

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, SEPTEMBER 19, 2016 TIME: 7:00PM

AGENDA

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

PRESENTATION

1. Quarterly Update Re: Wastewater Treatment

V. ACCEPTANCE OF MINUTES – AUGUST 15, 2016

VI. PUBLIC COMMENT SESSION

VII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First reading of Ordinance amending Chapter 14, Article II – Demolition – The Preservation of Buildings and Places of Historic, Architectural and Community Value

VIII. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. Letter from Nicole McShane, Big Brothers Big Sisters of New Hampshire requesting permission to close Pleasant Street on Saturday, June 17, 2017 from 3:00 p.m. – 6:00 p.m. for the Annual Stiletto Sprint (*rain date Sunday, June 18, 2017*) (***Anticipated action – move to refer to the City Manager with power***)
- B. Letter from Amber Day, NH Film Festival requesting permission to close Chestnut Street on Friday, October 14, 2016 for the NH Film Festival red carpet opening night gala (***Anticipated action – move to refer to the City Manager with power***)
- C. Request for License to install Projecting Sign:
 - Dennis Luun owner of The Works Cafe, for property located at 9 Congress 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***

IX. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Ella McGrail, Civic Teen requesting permission to set up a Civic Cider stand in front of the North Church in Market Square on October 2, 2016 (***Sample motion – move to recommend Vaughan Mall for Cider Stand***)
- B. Memorandum from Policy Chief David Mara regarding Downgrade of “Communications Manager” to Communications Supervisor (***Sample motion – move to approve as outlined in the memorandum from the Police Department***)

X. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

City Manager's Items Which Require Action:

1. Request for First Reading Re: Solid Waste Ordinance
2. 2017 Schedule of City Council Meetings and Work Sessions
3. License Request Completion of Work at 172 Hanover Street

Informational items

1. Events Listing
2. Portsmouth Library Building Anniversary

B. MAYOR BLALOCK

1. *Appointment of City Council members to Joint Budget Committee – Councilors Spear and Cyr
2. *Council Members Responsibility Re: Non-Meetings & Non Public Sessions
3. Resignation – William F. Gladhill from the Planning Board

C. COUNCILOR PERKINS

1. *Proposed amendment to the Outdoor License Program for Sidewalk Cafes Policy #2012-02
Approved Locations:
 - *State Street Saloon*
 - *Popovers on the Square*
 - *Ri Ra*
 - *The District*
 - *Birdseye Lounge, LLC*
2. Recruiting Food Trucks (*See ordinance attached*)

D. COUNCILOR DWYER

1. Subcommittee Approval for Floor Policy Regarding Short Term Rentals Recommended by the Legislative Subcommittee for City Council Approval for Submission as NHMA Legislative Policies for 2017-2018 Legislative Session

E. COUNCILOR DENTON

1. Veteran's Property Tax Credit ***Proposed motion - move the City Manager to report back on the Assessor's Office implementing the additional veterans' property tax credit authorized under RSA 72:28b, which went into effect on August 8, 2016, extending the current tax credit amount to all honorably discharged veterans that are not eligible for the current veterans' tax credit or the tax credits for service connected total disability***

XII. MISCELLANEOUS/UNFINISHED BUSINESS

XIII. ADJOURNMENT

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

**Indicates Verbal Report*

INFORMATIONAL ITEMS

1. Notification that the minutes of the August 2, 2016 and August 30, 2016 Site Review Technical Advisory Committee meetings are now available on the City's website

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



Topics of Discussion

- Project Status
- Contractor's Schedule
- Peirce Island Modifications During Construction
- Upcoming Meetings
 - Public Construction Meetings
 - Council Quarterly Updates



Project Status

- Project Award
 - Methuen Construction Company, Inc.
 - Executed on August 24, 2016
- Milestones:
 - Notice to Proceed September 1, 2016
 - Interim Milestones to be Selected
 - BAF Substantial Completion December 1, 2019
 - Project Substantial Completion May 31, 2020
 - Project Final Completion August 30, 2020

September 15, 2016



Peirce Island WWTF Upgrade Construction

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Project Status (Cont'd)

- Construction Costs:

Item	Current Contract Cost (Million \$)
Construction	\$72.8
Initial Contingency	\$1.8
Initial Construction Engineering	\$2.8
Total	\$77.4

- Additional Construction Engineering and Contingency to be Funded Through Future Capital Budgets

September 15, 2016



Peirce Island WWTF Upgrade Construction

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Contractor's Schedule

- September 2016
 - Ongoing Peirce Island Bridge Work Week of September 19, 2016
 - Work for Upgrade Week of September 26, 2016
 - Begin Installation of Pedestrian Fence and Staging Fence Near Pool
 - Deliver and Setup Temporary Field Office Trailers at Pool Parking Lot
 - Roadway Signage and Traffic Control
 - Work for Upgrade Week of October 3, 2016
 - Curb Radius at Mechanic and Marcy Street (Prescott Park Side)



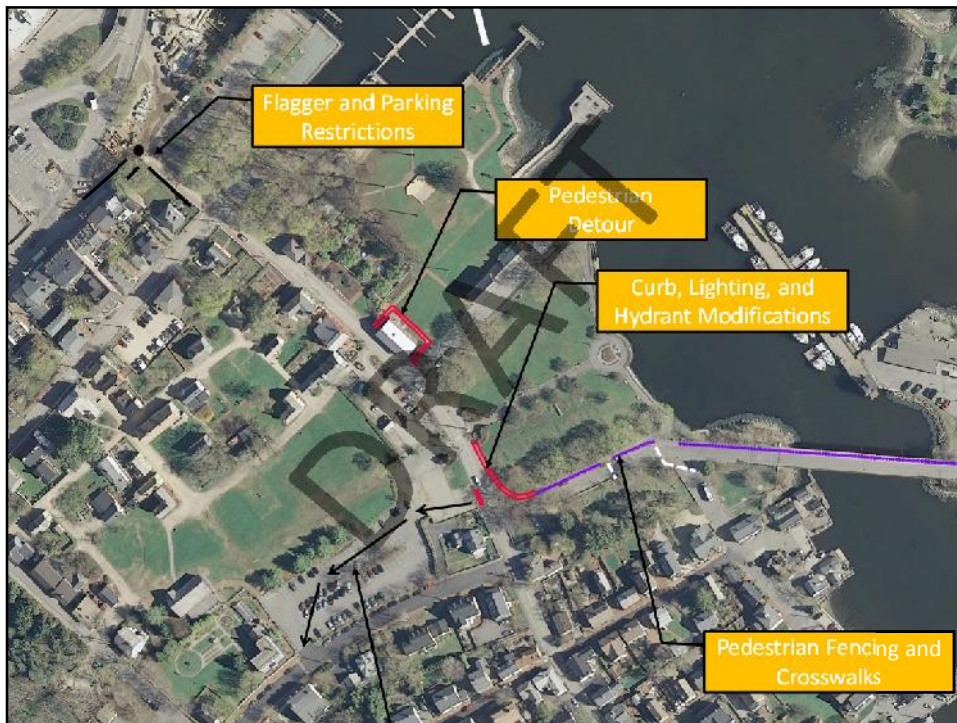
Example Safety Fence
Mechanic St and Island

September 19, 2016



Peirce Island WWTP Upgrade Construction

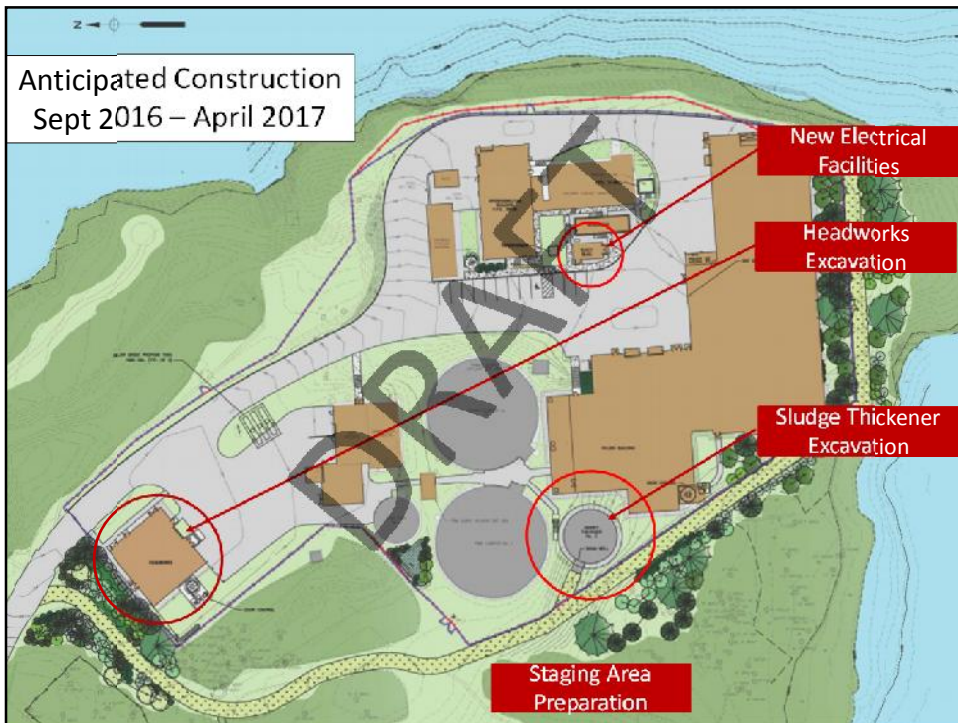
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Contractor's Schedule (Cont'd)

– Mobilization On-Site Week of September 26, 2016

- Probing for Rock Along Route of New Water Main
- Closures: Off Leash Dog Area & Island at Pool



Pierce Island Modifications During Construction

- Restrict Dog Walking On-Island (Sept 2016)
 - Alternative Option at Great Bog (Route 33)
- Pedestrian and Staging Area Fencing (Late Sept 2016)
- Four Tree Island Parking Lot Expansion (Spring 2017)
- Parking Lot Adjacent to Boat Launch (Spring 2017)
- State Fish Pier Open
- Pool and Boat Launch Open Seasonally

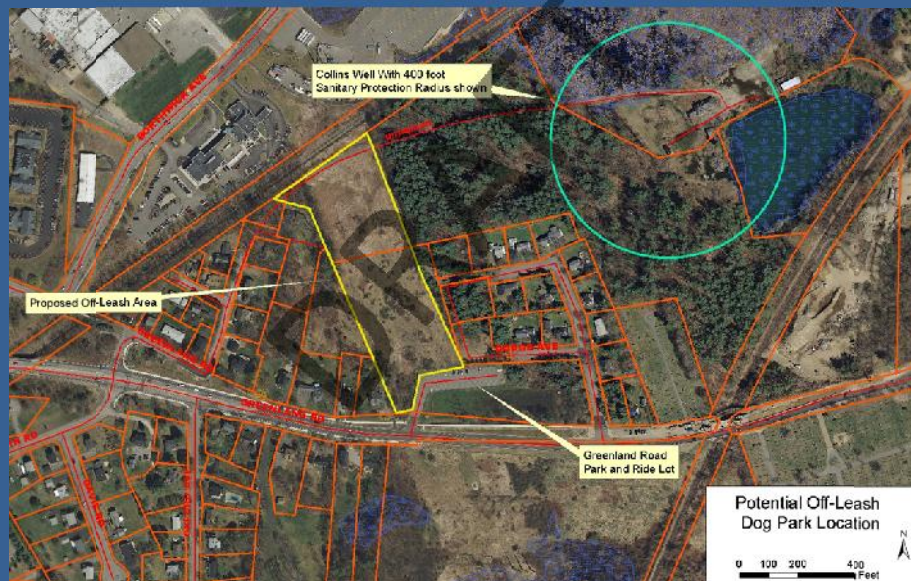
September 19, 2016



Pierce Island WWTP Upgrade Construction

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Proposed Off Leash Dog Area: Route 33 Park and Ride



Proposed Off Leash Dog Area



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Proposed Off Leash Dog Area



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Upcoming Meetings

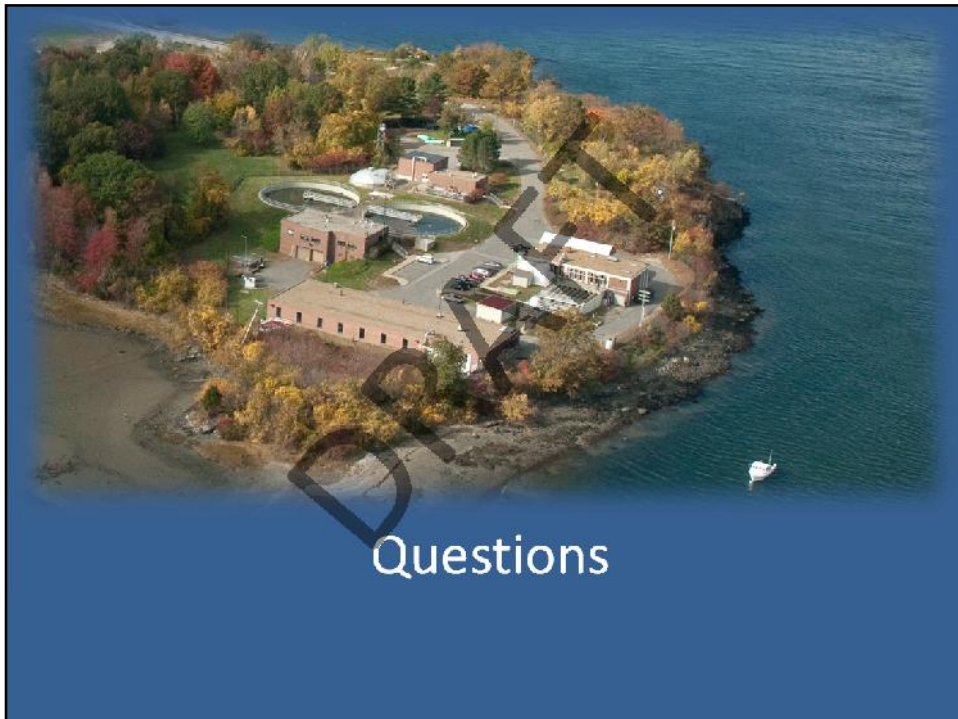
- Public Construction Meeting
 - Council Chambers at 11 AM
 - Televised and Recorded
 - Upcoming Dates: 9/21, 10/19, 11/16, and 12/21/16
- Meeting with Chamber of Commerce
- Council Quarterly Update No. 2
 - December 19, 2016
 - Will Include Summary of Input from Public Construction Meetings

September 19, 2016



Peirce Island WWTP Upgrade Construction

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Questions

**CITY COUNCIL NON-PUBLIC SESSION RE: PEASE DEVELOPMENT AUTHORITY
POLICE AGREEMENT – RSA 91-A:3, II (i) & ANTICIPATED “NON-MEETING” WITH
COUNSEL RE: COLLECTIVE BARGAINING – POLICE AND FIRE CONTRACTS –
RSA 91-A:2(a)**

PORTSMOUTH MUNICIPAL COMPLEX
CONFERENCE ROOM A

MONDAY, AUGUST 15, 2016
TIME: 5:45 PM

A roll call for attendance of City Council members present for the meeting was taken.

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

STAFF PRESENT: John P Bohenko, City Manager; Robert Sullivan, City Attorney; David Mara, Police Chief; and Kelli L. Barnaby, City Clerk

The following motions were taken in public session in the Eileen Dondero Foley Council Chambers.

On a unanimous roll call 9-0, voted to enter into a Non-Public Session regarding Pease Development Authority Police Agreement in accordance with RSA 91-A:3, II (i).

On a unanimous roll call 9-0, voted to enter into a “Non-Meeting” with Counsel regarding Collective Bargaining for Police and Fire Contracts in accordance with RSA 91-A:2(a).

Discussion followed regarding the Pease Development Authority Police Agreement.

On a unanimous voice vote 9-0, voted to approve the Pease Development Authority Police Agreement.

“Non-Meeting” Regarding Collective Bargaining for Police and Fire Contracts

STAFF PRESENT: John P. Bohenko, City Manager; Tom Closson, Negotiator; Dianna Fogarty, Human Resources Director; David Mara, Police Chief; Robert Sullivan, City Attorney; Kelli L. Barnaby, City Clerk

OTHERS PRESENT: Brenna Cavanaugh, Police Commissioner; Joe Plaia, Police Commissioner; Joe Onosko, Police Commissioner; Richard Gamester, Fire Commissioner

Negotiator Closson spoke regarding the Police Contracts.

City Manager Bohenko stated there would need to be a special appropriation if the contracts are approved for the funding and the funds would come from the Fund Balance account.

Negotiator Closson spoke regarding the Fire Contract.

At 7:20 p.m., Mayor Blalock adjourned the meeting.

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, AUGUST 15, 2016

PORTSMOUTH, NH
TIME: 7:00PM

I. CALL TO ORDER

Mayor Blalock called the meeting to order at 7:25 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

Former City Councilor Stefany Shaheen led in the Pledge of Allegiance to the Flag.

PRESENTATION

1. Portsmouth Little League 9-10 State Champions

Mayor Blalock presented a trophy to each player and coach in recognition of the Portsmouth Little League 9-10 for winning the State Championship.

V. ACCEPTANCE OF MINUTES *(There are no minutes on for acceptance this evening)*

VI. PUBLIC COMMENT SESSION

James Boyle said there is no title defect with his property. He spoke on the lawsuits with the City and said the City is trespassing on his land.

Merle White, Rye, NH, Anchor Taxi spoke on the work session to be held on the Transportation Services Commission. He stated that the taxi businesses are being destroyed.

Harold Whitehouse spoke regarding Peirce Island and the wastewater treatment plant. He said it is time to let go by the foes for the wastewater treatment plant to be built. He stated as of September 1st if construction does not start we could be facing fines by the EPA.

Mark Brighton spoke against the City Manager's contract being too generous.

Nancy Clayburgh spoke on the performance of the City Manager and asked that the City Council approve the contract before them. She said the City's interest rate is lower because of the work by the City Manager.

VII. PUBLIC INPUT SESSION

- A. ON THE CITY'S CONTINUED PURSUIT OF A PUBLIC-PRIVATE PARTNERSHIP FOR THE REDEVELOPMENT OF THE MCINTYRE FEDERAL PROPERTY (62 DANIEL STREET) AND CONSTRUCTION OF A NEW FEDERAL FACILITY ON THE BRIDGE STREET PARKING LOT OR ANOTHER CITY-OWNED PARCEL IN THE DOWNTOWN BUSINESS DISTRICT

A brief Presentation was given by Deputy City Manager Colbert Puff on the McIntyre Building. She addressed the City's involvement on this matter and said that the City Council has a policy decision before them.

Principal Planner Cracknell spoke to the City's participation in the development of the site and addressed regulation requirements in the zoning ordinance.

Dave Rheaume urged the City Council not to use the Bridge Street lot for a new Federal Building. He said the space should be left open for green space for a park.

Michael Simchik, Rye, NH said that this development has been planned for years and he does not expect a development that is offensive. He addressed the last largest scale design in the area of the downtown was Portwalk and said it is not in the best interest to recast that development. He also stated that the general public is a stakeholder for the site.

Paul Mannle said he opposes the public/private partnership and stated the City should stick to the original agreement over 12 years ago. He stated if the GSA wants to remain downtown it needs to include the McIntyre Building and the Pease land. He suggested that the City create a park with the Old State House.

William Brassil spoke to the McIntyre Building becoming a park. He said he does not see the value of the GSA taking the building.

Rick Becksted stated it is important to preserve the buildings and the character of the downtown. He spoke regarding preserving Bridge Street and that if something is built at the location it should only be 2 stories.

Gregg Schroeder spoke on the building of the Old Statehouse being located to the McIntyre site. He spoke to the history of the building and feels the Old Statehouse should be returned to the City and preserved.

Monique Shevlin, West End Business Association, said businesses are moving to the West End and she expressed her opposition to building the Federal Building at the Bridge Street site. She said she does not understand the benefit the building would provide to the public.

Reagan Ruedig said the McIntyre site is vital to the downtown and that any changes should go through the Historic District Commission process.

Ed Carrier said we will look back on these times as the golden times. He spoke to the continued crowding of Market Square. He stated he would pledge \$10,000.00 if the City would construct a park at the Bridge Street site.

Eleanor Bradshaw said citizen input is important with this site. She would like to see the site remain for the public good. She said she would like to see the City create some great outdoor space.

Carrie of Portsmouth Advocates spoke opposed to the demolition of the McIntyre Building and spoke to the beautiful façade of the building. She said the Portsmouth Historical Society is against any building development of the site.

William Wagner said it is a policy decision for the City Council to make. He said the McIntyre site is an issue between the City and the GSA and much time has been spent on this matter to bring the GSA to the table. He believes that option 3 is the right way to go and the Council should move forward.

Jay McSharry said the Bridge Street lot cannot go any where until the parking issues have been solved. He stated there is still so much development taking place and parking is an issue.

With no further speakers, Mayor Blalock declared the Public Informational Session closed.

At 9:00 p.m. Mayor Blalock declared a brief recess. At 9:05 p.m. Mayor Blalock called the meeting back to order.

VIII. PUBLIC HEARING

- A. RESOLUTION APPROPRIATING THE SUM OF ONE MILLION EIGHT HUNDRED FIFTY THOUSAND DOLLARS (\$1,850,000.00) FOR THE PURCHASE OF LAND FOR RECREATION FIELDS AND OTHER MUNICIPAL USES

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

Assistant City Manager Moore provided a brief presentation. He stated that the acquisition of the property helps the City make progress on 3 priorities, development of athletic fields, the expansion of the recycling center and a space for passive recreation. He reported that 3 athletic fields would be constructed on the land.

Recreation Director Wilson said the addition of 3 athletic fields is a win-win for the City. He said that this is a one time option for the City and they should move forward in the process of obtaining the land.

Jackson Ragonese spoke in support of the athletic fields.

Priscilla Coughlin spoke in support of the construction of athletic fields. She said there is a desperate need for the fields and that this is a positive civic lesson for our children.

Tony Coviello spoke in support of the fields and that this is a quiet moment with a large affect on the community. He said that this is a quality of life matter.

Rick Becksted spoke in support of the Resolution and the addition of athletic fields. He stated the kids are sharing fields currently, which is not the optimum choice for the teams.

Paul Mannle spoke in support of the Resolution and the addition of athletic fields. He stated the City needs to address the traffic issues in the area and be proactive.

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

Councilor Lown moved to suspend the rules to take up Item X.B. – Adoption of Resolution Appropriating the sum of One Million Eight Hundred Fifty Thousand Dollars (\$1,850,000.00) for the Purchase of Land for Recreation Fields and other Municipal Uses. Seconded by Councilor Spear and voted.

X.B. Adoption of Resolution Appropriating the sum of One Million Eight Hundred Fifty Thousand Dollars (\$1,850,000.00) for the Purchase of Land for Recreation Fields and other Municipal Uses

Councilor Spear moved to adopt the Supplemental Appropriation for \$1,850,000.00 using bond premium to purchase the land owned by the Foundation for Seacoast Health, as presented. Seconded by Councilor Lown.

Councilor Spear asked if we have a number for the cost and when the work would move forward on the construction of the fields. City Manager Bohenko said we would put together more plans and discuss how to move forward on this matter. He further stated that the funding for this is from a bond premium we received and does not affect the tax rate.

Councilor Lown thanked the Foundation for Seacoast Health for allowing the City to purchase the land for these fields. He said the cost of building fields is a great deal of money. He spoke regarding drainage issues and that we need to be able to invest in making the fields correctly.

Assistant Mayor Splaine said this is one of the best locations for fields and will provide a good balance.

Councilor Denton said that this is a great opportunity to expand the Recycling Center and create a swap shop.

Mayor Blalock passed the gavel to Assistant Mayor Splaine.

Mayor Blalock said that this is very exciting for the community and he would dedicate himself to getting the fields built.

Assistant Mayor Splaine returned the gavel to Mayor Blalock.

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

X. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. Third and final reading of Annual Omnibus Ordinance Change, Parking and Traffic

Councilor Lown moved to pass third and final reading on the proposed Ordinance, as presented. Seconded by Councilor Dwyer and voted.

XI. CONSENT AGENDA

- A. Letter from Zhana Morris, The Music Hall requesting Parking Meter Permit for 2016-2017 Season ***(Anticipated action – move to refer to the City Manager with power)***
- B. Letter from Carolyn Ostrom & Ed Harvey, Susan G. Komen Foundation requesting permission to hold the Race for the Cure 5K on May 13, 2017 at Strawberry Banke at 9:00 a.m. ***(Anticipated action – move to refer to the City Manager with power)***
- C. Letter from Mary-Jo Monusky, Arts in Reach requesting permission to hold the 4th Annual AIRWalk 5K Walk on Saturday, October 22, 2016 ***(Anticipated action – move to refer to the City Manager with power)***
- D. Acceptance of Donation of an antique leather helmet donated by Joshua Beede ***(Anticipated action – move to accept and approve the donation to the Portsmouth Fire Department)***

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

XII. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Alfred Dolman regarding Proposed Redevelopment of the Bridge Street Parking Lot

Councilor Spear moved to accept and place the letter on file. Seconded by Councilor Cyr and voted.

XIII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

1. Deer Street Garage Property Acquisition

City Attorney Sullivan reported that the vast majority of title issues have likely been resolved and it is time for the City Council to move forward with the acquisition of the property. He said there will be small decisions to be made right up until the closing of the property. He stated the City Council would give the final authorization to the City Manager to move forward with the acquisition of the property.

Councilor Spear asked if we buy the land can we build a parking garage on the site. City Attorney Sullivan said the City Manager would ask before the exchanging of funds that question, if we can build a garage on the site. City Attorney Sullivan said he believes the City will be able to build the garage right away.

Councilor Lown said the City can build the garage and the clear title should be conveyed to build the garage. He said he does not believe the City has changed their expectation on the building of the garage.

Councilor Perkins said that the Working Group feels this is the final step before moving forward. She said any material concerns we had would be removed.

Assistant Mayor Splaine said he is pleased that the details will be done and feels this is a great location.

Mayor Blalock passed the gavel to Assistant Mayor Splaine.

Mayor Blalock said he is pleased we are at this point and that the motion will focus on the land and its easements and covenants.

Assistant Mayor Splaine returned the gavel to Mayor Blalock.

Councilor Cyr said he would be recusing himself because he owns property near the site.

Councilor Lown moved that the City Council ratify its action of April 18, 2016 and reiterate the authority of the City Manager to negotiate and execute the Purchase & Sale Agreement, Post Closing Obligation Agreement and all related Agreements and documents with Deer Street Association necessary to bring about the acquisition of the municipal parking garage site on Deer Street subject only to a determination by the Council Working Group of Councilors Rebecca Perkins, Brad Lown and Eric Spear that documentation has been received by the City adequately supporting the conclusions and representations made by Kim Rogers to Mayor Jack Blalock and City Manager John P. Bohenko by letter dated August 5, 2016. Seconded by Councilor Spear and voted. Councilor Cyr recused from voting.

2. Request to Establish Hearing to Take a Portion of Property at 150 Greenleaf Avenue by Eminent Domain

Attorney Bauer came forward to speak on this matter and City Manager Bohenko spoke to the motion required on this item.

Attorney Bauer spoke to the issues of the sewer line and that in 1967 a number of septic systems were failing. He said a sewer line was placed on the rear portion of the land and the line was to serve residents. He addressed the issues the current owner has with the line and that he would like it removed from his land because the City did not receive a recorded document for the line. Attorney Bauer spoke to the motion which is to view the site and consider taking the 4.6 acres.

City Manager Bohenko said the City Council has to meet at the site before the September 6th City Council meeting.

Councilor Lown said we are not deciding on the taking of the land currently.

Mayor Blalock said he would like to meet on September 6th and have a shuttle to the property.

Councilor Spear said the neighborhood served by the sewer line should be made aware of this matter. City Manager Bohenko stated it would be a public meeting and that there are requirements under the eminent domain process.

Mayor Blalock said we will notify the neighborhood before the September 6th meeting. He said we will view the land at 5:30 p.m. on September 6th and the City Manager will get details out to the City Council.

Councilor Spear moved to authorize the City Manager to establish a meeting on September 6th at 5:30 p.m. to view the property to be taken and establish a public hearing for September 6, 2016 to determine the public necessity, use and benefit of taking a portion of property located at 150 Greenleaf Avenue. Seconded by Councilor Lown.

Councilor Dwyer said there is a great deal to know on this matter and its history over the last 12 years. She said if we view this at 5:30 p.m. and have a public hearing that evening the public will know the details. She said it is a complicated issue.

City Manager Bohenko said the viewing of the site will not be very long and a presentation would be provided prior to the public hearing on September 6th.

Councilor Dwyer asked if the vote would be after a public hearing is held. City Attorney Sullivan said that night. Councilor Spear questioned whether that would be enough time to educate the public from now until September 6th.

City Manager Bohenko read the requirements of eminent domain. He said he would send the information he read from out to the City Council.

On a roll call vote 8-1, motion passed.

3. Report Back Re: Partnership Proposal for Chestnut Street Improvements

Assistant City Manager Moore described the proposal and its goals for The Music Hall. He spoke to the removal of a utility pole at Porter Street and Chestnut Street. He addressed the 50/50 partnership for streetscape improvements and stated there are no impacts to on-street parking. He spoke to the referral of March 21st by the City Council to Art-Speak and said there was overwhelming support for streetscape improvements but different views on the arch.

Councilor Spear moved to refer this matter to the Legal Department for the development of a Partnership Agreement with The Music Hall. Seconded by Assistant Mayor Splaine.

Councilor Spear moved to amend the motion to exclude the arch from the partnership agreement. Seconded by Assistant Mayor Splaine.

Councilor Spear said The Music Hall has done a good job on the project and a lot of work on the arch. He feels it is a matter of taste.

Assistant Mayor Splaine said he would oppose the motion to amend but every motion should be seconded to allow for discussion. He said the arch is part of the character of the project and this will be a wonderful project with or without the arch.

Mayor Blalock passed the gavel to Assistant Mayor Splaine.

Mayor Blalock said he has a problem with the arch on the sidewalk and feels that it creates an obstacle.

Assistant Mayor Splaine returned the gavel to Mayor Blalock.

Councilor Cyr asked whose job it would be to change the arch way and who would own it. Assistant City Manager Moore said it would be part of the partnership agreement.

Councilor Denton feels the arch is out of place but when he looks at it he has a smile on his face.

Councilor Lown said he would oppose the motion to amend. He spoke to the fundraising by The Music Hall and said this is an effort to give something substantial to the City. He said they raised the funds and feels it is a package deal.

Councilor Dwyer said it is public art. She would like more of a discussion on the arch. She said the bump outs may not be large enough. She also stated she does not support the amendment.

Councilor Pearson said she does not support the amendment and feels it is a package deal. She said Art-Speak did not evaluate whether they liked the arch or not.

Mayor Blalock passed the gavel to Assistant Mayor Splaine.

Mayor Blalock said he would not support the motion due to the discussion held.

Assistant Mayor Splaine returned the gavel to Mayor Blalock.

Councilor Spear withdrew his motion and Assistant Mayor Splaine his second to the motion.

Main motion passed.

4. License Request Completion for Work at 77 Hanover Street

Councilor Lown moved to authorize the City Manager to negotiate and enter into a license with Bay Contracting Inc. to facilitate completion of construction activities at 77 Hanover Street. Seconded by Councilor Cyr and voted.

Councilor Spear moved to suspend the rules and continue the meeting beyond 10:30 p.m. Seconded by Councilor Cyr and voted.

City Manager's Informational Items

3. *Report Back Re: North Façade*

Public Works Director Rice provided a brief presentation on the North Façade of City Hall and the existing condition and need of repair. He reported that Option A is a general looking façade, Option B is more progressive and modern looking, and Option C was not brought forward due to the life span of materials. He spoke of the choice for a whole color pallet with the construction and that Option A had the best energy savings and longest life span.

City Manager said this is not for action but to let you know we are bringing this to the Historic District Commission. City Manager Bohenko said the City Council will have the final decision on the matter.

Councilor Dwyer said you should not go to the Historic District Commission with three options and present B or C.

Councilor Pearson asked if there would be time for an on-line survey by the public to express their choice.

Councilor Cyr asked what we really want from the Historic District Commission and can we pick a path and move forward. City Manager Bohenko said we always go to the Historic District Commission for some advice from them. He said he would like to receive input from the Historic District Commission on this matter.

Mayor Blalock said we should ask the Boards and Commission for their feed back.

City Manager Bohenko said we will put the designs up on the website for residents to view.

5. *Water Restrictions*

Deputy Public Works Director Goetz said water restrictions will be put in place tomorrow on calendar odd days. He said we are in a severe drought and we are 13 inches behind on water and reported on the reservoir being down.

Councilor Spear asked if there is any update on Sagamore Creek. City Manager Bohenko said he will provide information back to the Council on that matter.

B. COUNCILOR LOWN

1. Parking & Traffic Safety Action Sheet and Minutes of the August 4, 2016 meeting

Councilor Dwyer moved to approve and accept the action sheet and minutes of the August 4, 2016 Parking & Traffic Safety meeting. Seconded by Councilor Spear.

Councilor Lown spoke to the three month pilot program in front of Breaking New Grounds for parking the mopeds and motorcycles.

Councilor Cyr said the 15 minute parking spot on the corner of Hanover Street and Bridge Street should be reevaluated. He said the neighborhood would not support this if they understood this issue. He said he opposed the 15 minutes spot.

Councilor Dwyer said we should not create any more 15 minutes spaces until we have more parking downtown.

Motion passed. Councilor Cyr voted opposed.

C. COUNCILOR SPEAR

1. Extension and Amendments to City Manager's Employment Agreement

Councilor Spear said the Committee reported back and the City Council endorsed the extension of City Manager's contract. He said this is a fair extension. He highlighted the base salary provided for an enhancement to his retirement and that we will be retaining him as a consultant at an hourly rate after he retires from the City.

Councilor Spear moved to execute the amendments to the City Manager's Employment Agreement dated August 10, 2016, as outlined in the attached memorandum, and further, that all other conditions of the City Manager's Employment Agreement dated October 23, 2012, remain in full force and effect. Seconded by Councilor Lown.

Councilor Denton said the pay increases are step increases and COLA increases.

Councilor Lown said this is about what we need to pay the City Manager to stay for the next few years. He said this is the fair market.

Mayor Blalock passed the gavel to Assistant Mayor Splaine.

Mayor Blalock said one of the reasons he ran for City Council was to keep the City Manager for as long as we could. He said he is worth more than we pay him and with all the projects we have it will be helpful to keep the City Manager on as a consultant after he retires.

Assistant Mayor Splaine returned the gavel to Mayor Blalock.

Councilor Dwyer said a main issue is that companies are trying to recruit him and keeping staff is important. She said that this is the biggest investment we can make.

Assistant Mayor Splaine said he does not disagree with anything spoken in the last few minutes. He said he put John P. Bohenko in the same manner as Cal Canney. He said there is a question on how much we should pay for a position in the City. We need a balance and many City Managers' that work hard and don't receive this kind of wage or bonuses. We should not provide the consultant part of the contract. The City Council elected in 2019 should be making that decision. He feels this contract and wages are beyond our limit.

On a roll call vote 8-1, motion passed. Assistant Mayor Splaine voted opposed.

D. COUNCILOR DENTON

1. Water Country

Councilor Denton moved that we request the Parking and Traffic Safety Committee hold a meeting in the fall to discuss any impact the Water Country traffic numbers collected this summer have on the original traffic study, other Water Country related traffic concerns, and next steps if any. Seconded by Councilor Spear and voted.

XIV. MISCELLANEOUS/UNFINISHED BUSINESS

Councilor Cyr said he would like Parking Traffic & Safety to look at 15 minute spaces and free up spaces after the businesses have closed.

XV. ADJOURNMENT

At 11:20 p.m., Councilor Lown moved to adjourn. Seconded by Councilor Spear and voted.



ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That the Ordinances of the City of Portsmouth, Chapter 14 – Housing Code, be amended by deleting the existing Article II: Demolition and inserting in its place the following new Article II:

ARTICLE II: DEMOLITION

Section 14.201 PURPOSE

The purpose of this Article is to encourage the preservation of buildings and places of historic, architectural and community value.

Section 14.202 DEFINITIONS

As used in this Article, the following words or phrases shall have the meanings set forth below, except when the context requires a different meaning.

Demolition: Razing or destruction, entirely or in part, of a building or structure, whether or not reconstruction is planned after demolition, or removal of a building or structure in whole or in part from its present location. For the purpose of this Article, demolition shall not include (a) interior demolition that does not affect the exterior of the building or structure, or (b) work necessary to repair or replace exterior finishes such as roofing, siding, trim or windows.

Demolition Review Committee: A committee appointed by the City Council and comprised of five members as follows: one member of the Historic District Commission, one member of the Planning Board, one member of the Portsmouth Historical Society, the Chief Building Inspector or his/her designee, and the Planning Director or his/her designee. Representatives of the Historic District Commission and Planning Board shall be appointed annually or as necessary.

Section 14.203 APPLICABILITY

The requirements of this Article shall apply to any demolition except:

- (1) Demolition of a building or structure that has been granted a Certificate of Approval by the Historic District Commission; or
- (2) Demolition of any “dangerous building” that has been ordered to be demolished pursuant to Chapter 14, Article I, Section 14.109(C).

Section 14.204: APPLICATION AND NOTICE

- A. Prior to the commencement of any demolition, the owner(s), contractor, or agent (hereinafter Applicant) must (a) submit a completed Demolition Permit Application (hereinafter Application) to the Inspection Department, (b) post a sign or signs as required by paragraph B below, and (c) publish a legal notice as required by paragraph B below.
- B. The applicant shall post one or more signs on the building to be demolished, or on the lot where such building is located, so as to be clearly visible from all public ways. In the event that visibility at the building's location would be hindered in such a manner as to obstruct notice of the sign, the applicant will be required to post a sufficient number of signs as to insure clear visibility. Said sign(s) shall be provided by the Inspection Department at the time of application for the Permit.
 - (1) If the building to be demolished was constructed more than 50 years prior to the date of application and the area to be demolished (building footprint or gross floor area) is greater than 500 square feet, the notice shall read as follows:

NOTICE

An application has been submitted to demolish this building or a portion thereof. Further information about the proposed demolition is available from the Inspection Department, City Hall, 1 Junkins Avenue, Portsmouth, NH 03801 (tel. 610-7243). You may object to the demolition by filing a written objection with the Inspection Department at the above address.

If no written objection is received in the Inspection Department within 30 days from the date of this notice, the Demolition Permit will be issued. If a written objection is received within said period, the Demolition Review Committee will hold a public hearing on the matter within 75 days from the date of this notice. Notice of the public hearing will be published in a newspaper of general circulation, posted on the City's website, and given to all parties who have filed objections to the proposed demolition.

Date of this Notice: _____.

- (2) If the building to be demolished was constructed 50 years or less prior to the date of application, or the area to be demolished (building footprint or

gross floor area) is 500 square feet or less, the notice shall read as follows:

NOTICE

An application has been submitted to demolish this building or a portion thereof. Further information about the proposed demolition is available from the Inspection Department, City Hall, 1 Junkins Avenue, Portsmouth, NH 03801 (tel. 610-7243). You may object to the demolition by filing a written objection with the Inspection Department at the above address.

If no written objection is received in the Inspection Department within 30 days from the date of this notice, the Demolition Permit will be issued. If a written objection is received within said period, the Inspector may order an additional delay in issuing the Demolition Permit, up to a maximum of 90 days from the date of this notice.

Date of this Notice: _____.

- (3) In either case, the required sign(s) shall remain posted until the Inspection Department has issued a demolition permit.
- C. The applicant shall, within seven (7) days of submitting an Application, have published a legal notice in a newspaper of general circulation in Portsmouth. All costs which are incurred for publication of the legal notice are to be paid by the applicant who also will provide copies of the published legal notice to the Inspection Department prior to the expiration of the thirty (30) day period contained in the legal notice. The legal notice shall include the wording required by Section 14.204.B (1) or (2), as applicable, and shall also contain the address and description of the building or structure to be demolished and the name and address of the applicant.

Section 14.205: PROCEDURE

- A. If the building to be demolished was constructed more than 50 years prior to the date of application and the area to be demolished (building footprint or gross floor area) is greater than 500 square feet, the following procedure shall be followed:
 - (1) If a written objection is not received by the Inspection Department within thirty (30) days of the date of notice, the Building Inspector shall verify that the notice requirements in Section 14.204 have been satisfied and the demolition may proceed.

- (2) If a written objection is received by the Inspection Department within thirty (30) days of the date of notice, the Building Inspector shall have fifteen (15) days to notify the applicant in writing that the demolition must be reviewed by the Demolition Review Committee before proceeding and forward the application to each member of the Demolition Review Committee.
- (a) The Demolition Review Committee shall schedule a public hearing within thirty (30) days of notification from the Building Inspector. Notice of the public hearing shall be given to all parties who have filed objections, posted in two public places and on the City's website, and published in a newspaper of general circulation at least ten (10) days prior to the hearing, not including the day of the hearing or the day of posting.
 - (b) The Demolition Review Committee shall hear all public testimony on the building's significance. The owner or the owner's representative shall be invited to attend the hearing.
 - (c) At the conclusion of the hearing, the Demolition Review Committee shall determine that the building is "significant" or "not significant" based on whether the building is of such historic, architectural or community value that its removal would be to the detriment of the public interest.
 - (d) If the Committee finds the building is "not significant," no further review is required.
 - (e) If the Committee finds the building is "significant," the following steps shall be taken:
 - (i) The Committee shall hold a meeting with the owner or owner's representative within fifteen (15) days, or at the applicant's earliest convenience, to discuss alternatives to demolition.
 - (ii) After the meeting provided for in paragraph (i) above, if no alternatives to demolition have been identified and agreed to by the applicant, and if the applicant agrees, the applicant shall submit basic measured drawings of the building (plan and elevations) as determined by the Demolition Review Committee. In addition, if the applicant agrees, the Committee shall document the building photographically. The applicant shall also be encouraged to salvage significant architectural features identified by the Committee.

- (iii) Following the completion of documentation and (if applicable) salvage as set forth in (ii) above, no further review is required.

B. If the building to be demolished was constructed 50 years or less prior to the date of application, or the area to be demolished (building footprint or gross floor area) is 500 square feet or less, the following procedure shall be followed:

- (1) If a written objection is not received by the Inspection Department within thirty (30) days of the date of notice, the Building Inspector shall verify that the notice requirements in Section 14.204 have been satisfied.
- (2) If a written objection is received by the Inspection Department within thirty (30) days of the date of notice, the Building Inspector shall order an additional delay period, not to exceed sixty (60) days from the date of receipt of the written objection(s). However, in no event shall the delay period ordered by the Building Inspector exceed ninety (90) days from date of notice.

Section 14.206: DEMOLITION PERMIT

Upon completion of the procedure outlined in Section 14.205, the Building Inspector shall issue a Demolition Permit after the expiration of any delay period ordered pursuant to Section 14.205.

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

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

This ordinance shall take effect upon its passage.

APPROVED:

Jack Blalock, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk



September 7, 2015

Mayor Robert Lister
Portsmouth City Council
1 Junkins Avenue
Portsmouth, NH 03801

Dear Mayor Lister and the Portsmouth City Council,

Big Brothers Big Sisters of New Hampshire would like to respectfully request approval to close Pleasant Street on Saturday, June 17, 2017 from 3pm – 6pm for the Annual *Stiletto Sprint*. We further request to reserve the following Sunday, June 18, 2017 for a rain date.

Our Young Philanthropists for Mentoring (YP4M) Committee will be organizing the Stiletto Sprint once again. The YP4M Committee is a group of young professionals who help raise financial support and awareness for Big Brothers Big Sisters of New Hampshire.

This year's Stiletto Sprint was our most successful to date, raising funds for our mentoring programs while garnering positive media coverage for the City and awareness of the agency. All proceeds from this event will support Big Brothers Big Sisters' mission to provide children facing adversity with strong and enduring, professionally supported, one-to-one relationships that change their lives for the better, forever.

Big Brothers Big Sisters of New Hampshire will work with your Council and the Fire and Police Departments to make this a successful and minimally disruptive event. We will require every participant to sign a release of liability waiver as well.

Please know that our agency is willing to work with your Council to select an alternative date and/or time and/or street to host this event if necessary.

If you have any questions regarding this proposal, please contact me at nmcshane@bbbsnh.org or 603-430-1140 x 2407. We look forward to continued collaboration with the City of Portsmouth.

Sincerely,

Nicole McShane
Development Director

Headquarters: 25 Lowell Street #201, Manchester, NH 03101 (603) 669-5365

Greater Keene: 310 Marlboro Street, Keene, NH 03431 (603) 352-9536

Greater Nashua & Salem: One Positive Place, Nashua, NH 03060 (603) 883-4851

Greater Seacoast: 4 Greenleaf Woods Drive #201, Portsmouth, NH 03801 (603) 430-1140



Sept. 13, 2016

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

Dear Honorable Mayor Jack Blalock and City Council Members,

On behalf of the NH Film Festival we would like to ask the City's permission to close Chestnut Street on Friday, October 14, 2016 for the NH Film Festival red carpet opening night gala. The area would include the length of Chestnut Street from Congress Street to Porter Street.

We would also like to ask the City's permission of the hanging of our NH Film Festival banner across Chestnut Street attaching from 82 Congress Street to 104 Congress Street. We are currently in the process of seeking approval from the building owners. This has never been a problem in the past so we will forward along permissions granted by building owners and insurance approval once received.

If there are any additional actions or permits that are required, please let us know.

Thanks again for your support. We look forward to another successful film festival season in downtown Portsmouth.

Please feel free to contact me with any questions.

Sincerely,
Amber Day
(603)534-0905
NHFF Events Coordinator



WWW.NHFILMFESTIVAL.COM


603 647 6439

INFO@NHFILMFESTIVAL.COM

TWITTER.COM/NHFF

FACEBOOK.COM/NHFILMFESTIVAL

MEMORANDUM

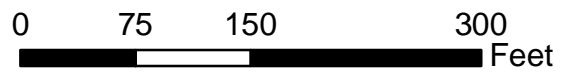
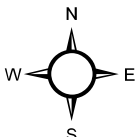
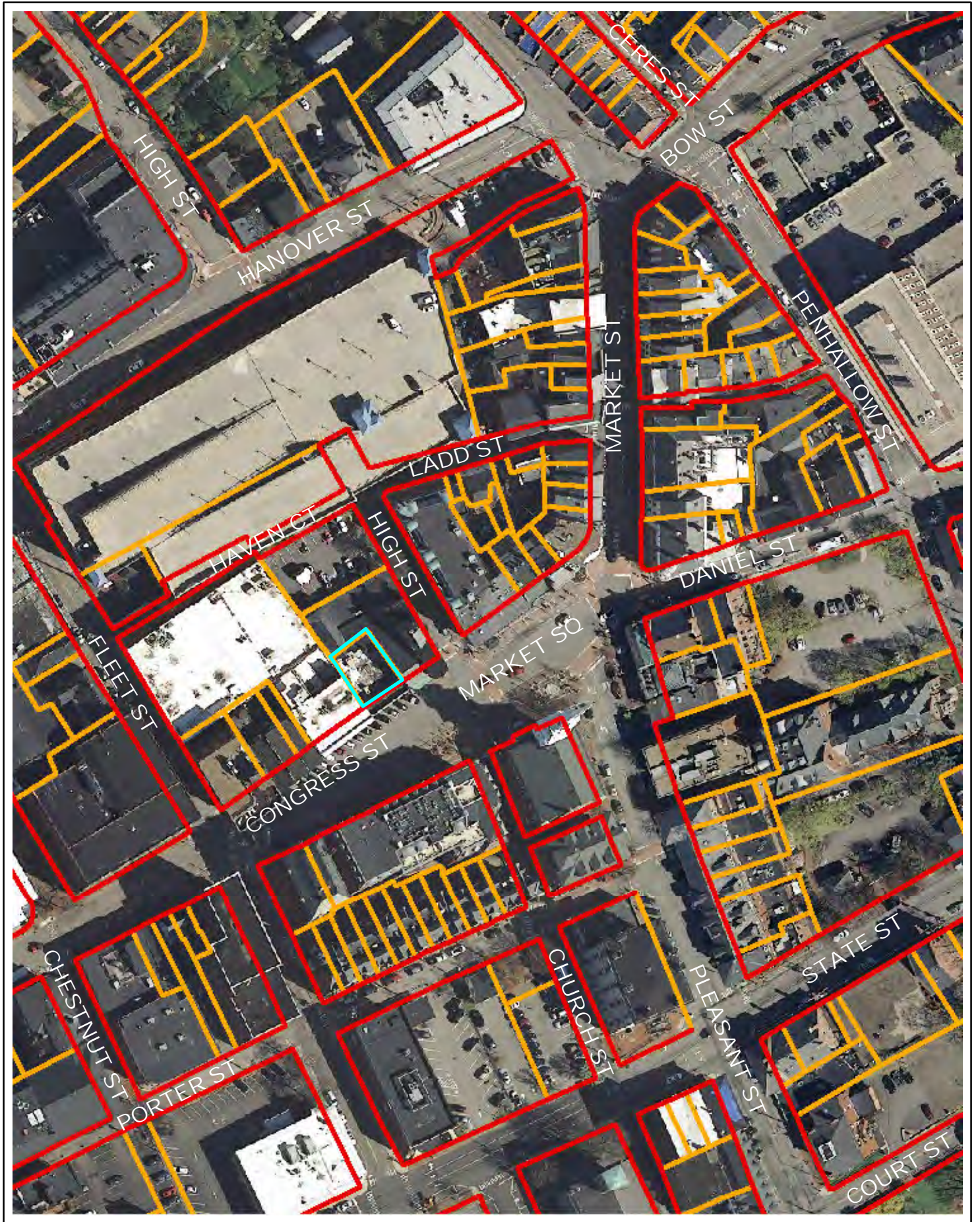
TO: John P. Bohenko, City Manager
FROM: Rick Taintor, Planning Director 
DATE: September 13, 2016
RE: City Council Referral – Projecting Sign
Address: 9 Congress Street
Business Name: The Works Cafe
Business Owner: Dennis Luun

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

Sign dimensions: 48" x 36"
Sign area: 12 sq. ft.
Height from sidewalk to bottom of sign: 12'9"

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:

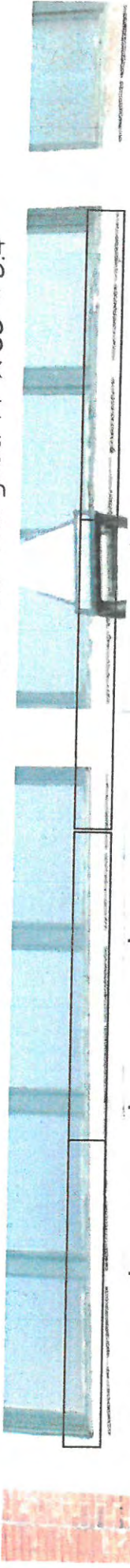
1. The license shall be approved by the Legal Department as to content and form;
2. Any removal or relocation of the projecting sign, for any reason, shall be done at no cost to the City; and
3. Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation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



Map produced by Planning Department 9-13-16

Request for Projecting Sign License 9 Congress St

approx 40 sq. ft as shown main sign 48" X 81" = 27' eat well 14" X 60" = 5.8' feel good 14" X 66" = 6.4'



Projecting sign
3' X 4' = 12 sq. ft.



eat well

the works
bakery cafe

feel good

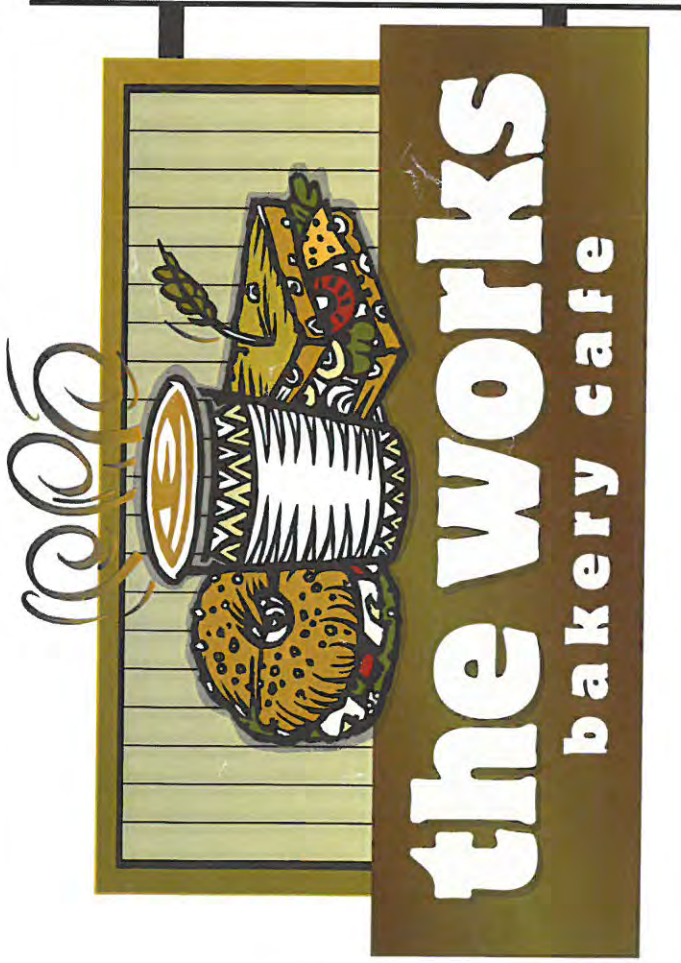


bakery cafe

bakery cafe

building frontage = 32.5'

48"



33"



The prices stated here are good for 30 days. This design is the property of the designer, and may not be reproduced in any manner without written permission. The prices, & specifications are satisfactory & are accepted as stated. Any changes will result in additional charges. 50% deposit required to start, remainder on completion. A charge of 1.5% per month will be applied to all invoices after 30 days.

Signature: _____

Date: _____

12 Base Hill Rd Swanzey NH 03446 PHONE 603.358.1003 FAX 355.1001 or WWW.SIGNWORX.COM

To Whom It May Concern,

My name is Ella McGrail, and I am a student at Portsmouth High School. I write a blog for the Portsmouth Herald called *Civic Teen* about the corrupting influence of money in politics and other relevant issues facing our country.

As a way to hear what the people of Portsmouth think about money in politics and to spread awareness about the efforts being made to put an end to money-based corruption in our democracy, my friends and I would like to do a *Civic Cider* stand. We'd like to do it in front of North Church in Market Square, ideally on October 2nd. In exchange for a cup of cider, we would ask our customers to have a brief conversation with us about what they think of money in politics. If they really want cider and don't want to talk about money in politics, we would accept pennies and other small coins. The stand would be done in partnership with American Promise, an organization working to pass a 28th amendment to overturn Citizens United and reaffirm that money does not count as speech.
http://www.americanpromise.net/ap_council

American Promise information would be available in the form of cards, flyers, and a petition for those who are interested, but the organization would not be advertised on the stand or pushed on anyone who comes to talk to us.

The stand would consist of a small table and two or three chairs, none of which would obstruct the sidewalk. Our signs would be home made and taped to the front of the table.

We are extremely flexible. If any elements of this proposal are unsatisfactory, we are willing to make adjustments as necessary. The point is to hear the voices of the community on the dilemma of money in politics, to show that efforts are being made to put a stop to it, and to show that there are young people invested in the future of our democracy.

Thank you for your consideration,
Ella McGrail

*Any money accepted would be purely in the form of donations, and if this is a problem we won't take any money at all.

PORTSMOUTH POLICE DEPARTMENT

MEMORANDUM

RECEIVED

SEP 14 2016

CITY MANAGER
PORTSMOUTH, NH

DATE: SEPTEMBER 14, 2016
TO: THE HONORABLE MAYOR & CITY COUNCIL
FROM: CHIEF DAVID MARA
RE: DOWNGRADE OF "COMMUNICATIONS MANAGER" (PMA GR. 17) TO
"COMMUNICATIONS SUPERVISOR" (PMA GR. 15)

During recent discussions within the police department, a recommendation has been made to downgrade the "Communications Manager" (Gr. 17-exempt) responsibilities into a "Communication Supervisor" (PMA Gr. 15-exempt) position.

History of the Position:

Many years ago, the original "Communications Supervisor" was a PMA Grade 13-non-exempt. The responsibilities of the position were focused on supervision of dispatchers, the radio system, and the communication equipment and software.

At that same time, the department also employed an "AIS Manager" (Gr. 13A) that handled all the IT for the police department and supervised an IT tech. Although some of the responsibilities in both the Communications Supervisor and AIS Manager overlapped a little and they assisted with each other's duties, there was a distinct differentiation between the two positions.

When the AIS Manager resigned, the position was not filled, and the duties were split between the Communications Supervisor (PMA grade 13) AND the IT Tech (police civilian union). This realignment of duties took three positions and condensed them down to two. As a result, both the remaining positions were upgraded in pay due to the addition of new responsibilities. The Communications Supervisor was upgraded to a Communications Manager (PMA Gr. 17) and the IT Tech was upgraded to an IT Administrator (with no supervisory responsibilities) which is equivalent to a PMA Gr. 13.

The communications manager position was vacated by the resignation of Gil Emery in December of 2015. We re-evaluated the disbursement of duties between the Communications Manager and the IT Administrator at that time. As a result of the recruitment process, we realigned the responsibilities of the Communications Manager position. The position can be downgraded from a grade 17 to a grade 15. However, it should not be returned to the original Grade 13 because the position retains some of the duties that were part of the upgrade.

I am therefore requesting the city council vote to downgrade the "Communications Manager" Grade 17-exempt position to a "Communications Supervisor" Grade 15-exempt position.


9-14-16
DM

**CITY OF PORTSMOUTH
PORTSMOUTH, NH 03801**

Office of the City Manager

Date: September 15, 2016

To: Honorable Mayor Jack Blalock and City Council Members

From: John P. Bohenko, City Manager 

Re: City Manager's Comments on September 19, 2016 City Council Agenda

Presentation:

1. **Quarterly Update Re: Peirce Island Wastewater Treatment Facility Upgrade.** On Monday evening, City Engineer Terry Desmarais, will present to the City Council the first Quarterly Update on the Peirce Island Wastewater Treatment Facility Upgrade Construction. Environmental Planner Peter Britz will present the details of an alternative off leash dog walking area.

This quarterly update will include a summary of the project award, contract milestones, and construction and engineering costs to date. There will be a review of the Contractor's proposed schedule for the first six months of work, a summary of modifications within the construction zone, modifications and traffic control on the roadways leading to the Island and modifications on Peirce Island. Upcoming public meetings and outreach related to the upgrade construction will be reviewed.

The proposed location of an off leash dog area on City-owned land off of Route 33 will be discussed. This area will offer an alternative for those who use the existing off leash dog area on Peirce Island, which will be closed during the construction period. There will be a public meeting held in the near future with abutters and others regarding this change.

Items Which Require Action Under Other Sections of the Agenda:

1. First Reading of Proposed Ordinance Amendments.

- 1.1 **First Reading of Ordinance amending Chapter 14, Article II – Demolition – The Preservation of Buildings and Places of Historic, Architectural and Community Value.** As a result of the September 6th City Council meeting, under Section VII of the Agenda, I am bringing back for first reading the [attached proposed demolition ordinance](#) (City Ordinances, Chapter 14 – Housing Code, Article II – Demolition). This revision has been prepared in response to a referral by the City Council at its meeting on February 1, 2016.

The draft revised ordinance provides for additional review, including a public hearing, whenever demolition is proposed for a building that is more than 50 years old. The purpose of this additional review is to allow for a determination as to whether the building has historic, architectural or community value, and for identification of alternatives to demolition. Where no such alternatives are identified or acceptable to the owner, if the applicant agrees, the draft ordinance requires documentation in the form of photographs and measured drawings, and encourages salvage of historic building elements. Please note the change in the proposed Ordinance that allows the applicant to refuse that the house be photographed.

A draft of the revised ordinance was provided to Portsmouth Advocates for review, and the current document incorporates several changes suggested by the Advocates, including posting of notices on the City's website in addition to the newspaper.

I recommend the City Council move to pass first reading and schedule a second reading and a public hearing of the proposed Ordinance at the October 3, 2016 City Council meeting, as presented. Action on this matter should take place under Section VII of the Agenda.

Consent Agenda:

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

- Dennis Luun, Owner for The Works Care for property located at 9 Congress 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 this License Agreement for this request. Action on this item should take place under Section VIII of the Agenda.

City Manager's Items Which Require Action:

1. **Request for First Reading Re: Solid Waste Ordinance.** The Department of Public Works recommends updating the City's Solid Waste Ordinance to accommodate current waste material collection practices and future growth of the program and requests a first reading at the October 17, 2016 City Council Meeting. The proposed updates to the City's Solid Waste Ordinance do not significantly alter the ordinance, but update the ordinance to reflect common practices already taking place. For example, under the current language trash containers cannot be larger than 45 gallons, thus residents are technically not allowed to be using the 64 or 95 gallon wheeled totes frequently purchased for curbside collection. [Attached is a working draft of the City's Solid Waste Ordinance with the proposed changes.](#) At the September 19, 2016 Council meeting, Jacob Levenson, the City's Solid Waste Coordinator will provide a brief presentation of the proposed ordinance changes.

These changes include following:

- Update the maximum weight and volume of acceptable curbside containers from 45 gallons to include up to 100 gallons; so long as any container larger than 45 gallons has a stop bar compatible with the hydraulic tipper and has working wheels.
- Update Business District curbside collection hours (currently listed as 4:30pm-6:00pm) to allow DPW to add a morning pick up for residents and provide future adaptability to alter routes as needed for operational efficiency. The days and hours of collection will be published by the Department of Public Works.
- Update penalties and remedies to better enforce ordinance violations.
- Modernize the definitions classifying waste and how they are handled.

I recommend the City Council move to authorize the City Manager to bring back for first reading the proposed Ordinance at the October 3, 2016 City Council meeting.

2. **2017 Schedule of City Council Meetings and Work Sessions.** [Attached for your review and adoption is a proposed schedule](#) for City Council Meetings and Work Sessions for calendar year 2017.

May I have your approval on this schedule.

3. **License Request Completion of Work at 172 Hanover Street.** Carey Riley, a general contractor, is performing work at 172 Hanover Street (the former Page Restaurant), pursuant to a City issued encumbrance permit. Mr. Riley's work will extend beyond the encumbrance permit period in part due to utility coordination needs. Work is anticipated to be completed by November 10, 2016.

Mr. Riley seeks a license to continue to occupy two parking spaces along Hanover Street for placement of a dumpster for construction purposes and to encumber a small area of the Vaughan Mall adjacent to the building to remove the atrium. [See attached sketch of area proposed to be encumbered by the license.](#)

City staff has no objection to the grant of a license provided that it includes terms and conditions similar to those already contained in the encumbrance permit which includes protection of pedestrians, clean up of debris, payment for parking spaces used and related conditions.

I recommend the City Council move to authorize the City Manager to negotiate and enter into a license with Carey Riley to facilitate completion of construction activities at 172 Hanover Street.

Informational Items:

1. **Events Listing.** For your information, [attached is a copy of the Events Listing](#) updated after the last City Council meeting on September 6, 2016. In addition, this can be found on the City's website.
2. **Portsmouth Library Building Anniversary.** The Portsmouth Public Library will be kicking off its 10th Building Anniversary on Saturday, September 17th from 11:00 a.m. to 4:00 p.m. The celebration will be through October, November and culminate in December with a final party on Saturday, December 10th from 6:00 to 8:00 p.m. Other programs can be accessed on the City's website <http://www.cityofportsmouth.com/library>.

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS:

That Chapter 3, Article II, Section 3.2 – SOLID WASTE, YARD WASTE AND RECYCLING - of the Ordinances of the City of Portsmouth which shall read as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

ARTICLE II: SOLID WASTE, YARD WASTE AND RECYCLING

Section 3.201: PURPOSE

The City of Portsmouth recognizes that a comprehensive municipal program for the disposal of solid waste and yard waste, as well as the recycling of materials is necessary for the convenience of its citizens and the protection of the environment of the municipality. The City further recognizes that such program must be developed and administered in the most cost efficient manner consistent with the goals of the program.

Section 3.202: DEFINITIONS

For the purposes of this ordinance, the following definitions apply:

Bulky Waste: any items whose large size or weight precludes or complicates their handling by normal collection, processing or disposal methods.

Business District: For the purposes of this section, the Business District shall mean the following areas:

Congress Street from Bridge Street to Market Square;
High Street from Congress Street to Ladd Street;
Ladd Street from High Street to Market Street;
Market Street from Market Square to Hanover Street;
Daniel Street from Wright Avenue to Market Square;
Wright Avenue from Daniel Street to State Street;
State Street from Wright Avenue to Pleasant Street;
Pleasant Street from Court Street to Market Square;
Chapel Street from Daniel Street to State Street;
Porter Street from Middle Street to Pleasant Street

Non-Business Districts: For the purposes of this section, the Non-Business Districts shall mean all areas other than those designated as being within the Business District.

Commercial Property: any property the predominate use of which is a structure used for commercial or business purposes including, but not limited to, the following:

- Properties containing five (5) or more dwelling units;
- Hotels, restaurants, warehouses;
- Trailer Parks containing five (5) or more dwelling units;
- Markets, bakeries, grocery stores, fruit stands;
- Manufacturing or industrial;
- Business offices;
- Condominiums; and
- Any non-residential use

Construction and Demolition (C&D): waste from the building, tearing down or destruction of a structure or part of a structure.

Garbage: All putrescible waste material including, but not limited to wastes resulting from the handling, preparation, cooking and consumption of food. Garbage shall not include yard, industrial, hazardous and/or radioactive waste.

Hazardous Waste: A solid, semi-solid, liquid or contained gaseous waste, or combination of, which because of quantity, concentration, or physical, chemical or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious or incapacitating illness, or pose a health hazard to humans and the environment when improperly treated, stored, transported or disposed.

Industrial Waste: Byproducts or scrap remaining from an industrial manufacturing process.

Putrescible Waste: Any organic material, which can decompose and give rise to foul odors and noxious byproducts.

Radioactive Waste: Material regulated by the Atomic Energy Commission.

Recyclable Materials and Recyclables are defined as follows:

- ~~“Metal”~~“Aluminum” means cans made of aluminum, tin or steel
- “Glass” means jars and bottles colored green, brown or clear
- “Paper” means fibrous material derived mainly from wood, examples of such are cardboard, newspapers, ~~inserts~~, junk mail, magazines, office paper, ~~and office manila folders~~, phone books, paperback books, paper board (cereal and pasta boxes), wax coated milk and juice cartons, and paper egg cartons
- “Plastic” means plastic bottles, jars, jugs and containers labeled number 1 through 7 ~~all polyethylene terephthalate (PET) and high density polyethylene (HDPE) plastic containers such as soda, milk and detergent containers. This definition includes all plastic containers encoded on the bottom with a number “1” or “2” inside a three-arrow recycling symbol~~
- ~~“Steel” or “tin” cans means cans made of those materials~~
- This list of recyclables may be modified as needed by the Department of Public Works.

Refuse: Any solid waste composed wholly or partly of garbage and rubbish.

Residential Property: Any property the predominate use of which is a residential structure containing at least one (1) dwelling unit but not more than four (4) dwelling units.

Rubbish: All nonputrescible waste material including, but not limited to, paper, cigarettes, cardboard, cans, wood, glass, bedding and crockery. Rubbish shall not include yard, industrial, hazardous and/or radioactive waste.

Yard Waste: Leaves, grass, clippings, garden debris, small brush (no greater than 5” in diameter) or chipped branches.

Section 3.203: PROGRAM COMPONENTS

The City’s program for waste disposal and materials recycling shall consist of the following components, each of which is to be administered in accordance with the provisions of this ordinance:

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A. Solid Waste Disposal (Curbside pick-up):

The City shall maintain a regularly scheduled program of curbside solid waste pick-up from residential properties and commercial properties in the Business District. Solid waste may consist of garbage and refuse, but shall exclude other types of waste. The limitations on curbside solid waste pick-up are as follows:

1. Weekly pick-up from residential properties shall not exceed ~~300 over twelve cubic feet or 3-45 U.S. gallons trash barrel~~ 300 of municipal solid waste
2. Weekly pick-up ~~for from~~ commercial properties in the Business District shall not exceed ~~300 over one cubic yard or 9-45 U.S. gallons of solid waste trash barrels~~ 300. Where a non-residential structure contains five or more business establishments, including multi-family housing, that building shall be considered one unit limited to not ~~more than 300 U.S. gallons more than one cubic yard~~ more than 300 U.S. gallons
3. All waste placed for curbside pick-up shall be kept in sealed, sanitary containers not exceeding a volume of 100 U.S. gallons ~~fifty (50) pounds each~~
4. Trash containers shall not be so filled so as to be grossly unwieldy; containers smaller than a volume of 45 U.S. gallons may not exceed fifty (50) pounds each or be so worn or damaged as to make them likely to fail. Containers larger than 45 gallons but smaller than 100 gallons must have working wheels and stop bar compatible with collection trucks hydraulic tipper. ~~larger than a volume of 45 U.S. gallons may not exceed fifty (50) pounds each or be so worn or damaged as to make them likely to fail. Containers larger than 45 gallons but smaller than 100 gallons must have working wheels and stop bar compatible with collection trucks hydraulic tipper.~~
5. Non-Business District waste shall be placed curbside no earlier than 7:00 p.m. the evening before collection
6. The Department of Public Works shall determine and publish the days and hours under which the curbside collection shall be available to residents and property owners.
- 6-7. Business District waste shall be placed curbside no earlier than two (2) hours prior to the scheduled collection time which will be determined and published by the Department of Public Works. 4:30 p.m. but no later than 6:00 p.m. on the day of collection
- 7-8. Every rental and leased dwelling unit shall be provided by the property owner with adequate storage receptacles with tight fitting covers for rubbish and garbage. These containers must be maintained in a clean and sanitary condition and disposal procedures must comply with this ordinance.
- 8-9. In the Business District, materials for disposal or recycling shall not be placed in plastic or paper bags, unless the bags are within sealed containers.

B. Recycling:

Recycling of recyclable materials is mandatory for all residential and commercial property owners or residents who dispose of waste at the Recycling Center or who utilize

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the curbside collection service of the City. The recycling program shall operate under the following terms and conditions:

1. The City shall ~~make available~~~~provide all residential properties with at least one~~ ~~marked~~ recycling container for use in connection with the curbside recycling program. These containers shall not be used for any materials other than specified recyclable materials.
2. All ~~fiber, metal~~~~aluminum~~, glass and plastic to be recycled shall be cleaned and placed together in the recycling container. ~~Recyclables shall not be places in plastic bags. Lids, caps, corks and neck rings shall be removed from all materials.~~
3. Paper ~~and cardboard~~ to be recycled shall be placed on top of or next to the recycling container in a manner to prevent the scattering of paper. Paper ~~and flattened cardboard~~~~shall~~ either be packed in standard paper grocery bags, or securely tied in flat bundles, none of which shall weigh greater than fifty pounds.

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4. If there are more recyclables than can be held in one container, the resident shall flatten those materials which can be flattened and/or place the additional recyclables next to the recycling container in a separate cardboard box or other suitable container clearly marked "recyclables."
5. No person other than an authorized agent of the City acting in the course of his/her employment shall collect or pick-up or cause to be collected or picked up any recyclable material placed at curbside.
6. Recyclable materials generated at both commercial and residential properties in the City may be delivered to the Recycling Center.
7. Recyclable materials shall be separated from municipal solid waste when placed at curbside.

C. Bulky Waste (Curbside Collection):

Residential properties which qualify for curbside collection of municipal solid waste shall also be permitted to utilize an on demand curbside bulky waste collection service maintained by the City. Curbside pick-up of bulky waste shall be performed under the following terms and conditions:

1. The property owner or resident shall schedule bulky waste pick-up on an appointment basis by arrangement with the Department of Public Works.
2. Each property shall be allowed up to four curbside collections of bulky waste per calendar quarter, each of which shall be limited to a maximum of sixty-four cubic feet per collection (64 cubic feet is approximately the bed size of a mid-sized pick-up truck).
3. All bulky waste items set out at curbside must be properly sorted by type in accordance with categories to be established by the Department of Public Works and communicated to the property owner/resident at the scheduling of the appointment. Bulky waste shall be placed curbside no earlier than the Saturday prior to collection.
4. Any bulky waste which is not collected by the City due to lack of compliance with the provisions of this ordinance must be removed from the curbside by the property owner/resident within twenty-four (24) hours of being provided notice that the Department of Public Works will not collect the bulky waste.
5. Where bulky waste is not picked up by the City for any reason, proper disposal is the responsibility of the owner/resident.

D. Bulky Waste and Municipal Solid Waste (Recycling Center):

The City shall maintain a recycling service for bulky waste and municipal solid waste. The terms and conditions under which the Recycling Center shall operate are as follows:

1. The Department of Public Works shall determine and publish the days and hours under which the Recycling Center shall be available to residents and property owners.
2. The Recycling Center shall be available only for waste generated by residential properties.
3. The Recycling Center shall be available to Portsmouth Commercial Properties for recyclable materials exclusively provided they obtain an annual pass from the City.

E. Yard Waste

Yard waste shall be collected by the City in accordance with the following terms and conditions:

1. Yard waste shall be collected at curbside in accordance with a collection schedule to be determined and published by the Department of Public Works.
2. Brush which is placed at curbside must be cut into lengths not exceeding four (4) feet; contain no pieces of brush greater than five inches in diameter, and be tied in neat bundles the diameter of which shall not exceed one (1) foot and a weight of which shall not exceed greater than fifty (50) pounds.
3. Other than brush, yard waste which is placed at curbside must either:
 - A. be placed in commercially manufactured biodegradable bags which are factory labeled to indicate that they are 100% biodegradable; or
 - B. be placed in open containers which are clearly labeled, "Yard Waste."Neither the biodegradable bags nor the open containers shall weigh more than fifty (50) pounds each when filled and placed at the curbside.
4. Any yard waste placed at curbside which the Public Works Department refuses to collect due to lack of compliance with this ordinance must be removed from the curbside by the property owner/resident within twenty-four (24) hours of being provided notice by the Public Works Department that the yard waste will not be collected.
5. The Director of Public Works may designate a central repository to which residential properties may deliver yard waste. Landscape contractors may utilize the same repository for a processing fee, provided the yard waste originated from a Portsmouth residential property.

Section 3.204: PROHIBITIONS:

The following acts are not permitted in the City of Portsmouth:

1. The disposal at City’s Recycling Center or the placement at curbside for municipal pick-up of any hazardous waste or radioactive waste.
2. The disposal of any materials on public or private property in any manner not permitted by this ordinance or by state law.
3. The placement of solid waste for curbside pick-up, the placement of bulky waste for curbside pick-up or the deposit of any waste or recyclables at the City’s Recycling Center or other repository by any person, firm or corporation not expressly authorized to do so under the provisions of this ordinance.
4. The bringing of materials into the City of Portsmouth from elsewhere for disposal or recycling by the City.
5. The use of public trash containers for disposal of commercial or residential garbage, rubbish or refuse.

Section 3.205: RIGHT OF INSPECTION

The placement of any materials at curbside for municipal pick-up conveys to the City the right to inspect such materials for compliance with this ordinance as well as local, state and federal law.

Section 3.206: PENALTIES AND REMEDIES

In addition to any other penalty or remedy permissible at law for violation of this ordinance, the following shall apply:

1. Any person, firm or corporation violating any provision of this ordinance shall be subject to a penalty, upon conviction, up to the maximum amount authorized under state law.
2. The Public Works Department is authorized to issue citations to persons, firms or corporations violating this ordinance in accordance with municipal citation authorization contained in the ordinances of the City of Portsmouth. ~~All except that all~~ citations issued for violation of this ordinance shall be in the amount of \$100.00 for the first violation, \$250 for the second violation and \$500 for third violation and loss of municipal services for subsequent violations.
3. The Public Works Department may refuse to accept or pick-up any waste of any kind which is not delivered or placed in accordance with the provisions of this ordinance or any rules adopted hereunder by the Department of Public Works. In all such circumstances, proper disposal of the waste is the responsibility of the owner/resident.

4. The Public Works Department has the right to refuse residents/commercial properties access to the Recycling Center who misuse the Center, are negligent and/or abusive to City employees.
5. The City Attorney is authorized to file any appropriate legal proceedings, including but not limited to requests for injunctive relief, necessary to prevent violation of this ordinance.
6. The Public Works Department may negotiate and settle civil claims involving violations of this ordinance.

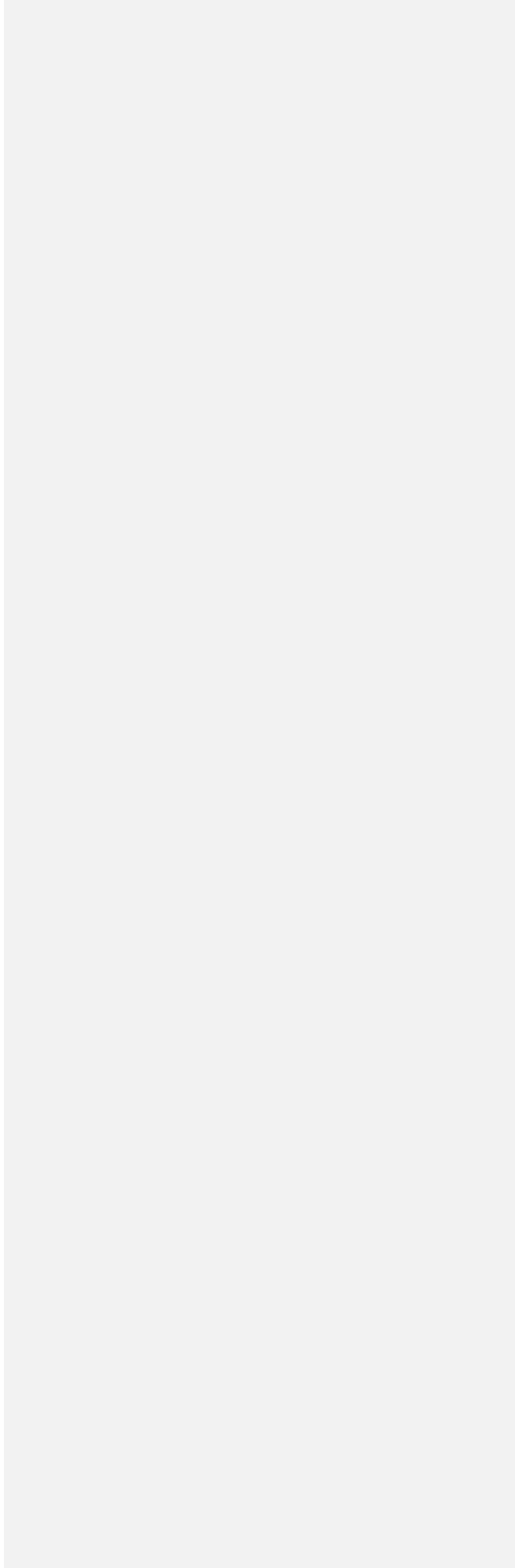
Section 3.207: SEVERABILITY

In the event that any portion of this ordinance is found to be unenforceable for any reason, the remaining provisions shall remain in full force and effect.

(Amended Article II by deleting it in its entirety and replaced with the following on 12/16/2003).
(This ordinance shall take effect on January 1, 2003 except for mandatory recycling in the business district which shall become effective on July 1, 2003).

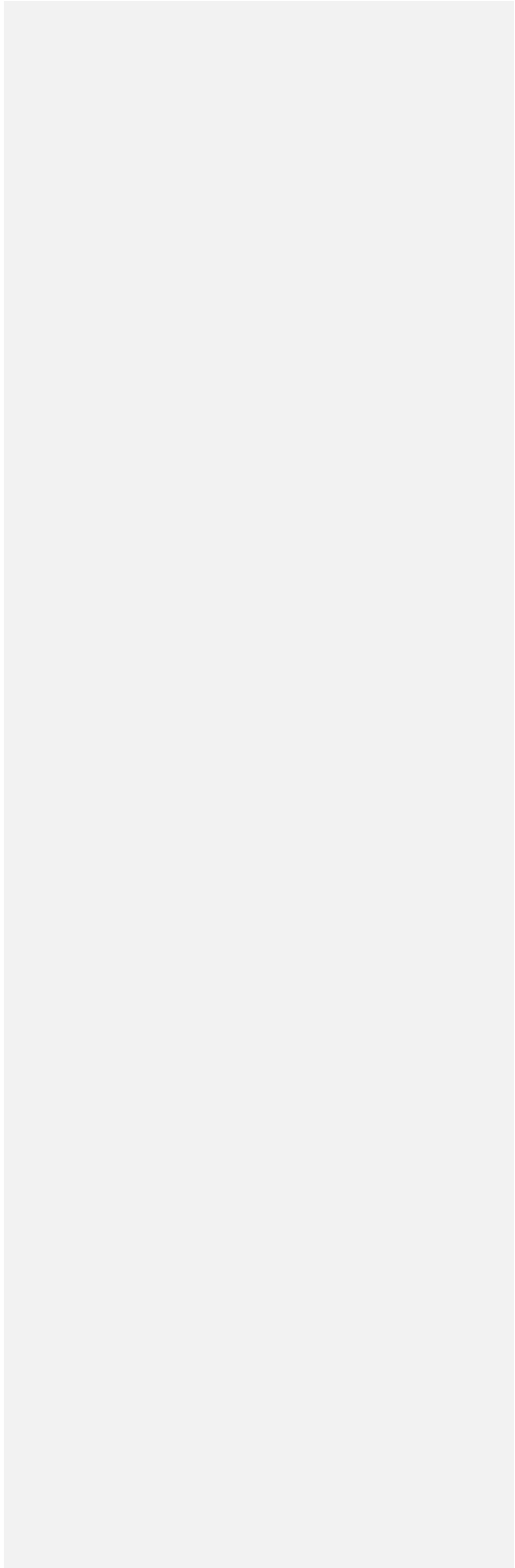
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2017 SCHEDULE OF CITY COUNCIL MEETINGS AND WORK SESSIONS

Regular Meetings - 7:00 p.m.

January 9 and 23

February 6 and 21* (Tuesday)

*Public Hearing on CIP

March 6*, and 20

*(Adoption of CIP)

April 3 and April 17

May 1, 10* (6:30 p.m.) (Wednesday) and 15

*Public Hearing on FY18 Budget

June *5 and 19

*Adoption of Budget

July 10 (One meeting in July)

August 7 and 21

September 5 (Tuesday) and 18

October 2 and 16

November 9 (Thursday - Canvass of the Vote) & 20

December 4 and 18

Work Sessions - 6:30 p.m.

February 13 (CIP Work Session)

March 11 (Saturday – 9am-3pm
Levenson Room at Library) Goal Setting

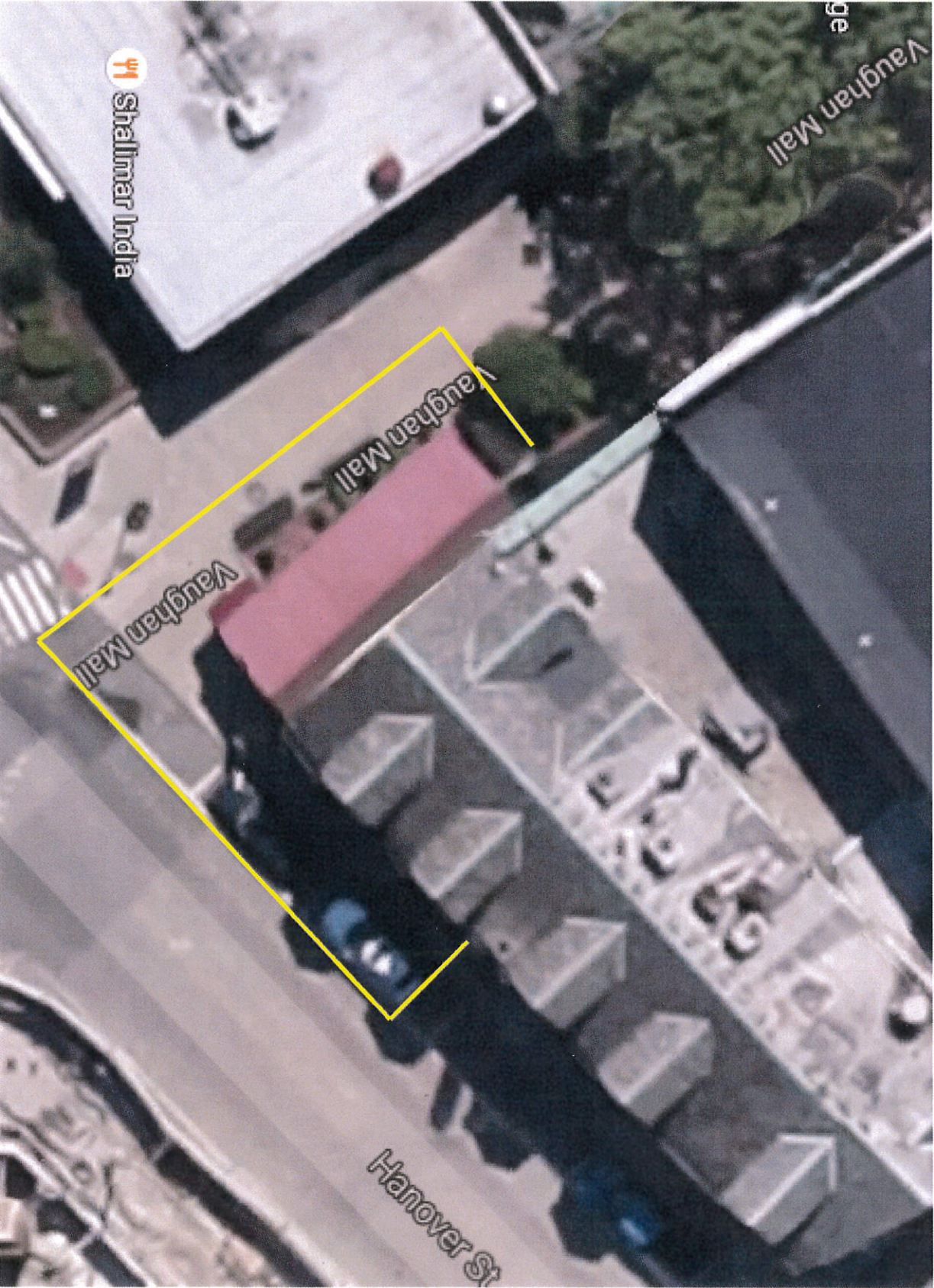
May 6 (Saturday – 8am-2:30pm
Levenson Room at Library)
(Gen. Gov., Police, Fire & School Presentations)

May 17 (Water & Sewer Proposed FY18
Budget)

May 22 (Budget Review on FY18 Budget)

May 31 (Budget Review on FY18 Budget)

September 9 (Saturday 9am – 3 pm)
Levenson Room at Library
(Council Retreat)



Carey Riley, Contractor
for
172 Hanover Street

Run: 9/15/16
9:56AM

Event Listing by Date

Page: 1

Starting Date: 9/ 6/2016

Ending Date: 8/ 1/2017

Start End	Type Description	Location	Requestor	Vote Date
9/17/2016 9/17/2016	RACE Holly Tennent and Melissa Mikulski are the contacts for this event. mmikulski@bottomline.com 501-5335 htennent@bottomline.com 501-6653 This event begins at 9:00 a.m.	Pease Tradeport	Bottomline Technologies	4/ 4/2016
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	Little Harbour School	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 Hollowell 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 for this event. Tel. (603) 686-4338 This event begins each day at 11:00 a.m. to 3:00 p.m.	South End	Friends of the South End	12/ 7/2015
10/ 9/2016 10/ 9/2016	ROAD RACE Contacts: (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
10/22/2016 10/22/2016	WALK Contact Susan von Hemert Annual Memorial Bridge Walk walking across Memorial Bridge to Prescott Park	Memorial Bridge Walk to Prescott Park	Seacoast Rotary	3/ 3/2016
10/22/2016 10/22/2016	WALK Mary-Jo Monusky, Executive Director is the contact for this event. This 5K walk begins at 9:00 a.m. to 11:00 a.m.	Start and Finish on Jewell Court	Arts in Reach - RESCHEDULED TO	10/22/2016
10/31/2016 10/31/2016	PARADE	Peirce Island thru downtown to Prescott Park	Portsmouth Halloween Parade	7/11/2016
11/13/2016 11/13/2016	ROAD RACE Jay Diener, Co-race Director is the contact for this event. He can be reached at (603) 758-1177 Runners start at 8:30 a.m.	Portsmouth, New Castle, Rye	Seacoast Half Marathon	4/18/2016

Run: 9/15/16
9:56AM

Event Listing by Date

Page: 2

Starting Date: 9/ 6/2016

Ending Date: 8/ 1/2017

Start End	Type Description	Location	Requestor	Vote Date
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@arthriti.org. Registration begins at 9:00 a.m. Race start time: 10:00 a.m.	Little Harbour School	Arthritis Foundation - Jingle	1/25/2016
12/30/2016 12/30/2016	FESTIVAL Barbara Massar is the contact for this event. This event begins at 4:00 p.m. to Midnight	Downtown - Various Locations throughout Market Squ	First Night - Pro Portsmouth	9/ 6/2016
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
5/ 6/2017 5/ 6/2017	WALK Jenelle Dolan, Development Specialist is the contact for this event. Tel. 978-729-5849	Little Harbour Elementary School	March of Dimes	7/11/2016
5/ 7/2017 5/ 7/2017	EVENTS Barbara Massar is the contact for this event. This event begins at Noon to 4:00 p.m.	Pleasant Street - State Street - Market Square	Children's Day - Pro Portsmout	9/ 6/2016
5/13/2017 5/13/2017	RACE Contact: Carolyn Ostrom, NH Community Relations, Specialist - 617-501-2728 costrom@vtnhkomen.org Ed Harvey, Race Director 603-862-1246 Edmund.Harvey@unh.edu	Strawbery Banke	Susan G. Komen Foundation	8/15/2016
6/10/2017 6/10/2017	FESTIVAL Barbara Massar is the contact for this event. This event begins at 9:00 a.m. to 4:00 p.m.	Market Square	Market Square Day - Pro Portsm	9/ 6/2016
6/10/2017 6/10/2017	ROAD RACE Barbara Massar is the contact for this event. The road race starts at 9:00 a.m. in Market Square	Starts in Market Square	Market Square Road Race - Pro	9/ 6/2016
6/24/2017 6/24/2017	MUSIC Barbara Massar is the contact for this event. This event begins at 5:00 p.m. to 9:30 p.m.	Market Square - Pleasant Street	Summer in the Street Music Ser	9/ 6/2016
7/ 1/2017 7/ 1/2017	MUSIC Barbara Massar is the contact for this event. This is part of the Summer in the Streets series begins at 5:00 p.m. and ends at 9:30 p.m.	Pleasant Street	Pro Portsmouth - Summer in the	9/ 6/2016

Run: 9/15/16
9:56AM

Event Listing by Date

Page: 3

Starting Date: 9/ 6/2016

Ending Date: 8/ 1/2017

Start End	Type Description	Location	Requestor	Vote Date
7/ 8/2017 7/ 8/2017	FESTIVAL Barbara Massar is the contact for this event. This event is part of the Summer in Street Series. It begins at 5:00 to 9:30 p.m.	Downtown - Pleasant Street	Pro Portsmouth - Summer in the	9/ 6/2016
7/15/2017 7/15/2017	FESTIVAL Barbara Massar is the contact for this event. This event is part of the Summer in the Streets begins at 5:00 p.m. to 9:30 p.m.	Downtown - Pleasant Street - between State Street	Pro Portsmouth - Summer in the	9/ 6/2016
7/22/2017 7/22/2017	MUSIC Barbara Massar is the contact for this event. This is part of the Summer in the Streets series which begins at 5:00 p.m. and ends at 9:30 p.m.	Pleasant Street	Pro Portsmouth - Summer in the	9/ 6/2017
7/29/2017 7/29/2017	MUSIC Barbara Massar is the contact for this event. This event is part of the Summer in the Streets series which begins at 5:00 p.m. and ends at 9:30 p.m.	Pleasant Street	Pro Portsmouth - Summer in the	9/ 6/2016

William F. Gladhill
12 Barberry Lane
Portsmouth, NH 03801

September 16, 2016

Dear Honorable Mayor Jack Blalock, Portsmouth City Council, and Residents of Portsmouth,

It is with sadness I now present to you with this letter of resignation from my appointments to the Planning Board and Historic District Commission. Serving my hometown and its residents has been an honor and a privilege and I appreciate the trust that people had in me to be the Planning Board Representative to the Historic District Commission. In truth, the position is no easy task for it requires a large amount of time, not just attendance at the meetings, but also the preparation time it takes to be knowledgeable of the subject matter that will be brought before the boards. I hope that there is one among the 20,000 residents willing to take up this position. Even though it is no longer a required position in the city, it is an important one nevertheless that should continue, though I would very much understand if one wants to do it.

Before I go I want to leave behind the wisdom, I have learned over the years. These were the issues I tried to promote and keep in the forefront. Our history and our architecture are what make this city special. The history of this city fills volumes and stretches from the local to the international scene, never stop telling those stories, and keep them alive, from the well-known to the little known. Preservation of our history and historic architecture should continue, we have lost so much over the last century, be careful of what we may lose next. Our historic architecture is what draws people to the city, but there is nothing wrong with 21st Century architecture. Modern architecture in the city needs to be influenced by what has come before so it is Portsmouth's modern architecture. Globalization is wonderful for the sharing of ideas, but it can also dilute. When you look at a modern building in the city, you should still think you are in Portsmouth as we do looking at our historic structures.

As the city grows, we also chip away at our remaining green spaces where plant and animal life thrives. If the city wants to be sustainable, then it should precede cautiously how to handle this situation. No matter how green a building can be by lowering its carbon emissions or footprint, it cannot reverse the amount of carbon in the environment, the way large open tracts of forests and fields can. It amazes me we still have significant wildlife in our city, we should live in harmony with them.

I am glad to see that the city is working harder to find solutions to have a larger stock of workforce housing. It is not an easy task and there may not be a perfect solution. I spoke on this issue many times on the Planning Board, even pointing out that at one time many workers from PNSY, since its founding in 1800 use to live in Portsmouth and now many of those workers live well outside the city. Sadly, making Portsmouth a great city has come at some cost, it became harder for segments of the

workforce population to live here and I have just given one example.

Before I close this letter, I want to thank a few of those that I served with over the years that I feel deserve recognition and my appreciation. John Ricci and Joe Almeida have been great chairs of the boards they lead. Their leadership and ideas are what contributes to the successes of those boards and some people may disagree with them, but the city is a better place with John and Joe in their roles as chairs of their respective boards. When my duties as Vice Chair of the HDC had me step into the Chair role, it was made easier by having the privilege of watching them over the years and learning just how they did it. Jon Wycoff, who has been sitting on my right-hand side since day one of my time on the HDC, has given me his blunt, honest advice. We may have had our disagreements on issues, but his sage counsel was always appreciated by me. Rick Taintor works very hard for the Planning Board and the city. In his time he built a great team of planners who are always there when we need them. The amount of work that comes out of him to ensure we are prepared for our Planning Board meetings is incredible, when I get those emails with attached memorandums on the weekend, I wonder if he ever rests. Nick Cracknell has been a great addition to the Planning Department and the HDC, he has brought a great energy and many ideas to the HDC in a time when we needed it. The HDC is a better commission now because of his time and dedication to it. Jane Shouse and Liz Good were always there to help me whenever I called or sent an email. They are truly an asset to the city.

To the late City Councilor John Hynes I owe much. He was my mentor when I first joined the Economic Development Commission and his well-known saying "How big can Portsmouth get while still being Portsmouth?" was always with me whenever I had to make a policy decision. It is a great question which you should ask yourselves every time you make a decision that could have lasting effects on the city. To the late Mayor Evelyn Sirrell, I thank you for giving me a chance to serve this city with my first appointment that started me on this twelve year journey. To former Mayor Thomas Ferrini, thank you for the trust you had in me by appointing me to the Planning Board and HDC. I especially want to thank all the residents who came up to me to thank me for the job I was doing, there were times I may have doubted myself, but every time I heard you; you gave me the energy to keep on going. I honestly appreciated every thank you gave me. And lastly, I want to give a special thank you to my wife Jen, who shared this journey with me.

Your former public servant,



William F. Gladhill

ARTICLE XIII: HAWKERS AND PEDDLERS

Section 6.1301: LICENSE REQUIRED

A person shall not engage in the business of peddler, as defined in RSA 320:1, within the corporate limits of the City of Portsmouth without first obtaining a license therefore as provided herein.

Section 6.1302: DEFINITIONS

For purposes of this Ordinance, the following definitions shall apply:

Motor Vehicle: Any vehicle used for the displaying, storing, or transporting of articles offered for sale by a vendor which is required to be licensed and registered by the Department of Motor Vehicles.

Peddler: As used herein shall be as defined in RSA 320:1 and shall include any person, whether a resident of the City of Portsmouth or not, traveling by foot, wagon, automotive vehicle, or any other type of conveyance, from place to place, from house to house, or from street to street, carrying, conveying, or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck, farm products or provisions, offering and exposing the same for sale, or making sales and delivering articles to purchasers, or who, without traveling from place to place, shall sell or offer the same for sale from a wagon, stand, automotive vehicle, railroad car, or other vehicle or conveyance and includes one who solicits orders and as a separate transaction makes deliveries to purchasers. The word "peddler" shall include "hawker", "vendor" and "huckster". The definition of the term, "peddler" shall include each horse drawn carriage for hire which operates within the City limits. (Amended 9/18/95)

Public Assembly Buildings: As used herein shall be as defined in the BOCA Basic/National Building Code/1984, Article III, Sections 302.1 - 302.6.

Public Property: Any city owned or controlled property including but not limited to streets and sidewalks.

Sell: Shall include any offer to sell or attempt to sell.

Stand: Any push-cart, wagon, or any other wheeled vehicle or device which may be moved without the assistance of a motor and which is not required to be licensed and registered by the Department of Motor Vehicles, used for the displaying, storing or transporting of articles offered for sale by a vendor. (Amended 6/21/99).

Vendor: A peddler who on public property sells food, beverages or merchandise from a stand, motor vehicle or his person.

Section 6.1303: APPLICATION

The license required by this Article shall be issued in accordance with the General Licensing Ordinance, Article 6.107.

The application for a peddler's license shall include, in addition to the information required by the General Licensing Ordinance:

- A. The name, home and business address of the applicant, and the name and address of the owner, if other than the applicant, of the business and of any stand or motor vehicle to be used in the operation of the business.
- B. A description of the type of food, beverage or merchandise to be sold, and in the case of products of farm or orchard, whether produced or grown by the applicant.
- C. A description and photograph of any stand or motor vehicle to be used in the operation of the business, including the license and registration number of any motor vehicle used in the operation of the business.
- D. A certificate of insurance or other proof acceptable to the Licensing Officer that the applicant has been issued an insurance policy by an insurance company licensed to do business in the State of New Hampshire, protecting the licensee and the City from all claims for damages to property and bodily injury, including death, which may arise from operations under or in connection with the license. The insurance policy shall provide that the policy shall not be terminated or cancelled prior to the expiration date except with thirty (30) days advance written notice to the City. The policy shall provide combined single limit coverage in the amount of \$1,000,000 for personal injury and property damage. The City of Portsmouth shall be named as additional insured thereunder. (Amended 6/21/99)

Section 6.1304: ISSUANCE

Not later than thirty (30) days after the filing of a completed application for a vendor's license, the applicant shall be notified by the Licensing Officer of the decision on the issuance or denial of the license. The Licensing Officer shall consider the standards set forth in this Article and the Ordinances of the City of Portsmouth in determining whether to grant a license.

If the issuance of the license is approved, the Licensing Officer shall issue the license. If the license is denied, the applicant shall be provided with a statement of the reasons for the denial. The reasons shall be entered in writing on the application. The applicant shall be entitled to a hearing pursuant to Section 6.1316. All licenses issued under the provisions of this chapter shall expire on June 30 annually.

All licenses issued hereunder shall be displayed by the vendor on the vending cart in a place visible to the public.

Section 6.1305: PROHIBITED CONDUCT - VENDOR

A vendor shall not:

- A. Vend within one thousand (1,000) feet of the grounds of any elementary or secondary school between one hour prior to the start of the school day and one hour after dismissal at the end of the school day;
- B. Vend within one thousand (1,000) feet of any hospital;
- C. Vend within fifty (50) feet on the same street of any public assembly building while such building is in use;
- D. Vend on any street or sidewalk where vending is otherwise prohibited;
- E. Leave any stand or motor vehicle unattended;
- F. Store, park, or leave any stand overnight on any street or sidewalk, park any motor vehicle other than in a lawful parking place, in conformance with City and state parking regulations;
- G. Sell food or beverages for immediate consumption unless he has available for public use his own litter receptacle which is available for his patrons' use;
- H. Leave any location without first picking up, removing and disposing all trash or refuse remaining from sales made by him;
- I. Allow any items relating to the operation of the vending business to be placed anywhere other than in, on or under the stand or motor vehicle, except as expressly indicated in the application for a license;
- J. Set up, maintain or permit the use of any table, crate, carton, rack, sign, or any other device to increase the selling or display capacity of his stand or motor vehicle, where such items have not been described in his application;
- K. Solicit or conduct business with persons in motor vehicles;
- L. Sell anything other than that which he is licensed to vend;
- M. Sound or permit the sounding of any device which produces a loud and raucous noise, or use or operate any loud speaker, public address system, radio sound amplifier or similar device to attract the attention of the public;
- N. Vend without the insurance coverage specified in Section 6.1303(d);
- O. Vend without a fire extinguisher of a type approved by the Fire Chief or his designee if the vendor utilizes heat generation equipment.

Section 6.1306: PROHIBITED CONDUCT - SIDEWALK VENDORS

In addition to the conduct prohibited by Section 6.1305, a vendor selling from a stand on the sidewalk shall not:

- A. Vend at any location where the unobstructed sidewalk area after deducting the area occupied by the stand is less than three (3) feet in width;
- B. Vend within thirty (30) feet of any driveway entrance to a police or fire station, or within ten (10) feet of any other driveway;
- C. Allow the stand or any other item relating to the operation of the vending business to lean against or hang from any building or other structure lawfully placed on public property, without the owner's written permission.

Section 6.1307: PROHIBITED CONDUCT - VENDOR FROM MOTOR VEHICLE

In addition to the conduct prohibited by Section 6.1305 a vendor selling from a motor vehicle shall not:

- A. Conduct his motorized business in such a way as would restrict or interfere with the ingress or egress of the abutting property owner or tenant, or create or become a public nuisance, increase traffic congestion or delay, or constitute a hazard to traffic, life or property, or an obstruction to adequate access to fire, police, or sanitation vehicles;
- B. Stop, stand, or park his vehicle upon any street, or permit it to remain there except on the roadway at the curb for the purpose of vending therefrom;
- C. Stop, stand, or park his vehicle upon any street for the purpose of selling or sell on any street under any circumstances during the hours when parking, or stopping or standing has been prohibited or is prohibited by statute by signs or curb markings or Ordinance;
- D. Vend from a municipal parking space except from those locations, not to exceed more than three (3) locations, identified for vending by the Parking Committee and ratified by the City Council through the acceptance of the Parking Committee's minutes and subject to the following limitations: (Amended 02/16/2010)

The vending spaces shall be available from April 15 – November 15 of each year.

In order to utilize such spaces, vendor must be the highest qualified bidder for use of such vending space, agreeing to all terms and conditions of the bid.

The Parking Committee shall be responsible for preparing annually a bid document in coordination with other municipal departments, including the purchasing and legal departments.

There shall be a minimum bid price of \$5,000.00 or such minimum bid price as may be established in accord with Chapter 1, Article XVI relative to the adoption of fees by City Council budget resolution.

Section 6.1308: PROHIBITED LOCATIONS

Vending or Peddling is specifically prohibited at the following locations:

- A. On the sidewalk area in front of the North Church bounded by Pleasant Street, Church Street, Congress Street and the front façade of the Church. (Adopted 12/02/02)

Section 6.1309: HEALTH AND SANITATION REQUIREMENTS FOR FOOD AND BEVERAGE VENDING

A vendor of food and beverages shall comply with the inspection provisions and standards for restaurants contained in the Ordinances of the City of Portsmouth.

- A. The equipment used in vending food and beverages shall not be used until the vendor receives a certificate of inspection indicating compliance with this section.
- B. Each food and beverage vending business shall be inspected at least quarterly by the Health Officer.

Section 6.1310: ADVERTISING

A peddler shall not permit advertising on any stand or motor vehicle, except to identify the name of the product or the name of the vendor and the posting of prices.

Section 6.1311: MOTORIZED FOOD VENDORS IDENTIFICATION

All motorized food vendors operating in the City of Portsmouth are required to have lettering on both sides and rear of their vehicle(s), identifying the name of the business. The letters shall be at least four inches (4") in height and of such color and design as to be clearly visible at a distance of at least fifty (50) feet. The letters shall be of a material and affixed in a manner approved by the Licensing Officer.

Section 6.1312: RENEWAL

An application to renew a license shall be made not later than thirty (30) days before the expiration of the current license in accordance with Section 6.1304.

Section 6.1313: TEMPORARY SUSPENSION FOR STREET CLOSINGS

An official temporary encumbrance or closure of a street or sidewalk by the City for purposes of maintenance or reconstruction shall cause the suspension of all licenses to operate thereon.

Section 6.1314: STREET FAIRS

Any person or persons wishing to use or occupy a portion of any street or sidewalk for the purposes of conducting thereon street fairs or other community events, including but not limited to the sale of merchandise by commercial retailers, or by community associations conducting street fairs or other promotions must, pursuant to the provisions of RSA 31:100, obtain a license from City Council.

Section 6.1315: PUBLIC CELEBRATIONS

The Licensing Officer may, under conditions deemed appropriate by him, grant a temporary vendor's license to operate during public celebrations.

Section 6:1316: LICENSE FEES

The license required by this Article shall be issued upon approval by the Licensing Officer. Fee to be determined in accordance Chapter 1, Article XVI or similar wording. The fee is for one (1) year or any part thereof. (Amended 6/21/99) (Amended 3/18/2002).

Section 6:1317: LICENSE SUSPENSION OR REVOCATION AND HEARING

Upon written notice to the licensee, the license issued hereunder may be suspended for the remainder of its term, or any portion thereof, by the City Manager upon a finding that any of the terms and conditions of this Article have been knowingly violated by the licensee.

At the request of any licensee receiving notice of suspension or revocation pursuant to this section, the Chairperson of the Vendor's Committee shall arrange a hearing of the Vendor's Committee. Such hearing shall be scheduled during normal business hours of City Hall within seven (7) calendar days of the receipt by the Chairperson of the request for such hearing, Saturdays, Sundays and holidays excluded. The Chairperson of the Vendor's Committee shall conduct and preside over all hearings scheduled under this section. The hearings shall be informal and the rules of evidence shall not apply. At such hearings the licensee may present any defense of law or fact which is relevant to the issue of whether or not the license should be suspended or revoked. The decision of the Vendor's Committee shall be final, subject only to judicial review. No licensee whose license has been suspended or revoked shall be granted another license during the period of suspension or revocation. (Amended 12/02/02)

Section 6.1318: PENALTIES

Any person, firm, or corporation who violates any provision of this Article shall be subject upon conviction of a fine of up to Five Hundred (\$500.00) Dollars per violation.

DATE: September 15, 2016

TO: HONORABLE MAYOR BLALOCK AND CITY COUNCIL MEMBERS

FROM: COUNCILOR DWYER, MEMBER OF THE LEGISLATIVE SUBCOMMITTEE

RE: FLOOR POLICY RECOMMENDED BY THE LEGISLATIVE SUBCOMMITTEE FOR CITY COUNCIL APPROVAL FOR SUBMISSION AS NHMA LEGISLATIVE POLICIES FOR THE 2017-1018 LEGISLATIVE SESSION

CC: JOHN P. BOHENKO, CITY MANAGER, JANE FERRINI, ASSISTANT CITY ATTORNEY

The City Council voted on August 1, 2016 to submit a Floor Policy on short term rentals for submission to the NHMA as a legislative policy for the 2017-2018 Legislative Session. The legislative policy that was approved on August 1, 2016 stated as follows:

Legislation that defines short term rentals as a home business and permits municipalities to regulate and inspect these businesses for life safety issues.

NHMA received the policy and contacted the City to recommend an amendment to the policy to exclude the reference to a short term rentals as a “home business”, raising concerns about the NHMA promoting legislation that makes state-wide revisions to municipal zoning ordinances. The attached Floor Policy Proposal amends the former policy by removing the reference to “home business”. If approved by the City Council, the City’s delegate, Councilor Dwyer, will amend the policy at the NHMA Legislative Policy Conference on September 23, 2016.

Proposed Motion: To approve the attached floor policy on short term rentals and submit same to become a NHMA Legislative Policy for the 2017-2018 Legislative Session by vote of its membership at the NHMA Legislative Policy Conference.

**New Hampshire Municipal Association
2017-2018 Legislative Policy Process**

Floor Policy Proposal

Submitted by: (name) City of Portsmouth Date: September 20, 2016

City or Town: Portsmouth Title of Person Submitting Policy: CHRISTINE DWYER, MEMBER OF THE PORTSMOUTH CITY COUNCIL AND LEGISLATIVE SUBCOMMITTEE. THE SUBCOMMITTEE SUBMITS THIS FLOOR POLICY ON THE PORTSMOUTH CITY COUNCIL'S BEHALF.

Floor Policy Proposal approved by vote of the governing body on (date): <u>THE PORTSMOUTH CITY COUNCIL APPROVED THIS POLICY BY MAJORITY VOTE ON SEPTEMBER 19, 2016 FOR SUBMISSION AS A FLOOR POLICY TO NHMA AT ITS LEGISLATIVE POLICY CONFERENCE.</u>

To see if NHMA will SUPPORT:

Enabling legislation that permits municipalities to regulate and inspect short term rental businesses for life safety issues.

Municipal interest to be accomplished by proposal:

The State of New Hampshire wants to help encourage the growth of new businesses and to support innovative business models. Legislation that permits local communities to regulate and inspect short term rental businesses for life safety issues will support the emergence of new businesses while recognizing that there is a public interest in ensuring safety, which would benefit and protect business owners, users and all New Hampshire citizens and communities.

Explanation:

Municipalities want to help improve their local economy and need a way to ensure that new business models are encouraged if conducted in a manner that ensures the safety of all users. Local regulation actually recognizes that new models are emerging. Legislation that permits municipalities to regulate and inspect short term rental businesses for life safety issues will recognize the right and obligation of municipalities to protect the health, safety and welfare of their citizens while protecting owners and users and all New Hampshire citizens and communities.

Each proposed floor policy should record the date of the governing body vote approving the proposal. It should include a brief (one or two sentence) policy statement, a statement about the municipal interest served by the proposal, and an explanation which describes the nature of the problem or concern from a municipal perspective and discusses the proposed action which is being advocated to address the problem.

Fax to 224-5406; mail to 25 Triangle Park Drive, Concord, NH 03301; or email to governmentaffairs@nhmunicipal.org.

Must be received by August 12, 2016.

CHAPTER 217
HB 430 - FINAL VERSION

04/28/2016 1508s

2016 SESSION

15-0183
10/09

HOUSE BILL **430**

AN ACT relative to allowing towns and cities to adopt a property tax credit which extends the current veterans' property tax credit to all honorably discharged veterans.

SPONSORS: Rep. F. Rice, Rock 21; Rep. F. McCarthy, Carr 2; Rep. LeBrun, Hills 32; Rep. Martin, Merr 23; Rep. Kuch, Merr 23; Rep. Bailey, Graf 14; Rep. McConnell, Ches 12

COMMITTEE: Municipal and County Government

AMENDED ANALYSIS

This bill enables towns and cities to adopt an additional veterans' property tax credit for honorably discharged veterans who are not eligible for the current veterans' property tax credit or the tax credit for service-connected total disability by extending the current tax credit amount to all such veterans.

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

CHAPTER 217
HB 430 - FINAL VERSION

04/28/2016 1508s

15-0183
10/09

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Sixteen

AN ACT relative to allowing towns and cities to adopt a property tax credit which extends the current veterans' property tax credit to all honorably discharged veterans.

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

1 217:1 New Section; Property Taxation; All Veterans' Property Tax Credit. Amend RSA 72 by
2 inserting after section 28-a the following new section:

3 72:28-b All Veterans' Tax Credit.

4 I. A town or city may adopt or rescind the all veterans' property tax credit granted under
5 this section by the procedure in RSA 72:27-a.

6 II. The credit granted under this section shall be the same as the amount of the standard or
7 optional veterans' tax credit in effect in the town or city under RSA 72:28.

8 III. The all veterans' tax credit shall be subtracted each year from the property tax on the
9 veteran's residential property.

10 IV. A person shall qualify for the all veterans' tax credit if the person is a resident of this
11 state who served not less than 90 days on active service in the armed forces of the United States
12 and was honorably discharged or an officer honorably separated from service; or the spouse or
13 surviving spouse of such resident, provided that Title 10 training for active duty by a member of a
14 national guard or reserve shall be included as service under this paragraph; provided however that
15 the person is not eligible for and is not receiving a credit under RSA 72:28 or RSA 72:35.

16 217:2 All Veteran's Property Tax Credit; Adoption Procedure; Reference Added. Amend the
17 introductory paragraph of RSA 72:27-a, I to read as follows:

18 I. Any town or city may adopt the provisions of RSA 72:28, **RSA 72:28-b**, RSA 72:29-a, RSA
19 72:35, RSA 72:37, RSA 72:37-b, RSA 72:38-b, RSA 72:39-a, RSA 72:62, RSA 72:66, RSA 72:70, or
20 RSA 72:76 in the following manner:

21 217:3 Definition of Resident; Reference Added. Amend RSA 72:29, I to read as follows:

22 I. The word "resident" as used in RSA 72:28 **and RSA 72:28-b** shall mean a person who has
23 resided in this state for at least one year preceding April 1, in the year in which the tax credit is
24 claimed.

25 217:4 References Added; Proration of Tax Credit; Husband and Wife; Allied Forces. Amend
26 RSA 72:30 - 72:32 to read as follows:

27 72:30 Proration of Tax Credit. If any entitled person or persons shall own a fractional interest
28 in residential real estate, each such entitled person shall be granted a tax credit in proportion to his
29 or her interest therein with other persons so entitled, but in no case shall the total tax credit exceed

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1 the tax credit allowed under RSA 72:28, I or II, **or RSA 72:28-b**, except as provided in RSA 72:31.

2 72:31 Husband and Wife. A husband and wife, each qualifying for a tax credit, shall each be
3 granted a tax credit upon their residential real estate as provided under RSA 72:28, I or II, **or RSA**
4 **72:28-b**.

5 72:32 Veterans of Allied Forces. Any person otherwise entitled under the provisions of RSA
6 72:28, **28-b**, 30 and 31 who being a citizen of the United States, or being a resident of New
7 Hampshire, at the time of his **or her** entry therein, served on active duty in the armed forces of any
8 of the governments associated with the United States in the wars, conflicts, or armed conflicts set
9 forth in RSA 72:28, shall be entitled to the tax credit authorized by RSA 72:28 **or RSA 72:28-b**.

10 217:5 Definitions; References Added. Amend RSA 72:29, VI to read as follows:

11 VI. For purposes of RSA 72:28, **28-b**, 29-a, 30, 31, 32, 33, 35, 36-a, 37, 37-a, 37-b, 38-a, 39-a,
12 62, 66, and 70, the ownership of real estate, as expressed by such words as "owner," "owned" or
13 "own," shall include those who have placed their property in a grantor/revocable trust or who have
14 equitable title or the beneficial interest for life in the subject property.

15 217:6 Property Taxation; Application Procedure; Reference Added. Amend the introductory
16 paragraph of RSA 72:33, I to read as follows:

17 I. No person shall be entitled to the exemptions or tax credits provided by RSA 72:28, **28-b**,
18 29-a, 30, 31, 32, 35, 36-a, 37, 37-a, 37-b, 38-b, 39-b, 62, 66, and 70 unless the person has filed with
19 the selectmen or assessors, by April 15 preceding the setting of the tax rate, a permanent
20 application therefor, signed under penalty of perjury, on a form approved and provided by the
21 commissioner of revenue administration, showing that the applicant is the true and lawful owner of
22 the property on which the exemption or tax credit is claimed and that the applicant was duly
23 qualified upon April 1 of the year in which the exemption or tax credit is first claimed, or, in the
24 case of financial qualifications, that the applicant is duly qualified at the time of application. The
25 form shall include the following and such other information deemed necessary by the commissioner:

26 217:7 Appeals; Reference Added. Amend RSA 72:34-a to read as follows:

27 72:34-a Appeal From Refusal to Grant Exemption, Deferral, or Tax Credit. Whenever the
28 selectmen or assessors refuse to grant an applicant an exemption, deferral, or tax credit to which
29 the applicant may be entitled under the provisions of RSA 72:23, 23-d, 23-e, 23-f, 23-g, 23-h, 23-i,
30 23-j, 23-k, 28, **28-b**, 29-a, 30, 31, 32, 35, 36-a, 37, 37-a, 37-b, 38-a, 38-b, 39-a, 39-b, 41, 42, 62, 66, or
31 70 the applicant may appeal in writing, on or before September 1 following the date of notice of tax
32 under RSA 72:1-d, to the board of tax and land appeals or the superior court, which may order an
33 exemption, deferral, or tax credit, or an abatement if a tax has been assessed.

34 217:8 Interpretation by Commissioner of Revenue Administration. Amend RSA 72:36, I to read
35 as follows:

36 I. The commissioner's interpretation of RSA 72:28, **72:28-b**, 72:29, 72:29-a, 72:30, 72:31,
37 72:32, 72:33, 72:34, 72:34-a, 72:35, 72:36-a, 72:37, 72:37-a, 72:37-b, 72:38-a, 72:38-b, 72:39-a, 72:39-b,

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1 72:41, 72:62, 72:66, and 72:70; and

2 217:9 Standard and Optional Veterans' Credit; Active Service. Amend RSA 72:28, IV(a) to read
3 as follows:

4 (a) Every resident of this state who served not less than 90 days *on active service* in
5 the armed forces of the United States in any qualifying war or armed conflict listed in this section
6 and was honorably discharged or an officer honorably separated from service; or the spouse or
7 surviving spouse of such resident, provided that Title 10 training for active duty by a member of a
8 national guard or reserve shall be included as service under this subparagraph;

9 217:10 Effective Date. This act shall take effect 60 days after its passage.

10 Approved: June 9, 2016

11 Effective Date: August 8, 2016