

# CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH  
DATE: MONDAY, APRIL 17, 2017

TIME: 6:30PM

## AGENDA

- 6:30PM – – NON PUBLIC SESSION RE: THE COMPENSATION OF PUBLIC EMPLOYEES - RSA 91-A:3 II (a)

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

### PRESENTATIONS

1. Complete Street Demonstration Project Policy (Proposed Tactical Urbanism City Council Policy) – Juliet Walker, Planning Director
2. Status of City Water Supply – Brian Goetz, Deputy Public Works Director
3. Briefing Re: State Street Fire – Steve Achilles, Fire Chief

### V. ACCEPTANCE OF MINUTES – MARCH 20, 2017 & APRIL 3, 2017

### VI. PUBLIC COMMENT SESSION

### VII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. Third and final reading of Proposed Ordinance amending Chapter 7, Article VII, Section 7.704 and 7.705 to clarify the Prohibition of Truck Traffic on Banfield Road

### VIII. CONSENT AGENDA

#### ***(ANTICIPATED ACTION - MOVE TO ADOPT CONSENT AGENDA)***

- A. Letter from Robert Sutherland, Jr., St. John's Lodge requesting permission to hold the St. John's March on Sunday, June 25, 2017 at 8:00 a.m. ***(Anticipated action – move to refer to the City Manager with power)***
- B. Letter from Megan Bickford, New Hampshire SPCA requesting permission to place laminated posters and brochures at the Dog Parks located at South Mill Pond and Route 33 Park and Ride ***(Anticipated action – move to refer to the City Manager with power)***

C. Request for License to Install Projecting Sign:

Andree Connell owner of Buff and File Nail Bar for property located at 218 State 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***

D. Request for License to Install Projecting Sign:

Sean Sullivan & Jeff Goss owner of The Clipper Tavern for property located at 75 Pleasant 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***

E. Request for License to Install Projecting Sign:

Nora Fournier owner of Tailor Shop for property located at 99 Daniel 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***

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

- A. Letter from Jane Zill regarding policy guidelines (***Attached memorandum from Nancy Colbert Puff, Deputy City Manager***)
- B. Letter from Patricia Bagley regarding Parking, Traffic & Safety Committee meeting concerning Parrott Avenue Lot regulations

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

**A. CITY MANAGER**

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

1. Request to Establish First Reading of Proposed Ordinance amending Chapter 1, Article IX, Section 1.902 – Election Candidate Financial Disclosures (*Postponed from the April 3, 2017 City Council meeting*)
2. Adoption of Complete Street Demonstration Project Policy (Tactical Urbanism Policy)
3. Request for Public Hearing Appropriation of Water and Sewer Bond Premiums
4. Rescission of Bond Authorizations for Various Projects
5. Request to Establish Date for City Council Retreat

**City Manager's Informational Items**

1. Events Listing
2. Board & Commission Advertising Vacancies
3. Double Poles
4. Update Re: Peirce Island Wastewater Treatment Facility Upgrade
5. Report Back Re: Weed Control
6. Update Re: Plains School Reuse
7. Report Back Re: Codes on Health, Inspections and Fire Safety

## **B. MAYOR BLALOCK**

1. \*Strategic Planning Committee for Vaughan-Worth-Bridge Revitalization
  - (2) City Councilors Councilor's Rebecca Perkins & Nancy Pearson
  - (1) Historic District Commission Member Vince Lombardi
  - (1) Planning Board Member Dexter Legg
  - (1) Economic Development Commission Member Everett Eaton
  - (1) Downtown Resident Barbara DeStefano
  - (1) Downtown Business Jay McSharry
  - (1) Ex-Officio Member with Appointment by City Manager for Staff Liaison
2. Appointments to be Considered:
  - Reappointment of Barbara McMillan to the Conservation Commission
  - Reappointment of Steve Miller to the Conservation Commission
  - Reappointment of Allison Tanner to the Conservation Commission
3. \*Appointments to be Voted:
  - Reappointment of Adrienne Harrison to the Conservation Commission
  - Reappointment of Kate Zamarchi to the Conservation Commission
  - Reappointment of Rick Becksted to the Recreation Board
  - Reappointment of Jacqueline Cali-Pitts to the Recreation Board
  - Reappointment of Lisa Louttit to the Recreation Board
4. Resignation – Kimberly Meuse from the Conservation Commission

## **C. ASSISTANT MAYOR SPLAINE & COUNCILOR DWYER**

1. Welcoming Communities Resolution

## **D. COUNCILOR PERKINS**

1. \*Update Re: Housing Committee Activities

## **E. COUNCILOR DWYER**

1. \*Council Rule Re: Public Hearings

## **F. COUNCILOR SPEAR**

1. \*Surface Parking (***Sample motion - move to adopt this policy: The city will seek to eliminate the parking lots on Parrott/Pleasant, Bridge Street, Daniel/State, and the Worth lot, with no net loss of downtown parking, each to be replaced with ideas generated through a community dialogue process***)

## **G. COUNCILOR DENTON**

1. \*Smaller Curbside Composting Pilot Program (***Sample motion – move that the City Manager to report back with a cost estimate for a contracted curbside residential composting pilot program for just the single Ward that has the largest ratio of residents living there over the least amount of backyards***)

## **XI. MISCELLANEOUS/UNFINISHED BUSINESS**

## XII. ADJOURNMENT

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

*\*Indicates Verbal Report*

### **INFORMATIONAL ITEMS**

*(There are no items on for this Section of the Agenda)*

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

CITY OF PORTSMOUTH  
CITY COUNCIL POLICY No. 2017 –

**COMPLETE STREET DEMONSTRATION PROJECT POLICY**

**WHEREAS**, a core commitment of the City's Complete Street Policy is to incorporate Complete Street principles into the City's Master Plan, area plans, transportation plans, the Zoning Ordinance and Site Plan Review Regulations, standards and specifications documents, and other plans, manuals, rules, regulations and programs as appropriate.

**WHEREAS**, City staff have been working with the Parking & Traffic Safety Committee to develop a Neighborhood Traffic Calming Program that provides a process and guidance for considering and implementing a variety of traffic calming measures in response to neighborhood concerns and requests.

**WHEREAS**, the City Council recognizes that it will be beneficial to enable non-municipal groups and organizations, hereby known as Project Sponsors, to undertake demonstration projects in public rights-of-way;

**NOW THEREFORE**, the City Council adopts the following policy:

**I. DEFINITIONS**

**Demonstration Project**

A demonstration project is a short-term street or sidewalk design project that is designed in accordance with the City's Complete Street Policy and/or Walk and Bicycle Friendly Community Policies.

**Project Sponsor**

A project sponsor is the entity applying for permission to implement a demonstration project. A project sponsor may be an individual, group, or business entity that has the ability to satisfy the requirements included herein.

**II. SITE REQUIREMENTS, CLEARANCE AND ACCESS**

(1) Demonstration projects may only be located in the public right-of-way on roads under City jurisdiction.

(2) Project shall be located on a road with a speed limit that is 30 MPH or less.

(3) Projects shall be designed to minimize interference with access to and service of public utilities, utility covers, valves, building standpipes, fire hydrants, and other services and operations located within or accessed from the public right-of-way.

(4) Projects should not block or limit driveway access, unless the driveway owner specifically permits use of their driveway for the demonstration. Such permission must be illustrated by a letter of support.

(5) Demonstration Projects shall maintain or improve the existing level of accessibility to individuals with disabilities per the Americans with Disabilities Act Accessibility Guidelines (ADAAG).

(6) Demonstration projects shall not be located in proximity to ongoing construction projects within the public right-of-way.

(7) No street or public right-of-way shall be blocked for project installation unless specifically allowed by the Portsmouth Department of Public Works (DPW).

### **III. FUNDING**

(1) The Project Sponsor shall be responsible for all related project materials and elements. In some scenarios, the City of Portsmouth may provide funding or in-kind support to benefit the project, but financial support from the City is not guaranteed or required.

### **IV. COMMUNITY SUPPORT**

(1) Demonstration projects must demonstrate community support from property owners/businesses in the impacted area adjacent to the project site. Support must be demonstrated through individual letters or petition.

(2) The Project Sponsor must provide individual letter(s) of support from any property owners/businesses whose property access will be impacted by the demonstration.

### **V. PERMITTING AND NOTIFICATION**

(1) Initial Project Request: Project Sponsor shall submit initial project request at least 3 months from the desired implementation date. DPW will review the proposal and confirm compliance with applicable laws/regulations. DPW will also review to determine that the Demonstration Project will have minimal impact on access to and service of public utilities, utility covers, valves, building standpipes, fire hydrants, and other services and operations located within or accessed from the public right-of-way. Once receiving initial approval from the DPW, the Project Sponsor shall revise materials in response to DPW feedback and submit a demonstration project application.

(2) Project Application: The Project Sponsor shall submit a complete permit application to DPW a minimum of 2 months before desired implementation date. If DPW determines the application to be complete, the Public Works Director shall review the application and make a recommendation for approval or denial to the City Manager.

(3) Project Approval: Once receiving a recommendation, the City Manager may grant or deny the project permit or refer the application to the City Council. At any time during the project application and approval process, the project may be referred to the Parking & Traffic Safety Committee for input.

(4) Upon receiving permit approval, the Project Sponsor shall notify all households and businesses within 300' of the proposed project location at least 7 days before the planned installation date, via a flyer or letter.

(5) Any temporary changes to on-street parking will be subject to review and approval by the Department of Public Works Parking Division.

(6) The Project Sponsor shall post a project information sign at the project site for the duration of the project. The sign shall be reviewed and approved by DPW.

## **VI. STEWARDSHIP**

(1) The Project Sponsor shall comply with all applicable traffic laws or other relevant city or state laws or ordinances. DPW will identify any concerns related to compliance with applicable laws and ordinances when reviewing the Project Sponsor's initial project request.

(2) The Project Sponsor shall designate a primary contact person who can be reached by the City 24/7 for the duration of the project in case of emergencies or unexpected issues/concerns. This person must be available for a site inspection once the project has been installed, and must be willing and able to troubleshoot should adjustments be necessary.

(3) The Project Sponsor is responsible for any property damage that occurs as a direct result of the demonstration project.

(4) The Project Sponsor is required to submit a certificate of insurance that meets city insurance requirements and that names the city as certificate holder as well as an additional insured for the duration of the event. In cases where the City is a co-sponsor of the proposed project, the City may waive the insurance requirement.

(5) The Project Sponsor shall remove all elements/features of the Demonstration Project and restore the project site to its original conditions by the end of the permit period. If the Project Sponsor fails to remove the project and its various elements within the agreed time frame, the City will do so at the expense of the Project Sponsor, and Partner may be considered ineligible to lead future Demonstration Projects. If an emergency situation requires the City to remove or damage parts of the project before the end of the permit period, the City will not be held liable for damages to the project elements.

(6) The Project Sponsor shall communicate with affected neighbors and attempt to resolve any concerns that may arise during the project's duration. The Project Sponsor shall notify DPW about any concerns raised during the project's duration.

(7) The Demonstration Project permit shall be revocable by the Public Works Director if the project no longer meets the intent of the approved Demonstration Project proposal.

(8) All Project Sponsors shall collect data and monitor use of the demonstration project using methods approved by DPW. A report, including a summary of the data collected and an evaluation of the effectiveness of the project, shall be provided to the DPW at the conclusion of the project.

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

Adopted by the Portsmouth City Council on: \_\_\_\_\_.

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





**April 7, 2017**

## **Portsmouth Water Supply Status Report**

### **Overview**

The following Portsmouth Water Supply Status Report provides the Portsmouth Water customers an assessment of the current water supply conditions. This report is distributed routinely via the City of Portsmouth’s website at: [www.Cityofportsmouth.com/publicworks - water](http://www.Cityofportsmouth.com/publicworks-water)

### **Water Use Restrictions**

<b>Customer Water Restrictions</b>
N/A
<b>None</b>
Voluntary Measures
Odd/Even Watering
Two-Days per Week Watering
No Lawn Watering

The current water supply conditions have recovered from the drought that occurred in 2016. The mandatory “No Lawn Watering” water use restrictions and “Voluntary Measures” are no longer in effect; however, we ask our water customers to please continue to use water wisely, minimize waste, and incorporate water efficient fixtures and appliances whenever possible. In an effort to support this goal, the City continues to offer all residential water customers rebates for the installation of low-flow toilets and high-efficiency washing machines. More details can be found in the Public Works Billing Information section of the City’s website.

Precipitation events in late-2016 and early-2017 have helped to recharge the Bellamy Reservoir, increase stream flows and cause groundwater levels to rise to conditions typical for this time of year. Water operations staff continue to assess the supply conditions and will provide updates at least monthly.

Additional updates and tips regarding water efficiency can be accessed at the [cityofportsmouth.com](http://cityofportsmouth.com).

## Current Customer Water Demand

Current Water Demand
<b>Below Normal</b>
Normal
Above Normal
High
Very High
Historic High

Water demand is **Below Normal** at this time.

Customer's continued efforts to use water efficiently have helped to keep water demand below normal in March. Water Demand is a factor in the supply status assessment that is measured by the amount of water delivered through the water system. This factor reflects customer usage and variations caused by daily, weekly and seasonal changes in business, residential and irrigation demands.

Month	Current Demand Million Gallons per Day (MGD)	Average Demand Ten-year average (MGD)
March 2016	4.09	4.18
April 2016	4.21	4.19
May 2016	4.77	4.73
June 2016	5.62	5.07
July 2016	6.09	5.49
August 2016	5.66	5.52
September 2016	4.47	4.96
October 2016	3.89	4.23
November 2016	3.59	4.01
December 2016	3.79	3.60
January 2017	3.69	4.11
February 2017	3.54	4.15
March 2017	3.68	4.11

Average daily water demand was 3.68 million gallons per day (MGD) in March 2017, which is 10.6% below the 10-year normal for this time of year and 0.41 MGD lower than demand in March 2017.

## Precipitation Status

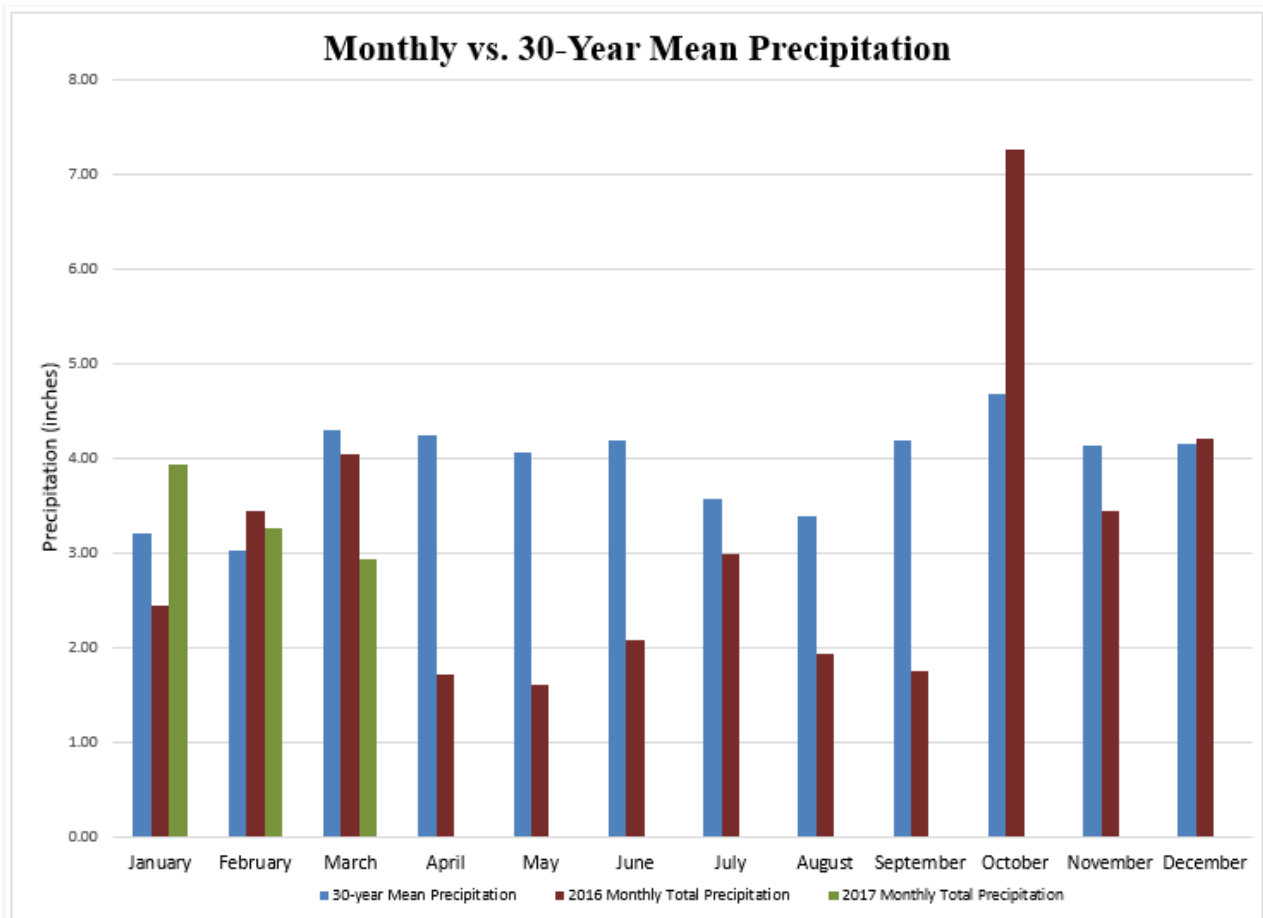
Precipitation
Above Average
Average
Below Average
Dry
Very Dry
Drought

Total March precipitation in Portsmouth was 2.93 inches. This is 1.37 inches less than normal for the month. Over the past three months there has been 10.13 inches of precipitation which is 4% less than the normal precipitation over this period. However, the rain effects that occurred during the first week of April yielded approximately 3.46 inches of rain which exceeds the average precipitation for the entire month of April.

In order to assess annual precipitation conditions, total precipitation over a rolling 12-month period is compared to the mean annual precipitation of 47.20 inches. Precipitation over the past 12-months, through March, equaled 37.18 inches which is below normal. Given the recent storms in April, this deficit is expected to be reduced by the end of April.

The precipitation status is currently considered as **Below Average** conditions

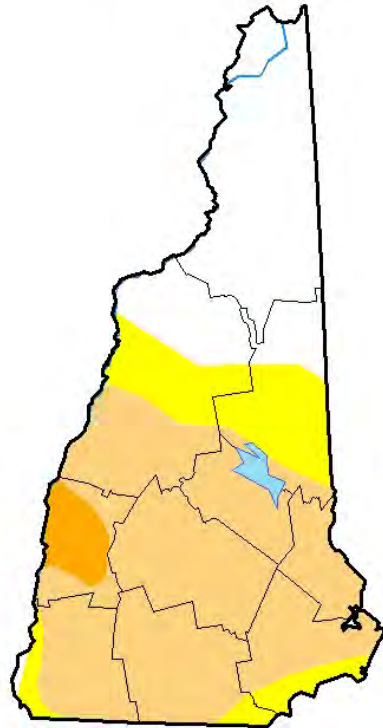
The following graphic illustrates the monthly deviations from average precipitation over 2016 and 2017.



## New Hampshire Drought Monitor

The following graphic summarizes the drought conditions in New Hampshire:

### U.S. Drought Monitor New Hampshire



**April 4, 2017**

(Released Thursday, Apr. 6, 2017)

Valid 8 a.m. EDT

Drought Conditions (Percent Area)

	None	D0-D4	D1-D4	D2-D4	D3-D4	D4
<b>Current</b>	29.18	70.82	55.60	3.31	0.00	0.00
<b>Last Week</b> 03-28-2017	28.96	71.04	59.40	10.04	0.00	0.00
<b>3 Months Ago</b> 01-03-2017	8.41	91.59	75.35	44.93	0.00	0.00
<b>Start of Calendar Year</b> 01-03-2017	8.41	91.59	75.35	44.93	0.00	0.00
<b>Start of Water Year</b> 09-27-2016	15.33	84.67	62.44	40.49	19.27	0.00
<b>One Year Ago</b> 04-05-2016	86.55	13.45	0.00	0.00	0.00	0.00

*Intensity:*

- D0 Abnormally Dry
- D1 Moderate Drought
- D2 Severe Drought
- D3 Extreme Drought
- D4 Exceptional Drought

*The Drought Monitor focuses on broad-scale conditions. Local conditions may vary. See accompanying text summary for forecast statements.*

*Author:*

Anthony Artusa  
NOAA/NWS/NCEP/CPC



<http://droughtmonitor.unl.edu/>

The National Drought Summary for April 4, 2017 identifies the seacoast area along with much of southern New Hampshire is in Stage 1 (Moderate) Drought conditions. The recent precipitation has improved the drought conditions from their previous Stage 3 (Extreme) and Stage 2 (Severe) levels throughout the majority of southern New Hampshire.

To stay informed on the latest drought conditions and current drought related information go to the NHDES Drought Management Program webpage at:

<http://des.nh.gov/organization/divisions/water/dam/drought/index.htm>.

## Groundwater Levels

Groundwater Levels
Above Average
<b>Average</b>
Below Average
Low
Very Low
Drought

Currently the groundwater levels are considered **Average**. Recent precipitation has returned groundwater levels to levels that typically occur during this time of year.

Overall conditions of aquifer water levels are assessed with respect to water levels that are continuously monitored in the Portsmouth Water Supply wells. Based on historic water-level data, average water levels have been identified for a representative well in each well-field area for each month of the year. Assessments of the aquifer levels are made relative to average levels, historic low levels, and available drawdown in the wells.

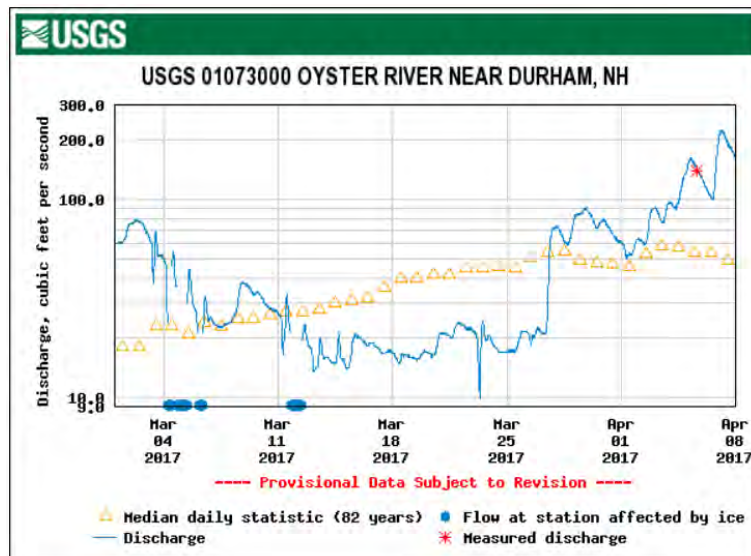
Groundwater from wells in Madbury, Portsmouth and Greenland typically provide between 34% and 45% of the water supply to Portsmouth customers, with the remaining 55% to 66% from the Bellamy Reservoir. In March 2017, 33% of the supply came from wells, 67% from the reservoir.

## River Flow

River Flow
<b>Above Average</b>
Average
Below Average
Low
Very Low
Drought

Portsmouth Water System operators track the USGS stream flow gauges in the Oyster River and Lamprey River to assess flow conditions. These gauged watersheds are used to assess the relative recharge to the Bellamy Reservoir through its tributaries, the Bellamy River and Mallego Brook.

Storms and snow melt in late February and late March and early April caused increased flow in the Oyster River. The average daily flow rate in March was slightly below the historic March flow but April is well above.



The monthly mean stream flow in the Oyster River at the USGS gauge was 34.9 cfs in March. This is 6.5 cfs (16%) lower than the 30-year March median flow rate of 41.4 cfs.

The monthly mean March stream flow in the Lamprey River at the USGS gauge was 429 cfs, which is 82 cfs (16%) lower than the 30-year March median flow rate of 511 cfs.

The storms in early April have caused the Lamprey River flow to peak in excess of 2,000 cfs, and the Oyster River to peak in excess of 200 cfs, so despite the slightly lower average flow in March, the current conditions are considered **Above Average**.

### Reservoir Level

<b>Reservoir Level</b>
Above Average
<b>Average</b>
Below Average
Low
Very Low
Drought

The current stage of the reservoir is considered to be **Average** for this time of year. The precipitation that has occurred over the past five months has caused the reservoir to recharge and remain at levels typical for this time of year.

As the surface water source for the Madbury Water Treatment Facility, the Bellamy Reservoir is monitored to assess and predict the overall amount of water available for the Treatment Facility. Reservoir water levels are compared to typical monthly levels to assess the reservoir conditions.

At this time the Bellamy Reservoir water level is 1.0 feet above the spillway and the reservoir has approximately 746 million gallons of water above the surface water intake.

## Water Supply Capability

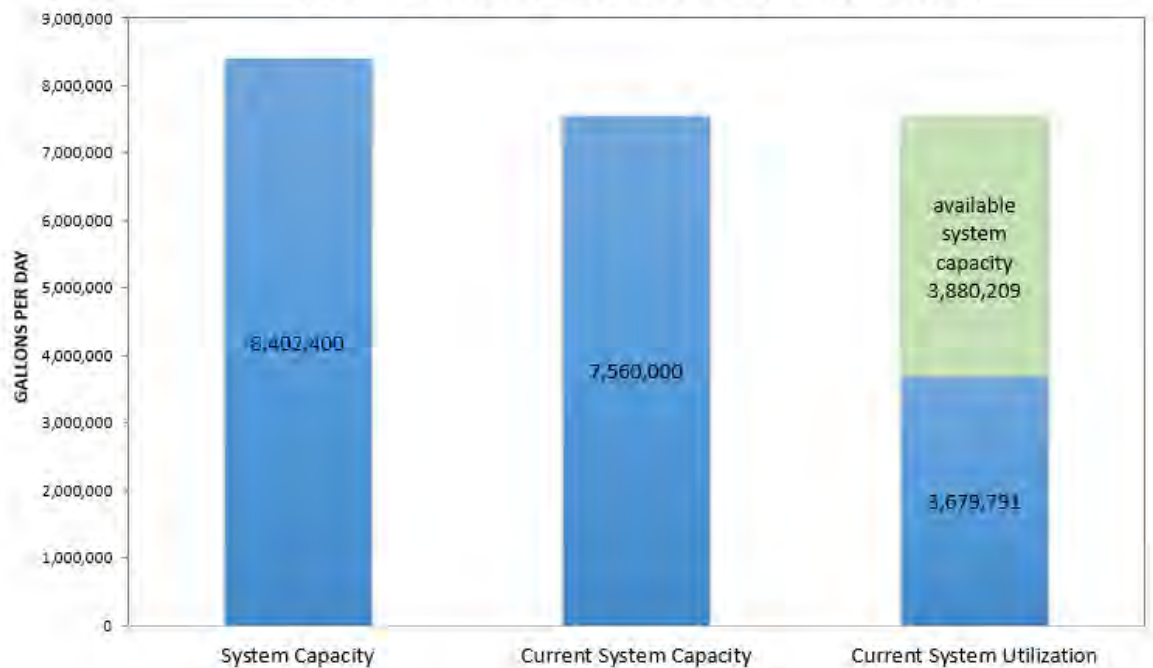
<b>Water Supply Capability</b>
Above Normal
Normal
<b>Below Normal</b>
Restrictions Necessary
Additional Restrictions Necessary
Emergency

Water Supply Capability is a measure used to identify any issues with the Portsmouth Water Supply System that would result in a limitation to the amount of water that could be supplied. These could be lack of supply, issues with source water quality, or mechanical failures of system components.

The loss of the Haven Well as a water source (which contributed approximately 10% of the water system’s overall capability) has reduced the amount of water that can be provided to the system. As a result of this reduced capacity, the water supply capability is considered **Below Normal** at this time.

All of the other wells and the treatment plant are in excellent operational conditions, thus the water demand is currently being met with conservative protections and redundancy in the system. Average daily demand is currently 49% of the current system capability.

**System Capacity & Utilization (March 2017)**



## Further Updates and Information

This information will be distributed electronically on the City of Portsmouth’s website in the Department of Public Work’s “Water” section. If anyone needs additional information or has questions contact Brian Goetz, Deputy Director of Public Works at 766-1420 or Al Pratt, Water Resource Manager at 520-0622.

## **CITY COUNCIL MEETING**

MUNICIPAL COMPLEX  
DATE: MONDAY, MARCH 20, 2017

PORTSMOUTH, NH  
TIME: 7:00 PM

### **I. CALL TO ORDER (7:00PM)**

Mayor Blalock opened the meeting at 7:00 p.m.

### **II. ROLL CALL**

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

### **III. INVOCATION**

### **IV. PLEDGE OF ALLEGIANCE**

Mayor Blalock led the Pledge of Allegiance.

### **PRESENTATION**

#### **1. Energize 360 Seacoast NH Campaign Kick-off**

Steve Workman of Seacoast Area Renewal Energy Initiative (SEAREI) gave a brief presentation regarding the Energize 360 Seacoast NH campaign kick-off. He explained that it is called "360" as the initiative takes full circle approach to go through the process and find solutions that are right for the homeowner. He concluded by asking the City to endorse the campaign.

### **V. ACCEPTANCE OF MINUTES – MARCH 6, 2017**

**Councilor Lown moved to accept and place on file the minutes of the March 6, 2017 City Council meeting, seconded by Councilor Perkins.**

Councilor Pearson made an amendment to page 10.

**Voted to accept and place on file as amended.**

### **VI. PUBLIC COMMENT SESSION**

Roy Helsel – commended the Police Chief for utilizing unmarked vehicles. He then suggested spending time on city employment contracts instead of the plastic bag ordinance.

Rebecca O'Brien – spoke in favor of the Plastic Bag ordinance.

Jim Lee – spoke opposed to the Plastic Bag ordinance.

Adrienne Harrison – spoke in favor of the Plastic Bag ordinance.



Mark Brighton – spoke opposed to the Plastic Bag ordinance. He distributed a petition of 500 signatures collected several years ago and stated this is a freedom of choice issue.

David Calkins – spoke opposed to releasing Woodworth Avenue stating it is a different situation from the Moffat/Woodworth because that area would never be improved. He stated that his property will be landlocked if this is approved.

Jim Nevins – stated there are other options for disposing of plastic bags and also suggested moving to incineration of the city’s trash instead of bringing to a landfill.

Larry Larriviere – stated he is opposed to the burying of the utilities on Islington Street stating that the taxpayers have nothing to gain from this expense.

## **VII. APPROVAL OF GRANTS/DONATIONS**

- A. Acceptance of Fire Department Donations of disbursement checks in the amount of \$105,687.00 and \$81,813.00 from the Estate of Geraldine W. Webber

**Assistant Mayor Splaine moved to accept and approve the donations to the Fire Department, as presented, seconded by Councilor Cyr.**

Councilor Lown stated he would like to know what the Fire and Police Departments are going to do with the grant, even though the Council is not a part of that process.

City Manager Bohenko stated that Finance Director Belanger will be drafting a memo asking the Police and Fire Commissions to vote on what they will be purchasing and those minutes will then be attached to the Purchase orders.

Fire Commission Chair Gamester, from the audience, indicated the Fire Commission would be agreeable to that request.

**Motion voted.**

- B. Acceptance of Donation of disbursement check in the amount of \$81,813.00 from the Estate of Geraldine W. Webber

**Assistant Mayor Splaine moved to accept and approve the donation to the Police Department, as presented. Seconded by Councilor Lown and voted.**

## **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 (*Tabled from the March 6, 2017 City Council meeting*)

**Councilor Denton moved to pass first reading and refer to a public hearing and second reading on April 3, 2017, seconded by Councilor Lown.**

Councilor Lown stated he would like to keep this alive instead of tabling indefinitely because he

would like to get input from the public. He continued that secondly, the effective date of the ordinance would be one year from passage so will give plenty of time for a legal challenge. He continued that there are conflicting legal opinions, one of which is that the city already has the power under RSA 149M to regulate at the source. He stated that the committee report from the legislature gave no legal basis and did not get an opinion from the Attorney General. He concluded that in his opinion, if there is a legal challenge, the litigation would be a simple issue with 1 – 1 ½ hours before a judge.

Councilor Denton stated he wants to vote this either up or down and not table it like it was 2 years ago. He stated he agrees that there are worse items out there, but feels that everyone goes grocery shopping and this is something that can address one aspect. He stated he has heard all of the arguments in favor of keeping the plastic bags, but feels this is an issue that needs to be decided. He stated he welcomes the legal challenge if there is one and reiterated that there is one year before the effective date.

Councilor Spear stated he has received a lot of e-mails and many from people who are not Portsmouth residents, which he feels shows that this is a State-wide issue and should have been enabling legislation. He urged people to contact their state legislators because we do not have the authority.

City Attorney Sullivan stated that New Hampshire is not a “Home Rule” State and explained that a Home Rule State allows municipalities to pass local legislation as long as it is not expressly opposed to State law. He continued that New Hampshire is exactly the opposite and municipalities only have authority given by the State legislation via enabling legislation. He further discussed the differing legal opinions offered over the past 2 years including the City of Portsmouth Legal Department that the City does not have the authority. He stated that the City Council makes the policies and the Legal Department advises which they have done, but it is still up to the City Council.

Councilor Perkins stated she is inclined to keep listening on the issue and feels there is no harm in moving this to a public hearing.

Assistant Mayor Splaine stated this is not just an environmental problem but also has effect on wildlife and the oceans. He stated there are many plastic bags behind the supermarkets and urged the Managers to institute a policy for cleaning up the property. He stated that we are in a dilemma in that if we pass this and are challenged, we may have to pay court costs and damages. He continued that this should be solved on a regional basis and suggested contacting cities and towns within a 25 mile radius to form a coalition. He stated he will support the public hearing but will need to know more about possible legal challenges.

Councilor Dwyer stated that the legislative intent was very clear that the city does not have the authority to put this in place and if we decide to go forward with this, we may have a problem with credibility in the future regarding other legislation. Secondly, she agrees that we should find out what we can do to encourage cleanup around the stores and if we can regulate what is used during city events etc. She stated she is ok with going to a public hearing and second reading but not in its current format.

Mayor Blalock passed the gavel to Assistant Mayor Splaine.

Mayor Blalock stated he is conflicted with this issue as he sees this as a freedom of choice issue.

He stated he is concerned with the time and effort being taken on this issue when we don't have the authority and he would rather see measures taken to reduce use through incentives and education.

Assistant Mayor Splaine returned the gavel to Mayor Blalock.

Councilor Cyr stated he is trying to rationalize this one way or the other and what the impact of defending this legally would be. He stated that we should have this dialogue in a different way and at a State-wide level. He stated he will support passing the first reading.

Discussion ensued.

**Motion to pass first reading and refer to a public hearing and second reading on April 3, 2017 passed on an 8-1 roll call vote. Mayor Blalock voted opposed.**

- B. First Reading of proposed Ordinance amending Chapter 7, Article VII, Section 7.704 and 7.705 to clarify the Prohibition of Truck Traffic on Banfield Road

**Assistant Mayor Splaine moved to pass first reading and schedule a public hearing and second reading of the proposed Ordinance at the April 3, 2017 City Council meeting, seconded by Councilor Lown.**

Councilor Denton stated that some residents are seeing the police on the road but they are not stopping trucks.

**Motion voted.**

## **IX. CONSENT AGENDA**

- A. Letter from Robert P. Valarese, Department of the Army, requesting permission to conduct Best Warrior Competition using Route 1A and 1B on April 9, 2017. ***(Anticipated action – move to refer to the City Manager with power)***
- B. Letter from Jay Diener, Co-race Director, requesting permission to conduct the 12<sup>th</sup> annual Seacoast Half Marathon on Sunday, November 12, 2017. ***(Anticipated action – move to refer to the City Manager with power)***
- C. Letter from Richard Wagner, AIDS Response Seacoast requesting permission to conduct the 21<sup>st</sup> Annual Seacoast AIDS Walk and Dog Walk on Sunday, May 7, 2017 from 10:00 a.m. to 5:00 p.m. ***(Anticipated action – move to refer to the City Manager with power)***

**Councilor Lown moved to adopt the Consent Agenda as presented, seconded by Councilor Perkins.**

Councilor Dwyer stated she is concerned by the Best Warrior Competition event as there will be soldiers running with replica rifles which may cause some citizen concern. She stated she would like there to be publicity prior to the event.

City Manager Bohenko stated they will ensure that the public is informed.

**Motion voted.**

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

- A. Letter from Raymond and Maryrose Richer Re: Potential Release of City Interest in a portion of Woodworth Avenue

**Councilor Spear moved to refer to the Planning Board for report back, seconded by Councilor Perkins.**

Councilor Spear asked if the Planning Board holds public hearings for these types of requests.

Planning Director Taintor stated not typically on items referred by the City Council.

Councilor Spear stated he would like to have a policy that they hold public hearings on paper streets.

**Councilor Spear moved to amend motion to include that the Planning Board hold a public hearing, seconded by Councilor Dwyer.**

Councilor Dwyer stated this is a less usual situation and requested a memorandum explaining the underlying issues.

Mayor Blalock asked if this is the same issue that Mr. Calkins had spoken about at the last meeting.

Planning Director Taintor stated no, but this time it is directly conflicting with his project and neither applicant has a stronger claim than another and this would be a policy decision.

Councilor Dwyer asked if this will come back to the City Council.

Planning Director Taintor suggested putting this off until May or June as there is no application before them yet, although it has been before the Zoning Board of Adjustment.

Councilor Spear stated that there is no time certain in the motion.

Councilor Dwyer stated that if she were a developer she would want to know if they have the access before going through all of the hurdles.

Councilor Perkins stated it seems they are implying that they have an easement so we may want to get a legal opinion first.

**Voted to refer to the Planning Board to conduct a public hearing and report back to City Council at a time convenient.**

## **XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS**

### **A. CITY MANAGER**

1. Proposed Amendment to exempt signs and other elements related to public parking in private parking lots from specific zoning standards when authorized under a permit from the Department of Public Works

**Councilor Lown moved to refer this matter to the Planning Board for report back to City Council. Seconded by Councilor Perkins and voted.**

2. Appointments to Rockingham Metropolitan Organization (MPO) Technical Advisory Committee

**Councilor Lown moved to approve the aforementioned appointments to the Rockingham Metropolitan Organization Technical Advisory, as presented. Seconded by Councilor Dwyer and voted.**

3. Request a Work Session March 27, 2017 Re:
  - A. An Update and Review of the Master Plan
  - B. Review the Process for Identifying Reuses and/or Improvements for the Bridge Street, Vaughan Mall, and Worth Lot

City Manager Bohenko explained that he and the Mayor both feel that trying to do this prior to a regular meeting would not allow enough time for discussion. He stated that the second item would only be a discussion of a process.

Assistant Mayor Splaine asked if we can add the Borthwick Forest to this discussion.

City Manager Bohenko stated that this property is owned by a company or an individual, but the wetlands portion could be discussed.

Councilor Lown stated that he is opposed to discussing privately owned property and the property owner isn't aware that this is even being discussed at all.

City Manager Bohenko stated that he can contact the property owner and get his thoughts.

**Councilor Spear moved to establish a Work Session for Monday, March 27, 2017 at 6:30 p.m., in the Eileen Dondero Foley Council Chambers, on the 2 issues presented, seconded by Councilor Lown.**

Councilor Dwyer agrees that this should not be added to the discussion as this had been brought before a previous Council for development but the public came out against it.

Councilor Pearson requested that the Chairs of the Land Use Boards, Zoning Board of Adjustment, Planning Board and Historic District Commission be invited to attend the Work Session.

**Motion passed.**

4. Request to Establish a Public Hearing Re: Proposed Bonding of up to Five Million (\$5,000,000.00) Dollars for Phase I Dondero School Improvements

**Councilor Dwyer moved to establish a Public Hearing on Monday, April 3, 2017 for bonding of up to Five Million (\$5,000,000) Dollars for Phase I of the Dondero School Improvements, seconded by Councilor Lown.**

Councilor Pearson requested a tour of the Dondero School prior to the construction.

**Motion passed.**

5. Report Back Re: Islington Street Project Burying Underground Utilities

Public Works Director Rice gave a brief background and update regarding the request to report back on burying underground utilities as part of the Islington Street Project.

Assistant Mayor Splaine asked if the neighbors had been updated.

Public Works Director Rice explained that there was a Ward 2 neighborhood meeting held and there were mixed opinions.

Discussion ensued regarding various options and costs associated and determining what the public is willing to invest.

No action was taken pending further review.

**Informational items**

1. Events Listing
2. Electronic Communication by City Councilors during Council Meetings
3. Cooperative Alliance for Seacoast Transportation (COAST) Bus Stops
4. Household Hazardous Waste Collection Day
5. Proposed Ordinance Re: Financial Disclosure

Assistant Mayor Splaine asked City Attorney Sullivan to read his memorandum regarding City Manager Item #2 - Electronic Communications by City Councilors during Council Meetings.

Discussion ensued with City Manager Bohenko concluding that there are pros and cons regarding use of electronic communication and suggested it be discussed at a City Council retreat.

**B. MAYOR BLALOCK**

1. Appointments to be Voted:
  - Reappointment of Dana Levenson to the Trustee of the Trust Funds – term to expire January 1, 2020
  - Appointment of Jeffrey Kisiel as regular member to the Planning Board – term to expire 12/31/2017 (filling unexpired term of John Ricci)

- Appointment of Corey Clark as an Alternate member of the Planning Board – term to expire 12/31/2018 (filling unexpired term of Jeffrey Kisiel)
- Appointment of Marie Cowgill to the Citizens Advisory Committee

**Councilor Spear moved to approve the appointments as presented. Seconded by Councilor Cyr and voted.**

**Councilor Lown moved to suspend the rules to bring forward Item E.1. of the Agenda for consideration. Seconded by Assistant Mayor Splaine and voted.**

### **E. COUNCILOR DENTON**

1. Resolution Re: Energize 360 Seacoast NH Campaign Kick-off

Councilor Denton explained that this was brought before the Sustainability Blue Ribbon Committee first and he is asking that the Resolution be brought to the April 3, 2017 Council agenda. He stated that the presentation given this evening will also be a part of the agenda packet.

Discussion ensued regarding clarification of the language of the resolution.

Councilor Cyr asked if the City Council approves this resolution but a Councilor wants to participate in the program, would that be an issue.

City Attorney Sullivan stated it would not because it could be a benefit for all residents.

### **C. ASSISTANT MAYOR SPLAINE**

1. Question: How Can We Best Preserve Borthwick Forest Off Islington Street?

Assistant Mayor Splaine explained the history of the Borthwick Forest area and stated he is wondering what the vision is for the area as part of the big picture.

City Manager Bohenko stated he can compile a history of the development proposals and will work with the Planning Department.

Councilor Spear stated that this is a different discussion from what the agenda item asked, but is fine with getting a history of the area.

Councilor Lown again voiced his opposition to discussing private property.

### **D. COUNCILOR PEARSON**

1. Public Art Update

Councilor Pearson gave a brief update of the Committee activities to date including a public input meeting at the Library recently. She continued that after receiving input and feedback, they will craft an RFP and conduct a site walk of the area sometime in the Fall. She stated that there will be no selection made until 2018.

Councilor Dwyer questioned the wisdom of having a new City Council making that decision early on in their term.

Councilor Pearson stated that the committee has dove-tailed their timeline with the project itself, but will discuss this further with the committee.

## **XII. MISCELLANEOUS/UNFINISHED BUSINESS**

1. Legislative Subcommittee Report
  - Legislative Subcommittee Report
  - Update on Testimony Re: HB 144
  - Principles for Legislative Positions
  - Summary of recent House and Senate votes and Committee Reports

**Assistant Mayor Splaine moved to adopt the revised Principles for Legislative Positions, seconded by Councilor Dwyer.**

Councilor Perkins commended Assistant City Attorney Ferrini on her work on the Legislative Subcommittee and would like to see more regular updates to the Council. Secondly, she stated she would like to see the word “local” be added before “Zoning” in #13.

Councilor Dwyer explained that the first 10 principles adopted by the City Council did not cover all of the issues that came up in the legislature and regarding #16 specifically, it was in response to a bill regarding semi-trailer registration for out-of-state vehicles which would have resulted in a loss of revenue.

Councilor Spear stated he is concerned that Item #16 could be used against us when dealing with issues such as affordable housing.

City Manager Bohenko explained that regional issues come through Regional Planning agencies and we only get involved in what affects us directly.

Councilor Spear asked that Item #16 be removed from the listing.

Assistant Mayor Splaine stated that the principles are interpreted by the staff but if they have any questions, they would come back to the Council. He feels they have done a great job so far.

Mayor Blalock stated that Assistant City Attorney Ferrini has done a great job on keeping on top of all of the legislation and feels that the principles have helped her and staff to be able to act quickly when needed.

**Voted to pass the revised principles with the amendment to #13 and deleting #16.**

Councilor Spear stated that Councilor Perkins had mentioned receiving voluminous amounts of e-mails regarding the Islington Street issue but he had only gotten a couple and feels that is because she is the Ward 2 Liaison. He stated that this is a downside of having the liaisons and would like to revisit the concept at the next Council Retreat.



Assistant Mayor Splaine stated that this was initiated by the Neighborhood Steering Committee so he would like input from the Chairman of the committee.

Councilor Denton announced he would be raising funds for a local girl battling cancer by shaving his head at an upcoming fundraising event.

Councilor Lown stated that the City should be proud of the PHS Boys Basketball Team who won the Division I State Championship this year after winning the Division II Championship last year.

Mayor Blalock agreed stating that Saturday was a great day for the City which also had a choral symphony performance of Beethoven's 9<sup>th</sup> Symphony and was very moved by the performance.

Assistant Mayor Splaine stated he would like to reopen the discussion regarding the Arts Committee and is concerned that there be no pressure to act before the current Council ends. He asked how people can give input.

Councilor Pearson explained that there is a input form on the website.

Councilor Dwyer clarified that she is standing up for the arts but has concerns that the public has not been supportive in the past.

## **V. ADJOURNMENT**

**Councilor Cyr moved to adjourn at 9:50 p.m. Seconded by Councilor Lown and passed unanimously.**

Respectfully submitted,



Valerie A. French  
Deputy City Clerk

## **CITY COUNCIL MEETING**

MUNICIPAL COMPLEX  
DATE: MONDAY, APRIL 3, 2017

PORTSMOUTH, NH  
TIME: 6:30PM

At 6:30 p.m., a Non Public Session was held pursuant to:

- RSA 91-A:3, paragraph II (c) for the purpose of discussing a matter, which, if discussed in public, would likely affect adversely the reputation of any person other than a member of the public body;
- RS 91-A:3, paragraph II (d) for the purpose of discussing the acquisition, sale or lease of property; and
- RSA 91-A:3, paragraph II (I) for the consideration of legal advice provided by legal counsel.

### **I. CALL TO ORDER**

Mayor Blalock called the meeting to order at 7:00 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**

Rus Wilson, Recreation Director led in the Pledge of Allegiance to the Flag.

## **PRESENTATIONS**

1. Portsmouth High School Boys Basketball State Champions

Mayor Blalock presented each player and coach with a plaque in recognition of the 2017 State Championship. State Representative Jaqueline Cali-Pitts presented Coach Mulvey with a Proclamation in honor of the 2017 State Championship. Coach Mulvey accepted the plaques and Proclamation with thanks and appreciation.

**Assistant Mayor Splaine moved that the Portsmouth City Council withhold and seal the minutes of the Non Public Session of April 3, 2017 because if publicly disclosed, it would adversely affect the reputation of another and render the actions that may be taken ineffective pursuant to RSA 91-A:3, paragraph III. Seconded by Councilor Cyr and voted.**

2. Poet Laureate

Mayor Blalock read a Proclamation declaring Mike Nelson as the 11<sup>th</sup> Poet Laureate. Kate Lee the former Poet Laureate presented Mr. Nelson with a quill which is the symbol for the Poet Laureate. Mr. Nelson read a poem to the City Council and offered his thanks and appreciation for the recognition and the Proclamation.

3. One Sky Community Services

There was no Presentation this evening.

4. Update of New Website and Rollout of Viewpoint Re: Permits

Deputy City Manager Colbert Puff provided an overview of Viewpoint software for the issuance of permits in the Inspection Department.

Councilor Spear asked if the permits are public documents. Deputy City Manager Colbert Puff responded affirmatively.

Alan Brady, Information Technology Manager provided a presentation on the new website and spoke to its design and development.

5. Update on Revaluation

Rosann Maurice-Lentz, Assessor reported that Portsmouth's values are at 86.6% and that we will be going through a statistical revaluation this year. She reported that the new values will be for the 2017 tax year and that the process is in the beginning stages.

**V. ACCEPTANCE OF MINUTES**

There were no minutes on for acceptance this evening.

**VI. PUBLIC COMMENT SESSION**

Mark Brighton said he has reviewed the Financial Disclosure Ordinance and is in favor of it.

Dick Bagley spoke to the services provided by One Sky Community Services. He said it is difficult to provide these services when budgets are cut and asked the City Council to do what they are able to assist them in their endeavors for the developmentally disabled individuals.

**VII. PUBLIC HEARINGS**

A. ORDINANCE AMENDING CHAPTER 3, ARTICLE II, SECTION 3.208 –  
REGULATION OF SINGLE-USE CARRYOUT PLASTIC BAGS

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

Christina Lusky spoke opposed to the ordinance and said it could increase littering. She spoke to the many ways people utilize plastic bags.

Meg Wangrove spoke in favor of the ordinance and addressed the harmful effects plastic bags have on the ocean. She said Portsmouth could be the leader of this by being the first in New Hampshire to pass this type of ordinance.

Nathalie Morison spoke in support of the ordinance and discussed the environmental benefits of banning single use carryout plastic bags. She said New Hampshire is falling behind other New England States which have passed such laws on this issue.

Kirsten Howard spoke in support of the ordinance and said that there are negative impacts from plastic bags on the environment. She said 80% of the ocean pollution is from plastic bags.

Liz Durfee spoke in support of the ordinance and said there are many negative impacts from plastic bags. She stated that this ordinance aligns with solid waste regulations. She urged the City to pass the ordinance and be a leader on this issue.

Linda Harvey spoke opposed to the ordinance and urged the City Council to not adopt the regulation.

Derek Horton thanked the City Council for taking this matter up. He spoke opposed to the ordinance and said it is not neighborly to make someone follow this ordinance if adopted. He said the ordinance will be difficult to enforce and we can expect a lawsuit to be filed on this matter.

Charles Griffin spoke opposed to the ordinance and addressed whether the City has any authority to adopt such an ordinance. He said by the Council voting for this ordinance it violates the City Councilor's Oath of Office taken. He said you cannot individually choose which laws you will follow and those you would not. Mr. Griffin asked the City Council to pause and not pass second reading this evening. He said the provision is nothing but punitive and there are many reasons not to pass the ordinance.

Kevin Lucey, Greenland, NH, said he supports the ordinance and is working with the Surf Rider Foundation on this matter. He said Portsmouth can manage its rights under the Ordinance. He said carry out bags are made of plastic and should be considered waste.

Adrienne Harrison urged the City Council to move forward with the ordinance as originally proposed. She said paper bags are provided as a single use option. She spoke to the impacts of plastic bags on the environments.

Jim Lee spoke to the multi-use of plastic bags. He said he is opposed to the ordinance and said that this is a solution looking for a problem.

Erik Anderson spoke opposed to the plastic bag ordinance and said he would like to know the changes the City Council is considering on this matter. He said he feels there are more important issues to the City to discuss other than plastic bags.

Fred Rice, Hampton, NH, spoke to protecting the environment but said he agrees with the stand of the City Attorney on this matter. He said the City does not have the authority to adopt such an ordinance and the City would be facing a lawsuit if it does adopt it. He also stated that any lawsuit brought forward would not be a quick and easy suit. He said the ordinance will drive up the costs at stores and drive some businesses away from the City.

Mark Brighton said the issue is about freedom of choice and 20,000 residents should be making their own choice. He stated that plastic bags do not kill wildlife and mammals, nets do. He said that plastic takes less time to recycle than bags and the ordinance signifies nothing.

Mike Teal spoke opposed to the ordinance and said it is bad for the City and will get the City into another lawsuit.

Rick Becksted said that this has been an educational process. He said more people are starting to use different types of bags because of this ordinance. He said he would not support a lawsuit coming from this matter. Mr. Becksted urged the City Council to not adopt the ordinance.

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

B. ORDINANCE AMENDING CHAPTER 7, ARTICLE VII, SECTION 7.704 AND 7.705 TO CLARIFY THE PROHIBITION OF TRUCK TRAFFIC ON BANFIELD ROAD

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

Eric Eby, Traffic Engineer provided a brief overview of the ordinance. He said this matter came before the Parking & Traffic Safety Committee and a couple of conflicts were found in the ordinance which needs to be cleaned up. He said no emergency vehicles would be allowed on the road with the way the ordinance currently reads. He recommended that the City Council move forward with the ordinance.

David Ecker said in 1984 the ordinance restricted the trucks on Banfield Road. He also spoke regarding signs that were changed in 2015 and then were recently taken down.

Frank McLane said the trucks need to come off of Banfield Road. He said he supports the ordinance and moving forward.

Rick Becksted said the signs do not depict the ordinance and the signs are misplaced. He spoke in support of the ordinance.

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

C. RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF UP TO FIVE MILLION DOLLARS (\$5,000,000.00) FOR COSTS RELATED TO ELEMENTARY SCHOOL FACILITY IMPROVEMENTS

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

Superintendent Zdravec spoke in support of the Bonding Resolution for the continued renovations to the elementary schools. He spoke to energy efficiencies and there will be improvements to functional issues of the school.

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

## **VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES**

- A. Second reading of Proposed Ordinance amending Chapter 3, Article II, Section 3.208 – Regulation of Single Use Carryout Plastic Bags

**Councilor Lown moved to accept all the amendments to the Plastic Bag Ordinance as set forth in the Memorandum from the Legal Department to the City Manager dated March 28, 2017, and further, to pass second reading and schedule a third and final reading of the proposed Ordinance at the April 17, 2017 City Council meeting. Seconded by Councilor Pearson.**

Councilor Lown said the environment is affected by plastic bags and that this is a good faith effort to pass the ordinance. He said litigation is not likely to happen.

Councilor Spear said he agrees with most of what was said but wants to postpone the ordinance.

**Councilor Spear moved to postpone second reading of the ordinance. Seconded by Councilor Perkins.**

Councilor Spear said he has two problems with the ordinance because we did not draft the ordinance and it is not New Hampshire or Portsmouth specific. He feels we need to put the ordinance aside and would like to have the City Manager come back with a plan to substantially reduce plastic bag use in the City.

Mayor Blalock passed the gavel to Assistant Mayor Splaine.

Mayor Blalock said he supports the motion by Councilor Spear. He said he feels we should spend our time educating and reducing the use of plastic bags. He also stated it is time to clean up those bags that are hanging around.

Assistant Mayor Splaine returned the gavel to Mayor Blalock.

Councilor Denton said the ordinance was drafted by input from City residents. He asked the City Council to vote against the motion to postpone.

Assistant Mayor Splaine said that he learned a lot from the speakers this evening. He said plastic bags affect our wildlife negatively, affects our oceans and rivers. He said we need to keep lobbying the legislature. Assistant Mayor Splaine said he would support the motion to postpone because we can't ignore our City Attorney. He said without clear authority from the legislature we can't move forward on this matter.

Councilor Perkins said she agrees with Councilor Spear and would support the motion he has brought forward. She said she would like to see us do something with a leadership role.

Councilor Dwyer said we need the authority to do these things. She said it is important to bring things to a public hearing and second reading to receive input from residents.

Councilor Cyr said he would like more answers from other approaches and said we are all trying to get to a better end. He asked Deputy City Attorney Woodland what it would take for the court to weigh in on this matter without any lawsuit being filed. Deputy City Attorney Woodland said a suit would need to be brought forward for the court to weigh in on this matter.

**On a roll call 6-3, voted to postpone second reading of the ordinance. Assistant Mayor Splaine, Councilors Perkins, Dwyer, Spear, Cyr and Mayor Blalock voted in favor. Councilors Lown, Pearson and Denton voted opposed.**

**Councilor Spear moved that the City Manager report back with a plan to substantially reduce plastic bag use in the City. Seconded by Assistant Mayor Splaine.**

Councilor Spear said he wants the ordinance to be broad. He said some form of an education plan could be brought forward on this matter.

Mayor Blalock said he would like the Sustainability Committee to look at this. Councilor Spear said the Sustainability Committee could offer guidance.

Assistant Mayor Splaine said the motion is good. He said the State has some litter laws we can use on the local level.

**Motion passed.**

- B. Second reading of Proposed Ordinance amending Chapter 7, Article VII, Section 7.704 and 7.705 to clarify the Prohibition of Truck Traffic on Banfield Road

**Assistant Mayor Splaine moved to pass second reading and schedule a third and final reading of the proposed Ordinance at the April 17, 2017 City Council meeting, as presented. Seconded by Councilor Cyr and voted.**

- C. Adoption of Resolution Authorizing a Bond Issue and/or Notes of up to Five Million Dollars (\$5,000,000.00) for Costs related to Elementary School Facility Improvements (*two-thirds vote required for passed by roll call*)

**Assistant Mayor Splaine moved to adopt the Resolution authorizing a Bond Issue and/or Notes of Five Million (\$5,000,000.00) Dollars for costs related to Elementary School Facility Improvements. Seconded by Councilor Dwyer.**

Assistant Mayor Splaine said the life safety issues are more important than walls. He said we need to get in front of asbestos removal and sprinklers to make sure our schools are as good as possible. He said he would like things done this year.

Councilor Dwyer said the School Committee should look at the long term plans for the school at Sherburne.

City Manager Bohenko said we are on a path of renovating elementary schools. He said the asbestos is tiles at Dondero School and you would need to mitigate that process with a contractor.

**On a roll call 8-0, voted to adopt the Resolution authorizing a Bond Issue and/or Notes of Five Million (\$5,000,000.00) Dollars for costs related to Elementary School Facility Improvements.** *Councilor Denton stepped out of the Chambers and was not present for this vote.*

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

## IX. CONSENT AGENDA

- A. Letter from Caroline Amport Piper, Friends of the South End requesting permission to hold the annual Fairy House Tour event on Saturday, September 23, 2017 and Sunday, September 24, 2017 from 11:00 a.m. to 3:00 p.m. ***(Anticipated action – move to refer to the City Manager with power)***
- B. Letter from Allan Scholtz, Portsmouth Professional Firefighters Local 1313 requesting permission to hold two boot drives, the first on Saturday, July 8<sup>th</sup>, and the second on Saturday, August 19<sup>th</sup> ***(Anticipated action – move to refer to the City Manager with power)***
- C. Approval of Pole License Requests:
- License Agreement #63-0634 – Sagamore Road 1 new pole
  - License Agreement #63-0639 – Broad Street 1 new pole
  - License Agreement #63-0644 – Marsh Lane 1 new pole
  - License Agreement #63-0622 – Borthwick Avenue 1 new pole
  - License Agreement #63-0637 – Robert Avenue 1 new pole
  - License Agreement #63-0641 – Maplewood Avenue 1 new pole
  - License Agreement #63-0645 – Spinney Road 1 new pole
  - License Agreement #63-0624 – Central Avenue 1 new pole
  - License Agreement #63-0631 – McKinley Road 1 new pole
  - License Agreement #63-0633 – Sagamore Road 1 new pole
  - License Agreement #63-0632 – Hampshire Road 1 new pole
- (Anticipated action – move to refer to the City Manager with power)***
- D. Letter from Robert L. Sutherland, Jr., St. John's Lodge requesting permission to hold the annual 5K Race on April 8<sup>th</sup> at 8:00 a.m. ***(Anticipated action – move to refer to the City Manager with power)***
- E. Letter from Sister Mary Agnes, St. Charles Children's Home requesting permission to hold the St. Charles 5K Road Race on September 4, 2017 at 9:00 a.m. ***(Anticipated action – move to refer to the City Manager with power)***



- F. Letter from Richard Mason, Seacoast Veterans Count requesting permission to hold the Pack & Boots 5K Road Race on July 4, 2017 at 8:00 a.m. (***Anticipated action – move to refer to the City Manager with power***)
- G. Letter from Jenelle Dolan, March of Dimes New Hampshire requesting permission to hold the 2017 Seacoast March for Babies on June 17, 2017 (***Anticipated action – move to refer to the City Manager with power***)

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

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

- A. Letter from Stephen & Gina Kennedy Re: Food Truck Pilot Program

**Councilor Lown moved to refer to the Parking & Traffic Safety Committee. Seconded by Councilor Spear and voted.**

- B. Letter from Lorena Arnold regarding the Single-Use Plastic Bag Issue

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

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

**A. CITY MANAGER**

In accordance with City Council Rule and Order #37 Hour City Council Meetings To Conclude the City Manager's Items become Consent after 10:00 p.m.

The City Council agreed to remove Item 3. – Request for First Reading of Proposed Ordinance amending Chapter 1, Article IX, Section 1.902 – Election Candidate Financial Disclosures from Consent items.

1. New Street Name – “Foundry Place” (***Anticipated action – move to accept the recommendation of the Planning Board, as presented***)
2. Request to Transfer Funds Re: 400<sup>th</sup> Anniversary Trust (***Anticipated action – move to transfer the remaining balance from the City's 375<sup>th</sup> Celebration account to the Portsmouth 400<sup>th</sup> Anniversary Trust***)

4. Proposed amendment to the City Ordinances, Chapter 10 – Zoning Ordinance, Article 5A – Character-Based Zoning, Section 10.5A46 – Incentive Overlay Districts, to allow excess community space provided by a development to be credited for use in another development in the same Incentive Overlay District (***Anticipated action – move to refer this matter to the Planning Board for report back to the City Council***)
  
5. Applications for Sidewalk Cafes providing Alcohol Service
  - State Street Saloon (***Anticipated action – move to authorize the City Manager to enter into an Area Service Agreement with State Street Saloon for outdoor alcohol service on City land for the 2017 season subject to City Council Policy No. 2012-02***)
  
  - Popovers (***Anticipated action – move to authorize the City Manager to enter into an Area Service Agreement with Popovers on the Square for outdoor alcohol service on City land for the 2017 season subject to City Council Policy No. 2012-02***)
  
  - Ri Ra Irish Pub (***Anticipated action – move to authorize the City Manager to enter into an Area Service Agreement with Ri Ra Irish Pub for outdoor alcohol service on City land for the 2017 season subject to City Council Policy No. 2012-02***)
  
  - The District (***Anticipated action – move to authorize the City Manager to enter into an Area Service Agreement with The District for outdoor alcohol service on City land for the 2017 season subject to City Council Policy No. 2012-02***)
  
  - Fezziwig's Food & Fountain (***Anticipated action – move to authorize the City Manager to enter into an Area Service Agreement with Fezziwig's Food & Fountain for outdoor alcohol service on City land for the 2017 season subject to City Council Policy No. 2012-02***)
  
6. Applications for Sidewalk Cafes providing Alcohol Service-private sidewalk
  - British Beer Company (***Anticipated action – move to authorize the City Manager to enter into an Area Service Agreement with British Beer Company for outdoor alcohol service for the 2017 season subject to City operating conditions contained in Council Policy 2012-02***)
  
  - The BRGR Bar (***Anticipated action – move to authorize the City Manager to enter into an Area Service Agreement with The BRGR Bar for outdoor alcohol service for the 2017 season subject to City operating conditions contained in Council Policy 2012-02***)

- Row 34 (***Anticipated action – move to authorize the City Manager to enter into an Area Service Agreement with Row 34 for outdoor alcohol service for the 2017 season subject to City operating conditions contained in Council Policy 2012-02***)
7. Draft Complete Street Demonstration Project Policy (Tactical Urbanism Policy) (***Anticipated action – moved to authorize the City Manager to bring back the proposed Policy for action at the April 17, 2017 City Council meeting***)

**Councilor Dwyer moved to adopt the City Manager’s Consent Agenda, as presented. Seconded by Councilor Spear and voted.**

3. Request for First Reading of Proposed Ordinance amending Chapter 1, Article IX, Section 1.902 – Election Candidate Financial Disclosures

**Councilor Perkins moved to postpone and bring back at the April 17<sup>th</sup> City Council meeting. Seconded by Councilor Cyr and voted.**

Assistant Mayor Splaine spoke to a recent problem between a local restaurant and members of staff. He said the City should have a work session or forum to welcome people to talk with us on the ordinance. He said maybe the issue of not being able to do local inspections requires additional staff. He said these are businesses in the service industry and we need to look into this matter as soon as possible.

City Manager Bohenko said we have had discussions internally on a regular basis on these kinds of issues. He said public meetings have been held as well. He requested that the Council give him some time and allow him to work and come forward with ideas on Inspection, Fire and Health Departments.

Assistant Mayor Splaine said that is fine.

Councilor Perkins said people need to understand the process better. City Manager said we need to look at the health code.

## **B. MAYOR BLALOCK**

1. Appointments to be Considered:
  - Reappointment of Adrienne Harrison to the Conservation Commission
  - Reappointment of Kate Zamarchi to the Conservation Commission
  - Reappointment of Rick Becksted to the Recreation Board
  - Reappointment of Jacqueline Cali-Pitts to the Recreation Board
  - Reappointment of Lisa Louttit to the Recreation Board

The City Council considered the above listed reappointments to be voted on at the April 17<sup>th</sup> City Council meeting.

2. Strategic Planning Committee for Vaughan-Worth-Bridge Revitalization

**Assistant Mayor Splaine moved to propose the Council endorse the formation of a five-member Committee to explore the reuse and revitalization opportunities associated with the City's properties noted above. Seconded by Councilor Dwyer.**

Councilor Dwyer suggested that a downtown resident or two be added to the Committee to think of the residential aspect.

Assistant Mayor Splaine said whatever goes in that area would affect the west end. He wants to make sure the Committee follows the New Hampshire Right to Know law. City Manager Bohenko confirmed that the requirements under the Right to Know law would be followed. City Manager Bohenko suggested to add a business owner to the Committee so you could have 1 resident of the downtown and a business owner.

The City Council decided to add two more members to the Committee: 1 Downtown resident and 1 Downtown Business Owner.

*Proposed Membership:*

*2 City Councilors*

*1 Planning Board Member*

*1 Historic District Commission Member*

*1 Economic Development Commission Member*

*1 Ex-officio Member with Appointment by City Manager for Staff Liaison*

*1 Downtown Resident*

*1 Downtown Business Owner*

**Committee Charge** – *to develop options for future use of City-owned property in these areas and report back to the City Council with strategic recommendations as to how the City can best use its property in service of the community. Topics to be covered should address land use, urban design, public infrastructure, and timing. The Committee should make semi-annual reports to the Council until it has reached completion of its charge.*

Councilor Perkins said we need to think about the Islington Creek Neighborhood in the revitalization process.

**Motion passed.**

**Councilor Denton moved to suspend the rules in order to take up item XI. E.1. – Resolution and Energize 360 Seacoast NH Presentation. Seconded by Assistant Mayor Splaine and voted.**

**E. COUNCILOR DENTON**

1. Resolution and Energize 360 Seacoast NH Presentation

**Councilor Denton moved to adopt the Resolution. Seconded by Assistant Mayor Splaine. On a unanimous roll call 9-0, voted to adopt the Resolution.**

**C. ASSISTANT MAYOR SPLAINE**

1. Welcoming Cities Resolution

Assistant Mayor Splaine withdrew the Resolution.

**D. COUNCILOR SPEAR**

1. Surface Parking

Councilor Spear postponed this item until the April 17<sup>th</sup> City Council meeting.

**XII. MISCELLANEOUS/UNFINISHED BUSINESS**

**XIII. ADJOURNMENT**

**At 11:00 p.m., Councilor Spear moved to adjourn. Seconded by Councilor Cyr and voted.**



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

## ORDINANCE #

### THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, Article VII – TRUCK AND BUS TRAVEL of the Ordinances of the City of Portsmouth be amended as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

#### **ARTICLE VII: TRUCK AND BUS TRAVEL**

##### **Section 7.701: PROHIBITED ON CERTAIN STREETS**

Notwithstanding any other provision of this ordinance, no tractor – trailer truck may travel on the following streets at any time for any reason.

1. Maplewood Avenue from Central Avenue to Woodbury Avenue
2. Woodbury Avenue from Dennett Street to Bartlett Street.

##### **Section 7.702: TRUCK TRAFFIC PROHIBITED**

It shall be unlawful for any truck with a box, body or platform of over 12 feet in length to use the following streets subject to the exceptions of Section 7.704 of this Article.

1. Adams Avenue
2. Banfield Road
3. Broad Street (between South Street and Jones Avenue).
4. Burkitt Street (between Dennett Street and the Maine/New Hampshire Interstate so-called).
5. Cate Street
6. Chestnut Street (from Congress Street to Porter Street)
7. Circuit Road
8. Cleveland Drive
9. Coolidge Drive
10. Dennett Street (Between Bartlett Avenue to Maplewood Avenue)
11. Dwight Avenue
12. Echo Avenue
13. Edgewood Road
14. Farm Lane
15. Fillmore Road
16. F.W. Hartford Drive
17. Garfield Road
18. Granite Street
19. Grant Avenue
20. Greenleaf Avenue (between Pevery Hill Road and the Rt. 1 Bypass)
21. Harding Road
22. Hayes Place

23. Hoover Drive
24. Mangrove Street
25. Maplewood Avenue (from Central Avenue to Woodbury Avenue)
26. McKinley Road
27. Myrtle Avenue (between Dennett St. and the Maine/New Hampshire Interstate so-called)
28. Nixon Park
29. Pickering Street
30. Polk Avenue
31. Profile Avenue
32. Ranger Way
33. Rockhill Avenue
34. Sherburne Road
35. Taft Road
36. Taylor Lane
37. Thornton Street (between Woodbury Avenue and Bartlett Street)
38. T.J. Gamester Avenue
39. Truman Place
40. Van Buren Avenue
41. Wilson Road
42. Woodbury Avenue, between Market Street and Bartlett Street

### **Section 7.03 BUS TRAFFIC PROHIBITED ON CERTAIN STREETS**

Notwithstanding any other provision of this ordinance, no bus may travel on the following streets at any time for any reason.

1. Ceres Street (all public sections).

### **Section 7.704: ~~LOCAL DELIVERY ROUTES—EXCEPTIONS TO PROHIBITION OF TRUCK TRAFFIC~~**

~~A.—The following streets are designated to serve as local delivery routes. Their status is determined based upon: 1) their intersection with a through truck route, 2) their importance in ensuring residential deliveries, 3) their importance in ensuring deliveries to business or industrial uses where no other access is practical.~~

~~Heritage Avenue in its entirety;~~

~~Constitution Avenue in its entirety;~~

~~Banfield Road from intersection of Heritage Avenue to intersection of Peverly Hill Road;~~

~~Peverly Hill Road in its entirety;~~

~~Route 33 at the intersection of Route 33 and Borthwick Ave/Greenland Rd to South St to Lafayette Road;~~

~~South Street from Lafayette Road to Sagamore Avenue;~~

~~Sagamore Avenue from intersection of South Street to City line with Rye;  
Wentworth Road in its entirety;~~

~~Lafayette Road from intersection with US Route 1 and US Route 1 ByPass to  
Middle St;~~

~~Woodbury Avenue from intersection US I-95 off ramp to intersection with Dennett  
St.;~~

~~Dennett Street from Woodbury Avenue to intersection of Bartlett Street;~~

~~Bartlett Street to Islington Street;~~

~~Islington Street in its entirety;~~

~~Daniel Street in its entirety;~~

~~Congress Street in its entirety;~~

~~State Street from intersection of Middle Street to Memorial Bridge;~~

~~Marcy Street in its entirety;~~

~~New Castle Avenue in its entirety;~~

~~Market Street from intersection of Russell Street to Hanover Street;~~

~~Hanover Street from Market Street to Maplewood Avenue;~~

~~Deer Street from Maplewood Avenue to Market Street; and,~~

~~Russell Street in its entirety.~~

**The following are exceptions to the prohibition against truck traffic on the streets set forth in Section 7.702:**

- A. The operation of trucks upon any street where necessary to the conduct of business at the destination point accessible only through use of streets where truck traffic is prohibited as set forth in Section 7.702.**
- B. Emergency vehicles: The operation of emergency vehicles upon any street in the City.**
- C. Public Utilities, Etc.: The operation of trucks owned or operated by the City, Public Utilities, any contractors, subcontractors or materialman, while engaged in the repair, maintenance or construction of streets, street improvements or street utilities within the City.**



**D. Residential Home Delivery Vehicles: The operation of delivery trucks actually engaged in making residential deliveries.**

**Section 7.705: ENFORCEMENT**

The ~~City Manager~~ **Public Works Department** shall cause those streets which are listed in 7.702 to be posted to give notice that this Ordinance is in effect. Where applicable, the ~~City Manager~~ **Public Works Department** shall coordinate sign posting with the New Hampshire Department of Transportation.

The Chief of Police shall cause enforcement of this Ordinance to occur through local, county and state law enforcement sources.

~~A plan of through truck routes and local delivery routes shall be kept on file at the City Clerk's Office and the Portsmouth Police Department.~~

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

# City of Portsmouth

*Department of Public Works*



## MEMORANDUM

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TO: John P. Bohenko, City Manager

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

DATE: February 28, 2017

SUBJECT: Truck Prohibition Ordinance Revision

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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.



**RW Robert L. Sutherland Jr. Sec  
St. John's Lodge No 1 F. & A. M.  
425 Bennett Way  
Newmarket, NH 03857**

March 3, 2017  
To: The City Manager  
1 Junkins Ave.  
Portsmouth, NH 03801

Dear Mr. Bohenko

The Worshipful Master of St. John's Lodge No. 1 Wor. Bro Floyd Caron request that the Offices and member be allowed to march to St John's Church, Chapel St. Portsmouth NH, we will be taking a route from the Masonic Temple crossing Middle St. then to State St then to Chapel St to the Church. The date for this even will be June 25<sup>st</sup> for the observance of St. John's Sunday at (Queen Chapel) St John's Church in Portsmouth for the 26<sup>th</sup> of June.

Lodge will be opened at the Masonic Temple at 8:00 AM and the procession will step off at 8:30 AM for services at 9:30 AM. We will return to the Temple , following the service reversing the route.

Sincerely,

*Robert L. Sutherland Jr.*

RW Robert L. Sutherland, Jr.  
Sectary: Greenlandbob@gmail.com  
630-828-5246

April 5, 2017



Honorable Mayor Lister and City Council Members  
City of Portsmouth  
1 Junkins Avenue  
Portsmouth, NH 03801



Dear Mayor Lister and City Councilors,

The New Hampshire SPCA will be hosting our 25<sup>th</sup> Annual Paws Walk on Sunday, June 4<sup>th</sup> at Stratham Hill Park, in Stratham, NH. Paws Walk is the NHSPCA's largest grassroots fundraiser of the year. In preparation of the event, and in hopes of making it our most successful year yet, I'm inquiring about placing our Paws Walk posters and brochures at the Pierce Island dog park in Portsmouth and the new dog park on Route 33.

As we have done with your permission in years past; we will laminate the posters and we were hoping to place them at the dog park with a weather-proof holder for some brochures. We would like to do this as soon as possible, and we will be responsible for taking them down by Monday, June 5<sup>th</sup>, the day after the event.

We would be grateful for the privilege of informing city residents that utilize the above mentioned facilities, of this exciting event for dogs and dog lovers, alike. Thank you for your time and consideration.

I very much look forward to hearing from you!


Best regards,

Megan Bickford  
Special Events and Sponsorship Manager  
New Hampshire SPCA  
(603) 772-2921 x105

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# MEMORANDUM

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**TO:** John P. Bohenko, City Manager  
**FROM:** Rick Taintor, Planning Director   
**DATE:** April 11, 2017  
**RE:** City Council Referral – Projecting Sign  
Address: 218 State Street  
Business Name: Buff and File Nail Bar  
Business Owner: Andree Connell

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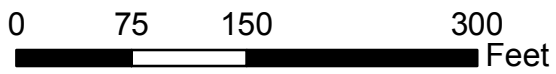
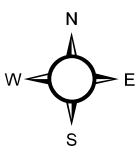
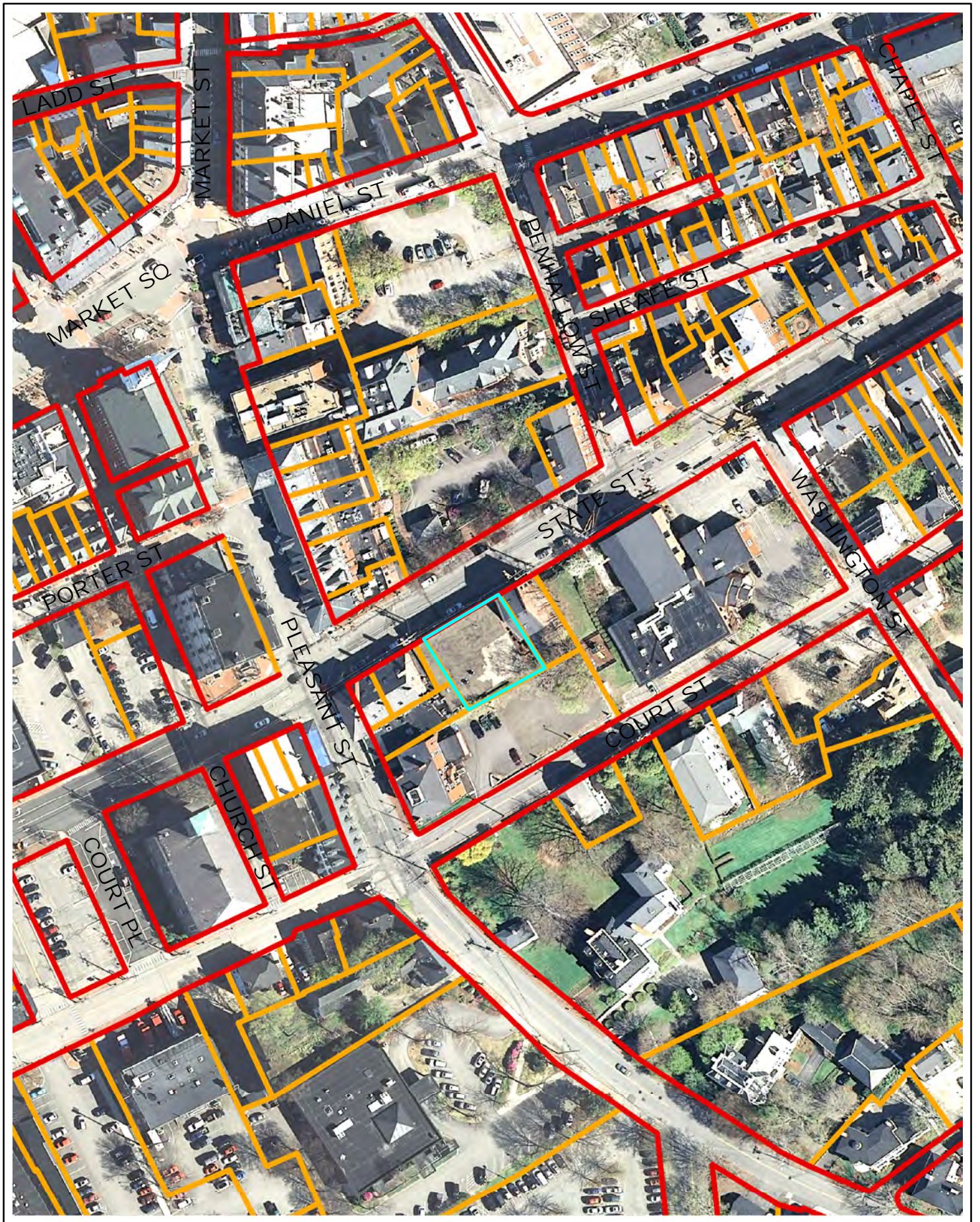
Permission is being sought to install a projecting sign on an existing bracket, as follows:

Sign dimensions: 32" x 32"  
Sign area: 7.1 sq. ft.  
Height from sidewalk to bottom of sign: 7' 8"

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

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





Map produced by Planning Department 4-10-17

# Request for Projecting Sign License 218 State St



32 in



32 in



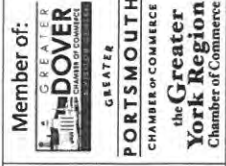
**REVISION:**  
 All orders under \$250 include 1 revision only.  
 All orders over \$250 include 3 revisions only.  
 Additional revisions will be charged at \$25 per revision.

**PLEASE NOTE:**  
 Designs are NOT actual size and color may vary depending on printer and/or monitor.

3/17/17

**RETURN SIGNED TO: [service@portsmouthsign.com](mailto:service@portsmouthsign.com)**  
 I understand this Order Form is the final production order and replaces all previous drawings, notes and verbal instructions to this job. Standard vinyl & paint colors will be used. Custom colors and specific matches to PMS colors will be an additional fee. I have carefully reviewed this form and verify that it contains all necessary specifications and represents my order. I authorize fabrication according to this approval.

**SIGNATURE:** \_\_\_\_\_ **Date:** \_\_\_\_\_



©COPYRIGHT 2015, BY PORTSMOUTH SIGN COMPANY. All designs and custom artwork remain the property of Portsmouth Sign Company until the order is complete and paid in full.

Qty:  SS  DS

Materials: Background Color: \_\_\_\_\_

Vinyl Color: \_\_\_\_\_  
 HP  Int

Other: \_\_\_\_\_







**CITY OF PORTSMOUTH, NH**  
**SIGN PERMIT APPLICATION**

DATE: 24-Feb-17

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

Zone Dist.: CD4

Street Address of Sign(s): 218 State Street Unit 101 Map #: \_\_\_\_\_ Sign District: 3  
 Business Name: Buff and File Nail Bar Phone #: 603-264-928  
 Business Owner Name: Andree Connell Phone #: 603-264-928  
 Sign Contractor: Portsmouth Sign Co. Address: \_\_\_\_\_ Phone #: 603-436-004

**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					n/a			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						
	7								7						
	8								8						
Projecting	9								9	1	32	32	7.1	>7	N
	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:            SF

New Signs Total: 7.1 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:            SF      Awning:            SF      Roof:            SF  
 Spl. Event            Free-Stand.:            SF      Canopy:            SF      Marquee:            SF  
SF Projecting: 7.1 SF      Parapet:            SF      Temporary:            SF

**TOTAL SIGN AREA: 7.1 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: 21 Feet - **On Site Plan List Setback dimensions and Location of Signs**

**For Office Use:** Allow Area: Factor 2 X 21 Store Front 42 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:** Needs license from the City Council

Zoning Official: 

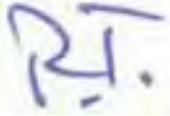
Code Official: \_\_\_\_\_

Date: 28-Mar-17

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## M E M O R A N D U M

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**TO:** John P. Bohenko, City Manager  
**FROM:** Rick Taintor, Planning Director   
**DATE:** April 11, 2017  
**RE:** City Council Referral – Projecting Sign  
Address: 75 Pleasant Street  
Business Name: The Clipper Tavern  
Business Owners: Sean Sullivan & Jeff Goss

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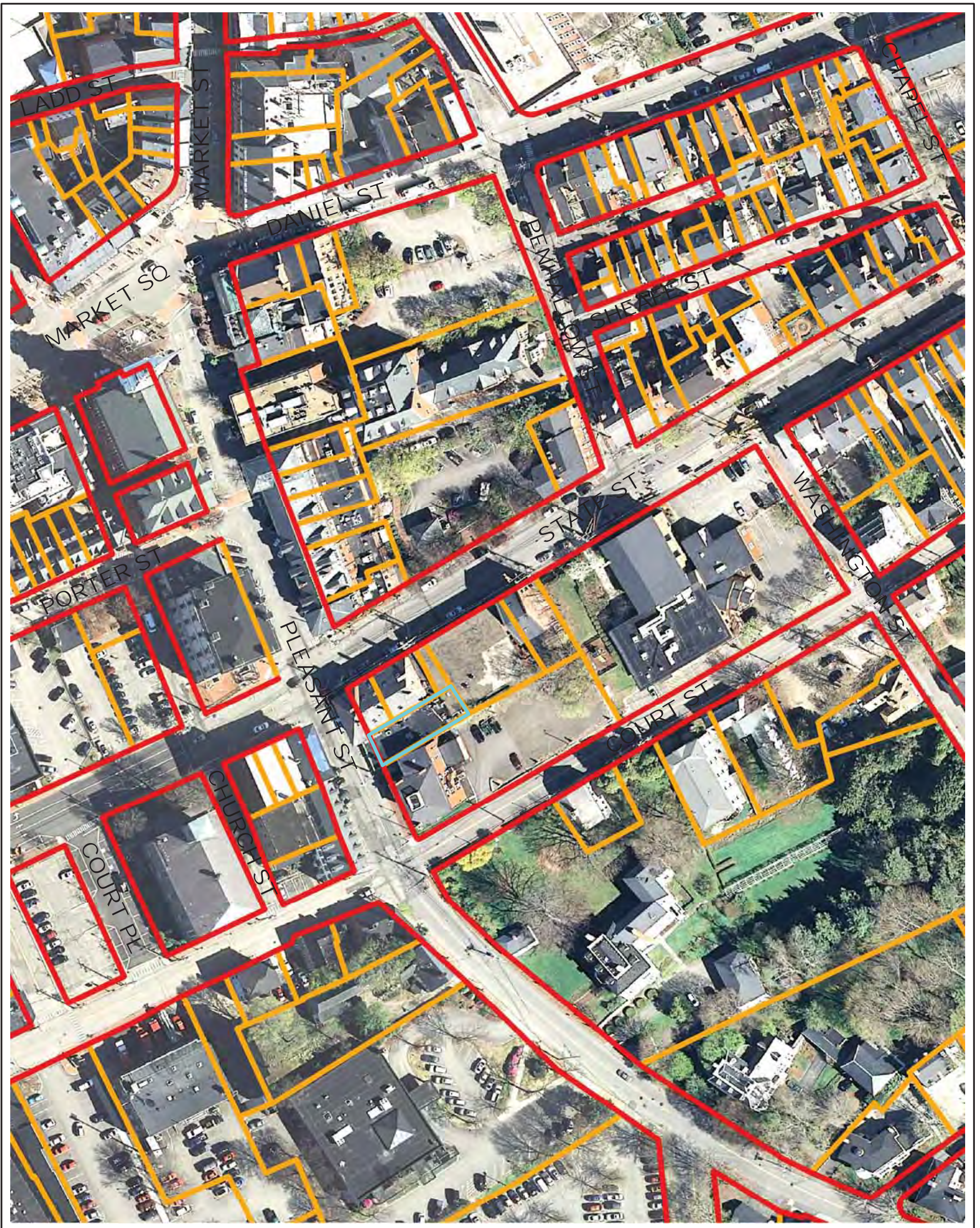
Permission is being sought to install a projecting sign on a new bracket, as follows:

Sign dimensions: 45" x 45"  
Sign area: 11.04 sq. ft.  
Height from sidewalk to bottom of sign: 9.5"

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

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





2

0 75 150 300 Feet

**Request for Projecting Sign License  
75 Pleasant St**

Map produced by Planning Department 4-10-17



Projecting

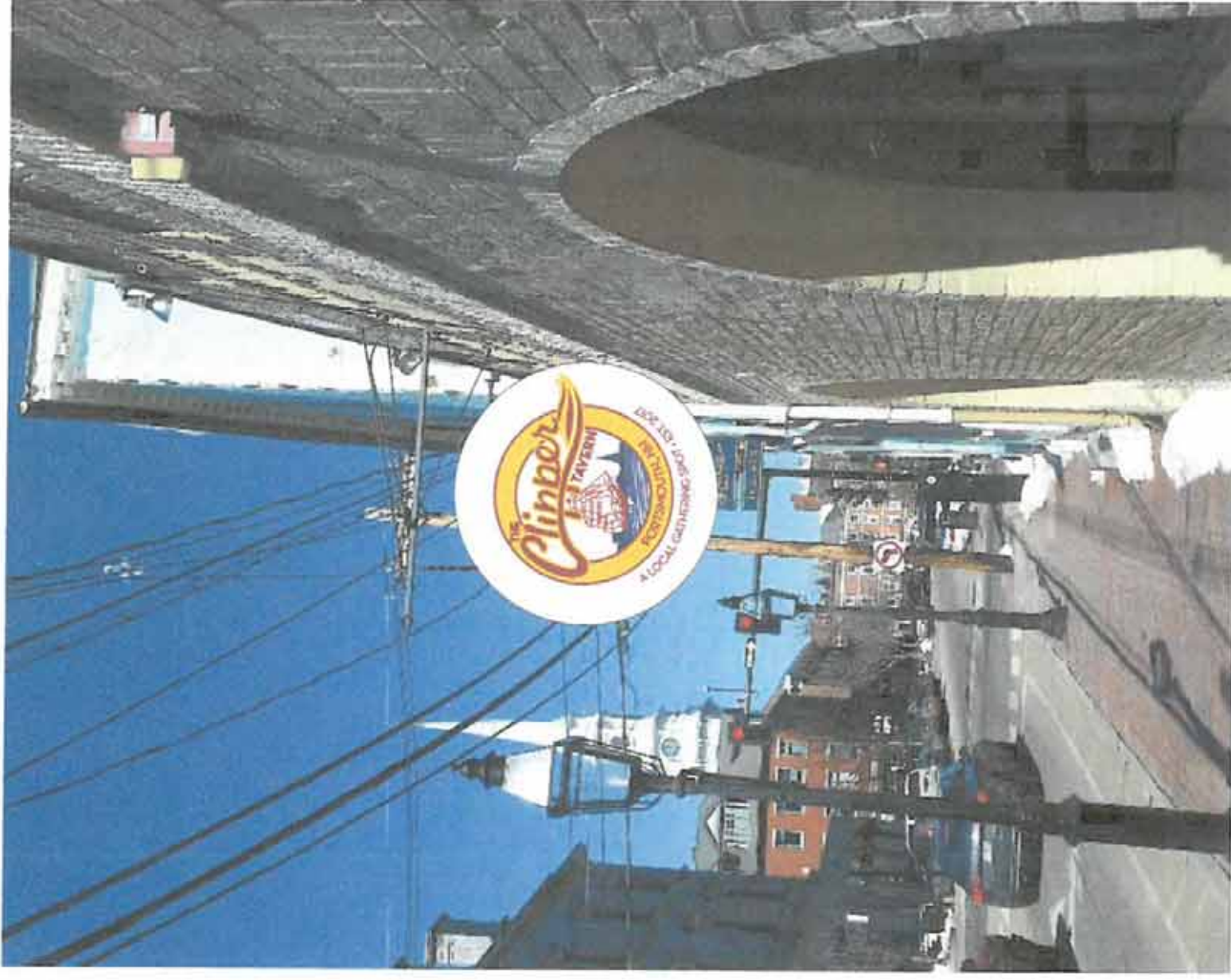
- circular sign  
48" diameter

(same dimensions)  
as prior sign









45" ROUND CARVED SIGN - DOUBLE SIDED  
54" BRACKET  
NON-ILLUMINATED SIGN - SPOT LIT ONLY  
BOTTOM OF SIGN, TO GRADE: 114"



3'H X 4'W  
NON-ILLUMINATED SIGN



**CITY OF PORTSMOUTH, NH**  
**SIGN PERMIT APPLICATION**

DATE: 6-Mar-17

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

Zone Dist.: CD4

Street Address of Sign(s): <u>75 Pleasant St.</u>	Map #:	Sign District: <b>3</b>
Business Name: <u>The Clipper Tavern</u>	Phone <u>603-501-0562</u>	
Business Owner Name: <u>Sean Sullivan / Jeff Goss</u>	Phone <u>603-239-5798</u>	
Sign Contracto <u>Silva Graphics</u>	Address:	Phone <u>603-868-2112</u>

**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					n/a			1							
	2					n/a			2							
	3					n/a			3							
	4					n/a			4							
	5					n/a			5							
Free- Standing	6								6							
	7								7							
	8								8							
Projecting	9								9	1	45	45	11.04			E
	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:** SF

**New Signs Total:** 11.04 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

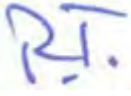
<b>Total the sign areas of all existing sign(s) that are remaining on the property and all new sign(s) here:</b> <i>Do not include any existing signs that are being removed.</i>					
Wall Attached:	_____ SF	Awning:	_____ SF	Roof:	_____ SF
Spl. Event	_____ SF	Canopy:	_____ SF	Marquee:	_____ SF
<span style="border: 1px solid black; padding: 2px;">SF</span>	Projecting: <u>11.0</u> SF	Parapet:	_____ SF	Temporary:	_____ SF
<b>TOTAL SIGN AREA:</b> <span style="border: 1px solid black; padding: 2px;">11.04</span> SF (exclude temporary & F.S. signs)					
Total # of New Signs: <u>1</u> Total # Temp. Signs: _____					
<b>Store front dimension is NEEDED for complete review of application:</b>					
Store Front Linear Frontage:	<span style="border: 1px solid black; padding: 2px;">31</span> Feet	<b>- On Site Plan List Setback dimensions and Location of Signs</b>			
<b>For Office Use:</b>	Allow Area: Factor <u>2</u> X <u>31</u>	Store Front	<span style="border: 1px solid black; padding: 2px;">62</span> SF TOTAL		
Allow FS Hgt. <u>12</u>	Allow Area: Factor _____ X _____		<span style="border: 1px solid black; padding: 2px;">SF</span> TOTAL		
<b>Allow. Areas: (ea.)</b>	Wall = <u>40</u>	Projecting = <u>12</u>	Roof = <u>na</u>	Marquee = <u>20</u>	
Temp. = _____	Freestd. = <u>20</u>	Parapet = <u>na</u>	Awning = <u>20</u>	Canopy = <u>na</u>	
<b>Stipulations / Comments:</b> Corrected sign dimensions from original application (see above). Sign requires license from City Council. Proposed wall sign is not part of this application.					
Code Official:	Date: <u>5-Apr-17</u>				



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# MEMORANDUM

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**TO:** John P. Bohenko, City Manager  
**FROM:** Rick Taintor, Planning Director   
**DATE:** April 11, 2017  
**RE:** City Council Referral – Projecting Sign  
Address: 99 Daniel Street  
Business Name: Tailor Shop (Seamstress)  
Business Owner: Nora Fournier

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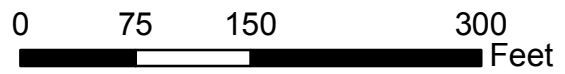
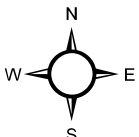
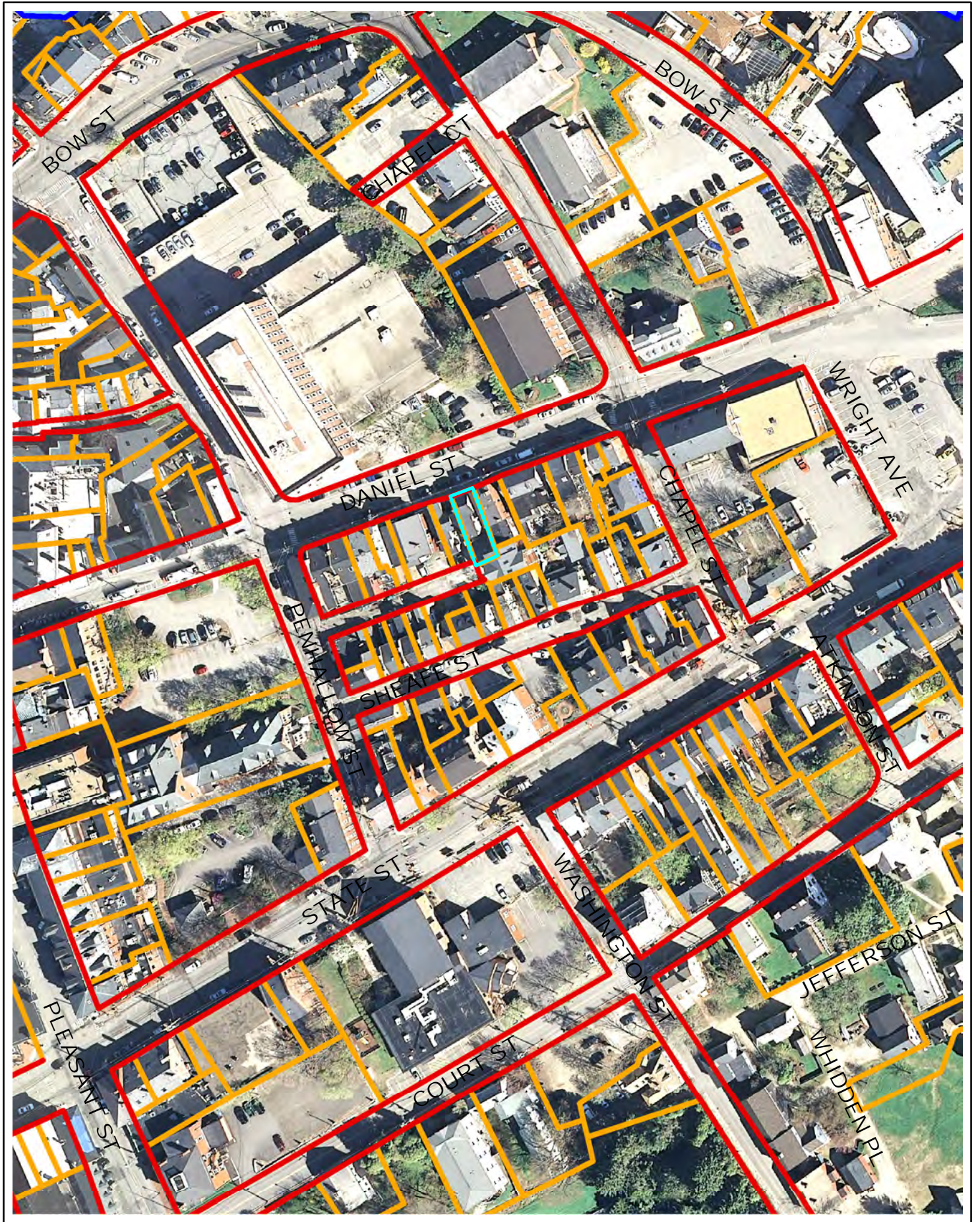
Permission is being sought to install a projecting sign on a new bracket, as follows:

Sign dimensions: 3' x 2'  
Sign area: 6 sq. ft.  
Height from sidewalk to bottom of sign: 9'

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

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





# Request for Projecting Sign License 99 Daniel St

Map produced by Planning Department 4-11-17



SEAMSTRES

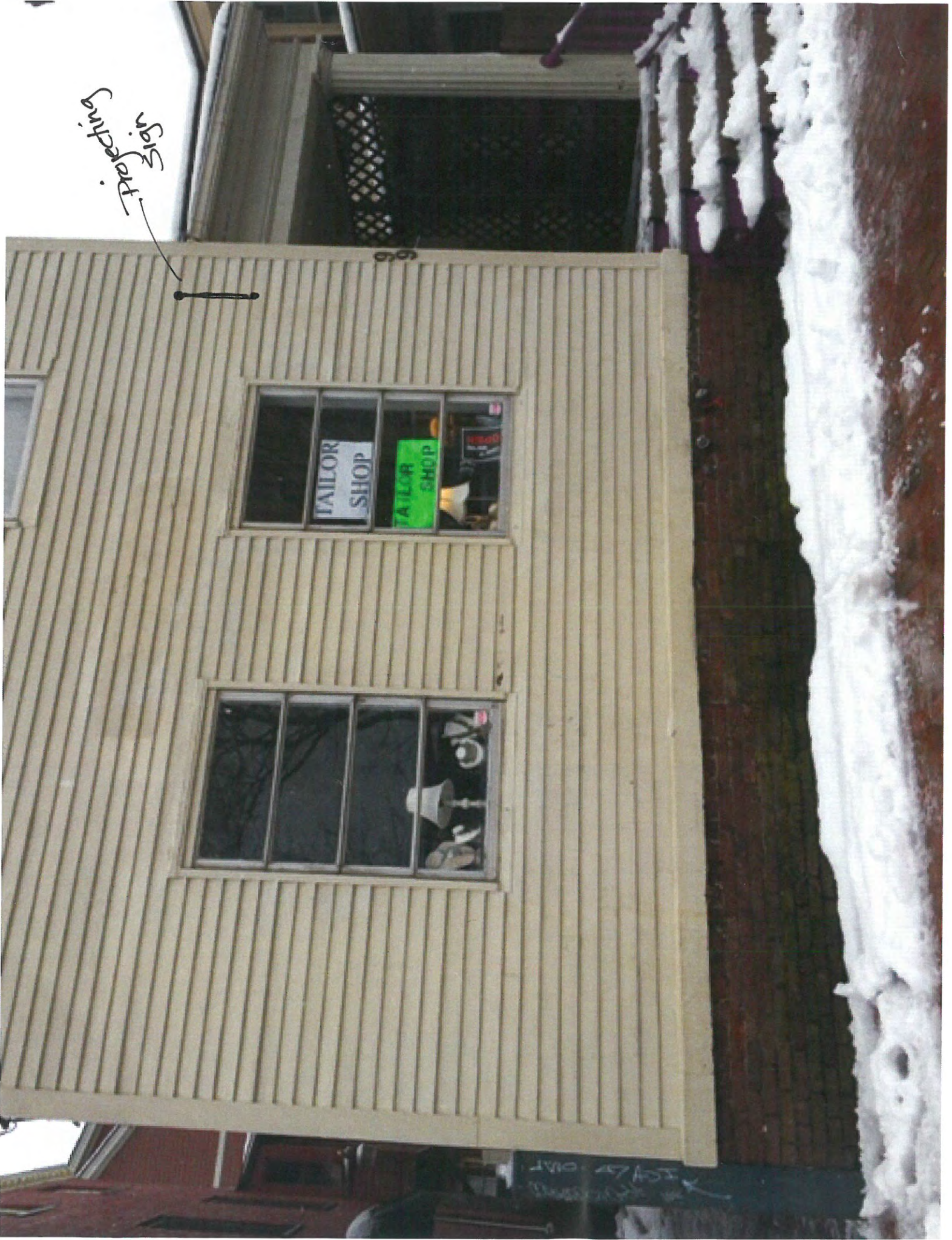


REPAIRS  
ALTERATIONS





Fracturing  
Sign





**SIGN PERMIT APPLICATION**

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

Zone Dist.: CD4

Street Address of Sign(s): 99 Daniel Street, Unit #1 Map #: Sign District: 3  
Business Name: Tailor Shop Phone #: 433-0024  
Business Owner Name: Nora H. Founier Phone #:  
Sign Contractor: TBD Address: Phone #:

**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					n/a			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						
	7								7						
	8								8						
Projecting	9								9	1	3	2	6.0		
	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: SF

New Signs Total: 6.0 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: SF      Awning: SF      Roof: SF  
Spl. Event Free-Stand.: SF      Canopy: SF      Marquee: SF  
SF Projecting: 6.0 SF      Parapet: SF      Temporary: SF

**TOTAL SIGN AREA: 6.0 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: 17 Feet - On Site Plan List Setback dimensions and Location of Signs

**For Office Use:** Allow Area: Factor 2 X 17 Store Front 34 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:

Zoning Official: 

Code Official:

Date: 10-Apr-17

Honorable Mayor and City Council Members:

The interaction referenced in Jane Zill's email occurred during my tenure as acting City Manager. Upon his return from medical leave, the City Manager asked me to continue to follow up on this issue, and thus under his direction I offer the following additional information.

Upon receiving an email from Jane, I immediately investigated and addressed the issue with the employee, and made repeated offers to Jane to speak more with her to a) hear more from her perspective, and b) hopefully allay any continuing concerns she may have. I was truly sorry that none of my offers were accepted.

In consult with HR, we have drafted a policy that more precisely outlines expectations for staff interactions with the public, for the City Manager's consideration and adoption pursuant to his authority under the Charter. Nevertheless, the City has provided and continues to provide staff training in a variety of human resource-related matters, including customer service, harassment, leadership, etc., and holds high expectations of its employees.

If you have any further questions or concerns, please do not hesitate to contact me. Thanks,  
-Nancy

April 4, 2017

Dear City Councilor,

This letter has been sent to each of you so please excuse the generic salutation.

After I gave public comment at a City Council meeting a few weeks ago, a city employee approached me in the hallway and addressed me in a manner that conveyed anger and hostility. Both his words and actions have created worry that some day, in some way, he'll find a way to use his official role to get back at me for publicly challenging him (although I did not mention him by name).

After reflecting on the incident, and with the support of those who also witnessed the city employee's behavior, I asked high-ranking city hall leaders for policy guidelines that address the expected comportment of city employees with members of the public.

To my surprise and dismay, I was given a "Non-Discrimination and Harassment Policy," which only protects city employees from harassment by members of the public, as well as from co-workers, supervisors, vendors, contractors, and public officials.

In addition to this completely irrelevant document, I received reassurances that the inappropriate behavior towards me has been addressed with that employee.

Again, I asked city officials for policy information about how city employees are to treat members of the public. I clarified that if I did not receive a response, I will take it to mean that a policy does not exist. I have not received a response.

This means that the City of Portsmouth does not have a written policy about how city employees are to treat members of the public, but it does have a policy that protects employees from the public!

One must ask, "Does this policy imbalance disadvantage and jeopardize residents and does it wrongly preserve the personal reputations of city employees?" And, "How does this imbalance influence the overall culture at city hall?"

Sadly, in last few years a Portsmouth city employee struck a member of the public who came to his office to discuss a contentious issue, another vulgarly disparaged an individual resident in email officially related to city business, another disparaged residents in the *Portsmouth Herald* who had found illicit sewage discharging from a pipe at Prescott Park, and, a few years ago, one member of the public who spoke out about the exploitation of an older adult was told by a (former) high-ranking member of the police command staff that he needed to check with this police official before making public comment.

Other citizens who are afraid to come forward have shared with me instances of unprofessional and hostile interactions with city employees. They fear that by coming

forward they will be maligned as deceitful, mentally unstable, self-centered, a malcontent, or a potential litigant by those at city hall who hold positions of authority in the community.

And, the brave souls who do step forward also face the potential risk of reprisal from city employees, which can include the inadequate notification of city business that concerns them, a dramatic increase in property assessment, inadequate plowing, a badly placed street light, or the creation of a city project that adversely impacts an individual's property or finances.

Citizens are at the top of the organizational flow chart in Portsmouth, not employees at city hall.

A code of conduct for city employees is long overdue in Portsmouth, including a clear policy statement about the consequences of failing to abide by it.

I have forwarded this letter to the city clerk and asked that the creation of a policy statement about the comportment of city employees with members of the public, one that prohibits discrimination, harassment, disparagement, and reprisal by city employees, is included in the agenda at the next city council meeting.

Yours truly,

Jane Zill





**From:** Patricia Bagley patbagley@aol.com  
**Subject:** Letter to be included in City Council packet for 4/17/17  
**Date:** April 12, 2017 at 8:18 AM  
**To:** Kelli L. Barnaby klbarnaby@cityofportsmouth.com  
**Cc:** Patricia Bagley patbagley@aol.com

To the City Clerk, Portsmouth, NH

Hi Kelli,

I am submitting the following correspondence, including the post note added for clarification, to be included in the City Council packet for April 17th, 2017.

I request this correspondence be read into the record at the April 17th meeting.

Thank you very much.

Pat Bagley  
 213 Pleasant Street

*Patricia Bagley 04/12/17*

Begin forwarded message:

**From:** Patricia Bagley <patbagley@aol.com>  
**Subject:** PT&S  
**Date:** April 6, 2017 at 5:07:20 PM EDT  
**To:** Jack Blalock <mayorblalock@gmail.com>, Jim Splaine <jimsplaineportsmouth@gmail.com>, [bradleymlown@gmail.com](mailto:bradleymlown@gmail.com)  
**Cc:** Patricia Bagley <patbagley@aol.com>

This morning I attended PT&S meeting because the agenda mentioned "Parrott Lot regulations".

The discussion began with the idea of reducing the 72-hour parking time to increase turnover. Makes total sense. Then Chairman Lown shifted direction to metering Parrott, saying that's what CC asked them to discuss.

I've just gone back to watch City Council of March 6th. If you have the time to watch, scroll ahead to 1:40. There begins a 25 minute discussion.

In the end, PT&S was not tasked to look at metering. Spear withdrew his initial motion, and his second motion asked PT&S to investigate holistically all the ideas we've had in the past couple of years, come back, and have a work session. Mayor Blalock further clarified to be concise, saying to refer parking concepts for employees and residents to PT&S, and Asst. Mayor Splaine further clarified "there will be no mention of Parrott Lot", and the Mayor said "yes". Councilwoman Dwyer also suggested a joint meeting between CC and PT&S. This is almost verbatim.


This is not what I heard this morning. I heard Eric Eby charged with a study of metering Parrott and its impact on surrounding areas.

Pat

P. S. For the record, the March 6th, 2017 City Council video recorded portion detailing Councilman Spear's approved proposal begins at 2:00:50. The April 6th, 2017 Parking, Traffic, and Safety video recorded portion referencing the above begins at 45:56 minutes. Chairman Lown specifies City Council's request at 50:55.

**CITY OF PORTSMOUTH  
PORTSMOUTH, NH 03801**

***Office of the City Manager***

**Date:** April 13, 2017  
**To:** Honorable Mayor Jack Blalock and City Council Members  
**From:** John P. Bohenko, City Manager   
**Re:** City Manager's Comments on April 17, 2017 City Council Agenda

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6:30 p.m. – Non-Public Session Re: RSA 91-A:3 II (a), regarding the compensation of public employees.

For details on this matter, please refer to the confidential envelope inserted in the inside pocket of your binder.

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***Presentations:***

1. **Complete Street Demonstration Project Policy (Tactical Urbanism Policy).** Last spring and summer, Portsmouth Smart Growth for the 21<sup>st</sup> Century (PS21) requested permission from the City to temporarily transform a section of the Islington Street corridor. The project, called the Islington Street Lab, was funded and developed by PS21 under the guidance of the consultant Mike Lydon of the firm Street Plans. The City contributed funding as well as materials and City staff oversight in the design and implementation of the temporary modifications to the roadway. The demonstration project's temporary streetscape changes included crosswalk markings, on-street parking and café seating, and decorative elements (banners, signs and landscaping). Subsequent to the Street Lab project, the Parking & Traffic Safety Committee recommended continuing to allow the temporary crosswalk for an evaluation period. Some of the temporary design elements, including the crosswalk and modifications to the Bartlett Street intersection, have also been incorporated into the preliminary engineering plans for the City's Islington Street Streetscape Improvement Project.

Subsequent to this project, PS21 requested that the City consider adopting a policy and process that would provide for community-led temporary demonstration projects within public rights of way. The policy provided to the City Council is based on a similar policy

adopted in Burlington, VT. This policy would be used in conjunction with the City's Neighborhood Traffic Calming Program and would enable neighborhood groups to initiate a temporary demonstration project in support of the City's Complete Street Policy.

Three changes have been made to the [attached proposed policy](#) since the previous draft: 1) We have removed the requirement for automatic referral to the Parking & Traffic Safety Committee; 2) We have changed the final approval to be the City Manager with the option to refer to the City Council; 3) We have provided an option to waive the insurance requirement for projects that include the City as a co-sponsor.

This policy does not apply to City projects (those wholly funded by the City and initiated by the City staff or Council). In some cases, the City does make use of pilot or temporary projects to evaluate a roadway modification or traffic calming measure. It is standard practice for those projects to be reviewed by the Parking & Traffic Safety Committee and City Council as well.

*Action will take place under the City Manager's Action Items.*

2. **Status of City Water Supply.** Deputy Director of Public Works Brian Goetz will present an update regarding our Water Supply Status. Precipitation since October 2016 has improved the drought conditions such that no water use restrictions are currently necessary. [Attached is a copy of the Report.](#) A complete summary of the most recent conditions can be accessed on the City's website at: <http://www.cityofportsmouth.com/publicworks/PortsmouthWaterSupplyStatusReportApril72017.pdf>
3. **Briefing Re: State Street Fire.** Fire Chief Steve Achilles will brief the City Council regarding the State Street fire.

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

1. **Third and Final Reading of Proposed Ordinance Amendments.**
  - 1.1 **Third and Final Reading of a Proposed Ordinance amending Chapter 7, Article VII, Section 7.704 and 7.705 to clarify the Prohibition of Truck Traffic on Banfield Road.** As a result of the April 3, 2017 City Council meeting, under Section VII of the Agenda, I am bringing back for third and final reading the [attached proposed Ordinance](#) amending Chapter 7, Article VII, Section 7.704 and 7.705 to clarify the Prohibition of Truck Traffic on Banfield Road with recommended changes. 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.

*I recommend the City Council move to pass third and final reading of the proposed Ordinance, as presented. Action on this matter should take place under Section VII of the Agenda*

## **Consent Agenda:**

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

- Andree Connell, owner of Buff and File Nail Bar for property located at 218 State Street
- Sean Sullivan & Jeff Goss, owner of The Clipper Tavern for property located at 75 Pleasant Street
- Nora Fournier, owner of Tailor Shop (Seamstress) for property located at 99 Daniel Street

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

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

1. **Request to Establish First Reading of Proposed Ordinance amending Chapter 1, Article IX Conflict of Interest/Mandatory Financial Disclosure, Section 1.902: - Election Candidate Financial Disclosures (Postponed from the April 3, 2017 City Council Meeting).** As you are aware at the April 3, 2017 City Council meeting, the Council postponed first reading of the [attached proposed Ordinance](#) amending Chapter 1, Article IX Conflict of Interest/Mandatory Financial Disclosure, Section 1.902: - Election Candidate Financial Disclosures. As recommended by the City Council and Councilor Josh Denton at the March 20<sup>th</sup> City Council meeting, I am bringing back a request to schedule a first reading of the proposed Financial Disclosure Ordinance at the May 1st City Council meeting. Councilor Denton and City Attorney Robert Sullivan have been working on the [attached](#) proposed Ordinance.

*I recommend the City Council move to authorize the City Manager to bring back for first reading the proposed Ordinance at the May 1, 2017 City Council meeting.*

2. **Adoption of Complete Street Demonstration Project Policy (Tactical Urbanism Policy).** Subsequent to the Presentation, I am recommending the City Council adopt the Complete Street Demonstration Project Policy (Tactical Urbanism Policy).

*I recommend the City Council move to adopt the aforementioned Policy, as presented.*

3. **Request for Public Hearing Re: Appropriation of Water and Sewer Bond Premiums.**  
The City of Portsmouth currently holds the highest bond rating available from Standard and Poor's rating agency (AAA).

The City was able to take advantage of its excellent bond rating when on June 23, 2015 and June 16, 2016 the City of Portsmouth issued \$10,025,000 and \$21,748,000 in bonds respectively. The proceeds of the bond will finance \$11,623,000 of General Fund capital projects; \$6,250,000 for School projects, \$8,900,000 for Water projects, and \$5,000,000 for Sewer Projects for a total of \$31,773,000 in projects. In addition to the \$31.773 million principal, the City received a premium of \$2,792,004.18 from the winning underwriter at closing. A premium is the amount by which the purchase price of a bond is greater than its par value. Under certain market conditions, in order to enhance the marketability of the bonds, bond underwriters will structure their bids with bond premiums. In this case, the City of Portsmouth received a True Interest Cost (TIC) rates of 2.72% (2015) and 1.87% (2016) and total bond premiums of \$2,792,004.18. Under Federal Tax Law and State Statutes, the City is restricted on how to appropriate and use these funds.

RSA 33:3-states that any premium received shall not be used to increase the amount to be spent for the purpose for which the loan was originally incurred. Therefore, the City cannot use this money to increase the costs of the projects set forth for the \$31.773 Million bond issuance. However, the RSA states "*a city by a vote of 2/3 of the City Council may authorize the expenditure for the premiums received for any purpose or purposes for which bonds or serial notes may be issued for an equal or longer period of time.*"

The bond premium of \$2,792,004.18 has been allocated respectively as follows:

- General Fund in the amount of \$1,899,259.58 (\$1,850,000 supplemental appropriation passed 08/15/16 to purchase Foundation Seacoast land);
- Water Fund \$487,954.20;
- Sewer Fund \$404,790.40

In accordance with State Statute, I recommend that the City Council authorize appropriations of \$892,744.60 from bond premiums for capital projects as follows:

Water Fund project:

- Foundry Place Water Line project - \$487,954.20 ([see attached Resolution](#))

Sewer Fund project:

- Foundry Place Sewer Line project - \$404,790.40 ([see attached Resolution](#))

If approved as recommended, this will leave a bond premium balance in the General Fund of \$49,259.58 to be used at a later date.

As these projects have a useful life that exceeds the original bond issue from which the premiums were received, and would be eligible for bonding under the Municipal Finance Act, it is in the best interest of the City to utilize the premium of \$892,744.60 to fund costs associated with Water Fund and Sewer Fund projects.

*I would recommend the City Council move to authorize the City Manager to bring back for public hearing at the May 1st City Council meeting the aforementioned Bond Premium resolutions.*

4. **Rescission of Bond Authorization for Various Projects.** As you may be aware, unissued loan authorizations remain on the City's financial statements indefinitely until such time that they are borrowed or rescinded. As a part of financial housekeeping, the City Council should rescind the following unissued Water and Sewer Bond/Loan Authorizations ([see attached Resolution for a Total of \\$177,000](#)).

**General Fund:**

***1. Resolution #18-2015 for \$600,000                      Rescind amount    \$76,710***

Resolution #18-2015 adopted by the City Council on August 17, 2015 authorized borrowing by the City of up to Six Hundred Thousand Dollars (\$600,000) for the purchase of one Fire Apparatus.

The City has completed the purchase of the Fire Apparatus leaving an unused balance of borrowing authority in the amount of Seventy-Six Thousand Seven Hundred Ten Dollars (\$76,710) to be rescinded.

***2. Resolution #5-2014 for \$400,000                      Rescind amount    \$25,000***

Resolution # 5-2014 adopted by the City Council on April 21, 2014 authorized borrowing by the City of up to Four Hundred Thousand Dollars (\$400,000) for the New Franklin School boiler replacement and other identified energy conservation measures.

The City has completed the aforementioned upgrades leaving an unused balance of borrowing authority in the amount of Twenty-Five Thousand Dollars (\$25,000) to be rescinded.

***3. Resolution #13-2012 for \$1,600,000                      Rescind amount    \$75,290***

Resolution #13-2012 adopted by the City Council on September 17, 2012 authorized borrowing by the City of up to One Million Six Hundred Thousand Dollars (\$1,600,000) for the reconstructing of Commerce Way.

The City has completed the project leaving an unused balance of borrowing authority in the amount of Seventy-Five Thousand Two Hundred Ninety Dollars (\$75,290) to be rescinded.

*I recommend the City Council approve rescinding the remaining borrowing authority with regard to the following Resolutions:*

*General Fund:*

1. *Resolution #18-2015 for \$600,000 - Rescind amount \$76,710*
  2. *Resolution #5-2014 for \$400,000 - Rescind amount \$25,000*
  3. *Resolution #13-2012 for \$1,600,000 - Rescind amount \$75,290*
5. **Request to Establish Date for City Council Retreat.** The Mayor would like to establish a date for the City Council Retreat. Right now he has suggested one of the following Saturdays; May 20, June 3, or June 10, 2017 from 9:00 a.m. to 3:00 p.m.

*Action is required regarding this matter.*

### **Informational Items:**

1. **Events Listing.** For your information, [attached is a copy of the Events Listing](#) updated after the last City Council meeting on April 3, 2017. In addition, this can be found on the City's website.
2. **Board and Commission Advertising Vacancies.** For your information, [attached is a memorandum from City Clerk Kelli Barnaby](#) regarding advertising of upcoming Board and Commission vacancies.
3. **Double Poles.** Over the past several months, the City has received numerous requests for pole licenses from Eversource as they have been upgrading and replacing deficient poles throughout the City. Given the concern regarding the proliferation of double poles, we have reached out to Eversource's management and received the following updates:
  - They have contracted with LJM Construction and will be out surveying the week of March 27, 2017 for "bare" poles, with all attachments off (FairPoint, Comcast, and other 3<sup>rd</sup> parties). They will begin removing these poles by the end of the week.
  - They have assigned an employee to coordinating all necessary work with FairPoint, Comcast, etc. in order to get the necessary utilities removed from double poles for removal.

It should be noted that of the eleven (11) poles submitted for license, five (5) have resulted in new double poles. Of these five (5), four (4) have been cut or "chunked" leaving just the portion of the older pole that utilities are still attached to.

We will continue to monitor this situation and work with Eversource to eliminate double poles.

4. **Update Re: Peirce Island Wastewater Treatment Facility Upgrade.** [Attached for your information is an update](#) regarding the Peirce Island Wastewater Treatment Facility upgrade.
5. **Report Back Re: Weed Control.** For your information, [attached is a memorandum from Public Works Director Peter Rice](#) regarding a status of the City's Weed Control program.
6. **Update Re: Plains School Reuse.** During the time since the City Council voted in May 2016 to enter into a five-year lease with Pontine Theatre for use of the Plains School, the City has worked with representatives of the Theatre Company to prepare the building for occupancy. You may recall that the City Council approval was for use of the structure for program development, administration work, rehearsal space, meetings and educational programs. The Council authorization also allows Pontine to conduct public workshops, lectures, readings, and informal presentations about programs under development.

To assure that the space is suitable for the uses identified above, the City completed a building inspection and lead paint evaluation. The City also engaged a preservation architect to visit the building and provide guidance on building upgrades. The inspection results indicated a need to undertake building upgrades and lead remediation prior to occupancy of the structure. Accordingly, the City contracted with a certified lead contractor and has completed the lead remediation work and, last week the City received lead free certification for the building.

Concurrent with the lead remediation work, the City and Pontine developed a plan for upgrades to bring the structure up to code including cost estimates. In that this work requires land use approvals, Pontine is prepared to begin the permit process. We anticipate bringing a lease agreement back to the City Council in May so that Pontine Theatre can start the land use permit process and fundraising efforts.

7. **Report Back Re: Codes on Health, Inspections and Fire Safety.** [Attached is a memorandum from Deputy City Manager Nancy Colbert Puff](#) regarding a recommendation to update various City ordinances that address building, health, and life safety codes.



ORDINANCE #  
THE CITY OF PORTSMOUTH ORDAINS

That Chapter 1, Article IX, Section 1.902: - ELECTION CANDIDATE CONFLICT OF INTEREST of the ADMINISTRATIVE CODE of the Ordinances of the City of Portsmouth be amended to read as follows (deletions from existing language **stricken**; additions to existing language **bolded**; remaining language unchanged from existing):

ARTICLE IX CONFLICT OF INTEREST/ MANDATORY FINANCIAL DISCLOSURE

Section 1.902: ELECTION CANDIDATE FINANCIAL DISCLOSURES

- A. Required Disclosure: Any candidate running for City Council, School Board, Police or Fire Commissions receiving a monetary contribution from any one person or entity in the amount of a cumulative total of \$100.00 or more in any calendar year must report the name of the individual, address, amount, and date of contribution. The report must be filed, or updated as appropriate, with the Office of the City Clerk seven (7) days prior to any election at which that person is a candidate for any of the foregoing offices. Any contributions which would otherwise require reporting under this ordinance received within the seven days prior to the election must be submitted in a final report to the Office of the City Clerk no later than two weeks following the election.
- B. **Group Political Contributions: Any candidate subject to the requirement to file a financial disclosure shall also file a voluntary Group Political Contribution form with the City Clerk for every entity other than a natural person which contributes ninety-nine (\$99) or more in money, property or services to that candidate (a Qualifying Group). The Group Political Contribution forms shall be filed no later than seven (7) days prior to any election at which that person is a candidate and shall be supplemented with a final report or reports no later than two weeks following the election.**

**The Group Political Contributions form shall:**

- 1. Be prepared by the City Clerk;**
- 2. Be filed with respect to every qualifying Group; and**
- 3. Request each Qualifying Group on a voluntary basis to list by name the sources of the funds, property or services used to make the contributions to the candidate.**

**It shall be the obligation of the candidate to request each Qualifying Group to fill out the form and to file the returned form, or a statement indicating why a form is not being filed, for each Qualifying Group with the City Clerk.**

- BC.** Violations: For violation and enforcement purposes, complaints alleging violation of the mandatory disclosure ordinance shall be administered in accordance with the process and penalties available under the Municipal Code of Ethics, Reference Chapter 1, Article VIII.
- CD.** Public Records: All election candidate financial disclosures **and Group Political Contribution forms** shall be public records.

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

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

This ordinance shall take effect upon passage.

APPROVED:

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

ADOPTED BY COUNCIL:

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

**CITY OF PORTSMOUTH, NEW HAMPSHIRE  
GENERAL FUND SUPPLEMENTAL APPROPRIATION  
TWO THOUSAND SEVENTEEN**

**RESOLUTION #**                    **A RESOLUTION APPROPRIATING THE SUM OF FOUR HUNDRED EIGHTY SEVEN THOUSAND NINE HUNDRED FIFTY FOUR DOLLARS AND TWENTY CENTS (\$487,954.20) FOR THE FOUNDRY PLACE WATER LINE PROJECT.**

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

**THAT, the sum of Four Hundred Eighty Seven Thousand Nine Hundred Fifty Four Dollars and Twenty Cents (\$487,954.20) be and hereby is appropriated to pay for the Foundry Place Water Line project, and such sum representing the amount of Four Hundred Eighty Seven Thousand Nine Hundred Fifty Four Dollars and Twenty Cents (\$487,954.20) be appropriated from premium the City received from the sale of previously issued General Obligation bonds (after payment of underwriter's discount) that is allocable to the water fund capital improvement projects.**

**THAT, the expected useful life of the project is determined to be at least 20 years.**

**THAT, this resolution shall take effect upon its passage.**

**APPROVED BY:**

**\_\_\_\_\_  
JACK BLALOCK, MAYOR**

**ADOPTED BY CITY COUNCIL**

**\_\_\_\_\_  
KELLI L. BARNABY, MMC/CNHMC  
CITY CLERK**

---

**SECTION 7.14-AMENDMENTS TO BUDGET AFTER ADOPTION**

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

**CITY OF PORTSMOUTH, NEW HAMPSHIRE  
GENERAL FUND SUPPLEMENTAL APPROPRIATION  
TWO THOUSAND SEVENTEEN**

**RESOLUTION #                    A RESOLUTION APPROPRIATING THE SUM OF FOUR HUNDRED  
FOUR THOUSAND SEVEN HUNDRED NINETY DOLLARS AND  
FORTY CENTS (\$404,790.40) FOR THE FOUNDRY PLACE SEWER  
LINE PROJECT.**

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

**THAT**, the sum of **Four Hundred Four Thousand Seven Hundred Ninety Dollars and Forty Cents (\$404,790.40)** be and hereby is appropriated to pay for the Foundry Place Sewer Line project, and such sum representing the amount of **Four Hundred Four Thousand Seven Hundred Ninety Dollars and Forty Cents (\$404,790.40)** be appropriated from premium the City received from the sale of previously issued General Obligation bonds (after payment of underwriter's discount) that is allocable to the sewer fund capital improvement projects.

**THAT**, the expected useful life of the project is determined to be at least 20 years.

**THAT**, this resolution shall take effect upon its passage.

**APPROVED BY:**

\_\_\_\_\_  
**JACK BLALOCK, MAYOR**

**ADOPTED BY CITY COUNCIL**

\_\_\_\_\_  
**KELLI L. BARNABY, MMC/CNHMC  
CITY CLERK**

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**SECTION 7.14-AMENDMENTS TO BUDGET AFTER ADOPTION**

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

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

**RESOLUTION # – 2017**

**RESCINDING CERTAIN BORROWING AUTHORITY  
A TOTAL OF ONE HUNDRED SEVENTY-SEVEN THOUSAND DOLLARS (\$177,000)**

**RESOLVED:** By the City Council of the City of Portsmouth, New Hampshire assembled, that for the reasons given, that portion of the authority granted by the following resolutions to authorize the borrowing of money is hereby discharged and rescinded:

1. Resolution #18-2015 adopted by the City Council on August 17, 2015 authorized borrowing by the City of up to Six Hundred Thousand Dollars (\$600,000) for the purchase of one Fire Apparatus. The City has completed the purchase of the Fire Apparatus leaving an unused balance of borrowing authority in the amount of **Seventy-Six Thousand Seven Hundred Ten Dollars (\$76,710)** which is hereby discharged and rescinded.
2. Resolution #5-2014 adopted by the City Council on April 21, 2014 authorized borrowing by the City of up to Four Hundred Thousand Dollars (\$400,000) for the New Franklin School boiler replacement and other identified energy conservation measures. The City has completed the aforementioned upgrades leaving an unused balance of borrowing authority in the amount of **Twenty-Five Thousand Dollars (\$25,000)** which is hereby discharged and rescinded.
3. Resolution #13-2012 adopted by the City Council on September 17, 2012 authorized borrowing by the City of up to One Million Six Hundred Thousand Dollars (\$1,600,000) for the reconstructing of Commerce Way. The City has completed the project leaving an unused balance of borrowing authority in the amount of **Seventy-Five Thousand Two Hundred Ninety Dollars (\$75,290)** which is hereby discharged and rescinded.
4. The total amount to be rescinded by this resolution would be **One Hundred Seventy-Seven Thousand Dollars (177,000)**.

**THAT**, the foregoing borrowing authorization is hereby discharged and rescinded as described above and that the City Manager is authorized to issue any notices and take any and all other actions required to effectuate the purpose of this resolution.

**APPROVED:**

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**JACK BLALOCK, MAYOR**

**ADOPTED BY CITY COUNCIL**

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**KELLI BARNABY, CMC/CNHMC  
CITY CLERK**

## Event Listing by Date

Starting Date: 4/ 3/2017  
Ending Date: 12/31/2017

Start End	Type Description	Location	Requestor	Vote Date
4/ 8/2017 4/ 8/2017	RACE Robert Sutherland is the contact for this event. Registration for this event is at 8:00 a.m. Race starts at 9:00 a.m.	Miller Avenue	Out of Hibernation	4/ 3/2017
4/ 8/2017 4/ 8/2017	WALK This event begins and ends at Little Harbour School. Begins at 10:00 a.m.	Little Harbour School	National Multiple Sclerosis So	11/21/2016
4/ 9/2017 4/ 9/2017	FOOT MARCH Contact: 1st Sgt. Robert P. Valarese, 603-866-1775 Best Warrior Competition foot march from Ft. Constitution to Wallis Sands State Park and return to Ft. Constitution 4 hour event starting at 8:30 a.m. to 1:30 p.m. on the side roads of Rte 1A, 1B and back to 1A.	Rte 1A, 1B and back to 1A	NH Army National Guard	3/20/2017
4/23/2017 4/23/2017	ROAD RACE LOCO Sports, LLC is the coordinator of this race. This race is being sponsored by Portsmouth Mercedes-Benz Start time: 8:00 a.m.	Route 33 - Greenland Road	LOCO Sports	3/ 6/2017
5/ 6/2017 5/ 6/2017	WALK Jenelle Dolan, Development Specialist is the contact for this event. Tel. 978-729-5849	Little Harbour Elementary School	March of Dimes	7/11/2016
5/ 7/2017 5/ 7/2017	EVENTS Barbara Massar is the contact for this event. This event begins at Noon to 4:00 p.m.	Pleasant Street - State Street - Market Square	Children's Day - Pro Portsmouth	9/ 6/2016
5/ 7/2017 5/ 7/2017	RIDE Melissa Walden, Associate of Development is the contact. This event begins at 7:00 a.m. at Redhook Brewery.	Start at Redhook Brewery	American Lung Association	10/ 3/2016
5/ 7/2017 5/ 7/2017	WALK Richard Wagner is the contact for this event. This event begins at 2:00 p.m. and ends at 5:00 p.m.	City Hall Lower Parking Lot	AIDS Reponse Seacoast	3/20/2017
5/13/2017 5/13/2017	FUND 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	Ridges Court	Music Hall	2/ 6/2017
5/13/2017 5/13/2017	RACE Contact: Carolyn Ostrom, NH Community Relations, Specialist - 617-501-2728 costrom@vtnhkomen.org Ed Harvey, Race Director 603-862-1246 Edmund.Harvey@unh.edu	Strawbery Banke	Susan G. Komen Foundation	8/15/2016
5/28/2017 5/28/2017	FUND Lilia-Potter-Schwartz is the contact for this event. This is a triathlon at begins at Portsmouth High School	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

Run: 4/13/17  
8:37AM

## Event Listing by Date

Page: 2

Starting Date: 4/ 3/2017

Ending Date: 12/31/2017

Start End	Type Description	Location	Requestor	Vote Date
6/10/2017 6/10/2017	FESTIVAL Barbara Massar is the contact for this event. This event begins at 9:00 a.m. to 4:00 p.m.	Market Square	Market Square Day - Pro Portsm	9/ 6/2016
6/10/2017 6/10/2017	ROAD RACE Barbara Massar is the contact for this event. The road race starts at 9:00 a.m. in Market Square	Starts in Market Square	Market Square Road Race - Pro	9/ 6/2016
6/17/2017 6/17/2017	RACE Rain Date of June 18, 2017	Pleasant Street	Big Brothers Big Sisters of Ne	9/19/2016
6/17/2017 6/17/2017	WALK Jenelle Dolan, Development Manager is the contact for this event.	TBD	March of Dimes	4/ 3/2017
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/ 4/2017 7/ 4/2017	RACE Rick Mason is the contact for this event. This is the Pack & Boots 5K - for Veteran's Count	TBD	Richard Mason	4/ 3/2017
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/ 8/2017 7/ 8/2017	FUND Allan Scholtz, Secretary is the contact for this event. 8:00 a.m. to 4:00 p.m. collection	Market Square	Portsmouth Professional Fire F	4/ 3/2017
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

## Event Listing by Date

Starting Date: 4/ 3/2017  
Ending Date: 12/31/2017

Start End	Type Description	Location	Requestor	Vote Date
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
8/19/2017 8/19/2017	BOAT This is the 7th annual Round Island Regatta	Peirce Island Boat Launch	Gundalow Company - Round Islan	3/ 6/2017
8/19/2017 8/19/2017	FUND Allan Scholtz, Secretary is the contact for this event. 8:00 a.m. to 4:00 p.m. is the time of this event.	Market Square	Portsmouth Professional Fire F	4/ 3/2017
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/ 4/2017 9/ 4/2017	RACE Sister Mary Agnes is the contact for this event. This event begins at 9:00 a.m.	Pease International Tradeport	St. Charles Children's Home	4/ 3/2017
9/16/2017 9/16/2017	WALK Ken La Valley, Chair is the contact for this event. This evening begins at 10:00 a.m. to Noon at Little Harbour School. Registration begins at 8:30 a.m.	Little Harbour School	American Foundation for Suicid	3/ 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
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
9/23/2017 9/24/2017	FUND Caroline Ampert Piper is the contact person for this event. This event is the Fairy House Tours that runs on Saturday, September 23rd and September 24, 2017. 11:00 a.m. to 3:00 p.m.	South End	Friends of the South End	4/ 3/2017
9/24/2017 9/25/2017	RIDE	Along Route 1A	Granite State Wheelmen, Inc.	11/21/2016



Run: 4/13/17  
8:37AM

## Event Listing by Date

Page: 4

Starting Date: 4/ 3/2017

Ending Date: 12/31/2017

Start End	Type Description	Location	Requestor	Vote Date
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
11/12/2017 11/12/2017	RACE Jay Diener is the contact for this event. This event begins at 8:30 a.m.	Portsmouth High School - Start and Finish	Seacoast Half Marathon	3/20/2017
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

# OFFICE OF THE CITY CLERK

## MEMORANDUM

TO: John P. Bohenko, City Manager

FROM: Kelli L. Barnaby, City Clerk

DATE: April 10, 2017

SUBJECT: Board & Commission Advertising Vacancies

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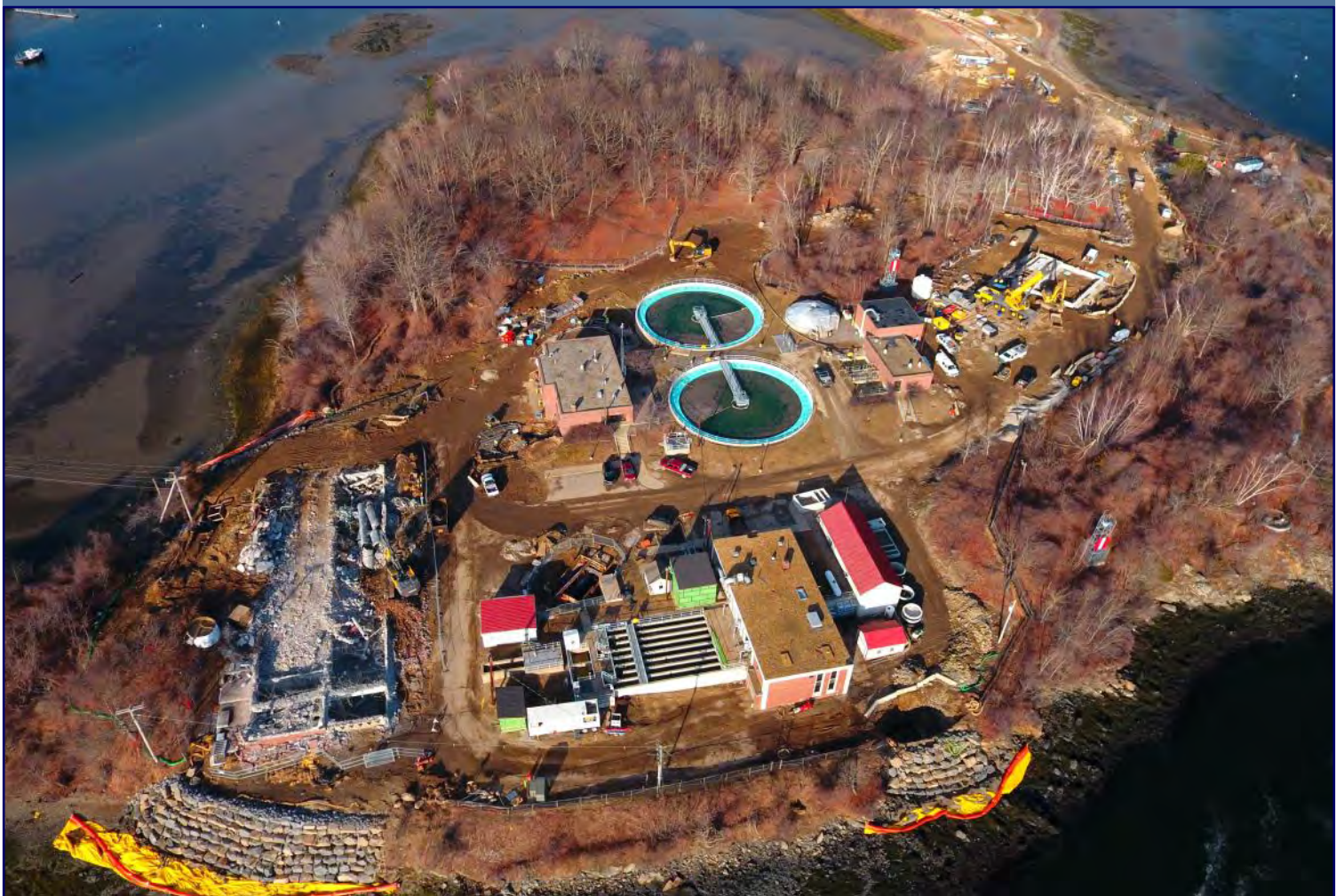
In accordance with Chapter 1, Article III, Section 1.302: Appointments, Tenure and Removal a public notice of an upcoming vacancy shall be advertised in the local newspaper.

I have contacted the Portsmouth Herald to inquire as to the cost of running an advertisement once a month over a one year period. I was advised that the estimated cost would be approximately \$1,250.00 yearly which is dependent upon the size of the advertisement. The City Clerk's Office budget for advertising this year is \$4,300.00 however, we are already over spent by \$279.03 with 2 months remaining in the fiscal year.

I would suggest in this era of technology we continue to post all vacancies on the City's website along with appointment and reappointment applications to conserve funds. This would be done versus advertising vacancies in the newspaper. An amendment to the ordinance would be required to allow this practice.

If you should have any questions, please do not hesitate to contact me.

# PEIRCE ISLAND WASTEWATER TREATMENT FACILITY UPGRADE



Quarterly Report

April 2017

The City of Portsmouth awarded the Peirce Island Treatment Facility Upgrade to Methuen Construction, of Salem, NH in August 2016. Construction began September 1, 2016 and kicked off the largest construction project in the City's history. The first three months of work focused on roadway preparation to the treatment facility and mobilizing equipment and materials. During the most recent quarter (through March 2017), construction has progressed steadily on site and is depicted on the center pages.

In this Quarterly Update a summary of construction progress is covered through pictures of installed and ongoing work and with metrics on the amount of dollars spent to date and time elapsed on the project. Upcoming work is summarized on the last page of the document. A listing of comments received on this project from the public is provided as well as the answers and actions taken as a result of the comments and concerns. The City remains committed to making this a successful project and mitigating construction impacts. Questions and comments are always welcome and may be directed to the City staff by phone, email, or through the City's project web page at [www.portsmouthwastewater.com/piupgrade.html](http://www.portsmouthwastewater.com/piupgrade.html).

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Public Meetings	5
Additional Public Comments	6
Legal News	6
Parking Mitigation	6
Upcoming Work	7

# COST SUMMARY

Original Construction Contract	\$72,785,545
Change Order 1—January 2017	\$367,290
<b>TOTAL CONTRACT</b>	<b>\$ 73,152,835</b>
Funding Spent through April 1, 2017	\$12,958,668
Funding Spent through April 1, 2017	18%

After an extensive bidding process, the construction contract was awarded to Methuen Construction. The value for the construction project was \$72.79 million. During this past quarter Change Order No. 1 was executed. This work included realignment and increased the size of a potable water main extending from the public pool, past the treatment facility to New Castle. This change in work was added in order to address improvements in the water distribution system and realign the water main to be easily accessible for future maintenance. The change order also included pavement required to protect

historical resources in the area of Strawberry Banke. All the items in the change order were identified after the project was awarded. The City has planned for additional funding for construction contingency and engineering oversight costs as part of the Fiscal Year 18 Capital Improvement Plan. These costs will be covered through an amendment to the City's State Revolving Loan Fund with the Department of Environmental Services. This loan allows the City to pay only 1% interest during construction and 2.23% interest for the life of the 20 year loan. Authorization for this additional funding will be requested after July 2017.

# SCHEDULE

Project Milestones	
Consent Decree Interim Milestone: Complete Headworks Building	11/21/2017
Consent Decree Interim Milestone: Startup Secondary Influent Pumps	05/09/2019
Consent Decree Milestone: Biological Aerated Filter (BAF) Substantial Completion	12/01/2019
Consent Decree Milestone: NPDES Permit Compliance	04/01/2020
Contract Milestone: Project Substantial Completion	05/31/2020
Contract Milestone: Project Final Completion	08/30/2020

The project is on schedule to meet required Consent Decree and Contract Milestones. It is 15.5% complete as of April 1, 2017 based on the project substantial completion date.

In addition to the Contract Milestones for the Peirce Island Treatment Facility Upgrade, the City was required by the Environmental Protection Agency to perform a treatment enhancement study. Staff are performing the study and are testing alternative settling chemicals to see if the overall treatment performance can be improved. The study will conclude in two to three months and an update will be provided in the next Quarterly Report.





Excavation and concrete work for a valve vault for the magnetic flow meter in a 36" diameter pipe.

Installation of a sanitary pump station to serve solids handling recycle streams.



The Contractor installed temporary power to allow for the demolition of the original Filter Building. The temporary electrical service required a standby generator and rewiring electrical facilities to all buildings.



In order to excavate for the new BAF facility, the shoreline had to be stabilized in two locations. This work included installation of large stones to create a stabilized area called a "revetment".

Construction of the foundation and channels for the new Headworks Building. The new Headworks will house screens that will remove toiletries and other debris in the wastewater. These screens will protect the downstream Biological Aerated Filter (BAF) process.



The existing force main from the Mechanic Street Pumping Station will connect to the new piping shown here at the Headworks Building. This will require temporarily maintaining wastewater flow during this work. This work is anticipated in the 2nd quarter.



The original Filter Building constructed in 1985 was demolished and the new BAF facility will be located in this area. The hole for the new BAF facility will extend approximately 27-feet deep.



Rebar installed for the walls of Sludge Thicker No. 2 ("GT2"). Installation of forms and placement of walls are the next steps. This structure will temporarily house pumps while the new buildings are constructed.

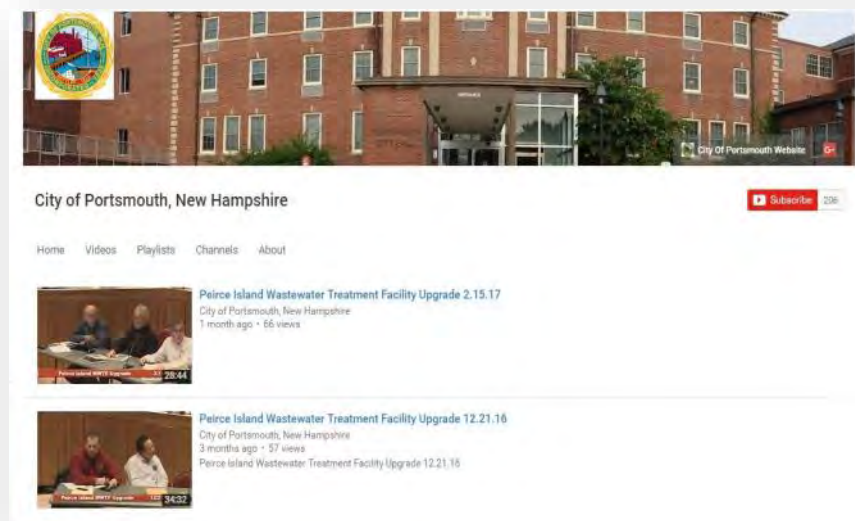
# CONSTRUCTION SUMMARY



# PUBLIC MEETINGS

Public information meetings regarding construction activities are held on the third Wednesday of every month through the duration of the project. The meetings offer a forum for the public to provide feedback on the project.

Check out videos on the City's YouTube Channel at: [www.youtube.com/user/CityofPortsmouth](http://www.youtube.com/user/CityofPortsmouth)



An excerpt of comments received during public meetings and their responses are noted below.

Q: Why were large rocks being delivered to the site?

A: The rocks were being brought to the site for the construction of the revetments (rip rap slope stabilization).

Q: People have been accessing the site on nights and weekends.

A: Increased police attention to the site has been paid and increased signage has been installed.

Q: Why are CSOs not being addressed as part of this project? Why is a larger plant not being constructed to address the CSO issues?

**A: The City is compliant with the EPA's** requirements in regards to the CSO program. The CSO program (or Long Term Control Plan) has been effective with this approach and the number of CSOs has been significantly reduced.

CSO reduction will continue to be addressed through work like sewer separation. The approach of increasing the size of the treatment facility for CSO control has not been determined an effective solution.

Q: Vehicles are not stopping at Marcy and Mechanic Streets.

A: Additional traffic signage has been posted for this intersection and a video camera has been installed to observe and correct any infractions.

Q: I am upset about the sewer main break { which occurred on February 3rd} and allowed raw sewage in the river. How did it happen and why was there no Digsafe investigation prior to the incident?

A: Digsafe procedures had been performed prior to the incident, but it did not pinpoint the exact location of the bend in the pipe that was not located as indicated on construction drawings. Details of the incident are provided in press releases and reports available on the website.

# ADDITIONAL PUBLIC COMMENTS

Feedback was provided by email to City Staff regarding the following topics:

Construction traffic has not been following stop signs and crosswalks on Marcy Street.

The contractor has addressed all of his own employees and subcontractors that there is no tolerance for reckless driving and it is means for termination. Traffic cameras have been installed at the intersections of Marcy & Mechanic and Marcy & State to monitor traffic.

Contractor has been starting construction prior to 7 AM on workdays.

The contract restricts large deliveries utilizing oversize trucks from 12 AM to 8 AM. The contractor is allowed to start work at 7 AM and is prohibited from operating heavy machinery prior to 7 AM.

## LEGAL NEWS

Late last year, a small number of Portsmouth residents opposed to the Peirce Wastewater Treatment Facility (WWTF) Upgrade brought a Clean Water Act claim against the Environmental Protection Agency, the State of New Hampshire and the City of Portsmouth (the defendants). This action is pending in the United States District Court for the District of New Hampshire.

Each defendant has filed a motion to dismiss the action. These motions to dismiss the lawsuit are



pending before the court. It is uncertain how long it will take the court to review the legal arguments made by the various parties and issue a ruling. Also pending is a motion by the plaintiffs to amend their complaint, to which the defendants objected. In late March of this year, the

Court rejected the request of the plaintiffs to expedite discovery and trial. Instead, after hearing extensively from counsel for the City, as well as other parties, the Court postponed discovery until after pending motions are resolved.

## PARKING MITIGATION

The pool parking lot is being used during the project for temporary offices for City treatment plant staff, the Contractor, and Engineers. In order to mitigate the loss of parking for the Peirce Island outdoor pool, additional parking improvements are planned.

The Four Tree Island parking lot area will be increased by approx. 50% and reconfigured which will nearly double the number of parking spots. The work will incorporate porous pavement and new landscaping.

The grassed area adjacent to the existing boat ramp has been used for overflow parking in the past. In order to make this area more reliable and stabilize the surface, drainage improvements will be constructed in this area and new parking features will be provided to help better organize this parking area.



Construction of these improvements will begin soon so that they can be completed by the summer pool season. Construction will result in temporary impact to parking in these areas.

Safety officer(s) will be used to help direct summer traffic and pedestrians on the island. DPW staff are working closely with the Recreation Department and Prescott Park to coordinate logistics of construction impacts.



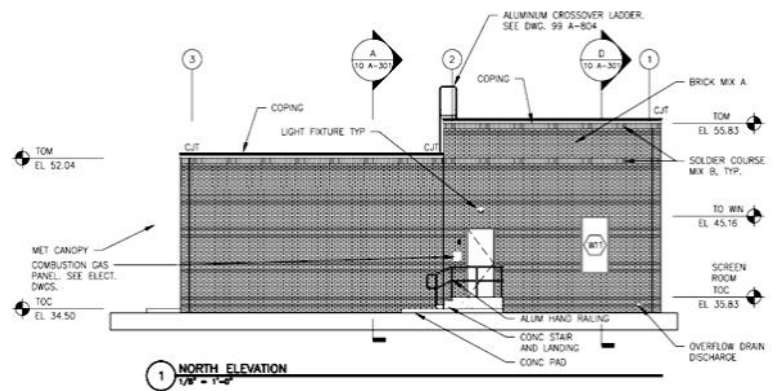
# UPCOMING WORK

The timeframe to build the new treatment facility components, such as the Headworks Building and the Biological Aerated Filter (BAF) will extend over multiple quarters. A general summary of upcoming work includes the following:

- Continued work on the Headworks Building including construction of the walls, roof, architectural finishes, and interior mechanical piping. The first Consent Decree project milestone is completion of this building later this year.
- Complete the new Sanitary Pump Station including the installation of mechanical equipment and piping, electrical, instrumentation and startup.
- Complete the excavation for the new BAF Building including removal of the existing Filter Building and removal of ledge.
- Begin the foundation for the BAF Building including concrete forms and reinforcing.
- Construction of underground piping throughout the treatment facility site. This work will require significant coordination for maintaining existing operations at the treatment facility and avoid construction and operations impacts to vehicles moving through the site.
- Continue installation of reinforcing steel and concrete for the foundation and walls of the new Primary Effluent Flow Meter Vault and Sludge Thickener No. 2.



**Headworks Building - Under Construction**



**Headworks Building - Proposed**

Tours of the construction will be scheduled in the spring of this year. In the near term, the public may view the project and the staging areas by drone video. The videos provide a clear picture from overhead and may be accessed by going to the City's project web page.

Peirce Island Wastewater Treatment Facility Upgrade Project website:  
[www.portsmouthwastewater.com/piupgrade.html](http://www.portsmouthwastewater.com/piupgrade.html)

# City of Portsmouth

*Department of Public Works*



## MEMORANDUM

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**TO: John Bohenko**  
**City Manager**

**FROM: Peter Rice**  
**Director of Public Works**

**DATE: April 12, 2017**

**SUBJECT: Status of City's Weed Control Program**

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The use of synthetic herbicides, primarily the chemical Glyphosate, has become an increasing concern since being identified in March 2015 by the World Health Organization as "probably carcinogenic in humans". The City is aware of the concerns related to the use of synthetic compounds and has been working to minimize their use in our weed control program. The City's weed control program focuses on road side and sidewalk weed control. However, broad leaf herbicides are used at times in a limited amount on the City's athletic fields.

The City's weed control program is performed by our Mosquito control contractor Swamp Incorporated. Swamp Inc. is licensed to apply herbicide by the State of New Hampshire's Division of Pesticide Control. Swamp Inc. follows an Integrated Vegetation Management (IVM) program that uses an array of strategies to minimize the use of synthetic compounds. These strategies include cutting the dosage of synthetic herbicide (Rodeo) by blending it with an organic degreaser, Limonene. This improves the penetration of the herbicide into the weed while cutting synthetic herbicide application in half.

As part of the City's on-going effort to reduce synthetic chemical use, the City directed our weed control contractor to conduct a pilot study. Swamp Inc. used organic herbicide (Avenger) on various types of weeds found on city sidewalks. Organic herbicides typically are citrus based and control weeds by stripping the waxy protective cover of leaves causing the plant to desiccate (dry

out). It was believed that this type of product would work on crabgrass, young plants and seedlings of all weeds living in sidewalk cracks. The results of this pilot were inconclusive in part due the drought. A major drawback of this approach is cost, it is up to 10 times the cost of conventional herbicides (Roundup or Rodeo Herbicides). The labor hours required to apply organic herbicide city-wide also increase because it is not as effective and requires additional application for effective weed control.

In addition, staff have investigated alternatives to herbicides such as physical and mechanical weed management, both are labor intensive and are more expensive to implement. The City's current approach of Integrated Vegetation Management works to balance cost and control while minimizing the use of synthetic herbicides. City staff continue to explore alternatives and will work with our consultant to conduct a more rigorous pilot with organic herbicide alternatives. However, certain invasive plants such as Japanese Knot Weed can be effectively controlled only with synthetic herbicides and therefore we anticipate continued use of synthetic herbicides until an effective alternative is developed.



# CITY OF PORTSMOUTH

Community Development Department  
(603) 610-7232

Planning Department  
(603) 610-7216

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## INTEROFFICE MEMORANDUM

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**TO:** JOHN P. BOHENKO, CITY MANAGER  
**FROM:** NANCY COLBERT PUFF, DEPUTY CITY MANAGER  
**SUBJECT:** INSPECTIONS, HEALTH, FIRE – CODE UPDATES  
**DATE:** APRIL 12, 2017

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Following is a summary of the various City ordinances that address building, health, and life safety codes that we recommend be updated at this time. We believe a comprehensive approach is beneficial, and look forward to a future Council workshop to explain the need for each update in a more detailed manner. As with any ordinance change, we anticipate each update will involve multiple opportunities for public hearings and education before we arrive at final ordinance changes that are suitable for adoption.

- [Chapter 12, Part I](#): International Building Code (IBC), 2006
- [Chapter 12, Part II](#): International Residential Code (IRC), 2006
- [Chapter 15](#): International Plumbing Code & International Mechanical Code, 2006
- [Chapter 5](#), Article IX: International Fire Code, 2006:
  - International Energy Conservation Code, 2006
  - National Fuel Gas Code, 2009 (NFPA 54)
  - National Electric Code, 2011 (NFPA 70)
- Life Safety Code, 2009 (NFPA 101)
- [Chapter 4](#), Article V: [Common Victuallers](#)

Most of the above-cited ordinances are superceded by the State's adoption of a variety of code updates (e.g. IBC & IRC 2009). Although the City has understood that the State may be enacting additional updates, recent legislative sessions have failed in these efforts to date. In multiple instances we will recommend local updates to formally reflect use of the 2009 state-adopted codes.

I also write to make you aware of recent customer service and code enforcement efforts made by the Inspections and Health, and in certain cases including the Fire Department, in light of new personnel, examples of past miscommunication, and updating of various code requirements.

### Inspections:

- **April, 2016 – Informational Meeting with Contractors:** In early April, 2016, members of the Inspections team met with a select group of local contractors to share information as to the inspections process, code requirements, and approach in the wake of the retirement of long-time City personnel and their respective replacements. Although a brief, contentious portion of the meeting was repeatedly memorialized in the press, the majority of the meeting encompassed a

good interchange of perspectives which fostered a better understanding of mutual obligations during the permitting process.

- **August, 2016 - Electrocuting Outreach** – In the wake of a local plumber suffering electrocution due to contact with a live range in his work area, the Inspections Department mailed notification of the incident and its suspected cause to all area appliance retailers, advising of the importance using well-trained, qualified staff/contractors to ensure safe installations.
- **September, 2016 – Permit Experience Follow Up and Tracking:** The Inspections Department began an informal internal auditing process to regularly solicit and receive input from its customers, and to share this information among the team during its weekly coordination meetings. I have made follow up phone calls to speak with past permit holders to gain a first-hand understanding of their experiences. Attached are a select group of inputs from this effort, gathered from email correspondence and/or phone interviews.
- **October, 2016 – Customer Satisfaction Survey:** Over the past 6 months we have invited customers who have completed the permit process to give us anonymous feedback via an online customer satisfaction survey. While the sample size is limited to date, the attached summarizes these results to date which, notably, illustrate that of 78% of respondents rated our service as “excellent,” with a total of approximately 90% indicating that our overall performance was “adequate, good, or excellent.” As our on-line permitting effort matures, we plan to extend this survey through a link to our permitting software.
- **March, 2017 – On-line Permitting:** At its April 4<sup>th</sup> meeting, Council heard a presentation of the City’s new web-based system of issuing permits via [ViewPointCloud](#). While still very new, the system appears to be fulfilling one of its intended goals, which is to increase both internal and external communication surrounding the permitting process. We hope it will likewise prove effective in increasing efficiency over time.

#### Health Department:

- **Food Licensing Software** – The Health Department has developed and implemented a custom food permitting software inspections and tracking system that allows food service establishments to receive instant feedback in a printed report on all code compliance issues identified during an inspection. The system allows for a “grade” to be issued on a 1-100 scale to simplify understanding of the quality of the establishment’s practices and overall cleanliness.

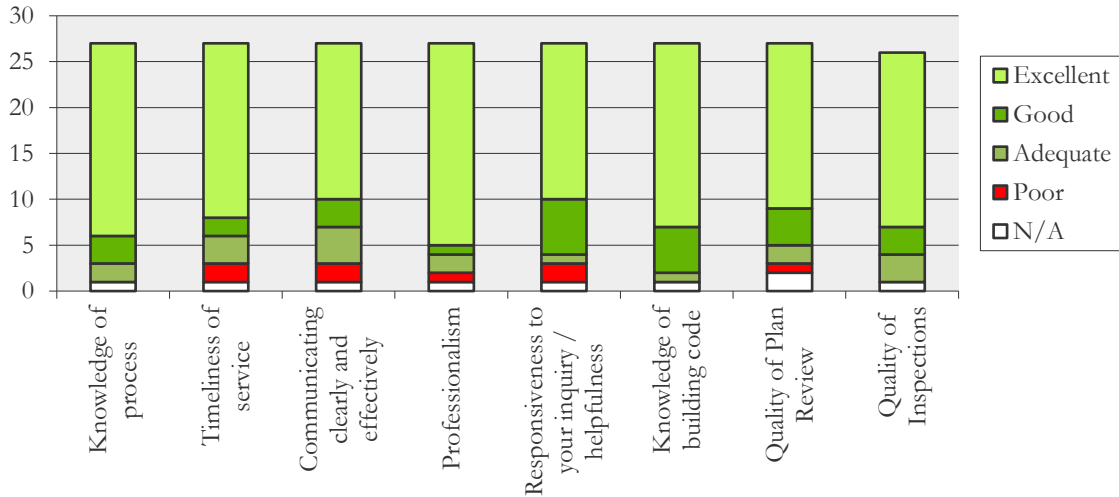
#### Interdepartmental:

- **Safety Inspections of Multifamily and Commercial Structures** – Upon a joint initiative by Fire Prevention and Inspections Departments, the Inspections staff participate in a program to perform safety inspections on properties that serve the public in some fashion and have not been subject to the City’s oversight/review in years. As part of this process, owners typically engage the assistance of a Fire Protection Engineer (FPE) or Registered Design Professional (RDP) to identify safety items to be corrected, and City officials assist the owner in developing a plan to prioritize issues and achieve full compliance within agreed-upon timeframes. Examples of properties that have completed or are amid this process include: SouthGate Plaza, White Birch apartments, the Malt House Exchange, Orchard Park, Lafayette Plaza, the Button Factory, and the Athenaeum.

- **Hood Exhaust Systems Outreach** – In response to the tragic fire at the Gaslight restaurant, the Fire and Inspections Department developed and disseminated information regarding cleaning procedures for commercial kitchen venting systems that address a dangerous condition that may exist in restaurants that are not diligent about cleaning highly flammable grease buildup in their kitchens.
- **Weekly Coordination Meetings** – the Inspections Department hosts weekly coordination meetings with members from the Fire, Planning, and Health Department staff in regular attendance. These sessions have greatly improved internal communication, and foster a team approach to problem solving.

**Permit Experience Follow Up and Customer Service Survey:** Following is a sampling of the positive feedback we have received (quotations are excerpts from written communications; verbal feedback is not in quotations) with regard to working with our Inspections team.

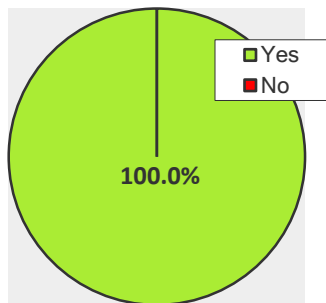
**Please indicate your opinion of our team's overall competence:**



“I just wanted to thank you with your help on this project. We had a bunch of design flaws throughout that really impacted this job site and you helped us get through the issues and made it as least painful as possible, thank you very much for that.”

You are great at your job and very helpful in interpreting the codes. It's nice to see a great inspector in Portsmouth that really cares about the owners and the outcome of a project. I wanted to send an email to the councilman and the mayor hopefully this could get forwarded to them that would be great. Thanks again for your help on this project.”

**Did we explain the permitting process to your satisfaction?**

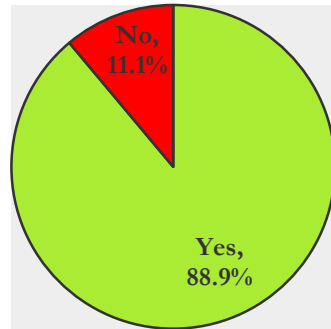


“Thanks again for your explanation of the code, and for your input on how to address this.”

“Thank you for assisting us through this unfamiliar process. You both were very helpful in making our space safe and up to code.”

Worked with (him) with getting a permit for doing his own plumbing in new living unit above garage. Did inspection and commented on what a nice job he did (he really did). Worked with him on different options for heating the space. He seemed very appreciative.

**Did we perform your inspection in a timely manner?**



“Once again, my thanks and appreciation for your care and efforts. It’s been a long road – but now that we’ve arrived it’s all good!!

You may not hear this often enough – but I am a fan of the building Dept.!!!!”

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Inspectors were great, very professional. I have no advice for improvement – just pleased.

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“Get more help.”

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“My experience in dealing with the Inspections Department was wonderful. Paul Garand was a delight to deal with -- my questions were answered promptly and fully. Paul and staff were very responsive from start to finish! Thanks for the great experience, Paul!”

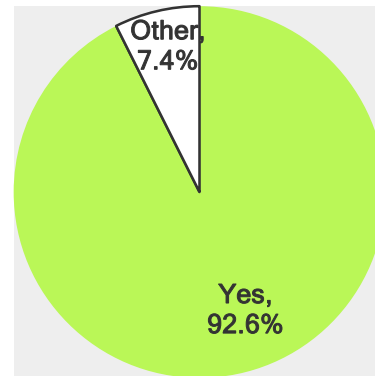
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“This was my first project working with the Portsmouth Inspections Department and it was very positive.”

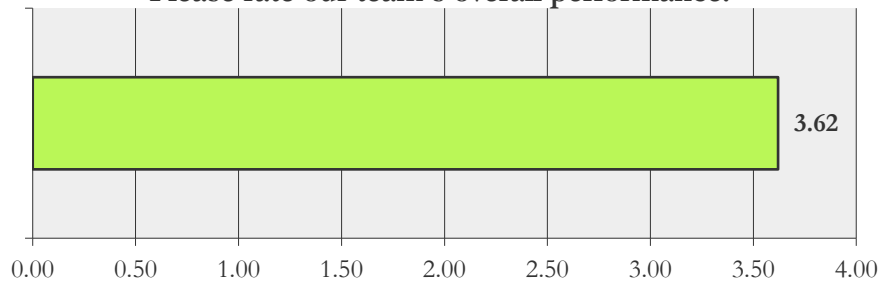
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John Plourde has encyclopedia-like knowledge of the electrical code; he is practically a professor of it. This comes in handy when talking about how to solve problems. I had hoped to be able to start work earlier on the project, but the paperwork delayed my starting, and I was not happy about that.

**Did we explain the results of your inspection to your satisfaction?**

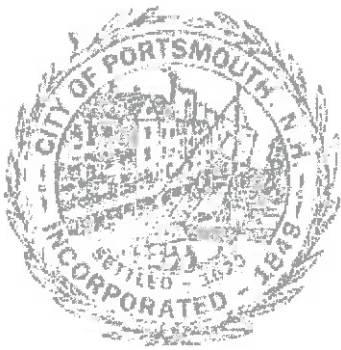


**Please rate our team's overall performance:**



We did receive two negative responses: “It would seem that there is certainly room for improvement on behalf of this office and team to help/assist and partner with the applicant in understanding code concerns with initial building plans upon first review...” We take this and other comments seriously, and inspectors keep these perspectives in mind.





# 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: Portsmouth Conservation Commission

Name: Barbara McMillan Telephone: 603-498-9290

Could you be contacted at work?  YES  NO - If so, telephone# 603-271-7889

Street address: 84 Hillside Drive, Portsmouth, NH 03801

Mailing address (if different): Same

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

How long have you been a resident of Portsmouth? 30 years +/-

### Occupational background:

- Past 22 years: NH Department of Environmental Services.  
Watershed outreach coordinator, (17 years <sup>past</sup>) - Recycling Coordinator  
(5 yrs)

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

Reasons for wishing to continue serving: The Portsmouth Conservation Commission  
is an respectful and rewarding ~~to~~ commission to serve on. I feel  
that my background and expertise in the water quality field and  
state and federal regulations provides a good sounding board for  
proposals the commission reviews.



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

- Chair: Dorr Foundation - Family Foundation with a focus on providing Science education related grants to schools etc.
- Trustee: Manomet Center for Conservation Sciences, Manomet, MA
- Member: Natural Resource Outreach Coalition, NH.

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

1) Sally Soule, PO Box 102, Kithery Pt, ME 207, 438-9474  
Name, address, telephone number

2) Stephen Landry, PO Box 3019, Bascom, NH, 603-271-2969  
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: Barbara McNeil Date: 3/20/2017

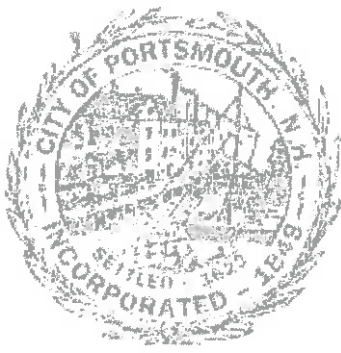
CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 09/01/2020

Annual Number of Meetings: 12 (2016) Number of Meetings Absent: 2

Date of Original Appointment: ~~09/17/2009~~ 09/17/2006

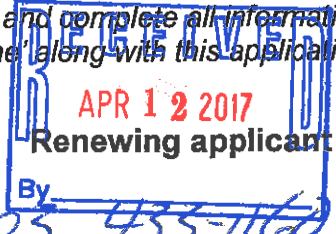
Please submit application to: City Clerk's Office, 1 Junkins Avenue, Portsmouth, NH 03801



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



Committee: Cons Com

Name: Steve J. Miller Telephone: 603 435-1160

Could you be contacted at work? YES/NO - If so, telephone# Yes 294-0146

Street address: 38 Thornton St. Portsmouth

Mailing address (if different): \_\_\_\_\_

Email address (for clerk's office communication): SJM544@comcast.net

How long have you been a resident of Portsmouth? 25 yrs

Occupational background:  
Science Teacher

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

Reasons for wishing to continue serving: I currently serve on the CC and wish to continue.



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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

- 1) Peter Britz  
Name, address, telephone number
- 2) Nancy Lamer  
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

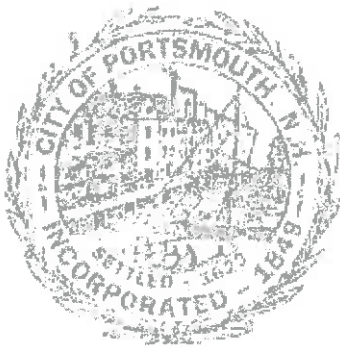
- 1. This reappointment application is for consideration and does not mean you will necessarily be reappointed to this Board/Commission; and
- 2. The Mayor will review your application, may contact you, check your references, and determine any potential conflict of interests; and
- 3. This application 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: [Signature] Date: March 16, 2017

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 9/1/2020  
 Annual Number of Meetings: 12 (2016) Number of Meetings Absent: 1  
 Date of Original Appointment: 11-17-2003

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



Committee: Conservation Commission

Name: Allison Tanno Telephone: 603-431-4147

Could you be contacted at work? YES/NO - If so, telephone# 207.985.5323

Street address: 380 Greenleaf Ave

Mailing address (if different): Same

Email address (for clerk's office communication): inventive technologies@concast.net

How long have you been a resident of Portsmouth? 38 yrs

### Occupational background:

Product Development Scientist/Inventor - Corning Incorporated, 20 years

Registered Nurse, various places of employment 20 years. Owner - Greenleaf Tree + Ground Svc. 20 yrs

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

Reasons for wishing to continue serving: I have been on the Conservation Commission ~ 25 years & have historical knowledge regarding land use & change overtime. I am proud of Portsmouth & want to help maintain our quality of life here.



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

PHS track official  
New England Daily Society - Vice President  
American Assoc. for the Advancement of Science - member

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

- 1) Pilon Ponds 55 Meadow Road Portsmouth, NH 03801  
Name, address, telephone number 603-436-0269
- 2) Stanley Ford 40 Grey Stone Way, N. Hampton, NH 03862  
Name, address, telephone number 603-436-7100

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: Deanna Tanno Date: 4/1/17

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 04/01/2020  
Annual Number of Meetings: 12 (2016) Number of Meetings Absent: 0  
Date of Original Appointment: 01/15/1990

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



Dear Mayor Blalock,

Please accept my resignation on the Conservation Commission as of this coming May, 2017, after serving three years. This is an exemplary commission representing and advocating for the conservation concerns of the city, and I regret not being able at this time to extend my services beyond my commitment.

My best to the commission and the members as they forge ahead with their good work.

Thank you,

Kimberly Meuse  
603-373-8709  
579 Sagamore Ave  
Portsmouth, NH

cc: Steve Miller, Chairman, Conservation Commission  
Peter Britz, Environmental Planner/Sustainability Coordinator

Kimberly Meuse  
[www.kimberlymeuse.com](http://www.kimberlymeuse.com)

Wednesday, April 12, 2017

To: Portsmouth City Councilors  
From: Jim Splaine, resident

In this packet under my name and Councilor Chris Dwyer is a re-draft of a **"Resolution Affirming Portsmouth As A 'WELCOMING COMMUNITY.'"**

If it is acceptable without additional re-draft, perhaps we could formally adopt it at our Monday, April 17th meeting? I think a unanimous vote would be most helpful, but with the majority of the City Council supporting it this would still be a statement on Portsmouth's behalf with purpose. From the version offered at the April 3rd meeting, the Resolution includes important suggestions (#s 1-5) from Councilor Dwyer.

There have been many discussions about "sanctuary cities" in recent weeks -- here and in other communities -- and we can expect there will be more. I think having a "Welcoming Community" Resolution can set forth the core beliefs of acceptance and respect for others without the technical difficulties and potential risks and profiling that such a status designation may create. I think this Resolution would positively put forth Portsmouth's role in that discussion.

Thank You

# **Resolution Affirming Portsmouth As A "WELCOMING COMMUNITY"**

A RESOLUTION affirming the City of Portsmouth as a Welcoming Community that promotes policies and programs to foster inclusion for all, and serves, accepts, and respects its residents and visitors regardless of their immigration or refugee status, economic level, race, color, religion, national origin, age, sex, sexual orientation or LGBTQ status, gender identity, or disability. In our community we cherish our differences as human beings while we celebrate our commonality as friends.

WHEREAS, Portsmouth, New Hampshire, one of the earliest European settlements in the "New World," which had been home to native Americans who treasured and cared for the natural wildlife, shores, meadows, hills, rivers and waters created hereon; and

WHEREAS, as more people came to this continent and to the shores of Strawberry Banke to make a community that would become the "City of the Open Door," a motto that encapsulates our commitment of welcoming all; and

WHEREAS, with the exception of indigenous people, we are a nation of immigrants, and the City of Portsmouth is an early and valued part of that nation; and

WHEREAS we recognize that our strength comes from a diversity that includes all of us, and no artificial borders or human-made walls or lines drawn on a map can ever be permanent barriers to people who want to meet or be with one another; and

WHEREAS it is the diversity of our population of those who call Portsmouth "home" now, and who will do so in future centuries which makes our community strong, sustainable, always growing, ever vibrant, challenging and exciting;

AND WHEREAS, City employees serve all residents, make city services accessible to all, and maintain ongoing services including:

- 1.) The Portsmouth Police Department's Standard Operating Procedure of not initiating police actions with the primary objective of discovering the immigration status of a person nor stopping or detaining a person solely to investigate immigration status;

- 2.) The Portsmouth Police Department's Standard Operating Procedure of releasing persons issued a summons or citation regardless of immigration status unless the person was arrested for a felony or misdemeanor involving violence or poses a threat to public safety;
- 3.) The Portsmouth Police Department's Standard Operating Procedure of not asking about immigration status of victims or witnesses to crimes or juveniles who are not charged with a felony level crime;
- 4.) The Portsmouth School Department's investments in efforts to provide language support and instruction to students whose first language is not English to enable them to succeed in the Portsmouth school system; and
- 5.) The encouragement of the Portsmouth community health and social service agencies to provide supports required by newcomer populations, including translation and referral services required to access services.

NOW THEREFORE, BE IT RESOLVED that Dr. Martin Luther King, Jr. offered the world great wisdom when he said, "*We must learn to live together as brothers, or perish together as fools.*" Portsmouth will always be a Welcoming Community, and our people endeavor to continue to create a safe environment for all.

BE IT FURTHER RESOLVED that we encourage all of our residents and visitors, business leaders and civic groups, community institutions and those at all levels of our government to join in an effort to apply policies and practices that promote fairness, inclusion, and equality. We will always have a government that treats our residents and visitors with the highest standards of fairness, equality, ethics, courtesy, and caring.

AND BE IT ADDITIONALLY RESOLVED that every person matters, and as a community we will stand on the side of all persons who feel scared, bullied, or alone in our community. We recognize that there is nothing more important on this Earth than the way we treat one another; when we treat others with acceptance and friendship, we can accomplish great things, we can end wars and poverty, and we can live more purposeful lives.

IT IS DECLARED by the Portsmouth City Council that the City of Portsmouth of Rockingham County in the State of New Hampshire, United States of America, is a Welcoming Community that will fight and oppose discrimination, hatred, injustice and prejudice in all forms, and will continue to stand to value all of the peoples of this planet. We encourage freedom of thought, freedom of lifestyle, and freedom of faith on which this great community and nation have been built.

The Portsmouth City Council  
Mayor Jack Blalock  
Assistant Mayor Jim Splaine  
Councilor Josh Cyr  
Councilor Josh Denton  
Councilor Chris Dwyer  
Councilor Brad Lown  
Councilor Nancy Pearson  
Councilor Rebecca Perkins  
Councilor Eric Spear

On This Day Of  
Monday, April 17, 2017