel,' as allowed under the New Hampshire Right-To-Know Law, and that when they are held (1) the purpose of the 'non-meeting' will be publicly disclosed in a motion; (2) a public roll-call vote will be taken prior to going into the 'non-meeting; (3) discussion in the 'non-meeting' will be limited to that topic and no other topic; (4) a record will be kept of when the 'non-meeting' begins, ends, and who is in attendance and that shall be a permanent public record. Seconded by Councilor Spear.

Councilor Lown said we are not meeting too frequently and we meet for the reasons as outlined in the law. He feels that this is a solution in search of a problem.

Councilor Spear thanked the people for coming out to speak on this matter. He said this was a policy under Mayor Lister and putting this forward puts us in the firm position to support the New Hampshire Right-To-Know Law.

Assistant Mayor Splaine said most City Council and Boards do not have non-meetings they have non public sessions which you are allowed to vote in. He said we should do more non public session meetings.

Mayor Blalock passed the gavel to Assistant Mayor Splaine.

Mayor Blalock said in the spirit of transparency we would follow the motion as proposed by Assistant Mayor Splaine.

Assistant Mayor Splaine returned the gavel to Mayor Blalock.

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

D. COUNCILOR DWYER

1. Planning for Residential Parking Program

Councilor Dwyer said we need to think of residential parking. She said this will take a long time but we need to get ahead of it and have some ideas.

Councilor Spear said this is a good idea to get ahead of and said Parking Traffic & Safety Committee could look at this and provide a report back.

City Manager Bohenko said he would work with Parking Traffic & Safety Committee on this matter and feels it is timely.

Councilor Spear said we could use the same approach as we did with a Committee formation such as was done with Sagamore Creek. City Manager Bohenko said he would look at this and speak with staff on this matter.

E. COUNCILOR LOWN

1. Parking & Traffic Safety Action Sheet and Minutes of the January 7, 2016 meeting

Councilor Lown moved to approve and accept the action sheet and minutes of the January 7, 2016 Parking & Traffic Safety Committee meeting. Seconded by Councilor Spear and voted.

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

Legislative Subcommittee Report

Members: Mayor Blalock, Assistant Mayor Splaine, Councilors Dwyer and Spear

1. Approval of Proposed Principles for Legislative Positions
 - 1) Advocate to maintain local authority
 - 2) Authorize local options
 - 3) Support revenue streams to aid municipalities, specifically those that name Portsmouth or will directly support Portsmouth
 - 4) Advocate for municipal representation on state committees
 - 5) Support incentives for regional cooperation
 - 6) Support plans to fund/support infrastructure
 - 7) Support incentives for sustainability
 - 8) Support directing revenues to the purposes for which they are raised
 - 9) Support measures that increase the efficiency of local government operations
 - 10) Maintain and improve life and safety issues

City Manager Bohenko said the Subcommittee on Legislation asked to have this matter come before the City Council.

Councilor Dwyer said in this session there are so many bills that are being schedule overnight and there are half dozen bills that are important to the City of Portsmouth. She discussed the proposed principles for legislative positions.

Assistant Mayor Splaine said he likes the 10 principles and that the City Manager, Staff and Mayor Balock would be able to speak on and could testify as long as it is in the 10 principles.

Assistant Mayor Splaine moved to accept the recommendation from the Legislative Sub-committee regarding the 10 guiding principles for legislative positions on behalf of the City Council. Seconded by Councilor Dwyer.

Councilor Dwyer said we are not asking the legislator to agree with us but these will help the Legislative Delegation to know how the City feels on certain bills and or matters.

Motion passed.

2. Authority of Legislative Sub-committee

Councilor Spear moved to authorize the City Council Legislative Sub-committee to take positions on legislation they believe to be in the best interest of the City of Portsmouth using the legislative principles on behalf of the City Council. The Legislative Sub-committee will meet on Monday's one-half hour before regular City Council meetings and at 8:30 a.m. when the City Council is not meeting. Seconded by Assistant Mayor Splaine and voted.

3. Mayor is authorized to act on behalf of City if time does not permit full discussion and vote by Legislative Sub-committee or Council

Assistant Mayor Splaine said he would like to see these meetings either televised or recorded. City Manager Bohenko said he would have the City Clerk's Office record these meetings.

Councilor Spear moved to authorize the Mayor to act on behalf of City Council to provide testimony regarding State legislation when time does not permit a full discussion and vote by the Legislative Sub-committee or whole Council. Seconded by Councilor Pearson and voted. Assistant Mayor Splaine voted opposed.

4. City staff members may submit testimony on behalf of State Association or Professional Boards

Councilor Spear moved to authorize City staff members who are members of State Associations to testify on behalf of their Association or Professional Board. This testimony will specifically state that the testimony is not on behalf of the City but is submitted on behalf of the Association or Professional Board. All such testimony will be reviewed by City Manager before submission. Seconded by Assistant Mayor Splaine.

Councilor Perkins moved to amend the motion that City staff members are also empowered to submit testimony as delegates of the authority of the Legislative Subcommittee so if subcommittee members are unavailable to testify City staff could do so on their behalf. Seconded by Councilor Spear.

Main motion passed as amended.

5. Specific Legislation
 - A. Hotel Occupancy Surcharge
 - B. State Aid Grant Funding

Assistant Mayor Splaine move to authorize the City Council to support the above mentioned legislation. Seconded by Councilor Spear and voted.

XIV. ADJOURNMENT

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



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

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Tuesday, February 16, 2016 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a Proposed Resolution Amending Elderly Exemption

OPTION A

Proposed increase of Elderly Exemption

| | |
|----------------|-------------------------------------|
| Single | \$40,000.00 increase of \$3,689.00 |
| Married | \$55,000.00 increase of \$10,207.00 |
| Asset Limit of | \$175,000.00 increase of 53,961.00 |

OR

OPTION B

Proposed increase of Elderly Exemption

| | |
|----------------|--------------------------------------|
| Single | \$40,000.00 increase of \$3,689.00 |
| Married | \$55,000.00 increase of \$10,207.00 |
| Asset Limit of | \$175,000.00 increase of \$53,961.00 |

If the City Council wishes to adjust the exemption amounts for elderly taxpayers in comparison to neighboring communities, this would decrease the limit as follows:

| | |
|------------|--------------------------------------|
| Ages 65-74 | \$120,000.00 decrease of \$5,000.00 |
| Ages 75-79 | \$160,000.00 decrease of \$15,000.00 |
| Ages 80+ | \$200,000.00 decrease of \$20,000.00 |

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

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

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Tuesday, February 16, 2016 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a Proposed Resolution Amending Elderly Exemption

OPTION A

Proposed increase of Elderly Exemption

| | |
|----------------|-------------------------------------|
| Single | \$40,000.00 increase of \$3,689.00 |
| Married | \$55,000.00 increase of \$10,207.00 |
| Asset Limit of | \$175,000.00 increase of 53,961.00 |

OR

OPTION B

Proposed increase of Elderly Exemption

| | |
|----------------|--------------------------------------|
| Single | \$40,000.00 increase of \$3,689.00 |
| Married | \$55,000.00 increase of \$10,207.00 |
| Asset Limit of | \$175,000.00 increase of \$53,961.00 |

If the City Council wishes to adjust the exemption amounts for elderly taxpayers in comparison to neighboring communities, this would decrease the limit as follows:

| | |
|------------|--------------------------------------|
| Ages 65-74 | \$120,000.00 decrease of \$5,000.00 |
| Ages 75-79 | \$160,000.00 decrease of \$15,000.00 |
| Ages 80+ | \$200,000.00 decrease of \$20,000.00 |

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

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

Option A

**THE CITY OF PORTSMOUTH
TWO THOUSAND SIXTEEN
PORTSMOUTH, NEW HAMPSHIRE**

RESOLUTION # - 2016

BE IT RESOLVED:

Pursuant to RSA 72:39-b the City hereby amends the elderly exemption from property tax, based on assessed value for qualified taxpayers, such that the exemptions shall be available only when the qualifying taxpayer(s) have a net income of not more than \$40,000 for a single taxpayer or \$55,000 for married taxpayers, inclusive of social security payments and total assets may not exceed \$175,000 whether single or married The elderly exemption shall remain unchanged except as amended hereby.

THAT this Resolution shall take effect upon its passage.

APPROVED:

JACK BLALOCK, MAYOR

**ADOPTED BY THE CITY COUNCIL:
, 2016**

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

NOTE: This exemption becomes effective for the tax year April 1, 2016.

Option B

**THE CITY OF PORTSMOUTH
TWO THOUSAND SIXTEEN
PORTSMOUTH, NEW HAMPSHIRE**

RESOLUTION # - 2016

BE IT RESOLVED:

Pursuant to RSA 72:39-b the City hereby amends the elderly exemption from property tax, based on assessed value for qualified taxpayers, such that the exemptions shall be available only when the qualifying taxpayer(s) have a net income of not more than \$40,000 for a single taxpayer or \$55,000 for married taxpayers, inclusive of social security payments and total assets may not exceed \$175,000 whether single or married. Qualifying taxpayers between the ages of 65-74 shall receive \$120,000 off their assessment. Qualifying taxpayers between the ages of 75-79 shall receive \$160,000 off their assessment and qualifying taxpayers 80+ years of age shall receive \$200,000 off their assessment.

THAT this Resolution shall take effect upon its passage.

APPROVED:

JACK BLALOCK, MAYOR

**ADOPTED BY THE CITY COUNCIL:
, 2016**

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

NOTE: This exemption becomes effective for the tax year April 1, 2016.

Impact Comparison

| FY 2015/TY 2014 vs. FY 2016 /TY 2015 Exemption Amount | | | | | | | | |
|--|----------------------|---------------------------|---------------------------|---------------------------------------|--|--|---|---------------------------|
| Eldery Category | Number of Exemptions | FY 2015 Median Assessment | FY 2016 Median Assessment | Pct Change in Assessment | Exemption Amount | FY 2015 Taxes with Exemption (\$18.10) | FY 2016 Taxes with Exemption (\$16.79) | FY 2016 Increase in Taxes |
| 65-74 | 32 | \$ 218,950 | \$ 238,250 | 9% | \$ 125,000 | \$ 1,700 | \$ 1,901 | \$ 201 |
| 75-79 | 30 | \$ 233,850 | \$ 239,050 | 2% | \$ 175,000 | \$ 1,065 | \$ 1,075 | \$ 10 |
| 80+ | 62 | \$ 241,300 | \$ 245,950 | 2% | \$ 225,000 | \$ 295 | \$ 352 | \$ 57 |
| | | | | | | | | |
| | | | | | | | | |
| Proposed Changes to FY 2017 / TY 2016 Exemption Amount | | | | | | | | |
| Eldery Category | Number of Exemptions | FY 2016 Median Assessment | Proposed Exemption Amount | FY 2016 Taxes w/o Exemption (\$16.79) | *Estimated FY 2017 taxes with no change to Exemption Amt (\$16.79) | * Estimated FY 2017 Taxes with change to Exemption Amt (\$16.79) | * Estimated FY 2017 Increase in Tax Amt | |
| 65-74 | 32 | \$ 226,750 | \$ 120,000 | \$ 3,807 | \$ 1,708 | \$ 1,792 | \$ 84 | |
| 75-79 | 30 | \$ 239,650 | \$ 160,000 | \$ 4,024 | \$ 1,085 | \$ 1,337 | \$ 252 | |
| 80+ | 55 | \$ 264,900 | \$ 200,000 | \$ 4,448 | \$ 670 | \$ 1,090 | \$ 420 | |
| | | | | | | | | |
| | | | | | | | | |

* Tax rate used is the FY 2016 tax rate of \$16.79 per thousand.

Elderly Exemption Comparison Sorted by Single Asset Limit

| | Single Income: | Married Income: | Single Assets: | Married Assets: | Exemption 65-74 years old | Exemption 75-79 years old | Exemption 80+ years old |
|----------------------|-----------------------|------------------------|-----------------------|------------------------|----------------------------------|----------------------------------|--------------------------------|
| Rochester | \$31,400 | \$41,500 | \$50,000 | \$50,000 | \$48,000 | \$84,000 | \$108,000 |
| Stratham | \$36,000 | \$60,000 | \$75,000 | \$75,000 | \$60,000 | \$80,000 | \$100,000 |
| Somersworth | \$30,000 | \$45,000 | \$80,000 | \$80,000 | \$45,000 | \$50,000 | \$55,000 |
| Concord | \$33,400 | \$45,800 | \$90,000 | \$90,000 | \$72,818 | \$118,420 | \$202,124 |
| Manchester | \$37,000 | \$50,000 | \$90,000 | \$115,000 | \$109,500 | \$148,500 | \$195,500 |
| Portsmouth | \$36,311 | \$44,793 | \$121,039 | \$121,039 | \$125,000 | \$175,000 | \$225,000 |
| Greenland | \$35,000 | \$50,000 | \$125,000 | \$125,000 | \$90,000 | \$115,000 | \$145,000 |
| Nashua | \$36,000 | \$46,000 | \$125,000 | \$125,000 | \$155,000 | \$180,000 | \$225,000 |
| New Castle | \$40,000 | \$55,000 | \$150,000 | \$150,000 | \$125,000 | \$175,000 | \$225,000 |
| Dover | \$38,000 | \$52,000 | \$155,000 | \$155,000 | \$107,000 | \$149,000 | \$191,000 |
| North Hampton | \$40,000 | \$55,000 | \$175,000 | \$175,000 | \$120,000 | \$160,000 | \$200,000 |
| Rye | \$40,000 | \$59,900 | \$199,000 | \$199,000 | \$75,000 | \$90,000 | \$105,000 |
| Hampton | \$38,000 | \$58,000 | \$250,000 | \$250,000 | \$120,000 | \$150,000 | \$178,000 |

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Tuesday, February 16, 2016, at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on Proposed Resolution Amending Disabled Exemption

| | |
|----------------|--------------------------------------|
| Single | \$40,000.00 increase of \$3,689.00 |
| Married | \$55,000.00 increase of \$10,207.00 |
| Asset Limit of | \$175,000.00 increase of \$53,961.00 |

If qualified for disabled taxpayers the current exemption off the assessed value of the property would remain the same at \$100,000.00. The complete Resolution is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

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

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Tuesday, February 16, 2016, at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on Proposed Resolution Amending Disabled Exemption

| | |
|----------------|--------------------------------------|
| Single | \$40,000.00 increase of \$3,689.00 |
| Married | \$55,000.00 increase of \$10,207.00 |
| Asset Limit of | \$175,000.00 increase of \$53,961.00 |

If qualified for disabled taxpayers the current exemption off the assessed value of the property would remain the same at \$100,000.00. The complete Resolution is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

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

**THE CITY OF PORTSMOUTH
TWO THOUSAND SIXTEEN
PORTSMOUTH, NEW HAMPSHIRE**

RESOLUTION # - 2016

BE IT RESOLVED:

Pursuant to RSA 72:37-b, City hereby amends the disabled exemption from property tax, based on assessed value for qualified taxpayers, such that the exemptions shall be available only when the qualifying taxpayer(s) have a net income of not more than \$40,000 for a single taxpayer or \$55,000 for married taxpayers, inclusive of social security payments and total assets may not exceed \$175,000 whether single or married. The disabled exemption shall remain unchanged except as amended hereby.

THAT this Resolution shall take effect upon its passage.

APPROVED:

JACK BLALOCK, MAYOR

**ADOPTED BY THE CITY COUNCIL:
, 2016**

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

NOTE: This exemption becomes effective for the tax year April 1, 2016.

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a PUBLIC HEARING will be held by the Portsmouth City Council on Tuesday, February 16, 2016, at 7:00 p.m., Council Chamber, Municipal Complex, 1 Junkins Avenue, Portsmouth, New Hampshire, on the proposed CAPITAL IMPROVEMENT PLAN. The complete Capital Improvement Plan is on file in the Office of the City Clerk during regular business hours.

CITY OF PORTSMOUTH, NH

Capital Plan Summary 17'

Description

| | | |
|------|--------------------------------|--------------|
| I. | EQUIPMENT AND VEHICLE SCHEDULE | \$697,400 |
| II. | BUILDING & INFRASTRUCTURE | \$9,195,000 |
| III. | INFORMATION MANAGEMENT SYSTEMS | \$406,000 |
| IV. | TRANSPORTATION MANAGEMENT PLAN | \$5,715,000 |
| | CAPITAL CONTINGENCY | \$112,600 |
| | | |
| | SUBTOTALS | \$16,126,000 |
| | | |
| V. | ENTERPRISE FUNDS TOTAL | \$79,000,000 |
| | | |
| | GRAND TOTAL | \$95,126,000 |

*\$2,000,000 is proposed to be funded from FY17' General Fund Capital Outlay

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 Tuesday, February 16, 2016, at 7:00 p.m., Council Chamber, Municipal Complex, 1 Junkins Avenue, Portsmouth, New Hampshire, on the proposed CAPITAL IMPROVEMENT PLAN. The complete Capital Improvement Plan is on file in the Office of the City Clerk during regular business hours.

CITY OF PORTSMOUTH, NH

Capital Plan Summary 17'

Description

| | | |
|------|--------------------------------|--------------|
| I. | EQUIPMENT AND VEHICLE SCHEDULE | \$697,400 |
| II. | BUILDING & INFRASTRUCTURE | \$9,195,000 |
| III. | INFORMATION MANAGEMENT SYSTEMS | \$406,000 |
| IV. | TRANSPORTATION MANAGEMENT PLAN | \$5,715,000 |
| | CAPITAL CONTINGENCY | \$112,600 |
| | | |
| | SUBTOTALS | \$16,126,000 |
| | | |
| V. | ENTERPRISE FUNDS TOTAL | \$79,000,000 |
| | | |
| | GRAND TOTAL | \$95,126,000 |

*\$2,000,000 is proposed to be funded from FY17' General Fund Capital Outlay

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



MEMORANDUM

TO: JOHN P. BOHENKO, CITY MANAGER
FROM: JULIET T.H. WALKER, TRANSPORTATION PLANNER *JTW*
SUBJECT: NHDES GRANT FOR ELECTRICAL VEHICLE CHARGING STATIONS
DATE: FEBRUARY 4, 2016
CC: PETER H. RICE, DIRECTOR OF PUBLIC WORKS

I am pleased to let you know that Portsmouth has been selected to receive a grant from NH Department of Environmental Services (NHDES) to install electric vehicle charging stations in our Downtown.

The NHDES has approved a total of \$10,000 in grant funds for Portsmouth to be used for acquisition and installation of 2 dual-connector Level 2 charging stations. The City's share will be approximately \$5,500.

According to the criteria for this program, the locations selected must be easily accessible to the public on a 24 hour/7 days a week basis and year-round, located in areas that support the tourism industry, and located in proximity to major transportation corridors. The two locations that have been selected and approved by NHDES are in the Hanover Parking Garage (near the Fleet St entrance) and at the Worth Lot.

The charging stations, which are manufactured by ChargePoint, are commercial grade and will have two charging ports so that two vehicles can charge simultaneously. Per current industry standards, the stations will be equipped for on-site payments via charge card and will be networkable so that drivers can determine if the charging station is available before they arrive and can also check on the status of their car while it is charging. The vehicle owners will pay for the electrical usage at the charging station at a rate set by the City, and they will also be responsible for paying any applicable parking fees and abiding by any parking time limits currently in place at both of those locations. Both of these sites will go before the Parking & Traffic Safety Committee for review and approval prior to final installation of the charging stations.

All projects must be completed by June, 2016. Grant recipients will be responsible for reporting the usage of the charging stations period of one year including the total kilowatt hours used, number and length of charging periods per station, or any other metric that may be used to determine equivalent fossil fuel reduction associated with use of the charging station.

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

RESOLUTION # – 2016

A RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF THE CITY UNDER THE MUNICIPAL FINANCE ACT AND/OR PARTICIPATION IN THE STATE REVOLVING FUND (SRF) LOAN OF UP TO SEVENTY FIVE MILLION DOLLARS (\$75,000,000) FOR COSTS RELATED FOR THE CONSTRUCTION OF THE PEIRCE ISLAND WASTEWATER TREATMENT FACILITY.

RESOLVED:

THAT the sum of up to Seventy Five Million Dollars (\$75,000,000) is appropriated for the construction of the Peirce Island Wastewater Treatment Facility;

To meet this appropriation, the City Treasurer, with the approval of the City Manager is authorized to borrow, on a competitive or negotiated basis, up to Seventy Five Million Dollars (\$75,000,000) through the issuance of bonds and/or notes of the City under the Municipal Finance Act and/or a loan program offered through the State of New Hampshire Department of Environmental Services, identified as the State Revolving Fund Loan, such borrowing to be effected by the issuance of bonds and/or notes of the City under the Municipal Finance Act in connection with the Peirce Island Wastewater Treatment Facility;

That the expected useful life of the project is determined to be at least thirty (30) years, and;

That this Resolution shall take effect upon its passage.

APPROVED:

JACK BLALOCK, MAYOR

ADOPTED BY THE CITY COUNCIL

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

**CITY OF PORTSMOUTH, NEW HAMPSHIRE
SUPPLEMENTAL APPROPRIATION
FOR THE FISCAL YEAR ENDING JUNE 30, 2016**

RESOLUTION # -

**A RESOLUTION AUTHORIZING A SUPPLEMENTAL
APPROPRIATION FROM UNASSIGNED FUND BALANCE
FOR NECESSARY EXPENDITURES RELATED TO MIDDLE
SCHOOL CONSTRUCTION.**

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

THAT, the City Council has determined that the sum of up to **Six
Hundred Fifty Thousand (\$650,000) Dollars** is to be
appropriated from Unassigned Fund Balance for necessary
expenditures related to the Middle School construction.

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

APPROVED BY:

JACK BLALOCK, MAYOR

ADOPTED BY THE CITY COUNCIL

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

SECTION 7.14-AMENDMENTS TO BUDGET AFTER ADOPTION

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

MEMORANDUM

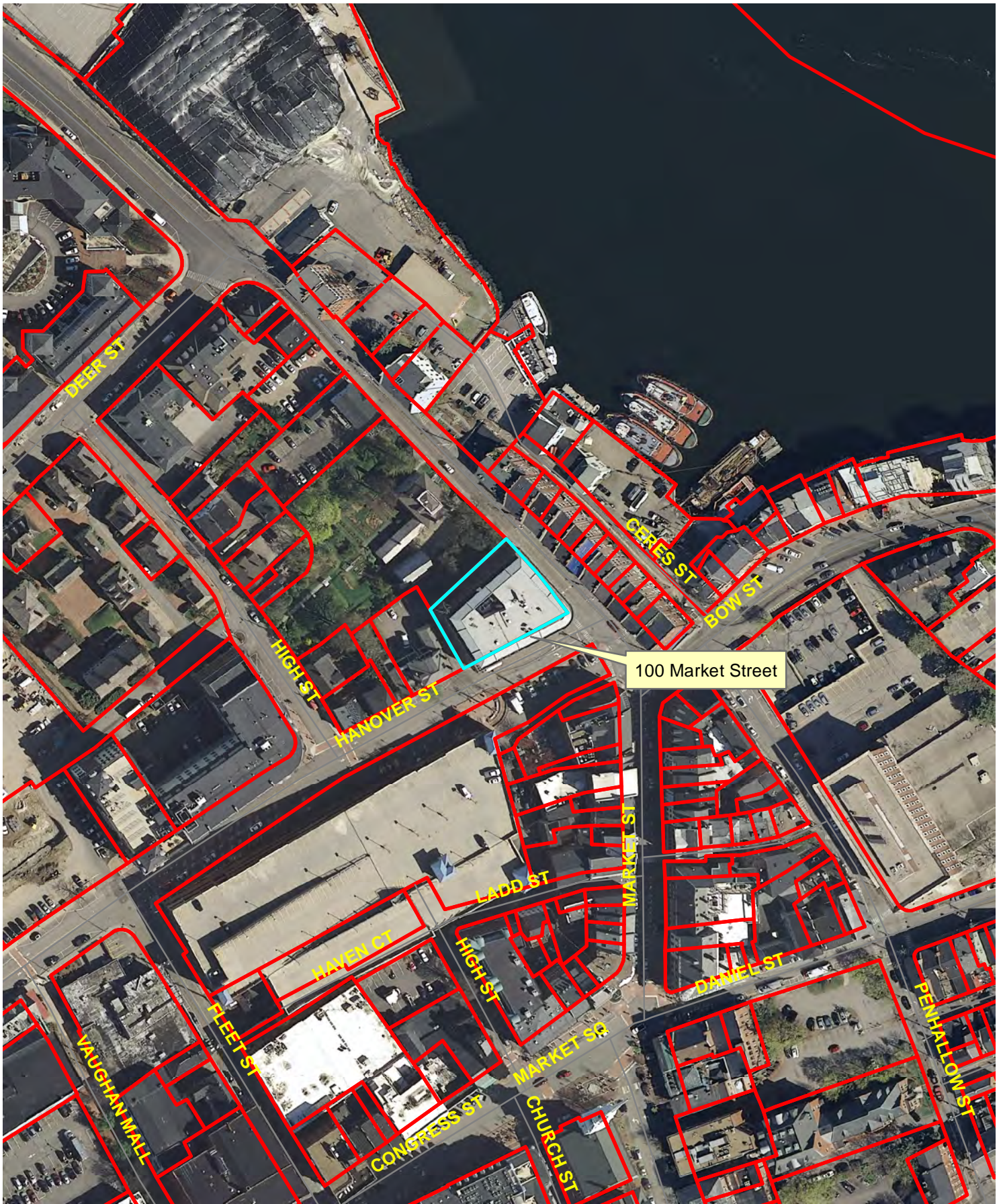
TO: John P. Bohenko, City Manager
FROM: Rick Taintor, Planning Director *RT.*
DATE: February 8, 2016
RE: City Council Referral – Projecting Sign
Address: 100 Market Street
Business Name: Kahler Chiropractic
Business Owner: Richard Kahler

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

Sign dimensions: 24" x 36"
Sign area: 6.0 sq. ft.
Height from sidewalk to bottom of sign: 10'0"

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

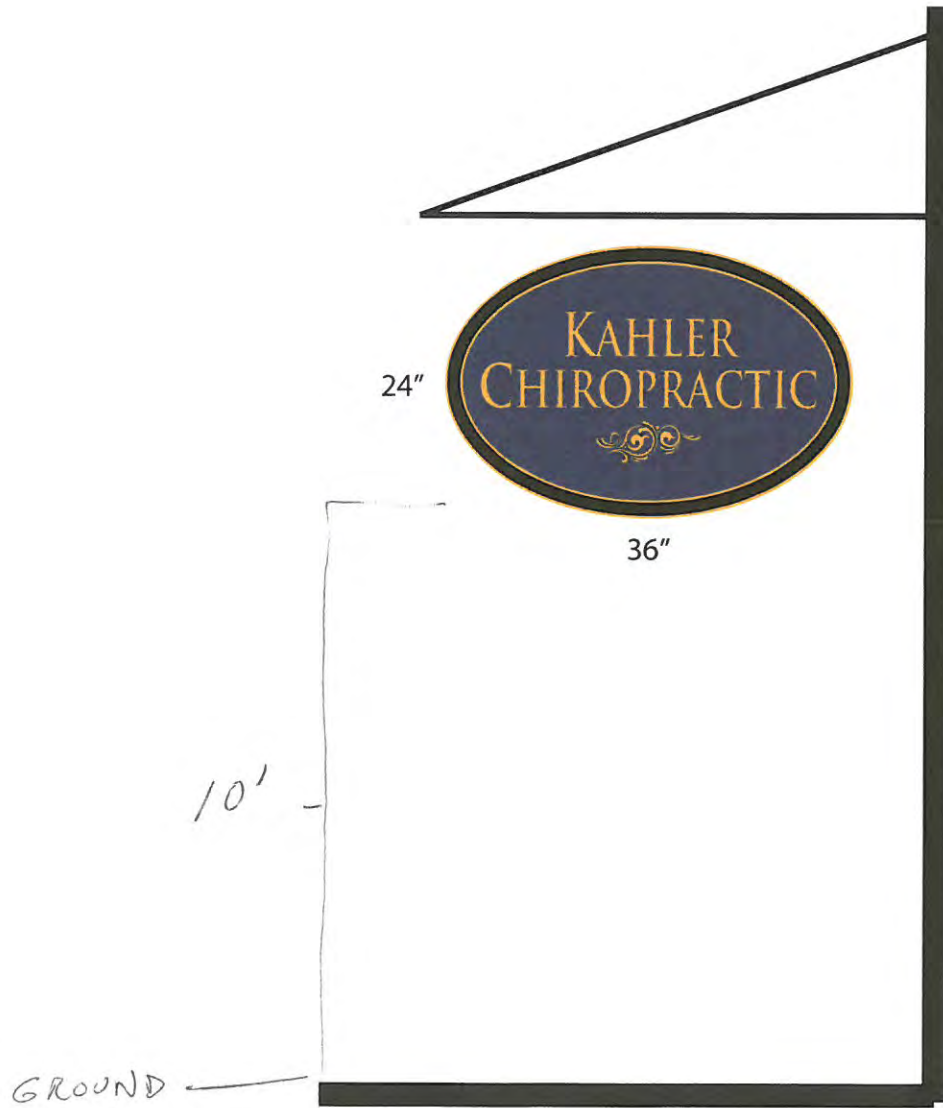
Request for Projecting Sign License 100 Market Street

Kahler Chiropractic
100 Market Street
1 Projecting Sign




PROPOSED Projecting Sign

36" w x 24" h



**CITY OF PORTSMOUTH
PORTSMOUTH, NH 03801**

Office of the City Manager

Date: February 11, 2016
To: Honorable Mayor Jack Blalock and City Council Members
From: John P. Bohenko, City Manager 
Re: City Manager's Comments on February 16, 2016 City Council Agenda

Work Session:

6:30 p.m.

1. **ATSDR Re: Pease Tradeport Community Advisory Panel (CAP).** The Agency for Toxic Substances and Disease Registry (ATSDR) will present its mission and structure, and discuss the formation of a local Community Advisory Panel (CAP) to assist in addressing community health concerns regarding the Pease Tradeport Perfluorinated Chemical (PFC) contamination of the water supply.

[Attached is a letter from Mayor Blalock to Commander Tara Somers](#) requesting consideration of five (5) former Community Advisory Board (CAB) members for acceptance to the CAP. The inclusion of these former CAB members is in response to community concerns for continuity of information and progress, and was included in the recommendations of the CAB. The five (5) individuals are:

- Rich DiPentima, former Chairman of the CAB
- Stefany Shaheen, former City Councilor
- Shelley Vetter, Owner and Director of Discovery Child Enrichment Center Daycare at Pease
- Andrea Amico, parent of child attending a Pease daycare facility
- Kim McNamara, Portsmouth Health Officer

For your information, attached is [a memorandum from Kim McNamara, Health Officer](#), regarding the Pease Community Assistance Panel Formation and Function. On Tuesday evening, a representative from the ATSDR will be in attendance to update the City Council regarding this matter.

Presentation:

1. **Comprehensive Annual Financial Report (CAFR).** Scott McIntire of Melanson, Heath & Company, P.C. will report on the Annual Audit and Financial Statements for the Year Ending June 30, 2015. [On the inside cover of your packet, I am providing you with a copy of the City's Comprehensive Annual Financial Report \(CAFR\),](#) which includes the financial statements for the fiscal year ending June 30, 2015 (Annual Audit). The Fiscal Year 2015 Audit was prepared by the firm of Melanson, Heath & Company, P.C. Also, [enclosed on the inside cover of your packet is the Management Letter](#) for the year ending June 30, 2015, prepared by our auditor. On Tuesday evening, Scott McIntire from Melanson, Heath & Company will be in attendance to make a presentation on the CAFR, which is available at <http://cityofportsmouth.com/finance/CAFR15.pdf>.
2. **Update Re Acceptance of Over the Counter Credit Card Payments.** On Tuesday evening at 7:00 p.m., Judie Belanger, Finance Director, will be making a presentation to the City Council regarding an update on the acceptance of over the counter credit card payments.

Acceptance of Grants and Donations:

1. **Electric Charging Stations.** The City of Portsmouth has been selected to receive a grant from NH Department of Environmental Services (NHDES) to install electric vehicle charging stations in our Downtown.

The NHDES has approved a total of \$10,000 in grant funds for Portsmouth to be used for acquisition and installation of 2 dual-connector Level 2 charging stations. More details on this program are provided in the [attached memorandum from Juliet Walker, Transportation Planner](#).

I recommend the City Council move to authorize the City Manager to enter into an agreement between the State of New Hampshire and the City of Portsmouth pertaining to the NH Department of Environmental Services Electrical Vehicle Supply Equipment Rebate Program. Action on this matter should take place under Section VIII of the Agenda.

Items Which Require Action Under Other Sections of the Agenda:

1. **First Reading of Proposed Resolutions.**
 - 1.1 **First Reading of a Resolution Authorizing a Bond Issue and/or Notes of the City under the Municipal Finance Act and/or Participation in the State Revolving Fund (SRF) Loan of up to Seventy-Five Million (\$75,000,000) Dollars for Costs Related for the Construction of the Peirce Island Wastewater Treatment Facility.** As a result of the February 1, 2016 City Council meeting, under Section IX of the Agenda, I am bringing back for first

reading the [attached Resolution](#) Authorizing a Bond Issue and/or Notes of the City under the Municipal Finance Act and/or Participation in the State Revolving Fund (SRF) Loan of up to Seventy-Five Million (\$75,000,000) Dollars for Costs Related for the Construction of the Peirce Island Wastewater Treatment Facility.

On Tuesday evening, there will be a presentation by City staff, regarding the financial and rate projections with respect to bonding of the Peirce Island Wastewater Treatment Facility.

I recommend the City Council move to pass first reading and bring back for public hearing and adoption a Resolution Authorizing a Bond Issue and/or Notes of the City under the Municipal Finance Act and/or Participation in the State Revolving Fund (SRF) Loan of up to Seventy-Five Million (\$75,000,000) Dollars for Costs Related for the Construction of the Peirce Island Wastewater Treatment Facility, as presented, at the City Council meeting of March 7, 2016. Action on this matter should take place under Section IX of the Agenda.

- 1.2 **First Reading of a Resolution Authorizing a Supplemental Appropriation from Unassigned Fund Balance the sum of up to Six Hundred Fifty Thousand (\$650,000) Dollars for Necessary Expenditures Related to Middle School Construction.** Joint Building Committee Co-Chairs Christine Dwyer and Dexter Legg seek approval from the City Council to appropriate up to \$650,000 from fund balance for necessary expenditures related to the Middle School Construction. See [attached proposed Resolution](#) under Section IX of the Agenda.

When funds for the permanent shoring effort are obtained through negotiated resolution or litigation, recovered amounts would be returned to the City. As reported last year to the City Council, the Portsmouth Middle School, a 1930s building has been experiencing differential settlement due to apparent design and construction activities associated with its expansion and renovation. The City has undertaken expert review and consultation about the reasons for the settlement and the proposed mitigation. The City has put various firms involved in the design and construction on notice of potential claims during the investigation, provided them with information from the investigation, and sought resolution through mediation.

The co-chairs seek this commitment of funds now so that permanent repairs can be undertaken during the school summer break. The differential settlement has slowed sufficiently that it would be most expeditious and cost effective to undertake the permanent repairs this year. Temporary shoring and regular inspection have been used during this interim period to ensure safe use and occupancy. The schedule for bidding and ordering of steel requires timely attention.

Any funds received by the City from settlement or litigation will be put back into fund balance.

I recommend the City Council move to pass first reading and bring back for public hearing and adoption a Resolution authorizing a Supplemental Appropriation from Unassigned Fund Balance the sum of up to Six Hundred Fifty Thousand (\$650,000) Dollars for Necessary Expenditures Related to the Middle School Construction, as presented, at the City Council meeting of March 7, 2016. Action on this matter should take place under Section IX of the Agenda.

2. **Public Hearing and Adoption.**

2.1 **Public Hearing and Adoption of Proposed Resolutions Amending Elderly and Disabled Exemptions.** At the request of the City Council, under Section VII of the Agenda, two options are being brought forward for public hearing and adoption for both the income and asset levels for the Elderly and Disabled Exemptions along with a change in exemption levels for the Elderly Exemption pursuant to RSA 72:39-b and RSA 72.37-b and makes recommendations as to these levels.

Option A: *(Changes to Income & Asset Limits Only)*

If the City Council wishes to adjust the income and asset levels for both the elderly and disabled taxpayers in comparison to neighboring communities, this would increase the limit as follows:

- Single \$ 40,000 increase of \$ 3,689
- Married \$ 55,000 increase of \$10,207
- Elderly Asset Limit of \$175,000 increase of \$53,961

Option B: *(Changes to Income, Asset and Exemption Limits)*

Adjust the income and asset limits for the elderly and disabled taxpayers the same as Option A as follows:

- Single \$ 40,000 increase of \$ 3,689
- Married \$ 55,000 increase of \$10,207
- Elderly Asset Limit of \$175,000 increase of \$53,961

If the City Council wishes to adjust the exemption amounts for elderly taxpayers in comparison to neighboring communities, this would decrease the limit as follows:

- Age 65 to 74 \$120,000 decrease of \$ 5,000
- Age 75-79 \$160,000 decrease of \$15,000
- Age 80 + \$200,000 decrease of \$20,000

If qualified, for disabled taxpayers the current exemption off the assessed value of the property would remain the same at \$100,000.

I have included three different analyses for your review.

- 1) A two year analysis showing the median change in taxes for taxpayers receiving the elderly exemption between FY 2014 and FY 2015.
- 2) An analysis showing the estimated median tax impact if the proposed changes are made to the exemption limits.
- 3) A comparison of the elderly exemption limits of neighboring communities.

Any adjustment if approved would be for assessments as of April 1, 2016 for the 2016 tax year or FY17.

The Assessor's office mails a notification annually to all elderly and disabled persons who currently receive this exemption to update their applications. All new applicants must submit an application and required documentation by April 15th of each year.

On Tuesday evening, I am requesting that the City Council act on adoption of either Option A or B of the following Resolutions for the elderly exemption and disabled exemption for taxpayers:

Option A: (Changes to Income & Asset Limits Only)

a) Move to authorize the City Manager to proceed with the proposed increases to income and asset limits only for the elderly exemption, and further, move to adopt the Option A, as presented.

- *Single* \$ 40,000 increase of \$ 3,689
- *Married* \$ 55,000 increase of \$10,207
- *Elderly Asset Limit of \$175,000 increase of \$53,961*

or

Option B: (Changes to Income, Asset and Exemption Limits)

b) Move to authorize the City Manager to proceed with the proposed increases to income, asset and exemption limits for the elderly and disabled exemptions, and further, move to adopt Option B, as presented.

Adjust the income and asset limits for the elderly and disabled taxpayers the same as Option A as follows:

- *Single* \$ 40,000 increase of \$ 3,689
- *Married* \$ 55,000 increase of \$10,207
- *Elderly Asset Limit of \$175,000 increase of \$53,961*

If the City Council wishes to adjust the exemption amounts for elderly taxpayers in comparison to neighboring communities, this would decrease the limit as follows:

- *Age 65 to 74* \$120,000 decrease of \$ 5,000
- *Age 75-79* \$160,000 decrease of \$15,000
- *Age 80 +* \$200,000 decrease of \$20,000

If qualified, for disabled taxpayers the current exemption off the assessed value of the property would remain the same at \$100,000.

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

3. **Public Hearing.**

- 3.1 **Public Hearing Re: Proposed Capital Improvement Plan (CIP) FY2017-2022.** In accordance with Section 7.7 of the City Charter, a Public Hearing on the proposed Capital Improvement Plan for FY2017-22 will take place on Tuesday evening at 7:00 p.m. At that time, I will be giving a brief overview of the Plan and have requested that staff be available to answer questions if necessary. In addition, I will have copies available of the summary pages for the public, as well as the capital expenditures that will be proposed in the FY2017 budget. Also, a copy of the Capital Plan is on our web page (www.cityofportsmouth.com) and the February 10, 2016 City Council Work Session full presentation will be available on YouTube (<https://youtu.be/-PnBqbyoB8E>) and Channel 22. The City Council is required, in accordance with Section 7.8 of the City Charter, to adopt the Capital Plan subsequent to the Public Hearing and before the City Manager submits the budget to the City Council. I anticipate that I will be transmitting my proposed FY2017 budget to you on or about April 29, 2015. Given that projected date, I am suggesting the City Council adopt the proposed Capital Improvement Plan at your March 7, 2016 City Council meeting.

I suggest that action on this matter be taken at the March 7th City Council meeting, at which time I will recommend adoption of the CIP with any appropriate amendments. Action on this matter should take place under Section IX of the Agenda.

Consent Agenda:

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

- Richard Kahler, owner of Kahler Chiropractic for property located at 100 Market Street

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

City Manager's Items Which Require Action:

1. **Report Back Re: License Requests for 40 Bridge Street** At its meeting on January 11, 2016, the City Council referred to the Planning Board a request by Tanner Bridge Development, LLC, for several licenses in connection with a planned development project at 40 Bridge Street. The requested licenses include:

- a permanent license to allow building footings 18" into the City's right of way;
- a permanent license to construct a new electrical bank within Bridge Street from the intersection of Hanover Street to the site; and
- a temporary license to use the full width of the sidewalk and parking along the frontage of the property for a staging area during construction.

The Planning Board approved the site plan for this project in October 2015. At that time, the developer was unaware of the need to place footings under the City sidewalk. In addition, the method of supplying electricity to the proposed building has changed since the site plan approval.

The proposed plan changes do not affect the configuration of the building or site as previously approved by the Planning Board. The Department of Public Works has reviewed the new electrical service plan and is working with the developer on revisions.

At its meeting on January 21, 2016, the Planning Board voted unanimously to recommend the acceptance.

I recommend the City Council move to accept the recommendation of the Planning Board, as presented, that the licenses be granted, subject to DPW approval of the final design of the electrical bank.

2. **Report Back Re: Request of Stewgood, LLC, to restore the lots at 268 and 276 Dennett Street to their premerger status pursuant to NH RSA 674:39-aa.** At its meeting on December 21, 2015, the City Council voted to refer to the Planning Board a request by Stewgood, LLC, to restore two lots at 268 and 276 Dennett Street to their premerger status, pursuant to NH RSA 674:39-aa. The merged lot contains two residential structures: the original single-family dwelling and a detached garage with a 2nd-floor dwelling unit.

RSA 674:39-aa provides that “lots or parcels that were involuntarily merged prior to September 18, 2010 ... shall at the request of the owner, be restored to their premerger status” The statute only applies where “no owner in the chain of title voluntarily merged his or her lots.”

RSA 674:39-aa assigns the responsibility for “restoration of involuntarily merged lots” to the City Council. If the merged lots meet the criteria in the statute, the Council must vote to restore them to their premerger status. Conversely, if the merged lots do not meet the criteria in the statute, the City Council has no jurisdiction to grant a request to split the lots. The owner has stated that no owner in the chain of title voluntarily merged the two lots.

At its meeting on January 21, 2016, the Planning Board voted unanimously to report to the City Council that there has not been any overt action or conduct that indicates the owner regarded the lots as merged, and therefore the request to restore the lots to their premerger status may be granted.

I recommend the City Council move to accept the Planning Board’s recommendation, as presented, that there has not been any overt action or conduct that indicates the owner regarded the lots as merged, and therefore the request to restore the lots to their premerger status may be granted.

3. **Request for Equitable Waiver for Building Fees Re: Lonza.** The [attached letter is a request from Lonza Biologics Inc.](#) for a reduction in the building fees for a series of significant capital projects that are either beginning construction or proposed future construction at their facility at Pease International Tradeport. The estimated total cost of these improvements is in excess of \$500,000,000. Based on our current fee structure of \$10 per \$1000 of construction, the permit fee for all of these improvements would be over \$5,000,000.

Lonza is requesting this equitable waiver of the standard fee, as described in the [attached letter](#) due to the unique nature of these construction projects. Those unique characteristics include two areas of that relate to the cost of the construction but do not affect the level of effort in providing our inspection services. The first of those is the self-contained and or pre-manufactured process elements that are inspected and regulated by third party authorities, such as the FDA. Those elements were subtracted out to get to the \$35,416,000 for the project cost listed on page 2 of the February 8th letter.

The second unique feature of these projects is as described in the February 8th letter and pertains to the unique nature and cost of the materials used in the areas requiring inspection. Lonza has outlined in that letter the rationale for the proposed fee of \$7 per \$1000 construction cost.

These requests were presented to the fee committee at the meeting of February 9, 2016 and voted to accept and recommend City Council approval of this one time equitable waiver for the projects described in the February 8th letter.

If this equitable waiver is granted, Lonza will be paying a building fee of \$1,010,476.

I recommend the City Council move to authorize an equitable waiver of the building fee from \$10/\$1000 to \$7/\$1000 for the five projects, Mono 1, Mono 2, Mono 3, Cell Therapy 1 and Cell Therapy 2 as described in the letter of February 8, 2016 to Chief Building Inspector Robert Marsilia for the City of Portsmouth.

Informational Items:

1. **Events Listing.** For your information, [attached is a copy of the Events Listing](#) updated after the last City Council meeting on February 1, 2016. In addition, this can be found on the City's website.
2. **Update Re: 165 Deer Street New Municipal Parking Garage.** It was anticipated that City staff would be bringing to you a Purchase and Sales Agreement for 165 Deer Street which will be the site of the new municipal parking garage.

During the evaluation of the site, it was determined that there was soils that will require additional costs associated with testing and disposal. Further, we determined that there was a high water table in that area which would preclude us with proceeding with subsurface parking. Therefore, the garage will no longer have subsurface parking, it will allow us to leave the sewer line in place, saving \$1,000,000.

In addition, with the cost of constructing subsurface parking with a premium of \$10,000 per space, it was anticipated that 100 spaces would have to be constructed subsurface. By not constructing these subsurface spaces, there's an additional \$1,000,000 in savings. Given these changes, it was determined we need to revise the Purchase and Sales Agreement to reflect these conditions.

Therefore, we will be bringing the Purchase and Sales Agreement and the Post-Closing Obligation Agreement to the City Council sometime in March.



Mr. Robert Marsilia
City of Portsmouth
1 Junkins Avenue
Portsmouth NH 03801

Lonza Biologics Inc.
101 International Drive
US-Portsmouth, NH 03801

Michael Pelletier
Head of Site Development and Strategic
Projects
Portsmouth
Pharma&Biotech

Tel +1 603 610 5204
michael.pelletier@lonza.com

8 February 2016

City Permit Fees

Dear Robert,

Please accept this letter as a request from Lonza for an adjustment of permit fees required for the capital expansion of the Lonza Biologics Portsmouth, NH facility located at 101 International Drive.

First, we would like to thank you and the City for working so closely with us on our expansion efforts over the years. Since Lonza's acquisition of the Celltech facility in 1995, the site has successfully expanded through numerous projects and we now employ close to 800 staff in our mission to produce high quality, life extending, cost competitive medicines for our customers who in turn bring them to patients around the world. Our two active capital projects (Cell Therapy 1 and Mono 1), which approach \$200M USD in growth investment, bring cutting edge technology to the Seacoast area and will add approximately another 150 staff to the site. Additionally, we have the potential for further expansion that could add approximately another 250 staff to support what may reach an additional \$300M in growth investment. It is a very exciting time for Lonza.

The type of capital projects that Lonza undertakes are complex in nature, must adhere to strict guidelines from regulatory agencies such as the Food and Drug Administration, and utilize specialized equipment and contractors. As such, the cost of construction is significantly higher when compared to other industries that are not beholden to the same level of scrutiny and regulation.

Fire Protection

Approximately 30% of the square footage will have hard ceilings installed above clean room production area allowing unfettered access to piping, instrument, and ductwork resulting in fire protection installed both above and below the ceiling. We estimate this results in an overall 30% cost increase when compared to non-critical manufacturing processes.

Electrical

Clean room fixtures must be employed and explosion-proof components and electrical panels are required in areas in which solvents are used in certain amounts and concentrations. An Uninterruptible Power Supply system and fully redundant back-up Electrical Generation with redundancy across all systems whenever possible and practical is required to avoid any potential disruption in electrical service from the grid which could result in weeks to months of downtime and a potential market shortage of product. We estimate this results in an overall 35% cost increase when compared to non-critical manufacturing processes.

Mechanical and Plumbing

Air Handling Units (AHU's) must be custom designed rather than procured as off-the-shelf units driving cost from \$3/CFM (cubic feet per minute) to \$6/CFM. This is compounded by the fact that air must be exchanged frequently in the clean rooms resulting in more and larger units with more high efficiency filter capacity installed. Control systems are active and designed to maintain to critical pressure requirements as opposed to those installed in office or light manufacturing applications. The cost for ductwork installation is on par with other industries, but total length is estimated to be 4 times higher. We estimate that overall, this results in a 35% cost increase when compared to non-critical manufacturing processes.

General Building

Production areas are built to clean room standards including the use of ceiling/wall/floor systems and associated finishes and components that aid in the control of microorganisms and particulates. We estimate this results in an overall 35% cost increase when compared to non-critical manufacturing processes.

In summary, we feel that the existing permit fee schedule for the City of Portsmouth of \$10 per \$1000 of construction cost from \$50,000 and over does not accurately reflect or contemplate the unique challenges associated with the construction of a biopharmaceutical production facility. As such, we propose the following three points for your consideration:

1. We respectfully request a rate of \$7 per \$1000 be applied to the Mono1 facility to more accurately reflect the stringent construction requirements that are associated with the highly-regulated biopharmaceutical manufacturing industry.
2. Secondly, we propose that the \$7 per \$1000 rate apply retroactively to the permits awarded thus far to the partially constructed Cell Therapy 1 facility; first permit received Q2 2015.
3. Finally, we propose that the \$7 per \$1000 rate be applied to any future expansion at the 101 International Drive production site.

| Project | Status | Construction Costs USD *estimated | Total Permit Fee USD | |
|----------------|--------------------|--------------------------------------|------------------------|------------------------|
| | | | Current \$10/\$1000 | Proposed \$7/\$1000 |
| Mono 1 | In Progress | 35,416,000 | 354,160 | 247,912 |
| Mono 2 | Future | 35,416,000* | 354,160 | 247,912 |
| Mono 3 | Future | 35,416,000* | 354,160 | 247,912 |
| Cell Therapy 1 | In Progress | 19,100,000 | 191,000 | 133,370 |
| Cell Therapy 2 | Future | 19,100,000* | 191,000 | 133,370 |
| <i>Total</i> | | <i>144,448,000</i> | <i>1,444,480</i> | <i>1,010,476</i> |

3/3,8 February 2016 Permit

We thank the City of Portsmouth for the strong support and collaborative relationship that has been developed and sustained over the years and thank you for considering the above proposal. We feel that this proposal equitably reflects the permitting costs associated with the construction of a biopharmaceutical production facility when compared to the construction of other non-regulated structures for office and or light industrial use. We are pleased to address any questions and/or concerns that you may have.

With kind regards

Lonza Biologics Inc.

A handwritten signature in blue ink, appearing to read 'Michael Pelletier', with a stylized, flowing script.

Michael Pelletier

Run: 2/11/16
11:37AM

Event Listing by Date

Page: 1

Starting Date: 2/ 1/2016

Ending Date: 1/ 1/2017

| Start End | Type Description | Location | Requestor | Vote Date |
|------------------------|--|---|--------------------------------|------------|
| 2/10/2016 2/15/2016 | FESTIVAL Amanda Beaulieu, Events Coordinator is the contact for this event. This event runs from February 10-15, 2016 | North Church - Market Square | Fire & Ice Festival | 1/25/2016 |
| 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/ 3/2016 4/ 3/2016 | RACE Contact: Todd Hanson, Race Director | Pease Tradeport | St. Paddy's 5 Miler | 12/21/2015 |
| 4/ 9/2016 4/ 9/2016 | RACE Robert L. Sutherland, Jr. is the contact for this event. This event begins at 8:00 a.m. | St. John's Lodge | St. John's Lodge | 1/25/2016 |
| 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 |
| 4/30/2016 4/30/2016 | WALK Jenelle Dolan, Community Director is the contact. jdolan@marchofdimes.com Tel. 978-729-5849 Time: 6:00 am. to 12:00 p.m. | Little Harbour School | March of Dimes | 10/ 5/2015 |
| 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 |
| 5/29/2016 5/29/2016 | RACE Jeanine Sylvester is the contact for this event. This event is at Pease Tradeport. Event begins at 11:00 a.m. | Pease Tradeport | Runner's Alley | 1/25/2016 |

Run: 2/11/16
11:37AM

Event Listing by Date

Page: 2

Starting Date: 2/ 1/2016

Ending Date: 1/ 1/2017

| Start End | Type Description | Location | Requestor | Vote Date |
|------------------------|--|--|--------------------------------|------------|
| 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 |
| 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 - Summer in the Street Music Serie | 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 | BIKE TOUR Contact: Chris Vlangas 1-800-757-0203 Event begins at 7:30 a.m. from Shapleigh Middle School in Kittery. | From Kittery, ME to Route 1B to Rye back to Kitter | Cystic Fibrosis Foundation | 1/25/2016 |
| 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 |

Event Listing by Date

Starting Date: 2/ 1/2016

Ending Date: 1/ 1/2017

| Start End | Type Description | Location | Requestor | Vote Date |
|--------------------------|---|---|--------------------------------|------------|
| 9/17/2016 9/17/2016 | WALK Contact: Ken La Valley, Chair - Out of Darkness Walk on Saturday, September 17, 2016 Registration: 8:30 a.m. Walk Duration 10:00 a.m. - Noon Peirce Island - Begin and end. Proposed Walk route 2.3 miles | Peirce Island | American Foundation for Suicid | 1/11/2016 |
| 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 | FESTIVAL David Hallowell is the contact for this event. This is a 2-day event starting at 8:00 a.m. to 6:00 p.m. | Pleasant Street | Portsmouth Maritime Folk Festi | 1/25/2016 |
| 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 |
| 10/ 9/2016 10/ 9/2016 | ROAD RACE Contacts: Catherine Edison at CEEdison@communitycampus.org (Date changed to October 9, 2016 instead of October 8th) 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 |
| 12/11/2016 12/11/2016 | ROAD RACE Thomas M. Bringle is the contact for this event. Tel. 603-724-6080 tbringle@arthritis.org. Registration begins at 9:00 a.m. Race start time: 10:00 a.m. | Little Harbour School | Arthritis Foundation - Jingle | 1/25/2016 |
| 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 |

The Legislative Subcommittee has been tracking numerous right-to-know bills, including HB 1611, HB 1593 and HB 1216. HB 1611 is a bill that would allow a public body or agency to charge a fee for the costs of retrieving public records under the right-to-know law. HB 1611 was voted Inexpedient to Legislate by the House on Wednesday, February 10, 2016. HB 1593 is a bill that would amend the current right-to-know law to restrict fees for obtaining copies of public records and require certain information on public official and legislative financial disclosure forms. HB 1593 had been voted Inexpedient to Legislate (9-0) by the House Judiciary Committee and had been initially placed on the House Consent Agenda for Wednesday, February 10, 2016 but was removed from the Consent Agenda and is attached. HB 1216 is currently before the House Judiciary Committee and is a bill that would amend the current right-to-know law to require public bodies and agencies to provide information in a form not regularly kept or reported upon payment by the requestor. The Legislative Subcommittee has concerns about HB 1216, attached hereto, and presents this bill to the City Council for discussion.

HB 1593-FN-LOCAL - AS INTRODUCED

2016 SESSION

16-2406

10/08

HOUSE BILL ***1593-FN-LOCAL***

AN ACT restricting fees for obtaining copies of public records and requiring certain information on public official and legislative financial disclosure forms.

SPONSORS: Rep. Brewster, Merr. 21

COMMITTEE: Legislative Administration

ANALYSIS

This bill limits the cost of obtaining a copy of a public record to the actual cost and requires that financial disclosure forms of public officials and legislators include specific information.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struck through.]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Sixteen

AN ACT restricting fees for obtaining copies of public records and requiring certain information on public official and legislative financial disclosure forms.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Right to Know Law; Copies; Fees Charged. Amend RSA 91-A:4, IV to read as follows:

2 IV. Each public body or agency shall, upon request for any governmental record reasonably
3 described, make available for inspection and copying any such governmental record within its files
4 when such records are immediately available for such release. If a public body or agency is unable
5 to make a governmental record available for immediate inspection and copying, it shall, within 5
6 business days of request, make such record available, deny the request in writing with reasons, or
7 furnish written acknowledgment of the receipt of the request and a statement of the time
8 reasonably necessary to determine whether the request shall be granted or denied. If a computer,
9 photocopying machine, or other device maintained for use by a public body or agency is used by the
10 public body or agency to copy the governmental record requested, the person requesting the copy
11 may be charged the actual cost of providing the copy, ***which shall not include any amount of***
12 ***the cost of searching, compilation, and labor of the public body or agency in making the***
13 ***copy***, which cost may be collected by the public body or agency. Nothing in this section shall
14 exempt any person from paying fees otherwise established by law for obtaining copies of
15 governmental records or documents, but if such fee is established for the copy, no additional costs or
16 fees shall be charged.

17 2 New Paragraph; Legislative Financial Disclosure Form. Amend RSA 14-B:8 by inserting
18 after paragraph III the following new paragraph:

19 III-a. For disclosures under paragraphs II and III, the reporting individual shall provide
20 the name and address of the family member whose income is listed and shall specifically identify
21 the title and nature of the position in the businesses, professions, occupations, groups, or matters
22 listed for the reporting individual or reporting individual's family member.

23 3 New Paragraph; Financial Disclosure; Public Officials. Amend RSA 15-A:5 by inserting after
24 paragraph I the following new paragraph:

25 I-a. For disclosures under subparagraphs I(c) and (d), the reporting individual shall provide
26 the name and address of the family member whose income is listed and shall specifically identify
27 the title and nature of the position in the businesses, professions, occupations, groups, or matters
28 listed for the reporting individual or reporting individual's family member.

29 4 Effective Date. This act shall take effect 60 days after its passage.

HB 1593-FN-LOCAL AS INTRODUCED

LBAO
16-2406
12/4/15

HB 1593-FN-LOCAL- FISCAL NOTE

AN ACT restricting fees for obtaining copies of public records and requiring certain information on public official and legislative financial disclosure forms.

FISCAL IMPACT:

The Department of State, New Hampshire Association of Counties, and Judicial Branch state this bill, **as introduced**, may increase state expenditures and decrease state and county revenue by an indeterminable amount in FY 2017 and each year thereafter. There will be no fiscal impact to county and local expenditures or local revenue.

METHODOLOGY:

The Department of State states this bill requires the charges for copies of documents, not otherwise established in statute, to reflect the actual cost of producing copies, not including staff time for research, compilation and production. To accommodate this change, the Department would need to adjust its fees downward, resulting in a loss of approximately \$1,000 of state revenue annually. This bill requires additional information be submitted by public officials and legislators on financial disclosure forms. Changes to the financial disclosure form would be absorbed within the Department's existing budget.

The New Hampshire Association of Counties states this bill may decrease county revenue by an indeterminable amount. Such a decrease is dependent upon the number and scope of right-to-know requests made. By removing the phrase "the actual cost of providing" and only allowing a per page fee for the copy, counties may not be compensated for the staff time utilized to search for, prepare, and copy documents.

The Judicial Branch states it currently charges a flat fee of 50 cents per page. The Branch does not anticipate any fiscal impact related to right-to-know requests. This bill contains an unspecified misdemeanor which can be either class A or B, with the presumption being a class B. There is no method to determine how many charges would be brought as a result of this bill to determine the fiscal impact on expenditures. The table below provides the potential costs associated with the penalties included in this bill:

| | FY 2017 | FY 2018 |
|-------------------------|---------|---------|
| Judicial Branch* | | |
| Class B Misdemeanor | \$50 | \$53 |
| Class A Misdemeanor | \$70 | \$74 |
| Appeals | Varies | Varies |

HB 1593-FN-LOCAL - AS INTRODUCED
- Page 2 -

*It should be noted average case cost estimates for FY 2017 and FY 2018 are based on data that is more than ten years old and does not reflect changes to the courts over that same period of time or the impact these changes may have on processing the various case types.

The Department of Administrative Services states this bill will have no fiscal impact on its operations and it cannot estimate how this bill would impact other executive branch agencies.

The New Hampshire Municipal Association states this bill will have no fiscal impact on localities.

HB 1216-FN - AS INTRODUCED

2016 SESSION

16-2096
01/06

HOUSE BILL **1216-FN**

AN ACT requiring public bodies and agencies to provide information which is not regularly kept or reported upon payment by the requestor.

SPONSORS: Rep. Verschueren, Straf. 13; Rep. Baber, Straf. 14; Rep. Frazer, Merr. 13; Rep. Bixby, Straf. 17; Rep. C. Chase, Ches. 8; Sen. Watters, Dist 4

COMMITTEE: Judiciary

ANALYSIS

This bill requires public bodies and agencies to provide information in a form not regularly kept or reported upon payment by the requestor.

Explanation: Matter added to current law appears in **bold italics**.
Matter removed from current law appears [~~in brackets and struck through.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
16-2096
01/06

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Sixteen

AN ACT requiring public bodies and agencies to provide information which is not regularly kept or reported upon payment by the requestor.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Right-to-Know; Minutes and Records Available for Public Inspection RSA 91-A:4, VII is repealed and reenacted to read as follows:

VII. Members of the public may request that a public body or agency compile, cross-reference, or assemble information into a form in which it is not regularly kept or reported by that body or agency. The agency or public body shall comply with such requests, if it is reasonably practical to do so. The public body or agency may charge the recipient of the information the fair and reasonable cost of providing it. The public body or agency shall provide the requestor with an estimate of any expected costs greater than \$100 prior to providing the information. The requestor shall have up to 10 business days after receipt of such an estimate in which to proceed with or withdraw a request if he or she wishes to do so.

2 Effective Date. This act shall take effect 60 days after its passage.

LBAO
16-2096
11/12/15

1216-FN - FISCAL NOTE

AN ACT requiring public bodies and agencies to provide information which is not regularly kept or reported upon payment by the requestor.

FISCAL IMPACT:

The Department of Administrative Services, Department of Justice, Judicial Branch, New Hampshire Association of Counties, and New Hampshire Municipal Association state this bill, **as introduced**, may increase state, county, and local expenditures and revenue by indeterminable amounts in FY 2016 and each year thereafter.

METHODOLOGY:

The Department of Administrative Services states this bill requires public bodies and agencies to compile, cross-reference, or assemble information into a form in which it is not regularly kept or reported when requested by members of the public. Public bodies and agencies may charge the requestor the fair and reasonable cost of providing the requested documents. The Department assumes that responding to right-to-know requests, as proposed by this bill, could be more labor intensive than the current process for the state, counties, and municipalities. The number and types of requests may vary greatly among all levels of government which may cause state, county, and local expenditures to increase by indeterminable amounts. It is unknown as to whether public bodies and agencies would need to hire additional staff to respond to requests. Further, the Department cannot estimate which public bodies and agencies would charge fees and at what rates which, could increase state, county, and local revenue by indeterminable amounts.

The Department of Justice states it receives hundreds of right-to-know requests each year and it assumes this number would increase by an indeterminable amount. The requirement to compile, cross-reference, or assemble information will increase the amount of staff time needed to respond to requests by an unknown amount. The Department assumes it would need at minimum, one full-time paralegal (LG 19) to respond to requests which would cost:

| | FY 2017 | FY 2018 | FY 2019 | FY 2020 |
|------------------|-----------------|-----------------|-----------------|-----------------|
| Salary | \$37,752 | \$40,092 | \$41,828 | \$43,505 |
| Benefits | \$24,474 | \$26,205 | \$27,909 | \$29,703 |
| Current Expenses | \$250 | \$250 | \$250 | \$250 |
| Equipment | \$5,000 | \$0 | \$0 | \$0 |
| Travel | \$100 | \$100 | \$100 | \$100 |
| Total | \$67,576 | \$66,647 | \$70,087 | \$73,558 |

The Department of Justice provides counsel to all state agencies, commissions, and boards on issues related to right-to-know requests. This bill may increase demand for legal counsel which could increase state expenditures.

The Judicial Branch states this bill may increase state expenditures by an indeterminable amount depending on the number and complexity of right-to-know requests made under the requirements included in this bill. However, in most years this bill would not have a fiscal impact in excess of \$10,000.

The New Hampshire Association of Counties states this bill will increase county expenditures and revenue but it cannot determine the extent of the impact. The Association states many counties do not have the staff or expertise to compile, cross reference, or assemble information as specified in the proposed bill.

The New Hampshire Municipal Association states this bill could result in a significant increase in the number of requests filed with municipalities under the right-to-know law which could result in additional staff time and expenses. The Association states municipalities may experience increased revenues, as they may charge requestors for the fair and reasonable costs of providing the request, but the additional revenue is unlikely to cover additional expenses resulting from this bill.