

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, JUNE 19, 2017 TIME: 7:00PM

AGENDA

- 6:30PM - NON PUBLIC SESSION RE: THE COMPENSATION OF PUBLIC EMPLOYEES RE: AFSCME 1386B CONTRACT - RSA 91-A:3 II (a)

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

PRESENTATIONS

1. Portsmouth High School 2017 Girls Spring Track New Hampshire Division II State Champions
2. Portsmouth High School Girls Lacrosse New Hampshire Division II 2017 State Champions
3. Portsmouth High School Boys Baseball New Hampshire Division II 2017 State Champions
4. New England Foundation for the Arts Award Re: African Burying Ground
5. Art-Speak Annual State of the Arts Presentation and Request to Extend the Agreement between the City and Art-Speak (***Sample motion – move that the City Council authorize the City Manager to extend the agreement from July 1, 2017 through June 30, 2018***)

V. ACCEPTANCE OF MINUTES – JUNE 5, 2017

VI. PUBLIC COMMENT SESSION

VII. PUBLIC HEARINGS

- A. DRAFT HAZARD MITIGATION PLAN UPDATE 2017
http://www.cityofportsmouth.com/fires/Portsmouth_HazMit_May2017.pdf
- B. ORDINANCE AMENDING CHAPTER 1, ARTICLE IX, SECTION 1.902 – ELECTION CANDIDATE CONFLICT OF INTEREST / MANDATORY FINANCIAL DISCLOSURE

- C. THE MUNICIPAL CHARTER OF THE CITY OF PORTSMOUTH, AMENDMENT C – CONFLICT OF INTEREST – A REQUIREMENT THAT EACH CANDIDATE FOR CITY COUNCIL AND EVERY POLITICAL ACTION COMMITTEE SUPPORTING ONE OR MORE CANDIDATES FOR CITY COUNCIL REPORT CONTRIBUTIONS AND EXPENDITURES PRIOR TO ELECTION DAY, INCLUDING THE CANDIDATE’S TOTAL MONETARY EXPENDITURES FOR THAT ELECTION AND THE TOTAL MONETARY EXPENDITURES FOR EACH CANDIDATE OR SLATE OF CANDIDATES BY THE POLITICAL ACTION COMMITTEE. THE REPORT OF MONETARY CONTRIBUTIONS TO THE CANDIDATE OR BY A POLITICAL ACTION COMMITTEE SHALL IDENTIFY EACH CONTRIBUTOR BY NAME, ADDRESS AND AMOUNT OF CONTRIBUTION **(Action on this item required here)**
- D. THE MUNICIPAL CHARTER OF THE CITY OF PORTSMOUTH, AMENDMENT C – CONFLICT OF INTEREST. FOR THE PURPOSES OF FINANCIAL DISCLOSURE THE TERM “MUNICIPAL OFFICIALS” IN THIS PROVISION SHALL INCLUDE MEMBERS OF THE CITY COUNCIL, POLICE COMMISSION, FIRE COMMISSION, SCHOOL BOARD, PLANNING BOARD, ZONING BOARD OF ADJUSTMENT, HISTORIC DISTRICT COMMISSION AND THE CITY MANAGER **(Action on this item required here)**
- E. THE MUNICIPAL CHARTER OF THE CITY OF PORTSMOUTH, AMENDMENT E- POLICE DEPARTMENT (POLICE COMMISSION). THE COMMISSION SHALL APPOINT THE POLICE CHIEF, SUBJECT TO CONTRACTUAL APPROVAL BY THE CITY COUNCIL. ALL OTHER EMPLOYEES OF THE POLICE DEPARTMENT SHALL BE APPOINTED IN ACCORDANCE WITH THE PROVISIONS OF THIS CHARTER. IN ADDITION, THE COMMISSION SHALL HAVE AUTHORITY TO CONSIDER AND ACT UPON ANY COMPLAINT FROM ANY SOURCE AND/OR EMPLOYEE GRIEVANCE(S). WHERE THE COMMISSION DETERMINES THERE TO BE SUFFICIENT CAUSE THE COMMISSION MAY, AFTER A HEARING CONSISTENT WITH THE REQUIREMENTS OF DUE PROCESS, DISCIPLINE OR REMOVE ANY EMPLOYEE OF THE POLICE DEPARTMENT AGAINST WHOM SUCH A COMPLAINT HAS BEEN BROUGHT. APPEALS FROM SUCH DECISIONS SHALL BE HEARD PURSUANT TO SUCH GRIEVANCE PROCEDURES AS SHALL BE ESTABLISHED BY THE COMMISSION OR PRESCRIBED IN RESPECT OF COLLECTIVE BARGAINING AGREEMENTS. THE CITY MANAGER AS DIRECTED BY THE CITY COUNCIL SHALL HAVE ALL ADMINISTRATIVE RESPONSIBILITIES RELATING TO THE ADMINISTRATION OF THE POLICE DEPARTMENT. SUCH POWERS SHALL INCLUDE, BUT SHALL NOT BE LIMITED TO, THE FOLLOWING:
- THE POWER TO DETERMINE THE NUMBER, LOCATION AND TYPE OF FACILITIES AND INSTALLATIONS; AND
 - THE POWER TO DETERMINE THE SIZE OF THE WORKFORCE AND INCREASE OR DECREASE ITS SIZE
- (Action on this item required here)**

VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First Reading of Parking & Traffic Safety Omnibus Ordinance

- B. Second Reading of Proposed Ordinance amending Chapter 1, Article IX, Section 1.902 – Election Candidate Financial Disclosure Ordinance
- C. Third and Final Reading of Proposed Ordinance amending Chapter 10 – Zoning Ordinance, Character Based Zoning Excess Community Space
- D. Third and Final Reading of Proposed Ordinance amending Chapter 10 – Zoning Ordinance, Signs related to Public Parking in Private Parking Lots
- E. Third and Final Reading of Proposed Ordinance amending Chapter 1, Article XVII, Section 1.1704 Public Art - Exemption
- F. Third and Final Reading of Proposed Ordinance amending Chapter 7, Article I – Parking Meters, Section 7.105 – Parking – Designated Motorcycle Parking Area
- G. Third and Final Reading of Proposed Ordinance amending Chapter 7, Article V – Bicycle Regulations
- H. Third and Final Reading of Proposed Ordinance amending Chapter 7, Article XVII – Moped Regulations

IX. CONSENT AGENDA

(ANTICIPATED ACTION - MOVE TO ADOPT CONSENT AGENDA)

- A. Letter from Holly Tennent and Melissa Mikulski, Bottomline Technologies, requesting permission to hold a 5k Road Race on Saturday, September 16, 2017 at 9:00 a.m. at the Pease Tradeport ***(Anticipated action – move to refer to the City Manager with power)***
- B. Letter from Chris Curtis, The Music Hall, requesting permission to hold the Telluride by the Sea film festival on September 15, 2017 – September 17, 2017 ***(Anticipated action – move to refer to the City Manager with power)***
- C. Request for License to Install Projecting Sign:

Kristin Fichera owner of The Treehouse School of Portsmouth for property located at 100 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:

Albert Fleury owner of The Goat for property located at 142-144 Congress Street ***(Anticipated action – move to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request)***

Planning Director’s Stipulations:

- ***The license shall be approved by the Legal Department as to content and form;***
- ***Any removal or relocation of 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:

Joe Kelly owner of the Thirsty Moose Taphouse for property located at 21 Congress Street ***(Anticipated action – move to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request)***

Planning Director’s Stipulations:

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

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Shane Morin requesting permission to hold an outdoor event of acoustic music and poetry on July 15, 2017, from 7:00 p.m. – 9:30 p.m. at the Vaughan Mall stage

- B. Letter from Nick Diana requesting permission to hold a Community Road Race on April 14, 2018 from 9:00 a.m. – 11:00 a.m. (**Sample motion – move to table for additional information**)
- C. Letter from Brenna Cavanaugh, Police Commissioner, regarding Additional Information on Points Raised at the City Council Retreat

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

City Manager's Items Which Require Action:

- 1. Request for Approval of Employment Agreement between the Portsmouth Police Commission and New Police Chief Robert M. Merner
- 2. Request for Approval of Working Agreement between Portsmouth School District Paraprofessionals and the Portsmouth Board of Education
- 3. Request for Public Hearing Re: Various Bond Resolutions

GENERAL FUND

- A) Resolution for Borrowing Authorization of up to \$550,000.00 for costs related to the Installation and Implementation of New High School Athletic Field Lighting
 - High School Athletic Field Lighting - \$550,000.00
- B) Resolution for Borrowing Authorization of up to \$10,950,000.00 for costs related to City Street, Sidewalk, and Facility Improvements
 - City Fields Lighting - \$600,000.00
 - Downtown Maplewood Avenue Area Complete Street Project - \$450,000.00
 - North Mill Pond Multi-Use Path - \$500,000.00
 - City-Wide Sidewalk Reconstruction Program - \$800,000.00
 - Lafayette/Andrew Jarvis Intersection Improvements - \$800,000.00
 - Hoover/Taft Drainage Upgrades - \$250,000.00
 - Pleasant Street Reconstruction - \$750,000.00
 - New Franklin/Woodbury Corridor Improvements - \$500,000.00
 - McDonough Street Area Improvement Project - \$800,000.00
 - Islington Street Improvements - \$2,500,000.00
 - Street Paving, Management and Rehabilitation - \$3,000,000.00

WATER FUND

- C) Resolution for Borrowing Authorization of up to \$3,100,000.00 for costs related to Water Line Replacements and the Pleasant Street Water Line Improvements
 - Annual Water Line Replacement - \$2,500,000.00
 - Pleasant Street Water Mains - \$600,000.00

SEWER FUND

- D) Resolution for Borrowing Authorization of up to \$4,800,000.00 for costs related to Consent Decree Mitigation, Annual Sewer Line Replacements, Wastewater Pumping Station Improvements, and Union Street Sewer Construction
- Consent Decree Mitigation - \$400,000.00
 - Annual Sewer Line Replacement - \$3,000,000.00
 - Wastewater Pumping Station Improvements - \$700,000.00
 - Union Street Sewer Construction - \$700,000.00
- E) Resolution for Borrowing Authorization of up to \$6,900,000.00 for costs related to the Construction of the Peirce Island Wastewater Treatment Plant (State Revolving Fund – SRF)
- Peirce island Wastewater Treatment Design and Construction - \$6,900,000.00
4. Composting Program Approval
5. Establish a Work Session Re: Thomas J. McIntyre Federal Property at 80 Daniel Street
6. Establish a Work Session Re: Scope of Services and review of Parking Principles

City Manager's Informational Items

1. Events Listing
2. Adopted Annual Budget for Fiscal Year 2018
3. Press Release Re: Peirce Island Wastewater Treatment Facility Tour
4. Press Release Re: City's AAA Bond Rating and Bond Sale

B. MAYOR BLALOCK

1. Appointments to be Considered:
 - Reappointment of Daniel Rawling to the Historic District Commission
 - Reappointment of John Leith to the Portsmouth Housing Authority
2. *Appointment to be Voted:
 - Appointment of Samantha Wright Collins as a Regular member to the Conservation Commission
3. *Appointment of Robert Capone to the Public Access Financial Advisory Committee
4. Resignation of Ronald Poulin from the Cable Television Communications Commission
5. *Blue Ribbon Committee on Sister Cities Appointments
 - Karina Quintans, Resident
 - Stephanie Seacord, Leading Edge Marketing
 - Valerie Rochon, President Portsmouth Chamber of Commerce
 - Steve Zadravec, Superintendent of Schools
 - Steve Nelson, Poet Laureate
 - Nancy Carmer, Ex-officio

C. ASSISTANT MAYOR SPLAINE

1. Memorandum regarding City Charter Amendments

D. COUNCILOR LOWN

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

E. COUNCILOR DENTON

1. *Request to Establish a Mayor's Blue Ribbon Committee on Renewable Energy
 - Two City Councilors, one to serve as Chair
 - One School Board Member
 - One Planning Board Member
 - Two residents that are experts in the renewable energy field
 - One Pease Development Authority Representative
 - Two City Staff to be appointed by the City Manager

XII. MISCELLANEOUS/UNFINISHED BUSINESS

XIII. ADJOURNMENT

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

**Indicates Verbal Report*

INFORMATIONAL ITEMS

(There are no items under 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.

AGREEMENT

The City of Portsmouth, a municipal corporation with a principal place of business of 1 Junkins Avenue, Portsmouth, County of Rockingham and State of New Hampshire (hereinafter "City") and Portsmouth Cultural Commission d/b/a Art-Speak, a non-profit corporation, with a principal place of business of 1 Junkins Avenue, Portsmouth, County of Rockingham and State of New Hampshire enter this agreement for the purposes contained herein:

WHEREAS Art-Speak was created to act on behalf of the City of Portsmouth on cultural matters;

WHEREAS Art-Speak was charged by the City of Portsmouth with implementing the cultural plan developed by the Mayor's Blue Ribbon Commission on Arts and Culture adopted by the City Council and incorporated into the City's Master Plan;

WHEREAS Art-Speak seeks financial support and assistance with administrative functions necessary to serve its purposes on behalf of the City of Portsmouth; and,

WHEREAS the City desires the services of Art-Speak to act as liaison between the City and the Community on arts and cultural matters;

Now then, during the term of this agreement (Article 6);

1. Art-Speak shall provide the following services to the City of Portsmouth:
 - A. Promote appreciation, awareness, participation, and dialogue in the support of arts and culture in the City of Portsmouth;
 - B. Serve in an advisory capacity to all City government departments;
 - C. Provide an annual state-of-the-City arts and cultural report;
 - D. Manage the Art-Speak website and social media tools;
 - E. Convene an annual arts and cultural forum;
 - F. Manage the Public Art Referral Policy, acquisitions, donations, project proposals, and stewardship guidelines;
 - G. As may be requested by the City, administer the procurement of art and manage installations in cooperation with the City; and undertake relevant promotion, advocacy, communication and education;
 - H. Conduct and disseminate results of the Arts and Economic Prosperity Study with the Americans for the Arts;
 - I. Provide business and cultural exchanges;
 - J. Provide regional and state cultural collaboration opportunities.

2. The City shall provide funding in the amount of \$15,000 in FY 17/18 for the services in outlined in #1 above and, at the City Manager's discretion, provide the following services on behalf of Art-Speak:
 - A. Supply office space, telephone, computer and normal office furniture, and technical services for Art-Speak; and,
 - B. Provide a liaison with City to Departments, Commissions, and Boards of the City of Portsmouth with respect to cultural matters and assist in the

implementation of Percent for Art Ordinance and the City's Public Art Referral Policy.

C. Support Art-Speak in preparation of grants.

3. The lump sum payment of \$15,000 shall be made to Art-Speak no later than July 31, 2017.
4. The Art-Speak Executive Director shall include a provision that the Executive Director shall meet monthly with the City Manager's designated liaison to Art-Speak to keep the City apprised of Art-Speak activity.
5. Art-Speak shall be responsible for managing its payroll, accounting and financial services and be responsible in all aspects for its own federal and state regulatory filings. Art-Speak shall provide the City a financial statement on an annual basis including a summary of revenues raised and expenditures.
6. The term of this agreement is July 1, 2017 to June 30, 2018.

Dated this _____ day of _____, 2017.

City of Portsmouth

By: _____
John P. Bohenko, City Manager

Dated this _____ day of _____, 2017.

Art-Speak

By: _____
Mike Teixeira
Art-Speak President

Date: June 5, 2017

**NON PUBLIC SESSION RE: THE COMPENSATION OF PUBLIC EMPLOYEES
RE: PARAPROFESSIONALS CONTRACT & NEW POLICE CHIEF CONTRACT
ROBERT MERNER – RSA 91-A:3 II (a)**

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

COUNCIL PRESENT: Mayor Blalock, Assistant Mayor Splaine, Councilors Perkins (6:30 p.m.) Dwyer, Lown, Pearson, Spear, Cyr and Denton

STAFF PRESENT: John P. Bohenko, City Manager, Robert Sullivan, City Attorney, Tom Closson, Negotiator; Steve Zdravec, Superintendent of Schools and Kelli L. Barnaby, City Clerk

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

A roll call for attendance of City Council members present for the meeting was taken. Councilor Perkins arrived at 6:30 p.m.

Assistant Mayor Splaine moved to enter into Non Public Session pursuant RSA 91-A:3 II (a) regarding the Compensation of Public Employees – Paraprofessionals Contract and New Police Chief Contract Robert Merner. Seconded by Councilor Cyr and voted.

Negotiator Closson reviewed the Tentative Agreement with Paraprofessionals.

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

STAFF PRESENT: John P. Bohenko, City Manager, Robert Sullivan, City Attorney, Tom Closson, Negotiator; David Mara, Police Chief; Frank Warchol, Captain and Kelli L. Barnaby, City Clerk

OTHERS PRESENT: Brenna Cavanaugh, Police Commissioner; Joseph Onosko, Police Commissioner; and Joseph Plaia, Police Commissioner

At 6:25 p.m., the first session regarding the Paraprofessionals Contract ended and at 6:30 p.m., Mayor Blalock opened the discussion for the New Police Contract for Robert Merner.

Negotiator Closson reviewed the contract for Robert Merner to become the new Police Chief.

At 6:55 p.m., Mayor Blalock closed the Non-Meeting with Counsel.

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, JUNE 5, 2017

PORTSMOUTH, NH
TIME: 7:00PM

I. CALL TO ORDER

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

II. ROLL CALL

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

III. INVOCATION

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

IV. PLEDGE OF ALLEGIANCE

Mayor Blalock led in the Pledge of Allegiance to the Flag.

V. ACCEPTANCE OF MINUTES – MAY 10, 2017 & MAY 15, 2017

Councilor Perkins moved to accept and approve the minutes of the May 10, 2017 and May 15, 2017 City Council meetings. Seconded by Assistant Mayor Splaine and voted.

VI. PUBLIC COMMENT SESSION

Michael Simchik, Portsmouth business owner, spoke opposed to the process being followed for the McIntyre Building and said the process should be delayed.

Roy Helsel said there is too much development in the City and it is effecting the taxpayers.

Bess Mosley said the Police Commission structure should remain unchanged. She also said she does not support moving forward with hiring Robert Merner as the new Police Chief.

Jane Zill spoke in support of the two Charter amendments submitted by Assistant Mayor Splaine. She said there is a need for transparency with political contributions.

Erik Anderson spoke opposed to adding funds to the Public Works Department's budget for a composting program. He also said he does not support abolishing the commissions.

Mark Brighton – spoke opposed to abolishing the Police Commission and encouraged having the question placed on the ballot for the residents to voice their feelings on this matter.

Brenna Cavanaugh said there was misinformation given at the recent City Council retreat regarding the Police Commission and spoke to the matter.

Gerry Zelin – spoke in support of the two amendments to the Charter by Assistant Mayor Splaine. He said there needs to be reporting on conflict of interests similar to the State of New Hampshire.

Paige Trace spoke regarding the demolishing of two historic homes located on The Hill which are located in the Historic District and the homes should not be demolished for a parking garage.

Esther Kennedy said it is clear residents want a voice and to serve on committees in the City. She also stated that people want to vote for their commissioners that serve the City.

David Calkins spoke regarding the issuance of building permits for property off of Swett Avenue, Moffat Street and Woodworth Avenue.

Paul Mannle asked the City Council to fund the Fire Department in full and that it is the best managed department in the City. He also spoke in support of the department having full staffing to keep overtime costs down.

Nancy Elwell spoke regarding traffic on Ceres Street.

Brendan Dubois, Exeter, NH, spoke in support of a Citizen Oversight Committee for the Police Commission and urged the City Council to allow the residents to speak and vote on a referendum question regarding the Police Commission.

Councilor Lown moved to suspend the rules in order to allow one additional speaker for the Public Comment Session. Seconded by Assistant Mayor Splaine and voted.

Brian Kelley spoke in support of arts and affordable housing in the City.

Councilor Pearson said she would like to correct one thing that was said during public comment. She stated the houses on The Hill are not in the prevue of the Historic District Commission, they are not in the district but would be part of the new demolition ordinance however, they are not even looking at that end of Hill Street in that development currently in the Historic District Commission.

Councilor Spear said the parking garage is not tearing down any houses. He also asked the City Manager to explain the developers walk through the McIntyre building.

Deputy City Manager Colbert Puff said the purpose of the walk through of the McIntyre Building was to invite interested parties to see the building, which is occupied at this time so security maintains that certain areas in the building cannot be seen. She reported interested parties did show up and saw the rooftop of the building, the fourth floor corridor and the basement garage space plus one of the offices located on the first floor. She stated the City has just taken a step to invite qualification packages from the development community. Deputy City Manager Colbert Puff said that the packages will be reviewed by the City Council and subsequently we will be seeing proposals. She stated the GSA contacted her today about receiving plans of the building which are secure documents but we will have those to review in addition to some environmental documents. She indicated the building has been declared a contributing structure under the proposal the national register nomination as an eligible structure it will be subject to the national historic preservation Section 106 process regardless of the disposition. She stated the regulations are in place to preserve the structure as you see it today.

Councilor Dwyer asked if we must keep the building intact. Deputy City Manager Colbert Puff replied there is no avenue to demolition the building.

VII. PUBLIC HEARINGS

A. ORDINANCE AMENDING CHAPTER 10 – ZONING ORDINANCE, CHARACTER BASED ZONING EXCESS COMMUNITY SPACE

Planning Director Walker stated the ordinance allows for excess community space for future developments. She spoke to the development of the former Sanel building and that the developer wants to provide that excess space to the City for the installation of a park.

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

Rick Becksted said that the ordinance is being created for 299 Vaughan Street and feels this is spot zoning. He said we are changing zoning on an existing area that is at the tail end of the project. He also stated that the developer does not need to use the bank land, it may sell it. Mr. Becksted urged the City Council not to pass the ordinance, as written.

Esther Kennedy said she agrees with Mr. Becksted that this is spot zoning.

Paige Trace said she agrees with Mr. Becksted that the space the developer is giving up is not usable. She said the ordinance allows the developer to sell the land, which is their gain.

Gerry Zelin said he developer is giving the City more land than is required because they could not build on that land. He said we are giving the developer a large gift by allowing them to sell the land.

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

B. ORDINANCE AMENDING CHAPTER 10 – ZONING ORDINANCE, SIGNS RELATED TO PUBLIC PARKING IN PRIVATE PARKING LOTS

Planning Director Walker said this will allow changes to the sign section of the Zoning Ordinance and make sure that the ordinances are the same as in Chapter 7 – Parking Ordinance.

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

C. ORDINANCE AMENDING CHAPTER 1, ARTICLE XVII, SECTION 1.1704 PUBLIC ART – EXEMPTION

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

D. ORDINANCE AMENDING CHAPTER 7, ARTICLE I – PARKING METERS, SECTION 7.105 – PARKING – DESIGNATED MOTORCYCLE PARKING AREA

Parking & Transportation Manager Eby said the ordinance designates the first parking space in front of Breaking New Grounds for motorcycle parking. He also stated it would allow 4 to 6 motorcycles to park at one time and this ordinance would be in effect for 8 months.

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

Marc Stettner said the ordinance is questionable the way it is written. He said the parking rate for a motorcycle should not be the same as a vehicle. He spoke to the ordinance in Portland, Maine that allows motorcycles to park for free up to 10 hours. Mr. Stettner asked the City Council to amend the ordinance to allow for a different parking rate for motorcycles.

Esther Kennedy asked how we would let the public know the parking rates are different for motorcycles and mopeds.

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

E. ORDINANCE AMENDING CHAPTER 7, ARTICLE V – BICYCLE REGULATIONS

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

F. ORDINANCE AMENDING CHAPTER 7, ARTICLE XVII – MOPED REGULATIONS

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

Parking & Transportation Manager Eby said mopeds can park on sidewalks as long as they don't impede passage way on sidewalks.

Marc Stettner said he supports the Ordinance but would like to see Item D of the ordinance deleted.

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

At 8:35 p.m., Mayor Blalock declared a brief recess. At 8:45 p.m., Mayor Blalock called the meeting back to order.

Councilor Denton moved to suspend the rules in order to take up the Consent Agenda. Seconded by Assistant Mayor Splaine and voted.

X. CONSENT AGENDA

- A. Letter from Amber Day, New Hampshire Film Festival, requesting permission to close Chestnut Street on Friday, October 13-15, 2017 for the NH Film Festival Red Carpet Opening Night Gala (***Anticipated action – move to refer to the City Manager with power***)
- B. Letter from Abigail Wiggin, Portsmouth Halloween Parade Committee, requesting permission to hold the 23rd Annual parade on Tuesday, October 31, 2017 (***Anticipated action – move to refer to the City Manager with power***)
- C. Letter from JerriAnne Boggis, Black Heritage Trail of New Hampshire, requesting permission to hold the annual Juneteenth Celebration on Saturday, June 17, 2017 from 11:30 a.m. to 3:00 p.m. (***Anticipated action – move to refer to the City Manager with power***)

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

VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First Reading of Proposed Ordinance amending Chapter 1, Article IX, Section 1.902 – Election Candidate Financial Disclosure Ordinance

Councilor Denton moved to pass first reading and schedule a public hearing and second reading of the proposed Ordinance at the June 19, 2017 City Council meeting, as presented. Seconded by Assistant Mayor Splaine.

Assistant Mayor Splaine said he would support the motion but he will be preparing amendments at the June 19, 2017 meeting and it should be Friday before elections and Monday by Noon before the elections for reporting.

Councilor Dwyer asked for the intentions of the last sentence in the change to the ordinance could be the list of people that made the contribution entity.

City Attorney Sullivan said the City Council can regulate candidates and the candidates would tell you.

Councilor Perkins said that the candidate would provide that information with good faith measures followed.

Motion passed.

- B. Second Reading of Proposed Ordinance amending Chapter 10 – Zoning Ordinance, Character Based Zoning Excess Community Space

Councilor Perkins moved to pass second reading and schedule third and final reading of the proposed Ordinance at the June 19, 2017 City Council meeting. Seconded by Councilor Spear.

Councilor Dwyer moved to amend Section 10.5A46.23 (3) that the maximum term of a PDIA shall not exceed fifteen (15) years with the deletion of ten (10) years. Seconded by Councilor Lown and voted.

Councilor Dwyer said that this is not spot zoning, it is allowing the City to get community space. She said the land is a wonderful piece of property near the water and it could have been taken as private space. She said this is far from what people had said. Councilor Dwyer said it is a place we would want for a park. She also stated the credit does not change the zoning for other parcels.

Assistant Mayor Splaine said he is opposed to the change and does not agree with the banking of the land. He said he has no opposition to the development design and he loves the idea of open space.

Councilor Spear said we are getting more than access to public land there will be a park. He said many of the speakers look at zoning changes as zero gain.

Councilor Cyr said having public access connects a piece of property in a nice clean way. He asked should a conditional use permit be given would the land bank be able to go with a future owner. Planning Director Walker said it would.

Councilor Denton spoke in favor of the ordinance and giving the land for a park.

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

- C. Second Reading of Proposed Ordinance amending Chapter 10 – Zoning Ordinance Signs related to Public Parking in Private Parking Lots

Assistant Mayor Splaine moved to pass second reading and schedule third and final reading of the proposed Ordinance at the June 19, 2017 City Council meeting, as presented. Seconded by Councilor Dwyer and voted.

- D. Second Reading of Proposed Ordinance amending Chapter 1, Article XVII, Section 1.1704 Public Art – Exemption

Assistant Mayor Splaine moved to pass second reading and schedule third and final reading of the proposed Ordinance at the June 19, 2017 City Council meeting, as presented. Seconded by Councilor Pearson.

Assistant Mayor Splaine said we should support the arts and everyone wants to see arts celebrated.

Councilor Pearson said public art is something in the public for everyone to see and one of its main objectives is to invoke a response.

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

- E. Second Reading of Proposed Ordinance amending Chapter 7, Article I – Parking Meters, Section 7.105 – Parking – Designated Motorcycle Parking Area

Councilor Lown moved to pass second reading and schedule third and final reading of the proposed Ordinance at the June 19, 2017 City Council meeting. Seconded by Councilor Denton.

Councilor Lown moved to amend the last sentence of the ordinance to insert the word “reduced” after subject to. The sentence will now read as follows: Motorcycles are subject to reduced parking meter fees for the hours of enforcement as set forth in this Chapter in this Designated Motorcycle Parking Area and further to add an additional sentence to the end of the ordinance to read as follows: ***When more than one Motorcycle parks in a regular parking space only one of the Motorcycles occupying the parking space shall be required to pay for the parking space at the regular parking rate as set forth in this Chapter.*** **Seconded by Assistant Mayor Splaine.**

Mayor Blalock asked if all motorcycles would receive a ticket if the meter runs out of time. Councilor Lown said all motorcycles would receive a ticket.

Assistant Mayor Splaine moved to suspend the rules in order to allow Mr. Stettner to speak. Seconded by Councilor Denton and voted.

Mr. Stettner said in his materials it says if the ticket expires all the motorcycles would receive a ticket.

Amendment to the motion passed.

Councilor Dwyer asked if mopeds could park in the motorcycle spot. Mayor Blalock said that mopeds could also park in the motorcycle spot.

Main motion passed, as amended.

- F. Second Reading of Proposed Ordinance amending Chapter 7, Article V – Bicycle Regulations

Councilor Lown moved to pass second reading and schedule third and final reading of the proposed Ordinance at the June 19, 2017 City Council meeting, as presented. Seconded by Councilor Cyr.

Councilor Pearson asked do we have a rule about riding on sidewalks and is that realistic. Planning Director Walker said it is law that you cannot ride on sidewalks and the ordinance exempts kids from riding on the sidewalks. Councilor Pearson said that adults are riding on sidewalks and should we be doing some education. Planning Director Walker said education is important.

Councilor Lown said we are passing this ordinance to come into compliance with State law.

Motion passed.

- G. Second Reading of Proposed Ordinance amending Chapter 7, Article XVII
– Moped Regulations

Assistant Mayor Splaine moved to pass second reading and schedule third and final reading of the proposed Ordinance at the June 19, 2017 City Council meeting, as presented. Seconded by Councilor Dwyer.

Mayor Blalock passed the gavel to Assistant Mayor Splaine.

Mayor Blalock said that Item G under Section 7.1702 of this Ordinance is necessary because it protects private property without the consent of the owner or legal tenant.

Assistant Mayor Splaine returned the gavel to Mayor Blalock.

Motion passed.

IX. ADOPTION OF PROPOSED BUDGET RESOLUTIONS

- Resolution No. 13-2017 – Municipal Fees

Councilor Dwyer moved to adopt Resolution #13-2017 – Municipal Fees. Seconded by Councilor Lown and voted.

- Resolution No. 14-2017 – General Fund Expenditures

Councilor Perkins moved to adopt Resolution No. 14-2017 – General Fund Expenditures. Seconded by Councilor Spear.

City Manager Bohenko said based on the Work Session there was a \$.28 further reduction to the budget to reflect an increase of 2.3% over last year.

Councilor Spear moved to transfer \$19,500.00 from Non-Operating Information Technology budget to the Fire Department Operating Budget and further to set aside \$25,000.00 in the Parking and Transportation Fund to offset the cost of downtown ambulance calls. Seconded by Councilor Perkins.

Councilor Spear said he supports the purchase of software but let's do the purchase next year when we don't have the large increase in retirement costs. He said we need to help the Fire Department.

Councilor Dwyer said we have clear definitions of operating from capital and she doesn't feel the Council should move something into operating. She said it is different than a capital expenditure.

Councilor Cyr said the Fire Department said they need \$90,000.00 at the Work Session held. He wants to know if we can get to that figure.

Fire Chief Achilles thanked the City Council for making a movement to make the Fire Department whole. He said they have reviewed the numbers and feel \$60,000.00 will make them whole and allow the department to provide services at the same level as last year.

City Manager Bohenko said the Council could take \$50,000.00 from the Parking Fund to help make the budget whole.

Councilor Lown said he would like to vote for this if the overtime account was reduced for the same amount otherwise he would need to vote no.

Councilor Dwyer said for the small amount of money the Council should add \$60,000.00. City Manager Bohenko said the Council would add \$60,000.00 to the Fire Department General Fund.

Councilor Spear said we work hard to lower the tax rate. He said he understands the principle of the operating budget. *Councilor Spear withdrew his motion and Councilor Perkins withdrew her second to the motion.*

Councilor Spear moved to assign \$50,000.00 from the Parking & Transportation Contingency Fund to offset the costs of the downtown ambulance calls. Seconded by Councilor Perkins.

Mayor Blalock passed the gavel to Assistant Mayor Splaine.

Mayor Blalock moved to further amend the motion to add another \$10,000.00 to the Fire Department Operating Budget to come from taxation. Councilor Spear accepted this as a friendly amendment.

Mayor Blalock said that this is to make sure that we have a downtown ambulance.

Assistant Mayor Splaine returned the gavel to Mayor Blalock.

Motion passed with Councilor Lown voting opposed.

Councilor Denton thanked the Public Works Department staff for the composting program. He urged the residents to take advantage of the curbside composting.

City Manager Bohenko said we would save on the tipping fees from going to the landfill. He said we will work with Public Works to make this work within the budget this year and the exposure will be \$40,000.00

Councilor Lown moved to reduce the Fire Department budget by \$66,650.00 and the Police Department budget by \$53,207.00. Seconded by Councilor Spear.

Councilor Lown said the overtime costs need to be reduced and he is proposing a 10% cut to the overtime costs in Police and Fire Departments.

Councilor Spear said he suggests this summer trying the efficiency study and bringing people together.

Councilor Dwyer said some of what the City Council did to add the \$60,000.00 will address overtime costs.

Fire Chief Achilles said they have reduced overtime costs in the department. He said the increase in overtime costs are reflective of the cost of living adjustments.

Police Chief Mara said that this year was their lowest in overtime costs. He provided a handout with graphs that tracks overtime costs since FY14.

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

Councilor Lown moved to authorize \$75,000.00 from the Parking & Transportation Fund to the School Department. Seconded by Councilor Pearson.

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

Councilor Perkins moved to take \$100,000.00 from Collective Bargaining and move it into the General Government Contingency Fund. Seconded by Councilor Denton.

Councilor Dwyer said she does not have a problem giving more money to the Police Department but we should not be taking the funds from Collective Bargaining.

Councilor Lown said every dollar is destined for the general fund. He said to move the money from the funds does not change the fact that you're using the funds.

Councilor Perkins said that this is estimated costs.

City Manager Bohenko said there would be a short fall for collective bargaining and you take the funds necessary from unassigned fund balance. He said we anticipate \$150,000.00 for Collective Bargaining.

Councilor Spear should he supports Councilor Perkins motion.

Councilor Dwyer said when the new Police Chief comes he will provide us with his needs at that time instead of waiting for money now.

Police Chief Mara said the new Police Chief will not say we don't need the officers. He said we need 35 officers in patrol. He reported the department has some extra funds from dispatch that are needed for the information technology person now. He stated they would put off hiring the two officers until later in the year and they would save money.

City Manager Bohenko stated encumbering funds from outside the fiscal year would not be allowed. He stated the funding for the dispatch is coming out of the debt service area.

City Manager Bohenko said the two officers you would hire in January would be \$82,000.00 and another \$45,000.00 for the information technology specialist for the entire year would total \$127,000.00.

Chief Mara said they would have an operating surplus of \$180,000.00.

Councilor Spear said if you want to expend money on the Police Department you can do that but he does not like anticipating the savings and rolling it into the next year.

On a roll call vote 4-5, motion failed to pass. Assistant Mayor Splaine, Councilors Perkins, Denton and Mayor Blalock voted in favor. Councilors Dwyer, Lown, Pearson, Spear and Cyr voted opposed.

Councilor Cyr moved to add \$127,000.00 to the Police Department Budget to be raised by taxation. Seconded by Councilor Denton.

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

At 10:20 p.m., Mayor Blalock called for a brief recess. At 10:30 p.m., Mayor Blalock called the meeting back to order.

Assistant Mayor Splaine suggested recessing the meeting until tomorrow evening. The City Council decided to continue with the meeting.

Assistant Mayor Splaine moved to suspend the rules in order to continue the meeting beyond 10:30 p.m. Seconded by Councilor Denton and voted.

On a roll call 6-3, voted to adopt Resolution #14-2017 – General Fund Expenditures, as amended for a total budget of \$109,448,605.00. Assistant Mayor Splaine, Councilors Perkins, Dwyer, Cyr, Denton and Mayor Blalock voted in favor. Councilors Lown, Pearson and Spear voted opposed.

Department	Appropriation
General Government	\$18,808,621.00
Police	\$10,925,161.00
Fire	\$8,684,534.00
School	\$46,471,405.00
Collective Bargaining	\$100,000.00
Transfer to Indoor Pool	\$150,000.00
Transfer to Prescott Park	\$30,479.00
Non-Operating	\$24,278,405.00
Total	\$109,448,605.00

- Resolution #15-2017 – Sewer Fund Expenditures

Councilor Lown moved to adopt Resolution #15-2017 – Sewer Fund Expenditures. Seconded by Councilor Dwyer and voted.

- *Appropriated sum of \$11,193,646.00 to defray expenses for the operation of the sewer system.*
- *Cash requirements of \$16,890,946.00 to defray expenses for the operations of the sewer system.*
- *Sewer user rate effective July 1, 2017 is \$12.73 per unit for the first 10 units of consumption per month, and \$14.00 per unit for all units used thereafter to yield a portion of revenue to meet the cash requirements for the operation of the City of Portsmouth’s sewer system.*
- Resolution #16-2017 – Water Fund Expenditures

Councilor Lown moved to adopt Resolution #16-2017 – Water Fund Expenditures. Seconded by Councilor Dwyer and voted.

- *Appropriated sum of \$8,121,195.00 to defray expenses for the operations of the water system.*
- *Cash requirements of \$10,088,225.00 to defray expenses for the operations of the water system.*
- *Water user rate effective July 1, 2017, is \$4.15 per unit for the first 10 units of water consumed per month, and \$5.00 per unit for all units consumed thereafter to meet the cash requirements for the operation of the City of Portsmouth’s water system.*

- ***Water Irrigation user rate effective July 1, 2017, is \$5.00 per unit for the first 10 units of water consumed per month, \$9.70 for consumption over 10 and up to 20 units consumed, and \$12.05 per unit for all units consumed thereafter to yield a portion of revenue to meet the cash requirements for the operation of the City of Portsmouth's water system.***
- Resolution #17-2017 – Special Revenues, Debt Service Fund and Committed Fund Balances for Necessary Expenditures

Councilor Dwyer moved to adopt Resolution #17-2017 – Special Revenues, Debt Service Fund and Committed Fund Balances for Necessary Expenditures. Seconded by Councilor Cyr and voted.

- Resolution #18-2017 – Investment Policy

Councilor Cyr moved to adopt Resolution #18-2017 – Investment Policy. Seconded by Councilor Dwyer and voted.

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Marc Stettner regarding proposed changes to the Designated Motorcycle Parking Area and Moped Regulations
- B. Memorandum from Fire Chief Achilles regarding Position on Recommended Fire Department Budget

The City Council discussed Mr. Stettner's letter during the vote on the Ordinances for Motorcycles and Mopeds. The Council also discussed Fire Chief Achilles memorandum during action taken on the General Fund Expenditures Ordinance.

Due to the hour all items under the City Manager's name are now Consent Agenda items.

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

Councilor Lown moved to adopt the City Manager's Consent Agenda Items, as presented.

A. CITY MANAGER

1. Report Back from Planning Board Re: Potential Release of City Interest in the Portions of Two Paper Streets (Moffat Street and Woodworth Avenue) adjoining property at 85 Woodworth Avenue (Richer) and Authorize Issuance of Building Permit for Property off Swett Avenue, Moffat Street and Woodworth Avenue (Calkins) (***Sample motion – move to adopt the Planning Board recommendation, as presented***)

Planning Board Recommendations:

- *Voted to recommend that the City release any interest it may have in the paper streets abutting 85 Woodworth Avenue, as shown on the exhibit titled “Woodworth Avenue / Moffat Street / Swett Avenue”, prepared by the Planning Department with the following exception:*
 - ❖ *The area between the end of the accepted portion of Woodworth Avenue and the intersection with Moffat Street shall be reserved for snow storage.*
 - *Voted to recommend that the City Council authorize the issuance of building permits for property on a private drive off of Swett Avenue, Moffat Street, and Woodworth Avenue pursuant to RSA 674:41(d) with the stipulation that the issuance of building permits would be subject to all required land use approvals*
2. Report Back from Planning Board Re: S & G Realty Boundary Line Agreement and Easement (***Sample motion – move to approve the Planning Board’s recommendation for a Boundary Line Agreement and Easement for the boundary line between S & G Realty’s property (Map 157, Lot 30) and the portion of Chevrolet Avenue owned by the City, and further, to authorize the City Manager to execute all necessary documents***)
 3. Proposed Lease for Plains Schoolhouse (***Sample motion – move to authorize the City Manager to execute a lease between the City of Portsmouth and Pontine Theatre for the Plains Schoolhouse with the same or substantially similar terms***)
 4. 1283 Woodbury Avenue Traffic Signal and Sidewalk Easement (***Sample motion – move to authorize the City Manager to accept a required traffic signal and sidewalk easement from Sophie Lane LLC across property at 1283 Woodbury Avenue, Portsmouth***)

5. Request for Referral to Planning Board a Proposed Ordinance amending to Chapter 10 – Zoning Ordinance, Housing (**Sample motion – move to refer the proposed amendments to the Planning Board for review and recommendation**)
6. Request to Reschedule the June 19, 2017 Work Session Re: Parking Scope of Services (**Action is required regarding this matter**)

Councilor Perkins asked when the Parking Scope of Services Work Session would be scheduled. City Manager Bohenko said later in the summer.

B. MAYOR BLALOCK

1. Appointments to be Considered:
 - Appointment of Samantha Wright Collins as a Regular member to the Conservation Commission

The City Council considered the appointment of Samantha Wright Collins to be voted on at the June 19, 2017 City Council meeting.

2. Mayor's Sister Cities Blue Ribbon Committee

Councilor Dwyer moved to accept the Charge of the Sister Cities Blue Ribbon Committee. Seconded by Councilor Pearson and voted.

The Committee Charge is as follows:

- Evaluate the level of activity, benefit and local interest in continuing the Sister City or other citizen diplomacy relations and make recommendations to the City Council to potentially terminate current relationships with little or no recent activity, resident interest or cultural/economic opportunities
- Research successful Sister City/Friendship City relationships of other cities and make recommendations to the City Council for a program and strategies to ensure success of existing and future Sister City relationships
- Recommend a framework for long term administrations, promotion and success of the Portsmouth Sister City Program through a Committee structure: chair, co-chairs, possible sub-committees for each Sister City, staff support requirements, etc.
- Explore ways to engage the community in the program— businesses, educational, cultural and humanitarian groups and make recommendations to the City Council

3. Mayor's Agreement to Uphold Paris Climate Agreement (Not on Agenda)

Assistant Mayor Splaine moved to accept the Mayor's Agreement to Uphold Paris Climate Agreement. Seconded by Councilor Denton and voted.

C. ASSISTANT MAYOR SPLAINE

1. City Charter Amendments
 - Defining "Municipal Officials" for Financial Disclosure Requirements

Assistant Mayor Splaine moved that the City Council hold a public hearing at the June 19, 2017, City Council meeting as to whether this requirement/question would be placed on the November 7, 2017, Municipal Ballot as a referendum question: "for the purposes of financial disclosure and conflicts of interest, the term "municipal officials" in this City Charter shall include members of the City Council, Police Commission, Fire Commission, School Board, Planning Board, Zoning Board of Adjustment, Historic District Commission, and the City Manager" Seconded by Councilor Denton.

Councilor Denton said he does not feel the financial disclosure form is too difficult to complete.

Councilor Perkins said we should encourage our residents to serve on boards and commissions.

Councilor Dwyer said she does not want to see residents not serve. She also feels that capital assets would need to be further defined and if you are not taking income from a 401 plan does that need to be disclosed.

Councilor Pearson said she is not convinced this will do what people think it will do.

Councilor Perkins said she feels this would be erroneous to our land use boards.

Councilor Spear said land use board members said they would resign from the boards and he would not vote in favor of the motion.

Councilor Dwyer said conflict of interest should deal with any board and commission.

Councilor Denton requested to take out conflict of interest from the motion.

As a friendly amendment the Council deleted the words *conflicts of interest* from the proposed referendum question.

On a roll call vote 5-4, main motion passed, as amended. Assistant Mayor Splaine, Councilors Dwyer, Pearson, Cyr and Denton voted in favor. Councilors Perkins, Lown, Spear and Mayor Blalock voted opposed.

- “Clean Elections” Campaign Disclosure by City Council Candidates and Political Action Committees

Assistant Mayor Splaine moved that the City Council hold a public hearing at the June 19, 2017, City Council meeting as to whether this question would be placed on the November 7, 2017, Municipal Ballot as a referendum question: “The City Council shall adopt an ordinance requiring that each candidate for City Council and every political action committee supporting one or more candidates for City Council report contributions and expenditures prior to Election Day, including the candidate’s total monetary expenditures for that election and the total monetary expenditures for each candidate or slate of candidates by the political action committee shall be identified by each contributor by name, address, and amount.” Seconded by Councilor Denton.

Assistant Mayor Splaine said that this form is required to be completed by our State Legislatures. He also indicated this is a requirement in the City of Manchester.

Councilor Pearson said that the most effective groups in the last elections did not spend any money.

Councilor Dwyer said in reading it, you would report individual contributions and total amounts.

Assistant Mayor Splaine said we should limit this to City Council candidates.

Councilor Dwyer said that we should include all elected officials, School Board and Police and Fire Commissions. She asked what the definition of a political action committee is.

Councilor Lown said he does not feel this will work.

Assistant Mayor Splaine said we would define the ordinance if the referendum is adopted.

On a roll call vote 7-2, motion passed. Assistant Mayor Splaine, Councilor Perkins, Lown, Pearson, Cyr, Denton and Mayor Blalock voted in favor. Councilors Dwyer and Spear voted opposed.

D. COUNCILOR SPEAR & COUNCILOR DWYER

1. Charter Amendment for Police Commission & Fire Commission (*To be taken up, pending discussion of issues at June 3, 2017 retreat*)

Councilor Lown said his amendment would change the duties of the commission. He explained his amendment and that the City Manager would be in charge of hiring and the budget.

Councilor Lown moved that the City Council hold a public hearing at the June 19, 2017, City Council meeting as to whether this question would be placed on the November 7, 2017, Municipal Ballot as a referendum question: The Commission shall appoint the police chief. In addition, the Commission shall have authority to consider and act upon any complaint and/or employee grievance (s). Where the Commission determines there to be sufficient cause, the Commission may, after a hearing consistent with the requirements of due process, discipline or remove any employee of the Police Department against whom such a complaint has been brought. Appeals from such decisions shall be heard pursuant to such grievance procedures as shall be established by the Commissioners or as prescribed in respect of collective bargaining agreements. The City Manager as directed by the City Council shall have all administrative responsibilities relating to the administration of the Police Department. Such power shall include, but shall not be limited to, the following:

- A. Determine the number, location and type of facilities and installations; and**
- B. Determine the size of the workforce and increase or decrease its size; and**
- C. Appointment of permanent patrol officers, sergeants, captains and commanders**

Seconded by Councilor Spear.

Assistant Mayor Splaine said we are putting the powers under the City Manager and does not feel people would approve that in November. He said we need to find ways to departmentalize things. He said this reduces the authority close to zero.

Councilor Denton said he does not support this as written. He said this is the first Police Commission to follow the By-laws and go for accreditation.

Mayor Blalock passed the gavel to Assistant Mayor Splaine.

Mayor Blalock said he would support a change to the Police Commission and Fire Commission.

Assistant Mayor Splaine returned the gavel to Mayor Blalock.

Councilor Dwyer said Item C. would be the chief's responsibility. She said more often than not the Police Commission has been problematic.

Councilor Pearson said she agrees with Councilor Dwyer. She said the residents should make the decision. She said she wants public input and have the residents cast their vote.

Councilor Perkins said she would vote to hear the comments in public hearing.

Councilor Lown said 80% of municipalities do not have a Police Commission.

City Attorney Sullivan explained the process of writing the question. He said the City Council could not make substantive changes after June 19, 2017.

As a friendly amendment the Council removed Item C – Appointment of permanent patrol officers, sergeants, captains and commanders.

As a friendly amendment the Council added the words from any source to the second sentence to read as follows: In addition, the Commission shall have authority to consider and act upon any complaint from any source and/or employee grievance (s).

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

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

XIV. ADJOURNMENT

At 11:45 p.m., Assistant Mayor Splaine moved to adjourn. Seconded by Councilor Spear and voted.



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

**Notice of Public Hearing
City Council
City of Portsmouth, NH**

The Portsmouth City Council will hold a Public Hearing on the City's draft Natural Hazard Mitigation Plan Update on June 19, 2017 at 7:00pm at Portsmouth City Hall, 1 Junkins Avenue, Portsmouth, NH. Public review and comment on the draft Natural Hazard Mitigation Plan Update is welcome.

FEMA requires every municipality in the country to develop and maintain a Natural Hazard Mitigation Plan to identify and evaluate the risks posed by natural hazards. The draft Natural Hazard Mitigation Plan Update is available for review online at: <http://cityofportsmouth.com/emo.html> and a copy of the Plan Update is available at the Central Fire Station, 170 Court Street. Public comment on the Plan Update will be taken through July 3, 2017. Comments may be submitted to Fire Chief and Emergency Management Coordinator Steven Achilles at seachilles@cityofportsmouth.com.

**Legal Notice
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PH-0028263

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, June 19, 2017 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a proposed Ordinance amending Chapter 1, Article IX, Section 1.902 – Election Candidate Conflict of Interest / Mandatory Financial Disclosure. The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

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

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

7/12/2017 9:22

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 DISCLOSURE

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:~~

1. **In the case of an individual, the name, address, amount and date of contribution.**
2. **In the case of an entity, the name, address, amount, date of contribution, actual nature of entity (eg. voluntary association, LLC or Corporation), and the name of the person or persons who acted on behalf of the entity to make the 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. 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.

C. Public Records: All election candidate financial disclosures shall be public records.

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

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

This ordinance shall take effect upon passage.

APPROVED:

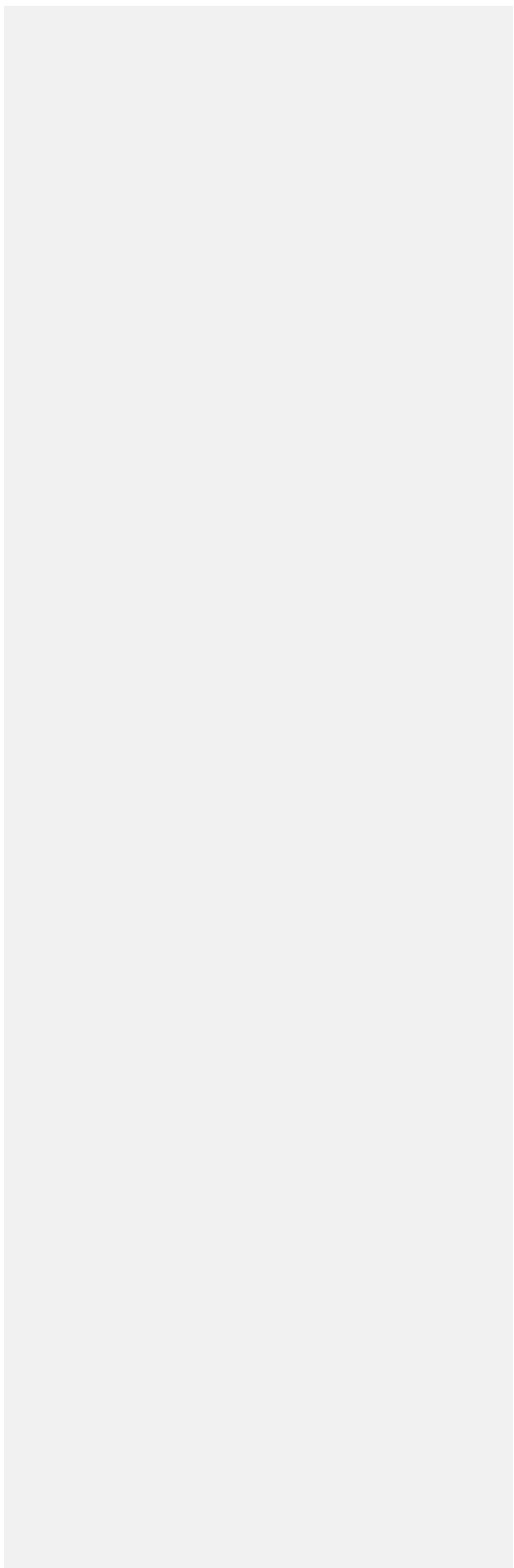
Jack Blalock, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

DRAFT

h:\ordinances\1.902 election candidate financial disclosure



LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, June 19, 2017 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on proposed Charter Amendment #1. The complete proposed Charter Amendment is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

PROPOSED CHARTER AMENDMENT #1

The Municipal Charter of the City of Portsmouth, AMENDMENT C – CONFLICT OF INTEREST shall be amended as shown below (deletions from existing language ~~stricken in red~~; additions to existing language **bolded in red**; remaining language unchanged from existing):

AMENDMENT C – CONFLICT OF INTEREST

The City Council shall establish a Conflict of Interest Ordinance for City Departments, including police and school boards and commissions, no later than sixty (60) days after passage of this provision. The ordinance will contain as a minimum, but is not limited to:

- A. Mandatory financial disclosure by all police, school, municipal officials, whether appointed or elected, of current personal sources of income and all capital assets including, but not limited to, stock and real estate holdings and interests, in a sworn statement before the City Clerk at least biannually or before assuming office.
- B. Mandatory review boards and procedures to determine violation of the ordinance.
- C. Mandatory penalties for violations of the ordinance.
- D. Comprehensive definitions of such violations, and procedures to be used in reporting, investigating, and correcting the results of violations.
- E. A requirement that each candidate for City Council and every political action committee supporting one or more candidates for City Council report contributions and expenditures prior to Election Day, including the candidate's total monetary expenditures for that election and the total monetary expenditures for each candidate or slate of candidates by the political action committee. The report of monetary contributions to the candidate or by a political action committee shall identify each contributor by name, address and amount of contribution.**

If authorized by referendum vote at the municipal election scheduled for November 7, 2017, this amendment to become effective on January 1, 2018.

**BRIEF EXPLANATION
(NOT PART OF AMENDMENT)**

The municipal Charter of the City of Portsmouth currently requires that the City of Portsmouth establish a Conflict of Interest ordinance. The ordinance is required to include mandatory financial disclosure by certain municipal officials, a review board and procedures to determine violations, penalties for violations as well as procedures to be used in reporting, investigating and correcting the results of violations. If adopted, this proposed Charter Amendment would add to the list items to be included in the ordinance mandatory financial reporting requirements under which candidates for the City Council, and political action committees which support such candidates, must report campaign contributions and expenditures. The specific reporting requirements would ultimately be contained in the ordinance adopted by the City Council.

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

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, June 19, 2017 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on proposed Charter Amendment #1. The complete proposed Charter Amendment is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

PROPOSED CHARTER AMENDMENT #1

The Municipal Charter of the City of Portsmouth, AMENDMENT C – CONFLICT OF INTEREST shall be amended as shown below (deletions from existing language ~~stricken in red~~; additions to existing language **bolded in red**; remaining language unchanged from existing):

AMENDMENT C – CONFLICT OF INTEREST

The City Council shall establish a Conflict of Interest Ordinance for City Departments, including police and school boards and commissions, no later than sixty (60) days after passage of this provision. The ordinance will contain as a minimum, but is not limited to:

A. Mandatory financial disclosure by all police, school, municipal officials, whether appointed or elected, of current personal sources of income and all capital assets including, but not limited to, stock and real estate holdings and interests, in a sworn statement before the City Clerk at least biannually or before assuming office.

B. Mandatory review boards and procedures to determine violation of the ordinance.

C. Mandatory penalties for violations of the ordinance.

D. Comprehensive definitions of such violations, and procedures to be used in reporting, investigating, and correcting the results of violations.

E. A requirement that each candidate for City Council and every political action committee supporting one or more candidates for City Council report contributions and expenditures prior to Election Day, including the candidate's total monetary expenditures for that election and the total monetary expenditures for each candidate or slate of candidates by the political action committee. The report of monetary contributions to the candidate or by a political action committee shall identify each contributor by name, address and amount of contribution.

If authorized by referendum vote at the municipal election scheduled for November 7, 2017, this amendment to become effective on January 1, 2018.

**BRIEF EXPLANATION
(NOT PART OF AMENDMENT)**

The municipal Charter of the City of Portsmouth currently requires that the City of Portsmouth establish a Conflict of Interest ordinance. The ordinance is required to include mandatory financial disclosure by certain municipal officials, a review board and procedures to determine violations, penalties for violations as well as procedures to be used in reporting, investigating and correcting the results of violations. If adopted, this proposed Charter Amendment would add to the list items to be included in the ordinance mandatory financial reporting requirements under which candidates for the City Council, and political action committees which support such candidates, must report campaign contributions and expenditures. The specific reporting requirements would ultimately be contained in the ordinance adopted by the City Council.

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

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, June 19, 2017 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on proposed Charter Amendment #2. The complete proposed Charter Amendment is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

PROPOSED CHARTER AMENDMENT #2

The Municipal Charter of the City of Portsmouth, AMENDMENT C – CONFLICT OF INTEREST shall be amended as shown below (deletions from existing language ~~stricken in red~~; additions to existing language **bolded in red**; remaining language unchanged from existing):

AMENDMENT C – CONFLICT OF INTEREST

The City Council shall establish a Conflict of Interest Ordinance for City Departments, including police and school boards and commissions, no later than sixty (60) days after passage of this provision. The ordinance will contain as a minimum, but is not limited to:

A. Mandatory financial disclosure by all police, school, municipal officials, whether appointed or elected, of current personal sources of income and all capital assets including, but not limited to, stock and real estate holdings and interests, in a sworn statement before the City Clerk at least biannually or before assuming office. **For the purposes of financial disclosure the term “municipal officials” in this provision shall include members of the City Council, Police Commission, Fire Commission, School Board, Planning Board, Zoning Board of Adjustment, Historic District Commission and the City Manager.**

B. Mandatory review boards and procedures to determine violation of the ordinance.

C. Mandatory penalties for violations of the ordinance.

D. Comprehensive definitions of such violations, and procedures to be used in reporting, investigating, and correcting the results of violations.

If authorized by referendum vote at the municipal election scheduled for November 7, 2017, this amendment to become effective on January 1, 2018.

**BRIEF EXPLANATION
(NOT PART OF AMENDMENT)**

The municipal Charter of the City of Portsmouth currently requires that the City of Portsmouth establish a Conflict of Interest ordinance. The ordinance is required to include mandatory financial disclosure by certain municipal officials, a review board and procedures to determine violations, penalties for violations as well as procedures to be used in reporting, investigating and correcting the results of violations. If adopted, this proposed Charter Amendment would mandate that the “municipal officials” who must comply with the mandatory financial disclosure of the sources of income and capital assets required by the ordinance will include members of the City Council, Police Commission, Fire Commission, School Board, Planning Board, Zoning Board of Adjustment, Historic District Commission and the City Manager.

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

LEGAL NOTICE

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The City Council shall establish a Conflict of Interest Ordinance for City Departments, including police and school boards and commissions, no later than sixty (60) days after passage of this provision. The ordinance will contain as a minimum, but is not limited to:

A. Mandatory financial disclosure by all police, school, municipal officials, whether appointed or elected, of current personal sources of income and all capital assets including, but not limited to, stock and real estate holdings and interests, in a sworn statement before the City Clerk at least biannually or before assuming office. **For the purposes of financial disclosure the term "municipal officials" in this provision shall include members of the City Council, Police Commission, Fire Commission, School Board, Planning Board, Zoning Board of Adjustment, Historic District Commission and the City Manager.**

B. Mandatory review boards and procedures to determine violation of the ordinance.

C. Mandatory penalties for violations of the ordinance.

D. Comprehensive definitions of such violations, and procedures to be used in reporting, investigating, and correcting the results of violations.

If authorized by referendum vote at the municipal election scheduled for November 7, 2017, this amendment to become effective on January 1, 2018.

BRIEF EXPLANATION

(NOT PART OF AMENDMENT)

The municipal Charter of the City of Portsmouth currently requires that the City of Portsmouth establish a Conflict of Interest ordinance. The ordinance is required to include mandatory financial disclosure by certain municipal officials, a review board and procedures to determine violations, penalties for violations as well as procedures to be used in reporting, investigating and correcting the results of violations. If adopted, this proposed Charter Amendment would mandate that the "municipal officials" who must comply with the mandatory financial disclosure of the sources of income and capital assets required by the ordinance will include members of the City Council, Police Commission, Fire Commission, School Board, Planning Board, Zoning Board of Adjustment, Historic District Commission and the City Manager.

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

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, June 19, 2017 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on proposed Charter Amendment #3. The complete proposed Charter Amendment is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

PROPOSED CHARTER AMENDMENT #3

The Municipal Charter of the City of Portsmouth, AMENDMENT E – POLICE DEPARTMENT (POLICE COMMISSION) is hereby amended to modify the role of the Police Commission as shown below: (deletions from existing in the Charter language ~~stricken in red~~; additions to existing in the Charter language **bolded in red**; remaining language in the charter unchanged from existing):

AMENDMENT E - POLICE DEPARTMENT (POLICE COMMISSION)

POLICE DEPARTMENT (POLICE COMMISSION)

~~The policy-making body for the Police Department in the City of Portsmouth shall be a Police Commission.~~ The Police Commission shall consist of three persons to be elected in accordance with the following.

That section of the existing Charter entitled "POWERS" shall be deleted in its entirety and replaced with a new section as shown below:

POWERS

~~The Police Commission shall appoint such permanent patrol officers, sergeants, captains commanders, and police chief, as they deem necessary. The Commission shall have authority to consider and act upon any complaint and/or employee grievance(s) brought to it through such procedures. Where the Commission determines there to be sufficient cause, the Commission may, after a hearing consistent with the requirements of due process, discipline or remove any employee of the Police Department against whom such a complaint has been brought. Appeals from such decisions shall be heard pursuant to such grievance procedures as shall be established by the Commissioners or as prescribed in respective collective bargaining agreements. The commission shall assume all administrative responsibilities, which would otherwise be vested in the City Manager under this charter relating to the administration of the Department. Such power to include, but not limited to, the following:~~

- ~~A. Determine the number, location and type of facilities and installations, subject to the approval of the City Council~~
- ~~B. To determine the size of the work force and increase or decrease it's size, subject to the approval of the City Council~~

The Commission shall appoint the police chief, subject to contractual approval by the City Council. All other employees of the Police Department shall be appointed in accordance with the provisions of this Charter. In addition, the Commission shall have authority to consider and act upon any complaint from any source and/or employee grievance(s). Where the Commission determines there to be sufficient cause the Commission may, after a hearing consistent with the requirements of due process, discipline or remove any employee of the Police Department against whom such a complaint has been brought. Appeals from such decisions shall be heard pursuant to such grievance procedures as shall be established by the Commission or as prescribed in respect of collective bargaining agreements. The City Manager as directed by the City Council shall have all administrative responsibilities relating to the administration of the Police Department. Such powers shall include, but shall not be limited to, the following:

- A. The power to determine the number, location and type of facilities and installations; and**
- B. The power to determine the size of the workforce and increase or decrease its size.**

RULES AND REGULATIONS

The Commission shall make such rules and regulations for ~~their~~ **its** own proceedings ~~and the administration of the Police Department,~~ as ~~they~~ **it** deems advisable.

If authorized by referendum vote at the municipal election scheduled for November 7, 2017, this amendment to become effective on January 1, 2018.

BRIEF EXPLANATION (NOT PART OF AMENDMENT)

As currently written, the municipal Charter of the City of Portsmouth places administrative and policy making authority for the Portsmouth Police Department in a three (3) member elected Police Commission. If this proposed Charter Amendment is adopted the primary effect would be to shift certain of the administrative authority from the Police Commission to the general City government. The Police Commission would continue to have authority to appoint the police chief and act upon complaints from any source as well as act upon employee grievances. The Police Commission would retain the authority to discipline or remove any employee of the Police Department against whom such a complaint has been brought.

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

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, June 19, 2017 at 7:00 p.m., Eileen Donders Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on proposed Charter Amendment #3. The complete proposed Charter Amendment is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

PROPOSED CHARTER AMENDMENT #3

The Municipal Charter of the City of Portsmouth, AMENDMENT E – POLICE DEPARTMENT (POLICE COMMISSION) is hereby amended to modify the role of the Police Commission as shown below: (deletions from existing in the Charter language ~~stricken in red~~; additions to existing in the Charter language **bolded in red**; remaining language in the charter unchanged from existing):

AMENDMENT E - POLICE DEPARTMENT (POLICE COMMISSION)

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POWERS

~~The Police Commission shall appoint such permanent patrol officers, sergeants, captains, commanders, and police chief, as they deem necessary. The Commission shall have authority to consider and act upon any complaint or employee grievance(s) brought to it through such procedures. When the Commission determines there to be sufficient cause, the Commission may, after a hearing consistent with the requirements of due process, discipline or remove any employee of the Police Department against whom such a complaint has been brought. Appeals from such decisions shall be heard pursuant to such grievance procedures as shall be established by the Commission or as prescribed in respective collective bargaining agreements. The Commission shall assume all administrative responsibilities, which would otherwise be vested in the City Manager under this charter relating to the administration of the Police Department. Such power to include, but not limited to, the following:~~

- ~~A. Determine the number, location and type of facilities and installations, subject to the approval of the City Council;~~
- ~~B. To determine the size of the work force and increase or decrease its size, subject to the approval of the City Council.~~

~~The Commission shall appoint the police chief, subject to confirmation and approval by the City Council. All other employees of the Police Department shall be appointed in accordance with the provisions of this Charter. In addition, the Commission shall have authority to consider and act upon any complaint from any source and/or employee grievance(s). When the Commission determines there to be sufficient cause the Commission may, after a hearing consistent with the requirements of due process, discipline or remove any employee of the Police Department against whom such a complaint has been brought. Appeals from such decisions shall be heard pursuant to such grievance procedures as shall be established by the Commission or as prescribed in respect of collective bargaining agreements. The City Manager as directed by the City Council shall have all administrative responsibilities relating to the administration of the Police Department. Such powers shall include, but shall not be limited to, the following:~~

- ~~A. The power to determine the number, location and type of facilities and installations; and~~
- ~~B. The power to determine the size of the workforce and increase or decrease its size.~~

RULES AND REGULATIONS

The Commission shall make such rules and regulations for ~~their~~ **its** own proceedings ~~and the administration of the Police Department, as they~~ **it** deems advisable.

If authorized by referendum vote at the municipal election scheduled for November 7, 2017, this amendment to become effective on January 1, 2018.

**BRIEF EXPLANATION
(NOT PART OF AMENDMENT)**

As currently written, the municipal Charter of the City of Portsmouth places administrative and policy making authority for the Portsmouth Police Department in a three (3) member elected Police Commission. If this proposed Charter Amendment is adopted the primary effect would be to shift certain of the administrative authority from the Police Commission to the general City government. The Police Commission would continue to have authority to appoint the police chief and act upon complaints from any source as well as act upon employee grievances. The Police Commission would retain the authority to discipline or remove any employee of the Police Department against whom such a complaint has been brought.

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

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, VEHICLES, TRAFFIC and PARKING of the ordinances of the City of Portsmouth be amended as follows by deletions from existing language stricken and highlighted in **red**; additions to existing language bolded and highlighted in **red**, remaining language unchanged from existing:

[Explanatory note not part of ordinance. The following amendments to the parking ordinance were either implemented by the Parking and Traffic Safety Committee on a trial basis last year or are part of ongoing improvements to the parking ordinance and are forwarded to the City Council for approval. Each ordinance change is shown on diagrams attached hereto.]

A. Amend: Chapter 7, Article III – TRAFFIC ORDINANCE, Section 7.326: Limited Parking – Fifteen Minutes

Section 7.326: LIMITED PARKING – FIFTEEN MINUTES:

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

1. Bow Street:

~~b. westerly side, first metered space north from Daniel Street~~

4. Daniel Street:

a. northerly side, first ~~three~~ **four** metered spaces west from the parking lot entrance at 80 Daniel Street

c. south side, first space west of Memorial Bridge Parking Lot

~~5. Deer Street: Two spaces in front of the building located at 28 Deer Street~~

6. Hanover Street:

~~b. northerly side, two spaces 246 feet west from High Street~~

d. northerly side, first space west of Bridge Street

10. Marcy Street: easterly side, ~~the four parking spaces directly in front of 367 Marcy Street beginning at the southerly curb line of South Mill Street and running 95 feet southerly~~ (from 8:00 a.m. to ~~4:00 p.m.~~ **6:00 p.m.**) Monday through ~~Saturday~~ **only Sunday.**

12. Portwalk Place: westerly side, one space beginning 117 feet north of the northerly curb line of Hanover Street.

B. Amend: Chapter 7, Article III – TRAFFIC ORDINANCE, Section 7.330: No Parking

Section 7.330: NO PARKING:

A. Unless otherwise designated by ordinance, parking shall be prohibited at all times in the following described streets and locations:

81. Middle Street:

- e. westerly side, beginning at the southerly curb line of Union Street and running 73 feet southerly.
- f. westerly side, beginning at the northerly curb line of Union Street and running northerly to a point 85 feet north of the northerly curb line of Union Street.
- g. easterly side, beginning at the southerly curb line of Union Street and running 88 feet southerly.
- h. easterly side, beginning at the northerly curb line of Union Street and running northerly to a point 40 feet north of the northerly curb line of Union Street.

C. Amend: Chapter 7, Article III – TRAFFIC ORDINANCE, Section 7.3336: One-Way Streets

Section 7.336: ONE-WAY STREETS:

A. Vehicular traffic shall move only in the indicated directions on the following streets:

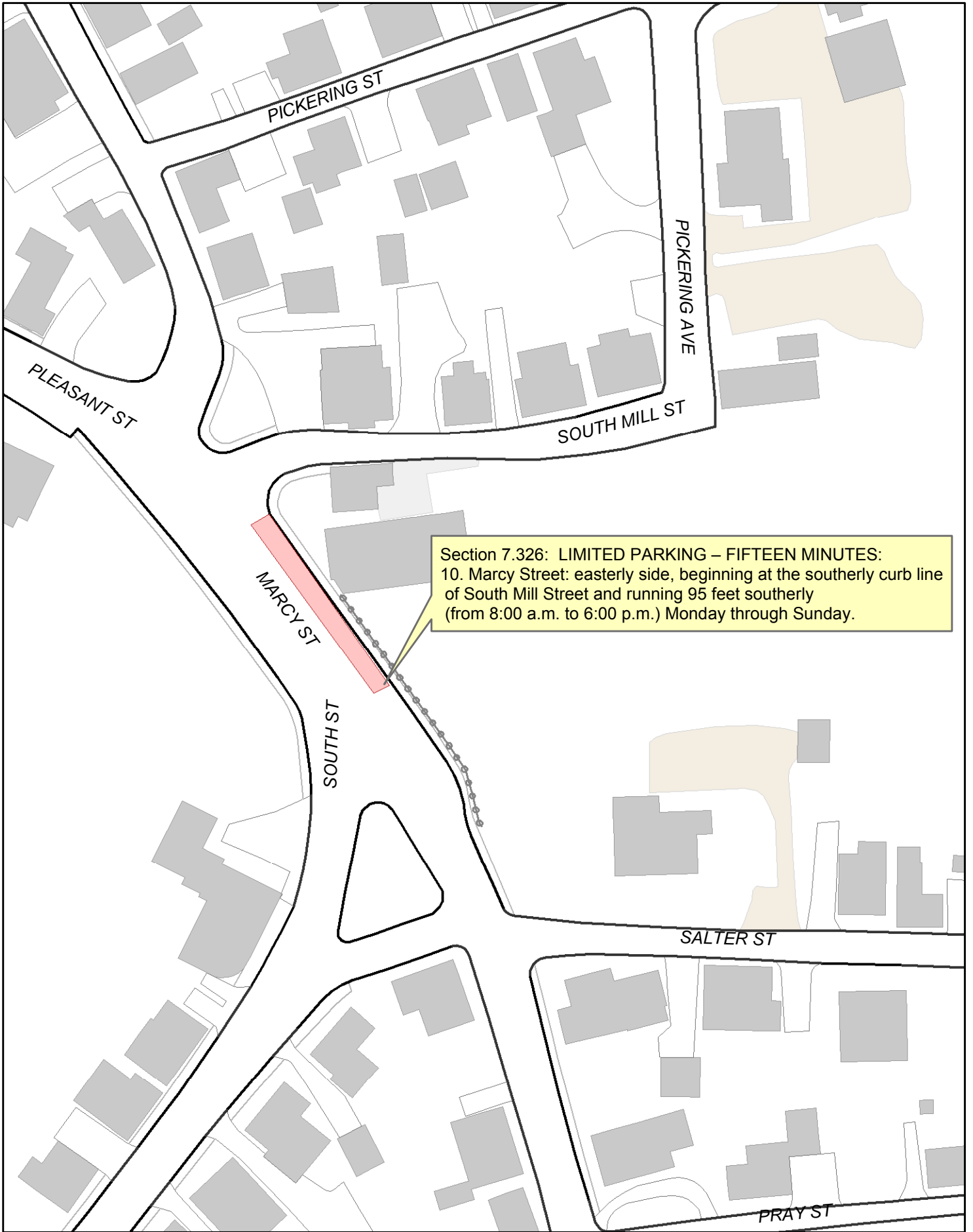
- 6. **Coolidge Drive: along the westerly branch of Coolidge Drive, southerly from Wilson Road to the main line of Coolidge Drive.**
- 27. Stark Street: ~~northerly from house driveway, 320 feet to the new Franklin School;~~ **southerly from the New Franklin School driveway to a point 120 feet north of the northerly curb line of Dennett Street.**

D. Amend: Chapter 7, Article VII – TRUCK AND BUS TRAVEL, Section 7.702: Truck Traffic Prohibited

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.

- 20. Greenleaf Avenue: ~~(between Pevery Hill Road and the Rt. 1 Bypass)~~

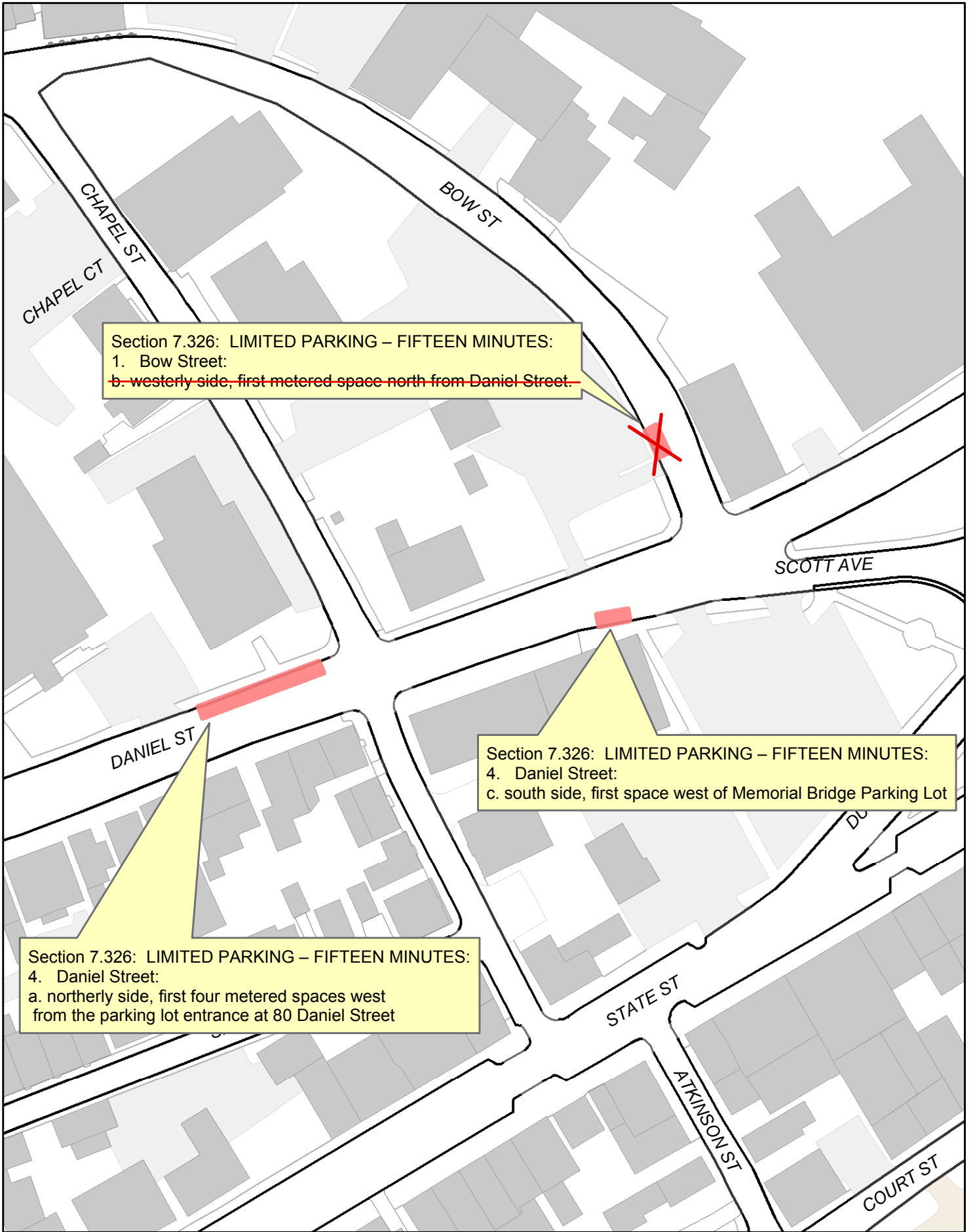


Section 7.326: LIMITED PARKING – FIFTEEN MINUTES:
10. Marcy Street: easterly side, beginning at the southerly curb line of South Mill Street and running 95 feet southerly (from 8:00 a.m. to 6:00 p.m.) Monday through Sunday.

**Marcy Street - Limited Parking 15 minutes
Portsmouth, New Hampshire**

Map prepared by Portsmouth Department of Public Works, 31 May 2017
Map document: U:\Projects\0263 Parking Traffic & Safety\Traffic and Parking Ordinance Changes\2017





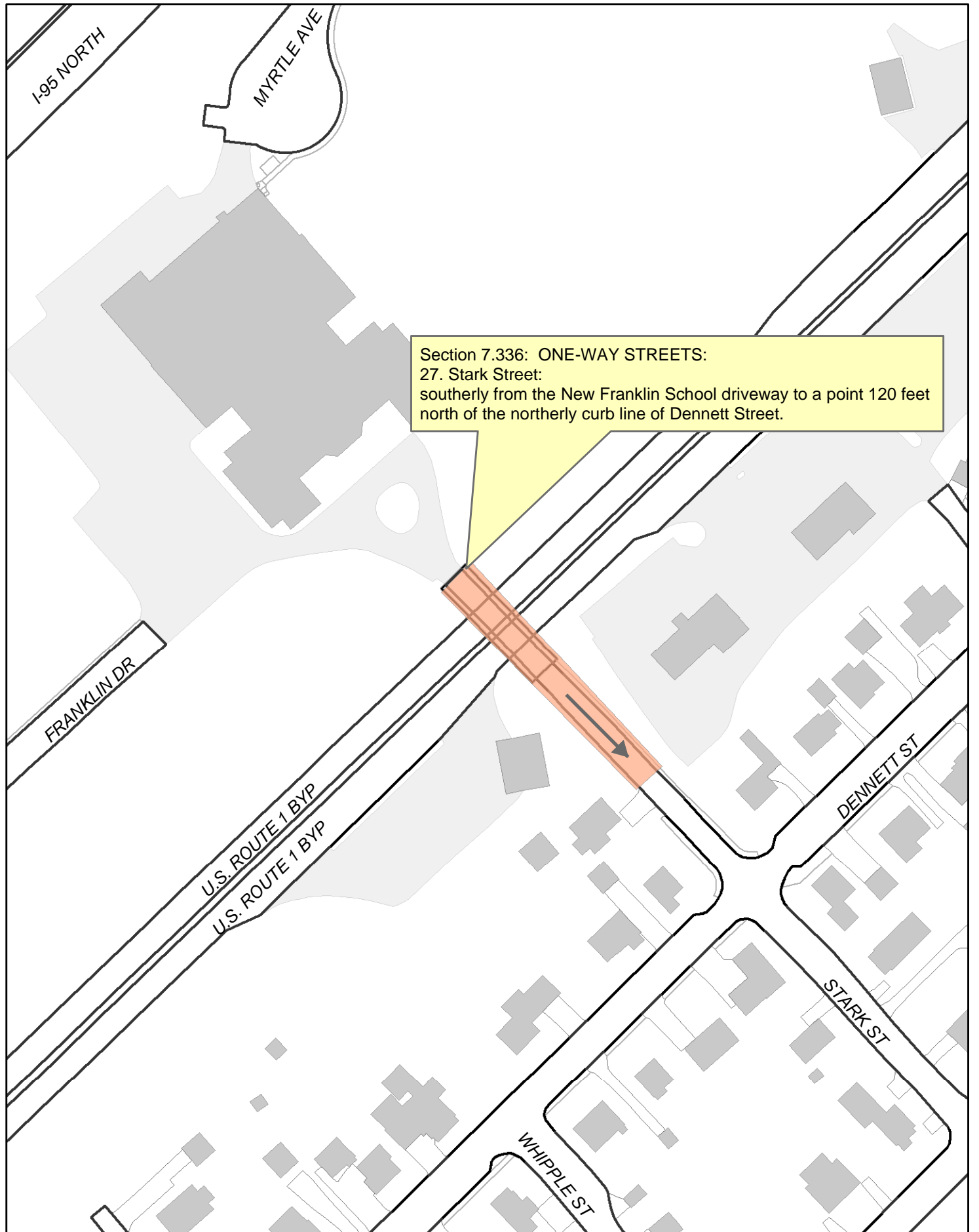
Section 7.326: LIMITED PARKING – FIFTEEN MINUTES:
1. Bow Street:
~~b. westerly side, first metered space north from Daniel Street.~~

Section 7.326: LIMITED PARKING – FIFTEEN MINUTES:
4. Daniel Street:
c. south side, first space west of Memorial Bridge Parking Lot

Section 7.326: LIMITED PARKING – FIFTEEN MINUTES:
4. Daniel Street:
a. northerly side, first four metered spaces west from the parking lot entrance at 80 Daniel Street

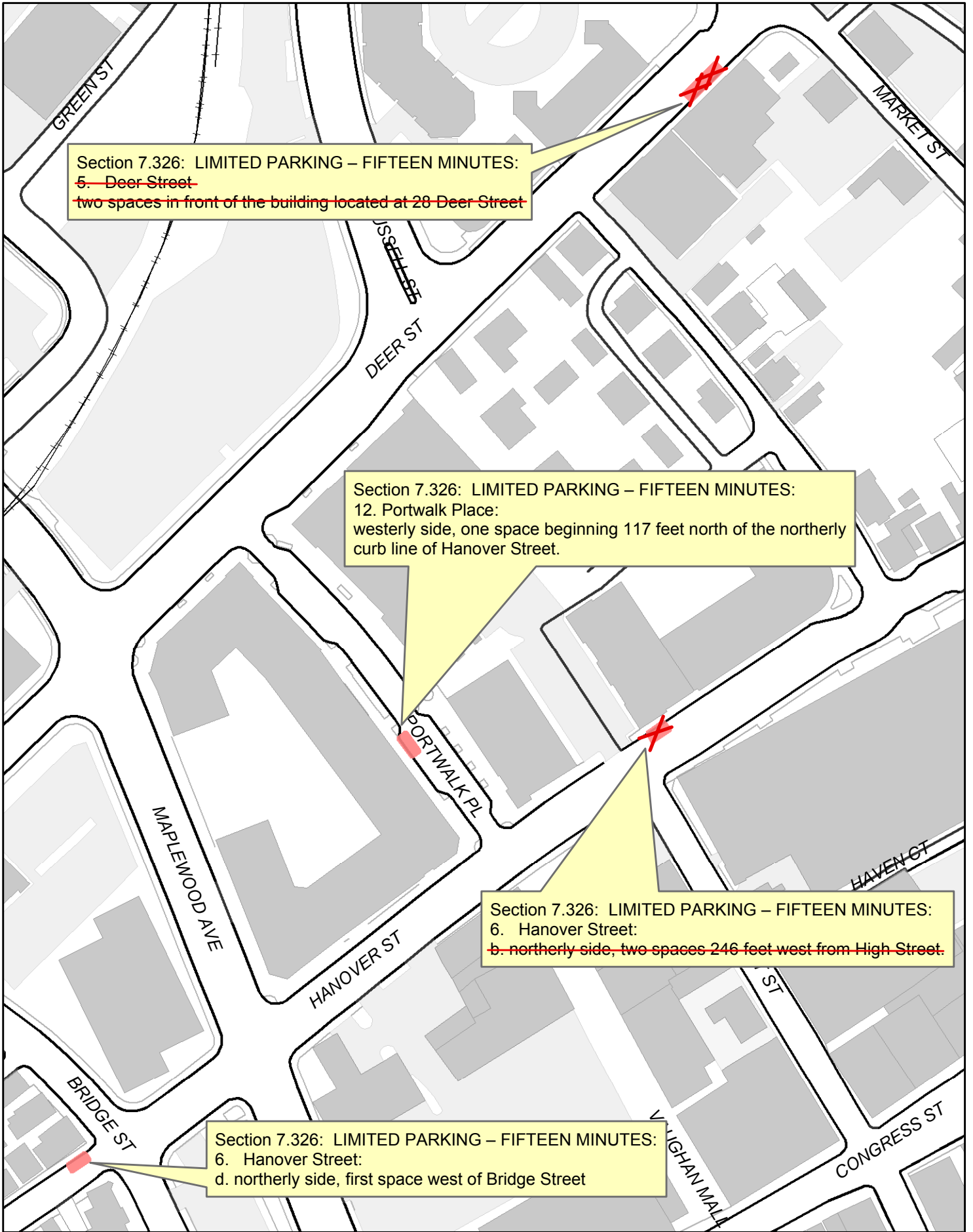
**Limited Parking 15 minutes
Portsmouth, New Hampshire**





**Stark Street One-Way Street
Portsmouth, New Hampshire**





Section 7.326: LIMITED PARKING – FIFTEEN MINUTES:
~~5. Deer Street~~
~~two spaces in front of the building located at 28 Deer Street~~

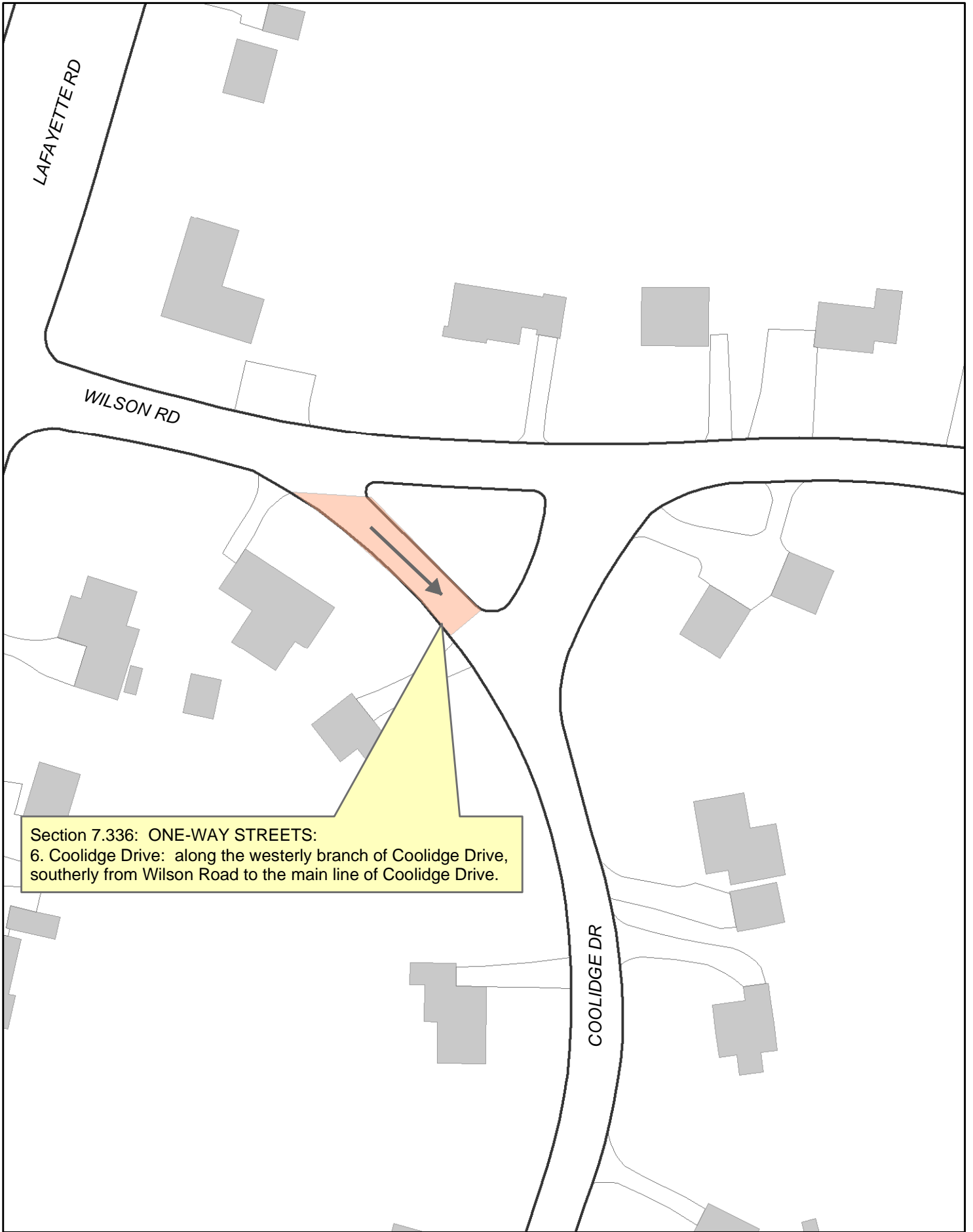
Section 7.326: LIMITED PARKING – FIFTEEN MINUTES:
12. Portwalk Place:
westerly side, one space beginning 117 feet north of the northerly curb line of Hanover Street.

Section 7.326: LIMITED PARKING – FIFTEEN MINUTES:
6. Hanover Street:
~~b. northerly side, two spaces 246 feet west from High Street.~~

Section 7.326: LIMITED PARKING – FIFTEEN MINUTES:
6. Hanover Street:
d. northerly side, first space west of Bridge Street

**Limited Parking 15 minutes
Portsmouth, New Hampshire**

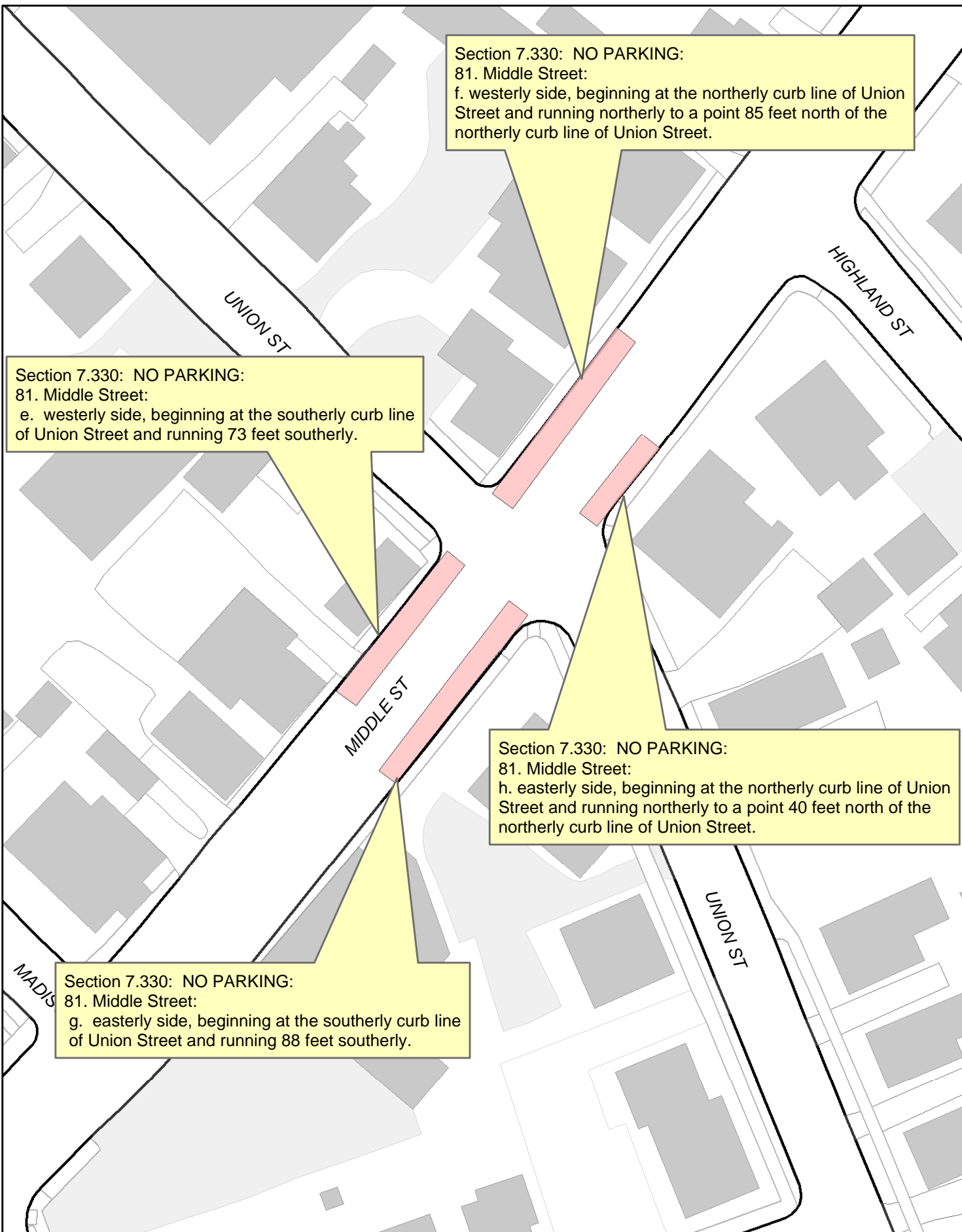




Section 7.336: ONE-WAY STREETS:
6. Coolidge Drive: along the westerly branch of Coolidge Drive, southerly from Wilson Road to the main line of Coolidge Drive.

**Coolidge Drive One-Way Street
Portsmouth, New Hampshire**





Section 7.330: NO PARKING:
81. Middle Street:
f. westerly side, beginning at the northerly curb line of Union Street and running northerly to a point 85 feet north of the northerly curb line of Union Street.

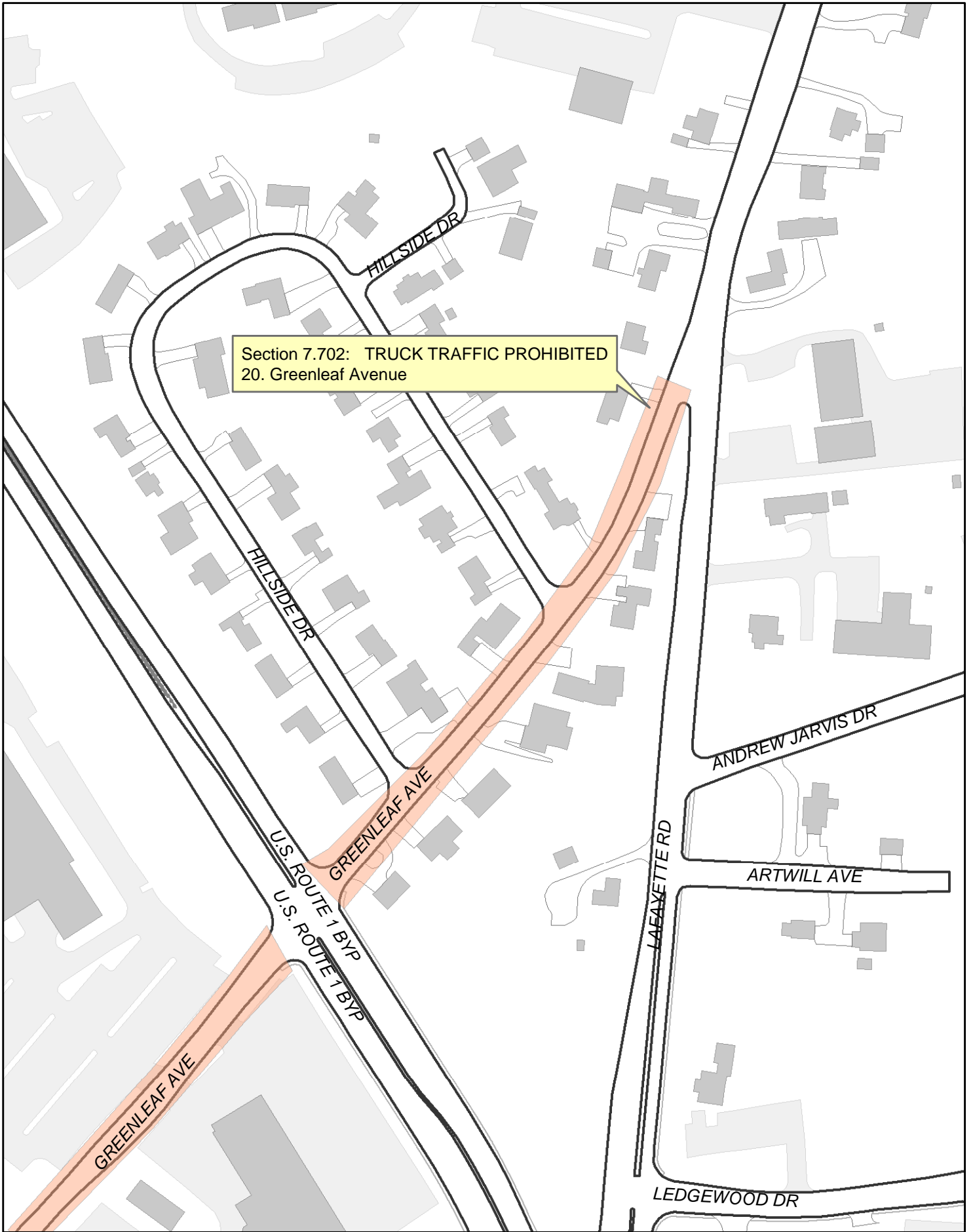
Section 7.330: NO PARKING:
81. Middle Street:
e. westerly side, beginning at the southerly curb line of Union Street and running 73 feet southerly.

Section 7.330: NO PARKING:
81. Middle Street:
h. easterly side, beginning at the northerly curb line of Union Street and running northerly to a point 40 feet north of the northerly curb line of Union Street.

Section 7.330: NO PARKING:
81. Middle Street:
g. easterly side, beginning at the southerly curb line of Union Street and running 88 feet southerly.

**Middle Street No Parking
Portsmouth, New Hampshire**





Section 7.702: TRUCK TRAFFIC PROHIBITED
20. Greenleaf Avenue

**Greenleaf Avenue Truck Traffic Prohibited
Portsmouth, New Hampshire**

Map prepared by Portsmouth Department of Public Works, 31 May 2017
Map document: U:\Projects\0263 Parking Traffic & Safety\Traffic and Parking Ordinance Changes\2017



PROPOSED ZONING ORDINANCE AMENDMENT
(Additions to 6/5/17 draft underlined; deletions ~~struck through~~)

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That the Ordinances of the City of Portsmouth, Chapter 10 – Zoning Ordinance, Article 5A – Character-Based Zoning, Section 10.5A46 – Incentive Overlay Districts, be amended by inserting the following new Section 10.5A46.23:

- 10.5A46.23 When a proposed **development** in an Incentive Overlay District includes **community space** in excess of the amount required to support a proposed incentive under Section 10.5A43.43 or Sections 10.5A46.10 through 10.5A46.22, the Planning Board may grant a conditional use permit to allow the excess **community space** to be credited to the developer or its assigns for use in another **development** in the same Incentive Overlay District.
- (1) The conditional use permit shall specify the total amount of **community space** provided, the portion of such **community space** to be credited toward incentives in the proposed **development**, and the amount of excess **community space** that may be credited toward a future project in accordance with the standards set forth in Section 10.5A43.43 or Sections 10.5A46.10 through 10.5A46.22.
 - (2) The conditional use permit may allow for conveyance to the City of unimproved land in lieu of **community space** that conforms to the types shown in Figure 10.5A45.10, subject to the following:
 - (a) The application for a conditional use permit to credit unimproved land in lieu of **community space** shall include a complete site plan and design for the proposed **community space**.
 - (b) In order for a future **development** to receive incentive credit for the excess unimproved land, the future developer will be required to improve the land to be a conforming **community space** as determined by the Planning Board at the time of site plan approval, except as provided in ~~(b)~~ (c) below.
 - (c) At any time after receiving title to such unimproved land, the City may, at its option, improve such land to be a conforming **community space**. If the City exercises this option, in order for a future **development** to receive the incentive credit, the future developer shall pay to the City an amount representing

the cost to the City of carrying out the improvements that were required to improve the land to be a conforming community space.

- (3) The terms of the conditional use permit shall be documented in a Prospective Development Incentive Agreement (PDIA) to be entered into between the developer and the Planning Department. The maximum term of a PDIA shall not exceed ~~ten (10)~~ fifteen (15) years, following which the rights to any unused incentive shall become null and void.
- (4) The only effect of a conditional use permit and PDIA under this section shall be to increase the allowable **building footprint** or **building height**, or to reduce the required **off-street parking**, in accordance with Section 10.5A43.43 or Sections 10.5A46.10 through 10.5A46.22.
- (5) The granting of a conditional use permit and the execution of a PDIA under this Section 10.5A46.23 shall not be deemed to supersede or waive any of the other provisions of this Article 5A or other applicable provisions of this Ordinance, nor shall such approval be considered to represent the granting of land use approval for any future **development**.
- (6) Future use of the excess **community space** to support a future project shall require the granting of a conditional use permit by the Planning Board, whether or not the **community space** is on the same parcel as the future project.

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

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

This ordinance shall take effect upon its passage.

APPROVED:

Jack Blalock, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

MEMORANDUM

TO: John P. Bohenko, City Manager
FROM: Rick Taintor, Planning Director *RT.*
DATE: April 24, 2017
RE: Proposed Zoning Ordinance amendment to allow excess community space provided by a development in an Incentive Overlay District to be credited for use in another development in the same Incentive Overlay District

Under amendments to the Character-Based Zoning enacted in January 2017, proposed developments in the North End and West End Incentive Overlay Districts are eligible to build with greater building footprint (coverage) or height, or with reduced off-street parking, in return for providing either workforce housing or community space (which must be in the form of specific types itemized in the ordinance, such as parks, plazas, greenways, etc.). The Planning Department has drafted a proposed amendment to allow for “banking” the community space incentives, in order to allow community spaces to be created before a specific development project has been identified. The proposed amendment has been drafted to address a specific development proposal and a planned City open space project, but it also has broader potential applicability in the North End and West End.

At its meeting on April 3, 2017, the City Council voted to refer the draft zoning amendment to the Planning Board for a report.

Background – Proposed Vaughan Street Hotel and Waterfront Park

Cathartes is proposing to develop a new hotel at 225 and 299 Vaughan Street, two parcels that are currently occupied by Sanel Auto Parts and a municipal parking lot. Cathartes also owns an adjacent parcel that extends behind 3S Artspace to North Mill Pond. In order to gain additional building footprint area for the planned hotel, Cathartes proposes to develop the land on North Mill Pond into a public waterfront park, employing an existing provision at Section 10.5A43.43 of the Zoning Ordinance.

The site of the proposed waterfront park is part of the North Mill Pond Path, a multi-use path that the Planning Department has proposed for connecting Market Street to Maplewood Avenue, with an eventual extension down to Bartlett Street. The portion of the North Mill Pond Path between Market Street and Maplewood Avenue is also shown in the North End Vision Plan prepared by TPUDC, and is identified in the Capital Improvement Plan for funding in Fiscal Year 2018. Cathartes’ proposed project, which includes the central portion of the path, is thus timely and would help the City to create this important amenity at lower public cost than without the developer’s involvement.

Under the applicable provision of the Zoning Ordinance, the Planning Board may grant a conditional use permit to allow an increase in building footprint from 20,000 to 40,000 square feet if

at least 30% of the total property area is assigned and improved as community space. The proposed waterfront park has a total area of 43,326 square feet (0.99 acre), which is more area than is needed to provide the building footprint incentive for the proposed hotel. While Cathartes is willing to work with the City to move the North Mill Pond Path project forward, the developer does not want to give up the additional incentive potential that the excess land could provide for a future development. Thus, the developer and the City have a common interest in creating a mechanism to allow the transfer of land for public use to be credited to a future development project.

Proposed Amendment

The draft Zoning Ordinance amendment would authorize the Planning Board to allow a contribution of excess community space to be credited toward a future development project that may not yet be identified and could be carried out either by the current developer or by another landowner in the area. The proposed amendment includes the following provisions:

- If authorized by a conditional use permit from the Planning Board, a developer may convey land to the City for community space and credit that conveyance toward incentives for a future development project in the same overlay district.
- If the developer conveys the land without creating an improved community space (such as a park, plaza, greenway, etc.), the City may build the community space and charge the cost back to the future development project.
- The terms of the conditional use permit will be enshrined in an agreement between the developer and the Planning Department (similar to the agreements that are executed for any approved site plan or subdivision).

While the proposed amendment has been developed in order to allow a specific City project to be funded in part by a specific private development proposal, staff believe that it could have broader applications in the future. For example, during the discussions about the character-based zoning for the West End, some residents raised concerns that the community space provisions could result in the creation of small unconnected green spaces on a project-by-project basis, but there was no mechanism allow multiple landowners to work together to provide larger, more meaningful public spaces. Given the right circumstances, the transferable development rights created by the proposed amendment could be that mechanism, facilitating the eventual creation of a neighborhood park or plaza for the West End.

Planning Board Report

The Planning Board held a public hearing on this draft amendment to the Zoning Ordinance at its meeting on April 20, 2017. The Board voted to recommend that the amendment be enacted with the following four changes:

1. When a developer proposes to contribute unimproved land in lieu of a conforming community space, require the application to include a complete site plan and design for the future community space.

2. In 10.5A46.23(2)(a) of the draft amendment [to be redesignated as (b)], insert the word “excess” before the words “unimproved land” to clarify the intent.
3. Reduce the maximum term of a Prospective Development Incentive Agreement from 15 years to 10 years.
4. Insert a new provision requiring the grant of a conditional use permit by the Planning Board in order for a developer to be able to use the excess community space to support a future project, regardless of whether the future project would need a conditional use permit otherwise.

The attached revised amendment incorporates the Planning Board’s recommended changes (additions underlined, deletions ~~struck through~~) and is the version that should be presented for first reading at the May 1st City Council meeting.

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That the Ordinances of the City of Portsmouth, Chapter 10 – Zoning Ordinance, be amended as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

A. In Article 6 – Overlay Districts, Section 10.630 – Historic District, subsection 10.633.20 – Exemptions from Certificate, insert a new item (27) as follows:

(27) Parking ticket kiosks, freestanding signs and other site elements related to public parking in private parking lots when authorized under a permit from the Department of Public Works.

B. In Article 12 – Signs, Section 10.1222 – Signs Not Requiring a Permit, amend Section 10.1222.20 to read as follows:

10.1222.20 Directional signs or information signs with a sign area up to 4 square feet, located so as not to create a traffic safety hazard or to block line of sight from a motor vehicle. ~~A directional sign with a sign area greater than 4 square feet requires a sign permit.~~ **A directional or information sign pertaining to public parking in a private parking lot that has been authorized under a permit from the Department of Public Works is exempt regardless of sign area.**

C. In Article 12 – Signs, Section 10.1290 – Sign Definitions, amend the definition of “Information sign” by changing the words “2 square feet” to **“4 square feet.”**

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

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

This ordinance shall take effect upon its passage.

APPROVED:

Jack Blalock, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

M E M O R A N D U M

TO: John P. Bohenko, City Manager
FROM: Rick Taintor, Planning Director *RT.*
DATE: April 24, 2017
RE: Proposed Zoning Ordinance 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

At its March 6, 2017, meeting the City Council passed third reading on an ordinance relating to signs for public parking in a private parking lot. This ordinance was enacted as an amendment to the City Ordinances, Chapter 7, Article I – Parking Meters, and requires that any sign located at the entrance to a private parking lot receive a permit from the Department of Public Works.

Signs on private property are also regulated Article 12 of the Zoning Ordinance. In order to avoid duplication of reviews and potential conflicts between different City ordinances and department, staff recommends that signs relating to public parking on private lots be exempt from zoning regulation if the public parking use is allowed through a permit from DPW. This exemption would apply both to signs at the entrance to the lot and to any signs in the interior of the lot that relate to public parking.

In addition to the sign standards, the Zoning Ordinance also provides for Historic District Commission review of new structures (including ticket kiosks and freestanding signs) in the Historic District. Therefore, it is also recommended that such structures be exempt from HDC review if the public parking use has been allowed through a permit from DPW.

The Planning Department drafted the attached amendment to the Zoning Ordinance to implement these exemptions, and the City Council voted at its March 20th meeting to refer this proposed amendment to the Planning Board for a report.

At its meeting on April 20, 2017, the Planning Board voted unanimously to recommend that the Zoning Ordinance be amended as proposed.

ORDINANCE#
THE CITY OF PORTSMOUTH ORDAINS

That Chapter 1, Article XVII, Section 1.1704 – EXEMPTION of the Ordinances of the City of Portsmouth be amended as follows (deletions from existing language **stricken**; additions to existing language **bolded**; remaining language unchanged from existing):

Section 1.1704: EXEMPTION

By a two-thirds (2/3) vote, the City Council may exempt a municipal building, such as a water or sewer plant, from the Public Art Commitment described in Section 1.1702 if the purpose of this ordinance would not be fulfilled due to the building's inaccessibility to the public, location, use or other factors." **Any Council determination to exempt a building under this provision shall be made no later than the final vote of the Council authorizing the funding for the project.**

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

ORDINANCE #
THE CITY OF PORTSMOUTH ORDAINS

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

Section 7.105: PARKING

C. DESIGNATED MOTORCYCLE PARKING AREA

The following location is established as an exclusive “Designated Motorcycle Parking Area” for the months of April 1st through November 30th only:

- 1. Pleasant Street: On the easterly side of Pleasant Street, beginning at a point 24 feet south of the extension of the southerly curb line of Market Square running southerly the distance of 24 feet.**

Motorcycles are subject to *reduced* parking meter fees for the hours of enforcement as set forth in this Chapter *in this Designated Motorcycle Parking Area*. *When more than one Motorcycle parks in a regular parking space only one of the Motorcycles occupying the parking space shall be required to pay for the parking space at the regular parking rate as set forth in this Chapter.*

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

ORDINANCE #
THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, Article V, Section 7.5 – BICYCLE REGULATIONS 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):

~~Section 7.501: LICENSE REQUIRED~~

~~From and after the effective date of this Ordinance, it shall be unlawful for any person to operate or use a bicycle propelled by muscular power upon any of the streets or alleys or public highways of the City of Portsmouth without first procuring from the Police Department a license therefor.~~

~~Section 7.502: ISSUANCE OF LICENSES~~

~~The Police Department is hereby authorized and directed to issue licenses which shall be valid for the life of the bicycle.~~

~~Section 7.503: IDENTIFICATION TAGS – RECORD KEPT BY POLICE DEPARTMENT~~

~~The Police Department shall designate and provide identification tags for the use of the license and will direct the manner of placing such tags on the bicycle by the licensee. The Police Department shall keep a record of the name of the licensee, the number of the tag and a description of the bicycle so registered.~~

~~Section 7.504: LICENSE FEES – TRANSFERS~~

~~The license fee to be determined in accordance with Chapter 1, Article XVI or similar wording and said license shall be transferred whenever the ownership of said bicycle is transferred but no fee shall be charged for this transfer. All fees collected under this Ordinance shall be paid by the Police Department into the Treasury of the City of Portsmouth. The license fee may be waived at the discretion of the Police Department.~~

Section 7.5015: RIDING ON SIDEWALKS

No person shall ride or propel any bicycle **with wheels of 16” or more in diameter upon any sidewalk in the City of Portsmouth. This shall not prohibit operation of a bicycle on a path that is signed and marked as a designated shared-use path with a minimum width of 8’.**

Section 7.5026: MANNER AND SPEED OF OPERATION

No person shall ride or propel a bicycle **upon any public way** ~~upon a public street, alley or highway~~ except in a prudent and careful manner and at a reasonable rate of speed and must exercise due care around pedestrians and must yield to pedestrians.

Section 7.5037: EQUIPMENT REQUIRED

No person shall ride or propel a bicycle upon any public ~~way street, alley or highway~~ in the City of Portsmouth unless ~~the said bicycle is~~ **the steering, brakes, tires and other required equipment are in safe condition.** Helmets are required for all persons riding on or operating a bicycle under the age of sixteen. ~~equipped with a bell or horn (except siren) or other suitable warning device, and a brake in proper working order.~~

Section 7.5048: LIGHTS, WHEN REQUIRED

~~It shall be unlawful to ride or propel a bicycle on any street, alley or highway of the City of Portsmouth after darkness unless the same shall be equipped with sufficient light, attached to the front of said bicycle, visible from the front thereof for a distance of not less than 200 feet and properly lighted; no without a tail light, red in color, or in lieu thereof, a reflector attached and visible from the rear for a distance of not less than 200 feet.~~

Every bicycle operated upon a public way during darkness shall be equipped with a lamp emitting a white light visible from a distance of 300 feet in front of the bicycle and with a red reflector or red light on the rear, which shall be visible from a distance of 300 feet to the rear. Every bicycle operated upon a public way during darkness shall have reflectors on both pedals or wear reflector leg bands on operator's lower extremity or other reflectors on legs or shoes visible from 200 feet. Any person operating a bicycle during the period from one half hour before sunrise and one half hour after sunset must wear at least one item of reflective outerwear apparel such as a reflective vest, jacket, helmet or helmet strip.

Section 7.5059: OBSERVANCE OF TRAFFIC REGULATIONS

~~Persons riding bicycles shall observe all traffic signs and signals; shall stop at all stop signs and shall further observe all traffic rules and regulations applicable thereto; shall turn only at intersections and the operator shall signal for all such turns; he/she shall ride at the right hand side of the street, alley or highway; shall pass to the left when passing overtaken vehicles that are slower moving; shall pass to the right upon meeting other vehicles approaching in the opposite direction.~~

Every person riding a bicycle shall have all of the rights and be subject to all of the duties applicable to the driver of any other vehicle under the rules of the road, except as follows:

- A. A person propelling a bicycle may pass a slower-moving vehicle in the same lane provided such movement can be made with reasonable safety.
- B. A person propelling a bicycle may pass a stationary or stopped motor vehicle on the right.
- C. A person propelling a bicycle upon a way at a speed less than the normal speed of traffic moving in the same direction at that time and place shall remain on the right portion of the way as far as practicable except when it is unsafe or impractical to do so or where signage or pavement markings are provided which indicate that it is acceptable for bicycles to use the full lane.

Section 7.51406: HANDS ON HANDLEBARS

No person shall operate or propel any bicycle without having at least one of his/her hands upon the handlebars thereof.

Section 7.51407: RIDING ON HANDLEBARS

No person operating or propelling a bicycle having only one saddle shall carry any other person on said bicycle.

Section 7.51208: CLINGING TO VEHICLES

It shall be unlawful for any person while riding or propelling a bicycle to hold onto a moving bus, truck or any other vehicle.

Section 7.51309: RIDING ABREAST ON ROADWAYS

~~No person shall ride or propel a bicycle upon a public street, alley or highway in the City of Portsmouth abreast of any other person so riding or propelling a bicycle.~~

Persons riding bicycles 2 or more abreast on a public way shall not impede the normal and reasonable movement of traffic and, on a laned roadway shall ride within a single lane.

~~Section 7.514: TRANSFER OF ASSIGNED IDENTIFICATION TAG~~

~~It shall be unlawful for any person to attach or permit to be attached to a vehicle any registration tag assigned and issued by the Police Department to another vehicle.~~

~~Section 7.515: DEFACING OF IDENTIFICATION TAG~~

~~It shall be unlawful for any person to change, erase, or deface any number or numbers used for the identification of any bicycle.~~

Section 7.5106: UNATTENDED BICYCLES BICYCLE PARKING

~~All bicycles, when left unattended upon the streets, alleys or highways of the City of Portsmouth shall be parked in the same manner as prescribed for motor vehicles on that street, alley or highway. No bicycle shall be left unattended against or adjacent to any business establishment, building or apartment house in the City.~~

No person shall park a bicycle in a manner that:

- A. **Impedes the flow of motor vehicle traffic on roadways or the normal and reasonable movements of pedestrian traffic, including but not limited to crosswalks, sidewalks, and building entrances.**
- B. **Prevents or impedes the operation of or access to a parking meter, parking pay station, traffic control device.**
- C. **Hinders or restricts access to handrails or ramps.**
- D. **Hinders, obstructs or impedes the movement of a legally parked motor vehicle.**
- E. **Bicycles shall not be parked on public roadways except in an area signed and otherwise designated for bicycle parking.**
- F. **Bicycles shall not be secured to or parked against a tree.**
- G. **At no time shall bicycles be secured or parked against a fire hydrant.**
- H. **At no time shall bicycles be left unattended on private property without the consent of the owner or legal tenant.**
- I. **Bicycles may park on a public way or on public property for a maximum consecutive time period of 72 hours except in an area signed and otherwise designated for long-term parking.**

Section 7.5117: PENALTIES

~~Upon a conviction of any offense under this ordinance, which alleges that a person has had one or more convictions under this ordinance within five (5) years preceding the date of the subsequent offense, the person shall be subject to the following penalties:~~

first offense	\$20
second offense	\$40

~~third and each subsequent \$60
offense~~

~~Any fine to which a violator is subject under this ordinance may be paid to the Clerk of Court of the Portsmouth District Court at any time prior to trial in any case charged under this ordinance.~~

Any person violating any provision of this ordinance shall be subject to a civil infraction of \$35, made payable to the Parking Clerk of the City of Portsmouth or the operator may be deprived of his/her bicycle until the provisions and requirements of this Chapter have been complied with.

Section 7.5182: APPLICABILITY

The foregoing Ordinances and rules and regulations herein contained shall apply to bicycles with wheels of 16 inches or more in diameter only.

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

ORDINANCE #
THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7 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 XVII MOPED REGULATIONS

Section 7.1701: DEFINITION

"Moped" shall mean a motor-driven cycle whose speed attainable in one mile is 30 miles per hour or less; if an internal combustion engine is used, the piston displacement shall not exceed 50 cubic centimeters and the power-drive system shall not require the operator to shift gears.

Section 7.1702: PARKING

Mopeds may park on public sidewalks, provided that they are not parked in a manner that:

- A. Impedes the flow of motor vehicle traffic on roadways or the normal and reasonable movements of pedestrian traffic, including but not limited to crosswalks, sidewalks, and building entrances.**
- B. Prevents or impedes the operation of or access to a parking meter, parking pay station, traffic control device.**
- C. Hinders or restricts access to handrails or ramps.**
- D. Hinders, obstructs or impedes the movement of a legally parked motor vehicle.**
- E. Mopeds shall not be secured to or parked against a tree.**
- F. At no time shall a moped be secured or parked against a fire hydrant.**
- G. At no time shall mopeds be left unattended on private property without the consent of the owner or legal tenant.**
- H. Mopeds may park on a public way or on public property for a maximum consecutive time period of 72 hours except in an area signed and otherwise designated for long-term parking.**

Section 7.1703:

A moped parked on a sidewalk shall display a license plate identifying the vehicle as a moped, or shall display a permit issued by the City of Portsmouth identifying the vehicle as complying with the definition of a moped as defined in Section 7.1701.

Section 7.1704 PENALTY

Whoever violates, or permits or allows anyone in control of their moped to violate this ordinance, shall forfeit to the City of Portsmouth the sum of twenty-five dollars (\$25.00). In the event that payment of such forfeiture amount is not made within thirty (30) days of the violation, forfeiture shall be in the sum of fifty dollars (\$50.00). In the event of failure to make such forfeiture the violator shall be subject of a fine of not more than one hundred dollars (\$100.00) upon conviction of the violation in the Portsmouth District Court.

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

June 13, 2017

Mr. John Bohenko
City Manager
1 Junkins Avenue
Portsmouth, NH 03801

Dear Mr. Bohenko –

We are writing today on behalf of Bottomline Technologies, located at 325 Corporate Drive, Portsmouth as we have received approval from the Pease Development Authority to host another 5K. Our beneficiary for the event is Families First. We have secured approval from the Pease Development Authority to host the event on September 16, 2017 at 9:00am, utilizing the same race route as last year. As one of the primary resources offering to coordinate the event, we'd like to gain your approval, and with that reach out to the Police Captain to get Police Detail scheduled. We would be more than happy to set up a meeting at your convenience to discuss this further.

Thank you in advance for your consideration and we look forward to hearing from you soon.

We can be reached via email/phone
mmikulski@bottomline.com or 603-501-5335
h Tennent@bottomline.com or 603-501-6653

Kind regards,

Holly Tennent and Melissa Mikulski

Hi John and Ann,

Once again, my yearly note to connect with the city regarding our Telluride by the Sea film festival and the closing of Chestnut Street this year throughout the weekend of Sept. 15-17.

Nothing different this year, all the same. We generally are given barricades on the Friday morning (9/15 this year) and put them up and take them down (both ends - Congress and Porter Ave.), according to the movie and queue schedule.

Here is our (draft) schedule. Times are approximate at this point.

Friday, 9/15:

5:30pm: Queues begin to form on Chestnut in front of TMH: live, unamplified music on the street.

7:30pm: Film at TMH, then after party at Radici

Saturday, 9/16:

10:30am: Film at Loft

1:30pm: Film at TMH

3:45pm: Film at Loft

6:15pm: Film at TMH

8:30pm: Film at TMH

Sunday, 9/17:

1:30pm: Film at TMH

4pm: Film at Loft

6:30pm: Film at TMH then End of festival

I look forward to hearing about whether you'd like me to come meet with department heads, per usual, and whether we are approved for the closure, etc...

Thanks and best,

~Chris

p 603.766.2199

ccurtis@themusichall.org

www.themusichall.org

M E M O R A N D U M

TO: John P. Bohenko, City Manager

FROM: Juliet T. H. Walker, Planning Director *JTW*

DATE: June 13, 2017

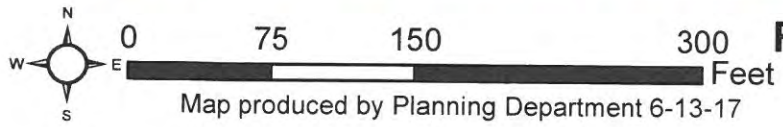
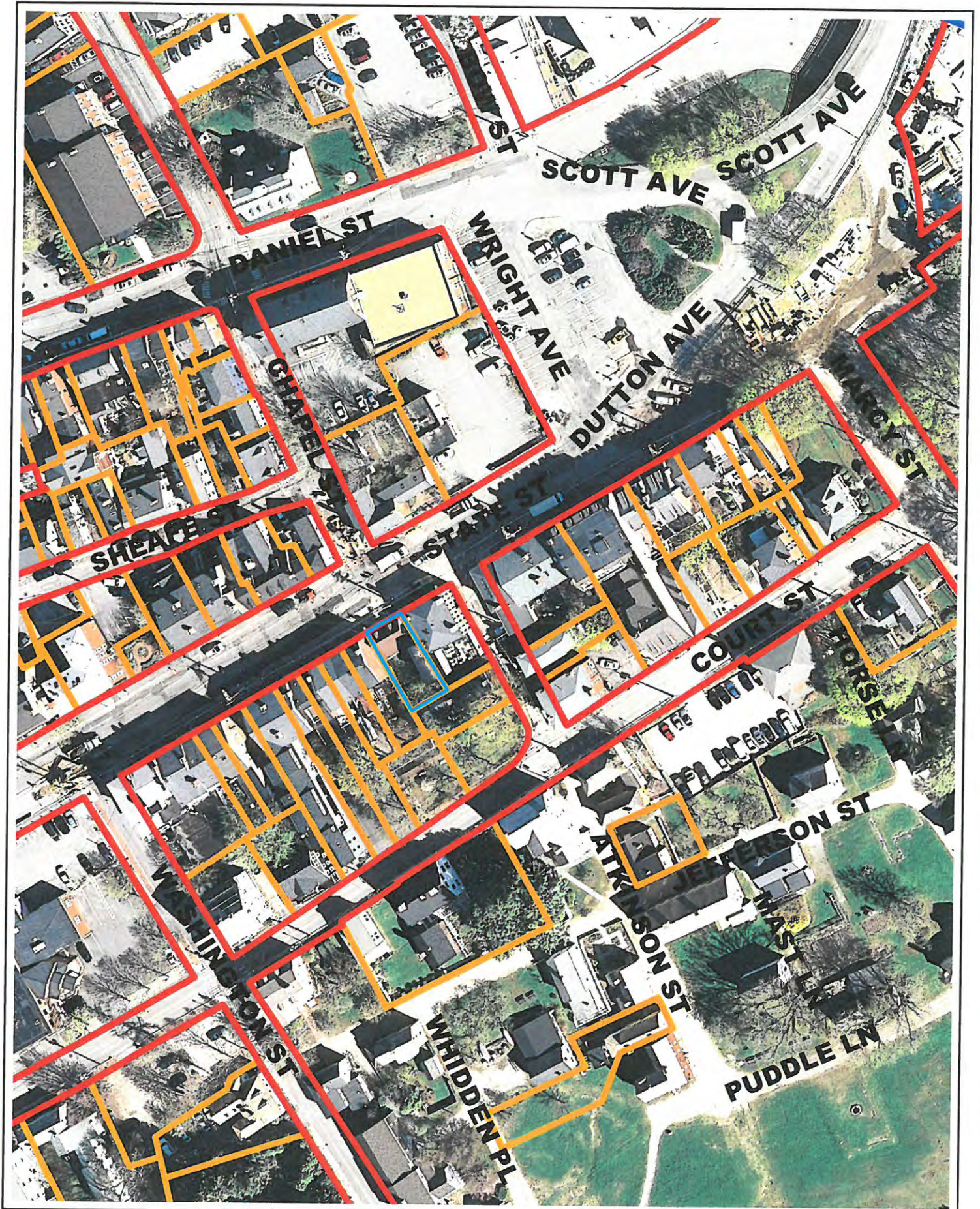
RE: City Council Referral – Projecting Sign
Address: 100 State Street
Business Name: The Treehouse School of Portsmouth
Business Owner: Kristin Fichera

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

Sign dimensions: 20" x 20"
Sign area: 2.8 sq. ft.
Height from sidewalk to bottom of sign: 7'

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
100 State St

Map produced by Planning Department 6-13-17



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.

5/25/17

RETURN SIGNED TO: 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.

Member of:
GREATER DOVER
 GREATER PORTSMOUTH
 the Greater York Region
 CHAMBER OF COMMERCE
 Chamber of Commerce

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.

Shop Use Only

Materials: SS DS

Background Color: Vinyl Color: HP Int

Other:

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): 100 State Street Map #: Sign District: **3**
 Business Name: The Treehouse School of Portsmouth Phone #:
 Business Owner Name: Kristin Fichera Phone 617-997-1302
 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	20	20	2.8	7.0	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: **2.8 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: _____ 2.8 SF Parapet: _____ SF Temporary: _____ SF


TOTAL SIGN AREA: **2.8 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: 27 Feet - **On Site Plan List Setback dimensions and Location of Signs**

For Office Use:	Allow Area: Factor	<u>2</u>	X	<u>27</u>	Store Front	54 SF TOTAL
Allow FS Hgt. <u>12</u>	Allow Area: Factor	_____	X	_____		SF TOTAL
Allow. Areas: (ea.)	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>	

Stipulations / Comments:

Zoning Official: 

Code Official: _____ Date: 30-May-17

MEMORANDUM

TO: John P. Bohenko, City Manager

FROM: Juliet T. H. Walker, Planning Director *JTW*

DATE: May 31, 2017

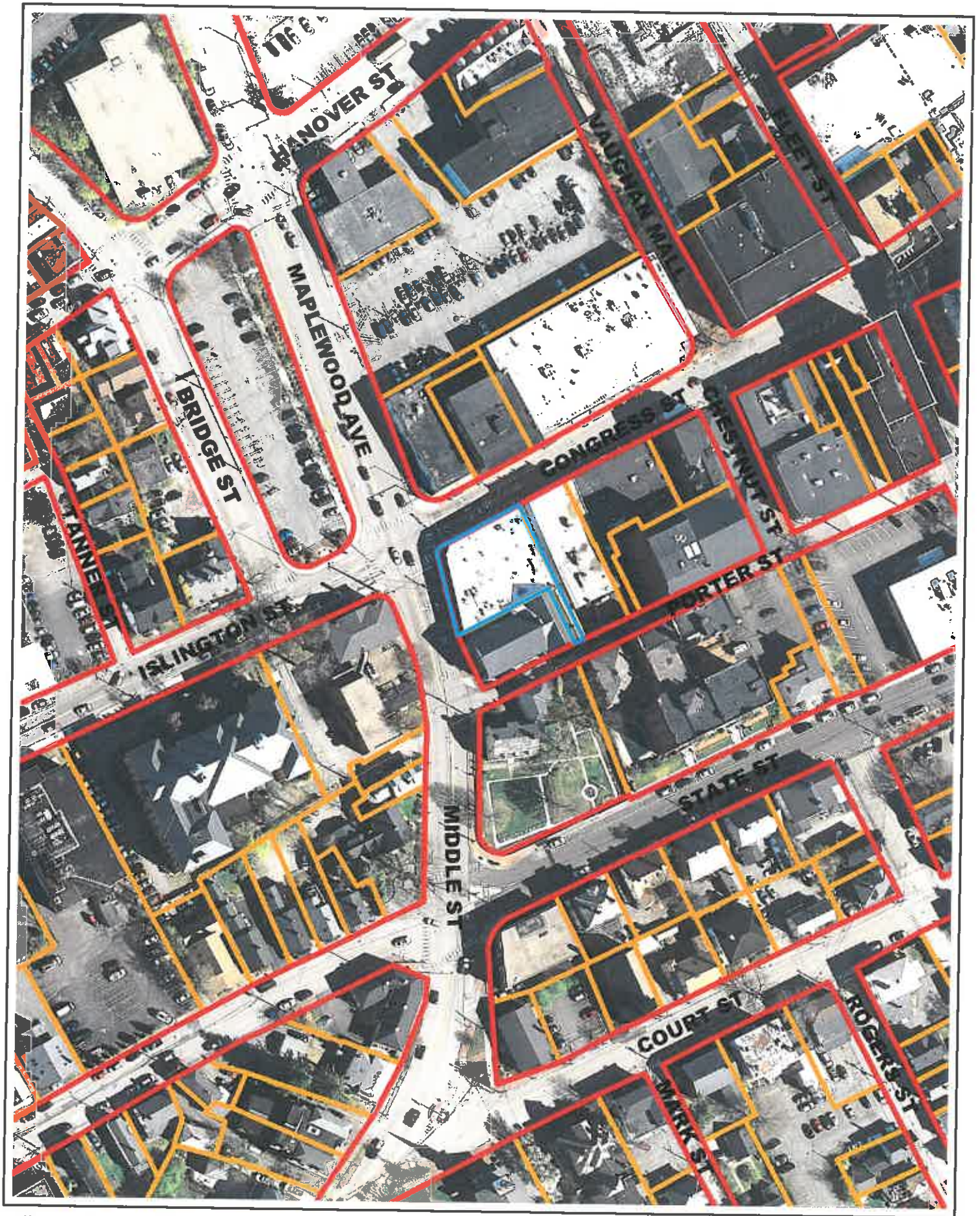
RE: City Council Referral – Projecting Sign
Address: 142-144 Congress Street
Business Name: The Goat
Business Owner: Albert Fleury

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

Sign dimensions: 41" x 41"
Sign area: 11.9 sq. ft.
Height from sidewalk to bottom of sign: 12.5'

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.



0 75 150 300 Feet

Map produced by Planning Department 6-13-17

**Request for Projecting Sign License
142-144 Congress St**

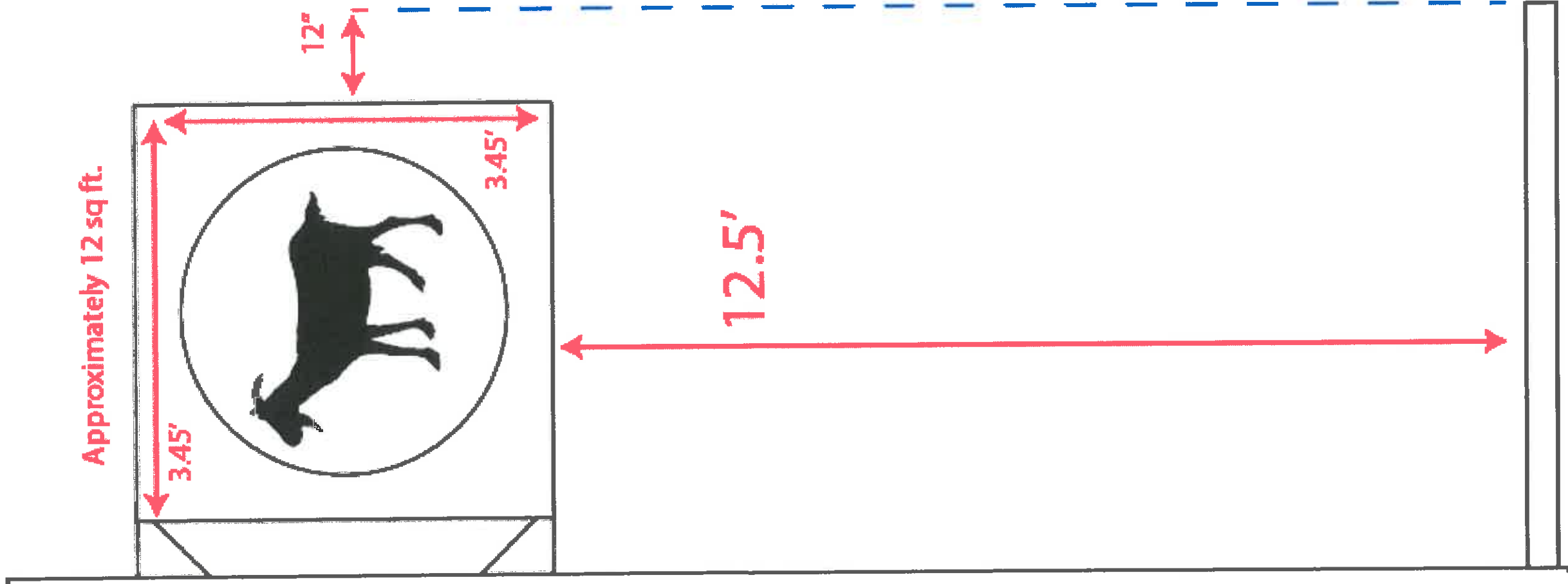


PROPOSED PROJECTION SIGN



EXISTING PROJECTION SIGN

PROPOSED PROJECTION SIGN
142/144 CONGRESS ST. PORTSMOUTH, NH



MATERIALS:
WOOD BOARDS
BLACK AND WHITE PAINT

ALL CURRENT MEASUREMENTS ARE APPROXIMATE.

CITY OF PORTSMOUTH, NH SIGN PERMIT APPLICATION

DATE: 5.4.17

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

Zone Dist.: 3

Street Address of Sign(s): 142/144 Congress Street Map #: _____ Sign District: **CD5**

Business Name: The Goat Phone #: _____

Business Owner Name: Albert Fleury Phone #: _____

Sign Contractor: Adam Prentiss Address: 141 Pine St Danvers MA Phone 978-815-1576

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	41	41	11.9	12.5	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: 11.9 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 _____ SF	Free-Stand.: _____ SF	Canopy: _____ SF
Projecting: 11.9 SF	Parapet: _____ SF	Temporary: _____ SF

TOTAL SIGN AREA: 11.9 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: 30 Feet - **On Site Plan List Setback dimensions and Location of Signs**

For Office Use:	Allow Area: Factor _____ X _____	Store Front _____	SF TOTAL
Allow FS Hgt. _____	Allow Area: Factor _____ X _____		SF TOTAL
Allow. Areas: (ea.) Wall = _____	Projecting = _____	Roof = _____	Marquee = _____
Temp. = _____	Freestd. = _____	Awning = _____	Canopy = _____
Stipulations / Comments:			

Zoning Official:

Code Official: _____

Date: 8-May-17

M E M O R A N D U M

TO: John P. Bohenko, City Manager

FROM: Juliet T. H. Walker, Planning Director *JTW*

DATE: May 31, 2017

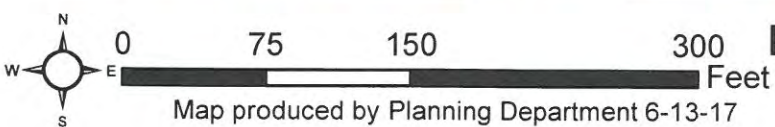
RE: City Council Referral – Projecting Sign
Address: 21 Congress Street
Business Name: Thirsty Moose Taphouse
Business Owner: Joe Kelly

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

Sign dimensions: 148" x 26"
Sign area: 26.7 sq. ft.

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
21 Congress St

EXISTING



- Covering Existing Awning (all lettering will be gone)
- Removing Existing Projecting Sign



89 Oak St. Dover, NH 03820 • 603.742.1517

Job Description: Thirsty Moose Permit

Date: 5.15.17

Proof #: 01

This is an original, unpublished drawing owned by Sundance Sign Company. This drawing is protected under the U.S. Copyright laws. It is being submitted for your viewing only, and is NOT to be shown to anyone outside of your organization. Any use, reproduction, copying or exhibiting this drawing without express written consent of Sundance Sign Company will constitute your agreement to incur all expenses involved with the creation of this drawing, and all legal costs to acquire those costs if required.

PROPOSED



Overall: 148" w x 26" h

Face: 112" w x 26" h

Material: 17" out from wall

Material:

- Dimensional Letters
- PVC/HDU

- Copper Sign Face

Mounting:

- Steel Brackets



89 Oak St. Dover, NH 03820 • 603.742.1517

Job Description: Thirsty Moose Permit

Date: 5.15.17

Proof #: 01

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CITY OF PORTSMOUTH, NH
SIGN PERMIT APPLICATION

DATE: 5.15.17

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

Zone Dist.: CD5

Street Address of Sign(s): 21 Congress Street Map #: _____ Sign District: 3
 Business Name: Thirsty Moose Taphouse Phone #: 427-8645
 Business Owner Name: Joe Kelly Phone #: 608-8415
 Sign Contractor: Sundance Sign Company Address: 89 Oak St Dover NH Phone #: 742-1517

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	1	148	26	26.7	n/a	N
	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						
	10								10						
Awning	11		Not Known					Y	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: 26.7 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:	<u>26.7</u> SF	Awning:	<u> </u> SF	Roof:	<u> </u> SF
Spl. Event	<u> </u> SF	Free-Stand.:	<u> </u> SF	Canopy:	<u> </u> SF
Free-Stand.:	<u> </u> SF	Projecting:	<u> </u> SF	Parapet:	<u> </u> SF
Projecting:	<u> </u> SF	Marquee:	<u> </u> SF	Temporary:	<u> </u> SF

TOTAL SIGN AREA: 26.7 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: 14 Feet - **On Site Plan List Setback dimensions and Location of Signs**

For Office Use:	Allow Area: Factor	<u>2</u>	X	<u>14</u>	Store Front	<u>27</u> SF TOTAL
Allow FS Hgt. <u>12</u>	Allow Area: Factor	<u> </u>	X	<u> </u>		<u> </u> SF TOTAL
Allow. Areas: (ea.)	Wall =	<u>40</u>	Projecting =	<u>12</u>	Roof =	<u>na</u>
Temp. =	Freestd. =	<u>20</u>	Parapet =	<u>na</u>	Awning =	<u>20</u>
					Marquee =	<u>20</u>
					Canopy =	<u>na</u>

Stipulations / Comments:

Zoning Official: 

Code Official: _____

Date: 19-May-17

Dear City Council of Portsmouth,



I am writing you that you may include my inquiry on your next Council meeting. As a brief introduction, I have recently inherited the position and honor of Host of the Poetry After Hours Series, located at RiverRun Bookstore. Due to the influx of our merry citizens departing for school vacations, we are discontinuing the series for the duration of June through August. Therefore, in place of the typical poetry event, I propose organizing an outdoor event of acoustic music and poetry, to take place on July 15th, 2017, from 7pm to 930pm, located on the stage at Vaughan Mall.

Expected attendance hovers around 30 attendees, with 12 artists/poets to headline. It is my understanding that PA/sound systems may be prohibited. I would like to request an exception to this regulation, for several factors play into this event. The primary reason for the necessity of a sound system is that several speakers do not project vocally as well as others. The use of a sound system would ensure that their poetic performance is audible and clear, yet not so amplified as to be a disruption to the businesses and general public in the vicinity. Secondly, the owner of RiverRun Bookstore will be the main entity endorsing the event. Upon discussion with said owner, I am compelled to bring to the discussion the reality that prior similar events had taken place at Vaughan Mall, including the use of a PA/sound system, with great success and minimal issues. Whether there had been ordinances passed since is beyond my knowledge, but at the same time I would still request the capability of implementing said sound system. With this comes the request to use electrical outlets associated with the space.

Lastly, I would like to thank you for your time, consideration and attention. I have included contact info below, should that make communication easier.

Shane Morin

Host

207-294-2905

writestuffnh@gmail.com

Nick Diana
PO Box 4682
Portsmouth, NH 03802
(603) 498-8539
nick@newcastlenh10k.com
June 8, 2017

Mayor Jack Blalock & Portsmouth City Council Members
Portsmouth City

Dear Mayor Jack Blalock & Portsmouth City Council Members:

I am writing to you to request permission to host a running road race that includes multiple streets within the city of Portsmouth, NH. The start of the race is at 9am and finish is at 11am; both start and finish will be at the Great Island Common in New Castle, NH.

I have submitted an *Application for Parade Permit* with the state of NH, on April 27, 2017 (see permit request attached). This event is not a parade, but rather a running road race.

The course route is as follows (see map attached):

1. Depart out of the Great Island Common heading right
2. Run along Route 1B / New Castle Avenue; stay left on New Castle Ave at intersection of Marcy Street
3. Turn left onto South Street
4. Turn left onto Route 1A / Sagamore Avenue
5. Turn left onto Route 1B / Wentworth Road
6. Turn right into the Great Island Common

Portsmouth city limits or roads begin just prior to mile marker 2 and just after mile marker 4. Therefore, it is estimated the first runner will reach Portsmouth city limits at 9:11am (based on a 5:30 min/mi pace). It is also estimated that final runner/walker will be running/walking within Portsmouth city limits at 10:20am (based on a 20 min/mi pace). Most runners will complete the race in under an hour, but we will stay open until 11am for any walkers or slower runners. Based on the estimation above, runners/walkers will only be on the streets of Portsmouth for 1 hour and 20 minutes.

Runners will stay on the right side of the road as they depart the Great Island Common. Runners will switch to the left side of the road at the intersection of New Castle Avenue and Marcy Street. At that point of the race, runners will stay on the left shoulder of the road until crossing the road and turning right, into the Great Island Common to finish the race.

June 8, 2017

Page 2

Race Details:

- Event date: Saturday, April 14, 2018
- Start time: 9am
- End time: 11am
- Estimated number of running participants: 200-400
- Total Distance: 6.2 miles
- Local Charitable Donation: 10% of Profits (charitable organization TBD)
- Number of water hydration stops: 3 (mile markers 1.75, 3, and 4.5)

I plan to work with both Portsmouth and New Castle police departments, fire, and EMTs to ensure all roads are properly marked, and all event participants are safe. A contact card will be provided to all volunteers and police detail with the following information: race officials and director's contact, police/fire/EMT contacts, race details, water stop locations, race directions, etc.

I have been a Portsmouth resident for 16+ years and I live within the downtown area. I have directed a race in the past, as well as collaborated on several race committees. My experience includes event director for a local catering company, logistical coordinator for professional sports teams, and currently as a project manager at a local software firm.

I hope the city will recognize that this race should have a small impact on the city and streets of Portsmouth. The race is early in the morning, tourist season and the farmer's market both haven't begun, and there are no other conflicting events or road races within Portsmouth on this particular Saturday morning or on the following Sunday. Also, even though it has not been determined yet, 10% of the profits of this event will be donated to a local Seacoast based charitable organization. Once the event is confirmed, a charitable organization will be determined.

I sincerely appreciate your consideration and I look forward to hosting this event for years to come.

Sincerely,

Nick Diana

Race Director

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

Today's Date 4/27/17

To: Department of Transportation
 Transportation Management Center
 PO Box 483, 110 Smokey Bear Blvd
 Concord, New Hampshire 03302-0483
 Phone (603) 271-6862
 Fax (603) 271-8626

The "date of activity"
 has been updated with
 the state of NH to
 reflect: 4-14-18

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

Indicative data is shown below:

Type of activity?	Road Running Race, 6.2 Miles (10K)
If so, what type (foot, bike, etc.)?	Foot Race
Will event effect highway safety?	No
Will highway traffic be delayed?	No
If so, how long?	-
Will highway traffic be detoured?	No
Name of sponsoring organization:	Nick Diana
Mail permit to:	PO Box 4682, Portsmouth, NH 03802
Phone no. where I may be reached:	603-498-8539
Purpose of activity:	Community Road Race
Name of Municipality:	Portsmouth, NH and New Castle, NH
Date of activity:	Sunday, April 1, 2018
Starting and ending times:	9am - 11am
State route(s) to be traveled:	Map provided
Traffic control provided by:	New Castle, NH Police Department Portsmouth, NH Police Department

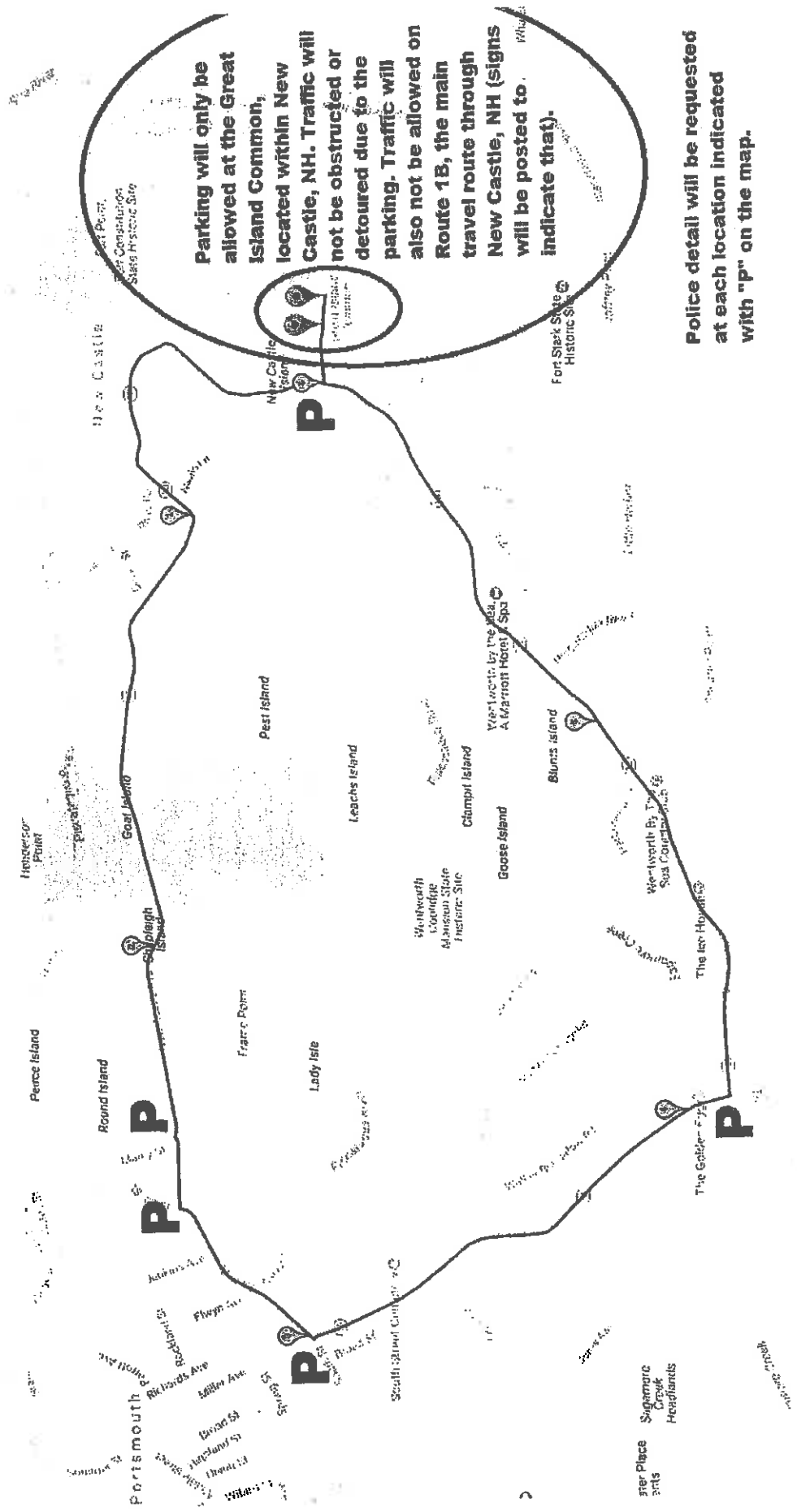
Approved by Town Officials - NEW CASTLE, NH

[Signature]
 Selectmen / Town Manager / Police Chief
 (circle one)

Signed by [Signature]
 (Applicant)

[Signature] - Portsmouth, NH
 Selectmen / Town Manager / Police Chief
 (circle one)

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



Parking will only be allowed at the Great Island Common, located within New Castle, NH. Traffic will not be obstructed or detoured due to the parking. Traffic will also not be allowed on Route 1B, the main travel route through New Castle, NH (signs will be posted to indicate that).

Police detail will be requested at each location indicated with "P" on the map.

Star Place
Sugarmore
Creek
Headlands



Board of Police Commissioners
of the
City of Portsmouth, N.H.

June 14, 2017

Honorable Mayor
Portsmouth City Council
PORTSMOUTH CITY HALL
1 Junkins Avenue
Portsmouth, NH 03801

**RE: Additional Information on Points
Raised at the City Council Retreat**

Dear Mayor and Council:

Enclosed please find the document and supporting information referenced during the June 5th public comment session of the city council meeting. This document will correct statements made during last month's city council's retreat regarding the function and responsibilities of the Police Commission.

It is our goal to equip the council to make an informed vote when the matter is taken up at your June 19th meeting.

Respectfully submitted,

Brenna Cavanaugh, Chair
PORTSMOUTH POLICE COMMISSION

BC:KML

ENCLOSURES

Clarification of Several Items Raised At The City Council Retreat Regarding The Police Commission

City Council Retreat Item Raised	Clarification
<p>"...was actually surprised to find out that there is a National Organization for civilian oversight. This is a topic that people across the county talk about..."</p>	<p>NACOLE (National Association of Civilian Oversight of Law Enforcement) is that organization.</p> <p>The Portsmouth Police Commission have been members since May of 2015. It provides a wealth of information, support, and resources.</p>
<p>"...with three people who are basically in charge of something as powerful as the police commission, and as we have seen, two of them have to frequently recuse themselves, you really have put the decision making for the most powerful, oversight of the most powerful group who can take away civil liberties in the hands of maybe one person..."</p>	<p>It is impossible for just one person on the commission to control anything. A two-thirds majority vote is required for a motion to pass.</p> <p>Recusals are quite rare and are done only for significant reasons such as ethical obligations, conflict of interests, etc.</p>
<p>"...as a councilor, who people feel maybe is responsible for this.... [we are] impossibly removed from having any influence over this..."</p> <p>"...And, right now, it is awkward that that relationship would only be expressed [as] do we want to change the charter or not..."</p>	<p>. The city council may set meetings with the police commission to discuss personnel matters in their non-public, as well as seek information in their public session as often as they deem necessary to remain up-to-date on police topics in the course of executing their duties. Such informational meetings are not prohibited by the charter and would be welcome.</p> <p>The commission has sought often to have the councilors come into the police department and ride-a-longs, participate in the Citizen's Police Academy to understand the breadth of duties and requirements. The councilors are welcome and encouraged to stop in to the police department. It is your police department.</p>
<p>"...we still need to do something I think to make sure that we are not put in the vulnerable position that we have been over the last couple of years, of basically having a black box that we have no influence over whether its contracts, yes we approve the bottom line, we can reject contracts, but we really have very little influence..."</p>	<p>Regarding contracts, the responsibility to approve or deny a contract lies with the city council.</p> <p>The influence the city council has had on the current contracts is significant.</p> <p>Through the city negotiator, the city councils' influence resulted in the following items appearing in police contracts (usually "citywide" type items).</p>

	<p>They include:</p> <p>No accrued sick leave payouts for employees hired after 1998. (impacted employee retirement benefit payouts too)</p> <p>Health insurance – Plans agreed to and more importantly, the increase in employee contribution rates.</p> <p>The 10-yr rolling COLA vs. the regular annual COLA increase.</p> <p>Outside Work details reduced in areas in the city in favor of flaggers (footnote in Local 11-contract re: change in city ordinance).</p>
<p>“...Including a number of people in this community who are in leadership positions who are not comfortable talking about it [the police commission] in public...”</p> <p>“... talk about something that happened to one of their kids, how upset they are, that they wouldn’t bring it up to anybody, and there is nobody to bring it up to...”</p>	<p>The commission takes in citizen complaints and citizen issues from a very broad demographic. The commission would urge any councilor who receives a complaint about a police officer to immediately inform the police commission so it can be investigated and resolved through the formal procedures.</p> <p>Commissioners past and present have received many, many emails, phone calls, and letters from concerned citizens over the past several years.</p> <p>Each inquiry is treated with the same amount of importance and swiftly handled, in compliance with our Standard Operating Procedure P-251 Citizen Complaints and Internal Investigation Procedures which complies with CALLEA standards.</p> <p>Also, as you saw in our annual report submitted to the city council in May, on page 10, gives the number of and findings of the 2016 citizen complaints received.</p>
<p>“...Certainly the concern occurred even before the selection of the new Chief I think, many of us attended the meeting the other night. I will trust the people who made the selection have done it with full information, though clearly there is going to be a cloud over that, the cloud has already started whether it is fair or not, but you can do the googling yourself, and</p>	<p>The new Chief has over 30 years of service with a significant number of commendations and recommendations from superiors. The Chief’s accomplishments stand on their own and any questions were satisfactorily addressed.</p> <p>The bar was high for Portsmouth’s Chief . The input from the panels, which included city councilors and</p>

<p>you will raise more in your eyes than the newspaper has raised so far, so we are in for another couple of years of probably cloudiness over our police commission...”</p>	<p>the city manager, strongly indicated the best candidate was Chief Merner and the Police Commission agrees.</p>
<p>“...was when we had the opportunity after Chief Magnant retired, to have a search, and I was the one councilor who, suggested at that time, that instead of promoting from within, we should have a search, we should take a look at it, even if we selected from within, it would be good practice...”</p>	<p>In a police department that is working well, promotions from within are normal as a police department is a paramilitary unit. Like in the military, an experienced officer with the historical knowledge of the department and city, familiarity with the terrain, people, standard operating procedures, knowledge of the laws of the state and city all creates a seamless change of command.</p> <p>Succession planning is started early in officers careers so when a Chief retires, there are several who have the experience, knowledge and years at each level of the organization and who are ready to take command.</p> <p>When something out of the ordinary happens, such as too many retirements of command level officers, and the resulting command staff is too ‘green’ in terms of experience to take on the position of Chief of Police, that would be the time to bring a leader in to mentor and prepare for the next line of succession.</p>
<p>“...I think when people talk about civilian oversight of the police department what they really mean is a civilian review board. They don’t understand how that is different from a police commission in our form and that is unfortunate....”</p>	<p>The discussions on the police commission in the past and present clearly reveal that the public does know what their police commission is responsible for. The public comes before the commission at meetings, at events, during unplanned encounters during the day, calls to commissioners, and also sends emails to express their thoughts or to inquire about a wide range of topics to include police actions, traffic in a neighborhood, the opioid problem in the city, the budget, staffing, overtime, the commissions choice of a Chief, CALEA, etc. , etc. etc. There are years and years’ worth of letters in the newspaper and on the city server that reflect a good public understanding of the commission as it is currently structured, along with its duties and responsibilities.</p>
<p>“...They insulated the police department from any oversight for years and years and years. And I don’t think our citizens right now have</p>	<p>The day-to-day operations of the police department fall on the Police Chief by law. The commission is in essence the “board of directors” of the department</p>

<p>any way, as we have seen with the various spat of law suits that the city has been handed..."</p> <p>"...That is my biggest concern in this. What we always seem to have is a small group of people who protects the police and we don't have an outward facing connection..."</p>	<p>making decisions on funding, initiatives, grants, procedures, and addressing complaints and issues as they come up. The Standard Operating Procedures, Rules and Regulations, and collective bargaining agreements all contain parameters for operations. However, when a protocol is not followed, or a poor decision or mistake is made, it can result in a small or significant issue for the department.</p> <p>When this happens, it is addressed by the commission when they learn of it, and in most cases in conjunction with council from the legal department. The commission doesn't act in a vacuum when an issue is raised, nor does it insulate the issue from the public. However, personnel issues are non-public issues. An employee, like anyone in the public who is accused, <i>is innocent until proven guilty and deserves due process.</i></p> <p>In most cases, a police department would 'go to the mat' to prove their case in court and not settle because integrity is always an issue. However, today's reality is, "settling" is almost always cheaper than arguing a case in court. Such decisions are made by the city and are not in the hands of the police commission.</p>
<p>"...If you have watched the police commission meetings. You know that they take about 20 minutes. Everything has been carefully rehearsed..."</p>	<p>In 2016 the mathematical average of police commission meeting lengths comes to 1 hour and two minutes. Currently for 2017 the average comes to 51 minutes. There were a couple of meetings in the past two years that were under 25 minutes due to a light agenda. The police commission follows the agenda for each meeting, which is not a "rehearsal"; we follow the outline of the meeting.</p>
<p>"...The Police Commission meets occasionally at odd times of the day, most of their meetings are non-public..."</p>	<p>The Police Commission has a standing public monthly meeting the fourth Tuesday of each month. Non public meetings, like the council, are held prior to the public meeting and at other times during the month as needed. As the council is aware we are required by law, 91-A, to hold certain discussions in non-public. Such meetings are always held prior to the monthly public meeting, and as needed throughout the month, during standard business hours, not at "odd hours".</p>
<p>"...That the things that would get talked about every day in normal police work that would</p>	<p>Everything from budget and grants to traffic and the opioid crisis are discussed. CALEA updates and new</p>

<p>have to be issues, don't have a place where they are talked about in public..."</p> <p>"...And yet they are totally happy to have the people who wear guns and can put them in jail do everything behind closed doors. Without having any public input or having any way to address that..."</p>	<p>initiatives, plus numerous other items and projects are discussed in meetings. We host numerous presentations as well. We also provided an annual report this year to cover all the 2016 achievements, as well as a strategic plan (which was publically presented in February).</p> <p>Law Enforcement work is very different than the work municipal, school and fire departments. "Normal" police work, by nature and by law, is often confidential as to protect victims, witnesses, and the integrity of a case. The arrestee names are published in the paper and dispatch calls, but all the work behind the scenes is not public and therefore can't be discussed in a non-public meeting. The same is true for a complaint, as that becomes a personnel matter if it is directed toward an employee, and often times a citizen complainant wishes to remain anonymous or confidential to the police commission, which is honored.</p>
	<p>The Commission is providing a copy of the following items for your reference:</p> <ul style="list-style-type: none"> • Rules and Order of the Portsmouth Police Commission • Citizen Complaint Standard Operating Procedure • Discipline Policy • Employee Grievance Procedures (from union contracts)

Clarification of Several Items Raised At The City Council Retreat
Regarding The Police Commission

Attachment 1

Rules and Orders of the Portsmouth Police Department

RULES AND ORDERS OF THE PORTSMOUTH POLICE COMMISSION

RULE 1. REGULAR MEETINGS

The regular meetings of the Commission shall be held on the third Tuesday of each month starting no earlier than 4 p.m. and at a time set by the Commission. Additional work sessions may commence at any time with at least 48 hours public notice.

RULE 2. SPECIAL MEETINGS

Special meetings may be held following written request via personal service or electronic mail by any commissioner or the chief of police with at least 24-hour notice to the public regarding time, place and the subject matter of the meeting.

It shall be the duty of the chief of police, or his or her designee, immediately upon receipt of written request for a special meeting to make every diligent effort to notify each member of the commission either in person, by telephone or electronic mail. The chief of police or his or her designee shall also post notices of the special meeting in a conspicuous place in City Hall and the Police Department, and shall make every effort to publicize the meeting by way of local news media. Only matters set forth in the notice shall be discussed and/or acted upon during the meeting.

RULE 3. WORK SESSIONS

Upon request of any commissioner or chief of police, the Commission may meet in "work sessions." Each work session shall be devoted exclusively to subjects for which the preliminary receipt and discussion of information is deemed appropriate. Work sessions shall be open to the public and notice procedures for regular meetings shall be followed. Additional work sessions may commence at any time with at least 48-hours public notice. No motions or votes shall be taken during work sessions.

RULE 4. NON-PUBLIC and NON-MEETINGS

Upon receiving information from the city attorney, chief of police or any commissioner, the commission may make a motion to go to non-public session or non-meeting. Every effort shall be taken to give the public prior notice of the date, time, location and general subject matter of the non-public or non-meeting, unless a matter is brought to the commission's attention during a current meeting.

RULE 5-A. COMMISSION MEETING AGENDA

All topics, reports, communications, resolutions, or other matters to be considered during the commission's next meeting shall be delivered to the Chair of the commission who will submit to the chief of police or his or her designee by 12:00 P.M. on Wednesday of the prior week. The chief or designee, in conjunction with the Chair shall then arrange a list of

such matters according an agenda or "order of business." The chief of police or designee shall furnish each member of the commission with a copy of the agenda no later than 12:00 P.M. on Monday, one day prior to the commission meeting, and shall make copies of the agenda available to the public in the Office of City Clerk.

RULE 5-B. AGENDA ITEMS

All members shall have equal right to submit items for the agenda. Agenda items shall be submitted to the Commission Chair or his/her designee no later than 12:00 P.M. on Wednesday, one week prior to the next commission meeting. The Chair shall not have a unilateral right to reject items submitted by other members of the Commission. No member, including the Chair, shall submit agenda items on behalf of other commissioners without giving them prior notice and subject to their approval. Any violation of this rule by any member of the commission shall result in public censure.

RULE 6. CALL TO ORDER

The Commission Chair shall take the chair at the hour appointed for the meeting and shall call the members to order. ~~A roll call shall be taken to determine if a quorum is present.~~

RULE 7-A. ABSENCE OF ANY MEMBER

No meeting shall be held unless all three members of the commission are present in person, by computer, mobile device or telephonically.

RULE 7-B. REMOTE ATTENDANCE OF MEMBERS

Pursuant to RSA 91- A:2, III, the Portsmouth Police Commission permits board members to participate in a meeting remotely. Members may only participate remotely if physical attendance is not reasonably practical and the reason must be stated in the minutes. Public must be able to discern remote participation at the meeting site, and members must be able to hear and speak with each other simultaneously. (Speakerphone, Skype, etc.)

In the event of remote participation of the Chairman, the Chair will open the meeting remotely and a motion by a physically present member shall be made to designate another member as temporary Chair for the meeting.

RULE 8. ORDER OF BUSINESS

The business of all regular meetings and work sessions of the Commission shall be transacted in the following order, unless the Commission by vote of at least two-thirds of the members present suspend the rules and change the order:

- I. Call to Order
- II. Roll Call

- III. Pledge of Allegiance
- IV. Acceptance of the Minutes of Previous Meeting(s)
- V. Public Comment
- VI. Unfinished Business
- VII. New Business
 - (a) Police Commission
 - (b) Chief of Police
 - (c) Patrol Division
- VIII. Court Office Report
- IX. Miscellaneous/Other Business
- X. Next Commission Meeting Approval of Grants/Donations
- XI. Adjournment

RULE 9. CONSIDERATION OF MOTIONS

When a motion is made and seconded, it shall be considered by the Commission, and not otherwise.

RULE 10. WRITTEN MOTIONS / ROLL CALL

Every motion shall be reduced to writing if the Chair so directs, or if any member of the Commission requests it. Upon request of any member, a roll call shall be taken on any motion before the Commission.

RULE 11. DIVISION OF QUESTION

The division of a question may be requested by any commissioner when a motion contains two or more independent parts.

RULE 12. READING

When the reading of a motion is called for and the same is objected to by any commissioner, it shall be determined by vote of the Commission.

RULE 13. ADJOURNMENT

The Chair shall consider a motion to adjourn always in order pursuant to Rule 8 above, with the time of the next meeting having been agreed on, unless a commissioner has possession of the floor or if any motion has been put and not decided. Such motion shall be decided without debate.

RULE 14. DISPOSITION OF MOTIONS

After a motion is seconded, it shall be considered, and after stated by the Chair, it shall be

disposed of by vote of the Commission unless the mover withdraws it before a decision or amendment. Members may vote in the affirmative, in opposition, or abstain. A motion passes when at least two of the three members vote in the affirmative.

RULE 15. MOTIONS DURING DEBATE

When an issue is under debate, only the following motions shall be received: adjourn; take a recess; raise a question of privilege; call for orders of the day; lay on the table the previous question; limit or extend limits of debate; postpone definitely or to a certain time; commit or refer or recommit; amend; questions of order and appeal; suspend the rules; object to consideration of questions; division of a question; or, division of the assembly.

RULE 16. ORDER OF QUESTIONS

The Chair shall put all motions in the order in which they are moved, unless a subsequent motion was previously tabled.

RULE 17. MOTION FOR RECONSIDERATION

A motion for the reconsideration of a vote shall be open to debate, but such motion shall not be considered unless made by a member of the voting majority and must be made at the meeting at which such vote is passed; or, in the alternative, notice of such motion is given at said meeting, in which case the motion shall be made at the next meeting, and only one motion for the reconsideration of any vote shall be permitted.

RULE 18. TABLING

No motion that has been tabled at a current or prior Commission meeting may be acted upon after being removed from the table at a current meeting; rather such action must be withheld until the next regular Commission meeting which the agenda will show as an item of business.

RULE 19. SPEAKING PRIORITY

When more than one member wishes to speak, the Chair shall name the member who is entitled to the floor.

RULE 20. SPEAKING

When any member is about to speak in debate or to deliver any matter to the Commission, the member's comments are to be limited to the question under debate and avoid ad hominem and other personal attacks.

RULE 21. INTERRUPTION OF SPEAKING MEMBER

No commissioner shall be interrupted by another, except by rising for a call to order to correct a mistake, or for explanation or clarification. If any commissioner when speaking transgresses the Rules of the Commission, any commissioner may call the offending commissioner to order. The transgressing commissioner shall be permitted to explain. If disagreement remains, the Commission shall decide on the case and without debate.

RULE 22. CONFLICTS OF INTEREST

No member shall vote on any motion in which the member has a direct, personal and/or pecuniary interest.

RULE 23. VOTING REQUIRED

Every commissioner present when a motion is put, if not excluded by interest, shall vote. If a quorum has been established at the beginning of a meeting and a commissioner later in the meeting leaves with or without permission, the remaining two commissioners may continue with the agenda, and make and vote on motions.

RULE 24. SEATING ARRANGEMENT DURING COUNCIL MEETINGS

Commission seats shall be assigned by the Chair. Commissioners who wish to exchange seats may do so upon request to the Chair. Seating arrangement may be changed at any time the Chair wishes.

RULE 25. PROCEDURE FOR QUESTIONS TO THE CITY ATTORNEY

Whenever a commissioner during a meeting has a question for the city attorney regarding Commission rules, the Portsmouth City Charter, or parliamentary procedure, the commissioner shall, through the Chair, be given the immediate right to state the question.

RULE 26. THE HOUR POLICE COMMISSION MEETINGS TO CONCLUDE

Police Commission meetings shall conclude no later than 8:00 p.m. or at such time as any agenda item being discussed at 8:00 p.m. is acted upon. If because of this rule any agenda items remain to be taken up, the Commission shall recess the meeting to a time at which the remainder of the agenda shall be acted upon, unless a majority of the Commission wishes to suspend the rules in order to continue.

RULE 27. SUSPENSION OF RULES

No standing rule or order of the Commission shall be suspended unless a majority of the members of the Commission shall consent thereto, for a specific purpose. No rule or order may be repealed or amended without said rule or order appearing on the agenda for a regular meeting in compliance with these rules, subject to public input and then voted on during the following regular meeting by a majority of the Commission.

RULE 28. PARLIAMENTARY AUTHORITY

Except where specifically controlled by Charter, Statute, Ordinance or these Rules, proceedings of the Police Commission shall be conducted pursuant to the parliamentary authority of the most recent revision of Roberts Rules of Order, Newly Revised, published by Scott Foresman & Co.

RULE 29. ADDRESS BY PUBLIC

Members of the public-at-large may address the Commission on any issue being discussed by the Commission, but only after a motion to allow same has been made by any commissioner and passed by a majority vote of the Commission, provided that no person shall speak for more than five minutes. If the list of speakers is substantial, the Commission may limit each public comment to three minutes.

RULE 30. PUBLIC'S RIGHT TO KNOW GUARANTEED

All letters, memos, reports and other information provided or circulated to the Police Commission by staff members or received as communications to the Police Commission from any person shall be included with the Agenda packet of a Police Commission meeting and made publicly available by 12:00 P.M. on Monday prior to each Commission meeting or, if sent separately to Commission members, shall be made publicly available in the Office of City Clerk. Exemptions under this rule are those documents which would not be deemed public records under the New Hampshire Right to Know Law (RSA 91-A) or personal communications.

RULE 31. PUBLIC COMMENT SESSION

A public comment session shall appear on the agenda of all "regular" Police Commission meetings. This session shall not exceed 45 minutes during which any member of the public may have a total of three minutes to address any topic relevant to the Commission or Police Department's work. All speakers should register in person using the sign-in sheet and can do so right up until the start of the Commission meeting. Any person abusing the provisions of this rule may be prohibited from speaking at future public comment sessions by a majority vote of the Commission. Any provision of this rule may be modified on a per case basis by majority vote of the Commission.

RULE 32. PUBLIC HEARINGS

Police Commission public hearings shall be subject to the following terms and conditions:

- A. The order in which speakers shall be called, the duration of time permitted for each speaker, and the number of opportunities which any person shall be provided to speak on any issue may be regulated by the Chair in the interest of efficiency.
- B. All speakers shall limit their presentation to the matter for which the public hearing

has been called. Any speaker not in compliance with this provision shall be ruled out of order by the Chair.

RULE 33. CONSENT AGENDA

The agenda for any regular meeting of the Police Commission may include a section entitled "Consent Agenda". The Consent Agenda shall consist of items of Police Commission business the Commission and Chief of Police had previously determined to be routine in nature. All Consent Agenda items shall identify the action that is anticipated to be taken by the Police Commission. Any item of business shall be removed from the Consent Agenda and placed elsewhere on the Commission agenda for the same meeting at the request of any member of the Commission. All recommended actions on Consent Agenda items shall be deemed to have been taken by the Commission on the passage of a motion, "to adopt the Consent Agenda".

Rule 34. CONTRACTS

The Police Commission shall not enter into contractual agreements until a vote has occurred to ratify contracts. All three members are required to view contracts. Each contract shall require the full signatures of all three members of the Commission. If one commissioner votes against entering into a contract, he or she shall *initial* the document rather than use full signature. This will indicate the contract was viewed but not accepted by that commissioner.

Rule 35. SEMI-ANNUAL REPORTS

In accordance with the Portsmouth City Charter, the Chair of the Commission, or his/her designee, shall report at least semi-annually to the City Council on the state of the Police Department and its operation. Such reports shall include a summary of the Department's budget, workforce, equipment, promotions, retirements and other related matters. The Commission, in its discretion, may allow the Police Chief to submit a letter to the Council as part of any such report. A report will be submitted to the City Council each June and January after review and approval by the Police Commission.

Rule 36. UNILATERAL ACTIVITY PROHIBITED

No Commissioner shall act unilaterally on any matter of consequence or take any action of consequence without a majority vote of the Commission. Any statement of clarification by the Commission during a public meeting should be voted on in advance by the Commission in a non-public meeting. If a commissioner voted against the statement, the commissioner shall be allowed to express his or her views during the public meeting.

Rule 37. DEPARTMENT EMPLOYEES

The Commission shall have an "open door" policy with respect to both sworn and un-sworn personnel of the police department. Employees may request a meeting with the Commission should they determine any grievances, complaints, concerns or any other matter has not been sufficiently addressed by their supervisors or chain of command. Said employee may make this request directly to any commissioner without notice to their chain of command in matters in which they believe such a request would result in prohibition of a meeting or met with negative consequences or retribution.

Rule 38. EMPLOYEE CONFRONTATION OR DISCIPLINE

The only employee the Commission may confront or discipline directly without notice to the Chief of Police is the Chief of Police. Any concerns or matters a commissioner has involving all other employees of the police department shall be brought to the attention of the Commission and Chief of Police. If the Chief of Police fails to take action that satisfies the Commission, the Commission shall then decide by majority vote whether further action is necessary to resolve the initial concern and/or matter brought to the Commission's attention.

Rule 39. BUILDINGS AND FACILITIES

Consistent with Amendment E of the Portsmouth City Charter, it is the Police Commission's policy that city officials, department heads and their employees, as well as outside vendors shall direct their contacts and discussion regarding any possible remodeling of the present facility or the building of a new facility or installation to the Chief of Police and the Commission, or their designee.

Rule 40. MEDIA/SOCIAL MEDIA POLICY

The purpose of this rule is to establish clear guidelines concerning media relations.

An informed public is one of the most vital keys to the preservation of a Democratic society. Primary responsibility for the dissemination of information to the public rests with the media. It shall be the policy of the Portsmouth Police Commission to assist the media by providing timely and accurate information while bearing in mind our legal obligations as a commission.

Any member of the Portsmouth Police Commission may answer media inquiries or provide statements to the media as an individual member of the commission. Any statement made on behalf of the Police Commission as an entity must be approved by a majority of the commission. Should there be a dissenting member, the dissenting commissioner may provide a statement to the media to explain this or her own point of view.

Issues that should not be discussed with reporters are 1) confidential legal issues, 2) confidential personnel matters, 3) issues that may result in harm to others, or 4) a law enforcement crisis or emergency. Refer all such inquiries

regarding #4 to the office of the chief of police.

Notwithstanding any other rule or law to the contrary, any member of the Portsmouth Police Commission shall have a full right to publicly discuss and give opinions as an individual on all matters concerning any government entity and its policies. It is the intention of this rule to balance the rights of expression of the members with the need of the police department to protect legitimate confidential records, communications, and proceedings. See RSA 98-E:1.

Clarification of Several Items Raised At The City Council Retreat
Regarding The Police Commission

Attachment 2

Citizen Complaints and Internal Investigations

SOP P-251

Includes CALEA standards incorporated into the SOP

**PORTSMOUTH, NH POLICE DEPARTMENT
STANDARD OPERATING PROCEDURE**

P-251

CITIZEN COMPLAINTS AND INTERNAL INVESTIGATIONS PROCEDURES

EFFECTIVE DATE: 07-01-01

REMARKS: Issued 01-22-93;

REVISIONS: 01-27-94; 02-07-96; 01-30-98; 09-26-05; 08-17-15; 09-14-16

I. PURPOSE -

- A. To establish procedures for Internal Investigations and Civilian Complaint Investigatory Processes.
- B. To ensure that the process is promptly, efficiently, and fairly administered in a non-discriminatory fashion.
- C. To ensure that the integrity of the agency and its employees is maintained through a personnel complaint system where objectivity and justice are ensured by intensive and impartial investigation and review.
- D. To protect against the harmful consequences to the public good which are occasioned by police misconduct.
- E. To foster and maintain a high degree of public confidence in those persons charged with maintaining public order and safety.
- F. To identify and correct policy or procedural problems

II. POLICY

This Department will receive and investigate all complaints against the Department or its members in a manner that assures the community of prompt corrective action if Department members conduct themselves improperly, and protect Department employees from unwarranted criticism when properly performing their official duties.

Employees who become aware of any violation of department rule, regulation, policy or procedure by another employee that is contrary to the department's mission, values or beliefs shall report such conduct to their supervisor.

All employees are expected to encourage citizens to bring forth legitimate complaints when allegations suggest:

- A. Criminal conduct by employees of this department.
- B. Violations of the rules, regulations, policies, or procedures of this department.

C. Conduct by an employee which would reflect unfavorably upon the individual and the department.

D. Problems occasioned by faulty or defective policies or procedures.

Although most complaints received by this department originate from citizens, it must be understood that all complaints against the department or its employees, shall be fully investigated in a prompt, thorough, and timely fashion regardless of source origination.

If a formal complaint is made against a ranking officer by a subordinate police officer within the department and that complaint rises to the level of an internal investigation, the complaint shall be handled in a formal manner by the investigating officer, and the officer initiating the complaint shall be interviewed first.

III. DEFINITIONS

- A. Citizen Complaint: As referred to in this policy, citizen complaints are defined as those complaints received by the Police Department from a citizen, or from any outside or anonymous source, that alleges one or more of the following:
1. The commission of a criminal offense by a member of the Department.
 2. Violation of policies, rules or procedures by a member of the Department.
- B. Internal Investigation: As referred to in this policy, an internal investigation is defined as a police department investigation under any of the above sets of circumstances where the investigation is precipitated by internal sources and not upon a complaint received from the outside.
1. Although citizen complaints may, by definition, result in an "internal investigation", there are times when an internal investigation is not the result of a citizen complaint, but rather is initiated within the department. Depending upon the seriousness of the allegations, the investigative procedures may differ in terms of the investigative assignment or the warnings issued to the employee.
 2. Whether the complaint is from an external source or an internal source The Chief of Police or designee shall determine whether an investigation will proceed as an Internal Investigation.

IV. ADMINISTRATIVE PRACTICES AND PROCEDURES

A. Authority

1. Overall authority and responsibility for the function and control of the Portsmouth Police Department Internal Affairs / Citizen Complaint Investigations shall remain vested in the Chief of Police.

- a. Internal Investigations shall be assigned by either the Chief of Police or designee. Investigator(s) assigned to an Internal Investigation matter shall consider it as a primary duty assignment.

B. Activities and Responsibilities

1. The primary activities for the Professional Standards Division includes, but not be limited to:
 - a. Registration, recording, and control of all complaints made against the Portsmouth Police Department or any department employee.
 - b. Maintenance and up-date of internal investigation case files.
 - c. Maintain and assure the security, integrity, and confidentiality of internal investigation case files.
2. Assure that internal investigation case files are secured in a separate location independent of personnel files.
3. Assure that internal investigation case files are secured in a separate location which is independent of the central records.
4. Prepare and present internal investigation annual activity reports.
5. Prepare and present internal investigation reports when directed by the Chief of Police.
6. Prepare and present internal investigation activity statistics for comparative purposes.

C. Complaint Reception

1. Referral to Shift Commander

When a member of the public makes a complaint alleging misconduct by a police officer or other Department member, the person shall be referred to the on-duty Shift Commander. This includes complaints where the complainant wishes to remain anonymous.

If the complainant refuses to meet in person with a supervisor the complaint will be nonetheless taken. The employee receiving such complaint shall record as much detail as possible relative to the complaint and complainant.

2. Employees Duty to Record Information:

If the complainant does not wish to speak to the Shift Commander, then any Department member receiving the initial complaint shall obtain the complainant's

name, address, and telephone number. If the complainant wishes to remain anonymous, then the receiving member will record in detail the information concerning the complaint that the complainant provides. This information shall be given to the Shift Commander, who shall then initiate a preliminary investigation.

D. Informal and Formal Investigations

1. Informal Investigations: Not all investigations or civilian complaints are handled in a formal manner, although all complaints will be investigated and documented. A minor complaint or situation may only require an informal investigation and may result in intercession by a supervisory officer as a routine part of discipline. In some cases, the investigation may legitimately be limited to substantiating the falsity of the allegation. Informal investigation criteria is determined by the preliminary information contained in the complaint. Further investigation into the complaint may deem that a formal investigation become necessary. First line supervisors may conduct an informal investigation based upon the following criteria;
 - a. The alleged offense involves a non-criminal situation.
 - b. The alleged offense involves a non-serious violation of departmental rules, regulations or procedures.
 - c. The complainant views the alleged offense as being non-serious in nature and consequence.
 - d. The original investigator can resolve the issue to the complainant's satisfaction.
 - e. The original investigator found no fault on the employee.
 - f. The complaint was a generic complaint on the police department.
 - g. All informal investigations shall be documented on a memo and forwarded to the Professional Standards Division Lieutenant.
 - h. Informal Investigations will be documented in Guardian Tracking by the Professional Standards Lieutenant, with a brief synopsis of the complaint along with the disposition.
2. Formal Investigations: The investigation into a matter or complaint should always be conducted in formal fashion whenever any of the following criteria are met:
 - a. The complainant indicates a desire to proceed in formal fashion.
 - b. Whenever a complainant alleges any criminal conduct or serious violation of departmental rules, regulations, or procedures.
 - c. Whenever a complainant alleges brutality, excessive force, corruption, or violation of civil rights.

- d. Formal Investigations will be documented as prescribed in section IV-D above.
 - e. Formal Investigations will be documented in Guardian Tracking by the Professional Standards Lieutenant, with a brief synopsis of the complaint along with the disposition.
3. Civil Rights Violations: All complaints concerning employees which allege either a violation of the law or a Civil Rights Violation will be formally investigated.
 4. Time Limit on Complaint Investigation: Generally speaking, all IA investigations shall be concluded within thirty (30) days. Extensions can be granted in thirty (30) day increments by the Chief of Police.
 5. Polygraph, Medical Examinations, Line Ups, Financial Disclosures:

Employees shall not be required to participate in the following tests or procedures unless specifically ordered to do so by the Chief of Police. The Chief of Police shall ensure such an order is in writing, that all other investigative methods have been exhausted, and is reasonable under the circumstances

With respect to a,b,c, and d below, the department shall, upon request from the employee affected, provide written justification for the action to be taken.

- a. Polygraph examination

The polygraph will only be administered in those cases where the complainant with firsthand knowledge or a percipient witness of the facts which give rise to the probable cause has first submitted to a Department-administered polygraph and when there is probable cause to believe a crime has been committed by the accused employee or when the employee consents. To the extent allowed by law, the results of polygraphs shall not be disclosed to the public without the employee's consent.

- b. Line-up or provision of a photograph for inclusion into a photographic lineup

Participation in line ups or providing photographs for photographic line ups may be ordered in those cases where formal allegations of misconduct have been made or when the employee consents. To the extent allowed by law, the results of physical or photographic line ups shall not be disclosed to the public without the employee's consent.

- c. Medical or laboratory test or examination

Participation in medical or laboratory tests will only be ordered in those cases where formal allegations of misconduct have been made or when the employee consents. To the extent allowed by law, the results of medical or laboratory tests shall not be disclosed to the public without the employee's consent.

d. Financial disclosure statement

Financial disclosures will only be ordered in those cases where formal allegations of misconduct have been made or when the employee consents. To the extent allowed by law, the results of financial disclosures shall not be disclosed to the public without the employee's consent.

E. COMPLAINTS BY PERSONS ARRESTED BY PORTSMOUTH POLICE

1. If a prisoner or person arrested by a Portsmouth Police Officer wishes to make a complaint standard procedure shall be followed. The determination of whether the complaint will be immediately investigated or delayed until the criminal process (of the complainant) is completed will be made by the Chief of Police.

F. INVESTIGATION AND NOTIFICATION OF COMPLAINTS:

1. Upon receipt of the complaint package by the Professional Standards Division, the matter will be reviewed by the Chief of Police. If the complainant has completed a "complaint package" an Internal Investigation may be initiated per the instructions of the Chief of Police or his designee.
2. The Professional Standards Division Lieutenant may be the assigned investigator for an Internal Investigation, or it may be assigned to another investigator.

3. Responsibilities of Investigating Supervisor

The Investigating Supervisor shall;

- a. Review the complaint information.
- b. Employee Notification: The involved employee shall be notified of the complaint when it is concluded that an Internal Investigation is appropriate, unless the Chief directs that the complaint is to remain confidential pending completion of the investigation.

Employees who have become the subject of an Internal Investigation will be notified and issued the Notice of Complaint citing the allegations, along with the Notification of Rights form. (Forms attached)

4. Notification of Police Commission

The Chief of Police or his designee will make notification to the Police Commission.

G. Preliminary Investigation

1. Once the complainant has verbally related his/her complaint or the on duty supervisor is made aware of a complaint, the receiving supervisor shall:

- a. Initially interview the complainant in a private area.
- b. Allow the complainant to verbally relate an entire version of the incident without interruption, after which the accepting member should ask questions for clarification and detail.
- c. Ask the complainant to complete the "Citizen Complaint Affirmation Form." Completion of this form is not mandatory, and the investigation will proceed even if the complainant declines to sign it. Be certain the complainant understands that this Department will seek to prosecute for making a false report as noted on the Affirmation Form even in the event the form was not filled out. Also, note that an officer may seek civil recourse for any false complaints.
- d. Obtain a statement from the complainant in writing if possible. Allow the complainant to make the statement as complete as desired. Follow up with a question and answer format to fill in any areas that are not clear.
- e. Obtain information for the "Citizen Complaint Investigation Form."
- f. Complete and sign a "Complaint Reception Receipt," and give a copy to the complainant.
- g. Complete an "Authorization for Release of Medical Information to Law Enforcement Agency Form," when a complainant indicates that he may have sustained injuries or may require medical attention. Photographs of injuries shall be taken at this time if possible.
- h. Inform the complainant that he/she will be contacted by a member of the Portsmouth Police Department for further investigation, periodic status reports, and upon completion of the investigation.
- i. Prior to the end of the accepting supervisors' shift, notify the Chief of Police and the Operations Captain if the complaint alleges corruption, brutality, misuse of force, breach of civil rights, or criminal conduct by the accused employee.
- j. Complete and sign the "Citizen Complaint Face Sheet."
- k. Prepare a narrative report stating as concisely as possible the specific allegation(s). Give a chronological summary of the incident, as told by the complainant.
- l. Forward the complaint package containing all information and completed forms directly to the Professional Standards Division in a confidential manner, as soon as possible. In no case shall the submission of these reports exceed 24-hours, weekends and holidays excluded. The reports should be marked, "confidential."

- m. Notification of Chief: The Chief of Police or his designee shall be immediately notified of any emergency situation which is believed hazardous to the health or safety of the community, the department, or employee. Such notification shall be made by the supervisor conducting the Internal Investigation or supervisory officer who accepted the complaint.
2. The Chief of Police and Captain of Operations will be notified immediately by the receiving member when the complaint alleges;
 - a. Serious physical injury as a result of a misuse of force.
 - b. Conduct constituting criminal activity.
 3. The Chief of Police and Captain of Operations shall be notified as soon as practicable of all non-emergency complaints or investigations.

H. Relief from Duty

1. Power to Relieve: To assure that the community, the department and the accused member or employee are protected, it may become necessary to temporarily relieve a member or employee from duty. In cases where the Chief of Police is unavailable, the following members of the department shall be authorized to temporarily relieve a member or employee of duty:
 - a. Operations Captain
 - b. Division Lieutenants
 - c. Shift Commander
2. Reasons to Relieve: A member or employee may be temporarily relieved from duty for the following reasons:
 - a. Intoxication on duty.
 - b. Being under the influence of a controlled drug or narcotic.
 - c. Apparent mental instability.
 - d. Illness
 - e. If the member or employee is deemed a threat to the community, other department members or employees, or to him or herself.
 - f. Gross insubordination
 - g. Any situation for which temporary relief from duty would best serve the needs of the community, the department, or the individual.
3. Period of Temporary Relief: Temporary relief from duty, without consent of the Chief of Police, shall be with pay and shall not exceed the period of time necessary to contact the Chief of Police.
4. If an employee is temporarily relieved from duty they shall surrender the following to a supervisor immediately;

- a. All Department issued firearms including magazines.
- b. Badge(s)
- c. SIDA badge (if issued)
- d. Any and all forms of building access; swipe cards, key fobs
- e. Department cell phone (if issued)

The Information Technology supervisor shall also be notified to temporarily suspend the employee's computer access.

I. COMPLAINT DISPOSITION: Preponderance of Evidence

1. Conclusion of Fact: In determining fact and the outcome of an investigation or complaint, a "Preponderance of Evidence" standard shall be used. For purposes of disposition, complaints are classified as follows:
 - a. UNFOUNDED - when investigation indicates the act complained of did not occur.
 - b. EXONERATED - when investigation indicates the act occurred, but the act was justified, lawful and proper.
 - c. NOT SUSTAINED - when the investigation discloses insufficient evidence to prove or disprove clearly the allegations made.
 - d. SUSTAINED - when the investigation discloses that the act complained of did occur and constitutes misconduct.
 - e. POLICY FAILURE - when the investigation discloses the act complained of was within the rules and regulations or the standard operating procedure of the department, and that the procedure, rule or regulation was not consistent with current state or federal law.
2. Notification of Complainant: Upon conclusion of an internal investigation, the complainant will be notified of the results in writing through the office of the Chief of Police.
3. Disciplinary Action: Disciplinary action shall be administered by the Chief of Police or his designee, and it shall be subject to the review and approval of the Board of Police Commissioners.
5. Notification of the disposition of the case and any discipline to be imposed upon the employee will be made by Operations Captain or his/her designee. The Operations Captain or his designee will serve the employee with written notice of the disposition and any discipline to be imposed.
6. The Operations Captain will forward a copy of any disciplinary action to the Operational Support Division Lieutenant for inclusion in the employee's personnel

file if appropriate.

David J. Mara, Chief of Police

DJM/dps

PORTSMOUTH, NH POLICE DEPARTMENT
STANDARD OPERATING PROCEDURE "APPENDIX"
TO
SOP P-251 - "CITIZEN COMPLAINTS AND INTERNAL INVESTIGATION PROCEDURES"

FORMS PACKAGE

The following forms are provided to be used for accepting and processing complaints made against Portsmouth Police Department personnel:

- A. Citizen Complaint Affirmation
*The accepting employee shall ask the complainant to complete this form for all complaints.
- B. Citizen Complaint Investigation Form
*To be used as the cover page for all citizen complaints.
- C. Complaint Reception Receipt
*To be given to the complainant in all citizen complaints by the accepting employee. A copy shall be retained for the file.
- D. Authorization for Release of Medical Information to Law Enforcement Agency
*To be completed by the accepting employee and signed by the complainant whenever the complainant alleges injury, and medical attention has been or will be sought.

*Not included in package – Use current release form
- E. How to Make a Complaint
*This document explains how a member of the public can file a complaint against a employee of the department.
- F. Notification of Administrative Rights
* This form shall completed when an employee is formally interviewed relative to a complaint or investigation and discipline may result.
- G. Notice of Complaint
* This form shall be completed and served to the employee outlining the specific allegations contained in the complaint or investigation.

PORTSMOUTH, NH POLICE DEPARTMENT

CITIZEN COMPLAINT AFFIRMATION

I, _____, do hereby affirm that the foregoing information and all information that I will give in the future concerning my complaint against an employee of the Portsmouth, NH Police Department is true and complete to the best of my knowledge and belief.

*I understand that any false, misleading or untrue statements, accusations or allegations made by me, either orally or in writing, to any person investigating this complaint may subject me to civil and/or criminal prosecution.

*I realize that it may become necessary during the investigation of this complaint for me to meet with employees of the Portsmouth Police Department to discuss this complaint, either in the presence or absence of the accused department employee or employees, at the discretion of the department.

*I agree that if action is initiated through a court or administrative hearing as a result of my complaint and my testimony is required, that I will make myself available when requested to do so.

 SIGNATURE OF COMPLAINANT

DATE

 ACCEPTING EMPLOYEE'S SIGNATURE
 AND RANK

DATE

 WITNESS SIGNATURE

DATE

PORTSMOUTH, NH POLICE DEPARTMENT

COMPLAINT INVESTIGATION FORM

Control#: _____ Charge(s): _____

Type of Complaint:

Police Brutality () Conduct of Employee () Improper Procedure ()
False Arrest () Policy/Procedure Complaint () Other: _____

Against: Employee(s) Below () Department Itself () Policies/Procedures ()

Date/Time Reported: _____ Date/Time Occurred: _____

Location of Incident: _____

Reported Injuries: _____

Complainant: _____

Male (), Female (), Juvenile (), Anonymous ()

*Defendant(s), if other than complainant: _____

Address of Complainant: _____

Telephone (Home): _____ Telephone(Work): _____

Date of Birth: _____ Place of Employment: _____

Hours of Employment: _____

Accepting Employee's Observation of Complainant:

Sobriety: Intoxicated () HBD () Sober ()
Clothing: Neat () Torn () Soiled () Disheveled ()
Attitude: Excited () Polite () Vulgar () Calm ()
Combative () Cooperative () Uncooperative () Argumentative ()

Describe the following:

- *Your observations and complainant's attitude.
*Your Physical Condition (any bruises, cuts, reddened areas or any identifiable injuries).
*Synopsis of Incident.

Reporting Officer: _____

Time Spent on Complaint: _____

PORTSMOUTH, NH POLICE DEPARTMENT
COMPLAINT INVESTIGATION FORM -- CONTINUED

*Describe your observations and complainant's attitude:

*Describe physical condition: (Any bruises, cuts, reddened areas or any identifiable injuries.)

*Synopsis of Incident:

Reporting Officer

Date

PORTSMOUTH, NH POLICE DEPARTMENT

COMPLAINT RECEPTION RECEIPT

The Portsmouth Police Department hereby acknowledges the receipt of a complaint filed against one or more of its members.

Date Received: _____

Complainant: Name: _____

Address: _____

Your complaint will be brought to the attention of the Chief of Police, and he/she may assign an investigator to gather all of the facts. Once the investigator has filed his/her report, it will be carefully reviewed by senior police officials, including the Chief of Police. A representative of the Portsmouth Police Department will notify you as to the results of the investigation.

Signature of Complainant

Date

Signature of Accepting Employee
And Rank

Date

(Original to Complainant/Copy to File)



City of Portsmouth, NH

**Police Department
3 Junkins Avenue
Portsmouth NH 03801**

CHIEF OF POLICE

***IT IS THE POLICY OF THE PORTSMOUTH POLICE DEPARTMENT** to receive and investigate all complaints against the Department or its members in a manner that will assure the Community of prompt corrective action if Department members conduct themselves improperly, and the protection of Department members from unwarranted criticism when properly performing their official duties.

HOW TO MAKE A COMPLAINT:

If you wish to make a complaint against a member of the Portsmouth Police Department, please:

- (1) Come to Police Headquarters and ask to speak to the Shift Commander; or
- (2) Call the Police Department at **610-7406** and ask to speak to the Shift Commander; or
- (3) Mail your written complaint to the Chief of Police at the above address.
 - Your Complaint will be thoroughly investigated.
 - You may be requested to fill out a report form and submit a written statement.
 - You will be kept apprised of the status of your complaint.
 - At the completion of the investigation into your complaint, you will be notified of the results.

****PLEASE UNDERSTAND** that this Department will vigorously pursue criminal or civil prosecution for any false report or accusations made against one of its employees.

Stephen J. DuBois, Chief of Police

Note: Attachment to Department Standard Operating Procedure Re: Citizen Complaints and Internal Investigation Procedures.

PORTSMOUTH, NH POLICE DEPARTMENT
"NOTIFICATION OF ADMINISTRATIVE RIGHTS"

NAME: _____ COMPLAINT # (IA) _____

Notification

_____ The Portsmouth Police Department is conducting an investigation to determine the validity of an allegation made against you.

_____ The Portsmouth Police Department is conducting an investigation to determine the validity of an allegation made against the department or a member of the department.

(A) ___ No charges are being made against you. This form is to only inform you of your Administrative Rights prior to being interviewed.

(B) ___ The purpose of this interview is to solicit responses that will assist in determining the validity of the allegation(s) which may result in Administrative Action.

You will be required to answer all of the questions truthfully. Answering untruthfully may result in your dismissal.

ADMINISTRATIVE RIGHTS

1. I wish to advise you that you are being questioned as part of an official investigation of the Portsmouth NH Police Department. You will be asked questions specifically directed and narrowly related to the performance of your official duties or fitness for duty.
2. During this investigation stage, you are entitled to all the rights and privileges guaranteed by the law and the Constitution of the United States, including the right not to be compelled to incriminate yourself.
3. You are advised that if you refuse to testify, or to answer questions relating to the performance of your official duties or fitness for duty, you will be subject to administrative charges, which could result in your dismissal. Testimony or answers to questions, which are untruthful, may also result in administrative charges or dismissal.
4. If you do answer the interview questions, neither your statements, nor any information or evidence which is gained by reason of such statements can be used against you in any subsequent criminal proceeding. However, these statements may be used against you in relation to subsequent administrative charges.
5. You are directed not to engage, directly or indirectly, in retaliation or reprisals of any kind against any person who files a complaint, testifies, cooperates, or otherwise assists this investigation.

The undersigned hereby acknowledges notification of the allegations, and also acknowledges they have been informed of the above Administrative Rights.

Employee Signature

Date

Investigator Signature

Date

Distribution: Original with Investigative File, Copy to Employee

PORTSMOUTH POLICE DEPARTMENT

NOTICE OF COMPLAINT

Standard Operating Procedure P-251

Employee's Name _____

Division _____

Position _____

Date of Report _____

<p>Violation Specifics:</p> <p>Rules and Regulation(s): _____</p> <p>_____</p> <p>SOP(s): _____</p> <p>_____</p> <p>Criminal Statute(s): _____</p> <p>_____</p> <p>*And any other violation that may be discovered during the course of the investigation.</p>

Date/Time of Alleged Occurrence:

Date and Time Complaint Received:

MANNER OF NOTIFICATION

____ IN HAND ____ OTHER (explain) _____

Employee _____

Supervisor _____

Date _____ Time _____

52.1.1

Applicable CALEA Standards

(M M M M) (LE1) Complaint Investigation

A written directive requires all complaints against the agency or its employees be investigated, to include anonymous complaints.

Commentary

To ensure the integrity of its operations and personnel, agencies should investigate all allegations of misconduct, regardless of their source. Anonymous complaints can be difficult to investigate; however, the agency should carefully review each complaint for validation before disregarding it for lack of a credible complainant. (M M M M) (LE1)

52.1.2

Applicable CALEA Standards

(M M M M) (LE1) Records, Maintenance and Security

A written directive requires the agency to maintain a record of all complaints against the agency or employees and to protect the confidentiality of these records by maintaining them in a secure area.

Commentary

The confidentiality of internal affairs records is important, and proper security precautions should be taken. This records activity is a task of the internal affairs function and is an exception to the personnel records or centralized records systems.

The schedule for retaining internal affairs records should be consistent with legal requirements. (M M M M) (LE1)

52.1.4

Applicable CALEA Standards

(0 0 0 0) Complaint Registering Procedures

The agency makes available information to the public on procedures to be followed in registering complaints against the agency or its employees.

Commentary

Procedures for registering complaints should be made available to the community through the media or the agency's community relations programs. This information should also be disseminated to all agency employees. (0 0 0 0)

52.2.2

Applicable CALEA Standards

(O O O O) CEO, Notification

A written directive specifies the procedures for notifying the agency's chief executive officer of complaints against the agency or its employees.

Commentary

The directive should specify the nature of those complaints that should be brought immediately to the attention of the agency's chief executive officer and those that can be postponed to a later time. (O O O O)

52.2.4

Applicable CALEA Standards

(M M M M) Informing Complainant

The agency has a written directive regarding complainant notification, that includes::

- a. verification that the complaint has been received;*
- b. a schedule for status notification to the complainant; and*
- c. notification that the investigation has concluded.*

Commentary

The verification, usually in the form of a receipt, furnished to persons initiating complaints alleging misconduct on the part of the agency or an agency employee may contain a description of the investigative process. The status of investigations should be communicated to the complainant, although the degree of specificity of the notice is left to the discretion of the agency. This standard does not apply to anonymous complaints. (M M M M)

82.2.2

Applicable CALEA Standards

(M M M M) (LE1) Reporting Requirements

A written directive requires the reporting of every incident in one or more of the following categories if the incident is alleged to have occurred in the agency's service area:

- a. citizen reports of crimes;*
- b. citizen complaints;*
- c. incidents resulting in an employee being dispatched or assigned;*
- d. criminal and noncriminal cases initiated by law enforcement employees; and*
- e. incidents involving arrests, citations, or summonses.*

Commentary

The purpose of this standard is to require a comprehensive reporting system. A record should be made of actions taken by law enforcement personnel whether in response to a request for service or for self-initiated actions. If two or more persons report the same incident, only one case report should be required.

The directive should establish procedures to ensure that proper action is taken to investigate complaints, evaluate suggestions, and correct deficiencies or refer them to proper authorities for correction. The person making the complaint or suggestion should be notified of the action taken. This may be contained in the agency's general field-reporting document. (M M M M) (LE1)

Clarification of Several Items Raised At The City Council Retreat
Regarding The Police Commission

Attachment 3

Discipline Policy

SOP P-249

Includes CALEA standards incorporated into the SOP

**PORTSMOUTH, NH POLICE DEPARTMENT
STANDARD OPERATING PROCEDURE**

**P-249
DISCIPLINE POLICY**

**EFFECTIVE DATE: 10-06-99
REMARKS: Rescinds SOP #83;
REVISIONS: 01-12-13; 09-06-16**

I. PURPOSE

To establish clear guidelines which identify standards for the performance of professional duties, required behavior and prohibited conduct.

II. POLICY

It is the policy of the Portsmouth Police Department to encourage all employees to develop themselves to their full potential and to acknowledge self motivated employees who achieve and maintain a high standard for themselves, and exercise a self imposed discipline above what is required by the Department Rules, Regulations, and Standard Operating Procedures (SOP). It is also the policy of the Portsmouth Police Department to ensure that all employees meet a minimum standard of professional discipline.

III. PROCEDURE

A STATEMENT

Discipline has been defined as instruction or training which corrects, molds, strengthens, or perfects. It is education directed towards the development of competent police officers and support personnel who wish to conform to the prescribed and desirable patterns of conduct, and who are capable of performing their sworn and non-sworn duties. Proper discipline stimulates harmony and consistency within an organization and facilitates the coordination of effort. When it becomes evident that disciplinary action is necessary, it should be taken promptly, because discipline of the entire Department is endangered if problem cases are avoided or ignored. Penalties for infractions need not necessarily be severe, but action should be prompt and certain.

This (SOP) identifies the supervisory authority, role, and responsibility for discipline in the Portsmouth Police Department. Although the overall disciplinary tone or environment is largely set by the upper command personnel, the ultimate success in achieving a high state of discipline depends upon the degree to which each employee accepts the responsibility.

B COUNSELING AND TRAINING AS AN ALTERNATIVE TO PUNITIVE DISCIPLINE

1. Counseling and training is a fundamental responsibility of supervisors.

2. Counseling and remedial training is not considered punitive. It is a proactive measure intended and designed to facilitate the behavior of an employee towards consistency with expected performance of the employees' duties and responsibilities. Counseling and remedial training is not always an appropriate first step, but rather situational in nature.
3. Counseling and training is not considered to be discipline and therefore, is not subject to the grievance procedures defined in the working agreements between the Portsmouth Police Commission and the Portsmouth Police Unions.
4. Counseling is the process of identifying inappropriate or non-compliant behavior to an employee through a private interview. During counseling, the intent of the supervisor is to:
 - a) Identify the inappropriate or non-compliant behavior;
 - b) Discuss any identified or perceived cause or causes;
 - c) Discuss the importance and impact of the behavior on the employee's professional career or personal life;
 - d) Discuss possible solutions; and
 - e) Determine the appropriate steps necessary to effectively deal with the inappropriate or non-compliant behavior.
5. When appropriate or if supervisory counseling itself does not present a remedy to the behavior, the employee may be referred to the Employee Assistance Program or other resources.
6. When appropriate and upon direction of the Chief of Police, the employee may be required to receive outside assistance at the Department's expense.
7. The decision as to whether employee counseling is documented may be based upon the below guidelines:
 - a. In minor or routine cases, the supervisor may conduct informal undocumented counseling.
 - b. In more serious cases or instances where the behavior is ongoing, the supervisor should conduct formal documented counseling and make an entry in Guardian Tracking.
8. Verbal Counseling and Training: In cases where an incorrect procedure has occurred, a minor rule or regulation has been violated, or otherwise where inappropriate behavior or performance exists, the supervisor may provide appropriate training based upon the nature and severity of the identified substandard performance.
9. Personnel at the rank of Sergeant and above may issue verbal counseling and training.

The supervisor will:

- (a) Meet with the employee one-on-one.

- (b) Verbally outline the actions which resulted in the need for counseling and advise the employee of the directive or procedure guiding the action.
 - (c) Advise the employee of the adverse consequences of their actions.
 - (d) Explain what the expectations are in regards to proper conduct.
 - (e) Advise the employee future similar violations may result in disciplinary action.
 - (f) Address questions raised by the employee.
 - (g) Any documented verbal counseling or training is to be done in Guardian Tracking.
10. Mandatory Formal Training Attendance: Circumstances where an employee may best benefit from attendance at a formal classroom or one-on-one training session may include, but are not limited to, when the nature of the training required exceeds the expertise of the supervisor, unavailability of adequate training resources to the supervisor, or the subject area is compatible with classroom training opportunities available to the department.
11. Requests or recommendations for an employee to be sent to formal remedial training shall be done on a Training Needs Form and forwarded per protocol.
12. Formal remedial training shall be documented in Guardian Tracking, and all records of the training will be placed in the employee's training file within their personnel file.

C PUNITIVE ACTIONS AS A FUNCTION OF DISCIPLINE

Supervisory personnel who witness or who become aware of an infraction of any rule, regulation, procedures, statute or other requirement of duty, by any employee, shall:

1. Take immediate corrective action to stop any on-going violation or to eliminate any dangerous condition or prevent any illegal or harmful act.
2. If the supervisor believes that counseling or training will correct the behavior or is otherwise appropriate based on the circumstances, refer to Section B of this policy.
3. If the supervisor believes that punitive action may be appropriate, the following shall be completed;
 - a. Collect and document any initial facts or information that are available.
 - b. Discuss the incident or allegation with the employee, and permit the employee an opportunity to explain any reasons for their conduct. If the employee wants to have union representation before discussing the incident, allow the employee to have a representative before proceeding.
 - c. Immediately notify either the Chief of Police or designee if the employee needs to be removed from duty. Reasons to relieve an employee from duty are outlined in SOP P-251 Section IV (H)2.
 - d. Complete and forward a memo to the division head with all pertinent information.
 - e. Any punitive action beyond a Written Reprimand must be authorized by the Chief of Police.

4. Any employee who wishes to make a complaint about a peer will discuss the matter with their supervisor, who will make a determination as to how to proceed.
5. Any employee who wishes to make a complaint about a supervisor will direct the complaint to that supervisor's supervisor or the Chief of Police.

D DETERMINATION OF DISCIPLINARY ACTION

The Chief of Police or the Chief's designee will determine what disciplinary action will be taken in each case. The Chief may assign an investigator to the complaint if more information is necessary (see SOP P-251 – Citizens Complaints and Internal Investigations). A review of the discipline and training folder of the employee's Personnel File will be done for due diligence before taking disciplinary action.

1. Disciplinary Action

The Chief of Police or his designee may take any of the following disciplinary actions, but may resolve a complaint in any manner the Chief deems appropriate. Any and all disciplinary action will take place with just cause and in accordance with the current working agreements of the affected employee. There are no hard and fast rules governing which classification of punitive action is appropriate in any given situation. Punitive actions normally follow a pattern of progressively increasing severity in the event of repeated violations.

- a. **Verbal Warning:** Verbal warnings for violations of policy or other unsatisfactory performance will be documented in Guardian Tracking. The warning will not be considered punitive discipline and will not be documented in the employee's personnel file. The entry may however be used for discipline if the behavior continues.
- b. **Written Reprimand:** The Chief of Police or his designee may issue a Written Reprimand to an employee, which will be documented in the discipline folder of the Employee's Personnel File.
- c. **Suspension:** The Chief or his designee may order the suspension either with pay if an investigation is still pending or without pay as a resolution to a complaint. The Suspension will be documented in the discipline folder of the Personnel File.
- d. **Termination:** Pursuant to the contract language covering the affected employee, the Chief may terminate the employee or recommend to the Commission that the employee be terminated. The termination will be documented in the discipline folder of the Personnel File.
- e. In addition to these penalties, the Chief may take the following actions;
 - (1) Extend the probation of an employee
 - (2) Reduce the rank of an employee

E. APPEAL OF DISCIPLINARY ACTION

Any member of the department who is subject to formal punitive discipline shall be afforded the appeals and due process as outline in Portsmouth Police Department Rules and Regulations section 51.00.

Any grievance procedures shall proceed as outlined in the current working agreements between the Portsmouth Police Commission and the Portsmouth Police Unions.

David J. Mara, Chief of Police

DJM/dps

26.1.1

Applicable CALEA Standards

(M M M M) (LE1) Code of Conduct and Appearance

A written directive specifies a code of conduct and appearance guidelines, which are readily available to all agency personnel.

Commentary

This directive should include compliance with agency directives; unbecoming conduct; use of alcohol and drugs; acceptance of gratuities, bribes, or rewards; abuse of authority; use of force; and proper care and maintenance of equipment. Prohibitions should be specific, whereas approved behavior may be stated in general terms, e.g., courtesy, punctuality. Directives about grooming and uniform appearance also should be specific. The code of conduct may be in the form of rules and regulations. (M M M M) (LE1)

26.1.4

Applicable CALEA Standards

(M M M M) (LE1) Disciplinary System

A written directive establishes a disciplinary system, to include:

- a. *procedures and criteria for using training as a function of discipline;*
- b. *procedures and criteria for using counseling as a function of discipline; and*
- c. *procedures and criteria for taking punitive actions in the interest of discipline.*

Commentary

The elements of the disciplinary system should identify the measures to be applied to employee conduct in the interest of discipline. The system should be based on fairness to the employee and the agency, and should stimulate employee morale and motivation.

The written directive should encourage training as a means of improving employee productivity and effectiveness through positive and constructive methods (see standard 33.1.5).

The written directive should provide guidelines regarding alternatives to be considered in counseling. In theory and practice, the severity attached to disciplinary counseling increases with the position of the counselor in the hierarchical structure of the agency. The directive should also provide guidance concerning the recording of the purpose and effect of the counseling experience.

Finally, the directive should strive to enhance consistency in punitive actions. The severity of each alternative should be geared to the actions of the employee. This does not imply a required sequence of punitive acts. Some agencies specify a range of punishments for various violations or specific punishments in explicit situations; where these are established, employees should be so informed. (M M M M) (LE1)

26.1.5

Applicable CALEA Standards

(M M M M) Role and Authority of Supervisors

A written directive specifies the role of supervisors and the authority attendant to each level of supervision and command relative to disciplinary actions.

Commentary

The role of supervisors, especially first line supervisors, is crucial in the disciplinary process. First line supervisors have the best opportunity to observe the conduct and appearance of employees and detect those instances when disciplinary actions are warranted (remedial training, counseling, or punishment). First line supervisors also have the opportunity to understand the personality traits of the personnel under their supervision and to determine the most effective methods of discipline. (M M M M)

26.1.6

Applicable CALEA Standards

(M M M M) (LE1) Appeal Procedures

A written directive specifies appeal procedures in disciplinary actions.

Commentary

The directive should include initiation procedures, time frames, method of recording, and scope of the appeal process. To be an appeal, the issue should go to a higher level of authority for review. (M M M M) (LE1)

26.1.7

Applicable CALEA Standards

(M M M M) Dismissal Procedures

If employee misconduct results in dismissal, a written directive requires that the following information be provided to the employee:

- a. a written statement citing the reason for dismissal;*
- b. the effective date of the dismissal; and*
- c. a statement of the status of fringe and retirement benefits after dismissal.*

Commentary

This standard, under normal circumstances, does not apply to entry-level probationary employees. (M M M M)

26.1.8

Applicable CALEA Standards

(M M M M) Records

A written directive specifies procedures for maintenance of records of disciplinary actions.

Commentary

The directive should require written records of disciplinary actions and should include where the records should be filed, how long they should be maintained, and under what circumstances they should be purged.

(M M M M)

Clarification of Several Items Raised At The City Council Retreat
Regarding The Police Commission

Attachment 4

Grievance Procedures

Excerpts from Civilian, Patrolman's and Ranking Union
Contracts

Includes CALEA standards

Article 38
GRIEVANCE PROCEDURE

A. The term "GRIEVANCE" shall include any dispute concerning the application or interpretation of any of the provisions of this Agreement.

B. Step 1: Prior to the formal institution of any grievance, any employee who believes he/she has suffered a grievance, must, with the assistance of a Steward, attempt to resolve the matter with his/her Supervisor within five (5) business days of either the occurrence of the event which gives rise to the grievance, or the Union's discovery of the event, which gives rise to the grievance, whichever is later. The Supervisor has the responsibility to attempt to resolve the employee's grievance within five (5) working days if the subject matter is within his/her authority. The Steward has the responsibility and the authority to settle, withdraw or refer the grievance to the further steps of the grievance procedure.

Step 2: Any grievance which remains unresolved following the informal discussion referred to in the preceding paragraph may be referred by the Steward to the Chief of Police or his/her designated representative in writing for adjustment within five (5) working days of the completion of Step 1. The Chief of Police or his/her designee shall schedule a meeting with the Union and the grievant within five (5) working days after receipt of the grievance. After the meeting, the Chief will respond to the Union in writing within five (5) working days .

Step 3: In the event that the grievance cannot be satisfactorily settled between the Chief of Police and the representatives of the Union, the matter will be referred to the Commission. The Commission shall hold a hearing at its earliest convenience and shall respond to the grievance in writing within ten (10) days of the hearing. Grievance meetings with the Chief of Police and/or the Police Commission shall be held at mutually satisfactory times. No more than two (2) employees, including the grievant, shall attend such hearings. Employees in attendance at such hearings shall suffer no loss of pay.

Step 4: (a) If the grievance has not been resolved to the satisfaction of the aggrieved employee after receiving the Commission's response, the Union may, by giving written notice to the Commission within ten (10) working days after receiving the Commission's response referred to in Step 3, submit the grievance to Arbitration. Such notice shall be addressed in writing to the Chief of Police as the representative of the Commission.

(b) In the event that the Union elects to proceed to Arbitration, the Commission, or its designee, and the Union will endeavor to agree upon a mutually acceptable Arbitrator and obtain a commitment from said Arbitrator to serve. If the parties are unable to agree upon an Arbitrator or to obtain a commitment to serve, the grievance shall be referred to the American Arbitration Association by the Union no later than twenty (20) days after the receipt of the notice of submission to Arbitration, Section 1. In such event, the Arbitrator shall be selected in accordance with the rules of the American Arbitration Association,

then applicable to voluntary labor Arbitration. The parties by mutual agreement may utilize the services of the New Hampshire Arbitration Council in lieu of the above procedure. Once Arbitration has been requested, the parties agree that if the Union so requests a clarification meeting will be held with the Chief of Police and the Business Agent to investigate one more time any avenues of settlement.

(c) The Commission and the Union agree that they will individually be responsible for their own costs, preparation and presentation. The Commission and the Union further agree that they shall equally share in the compensation and the expense of the Arbitrator.

(d) The function of the Arbitrator is to determine the interpretation of specific provisions of this Agreement. There shall be no right in Arbitration to obtain and no Arbitrator shall have any power or authority to award or determine and change in modification or alteration of, addition to, or detraction from any other provision of this Agreement. The Arbitrator may or may not, make his/her award retroactive to the initial filing date of the grievance as the equities of the case may require.

(e) Each grievance shall be separately processed at any Arbitration proceeding hereunder unless the parties otherwise agree.

(f) The Arbitrator shall furnish a written opinion within thirty (30) days specifying the reasons for his decision. The decision of the Arbitrator, if within the scope of his authority and power within this Agreement, shall be final and binding upon the Union and the Commission and the aggrieved employee who initiated the grievance.

(g) The arbitration provisions in this Section shall be subject to RSA:542 Arbitration of Disputes.

Exerpt From Local 11 Patrolman's Union Contract

46. GRIEVANCE PROCEDURE

The term "GRIEVANCE" shall include any dispute concerning the application or interpretation of any of the provisions of this Agreement.

(A) Any employee having a grievance shall bring it to the attention of the Deputy Chief of Police within five (5) working days of the occurrence of the event giving rise to the grievance or of the

employees knowledge of said event. If the grievance is resolved at this informal level the settlement shall not be used as precedent for future cases.

(B) Should the employee not be satisfied with the responses at this grievance step, which response may be oral, the employee shall bring the grievance to the attention of the Board of Directors in writing within forty-eight (48) hours of having brought it to the attention of the Commander in Step 1 above. The Board of Directors shall determine the justification of said grievance.

(C) If the Board of Directors feel that the grievance exists, it will arrange for a meeting within ten (10) days of the receipt of the grievance with the Chief of Police in an attempt to adjust the grievance. Upon the Union's request, the Chief's answer will be reduced to writing within five (5) working days after the meeting unless the time is extended by mutual agreement. (Amended October 6, 2003)

(D) In the event that the grievance cannot be satisfactorily settled between the Chief of Police and the representatives of the Union, the matter will be referred to the Commission within ten (10) days after the Chief's answer. The Commission shall meet with the Union for a hearing on the grievance within twenty (20) days of their request for said hearing. If the issue involves discipline, the Commission may require the grievant or the employee on whose behalf the grievance was filed to appear at the Commission hearing. In the event the Commission requires the presence of the grievant at the hearing, the officer will be entitled to overtime pay provided he or she has worked in excess of eight hours a day/forty hours a week as stated in Section 21 of the Agreement. (Amended October 6, 2003)

(E) (Section 1) - If the Grievance has not been resolved to the satisfaction of the aggrieved employee, the UNION may, by giving notice to the COMMISSION within ten (10) working days after the conclusion of the meeting referred to in Section (D) submit the grievance to Arbitration. Such notice shall be addressed in writing to the COMMISSION.

(Section 2) – In the event that the UNION elects to proceed to Arbitration, the COMMISSION, or its designee, and the UNION will endeavor to agree upon a mutually acceptable Arbitrator and obtain a commitment from said Arbitrator to serve. If the parties are unable to agree upon an Arbitrator or to obtain a commitment to serve, the grievance shall be referred to the American Arbitration Association by the UNION no later than twenty (20) days after the receipt of the notice of submission to Arbitration, Section 1. In such event, the Arbitrator shall be selected in accordance with the rules of the American Arbitration Association, then applicable to voluntary labor Arbitration.

(Section 3) – The COMMISSION and the UNION agree that they will individually be responsible for their own costs, including overtime, for their preparation, participation and presentation at arbitration. The COMMISSION and the UNION further agree that they shall equally share in the compensation and the expense of the Arbitrator. (Amended October 6, 2003)

(Section 4) – The function of the Arbitrator is to determine the interpretation of specific provisions of this Agreement. There shall be no right in Arbitration to obtain and no Arbitrator shall have any power or authority to award or determine any change in, modification or alteration of, addition to, or deduction from any other provision of this Agreement. The Arbitrator may or may not, make his/her award retroactive to the initial filing date of the grievance as the equities of the case may require.

(Section 5) – Each grievance shall be separately processed at any Arbitration proceeding hereunder, unless the parties otherwise agree.

(Section 6) – The Arbitrator shall furnish a written opinion specifying the reasons for his decision. The decision of the Arbitrator, if within the scope of his authority and power within this Agreement, shall be final and binding upon the UNION and the COMMISSION and the aggrieved employee who initiated the grievance.

(Section 7) – The arbitration provisions of this Section shall be subject to RSA:542 Arbitration of disputes.

(F) For the purposes of the grievance and arbitration procedure set forth above, “working day” shall mean the days of Monday through Friday excluding holidays. (Amended: April 10, 1990)

Exerpt From Ranking
Officers
Union Contract

35. **GRIEVANCE PROCEDURE:** The term "GRIEVANCE" shall include any dispute concerning the application or interpretation of any of the provisions of this Agreement.

Signature Version 9/27/16

- (A) Any employee having a grievance shall bring it to the attention of the Deputy Chief of Police. If the matter is not resolved with the Deputy Chief, the employee shall notify the Officers of the ASSOCIATION in writing within seven (7) days of noting the grievance and the Officers of the ASSOCIATION shall determine the justification of said grievance. (Amended: July 19, 2004)
- (B) If the Officers feel that a grievance exists, the officer will arrange a meeting within five (5) days from the receipt of the grievance with the Chief of Police or the Chief's designee in an attempt to adjust the grievance informally.
- (C) In the event that the grievance cannot be satisfactorily settled between the Chief of Police and the representatives of the ASSOCIATION within fourteen (14) days of the meeting described in (B), the matter will then be referred to the COMMISSION.
- (D) Within ten (10) days from the referral set forth in (C), the COMMISSION will schedule a date to hear the grievance as presented by the Chief of Police and the ASSOCIATION.¹ The COMMISSION shall render its decision in writing as soon as possible but not later than fifteen (15) calendar days.
- (E) (Section 1) If the Grievance has not been resolved to the satisfaction of the aggrieved employee, the ASSOCIATION may, by giving notice to the COMMISSION within ten (10) working days after the Association receives the COMMISSION'S written decision, submit the grievance to Arbitration. Such notice shall be addressed in writing to the COMMISSION.

(Section 2) - In the event that the ASSOCIATION elects to proceed to Arbitration, the COMMISSION, or its designee, and the ASSOCIATION will endeavor to agree upon a mutually acceptable Arbitrator and obtain a commitment from said Arbitrator to serve. If the parties are unable to agree upon an Arbitrator or to obtain a commitment to serve, the grievance shall be referred to the American Arbitration Association by the ASSOCIATION no later than twenty (20) days after the receipt of the notice of submission to Arbitration, Section 1. In such event, the Arbitrator shall be selected in accordance with the rules of the American Arbitration Association, then applicable to voluntary labor Arbitration.

(Section 3) - The COMMISSION and the ASSOCIATION agree that they will individually be responsible for their own costs, preparation and presentation. The COMMISSION and the ASSOCIATION further agree that they shall equally share in the compensation and the expense of the Arbitrator.

(Section 4) - The function of the Arbitrator is to determine the interpretation of specific provisions of this Agreement. There shall be no right in Arbitration to obtain and no Arbitrator shall have any power or authority to award or determine any change in, modification or alteration of, addition to, or detracting from any provision of this Agreement. The Arbitrator may or may not, make his/her award retroactive to the initial filing date of the grievance as the equities of the case may require.

(Section 5) - Each grievance shall be separately processed at any Arbitration proceeding hereunder, unless the parties otherwise agree.

(Section 6) - The Arbitrator shall furnish a written opinion specifying the reasons

¹It is understood that the scheduling of the hearing must occur within the ten (10) days, although the actual hearing may take place later.

for his decision. The decision of the Arbitrator, if within the scope of his authority and power within this Agreement, shall be final and binding upon the ASSOCIATION and the COMMISSION and the aggrieved employee who initiated the grievance. (Amended: March 04, 1987)

(Section 7) - The arbitration provisions of this Section shall be subject to the provisions of RSA 542 "Arbitration of Disputes."

25.1.1

Applicable CALEA Standards

(M M M M) (LE1) Grievance Procedures

Unless there is controlling contract language, a written directive establishes a grievance procedure, which includes the following:

- a. identification of matters that are grievable (scope) and the levels in the agency or government to which the grievance may be filed and/or appealed;*
- b. establishment of time limitations for filing or appealing the grievance to the next level;*
- c. a description of the type of information to be submitted when filing a grievance;*
- d. establishment of procedural steps and time limitations at each level in responding to grievances or appeals; and*
- e. establishment of criteria for employee representation.*

Commentary

Since a formal grievance procedure is designed to resolve differences between the employee and employer, it follows logically that such procedures be written in clear, concise terms. If grievance procedures are part of a collective bargaining agreement, such agreement would meet the definition of "written directive" as used in this standard. This standard applies to all agency employees. If more than one procedure exists, each should be described.

A written statement of the grievance and the facts upon which it is based, a written allegation of the specific wrongful act and harm done, and a written statement of the remedy or adjustment sought are basic information that should be required from a grievant. A form may be designed for this purpose to include spaces for noting significant times, dates, and actions taken relative to a grievance.

Once the grievance has been filed, it should be handled formally. Each level should acknowledge receipt by noting time, date, and person receiving the grievance. The facts or allegations should be carefully analyzed and affirmed or denied in writing. A legitimate attempt should be made at each level to resolve the grievance rather than merely passing it on to the next level. If applicable, remedies or adjustments should be identified in writing.

The procedure should have an appeal process for grievable issues. To be an appeal, the issue should go to a higher level or authority for review. Grievances normally follow the employee's "chain of command" within the agency or governmental structure. The procedure should identify the levels of appeal, the time limits within which each level should respond, and the final level of authority. (M M M M) (LE1)

25.1.2

Applicable CALEA Standards

(M M M M) Coordination/Control of Records

A written directive identifies a position responsible for coordination of the grievance procedures and for the maintenance and control of grievance records.

Commentary

The sensitivity of these records dictates additional precautions in controlling access to them. (M M M M)

25.1.3

Applicable CALEA Standards

(M M M M) Annual Analysis


Annually, the agency conducts an analysis of its grievances, as well as supporting policies and practices.

Commentary

The grievance procedure is a valuable method for management to discover agency problems. If through analysis the agency's chief executive officer observes a trend in filed grievances, steps may be taken to minimize the causes of such grievances in the future. The responsibility for analyzing grievances and reporting to the CEO should be assigned to the position required by standard 25.1.2. The formality of the analysis and reporting may be determined to best suit the agency's need. However, the absence of reported grievances may not be used to disregard the requirements of the standard. (M M M M)

**CITY OF PORTSMOUTH
PORTSMOUTH, NH 03801**

Office of the City Manager

Date: June 15, 2017
To: Honorable Mayor Jack Blalock and City Council Members
From: John P. Bohenko, City Manager 
Re: City Manager's Comments on June 19, 2017 City Council Agenda

6:30 p.m. – Non-Public Session Re: RSA 91-A:3 II (a), regarding the compensation of public employees – Contract for AFSCME 1386B

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

Presentations:

1. **Portsmouth High School 2017 Girls Spring Track New Hampshire Division II State Champions.** On Monday evening, Mayor Jack Blalock will recognize Portsmouth High School Girls Spring Track Team State Champions.
2. **Portsmouth High School 2017 Girls Lacrosse New Hampshire Division II State Champions.** Mayor Jack Blalock will recognize the Portsmouth High School Girls Lacrosse Team State Champions.
3. **Portsmouth High School 2017 Boys Baseball New Hampshire Division II State Champions.** Mayor Jack Blalock will recognize the Portsmouth High School Boys Baseball Team 2017 State Champions.

4. **New England Foundation for the Arts Award Re: African Burying Ground.** The New England Foundation for the Arts will present the City with an award on Monday evening in recognition of the African Burying Ground Project.

Councilor Dwyer, Vernis Jackson, and Stephanie Seacord, African Burying Ground Volunteer, presented a workshop about the African Burying Ground at the New England Creative Communities Exchange held this month in New London, Connecticut. The conference was sponsored by the New England Foundation for the Arts in Boston. Councilor Dwyer indicated that they had a good session and were surprised to be awarded a cash prize (one of two given every two years) to recognize the African Burying Ground project for its successful strategies, impact on the community, and possibility for replication in other communities. Councilor Dwyer, Vernis Jackson and Stephanie Seacord were interviewed to create a short video.

5. **Art-Speak Annual State of the Art Presentation and Request to Extend the Agreement Between the City and Art-Speak.** Mike Teixeira, President of Art-Speak, will present the annual report on local arts and culture activities during FY 16/17 and request renewal of the Agreement between the City and Art-Speak for the period July 1, 2017 through June 30, 2018.

The report will include an update on the work required under the current funding agreement between Art-Speak and the City. During FY 16/17, Art-Speak continued implementation of the Cultural Plan, promoted Portsmouth as a local and regional arts and culture through the “A Tiny Bit Huge” project and through website updates. It completed the surveys of non-profit arts organizations required for participation in the Americans for the Arts Economic Prosperity Study. It also facilitated the Foundry Place Garage Percent for Art project and convened a public meeting to gather input. Art-Speak is also represented on the Foundry Place Garage Subcommittee. Finally, it initiated an exciting public art program that will be included in the presentation. The funding in the FY 18 budget for City Cultural Commission activities remains at \$15,000.

By supporting the activities of Art-Speak, the City of Portsmouth advocates and leverages the power of the local creative economy and continues to be a leader for other communities in the region. [Attached](#) is a draft copy of the renewal Agreement between the City and Art-Speak for your information.

I recommend that the City Council authorize the City Manager to extend the agreement from July 1, 2017 through June 30, 2018.

Items Which Require Action Under Other Sections of the Agenda:

1. First Reading of Proposed Ordinance Amendments.

- 1.1 **First Reading of Parking & Traffic Safety Omnibus Ordinance.** Attached under Section VIII of the Agenda is the annual omnibus set of ordinances recommended by the Parking and Traffic Safety Committee. This year's omnibus changes are detailed on the [attached sheets](#), and address changes to on-street parking spaces, one-way streets, truck traffic prohibitions, and updates to reflect current conditions.

By way of background, on March 29, 2000, the City Council adopted Ordinance #4-2000 under Chapter 7, Article 1, Section 7.103 of the Vehicles, Traffic and Parking Ordinance. This ordinance was adopted in order to be more responsive to the changing parking needs of the downtown. Before its adoption, it often took three readings of the City Council to simply change a parking space from a two-hour time restriction to a 15-minute one. This process would often take four to six months to complete.

The current ordinance authorizes the Parking and Traffic Safety Committee to recommend temporary parking and traffic regulations to the City Council for its approval in the form of its monthly meeting minutes. Once the Council approves these minutes, the temporary regulations are in effect for a period not to exceed one year. During that year the Council and the public have the benefit of seeing how a temporary regulation works before adopting it as a permanent change to the parking ordinance. These temporary regulations are presented at one time to the Council for its consideration. The [attached amendments to Chapter 7, Vehicles, Traffic and Parking](#) for the Council's consideration summarize the temporary parking regulations implemented by the Parking and Traffic Safety Committee last year.

I recommend the City Council move to pass first reading and schedule a public hearing and second reading of the proposed Ordinance, at the July 10, 2017 City Council meeting, as presented. Action on this matter should take place under Section VIII of the Agenda.

2. Public Hearing.

- 2.1 **Public Hearing on the Draft Hazard Mitigation Plan Update 2017.** [Attached under Section VII of the Agenda is a copy of the City's Draft Hazard Mitigation Plan Update 2017](#), which is a joint effort of a Committee comprised of the City's Emergency Management Coordinator, Deputy City Manager, Assistant City Manager, Environmental Planner, Community Development Coordinator, Deputy Fire Chief, Fire Prevention Coordinator and GIS Coordinator working with the staff from the Rockingham Planning Commission. On Monday evening, the City Council will hold a public hearing to receive public comment on the Draft Plan

Update. Public comment on the Draft Plan will be accepted by the City Council and the Emergency Management Director until Monday, July 3, 2017. Comment can be submitted via email to seachilles@cityofportsmouth.com or klbarnaby@cityofportsmouth.com.

Fire Chief and Emergency Management Coordinator Steve Achilles will be in attendance at Monday's meeting to answer any questions regarding this matter.

We will not be asking the Council to adopt the Plan until we receive approval from NHHSEM, (NH Homeland Security and Emergency Management).

3. **Public Hearing/Second Reading of Proposed Ordinances.**

- 3.1 **Public Hearing/Second Reading of Proposed Ordinance amending Chapter 1, Article IX Conflict of Interest/Mandatory Financial Disclosure, Section 1.902: - Election Candidate Financial Disclosure.** As you will recall at the May 1, 2017 City Council meeting, the Council voted to bring back for first reading the [attached proposed Ordinance](#) amending Chapter 1, Article IX Conflict of Interest/Mandatory Financial Disclosure, Section 1.902: - Election Candidate Financial Disclosure. As requested at the April 17, 2017 City Council meeting, the proposed Ordinance reflects new language to clarify entities from candidates.

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

4. **Public Hearings on Proposed Charter Amendments.**

- 4.1 **Public Hearing for Proposed Charter Amendment #1 to Establish a Conflict of Interest Ordinance – Amendment C – Reporting Monetary Contributions to the Candidate or by A Political Action Committee.** The municipal Charter of the City of Portsmouth currently requires that the City of Portsmouth establish a Conflict of Interest Ordinance. The ordinance is required to include mandatory financial disclosure by certain municipal officials, a review board and procedures to determine violations, penalties for violations as well as procedures to be used in reporting, investigating and correcting the results of violations. If adopted, this proposed Charter Amendment would add to the list items to be included in the ordinance mandatory financial reporting requirements under which candidates for the City Council, and political action committees which support such candidates, must report campaign contributions and expenditures. The specific reporting requirements would ultimately be contained in the ordinance adopted by the City Council. [See attached Charter Amendment under Section VIII of the Agenda.](#)

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

- 4.2 **Public Hearing for Proposed Charter Amendment #2 to Establish a Conflict of Interest Ordinance – Amendment C – Financial Disclosure.** The municipal Charter of the City of Portsmouth currently requires that the City of Portsmouth establish a Conflict of Interest Ordinance. The ordinance is required to include mandatory financial disclosure by certain municipal officials, a review board and procedures to determine violations, penalties for violations as well as procedures to be used in reporting, investigating and correcting the results of violations. If adopted, this proposed Charter Amendment would mandate that the “municipal officials” who must comply with the mandatory financial disclosure of the sources of income and capital assets required by the ordinance will include members of the City Council, Police, Commission, Fire Commission, School Board, Planning Board, Zoning Board of Adjustment, Historic District commission and the City Manager. [See attached Charter Amendment under Section VIII of the Agenda.](#)

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

- 4.3 **Public Hearing for Proposed Charter Amendment #3 Amendment E – Police Department (Police Commission) to Modify the Role of the Police Commission.** As currently written, the municipal Charter of the City of Portsmouth places administrative and policy making authority for the Portsmouth Police Department in a three (3) member elected Police Commission. If this proposed Charter Amendment is adopted the primary effect would be to shift some of the administrative authority from the Police Commission to the general City government. The Police Commission would continue to have authority to appoint the police chief and act upon complaints from any source as well as act upon employee grievances. The Police Commission would retain the authority to discipline or remove any employee of the Police Department against whom such a complaint has been brought. [See attached Charter Amendment under Section VIII of the Agenda.](#)

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

5. **Third and Final Readings of Proposed Ordinances.**

- 5.1 **Third and Final Reading of Proposed Ordinance amending Chapter 10 – Zoning Ordinance, Character-Based Zoning Excess Community Space.** As a result of the June 5, 2017 City Council meeting, under Section VIII of the Agenda, I am bringing back for third and final reading the [attached proposed Ordinance](#) amending Chapter 10 – Zoning Ordinance, Character-Based Zoning Excess Community Space.

As you will recall, at the April 3, 2017 City Council meeting, the Council voted to refer the draft zoning amendment to the Planning Board for report back. This proposed Zoning Ordinance amendment would allow excess community space provided by a development in an Incentive Overlay District to be credited for use in

another development in the same Incentive Overlay District. [Attached for your information is a memorandum from former Planning Director Rick Taintor](#) explaining the background of the proposed Vaughan Street Hotel and Waterfront Park as well as the provisions of the proposed amendment.

The Planning Board held a public hearing on this draft amendment to the Zoning Ordinance at its meeting on April 20, 2017. The Board voted to recommend that the amendment be enacted with the following four changes:

1. When a developer proposed to contribute unimproved land in lieu of a confirming community space, require the application to include a complete site plan and design for the future community space.
2. In 10.5A46.23(2)(a) of the draft amendment [to be re-designated as (b)], insert the word “excess” before the words “unimproved land” to clarify the intent.
3. Reduce the maximum term of a Prospective Development Incentive Agreement from 15 years to 10 years.
4. Insert a new provision requiring the grant of a conditional use permit by the Planning Board in order for a developer to be able to use the excess community space to support a future project, regardless of whether the future project would need a conditional use permit otherwise.

[The attached revised amendment](#) incorporates the Planning Board’s recommended changes (additions underlined, deletions ~~struck through~~).

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 VIII of the Agenda.

- 5.2 **Third and Final Reading of Proposed Ordinance amending Chapter 10 – Zoning Ordinance, Signs related to Public Parking in Private Parking Lots.** As a result of the June 5, 2017 City Council meeting, under Section VIII of the Agenda, I am bringing back for third and final reading the [attached proposed Ordinance](#) amending Chapter 10 – Zoning Ordinance, Signs related to Public Parking in Private Parking Lots.

At its March 6, 2017 meeting the City Council passed third reading on an ordinance relating to signs for public parking in a private parking lot. This ordinance was enacted as an amendment to the City Ordinances, Chapter 7, Article I – Parking Meters, and requires that any sign located at the entrance to a private parking lot receive a permit from the Department of Public Works.

Attached is a memorandum from former Planning Director Rick Taintor which outlines the reasons for an amendment to the Zoning Ordinance 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.

The Planning Department drafted the [attached amendment to the Zoning Ordinance](#) to implement these exemptions, and the City Council voted at its March 20th meeting to refer this proposed amendment to the Planning Board for report back. At its meeting on April 20, 2017, the Planning Board voted unanimously to recommend that the Zoning Ordinance be amended as proposed.

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 VIII of the Agenda.

- 5.3 **Third and Final Reading of Proposed Ordinance amending Chapter 1, Article XVII, Section 1.1704 Public Art - Exemption.** As a result of the June 5, 2017 City Council meeting, under Section VIII of the Agenda, I am bringing back for third and final reading the [attached proposed Ordinance](#) amending Chapter 1, Article XVII, Section 1.1704 Public Art – Exemption. This proposed Ordinance is a request of Councilor Nancy Pearson. City Attorney Robert Sullivan meet with Councilor Pearson on April 11, 2017 regarding the inclusion of a public art component to school construction projects, reference ordinances of the City of Portsmouth, Chapter 1, Article XVII.

In particular, 1.1702 **PUBLIC ART COMMITMENT** requires that, “One (1%) percent of the bid price or negotiated contract price for the construction of all new municipal buildings or for the renovation of existing municipal buildings, in which the bid price or negotiated price shall be in excess of Two Million (\$2,000,000.00) Dollars up to Fifteen Million (\$15,000,000.00) Dollars (expressed in terms of actual construction costs exclusive of design and engineering fees), shall be contributed to the Public Art Trust for the purpose of funding public art.”

The ordinance contains further provisions which determine how public art will be selected and the public arts funds expended on that selection. There is also a provision in the ordinance which allows the City Council to exempt a municipal building under appropriate circumstances. Insofar as school buildings are owned by the municipality and construction or renovation of them is funded by the City Council, it would appear that this ordinance would apply to school buildings, such as the Little Harbour School.

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 VIII of the Agenda.

- 5.4 **Third and Final Reading of Proposed Ordinance amending Chapter 7, Article I Parking Meters, Section 7.105: Parking - Designated Motorcycle Parking Area.** As a result of the June 5, 2017 City Council meeting, under Section VIII of the Agenda, I am bringing back for third and final reading the [attached](#) Ordinance amending Chapter 7, Article I Parking Meters, Section 7.105: Parking C. Designated Motorcycle Parking Area which was approved by the Parking and Traffic Safety Committee meeting of April 6, 2017.

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 VIII of the Agenda

- 5.5 **Third and Final Reading of Proposed Ordinance amending Chapter 7, Article V Bicycle Regulations.** As a result of the June 5, 2017 City Council meeting, under Section VIII of the Agenda, I am bringing back for third and final reading the [attached](#) proposed Ordinance amending Chapter 7, Article V Bicycle Regulations which was approved by the Parking and Traffic Safety Committee meeting of April 6, 2017.

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 VIII of the Agenda.

- 5.6 **Third and Final Reading of Proposed Ordinance amending Chapter 7, Article XVII Moped Regulations.** As a result of the June 5, 2017 City Council meeting, under Section VIII of the Agenda, I am bringing back for third and final reading the [attached](#) proposed Ordinance amending Chapter 7, Article XVII Moped Regulations which was approved by the Parking and Traffic Safety Committee meeting of April 6, 2017.

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 VIII of the Agenda.

Consent Agenda:

1. **Request for License to Install Projecting Signs.** [Attached under Section IX of the Agenda](#) is a request for projecting sign licenses ([see attached memorandums from Juliet Walker, Planning Director](#)):
 - Kristin Fichera, owner of The Treehouse School of Portsmouth located at 100 State Street
 - Albert Fleury, owner of The Goat located at 142-144 Congress Street
 - Joe Kelly, owner of Thirsty Moose Taphouse located at 21 Congress 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 IX of the Agenda.

City Manager's Items Which Require Action:

1. **Request for Approval of Employment Agreement between the Portsmouth Police Commission and the New Police Chief Robert M. Merner.** The Portsmouth Police Commission has reached an Employment Agreement with the Robert M. Merner to serve as the City's next Police Chief. The [attached Employment Agreement](#) is for a five (5) year term (through June 19, 2022) with possible extension, subject to a contractual addendum approved by both the Police Commission and the City Council.

City Negotiator Thomas Closson recommends this Employment Agreement. [Attached is a copy of his letter which summarizes the highlights of this Agreement.](#) Also, this proposed Agreement is posted on the City's Website at:

<http://www.cityofportsmouth.com/hr/contracts/Police/rmerner%20.pdf>

I recommend the City Council move to accept the proposed Employment Agreement between the Portsmouth Police Commission and the new Police Chief Robert M. Merner for a five (5) year term, commencing on June 20, 2017 and ending on June 19, 2022.

2. **Request for Approval of Working Agreement between Portsmouth School District Paraprofessionals and the Portsmouth Board of Education.** The Portsmouth Board of Education has reached a Tentative Agreement with the Portsmouth School District Paraprofessionals (PARA) for an Agreement from July 1, 2017 to expire on June 30, 2020.

For your information and to facilitate discussion regarding this matter, [attached please find the following documents:](#)

- [A letter from Thomas Closson, City Negotiator summarizing the terms of this Tentative Agreement;](#)
- [The PARA Contract showing the insertions and deletions to implement the Tentative Agreement if approved; and](#)
- [Cost Analysis of the Agreement.](#)

Also, this proposed Agreement is posted on the City's Website at:

<http://www.cityofportsmouth.com/hr/contracts/School/Paras%20draft%2017-20.pdf>

I recommend the City Council move to accept the proposed contract with the Portsmouth Board of Education and the Portsmouth School District Paraprofessionals to expire on June 30, 2020.

3. **Request for Public Hearing Re: Various Bonding Resolutions.** Attached five (5) proposed Bond Authorization Resolutions for projects identified in the FY 18-23 Capital Improvement Plan (respective element sheets are attached). I am requesting that the City Council establish a public hearing on each of these proposed resolutions for the July 10th, 2017 City Council Agenda.

GENERAL FUND

I. **Resolution for borrowing authorization of up to \$550,000 for costs related to the Installation and Implementation of New High School Athletic Field Lighting.**

- **High School Athletic Field Lighting - \$550,000:**

(Page II-30 of Appendix II of the Proposed Annual Budget Book 2017-2018)

The Portsmouth School Department has maintenance responsibilities for more than 10 acres of athletic fields on the Portsmouth High School campus, used by both the School and Recreation Departments. The current lighting was installed in 1989 and is now beyond its expected life cycle, resulting in numerous component failures. Several attempts at procuring equipment and installation of proven current lighting technology bid as part of a package of similar projects for the Department of Public Works resulted in a significant funding shortfall.

II. **Resolution for borrowing authorization of up to \$10,950,000 for costs related to City Street, Sidewalk, and Facility Improvements.**

- **City Fields Lighting - \$600,000:**

(Page II-44 of Appendix II of the Proposed Annual Budget Book 2017-2018)

The sports lighting at Leary Field and at the High School athletic field's complex are thirty years old and at the end of their useful life. The City is unable to purchase replacement parts for these systems. The Leary field includes baseball, soccer, tennis and a practice field.

- **Downtown Maplewood Avenue Area Complete Street Project - \$450,000:**

(Page II-62 of Appendix II of the Proposed Annual Budget Book 2017-2018)

The goals are to enhance the comfort, appeal and safety of this approximately ¼ mile corridor. This project is intended for planning, design and construction and will include sidewalk widening, bike lanes, crosswalk improvements, travel lane reductions, related underground utility work as well as roadway reconstruction. Partial funding will be provided by developers of abutting parcels.

- **North Mill Pond Multi-Use Path - \$500,000:**

(Page II-63 of Appendix II of the Proposed Annual Budget Book 2017-2018)

The North Mill Pond Multi-Use Path would be a paved path for use by bicycles and pedestrians extending from Market Street to Bartlett Street, with a brief on-road

connection on Maplewood Ave. As proposed, the path would be a minimum of ten-feet (10') wide and two-feet (2') of clear space on either side. Phase 1 of this project would include design of the entire corridor as well as construction for the portion extending from Bartlett St to Maplewood Ave. Phase 2 will address the extension from Maplewood Ave to Market Street, where significant private investment is anticipated.

- **City-Wide Sidewalk Reconstruction Program - \$800,000:**

(Page II-68 of Appendix II of the Proposed Annual Budget Book 2017-2018)

This program is in conjunction with the ongoing Bicycle Pedestrian Plan. The sidewalk inventory consists of over seventy (70) miles of sidewalks, made from asphalt, concrete, brick, or stone. Reconstruction work is required to bring these to standard. Reconstruction is based upon need and is coordinated with other street improvements. To aid in prioritizing of sidewalk upgrades the DPW has completed a sidewalk condition inventory. This project includes sidewalks identified as being in poor to fair condition.

- **Lafayette/Andrew Jarvis Intersection Improvements - \$800,000:**

(Page II-73 of Appendix II of the Proposed Annual Budget Book 2017-2018)

Construction of improvements to intersection, including signalization of intersection, widening Andrew Jarvis Drive to provide separate left and right turn lanes, widening Lafayette Road to provide turning lanes, provide bus stop, crosswalks and bike lane on Lafayette Road. Construct ornamental stone wall at corner and reinstall the High School Sign.

- **Hoover/Taft Drainage Upgrades - \$250,000:**

(Page II-79 of Appendix II of the Proposed Annual Budget Book 2017-2018)

This project would alleviate the flooding in this area during intense rain events and repave the area after construction.

- **Pleasant Street Reconstruction - \$750,000:**

(Page II-80 of Appendix II of the Proposed Annual Budget Book 2017-2018)

Reconstruction of Pleasant Street from Court Street to Marcy Street. Project includes new water mains, new sanitary sewers, new drains, stormwater treatment/management measures, new sidewalks, and new pavement. Water and sewer improvement funding to come from enterprise funds.

- **New Franklin/Woodbury Corridor Improvements - \$500,000:**

(Page II-82 of Appendix II of the Proposed Annual Budget Book 2017-2018)

This project includes design and construction of improvements recommended in the Woodbury Avenue Corridor Study. Work needed includes removal of the concrete medial islands, installation of traffic signals at the Route 1 Bypass

northbound ramps, re-striping to provide left turn lanes at intersections, and construction of a pedestrian refuge island at Rockingham and Dennett.

- **McDonough Street Area Improvement Project - \$800,000:**

(Page II-83 of Appendix II of the Proposed Annual Budget Book 2017-2018)

This project is at the request of the Islington Creek Neighborhood Association to have new sidewalks and traffic calming measures installed throughout the McDonough Street Area. The main purpose of this project is to enhance safety for the residents and others who travel through this area on foot, by bicycle and motor vehicle. This area is a mixed use of residential, commercial and industrial uses located between Islington Street and North Mill Pond. The work will include water, sewer, storm drainage, paving, curbing and associated landscaping constructed in a phased approach.

- **Islington Street Improvements - \$2,500,000:**

(Page II-84 of Appendix II of the Proposed Annual Budget Book 2017-2018)

The [Islington Street Improvement Action Plan](#) was completed in 2009 with the goal of improving the appearance of Islington Street in the area between Maplewood Avenue and Rt. 1 Bypass. This project involved development of a plan for capital improvements, regulatory strategies and non-regulatory public/private approaches to revitalization. The streetscape will be enhanced in a coordinated way as properties are improved through the site review process. Final design is underway with the first phase of improvements starting at Congress St. with construction anticipated summer 2017.

- **Street Paving, Management and Rehabilitation - \$3,000,000:**

(Page II-85 of Appendix II of the Proposed Annual Budget Book 2017-2018)

In 1993 the City began a Pavement Condition Management Program. This on-going program produces a report showing existing conditions for each publicly owned street and a priority ranking for the best dollar investment and has the ability to show "What If" scenarios and estimated project costs. These scenarios project future street conditions based upon various levels of expenditures. The most recent condition report recommends an expenditure of \$1,500,000 per year to maintain street conditions at its current level. The indicated expenditures are capital costs to implement the improvements over a two-year period with all work lasting twenty (20) years. (The Public Works operational budget includes those costs associated with maintenance work with an expected life of only ten (10) years).

WATER FUND

III. **Resolution for borrowing authorization of up to \$3,100,000 for costs related to Water Line Replacements and the Pleasant Street Water Line Improvements.**

- **Annual Water Line Replacement - \$2,500,000:**

(Page II-88 of Appendix II of the Proposed Annual Budget Book 2017-2018)

The water distribution system consists of more than 150 miles of pipe. Many of the older pipes are 50 to 100 years old, undersized and at the end of their design life. Pipes are replaced programmatically as part of water specific capital projects, roadway reconstruction and prior to annual paving. This item will fund the purchase of pipe, valves and associated materials used to replace those pipes. Bond funds for large full road reconstruction projects.

- **Pleasant Street Water Mains - \$600,000:**

(Page II-93 of Appendix II of the Proposed Annual Budget Book 2017-2018)

This project consists of Reconstruction of Pleasant Street water mains from Court Street to Marcy Street

SEWER FUND

IV. **Resolution for borrowing authorization of up to \$4,800,000 for costs related to Consent Decree Mitigation, Annual Sewer Line Replacements, Wastewater Pumping Station Improvements, and Union Street Sewer Construction.**

- **Consent Decree Mitigation - \$400,000:**

(Page II-96 of Appendix II of the Proposed Annual Budget Book 2017-2018)

The City of Portsmouth entered into a Consent Decree with the Environmental Protection Agency in 2009. The City moved forward with the requirements of the Consent Decree and had to modify the final schedule for the required expansion of the Peirce Island Wastewater Treatment Facility. As a result of this modification, the City committed to certain projects. The capital type projects include implementing a \$500,000 green infrastructure stormwater project and construction of a low pressure sewer system on Sagamore Avenue north and south of Sagamore Creek and will be funded with this item.

- **Annual Sewer Line Replacement - \$3,000,000:**

(Page II-100 of Appendix II of the Proposed Annual Budget Book 2017-2018)

The wastewater collection system consists of more than one-hundred (100) miles of pipe. Many of the older pipes are fifty (50) to one-hundred (100) years old, undersized and at the end of their design life. Pipes are replaced programmatically as part of sewer specific capital projects, roadway reconstruction and prior to annual paving. This item will fund the purchase of pipes and associated materials used to replace those pipes. Bond funds are for the large full road reconstruction type projects.

- **Wastewater Pumping Station Improvements - \$700,000:**

(Page II-101 of Appendix II of the Proposed Annual Budget Book 2017-2018)

The City owns and operates twenty (20) wastewater pumping stations. The projected life span of a pumping station is twenty (20) years. This project plans for the replacement or major rehabilitation of the pumping stations that have not been included as separate projects. The next pumping station to be addressed under this project is the Heritage Avenue pumping station.

- **Union Street Sewer Construction - \$700,000:**

(Page II-102 of Appendix II of the Proposed Annual Budget Book 2017-2018)

This section of Union Street from Middle Street to State Street is in poor condition and in need of full reconstruction, streetscape improvements and full utility replacement. This will include separating the combined sewer in the area. The costs of this project will be shared with the Highway Division and Water Division of Public Works.

V. **Resolution for borrowing authorization of up to \$6,900,000 for costs related to the Construction of the Peirce Island Wastewater Treatment Plant (State Revolving Fund – SRF)**

- **Peirce Island Wastewater Treatment Design and Construction - \$6,900,000:**

(Page II-97 of Appendix II of the Proposed Annual Budget Book 2017-2018)

The borrowing authorization request to increase the State Revolving Fund (SRF) loan in the amount of \$6.9 million for the construction of the Peirce Island Wastewater Treatment Facility will cover costs for construction contingencies and construction engineering to complete the project. These funds were previously anticipated and were presented as part of the FY 18 Capital Improvement Plan (CIP). With City Council approval of the borrowing authorization, the total sewer funding for the project will be \$91.9 million as shown on the FY 18 to FY 23 CIP element sheet. This request does not increase the overall cost of the Peirce Island Wastewater Treatment Facility project but covers the funding gap between previous borrowing authorizations and the total project funding need.

By way of further background, the City Council previously authorized \$85 million in borrowing for this project, \$10 million on August 5, 2013 (municipal bond) and \$75 million on March 14, 2016 (SRF Loan). At the time of the construction contract award it was acknowledged that additional funding would be needed to cover contingency and engineering costs beyond the first year of construction and that future CIP funding requests would reflect that need.

The City opted to use the State Revolving Loan Fund (SRF) for the construction related costs because of the low fixed interest rate and the limited construction interest costs. The Department of Environmental Services (DES) administers the

SRF loans and has indicated that the additional \$6.9 million can be made available to the City. Although DES intends to modify the loan agreement annually for the added funding, DES has advised that this single authorization of \$6.9 million for remaining project costs would provide them flexibility in lieu of separate annual authorizations as shown in the CIP element sheet. This provides DES flexibility to adjust the annual loan amendment based on available funds in the SRF program.

I recommend the City Council move to authorize the City Manager to bring back for public hearing and adoption the various proposed CIP projects to be bonded, as presented, for the July 10, 2017 City Council meeting. (Please note that Bonding Resolutions require a public hearing and adoption).

4. **Composting Program Approval.** Over the past year, the Department of Public Works (DPW) has worked to make food waste composting easier for residents by introducing a food waste drop-off at the Recycling Center, and offering discounted backyard compost bins for purchase. At the City Council's request, an additional option to expand on these efforts and further encourage Portsmouth residents to divert food waste from the landfill was developed. This option includes offering backyard compost bins – a \$100 retail value – free to residents, along with full rebates returned to those who have already purchased them. In addition to free backyard compost bins, a monthly subsidy to residents who participate in curbside collection through Mr. Fox Composting could be provided. The City would offer a \$10 per month subsidy reflected on the resident's invoice from Mr. Fox Composting to those residential customers in Portsmouth who use their services. Total cost for this pilot program is estimated at \$40,000 in FY18.

City Council authorization is needed to offer a Mr. Fox Composting subsidy and backyard bin program.

To the best of our knowledge, only one of the dozens of waste haulers that operate in the Seacoast area, Mr. Fox Composting, currently provides curbside collection of food waste. Mr. Fox is a local Maine company already providing curbside collection of food waste to approximately 150 Portsmouth residents and many businesses. Mr. Fox Composting charges their customers \$32 per month for weekly curbside collection or \$16 per month for bi-weekly collection. This cost includes curbside bins, compostable bags and an option for free finished compost for participating residents. Because curbside collection of food waste is an industry in its infancy, collection costs are high and present a barrier to entry for many residents.

Therefore, I request that the City Council authorize effective July 1, 2017 a one year pilot program, as presented.

5. **Establish a Work Session Re: Thomas J. McIntyre Federal Property at 80 Daniel Street.** On June 12, 2017, the City received 7 qualifications packages (included in the City Council packets) and the public can view these documents at <https://sites.google.com/view/mcintyreproject/request-for-private-partners> in response to its Request for Qualifications (RFQ) pertaining to the redevelopment of the McIntyre property. These seven teams are listed below:

- Wood Partners Lexington, MA
- Winn Development Boston, MA
- Ocean Properties & Two International Place Portsmouth, NH
- 100 Market Street LLC Portsmouth, NH
- Chinburg Properties Newmarket, NH
- Leggat McCall Properties Boston, MA
- Kane Company & Redgate Portsmouth, NH, Boston, MA

We are reviewing each submittal for responsiveness to the criteria set forth in the RFQ. We request City Council establish a work session to review these submittals as well as a draft Request for Proposals before its July 10, 2017 regular meeting. In the meantime, City staff will meet with the New Hampshire State Historic Preservation Office (NH SHPO) to gain some additional insight into their thoughts on the property, and how the Secretary Standards might be applied.

We plan to hold an initial public input session on Monday, June 26, 2017 at 6:00 p.m. in the Eileen Dondero Foley Council Chambers to inform the community about the property, the Historic Monument program, and solicit ideas for the property's redevelopment. Invitations to attend will be extended to the Planning Board, the Historic District Commission, and the Economic Development Commission.

We expect teams to work over the summer months to develop proposals for City Council's consideration in September. At that time, City Council may decide to conduct interviews/proposal presentations during an extended special meeting. Following these interviews, City Council may select a preferred partner for application to the Historic Monument program.

Details involving a development agreement, lease terms, preservation covenants, etc. will commence at that time – General Services Administration (GSA) has previously indicated the building may be ready to be vacated by fall 2018.

I recommend the City Council move to establish a Work Session to review the submittals for the redevelopment of the Thomas J. McIntyre Federal Property at 80 Daniel Street, as well as a draft Request for Proposals before the City Council July 10th regular meeting.

6. **Request to Reschedule Work Session Re: Scope of Services and Review of Parking Principles.** As you are aware, at the May 15, 2017 City Council meeting, the City Council voted to schedule a Work Session regarding parking for this evening's meeting. I am requesting that the City Council reschedule the Work Session for Monday, August 7, 2017 at 6:00 p.m., prior to the regular meeting. At this time, our new Parking Director Ben Fletcher will be in attendance.

Therefore, may I have your approval to reschedule the Work Session regarding parking to Monday, August 7, 2017 at 6:00 p.m.

Informational Items:

1. **Events Listing.** For your information, [attached is a copy of the Events Listing](#) updated after the last City Council meeting on June 5, 2017. In addition, this can be found on the City's website.
2. **Adopted Annual Budget for Fiscal Year 2018.** [Attached for your information is a copy of a memorandum](#) regarding the Adopted Annual Budget for Fiscal Year 2018.
3. **Press Release Re: Peirce Island Wastewater Treatment Facility Tour.** A public tour of the Peirce Island Wastewater Treatment Facility Upgrade Project will be held on Tuesday, June 20, 2017 from 6:00 p.m. to 8:00 p.m. [Attached is a press release regarding this matter.](#)
4. **Press Release Re: City's AAA Bond Rating and Bond Sale.** For your information, [attached is a press release](#) announcing that Standard and Poor's rating agency has again affirmed the City's long-term rating of "AAA," the highest obtainable rating as part of a recent bond sale.

PORTSMOUTH POLICE COMMISSION

MEMORANDUM

RECEIVED

JUN - 8 2017

**CITY MANAGER
PORTSMOUTH, NH**

TO: CITY MANAGER JOHN BOHENKO
FROM: BRENNNA CAVANAUGH, CHAIR, PORTSMOUTH POLICE COMMISSION
DATE: JUNE 8, 2017
RE: EMPLOYMENT AGREEMENT FOR CHIEF ROBERT MERNER

Attached please find the final agreed-upon employment agreement between the Portsmouth Police Commission and Chief Robert Merner which has been signed by both parties. We respectfully request the contract be placed on the public agenda for the June 19th, 2017 City Council meeting, for their consideration and vote.

EMPLOYMENT AGREEMENT

1. Preamble

This Agreement is entered into between the Police Commission, City of Portsmouth, New Hampshire (hereinafter called "Commission") and Robert M. Merner (hereinafter called "Employee"). This Agreement is null and void unless approved by the Portsmouth City Council.

2. Term and Domicile Requirement

The Commission agrees to employ the Employee and the Employee agrees to accept employment in the position of Chief of Police of the City of Portsmouth, New Hampshire for a five (5) year term, commencing on June 20, 2017 and ending on June 19, 2022. The parties may, by written agreement executed by both parties and approved by the Portsmouth City Council, agree to extend the term of this Agreement.

The Commission and the Employee acknowledge that this is a full-time, year-round position including extensive obligations in the evenings and on weekends. The Employee agrees to devote all of his professional efforts to the successful fulfillment of the responsibilities of Chief of Police as described by New Hampshire Statute, the Charter of the City of Portsmouth, the rules and regulations of the Portsmouth Police Department, and as reasonably directed by the Commission.

Within six (6) months of the commencement of this Agreement, the Employee will be required to establish a domicile in Portsmouth, New Hampshire. The Employee will be required to maintain this domicile throughout the term of this Agreement. The Employee's failure to comply with this requirement may, at the sole option of the Commission, be considered grounds for termination for cause, as per the provisions of Section 5 below.

3. Salary

Effective June 20, 2017, the Employee shall be placed on Grade 28, Step E of the City of Portsmouth Non-Union Salary Schedule, and will be paid one hundred thirty-three thousand, five hundred and forty-eight dollars (\$133,548) per annum, payable in no fewer than twenty-six installments and subject to such deductions as may be authorized or as may be required by law.

Effective July 1st of 2017, 2018, 2019, 2020 and 2021, a COLA adjustment percentage increase shall be computed which shall not be less than 2% nor more than 5%. The COLA Adjustment percentage shall be determined by taking the 10 year average of the CPI-U for the Boston-Brockton-Nashua—MA-NH-ME-CT all items index as computed by the Bureau of Labor Statistics of the US Department of Labor for the most recent 10 calendar years preceding the July 1 adjustment. BLS's calendar year for this index is November through November, it is not published on a December to

December basis. The reference base is 1982-1983 equals 100 until BLS updates the reference base at which time the parties agree to adopt the official reference base as used by BLS.

Commencing June 2018, or such other month as may be mutually agreed upon, and annually thereafter, the Commission and the Employee shall define such performance objections as they may determine necessary for the proper operation of the Department and in attainment of the Commission' policy objectives and shall further establish a relative priority among those various objectives, these objectives to be reduced to writing. The objectives shall generally be attainable within the time limitations as specified and the annual operating and capital budgets and appropriations provided. At the completion of the review and evaluation, the Commission shall provide the Employee with a summary written statement of its findings and provide adequate opportunity for the Employee to discuss the review and evaluation with the Commission. The parties may, by written addendum executed by both parties and approved by the Portsmouth City Council, agree to provide additional compensation to the employee in recognition for his accomplishment of the performance objectives identified by the Commission.

4. Certification

During the term of this Agreement, the Employee will be required to maintain certification as a full time police officer as required by the New Hampshire Police Standards and Training Council.

5. Termination for Cause

This Agreement may be terminated by the Commission at any time for cause, i.e., failure on the part of the Employee to comply with any term or condition of this Agreement, the laws, rules and regulations of the State of New Hampshire, or the rules and regulations of the Commission, or the City of Portsmouth; or malfeasance, misfeasance, nonfeasance, or insubordination in carrying out the responsibilities of the position as specified in the Municipal Charter of the City of Portsmouth or as directed by the Commission.

Termination for cause shall take place only following written notification specifying the reasons for termination. Unless the Employee submits to the Commission, within twenty (20) days of receipt of such notification, a written request for a hearing before the Commission, the Agreement shall be considered terminated as of the date which falls thirty (30) days after the Employee's receipt of notification. If the Employee requests a hearing, the Commission shall hold this hearing within twenty (20) days after receipt of such request. The Commission shall render a written decision to the Employee within ten (10) days of the hearing. In the event of a termination for cause, the Employee shall receive no severance and no further compensation beyond the last day worked.

Nothing in this paragraph will limit the Employee's rights under the provisions of NH

RSA 105:2-a.

6. Termination with Severance Payment

If at any time the Commission in its discretion shall so determine, the Commission may, without cause and with or without prior notice, relieve the Employee of his duties under this Agreement. In such event, the Employee shall be entitled to severance benefits. Such severance benefits shall be one year's salary or the balance of the salary remaining under the term of the Agreement, whichever amount is less. As set forth above in Section 5, if the termination is for cause, the Employee shall not be entitled to severance benefits. Severance benefits shall not be paid upon the voluntary resignation of the Employee.

7. Termination by Mutual Consent/Voluntary Resignation

This Agreement may be terminated at any time by mutual consent of the Commission and the Employee or by voluntary resignation of the Employee. In the event the Employee voluntarily resigns before the expiration of the term of this Agreement or any renewal thereof, the Employee shall give the Commission thirty (30) days written notice in advance of such resignation. In the event of voluntary resignation, the Employee shall not be eligible for severance benefits.

8. Severance Constitutes Release

The acceptance by the Employee of the severance benefits provided under this Agreement shall constitute a full and complete release of any other rights, claims, or causes of action whether in law, equity or otherwise, that the Employee may have against the Commission, the City of Portsmouth, and the employees, elected or appointed officials, officers, agents, representatives and attorneys of such entities, including any rights that the Employee may have under NH RSA 105:2-a.

9. Benefits

Except as otherwise provided herein, the Employee's fringe benefits shall be established by the collective bargaining agreement currently in place between the City of Portsmouth and the Professional Management Association. The exceptions shall be described in detail in Section 10 below.

10. Exception to Benefits in Section 9

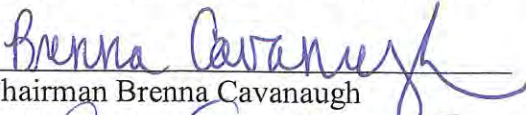
In lieu of or in addition to the compensation enumerated in Section 9, the Employee shall also be entitled to the following:

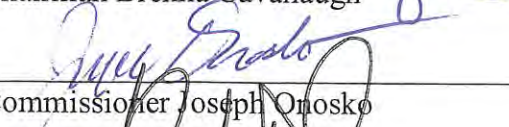
- a. The Employee shall be provided with a suitable automobile for use in the performance of his duties under this Agreement. Recognizing that the Chief of Police is on-call at all times, it is understood that the automobile may also be used for personal business.
- b. The Employee will be entitled to three (3) personal days and twenty-five (25) vacation days during each year of the contract.
- c. Since the Employee will be required to work on Memorial Day, any hours worked by the Employee on Memorial Day will be converted to floating holiday hours.
- d. Clothing Allowance. The city shall pay to the Employee the sum of six hundred dollars (\$600.00) per year as a clothing allowance during the term of this agreement.
- e. Subject to budgetary constraints, the City agrees to cover the cost of tuition and textbooks for courses and/or other classes that would provide for improved job performance as part of a career development program. Prior approval by the Commission of any and all courses is required. If the Employee fails to successfully complete the course and/or class with a final passing grade, he will be required to reimburse the City for the entire cost of tuition and textbooks.
- f. The City recognizes that certain expenses of a non-personal and generally job-related nature will be incurred by Employee, and hereby agrees to reimburse or to pay said general expenses upon receipt of duly executed expense vouchers, receipts, statements or personal affidavits, subject to budgetary authorization to be approved by the Commission as an element of the annual Department budget.
- g. The City hereby agrees to pay, within budgetary constraints and subject to the prior approval of the Commission, the professional dues and subscriptions of the Employee necessary for his continuation and full participation in national, regional, state and local associations and organizations, necessary and desirable for his continued professional participation, growth and advancement.

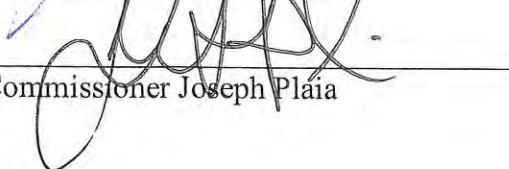
AGREED: The parties below acknowledge that this Agreement is subject to the approval of the Portsmouth City Council without which approval this Agreement is without force and effect.

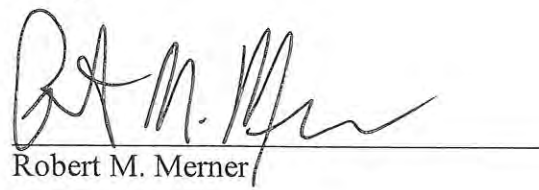
SIGNATURE PAGE FOLLOWS

For the Portsmouth Police Commission:


Chairman Brenna Cavanaugh


Commissioner Joseph Onosko


Commissioner Joseph Plaia


Robert M. Merner

Approved by the Portsmouth City Council:

Date

Certified by the City Clerk

City Clerk



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DENVER, CO MINNEAPOLIS, MN PROVIDENCE, RI

THOMAS M. CLOSSON
DIRECT DIAL: 603.559.2729
THOMAS.CLOSSON@JACKSONLEWIS.COM

To: Mayor Blalock, City Council and City Manager John Bohenko
CC: Police Commission
From: Thomas M. Closson
Re: Employment Agreement with Robert M. Merner
Date: June 12, 2017

I am pleased to recommend the Employment Agreement that the Portsmouth Police Commission has reached with Robert M. Merner to serve as the City’s next Police Chief. The highlights of this Employment Agreement are summarized below. I will be happy to answer any additional questions that you have.

- The Employment Agreement follows the City’s existing form for positions of this type.
- Five year term (through June 19, 2022) with possible extension, subject to a contractual addendum approved by both the Police Commission and the City Council.
- Starting salary at Grade 28, Step E of the City’s Non-Union Salary Schedule (\$133,548).
- Standard annual COLA adjustments of no less than 2% and no more than 5%, based on the rolling 10-year average CPI-U, on July 1, 2017, 2018, 2019, 2020, and 2021.
- Annual performance evaluations with possible corresponding wage increases, subject to a contractual addendum approved by both the Police Commission and the City Council.
- Required Portsmouth domicile after six (6) months and throughout the term.
- Standard termination provisions, including termination without cause with one (1) year severance payment.
- Additional benefits consistent with the PMA CBA, with the following specific exceptions:
o Provision of a suitable automobile;
o Three (3) personal days and twenty-five (25) vacation days per year;

- Conversion of Memorial Day hours worked into floating holiday hours;
- Six hundred dollar (\$600.00) annual clothing allowance; and
- Reimbursement of various professional development expenses (tuition, textbooks, dues, subscriptions, and similar expenses) subject to budgetary limitations and approval by the Police Commission.



Attorneys at Law

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To: City Manager Bohenko and Portsmouth City Council
 From: Thomas M. Closson
 Re: Tentative Agreement with the Portsmouth School District Paraprofessional Union
 Date: May 31, 2017

I am pleased to recommend a tentative agreement that the negotiating team recently reached with the Portsmouth School District Paraprofessional Union. The terms of this tentative agreement are summarized below. I will be happy to answer any questions that you may have.

<u>CBA Article</u>	<u>Proposed Change</u>								
Duration	July 1, 2017 through June 30, 2020.								
Recognition – Article 1.4	Increase the probationary period to 75 student contact days in all cases.								
Dues Deduction - Article 4.1	Add “The District shall notify the Association within fifteen (15) days of any employee who leaves employment before the end of the school year.”								
Medical Insurance – Article 8.2	Eliminate outdated language and implement the following premium cost-sharing percentages: <table border="1" data-bbox="583 1761 1487 1934"> <thead> <tr> <th></th> <th>July 1, 2017</th> <th>July 1, 2018</th> <th>July 1, 2019</th> </tr> </thead> <tbody> <tr> <td>30+ hours/week</td> <td>95/5</td> <td>95/5</td> <td>93/7</td> </tr> </tbody> </table>		July 1, 2017	July 1, 2018	July 1, 2019	30+ hours/week	95/5	95/5	93/7
	July 1, 2017	July 1, 2018	July 1, 2019						
30+ hours/week	95/5	95/5	93/7						

	(single/2-person) 30+ hours/week (family)	80/20	80/20	80/20
	25 – >30 hours/week (single)	85/15	85/15	83/17
Disciplinary Procedures – Article 9.7	Effective with discipline issued after July 1, 2017, increase the time for removal of written reprimands from personnel files to two years.			
Disciplinary Procedures – Article 9.8	Effective with discipline issued after July 1, 2017, increase the time for removal of suspension notices from personnel files to three years.			
Child Care/Child Birth Leave – Article 15.1	Reduce the maximum available leave under this provision from 2 years to 1 year.			
Longevity – Article 19	Adjust CBA language to reflect current longevity stipends:			
	6-10 years		\$553	
	11-15 years		\$699	
	16-20 years		\$846	
	21-25 years		\$993	
	26-30 years		\$1139	
	30+ years		\$1181	
	Add provision that longevity stipend will continue to be adjusted by same COLA as wages (as outlined in Article 32) on July 1, 2017, July 1, 2018, and July 1, 2019.			
Hours Of Work Year – Article 23.2	Increase work year to “... at least 185 days...” to include “...two days for pre-preparation...” and “...two days of in-service training...”			
Hours Of Work And Overtime – Article 23.7	Change to provide “Except in the case of emergency, a paraprofessional may not be required to replace a teacher as the person charged with the responsibility for the instruction			

	of a classroom of students.”
Wages – Article 32	COLA adjustments using current calculation (10 year rolling average CPI-U) of no less than 2% and no more than 5% on July 1, 2017, July 1, 2018, and July 1, 2019.

Paraprofessional

COLA		2.00%	2.00%	2.00%	
Retirement	11.38%	11.38%	11.38%	11.38%	
<i>Note: Health Insurance savings- not included</i>					
	FY17 Base year	FY18	FY19	FY20	Total for 3 year
<i>Current Agreement</i>					
Salaries	2,265,532.00	2,306,495.00	2,345,678.00	2,388,518.00	7,040,691.00
Longevity	44,115.00	47,914.00	50,234.00	52,334.00	150,482.00
<i>Sub Total</i>	<u>2,309,647.00</u>	<u>2,354,409.00</u>	<u>2,395,912.00</u>	<u>2,440,852.00</u>	<u>7,191,173.00</u>
FICA	143,198.11	145,973.36	148,546.54	151,332.82	445,852.73
Medicare	33,489.88	34,138.93	34,740.72	35,392.35	104,272.01
Retirement	75,732.00	75,859.00	76,776.00	76,859.00	229,494.00
<i>Sub Total</i>	<u>252,420.00</u>	<u>255,971.29</u>	<u>260,063.27</u>	<u>263,584.18</u>	<u>779,618.73</u>
					-
Cost of Current Contract	2,562,067.00	2,610,380.29	2,655,975.27	2,704,436.18	7,970,791.73
		48,313.29	45,594.98	48,460.91	142,369.18
		1.89%	1.75%	1.82%	
				5.56%	From FY17-FY20
				1.85%	Avg % Change

Additional Cost Proposed from TA

COLA on base salaries		43,375.00	132,033.00	196,952.00	372,360.00
Longevity		957.00	2,028.00	2,427.00	5,412.00
2 Extra days		23,319.00			
Total Cost		<u>67,651.00</u>	<u>134,061.00</u>	<u>199,379.00</u>	<u>401,091.00</u>
Medicare		980.94	1,943.88	2,891.00	5,815.82
FICA		4,194.36	8,311.78	12,361.50	24,867.64
Retirement		2,131.00	3,741.00	5,273.00	11,145.00
Total FICA, Medicare & Retirement		<u>7,306.30</u>	<u>13,996.67</u>	<u>20,525.49</u>	<u>41,828.46</u>
Total Cost Rollout of Tentative Agreement		74,957.30	148,057.67	219,904.49	442,919.46
				17.29%	From FY17-FY20
				5.76%	Avg % Change
Budget to Budget Change per Tentative Agreement Only		74,957.30	73,100.37	71,846.83	219,904.49
		2.87%	2.68%	5.29%	
				8.58%	From FY17-FY20
				2.86%	Avg % Change
Proposed Current Annual Budget & Tentative Agreement		2,685,337.59	2,804,032.93	2,924,340.67	8,413,711.20
Combined Annual Change		123,270.59	118,695.34	120,307.74	362,273.68
		4.81%	4.42%	4.29%	
				14.14%	From FY17-FY20
				4.71%	Avg % Change

WORKING AGREEMENT

BETWEEN THE

**PORTSMOUTH SCHOOL DISTRICT
PARAPROFESSIONALS**

AND THE

PORTSMOUTH BOARD OF EDUCATION

JULY 1, 20147 THROUGH JUNE 30, 201720

This AGREEMENT made and entered into by the School District of School Administrative Unit No. 52, City of Portsmouth, and the Portsmouth School District Paraprofessional Association, NEA/NH, hereinafter called the ASSOCIATION, do hereby reach agreement.

Whenever used in this agreement, the "employee" shall refer to the following: Paraprofessional, Special Education, (including but not limited to paraprofessionals for the learning disabled and autistic students), Library, computer, and clerical guidance, per PELRB certification.

This AGREEMENT represents the entire agreement between the parties hereto and may not be modified in whole or in part except by an instrument in writing duly executed by both parties.

WITNESSETH

Whereas, the Association establishes itself as the exclusive representative of the paraprofessional employees of the Portsmouth School District who are on regular active duty for the District and enrolled on the District's payroll, now therefore, the parties hereto contract and agree with each other as a result of collective bargaining, as follows:

**ARTICLE 1
RECOGNITION**

- 1.1 Whenever used in this AGREEMENT, the word employees shall refer only to a person(s) actively and regularly engaged in District work or enrolled on the regular payroll of the School District of the City of Portsmouth, New Hampshire.
- 1.2 The District hereby recognizes that the Association is the sole and exclusive representative of the certified NEA/NH unit except the management or supervisory employees of the District.
- 1.3 A paraprofessional is defined as any person hired for a position for which professional certification is not required. Paraprofessionals shall be paid according to the negotiated salary schedule for paraprofessionals. Paraprofessional and professional staff shall work together to provide quality education to the students in the Portsmouth schools. Effective July 1, 2009, Title I Paraeducators and Interpreters are removed from the bargaining unit. However, the currently-employed Interpreter will be grandfathered into the bargaining unit with all benefits and terms of the agreement.

1.4 Whenever the Portsmouth School Board rehires a person previously employed in this bargaining unit following a break of employment of one (1) year or more (except for the reasons listed below), these employees shall serve a probationary period and shall be classified as a new employee for benefits and seniority purposes.

A. Illness resulting in total/temporary disability due to his/her regular work with the School District, certified to by an affidavit from Worker's Compensation carrier.

B. Illness not the result of his/her misconduct resulting in total/temporary disability, certified to by a physician's affidavit.

C. Duty with the Armed Forces.

D. Reduction in Force.

The probationary period will be no less than ~~sixty-seventy-five (60/75) school-student contact days, but this number may be extended up to a maximum of ninety (90) school days, when the additional time is needed to evaluate the employee. The employee will be given reasons in writing if probation is to be extended from 60 to 90 days. If this extension of the probationary period is to be made, it must be requested by the immediate supervisor/building principal to the Personnel Office.~~ During this period the employee shall be granted leave in accordance with the contract in each of the following categories with permission of the immediate supervisor:

Professional Days
Sick Days
Bereavement Leave

All other contract provisions and benefits shall be granted to the employee upon completion of sixty (60) consecutive days.

Employees shall have no seniority rights during this period. All employees who have successfully completed the probationary period shall be known as permanent employees, and the probationary period shall be considered part of the seniority time. Termination of employment during the probationary period or any extension thereof may not be challenged through the grievance procedure or the PELRB.

**ARTICLE 2
NON-DISCRIMINATION**

- 2.1 The District agrees that the provisions of this AGREEMENT shall be applied to all employees without discrimination on account of race, color, religion, sex, sexual orientation, disability, age, marital status, Veteran status, national origin, physical handicap, or any status protected by federal or New Hampshire Law, or City of Portsmouth Ordinance, except where age or physical condition are bona fide qualifications for employment. There shall be no intimidation or coercion of employees who exercise their rights to bargain collectively through the Association because of their membership therein or their activities in behalf of the Association in accordance with the provisions of RSA 273-A.

**ARTICLE 3
STABILITY OF AGREEMENT**

- 3.1 Should any article, section, or portion thereof, of this AGREEMENT be in violation of a State law or be held unlawful and unenforceable by any court of competent jurisdiction, such decision of the court shall apply only to the specific article, section, or portion thereof directly specified in the decision. Upon issuance of such a decision, the parties agree to immediately negotiate a substitute for the invalidated article, section or portion thereof. The obligation to negotiate in good faith shall not compel either party to agree to a proposal or to make a concession.

**ARTICLE 4
DUES DEDUCTION**

- 4.1 The District agrees to deduct Association dues from all employees who are covered by this AGREEMENT, and to send said dues, along with a statement indicating who has paid these dues to the Association Treasurer. Before dues are deducted, the District shall require written authorization from the employee to do so - to be provided by the ASSOCIATION. The District shall notify the Association of the name and employment date of any new employees within 30 days of their employment. The District shall notify the Association within fifteen (15) days of any employee who leaves employment before the end of the school year.

**ARTICLE 5
SECURITY CLAUSE**

- 5.1 It is recognized that the Negotiations for the administration of the AGREEMENT entail expenses which

appropriately should be shared by all employees who are beneficiaries of the AGREEMENT. Paraprofessionals as a condition of employment by the SAU shall (1) join the Association or (2) pay a representative fee.

This representative fee shall be retained for a Scholarship Award. The sum shall be equivalent of the membership dues and assessment required to be paid by the members of the Association. The Committee to award the Scholarship will be made up of three (3) Paraprofessionals.

**ARTICLE 6
WORKERS' COMPENSATION**

- 6.1 Workers' Compensation benefits will be provided as specified in the New Hampshire Statutes.

**ARTICLE 7
SAFETY**

- 7.1 The District shall make regulations to ensure the safety and health of its employees during their working hours of employment.
- 7.2 The School Department and the Association agree to meet during the Unit's non-working hours to discuss issues of mutual concern. These meetings may be requested by either party to this AGREEMENT, with notice as to the issues to be discussed. Advance notice shall be given indicating the following by both the Association and the School Department, so that an AGENDA can be provided prior to the meeting; time, place and topic(s) to be discussed, the number of people and who will attend the meeting.

**ARTICLE 8
INSURANCE**

- 8.1 Liability

The District shall save harmless all employees from financial liability arising out of any claim, suit, criminal prosecution or judgment against them because they are an employee of the Portsmouth School District or because of an act taken by them in the course of their employment.

The above shall not apply in cases where an employee is guilty of gross negligence or gross irresponsibility. An employee who has been found guilty of gross negligence or gross irresponsibility by the employer may appeal such decision through the grievance procedure. Should said appeal find in favor of the employee, the employer shall make the employee whole in terms of all financial liability or loss and all costs related to the alleged negligence or irresponsibility and the subsequent appeal.

8.2 Medical Insurance

~~The employee shall have a choice between BC/BS Plan Comp 100 Managed Care Rider or Blue Choice One (1).~~

Employee Share of Premium

Year	Comp 100/ BC	MT	Comp 100/ BC	MT
14-15	38.0%	37.0%	17.0%	13.5%
15-16	38.0%	37.0%	17.0%	13.5%

~~Effective July 1, 2009 or as practicable thereafter, the District may offer two (2) additional optional plans based upon Blue Choice One and Matthew Thornton plans with premium share as described above. Co-pay shall be five dollars (\$5.00) for office visits, twenty five dollars (\$25.00) for emergency room visits, and \$10/\$20/\$45 for 30-day retail or 90-day mail order prescriptions.~~

A. For employees scheduled to work thirty (30) or more hours per week the District will pay ninety-five percent (95%)~~eighty three percent (83%)~~ of the single or two person premium for SchoolCare's Yellow Plan with ChoiceFund.~~whichever BCBS option the employee selects.~~

The District will pay eighty (80%) of the Family plan;~~is available at the same District dollar contribution as the two-person plan.~~

~~Co-Pay Applicable to Matthew Thornton Plan only:~~

~~The employee shall pay thirteen and one half percent (13.5%) as long as Matthew Thornton's cost remains at least 5% below the Blue Choice premium. If the premium for Matthew Thornton is not at least 5% below the Blue Choice premiums the employee's and the employer's percentage cost of the premiums shall be the same as those for Comp 100 MC and Blue Choice as set forth above.~~

Effective July 1, 2019 the District will pay ninety-three percent (93%) of the single or two person premium for SchoolCare's Yellow Plan with ChoiceFund. The

District will pay eighty percent (80%) of the family plan.

- B. For employees scheduled to work more than twenty-five (25) hours or more but less than thirty (30) hours per week:

~~The District will pay the percentage of the premiums listed above of the single person premium for which ever BC/BS option the employee selects. If the premium for Matthew Thornton is not at least 5% below the Blue Choice premiums the employee's and employer's percentage cost of the premiums shall be the same as those for Comp 100MC and Blue Choice as set forth above.~~

Effective July 1, 2017 the District will pay eighty-five percent (85%) of the single plan for SchoolCare's Yellow Plan with Choicefund.

Two person and Family plans are available at the same District dollar contributions as the single person plan.

- C. The Association agrees to participate in a City-wide committee to explore health insurance options.
- D. The District need not provide health insurance coverage if the employee is already covered under the health insurance plan provided by the Portsmouth School District or the City of Portsmouth. If an employee is found to have dual coverage, the employee must pay back to the District an amount equal to the premiums paid by the Board during this time.
- E. All employee contributions to the health insurance premiums and to dependent care coverage and other medical expenses allowable under law shall be by payroll deduction pursuant to the provisions of Section 125 of the Internal Revenue Code.
- F. Should the parties agree in writing to establish a cafeteria style plan dealing in insurance issues during the course of this agreement, such plan would only become effective if ratified by the Association, approved by the School Board and approved by the City Council.
- G. The medical insurance coverage provided by the District will not change until July 1, 2016. Beginning on July 1, 2016, the District will offer coverage only under

the Consumer Driven Health Plan offered through SchoolCare ("the CDHP"). For employees regularly scheduled to work thirty (30) or more hours per week, the District will pay 95% of the premium cost for single or two-person coverage under the CDHP, and ~~75~~80% of the premium cost for family coverage under the CDHP. For employees regularly scheduled to work more than twenty-five (25) hours but less than thirty (30) hours per week, the District will pay 85% of the premium cost for single person coverage under the CDHP.

- H. ~~In November 2016~~, if the total premium cost for any of the CDHP plans offered by the City exceeds the threshold level for assessment of the Affordable Care Act's Cadillac Tax, the parties will reopen the contract on the issue of health insurance only. If the parties are not able to agree on a plan that does not exceed the threshold level for assessment of the Affordable Care Act's Cadillac Tax, the Union and the City will each select a plan that does not exceed the threshold level for assessment of the Affordable Care Act's Cadillac Tax and submit each plan to a mutually agreed upon arbitrator who will then select which plan the City will then adopt.

8.3 Medical - Eligibility for this insurance: First of the month after date of hire.

8.4 Dental

Employees shall be eligible for either individual or two-person coverage. The District shall pay one hundred percent (100%) of Delta Dental Plan or an equivalent plan for individual coverage. This will apply to all employees scheduled to work for twenty-five (25) or more hours per week.

~~The dental insurance coverage provided by the District will not change until July 1, 2016.~~ On July 1, 2016, for employees who regularly work twenty-five (25) or more hours per week, the City will pay 100% of the premium cost for single or 2-person coverage through Cigna and 75% of the premium cost for family coverage through Cigna.

8.5 Eligibility for this insurance: First of the month after date of hire.

8.6 Life Insurance

The district shall provide one hundred percent (100%) of Term Life Insurance for each paraprofessional working fifteen hours a week or more equal to three (3x) the annual salary of the paraprofessional or a minimum of forty-five thousand dollars (\$45,000.00).

It is understood that employees age 70 and over will have this benefit reduced in accordance with the certificate schedule attached. This provision will not apply to those individuals listed in the Memorandum of Understanding which will be signed when this contract is executed and which is attached.

8.7 Long Term Disability

The Board will purchase income protection insurance for each paraprofessional who has completed the probationary period and who works twenty-five (25) hours per week or more. This insurance will begin no sooner than the 91st day of disability. Payments shall equal 66 2/3% of the monthly salary of the paraprofessional at the date of disability. Said insurance will run until age 65 and shall be coordinated with social security benefits. This provision shall be effective 30 days after this contract is approved by the City Council.

ARTICLE 9 DISCIPLINARY PROCEDURES

- 9.1** All disciplinary actions shall be applied in a fair manner and shall be consistent with the infraction for which disciplinary action is taken.
- 9.2** All suspensions and discharges must be stated, in writing, with the reason stated, and a copy given to the employee at the time of suspension or discharge.
- 9.3** Disciplinary action shall normally follow this order:
 - a. An oral warning
 - b. A written warning
 - c. Suspension without pay
 - d. Discharge
- 9.4** An employee may be suspended or discharged for the following reasons:
 - a. Misconduct during employment

- b. Incompetency or inefficiency
- c. Failure to perform assigned duties
- d. Disobedience to his/her superior
- e. Intoxication while on duty
- f. Conviction of a felony
- g. Failure to observe rules and regulations
- h. Incompatibility with other employees
- i. Unauthorized absence from duty
- j. Insubordination.

- 9.5 Subject to the language of this AGREEMENT, a suspension or discharge of an employee shall rest with the Superintendent of Schools.
- 9.6 No employee shall be penalized, disciplined, suspended, reprimanded, adversely evaluated, reduced in rank or compensation, or deprived of any advancement without just cause.
- 9.7 Unless the misconduct involved a minor, the personnel record of an employee will be cleared of written reprimand after ~~a period of one year~~ period of two years from the date of the reprimand, providing there are no similar infractions committed during the intervening period.
- 9.8 Unless the misconduct involved a minor, the personnel record of an employee will be cleared of suspension notices after a period of ~~two~~ three years from the date of suspension, providing no similar infractions have been committed during the intervening period.
- 9.9 All employees shall have the right to review their records upon twenty-four (24) hours' notice to the personnel office.
- 9.10 No written material concerning an employee's conduct, service, character or personality while on the job shall be placed in the employee's personnel file unless the employee has had an opportunity to read and initial the actual copy to be filed with the understanding that such signature merely signifies that the material has been read and in no way indicates agreement.

**ARTICLE 10
GRIEVANCE PROCEDURE**

- 10.1 A grievance for the purpose of this AGREEMENT is a complaint against the employer by an employee(s) or the Association with respect to the meaning and/or application of a provision(s) of this AGREEMENT.

10.2 Failure at any step of this procedure to communicate the decision on a grievance within the specified time limits shall permit the aggrieved employee to proceed to the next step, except at the BOARD level. A decision on the grievance at the BOARD level shall be rendered within the time limit set forth or the grievance shall be deemed favorable to the grievant. Failure at any step of this procedure to appeal a grievance to the next step within the specified time limits shall be deemed to be acceptance of the decisions rendered at that step.

10.3 A grievance must be filed within ten (10) working days of its occurrence or within ten (10) working days of the time the employee, by reasonable diligence, learned of its occurrence. Grievances shall be processed in the following manner:

STEP I Any employee who has a grievance shall discuss it first with his/her immediate supervisor, if applicable, in an attempt to resolve the matter informally at that level. An Association representative may be present if requested. A decision shall be rendered the aggrieved in five (5) working days. This decision shall be in writing.

STEP II An unfavorable decision by the immediate supervisor may be appealed in writing to the Assistant Superintendent within five (5) working days. A meeting shall be held between the parties as soon as possible after the written appeal, but within five (5) working days, and the Assistant Superintendent shall have five (5) working days to render a decision in writing.

STEP III An unfavorable decision by the Assistant Superintendent may be appealed in writing to the Superintendent within five (5) working days. A meeting shall be held between the parties as soon as possible after the written appeal, but within five (5) working days, and the Superintendent shall have five (5) working days to render a decision in writing.

STEP IV If the grievance is not resolved to the grievant's satisfaction, he/she and the Association, no later than five (5) working days after receipt of the Superintendent's decision, may request a review by the BOARD. The request shall be submitted in writing through the Superintendent of Schools, who

shall attach all related papers and forward the request to the BOARD. The BOARD shall review the grievance and hold a hearing within thirty (30) working days. A decision in writing shall be rendered within fifteen (15) calendar days of the hearing.

STEP V If the Association is not satisfied with the disposition of the grievance by the Board of Education, or if no decision has been rendered within the specified time limits, and prior to the submission of the grievance to arbitration, representatives of the department involved, Superintendent's Office, and School Board, and the Association will meet to determine if the grievance can be settled without arbitration.

STEP VI Should the decision of the Board of Education be unsatisfactory, any dispute, claim, or grievance arising out of or relating to the interpretation or the application of this AGREEMENT may be submitted to arbitration under the Voluntary Labor Arbitration Rules of the American Arbitration Association. The parties further agree to accept the Arbitrator's award as final and binding upon them. The cost of said arbitration will be borne equally by both parties regardless of the outcome. All decisions involving wages, wage rates, promotions, transfers, hours worked and not worked, shall be retroactive to the date the grievance first occurred. The Association will notify the Board of Education in writing of its intention to appeal for arbitration within ten (10) working days of receiving the Board's decision.

- 10.4 Any step may be by-passed by mutual agreement or failure to respond.
- 10.5 Any party may appeal a decision of an arbitrator to the courts pursuant to RSA-542.
- 10.6 An arbitrator acting under the grievance procedure shall have no authority to alter, amend, change or modify any of the terms of this agreement.

**ARTICLE 11
SICK LEAVE**

- 11.1 For paraprofessionals who have been employed in the District for three (3) or less years, sick leave without loss of pay or benefits shall be computed at the rate of ten (10) days per year. It will be credited to an employee's record at the beginning of the employment year.
- 11.2 Effective July 1, 2009, after three (3) years in the Portsmouth School System, sick leave will be computed at) eleven (11) days per year. It will be credited to an employee's record at the beginning of the employment year.
- 11.3 Sick leave shall be used for self or when imperative, to care for an immediate member of the employee's family. Effective July 1, 2009 employees may utilize no more than fifteen (15) sick days in any school year to care for a family member. In the event of prolonged absence as a result of accident or illness, the Superintendent will consider circumstances that might warrant extension of full or partial sick pay.
- 11.4 In such cases where a full day is not needed for sick leave, only the hours used will be charged to the paraprofessional.
- 11.5 Employees who have completed three years of service will be allowed to use up to ten (10) sick days before it is actually earned or accrued for use for the employee's illness or injury. It is understood that once additional leave is earned that it will be debited against any negative balances. Additionally, if an employee leaves the School Department with a negative balance, the employee will be responsible for reimbursing the School Department the cost of the negative balance.
- 11.6 The BOARD agrees to pay fifty five percent (55%) of all accumulated sick days in a cash payment at the per diem rate which the paraprofessional last earned to any paraprofessional who separates from the system with at least ten (10) years of service in the system. This percentage will be based on a maximum of ninety (90) days. The maximum number of sick days that may be accumulated will be one hundred and fifteen (115) days.

The parties agree that all paraprofessional employees hired after July 1, 1996 shall *not* receive any payout for accumulated sick leave upon termination or retirement.

- 11.7 Whenever possible, prior notice of retirement will be given by February 1st of the year preceding the last work year for employees entitled to a payout.

11.8 The District agrees to notify each paraprofessional in writing of accumulated sick leave days once a year during the month of September.

11.9 Beginning July 1, 1999, the parties agree that for the purpose of leave time accrual, utilization, accumulation and sick leave bank, leave time will be recorded in hours. Hours will mean the actual number of hours used or earned. Conversion from days to hours will be based on the number of hours per day reflected on the Intent to Employ on any given year.

11.10 Sick Bank

- A. A sick leave bank shall be established into which each employee may each year donate from one (1) to five (5) days from an employee's unused accumulated sick leave. Days will be donated between the first day of school and September 15th. When necessary, additional donations will be added midyear.
- B. The sick leave bank may accumulate to one thousand fifty (1050) hours.
- C. A Sick Bank Chairman shall be appointed from the membership. The District shall keep a record of the total number of days (hours) in the Sick Leave Bank.
- D. In the event that any member has used all his/her accumulated sick leave and has been out of work without pay for five consecutive work days because of extended or chronic illness, he/she shall apply to the Sick Bank Chairperson for additional days to be taken from the Bank.
- E. The Sick Bank Chairperson will forward the request to the District Business Manager for disbursement.
- F. Employees are not eligible to draw from the sick leave bank if the serious health condition is compensable under workers' compensation.

**ARTICLE 12
PERSONAL DAYS**

12.1 Employees may take two (2) personal leave days for business which cannot be transacted any other time. Whenever possible, twenty-four (24) hour notice shall be given. No employee shall take a personal day preceding or subsequent to any vacation period or school holiday or on election day or in the month of June unless upon approval from the Superintendent of Schools. An employee may take the equivalent hours rather than a full day.

- 12.2 Unused Personal Days will be credited toward the Accumulation Days (Ref. Article 11, 11.5).

**ARTICLE 13
PROFESSIONAL DAYS**

- 13.1 Employees may be granted two (2) professional days at the discretion of their Building Principal. These days shall be used exclusively for the purpose of enrichment of the employee's job or position. These shall be paid days. Additional professional days may be granted with the approval of the Building Principal.
- 13.2 Professional days must be approved by the employee's immediate supervisor and/or program manager at least twenty-four (24) hours in advance.

**ARTICLE 14
ASSOCIATION LEAVE**

- 14.1 When an employee is elected President of the Paraprofessional Association and has work which involves being away from his/her work with the School Department, that employee or his or her designee shall at the written request of the Union be granted up to a maximum of two (2) work days per year for Association Leave.

**ARTICLE 15
CHILD CARE/CHILD BIRTH LEAVE**

- 15.1 Upon application of the employee to the Superintendent of Schools, a child care leave of absence of up to ~~two~~one (2~~1~~) years shall be granted to employees who have been employed at least one (1) year before said application. An employee on such leave, upon returning, shall be offered a similar category of employment, as indicated by the prior job description.
- 15.2 Employees shall be entitled to draw accumulated sick leave benefits during this period of disability surrounding childbirth.
- 15.3 All benefits to which an employee was entitled to at the time of the approved child care leave shall be restored to them upon returning to work.
- 15.4 Employees returning from childcare leave shall notify the employer by April 1 of the year for return to the school in the following September.

**ARTICLE 16
LEAVE OF ABSENCE**

16.1 Upon approval of the Superintendent of Schools a Leave of Absence may be granted. The leave shall be without pay or other benefits. Leave may be granted for such reasons as Personal, Illness, or Educational reasons and will not exceed two (2) years.

An extension of the above Leave of Absence may be granted if:

The employee has been continuously employed for more than three (3) years in the Portsmouth School System.

16.2 Any paraprofessional returning from a Leave of Absence shall return only at the beginning of a school year, unless otherwise provided for.

16.3 While on Leave of Absence, the paraprofessional will notify the School Department by April 1 of the leave year as to his/her intention of returning to work in September.

16.4 All requests, extensions or renewals shall be in writing and responded to in writing.

16.5 All benefits to which an employee was entitled at the time of the approved leave shall be restored to them upon returning to work.

**ARTICLE 17
BEREAVEMENT**

17.1 Bereavement Leave will be granted as follows without loss of pay or benefits:

Not to exceed three (3) days:

1. brother-in-law
2. sister-in-law
3. grandparent
4. aunt or uncle
5. nieces or nephews
6. a blood relative or ward residing in the same household

Not to exceed five (5) days:

1. parents
2. sister

- 3. brother
- 4. parents-in-law

Not to exceed seven (7) days:

- 1. husband, wife or civil union partner
- 2. child

Bereavement leave may be granted if approved by the Superintendent for the death of a close friend. The Superintendent shall have the discretion to set the number of day(s) allowed based on the circumstance.

17.2 Extensions may be granted by application to the Superintendent.

**ARTICLE 18
HOLIDAYS**

Each paraprofessional shall be entitled to nine (9) paid holidays as follows:

- Thanksgiving
- Day After Thanksgiving
- Christmas
- New Years
- Martin Luther King Day
- Memorial Day
- Labor Day (effective 2014-15)
- Columbus Day
- Veterans' Day (effective 2014-15)

**ARTICLE 19
LONGEVITY**

19.1 Longevity will be based on the following schedule for years of consecutive service to the School Department.

201~~47~~-1~~58~~
After:

6 - 10 years	\$ 532565
11 - 15 years	\$ 672713
16 - 20 years	\$ 813863
21 - 25 years	\$ 9541012
26 - 30 years	\$1, 0951162
30+ years	\$1, 1351204

The longevity stipend will increase on July 1, 201~~5~~⁸ and July 1, 201~~6~~⁹ by the 10-year rolling COLA average, as described in Article 32. ~~for 2010-11, 2011-12, 2012-13 and 2013-14.~~

- 19.2** Longevity is to be paid in a separate check no later than August 1.
- 19.3** Should an eligible employee, because of illness or unforeseen emergency need to terminate employment prior to the longevity benefit payment, this benefit shall be prorated on a monthly basis.

ARTICLE 20 SENIORITY

- 20.1** An employee's seniority shall commence with the last date of hire and continue as long as he/she is employed by the Portsmouth School District in the bargaining unit.
- 20.2** An employee shall not forfeit seniority during absences caused by the following:
- a. Illness resulting in total/temporary disability due to his/her regular work with the School District, certified to by an affidavit from Worker's Compensation carrier.
 - b. Illness not the result of his/her misconduct resulting in total/temporary disability, certified to by a physician's affidavit.
 - c. Leave of Absence granted by the Superintendent of Schools.
- 20.3** Seniority shall be defined as continuous years of service within the bargaining unit counted from the last date of hire.
- 20.4** Seniority shall be a determining factor in all layoffs. It is the intent of the School District to continue the use of seniority as a determining factor in all layoffs.
- 20.5** If an employee is offered an opportunity for recall to a job which he or she has previously performed, and for the same number of hours and the employee refuses to accept the

position, it shall result in the employee being dropped from the recall list.

- 20.6** Employees laid off shall be placed on a recall list for twenty-four (24) months after the date of the layoff. Employees shall be recalled based on seniority. If a certification is required for a job only an employee with the certification will be eligible for recall.

**ARTICLE 21
JURY DUTY**

- 21.1** Employees serving on a jury shall be guaranteed their regular daily pay from the SAU. The employee shall forward to the Payroll Department of the SAU all reimbursements for such services, exclusive of what personal expenses (e.g. travel) are incurred. When such reimbursement is greater than the regular daily pay of the employee, the employee shall retain only the excess amount.
- 21.2** Employees who are subpoenaed by the School District or City as a witness in civil or criminal court proceedings, shall be granted such leave. Employees shall be guaranteed their regular daily pay from the SAU. The employee shall forward to the Payroll Department all reimbursements for such services, exclusive of what personal expenses are incurred (e.g. travel). When such reimbursement is greater than the regular daily pay of the employee, the employee shall retain only the excess amount.

**ARTICLE 22
JOB POSTINGS**

- 22.1** All unit vacancies, promotions and new jobs must be posted for six (6) working days in each school, so that all employees will have an opportunity to apply for these jobs.
- 22.2** Job postings shall include job specifications, range of pay, hours worked, and job location, and if the position is permanent or temporary.
- 22.3** The District shall provide space for bulletin boards for the posting of notices of the District addressed to the employees and notices of the Association addressed to the members.
- 22.4** During the summer months when schools are not in session, the unit vacancies shall be posted on the bulletin boards at Central Office and copies shall be sent to the President of the Paraprofessional unit. The Union will provide the summer addresses of the President of the Paraprofessional Unit.

**ARTICLE 23
HOURS OF WORK YEAR**

23.1 It is agreed that the paraprofessionals shall, with notification to the Business Office by the end of the previous year, be paid on a biweekly basis for a total of twenty-two (22) or twenty-six (26) pay periods starting in September of their employment year.

Those employees who elect to be paid on a biweekly basis for a total of twenty-six (26) pay periods starting in September of their employment year shall be paid four (4) of their last five (5) checks on the same day as the teachers receive their final checks. The remaining check will be paid as soon as possible thereafter but not later than the last day in June.

23.2 The work year for paraprofessionals shall be at least 1835 days or the same number of teacher/student contact days whichever is greater. It is understood that the paraprofessional work year will include ~~one~~two days for pre-preparation before the student year begins, ~~one~~two days of in-service training, and one non-student contact day during the school year. It is further understood that holidays as cited in Article 18 are in addition to the regular work year.

23.3 The district shall notify paraprofessionals as to their employment status as follows:

Paraprofessionals in state/federally funded positions (outside funding) shall be notified within twenty one (21) days of funding confirmations;

(2) All others shall be notified by July 21.

If budget problems cause a reduction in the number of staff, a two weeks' notice will be given.

HOURS OF WORK AND OVERTIME

23.4 Employees starting times, and hours to be worked are set up as deemed necessary by the Superintendent of Schools, building principals, or supervisors, according to the individual school and program needs.

Hours to be worked shall be set forth on the individual work agreement issued to each employee as provided in Article 23.3 above.

- 23.5 Except in the case of extreme emergency conditions, the employee workday shall be scheduled between the hours of 7 A.M. and 5 P.M.
- 23.6 Paraprofessionals who volunteer and are selected to attend camps, trips and other activities involving overnights shall be paid at the rate of \$10.00 per hour from 7 a.m. to 9 p.m. if they are on-duty and actively supervising or aiding students. Any overtime incurred as a result of these assignments shall be at one one-half this rate. For each overnight, paraprofessionals will receive a stipend of fifty dollars (\$50.00). It is understood that such activities are voluntary and there will be no reprisals against any employee who declines such activities.
- 23.7 Except in the case of an emergency a paraprofessional may not be required to replace a teacher as the person charged with the responsibility for a classroom of students.
- 23.8 Employees employed 35 hours or more during the 2008-09 school year and with eight (8) or more years of service as of September 1, 2008, shall not have their work week reduced to below 35 hours.
- 23.9 Employees will receive a 15-minute paid break each day.
- 23.10 Employees will receive an uninterrupted 30-minute lunch break each day. If the employee is required to be with a child during the lunch break, the lunch period will be paid.

TRANSPORTATION

- 23.11 Whenever employees are requested to transport students and such request is authorized by the building principal, and the program manager, the established school department rate for travel will be paid after being properly vouched.

ARTICLE 24 COLLEGE COURSE TUITION REIMBURSEMENT

- 24.1
A. Each school year during this Agreement, the School District will budget and make available \$5,250 for college course tuition reimbursement. B. Employees who have been employed by the School District for at least one year may request approval for college course tuition reimbursement. In order to receive approval, a requested course must be job related and must be considered and approved in advance by the building principal and Central Office Designee.

C. On a "first come, first served" basis, and subject to the overall annual budget of \$5,250, the District will reimburse up to three credit hours per employee, capped at the in-state tuition rate currently charged by Granite State College.

D. Course reimbursement will be paid within four (4) to six (6) weeks upon proof of registration. If a Paraprofessional drops a course, he/she must notify Central Office immediately and must reimburse the district either through payroll deduction or cash payment within two (2) weeks of said notification. The Paraprofessional must provide official evidence, within two (2) weeks of receiving notification, of a minimum grade of B or better. If said grade is not obtained, the Paraprofessional must reimburse the District either through payroll deduction or cash payment on a mutually-acceptable schedule.

24.2 Workshop Payment

A. Each school year during this Agreement, the School District will budget and make available \$6,750 for professional workshops.

B. Employees may request approval for payment for professional workshops. In order to receive approval, a requested course must be job related and must be considered and approved in advance by the building principal and Central Office Designee.

C. Payments will be on a "first come, first served" basis, and subject to the overall annual budget of \$6,750. The District will pay up to \$300 per workshop, per paraprofessional.

D. The District will make every effort to pay for the workshops prior to the employee's attendance. Employees will be required to reimburse the district for workshops that are paid for, but not attended.

E. Money left in the Workshop Payment account at the end of the year will be used to reimburse employees who have taken approved college courses which were not funded.

ARTICLE 25 COPY EQUIPMENT

25.1 The District agrees to allow the use of its copying equipment to members of the Paraprofessional Unit when the

purpose is to provide notice and information to its membership. This work will be performed during a time when

the machines are not in use, when the employee is off duty and the materials will be supplied by the Association.

**ARTICLE 26
CATEGORIES OF EMPLOYMENT**

- 26.1** The District agrees that if new categories of employment are added to the bargaining unit, the wages and working conditions will be the same as the provisions of this AGREEMENT.

**ARTICLE 27
DURATION OF AGREEMENT**

- 27.1** This AGREEMENT shall be in full force and effect from July 1, 201~~4~~⁷ to and including June 30, 20~~17~~²⁰ and shall continue from year to year thereafter unless written notice of desire to cancel or terminate the AGREEMENT is served by either party upon the other at least one hundred twenty (120) days prior to the date of expiration as provided in Chapter 273-A; 3:11A (PELRB). Where no such cancellation or termination notice is served, and the parties desire to continue this AGREEMENT but also desire to negotiate changes or revisions in this AGREEMENT, either party may serve upon the other a notice at least one hundred twenty (120) days prior to budget submission date, as provided in Chapter 273-A; 3:11 (PELRB), advising that such a party desires to revise or change terms or conditions of such AGREEMENT and specifies the articles to be renegotiated. The AGREEMENT shall remain in full force and effect until such changes and revisions have been agreed upon.

**ARTICLE 28
RESIGNATIONS**

- 28.1** Because of prorated pay, a written resignation must be received by the immediate supervisor a minimum of two (2) weeks prior to the effective date of resignation. Employees who work through the end of the school year and provide notice of resignation prior to June 30 shall be continued on the District's health insurance plan in July and August upon advance payment of premium co-pay.

**ARTICLE 29
STEPS**

29.1 Salary steps shall equal years of service. When hiring paraprofessionals the District may give up to five (5) years of credit on the salary schedule for experience as a teacher or comparable educational professional.

**ARTICLE 30
COPIES OF AGREEMENT**

30.1 All paraprofessional employees shall be provided with a copy of this working AGREEMENT. Project Managers shall provide each new employee with a schedule of hours of work and their job description.

**ARTICLE 31
MILITARY LEAVE**

31.1 An employee called to serve a training tour of duty or for emergency (flood, hurricanes, riots, etc. or upon the call of the Governor of the State of New Hampshire) with the National Guard or Armed Reserves will suffer no loss of pay or fringe benefits and will be paid the difference between the fee received for such service and the amount of straight time earnings lost by reason of such service. This shall be limited to eleven (11) work days per school year.

**ARTICLE 32
WAGES**

COLA Adjustment

Effective July 1, 201~~4~~⁷ and each July 1 thereafter of each year from July 1, 201~~4~~⁷ through June 30, 20~~17~~²⁰ an annual COLA adjustment percentage increase shall be computed which shall not be less than 2% nor more than 5%.

The COLA Adjustment percentage shall be determined by the ten (10)-year rolling average of the annual increase in the CPI-U for the Boston-Brockton-Nashua--MA-NH-ME-CT all items index as computed by the Bureau of Labor Statistics of the U.S. Department of Labor for the most recent calendar year preceding the July 1 adjustment. BLS's calendar year for this index is November through November. It is not published on a December to December basis. The reference base is 1982-1984 equals 100 until BLS

updates the reference base at which time the parties agree to adopt the official reference based as used by BLS.

Thus if the ten (10)-year average CPI-U for the Boston SMSA is 1.5% the applicable COLA adjustment would be 2%; if it is 3.5% the applicable COLA adjustment would be 3.5%; if it is 5.5% the applicable COLA adjustment would be 5.0%.

The parties agree that in the event that the City approves COLA increases, general wage increases, or general bonuses for fiscal years 2009 through 2014 for any other City or School District bargaining unit, except the Association of Portsmouth Teachers, that are greater than the increases generated under the COLA Adjustment clause in this contract, members of this bargaining unit shall be entitled to the same increases. This provision will not be applicable if:

a) Another bargaining unit receives COLA increases for fiscal years 2010 through 2014 in accordance with the same COLA formula in this contract, but not for fiscal year 2009.

b) Another bargaining unit receives COLA increases for fiscal years 2009 through 2014, but the total compounded impact is less than the total compounded impact the COLA adjustments provided by this contract. The total compounded impact is measured by the total new dollars generated on \$1000 in base wages over the term of the contract. For example, under this contract, \$1000 in base wages would generate \$507.24 in total new dollars for fiscal years 2009 through fiscal year 2014 (assuming 3.% COLA increases for fiscal years 2011 through 2014). Partial year COLA adjustments shall result in pro-rated dollar increases for such years. (See Appendix A for calculations on this contract).

c) Another bargaining unit agrees to a contract through fiscal year 2013, then negotiates a different COLA adjustment for fiscal year 2014 as a part of a successor agreement.

d) Another bargaining unit receives general wage increases that might be mandated by an outside authority such as the Public Employee Labor Relations Board or under binding interest arbitration if such legislation ever is passed and becomes applicable to the bargaining units listed above.

The wage scales for Paraprofessionals shall be:

2014-15	
Step	Rate
1	\$13.15 13.94
2	\$13.87 14.70
3	\$14.62 15.50
4	\$15.44 16.37

5	\$ 16.30 17.28
	\$ 19.12 20.28

The wage scales for Interpreters/Tutors shall be:

2014-15	
Step	Rate
1	\$ 20.55 21.79
2	\$ 21.72 23.04
3	\$ 22.93 24.31
4	\$ 25.41 26.94

Applicability After Contract Expires: It is clearly understood that in the event that the three year Working Agreement expires without a successor Working Agreement being settled prior to July 1, 20~~17~~20 that no further COLA adjustments after July 1, 201~~6~~9 will be generated under the Working Agreement even though the Working Agreement has an evergreen clause. It is further agreed that continuation of COLA adjustments are not to be deemed "status quo" as the term has been used by the PELRB in the event that a successor agreement has not been settled by July 1, 20~~17~~20.

Should there be a difficulty in hiring paraprofessionals, the Board may, after consultation with the Association, eliminate the first step of the paraprofessional pay scale. This may only occur once and should it occur, this language will become null and void. Should there be any employees on the first step of the paraprofessional pay scale if/when the step is eliminated, those employees would immediately be moved up to the new first step.

**ARTICLE 33
EVALUATIONS**

1. The parties recognize the importance of a procedure for evaluating the performance of both newly employed and experienced paraprofessionals for the purpose of identifying individual strengths, weaknesses and for improving the level of instruction in the school district.

2. The District shall provide copies of any evaluation forms and/or associated documentation at the beginning of the school year. The District shall also communicate to the employees the process for evaluations. If the evaluation process needs revision, input from the association will be sought and considered. Changes to the evaluation process shall, upon adoption by the School Board, be sent to the Association President.

3. Evaluations will be done by the employee's Building Administrator in conjunction with the employee's immediate supervisor. Such evaluation shall be ongoing and will be done on evaluation forms with the objective of meeting the roles and responsibilities of the job. Prior to May 15th each employee

shall receive a written copy of his/her annual evaluation. A conference between the immediate supervisor and/or Building Administrator and the employee will be held to discuss the evaluation.

4. No evaluation that has not been shown to the employee may be placed in the employee's file. The employee shall sign the evaluation; however, such signature shall indicate only that the evaluation has been reviewed by the employee and shall not necessarily indicate concurrence with the contents. The employee will have the right to attach a written response to the evaluation.

5. If a paraprofessional is found in need of improvement and the District determines that training will improve proficiency, the District will provide opportunities for training to enhance proficiency.

SIGNATURES

Signed this _____ day of _____ 20157.

For the Portsmouth
School District

For the Portsmouth
Paraprofessionals'
Association NEA/NH

Chairman, School Board

President, Association's
Negotiating Committee

Superintendent of Schools

City Negotiator _____

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

RESOLUTION # – 2017

**A RESOLUTION AUTHORIZING A BOND ISSUE AND/OR
NOTES OF UP TO FIVE HUNDRED FIFTY THOUSAND
DOLLARS (\$550,000) FOR COSTS RELATED TO THE
INSTALLATION AND IMPLEMENTATION OF NEW HIGH
SCHOOL ATHLETIC FIELD LIGHTING.**

RESOLVED:

THAT, the sum of up to **Five Hundred Fifty Thousand Dollars (\$550,000)** is appropriated for new High School Athletic Field Lighting, including the payment of costs incidental or related thereto;

THAT, to meet this appropriation, the City Treasurer, with the approval of the City Manager, is authorized to borrow, on a competitive or negotiated basis, up to **Five Hundred Fifty Thousand Dollars (\$550,000)** through the issuance of bonds and/or notes of the City under the Municipal Finance Act;

THAT, the expected useful life of the projects is determined to be at least ten (10) years, and;

THAT, this Resolution shall take effect upon its passage.

APPROVED:

JACK BLALOCK, MAYOR

ADOPTED BY CITY COUNCIL

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

BI-SC-05: HIGH SCHOOL ATHLETIC FIELD LIGHTING

Department	School Department
Project Location	Portsmouth High School
Project Type	Rehabilitation of an Existing Facilities
Commence FY	2018
Priority	A (needed within 0 to 3 years)
Impact on Operating Budget	Reduce

Evaluation Criteria	Satisfy
Identified in Planning Document or Study	
Improves Quality of Existing Services	
Provides Added Capacity to Existing Services	
Addresses Public Health or Safety Need	
Reduces Long-Term Operating Costs	
Alleviates Substandard Conditions or Deficiencies	Y
Provides Incentive to Economic Development	
Responds to Federal or State Requirement	
Eligible for Matching Funds with Limited Availability	



Description: The Portsmouth School Department has maintenance responsibilities for more than 10 acres of athletic fields on the Portsmouth High School campus, used by both the School and Recreation Departments. The current lighting was installed in 1989 and is now beyond its expected life cycle, resulting in numerous component failures. Several attempts at procuring equipment and installation of proven current lighting technology bid as part of a package of similar projects for the Department of Public Works resulted in a significant funding shortfall.

		FY18	FY19	FY20	FY21	FY22	FY23	Totals 18-23	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/ State	0%							\$0	\$0	\$0
Bond/ Lease	100%	\$550,000						\$550,000	\$750,000	\$1,300,000
Other	0%							\$0	\$0	\$0
Revenues	0%							\$0	\$0	\$0
PPP	0%							\$0	\$0	\$0
	Totals	\$550,000	\$0	\$0	\$0	\$0	\$0	\$550,000	\$750,000	\$1,300,000

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

RESOLUTION # – 2017

**A RESOLUTION AUTHORIZING A BOND ISSUE AND/OR
NOTES OF UP TO TEN MILLION NINE HUNDRED FIFTY
THOUSAND DOLLARS (\$10,950,000) FOR COSTS RELATED TO
CITY STREET, SIDEWALK AND FACILITY IMPROVEMENTS.**

RESOLVED:

THAT, the sum of up to **Ten Million Nine Hundred Fifty Thousand Dollars (\$10,950,000)** is appropriated for City Street, Sidewalk and Facility Improvements, including the payment of costs incidental or related thereto;

THAT, to meet this appropriation, the City Treasurer, with the approval of the City Manager, is authorized to borrow, on a competitive or negotiated basis, up to **Ten Million Nine Hundred Fifty Thousand Dollars (\$10,950,000)** through the issuance of bonds and/or notes of the City under the Municipal Finance Act;

THAT, the expected useful life of the projects is determined to be at least ten (10) years, and;

THAT, this Resolution shall take effect upon its passage.

APPROVED:

JACK BLALOCK, MAYOR

ADOPTED BY CITY COUNCIL

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

BI-PW-27: CITY FIELDS LIGHTING

Department	Public Works Department
Project Location	
Project Type	Rehabilitation of an Existing Facilities
Commence FY	2018
Priority	A (needed within 0 to 3 years)
Impact on Operating Budget	Reduce

Evaluation Criteria	Satisfy
Identified in Planning Document or Study	
Improves Quality of Existing Services	
Provides Added Capacity to Existing Services	
Addresses Public Health or Safety Need	
Reduces Long-Term Operating Costs	
Alleviates Substandard Conditions or Deficiencies	Y
Provides Incentive to Economic Development	
Responds to Federal or State Requirement	
Eligible for Matching Funds with Limited Availability	



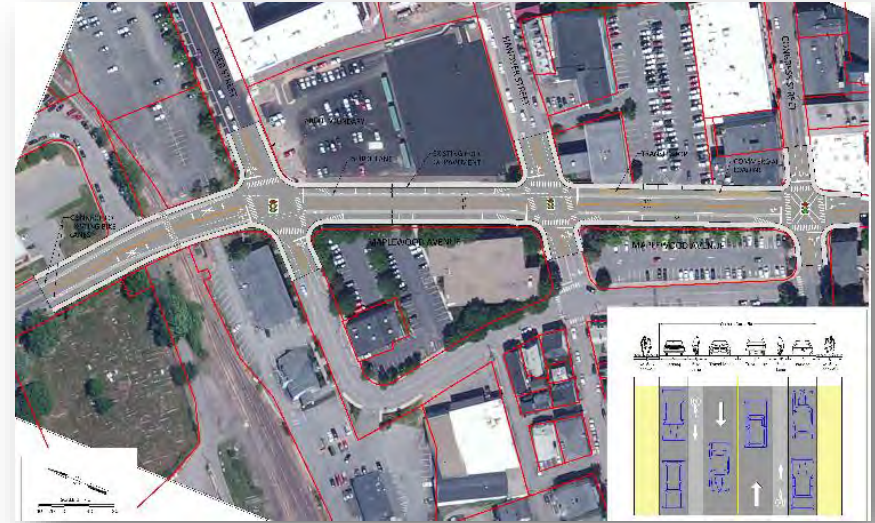
Description: The sports lighting at Leary Field and at the High School athletic fields complex are thirty years old and at the end of their useful life. The City is unable to purchase replacement parts for these systems. The Leary field includes baseball, soccer, tennis and a practice field.

		FY18	FY19	FY20	FY21	FY22	FY23	Totals 18-23	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/ State	0%							\$0	\$0	\$0
Bond/ Lease	100%	\$600,000						\$600,000	\$0	\$600,000
Other	0%							\$0	\$0	\$0
Revenues	0%							\$0	\$0	\$0
PPP	0%							\$0	\$0	\$0
	Totals	\$600,000	\$0	\$0	\$0	\$0	\$0	\$600,000	\$0	\$600,000

TSM-CD-05: DOWNTOWN MAPLEWOOD AVENUE AREA COMPLETE STREET PROJECT

Department	Planning Department and Public Works
Project Location	Maplewood Avenue from Congress Street to Vaughan Street
Project Type	Rehabilitation of Existing Facilities
Commence FY	2017
Priority	A (needed within 0 to 3 years)
Impact on Operating Budget	Negligible

Evaluation Criteria	Satisfy
Identified in Planning Document or Study: Bicycle and Pedestrian Plan 2014 , Maplewood Ave Complete Street Study	Y
Improves Quality of Existing Services	Y
Provides Added Capacity to Existing Services	Y
Addresses Public Health or Safety Need	
Reduces Long-Term Operating Costs	
Alleviates Substandard Conditions or Deficiencies	
Provides Incentive to Economic Development	Y
Responds to Federal or State Requirement	
Eligible for Matching Funds with Limited Availability	



Description: The goals are to enhance the comfort, appeal and safety of this approximately ¼ mile corridor. This project is intended for planning, design and construction and will include sidewalk widening, bike lanes, crosswalk improvements, travel lane reductions, related underground utility work as well as roadway reconstruction. Partial funding will be provided by developers of abutting parcels.

		FY18	FY19	FY20	FY21	FY22	FY23	Totals 18-23	6 PY's Funding	Totals
GF	19%							\$0	\$167,000	\$167,000
Fed/ State	0%							\$0	\$0	\$0
Bond/ Lease	52%	\$450,000						\$450,000	\$0	\$450,000
Other	0%							\$0	\$0	\$0
Revenues	0%							\$0	\$0	\$0
PPP (Portwalk)	29%							\$0	\$250,000	\$250,000
	Totals	\$450,000	\$0	\$0	\$0	\$0	\$0	\$450,000	\$417,000	\$867,000

TSM-PW-06: NORTH MILL POND MULTI-USE PATH

Department	Planning Department and Public Works
Project Location	North Mill Pond Shoreline Market St to Barlett St.
Project Type	Construction or expansion of public facility
Commence FY	2017
Priority	A (needed within 0 to 3 years)
Impact on Operating Budget	Minimal



Description: The North Mill Pond Multi-Use Path would be a paved path for use by bicycles and pedestrians extending from Market Street to Bartlett Street, with a brief on-road connection on Maplewood Ave. As proposed, the path would be a minimum of ten-feet (10') wide and two-feet (2') of clear space on either side. Phase 1 of this project would include design of the entire corridor as well as construction for the portion extending from Bartlett St to Maplewood Ave. Phase 2 will address the extension from Maplewood Ave to Market Street, where significant private investment is anticipated.

Evaluation Criteria	Satisfy
Identified in Planning Document or Study – Bicycle and Pedestrian Plan 2014	Y
Improves Quality of Existing Services	Y
Provides Added Capacity to Existing Services	Y
Addresses Public Health or Safety Need	
Reduces Long-Term Operating Costs	
Alleviates Substandard Conditions or Deficiencies	
Provides Incentive to Economic Development	
Responds to Federal or State Requirement	
Eligible for Matching Funds with Limited Availability	

		FY18	FY19	FY20	FY21	FY22	FY23	Totals 18-23	6 PY's Funding	Totals
GF	3%							\$0	\$100,000	\$100,000
Fed/ State	0%							\$0	\$0	\$0
Bond/ Lease	78%	\$500,000					\$2,500,000	\$3,000,000	\$0	\$3,000,000
Other	0%							\$0	\$0	\$0
Revenues	0%							\$0	\$0	\$0
PPP	19%	\$250,000					\$500,000	\$750,000	\$0	\$750,000
	Totals	\$750,000	\$0	\$0	\$0	\$0	\$3,000,000	\$3,750,000	\$100,000	\$3,850,000

TSM-PW-17: CITY-WIDE SIDEWALK RECONSTRUCTION PROGRAM

Department	Public Works
Project Location	City-Wide
Project Type	Upgrade Existing Facilities
Commence FY	On-Going
Priority	O (ongoing or programmatic)
Impact on Operating Budget	Negligible



South Street



Dennett Street

Evaluation Criteria	Satisfy
Identified in Planning Document or Study: Sidewalk Condition Index 2015	Y
Improves Quality of Existing Services	Y
Provides Added Capacity to Existing Services	
Addresses Public Health or Safety Need	Y
Reduces Long-Term Operating Costs	
Alleviates Substandard Conditions or Deficiencies	
Provides Incentive to Economic Development	
Responds to Federal or State Requirement	
Eligible for Matching Funds with Limited Availability	

Description: This program is in conjunction with the ongoing Bicycle Pedestrian Plan. The sidewalk inventory consists of over seventy (70) miles of sidewalks, made from asphalt, concrete, brick, or stone. Reconstruction work is required to bring these to standard. Reconstruction is based upon need and is coordinated with other street improvements. To aid in prioritizing of sidewalk upgrades the DPW has completed a sidewalk condition inventory. This project includes sidewalks identified as being in poor to fair condition.

		FY18	FY19	FY20	FY21	FY22	FY23	Totals 18-23	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/ State	0%							\$0	\$0	\$0
Bond/ Lease	100%	\$800,000		\$800,000		\$800,000		\$2,400,000	\$2,200,000	\$4,600,000
Other	0%							\$0	\$0	\$0
Revenues	0%							\$0	\$0	\$0
PPP	0%							\$0	\$0	\$0
	Totals	\$800,000	\$0	\$800,000	\$0	\$800,000	\$0	\$2,400,000	\$2,200,000	\$4,600,000

TSM-PW-17: City-Wide Sidewalk Reconstruction Program

PROPOSED CAPITAL IMPROVEMENTS-SIDEWALKS

Fiscal Years 2018 and 2019

PROPOSED CAPITAL IMPROVEMENTS - EXISTING SIDEWALKS

*Sidewalk

Colonial Dr Area
Woodbury Ave (Market to Gosling)
Bartlett St
Willard Ave
Thornton St
Clinton
Suzanne Dr
Miscellaneous

*Project completion will be depend on available funds and bid results.

TSM-PW-21: LAFAYETTE/ANDREW JARVIS INTERSECTION IMPROVEMENTS

Department	Public Works
Project Location	Lafayette Road
Project Type	Construction or Expansion of Street
Commence FY	2018
Priority	A (needed within 0 to 3 years)
Impact on Operating Budget	Negligible

Evaluation Criteria	Satisfy
Identified in Planning Document or Study	
Improves Quality of Existing Services	
Provides Added Capacity to Serve Growth	Y
Addresses Public Health or Safety Need	Y
Reduces Long-Term Operating Costs	
Alleviates Substandard Conditions or Deficiencies	Y
Provides Incentive to Economic Development	
Responds to Federal or State Requirement	
Eligible for Matching Funds with Limited Availability	



Description: Construction of improvements to intersection, including signalization of intersection, widening Andrew Jarvis Drive to provide separate left and right turn lanes, widening Lafayette Road to provide turning lanes, provide bus stop, crosswalks and bike lane on Lafayette Road. Construct ornamental stone wall at corner and reinstall the High School Sign.

		FY18	FY19	FY20	FY21	FY22	FY23	Totals 18-23	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/ State	0%							\$0	\$0	\$0
Bond/ Lease	100%	\$800,000						\$800,000	\$0	\$800,000
Other	0%							\$0	\$0	\$0
Revenues	0%							\$0	\$0	\$0
PPP	0%							\$0	\$0	\$0
	Totals	\$800,000	\$0	\$0	\$0	\$0	\$0	\$800,000	\$0	\$800,000

TSM-PW-30: HOOVER/TAFT DRAINAGE UPGRADES

Department	Public Works
Project Location	Hoover, Taft, FW Hartford Area
Project Type	Construction or expansion of a new public facility, street or utility
Commence FY	2018
Priority	A (needed within 0 to 3 years)
Impact on Operating Budget	Negligible



Evaluation Criteria	Satisfy
Identified in Planning Document or Study	
Improves Quality of Existing Services	Y
Provides Added Capacity to Existing Services	Y
Addresses Public Health or Safety Need	Y
Reduces Long-Term Operating Costs	Y
Alleviates Substandard Conditions or Deficiencies	Y
Provides Incentive to Economic Development	
Responds to Federal or State Requirement	
Eligible for Matching Funds with Limited Availability	

Description: This project would alleviate the flooding in this area during intense rain events and repave the area after construction.

		FY18	FY19	FY20	FY21	FY22	FY23	Totals 18-23	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/ State	0%							\$0	\$0	\$0
Bond/ Lease	100%	\$250,000						\$250,000	\$0	\$250,000
Other	0%							\$0	\$0	\$0
Revenues	0%							\$0	\$0	\$0
PPP	0%							\$0	\$0	\$0
	Totals	\$250,000	\$0	\$0	\$0	\$0	\$0	\$250,000	\$0	\$250,000

TSM-PW-31: PLEASANT STREET RECONSTRUCTION

Department	Public Works
Project Location	Pleasant Street (from Court Street to Marcy Street)
Project Type	Rehabilitation of a facility
Commence FY	2018
Priority	A (needed within 0 to 3 years)
Impact on Operating Budget	Negligible

Evaluation Criteria	Satisfy
Identified in Planning Document or Study	
Improves Quality of Existing Services	
Provides Added Capacity to Existing Services	
Addresses Public Health or Safety Need	Y
Reduces Long-Term Operating Costs	
Alleviates Substandard Conditions or Deficiencies	Y
Provides Incentive to Economic Development	
Responds to Federal or State Requirement	Y
Eligible for Matching Funds with Limited Availability	



Description: Reconstruction of Pleasant Street from Court Street to Marcy Street. Project includes new water mains, new sanitary sewers, new drains, stormwater treatment/management measures, new sidewalks, and new pavement. Water and sewer improvement funding to come from enterprise funds.

		FY18	FY19	FY20	FY21	FY22	FY23	Totals 18-23	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/ State	0%							\$0	\$0	\$0
Bond/ Lease	100%	\$750,000						\$750,000	\$0	\$750,000
Other	0%							\$0	\$0	\$0
Revenues	0%							\$0	\$0	\$0
PPP	0%							\$0	\$0	\$0
	Totals	\$750,000	\$0	\$0	\$0	\$0	\$0	\$750,000	\$0	\$750,000

TSM-PW-33: NEW FRANKLIN/WOODBURY CORRIDOR IMPROVEMENTS

Department	Public Works
Project Location	Woodbury Ave
Project Type	Construction or Expansion of Public Street
Commence FY	2017
Priority	A (needed within 0 to 3 years)
Impact on Operating Budget	Negligible

Evaluation Criteria	Satisfy
Identified in Planning Document or Study: Woodbury Avenue Corridor Study 2015	Y
Improves Quality of Existing Services	
Provides Added Capacity to Existing Services	
Addresses Public Health or Safety Need	Y
Reduces Long-Term Operating Costs	
Alleviates Substandard Conditions or Deficiencies	Y
Provides Incentive to Economic Development	
Responds to Federal or State Requirement	
Eligible for Matching Funds with Limited Availability	



Description: This project includes design and construction of improvements recommended in the Woodbury Avenue Corridor Study. Work needed includes removal of the concrete medial islands, installation of traffic signals at the Route 1 Bypass northbound ramps, re-striping to provide left turn lanes at intersections, and construction of a pedestrian refuge island at Rockingham and Dennett.

		FY18	FY19	FY20	FY21	FY22	FY23	Totals 18-23	6 PY's Funding	Totals
GF	14%							\$0	\$80,000	\$80,000
Fed/ State	0%							\$0	\$0	\$0
Bond/ Lease	86%	\$500,000						\$500,000	\$0	\$500,000
Other	0%							\$0	\$0	\$0
Revenues	0%							\$0	\$0	\$0
PPP	0%							\$0	\$0	\$0
	Totals	\$500,000	\$0	\$0	\$0	\$0	\$0	\$500,000	\$80,000	\$580,000

TSM-PW-34: MCDONOUGH STREET AREA IMPROVEMENT PROJECT

Department	Public Works
Project Location	McDonough Street
Project Type	Construction of a public street
Commence FY	2014
Priority	A (needed within 0 to 3 years)
Impact on Operating Budget	Negligible



Evaluation Criteria	Satisfy
Identified in Planning Document or Study	
Improves Quality of Existing Services	Y
Provides Added Capacity to Existing Services	
Addresses Public Health or Safety Need	
Reduces Long-Term Operating Costs	
Alleviates Substandard Conditions or Deficiencies	
Provides Incentive to Economic Development	
Responds to Federal or State Requirement	
Eligible for Matching Funds with Limited Availability	

Description: This project is at the request of the Islington Creek Neighborhood Association to have new sidewalks and traffic calming measures installed throughout the McDonough Street Area. The main purpose of this project is to enhance safety for the residents and others who travel through this area on foot, by bicycle and motor vehicle. This area is a mixed use of residential, commercial and industrial uses located between Islington Street and North Mill Pond. The work will include water, sewer, storm drainage, paving, curbing and associated landscaping constructed in a phased approach.

		FY18	FY19	FY20	FY21	FY22	FY23	Totals 18-23	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/ State	0%							\$0	\$0	\$0
Bond/ Lease	100%	\$800,000						\$800,000	\$2,400,000	\$3,200,000
Other	0%							\$0	\$0	\$0
Revenues	0%							\$0	\$0	\$0
PPP	0%							\$0	\$0	\$0
	Totals	\$800,000	\$0	\$0	\$0	\$0	\$0	\$800,000	\$2,400,000	\$3,200,000

TSM-PW-35: ISLINGTON STREET IMPROVEMENTS

Department	Public Works
Project Location	Islington Street
Project Type	Rehabilitation of Existing Facilities
Commence FY	2017
Priority	A (needed within 0 to 3 years)
Impact on Operating Budget	Negligible

Evaluation Criteria	Satisfy
Identified in Planning Document or Study: Islington St Improvement Action Plan (2009) , Bicycle & Pedestrian Plan (2014)	Y
Improves Quality of Existing Services	Y
Provides Added Capacity to Serve Growth	Y
Addresses Public Health or Safety Need	
Reduces Long-Term Operating Costs	
Alleviates Substandard Conditions or Deficiencies	
Provides Incentive to Economic Development	Y
Responds to Federal or State Requirement	
Eligible for Matching Funds with Limited Availability	



Description: The [Islington Street Improvement Action Plan](#) was completed in 2009 with the goal of improving the appearance of Islington Street in the area between Maplewood Avenue and Rt. 1 Bypass. This project involved development of a plan for capital improvements, regulatory strategies and non-regulatory public/private approaches to revitalization. The streetscape will be enhanced in a coordinated way as properties are improved through the site review process. Final design is underway with the first phase of improvements starting at Congress St. with construction anticipated Summer 2017.

		FY18	FY19	FY20	FY21	FY22	FY23	Totals 18-23	6 PY's Funding	Totals
GF	13%							\$0	\$500,000	\$500,000
Fed/ State	0%							\$0	\$0	\$0
Bond/ Lease	88%	\$2,500,000						\$2,500,000	\$1,000,000	\$3,500,000
Other	0%							\$0	\$0	\$0
Revenues	0%							\$0	\$0	\$0
PPP	0%							\$0	\$0	\$0
	Totals	\$2,500,000	\$0	\$0	\$0	\$0	\$0	\$2,500,000	\$1,500,000	\$4,000,000

TSM-PW-38: STREET PAVING, MANAGEMENT AND REHABILITATION

Department	Public Works
Project Location	City-Wide
Project Type	Upgrade Existing Facilities
Commence FY	On-Going
Priority	O (ongoing or programmatic)
Impact on Operating Budget	Negligible



Evaluation Criteria	Satisfy
Identified in Planning Document or Study: Pavement Management Study	Y
Improves Quality of Existing Services	Y
Provides Added Capacity to Existing Services	
Addresses Public Health or Safety Need	
Reduces Long-Term Operating Costs	
Alleviates Substandard Conditions or Deficiencies	Y
Provides Incentive to Economic Development	
Responds to Federal or State Requirement	
Eligible for Matching Funds with Limited Availability	

Description: In 1993 the City began a Pavement Condition Management Program. This on-going program produces a report showing existing conditions for each publicly owned street and a priority ranking for the best dollar investment and has the ability to show "What If" scenarios and estimated project costs. These scenarios project future street conditions based upon various levels of expenditures. The most recent condition report recommends an expenditure of \$1,500,000 per year to maintain street conditions at its current level. The indicated expenditures are capital costs to implement the improvements over a two-year period with all work lasting twenty (20) years. (The Public Works operational budget includes those costs associated with maintenance work with an expected life of only ten (10) years).

		FY18	FY19	FY20	FY21	FY22	FY23	Totals 18-23	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/ State	0%							\$0	\$0	\$0
Bond/ Lease	100%	\$3,000,000		\$3,000,000		\$3,000,000		\$9,000,000	\$8,000,000	\$17,000,000
Other	0%							\$0	\$0	\$0
Revenues	0%							\$0	\$0	\$0
PPP	0%							\$0	\$0	\$0
	Totals	\$3,000,000	\$0	\$3,000,000	\$0	\$3,000,000	\$0	\$9,000,000	\$8,000,000	\$17,000,000

TSM-PW-38: ROADWAY: Street Paving, Management and Rehabilitation

PROPOSED CAPITAL IMPROVEMENTS-STREETS

Fiscal Years 2018 and 2019

*Street

State Street (Cass to Middle)

Union (Middle to Islington)

Coffin's Court

Andrew Jarvis

Morning Street

Osprey Drive Area

Elwyn Park Area

Pleasant Street

Walker Bungalow

Chapel Street (Bow to Daniels)

Miscellaneous

*Project completion will be depend on available funds and bid results.

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

RESOLUTION # -2017

A RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF THE CITY UNDER THE MUNICIPAL FINANCE ACT AND/OR PARTICIPATION IN THE STATE REVOLVING FUND (SRF) LOAN OF UP TO THREE MILLION ONE HUNDRED THOUSAND DOLLARS (\$3,100,000) RELATED TO WATER LINE REPLACEMENTS AND PLEASANT STREET WATER LINE IMPROVEMENTS.

RESOLVED:

THAT, the sum of up to **Three Million One Hundred Thousand Dollars (\$3,100,000)** is appropriated for Water Line Replacements and Pleasant Street Water Line Improvements, including the payment of costs incidental or related thereto;

To meet this appropriation, the City Treasurer, with the approval of the City Manager is authorized to borrow, on a competitive or negotiated basis, up to **Three Million One Hundred Thousand Dollars (\$3,100,000)** through the issuance of bonds and/or notes of the City under the Municipal Finance Act and/or a loan program offered through the State of New Hampshire Department of Environmental Services, identified as the State Revolving Fund Loan, such borrowing to be effected by the issuance of bonds and/or notes of the City under the Municipal Finance Act in connection with the Water Line Replacements and Pleasant Street Water Line Improvements, including the payment of costs incidental or related thereto.

THAT the expected useful life of this project is determined to be at least twenty (20) years, and;

THAT this Resolution shall take effect upon its passage.

APPROVED:

JACK BLALOCK, MAYOR

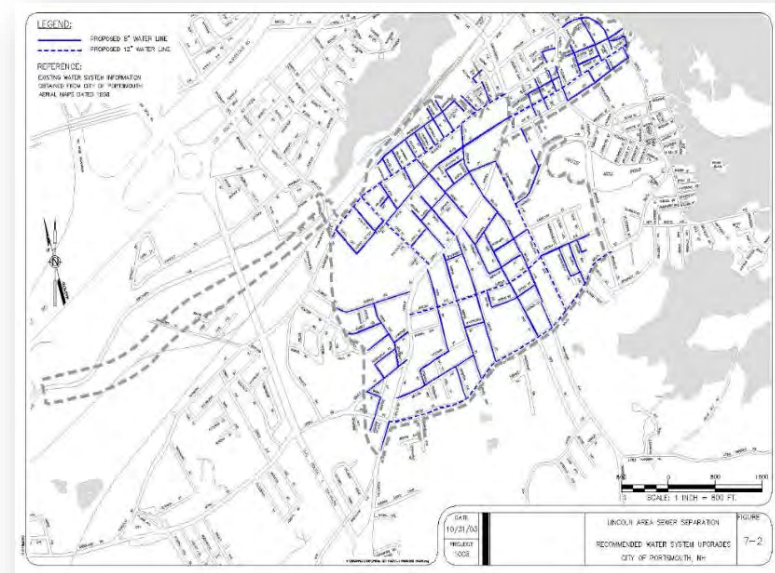
ADOPTED BY CITY COUNCIL

**KELLI BARNABY, MMC
CITY CLERK**

EF-WD-01: ANNUAL WATER LINE REPLACEMENT

Department	Public Works
Project Location	City-Wide
Project Type	Upgrade to Existing Facilities
Commence FY	On-Going
Priority	O (On-going)
Impact on Operating Budget	Negligible

Evaluation Criteria	Satisfy
Identified in Planning Document or Study – Water System Master Plan	Y
Improves Quality of Existing Services	
Provides Added Capacity to Existing Services	
Addresses Public Health or Safety Need	
Reduces Long-Term Operating Costs	
Alleviates Substandard Conditions or Deficiencies	Y
Provides Incentive to Economic Development	
Responds to Federal or State Requirement	
Eligible for Matching Funds with Limited Availability	



Description: The water distribution system consists of more than 150 miles of pipe. Many of the older pipes are 50 to 100 years old, undersized and at the end of their design life. Pipes are replaced programmatically as part of water specific capital projects, roadway reconstruction and prior to annual paving. This item will fund the purchase of pipe, valves and associated materials used to replace those pipes. Bond funds for large full road reconstruction projects.

		FY18	FY19	FY20	FY21	FY22	FY23	Totals 18-23	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/ State	0%							\$0	\$0	\$0
Bond/ Lease	24%	\$2,500,000						\$2,500,000	\$1,650,000	\$4,150,000
Other	0%							\$0	\$0	\$0
Revenues	76%	\$250,000	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000	\$2,750,000	\$10,090,000	\$12,840,000
PPP	0%							\$0	\$0	\$0
	Totals	\$2,750,000	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000	\$5,250,000	\$11,740,000	\$16,990,000

EF-WD-07: PLEASANT STREET WATER MAINS

Department	Public Works
Project Location	City-Wide
Project Type	Rehabilitation of a Facility
Commence FY	2018
Priority	A (needed within 0 to 3 years)
Impact on Operating Budget	Negligible

Evaluation Criteria	Satisfy
Identified in Planning Document or Study	
Improves Quality of Existing Services	
Provides Added Capacity to Existing Services	
Addresses Public Health or Safety Need	
Reduces Long-Term Operating Costs	
Alleviates Substandard Conditions or Deficiencies	Y
Provides Incentive to Economic Development	
Responds to Federal or State Requirement	Y
Eligible for Matching Funds with Limited Availability	



Description: This project consists of Reconstruction of Pleasant Street water mains from Court Street to Marcy Street.

		FY18	FY19	FY20	FY21	FY22	FY23	Totals 18-23	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/ State	0%							\$0	\$0	\$0
Bond/ Lease	100%	\$600,000						\$600,000	\$0	\$600,000
Other	0%							\$0	\$0	\$0
Revenues	0%							\$0	\$0	\$0
PPP	0%							\$0	\$0	\$0
	Totals	\$600,000	\$0	\$0	\$0	\$0	\$0	\$600,000	\$0	\$600,000

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

RESOLUTION # – 2017

A RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF THE CITY UNDER THE MUNICIPAL FINANCE ACT AND/OR PARTICIPATION IN THE STATE REVOLVING FUND (SRF) LOAN OF UP TO FOUR MILLION EIGHT HUNDRED THOUSAND DOLLARS (\$4,800,000) FOR COSTS RELATED TO CONSENT DECREE MITIGATION, ANNUAL SEWER LINE REPLACEMENTS, WASTEWATER PUMPING STATION IMPROVEMENTS, AND UNION STREET SEWER CONSTRUCTION.

RESOLVED:

THAT the sum of up to Four Million Eight Hundred Thousand Dollars (\$4,800,000) is appropriated for consent decree mitigation, annual sewer line replacements, wastewater pumping station improvements and Union Street sewer construction, including the payment of costs incidental or related thereto;

To meet this appropriation, the City Treasurer, with the approval of the City Manager is authorized to borrow, on a competitive or negotiated basis, up to Four Million Eight Hundred Thousand Dollars (\$4,800,000) through the issuance of bonds and/or notes of the City under the Municipal Finance Act and/or a loan program offered through the State of New Hampshire Department of Environmental Services, identified as the State Revolving Fund Loan, such borrowing to be effected by the issuance of bonds and/or notes of the City under the Municipal Finance Act in connection with the Consent Decree Mitigation, Annual Sewer Line Replacements, Wastewater Pumping Station Improvements, and Union Street Sewer Construction, including the payment of costs incidental or related thereto;

**That the expected useful life of the project is determined to be at least twenty (20) years,
and;**

That this Resolution shall take effect upon its passage.

APPROVED:

JACK BLALOCK, MAYOR

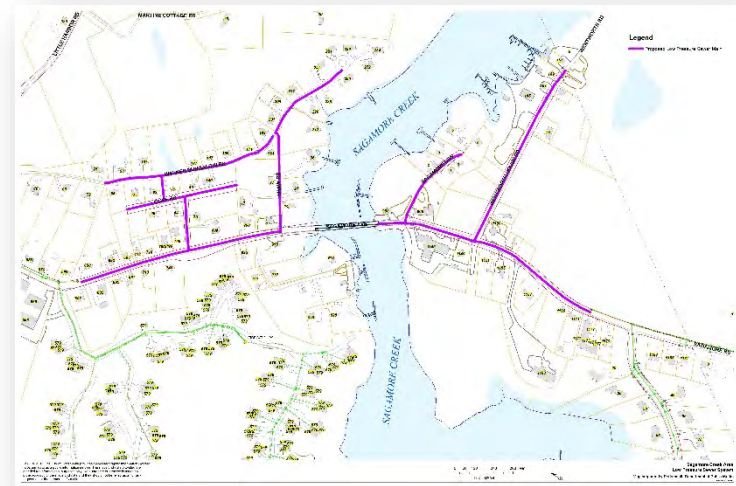
ADOPTED BY CITY COUNCIL

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

EF-SD-01: CONSENT DECREE MITIGATION

Department	Public Works
Project Location	Various
Project Type	Other (Explained Below)
Commence FY	2018
Priority	A (needed within 0 to 3 years)
Impact on Operating Budget	Negligible

Evaluation Criteria	Satisfy
Identified in Planning Document or Study	
Improves Quality of Existing Services	
Provides Added Capacity to Existing Services	Y
Addresses Public Health or Safety Need	
Reduces Long-Term Operating Costs	
Alleviates Substandard Conditions or Deficiencies	
Provides Incentive to Economic Development	
Responds to Federal or State Requirement	Y
Eligible for Matching Funds with Limited Availability	

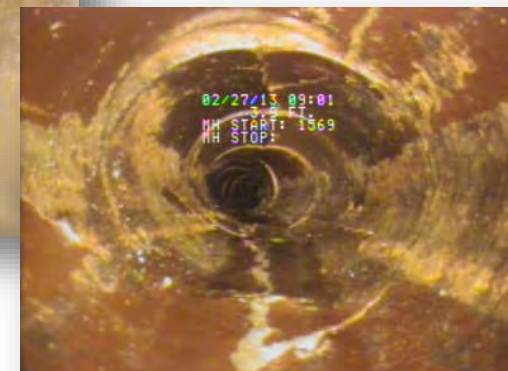


Description: The City of Portsmouth entered into a Consent Decree with the Environmental Protection Agency in 2009. The City moved forward with the requirements of the Consent Decree and had to modify the final schedule for the required expansion of the Peirce Island Wastewater Treatment Facility. As a result of this modification, the City committed to certain projects. The capital type projects include implementing a \$500,000 green infrastructure stormwater project and construction of a low pressure sewer system on Sagamore Avenue north and south of Sagamore Creek and will be funded with this item.

		FY18	FY19	FY20	FY21	FY22	FY23	Totals 18-23	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/ State	0%							\$0	\$0	\$0
Bond/ Lease	87%	\$400,000		\$2,500,000				\$2,900,000	\$4,500,000	\$7,400,000
Other	0%							\$0	\$0	\$0
Revenues	13%	\$100,000	\$400,000					\$500,000	\$650,000	\$1,150,000
PPP	0%							\$0	\$0	\$0
	Totals	\$500,000	\$400,000	\$2,500,000	\$0	\$0	\$0	\$3,400,000	\$5,150,000	\$8,550,000

EF-SD-05: ANNUAL SEWER LINE REPLACEMENT

Department	Public Works
Project Location	City-Wide
Project Type	Upgrade of Existing Facilities
Commence FY	On Going
Priority	O (Ongoing or Programmatic)
Impact on Operating Budget	Negligible



Evaluation Criteria	Satisfy
Identified in Planning Document or Study	
Improves Quality of Existing Services	Y
Provides Added Capacity to Existing Services	
Addresses Public Health or Safety Need	
Reduces Long-Term Operating Costs	Y
Alleviates Substandard Conditions or Deficiencies	
Provides Incentive to Economic Development	
Responds to Federal or State Requirement	
Eligible for Matching Funds with Limited Availability	

Description: The wastewater collection system consists of more than one-hundred (100) miles of pipe. Many of the older pipes are fifty (50) to one-hundred (100) years old, undersized and at the end of their design life. Pipes are replaced programmatically as part of sewer specific capital projects, roadway reconstruction and prior to annual paving. This item will fund the purchase of pipes and associated materials used to replace those pipes. Bond funds are for the large full road reconstruction type projects.

		FY18	FY19	FY20	FY21	FY22	FY23	Totals 18-23	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/ State	0%							\$0	\$0	\$0
Bond/ Lease	44%	\$3,000,000						\$3,000,000	\$2,500,000	\$5,500,000
Other	0%							\$0	\$0	\$0
Revenues	56%	\$250,000	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000	\$2,750,000	\$4,250,000	\$7,000,000
PPP	0%							\$0	\$0	\$0
	Totals	\$3,250,000	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000	\$5,750,000	\$6,750,000	\$12,500,000

EF-SD-06: WASTEWATER PUMPING STATION IMPROVEMENTS

Department	Public Works
Project Location	City-Wide
Project Type	Rehabilitation of Existing Facility
Commence FY	Ongoing
Priority	O (ongoing or programmatic)
Impact on Operating Budget	Negligible



Evaluation Criteria	Satisfy
Identified in Planning Document or Study: Conceptual Opinion of Cost Heritage Avenue Pumping Station (in development)	Y
Improves Quality of Existing Services	
Provides Added Capacity to Existing Services	
Addresses Public Health or Safety Need	
Reduces Long-Term Operating Costs	Y
Alleviates Substandard Conditions or Deficiencies	Y
Provides Incentive to Economic Development	
Responds to Federal or State Requirement	
Eligible for Matching Funds with Limited Availability	

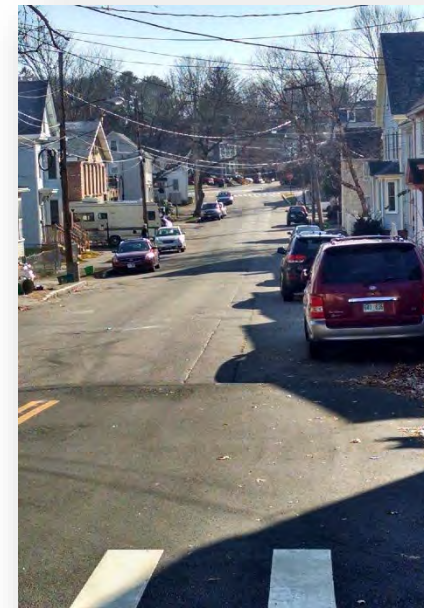
Description: The City owns and operates twenty (20) wastewater pumping stations. The projected life span of a pumping station is twenty (20) years. This project plans for the replacement or major rehabilitation of the pumping stations that have not been included as separate projects. The next pumping station to be addressed under this project is the Heritage Avenue pumping station.

		FY18	FY19	FY20	FY21	FY22	FY23	Totals 18-23	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/ State	0%							\$0	\$0	\$0
Bond/ Lease	91%	\$700,000		\$400,000		\$400,000		\$1,500,000	\$3,900,000	\$5,400,000
Other	0%							\$0	\$0	\$0
Revenues	9%		\$100,000		\$100,000		\$100,000	\$300,000	\$250,000	\$550,000
PPP	0%							\$0	\$0	\$0
	Totals	\$700,000	\$100,000	\$400,000	\$100,000	\$400,000	\$100,000	\$1,800,000	\$4,150,000	\$5,950,000

EF-SD-08: UNION STREET SEWER CONSTRUCTION

Department	Public Works
Project Location	Union Street from State St to Middle St
Project Type	Rehabilitation of Existing Facilities
Commence FY	2017
Priority	A (needed within 0 to 3 years)
Impact on Operating Budget	Reduce

Evaluation Criteria	Satisfy
Identified in Planning Document or Study	
Improves Quality of Existing Services	Y
Provides Added Capacity to Existing Services	
Addresses Public Health or Safety Need	Y
Reduces Long-Term Operating Costs	Y
Alleviates Substandard Conditions or Deficiencies	Y
Provides Incentive to Economic Development	
Responds to Federal or State Requirement	
Eligible for Matching Funds with Limited Availability	



Description: This section of Union Street from Middle Street to State Street is in poor condition and in need of full reconstruction, streetscape improvements and full utility replacement. This will include separating the combined sewer in the area. The costs of this project will be shared with the Highway Division and Water Division of Public Works.

		FY18	FY19	FY20	FY21	FY22	FY23	Totals 18-23	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/ State	0%							\$0	\$0	\$0
Bond/ Lease	72%	\$700,000						\$700,000	\$0	\$700,000
Other	0%							\$0	\$0	\$0
Revenues	28%							\$0	\$275,000	\$275,000
PPP	0%							\$0	\$0	\$0
	Totals	\$700,000	\$0	\$0	\$0	\$0	\$0	\$700,000	\$275,000	\$975,000

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

RESOLUTION # – 2017

A RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF THE CITY UNDER THE MUNICIPAL FINANCE ACT AND/OR PARTICIPATION IN THE STATE REVOLVING FUND (SRF) LOAN OF UP TO SIX MILLION NINE HUNDRED THOUSAND DOLLARS (\$6,900,000) FOR COSTS RELATED TO THE CONSTRUCTION OF THE PEIRCE ISLAND WASTEWATER TREATMENT PLANT.

RESOLVED:

THAT the sum of up to Six Million Nine Hundred Thousand Dollars (\$6,900,000) is appropriated for construction of the Peirce Island Wastewater Treatment Plant, including the payment of costs incidental or related thereto;

To meet this appropriation, the City Treasurer, with the approval of the City Manager is authorized to borrow, on a competitive or negotiated basis, up to Six Million Nine Hundred Thousand Dollars (\$6,900,000) through the issuance of bonds and/or notes of the City under the Municipal Finance Act and/or a loan program offered through the State of New Hampshire Department of Environmental Services, identified as the State Revolving Fund Loan, such borrowing to be effected by the issuance of bonds and/or notes of the City under the Municipal Finance Act in connection with the construction of the Peirce Island Wastewater Treatment Plant, including the payment of costs incidental or related thereto;

**That the expected useful life of the project is determined to be at least twenty (20) years,
and;**

That this Resolution shall take effect upon its passage.

APPROVED:

**_____
JACK BLALOCK, MAYOR**

ADOPTED BY CITY COUNCIL

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

EF-SD-02: PEIRCE ISLAND WASTEWATER TREATMENT DESIGN AND CONSTRUCTION

Department	Public Works
Project Location	Peirce Island WWTP
Project Type	Upgrade of Existing Facilities
Commence FY	2017
Priority	A (needed within 0 to 3 years)
Impact on Operating Budget	High

Evaluation Criteria	Satisfy
Identified in Planning Document or Study – Consent Decree	Y
Improves Quality of Existing Services	
Provides Added Capacity to Existing Services	Y
Addresses Public Health or Safety Need	
Reduces Long-Term Operating Costs	
Alleviates Substandard Conditions or Deficiencies	
Provides Incentive to Economic Development	
Responds to Federal or State Requirement	Y
Eligible for Matching Funds with Limited Availability	



Description: The construction of the new wastewater treatment facility at Peirce Island is underway. The project will bring the city into compliance with treatment standards as required by the EPA and will also remove nitrogen. The construction was awarded through previous years funding. These costs cover additional funds for construction contingency and construction engineering for the new treatment plant.

		FY18	FY19	FY20	FY21	FY22	FY23	Totals 18-23	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/ State	0%							\$0	\$0	\$0
Bond/ Lease	100%	\$3,500,000	\$2,300,000	\$1,100,000				\$6,900,000	\$85,000,000	\$91,900,000
Other	0%							\$0	\$0	\$0
Revenues	0%							\$0	\$0	\$0
PPP	0%							\$0	\$0	\$0
	Totals	\$3,500,000	\$2,300,000	\$1,100,000	\$0	\$0	\$0	\$6,900,000	\$85,000,000	\$91,900,000

Event Listing by Date

Starting Date: 6/ 5/2017

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	CELEBRATIC JerriAnne Boggis is the contact for this event.	African Burying Ground	Black Heritage Trail of New Ha	6/ 5/2017
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. This event begins at 8:00 a.m. at Strawberry Bank.	Begins and Ends at Strawberry Bank	March of Dimes	4/ 3/2017
6/24/2017 6/24/2017	PRIDE Crystal Paradis, is the Coordinataor for this event. This event begins at the Portsmouth Public Library and continues as one rainbow down the streets leading to Strawberry Banke.	Library to Strawberry Banke	Seacoast Outright	5/ 1/2017
6/25/2017 6/25/2017	PARADE Bob Sutherland is the contact for this event. (603) 828-5246 Greenlandbob@gmail.com	St. John's Church to Masonic Temple	st. John's Lodge	4/17/2017
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	Peirce Island	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

Event Listing by Date

Starting Date: 6/ 5/2017

Ending Date: 12/31/2017

Start End	Type Description	Location	Requestor	Vote Date
7/15/2017 7/15/2017	FESTIVAL Barbara Massar is the contact for this event. This event is part of the Summer in the Streets begins at 5:00 p.m. to 9:30 p.m.	Downtown - Pleasant Street - between State Street	Pro Portsmouth - Summer in the	9/ 6/2016
7/21/2017 7/23/2017	ART EXH Lennie Mullaney is the contact for this event. This is the annual Wet Paint-out Weekend. The event takes place throughout greater Portsmouth Artists register at NHAA.	Throughout the City	NH Art Association	1/23/2017
7/22/2017 7/22/2017	MUSIC Barbara Massar is the contact for this event. This is part of the Summer in the Streets series which begins at 5:00 p.m. and ends at 9:30 p.m.	Pleasant Street	Pro Portsmouth - Summer in the	9/ 6/2017
7/29/2017 7/29/2017	MUSIC Barbara Massar is the contact for this event. This event is part of the Summer in the Streets series which begins at 5:00 p.m. and ends at 9:30 p.m.	Pleasant Street	Pro Portsmouth - Summer in the	9/ 6/2016
8/19/2017 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 Amport 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

Event Listing by Date

Starting Date: 6/ 5/2017

Ending Date: 12/31/2017

Start End	Type Description	Location	Requestor	Vote Date
9/23/2017 9/24/2017	RIDE	Along Route 1A	Granite State Wheelmen, Inc.	11/21/2016
9/24/2017 9/24/2017	WALK Kelly Bosco is the contact for this event. Tel. (603) 606-6590 ext. 2151 kbosco@alz.org	Little Harbour School	Alzheimer's Association	1/23/2017
10/13/2017 10/15/2017	FILM EXPO Amber Day is the contact for this event. (603) 534-0905	Chestnut Street	New Hampshire Film Festival	6/ 5/2017
10/31/2017 10/31/2017	PARADE Abigail Wiggin is the contact for this event.	Starting at Peirce Island - thru downtown - Ending	Portsmouth Halloween Committee	6/ 5/2017
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

TO: Honorable Mayor Jack Blalock and City Council Members
 FROM: John P. Bohenko, City Manager
 DATE: June 6, 2017
 Re: Adopted Annual Budget for Fiscal Year 2018
 CC: All Department Heads and Reference Books

The City Council adopted resolution #14-2017, General Fund Expenditures in the amount of \$109,448,605 on June 5, 2017 as shown below.

**CITY COUNCIL'S ADOPTED
 APPROPRIATIONS JUNE 5, 2017**

MUNICIPAL	\$18,808,621
POLICE	\$10,925,161
FIRE	\$8,684,534
SCHOOL	\$46,471,405
COLLECTIVE BARGAINING	\$100,000
TRANSFER TO INDOOR POOL	\$150,000
TRANSFER TO PRESCOTT PARK	\$30,479
NON-OPERATING	\$24,278,405
TOTAL	\$109,448,605

The FY 2018 Proposed Budget was submitted to the City Council on April 28, 2017. As a result of budget worksessions held, the City Council's adopted budget includes several amendments from the proposed FY18 General Fund budget.

OPERATING BUDGET ---Increase of \$137,000

- 1) Increase City Manager's recommended Police Department budget by \$127,000.
- 2) Increase City Manager's recommended Fire Department budget by \$10,000 and fund \$50,000 from the Parking & Transportation Special Revenue Fund.

NON-OPERATING BUDGET---Decrease of (\$443,600)

- 3) Reduce Overlay by \$50,000.
- 4) Reduce Contingency by \$50,000.
- 5) Reduce Rolling Stock by \$124,100
 - a. \$39,100 Police Escape
 - b. \$45,000 Fire SUV
 - c. \$40,000 DPW ½ Ton Pick-up and a Plow
- 6) Reduce IT Replacement by \$64,500
 - a. \$25,000 Police: Department discretion
 - b. \$19,500 Fire: Fund incident Reporting Data System over 2 years
 - c. \$20,000 School: Department discretion
- 7) \$155,000 Capital Outlay
 - a. \$25,000 Land Acquisition
 - b. \$30,000 US Route 1 New Side path Construction
 - c. \$50,000 Longmeadow Road Extension
 - d. \$50,000 Capital Contingency

City Council FY18 Adopted Budget

	FY17 Budget	FY18 City Manager's Proposed Budget	FY18 City Council Adopted Budget	\$Change From FY18 Proposed Budget	\$Change From FY17 Budget	% Change From FY16 Budget
OPERATING BUDGET:						
General Government	18,210,245	18,808,621	18,808,621	-	598,376	3.29%
Police	10,382,847	10,798,161	10,925,161	127,000.00	542,314	5.22%
Fire	8,340,898	8,674,534	8,684,534	10,000.00	343,636	4.12%
School	44,684,084	46,471,405	46,471,405	-	1,787,321	4.00%
Collective Bargaining	0	100,000	100,000	-	100,000	
Transfer to Indoor Pool	150,000	150,000	150,000	-	0	0.00%
Transfer to Indoor Pool	0	30,479	30,479	-	30,479	
Total Operating Budget	81,768,074	85,033,200	85,170,200	137,000.00	3,402,126	4.16%
NON-OPERATING EXPENDITURE:						
Debt Related Costs/TANS	275,000	275,000	275,000	-	0	0.00%
Debt Service Payments	12,595,810	13,085,154	13,085,154	-	489,344	3.88%
Overlay	950,000	1,000,000	950,000	(50,000.00)	0	0.00%
Property & Liability Ins	341,000	363,376	363,376	-	22,376	6.56%
County	5,277,514	5,466,000	5,466,000	-	188,486	3.57%
Contingency	250,000	300,000	250,000	(50,000.00)	0	0.00%
Rolling Stock	956,165	886,000	761,900	(124,100.00)	(194,265)	-20.32%
IT Equipment Replacement	406,000	715,158	650,658	(64,500.00)	244,658	60.26%
Capital Outlay	2,000,000	2,140,000	1,985,000	(155,000.00)	(15,000)	-0.75%
Use of Fund Balance	400,000	0	0	-	(400,000)	-100.00%
Use of Bond Premium	1,850,000	0	0	-	(1,850,000)	-100.00%
Other General Non-Operating	393,280	491,317	491,317	-	98,037	24.93%
Total Non-Operating Budget	25,694,769	24,722,005	24,278,405	(443,600)	(1,416,364)	-5.51%
Total Gross Budget	107,462,843	109,755,205	109,448,605	(306,600)	1,985,762	1.85%

In addition to the adjustments of expenditures, the City Council authorized the following:

- The use of Debt Service Reserves (Use of Committed Fund Balance) by \$700,000 for a total of \$2,400,000.
- Utilize \$231,000 from Unassigned fund balance to offset two capital outlay projects
 - a. LED Streetlight Conversion \$181,000
 - b. Chestnut Street Pedestrian Connector \$50,000

As a result of the amendments, the adopted FY18 budget will result in an estimated tax rate of \$17.47 per \$1,000 of valuation. This rate is an increase of 43¢ or 2.5% over FY17.

Attached is a revised General Fund Budget Summary for FY18 – Tax Calculation Sheet

GENERAL FUND BUDGET SUMMARY-FY 2018

TAX CALCULATION

	FY17 BUDGET	FY18 City Manager Recommended	% CHANGE FROM FY17	\$\$ CHANGE FROM FY17	FY18 City Council 6-Jun-17	FY18 % Change	FY18 \$\$ Change
OPERATING BUDGET							
General Government	18,210,245	18,808,621	3.29%	598,376	18,808,621	3.29%	598,376
Police	10,382,847	10,798,161	4.00%	415,314	10,925,161	5.22%	542,314
Fire	8,340,898	8,674,534	4.00%	333,636	8,684,534	4.12%	343,636
School	44,684,084	46,471,405	4.00%	1,787,321	46,471,405	4.00%	1,787,321
Collective Bargaining	0	100,000		100,000	100,000		100,000
Transfer to Indoor Pool	150,000	150,000	0.00%	0	150,000	0.00%	0
Transfer to Prescott Park	0	30,479		30,479	30,479		30,479
Total Operating Budget	81,768,074	85,033,200	3.99%	3,265,126	85,170,200	4.16%	3,402,126
NON-OPERATING EXPENSE							
Debt Related Costs/TANS	275,000	275,000	0.00%	0	275,000	0.00%	0
Debt Service Payments	12,595,810	13,085,154	3.88%	489,344	13,085,154	3.88%	489,344
Overlay	950,000	1,000,000	5.26%	50,000	950,000	0.00%	0
Property & Liability Ins	341,000	363,376	6.56%	22,376	363,376	6.56%	22,376
County	5,277,514	5,466,000	3.57%	188,486	5,466,000	3.57%	188,486
Contingency	250,000	300,000	20.00%	50,000	250,000	0.00%	0
Rolling Stock	956,165	886,000	-7.34%	(70,165)	761,900	-20.32%	(194,265)
IT Equipment Replacement	406,000	715,158	76.15%	309,158	650,658	60.26%	244,658
Capital Outlay	2,000,000	2,140,000	7.00%	140,000	1,985,000	-0.75%	(15,000)
Middle School/Banfield Road Purchase	400,000	0	-100.00%	(400,000)	0	-100.00%	(400,000)
Foundation Seacoast Health Land	1,850,000	0		(1,850,000)	0		(1,850,000)
Other General Non-Operating	393,280	491,317	24.93%	98,037	491,317	24.93%	98,037
Total Non-Operating Budget	25,694,769	24,722,005	-3.79%	(972,764)	24,278,405	-5.51%	(1,416,364)
Total Gross Budget	107,462,843	109,755,205	2.13%	2,292,362	109,448,605	1.85%	1,985,762
REVENUES							
Municipal	13,125,575	13,879,982	5.75%	754,407	13,879,982	5.75%	754,407
School	5,986,250	6,369,332	6.40%	383,082	6,369,332	6.40%	383,082
State Revenues	1,489,418	1,576,077	5.82%	86,659	1,576,077	5.82%	86,659
State Revenues-School Building Aid	1,836,305	1,836,305	0.00%	0	1,836,305	0.00%	0
<i>Use of Fund Balance: Unassigned</i>							
Supplemental Appropriation	665,800	0		(665,800)	0	-100.00%	(665,800)
Budget Process	250,000			(250,000)	231,000		(19,000)
<i>Use of Fund Balance: Committed</i>							
Property Appraisal	73,500	150,000	104.08%	76,500	150,000	104.08%	76,500
Debt Service Reserve	1,700,000	1,700,000	0.00%	0	2,400,000	41.18%	700,000
Supplemental Appropriation	1,850,000	0		(1,850,000)	0		(1,850,000)
Total	26,976,848	25,511,696	-5.43%	(1,465,152)	26,442,696	-1.98%	(534,152)
BUDGETED PROPERTY TAX LEVY	80,485,995	84,243,509	4.67%	3,757,514	83,005,909	3.13%	2,519,914
War Service Credits	480,500	500,000	4.06%	19,500	500,000	4.06%	19,500
Adequate Education Formula	(11,070,907)	(11,178,117)	0.97%	(107,210)	(11,178,117)	0.97%	(107,210)
State Education Tax	11,070,907	11,178,117	0.97%	107,210	11,178,117	0.97%	107,210
ASSESSED VALUATION WITH UTILITIES	4,771,704,551	4,806,704,551	0.73%	35,000,000	4,806,704,551	0.73%	35,000,000
ASSESSED VALUATION NO UTILITIES	4,586,279,780	4,621,279,780	0.76%	35,000,000	4,621,279,780	0.76%	35,000,000
MUNICIPAL & SCHOOL TAX RATE	13.54	14.16	4.61%	0.62	13.91	2.73%	0.37
COUNTY TAX RATE	1.09	1.14	4.59%	0.05	1.14	4.33%	0.05
STATE EDUCATION TAX RATE	2.41	2.42	0.24%	0.01	2.42	0.37%	0.01
COMBINED TAX RATE	17.04	17.72	3.99%	0.68	17.47	2.50%	0.43

CITY OF PORTSMOUTH



PRESS RELEASE

**FOR
IMMEDIATE
RELEASE**

June 13, 2017

Public Tour of Peirce Island Wastewater Treatment Facility Upgrade Project to be held on Tuesday, June 20th

PORTSMOUTH, NH – Guided public tours of the Peirce Island Wastewater Facility (WWTF) construction site will be conducted on Tuesday, June 20th from 6 p.m. to 8 p.m. City staff, along with others involved in the construction of the Peirce Island WWTF upgrade project, will be guiding interested parties through the construction site to provide an opportunity to observe the status of the ongoing construction.

Each tour will last approximately an hour and will include a shuttle van to bring groups to the construction area from the construction access gate on Peirce Island. Visitors should gather at the construction access gate on Peirce Island beginning at 6 p.m. As a construction site, access does not comply with Americans with Disabilities Act (ADA) requirements, and rest rooms are not available. If your mobility is limited and you will need assistance on the tour, please contact Chris Berger at 603-766-1446 or cmberger@cityofportsmouth.com at least 48 hours in advance of the tour date so that accommodations can be made. Participants will be required to follow the prescribed tour route.

Since this is an active construction site, attendees must be adults only, and wear long pants and sturdy walking shoes or boots; no open toe shoes will be permitted. It is important to dress appropriately for outdoor conditions as there is some walking outdoors on rough, uneven and unpaved areas. At several locations throughout the construction site, tour guides will offer insight into the ongoing work and field questions. There will also be an opportunity for submittal of written questions for subsequent response as

time for questions on the tours will be limited. Space for the tours is also limited, and tours will be conducted on a first-come, first-serve basis.

Questions concerning the planned tour can be directed to Terry Desmarais, City Engineer, at 766-1421 or tldesmarais@cityofportsmouth.com. There is no rain date for this event. For more information, please visit www.portsmouthwastewater.com. If you are unable to attend this meeting, the City encourages you to visit their YouTube channel at <https://www.youtube.com/user/CityofPortsmouth> to view aerial progress videos of this project.

CITY OF PORTSMOUTH



PRESS RELEASE

**FOR
IMMEDIATE
RELEASE**

June 14, 2017

Standard & Poor's Affirms City of Portsmouth's AAA Bond Rating

PORTSMOUTH, NH – Standard & Poor's (S&P) rating agency has again affirmed the City's long-term rating of "AAA," the highest obtainable rating. S&P weighs a host of financial, economic, debt and managerial information in order to assess the City's performance.

In the rating report, S&P cited the City's very strong economy, very strong management with strong policies and practices, strong budgetary performance, very strong budgetary flexibility, very strong liquidity, and strong debt and contingent liabilities position and as positive credit factors. We rate the city higher than the nation because we believe Portsmouth can maintain better credit characteristics than the nation in a stress scenario based on its predominantly locally derived revenue base and our view that pledged revenue supporting debt service on the bonds is at limited risk of negative sovereign intervention, said S&P.

Due to outstanding bond ratings, the City continues to experience low interest rates when financing City capital projects. Finance Director Judie Belanger announced that the City received seven competitive bids from bond underwriters on Tuesday, June 13, 2017 for an \$18,510,000 general obligation bond issue ranging from 5 to 20 years. Proceeds from the bond issuance will be used to finance Citywide street and sidewalk improvements, elementary school facility improvements, the acquisition of a fire apparatus, improvements to Fire Station 3, water line & system storage improvements, and sewer line and pumping station improvements. Citigroup Global Markets Inc. was the winning bidder on the bonds with an average interest rate of 2.238%. "In addition to the excellent bond rate, the City received a bond

premium of \$1.595 million which may be used for other capital projects with an equal or longer useful life of the issue,” Belanger said.

At the same time, the City issued a \$22 million bond anticipation note. The winning bidder was Morgan Stanley & Co., LLC with a net interest cost of .984%. This is a short-term note to fund the construction of the Foundry Place Parking Facility prior to its opening. Permanent financing will take place in fiscal year 2019 ” Belanger announced.

According to City Manager John Bohenko, this high bond rating validates the City policies that have saved the City a substantial amount of money over the years. “I am very pleased that we have been able to maintain the highest obtainable bond rating by S&P in light of various economic challenges. “Our AAA rating reflects the City Council’s commitment to financial stability through implementation of various stabilization policies and a strong fund balance.”Bohenko said.



CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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

RECEIVED
APR 24 2017
Renewing applicant
By _____

Committee: HISTORIC DISTRICT COMMISSION

Name: Daniel T. Rawling Telephone: 603-502-0970

Could you be contacted at work? YES/NO - If so, telephone# 603-502-0970

Street address: 411 Middle St. - Portsmouth, NH

Mailing address (if different): _____

Email address (for clerk's office communication): dan@rawlingdesign.com

How long have you been a resident of Portsmouth? 1997 - 20 years

Occupational background:

ARCHITECTURE & LANDSCAPE DESIGN - Government & Private Sector -
PRINCIPAL - RAWLING DESIGN ASSOCIATES -
APARTMENT RENTALS / MAINT. -
REAL ESTATE DEVELOPMENT.

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

Reasons for wishing to continue serving: My primary interest is Urban Planning
and how new construction relates to the Historic District.
Many large, new projects are and will be before the Board
which will shape the face of our future City. I feel I bring a knowledge
and talent in this area and fill a specialized niche on the Board that
combines experience w/ both the new and the old.

OVER
➔

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

Since becoming a Commissioner I have limited my involvement in other committees but have remained active with ^{citizen} involvement in planning related organizations and city staff. Most recently your Housing/Village Development Study group. Previously strong advocate for Character Based Zoning & Committee Member for developing Guidelines for the Historic District.

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

1) Skye Maher 603-498-6799
Name, address, telephone number

2) Jackie Ellis - 603-969-2795
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature:  Date: 04/21/17

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 6/1/2020

Annual Number of Meetings: 17 Number of Meetings Absent: 1

Date of Original Appointment: 6/2/2014

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: PHA

Renewing applicant

Name: JOHN F. LEVY Telephone: 436-5418

Could you be contacted at work? YES NO - If so, telephone# 436-5418

Street address: 83 WOODRURY AVE

Mailing address (if different): 684 STATE ST

Email address (for clerk's office communication): FARRELLFH@COMCAST.NET

How long have you been a resident of Portsmouth? 63 yrs

Occupational background:

UNDERTAKER

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

Reasons for wishing to continue serving: _____

I'm VERY IMPRESSED WITH THE NEW EXECUTIVE DIRECTOR
AND THE DIRECTION HE IS TAKING THE HOUSING AUTHORITY



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

NH FUNERAL DIRECTORS ASSOC., CLKS

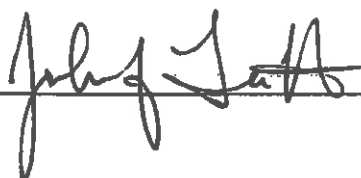
Please list two character references not related to you or city staff members:
(Portsmouth references preferred)

1) MARK GRAY SUMMER ST 235-2152
Name, address, telephone number

2) TOM COAKLEY BARTLETT ST 828-1547
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature:  Date: 4/25/17

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 01/01/2022

Annual Number of Meetings: 12 Number of Meetings Absent: 3

Date of Original Appointment: 4/6/1992

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


To: Honorable Mayor Jack Blalock
and Members of the Portsmouth City Council

June 3 2017.

From Ronald A. Poulin
Chair of the Portsmouth City Cable Commission

Re: Resignation from the City Cable Commission

It is with sincere regret that I submit my resignation from the City Cable Commission. I have recently relocated to a retirement community in Durham, N.H. I wish the Council and my colleagues continued success during the upcoming negotiations with Comcast.

Sincerely,

Ronald A. Poulin

cc: Members of the Commission
City Clerk, city of Portsmouth, N. H.

Wednesday, June 14, 2017

To The Portsmouth City Council

At the City Council meeting of Monday, June 19th, there are public hearings on two City Charter Amendments that I have proposed. Each of these Amendments would clarify matters that we have discussed in the past two or three years, and provide guidance for future City Councils on openness and transparency in our government activities as Portsmouth continues to grow.

I want to emphasize that from my point of view, these Charter Changes are not so much to remedy or solve problems that have existed in Portsmouth City Government as they are to keep our city honest and ethical as we continue to grow into an even more developed economic and financial center of New Hampshire.

The concepts of ethics and transparency are important to any government, and our City Charter -- and ordinances resulting from City Charter mandates such as those I am suggesting -- will protect our community in coming years from the ever-growing influences of money in politics and government. We have seen those influences in other cities, as well as in state and national government.

Portsmouth is "Not For Sale," and we have to keep it that way. These amendments help that goal.

Charter Amendment Defining "Municipal Officials" for Financial Disclosure Requirements:

"For the purposes of financial disclosure the term municipal officials in this provision shall include members of the City Council, Police Commission, Fire Commission, School Board, Planning Board, Zoning Board of Adjustment, Historic District Commission and the City Manager."

Amendment C to the City Charter, adopted by referendum in 1987, directed the City Council to enact a "Conflict of Interest Ordinance." Amendment C also says this ordinance shall require "all police, school, [and] municipal officials, whether appointed or elected," to disclose "current sources of income and all capital assets."

The current ordinance implementing Amendment C defines "municipal officials" very narrowly, to include only members of the City Council, School

Board, Police Commission, and Fire Commission. I believe that this contradicts the plain language of Amendment C, which requires financial disclosure by not only elected officials, but also appointed officials.

My proposed City Charter Amendment makes it clear that land-use board members (members of the Planning Board, Zoning Board of Adjustment, and the Historic District Commission), and the City Manager -- who is appointed by the City Council to his or her position -- are the "municipal officials" who must complete financial disclosure information.

Charter Amendment for "Clean Elections" Campaign Disclosure by City Council Candidates and Political Action Committees:

"A requirement that each candidate for City Council and every political action committee supporting one or more candidates for City Council report contributions and expenditures prior to Election Day, including the candidate's total monetary expenditures for that election and the total monetary expenditures for each candidate or slate of candidates by the political action committee. The report of monetary contributions to the candidate or by a political action committee shall identify each contributor by name, address and amount of contribution."

In the N.H. State Legislature, I sponsored several bills regarding "Clean Elections" disclosures by state candidates and officials. I worked closely for a number of years with Doris "Granny D." Haddock, who at the age of 90 walked across the United States from California to Washington in her fight for greater financial disclosure in our election process.

Granny D., a New Hampshire citizen, lived to 100 and in her last years spent much time in Concord fighting for financial disclosure by PACs -- Political Action Committees -- and their immense and undercover, backroom exploitation of the political process. I got to know her very well. A book and an HBO documentary, "Run, Granny, Run," documents her cause.

Candidates for the N.H. State House of Representatives and State Senate, which include several from Portsmouth, need to follow much stricter financial disclosure guidelines for their political campaigns than do candidates for City Council.

And considering that nine Council members have authority over a budget of over \$100 million, as well as decision-making on land-use matters that affect tens of millions of dollars of development, City Council candidates should at least be required to disclose how much they raise, and from whom, for their campaigns and how much they spend for the office they seek.

In Citizens United, the U. S. Supreme Court held that Political Action Committees are entitled to the same rights as individuals. But Portsmouth's current election law is upside down, favoring Political Action Committees over individuals.

Section 1.902 of Portsmouth's election ordinance requires that individual candidates for City Council, the School Board, and the Police and Fire Commissions report every "monetary contribution from any one person or entity in the amount of a cumulative total of \$100.00 or more in any calendar year."

However, unlike the State and some New Hampshire cities, Portsmouth does not compel a political action committee to report anything. This loophole could in the future allow dark -- yes, "hidden" -- money to influence City Council elections.

This proposed City Charter Amendment expands on the current ordinance in two important ways. First, it requires that a Political Action Committee supporting a City Council candidate or slate of candidates report its sources of income. Second, it requires that individual candidates for City Council, in addition to Political Action Committees, report their total expenditures.

There was discussion at the June 5th City Council meeting about the definition of "Political Action Committee." Manchester, N.H., which includes substantial disclosure requirements for their candidates, defines it as *"Political Committee' shall mean any organization of two (2) or more persons to influence through contributions and or expenditures municipal elections or measures, including the political committee of a political party as hereinafter defined."* Passage of a City Charter Amendment would require a follow-up ordinance, so the Council can define it as it wishes, as well as the rest of the requirements of the Amendment.

Included in this proposed City Charter Amendment is only the office of City Council. Members of the School Board, Fire Commission, and Police Commission do not have the same kind of oversight on development issues and citywide budget responsibilities as do City Council members. Also, it are the Mayor and City Council members who make appointments to the land-use boards and commissions, so having campaign finance disclosure for City Council candidates makes sense for transparency and ethics.

What we need to be sure of is that our candidates for City Council, and the Political Action Committees influencing those candidates, participate in the process of "Clean Elections" as much as is possible. Getting money out of our political and governmental systems may never be possible, but at least our citizens can insist on as much openness, awareness, transparency, disclosure, and ethics as possible.

Jim Splaine

City Resident

ACTION ITEMS

PARKING and TRAFFIC SAFETY COMMITTEE MEETING

8:00 A.M. – June 1, 2017

City Hall – Eileen Dondero Foley Council Chambers

MEMBERS PRESENT: Brad Lown, Chairman
John Bohenko, City Manager
Peter Rice, Public Works Director
James Heinz, Deputy Fire Chief
Frank Warchol, Police Captain
Members: Ted Gray, Harold Whitehouse, Ronald Cypher,
Shari Donnermeyer and Mary Lou McElwain

CITY STAFF PRESENT: Eric Eby, Parking and Transportation Engineer
Juliet Walker, Planning Director

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

None

Temporary Action Items requiring an ordinance during the annual omnibus:

Action Item: VI.A. – To modify City ordinances to require a vehicle to move at least 500 feet from their original parking space, once they have reached the designated time limit.

1. Accepted and placed on file meeting minutes from May 4, 2017.
2. Accepted and placed on file the financial report dated June 2017.
3. Public Comment. Three Speakers: Rick Becksted, Brenna Cavanaugh, and Mary Krempels
4. (VI.A.) **Action Item:** Clarification of overtime parking definition – **VOTED to modify City ordinances to require a vehicle to move at least 500 feet from their original parking space, once they have reached the designated time limit.**
5. (VI.B.) **Action Item:** Appeal of driveway permit at 834 Middle Road – **VOTED to give power of decision to the Director of Public Works in order to expedite action item.**

Public Speakers: Matt Silva and Jason Combs

6. (VI.C.) **Action Item:** Pedestrian safety, crosswalks and crosswalk signs – No action required by Committee.
7. Public Comment. Four Speakers: Rick Becksted, Taylor Andrews, Brenna Cavanaugh and Doug Roberts
8. Informational:
 - IX.A. New Parking Director:
Benjamin Fletcher has accepted the Parking Director position and will start on July 3, 2017.
 - IX.B. Middle Street Bike Lanes Project:
Juliet Walker, Planning Director, stated the public meeting is scheduled for June 8, 2017 at 7:00 p.m. in the Council Chambers.
Public Comment: Rick Becksted
 - IX.C. Existing Valet License Agreements:
Copies of existing agreements were provided in the PTS packet.
 - IX.D. Requests for Rubber Speed Bumps on Public Roads:
Public Works Director Rice spoke to temporary speed bumps in public roadways.
9. Adjournment – At 9:06 a.m., **VOTED** to adjourn.

Respectfully submitted by:

Amy Chastain
Secretary to the Committee

MEETING MINUTES

PARKING and TRAFFIC SAFETY COMMITTEE MEETING

8:00 A.M. – June 1, 2017

City Hall – Eileen Dondero Foley Council Chambers

I. CALL TO ORDER:

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

II. ROLL CALL:

Members Present:

Chairman, Brad Lown
City Manager, John Bohenko
Public Works Director, Peter Rice
Deputy Fire Chief, James Heinz
Police Captain, Frank Warchol
Member, Ted Gray
Member, Harold Whitehouse
Member, Ronald Cypher
Member, Shari Donnermeyer
Alternate Member, Mary Lou McElwain

Staff Advisors Present:

Parking and Transportation Engineer, Eric Eby
Planning Director, Juliet Walker

III. ACCEPTANCE OF THE MINUTES:

Ron Cypher moved to accept the meeting minutes of May 4, 2017. Seconded by Harold Whitehouse. **Motion passed 9-0.**

IV. FINANCIAL REPORT:

Harold Whitehouse moved to accept the financial report dated June 2017. Seconded by Ron Cypher. **Motion passed 9-0.**

V. PUBLIC COMMENT:

Rick Becksted spoke to action item VI.A. [Clarification of overtime parking definition]. He opposed City staff recommendation to modify the ordinance requiring a vehicle to move at least

500 feet from their original parking space, once they have reached the designated time limit. He expressed concern about residential parking and requested the Committee table the discussion until after the new garage is completed.

Brenna Cavanaugh spoke to an incident regarding construction on Islington Street and an unpleasant encounter with a construction worker while trying to access a property. She commented on the need for police detail during roadway construction projects. She requested measures be taken to increase visibility and awareness of the All-Way STOP sign at Summer Street and State Street because vehicles are not stopping.

City Manager Bohenko stated the work on Islington Street was a Util project and they would be contacted about the matter.

Mary Krempels spoke to resident parking concerns in the South End. She informed the Committee that people attending events at Prescott Park were illegally parking. It is causing problems for residents.

VI. NEW BUSINESS:

A. Clarification of overtime parking definition. Eric Eby stated this action item was brought forward based on complaints from residents, input from enforcement staff and the Parking Clerk's office. The City ordinances state that a vehicle shall be considered as unlawfully parked if it remains in a parking space beyond the legal parking limit. However, the ordinances do not state that the vehicle must move or how far. This has made it difficult to enforce overtime parking violations. The goal of enforcing overtime parking is to ensure spaces are available to customers and other short-term parkers.

People have appealed parking citations by claiming they moved their vehicle and found the same spot open a short time later. Eric Eby reviewed parking regulations from other cities and found that they often specify a distance that a vehicle must move to avoid being ticketed. He provided examples of their regulations on overtime parking.

City staff recommended that the City ordinances be modified to require a vehicle to move at least 500 feet from their original parking space, after reaching the designated time limit. This action would make it clear that they have moved out of the original space, provide clear definition for enforcement, and help to achieve the goals of the time limit ordinance.

Public Works Director Rice stated one of the misperceptions was this change would have a negative impact on residents. He stated it would in fact free up parking spaces for residents and businesses. Mr. Rice stated residents have complained about this issue and asked City staff to address it. The proposed ordinance modification would address citizen complaints and optimize parking.

Harold Whitehouse moved to modify the City ordinances to require a vehicle to move at least 500 feet from their original parking space, once they have reached the designated time limit. Seconded by Public Works Director Rice.

The Committee discussed the contractor parking permit, enforcement issues, working with the Downtown Business Association to encourage use of satellite parking alternatives and citizen concerns about parking revenue.

Vote 9-0, to modify the City ordinances to require a vehicle to move at least 500 feet from their original parking space, once they have reached the designated time limit.

B. Appeal of driveway permit at 834 Middle Road. An on-site visit was conducted on May 30, 2017 by the Committee.

The Committee was provided background on the action item. In June 2016, the contractor was granted a variance by the Board of Adjustment. As part of the variance process, the contractor was required to submit a driveway permit to the Department of Public Works (DPW) for approval. The approval was granted with stipulations. The stipulations included removing the three existing driveways and installing a new one in front of the garage on Swett Avenue. After construction began, the contractor discovered the design layout favored two driveways. The contractor appealed the removal of the existing driveway on Swett Avenue nearest to Middle Road. He requested the property be granted two driveways on Swett Avenue. City staff did not propose a recommendation, but requested additional time to study the appeal request.

Harold Whitehouse moved to allow staff time to continue studying the issue and report back. Seconded by Public Works Director Rice.

Public Works Director Rice stated there are sight distance concerns if the driveway on Swett Avenue remains. Staff requested additional time to review the sight distance issues associated with the contractor's request.

Chairman Lown expressed support for the contractor's request. The Committee discussed alternatives to multiple driveways on the parcel.

Harold Whitehouse moved to suspend the rules to allow for public comment. Seconded by City Manager Bohenko. **Vote 9-0, to suspend rules to allow for public comment.**

Matt Silva, Futuro Construction, spoke to the Committee. He stated there was confusion about the process. Construction began in December 2016 and he believed the original design for two driveways was approved because it went through the Board of Adjustment variance process. However, the driveway permit he received was modified with stipulations and conditions. It did not reflect the original design he had requested. He spoke to concerns about having only one driveway.

Public Works Director Rice explained driveway permits are approved through an administrative process. Applicants can appeal a permit decision through the PTS Committee. He reiterated the need to study the sight distance issues and address concerns before making a recommendation to the Committee.

Vote 9-0, to continue study and report back.

Matt Silva expressed concern about the decision because home construction would be completed within one month. Public Works Director Rice stated DPW staff would work with Mr. Silva within the next week to address the issue. He stated a decision would be made before the Certificate of Occupancy was issued.

City Manager Bohenko suggested granting the Director of Public Works the power to make the final decision in order to resolve the matter swiftly.

Shari Donnermeyer moved to amend the motion to give power of decision to the Director of Public Works in order to expedite the action item. Seconded by Ron Cypher. **Vote 9-0, to give power of decision to the Director of Public Works in order to expedite action item.**

Public Works Director Rice moved to suspend the rules to allow for public comment. Seconded by Harold Whitehouse. **Vote 9-0, to suspend rules to allow for public comment.**

Jason Combs, homeowner, expressed concern about installing a parallel parking curb cut-out on Swett Avenue and requested two driveways be granted.

C. Pedestrian safety, crosswalks and crosswalk signs by Mary Lou McElwain. Mary Lou McElwain requested the Committee review crosswalks, pedestrian safety and crosswalk signage. She has heard concerns from citizens and witnessed incidents. She requested a review of all crosswalks in the City, but specifically on South Street, Middle Street and Miller Avenue, Bartlett Street and Islington Street. She suggested installing more crosswalk weebles and a signalized crosswalk on South Street.

City Manager Bohenko concurred with Mary Lou McElwain that an inventory of crosswalks would be beneficial. He stated City staff would create a crosswalk inventory and a map of crosswalk and weeble locations.

Mary Lou McElwain suggested compiling data collected by Juliet Walker, Planning Director, and PS21 on pedestrian safety, bike traffic and accidents. She also mentioned the need to reinstall the NO RIGHT ON RED signs at Middle Street and Miller Avenue. The Committee voted in July 2015 to remove the signs.

Harold Whitehouse discussed his concerns regarding pedestrian behavior in crosswalks in the Central Business District.

VII. OLD BUSINESS:
No old business.

VIII. PUBLIC COMMENT:

Rick Becksted recommended trimming branches on South Street near the school crossing flashing sign. He requested the rules be suspended to allow comments after informational item IX.B. (Middle Street Bike Lanes Project).

Taylor Andrews spoke to the need for a residential parking program. She lives and works in the downtown and finds the parking situation difficult. She suggested a community service program to pay for parking citations.

Brenna Cavanaugh spoke to pedestrian responsibility and the need for enforcement when pedestrians violate traffic laws.

Doug Roberts suggested including crosswalk widths in the inventory. He recommended investigating the cost and feasibility of including crosswalk flashers in the Islington Street project.

IX. INFORMATIONAL:

A. New Parking Director. Benjamin Fletcher has accepted the Parking Director position and will start on July 3, 2017.

B. Middle Street Bike Lanes Project. Juliet Walker, Planning Director, spoke to the public meeting scheduled for June 8, 2017 at 7:00 p.m. in the Council Chambers. She stated it would be an opportunity for abutters and the public to review the final design and provide comments. The evening parking count results will also be presented. Ms. Walker stated information presented at the meeting will be posted online.

Harold Whitehouse moved to suspend the rules to allow for public comment. Seconded by Ted Gray. **Vote 7-0, to suspend rules to allow for public comment.** City Manager Bohenko and Police Captain Warchol were absent for vote.

Rick Becksted recounted several suggestions he made concerning the Middle Street Bike Lanes project. He requested the meeting be televised because the project would affect the entire community, not just the abutters.

C. Existing Valet License Agreements. Copies of existing valet license agreements were included in the packet in response to a request by a Committee member at the May 4, 2017 meeting.

D. Requests for Rubber Speed Bumps on Public Roads. Public Works Director Rice received an email from David Witham requesting a temporary speed bump at his mailbox to discourage speeding on his cul-de-sac. Mr. Rice stated temporary speed bumps were designed to be installed in parking lots and not on public roadways. All traffic control devices must meet requirements and design standards outlined in the Manual of Uniform Traffic Control Devices (MUTCD). He suggested Mr. Witham contact the PTS Committee if he is interested in exploring a permanent speed bump on the cul-de-sac. Ted Gray and Ron Cypher spoke in opposition of speed bumps.

Eric Eby informed the Committee the temporary crosswalk at Islington Street and Albany Street intersection was installed today.

X. ADJOURNMENT – At 9:06 a.m., **voted** to adjourn.

Respectfully submitted by:

Amy Chastain
Secretary to the Committee