

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, JULY 10, 2017 TIME: 6:00PM

AGENDA

- 6:00PM – WORK SESSION RE: THOMAS J. MCINTYRE FEDERAL PROPERTY AT 80 DANIEL STREET
- I. CALL TO ORDER
- II. ROLL CALL
- III. INVOCATION
- IV. PLEDGE OF ALLEGIANCE
- V. ACCEPTANCE OF MINUTES – *(There are no minutes on for acceptance this evening)*
- VI. PUBLIC COMMENT SESSION
- VII. PUBLIC HEARINGS
 - A. PARKING & TRAFFIC SAFETY OMNIBUS ORDINANCE:
 - AMENDING CHAPTER 7, ARTICLE III, SECTION 7.326 – LIMITED PARKNG – FIFTEEN MINUTES
 - AMENDING CHAPTER 7, ARTICLE III, SECTION 7.330 – NO PARKING
 - AMENDING CHAPTER 7, ARTICLE III, SECTION 7.336 – ONE-WAY STREETS
 - AMENDING CHAPTER 7, ARTICLE VII, SECTION 7.702 – TRUCK TRAFFIC PROHIBITED
 - B. RESOLUTION AUTHORIZIING A BOND ISSUE AND/OR NOTES OF UP TO FIVE HUNDRED FIFTY THOUSAND DOLLARS (\$550,000.00) FOR THE COSTS RELATED TO THE INSTALLATION AND IMPLEMENTATION OF NEW HIGH SCHOOL ATHLETIC FIELD LIGHTING
 - C. RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF UP TO TEN MILLION NINE HUNDRED FIFTY THOUSAND DOLLARS (\$10,950,000.00) FOR COSTS RELATED TO CITY STREET, SIDEWALK AND FACILITY IMPROVEMENTS
 - D. 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 (\$3,100,000.00) RELATED TO WATER LINE REPLACEMENTS AND PLEASANT STREET WATER LINE IMPROVEMENTS

- E. 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 (\$4,800,000.00) FOR COST RELATED TO CONSENT DECRESS MITIGATION, ANNUAL SEWER LINE REPLACEMENTS, WASTEWATER PUMPING STATION IMPROVEMENTS AND UNION STREET SEWER CONTRUCTION
- F. 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 (\$6,900,000.00) FOR COSTS RELATED TO THE CONSTRUCTION OF THE PEIRCE ISLAND WASTEWATER TREATMENT PLANT

VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. Second Reading of Parking & Traffic Safety Omnibus Ordinance:
- Amending Chapter 7, Article III, Section 7.326 – Limited Parking – Fifteen Minutes
 - Amending Chapter 7, Article III, Section 7.330 – No Parking
 - Amending Chapter 7, Article III, Section 7.336 – One Way Streets
 - Amending Chapter 7, Article VII, Section 7.702 – Truck Traffic Prohibited
- B. Third and Final Reading of Proposed Ordinance amending Chapter 1, Article IX, Section 1.902 – Election Candidate Financial Disclosure Ordinance
- C. Adoption of Resolution Authorizing a Bond Issue and/or Notes of up to Five Hundred Fifty Thousand Dollars (\$550,000.00) for costs related to the Installation and Implementation of new High School Athletic Field Lighting
- D. Adoption of Resolution Authorizing a Bond Issue and/or Notes of up to Ten Million Nine Hundred Fifty Thousand Dollars (\$10,950,000.00) for costs related to City Street, Sidewalk and Facility Improvements
- E. Adoption of Resolution Authorizing a Bond Issue and/or Notes of the City under the Municipal Finance and/or Participation in the State Revolving Fund (SRF) Loan of up to Three Million One Hundred Thousand Dollars (\$3,100,000.00) related to Water Line replacements and Pleasant Street Water Line Improvements
- F. Adoption of 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 (\$4,800,000.00) for costs related to Consent Decree Mitigation, Annual Sewer Line Replacements, Wastewater Pumping Station Improvements and Union Street Sewer Construction

- G. Adoption of 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 (\$6,900,000.00) for costs related to the Construction of Peirce Island Wastewater Treatment Plant

IX. CONSENT AGENDA

(ANTICIPATED ACTION - MOVE TO ADOPT CONSENT AGENDA)

- A. Letter from John Byron requesting the restoration of two involuntarily merged lots to their premerger status at 346 Bartlett Street and the intersection of Thornton Street
(Anticipated action – move to refer to the Planning Department for report back)
- B. *Acceptance of Donations to the Fire Department:
- Barbara Glidden - \$100.00 *(In memory of Charlie Jones)*
 - Ricci Construction Co., Inc. - \$100.00 *(In memory of Charlie Jones)*
 - 2017 Seacoast Fire Chiefs Fire Fighter II Program Students - \$200.00
- (Anticipated action – move to accept and approve the donations to the Portsmouth Fire Department)***
- C. 2017 Omnibus Sidewalk Obstruction Renewals ***(Anticipated action – move to approve and accept the 2017 Omnibus Sidewalk Obstruction Renewals, as listed)***

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Doug Roberts and Emily Corbett, PS21, requesting permission to hold a performance on Saturday, July 15, 2017 at 3:00 p.m. and to utilize 2 A-frame signs in front of stage to identify and advertise the performer and/or activity

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

City Manager's Items Which Require Action:

1. Request for Approval of Tentative Agreement between the City of Portsmouth and AFSCME Local 1386B
2. Acceptance of Sewer Easement over Property of Eport Properties I, LLC
3. Request to Reschedule Work Session Re: Scope of Services and Review of Parking Principles
4. Easement from Eversource for Emergency Access
5. Request for Approval of Greenland Residential Development Waterline Easement

6. Request for a Public Hearing for a \$3,000,000.00 Bond Authorization Re: Supplemental Appropriation for Foundry Place Garage
7. Acceptance of “No Build” Easement Relating to 21 Brewster Street

City Manager’s Informational Items:

1. Events Listing
2. Presentation Re: Combined Sewer Overflows
3. Consent Decree Mitigation Funding
4. Report Back from Inquiry of Councilor Dwyer Re: President’s Commission on Election Integrity
5. Code Updates – Open House July 17, 2017

B. MAYOR BLALOCK

1. *Appointments to be Voted:
 - Reappointment of Daniel Rawling to the Historic District Commission
 - Reappointment of John Leith to the Portsmouth Housing Authority
2. *Establishment of Blue Ribbon Committee for Renewable Energy Policy Committee and possible appointments (*As requested by Councilor Denton*):
 - Jeff Dyer
 - Joe Harrison
 - Steve Roberson
 - Tracy Kozak
 - William Sprenger Hurd III
 - Philip Kyd
 - Ben D’Antonio
 - Dale Valena
 - Effie Malley
 - 2 City Staff as Determined by City Manager

Committee Charge: (As Recommended by Councilor Denton)

The Mayor’s Blue Ribbon Renewable Energy Committee is charged to report back to the City Council for adopting a phased Renewable Energy Policy to be implemented by City Staff when applicable. This vision of the phased Renewable Energy Policy is to become a net zero community first, a community that uses 100% renewable energy for electricity second, and a community that uses 100% renewable energy for heat third. The Renewable Energy Policy will rely on a combination of various generation sources such as solar, wind, geothermal, hydro, biomass, biogas, landfill gas, sewage gas, or solid waste to energy.

3. Resignation of Clayton Emery from the Cable Television & Communications Commission

C. ASSISTANT MAYOR SPLAINE

1. Proposed Zoning Amendment (*See attached letter from Attorney Gerald Zelin dated July 5, 2017*)

D. COUNCILOR DWYER

1. *Panel of Experts to Interpret Scientific Information

E. COUNCILOR DENTON

1. Mayor's Blue Ribbon Renewable Energy Committee
 - A. *The Getting to Net Zero Framework – Cambridge
<https://www.cambridgema.gov/cdd/projects/climate/~media/d74193af8dac4a57ac96e2a53946b96b.ashx>
 - B. *Recommended Members of Blue Ribbon Committee for Renewable Energy Policy Committee: (Action to be taken under Mayor Blalock)
 - Jeff Dyer
 - Joe Harrison
 - Steve Roberson
 - Tracy Kozak
 - William Sprenger Hurd III
 - Philip Kyd
 - Ben D'Antonio
 - Dale Valena
 - Effie Malley
 - 2 City Staff as Determined by City Manager
 - C. The Mayor's Blue Ribbon Renewable Energy Committee Re: Charge & Committee Membership Correspondence

XII. MISCELLANEOUS/UNFINISHED BUSINESS

XIII. ADJOURNMENT

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

**Indicates Verbal Report*

INFORMATIONAL ITEMS

1. Notification that the minutes of the April 20, 2017, April 27, 2017 and May 18, 2017 meetings of the Planning Board are now available on the City's website
2. Notification that the minutes of the May 2, 2017 and May 30, 2017 meetings of the Site Review Technical Advisory Committee are now available on the City's website.

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

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, July 10, 2017 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a proposed Parking & Traffic Safety Omnibus Ordinance.

Amending Chapter 7, Article III, Section 7.326 – Limited Parking - Fifteen Minutes

Amending Chapter 7, Article III, Section 7.330 – No Parking

Amending Chapter 7, Article III, Section 7.336 – One-Way Streets

Amending Chapter 7, Article IV, Section 7.702 – Truck Traffic Prohibited

The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

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

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, July 10, 2017 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a proposed Parking & Traffic Safety Omnibus Ordinance.

Amending Chapter 7, Article III, Section 7.326 – Limited Parking - Fifteen Minutes

Amending Chapter 7, Article III, Section 7.330 – No Parking

Amending Chapter 7, Article III, Section 7.336 – One-Way Streets

Amending Chapter 7, Article IV, Section 7.702 – Truck Traffic Prohibited

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

PW00291823

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:

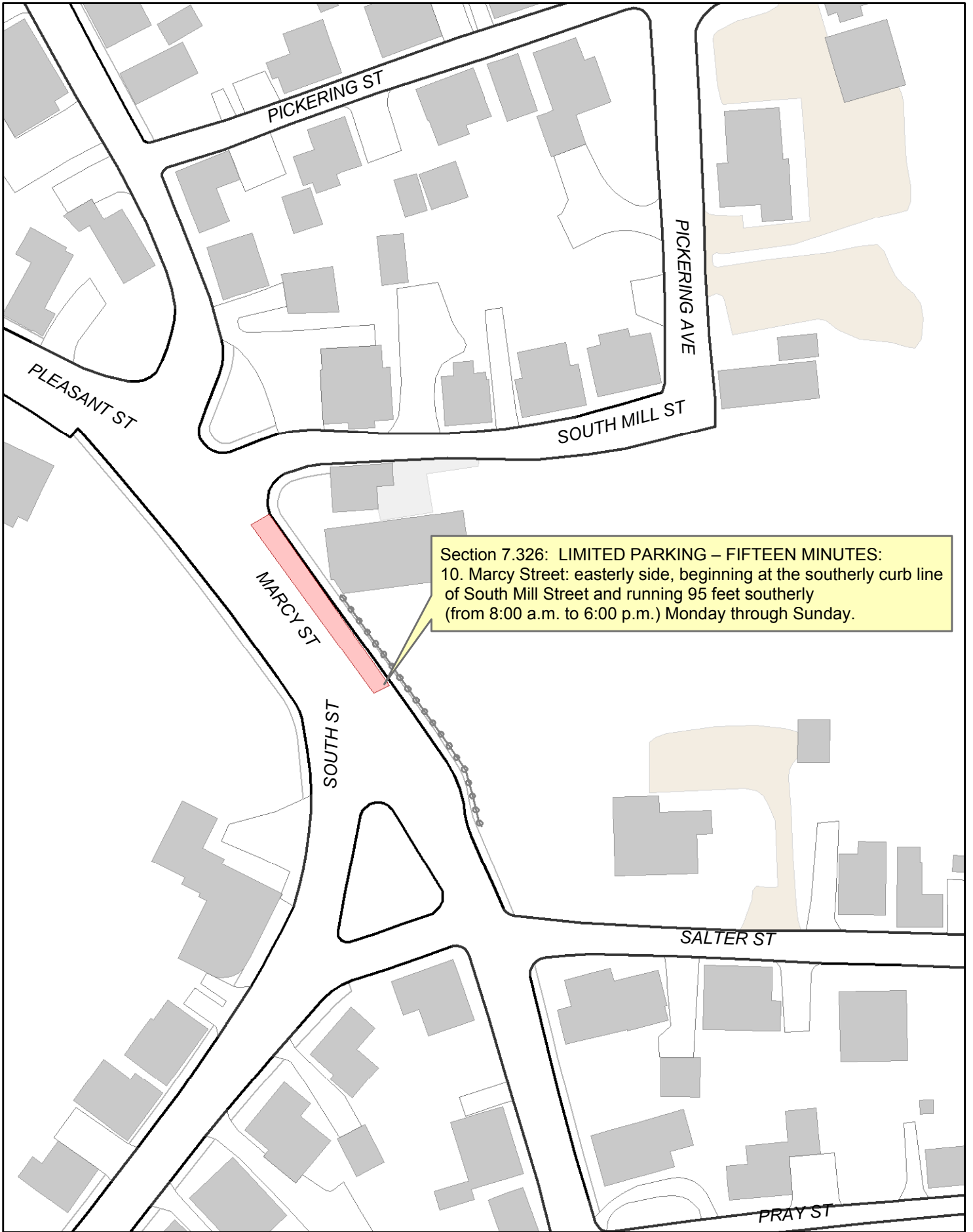
- 6. **Coolidge Drive: along the westerly branch of Coolidge Drive, southerly from Wilson Road to the main line of Coolidge Drive.**
- 27. Stark Street: ~~northerly from house driveway, 320 feet to the new Franklin School;~~ **southerly from the New Franklin School driveway to a point 120 feet north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

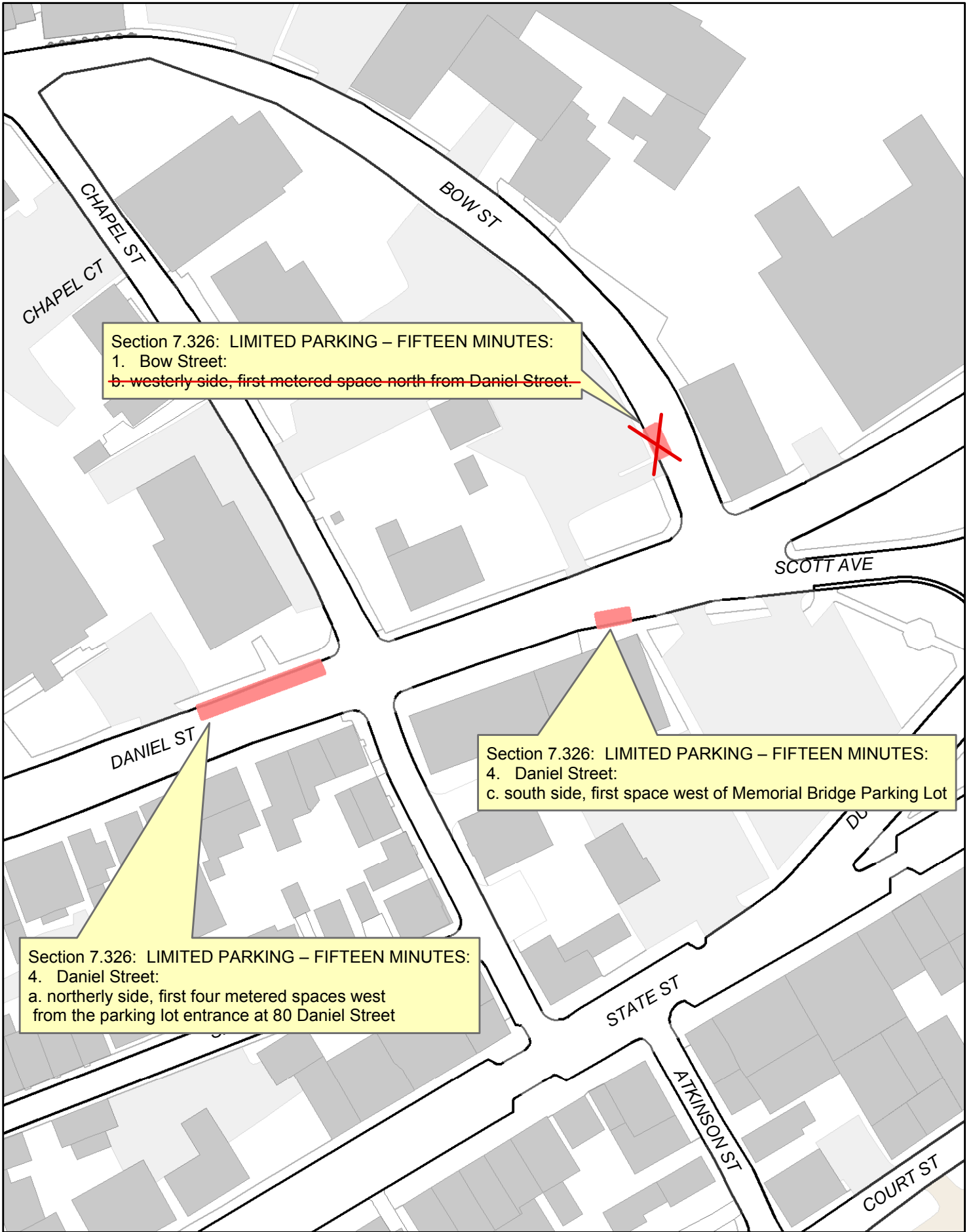
- 20. Greenleaf Avenue: ~~(between Pevery Hill Road and the Rt. 1 Bypass)~~



**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





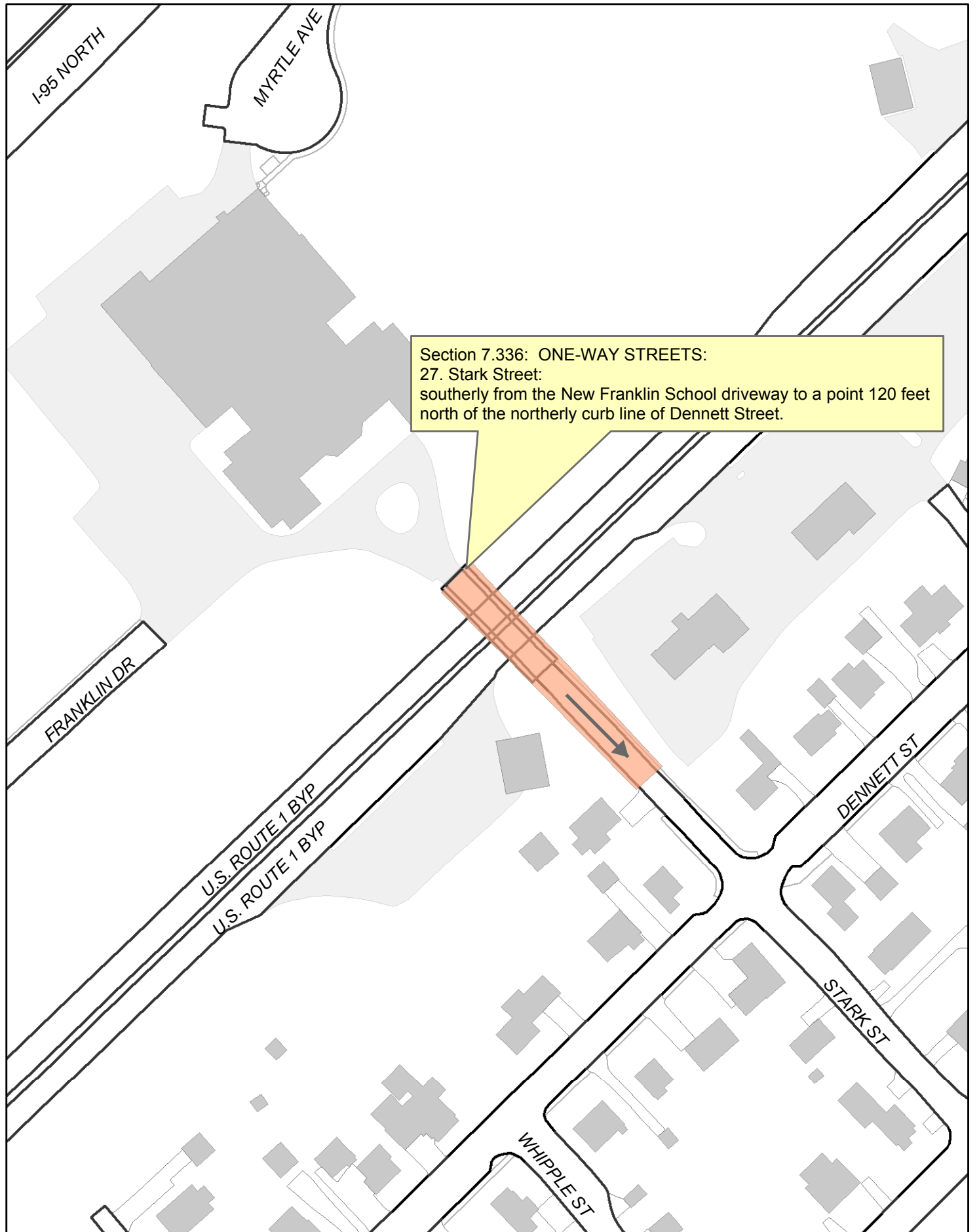
Section 7.326: LIMITED PARKING – FIFTEEN MINUTES:
1. Bow Street:
~~b. westerly side, first metered space north from Daniel Street.~~

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

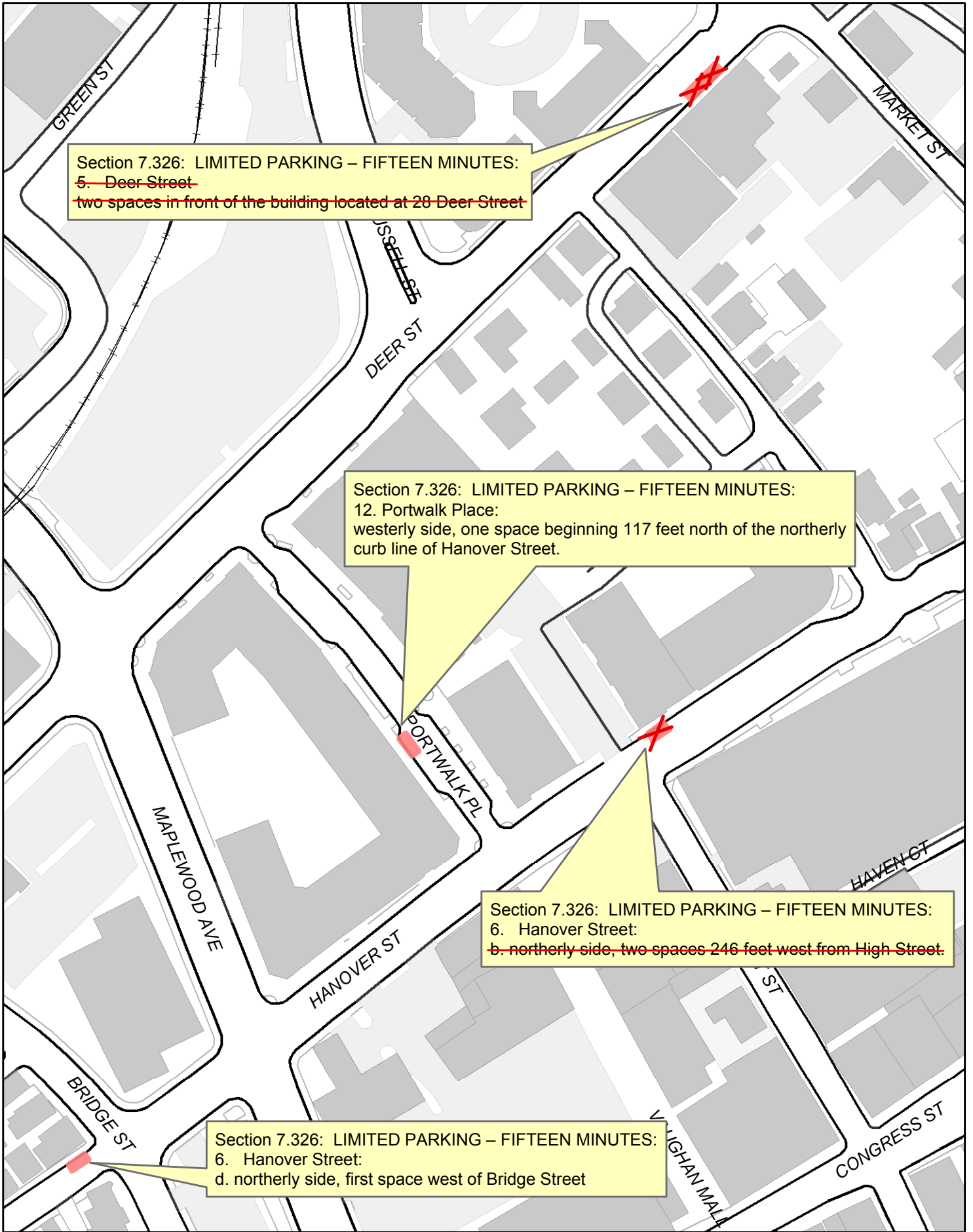
**Limited Parking 15 minutes
Portsmouth, New Hampshire**





**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~~

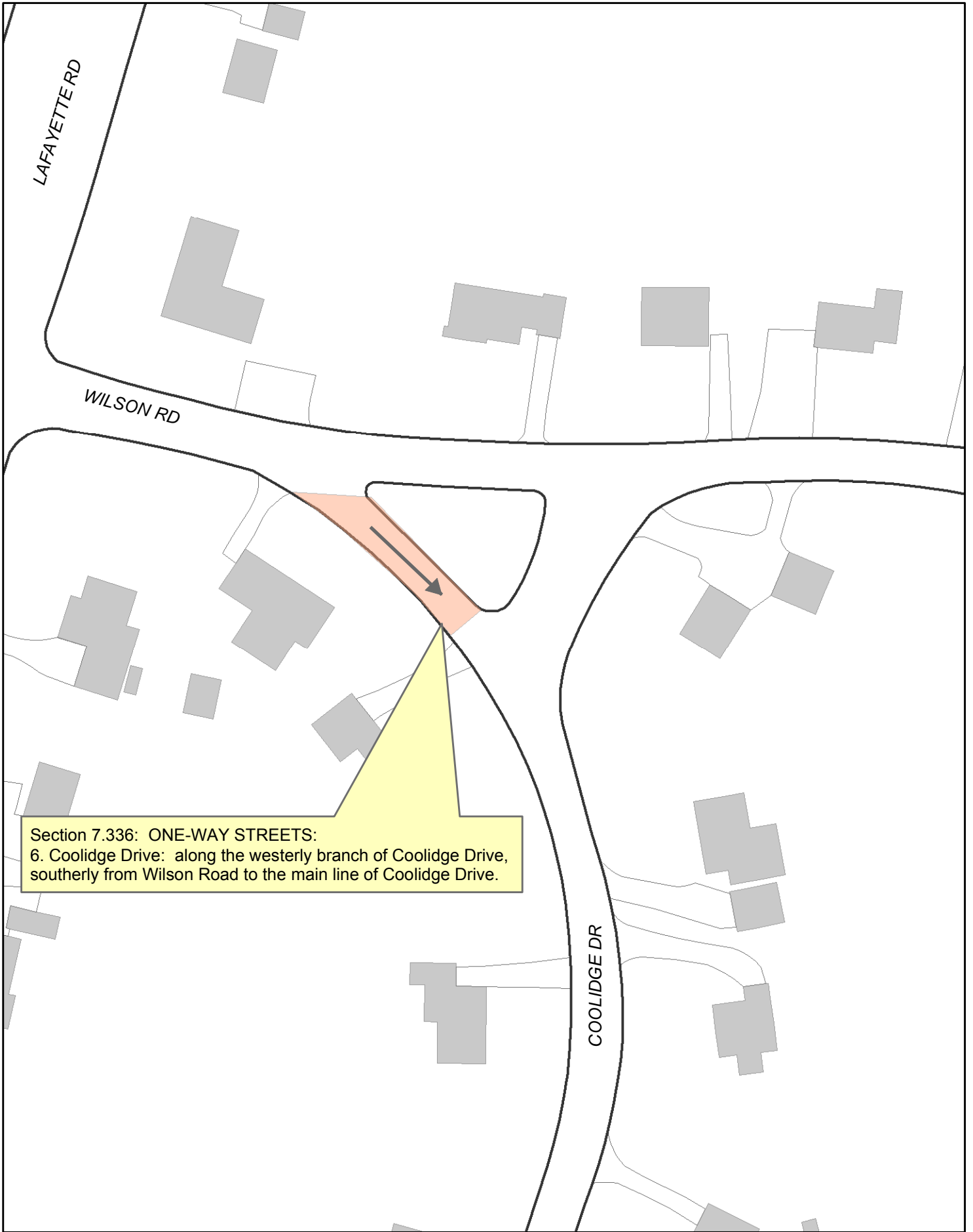
Section 7.326: LIMITED PARKING – FIFTEEN MINUTES:
 12. Portwalk Place:
 westerly side, one space beginning 117 feet north of the northerly curb line of Hanover Street.

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

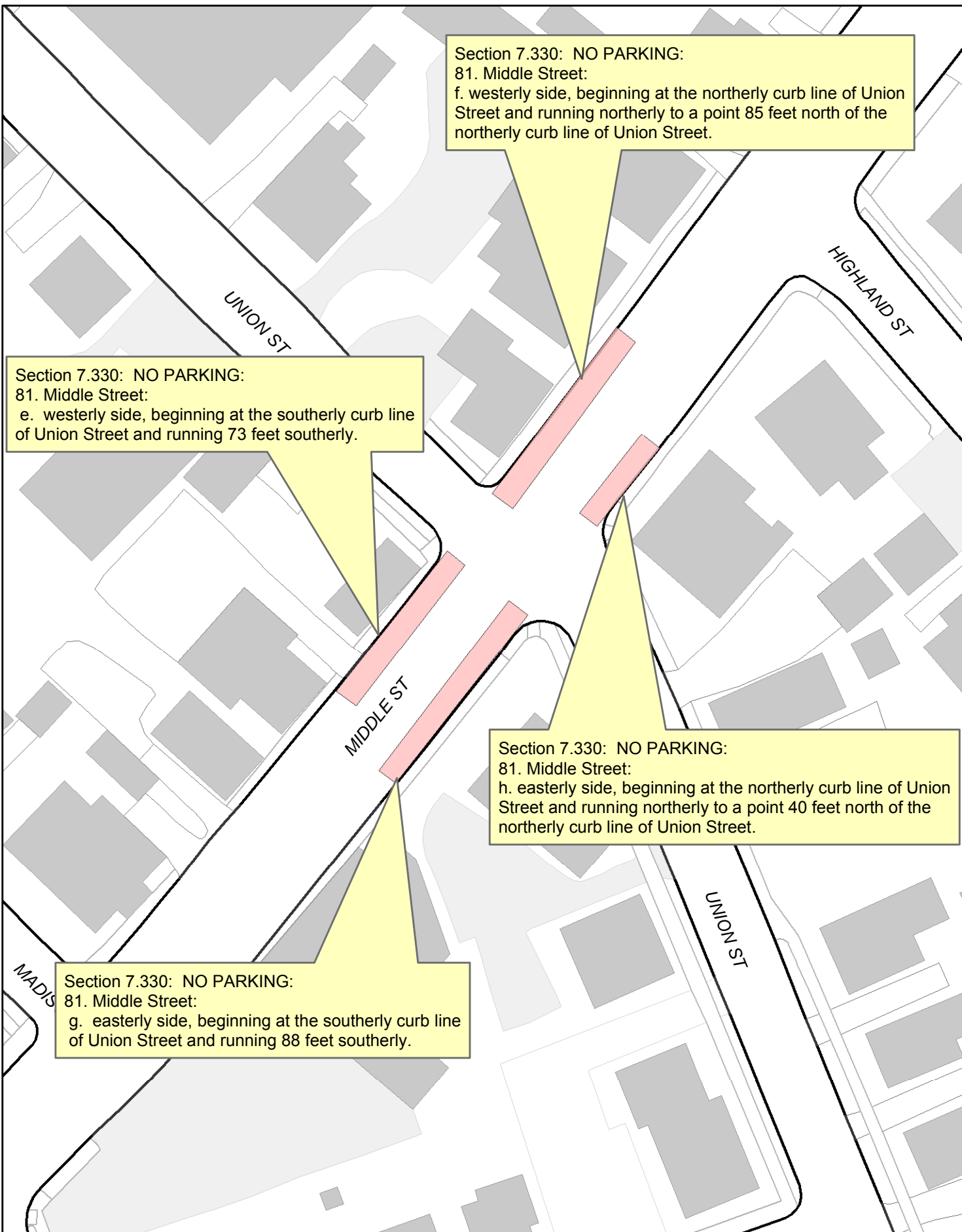
Section 7.326: LIMITED PARKING – FIFTEEN MINUTES:
 6. Hanover Street:
 d. northerly side, first space west of Bridge Street

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





**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.

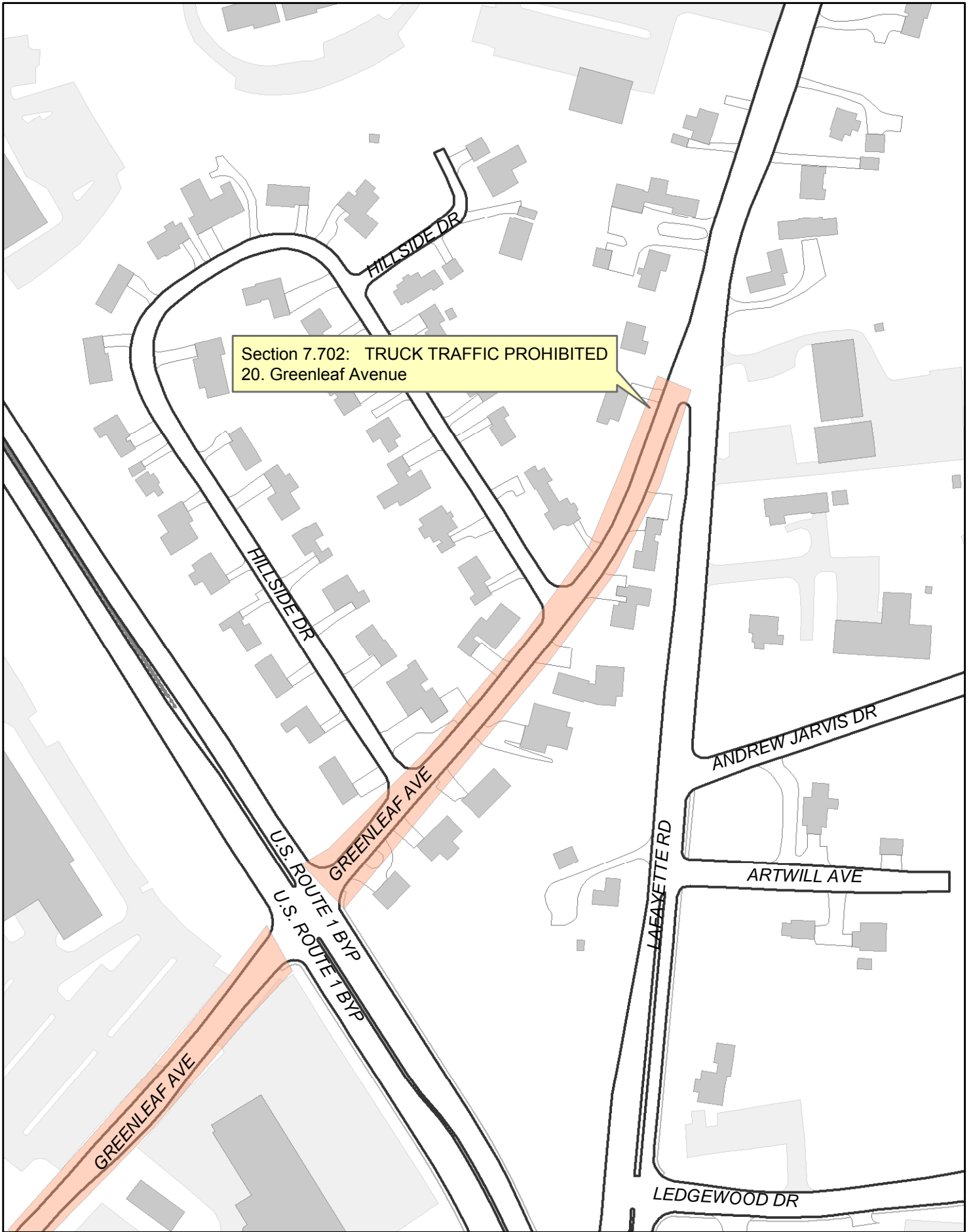
Section 7.330: NO PARKING:
81. Middle Street:
e. westerly side, beginning at the southerly curb line of Union Street and running 73 feet southerly.

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



LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, July 10, 2017 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a proposed Resolution Authorizing a Bond Issue and/or Notes of up to Five Hundred Fifty Thousand Dollars (\$550,000.00) for costs related to the Installation and Implementation of new High School Athletic Field Lighting. The complete Resolution is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

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

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, July 10, 2017 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a proposed Resolution Authorizing a Bond Issue and/or Notes of up to Five Hundred Fifty Thousand Dollars (\$550,000.00) for costs related to the Installation and Implementation of new High School Athletic Field Lighting. The complete Resolution 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

MM00251831

**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

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, July 10, 2017 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a proposed Resolution Authorizing a Bond Issue and/or Notes of up to Ten Million Nine Hundred Fifty Thousand Dollars (\$10,950,000.00) for costs related to City Street, Sidewalk and Facility Improvements. The complete Resolution is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

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

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, July 10, 2017 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a proposed Resolution Authorizing a Bond Issue and/or Notes of up to Ten Million Nine Hundred Fifty Thousand Dollars (\$10,950,000.00) for costs related to City Street, Sidewalk and Facility Improvements. The complete Resolution 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

**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	



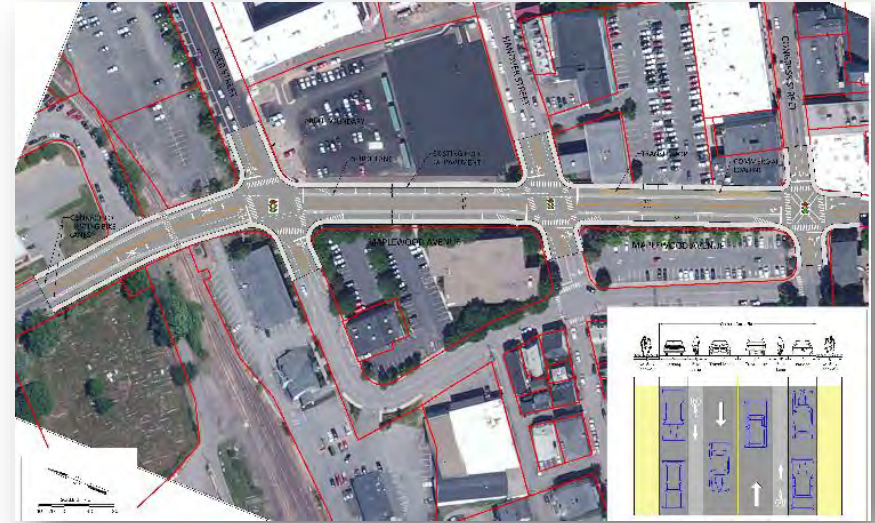
Description: The sports lighting at Leary Field and at the High School athletic fields complex are thirty years old and at the end of their useful life. The City is unable to purchase replacement parts for these systems. The Leary field includes baseball, soccer, tennis and a practice field.

		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.

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, July 10, 2017 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a proposed 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 (\$3,100,000.00) related to Water Line Replacements and Pleasant Street Water Line Improvements. The complete Resolution is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

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

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, July 10, 2017 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a proposed 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 (\$3,100,000.00) related to Water Line Replacements and Pleasant Street Water Line Improvements. The complete Resolution 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

PM00291834

**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

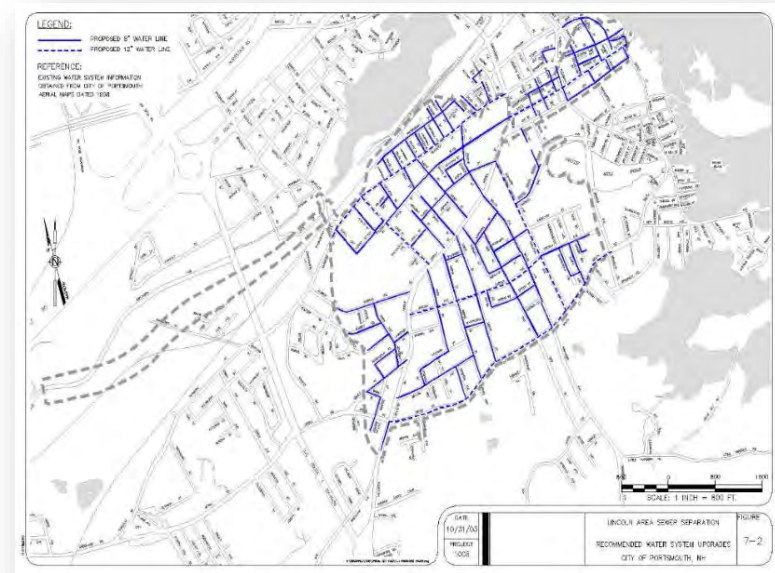
ADOPTED BY CITY COUNCIL

**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

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, July 10, 2017 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a proposed 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 (\$4,800,000.00) for cost related to Consent Decree Mitigation, Annual Sewer Line Replacements, Wastewater Pumping Station Improvements and Union Street Sewer Construction. The complete Resolution is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

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

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, July 10, 2017 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a proposed 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 (\$4,800,000.00) for cost related to Consent Decree Mitigation, Annual Sewer Line Replacements, Wastewater Pumping Station Improvements and Union Street Sewer Construction. The complete Resolution 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

JWA00291827

**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

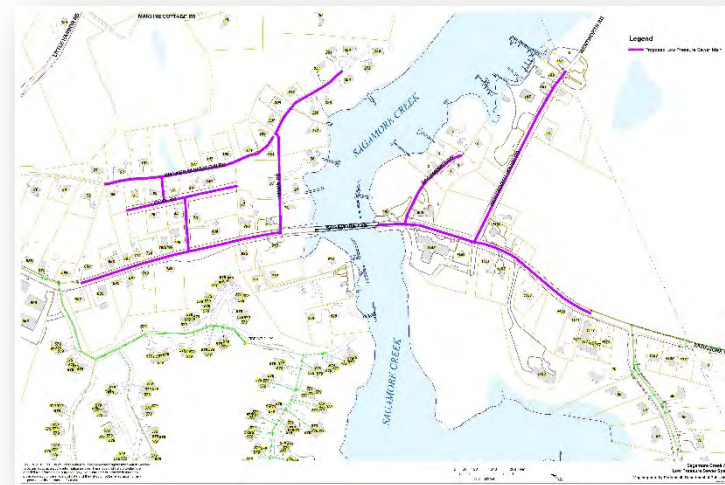
ADOPTED BY CITY COUNCIL

**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	

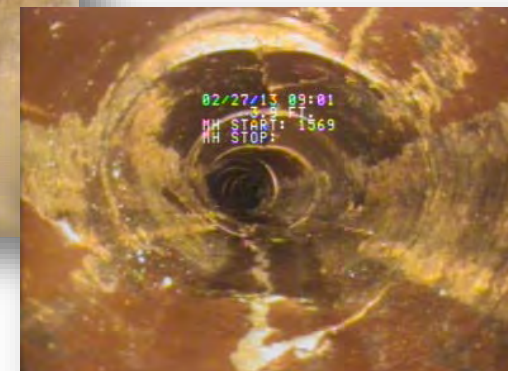


Description: The City of Portsmouth entered into a Consent Decree with the Environmental Protection Agency in 2009. The City moved forward with the requirements of the Consent Decree and had to modify the final schedule for the required expansion of the Peirce Island Wastewater Treatment Facility. As 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

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, July 10, 2017 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a proposed 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 (\$6,900,000.00) for costs related to the Construction of the Peirce Island Wastewater Treatment Plant. The complete Resolution is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

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

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, July 10, 2017 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a proposed 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 (\$6,900,000.00) for costs related to the Construction of the Peirce Island Wastewater Treatment Plant. The complete Resolution 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

PM00291839

**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

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 *make a good faith effort to report* :

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.

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

h:\ordinances\1.902 election candidate financial disclosure

June, 22 2017



Dear Mayor:

Please consider this a formal request for the restoration of two involuntarily merged lots to their premerger status.

The City Assessors office presently shows that Map 162, Lot 54(exhibit A) is a single lot measuring .25 acres located at 346 Bartlett Street and the intersection of Thornton Street. This parcel was originally 2 separate lots, one measuring .12 acres and the other measuring .13 acres which have been involuntarily merged. (exhibits B & C)

I have attached tax cards for each parcel dated back to 1960 when it was sold to the Petroulis Family from John O'Grady. The assessor's office dating back to 1908 has treated these as two separate lots as indicated on attached tax cards. (exhibits B & C)

Plan Lot 092 038 is the lot that contains an existing family dwelling located at 346 Bartlett Street. (exhibit C) Plan Lot 092 037 has been noted on the tax card as lot only. (exhibit B)

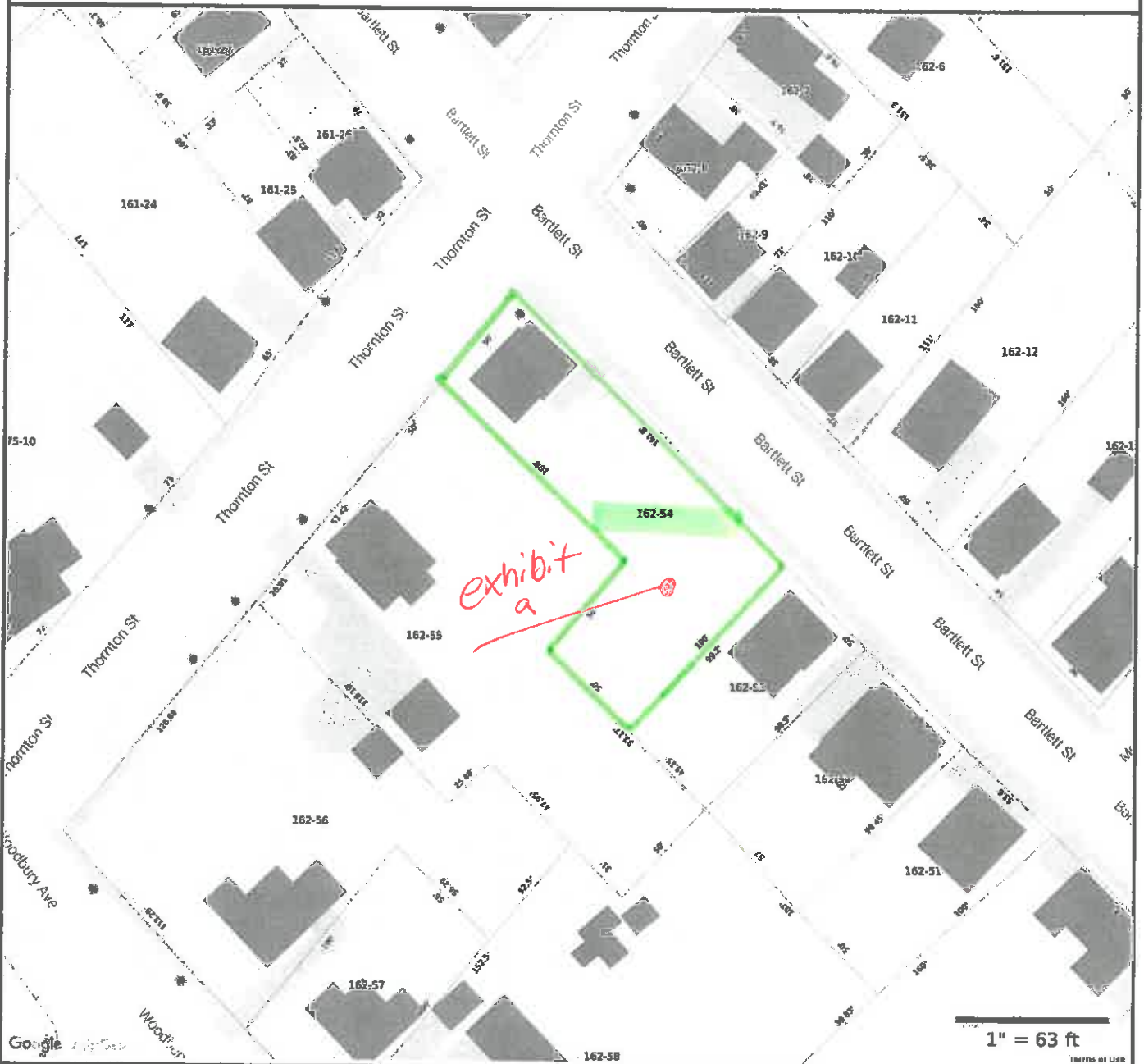
No owner in the chain of title has voluntarily merged these 2 lots. I formally request that the lots be restored to their premerger status and all zoning and tax maps be updated to identify the premerger boundaries of these two individual lots pursuant to RSA 674:39aa.

Sincerely,

John A. Byron

603-591-2954

John@gim-llc.com



Property Information
Property ID 0162-0054-0000
Location 346 BARTLETT ST
Owner BYRON JOHN A



**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

City of Portsmouth, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Parcels updated 4/1/2016
Properties updated 06/08/2017

PROPERTY OWNER

PROPERTY LOCATION

SIDE

LOCATION CODE

PLAN LOT CARD

PETROULIS/LEMIS & GEORGETTE

346 BARTLETT ST

W

1 / 1 / 1

PLAN LOT 092 037 062 054

346 BARTLETT ST

PORTSMOUTH NH 03801

CITY OF PORTSMOUTH N.H.
JOHN B. PETTY CAE, ASSESSOR

RESD 31001 1421092003700

1 OF 1

Exhibit B

LAND DEPRECIATION CODES
1-VACANCY

RECORD OF TRANSFER

DATE 21160 BOOK 1536 PAGE 460

MORTGAGE

LAND FACTORS

LAND IMPROVEMENTS

SUMMARY

TOPOGRAPHY-1 LEVEL
LOCATION DRAINAGE ZONING NEIGHBORHOOD SOIL-1
GOOD GOOD 03 STATIC SANDY LOAM

VALUE EQ ASSESSMENT

19 LAND BLDGS TOTAL 72 2600 2600

STREET/RD-2 IMPROVE

ACREAGE COMPUTATION

VALUE EQ ASSESSMENT

19 LAND BLDGS TOTAL

TYPE	ACRES	PRICE	TOTAL	DEPR	VALUE	EQ	ASSESSMENT
1H-LOT 35 A	.120	10000	3500	25	2625	100	2600
ACREAGE TOTAL		.120	2625	100	2600		

LOT COMPUTATION

FRONT	REAR	FRONTAGE	DEPTH	STREET PRICE	DEPTH %	ADJ FR PR	TOTAL	DEPRECIATION	CORNER	VALUE	EQ	ASSESSMENT
1												
2												
3												
4												
LOT TOTAL												

19	LAND BLDGS TOTAL	
19	LAND BLDGS TOTAL	
19	LAND BLDGS TOTAL	
19	LAND BLDGS TOTAL	

Front Page 1

CONTROL NO.

142
1092003700

STRUCTURE VALUE

PRICE

OUT BUILDINGS

ITEM	1	2	3	4	5	6
PIER FOUND						
WALL FOUND						
SKIDS						
SCLE SDG						
DBL SDG						
SHING WALLS						
CONC BLOCK						
BRICK						
STONE						
FLOOR						
INT FINISH						
PLUMB						
ELEC						

SIZE

AREA

Exhibit B

SUB TOTAL
FACTOR

OCCUPANCY

CONSTRUCTION

CLASS

AGE

REMOD

COND

REPLACEMENT
VALUE

PHYS
DEPR

PHYSICAL
VALUE

FUNL
DEPR

ACTUAL
VALUE

EQ

ASSESSMENT

SALE PRICE

DATE
MO/YR

SEG TYPE STOR CONS CLASS

DIMENSIONS

UNITED APPRAISAL CO.

BUILDING TOTAL

LISTED DATE

11/30/71

SIGNATURE

O LAND

LISTER

3426

REVIEW

2735

PROPERTY ASSESSMENT RECORD - CITY OF PORTSMOUTH, N. H.

92
37
MARTLET ST

ROS DURY

EXHIBIT B

514
MARTLET STREET
5180 4960

Lewis & Jeannette Petroudis
JOHN DI GRADY - HEIRS

1536/1960

2/11/60

John DiGrady 1908

175

URBAN PROPERTY

PROPERTY FACTORS		LAND VALUE COMPUTATIONS AND SUMMARY				OWNERS PREVIOUS TO 1981	
TOPOGRAPHY	IMPROVEMENTS	CLASSIFICATION	NO. OF ACRES	RATE	TOTAL	NAME	DATE OF ACQUISITION
GRADE: <input checked="" type="checkbox"/> RISE SLOPE: <input checked="" type="checkbox"/> FLAT DRAINAGE: <input checked="" type="checkbox"/> GOOD FLOODING: <input checked="" type="checkbox"/> NONE WIND: <input checked="" type="checkbox"/> PROTECTED SOIL: <input checked="" type="checkbox"/> GOOD VEGETATION: <input checked="" type="checkbox"/> NONE UTILITIES: <input checked="" type="checkbox"/> ALL AVAILABLE TREND OF DISTRICT: <input checked="" type="checkbox"/> IMPROVING	WATER: <input checked="" type="checkbox"/> SEWER GAS: <input checked="" type="checkbox"/> ALL UTILITIES CARRIAGE/PIVOTAL: <input checked="" type="checkbox"/>	TILLABLE PASTURE WOODED WASTE LAND TOTAL ACRES TOTAL VALUE LAND	0.57 1.00 0.00 0.00 0.57	300 600 0 0 300	300 300 0 0 300	John DiGrady 1908 175	175

ASSESSMENT RECORD	
LAND	BLDG
175	0
200	0
300	0
400	0
500	0
1000	0
1500	0
1500	0

PROPERTY ASSESSMENT RECORD, CITY OF PORTSMOUTH, N.H.

92 37

Lot 101

Exhibit B

Lewis & Georgette Petroulis 1536/1960 2/11/60

RURAL PROPERTY

LAND VALUE COMPUTATION AND SUMMARY

OWNERS PREVIOUS TO 1961

CLASSIFICATION	NO. OF ACRES	DATE	TOTAL	NAME	DATES ASSESSMENTS
TILLABLE					
PASTURE					
WOODS					
WASTE LAND					
TOTAL ACREAGE					
TOTAL VALUE BUILDINGS					
TOTAL VALUE LAND & BUILDINGS					

URBAN PROPERTY

LAND VALUE COMPUTATION AND SUMMARY

FRONT, FE	DEPTH	UNIT PRICE	DEPT. FACTOR	TOTAL	DATE
57	100	500		300	

TOTAL VALUE LAND					
TOTAL VALUE BUILDINGS					
TOTAL VALUE LAND & BUILDINGS					

*Front Page 2
* 21q Htended up*

S&M

John O'Hara 1961 175

6000

500

1000

1500

1500

400

200

300

200

200

200

200

200

200

RECORD OF BUILDINGS

NOTES: SPECIAL EQUIPMENT

CONSTRUCTION	FLOORS			REMARKS	COMPLETIONS	1921
	B	1	2			
CONSTRUCTION						
FOUNDATION						
EXTERIOR WALLS						
MECHANICAL						
PLUMBING						
ELECTRICAL						
ROOFING						
INTERIOR FINISH						
CEILING						
FLOORING						
WALLS						
DOORS						
WINDOWS						
STAIRS						
MECHANICAL						
PLUMBING						
ELECTRICAL						

Handwritten in red: O.K. V.I.B.

SUMMARY OF BUILDINGS

YEAR	NO. BLDGS.	VAL.	PERCENT	TOTAL	PERCENT
1921					
1922					
1923					
1924					
1925					
1926					
1927					
1928					
1929					
1930					
TOTAL					

Handwritten in red: Sample

STATE DEPARTMENT OF CONSTRUCTION, A DIVISION OF THE STATE ENGINEER'S OFFICE, ALBANY, N.Y.

PROPERTY OWNER

PROPERTY LOCATION

SIDE

LOCATION CODE

PLAN LOT

Frank Page 3

PEIRBOULIS/LEWIS & GERGETTE

346 BARTLETT ST

W

/ / / /

092 0381

346 BARTLETT ST

PORTSMOUTH

NH 03801

CITY OF PORTSMOUTH N.H. JOHN B. PETTY CAE, ASSESSOR

RESD

31001 14210922003800

1 OF 1

1/80

RECORD OF TRANSFER

DATE

BOOK

PAGE

AMOUNT

MORTGAGE

Rec'd Repairs 500

LISTER NOTES
1-BASEMENT WET

EXHIBIT C

TOPOGRAPHY-1 LEVEL
IMPROVEMENTS-1 C WATER
-2 SEWER
-3 ELEC
STREET/RD-2 S IMP

LOCATION DRAINAGE
NEIGHBORHOOD SOIL-1
-2
STATIC SANDY LDAM

LAND FACTORS

LAND IMPROVEMENTS

SUMMARY

ACREAGE COMPUTATION

TYPE:

ACRES

PRICE

TOTAL

DEPR

VALUE

EQ

ASSESSMENT

LAND BLDGS TOTAL

LAND BLDGS TOTAL

LAND BLDGS TOTAL

1 H-LOT 37 A

.130

100000

3700

3700

100

3700

LAND BLDGS TOTAL

LAND BLDGS TOTAL

LAND BLDGS TOTAL

LOT COMPUTATION

ACREAGE TOTAL

3700

100

3700

LAND BLDGS TOTAL

LAND BLDGS TOTAL

LAND BLDGS TOTAL

FRONT

REAR

FRONTAGE

DEPTH

STREET PRICE

DEPTH %

ADJ FR PR

TOTAL

DEPRECIATION

CORNER

VALUE

EQ

ASSESSMENT

LAND BLDGS TOTAL

LAND BLDGS TOTAL

LAND BLDGS TOTAL

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36

37

38

39

40

41

42

43

44

45

46

47

48

49

50

51

52

53

54

55

56

57

58

59

60

61

62

63

64

65

66

67

68

69

70

71

72

73

74

75

76

77

78

79

80

LOT TOTAL

LAND BLDGS TOTAL

LAND BLDGS TOTAL

LAND BLDGS TOTAL

142
1092003800

OUT BUILDINGS

ITEM	1	2	3	4	5	6
PIER FOUND						
WALL FOUND						
SKIDS						
SGLE SDG						
DBL SDG						
SHING WALLS						
CONC BLOCK						
BRICK						
STONE						
FLOOR						
INT FINISH						
PLUMB						
ELEC						
SIZE						

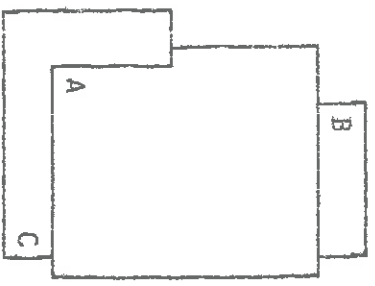
STRUCTURAL ELEMENTS

BASE - A FOUNDATION	1/2 BRICK WALLS	658SF	17630
EXT WALLS	1/2 STONE WALLS		
INSULATION	NONE		
ROOF - GABLE	ASPH SHG		
BASEMENT FLOORS	CONCRETE	FLOOR	
INT FIN	PLASTER		
ROOMS	LAYOUT G	COND G	
ATTIC - FULL	1-3 STAIR	FULL FLR	
HEAT - 1 H-W CAST			340
PLUMBING - BATH		SINK	1580
TILE - NONE			
DORMERS - NONE			
SEG - B U-BSMT, ADD			1913
SEG - C OPEN-PORCH			1230

Exhibit C

SUB TOTAL FACTOR 22353

OCCUPANCY	CONSTRUCTION	CLASS	AGE	REMOD	COND	REPLACEMENT VALUE
DWLG 1 FAM	2.0S FR B A	3	19004	ND	F	22353



SCALE = 20 FT./IN.

SEG	A	TYPE	14-3-14-25-28-22	STOR		CONS		CLASS		DIMENSIONS
B	04	30	1-0	FRAM	3	6-17-6-17	6-27-20-6-14-21			
C			1-0	FRAM	3					

PHYS DEPR	40	PHYSICAL VALUE	13412	FUNG DEPR		ACTUAL VALUE	13412	EQ	100	ASSESSMENT	13400
-----------	----	----------------	-------	-----------	--	--------------	-------	----	-----	------------	-------

BUILDING TOTAL

13412	100	13400
-------	-----	-------

SALE PRICE	9000	DATE MO/YR	0460
LISTED DATE	11/30/71	REVIEW	3416
SIGNATURE	X SIGNED	REVIEW	2735

PROPERTY ASSESSMENT RECORD - CITY OF PORTSMOUTH, N. H.

92 Lot 38
 346 BARNETT ST,
 H-16-K
 109 5/16



108 STREET
 5350 1/2

CHRYSTIC

Lewis & Georgette Petroulis
 JOHN O'GRADY - HEIR'S

1536/461 2/11/60 6.60-S

RURAL PROPERTY

LAND VALUE COMPUTATIONS AND SUMMARY

OWNERS (PREVIOUS TO 1951)

CLASSIFICATION	NO. OF ACRES	RATE	TOTAL	NAME	DATE ACQUIRED	ACRES
RESIDENTIAL				John O'Grady (heir)	1924-26	2.50
RESIDENTIAL				John O'Grady (heir)	1924-26	2.50
TOTAL VALUE BUILDINGS						
TOTAL VALUE LAND & BUILDINGS						

URBAN PROPERTY

LAND VALUE COMPUTATIONS AND SUMMARY

FRONTAGE	DEPTH	AREA	UNIT PRICE	TOTAL
50	108	5400		250
TOTAL VALUE LAND				50
TOTAL VALUE BUILDINGS				3000
TOTAL VALUE LAND & BUILDINGS				3300

PROPERTY FACTORS

TOPOGRAPHY	IMPROVEMENTS
LEVEL	WATER
SOIL TYPE	SEWER
LEAKS	GLA
GRADE	ELECTRICITY
WATER SUPPLY	ALL UTILITIES
FINISHES	CARBON DIOXIDE
ELECTRICITY	TREND OF DISTRICT
TELEPHONE	IMPROVING
ROAD	STATION
REMARKS	DRIPPING
	POWELL
	TOTAL

ASSESSMENT RECORD	LAND	BLDGS	TOTAL
56	LAND	BLDG	TOTAL
57	LAND	BLDG	TOTAL
58	LAND	BLDG	TOTAL
59	LAND	BLDG	TOTAL
60	LAND	BLDG	TOTAL
61	LAND	BLDG	TOTAL
62	LAND	BLDG	TOTAL
63	LAND	BLDG	TOTAL
64	LAND	BLDG	TOTAL
65	LAND	BLDG	TOTAL
66	LAND	BLDG	TOTAL
67	LAND	BLDG	TOTAL
68	LAND	BLDG	TOTAL
69	LAND	BLDG	TOTAL
70	LAND	BLDG	TOTAL
71	LAND	BLDG	TOTAL
72	LAND	BLDG	TOTAL
73	LAND	BLDG	TOTAL
74	LAND	BLDG	TOTAL
75	LAND	BLDG	TOTAL
76	LAND	BLDG	TOTAL
77	LAND	BLDG	TOTAL
78	LAND	BLDG	TOTAL
79	LAND	BLDG	TOTAL
80	LAND	BLDG	TOTAL
81	LAND	BLDG	TOTAL
82	LAND	BLDG	TOTAL
83	LAND	BLDG	TOTAL
84	LAND	BLDG	TOTAL
85	LAND	BLDG	TOTAL
86	LAND	BLDG	TOTAL
87	LAND	BLDG	TOTAL
88	LAND	BLDG	TOTAL
89	LAND	BLDG	TOTAL
90	LAND	BLDG	TOTAL
91	LAND	BLDG	TOTAL
92	LAND	BLDG	TOTAL
93	LAND	BLDG	TOTAL
94	LAND	BLDG	TOTAL
95	LAND	BLDG	TOTAL
96	LAND	BLDG	TOTAL
97	LAND	BLDG	TOTAL
98	LAND	BLDG	TOTAL
99	LAND	BLDG	TOTAL
100	LAND	BLDG	TOTAL

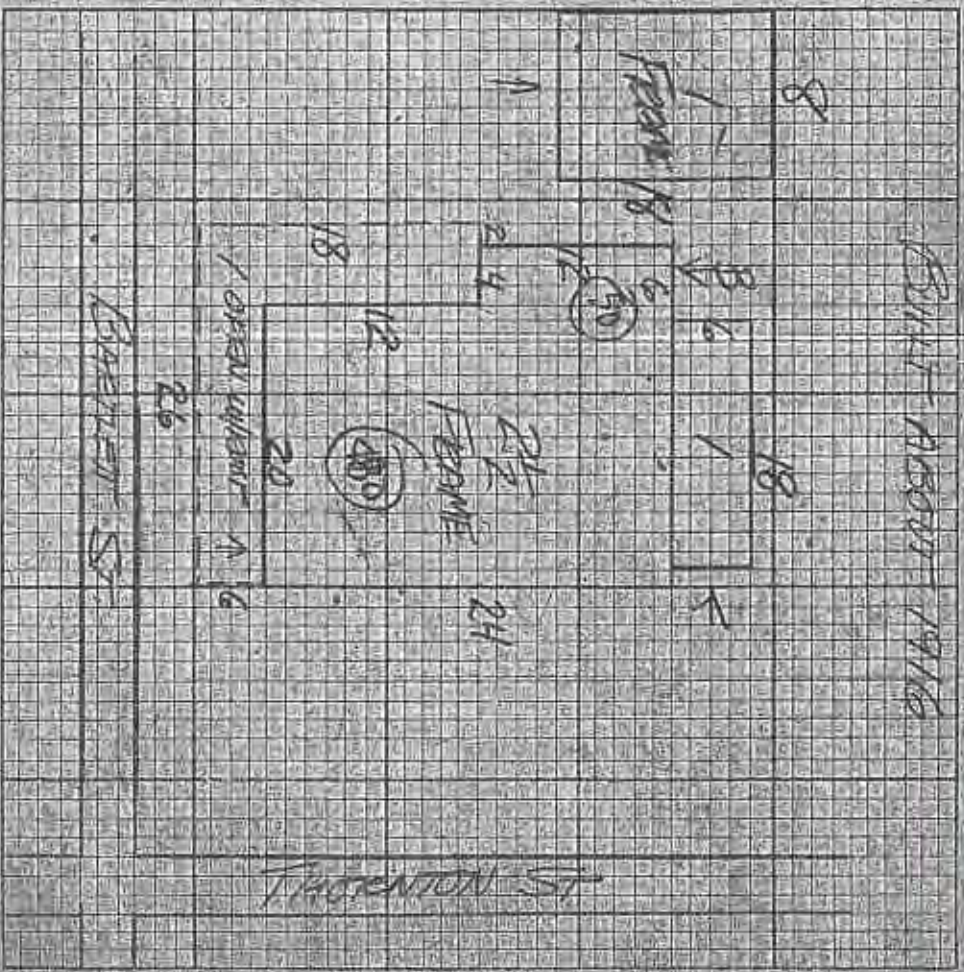
RECORD OF BUILDINGS

CONSTRUCTION

NOTES - SPECIAL EQUIPMENT

OCCUPANCY	FLOORS			
	G	B	1	2
HOUSEHOLD				
OFFICE				
RETAIL				
INDUSTRIAL				
OTHER				
FOUNDATION				
CONCRETE				
CHIMNEY				
ROOF				
WATER				
SEWER				
PLUMBING				
HEATING				
COOKING				
REFRIG.				
WASHING				
DRYING				
DISPOSAL				
STOVE				
REF.				
WATER				
SEWER				
PLUMBING				
HEATING				
COOKING				
REFRIG.				
WASHING				
DRYING				
DISPOSAL				
STOVE				
REF.				
WATER				
SEWER				
PLUMBING				
HEATING				
COOKING				
REFRIG.				
WASHING				
DRYING				
DISPOSAL				
STOVE				
REF.				

DATE	DAILY	WEEKLY	MONTHLY	TOTAL	OCCUPANCY	TYPE	SHAPE	AGE	REMOVAL	COND.	SQUARED FT.	CUBIC FT.	EST. VALUE	ACT. VALUE	REMARKS
						ALUMINUM SIDING									



SUMMARY OF BUILDINGS

SHAPE	AGE	REMOVAL	COND.	SQUARED FT.	CUBIC FT.	EST. VALUE	ACT. VALUE	REMARKS
ADT				6,000	507	3,000		

GRADE: 100 FT. ABOVE SEA LEVEL. CONSTRUCTION: A - EXCELLENT; B - GOOD; C - AVERAGE; D - POOR; E - VERY POOR.

ASSESSMENT RECORD CITY OF PORTSMOUTH, N.H.

Front Pages

93 38

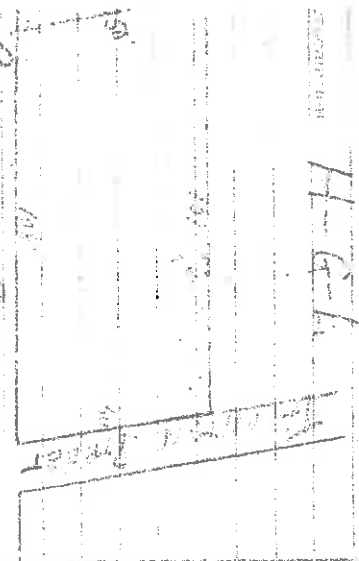


EXHIBIT C

Lewis & Georgette Petroulis 1536/461

2/11/60 6.60-5

RURAL PROPERTY

LAND VALUE COMPUTATIONS AND SUMMARY

CLASSIFICATION	NO OF ACRES	RATE	TOTAL	NAME	DATE ASSESSMENTS
TILLABLE					
PASTURE					
WOODS					
WASTE LAND					
TOTAL ACREAGE					
TOTAL VALUE LAND					
TOTAL VALUE BUILDINGS					
TOTAL VALUE LAND & BUILDINGS					

John O'Grady (heirs) 1924-2,000
John O'Grady 1908 250

URBAN PROPERTY

LAND VALUE COMPUTATIONS AND SUMMARY

CLASSIFICATION	NO OF ACRES	UNIT PRICE	DEPT. FACTOR	TOTAL
50	100	500		250
TOTAL VALUE LAND				50
TOTAL VALUE BUILDINGS				300
TOTAL VALUE LAND & BUILDINGS				300

Corner

300
300
300

ASSESSMENT RECORD	LAND	BLDGS.	TOTAL
1951	LAND		
	BLDGS.		
	TOTAL		
1952	LAND		
	BLDGS.		
	TOTAL		
1953	LAND		
	BLDGS.		
	TOTAL		
1954	LAND		
	BLDGS.		
	TOTAL		
1955	LAND		
	BLDGS.		
	TOTAL		
1956	LAND		
	BLDGS.		
	TOTAL		
1957	LAND		
	BLDGS.		
	TOTAL		
1958	LAND		
	BLDGS.		
	TOTAL		
1959	LAND		
	BLDGS.		
	TOTAL		
1960	LAND		
	BLDGS.		
	TOTAL		
1961	LAND		
	BLDGS.		
	TOTAL		
1962	LAND		
	BLDGS.		
	TOTAL		
1963	LAND		
	BLDGS.		
	TOTAL		
1964	LAND		
	BLDGS.		
	TOTAL		
1965	LAND		
	BLDGS.		
	TOTAL		

RECORD OF BUILDINGS

NOTES—SPECIAL EQUIPMENT

OCCUPANCY	CONSTRUCTION				FLOORS	COMPUTATIONS
	A	B	1	2		
SINGLE FAMILY	<input checked="" type="checkbox"/>					
TWO FAMILY						
APARTMENT						
STORE						
THEATRE						
HOTEL						
OFFICES						
WAREHOUSE						
COMM. GARAGE						
FAS STATION						
FOUNDATION						
CONCRETE						
CONCRETE BLOCK						
BRICK OR STONE						
PIERS						
CELLAR AREA FULL						
NO. CELLAR						
EXTERIOR WALLS						
CLAPBOARDS						
SIDE SIDING						
NO. SIDING						
NO SHEATHING						
WOOD SHINGLES						
ASBES. SHINGLES						
ST JOCO ON FRAME						
STUCCO ON TILE						
BRICK VENEER						
PARCH ON TILE						
SOLID BRICK						
STONE VENEER						
CONG. OR COND. BL.						
TERRA COTTA						
VITROLITE						
PLATE GLASS						
INSULATION						
WEATHERSTRIP						
ROOFING						
ASPH. SHINGLES						
WOOD SHINGLES						
SLATE						
TILE						
METAL						
COMPOSITION						
ROLL ROOFING						
INSULATION						
INTERIOR FINISH						
CEMENT						
EARTH						
PINE						
HARDWOOD						
ATTIC FL. & STRS.						
PIPELESS FURNACE						
HOT AIR FURNACE						
FORCED AIR FURN.						
STEAM						
HOT WAT. RADIATOR						
NO HEATING						
GAS BURNER						
OIL BURNER						
STOKER						
PLUMBING						
BATHROOM						
TOILET ROOM						
WATER CLOSET						
KITCHEN SINK						
STD. WAT. HEAT						
AUTO. WAT. HEAT						
ELECT. WAT. SYST.						
LAUNDRY TUBS						
NO PLUMBING						
TILING						
BATH FL. & WOOD						
TOILET FL. & WOOD						
LIGHTING						
ELECTRIC						
NO LIGHTING						
NO. OF ROOMS						
BSEMT.						
1ST.						
2ND.						
3RD.						

EXHIBIT C

UNIT	COMPUTATIONS	1951	AGE	COND.	RPL. VAL.	PHYS. DEPR.	PHYS. VALUE	FUNCT. DEPR.	SOUND VAL.
1st	5300	2100	18	18	6000	500	3000		
2nd	5300	2100	18	18	6000	500	3000		
3rd	5300	2100	18	18	6000	500	3000		
TOTAL	15900	6300			18000	1500	9000		

SUMMARY OF BUILDINGS

OCCUPANCY	TYPE	GRADE	AGE	DATE REMOD.	COND.	RPL. VAL.	PHYS. DEPR.	PHYS. VALUE	FUNCT. DEPR.	SOUND VAL.
APARTMENT	2-1951		18		18	6000	500	3000		
TOTAL						18000	1500	9000		

Back Page 5

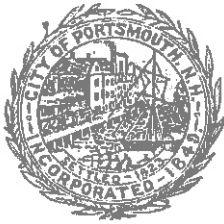


ASSESSOR'S OFFICE

CITY OF PORTSMOUTH

(603) 610-7249
FAX (603) 427-1579
www.cityofportsmouth.com

CITY HALL
1 Junkins Avenue
Portsmouth, NH 03801



JANE M. SHOUSE
ADMINISTRATIVE ASSISTANT

CITY OF PORTSMOUTH

(603) 610-7217
FAX (603) 427-1593
jmshouse@cityofportsmouth.com

CITY HALL
Planning Department
1 Junkins Avenue
Portsmouth, NH 03801

Kelli L. Barnaby, CMC/CNHMC
City Clerk
1 Junkins Avenue
Portsmouth, NH 03801
603-610-7207
Fax: 603-610-4158
Klbarnaby@cityofportsmouth.com

Memo

To: Mayor Jack Blalock and City Council
From: Kelli L. Barnaby, City Clerk
Date: July 7, 2017
Re: 2017 Omnibus Sidewalk Obstruction Renewals

Please find attached the final listing of 2017 Omnibus sidewalk obstruction renewal applications without changes, submitted thus far and that have met the appropriate insurance and fee requirements.

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

cc: John P. Bohenko, City Manager

2017 SIDEWALK OBSTRUCTION OMNIBUS

Business	Location	# Tables	# Chairs	# Bench	# Signs
Agave Mexican Bistro (Dos)	111 State Street	0	0	0	1
Art with a Splash	222 State St.	0	0	0	1
Astrology by Valerie f/k/a Helen Marks	42 Market St.	0	0	0	1
Attrezzi	78 Market St. Unit 1	0	0	0	1
B&M Wharf	70-80 State St.	0	0	2	0
Bagel Works	Congress St.	4	12	0	0
Bennetts Store of Portsmouth	41 Congress Street	2	4	0	1
Better Homes & Gardens, Masiello Group	79 Congress St.	0	0	0	1
Black Trumpet Bistro	29 Ceres St.	0	0	0	1
Breaking New Grounds, Inc.	Market Square	15	42	0	0
Bridge Street Bistrot & Wine Bar	64 Bridge St.	0	0	0	1
Bull Moose Music	82-86 Congress St.	0	0	0	1
Canine Cupboard LLC	220 State St.	0	0	0	1
Ceres Bakery	51 Penhallow St.	2	10	0	0
Chamber of Commerce	Daniel/Pleasant/Congress	0	0	0	1
Clipper Tavern, The	75 Pleasant St.	0	0	0	1
Colby's Breakfast & Lunch	105 Daniel St.	0	0	0	1
Corks & Curds, LLC	13 Commerical Alley	0	0	0	1
Diversions Puzzles & Games	123 Congress St.	0	0	0	1
Dos Amigos Burritos	107 State St.	2	4	0	0
Drift LLC	12B Fleet St.	0	0	0	1
Fat Belly's	2 Bow St.	0	0	0	1
Friends of the Music Hall	131 Congress St.	0	0	0	1
Fringe Hair Studio	3H Market Square	0	0	0	1
Geno's Chowder and Sandwich Shop Inc.	177 Mechanic Street	0	0	0	1
Izzy's Frozen Yogurt	Bow St.	0	0	1	0
Jumpin' Jay's Fish Café	150 Congress St.	0	0	1	0
LeRoux Kitchen	23 Market St.	0	0	0	1
Let's Glow	59 Deer St. 2B	0	0	0	1
Lit Boutique	19 Congress St.	0	0	0	1
Making Faces by Karel	10 Vaughn Mall, #212	0	0	0	1
Martingale LLC	99 Bow Street	0	0	2	0
Martingale Wharf L.P.	99 Bow Street	0	0	0	2
Moxy	106 Penhallow St.	0	0	2	0
Napoli Market (Harborview Portsmouth)	261 South Street	2	4	0	1
NH Iphone Repair LLC	33 Deer Street Suite 5	0	0	0	1
North Church of Portsmouth	Market Square/Pleasant St.	0	0	0	2
Olde Port Properties	26 Congress St.	0	0	0	1
Poco's	37 Bow St.	0	0	0	1
Port City Bike Tours	43 Middle St.	0	0	0	1
Portsmouth Athenaeum	9 Market Square	0	0	0	1
Portsmouth Brewery	56 Market St.	0	0	0	1
Portsmouth Gas Light	Market St.	0	0	0	2
Portsmouth Salt Cellar	7 Commercial Alley	0	0	0	1
Pretty Little Things	21 Vaughan Mall	0	0	0	1
RiRa, The Irish Pub & Restaurant	22 Market Square	0	0	0	1
River House, The	53 Bow St.	0	0	2	0
Rosa Restaurant, The	70 State St.	0	0	0	1
Rudi's Portsmouth	20 High St.	0	0	0	1

2017 SIDEWALK OBSTRUCTION OMNIBUS

Rudi's Portsmouth	5 Congress St.	0	0	0	1
Scallops	65 Daniel Street	0	0	0	1
Seaside Allure	24 Congress St.	0	0	0	1
Serendipity	41 Pleasant St.	0	0	0	2
Sheva Jewelry	16 Market Square #2	0	0	0	1
Six (6) Degrees	47 Bow St.	0	0	0	1
Starbucks Coffee	1 Market Sq.	4	8	0	0
State Street Saloon/Roger's Café	268 State Street	0	0	0	1
Studio 90 on Fleet	90 Fleet Street	0	0	0	1
Summer Sessions Surf Shop	15 Vaughan Mall	0	0	0	1
Surf Portsmouth	99 Bow Street	0	0	0	1
Ten Thousand Villages	87 Congress St.	0	0	0	1
The Goods	29 Vaughn Mall	3	6	0	1
The Kitchen on Islington	171 Islington St.	0	0	0	1
The Press Room	77 Daniel St.	0	0	0	1
Tugboat Alley	47 Bow St.	0	0	1	0
Village Silversmith	71 Congress St.	0	0	0	1
Water Monkey	Vaughan Mall Lot	0	0	0	1
Wear House	74 Congress St.	0	0	0	0
White Heron Tea & Café	601 Islington St.	0	0	2	1
Works Bakery Café, The	9 Congress ST.	0	0	0	1



PORTSMOUTH
SMART GROWTH
FOR THE 21ST
CENTURY

July 10, 2017

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

Dear Mayor Blalock and City Council Members,

This letter is to request approval for a series of activities to be held in Vaughan Mall as part of the VAUGHAN MALL GREEN, a PS21 initiative undertaken in partnership with the City of Portsmouth, and with the support of many local sponsors and volunteers.

The Vaughan Mall area between Congress and Hanover streets was identified in recent PS21 placemaking events as a priority for improvement. This project, VAUGHAN MALL GREEN, combines placemaking with a demonstration of the mall as an environmentally resilient civic space, reflecting Portsmouth's designation as an eco-municipality.

There are two parts to the VAUGHAN MALL GREEN project, whose goal is in part to increase pedestrian activity and make it more welcoming. The first phase was implemented by PS21 with the help of local volunteers and the City on May 20th and included landscaping the existing beds using native pollinator species and new planters with edible plants, providing moveable chairs and tables to create a variety of seating options, installing a wood screen to accent the existing stage area, and hanging string lights to create a brighter, more welcoming atmosphere at night.

The second phase of VAUGHAN MALL GREEN, and the focus of this request, is to attract pedestrians to Vaughan Mall by programming small events featuring local musical acts, performers or other organized activities. Some music or performances may require amplification. Activities could include things like a yoga demonstration, a theater workshop or a board game tournament. We propose to begin with a Saturday afternoon series of these activities starting with a performance Saturday, July 15 at 3 pm. We also request approval to utilize two sandwich board signs in front of the stage to identify and advertise the performer and/or activity.

Thank you for your consideration. We look forward to seeing you in Vaughan Mall!

Signed,

A handwritten signature in dark ink, appearing to read 'Doug Roberts'.


Doug Roberts,
PS21 Chair

A handwritten signature in dark ink, appearing to read 'Emily Corbett'.

Emily Corbett
Vaughan Mall Green Coordinator

**CITY OF PORTSMOUTH
PORTSMOUTH, NH 03801**

Office of the City Manager

Date: July 6, 2017
To: Honorable Mayor Jack Blalock and City Council Members
From: John P. Bohenko, City Manager 
Re: City Manager's Comments on July 10, 2017 City Council Agenda

Work Session:

6:00 p.m.

1. **Thomas J. McIntyre Federal Property at 80 Daniel Street.** On Monday at 6:00 p.m., the City Council will hold a Work Session to discuss the status of the McIntyre Project. Staff will present updates on public input received, review "Frequently Asked Questions" about the project, and propose next steps in the process for Council's consideration. Discussion of proposals received, options for the RFP process, and guidelines for future process, site design, and financial considerations will be reviewed.

Items Which Require Action Under Other Sections of the Agenda:

1. **Public Hearing of Proposed Ordinance Amendments.**
 - 1.1 **Public Hearing/Second Reading of Parking & Traffic Safety Omnibus Ordinance.** As a result of the June 19, 2017 City Council meeting, [attached under Section VII of the Agenda for public hearing and second reading is the proposed 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 second reading and schedule a third and final reading of the proposed Ordinances, at the August 7, 2017 City Council meeting, as presented. Action on this matter should take place under Section VIII of the Agenda.

2. **Public Hearing of Proposed Resolutions:**

- 2.1 **Public Hearing and Adoption Re: Various Bonding Resolutions.** As a result of the June 19, 2017 City Council meeting, under Section VII of the Agenda, I am bringing back for public hearing and adoption the proposed borrowing authorizations identified in the FY18-23 Capital Improvement Plan ([see attached Resolutions and respective element sheets](#)).

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 that the City Council move the following motions:

- I. Adoption of Resolution Authorizing a Bond Issue and/or Notes of up to Five Hundred Fifty Thousand Dollars (\$550,000.00) for costs related to the Installation and Implementation of new High School Athletic Field Lighting (Roll call vote and two-thirds vote required.)*
- II. Adoption of Resolution Authorizing a Bond Issue and/or Notes of up to Ten Million Nine Hundred Fifty Thousand Dollars (\$10,950,000.00) for costs related to City Street, Sidewalk and Facility Improvements (Roll call vote and two-thirds vote required.)*
- III. Adoption of Resolution Authorizing a Bond Issue and/or Notes of the City under the Municipal Finance and/or Participation in the State Revolving Fund (SRF) Loan of up to Three Million One Hundred*

Thousand Dollars (\$3,100,000.00) related to Water Line replacements and Pleasant Street Water Line Improvements (Roll call vote and two-thirds vote required.)

IV. Adoption of 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 (\$4,800,000.00) for costs related to Consent Decree Mitigation, Annual Sewer Line Replacements, Wastewater Pumping Station Improvements and Union Street Sewer Construction (Roll call vote and two-thirds vote required.)

V. Adoption of 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 (\$6,900,000.00) for costs related to the Construction of Peirce Island Wastewater Treatment Plant. (Roll call vote and two-thirds vote required.)

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

3. **Third and Final Reading of Proposed Ordinances.**

- 3.1 **Third and Final 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 June 19, 2017 City Council meeting, the Council voted to bring back for third and final 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.

Consent Agenda:

1. **Acceptance of Fire Department Donations.** The Portsmouth Fire Department has received the following donations:
- Barbara J. Glidden in memory of her nephew Charlie Jones \$100.00
 - Ricci Construction Co., Inc. in memory of Charles Jones \$100.00
 - 2017 Seacoast Fire Chiefs Fire Fighter II Program Students \$200.00

The Fire Department requests that the City Council accept and approve the donations.

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

City Manager's Items Which Require Action:

1. **Request for Approval of Tentative Agreement between the City of Portsmouth and AFSCME Local 1386B.** The City of Portsmouth has reached a Tentative Agreement with the American Federation of State, County and Municipal Employees (AFSCME) Local #1386 B 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 AFSCME 1386B 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/Municipal/Draft%20AFSCME%201386B%20contract%20exp%206-30-20%20.pdf>

I recommend the City Council move to accept the proposed contract with the City of Portsmouth and AFSCME 1386B to expire on June 30, 2020.

2. **Acceptance of Sewer Easement over Property of Eport Properties I, LLC.** Eport Properties I, LLC (Eport) is in the process of constructing a building at 175 Market Street. The project has received all municipal regulatory approvals. At the time of Planning Board approval, it was recognized that part of the building being constructed by Eport would cover an existing historic sewer line for which the City held no recorded easement. For this reason, the Planning Board required and Eport agreed to provide the City with an appropriate sewer easement to allow the construction of the building over the sewer line. An important element of that easement is that the developer and its successors will bear all costs of construction and bear all risks associated with damage to either the building or the sewer line. Through oversight, the developer actually recorded that easement on May 27, 2016 prior to the City Council acceptance of it. Accordingly, the [attached Easement](#) is presented to the Council this evening for acceptance and placement into permanent City record. The City Attorney will answer any questions which the Council might have in connection with the easement.

I recommend the City Council move to accept the sewer easement from Eport Properties I, LLC dated May 20, 2016.

3. **Request to Reschedule Work Session Re: Scope of Services and Review of Parking Principles.** As you are aware, at the June 19, 2017 City Council meeting, the City Council voted to schedule a Work Session regarding Scope of Services and Review of Parking Principles for Monday, August 7, 2017 at 6:00 p.m., prior to the regular meeting. The Mayor is recommending to reschedule the Work Session prior to a regular meeting in September – either Tuesday, September 5, 2017 or Monday, September 18, 2017.

Therefore, may I have your approval to reschedule the Work Session to a date in September prior to a regular meeting.

4. **Easement from Eversource for Emergency Access.** As you may be aware, the City of Portsmouth has a License Agreement from Eversource for the use of its access road at its Schiller Station property, which abuts the Atlantic Heights neighborhood. Under the Agreement, the City has the ability to utilize the road, also known as the “boat road”, in the event of an emergency which prevents safe egress from the neighborhood via Kearsarge Way.

At this time, Eversource is preparing to divest itself of certain generation assets in New Hampshire including the Schiller Station on Gosling Road. In preparation for selling its generating capacity, Eversource recently was approved at the Portsmouth Planning Board for a subdivision of land, which enables the company to sell off a newly created lot. The eventual sale of the land will have the effect of discontinuing the through path of the boat road from Porpoise Way to Gosling Road (a portion of the road is located on the lot to be sold). [See attached plan.](#) After discussions regarding this impact, the Planning Board stipulated - and Eversource agreed - to grant a permanent easement in favor of the City for the purpose of constructing a new emergency access road. This easement is a significant improvement over the current License Agreement in that it is a permanent arrangement and not subject to cooperation of future owners of the newly subdivided lot. The easement, which would be for a 50 foot right-of-way, effectively codifies what has been voluntary cooperation from Eversource and runs with the land into the future.

It is important to note, the existing License Agreement remains in effect and the road itself is operable for the emergency purpose. The new proposed emergency access route will be less long and provide an outlet onto Portsmouth Boulevard; in addition, like the Boat Road (which has never been operationalized for an emergency), will only be used during emergencies requiring an alternative route out of the neighborhood. This deed allows the City an option to construct a road for emergency use in the easement area.

The acceptance of an easement for this purpose has been recommended by the Planning Board following a City Council referral. The City Council accepted the Planning Board's report back in May 2017. By way of additional procedural note, Eversource recorded the [attached Easement](#) prior to its acceptance by the City Council. At this time, I am recommending the City Council accept the proposed easement.

I recommend the City Council move to accept this attached Easement Deed from Eversource for future Emergency access.

5. **Request for Approval of Greenland Residential Development Waterline Easement.**

In 2015, the Town of Greenland approved a 73 unit residential condominium development off of Bramber Valley Road in Greenland. The City had existing water infrastructure in Greenland in close proximity to the new development and was asked to serve the new development. [Attached is a schematic showing](#) the existing infrastructure in 2015 and the new lines.

At the developer's cost, municipal water service is being extended to the condominium development within private roads that have been constructed. The City will own the water mains within the private roads. The extension of the City's water system through the Bramber Valley development will allow the City to create better flow and water quality conditions as the new lines will help create a "loop" system in that area of Greenland. The developer is not only paying for the new lines, constructed to City specifications, but also paying for third-party inspection services during construction and as-built drawings.

The developer, Dorado Investments, LLC, has executed an easement in favor of the City for new water lines and related infrastructure. As referenced in the [attached memorandum from Planning Director Juliet Walker](#), the Portsmouth Planning Board has recommended that the City Council accept the water line easement.

I recommend that the City Council move to accept a water line easement from Dorado Investments, LLC to serve Bramber Valley in Greenland.

6. **Request for a Public Hearing for a \$3,000,000 Bond Authorization Re: Supplemental Appropriation for Foundry Place Garage.**

As you are aware, over the past several weeks, the City's Construction Manager, Consigli Construction, Inc. has been soliciting bids and negotiating pricing for the construction of the new Parking Garage, as well as the new road, Foundry Place and the associated utilities. As you will recall, in May of 2015, the City Council voted to authorize bonding of \$23,200,000 for the purchase of the land and construction of the garage. In the time since the garage bonding was approved, there have been several factors that have increased the overall projects costs.

Construction costs have escalated since the original budget amount was established and the bidding is taking place during a hot construction market. Additionally, the scope of the project has expanded through the design process. The City has expanded the scope of utility work, most significantly water and electrical systems to provide improved water and electrical service into both the McDonough Street neighborhood and the North End. The water system upgrades will improve fire flows as well as provide looping of the water system improving both water quality and reliability. The electrical upgrades will not only underground the electrical service in the area but also provide improved reliability of the electrical system in the area. Additionally, the extent and scope of civil work required to address geotechnical and environmental conditions have been studied and identified and will be addressed under the proposed budget.

Based on the pricing that has come in thus far for the civil and site enabling work as well as the preliminary numbers for the pre-cast structure, I am requesting the City Council authorize a request for the bonding of an additional \$3.0 million to complete all aspects of the project. [See attached Resolution](#). On a 20 year bond this will add an average \$193,000 per year. The total average cost of the \$26.2 M bond will be \$1.6 M per year, which will be paid by parking revenues.

I recommend the City Council move to schedule a public hearing for a \$3,000,000 Bond Authorization regarding a supplemental appropriation for the Foundry Place Garage at the August 7, 2017 City Council meeting.

7. **Acceptance of “No Build” Easement Relating to 21 Brewster Street.** In connection with the redevelopment of the 21 Brewster Street property, the Inspection Department required an easement to prevent any new structure on an adjacent lot from being constructed within three (3) feet of the boundary line between the two properties. This was done for fire safety purposes.

As you will note, the Easement Deed gives enforcement authority to the City of Portsmouth. [Attached please find a copy of the recorded easement.](#)

I recommend that the City Council move to accept the “No Build” Easement relating to 21 Brewster Street and place it on permanent file.

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 19, 2017. In addition, this can be found on the City’s website.
2. **Presentation Re: Combined Sewer Overflows.** For your information, City staff will give a presentation to the City Council at the Monday, August 7, 2017 City Council meeting regarding combined sewer overflows.
3. **Consent Decree Mitigation Funding.** [Attached for your information is a memorandum](#) from Deputy City Attorney Suzanne Woodland and City Engineer Terry Desmarais regarding the Consent Decree Mitigation Funding.
4. **Report Back from Inquiry of Councilor Dwyer Re: President’s Commission on Election Integrity.** [Attached is a response from City Clerk Kelli Barnaby](#) to Councilor Dwyer’s inquiry regarding the President’s Commission on Election Integrity.

5. **Code Updates - Open House.** The Fire, Inspections, and Health Departments will be hosting an educational open house for the public to learn about the proposed code updates that the Council previewed at its June retreat. To best accommodate tradespeople who may have interest in these changes, this open house is scheduled at the end of the work day, on Monday, July 17, 2017 from 4:00 to 6:00 p.m., in Conference Room A. After receiving input at this session, we will draft ordinance changes for Council's consideration over the next few months.



Attorneys at Law

Jackson Lewis P.C.
100 International Drive
Suite 363
Portsmouth, NH 03801
Tel 603 559-2700
Fax 603 559-2701
www.jacksonlewis.com

ALBANY, NY	GRAND RAPIDS, MI	MORRISTOWN, NJ	RALEIGH-DURHAM, NC
ALBUQUERQUE, NM	GREENVILLE, SC	NEW ORLEANS, LA	RAPID CITY, SD
ATLANTA, GA	HARTFORD, CT	NEW YORK, NY	RICHMOND, VA
AUSTIN, TX	HONOLULU, HI	NORFOLK, VA	SACRAMENTO, CA
BALTIMORE, MD	HOUSTON, TX	OMAHA, NE	SAINTE LOUIS, MO
BIRMINGHAM, AL	INDIANAPOLIS, IN	ORANGE COUNTY, CA	SALT LAKE CITY, UT
BOSTON, MA	JACKSONVILLE, FL	ORLANDO, FL	SAN DIEGO, CA
CHICAGO, IL	LAS VEGAS, NV	OVERLAND PARK, KS	SAN FRANCISCO, CA
CINCINNATI, OH	LONG ISLAND, NY	PHILADELPHIA, PA	SEATTLE, WA
CLEVELAND, OH	LOS ANGELES, CA	PHOENIX, AZ	STAMFORD, CT
DALLAS, TX	MEMPHIS, TN	PITTSBURGH, PA	TAMPA, FL
DAYTON, OH	MIAMI, FL	PORTLAND, OR	WASHINGTON DC REGION
DENVER, CO	MILWAUKEE, WI	PORTSMOUTH, NH	WHITE PLAINS, NY
	MINNEAPOLIS, MN	PROVIDENCE, RI	

THOMAS M. CLOSSON
DIRECT DIAL: 603.559.2729
THOMAS.CLOSSON@JACKSONLEWIS.COM

To: City Manager Bohenko and Portsmouth City Council
From: Thomas M. Closson
Re: Tentative Agreement with AFSCME Local 1386 Unit B
Date: June 14, 2017

I am pleased to recommend a tentative agreement that the negotiating team recently reached with AFSCME Local 1386 Unit B. 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.						
Probationary Period - Article 4B.1	Increase the probationary period to 12 months.						
Compensation - Article 7	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.						
Compensation - Article 7	Effective January 1, 2019 a new 1.35% step for 7.5 years of service (Step F) for all classifications and adjust step language accordingly.						
Longevity - Article 8	Adjust to the following schedule: <table border="0" style="margin-left: auto; margin-right: auto;"> <tr> <td style="text-align: center;"><u>Length of Service</u></td> <td style="text-align: center;"><u>12/1/2017</u></td> </tr> <tr> <td style="text-align: center;">5 years</td> <td style="text-align: center;">\$ 200.00</td> </tr> <tr> <td style="text-align: center;">10 years</td> <td style="text-align: center;">\$ 350.00</td> </tr> </table>	<u>Length of Service</u>	<u>12/1/2017</u>	5 years	\$ 200.00	10 years	\$ 350.00
<u>Length of Service</u>	<u>12/1/2017</u>						
5 years	\$ 200.00						
10 years	\$ 350.00						

	15 years \$ 500.00 20 years \$ 650.00 25 years \$ 800.00 30 years \$ 950.00 35 years \$1100.00 Longevity will increase by COLA on July 1, 2018 and 2019.
Health Insurance - Article 9	Eliminate outdated Health Insurance language. Effective July 1, 2019, the employee's contribution will increase to 15%.
9.3 New Article	City shall provide payroll deduction for a qualified supplemental vision care plan. The employee's will pay 100% of the cost.
Holidays - Article 16	Add the following language: "In the event the City eliminates ½ day on Good Friday from the AFSCME Local 1386A contract in exchange for ½ day on Christmas Eve (December 24 th only) and ½ day on New Year's Ever (December 31 st only), 1386B will adopt the same schedule regarding these holidays."
Article 29.4 Office Closures	Employees will be required to use a day of leave when the offices are closed due to weather. This applies to one office closure per year. In the event, the City opens late or closes early, employees will be paid for the day unless they were scheduled to be out. Then they must use that day. This only becomes effective in the event PMA and SMA agree as well.

1386B

COLA		2.00%	2.00%	2.00%
Retirement	11.17%	11.38%	11.38%	11.38%

Note: Health Insurance savings- not included

	FY17 Base year	FY18	FY19	FY20	Total for 3 year
<i>Current Agreement</i>					
Salaries	1,144,242.00	1,168,595.50	1,176,094.87	1,189,219.83	3,533,910.20
Longevity	6,136.49	5,481.34	6,105.58	6,748.46	18,335.38
<i>Sub Total</i>	<u>1,150,378.49</u>	<u>1,174,076.84</u>	<u>1,182,200.45</u>	<u>1,195,968.29</u>	<u>3,552,245.58</u>
FICA	71,323.47	72,792.76	73,296.43	74,150.03	220,239.23
Medicare	16,680.49	17,024.11	17,141.91	17,341.54	51,507.56
Retirement	86,662.00	89,139.26	94,887.94	95,894.78	279,921.98
<i>Sub Total</i>	<u>174,665.95</u>	<u>178,956.14</u>	<u>185,326.27</u>	<u>187,386.35</u>	<u>551,668.77</u>
Cost of Current Contract	1,325,044.44	1,353,032.98	1,367,526.72	1,383,354.64	4,103,914.35
		27,988.53	14,493.75	15,827.92	58,310.20
		2.11%	1.07%	1.16%	
				4.40%	From FY17-FY20
				1.47%	Avg % Change

Additional Cost Proposed from TA

COLA on base salaries		23,371.91	48,808.49	72,789.77	144,970.17
Longevity		444.00	478.00	588.00	1,510.00
7.5 year Step				338.00	338.00
Change in step progression		1,244.00	-	-	1,244.00
Total Cost		<u>25,059.91</u>	<u>49,286.49</u>	<u>73,715.77</u>	<u>148,062.17</u>
Medicare		363.37	714.65	1,068.88	2,146.90
FICA		1,553.71	3,055.76	4,570.38	9,179.85
Retirement		1,838.41	1,765.63	2,018.12	5,622.16
Total FICA, Medicare & Retirement		<u>3,755.49</u>	<u>5,536.05</u>	<u>7,657.38</u>	<u>16,948.92</u>
Total Cost Rollout of Tentative Agreement		<u>28,815.40</u>	<u>54,822.54</u>	<u>81,373.14</u>	<u>165,011.08</u>
				12.45%	From FY17-FY20
				4.15%	Avg % Change
Budget to Budget Change per Tentative Agreement Only		<u>28,815.40</u>	<u>26,007.13</u>	<u>26,550.61</u>	<u>81,373.14</u>
		2.13%	1.86%	3.93%	
				6.14%	From FY17-FY20
				2.05%	Avg % Change
Proposed Current Annual Budget & Tentative Agreement		<u>1,381,848.38</u>	<u>1,422,349.26</u>	<u>1,464,727.79</u>	<u>4,268,925.43</u>
Combined Annual Change		<u>56,803.94</u>	<u>40,500.88</u>	<u>42,378.53</u>	<u>139,683.34</u>
		4.29%	2.93%	2.98%	
				10.54%	From FY17-FY20
				3.51%	Avg % Change

WORKING AGREEMENT

BETWEEN THE

CITY OF PORTSMOUTH, NEW HAMPSHIRE

AND

PORTSMOUTH CITY EMPLOYEES LOCAL #1386 B

OF THE

AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES

AFL-CIO

July 1, 20147 to June 30, 201720

**Article 1
WORKING AGREEMENT**

The City of Portsmouth, hereafter referred to as the City, and the Portsmouth City employees, Local #1386 of the American Federation of State, County and Municipal Employees, hereinafter referred to as the Union, in order to maintain the existing harmonious relationship between the City Manager, who is the Chief Executive Officer, as set forth in the City Charter, as amended, and its employees join in the Agreement to promote the morale, equal rights, well being and security of the Portsmouth City Employees, the City Manager, representing the City Council and the Union hereby agree as follows:

**Article 2
NON-GENDER CLAUSE**

Within the Collective Bargaining Agreement where the male or female gender is exclusively used, it shall be understood that it does not limit the benefits to just the gender that was mentioned.

**Article 3
RECOGNITION**

- 3.1 Employees covered by the Agreement are those who are members of the Union who are employees of the City of Portsmouth within the jurisdiction of the American Federation of State, County and Municipal Employees in the positions defined in 3.4 below.
- 3.2 It shall be a continuing condition of employment with the City that all permanent employees covered by the Agreement, specifically, designated non-supervisory employees in positions defined in Section 3.4 (below), who have completed their probationary period shall:
- A. Become and remain members of the Union in good standing to the extent of paying the uniform union membership dues, initiation or reinstatement fees; or
 - B. In the alternative, an employee shall tender an agency or service fee to the Union in an amount which shall not exceed the monthly membership dues of Union members.

In December of each calendar year the Union shall notify the City of the amount of its dues and/or service fees.

The Union will notify its members of the window period when they can change to agency service fee (last two (2) weeks in June).

- 3.3 Evidence of the good faith of the employee in joining the Union will be considered to be his/her duly signed check-off dues deduction card as presented to the City Accounting Department or an appropriate authorization for agency fee deductions.

3.4 The following position classifications come under the provisions of Union membership set forth in the contract:

Account Clerk	Accountant, Junior
Accountant, Assistant*	Accounting Assistant
Administration Assistant	Administrative Clerk*
AutoCAD Technician	Deputy Tax Collector <u>I</u>
Collection Clerk	Switchboard Operator/Typist
Clerk Typist	Secretary
Deputy City Clerk <u>I</u>	Violations Clerk
Lead Lead Water/Sewer Billing	Clerk <u>Clerk</u>
Librarian I,	
Librarian Assistant I,II,III	

*Salary Schedule to be changed to accurately set forth title.

3.5 The City hereby recognizes that the Union is the sole and exclusive representative of all permanent employees of the City who are members of the Union for the purpose of bargaining with respect to wages, hours of work and working conditions and the Union unreservedly accepts and recognizes the necessity of the City to operate within its budget, as set forth by the City Charter as amended. Effective August, 1983, permanent, part-time Library employees working a regular work week of at least 20 hours are included in this Section.

3.6 The City agrees for itself and any of its authorized agents that it will not bargain with any individual employee on matters pertaining to wages, hours of work, working conditions, transfers or promotions covered by this contract.

3.7 The Union agrees for itself and its members that no member will bargain with the City or any of its authorized agents on matters pertaining to wages, hours of work, working conditions, transfers or promotions covered by this contract.

Article 4A MANAGEMENT RIGHTS

4A. Management Rights: It is understood that the City shall have the exclusive control of the operation of the City. Nothing in this agreement shall be deemed to limit the City in any way in the exercise of the regular and customary functions of management, including those protected by the NH Public Employee Labor Relations Act, the direction of the working forces, the establishment or methods of operation, the establishment of plans for efficiency, the adoption and maintenance of engineering standards, and the right to select or employ supervisory employees and their assistants, except as specifically and expressly limited by any of the provisions of this agreement.

Article 4B
PROBATIONARY PERIOD AND CLASSIFICATION

4B.1 Probationary Period: All new employees shall serve a probationary period of ~~six-twelve~~(~~6~~12) months, and during this period shall be classified as probationary employees.

Probationary Period and Extension of: All appointments will be made for a working test period subject to close review as to his/her competency to carry out work assignments. ~~The City Manager may, upon request of the Department Head, extend this working test period to a maximum of an additional three (3) months if, in their opinion, it is necessary. This period supplements the formal examination, etc., and is the final determination of whether a person should be given permanent status.~~ Probationary employees are considered at will and may be terminated with or without cause.

4B.2 Classification: Each employee shall be assigned a distinct classification (probationary, permanent part-time library employees or permanent):

A. Probationary: Probationary employees are those employees hired to fill regular positions, but who are serving their probationary period of ~~six-twelve~~(~~6~~12) months. Probationary employees shall be allowed to earn sick leave and vacation during their probationary period, but shall not be entitled to be paid for or to take such leave unless and until they successfully complete ~~the probationary period~~ six months of employment. Probationary employees shall be entitled to holiday pay in the same manner as other employees. Probationary employees shall not be entitled to other benefits of permanent employees. Specifically, probationary employees shall not be entitled to health and dental insurance coverage until the first of the month following their date of hire.

B. Permanent Part-time Library Employees: Library employees working a regular work week of at least 20 hours.

C. Permanent: Permanent employees are those employees hired to fill regular full-time positions who have completed their ~~six-twelve~~(~~6~~12) month probationary period.

Article 5
EMPLOYMENT AND TERMINATION

5.1 Union Dues: Upon an individually written authorization card signed by the employee and approved by the Union, the City agrees to deduct from each employee's wages a sum for the Union dues to be collected from the first paycheck of each month.

- 5.2 Posting Jobs and Vacancies: All new jobs and vacancies within the bargaining unit shall be posted on the Union Bulletin Boards within ten (10) working days after the vacancy occurs, for Local #1386 members to bid only for a period of seven (7) working days prior to the filling of the position. The name of the successful candidate for the position shall be posted for five (5) days after the filling of the position.
- 5.3 Trial Period: When bidding a new job, via promotion or transfer, the permanent employee shall have a trial period of three (3) months in which he/she may request to be reinstated to his/her previous position, and if there is no disruption in the productivity of the department, the department head may grant the request.
- 5.4 Bidding Restriction: No employee who has successfully bid a job shall be allowed to exercise the right to bid another job within twelve (12) months of being assigned to a newly bid job unless bidding for a higher rate of pay in another job.
- 5.5 Anti-discrimination: The City agrees that it will not discriminate against, intimidate, or coerce any employee in the exercise of his/her rights to bargain collectively through the Union because of his/her membership herein or his/her activities on behalf of the Union. The City and union reaffirm and maintain the policy not to discriminate against any person because of race, creed, color, national origin, sex, age, marital status, Vietnam era veteran status, sexual orientation, and persons with disabilities as defined by the Americans with Disabilities Act.
- 5.6 Competitive Examination: The relative fitness of the applicants for appointment, or promotion within the employment of the City will be determined by competitive examination, which will include the consideration and rating of any or all of the following qualification factors: education, experience, general adaptability, special aptitudes, physical fitness, knowledge, skills, personality, character, and such other qualifications as may be deemed necessary for the satisfactory performance of the duties of the respective position. All factors being equal, seniority shall determine appointment.
- 5.7 Absenteeism Without Notification: An absence of three (3) consecutive working days without notifying the immediate supervisor concerned shall serve as basis for immediate dismissal.
- 5.8 Working Days: For the purposes of this Article, working days are Monday through Friday, not including holidays.

Article 6

SENIORITY

- 6.1 Definition: An employee's seniority shall commence with his/her hiring day provided the employee is not discharged and is in the City's continuous employ beyond the probationary period. All employees who are not permanent shall be deemed to have no

seniority status and may be discharged. Seniority for part-time Library Employees shall be dated from August 11, 1983.

- 6.2 Forfeiture: Seniority is forfeited only by discharge for just cause, resignation or retirement. In no case will seniority be interrupted or forfeited by illness, layoff, military duty, or approved leave of absence.
- 6.3 Layoffs: When it is necessary to reduce the number of employees on the City payroll because of the lack of work or funds the City Manager shall decide which employees shall be laid off in accordance with the following provisions:
- A. Layoffs shall be by job classification within each department, and;
 - B. All temporary employees within the job classification in which the layoff is to occur shall be laid off before any other employees in the job classification.
 - C. Probationary part-time employees shall be laid off before [any other] permanent part-time employees, and;
 - D. Part-time employees shall be laid off before any full-time employees are laid off, and;
 - E. Probationary full-time employees shall be laid off before any non-probationary full-time employees are laid off, and;
 - F. Among each group of employees eligible to be laid off, the City Manager shall select the least senior employee to be laid off.
- 6.4 A. Re-employment List: Employees separated from the service of the City through no fault of their own shall be placed on a re-employment list.
- B. The City agrees to maintain employees on this re-employment list for twenty-four (24) months following the employee's date of lay-off. This list will be kept for each job classification within each department.
 - C. An employee re-hired under these circumstances shall be credited with full seniority.
- 6.5 Reduction in Classification: When an employee is involuntarily transferred (demoted) to a lower class position or the employee's position is reduced in pay classification, if the employee's present salary is higher than the maximum for the new class, his/her present salary shall be frozen until general pay increases bring the salary within the range for the new position. When an employee voluntarily seeks a transfer (demotion) to a lower class position, the employee's salary shall not exceed the maximum salary for the position in the employee's new class.

Article 7
WAGES

- 7.1 Employees shall be paid in accordance with the following schedule, the rate of pay to be established in accordance with the position classifications and rates which are attached to this Agreement and marked Appendix A
- 7.2 The rate of pay for bargaining unit members shall be increased as follows:

~~Effective date of City Council approval or October 1, 2015, whichever occurs first, employees wages will be adjusted by 2.0%. July 1, 2016~~⁷ a COLA adjustment percentage increase shall be computed which shall not be less than 2% nor more than 5%.

Effective July 1, 2005, a new 2.75% step for 10 years of service (step ~~FG~~) shall be established for all classifications.

Effective July 1, 2006, a new 2.75% step for 20 years of service (Step ~~HG~~) shall be established for all classifications.

Effective January 1, 2019 a new 1.35% step for 7.5 years of service (Step F) shall be established for all classifications.

COLA Adjustments

Effective July 1, of each year from July 1, 2016⁷ through June 30, 2017²⁰ 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 the rolling ten (10) year average 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 rolling ten (10) average of the CPI-U for the Boston SMSA (Nov. -Nov.) 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%.

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, 2017²⁰ that no further COLA adjustments after July 1, 2016⁹

will be generated under the Working Agreement even if 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, 2017-20

7.3 The wage rate for part-time Library Employees shall be based on Grade 2, Step A of the current Local Union #1386 Salary Schedule figured on an hourly basis,. Effective September 28, 2004, Permanent part-time library employees with five years or more consecutive employment in the library shall be eligible to move on the step schedule annually, but shall not advance more than one (1) step in any year.

7.4 Salaried Five (5) Step Employees:

First six twelve (6 12) months	Step A
After six twelve (6 12) months	Step B
After eighteen <u>twenty four</u> (18 24) months	Step C
After thirty <u>six</u> (30 6) months	Step D
After forty- two eight (428) months	Step E
<u>After seven and half (7.5) years</u>	<u>Step F (eff. 1/01/19)</u>
After ten (10) years	Step F (eff. 7/1/05)
After twenty (20) years	Step G (eff. 7/1/06)

7.5 A. An employee promoted or acting in a position which has a higher maximum hourly rate shall receive a pay raise of one step over his/her present rate upon promotion or to the minimum of the new position, whichever is greater, and such increases as are set forth in the Salary Plan thereafter, based upon date of promotion. Employees promoted with ten (10) or more years of service must wait ~~eighteen~~ twelve (~~18~~2) months between Steps E and F. Employees promoted with twenty (20) or more years of service must wait ~~eighteen~~ twelve months between Steps E and F and another ~~eighteen~~ twelve (~~18~~2) between Steps F and G.

B. Temporary "plus rate assignments" shall be made on the basis of Department seniority among qualified employees who bid on the assignment. Qualifications shall be determined by the City.

C. In no case shall an employee be paid less than his/her regular rate of pay.

7.6 The City shall: (1) Provide an equal opportunity for training and (2) any employee who has trained on any equipment may request and the City shall provide a written evaluation of the employees' performance on said piece of equipment.

7.7 All cost of living increases shall be in addition to the step increases to which the employees are entitled.

- 7.8 The City shall, upon written request and authorization from the employee, forward said employee's paycheck as a direct deposit to the banks or credit unions with direct deposit compatible with the computer programs utilized by the City. The City shall not be held responsible for any delay experienced by employee due to the transfer of funds to the bank or credit union.
- 7.9 Effective October 1, 2015, the Library Assistant II will be upgraded from a Grade 3 to a Grade 4 and the Library Assistant III will be upgraded from a Grade 5 to Grade 6.

**Article 8
LONGEVITY**

- 8.1 All bargaining unit employees shall receive longevity compensation. Longevity compensation shall commence on the first week in December following said five (5) years of service. Longevity compensation shall be distributed to the employees before the fifteenth of December in a separate check.
- 8.2 Longevity compensation shall be distributed according to the following schedule. These longevity bonuses will increase by the 10 year rolling each July 1 of this contract.

Length of Service	12/1/2015 7
5 years	\$ 153200 .00
10 years	\$ 30650 .00
15 years	\$ 455009 .00
20 years	\$ 61250 .00
25 years	\$ 768005 .00
30 years	\$ 91850 .00
35 years	\$ 1071100 .00

- 8.3 Longevity shall begin to accrue upon date of hire or no earlier than August 11, 1983 for permanent part-time Library Employees.
- 8.4 Effective December 1, 2004, part-time Library employees shall receive this benefit on a pro-rated basis as follows:

	30 Hours	25 Hours	20 Hours
5 years	\$ 115.0650	\$ 95.63125	\$ 76.51000.0
		\$ 191.25218	
10 years	\$ 22962.50	.75	\$ 15375.00
		\$ 286.88312	\$ 229.5050.0
15 years	\$ 344.2755	.50	0
	\$ 459.0087	\$ 382.50406	
20 years	.50	.25	\$ 30625.00
	\$ 573.7560		
25 years	0.00	\$ 496.49500	\$ 382.50400.
	\$ 688712.5		\$ 459.0075.0
30 years	0	\$ 5793.75	0
	\$ 803.2525	\$ 669.3887.	
35 years	.00	50	\$ 5350.00

Article 9
INSURANCE

Medical Insurance: Effective August 1, 1996 the City agrees to provide Health Insurance to full-time permanent employees and part-time Library employees working thirty (30) hours or more each week. ~~Effective date of City Council approval or April 16, 2012, whichever occurs first, the employee's cost will be twenty percent (20%) of the premium and the City will pay eighty percent (80%). Within sixty (60) days after this Agreement is approved, the City will provide employees with a choice of Matthew Thornton.~~

~~Co-Pay Applicable to Matthew Thornton Plan Only:~~

~~The employee shall pay the following percentage of the cost of premiums so 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 and employer's percentage cost of the premiums shall be the same as those for Blue Choice as set forth below:~~

Employee Percentage	Employer Percentage
Effective date of City Council approval or April 16, 2012, whichever occurs first, the employee's cost will be 15.5% of the premium and the city will pay eighty four and one half percent (84.5%).	

~~If the parties agree to change to School Care the employees will pay 14% of the cost of the coverage provided to him or her through payroll deduction. The 14% co-pay will be effective the first of the month of the change.~~

The employee's cost for health insurance will be ten (10%) percent of the premium for the AB 20 plan with a \$10/\$20/\$45 prescription plan and the City will pay ninety (90%) percent. Effective July 1, 2019, the employee's contribution will be fifteen (15%) percent of the premium for the AB 20 plan and the City will pay eighty-five (85%) percent. If the premium cost paid by the City exceeds any of the threshold levels for assessment of the Cadillac Tax, the City may elect to reopen the agreement for the sole purpose of negotiating a new health insurance plan that does not exceed any of the threshold levels for assessment of the Cadillac Tax. If the parties are not able to agree on a plan that does not exceed any of the threshold levels for assessment of the Cadillac tax, the parties will each select a plan that does not exceed any of the threshold levels for assessment of the Cadillac Tax and submit them to a mutually agreeable arbitrator who will select between the two plans offered by the parties."

Should the parties agree in writing to establish a cafeteria style plan dealing in insurance issues during the course of the ~~six(6)~~ three (3) year agreement - such plan would only become effective if ratified by the Union, approved by the City Manager and approved by the City Council.

~~No later than 60 days after the execution of the CBA, Union members will be able to select coverage under only the BlueChoice 10/20/45 plan (at an 80%/20% premium split) or the Matthew Thornton 10/20/45 plan (at and 84.5%/15.5% premium split). If, on June 30, 2016, the total premium cost for any of the plans offered by the City to Union members exceeds the current threshold level for assessment of the Affordable Care Act's ("the ACAs") Cadillac Tax (\$10,200 for single coverage and \$27,500 for 2-person/family coverage), the parties will consider alternative plans which may include SchoolCare's Consumer Driven Health Plan. If the parties are not able to agree on a plan that does not exceed the threshold levels for assessment of the ACA's Cadillac Tax, the Union and the City will each immediately select a plan that does not exceed the threshold levels for assessment of the ACA's Cadillac Tax and submit each plan to a mutually agreed upon arbitrator who will then select which plan the City will adopt."~~

The Union agrees to participate in a City-wide committee exploring health insurance options.

- 9.2 The City agrees to implement an IRS Section 125 Plan so employees may take advantage of the IRS code provision allowing payment of insurance premiums with pre-tax dollars.
- 9.3 The City will continue to offer the lens and frame discounts offered by EyeMed which from time to time may be unilaterally changed by EyeMed. It is understood that EyeMed may withdraw, modify or amend the program and the City will not be under an obligation to provide any additional program. The City will also continue to offer the generic maintenance prescription drug rider which has been issued by Blue Cross/Blue Shield and is currently in effect. The City will include explanations of these programs once a year with the employee's paychecks.

The City shall provide payroll deduction for a qualified supplemental vision care plan. One hundred percent (100%) of the cost of the supplemental vision care plan shall be the responsibility of the employee. The Union shall notify the employer as to the company selected and the processing information.

- 9.4 The parties agree that employees shall receive a waiver stipend in lieu of health insurance coverage in the amount equal to fifty percent (50.0%) of the City's lowest cost of a single person premium plan. The stipends shall be paid quarterly. No additional employees shall receive such stipends when both spouses work for the City. Further the City will not provide Health and/or Dental Coverage if an employee is already covered by the same or similar health and/or dental plan. If the

employee is found to have dual coverage, the employee must pay back to the City an amount equal to the premiums paid by the City during the time of dual coverage.

- 9.5 Dental Insurance: The City agrees to pay for single, two-person or family membership in the Delta Dental Plan as required. Dental Insurance shall be paid for part-time Library Employees working thirty (30) hours or more each week.

~~If AFSCME chooses to change to SchoolCare, the employees will be eligible for the Cigna Dental plan with an annual limit of \$1,500.~~

- 9.6 Short-term Disability: The City shall make available through payroll deduction Disability Income insurance for members of the bargaining unit.
- 9.7 Long Term Disability: Within sixty (60) days after this Agreement is approved the City shall obtain Disability Income Insurance for members of the Association equal to two-thirds (2/3) of the monthly base salary not to exceed ten thousand (\$10,000) dollars per month. Said insurance shall be effective after the 61st day of disability with benefits payable to normal retirement age and shall be coordinated with Social Security benefits. Only regular full-time employees working 25 hours or more a week shall be eligible for Disability Income Insurance.
- 9.8 Worker's Compensation Insurance: In case of accidental personal injury to any employee arising out of any accident in the course of his employment, the City shall pay to the employee the difference between the amount received from the insurance company or Worker's Compensation carrier and the employee's regular pay check. Said payments to be made by the City until the employee is able to return to work, but in no event shall such payments by the City exceed twenty-six (26) weeks.
- 9.9 Life Insurance: The City shall provide a group life insurance policy for eligible members of the Association in the amount of the current annual salary of the individual employee (rounded up to the nearest one thousand dollar), in accordance with the conditions set forth in the insurance policy. Only regular full-time employees working 25 hours or more a week shall be eligible for Life Insurance.
- 9.10 NHRS Death Benefit: The following is an explanation of death benefits employees will receive under the New Hampshire Retirement System. These benefits are governed by NHRS and may be subject to change by NHRS.

If you die while you are in service, and your death is not job-related, a death benefit will be payable to your designated beneficiary(ies). You must be in service when you die in order for the ordinary death benefit to be payable; otherwise, only a refund of your accumulated contributions will be payable to your designated beneficiary(ies).

If you are eligible for service retirement when you die and your spouse is your only designated beneficiary, your spouse will be eligible for a pension earned to the date of your death. This pension will continue until your spouse remarries or dies. Or, if your spouse prefers, he/she can receive a lump sum payment equal to your annual earnable compensation plus a refund of your accumulated contributions.

Accidental Death Benefit: If you die while you are in service and your death is the natural and proximate result of an on-the-job accident, an accidental death benefit will be payable. You must be in service when you die in order for the accidental death benefit to be payable; otherwise, only a refund of your accumulated contributions will be payable to your designated beneficiary(ies).

If you are married, your spouse will be entitled to an annual pension until he/she remarries or dies, equal to 50% of your AFC.

If you leave no surviving spouse, or if your surviving spouse remarries or dies, any of your dependent children under age 18 will be entitled to an annual pension equal to 50% of your AFC. If you leave no dependent children under age 18, your dependent mother or dependent father will be entitled to an annual pension for life equal to 50% of your AFC.

If you leave no surviving spouse, no dependent children, or no dependent parents who are eligible for the pension described above, a lump sum payment equal to your base salary, any of your accrued benefits not paid at the time of death, and your accumulated contributions will be payable to your designated beneficiary(ies).

Note: In addition to an accidental death pension a refund of your accumulated contributions is also payable to your designated beneficiary(ies).

Article 10 SICK LEAVE

- 10.1 All employees except part-time Library employees shall be entitled to thirteen (13) days sick leave per year or ninety seven and one half hours (97.5).
- 10.2 Permanent part-time library employees will be eligible for pro-rated sick leave accrual for all hours actually worked. This calculation shall occur no less frequently than quarterly. Part-time Library employees' sick leave shall be based upon the following schedule:

100% =	37.25 hours	=	97.5 hours per year	8.125/month)
80% =	30 hours	=	75 hours per year	6.25(/month)
67% =	25 hours	=	67.5 hours per year	5.625(/month)

53% = 20 hours = 52.5 hours per year 4.375(/month)

- 10.3 Accumulation of sick leave shall be unlimited.
- 10.4 Employees hired after January 1, 1990 shall have a maximum accumulation of 150 days or 1125 hours.
- 10.5 Upon death of an employee while in the employment of the City, the City shall pay to his/her estate an amount equal to one hundred percent (100%) of his accumulated sick leave.
- 10.6 Upon retirement from employment, or upon termination of his/her employment, voluntary or involuntary, the City shall pay to the employee an amount equal to seventy-five percent (75%) of his/her accumulated sick leave at the date of the termination of his/her employment.
- 10.7 Employees hired after July 1, 1996 shall earn and accumulate sick days as set forth in Section 10.1, 10.2, 10.3, and 10.4 but shall receive no payout for accumulated sick leave upon termination, retirement or death.

**Article 11
MEDICAL APPOINTMENTS**

- 11.1 The City shall allow each full-time permanent employee time off with pay for a doctor, dentist, hospital or other medical related appointments not lasting over two (2) hours per appointment. Employees may take time off in half hour increments but will not exceed a total of 6 hours per contract year. Permanent part-time Library employees shall make medical appointments on personal time.
- 11.2 Employees shall request such time off at least seventy -two (72) hours in advance, unless in cases of emergency.

**Article 12
MATERNITY/ADOPTION LEAVE**

- 12.1 Upon application of the employee and approval by the City Manager, a maternity leave of absence shall be granted to permanent full-time employees who have been employed at least one (1) year before said application. Leave for six (6) months is granted after two (2) years of permanent part -time Library employment.
- 12.2 It will be the responsibility of the employee to notify the City Manager one (1) month prior to her returning to work.
- 12.3 An employee shall use her accumulated sick leave benefits during the disability period as determined by her physician before being eligible for maternity benefits, except leave without pay may be granted before all such leave is expended based on approval by the City Manager. It is understood that employees on approved

unpaid leave must pay their own health and welfare and dental premiums.

- 12.4 An employee shall not forfeit seniority during this leave of absence.
- 12.5 Adoption: Any bargaining unit employee adopting an infant shall be granted a leave of absence not to exceed three (3) months without pay.
- 12.6 Such leave shall commence upon her receiving defacto custody of said infant, or up to two (2) months earlier if necessary to fulfill the requirements of adoption.
- 12.7 Said employee may keep benefits in force while on said leave by paying group rate premiums to the City.
- 12.8 Family Medical Leave Act Policy: The union and the employer agree that the Interim Policy as implemented by the City of Portsmouth regarding the Family Medical Leave Act shall be applicable to the employees covered by this agreement. It is further agreed that should management initiate a change to said policy that it will be negotiated with the union and subject to all appropriate approvals. Regular part-time Library employees who have worked at least 952 hours in the twelve (12) months prior to requesting FMLA Leave will also be eligible.

**Article 13
VACATIONS**

- 13.1 All permanent full-time employees shall be paid for actual time worked, all approved leaves and all approved holidays.
- 13.2 The City shall endeavor to keep the permanent full-time employees continuously at work insofar as practicable during the calendar year.
- 13.3 All full-time permanent employees shall receive a paid vacation as follows:
 - A. If he/she has worked one (1) full year, he/she shall be entitled to two (2) weeks vacation or seventy five (75) working hours with pay. This is to be computed to the nearest half -month period by multiplying the time worked by the factor of 6.25 which represents the vacation time earned per month. Once an employee has completed his or her probationary period, he or she may take earned annual leave during the first year of service.
 - B. The vacation schedule shall be as follows completing one (1) full year's service for the City of Portsmouth:

<u>Years of Service</u>	<u>Hours</u>	<u>Per Month</u>
One to five inclusive	75	6.25

six	82.5	6.875
seven	90	7.5
eight	97.5	8.125
nine	105	8.75
ten	112.5	9.375
eleven	120	10
twelve	120	10
thirteen	127.5	10.625
fourteen	127.5	10.625
fifteen	135	11.25
sixteen	135	11.25
seventeen	142.5	11.875
eighteen	142.5	11.875
nineteen	150	12.5
twenty	150	12.5

13.4 Employees on a five (5) day work week shall be allowed to accumulate no more than 375 hours as of December 31 for the purposes of carrying over the next year.

13.5 Permanent part-time library employees will be eligible for pro-rated vacation accrual for all hours actually worked. This calculation shall occur no less frequently than quarterly. All permanent part-time Library employees working 20 hours per week or more receive vacation as follows:

	30 hrs week	25 hrs week	20 hrs week
1-5 yrs	60 Hours	48.75 Hours	37.5 Hours
6 years	67.5 Hours	52.50 Hours	45 Hours
7 years	75 Hours	60 Hours	45 Hours
8 years	75 Hours	67.5 Hours	52.5 Hours
9 years	82.50	67.5 Hours	52.55 Hours
10 years	90 Hours	75 Hours	60 Hours
	30 hrs Week	25 hrs week	20 hrs week
11 years	97.5 Hours	82.50 Hours	60 Hours
12 years	105 Hours	82.50 Hours	60 Hours
13 years	105 Hours	82.50 Hours	67.50 Hours
14 years	105 Hours	82.50 Hours	67.50 Hours
15 years	105 Hours	90 Hours	71.25 hours
16 years	105 Hours	90 Hours	71.25 Hours
17 years	112.50 Hours	97.50 Hours	75 Hours
18 years	112.50 Hours	97.50 Hours	75 Hours
19 years	120 Hours	97.50 Hours	78.75 Hours
20 years	120 Hours	97.50 Hours	78.75 Hours

13.6 Accumulated days: The number of days allowed for permanent part-time Library employees to accumulate within one calendar year is as follows:

Hours per week	Accumulation of hours
-------------------	--------------------------

30	210
25	172.50
20	150

- 13.7 All leave time shall be applied for in advance, if possible, to the immediate Supervisor or Department Head.
- 13.8 All employees, upon termination whether voluntary or involuntary, shall be paid for one hundred percent (100%) for all earned, unused vacation leave at the present rate of pay.
- 13.9 A. Personal Days: Each full-time permanent employee shall be allotted fifteen personal hours each year to tend to matters which cannot be taken care of during the employee's regular time off. Part-time permanent Library Employees are not entitled to personal days. Upon death of an employee while in the employment of the City, the City shall pay to his/her estate an amount equal to one hundred percent (100%) of any unused personal days.
- B. The employee shall be required to give a twenty -four (24) hour verbal notice to his/her Supervisor prior to the requested leave. In the event of an emergency, making such notice impractical, such notice shall be waived. In such cases, the Department Head may require the employee to submit a written explanation of the circumstances for not providing the twenty-four (24) notice.

Article 14
LEAVE OF ABSENCE WITHOUT PAY

- 14.1 Written leaves of absence without pay may be granted by the City Manager in writing specifying the commencement and expiration date for the leave. Such leave may be for a period not to exceed twelve (12) months when medically necessary. Non-medical leaves may be for a period not to exceed six (6) months.
- 14.2 Upon expiration of the leave, the employee shall be reinstated to the position held before the leave was granted.
- 14.3 Failure of the employee to report promptly at the expiration of the leave shall be cause for disciplinary action up to and including discharge.

Article 15
BEREAVEMENT LEAVE

- 15.1 All employees shall be entitled to Bereavement leave up to three (3) days with pay for a death in the immediate family.
- 15.2 An additional two (2) days may be granted by the Department Head, at his discretion, for a death in the immediate family.
- 15.3 Immediate family shall be defined as follows: Spouse, Child, Adopted Child, Parent, Parent by adoption, Brother, Sister, Aunt, Uncle, Grandparent, Grandchild, Mother-in-law, Father-in-law,

Brother-in-law, Sister-in-law, Grandparent-in-law, Niece, and Nephew.

15.4 Extensions may be granted by application to the Department Head.

Article 16 HOLIDAYS

16.1 All permanent full-time employees shall be paid at their regular rate for the following named legal holidays:

New Year's Day
Dr. Martin Luther King, Jr. Day
Presidents Day
1/2 day Good Friday
Memorial Day
Independence Day
Labor Day
Columbus Day
Veteran's Day
Thanksgiving Day
Friday after Thanksgiving
Christmas Day
The preceding Monday if Christmas is on a Tuesday
The following Friday if Christmas is on a Thursday

In the event the city eliminates ½ day on Good Friday from the AFSCME Local 1386A contract in exchange for ½ day on Christmas Eve (December 24th only) and ½ day on New Year's Eve (December 31st only), 1386B will adopt the same schedule regarding these holidays.

16.2 Holiday pay shall be granted if an employee reports for work on the last regularly scheduled work day prior to the holiday and the first regularly scheduled work day after the holiday, except in the case of an approved annual day, personal day, compensatory day or a sick day supported by a doctor's note.

16.3 When a holiday falls on a Saturday, the preceding day shall be considered a holiday for City employees. If a holiday falls on a Sunday, the following Monday shall be considered a holiday. This language does not apply to Christmas Eve or New Year's Eve. Only December 24th and December 31st will be closed for the holiday.

16.4 Any holiday shall be considered part of the regular work week.

16.5 Permanent part-time Library employees are paid only for scheduled hours of work. On days when the building is normally scheduled to be opened, but is "closed" permanent, part-time employees receive pay only for their scheduled hours of work.

Article 17 UNION CONVENTION LEAVE

- 17.1 The City shall allow one (1) union member five (5) days leave of absence with pay, to attend the A.F.S.C.M.E. International Convention once every two years.
- 17.2 The City shall allow two (2) Union members one and one-half (1-1/2) days leave of absence with pay, to attend either the New Hampshire State Labor Council Convention or the A.F.S.C.M.E. Council #93 Convention each year.
- 17.3 Such leave must be requested at least one week in advance.

Article 18
MILITARY LEAVE OF ABSENCE

Any member who is ordered for active military service as a member of the Armed Forces of the United States of America, or who is engaged in activities in the Reserve Forces of the United States of America, or State National Guard, shall be granted a leave of absence to perform such military duties with the City paying the difference in salary between the employee's base pay and his/her military base pay for said duty and without loss of leave time. Such leave shall be considered Military Leave and shall not exceed fifteen (15) working days in a calendar year.

Article 19
SAFETY

- 19.1 The City and the Union shall cooperate fully in matters of safety, health and sanitation affecting the employees.
- 19.2 The City shall have the right to make regulations for the safety and health of its employees during their hours of employment. Representatives of the City and the Unions shall meet one every 30 days at the request of either party to discuss safety or such relations. The Union will appoint their representatives to the Safety and Health Committee.
- 19.3 Employees cooperation in detecting hazards and eliminating or controlling them is a condition of their employment. Employees shall inform their supervisors immediately of a situation beyond their authority to correct on an appropriate form to be supplied by the City.
- 19.4 The Union agrees that its members who are employees of the City shall comply with the City's rules and regulations relating to safety, economy, continuity and efficiency of the service to the City and the Public.

Article 20
GRIEVANCES

- 20.1 In recognition of the fact that the City and its employees, represented by the Union, have a mutual responsibility to the Public which requires that substantial disagreements arising

between the employees and the management be settled in an orderly way without undue delay, it is agreed that fundamental differences which may arise between the employee and the management of the nature mentioned in the following paragraphs shall be adjusted in accordance with the provisions herein set out.

- 20.2 Should any substantial difference arise between the City and the Union, or its members, as to the meaning and interpretation of this Agreement, including wages or changes in wage rates, procedure of a settlement shall be by private conference in the following manner and order:
- A. An employee who has a grievance shall discuss the grievance with his/her Union Steward or an officer of the Union.
 - B. If the employee is dissatisfied then the grievance shall be submitted to the Department Head within seven (7) working days of the meeting in (A) for further review and possible solution. This shall be known as Step 1.
 - C. The Department Head shall submit his/her written decision to the Union within seven (7) working days after receipt of the notice of grievance or of the hearing to discuss said grievance whichever is later.
 - D. If no agreement has been reached, then the Union may submit the grievance to the City Manager within ten (10) working days after the decision from the Department Head. The City Manager shall render his/her written decision within ten (10) working days after receipt of the grievance. This shall be known as Step 2.
 - E. Should the City Manager's decision 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. This shall be known as Step 3.
 - F. All demands for arbitration shall be submitted to the PELRB within thirty (30) work days of the Union's receipt of the City's Step 2 answer. Any grievance for which a demand for arbitration is not submitted to the PELRB within thirty (30) work days shall be deemed dropped. This section shall be effective on or after the date of signing.
 - G. Notwithstanding the foregoing or any other section of this contract, a grievance must be filed in writing with management within ten (10) working days of the event giving rise to the grievance or within ten (10) working days of when the employee knew or should have known of the occurrence of said event. If the grievance is not filed in

writing within the aforementioned time limit, it shall be untimely and therefore shall be denied.

H. The time limits set forth in Items B, C, D, and F may be extended by mutual agreement of the parties. It is understood that if the union wishes expedited treatment of a grievance it should so notify management so that hearings and decisions will be handled quickly.

20.3 Cost of said arbitrator shall be shared equally by the City and the Union. Any arbitrator ruling on a cause pursuant to this article shall have no authority to change, alter or amend in any way the provisions of this contract. RSA 542 shall be applicable to appeals of arbitrator's decisions.

20.4 Working Days: For the purposes of this article, working days shall be defined as Monday through Friday, not including holidays.

**Article 21
DISCIPLINARY PROCEDURES**

21.1 All disciplinary action shall be in a fair manner and shall be consistent with the infraction for which disciplinary action is being taken.

21.2 All suspensions and discharges must be stated in writing and the reasons stated and a copy given to the employee(s) and the Union at the time of suspension or discharge.

21.3 A. Disciplinary action will normally be taken in the following order:

- (1) Verbal warning;
- (2) Written warning;
- (3) Suspension without pay;
- (4) Discharge.

21.3 B. An employee may be suspended or discharged for the following reasons:

- (1) Misconduct during employment;
- (2) Incompetency or inefficiency;
- (3) Failure to perform assigned duties;
- (4) Disobedience of his superior;
- (5) Intoxication while on duty;
- (6) Conviction of a felony;
- (7) Failure to observe rules and regulations;
- (8) Unauthorized absence from duty;
- (9) Incompatibility with other employees.

21.4 No employee shall be penalized, disciplined, suspended or discharged without just cause.

- 21.5 The length of time between disciplinary actions shall be considered in determining the appropriate level of discipline or in considering an employee for a promotion.
- 21.6 A. In the event an employee receives a written or verbal discipline, the warning shall remain in the employee's personnel file. However, said discipline will not be considered after one (1) year provided no subsequent infraction of the same type as classified in Section 21.3 B. occurs. .
- B. In the event an employee is suspended, the suspension shall remain in the employee's personnel file. However, said discipline will not be considered after two (2) years provided no subsequent infraction of the same type as classified in Section 21.3 B. occurs.
- C. Disciplinary action, taken by the City, against an employee due to illegal or criminal offenses shall be exempt from the provision of A. and B. of this Section.
- 21.7 The City shall not engage in random drug testing unless required to do so under Federal or State Law or Regulation.

Article 22
JURY/WITNESS DUTY PAY

An employee called as a juror or witness for the City shall be paid the difference between the fee received for such service and the amount of straight time earnings lost by the employee by reason of such service. Satisfactory evidence must be submitted to the employee's immediate supervisor. Payment of meals and/or mileage shall not be considered as part of the fee for the purpose of this Agreement. This section applies to scheduled work hours of permanent part -time Library employees.

Article 23
EMPLOYEE INDEMNIFICATION

The City shall defend all employees against any claims made against them arising out of an act or omission by the employee while acting in good faith within the scope of his/her employment. The City shall indemnify all employees for any judgments entered against them arising out of an act or omission by the employee acting in good faith within the scope of his/her employment, to the extent that the claim is within the scope of coverage of any insurance policy maintained by the City.

Article 24
EDUCATIONAL EXPENSES

- 24.1 The following educational reimbursement policy will apply to members of the bargaining unit covered by this policy.
- 24.2 The City agrees to provide reimbursement to employees who complete approved courses relating to their current

responsibilities or as part of an approved career development program based upon the following standards: payment up to one hundred percent (100.0%) of the cost of such courses, but not to exceed Fifteen hundred dollars (\$1500.00) per employee in a calendar year and not to exceed the total budgeted amount.

- 24.3 Courses must be approved in advance by the Department Head concerned as meeting the requirement that the course is related to the employee's job or is part of a career development program. Approval must be obtained through the Personnel Department for payment of the course. A procedure will be established to effectuate payment.
- 24.4 Once a course has been approved as meeting the requirements, up to one hundred percent (100.0%) will be paid to the employee upon presentation of a certificate of satisfactory completion of the course.
- 24.5 Approval for courses will be considered on the basis of relevancy of the course, number of employees applying and funds available.
- 24.6 If a course is paid for in whole or in part through Federal or State Program(s), then the City will not reimburse for such course, it being the intent of this Section to eliminate double payment for any course.
- 24.7 A. The City shall pay for required certification of minimum education required by the Federal, State, Local or City governments.
 - B. Education expenses shall include, but not be limited to the following: tuition, registration, books, supplies, course material, travel and meals.
 - C. If the employee has to attend any school or course during the regular work day, the employee shall be compensated at his regular rate of pay for all time related to the education including but not limited to: travel and actual classroom time, up to eight (8) hours in any one day.

**Article 25
BULLETIN BOARDS**

The City shall provide a space for a Union bulletin board in each building where space is available, that a Union member is employed. Only notices that are approved by the Union Executive Board or President shall be posted on said bulletin board.

**Article 26
EQUIPMENT**

The Union and its members agree to exercise proper care and to be responsible for all City property issued or entrusted to them.

**Article 27
CALL OUTS**

- 27.1 Employees within the bargaining unit called in for emergency work shall be paid a minimum of four (4) hours at the time and one - half rate.
- 27.2 Any employee recalled during his original call-out minimum shall not be entitled to additional compensation.

**Article 28
MILEAGE**

- 28.1 Employees required or requested to use their personal vehicles in the course of their duty for City business shall be reimbursed at the current applicable IRS allowable rate.

**Article 29A
COMP-TIME IN LIEU OF OVERTIME**

The parties agree that in lieu of overtime, a department head (totally within his or her discretion) may grant comp-time if the employee agrees to accept it, subject to City Manager approval. Comp-time, if granted, must be granted in accordance with FLSA requirements.

**Article 29
HOURS OF WORK AND OVERTIME**

- 29.1 Current work schedules shall remain unchanged until Management provides any affected employee/positions and the union with a minimum of twelve (12) work days' notice of the intent to change including the rationale for the change and afford the Union the opportunity to impact bargain and present alternatives. The current work schedules as of the signing of this agreement shall be listed in Appendix B and considered as part of this agreement.
- 29.2 Schedule changes: Daily and weekly scheduled work hours may be changed by mutual consent between the employees and the department head. The parties understand employees are needed to work the hours when services to the citizens and community can most efficiently be performed.
- 29.3 Lunch: Lunch time will be considered non-work time except where specifically stated otherwise.
- 29.4 Pay Period: The normal pay period shall begin Sunday at 12:01 a.m. and end Saturday at midnight.
- 29.5 Overtime: Overtime assignments shall be made on a rotating basis by classification seniority within the division in which the overtime occurs. Overtime shall be offered to employees within a division prior to out of division employees within the same classification. If there are not enough employees available for overtime work, the supervisor needing to fill such assignment shall, at his/her discretion, determine to go outside the division within the same classification to seek employees within

the same division but of another classification to fill such overtime work requirements. Any employee performing such overtime assignments shall be placed at the bottom of the rotation list and not called again until proper rotation has been followed. Any employee refusing overtime shall be placed at the bottom of the rotation list. The purpose of this section is to divide overtime as equitable as possible. Overtime work required to complete a job in progress shall be handled as per current practice. If in the judgment of the foreman a true emergency situation exists, the above procedure may be waived.

- 29.6 Daily Overtime Waivers: It is understood where mutually agreed between the employee and the department head, daily overtime requirements may be waived, however the time off must be given off within the same week.
- 29.7 Holidays: All holidays for which an employee receives pay shall be considered part of his/her basic work week, as specified in the sections on hours of work, for overtime purposes and employees shall be paid for all time worked over this basic work week as specified in the sections on hours of work. [Settlement Agreement dated September 24, 1994 continues in effect].
- 29.8 Employees will be eligible for overtime after they have worked 40 hours in any given week. Holidays, bereavement, military leave and 6 hours for medical appointments will be considered hours worked for the purpose of calculating overtime. Vacation, sick leave, personal leave, will not count as hours worked for overtime calculation purposes.

The only exceptions to the above are as follows:

- Employees who use comp time or annual time during the next scheduled day of work following a night event (working beyond midnight) will be used in the overtime calculation. Any available comp time must be used prior to the use of annual time.

PUBLIC WORKS

- 29.1A. Public Works Office Personnel: Hours of work shall be thirty-seven and one-half (37 1/2) per week.
- 29.1B All work performed over forty (40) hours in any one (1) week shall be at the rate of time and one-half (1 1/2).

CITY HALL

- 29.2 City Hall:
- A. The work week for City hall employees shall be thirty-seven and one-half (37 1/2) hours per week.

- B. All work performed over forty (40) hours in any one (1) week shall be at the rate of time and one-half (1 1/2).

LIBRARY

29.3 Library:

- A. The Library full-time permanent employees shall work thirty-seven and one-half (37 1/2) hours in one (1) week.
- B. All work performed over forty (40) hours in any one (1) week shall be the rate of time and one-half (1 1/2).
- C. Full-time Library employees whose regular day off falls on a designated holiday shall have said holiday added to their annual leave.

29.4 Office Closures:

In the event the city obtains the following language from the SMA and PMA contracts, AFSCME Local 1386B will adopt the following language:

In the event the City offices are closed the following procedure shall be used.

- A. In the first instance of an office closure due to inclement weather in a fiscal year (July 1, through June 30th) Employees shall use an accrued benefit (Sick or Vacation) of his/her choosing to cover the hours they would have worked the day of the closure.
- B. In all other instances of office closure in the same fiscal year the City shall compensate the employees for all hours they would have worked the day of the closure without the use of accrued benefits, unless the employee was on an approved day of leave (sick, annual or personal,) then they will be charged the appropriate leave.

**Article 30
LIBRARY PARKING**

The City will provide up to twelve (12) parking spaces for Library employees during their respective working hours.

The parties shall establish a joint labor management committee composed of two library employees from the bargaining unit and two representatives for the City to discuss parking options for library employees.

**Article 32
SUBCONTRACTING**

32.1 The City and the Union agree that in any subcontracting proposal where the City anticipates eliminating the jobs for any members of the Union, the City shall give notice to the Union in anticipation of such action.

32.2 Any bargaining unit employee, whose job is eliminated because of subcontracting, shall be given due consideration for transfer to any vacancies which exist.

**Article 33
AMENDMENT**

33.1 The signing of this Agreement by the authorized representatives of the Union and the City shall constitute the effective date of this Agreement. No cost item will be retroactive unless specifically described as such and approved as a retroactive cost by the City Council.

33.2 This Agreement will remain in effect until June 30, 2017.

33.3 Should neither party to this Agreement initiate negotiations as required by State Law, this Agreement shall be considered to have been automatically renewed for another year.

33.4 In no case shall a termination notice be sent less than thirty (30) days prior to the notice day for intent to bargain as set forth by State Law. Such notice shall be in writing.

33.5 To promote peace and harmony, meetings between the Union and the City shall be conducted in accordance with New Hampshire RSA 273-A.

**Article 34
LIMITATIONS**

Nothing in this Agreement, either by inclusion or exclusion, shall be so interpreted as to limit any benefit now enjoyed by City employees.

**Article 35
CONFLICT**

In the event of a conflict between the provisions of this Agreement and existing policies and procedures of the City of Portsmouth regarding wages, hours of work, and working conditions, it is agreed that this Agreement shall govern the relationship between the parties.

**Article 36
COPIES**

All employees, including new employees upon successful completion of their probation, shall be provided with a copy of this Agreement and all appendices at the expense of the City of Portsmouth. The Union Steward shall comply with the provision not later than thirty (30) calendar days after the signing of this Agreement for the contract year.

**Article 37
BARGAINING AGREEMENT**

The Union and the City agree that the issue of the effective date of the contract including the issue of retroactivity is a negotiable

subject of bargaining. The City and the Union recognize that the timely negotiation of future collective bargaining agreements is an important matter of great concern to the City in order for it to complete its budgeting process within the legal time limits. Toward this end, the City and the Union agree that every effort will be made to negotiate all future agreements prior to the expiration date of such agreements including this Agreement. The retroactivity of future agreements shall be specifically bargaining and shall not be automatic.

Article 38

The City will provide #1386 with copies of the job descriptions for their members, as well as job descriptions as they are revised.

**Article 39
POLICIES**

The City will provide copies of all personnel policies and updates to the Union President and Unit Vice President on a regular, periodic basis.

SIGNATURES

Executed this _____ day of _____, 201~~5~~7.

City of Portsmouth
New Hampshire

American Federation of State,
County, Municipal Employees,
Local #1386

City Manager

President

City Negotiator

Vice President

INDEX

AMENDMENT.....25

BARGAINING AGREEMENT.....26

BULLETIN BOARDS.....22

CALL OUTS.....23

COMP-TIME IN LIEU OF OVERTIME.....23

CONFLICT.....26

COPIES.....26

DISCIPLINARY PROCEDURES.....20

EDUCATIONAL EXPENSES.....22

EMPLOYEE INDEMNIFICATION.....21

EMPLOYMENT AND TERMINATION.....4

 Absenteeism Without Notification.....5

 Anti-discrimination.....5

 Bidding Restriction.....5

 Competitive Examination.....5

 Posting Jobs and Vacancies.....5

 Trial Period.....5

 Union Dues.....4

 Working Days.....5

EQUIPMENT.....23

GRIEVANCES.....19

HOLIDAYS.....	17
HOURS OF WORK AND OVERTIME.....	23
City Hall Employees.....	25
Library Employees.....	25
Public Works.....	24
INSURANCE	
Dental Insurance.....	11
Life Insurance.....	11
Long Term Disability.....	11
Medical Insurance.....	9
NHRS Death Benefit.....	12
Short-term Disability	11
Workman's Compensation Insurance.....	11
JURY/WITNESS DUTY PAY.....	21
LEAVES	
Bereavement Leave.....	17
Leave Of Absence Without Pay.....	16
Maternity/Adoption Leave.....	14
Medical Appointments.....	13
Military Leave Of Absence.....	18
Personal Days.....	16
Sick Leave.....	13
Union Convention Leave.....	18
Vacations.....	14
LIBRARY PARKING.....	25
LIMITATIONS.....	26
LONGEVITY.....	9

MANAGEMENT RIGHTS.....3

MILEAGE.....23

NON-GENDER CLAUSE.....2

POLICIES27

PROBATIONARY PERIOD AND CLASSIFICATION

 Classification.....4

 Permanent Part-time Library Employees.....4

 Permanent.....4

 Probationary Period.....4

RECOGNITION.....2

SAFETY.....18

SENIORITY.....5

 Definition.....5

 Forfeiture.....6

 Layoffs.....6

 Re-Employment List.....6

 Reduction in Classification.....6

SIGNATURES.....27

SUBCONTRACTING.....25

WAGES.....7

 COLA Adjustment.....7

WORKING AGREEMENT.....2

Return to:

SEWER EASEMENT

KNOW ALL MEN BY THESE PRESENTS that **Eport Properties 1 L.L.C.**, a New Hampshire limited liability company, having a mailing address of 30 Walnut Hill Road, Amherst, New Hampshire 03031 (hereinafter referred to as "Grantor"), for consideration paid, GRANTS to **The City of Portsmouth**, Rockingham County, New Hampshire, with a mailing address of 1 Junkins Avenue, Portsmouth, County of Rockingham, State of New Hampshire 03801 (hereinafter referred to as "Grantee"), its successors and assigns, an easement (hereinafter referred to as "Easement") for the purposes of operating, inspecting, maintaining, repairing, reconstructing, replacing, substituting, and removing sewer pipelines and related improvements ("Sewer Lines"), for the transportation of sewage at a location as described herein, on, in, over, and through the land of the Grantor (hereinafter referred to as "Premises") located on Market Street, Portsmouth, County of Rockingham, State of New Hampshire, said land being the same premises conveyed to the Grantor by deed of Steven Cohen and John R. Riley, Co-Trustees of the Margaret S. Carter Revocable Trust executed as of November 1, 2011 and recorded in the Rockingham County Registry of Deeds in Book 5258, Page 415.

The location of said Easement is as follows:

A certain tract or parcel of land located on the northeasterly side of Market Street, in the City of Portsmouth, Rockingham County, New Hampshire, shown as "Proposed Sewer Maintenance Easement to City of Portsmouth" on a plan titled "Preliminary Easement Plan, delineating Sewer Easement thru land known as Tax Map 118 Lot 3 & 4, owned by Eport Properties 1 L.L.C. & delineating Drain Easement & Building Maintenance Easement thru land know as Tax Map 118 Lot 5, owned by The N.H. and National Society of Colonial Dames along Ceres Street & Market Street in City of Portsmouth, New Hampshire, Rockingham County" dated February 11, 2016, prepared by Knight Hill Land Surveying Services, Inc. and recorded in the Rockingham County Registry of Deeds as Plan D-39475 (hereinafter referred to as the "Easement Plan") being further bounded and described as follows:

Beginning at the southerly most point of the Easement described herein as shown on said Easement Plan and running along Market Street, so-called, N 46° 28' 49" W a distance of 4.10 feet to a point; thence running N 44° 15' 13" W a distance of 0.95 feet to a point; thence turning and running N 35° 46' 25" E a distance of 71.94 feet to a point; thence turning and running N 50° 27' 38" W a distance of 2.51 feet to a point; thence turning and running N 35° 46' 25" E a distance of 19.27 feet to a point; thence turning and running S 54° 13' 35" E a distance of 10.00 feet to a point; thence turning and running S 35° 46' 25" W a distance of 8.73 feet to a point;

021422

2016 MAY 27 AM 9:31

ROCKINGHAM COUNTY
REGISTRY OF DEEDS

thence continuing on the same course for a distance of 13.68 feet to a point; thence turning and running N 54° 13' 28" W a distance of 2.50 feet to a point; thence turning and running S 35° 46' 25" W a distance of 69.69 feet to the point of beginning.

Said Easement containing 563 square feet, more or less.

TOGETHER with the right of access over such portions of the Premises as are reasonably necessary for the maintenance, repair and replacement of the Sewer Lines. Grantor and Grantee acknowledge that Grantor shall be solely responsible for the initial construction and installation of the Sewer Line in accordance with specifications to be approved in writing by the Public Works Director of Grantee prior to construction, within the Easement and shall bear all costs associated thereto.

RESERVING the right of Grantor to construct, maintain, expand, repair and replace a multi-story structure over all or any portion of the Easement area. Grantor on behalf of itself, its successors and assigns, hereby releases, holds harmless and agrees to indemnify Grantee from any and all loss, harm or damage to Grantor arising as a result of the existence or use of the easement and any damage to the Sewer Line arising from acts or omissions of the Grantor.

Grantor reserves the right to use and enjoy the premises to the fullest possible extent without unreasonable interference from the exercise by Grantee of the rights granted herein.

WITNESS my hand this 20th day of May, 2016.

Eport Properties 1 L.L.C.

[Signature]
Witness

By: [Signature]
Christopher Erikson,
Its duly authorized Member

STATE OF NEW HAMPSHIRE
ROCKINGHAM, ss.

May 20, 2016

Then personally appeared Christopher Erikson, duly authorized Member of Eport Properties 1 L.L.C., and acknowledged the foregoing instrument to be his free act and deed in said capacity.

Before me,

[Signature]
Notary Public/Justice of the Peace
My Commission Expires: _____



Return To:
Legal Department
City Hall
1 Junkins Ave.
Portsmouth, NH 03801

EMERGENCY ACCESS ROAD EASEMENT DEED

KNOW ALL MEN BY THESE PRESENTS THAT, **PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE D/B/A EVERSOURCE ENERGY**, a New Hampshire corporation, with a principal place of business at 780 North Commercial Street, Manchester, Hillsborough County, NH 03101 (hereinafter "Grantor"), for consideration paid, hereby grants to **THE CITY OF PORTSMOUTH**, a municipal corporation organized under the laws of the State of New Hampshire, with a place of business at 1 Junkins Avenue, Portsmouth, Rockingham County, NH 03801 (hereinafter "Grantee" or "City"), its successors and assigns forever, with statutory Quitclaim covenants, this EMERGENCY ACCESS ROAD EASEMENT (hereinafter the "Access Road Easement") on, over and across the Grantor's property being (1) that part or portion of City of Portsmouth Tax Map and Lot 213/11 situated and bordered on the west by Portsmouth Boulevard and on the east by other land now or formerly of the Boston and Maine Railroad, and (2) that part or portion of City of Portsmouth Tax Map and Lot 214/1 situated and bordered on the west by other land now or formerly of the Boston and Maine Railroad and on the east by the Piscataqua River, in the City of Portsmouth, in the County of Rockingham and State of New Hampshire, in the location of the 50 foot wide emergency access road easements on said parcels shown on a certain easement plan entitled "Proposed Emergency Access Road Easement Plan Prepared For: Public Service Company of New Hampshire d/b/a Eversource Energy, Schiller Station, Tax Map 214 Lot 1 and Tax Map 213 Lot 11, Porpoise Way & Portsmouth Blvd., Portsmouth, N.H.", dated November 10, 2016, revised through April 25, 2017, made by Meridian Land Services, Inc. (the "Plan"), recorded herewith in the Rockingham County Registry of Deeds, and being more particularly bounded and described according to the Plan as follows:

See Exhibit A attached hereto and made a part hereof.

Grantor is the owner of the underlying fee in the property so described.

The Access Road Easement herein conveyed grants to the Grantee a permanent, non-exclusive, fifty (50) foot wide right of way and easement to travel, pass and repass on, over and across certain land of the Grantor hereinabove described situated in the City of Portsmouth, in the County of Rockingham and State of New Hampshire, for temporary use in an emergency, for

police, fire, public safety, homeland security or other governmental emergency access to, and emergency egress from, the so-called Atlantic Heights Neighborhood (via Porpoise Way) and Portsmouth Boulevard, and for the temporary passage of persons, personnel, vehicles and equipment in connection therewith, including the emergency evacuation of Atlantic Heights Neighborhood residents and property owners if determined by Grantee to be necessary or prudent under the emergency circumstances then existing. For purposes of this Access Road Easement, an emergency shall not be considered to exist unless the normal and usual access to and egress from the Atlantic Heights Neighborhood by travel over the local area public roadways is prevented or must be prevented due to hazardous or dangerous conditions or for reasons of safety or security. Except for temporary emergency evacuation use as described above, no public use of or access to the Access Road Easement is permitted under this grant at any time.

Grantee shall have the right to grade, install, construct and maintain within the Access Road Easement a suitable paved access roadway, not to exceed fourteen (14) feet in width, with associated grading, slopes and drainage improvements along and within the areas of the "Proposed Slope & Drainage Easement (Typical)" as shown on the Plan, together with one or more gates as Grantee may desire or require, subject to the Grantor's prior review and approval of emergency access road design and construction plans provided by Grantee, at Grantee's sole cost and expense, prior to the commencement of any grading, installation or construction with the Access Road Easement, which approval shall not be unreasonably withheld or delayed. Said approval shall be deemed waived unless provided within 60 days of submittal by the Grantee to the Grantor of all applicable road design and construction plans for review and approval.

Meaning and intending to describe and convey permanent easement rights in a portion of the premises conveyed to the Grantor by the following deeds recorded in the Rockingham County Registry of Deeds: Properties, Inc. to the Grantor dated December 24, 1947, Book 1085, Page 193 and, Brora, LLC to the Grantor dated May 2, 2012, Book 5314, Page 2723.

The Access Road Easement herein conveyed also grants to the Grantee the temporary right and easement for the Grantee's temporary use and benefit for construction grading in connection with the installation and construction of Grantee's paved access roadway, in the locations directly adjacent to the permanent 50 foot wide right of way and easement granted herein, as said temporary easement locations are shown and located on the Plan, said temporary easement to expire and automatically be deemed terminated upon the completion of the construction and installation of said paved access roadway by the Grantee, or on December 31, 2028, whichever shall first occur.

Grantor also hereby grants, transfers and assigns to the Grantee, to the extent it has, owns or is entitled to any such rights, and only to the extent any such rights are legally transferable or assignable to the Grantee, whatever rights Grantor may own or be entitled to use or benefit from to cross and re-cross or travel over in any manner the abutting railroad bed, tracks and property now or formerly of the Boston and Maine Railroad, in the location of the contiguous Access Road Easement conveyed herein as shown on the Plan.

By the acceptance and recording of this Access Road Easement deed, the Grantee, for itself and its successors and assigns, hereby covenants and agrees to and with the Grantor, and its

successors and assigns, as follows:

- A. The Grantor shall bear no responsibility or cost for designing, permitting, constructing, installing or maintaining the access road, and all improvements, provided for by means of this Access Road Easement. Grantee shall be solely responsible, at Grantee's sole cost and expense, for the design, construction, maintenance, repair, replacement and removal of the road and all improvements constructed and installed by Grantee within the Access Road Easement, including but not limited to snow plowing, snow and ice removal, brush removal and culvert maintenance.
- B. Grantee shall be solely responsible to make application for and to secure and keep in full force and effect any and all governmental and other permits and approvals necessary or required for the installation, construction, maintenance, repair, replacement and removal of the road and all improvements within the Access Road Easement, including but not limited to wetlands, alteration of terrain and shoreland protection, at Grantee's sole cost and expense. Grantor shall, at no cost or expense to Grantor, cooperate with the Grantee in signing any applications and executing any documents necessary to implement this provision.
- C. At all times when the Access Road is not actually being used for emergency purposes, the City shall maintain three closed and locked gates one each at Porpoise Way, Portsmouth Boulevard and one at the intersection of the current access road with the proposed Emergency Access Road. All gates to be within the Emergency Access Road Easement. Grantor shall be provided with a means to open the gates when locked. No vehicles or equipment of any kind may be parked or stored on or within any part or portion of the Access Road Easement at any time, except temporarily in connection with any active use of the Access Road Easement then being made by Grantee as permitted hereunder.
- D. The access road is to be used only during times of emergency as determined by the City. Whenever such emergency is determined, the Grantor or its successors and assigns shall be provided with notification of that determination.
- E. Grantor shall retain the right to regulate use of the Access Road Easement area for every other purpose except as authorized by this deed.
- F. Grantee acknowledges that Grantor makes no warranties, guarantees or representations of any kind, express or implied, regarding any crossing rights of any kind it may have or might claim to have, if any, over and across the abutting railroad bed, tracks and property now or formerly of the Boston and Maine Railroad, and Grantee solely and entirely assumes all risk and responsibility, including all costs and expenses, regarding any crossing or crossing rights it may need or require or seek to obtain with respect to such railroad bed, tracks and property for its emergency access road.

G. Grantee hereby agrees to defend, release, indemnify, protect and hold harmless Grantor, its officers, directors, employees and representatives, and Grantor's affiliates, successors and assigns, from and against any and all loss, cost, damage, or expense (inclusive of reasonable attorney fees and court costs) caused by or arising in any way out of Grantee's activities within or use of the Access Road Easement including, without limitation, all liability, demands, claims, actions or lawsuits of any nature for loss or damage to: (i) property of any description or natural resources, or (ii) personal injury or death of any person including, without limitation, any employee or representative of Grantee or any of Grantee's authorized agents, contractors or subcontractors to the extent that Grantee has insurance coverage of such rights; provided, however, that Grantee agrees it will at all times use its best efforts to secure and maintain such insurance coverage in place to insure its obligations and responsibilities under this provision.

The within Access Road Easement is conveyed SUBJECT TO the following: (1) a 20 foot wide Public Service Company of New Hampshire and New England Telephone and Telegraph easement, as shown on the Plan, and to be widened to a total width of 40 feet in the same location by reservation of an easement for like purposes from the Grantor's deed of conveyance of the land where said easement is located in connection with the generation divestiture auction of Grantor's Schiller Station generating plant per regulatory order and requirements in 2017; (2) a 40 foot wide transmission line easement to New Hampshire Gas & Electric Co, as shown on the Plan, and to be widened to a total width of 50 feet in the same location by reservation of an easement for like purposes from the Grantor's deed of conveyance of the land where said easement is located in connection with the generation divestiture auction of Grantor's Schiller Station generating plant per regulatory order and requirements in 2017; (3) a covenant for the benefit of Brora, LLC, prohibiting any curb cuts along the roadway now or formerly known as Shearwater Drive for commercial purposes, as set forth in the above-referenced Brora, LLC deed at Book 5314, Page 2723, to the extent applicable to this grant of Access Road Easement, if at all, and (4) any other matters shown on the Plan.

The within easement is conveyed without any release or consent by, or report to, the Trustee under the Grantor's First Mortgage Indenture, dated as of August 15, 1978, to U.S. Bank National Association, successor to Wachovia Bank, National Association, and to First Union National Bank, formerly known as First Fidelity Bank, National Association, New Jersey, successor to Bank of New England, National Association (formerly known as New England Merchants National Bank) and to New Bank of New England, National Association, as amended and restated in the Eighteenth Supplemental Indenture, dated as of May 1, 2011, recorded at the Rockingham County Registry of Deeds in Book 5217, Page 1379, pursuant to and in accordance with Article 16, Section 1602(c) of the said First Mortgage Indenture as set forth in Schedule C to said Eighteenth Supplemental Indenture, which provision allows Grantor to grant, free from the lien of said First Mortgage Indenture, easements in, upon, over and/or across the property of the Grantor for the purpose of, among other things, roads and other like purposes, provided, however, that such grant shall not materially impair the use of the property for the purposes for which such property is held by the Grantor; and, in the opinion of the undersigned officer or authorized delegate of the Grantor, the granting of the within described easement to the Grantee for a 50 foot wide emergency access road easement shall not materially impair the use of the Grantor's property for the purposes for which such property is held by the Grantor.

The parties acknowledge and agree that this Access Road Easement shall be recorded by Grantee upon execution and delivery by Grantor. The parties further agree that a certain License Agreement between the parties dated and effective as of April 19, 2007, pertaining to use of a portion of the Grantor's premises for a private road or driveway running between Gosling Road and Porpoise Way for Grantee's emergency access to and egress from the Atlantic Heights Subdivision, shall, unless earlier terminated in accordance with the provisions of said License Agreement, remain in effect until either the completion of the construction and installation of Grantee's paved access roadway within the Access Road Easement, or December 31, 2028, whichever first occurs, and upon such occurrence the parties hereby agree that said License Agreement shall be deemed fully terminated and neither party shall have any further rights or obligations thereunder.

This is a non-contractual transfer and a conveyance to a city pursuant to NHRSA 78-B:2, and is therefore exempt from the payment of the New Hampshire Real Estate Transfer Tax.

WITNESS its hand this 26th day of May, 2017.

**Public Service Company of New Hampshire
d/b/a Eversource Energy**


Witness: Meredith Bramhall

By: 

Print Name: Shawn Southworth
Title: Supervisor – Survey Engineering

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

Personally appeared Jennifer O. Ducharme the undersigned, personally appeared Shawn Southworth, who acknowledged himself/herself to be the Supervisor – Survey Engineering, of Public Service Company of New Hampshire d/b/a Eversource Energy, a corporation, and that he, as being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself on behalf of the Company.

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





Notary Public: Jennifer O. Ducharme
My commission expires: 5/23/2019

Exhibit A

**Easement from Public Service Company of New Hampshire to the
City of Portsmouth**

Easement #1 herein described and more clearly designated and defined as “EMERGENCY ACCESS ROAD EASEMENT 1” shown on a certain map entitled “PROPOSED EMERGENCY ACCESS ROAD EASEMENT PLAN PREPARED FOR: PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE d/b/a EVERSOURCE ENERGY, SHILLER STATION, TAX MAP 214 LOT 1 AND TAX MAP 213 LOT 11 PORPOISE WAY & PORTSMOUTH BLVD., PORTSMOUTH, NH, SCALE: 1” = 60’, DATED: 11/10/2016, REV. 4/25/2017, MERIDIAN LAND SERVICES, INC.”, being more particularly described as follows:

Beginning at a point, said point being along the northeasterly line of parcel 213/11 and along the westerly line of land now or formerly B&M Railroad, being N43°48’56”W a distance of sixty and thirty one hundreds (60.31’) from the southeast corner of parcel 213/11 . Said point of beginning being more particularly described on the map herein described as “P.O.B. #1”

Thence across the parcel 213/11 the following two courses;

Along a non-tangent curve to the right having a radius of 330.00’, a distance of one hundred twenty three and twenty three hundredths feet (123.23’) through a central angle of 21°23’43”, a chord distance of one hundred twenty two and fifty one hundredths feet (122.51’), chord bearing of S66°52’31”W to a point, thence;

Along a curve to the left having a radius of 25.00’, a distance of fifty four and forty nine hundredths feet (54.49’) through a central angle of 124°53’11”, a chord distance of forty four and thirty three hundredths feet (44.33’), chord bearing of S15°07’48”W to a point on Portsmouth Boulevard, thence,

Along the street line of Portsmouth Boulevard the following course on a non-tangent curve to the left having a radius of 484.28’, a distance of two hundred forty four and sixty three hundredths feet (244.63’) through a central angle of 28°56’35”, a chord distance of one hundred twenty two and fifty one hundredths feet (122.51’), chord bearing of N61°47’05”W to a point, thence,

Across the parcel 213/11 the following two courses;

S76°15’23”E A distance of eighty nine and eighty nine hundredths feet (89.89’) to a point, thence;

Along a tangent curve to the left having a radius of 280.00', a distance of two hundred twenty three and sixty one hundredths feet (223.61') through a central angle of 45°45'27", a chord distance of two hundred seventeen and seventy two hundredths feet (217.72'), chord bearing of N80°51'54"W to a point on the westerly property line of land N/F B&M Railroad, thence,

Along the westerly property line of the B&M Railroad the following course;

S43°48'56"E A distance of fifty and ninety one hundredths feet (50.91') to a point, said point being the point of beginning.

The Emergency Access Road Easement 1 herein described together contains 10,985 Square Feet, more or less.

Easement #2 herein described and more clearly designated and defined as "EMERGENCY ACCESS ROAD EASEMENT 2" shown on a certain map entitled "PROPOSED EMERGENCY ACCESS ROAD EASEMENT PLAN PREPARED FOR: PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE d/b/a EVERSOURCE ENERGY, SHILLER STATION, TAX MAP 214 LOT 1 AND TAX MAP 213 LOT 11 PORPOISE WAY & PORTSMOUTH BLVD., PORTSMOUTH, NH, SCALE: 1" = 60', DATED: 11/10/2016, REV. 4/25/2017, MERIDIAN LAND SERVICES, INC.", being more particularly described as follows:

Beginning at a point, said point being along the westerly line of parcel 214/1 and along easterly line of land now or formerly B&M Railroad, being S43°48'56"E a distance of two hundred sixty five and sixty eight hundredths feet (265.68') from the easterly corner of parcel 214/1. Said point of beginning being more particularly described on the map herein described as "P.O.B. #2"

Thence across the parcel 214/1 the following seven courses;

Along a non-tangent curve to the left having a radius of 280.00', a distance of fifty eight and fifty eight hundredths feet (58.58') through a central angle of 11°59'12", a chord distance of fifty eight and forty seven hundredths feet (58.47'), chord bearing of N34°55'05"E to a point, thence;

N28°55'29"E A distance of three hundred twenty five and forty three hundredths feet (325.43') to a point, thence;

Along a tangent curve to the right having a radius of 375.00', a distance of three hundred twenty one and seventeen hundredths feet (321.17') through a central angle of 49°04'17", a chord distance of three hundred eleven and forty five hundredths feet (311.45'), chord bearing of N53°27'38"W to a point, thence;

N77°59'46"E A distance of two hundred fifty four and forty eight hundredths feet (254.48') to a point, thence;

Along a tangent curve to the right having a radius of 525.00', a distance of seventy eight and seventy seven hundredths feet (78.77') through a central angle of 08°35'48", a chord distance of seventy eight and seventy hundredths feet (78.70'), chord bearing of N82°17'40"E to a point, thence;

N86°35'34"E A distance of one hundred fifty and twenty seven hundredths feet (150.27') to a point, thence;

Along a tangent curve to the right having a radius of 175.00', a distance of ninety and fifty nine hundredths feet (90.59') through a central angle of 29°39'30", a chord distance of eighty nine and fifty eight hundredths feet (89.58'), chord bearing of S78°34'41"W to a point, said point being along the northerly property line of parcel 212/153, thence,

Along the property line of parcel 212/153 the following course;

S28°18'15"W A distance of six and seventy nine hundredths feet (6.79') to a point,

Thence along the street line of Porpoise Way and parcel 212/133, in part by each, the following course;

S38°27'02"W A distance of forty four and fifty nine hundredths feet (44.59') to a point,

Thence across the parcel 214/1 the following seven courses;

Along a non-tangent curve to the left having a radius of 125.00', a distance of fifty five and three hundredths feet (55.03') through a central angle of 25°13'23", a chord distance of fifty four and fifty eight hundredths feet (54.58'), chord bearing of N80°47'44"W to a point, thence;

S86°35'34"W A distance of one hundred fifty and twenty seven hundredths feet (150.27') to a point, thence;

Along a tangent curve to the left having a radius of 475.00', a distance of seventy one and twenty seven hundredths feet (71.27') through a central angle of 08°35'48", a chord distance of seventy one and twenty hundredths feet (71.20'), chord bearing of S82°17'40"W to a point, thence;

S77°59'46"W A distance of two hundred fifty four and forty eight hundredths feet (254.48') to a point, thence;

Along a tangent curve to the left having a radius of 325.00', a distance of two hundred seventy eight and thirty five hundredths feet (278.35') through a central angle of 49°04'17", a chord distance of two hundred sixty nine and ninety two hundredths feet (269.92'), chord bearing of N53°27'38"W to a point, thence;

S28°55'29"W A distance of three hundred twenty five and forty three hundredths feet (325.43') to a point, thence;

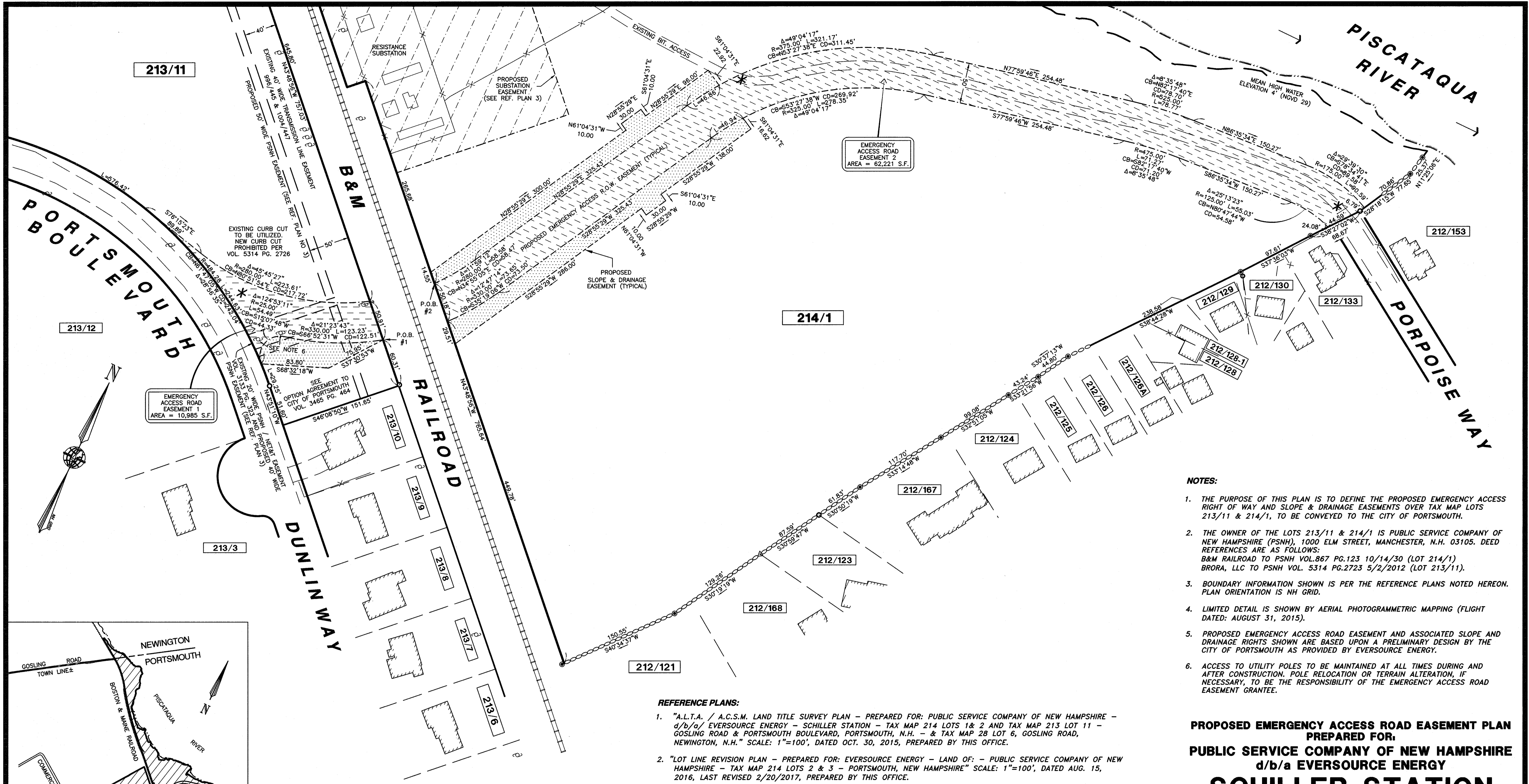
Along a tangent curve to the right having a radius of 330.00', a distance of seventy three and sixty five hundredths feet (73.65') through a central angle of 12°47'14", a chord distance of seventy three and fifty hundredths feet (73.50'), chord bearing of S35°19'06" W to a point along the easterly property line of land N/F B&M Railroad, thence,

Along the property line of the B&M Railroad the following course;

N43°48'56"W A distance of fifty and eighteen hundredths feet (50.18') to a point, said point being the point of beginning.

The Easement Area herein described together contains 62,221 Square Feet, more or less.

Together with the right to slope and drain as more particularly depicted the on map herein described.



EMERGENCY ACCESS ROAD EASEMENT 2
AREA = 62,221 S.F.

EMERGENCY ACCESS ROAD EASEMENT 1
AREA = 10,985 S.F.

NOTES:

1. THE PURPOSE OF THIS PLAN IS TO DEFINE THE PROPOSED EMERGENCY ACCESS RIGHT OF WAY AND SLOPE & DRAINAGE EASEMENTS OVER TAX MAP LOTS 213/11 & 214/1, TO BE CONVEYED TO THE CITY OF PORTSMOUTH.
2. THE OWNER OF THE LOTS 213/11 & 214/1 IS PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE (PSNH), 1000 ELM STREET, MANCHESTER, N.H. 03105. DEED REFERENCES ARE AS FOLLOWS:
B&M RAILROAD TO PSNH VOL.867 PG.123 10/14/30 (LOT 214/1)
BRORA, LLC TO PSNH VOL. 5314 PG.2723 5/2/2012 (LOT 213/11).
3. BOUNDARY INFORMATION SHOWN IS PER THE REFERENCE PLANS NOTED HEREON. PLAN ORIENTATION IS NH GRID.
4. LIMITED DETAIL IS SHOWN BY AERIAL PHOTOGRAMMETRIC MAPPING (FLIGHT DATED: AUGUST 31, 2015).
5. PROPOSED EMERGENCY ACCESS ROAD EASEMENT AND ASSOCIATED SLOPE AND DRAINAGE RIGHTS SHOWN ARE BASED UPON A PRELIMINARY DESIGN BY THE CITY OF PORTSMOUTH AS PROVIDED BY EVERSOURCE ENERGY.
6. ACCESS TO UTILITY POLES TO BE MAINTAINED AT ALL TIMES DURING AND AFTER CONSTRUCTION. POLE RELOCATION OR TERRAIN ALTERATION, IF NECESSARY, TO BE THE RESPONSIBILITY OF THE EMERGENCY ACCESS ROAD EASEMENT GRANTEE.

REFERENCE PLANS:

1. "A.L.T.A. / A.C.S.M. LAND TITLE SURVEY PLAN - PREPARED FOR: PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE - d/b/a/ EVERSOURCE ENERGY - SCHILLER STATION - TAX MAP 214 LOTS 1 & 2 AND TAX MAP 213 LOT 11 - GOSLING ROAD & PORTSMOUTH BOULEVARD, PORTSMOUTH, N.H. - & TAX MAP 28 LOT 6, GOSLING ROAD, NEWINGTON, N.H." SCALE: 1"=100', DATED OCT. 30, 2015, PREPARED BY THIS OFFICE.
2. "LOT LINE REVISION PLAN - PREPARED FOR: EVERSOURCE ENERGY - LAND OF: - PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE - TAX MAP 214 LOTS 2 & 3 - PORTSMOUTH, NEW HAMPSHIRE" SCALE: 1"=100', DATED AUG. 15, 2016, LAST REVISED 2/20/2017, PREPARED BY THIS OFFICE.
3. "PROPOSED EASEMENT PLAN - PREPARED FOR: - PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE - d/b/a/ EVERSOURCE ENERGY - TAX MAP 214 LOTS 1 & 2 AND TAX MAP 213 LOT 11 - GOSLING ROAD & PORTSMOUTH BLVD., PORTSMOUTH, N.H. - & TAX MAP 28 LOT 6, GOSLING ROAD, NEWINGTON, N.H." SCALE: 1"=100', DATED JUNE 7, 2016, PREPARED BY THIS OFFICE.

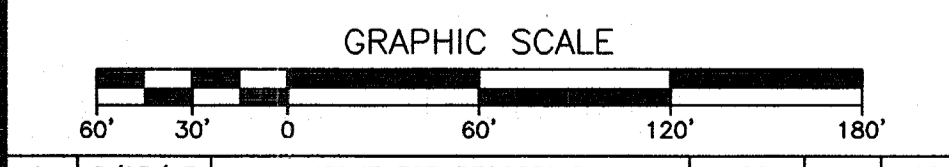
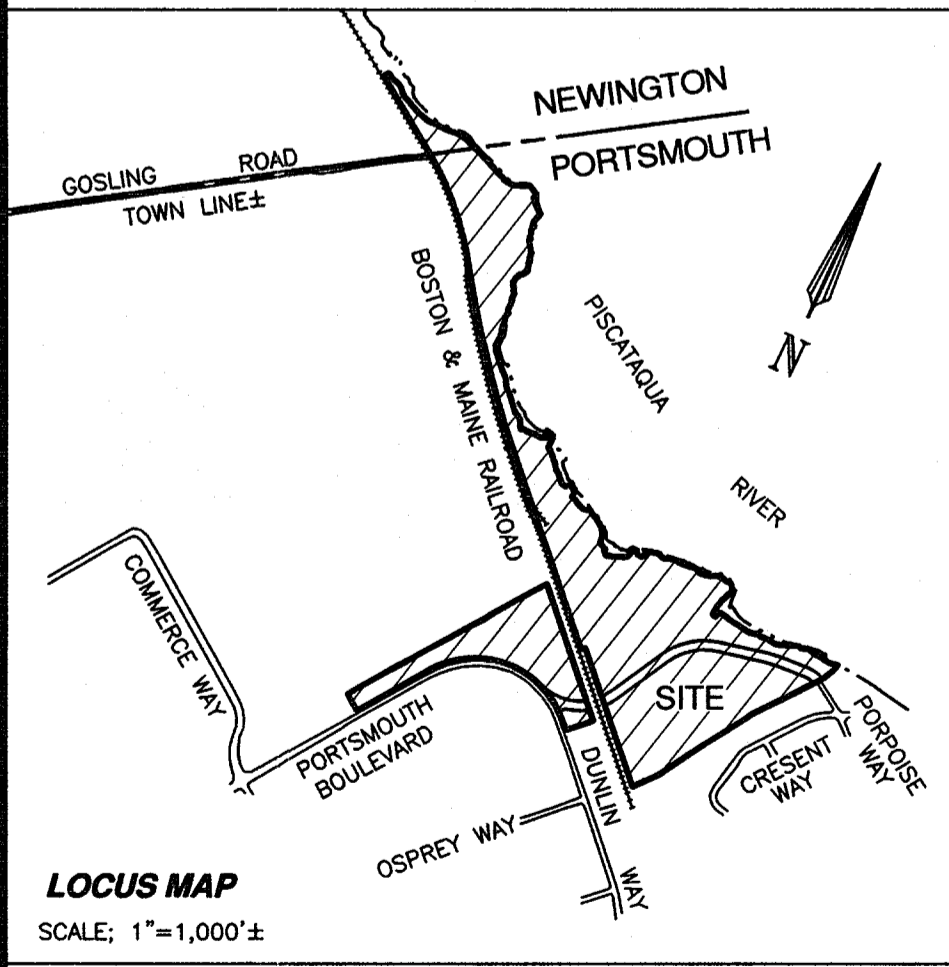
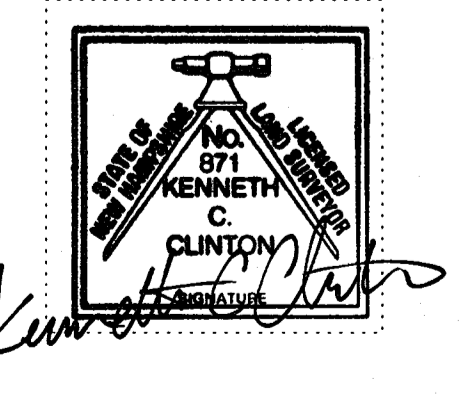
LINE, SYMBOL AND ABBREVIATION LEGEND:

SUBJECT TAX MAP-LOT #	214/1	CONCRETE BOUND	□ C.B.
ABUTTER TAX MAP-LOT #	213/1	GRANITE BOUND	□ G.B.
RIGHT OF WAY LINE	—	IRON PIPE OR PIN	□ I.P./P.IN
BOUNDARY LINE	—	DRILL HOLE IN STONE	⊙ D.H.
PROPOSED EMERGENCY ACCESS EASEMENT LINE	- - - - -	FOUND	(f)
ABUTTER LINE	—	SET	(s)
EDGE PAVEMENT	—		
STONE WALL	—		
RAILROAD TRACKS	—		

CERTIFICATION:

"I CERTIFY THAT THIS SURVEY PLAT IS NOT A SUBDIVISION PURSUANT TO THIS TITLE AND THAT THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW WAYS ARE SHOWN (RSA 676:18,III & 672:14)."

DATE: 5/23/17



REV.	DATE	DESCRIPTION	C/O	DR	CK
C	5/23/17	ISSUE FOR RECORDING	KCC	JGL	KCC
B	4/25/17	EVERSOURCE COMMENTS	SS	JGL	KCC
A	3/17/17	EVERSOURCE COMMENTS	EE	JGL	KCC

* PROPOSED GATES TO BE INSTALLED AND MAINTAINED BY THE GRANTEE WITHIN THE 50' EMERGENCY ACCESS ROAD EASEMENT

PROPOSED EMERGENCY ACCESS ROAD EASEMENT PLAN
PREPARED FOR:
PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE
d/b/a EVERSOURCE ENERGY
SCHILLER STATION
TAX MAP 214 LOT 1 AND TAX MAP 213 LOT 11
PORPOISE WAY & PORTSMOUTH BLVD., PORTSMOUTH, N.H.
 SCALE: 1" = 60' NOVEMBER 10, 2016

MERIDIAN
LAND SERVICES, INC.
 ENGINEERING | SURVEYING | PERMITTING
 SOIL & WETLAND MAPPING | SEPTIC DESIGN
 31 OLD NASHUA ROAD, AMHERST, NH 03031 TEL. 603-673-1441
 MERIDIANLANDSERVICES.COM FAX 603-673-1584



MEMORANDUM

TO: JOHN P. BOHENKO, CITY MANAGER
FROM: JULIET T.H. WALKER, PLANNING DIRECTOR *JTW*
SUBJECT: CITY COUNCIL REFERRAL – WATER LINE EASEMENT FROM
DORADO INVESTMENTS, LLC
DATE: 6/26/2017

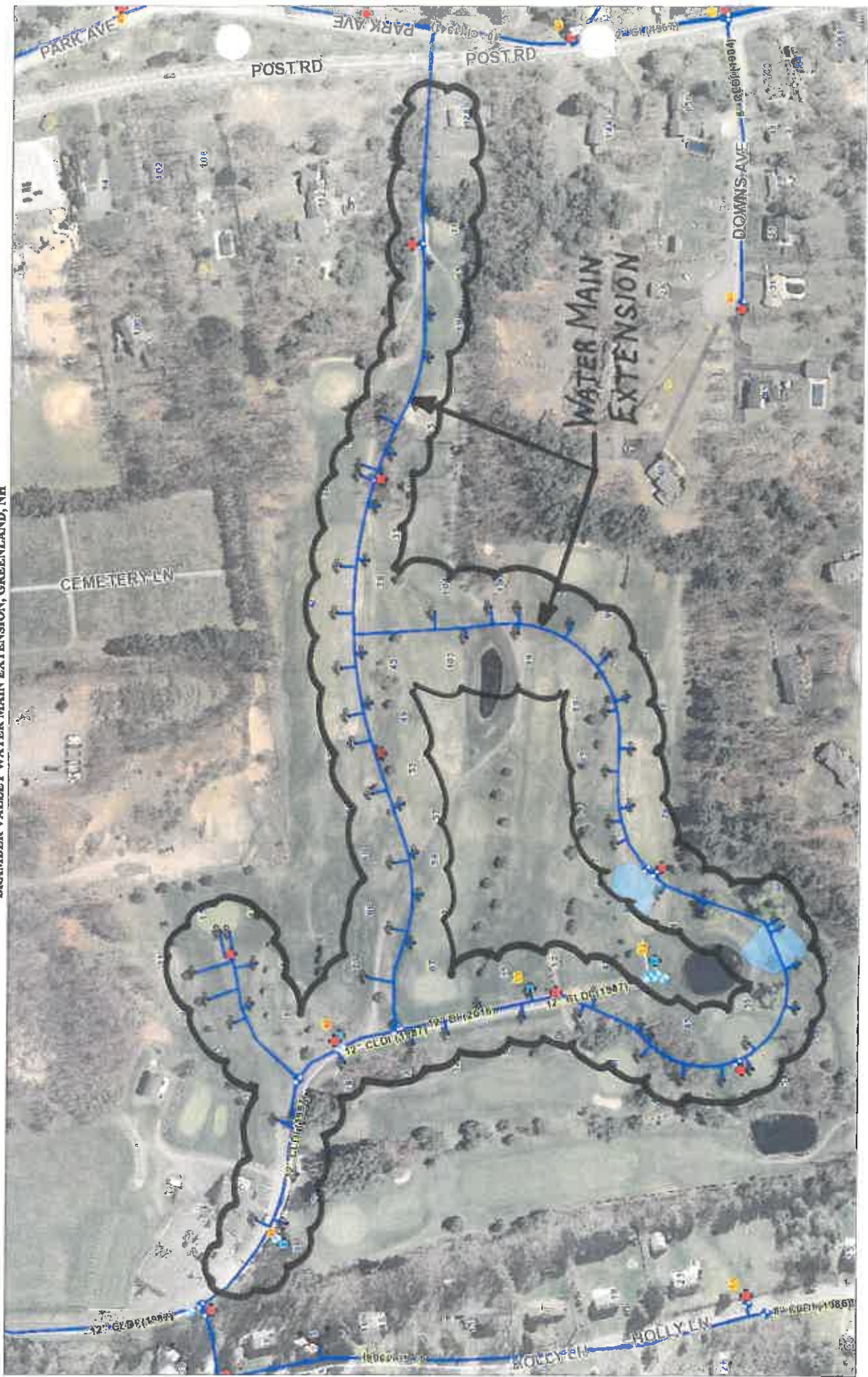
At the June 15, 2017, the Planning Board considered acceptance of a proposed water line easement from Dorado Investments, LLC that would enable the City of Portsmouth, at the developer's cost, to extend municipal water service for a 73-unit residential condominium development off Bramber Valley Road in Greenland. The proposed easement would be for new water lines and related infrastructure.

Planning Department Recommendation

On the June 15, 2017, the Planning Board voted as follows:

Voted to recommend that the City Council accept a water line easement from Dorado Investments, LLC.

BRAMBER VALLEY WATER MAIN EXTENSION, GREENLAND, NH



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

RESOLUTION # – 2017

A RESOLUTION AUTHORIZING THE BORROWING OF UP TO THREE MILLION DOLLARS (\$3,000,000) THROUGH THE ISSUE OF BONDS AND/OR NOTES FOR ADDITIONAL COSTS FOR THE CONSTRUCTION OF A NEW PARKING FACILITY.

RESOLVED:

THAT, the sum of up to **Three Million Dollars (\$3,000,000)** is appropriated for additional costs associated with the construction of a New Parking Facility, 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 **Three Million Dollars (\$3,000,000)** through the issuance of bonds and/or notes of the City under the Municipal Finance Act;

This authorization is an addition to the \$23,200,000 authorization approved on May 4, 2015 design and construction of a New Parking Facility;

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

That this Resolution shall take effect upon its passage.

APPROVED:

JACK BLALOCK, MAYOR

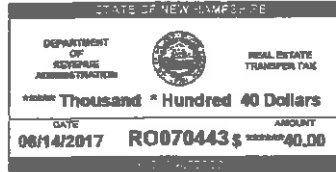
ADOPTED BY CITY COUNCIL

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

MAIL TO

Return to:

~~Hoefle, Phoenix, Gormley & Roberts, PA
127 Parrott Avenue
Portsmouth, NH 03801~~



024044

ACCESS AND "NO-BUILD" EASEMENT DEED

KNOW ALL PERSONS BY THESE PRESENTS that I, **DOROTHY A. FERRARI**, married, Trustee of the **Dorothy Ferrari Revocable Trust - 2006**, a trust created under Trust Agreement dated April 7, 2006, of 769 Ocean Boulevard, Hampton, Rockingham County, New Hampshire, 03842

For consideration paid, grant to **MARK MCNALLY** of 1395 Elwyn Road, Portsmouth, Rockingham County, New Hampshire,

WITH QUITCLAIM COVENANTS, the following easement located in Portsmouth, Rockingham County, New Hampshire:

A three-foot wide access and "no-build" easement in which no structure shall be built, in order to provide adequate fire separation distance between the land and building(s) of the Grantors and Grantees, as shown on Plan entitled "Site Plan 21 Brewster Street, Portsmouth, NH, Tax Map 138, Lot 11" to be recorded herewith in Rockingham County Registry of Deeds, more particularly bounded and described as follows:

Beginning at a point at the Northern most corner of land of the Grantors thence running S 67° 37' 27" W along the common boundary line of Ferrari and McNally to an iron pipe, thence running South Easterly along Brewster Street a distance of three (3.0) feet to a point; thence turning and running N 67° 37' 27" E along land of the Grantor to land now or formerly of 163 Islington, LLC, thence running North Westerly along land now or formerly of 163 Islington, LLC a distance of three (3.0) feet to the point of beginning.

Meaning and intending to describe and convey an easement over a portion of the premises conveyed to the Grantor herein by deed of Thomas R. Ferrari and Dorothy A. Ferrari dated July 31, 2007, recorded in Rockingham County Registry of Deeds, Book 4847, Page 1789.

This easement shall not be modified, amended or released absent review and approval of the City of Portsmouth Legal Department or Building Inspection Department.

2017 JUN 14 AM 9:24

ROCKINGHAM COUNTY
REGISTRY OF DEEDS

This easement is perpetual, shall run with the land, binding upon and shall inure to the benefit of Grantor, and Grantee, and each of their successors and/or assigns.

This is not homestead property.

Signed this 12th day of June, 2017.

Dorothy Ferrari Revocable Trust - 2006

By: *Dorothy Ferrari*
Dorothy A. Ferrari, Trustee

TRUSTEE AUTHORITY

The undersigned Trustee, Dorothy A. Ferrari, Trustee of the Dorothy Ferrari Revocable Trust-2006 U/T/A dated April 7, 2006, is the Trustee at the time of this conveyance and has full and absolute power in said trust agreement to convey any interest in real estate and improvements thereon held in said trust, and no purchaser or third party shall be bound to inquire whether the trustee has said power or is properly exercising said power or to see to the application of any trust asset paid to the trustee for a conveyance thereof.

Signed this 12th day of June, 2017.

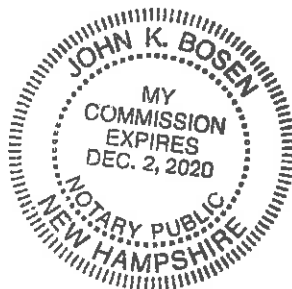
Dorothy Ferrari Revocable Trust - 2006

By: *Dorothy Ferrari*
Dorothy A. Ferrari, Trustee

**STATE OF NEW HAMPSHIRE
ROCKINGHAM COUNTY**

Personally appeared this 12th day of June, 2017, the above named **Dorothy A. Ferrari, Trustee of the Dorothy Ferrari Revocable Trust - 2006**, known to me or satisfactory proved to be the person whose name is subscribed to the foregoing instrument and she executed the same for the purposes therein contained.

Before me,



[Signature]
_____, Notary Public
State of New Hampshire
My commission expires: _____

Run: 7/07/17
8:12AM

Event Listing by Date

Page: 1

Starting Date: 6/19/2017

Ending Date: 12/31/2017

Start End	Type Description	Location	Requestor	Vote Date
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
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
7/15/2017 7/15/2017	MUSIC Shane Morin is the contact for this event. Telephone number: 207-294-2905 This is music and poetry reading Starts at 7:00 p.m. to 9:30 p.m.	Vaughan Mall	Shane Morin	6/19/2017
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

Event Listing by Date

Starting Date: 6/19/2017

Ending Date: 12/31/2017

Start End	Type Description	Location	Requestor	Vote Date
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
9/15/2017 9/17/2017	FILM EXPO Chris Curtis is the contact for this event. This is the Telluride by the Sea Film Festival. Dated: Septe,ber 15-17, 2017	Closure of Chestnut Street	Music Hall	6/19/2017
9/16/2017 9/16/2017	RACE Holly Tennent and Melissa Mikulski are the contacts for this event. mmikulski@bottomline.com 501-5335 htennent@bottomline.com 501-6653 This event begins at 9:00 a.m.	Pease Tradeport	Bottomline Technologies	6/19/2017
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
9/23/2017 9/24/2017	RIDE	Along Route 1A	Granite State Wheelmen, Inc.	11/21/2016

Run: 7/07/17
8:12AM

Event Listing by Date

Page: 3

Starting Date: 6/19/2017


Ending Date: 12/31/2017

Start End	Type Description	Location	Requestor	Vote Date
9/24/2017 9/24/2017	WALK Kelly Bosco is the contact for this event. Tel. (603) 606-6590 ext. 2151 kbosco@alz.org	Little Harbour School	Alzheimer's Association	1/23/2017
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

**CITY OF PORTSMOUTH
LEGAL DEPARTMENT
MEMORANDUM**

DATE: July 5, 2017

TO: JOHN BOHENKO, CITY MANAGER

FROM: SUZANNE M. WOODLAND, DEPUTY CITY ATTORNEY
TERRY DESMARAIS, CITY ENGINEER 

RE: CONSENT DECREE MITIGATION FUNDING

This memorandum summarizes the investments in environmental projects the City will be making in the upcoming year in order to fulfill the City's obligations under the Consent Decree, Second Modified, in *United States et. al. v. City of Portsmouth*, No. 09-cv-283-PB (Consent Decree). Paragraph 8.e. of the Consent Decree provides that as mitigation for the delayed implementation of secondary treatment at the Peirce Island wastewater treatment facility, the City will provide \$500,000 over a period of five years to support water quality and ecosystem health efforts related to the Great Bay Estuary. Such funding is to be provided in five annual installments of \$100,000.

The following Water Quality and Ecosystem Health projects will be funded to satisfy, in part, the City's first year commitment:

1. Sagamore Creek water quality monitoring project – The City will be retaining FB Environmental to develop and begin implementation of a multi-year water quality monitoring program in Sagamore Creek. Representatives of both the New Hampshire Department of Environmental Services and the Conservation Law Foundation were involved in reviewing the scope of work. This Sagamore Creek water quality monitoring program will not only provide much needed updated water quality information, but also provide a baseline to measure change as the City undertakes sewer system improvements and stormwater projects in the Sagamore Creek Watershed over the next three to six years.

Year 1 funding commitment: \$50,000

Fiscal agent: The City will hold the funds until expended for satisfactory work. Proof of payment will be provided to the Consent Decree parties.

2. Teachers on the Estuary – The City will provide funding to support the Teachers on the Estuary (TOTE) program administered by the Great Bay National Estuarine Research Reserve, which uses the Great Bay Estuary

as a field-based classroom, with the goal of empowering teachers to incorporate estuary and watershed topics into their educational curricula. Some Portsmouth teachers have benefitted from this program in years past.

Cost: \$7,000

Fiscal agent: Great Bay National Estuarine Research Reserve

3. Public Education – The City will provide funding to support public education related to the value of the Estuary, the challenges it faces, and ways individuals can engage to protect its water quality and ecosystem health, including through events that engage people in cleaning up debris and learning about environmentally safe landscaping practices, and through on-the-water education of local citizens and public officials.

Cost: \$14,000

Fiscal agent: The Nature Conservancy

4. Oyster Shell Recycling - The City will provide funding to support a local program that collects oyster shells, for use as substrate for building new reefs for oyster restoration in the Great Bay Estuary, from seacoast area restaurants.

Cost: \$4,000

Fiscal agent: Coastal Conservation Association, NH Chapter

5. Great Bay Estuary Monitoring Support – The City will provide funding to support water quality monitoring efforts by the Piscataqua Region Estuary Partnership to continue efforts aimed at monitoring water quality and ecosystem health.

Cost: \$11,000

Fiscal agent: Piscataqua Region Estuary Partnership

6. Remaining funds – Expenditures for projects 1-5 above total \$86,000. Expenditure of the remaining funds have yet to be determined.

Kelli L. Barnaby, City Clerk

1 Junkins Avenue

Portsmouth, NH 03801

Tel: (603) 610-7207

Fax: (603) 427-1579

Email: klbarnaby@cityofportsmouth.com

Memo

To: John P. Bohenko, City Manager

From: Kelli L. Barnaby, City Clerk

Date: July 6, 2017

Re: President's Commission on Election Integrity

This is in response to the above referenced matter on the releasing of voter information.

In speaking with Deputy Secretary of State David Scanlan, he stated that there is a great deal of misinformation out in the public regarding the voter information that would be released to the President's Commission on Election Integrity. He indicated that RSA 654:25 is very clear as to what is public and what is not, on the public voter marked checklist. Deputy Scanlan advised that only the full name, voter identification number, domicile address, party affiliation ward number and whether the individual voted would be released. The method for which the information will be shared has yet to be determined as Secretary of State William Gardner is still reviewing the matter at this time.

I will continue to monitor this situation closely, and provide additional information to the City Council as it is received by Secretary of State Gardner.



CITY OF PORTSMOUTH

LEGAL DEPARTMENT

Robert P. Sullivan, City Attorney – 603-610-7204 (Direct Dial)
Suzanne M. Woodland, Deputy City Attorney – 603-610-7240 (Direct Dial)
Kathleen M. Dwyer, Assistant City Attorney – 603-498-2126 (Direct Dial)
Jane M. Ferrini, Assistant City Attorney – 603-610-7256 (Direct Dial)

June 21, 2017

Clayton Emery
114 Mechanic Street
Portsmouth, NH 03801

RE: Cable Commission



Dear Mr. Emery,

I understand you are no longer interested in serving on the Cable Commission. It would be helpful if you could countersign this letter below to confirm that you wish to resign and return this letter in the stamped envelope provided. The City Clerk needs written confirmation for her records.

Thank you for time and interest.

Sincerely,

Suzanne M. Woodland
Deputy City Attorney

On this 25th day of June, 2017, I am no longer interested in serving on the Cable Commission.

Clayton Emery

enclosure

cc: Kelli Barnaby, City Clerk

h:\smw\city council\cable commission\emery ltr re-rescinding interest

Gerald M. Zelin
70 Kensington Road
Portsmouth, N.H. 03801

July 5, 2017

Portsmouth City Council
c/o Kelli Barnaby, City Clerk
1 Junkins Ave.
Portsmouth, N.H. 03801

Re: Proposed zoning amendment

Dear Mayor Blalock and City Councilors:

I request that the City Council ask the Planning Board to draft an amendment to Portsmouth's Zoning Ordinance. The amendment should add criteria the Planning Board must follow when a developer, seeking a conditional use permit to erect a building larger than the ordinance's default height or footprint limits, relies on a transferable development credit in lieu of providing community space. The criteria should be designed to protect the project's neighbors.

Explanation

During the November 2014 North End Charrette, Portsmouth's Planning Department conducted a survey that asked, "How tall should buildings be in the North End." The vast majority of respondents favored a height limit of no greater than five stories and 60 feet. Most preferred an even lower height limit.¹

Some respondents were willing to allow taller structures if they included workforce housing.²

The Character Based Zoning Ordinance the City Council subsequently adopted for the North End established height limits of 20 to 60 feet, or one to five stories, depending on the property's location. The ordinance also established limits on the size of each new building's footprint.

More recently, the City Council extended Character Based Zoning to the West End. That round of amendments included new height and footprint limits for the West End.

¹ Appendix A attached hereto.

² *Ibid.*

The Zoning Ordinance also allows a developer to exceed those default height and footprint limits in the North End and West End Incentive Overlay Districts. Specifically, a developer may increase building height by an additional 10 feet or one story, and may increase the building footprint, if:

- a certain percentage of the building’s dwelling units are devoted to workforce housing; *or*
- a certain percentage of the lot area is devoted to community space.³

The North End Charrette’s plea for affordable housing thus morphed into incentives for developers to donate community space.

On June 19, 2017, the City Council yet again amended the Zoning Ordinance, this time by authorizing “transferable development credits.” According to that amendment, a developer may donate to the city more community space than would be necessary to exceed the ordinance’s default height or footprint limits. The developer may then, when constructing another project in the same incentive overlay district, exceed the ordinance’s default height and footprint limits for that second project without providing any community space or workforce housing. The June 19 amendment also allows a developer to sell the credit to another developer.⁴

Here’s how the scheme works in practice. Cathartes Private Investments has proposed to construct, between Vaughan Street and the North Mill Pond, a hotel with a footprint of 40,000 square feet. That exceeds the zoning ordinance’s default footprint limit. In order to construct a building that large, Cathartes must donate at least 14,884 square feet of community space. Cathartes plans to donate 43,776 square feet of community space, claiming a transferable development credit for the surplus.⁵

The June 19 zoning amendment allows Cathartes (or whoever purchases the credit from Cathartes), when constructing a subsequent project elsewhere in the North End, to exceed the zoning ordinance’s default height and footprint limits without providing any community space or workforce housing in the subsequent project.

This scheme enables Cathartes to turn tin into gold. The community space Cathartes is donating is unbuildable under state law, because it is all located within 100 feet of the North Mill

³ Zoning Ordinance, Section 10.5A46 (Appendix B attached hereto). In the alternative, a building may exceed the ordinance’s default footprint limit by an even greater amount if the project includes structured parking in addition to a certain amount of community space. Section 10.5A43.40 (Appendix C attached hereto).

⁴ Appendix D attached hereto.

⁵ Appendix E attached hereto.

Pond. Being unbuildable, the land is assessed by the city at \$8 per square foot, which is a fair approximation of market value. The City assesses *buildable* land in the North End Incentive Overlay District at \$26 to \$48 per square foot. The transferable development credit will allow Cathartes (or whoever purchases the credit from Cathartes) to construct another building that exceeds the zoning ordinance's default height limit and footprint limits, filling a lot worth \$26 to \$48 per square foot, without providing any community space as part of that second project.

In short, the amendment converts an asset worth \$8 into an asset worth \$26 to \$48.

Some on the City Council say this is a win-win formula. They note that the City gains valuable community space along the North Mill Pond. This will indeed be a benefit to the City, though the site is currently marred by electric transmission towers. Of course, the City could have obtained the land (or the best portion of it) by other means, such as through eminent domain or a negotiated sale.⁶

But there may be losers. The potential losers are neighbors of any project that purchases a transferable development credit. Those neighbors, who may be in the North End or the West End, will endure buildings that are taller and wider than the zoning ordinance typically allows. And there will be no community space buffering those buildings from their neighbors.

I expressed those concerns to the City Council during the June 5 public hearing⁷ and the June 19, 2017 public comment session. At the June 19 meeting, I distinguished between projects that donate excess community space and projects that utilize a transferred development credit in lieu of providing community space. Focusing on the latter category, I said:

The proposed ordinance requires planning board approval in order to *use* the credit, but it includes no standards to guide the planning board when making *that specific decision*.⁸

Later that night, Councilor Dwyer replied,

And I do just want to clarify something for the public's understanding. Mr. Zelin made a statement that there weren't any guidelines. The Planning Board has conditional use guidelines that would dictate how they would take on such

⁶ The entire lot is assessed at \$355,900.

⁷ The minutes of the June 5, 2017 public hearing misquote me. According to those minutes, at page 5, I said "we are giving the developer a large gift by allowing them to sell the land." What I actually said was that we are giving Cathartes a gift by allowing them to sell the transferable development credit.

⁸ Video of meeting, 53 minutes point (emphasis added).

a case.... Don't be fooled by that. ⁹

I agree with Councilor Dwyer. Do not be fooled. The question is: Who is fooling whom?

In fact, the Zoning Ordinance includes no standards for the Planning Board to follow when deciding whether to grant a conditional use permit in the situation I described – i.e., when a developer seeks to use a *transferred* development credit *in lieu of providing community space*.

Immediately before the June 19 City Council meeting, I asked Planning Director Juliet Walker to show me the guidelines governing conditional use permits in that specific situation. She pointed me to Section 10.5A46.22 of the ordinance (Appendix B attached hereto).

Section 10.5A46.22(1) contains detailed criteria regarding the location and configuration of *community space*. However, it does not address the location or configuration of *buildings*. Section 10.5A46.22 provides no guidelines when a developer requests permission to exceed the zoning ordinance's default height or footprint limits and the basis for that request is a *transferred* development credit *rather than community space as part of the project*. ¹⁰

This leads us to another recent planning mistake. In February 2017, as the Planning Board was about to adopt a new Master Plan, I asked the Board to keep the following goal that appeared in the prior Master Plan:

Develop the Northern Tier with mixed use, pedestrian-friendly development and integrate with downtown. ¹¹

The Planning Board denied my request. The Board's Vice Chair explained that the recently enacted North End Character Based Zoning Ordinance achieved this goal and that there was consequently no need to retain the goal in the Master Plan.

As the June 19 zoning amendment illustrates, the North End Character Based Zoning Ordinance is not carved in stone. It is subject to amendment. The Master Plan should guide those amendments.

⁹ Video of meeting, 3 hours 36 minutes point.

¹⁰ Furthermore, the criteria in Section 10.5A46.22 apply only when a developer seeks a conditional use permit under Section 10.5A46 (Appendix B attached hereto). The June 19, 2017 zoning amendment (Appendix D attached hereto) also allows transferable development credits for conditional use permits under Section 10.5A43.43 (Appendix C attached hereto). The criteria in Section 10.5A43.43 likewise contain nothing to protect neighbors when a developer proposes to utilize transferred development credits in lieu of providing community space.

¹¹ 2005 Master Plan, p. 13.

The Master Plan is especially important when the Planning Board is asked to grant a conditional use permit. According to RSA 674:2, I, “The purpose of the master plan is to ... guide the planning board in the performance of its ... duties.” The legislative history of RSA 674:21, II, which empowers the Planning Board to grant conditional use permits, confirms that the board is supposed to consider the Master Plan when deciding whether to issue such a permit.¹²

This brings us nearly full circle, back to the land Cathartes plans to donate for community space. Whom will that community space benefit? It will certainly benefit Cathartes, by providing hotel guests with a nearby waterfront park. But will that park, and others like it, benefit the rest of the city? Removing the “integration” language from the Master Plan opens the door to community space that primarily benefits the North End’s emerging hotel district.

Thank you for considering these comments.

Sincerely,



Gerald M. Zelin

cc/enc: Portsmouth Planning Board, c/o Portsmouth Planning Dept.
Juliet Walker, Planning Director, City of Portsmouth

¹² This statute was originally enacted in 1981 as SB 241, inserting RSA 31:61-a, III, and was recodified in 1983 as RSA 674:21, II. During the Senate Public Affairs Committee’s April 18, 1981 hearing on SB 241, the bill’s author (Daniel Crean, Legal Counsel for the New Hampshire Municipal Association) said the bill directs the planning board to review all applications for conditional use permits “[t]o insure coordination with the Master Plan.”¹² When SB 241 reached the House floor, Representative Perry of the House Committee on Municipal and County Government stated, “This bill broadens the area which planning boards can cover with consideration of the best use of the land *as it concerns the Master Plan.*”¹² (1981 House Journal 956, June 3, 1981, emphasis added.)

Results Regarding Building Height from Nov. 2104 North End Charrette "Community Code Survey"					
Compiled by Jerry Zelin, January 27, 2015, revised April 17, 2015					
Question: "How tall should buildings be in the North End?"					
Height	Number favoring a height limit of 50 feet/6 stories or less	Number favoring greater height without workforce housing	Number who would allow height over 50 feet/6 stories if building includes affordable housing	Number w no direct answer	Respondent's qualifying comments
Maximum of 2 stories	2				
No taller than historic buildings on Maplewood	1				
2-3 stories	1				
3 stories	4				
Maximum of 3.5 stories	1				
3-4 stories	3				
Maximum of 3-4 stories	2				
3-5 stories	1				
3-5 stories	1				
40 feet	1				
4 stories	3				
Maximum of 4 stories	6				
Maximum of 45 feet	2				
Maximum of 50 feet	1				
4-5 stories	1				
4-5 stories			1		if serves a public purpose, e.g., affordable housing
Lower than Marriott and Hilton	1				
5 stories	1				"if structured parking"
30-60 feet			1		as tradeoff for affordable housing
6 stories			1		for affordable housing
Equal to or higher than Port walk III		1			
No taller than the Sheraton		1			
75 feet			1		for affordable housing
"80+ feet"		1			
Lower than North Church		1			
No taller than North Church		1			
Favors variability				3	
"Graded"				1	Low at edge of North End, higher in the middle

10.5A46 Incentive Overlay Districts

The Incentive Overlay Districts are designated on Map 10.5A21B. In such areas, certain specified **development** standards may be modified as set forth in Section 10.5A46.10 below, if the **development** provides **community space** or **workforce housing** in accordance with Section 10.5A46.20, as applicable:

10.5A46.10 Incentives to Development Standards

DEVELOPMENT STANDARDS	INCENTIVES	
	North End Incentive Overlay District	West End Incentive Overlay District
Maximum building coverage	No Change	80%
Maximum building footprint	30,000 sf	30,000 sf
Minimum lot area	No Change	2,000 sf
Minimum lot area per dwelling unit	No Change	No minimum
Maximum building height	Plus 1 story up to 10 ft ¹	Plus 1 story up to 10 ft ^{1,2}
Minimum off-street parking	Residential: 1 space per dwelling unit 0.5 space per micro-unit	Residential: 1 space per dwelling unit 0.5 space per micro-unit Non-residential: 25% reduction from underlying standard

¹ In order to receive the **building height** incentive, the **sidewalk** width in front of any **façade** shall be at least 10 feet plus two feet for each story of **building height** above three stories. Any property area needed to comply with this requirement shall count as **open space** as listed in Figures 10.5A41.10A-D (Development Standards) as **community space**; even if less than 15 feet in width.

² For parcels over 80,000 sq. ft. in area that are located south of Islington Street, up to two stories or 20 feet may be added to the maximum **building height** provided both requirements listed under Section 10.5A46.22 (1) and (2) are met.

10.5A46.20 Requirements to Receive Incentives to the Development Standards

10.5A46.21 For a **lot** located **adjacent** to, or within 100 feet of, North Mill Pond, Hodgson Brook or the Piscataqua River, the **development** shall include a **community space** consisting of a continuous public **greenway** at least 20 feet in width that is parallel to the waterfront for the entire length of the **rear or side lot line**. The **greenway** shall include legal and physical access to abutting **lots** or public ways. When access is not available due to current conditions on an abutting **lot**, provisions shall be made for future access in a location determined by the Planning Board.

10.5A46.22 For a **lot** that is more than 100 feet from North Mill Pond, Hodgson Brook or the Piscataqua River, the **development** shall include either a **community space** or **workforce housing** as specified below:

- (1) **Community space** option – All of the following criteria shall be met:
 - (a) The **community space** shall be a **community space** type that is permitted within the applicable Character district.
 - (b) The **community space** shall constitute at least 20% of the gross area of the **lot** and shall not have any dimension less than 15 feet.
 - (c) The **community space** shall adjoin the public **sidewalk** and shall be open on one or more sides to the **sidewalk**.
 - (d) The **community space** shall include trees and other **landscaping** to provide shade and reduce noise, and pedestrian amenities such as overlooks, benches, lighting and other **street** furniture.
 - (e) The **community space** shall be located on or **adjacent** to the same **lot** as the **development**, except as provided in (f) below.
 - (f) The Planning Board may grant a conditional use permit to allow a proposed **community space** to be located on a different **lot** than the **development** if it finds that all of the following criteria will be met:
 - (i) An appropriate **community space** cannot feasibly be provided on the same **lot** as the **development**.
 - (ii) The proposed **community space** is within the same Incentive Overlay District as the **development**.
 - (iii) The proposed **community space** is suited to the scale, density, **uses** and character of the surrounding properties.
- (2) **Workforce housing** option – One or more of the following criteria shall be met:
 - (a) At least 30% of the **dwelling units** within a **building**, but no less than three units, shall be **workforce housing units** for sale (**affordable** to a household with an income of no more than 100 percent of the **area median income** for a 4-person household). Such units shall be at least the average **gross floor area** of the proposed units in the **building** or 1,000 sq. ft., whichever is greater. The **workforce housing units** shall be distributed throughout the **building** wherever **dwelling units** are located; or
 - (b) At least 10% of the **dwelling units** within a **building**, or at least two units, shall be **workforce housing units** for rent (**affordable** to a household with an income of no more than 60 percent of the **area median income** for a 3-person household). Such units shall be at least the average **gross floor area** of the proposed units in the **building** or 800 sq. ft., whichever is greater. The **workforce housing units** shall be distributed throughout the **building** wherever **dwelling units** are located.

Height Requirement Area	Minimum Height in Stories	Maximum Height in Stories	Maximum Height in Feet
1 story	1	1	20
2 stories	2	2	35
2 stories (short 3 rd)	2	2 + short 3 rd	35
2-3 stories	2	3	40
2-3 stories (short 4 th)	2	3 + short 4 th	45
2-4 stories	2	4	50
2-4 stories (short 5 th)	2	4 + short 5 th	60
2-5 stories	2	5	60

10.5A43.32 A **roof appurtenance** may exceed the maximum allowed **building height** as specified on Map 10.5A21B (Building Height Standards) by 10 feet, subject to the following:

- (a) All **roof appurtenances** and other features that exceed the allowed **building height** for the zoning district shall not exceed 33 percent of the total roof area of the **structure** and, except for elevators and stair towers, shall be set back at least 10 feet from any edge of the roof.
- (b) Solar energy panels shall not be subject to the 33 percent limitation provided that they are not visible from a point 20 feet above the edge of the **street** right-of-way on the opposite side of the **street**.
- (c) The area of **roof appurtenances** that comply with this section shall not be considered as part of the **building's gross floor area** calculations.

10.5A43.33 A **development** that is not located in an incentive overlay district and that contains at least one acre of **lot area** shall be allowed an additional **story** in height (up to 10 feet) if at least 20% of the property is assigned and improved as a **community space**. Such **community space** shall count toward the required **open space** listed in Figures 10.5A41.10A-D (Development Standards). The size, location and type of the **community space** shall be based on the size and location of the **development**, and the proposed and **adjacent uses**.

10.5A43.40 Maximum Building Footprint

10.5A43.41 No **building** or **structure** footprint shall exceed the applicable maximum **building footprint** listed in Figures 10.5A41.10A-D (Development Standards) except as provided in Sections 10.5A43.42-44 below.

10.5A43.42 In the CD5 district, a detached **liner building** may have a **building footprint** of up to 30,000 sq. ft. if it meets all other **development** standards and is integrated into a **parking structure** through the provision of **community space** or shared access.

- 10.5A43.43 For a **building** that contains **ground floor** parking, a **parking garage** or **underground parking levels**, and is not subject to Section 10.5A43.42, the Planning Board may grant a conditional use permit to allow a **building footprint** of up to 30,000 sq. ft. in the CD4 or CD4-W districts, and up to 40,000 sq. ft. in the CD5 district, if all of the following criteria are met:
- (a) No **story** above the **ground floor** parking shall be greater than 20,000 sq. ft. in the CD4 or CD4-W districts or 30,000 sq. ft. in the CD5 district.
 - (b) All **ground floor** parking areas shall be separated from any public or private **street** by a **liner building**.
 - (c) At least 50% of **the gross floor area** of the **ground floor** shall be dedicated to parking.
 - (d) At least 30% of the property shall be assigned and improved as **community space**. Such **community space** shall count toward the required **open space** listed under Figures 10.5A41.10A-D (Development Standards) and **community space** required under Section 10.5A46.20. The size, location and type of the **community space** shall be determined by the Planning Board based on the size and location of the **development**, and the proposed and **adjacent uses**.
 - (e) The **development** shall comply with all applicable standards of the ordinance and the City's land use regulations.
- 10.5A43.44 The **building footprint** of a **parking structure** shall be no greater than 40,000 sq. ft., and the **façade** length shall be no greater than 300 feet.

10.5A43.50 Streetscreens

Any **streetscreen** in a **front yard** shall be built on the same plane as the **façade** of the **principal building** and shall be between 3.5 and 4.0 feet in height.

10.5A43.60 Building Types

Buildings in each Character district shall be of one or more of the **building** types specified for such Character district in Figure 10.5A43.60 (Building Types).

PROPOSED ZONING ORDINANCE AMENDMENT
As Recommended by the Planning Board on April 20, 2017
(Additions to 3/28/17 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) 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 ~~fifteen (15)~~ ten (10) 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

C-0960-2
May 24, 2017

Mr. Dexter Legg, Chairman
Planning Board
City of Portsmouth
1 Junkins Avenue
Portsmouth, New Hampshire 03801

**Re: Preliminary & Final Subdivision Permit Application
AC Hotel & Community Space, Vaughan Street & Green Street**

Dear Chairman Legg:

On behalf of 299 Vaughan Street, LLC, we are pleased to submit the following materials to support a Preliminary & Final Subdivision Permit Application for the above referenced project:

- One (1) original and eleven (11) copies of the Subdivision Application
- Twelve (12) copies of the Owner's Applicant Authorization Letter dated February 2, 2017
- Twelve (12) copies of Subdivision Plan prepared by Doucet Survey, Inc. dated May 19, 2017
- One (1) application fee check in the amount of \$1,000.00
- One (1) CD containing digital copies (PDF) of the above listed information

The proposed project is located on three (3) properties identified as Map 124 Lots 10 and 11, which is an existing municipal parking lot and the Sanel Auto Parts store, and Map 123 Lot 15, which is a waterfront parcel of land along North Mill Pond. The proposed project includes the construction of a 143-room hotel with associated site improvements along Vaughan Street and Green Street. The hotel's building footprint is 40,000 SF. To construct a footprint of that size, the project will be providing community space that equals 30% of the total project area. A portion of that project community space will be provided on the waterfront property located along the North Mill Pond.

The parcel identified as Map 123 Lot 15 along North Mill Pond is 47,723 SF. As part of the above described project, the applicant is proposing to subdivide and retain 3,937 SF of land from this parcel. The entire remaining 43,766 SF of land will be deeded to the City of Portsmouth based on the following:

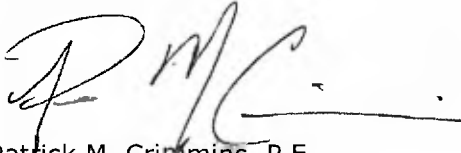
- 14,884 SF of this parcel will be deeded to the City of Portsmouth for this project's community space.
- The excess 28,892 SF of land that is beyond the required project community will be deeded to the City for future community space. The applicant will be provided a credit for this future community space toward another development.

The parcel to be retained by the applicant will include a 15 ft pedestrian access easement to benefit the waterfront parcel that is being deeded to the City. This easement will allow for the future North Mill Pond Greenway across the parcel that the applicant proposes to retain.

We trust the enclosed supports a request for a Preliminary and Final Subdivision Permit approval. We respectfully request to be placed on the Planning Board agenda for June 15, 2017.

We are available to meet with you and/or City staff if there are any questions or need any additional information. Please contact me by phone at (603) 433-8818 or by email at pmcrimmins@tighebond.com.

Sincerely,
TIGHE & BOND, INC.

A handwritten signature in black ink, appearing to read 'P M C', with a horizontal line extending to the right.

Patrick M. Crimmins, P.E.
Project Manager

Cc: 299 Vaughan Street, LLC

The Mayor's Blue Ribbon Renewable Energy Committee

Charge:

The Mayor's Blue Ribbon Renewable Energy Committee is charged to report back to the City Council for adopting a phased Renewable Energy Policy to be implemented by City Staff when applicable. The vision of the phased Renewable Energy Policy is to become a net zero community first, a community that uses 100% renewable energy for electricity second, and a community that uses 100% renewable energy for heat third. The Renewable Energy Policy will rely on a combination of various generation sources such as solar, wind, geothermal, hydro, biomass, biogas, landfill gas, sewage gas, or solid waste to energy.

Committee Membership:

Below are the potential members to the Renewable Energy Committee. The City of Portsmouth Board and Commission Appointment Application forms for the Resident Experts follow this document.

- City Councilor Josh Denton;
- City Councilor Rebecca Perkins;
- School Board Member Patrick Ellis;
- Resident Expert Ben D'Antonio;
- Resident Expert Joe Harrison;
- Resident Expert Stephen Roberson;

- A Pease Development Authority Member of Representative; and
- Two City of Portsmouth Staff.

Note: None of the female Resident Experts asked about serving on the committee had the time to commit to monthly meetings, but at least one has committed to present to the committee on her field of expertise.

Tentative Meeting Schedule:

The Mayor's Blue Ribbon Renewable Energy Committee will meet in the evening the third Tuesday of every month starting in July. The following are the proposed meeting topics that will include presentations by renewable energy experts both on and not on the committee:

- July 18, Energy Markets:
 - ISO New England & New Hampshire being a deregulated state;
 - Portsmouth & Pease current projects and energy usage; and
 - Renewable Energy Credits & Becoming an Environmental Protection Agency (EPA) Green Power Partner.
- August 15, Renewable Energy Generation Sources
 - Regional anaerobic digester;
 - Off-shore wind;
 - Bio mass at Schiller Station; and
 - Piscataqua River hydropower.

- September 19, Solar Power
 - Net metering;
 - Solar banks; and
 - Solar in the Historic District
- October 17, Energy Conservation in Buildings
 - Energy efficiency;
 - Green buildings, living buildings, & tiny homes; and
 - Property Accessed Clean Energy & Green Banks.
- November 21, Adoption of Renewable Energy Policy

Attachments:

The following attachments follow the Resident Experts' City of Portsmouth Board and Commission Appointment Application forms:

- An example of a Vision Statement, adopted by the Town of East Hampton, New York, in 2014, that the Mayor's Blue Ribbon Renewable Energy Committee will not seek to emulate.
- A more detailed example of a Framework, adopted by the City of Cambridge, Massachusetts, in June 2015, that the Mayor's Blue Ribbon Renewable Energy Committee will seek to emulate.



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: Mayor's Blue Ribbon Committee on Renewable Energy

Initial applicant

Name: Ben D'Antonio Telephone: (603) 828-8977

Could you be contacted at work? YES/NO If so, telephone# Yes - same as above.

Street address: 175 Wibird Street, Portsmouth, NH 03801

Mailing address (if different): Same.

Email address (for clerk's office communication): bdantonio@me.com

How long have you been a resident of Portsmouth? Five years (2012 to current)

Occupational background:

I am counsel and analyst for the New England States Committee on Electricity. I have almost ten
years of experience working on energy and environmental policy issues. I analyze wholesale
electricity market and high-voltage transmission issues at ISO New England and practice law
at the Federal Energy Regulatory Commission on behalf of the six New England States. Before
law school, I worked as an analyst and operations specialist in financial services for seven years.
Please list experience you have in respect to this Board/Commission:

I am familiar with the economics and operational issues associated with renewable energy resources,
laws and policies to support renewable energy resources, and economic regulation of the power
sector generally. In my work, I often advocate for wholesale market integration of state policies
regarding renewable and clean energy resources. I am capable of analyzing economics of various
projects and policies and formulating and articulating various policy proposals.

OVER
➔

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

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

Reasons for wishing to serve: I am interested in public service, renewable energy, and I love the City of Portsmouth.

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

I am involved in no other organizations, groups, or committees related to the City of Portsmouth.

Professionally, I am a member in good standing of the Massachusetts Bar and a member of the Energy Bar Association. Personally, I coach youth sports through Seacoast Lacrosse.

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

1) Jamie Baker, 75 Humphrey's Court, Portsmouth (207) 632-0513

Name, address, telephone number

2) Sean Mahoney, 27 Austin Street, Portsmouth (603) 502-9025

Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature: Benjamin S. D'Antonio (electronically) Date: 6/23/2017

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

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



CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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

Committee: Mayor's Blue Ribbon Renewable Energy Policy Committee

Initial applicant

Name: Joe Harrison Telephone: 207 - 432- 1317

Could you be contacted at work? YES If so, telephone #207 - 432- 1317

Street address: 238 Highland St Portsmouth,

Mailing address (if different): _____

Email address (for clerk's office communication): joeharrison415@gmail.com

How long have you been a resident of Portsmouth? 10 years

Occupational background: My role at CDFA is to continue to develop and manage our energy efficiency and renewable energy programs. I provide technical assistance and financing to commercial clean energy projects in NH. I also manage projects in CDFA's CDBG and Tax Credit programs. Prior to joining the team here at CDFA I was a Project Developer for a national solar installer. During my seven years in that position I took 50MW's of projects from conception to commissioning. Specific areas of focus of mine include solar for subsidized housing, municipalities and developing solar on brownfields and landfills. I have experience with numerous funding sources including state and federal incentive programs, low-income housing tax credits, renewable energy credits and new market tax credits.

Please list experience you have in respect to this Board/Commission: This is a new

Committee _____ 

Have you contacted the chair of the Board/Commission to determine the time commitment involved? YES

Would you be able to commit to attending all meetings? YES

Reasons for wishing to serve: ___ I am committed to environmental sustainability and have intentionally figured out a way to have a career that marries my interest in business and finance with sustainable energy. I spend my time helping businesses, non-profits and municipalities in NH save money by investing in renewable energy or energy efficiency projects, and I would be very interested in helping my home City of Portsmouth identify and set goals and then reach those goals by executing on specific projects and initiatives. _____

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

_ I was recently selected into the Leadership NH class of 2018. I recently joined the Portsmouth Rail Trail group that will be working with the City on this project once the state successfully purchases the corridor from Pan Am.

Please list two character references not related to you or city staff members:

(Portsmouth references preferred)

Name, address, telephone number

1) ___ David Moore - Assistant City Manager - Portsmouth - (603) 610-7226

2) ___ Rebecca Perkins - Portsmouth City Council - (603) 793-1076

Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature: Joseph Johnson Date: 6/23/17

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

Please submit application to the City Clerks Office, 1 Junkins Avenue, Portsmouth, NH 03801
6/27/2012



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: Blue Ribbon Renewable Energy Policy **Initial applicant**

Name: Stephen Roberson Telephone: 603.583.4512

Could you be contacted at work? YES NO If so, telephone# 603.583.4512

Street address: 42 Main St New Castle, NH 03854

Mailing address (if different): Po Box 235 New Castle, NH

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

How long have you been a resident of Portsmouth? Lived from ~ 10/13 - 11/16
My wife and I still own property / pay taxes in Portsmouth

Occupational background:

I have worked in the energy industry since 2007. My primary focus has been advising large commercial & industrial energy users manage commodity price risk. Clientele includes -> Velcro USA (Manchester + Somersworth), Stonyfield, Sheraton Harborside in Portsmouth

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

My experience in deregulated energy and renewable energy is extensive. I have an in depth understanding of the renewable markets and the challenges a city like Portsmouth will face with this initiative. I have personally assisted private and publicly traded firms achieve their renewable energy goals



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

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

Reasons for wishing to serve: My wife, Samantha Roberson (formerly Fradette)

grew up in downtown Portsmouth. Her father and her grand father have

lived in the same house for 75+ years. We own a rental property and

are taxpayers to this great seacoast community. The future of

this city is extremely important to my family and I. My experience in the
important energy industry I feel could help shape

Please list any organizations, groups, or other committees you are involved in: Portsmouth's future

Do it for Donna, Inc. — a registered 501c3 in New Hampshire.

I serve as a board member and the foundation's goal is to

raise money for NH families afflicted with a cancer diagnosis

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

1) Paul Ford 816 Middle Street Portsmouth, NH (603) 988-6262
Name, address, telephone number

(CEO)

2) Shari Young Sheraton Portsmouth Harborside (603) 321-0653
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature: [Signature] Date: 6/23/17

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

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



East Hampton Town Board

159 Pantigo Road
East Hampton, NY 11937

Meeting: 05/20/14 10:00 AM

Department: Natural Resources

Category: Approvals

Prepared By: John Botos

Initiator: Kimberly Shaw

Sponsors: Councilwoman Sylvia Overby

DOC ID: 13906

ADOPTED

RESOLUTION 2014-662

Energy Goals for the Town of East Hampton

WHEREAS, the Town of East Hampton formed an Energy & Sustainability Committee to address the energy needs of our community; and

WHEREAS, the Town of East Hampton adopted the Comprehensive Energy Vision to move the Town forward as a leader in sustainable energy policies and practices; and

WHEREAS, the Comprehensive Energy Vision seeks significant energy cost savings for residents and local businesses, in addition to environmental and public health benefits; and now, therefore be it

RESOLVED, that it shall be the goal of the Town of East Hampton to:

Meet 100 percent of community wide electricity consumption with renewable energy sources by the year 2020 and to

meet the equivalent of 100 percent of economy wide energy consumption such as electricity, heading, and transportation with renewable energy sources by the year 2030; and further be it

RESOLVED, that these goals can be reasonable met based upon existing and new national, state, and local initiatives.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Sylvia Overby, Councilwoman
SECONDER:	Peter Van Scoyoc, Councilman
AYES:	Burke-Gonzalez, Van Scoyoc, Overby, Overton, Cantwell

A COMPREHENSIVE PLAN FOR THE TOWN OF EAST HAMPTON

VISION STATEMENT

The Vision Statement for East Hampton articulates the overall image of what the community would like to be in the future.

East Hampton is defined by the unique character of its hamlets, villages and countryside. East Hampton's beaches are rated among the world's best. The land supports one of the highest concentrations of rare and endangered species in New York State. The farmland is rated the best in the state. The Nature Conservancy has designated the area as one of the "Last Great Places" in the Western Hemisphere. The woodlands are diverse and healthy where they are undisturbed. The harbors and bays are among the cleanest in the state. The Town is rich in historic and cultural resources. Development has not obliterated the natural and scenic characteristics once covering all of Long Island.

The Town treasures and is committed to sustaining this rich array of natural and cultural resources, authentic sense of place, rural character, and the people who make it unique. East Hampton is and will continue to be a "green" community, a leader in protecting the environment, saving energy and preserving open space.

Future development should be harmonious with the existing character of the community.

Residents and visitors should have the option to use alternative transportation (train, bus, shuttle, walk, bike, etc.) as an alternative to their cars for daily needs.

A diverse population should continue to have opportunities to engage in a variety of livelihoods ranging from traditional agriculture and fishing to clean technology and the arts.

The seasonal economy of second homeowners and visitors, based largely on the pristine natural and rich cultural resources, helps support a vibrant, diverse year-round community and should be encouraged to continue.

Although real estate continues to become very expensive, the Town's affordable housing programs strive to enable long-time residents to retire and year-round employees to live here.

East Hampton is and should continue to be a wonderful place to live, work, raise a family, enjoy life and connect with the natural environment.

GOALS

Goal One: Maintain, and restore where necessary, East Hampton's rural and semi-rural character and the unique qualities of each of East Hampton's historic communities.

Goal Two: Take forceful measures to protect and restore the environment, particularly groundwater. Reduce impacts of human habitation on ground water, surface water, wetlands, dunes, biodiversity, ecosystems, scenic resources, air quality, the night sky, noise and energy consumption.

Goal Three: Reduce the total build-out of the Town to protect the natural and cultural features identified in goals one and two.

Goal Four: Provide housing opportunities to help meet the needs of current year-round residents, their family members and senior citizens, seasonal employees, public employees, emergency services volunteers, and other local workers.

Goal Five: Encourage local businesses to serve the needs of the year-round population and reduce the environmental impacts of commercial and industrial uses.

Goal Six: Encourage and retain traditional local resource based fishing and agriculture industries that practice environmentally sensitive methods of operation.

Goal Seven: Protect historic buildings, hamlets, neighborhoods, landscapes and scenic vistas from incompatible development. Prevent further loss of the Town's cultural and archaeological resources.

Goal Eight: Coordinate with regional agencies, organizations and systems to reduce reliance on the automobile. Encourage investment in alternative transportation - including sidewalks, bikeways, rail, buses, shuttles, and "shared" cars - while maintaining the existing scale and character of community.

Goal Nine: Develop road, wastewater treatment, water, and power infrastructure, consistent with goals one through three, needed to reduce public health, safety and environmental risks.

Goal Ten: Provide adequate facilities, land and programs for schools, town offices and other functions, day care, senior care, families, and other educational, cultural, recreational and health care needs.

Goal Eleven: Commit to implementing the Comprehensive Plan.

The Getting to Net Zero Framework

Prepared for the Cambridge Getting to Net Zero Task Force

April 29, 2015



Prepared by:



A Letter from the City Manager:

Why it is Cambridge's Imperative to Respond to Climate Change

Dear Reader,

I want to thank all the members of the Net Zero Task Force, the public and City staff as well as our local partners including institutions, businesses, and organizations who helped shape and support the recommendations in this Getting to Net Zero in Cambridge Report.

Climate change poses a growing set of risks and challenges to cities, and combatting it needs to start locally. We are fortunate in Cambridge to live and work in a city that has access to resources as well as a participatory, creative, and responsible community. Whether it is the intellectual capital and commitment of our universities, the innovation and research contributions from our industry and business leaders, the financial stability of our city government, or the social activism and drive of our residents, the city of Cambridge is at a clear advantage to address the complexities of climate change. Given these resources, there is an inherent understanding in our community that it is our responsibility to raise our level of effort and to demonstrate how to take effective action.

Over the course of the last 15 months, the Net Zero Task Force endeavored to respond to the need to reduce the carbon footprint of the built environment and map out an aggressive course to mitigate the effects of climate change. The result of this process is the development of a vetted 25-year action strategy that sets the foundation for ongoing governance and collaboration leading us to our climate goals. The significance of this plan is that it is comprehensive; it addresses both new and existing buildings and sets target dates for net zero new construction across all sectors. Furthermore, the recommendations are achievable, and at the same time bold in their vision.

This process was remarkable not only in that it can be a model for how to build consensus, but that it also produced a replicable framework that can be used by other communities. For these reasons, I anticipate that the work of this Task Force will continue to advance Cambridge's role as a regional and national leader in climate action.

I want to again thank all of those who have participated and assisted in this process – our resident activists who brought this issue to the forefront and our community partners—including local businesses, institutions and organizations who have long since been industry and institutional leaders in environmental sustainability. My sincerest gratitude to the Cambridge community and the collective responsiveness that ensued. Achieving a net zero Cambridge will only be possible with ongoing commitment, innovation, and collaboration. Let's continue to work together and point the way forward.

Sincerely,

Richard C. Rossi

City Manager

A Letter from the Members of the Compact for a Sustainable Future

Dear Cambridge Community,

The Cambridge City Government along with Cambridge-based universities, businesses and other organizations have long known the threat that climate change presents to our environmental, social, and economic sustainability. These groups have worked both individually and collectively on responses and shared solutions. These responses include decades of work to enhance the energy efficiency of buildings, to pursue renewable energy, and to reduce our collective carbon footprint. Cambridge's businesses and universities have a robust history of aggressively pursuing energy efficiency, and transitioning to the ambitious net zero goals Cambridge is considering.

These combined efforts have made Cambridge a global leader on addressing this issue. For instance, there are more LEED certified buildings in Cambridge than any other City in the United States including many Platinum-rated buildings. The following are a few highlights of Cambridge-based efforts across the spectrum of organizations that reside in the City:

* A non-profit, Homeowner's Rehab, has reduced its carbon footprint 21% for its portfolio of 73 buildings through retrofits and renewable energy systems. Deep energy retrofits have resulted in 67–70% reduction in natural gas consumption.

* A retail business, Whole Foods, has reduced energy use per square foot by 17.4% in the North Atlantic region through lighting retrofits and updated controls.

* A high-tech data center, The Massachusetts Green High Performance Computing Center (MGHPCC), a collaborative effort with several universities including MIT and Harvard and state, municipal and business partners - was awarded LEED Platinum - the highest rating level possible and a first for a university research data center.

* At Universities, Harvard, and MIT faculty and students are researching solutions and innovations to address global climate change and they have also worked to identify strategies for driving energy efficiency in city and campus buildings with applications beyond Cambridge. In addition to our research and teaching efforts, both institutions are committed to on-campus action:

* Harvard has reduced greenhouse gas emissions 21% from FY06–FY14 in response to its goal to reduce GHG emissions 30% by 2016, including growth (a 32% reduction without growth). All energy intensive space has been energy audited and over 1,400 energy conservation measures implemented. Green Building Standards, a Life Cycle Cost policy, and integration of energy planning into capital planning drive innovation and aggressive energy efficiency.

* MIT has undertaken aggressive energy efficiency programs across campus, and embraces high-performance building design. Efficiency Forward developed by MIT with NSTAR (now Eversource Energy) is a model program to drive energy efficiency adopted by many other large, energy intensive organizations.

* Commercial property owner Boston Properties pursues LEED Gold and Platinum certification for its properties, and its energy reduction initiatives have been recognized by the EPA, NAREIT, and the Global Real Estate Sustainability Benchmark for exemplary leadership.

* Research and development laboratory owner BioMed Realty has reduced energy use by employing a sub-metering strategy that informs tenants of their energy consumption trends, applying intelligent building automation controls that optimize mechanical heating and cooling demands, and by sharing best practices among its office and tenants within its 17 million sq. ft. portfolio.

* Life science commercial property owner Alexandria Real Estate Equities owns and operates one (1) Platinum and three (3) Gold certified buildings in Cambridge, including a recently completed building that draws power and steam from its own micro-grid. As a Platinum Member of the U.S. Green Building Council, has enacted an aggressive energy and carbon reduction program throughout its Cambridge portfolio of lab and office buildings and is committed to incorporating environmental best practices within its 18.5 million sq. ft. portfolio.

In addition to the efforts in sustainable design and operational efforts of building owners, Cambridge has a unique advantage in its ability to harness the research being conducted at its local universities. This research allows Cambridge to serve as a living lab for cutting edge efforts and it benefits from research projects such as solar mapping technology which can facilitate the installation of solar panels on appropriate buildings throughout the city, battery technology being adapted and tested in Cambridge, and numerous other examples.

The business and university community looks forward to working cooperatively to harness the community's capacities in research, innovation, entrepreneurship, social enterprise, and governance to meet the energy and climate goals being pursued by the City of Cambridge. The foundation of any effort to address the urgent challenges facing our community is collaboration and partnership. The significant and scalable solutions we need to transition to a cleaner energy future can and must be created through the innovations and ideas that we generate by working together.

About the Cambridge Compact for a Sustainable Future

MIT, Harvard University and the City of Cambridge developed a compact to work collaboratively to address issues related to sustainability and climate change on a local basis. The "Cambridge Compact for a Sustainable Future" lays out a framework for signatories to work in a more coordinated and robust fashion to tackle local sustainability challenges. The signatories also have recruited the participation of many major business partners, and this list of partners continues to grow. Open to eligible organizations and individuals, the Compact aims to leverage the different organizations' core skills and competencies in research, best practices and governance to generate new solutions in the areas of building energy efficiency, sustainable transportation, climate mitigation and adaptation, waste reduction, water management, renewable energy, urban natural resource management, and green tech incubation.

Contents

A Letter From The City Manager:	2
A Letter From the Members of the Compact for a Sustainable Future	3
Contents	5
Credits	6
Introduction	8
Executive Summary	10
Specific Requests from Council	11
Introduction	11
Background	11
Purpose of report	12
Defining Net Zero	12
Getting to Net Zero	13
Targets	13
Approach to the Work	13
Working Groups	14
Modeling Impacts	15
Communications and Engagement	15
Net Zero Action Plan	16
Overview	16
Key Actions	16
1. Energy Efficiency in Existing Buildings	17
2. Net Zero New Construction	18
3. Energy Supply	20
4. Investigate Local Carbon Fund	21
5. Engagement and Capacity Building	21
A.Ongoing Operational Requirements and City Investment	23
Program Governance	23
Measurement & Program Review	24
Key Partnerships	24
Training and Capacity Building	24
B.Concurrent and Supportive City Initiatives	25
Appendix	26
Appendix A – Policy Best Practices Report	26
Appendix B – Cambridge Building Energy Primer	26
Appendix C – Energy Supply Primer	26
Appendix D – Working Group Output: Long list of actions	26
Appendix E – Greenhouse Gas Reduction Model	26
Appendix F – Cambridge Solar Potential Report	26
Appendix G – Summary of Proposed Actions	26
Appendix H – List of Members of Task Force and Working Groups	26

Credits

Executive Office

Richard C. Rossi, City Manager
Lisa Peterson, Deputy City Manager

City Council

David P. Maher, Mayor
Dennis A. Benzan, Vice Mayor
Dennis J. Carlone
Leland Cheung
Craig A. Kelley
Nadeem A. Mazen
Marc C. McGovern
E. Denise Simmons
Tim J. Toomey, JR.

Net Zero Task Force

Jane Carbone, Director of Development, Homeowner's Rehab, Inc.
Caitriona Cooke, Program Director, Conservation Services Group
Henrietta Davis, resident and former Mayor of Cambridge
Emily Grandstaff-Rice, President (2014), Boston Society of Architects, Cambridge Seven Associates
Heather Henriksen, Director of the Office for Sustainability, Harvard University
Shawn Hesse, Architect, Sustainability Expert at Emersion Design
Marc Hoffman, resident and Energy Efficiency Advisor
Bill Kane, Vice President of Leasing & Development, BioMed Realty
Andrea Love, resident, and Director of Building Science, Payette Architects
Paul Lyons, resident and President, Zapotec Energy, Inc.
Joseph Maguire, V. P. of Development & Asset Management Services, Alexandria Real Estate Equities
Julie Newman, Director of Sustainability, Massachusetts Institute of Technology
Tom Sieniewicz, resident and Planning Board member, City of Cambridge
Barun Singh, resident and Founder & CTO of Wegowise
Quinton Zondervan, resident and Executive Director, Climate Action Liaison Coalition

Community Development Department

Brian P. Murphy, Assistant City Manager for Community Development
Iram Farooq, Acting Assistant City Manager for Community Development
Susanne Rasmussen, Director of Environmental & Transportation Planning
Lisa Hemmerle, Economic Development Director
John Bolduc, Environmental Planner
Bronwyn Cooke, Sustainability Planner
Ellen Kokinda, Assistant Planner
Jennifer Lawrence, Sustainability Planner
Meghan Shaw, Outreach Director, Cambridge Energy Alliance

Department of Public Works

Owen O'Riordan, Commissioner
Ellen Katz, Fiscal Director
Alexandra Corwin, Energy & Sustainability Analyst

Cambridge Historical Commission

Charles Sullivan, Executive Director

Sarah Burks, Preservation Planner

Samantha Paull, Preservation Administrator

Consultant Team

Dave Ramslie, Principal, Integral Group

Rachel Moscovich, Senior Planner, Integral Group

Barbra Batshalom, Founder & CEO, Sustainable Performance Institute

Paul Gromer, CEO, Peregrine Energy Group

George Metzger, Senior Principal, HMFH Architects

Alison Walker, Sustainability Analyst, Integral Group

Introduction

The Climate Imperative

The City of Cambridge shares increasing global concerns about the crisis of climate change and the many challenges it presents. This crisis threatens the ability of the planet to support secure, healthy, productive, and enriching lives for current and future generations.

In November 2014, the United Nations issued its 5th Emission Gap report – an analysis of the gap in emissions reductions worldwide to limit global warming in this century to the two degrees Celsius increase deemed necessary to avoid the worst impacts of global climate change. The report concludes that to stay within the 2-degree limit, global carbon neutrality will need to be achieved sometime between 2055 and 2070.

Addressing the Built Environment: Cambridge’s Key to Carbon Neutrality

Though our actions in Cambridge only have a small effect on global climate change, it is still our responsibility to take care of our share of the problem and to work to develop solutions that others can implement. Our buildings are both the problem and the solution for addressing climate change. In Cambridge, close to 80% of our greenhouse gas emissions results from building operations and, as a sign of our thriving economy, new buildings seem to be sprouting up every day. If the city can get to net zero in the building sector, we will have made major progress towards achieving the U.N.’s goal of carbon neutrality in our cities.

Key Municipal Initiatives

The City of Cambridge has long been steadfast in addressing climate change. In 2002, the City adopted the Climate Protection Action Plan, our first attempt at proposing emissions reduction targets and recommendations to reduce greenhouse gas emissions. At that time, we set a goal to reduce emissions by 80% by 2050. Since then, the City has committed to a range of initiatives to support sustainable lifestyles and move the community toward greater resilience to climate change. Below are some of the City’s key initiatives:

Green Communities Act— the city has been officially designated as a “Green Community” by the Commonwealth of Massachusetts. As a designee, the City adopted the Stretch Energy Code and met the goal of reducing municipal energy consumption by 20% below an FY08 baseline in FY13 among other steps is on the path to meeting a goal of generating 5% of municipal electricity consumption by 2020 from on-site solar photovoltaic systems

Net Zero aspirations for recent school projects –attempts to reduce energy use through optimized building design and incorporating on-site renewable energy.

Adopted the Building Energy Use Disclosure Ordinance in 2014 – a foundational strategy that provides a means to provide building energy performance information to the marketplace and enhance local energy planning

Created the Cambridge Energy Alliance—a City-sponsored program aimed at helping Cambridge residents and businesses identify and arrange financing for energy efficiency improvements

Currently conducting a climate change vulnerability assessment—this will form the technical foundation for a climate change preparedness plan. The key focus of the plan is making buildings more resilient to storm damage and extreme heat

Collaborations with Our Community Partners

In addition, the City has worked extensively with key community partners including our local institutions, businesses, and organizations to harness the community capabilities in research, innovation, entrepreneurship, social enterprise and governance. The following are two of these driving forces:

Compact for a Sustainable Future: In what is considered a first agreement of its time, the City along with Harvard University and MIT signed the Compact for a Sustainable Future, the aim of which is to work collaboratively to address issues related to sustainability and climate change on a local basis. The signatories also have recruited the participation of many major business partners, and this list of partners continues to grow.

Kendall Square EcoDistrict: A stakeholder-driven process including representatives from local businesses, property owners, the City, MIT, the Kendall Square Association, and the Cambridge Redevelopment Authority collaborating to set goals for and implement projects to improve Kendall Square's sustainability

Together these initiatives are the foundational tools, policies, and organizations that are utilized to advance our goals towards aggressively reducing energy consumption and promoting the expansion of renewable energy opportunities in Cambridge.

The Impetus for the Net Zero Task Force

2013 marked a time of significant construction activity in the city of Cambridge. There was growing concern in the community that any new development would make the goal of reducing greenhouse gas emissions harder, unless new developments were built to be net zero greenhouse gas emissions. Out of this concern, a group of Cambridge residents filed a zoning petition (the Connolly Petition) requiring that all new buildings over 25,000 square feet be net zero or annual offsets would be required.

The petition was met with considerable apprehension. The main objections were that the types of buildings constructed in Cambridge cannot physically achieve a net zero performance on site and that the requirements would drastically increase development costs, and thereby drive business out of Cambridge and stifle the local economy. While the Connolly petition was met with concern, it was the catalyst in bringing the issue of greenhouse gas emissions from buildings to the forefront.

In response, the City convened the Getting to Net Zero Task Force to foster a deep conversation among stakeholders to advance the goal of setting Cambridge on a trajectory to becoming a "net zero community", with a focus on carbon emissions from building operations. To ensure a collaborative process, the City appointed representatives across sectors to study the technical aspects in greater detail and develop comprehensive, actionable, long and short term recommendations.

Channeling Community Ambition & Leveraging Community Assets

From the start, the Net Zero Task Force aimed to channel the community ambition while at the same time leverage the community's resources to deliver a strategy that balances responsibility across sectors. The group agreed that bold strategies were needed, and that current best practices would not be enough. After fifteen months of intensive discussions, outside expert analysis, and consultation across sectors including the general public, the Task Force delivered a 25-year framework for setting Cambridge on the trajectory to becoming a net zero community. The following document is an overview of this effort.

Executive Summary

For the purpose of this document, the term 'net zero' refers to a building or a community of buildings for which, on an annual basis, all greenhouse gas emissions resulting from building operations are offset by carbon-free energy production. Achieving the net zero objective relies on a combination of energy efficiency improvements, renewable energy production and, where necessary, purchase of carbon offsets or, potentially, credits (that meet specific criteria).

The Task Force produced high level recommendations that are summarized under five key areas to get to net zero. The impacts of the recommended actions were modeled at the community level and are projected to achieve a 70% reduction in annual emissions from the Cambridge building stock over a 25-year time horizon. The recommendations are summarized below.

- 1. Energy Efficiency in Existing Buildings**
 - 1.1.1 Custom Retrofit Program
 - 1.1.2 Additional BEUDO Requirements
 - 1.1.3 Upgrades at Time of Renovation or Sale
 - 1.1.4 Operations and Maintenance Plan Requirement for New Construction
- 2. Net Zero New Construction**
 - 2.1 Create Net Zero Targets for New Construction
 - 2.2 Net Zero Incentives
 - 2.2.1 Market-based Incentive Programs
 - 2.2.2 Height + FAR Bonus
 - 2.3 Increase Green Building Requirements in the Cambridge Zoning Ordinance
 - 2.4 Net Zero Requirement for New Construction + Deep Retrofits of Municipal Buildings
 - 2.4.1 Net Zero Requirement for New Construction
 - 2.4.2 Deep Retrofits of Municipal Buildings
 - 2.5 Removal of Barriers to Increased Insulation
- 3. Energy Supply**
 - 3.1 Low Carbon Energy Supply Strategy
 - 3.2 Rooftop Solar Ready Requirement
 - 3.3 Develop a Memorandum of Understanding with Local Utilities
- 4. Local Carbon Fund**
 - Investigate Local Carbon Fund
- 5. Engagement & Capacity Building**
 - 5.1 Communication Strategy
 - 5.2 Develop Ongoing Capacity to Manage Getting to Net Zero Project
 - 5.3 Net Zero Lab Standards and Maintenance Plan Requirement for New Construction

Specific Requests from Council

- Endorse the recommended set of actions
- Endorse the recommended process that engages stakeholders over time

The set of recommendations is intended to form a framework by which deep emissions reductions can be achieved. The framework is designed to strike a balance between articulation of a clear long term direction and the setting of targets while also maintaining the flexibility to manage the project in such a way that it can adapt to the evolving market, changes in energy prices and advances in technology. To achieve this, targets are set to provide direction for the project and a transparent governance structure is proposed, providing oversight so that the plan can be reviewed and renewed periodically based on up to date financial analysis and technical feasibility. Ongoing engagement of key stakeholders will be required throughout the duration of the initiative as will detailed analysis of each of the proposed strategies.

This set of recommendations, developed by the Task Force and working groups, was reviewed by local stakeholders from the Chamber of Commerce, the Cambridge Compact for a Sustainable Future, the Climate Protection Action Committee and Massachusetts Biotech Council (MassBio) as well as the general public. The recommendations were refined based on the feedback of these groups and an iterative process with the Task Force including public comment over the course of a year. The recommendations are comprehensive and work together to address all building types in a manner that is balanced and will accelerate action.

The Task Force recognizes that charting a 25-year course of action intended to transform the local built environment will not be a one-time exercise and recommends that the action plan be reviewed every five years to ensure it remains an effective plan and reflects both the evolving state of technology and the Cambridge economy. Finally the majority of recommendations require further study and stakeholder input at the design phase and many require council action.

Introduction

Background

In October 2013 a group of residents brought a petition to Cambridge City Council requesting an amendment to the Zoning Ordinance that would require all new construction in Cambridge to achieve net zero annual greenhouse gas emissions. With signatures from over 500 Cambridge residents, the “Connolly Petition,” proposed a focus on energy efficient design and renewable energy production and, if necessary regional renewable energy credits (RECs).

City Council and the Planning Board supported the net zero objective, but noted that the proposed requirements for new construction could significantly impact the real estate development and overall economy of Cambridge. To address these concerns, City Council called for the creation of a “Getting to Net Zero Task Force,” with the mandate to define a measured and strategic path to net zero. Task Force members included residents, community advocates, subject matter experts, business and property owners, developers, and two major universities¹. The Task Force was to investigate and determine a pathway for Cambridge to become a “net zero community” addressing both new and existing buildings and developing recommendations for how to achieve this objective.

¹ See “Credits” on page 6 for list of Task Force members.

Purpose of report

The purpose of this report is threefold:

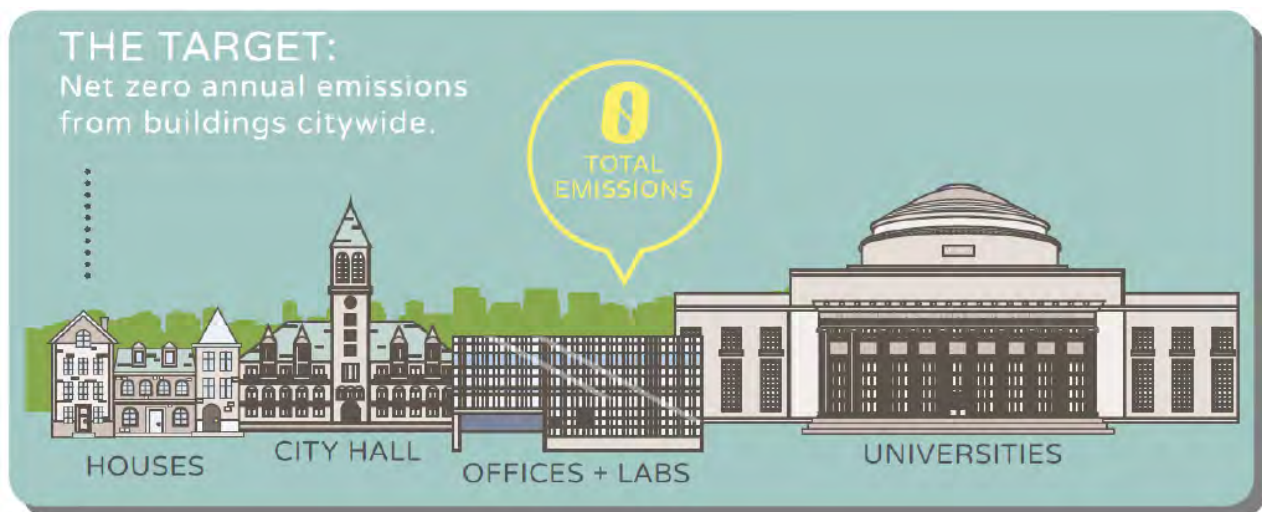
- It summarizes the process undertaken beginning January 2014 to develop recommendations, primarily driven by the Getting to Net Zero Task Force (the Task Force), the associated working groups, and the Community Development Department (CDD).
- It comprises high-level ideas and recommendations and an initial action plan for how to achieve the net zero objective. This includes a pathway to net zero emissions in new construction and strategies to achieve significant community scale emissions reductions for both new and existing buildings.
- It recommends an approach to implementation and ongoing governance of the plan over its projected 25-year scope.

1 Defining Net Zero

The Task Force defines net zero with respect to the city as a whole as:

A community of buildings for which, on an annual basis, all greenhouse gas emissions produced through building operations are offset by carbon-free energy production. Achieving the net zero objective relies on a combination of energy efficiency improvements, renewable energy production and, where necessary, purchase of carbon offsets or, potentially, credits (that meet specific criteria).

The target includes Scope 1 and Scope 2 greenhouse gas (GHG) emissions sources as defined by the Greenhouse Gas Protocol.² This protocol calculates emissions related to all ongoing operations of a facility, including on-site combustion and purchased energy. The net zero target does not include embodied emissions generated from the manufacture of building materials, building construction activities, occupant transportation or waste.



² <http://www.ghgprotocol.org>

Getting to Net Zero

Targets

The Getting to Net Zero Action Plan includes a variety of strategies to achieve a net zero community:

- Highly energy efficient buildings (new + existing)
- The use of onsite renewables
- The use of offsite renewables
- The use of offsets and potentially renewable energy credits (RECs)³ (as a temporary measure to achieve net zero).

To develop a strategy to meet the net zero objective as defined above, the Task Force developed policy targets for new construction and for existing buildings. A brief explanation for this approach is as follows:

- With new construction, developers and designers can design projects to meet energy efficiency and renewable energy targets. The City of Cambridge can use tools such as the Zoning Ordinance to require incremental improvements in energy efficiency in new buildings.
- Existing buildings vary in terms of their energy performance, and require a variety of strategies to significantly reduce greenhouse gas emissions from their operations. As such, the approach to improving efficiency in existing buildings requires a broader variety of tools including both incentives and regulations.

The target of achieving community-wide net zero emissions in Cambridge is ambitious. Actions supporting the achievement of this goal need to be balanced with other City priorities including continued economic growth, housing affordability, improved climate resiliency, historic preservation, and planning and urban design objectives. To this end, the approach to achieving net zero does not solely rely on exemplary performance in any one sector. The set of targets for net zero new construction for each sector (see Table 1) addresses these complexities and competing priorities.

A series of proposed actions to be implemented between 2015–2040 are detailed in this report. The projected greenhouse gas (GHG) impacts of these actions were modeled based on proposed actions being implemented beginning in 2015 through to 2040, and are projected to reduce emissions by 70% by that time. This will position Cambridge to achieve its 2007 target of reducing community GHG emissions by 80% reduction by 2050⁴. Further, it will set a trajectory to achieve continued GHG reductions until net zero has been achieved, while accommodating growth of the community and local economy.

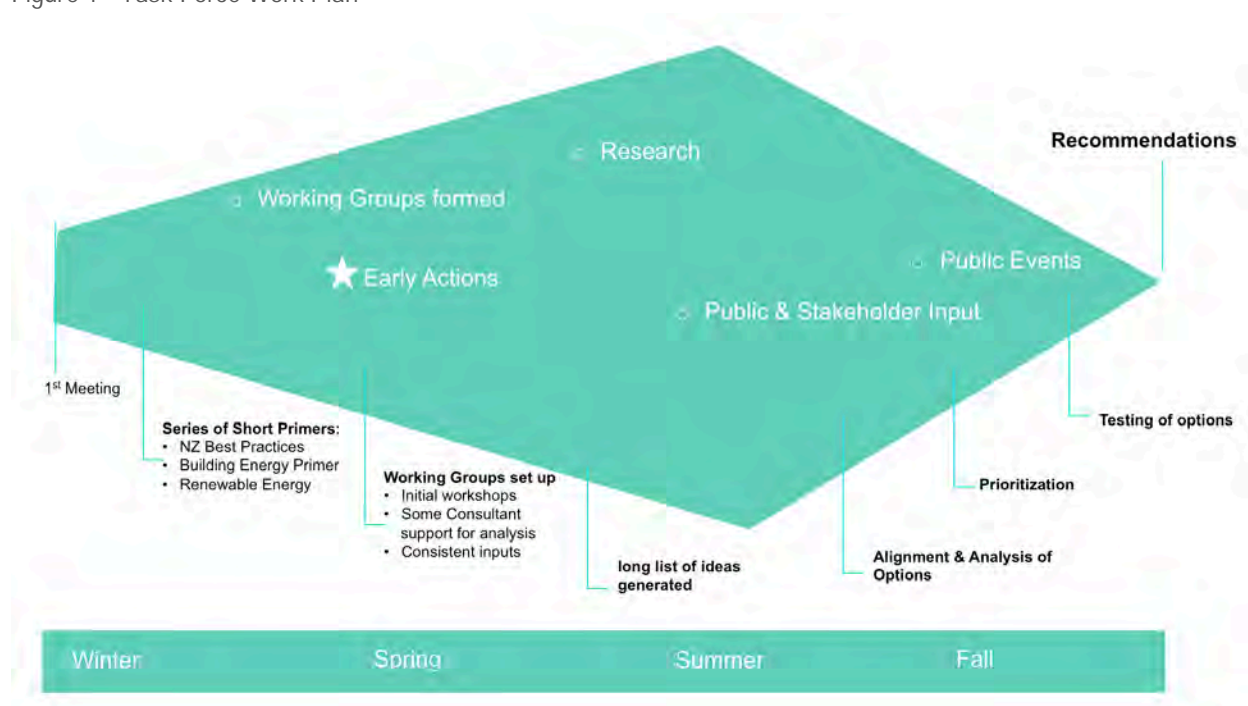
Approach to the Work

The Task Force held 13 meetings between January 2014 and April 2015 with the goal of developing and building consensus around a list of recommended actions by early 2015. Figure 1 illustrates the chronology of the work undertaken by the Task Force over the duration of its tenure.

³ RECs can only be used to offset electricity.

⁴ Cambridge adopted a target to reduce emission by 80% by 2050 in 2007. The net zero action plan modeled 70% reduction over 25 years based on 2014 emissions data.

Figure 1 - Task Force Work Plan



To support the development of a roadmap to net zero, the following research was provided to Task Force members:

- Policy Best Practices in Energy Efficiency: a summary of best practices from other jurisdictions that have introduced leading energy efficiency and green building programs (see Appendix A)
- Cambridge Building Energy Primer: an analysis of the building stock in Cambridge including energy sources and energy consumption by building type and sector (see Appendix B)
- Low Carbon Energy Primer: an overview of what renewable energy technologies and low carbon energy applications could be deployed in Cambridge in various contexts (see Appendix C).
- The Solar Potential in Cambridge: A report prepared by Task Force member Paul Lyons on physical and market potential of Solar Energy deployment in Cambridge. (see Appendix F)

Working Groups

Working groups were established early on in the process. The mandate of the working groups was to study action areas in more detail and develop a list of ideas that would support the target. Four working groups were created to focus on:

- Engagement and behavior change
- Incentives and financing tools
- Regulation and planning approaches
- Energy supply and offsets

The working groups met regularly between May and September 2014. Each produced a report ⁵ identifying a long list of actions to be explored or integrated into the final recommendations for the Task Force. In addition to the long list of actions that should be explored, the task force recommended that three actions be prioritized immediately for action they were:

- Adopt the Building Energy Use Disclosure Ordinance – **Complete**
- Provide comments to the State on requesting an update of the stretch code in support of Net Zero objectives – **Complete**
- Amend the LEED Requirements in the Zoning Ordinance – **Detailed design complete, and recommended approach is part of final Task Force recommendations.**

Modeling Impacts

A model was developed to measure the projected GHG reductions⁶ associated with each of the proposed actions. The purpose of modeling emissions and potential reductions was to help the Task Force prioritize actions to be included in the recommendations, based on the relative impact of each. In designing the model, the following variables were taken into account:

- Growth in building square-footage by sector over time
- Transitions to natural gas as a replacement for coal
- Improvements in energy efficiency based on market adoption of new technology
- Continued growth in the supply of green power in accordance with the Massachusetts Renewable Portfolio Standard (RPS).

The following variables were identified as having potential impact on GHG emissions reduction potential. However, these variables were excluded from the model as the degree of their impact is not well understood at this time:

- Changing heating and cooling loads resulting from climate change
- The effect of advancements in renewable energy technology
- Continued price volatility in the energy sector.

For a more detailed methodology on how GHG emissions were calculated see Appendix H.

Communications and Engagement

To keep Cambridge stakeholders informed and engaged throughout the process of developing the recommendations, the Engagement and Behavior Change working group began by mapping all of the stakeholders that would potentially be impacted by this process.

The following engagement activities were initiated throughout 2014-2015:

- All working group and Task Force meetings were open to the public
- Meeting materials and minutes were posted on the Community Development Department's webpage

⁵ See Appendix D to review Working Group Summaries

⁶ The model was created as a resource to help guide the decisions of the Task Force. It is not intended to be used as a precise tracking or measurement tool.

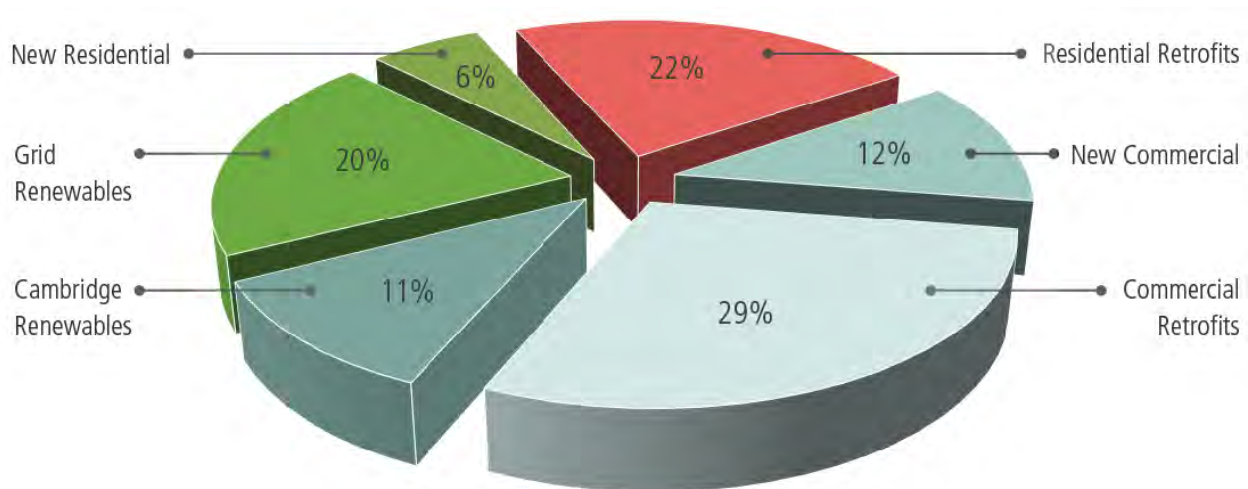
- A mid-year report was published and circulated publically
- A public forum featuring an external pane of net zero experts and offering the audience an opportunity to review and discuss preliminary Task Force recommendations.
- Meetings with key stakeholders such as:
 - Massachusetts Biotech Council
 - Cambridge Sustainability Compact Steering Committee
 - Climate Protection Action Committee
 - Cambridge Chamber of Commerce
 - Cambridge Historical Commission Staff
 - Cambridge Department of Public Works
- A final Public Forum where the Task Force presented the final recommendations and discussed their potential implementation with the public.

Net Zero Action Plan

Overview

The intent of this plan is to introduce an approach that is balanced not only among sectors but also among new buildings, existing buildings, and renewable energy supply. Figure 2 presents a breakdown of the proportion of GHG reductions projected from each sector.

Figure 2 – Projected Greenhouse Gas Reductions by Sector



Key Actions

The proposed actions to meet the net zero objective are categorized into five key areas:

- 1. Energy Efficiency in Existing Buildings**
- 2. Net Zero New Construction**
- 3. Energy Supply (low carbon and renewable energy)**
- 4. Local Carbon Fund**
- 5. Engagement & Capacity Building (communication and resources)**

These five areas and their associated actions are summarized below and described in further detail in Appendix G of this report.

1. Energy Efficiency in Existing Buildings

The goal of this category is to ensure that existing buildings are operating optimally and, where necessary, are retrofitted to maximize efficiency. Building energy data collected by way of the Building Energy Use and Disclosure Ordinance (BEUDO) will be a key tool to catalyze these actions. In 2015, the City will be in possession of the first year of benchmarking data. This data will lay the groundwork to support a targeted approach to building improvements. For building types that will not be subject to the BEUDO, other tools and approaches such as mandatory upgrades at time of renovation or sale will be explored.

The recommendations⁷ for existing buildings are as follows:

1.1.1 Custom Retrofit Program

Explore and develop retrofit incentive programs

Continue to work with the utilities to adapt current incentive programs to take a performance-based approach, where the incentive amount is determined by the relative GHG reductions associated with a given retrofit project. There are currently incentive programs offered by the utility that are well utilized but different approaches could yield better results. City staff are currently in discussions with Eversource regarding a retrofit pilot program for multi-family buildings that could potentially serve as a pilot for this performance-based approach.

1.1.2 Additional Building Energy Use Disclosure Ordinance Requirements (BEUDO)

Require owners of buildings covered under BEUDO to submit energy management plans and to undertake retro-commissioning where appropriate.

The intent of requiring management plans for energy in new construction and major renovations is similar to Cambridge's current practice of requiring transportation demand management plans. Compelling owners to consider how they and their tenants operate their buildings will save energy and set them on a trajectory of continuous savings. Institutional level plans should be accepted for companies or institutions with a clear institution-wide GHG emissions or energy reduction goal. The operation and maintenance (O+M) plans would be similar to retro-commissioning plans in that they would identify opportunities to optimize the operations of the building over time.

1.1.3 Upgrades at Time of Renovation or Sale

Explore a requirement for energy efficiency upgrades at time of renovation and/or sale

This action is to introduce a requirement for building energy upgrades at the time of permitting and/or sale. An initial step will be to undertake a review of how best to implement new retrofit requirements, including whether upgrades should be required at time of renovation or property sale, or both. The tradeoffs associated with each path are to be reviewed in detail and in consultation with industry during the program design phase. Energy efficiency retrofit requirements for buildings subject to BEUDO (i.e. greater than 25,000 square feet) will be based on BEUDO data findings in order to target the least efficient buildings (as compared to their peers) for upgrades.

⁷ For detailed recommendations, see Appendix G.

1.1.4 Operations and Maintenance Plan Requirement for New Construction

Require submission of operation and maintenance plans as a condition of permitting

As a condition of occupancy, developers will be required to submit an operations and maintenance plan for the building. The plan will follow a simple template and ensure that the building has a plan to ensure it is operated to its maximum level of energy efficiency. While the requirement would apply to new construction, its objective is to ensure future existing buildings are operated optimally.

2. Net Zero New Construction

The recommendations for new construction are as follows⁸:

2.1. Create Net Zero Targets for New Construction

Set targets for net zero new construction in Cambridge by building type/sector.

Table 1 includes a preliminary set of target dates for different building types to achieve net zero. These target dates are proposed as policy goals for both industry and Cambridge staff to work towards. It is recommended that regular meetings be held with stakeholders to evaluate the evolving state of technology and construction practices as they relate to targets dates identified below. Specifically, Cambridge staff will consult with industry and other key stakeholders at least two years in advance of proposing regulations requiring buildings to be net zero. The factors that will be reviewed as part of this assessment and consultation are as follows:

- The number of existing net zero buildings of that building type in Cambridge and Northeast
- Technical feasibility/industry capacity
- Access to renewable energy supply on-site or in the region
- Economics including a 'net present value' analysis
- Contribution to other goals such as resiliency

The variation in target years reflects the varying degree of complexity associated with achieving net zero in different building sectors and specifically recognizes the challenges faced by lab buildings in meeting these aggressive targets.

Table 1 - Targets for net zero new construction by sector

Type:	Municipal	Residential	Multi-Family	Commercial	Institutional	Labs
Target Year:	2020	2022	2025	2025	2025	2030

2.2 Net Zero Incentives

Provide a compelling incentive package to encourage private developers to exceed energy efficiency requirements.

⁸ For detailed recommendations, see Appendix G

In order to ensure that the most effective incentives are being utilized, Harvard and MIT have offered to collaborate with the city of Cambridge on a study of the most effective incentive strategies for the Cambridge context. While this study will look at all available tools, the following incentives to catalyze transformation of the market to net zero construction were specifically recommended for further exploration by the task force:

- Market-based incentive program
- Floor area ratio (FAR) bonuses
- Height relaxation

It is recommended that a study be undertaken to assess the feasibility of a performance fee and rebate program. If it proves feasible, the next step would be to initiate a pilot program in the residential sector to test its practicality and effectiveness. Additionally, a wider review of other market-based solutions that help developers overcome first costs and encourage innovation in green building design and construction is also recommended.

FAR bonuses and height relaxation should be explored in the context of the Cambridge citywide planning process and within the full spectrum of other programs such as affordable housing that currently use these as tools.

2.3 Increase Green Building Requirements in Cambridge Zoning Ordinance

Increase minimum green building requirements on a regular basis starting in 2015

The Task Force recommends the incremental scaling up of green building requirements, benchmarked with real-world examples and cost benefit analysis, over time leading up to the specific net zero target dates identified for each building type. The green building requirements in the Cambridge Zoning Ordinance currently apply to buildings 25,000 square feet or larger. Requiring incremental improvements in advance of the net zero targets sets industry on a trajectory to realize deep energy efficiency savings and better equips them to achieve the referenced targets. For more specific information on how green building requirements are proposed to be amended see Appendix G.

2.4 Net Zero Requirement for New Construction + Energy Performance Improvements to Existing Municipal Buildings

Introduce bold targets for new construction and energy performance improvements for existing municipal buildings.

To demonstrate leadership, establish a policy that new construction of municipal buildings target net zero in the near term. This policy would also be applicable to gut renovations where a building is being completely renovated with new electrical, mechanical, interior, and envelope systems. For all other existing municipal buildings, the Task Force recommends introducing greenhouse gas reductions as a key component throughout the municipal improvement strategy and integrating it with other priorities, such as life safety, and accessibility.

2.5 Removal of Barriers to Increased Insulation

Resolve policy barriers to improving insulation of buildings.

Develop an approach to remove barriers in the Zoning Ordinance to enable the addition of exterior insulation and improve the efficiency in renovations to residential buildings. The approach will have to be sensitive to both historic preservation and fire and life safety.

3. Energy Supply

Achieving net zero and improving community resiliency will require a significant shift in the supply of energy to Cambridge buildings away from fossil fuel based sources and toward low- or zero-carbon distributed sources. This will include realizing a significant portion of the city's solar potential (both PV and thermal), taking advantage of opportunities to harvest waste heat from large commercial or industrial facilities, and expanding and "greening" the city's district energy capacity.

To meaningfully address energy supply the Task Force developed three recommendations:

3.1 Low Carbon Energy Supply Strategy

The objective of this strategy is to define how the City will support the broad implementation and development of renewable and low carbon energy in Cambridge. This includes identifying what role(s) Cambridge can play in generation, distribution, and storage.

Additionally, the City will review what role(s) it can play in the procurement of additional green power supply through lobbying the State to increase the Renewable Portfolio Standard (RPS)⁹, and by reviewing the potential for customer aggregation as a tool to further increase the supply of renewables to meet Cambridge municipal and residential needs, potentially in combination with non-profit or commercial energy users. The desired result is to achieve measurably more new renewable energy in Cambridge over the life of the strategy.

3.2 Rooftop Solar Ready Requirement

Develop "solar ready" requirements and explore renewable energy requirements.

Recognizing that during construction is the most economically efficient time to prepare a roof to support solar energy, the Task Force recommends that Cambridge design a solar ready ordinance that considers structural design, building and roof orientation and impact on landscape or vegetation objectives. The ordinance has to recognize that some roofs will be unsuitable for solar energy, due to overshadowing, orientation, roof top mechanical requirements etc. and should therefore be excused from the requirements.

Further the Task Force recommends that over the medium term, the City explore requiring that some portion of renewable energy be generated on site for new buildings. This is similar to what some local governments in the United Kingdom have enacted over the last decade.

⁹ The Massachusetts Renewable Energy Portfolio Standard (RPS) is a statutory obligation that suppliers of electricity obtain a minimum percentage of their electricity from renewable sources. The regulation began in 2003 and started at 1% of total demand. It was legislated to grow by .5% per year until 2008, after which it has since grown by 1% per year.

3.3 Develop an Memorandum of Understanding with Local Utilities

This recommendation recognizes that the success of this initiative is greatly impacted by how well the City and stakeholders can work constructively with the utilities to be more efficient and switch to lower carbon forms of fuel and also address cost considerations.

4. Investigate Local Carbon Fund

Where it is not possible or is exceptionally challenging for individual projects to achieve net zero emissions through the combination of efficiency and renewable energy generation, a recommended alternative approach is to develop a locally managed carbon fund¹⁰. The carbon fund would be a voluntary mechanism available as an alternative path to achieving net zero at the building level.

A carbon fund would introduce the option, as an alternative to achieving net zero, to make a payment to offset a project's emissions. The fund could further be used by local institutions that have established sustainability goals that could be addressed through the purchase of offsets. The money collected would go into a local carbon fund, the proceeds of which will support Cambridge-based greenhouse gas reduction initiatives and renewable or low-carbon energy projects. Ideally, a locally based carbon fund would be developed and operated independently or at arm's length of the City.

The objective of the fund should be to create a vehicle that is easy to use as a method to achieve net zero emissions over the short and medium term. Administrative costs should be kept to a minimum to ensure the maximum proportion of the fund is invested directly into emission reduction project development. The offsets need not be "gold level" certified, but the accreditation methodology should be robust. For example, a program with defined parameters could qualify once but be used to offset emissions from several buildings. Further, in contrast to traditional offset frameworks, which typically are limited to supporting large-scale projects, a local carbon fund should be structured such that it can support a range of Cambridge-based emission reduction projects regardless of the scale of the project.

5. Engagement and Capacity Building

The Task Force strongly recommends that a comprehensive long-term communications strategy around the Cambridge Net Zero objective be developed. The strategy will ensure that key stakeholders including City officials, the building industry, and Cambridge residents remain aware of the progress toward net zero and engaged with the initiative as needed or desired.

To meaningfully address engagement and capacity building the Task Force has three recommendations:

¹⁰ Note that the proposed carbon fund should not be confused with what is typically called a 'carbon tax,' which is a different tool both in structure and how the funds are used. The carbon fund will not interfere, nor will there be overlap with the proposed state level carbon tax (Massachusetts House Bill 2532), which proposes to charge customers \$5 per ton for carbon-based fuel.

5.1 Develop a Communication Strategy.

5.2 Develop ongoing capacity to manage getting to net zero project.

5.3 Develop Net Zero Standards for Laboratories.

The strategy will examine how the City can leverage tools such as community based social marketing, citizen challenges, and recognition programs to promote action on net zero and make it common practice. There is already significant leadership being demonstrated by the building industry locally with regard to developing highly efficient commercial office and laboratory buildings. Harvard and MIT have also shown significant leadership on GHG emissions and energy reductions. Any successful communications strategy will have to build on and celebrate these successes.

The Task Force recommends that the City conduct a thorough policy analysis and stakeholder engagement review for all of the key regulatory ideas suggested in this report.

A working group should be convened to work on building energy efficiency operations within labs. The purpose of this group would be to work with lab tenants to explore ways in which research work can be optimized to be more energy efficient. The Cambridge research community is uniquely suited to take a leadership role on this issue and create 'made in Cambridge' solutions.

A. Ongoing Operational Requirements and City Investment

These goals and actions that are being proposed come at a time of great change in the green building sector: energy prices are increasing, renewable energy costs are decreasing, and there is great volatility in commodity prices globally. While there is a need to demonstrate bold leadership and set goals today, there is also a need for ongoing management of this initiative to ensure that the targets remain relevant and achievable for industry.

To this end, the Task Force has proposed that the whole suite of recommendations be reviewed every five years throughout implementation. These reviews will allow for the overall strategy to adjust based on changing economics, technology and stakeholder needs. The review process will be similar to the initial work of the Task Force in that it will be supported by staff and be informed by a similar group of stakeholders.

The Task Force recommends that the City continue to invest staff time and resources into identifying resources, tools, innovative ideas, training opportunities, grants and other resources to support residents and commercial property owners in working toward this aggressive goal.

Program Governance

As noted above, the net zero framework will require regular program wide reviews of the overall strategy every five years and specific stakeholder review and consultation for each of the actions as they are implemented. In order to ensure that the framework evolves in the desired manner, the Task Force recommends that the implementation of the framework adhere to the following principles:

- Supports long range healthy economic strategies as well as climate goals
- Uses market based and data driven analysis and decision making
- Commitment to identifying and testing the best available policies, practices, and technologies, and support an openness to new ideas when circumstances change
- Commitment to allowing the principle of offsets as long as it can be demonstrated that the offset produces actual GHG reductions whether in the form of an energy efficiency or renewable energy activity
- Commitment to measuring and monitoring impact over time that leads to course corrections where required
- Ensure consultation is comprehensive and engages affected stakeholders, the general public and subject matter experts
- Commitment to developing informative and replicable models that will be shared with others

The Task Force also recommends that Climate Protection Action Committee be charged with ensuring that an annual report is issued by the City, documenting what actions have been taken to implement the Net Zero Action Plan and the trends in greenhouse gas emissions from building operations.

The Task Force also recommends that Climate Protection Action Committee be charged with ensuring that an annual report is issued by the City, documenting what actions have been taken to implement the Net Zero Action Plan and the trends in greenhouse gas emissions from building operations.

Measurement & Program Review

The ongoing management and reporting on the City's progress toward net zero will become easier by way of the collection and analysis of BEUDO data. This effort will also be aided by a closer working relationship with the utilities and major institutions to help understand data for buildings that are currently not included in the BEUDO.

The data and accomplishments communicated in the proposed annual reporting on this project should be informed by the communications strategy. There was strong consensus on the Task Force that a concerted effort to make emissions more understandable to the general public and key stakeholders is vital to keeping the community engaged on this topic.

Key Partnerships

Cambridge staff will continue to work through the Cambridge Sustainability Compact to ensure that the institutions, and development community in Cambridge are not only consulted, but also central to the evolution of the project over time. Specifically the work that Harvard and MIT are currently undertaking to develop and execute plans to lower their emissions will be central to this initiative being successful, given the size of their campuses.

Training and Capacity Building

Building a workforce and a professional services community that is capable of delivering net zero buildings will have to be a regional initiative. Working with neighboring communities that are also targeting deep emissions reductions to bring training and knowledge to the greater metropolitan area will help to accelerate the development of net zero emissions buildings.

The Task Force also recommends that the City develop a detailed staffing and resource plan for how they will support the community in this effort, how they will efficiently and effectively execute on the proposed ideas in this report, and provide resources and support to the residential and business community around implementation.

B. Concurrent and Supportive City Initiatives

The achievement of net zero interfaces with a number of other City objectives and concurrent planning initiatives:

- Citywide plan – will both inform and be informed by the recommended actions noted above. Specifically the energy supply strategy should be done concurrently in order to ensure that land use and density is also informed by renewable energy availability. The citywide plan will further inform the feasibility of providing height and density bonuses as incentives.
- EcoDistricts – The Kendall Square EcoDistrict energy study will serve to inform the broader citywide energy study as well as serve as powerful platform for the City of Cambridge, land owners, and tenants and utilities to cooperate on building energy retrofits and exploration of microgrids.
- Climate change vulnerability assessment/preparedness plan – While the proposed framework generally supports resiliency objectives including more efficient buildings, local renewable energy and microgrids, there is a need to review potential conflicts such as whether solar panels have any adverse impact on the urban heat island effect.
- Cambridge Compact for a Sustainable Future – As noted above, the Sustainability Compact will be a key stakeholder group that will help to guide and support the implementation of these recommendations.
- Climate Protection Action Committee (CPAC) – CDD staff will ensure that annual progress updates proceed and are reviewed by CPAC to ensure accountability and transparency.

Appendices

To open the appendices, double click the document file icon.

Appendix A – Policy Best Practices Report



Cambridge Best
Practice Policy Guide I

Appendix B – Cambridge Building Energy Primer



Cambridge BuildingE
nergyPrimer_Final

Appendix C – Energy Supply Primer



Energy Supply
Primer_Final

Appendix D – Working Group Output: Long list of actions



Summary of Net Zero
Task Force Working C

Appendix E – Greenhouse Gas Reduction Model



Cambridge GHG
Reduction Model

Appendix F – Cambridge Solar Potential Report



Cambridge Solar PV
Potential_Final

Appendix G – Summary of Proposed Actions



Summary of
Proposed Actions_Fin

Appendix H – List of Members of Working Groups



Working Group
members

Appendix I – Cambridge Net Zero Action Plan Gantt Chart



Cambridge Net Zero
Gantt_Final