

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, MARCH 6, 2017 TIME: 7:00 PM

AGENDA

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

- V. ACCEPTANCE OF MINUTES – FEBRUARY 6, 2017 AND FEBRUARY 21, 2017

- VI. PUBLIC COMMENT SESSION

- VII. APPROVAL OF GRANTS/DONATIONS
 - A. *Acceptance of Donation from Wentworth Senior Living, Sponsorship of Senior Luncheon Program - \$15,000.00 (***Sample motion – move to accept and approve the donation to the Senior Luncheon program, as presented***)
 - B. Acceptance of Donation of a disbursement check in the amount of \$105,687.00 from the Estate of Geraldine W. Webber (***Sample motion – move to accept and approve the donation to the Police Department, as presented***)

- VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES
 - A. First reading of proposed Ordinance amending Chapter 3, Article II, Section 3.208 - Regulation of Single Use Carryout Plastic Bags
 - B. Third and final reading of proposed Ordinance amending Chapter 7, Article I, Section 7.115 – Sign Permit Required for Private Parking Lot

- IX. CONSENT AGENDA
 - A. Letter from Mike St. Laurent, LOCO Sports, LLC, requesting permission to hold a half marathon road race on Sunday, April 23, 2017 at 8:00 a.m. (***Anticipated action – move to refer to the City Manager with power***)
 - B. Letter from Molly Bolster and Matt Glenn, Gundalow Company, requesting permission to hold the 7th annual Round Island Regatta on Saturday, August 19, 2017 (***Anticipated action – move to refer to the City Manager with power***)
 - C. Letter from Ken La Valley, American Foundation of Suicide Prevention, requesting permission to hold the Out of the Darkness Community Walk on Saturday, September 16, 2017 at 10:00 a.m. (***Anticipated action – move to refer to the City Manager with power***)

D. Request for License to Install Projecting Sign:

Elaine Miller owner of Ceres Gallery for property located at 23 Ceres Street
(Anticipated action – move to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request)

Planning Director's Stipulations:

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

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

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

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

City Manager's Items Which Require Action:

1. Adoption of Proposed Capital Improvement Plan (CIP) FY2018 – 2023
2. Report Back from Planning Board regarding Involuntarily Merged Lots at 630 Middle Road and Sylvester Street
3. Report Back from Planning Board Re: Request for Release of Paper Streets Pursuant to RSA 231:51 and 231:52 – 26 Moffat Street (Tax Map 243, Lot 69) and Swett Avenue (Tax Map 243, Lot 23)
4. Request for First Reading a Proposed Ordinance amending Chapter 7, Article VII, Section 7.703 and 7.704 to clarify the Prohibition of Truck Traffic on Banfield Road
5. Sewer Easement for relocated Brick Box Sewer
6. Pilot Program for Late Night Food Vending

Informational items

1. Events Listing
2. Update on Islington Street Project and Burying Underground Utilities
3. Report Back Re: Welcoming Cities

B. MAYOR BLALOCK

1. Appointment to be Considered:
 - Reappointment of Dana Levenson to the Trustee of the Trust Funds
 - Appointment of Jeffery Kisiel as regular member to the Planning Board
 - Appointment of Corey Clark as an Alternate member of the Planning Board
 - Appointment of Marie Cowgill to the Citizens Advisory Committee

C. ASSISTANT MAYOR SPLAINE

1. Consideration of draft of a City of Portsmouth Welcoming and Diversity Resolution

D. COUNCILOR DWYER

1. *Update: Reviewing and weighing evidence, seeking and interpreting expert consultation, Council preparation

E. COUNCILOR LOWN

1. Parking & Traffic Safety Committee Action Sheet and Minutes of the February 2, 2017 meeting (***Sample motion – move to accept and approve the action sheet and minutes of the February 2, 2017 Parking & Traffic Safety Committee meeting***)

F. COUNCILOR SPEAR

1. *Downtown Employee Parking for Parrott Avenue Lot (***Sample motion – move to bring back for first reading an expansion of affordable downtown worker parking through metering the Parrott Avenue Lot at 50 cents per hour for a maximum of 11 hours***)

G. COUNCILOR DENTON

1. *Section 1.902: Election Candidate Financial Disclosure (***Sample motion – move to direct the City Attorney to draft an amendment to Section 1.902 – ELECTION CANDIDATE FINANCIAL DISCLOSURE to require entities that raise and spend money on candidates to abide by the same requirements as candidates themselves***)

XII. MISCELLANEOUS/UNFINISHED BUSINESS

XIII. ADJOURNMENT

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

**Indicates Verbal Report*

INFORMATIONAL ITEMS

1. Notification that the minutes of the January 11, 2017 meeting of the Conservation Commission are now available on the City's Website
2. Notification that the minutes of the January 12, 2017 and January 26, 2017 meetings of the Planning Board are now available on the City's Website

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

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, FEBRUARY 6, 2017

PORTSMOUTH, NH
TIME: 7:00 PM

I. CALL TO ORDER (7:00PM)

Mayor Blalock opened the meeting at 7:05 p.m.

II. ROLL CALL

Members Present: Mayor Blalock, Assistant Mayor Splaine, Councilors Perkins, Dwyer, Lown, Pearson, Spear (arrived at 8:10 p.m.), Cyr and Denton

III. INVOCATION

IV. PLEDGE OF ALLEGIANCE

Councilor Lown led the Pledge of Allegiance.

V. ACCEPTANCE OF MINUTES – JANUARY 9, 2017 AND JANUARY 23, 2017

Councilor Lown moved to accept and place on file the Minutes of January 9, 2017 and January 23, 2017 City Council meetings. Seconded by Councilor Cyr and voted.

VI. PUBLIC COMMENT SESSION

Mayor Blalock opened the Public Comment Session stating that due to the large number of speakers, comments would need to be held to no longer than 2 minutes.

Bill Ellwell – spoke in support of the Prescott Park Master Plan and thanked the committee for their outstanding efforts as well as the consultants from Weston and Sampson, Gene Bolinger, Cheri Ruane and staff. He discussed his history as a music teacher and Trustee of the Trust Funds. He stated regarding the issue of the moveable stage, he doesn't feel that our city government will allow anything that is unsafe to be placed on public property. He concluded that having the stage be able to be removed for 7 months of the year keeps with the "Park First" mission statement.

Dan Corcoran (spoke on behalf of a group of supporters of the Prescott Park Master Plan) – requested that the Prescott Park Master Plan be adopted as presented as it has been through a year-long exhaustive and thorough review. (Full statement submitted for the record)

Esther Kennedy – spoke regarding the recent sewer line breakage on Peirce Island and the lack of notification of the occurrence by the City. She requested that an emergency notification system be implemented on the city website.

Lindsey Carmichael – spoke opposed to the crumb rubber being proposed at the Plains Field and urged the Council to investigate other options as the materials used in the crumb rubber are toxic and contain carcinogens.

Ashleigh Blackington – spoke opposed to the proposed crumb rubber for the Plains Fields.

Mindy Messmer – State Representative for Rye/Newcastle – spoke opposed to the proposed crumb rubber for the Plains Fields.

Jill Capobianco - spoke opposed to the proposed crumb rubber for the Plains Fields.

Katrine Hillman - spoke opposed to the proposed crumb rubber for the Plains Fields.

Zelita Morgan – spoke regarding the recent issue of Sanctuary Cities stating that this is a challenge to think about what we need in the future and the city should be proactive.

Jackie Lucas - spoke opposed to the proposed crumb rubber for the Plains Fields.

Paige Trace – spoke in favor of the Prescott Park Master Plan as presented and stated that it is not perfect for everyone, but we should all work together going forward.

Roger Pittroff – spoke regarding the Jones Avenue Ash Dump site stating that the contaminants are moving towards the Sagamore Creek and these were not addressed originally but standards have been changed and feels the Planning Department shouldn't be making statements about the contaminants and should leave it to the experts.

Patricia Bagley – spoke regarding the Parrott Avenue title restrictions and the memo recently issued by City Attorney Sullivan. She continued that Attorney McGee strongly disagrees with the opinion of Mr. Sullivan.

Erik Anderson – spoke regarding the proposed bag ordinance stating he doesn't feel that an ordinance is necessary and should be a social choice not politically mandated. He stated this should be addressed through educating the public. Secondly, he discussed the all Veterans tax credit stating that there are good intentions on this but this will have an impact on the budget.

Paul Mannle – spoke in favor of the Prescott Park Master Plan stating that the consultants and committee members listened to all of the voices in the community.

Doug Green – Kittery resident – stated he frequently uses the park and endorses the proposed master plan, but is concerned with the parking for people who use the public docks.

Brent Schmitt - spoke opposed to the proposed crumb rubber for the Plains Fields. He urged the Council to reconsider the use of this material as he feels the City will expose itself to substantial legal claims in the future.

Assistant Mayor Splaine moved to suspend the rules to bring forward Councilor Dwyer Item XI.D.1 of the Agenda for consideration. Seconded by Councilor Dwyer and voted.

Councilor Dwyer gave a brief history of the process taken by the Prescott Park Master Plan Blue Ribbon Committee.

Assistant City Manager David Moore gave a brief review of the Master Plan being presented for Council approval.

Councilor Dwyer moved to adopt the Prescott Park Master Plan as presented, seconded by Councilor Lown.

Mayor Blalock stated it has been his honor to appoint this Blue Ribbon Committee and to participate in the process. He thanked the members of the public, a/k/a the "Breakfast Club", who attended the mostly early morning meetings as well as the members of the Committee, staff and consultants Gene Bolinger and Cheri Ruane.

Councilor Denton moved to amend to adopt the Master Plan to include a permanent stage, seconded by Councilor Perkins.

Councilor Denton stated we have heard many reasons why we can't have a permanent stage including the Attorney General letter but feels that people can challenge it and then the courts will have to decide.

Councilor Dwyer stated that the terminology is incorrect and should not be permanent/temporary but should be referred to as a moveable stage. She continued that all of the things that the stage will require for use, including electrical, etc. will all be there year round, but the stage itself will be moved off-season. She stated that the whole plan would have to be redesigned to incorporate a permanent stage, which is not recommended by the consultants. She concluded that the Building Inspector and City of Portsmouth will not allow anything that is not completely safe and solid and feels that people are concerned that if the stage isn't "permanent" then the Arts Festival may not be either.

Councilor Perkins commended the committee on the master plan and understands that a permanent stage doesn't guarantee Arts. She then asked for clarification regarding the relationship of the noise levels and moving the stage.

Ms. Ruane of Weston and Sampson Design explained that they consulted with sound engineers who recommended this particular spot in the park for a moveable stage which would address the noise issues.

Councilor Lown stated that 2 years ago there was rancorous discussion about noise levels in the park and feels that this process has brought people together. He continued that the cost of \$16 million is no small amount, but the upgrades needed to the existing park are at \$12 million anyway. He stated that we will be able to bond the project in phases and is worth doing for the future of the city. He stated he will vote against the permanent stage and feels that having the park have that open space during the 7 off season months is staying within the original intent of the Prescott sisters.

Mayor Blalock passed the gavel to Assistant Mayor Splaine.

Mayor Blalock stated that he held his opinion regarding the stage for a long time as he wants to make sure that Arts will be a permanent feature in the Park and he is making the commitment that it will be, but agrees with the recommendation of Weston and Sampson that a moveable stage is the way to go forward.

Assistant Mayor Splaine returned the gavel to Mayor Blalock.

Assistant Mayor Splaine stated he will support the master plan and supports the reasons for having a moveable stage. He stated that there is a lot more work to be done and feels the work done by the Prescott Park Master Plan Blue Ribbon Committee is a good example of the community working together and meeting the needs of the community, neighbors and respecting the intent of the Prescott sisters.

Councilor Pearson stated she enjoyed being on the committee. She continued that she appreciates the intent of the motion as a member of the Arts community but opposes having a permanent stage. She stated she is cautiously optimistic regarding the stage although they haven't been able to find an exact replica, but agrees that the issue of the Arts being permanent will be addressed through the licensing agreements. She concluded that she is excited about the necessary cooperation and coordination that will take place between the City of Portsmouth and the Prescott Park Arts Festival as has not occurred in the past.

Councilor Cyr stated he understands that the licensing agreements will address the Arts Festival concerns, but is concerned with the timing of the upcoming season.

Mayor Blalock stated if this is adopted he will form the Advisory Committee at the next Council meeting.

Councilor Dwyer stated that the goal is to have in place the agreements for the upcoming season and then begin working on the longer term agreements for next January.

Motion to amend failed on a 1-8 roll call vote. Councilor Denton voted in favor.

Councilor Spear stated that this project will be done in phases but he would like to know about funds that are raised and will there be a trust established to put money into as it comes in.

Councilor Dwyer stated it would be similar to the African Burying Ground Trust fund.

Councilor Lown stated that the Prescott Trust has other trusts set up as well and feels that the City Manager could also get money from the Prescott Parks Arts Festival as they are very successful.

Motion to adopt the Prescott Park Master Plan as presented passed on a 9-0 roll call vote.

Councilor Denton moved to suspend the rules to bring forward Acting City Manager Item #X1.A.6 of the Agenda for consideration. Seconded by Councilor Lown and voted.

6. Recommendation Re: Artificial Turf at the Route 33 Athletic Complex

Councilor Dwyer asked about the timing of the decision and bid stating that this issue is not concluded and there are various studies and analysis still pending.

Public Works Director Rice stated that the Council can direct the delay of the project and he understands the concerns of the public. He stated that in reviewing the data, there is a consistent acknowledgement of there being no risk of playing on the fields. He continued that he was charged with making this decision and did so with the information he was provided with, but if told to wait, he will wait.

Mayor Blalock asked what other materials are available.

Public Works Director Rice explained the various materials available including coconut husks, which can also contain a level of arsenic. He continued that the performance of different materials varies and that injuries occur on fields that are compacted which occurs with regular soil. He continued that all materials, including natural, have levels of arsenic, lead, etc. so the key to any material used is monitoring.

Acting Manager Colbert Puff stated that the Recreation Advisory Board had a substantive presentation on this issue and can forward the information to the Council.

Assistant Mayor Splaine stated he doesn't usually question the recommendation of a Board or Commission, but feels that this needs more exploration. He stated he is concerned that the testing hasn't been thorough and that studies he has looked at, depending on the heating, freezing, wear and tear, can have an impact.

Councilor Lown stated this is a similar issue to the Coakley Landfill that the City Council is being asked to make scientific judgements based on conflicting information. He stated we do need the fields but would like Weston and Sampson to make a presentation to the Council.

Councilor Cyr stated that as he is on the Recreation Board and were presented with a half dozen options and since this hasn't gone out to bid yet, he would like more than one alternative presented.

Public Works Director Rice stated that each type of in-fill has a different padding/cushioning system so it can become more expensive.

Councilor Denton stated that perceptions become reality and feels that the fields may not be used if people are concerned.

Councilor Spear moved to postpone action pending a presentation by Weston and Sampson regarding the crumb rubber in-fill, seconded by Assistant Mayor Splaine.

Councilor Dwyer would like to add a second alternative of under fill be presented as well, stating that there are other fields coming up in the future and this will help make those decisions.

Motion to postpone action pending a presentation by Weston and Sampson regarding the crumb rubber in-fill and to include an option an alternate under fill passed on a 9-0 vote.

Mayor Blalock called for a brief recess at 8:45 p.m. Meeting reconvened at 8:55 p.m.

VII. PUBLIC HEARINGS

- A. RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF UP TO FOUR HUNDRED THOUSAND DOLLARS (\$400,000.00) FOR THE ACQUISITION OF ONE FIRE APPARATUS

Chief Achilles gave a brief history and scope of the Fire Apparatus being replaced.

Mayor Blalock opened the public hearing asking if anyone wished to speak. Seeing no one, the Mayor closed the public hearing.

B. RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF UP TO SIX HUNDRED TEN THOUSAND DOLLARS (\$610,000.00) FOR COSTS RELATED TO IMPROVEMENTS TO FIRE STATION 3

Chief Achilles gave a brief history and scope of the Fire Station 3 improvements.

City Attorney Sullivan stated that the Pease Development Authority owns Fire Station 3.

Mayor Blalock opened the public hearing asking if anyone wished to speak.

Rick Becksted – stated that he had brought up 3 years ago the issue regarding the Pease Development Authority being exempt from paying taxes which was part of a deal 20 years ago and should be looked at again. He then discussed the fire truck stating that the current situation of how they hook up the trailer takes a lot of time and causes a delay in their response time. He stated that this department is the only one that actually brings in revenue and feels that they always have made due with what they have been given by the city, but their responsibilities continue to grow with tourists, etc.

Paul Mannle – stated that this part of the process is a formality because the Council already approved the FY17 CIP as part of the budget process. He stated he cannot say enough great things about the Fire Department as it is extremely well run and brings in \$5 million to the budget.

Seeing no one else wishing to speak, the Mayor closed the public hearing.

C. ORDINANCE AMENDING CHAPTER 7, ARTICLE I, SECTION 7.101 – PARKING METERS – DEFINITION

Public Works Director Peter Rice and Parking and Transportation Manager Joey Giordano gave a brief presentation regarding the parking ordinance changes.

D. ORDINANCE AMENDING CHAPTER 7, ARTICLE I, SECTION 7.102 – PARKING METER ZONES – DOWNTOWN HIGH OCCUPANCY ZONE

Mayor Balock opened the public hearing asking if anyone wished to speak. Seeing no one, the Mayor closed the public hearing.

E. ORDINANCE AMENDING CHAPTER 7, ARTICLE 1, SECTION 7.105 – PARKING TO INCLUDE MOBILE PHONE APPLICATIONS AND PARKING METER FEES SHALL BE ENFORCEABLE MONDAY THROUGH SATURDAY, FROM 9:00AM TO 8:00PM

Mayor Balock opened the public hearing asking if anyone wished to speak.

Rick Becksted – stated that he feels that these changes are double dipping as they are increasing the number of hours of enforcement as well as increasing the price. He stated that the intention of the tourists being the ones who are paying these fees is incorrect because residents also like to go downtown and enjoy the restaurants and the workforce also will be hurt by this. He stated when he

goes downtown he plans it for when the meters are not being enforced but if it is later, he will not go. He concluded by discussing the current discounts in the parking garage and feels that this is the area that needs to be looked at and changed.

Seeing no one else, the Mayor closed the public hearing.

- F. 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 9:00AM AND 8:00PM MONDAY – SATURDAY AND BETWEEN 12:00PM AND 8:00PM SUNDAY, HOLIDAY EXCLUDED

Mayor Blalock opened the public hearing asking if anyone wished to speak. Seeing no one, the Mayor closed the public hearing.

- G. ORDINANCE AMENDING CHAPTER 7, ARTICLE IV, SECTION 7.406 (A) & (B) TO BE DELETED IN THEIR ENTIRETY

Mayor Balock opened the public hearing asking if anyone wished to speak. Seeing no one, the Mayor closed the public hearing.

VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First reading of proposed Ordinance amending Chapter 7, Article I, Section 7.115 – Sign Permit Required for Private Parking Lot

Acting City Manager Colbert Puff explained that this ordinance addresses private companies making deals with existing property owners to use their lots, but they are not part of the City parking lots and there has been confusion. She stated this will require signage to clarify that it is not a City lot.

Parking Manager Joey Giordano explained that this is not up and running as of yet because we need to have the ordinance in place first. He stated that there are 1000-1500 under-utilized parking spaces in the city which private companies are now making agreements to be used by other companies in off hours but they are not clearly marked and this will require clearly marked signage.

Councilor Cyr stated he recently had an experience with one of these lots and asked if there will be a template for all signs to be the same.

Parking Manager Giordano stated they will all be a certain style but will be different from a city lot sign.

Councilor Dwyer stated that there is also confusion as to the times that the lots are available and would like times on the signs as well.

Councilor Pearson asked if these lots will be added to our current inventory on the website.

Mr. Giordano stated yes it continually evolves as things are added and updated.

Councilor Perkins moved to pass first reading and schedule a public hearing and second reading of the proposed ordinance at the February 21, 2017 City Council meeting. Seconded by Councilor Pearson and voted.

- B. Second reading of proposed Ordinance amending Chapter 7, Article I, Section 7.101 – Parking Meters – Definition
- C. Second reading of proposed Ordinance amending Chapter 7, Article I, Section 7.102 – Parking Meter Zones – Downtown High Occupancy Zone
- D. Second 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. Second 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. Second reading of proposed Ordinance amending Chapter 7, Article IV, Section 7.406 (A) & (B) Parking in Meter Space to be deleted in their entirety

City Attorney Sullivan stated that the effective dates of Ordinances B-F will be May 1, 2017 and should be so noted as an amendment when moving third and final reading.

Councilor Lown moved to pass second readings of Items B-F and to schedule third and final readings of the proposed ordinances with effective dates amended to May 1, 2017, at the February 21, 2017 City Council meeting, seconded by Councilor Perkins.

Councilor Dwyer referred to the Acting City Manager comments, page 3, asking if the rates are going to be changing again soon and also what are the 2 zones.

Public Works Director Rice explained that there are already 2 zones and further explained that the current rate structure doesn't include the after-hours data and we need to augment that with real time data and this is acknowledging that the systems are changing.

Acting City Manager Colbert Puff stated there will be a work session when this information is available.

Councilor Dwyer asked if there is a way to allow flexibility so that the rates don't have to be done via ordinance change every time.

Public Works Director Rice stated that is their hope, but currently the RSA's don't allow for that.

Councilor Dwyer would like the legislative committee to look at this issue.

Councilor Denton asked about the 25 cent resident rate reduction.

Parking Manager Giordano explained with the Easy-park device it was done with a code, now with the Passport parking it can be done with the phone app and residency will be determined via vehicle registration if the information is made available to the Parking Clerk's office via the Tax Collector's Office which they are working on currently.

Councilor Spear asked about changing the various time limit requirements for consistency i.e., 30 minutes to 2 hours.

Parking Manager Giordano stated he would love to remove all time limits and control the spaces by pricing but we are not at the point to be able to do so yet.

Public Works Director Rice stated that the intent of these changes are to deal with the reality of the budget and didn't want to add too much complexity to the ordinance at this time but can do it in the future.

Councilor Spear stated he agrees that the revenue issue needs to be addressed now but feels the other issues could be done incrementally.

Assistant Mayor Splaine stated he voted against the first readings of most of these and will vote against them again. He stated he doesn't want to eliminate the 15 and 30 minute spaces as they are there for a reason. He continued that he feels that \$2.00 an hour is a lot just to go downtown for a cup of coffee and feels there needs to be a balance for residents and employees.

Councilor Pearson stated she agrees with Assistant Mayor Splaine but there are 6 free lots within walking distance to downtown for the workers as well.

Councilor Dwyer stated she would be interested in knowing how many downtown employees are able to park in private lots provided by their employers and hopes that these don't get eliminated because they can make a profit.

Parking Manager Giordano stated that one of the companies they are currently working with are keeping a certain percentage for employees.

Motion passed on an 8-1 roll call vote. Assistant Mayor Splaine voted opposed.

- G. Adoption of Resolution Authorizing a Bond Issue and/or Notes of up to Four Hundred Thousand Dollars (\$400,000.00) for the Acquisition of One Fire Apparatus

Assistant Mayor Splaine moved to adopt the Bonding Resolution for One Fire Apparatus in the amount of Four Hundred Thousand (\$400,000) Dollars, as presented, seconded by Councilor Perkins. Motion passed on a 9-0 roll call vote.

- H. Adoption of Resolution Authorizing a Bond Issue and/or Notes of up to Six Hundred Ten Thousand Dollars (\$610,000.00) for Costs Related to Improvements to Fire Station 3

Assistant Mayor Splaine moved to adopt the Bonding Resolution for Improvements to Fire Station 3 in the amount of Six Hundred Ten Thousand (\$610,000) Dollars, as presented, seconded by Councilor Perkins.

Councilor Dwyer asked if there is a definite life-span of the renovations as various time frames were given in the presentation of 7-15 years.

Chief Achilles explained that the renovations are expected to last 7-10 years but because that part of the city keeps growing, an aerial device will be needed but there isn't anywhere to put it at Fire Station 3.

Motion passed on a 9-0 roll call vote.

IX. CONSENT AGENDA

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

- A. Letter from Ashleigh Tucker Pollock, The Music Hall, requesting permission to hold the 26th annual Kitchen Tour fundraiser event on Saturday, May 13th from 10:00 a.m. to 4:00 p.m. in the Little Harbour neighborhood **(Anticipated action – move to refer to the Acting City Manager with power)**
- B. Letter from Bruce MacIntyre, Portsmouth Maritime Folk Festival, requesting permission to hold the 18th annual Portsmouth Maritime Folk Festival on Saturday and Sunday, September 23rd and 24th, 2017 **(Anticipated action – move to refer to the Acting City Manager with power)**
- C. Eversource License Agreement #63-0627 for the following:
- Four (4) replacement poles on Chase Drive
 - One (1) replacement pole at the northeast corner of Michael Succi Drive and Market Street
 - Seven hundred and forty (740) feet of conduit along the northeast side Market Street in the grass behind the sidewalk from the corner of Michael Succi Drive to across from Albacore Park
 - One (1) buried access vault half-way along the conduit
 - One (1) 25kva pad-mount transformer at the end of the conduit across from the Albacore Park
- (Anticipated action – move to approve the aforementioned Pole License Agreement as recommended by the Public Works Department with the approval conditioned upon amendment of the license to allow for the collection of any lawfully assessed real estate taxes)**
- D. Eversource License Agreement #63-0621 for the licensing of one (1) replacement pole and push-brace at the southwest corner of Pleasant Street and Junkins Avenue, near the entrance to the Parrott Avenue Parking lot **(Anticipated action – move to approve the aforementioned Pole License Agreement as recommended by the Public Works Department with the approval conditioned upon amendment of the license to allow for the collection of any lawfully assessed real estate taxes)**

- E. Eversource License Agreement #63-0626 for the licensing of one (1) new anchoring pole on the south side of Little Harbor Road, just before the Wentworth Coolidge Mansion driveway (**Anticipated action – move to approve the aforementioned Pole License Agreement as recommended by the Public Works Department with the approval conditioned upon amendment of the license to allow for the collection of any lawfully assessed real estate taxes**)
- F. Letter from Emily Christian, National Multiple Sclerosis Society, requesting permission to hold the 2017 Bike MS NH Seacoast Escape on Saturday, August 26, 2017 (**Anticipated action – move to refer to the Acting City Manager with power**)

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Attorney Christopher Mulligan, Bosen & Associates, P.L.L.C., Re: Request for Release of Paper Streets Pursuant to RSA 231:51 and 231:52 26 Moffat Street (Tax Map 243, Lot 69)/Swett Avenue (Tax Map 243, Lot 23)

Councilor Lown moved to refer to the Planning Board for a report back. Seconded by Councilor Perkins and voted.

- B. Letter from North Hampton Select Board regarding Public Meetings of the Coakley Landfill Group

Councilor Lown moved to refer to the Coakley Group for a report back and to request that the meetings be open to the public, seconded by Councilor Spear.

Assistant Mayor Splaine asked if this group falls under the State right-to-know laws. He also asked who appointed City Attorney Sullivan to the Group.

City Attorney Sullivan stated no as they are not elected officials. He stated he was appointed by the City Council and for the last 25 years they have held monthly meetings which have produced minutes and the next meeting date has always been published in those minutes.

Motion passed.

- C. Letter from The Residents of Wentworth Senior Living regarding the deteriorated sidewalks on Pleasant Street

Acting City Manager Colbert Puff stated that this project was already scheduled for the upcoming summer and following spring and she will report this to Wentworth Senior Living.

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. ACTING CITY MANAGER

Mayor Blalock stated that in accordance with City Council Rules and Orders #37 the Acting City Manager items will be voted as a Consent Agenda.

Councilor Denton requested Item #1 be removed from the Consent Agenda.

Councilor Spear request Item #2 be removed from the Consent Agenda.

Councilor Lown moved to adopt the Acting City Manager's Consent Agenda, Items #3-5. Seconded by Councilor Dwyer and voted.

3. Report Back Re: Request that the Involuntarily Merged Lots at 70 Sims Avenue be Restore to their Premerger Status **(Sample motion – move to accept the Planning Board's recommendation, as presented)**
4. Report Back Re: Request that the Involuntarily Merged Lots at 21 Elwyn Avenue be Restored to their Premerger Status **(Sample motion – move to accept the Planning Board's recommendation, as presented)**
5. Report Back Re: Acceptance of Street Re: New Parking Garage **(Sample motion – moved to accept the aforementioned recommendation of the Planning Board as part of the municipal parking garage project.)**
6. Recommendation Re: Artificial Turf at the Route 33 Athletic Complex
(Action taken previously on agenda)
1. Report Back Re: Schiller Station Resolution *(remaining item from January 23, 2017 City Council Meeting)*

Acting City Manager Colbert Puff explained that at the January 9, 2017 City Council meeting, several concerned citizens brought to the City Council's attention a resolution relative to Schiller Station. The City Council was asked by the citizens to adopt the resolution. The City Council voted to refer this matter to the Acting City Manager for report back to the City Council. Staff recommends a different course of action after the bidding process is complete rather than adoption of the proposed resolution.

Deputy City Attorney Woodland referred to her memo stating process involving energy generating assets across the State of New Hampshire. Divesture of these assets arises from State legislative efforts that began in 1996 to restructure the electricity market. As is commonly known, and recently reported in the local news, New Hampshire has some of the highest rates for electricity in the country. The legislature has found that divestiture of PSNH's generation plants is in the public interest. (RSA 369-B:3-a, I(2015)).

This divesture process is being overseen by the Public Utilities Commission (PUC) which is an independent state body that has regulatory authority over utility providers such as Eversource (PSNH). The Office of the Consumer Advocate, who represents the interests of residential rate payers has been a party to the various proceedings along with environmental groups (the Conservation Law Foundation and the Sierra Club), the State Office of Energy and Planning, the IBEW, and two state senators (Bradley and Feltes). Various energy providers and interests in addition to Eversource/PSNH have also participated, along with the municipalities of Berlin and Gorham.

The auction effort arises out of settlement agreements in 2015 and 2016 approved by the PUC pursuant to an express statutory directive in RSA 369-B:3-a, II. As part of those agreements, the following conditions (simplified) are imposed on the sale of the assets:

- (1) Power-generating assets must remain operational for at least 18 months after the close of the sale;
- (2) Certain collective-bargaining agreements must remain in place for at least 2 years after the close of the sale; and
- (3) Eversource will participate this month in an annual auction process that takes place in the energy markets to ensure adequate future energy capacity – this participation typically results in contractual commitments to supply energy three years out.

As a consequence, Schiller Station is likely to continue to operate in its current form for at least several years. In addition, Schiller Station is unlikely to be sold independently of other Eversource assets. Likely bidders are those that will be seeking to acquire multiple assets within the Eversource portfolio given the existing operational interrelationships among the various assets.

The PUC will look to that bidder or collection of bidders that will maximize the value of the entire Eversource energy-generating portfolio.

City staff recommends against the adoption of the proposed resolution because the only effect the resolution may have is to dissuade a potential bidder or to lower the price offered by a potential bidder. The resolution will serve only as a signal that Portsmouth is perhaps not a business friendly environment for continued operation of the asset as required by the existing PUC Orders. A lower price for the Eversource assets not only negatively impacts electric ratepayers but also could result in a diminishment of the taxes that the City collects from the Schiller Station property. The resolution will not impact any of the sale conditions outlined above.

Certainly over the course of next several years as the energy markets continue to change and the terms of the sale are fulfilled and no longer become an impediment to reuse, a potential future owner may determine that Schiller Station is best transformed into a different use. The time to weigh in on future uses is not now.

As a final note, the bidding process is currently on hold because of an appeal to the Supreme Court of one of the recent PUC orders relative to certain elements of the bidding process.

Councilor Dwyer stated that if this was done as a block sale with multiple items together, the buyers would want to have done a lot of the groundwork.

Deputy City Attorney Woodland stated that is correct there have been inquiries and due diligence done so they are sending a signal that it may not be black and white in terms of zoning.

Planning Director Rick Taintor stated that this property is zoned as Waterfront Industrial District which means it can only have a warehouse if it is marine dependent which the power plant is and if anything else came in for that property it would require a variance and site plan review which is when the city would become involved.

Councilor Denton moved to adopt the Resolution as a statement, seconded by Assistant Mayor Splaine.

Councilor Denton stated that the purpose of this is to maximize the return of investment and although it does not have a lot of impact, it would make a statement.

Councilor Pearson stated she appreciates the presentation but feels that adopting the resolution as a statement would send a negative signal to the community.

Motion failed on a 3-6 vote. Assistant Mayor Splaine, Councilor Cyr and Councilor Denton voted in favor.

Councilor Pearson moved to instruct the City Manager to reach out to the successful bidder regarding reuse of the Schiller Station and environmental concerns expressed in the citizens' submitted resolution. Seconded by Assistant Mayor Splaine and voted.

2. Islington Street Utility Lines

Public Works Director Rice gave a brief power point presentation regarding buried power lines and stated that this would delay implementation by 6-8 months and cost an additional \$4.7 million for that entire corridor so they are not recommending it be done.

Councilor Spear stated he has talked to people who think this is a great idea but they also haven't seen the report yet. He stated he isn't comfortable taking action without public input and wants to make the decision more collaboratively.

Councilor Perkins stated she agrees and suggested have a West End meeting similar to the upcoming Ward 2 neighborhood meeting to inform people.

Public Works Director Rice state that he doesn't believe that it has ever been stated that we were going to bury the lines.

Councilor Perkins asked if there are any figures available on what kind of savings there may be by burying the lines.

Public Works Director Rice stated that having the utilities overhead ensures accessibility for maintenance but they would have to be dug up if they are buried.

Councilor Perkins stated that this would be mostly aesthetic then.

Public Works Director Rice stated he likes underground utilities and it is appropriate in some locations.

Councilor Dwyer asked if this is a potential TIF opportunity and also wonders if there is any newer technology or pole types that don't look so bad.

Public Works Director Rice stated that there are laminated poles but the city would have to pay the difference in cost. He stated we are trying to work on a system that will work for the next 50 years instead of being reactionary.

Assistant Mayor Splaine stated he is in favor of underground utilities and had sponsored legislation on this years ago and done a lot of research but it was met with opposition. He stated he doesn't think it costs that much more to beautify the overhead utilities and would like the utility companies to eliminate guy wires.

Councilor Spear moved to postpone for one month and bring back for a public input session. Seconded by Assistant Mayor Splaine and voted.

Councilor Cyr moved to suspend the rules to continue the meeting past 10:30 to finish the agenda. Seconded by Councilor Dwyer and voted.

Informational items

1. Events Listing (*January 23, 2017 City Council Meeting*)
2. Report Back Re: Text Services for Snow Ban Notification (*January 23, 2017 City Council Meeting*)
3. City Council Work Session Re: Capital Improvement Plan
4. Notification Re: City's Tax Office
5. Parrott Avenue Lot Re: Title Restrictions

Mayor Blalock stated the has an issue that is not on the Agenda, but he wanted to correct a recent appointment to the Historic District Commission of Molly Bolster which should have been as an alternate member and to appoint current alternate John Mayer to the regular position vacancy. He further explained that he has spoken with all parties involved and everyone is agreeable.

Councilor Pearson moved to rescind the appointment of Molly Bolster as regular member to the Historic District Commission voted at the January 23, 2017 City Council meeting. Seconded by Councilor Denton and voted.

Assistant Mayor Splaine moved to appoint current alternate John Mayer to fill the regular Historic District commission vacancy and to appoint Molly Bolster to fill the alternative position. Seconded by Councilor Cyr and voted.

C. ASSISTANT MAYOR SPLAINE

1. Environmental Matters – to schedule a work session with town officials of Greenland, North Hampton and Rye about Coakley Landfill concerns; requesting more thorough testing of surface water abutting the Jones Avenue Landfill; asking for data concerning the chemical content of the city weed control program, and alternative options

Assistant Mayor Splaine stated that he will not be making the motion this evening but will bring it back when City Manager Bohenko is back from medical leave. Next, he asked that staff bring back options regarding weed control as this report back was asked for a while ago. Finally, he discussed the Jones Avenue Landfill stating that he has visited this site several times and it is not the same as the Sagamore Creek property, but the landfill material is going into the Creek. He stated that as the water levels rise, the Creek is encroaching onto the landfill land. He held up a rusted horseshoe which he found during a recent site visit stating that there are many rusted items sitting in that landfill and that previous old reports didn't mention PSP's but they are in there and we need to keep on top of it like Coakley and Pease. He asked Acting City Manager Colbert Puff for a proactive plan regarding protecting the Sagamore Creek before lawsuits start coming in.

Councilor Dwyer stated that as environmental issues keep coming up, the Council needs an agreed upon set of principles regarding scientific issues. She continued that there needs to be time for the Council to understand the information that is being presented and not have to react

immediately. She requested that guidance in a policy and/or principles regarding environmental and scientific issues be drafted as well.

Assistant Mayor Splaine stated that he agrees, but the “don’t worry, be happy” attitude that happens when experts have weighed in may not be the correct one, i.e. the information regarding Pease wasn’t released to the public for a week which gave time to “spin it”.

Councilor Dwyer and Councilor Pearson took exception to the statement made by Assistant Mayor Splaine.

D. COUNCILOR DWYER

1. Adoption of Prescott Park Master Plan
(Action taken previously on agenda)

E. COUNCILOR LOWN

1. Parking & Traffic Safety Committee Action Sheet and Minutes of the January 5, 2017 meeting (January 23, 2017 City Council Meeting)

Councilor Perkins moved to approve and accept the Action Sheet and Minutes of the January 5, 2017 Parking and Traffic Safety Committee meeting. Seconded by Councilor Dwyer and voted.

Councilor Lown relayed a request on behalf of a Parking and Traffic Safety Committee member that a policy be drafted regarding nighttime walkers, joggers, bicyclists, etc.

F. COUNCILOR LOWN AND COUNCILOR DENTON

1. Plastic Bag Ordinance (January 23, 2017 City Council Meeting)

Councilor Lown moved to request City Attorney Sullivan to draft an ordinance similar to previously presented draft ordinance but eliminating the previously proposed fee, seconded by Councilor Denton.

Councilor Denton explained that there is currently a bill pending in the State Legislature giving cities authority regarding single-use bags but they are bringing this forward now because this has been going on for a long time. He continued that they are also asking that the implementation date be one year from adoption. Finally, he explained that previously there was a 10 cent fee that would be imposed for not using the bag but now this is being eliminated.

Councilor Spear asked if the Legislative Delegation has weighed in on this issue. Councilor Denton stated they did last year.

Assistant Mayor Splaine stated he supports going forward with this ordinance being drafted and has received a lot of comments on the issue. He suggested people go to Youtube to research the impact of plastics on animals, oceans, etc.

Motion voted.

G. COUNCILOR SPEAR

1. Motion to Reconsider Veterans Tax Credit Vote

Councilor Spear stated that he would like to reconsider the recently passed \$500.00 Veterans Tax Credit as he feels that not enough debate was held on the \$250.00 amount which would hold harmless all other taxpayers. He stated he is not interested in delaying the credit for another year and asked City Attorney Sullivan to advise as to the best process.

City Attorney Sullivan explained that the rules can be suspended to reconsider.

Councilor Spear moved to suspend the rules in order to reconsider Veterans Tax Credit vote on January 23, 2017, seconded by Councilor Perkins.

Councilor Denton stated he would like to rescind the vote entirely and start from square one.

Discussion ensued regarding the best way to approach the reconsideration/rescind of the Tax Credit.

Consensus of the Council was to refer to the February 21, 2017 Council meeting due to the lateness of the hour.

Councilor Spear withdrew his motion, seconder agreed.

H. COUNCILOR SPEAR AND COUNCILOR DENTON

1. Request to Schedule Work Session Re: Union Participation in Public Projects

Councilor Denton stated that this was previously brought up when the Wastewater Treatment Plant project was being bid and it was decided that it wasn't the time to do it then. He stated he feels the climate is appropriate to do so now so that when the next big project comes along, there will be an ordinance in place.

Councilor Denton moved to request that a work session be scheduled regarding union participation in public projects, seconded by Assistant Mayor Splaine.

Assistant Mayor Splaine stated he made this motion back when the Wastewater Treatment Plant was being discussed and it did not pass, but he feels that union laborers do better work and that the State is looking to destroy unions.

Councilor Lown stated he will vote against this as he does not feel a lot can be accomplished during a work session but also because we did solicit bids from companies with union labor.

Councilor Dwyer stated she doesn't want this to be confused with Right-to-work legislation but even if we include unions, there are very few in the State of New Hampshire with 9% union work force, which includes police, fire and teachers, so they would be coming from other states.

Motion passed on a 7-2 roll call vote. Councilor Lown and Mayor Blalock voted opposed.

V. MISCELLANEOUS/UNFINISHED BUSINESS

Assistant Mayor Splaine asked for an update on the Sanctuary cities issue and the recent decision regarding the Toyota Lawsuit.

Councilor Lown stated that it is 11:20 p.m. and those are 2 big issues.

Mayor Blalock stated he agrees. He stated regarding the Sanctuary Cities he feels that it is inappropriate to discuss it at this point and had only recently received calls about the issue.

Councilor Dwyer stated that New Hampshire is the only State without a Sanctuary City.

Assistant Mayor Splaine stated that the Durham Town Manager made some good points in the news article and would like the City of Portsmouth to say the same thing in a news release. He also wants a news release regarding the Toyota Lawsuit verdict.

Councilor Pearson stated that she has been contacted by 6 residents regarding the Sanctuary City and feels it is an important issue.

VI. ADJOURNMENT

Councilor Spear moved to adjourn at 11:25 p.m. Seconded by Councilor Lown and passed unanimously.

Respectfully submitted,



Valerie A. French
Deputy City Clerk

NON-PUBLIC SESSION RE: BOYLE LITIGATION PER RSA 91-A:3,II (e)

MUNICIPAL COMPLEX
DATE: TUESDAY, FEBRUARY 21, 2017

CONFERENCE ROOM A
TIME: 6:00PM

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

COUNCIL PRESENT: Mayor Blalock, Assistant Mayor Splaine, Councilors Perkins (6:13 p.m.), Dwyer, Lown (6:03 p.m.), Pearson, Spear (6:05 p.m.); Cyr and Denton (6:10 p.m.)

STAFF PRESENT: Nancy Colbert Puff, Acting City Manager, Robert Sullivan, City Attorney, Suzanne Woodland, Deputy City Attorney and Kelli L. Barnaby, City Clerk

OTHERS PRESENT: Attorney Charles Bauer and Attorney Robert Dietel

Councilor Dwyer moved to enter into Non-Public Session regarding Boyle Litigation Per RSA 91-A:3,II (e). Seconded by Councilor Cyr and voted.

Discussion was held regarding the Boyle Litigation.

At 6:55p.m., Mayor Blalock closed the Non-Public Session.

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: TUESDAY, FEBRUARY 21, 2017

PORTSMOUTH, NH
TIME: 7:00PM

I. CALL TO ORDER

Mayor Blalock called the meeting to order at 7:05 p.m.

II. ROLL CALL

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

III. INVOCATION

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

IV. PLEDGE OF ALLEGIANCE

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

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

VI. PUBLIC COMMENT SESSION

Esther Kennedy spoke to the recent wastewater incident at Peirce Island. She questioned why the water was pumped to the Mechanic Street pumping station. She stated we need to review all issues relating to the incident and find a way to ensure this doesn't happen again.

Erik Anderson feels the Veterans Tax Credit deserved more discussion. He said the City Assessor feels the liability to the City is in upwards of \$400,000.00. He said he feels that the Resolution should be examined thoroughly. Mr. Anderson further stated fiscal issues are the primary items of decision for the City Council.

Zelita Morgan spoke opposed to the reconsideration of the Veterans Tax Credit. She said it is the City's duty to provide a reduction in taxes for the veterans. She also spoke in support of Assistant Mayor Splaine's item for a full report regarding the accident that resulted in up to 50,000 gallons of raw sewage being released into the Piscataqua River during the construction of the Peirce Island Waste Water Treatment Plant. She said it is important for the public to hear everything related to the incident.

Chris Nevins, Hampton, NH, spoke regarding the Veterans Tax Credit and requested that the City Council keep the Resolution as adopted without any changes.

Berkley Bennett, Hampton, NH, said the Veterans Tax Credit should be supported and not reconsidered. He said this tax credit gives a little more assistance to the veterans.

Harold Whitehouse spoke in support of the Veterans Tax Credit of \$500.00. He said all veterans take an oath to serve and do not know where they will be serving and they are all important. He recommended an explanation be placed in with the May bills for individuals under the tax credit. Mr. Whitehouse also spoke to the establishment of a Veterans Trust Fund with funding to come from fund balance. He said it would be 10 cents on the dollar for homeowners that wish to donate.

Paige Trace thanked Assistant Mayor Splaine for bringing the wastewater issue forward this evening. She said it is not about trying to embarrass the City or an employee. She said it is about people that care a great deal for their City and want all issues that arise be handled appropriately.

Jane Zill said a City employee has disparaged residents and should not be making such remarks. She spoke to a CSO event and the requirement to notify the residents. She also spoke to where the release was made.

VII. PUBLIC HEARINGS

- A. ORDINANCE AMENDING CHAPTER 7, ARTICLE I, SECTION 7.115 – SIGN PERMIT REQUIRED FOR PRIVATE PARKING LOT

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

Acting City Manager Colbert Puff briefly explained the ordinance. She said that 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.

Esther Kennedy said she agrees with the ordinance. She said that some people are being price gauged by the private lots during the times when the demand for parking is high. She said there should be guidelines for the pricing of these lots.

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

A. PROPOSED CAPITAL IMPROVEMENT PLAN (CIP) FY2018-2023

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

Acting City Manager Colbert Puff described the CIP process and said the document is on line for review in greater detail. She stated the City Council will vote on the plan at the next City Council meeting. She reported that the process started in the fall. She said a form was placed on line for residents to request various projects to be made part of the plan. She also addressed the Ward Map that shows where each of the projects are taking place within the City.

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

VIII. APPROVAL OF GRANTS/DONATIONS

A. Acceptance of 2016 Homeland Security Grant Program Award - \$6,000.00

Councilor Lown moved to accept and approve the 2016 Homeland Security Grant Program Award, as presented, and further, authorize the Acting City Manager to execute the Agreement. Seconded by Councilor Spear and voted.

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

Councilor Lown moved to pass second reading and schedule third and final reading of the proposed ordinance at the March 6, 2017 City Council meeting. Seconded by Councilor Perkins.

Councilor Dwyer asked if we would have jurisdiction over rates in private lots.

City Attorney Sullivan said the City believes we have the ability to regulate rates.

Councilor Dwyer asked if we would need to make additional regulations and come back with further amendments.

Acting City Manager Colbert Puff said we do expect to have to come back at some point with additional changes to the ordinance.

Councilor Cyr said the ordinance shows singular sign and does not know if all the information can all be placed on 1 sign. City Attorney Sullivan said that at this stage we want to make people aware that the sign refers to this being a private lot not controlled by the City.

Motion passed.

- B. Third and final reading of proposed Ordinance amending Chapter 7, Article I, Section 7.101 – Parking Meters – Definition

Councilor Lown moved to pass third and final reading of the proposed Ordinance amendment to Chapter 7, Article I, Section 7.101 – PARKING METERS – DEFINITIONS. Seconded by Councilor Cyr and voted. Assistant Mayor Splaine opposed.

- B. Third and final reading of proposed Ordinance amending Chapter 7, Article I, Section 7.102 – Parking Meter Zones – Downtown High Occupancy Zone

Councilor Lown moved to pass third and final reading of the proposed Ordinance amendment to Chapter 7, Article I, Section 7.102 – PARKING METER ZONES. Seconded by Councilor Pearson.

Assistant Mayor Splaine said he is opposed to this ordinance and the next three. He said we should have had a discussion and decision on residential parking before making these changes. He said we need to make a decision on residential parking. He understands the logic for the ordinances. He said people are hurting and we need to be careful where we are going in making changes to the fees.

Councilor Spear said the City Council voted unanimously to building a garage and now we are looking for fees and ways to pay for it.

Councilor Pearson said she would support this ordinance because if you are a resident and have the device or the application you would not receive the increase for residents and in addition we have 6 free parking lots.

Councilor Dwyer said she would like to know if the free lots are getting a great deal of use.

Acting City Manager Colbert Puff said that we would come back for a parking system in the summer.

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

- C. 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.

Councilor Spear moved to pass third and final reading of the proposed Ordinance amendment to Chapter 7, Article I, Section 7.105 – PARKING. Seconded by Councilor Lown.

Councilor Pearson said she will not support a raise in fees and the extra hours of enforcement. She said the extra hours of enforcement affects quality of life of residents in the downtown.

Councilor Dwyer said residents are parking on the street instead of the garage.

On a roll call 6-3, motion passed. Councilor Perkins, Dwyer, Lown, Spear, Denton and Mayor Blalock voted in favor. Assistant Mayor Splaine, Councilors Pearson and Cyr voted opposed.

- D. Third and final 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

Councilor Lown moved 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. Seconded by Councilor Perkins and voted. Assistant Mayor Splaine and Councilor Pearson voted opposed.

- E. Third and final reading of proposed Ordinance amending Chapter 7, Article IV, Section 7.406 (A) & (B) Parking in Meter Space to be deleted in their entirety

Councilor Lown moved to pass third and final reading of the proposed Ordinance amendment to Chapter 7, Article IV, Section 7.406 – PARKING IN METER SPACES. Seconded by Councilor Spear and voted. Assistant Mayor Splaine voted opposed.

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. REPORT AND COMMUNICATIONS FROM CITY OFFICIALS

A. ACTING CITY MANAGER

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

Acting City Manager Colbert Puff said that the Cafés were piloted and allowed up to 6 cafes in the downtown as a maximum. She reported we had 6 in place for 2014 and 2015 and even though we only had 4 last year we feel we could lift that restriction from the policy.

Councilor Denton asked if we could make the time until 10:30 p.m. for 7 days per week. City Attorney Sullivan said that this is a City Council policy and can be amended by a vote of the Council.

Mayor Blalock said in order to get a liquor license you are required to serve substantial food items.

Councilor Perkins spoke in support of the motion and would like to see this passed as it is good for businesses.

Councilor Perkins moved to amend City Council Policy 2012-02, Policy Regarding Use of City Proposed for Sidewalk Cafes Providing Alcohol Service, by deleting the last sentence of numbered paragraph 1, relating to the maximum allowed number of sidewalk cafes, as recommended by Acting City Manager Colbert Puff. Seconded by Councilor Lown.

Councilor Denton moved to amend City Council Policy 2012-02, Policy Regarding Use of City Proposed for Sidewalk Cafes Providing Alcohol Service, by amending item 11, that the Area shall be cleared of all food and alcoholic beverages by 10:30 p.m., 7 days a week. Seconded by Councilor Lown and voted.

Main motion passed, as amended.

Acting City Manager Informational Item Re: Sanctuary Cities

City Attorney Sullivan reviewed his memorandum with the City Council. He reported that he met with police officers and asked what the practice is when stopping a vehicle and confirmed that there is not a 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. He further stated that the Police Commission is in the process of adopting Standard Operating Procedure which provides detailed instruction to Portsmouth Police officers on this matter. He stated the Portsmouth Police Department 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.

Assistant Mayor Splaine said that this memorandum is excellent work and shows how much of an open City Portsmouth is.

Councilor Lown commended the Police Chief and Police Commission for coming up with a Standard Operating Practice for this matter.

Councilor Dwyer requested staff look at information and resources we have for people available through referral services to prepare ourselves better by thinking more broadly about the possible designation of a Welcoming City.

Councilor Denton said he agrees with comments made by Councilor Dwyer.

B. MAYOR BLALOCK

1. Naming of Prescott Park Policy Advisory Blue Ribbon Committee

Mayor Blalock appointed the following individuals to the Blue Ribbon Committee:

- Tom Watson, Chair
- Chris Dwyer, City Council Representative
- Robin Lurie-Meyerkopf
- Alan Gordon
- Genevieve Aichele

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

Assistant Mayor Splaine said that we are concerned that the work be done effectively and efficiently. He said he voted against doing the expansion of the Waste Water Treatment Plant at Peirce Island. He stated we need to keep the project on schedule and generationally we should start discussing getting off Peirce Island and moving towards something regionally. He said we need to make sure there is no further spillage at Peirce Island.

Public Works Director Rice provided a timeline of the incident resulting from a sewer force main break on Peirce Island on February 3, 2017 at 9:30 a.m. He stated because the pumps at Mechanic Street were shut off to repair the break, sewerage backed up in the collection system, which resulted in discharge from CSO 10A into the South Mill Pond at Parrott Avenue. He informed the City Council that DES and EPA were both notified at 9:45 a.m. He stated that the City conducted the Dig Safe but in construction things happen and there was a jag in the pipe that was not known which caused the break which was not known during the Dig Safe process. He said what was important is to resolved the issue at the time and after that you step back and look at how you can do things better. He said at 3:15 p.m. the fix was completed and everything was back on line by 3:30 p.m.

Assistant Mayor Splaine asked if there is a fine and who will pay. Public Works Director Rice said we will incur the cost because we did not find that the pipe had a jag in it. He also noted that unforeseen matters are not payable by Methuen Company.

Councilor Lown said there was a report in the newspaper that there is one or more out flow pipes that flow into the river. Public Works Director Rice said there are 3 licensed CSO's in the City. He said a study was done with the DES and staff did a walk and they did not detect any further CSO's.

Assistant Mayor Splaine said if someone has concerns or notice something that requires attention what is the process to follow. Public Works Director Rice explained the process and indicated individuals to contact the Public Works Department directly by calling 427-1530 and ask for the Water Sewer Foreman or the City Engineer. Assistant Mayor Splaine asked if staff is working with Methuen Company daily. Public Works Director Rice said that we are working daily with Methuen Company and there is an inspector out at the site, in addition to meetings being held. Assistant Mayor Splaine said he would expect that more information will come out on this and ways to prevent such an incident from occurring again. He spoke to citizen watch dogs and said employees should be courteous and work with all of us on these matters.

D. COUNCILOR SPEAR

1. Motion to Reconsider Veterans Tax Credit Vote

Councilor Spear said the challenge with the Veterans Tax Credit is the word fairness. The City Council by a majority tried to rectify the inequity with the calendar. He said it is impossible to fix a perceived unfairness. He feels we need to prioritize the hardship. He said the motion will be to do something in place of the reconsideration of the motion. He said he would like to speak to reducing the amount maybe. Councilor Spear said there is proposed legislation for different rates for these credits. He spoke to making the credit \$50.00 in order to gather better data.

Acting City Manager Colbert Puff said the Council could decide to postpone action until after the State Legislature takes a vote on the item.

City Attorney Sullivan explained the difference between rescind and reconsideration. He believes what Councilor Spear is looking to do would be to rescind the vote.

Councilor Denton asked what is the last date the Council could adopt the Veterans Tax Credit. City Attorney Sullivan said April 1st.

Councilor Spear moved to rescind the Veterans Tax Credit. Seconded by Councilor Lown.

Councilor Perkins said she moves to rescind with regret and would like to see the data driven information.

Councilor Dwyer said she supports rescinding but there is nothing wrong with sending an application for the credit with the tax bill in order to receive more data.

Councilor Denton thanked Councilor Spear for doing a motion to rescind versus reconsider but he will vote against this because he feels that all veterans should receive the amount allowed by the State. He said it is tough to make a decision without all the facts.

Acting City Manager Colbert Puff said this fiscal year we are experiencing a biannual rates in regards to retirement which is hurtful to the budget and next year is the time we would see less of an impact on the amount.

Councilor Dwyer said we need more public comment on this matter from our residents. She said until we have the amount of money we are spending we won't get public input on this matter. She said we need more facts and stated this has a bigger impact on other taxpayers.

Assistant Mayor Splaine said the vote was 5-4 and does not feel we made a mistake on that vote. He said you do this vote with a certain amount of heart. He said all veterans are important.

Councilor Lown said he would support the motion because it will give the public a chance to figure out what this means to them in the future.

On a roll call vote 5-4, motion *failed* to pass. Councilor Perkins, Dwyer, Lown, Spear and Mayor Blalock voted in favor. Assistant Mayor Splaine, Councilors Pearson, Cyr and Denton voted opposed. (Six votes are required to rescind a vote).

Councilor Lown moved to suspend the rules in order to reconsider the Veterans Tax Credit Vote. Seconded by Councilor Spear.

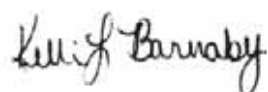
Assistant Mayor Splaine asked if the City Council at another time could set up a different way of adopting the exemptions. City Attorney Sullivan said yes.

On a roll call vote 5-4, motion *failed* to pass. Councilors Perkins, Dwyer, Lown, Spear and Mayor Blalock voted in favor. Assistant Mayor Splaine, Councilors Pearson, Cyr and Denton voted opposed. (Six votes are required for a suspension of the rules vote).

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

XIV. ADJOURNMENT

At 9:05 p.m., Councilor Lown moved to adjourn. Seconded by Assistant Mayor Splaine and voted.



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

PORTSMOUTH POLICE DEPARTMENT

MEMORANDUM

RECEIVED

MAR - 1 2017

CITY MANAGER
PORTSMOUTH, NH

DATE: FEBRUARY 28TH, 2017
TO: JOHN P. BOHENKO, CITY MANAGER
FROM: BRENNA CAVANAUGH, CHAIR, PORTSMOUTH POLICE COMMISSION
DAVID J. MARA, CHIEF OF POLICE
RE: DONATION


At the February 28th, 2017 monthly Police Commission meeting, the Board of Police Commissioners approved and accepted the following donation:

- a.) Donation of a disbursement check in the amount of \$105,687. from the Estate of Geraldine W. Webber.

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

We respectfully request this donation be placed on the March 6th, 2017 city council agenda. Please note the attachment contains a chain-of-custody sheet which is not for reprinting, distribution, or public view, as it contains proprietary account information from the estate on the copy of the check.

Respectfully submitted,


Kathleen M. Levesque
Office of the Chief

copies: Board of Police Commissioners
Finance Director Judie Belanger

Admin. Mgr. Karen Senecal
Business Asst. Tammie Perez

**CITY OF PORTSMOUTH
LEGAL DEPARTMENT
MEMORANDUM**

DATE: February 21, 2017
TO: PORTSMOUTH POLICE COMMISSIONERS
FROM: ROBERT P. SULLIVAN, CITY ATTORNEY
RE: ESTATE OF GERALDINE W. WEBBER



In partial disbursement of the proceeds which will be coming to the Portsmouth Police Department from the Estate of Geraldine Webber attached please find a draft drawn on the account of Citizens Bank payable to the Portsmouth NH Police in the amount of \$105,687.00.

Please recall that the purpose for which Ms. Webber provided these funds to the department is as follows:

“One Fourth (1/4) of my total net estate shall be given to the Portsmouth, New Hampshire Police Department to be used for the purchase of safety equipment”

It is my recommendation that the Department comply with the City Council protocol with regard to the placing gifts and donations on a City Council agenda for acceptance by the Council.

attachment

cc: Nancy Colbert Puff, Deputy City Manager
David Mara, Chief of Police
Judie Belanger, Finance Director

ORDINANCE#
THE CITY OF PORTSMOUTH ORDAINS

That the Ordinances of the City of Portsmouth are hereby amended, by the addition of a new section entitled Chapter 3, Article II, Section 3.208 - **REGULATION OF SINGLE USE CARRYOUT PLASTIC BAGS** which shall read in pertinent part as follows (subsequent to preamble):

PREAMBLE *(Not Part of Ordinance.)*

WHEREAS, a countless amount of single-use carryout plastic bags are distributed by retail establishments in the City each year; and

WHEREAS, most of these single-use carryout bags are made from plastic or other material that does not readily decompose; and

WHEREAS, this ordinance requires stores that decide to make recycled paper carryout bags available to their customers to pass-through the reasonable cost of providing these bags; and

WHEREAS, a minimum cost pass through of \$0.10 per paper bag would cover the reasonable cost to a store of providing the paper bags to its customers; and

WHEREAS, the proceeds from the collection of the paper bag pass-through would be retained by the retailer and this ordinance does not specify how the retailers must expend the monies collected; and

WHEREAS, customers can avoid this cost pass-through by using reusable bags; and

WHEREAS, no portion of the cost pass-through will be provided to the City and consequently, the City will not receive any revenues from the retailers' collection of the paper bag cost pass-through; and

WHEREAS, therefore, the cost pass-through is not a tax or fee to the City; and

WHEREAS, a paper bag cost pass-through is an essential element of the proposed ordinance as it is intended to provide a disincentive to customers to request paper bags

when shopping at regulated stores and to promote a shift towards the use of reusable bags by City consumers; and

WHEREAS, there are several alternatives to single-use carryout plastic bags readily available in the City, including reusable bags produced from sustainable materials; and

WHEREAS, it is the City's desire to lead by example and whenever possible to conserve resources, reduce the amount of greenhouse gas emissions and solid waste, and to protect the public health and welfare including local wildlife, all of which increase the quality of life for the City's residents and visitors.

CHAPTER 3, ARTICLE II, SECTION 3.208 REGULATION OF SINGLE USE CARRYOUT PLASTIC BAGS

A FINDINGS AND PURPOSE

1. The City Council finds and determines that the City is committed to protecting the public health, safety, welfare, and environment, and that in order to meet these goals, it is necessary for the City to promote the public purposes served by this Chapter and adopt the following regulations pursuant to these findings.
2. The City finds that ordinances limiting the use of Single-use Carryout Plastic Bags have been proven to reduce the amount of pollution and improve quality of life for its citizens.
3. The City finds that, except in unusual circumstances, it is feasible and reasonable for parties who provide Single-use Carryout Plastic Bags to easily transition to paper bags and move to a model that charges for paper bag use by consumers.
4. The City recognizes that plastic bags are a public nuisance and affect public health and impact tourism and quality of life to both residents and visitors in the City.

B DEFINITIONS

For purposes of this chapter, the following words and phrases shall have the meaning respectively ascribed to them by this section only:

“Customer” means any Person obtaining goods from a Store.

“Nonprofit Charitable Reuser” means a charitable organization, as defined in Section 501(c)(3) of the Internal Revenue Code of 1986, or a distinct operating unit or division of the charitable organization, that reuses and recycles donated goods or materials and receives more than fifty percent (50%) of its revenues from the handling and sale of those donated goods or materials.

“Operator” means the person in control of, or having the responsibility for, the operation of a Store, which may include, but not be limited to, the owner of the Store.

“Paper Bag Cost Pass-Through” means the cost which must be collected by retailers from their Customers when providing a Recycled Paper Bag.

“Person” means any natural person, firm, corporation, partnership, or other organization or group however organized.

“Pharmacy” means any retail store, where prescriptions, medications, controlled or over the counter drugs, personal care products or health supplement goods or vitamins are sold.

“Prepared Food” means foods or beverages which are prepared on the premises by cooking, chopping, slicing, mixing, freezing, or squeezing, and which require no further preparation to be consumed. Prepared Food does not include any raw, uncooked meat product or fruits or vegetables which are chopped, squeezed, or mixed.

“Produce Bag” or “Product Bag” means any bag without handles used exclusively to carry produce, meats, or other food items to the point of sale inside a store or to prevent such food items from coming into direct contact with other purchased items.

“Public Eating Establishments” means a restaurant or take-out food establishment.

“Recycled Paper Bag” means a paper bag provided at the check stand, cash register, point of sale, or other point of departure for the purpose of transporting food or merchandise out of the establishment that contains no old growth fiber and a minimum of forty percent (40%) post-consumer recycled content; is one hundred percent (100%) recyclable; and has printed in a highly visible manner on the outside of the bag the word “Recyclable,” the name and location of the manufacturer, and the percentage of post-consumer recycled content. The Recycled Paper Bag is capable of composting, consistent with the timeline and specifications of the American Society of Testing and Material (ASTM) Standard Specification for Compostable Plastics D6400, as published in September 2004.

“Retail Establishment” means any commercial establishment that sells perishable and nonperishable goods including but not limited to, clothing, food, and personal items directly to the Customer and is located within or doing business within the City. Retail Establishments do not include Public Eating Establishments or Nonprofit Charitable Reusers.

“Reusable Bag” means a bag that has handles that is specifically designed and manufactured for multiple reuse and meets all of the following requirements:

1. Is machine washable or is made of material that can be cleaned or disinfected;
2. Has a minimum lifetime of one hundred twenty-five (125) uses, which for purposes of this subsection, means the capability of carrying a minimum of twenty-two (22) pounds one hundred twenty-five (125) times over a distance of at least one hundred seventy-five (175) feet;
3. If made of a plastic, it must be at least two and one-quarter (2.25) mil thick; (4) does not contain lead, cadmium, or any other heavy metal in toxic amounts, as defined by applicable State and Federal standards and regulations for packaging or reusable bags.

“Single-Use Carryout Plastic Bag” means a bag other than a Reusable Bag provided at the check stand, cash register, point of sale or other point of departure for the purpose of transporting food or merchandise out of the establishment.

Single-Use Carryout Plastic Bags do not include bags without handles provided to the Customer:

1. To transport produce, bulk food, or meat from a produce, bulk food, or meat department within a Store to the point of sale; or
2. To hold prescription medication dispensed from a Pharmacy; or
3. To segregate food or merchandise that could damage or contaminate other food or merchandise when placed together in a Reusable Bag or Recycled Paper Bag.

“Store” means any of the following Retail Establishments located within the City:

1. A full-line, self-service retail store with gross annual sales of two million dollars (\$2,000,000), or more, that sells a line of dry grocery, canned goods, or nonfood items and some perishable items; or
2. A store of at least 10,000 square feet of retail space that sells any perishable or non-perishable goods including, but not limited to clothing, food, or personal items; or
3. A drug store, Pharmacy, supermarket, grocery store, convenience food store, foodmart, or other entity engaged in the retail sale of a limited line of goods that includes milk, bread, soda, and snack foods; or
4. A store of less than 10,000 square feet of retail space that sells any perishable or non-perishable goods including, but not limited to, clothing, food, or personal items.

C PROHIBITED CARRYOUT BAGS

1. No Store, to include grocery store or Pharmacy, shall provide a Single-Use Carryout Plastic Bag to a Customer, at the check stand, cash register, point of sale, or other point of departure for the purpose of transporting food or merchandise out of the establishment except as provided in this ordinance.

2. No Person shall distribute a Single-Use Carryout Plastic Bag at any City facility, City-managed concession, City-sponsored event, or City-permitted event unless otherwise provided in this Section.

D PERMITTED CARRYOUT BAGS

1. Stores are allowed to distribute only Recycled Paper Bags or Reusable Bags to Customers for the purpose of carrying away goods or other materials from the point of sale, subject to the terms of this Chapter.
2. A Customer shall be charged a minimum of ten cents (\$.10) for each Recycled Paper Bag provided by the Store (the Paper Bag Cost Pass-Through). The sale of each bag shall be separately itemized on the sale receipt.
3. All Stores must keep records of the total number of Recycled Paper Bags provided, the total amount of monies collected for providing Recycled Paper Bags, and a summary of any efforts the Store has undertaken to promote the use of Reusable Bags by Customers in the prior calendar year. Such records must be made available for the City Manager, or his/her designee, to review within a reasonable period of time upon request. These records may be kept at the retailer's corporate office.
4. Nothing in this Chapter prohibits Customers from using bags of any type that they bring to the Store themselves or from carrying away goods that are not placed in a bag, in lieu of using bags provided by the Store.

E EXEMPTIONS

1. A Store may provide a Customer participating in *Special Supplement Nutrition Program for Women, Infants, and Children (WIC)* or *Supplemental Nutrition Assistance Program (SNAP)* with one (1) or more Recycled Paper Bags or Reusable Bags at no cost.
2. Single-use Carryout Plastic Bags may be distributed to Customers by food providers for the purpose of safeguarding health and safety during the transportation of Prepared Foods, including take-out foods and liquids intended for consumption away from the food provider's premises.

F PENALTIES AND ENFORCEMENT

1. If the Public Works Director, or his/her designee determine that a violation of this Chapter has occurred, he/she will issue a written warning notice to the Operator of a Store and the potential penalties that will apply for future violations
2. Upon a second or subsequent infraction of this ordinance, the person in violation shall be subject to a fine of \$100 per occurrence upon conviction.
3. The City Attorney is authorized to file any appropriate legal proceedings, including but not limited to requests for injunctive relief, necessary to prevent violation of this ordinance.

G SEVERABILITY

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

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 on the anniversary date 12 months after passage of third reading.

APPROVED

Mayor Jack Blalock

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

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:

Jack Blalock, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

Hello John,

We are looking for permission to use a very small section of Portsmouth roads for a half marathon road race that starts and finishes in Greenland at the new Portsmouth Mercedes-Benz.

Please let me know if we need to do a formal application to the City of Portsmouth for this event. We are happy to come in and discuss this further if warranted.

The course in Portsmouth is only about 2 tenths of a mile. It travels north on Portsmouth Ave from the Greenland side to Rt. 33 and then goes right on Greenland Rd back into Greenland. There will be a coned lane all along Rt. 33.

Police:

We have run the course by Captain Warchol and he advised us to hire a State Police for the detail

Event Info

Runners: 700 +/-

Event Date: Sunday: April 23

Start time 8:00 AM

Runners will be on the Portsmouth roads for 10 minutes or less.

Runners on Rt. 33 will be in a coned lane

The race will hire a State Police Officer for the intersection of Portsmouth Ave / Greenland Rd

Insurance:

Sent to your email today was an insurance policy naming the City of Portsmouth as an additional insured.

Attachments: Full Course map & Portsmouth Section,

Other: DOT permit for signature

Thank you for your consideration

Mike

--

Mike St. Laurent
LOCO Sports, LLC
603 659 2824

Start & Finish is at the Mercedes-Benz of Portsmouth



Great Bay National Wildlife Refuge

Portsmouth Inter Airport

Start: Portsmouth Mercedes
Right: Portsmouth Ave
Right: Greenland Rd.
Right: Portsmouth Ave
Left: Newington Rd

Continue: McIntyre Rd. (Newington)
Right: Little Bay Rd
Right: Nimble Hill

Turn around Newington Old Town Hall
Return back- Little Bay Rd
McIntyre Rd
to Newington Rd.
Right: McShane
Right: Hillside
Left: Pickering Brook
Right: Newington Rd
Right: Portsmouth Ave
Finish: Mercedes-Benz of Portsmouth

Water Stops

Start/Finish

Start/Finish

95

STON

**Portsmouth Section
two tenths of a mile**

**Portsmouth Ave North
Right: Rt. 33**

**Runners run in a coned lane
Cones every 50 feet**

**State Police
and Vested
Flagger**

**Coned Lane
One Traffic lane
open for cars**



STATE OF NEW HAMPSHIRE
Application for Parade Permit or Other
Activity Conducted on State Highway System

Today's Date Feb 15, 2017

To: Department of Transportation
Transportation Management Center
PO Box 483, 110 Smokey Bear Blvd
Concord, New Hampshire 03302-0483
(603) 271-6862

Under provisions of RSA 286:2 and RSA 236:1, application is made for a parade / activity on the state highway system.

Indicative data is shown below:

Type of activity?

If so, what type (foot, bike, etc.)?

Will event effect highway safety?

Will highway traffic be delayed?

If so, how long?

Will highway traffic be detoured?

Name of sponsoring organization:

Mail permit to:

Phone no. where I may be reached

Purpose of activity

Name of Municipality:

Date of activity

Starting and ending times.

State route(s) to be traveled

Traffic control provided by:

Approved by Town Officials

Selectmen / Town Manager / Police Chief
(circle one)

Please attach a simple map or sketch plotting the start, finish, route(s) of travel, detour(s), and parking area(s) if provided.

Recommended:

District Engineer

Running road race

no

less than 10 minutes

No

LOCO Sports, LLC

PO Box 423

Newmarket, NH 03857

603 767 1230

Health Fitness & Charity

Town of Portsmouth

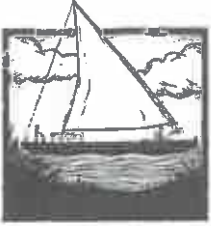
April 23

8:00 - 8:15 AM

Rt 33 / Portsmouth Ave

State Police

Signed by Michael St. Laurent
(Applicant)



Gundalow COMPANY

Protecting the Piscataqua Maritime Region
through Education and Action.



Wednesday February 15, 2017

Board of Directors

Janet Dinan
Peter Driscoll
Robert B. Field, Jr.
Cynthia Hosmer
John Lamson
Jeffrey P. Little
Catharine Newick
Jeanne Rosadina
George Samuels
Brenda Schwechheimer
Arnet Taylor, Jr.
Benjamin Wilson
Nancy Winthrop

Staff

Molly Bolster
Executive Director

Gretchen Carlson
Program Manager

Matt Glenn
Captain

Andy Goodell
Operations Manager

Michele Lechner
Accountant

TO: Mr. John Bohenko, City Manager
CC: Mr. Rus Wilson, Recreation Director

SUBJECT: Proposed date for Round Island Regatta, Saturday August 19th, 2017

The Gundalow Company would like to run the seventh annual Round Island Regatta on Saturday August 19th, 2017. We respectfully request the use of the Peirce Island launch ramp and related parking area to facilitate this event. In 2017 we would like to include additional educational and family oriented activities in conjunction with the Regatta, ideally under a tent near the launch ramp on Peirce Island. The theme of the day would be CELEBRATING OUR RIVERS.

The enclosed timeline outlines the scope of the event and its impact on Peirce Island.

We look forward to approval of this date and respectfully request a meeting with you to share our proposed ideas.

Sincerely,

Molly Bolster
Executive Director
Gundalow Company
director@gundalow.org

Matt Glenn
Captain
Gundalow Company
captain@gundalow.org

www.gundalow.org

info@gundalow.org
TEL (603) 433-9505
FAX (603) 433-6403

P.O. BOX 425
PORTSMOUTH
NEW HAMPSHIRE 03802

**2017 ROUND ISLAND REGATTA
Preliminary Timeline**

**High Water 9:55 am
Saturday August 19th**

3:00-6:00pm (Friday): Bracelet and number pick up **at the Gundalow Company (60 Marcy Street)**

9:30-11:00am (Saturday): Bracelet and number pickup under the tent **at the Peirce Island Boat Ramp**

10:00am: Skippers Meeting, Class 1 Sail @Peirce Ramp

Class 1 Sail start off Esther's Marina **on the water**

11:00am: Skippers Meeting, All Paddle classes @Peirce Ramp

First: youth paddle class start from the water

Second: Paddlers (18-49) "Le Mans" start from the ramp

Third: Paddlers (50+) start from the water

Fourth: Multi-Paddle class start from the water

11:00 Celebrating Our Rivers Festival Open (music, kids activities)

12:30pm: Regatta is over, Picnic begins

1:30pm: Prizes

3:00 Festival Ends

5:00-7:00 Possible Speaker Event under the tent (details to be discussed)

Free parking and boat launch is available from Peirce Island for all registered participants wearing bracelets. For Spectators, there will be commentary near the Peirce Island Boat Ramp and free access to the festival. Parking will remain available to the public on Peirce Island. Tent would be removed the morning of Aug 20th.

Note 1: Total number of participants in Regatta and Festival around 200 by foot, water, car.
20 car and trailer combos for transporting and launching sailboats at Peirce ramp
Cars with participants and spectators parking at Peirce
Up to 75 single kayaks, paddleboards, and rowboats
Up to 20 double paddlers and rowers
Spectator viewing from the Peirce Island Shoreline

Note 2: Facilities on Peirce: Parking, Ramp Access, space for two pop-up tents, Toilets, free launch to participants with bracelets.



American Foundation
for Suicide Prevention

February 28, 2017

City of Portsmouth
Mayor's Office
1 Junkins Avenue
Portsmouth, NH 03801

Dear Honorable Mayor Blalock and City Council Members;

The Portsmouth chapter of the AFSP Out of the Darkness Walk has hosted a fundraising and education walk since 2006 in Portsmouth. This event has grown to more than 600 walkers annually. In fact, in 2016 we had 600 walkers and raised \$77,000 to support local and state suicide prevention education as well as national research programs. We would like to continue the tradition and success of this program and are asking for permission to again host the Out of the Darkness Community Walk in the City of Portsmouth.

The proposed date and time is as follows;

Date: September 16, 2017 (Saturday)

Registration Begins: 8:30am

Walk Duration: 10am – Noon

The walk will begin at the Little Harbor School, 50 Clough Dr, Portsmouth, NH 03801 (see included walk route).

We would like to thank you for your consideration and look forward to your decision.

Respectfully,

Ken La Valley, Chair
OOTD Walk Committee
66 Hunter Lane
Barrington, NH 03825



American Foundation for Suicide Prevention

Proposed Walk Route (2.3 Miles)

Start: Little Harbor School, Clough Drive

To: Right on South St.

To: Left on Junkins Ave.

To: Left on Pleasant St.

To: Right on State St.

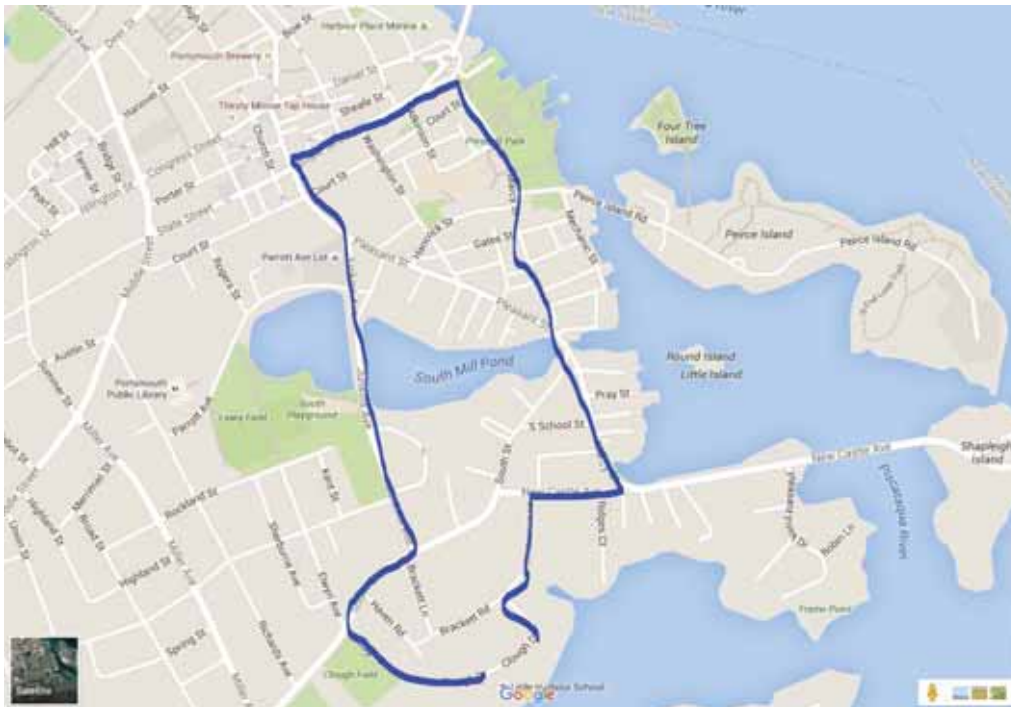
To: Right on Marcy St.

To: Right on New Castle Ave.

To: Left on Brackett Rd.

To: Left on Clough Drive

End: Little Harbor Middle School



MEMORANDUM

TO: John P. Bohenko, City Manager
FROM: Rick Taintor, Planning Director
DATE: February 28, 2017
RE: City Council Referral – Projecting Sign
Address: 23 Ceres St.
Business Name: Ceres Gallery
Business Owner: Elaine K. Miller

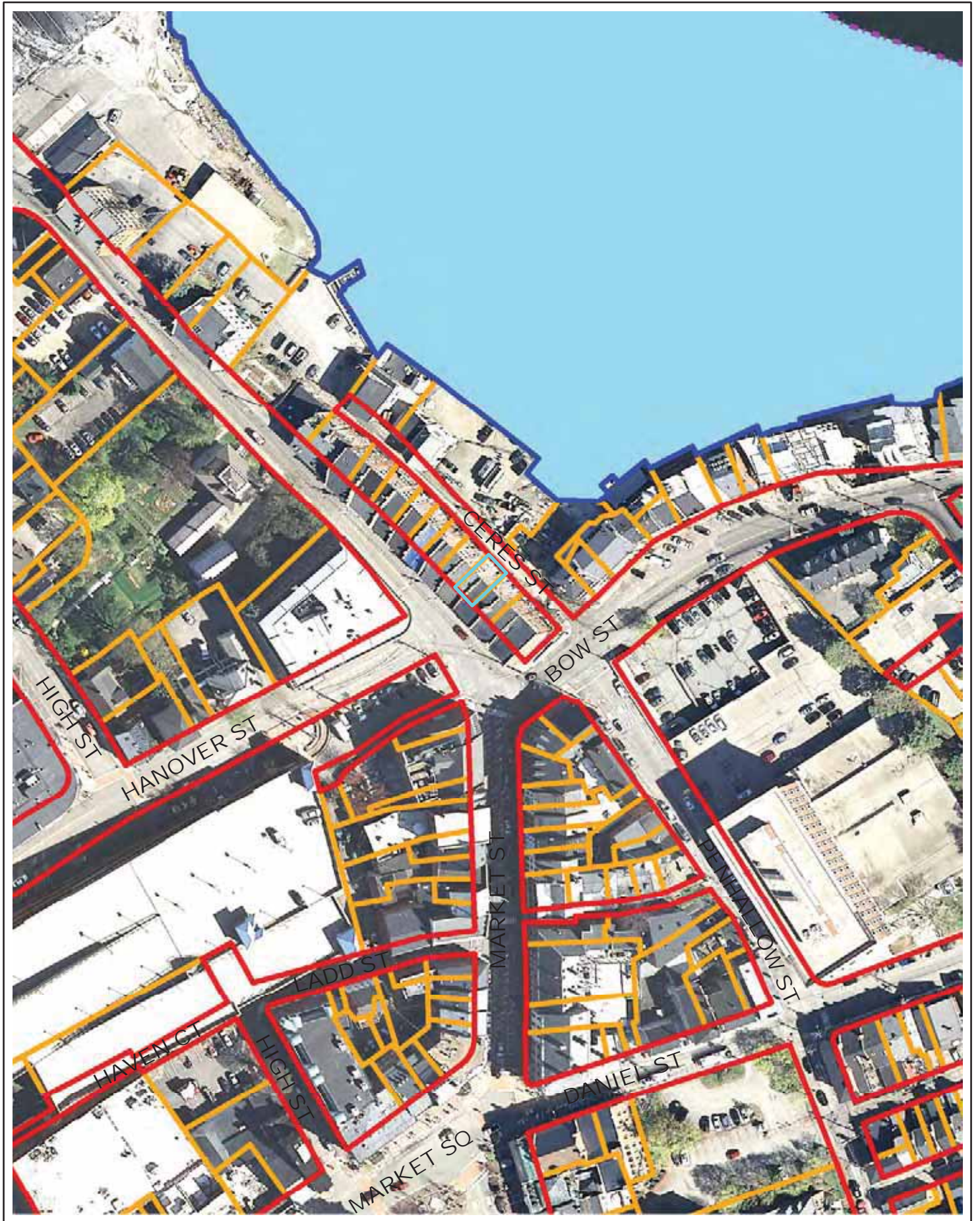


Permission is being sought to install a projecting sign on an existing bracket, as follows:

Sign dimensions: 46" x 26"
Sign area: 8.3 sq. ft.
Height from sidewalk to bottom of sign: 9'2'

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

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

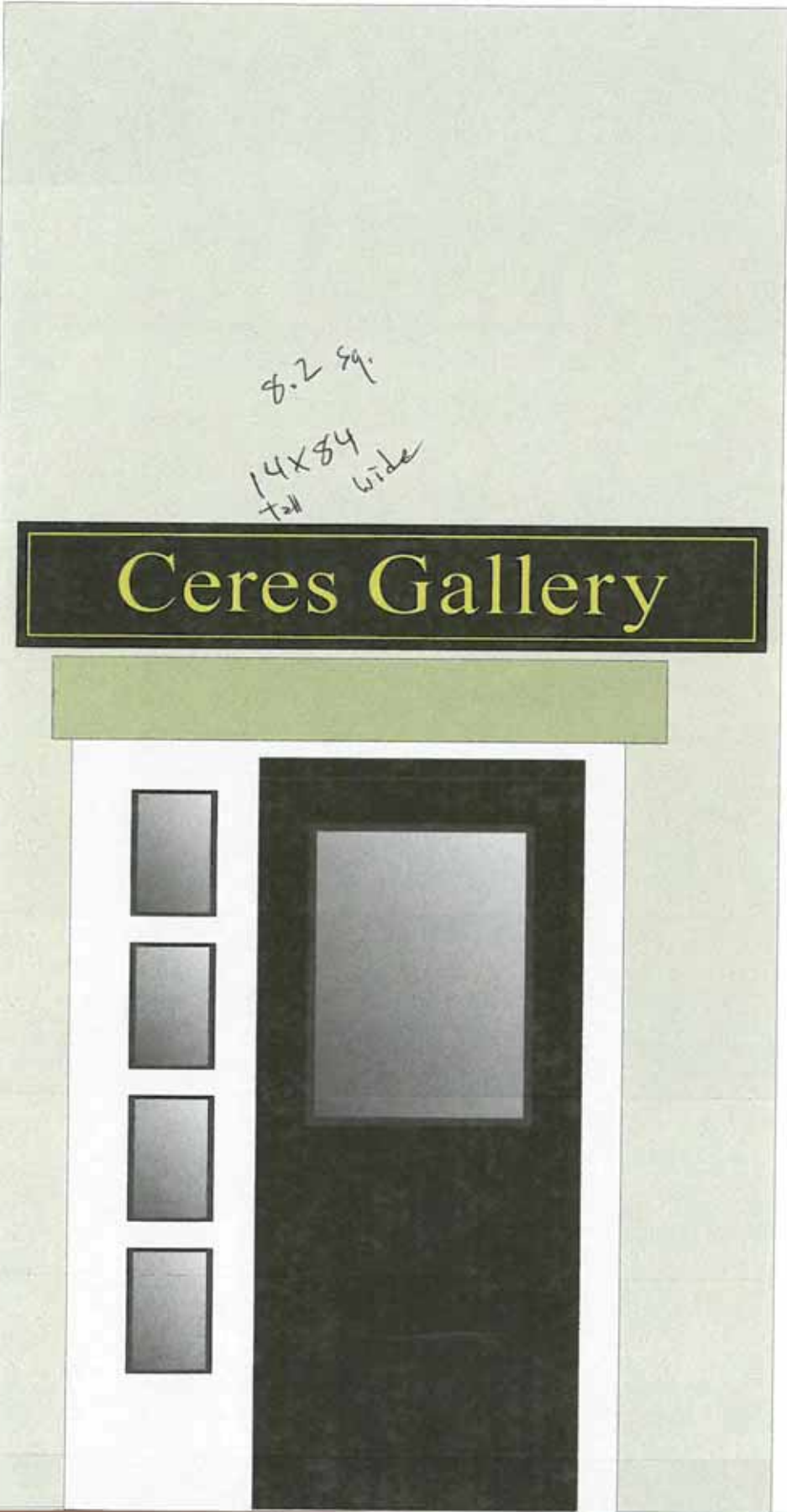


2

0 75 150 300 Feet

**Request for Projecting Sign License
23 Ceres St**

Map produced by Planning Department 9-13-16

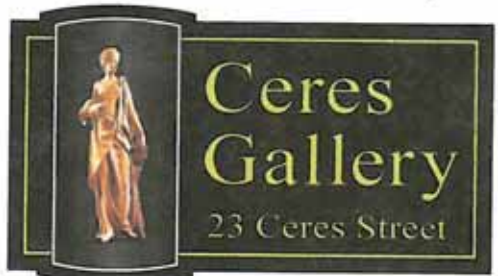


8.2 sq.
14x84
tall wide

Ceres Gallery



8.5 square ft.
26 1/2" x 46"
Tall wide



↑
110" H



Ceres Gallery



CITY OF PORTSMOUTH, NH
SIGN PERMIT APPLICATION

DATE: 2.6.17

Inspection Department, 1 Junkins Ave. Portsmouth, NH 03801
 Office Number: (603) 610-7243 (Facsimiles Not Accepted)

Zone Dist.: CD5

Street Address of Sign(s): 23 Ceres Street Map #: _____ Sign District: 3
 Business Name: Ceres Gallery Phone #: 294-0657
 Business Owner Name: Elaine K. Miller Phone #: 770-1358
 Sign Contractor: Jeff Stone Signs & Prosp. Address: Heritage Ave Phone #: 431-2449

EXISTING SIGNS: (On ENTIRE Property)

PROPOSED SIGNS:

	#	Qty.	L (In.)	H (In.)	S.F. (S.F.)	Ht.* (Ft.)	Ltg.**	Being Removed?		Qty.	L (In.)	H (In.)	S.F. (S. F.)	Ht.* (Ft.)	Ltg.**
Wall / Attached	1	1	84	14	8.2	n/a	N	N	1					n/a	
	2					n/a			2					n/a	
	3					n/a			3					n/a	
	4					n/a			4					n/a	
	5						n/a		5					n/a	
Free- Standing	6								6	1	46	26	8.3	9.2	N
	7								7						
	8								8						
Projecting	9								9						
	10								10						
Awning	11							11							
Canopy	12							12							
Parapet	13							13							
Roof	14							14							
Marquee	15							15							
Spl. Event	16	-----	-----	-----	-----	-----	-----	-----	16						
Temp.	17	-----	-----	-----	-----	-----	-----	-----	17						

Existing Signs Total: 8.2 SF

New Signs Total: 8.3 SF

* Height is from ground to sign bottom for Projecting & Awnings, and to sign top for Free-Standing & Monuments.

** Ltg.: E=External, I/F=Internal/Florescent, I/N=Internal/Neon, H=Halo, LED=Light Emitting Diode

Total the sign areas of all existing sign(s) that are remaining on the property and all new sign(s) here:

Do not include any existing signs that are being removed.

Wall Attached: 8.2 SF Awning: _____ SF Roof: _____ SF
 Spl. Event Free-Stand.: 8.3 SF Canopy: _____ SF Marquee: _____ SF
 SF Projecting: _____ SF Parapet: _____ SF Temporary: _____ SF

TOTAL SIGN AREA: 8.2 SF (exclude temporary & F.S. signs)


Total # of New Signs: 1 Total # Temp. Signs: _____

Store front dimension is NEEDED for complete review of application:

Store Front Linear Frontage: 22 Feet - **On Site Plan List Setback dimensions and Location of Signs**

For Office Use: Allow Area: Factor 2 X 22 Store Front 44 SF TOTAL
 Allow FS Hgt. 12 Allow Area: Factor _____ X _____ SF TOTAL
Allow. Areas: (ea.) Wall = 40 Projecting = 12 Roof = na Marquee = 20
 Temp. = _____ Freestd. = 20 Parapet = na Awning = 20 Canopy = na

Stipulations / Comments: Projecting sign requires license from City Council.


Zoning Official: 

Code Official: _____

Date: 6-Feb-17

**CITY OF PORTSMOUTH
PORTSMOUTH, NH 03801**

Office of the City Manager

Date: March 2, 2017
To: Honorable Mayor Jack Blalock and City Council Members
From: John P. Bohenko, City Manager 
Re: City Manager's Comments on March 6, 2017 City Council Agenda

Acceptance of Grants and Donations:

1. **Acceptance of Donation from Wentworth Senior Living Re: Sponsorship of Senior Luncheon Program.** The City of Portsmouth has received a donation in the amount of \$15,000 from Wentworth Senior Living to help support the senior luncheon program. This is the second time they have donated to the senior luncheon program. Their first donation of \$15,000 was for the years 2015/2016.

I recommend the City Council move to accept and approve the donation to help support the senior luncheon program, as presented. Action on this matter should take place under Section VII of the Agenda.

2. **Acceptance of Police Department Donation.** [Attached under Section VII of the Agenda is a memorandum](#), dated February 28, 2017, from Kathleen M. Levesque, Executive Assistant, Office of the Police Chief, regarding the acceptance of a donation. At the February 28, 2017 monthly Police Commission meeting, the Board of Police Commissioners approved and accepted the following grant and donation.

- a. Donation of a disbursement check in the amount of \$105,687.00 from the Estate of Geraldine W. Webber.

The Police Commission submits the information to the City Council pursuant to City Policy Memorandum #94-36, for the City Council's consideration and approval at their next meeting.

I recommend the City Council move to accept and approve the donation to the Portsmouth Police Department, as presented. Action on this matter should take place under Section VIII of the Agenda.

Items Which Require Action Under Other Sections of the Agenda:

1. First Reading of Proposed Ordinance Amendments.

- 1.1 **First Reading of Proposed Ordinance amending Chapter 3, Article II, Section 3.208, Regulation of Single-use Carryout Plastic Bags.** At the request of the City Council an Ordinance has been brought in at this meeting for first reading regulating the use within the City of single use carryout plastic bags. The [attached proposed ordinance amending Chapter 3, Article II Section 3.208, Regulation of Single-use Carryout Plastic Bags](#) was substantially drafted by the Surfrider Foundation-New Hampshire Chapter. It has been subject to minimal modifications of form by the City Legal Department in order that the Surfrider ordinance would be consistent with existing City ordinances. In addition, the City Legal Department has inserted a severability provision into the ordinance so that if a court should find any section of the ordinance to be unenforceable, the remaining provisions would still have full force and effect.

Action is required regarding this matter under Section VIII of the Agenda.

2. Third and Final Reading of Proposed Ordinance Amendments.

- 2.1 **Third and Final 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 21st City Council meeting, under Section VIII of the Agenda, I am bringing back for third and final 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 involving land use issues that may require further ordinance changes to ensure the public's interests are properly addressed.

I recommend that the City Council move to pass third and final reading of the proposed ordinance, as presented. Action on this item should take place under Section VIII of the Agenda.

Consent Agenda:

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

➤ Elaine K. Miller, owner of Ceres Gallery for property located at 23 Ceres Street

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

City Manager's Items Which Require Action:

1. **Adoption of Proposed Capital Improvement Plan (CIP) FY2018-2023.** In accordance with Section 7.7 of the City Charter, the City Council conducted a public hearing on Tuesday, February 21, 2017 regarding the proposed Capital Improvement Plan for FY2018-23. In addition to the public hearing, the City Council held a work session on February 14, 2017. At the work session, a presentation of the proposed Capital Plan was made by the City staff. Also, copies of the Plan were made available to the public, as well as put on file with the City Clerk's Office and the Public Library. Further, the CIP for FY2018-2023 is available on the City's website <http://planportsmouth.com/2018-2023CapitalImprovementPlan.pdf>.

As the Acting City Manager indicated at the public hearing, City Council is required, in accordance with Section 7.8 of the City Charter, to adopt the Capital Plan subsequent to the Public Hearing and before the City Manager submits the budget to the City Council. I anticipate that I will be transmitting the 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 Monday evening's meeting.

I recommend the City Council move to adopt the Capital Improvement Plan for FY 2018 – FY 2023.

2. **Report Back from Planning Board Re: Involuntarily Merged Lots at 630 Middle Road and Sylvester Street.** As you will recall at the January 23rd City Council meeting, the Council referred the aforementioned request to the Planning Board for report back to the City Council. Attached is a letter from Attorney William G. Scott on behalf of his client, The Owen Spinney Trust, requesting that the City Council restore involuntarily merged lots at 630 Middle Road and Sylvester Streets to their premerger status (see

attached) in accordance with RSA 674:39-aa (see attached). Also, attached is a memorandum from Rick Taintor, Planning Director, which further describes the lot as well as the zoning and analysis regarding this matter.

At its meeting on February 16, 2017, the Planning Board voted to recommend to the City Council that the parcel at 630 Middle Road and Sylvester Street be restored to its premerger status as three lots. The effect of this action would be to separate lots 203 and 204 as shown on the 1903 plan of Prospect Park as two individual lots, leaving the remaining five original lots as a single voluntarily merged lot.

I recommend the City Council move to accept the Planning Board's recommendation, as presented.

3. **Report Back from Planning Board Re: Request for Release of Paper Streets Pursuant to RSA 231:51 and 231:52 – 26 Moffat Street (Tax Map 243, Lot 69) and Swett Avenue (Tax Map 243, Lot 23).** As you will recall at the February 6th City Council meeting, the Council referred the aforementioned request to the Planning Board for report back to the City Council. Attached is a letter from Attorney Christopher Mulligan on behalf of his clients J. Bradley and Sarah Honeyman, requesting the release of paper streets adjacent to two parcels at 26 Moffat Street and Swett Avenue. Also, attached is a memorandum from Rick Taintor, Planning Director, which gives a description of the lot and an analysis regarding this matter.

As indicated in the memorandum, Section 11.602 of the City Ordinances provides as follows:

- A. The following matters shall be referred to the Planning Board in writing at least thirty (30) days before final action is taken:
- 1) Any acquisition or disposition of municipal real property, including fee transfers, Easements and licenses;
 - 2) No final action on a matter listed herein shall be taken until either the Planning Board has reported to the City Council thereon in writing or sixty (60) days have elapsed since the referral without such report.

As previously indicated, the City Council acted in accordance with these requirements.

At its meeting on February 16, 2017, the Planning Board voted to recommend that the City Council release all right, title and interest, if any, in the paper streets abutting the parcels shown as Assessors Map 243 Lots 69 and 23.

I recommend the City Council move to accept the Planning Board's recommendation, as presented.

4. **Request for First Reading a Proposed Ordinance amending Chapter 7, Article VII, Section 7.703 and 7.704 to clarify the Prohibition of Truck Traffic on Banfield Road.**

At the February 2, 2017 Parking and Traffic Safety Committee meeting, there was a vote to amend Chapter 7, Article VII, by deleting the current Section 7.704 Local Delivery Routes and restore the old Section 7.703 Exceptions. [Attached is a memorandum from Eric Eby, Parking and Transportation Engineer](#), regarding this matter. As recommended by Eric Eby, Parking and Transportation Engineer, I am requesting the City Council authorize me to bring an Ordinance at the March 20, 2017 City Council meeting.

I recommend the City Council move to authorize the City Manager to bring back an Ordinance for first reading at the March 20, 2017 City Council meeting to address the issued outlined in his memorandum.

5. **Sewer Easement for relocated Brick Box Sewer.** As you are aware, the new parking garage project has progressed through the land use process and the schematic design phase. The project consists of two major design elements; the roadway and associated utilities; and the garage structure itself. As anticipated, the roadway and utility design is nearly complete and the parking garage itself has just completed schematic design.

The relocation of the 48” brick box sewer around the parking garage and into the new street will be a significant part of the roadway and utility work. The original proposed design included keeping the realignment of that sewer line completely on City property. To do that requires the sewer line to include two 90 degree corners. While the sewer would work as designed, it is not an optimal solution to have such a steep angle on a sewer of this size.

Meetings with Peter Happney, an abutting property owner, led to discussions of a concept that would allow the City to construct the sewer line across his property in such a manner as to reduce the angle of the bends in the line. The sewer line would run through an easement across the Happney property.

What Mr. Happney is looking for in exchange for that easement is a release of a sliver of City owned land that runs along the front of his building. Mr. Happney currently occupies the sliver of land, which is separated from the Rock Street Park by a chain-link fence and a row of mature arborvitaes. [See attached plan.](#)

I recommend the City Council move to refer this issue to the Planning Board for a report back to the City Council on this proposed land transaction.

6. **Pilot Program for Late Night Food Vending.** In follow up to the City Council's December 6, 2016 Work Session on food trucks and mobile vending, staff will bring forward on April 6, 2017 for the consideration of the Parking and Traffic Safety Committee a proposed pilot program to allow late night food truck vending in a select area around the High Hanover garage.

As brief background, in 2010 the City Council changed the vending ordinance to prohibit vending from most municipal parking spaces. An annual bid process was set up to allow licensed food trucks to vend on a seasonal basis during day and evening hours from one of several specially selected spots if they were the highest bidders. This ordinance change limited food trucks serving the downtown.

In order to try to facilitate an increase in food trucks serving the City while balancing health, safety and other interests, the proposed pilot program would allow late night food vending, between the hours of 10 p.m. and 2 a.m., a time period when most restaurants are closing. The location of the food trucks is geared to both serve the downtown foot traffic and to ensure there is an accessible bathroom for food truck workers which is a food safety requirement (there is a public bathroom in the garage).

Staff has identified preliminarily the following areas as potential food truck vending locations:

- a. Any municipal parking space on Fleet Street between Congress Street and Hanover Street;
- b. Any municipal parking space on Hanover Street between Fleet Street and Market Street;
- c. In any of the 15-minute-only parking spaces that abut the Vaughan Mall in the Worth Parking Lot;
- d. Haven Court; and
- e. The loading zone on High Street.

[See the attached figure identifying the potential vending areas.](#)

I recommend the City Council move to refer this matter to the Parking and Traffic Safety Committee for consideration of a proposed pilot program to allow late night food truck vending in a select area around the High Hanover garage.

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 21, 2017. In addition, this can be found on the City's website.

2. **Update on Islington Street Project and Burying Underground Utilities.** As you will recall, at the February 6, 2017 City Council meeting, the Council voted to postpone for one month and bring back for a public input session the design and bidding of the Islington Street Project including burying underground utilities. City staff will need additional time to review costs and funding options for the inclusion of the underground utilities. We will give the City Council an update at the March 20, 2017 City Council meeting.

3. **Report Back Re: Welcoming Cities.** [Attached is a report back](#) from Attorney Robert Sullivan, regarding Welcoming Cities.

MEMORANDUM

TO: Nancy Colbert Puff, Deputy City Manager
FROM: Rick Taintor, Planning Director *RT.*
DATE: February 17, 2017
RE: City Council Referral – Request to restore involuntarily merged lots at 630 Middle Road and Sylvester Street to their premerger status

Attorney William G. Scott, on behalf of The Owen Spinney Trust, has requested that involuntarily merged lots at 630 Middle Road and Sylvester Street be restored to their premerger status, pursuant to RSA 674:39-aa. The City Council considered this request at its meeting on January 23, 2017, and voted to refer the request to the Planning Board for a report

Description

The parcel at 630 Middle Road (Assessors Map 232, Lot 43) was created from 7 lots shown on a 1903 plan of the “Prospect Park” subdivision, recorded at the Rockingham County Registry of Deeds ([Attachment A](#)). The lots on the Prospect Park subdivision plan were all 40 feet wide by about 80 feet deep, containing approximately 3,200 sq. ft.

The existing parcel at 630 Middle Road is made up of 7 of the original lots and contains 22,852 sq. ft. (0.52 acre), with 240 feet of frontage on Sylvester Street and 40 feet on Middle Road. Attached are a map ([Attachment B](#)) and aerial photograph ([Attachment C](#)) showing the outline of the lot and the existing buildings and structures on the site. The aerial photograph and street-level images ([Attachment D](#)) show a truck trailer which appears to sit across a proposed boundary that would be created if the City Council grants the owner’s request to divide the property.

The owner is requesting that two of the original lots (lots 203 and 204, outlined in yellow on the attached copy of the 1903 plan) be restored to their original status as separate lots. The approximate location of the proposed boundary between lots 202 and 203 is drawn in yellow on one of the street-level images.

Statutory Requirements

RSA 674:39-aa requires the City Council to vote to restore “to their premerger status” any lots or parcels that were “involuntarily merged” by municipal action for zoning, assessing, or taxation purposes without the consent of the owner. The statute defines “voluntary merger” and “involuntarily merged” to include “any overt action or conduct that indicates an owner regarded said lots as merged such as, but not limited to, abandoning a lot line” (RSA 674:39-aa, I). It is therefore the City Council’s responsibility to determine whether a merger was voluntary (i.e., requested by a lot owner) or involuntary (implemented by the City without the owner’s consent). If the merger was involuntary, the Council must vote to restore the lots to their premerger status.

Following such a vote, the City GIS and Assessing staff will update zoning and tax maps accordingly. It is then up to the owner to take any further action to confirm the restoration to premerger status, such as recording a plan at the Registry of Deeds.

Zoning

It is important to note that the granting of a request to restore lots to their premerger status does not mean that the resulting lots will be buildable or, if already developed, will conform to zoning. The statute states that "The restoration of the lots to their premerger status shall not be deemed to cure any non-conformity with existing land use ordinances" (RSA 674:39-aa, V). For example, the restored lots may not comply with current zoning requirements for lot area, frontage and depth, and the re-establishment of a lot line between any two premerger lots may introduce a new nonconformity with respect to maximum allowed building coverage or a minimum required side yard where a building already exists on one of the premerger lots. In such cases, the owner(s) of the applicable lot(s) would have to apply to the Zoning Board of Adjustment for the necessary variances to restore zoning compliance or to allow future development.

In this case, the existing parcel is in the Single Residence B (SRB) zoning district, in which the minimum required lot area is 15,000 sq. ft., minimum required street frontage is 100 feet, and minimum required lot depth is 100 feet. The existing parcel complies with the minimum area requirement but is nonconforming to either the frontage or depth requirement depending on which street is used to determine lot frontage. If the Council votes to restore lots 203 and 204 to their premerger status, the remainder of 630 Middle Road would not become any less conforming to zoning, but the two restored lots would not meet any of these three standards and would require variances to allow development, whether separately or combined into a single lot.

Analysis

As noted above, RSA 674:39-aa requires the City Council to vote to restore "involuntarily merged" lots "to their premerger status." Thus, the Council must determine which lots, if any, were combined involuntarily, and must vote to restore any such lots to their premerger status. The statute does not authorize the Council to restore only some involuntarily merged lots while leaving the remaining lots merged.

The January 3, 2017, letter from the owner's attorney requests the Council to "unmerge Lots 203 and 204" but did not clearly state whether the owner believed that all 7 lots had been involuntarily merged (in which case the Council would have to restore all 7 lots), or whether some combination of the original lots had been voluntarily merged. In response to a request from the Planning Department for clarification, the owner's attorney stated that the request is only "to have Lots 203 and 204 unmerged" because "it appears that [lots 198 through 202] have been voluntarily merged as structures have been built on those lots."

Planning Department Recommendation

At its meeting on February 16, 2017, the Planning Board voted to recommend to the City Council that the parcel at 630 Middle Road and Sylvester Street be restored to its premerger status as three lots. The effect of this action would be to separate lots 203 and 204 as shown on the 1903 plan of Prospect Park as two individual lots, leaving the remaining five original lots as a single voluntarily merged lot.

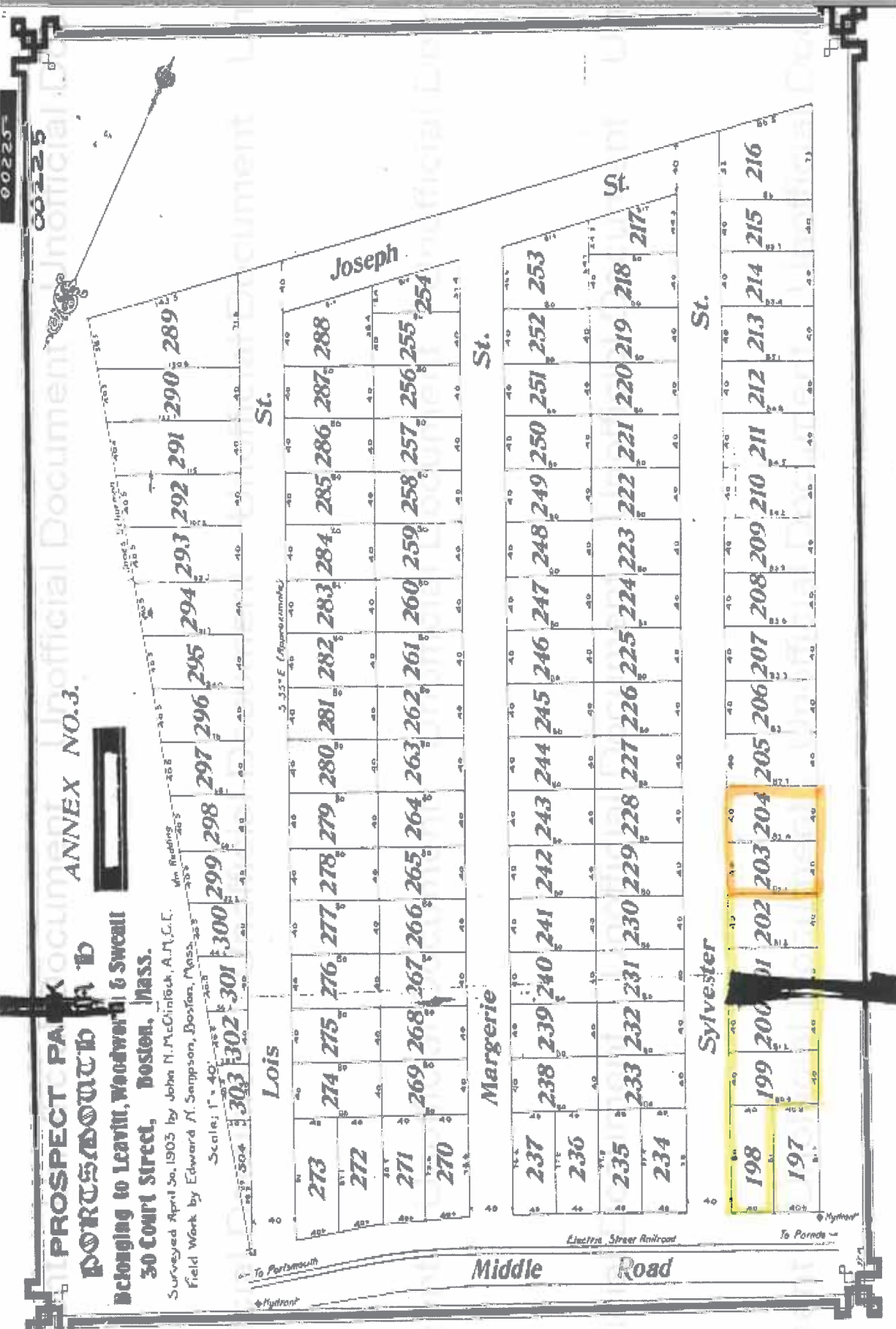
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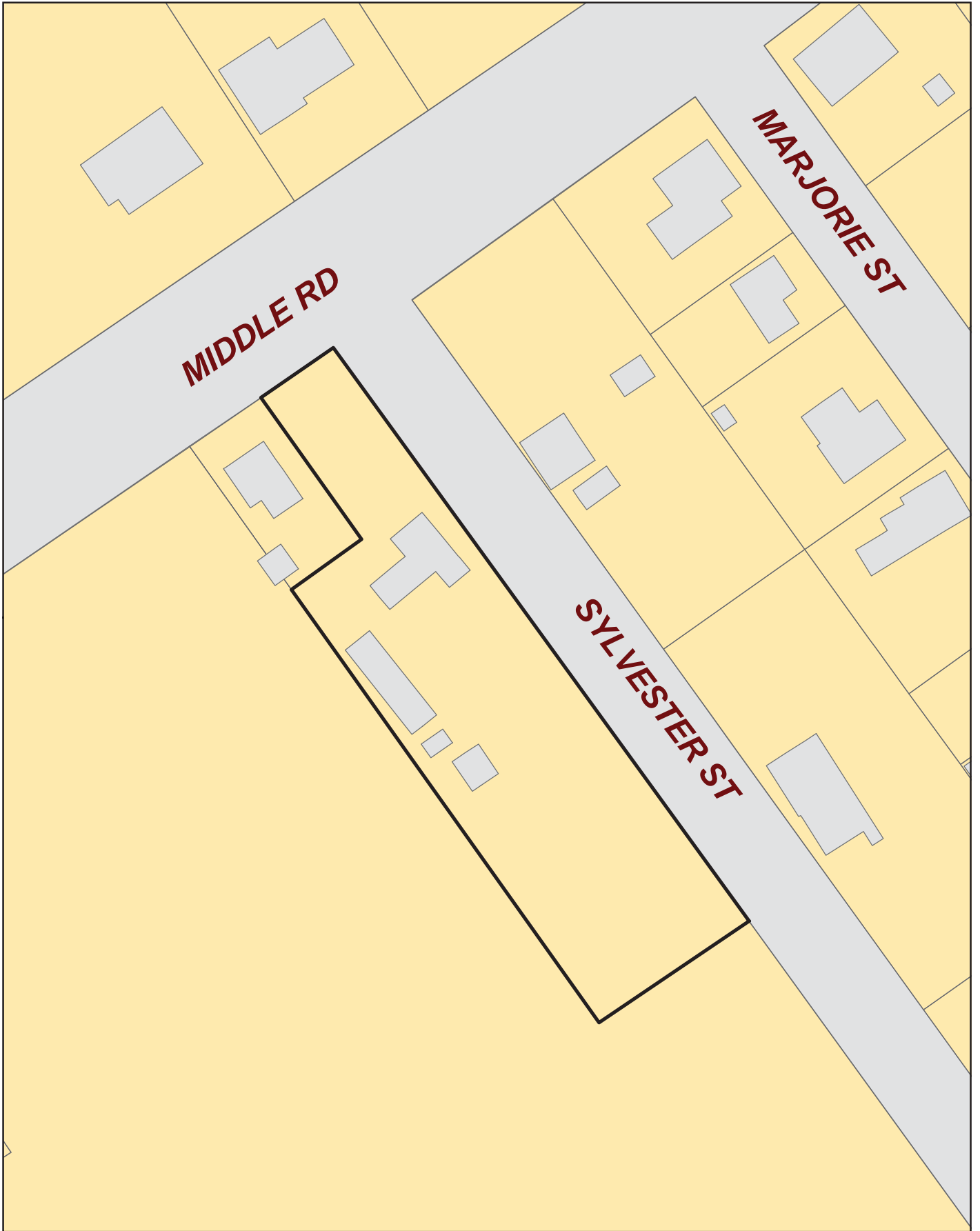
PROSPECT PARK DOCUMENT
ANNEX NO. 3.

PORTSMOUTH
Belonging to Leavitt, Woodward & Swell
30 Court Street, Boston, Mass.

Surveyed April 30, 1905 by John N. McClintock, A.M.C.E.
 Field Work by Edward M. Sampson, Boston, Mass.

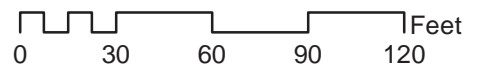
Scale: 1" = 40'





630 Middle Road & Sylvester Street

1

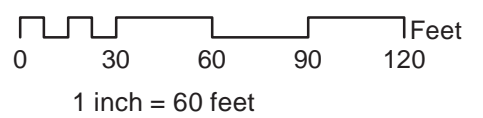


1 inch = 60 feet



630 Middle Road & Sylvester Street

1





LAW OFFICES

**BOYNTON WALDRON DOLEAC
WOODMAN & SCOTT, P.A.**

CHARLES B. DOLEAC*†
RALPH R. WOODMAN, JR.
WILLIAM G. SCOTT
FRANCIS X. QUINN, JR.*
CHRISTOPHER E. GRANT*†‡
CHRISTINE WOODMAN CASA*
PHILIP L. PETTIS
HEATHER DUNION NEVILLE*
SUSAN AILEEN LOWRY
MICHAEL H. DARLING†

82 COURT STREET
PORTSMOUTH, NEW HAMPSHIRE 03801
TELEPHONE (603) 436-4010
FAX (603) 431-9973
www.boyntonwaldron.com

JEREMY R. WALDRON
(1921 - 2012)
WYMAN P. BOYNTON
(1908 - 1997)
CHARLES A. GRIFFIN
OF COUNSEL

*ALSO MEMBER OF MAINE BAR
†ALSO MEMBER OF MASSACHUSETTS BAR
‡ALSO MEMBER OF VERMONT BAR

January 3, 2017

Portsmouth City Council
City Hall
One Junkins Avenue
Portsmouth, NH 03801

Re: Involuntarily Merged Lots at 630 Middle Road and Sylvester Street

Dear Honorable Mayor and Members of the City Council:

This office represents The Owen Spinney Trust which owns seven (7) lots beginning at the intersection of Middle Road and Sylvester Street and running along Sylvester Street. The property has been owned by the Spinney family since 1946 as it was purchased by the parents of Owen Spinney. This land is shown on the City of Portsmouth Tax Map as Map 232, Lot 43. Seven lots, 198 through 204, are shown on a plan done in 1903 and a copy of that plan is included.

The buildings and structures, including the pool, are located on Lots 198, 199, 200, 201 and 202 and all structures end at a distance of 213 feet from Middle Street along Sylvester Street. Lots 198 through 202 extend 240 feet along Sylvester Street. There are two additional lots owned by the Spinney Trust, Lots 203 and 204, which have an 80-foot frontage and were merged with lots 200 through 202.

The Tax Map shows that all the land of the Spinneys was combined. On behalf of my clients we are requesting, pursuant to RSA 674:39-aa, to unmerge Lots 203 and 204. I am enclosing in addition to the Subdivision Plan, a copy of the deed into Owen Spinney recorded on June 9, 1998, and in 2016 this was deeded by Mr. Spinney into the Trust.

January 3, 2017
Portsmouth City Council
Page 2

Please let me know if you have any further questions, and I look forward to hearing from you with respect to this matter.

Sincerely,



William G. Scott

WGS:bam
Enclosures

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00225

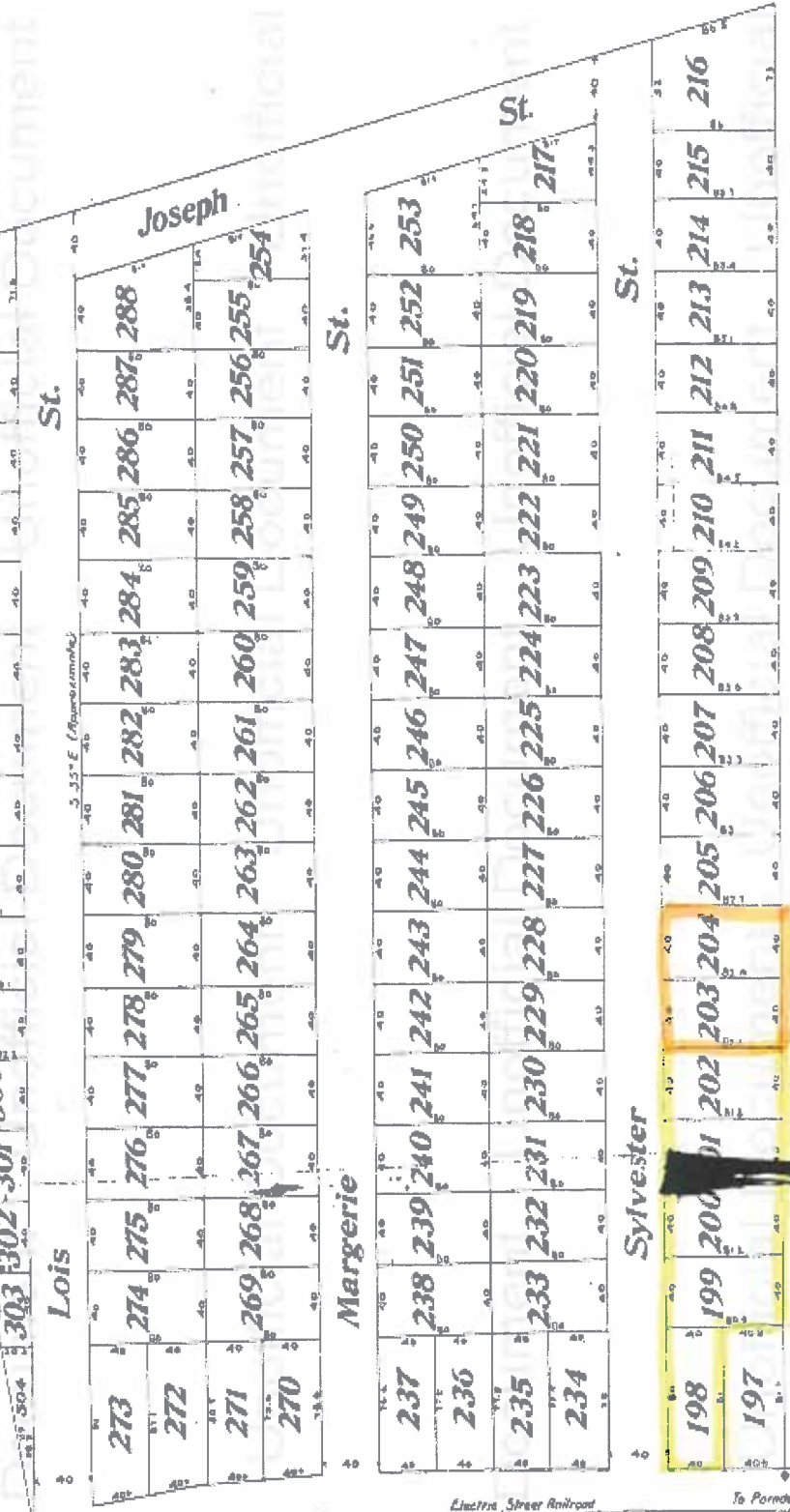
ANNEX NO. 3.

PROSPECT PARK DOCUMENTS PORTSMOUTH MA 10

Belonging to Leavitt, Woodward & Swall 30 Court Street, Boston, Mass.

Surveyed April 30, 1905 by John N. McClintock, A.M.C.E.
Field Work by Edward M. Sampson, Boston, Mass.

Scale: 1" = 40'



To Portsmouth

Middle Road

Electric Street Railroad

To Parole

Hydrant

Hydrant

Jun 9 11 49 AM '98

BK 3299PG 1200

WHEN RECORDED MAIL TO:)
WILLIAM A. HARTLEY, FSO.)
23 SANDS TERRACE)
LACONIA, NH 03246-2942)

0036911

ROCKINGHAM COUNTY
REGISTRY OF DEEDS

WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS:

THAT I, JOHN E. SPINNEY, of 630 Middle Road, Portsmouth, Rockingham County, New Hampshire 03801,

for consideration paid of less than One Dollar,

GRANT to: JOHN E. SPINNEY, JANICE L. KARKOS and OWEN B. SPINNEY, Trustees, or their successors in trust, under the JOHN SPINNEY TRUST dated June 5, 1998, and any amendments thereto, (a revocable trust) of 630 Middle Road, Portsmouth, Rockingham County, New Hampshire, 03801,

with WARRANTY covenants,

Certain lots of land situate in Prospect Park, Annex #3, being numbered 198-199-200-201-202 in said Portsmouth in accord with Plan recorded in the Rockingham Registry of Deeds, Book 585, Page 500, together with the buildings thereon, more particularly described as follows:

Beginning at the corner of Middle Road and Sylvester Street, and running westerly by said Road forty feet to lot 197 on said plan; thence running southerly by said lot 197 eighty-one feet; thence running westerly by said lot 197 forty and nine-tenths feet to land of Chase Home for Children; thence running southerly by land of said Home one hundred sixty feet; thence running easterly eighty-two and one-tenth feet to said Sylvester Street; thence running northerly by said street two hundred forty feet to place of beginning. Together with two other lots situate in said Park and said Annex being numbered 203 and 204, in accord with said Plan more particularly described as follows: Northerly by land now or formerly of Thomas Fralick, Easterly by Sylvester Street, Southerly by land now or formerly of Elijah B. Woodworth and Westerly by land of Chase Home for Children.

BK3299PG1201

Being the same premises as conveyed to John E. Spinney and Arlene L. Spinney by deed of Mary J. Hood dated June 8, 1946 and recorded in Rockingham County Registry of Deeds in Book 1061, Page 83. The said Arlene L. Spinney having since been deceased. (Death Certificate recorded herewith)

The Grantor releases to said Grantees all rights and other interests.

Dated this 5th day of June, 1998.

John E. Spinney
JOHN E. SPINNEY

STATE OF NEW HAMPSHIRE)
COUNTY OF ROCKINGHAM)ss

On this 5th day of June, 1998, before me, the undersigned officer, personally appeared JOHN E. SPINNEY, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

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

William A. Hartley
Notary Public

WILLIAM A. HARTLEY, Notary Public
My Commission Expires September 29, 1996



STATE OF NEW HAMPSHIRE

DEPARTMENT OF REVENUE ADMINISTRATION

REAL ESTATE TRANSFER TAX

XX THOUSAND XX HUNDRED AND 40 DOLLARS

060998 296909 \$ 40.00

VOID IF ALTERED

CERTIFICATE OF TRUSTEE

The undersigned Trustees, as Trustees under the JOHN SPINNEY TRUST created under trust agreement dated June 5, 1998, and thereto has full and absolute power in said trust agreement to convey any interest in real estate and improvements thereon held in said trust and no purchaser or third party shall be bound to inquire whether the Trustee has said power or is properly exercising said power or to see to the application of any trust asset paid to the Trustee for a conveyance thereof.

John E. Spinney
JOHN E. SPINNEY, Trustee

Janice L. Karkos
JANICE L. KARKOS, Trustee

Owen B. Spinney
OWEN B. SPINNEY, Trustee

STATE OF NEW HAMPSHIRE)
COUNTY OF ROCKINGHAM)ss

On this 5th day of June, 1998, before me, the undersigned officer, personally appeared JOHN E. SPINNEY, JANICE L. KARKOS, and OWEN B. SPINNEY, Trustees under the JOHN SPINNEY TRUST, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

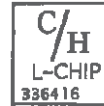
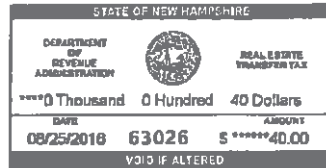
In witness whereof I hereunto set my hand and official seal.

William A. Hartley
Notary Public

WILLIAM A. HARTLEY, Notary Public
My Commission Expires September 29, 1998



RETURN TO
Boynon, Waldron, Doleac,
Woodman & Scott, P.A.
82 Court Street
Portsmouth, NH 03801



QUITCLAIM DEED

KNOW ALL PERSONS BY THESE PRESENTS THAT, I OWEN B. SPINNEY, single, of 630 Middle Road, Portsmouth, County of Rockingham, State of New Hampshire

For minimal consideration paid grant to **OWEN B. SPINNEY, TRUSTEE OF THE OWEN SPINNEY REVOCABLE TRUST OF 2016 u/d/t August 22, 2016,** of 630 Middle Road, Portsmouth, County of Rockingham, State of New Hampshire, with QUITCLAIM covenants

Certain lots of land situate in Prospect Park, Annex #3, being numbered 198-199-200-201-202 in said Portsmouth, State of New Hampshire, in accord with Plan recorded in the Rockingham Registry of Deeds, Book 585, Page 500, together with the buildings thereon, more particularly described as follows:

Beginning at the corner of Middle Road and Sylvester Street, and running westerly by said Road forty feet to lot 197 on said plan; thence running southerly by said lot 197 eighty-one feet; thence running westerly by said lot 197 forty and nine-tenths feet to land of Chase Home for Children; thence running southerly by land of said Home one hundred sixty feet; thence running easterly eighty-two and one tenth feet to said Sylvester Street; thence running northerly by said street two hundred forty feet to place of beginning.

Together with two other lots situate in said Park and said Annex being numbered 203 and 204, in accord with said Plan more particularly described as follows: Northerly by land now or formerly of Thomas Fralick, Easterly by Sylvester Street, Southerly by land now or formerly of Elijah B. Woodworth and Westerly by land of Chase Home for Children.

Meaning and intending to describe and convey the same premises conveyed to Owen B. Spinney by deed of John E. Spinney dated May 31, 2000, recorded at Book 3477, Page 2726, Rockingham County Registry of Deeds.

The herein Grantor hereby releases all rights of homestead and any other interest therein.

E 37408

ROCKINGHAM COUNTY
REGISTRY OF DEEDS

2016 Aug 25 AM 08:05

This conveyance is made subject to all liens, easements, encumbrances and restrictions of record.

This Instrument was prepared without the benefit of a title examination.

Signed this 24th day of August, 2016.

Owen B. Spinney
OWEN B. SPINNEY

STATE OF NEW HAMPSHIRE
ROCKINGHAM COUNTY

Personally appeared this 24th day of August, 2016, **OWEN B. SPINNEY**, who acknowledged that he/she/they executed the foregoing instrument as his/her/their free act and deed for the purposes contained herein.

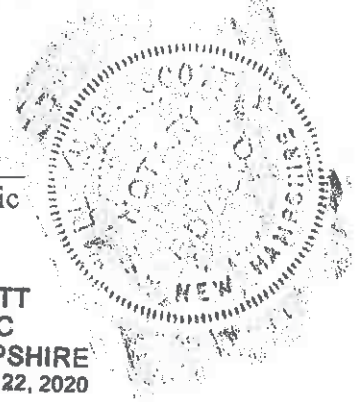
Before me,

William G. Scott

, Notary Public

My commission expires:

WILLIAM G. SCOTT
NOTARY PUBLIC
STATE OF NEW HAMPSHIRE
My commission expires July 22, 2020



E 37408

ROCKINGHAM COUNTY
REGISTRY OF DEEDS

MEMORANDUM

TO: Nancy Colbert Puff, Deputy City Manager
FROM: Rick Taintor, Planning Director *RT.*
DATE: February 21, 2017
RE: City Council Referral –
Request for Release of Paper Streets Adjacent to Two Parcels at 26 Moffat Street and Swett Avenue

On behalf of J. Bradley and Sarah Honeyman, owners of two parcels at 26 Moffat Street and on Swett Avenue (Assessors Map 243 Lots 69 and 23), Attorney Christopher Mulligan has requested the City to release any and all right, title and interest in the portions of two paper streets abutting those parcels.

Section 11.602 of the City Ordinances provides as follows:

- A. The following matters shall be referred to the Planning Board in writing at least thirty (30) days before final action is taken:
 - (1) Any acquisition or disposition of municipal real property, including fee transfers, easements and licenses;
 - (2) Any plan for the construction, alteration, relocation, acceptance or discontinuance of a public way.
- B. No final action on a matter listed herein shall be taken until either the Planning Board has reported to the City Council thereon in writing or sixty (60) days have elapsed since the referral without such report.

In accordance with these requirements, the City Council reviewed this request at its meeting on February 6, 2017, and referred it to the Planning Board for a report. The Planning Board considered the matter at its meeting on February 16, 2017.

Description and Analysis

The owners of two lots on Moffat Street and Swett Avenue are requesting that the City release its interest, if any, in the portions of two “paper streets” abutting their properties (Assessors Map 243 Lots 69 and 23). As shown on the [attached](#) exhibits prepared by the Planning Department from the City’s geographic information system, this request affects two separate and noncontiguous areas: a 40’ x 129’± portion of Moffat Street, and a 40’ x 443’± portion of Woodworth Avenue.

A “paper street” is a street that is shown on a recorded plan but that has not been accepted by the municipality. For paper streets that were dedicated (i.e., shown on a plan) prior to 1969, the dedication ends automatically unless the municipality accepted it within 20 years of the

dedication. Acceptance may be accomplished by a specific vote of the City Council, or by some other action such as use of the street for municipal infrastructure (e.g., water or sewer lines). If the paper street is not accepted and the dedication ends, ownership to the center of the paper street reverts to the abutting property owners.

The lots and streets in this area originated in a 1902 subdivision plan of "Prospect Park". Several of the streets in the subdivision were partially constructed and accepted by the City, and a number of lots were developed. However, the area east of the Moffat Street cul-de-sac has remained undeveloped because of the extensive wetlands and challenging topography. There is no municipal infrastructure in either of the two paper street segments that the City is now being asked to release.

The owners of another property have submitted an application to the Zoning Board of Adjustment for variances to allow the resubdivision of four lots on Moffat Street, between Woodworth Avenue and Swett Avenue, in order to create two building lots for single-family dwellings. These lots abut the two parcels that are the subject of the request for release of paper streets, and will likely be the last building lots in this portion of the Prospect Park subdivision.

Given the limited potential for development of the remaining lots in this portion, and the availability of Swett Avenue for access to those lots, there does not appear to be a need to preserve the paper streets for future public use.

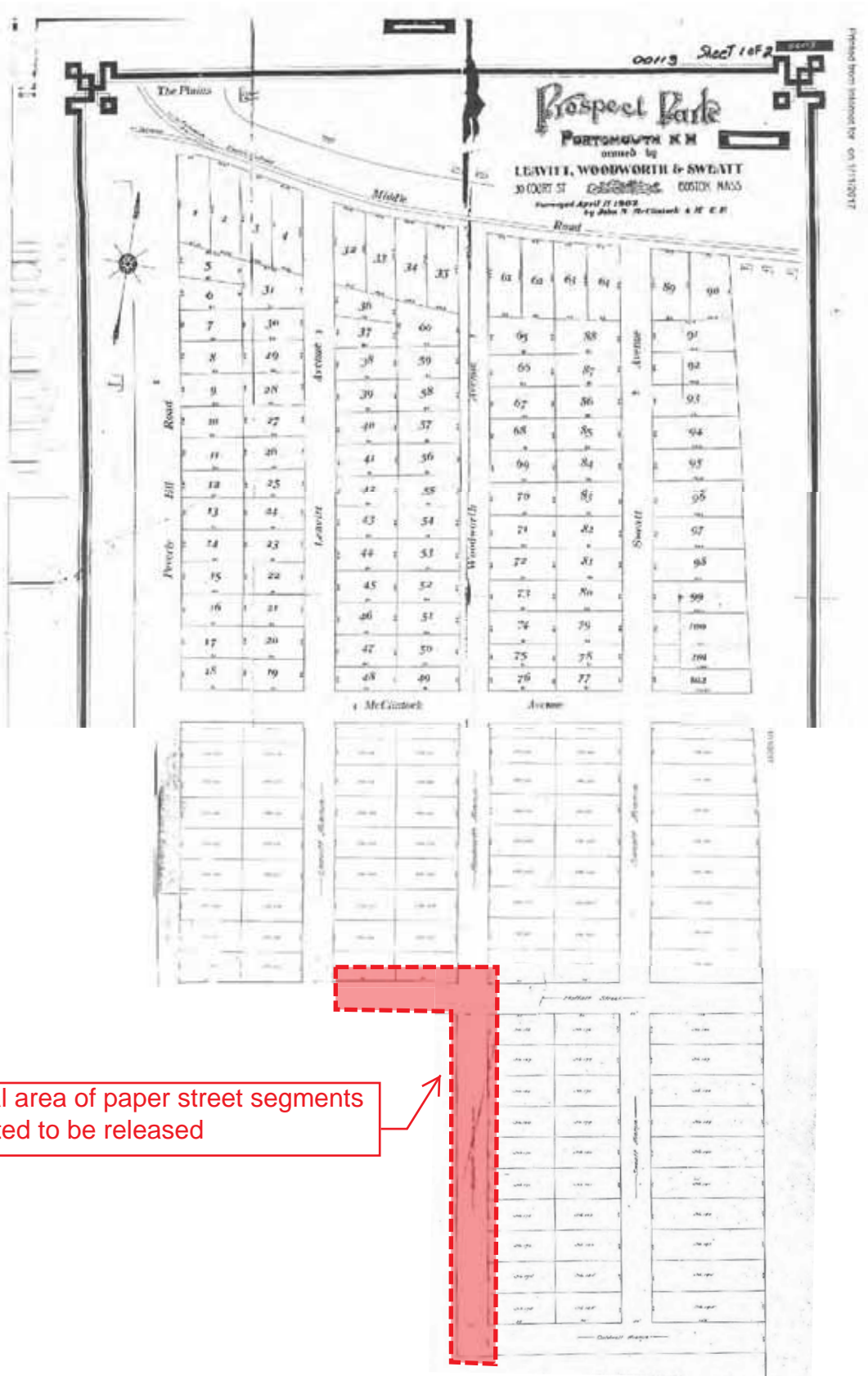
Planning Department Recommendation

At its meeting on February 16, 2017, the Planning Board voted to recommend that the City Council release all right, title and interest, if any, in the paper streets abutting the parcels shown as Assessors Map 243 Lots 69 and 23.

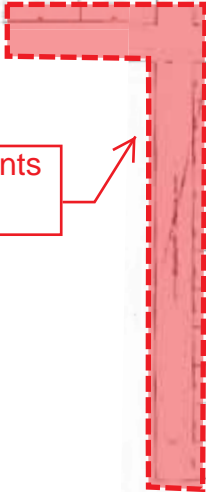
Attachments

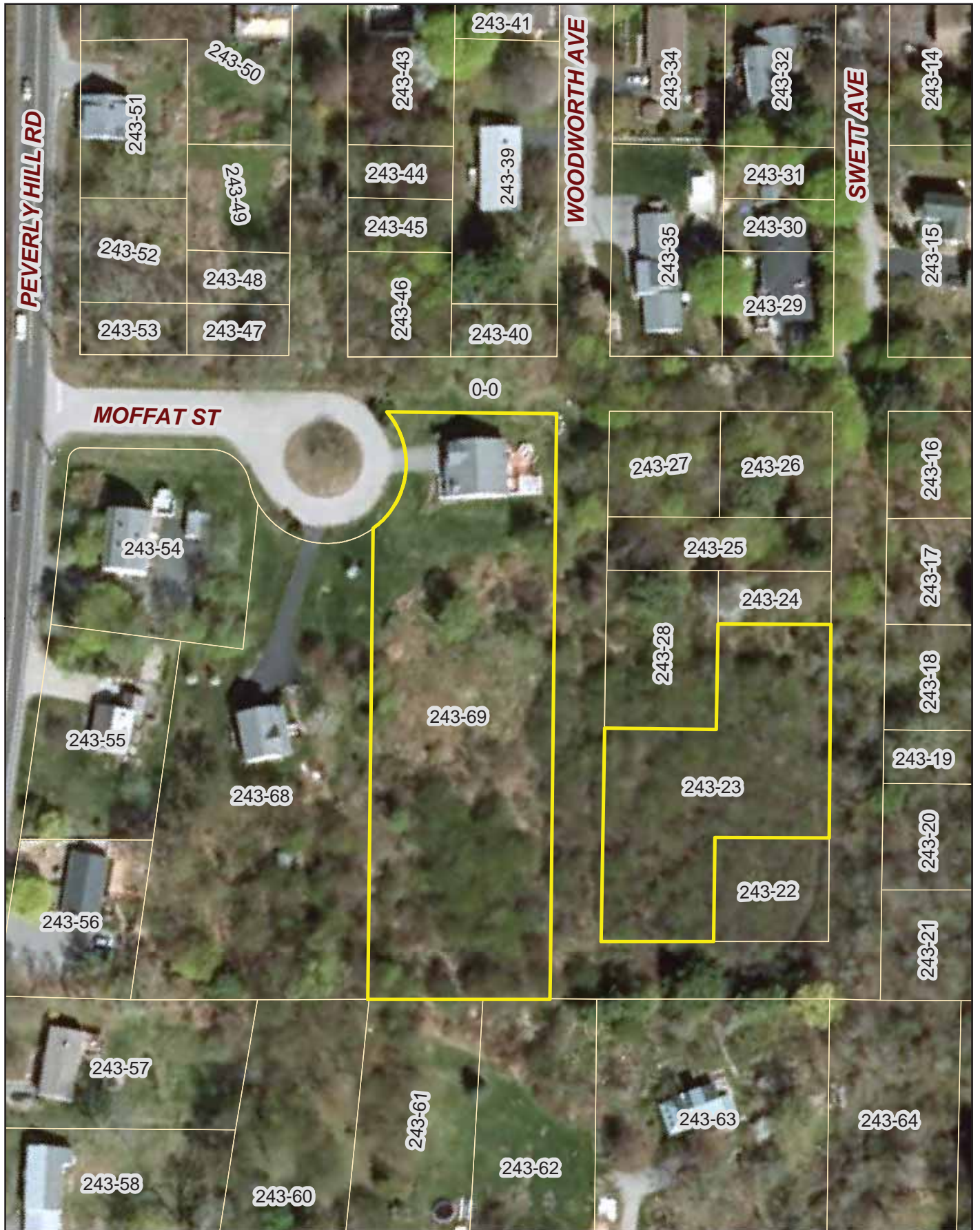
1. 1902 Plan of Prospect Park showing location of subject paper streets
2. Orthophoto of Moffat-Woodworth-Swett area with Honeymans' lots highlighted
3. Map of Moffat-Woodworth-Swett area showing portions of paper streets requested to be released

1902 Plan of "Prospect Park"

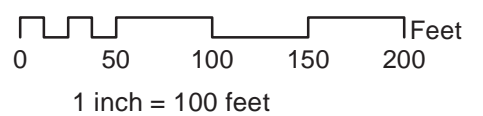


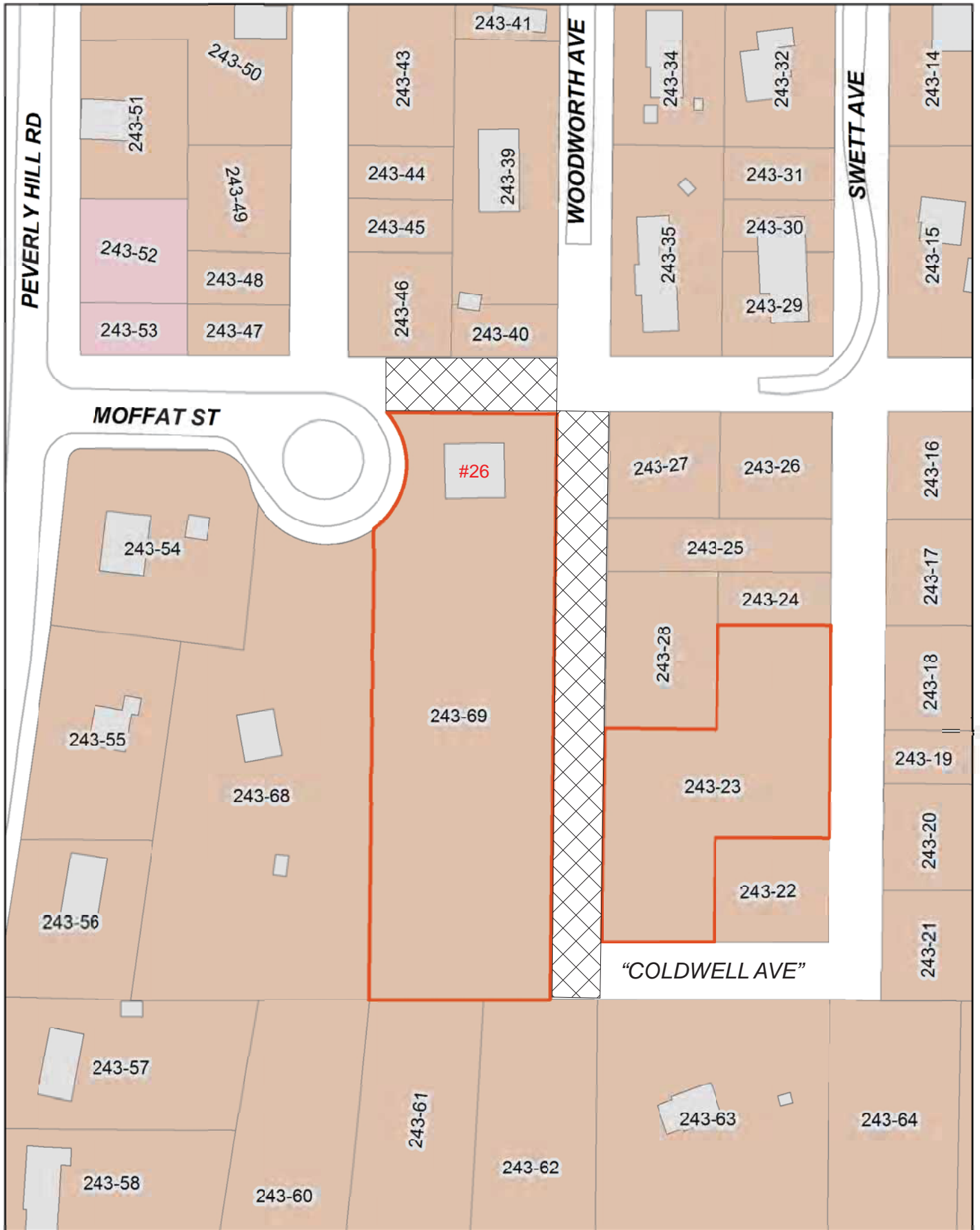
General area of paper street segments requested to be released



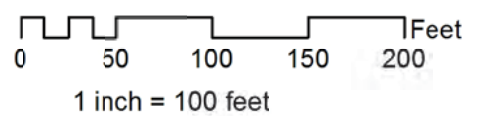


26 Moffat Street & Swett Avenue





26 Moffat Street & Swett Avenue



BOSEN & ASSOCIATES, P.L.L.C.
ATTORNEYS AT LAW

John K. Bosen
Admitted in NH & MA

Christopher P. Mulligan
Admitted in NH & ME

Albert Hansen
Admitted in NH, MA & ME

David M. Howard
Admitted in NH

Molly C. Ferrara
Admitted in NH

January 25, 2017

VIA HAND DELIVERY

Jack Blalock, Mayor
Portsmouth City Council
1 Junkins Avenue
Portsmouth, NH 03801



**RE: Request for Release of Paper Streets Pursuant to RSA 231:51 and :52
26 Moffat Street (Tax Map 243, Lot 69)/Swett Ave (Tax Map 243, Lot 23)**

Dear Mr. Mayor:

This office represents the interest of J. Bradley and Sarah Honeyman, owners of the above referenced property. Please consider this a formal petition for the release to my clients of all right, title and interest, if any, the City has in the paper streets known as "Moffat Street" and "Woodworth Avenue" to the centerline of each where they abut my clients' property, pursuant RSA 231:51 and :52.

The Honeymans acquired the above referenced lots in 2007 by deed which references a certain subdivision plan, D-30480. I enclose copies of the Honeymans' deed, the recorded subdivision plan, and the current tax map. See Exhibits A, B and C. As you can see, a portion of Moffat Street was constructed as a cul-de-sac with its eastern terminus at 26 Moffat Street, where the Honeymans live with their two young boys. This occurred sometime after the subdivision approval and remains so today.

The plan and tax map show Moffat Street as extending further beyond the cul-de-sac, and beyond the Honeymans' property, all the way to the Chase Home parcel. This extension of Moffat Street has never existed on the ground. The plan and map also show Woodworth Avenue extending along the entirety of the eastern boundary of Lot 69, and also abutting 160.09 feet of the western boundary of Lot 23. Similarly, Woodworth Avenue has never existed on the ground south of the paper portion of Moffat Street, and in fact, its actual southern terminus is well north of it. The current GoogleMaps aerial photograph of the neighborhood in question is enclosed as Exhibit D.

Moffat Street and Woodworth Avenue trace their genesis to a subdivision of land recorded at the Rockingham County Registry of Deeds in 1902 as "Prospect Park." I enclose copies of the plans as recorded as Exhibit E. As these paper streets were dedicated to public use more than one hundred years ago and have not been opened, built, or used for public travel where they abut the Honeymans' property since that time, they should be released from public servitude pursuant to RSA 231:51. They are not needed for public travel. RSA 231:52.

Jack Blalock, Mayor
January 25, 2017
Page Two

Permitting the physical extension of Moffat Street beyond the existing approved cul-de-sac would be at the least imprudent from an urban planning and design perspective, as it would render the cul-de-sac superfluous, but it would also have a very deleterious effect on the Honeymans' home, which is sited very close to the paper portion of Moffat Street.

Therefore, pursuant to the above referenced statutes, I formally request that the City release to the Honeymans any and all of its right, title and interest in and to the centerline of the paper streets Moffat Street and Woodworth Avenue where they abut the Honeymans' lots.

I respectfully request that this matter be added to the agenda of the next City Council meeting. Thank you for your attention and please contact me if you have any questions or require additional information.

Sincerely,



Christopher P. Mulligan

CPM/mcc

Enclosures

cc: J. Bradley and Sarah Honeyman (w/ enclosures)



STATE OF NEW HAMPSH

DEPARTMENT OF REVENUE ADMINISTRATION REAL ESTATE TRANSFER

7 THOUSAND 1 HUNDRED AND 85 DOLLARS

05 1007 \$7185.00

VOID IF ALTERED

6337 MAIL TO
 Heritage Title Services, L.L.C.
 402 The Hill, Deer Street
 Portsmouth, NH 03801
 603-431-6233
 603-431-5481 fax

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that WE, DENISE BLOOM, a single person of 287 Dennett Street, City of Portsmouth and County of Rockingham, and State of New Hampshire and GUY BELLIVEAU, a single person of 26 Moffat Street, City of Portsmouth, County of Rockingham and State of New Hampshire,

FOR CONSIDERATION PAID, grant to J. BRADLEY HONEYMAN and SARAH HONEYMAN, husband and wife of 56A Marston Street, City of Portsmouth, County of Rockingham and State of New Hampshire, as JOINT TENANTS WITH RIGHTS OF SURVIVORSHIP

WITH WARRANTY COVENANTS, the following described parcels of land:

Two certain parcels of land, with the buildings thereon, located off Peverly Hill Road on a certain right-of-way, known as Moffat Street in the City of Portsmouth, County of Rockingham and State of New Hampshire as shown on a subdivision plan of land entitled "Subdivision of Land, Tax Map 43, Lots 54 and 23, Peverly Hill Road, Portsmouth, NH" prepared by Maguire Group, Inc., dated January 4, 2001, last revised April 2, 2002 and recorded in the Rockingham County Registry of Deeds as Plan D-30480, being more particularly bounded and described as follows:

Parcel B, Lot 3:

A certain parcel of land, located on Moffat Street in Portsmouth, County of Rockingham and State of New Hampshire, being Lot 3 and being more particularly bounded and described as follows:

Beginning at a point on the Northwesterly corner of the herein described premises and the northerly terminus of Moffat Street, so-called, and running N 70 degrees 54' 45" E along land of the City of Portsmouth, known as Moffat Street, a paper street, for a distance of 128.59 feet to an iron pipe at Woodworth Avenue, a paper street; thence turning and running southerly along said Woodworth Avenue, a paper street, S 19 degrees 06' 18" E for a distance of 239.26 feet to point; thence continuing along said paper street S 19 degrees 06' 18" E for a distance of 203.46 feet, to a point at land now or formerly of Susan W. Chamberlin and Albert E. Scherr, IV; thence turning and running along land of said Chamberlin and Scherr land, and other land now or formerly of

027318

2007 MAY 10 PM 12:03

ROCKINGHAM COUNTY
REGISTRY OF DEEDS

Adam L. Sargent and Gretchen M. Lantz, S 70 degrees 09' 00" W a distance of 137.81 feet, to a point thence turning and running N 19 degrees 06' 18" W along the easterly sideline of Lot 2, for a distance of 357 feet, more or less, to a point at the southeasterly terminus of Moffat Street, so-called; thence turning by an arc of a curve to the left, said arc having a radius of 60.00 for a distance of 100.00 feet, to the point of beginning.

Also conveyed herewith is a right pass and repass over the right-of-way, shown as Moffat Street, on the recorded Subdivision Plan, until such time as said Moffat Street is accepted by the City of Portsmouth as a public street.

Lot 3 is subject to a Sewer easement in favor of the City of Portsmouth, said easement being recorded at said Registry in Book 2033, Page 12

Lot 3 is also subject to a Sewer easement granted by Sierra Construction, LLC to 248 Peverly Hill Condominium Association dated November 21, 2003, said easement being recorded in said Registry at Book 4205, Page 1841.

Meaning and intending to convey Lot 3 on the above described plan containing 59,492 square feet or 1.36 acres.

Parcel C, Lot 3:

A certain parcel of land, located off Peverly Hill Road in Portsmouth, County of Rockingham and State of New Hampshire, being shown on said Subdivision Plan as Map 43, Lot 23 and being more particularly bounded and described as follows:

Beginning at a point on the northwesterly corner of the herein described premises and the southeasterly corner of land now or formerly of Colman C. Garland, thence running N 69 degrees 37' 39" E along the southerly sideline of land now or formerly of Robert J. LaFolia Revocable Trust for a distance of 86.00 feet, to a point; thence turning and running S 19 degrees 07' 29" E along the westerly sideline of Swett Avenue, a paper street, for a distance of 160.01 feet, to a point; thence turning and running along land now or formerly of the Rober LaFolla Revocable Trust, S 69 degrees 37' 39" W for a distance of 86.00 feet to a point; thence turning and running along land of said LaFolla Revocable Trust, S 19 degrees 06' 18" E, for a distance of 80.87 feet to a point; thence turning and running S 70 degrees 09' 00" W for a distance of 86.04 feet to a point at Woodworth Avenue, a paper street; thence turning and running N 19 degrees 06' 18" W along said paper street, a distance of 160.09 feet to a point; thence turning and running N 69 degrees 37' 39" E for a distance of 86.00 feet to a point; thence turning and running N 19 degrees 06' 18" W for a distance of 80.00 feet to the point of beginning.

Also meaning and intending to convey Map 43, Lot 23 on the within described plan containing 27,563 square feet or 0.63 acres.

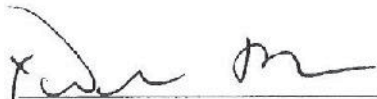
The within conveyed two parcels of land are subject to any and all restrictions,


conditions, and easements as are noted on the herein referenced Subdivision Plan.

Meaning and intending to describe and convey the same premises conveyed to Denise Bloom and Guy Belliveau by Warranty Deed of Timothy R. Potvin and Amy M. Potvin dated April 3, 2006 as recorded in the Rockingham County Registry of Deeds in Book 4650, Page 1948.

We release all rights of homestead in said property and release all rights and other interests in said property.

WITNESS our hands this 9th day of May, 2007.

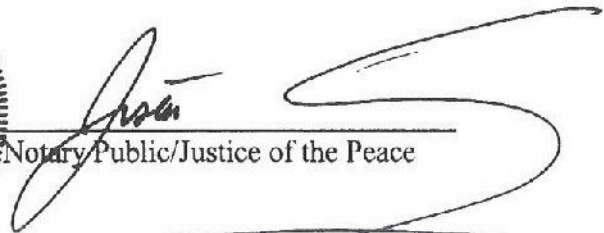

Denise Bloom


Guy Belliveau

State of New Hampshire
Rockingham, ss

Personally appeared on this 9th day of May, 2007, the above named Denise Bloom, known to me or satisfactorily proven to be the person whose name is subscribed to the foregoing instrument and acknowledge that she executed the same for the purposes therein contained.

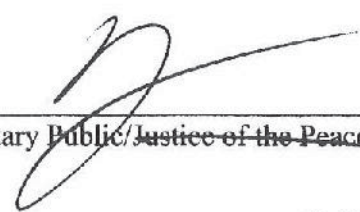



Notary Public/Justice of the Peace

State of New Hampshire
Rockingham, ss

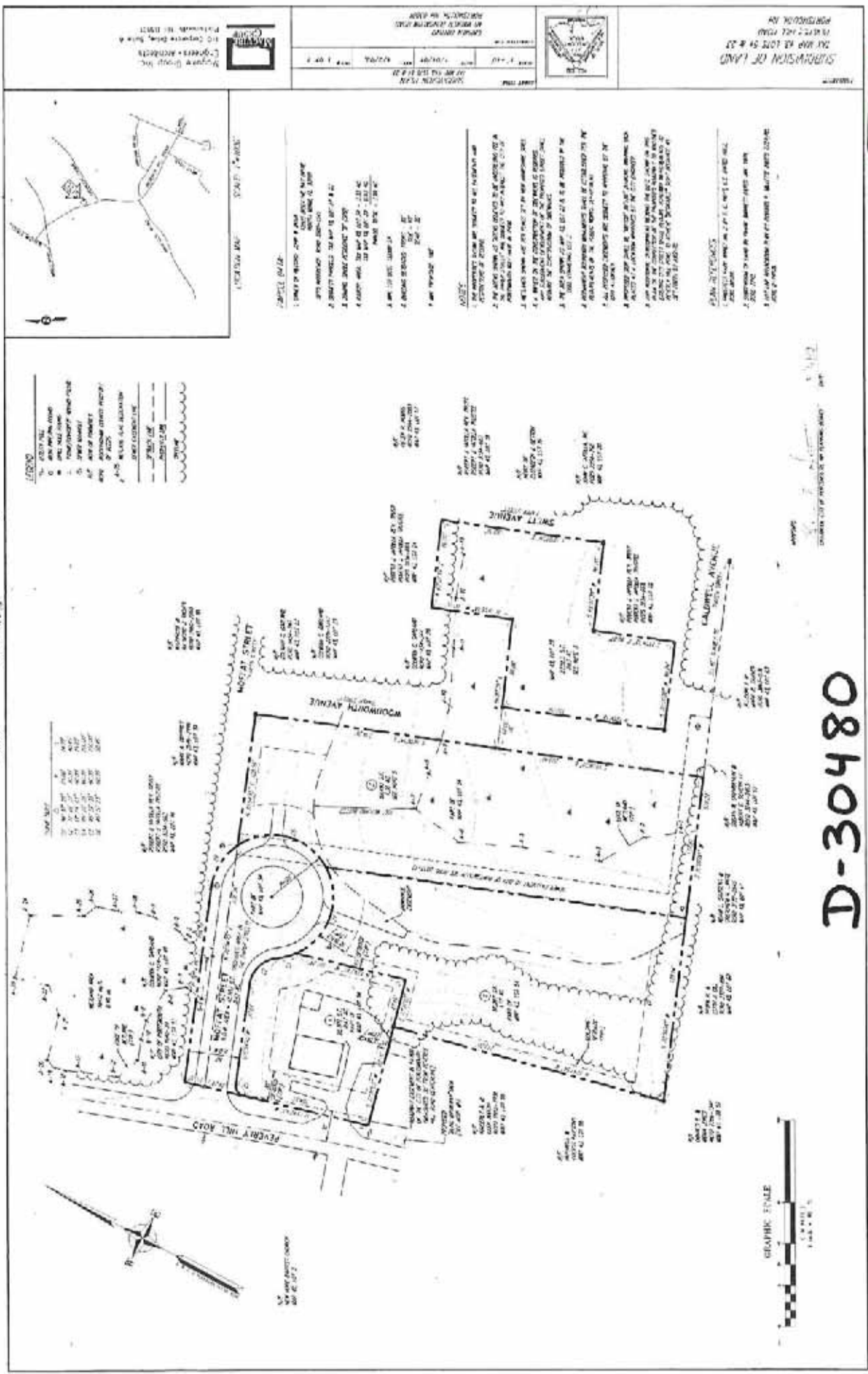
Personally appeared on this 9th day of May, 2007, the above named Guy Belliveau, known to me or satisfactorily proven to be the person whose name is subscribed to the foregoing instrument and acknowledge that he executed the same for the purposes therein contained.




Notary Public/Justice of the Peace

ROBERT H. ZIRKLE JR., Notary Public
My Commission Expires February 9, 2010

EXHIBIT
B



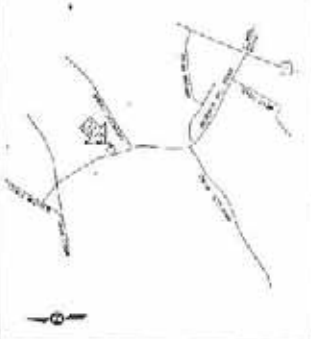
D-30480

SEMPER PARATI
DIVISION OF LAND



NO.	DATE	DESCRIPTION
1	1/21/2017	PRELIMINARY PLAN
2	1/21/2017	FINAL PLAN

MapScale
1" = 100'





Google Maps 85 Woodworth Ave



Imagery ©2017 Google, Map data ©2017 Google 100 ft



85 Woodworth Ave
Portsmouth, NH 03801





00119 Sheet 1 of 2 00113

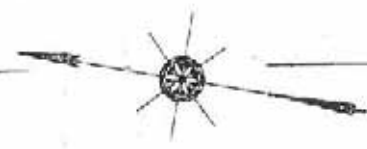
Prospect Park

PORTSMOUTH N.H.
owned by

LEAVITT, WOODWORTH & SWEATT
30 COURT ST BOSTON MASS

Surveyed April 17 1902
by John N. McClintock A.M.C.E.

The Plains

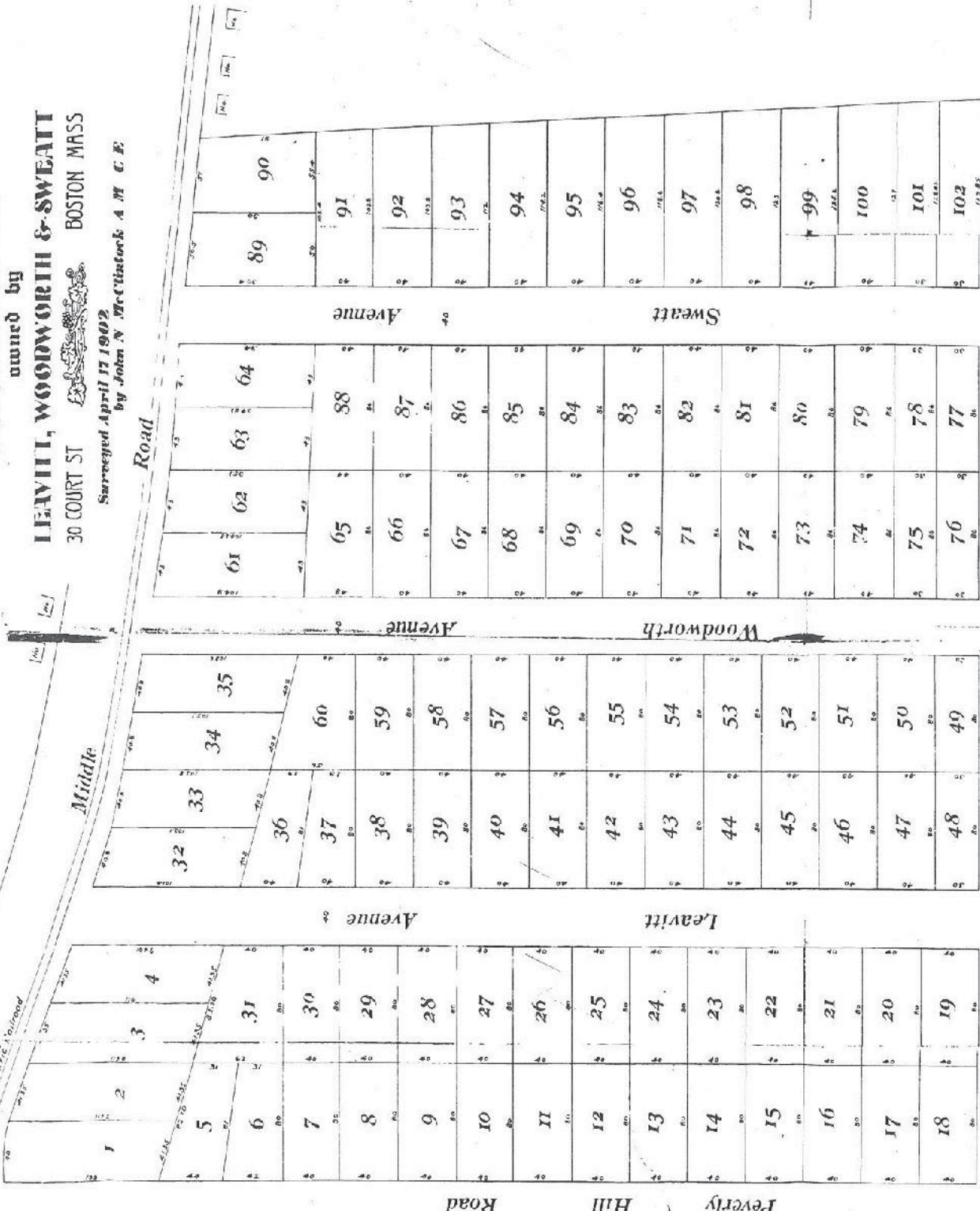


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17	20	21	22	79	80	81	82	97	98
23	24	25	26	83	84	85	86	99	100
27	28	29	30	87	88	89	90	101	
31	32	33	34	91	92	93	94		
35	36	37	38	95	96	97	98		
39	40	41	42	99	100	101			
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51	52	53	54						
55	56	57	58						
59	60	61	62						

PORTSMOUTH N H

owned by
LEAVITT, WOODWORTH & SWEATT
30 COURT ST BOSTON MASS

Surveyed April 17 1902
by John N. McClintock A M C E



Avenue

McClintock

Sheet 2 of 2

00113

Scale, 30ft. to an inch.

Drawn by John N. McClintock A M C E Boston Mass

00109
00109



Prospect Park Annex No. 2
Portsmouth, N. H.

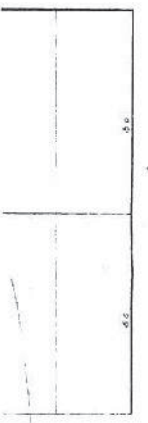
Leavitt Woodworth and Sweatt

30 Court St, Boston, Mass.

Scale 30 ft = 1 inch

Surveyed June 1910, by F.C. Hoyt, C.E.





Mc Clintock Avenue

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Leavitt Avenue

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Woodworth Avenue

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Sweatt Avenue

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Moffatt Street

Prospect Park Annex
Boston, 14th N H
— owned by —
L. W. Woodworth and Sweatt.

100 Park St Boston, Mass.
Copyright 1907 by F. O. May Jr.
No. 100 Park St Boston, Mass.



City of Portsmouth

Department of Public Works



MEMORANDUM

TO: John P. Bohenko, City Manager

FROM: Eric Eby, P.E., Parking and Transportation Engineer

DATE: February 28, 2017

SUBJECT: Truck Prohibition Ordinance Revision

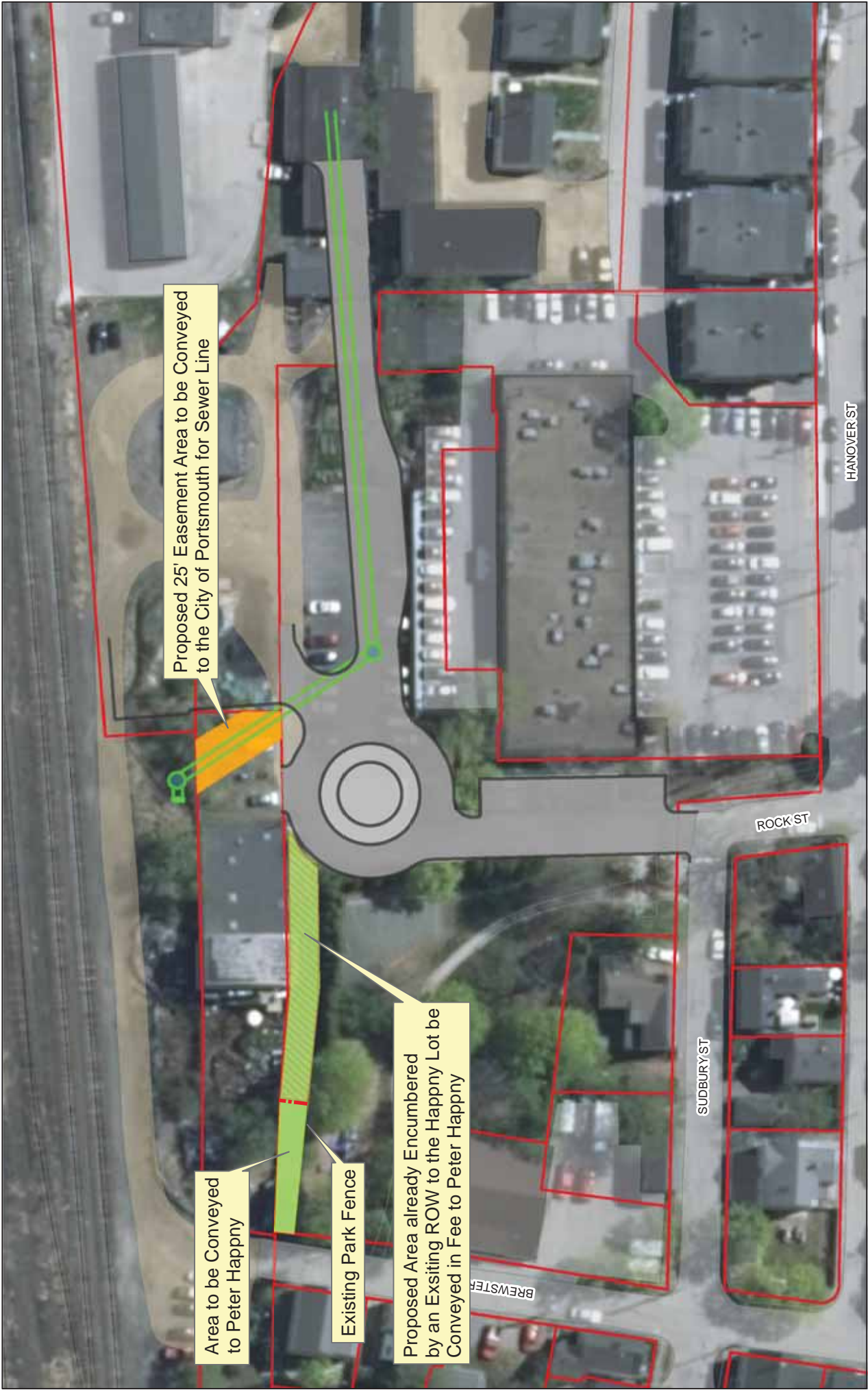
In May 2015, residents of Banfield Road brought to the Parking and Traffic Safety Committee their concerns about the volume of truck traffic on their roadway and truck restriction signs that had gone missing. In the summer of 2015, DPW staff installed Truck Restriction signs in conformance with the current ordinances. After the installation of the signs, another Banfield Road resident and business owner has repeatedly voiced concern that the signs are not in compliance with the intent of the truck restriction ordinance. At their July 7, 2016 meeting, the PTS Committee voted to have City staff review the history and intent of the truck restriction ordinance and report back on recommended changes to the ordinance to clarify where and when trucks are excluded. City staff has worked with the City Clerk as well as the City Attorney to research and understand the history and intent of past changes to the ordinance. The last major changes to the truck restriction ordinances took place in December 1996. Prior to December 1996, trucks were prohibited from the entire length of Banfield Road subject to four exceptions. Trucks were also prohibited from Peverly Hill Road unless starting or ending on Peverly Hill Road, Banfield Road or Greenleaf Avenue.

In December 1996, several sections of the truck restriction ordinance were replaced in their entirety with new sections that designated certain streets as through truck routes, which allowed trucks at all times under all conditions; and a list of streets that allowed trucks only for limited use or local deliveries. Limited use was defined as the four exceptions previously listed in the old ordinance. Local deliveries were defined as a trip that began and ended somewhere in the City. With these changes, Banfield Road was listed as a local delivery route and Peverly Hill Road was included as a through truck route.

In February 1997, the City Council voted to restore the deleted sections of the ordinance, but to delete from those sections any reference to Peverly Hill Road. This change also reinstated the truck prohibition for the entire length of Banfield Road. However, when the old ordinance sections were restored, the old section listing the four exceptions was not restored, and the new section listing the limited use exceptions was deleted. In addition, the new list of local delivery routes was **not** deleted but the definition of a local delivery **was** deleted. The only exceptions in the current

ordinance are for local delivery routes, but the definition of a local delivery is not included. Therefore, as currently written, Banfield Road is listed twice, once as prohibiting all trucks and again as allowing trucks for local deliveries.

To remedy this confusing situation, City staff recommends that the current Section 7.704 Local Delivery Routes be deleted, and the old Section 7.703 Exceptions be restored. This will clarify which streets are prohibited to trucks, and the exceptions that are allowed. This would have the effect of prohibiting trucks on the entire length of Banfield Road subject to the four exceptions previously mentioned. No other streets would be affected, as no other street in the local delivery route listing is also listed in the prohibited street listing.



PROPOSED LAND SWAP WITH PETER HAPPY FOR SEWER LINE RECONFIGURATION



Proposed Vending Spaces

Run: 3/01/17
8:34AM

Event Listing by Date

Page: 1

Starting Date: 2/21/2017

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: 3/01/17
8:34AM

Event Listing by Date

Page: 2

Starting Date: 2/21/2017

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: 3/01/17
8:34AM

Event Listing by Date

Page: 3

Starting Date: 2/21/2017

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

**CITY OF PORTSMOUTH
LEGAL DEPARTMENT
MEMORANDUM**

DATE: February 28, 2017

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: ROBERT P. SULLIVAN, CITY ATTORNEY

RE: WELCOMING CITIES

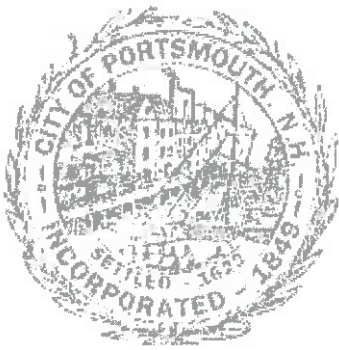
At its last meeting the City Council reviewed a memorandum from this office on the topic of Sanctuary Cities. After taking no action on that concept the Council requested further information on the topic of Welcoming Cities.

The term “Welcoming City” seems to have arisen on a nationwide basis as a result of municipal reaction to President Donald Trump’s much publicized Executive Order regarding, among other topics, border protection. On January 25, 2017 President Donald J. Trump issued an Executive Order entitled “Enhancing Public Safety in the Interior of the United States” which was analyzed in some detail in my memorandum addressed to Deputy City Manager Nancy Colbert Puff dated February 16, 2017. In general, the President has directed that discretionary federal funds be denied to what he characterizes as sanctuary cities. These are cities which do not demonstrate a sufficient level of cooperation with federal immigration and border authorities.

Research suggests that the term “Welcoming City” has risen as a way for municipalities to make the political point that the city or town does not support the positions of President Trump on immigration matters without the jeopardizing of federal funds which might be associated with becoming a sanctuary city. Some municipalities have become welcoming cities by the adoption of resolutions, others by the adoption of ordinances.

Frankly, the term Welcoming City seems to carry no particular legal significance. The phrase means whatever the municipality calling itself by that term intends it to mean.

It is easy to make the comparison between the term welcoming city and the motto of the City of Portsmouth that it is the, “City of the Open Door”. The research of J. Dennis Robinson suggest that Portsmouth as promoted itself with the use of this motto since at least 1923. The position could easily be taken that Portsmouth is already a welcoming city.



CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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

RECEIVED
FEB 16 2017
Renewing applicant
By _____

Committee: Trustee of The Trust Funds

Name: Dana S. Levenson Telephone: 603/498-9261

Could you be contacted at work? YES NO - If so, telephone# 603/498-9261

Street address: 6 Carrier Cove, Portsmouth, NH

Mailing address (if different): _____

Email address (for clerk's office communication): dslvenson@aol.com

How long have you been a resident of Portsmouth? 58 years

Occupational background:

President; Artisan Apparel Group, a 35 store
Portsmouth based New England specialty retail store
chain.

TD Bank and its predecessor banks; member of
The Board of Directors since 1996

Would you be able to commit to attending all meetings? YES NO (winter telephonically)

Reasons for wishing to continue serving: The role of The trustees
relative to the day to day management and administration
of Prescott Park is in transition. I would like to continue to
serve to facilitate this transition and insure The Park's
interests are well served going forward

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Additionally, I feel I can add value as
a Trustee relative to the oversight of the investment
manager charged with the responsibility of investing
on behalf of the multitude of city trust funds.

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

Portsmouth Rotary Club
Portsmouth Economic Development Commission
Prescott Park Blue Ribbon Committee

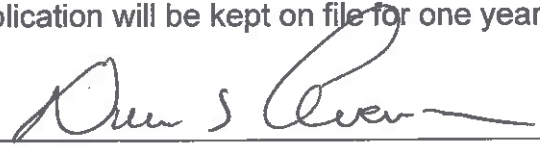
Please list two character references not related to you or city staff members:
(Portsmouth references preferred)

1) Mike Price Halls Mill Rd, Newfields 603/498-7556
Name, address, telephone number

2) Everett Eaton Pinchurst Rd, Portsmouth 603/430-3808
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature:  Date: 2/8/17

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 01/01/2020
Annual Number of Meetings: 23 (2016) Number of Meetings Absent: 0
Date of Original Appointment: 9/6/2011

Please submit application to: City Clerk's Office, 1 Junkins Avenue, Portsmouth, NH 03801



CITY OF PORTSMOUTH, N.H.
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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

SEP 29 2016

Committee: Planning Board

Initial applicant

Name: Jeffrey Kisiel Telephone: 603.770.2763

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

Street address: 21 Wallis Road

Mailing address (if different): _____

Email address (for clerk's office communication): Kisiel.Jeffrey@gmail.com

How long have you been a resident of Portsmouth? 3+ years

Occupational background:

Self employed / General contractor

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

28 year seacoast resident, 8+ years in construction,
North End Charrette, West End Charrette, Portsmouth
Listen's Master Plan Review

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

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

Reasons for wishing to serve: To bring a younger voice to the
~~to the~~ table where decisions are made about topics
such as the McIntyre Building, Prescott Park,
West End, Affordable housing and the Community
Campus project.

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

FUTURES Advisory Board member; Portsmouth Public
Media - Television, Board member; 603 Initiative,
Board Member

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

1) Daniel Umbro 21 Wallis Road, 603.770.5547
Name, address, telephone number

2) John Formella, 939 Maplewood Ave 850.375.1707
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature:  Date: 9/26/16

If you do not receive the appointment you are requesting, would you be interested in serving on another board or commission? Yes No

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



CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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



Committee: Planning Board

Name: Corey Clark Telephone: 603-724-5964

Could you be contacted at work? YES NO If so, telephone# 603-724-5964

Street address: 152 Essex Avenue, Portsmouth, NH, 03801

Mailing address (if different): _____

Email address (for clerk's office communication): clarkcj7@gmail.com

How long have you been a resident of Portsmouth? 6.5 years including 5 years as homeowner

Occupational background:

Civil/geotechnical engineer with NH Professional Engineer license. Currently a Dam Safety Engineer at the NH Department of Environmental Services. I conduct inspections of dams to identify deficiencies and provide recommendations to owners. I review engineering plans and other technical documents for the construction and rehabilitation of dams and specify changes needed for compliance with regulatory requirements. I supervise dam construction projects to ensure compliance with regulations, approved plans and permit conditions.

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

Although I have never served on the Planning Board, I feel that my aforementioned occupational background experience with items such as conceptual, technical document and plan review for compliance with federal, state and local regulations, would allow me to be a productive member on the Planning Board. I have a thorough understanding of a project lifespan from concept to construction completion. Although not previously listed above, prior to working at NHDES I completed several Phase I Environmental Site Assessments that included historical and current land use, permitting, assessment, lot plan and deed research.



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

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

Reasons for wishing to serve: I thoroughly enjoy the work I do for dam owners and residents of New Hampshire and would like to use my professional skills and experiences to assist my neighbors and community members with projects taking place in the City of Portsmouth. While my roles were small, as an engineering consultant prior to working at NHDES, I thoroughly enjoyed being a part of the construction phases of both Portwalk Place and SouthGate Plaza projects. My wife, two young children and I appreciate all that Portsmouth has to offer to us and I feel that contributing to Portsmouth will increase what Portsmouth has to offer to not only us but to all its community members.

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

Active member of Association of State Dam Safety Officials.

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

1) Whitney Dooley, 140 Essex Avenue, Portsmouth, NH, 03801, 603-380-1772
Name, address, telephone number

2) Stephen Parsons, 160 Essex Avenue, Portsmouth, NH, 03801, 603-319-7044
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature:  Date: 2/6/2017

If you do not receive the appointment you are requesting, would you be interested in serving on another board or commission? Yes No

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

Corey J. Clark

152 Essex Avenue, Portsmouth, NH 03801

603-724-5964 clarkcj7@gmail.com

PROFESSIONAL LICENSURE:

Professional Civil Engineer, New Hampshire License Number 14105

Geotechnical Engineering Focus

EDUCATION:

Master of Science in Civil Engineering, May 2010

University of New Hampshire, Durham, New Hampshire

GPA: 3.93

Thesis: *Correlating the Stiffness of Base/Subbase Roadway Materials from Laboratory and Nonintrusive Field Testing Methods*

Bachelor of Science in Civil Engineering, May 2007

University of Maine, Orono, Maine

GPA: 3.59 Magna Cum Laude

Capstone Project: *Murphy Dam Spillway Relocation Design Project*

EXPERIENCE:

New Hampshire Department of Environmental Services Dam Bureau, Concord, NH

Dam Safety Engineer, April 2015 to Present

- Conduct field inspections of high, significant and low hazard dams to evaluate existing conditions, identify deficiencies, assess ongoing operations and recommend corrective measures with owners
- Review engineering plans, design studies, specifications, dam failure analysis, and other technical documents developed for construction, rehabilitation and removal of dams and specify improvements and changes needed to ensure that engineering solutions are consistent with regulatory requirements
- Supervise dam construction, reconstruction and rehabilitation projects and inspect completed projects to ensure compliance with statutes, regulations, approved plans and permit conditions
- Review of Emergency Action Plans for significant and high hazard dams for regulatory compliance
- Assist in coordinating response actions at the State Emergency Operations Center and in the field during statewide flooding and dam related events and communicate directly with local, state and federal officials to provide information and recommendations related to critical response

S.W. Cole Engineering, Inc., Somersworth, NH

Geotechnical Engineer, March 2012 to March 2015

- Developed proposals and budgets for geotechnical engineering services, coordinated and managed geotechnical evaluation programs using various drilling techniques and in-situ testing methods and prepared geotechnical engineering reports and design memorandums
- Coordinated and managed multiple ASTM Phase I Environmental Site Assessments, Phase II Environmental Site Assessments and Groundwater Quality Assessments

Sanborn Head, and Associates, Inc., Concord, NH and Westford, MA

Project Engineer, June 2010 to March 2012

- Worked on a wide variety of geotechnical evaluation projects including managing a settlement and pore pressure monitoring program at a landfill founded on soft soils
- Worked on a range of construction monitoring projects such as landfill expansions, blasting and vibration monitoring, environmental remediation and storm water system installation
- Acquired proficiency with software such as HydroCAD stormwater modeling and AutoCAD Civil 3D

Department of Civil Engineering, University of New Hampshire, Durham, NH

Graduate Assistant, September 2008 to May 2010

- Researched the stiffness of natural and recycled base roadway materials using Resilient Modulus Triaxial, California Bearing Ratio and Light Weight Falling Deflectometer testing methods
- Taught Soil Mechanics Laboratory to undergraduate civil engineering students

PUBLICATIONS:

Melton, J. S., Clark, C. J., and Regis, P. T., "Feasibility Study on Building-Derived Concrete Debris for Use in Highway Construction," *Journal of ASTM International*, Volume 9, Issue 2. (February, 2012).

REFERENCES ARE AVAILABLE UPON REQUEST



CITY OF PORTSMOUTH, N.H.
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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

Committee: Community Advisory Committee Initial applicant

Name: Marie Cowgill Telephone: 603-219-8135

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

Street address: 88 Wabind St, Portsmouth, NH 03801

Mailing address (if different): _____

Email address (for clerk's office communication): ~~marie~~ mcowgill @ Portsmouth-K12-NH-45

How long have you been a resident of Portsmouth? 27 years

Occupational background:

Paraprofessional 8 years @ PHS

Medical transcriptionist 10 years @ York Hospital

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

I work with students who live in
crossroads and live in areas of the city
in which a majority of residents earn low
or moderate incomes.

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

Would you be able to commit to attending all meetings? YES/NO MOST OF THEM

Reasons for wishing to serve: I would like to be more involved in my community and it sounds like this committee is involved in doing really good things for the community.

Please list any organizations, groups, or other committees you are involved in: (Fiction + Non Fiction) Portsmouth Public Library Reading Groups. Great Bay Masters swim team

Please list two character references not related to you or city staff members: (Portsmouth references preferred) 603-380-3646

- 1) Anne Poubeau, 160 Bartlett St, Portsmouth Name, address, telephone number 603-436-4866
2) Robin LeBlanc, 100 Wibind St, Portsmouth Name, address, telephone number 603-498-6388

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature: M Newell Date: 1/25/16

If you do not receive the appointment you are requesting, would you be interested in serving on another board or commission? Yes No

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

Wednesday, March 1, 2017

To: Portsmouth City Council
From: Jim Splaine, Portsmouth Resident

During the past several weeks, there has been discussion about whether Portsmouth or other New Hampshire communities might become "sanctuary cities." I think we have learned that such a process and designation would be difficult. However, during that discussion a number of residents have suggested that we should find ways to make clear that Portsmouth is a very welcoming community, which appreciates our diversity and is a community of inclusion of all who wish to live here.

People in a variety of communities have had similar recent discussion. People in the Town of Provincetown, Massachusetts, recently adopted a resolution, and the people of the Town of Durham, New Hampshire are planning to consider a resolution. I'm not an expert on writing resolutions, and I have no pride of authorship, but I believe that Portsmouth should have a Welcoming and Diversity Resolution of our own. Perhaps we can promote it in signs and social media during coming weeks and months.

With that in mind, I offer this draft for further consideration. By putting it on the March 6, 2017 City Council Agenda, I am asking for no vote at this time, but guidance from others -- by City Councilors and our residents -- who may wish to offer changes in this draft for further consideration. I would suggest that it appear again in more final form for a vote at our Monday, April 3, 2017 meeting.

City of Portsmouth
Welcoming and Diversity Resolution
DRAFT

WHEREAS, Portsmouth, New Hampshire, was one of the earliest settlements in the "New World" as people came to this continent and to the shores of Strawberry Banke; and

WHEREAS, the Native Americans who preceded all of us had for thousands of years enjoyed the nature and climate of this wonderful part of the world; and

WHEREAS, when looked at from high above no artificial borders are seen anywhere on this planet, nor can or should human-made walls or lines drawn on a map ever be permanent barriers to people who want to meet one another; and

WHEREAS, Portsmouth is a very welcoming community, and as a community we appreciate and cherish our current diversity and wish to encourage even more as we make way to include others who want to live here; and

WHEREAS, throughout our history, even though difficult at times, our nation and our community has been a place for refugees to come to make their home; and

WHEREAS, we must always struggle to fight for more inclusion and acceptance of people of diversity -- regardless of racial, religious, or ethnic makeup; and

WHEREAS, we seek to be accepting of peoples of the world, regardless of their political viewpoints, their culture, their nationality, their gender, their sexual orientation, their age, or their disabilities; and

WHEREAS, people who have sought freedom and liberty to enjoy their potential have for centuries since our founding called Portsmouth "home;" and

WHEREAS, Portsmouth has become a visiting place for many from the international community who come here to enjoy our year-round natural resources, or to work here in seasonal employment, or to learn of our history; and

WHEREAS, we as a community must always stand up for freedom of thought, freedom of lifestyle, and freedom of faith, on which this great nation has been built; and

WHEREAS, we recognize that the diversity of our population makeup and the economic status and wealth, or lack thereof of our residents is what makes a community strong, vibrant, sustainable, challenging and exciting; and

WHEREAS, millions of Americans and people of Portsmouth's past have fought wars to preserve our great nation and our democracy so that it can continue to shine as a point of bright light for our future; and

WHEREAS, Dr. Martin Luther King, Jr. was correct when he offered the wisdom, *"We must learn to live together as brothers, or perish together as fools."*

NOW THEREFORE, BE IT RESOLVED that Portsmouth will always be a welcoming community. That we, the people of Portsmouth, New Hampshire will never refuse to invite the women and men of other countries to join us in making our community even greater in the future.

BE IT FURTHER RESOLVED that as a community we will continue to support individual rights, and we will be on the side of any person who may feel scared, bullied, or alone in our community. Every person matters. Every person needs to be loved. Every person should feel to be part of our community. We cherish all of our residents and visitors, because every person is important to each of us.

AND BE IT FURTHER RESOLVED that we recognize that there is nothing more important than the way we treat one another on this Earth. When we learn to treat each other with equality and justice, fairness and acceptance, we can accomplish great things, we can end wars, we can stop poverty, and we can live more purposeful lives.

PROCLAIMED, on this day, Monday, April 3, 2017, by the Portsmouth City Council of Rockingham County in the State of New Hampshire, that our community will fight and oppose discrimination, hatred, injustice, and prejudice in all forms, and will continue to stand for the values of inclusiveness, equality, respect, and dignity of all peoples.

The Portsmouth City Council

(all names included)

ACTION ITEMS

PARKING and TRAFFIC SAFETY COMMITTEE MEETING

8:00 A.M. – February 2, 2017
City Hall – Eileen Dondero Foley Council Chambers

MEMBERS PRESENT: Brad Lown, Chairman; Peter Rice, Public Works Director;
James Heinz, Deputy Fire Chief;
Frank Warchol, Police Captain;
Members: Ted Gray, Ronald Cypher, Harold Whitehouse,
Shari Donnermeyer

ALSO PRESENT: Eric Eby, Parking and Transportation Engineer
Joey Giordano, Parking Manager
Juliet Walker, Assistant Planning Director

ABSENT: Nancy Colbert Puff, Deputy City Manager
Mary Lou McElwain, Alternate Member

Action Items requiring an immediate ordinance during the next Council meeting:

Delete current Section 7.704 Local Delivery Routes and restore the old Section 7.703 Exceptions.

Temporary Action Items requiring an ordinance during the annual omnibus:

Remove two parking spaces closest to Union Street, on outbound side of Middle Street north of Union Street.

Remove two spaces on inbound side of Middle Street, closest one on each side of Union Street.

Remove three 15-minute parking spaces: one on Deer Street at Market Street, one on Bow Street at Daniel Street, one on Hanover Street at Fleet Street.

Approve one 15-minute parking space on Portwalk Place in front of Profile Coffee Bar.

Approve one 15-minute parking space on Daniel Street in front of the new Optima Bank location.

Delete current Section 7.704 Local Delivery Routes and restore the old Section 7.703 Exceptions.

1. Accepted and placed on file the January 5, 2017 meeting minutes.
2. Accepted and placed on file the financial report dated February 2017.

3. Public Comment. Five speakers: Rick Becksted, Doug Roberts, Mike Thiel, Jonathan Blakeslee and David Ecker.
4. (VII.A.) **Action Item:** Report back on interim parking restriction recommendations on Middle Street at Union Street – **VOTED to remove two spaces on the outbound side of Middle Street, and one space on each side of the inbound side of Middle Street, as an interim measure to improve sight lines from Union Street.**
5. (VII.B.) **Action Item:** Report back on truck restrictions on Banfield Road and a recommendation for revision of the current ordinance – **VOTED to delete current Section 7.704 Local Delivery Routes and restore the old Section 7.703 Exceptions.**
6. (VII.C.) **Action Item:** Report back on request for 15-minute parking spaces for Profile Coffee Bar and Optima Bank; comprehensive report back on all 15-minute spaces in the downtown – **VOTED to approve staff recommendations to remove three 15-minute parking spaces; one on Deer Street at Market Street, one on Bow Street at Daniel Street, and one on Hanover Street at Fleet Street; approve one 15-minute parking space on Portwalk Place in front of Profile Coffee Bar; approve one 15-minute parking space on Daniel Street in front of the new Optima Bank location.**
7. (VII.D.) **Action Item:** Report back on temporary crosswalk and bump-out on Islington Street at Albany Street – **VOTED to table the action item until a summertime survey, defined as June, July and August, is completed.** The temporary crosswalk and bump-out would be reinstalled and data would be gathered using traffic cameras during June, July and August.
8. Public Comment. Two speakers: Rick Becksted and Mike Thiel
9. Miscellaneous:
Brief discussion on Wayfinding signs.
10. Adjournment – At 9:00 a.m., **VOTED** to adjourn.

Respectfully submitted by:

Amy Chastain
Secretary to the Committee

MEETING MINUTES

PARKING and TRAFFIC SAFETY COMMITTEE MEETING

8:00 A.M. – February 2, 2017
City Hall – Eileen Dondero Foley Council Chambers

I. CALL TO ORDER:

Chairman Lown called the meeting to order at 8:00 a.m.

II. ROLL CALL:

Members Present:

Chairman, Brad Lown
Public Works Director, Peter Rice
Deputy Fire Chief, James Heinz
Police Captain, Frank Warchol
Member, Ted Gray
Member, Ronald Cypher
Member, Harold Whitehouse
Member, Shari Donnermeyer

Staff Advisors Present:

Parking and Transportation Engineer, Eric Eby
Parking Manager, Joey Giordano
Assistant Planning Director, Juliet Walker

Members Absent:

Deputy City Manager, Nancy Colbert Puff
Alternate Member, Mary Lou McElwain

III. ACCEPTANCE OF THE MINUTES:

Ted Gray motioned to accept the January 5, 2017 meeting minutes. Ron Cypher seconded.
Motion passed 8-0.

IV. FINANCIAL REPORT:

Harold Whitehouse motioned to accept the financial report dated February 2017.
Ted Gray seconded. **Motion passed 8-0.**

Harold Whitehouse asked about the Meter in Vehicle category. Parking Manager Giordano stated that the category represented the EasyPark device. Public Works Director Rice mentioned that the EasyPark device would eventually be replaced with the Passport smartphone application.

V. PUBLIC COMMENT:

Rick Becksted spoke against the permanent installation of a crosswalk and bump-out on Islington Street at Albany Street and requested the Committee delay voting on the action item. He expressed concern regarding emergency vehicle access and the potential traffic created by new developments in the area. He also questioned the pilot program survey results.

Doug Roberts spoke in support of installing a crosswalk and bump-out on Islington Street at Albany Street. He requested the project be installed on an interim basis until the Islington Street corridor project is completed. He stated the new developments Mr. Becksted mentioned would increase pedestrian traffic and the crosswalk would be beneficial. Mr. Roberts stated PS21 received 250 responses to the pilot project survey and two-thirds were favorable.

Mike Thiel spoke against the interim installation of a crosswalk and bump-out on Islington Street at Albany Street. He expressed concern regarding the bias of the survey and emergency vehicle access on Islington Street.

Jonathan Blakeslee spoke in support of installing a crosswalk and bump-out on Islington Street at Albany Street. He stated he noticed vehicle speeds decreased during the pilot project and the crosswalk aided pedestrian safety.

David Ecker spoke to truck traffic on Banfield Road. Mr. Ecker discussed the history of Banfield Road truck traffic and signage. He lives on Banfield Road and requested that truck traffic be removed as it was previously.

VI. NEW BUSINESS:
No new business.

VII. OLD BUSINESS:

A. Report back on interim parking restriction recommendations on Middle Street at Union Street. Eric Eby stated at the January 5, 2017 PTS meeting, the request for a traffic signal at Middle Street and Union Street was addressed and denied. The Committee voted for City staff to research interim measures regarding sight lines and on-street parking prior to the implementation of the bicycle lane project later in the year.

Eric Eby stated he revisited the intersection, measured sight lines, and determined the number and location of on-street parking spaces that could be removed to improve sight lines to the maximum extent possible at the intersection. He explained the diagram, which was included in the PTS packet, displayed the current conditions and future conditions if the maximum on-street parking was removed. The diagram showed that a total of eight on-street parking spaces on Middle Street would need to be removed to provide the best possible sight lines from Union Street. Vehicles would still creep into the crosswalk and past the curb line, but visibility would be improved and vehicles would not block traffic on Middle Street. Eric Eby stated it is a balancing act when there is a need for on-street parking and concern for safety.

City staff recommended based on the low volume of traffic entering the intersection from the west leg of Union Street, the low number of crashes at this intersection, and the need for on-street parking on Middle Street, that two spaces on the outbound side of Middle Street, and one space on each side of the inbound side of Middle Street be removed as an interim measure to improve sight lines from Union Street.

Ted Gray expressed concern that this action could become a trend and spoke to the need for on-street parking.

Harold Whitehouse motioned to remove two spaces on the outbound side of Middle Street, and one space on each side of the inbound side of Middle Street, as an interim measure to improve sight lines from Union Street. Ron Cypher seconded.

Eric Eby restated that a total of four parking spaces would be removed and that vehicles would continue to inch slightly into the crosswalk, but sight lines would be improved. He spoke to the concern about this action becoming a trend and stated that it is a common problem in urban areas.

Chairman Lown stated his business is located near the intersection and he has had to inch out into the intersection. He expressed concern over the loss of on-street parking and that the proposal was a reaction to an accident that was not causally related to sight line issues. Due to these factors, he stated he would not support the motion.

Harold Whitehouse restated that the action would be an interim measure and he would support the motion.

Shari Donnermeyer asked when the bike lane project would be started. Juliet Walker stated the project would be presented to the Committee in the coming months to obtain the necessary approvals, and could be in place later this year.

Police Captain Warchol reaffirmed the idea of balancing on-street parking needs with safety concerns.

On a roll call 5-3, motion passed to remove two spaces on the outbound side of Middle Street, and one space on each side of the inbound side of Middle Street, as an interim measure to improve sight lines from Union Street.

Harold Whitehouse, Ron Cypher, Public Works Director Rice, Deputy Fire Chief Heinz and Police Captain Warchol voted in favor.

Chairman Lown, Ted Gray, and Shari Donnermeyer voted opposed.

B. Report back on truck restrictions on Banfield Road and a recommendation for revision of the current ordinance. Eric Eby stated this issue was presented to the Committee at the July 7, 2016 meeting by Mr. Ecker. Mr. Ecker's recollection of the restrictions differed from what is in the current ordinance. Eric Eby stated that he worked with the City Clerk as well as the City Attorney to research and understand the history and intent of past changes to the ordinance.

Eric Eby stated that the ordinance is conflicting regarding the issue of truck restrictions on Banfield Road. In 1984, the ordinance restricted truck traffic on the entire length of Banfield Road, subject to four exceptions. In 1996, the ordinance was changed to remove the list of truck-restricted streets and a new section was inserted that designated certain streets as through truck routes, which allowed trucks at all times, under all conditions. Also, it included a list of streets that allowed trucks only for limited use or local deliveries. Local deliveries were defined as a trip that began and ended somewhere in the City. Banfield Road was included in the list of local delivery streets, for the portion between Peverly Hill Road and Heritage Avenue.

Eric Eby stated in 1997 the City Council voted to put the 1984 restrictions back in place. He outlined in his memo to the Committee dated January 24, 2017, the following:

In February 24, 1997 the City Council voted to restore the deleted sections of the ordinance, but to delete from those sections any reference to Peverly Hill Road. This change would also have reinstated the truck prohibition for the entire length of Banfield Road.

However, when the old ordinance sections were restored, the old section 7.703 listing the four exceptions was not restored, which included: 1) where necessary to conduct business at a destination point accessible only through use of restricted streets; 2) emergency vehicles; 3) trucks owned or operated by the City, Public Utilities, or any contractors while engaged in the repair, maintenance or construction of streets, street improvements or street utilities within the City; 4) residential home delivery vehicles. The new section 7.702A listing the limited use exceptions was deleted. In addition, the new list of local delivery routes was **not** deleted, but the definition of a local delivery **was** deleted. The only exceptions in the current ordinance are for local delivery routes, but the definition of a local delivery is not included. Therefore, as currently written, Banfield Road is listed twice, once in Section 7.702 as prohibiting all trucks, and again in Section 7.704 as allowing trucks on the section between Peverly Hill Road and Heritage Avenue for local deliveries.

Eric Eby clarified that truck traffic would be restricted on Banfield Road except for the four exceptions as outlined above.

Harold Whitehouse motioned to delete current Section 7.704 Local Delivery Routes and the old Section 7.703 Exceptions be restored. Ted Gray seconded. **Vote 8-0, to delete current Section 7.704 Local Delivery Routes and restore the old Section 7.703 Exceptions.**

C. Report back on request for 15-minute parking spaces for Profile Coffee Bar and Optima Bank; comprehensive report back on all 15-minute spaces in the Downtown.

Eric Eby stated this action item included the request for one 15-minute parking space for Profile Coffee Bar and two for Optima Bank, as well as a request from the Seacoast Repertory Theater to remove one 15-minute parking space on Bow Street. He stated there are 42 15-minute parking spaces in and around the Downtown and 30 are metered in the Downtown. A map and table detailing all 15-minute parking spaces were included in the PTS packet. After a thorough review of the parking spaces, City staff recommended the following: removal of three 15-minute parking spaces (one on Deer Street at Market Street because the business closed that requested the

space, one on Bow Street at Daniel Street because Optima Bank moved to its new location, and one on Hanover Street at Fleet Street because the business closed and a future bump-out for a crosswalk will be installed); approval for one 15-minute parking space on Portwalk Place in front of Profile Coffee Bar; and approval of one 15-minute space on Daniel Street at the new Optima Bank location. Staff also recommended all remaining 15-minute parking spaces with meter heads be replaced with new digital meter heads that will allow for better turnover of the 15-minute spaces.

Shari Donnermeyer motioned to approve staff recommendations to remove three 15-minute parking spaces (one on Deer Street at Market Street, one on Bow Street at Daniel Street and one on Hanover Street at Fleet Street); approve one 15-minute parking space on Portwalk Place in front of Profile Coffee Bar; approve one 15-minute parking space on Daniel Street at the new Optima Bank location. Ted Gray seconded.

Vote 8-0, to approve staff recommendations to remove three 15-minute parking spaces; one on Deer Street at Market Street, one on Bow Street at Daniel Street, and one on Hanover Street at Fleet Street; approve one 15-minute parking space on Portwalk Place in front of Profile Coffee Bar; approve one 15-minute parking space on Daniel Street at the new Optima Bank location.

D. Report back on temporary crosswalk and bump-out on Islington Street at Albany Street. Eric Eby stated he reviewed the traffic video captured during the trial period and noticed the following: traffic queues from the traffic signal at Bartlett Street would occasionally extend back past the crosswalk during peak hours; traffic waiting to turn left into Albany Street from Islington Street would occasionally hold up traffic behind them, due to the bump-out; traffic yielded to pedestrians when the crosswalk and bump-out were in place; traffic using the parking lot between White Heron and the barbershop had less of an effect on Islington Street traffic flow due to the bump-out and it improved safety; pedestrians would walk up from the Bartlett Street intersection to use the temporary crosswalk rather than wait on the pedestrian signal at the Bartlett Street intersection because it was quicker and safe to use.

Eric Eby stated the bump-out was installed to reduce the number of lanes on Islington Street and not to provide outdoor seating at the café.

Staff recommended that a permanent crosswalk and bump-out be installed at this location as part of the design plans currently underway for the reconstruction of Islington Street.

Ted Gray supported the crosswalk but opposed the bump-out. Eric Eby confirmed that a bump-out was chosen because it reduced the pedestrian crossing distance and limited the speed and number of lanes on Islington Street.

Harold Whitehouse asked if the potential traffic from the new townhouse development was considered. Eric Eby confirmed that the traffic from a previously approved commercial development at the same location, which was more traffic than the townhouse development, was used during his review.

The Committee discussed reinstalling the temporary crosswalk and bump-out during the peak traffic season. Police Captain Warchol supported the pilot project during the peak traffic season in order to review emergency response times and the impact on emergency services.

Ron Cypher motioned to table the action item until a summertime survey could be conducted. Harold Whitehouse seconded.

Public Works Director Rice further defined summertime in the motion as June, July and August.

Vote 8-0, to table the action item until a summertime survey, defined as June, July and August, is completed. The temporary crosswalk and bump-out would be reinstalled and data would be gathered using traffic cameras during June, July and August.

VIII. PUBLIC COMMENT:

Rick Becksted supported the Committee vote on the peak season survey of the temporary crosswalk and bump-out on Islington Street. He addressed vehicle speeds on Islington Street and requested a study of vehicle speeds along the entire corridor. He expressed concern about losing on-street parking on Middle Street. He requested a traffic study be conducted in the evening hours when residents are home. He proposed allowing resident parking on Middle Street in the bike lanes during evening hours.

Mike Thiel asked about the cost associated with the interim crosswalk and bump-out on Islington Street. Public Works Director Rice stated staff time would be the only cost because DPW would be using reusable materials. Mr. Thiel suggested a more comprehensive survey of business owners be conducted during the next pilot project.

IX. MISCELLANEOUS:

Harold Whitehouse complimented the City's Wayfinding signage. Public Works Director Rice stated the signage was part of the Capital Improvement Plan (CIP) and is an on-going program. Juliet Walker confirmed the Wayfinding signage at the City Hall driveway would be illuminated.

X. ADJOURNMENT – At 9:00 a.m., **voted** to adjourn.

Respectfully submitted by:

Amy Chastain
Secretary of the Committee