

# CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH  
DATE: TUESDAY, FEBRUARY 21, 2017 TIME: 6:00 PM

## AGENDA

6:00PM – NON-PUBLIC SESSION RE: BOYLE LITIGATION – Per RSA 91-A:3, II (e)

- I. CALL TO ORDER
- II. ROLL CALL
- III. INVOCATION
- IV. PLEDGE OF ALLEGIANCE
- V. ACCEPTANCE OF MINUTES – *(There are no minutes on for acceptance this evening)*
- VI. PUBLIC COMMENT SESSION
- VII. PUBLIC HEARINGS
  - A. SECOND READING OF PROPOSED ORDINANCE AMENDING CHAPTER 7, ARTICLE I, SECTION 7.115 – SIGN PERMIT REQUIRED FOR PRIVATE PARKING LOT
  - B. PROPOSED CAPITAL IMPROVEMENT PLAN (CIP) FY2018-2023 ***(Action to be taken at the March 6<sup>th</sup> City Council meeting)*** A copy of the Capital Improvement Plan is on our web page and you may view the YouTube Presentation of Work Session held on February 14, 2017 <http://planportsmouth.com/2018-2023CapitalImprovementPlan.pdf>
- VIII. APPROVAL OF GRANTS/DONATIONS
  - A. Acceptance of 2016 Homeland Security Grant Program Award - \$6,000.00 ***(Sample motion – move to accept and approve the 2016 Homeland Security Grant Program Award, as presented, and further, authorize the Acting City Manager to execute the Agreement)***
- IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES
  - A. Second reading of proposed Ordinance amending Chapter 7, Article I, Section 7.115 – Sign Permit Required for Private Parking Lot
  - B. Third reading of proposed Ordinance amending Chapter 7, Article I, Section 7.101 – Parking Meters - Definition
  - C. Third reading of proposed Ordinance amending Chapter 7, Article I, Section 7.102 – Parking Meter Zones – Downtown High Occupancy Zone
  - D. Third reading of proposed Ordinance amending Chapter 7, Article I, Section 7.105 – Parking to include mobile phone applications and Parking Meter Fees shall be enforceable Monday through Saturday, from 9:00 a.m. to 8:00 p.m.

- E. Third reading of proposed Ordinance amending Chapter 7, Article III, Section 7.324 – Limited Parking One Hour, Section 7.325 – Limited Parking Thirty Minutes, Section 7.326 – Limited Parking Fifteen Minutes, Section 7.327 – Limited Parking Two Hours, Section 7.328 – Limited Parking Three Hours, Section 7.328-1 – Utilization of Multiple Parking Spaces and Section 7.329 – Limited Parking Four Hours between the hours of 9:00 a.m. and 8:00 p.m. Monday – Saturday and between 12:00 p.m. and 8:00 p.m. Sunday, Holiday Excluded
- F. Third reading of proposed Ordinance amending Chapter 7, Article IV, Section 7.406 (A) & (B) Parking in Meter Space to be deleted in their entirety

**X. CONSENT AGENDA**

*(There are no Consent Agenda items on for consideration this evening)*

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

*(There are no Written Communications and Petitions on for consideration this evening)*

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

**A. ACTING CITY MANAGER**

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

- 1. City Council Policy Regarding use of City Property for Sidewalk Cafes Providing Alcohol Service

**Informational items**

- 1. Events Listing
- 2. Department of Revenue Administration Review 2015 Residential and Commercial Revaluation
- 3. Letter to North Hampton Select Board from Coakley Landfill Group
- 4. Information Re: Sanctuary Cities

**B. MAYOR BLALOCK**

- 1. \*Naming of Prescott Park Policy Advisory Committee

**C. ASSISTANT MAYOR SPLAINE**

- 1. \*Request for full report and any fine imposed for the accident that resulted in up to 50,000 gallons of raw sewage being released into the Piscataqua River during construction of the Peirce Island Waste Water Treatment Plant, and plans for prevention of future accidents

**D. COUNCILOR SPEAR**

- 1. Motion to Reconsider Veterans Tax Credit Vote *(We have provided information the City Council received on this topic for reference)*

**XIII. MISCELLANEOUS/UNFINISHED BUSINESS**

**XIV. ADJOURNMENT**

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

*\*Indicates Verbal Report*

**INFORMATIONAL ITEMS**

1. 2016 Board and Commission Attendance Records

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

# State of New Hampshire

JOHN J. BARTHELMES  
COMMISSIONER OF SAFETY



RICHARD C. BAILEY, JR.  
ROBERT L. QUINN  
ASSISTANT COMMISSIONERS

## DEPARTMENT OF SAFETY

James H. Hayes Safety Building, 33 Hazen Drive, Concord, NH 03305  
Tel: (603) 223-3889  
Speech/Hearing Impaired  
TDD Access Relay NH 1-800-735-2964

February 3, 2017

Chief Steven Achilles  
City of Portsmouth, Fire Dept  
170 Court Street  
Portsmouth, NH 03801

Re: 2016 Homeland Security Grant Program Award – EMS Warm Zone Equipment

Dear Chief Achilles,

It is my pleasure to inform you that upon review of your 2016 Homeland Security Grant Application, the City of Portsmouth, Fire Department has been awarded \$6,000. These funds are awarded under the State Homeland Security Program (SHSP) portion of the 2016 Homeland Security Grant Program (HSGP) for the purchase of the equipment listed on the attached Approved Item Checklist.

These grant awards are subject to federal program requirements and special conditions. Enclosed are your Sub-Recipient Information Reporting Form, federal grant terms and conditions, special conditions requirements, lobbying certification, and acceptance of audit requirement forms. All signature forms must be returned to the Grants Management Unit within fifteen (15) days of the date of this letter. Special conditions requirements must be responded to within thirty (30) days of the date of this letter. Failure to meet these requirements will result in a delay in reimbursement or cancellation of your grant award.

We, at the Department of Safety, look forward to this opportunity to work diligently with local first responders, public safety officials, and other local and state officials and agencies to prepare and protect our citizens. It is our hope that we will never have to apply these skills, or use this equipment; however, we will work together to ensure that our ability to do so will be kept.

Sincerely,

*Pam Wilson-Mari, Grants Administrator*  
*for*

John J. Barthelmes  
Commissioner

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Tuesday, February 21, 2017 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a proposed Ordinance amending Chapter 7, Article I, Section 7.115 – Sign Permit Required for Private Parking Lot. The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

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

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Tuesday, February 21, 2017 at 7:00p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a proposed Ordinance amending Chapter 7, Article I, Section 7.115 – Sign Permit Required for Private Parking Lot. The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

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

PA00261485

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, Article I, Section 7.115 – SIGN PERMIT REQUIRED FOR PRIVATE PARKING LOT of the Ordinances of the City of Portsmouth be amended as follows:

Section 7.115            SIGN PERMIT REQUIRED FOR PRIVATE PARKING LOT

A business that provides public parking on a private lot will not be permitted unless the owner receives a sign permit from the Department of Public Works. The sign permit will be approved by the Department of Public Works if the sign complies with the following requirements:

A.     SIGN REQUIREMENTS:

1.     The Department of Public Works shall review the location of the sign prior to the sign being erected;
2.     The sign shall be located at the entrance to the private lot;
3.     The sign shall not be permanently affixed to a structure or the land;
4.     Specific standards regarding sign dimensions and the style, color and size of lettering will be determined by the Department of Public Works;
5.     The sign shall state that the private lot is not owned, operated or maintained by the City and the City does not provide for parking enforcement;
6.     The sign permit will be issued only for private lots that are in compliance with all municipal land use regulations; and
7.     Any owner of a private lot used for public parking who has not obtained a sign permit or whose sign does not comply with the criteria set forth above shall have their sign permit revoked and be subject to a fine of \$100 per day.

## B. INFORMATION REQUIRED FOR SIGN PERMIT APPLICATION

The Department of Public Works shall require the following information on its sign permit application:

1. Identity of property owner, including address and telephone number for contact person for business hours and 24 hour emergency contact;
2. Identity of operator of private parking lot, including address and telephone number for contact person for business hours and 24 hour emergency contact;
3. Description of parking services provided, including hours of operation, parking rates charged and description of private parking enforcement methods; and
4. Owner and operator must provide updated information in A – C above to the Department of Public Works and failure to do so will result in the revocation of the sign permit and a fine of \$100 per day.

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

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

This ordinance shall take effect upon its passage.

APPROVED:

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Jack Blalock, Mayor

ADOPTED BY COUNCIL:

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Kelli L. Barnaby, City Clerk

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a PUBLIC HEARING will be held by the Portsmouth City Council on Tuesday, February 21, 2017 at 7:00 p.m., at the Portsmouth Municipal Complex in the Eileen Dondero Foley Council Chambers, Portsmouth, NH, on the Proposed CAPITAL IMPROVEMENT PLAN. The Complete Capital Improvement Plan is on file in the Office of the City Clerk during regular business hours and is also available on the city website.

CITY OF PORTSMOUTH, NH

Capital Plan Summary '18

Description

I.	EQUIPMENT AND VEHICLE SCHEDULE	\$ 367,000
II.	BUILDING AND INFRASTRUCTURE	\$ 8,475,000
III.	INFORMATION MANAGEMENT SYSTEMS	\$ 715,158
IV.	TRANSPORTATION MANAGEMENT PLAN	\$12,275,000
	CAPITAL CONTINGENCY	\$ 103,000
	SUBTOTALS	\$21,935,158
V.	ENTERPRISE FUNDS TOTAL	\$13,770,000
	GRAND TOTAL	\$35,705,158

\*\$2,140,000 is proposed to be funded from FY18 General Fund Capital Outlay

<http://planportsmouth.com/2018-2023CapitalImprovementPlan.pdf>

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



ORDINANCE #  
THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, Article I, Section 7.101, DEFINITIONS, of the Ordinances of the City of Portsmouth be amended as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

**ARTICLE I: PARKING METERS**

**Section 7.101: DEFINITION**

The word "vehicle" as used herein shall mean any device by which any person or property may be transported upon a highway except those operated upon rails or tracks.

The word "meter" shall mean any device for buying parking time that displays the length of time for which a vehicle may remain legally parked in a parking space. Such devices include but are not limited to public meters such as a meter at an individual parking space or a central meter, or personal meters such as an in-vehicle meter, coupon or any other metering device **including mobile phone applications**, as shall be approved from time to time by the City Council. The display of the parking time purchased may be on the meter itself, a paper receipt or by other duly authorized means of display.

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

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

The ordinance shall take effect **as of May 1, 2017**~~upon its passage~~.

APPROVED:

\_\_\_\_\_  
Jack Blalock, Mayor

ADOPTED BY COUNCIL:

\_\_\_\_\_  
Kelli L. Barnaby, City Clerk

ORDINANCE #  
THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, Article I, Section 7.102, PARKING METER ZONES, of the Ordinances of the City of Portsmouth be amended as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

**Section 7.102: PARKING METER ZONES**

All of those streets, parts of streets and off-street parking lots, the time for parking upon which is limited by any ordinance of the City of Portsmouth, and any such areas, the time for parking upon which may at any time hereafter be limited by any ordinance of the City or any amendment thereto are designated as parking meter zones. Parking in parking meter zones shall be for a maximum time permitted of parking of three (3) consecutive hours, unless otherwise established by ordinance. The rate for such parking shall be:

A. DOWNTOWN HIGH OCCUPANCY ZONE:

Parking shall be at the rate of ~~one dollar seventy five cents (\$1.75)~~ **two dollars (\$2.00)** per hour in the following areas. **Parking for verified Portsmouth residents using an approved personal meter device, as defined in Section 7.101, shall be at a rate of \$0.25 less than this rate. Proof of residency shall be determined using standards established by the Portsmouth Revenue Administrator.**

1. Daniel Street, starting at Chapel Street through to Market Square
2. Bow Street, starting at Chapel Street through to Market Street
3. Congress Street, starting at Market Square through to Chestnut Street
4. Pleasant Street, starting from Court Street through to Market Square
5. Market Street, starting from Moffatt-Ladd House through to Market Square
6. Deer Street, starting at Market Street through to Maplewood Avenue
7. Fleet Street, starting at Hanover Street through to State Street
8. Hanover Lot, at intersection with Market Street
9. Penhallow Street, starting at State Street through to Bow Street
10. Chapel Street, starting at Daniel Street through to State Street

B. Parking in all other parking meter zones shall be at the rate of one dollar ~~twenty-five~~ **fifty** cents (\$1.~~25~~**50**) per hour.

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

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

The ordinance shall take effect **as of May 1, 2017** ~~upon its passage~~.

APPROVED:

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Jack Blalock, Mayor

ADOPTED BY COUNCIL:

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Kelli L. Barnaby, City Clerk

ORDINANCE #  
THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, Article I, Section 7.105, PARKING, of the Ordinances of the City of Portsmouth be amended as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

**Section 7.105: PARKING**

- A. When any vehicle shall be parked in a parking meter zone the owner or operator of said vehicle shall park within the area designated by the curb or street marking lines as indicated for parallel or diagonal parking and upon entering said parking space shall immediately deposit in said meter the required meter fee or purchase the time requested through a central meter, in vehicle meter, coupon or other metering device **including mobile phone applications**, and display proof of purchase on the vehicle's interior dashboard, or other approved means of display, **including meter devices defined in Section 7.101**. It shall be unlawful for any person parking any vehicle or permitting any vehicle registered in his name to be parked within any designated area where parking meters are installed, to fail or neglect to pay for parking as required. Said parking space may then be used by such vehicle during the legal parking limit provided by the Ordinance of the City and said vehicle shall be considered as unlawfully parking if it remains in said space beyond the legal parking limit and/or when said parking meter displays a signal showing such illegal parking. It shall be unlawful for any person to cause or permit any vehicle registered in his name to be parked unlawfully as set out in this section.
- B. Parking meter fees shall be enforceable Monday through Saturday, from 9:00 a.m. to ~~7:00~~**8:00** p.m., and Sunday from 12:00 p.m. to ~~7:00~~**8:00** p.m., holidays excepted.

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

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

The ordinance shall take effect **as of May 1, 2017**~~upon its passage~~.

APPROVED:

\_\_\_\_\_  
Jack Blalock, Mayor

ADOPTED BY COUNCIL:

\_\_\_\_\_  
Kelli L. Barnaby, City Clerk

ORDINANCE #  
THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, Article III, Section 7.324, LIMITED PARKING ONE HOUR, 7.325, LIMITED PARKING – THIRTY MINUTES, 7.326, LIMITED PARKING –FIFTEEN MINUTES, 7.327, LIMITED PARKING – TWO HOURS, 7.328, LIMITED PARKING THREE HOURS, 7.329, LIMITED PARKING- FOUR HOURS of the Ordinances of the City of Portsmouth be amended as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

**Section 7.324: LIMITED PARKING - ONE HOUR**

- A. No person having control or custody of any vehicle shall stop or cause the same to stop or park for longer than one hour at any time between the hours of 9:00 a.m. and ~~7:00~~**8:00** p.m., Monday through Saturday, and between 12:00 p.m. and ~~7:00~~**8:00** p.m. Sunday, Holidays not included, on the following streets and locations:
1. Daniel Street: northerly side from a point 106 feet from Bow Street to a point 88 feet east of Penhallow Street.
  2. Daniel Street: southerly side from Wright Avenue to a point 63 feet east of Penhallow Street.
  3. Dennett Street: southerly side from Maplewood Avenue to Myrtle Avenue.
  4. Market Street: westerly side from Bow Street to the southerly side of the small building on the premises of the Moffatt Ladd House.
  5. Market Street: easterly side from Bow Street to the southerly side of the premises known as 171 Market Street.
  6. Pleasant Street: westerly side from State Street to Court Street.
  7. Porter Street: southerly side from Fleet Street to Church Street.
  8. Porter Street: northerly side from Church Street to Pleasant Street.
  9. State Street: southerly side beginning at a point where the westerly boundary of the lot upon which the Internal Revenue Service Building, so called, is located, intersects with said State Street and running in an easterly direction by said side line for a distance of 200 feet.

**Section 7.325: LIMITED PARKING - THIRTY MINUTES**

- A. No person having control or custody of any vehicle shall stop or cause the same to stop or park for longer than thirty minutes at any time between the hours of 9:00 a.m. – ~~7:00~~**8:00**

p.m. Monday through Saturday, and between 12:00 p.m. and ~~7:00~~**8:00** p.m. on Sunday, Holidays not included, on the following streets and locations:

1. Islington Street: Northerly side from the corner of Brewster Street easterly 110'.
2. Islington Street: Northerly side easterly 70' from Dover Street to a point 82' westerly from Salem Street.
3. Islington Street: Northerly side from Pearl Street to Parker Street.

**Section 7.326: LIMITED PARKING - FIFTEEN MINUTES**

A. No person having control or custody of any vehicle shall cause the same to stop or park for longer than 15 minutes at any time between 9:00 a.m. and ~~7:00~~**8:00** p.m., Monday through Saturday, and between 12:00 p.m. and ~~7:00~~**8:00** p.m. Sunday, Holidays not included, on the following streets and locations:

1. Bow Street:
  - a. northerly side, first metered space east from Ceres Street
  - b. westerly side, first metered space north from Daniel Street
2. Cabot Street: northeasterly side, from a point which is sixty-five (65) feet northwest from the intersection of Austin Street to a point which is one hundred (100) feet northwest from the intersection of Austin Street.
3. Congress Street:
  - a. southerly side, first two metered spaces west from Fleet Street
  - b. northerly side, first two metered spaces west from High Street
4. Daniel Street:
  - a. northerly side, first three metered spaces west from the parking lot entrance at 80 Daniel Street
  - b. southerly side, first five metered spaces east from Market Square
5. Deer Street: Two space in front of the building located at 28 Deer Street.
6. Hanover Street:
  - a. northerly side, first five spaces east from High Street
  - b. northerly side, two spaces 246 feet west from High Street
  - c. northerly side, first two spaces east from Bridge Street
7. High Street: easterly side, first three spaces north from Congress Street
8. Islington Street:
  - a. southerly side the space in front of 404 Islington Street, no person having control or custody of any vehicle shall cause the same to stop or park for longer than 15 minutes at any time, including Sundays and holidays.

- b. northerly side, the space in front of 371 Islington Street.
- 9. Maplewood Avenue: easterly side, the first two spaces commencing 140 feet northerly from Vaughan Street
- 10. Marcy Street: easterly side, the four parking spaces directly in front of 367 Marcy Street (from 8:00 am to 4:00 pm) Monday through Saturday only.
- 11. Market Street: easterly side, third space north from Market Square.
- 12. State Street:
  - a. southerly side, first two metered spaces east from Atkinson Street.
  - b. southerly side, first metered space east from Pleasant Street
- 13. South Street: northerly side, from Mount Vernon Street easterly for a distance of 40 feet.

**Section 7.327: LIMITED PARKING - TWO HOURS**

- A. No person having control or custody of any vehicle shall stop or cause the same to stop or park for longer than two hours at any time between the hours of 9:00 a.m. and ~~7:00~~**8:00** p.m. Monday through Saturday, and between 12:00 p.m. and ~~7:00~~**8:00** p.m. Sunday, Holidays excluded, on the following streets and locations:
  - 1. Doris Avenue: both sides.
  - 2. Dunton Street:
  - 3. Greenside Avenue: both sides.
  - 4. Hancock Street:
    - a. northerly side from Marcy Street to Pleasant Street.
    - b. southerly side from Washington Street to Pleasant Street.
  - 5. Islington Street:
    - a. northerly side from Tanner Street to Parker Street
    - b. northerly side from Pearl Street to a point westerly 335'
    - c. northerly side from Cabot Street to a point easterly 515'
  - 6. Madison Avenue: westerly side from State Street to Lovell Street.
  - 7. Mechanic Street: northerly side from Marcy Street intersection to Pierce Island Bridge Approach.
  - 8. Middle Street: northerly side from Austin Street to Summer Street.

9. Sheafe Street: northerly side from a point 40 feet easterly from Penhallow Street to Chapel Street.
10. Sherburne Road: both sides.
11. Summer Street:
  - a. both sides from Islington Street to State Street, Monday through Friday from 8:00 a.m. to 5:00 p.m.
  - b. southwesterly side between Chatham Street and Austin Street.
12. Sutton Street: both sides.
13. Witmer Avenue: both sides.

**Section 7.328: LIMITED PARKING – THREE HOURS:**

- A. No person having control or custody of any vehicle shall stop or cause the same to stop or park for longer than three hours at any time between the hours of 9:00 a.m. and ~~7:00~~**8:00** p.m. Monday through Saturday, and between 12:00 p.m. and ~~7:00~~**8:00** p.m. Sunday, Holidays excluded, on the following streets and locations:
1. Bow Street:
    - a. both sides from Penhallow Street to Chapel Street.
    - b. west side from point 38 feet northerly of intersection with Daniel Street to a point 445 feet northerly from said intersection.
  2. Bridge Street: both sides from Hanover Street to Deer Street.
  3. Ceres Street: land of the City of Portsmouth, Assessor's Plan 13, Lot 85, from Ceres Street 48 feet of the westerly half of said lot.
  4. Chapel Court: two spaces northerly side, and two spaces in the right-of-way at the end of the roadway.
  5. Church Street: easterly side, two spaces 26 feet south of State Street.
  6. Congress Street:
    - a. southerly side from Chestnut Street to Church Street, except for the first two spaces westerly from the intersection of Fleet Street.
    - b. northerly side from a point 65 feet easterly from Fleet Street to a point 75 feet westerly from High Street.
  7. Court Place: east side from Court Street to State Street.



8. Court Street: on the southerly side from Middle Street to the easterly sideline of Chestnut Street extended.
9. Daniel Street:
  - a. north side from Piscataqua River to Market Street.
  - b. five head-in parking spaces adjacent with the Piscataqua River commencing 30 feet from the Harbour Place property line at the northern most corner of Daniel Street and the Piscataqua River.
10. Deer Street: all except for two spaces in front of 28 Deer Street.
11. Fleet Street: westerly side from Hanover Street to State Street with the exception of Taxi Stands #1 and #2.
12. High Street:
  - a. easterly side, first two metered spaces south of Ladd Street
  - b. east side from Hanover Street to Deer Street.
  - c. west side, first two metered spaces north of Hanover Street
13. Maplewood Avenue: westerly side, from Raynes Avenue to the Union Cemetery, nine consecutive spaces.
14. Marcy Street: westerly side from the intersection of State Street to a point 100 feet south of Court Street
15. Market Square:
16. Market Street:
  - a. westerly side from Market Square to Bow Street, except for the first space closest to Bow Street, which shall be designated as bicycle parking when a bicycle corral is present.
  - b. easterly side from Daniel Street to Deer Street, except for the first two parking spaces from Market Square. The first of which is hereby designated for police cruiser parking only and the second of which is designated as a taxi stand (see Section 7.A408).
  - c. both sides from Deer Street to Russell Street.
17. Penhallow Street:
  - a. westerly side from State Street to southerly entrance of Police Station grounds, from exit of N.H. National Bank to Daniel; from a point 160 feet north of Daniel to Bow Street.
  - b. easterly side between Daniel Street and Bow Street.
18. Pleasant Street:
  - a. easterly side from #15 Pleasant Street to State Street.
  - b. westerly side from southerly end of the North Church to State Street.
19. State Street:

- a. northerly side from Middle Street 250 feet westerly.
- b. northerly side from Middle Street to Marcy Street.
- c. southerly side from Middle Street to Marcy Street.

20. Washington Street: northerly side between State Street and Court Street

**Section 7.328-1: UTILIZATION OF MULTIPLE PARKING SPACES:**

No person having custody or control of a single vehicle shall park or cause any vehicle to be parked (or partially parked) on two adjacent spaces on any street in the City of Portsmouth at a time and in a location in which a parking fee is required. Vehicles with trailers or boats may occupy up to two spaces when parking fees are paid for both spaces.

**Section 7.329: LIMITED PARKING – FOUR HOURS**

No person having control or custody of any vehicle shall stop or cause the same to stop or park for longer than four hours at any time between the hours of 9:00 a.m. and ~~7:00~~**8:00** p.m. Monday through Saturday, and between 12:00 p.m. and ~~7:00~~**8:00** p.m. Sunday. Holidays excluded, on the following streets and locations:

1. Bridge Street: southerly side from Islington Street to Hanover Street.
2. Deer Street: both sides between Russell Street and Maplewood Avenue.
3. Russell Street: entire length, both sides.
4. Livermore Street: westerly side, entire length.

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

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

The ordinance shall take effect **as of May 1, 2017** ~~upon its passage~~.

APPROVED:

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Jack Blalock, Mayor

ADOPTED BY COUNCIL:

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Kelli L. Barnaby, City Clerk

ORDINANCE #  
THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, Article IV, Section 7.406, PARKING IN METER SPACES of the Ordinances of the City of Portsmouth be amended as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

~~Section 7.406:—PARKING IN METER SPACE~~

~~A.—When any vehicle shall be parked in a metered parking space the owner or operator of the vehicle shall park within the area designated by the curb or street marking lines as indicated for parallel or diagonal parking and upon entering said parking space shall immediately pay the required fee. It shall be unlawful for any person parking any vehicle or permitting any vehicle registered in his name to be parked within any designated parking fee area to fail or neglect to pay the required fee. Said parking space may then be used by such vehicle during the legal parking limit provided by the Ordinance of the City and said vehicle shall be considered as unlawfully parked if it remains in said space beyond the legal parking limit.—It shall be unlawful for any person to cause or permit any vehicle registered in his name to be parked unlawfully as set out in this Section.~~

~~In any fee parking area within the limits of the City of Portsmouth the same shall be on all days, except Sundays and holidays, during the following hours:~~

~~A.—Monday through Saturday 9:00 a.m. to 7:00 p.m.~~

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

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

The ordinance shall take effect as **of May 1, 2017** ~~upon its passage~~.

APPROVED:

\_\_\_\_\_  
Jack Blalock, Mayor

ADOPTED BY COUNCIL:

\_\_\_\_\_  
Kelli L. Barnaby, City Clerk

**SYNOPSIS (Not Part of Ordinance):** The language in Section 7.406 is deleted as it is duplicative due to similar language which exists in Section 7.105 A and B.

**CITY OF PORTSMOUTH  
PORTSMOUTH, NH 03801**

*Office of the City Manager*

**Date:** February 16, 2017  
**To:** Honorable Mayor Jack Blalock and City Council Members  
**From:** Nancy Colbert Puff, Acting City Manager *NCp*  
**Re:** Acting City Manager's Comments on February 21, 2017 City Council Agenda

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**6:00 p.m. Non-Public Session Re: Boyle Litigation – Per RSA 91-A:3, II (e)**

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***Acceptance of Grants and Donations:***

1. **Acceptance of 2016 Homeland Security Grant Program Award.** The City of Portsmouth Fire Department has been awarded a \$6,000 grant from the State of New Hampshire Department of Safety under the State Homeland Security Program portion of the 2016 Homeland Security Grant Program for the purchase of Warm Zone EMS Equipment ([see attached letter](#)).

*I recommend the City Council move to accept and approve the 2016 Homeland Security Grant Program Award, as presented, and further, authorize the Acting City Manager to execute the Agreement. Action on this matter should take place under Section VIII of the Agenda.*

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

1. **Public Hearing/Second Reading of Proposed Ordinance Amendments.**
  - 1.1 **Public Hearing/Second Reading of Proposed Ordinance amending Chapter 7, Article I, Section 7.115 – Sign Permit Required for Private Parking Lot.**  
As a result of the February 6<sup>th</sup> City Council meeting, under Section VII of the Agenda, I am bringing back for public hearing and second reading the [attached proposed ordinance amending Chapter 7, Article I, Section 7.115 – Sign Permit Required for Private Parking Lot](#) that addresses private companies that provide

public parking on private lots requested by the City Council at its January 23, 2017 meeting.

The main purpose of the ordinance is to require proper signage which will advise the public that the management, fee structure and parking enforcement for these private lots are the sole responsibility of the owner/operator, not the City. The permit application requires that the Department of Public Works receive the following information: 24 hour emergency contact, the fees charged, and private enforcement mechanisms used by these owner/operators. The City Council has authority to regulate parking within the City limits and the signage required by this ordinance falls within that authority.

We are aware that there are other aspects of this land use that may require further ordinance changes to ensure the public's interests are properly addressed.

Public Works Director Peter Rice will be available to answer questions.

*I recommend that the City Council move to pass second reading and schedule third and final reading of the proposed ordinance at the March 6, 2017 City Council meeting. Action on this item should take place under Section IX of the Agenda.*

## 2. **Public Hearing.**

- 2.1 **Public Hearing Re: Proposed Capital Improvement Plan (CIP) FY2018-2023.** In accordance with Section 7.7 of the City Charter, a Public Hearing on the proposed Capital Improvement Plan for FY2018-23 will take place on Tuesday evening at 7:00 p.m. At that time, I will be giving a brief overview of the Plan and have requested that staff be available to answer questions if necessary. In addition, I will have copies available of the summary pages for the public, as well as the capital expenditures that will be proposed in the FY2018 budget. Also, a copy of the Capital Plan is on our web page <http://planportsmouth.com/2018-2023CapitalImprovementPlan.pdf> and the February 14, 2017 City Council Work Session full presentation will be available on YouTube <https://www.youtube.com/watch?v=hRtdiOJS670>. The City Council is required, in accordance with Section 7.8 of the City Charter, to adopt the Capital Plan subsequent to the Public Hearing and before the City Manager submits the budget to the City Council. I anticipate that the City Manager will be transmitting his proposed FY2018 budget to you on or about April 28, 2017. Given that projected date, I am suggesting the City Council adopt the proposed Capital Improvement Plan at your March 6, 2017 City Council meeting.

*I suggest that action on this matter be taken at the March 6<sup>th</sup> City Council meeting, at which time the City Manager will recommend adoption of the CIP with any appropriate amendments.*

3. **Third and Final Reading of Proposed Ordinance Amendments.**

- 3.1 **Third and Final Reading of Proposed Ordinances to Amend Chapter 7, Article I, Sections 7.101 Parking Meters and 7.102 Parking Meter Zones, 7.105 Parking; Article III, Sections – Limited Parking One Hour, Section 7.325 – Limited Parking Thirty Minutes, Section 7.326 – Limited Parking Fifteen Minutes, Section 7.327 – Limited Parking Two Hours, Section 7.328 – Limited Parking Three Hours; Section 7.328-1 – Utilization of Multiple Parking Spaces and Section 7.329 – Limited Parking Four Hours; Article IV, Section 7.406 Parking and Meter Spaces.** As a result of the February 6<sup>th</sup> City Council meeting, under Section IX of the Agenda, I am bringing back for third and final reading the [attached proposed five ordinances](#) intended to implement the amendments to the Parking Ordinance regarding parking rates and hours of operation requested by the City Council at its January 9, 2017 meeting. In addition to these proposed ordinance changes, Parking and Transportation Division Staff is working with our parking consultant to develop alternative variable rate structures based on real-time parking utilization.

Currently parking utilization data is collected three times per year during the spring and fall seasons and once during peak summer use and extrapolated to reflect annual utilization. The alternative approach being reviewed will be based on data collected from on-street meters, pay and display meters as well as by the Garage pay kiosks. Staff will present the findings of this alternative rate approach upon completion which is anticipated late spring of 2017.

The proposed ordinance changes presented here are consistent with the City Council's Adopted 2012 Parking Guiding Principles to improve parking utilization and will raise necessary revenues to support operation of the City's Parking and Transportation Division.

In response to City Council input, the Ordinance has been amended from first reading to extend enforcement from 7:00 p.m. to 8:00 p.m. This will ensure some turnover through peak demand for restaurants.

Also, some general housekeeping measures have been addressed in the amended ordinances.

We have labeled the ordinances A-E for organizational purposes. A synopsis of what each of the ordinances seeks to accomplish is as follows:

- A. Article I, Section 7.101 – PARKING METERS - DEFINITIONS  
If adopted this ordinance would include mobile phone applications in the definition of “meter.”

- B. Article I, Section 7.102 PARKING METER ZONES  
If adopted, this ordinance would increase the parking rate for all Downtown High Occupancy Zones to \$2.00 per hour, increase the parking rate for all other Occupancy Zones to \$1.50 per hour and create an EasyPark residency discount.
- C. Article I, Section 7.105 PARKING  
If adopted, this ordinance would extend parking meter fees until 8:00 p.m.
- D. Article III, Section 7.324 – Limited Parking One Hour, Section 7.325 – Limited Parking Thirty Minutes, Section 7.326 – Limited Parking Fifteen Minutes, Section 7.327 – Limited Parking Two Hours, Section 7.328 – Limited Parking Three Hours, Section 7.328-1 – Utilization of Multiple Parking Spaces; and Section 7.329 – Limited Parking Four Hours.  
If adopted, this ordinance would extend parking meter fees until 8:00 p.m.
- E. Article IV, Section 7.406 PARKING IN METER SPACES  
If adopted, this section would be deleted in its entirety as duplicative.

*I recommend the City Council move the following motions:*

- A. *Move to pass third and final reading of the proposed Ordinance amendment to Chapter 7, Article I, Section 7.101- PARKING METERS - DEFINITIONS.*
- B. *Move to pass third and final reading of the proposed Ordinance amendment to Chapter 7, Article I, Section 7.102 PARKING METER ZONES.*
- C. *Move to pass third and final reading of the proposed Ordinance amendment to Chapter 7, Article I Section 7.105 PARKING.*
- D. *Move to pass third and final reading of the proposed Ordinance amendment to Chapter 7, Article III, Section 7.324 – Limited Parking One Hour, Section 7.325 – Limited Parking Thirty Minutes, Section 7.326 – Limited Parking Fifteen Minutes, Section 7.327 – Limited Parking Two Hours, Section 7.328 – Limited Parking Three Hours, Section 7.328-1 – Utilization of Multiple Parking Spaces; and Section 7.329 – Limited Parking Four Hours.*
- E. *Move to pass third and final reading of the proposed Ordinance amendment to Chapter 7, Article IV, Section 7.406 PARKING IN METER SPACES.*

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

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

1. **City Council Policy Regarding Use of City Property for Sidewalk Cafes Providing Alcohol Service.** Following pilot use of City sidewalks by two sidewalk cafes in the 2011 summer season, the City Council adopted Policy No. 2012-02 on March 19, 2012, and succeeding Councils re-adopted this policy in January 2014 and January 2016. The policy allows a restaurant to apply on an annual basis for seasonal use of the adjacent City sidewalk for a café providing alcohol service, establishes standards for the design and operation, and establishes an annual Area Service Agreement to be approved by the City Council and signed by the City Manager. It is generally agreed that the policy has worked well in bringing vitality to the downtown as well as supporting local restaurants.

The existing policy sets a maximum of 6 sidewalk cafes with alcohol service in any season. Six Area Service Agreements were executed for both the 2014 and 2015 seasons, and 4 for the 2016 season. Although there were fewer than 6 Agreements last year, staff believe that the procedures and standards set forth in the policy provide adequate guidance such that there is no longer a need to maintain the 6-café cap. Therefore, it is recommended to amend the policy by deleting this provision ([see attached Policy](#)).

*I recommend that the City Council move to amend City Council Policy 2012-02, Policy Regarding Use of City Property for Sidewalk Cafes Providing Alcohol Service, by deleting the last sentence of numbered paragraph 1, relating to the maximum allowed number of sidewalk cafes.*

## ***Informational Items:***

1. **Events Listing.** For your information, [attached is a copy of the Events Listing](#) updated after the last City Council meeting on February 6, 2017. In addition, this can be found on the City's website.
2. **Department of Revenue Administration Review 2015 Residential and Commercial Revaluation.** For your information, on January 22, 2017, the City received two letters dated January 20, 2017, concerning the 2015 residential and commercial revaluation. The commercial letter indicated that Property Valuation Advisors completed the residential assessments which was in error. A request was sent to the DRA to correct the letter so that it is indicated Property Valuation Advisors completed the commercial assessments; the correction was received on February 2, 2017 ([see attached letters](#)).
3. **Letter to North Hampton Select Board from Coakley Landfill Group.** [Attached for your information is a letter](#) to the North Hampton Select Board from the Coakley Landfill Group.
4. **Information Re: Sanctuary Cities.** I have [attached for your information a memorandum from City Attorney Robert Sullivan](#), regarding sanctuary cities.



**CITY OF PORTSMOUTH**  
**CITY COUNCIL POLICY No. 2012-02**

**POLICY REGARDING USE OF CITY PROPERTY FOR SIDEWALK CAFE'S**  
**PROVIDING ALCOHOL SERVICE**

**WHEREAS**, the City Council allowed the pilot use of City property by two sidewalk cafe's providing alcohol service during the 2011 summer season; and

**WHEREAS**, the City Council recognizes the benefit to residents, businesses, visitors and the City's economic vitality of allowing sidewalk cafe's with alcohol service on City property; and

**WHEREAS**, the City Council desires to balance said benefits of sidewalk cafe's with the safety, desires, and convenience of the public at large; and

**WHEREAS**, the City Council also recognizes that the City has the inherent authority to regulate any obstructions on City sidewalks and any intrusions into City sidewalks; and

**WHEREAS**, the City Council recognizes the authority of the State to regulate alcohol service.

**NOW THEREFORE**, the City Council adopts the following policies, criteria and standards with regard to the use of City property for sidewalk cafe's providing alcohol service:

1. Requests for use of City property for sidewalk cafe's providing alcohol service shall be made in writing to the City Council on an annual basis by May 1<sup>st</sup> with no expectation of continued year-to-year use of the sidewalk area on a continuing basis. ~~The City Council shall allow no more than six (6) sidewalk cafe's with alcohol service in any season.~~
2. Such requests shall include a dimensioned site plan of the existing conditions, including a depiction of public infrastructure such as curb lines, light poles, bike racks, street trees, tree grates, manhole covers, meters, licensed A-frame signs, adjacent on-street parking and loading zones, adjacent accessible sidewalk curb cuts and the like. Such requests shall also include a dimensioned site plan depicting the proposed table/chair layout plan for the sidewalk café, dimensioned routes of travel within the sidewalk café area and on the adjoining public sidewalk, as well as detail sheets for the proposed enclosure system, tables, chairs, lighting, trash receptacles, and the like.
3. The terms and conditions of any such requests that are approved by the City Council in any given year shall be described in an annual Area Service Agreement, which includes a clear depiction of the area approved for sidewalk café use, with said Area Service Agreement to be signed by the City Manager and the party or parties making the request.
4. The term of the Area Service Agreement should be for no more than six (6) months and shall typically run mid-April thru mid-October.
5. Area Service Agreements shall not be assignable to other parties.

6. Use of the Area subject to the Area Service Agreement (the “Area”) may be precluded, modified or made subject to any such terms and conditions as may be determined by the City in order to accommodate special municipal events.
7. A ten dollar (\$10.00) per square foot fee will be charged for the Area subject to the Area Service Agreement and the fee shall be for the entire 6 month season with no proration of the fee. The minimum fee for the season shall be \$2,000 even if the size of the Area subject to the Agreement is less than 200 square feet. The fee shall be due and payable to the City of Portsmouth prior to authorization to use the Area.
8. The Area specified for sidewalk café use in the Area Service Agreement shall be restored upon termination of the Area Service Agreement at season’s end. Specifically, at season’s end, the enclosure system, tables, chairs and all other materials in their entirety shall be removed from the City-owned area with the area left in an unobstructed, undamaged, clean and sanitary condition at no cost to the City.
9. Sidewalk cafés on City property shall indemnify and hold harmless the City of Portsmouth and shall maintain and provide insurance of the types and amounts specified by the City’s Legal Department.
10. Sidewalk café’s shall not damage sidewalks, curbing, bike racks, street trees, light poles, trash containers, utilities or any other City amenities or infrastructure, or make same inaccessible for public use or maintenance purposes.
11. Sidewalk café’s may utilize the Area for authorized purposes during their normal business hours, except that all tables within the Area shall be cleared of all food and alcoholic beverages by 10:30 p.m. Monday through Saturday and by 10:00 p.m. on Sunday with no alcohol served within the Area subsequent to one-half hour before the foregoing closure times.
12. Sidewalk café operators shall agree at all times to comply with all laws, rules and regulations of the NH State Liquor Commission and all other local, state and federal laws. Approval of the Area Service Agreement by the State Liquor Commission is required. Alcoholic beverage violations shall be self-reported to the State Liquor Commission.
13. Sidewalk café’s shall only serve alcoholic beverages to patrons who are seated at a table and who are ordering a substantial meal with service at tables conducted by wait staff only.
14. Sidewalk café operators will agree that they shall be solely responsible for compliance with the Americans with Disabilities Act.
15. The Area Service Agreement may be suspended at the sole discretion of the City on an administrative basis.
16. The Area Service Agreement may be revoked in its entirety, excepting for indemnity provisions, by the City by vote of the City Council.

17. Sidewalk cafe's with alcohol service should meet the following site design standards:

- Be separated from the public pedestrian space on the adjacent municipal sidewalk by an enclosure system consisting of heavy duty black decorative metal materials or equivalent as approved by the City Manager or his designee; special attention shall be paid to the method used to support the enclosure system in order to avoid damage to public property and insure public safety; the minimum height of the enclosure system shall be 30 inches and the maximum height shall be 36 inches.
- Sidewalk cafe's shall have no audio or visual or entertainment of any type located outside, and no visual entertainment shall be situated on the inside of the building in such a manner that it is directed to patrons in the sidewalk café.
- Sidewalk café seating shall be appurtenant and contiguous to a doorway accessing the main restaurant facility with service provided within the Area approved by the City, and the adjacent public pedestrian way shall not be crossed in order to provide alcohol or food service to additional areas.
- The internal dimensions and table/chair layout of the sidewalk café Area must allow for the passage of customers and wait staff and shall, in any event, meet ADA requirements.
- Sidewalk cafe's must provide a 5-foot radius clearance from the center of restaurant doorways (exterior) and doorways shall be kept clear at all times and a 5-foot minimum clear pedestrian path in front of restaurant doorways (exterior) shall be maintained at all times.
- The enclosure system, tables and chairs shall be movable/non-permanent.
- In Market Square the minimum width for the pedestrian way adjacent to the Area shall be 10-feet to 12-feet depending on site conditions. In all other areas where sidewalk cafe's are allowed the width for the pedestrian way adjacent to the Area shall, at a minimum, be 5-feet and, in any event, meet ADA, but will depend on site conditions. The pedestrian way in both instances shall allow for and provide clear unimpeded passage and access along the Area. The pedestrian way shall be located entirely on the public sidewalk and shall meet criteria that ensure pedestrian safety, usability and ADA compliance. In no event shall the Area interfere with accessibility or public safety, including safe lines of site for drivers.
- Canopies over the sidewalk café shall not be allowed unless they are completely supported by hardware on the building structure, that is, there shall be no vertical supports in or around the sidewalk café; table umbrellas without logos are allowed, but must not extend beyond the Area.
- No advertising of any kind shall be allowed in the Area.
- No improvements or personal property located within the Area shall extend on or over any municipal property located outside the Area.

18. Smoking should not be allowed in the sidewalk café Area.

19. Sidewalk café operators shall agree at all times to comply with all local laws, rules regulations and orders including, but not limited to the following:
- Health Department to approve outdoor food service operations and cleaning operations, with the Area to be left in a clean and sanitary condition at all times and garbage contained at all times in covered receptacles. The Area shall be left in clean condition at close of business with all garbage removed in its entirety from the Area, and any ground debris swept up, at close of daily business. No food prep, grilling, service windows, service counters, wait stations, or bus buckets shall be allowed in the Area and no condiments, paper products or the like shall be stored on the tables in the Area. Health Department shall review/approve that kitchen facilities are sufficient to support additional seating.
  - Inspections Department shall review/approve that bathroom facilities are sufficient to support outdoor sidewalk café seating. Permits shall be sought from the Inspections Department for any proposed Area lighting.
  - A Place of Assembly inspection and updated Place of Assembly permit shall be required from the Fire Department and the Fire Department shall review/approve means of egress.
20. No Area Service Agreement should be approved by the City except in conformance with the foregoing.
21. The above are policy guidelines that will serve as the basis for Area Service Agreements, which may include other terms and conditions deemed by the City to be in the public interest.
22. The number and location of sidewalk cafe's on City sidewalks shall be at the sole unfettered discretion of the City Council acting in the public interest and no entitlement is created by this policy for any party to have a sidewalk café at any location.

**This policy shall take effect upon the passage by the City Council.**

Adopted by the Portsmouth City Council on March 19, 2012.

Ratified by the Portsmouth City Council on January 13, 2014.

Ratified by the Portsmouth City Council on January 11, 2016.

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

## Event Listing by Date

Starting Date: 2/ 6/2017  
Ending Date: 12/31/2017

Start End	Type Description	Location	Requestor	Vote Date
3/18/2017 3/18/2017	ROAD RACE	Starting at Peirce Island	St. Patrick School - Clover R	11/21/2016
3/26/2017 3/26/2017	ROAD RACE	Starts at Traip Academy in Kittery, ME thru town Donald Allison is the contact for this event.	Eastern States 20 Mile	12/ 5/2016
4/ 8/2017 4/ 8/2017	WALK	Little Harbour School This event begins and ends at Little Harbour School. Begins at 10:00 a.m.	National Multiple Sclerosis So	11/21/2016
5/ 6/2017 5/ 6/2017	WALK	Little Harbour Elementary School Jenelle Dolan, Development Specialist is the contact for this event. Tel. 978-729-5849	March of Dimes	7/11/2016
5/ 7/2017 5/ 7/2017	EVENTS	Pleasant Street - State Street - Market Square Barbara Massar is the contact for this event. This event begins at Noon to 4:00 p.m.	Children's Day - Pro Portsmouth	9/ 6/2016
5/ 7/2017 5/ 7/2017	RIDE	Start at Redhook Brewery Melissa Walden, Associate of Development is the contact. This event begins at 7:00 a.m. at Redhook Brewery.	American Lung Association	10/ 3/2016
5/13/2017 5/13/2017	FUND	Ridges Court Ridges Court - Street Closure from 9:00 a.m. to 4:00 p.m. for the Music Hall's 26th Annual Kitchen Tour from 9:00 a.m. to 4:00 p.m. Contact: Ashleigh Tucker Pollock, Special Events Manager & Rental Coordinator 603-766-2202	Music Hall	2/ 6/2017
5/13/2017 5/13/2017	RACE	Strawbery Banke Contact: Carolyn Ostrom, NH Community Relations, Specialist - 617-501-2728 costrom@vtnhkomen.org Ed Harvey, Race Director 603-862-1246 Edmund.Harvey@unh.edu	Susan G. Komen Foundation	8/15/2016
5/28/2017 5/28/2017	FUND	Portsmouth High School Lilia-Potter-Schwartz is the contact for this event. This is a triathlon at begins at Portsmouth High School	Education to All Children	12/ 5/2016
5/28/2017 5/28/2017	ROAD RACE	Redhook Brewery - Pease Tradeport	Runner's Alley	12/19/2016
6/10/2017 6/10/2017	FESTIVAL	Market Square Barbara Massar is the contact for this event. This event begins at 9:00 a.m. to 4:00 p.m.	Market Square Day - Pro Portsm	9/ 6/2016
6/10/2017 6/10/2017	ROAD RACE	Starts in Market Square Barbara Massar is the contact for this event. The road race starts at 9:00 a.m. in Market Square	Market Square Road Race - Pro	9/ 6/2016

Run: 2/15/17  
3:30PM

## Event Listing by Date

Page: 2

Starting Date: 2/ 6/2017

Ending Date: 12/31/2017

Start End	Type Description	Location	Requestor	Vote Date
6/17/2017 6/17/2017	RACE Rain Date of June 18, 2017	Pleasant Street	Big Brothers Big Sisters of Ne	9/19/2016
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
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	BIKE TOUR Contact: Chris Vlangas 1-800-757-0203 Event begins at 7:30 a.m. from Shapleigh Middle School in Kittery.	From Kittery, ME to Route 1B to Rye back to Kitter	Cystic Fibrosis Foundation	11/21/2016
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
7/21/2017 7/23/2017	ART EXH Lennie Mullaney is the contact for this event. This is the annual Wet Paint-out Weekend. The event takes place throughout greater Portsmouth Artists register at NHAA.	Throughout the City	NH Art Association	1/23/2017
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
8/26/2017 8/26/2017	BIKE TOUR Contact: Emily Christian, Logistics Manager - 781-693-5154	Along the Seacoast	National Multiple Sclerosis So	2/ 6/2017
9/17/2017 9/17/2017	RACE Jennie Halstead, Executive Director if the contact. This race begins at 7:30 a.m. with registration Start of the race: 9:00 a.m.	Portsmouth Middle School	My Brest Cancer Support	12/ 5/2016

Run: 2/15/17  
3:30PM

## Event Listing by Date

Page: 3

Starting Date: 2/ 6/2017

Ending Date: 12/31/2017

Start End	Type Description	Location	Requestor	Vote Date
9/23/2017 9/24/2017	FESTIVAL Contact: Bruce MacIntyre This is a two day event - Saturday events starting at 10:00 a.m. and ending at 10:00 p.m. Sunday events starting at 1:00 p.m. and ending at 5:00 p.m.	Congress Street, Market Square	Portsmouth Maritime Folk Festi	2/ 6/2017
9/24/2017 9/25/2017	RIDE	Along Route 1A	Granite State Wheelmen, Inc.	11/21/2016
9/24/2017 9/24/2017	WALK Kelly Bosco is the contact for this event. Tel. (603) 606-6590 ext. 2151 kbosco@alz.org	Little Harbour School	Alzheimer's Association	1/23/2017
12/10/2017 12/10/2017	RACE Thomas M. Bringle, Director of Development is the contact for this event. Tel. (603) 724-6080 or tbringle@arthritis.org	Little Harbour School	Arthritis Foundation	1/23/2017





**State of New Hampshire  
Department of Revenue Administration**

109 Pleasant Street  
PO Box 487, Concord, NH 03302-0487  
Telephone (603) 230-5000  
www.revenue.nh.gov



**MUNICIPAL AND PROPERTY  
DIVISION**  
Stephan W. Hamilton  
Director

John T. Beardmore  
Commissioner

Lindsey M. Stepp  
Assistant Commissioner



January 10, 2017

City of Portsmouth  
Attn: City Council  
1 Junkins Avenue  
Portsmouth, NH 03801

RE: 2015 Update

Dear Members of the City Council.

The Department of Revenue Administration, pursuant to RSA 21-J:11, is charged with the responsibility of monitoring revaluations and supporting municipalities with revaluation and general assessing contract negotiations and compliance. As the Department of Revenue Administration's (DRA) Supervisor for the City of Portsmouth, I have reviewed the following list of tasks that KRT Appraisal undertook in conducting the 2015 update of residential assessments. The results of the update were compared with standards set forth by the International Association of Assessing Officers (IAAO) for real property revaluations. Also, the Department has checked all the items below for compliance with applicable State Statutes, Revenue 600 Rules and Assessment Standards Board's (ASB) standards. The following is my final report as it relates to the 2015 valuation update.

This final report is not intended to render an opinion on any individual assessment. Rather, it is meant to give an overall review of the general assessment procedures utilized by KRT Appraisal and compare the end result with the typical measures of central tendency, dispersion and uniformity recommended by the IAAO to test the result of the revaluation. Those properties having individual assessment issues are best remedied by the abatement process at the local level and with the Board of Tax and Land Appeal or the New Hampshire Superior Court at the state and county level.

**PHASE 1 includes the following: Request for Proposal (RFP) compared to contract, initial meeting with the City, and the DRA, public relations plan, tax maps, list of DRA certified employees, adequate insurance, and adequate bonding.**

KRT Appraisal entered into a contract with the City of Portsmouth in 2014 for consulting services leading to a statistical update of residential property for the 2015 tax year. The Department received an executed contract on August 13, 2014. Data verification of properties utilized in the sales analysis was

TDD Access: Relay NH 1-800-735-2964

*Individuals who need auxiliary aids for effective communication in programs and services of the Department of Revenue Administration are invited to make their needs and preferences known to the Department.*



completed by Portsmouth's assessing staff; a field review of all residential property was completed by KRT Appraisal as part of the valuation update process. A list of employees was provided to both the City of Portsmouth and the Department.

**PHASE 2 includes: data-collection, quality control procedures and call back compliance.**

Portsmouth's assessing staff followed general data collection guidelines and call back protocol developed for Portsmouth.

During the data collection phase of the update of assessments, Keith Gagnon visited a random sample of properties that had sold within the time frame set forth in the contract between KRT Appraisal and the City, as part of the Department's monitoring and quality assurance program. Please refer to the April 23, 2015 report to the City Council for the final monitoring report on data collection effort of the sale properties. Sale properties were the focus of Portsmouth's data collection efforts during this time frame as these sales represent the actual retail market for properties within Portsmouth.

**PHASE 3 includes: valuation analysis, neighborhood delineation, valuation notice, informal hearings, and final valuation adjustments.**

The 2015 valuation analysis can be found in the Uniform Standards of Professional Appraisal Practices (USPAP) submitted to the DRA on December 3, 2015. This report was reviewed by this appraiser and found to be compliant, please refer to the letter to the Council dated February 17, 2016.

All of the base tables for land valuation, cost and depreciation can be found this report.

**PHASE 4 includes: USPAP report, sales book and sales ratio studies.**

As a means of testing the statistics surrounding the 2015 revaluation, the DRA developed a sales ratio study for the 2015 tax year. This study is a tool used to gauge the results of a revaluation. Typically and in accordance with the International Association of Assessing Officials (IAAO) the median ratio, coefficient of dispersion (COD) and price related differential (PRD) are developed. In arriving at a full and true comparison, the DRA ratio study is utilized in order to test the results of the recent update in Portsmouth's assessed values. The DRA ratio study is the preferred method of comparison because it typically utilizes the same time period from year to year. The DRA time period extends from October 1, through September 30 of every year.

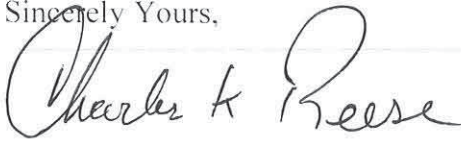
The IAAO recommends the use of the median ratio, which is the midpoint or middle ratio when the sale ratios are arrayed in order of magnitude. The overall level of assessment for all parcels in the City should be within 10 percent of market value (100%) that is, between 90% and 110%. Portsmouth's 2014 median ratio calculated by the DRA prior to the revaluation was 88.5% and the final City wide ratio after the revaluation is 92.5%.

IAAO also recommends using the coefficient of dispersion (COD) as the measure of dispersion in a ratio study. Low COD's (15.0 or less) tend to be associated with good appraisal uniformity and COD's above 20 indicate poor uniformity. Portsmouth's 2014 COD calculated by the DRA was 10.2. The 2015 COD was reduced to 7.4 after the update.

The price related differential or PRD is a measure of vertical equity and test for bias in high or low value properties. A range of .98 to 1.03 is the acceptable IAAO guideline. Portsmouth's PRD as calculated by the DRA for 2014 was 1.02. After the revaluation in 2015, the PRD was reduced to .99.

In conclusion, it is our hope that the City Council recognize that any assistance the DRA provides enables the city to have a reasonable level of assurance that overall uniformity and proportionality among taxpayers was obtained.

Sincerely Yours,

A handwritten signature in cursive script that reads "Charles K. Reese". The signature is written in black ink and is positioned above a horizontal line.

Charles K. Reese, CNHA, NHCG  
District Supervisor  
Department of Revenue Administration





**State of New Hampshire  
Department of Revenue Administration**

109 Pleasant Street  
PO Box 487, Concord, NH 03302-0487  
Telephone (603) 230-5000  
www.revenue.nh.gov



**MUNICIPAL AND PROPERTY  
DIVISION**  
Stephan W. Hamilton  
Director

John T. Beardmore  
Commissioner  
  
Lindsey M. Stepp  
Assistant Commissioner



January 20, 2017

City of Portsmouth  
Attn: City Council  
1 Junkins Avenue  
Portsmouth, NH 03801

RE: 2015 Update

Dear Members of the City Council.

The Department of Revenue Administration, pursuant to RSA 21-J:11, is charged with the responsibility of monitoring revaluations and supporting municipalities with revaluation and general assessing contract negotiations and compliance. As the Department of Revenue Administration's (DRA) Supervisor for the City of Portsmouth, I have reviewed the following list of tasks that Property Valuation Advisers undertook in conducting the 2015 update of commercial assessments. The results of the update were compared with standards set forth by the International Association of Assessing Officers (IAAO) for real property revaluations. Also, the Department has checked all the items below for compliance with applicable State Statutes, Revenue 600 Rules and Assessment Standards Board's (ASB) standards. The following is my final report as it relates to the 2015 valuation update.

This final report is not intended to render an opinion on any individual assessment. Rather, it is meant to give an overall review of the general assessment procedures utilized by Property Valuation Advisers and compare the end result with the typical measures of central tendency, dispersion and uniformity recommended by the IAAO to test the result of the revaluation. Those properties having individual assessment issues are best remedied by the abatement process at the local level and with the Board of Tax and Land Appeal or the New Hampshire Superior Court at the state and county level.

**PHASE 1 includes the following: Request for Proposal (RFP) compared to contract, initial meeting with the City, and the DRA, public relations plan, tax maps, list of DRA certified employees, adequate insurance, and adequate bonding.**

Property Valuation Advisers entered into a contract with the City of Portsmouth in 2014 for consulting services leading to a statistical update of commercial / industrial property for the 2015 tax year. The Department received an executed contract on August 13, 2014. Data verification of properties utilized

TDD Access: Relay NH 1-800-735-2964

*Individuals who need auxiliary aids for effective communication in programs and services of the Department of Revenue Administration are invited to make their needs and preferences known to the Department.*

in the sales analysis was completed by Portsmouth's assessing staff; a field review of all commercial / industrial property was completed by Property Valuation Advisers as part of the valuation update process. A list of employees was provided to both the City of Portsmouth and the Department.

**PHASE 2 includes: data-collection, quality control procedures and call back compliance.**

Portsmouth's assessing staff followed general data collection guidelines and call back protocol developed for Portsmouth.

During the data collection phase of the update of assessments, Keith Gagnon visited a random sample of properties that had sold within the time frame set forth in the contract between Property Valuation Advisers and the City, as part of the Department's monitoring and quality assurance program. Please refer to the April 23, 2015 report to the City Council for the final monitoring report on data collection effort of the sale properties. Sale properties were the focus of Portsmouth's data collection efforts during this time frame as these sales represent the actual retail market for properties within Portsmouth.

**PHASE 3 includes: valuation analysis, neighborhood delineation, valuation notice, informal hearings, and final valuation adjustments.**

The 2015 valuation analysis can be found in the Uniform Standards of Professional Appraisal Practices (USPAP) submitted to the DRA on September 2, 2015. This report was reviewed by this appraiser and found to be compliant, please refer to the letter to the Council dated November 11, 2015.

All of the base tables for land valuation, cost and depreciation can be found this report.

**PHASE 4 includes: USPAP report, sales book and sales ratio studies.**

As a means of testing the statistics surrounding the 2015 revaluation, the DRA developed a sales ratio study for the 2015 tax year. This study is a tool used to gauge the results of a revaluation. Typically and in accordance with the International Association of Assessing Officials (IAAO) the median ratio, coefficient of dispersion (COD) and price related differential (PRD) are developed. In arriving at a full and true comparison, the DRA ratio study is utilized in order to test the results of the recent update in Portsmouth's assessed values. The DRA ratio study is the preferred method of comparison because it typically utilizes the same time period from year to year. The DRA time period extends from October 1, through September 30 of every year.

The IAAO recommends the use of the median ratio, which is the midpoint or middle ratio when the sale ratios are arrayed in order of magnitude. The overall level of assessment for all parcels in the City should be within 10 percent of market value (100%) that is, between 90% and 110%. Portsmouth's 2014 median ratio calculated by the DRA prior to the revaluation was 88.5% and the final City wide ratio after the revaluation is 92.5%.

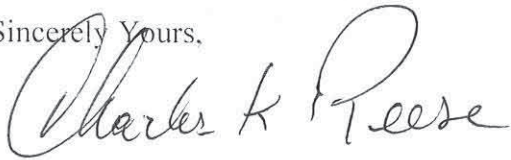


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In conclusion, it is our hope that the City Council recognize that any assistance the DRA provides enables the city to have a reasonable level of assurance that overall uniformity and proportionality among taxpayers was obtained.

Sincerely Yours,

A handwritten signature in cursive script that reads "Charles K. Reese". The signature is written in black ink and is positioned above the typed name.

Charles K. Reese, CNHA, NHCG  
District Supervisor  
Department of Revenue Administration

***Coakley Landfill Group***

February 16, 2017

North Hampton Select Board  
233 Atlantic Avenue  
North Hampton, NH 03862

**RE: Letter addressed to Mayor Jack Blalock, City of Portsmouth dated January 25, 2017**

Dear Select Board Members,

Appropriately, the Portsmouth City Council has referred your letter addressed to Mayor Jack Blalock dated January 25, 2017 to the Executive Committee of the Coakley Landfill Group for a response. The City Council also expressed a preference for public involvement in activities of the Group. In the foregoing letter the Select Board has made various requests of the City of Portsmouth with regard to meetings of the Coakley Landfill Group in terms of notice, conduct of meetings and publication of minutes.

As a preliminary matter, it should be noted that the Coakley Landfill Group and its Executive Committee are not public bodies or agencies as defined in RSA 91-A:1-a V or VI. Accordingly, the activities of the Group in connection with the subject matter of the Town's request is within the control of the Group and not dictated by state law.

It is not to be expected that any members of the Select Board were in office in 1991 when the Coakley Landfill Group and its Executive Committee were formed. Therefore, the fact that you do not appear to have historical knowledge of the operation of the Group is to be expected.

The Coakley Landfill Group Executive Committee has met on a monthly basis for over 25 years, typically by teleconference. The Executive Committee has provided the Town with a detailed set of minutes of each of the Group's monthly meetings over that period of time. Each set of minutes has identified the time and date of the next scheduled meeting or teleconference. Every decision made by the Group has been reflected in those minutes. At no time over that entire period has the Town expressed any concern whatsoever regarding any actions taken by the Group. Recently, however, Town Administrator Paul Apple has contacted the Group on several occasions. He requested to be in attendance at Group teleconference on December 2, 2016, which request was granted. He was also provided with authority to review records of the City of Portsmouth on December 2, 2016, when it appears that the Town had not retained its own records regarding formation of the Group. The Executive Committee has found the presence of Town Administrator Apple to be beneficial to the Group as a whole.

***1 Junkins Avenue, Portsmouth, NH 03801***

Page Two

February 16, 2017

**RE: Letter addressed to Mayor Jack Blalock, City of Portsmouth dated January 25, 2017**

Nonetheless, in response to your request, henceforth the Group will:

1. Continue to provide the detailed minutes which have been provided on a monthly basis for the last 25 years, including notice of every Coakley Landfill Group meeting or teleconference.
2. Provide the Town with an agenda for each meeting or teleconference. However, it should be noted that such agendas are often completed on the day of the meeting or teleconference.
3. Agree to the attendance of the Town Administrator at any and all future meetings, the date and time of which is listed in the minutes of the previous meeting.
4. Entertain requests from any person who desires to attend an Executive Committee teleconference, such a request should be made directly to the Group by contact with the undersigned.
5. Recognize that once the minutes of any teleconference or meeting have been received by the Town, that such minutes are public records and may be published online if the Town so chooses.

In the future, if the Town would have questions for the Coakley Landfill Group, it may be more efficient to contact the Group directly rather than proceed through the City of Portsmouth.

Sincerely,



Peter Britz  
Environmental Planner


cc: Jack Blalock, Mayor  
Portsmouth City Council  
Nancy Colbert Puff, Deputy City Manager  
Robert P. Sullivan, City Attorney  
Paul Apple, Town Administrator  
Seth Jaffe, Esq.  
Curtis Shipley, Esq.

<https://coakley.ltr.to.town.nh/re-meetings>

***1 Junkins Avenue, Portsmouth, NH 03801***

**CITY OF PORTSMOUTH  
LEGAL DEPARTMENT  
MEMORANDUM**

DATE: February 16, 2017  
TO: NANCY COLBERT PUFF, DEPUTY CITY MANAGER  
FROM: ROBERT P. SULLIVAN, CITY ATTORNEY  
RE: SANCTUARY CITIES



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At your request I have summarized below the effect on the City of the recent Presidential Order regarding "Sanctuary Cities".

On January 25, 2017 President Donald J. Trump issued an Executive Order entitled "Enhancing Public Safety in the Interior of the United States". The Executive Order is a seven (7) page document containing 18 sections. In general the purpose of the Executive Order is contained in two sentences of Section 1. These are, "Many aliens who illegally enter the United States and those who overstay or otherwise violate the terms of their Visas present a significant threat to national security and public safety" and, "Sanctuary jurisdictions across the United States willfully violate federal law in an attempt to shield aliens from removal of the United States". Accordingly the President writes, "... the Attorney General and the Secretary (of Homeland Security) shall ensure that jurisdictions that willfully refuse to comply with 8 U.S. Code 1373 (Sanctuary Jurisdictions) are not eligible to receive federal grants, except as deemed necessary for law enforcement purposes by the Attorney General or the Secretary".

8 U.S.C. 1373 (United States Code) to which the President looks for his definition of Sanctuary Cities contains a list of obligations on the part of local governments and officials which are summarized by this conclusion, ... "a local government... may not prohibit, or in any way restrict, any government entity or official from sending to, or receiving from, the Immigration and Naturalization Service information regarding the citizenship or immigration status lawful or unlawful, of any individual."

Cities which do not comply with the foregoing provision and the remainder of 8 U.S.C. 1373 are defined by the President as Sanctuary Cities.

As reported and debated nationwide, the primary focus of the President's Executive Order seems to involve the activities of local police departments. An argument which is commonly advanced in contradiction to the Executive Order is that the enforcement of the immigration laws of the United States is a Federal, not a local, obligation. Accordingly, that obligation should be funded by the Federal government and carried out by Federal law enforcement agencies.



When the President's Executive Order is viewed in the context of current law enforcement practices in the City of Portsmouth, two items become apparent. These are:

1. Under the Municipal Charter of the City of Portsmouth the Police Commission rather than the City Council which is the relevant public body to address the issues raised by the Executive Order. Specifically, Charter Amendment E reads in pertinent part that, "The Commission shall make such rules and regulations for their own proceedings **and the administration of the Police Department**, as they deem advisable". Thus, the manner in which the Police Department would communicate with the Immigration and Naturalization service (now Immigrations and Customs Enforcement - ICE) is determined by the Board of Police Commissioners and not by the City Council.
2. At the present time the practice of the Portsmouth Police Department which is currently being formalized in a Standard Operating Procedure (SOP) provides detailed instructions to Portsmouth Police officers which include that officers are not to initiate police actions with the primary objective of discovering the immigration status of a person or stopping, detaining or arresting a person solely to investigate immigration status, in the absence of a legally justified investigation into a violation of law. Moreover, the PPD policy would generally call for a persons issued a summons or citation to be released regardless of immigration status unless the person was arrested for a felony or for a misdemeanor involving violence or that poses a threat to public safety. Victims or witnesses to crimes as well as juveniles who are not charged with a felony level crime are not asked about their immigration status. The PPD would consider placing an immigration hold on an individual who is a person actively wanted by ICE for violating immigration law or is a previously deported illegal alien.

Of great significance with regard to Sanctuary City analysis is the fact that the Portsmouth Police Department does not operate a jail or prison facility. Rather, after an arrest a person is perhaps detained briefly in the Portsmouth Police Department but is then brought to the Rockingham County House of Correction for any further incarceration. Therefore, it is Rockingham County which is the primary government agency which would be in the position of formulating policies with regard to the detention of undocumented immigrants who may have been arrested in the City of Portsmouth.

Across the United States issues relating to Sanctuary Cities and the authority of the Federal government to mandate compliance with immigration policies by local governments is a developing issue. We will continue monitor developments and report to the City Council on any perceived changes of fact or law which might have a bearing on the City of Portsmouth.

cc: Police Commission  
David Mara, Police Chief

h\rps\city manager\memo re-sanctuary cities

2.3 **Public Hearing of Proposed Resolution Pursuant to RSA 72:28-b, The City Adopts The All Veterans’ Tax Credit from Property Tax for Qualified Taxpayers. A Person Shall Qualify for the All Veterans’ Tax Credit if the Person is a Resident of this State who served not less than 90 Days on Active Service in the Armed Forces of the United States and was honorably discharged or an officer honorably separated from service; or the spouse or surviving spouse of such resident, provided that title 10 training for active duty by a member of a National Guard or Reserve shall be included as service under this paragraph; provided however that the person is not eligible for and is not receiving a credit under RSA 72:28 or RSA 72:35.**

Councilor Josh Denton requested that the City Council conduct a public hearing regarding the adoptions of the All Veterans’ Tax Credit in accordance with RSA 72:28-b. This law HB430 relative to the “All Veterans’ Tax Credit” was approved and signed by the Governor. This Bill expanded RSA 72:28 and added RSA 72:28-b enabling municipalities to change the eligibility requirements for persons receiving the veterans’ property tax credit to include all veterans who have been honorably discharged or officers honorably separated from service. If adopted, this statute removes all gaps in the eligibility periods described in RSA 72:28.

Last year, the City had 789 individuals receiving a veterans’ tax credit of \$500.00 each at a tax loss of \$394,500 under RSA 72:28. In addition, there were 43 qualified service related disabled veterans who received a tax credit of \$2,000 each or tax loss of \$86,000 under RSA 72:35. The total tax loss for Fiscal 2016 is \$480,500.

The Assessor estimates that if the City Council were to adopt this new law there could be in excess of an additional 900 veterans eligible. At \$500.00 each, this would be an estimated additional tax loss of \$455,500 and a 10¢ increase on the tax rate. Therefore, a total tax loss for existing and newly qualified veterans could reach approximately \$936,000 or approximately 20¢ on the tax rate.

The City could adopt a new tax credit of \$250.00 per qualified veteran which would make this change approximately revenue neutral. Going forward, we could adjust the credit amount once we know how many additional veterans would qualify.

*The City Council could consider the following options:*

*Provide tax credit of:*

<u>Estimated Tax Credit</u>	<u>Tax Loss</u>	<u>Tax Rate Impact</u>
\$250.00	\$425,000	9¢
\$300.00	\$510,000	10.7¢
\$400.00	\$680,000	14.3¢
\$500.00	\$850,000	18¢

**If the City Council does not vote to adopt the All Veterans’ Credit (RSA 72:28-b) in the same amount as the existing Optional Veterans’ Tax Credit (RSA:72:28), the Council must modify the Optional Veterans Credit (RSA 72:28) so that both credits are at the same amount. The minimum tax credit by state law is \$50.**

**Proposed Legislation - Updated as of February 16, 2017**

**To address concerns on the All Veteran’s Tax Credit which was adopted last year, SB 80 was amended to implement the All Veterans’ Tax Credit by phasing it in over a three year period versus an amount different from the Optional Veterans’ Tax Credit.**

As the law is written today, if a community does adopt the All Veterans’ Credit it is required that it be at the same level as the existing veterans’ credit amount in place in that community.

The rational basis for this request is that communities may be/are cautious to adopt the All Veterans’ Credit as they:

- A. Do not know how many more veterans’ credits will be issued and what the resulting tax rate impact will be; and
- B. Most of the communities concerned are at the \$500 mark for the existing credit, so the veterans’ credit allocation to the tax rate could have some real and relatively immediate FY 2018 tax rate impact.

City Assessor Rosann Maurice-Lentz will give a presentation prior to the public hearing.

*The City Council may move one of the following motions:*

- 1. Take no action at this time pending resolution of the above referenced legislative effort;*
- 2. Adopt the All Veterans’ Tax Credit in another amount less than \$500.00 stipulating that the Resolution shall take effect upon modification of the Optional Veterans’ Tax Credit to the same amount less than \$500.00; or*
- 3. Adopt the All Veterans’ Tax Credit in the amount of \$500.00*

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

OFFICE OF THE CITY CLERK  
CITY OF PORTSMOUTH, N.H.

# Memo

**Kelli L. Barnaby, MMC/CNHMC**  
City Clerk  
1 Junkins Avenue  
Portsmouth, NH 03801  
603-610-7207  
Fax: 603-610-4158  
[klbarnaby@cityofportsmouth.com](mailto:klbarnaby@cityofportsmouth.com)

To: Mayor Jack Blalock and City Council  
From: Kelli L. Barnaby, City Clerk  
Date: February 17, 2017  
Re: 2016 Board and Commission Attendance Records

---

Please find attached the 2016 attendance records for all Boards and Commissions as requested by the Mayor and City Council.

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

cc: John P. Bohenko, City Manager

## 2016 - Board and Commission Meeting Attendance Records

Building Code Board of Appeal - THERE WERE NO MEETINGS HELD IN 2016				
<b>Cable &amp; Communication - ( 11 meetings held)</b>	<u>Attended</u>	<u>Excused</u>	<u>Unexcused</u>	<u>Attendance %</u>
Burns, Amy	11			100%
Capone, Robert	10	1		90%
Emery, Clayton (Alt) (Appt. 2/1/16)	Not required for any meeting 2016			
Kirsch, Nicholas (Appt. 2/1/16)	7			100%
Poulin, Ronald	10	1		90%
Winstanley, Richard	11			100%
<b>Citizens Advisory ( 6 meetings held)</b>	<u>Attended</u>	<u>Excused</u>	<u>Unexcused</u>	<u>Attendance %</u>
Baker, Jamie	3	3		50
Bunnell, Judith	6			100%
Dahlgren, Hannah	6			100%
Hamilton, Alison	5	1		83%
Langley, Lynne	6			100%
Rooney, Dani	4	2		66%
Sandberg, Jonathan	5	1		83%
Vacancy				
<b>Conservation Commission ( 12 meetings held)</b>	<u>Attended</u>	<u>Excused</u>	<u>Unexcused</u>	<u>Attendance %</u>
Blanchard, MaryAnn	12			100%
Cardin, Matthew	10	2		83%
Harrison, Adrienne (Alt)	10	2		83%
McMillan, Barbara	10	2		83%
Miller, Steven	11	1		91%
Meuse, Kimberly	7	5		58%
Tanner, Allison	12			100%
Wright, Samantha (Alt)	11	1		91%
Zamarchi, Kate	11	1		91%
<b>Economic Development Com ( 10 meetings held)</b>	<u>Attended</u>	<u>Excused</u>	<u>Unexcused</u>	<u>Attendance %</u>
Bosen, John	8	2		80%
Carmer, Nancy, Ex-Officio	10			100%
City Manager, Ex-officio	9	1		90%
Cohen, Philip	7	1	2	70%
Cyr, Joshua, Council Rep.	8	2		80%
Eaton, Everett, Chair	8	2		80%
Levenson, Dana	7	3		70%
Marchewka, Robert	7	3		70%
Pratt, John	9	1		90%
Shaheen, Stefany (1st mtg 6/2016/accpt by Council 12/2016)	4	1		90%
Spears, Eric, Council Rep.	9	1		90%
Zolla, Ron	10			100%
Zorn, Jennifer	5	3	2	50%

<b>Historic Distirct Com. ( 17 meetings held)</b>	<u>Attended</u>	<u>Excused</u>	<u>Unexcused</u>	<u>Attendance %</u>
Almeida, Joseph, Chair	14	3		82%
Lombardi, Vincent	14	3		82%
Mayer, John (Alt)	14	3		82%
Pearson, Nancy, Council Rep.	17			100%
Rawling, Daniel	16	1		94%
Ruedig, Reagan	15	2		88%
Ryan, Martin (Alt) (Appt. 12/05/16)	n/a			n/a
Shea, Richard	15	2		88%
Wyckoff, Jonathan	15	2		88%
<b>Housing Endowment Fund ( 2 meetings held)</b>	<u>Attended</u>	<u>Excused</u>	<u>Unexcused</u>	<u>Attendance %</u>
Berg, Steven	2			100%
Community Development Dir., Ex Officio	2			100%
Legal Department, Ex Officio	2			100%
Lukacz, Christine	2			100%
Mountjoy, Jeffrey	2			100%
Poubeau, Anne	2			100%
Welch, Craig - PHA Director	2			100%
<b>Library Brd. of Trustees ( 8 meetings held)</b>	<u>Attended</u>	<u>Excused</u>	<u>Unexcused</u>	<u>Attendance %</u>
Boley, Bruce	7	1		87%
Crist, John	8			100%
Fannin, Jolanda	7	1		87%
Greenslade, Ernestine, Chair	7	1		87%
Hausman, Stephanie	7	1		87%
Jamison, Jack	5	3		62%
Levenson, Shaula	5	3		62%
Margeson, Donald	8			100%
Vozella Clark, Roseann, School Board Rep	Not Available			
<b>Neighborhood (Citywide) BRC ( 6 meetings held)</b>	<u>Attended</u>	<u>Excused</u>	<u>Unexcused</u>	<u>Attendance %</u>
Bergeron, Kathleen	5	1		83%
Cardoso, Cristy	6			100%
Cataldo, Lawrence (appt. 2/1/16)	1	3		25%
Kelleher, Marie	4	2		66%
Lazenby, Cliff	6			100%
Mannle, Paul	5		1	83%
Splaine, Jim (Council Rep)	5	1		83%
<b>Parking &amp; Traffic Safety ( 11 meetings held)</b>	<u>Attended</u>	<u>Excused</u>	<u>Unexcused</u>	<u>Attendance %</u>
City Manager (or Designee)	11			100%
Cypher, Ronald	11			100%
Donnermeyer, Shari	5	6		45%
Fire Dept. Rep.	11			100%
Gray Jr, Frederick	10	1		90%
McElwain, Mary Lou (Alt)	11			100%
Police Dept. Rep.	10	1		90%
PW Director	10	1		90%
Lown, Brad, Council Rep.	10	1		90%
Whitehouse, Harold	11			100%

PEDLP - There were no meetings held in 2016				
<b>Peirce Island Committee ( 5 meetings held)</b>	<u>Attended</u>	<u>Excused</u>	<u>Unexcused</u>	<u>Attendance %</u>
Fernald, Francesca Marconi	3		2	60%
Louttit, Lisa	2		3	40%
Marison, Steve, Co-Chair	5			100%
McVay, John	4		1	80%
Olson, Sylvia	4		1	80%
Pearson, Nancy, Council Rep.	3	1	1	60%
Philp, Stephen	5			100%
Simon, John	3		2	60%
Smith, Richard, Co-Chair	4		1	80%
Stettner, Marc	5			100%
Townsend, William	4		1	80%
Whitehouse, Harold	4		1	80%
<b>Planning Board (14 meetings held)</b>	<u>Attended</u>	<u>Excused</u>	<u>Unexcused</u>	<u>Attendance %</u>
Gamester, Colby	13	1		92%
Kisiel, Jeffrey (Alt) (Appt. 10/17/16)	3			100%
Leduc, Jay	9	5		64%
Legg, Dexter	14			100%
Moreau, Elizabeth	14			100%
Perkins, Rebecca, City Council Rep.	9	5		64%
Record, Jody (Appt. 2/1/16)	10	2		83%
Ricci, John	14			100%
Vacancy, Alternate				
<b>Ports Housing Authority( 12 meetings held)</b>	<u>Attended</u>	<u>Excused</u>	<u>Unexcused</u>	<u>Attendance %</u>
Ferrini, Thomas	12			100%
Griffin, Ruth, Chair	11	1		91%
Kennedy, Gibson "Mike"	12			100%
Leith, John F.	9	3		75%
Vacancy, Residential Rep,	-	-		n/a
Schwartz, Amy	9	3		75%
Welch, Craig, PHA Director	11	1		91%
<b>Recreation Board ( 4 meetings held)</b>	<u>Attended</u>	<u>Excused</u>	<u>Unexcused</u>	<u>Attendance %</u>
Becksted Jr., Rick	4			100%
Cali-Pitts, Jacqueline	4			100%
Diemer, Carl	4			100%
Henley, Todd	4			100%
Louttit, Lisa	3	1		75%
Lynch, Kathy	3	1		75%
Sirmaian, Kory	3	1		75%
Council Liaison, Cyr, Joshua	2	2		50%
School Brd.Rep Novelline Clayburgh, Nancy	2	2		50%
<b>Sustainable Practices ( meetings held)</b>	<u>Attended</u>	<u>Excused</u>	<u>Unexcused</u>	<u>Attendance %</u>
Information not provided				

<b>Transportation Services Commission (5 meetings held)</b>	<u>Attended</u>	<u>Excused</u>	<u>Unexcused</u>	<u>Attendance %</u>
Bresciano, Peter	5			100%
Cyr, Joshua, Council Rep.	5			100%
Law, Tristan	2	3		40%
Merando, Mike (Appt. 3/14/16)	4	1		80%
Police Representative	5			100%
<b>Trees/Public Greenery ( 12 meetings held)</b>	<u>Attended</u>	<u>Excused</u>	<u>Unexcused</u>	<u>Attendance %</u>
Adams, Richard	11	1		91%
Dupere, A.J., State Forester	10	2		83%
Loughlin, Peter, Chair	11	1		91%
Peter Rice, PW Director	11	1		91%
Souto, Dennis	9	3		75%
Stevens, Leslie	12			100%
Umbro, Daniel (Appt. 02/16/16)	10	1		90%
Walker, Joan (Appt. 02/16/16)	11			100%
Croteau, Todd PW Gen. Foreman	11	1		91%
<b>Trustees of Trust Funds ( 23 meetings held)</b>	<u>Attended</u>	<u>Excused</u>	<u>Unexcused</u>	<u>Attendance %</u>
Eldridge, Phyllis	22	1		95%
Levenson, Dana	23			100%
Watson, Thomas	23			100%
<b>Zoning Board of Adjustment ( 21 meetings held)</b>	<u>Attended</u>	<u>Excused</u>	<u>Unexcused</u>	<u>Attendance %</u>
Formella, John (Alt) (appt. 7/11/16)	8	1		88%
Johnson, Jeremiah	18	3		85%
Lee, Jim	18	3		85%
LeMay, Charles	20	1		95%
McDonell, Peter (Alt) (appt. 2/1/16)	17	1		95%
Moretti, Patrick	16	5		76%
Mulligan, Christopher	17	4		80%
Parrott, Arthur	20	1		95%
Rheaume, David	18	3		85%