

# CITY COUNCIL MEETING

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

## **AGENDA**

- 6:30PM – NON PUBLIC SESSION IN ACCORDANCE WITH RSA 91-A:3, II (a) REGARDING NEGOTIATIONS – SCHOOL CUSTODIAL AFSCME

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

### **PRESENTATIONS**

1. Prescott Park Sound Management Plan Update – Eric Reuter
2. Combined Sewer Overflows – Terry Desmarais, City Engineer; and Suzanne Woodland, Deputy City Attorney

- V. ACCEPTANCE OF MINUTES – JUNE 19, 2017 AND JULY 10, 2017

- VI. PUBLIC COMMENT SESSION

- VII. PUBLIC HEARING

- A. RESOLUTION AUTHORIZING THE BORROWING OF UP TO THREE MILLION DOLLARS (\$3,000,000.00) THROUGH THE ISSUE OF BONDS AND/OR NOTES FOR ADDITIONAL COSTS FOR THE CONSTRUCTION OF A NEW PARKING FACILITY

- VIII. APPROVAL OF GRANTS/DONATIONS

- A. \*Acceptance of Donation to the Coalition Legal Fund
  - Town of Carroll - \$2,000.00*(Anticipated action – move to approve and accept the donation, as listed to be placed in the Coalition Legal Fund)*
- B. Acceptance of Donation to the Police Department from the Estate of Geraldine Webber
  - \$188,129.88*(Anticipated action – move to approve and accept the donation, as listed)*
- C. Acceptance of Donation to the Fire Department from the Estate of Geraldine Webber
  - \$188,129.88*(Anticipated action – move to approve and accept the donation, as listed)*

**IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES**

- A. Adoption of Resolution Authorizing the Borrowing of up to Three Million Dollars (\$3,000,000.00) through the Issue of Bonds and/or Notes for Additional Costs for the Construction of a New Parking Facility
  
- B. Third and Final Reading of Proposed Ordinance Amendments to the Annual Omnibus Ordinances:
  - 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

**X. CONSENT AGENDA**

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

- A. Request for License to Install Projecting Sign from Mark Sullivan owner of Paul Mitchell the School for property located at 140 Congress Street ***(Anticipated action – move to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request)***

**Planning Director’s Stipulations:**

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

- B. Request for License to Install Projecting Sign from Peter Mocklis owner of Look Fine Eyewear/Sol Sunwear for property located at 68 State Street ***(Anticipated action – move to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request)***

**Planning Director’s Stipulations:**

- ***The license shall be approved by the Legal Department as to content and form;***
  
- ***Any removal or relocation of projecting sign, for any reason, shall be done at no cost to the City; and***

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

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

*(There are no Items under this Section of the Agenda)*

## XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

### A. CITY MANAGER

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

1. Request to Establish First Reading on Proposed Ordinance Amendments to Chapter 4 Pertaining to the City's Food Licensing and Regulations
2. Report Back Re: Oak Street Paper Street Request
3. Acceptance of Traffic Signal and Sidewalk Easement Re: 1574 Woodbury Avenue
4. Request for Public Hearing Re: Acceptance of SB38 Funding (Highway Aid)
5. Acceptance of Easements Required for Andrew Jarvis Drive Intersection Improvement Project
6. McIntyre Property Retreat – September 9<sup>th</sup>

#### **City Manager's Informational Items:**

1. Events Listing
2. Municipal Election Filing Period
3. Zagster Bike Share May/June 2017 Snapshot
4. Memorandum Re: Keno

### B. MAYOR BLALOCK

1. \*Appointments to be Considered:
  - Reappointment of Marylou McElwain to the Parking & Traffic Safety Committee
2. Appointments to the Rockingham Planning Commission:
  - Jody Record, Planning Board member
  - Peter Britz, Environmental Planner / Sustainability Coordinator as an Alternate member

***(Sample motion – move to appoint Jody Record and Peter Britz to the Rockingham Planning Commission)***
3. City Manager's Evaluation *(Informational Only)*

**C. ASSISTANT MAYOR SPLAINE**

1. Thoughts on Reuse Of The McIntyre Federal Building

**D. COUNCILOR LOWN**

1. Parking and Traffic Safety Committee Action Sheet and Minutes of the July 6, 2017 meeting (***Sample motion – move to approve and accept the action sheet and minutes of the July 6, 2017 Parking and Traffic Safety Committee meeting***)

**E. COUNCILOR PEARSON & PERKINS**

1. \*Rule 43 – Public Comment (***Proposed motion – move to remove Rule 43 – Public Comment Session and replace with Council-Public Dialogue at 45 minutes before City Council business (Non Public Session and Work Sessions) on the night of a regularly scheduled Council meeting the Council, Manager, and any appropriate staff shall welcome all interested individuals for an informal dialogue session. The purpose of the session is to provide an opportunity for members of the public to directly interact with members of the Council, the City Manager and department heads (with the discretion of the City Manager). From time to time, such session may be held in various locations in the City and need not only occur in City Hall.***

***(Proposed motion – move to make procedural change to Public Hearings. Reorganize the order of procedure for all public hearings to “bundle” all the pieces of each topic which requires a public hearing. The public hearing process would go as follows: first, any presentation by the city; second, council questions and deliberation; third, public hearing; and fourth, additional council questions and deliberations, then council vote. The purpose of this restructuring is to streamline the process and allow the public to benefit from any presentation and council deliberation before making their comment, in addition to making the process easier to understand and more transparent to residents. In addition, each topic would be presented from start to finish at once instead of spread out over several hours.***

***(Proposed motion – move to enter emails sent to City Council into public record. Residents and community members will have the option when emailing the city council to have their email entered into the city council packet and public comment record for the meeting. The purpose of this is to provide additional opportunities for the public to contribute input into the public record. Residents would need to follow the same rules for public comment and include name and address along with their comment. Such comments would be updated by any comments received after the packet is released and prior to Monday at noon)***

**F. COUNCILOR DENTON**

1. \*Carbon Free and Dividend Resolution

**XIII. MISCELLANEOUS/UNFINISHED BUSINESS**

**XIV. ADJOURNMENT**

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

*\*Indicates Verbal Report*

**INFORMATIONAL ITEMS**

1. Notification that the minutes of the June 7, 2017 and June 14, 2017 meetings of the Historic District Commission are now available on the City's website
2. Notification that the minutes of the June 15, 2017 and June 22, 2017 meetings of the Planning Board are now available on the City's website

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



UNITED STATES ENVIRONMENTAL PROTECTION  
AGENCY  
Region 1  
5 Post Office Square, Suite 100  
Boston, MA 02109-3912

CERTIFIED MAIL, RETURN RECEIPT REQUESTED

JUL 10 2017

Suzanne Woodland  
Deputy City Attorney  
City of Portsmouth  
1 Junkins Avenue  
Portsmouth, NH 03801

Re: City of Portsmouth, New Hampshire - Consent Decree 09-cv-283-PB ("CD")

Dear Attorney Woodland:

*Richard New*

The U.S. Environmental Protection Agency ("EPA") and the New Hampshire Department of Environmental Services ("NHDES") have reviewed the City's June 16, 2017 responses to EPA's comments on the November 2016 Post Construction Monitoring Plan/Report ("PCMP/R"). As requested, the City also submitted a combined sewer overflow ("CSO") Supplemental Compliance Plan. Based on our review of the June 2017 Revised PCMP/R and CSO Supplemental Compliance Plan, and pursuant to paragraph 12.e. of the CD, EPA, by this letter, approves the Final PCMP/R.

Following discussions with the City about the eight sewer separation projects listed on page 1 of the CSO Supplemental Compliance Plan dated June 18, 2017 and their anticipated schedule for completion, EPA and NHDES agree that it is more efficient for Portsmouth to complete construction of six of the projects prior to updating the Long Term Control Plan ("LTCP"). Those six projects are: Fleet Street; Pleasant Street at Court Street; McDonough Phase 3B; Islington Street Phase 1; Maplewood Avenue at Fairview Drive; and Union Street. Portsmouth advised that these six sewer separation projects would take four to six years (i.e., by no later than October 2023) to complete given that there are ongoing Department of Transportation projects in the area. In addition to the six sewer separation projects, the City indicated that it could complete a sewer rehabilitation project in this four to six year time period.

All of these projects would remove infiltration and inflow from the wastewater collection system to further reduce CSO discharge volume and frequency before collecting water quality data and updating the City's Long-Term CSO Control Plan ("LTCP"). Portsmouth shall provide project status on all seven projects as part of the monthly reports on compliance it will be submitting pursuant to Paragraph III.6.a. of the Consent Decree Second Modification.

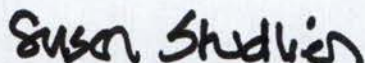
Two of the originally listed projects, Islington Street Phase 2 and McDonough Phase 4 represent work likely to be accomplished after other listed projects are completed and therefore beyond the four to six year time frame.

EPA also understands from the discussions that the City's Inflow and Infiltration report is scheduled to be completed by Woodard and Curran by October 31, 2017. Within sixty (60) days of receipt of the final report, the City will propose a sewer rehabilitation project for EPA review and acceptance.

The City proposes completing the LTCP update over a period of two years (i.e., by no later than October 2025). EPA accepts this schedule which should be incorporated into the City's CSO Supplemental Compliance Plan and resubmitted to EPA and NHDES.

If you have any questions, please contact Tonia Bandrowicz at (617) 918-1734 or have the City's technical staff contact Joy Hilton at (617) 918-1877.

Sincerely,



Susan Studlien, Director  
Office of Environmental Stewardship

cc: Mark Pollins, Director of Water Enforcement, USEPA  
Joy Hilton, USEPA Region 1  
Tracy L. Wood, NHDES, Wastewater Engineering Bureau Administrator  
Allen Brooks, Esq., Department of Justice, Environmental Protection Bureau Chief  
Tonia Bandrowicz, Senior Enforcement Counsel, USEPA Region 1  
David Gordon, Esq., US Department of Justice  
Tom Irwin, Esq., Conservation Law Foundation  
John P. Bohenko, City Manager  
Brian Goetz, Deputy Director of Public Works  
Nancy Colbert-Puff, Deputy City Manager  
Terry Desmarais, City Engineer, Portsmouth

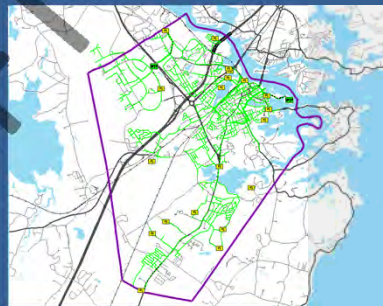
# Combined Sewer Overflows

Portsmouth City Council Meeting  
August 7, 2017

DRAFT

## The City's Wastewater System Today

- Collection System
  - ~120 Miles of Collection System (~20% Combined)
  - 3 Permitted Active CSOs
  - 20 Pumping Stations
- Treatment System
  - Peirce Island Treatment Plant (6.1 MGD in 2019)
  - Pease Treatment Plant (1.2 MGD)






## Combined Sewer Overflow

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- Exist Only in a Combined Sewer System
- Pipe Connection Between the Combined Collection System and a Water Body that Provides Necessary Relief During Wet Weather Events

“...remnants of the country’s early infrastructure.”

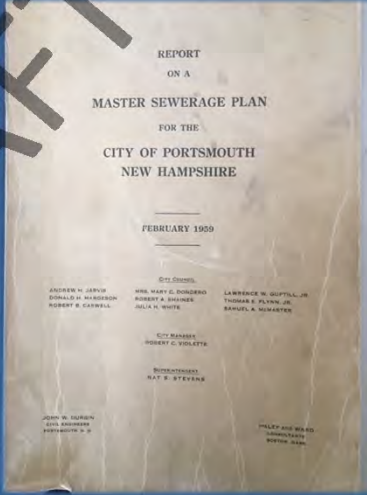
EPA at <https://www.epa.gov/npdes/combined-sewer-overflow-frequent-questions>


August 7, 2017

Combined Sewer Overflows
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## The City’s Collection System ~1950’s

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- 11 Direct Untreated Discharges to the River
- 1 Settling Tank Discharge from Wentworth Acres
- Multiple Direct Outlets from Homes
- All Direct Discharges to Mill Ponds and River



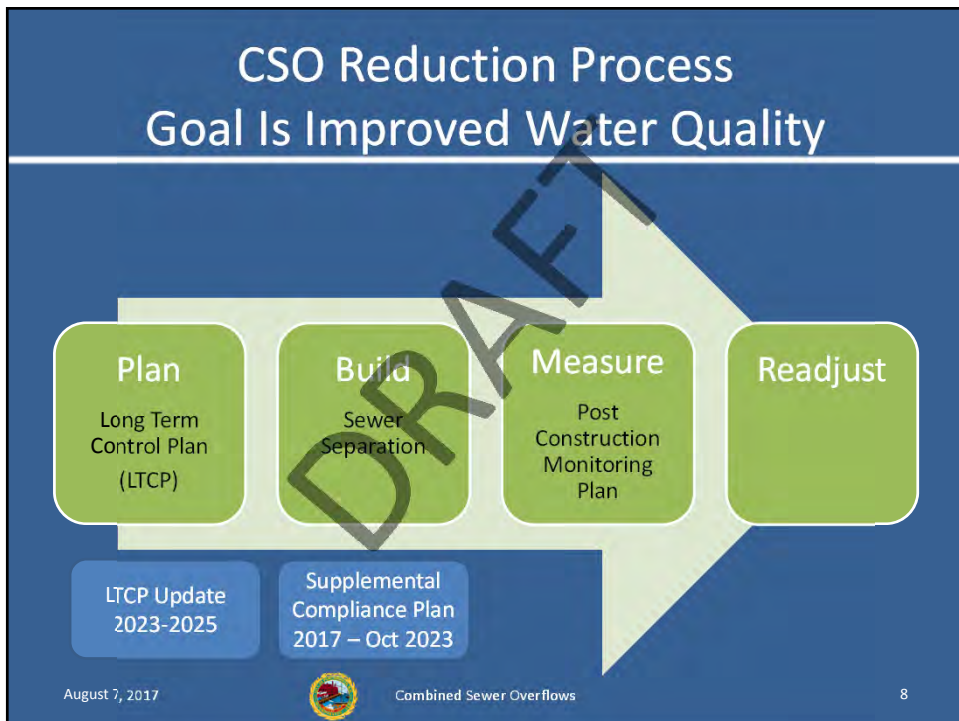
August 7, 2017

Combined Sewer Overflows
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## Resolution to 1950's Issues

- Separate Sewer System and Storm Drain System
- Construct Pumping Stations
- Create Relief Points - CSOs
- Construct Treatment Facility on Peirce Island
  - Regulatory Requirement to Build Treatment
  - Council Vote 1962
  - Completed March 1965

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## Supplemental Compliance Plan (SCP)

- Projects To Be Constructed by October 2023
  - Islington Street Phase 1 (Rte 1 Bypass to Columbia)
  - McDonough Phase 3B (Construction Underway)
  - Pleasant Street at Court Street
  - Maplewood Avenue at Fairview Dr
  - Fleet Street
  - Union Street
  - Sewer Rehabilitation Project
- Water Quality Monitoring and LTCP Update
  - 2023 to 2025

August 7, 2017



Combined Sewer Overflows

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## Clarifications

North Mill Pond from Maplewood Avenue



There are no CSOs at North Mill Pond

Marcy St Drain Outfall at Prescott Park



This is not a CSO

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Combined Sewer Overflows

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# Clarifications

South Mill Pond from Junkins Avenue



There are two EPA permitted active CSOs at South Mill Pond

Deer Street Looking Toward Piscataqua River



There is one EPA permitted active CSO at Deer Street Across Market Street

- Amount of CSO Will Vary by Rainfall Intensity, Duration, Frequency and Ground Conditions
- Combined Flow is Dilute Wastewater (25% Wastewater 75% Stormwater)

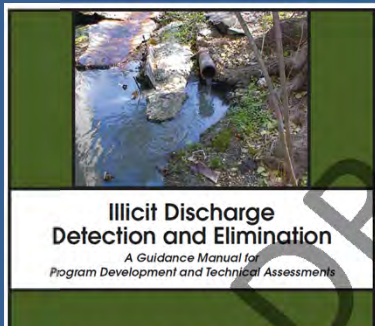
August 7, 2017



Combined Sewer Overflows

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# Clarifications



Bacteria of All Kinds is Common in Urban Water Bodies, Particularly at Drainage Pipe Outfalls



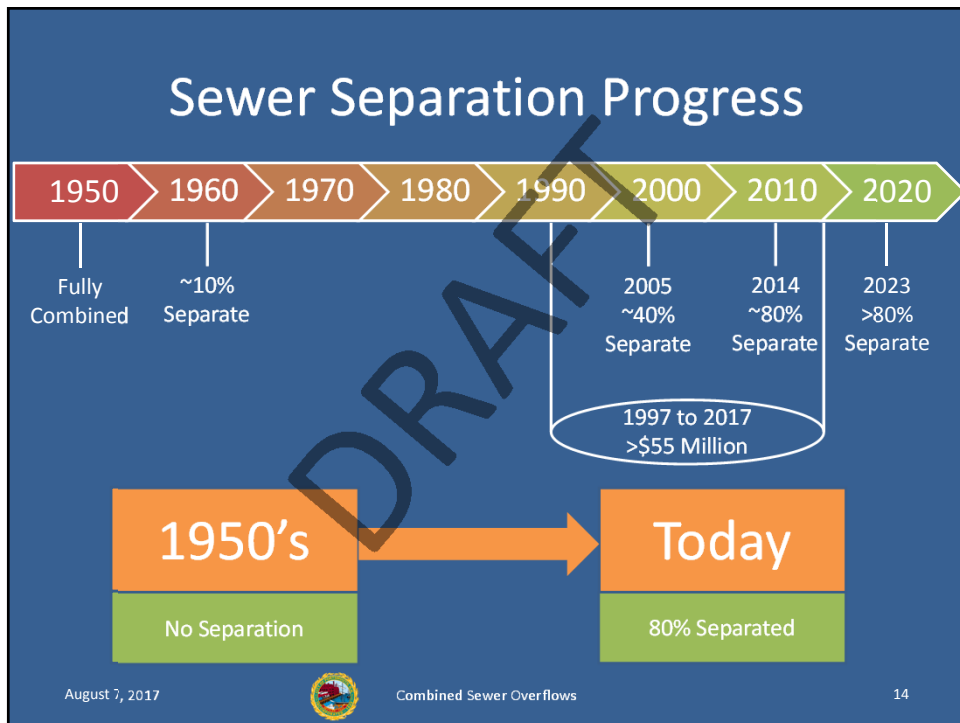
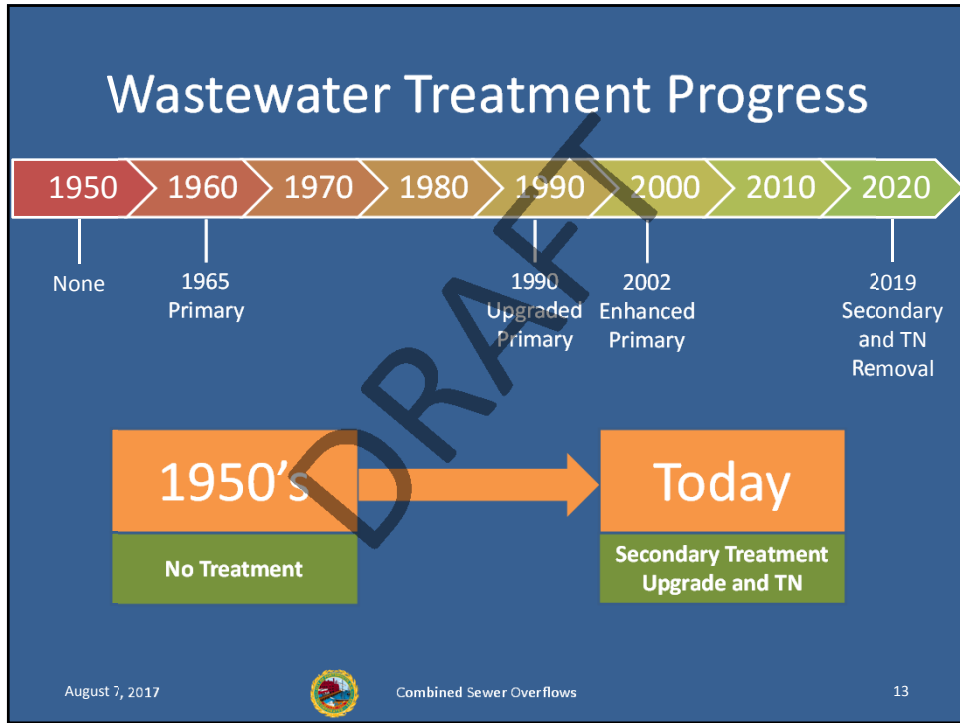
There Are No Designated Swimming Areas in Portsmouth

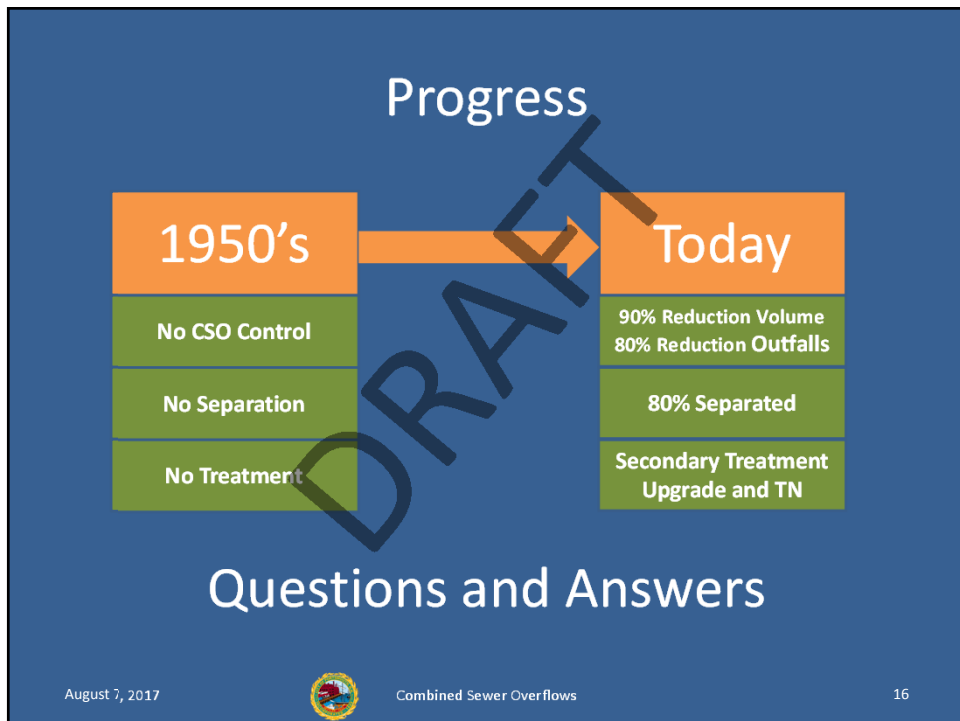
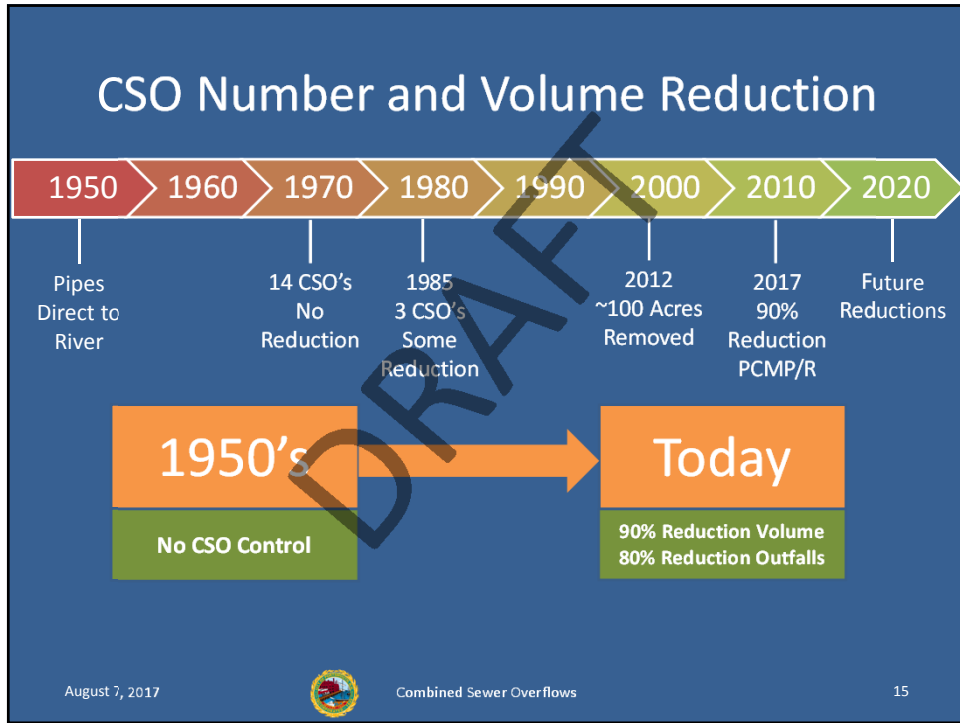
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Combined Sewer Overflows

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## **CITY COUNCIL NON PUBLIC SESSION**

MUNICIPAL COMPLEX  
DATE: MONDAY, JUNE 19, 2017

PORTSMOUTH, NH  
TIME: 6:30PM

At 6:30 p.m., a roll call for attendance was done with Assistant Mayor Splaine and Councilor Perkins being absent.

City Council Present: Mayor Blalock, Councilors Dwyer, Lown, Spear (6:40 p.m.), Pearson, Cyr, Denton

City Council Absent: Assistant Mayor Splaine and Councilor Perkins

Others Present: John P. Bohenko, City Manager; Robert P. Sullivan, City Attorney; Dianna Fogarty, Human Resources Director; Tom Closson, Negotiator; and Kelli L. Barnaby, City Clerk

**Councilor Dwyer moved to enter into a Non Public Session regarding the Compensation of Public Employees regarding AFSCME 1386B Contract – RSA 91-A:3 II (a). Seconded by Councilor Lown and voted. Assistant Mayor Splaine, Councilors Perkins and Spear were absent.**

Mayor Blalock open the Non Public Session.

City Manager Bohenko explained how AFSCME 1386B was created when the clerical staff broke away from the Public Works employees which was AFSCME 1386.

Human Resources Director Fogarty and Negotiator Closson explained the contract and recommended approval by the City Council.

At 6:50 p.m., Mayor Blalock declared the Non Public Session closed.

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## **CITY COUNCIL MEETING**

MUNICIPAL COMPLEX  
DATE: MONDAY, JUNE 19, 2017

PORTSMOUTH, NH  
TIME: 7:00PM

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

Mayor Blalock called the meeting to order at 7:00 p.m.

### **II. ROLL CALL**

Present: Mayor Blalock, Assistant Mayor Splaine (via conference call), Councilors Perkins, Dwyer, Lown, Pearson, Spear, Cyr and Denton



### **III. INVOCATION**

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

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

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

### **PRESENTATIONS**

1. Portsmouth High School 2017 Girls Spring Track New Hampshire Division II State Champions

Recreation Director Wilson and Mayor Blalock presented plaques to the 2017 Girls Spring Track New Hampshire Division II State Champions.

Head Coach Mr. Lyford thanked Recreation Director Wilson, Mayor Blalock and City Council for recognizing the Girls Spring Track Team in recognition of winning the State Championship. He stated the Girls won their first spring track championship in 40 years!

2. Portsmouth High School Girls Lacrosse New Hampshire Division II 2017 State Champions

Recreation Director Wilson and Mayor Blalock presented plaques to the Girls Lacrosse New Hampshire Division II 2017 State Champions.

Head Coach Squire thanked Recreation Director Wilson, Mayor Blalock and City Council for recognizing the Girls Lacrosse Team for winning the State Championship. She said that this is a young team and don't be surprised if the girls come back with another Championship in the future.

3. Portsmouth High School Boys Baseball New Hampshire Division II 2017 State Champions

Recreation Director Wilson and Mayor Blalock presented plaques to the Boys Baseball Team in recognition of winning the State Championship.

Head Coach Hopley thanked Recreation Director Wilson, Mayor Blalock and the City Council for recognizing the Boys Baseball Team for winning the State Championship. He announced that this is the 6<sup>th</sup> state championship in the past 10 years.

4. New England Foundation for the Arts Award Re: African Burying Ground

Jane Preston of the NE Foundation for the Arts presented the 2017 Creative Economy Award with a cash award of \$2,500.00 to Vernis Jackson of the African Burying Ground who accepted the award with Councilor Dwyer, Stephanie Seacord and Jane James with thanks and appreciation.

Mayor Blalock said that the African Burying Ground is just one of the many beautiful places in the City.

5. Art-Speak Annual State of the Arts Presentation and Request to Extend the Agreement between the City and Art-Speak

Mike Teixeira of Art-Speak provided a brief Presentation on the Annual State of Arts. He reviewed what has happened in the last year for Art-Speak and the growth that is going on in the City. He announced that \$58,000,000.00 is brought into the City from the arts and go directly into the economy. He thanked the City Council for their continued trust in Art-Speak.

**Councilor Pearson moved to suspend the rules in order to take action on the Art-Speak Request to Extend the Agreement. Seconded by Councilor Lown. On a unanimous roll call vote 9-0, motion passed.**

**Councilor Pearson moved to authorize the City Manager to extend the agreement from July 1, 2017 through June 30, 2018. Seconded by Councilor Lown.**

Councilor Spear said that there needs to be more 3-D public art demonstrations downtown.

Councilor Dwyer asked where we are in updating the cultural plan. Mike indicated they are looking to put someone in charge of the project.

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

## **V. ACCEPTANCE OF MINUTES – JUNE 5, 2017**

**Councilor Lown moved to accept and approve the minutes of the June 5, 2017 City Council meeting. Seconded by Councilor Spear. On a unanimous roll call vote 9-0, motion passed.**

## **VI. PUBLIC COMMENT SESSION**

Roy Helse spoke regarding Brendan Dubois comments regarding the Police Commission. He stated that Mr. Dubois should be speaking at the Town of Exeter's public comment session on items relating to his town instead of taking up the Portsmouth City Council's time. Mr. Helse also spoke regarding jaywalking across Congress Street and that tickets should be issued by the Police Department.

Marc Stettner said that the ordinance for motorcycle parking should have a reduced rate of a quarter for parking in the designated spaces. He stated that this would be revenue neutral if all spaces are used.

Erik Anderson spoke regarding the fiscal implications of the Police Chief's contract. He said most department heads have an agreement for 3 years versus 5 years with this contract. He further stated there is a great deal of benefits in the contract and there should be some probationary time within the contract.

Pat Bagley spoke on clarity on numbers for the new garage. She said the overruns for the new parking garage are \$3,000,000.00. She asked if the scope of the project was expanded before or after the City knew of the overruns on the project.

City Manager Bohenko said at the next meeting the City will come forward with a request for additional funding and a full presentation would be provided.

Gerry Zelin spoke opposed to the zoning amendment regarding Character Based Zoning Excess Community Space. He said the ordinance allows the incentives in the proposed development, and the amount of excess community space may be credited toward a future project. He expressed concern regarding the section of the ordinance which indicates that 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. He said the land being given to the City by Cathartes cannot be built upon and asked if this was a political favor by the City. Mr. Zelin said there will be losers from some future project that maybe larger in height.

Rick Becksted said the land credit for the North Mill Pond is spot zoning. He stated the Cathartes development is building their hotel which will take every parking space that 3S Artspace has and there is going to be valet parking. He said we are creating more of a parking shortage with the zoning ordinance amendment regarding excess community space.

Esther Kennedy asked the City Council to consider the word reduce or eliminate in the consent decree. She said the word reduce and not eliminate should be used. She asked the City Council how we are going to eliminate the issue and that this is just kicking the can down the road for generations.

Councilor Spear asked if we could have a presentation on the history of the wastewater treatment plant. City Manager Bohenko said we will have a presentation in an upcoming meeting.

## **VII. PUBLIC HEARINGS**

### **A. DRAFT HAZARD MITIGATION PLAN UPDATE 2017**

Fire Chief Achilles said that this is the Hazard Mitigation Plan to evaluate how the City responds to facing disasters in the City. He reported that FEMA requires every municipality in the country to develop and maintain a Natural Hazard Mitigation Plan to identify and evaluate the risks posed by natural hazards. He stated this plan requires a Public Hearing and public comment on the Plan Update will be taken through July 3, 2017. Chief Achilles indicated that comment may be submitted to him and City Clerk Barnaby.

Councilor Dwyer said one of the plans that should be included as one of the mitigations we plan to do is the Prescott Park Master Plan.

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

B. ORDINANCE AMENDING CHAPTER 1, ARTICLE IX, SECTION 1.902 –  
ELECTION CANDIDATE CONFLICT OF INTEREST / MANDATORY FINANCIAL  
DISCLOSURE

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

Jane Zill said there is a need for transparency in campaign donations. She read from the Charter Section 3.8 – Pecuniary Interest: No elective or appointive officer or employee of the City of Portsmouth shall take part in any decision concerning the business of the City in which that person has a direct pecuniary interest which is greater than any other citizen or taxpayer, aside from that officer or employee's salary.

Esther Kennedy urged the City Council to move forward with the ordinance. She said she feels that campaign contributions and financial disclosures need to be looked at seriously.

Gerry Zelin said the ordinance requires the candidate must disclose their contributions but not the entities.

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

C. THE MUNICIPAL CHARTER OF THE CITY OF PORTSMOUTH, AMENDMENT  
C – CONFLICT OF INTEREST – A REQUIREMENT THAT EACH CANDIDATE  
FOR CITY COUNCIL AND EVERY POLITICAL ACTION COMMITTEE  
SUPPORTING ONE OR MORE CANDIDATES FOR CITY COUNCIL REPORT  
CONTRIBUTIONS AND EXPENDITURES PRIOR TO ELECTION DAY,  
INCLUDING THE CANDIDATES TOTAL MONETARY EXPENDITURES FOR  
THAT ELECTION AND THE TOTAL MONETARY EXPENDITURES FOR EACH  
CANDIDATE OR SLATE OF CANDIDATES BY THE POLITICAL ACTION  
COMMITTEE. THE REPORT OF MONETARY CONTRIBUTIONS TO THE  
CANDIDATE OR BY A POLITICAL ACTION COMMITTEE SHALL IDENTIFY  
EACH CONTRIBUTOR BY NAME, ADDRESS AND AMOUNT OF  
CONTRIBUTION

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

Pat Bagley asked the City Council to consider transparency and full disclosure in the City. She spoke in support of the proposed Municipal Charter Amendment.

Jane Zill said increased transparency is needed in campaign financing. She spoke in support of the proposed Municipal Charter Amendment.

Erik Anderson asked what the date for reporting prior to the election would be in the proposed Municipal Charter Amendment. He said there should be a specific date listed.

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

**Councilor Denton moved to suspend the rules in order to take up Item VIII. B. – Second Reading of Proposed Ordinance amending Chapter 1, Article IX, Section 1.902 – Election Candidate Financial Disclosure Ordinance. Seconded by Councilor Dwyer. On a unanimous roll call vote 9-0, motion passed.**

**VIII. B.** Second Reading of Proposed Ordinance amending Chapter 1, Article IX, Section 1.902 – Election Candidate Financial Disclosure Ordinance.

**Councilor Denton moved to pass second reading and hold third and final reading at the July 10, 2017 City Council meeting. Seconded by Councilor Cyr.**

Councilor Denton said that this is to give more transparency.

Councilor Dwyer said that this ordinance is more inclusive and speaks to a broader transparency.

Assistant Mayor Splaine said he supports the amendment and the ordinance includes beyond the City Council.

Councilor Perkins said she supports the concept. She said we need to make sure the ordinance is clear and that the candidate take good faith efforts in trying to apply it.

City Attorney Sullivan said that he agrees with Councilor Perkins comments that the candidate supply everything with good faith interest.

**Councilor Denton moved to pass second reading and hold third and final reading at the July 10, 2017 City Council meeting and further the acceptance of a friendly amendment to Section 1.902 A after the word “must” insert the following “*make a good faith effort to*”. The sentence will now read: 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. Seconded by Councilor Perkins as a friendly amendment.**

Councilor Cyr said that there should be more of a good faith effort in number one.

**On a unanimous roll call vote 9-0, motion passed with the friendly amendment.**

- C. The Municipal Charter of the City of Portsmouth, Amendment C – Conflict of Interest – A Requirement that Each Candidate for City Council and Every Political Action Committee Supporting One or More Candidates for City Council Report Contributions and Expenditure prior to Election Day, Including the Candidate’s Total Monetary Expenditures for that Election and the Total Monetary Expenditures for each Candidate or Slate of Candidates by the Political Action Committee shall Identify each Contributor by Name, Address and Amount of Contribution

**Assistant Mayor Splaine moved to place the Charter Amendment on the Municipal Ballot for the November 7, 2017 Election in accordance with the provisions of State law. Seconded by Councilor Spear.**

Councilor Dwyer said the “prior to” is a concern and needs to be defined. She said she would like to see it 7 days before the election.

Councilor Perkins said that we need to address the issue of when the reporting takes place and what is a Political Action Committee.

Councilor Denton said he supports the Charter Amendment and agrees that this would be more effective if it covered all officials in the City.

Councilor Cyr asked if we could make an amendment to this question. City Attorney Sullivan said amendments of substantial changes could not be made. Councilor Cyr said comments made by the public that we are granting political favors and that there is dark money are hurtful comments and discouraging to anyone looking to run for election.

Councilor Lown said that this is a small City and no one spends a great deal of money to run for office. He rejects the assertions that there is dark money.

Councilor Dwyer asked if the amendment to change the word “candidate” to *election official* would be acceptable to make. City Attorney Sullivan he feels that it would be beyond a substantial change, therefore the amendment would not be permissible.

Assistant Mayor Splaine said the amendment before the City Council is clear and the total expenditures are important. He said candidates need to do this.

Councilor Spear said he served on the Committee for Conflict of Interests and his concern is, will this reduce the scope of disclosures. He asked if there is anything bypassing this that would lead to more conflict of interests.

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

- D. THE MUNICIPAL CHARTER OF THE CITY OF PORTSMOUTH, AMENDMENT C – CONFLICT OF INTEREST. FOR THE PURPOSES OF FINANCIAL DISCLOSURE THE TERM “MUNICIPAL OFFICIALS” IN THIS PROVISION SHALL INCLUDE MEMBERS OF THE CITY COUNCIL, POLICE COMMISSION, FIRE COMMISSION, SCHOOL BOARD, PLANNING BOARD, ZONING BOARD OF ADJUSTMENT, HISTORIC DISTRICT COMMISSION AND THE CITY MANAGER

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

Esther Kennedy said in 2014 she reviewed this at the Local Government Center to make sure people are disclosing what is necessary. She fills out a disclosure for the Fish and Wild Life and asked the City Council look at this so we know the connections within our City for the background of our officials.

Rick Becksted spoke in support of the Ordinance and indicated he has to complete a Conflict of Interest form for Portsmouth Little League. He said that if people on Land Use Boards don't want to complete the form they would not serve. He stated that more than the City Manager should be a part of the Charter.

Jane Zill said there are concerns that there is nefarious conduct in the City and this amendment is for the good of the community.

Erik Anderson asked what is the penalty if someone refuses to complete the financial disclosure form, is there a requirement of recusal and what does the person need to engage in.

Zelita Morgan spoke in favor of the Charter amendment and goes hand and hand with the ordinance that passed second reading this evening. She said the City Council is in the position of leaders and you need to recognize the value of improving our government. She urged the City Council to pass the motion.

Dick Bagley said at the beginning of Historic District Commission meetings the chair asked if there is a conflict of interest which is to make sure there is transparency. He asked the City Council to pass the motion.

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

**Assistant Mayor Splaine moved to place the Charter Amendment on the Municipal Ballot for the November 7, 2017 Election in accordance with the provisions of State law. Seconded by Councilor Denton.**

Councilor Dwyer said that this Charter Amendment is not well thought out and conflict of interest and mandatory financial disclosures are not one in the same. She said the State form is about conflict of interest not financial disclosure and people want a stronger type of disclosure. If we vote it would be parallel to what we provide in conflict of interest. She said she feels it is an important distinction. She said the wording in the amendment needs to be cleared up because the amendment is flawed.

Councilor Lown said he agrees with Councilor Dwyer. He said if we pass this, people would have greater confidence and increase faith in elected leaders, that is what people think, but it is not true.

Mayor Blalock said that this means Portsmouth assets in Portsmouth related companies.

City Attorney Sullivan said if the amendment is adopted by the voters it becomes law on January 1, 2018 and would be a requirement for the City Council to adopt the ordinance related to the Charter provision. He further stated if the City Council wants to define City assets the City Council could do that.

Assistant Mayor Splaine said he agrees with City Attorney Sullivan, all the amendment does is require the form to be filled out by Land Use Boards and the City Manager.

Councilor Perkins would like to know if we could amend the Charter provision to Portsmouth assets. City Attorney Sullivan said that we have followed the law and substantive changes could not be made and in the end in this case he feels that this would apply to Portsmouth assets is a minor amendment and could be made.

Councilor Perkins said that this is non-substantive at this time and feels the amendment could be made.

Assistant Mayor Splaine agrees to this being a friendly amendment.

*Friendly amendment to Item A. after the word "all" to insert the following "Portsmouth related". The sentence will now read: Mandatory financial disclosure by all police, school, municipal officials, whether appointed or elected, of current personal sources of income and all Portsmouth related capital assets including, but not limited to, stock and real estate holdings and interests, in a sworn statement before the City Clerk at least biannually or before assuming office.*

Councilor Pearson said any one in a voting capacity would be a City Official and feels that the City Manager should not be required to complete the form.

Councilor Spear said he does not feel that this should include the City Manager. He asked if the Council could remove the City Manager from the provision.

Councilor Pearson moved to remove the words "and the City Manager."

City Attorney Sullivan stated to remove the words "and the City Manager" he feels does not feel it is a substantive change.

Assistant Mayor Splaine said that we will have another City Manager at some point.

City Attorney Sullivan said the Charter amendment will add the words "Portsmouth related".

**On a roll call 6-3, voted under Item A. to remove the words "and the City Manager". The sentence will now read: For the purposes of financial disclosure the term "municipal officials" in this provision shall include members of the City Council, Police Commission, Fire Commission, School Board, Planning Board, Zoning Board of Adjustment and Historic District Commission. Councilors Perkins, Dwyer, Lown, Pearson, Spear and Mayor Blalock voted in favor. Assistant Mayor Splaine, Councilors Cyr and Denton voted opposed.**



**On a unanimous roll all 9-0, voted to pass main motion as amended.**

At 9:25 p.m., Mayor Blalock declared a brief recess. At 9:35 p.m., Mayor Blalock called the meeting back to order.

- E. THE MUNICIPAL CHARTER OF THE CITY OF PORTSMOUTH, AMENDMENT E – POLICE DEPARTMENT (POLICE COMMISSION). THE COMMISSION SHALL APPOINT THE POLICE CHIEF, SUBJECT TO CONTRACTUAL APPROVAL BY THE CITY COUNCIL. ALL OTHER EMPLOYEES OF THE POLICE DEPARTMENT SHALL BE APPOINTED IN ACCORDANCE WITH THE PROVISIONS OF THIS CHARTER. IN ADDITION, THE COMMISSION SHALL HAVE AUTHORITY TO CONSIDER AND ACT UPON ANY COMPLAINT FROM ANY SOURCE AND/OR EMPLOYEE GRIEVANCE(S). WHERE THE COMMISSION DETERMINES THERE TO BE SUFFICIENT CAUSE THE COMMISSION MAY, AFTER A HEARING CONSISTENT WITH THE REQUIREMENTS OF DUE PROCESS, DISCIPLINE OR REMOVE ANY EMPLOYEE OF THE POLICE DEPARTMENT AGAINST WHOM SUCH A COMPLAINT HAS BEEN BROUGHT. APPEALS FROM SUCH DECISIONS SHALL BE HEARD PURSUANT TO SUCH GRIEVANCE PROCEDURES AS SHALL BE ESTABLISHED BY THE COMMISSION OR PRESCRIBED IN RESPECT OF COLLECTIVE BARGAINING AGREEMENTS. THE CITY MANAGER AS DIRECTED BY THE CITY COUNCIL SHALL HAVE ALL ADMINISTRATIVE RESPONSIBILITIES RELATING TO THE ADMINISTRATION OF THE POLICE DEPARTMENT. SUCH POWERS SHALL INCLUDE, BUT SHALL NOT BE LIMITED TO, THE FOLLOWING:

- THE POWER TO DETERMINE THE NUMBER, LOCATION AND TYPE OF FACILITIES AND INSTALLATIONS; AND
- THE POWER TO DETERMINE THE SIZE OF THE WORKFORCE AND INCREASE OR DECREASE ITS SIZE

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

Ralph DiBernardo spoke in support of the continuation of the Police Commission in its present form. He said there is no valid reason to change the Charter.

Rick Becksted said he feels that the Charter provision should not be placed on the ballot. He has not heard any one speak to abolishing the Commission and why we have only singled out the Police Commission. He said that the residents do not want to eliminate the Police or Fire Commissions. He said that City Manager cannot take on more than he already has.

Pat Bagley spoke against placing the questions on the ballot. The Police Commission has done an outstanding job. She suggested the addition of 2 residents to serve on the Police Commission.

Zelita Morgan said that this should not be placed on the ballot and this approach is wrong and disrespectful.

Esther Kennedy read the citizens vote on the Commission and not placing this on the ballot. She said some people feel that the City Manager is getting all the power and we would be treating one entity different from another. She said do not put this forward.

Erik Anderson said he is not in favor of the Charter provisions as there is sufficient checks and balances in the City. He said the City should leave the Commission as is.

Dick Bagley said the State statute requires a 3 member Commission. He said this is about keeping politics out of the Commission. He said just place the question on the ballot and let the people speak. Mr. Bagley stated there is no transparency as to why this question was brought forward to be placed on the ballot.

Richard Gamester asked the City Council not to place this item on the ballot.

Jane Zill said at the last City Council meeting Commissioner Cavanaugh spoke regarding incorrect statements at the retreat. She said that the City Council needs to explain what is the reason why the change is being requested and how would the Charter change affect the governing. She said you need to provide a rationale and reasons why you want the questions on the ballot. Ms. Zill said there is no evidence that the City Manager would have made a difference in the Police Commission. She said that this would reduce the power of the Police Department and give the responsibility to the City Manager, how would this benefit the City.

Brendan Dubois, Exeter, NH spoke in favor of the proposed Charter provision. He said there should be an Oversight Committee and a 3 member part-time Commission is making decisions and there is a better way to do this.

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

**Councilor Lown moved to place the Charter Amendment on the Municipal Ballot for the November 7, 2017 Election in accordance with the provisions of State Law. Seconded by Councilor Spear.**

Councilor Denton said he would vote against the motion and would like to have the Commission remain in its current form. He stated the current Commission has been getting a lot done and this is not the proper time to make any changes.

Councilor Lown said that the voters should have the chance to decide on the questions. He said we would still have an elected Commission if the Charter provision passes.

Assistant Mayor Splaine said he respects the voters and they should be part of the process. The Police Commission is dedicated to the operation of the Police Department. He said changes were made to the Commission last year during the election. He urged the Police Commission do the good work they currently do and let the Police Chief do his work.

Councilor Dwyer said that people want the City Council to take over the duties of the Police Commission. She said we need to show who is in charge. She indicated the Police Commission comes to the City Council when they have a problem and there is confusion of who negotiates the contracts. She said the complaints lie with the Police Commission. She said that we will have time to have an active discussion.

Councilor Spear said when you read the investigation of the Webber case it would not have happened if we were under a professional running the Police Department. He stated the Charter precludes us from taking action on the Goodwin/Webber case. Councilor Spear said people need to have a choice on bringing this to the ballot.

**In a roll call vote 2-7, motion failed to pass. Councilors Dwyer and Lown voted in favor. Assistant Mayor Splaine, Councilors Perkins, Pearson, Spear, Cyr, Denton and Mayor Blalock voted opposed.**

**Councilor Cyr moved to suspend the rules in order to continue the meeting beyond 10:30 p.m. Seconded by Councilor Perkins. On a unanimous roll call vote 9-0, motion passed.**

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

##### **A. First Reading of Parking & Traffic Safety Omnibus Ordinance**

**Councilor Lown moved to pass first reading and schedule a public hearing and second reading of the proposed Ordinance, at the July 10, 2017 City Council meeting, as presented. Seconded by Councilor Perkins. On a unanimous roll call vote 9-0, motion passed.**

##### **C. Third and Final Reading of Proposed Ordinance amending Chapter 10 – Zoning Ordinance, Character Based Zoning Excess Community Space**

**Councilor Perkins moved to pass third and final reading of the proposed Ordinance, as presented. Seconded by Councilor Dwyer. On a roll call vote 8-1, motion passed. Councilors Perkins, Dwyer, Lown, Pearson, Spear, Cyr, Denton and Mayor Blalock voted in favor. Assistant Mayor Splaine voted opposed.**

##### **D. Third and Final Reading of Proposed Ordinance amending Chapter 10 – Zoning Ordinance, Signs related to Public Parking in Private Parking Lots**

**Councilor Perkins moved to pass third and final reading of the proposed Ordinance, as presented. Seconded by Councilor Dwyer and voted. On a unanimous roll call vote 9-0, motion passed.**

##### **E. Third and Final Reading of Proposed Ordinance amending Chapter 1, Article XVII, Section 1.1704 Public Art – Exemption**

**Councilor Pearson moved to pass third and final reading of the proposed Ordinance, as presented. Seconded by Councilor Perkins.**

Assistant Mayor Splaine stated that art and culture is important to the City and New Hampshire.

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

- F. Third and Final Reading of Proposed Ordinance amending Chapter 7, Article 1 – Parking Meters, Section 7.105 – Parking – Designated Motorcycle Parking Area

**Councilor Lown moved to pass third and final reading of the proposed Ordinance, as presented. Seconded by Councilor Pearson.**

City Manager Bohenko said Parking, Traffic & Safety Committee can look at the matter of the price to charge and make the decision.

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

- G. Third and Final Reading of Proposed Ordinance amending Chapter 7, Article V – Bicycle Regulations

**Councilor Lown moved to pass third and final reading of the proposed Ordinance, as presented. Seconded by Councilor Pearson. On a unanimous roll call 9-0 vote, motion passed.**

- H. Third and Final Reading of Proposed Ordinance amending Chapter 7, Article XVII – Moped Regulations

**Councilor Pearson moved to pass third and final reading of the proposed Ordinance, as presented. Seconded by Councilor Perkins. On a unanimous roll call 9-0 vote, motion passed.**

## **IX. CONSENT AGENDA**

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

C. Request for License to Install Projecting Sign:

Kristin Fichera owner of The Treehouse School of Portsmouth for property located at 100 State Street (***Anticipated action – move to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request***)

**Planning Director's Stipulations**

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

D. Request for License to Install Projecting Sign:

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

**Planning Director's Stipulations**

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

E. Request for License to Install Projecting Sign:

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

**Planning Director's Stipulations**

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

**Councilor Lown moved to adopt the Consent Agenda. Seconded by Councilor Perkins. On a unanimous roll call vote 9-0, motion passed.**

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

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

**Councilor Perkins moved to refer to the City Manager with power. Seconded by Councilor Pearson. On a unanimous roll call vote 8-0, motion passed. Councilor Lown was not present for the vote.**

- B. Letter from Nick Diana requesting permission to hold a Community Road Race on April 14, 2018 from 9:00 a.m. – 11:00 a.m.

City Manager Bohenko said in the request Mr. Diana mentions only donating 10% of the funds raised to a non-profit and we don't know who that is so he would like to follow up with Mr. Diana.

**Councilor Perkins moved to table for additional information. Seconded by Councilor Spear. On a unanimous roll call 8-0 vote, motion passed. Councilor Lown was not present for the vote.**

- C. Letter from Brenna Cavanaugh, Police Commissioner, regarding Additional Information on Points Raised at the City Council Retreat

**Councilor Cyr moved to accept and place the letter on file. Seconded by Councilor Perkins. On a unanimous roll call 9-0 vote, motion passed.**

Due to the hour all City Manager's Items now become Consent Agenda.

The City Council agreed to remove from the Consent Agenda Item A.1. – Request for Approval of Employment Agreement between the Portsmouth Police Commission and New Police Chief Robert M. Merner; Item A. 4. – Composting Program Approval and A.6. – Establish a Work Session Re: Scope of Services and review of Parking Principles.

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

### City Manager's Consent Agenda

- A.2. Request for Approval of Working Agreement between Portsmouth School District Paraprofessionals and the Portsmouth Board of Education (***Sample motion – move to accept the proposed contract with the Portsmouth Board of Education and the Portsmouth School District Paraprofessionals to expire on June 30, 2020***)
- A.3. Request for Public Hearing Re: Various Bond Resolutions  
**GENERAL FUND**
- A) Resolution for Borrowing Authorization of up to \$550,000.00 for costs related to the Installation and Implementation of New High School Athletic Field Lighting
- High School Athletic Field Lighting - \$550,000.00
- B) Resolution for Borrowing Authorization of up to \$10,950,000.00 for costs related to City Street, Sidewalk, and Facility Improvements
- City Fields Lighting - \$600,000.00
  - Downtown Maplewood Avenue Area Complete Street Project - \$450,000.00
  - North Mill Pond Multi-Use Path - \$500,000.00
  - City-Wide Sidewalk Reconstruction Program - \$800,000.00
  - Lafayette/Andrew Jarvis Intersection Improvements - \$800,000.00
  - Hoover/Taft Drainage Upgrades - \$250,000.00
  - Pleasant Street Reconstruction - \$750,000.00
  - New Franklin/Woodbury Corridor Improvements - \$500,000.00
  - McDonough Street Area Improvement Project - \$800,000.00
  - Islington Street Improvements - \$2,500,000.00
  - Street Paving, Management and Rehabilitation - \$3,000,000.00

## **WATER FUND**

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

## **SEWER FUND**

- D) Resolution for Borrowing Authorization of up to \$4,800,000.00 for costs related to Consent Decree Mitigation, Annual Sewer Line Replacements, Wastewater Pumping Station Improvements, and Union Street Sewer Construction
- Consent Decree Mitigation - \$400,000.00
  - Annual Sewer Line Replacement - \$3,000,000.00
  - Wastewater Pumping Station Improvements - \$700,000.00
  - Union Street Sewer Construction - \$700,000.00
- E) Resolution for Borrowing Authorization of up to \$6,900,000.00 for costs related to the Construction of Peirce Island Wastewater Treatment Plant (State Revolving Fund – SRF)
- Peirce Island Wastewater Treatment Design and Construction - \$6,900,000.00

***(Sample motion – move to authorize the City Manager to bring back for public hearing and adoption the various proposed CIP projects to be bonded, as presented, for the July 10, 2017 City Council meeting)***

- A.5. Establish a Work Session Re: Thomas J. McIntyre Federal Property at 80 Daniel Street ***(Sample motion – move to establish a Work Session to review the submittals for the redevelopment of the Thomas J. McIntyre Federal Property at 80 Daniel Street, as well as a draft Request for Proposals before the City Council July 10<sup>th</sup> regular meeting)***

**Councilor Pearson moved to adopt the City Manager’s Consent Agenda. Seconded by Councilor Dwyer. On a unanimous roll call 9-0 vote, motion passed.**

- A.1. Request for Approval of Employment Agreement between the Portsmouth Police Commission and New Police Chief Robert M. Merner

**Assistant Mayor Splaine moved to accept the proposed Employment Agreement between the Portsmouth Police Commission and the new Police Chief Robert M. Merner for a five (5) year term, commencing on June 20, 2017 and ending on June 19, 2022. Seconded by Councilor Pearson.**



Councilor Dwyer said that a 5 year term is to have stability in the department. The contract includes “to terminate with cause or without cause with a 1 year severance.”

Councilor Denton thanked the Police Commission for bringing this forward.

Councilor Lown said he met with Mr. Merner and felt that he was the right person for the job.

Mayor Blalock passed the gavel to Councilor Perkins.

Mayor Blalock said he met with Chief Merner twice and feels that it is good for stability and he was highly recommended.

Councilor Perkins returned the gavel to Mayor Blalock.

Assistant Mayor Splaine feels that Mr. Merner is a good choice and hopes we approve this unanimously.

**On a roll call vote 9-0, motion passed.**

A.4. Composting Program Approval

City Manager Bohenko explained that there is a rebate of \$10.00 a month and rebate for customers that have purchased the bins for \$50.00.

Councilor Denton inquired if Garbage to Garden out of Portland, Maine would be eligible for the rebate for Portsmouth residents that have signed up with them for a composting program.

**Councilor Denton moved that the City Council authorize effective July 1, 2017 a one year pilot program, as presented. Seconded by Councilor Perkins. On a unanimous roll call vote 9-0, motion passed.**

A.6. Establish a Work Session Re: Scope of Services and review of Parking Principles

**Councilor Lown moved to reschedule the Work Session regarding parking to Monday, August 7, 2017 at 6:00 p.m. Seconded by Councilor Pearson.**

Councilor Dwyer indicated that she would not be in attendance at the August 7, 2017 City Council meeting.

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

City Manager's Informational Items

4. *Press Release Re: City's AAA Bond Rating and Bond Sale*

City Manager Bohenko reported that Standard and Poor's rating agency has again affirmed the City's long-term rating of “AAA,” the highest obtainable rating as part of a recent bond sale.

3. *Press Release Re: Peirce Island Wastewater Treatment Facility Tour*

City Manager Bohenko announced that a public tour of the Peirce Island Wastewater Treatment Facility Upgrade Project will be held on Tuesday, June 20, 2017 from 6:00 p.m. to 8:00 p.m.

**B. MAYOR BLALOCK**

1. Appointments to be Considered:
  - Reappointment of Daniel Rawling to the Historic District Commission
  - Reappointment of John Leith to the Portsmouth Housing Authority

The City Council considered the reappointments listed and will take action on them at the July 10, 2017 City Council meeting.

2. Appointments to be Voted.
  - Appointment of Samantha Wright Collins as a Regular member to the Conservation Commission

**Councilor Lown moved to appoint Samantha Wright Collins as a regular member to the Conservation Commission until April 1, 2018. Seconded by Councilor Perkins. On a unanimous roll call 9-0 vote, motion passed.**

3. Appointment of Robert Capone to the Public Access Financial Advisory Committee

**Councilor Dwyer moved to appoint Robert Capone to the Public Access Financial Advisory Committee. Seconded by Councilor Cyr. On a unanimous roll call 9-0 vote, motion passed.**

4. Resignation of Ronald Poulin from the Cable Television Communications Commission

**Councilor Lown moved to accept with regret the resignation of Ronald Poulin and to send a thank you letter for his years of service to the City. Seconded by Councilor Pearson. On a unanimous roll call 9-0 vote, motion passed.**

5. Blue Ribbon Committee on Sister Cities Appointments
  - Karina Quintans, Resident
  - Stephanie Seacord, Leading Edge Marketing
  - Valerie Rochon, President Portsmouth Chamber of Commerce
  - Steve Zadravec, Superintendent of Schools
  - Mike Nelson, Poet Laureate
  - Nancy Carmer, Ex-officio

Mayor Blalock announced that the above listed individuals will be serving on the Blue Ribbon Committee on Sister Cities. No action required.

**C. ASSISTANT MAYOR SPLAINE**

1. Memorandum regarding City Charter Amendments

Assistant Mayor Splaine advised the City Council that this was for informational purposes.

**D. COUNCILOR LOWN**

1. Parking & Traffic Safety Committee Action Sheet and Minutes of the June 1, 2017 meeting

**Councilor Dwyer moved to accept and approve the action sheet and minutes of the June 1, 2017 Parking & Traffic Safety Committee meeting. Seconded by Councilor Pearson. On a unanimous roll call 9-0 vote, motion passed.**

**E. COUNCILOR DENTON**

\*Request to Establish a Mayor's Blue Ribbon Committee on Renewable Energy

- Two City Councilors, one to serve as Chair
- One School Board Member
- One Planning Board Member
- Two residents that are experts in the renewable energy field
- One Pease Development Authority Representative
- Two City Staff to be appointed by the City Manager

Councilor Denton said he would like to see the current proposed members as listed appointed with one meeting in July.

Mayor Blalock asked Councilor Denton to take the lead on this. He thanked Councilor Denton for moving forward with this matter.

Councilor Dwyer asked why we have a Sustainable Committee and why we are not augmenting that Committee.

Councilor Denton said that this would only serve until the Policy is adopted.

Councilor Dwyer suggested that the City Council look at the charge and make sure we are not duplicating efforts.

Assistant Mayor Splaine thanked Councilor Denton for coming forward with this proposed Blue Ribbon Committee.

**XII. MISCELLANEOUS/UNFINISHED BUSINESS**

Councilor Spear said the temporary parking lot at Peirce Island is very noisy.

**XIII. ADJOURNMENT**

**Councilor Pearson moved to adjourn at 11:15 p.m. Seconded by Councilor Spear. On a unanimous roll call 9-0 vote, motion passed.**

A handwritten signature in black ink that reads "Kelly J. Barnaby". The signature is written in a cursive, flowing style.

CITY CLERK

## **CITY COUNCIL MEETING**

MUNICIPAL COMPLEX  
DATE: MONDAY, JULY 10, 2017

PORTSMOUTH, NH  
TIME: 7:00 PM

**At 6:00PM a Work Session was held regarding Thomas J. McIntyre Federal Property at 80 Daniel Street.**

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

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

### **II. ROLL CALL**

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

Members Absent: Councilors Lown and Denton

### **III. INVOCATION**

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

Mayor Blalock led the Pledge of Allegiance.

### **V. ACCEPTANCE OF MINUTES – *(There were no minutes on for acceptance)***

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

Roy Helsel – spoke regarding the City of Portsmouth goal of being a walkable city stating that the area on Borthwick Avenue near the hospital doesn't have a continuous sidewalk to the Route 1 Bypass and there needs to be one as there are speeding vehicles passing both bicyclists and pedestrians.

Sue Polidura – stated she has been doing historical research in the North Cemetery and thanked the City Manager and city staff for the work done on the cemetery, but she is concerned that there is no longer a Cemetery Commission to oversee it. She stated that there are notable people buried in the cemetery, but we also have vagrants in there that damage the graves. She asked that a Cemetery Commission be reinstated for oversight and continuity of care of our heritage.

Richard Smith – thanked the city staff for the informative walk of Peirce Island in June. He continued that he would like to see a moratorium on new hotels etc. in the downtown area and preservation of green space. He feels that there should be surveillance cameras on the construction going on at the Island and wants the habitat effects tracked as well. He stated he is glad we are ahead of schedule and under budget at this time.

Mary Lou McElwain – discussed the recent fireworks display that was sponsored by Wilcox Industries for the first time this year. She continued that there were 2 different articles endorsing the extravaganza that was held, but she doesn't feel that we need to have such a large display as

we are not the City of Boston. She continued that the explosions were very loud and she had concerns for foundations of buildings in the area. She stated that there was a lot of traffic congestion after the fireworks ended and wants to see a public hearing held on this subject.

Jerry Zelin – expressed his concerns with the zoning ordinance that was passed by the City Council at the June 19, 2017 City Council meeting which he outlined in a letter included in the City Council packet.

Jane Zill – stated that she doesn't feel that the resolution regarding the bonding for the WWTF should be voted on at this time due to the pending litigation. She stated it isn't clear that more than 20% of the work has been completed. She stated that if the city is not dismissed and continues to be a defendant, she would like the city to prepare to go to trial and not engage in any drawn out appeals process. She stated the City went ahead with building the WWTP even after the judge said they should proceed at their own risk. She stated that the timing of the bonding for this is terrible.

Esther Kennedy – began by stating she agrees with a previous speaker that there should be a Cemetery Committee. Secondly, she stated that she is concerned with the bicycle program being run in the City as she recently saw an accident almost happen and the rider of the bicycle did not have a helmet. She stated that people who are unfamiliar with the traffic patterns in the City are using these bicycles and also are able to get the first 2 hours free of charge, but then will trade in a bike for another one, also free of charge, so who is paying for these bicycles. She asked for clarification on who is monitoring, managing and paying for this program.

Paige Trace – discussed transparency stating that a recent press release of the city regarding the force main at the Peirce Island Bridge made her look into this work and found another document which was the original question and answer of the project and had a question of why this work was not included in the original bond. She stated that the answer to this question was misleading to the citizens in that it appears we are paying for a new one now and then will have to replace them again in 4 years. She stated the reverse occurred with the Four Tree Island temporary parking lot which will now become permanent.

Mark Brighton – discussed residential tax rates in comparison to the corporation taxes concluding that there is no such thing as free money.

## **VII. PUBLIC HEARINGS**

### **A. 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

Traffic Engineer Eby gave a brief overview of the ordinance changes which are the various changes that were approved by the Parking and Traffic Safety Committee over the past year and implemented as trial changes.

Mayor Blalock read the legal notice, declared the public hearing open and called for speakers. Seeing no one wishing to speak, Mayor Blalock declared the public hearing closed.

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

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

Rick Becksted – stated he is in favor of the replacement lighting but is opposed to bonding it. He stated he is also confused as to why these bonding resolutions are being done in July when they are usually done in the fall. He continued that these smaller projects should not be bonded. He stated that he doesn't feel that his children will be able to afford to live in Portsmouth as adults and is concerned with the amount of spending done by this Council in the last 1 ½ years.

Erik Anderson – stated he agrees with Mr. Becksted that this Council has bonded the most amount of money and it has an effect on taxpayers. He stated that he would like a summary of the total of tonight's bonding resolutions as well as all existing bonds as he thinks it is more that 10% and the taxpayers should know. He stated that in August there will be a statistical revaluation of the City which means the city will be able to borrow more money, but we don't know if it will hold for the next 20 years and may be a problem.

Jane Zill – stated she agrees with the previous speaker and would like a presentation on how the credit rating could go down in the future.

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

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

City Manager Bohenko stated he would first like to answer the questions that were brought up by the public hearing speakers. He referred to Page 32 of the CIP to address previously expressed concerns stating that over the last 15 years we have stayed below 10% payment benchmark and try to stay at a stable level without having spikes up and down. In regards to the General Fund, page 26, we have only used 32% of our legal limit; schools 15% and still have a tremendous amount of debt capacity which we will not even come close to. He stated that spikes in the bonding are very detrimental to the taxpayers and is what Standard and Poore looks at when doing the rating. Finally, regarding the sewer fund, we have set aside money over the years with a 3-4% increase to the ratepayer, so that when the payment is due in 2021 there will not be a spike in the rates. Finally, he reviewed the projects that will be done with this bonding and stated the reason to bundle is we have issuance costs and want to concentrate the amount to borrow to not have to pay \$50,000 issuance cost separately. He stated regarding the bond premium, the

point is taken, but we have 2 choices in using it, we can pay down the debt per State law, or use it on other projects within the capital improvements plan and won't have to bond that project.

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

Rick Becksted - thanked City Manager Bohenko for the explanation and stated he agrees with the use of the money on smaller projects so they don't have to be bonded. He continued that his issue is regarding items such as \$500,000 for the North Mill Pond, which he doesn't remember being discussed and what will the money be used for and then there is another 2.5 million scheduled in 2023, so why spend \$500,000 now. He suggested looking to what the City of Dover is doing as they are charging various impact fees.

Larry Larivierre – stated he is in favor of the \$500,000 for the North Mill Pond and hopes that paddleboards and kayaks will be able to launch from there. He stated he is also in favor of finishing the sidewalk on Borthwick Avenue.

Jane Zill – stated she is in favor of a walkable city, but she cautioned against encouraging paddle boarding in the North Mill Pond due to there being CSO's.

Erik Anderson – stated he likes the idea of impact fees and feels there should be a set date to implement them to put people on notice.

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

- 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

City Manager Bohenko stated this is a part of the complete streets program as we have 150 miles of pipe and some at the end of their designed life span. He stated the State Street fire showed the importance of this replacement.

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

Paige Trace – stated she is in favor of this and feels that it is very much needed on Pleasant Street which is difficult to walk along in the summer and impossible to plow in the winter.

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

- 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

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



Rick Becksted – stated that an old building was demolished on Union Street last year and now a new one is being built and if we had an impact fee, the city wouldn't have to pay for this upgrade. He stated he would like to discuss this with someone.

City Manager Bohenko stated he will bring something to the Council regarding impact fees and has done so in the past. He continued that these are more appropriate for subdivision projects which we don't have as many as Dover does, but they do have to pay for sidewalks.

Councilor Dwyer stated it has been a while since we discussed these fees but continued that we do charge different fees, they just aren't called impact fees. She stated that this has been discussed by other Councils in the past and once they understand what an impact fee actually is, they back away from it.

Mayor Blalock thanked Mr. Becksted for bringing the issue forward.

Paige Trace – stated she agrees with what is being done from a capital standpoint for mitigation of the consent decree and some of the projects are beneficial to the city in a green way. She continued that she is concerned with the wording “the city has committed to certain projects as a result of this modification”, and wonders why there isn't an open list of projects for the citizens. She continued that she questions the ambiguity and only knows as a plaintiff that CLF gets 500,000 a year because we didn't meet the mitigation. She stated it is the same situation with the Sagamore Avenue sewer lines and that those residents are going to have to pay for it when it is the city that is required to do it as part of the mitigation.

Esther Kennedy – stated it is really hard for people to get questions answered even when doing lots of research and feels that the language in the agendas need to be more clear for people to understand what is being reviewed. Next, she stated it is sad that the monthly WWTP updates being held at 11:00 a.m. are for “commercial” people. She stated that information is needed before people speak and not be provided after the fact. She stated that the City Manager also discussed bundling bond resolutions, but wonders why the WWTP projects aren't being bundled.

Pat Bagley – asked for clarification of how much Pleasant Street improvements are costing.

City Manager Bohenko stated \$600,000.00. He stated that the CIP isn't static and items are reviewed based on need and fund availability.

Jane Zill – stated there is confusion as to why there are 2 bonding hearing for items coming from the same funding source.

City Manager Bohenko stated the numbers are broken out but are not going to be bonded separately, we are just demonstrating what the projects are. He stated the \$6.9 million is an SRF loan with a 5% grant and guaranteed interest rate of 2.2% repayment not due until 2021. He stated if the State gets a better rate, we can take advantage of it, but if it goes up, we are locked in at this rate.

Jane Zill continued that the annual sewer line replacement in the Sagamore Avenue area, a lot of that is not on sewer, so is not really replacement.

City Manager Bohenko explained the projects near the river/ocean are being required by the EPA to get them on sewer and would be required of the homeowner, but not until 2020 or 2021 after the WWTP is completed. He stated regarding people paying for it themselves, it is some of the commercial properties that need to do it sooner than later. He stated that a future City Council will have to address this and determine what the cost share will be.

Jane Zill stated that \$30,000 – \$40,000 to tie in is a lot of money and the city should be talking to people about it now and clarified that the consent decree requires this to be completed by 2021. Secondly, she stated the other piece of this is whether we are residents or customers and was stated by Councilor Spear that it is important to get as many people on-line to share the costs and although some people will be glad to do so, others will be burdened when they have recently replaced their septic systems. Finally, she stated that again, she feels that this action shouldn't be taken until the judgement is made regarding the Citizen Clean Water Act lawsuit.

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

- 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

City Manager Bohenko explained that this was something that we planned to do when the money became available in the SRF and it is now available so allows us to utilize the 2.2% rate for 20 years and receive 5% back as a grant.

City Engineer Desmarais explained this is the remaining 6.9 million of the total project cost 91.9 million. He stated the State has indicated they wanted the City to go ahead with the full 6.9 million remaining to offer both the best opportunity to adjust the loan amount annually. He clarified that the SRF program is a line of credit and we can stop it at any time. He stated we have already received one reduction in the amount of interest, which started at 2.5% and is now 2.2%.

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

Rick Becksted – stated there are several buildings in the works downtown that if we had impact fees would be able to contribute to the costs associated with the required upgrades.

Esther Kennedy – stated she has reviewed the CIP and doesn't know what the \$6.9 million is needed for and feels the description does not explain it. She stated that the sewer pipe replacement on the bridge, pump stations, removal of CSO's, and storm water doesn't seem to be included to her knowledge. She stated she wants a true figure and not have it keep coming out piecemeal.

Paige Trace – stated that she understands we are getting a good deal on the money but we don't know what we need it for and wants a listing of what it is being used for as it speaks to the transparency they are all asking to get from the City. She addressed a recent issue of information she had requested that the City staff assumed was given to her from another source but had not been.

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

*At 8:50 p.m. Mayor Blalock called for a brief recess.*

*At 9:00 p.m. Mayor Blalock reconvened the meeting.*

## **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

**Councilor Pearson moved 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, seconded by Councilor Perkins.**

Councilor Cyr stated that there was going to be a review of all the 15 minute parking space and asked for an update.

Traffic Engineer Eby stated that there was a quick study done on the existing spaces which resulted in some of these changes, and it will continue to be reviewed.

Councilor Cyr stated that there are times when 15 minute spaces are not needed because the businesses are closed and they sit empty not being used.

Councilor Spear discussed 15 minute metered spaces stating that he would like to see these not be paid spaces, but people would still need to get a slip from the kiosk to park in the spaces.

City Manager Bohenko stated he will look into this suggestion as well.

**Motion passed.**

- B. Third and Final Reading of Proposed Ordinance amending Chapter 1, Article IX, Section 1.902 – Election Candidate Financial Disclosure Ordinance

**Assistant Mayor Splaine moved to pass third and final reading as presented. Seconded by Councilor Perkins and voted.**

- 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

**Assistant Mayor Splaine moved to adopt the 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, seconded by Councilor Perkins.**

Councilor Dwyer stated that there is a lot of information on the Capital Improvement Plan pages that it is sometimes hard to see it all and suggested that there may be other ways to present it.

**Motion passed on a 7-0 roll call vote.**

- 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

**Assistant Mayor Splaine moved to adopt the 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, seconded by Councilor Perkins.**

Councilor Dwyer stated that again all of this information has been available and has been talked about for 6 years. She suggested that people should not try to get everything from the title, but to look at the entire page.

City Manager Bohenko explained the process of receiving input on projects in the CIP which begins in September and involves a sub-committee of the Planning Board as well as the City-wide neighborhood committee.

**Motion passed on a 7-0 roll call vote.**

- 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

**Councilor Pearson moved to adopt 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, seconded by Councilor Perkins.**

Councilor Dwyer stated the State Legislature directed the money to be paid back that we were owed on other SRF Loans and asked if it will go towards paying back loans.

City Manager Bohenko stated it will be brought in as unanticipated revenue and not applied towards any specific CIP project.

**Motion passed on a 7-0 roll call vote.**

- 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

**Councilor Cyr moved to adopt 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, seconded by Councilor Perkins.**

Councilor Dwyer stated that this would be a good example of where adding links to past information would be helpful as this has all been discussed in public many times. She stated the one figure that we do not have an estimate for yet is the Sagamore Sewer Connection.

City Manager Bohenko stated there are no projections for that yet but we will be setting up a design plan for that for a low pressure system. He further explained that typically what happened years ago when expanding the sewer lines, the cost share was figured out and a 10 year repayment plan with no interest was offered. He stated this will have a lot of public input.

Councilor Dwyer asked if people will have the option to tie-in or not. City Manager Bohenko stated they will have to connect.

**Motion passed on a 7-0 roll call vote.**

- 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

**Councilor Pearson moved to adopt 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 (\$6,900,000.00) for costs related to the Construction of Peirce Island Wastewater Treatment Plant, seconded by Councilor Perkins.**

City Engineer Desmarais reviewed a power point presentation.

Mayor Blalock address the issue raised regarding the Peirce Island Bridge stating that is being done after the WWTP is completed and was not a part of this project because it will be done by the State afterwards.

City Engineer Desmarais stated that is correct and further clarified that the bridge was found to be able to be used during this time period and extend the replacement until afterwards and the state DOT will then fund 80% and the City will fund 20%.

City Manager Bohenko stated that the City would have had to pay 100% if we didn't wait.

Councilor Dwyer asked for clarification on the New Castle 12" water main and the temporary parking area at Four Tree Island.

City Engineer Desmarais stated that there is a parallel ongoing study for New Castle and it needed to be done anyway.

City Manager Bohenko stated that the Four Tree Island Parking lot had to be built to certain specifications and will continue to be used as people do like the parking area.

Councilor Spear stated that there should be signs explaining what is going on.

**Motion passed on a 6-1 roll call vote. Assistant Mayor Splaine voted opposed.**

## **IX. CONSENT AGENDA**

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

- 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

City Manager Bohenko stated he believes their intention is to have 3-5 events in July and August and will work with them on the details.

**Assistant Mayor Splaine moved to refer to the City Manager with power. Seconded by Councilor Pearson and voted.**

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

### **A. CITY MANAGER**

- 1. Request for Approval of Tentative Agreement between the City of Portsmouth and AFSCME Local 1386B

**Councilor Dwyer moved to accept the proposed contract with the City of Portsmouth and AFSCME 1386B to expire on June 30, 2020. Seconded by Councilor Cyr and voted.**

2. Acceptance of Sewer Easement over Property of Eport Properties I, LLC

**Councilor Pearson moved to accept the sewer easement from Eport Properties I, LLC dated May 20, 2016. Seconded by Councilor Dwyer and voted.**

3. Request to Reschedule Work Session Re: Scope of Services and Review of Parking Principles

Mayor Blalock stated he is looking to reschedule the Work Session to September so that full attention can be given to the subject and not be in the summer months. He continued that there are a lot of different aspects to parking principles and this will give staff more time to get information together.

Councilor Perkins stated that the Vaughan-Worth-Bridge Strategic Planning Committee is waiting for this meeting to take place as it is related to their work so would prefer the meeting to be held early September.

**Councilor Perkins moved to reschedule the Work Session to September 5, 2017 at 5:30 p.m. prior to the regular meeting. Seconded by Councilor Pearson and voted.**

4. Easement from Eversource for Emergency Access

Assistant City Manager Moore stated 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. He continued that 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). 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.

**Councilor Perkins moved to accept the Easement Deed from Eversource for future Emergency access, seconded by Councilor Dwyer.**

Councilor Perkins stated that with the gates locked at all times, it would lower the value of the parcel.

City Manager Bohenko stated they will clear up the easement before disposal and the boat road is more labor intensive to go through so it is better to have this easement.

**Motion passed.**

5. Request for Approval of Greenland Residential Development Waterline Easement

**Councilor Perkins moved to accept a water line easement from Dorado Investments, LLC to serve Bramber Valley in Greenland. Seconded by Councilor Cyr and voted.**

6. Request for a Public Hearing for a \$3,000,000.00 Bond Authorization Re: Supplemental Appropriation for Foundry Place Garage

**Councilor Perkins moved 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, seconded by Councilor Pearson.**

Assistant Mayor Splaine stated he is concerned that information was been distributed to the Council after the public hearing and should have been distributed earlier and it helps form the discussion.

City Manager Bohenko stated that the Council packets were prepared during a 3 day week but agrees that information should be made available as soon as possible.

Councilor Dwyer agrees as life is more complicated and the issues are more complicated so it is good to get the information out there. She stated she would like to look at the Council Rules with the 21<sup>st</sup> century in mind.

City Manager Bohenko stated that typically the information is put out prior to the meeting and he will be working with Dave Allen to get the information regarding this Bond Authorization.

Councilor Dwyer stated she wants to look at the Council rules to see how to run a better meeting.

City Manager Bohenko stated that when we go to the on-line agenda format would be a good time to do a review.

Mayor Blalock stated that a work session can be scheduled.

Councilor Dwyer stated that she feels people are hijacking the meetings and it is becoming dysfunctional and the substantive items are being discussed after 10:00 p.m.

Mayor Blalock stated the City Council has become more interactive and things happen more quickly and he doesn't want to overwhelm people.



**Motion passed.**

7. Acceptance of “No Build” Easement Relating to 21 Brewster Street

**Councilor Perkins moved to accept the “No-Build” Easement relating to 21 Brewster Street and place it on permanent file. Seconded by Councilor Pearson and voted.**

**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

Councilor Dwyer asked to discuss Item 4, regarding her inquiry of the President’s Commission on Election Integrity which she made prior to the lawsuit being filed. She stated that the State RSA’s don’t allow the Secretary of State to do what he believes he can do and she is concerned with anything that suppresses voters. She continued that people are wondering if their social security numbers and license numbers are going to be given out.

Deputy City Clerk French explained that the only information that is allowed released to the public is what is on the published voter checklist on the City Clerk’s counter which includes name, address and party affiliation. She stated that voter history is also available upon request. She explained that the voter registration form does require the voter to fill out driver license information and only provide last 4 digits of the social security information if they are unable to provide other identification.

Councilor Dwyer asked if that information is available to the State. Deputy City Clerk French stated yes, it is entered into the State of NH ElectioNet database by the Board of Registrars.

**Assistant Mayor Splaine moved that the City Council agrees that the Secretary of State of State of New Hampshire and Governor of the State of New Hampshire shall not provide any voter information from the City of Portsmouth to any Federal Commission, seconded by Councilor Dwyer.**

City Manager Bohenko stated he would draft a letter to be sent to both of those offices.

Councilor Dwyer stated she appreciates this being brought forward because there are a lot of concerned with citizens on this issue and this cements peoples’ hesitation in voting.

**Motion passed on a 7-0 roll call vote.**

**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

**Assistant Mayor Splaine moved to approve the reappointments as presented. Seconded by Councilor Pearson and voted.**

2. Establishment of Blue Ribbon Committee for Renewable Energy Policy Committee and possible appointments (*As requested by Councilor Denton*):

- 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 Representative
- Deputy City Manager Nancy Colbert Puff (Appointed by City Manager)
- Environmental Planner Peter Britz (Appointed 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.*

Mayor Blalock explained that this was brought forward by Councilor Denton through the Sustainable Practices Blue Ribbon Committee and this committee will expire at the end of the Council term. He thanked Councilor Denton for bringing the names of the members forward.

Councilor Perkins stated she will be serving on the committee, but does have a concern with the Charge as it is current stated and would like to eliminate the 2<sup>nd</sup> sentence in its entirety.

Councilor Dwyer stated she agrees and wants this to be more than a feel good statement.

Assistant Mayor Splaine stated that the committee can review the charge and make that revision if they want to do so. Secondly he stated that this is a good idea, but not a new idea, although a lot of communities still haven't done it. He stated he has worked with 55 Councilors over the years and feels that Councilor Denton has a lot of creative and long-lasting ideas.

Mayor Blalock agrees with Assistant Mayor Splaine. Secondly, he stated that as a committee member, Councilor Perkins can make the change and bring it back to the committee for further review and discussion.

City Manager Bohenko stated that Councilor Denton has announced an organization meeting will be held on July 18, 2017.

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

**Councilor Dwyer moved to accept the resignation of Clayton Emery from the Cable Television and Communications Commission and send letter of thanks and appreciation of service. Seconded by Councilor Perkins and voted.**

**C. ASSISTANT MAYOR SPLAINE**

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

**Assistant Mayor Splaine moved to request the Planning Board to draft an amendment to the zoning ordinance that 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, seconded by Councilor Cyr for discussion.**

Assistant Mayor Splaine stated he agrees with Attorney Zelin that we have created a way to potentially affect negatively the neighbors of secondary buildings and may allow the developer to use the credit somewhere else or sell it to someone else. He stated we need to ask the Planning Board to rectify this matter.

Councilor Perkins asked Deputy City Manager Colbert Puff to address the concerns and clarified that the site plans are submitted at the same time the application is approved.

Deputy City Manager Colbert Puff stated that the reason for this ordinance change was to prevent uncoordinated development parcel by parcel.

Councilor Dwyer stated the Planning Board will use its discretion and will still have to follow all the same criteria.

Assistant Mayor Splaine stated he doesn't see anywhere in the ordinance the criteria for the additional building.

Deputy City Manager Colbert Puff stated that the use of the credit will also be subject to the criteria.

**Motion FAILED on a 1-6 roll call vote. Assistant Mayor Splaine voted in favor. Councilors Perkins, Dwyer, Pearson, Spear, Cyr and Mayor Blalock voted opposed.**

**D. COUNCILOR DWYER**

1. Panel of Experts to Interpret Scientific Information

Councilor Dwyer stated that the panel will not be making decisions but will provide expertise to the Council and would be a standing panel and would expand to the seacoast region.

City Manager Bohenko asked if she envisioned that the panel would receive a stipend of any kind for the use of their time.

Councilor Dwyer stated she has talked to people who said it would be better not to and it would be a community service.

Councilor Pearson agrees that there should not be any stipend as it could be a concern that the city is paying for certain opinions.

City Manager Bohenko stated he and the Mayor will discuss this further.

Assistant Mayor Splaine stated that the basic concept is good and he would like to involve other communities as well. He stated he doesn't want to see this become an arm of the government but a tool.

#### **E. COUNCILOR DENTON**

1. Mayor's Blue Ribbon Renewable Energy Committee (*Previously addressed*)
  - A. The Getting to Net Zero Framework – Cambridge  
[https://www.cambridgema.gov/cdd/projects/climate/~/\\_media/d74193af8dac4a57ac96e2a53946b96b.ashx](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)*
    - 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 Representative
    - Deputy City Manager Nancy Colbert Puff (Appointed by City Manager)
    - Environmental Planner Peter Britz (Appointed by City Manager)
  - C. The Mayor's Blue Ribbon Renewable Energy Committee Re: Charge & Committee Membership Correspondence

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

#### **XIII. ADJOURNMENT**

**Assistant Mayor Splaine moved to adjourn at 10:25 p.m. Seconded by Councilor Perkins and passed unanimously.**

Respectfully submitted,



Valerie A. French  
Deputy City Clerk

**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**

**City Council  
Public Hearing**  
\$3 M Bond Authorization



**August 7, 2017**

SOUTH APPROACH PERSPECTIVE

# Project History

- Jan 2014 City Council charges EDC to find Garage site “not Worth or Parrott
- Dec 2014 – first presentation to CC regarding property purchase and costs
- May 2015 – City Council votes to authorized bonding of \$23.2M Land and construction
- Sep 2015 – City Council authorizes City Manger to negotiate purchase of 1.24 acres for construction of 600 space parking garage
- May 2016 – Mayor appoints New Garage Building Committee
- Sep 2016 - City purchases property

# Project History

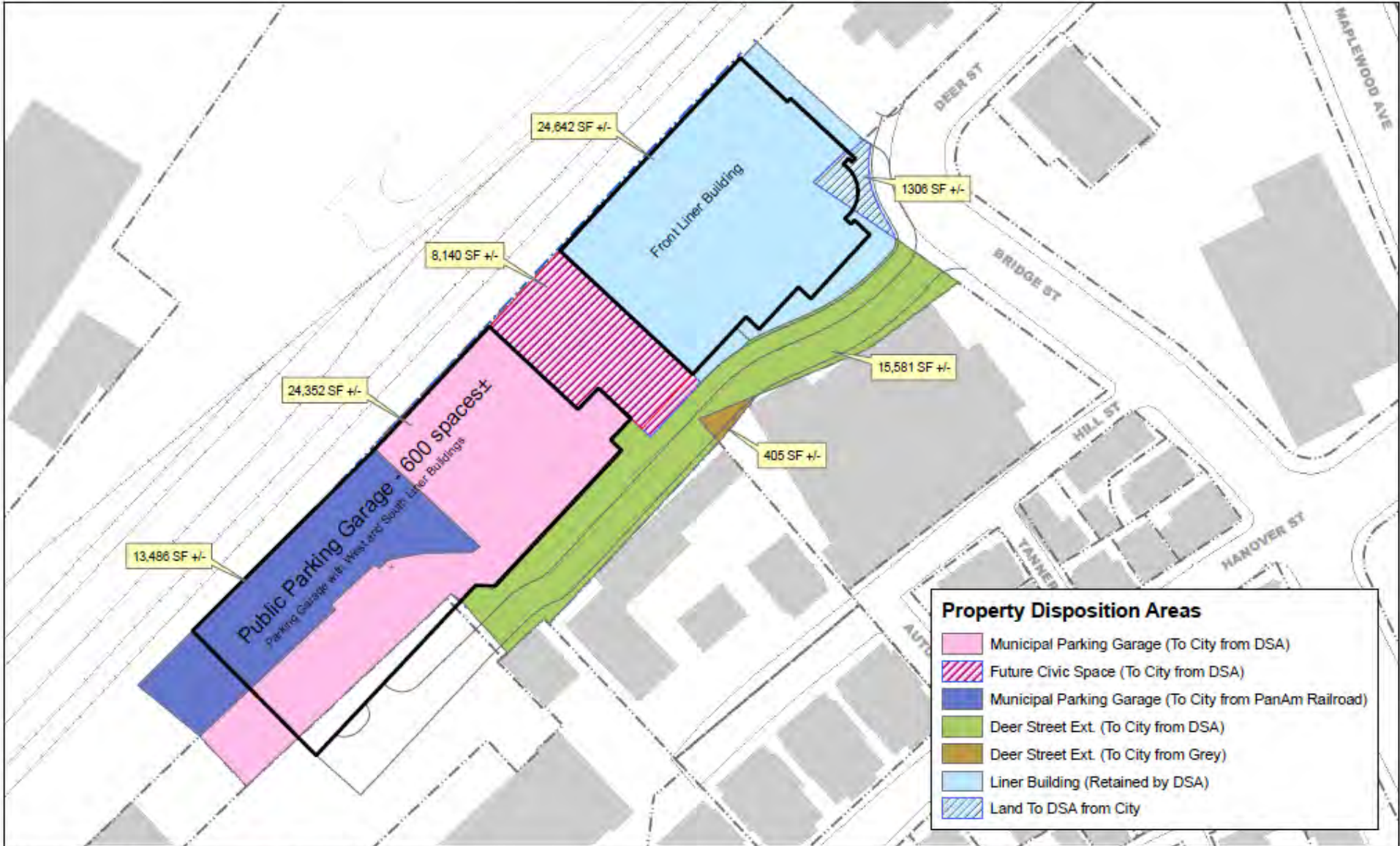
- October 2016 City hires Walker Parking Consultants as Project Engineer/Architect
- March 2017- Consigli Construction Co. hired for Construction Management Services
- May 2017 - Civil/Site preparation portion of work Bid
- June 2017- Design Development drawings and estimates completed
- June 2017 – New Garage Building Committee reviews Value Management Log



# Factors affecting Project Costs

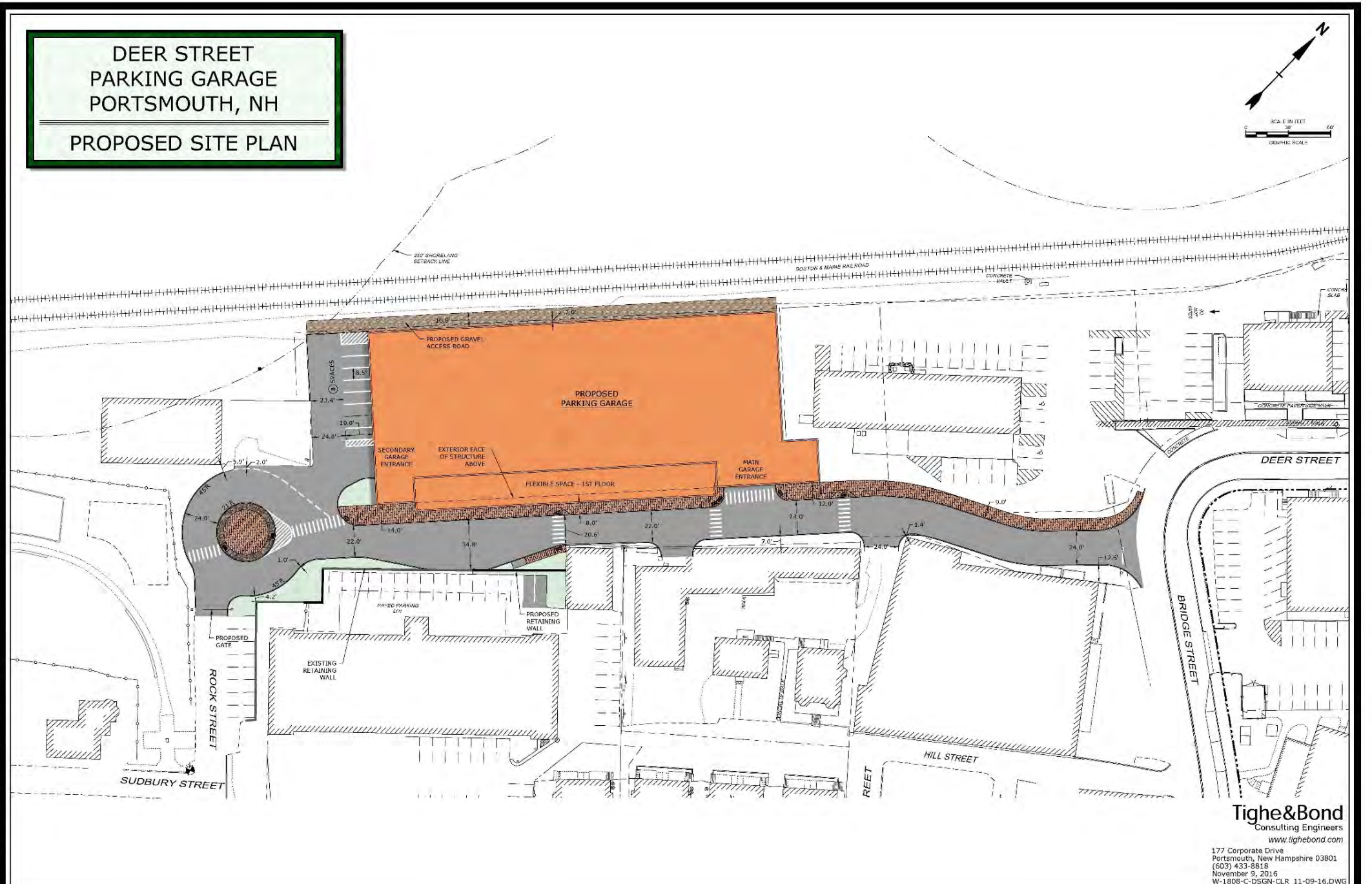
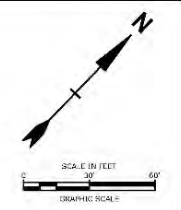
- **Construction costs**
  - Construction costs for up nearly 13% since early 2015
- **Scope of Project**
  - Foundry Place
  - Utilities
- **Design for Soils and Site remediation**

# Scope of Project



**Municipal Parking Garage Project**  
**165 Deer Street - Property Disposition Plan**

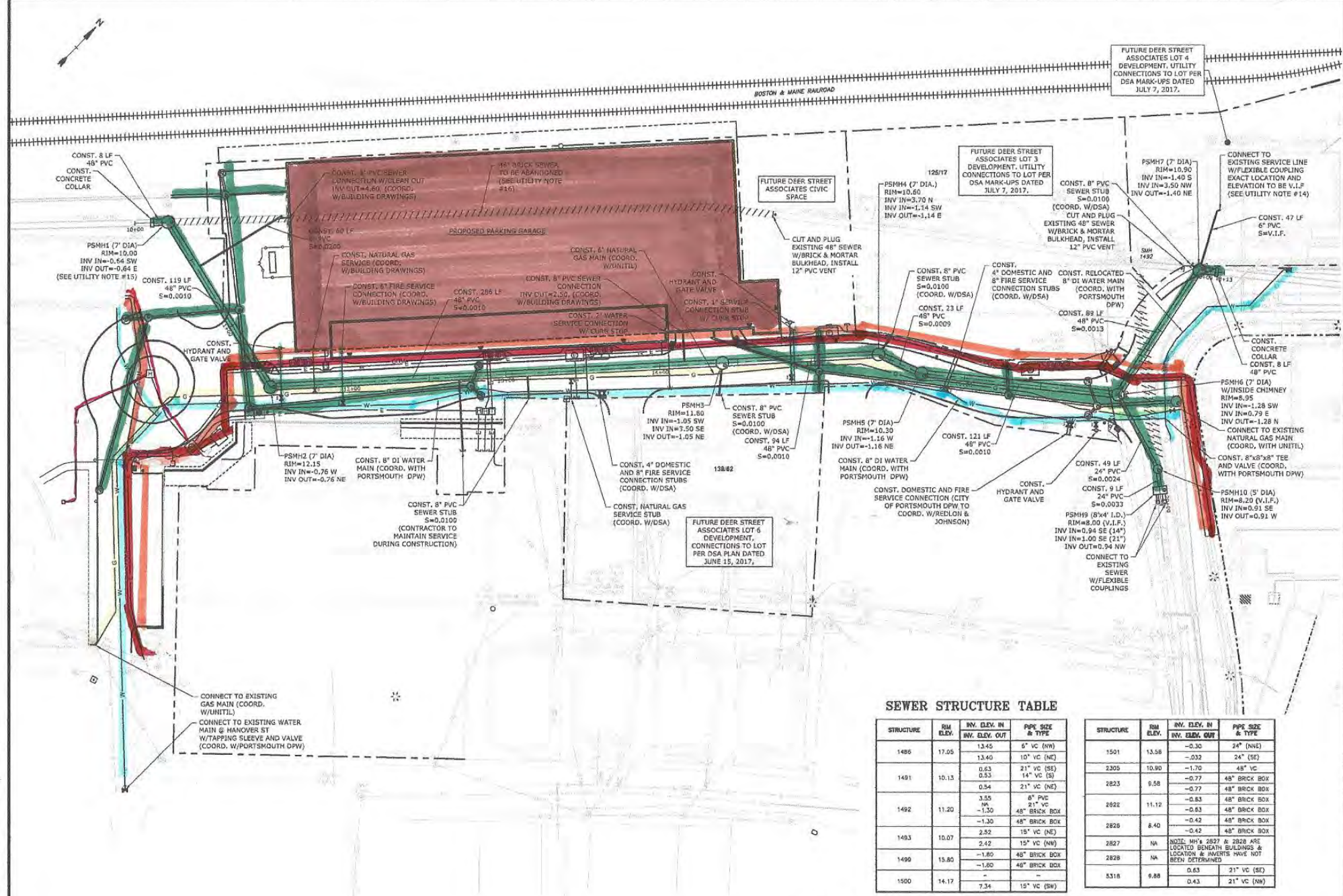
DEER STREET  
PARKING GARAGE  
PORTSMOUTH, NH  
PROPOSED SITE PLAN



P:\1616\161600001\161600001.dwg DATE: 11/09/16 11:42:01 AM USER: RLL

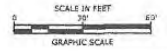
**Tighe & Bond**  
Consulting Engineers  
[www.tighebond.com](http://www.tighebond.com)

177 Corporate Drive  
Portsmouth, New Hampshire 03801  
(603) 433-8818  
November 9, 2016  
W-1808-C-DSGN-CLR 11-09-16.DWG



**SEWER STRUCTURE TABLE**

STRUCTURE	RIM ELEV.	INV. ELEV. IN	INV. ELEV. OUT	PIPE SIZE & TYPE
1486	17.05	13.45	13.40	6" VC (NW)
				10" VC (NE)
		0.63	0.33	21" VC (SE)
				14" VC (S)
1491	10.13	0.54	0.54	21" VC (NE)
		3.35	NA	8" PVC
		-1.30		48" BRICK BOX
		-1.30		48" BRICK BOX
1492	11.20	2.52		15" VC (NE)
		2.42		15" VC (NW)
1493	10.07			48" BRICK BOX
		-1.80		48" BRICK BOX
1499	15.80			48" BRICK BOX
		-1.80		48" BRICK BOX
1500	14.17		7.34	15" VC (SW)
1501	13.58		-0.30	24" (NW)
			-0.32	24" (SE)
2305	10.90		-1.70	48" VC
2823	9.58		-0.77	48" BRICK BOX
			-0.77	48" BRICK BOX
2826	11.12		-0.83	48" BRICK BOX
			-0.83	48" BRICK BOX
2826	8.40		-0.42	48" BRICK BOX
			-0.42	48" BRICK BOX
2827	NA			NOTE: INV. 2827 & 2828 ARE LOCATED BENEATH BUILDINGS & LOCATION & INVERTS HAVE NOT BEEN DETERMINED
2828	NA			
5318	9.88		0.63	21" VC (SE)
			0.43	21" VC (NW)



SEE SHEET C-100 FOR UTILITY NOTES  
 SEE SHEET C-106 FOR ELECTRICAL & COMMUNICATIONS CONDUIT PLAN  
 SEE SHEET C-107 FOR UTILITIES LEGEND & SEWER PROFILE

PROJECT NO: 16-2693.01  
 DRAWN BY: NAH  
 CHECKED BY: PMA08M  
 COPYRIGHT © 2017. ALL RIGHTS RESERVED. NO PART OF THIS DOCUMENT MAY BE REPRODUCED IN ANY FORM OR BY ANY MEANS WITHOUT PERMISSION FROM WALKER PARKING CONSULTANTS / ENGINEERS, INC.  
 SHEET TITLE: UTILITIES PLAN

	CSI	ITEM DESCRIPTION	QTY	UNIT	UNIT COST	TOTAL
1		Remove 1 elevator, shaft remains for future installation.				(\$254,250)
		Remove 1 elevator, shaft remains for future installation.	(1)	ea	\$225,000.00	(\$225,000)
2		Delete emergency generator,add battery ERU.				(\$85,848)
		elevator will lower to the lowest level and door opens.				\$0
		Delete Generator	(1)	ea	\$77,611.00	(\$77,611)
		Autmatic Transfer Switch	(1)	ea	\$8,361.00	(\$8,361)
		Elevator Backup Emergency Light Upgrade	1	ea	\$10,000.00	\$10,000
		Pending ICC Code Determination				
3		Remove Portion of new road, replace with fire lane				(\$462,311)
		Remove new road and walkways from entrance thru cul-de-sac	(1)	ls	\$450,000.00	(\$450,000)
		Construct fire line type road ilo specified road and site improvements	1,635	sy	\$25.00	\$40,875
						\$0
4		Delete Flex space area slab and curtainwall, increase parking.				(\$290,410)
		Replace flex space slab with bituminous paving.	3,500	sf	(\$9.00)	(\$31,500)
		Eliminated flex space area outboard of garage footprint.	1,500	sf	(\$90.00)	(\$135,000)
		Replace glass with precast	1,810	sf	(\$50.00)	(\$90,500)

	CSI	ITEM DESCRIPTION	QTY	UNIT	UNIT COST	TOTAL
<b>5</b>		<b>Take one intermediate level off garage</b>				<b>(\$3,496,220)</b>
		<i>Reduce parking by one complete floor</i>	119	spc	(\$26,000.00)	(\$3,094,000)
						\$0
						\$0
<b>6</b>		<b>Precast Color Premium</b>				<b>(\$226,000)</b>
		<i>Delete requirement for mult colors</i>	(1)	ls	\$200,000.00	(\$200,000)
						\$0
<b>7</b>		<b>Eliminate secondary garage egress/ add 3 bollards</b>				<b>(\$39,550)</b>
		<i>Reduced cost from base bid including apron, PARCS and signage</i>	(1)	ls	\$35,000.00	(\$35,000)
						\$0
<b>8</b>		<b>Urban Fill Disposal to be Part of Soft Cost</b>				<b>(\$545,790)</b>
			(1)	ea	\$483,000.00	(\$483,000)
<b>9</b>		<b>Eliminate FRP Gears and aluminum decorative fins</b>				<b>(\$282,500)</b>
		<i>Remove gears and fins</i>	(1)	ls	\$250,000.00	(\$250,000)
						\$0
<b>10</b>		<b>Remove Artisan Panels</b>				<b>(\$127,464)</b>
		<i>Delted Artisan Panel window screen and leave space open</i>	2,256	sf	(\$50.00)	(\$112,800)
						\$0
<b>11</b>		<b>Replace curtain wall at main stairs with precast</b>				<b>(\$198,315)</b>

NO.	CSI	ITEM DESCRIPTION	QTY	UNIT	UNIT COST	TOTAL
12		<b>Remove Public Bathrooms</b>				<b>(\$75,000)</b>
		<i>Delete public bathrooms</i>	<i>(1)</i>	<i>ea</i>	<i>\$75,000.00</i>	<i>(\$75,000)</i>
13		<b>Eliminate Illuminated Portsmouth Letters</b>				<b>(\$33,900)</b>
		<i>Remove letters that spell PORTSMOUTH</i>	<i>(1)</i>	<i>ea</i>	<i>\$30,000.00</i>	<i>(\$30,000)</i>
14		<b>Unforeseen costs</b>				<b>\$0</b>
		<i>Additional Design costs for changes to current scheme</i>	<i>1</i>	<i>ea</i>		
		<i>Additonal Permit costs from professionals required for permits</i>				<i>\$0</i>
		<i>Addtional CM fees for additional pre-construction costs</i>				<i>\$0</i>
		<i>Risk to losing subcontractor current pricing and involvement</i>				<i>\$0</i>
		<b>VALUE MANAGEMENT SUBTOTALS</b>				<b>(\$6,117,559)</b>
		<b>Savings on Indirect Costs</b>				<b>Inc in values above</b>



NIGHT TIME SOUTH APPROACH PERSPECTIVE



PORTSMOUTH POLICE DEPARTMENT

MEMORANDUM

RECEIVED

JUL 31 2017

CITY MANAGER  
PORTSMOUTH, NH

DATE: JULY 31<sup>ST</sup>, 2017  
TO: JOHN P. BOHENKO, CITY MANAGER  
FROM: BRENNNA CAVANAUGH, CHAIR, PORTSMOUTH POLICE COMMISSION  
ROBERT M. MERNER, CHIEF OF POLICE  
RE: DONATION


At the July 25<sup>th</sup>, 2017 Police Commission meeting, the Board of Police Commissioners approved and accepted the following donation:

- a.) Donation of a disbursement check in the amount of \$188,129.88 from the Estate of Geraldine W. Webber.

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

We respectfully request this donation be placed on the August 7<sup>th</sup>, 2017 city council meeting agenda. Please note the attachment contains a chain-of-custody sheet which is not for reprinting, distribution, or public view, as it contains proprietary account information from the estate on the copy of the check.

Respectfully submitted,

  
Kathleen M. Levesque  
Office of the Chief

copies: Board of Police Commissioners  
Finance Director Judie Belanger

Admin. Mgr. Karen Senecal  
Business Asst. Tammie Perez

**CITY OF PORTSMOUTH  
LEGAL DEPARTMENT  
MEMORANDUM**

DATE: July 19, 2017  
TO: PORTSMOUTH POLICE COMMISSIONERS  
FROM: ROBERT P. SULLIVAN, CITY ATTORNEY  
RE: ESTATE OF GERALDINE W. WEBBER



Attached please find a draft drawn on the account of the Bank of New Hampshire payable to the Portsmouth NH Police in the amount of \$188,129.88 as a disbursement of the proceeds to the Portsmouth Police Department from the Estate of Geraldine Webber. For your information, there may be a further disbursement of any leftover funds after paying final bills.

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

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

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

attachment

cc: John P. Bohenko, City Manager  
Robert Merner, Chief of Police  
Judie Belanger, Finance Director

PAMELA J PATTERSON, EXEC  
ESTATE OF GERALDINE W WEBBER  
3 EXECUTIVE PARK DR. STE 107  
BEDFORD, NH 03110-7066

54-7027/2117


144

DATE 7/17/17



SECURE ONLINE CERTIFICATES SAFETY PAPER

PAY TO THE ORDER OF City of Portsmouth Police Department \$ 108,129.88

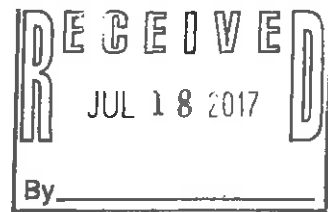
One hundred eighty eight thousand one hundred twenty nine <sup>88/100</sup> DOLLARS 



*[Signature]* MP

MEMO \_\_\_\_\_

1



**BARRADALE, O'CONNELL, NEWKIRK & DWYER, P.A.**

**David E. Barradale  
Colleen D. O'Connell  
Pamela J. Newkirk  
Maureen C. Dwyer  
Laura T. Tetrault**

pnewkirk@bondpa.com  
(603)836-3376

July 17, 2017 /

**Via UPS Two-Day Delivery**  
Attorney Robert P. Sullivan  
City of Portsmouth  
1 Junkins Avenue  
Portsmouth, NH 03801

Re: Estate of Geraldine W. Webber

Dear Bob:

Enclosed please find checks payable to the City of Portsmouth Fire Department and the City of Portsmouth Police Department in the amount of \$188,129.88 each, representing the final residuary distributions shown on the final accounting. I will make an additional distribution of the funds leftover after paying the final bills (attorney and accountant fees), and receiving refunds from the State of New Hampshire, the U.S. Treasury, and the bond company.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "P. Newkirk".

Pamela J. Newkirk

PJN

Mailing: P.O. Box 10239  
Bedford, NH 03110-0239

We are located at: 3 Executive Park Drive, Suite 107  
Bedford, NH 03110

Phone: (603) 644-0275 Fax: (603) 232-7015  
www.bondpa.com

**CITY OF PORTSMOUTH  
LEGAL DEPARTMENT  
MEMORANDUM**

DATE: July 19, 2017  
TO: PORTSMOUTH FIRE COMMISSIONERS  
FROM: ROBERT P. SULLIVAN, CITY ATTORNEY  
RE: ESTATE OF GERALDINE W. WEBBER



Attached please find a draft drawn on the account of the Bank of New Hampshire payable to the Portsmouth NH Fire in the amount of \$188,129.88 as a disbursement of the proceeds to the Portsmouth Police Department from the Estate of Geraldine Webber. For your information, there may be a further disbursement of any leftover funds after paying final bills.

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

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

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

attachment

cc: John P. Bohenko, City Manager  
Steven Achilles, Fire Chief  
Judie Belanger, Finance Director

PAMELA J PATTERSON, EXEC  
ESTATE OF GERALDINE W WEBBER  
3 EXECUTIVE PARK DR. STE 107  
BEDFORD, NH 03110-7066

54-7027/2117

143

DATE 7/17/17



SECURITY FEATURES  
MICROPRINTED SECURITY PAPER

PAY TO THE ORDER OF City of Portsmouth Fire Department \$ 128,129.88

One hundred eighty eight thousand one hundred twenty nine <sup>88/100</sup> DOLLARS Security Features  
Include Details on Back.



*P. J. Patterson* MP

MEMO \_\_\_\_\_



**BARRADALE, O'CONNELL, NEWKIRK & DWYER, P.A.**

**David E. Barradale  
Colleen D. O'Connell  
Pamela J. Newkirk  
Maureen C. Dwyer  
Laura T. Tetrault**

pnewkirk@bondpa.com  
(603)836-3376

July 17, 2017

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Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to be "P. Newkirk", written over a horizontal line.

Pamela J. Newkirk

PJN

Mailing: P.O. Box 10239  
Bedford, NH 03110-0239

We are located at: 3 Executive Park Drive, Suite 107  
Bedford, NH 03110

Phone: (603) 644-0275 Fax: (603) 232-7015  
www.bondpa.com

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:

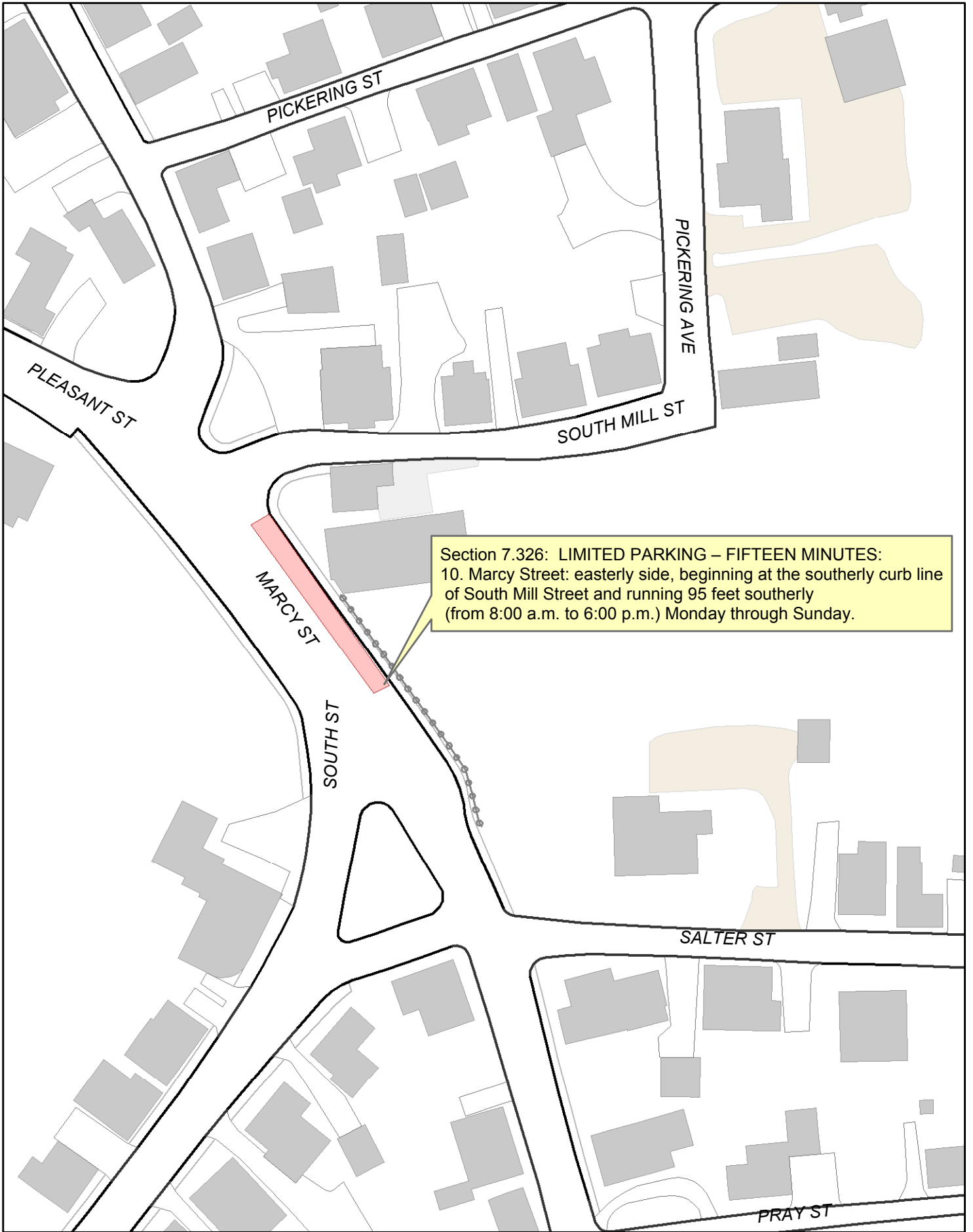
- 6. Coolidge Drive: along the westerly branch of Coolidge Drive, southerly from Wilson Road to the main line of Coolidge Drive.**
  - 27. Stark Street: ~~northerly from house driveway, 320 feet to the new Franklin School.~~ **southerly from the New Franklin School driveway to a point 120 feet north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

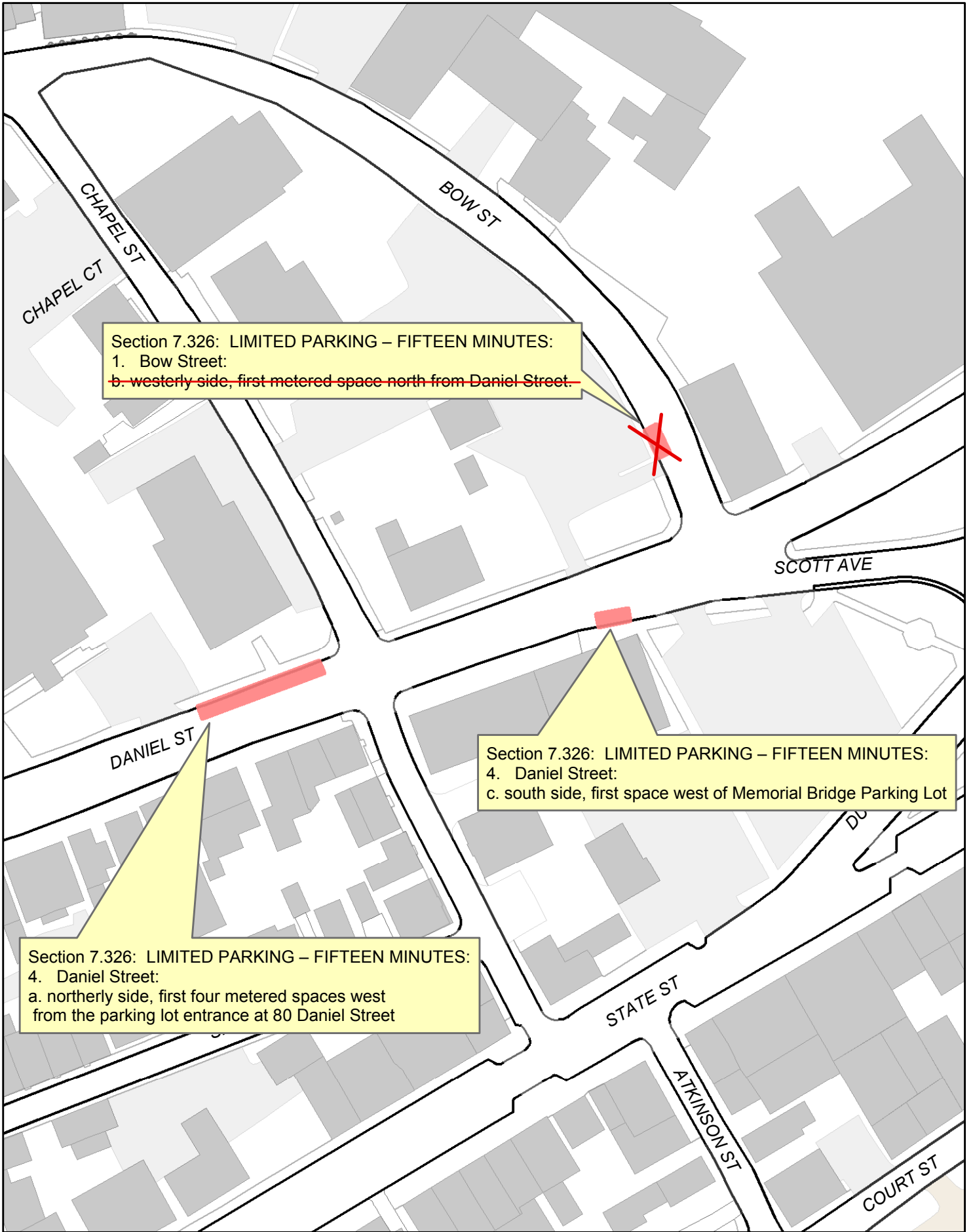
- 20. Greenleaf Avenue: ~~(between Peverly Hill Road and the Rt. 1 Bypass)~~



**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





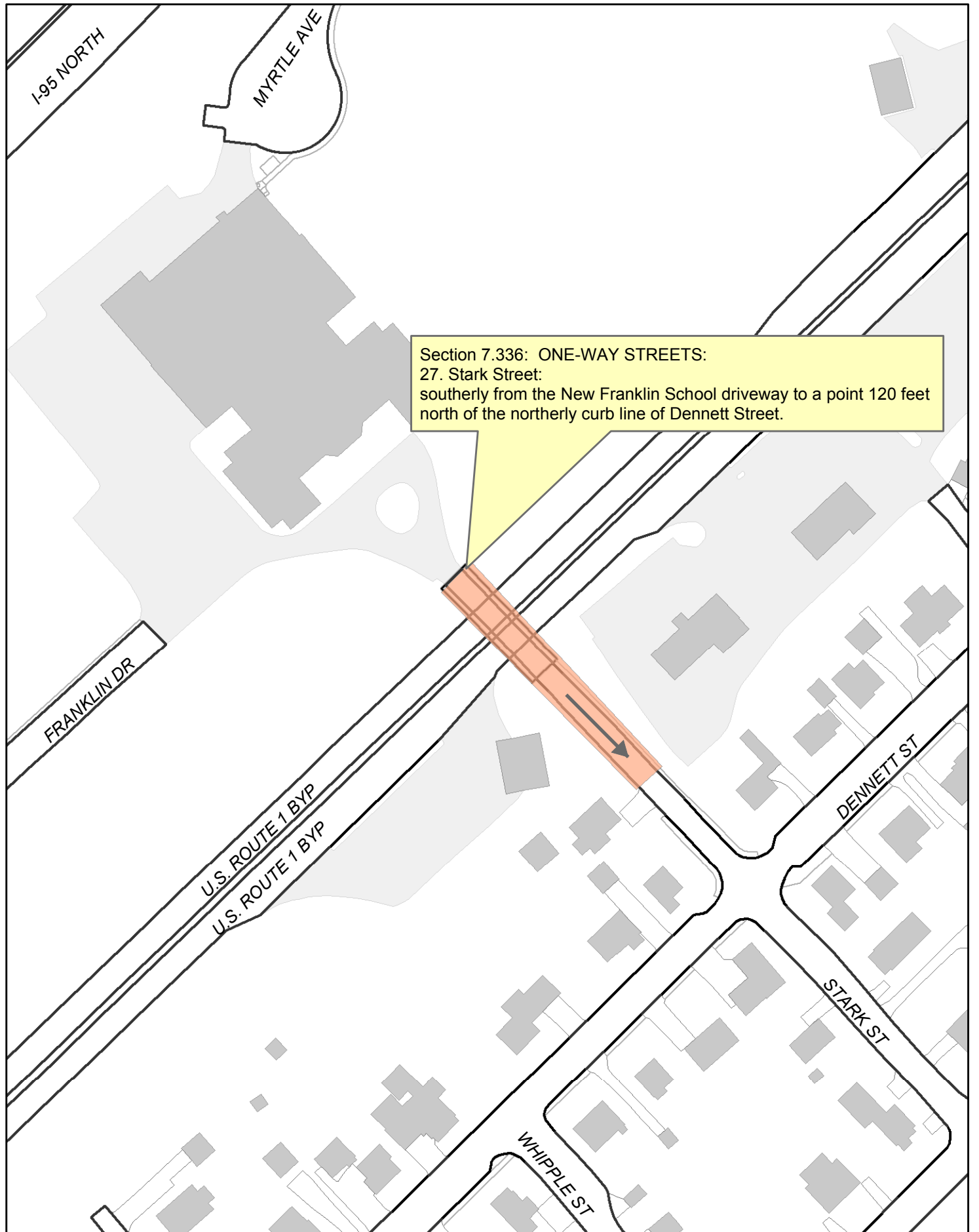
Section 7.326: LIMITED PARKING – FIFTEEN MINUTES:  
1. Bow Street:  
~~b. westerly side, first metered space north from Daniel Street.~~

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

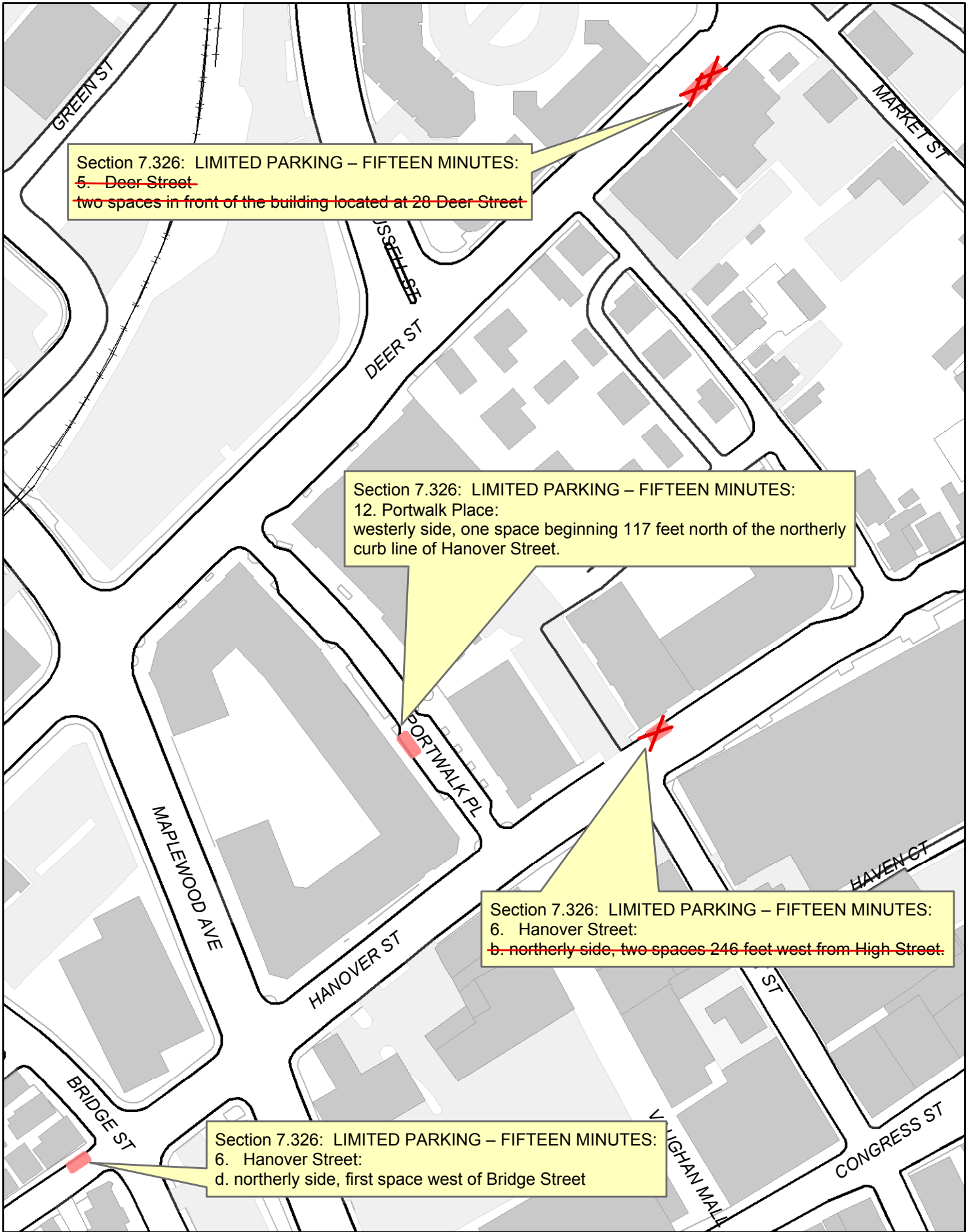
**Limited Parking 15 minutes  
Portsmouth, New Hampshire**





**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~~

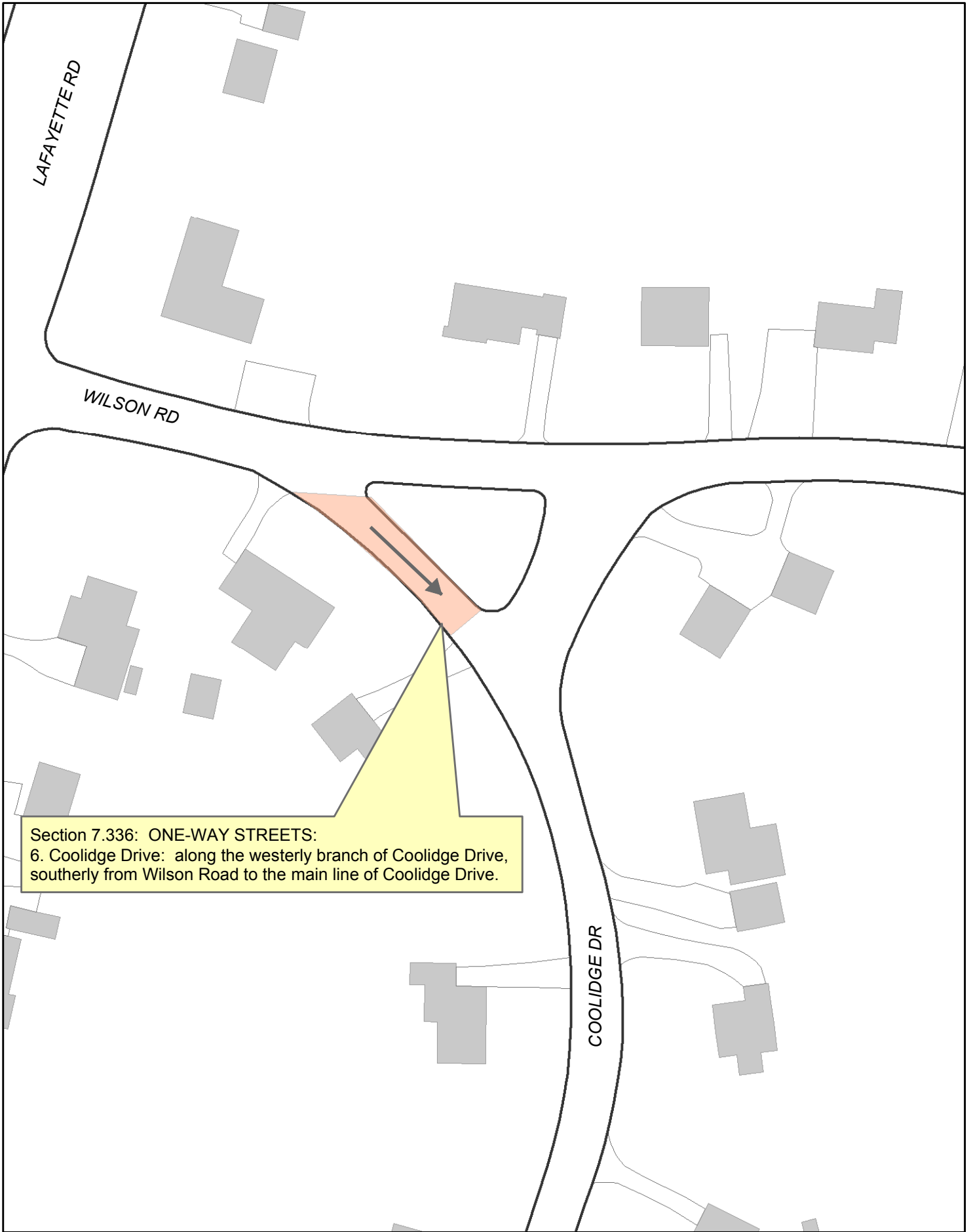
Section 7.326: LIMITED PARKING – FIFTEEN MINUTES:  
 12. Portwalk Place:  
 westerly side, one space beginning 117 feet north of the northerly curb line of Hanover Street.

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**



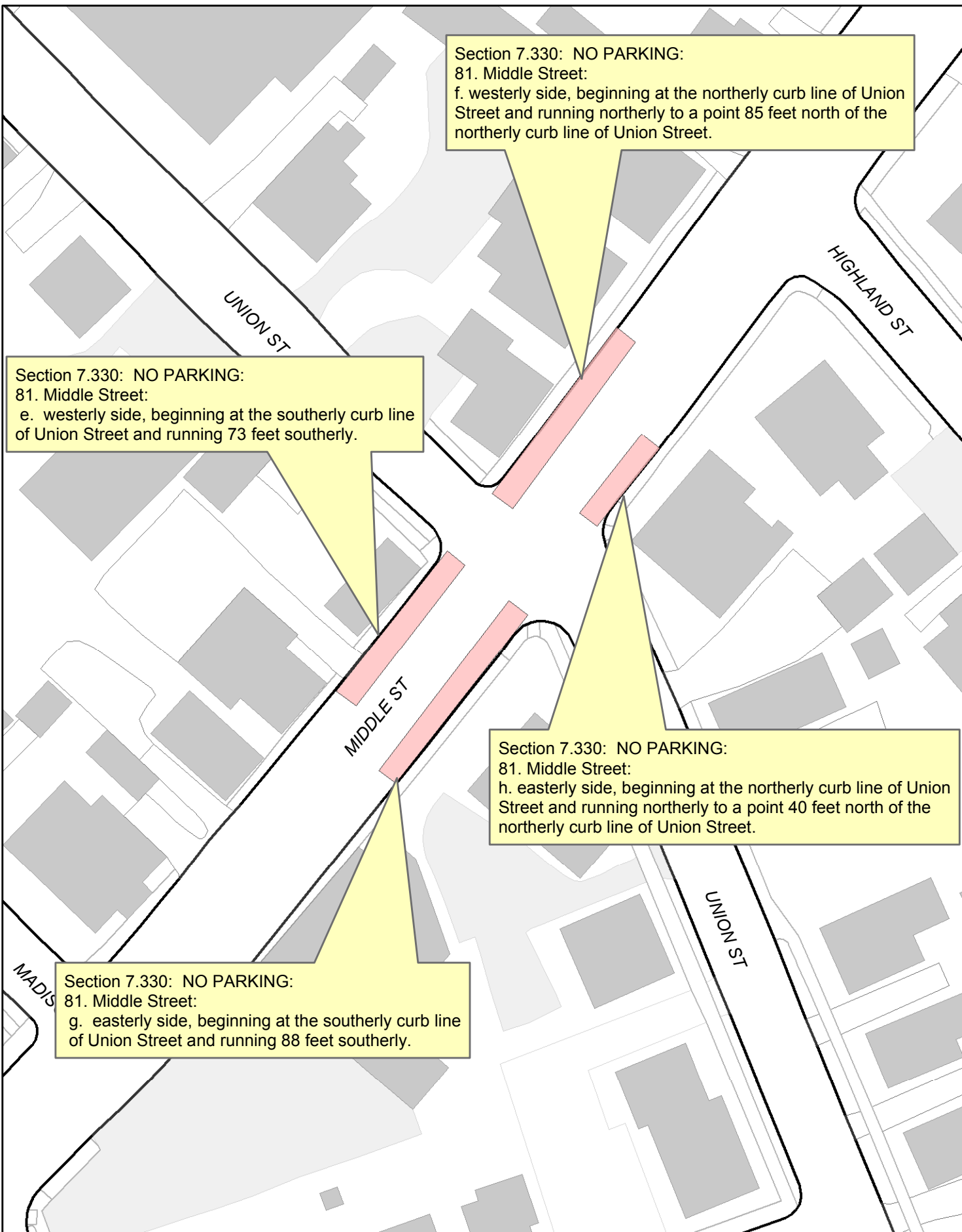


Section 7.336: ONE-WAY STREETS:  
6. Coolidge Drive: along the westerly branch of Coolidge Drive, southerly from Wilson Road to the main line of Coolidge Drive.

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

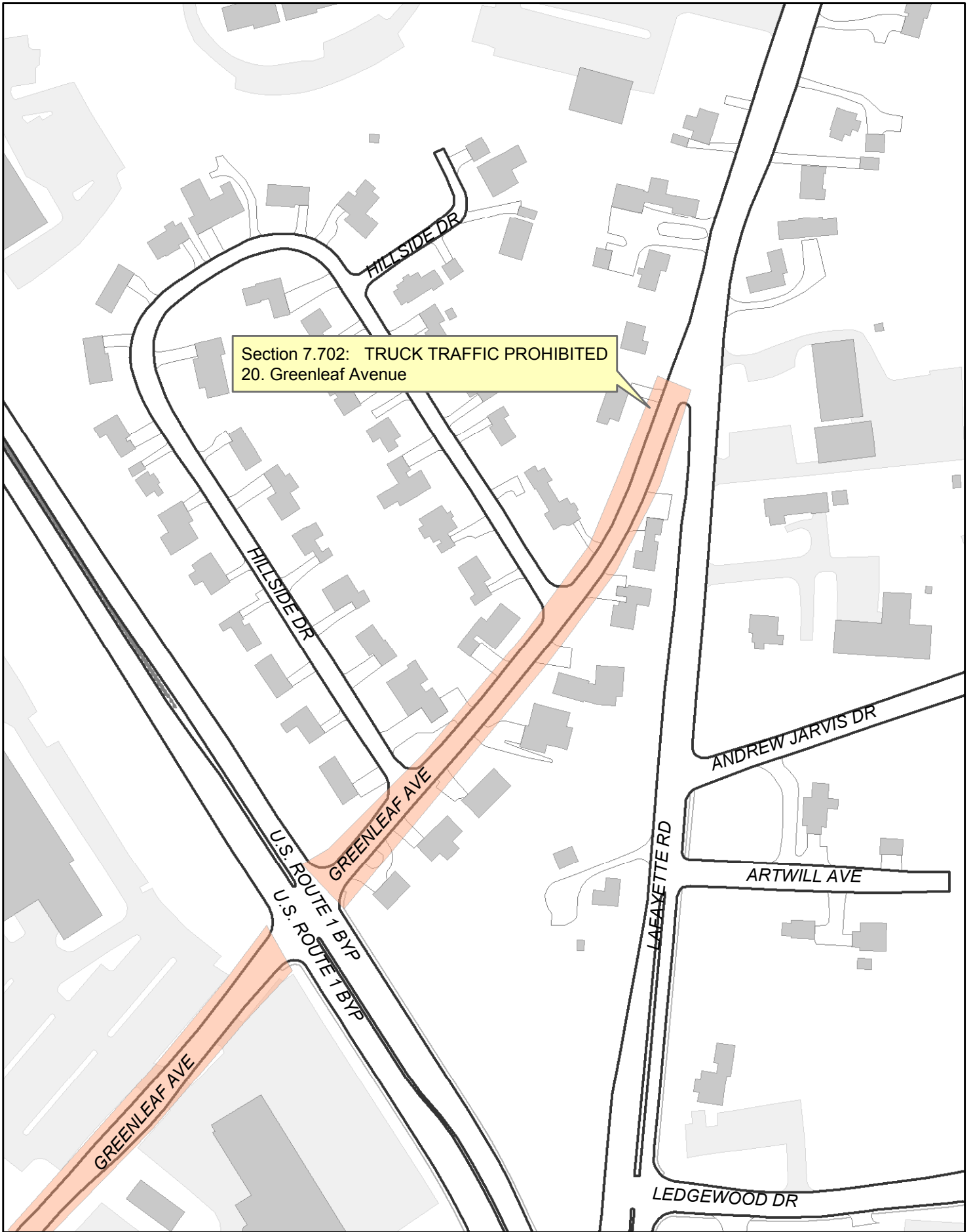
Map prepared by Portsmouth Department of Public Works, 31 May 2017  
Map document: U:\Projects\0263 Parking Traffic & Safety\Traffic and Parking Ordinance Changes\2017





**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





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# MEMORANDUM

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**TO:** John P. Bohenko, City Manager

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

**DATE:** July 10, 2017

**RE:** City Council Referral – Projecting Sign  
Address: 140 Congress Street  
Business Name: Paul Mitchell the School  
Business Owner: Mark Sullivan

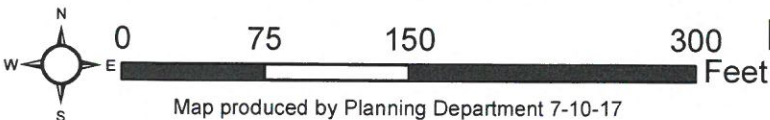
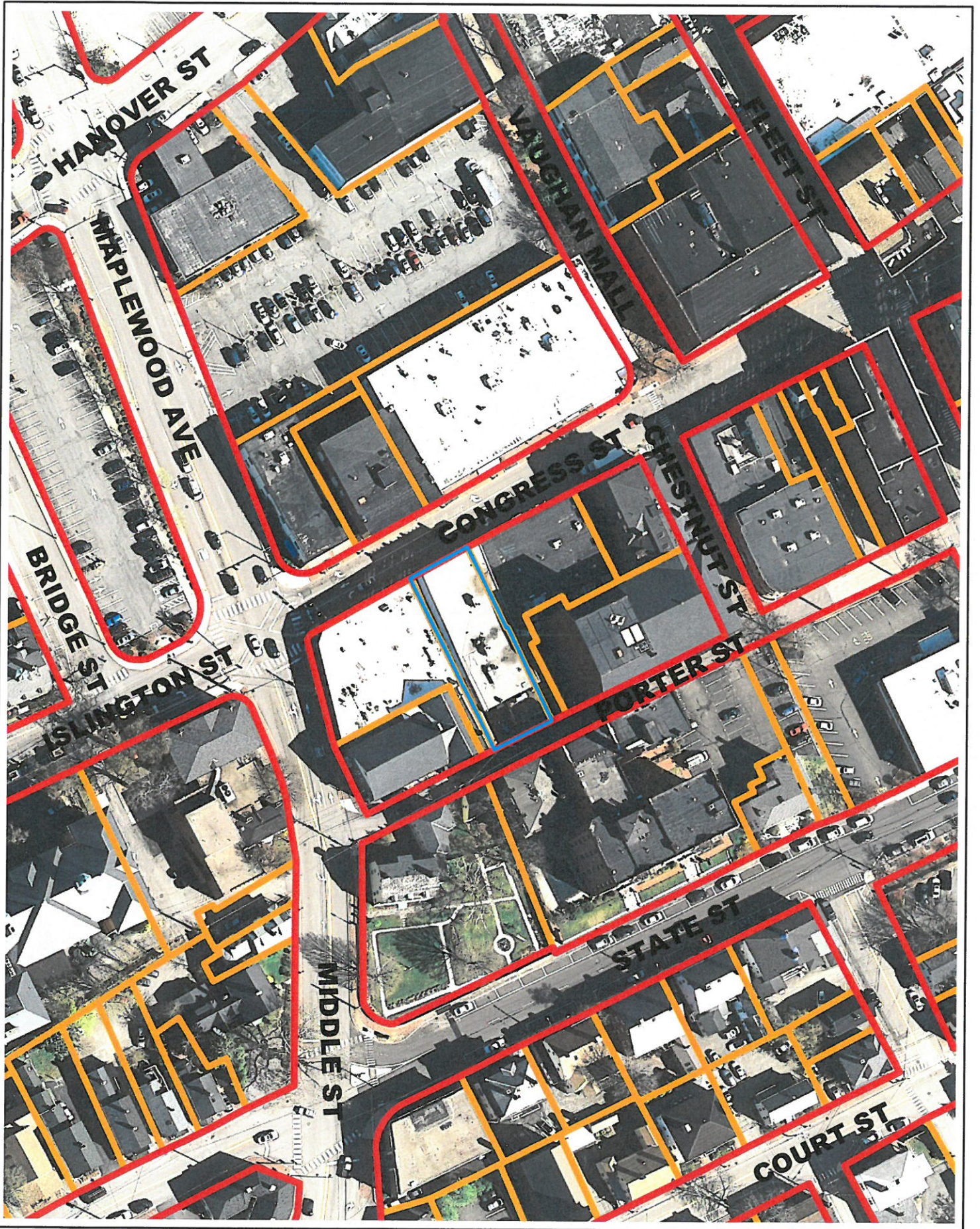
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Permission is being sought to install a projecting sign on an existing bracket, as follows:

Sign dimensions: 24" x 48"  
Sign area: 8 sq. ft.

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

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



Map produced by Planning Department 7-10-17

**Request for Projecting Sign License  
140 Congress St.**



48 in



24 in



PortsmouthSign.com  
603-436-0047

**REVISION:**

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

**PLEASE NOTE:**

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

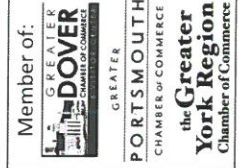
6/7/17

**RETURN SIGNED TO: service@portsmouthsign.com**

I understand this Order Form is the final production order and replaces all previous drawings, notes and verbal instructions to this job. Standard vinyl & paint colors will be used. Custom colors and specific matches to PMS colors will be an additional fee. I have carefully reviewed this form and verify that it contains all necessary specifications and represents my order. I authorize fabrication according to this approval.

SIGNATURE: \_\_\_\_\_

Date: \_\_\_\_\_



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

Shop Use Only

Qty:  SS  DS

Materials:

Background Color:

Vinyl Color:  HP  Int

Other:

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

DATE: 6.30.17

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

Zone Dist.: CD5

Street Address of Sign(s): 140 Congress Street Map #: \_\_\_\_\_ Sign District: 3  
 Business Name: Paul Mitchell the School Phone #: 436-7775  
 Business Owner Name: Mark Sullivan Phone #: 494-3778  
 Sign Contractor: Portsmouth Sign Co. Address: 19 Nimble Hill Road Phone #: 436-0047

**EXISTING SIGNS: (On ENTIRE Property)**

**PROPOSED SIGNS:**

	#	Qty.	L (In.)	H (In.)	S.F. (S.F.)	Ht.* (Ft.)	Ltg.**	Being Removed?		Qty.	L (In.)	H (In.)	S.F. (S. F.)	Ht.* (Ft.)	Ltg.**
Wall / Attached	1	1	80	30	16.7	n/a	N	No	1	1	80	30	16.7	n/a	N
	2					n/a			2					n/a	
	3					n/a			3					n/a	
	4					n/a			4					n/a	
	5						n/a		5					n/a	
Free- Standing	6								6						
	7								7						
	8								8						
Projecting	9								9	1	48	24	8.0	n/a	E
	10								10						
Awning	11								11						
Canopy	12								12						
Parapet	13								13						
Roof	14								14						
Marquee	15								15						
Spl. Event	16	-----	-----	-----	-----	-----	-----	-----	16						
Temp.	17	-----	-----	-----	-----	-----	-----	-----	17						

Existing Signs Total: 16.7 SF

New Signs Total: 24.7 SF

\* Height is from ground to sign bottom for Projecting & Awnings, and to sign top for Free-Standing & Monuments.  
 \*\* Ltg.: E=External, I/F=Internal/Florescent, I/N=Internal/Neon, H=Halo, LED=Light Emitting Diode

**Total the sign areas of all existing sign(s) that are remaining on the property and all new sign(s) here:**  
 Do not include any existing signs that are being removed.

Wall Attached: 33.3 SF      Awning: \_\_\_\_\_ SF      Roof: \_\_\_\_\_ SF  
 Spl. Event      Free-Stand.: \_\_\_\_\_ SF      Canopy: \_\_\_\_\_ SF      Marquee: \_\_\_\_\_ SF  
 SF      Projecting: 8.0 SF      Parapet: \_\_\_\_\_ SF      Temporary: \_\_\_\_\_ SF

**TOTAL SIGN AREA: 41.3 SF** (exclude temporary & F.S. signs)


Total # of New Signs: 2      Total # Temp. Signs: \_\_\_\_\_

**Store front dimension is NEEDED for complete review of application:**

Store Front Linear Frontage: 18 Feet - **On Site Plan List Setback dimensions and Location of Signs**

**For Office Use:** Allow Area: Factor 2 X 18 Store Front 36 SF TOTAL  
 Allow FS Hgt. 12 Allow Area: Factor \_\_\_\_\_ X \_\_\_\_\_ SF TOTAL  
**Allow. Areas: (ea.)** Wall = 40 Projecting = 12 Roof = na Marquee = 20  
 Temp. = \_\_\_\_\_ Freestd. = 20 Parapet = na Awning = 20 Canopy = na

**Stipulations / Comments:** Requires License from City Council.

Zoning Official: 

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

Date: 10-Jul-17

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# M E M O R A N D U M

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**TO:** John P. Bohenko, City Manager

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

**DATE:** July 17, 2017

**RE:** City Council Referral – Projecting Sign  
Address: 68 State Street  
Business Name: Look Fine Eyewear/Sol Sunwear  
Business Owner: Peter Mocklis

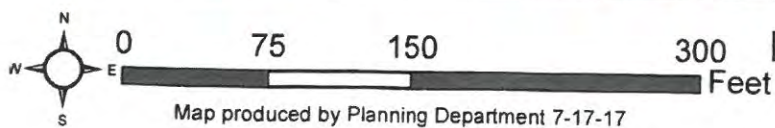
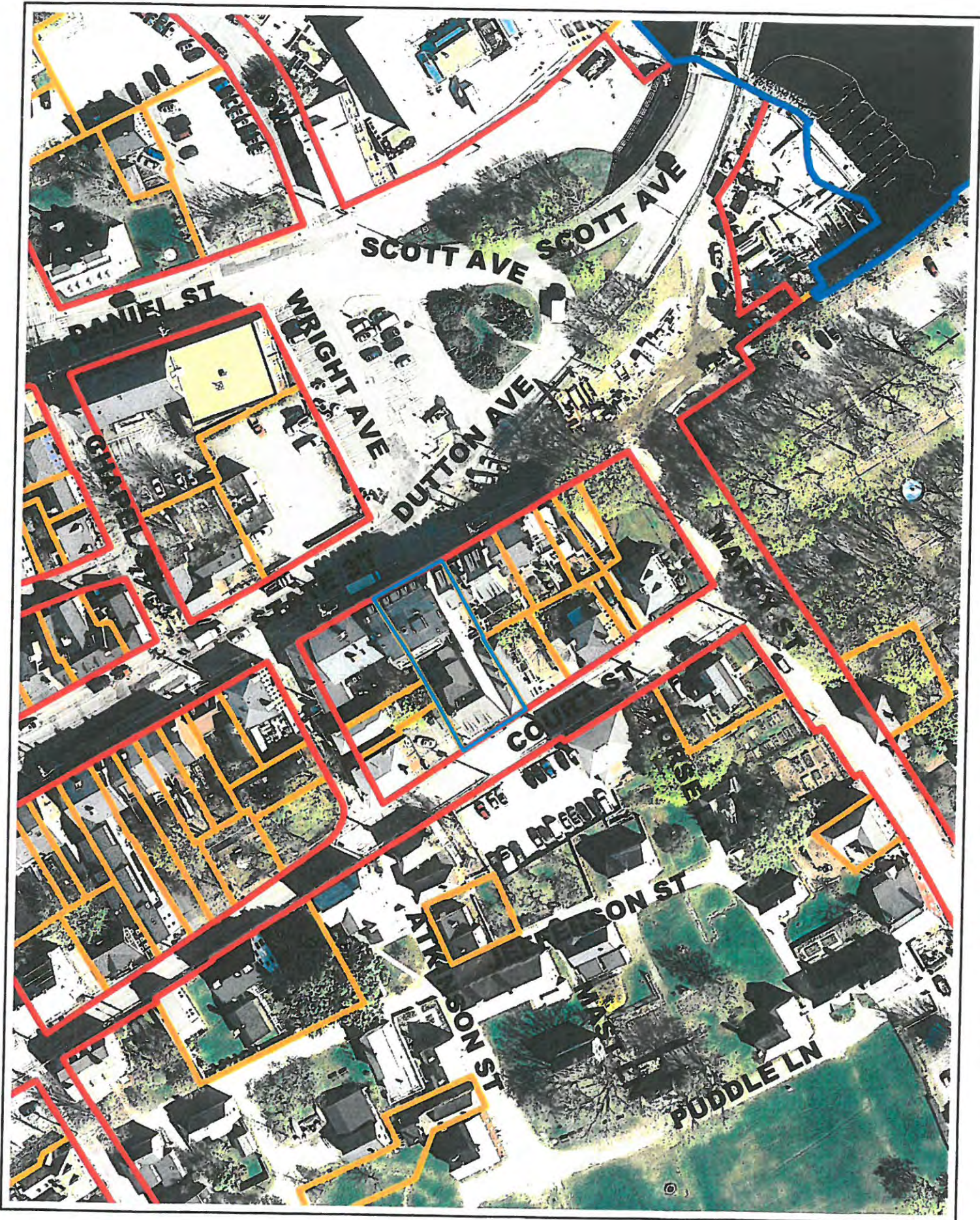
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Permission is being sought to install a projecting sign on an existing bracket, as follows:

Sign dimensions: 36" x 30"  
Sign area: 7.5 sq. ft.

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

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



**Request for Projecting Sign License  
68 State St.**

Map produced by Planning Department 7-17-17

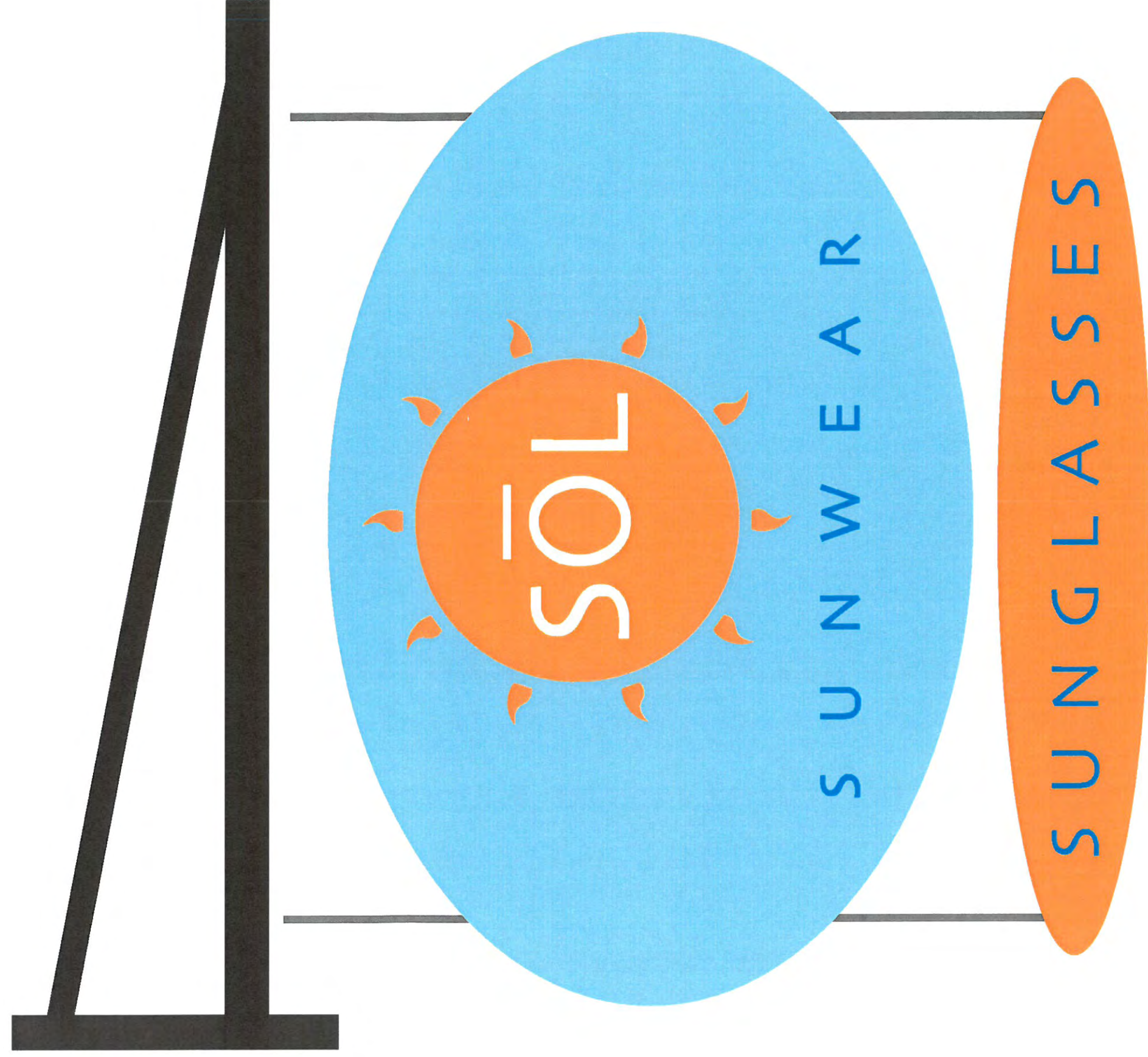
EXISTING



PROPOSED



**24" x 36" carved, painted oval  
w/ dimensional letters/graphic  
with 5.75" x 32.5" rigid oval brider**



**bottom 10' from street**



**SIGN PERMIT APPLICATION**

Inspection Department, 1 Junkins Ave. Portsmouth, NH 03801

Office Number: (603) 610-7243 (Facsimiles Not Accepted)

Zone Dist.: CD\$

Street Address of Sign(s): 68 State Street Unit 103 Map #: Sign District: 3

Business Name: Look Fine Eyewear/Sol Sunwear Phone #: 373-8813

Business Owner Name: Peter Mocklis Phone #: 770-5018

Sign Contractor: Address: Phone #:

**EXISTING SIGNS: (On ENTIRE Property)**

**PROPOSED SIGNS:**

	#	Qty.	L (In.)	H (In.)	S.F. (S.F.)	Ht.* (Ft.)	Ltg.**	Being Removed?		Qty.	L (In.)	H (In.)	S.F. (S. F.)	Ht.* (Ft.)	Ltg.**
Wall / Attached	1					n/a			1					n/a	
	2					n/a			2					n/a	
	3					n/a			3					n/a	
	4					n/a			4					n/a	
	5					n/a			5					n/a	
Free- Standing	6								6						
	7								7						
	8								8						
Projecting	9								9	1	36	30	7.5	10.0	N
	10								10						
Awning	11								11						
Canopy	12								12						
Parapet	13								13						
Roof	14								14						
Marquee	15								15						
Spl. Event	16	-----	-----	-----	-----	-----	-----	-----	16						
Temp.	17	-----	-----	-----	-----	-----	-----	-----	17						

Existing Signs Total: SF

New Signs Total: 7.5 SF

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

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

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

*Do not include any existing signs that are being removed.*

Wall Attached: SF      Awning: SF      Roof: SF  
 Spl. Event Free-Stand.: SF      Canopy: SF      Marquee: SF  
 SF Projecting: 7.5 SF      Parapet: SF      Temporary: SF

**TOTAL SIGN AREA: 7.5 SF** (exclude temporary & F.S. signs)

Total # of New Signs: 1      Total # Temp. Signs: \_\_\_\_\_

**Store front dimension is NEEDED for complete review of application:**

Store Front Linear Frontage: 18 Feet - **On Site Plan List Setback dimensions and Location of Signs**

**For Office Use:** Allow Area: Factor 2 X 18 Store Front 35.2 SF TOTAL  
 Allow FS Hgt. 12 Allow Area: Factor X SF TOTAL  
**Allow. Areas: (ea.)** Wall = 40 Projecting = 12 Roof = na Marquee = 20  
 Temp. = Freestd. = 20 Parapet = na Awning = 20 Canopy = na

**Stipulations / Comments:**


Zoning Official

Code Official:

Date: 27-Jul-17

**CITY OF PORTSMOUTH  
PORTSMOUTH, NH 03801**

***Office of the City Manager***

**Date:** August 3, 2017  
**To:** Honorable Mayor Jack Blalock and City Council Members  
**From:** John P. Bohenko, City Manager   
**Re:** City Manager's Comments on August 7, 2017 City Council Agenda

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**6:30 p.m. – Non-Public Session in accordance with RSA 91-A:3, II (a) regarding negotiations – American Federation of State, County and Municipal Employees, (AFSCME) Council 93, AFL-CIO School Custodial**

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

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***Presentations:***

1. **Prescott Park Sound Management Plan Update.** On Monday evening, Assistant City Manager David Moore and the City's Acoustical Consultant Eric Reuter, INCE Bd. Cert., will provide an update on the Prescott Park Sound Management Plan. The update will include information about the data collected and reported to date along with next steps in the professional engagement with Reuter Associates, which began in June. The first reports on the sound level monitoring and logging generated from Arts Festival events from the start of the Festival's season (June 18, 2017) through July 30, 2017 can be found at <http://cityofportsmouth.com/prescottpark/pppac.html>, which is the Prescott Park Policy Advisory Committee website.

2. **Combined Sewer Overflows.** City Engineer Terry Desmarais and Deputy City Attorney Suzanne Woodland will present an update regarding Combined Sewer Overflows (CSOs) and the City's compliance with the Second Amended Consent Decree. CSOs have been the subject of several letters to the editor and other public comment and on Monday evening, staff will have an opportunity to clarify important aspects of the City's over twenty-year effort to reduce CSOs and next steps. [A copy of the draft PowerPoint presentation is attached.](#)

I have also [attached a letter dated July 10, 2017](#) from the Environmental Protection Agency (EPA) regarding the City's proposed Supplemental Compliance Plan (SCP), submitted June 16, 2017, for EPA review. The June submission and the July 10<sup>th</sup> communication can be found on the City's wastewater website. The EPA's July 10, 2017 communication is the result of several conversations with the City and representatives of EPA and New Hampshire Department of Environmental Services (DES) in follow-up to that June submission. We are pleased with the outcome.

In summary, after review of the City's submission, EPA and DES representatives suggested that they would be willing to allow the City to prioritize ongoing projects that include sewer separation components before the City proceeds with water quality monitoring and further engineering analysis to update the Long-Term Control Plan. The ongoing and planned projects, all of which are funded, are: Fleet Street, Pleasant Street at Court Street, McDonough Street Phase 3B, Islington Street Phase 1 (Columbia to the Rte. 1 Bypass), Maplewood Avenue at Fairview Drive and Union Street. As City Engineer Terry Desmarais and Deputy City Attorney Suzanne Woodland will explain, this is really the best case scenario for the City. By doing the identified and funded projects first, we will be able to measure the CSO reduction benefit. The City will be required to complete construction of the projects along with a sewer rehabilitation project by October 2023. Thereafter, the water quality monitoring program and the Long-Term Control Plan update will be undertaken.

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

1. **Acceptance of Donation to the Coalition Legal Fund.** The City of Portsmouth has received a donation from the Town of Carroll in the amount of \$2,000.00 to the Coalition Legal Fund, which will be utilized to continue our fight to eliminate the statewide property tax.

*I would recommend the City Council move to approve and accept the donation, as listed, to be placed in the Coalition Legal Fund. Action on this matter should take place under Section VIII of the Agenda.*

2. **Acceptance of Police Department Donation.** Attached under Section VIII of the Agenda is a memorandum, dated July 31, 2017 from Brenna Cavanaugh, Chair, Portsmouth Police Commission and Robert M. Merner, Chief of Police requesting the City Council's acceptance and approval of a donation to the Police Department. Also, attached is a memorandum from City Attorney Robert Sullivan, dated July 19, 2017 regarding the acceptance of the following donation:

- a. Donation of a disbursement check in the amount of \$188,129.88 from the Estate of Geraldine W. Webber.

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

3. **Acceptance of Fire Department Donation.** Attached under Section VIII of the Agenda is a memorandum, dated July 19, 2017 from City Attorney Robert Sullivan, regarding the acceptance of a donation to the Fire Department.

- b. Donation of a disbursement check in the amount of \$188,129.88 from the Estate of Geraldine W. Webber.

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

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

1. **Public Hearing of Borrowing Resolution.**

- 1.1 **Public Hearing of Resolution Authorizing the Borrowing of up to Three Million Dollars (\$3,000,000.00) through the issue of Bonds and/or Notes for Additional Costs for the Construction of a New Parking Facility.** As a result of the July 10<sup>th</sup> City Council meeting, under Section VII of the Agenda, I am bringing back for public hearing the attached proposed Resolution Authorizing the Borrowing of up to Three Million Dollars (\$3,000,000.00) through the issue of Bonds and/or Notes for Additional Costs for the Construction of a New Parking Facility.

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 project's 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 \$3,000,000 to complete all aspects of the project. [See attached Resolution](#). On a twenty-year bond, this will add an average of \$193,000 per year. The total average cost of the \$26,200,000 bond will be \$1,600,000 per year, which will be paid by parking revenues.

[Attached is a PowerPoint for Monday evening.](#)

*I recommend the City Council move to adopt the proposed Resolution Authorizing the Borrowing of Up to Three Million Dollars (\$3,000,000.00) Through the Issue of Bonds and/or Notes for Additional Costs for the Construction of a New Parking Facility, as presented. (Roll call vote and two-thirds vote required.) Action on this matter should take place under Section IX of the Agenda.*

## 2. **Third and Final Reading of Proposed Ordinance Amendments.**

- 2.1 **Third and Final Reading of Proposed Ordinance Amendments to the Annual Omnibus Ordinances.** As a result of the July 10, 2017 City Council meeting, [under Section IX of the Agenda](#), I am bringing back for third and final reading the attached 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 third and final reading of the proposed Ordinances, as presented. Action on this matter should take place under Section IX of the Agenda.*

### ***Consent Agenda:***

1. **Request for License to Install Projecting Signs.** [Attached under Section VIII of the Agenda](#) is a request for projecting sign licenses ([see attached memorandums from Juliet Walker, Planning Director](#)):
  - Mark Sullivan, owner of Paul Mitchell the School, for property located at 140 Congress Street
  - Peter Mocklis, owner of Look Fine Eyewear/Sol Sunwear for property located at 68 State Street

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

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

1. **Request for First Reading of Proposed Ordinance Amendments to Chapter 4 Pertaining to the City's Food Licensing and Regulations.** At the July 2017 City Council Retreat, presentations were made by City staff regarding the need to update our local Fire, Building and Health Codes in order to reference current state statutes and to ensure that our local ordinances reflect best practices to guide public safety and public health. Chapter 4, Food Licensing and Regulations, needs to be completely revised in order to remove obsolete sections (e.g. Articles I- Milk; Articles II-Meat Inspections; Article III-Slaughter Houses; Article IV- Butchers) that are now regulated by state or federal regulations. The revised ordinance deletes and replaces Article V, Common Victuallers, by adopting the

U.S. Department of Health and Human Services, Public Health Service, Food and Drug Administration, Food Code, 2009 edition (“2009 FDA Food Code”) (which is also adopted in state regulation) and parts of NH Code of Administrative Rules, Part He-P 2300, Sanitary Production and Distribution of Foods (“He-P 2300”). Local Amendments to these rules will be proposed for the following sections: Outdoor Bars; Animals Prohibited; Mobile Food Units; Special Process Review; Food Processing Plants; Special Requirements for Bed and Breakfast Facilities and Soup Kitchens and Churches.

The revised ordinance will also set forth our current rules and procedures regarding Temporary Events, Licensing, Applications and Enforcement. It is important to note these changes will have little substantive effect on our long standing practices and procedures and the [attached ordinance is a rough draft](#) that outlines sections of the ordinance that will be revised.

*I am requesting authorization to bring the first of three Code updates, Food Licensing and Regulations, to the City Council for first reading at the August 21, 2017 City Council meeting.*

2. **Report Back Re: Oak Street Paper Street Request.** As you will recall at the May 1, 2017 City Council meeting, the Council voted to refer the [attached letter from Catherine McCauley on behalf of Debra Regan, owner of 43 Mangrove Street](#), requesting the City to transfer title to the “paper street” known as Oak Street, to the Planning Board for report back to the City Council.

[Attached is a memorandum from Planning Director Juliet Walker](#), providing detail regarding paper streets and the research relative to this request.

On July 20, 2017, the Planning Board considered this request and voted to recommend that the City Council release any interest it may have in the paper street known as Oak Street.

*I recommend the City Council move to accept the Planning Board’s recommendation and vote that the City release any interest it may have in the paper street known as Oak Street.*

3. **Acceptance of Traffic Signal and Sidewalk Easement Re: 1574 Woodbury Avenue.** [Attached is a memorandum from Planning Director Juliet Walker](#) regarding the acceptance of an easement for a traffic signal and sidewalk on property located at 1574 Woodbury Avenue (owned by Richard Fusegni). This easement documents the existing conditions and proposes no new improvements at this location ([see attached plan](#)).

The City is in the process of upgrading seven signals along Woodbury Avenue between Gosling Road and Granite Street. The memorandum highlights more details regarding this project.

By City Ordinance, the Planning Board provides an advisory opinion to the City Council regarding the acquisition and granting of easements. At the July 20, 2017 meeting, the Planning Board voted to recommend to the City Council that it vote to accept a traffic signal and sidewalk easement from Richard Fusegni relative to property at 1574 Woodbury Avenue.

*I recommend the City Council move to accept the Planning Board's recommendation for the acceptance of a traffic signal and sidewalk easement from Richard Fusegni relative to property at 1574 Woodbury Avenue.*

4. **Request for Public Hearing Re: Acceptance of Senate Bill 38 Funding (Highway Aid).**

As you may be aware, the Legislature passed Senate Bill (SB38) which provides an additional Thirty Million Dollars (\$30,000,000) in highway aid to cities and towns. The additional amount for Portsmouth is \$369,065.05. SB38 requires that before the expenditure of these funds the City Council needs to hold a public hearing. In addition to the public hearing, the City Council would have to vote to accept the funds. I am recommending that this public hearing be established for Monday, August 21, 2017 and action for acceptance of these funds be taken place that same night. Please note that these funds cannot supplant our FY18 Budget, but these funds should go in our capital fund. City staff recommends that these funds be used to add to our paving program. This would be in addition to the \$3,000,000 that the City Council has authorized for bonding, Therefore if you approve this, the City would have \$3,369,065.05 for road repaving.

*I recommend the City Council move to establish a public hearing on Monday, August 21, 2017 regarding the acceptance of SB38 funding (highway aid).*

5. **Acceptance of Easements Required for Andrew Jarvis Drive Intersection Improvement Project.**

The City is planning to construct improvements to the Lafayette Road and Andrew Jarvis Drive intersection. The project will include installation of a traffic signal, widening of Lafayette Road to provide a right-turn lane into Andrew Jarvis Drive, and widening of Andrew Jarvis Drive to provide separate left and right-turn lanes onto Lafayette Road. The widening of Lafayette Road will require the relocation of the existing sidewalks. To accommodate the relocated sidewalks, easements are required from the two land owners (Willis and Chase) abutting Lafayette Road south of Andrew Jarvis Drive. In consideration for giving the City the easements, the City will connect the Willis water service to the City's water main in Andrew Jarvis Drive and restore their site by repaving the driveway, and construct a fence along the portion of the Chase property that borders Lafayette Road. [Attached are the Easement Deeds](#) from both property owners to the City with [attached Plans](#) showing the easement areas. Both owners and the City's Legal Department have reviewed and approved the form of the Easement Deeds.

*I recommend the City Council move to authorize the City Manager to accept the sidewalk easements in a form substantially similar to the attached for the purpose of constructing improvements to the Lafayette Road and Andrew Jarvis Drive intersection.*



6. **McIntyre Property Retreat – September 9, 2017.** As discussed in our Work Session on Monday, July 31, 2017, it was recommended that the Saturday, September 9, 2017 Retreat be used as a public work session for the McIntyre property reuse. [See attached draft RFP that was discussed at the Work Session.](#) The Mayor is in support of setting aside this date for this work session. The purpose of this session is to a) introduce interested teams to the community and invite them to present their team’s qualifications as evidenced in their respective qualifications submittals, b) solicit additional public inquiry and comment on the project, and c) if necessary, use the work session as an opportunity to clarify questions pertaining to the RFP for use in a subsequent addendum.

*I recommend the City Council move to establish a Work Session for Saturday, September 9, 2017, regarding the McIntyre property reuse.*

### ***Informational Items:***

1. **Events Listing.** For your information, [attached is a copy of the Events Listing](#) updated after the last City Council meeting on July 10, 2017. In addition, this can be found on the City’s website.
2. **Municipal Election Filing Period.** [Attached is a memorandum from City Clerk Kelli Barnaby](#) regarding the Municipal Election Filing Period.
3. **Zagster Bike Share May/June 2017 Snapshot.** For your information, [attached is a memorandum from Planning Director Juliet Walker](#) regarding Zagster Bike Share May/June 2017 Snapshot.
4. **Memorandum Re: Keno.** [Attached is a memorandum from City Attorney Robert Sullivan](#) which will respond to the request of City Councilor Chris Dwyer for, “the options that we have re: allowing/not allowing KENO in Portsmouth establishments”.

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS:

That Chapter 4, Articles I-V of the ordinances of the City of Portsmouth be stricken in its entirety and replaced with the following:

**CHAPTER 4  
FOOD LICENSING AND REGULATIONS**

~~ARTICLE I: MILK~~

~~Section 4.101: MILK LAW ADOPTED~~

~~Section 4.102 MILK INSPECTIONS~~

~~ARTICLE II: MEAT INSPECTION~~

~~Section 4.201 PENALTY UNINSPECTED MEATS~~

~~ARTICLE III: SLAUGHTER HOUSES~~

~~Section 4.301 LICENSE REQUIRED~~

~~Section 4.302 APPLICATIONS~~

~~Section 4.303 LOCATION~~

~~Section 4.304 REQUIREMENTS~~

~~Section 4.305 INSPECTIONS~~

~~Section 4.306 UNSOUND MEATS~~

~~Section 4.307 LICENSE~~

~~Section 4.308 WEIGHT OF SLAUGHTERED CALVES~~

~~Section 4.309 TIME OF SLAUGHTERING~~

~~Section 4.310 PENALTY FAILURE TO LICENSE~~

~~Section 4.311 PENALTY VIOLATIONS BY LICENSEE~~

~~ARTICLE IV: BUTCHERS~~

~~Section 4.401 LICENSE~~

~~Section 4.402 AGE~~

~~Section 4.403 APPLICATIONS~~

~~Section 4.404~~ ~~INSPECTIONS~~  
~~Section 4.405~~ ~~REVOCAION OF LICENSE~~  
~~Section 4.406~~ ~~PENALTY~~ ~~KEEPING UNFIT MEAT, FISH OR POULTRY~~

**ARTICLE ~~V~~: I COMMON VICTUALERS**

~~Section 4.501~~ ~~LICENSE~~  
~~Section 4.502~~ ~~APPLICATION~~  
~~Section 4.503~~ ~~TERM OF LICENSE~~  
~~Section 4.504~~ ~~SANITARY REQUIREMENTS~~  
~~Section 4.505~~ ~~PERSONNEL~~  
~~Section 4.506~~ ~~INSPECTION~~ ~~SUSPENSION AND REVOCATION OF LICENSES~~  
~~Section 4.507~~ ~~PENALTY~~ ~~FAILURE TO LICENSE~~

**SECTION DEFINITIONS**

**SECTION ADOPTION OF 2009 FDA FOOD CODE (U.S. Department Of Health And Human Services, Public Health Services, Food and Drug Administration, Food Code, 2009 Edition) WITH LOCAL AMENDMENTS; and**

**PARTS OF He-P 2300 (N.H. Code Of Administrative Rules, Part He-P 2300, Sanitary Production and Distribution of Food) WITH LOCAL AMENDMENTS**

**SECTION LOCAL AMENDMENTS TO 2009 FDA FOOD CODE**

- o **OUTDOOR BARS, CHAPTERS 2, 3, 4, 5, 6 AND 7**
- o **ANIMALS PROHIBITED, CHAPTER 6, SECTION 6.501.11**
- o **MOBILE FOOD UNITS, CHAPTERS 2, 3, 4, 5, 6 AND 7**

**SECTION LOCAL AMENDMENTS TO He-P 2300**

- o **SPECIAL PROCESS REVIEW, PARTS 2304.13, 2304.14**
- o **FOOD PROCESSING PLANTS, PART 2309**

- SPECIAL REQUIREMENTS FOR BED AND BREAKFAST FACILITIES, PART 2308
  - SOUP KITCHENS AND CHURCHES, PART 2302.02
- SECTION            TEMPORARY EVENTS, NH RSA 47:17**
- SECTION            LICENSE**
- SECTION            APPLICATION**
- SECTION            TERMS OF LICENSE**
- SECTION            ENFORCEMENT**

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



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**MEMORANDUM**

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**TO:** JOHN P. BOHENKO, CITY MANAGER  
**FROM:** JULIET T.H. WALKER, PLANNING DIRECTOR *JTW*  
**SUBJECT:** CITY COUNCIL REFERRAL -- OAK STREET PAPER STREET  
**DATE:** 7/25/2017

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At the May 1, 2017 City Council meeting, the Council considered a letter from Catherine McCauley on behalf of Debra Regan, owner of 43 Mangrove St, requesting the City to transfer title to the “paper street” known as Oak Street. The letter indicated that Ms. Regan’s neighbors at 55 Mangrove St were also interested in acquiring a portion of the paper street that abuts their lot. The City Council voted to refer this to the Planning Board for a recommendation.

A paper street is one which shows on a plan, especially the City tax map, but which does not exist on the ground. The most common way for that situation to come about is when a street is “dedicated” to public use by a landowner recording a plan showing the street. This happened frequently in the days before planning board approval was required for the recording of plans. A street so dedicated becomes a public street only when “accepted” by the City. The acceptance can be formal, often by vote of the City Council, or by implication based on City use and maintenance of the street.

For a street dedicated (shown on a recorded plan) before 1969, the dedication was automatically terminated if the City did not accept the street within 20 years. The owners of lots fronting on those paper streets may have implied easements to use the paper streets for access and development, but such easements do not override local zoning and subdivision regulations.

Based on prior research undertaken by the City in 2014 to explore potential locations for a Senior Center, a title search indicated that the City does not own Oak Street. While the City is being asked to formally release any interest it has in this paper street, such a vote would not necessarily have any impact, except to clarify the record. Additional title research will be required by Ms. Regan and others wishing to formally acquire the paper street in order to determine who else, if anyone, may have legal interest and/or ownership of this property.

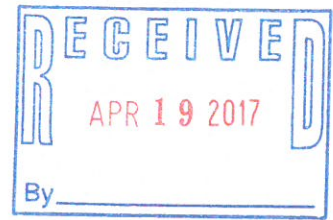
On July 20, 2017, the Planning Board considered this request and voted to recommend that the City Council release any interest it may have in the paper street known as Oak Street.

**Proposed City Council Motion**

Vote that the City release any interest it may have in the paper street known as Oak Street.
--

April 18, 2017

Catherine McCauley, Broker Associate  
Diane Silva Realty & Associates, LLC  
239 Islington Street  
Portsmouth, NH 03801



City of Portsmouth  
City Council Members  
1 Junkins Avenue  
Portsmouth, NH 03801

RE: Oak Street (Paper Street), Portsmouth, NH

Dear City Council Members,

I represent Debra Regan, owner of the property located at 43 Mangrove Street, Map 218, Lot 6. The property is soon to be conveyed to a new owner on April 27<sup>th</sup>. The new owner of the home would like to request the City of Portsmouth transfer title to half of the "paper street" known as Oak Street that abuts the property.

I have also spoken with the neighbors at 55 Mangrove Street, Map 218, Lot 7 who also abut the property on the other side of the paper street. They would be interested in acquiring part of the paper street to merge with their existing lot. Attached is a tax map of the properties.

The abutting neighbor at Map 218, Lot 5 has recently received Planning Board approval for a 3 lot subdivision. The plan shows the area behind the subject property noted as "Proposed Conservation Easement Area". It appears that this portion of Oak Street would not be developed into a public way to access that portion of the property.

Please let me know what steps are needed to move forward with this request. Thank you in advance for your consideration in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Catherine R. McCauley".

Catherine McCauley

cc: City of Portsmouth Planning Board  
Debra Regan  
David & Kathleen Levasseur  
Jennifer Armstrong

Enclosures









BY \_\_\_\_\_

N/F DAVID J. & KATHLEEN  
25 MANGROVE STREET  
PORTSMOUTH, N.H. 03801  
2995/1987

N/F ERIN A. MORAN  
22 MANGROVE STREET  
PORTSMOUTH, N.H. 03801  
3298/2808

N/F JAMES R. &  
WALTERS  
260 Kearsarge Way  
PORTSMOUTH, N.H. 03801  
4337/2223

N/F CITY OF PORTSMOUTH OPW  
P.O. BOX 928  
PORTSMOUTH, N.H. 03802  
2749/792

N/F DAVID I. LAUREY  
182 BIRCH STREET  
PORTSMOUTH, N.H. 03801  
3432/2644

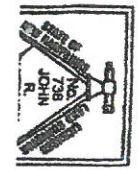
N/F STEVE A. WART  
P.O. BOX 233  
PORTSMOUTH, N.H. 03802  
4213/448

N/F RUSSELL B. JR. &  
KATHERINE B. GRANTER  
201 Kearsarge Way  
PORTSMOUTH, N.H. 03801  
6314/2847

N/F RYAN & ROBERTA  
EDMONDSON WAY  
180 Kearsarge Way  
PORTSMOUTH, N.H. 03801  
5314/1842

CHORD BEARING	DELTA ANGLE
N61°51'03"E	35°08'47"
S06°27'08"E	2°41'34"

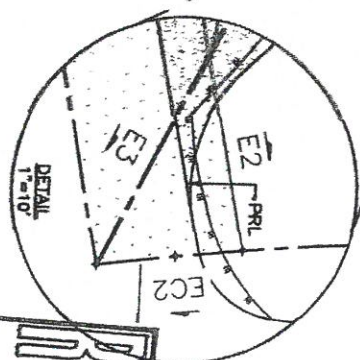
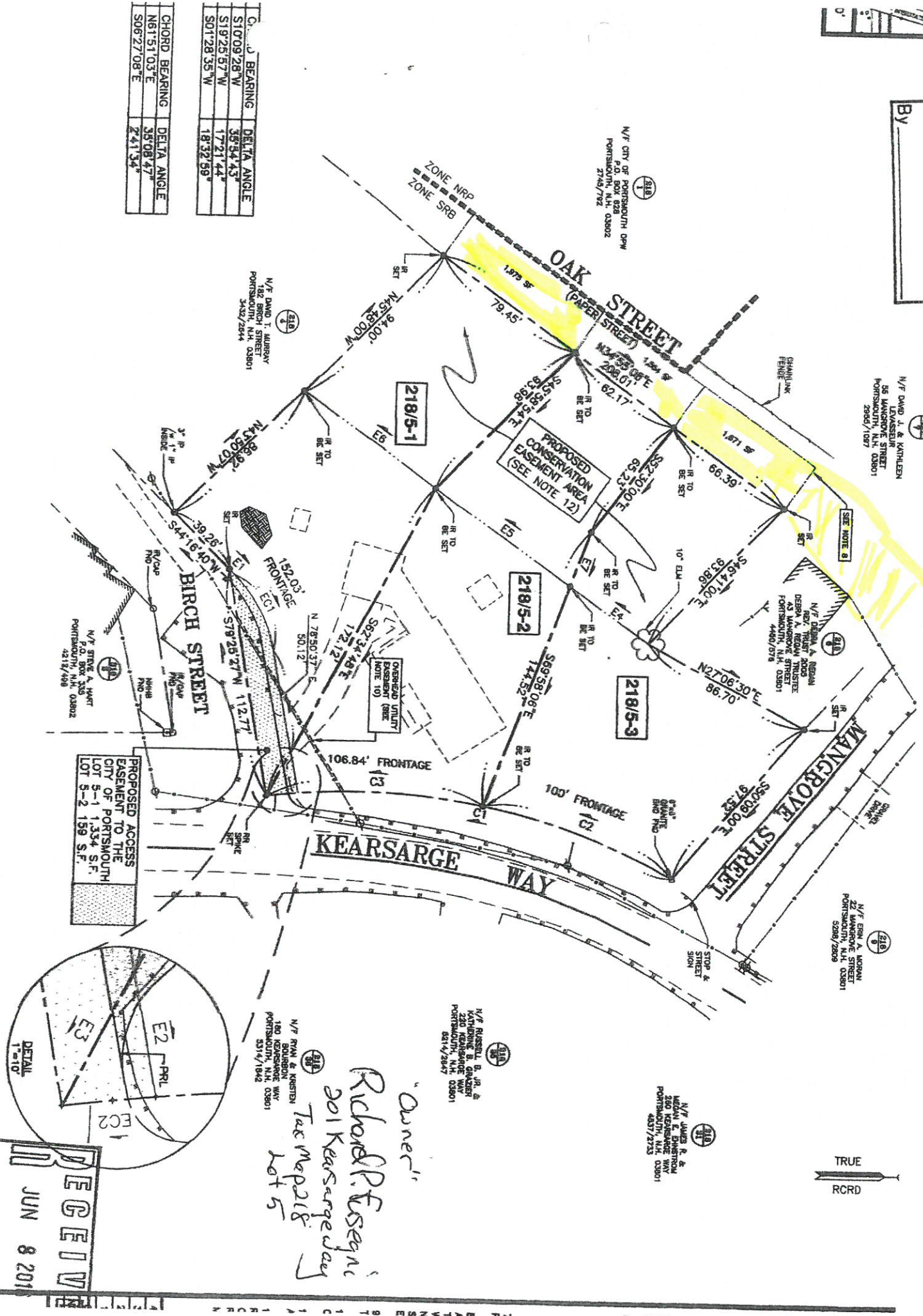
CURVE BEARING	DELTA ANGLE
S10°09'28"W	35°54'43"
S19°25'57"W	17°21'44"
S01°28'35"W	18°32'59"



GRAPHIC SCALE

Planning Dept Copy  
Plan # 05-03-16

WAVAR REQUESTED:  
CITY OF PORTSMOUTH SUBDIVISION REGULATIONS:  
1) SECTION 11.2.A. LOT ARRANGEMENT TO ALLOW FOR  
PROPOSED LOT LINES NOT PERPENDICULAR OR RADIAL TO



Owner:  
Richard P. Ferguson  
201 Kearsarge Way  
Tax Map 218  
Lot 5

RECEIVED  
JUN 8 2011

7 P B A T W N S E 8 7 1 1 C 1 0 4 5 6 ( 9



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**MEMORANDUM**

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**TO:** JOHN P. BOHENKO, CITY MANAGER  
**FROM:** JULIET T.H. WALKER, PLANNING DIRECTOR *JTW*  
**SUBJECT:** 1574 WOODBURY AVE TRAFFIC SIGNAL AND SIDEWALK  
EASEMENT  
**DATE:** 7/25/2017

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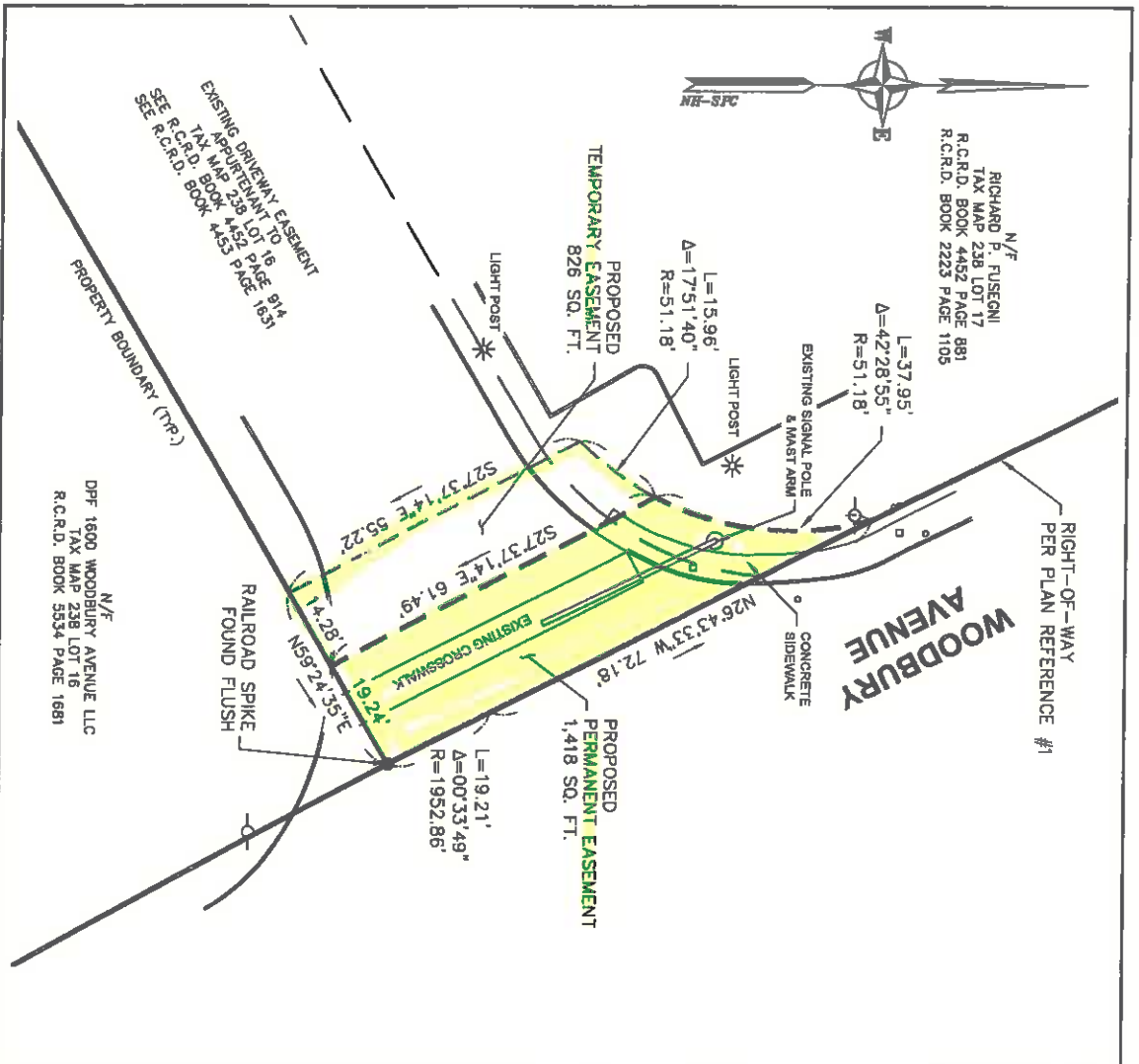
At the July 20, 2017 meeting, the Planning Board considered a recommendation from City staff to accept an easement for a traffic signal and sidewalk on property located at 1574 Woodbury Ave. This easement documents the existing conditions and proposes no new improvements at this location.

The City is in the process of upgrading seven signals along Woodbury Ave between Gosling Road and Granite Street. As part of this project, the City will be replacing control cabinets and signal heads as well as pedestrian walk lights and push buttons and bringing handicapped access ramps into full compliance with applicable standards. During the design of this project, it was determined that the City had no formal rights to the traffic signal and access ramp that were previously placed on the property of 1574 Woodbury Ave (owned by Richard Fusegni).

By City Ordinance, the Planning Board provides an advisory opinion to the City Council regarding the acquisition and granting of easements. At the July 20, 2017 meeting, the Planning Board voted to recommend to the City Council that it vote to accept a traffic signal and sidewalk easement from Richard Fusegni relative to property at 1574 Woodbury Ave.

**Proposed City Council Motion**

Vote to accept a traffic signal and sidewalk easement from Richard Fusegni relative to property at 1574 Woodbury Ave.
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**PLAN REFERENCE:**

- "LOT LINE RELOCATION PLAN FOR DSP SHOPPING CENTER, LLC, ENDICOTT HOTEL COMPANY & RICHARD P. FUSEGNI, WOODBURY AVENUE & DURGIN LANE, COUNTY OF ROCKINGHAM, PORTSMOUTH, NH", PREPARED BY MILLETTE, SPRAGUE & COLWELL, INC., DATED AUGUST 9, 1999, PLANNING BOARD APPROVED 4/15/04 AND RECORDED AT THE R.C.R.D. AS PLAN D-32485.

**PRELIMINARY**

**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."

Peter L. Agrodinia, L.L.S. #829

Date:

**SIGNAL MAINTENANCE EASEMENT**

FOR PROPERTY AT  
 1574 Woodbury Avenue  
 Portsmouth, Rockingham County, New Hampshire  
 OWNED BY  
**Richard P. Fusegni**  
 201 Kearsage Way, Portsmouth, NH 03801



**EASTERLY SURVEYING, Inc.**

SURVEYORS IN N.H. & MAINE 191 STATE ROAD, SUITE #1  
 (207) 439-6333 KITTERY, MAINE 03904

SCALE: 1" = 20'	PROJECT NO. 14655	DATE: 2/16/17	SHEET: 1 OF 1	DRAWN BY: A.M.P.	CHECKED BY: P.L.A.
DRAWING No: 14655_EASEMENT					<b>Tax Map 238 Lot 17</b>
FIELD BOOK No: "Portsmouth #13"					

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

## **SIDEWALK EASEMENT DEED**

GRANTORS, Kristen M Chase and Christopher M. Chase, with a mailing address of 34 Artwill Avenue, Portsmouth, County of Rockingham, State of New Hampshire 03801, hereinafter "Grantor," for consideration paid, grants to the **CITY OF PORTSMOUTH**, a municipal body politic, having a mailing address of 1 Junkins Avenue, Portsmouth, New Hampshire 03801, hereinafter, "Grantee," with QUITCLAIM COVENANTS, the following easements with respect to Grantor's real property situated on the south side of Artwill Avenue, a private street in the City of Portsmouth, State of New Hampshire :

1. **Permanent Easement Area:** A permanent easement for the purpose of installing and maintaining a public sidewalk over the land of GRANTOR as shown on a plan titled, "EASEMENT PLAN TAX MAP 229, LOT 5, KRISTEN M. CHASE AND CHRISTOPHER M. CHASE TO THE CITY OF PORTSMOUTH, 34 ARTWILL AVENUE, CITY OF PORTSMOUTH, COUNTY OF ROCKINGHAM, STATE OF NEW HAMPSHIRE" dated January 20, 2016, revised December 2, 2016, by Greenman-Pedersen, Inc. (hereinafter "the Plan"). The Plan to be recorded herewith.

### **PARCEL 1**

Beginning at a point on the easterly location line of Lafayette Road and the property line dividing land of Kristen M. Chase and Christopher M. Chase and land of 50% Harlon P. Willis Revocable Trust, 50% Jean P. Willis Revocable Trust; thence following the easterly location line of Lafayette Road southwesterly about 103 feet; thence leaving said location line N9°52'12"E 11.64 feet; thence N6°35'07"E 91.27 feet to a point again on the property line dividing land of Kristen M. Chase and Christopher M. Chase and land of 50% Harlon P. Willis Revocable Trust, 50% Jean P. Willis Revocable Trust; thence following said property line N88°50'53"W about 3 feet to the point of beginning; containing about 201 square feet more or less.

### **PARCEL 2**

Beginning at a point on the easterly location line of Lafayette Road at the property line dividing land of Kristen M. Chase and Christopher M. Chase and land of City of Portsmouth; thence following the easterly location line of Lafayette Road northerly about 7 feet to a point on Parcel 3, hereinafter described; thence leaving said location line and

in part following said Parcel 3 N80°39'20"E 11.73 feet; thence S9°20'40"E 6.85 feet to a point again on the property line dividing land of Kristen M. Chase and Christopher M. Chase and land of City of Portsmouth; thence following said property line S80°42'07"W 13.49 feet to the point of beginning; containing about 86 square feet more or less.

2. **Temporary Easement Area for Construction Purposes:** The Grantee shall have a temporary construction easement as described on the Plan as Parcel 3 for purposes of installing and maintaining the sidewalk as more particularly described below:

PARCEL 3

Beginning at a point on Parcel 1, hereinbefore described and the property line dividing land of Kristen M. Chase and Christopher M. Chase and land of 50% Harlon P. Willis Revocable Trust, 50% Jean P. Willis Revocable Trust; thence leaving said property line and following said Parcel 1 S6°35'07"W about 91 feet; thence S9°52'12"W about 12 feet to a point on the easterly location line of Lafayette Road; thence leaving said Parcel 1 and following said location line southwesterly about 80 feet to a point on Parcel 2, hereinbefore described; thence leaving said location line and following Parcel 2 N80°39'20"E about 10 feet; thence leaving said Parcel 2 northeasterly about 181 feet to a point again on the property line dividing land of Kristen M. Chase and Christopher M. Chase and land of 50% Harlon P. Willis Revocable Trust, 50% Jean P. Willis Revocable Trust; thence following said property line N88°50'53"W about 8 feet to the point of beginning; containing about 1,745 S.F.

3. **Purpose and Rights:** The Grantee shall have a permanent and exclusive easement and right of way in, under, across and over the Permanent Easement Area for the purpose of installing and maintaining a public sidewalk and installation and maintenance of utilities and associated pipes, conduits, cables or wires or the granting of licenses to other entities for the installation of utilities. The Grantee shall have the right to remove trees, bushes, undergrowth and other obstructions interfering with the activities authorized herein and to take such other actions as may be necessary, useful or convenient for the enjoyment of the easement rights herein granted.
4. **Grantee's Responsibility to Restore:** Disturbed areas within the Temporary Easement Area shall be back-filled and restored at the Grantee's expense.
5. **Grantor's Retained Rights:** Grantor retains the right to freely use and enjoy its interest in the Permanent Easement Area and the Temporary Easement Area insofar as the exercise thereof does not endanger or interfere with the purpose of this instrument. Grantor shall not, however, erect any building, shed, deck or other structure within the Permanent Easement Area, substantially change the grade or slope, install any pipes, or pave or asphalt the Permanent Easement Area without prior written consent of the Grantee.
6. **Personal Property.** It is agreed that any facilities installed by the Grantee within the Permanent Easement Area, whether fixed to the realty or not, shall be and remain the property of the Grantee.

7. **Easement to Run with Land:** All rights and privileges, obligations and liabilities created by this instrument shall inure to the benefit of, and be binding upon, the heirs, devisees, administrators, executor, successors and assignees of the Grantee and of the Grantor, the parties hereto and all subsequent owners of the Premises and shall run with the land.

MEANING AND INTENDING to convey an easement over a portion of the premises conveyed to the within Grantor by deed of John E. Hopley, Successor Trustee of the Vernetta S. Hopley Revocable Trust of 1994 dated March 5, 2015 and recorded in Book 5599, Page 453 of the Rockingham County Registry of Deeds.

This is an exempt transfer per RSA 78-B:2(I).

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

By: \_\_\_\_\_  
Name: Kristen M. Chase

By: \_\_\_\_\_  
Name: Christopher M. Chase

STATE OF NEW HAMPSHIRE  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

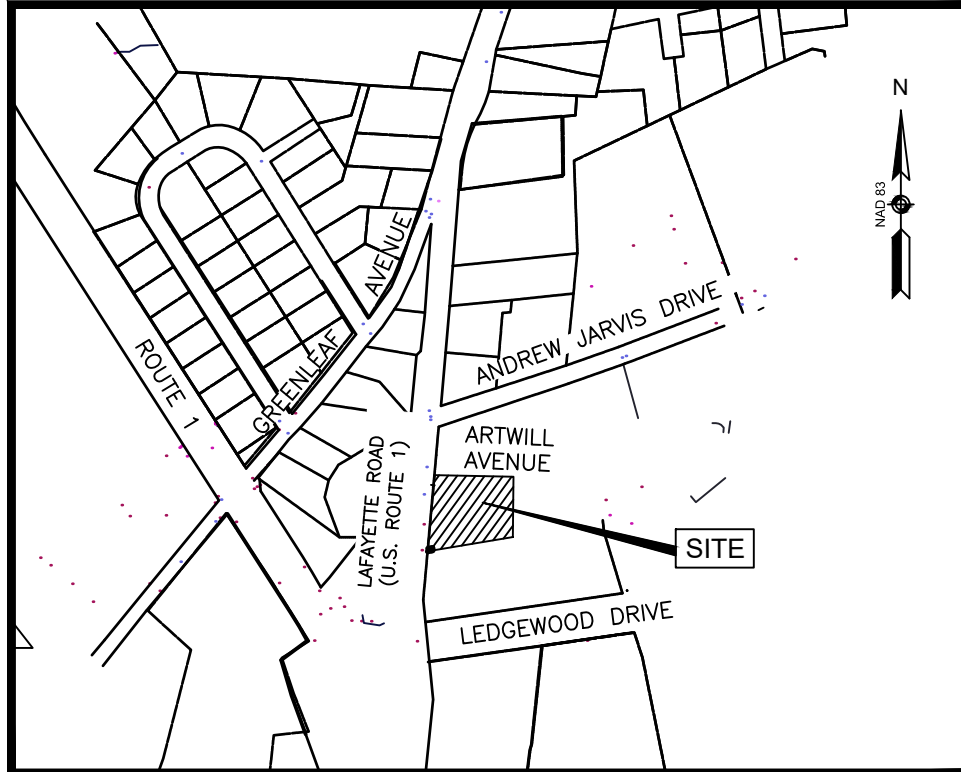
\_\_\_\_\_  
Justice of the Peace/Notary Public  
Printed Name:  
My Commission Expires:

STATE OF NEW HAMPSHIRE  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Justice of the Peace/Notary Public  
Printed Name:  
My Commission Expires:

H/jferrini/easmemnt/chase/lafayettesidewalkeasement



LOCATION MAP  
NOT TO SCALE

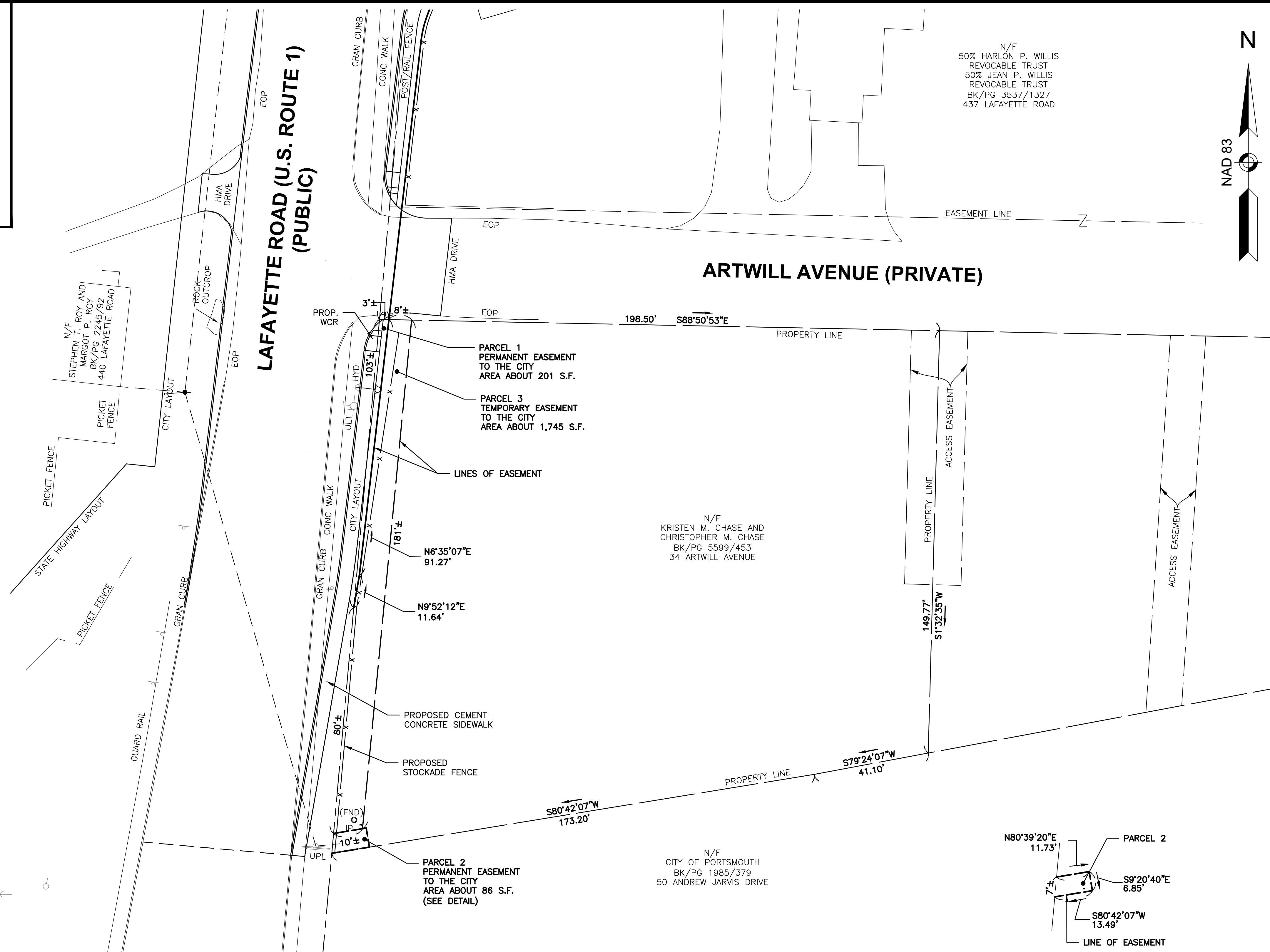
PLAN REFERENCES:

- 1) PLAN OF LAND PORTSMOUTH, NH FOR BEATRICE L. HOPLEY SCALE: 1"=20', AUGUST 1970.
- 2) HORIZONTAL DATUM USED: NAD 1983.
- 3) VERTICAL DATUM USED: NAVD 1988.

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.

JEFFERY P. BRADFORD LLS #909

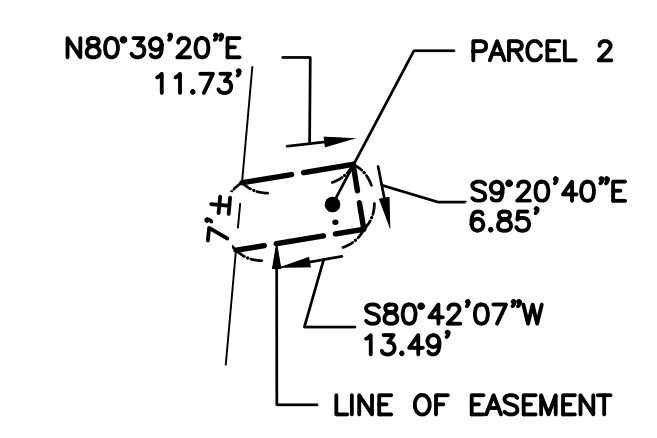
DATE



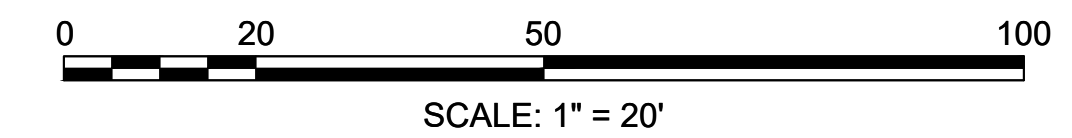
N/F  
50% HARLON P. WILLIS  
REVOCABLE TRUST  
50% JEAN P. WILLIS  
REVOCABLE TRUST  
BK/PG 3537/1327  
437 LAFAYETTE ROAD

N/F  
KRISTEN M. CHASE AND  
CHRISTOPHER M. CHASE  
BK/PG 5599/453  
34 ARTWILL AVENUE

N/F  
CITY OF PORTSMOUTH  
BK/PG 1985/379  
50 ANDREW JARVIS DRIVE



DETAIL  
NOT TO SCALE



**GPI** Greenman-Pedersen, Inc.  
Engineers, Architects, Planners, Construction Engineers & Inspectors  
21 Daniel Street, Second Floor, Portsmouth, NH 03801  
Tel: (603) 891-2213 Fax: (978) 658-3044  
http://www.gpinet.com

- NOTES:**
- 1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 229 AS LOT 5.
  - 2) OWNERS: KRISTEN M. CHASE AND CHRISTOPHER M. CHASE BK/PG 5599/453
  - 3) PARCEL IS NOT IN A FLOOD HAZARD ZONE AS SHOWN ON THE FIRM PANEL 33015C0270E. EFFECTIVE MAY 17, 2005.
  - 4) EXISTING LOT AREA: 1.35 ACRES.
  - 5) PARCEL IS LOCATED IN SINGLE RESIDENCE B DISTRICT.
  - 6) DIMENSIONAL REQUIREMENTS:  
MIN. LOT AREA: 15,000 SF  
FRONTAGE: 100 FEET  
SETBACKS:  
FRONT: 30 FEET  
SIDE: 10 FEET  
REAR: 30 FEET  
  
MAXIMUM STRUCTURE HEIGHT: 35 FEET  
MAXIMUM BUILDING COVERAGE: 20%  
MINIMUM OPEN SPACE: 40%
  - 7) THE PURPOSE OF THIS PLAN IS TO SHOW THE LOCATION OF PROPOSED EASEMENTS TO THE CITY OF PORTSMOUTH.
  - 8) THE EASEMENTS NOTED ON THIS PLAN ARE PROVIDED BY THE OWNER TO THE CITY IN EXCHANGE FOR IMPROVEMENTS DESCRIBED IN THE SEPARATE MEMORANDUM OF UNDERSTANDING.

NO.	DESCRIPTION	DATE
2	REVISED STOCKADE FENCE LOCATION	12/2/2016
1	REVISED UTILITY POLE LOCATION	4/1/2016
0	FOR CITY REVIEW AND COMMENTS	1/19/2016

REVISIONS

**EASEMENT PLAN**  
TAX MAP 229 - LOT 5  
**KRISTEN M. CHASE AND  
CHRISTOPHER M. CHASE**  
TO THE  
**CITY OF PORTSMOUTH**  
34 ARTWILL AVENUE  
CITY OF PORTSMOUTH  
COUNTY OF ROCKINGHAM  
STATE OF NEW HAMPSHIRE

SCALE: 1"=20' JANUARY 20, 2016



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

## **SIDEWALK EASEMENT DEED**

GRANTOR Jean P. Willis, Trustee of the Jean P. Willis Revocable Trust dated October 26, 2000, with a mailing address of 437 Lafayette Road, Portsmouth, County of Rockingham, State of New Hampshire 03801, hereinafter "Grantor," for consideration paid, grants to the **CITY OF PORTSMOUTH**, a municipal body politic, having a mailing address of 1 Junkins Avenue, Portsmouth, New Hampshire 03801, hereinafter, "Grantee," with QUITCLAIM COVENANTS, the following easements with respect to Grantor's real property situated on the south side of Andrew Jarvis Drive, a public street in the City of Portsmouth, State of New Hampshire :

1. **Permanent Easement Area:** A permanent easement for the purpose of installing and maintaining a public sidewalk over the land of GRANTOR as shown on a plan titled, "EASEMENT PLAN TAX MAP 229, LOT 1, HARLON P. WILLIS REVOCABLE TRUST AND JEAN P. WILLIS REVOCABLE TRUST TO THE CITY OF PORTSMOUTH, 437 LAFAYETTE ROAD, CITY OF PORTSMOUTH, COUNTY OF ROCKINGHAM, STATE OF NEW HAMPSHIRE" dated October 26, 2015, by Greenman-Pedersen, Inc. (hereinafter "the Plan"). The Plan to be recorded herewith.

### **PARCEL 1**

Beginning at a point on the southeasterly location line of Andrew Jarvis Drive and the easterly location line of Lafayette Road; thence following the easterly location line of Lafayette Road  $S5^{\circ}06'07''W$  121.11 feet to a point on the property line dividing land of 50% Harlon P. Willis Revocable Trust, 50% Jean P. Willis Revocable Trust and land of Kristen M. Chase and Christopher M. Chase; thence leaving said location line and following said property line easterly about 3 feet; thence leaving said property line  $N6^{\circ}35'07''E$  99.55 feet; thence by a curve to the right of 38.00 feet radius 43.12 feet to a point again on the southeasterly location line of Andrew Jarvis Drive; thence following said location line  $S71^{\circ}36'07''W$  about 31 feet to the point of beginning; containing about 704 S.F.

PARCEL 3

Beginning at a point on the southeasterly location line of Andrew Jarvis Drive; thence leaving said location line S11°47'57"E 12.28 feet; thence N78°12'03"E 6.00 feet; thence N11°47'57"W 12.95 feet to a point again on the southeasterly location line of Andrew Jarvis Drive; thence following said location line southwesterly about 6 feet to the point of beginning; containing about 76 S.F.

2. **Temporary Easement Area for Construction Purposes:** The Grantee shall have a temporary construction easement as described on the Plan as Parcel 2 for purposes of installing and maintaining the sidewalk as more particularly described below:

PARCEL 2

Beginning at a point on Parcel 1 and the property line dividing land of land of 50% Harlon P. Willis Revocable Trust, 50% Jean P. Willis Revocable Trust and land of Kristen M. Chase and Christopher M. Chase; thence leaving said property line and following said Parcel 1 N6°35'07"E 99.55 feet; thence by a curve to the right of 38.00 feet radius 43.12 feet to a point on the southeasterly location line of Andrew Jarvis Drive; thence following said location line northeasterly about 92 feet to a point on Parcel 3, hereinafter described; thence leaving said location line and following said Parcel 3 S11°47'57"E about 8 feet; thence leaving said Parcel 3 by five courses: southwesterly about 94 feet, southwesterly by a curve to the left about 28 feet, southwesterly about 56 feet and easterly about 15 feet; thence southwesterly about 47 feet to a point again on the property line dividing land of 50% Harlon P. Willis Revocable Trust, 50% Jean P. Willis Revocable Trust and land of Kristen M. Chase and Christopher M. Chase; thence following said property line westerly about 23 feet to the point of beginning; containing about 2,503 S.F.

PARCEL 4

Beginning at a point on the southeasterly location line of Andrew Jarvis Drive and the property line dividing land of land of 50% Harlon P. Willis Revocable Trust, 50% Jean P. Willis Revocable Trust and land of St. Nicholas Greek Orthodox Church; thence following said location line southwesterly about 211 feet to a point on Parcel 3, hereinbefore described; thence leaving said location line and following said Parcel 3 S11°47'57"E about 8 feet; thence leaving said Parcel 3 northeasterly about 211 feet to a point again the property line dividing land of land of 50% Harlon P. Willis Revocable Trust, 50% Jean P. Willis Revocable Trust and land of St. Nicholas Greek Orthodox Church; thence following said property line northwesterly about 10 feet to the point of beginning; containing about 1,914 S.F.

3. **Purpose and Rights:** The Grantee shall have a permanent and exclusive easement and right of way in, under, across and over the Permanent Easement Area for the purpose of installing and maintaining a public sidewalk and installation and maintenance of traffic

signal equipment, utilities and associated pipes, conduits, cables or wires or the granting of licenses to other entities for the installation of utilities. The Grantee shall have the right to remove trees, bushes, undergrowth and other obstructions interfering with the activities authorized herein and to take such other actions as may be necessary, useful or convenient for the enjoyment of the easement rights herein granted.

**Grantee's Responsibility to Maintain. Grantee shall have the exclusive responsibility to maintain the sidewalk, traffic signal and related public improvements. Grantor has no duty to install or maintain such public improvements.**

4. **Grantee's Responsibility to Restore:** Disturbed areas within the Temporary Easement Area shall be back-filled and restored at the Grantee's expense.
5. **Grantor's Retained Rights:** Grantor retains the right to freely use and enjoy its interest in the Permanent Easement Area and the Temporary Easement Area insofar as the exercise thereof does not endanger or interfere with the purpose of this instrument. Grantor shall not, however, erect any building, shed, deck or other structure within the Permanent Easement Area, substantially change the grade or slope, install any pipes, or pave or asphalt the Permanent Easement Area without prior written consent of the Grantee.
6. **Personal Property.** It is agreed that any facilities installed by the Grantee within the Permanent Easement Area, whether fixed to the realty or not, shall be and remain the property of the Grantee.
7. **Easement to Run with Land:** All rights and privileges, obligations and liabilities created by this instrument shall inure to the benefit of, and be binding upon, the heirs, devisees, administrators, executor, successors and assignees of the Grantee and of the Grantor, the parties hereto and all subsequent owners of the Premises and shall run with the land.

MEANING AND INTENDING to convey an easement over a portion of the premises conveyed to the within Grantor by deed of Harlon P. Willis and Jean P. Willis dated January 26, 2001 and recorded in Book 3537, Page 1327 of the Rockingham County Registry of Deeds.

This is an exempt transfer per RSA 78-B:2(I).

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

By: \_\_\_\_\_  
Name: Jean P. Willis, Trustee of the  
Jean P. Willis Revocable Trust  
of October 26, 2000

STATE OF NEW HAMPSHIRE  
COUNTY OF \_\_\_\_\_

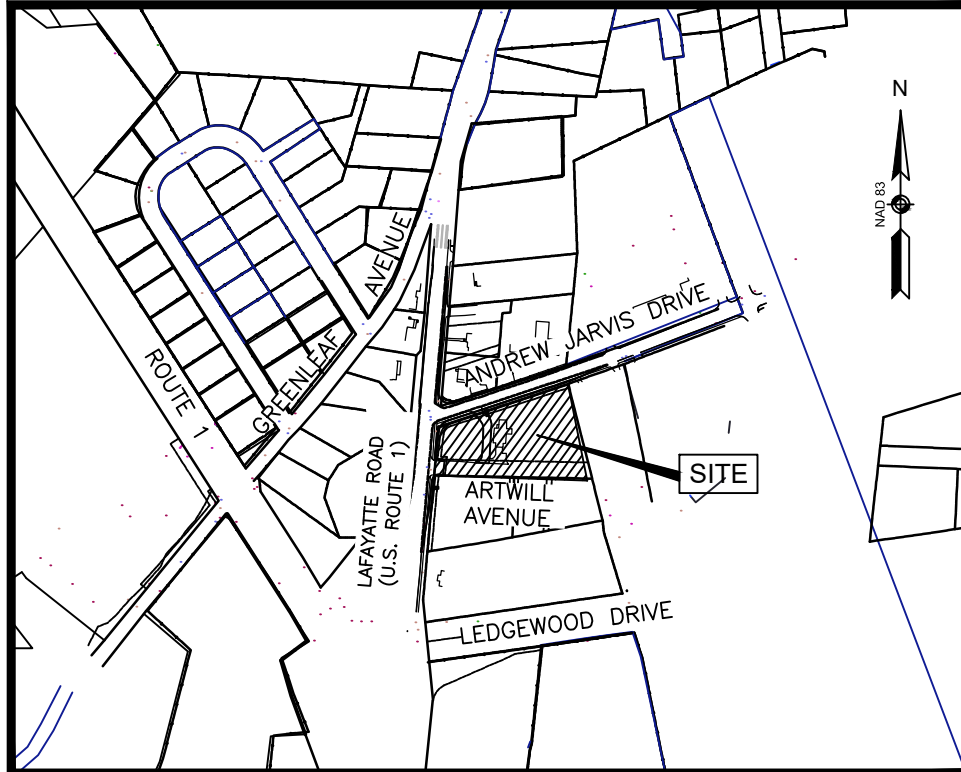
The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Justice of the Peace/Notary Public  
Printed Name:  
My Commission Expires:

DRAFT

H/jferrini/easmemnt/chase/lafayettesidewalkeasement

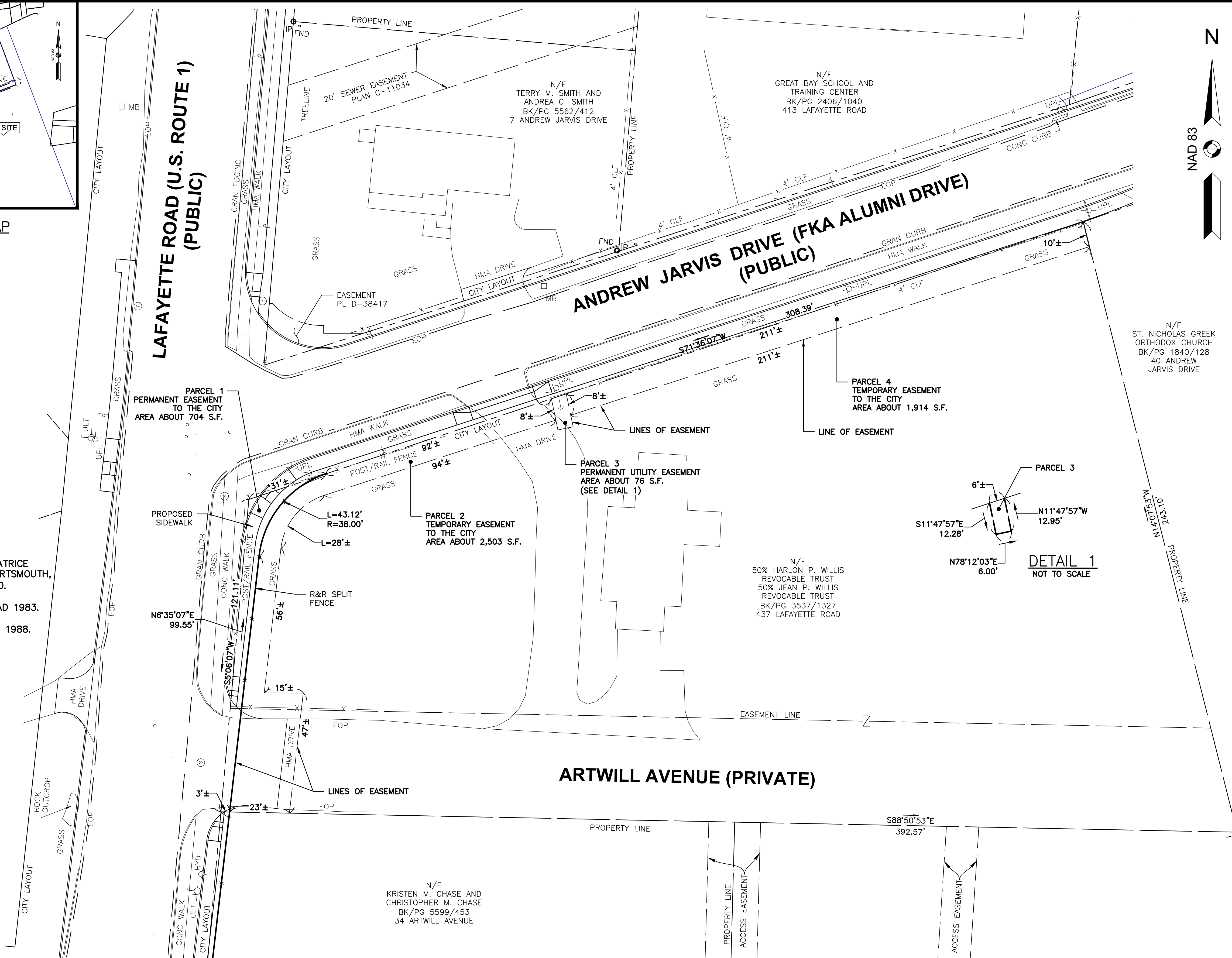
DRAFT



LOCATION MAP  
NOT TO SCALE

PLAN REFERENCES:

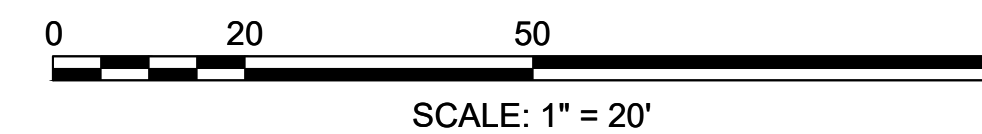
- 1) PLAN OF LOTS OWNED BY BEATRICE HOPLEY, LAFAYETTE ROAD, PORTSMOUTH, NH. SCALE: 1"=20'. JUNE 1940.
- 2) HORIZONTAL DATUM USED: NAD 1983.
- 3) VERTICAL DATUM USED: NAVD 1988.



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 ANT THAT NO NEW WAYS ARE SHOWN.

JEFFERY P. BRADFORD LLS #909

DATE



NOTES:

- 1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 229 AS LOT 1.
- 2) OWNERS:  
50% HARLON P. WILLIS REVOCABLE TRUST  
50% JEAN P. WILLIS REVOCABLE TRUST  
BK/PG 3537/1327
- 3) PARCEL IS NOT IN A FLOOD HAZARD ZONE AS SHOWN ON THE FIRM PANEL 33015C0270E. EFFECTIVE MAY 17, 2005.
- 4) EXISTING LOT AREA: 1.480 ACRES.
- 5) PARCEL IS NOT LOCATED IN SINGLE RESIDENCE B DISTRICT.
- 6) DIMENSIONAL REQUIREMENTS:  
MIN. LOT AREA: 15,000 SF  
FRONTAGE: 100 FEET  
SETBACKS:  
FRONT: 30 FEET  
SIDE: 10 FEET  
REAR: 30 FEET  
  
MAXIMUM STRUCTURE HEIGHT: 35 FEET  
MAXIMUM BUILDING COVERAGE: 20%  
MINIMUM OPEN SPACE: 40%
- 7) THE PURPOSE OF THIS PLAN IS TO SHOW THE LOCATION OF PROPOSED EASEMENTS TO THE CITY OF PORTSMOUTH.
- 8) THE EASEMENTS NOTED ON THIS PLAN ARE PROVIDED BY THE OWNER TO THE CITY IN EXCHANGE FOR IMPROVEMENTS DESCRIBED IN THE SEPARATE MEMORANDUM OF UNDERSTANDING.

NO.	DESCRIPTION	DATE
0	FOR CITY REVIEW AND COMMENTS	10/26/2015

REVISIONS

**EASEMENT PLAN**  
TAX MAP 229 - LOT 1  
**HARLON P. WILLIS**  
**REVOCABLE TRUST AND**  
**JEAN P. WILLIS**  
**REVOCABLE TRUST**  
TO THE  
**CITY OF PORTSMOUTH**  
437 LAFAYETTE ROAD  
CITY OF PORTSMOUTH  
COUNTY OF ROCKINGHAM  
STATE OF NEW HAMPSHIRE

SCALE: 1"=20' OCTOBER 26, 2015



# CITY OF PORTSMOUTH, NH REQUEST FOR PROPOSALS

DEVELOPMENT PARTNERSHIP FOR REUSE &  
REDEVELOPMENT OF THE

THOMAS J. MCINTYRE FEDERAL PROPERTY

80 DANIEL STREET

PURSUANT TO THE HISTORIC SURPLUS PROPERTY PROGRAM

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DRAFT



**REQUEST FOR PROPOSALS**  
**DEVELOPMENT PARTNERSHIP WITH THE CITY OF PORTSMOUTH**  
**FOR THE FEDERAL MCINTYRE PROPERTY**

**Sealed submissions responsive to this Request for Proposals, plainly marked “RFP ## Development Partnership with the City of Portsmouth for the Federal McIntyre Property” on the outside of the mailing envelope, addressed to the Finance/Purchasing Department, City Hall, 1 Junkins Avenue, Portsmouth, NH 03801 will be accepted until 2:00 p.m. on November 6, 2017.**

The City is interested in entering into a public/private partnership for reuse/redevelopment of the McIntyre Property, a 2.1 acre site in the City’s central business district located at 80 Daniel Street. The City has been invited to submit an application for acquisition of the property for Historic Monument purposes from the General Services Administration (GSA).

As such, the City is currently inviting Proposals from pre-qualified prospective partners who have proven experience with projects of similar size, nature and complexity, and can demonstrate sufficient financial resources to support a successful redevelopment of this magnitude. This Request for Proposal details the City’s objectives, and asks prospective partners to submit redevelopment proposals that respond to these objectives.

Through this Request for Proposals process, the City hopes to select a proposal which best meets its objectives and to negotiate with the selected proposer a Development Agreement and long-term lease.

This Request for Proposals may be obtained by visiting the Finance/Purchasing Department section of the City of Portsmouth website at [www.cityofportsmouth.com](http://www.cityofportsmouth.com). Addenda to this request, if any, including written answers to questions, will be posted on the City of Portsmouth website under the project heading. If you have any questions please contact the Finance/Purchasing Department at: (603) 610-7227. In addition, the RFP and other project information is available at [www.planportsmouth.com](http://www.planportsmouth.com).

The City of Portsmouth reserves the right to reject any or all submissions, to waive technical or legal deficiencies, to proceed or not with any proposal or process, and to negotiate such terms and conditions of any proposal or contract that may be in the best interest of the City.

The City reserves the right to terminate or amend this process at any time.

## II. SUMMARY OF THE CITY'S OBJECTIVES

The City of Portsmouth is pleased to invite pre-qualified real estate development entities to submit their proposals for consideration of a public/private partnership opportunity that would realize the transfer and redevelopment of the Thomas J. McIntyre Federal property located at 80 Daniel Street in downtown Portsmouth, NH. This RFP seeks to solicit responses that will enable the City Council to select a preferred entity to with which to partner for the successful transfer and redevelopment of the property pursuant to the Historic Monument program (also known as the Historic Surplus Property Program).

The City's top priority is to partner with an entity capable of assuming all costs and liabilities involved in any redevelopment of the site. The City also places very high priority in forming a successful partnership that serves the community in a manner that a private venture might not be capable of achieving on its own.

Primary objectives in pursuing ownership of the property include:

- To capitalize on the rare opportunity to shape redevelopment of a downtown block in the City's best interests by promoting public/non-profit/commercial use of its ground floor, re-connecting the site with Daniel, Penhallow, and Bow Streets via new pedestrian ways, introduction of open space and public parking uses, and revitalizing the area with new uses;
- To ensure redevelopment of the site that meets the city's economic development and urban design goals, and which ideally includes a re-use/redevelopment proposal with a mix of uses;
- To accomplish the above in a fiscally prudent manner, through a public-private partnership. The City contemplates a long-term land lease with a qualified partner, pursuant to applicable federal regulations.

The City seeks proposals containing sufficient detail to demonstrate how the City's objectives will be achieved. Conceptual design details, market analysis, square footage of uses proposed, redevelopment cost estimate, operating plan and financial pro forma, project schedule and implementation plan, and proposed lease terms and conditions (in concert with Historic Surplus Property Program regulations), should all be part of this submittal.

## III. BACKGROUND INFORMATION

The successful partner will be required to undertake development review and approval processes in collaboration with the City in order to provide opportunity for public input into the

design and reuse of the site. The selected partner will be required to develop and prepare all necessary local, state, and federal permit and land use applications and attend regulatory board meetings as needed.



*Existing Conditions – Federal McIntyre Property, 80 Daniel Street (Map 106, Lot 8)*

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#### 1. REDEVELOPMENT SITE

The McIntyre Property comprises approximately 2.1 acres of land, with 245 feet of frontage on the northwest side of Daniel Street, 378 feet on the northeast side of Penhallow Street, and 186 feet on the southeast side of Bow Street. The property includes the McIntyre Building - a four-story (plus basement level) steel-frame masonry building containing approximately 107,000 square feet (sf) of gross building area with forty-four (44) indoor parking spaces and a two-tier outdoor parking lot with ninety-one (91) spaces. The Property is within a short walking distance to Market Square, Portsmouth's commercial/retail center, located at the intersection of Market and Daniel Street and Portsmouth's historic harbor and waterfront commercial areas.

Net rentable area is approximately 73,000 sf (exclusive of the basement, parking garage, and mechanical penthouse). The existing structure is 60+/- feet tall. The current assessed value of the property and improvements is \$10,246,800.

The City of Portsmouth, population ~ 21,000, recently completed a [Master Plan](#) which outlines the community's goals and policies for future growth.

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## 2. HISTORIC PRESERVATION

All redevelopment proposals must be prepared in accordance with the *U.S. Secretary of the Interior's Standards for Rehabilitation*. Proposals must include familiarity with the Standards, and articulate how compliance with the Standards is achieved.

Constructed in 1966, the McIntyre building is an example of the New Formalist style, similar to many federal structures built during this period. The building is designated as a contributing structure in the proposed Portsmouth Downtown National Register Historic District. The City expects that upon transfer, the deed from the federal government will include terms and conditions that outline how the property may be maintained and protected into the future.

The Historic Monument program is described in part on the GSA's web site as follows (emphasis added):

"Title 40 U.S.C. 550(h) authorizes conveyance to any State, political subdivision, instrumentalities thereof, or municipality, of all the right, title, and interest of the United States in and to any surplus real and related personal property which in the determination of the **Secretary of the Interior is suitable and desirable for use as a historic monument for the benefit of the public**. Conveyances of property for historic monument purposes under this authority shall be made without monetary consideration to the United States: Provided, that no property shall be determined under this authority to be suitable or desirable for use as an historic monument except in conformity with the recommendation of the National Park Advisory Board established under Section 3 of the Act of Congress approved August 21, 1935 (16 U.S.C. 463) and only so much of any such property shall be so determined to be suitable or desirable for such use as is necessary for the preservation and proper observation of its historic features. Property conveyed for historic monument purposes **may under certain circumstances be used for revenue producing activities to support the historic monument. All income exceeding the cost of repairs, rehabilitation, and maintenance shall be used for public historic preservation, park, or recreational purposes**. Deeds conveying any surplus real property under this authority shall be used and maintained for the purposes for which it was conveyed in perpetuity and may contain such additional terms, reservations, restrictions, and conditions."

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### 3. APPLICATION FOR TRANSFER OF THE PROPERTY

The process for obtaining the McIntyre Building from the federal government involves the City's preparation of an Application for Obtaining Real Property for Historic Monument Purposes that will be submitted to the National Park Service (NPS), acting on behalf of the Secretary of the Interior. The NPS will review the Application and work with the City to make any necessary revisions to ensure that all elements for the reuse and protection of the property in perpetuity are identified and addressed. The Application will require the input and review of the New Hampshire State Historic Preservation Office (NH SHPO). The NPS makes a recommendation to the Administrator of General Services Administration (GSA) regarding the acceptability of the Application.

GSA is the agency that deeds the property and the deed will contain covenants regarding the proposed use of the property and will incorporate the Application so that it becomes a legally binding document. The selected partner will play an important role in assisting the City in completing the use and financial plan components of the application to the Historic Monument Program.

The City has prepared an analysis regarding the character-defining features of the property, included as Attachment A to this Request. This analysis is intended to guide respondents in preparing their proposals, but should not be interpreted as a strict, feature-by-feature list of what may or may not be allowed pursuant to the Secretary of the Interior's Standards for Rehabilitation.



Respondents should take into consideration that the site is also located within the City's Historic District, and consultation with the Historic District Commission will be required.

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### 4. ZONING / LAND USE COMPLIANCE AND REGULATORY PERMITTING

In 2014, the City of Portsmouth adopted a character-based zoning ordinance that includes this property. The purpose of the Downtown Character District is to encourage development that is compatible with the established character of its surroundings and consistent with the City's goals for the preservation or enhancement of the area. This is accomplished by providing a range of standards for the elements of development and buildings that define a place. More information on the Downtown Character District can be found at: <http://planportsmouth.com/>.



 Downtown Overlay District  
 Historic District

#### Character Districts

 CD5 Character District 5  
 CD4 Character District 4  
 CD4-L1 Character District 4-L1  
 CD4-L2 Character District 4-L2

The McIntyre building is primarily within the CD-4 district, with the rear parking area (approx. 20,000 sf) within the higher density CD-5. The site is also within the Historic District, as well as the Downtown Overlay District.

The development or redevelopment of this property shall comply with the City's zoning ordinance and other related local permitting processes and regulations.

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#### 5. ENVIRONMENTAL CONSIDERATIONS

The structure is known to contain lead-based paint, asbestos containing materials, and underground storage tanks. Sprayed-on asbestos is believed to be considerable above all ceilings. The City has obtained further information on known environmental considerations from the GSA, which is available upon request.

### IV. CITY'S DESIRED REDEVELOPMENT TERMS & CONDITIONS

The City will evaluate proposals based on all of the following criteria – no single consideration outweighs another. City Council seeks responses to this RFP that will optimally serve the public's interests. Of utmost importance, the City seeks a partner who is able to assume all costs and liabilities involved in any redevelopment of the site.

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#### 1. PREFERRED USES

In addition to the objectives broadly-stated in the Summary section of this Request, the City seeks proposals that will:

- Provide significant opportunity for the public to gather and enjoy the property; proposals should consider a benchmark of 25% open space on site; public rooftop access is desirable;

- Involve a mix of uses on the site which will contribute to the overall success of the downtown; ideally, preferred uses include a retail post office<sup>1</sup>, office and residential space, and other types of uses that will engage public activity (cultural, indoor farmers' market, artist live-work, retail, restaurant, etc.).
- Preserve a daytime employment base on site. Proposals should provide information as to estimated jobs to be retained on site;
- The ground floor(s) of the building(s) on site should be occupied by uses that invite public use; and
- Parking that is available to the public is desired.

Proposals should address how preferred uses were considered and incorporated into the overall redevelopment, and provide explanation as to why preferences were not able to be accommodated within the proposal.

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## 2. URBAN DESIGN

In addition to preferred uses, the City seeks proposals that will achieve a high quality of urban design and serve to “reconnect” the site to the surrounding urban fabric.

- Redevelopment of the site should be consistent with the surrounding historic context in terms of height, volume and massing. Any additions and/or new buildings on the site must comply with the Secretary Standards in addition to the character-based code. For additional guidance, please see:
  - [Secretary of the Interior Standards for Rehabilitation](#)
  - [New Exterior Additions to Historic Buildings: Preservation Concerns](#)
- New buildings and alterations of existing buildings should be consistent with the [Design Guidelines for the Historic District](#) as adopted by the Historic District Commission.
- New buildings along Bow Street should be designed to be compatible with the existing built environment on along Bow, and should take care to not overshadow the street.

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<sup>1</sup> The USPS has indicated a need of 5,000 s.f. to perform retail services at the site.



- All street-facing facades should include ground-floor commercial activities with transparent glazing to activate the street edge. Residential use is prohibited from the first floor within the Downtown Overlay District.
- Inviting pedestrian circulation is desired through the site; continuation of “Commercial Alley,” and reintroduction of a public, pedestrian way extending from Daniel to Bow Street is desirable.

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### 3. SUSTAINABILITY

The City is an Eco-Municipality; proposals that incorporate sustainable building practices and/or net zero energy efficiency are encouraged.

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### 4. PUBLIC SPACE AND LANDSCAPING

Public access and enjoyment of the site is a high priority.

- Redevelopment of the site should enhance the pedestrian environment, incorporating wide sidewalks along public streets and, where feasible, public pedestrian alleyways through the site (see also Urban Design).
- Redevelopment of the site should incorporate active public outdoor spaces such as plazas, courtyards and pocket parks.
- Landscaping should be provided within the site and on the perimeter of the site to break up impervious areas, soften architectural and structural materials, and provide storm water management benefits where possible.
- The project will need to comply with the City’s 1% for Art program, and should incorporate public art into the site redevelopment at a minimum cost of 1% of construction costs up to \$15,000,000.

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### 5. TRANSPORTATION AND CIRCULATION

- Redevelopment of the site should include sufficient off-street and public parking to serve the needs of the site and to support downtown activity. To this end, incorporation of a multi-level parking structure with access from at least two streets is encouraged.
- The design of the Project site must comply with the Americans with Disabilities Act (ADA). As a public entity, the City is subject to Title II of the ADA, and proposers should consider guidelines of both Title II and III.
- Redevelopment of the site should include parking for bicycles.

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## 6. DEVELOPMENT AGREEMENT AND LAND LEASE TERMS

Proposals should take into consideration and address the City's expected redevelopment terms and conditions provided below. Unless a proposer states otherwise in its submittal, the City will expect any final agreement to be consistent with the terms in this section.

As part of this partnership effort, the City intends to retain ownership of the land and lease development and management rights to a partner entity. Detailed terms of this arrangement are subject to regulations of the Historic Surplus Property Program and will be negotiated with the City.

### **Development Agreement**

- Under the Development Agreement the selected partner will be responsible for 100% of the funding to be provided to complete the redevelopment and construction of the Project, including assurances for covering cost overruns. In a timeframe to be established the selected partner will be required to demonstrate to the City that 100% of construction funds are committed.
- The Development Agreement must include appropriate risk allocations and will at a minimum require the selected partner to defend, hold harmless and indemnify the City for any costs, expenses or losses arising from the selected partner's activities related to its due diligence and for the design and construction and operation of the Redevelopment Project.
- The selected partner will be responsible for compliance with all regulatory requirements.

### **Lease Agreement**

At this time, anticipated lease terms include:

- Payment of taxes on the leasehold interest in accordance with RSA 72:23 I (b);
- Payment of rent;
- Hold harmless and indemnity clauses;
- All excess income beyond a negotiated reasonable return being returned to the City.

---

## 7. FINANCIAL PERFORMANCE

Given the unique opportunity presented by this project, a successful and sustainable urban redevelopment site is the City's overarching goal. However, the project must demonstrate positive financial return to the City.

Therefore, pro forma financial projections associated with the redevelopment proposal will be evaluated for terms most favorable to the City within the context of the proposal itself; in other words, excess income returned to the City is a factor weighed in proposal evaluation, but does not override all other objectives.

## V. PARTNER SELECTION & PROJECT SCHEDULE

<b>Partner Selection</b>	<b>Date to be Completed</b>
RFP Issued	August 22, 2017
Deadline for Submission of Questions	September 6, 2017
Public Workshop – Meet the Teams*	September 9, 2017
Final Addenda to RFP	September 22
Proposals Due	November 6, 2017 2:00 pm
City (staff/consultants)team Reviews and Evaluates Proposals for Responsiveness	November 6 – November 13
Council Shortlists Proposals – Chooses Team(s) for Interview	November 13, 2017
Proposer Interview(s)	December 2, 2017 (Alternate: 11/27)
Council Selects Preferred Partner	December 4, 2017
Council Approves Application to Historic Surplus Property Program; Application Submitted to NPS	December 18, 2017
<b>Project Schedule</b>	
Execution of Development Agreement (or MOU)	To follow
NPS Reviews and Recommends Application to GSA	To follow
GSA Approves Application and Begins Transfer Process	To follow
GSA Vacates Property and Transfers Deed to the City	To follow (est. October 2018)
Execution of Ground Lease and Lease Commencement	To follow

The Council will host a public workshop/input session on **Saturday, September 9, 2017**. The purpose of this session is to a) introduce interested teams to the community and invite them to present their team’s qualifications as evidenced in their respective qualifications submittals, b) solicit additional public inquiry and comment on the project, and c) if necessary, use the workshop as an opportunity to clarify questions pertaining to the RFP for use in a subsequent addendum.

The partner selection schedule anticipates the City Council conducting interviews with one or more proposer, during the day on **Saturday, December 2, 2017**, with an alternate date on

**Monday, November 27, 2017** in the evening. Presentations of redevelopment proposals will be made in public session.

The Project Schedule is dependent on the property transfer schedule which is to be developed in concert with the GSA. At this time, proposers should develop project schedules that assume the City takes possession of the property in October, 2018.

## VI. SUBMITTAL CONTENT REQUIREMENTS

Each submittal should include the information requested in this section for the redevelopment of the McIntyre Property, taking into consideration the regulations pursuant to the Historic Surplus Property Program, and the City's desire to establish a public-private partnership that benefits the City as a whole, with an entity capable of implementing a successful redevelopment in a timely manner.

Submittal requirements are intended to enable the City Council to make an objective comparison of each proposal, and to select a partner that best meets the City's stated objectives for redevelopment and that demonstrates the financial and technical capacity to complete and deliver a project that enhances the City's urban environment. In addition, the selected partner must provide sufficient detail to enable completion of the Application for "Obtaining Real Property for Historic Monument Purposes," immediately thereafter selection.

The selected partner will be expected to execute a Development Agreement with the City immediately following selection.

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### 1. COVER LETTER AND EXECUTIVE SUMMARY

The cover letter is the proposer's official letter transmitting the complete proposal to the City. The cover letter must include:

- the full name and address of the proposer's organization(s);
- the state of incorporation or in which it is licensed to operate; and
- the form of business, and the name and contact information for your organization or team for this proposal.

The cover letter should identify who will be the key business negotiator and be signed by an individual who is authorized to commit the proposer to the obligations contained in the proposal. In addition, the team member who will be assigned primary responsibility for public presentations and interaction should be identified.

If the proposer consists of a team or joint venture, an authorized representative of each of the participating organizations is required to sign the letter. Respondents must include a chart or diagram explaining the intended form and structure of any

proposed partnership or joint venture.

The Executive Summary must be presented as a separate document summarizing in clear and concise language, easily understood by persons not having a technical background, the information contained in the proposal. The Executive Summary shall be limited to three (3) pages, including tables and graphs.

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## 2. PROPOSER INFORMATION

To the extent that proposer information has changed or augmented since Qualifications packages were submitted to the City, include any such information at this time. If Qualifications lacked specificity with regard to team members, respective roles, and resumes, this information must be provided in this submittal.

In addition, provide the following information: the legal name and contact information of the organization, history, type of ownership, legal structure, officers and directors, and number of employees. Provide any contractual litigation, arbitration, and mediation cases for the last (5) years that are material and relevant to this proposal.

Formation submittal requirements shall include:

- Articles of Incorporation
- Certificate of Status/Good Standing
- By-Laws
- Certificate of Organization (if applicable)
- Operating/Partnership Agreement (if applicable)

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## 3. PROPOSER FINANCIAL INFORMATION

Provide proof of the financial capacity of the proposer entity to perform the Project such as credit information regarding the proposer entity, credit references for the proposer entity, and relevant audited financial statements of the proposer entity. Note to proposers: under the Development and Lease Agreements, the City reserves the right to require a guaranty or other form of recourse liability from any entity on which the selected partner relies upon for financial capacity.

The following Financial Documents shall be submitted (if not previously included as part of Qualifications packages):

- Financial Statements or Annual Reports for three most recent fiscal years for Proposer and/or parent companies (if applicable)
- Interim Financial Statements for Proponent and/or parent companies (if applicable) (most recent month ending within thirty days)
- Financial Statements of any tenants, lessees and occupants extra to Proponent and

- intended to occupy the premises (if applicable)
- Financing commitments or project specific letters of interest from recognized funding sources
- Evidence of the Proposer's financial capacity to undertake the proposed project. Recent experience in capital formation for similar type projects of comparable size may be included.

Submission of this information should be made in a separately-sealer envelope labelled "Proposer Financial Information." A Proposer must clearly designate in its Proposal those portions of the Proposal, if any, that the Proposer believes are trade secrets or are maintained for the regulation of commercial enterprise that, if disclosed, would cause substantial injury to the competitive position of the Applicant. To the extent the law permits the City will use reasonable efforts to hold the designated portions of the Proposal in confidence.

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#### 4. DEVELOPMENT AGREEMENT AND LEASE AGREEMENT TERMS

Proposals should take into consideration the City's expected redevelopment terms and conditions provided above. Where expressly noted, proposals should specifically address the requirements. Unless a proposer states otherwise in its submittal, the City will expect any final agreement to be consistent with the terms in this section.

The proposal must include at a minimum the following proposed terms and conditions. A proposer may elect to include additional terms and conditions. The City expects a Development Agreement will guaranty its partner's commitment to the project, and enable the partner to assume all financial and legal obligations associated with the cost of developing and operating the project upon the property being transferred to the City.

- Confirmation that proposer will bear all costs of development and operation of the Project; specify the amount to be deposited annually into a capital reserve fund; and specify any circumstances under which the City will bear any costs of repairs/replacements, environmental remediation, or other capital expenditures.
- Guaranteed rent, rent escalators during the initial term, and (if different) guaranteed rent, rent escalators and rent during renewal options.
- Initial proposed term of Lease Agreement, as well as any renewal options.
- Confirmation that proposer has made themselves familiar with the regulations of the Historic Surplus Property Program, including its provisions pertaining to income-producing properties.
- Specify any contingencies in favor of proposer that proposer will request in the Development Agreement, and confirm that no later than execution of the Development Agreement the selected partner shall pay to the City a deposit to be

negotiated that will not be refundable on account of any other contingencies in favor of Selected partner, but that will be refundable to Selected partner only in the event that the City commits an uncured event of default under the Development Agreement or if the City exercises a termination right under the Development Agreement for reasons other than selected partner's uncured event of default. Upon substantial completion of selected partner's obligations under the Development Agreement and commencement of rent under the Lease Agreement, such deposit shall be credited toward rent coming due under the Lease Agreement.

- Taking into consideration the City's objective of negligible City financial participation, specify any governmental assistance of any nature that the proposal will request from the City or any other governmental entity in connection with redevelopment of the Project, including any in-kind contribution; any use of governmental facilities (other than the Project) or services.
- Confirmation that the proposed conceptual design(s) are intended to comply with the Secretary of the Interior Standards for Rehabilitation.

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#### 5. PROJECT NARRATIVE & CONCEPTUAL REDEVELOPMENT DRAWINGS AND PLANS

Provide a detailed narrative description of your proposal, including plans for public use, enhancement of the City's pedestrian streetscape/urban design, and public parking. Include anticipated daytime and evening population expected to make use of the site – e.g. employment and/or tenant counts, visitor counts, and anticipated parking demand and any transportation demand management measures anticipated. Also include any sustainable design elements incorporated on site. If the work will be phased, describe each phase and indicate corresponding time schedule.

Identify any portions of the property to which public access will be denied or restricted. Establish the suitability of the property for the proposed uses and the compatibility of the proposed revenue producing activities with the historic and/or architectural character of the property.

Using the provided "Character Defining Features Analysis" provided in Appendix A, describe all work to be performed on the site in relation to its effect on architectural/site features or interior spaces. An outline description should be used to detail each work item, e.g.:

<b>SAMPLE</b>	
<b>Original Uses and Changes to Present</b>	<b>Proposed Changes and Uses</b>
All upper floors are designed and used for offices.	Tenant fit out and modifications to partition layouts and service systems are envisioned, as required by building code and approved by property management. Efforts to preserve existing stairwells and service core will be made.

Conceptual drawings and plans should illustrate all proposed uses at scale, with exterior elevations, floor plans, cross sections, and other drawings needed to convey design intent. General site plan, with sustainable transportation (transit, walking and bicycling), parking, access and loading docks/areas identified.

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#### 6. PROJECT SPECIFIC FINANCIAL SUBMISSION

Each Proposer shall provide a development pro forma that includes rehabilitation/new construction costs. Information to be provided includes but is not limited to:

- Description of Project Components: show the gross square footage and the rentable square footage for each proposed use and for the total development.
- All hard costs: The breakdown must include: environmental testing and remediation (if required), site preparation, site improvements, demolition, building shell and core, tenant finishes, specialty finishes, general contractor's overhead and profit, and any other major expense categories pertinent to the proposed project.
- All soft costs: The breakdown must include: architectural, engineering, specialist consultants, legal, accounting, developer's fees, mortgage/syndication brokerage fees, other professional fees (e.g., construction manager owner's representative, marketing, leasing, etc.), and other soft cost categories pertinent to the proposed project. Amortization and depreciation costs should be included here, not as part of any maintenance/operating pro forma.
- An implementation plan for the proposed development, including a development schedule with key milestone dates and a projected occupancy date. The development schedule should outline the required regulatory approvals for the proposed development and the anticipated timing for obtaining such approvals. If the Proponent intends to sublease the proposed development, the Proponent should provide a description of the proposed users and the marketing and leasing plan for the development, and should clearly indicate what percentage of the development must be leased (if any) prior to the commencement of the various stages of the development and construction process.



- All contingencies: Specify whether the contingency is for hard costs, soft costs or total costs, design or construction, financing or other critical components of the total project costs.
- Sources of debt and equity for the total project cost.
- All assumptions regarding financing terms on acquisitions, predevelopment, construction, and permanent loans. The breakdown must include financing fees, interest rates, drawdown schedule and term, participation, amortization and other critical information.
- Any other project related expense not included in the above categories.
- Calculation of total project costs.

#### 10 YEAR OPERATING PRO FORMA

Each Proposer shall provide a 10 year operating pro forma that includes all of the information normally found in a real estate operating pro forma, on an annual basis. This information includes, but is not limited to:

- Tabulation of gross and net rentable square feet.
- Proposed fixed rent payments, percentage rent, and/or other forms of rent payable to the City of Portsmouth and corresponding market data supporting all occupancy, rent, and revenue assumptions.
- Proposed “reasonable return,” expressed as a cash-on-cash figure.
- Schedule of all revenues – total and per square foot.
- Detailed projected capital and itemized operating expenses pertinent to the development project – total and per square foot. Any direct allocation to or reimbursement by tenant of any operating expenses must be identified, and explained in detail.
- All “other” expense, capital expenditure and vacancy assumptions used to determine cash flow.
- Anticipated primary leasing terms (35 year, 50 year, etc.), and leasing rates, and calculation.
- Tenant inducements, including free rent, lease up schedules, tenant improvement allowances, and any other adjustments to market rent which yield an “effective rent” lower than the “nominal rate.”

Twelve paper (12) copies of the Proposals must be submitted. Proposers are encouraged to avoid the use of synthetic report covers and partitions. A single CD/DVD with an electronic PDF copy of their proposal shall also be included.

## VII. SELECTION PROCESS

The City Council will choose a partner to facilitate transfer and redevelopment of the site. The City will subsequently submit application to the Historic Monument program, enter into negotiations with a preferred developer to enter into a development agreement, and ultimately, if a successful transfer is made, lease the site and its improvements.

The selection process will include public input, and select respondents will be asked to make public presentations of their Proposals as part of an interview process.

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### 1. EVALUATION CRITERIA

The intent of this RFP is to with the City of Portsmouth to realize the reuse and redevelopment of this 2.1 acre parcel in a manner that meets the community desires and enhances the long term vitality of this important City block.

Proposals will be evaluated according to the following:

- Responsiveness to submission requirements
- Comparable development experience
- Strength of entity members
- Understanding of required project work and schedule
- Financial capacity
- The extent to which the overall redevelopment proposal meets the City's objectives, as outlined in Section IV.

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### 2. SELECTION PROCESS

- Upon review of all responsive Proposals, the City may select, by vote of the City Council, one or more entities to invite to submit specific proposals for the site's redevelopment. Interviews may be part of the evaluation of Proposals at this time.
- The City will enter lease and property management negotiations with a preferred development entity.
- If the City is unable to reach agreement with the highest ranking proposer, the City may enter into negotiations with the next highest ranking proposer.

## VIII. ADDITIONAL INFORMATION

Requests for additional information should be directed, in writing, to Deputy City Manager, Nancy Colbert Puff, at [ncolbertpuff@cityofportsmouth.com](mailto:ncolbertpuff@cityofportsmouth.com), no later than September 6, 2017. All responses, if applicable, will be posted to [Purchasing](#) web page by September 22, 2017.

## IX. RESERVATION OF RIGHTS

The City reserves the right to undertake such investigation as it deems necessary to evaluate the Proposals of the development entity and to evaluate its submittal. Respondents may be asked to submit releases as part of the investigation and review of Proposals. Failure to provide a release if requested will result in disqualification.

The City reserves the right to request additional information as part of this selection process.

The City of Portsmouth reserves the right to reject any or all submissions, to waive technical or legal deficiencies, to proceed or not with any proposal or process, and to negotiate such terms and conditions of any proposal or contract that may be in the best interest of the City.

The City reserves the right to terminate or amend this process at any time.

DRAFT

**Character Defining Features Analysis**

DRAFT

## Event Listing by Date

Starting Date: 7/10/2017

Ending Date: 12/31/2017

Start End	Type Description	Location	Requestor	Vote Date
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	CONCERT Music 3:00 p.m. to 5:00 p.m.	Vaughan Mall	PS21	7/10/2017
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
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 s 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

## Event Listing by Date

Starting Date: 7/10/2017

Ending Date: 12/31/2017

Start End	Type Description	Location	Requestor	Vote Date
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: September 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
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

# OFFICE OF THE CITY CLERK

## MEMORANDUM

TO: John P. Bohenko, City Manager

FROM: Kelli L. Barnaby, City Clerk

DATE: July 24, 2017

SUBJECT: Municipal Election Filing Period

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Please be advised that I have established the filing period for the Municipal Election that is scheduled for November 7, 2017. The filing period will begin on Monday, August 28, 2017 through Monday, September 11, 2017.

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



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**MEMORANDUM**

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**TO:** JOHN P. BOHENKO, CITY MANAGER  
**FROM:** JULIET T.H. WALKER, PLANNING DIRECTOR  
**SUBJECT:** ZAGSTER BIKE SHARE MAY/JUNE 2017 SNAPSHOT  
**DATE:** 7/18/17

*JTW*

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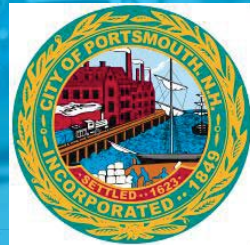
Attached to this memorandum is a membership and ridership summary and comparative data provided by Zagster for the first two months of the bike share program's operation. The summary includes:

- 1) An overview of the City's membership types and ride structure and limits
- 2) Total number of members by member type that were enrolled as of June 3
- 3) Total ridership and average trip lengths as of June 3
- 4) Overall activity for each of the 6 bike stations

We are continuing to work on marketing and outreach strategies with the Zagster staff as well as pursuing opportunities for private sponsorship of additional bike stations. We should have a more detailed report for the City Council in August that will include:

- 1) Information on where riders are traveling to and from
- 2) Comparative data to see how Portsmouth is performing compared to similar size cities
- 3) Rider feedback
- 4) More details on who is using Zagster (e.g. visitors vs. residents) based on zip code data
- 5) Projections and forecasting goals for system utilization for the rest of the summer and fall





Portsmouth, NH  
1st Month Usage Snapshot (May 3rd- June 3rd)



## Rates and Ride Types



### MEMBERSHIP TYPES AND COSTS

- Daily, 24 Hour Membership - \$3
- 3-Day Membership -- \$6
- Monthly Membership - \$12
- Annual Membership - \$25

### RIDE STRUCTURE AND LIMIT

- First 2 hours of usage - Free
- Each additional 60 minutes of usage - \$3
- Per Trip/Day Maximum - \$30

### RIDER REVENUE RECOVERY

- City lease is \$54,000 per year for 30 bikes, 6 stations (\$1,800 per bike) – 3 year term
- Zagster collects revenue from all riders
- Returns these revenues to City less a 7% processing charge (quarterly)
- Estimated revenue potential is 15-25% of the overall cost of the program



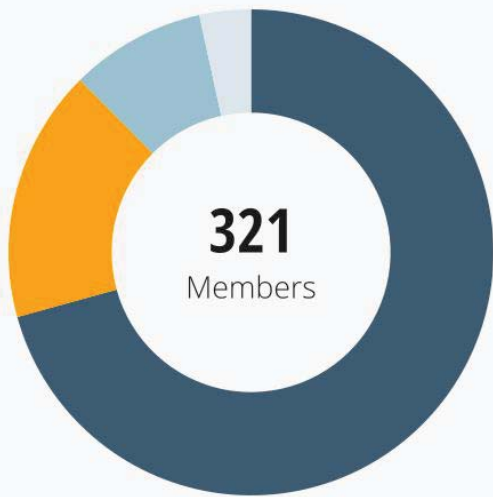
# Membership



# Membership Totals (May 3rd - June 20th, 2017)

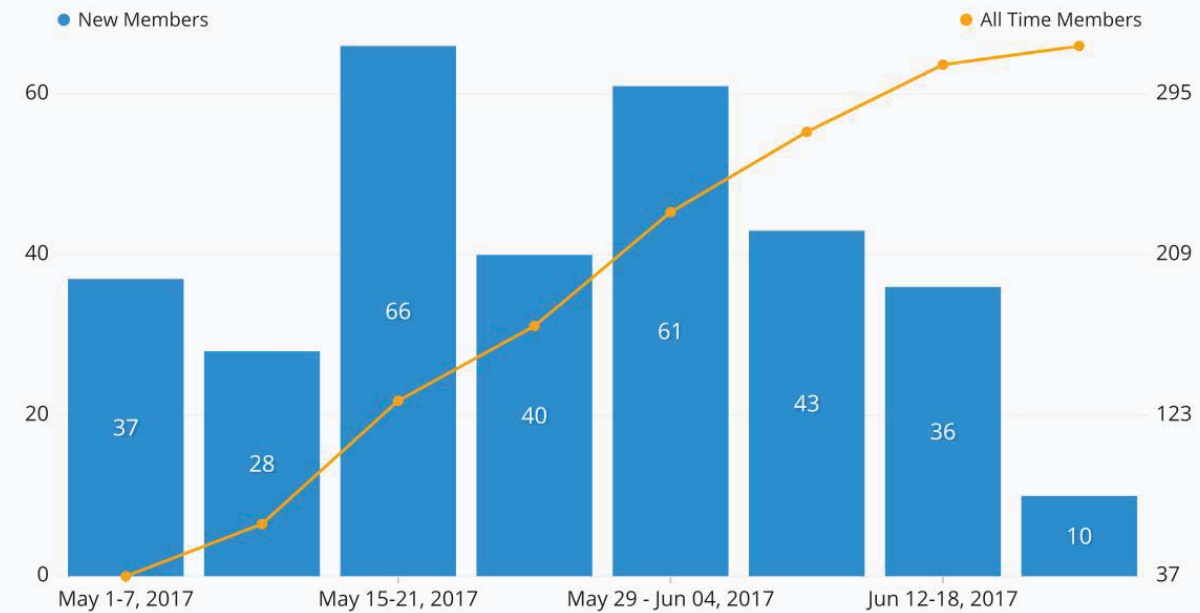


### Total Memberships by Type



- 70.7% Day Membership
- 16.8% Annual Membership
- 9.0% Monthly Membership
- 3.4% 3-Day Membership

### New and All-Time Members by Week



## Comparative Analysis (Membership) - 1st 30 days: May 3rd - June 3rd 2017



<b>Account</b>	<b>Bikes</b>	<b>Members enrolled in 1st 30 days</b>	<b>Members/ Bike</b>
Portsmouth, NH	30	203	6.7
Bike Share A -	40	164	4.1
Bike Share B -	30	183	6.1
Bike Share C -	47	198	4.2

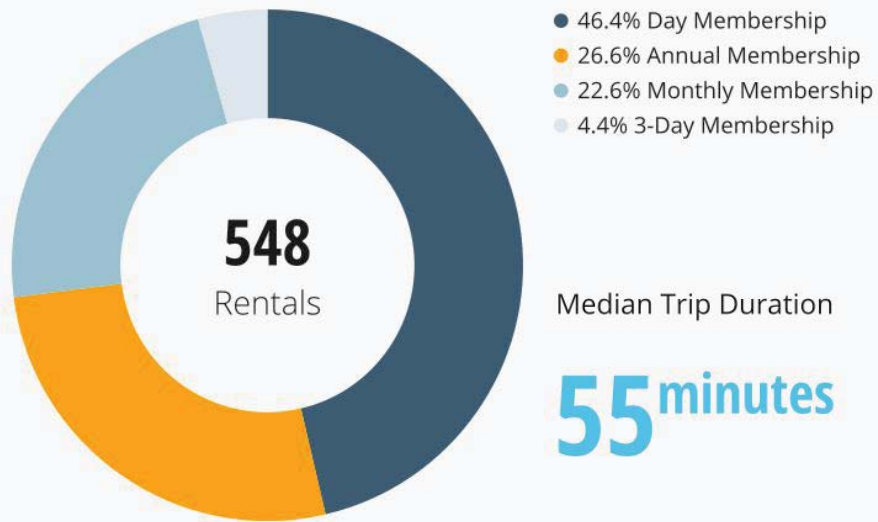
# Ridership



# Ridership



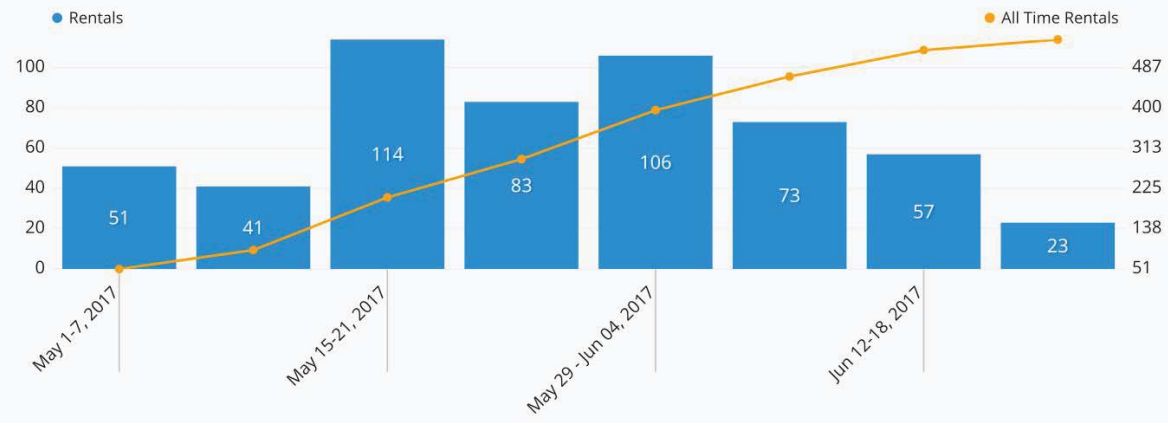
### Total Rentals by All Member Types



Median Trip Duration

**55** minutes

### Rentals by Week

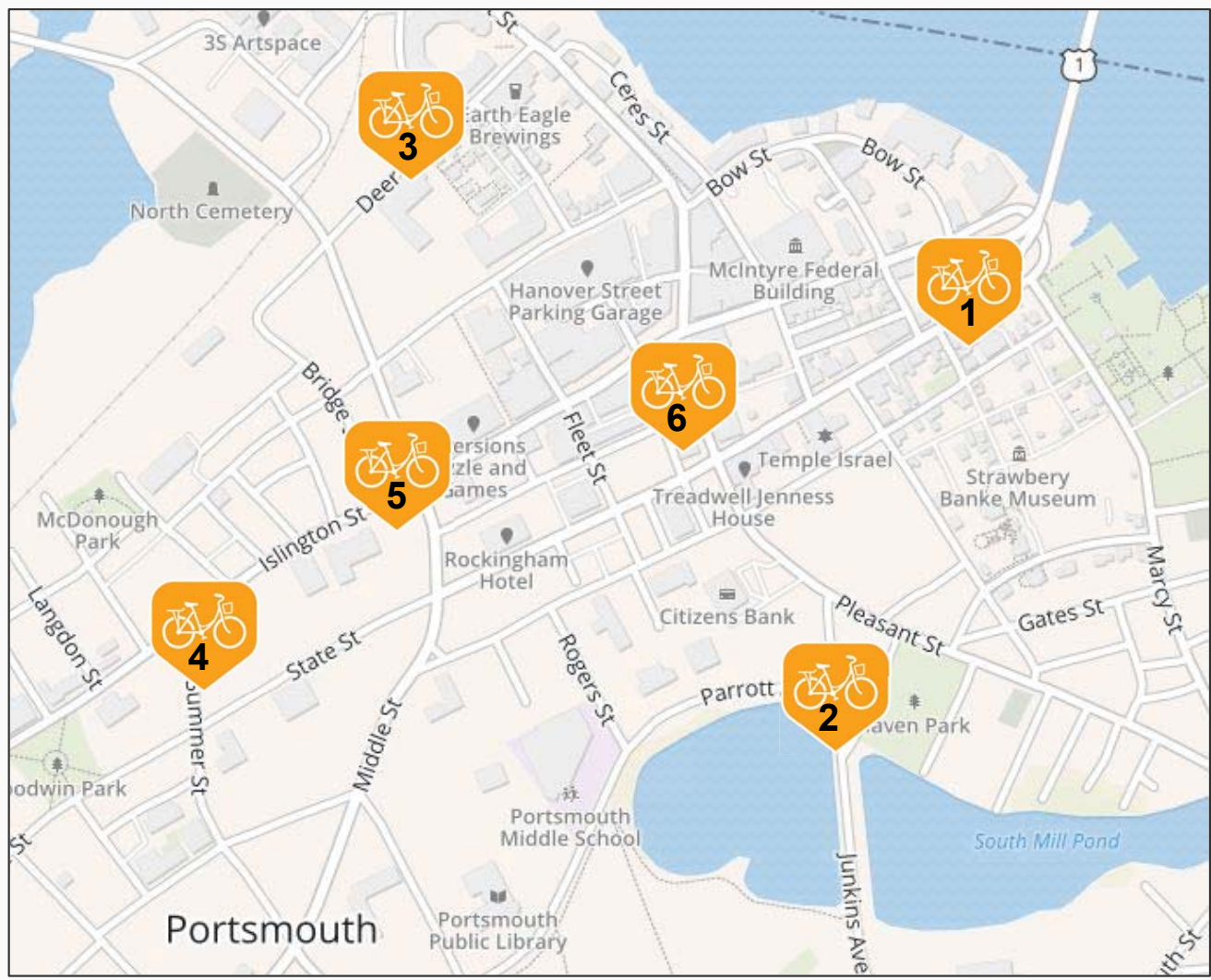


## Comparative Analysis (Ridership) - 1st 30 days: May 3rd - June 3rd 2017



<b>Account</b>	<b>Bikes</b>	<b>1st Month Utilization</b>	<b>Trips Per Bike</b>
Portsmouth, NH	30	362	12
Bike Share A -	40	787	19.6
Bike Share B -	30	313	10.4
Bike Share C -	47	270	5.7





Station	% Usage
(1) Memorial Bridge Lot Station	27%
(2) Parrot Ave Station	19%
(3) Russell St. Station	19%
(4) Summer St. Station	17%
(5) Bridge St. Lot Station	12%
(6) Market Square Station	5%

**CITY OF PORTSMOUTH  
LEGAL DEPARTMENT  
MEMORANDUM**

RECEIVED

JUL 20 2017

CITY MANAGER  
PORTSMOUTH, NH

DATE: July 18, 2017  
TO: JOHN P. BOHENKO, CITY MANAGER  
FROM: ROBERT P. SULLIVAN, CITY ATTORNEY  
RE: KENO



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This memorandum will respond to the request of City Councilor Chris Dwyer for, "the options that we have re: allowing/not allowing KENO in Portsmouth establishments".

Governor Sununu recently signed into effect SB 191-FN, Chapter 229 Laws of 2017. The broad purpose of the statute is to establish the gambling game of KENO to be lawful in the State of New Hampshire. The purpose of this is to create a program to provide grants of the revenue received by the State from the game to fund kindergarten statewide. This memorandum will focus only on that portion of the statute which creates options for the City of Portsmouth with regard to allowing the game to be played in the City.

Importantly, KENO will only be permitted in cities and towns which have voted to allow it as described below.

The new statute contains a provision identified as RSA 284:51 which describes the local options available to municipalities. In a city these options are:

1. In a city, the legislative body may vote to place the question on the official ballot for any regular municipal election, or,
2. In the alternative, the legislative body shall place the question on the official ballot for any regular municipal election upon submission of a petition signed by 5% of the registered voters.

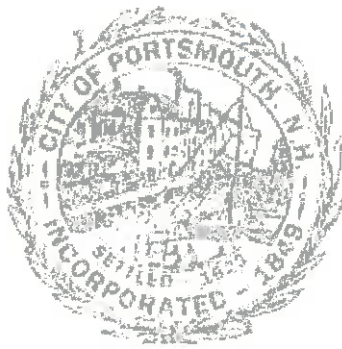
The statute contains provisions outlining the notice and a public hearing which is required prior to any vote concerning whether to place the question on the ballot. The question to appear on the ballot would be "shall we allow the operation of KENO games within the City of Portsmouth". Absent the placement of the question on a ballot and the adoption of the provision by the voters, KENO would not be allowed in the City of Portsmouth.

## SUMMARY

- The first option available to the City Council is to take no action, in which case KENO would not be allowed in the City unless initiated by citizen petition and approval by the voters.
- The second option available to the City Council would be to initiate the process to place the question on a ballot for the next regular municipal election as described above. In that case, as noted, KENO would become permissible in the City if approved by the voters.

If KENO is adopted by referendum vote, a question has arisen as to whether the City would retain authority to regulate where and when the game might be played. At your suggestion this question was referred to the New Hampshire Municipal Association (NHMA). In response to this question, Attorney Cordell Johnston of the NHMA has responded to the City's request for an opinion as follows: "The KENO provisions of the bill resulted from an amendment late in the process that never had a hearing, and I don't believe there was ever a discussion about the extent of local control; and the language of the bill itself does not answer the question". Attorney Johnston then goes on to discuss the arguments on either side of the issue, but concludes that the question "is likely to be resolved only by a court (if, for example, Portsmouth or another municipality tries to restrict KENO after the voters have allowed it, and a business owner sues), or by clarifying legislation."

cc: Nancy Colbert-Puff, Deputy City Manager  
Cordell Johnston, NHMA



# 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: Parking & Traffic Safety

Name: Margaron McElwain Telephone: cell 603 498 3063

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

Street address: 259 South St

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

Email address (for clerk's office communication): ML259@Comcast.net

How long have you been a resident of Portsmouth? 17 1/2 years

Occupational background:

RN - retired

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

Reasons for wishing to continue serving: With all the parking & safety issues in the city, I would like to continue to research and have an opinion and possibly an impact on decisions to be made. I continue to walk or bike ride daily in Portsmouth so I see what is happening on the streets.



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

NRACT - Jealous Chapter, select women for elections board 5.

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

1) Peg MacDonald Union St Portsmouth 603 436 6710  
Name, address, telephone number

2) Yanthe Gray South St 603 436 6652  
Name, address, telephone number

**BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:**

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

Signature: Mary Lou Brown Date: 6/9/17

**CITY CLERK INFORMATION ONLY:**

New Term Expiration Date: 8/4/2020

Annual Number of Meetings: 11 (2016) Number of Meetings Absent: 0

Date of Original Appointment: 8-4-2014

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



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**MEMORANDUM**

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**TO:** JOHN P. BOHENKO, CITY MANAGER  
**FROM:** JULIET T.H. WALKER, PLANNING DIRECTOR JTW  
**SUBJECT:** ROCKINGHAM PLANNING COMMISSION REPRESENTATION  
**DATE:** 7/25/2017

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The Rockingham Metropolitan Organization (MPO) is a federally designated entity that administers the urban transportation planning process for the 27 communities of the Rockingham Planning Commission.

As governed by RSA 36:46-III, Commissioners are appointed by each of the member communities for four-year terms. A commissioner must be a resident of the community. The number of Commissioner positions per community are based on the community's population size, and Portsmouth has four (4) Commissioner positions. Two of the positions are currently held by City Councilors Denton and Perkins and there are two vacancies. There are also four (4) alternate commissioner positions that can be held by non-residents (e.g. staff). In Portsmouth, the Planning Board first nominates a representative commissioner(s) for consideration and the City Council then makes the appointment.

- 1) Councilor Rebecca Perkins (appointed 1/11/2016)
- 2) Councilor Joshua Denton (appointed 1/11/2016)
- 3) **Vacant** (previously held by John Ricci)
- 4) **Vacant** (previously held by David Moore)

*Alternates (can be up to 4)*

- 1) **Vacant** (previously held by Rick Taintor)

On July 20, 2017, the Planning Board voted to nominate Jody Record, Planning Board member, to the City Council for appointment to the Rockingham Planning Commission and also to nominate Peter Britz, Environmental Planner / Sustainability Coordinator, for appointment as an alternate.

**Recommended City Council Action**

Vote to appoint Jody Record, Planning Board member, to the Rockingham Planning Commission and Peter Britz, Environmental Planner / Sustainability Coordinator as alternate.
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Date: August 7, 2017

## **Results of City Manager's Evaluation**

John Bohenko continues to excel as the Portsmouth City Manager and has once again received high ratings from the City Council as a whole. The City is financially healthy and is a hub for attracting tourists, new residents, and businesses small and large. Portsmouth's thriving economy and quality of life continue to be the envy of the other New England cities and John deserves a great deal of credit for continuing the City's success over the last decade while significantly strengthening infrastructure. John's knowledge, expertise, longevity and passion for the City continue to be evident on a daily basis.

John does an outstanding job in many areas, but the evaluation team felt the need to highlight two areas in particular. First, while local, state, and federal governments struggle through a generational turnover and a deficit of consistency and institutional knowledge, here in Portsmouth John has successfully managed to recruit talented professionals as retirement turnover has occurred throughout the city departments. We believe the course is set for excellence in city departments for the next decade or more. Second, John is also a skilled and prudent fiscal manager and has once again earned for the City the highest possible bond rating – one shared by only one other NH municipality. During John's tenure, the City's bond rating has steadily climbed to the highest level.

This year the Council made some suggestions for the manager and the City to enhance communications with the public. Portsmouth's issues have become more complex, and so the discourse of the administration, the Council, and the public must evolve accordingly.

John Bohenko is an excellent City Manager and the Council feels the City is fortunate to have him.

Eric Spear, Councilor  
Chairman of the City Manager Evaluation Committee

Wednesday, August 2, 2017

To: City Councilors  
From: Jim Splaine, City Resident

I was not able to attend the Council Worksession concerning plans for the McIntyre Federal Building, but I viewed the discussion and am impressed with the visions offered by everyone about the reuse.

Whatever final approach is taken, there remains a component that I have advocated for several years which I think can be folded into the "public use" space, whether as part of greenery, a public assembly area, arts space, or even the post office itself.

I offer the following for informational background. One is a story published in The Portsmouth Herald two years ago, and the other is a column I wrote for The Portsmouth Herald printed in May of 2011 offering some thoughts about the McIntyre area.

Perhaps as this Council, and the next, engages in further discussion with developers, this could serve to be involved as part of the mix for future vision.

***Following is a story in The Portsmouth Herald dated April 20, 2015, titled: "Replica State House Proposed For Federal Building"***

By Jeff McMenemy

PORTSMOUTH — A group led by Assistant Mayor Jim Splaine wants to build a replica State House on about a third of the downtown federal building property.

The replica would feature an exhibit of the remaining portion of the Olde State House that once stood in downtown Portsmouth, along with a public plaza that could feature an “interactive water feature,” according to an interview with the group.

The proposal, called the “Olde State House, 1758-2015, Remembering Our Past, Envisioning Our Future at McIntyre Square,” is in its early stages, the group acknowledged.

But members hope it will capture the imagination of the public as city officials continue to work with the General Services Administration to gain control of the site.

“What I find most fascinating about this (proposal) as you talk to people, it gets older people excited as well as younger people,” Splaine said during a recent interview. “It recognizes several elements of what the community is all about, including democracy square, where people would be able to have meetings and have talks, outside as well as inside.”

Patrick Mulhern, a member of Splaine’s group, said they are trying to explain the project to people and “get them excited about it.”



“Every person I’ve talked to (said) ‘that’s fantastic I didn’t even know there was a State House in Portsmouth and I certainly didn’t know it’s in a box in Concord,’” Mulhern said.

What’s remaining of the original State House — which stood in Market Square — is now in storage in Concord, which Mulhern contends is essentially “wasting it.”

He stressed how important it is to “get awareness that this is out there.”

“It’s a fairly short time to get awareness out there before we lose the opportunity to use this space,” Mulhern said.

Splaine contends it’s important for the public to consider what else could go on the McIntyre property, particularly if it ends up being privately owned.

“Is this better than a hotel for the whole area? Is this better than a condo for the whole area? Is this better than just another parking garage?” Splaine asked. “I would submit that it is.”

Architect Gregg Schroeder, who completed a rendering of the proposed replica State House and public plaza, said the appeal for the group “is putting the State House back in downtown Portsmouth.”

“We’d reassemble the remaining fragments if we could get the state Department of Historical Resources to part with them and we could do it in a responsible way,” he said.

Schroeder noted George Washington spoke at the Olde State House after his inauguration.

The project would be located at the back of the federal building property, near the intersection of Bow and Penhallow streets, according to the group.

***Here is a commentary I wrote when I had a regular column in The Portsmouth Herald. (Obviously, the Connie Bean Center is old discussion. While I think the end product turned out well, it could have been a bit better and more "historic" if some of the old building had been folded into the new.)***

## Portsmouth's McIntyre Square

Posted May 29, 2011 at 2:00 AM Updated Dec 7, 2011 at 1:17 PM

Are we so jealous of Superman’s Metropolis that we want to look like it? Are we so lustful for every hotel, parking garage, condo or office building in our downtown center that we don’t care what we’ll be like in 20 or 30 years?

Are we so jealous of Superman's Metropolis that we want to look like it? Are we so lustful for every hotel, parking garage, condo or office building in our downtown center that we don't care what we'll be like in 20 or 30 years?

Where is the vision? Are we looking ahead, or is our development just happening year by year because some people see dollar signs and we forget that the real costs of what we're doing now will come back and haunt us later?

Yet new options are being considered for the Daniel and Bow street neighborhoods with two buildings that face unknown futures. So, let's think differently this time.

Here's a modest proposal: Let us agree to creatively re-use some center-of-the-city land for a unique purpose. No condos. No big hotel. Not another high-level parking garage. Not a spread of stores and offices. Instead, let's imagine something that can be used by all of us — and for the purpose of celebrating and enhancing democracy.

Tom McIntyre was a good U.S. senator, who for decades fought for the causes of our democratic values, and one of the ways we recognized him was naming the federal building after him. Built in the mid-1960s, that building reverts to the city in 2014.

The Warner House and the "old" City Hall append the McIntyre building, and all stand at the gateway of our state as people come from Maine. Across the street stands the Connie Bean Center, itself named after one of Portsmouth's finest citizens, a woman who helped many kids of my generation and others grow up.

Some see this area ripe for "development." But it really is ripe for something much more exciting and unique.

For years I've been working on a number of issues with Steve Feld, a resident of Bow Street. Steve thinks differently and has grand vision about everything community. During the past three years he and I had teamed up in publicly opposing the total destruction of the old Martingale Wharf. Unfortunately, that once-proud and historic early-1800s building is no more. Where it once stood, is now a totally new structure with no history behind it. In 50 years it will be a 50-year-old building. So much for preserving our history.

But all is not lost. So here's an idea Steve and I have discussed, which makes a lot of sense:

1. Stop the destruction of that area. Don't demolish the McIntyre building or the Connie Bean Center. Both are solid structures with histories of their own and can continue to serve a variety of public purposes.
2. Save the post office part of the McIntyre building. It has been recently remodeled and serves an important business and social need for downtown.

3. On the rear part of the McIntyre, which abuts Bow Street, place the Old State House. It's the perfect location, and would be seen from the river as well. It remains preserved in crates ready for restoration. Many of us have been looking for a good location for it. How about there?

4. The adjacent area to the rear of the McIntyre building around the State House and overlooking Bow Street and the river could become an urban park with an outdoor amphitheater and a fountain — a place to perform, and a “town square” to talk. It can become a gathering spot for people to hear speeches and to dialogue as we go through the decades of the 21st century celebrating the democracy that Sen. McIntyre, and our early settlers, fought so long ago to create for us today.

We can also have underground parking that will additionally serve community needs. With grants, fund-raising and a commitment to do good deeds, all this could be done with little or no investment of our tax dollars. And the payback for our entire community would be enormous.

We have much to be proud of about our city. But we're losing it. Steve Feld sums it up well: “The demolition of historic buildings and the mini-Manhattanization of the redeveloped blocks has already permanently changed the remaining historical fabric of our wonderful community.”

It isn't too late. Not yet. Fortunately, we have an opportunity to reverse this policy with the Connie Bean and McIntyre buildings. Let's keep them in public hands for adaptive re-use. Let's use the old State House. Let's consider all of our choices — either we create and restore our history, or we tear it down and destroy more of it forever.

Today's quote: *“Our past will have little meaning unless we take a moment to assess what has been happening to our historic downtown during the last 10 years.”* — Steve Feld, *Portsmouth visionary*.

Today's thought: What's the sense of becoming a bigger city if we lose that which makes Portsmouth so special already?

Next time: State House power plays. Scary Stuff.

Jim Splaine is a former longtime Democratic state representative, state senator and assistant mayor from Portsmouth. His political column appears every other week in Seacoast Sunday.

## **ACTION ITEMS**

### **PARKING and TRAFFIC SAFETY COMMITTEE MEETING**

8:00 A.M. – July 6, 2017

City Hall – Eileen Dondero Foley Council Chambers

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**MEMBERS PRESENT:** Brad Lown, Chairman  
John Bohenko, City Manager  
Peter Rice, Public Works Director  
James Heinz, Deputy Fire Chief  
Members: Ted Gray, Harold Whitehouse, Ronald Cypher,  
Shari Donnermeyer and Mary Lou McElwain

**CITY STAFF PRESENT:** Eric Eby, Parking and Transportation Engineer  
Juliet Walker, Planning Director  
Benjamin Fletcher, Parking Director

**MEMBERS ABSENT:** Frank Warchol, Police Captain

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**Action Items requiring an immediate ordinance during the next Council meeting:**  
None

**Temporary Action Items requiring an ordinance during the annual omnibus:**  
No Parking areas as proposed on Mechanic Street between Peirce Island Road and Gates Street, and between Gardner Street and Hunking Street.

1. Accepted and placed on file meeting minutes from June 1, 2017.
2. Accepted and placed on file the financial report dated July 2017.
3. Public Comment. Eight Speakers: Rick Becksted, Peter Weeks, Charlie Griffin, Phil Winslow, Gerald Duffy, Mark Brighton, Joel Harris and Doug Roberts.
4. (VIII.A.) **Action Item:** Middle Street Bike Lanes project – **On a roll call 7-1, voted to approve proposed on-street parking restrictions along Middle Street and Lafayette Road as shown on GPI plan dated June 8, 2017 to accommodate the proposed bicycle lane project.**
5. (VI.A.) **Action Item:** Route 1 and Lang Road intersection, NHDOT Road Safety Audit – **VOTED to approve DOT's recommended actions.**

6. (VII.A.) **Action Item:** Request for NO PARKING areas on Mechanic Street – **VOTED to approve NO PARKING areas as proposed on Mechanic Street between Peirce Island Road and Gates Street, and between Gardner Street and Hunking Street.**

Public Comment. One Speaker: Daniel Desrochers

7. (VII.B.) **Action Item:** Request for LOADING ZONE on Vaughn Street for new hotel – **VOTED to approve LOADING ZONE on Vaughn Street once the Certificate of Occupancy for the hotel is issued.**
8. (VII.C.) **Action Item:** Request by Parkside Condo Association to move Zagster bike station to an on-street parking space on State Street – **VOTED to refer to City staff for report back.**

9. Public Comment. No Speakers.

10. Informational:

X.A. State Street traffic and fire response: James Heinz, Deputy Fire Chief, spoke to State Street traffic and a firefighting apparatus delayed getting to the scene of an emergency call because of traffic congestion.

Mary Lou McElwain spoke to the following items: letter from resident, crosswalk at Middle Street and Miller Avenue, and traffic congestion.

X.B. Quarterly bicycle and pedestrian accident report: 2 incidents reported on the quarterly accident report.

Chairman Lown introduced the new Parking Director, Benjamin Fletcher, to the Committee.

11. Adjournment – At 9:35 a.m., **VOTED** to adjourn.

Respectfully submitted by:

Amy Chastain  
Secretary to the Committee

## MEETING MINUTES

### **PARKING and TRAFFIC SAFETY COMMITTEE MEETING**

8:00 A.M. – July 6, 2017

City Hall – Eileen Dondero Foley Council Chambers

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#### I. CALL TO ORDER:

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

#### II. ROLL CALL:

##### **Members Present:**

Chairman, Brad Lown  
City Manager, John Bohenko  
Public Works Director, Peter Rice  
Deputy Fire Chief, James Heinz  
Member, Ted Gray  
Member, Harold Whitehouse  
Member, Ronald Cypher  
Member, Shari Donnermeyer  
Alternate Member, Mary Lou McElwain

##### **Staff Advisors Present:**

Parking and Transportation Engineer, Eric Eby  
Planning Director, Juliet Walker  
Parking Director, Benjamin Fletcher

##### **Member Absent:**

Police Captain, Frank Warchol

#### III. ACCEPTANCE OF THE MINUTES:

Harold Whitehouse moved to accept the meeting minutes of June 1, 2017.  
Seconded by Ted Gray. **Motion passed 8-0.**

#### IV. FINANCIAL REPORT:

Harold Whitehouse moved to accept the financial report dated July 2017.  
Seconded by Ron Cypher. **Motion passed 8-0.**

Harold Whitehouse asked about parking enforcement personnel turnover. City Manager Bohenko stated it was average.

Harold Whitehouse moved to suspend the rules in order to take up action item VIII.A. [Middle Street Bike Lanes project] after the first public comment session. Seconded by Ron Cypher. **Motion passed 8-0.**

V. PUBLIC COMMENT:

Rick Becksted spoke to action items VII.B. [Request for LOADING ZONE on Vaughn Street for new hotel] and VIII.A. [Middle Street Bike Lanes project]. He expressed concern about losing parking on Vaughn Street, and asked if the hotel could use the valet parking spot as the loading zone area. He spoke to the Middle Street project as it related to off-street parking for residents, and asked about placement of trash and recycling bins during collection. He questioned the accuracy of the accident report provided by Tom Morgan and cited accidents not listed in the report.

Peter Weeks spoke to action item VII.B. [Request for LOADING ZONE on Vaughn Street for new hotel]. He recommended changing the sample motion from conditional upon 30 days after opening of hotel to conditional upon issuance of the Certificate of Occupancy.

Charlie Griffin spoke in opposition to action item VIII.A. [Middle Street Bike Lanes project]. Some of Mr. Griffin's concerns and reasons for opposing the project were: the expansion of the route was justified based on the possibility that more high school students would bicycle. The current demand does not warrant it. He believes the southbound stretch of the project would be the least safe because it would be used by students at a time of heavy vehicle traffic. It does not have the protection needed. He spoke to the sight distance concerns expressed by residents at the intersection of Greenleaf Avenue and Lafayette Road. He stated the project would slow response time for first responders because of the narrowing of traffic lanes. He spoke to the varying width of the bike lane buffer and questioned the safety due to the variation. He asked the Committee to scrutinize the proposal and recommended it not be approved in its current form. Mr. Griffin presented a copy of his remarks to the Committee.

City Manager Bohenko moved to suspend the rules to extend the public comment session. Public Works Director Rice seconded. **Motion passed 8-0.**

Phil Winslow, Town of Rye Selectman, spoke in support of action item VI.A. [Route 1 and Lang Road intersection]. He stated the improvements proposed would increase safety.

Gerald Duffy spoke in support of action item VIII.A. [Middle Street Bike Lanes project]. He talked about creating an environment that fosters bike riding and encouraged the Committee to think about expanding it in the future.

Mark Brighton spoke to action item VIII.A. [Middle Street Bike Lanes project]. He expressed concern about emergency response times due to narrowing roadways. He stated active enforcement of the speeding laws would help achieve the project's goals.

Joel Harris spoke to parking enforcement issues related to his business at 107 State Street. He stated two parking spots behind his business border the sidewalk on Sheafe Street. His employees have been ticketed multiple times for partially blocking sidewalk access. He provided pictures of the area to the Committee and asked for guidance.

Doug Roberts spoke in support of action item VIII.A. [Middle Street Bike Lanes project]. He talked about the general safety of Middle Street and how the project would improve safety for bicyclists and motorists.

## VIII. OLD BUSINESS/ACTION ITEMS:

### A. Middle Street Bike Lanes project, by Juliet Walker, Planning Director.

Juliet Walker stated the issue before the Committee related to impacts to on-street parking along the corridor. She stated the recommended action would be to approve the proposed on-street parking restrictions along the corridor to allow room for the bike lanes, and forward the recommendation to the City Council.

She also stated the project had not changed substantially since the October 2016 presentation. The project would be a combination of buffered bicycle lanes and striped bicycle lanes. The striped bicycle lanes would run along the entire corridor. She stated on-street parking would provide the protection for the protected bicycle lanes along a portion of the corridor. She has worked with the Portsmouth Fire Department to ensure adequate roadway widths for emergency response vehicles on the primary emergency route. She agreed the design would be further reviewed to ensure 11-foot travel lanes on the route wherever possible.

Ms. Walker spoke to on-street parking and parking counts conducted in February 2015, April 2016 and April 2017. She stated the on-street parking conclusions were as follows: demand for the majority of the corridor is low. Excess capacity existed on the side streets. Highest demand was north of Cabot/Highland. Peak hours in highest demand areas tended to be mid-day on weekdays. She summarized the proposal for on-street parking would be: no change from existing for the corridor north of Cabot Street. Parking on one-side of street from Cabot to Lincoln. No parking between Madison and Union. No parking south of Lincoln. Parking on Middle Street consists of 79 spaces within .3 miles, with a total of 177 spaces when the side streets are included. She stated staff observed the maximum peak demand (including side streets) is 70 to 80 parking spaces along the entire corridor.

Harold Whitehouse stated he attended the June 8, 2017 meeting. He heard citizens asking about Wibird Street who questioned why it was not considered for this project. Juliet Walker stated the Bicycle Pedestrian Plan considered a variety of connections for the entire network, but Middle Street had been identified long ago as a key connector to schools and the Downtown.

The Safe Routes to School Action Plan also encourages connections to places school-aged children frequent. Juliet Walker stated the City was looking for ways to improve the connectivity across Middle Street. There is a neighborhood in the area with no safe routes to nearby schools.



She stated Wibird Street is a neighborhood street. The City encourages shared use on neighborhood streets, not bike lanes.

Shari Donnermeyer commented that Wibird Street would most likely not be used by bicyclists because it is not on the shortest route. She provided the example of people crossing Islington Street at the White Heron instead of using the signalized crosswalk a short distance away.

Mary Lou McElwain asked about improvements at the Greenleaf Avenue intersection, and the status of a handicap parking space in front of business on Middle Street. She watched the June 8<sup>th</sup> meeting on video and complimented staff on the presentation. She supports the project.

Juliet Walker stated the Greenleaf intersection would be improved with striping and green paint to increase visibility. The Andrew Jarvis Drive intersection would be improved as a separate project to increase safety of the area. She stated she is working with the property owner on the handicap parking space issue. Public Works Director Rice provided a timeline on the Andrew Jarvis Drive improvement project.

Shari Donnermeyer moved to approve proposed on-street parking restrictions along Middle Street and Lafayette Road as shown on GPI plan dated June 8, 2017 to accommodate the proposed bicycle lane project. Seconded by Ron Cypher.

Harold Whitehouse opposed the project due to concerns over extended emergency response times. Mr. Whitehouse moved to table the action item until August 3, 2017, so City staff could respond to Mr. Griffin's concerns. The motion was not seconded.

Chairman Lown disclosed his ownership of a business property on Middle Street and stated he is an avid cyclist. He publicly thanked Juliet Walker for her work on the project.

Ron Cypher expressed his support for bicycle safety but did not think that the project should be touted as a way to increase bicycle ridership of high school students. Shari Donnermeyer agreed.

**On a roll call 7-1, motion passed to approve proposed on-street parking restrictions along Middle Street and Lafayette Road as shown on GPI plan dated June 8, 2017 to accommodate the proposed bicycle lane project. Harold Whitehouse voted opposed.**

## VI. PRESENTATION:

### A. Route 1 and Lang Road intersection, Road Safety Audit, by NHDOT.

Michael Dugas, Chief of Preliminary Design, from the New Hampshire Department of Transportation Highway Design Division, presented to the Committee. Michelle Marshall, Highway Safety Engineer at NHDOT and David Walker, Transportation Program Manager at the Rockingham Planning Commission were also present. Mr. Dugas discussed a safety evaluation conducted at the intersection of US Route 1 and Lang Road. The evaluation was requested by

the City and the Rockingham Planning Commission because of vehicle crashes at the intersection.

Mr. Dugas discussed the following aspects of the project: funding, traffic data, crash data for 10 years, which included 68 crashes and 1 fatal crash, the road safety audit conducted on September 21, 2016 and potential solutions. He stated the high traffic volume on US Route 1 (Lafayette Road) makes it very difficult to turn left from Lang Road. He presented two solutions. The first would be to construct a concrete island on Lang Road to prohibit left turns from Lang Road onto US Route 1. This solution would be low cost, but would divert traffic and relocates the safety issue to other areas. The second would be to realign Lang Road to connect Longmeadow Road and the US Route 1 signal. This option would not impact the Service Credit Union parking lot or walking paths on the property. Graphics of each proposed solution are available in the packet. Mr. Dugas stated the traffic island prohibiting left turns onto US Route 1 would also be strongly recommended in the realignment solution.

Mr. Dugas provided an estimate on project cost at \$600,000. He stated half of the funding would be eligible through the Highway Safety Improvement Program (HISP) funds because of the safety improvements to US Route 1. He cautioned funding would have limits. The Local Public Agency (LPA) process through NHDOT, and adherence to federal funding guidelines would need to be followed.

Public Works Director Rice thanked Mr. Dugas, staff at NHDOT and the Rockingham Planning Commission for their work and strongly supports the partnership to make the area safer.

Mary Lou McElwain asked about the Service Credit Union access from Lang Road. She suggested it be entrance only. Mr. Dugas stated City staff could work with Service Credit Union on this issue. Harold Whitehouse spoke to road conditions on Lang Road to Washington Road. Ron Cypher asked for clarification on project cost to realign Lang Road. He expressed support for the project.

Shari Donnermeyer moved to approve DOT's recommended actions. Seconded by Harold Whitehouse. **Vote 7-0, to approve DOT's recommended actions.** City Manager Bohenko was not present for vote.

## VII. NEW BUSINESS:

A. Request for NO PARKING areas on Mechanic Street. Harold Whitehouse stated a site visit was conducted on July 5, 2017. Committee members met with residents and reviewed the areas. Harold Whitehouse moved to approve NO PARKING in three areas as proposed on Mechanic Street. Seconded by Ron Cypher.

Shari Donnermeyer opposed the motion because it included the parking space on Mechanic Street, adjacent to 213 Gates Street. She does not support removing more on-street parking. Chairman Lown advised that the motion would need to be amended.

Shari Donnermeyer amended the motion to approve NO PARKING in two areas on Mechanic Street, but exclude the area adjacent to 213 Gates Street. Seconded by Chairman Lown.

Eric Eby provided clarification, stating the area is problematic because of the narrow roadway, pedestrians, snow banks, and high traffic volumes from events at Prescott Park. The Committee discussed parking concerns along Mechanic Street and the need to maintain residential parking.

Deputy Fire Chief Heinz stated he opposed the amended motion because it would constrict the roadway for emergency response vehicles.

Public Works Director Rice moved to suspend the rules to allow for public comment. Seconded by Harold Whitehouse. **Motion passed 7-0.**

Daniel Desrochers spoke in support of removing the space adjacent to 213 Gates Street on Mechanic Street.

**By show of hands 3-4, the amended motion to approve NO PARKING in two areas on Mechanic Street, but exclude the area adjacent to 213 Gates Street, failed.** Chairman Lown, Shari Donnermeyer and Ted Gray voted in support. Public Works Director Rice, Deputy Fire Chief Heinz, Harold Whitehouse and Ron Cypher voted opposed.

Chairman Lown called for a vote on the motion to approve NO PARKING in three areas as proposed on Mechanic Street. **By show of hands 6-1, to approve NO PARKING in three areas as proposed on Mechanic Street between Peirce Island Road and Gates Street, and between Gardner Street and Hunking Street.** Shari Donnermeyer voted opposed.

B. Request for LOADING ZONE on Vaughn Street for new hotel. Eric Eby summarized the diagrams in the packet and provided background. The requested loading zone is located directly in front of the current location of the entrance to the gated parking lot. He stated the location cannot be designated as a loading zone while the parking lot is in operation. The space would be reserved as a LOADING ZONE if approved by the Committee.

Harold Whitehouse moved to approve the LOADING ZONE on Vaughn Street once the Certificate of Occupancy for the hotel is issued. Ron Cypher Seconded.

Harold Whitehouse asked for clarification on the opening of the hotel. Public Works Director Rice clarified that a Certificate of Occupancy is issued by the Chief Building Inspector. Mary Lou McElwain stated her opposition because one parking space would be eliminated. Public Works Director Rice stated the applicant had Planning Board approval and it was not feasible to have the LOADING ZONE on the property. **Vote 7-0, to approve LOADING ZONE on Vaughn Street once the Certificate of Occupancy for the hotel is issued.**

C. Request by Parkside Condo Association to move Zagster bike station to an on-street parking space on State Street. Eric Eby explained the photograph in the packet showing the exit from the Parkside Condo garage at 77 State Street. When vehicles are parked in the on-street parking spaces, sight lines are limited when exiting the garage. Mr. Eby stated the

situation is like many existing driveways and side streets in the Downtown, where sight lines are limited due to on-street parking. The Association proposed to move the Zagster bike station, currently stationed on the sidewalk, to the first parking space causing the obstruction. Mr. Eby stated the Zagster stations were selected because they do not eliminate on-street parking. They require two on-street parking spaces due to size.

Shari Donnermeyer moved to refer to City staff to report back. Seconded by Harold Whitehouse.

Harold Whitehouse requested the Zagster station at the corner of Parrott Avenue and Junkins Avenue be reviewed. He is concerned about school bus turning radius. **Vote 7-0, to refer to City staff for report back.**

IX. PUBLIC COMMENT:  
No Speakers.

X. INFORMATIONAL:

A. State Street traffic and fire response: Deputy Fire Chief Heinz spoke to State Street traffic and a firefighting apparatus delayed getting to the scene of an emergency call because of traffic congestion. He stated on June 2, 2017 at 2:12 p.m., emergency personnel encountered traffic congestion and provided a photograph depicting the scene.

Mary Lou McElwain spoke to the following items: a letter she received from Elizabeth Bratter. She requested Ms. Bratter be contacted and invited to speak at the next meeting during public comment. She requested the crosswalks at Middle Street and Miller Avenue be addressed soon because the pedestrian signals are antiquated. She requested traffic congestion be addressed by the Committee.

B. Quarterly bicycle and pedestrian accident report: Two incidents reported on the quarterly accident report.

Chairman Lown introduced the new Parking Director, Benjamin Fletcher, to the Committee.

XI. ADJOURNMENT – at 9:35 a.m., **VOTED** to adjourn.

Respectfully submitted by:

Amy Chastain  
Secretary to the Committee