

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, FEBRUARY 5, 2018 TIME: 5:00PM

AGENDA

- 5:00PM – PUBLIC DIALOGUE
- 5:45PM – NON PUBLIC SESSION IN ACCORDANCE WITH RSA 91-A:2, I (a) REGARDING STRATEGY OR NEGOTIATIONS WITH RESPECT TO COLLECTIVE BARGAINING – SUPERVISORY MANAGEMENT ALLIANCE
- 6:00PM – WORK SESSION RE: RESIDENTIAL PARKING

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

PRESENTATIONS

- 1. Award of Merit – New England Water Works Association – Brian Goetz
- 2. Coakley Landfill

V. ACCEPTANCE OF MINUTES – JANUARY 16, 2018

VI. PUBLIC DIALOGUE SUMMARY

VII. PUBLIC HEARING AND VOTES ON ORDINANCES AND/OR RESOLUTIONS

- A. RESOLUTION AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE WATER FUND UNRESTRICTED NET POSITION FOR BELLAMY RESERVOIR SOURCE WATER PROTECTION LAND CONSERVATION EASEMENT FOR THE SUM OF UP TO TWO HUNDRED TWENTY-THREE THOUSAND, ONE HUNDRED THIRTY (\$223,130.00) DOLLARS

- PRESENTATION
- CITY COUNCIL QUESTIONS
- PUBLIC HEARING SPEAKERS
- ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS

- B. First reading of Ordinance amending Chapter 1, Article IX, Section 1.9 Conflict of Interest/Election Candidate Financial Disclosure – Charter Amendment #1

- C. First reading of Ordinance amending Chapter 1, Article IX, Section 1.901 – Conflict of Interest/Municipal Officials Disclosure – Charter Amendment #2

VIII. APPROVAL OF GRANTS/DONATIONS

1. *Acceptance of Fire Department Grant:
 - Newburyport Five Cents Savings Bank - \$500.00
(Sample motion – move to accept and approve the grant to the Portsmouth Fire Department, as presented)
2. *Acceptance of Wellness Reward - \$2,000.00 ***(Sample motion – move to accept and approve the reward to the City of Portsmouth, as presented)***
3. Acceptance of Drinking Water and Groundwater Trust Fund – Breakfast Hill Area Water Main Improvements Grant Agreement - \$200,000.00 ***(Sample motion – move to accept and approve the grant to the City of Portsmouth, as presented)***

IX. CONSENT AGENDA

(ANTICIPATED ACTION - MOVE TO ADOPT CONSENT AGENDA)

- A. Letter from Caroline Piper, Friends of the South End, requesting permission to hold the annual Fairy House Tour event on Saturday, September 22, 2018 and Sunday, September 23, 2018 from 11:00 a.m. – 3:00 p.m. ***(Anticipated action – move to refer to the City Manager with power)***
- B. Letter from Kathie Lynch, Portsmouth Little League, Inc., requesting permission for temporary signage to be located at the Plains and Hislop Park baseball fields during the 2018 baseball season and requesting permission to maintain signage to the rear of the Plains scoreboard ***(Anticipated action – move to refer to the City Manager with power)***
- C. Letter from Chris Vlangas, Cystic Fibrosis Foundation, requesting permission to hold the CF Cycle for Life on Saturday, July 14, 2018 ***(Anticipated action – move to refer to the City Manager with power)***
- D. Letter from Kate Corriveau, Alzheimer's Association, requesting permission to hold the 2018 Annual Seacoast Walk to End Alzheimer's on Sunday, September 23, 2018 at 10:00 a.m. ***(Anticipated action – move to refer to the City Manager with power)***
- E. Letter from Ken La Valley, American Foundation for Suicide Prevention, requesting permission to hold the Out of the Darkness Walk on Saturday, September 15, 2018 at 10:00 a.m. ***(Anticipated action – move to refer to the City Manager with power)***
- F. Letter from Molly Bolster and Matt Glenn, Gundalow Company, requesting permission to hold the 8th Annual Round Island Regatta on Saturday, August 11, 2018 ***(Anticipated action – move to refer to the City Manager with power)***

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. (See E-mail Correspondence)
- B. Letter from Robert J. Lister regarding implementing a destination fee
- C. Letter from Gerald Zelin regarding Proposed Election Finance Ordinance
- D. Letter from Town of Hampton Selectmen regarding Coakley Landfill Group
- E. Letter from Jim Splaine Re: Coakley Landfill Presentation and Request for Information

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

City Manager's Items Which Require Action:

- 1. Request for Approval of the One-Year Extension of the Current Collective Bargaining Agreement between the Portsmouth School Board and the Association of Portsmouth Teachers
- 2. Extension of Agreement Re: Creek Athletic Club
- 3. Woodlands Homeowners Association for License to Install Sign – FW Hartford Drive and Adams Avenue
- 4. Woodlands Homeowners Association for License to Install Sign – FW Hartford Drive and Taft Road
- 5. Easements Re: Islington Street Project
- 6. Purchase & Sale Agreement for property owned by Ferrari Remodeling & Design Inc. for Map 283, Lot 19 – Banfield Road

City Manager's Informational Items:

- 1. Events Listing
- 2. Report Back on Safe Station
- 3. Report Back Re: Revenues
- 4. Community Development Block Grant Public Service Agency Grants Available
- 5. Legal Notice Re: Citizens Advisory Committee Public Hearing

B. MAYOR BLALOCK

1. Discussion Re: Work Session on Per- and Polyfluoroalkyl Substances (PFAS)
2. Appointments to be Considered:
 - Appointment of Janet Phelps to the Citizens Advisory Committee
 - Appointment of Thomas Watson to the Economic Development Commission
 - Appointment of Kathleen Boduch to the Citywide Neighborhood Steering Committee
 - Appointment of Chase Hagaman to the Citywide Neighborhood Steering Committee
 - Appointment of Kelly Weinstein to the Citywide Neighborhood Steering Committee
 - Reappointment of Kathleen Bergeron to the Citywide Neighborhood Steering Committee
 - Phyllis Eldridge to the Zoning Board of Adjustment - Alternate
3. Appointments to be Voted:
 - Reappointment of Lawrence Cataldo to the Citywide Neighborhood Steering Committee
 - Reappointment of Paul Mandle to the Citywide Neighborhood Steering Committee
 - Reappointment of Jeffrey Kisiel to the Planning Board
 - Reappointment Jay Leduc to the Planning Board
 - Appointment of Steve Gray to the Cable Television & Communications Commission
 - Appointment of Peter Weeks to the Trustee of the Trust Funds
4. Resignation of John Pratt from the Economic Development Commission (***Sample motion – move to accept with regret with thanks for his service to the City***)

C. ASSISTANT MAYOR LAZENBY, COUNCILOR DWYER & COUNCILOR DENTON

1. Legislative Subcommittee Update
 - Principles for Legislative Position Request for Ratification

D. COUNCILOR PEARSON

1. *Fundraising Ideas for Prescott Park

E. COUNCILOR DWYER

1. Responsible Policy Making

F. COUNCILOR DENTON

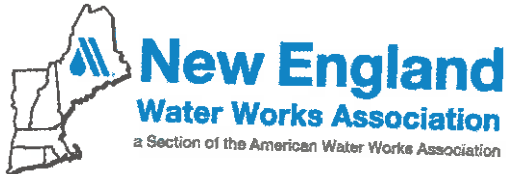
1. Renewable Energy Committee Final Report and Recommendations

XII. MISCELLANEOUS/UNFINISHED BUSINESS

XIII. ADJOURNMENT

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

**Indicates Verbal Report*



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NEWS RELEASE

FOR IMMEDIATE RELEASE

DATE: January 23, 2018

CONTACTS: Stephen Ryan (508) 893-7979
Kirsten King (508) 893-7979

Brian F. Goetz Honored by the New England Water Works Association

HOLLISTON, Mass. – Brian F. Goetz received the 2017 Award of Merit from the New England Water Works Association (NEWWA), the region's largest and oldest not-for-profit organization of water works professionals.

The Award of Merit is bestowed yearly to an individual who has been a member of the Association for a minimum of the past five years and who has demonstrated, in the opinion of the Award of Merit Committee, the highest level of outstanding service to NEWWA, a water utility, the water works practice in general, or a combination of the aforementioned.

Goetz is Deputy Director of Public Works for the City of Portsmouth, where he is in charge of the water, wastewater and stormwater utilities. Brian has nearly 30 years of waterworks management and consulting experience and is considered a leader in the public drinking water sector in New Hampshire. He is widely recognized by his colleagues as one of the foremost authorities in the area of water demand and efficiency. Recent efforts include the City of Portsmouth's toilet and washing machine rebate program that was recognized by the State of New Hampshire in 2015 for their Water Sustainability award.

Goetz has been a member of NEWWA and AWWA since 1987. He is a current member of the NEWWA Water Resources Committee, which he previously chaired for nearly five years. He is a contributor to NEWWA's publications and is a frequent presenter at NEWWA meetings, most recently presenting on the City of Portsmouth's experience dealing with PFAS contamination in the Pease Tradeport water system in 2014. He is a Past President of the New Hampshire Water Works Association and a past member of the State of New Hampshire Groundwater Commission. Goetz is a current member of the State of New Hampshire's Seacoast Drinking Water Commission.

Goetz earned a bachelor's degree in technology from Bowling Green State University and a master's degree in environmental policy from Indiana University. He is a grade 4 certified water treatment operator in New Hampshire and Maine and a grade 3 certified water distribution operator in New Hampshire.

Goetz received this award on January 18, 2018 at the NEWWA and New Hampshire Water Works Association joint monthly meeting in Nashua, New Hampshire.

CITY COUNCIL NON-PUBLIC SESSION

MUNICIPAL COMPLEX
DATE: TUESDAY, JANUARY 16, 2018

PORTSMOUTH, NH
TIME: 6:00PM

At 6:00 p.m. the City Council held a Non Public Session in Accordance with RSA 91-A:2, I (a) regarding Strategy or Negotiations with Respect to Collective Bargaining – The Association of Portsmouth Teachers Tentative Agreement.

City Clerk Barnaby conducted a roll call vote for attendance: Mayor Blalock; Assistant Mayor Lazenby; Councilors Roberts, Pearson, Dwyer, Denton (6:05 p.m.) Perkins, Reynolds and Becksted.

Councilor Pearson moved to enter into Non Public Session to discuss the Association of Portsmouth Teachers Agreement. Seconded by Councilor Perkins and voted.

The City Council moved from the Eileen Dondero Foley Council Chambers into Conference Room A.

Staff Present during Non Public Session: Tom Closson, Negotiator; Dianna Fogarty, Human Resource Director; and Steve Zadavec, Superintendent of Schools.

Others Present: Ann Walker, School Board Member.

Negotiator Closson reviewed the request for a one year extension of the Association of Portsmouth Teachers Tentative Agreement.

At 6:12 p.m. Mayor Blalock closed the Non Public Session.

At 6:15PM, a Work Session was held on the FY19 Budget Guidelines.

I. CALL TO ORDER

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

II. ROLL CALL

Present: Mayor Blalock, Assistant Mayor Lazenby, Councilors Roberts, Pearson, Dwyer, Denton, Perkins, Reynolds and Becksted

III. INVOCATION

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

IV. PLEDGE OF ALLEGIANCE

Assistant Mayor Lazenby led in the Pledge of Allegiance to the Flag.

Approve City Council Rules and Orders

Mayor Blalock requested that the City Council adopt the Rules and Order this evening as presented, and if there are any changes needed they be made at a future meeting by a Councilor bringing them up under their name.

Councilor Perkins moved to approve the City Council Rules and Orders, as presented. Seconded by Councilor Pearson and voted.

Ratify City Council Policies and Procedures

Mayor Blalock requested that the City Council ratify the City Council Policies and Procedures, as presented and if there are any changes needed they be made at a future meeting by a Councilor bringing them up under their name.

Councilor Perkins moved to ratify City Council Policies and Procedures, as presented. Seconded by Councilor Pearson and voted.

Ratification of Blue Ribbon Committees

Councilor Perkins moved to ratify the Mayor's Blue Ribbon Committees, as presented. Seconded by Councilor Pearson and voted.

- African Burying Ground Stewardship Blue Ribbon Committee
- Citywide Neighborhood Steering Blue Ribbon Committee
- New Parking Garage Committee
- Renewable Energy Policy Blue Ribbon Committee
- Sister Cities and Citizen Diplomacy Blue Ribbon Committee
- Sustainable Practices Blue Ribbon Committee

Code of Ethics Lot Drawing for City Council Representative

Councilor Roberts was selected by Lot Drawing to serve as the City Council Representative on the Board of Ethics.

PRESENTATION

1. Presentation of Comprehensive Annual Financial Report (CAFR) – Scott McIntire, Melanson & Heath

Mr. McIntire provided an overview of the CAFR Report and said all books and records were found in good working order and meet general accounting principles. He reported on the Management Letter and informed the City Council that there were no significant audit entries to report.

City Manager Bohenko spoke to the Popular Annual Financial Report which has been put together by the Finance Department. He said the intent of this report is to provide financial information on how the city is doing in an easy to understand format as well as highlight city accomplishments, accolades, economic indicators, and operational data that the city feels will be most informative to the residents.

V. ACCEPTANCE OF MINUTES – DECEMBER 4, 2017; DECEMBER 18, 2017; DECEMBER 20, 2017 AND JANUARY 2, 2018

Councilor Dwyer moved to accept and approve the minutes of the December 4, 2017; December 18, 2017; December 20, 2017 and January 2, 2018 City Council meetings. Seconded by Councilor Pearson and voted.

VI. PUBLIC COMMENT SESSION

Tom Coakley – spoke regarding the Police Commission vacancy and said he is here to present himself for the position. He spoke to filing for a vacancy for the Police Commission that occurred in 2015 and stated he feels that a decision needs to be made on the process used to fill the vacancy due to the difference in opinions between the City Attorney and Attorney General's office.

Brenna Cavanaugh said she submitted a letter for consideration to be appointed to fill the vacancy for the Police Commission. She stated the decision on the process should be up to the City Council. She suggested that the process to fill the current vacancy should be done by a lot drawing. Ms. Cavanaugh said that is a fair and transparent process to fill the vacancy.

Jim Splaine spoke in support of legislation to require the Coakley Landfill Facility Group come under the right-to-know law. He stated there needs to be more remediation of the landfill and we need to assume the responsibility. He spoke opposed to a lobbyist being under contract for the Coakley Group. He said we need to be made aware of who makes the decision on duties and the legislation the Lobbyist would report on.

Zelita Morgan said she would like the public comment session rules to be reviewed and allow individuals to speak on more than one topic. She asked that the City Council direct the City Manager to report where the funds would come from for the Coakley Landfill Lobbyist and how much money has been provided to the group. She suggested that presentations that require more than 15 minutes should be removed from the Council Agenda.

Lee Roberts spoke against the Coakley Landfill Facility Group hiring a Lobbyist. She said that the public needs some answers on the landfill and whether the pediatric cancer is caused by the Coakley Landfill.

Pat Bagley spoke to the request to establish a work session on residential parking program. She would like to see Parking Director Fletcher broaden the work session and provide a presentation on the parking forecast. She spoke to the work session being a public session.

Harold Whitehouse thanked Councilor Roberts for the request to look at new revenues. He said he hopes that the City Council will not increase the budget or raise the tax rate. He said we need to go back to Concord and request our fair share of the room and meals tax.

Mark Brighton asked if the public will get an opportunity to review the Association of Portsmouth Teachers contract before the City Council takes action. He said the City Council needs to control the bottom line and 2.5% is the rate of inflation.

David Meuse spoke to the Coakley Landfill contamination. He said many times the contamination does not change the color of the water. He urged the City Council to be transparent with information because the public has a right to know about the water in the community.

Representative Mindi Messmer - Rye, NH, spoke to the cancer cluster and environmental triggers. It represents a threat to the public. She said the closure of the site is causing the Berry Brook to be contaminated. She spoke to the conflicting sides on this matter between the DES and EPA. She stated that there has been no real accounting of the \$27,000,000.00 that has been spent on the Coakley Landfill and there needs to be. She reported that the State of New Hampshire has the highest rate of breast cancer in the United States.

Representative Philip Bean, Hampton, NH, said that there should be an audit of funds expended by the Coakley Landfill. He spoke to a number of wells that have been shut down in Hampton and spoke to the lack of transparency by the Landfill Group.

VII. APPROVAL OF GRANTS/DONATIONS

- A. Donation to Portsmouth Police Department from Newburyport Five Cents Savings Bank - \$500.00

Councilor Perkins moved to accept and approve the donation to the Portsmouth Police Department, as listed. Seconded by Councilor Dwyer and voted.

VIII. CONSENT AGENDA

- A. Letter from Jeremiah Gould, Runner's Alley requesting permission to hold the 21st Annual Runner's Alley/Redhook Brewery Memorial 5k on Sunday, May 27, 2018 at 11:00 a.m. (***Anticipated action – move to refer to the City Manager with power***)

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

IX. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. (*See E-mail Correspondence*)

Councilor Pearson move to accept the e-mail correspondence and place on file. Seconded by Councilor Perkins and voted.

Coakley Landfill (Not on Agenda)

Councilor Denton requested to know if the City has been contributing to the payment of a Coakley Landfill Lobbyist and has a Lobbyist been hired by the Coakley Landfill Group.

Councilor Dwyer requested a Presentation on all Coakley Landfill issues.

City Manager Bohenko said that the City Attorney will provide a presentation to the City Council. He indicated that Deputy Public Works Director Goetz would speak to the actual science. He also indicated that the presentation would take place at the February 5, 2018 City Council meeting.

Mayor Blalock said he was upset at being accused on the hiring of a Lobbyist. He said we need to know the role the City Council plays in this matter.

Councilor Perkins said she would like an update on the geological study on the Coakley Landfill as part of the Presentation.

Councilor Raynolds said the Presentation needs to be public.

- B. Letter from Richard Ade and Daniel Plummer, Ocean Properties & Two International Group reiterating their interest in the McIntyre Project

Councilor Perkins moved to accept and place the letter on file. Seconded by Councilor Dwyer and voted.

- C. Letter from Mayor Thomas Koch, City of Quincy, Massachusetts regarding the McIntyre Project

Councilor Perkins moved to accept and place the letter on file. Seconded by Councilor Dwyer and voted.

- D. Letter from Mayor Joseph Curtatone, City of Somerville, Massachusetts regarding the McIntyre Project

Councilor Perkins moved to accept and place the letter on file. Seconded by Councilor Pearson and voted.

- E. Letter from Thomas Coakley regarding Police Commission Vacancy

Councilor Pearson moved to accept and place the letter on file. Seconded by Councilor Perkins and voted.

- F. Letter from Mayor Brian Arrigo, City of Revere, Massachusetts regarding the McIntyre Project

Councilor Pearson moved to accept and place the letter on file. Seconded by Councilor Perkins and voted.

- G. Letter from Jim Splaine regarding various issues

Councilor Pearson moved to accept and place the letter on file. Seconded by Assistant Mayor Lazenby and voted.

X. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

- 1. Request for Action regarding McIntyre Property

City Manager Bohenko said he would like to stick to the deadline of February 5, 2018 if a decision cannot be reached this evening.

Assistant Mayor Lazenby advised the City Council that he will be recusing himself from all matters regarding the McIntyre Property because of his employment with Ocean Properties.

Deputy City Manager Colbert Puff said a three stage process has been outlined and a free flow of public input. She reported at the last City Council meeting a vote was taken to have Redgate/Kane to be the preferred partner. She spoke to the need to develop a non-binding Memorandum of Agreement to move forward with a developer. She advised the City Council that they were picking a development team, not their specific proposal for developing the site.

City Manager Bohenko said the Council needs to ratify the public input process to move forward as well.

Councilor Perkins moved to ratify the public input process as outlined in the memorandum dated December 20, 2017. Seconded by Councilor Denton and voted. Assistant Mayor Lazenby recused himself from voting on this matter.

City Manager Bohenko said we would move forward with a non-binding Memorandum of Agreement. He addressed the development agreement. He said if there are concerns we could table until February 5, 2018.

Councilor Dwyer said we need some sense if others are ready to move forward on a vote.

Councilor Denton moved to ratify the selection of Redgate/Kane and enter into a non-binding Memorandum of Agreement. Seconded by Councilor Dwyer.

Councilor Roberts said he is comfortable moving forward but would like to vote at the next meeting on February 5, 2018. He said people should have an opportunity to speak on the partner.

Councilor Reynolds said he feels the same way as Councilor Roberts. He stated he does not feel that he is ready to cast a vote this evening. He indicated he wished to have more discussion as a City Council as to the criteria we are using in our decision. He said more discussion is needed in public on this matter.

Councilor Becksted said he is not ready to move forward with a vote. He said he would like to keep all three developers in the process. He said we still have not really heard from the public and the next meeting is a Public Dialogue Session versus Public Comment Session.

Councilor Pearson said we had a Public Comment Session this evening on the project and not many spoke. She said now is the decision to select one of the developers. She noted that she did not vote for any development partner at the December Council meeting, but said she has pretty strong opinions about who should be picked. Councilor Pearson pointed to the qualifications of the architects on Redgate/Kane team, and their experience on bringing new life to historic buildings. She indicated all developers were qualified but someone needs to rise to the top. She spoke to adaptive reuse and that this would not be an experiment but Redgate/Kane have the ability to create a new space.

Councilor Dwyer reported last week the Chamber held a forum on the development of the project and all the information has been brought together. She said people that attended asked great questions and all grasp the time line and urgency to pick a development partner. She asked about the timing of a non-binding Memorandum of Agreement (MOA).

Deputy City Manager Colbert Puff said if the City Council chooses a partner we would enter into a non-binding MOA right away. She said when we submit an application it needs to be binding and the agreement would come at the point of transfer.

Councilor Dwyer said there is a need for additional parking on site and that is an important detail.

Deputy City Manager Colbert Puff said that would happen after the non-binding MOA and further that all project teams expressed a change to the parking.

Councilor Perkins said she would stand behind the Redgate/Kane firm. She stated Redgate/Kane have done their homework on permitting and community engagement is strong as well. She indicated that there are many things that Redgate/Kane has done well.

Councilor Denton said Councilor Becksted mentioned keeping all three firms in place until the public has had an opportunity to speak on the developers. He stated the best vote we have is to move forward with Redgate/Kane.

Mayor Blalock passed the gavel to Councilor Roberts.

Mayor Blalock said he has been neutral and would support any of the three firms but he supports Redgate/Kane currently. He said he is prepared to vote this evening on this matter.

Councilor Roberts returned the gavel to Mayor Blalock.

Councilor Roberts said there is not a vision but a hazy outline and stated there is a strong feeling in the community to not have a hotel. He said the design by Redgate/Kane was the best and he would be in favor of Redgate/Kane. He stated that there are serious questions about the risk of turning the McIntyre building into office space instead of a hotel, as was outlined by the city's consultant. Councilor Roberts said the Council needs to be aware that if Redgate/Kane can't pre-lease enough of the building, they may come back and say they really need to build a hotel.

Councilor Becksted asked if this in any way eliminates the other two developers as part of the process.

Councilor Dwyer said the developer would be part of the public process. She said if we take the vote the other two would have a different status but they could raise questions about items and asked for input and discussion. She stated they would not be there as our partner.

On a roll call **vote** 7-1, motion passed. Councilors Roberts, Pearson, Dwyer, Denton, Perkins, Raynolds and Mayor Blalock voted in favor. Councilor Becksted voted opposed. Assistant Mayor Lazenby recused himself from voting on this matter.

2. Report Back from Planning Board Re: Paper Street Request for 170 Swett Avenue

City Manager Bohenko advised the City Council that the Planning Board is requesting denial of the request.

Planning Director Walker said the Planning Board voted to recommend denial of the request. She said the City may have interest in retaining this as it abuts to City property.

Councilor Dwyer asked how we use the lot. Planning Director Walker said we do not use the lot currently but we may have a use for it in the future.

Councilor Perkins moved to deny the request to release City interest in the paper street portions of Moffat Street that adjoin 170 Swett Avenue. Seconded by Councilor Dwyer.

Mayor Blalock passed the gavel to Assistant Mayor Lazenby.

Mayor Blalock said everything stays the same by denying request.

Assistant Mayor Lazenby returned the gavel to Mayor Blalock.

Councilor Raynolds requested that Public Works Director Rice report back to the City Council in 3 months regarding possible uses by the City of the paper street portions of Moffat Street that adjoin 170 Swett Avenue.

Motion passed.

3. Request for First Reading of Ordinances Re: Charter Amendment Drafts

City Attorney Sullivan said the prior City Council placed Charter amendments on the Municipal Election ballot and the Charter has been amended. He stated the Charter amendments call for the preparation of two ordinances. He said the City Clerk would develop a form for both ordinances and the form would become part of the ordinance. He advised the City Council that he and the City Clerk would create the forms and the ordinances would stay close to the Charter language.

Charter Amendment 1:

Councilor Pearson moved to direct the City Attorney to draft an ordinance amendment as presented to bring forward for first reading at the February 5, 2018 City Council meeting. Seconded by Councilor Perkins.

Councilor Dwyer said she feels the definition language for the term PAC is too vague. City Attorney Sullivan said that this is a starting point and some of the language will be expanded and changed. Councilor Dwyer said on page 3 the requirement for staff to complete a Financial Disclosure Form would be only if the staff is a voting member of the board or commission.

Councilor Roberts said the submission of funds expended should be the total amount rather than itemized. City Attorney Sullivan said that is his understanding as well. Councilor Roberts also stated that PAC's have the same standards as individuals. City Attorney Sullivan indicated that this is a starting point to the ordinance. He further stated that PAC's would make a disclosure but the City has no direct control over PAC's.

Councilor Becksted asked does this live up to the state statute. City Attorney Sullivan said the requirements come from the Charter. He explained that both questions were sent to the State and the language was reviewed and there were no changes required from the questions that were submitted.

Councilor Denton said this should apply to all PAC's.

Councilor Perkins said that this is a broad definition of a PAC. She stated there is no problems with the fundraising in the City.

Motion passed.

Charter Amendment 2:

Councilor Reynolds moved to direct the City Attorney to draft an ordinance amendment as presented to bring forward for first reading at the February 5, 2018 City Council meeting. Seconded by Assistant Mayor Lazenby and voted.

4. Proposed Acquisition of Bellamy Reservoir Source Water Protection Land Conservation Easement with the Southeast Land Trust

Deputy Public Works Director Goetz provided a brief presentation on the acquisition of the Bellamy Reservoir Source Water Protection Land. He reported that the land is located in Madbury and we have worked with the Town of Madbury and the Southeast Land Trust to acquire Easement on 72 acre property which is ranked number 3 on our list of key parcels. He informed the Council that 10 acres of the property is used as a Christmas tree lot by the current owner. He spoke to the trust fund that is funded exclusively with the jury award (after costs) of approximately \$276 million, resulting from a final ruling of the U.S. Supreme Court in the State's favor in its case against ExxonMobile Corporation for MtBE Contamination. Further, the trust fund will, among other things, provide funding through cost sharing grants to municipalities for the expansion of local and regional source water protection programs.

Councilor Denton moved to authorize the City Manager to negotiate a Purchase & Sale Agreement for the conservation easement and agreement with the Southeast Land Trust for this acquisition; and to establish a public hearing for February 5, 2018 to utilize \$223,130.00 from the water enterprise fund net positions; and to authorize the City Manager to enter into a Grant Agreement to accept \$200,000.00 from the State of New Hampshire's New Hampshire Drinking Water and Groundwater Trust Fund's Land Conservation Grant and Loan Program to be put toward this purchase. Seconded by Councilor Pearson.

Councilor Dwyer said we need to think of lobbyists in a positive view because a lobbyist worked to assist in us receiving these grant funds.

Motion passed.

Mayor Blalock declared a brief recess at 9:30 p.m. At 9:40 p.m., Mayor Blalock called the meeting back to order.

5. Establish Work Session Re: Residential Parking

City Manager Bohenko said he would like to establish a Work Session regarding residential parking to be held at 6:00 p.m. on February 5, 2018 prior to the City Council meeting.

Councilor Pearson moved to establish a Work Session on February 5, 2018 at 6:00 p.m. regarding Residential Parking. Seconded by Assistant Mayor Lazenby and voted.

6. Request to Establish Guidelines for FY19 Budget

City Manager Bohenko advised the City Council he would like action by the Council on establishing a budget guideline for the percentage increase for the FY19 Budget.

Councilor Roberts said if there are reductions he would like to know what they would mean to the department. He feels we need to see what would happen with services if things are reduced.

Councilor Dwyer moved for no more than a 3.25% increase to the FY19 Operating Budget. Seconded by Councilor Pearson and voted.

City Manager Bohenko informed the Council he would bring that percentage forward at the meeting with department heads on Thursday.

B. MAYOR BLALOCK

1. Appointment of Steering Committee Members for McIntyre
McIntyre Public Input Blue Ribbon Steering Committee Charge & Appointments

Guided by the City Council's Public Input Process, the 7 member Steering Committee's charge is to sponsor, oversee and implement a public input process in coordination with the City staff; second, assemble the priorities and principles resulting from the process and report back to the City Council. The input will be used in the crafting of successful application to the National Park Service to transfer of the property from the General Services Administration (GSA) to the City under the Historic Monument Program. The Committee's work should be completed by April 9, 2018.

7 Member Steering Committee Members:

Councilor Dwyer, Chair
Councilor Roberts
Councilor Perkins
John Formella
Philip Cohen
Larry Yeardon
Tom Ferrini

2. Police Commission Vacancy

Option #1

The City Council may determine to follow the provisions in the Municipal Charter under which Reverend Arthur Hilson would automatically accede to fill the position created by the resignation of Joseph Plaia. In this case the City Clerk would swear in Reverend Hilson. A court challenge might then arise, initiated by either the State of New Hampshire or any other person who feels that Reverend Hilson is not entitled to the position as a matter of law.

Option #2

As in 2015 the City Council could determine to acquiesce to the position advanced by the Office of the Attorney General and disregarding the Municipal Charter in favor of following the provisions of RSA 105-C: 3. Under this option the City Council would fill the vacancy on the Police Commission by appointing an individual to serve until the next regular municipal election.

City Attorney Sullivan said currently we have a vacancy on the Police Commission. He addressed the process and the Attorney General's opinion on behalf of the Secretary of State on filling the vacancy. He explained the process followed in 2015 which occurred because of a vacancy. He said he feels the City Charter should be followed.

Mayor Blalock said there are 4 people that have stepped forward to serve on the Police Commission. He said any of the choices would be fine. He said we would satisfy both options by appointment Reverend Hilson.

Assistant Mayor Lazenby moved to appoint Reverend Hilson to the Police Commission to fill the unexpired term of Joseph Plaia until December 31, 2019. Seconded by Councilor Denton

Assistant Mayor Lazenby said it would be great that the other people that stepped forward to get involved in a future election. He said this is the spirit of the vote by the public.

Councilor Dwyer said she agrees with Assistant Mayor Lazenby. She said the number of people that come up to Reverend Hilson as their mentor when he served as a High School teacher. She said instead of a Police Commission we should have an Oversight Review Board.

Councilor Perkins said she agrees with everything said. She asked City Attorney Sullivan why he does not agree with the Attorney General's office. City Attorney Sullivan said the RSA refers to towns and never mentions city and the State only looked at one part of the statute.

Councilor Becksted asked if anyone challenged Option 2 in 2015. He would like to go forward with the option of reviewing candidates that was followed in 2015.

City Attorney Sullivan said Arthur Hilson would not have a challenge and the City Council would not have a challenge.

Assistant Mayor Lazenby said there was risk to be challenged if we went against the Attorney General but both risks are mitigated.

Councilor Roberts said we should appoint Arthur Hilson but he feels we should change the Charter at the next election. City Attorney Sullivan explained the process to amend the Charter and that you would want to start with the amendment process a year from now.

Councilor Pearson suggested that the Attorney General or anyone could challenge.

City Attorney Sullivan said that the Attorney General would be satisfied with the appointment of Arthur Hilson.

Mayor Blalock said we are appointing someone as directed by the Attorney General and satisfies options 1 and 2.

On a roll call vote 8-1, motion passed. Assistant Mayor Lazenby, Councilors Roberts, Pearson, Dwyer, Denton, Perkins, Raynolds and Mayor Blalock voted in favor. Councilor Becksted voted opposed.

3. Appointments to be Considered:
 - Reappointment of Lawrence Cataldo to the Neighborhood Steering Committee
 - Reappointment of Paul Mannle to the Neighborhood Steering Committee
 - Reappointment of Jeffrey Kisiel to the Planning Board
 - Reappointment of Jay Leduc to the Planning Board
 - Appointment of Steve Gray to the Cable Television & Communications Commission
 - Appointment of Peter Weeks to the Trustee of the Trust Funds

The City Council considered the appointments list above which will be acted upon at the February 5, 2018 City Council meeting.

4. Information Only City Council Schedule 2018

Mayor Blalock provided a copy of the 2018 City Council Schedule of meetings for informational purposes. No action required.

5. Information Only Board & Commission Assignments for City Council

Mayor Blalock provided a copy of the City Council Board & Commission assignments for informational purposes. No action required.

C. COUNCILOR ROBERTS

1. New Sources of Revenue

Councilor Roberts requested that all suggestions for new sources of revenue should be collected and listed in one place to focus the City Council's attention on this one issue. No action required.

Letter to Chairman Norman Major, House Ways and Means Committee – City of Portsmouth's Written Testimony in support of HB 1491 Re: Meals and Rooms Tax Revenue (Not on Agenda)

Letter to Chairman Norman Major, House Ways and Means Committee – City of Portsmouth's Written Testimony in support of HB 1609 Re: a surcharge on hotel occupancy (Not on Agenda)

Mayor Blalock informed the City Council he would be providing testimony of the Meals and Rooms Tax Revenue and a surcharge on hotel occupancy this week.

City Manager Bohenko spoke to the letters which would be provided at the hearing. He said the City sends \$27,000,000.00 on rooms and meals and receives only \$1,000,000.00. He said we are second in the State behind Manchester for the amount of meals and rooms taxes collected. He stated a \$2.00 additional tax on rooms and meals would raise an additional \$1.4 million in revenue and it would be collected by the DRA but we feel it should be collected locally.

Councilor Dwyer moved to support the letters regarding HB 1491 on Meals and Rooms Tax Revenue. Seconded by Councilor Perkins and voted.

D. COUNCILOR PEARSON

1. Revisit Proposal to Improve Civic Engagement

Councilor Pearson said she wants to increase engagement with the City and residents. She requested the City Manager review her suggestions outlined in her correspondence to the Council regarding increasing modes of communication between City Council and residents and to start to see some different methods of communication in a digital form.

E. COUNCILOR DENTON

1. Safe Station

Councilor Denton moved to request the Fire Commission and Fire Chief report back on a safe station model within 60 days. Seconded by Councilor Pearson.

Councilor Denton stated that this would require two additional firefighters and a new ambulance. The Chief is on board to look into this further. He spoke to Safe Harbor which is a recovery center. He said that this is a big endeavor and there are other models that we could review.

Councilor Dwyer spoke to support the model and looking at a customized approach.

Assistant Mayor Lazenby said the mission is great and there are opportunities to share costs with other neighboring communities.

Motion passed.

F. COUNCILOR PERKINS

1. Previous City Council Rule #47 – Appointments to Boards and Commissions: Unless otherwise required by statute or ordinance, the Mayor Shall not bring forward for reappointment to any Board or Commission the name of any person who shall have served ten (10) or more consecutive years on the same Board or Commission prior to the effective date of the requested reappointment

Councilor Perkins said she would like to limit appointments to 10 years for Boards and Commissions. She said she feels that a lot happens in 10 years and we would like to refer this to City staff.

Mayor Blalock said he would not support this because it limits the powers of the Mayor. He would not support the motion but would support a discussion.

Councilor Reynolds said he would support the motion along the lines to establish a 10 year limit. He said new views are good.

Councilor Becksted said he would not support the motion because it is vital and important to have someone with longevity and that knows the City serving on our Boards and Commissions.

Councilor Denton said he supports bringing it forward for further discussion.

Councilor Dwyer said she has supported this in the past and she would like to discuss the matter further.

Councilor Perkins moved to refer this matter to the City Attorney to bring back language at a future meeting that would prohibit the reappointment to any Board or Commission the name of any person who shall have served ten (10) or more consecutive years on the same Board or Commission prior to the effective date of the request reappointment. Seconded by Councilor Denton and voted.

XI. MISCELLANEOUS/UNFINISHED BUSINESS

Councilor Dwyer requested a report back on the Revaluation Review at the February 20, 2018 City Council meeting. City Manager Bohenko stated he would send out copies of the Revaluation Review Report to the new City Councilors for their reference.

XII. ADJOURNMENT

At 10:45 p.m., Councilor Denton voted to adjourn. Seconded by Councilor Perkins and voted.



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

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, February 5, 2018 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH, on a Resolution Authorizing a Supplemental Appropriation from the Water Fund Unrestricted Net Position for Bellamy Reservoir Source Water Protection Land Conservation Easement for the sum of up to Two Hundred Twenty-Three Thousand, One Hundred Thirty (\$223,130.00) Dollars. The complete Resolution is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

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

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KELLI L. BARNABY, MMC/CMC/CNHMC

CITY CLERK

NH-00324667

**CITY OF PORTSMOUTH, NEW HAMPSHIRE
SUPPLEMENTAL APPROPRIATION
FOR THE FISCAL YEAR ENDING JUNE 30, 2018**

RESOLUTION # -

A RESOLUTION AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE WATER FUND UNRESTRICTED NET POSITION FOR BELLAMY RESERVOIR SOURCE WATER PROTECTION LAND CONSERVATION EASEMENT.

RESOLVED:

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

THAT, the City Council has determined that the sum of up to **Two Hundred Twenty-Three Thousand, One Hundred Thirty (\$223,130) Dollars** is to be appropriated from the Water Fund Unrestricted Net Position to defray the expenditures related to purchase of the Bellamy Reservoir Source Water Protection Land Conservation Easement for the Fiscal Year ending in June 30, 2018.

THAT, to meet this appropriation, the City Manager is authorized to transfer these funds from the Water Fund Unrestricted Net Position.

APPROVED BY:

JACK BLALOCK, MAYOR

**ADOPTED BY CITY COUNCIL
DATE**

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

SECTION 7.14-AMENDMENTS TO BUDGET AFTER ADOPTION

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

1 ORDINANCE #
2 THE CITY OF PORTSMOUTH ORDAINS

CHARTER
AMENDMENT #1 as of 1/31/18
(ELECTION CANDIDATE
FINANCIAL DISCLOSURE)

3
4 That Chapter 1, Article IX, Section 1.9 - CONFLICT OF
5 INTEREST of the ADMINISTRATIVE CODE of the Ordinances of the City of
6 Portsmouth be amended to read as follows (deletions from existing language ~~stricken in~~
7 ~~red~~; additions to existing language **bolded in red**; remaining language unchanged from
8 existing):
9

10 ARTICLE IX CONFLICT OF INTEREST/ MANDATORY FINANCIAL DISCLOSURE
11

12
13 Section 1.902: ELECTION CANDIDATE FINANCIAL DISCLOSURE
14

15 A. **Required Disclosures ~~Other than City Council~~**: Any candidate running for ~~City~~
16 ~~Council~~, School Board, Police or Fire Commissions receiving a monetary
17 contribution from any one person or entity in the amount of a cumulative total of
18 \$100.00 or more in any calendar year must make a good faith effort to report:
19

20 1) In the case of an individual, the name, address, amount and date of
21 contribution.

22
23 2) In the case of an entity, the name, address, amount, date of
24 contribution, actual nature of entity (eg. – voluntary association,
25 LLC or Corporation), and the name of the person or persons who
26 acted on behalf of the entity to make the contribution.
27

28 B. **Required Disclosures City Council**: Each candidate for City Council and
29 every political action committee supporting one or more candidates for
30 City Council shall report contributions and expenditures prior to Election
31 Day, including the candidate's total monetary expenditures for that election
32 and the total monetary expenditures for each candidate or slate of
33 candidates by the political action committee. The report of monetary
34 contributions to the candidate or by a political action committee shall
35 identify each contributor by name, address and amount of contribution.
36

37 1) **Political Action Committee**: The term "Political Action
38 Committee" (PAC) is any political committee organized for the
39 purpose of raising and spending money to elect or defeat
40 candidates to the Portsmouth City Council.
41

42 C. The report must be filed, or updated as appropriate, with the Office of the City
43 Clerk seven (7) days prior to any election at which that person is a candidate for
44 any of the foregoing offices. Any contributions which would otherwise require
45 reporting under this ordinance received within the seven days prior to the election
46 must be submitted in a final report to the Office of the City Clerk no later than two
47 weeks following the election.

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- D. Violations: For violation and enforcement purposes, complaints alleging violation of the mandatory disclosure ordinance shall be administered in accordance with the process and penalties available under the Municipal Code of Ethics, Reference Chapter 1, Article VIII.
- E. **The City Clerk shall prepare forms which shall be utilized by all persons and political action committees subject to these disclosures.**
- F. Public Records: All election candidate financial disclosures shall be public records.

(Adopted Section 1.902 In Its Entirety 6/4/2007; amended 07/10/2017)

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

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

This ordinance shall take effect upon its passage.

APPROVED:

Jack Blalock, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

1 ORDINANCE #
2 THE CITY OF PORTSMOUTH ORDAINS

CHARTER AMENDMENT #2 AS OF 1/31/18 (MUNICIPAL OFFICIALS DISCLOSURE)
--

3
4 That Chapter 1, Article IX, Section 1.901: - CONFLICT OF
5 INTEREST of the ADMINISTRATIVE CODE of the Ordinances of the City of
6 Portsmouth be amended to read as follows (deletions from existing language ~~stricken in~~
7 ~~red~~; additions to existing language **bolded in red**; remaining language unchanged from
8 existing):
9

10 ARTICLE IX CONFLICT OF INTEREST/ MANDATORY FINANCIAL DISCLOSURE

11
12 Section 1.901: MUNICIPAL OFFICIALS DISCLOSURES

13
14 A. Preliminary: This ordinance is adopted by the City of Portsmouth in compliance
15 with the mandate contained in the Charter Amendment entitled "CONFLICT OF
16 INTEREST" which was adopted by referendum vote of the City of Portsmouth on
17 November 3, 1987 **as amended pursuant to referendum vote of the City of**
18 **Portsmouth on November 7, 2017**. This ordinance may be referred to as the
19 Mandatory Disclosure Ordinance.
20

21 B. Definition: For purposes of this Article only, the following terms shall be defined in
22 the following manner:
23

24 Municipal Official: For the purpose of mandatory financial disclosure, the term
25 "Municipal Official" **in this provision** shall ~~be defined to~~ include members of the
26 City Council, School Board, Police Commission, ~~and~~ Fire Commission, **Planning**
27 **Board, Zoning Board of Adjustment and Historic District Commission**.
28

29 Income: The term "income" shall be defined as a gain of recurrent benefit usually
30 measured in money that derives from capital, labor, or investment.
31

32 Capital Assets: The term "capital assets" shall be defined to include all
33 **Portsmouth related** corporate stocks or bonds or any other business interest
34 directly attributable to any business entity which maintains a business location in
35 the City of Portsmouth, owns property in the City of Portsmouth, transacts
36 substantial business in the City of Portsmouth, or transacts business with the City
37 of Portsmouth. The term "capital assets" shall also be defined to include all real
38 estate holdings and interest in real estate located in the City of Portsmouth.
39

40 Financial Disclosure Statement: The term "financial disclosure statement" shall
41 mean a written statement, given under oath:
42

- 43 **A) 1)** Listing an individual's primary source of annual income and
44 capital assets. However, in no instance shall disclosure be mandated of
45 any capital asset whose value at the time of disclosure is below Ten

46 Thousand (\$10,000) dollars nor shall the value of any source of income or
47 the value of any capital asset be required for disclosure.

48
49 **B) 2)** Listing any sources of income, whether or not connected with
50 the City of Portsmouth which produce income in an amount greater than
51 \$10,000 calculated annually on a per calendar year basis.

52
53 C. Obligation of All Municipal Officials: All municipal officials will maintain an updated
54 financial disclosure statement in the Office of the City Clerk. The Financial
55 Disclosure Statement shall be updated annually as of June 30th. Forms shall be
56 based on the form used by the State to implement RSA 15-A (attached) prepared
57 by the City Clerk for approval by the City Council and made available to all
58 municipal officials for this purpose.

59
60 D. Determining Violations: For violation and enforcement purposes, complaints
61 alleging violation of the mandatory disclosure ordinances shall be administered in
62 accordance with the process under the Municipal Code of Ethics, Reference
63 Chapter I, Article VIII.

64
65 E. Public Records: Financial Disclosure Statements shall be public records.
66 (Amended 6/4/2007)

67
68 F. Return of Records: Financial Disclosure Statements shall be returned to the public
69 official six (6) months after leaving office. (Adopted In Its Entirety 3/21/88,
70 Amended 3/28/88)

71
72 G. Penalties: Any violation of this article shall be subject to the penalties prescribed
73 for violation of the City Code of Ethics, Sec. 1.801 et seq.

74
75 The City Clerk shall properly alphabetize and/or re-number the ordinance as
76 necessary in accordance with this amendment.

77
78 All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

79
80 This ordinance shall take effect upon its passage.

81
82 APPROVED:

83
84 _____
85 Jack Blalock, Mayor

86 ADOPTED BY COUNCIL:

87
88 _____
89 Kelli L. Barnaby, City Clerk


CITY OF PORTSMOUTH

LEGAL DEPARTMENT

MEMORANDUM

DATE: January 8, 2018

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: ROBERT P. SULLIVAN, CITY ATTORNEY
KELLI L. BARNABY, CITY CLERK 

RE: IMPLEMENTATION OF CHARTER AMENDMENT #1 AND CHARTER AMENDMENT #2 AS ADOPTED BY REFERENDUM ON NOVEMBER 7, 2017

At the election of November 7, 2017 the voters of the City adopted two charter amendments which had been placed on the ballot by the City Council. In each case the charter amendment calls for the adoption by the City Council of a new ordinance or ordinances. Below you will find the relevant wording of each charter amendment and a proposed outline of an ordinance which would implement that wording. If the City Council is in agreement with the proposed outlines, then specific ordinance language will be drafted and brought in for first reading at the next available Council meeting.

In each case it should be voted that the charter amendment allows the Council latitude in ordinance adoption.

Charter Amendment #1:

Proposed Charter Amendment #1 adopted by the voters requires that the City's Conflict of Interest ordinances be amended by the addition of the following (addition bolded in **red**):

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

It appears that in order to implement this Charter provision the City's existing **ELECTION CANDIDATE FINANCIAL DISCLOSURE** contained at Section 1.902 of the ordinances would have to be amended by the creation of provisions "with respect to candidates for the City Council and political action committees" alone, as distinct from the School Board, Police and Fire Commissions. The new provision(s) must accomplish the following:

1. Define the term Political Action Committee. One possible definition might be, "(a) Political Action Committee is any political committee organized for the purpose of raising and spending money to elect or defeat candidates to the Portsmouth City Council" (www.opensecrets.org/pacs).
2. Create a provision which would require both City Council candidates and political action committees to report contributions and expenditures made prior to election day. The reporting requirement will include the candidate's total monetary expenditures for that election and the total monetary expenditures for each candidate or slate of candidates by any political action committee. The ordinance might authorize the City Clerk create a form for approval by the Council, which would then be completed by each candidate and each political action committee in the manner currently required by Section 1.902. The form may be complex, as it will include not only contribution information but also the expenditure information now required by the Charter. The form would also require that each candidate or political action committee identify each contributor by name, address and amount of contribution. If authorized by the City Council, the ordinance will be drafted to simply track the Charter Amendment as closely as possible without elaboration unless the Council instructs otherwise.

Charter Amendment #2:

Proposed Charter Amendment #2 adopted by the voters requires that the City's Conflict of Interest ordinances be amended by the addition of the following (additions bolded in red):

- A. 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. **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.**

It appears that in order to implement this Charter provision the City's existing **ELECTION CANDIDATE FINANCIAL DISCLOSURE** contained at Section 1.902 of the ordinances would have to be amended by the creation of an entirely new ordinance section under which the term "Municipal Officials" is defined to include members of the City Council, Police Commission, Fire Commission, School Board, Planning Board, Zoning Board of Adjustment and Historic District Commission. Those persons will be required to disclose all Portsmouth related capital assets as defined in the amendment. Again, an option would be that the ordinance authorize the City Clerk to prepare a form which tracks the Charter Amendment. The form would be completed by all of the municipal officials described above and kept on file in the office of the City Clerk. The Charter language appears to require that the ordinance compel such disclosure by all members of each Council, Board and Commission, which would extend to City staff members who serve on those Boards and Commissions.

Again, if authorized by the City Council an ordinance would be drafted which simply tracks the Charter Amendment language as closely as possible.

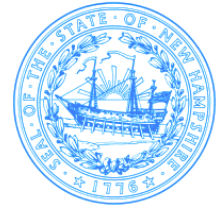
If the City Council wishes to proceed forward in accordance with this memorandum, we would recommend the following motions:

Charter Amendment 1 – Move to direct the City Attorney to draft an ordinance amendment as presented to bring forward for first reading at the February 5, 2018 City Council meeting.

Charter Amendment 2 – Move to direct the City Attorney to draft an ordinance amendment as presented to bring forward for first reading at the February 5, 2018 City Council meeting.



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Robert R. Scott, Commissioner

January 26, 2018

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

Subject: Drinking Water and Groundwater Trust Fund
City of Portsmouth – Breakfast Hill Area Water Main Improvements
Grant Agreement

Dear Mr. Bohenko,

Congratulations on your grant from the Drinking Water and Groundwater Trust Fund (Trust Fund). The Trust Fund Advisory Commission authorized the award of up to **\$200,000** in grant funds to the City of Portsmouth for the Breakfast Hill Area Water Main Improvements project. The next step is to enter into a grant agreement and obtain Governor and Council approval once the budget for the Trust Fund is established. Currently, the budget is expected to be established by late February.

Enclosed is the grant agreement paperwork. Please review these documents carefully. If everything is satisfactory please submit the following by **February 5, 2018** to my attention at the address below:

- 1. Original signed and notarized Grant Agreement** (attached). Initial and date page 2 & 3.
- 2. Original Exhibit A-C** (attached). Initial and date all pages.
- 3. Original signed and notarized Certificate of Authority** (example attached)
- 4. Certificate of Insurance**

Once the required paperwork is returned and the Trust Fund's budget is in place, NHDES will submit the grant package to Governor and Council for approval. We look forward to working with you on your infrastructure project. Feel free to contact me at 271-7017 or johnna.mckenna@des.nh.gov if you have any questions.

Sincerely,

Johnna McKenna
Drinking Water and Groundwater Bureau

Enclosures: Grant Agreement, Exhibits A-C and Example Certificate

cc: Brian Goetz, Deputy Director, Portsmouth Department of Public Works

Subject: City of Portsmouth

GRANT AGREEMENT

The State of New Hampshire and the Grantee hereby mutually agree as follows:

GENERAL PROVISIONS

1. Identification.

1.1 State Agency Name NH Department of Environmental Services		1.2 State Agency Address 29 Hazen Drive, Concord, NH 03301	
1.3 Grantee Name City of Portsmouth		1.4 Grantee Address 1 Junkins Avenue, Portsmouth, NH 03801	
1.5 Effective Date Upon G&C Approval	1.6 Completion Date June 1, 2019	1.7 Audit Date N/A	1.8 Grant Limitation \$200,000
1.9 Grant Officer for State Agency Johnna McKenna, Drinking Water & Groundwater Bureau, NH Department of Environmental Services		1.10 State Agency. Telephone Number 603-271-7017	
1.11 Grantee Signature		1.12 Name & Title of Grantee Signor	
1.13 Acknowledgment: State of _____, County of _____ On _____, before the undersigned officer, personally appeared the person identified in block 1.12, or satisfactorily proven to be the person whose name is signed in block 1.11, and acknowledged that s/he executed this document in the capacity indicated in block 1.12.			
1.13.1 Signature of Notary Public or Justice of the Peace [SEAL]			
1.13.2 Name & Title of Notary Public or Justice of the Peace			
1.14 State Agency Signature(s)		1.15 Name/Title of State Agency Signor(s) Robert R. Scott, Commissioner NH Department of Environmental Services	
1.16 Approval by Attorney General (Form, Substance and Execution) By: _____ On: _____			
1.17 Approval by the Governor and Executive Council By: _____ On: _____			

2. **SCOPE OF WORK.** In exchange for grant funds provided by the state of New Hampshire, acting through the agency identified in block 1.1 (hereinafter referred to as "the State"), pursuant to RSA 21-O, the Grantee identified in block 1.3 (hereinafter referred to as "the Grantee"), shall perform that work identified and more particularly described in the scope of work attached hereto as EXHIBIT A (the scope of work being referred to as "the Project").

3. **AREA COVERED.** Except as otherwise specifically provided for herein, the Grantee shall perform the Project in, and with respect to, the State of New Hampshire.

4. **EFFECTIVE DATE: COMPLETION OF PROJECT.**

4.1 This Agreement, and all obligations of the parties hereunder, shall become effective on the date in block 1.5 or on the date of approval of this Agreement by the Governor and Council of the State of New Hampshire whichever is later (hereinafter referred to as the "Effective Date").

4.2 Except as otherwise specifically provided for herein, the Project, including all reports required by this Agreement, shall be completed in ITS entirety prior to the date in block 1.6 (hereinafter referred to as the "Completion Date").

5. **GRANT AMOUNT: LIMITATION ON AMOUNT: PAYMENT.**

5.1 The Grant Amount is identified and more particularly described in EXHIBIT B, attached hereto.

5.2 The manner of, and schedule of payment shall be as set forth in EXHIBIT B.

5.3 In accordance with the provisions set forth in EXHIBIT B, and in consideration of the satisfactory performance of the Project, as determined by the State, and as limited by subparagraph 5.5 of these general provisions, the State shall pay the Grantee the Grant Amount. The State shall withhold from the amount otherwise payable to the Grantee under this subparagraph 5.3 those sums required, or permitted, to be withheld pursuant to N.H. RSA 80:7 through 7-c.

5.4 The payment by the State of the Grant amount shall be the only, and the complete, compensation to the Grantee for all expenses, of whatever nature, incurred by the Grantee in the performance hereof, and shall be the only, and the complete, compensation to the Grantee for the Project. The State shall have no liabilities to the Grantee other than the Grant Amount.

5.5 Notwithstanding anything in this Agreement to the contrary, and notwithstanding unexpected circumstances, in no event shall the total of all payments authorized, or actually made, hereunder exceed the Grant limitation set forth in block 1.8 of these general provisions.

6. **COMPLIANCE BY GRANTEE WITH LAWS AND REGULATIONS.**

In connection with the performance of the Project, the Grantee shall comply with all statutes, laws, regulations, and orders of federal, state, county, or municipal authorities, which shall impose any obligations, or duty upon the Grantee, including the acquisition of any and all necessary permits.

7. **RECORDS AND ACCOUNTS.**

7.1 Between the Effective Date and the date seven (7) years after the Completion Date the Grantee shall keep detailed accounts of all expenses incurred in connection with the Project, including, but not limited to, costs of administration, transportation, insurance, telephone calls, and clerical materials and services. Such accounts shall be supported by receipts, invoices, bills and other similar documents.

7.2 Between the Effective Date and the date seven (7) years after the Completion Date, at any time during the Grantee's normal business hours, and as often as the State shall demand, the Grantee shall make available to the State all records pertaining to matters covered by this Agreement. The Grantee shall permit the State to audit, examine, and reproduce such records, and to make audits of all contracts, invoices, materials, payrolls, records or personnel, data (as that term is hereinafter defined), and other information relating to all matters covered by this Agreement. As used in this paragraph, "Grantee" includes all persons, natural or fictional, affiliated with, controlled by, or under common ownership with, the entity identified as the Grantee in block 1.3 of these general provisions.

8. **PERSONNEL.**

8.1 The Grantee shall, at its own expense, provide all personnel necessary to perform the Project. The Grantee warrants that all personnel engaged in the Project shall be qualified to perform such Project, and shall be properly licensed and authorized to perform such Project under all applicable laws.

8.2 The Grantee shall not hire, and it shall not permit any subcontractor, subgrantee, or other person, firm or corporation with whom it is engaged in a combined effort to perform such Project, to hire any person who has a contractual relationship with the State, or who is a State officer or employee, elected or appointed.

8.3 The Grantee officer shall be the representative of the State hereunder. In the event of any dispute hereunder, the interpretation of this Agreement by the Grantee Officer, and his/her decision on any dispute, shall be final.

9. **DATA: RETENTION OF DATA: ACCESS.**

9.1 As used in this Agreement, the word data shall mean all information and things developed or obtained during the performance of, or acquired or developed or obtained during the performance of, or acquired or developed by reason of, this Agreement, including, but not limited to, all studies, reports, files, formulae, surveys, maps, charts, sound recordings, video recordings, pictorial reproductions, drawings, analyses, graphic representations, computer programs, computer printouts, notes, letters, memoranda, papers, and documents, all whether finished or unfinished.

9.2 Between the Effective Date and the Completion Date the Grantee shall grant to the State, or any person designated by it, unrestricted access to all data for examination, duplication, publication, translation, sale, disposal, or for any other purpose whatsoever.

9.3 No data shall be subject to copyright in the United States or any other country by anyone other than the State.

9.4 On and after the Effective Date all data, and any property which has been received from the State or purchased with funds provided for that purpose under this Agreement, shall be the property of the State, and shall be returned to the State upon demand or upon termination of this Agreement for any reason, whichever shall first occur.

9.5 The State, and anyone it shall designate, shall have unrestricted authority to publish, disclose, distribute and otherwise use, in whole or in part, all data.

10. **CONDITIONAL NATURE OR AGREEMENT.**

Notwithstanding anything in this Agreement to the contrary, all obligations of the State hereunder, including without limitation, the continuance of payments hereunder, are contingent upon the availability or continued appropriation of funds, and in no event shall the State be liable for any payments hereunder in excess of such available or appropriated funds. In the event of a reduction or termination of those funds, the State shall have the right to withhold payment until such funds become available, if ever, and shall have the right to terminate this Agreement immediately upon giving the Grantee notice of such termination.

11. **EVENT OF DEFAULT; REMEDIES.**

11.1 Any one or more of the following acts or omissions of the Grantee shall constitute an event of default hereunder (hereinafter referred to as "Events of Default"):

11.1.1 failure to perform the Project satisfactorily or on schedule; or

11.1.2 failure to submit any report required hereunder; or

11.1.3 failure to maintain, or permit access to, the records required hereunder; or

11.1.4 failure to perform any of the other covenants and conditions of this Agreement.

11.2 Upon the occurrence of any Event of Default, the State may take any one, or more, or all, of the following actions:

11.2.1 give the Grantee a written notice specifying the Event of Default and requiring it to be remedied within, in the absence of a greater or lesser specification of time, thirty (30) days from the date of the notice; and if the Event of Default is not timely remedied, terminate this Agreement, effective two (2) days after giving the Grantee notice of termination; and

11.2.2 give the Grantee a written notice specifying the Event of Default and suspending all payments to be made under this Agreement and ordering that the portion of the grant amount which would otherwise accrue to the Grantee during the period from the date of such notice until such time as the State determines that the Grantee has cured the Event of Default shall never be paid to the Grantee; and

11.2.3 set off against any other obligation the State may owe to the Grantee any damages the State suffers by reason of any Event of Default; and

11.2.4 treat the Agreement as breached and pursue any of its remedies at law or in equity, or both.

12. **TERMINATION.**

12.1 In the event of any early termination of this Agreement for any reason other than the completion of the Project, the Grantee shall deliver to the Grant Officer, not later than fifteen (15) days after the date of termination, a report ("Termination Report") describing in detail all Project Work performed, and the Grant Amount earned, to and including the date of termination.

12.2 In the event of Termination under paragraphs 10 or 12.4 of these general provisions, the approval of such a Termination Report by the State shall entitle the Grantee to receive that portion of the Grant amount earned to and including the date of termination.

12.3 In the event of Termination under paragraphs 10 or 12.4 of these general provisions, the approval of such a Termination Report by the State shall in no

Grantee Initials _____

Date _____

event relieve the Grantee from any and all liability for damages sustained or incurred by the State as a result of the Grantee's breach of its obligations hereunder.

12.4 Notwithstanding anything in this Agreement to the contrary, either the State or except where notice default has been given to the Grantee hereunder, the Grantee, may terminate this Agreement without cause upon thirty (30) days written notice.

13. **CONFLICT OF INTEREST.** No officer, member or employee of the Grantee and no representative, officer of employee of the State of New Hampshire or of the governing body of the locality or localities in which the Project is to be performed, who exercises any functions or responsibilities in the review or approval of the undertaking or carrying out of such Project, shall participate in any decision relating to this Agreement which affects his or her personal interests or the interest of any corporation, partnership, or association in which he or she is directly or indirectly interested, nor shall he or she have any personal or pecuniary interest, direct or indirect, in this Agreement or the proceeds thereof.

14. **GRANTEE'S RELATION TO THE STATE.** In the performance of this Agreement the Grantee, its employees, and any subcontractor or subgrantee of the Grantee are in all respects independent contractors, and are neither agents nor employees of the State. Neither the Grantee nor any of its officers, employees, agents, members, subcontractors or subgrantees, shall have authority to bind the State nor are they entitled to any of the benefits, workers' compensation or emoluments provided by the State to its employees.

15. **ASSIGNMENT AND SUBCONTRACTS.** The Grantee shall not assign, or otherwise transfer any interest in this Agreement without the prior written consent of the State. None of the Project Work shall be subcontracted or subgranted by the Grantee other than as set forth in Exhibit A without the prior written consent of the State.

16. **INDEMNIFICATION.** The Grantee shall defend, indemnify and hold harmless the State, its officers and employees, from and against any and all losses suffered by the State, its officers and employees, and any and all claims, liabilities or penalties asserted against the State, its officers and employees, by or on behalf of any person, on account of, based on or resulting from, arising out of (or which may be claimed to arise out of) the acts or omissions of the Grantee of Subcontractor, or subgrantee or other agent of the Grantee. Notwithstanding the foregoing, nothing herein contained shall be deemed to constitute a waiver of the sovereign immunity of the State, which immunity is hereby reserved to the State. This covenant shall survive the termination of this Agreement.

17. **INSURANCE AND BOND.**

17.1 The Grantee shall, at its sole expense, obtain and maintain in force, or shall require any subcontractor, subgrantee or assignee performing Project work to obtain and maintain in force, both for the benefit of the State, the following insurance:

17.1.1 statutory workers' compensation and employees liability insurance for all employees engaged in the performance of the Project, and

17.1.2 comprehensive public liability insurance against all claims of bodily injuries, death or property damage, in amounts not less than \$2,000,000 for bodily injury or death any one incident, and \$500,000 for property damage in any one incident; and

17.2 The policies described in subparagraph 18.1 of this paragraph shall be the standard form employed in the State of New Hampshire, issued by underwriters acceptable to the State, and authorized to do business in the State of New Hampshire. Each policy shall contain a clause prohibiting cancellation or modification of the policy earlier than ten (10) days after written notice the of has been received by the State.

18. **WAIVER OF BREACH.** No failure by the State to enforce any provisions hereof after any Event of Default shall be deemed a waiver of its rights with regard to that Event, or any subsequent Event. No express waiver of any Event of Default shall be deemed a waiver of any provisions hereof. No such failure or waiver shall be deemed a waiver of the right of the State to enforce each and all of the provisions hereof upon any further or other default on the part of the Grantee.

19. **NOTICE.** Any notice by a party hereto the other party shall be deemed to have been duly delivered or given at the time of mailing by certified mail, postage prepaid, in a United States Post Office addressed to the parties at the addresses first above given.

20. **AMENDMENT.** This Agreement may be amended, waived or discharged only by an instrument in writing signed by the parties hereto and only after approval of such amendment, waiver or discharge by the Governor and Council of the State of New Hampshire.

21. **CONSTRUCTION OF AGREEMENT AND TERMS.** This Agreement shall be construed in accordance with the law of the State of New

Hampshire, and is binding upon and inures to the benefit of the parties and their respective successors and assignees. The captions and contents of the "subject" blank are used only as a matter of convenience, and are not to be considered a part of this Agreement or to be used in determining the intent of the parties hereto.

22. **THIRD PARTIES.** The parties hereto do not intend to benefit any third parties and this Agreement shall not be construed to confer any such benefit.

23. **ENTIRE AGREEMENT.** This Agreement, which may be executed in a number of counterparts, each of which shall be deemed an original, constitutes the entire Agreement and understanding between the parties, and supersedes all prior Agreements and understandings relating hereto.

Grantee Initials _____
Date _____

EXHIBIT A
SCOPE OF SERVICES

City of Portsmouth (City):

The City of Portsmouth will use the grant funds to advance the design phase of a water main extension from the existing Portsmouth water system to the Breakfast Hill area of Breakfast Hill Road in Greenland. The grant funds will be used for the following tasks:

Task 1- Hydraulic Modeling and Master Plan Supplement

A. Hydraulic Modeling and Water Quality

- a. Update the Portsmouth water model for the proposed alternatives, based on hydraulic information provided by the City.
- b. Utilizing the existing hydraulic water model, evaluate the ability of the Portsmouth water system to serve the Study Area. System pressures in the study area will be estimated based on the City's current maximum day demands. Fire flows will also be evaluated to determine the available flows in the study area.
- c. Hydraulic Impacts to the City's system will be estimated based on the domestic and fire demands in the Study Area. Available fire flows will be identified.
- d. In addition to hydraulic impacts, the water model will be used to evaluate water age.
- e. Improvements to the City's system, if necessary, will be identified based on the above evaluation.
- f. From the modeling, provide recommendations on the following:
 - i. Recommended transmission main sizes for the loop.
 - ii. Needed system improvements in Portsmouth including storage, supply, and/or transmission mains.

B. Master Plan Supplement and Basis of Design

- a. Summarize/restate the existing supply capacity of Portsmouth water system.
- b. Summarize the contributing design flows (average and maximum) from the Project Area in Greenland. Design flows will be based on a 20-year planning window. Build- out flows will also be estimated.
- c. Provide a basis of design and Master Plan Supplement. The supplement will be in the form of a Technical Memorandum.

Task 2 - Preliminary Field Investigations

A. Topographic Survey (Preliminary)

- a. Provide preliminary mapping at 1"=40' scale of the project area (40,500 feet). This does not include the railroad corridor to Ocean Road. The preliminary survey will be used to develop the preliminary drawings.
- b. The preliminary survey will be based on existing (available) aerial mapping and/or

Grantee Initials _____
Date _____

- LIDAR aerial information. Record Drawings, where available, will be used to supplement the survey. Limited ground work will be completed at this time. The scope includes up to 5-days for additional ground survey, where needed. This may include the railroad crossing and or brook crossings.
- c. The bridge crossing over Route 93 will include a field survey from 200 feet either side of the abutments and will include information on the stringers and sleeve below.
 - d. Supplemental final survey will be provided during final design utilizing ground techniques.

B. Subsurface Investigations (Preliminary)

- a. Conduct up to three days of subsurface investigations (borings and probes) to complete a preliminary assessment of groundwater, rock/refusal and other soil conditions.
- b. Contact Dig-Safe and mark out the drilling locations in advance.
- c. Obtain an excavation permit from NHDOT.
- d. Provide a technical memorandum with the findings and boring/probe logs.

Task 3 - Preliminary Design

A. Kick-Off and Project Meetings

- a. Attend and facilitate a kick-off meeting with stakeholders to review goals and objectives. It is anticipated this meeting will be with Greenland and Portsmouth.
- b. Attend and facilitate two (2) project meetings with stakeholders to review project status once during the mid-point of design and once when the preliminary design is complete. In addition to Greenland and Portsmouth, NHDOT and NHDES will be invited.

B. Public Meetings

- a. Attend and provide a presentation at the following public meetings.
 - i. Two (2) Greenland Selectmen's meetings
 - ii. One (1) Portsmouth City Council meeting

C. Design Development

- a. Complete a site walk with City of Portsmouth staff to identify the best corridor for the water transmission main, hydrants and valves.
- b. Investigate the potential for contaminated sites along the corridor using NHDES's One-Stop data site.
- c. Meet with NHDOT to discuss the bridge crossing details.
- d. Develop preliminary structural design of bridge crossing support system.
- e. Water services will be shown to the edge of the ROW.

D. Routing Options

- a. Consider the Ocean Road option further to see if there is benefit over the Lafayette Road option.
- b. For the railroad option, the following will be completed:
 - i. Meet with NHDOT.
 - ii. Identify easement needed with the landowner of the rail trail.

Grantee Initials _____
Date _____

- iii. Evaluate this option using the hydraulic model.
- iv. Prepare a conceptual work plan.
 - v. Develop a cost opinion for this option.
 - vi. Identify potential permits and approvals needed for the work.
- vii. Note, this option will only be advanced to the conceptual design level. Survey and design drawings are not included.

E. Opinions of Costs

- a. Develop an opinion of probable cost based on the preliminary design. Opinion of cost will include work within the ROW.
- b. Provide a typical range of costs to identify the anticipated work for properties to connect outside of the ROW. This will include service installs as well as meter and backflow preventer installs within the buildings.
- c. Provide an opinion of cost relating to the cost savings or increases for the railroad corridor loop option.
- d. Additionally, although they will not be developed to preliminary design level, if certain improvements are needed within the City's existing water system, conceptual level opinions of costs will be provided for those as well.

F. Project Drawing Preparation

- a. Develop a preliminary design set of drawings.

EXHIBIT B
BUDGET & PAYMENT METHOD

The NHDES shall pay to the Grantee the total reimbursable program costs in accordance with the following requirements:

Reimbursement requests for program costs shall be made by the Grantee using the Drinking Water and Groundwater Trust Disbursement form as supplied by the NHDES, which shall be completed and signed by the Grantee. The disbursement form shall be accompanied by proper supporting documentation based upon direct costs. The Grantee will maintain adequate documentation to substantiate all Program related costs. All work shall be performed to the satisfaction of the NHDES before payment is made.

The total reimbursement shall not exceed the grant award of \$200,000. Requests for grant funds will be no more than monthly.

Task #	Description	Grant Amount
1	Hydraulic Modeling and Master Plan Supplement	\$20,200
2	Preliminary Field Investigations	\$47,900
3	Preliminary Design	\$113,500
4	Contingency	\$18,400
TOTAL		\$200,000

Grantee Initials _____
 Date _____

EXHIBIT C
SPECIAL PROVISIONS

Changes to the Scope of Services require NHDES approval in advance. Work must be completed and request for reimbursement must be made by the completion date listed on the grant agreement (section 1.6).

Grantee Initials _____
Date _____

City of Portsmouth

Department of Public Works



MEMORANDUM

TO: Robert Sullivan, City Attorney

FROM: Brian Goetz, Deputy Director of Public Works
Terry Desmarais, City Engineer
Raymond Pezzullo, Assistant City Engineer

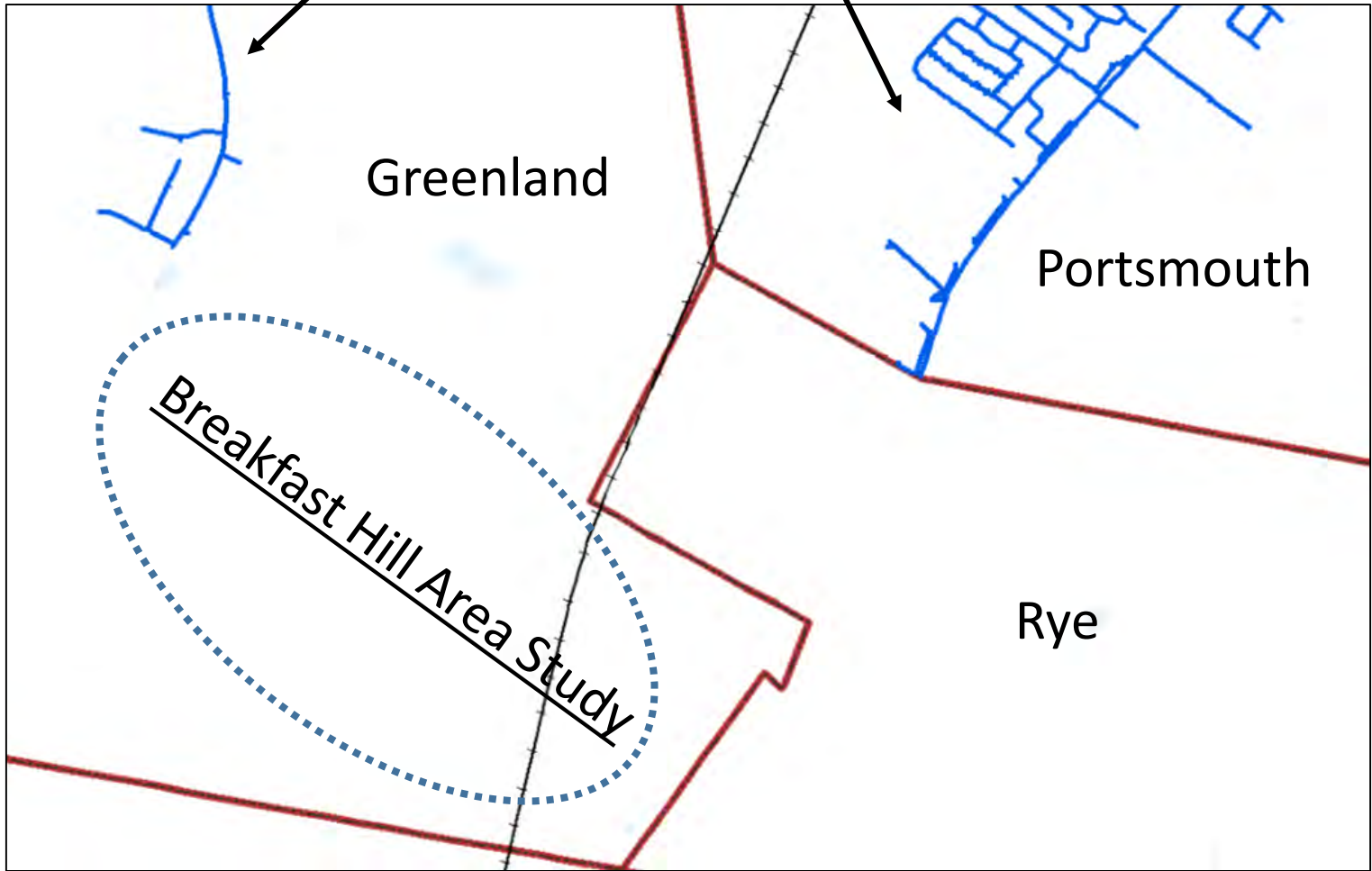
DATE: January 18, 2017

SUBJECT: Breakfast Hill Water Main Extension

City staff investigated the costs for potentially extending municipal water service to areas in Greenland surrounding Breakfast Hill Road. See attached Figure 1. This would extend the City of Portsmouth municipal water system from Route 1 to Post Road along Breakfast Hill Road and would also serve the adjacent roadways including Berry Lane, Stone Meadow Way, Coombs Farm Road, Windsor Green Road, Sunnyside Drive, Maple Drive, September Drive, October Drive, and the entire Falls Way Subdivision. The costs presented herein do not include the ongoing project to extend service to Chingburg Subdivision which is currently underway and will be paid for separately.

The total project length is approximately 40,500 linear feet of would include new 12-inch and 8-inch water main and a booster pump station to increase pressure in this area. The estimated cost for this work would be between \$14 million and \$19 million. This is a conceptual level cost estimate and should not be used for funding purposes. The costs for the work will vary depending on a number of factors including, but not limited, to the limits and scope of roadway restoration, volume of ledge excavation, project schedule (phasing) and any necessary modifications within the limits of the existing water distribution system to support this extension of service. The costs would be further refined once these parameters are defined through additional studies and engineering.

Portsmouth Water – Existing Water Lines

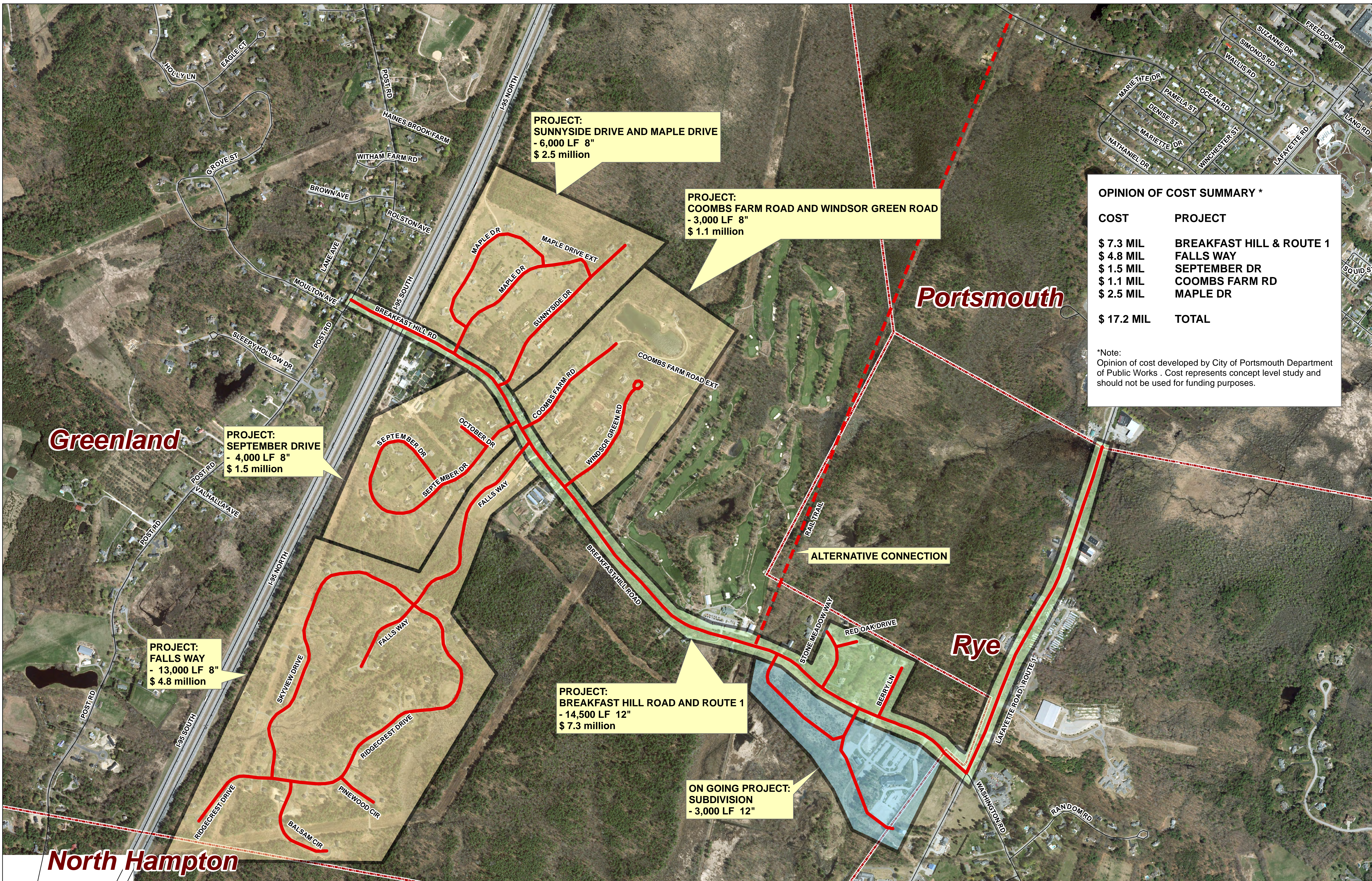


Greenland

Portsmouth

Rye

Breakfast Hill Area Study



**PROJECT:
SUNNYSIDE DRIVE AND MAPLE DRIVE**
- 6,000 LF 8"
\$ 2.5 million

**PROJECT:
COOMBS FARM ROAD AND WINDSOR GREEN ROAD**
- 3,000 LF 8"
\$ 1.1 million

**PROJECT:
SEPTEMBER DRIVE**
- 4,000 LF 8"
\$ 1.5 million

**PROJECT:
FALLS WAY**
- 13,000 LF 8"
\$ 4.8 million

**PROJECT:
BREAKFAST HILL ROAD AND ROUTE 1**
- 14,500 LF 12"
\$ 7.3 million

**ON GOING PROJECT:
SUBDIVISION**
- 3,000 LF 12"

OPINION OF COST SUMMARY *

COST	PROJECT
\$ 7.3 MIL	BREAKFAST HILL & ROUTE 1
\$ 4.8 MIL	FALLS WAY
\$ 1.5 MIL	SEPTEMBER DR
\$ 1.1 MIL	COOMBS FARM RD
\$ 2.5 MIL	MAPLE DR
\$ 17.2 MIL	TOTAL

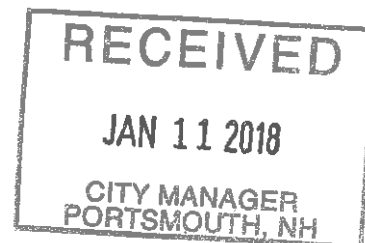
*Note:
Opinion of cost developed by City of Portsmouth Department of Public Works . Cost represents concept level study and should not be used for funding purposes.

**FIGURE 1
GREENLAND WATER MAIN EXTENSION**

Friends of the South End
PO Box 443
Portsmouth, NH 03802

January 9, 2018

Mr. John Bohenko, City Manager
Portsmouth City Hall
One Junkins Ave.
Portsmouth, NH 03801



Dear John,

On behalf of the Friends of the South End and the annual Fairy House Tour event, I am seeking the City's permission to host this event on Saturday, Sept. 22, 2018 and Sunday, Sept. 23, 2018 from 11:00-3:00 pm both days, as well as to help clear the area from conflicting events.

The Tour will take place on the grounds of the Governor John Langdon House, Strawberry Banke Museum and in collaboration with the Prescott Park Arts Festival. We are asking the City for permission to use Peirce Island for parking as well as the use of Prescott Park. We would again like to close Washington Street between Hancock and Court Streets to through traffic from 9:30am-4pm both days.

We anticipate hiring two police officers or crossing guards to aid in the public's crossing over Marcy Street at the Prescott Park flag pole and at the intersection of Mechanic Street.

We look forward to working with the City to create one of our area's most beloved events. Please let us know if you need more detailed information at this time. I will contact your office to schedule a meeting with the City departments at a date set at your convenience.

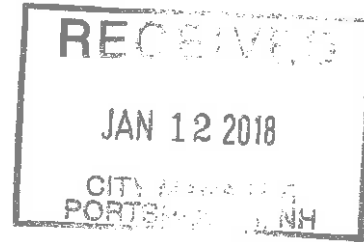
Thank you for always helping us create a magical event in the South End.

A handwritten signature in cursive script that reads "Caroline Amport Piper".

Caroline Amport Piper
2018 Event Coordinator
caroline@canoeharbor.com
(603) 686-4338

Cc: David Moore, Assistant City Manager
Esther Kennedy, FOSE Co-President
Mary Thomas, FOSE Co-President

PORTSMOUTH LITTLE LEAGUE, INC.
PO Box 8321
PORTSMOUTH, NH 03802



January 9, 2018

John Bohenko
City Manager
City of Portsmouth,
Portsmouth, NH 03801

Dear Mr. Bohenko:

Similar to prior requests, which were approved by the City Council, Portsmouth Little League, Inc. respectfully requests approval for temporary signage to be located at the Plains and Hislop Park baseball fields during the 2018 baseball season.

Our request is two-fold. First we are requesting permission to affix signage in the form of banners to be attached to the fences surrounding the outfield and foul lines at Plains and Hislop fields following the established color guidelines. The signage represents advertising for local businesses that have donated to and support the league. We are requesting permission to affix the banners to the fences from April 14 [Field Clean-up Day] through the end of October. Second, we are requesting permission to maintain signage to the rear of the Plains scoreboard. The local business that advertises on the back of the scoreboard will be required to adhere to the city and league's guidelines for the sign and will be responsible for the sign materials. Signage at this site provides the league with a continued revenue stream that helps us meet our goals each year.

This season the league will be replacing the sound system and infield at Hislop field along with purchasing all new team bats to comply with the new LLB baseball standards. We will continue our successful community outreach program with a dedicated volunteer coordinator to extend our program to children who may be living in PHA or transitional housing or at a homeless shelter.

Little League has a long and proud tradition in the City of Portsmouth. We are grateful for all the support we have received in the past and plan to continue to offer a safe and quality program that meets the needs of the community we serve. Please let me know if it would be of benefit for me to attend the Council meeting at which this request is considered. Thank you.

Sincerely,

A handwritten signature in black ink that reads "Kathie Lynch".

Kathie Lynch
President
3 Boyan Place
Portsmouth, NH 03801



**CYSTIC FIBROSIS
FOUNDATION®**

ADDING TOMORROWS™

January 12, 2018

RECEIVED

JAN 25 2018

CITY MANAGER
PORTSMOUTH, NH

John Bohenko
City Manager
Town of Portsmouth
1 Junkins Avenue
Portsmouth, NH 03801

Dear John,

The Northern New England Chapter of the Cystic Fibrosis Foundation is once again planning the **CF Cycle for Life** for the 2018 summer season. This 30/65/100-mile one-day bicycle tour will travel the coastline and mainland of NH and ME, from Kittery to Wells, with approximately 200 participants pedaling for a cure.

Since its inception fifteen years ago, the CF Cycle for Life has raised over \$1.1 million, helping to continue the battle against cystic fibrosis (CF), a genetic disease for which there is currently no cure. In order to accomplish this goal, I wanted to contact you today to inform you about our ride and ensure that we will have approval.

On Saturday, July 14, 2018, the cyclists will begin the tour at 7:30 a.m. from the Shapleigh Middle School in Kittery, ME. The cyclists will generally travel between 10-25 mph as they travel the route that brings them back to Kittery no later 4:00 p.m

We will be contacting the town managers and police chiefs along the route to communicate our plans and to receive approval to cycle on the roads. Additionally, we will need to mark the route approximately every ½ mile with painted arrows on the street. We will mark the roads using only WHITE road chalk. These marks are used to confirm cyclists are traveling in the correct direction. We have planned to mark the roads in your town during the week of July 8th. **If you have any questions regarding the ride or if any additional permits are required, please contact me at (800) 757-0203.**

I hope this letter provides the information you will need to review our request and answer your logistical questions about the **CF Cycle for Life**. If you have any questions or concerns, please do not hesitate to contact me at (800) 757-0203.

Sincerely,

Chris Vlangas
Development Director

Jodie Tsekrekas
Event Support Specialist

John Bohenko City Manager

Or designee (Please Print Name)

I John Bohenko, am authorized by the City of Portsmouth and grant permission to the Cystic Fibrosis Foundation's 2018 CF Cycle for Life to use town roads and facilities for cyclists on July 14, 2018.

January 18, 2018

The Honorable Jack Blalock, Mayor of Portsmouth
and Members of the Portsmouth City Council
1 Junkins Avenue
Portsmouth, NH 03810

Dear Mayor Blalock and Members of the City Council,

On behalf of the Alzheimer's Association, I would like to re-submit for the Agenda a proposed date for the 2018 Seacoast Walk to End Alzheimer's. Last September's Walk began and ended at the Little Harbour School on Sunday, September 24, 2017. This year we would like to hold the event on Sunday, September 23, 2018 at the Little Harbour School. The route and the agenda of the day will be the same as last year. We understand the stress that such events can have on the surrounding community and assure you that the Alzheimer's Association is cognizant of your concerns and committed to upholding the standards of years past.

We offer three route options for participants, enclosed please find a copy of the route maps. We are planning to use the same route as last year, but are flexible pending any construction changes or issues that may arise. We will plan on engaging the help of the Portsmouth Police, as last year we hired a police detail to be on site and at route crossings. The Walk will take place on the sidewalks through the city to minimize the impact on traffic. We understand what it means to be a good neighbor in the community and will be mindful of the residents of the City of Portsmouth as we raise awareness and funds for a critical cause.

We are expecting approximately 1,000 participants at this event, our premier fundraising and awareness event for the Alzheimer's Association in the Seacoast area. Additionally, we will have about 50 combined volunteer and staff on site.

The Walk site opens at 8:30AM for registration, the Walk itself kicks off at 10AM, and we are cleaned up and off the premises by 1PM.

We look forward to working with you. Please feel free to reach out with any questions.

Sincerely,

Kate Corriveau
NH Development Officer
kcorriveau@alz.org
617-393-2151

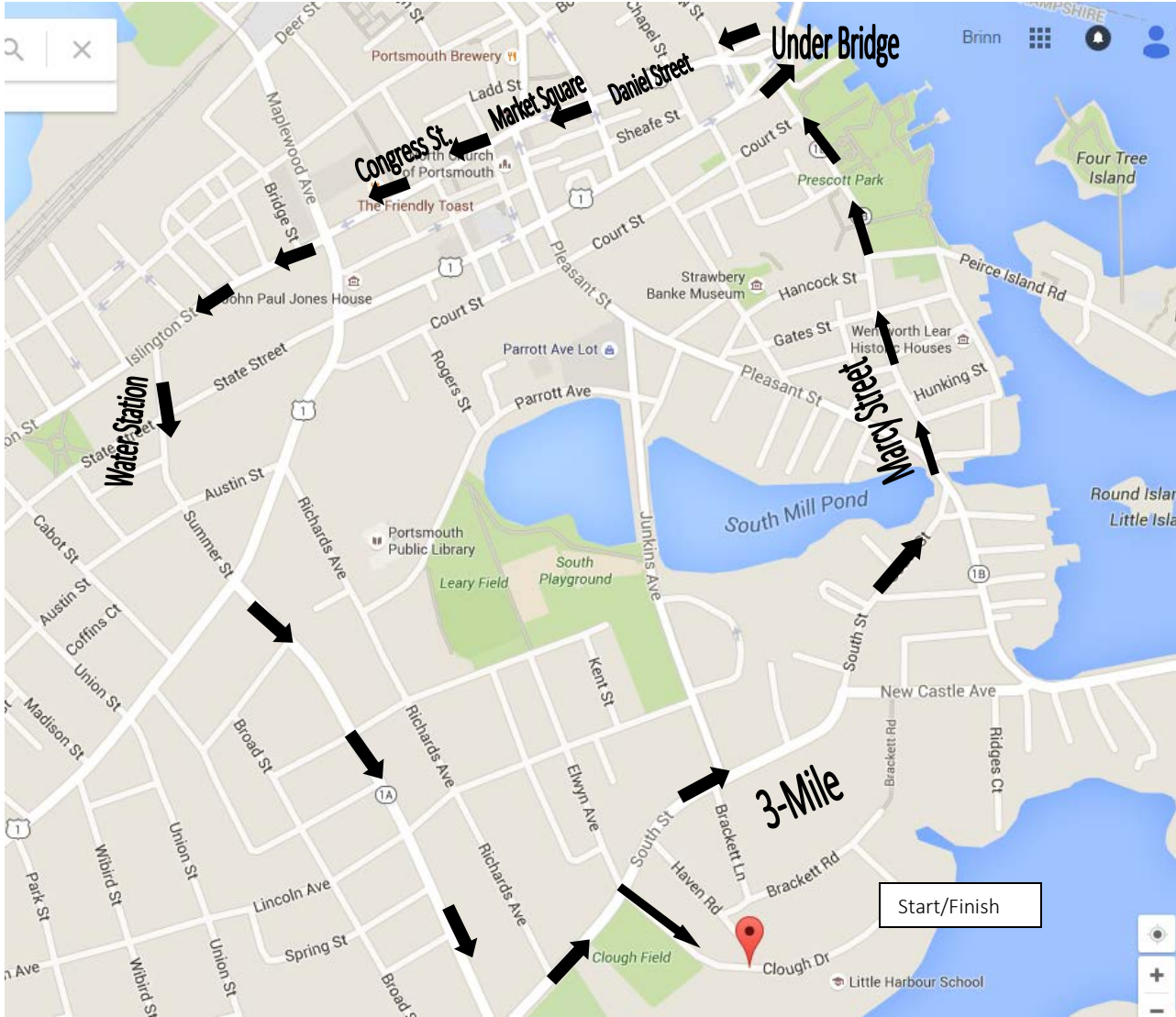
½ Mile and 1-Mile Routes

Seacoast Area Walk to End Alzheimer's
Sunday, September 23, 2018
Race start 10:00am



3-Mile Route

Seacoast Area Walk to End Alzheimer's
Sunday, September 23, 2018
Race start 10:00am





American Foundation
for Suicide Prevention

January 24, 2018

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

Dear Honorable Mayor Blalock and City Council Members;

The Portsmouth chapter of the AFSP Out of the Darkness Walk has hosted a fundraising and education walk since 2006 in Portsmouth. This event has grown to more than 600 walkers annually. In fact, in 2017 we had 600 walkers and raised \$65,000 to support local and state suicide prevention education as well as national research programs. We would like to continue the tradition and success of this program and are asking for permission to again host the Out of the Darkness Community Walk in the City of Portsmouth.

The proposed date and time is as follows;

Date: September 15, 2018 (Saturday)

Registration Begins: 8:30am

Walk Duration: 10am – Noon

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

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

Respectfully,

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



American Foundation for Suicide Prevention

Proposed Walk Route (2.3 Miles)

Start: Little Harbor School, Clough Drive

To: Right on South St.

To: Left on Junkins Ave.

To: Left on Pleasant St.

To: Right on State St.

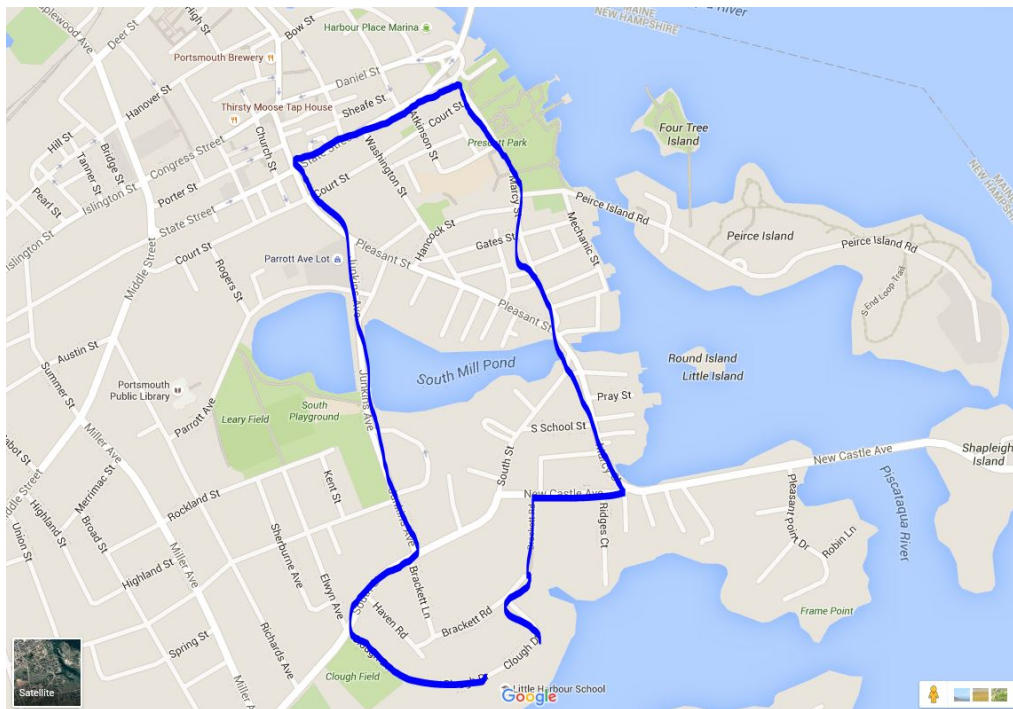
To: Right on Marcy St.

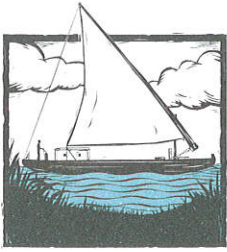
To: Right on New Castle Ave.

To: Left on Brackett Rd.

To: Left on Clough Drive

End: Little Harbor Middle School





Gundalow COMPANY

Protecting the Piscataqua region's
maritime heritage and environment
through education and action



Monday January 29, 2018

TO: Mr. John Bohenko, City Manager

CC: Mr. Rus Wilson, Recreation Director

SUBJECT: Proposed date for Round Island Regatta, Saturday August 11th, 2018

The Gundalow Company would like to run the eighth annual Round Island Regatta on Saturday August 11th, 2018. We respectfully request the use of the Peirce Island launch ramp and related parking area to facilitate this event.

The enclosed timeline outlines the scope of the event and its impact on Peirce Island, which should be very similar to years past.

We look forward to approval of this date and would be happy to meet to discuss details.

Sincerely,

Molly Bolster
Executive Director
Gundalow Company
director@gundalow.org

Matt Glenn
Captain
Gundalow Company
captain@gundalow.org

WWW.GUNDALOW.ORG

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

60 MARCY STREET
PORTSMOUTH
NEW HAMPSHIRE 03801

The Gundalow Company is a non-profit charitable organization under IRS Sec 501(c)(3)

**2018 ROUND ISLAND REGATTA
Proposed Timeline**

**High Water 11:57 am
Saturday August 11th**

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

10:30am-12:00pm (Saturday): Bracelet and number pickup under the tent **at the Peirce Island Boat Ramp**

11:00am: Sailboat Skippers Meeting, @Peirce Ramp

Class 1 Sail start **on the water**

12:00am: Paddle and Oar Skippers Meeting, All Paddle classes @Peirce Ramp

First: youth paddle class start from the water

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

Third: Paddlers (50+) start from the water

Fourth: Multi-Paddle class start from the water

1:30pm: Picnic begins at Four Tree Island for participants and spectators with wristbands.

2:30pm: Awards Ceremony on Four Tree Island

3:30pm: Regatta ends, cars and boats depart from Peirce Island

Free parking and boat launch is available from Peirce Island for all registered participants wearing bracelets. For Spectators, there will be commentary near the Peirce Island Boat Ramp.

****Note 1:** Total number of participants up to 150 by foot, water, car.

20 car and trailer combos for transporting and launching at Peirce ramp

40 cars with participants and spectators parking at Peirce

Up to 75 single kayaks, paddleboards, and rowboats

Up to 20 double paddlers and rowers

Spectator viewing from both the Peirce Island and South End shorelines

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

CITY COUNCIL E-MAILS

January 16, 2018 – February 1, 2018

FEBRUARY 5, 2018 CITY COUNCIL MEETING

(Updated 02/05/2018 @ 1:00 p.m. – new content begins on Page 6)

Below is the result of your feedback form. It was submitted by Beth S. Margeson (bmargeson@myfairpoint.net) on Tuesday, January 16, 2018 at 14:28:03

address: 24 Marcy Street, Portsmouth

comments: Dear Mayor, Assistant Mayor and Councilors,

Good luck to you all as you embark on a new city council term.

I see that Councilor Perkins has an item on the Agenda about Previous City Council Rule 47, which, in effect, set term limits on board appointments, but was repealed about 10 years ago.

In April, 2017, I discovered that the City had not been posting vacancies of board and commission appointments in the newspaper as directed by city ordinance, as follows:

Section 1.302 D states:

"Every member of a board, commission or committee of the City, whose term is to expire, shall receive a notice from the City Clerk sixty (60) days prior to the expiration of his or her term. A copy of the notice shall be sent to the City Council. Public notice of the upcoming vacancy shall be advertised in the local newspaper."

There were a few councilors, former Councilor Lown being one, who took the position that "upcoming vacancy" only referred to a situation when the current member decided to step down permanently from that appointment, not when the term expired. This gives an appointee basically a lifetime appointment to a board or commission.

"Upcoming vacancy" clearly refers to the expiring term.

The plain and ordinary meaning of the ordinance is clear - an incumbent does not have an automatic right to be reappointed. It needs to be posted so that others can apply for it. Then the mayor can choose whether to reappoint the incumbent or appoint a new applicant.

It is not clear to me whether the previous council made a final determination as to how to read Section 1.302 D. Also, I have not seen an advertisement listed in the newspaper for board and commission vacancies since May, 2017.

I hope that in discussing Rebecca's Agenda item, that the council can revisit Section 1.302 D and read the ordinance to state that expiring term means the expiration of the member's current term.

Further, I believe that setting a limit on how long a member can serve is a good idea. Bringing new people into government service is essential to keeping democratic institutions vibrant and healthy.

Thank you for your time.

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by Ted Jankowski (thaddeusjj@gmail.com) on Thursday, January 25, 2018 at 19:13:17

address: 27 Franklin Street

comments:

For Immediate Release:

January 25, 2018

<https://www.facebook.com/nontoxicportsmouth/>

Email: nontoxicportsmouth@gmail.com

New Playing Fields for Portsmouth –

What is the Safest Choice for the Health of Our Kids and Water Resources?

With well-documented needs for more space for the many school and recreational sports teams that compete for playing time on Portsmouth's existing fields, it is welcome news that the City is moving ahead to build a new field off of Route 33 at the former "stump dump". But what kind of field will best protect the health of Portsmouth's children and its water resources? At a workshop on Thursday, February 15th, from 6 - 7:30 PM in the Levenson Room at the Portsmouth Public Library, nationally-known experts will present the current science about the health and environmental impacts of crumb rubber playing fields, and the practicality and cost benefits of organically-maintained natural turf fields. This free program is sponsored by Non Toxic Portsmouth, Non Toxic Dover, the Great Bay – Piscataqua Waterkeeper, and Eldredge Lumber. In May 2017, the Portsmouth City Council approved the administration's request to obtain bids for developing a synthetic turf field at the Rte. 33 site, but declined to obtain a bid for natural turf. Before the Council makes a decision about field construction, workshop sponsors want the community to learn about emerging studies that outline the troublesome impacts of synthetic turf, particularly the most often-used material called crumb rubber - made from ground-up tires - on the health of both people and water resources. With the field location just 410 feet from the city's Collins Well, it is important to select a construction approach that will safeguard both our children and our drinking water supplies.

There is a growing body of evidence that shows crumb-rubber leaches lead, zinc and other metals into groundwater, and that many other chemical compounds, some of which are cancer-causing, are emitted into the air. At the February 15th workshop, Rachel Massey, Senior Associate Director and Policy Program Manager at the Massachusetts Toxics Use Reduction Institute at the University of Massachusetts Lowell will present the latest information about the potential health and environmental impacts of crumb rubber turf fields.

Also presenting at the workshop will be Chip Osborne, nationally-known consultant for municipalities, universities and businesses that have adopted natural and organic approaches to turf management. Chip has years of experience developing athletic facilities that withstand the kind of intensive use expected at Portsmouth's new field.

This decision on what kind of athletic field to construct at the Route 33 site will affect the health of our children and the environment for years to come. Please come on February 15 and learn from leading national experts to help Portsmouth make an informed decision!

For information, please call Ted Jankowski at 207-650-6428 or email at nontoxicportsmouth@gmail.com

includeInRecords: on

Engage: Submit

Below is the result of your feedback form. It was submitted by Ted Jankowski (thaddeusjj@gmail.com) on Friday, January 26, 2018 at 10:41:05

address: 27 Franklin Street

comments: Hi - We made a minor correction to our release below that is going out today. You now have the latest information.

For Immediate Release:

January 26, 2018

<https://www.facebook.com/nontoxicportsmouth/>

Email: nontoxicportsmouth@gmail.com

New Playing Fields for Portsmouth –

What is the Safest Choice for the Health of Our Kids and Water Resources?

With well-documented needs for more space for the many school and recreational sports teams that compete for playing time on Portsmouth's existing fields, it is welcome news that the City is moving ahead to build a new field off of Route 33 at the former "stump dump". But what kind of field will best protect the health of Portsmouth's children and its water resources? At a workshop on Thursday, February 15th, from 6 - 7:30 PM at the Portsmouth Public Library, nationally-known experts will present the current science about the health and environmental impacts of crumb rubber playing fields, and the practicality and cost benefits of organically-maintained natural turf fields. This free program is sponsored by Non Toxic Portsmouth, Non Toxic Dover, the Great Bay – Piscataqua Waterkeeper, and Eldredge Lumber.

In May 2017, the Portsmouth City Council approved the administration's request to obtain bids for developing a synthetic turf field at the Rte. 33 site, but declined to obtain a bid for natural turf. Before the Council makes a decision about field construction, workshop sponsors want the community to learn about emerging studies that outline the troublesome impacts of synthetic turf, particularly the most often-used material called crumb rubber - made from ground-up tires - on the health of both people and water resources. With the field location above an aquifer and less than an estimated 650 feet from the city's Collins Well, it is important to select a construction approach that will safeguard both our children and our drinking waters supplies.

There is a growing body of evidence that shows crumb-rubber leaches lead, zinc and other metals into groundwater, and that many other chemical compounds, some of which are cancer-causing, are emitted into the air. At the February 15th workshop, Rachel Massey, Senior Associate Director and Policy Program Manager at the Massachusetts Toxics Use Reduction Institute at the University of Massachusetts Lowell will present the latest information about the potential health and environmental impacts of crumb rubber turf fields.

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This decision on what kind of athletic field to construct at the Route 33 site will affect the health of our children and the environment for years to come. Please come on February 15 and learn from leading national experts to help Portsmouth make an informed decision!

For information, please call Ted Jankowski at 207-650-6428 or email at nontoxicportsmouth@gmail.com

includeInRecords: on

Engage: Submit

Below is the result of your feedback form. It was submitted by Rep Mindi Messmer (mmessmer@me.com) on Sunday, January 28, 2018 at 07:09:21

address: 291 Washington Road rye

comments: <https://youtu.be/TbDk24ITUJ4>

includeInRecords: on

Engage: Submit

Below is the result of your feedback form. It was submitted by Rep Mindi Messmer (mmessmer@me.com) on Sunday, January 28, 2018 at 07:12:30

address: 291 Washington Road

comments: This link provides the City Council documentation that CLG has hired a lobbyist and is fighting legislation in Concord intended to provide the City of Portsmouth taxpayers and residents of the seacoast with transparency about how taxpayer money is being spent and how the CLG is fighting efforts to protect the public health of the entire Seacoast community. <https://youtu.be/TbDk24ITUJ4>

includeInRecords: on

Engage: Submit

Below is the result of your feedback form. It was submitted by Zelita Morgan (zelita.morgan@gmail.com) on Monday, January 29, 2018 at 19:18:18

address: 39 Richards Ave

comments: Dear Mayor and Councilors,

Before taking on other initiatives, please assess what is currently in place, make improvements where needed until the ultimate goal is reached, and then revisit other proposals. There are very challenging and time consuming issues ahead of you, and you should set your priorities accordingly.

The Public Dialogue:

Great idea, lacks defined framework to meet public and community needs. First, councilors attendance is not mandatory, there is no roll call, and it is not televised. There are no ground rules, such as, for example, time allowed for each speaker (councilor and staff included).. Let's improve what we have, measure its success - by the way, what is the measure of success of the public dialogue. In other words, what are the indicators this initiative is a success and how is success defined.

Ward Meetings

This is another great initiative that can provide a much greater service if proper attention is given. It has traction, possibilities, but its full potential has not been met. First, setting up an agenda based on issues raised by the ward community; second, making sure the meeting is video-recorded; third, have time set for any staff presentation needed and materials posted on the website (improved I hope) 3 business days prior to meeting. These are my thoughts, but there are lots of great ideas floating out there!

By the way, while the new website offers a pleasing appearance, it lacks functionality, really. Navigation is cumbersome, searching inadequate.

Please set your priorities before moving with other desirable but non essential initiatives.

Thanks for your service.

Sincerely, Zelita Morgan

includeInRecords: on

Below is the result of your feedback form. It was submitted by Zelita Morgan (zelita.morgan@gmail.com) on Monday, January 29, 2018 at 19:49:28

address: 39 Richards Avenue

comments: Dear Mayor and Councilors,

Portsmouth taxpayers deserve full disclosure, reporting and accountability of taxpayer's money sent CLG. I am sure our City Manager, as the person responsible to put the budget together, has detailed information related to the numbers included at each budget from the past several years.

I hope by now you have realized the City Council is not exempt from this messy deal. It is public money going into a "private" group. From the moment you vote to approve the City Manager's proposed budget on how taxpayers money will be spent, you own a part of it.

I encourage you to request a page in our website be created exclusively to this topic, properly organized so the public and other interested parties can find relevant information and educate themselves.

Please schedule a public meeting as soon as possible, where the public can directly engage with all parties (City Administration and City Council) on this matter, and ensure that any and all materials are made available well in advance of the meeting. And, please, minimize by all means the parade of powerpoint presentations by staff. Portsmouth taxpayers have questions, relevant questions, and they need - and deserve - answers.

Thanks for your service,
Zelita Morgan

includeInRecords: on
Engage: Submit

NEW CONTENT ADDED 02/05/2018

Below is the result of your feedback form. It was submitted by Zelita Morgan (zelita.morgan@gmail.com) on Saturday, February 3, 2018 at 11:15:09

address: 39 Richards Avenue

comments: Dear Mayor and Councilors,

Coakley Landfill is a topic under "Presentations", however there was no material or presentation uploaded to the city's website, nor included in the Council packet.

As our public servants, I would appreciate you sharing:

1. what do you expect to learn/know from the presentation on CLG 2. what answers you expect to receive 3. what answers you expect the presentation will provided to the public

Inaction from our City Councilors on the CLG for the past year and a half has created and continues to feed an atmosphere of mistrust. If real or perceived, I guess the upcoming meeting will determine.

The fact that CLG is a "private" group, or so they say, does not remove you from your responsibility. You approved the budget that sent taxpayer's funds to cover 53.% of CLG budget.

For the record, I was never informed of the Coakley Landfill Group during my City Council term.

I appreciate your time and service, and hope our community will have answers and a path forward from this Council.

Sincerely,
Zelita Morgan
includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by Mary Lou McElwain (ml259@comcast.net) on Sunday, February 4, 2018 at 10:43:57

address: 259 South St

comments: I am wondering why this subject hasn't been on the agenda for Parking and Traffic Safety Committee. The subject was mentioned and tabled at some point in the past three years since I have been on the committee. Why title the committee "Parking" when we are not included in discussions? There have been several parking studies done over many years but a comprehensive plan is not in place. The committee receives requests frequently for parking changes within neighborhoods but we aren't looking at the impact of these changes for the long term. I think a comprehensive parking plan should be in place BEFORE the Deer St garage opens that should include every street within 1/2 mile of Market Square. To discuss residential parking at this point is a waste of time and effort. Residential parking signs are on the south end of Hanover St to Bridge (and in the McDonough St area) that are not consistent and not enforced. To add residential parking without a full plan doesn't make sense.

I am out of town for several days and will not be able to attend tomorrow's meeting.
I don't think a 5PM time for public dialogue is fair to residents who have work/family schedules at that time.
Thank you.
Mary Lou McElwain

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by Jim Splaine
(jimsplaineportsmouth@gmail.com) on Sunday, February 4, 2018 at 19:37:09

address: 201 Oriental Gardens

comments: To: Portsmouth City Councilors

Legislation that would provide for equality of rights for our transgender citizens is before the N.H. State Legislature. It has already received a public hearing, and will soon be up for vote.

I urge you to support this important legislation. A vote by the Council endorsing House Bill 1319 would contribute toward the cause of equality for our LGBTQ citizens that for decades Portsmouth has led. In addition to the Portsmouth City Council's support for the gay marriage law that I sponsored in 2009, it formally endorsed a former bill to prohibit discrimination based on gender equality January, 2017, which it had done two years earlier.

The legislation itself follows below, and I have also included select past stories about previous action by the Portsmouth City Council on the matter. Please excuse the frequent mention of my name in the stories -- this isn't about me or my efforts, it's about being sure that we continue the fight for equality.

The current legislation, which had a public hearing last week and will be up for legislative action soon, is being cosponsored by Portsmouth area State Senators Martha Fuller Clark and Daniel Innis. Mayor Jack Blalock has also led on this effort.

I am quite well-versed on this issue, and if any Councilor would like more information, I and others can help you.

I also suggest you visit "FreedomNH.org" for more information. Gerri Cannon, who is transgender and was elected this past November to the Somersworth School Board is a good friend of mine, and is mentioned on the WEBSITE. She was on Portsmouth Community Radio's "Seacoast Currents" as my guest last week, and has deep history and knowledge about this issue. She had helped us on passage of marriage equality in 2009, and continues her fight today. She was also a featured speaker at the Portsmouth's Woman's March last month.

Much information also appears in the Internet to show how transgender equality is so vitally important in the nation where many of our citizens pledge "...with liberty and justice for all."

Thank You,

Jim Splaine
Citizen Activist

HB 1319 - AS INTRODUCED 2018 SESSION
18-2009
05/04

HOUSE BILL 1319
AN ACT prohibiting discrimination based on gender identity.

SPONSORS: Rep. Butler, Carr. 7; Rep. Stone, Rock. 1; Rep. Fothergill, Coos 1; Rep. Dean-Bailey, Rock. 32; Rep. Hennessey, Graf. 1; Rep. Crawford, Carr. 4; Rep. Bean, Rock. 21; Rep. Gargas, Hills. 27; Rep. McMahon, Rock. 7; Rep. Darrow, Graf. 17; Sen. Bradley, Dist 3; Sen. Innis, Dist 24; Sen. Reagan, Dist 17; Sen. Woodburn, Dist 1; Sen. Fuller Clark, Dist 21

ANALYSIS

This bill prohibits discrimination based on gender identity. The bill also defines gender identity.

Explanation: Matter added to current law appears in bold italics.

Matter removed from current law appears [in brackets and struckthrough.]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

18-2009

05/04

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Eighteen

AN ACT prohibiting discrimination based on gender identity.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Title and Purposes of This Chapter; Gender Identity. Amend RSA 354-A:1 to read as follows:

354-A:1 Title and Purposes of Chapter. This chapter shall be known as the "Law Against Discrimination." It shall be deemed an exercise of the police power of the state for the protection of the public welfare, health and peace of the people of this state, and in fulfillment of the provisions of the constitution of this state concerning civil rights. The general court hereby finds and declares that practices of discrimination against any of its inhabitants because of age, sex, gender identity, race, creed, color, marital status, familial status, physical or mental disability or national origin are a matter of state concern, that such discrimination not only threatens the rights and proper privileges of its inhabitants but menaces the institutions and foundation of a free democratic state and threatens the peace, order, health, safety and general welfare of the state and its inhabitants. A state agency is hereby created with power to eliminate and prevent discrimination i

n employment, in places of public accommodation and in housing accommodations because of age, sex, gender identity, race, creed, color, marital status, familial status, physical or mental disability or national origin as herein provided; and the commission established hereunder is hereby given general jurisdiction and power for such purposes. In addition, the agencies and councils so created shall exercise their authority to assure that no person be discriminated against on account of sexual orientation.

2 New Paragraph; Gender Identity; Definition. Amend RSA 354-A:2 by inserting after paragraph XIV-d the following new paragraph.

XIV-e. "Gender identity" means a person's gender-related identity, appearance, or behavior, whether or not that gender-related identity, appearance, or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth. Gender-related identity may be shown by providing evidence including, but not limited to, medical history, care or treatment of the gender-related identity, consistent and uniform assertion of the gender-related identity, or any other evidence that the gender-related identity is sincerely held as part of a person's core identity provided, however, that gender-related identity shall not be asserted for any improper purpose.

3 General Powers and Duties of the Commission; Gender Identity. Amend RSA 354-A:5, VIII-IX to read as follows:

VIII. To create such advisory agencies and conciliation councils, local, regional or statewide, as in its judgment will aid in effectuating the purpose of this chapter, and the commission may empower them to study the problems of discrimination in all or specific fields of human relationships or in specific instances of discrimination, because of age, sex, gender identity, race, color, sexual orientation, marital status, familial status, or physical or mental disability, religious creed or national origin, in order to foster, through community effort or otherwise, good will, cooperation and conciliation among the groups and elements of the population of the state, and make recommendations to the commission for the development of policies and procedures in general and in specific instances, and for programs of formal and informal education which the commission may recommend to the appropriate state agency. Such advisory agencies and conciliation councils shall be composed of

representative citizens, serving without pay, but with reimbursement for actual and necessary traveling expenses; and the commission may make provision for technical clerical assistance to such agencies and councils and for the expenses of such assistance.

IX. To issue such publications and such results of investigations and research as in its judgment will tend to promote good will and minimize or eliminate discrimination because of age, sex, gender identity, race, color, marital status, familial status, physical or mental disability, religious creed or national origin, and on account of sexual orientation.

4 Opportunity for Employment Without Discrimination a Civil Right; Gender Identity Added. Amend RSA 354-A:6 to read as follows:

354-A:6 Opportunity for Employment Without Discrimination a Civil Right. The opportunity to obtain employment without discrimination because of age, sex, gender identity, race, creed, color, marital status, physical or mental disability or national origin is hereby recognized and declared to be a civil right. In addition, no person shall be denied the benefits of the rights afforded by this section on account of that person's sexual orientation.

5 Unlawful Discriminatory Practices; Gender Identity Added. Amend RSA 354-A:7, I-III to read as follows:

I. For an employer, because of the age, sex, gender identity, race, color, marital status, physical or mental disability, religious creed, or national origin of any individual, to refuse to hire or employ or to bar or to discharge from employment such individual or to discriminate against such individual in compensation or in terms, conditions or privileges of employment, unless based upon a bona fide occupational qualification. In addition, no person shall be denied the benefit of the rights afforded by this paragraph on account of that person's sexual orientation.

II. For a labor organization, because of the age, sex, gender identity, race, color, marital status, physical or mental disability, creed, or national origin of any individual, to exclude from full membership rights or to expel from its membership such individual or to discriminate in any way against any of its members or against any employer or any individual employed by an employer, unless based upon a bona fide occupational qualification. In addition, no person shall be denied the benefit of the rights afforded by this paragraph on account of that person's sexual orientation.

III. For any employer or employment agency to print or circulate or to cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for employment or to make any inquiry or record in connection with employment, which expresses, directly or indirectly, any limitation, specification or discrimination as to age, sex, gender identity, race, color, marital status, physical or mental disability, religious creed or national origin or any intent to make any such limitation, specification or discrimination in any way on the ground of age, sex, race, color, marital status, physical or mental disability, religious creed or national origin, unless based upon a bona fide occupational qualification; provided, however, that nothing in this chapter shall limit an employer after the offer of hire of an individual from inquiring into and keeping records of any existing or pre-existing physical or mental conditions. In addition,

no person shall be denied the benefit of the rights afforded by this paragraph on account of that person's sexual orientation.

6 Equal Housing Opportunity Without Discrimination a Civil Right; Gender Identity Added. Amend RSA 354-A:8 to read as follows:

354-A:8 Equal Housing Opportunity Without Discrimination a Civil Right. The opportunity to obtain housing without discrimination because of age, sex, gender identity, race, creed, color, marital status, familial status, physical or mental disability or national origin is hereby recognized and declared a civil right. In addition, no person shall be denied the benefit of the rights afforded by this section on account of that person's sexual orientation.

7 Unlawful Discriminatory Practices; Gender Identity. Amend RSA 354-A:10 to read as follows:

354-A:10 Unlawful Discriminatory Practices. It shall be an unlawful discriminatory practice for any person, being the owner, lessee, sublessee, assignee, managing agent or other person having the right to rent or lease a dwelling or commercial structure or being in the business of selling or renting dwellings or commercial structures:

I. To refuse to sell or rent after the receipt of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling or commercial structure to any person because of age, sex, gender identity, race, color, marital status, familial status, physical or mental disability, religion or national origin. In addition, no person shall be denied the benefit of the rights afforded by this paragraph on account of that person's sexual orientation.

II. Discriminate against any person in the terms, conditions, or privilege of sale or rental of a dwelling or commercial structure, or in the provision of services or facilities in connection therewith, because of age, sex, gender identity, race, color, marital status, familial status, physical or mental disability, religion or national origin. In addition, no person shall be denied the benefit of the rights afforded by this paragraph on account of that person's sexual orientation.

III. To make, print or publish, or cause to be made, printed or published, any notice, statement or advertisement, with respect to the sale or rental of a dwelling or commercial structure that indicates any preference, limitation, or discrimination based on age, sex, gender identity, race, color, marital status, familial status, physical or mental disability, religion or national origin, or an intention to make any such preference, limitation or discrimination. In addition, no person shall be denied the benefit of the rights afforded by this paragraph on account of that person's sexual orientation.

IV. To represent to any person because of age, sex, gender identity, race, color, marital status, familial status, physical or mental disability, religion or national origin that any dwelling or commercial structure is not available for inspection, sale, or rental when such dwelling is in fact so available. In addition, no person shall be denied the benefit of the rights afforded by this paragraph on account of that person's sexual orientation.

V. For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular age, sex, gender identity, race, color, marital status, familial status, physical or mental disability, religion or national origin. In addition, no person shall be denied the benefit of the rights afforded by this paragraph on account of that person's sexual orientation.

VI. To evict a tenant solely on the grounds that the person has acquired immune deficiency syndrome (AIDS) or is regarded to have acquired immune deficiency syndrome.

VII. For any person or other entity whose business includes engaging in residential real estate-related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of age, race, color, religion, sex, gender identity, disability, familial

status, marital status, or national origin. In addition, no person shall be denied the benefit of the rights afforded by this paragraph on account of that person's sexual orientation.

VIII. To deny any person access to, or membership or participation in, any multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against that person in the terms or conditions of such access, membership, or participation, on account of age, familial status, sex, gender identity, race, color, creed, disability, national origin, marital status, or sexual orientation.

8 Equal Access to Public Accommodations a Civil Right; Gender Identity. Amend RSA 354-A:16 to read as follows:

354-A:16 Equal Access to Public Accommodations a Civil Right. The opportunity for every individual to have equal access to places of public accommodation without discrimination because of age, sex, gender identity, race, creed, color, marital status, physical or mental disability or national origin is hereby recognized and declared to be a civil right. In addition, no person shall be denied the benefit of the rights afforded by this section on account of that person's sexual orientation.

9 Unlawful Discriminatory Practices in Public Accommodations; Gender Identity. Amend RSA 354-A:17 to read as follows:

354-A:17 Unlawful Discriminatory Practices in Public Accommodations. It shall be an unlawful discriminatory practice for any person, being the owner, lessee, proprietor, manager, superintendent, agent or employee of any place of public accommodation, because of the age, sex, gender identity, race, creed, color, marital status, physical or mental disability or national origin of any person, directly or indirectly, to refuse, withhold from or deny to such person any of the accommodations, advantages, facilities or privileges thereof; or, directly or indirectly, to publish, circulate, issue, display, post or mail any written or printed communication, notice or advertisement to the effect that any of the accommodations, advantages, facilities and privileges of any such place shall be refused, withheld from or denied to any person on account of age, sex, race, creed, color, marital status, physical or mental disability or national origin; or that the patronage or custom thereat

of any person belonging to or purporting to be of any particular age, sex, race, creed, color, marital status, physical or mental disability or national origin is unwelcome, objectionable or acceptable, desired or solicited. In addition, no person shall be denied the benefit of the rights afforded by this section on account of that person's sexual orientation.

10 Construction; Gender Identity. Amend RSA 354-A:25 to read as follows:

354-A:25 Construction. No provision of this chapter shall be deemed to supersede any other provision of law for the protection of minors or for the regulation of the employment of minors. The provisions of this chapter shall be construed liberally for the accomplishment of the purposes thereof. Nothing contained in this chapter shall be deemed to repeal any of the provisions of the civil rights law or any other law of this state relating to discrimination because of age, sex, gender identity, race, creed, color, marital status, physical or mental disability or national origin; but, as to acts declared unlawful by this chapter the procedure provided in this chapter shall, while pending, be exclusive and the final determination therein shall exclude any other action, civil or criminal, based on the same grievance of the individual concerned. If such individual institutes any action based on such grievance without resorting to the procedure provided in this chapter, such person may not subsequently resort to the procedure in this chapter, provided, however, that nothing in this section shall prevent any individual from applying for or receiving unemployment compensation while the procedure provided for in this chapter is pending or after the procedure provided in this chapter has been concluded. This section shall not prevent the commission for human rights from investigating and acting upon a complaint of discrimination when the complainant has also filed a claim for unemployment compensation in which the issue of illegal discrimination is raised.

11 Effective Date. This act shall take effect 30 days after its passage.

The Portsmouth Herald
By Charles McMahon
Posted Feb 26, 2014 at 8:20 PM
Updated Feb 26, 2014 at 9:42 PM

PORTSMOUTH — If Portsmouth is indeed the “City of the Open Door,” then it should embrace adopting a nondiscrimination policy for transgender individuals, said Assistant Mayor Jim Splaine.

PORTSMOUTH — If Portsmouth is indeed the “City of the Open Door,” then it should embrace adopting a nondiscrimination policy for transgender individuals, said Assistant Mayor Jim Splaine.

“I want to make sure the “City of the Open Door” has a welcome mat for all residents and visitors,” Splaine said. “There’s nothing more important than the way we treat one another.”

Splaine, along with other advocates for transgender nondiscrimination, made the assertion Wednesday in front of the Seacoast Media Group editorial board.

As an openly gay man who for years has fought for marriage equality in the state Legislature, Splaine said he has now set his sights on equality for all transgender people in the Granite State.

And with the hope that Portsmouth will take the lead on the discussion moving forward, Splaine said he wants fellow members of the City Council to get behind a resolution he is proposing to enact a “Portsmouth Nondiscrimination Policy.” Splaine said he intends to ask the council to adopt the resolution at its March 3 meeting.

The proposal, which Splaine first floated in front of the City Council on Feb. 3, would create a nondiscrimination policy for transgender municipal employees, as well as encourage statewide protections for transgender individuals.

“We should not discriminate just because somebody is gay or straight or transgender,” he said. “It should be a policy in our city government and we should encourage the state to adopt something similar.”

The state Legislature in 2009 had considered a bill encouraging protections for transgender nondiscrimination, but that effort was put on the back burner because the subject of same-sex marriage had risen to the forefront.

“It has not been revisited since,” Splaine said, adding that he has approached several lawmakers about bringing the issue back up but has yet to gain support.

Joining Splaine on Wednesday was Janson Wu, staff attorney for Gay & Lesbian Advocates & Defenders. Wu said the issue of implementing anti-discrimination policies for transgender individuals is something communities across the country are doing these days.

Close to 200 municipalities have adopted anti-discrimination protections for transgender individuals, according to Wu.

There are 17 states in the country that have anti-discrimination policies for transgender individuals, but Wu said New Hampshire continues to lag behind. He said the Granite State is the only state in New England without similar protections.

“This is a tremendous opportunity to educate the general public about what it means to be transgender,” Wu said.

Also in attendance for the discussion Wednesday was Julian Long, a transgender individual who is active on the steering committee of Transgender New Hampshire, an organization created to promote transgender visibility, education, support and civil rights in the state of New Hampshire.

Long said he knows firsthand what it’s like to be discriminated against because of his identity as a transgender individual.

“I’m a transgender Granite Stater and I’ve met lots of people who unfortunately face discrimination both in New Hampshire and other states as well.”

Having just completed a job search, Long said he was often concerned with whether his prospective employer would discriminate against him.

Splaine said while he has yet to hear of any instances of discrimination at the local level, that doesn't mean it doesn't happen.

It's my feeling that discrimination exists wherever discrimination is not actively opposed," he said. "It could happen because we don't have an active policy (ensuring) that it can't happen."

(Seacoast Online followed up with an editorial asking the Portsmouth City Council to support the legislation, which it did.)

LGBTQ Equality Is Portsmouth's Fight Too By Jim Splaine Posted Mar 31, 2016 at 2:01 AM

Every now and then, there is an issue on which everyone concerned about the equality of our citizens should take a stand even though on its face it may not directly or immediately affect our community.

Such is the case with the recently passed law in North Carolina that provides for a state policy preventing city and town governments from passing anti-discrimination ordinances for gay, lesbian, and transgender residents.

The state's non-discrimination laws cover race, religion, color and national origin, but not sexual orientation or gender identity.

The legislative action was in response to the city of Charlotte prohibiting discrimination for their LGBTQ residents, who are not covered by statewide protections.

In response, a large number of corporations, businesses and organizations, along with states and cities throughout the nation, have voiced objection to the law, and said they will not do business in North Carolina until the new law is repealed.

Some states and cities have issued travel bans for non-essential government activities or conferences held in North Carolina. The American Civil Liberties Union is suing against the law, and the North Carolina attorney general has been quoted as saying his state's new law is "a national embarrassment."

Through the years, Portsmouth has been a leader in the cause of equality for our LGBTQ community. In 1993, ours was the first community in our state to discuss an ordinance to prevent discrimination. That effort resulted in a public hearing with the council chambers filled with people on both sides of the issue.

Although that ordinance failed, it laid groundwork for eventually successful statewide efforts when in 1997 Gov. Jeanne Shaheen signed an anti-discrimination law for gays and lesbians that made our state just the 11th at that time to provide protections in housing, services, and employment.

In 2007, all of Portsmouth's legislators supported civil unions, and in 2009, all supported the gay marriage law that since then has resulted in nearly 5,000 marriages, many of them in Portsmouth.

Three years ago the City Council unanimously supported the fight to appeal to the U.S. Supreme Court to declare marriage equality as a constitutional right. Two years ago the City Council unanimously adopted a policy of non-discrimination for transgender employees in city employment.

Nothing on this planet is more important than the way we treat one another. Nothing. And, whenever we see discrimination against our LGBTQ friends, we should join the cause to speak out.

As we watch the ups and downs of national politics, we are reminded that none of our rights are forever guaranteed "and a change in political climate could at any time eliminate rights to which we have become accustomed. We have to engage the fight for the cause of equality whenever discriminatory practices rear their ugly heads, from whichever sources.

Bringing voice and support to equality elsewhere is one of the things that the Portsmouth City Council can do, so I will be asking that all the councilors join in taking a position against the discriminatory practices of North Carolina. We do have many important issues to focus our attention on in our city, but we should always find time for the fight on the cause of equality.

The City Council can request that until that law is repealed, the city manager should avoid having any public employees travel to and attend any conference or event held in North Carolina. Of course, exempt would be meetings of an essential or emergency nature or those dealing with law-enforcement. Other city and state governments have taken that position. We should too. It is the right thing to do.

The reality is that laws like those passed in that state could well continue to sweep the nation and could be proposed in New Hampshire. Making our position known now is important to discourage other states, including our own, from enacting such legislation.

I believe that adding the voice of our governing body to the national outcry over the North Carolina action is important. Let's remember what Dr. Martin Luther King, Jr. wrote in a letter to a friend he sent while he was in a Birmingham jail cell on April 16, 1963: "Injustice anywhere is a threat to justice everywhere."

Jim Splaine is Portsmouth's Assistant Mayor

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by Jim Splaine (jimsplaineportsmouth@gmail.com) on Monday, February 5, 2018 at 06:09:23

address: 201 Oriental Gardens, Portsmouth, NH

comments: Monday, February 5, 2018

To: Portsmouth City Councilors,

Legislation that would prohibit so-called "conversion therapy" for persons under 18 is coming up for a vote this coming Wednesday in the New Hampshire House.

The bill, which is cosponsored by area State Senator Daniel Innis and has been strongly supported by Senator Martha Fuller Clark and Portsmouth area legislators lost on January 9th by a vote of 166 to 165. The legislation is being reconsidered this week.

I urge the Portsmouth City Council to stand against this horrific process. "Conversion therapy" is a well-known but disgusting gimmick that tries to change one's sexual orientation. Just as bad, it gives the message to society that being gay or lesbian, or transgender or questioning one's sexual orientation, is wrong.

Professional organizations nationwide, some mentioned in the text of the bill, have opposed such treatment. Members of the Council could easily research "Google" and find many examples. "YouTube" also will show how the therapy is employed.

In this E-Mail is a copy of the legislation.

Thank You,

Jim Splaine
Citizen Activist

HB 587-FN - AS INTRODUCED
2017 SESSION
17-0200
01/10

HOUSE BILL 587-FN

AN ACT relative to conversion therapy seeking to change a person's sexual orientation.

SPONSORS: Rep. Schleien, Hills. 37; Rep. Fisher, Belk. 9; Rep. Zaricki, Hills. 6; Rep. Butler, Carr. 7; Sen. Innis, Dist 24

COMMITTEE: Health, Human Services and Elderly Affairs

ANALYSIS

This bill prohibits persons licensed to provide counseling services to propose to engage or engage in conversion therapy with a person under 18 years of age.

Explanation: Matter added to current law appears in bold italics.

Matter removed from current law appears [in brackets and struckthrough.]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

17-0200
01/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Seventeen

AN ACT relative to conversion therapy seeking to change a person's sexual orientation.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Findings and Purpose. The general court hereby finds:

I. Contemporary science recognizes that being lesbian, gay, bisexual, or transgender is part of the natural spectrum of human identity and is not a disease, disorder, or illness.

II. The American Psychological Association convened a Task Force on Appropriate Therapeutic Responses to Sexual Orientation. The task force conducted a systematic review of peer-reviewed journal literature on sexual orientation change efforts, and issued a report in 2009. The task force concluded that sexual orientation change efforts can pose critical health risks to lesbian, gay, and bisexual people, including confusion, depression, guilt, helplessness, hopelessness, shame, social withdrawal, suicidality, substance abuse, stress, disappointment, self-blame, decreased self-esteem and authenticity to others, increased self-hatred, hostility and blame toward parents, feelings of anger and betrayal, loss of friends and potential romantic partners, problems in sexual and emotional intimacy, sexual dysfunction, high-risk sexual behaviors, a feeling of being dehumanized and untrue to self, a loss of faith, and a sense of having wasted time and resources.

III. The American Psychological Association issued a resolution on Appropriate Affirmative Responses to Sexual Orientation Distress and Change Efforts in 2009, which states: "The American Psychological Association advises parents, guardians, young people, and their families to avoid sexual orientation change efforts that portray homosexuality as a mental illness or developmental disorder and to seek psychotherapy,

social support, and educational services that provide accurate information on sexual orientation and sexuality, increase family and school support, and reduce rejection of sexual minority youth."

IV. The American Psychiatric Association published a position statement in March of 2000 in which it stated: (a) "Psychotherapeutic modalities to convert or 'repair' homosexuality are based on developmental theories whose scientific validity is questionable. Furthermore, anecdotal reports of 'cures' are counterbalanced by anecdotal claims of psychological harm. In the last 4 decades, 'reparative' therapists have not produced any rigorous scientific research to substantiate their claims of cure. Until there is such research available, the American Psychiatric Association recommends that ethical practitioners refrain from attempts to change individuals' sexual orientation, keeping in mind the medical dictum to first, do no harm;"

(b) "The potential risks of reparative therapy are great, including depression, anxiety and self-destructive behavior, since therapist alignment with societal prejudices against homosexuality may reinforce self-hatred already experienced by the patient. Many patients who have undergone reparative therapy relate that they were inaccurately told that homosexuals are lonely, unhappy individuals who never achieve acceptance or satisfaction. The possibility that the person might achieve happiness and satisfying interpersonal relationships as a gay man or lesbian is not presented, nor are alternative approaches to dealing with the effects of societal stigmatization discussed;" and

(c) "Therefore, the American Psychiatric Association opposes any psychiatric treatment such as reparative or conversion therapy which is based upon the assumption that homosexuality per se is a mental disorder or based upon the a priori assumption that a patient should change his or her sexual homosexual orientation."

V. The American Academy of Pediatrics in 1993 published an article in its journal, *Pediatrics*, stating: "Therapy directed at specifically changing sexual orientation is contraindicated, since it can provoke guilt and anxiety while having little or no potential for achieving changes in orientation."

VI. The American Medical Association Council on Scientific Affairs prepared a report in 1994 in which it stated: "Aversion therapy (a behavioral or medical intervention which pairs unwanted behavior, in this case, homosexual behavior, with unpleasant sensations or aversive consequences) is no longer recommended for gay men and lesbians. Through psychotherapy, gay men and lesbians can become comfortable with their sexual orientation and understand the societal response to it."

VII. The National Association of Social Workers prepared a 1997 policy statement in which it stated: "Social stigmatization of lesbian, gay, and bisexual people is widespread and is a primary motivating factor in leading some people to seek sexual orientation changes. Sexual orientation conversion therapies assume that homosexual orientation is both pathological and freely chosen. No data demonstrates that reparative or conversion therapies are effective, and, in fact, they may be harmful."

VIII. The American Counseling Association Governing Council issued a position statement in April of 1999, and in it the council states: "We oppose 'the promotion of "reparative therapy" as a "cure" for individuals who are homosexual."

IX. The American School Counselor Association issued a position statement in 2014 which states that: "It is not the role of the professional school counselor to attempt to change a student's sexual orientation or gender identity. Professional school counselors do not support efforts by licensed mental health professionals to change a student's sexual orientation or gender as these practices have been proven ineffective and harmful."

X. The American Psychoanalytic Association issued a position statement in June 2012 on attempts to change sexual orientation, gender identity, or gender expression, and in it the association states: "As with any societal prejudice, bias against individuals based on actual or perceived sexual orientation, gender identity or gender expression negatively affects mental health, contributing to an enduring sense of stigma and pervasive self-criticism through the internalization of such prejudice;" and "psychoanalytic technique does not encompass purposeful attempts to 'convert' 'repair,' change or shift an individual's sexual orientation, gender identity or gender expression. Such directed efforts are against fundamental principles of

psychoanalytic treatment and often result in substantial psychological pain by reinforcing damaging internalized attitudes."

XI. The American Academy of Child and Adolescent Psychiatry in 2012 published an article in its journal, *Journal of the American Academy of Child and Adolescent Psychiatry*, stating: "Clinicians should be aware that there is no evidence that sexual orientation can be altered through therapy, and that attempts to do so may be harmful. There is no empirical evidence adult homosexuality can be prevented if gender nonconforming children are influenced to be more gender conforming. Indeed, there is no medically valid basis for attempting to prevent homosexuality, which is not an illness. On the contrary, such efforts may encourage family rejection and undermine self-esteem, connectedness and caring, important protective factors against suicidal ideation and attempts. Given that there is no evidence that efforts to alter sexual orientation are effective, beneficial or necessary, and the possibility that they carry the risk of significant harm, such interventions are contraindicated."

XII. The Pan American Health Organization, a regional office of the World Health Organization, issued a statement in 2012 stating: "These supposed conversion therapies constitute a violation of the ethical principles of health care and violate human rights that are protected by international and regional agreements." The organization also noted that reparative therapies "lack medical justification and represent a serious threat to the health and well-being of affected people."

XIII. The American Association of Sexuality Educators, Counselors, and Therapists issued a statement in 2014 stating: "Same sex orientation is not a mental disorder and we oppose any 'reparative' or conversion therapy that seeks to 'change' or 'fix' a person's sexual orientation. AASECT does not believe that sexual orientation is something that needs to be 'fixed' or 'changed.' The rationale behind this position is the following: Reparative therapy, (for minors, in particular) is often forced or nonconsensual. Reparative therapy has been proven harmful to minors. There is no scientific evidence supporting the success of these interventions. Reparative therapy is grounded in the idea that non-heterosexual orientation is 'disordered.' Reparative therapy has been shown to be a negative predictor of psychotherapeutic benefit."

XIV. The American College of Physicians wrote a position paper in 2015 stating: "The College opposes the use of 'conversion, 'reorientation,' or 'reparative' therapy for the treatment of LGBT persons.... Available research does not support the use of reparative therapy as an effective method in the treatment of LGBT persons. Evidence shows that the practice may actually cause emotional or physical harm to LGBT individuals, particularly adolescents or young persons."

XV. Minors who experience family rejection based on their sexual orientation face especially serious health risks. In one study, lesbian, gay, and bisexual young adults who reported higher levels of family rejection during adolescence were 8.4 times more likely to report having attempted suicide, 5.9 times more likely to report high levels of depression, 3.4 times more likely to use illegal drugs, and 3.4 times more likely to report having engaged in unprotected sexual intercourse compared with peers from families that reported no or low levels of family rejection. This is documented by Caitlin Ryan et al. in their article entitled *Family Rejection as a Predictor of Negative Health Outcomes in White and Latino Lesbian, Gay, and Bisexual Young Adults* (2009) 123 *Pediatrics* 346.

XVI. New Hampshire has a compelling interest in protecting the physical and psychological well-being of minors, including lesbian, gay, bisexual, and transgender youth, and in protecting its minors against exposure to serious harms caused by sexual orientation change efforts.

2 New Chapter; Prohibiting Conversion Therapy on Minors. Amend RSA by inserting after chapter 332-K the following new chapter:

CHAPTER 332-L
PROHIBITING CONVERSION THERAPY ON MINORS
332-L:1 Definition. In this chapter:

I. "Conversion therapy" means any practices or treatments that seek to change an individual's sexual orientation or gender identity, including efforts to change behaviors or gender expressions or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same gender. Conversion therapy shall not include counseling that provides assistance to a person undergoing gender transition, or counseling that provides acceptance, support, and understanding of a person or facilitates a person's coping, social support, and identity exploration and development, including sexual-orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual practices, as long as such counseling does not seek to change an individual's sexual orientation or gender identity.

II. "Department" means the department of health and human services.

332-L:2 Prohibition; Violations, and Enforcement.

I. A person who is licensed to provide professional counseling under RSA 326-B, RSA 328-D, RSA 329, RSA 329-B, RSA 330-A:16, RSA 330-A:18, RSA 330-A:19, RSA-A:20, RSA 330-A:21, or RSA 330-C, including, but not limited to, a nurse, physician assistant, physician, psychologist, clinical social worker, clinical mental health counselor, marriage and family therapist, or licensed alcohol and drug counselor, or a person who performs counseling as part of the person's professional training for any of these professions, shall not engage in conversion therapy with a person under 18 years of age.

II. Any conversion therapy practiced by a licensed professional, as listed in paragraph I, on a patient under 18 years of age shall be considered unprofessional conduct and shall subject such person to discipline by the relevant licensing authority.

III. The department shall have concurrent authority to initiate proceedings for violations of this section. The department shall adopt rules, pursuant to RSA 541-A, relative to the proper administration of this chapter.

332-L:3 Unfair or Deceptive Acts and Practices Related to Conversion Therapy.

I. It shall be unlawful for any person to:

(a) Provide conversion therapy to any individual if such person receives monetary compensation in exchange for such services; or

(b) Advertise for the provision of conversion therapy where such advertising claims:

(1) Propose to change another individual's sexual orientation or gender identity;

(2) Propose to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same gender; or

(3) State that such efforts are harmless or without risk to individuals receiving such therapy.

II. A violation of this section shall be considered an unfair or deceptive act or practice, as defined in RSA 358-A:2, and shall be subject to the same enforcement, liabilities, and penalties as set forth in RSA 358-A.

332-L:4 Prohibition on State Funding for Conversion Therapy. No state funds, nor any funds belonging to a municipality, agency, or political subdivision of this state, shall be expended for the purpose of conducting conversion therapy, referring a person for conversion therapy, health benefits coverage for conversion therapy, or a grant or contract with any entity that conducts conversion therapy or refers individuals for conversion therapy.

3 New Paragraph; Consumer Protection; Acts Unlawful. Amend RSA 358-A:2 by inserting after paragraph XVII the following new paragraph:

XVIII. Conducting or advertising for the provision of conversion therapy, as defined in RSA 332-L:1, I.

4 Effective Date. This act shall take effect January 1, 2018.

LBAO
17-0200
1/19/17

includeInRecords: on

Engage: Submit

Below is the result of your feedback form. It was submitted by Zelita Morgan (zelita.morgan@gmail.com) on Monday, February 5, 2018 at 06:12:53

address: 39 Richards Avenue

comments: Dear Mayor and Councilors,

I would like to thank Councilor Dwyer for bringing forward relevant thoughts and suggestions around policy making.

It would be great to have the Council hold a work session to review and discuss the proposals in detail, to allow meaningful discussions within this body, as well as public thoughts on it.

I ask you though to stop for a moment and think about the following statement quoted from the document submitted:

"I think the City has made great strides in the area but we will need to invest more resources in the future to keep ahead of the growing knowledge gap and proliferation of sources of distortion."

This "proliferation of sources of distortion" comes across as demeaning, disrespectful, and, quite honestly, arrogant. You were elected for many reasons, and passing judgement on others' points of view that happen to be in disagreement with yours is not one of them - absolutely not.

The public is entitled and have the right to have and express their opinions, like it or not.

I would much rather have "resources" invested in KNOWLEDGE rather than on an exercise of using power and public resources to amplify certain voices, and restrict others to suit a predefined agenda.

"Knowledge gap" is also subjective and open for interpretation. What is knowledge, and is knowledge something concealed, a finished product, or an open and evolving exercise?

Last, but not least, I have been impressed with the liberal use of the word "expert" by various councilors, with absolute no elaboration and disclosure of the criteria being used to define "expert" in each of those occasions. I would encourage you to always provide such criteria when using the word expert. Without such validation, your opinion is as good as anyone else's.

Thanks for your service,
Zelita Morgan

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by Jim Splaine
(jimsplaineportsmouth@gmail.com) on Monday, February 5, 2018 at 08:51:47

address: 201 Oriental Gardens, Portsmouth, NH

comments: Monday, February 5, 2018

To The Portsmouth City Council,

Legislation is pending for action in the 2018 New Hampshire Legislative Session that takes a unique, and I think positive approach toward allowing for an improved appeal process to be sure that our government agencies and institutions are following the N.H. Right-To-Know Law statutes.

The bill would create an oversight commission and an "Ombudsman" to assist citizens who want to make appeals under the N.H. Right-to-Know Law, 91-A. It is cosponsored by local State Senators Martha Fuller Clark and Daniel Innis.

I urge the Portsmouth City Council to formally endorse this legislation. It is not perfect, and might be improved as it goes through the legislative process of public hearings and committee review. But I think the intent is to make sure that the N.H. Right-To-Know Law, which is a great protector of our government transparency, can be accessed by our citizens.

I was very involved in being primary sponsor of legislation when I was in the N.H. House in 1977, then in the State Senate, in making two of the most important improvements in the statute. This bill makes another major one.

ALL of us at one time or another in our lives are outsiders of government, and this is one way that government itself can become more transparent and open to its citizens.

Please ask our city management staff to formally endorse it in Concord.

Thank You,

Jim Splaine
Citizen Activist

SB 555-FN-A - AS INTRODUCED

2018 SESSION
18-2932
01/10

SENATE BILL 555-FN-A

AN ACT establishing a citizens' right-to-know appeals commission and a right-to-know law OMBUDSMAN and making an appropriation therefor.

SPONSORS: Sen. Giuda, Dist 2; Sen. Carson, Dist 14; Sen. French, Dist 7; Sen. Fuller Clark, Dist 21; Sen. Gannon, Dist 23; Sen. Innis, Dist 24; Rep. Hopper, Hills. 2; Rep. DiLorenzo, Rock. 17; Rep. Ulery, Hills. 37

COMMITTEE: Judiciary

ANALYSIS

This bill establishes procedures to streamline the resolution of complaints under RSA 91-A. This bill establishes the citizens' right-to-know appeals commission and the office of the right-to-know OMBUDSMAN. This bill also establishes an alternative process to resolve right-to-know complaints.

This bill is a result of the commission established in 2017, 126.

Explanation: Matter added to current law appears in bold italics.

Matter removed from current law appears [in brackets and struckthrough.]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

18-2932

01/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Eighteen

AN ACT establishing a citizens' right-to-know appeals commission and a right-to-know law OMBUDSMAN and making an appropriation therefor.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Statement of Intent. The purpose of this act is to provide the public with an easier, less expensive, and faster alternative process to resolve complaints under RSA 91-A while maintaining independence, credibility, and impartiality and minimizing any political influence.

2 Right-to-Know; Violation. Amend RSA 91-A:7 to read as follows:

91-A:7 Violation.

I. Any person aggrieved by a violation of this chapter may petition the superior court for injunctive relief. In order to satisfy the purposes of this chapter, the courts shall give proceedings under this chapter high priority on the court calendar. Such a petitioner may appear with or without counsel. The petition shall be deemed sufficient if it states facts constituting a violation of this chapter, and may be filed by the petitioner or his or her counsel with the clerk of court or any justice thereof. Thereupon the clerk of court or any justice shall order service by copy of the petition on the person or persons charged. When any justice shall find that time probably is of the essence, he or she may order notice by any reasonable means, and he or she shall have authority to issue an order ex parte when he or she shall reasonably deem such an order necessary to insure compliance with the provisions of this chapter.

II. In lieu of the procedure under paragraph I, an aggrieved person may file a complaint with the OMBUDSMAN under RSA 91-A:7-b and in accordance with RSA 91-A:7-c.

III. A person's decision to petition the superior court forecloses the ability to file a complaint with the OMBUDSMAN pursuant to RSA 91-A:7-c.

IV. A person's decision to file a complaint with the OMBUDSMAN forecloses the ability to petition the superior court until the OMBUDSMAN issues a final ruling or the deadline for such a ruling has passed.

3 New Sections; Citizens' Right-to-Know Appeals Commission; Office of the OMBUDSMAN; Complaint Process; Appeals. Amend RSA 91-A by inserting after section 7 the following new sections:

91-A:7-a Citizens' Right-to-Know Appeals Commission Established. There is established a commission to manage and oversee an alternative right-to-know complaint resolution process.

I. The members of the commission shall be as follows:

- (a) One member of the senate, appointed by the president of the senate.
- (b) Two members of the house of representatives, appointed by the speaker of the house of representatives.
- (c) The attorney general, or designee.
- (d) A member, appointed by the chief justice of the supreme court.
- (e) The secretary of state, or designee.
- (f) A representative of Right to Know NH, appointed by that organization.
- (g) Ten citizen members, one from each county, no more than 4 of whom shall be current, local, county, state or federal employees or currently serving in any elected or appointed capacity with any political subdivision, public agency or public institution; and 10 alternate members, one from each county, no more than 4 of whom shall be current local, county, state, or federal employees or currently serving in any elected or appointed capacity with any political subdivision public agency or public institution; all appointed by the governor with advice and consent of the council.

II. The members of the commission shall serve without compensation, but shall be reimbursed for necessary travel and other necessary expenses. Legislative members shall receive mileage at the legislative rate when attending to the duties of the commission.

III. Legislative members of the commission shall serve a term coterminous with their term in office. The members appointed under subparagraph I(g) shall serve for a term of 3 years, except that the initial appointment of such members shall be for staggered terms of one, 2, and 3 years. No member shall serve more than 3 consecutive terms. No member under subparagraph I(g) shall be a current lobbyist or an attorney for any entity subject to this chapter, or an attorney for any organization representing the interests of such entity. Nor shall any such member be employed by any such lobbyist or attorney. The member appointed under subparagraph I(d) shall recuse himself or herself from any court proceedings involving appeals under this chapter. The members appointed under subparagraphs I (c)-(f) shall be advisory only members who shall advise the voting members on questions of law and existing policy governing RSA 91-A.

IV. The commission shall:

- (a) Establish rules of procedure to accomplish the mission of the commission to make resolution of complaints under this chapter fast, easy, and inexpensive.
- (b) Recruit, screen, and select OMBUDSMAN candidates, who shall serve at the will of the commission.
- (c) Appoint an OMBUDSMAN and evaluate the OMBUDSMAN's performance on a periodic basis, at least annually.
- (d) Make recommendations to the legislature concerning proposed changes to this chapter.
- (e) Create, and update annually, educational materials relative to this chapter.

V. The members of the commission shall elect a chairperson and a vice chairperson annually from among the voting members. The first meeting of the commission shall be called by the senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Seven voting members of the commission shall constitute a quorum.

VI. The commission shall be administratively attached to the department of state.

VII. Beginning November 1, 2019, and each November 1 thereafter, the commission shall submit an annual report of its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, and the governor. The report shall also include the total number of complaints received, the number of complaints received concerning public records and public meetings, the number of complaints received concerning state and county agencies, municipalities, school administrative units, and other public entities, the number of complaints in which a ruling was rendered by the OMBUDSMAN, the number of violations of each provision of this chapter found by the OMBUDSMAN, and the number of OMBUDSMAN rulings that were appealed to the superior court, including whether the appeal was from a complainant or a public agency or official, and whether the OMBUDSMAN's ruling was sustained before the superior court.

91-A:7-b Office Established. There is hereby established the office of the right-to-know OMBUDSMAN to be administratively attached to the department of state under RSA 21-G:10. The OMBUDSMAN appointed by the commission established under RSA 91-A:7-a shall:

- I. Be a member of the New Hampshire bar.
- II. Have a minimum of 10 years full-time practice of law in any jurisdiction.
- III. Be experienced with and knowledgeable of the provisions of this chapter, the federal Freedom of Information Act, and other states laws regarding right-to-know.
- IV. Complete a minimum of 3 hours of continuing legal education courses or other training relevant to the provisions of this chapter.

91-A:7-c Complaint Process.

I. Any party aggrieved by a violation of this chapter shall have the option to either petition the superior court or file a signed, written complaint with the office of the OMBUDSMAN, established under RSA 91-A:7-b. Any signed, written complaint filed with the OMBUDSMAN shall attach, if applicable, the request served on the public agency or official and the written response of the public agency or official.

II. Once a complaint has been filed and provided by the OMBUDSMAN to the public body or public agency, the public body or public agency shall have 10 days to submit an acknowledgment of the complaint and an answer to the complaint, which shall include applicable law and a justification for any refusal to or delay in producing the requested information.

III. In reviewing complaints filed with the OMBUDSMAN, the OMBUDSMAN shall be authorized to:

- (a) Compel timely delivery of records, regardless of medium, for confidential in-camera review.
- (b) Compel interviews with the parties.
- (c) Order attendance at hearings.
- (d) Issue findings in writing to all parties.
- (e) Order a public body or public agency to disclose requested records, provide access to meetings, or otherwise comply with the provisions of this chapter, subject to appeal.
- (f) Make any finding and order any other remedy to the same extent as provided by the court under RSA 91-A:8.

IV. The OMBUDSMAN may draw negative inferences from a party's failure to participate and comply with orders during the review process.

V. In implementing the provisions of this section, the OMBUDSMAN shall follow the procedures established by the commission.

VI. The OMBUDSMAN shall determine whether there have been any violations of this chapter and issue a ruling within 30 days following receipt of the parties' submissions and, if applicable, the records following an in-camera review. This 30-day deadline may be extended to a reasonable time frame by the OMBUDSMAN for good cause. The OMBUDSMAN may also expedite resolution of the complaint upon a showing of good cause. Rulings on expedited complaints shall be issued within 10 business days, or sooner where necessary.

VII. The OMBUDSMAN shall access governmental records in camera that a public body or public agency believes are exempt in order to make a ruling concerning whether the public body or public agency shall release the records or portions thereof to the public. The OMBUDSMAN shall maintain the confidentiality of records provided to the OMBUDSMAN by a public body or public agency under this section and shall return the records to the public body or public agency when the OMBUDSMAN's review is complete.

VIII. Nothing in this section shall affect the ability of a person to seek relief in superior court under RSA 91-A:7, I in lieu of this process.

91-A:7-d Appeal and Enforcement.

I. Any party may appeal the OMBUDSMAN's final ruling to the superior court by filing a notice of appeal in superior court no more than 30 days after the OMBUDSMAN's ruling is issued. The OMBUDSMAN's ruling shall be attached to the document initiating the appeal, admitted as a full exhibit by the superior court, considered by the judge during deliberations, and specifically addressed in the court's written order. Citizen-initiated appeals shall have no filing fee or surcharge. The public body or public agency shall pay the sheriff's service costs if the public body or public agency, or its attorney, declines to accept service. Nothing in this section shall prevent a superior court from staying an OMBUDSMAN's decision pending appeal to the superior court.

II. A superior court appeal of the OMBUDSMAN's ruling shall review the ruling de novo.

III. If the OMBUDSMAN's final ruling is not appealed, the OMBUDSMAN shall, after the deadline has passed, follow up with all parties, as required, to verify compliance with rulings issued.

IV. The OMBUDSMAN's final rulings which are not appealed may be registered in the superior court as judgments and enforceable through contempt of court. If such action is necessary to enforce compliance, all costs and fees, including reasonable attorney fees, shall be paid by the noncompliant public body or public agency.

91-A:7-e Rulemaking. The commission, in consultation with the secretary of state, shall adopt rules pursuant to RSA 541-A relative to:

I. Establishing procedures to streamline the process of resolving complaints under this chapter.

II. Further qualifications and review of the OMBUDSMAN, established in RSA 91-A:7-b.

III. Content of educational materials under RSA 91-A:7-a.

IV. Other matters necessary to the proper administration of RSA 91-A:7-a through RSA 91-A:7-d.

4 Appropriation. The sum of \$48,000 for the fiscal year ending June 30, 2019 is hereby appropriated to the department of state for the purpose of compensating the position of OMBUDSMAN established in RSA 91-A:7-b as inserted by section 3 of this act. This appropriation is in addition to any other funds appropriated to

the department of state. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

5 Effective Date. This act shall take effect July 1, 2018.

LBAO
18-2932
12/19/17

includeInRecords: on
Engage: Submit

Dr. Robert J. Lister
69 Diamond Drive
Portsmouth, New Hampshire 03801-3569
(603) 431-6577
rjlportsmouth@yahoo.com

January 15, 2018

Honorable Mayor Jack Blalock and City Councilors,

Congratulations on your election and re-election to the Portsmouth City Council. With this position comes much responsibility. Thank you for stepping forth to serve our great city.

When I was campaigning for City Council and as Mayor, I was repeatedly asked by residents, “when do we see some relief on our taxes so we can remain living in the city?”

I write to you and ask that you seriously consider pursuing the concept and re-visit the conversation of adopting a local option for city funding by charging a fee for hotel rooms that goes directly back to the city of Portsmouth. I proposed this as a member of the council in 2016 and worked very closely with the city manager, our city legislative delegation and the Portsmouth Chamber of Commerce. I was invited to testify in Concord at a Legislative Committee proposing a local revenue option which would benefit residents AND our visitors. Please understand that I am not referring to the Meals and Room Tax or the downshifting of costs from the County and State. That is another story for another day.

After traveling across the country, Cindy and I have had to pay a local option fee in many states. In most cases, the fee was added to our hotel bill and assessed between one and three dollars. When I inquired, I was told that this fee went back to the city and was used to pay for beautification, fireworks, supporting the arts and city services that gave relieve to the local taxpayers. Most recently, we were assessed this fee at a hotel in Woodstock New Hampshire, and when I again asked about this fee which was voluntary at the local Chamber of Commerce, it was explained that the funds (destination charge) were used to cover the cost of city services. They did not appear to have any difficulty with the legislature implementing a “destination” fee. The number of hotel rooms in the city represents substantial revenue.

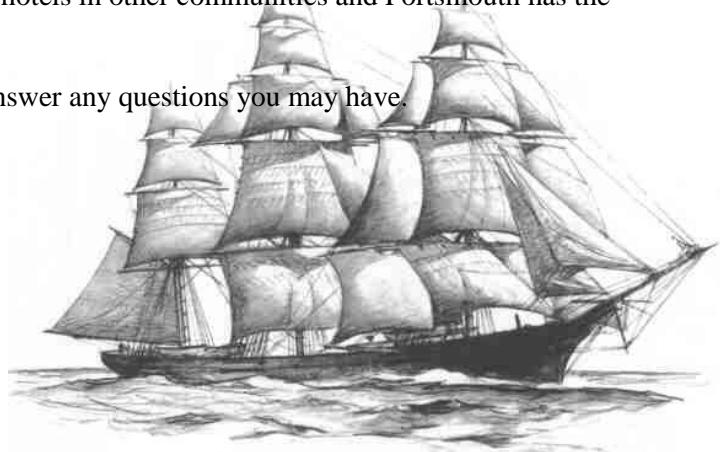
We are not going to see a decrease in the number of visitors to the city anytime in the future and the residents need to see some relieve by generating revenue in a creative way. In the past, I have collaborated with Councilor Dwyer, City Manager Bohenko, Legislator Laura Pantelakos and the Chamber of Commerce to bring this topic to a discussion.

The City of Portsmouth needs to identify new sources of revenue and I feel strongly that the precedent has been set for a local fee from hotels in other communities and Portsmouth has the opportunity to do the same

I would be glad to discuss this further or answer any questions you may have.

Sincerely,

Robert J. Lister



70 Kensington Road
Portsmouth, N.H. 03801

January 30, 2018

Portsmouth City Council
Municipal Building
1 Junkins Avenue
Portsmouth, N.H. 03801

Re: Proposed election finance ordinance

Dear Mayor Blalock and City Councilors:

In 2010, in the *Citizens United* case, the U.S. Supreme Court held that organizations are people, that money is speech, and that election finance laws must consequently treat individuals and political action committees (PACs) as equals.

Now imagine a city that turns *Citizens United* upside down by discriminating in favor of PACs. Welcome to Portsmouth!

Current Local Law

Our City's ordinances currently require that candidates for local elective office disclose campaign contributions of \$100 or more, including the name of each "person or entity" and the amount donated.

Thus, if the "entity" is a PAC, the candidate must disclose the name of the PAC, but not who is financing it.

More often, as we have seen in recent City Council elections, PACs campaign for slates of candidates, raising and spending money independently of any individual candidate's treasury. Portsmouth's election laws don't require that either the PAC or its candidates report what the PAC raises or spends under those circumstances.

In short, individual candidates must disclose their sources of money, but PACs who campaign for candidates do not. That's discriminatory. It also opens the door for special interests to influence local elections with dark money

The Denton Amendment

In the spring of 2017, Councilor Josh Denton proposed amending the ordinance by adding that, when a PAC donates to a candidate's campaign, the candidate must ask the PAC to voluntarily disclose its sources of funds.

Instead, the Council amended the ordinance by requiring that a candidate receiving \$100 or more from a PAC report the name and address of the PAC and who "acted on behalf of" the PAC in making the contribution.

This new ordinance added very little. The old ordinance compelled candidates to report contributions from "any person or entity." A PAC is an entity.

In essence, the new ordinance simply added that a candidate must ask the PAC to reveal what is already obvious, the name of the person who signed and delivered the check.

The new ordinance did not direct PACs to disclose their sources of income. Nor did it compel PACs to report their expenditures when campaigning for slates of candidates independent of individual candidates' treasuries.

The Charter Amendment

In May 2017, Assistant Mayor Jim Splaine proposed a more meaningful reform: that PACs, like individual candidates, disclose contributions "to" their campaigns, including the name of each donor and the amount contributed. He asked the City Council to enshrine those requirements in the City Charter. The City Council agreed to place the question on the ballot for the November 2017 election.

"Laws are like sausages," an eighteenth century legislator once observed. "It is better not to see them being made."

In this instance, the sausage machine at City Hall substituted an important ingredient when preparing Mr. Splaine's proposal for submission to City Council and the voters. Mr. Splaine's version required the disclosure of contributions "to" PACs. City Hall quietly changed this to "by" before the Council approved it.

What a difference a word makes!

The charter amendment the voters approved in November was thus muddled on whether PACs must disclose their donors. Its two sentences tug in opposite directions. The first sentence treats candidates and PACs equally. It states,

Each candidate for City Council and every political action committee supporting one or more candidates for City Council must report contributions and expenditures prior to Election Day

The second sentence says these reports must include contributions “to” the candidate or “by” a political action committee. ¹

The ballot itself included a summary of the charter amendment rather than the amendment’s verbatim text, and many voters undoubtedly relied on this summary.

“If adopted,” the summary said, “this proposed Charter Amendment would add” that “candidates for the City Council, and political action committees which support such candidates, must report campaign contributions and expenditures.” ²

Like the first sentence of the charter amendment, the summary treated PACs and individual candidates as equals. If treated equally, they should both disclose their donors.

Implementing the Charter Amendment

Now that voters have approved the charter amendment, the City Council must adopt an ordinance implementing it.

It is important to remember that the ordinance can be stricter than the City Charter demands. There is consequently no need to resolve the charter amendment’s ambiguities. The charter amendment may serve as a catalyst for broader reforms.

The Council now has a choice: to adopt an ordinance that fosters transparency or one that does the opposite.

The City’s Legal Department has drafted an ordinance, which will go to a

¹ Appendix A attached hereto.

² Appendix B attached hereto.

first reading at the February 5, 2018 City Council meeting, to be followed by a public hearing and second reading on February 20, 2018. The Council may amend the proposed ordinance at either meeting.

The ordinance drafted by the Legal Department directs PACs to disclose their contributions of \$100 or more to individual candidates. It also requires that PACs report their total expenditures.

This is too weak, because it does not does compel PACs to disclose who donated to them.

New Hampshire law requires that PACs supporting candidates for state elective office disclose their donors.³

Our state statutes authorize cities to impose similar requirements on PACs. According to RSA 47:17, XIV-b, the City Council may enact and enforce an ordinance “[r]equiring the reporting of contributions to, and expenditures by, any ... political action committee made for the purpose of influencing the election of any candidate for local elective office.”⁴

Several New Hampshire cities – including Concord, Manchester, and Nashua – have already done so, compelling PACs to disclose the identities of their donors and the amount each donor contributed.⁵

It’s time for Portsmouth to catch up.

The Portsmouth Herald recently quoted a developer describing Portsmouth as “the hottest real estate market north of Boston.” With so much at stake, special interests will inevitably seek to influence local elections. The question is whether Portsmouth will allow them to exert their influence in secret, as money laundering operations.

Please treat individuals and organizations equally. Adopt an ordinance requiring that PACs disclose all donations *they receive* of \$100 or more, just as

³ RSA 664:6, I (2017 Supp.).

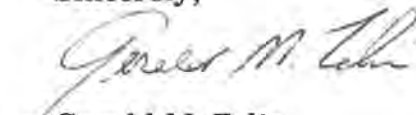
⁴ RSA 47:17, XIV-b (Appendix C attached hereto).

⁵ Manchester City Charter, Sections 5.29(g), (k)(1), (3), 5.30 (Appendix D attached hereto); Concord City Charter, Section 10 (Appendix E attached hereto); Nashua Ordinances, Section 23-18-A (Appendix F attached hereto).

candidates already must do.

Thank you for considering these comments.

Sincerely,



Gerald M. Zelin

**Proposed Amendments to Portsmouth's City Charter
to be voted upon on Election Day, November 7, 2017**

By Portsmouth Citizens for Transparency

October 25, 2017

What follows is the verbatim text of the relevant portion of Portsmouth's City Charter. Ballot questions 1 and 2 will amend the current Charter by simply adding the language that appears in boldface italics.

"AMENDMENT C - CONFLICT OF INTEREST

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

- A. Mandatory financial disclosure by all police, school, municipal officials, whether appointed or elected, of current personal sources of income and all ***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. ***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.***
- B. Mandatory review boards and procedures to determine violation of the ordinance.
- C. Mandatory penalties for violations of the ordinance.
- D. Comprehensive definitions of such violations, and procedures to be used in reporting, investigating, and correcting the results of violations.
- E. ***A requirement that each candidate for City Council and every political action committee supporting one or more candidates for City Council report contributions and expenditures prior to Election Day, including the candidate's total monetary expenditures for that election and the total monetary expenditures for each candidate or slate of candidates by the political action committee. The report of monetary contributions to the candidate or by a political action committee shall identify each contributor by name, address and amount of contribution.***

Ballot question 1 adds paragraph E. Ballot question 2 adds the language to paragraph A.

BALLOT QUESTIONS

Ballot Question #1:

"Shall the City of Portsmouth approve the Charter Amendment summarized below?"

YES
NO

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

Ballot Question #2:

"Shall the City of Portsmouth approve the Charter Amendment Summarized below?"

YES
NO

SUMMARY: The municipal Charter of the City of Portsmouth currently requires that the City of Portsmouth establish a Conflict of Interest ordinance. In addressing conflict of interest issues, the Charter requires that the ordinance include the creation of a review board and procedures to determine violations. The ordinance must also contain penalties for violations as well as procedures to be used in reporting, investigating and correcting the results of violations.

In addition to addressing those conflict of interest matters, the Charter also requires that the ordinance include mandatory financial disclosure by certain municipal officials. If adopted, this proposed Charter Amendment would mandate that the "municipal officials" who must comply with the mandatory financial disclosure of the sources of income and capital assets required by the ordinance will include members of the City Council, Police Commission, Fire Commission, School Board, Planning Board, Zoning Board of Adjustment and Historic District Commission. The proposed Charter Amendment would also limit the capital assets which would be required to be disclosed under the ordinance to those assets which are "Portsmouth related".

YOU HAVE NOW COMPLETED VOTING

Verbatim Text of RSA 47:17, XIV-b

RSA 47:17 Bylaws and Ordinances. – The city councils shall have power to make all such salutary and needful bylaws as towns and the police officers of towns and engineers or firewards by law have power to make and to annex penalties, not exceeding \$1,000, for the breach thereof; and may make, establish, publish, alter, modify, amend and repeal ordinances, rules, regulations, and bylaws for the purposes stated in this section. Provisions in this section granting authority to establish and collect fines for certain violations shall not be interpreted to limit the authority hereunder to establish and collect fines for any other violations:

XIV-b. Local Election Reporting Requirements. Requiring the reporting of contributions to, and expenditures by, any candidate or political committee made for the purpose of influencing the election of any candidate for local elective office, or any person or committee for the purpose of influencing the vote on any local ballot or referendum question.

Appendix D



Jim Splaine <jimsplaineportsmouth@gmail.com>

Manchester Charter, re: Campaign Disclosure

Jim Splaine <jimsplaineportsmouth@gmail.com>
To: Jim Splaine <jimsplaineportsmouth@gmail.com>

Thu, Jun 29, 2017 at 4:02 AM

Manchester City Charter

Political Campaign Reporting

SECTION 5.29 POLITICAL CAMPAIGN CONTRIBUTIONS AND EXPENDITURES.

The provisions of this section shall apply to any municipal election.

Definitions.

(a) "Candidate" shall mean any person publicly declared as such and for whom votes are sought in an election for the offices of mayor, alderman, school committee or commissioner of welfare.

(b) "Incumbent Official" shall mean an incumbent mayor, aldermen, school committee member or commissioner of welfare.

(c) "Contribution" shall mean a payment, gift, subscription, assessment, contract, payment for services, dues advance, forbearance or loan to a candidate, an incumbent official or political committee made for the purpose of influencing the nomination or election of any candidate. Contributions shall include the use of any thing of value but shall not include the services of volunteers who receive no pay therefor or the use of personal resources by a candidate on his behalf.

(d) "Expenditure" shall mean the disbursement of money or thing of value or the making of a legally binding commitment, for political purposes, to make such a disbursement in the future.

(e) "Measure" shall mean any question which is submitted or intended to be submitted to a popular vote at an election.

(f) "Municipal election" shall mean the municipal primary election and the municipal general election.

(g) "Political Committee" shall mean any organization of two (2) or more persons to influence through contributions and or expenditures municipal elections or measures, including the political committee of a political party as hereinafter defined.

(h) "Political committee of a political party" shall mean the state, county, city, ward or town committee of a political party.

*

Reporting.

(i) *Consent.* Any political committee which is organized to support a candidate in any election shall secure the written consent of the candidate or his fiscal agent before it receives contributions or makes expenditures. Such written consent shall be filed by the city clerk at the time the political committee registers as provided in the following paragraph.

(j) *Registration of political committee.* Prior to the municipal election for which the political committee, is organized, the committee shall file with the city clerk a statement of the purpose of the political committee and a statement of the name, address, occupation and principal place of business, of its chairman, treasurer and other officers, provided, however, that a political committee to promote the nomination of a candidate of a municipal election may not be organized within forty-five (45) days of a municipal primary election.

(k) Report.

(1) Each candidate and each political committee whose combined contributions or combined expenditures equal or exceed \$500 dollars shall file a disclosure report with the city clerk within ten (10) days immediately preceding and immediately following an election.

(2) Each incumbent official whose combined contributions or combined expenditures equal or exceed \$500 within any quarter of the calendar year shall file a disclosure report with the city clerk within thirty (30) days of the end of each calendar quarter.

(3) The disclosure report shall be itemized, signed and sworn to either by the incumbent official, the candidate or by the candidate's campaign chairman or treasurer, as applicable, showing each receipt regardless of amount with the full name and address of the contributor and the amount of the contribution made up to the date of the initial report or made since the date of the last report. The report shall also show each expenditure with the full name and address of persons, corporations, committee, or whomever was paid or is to be paid, with the specific nature of the amount of each expenditure made up to the date of the initial report or made since the date of the last report.

(l) *Statement.* Any candidate whose contributions or expenditures are less than the amount designated in the preceding paragraph shall file a statement to that effect which shall be signed and sworn to as set forth in the preceding paragraph.

(m) *Prohibition.* No candidate shall be entitled to nomination or election until the sworn itemized report or statement required to be filed by him or on his behalf has been filed as herein before required.

(n) *Penalty.* Any candidate, or any member of his political committee, who is convicted for failure to comply with this section shall be subject to penalty as provided by law.

(o) *Public inspection.* All reports, statements, written consents and registrations filed by candidates, political committees and political committees of political parties shall be open to the public.

Applicability of Statutes-Election Materials

SECTION 5.30 STATE ELECTION LAWS.

* The provisions of the Revised Statutes Annotated relating to state elections, including but not limited to, time computation, voters and checklists, nominations, preparation of voting materials, absentee voting, pre-election procedure, vacancies, elective districts, political expenditures and contributions and purity of elections, as are not already made specifically applicable to municipal elections, shall apply to all municipal primary and general elections to the extent practicable. The city clerk, in consultation with the chief legal officer, shall determine the applicability of state election laws.

SECTION 5.31 FORMS.

The city clerk shall prepare all forms and related materials necessary for the municipal primary and general elections, including but not limited to, declarations of candidacy, nominating petitions, assent to candidacy, affidavits of qualifications and disclosure forms.

Appendix E



Jim Splaine <jimsplaineportsmouth@gmail.com>

Concord City Charter, re: Campaign Contributions and Expenditures

Jim Splaine <jimsplaineportsmouth@gmail.com>
To: Jim Splaine <jimsplaineportsmouth@gmail.com>

Thu, Jun 29, 2017 at 4:38 AM

Concord City Charter



10. Reporting of Campaign Contributions and Expenditures. The City Council shall by Ordinance regulate the reporting of contributions to, and expenditures by, a candidate or political committee made for the purpose of influencing the election of any candidate for the office of Mayor, Councilor-at-large or Ward Councilor, or any person or committee for the purpose of influencing the passage of any ballot or referendum question.

Appendix F

City of Nashua, NH
Monday, January 29, 2018

Chapter 23. Elections and Campaigns

Article IV. Campaign Contributions

§ 23-18. Publication.

[NRO 1975, T. 2, § 603; 10-18-1977 by Ord. No. O-77-199; 4-22-1986 by Ord. No. O-86-19A; 12-26-2007 by Ord. No. O-07-128; 2-24-2009 by Ord. No. O-08-49]

A. Each political committee that receives contributions or makes expenditures for the purpose of influencing the election of any candidate, and each person or political committee that receives contributions or makes expenditures for the purpose of influencing any ballot measure or referendum question shall file statements with the City Clerk detailing each receipt and expenditure, covering both the amount and source thereof, including dates, names and addresses of contributors. In cases where receipts from any one person total \$10 or less, the receipt will be entered by amount only.

[Amended 5-26-2009 by Ord. No. O-09-60]

B. Each candidate shall file statements with the City Clerk detailing each receipt and expenditure, covering both the amount and source thereof, including dates, names and addresses of contributors. In cases where receipts from any one person total \$10 or less, the receipt will be entered by amount only. In cases where there are no receipts or expenditures, the filing shall state that fact.

C. Statements of receipts and expenditures relative to a municipal election shall cover the period expiring two days prior to the filing of the statements, which shall be filed 20 days prior to the election, and again on October 1 following a mayoral primary election held on the second Tuesday of September under Charter Section 5a; on December 1 following a municipal election held on the first Tuesday following the first Monday in November; or 30 days following a special municipal election.

[Amended 3-22-2011 by Ord. No. O-11-59]

D. Funds received and spent by exploratory committees are considered to be receipts and expenditures and will be reportable when the candidate files his or her first report required under this section and in the manner required by this section. On June 1 and December 1 of each calendar year, an individual for whom an exploratory committee was formed who has not included all receipts and expenditures on a report required under Subsection B, herein, shall file an informational report on behalf of the exploratory committee. In the event an individual, for whom an exploratory committee was formed, chooses not to become a candidate for office, the surplus contributions may be used or disposed of in accordance with § 23-18.1, and the semiannual information report required of exploratory committees shall continue to be filed until such time as all outstanding surplus has been deleted and reported.

[Added 6-9-2015 by Ord. No. O-15-049^[1]]

[1] Editor's Note: This ordinance also redesignated former Subsections D through F as Subsections E through G, respectively.

E. Any office holder who during the year shall have received any item of value, not a campaign receipt, shall file a statement with the City Clerk detailing each such receipt, including the value, date, and name and address of the contributor thereof, in accordance with Chapter 23, Article VI, Gifts, Testimonials, Honorariums.

[Amended 3-22-2011 by Ord. No. O-11-59]

F. Filings shall be in a form determined by the City Clerk. Filings may be submitted electronically, including by electronic mail, facsimile transmission or any other method approved by the City Clerk. However, electronic

filers are responsible for ensuring that the City Clerk has received such reports within the time required.

- G. Statements shall become public information immediately upon filing. Copies may be furnished on request, and upon payment of reproduction costs to the City Clerk. The City Clerk shall post a copy of the statements required under Subsections A through D on the Internet within three business days of the filing deadline, for a period of no less than four years.

[Amended 6-9-2015 by Ord. No. O-15-049]

Town of Hampton

January 29, 2018



Portsmouth City Council
1 Junkins Avenue
Portsmouth, NH 03801

Dear Councilors:

As the governing body of the Town of Hampton, we the Selectmen write to you as the governing body of the City of Portsmouth to express our concerns about the actions and inactions of the Coakley Landfill Group. This Group is ostensibly a private one, charged with carrying out the Records of Decision in the Federal Superfund cases brought in the early 1990's by the Federal Environmental Protection Agency [EPA] and by the State of New Hampshire Department of Environmental Services [DES].

In reality, however, the Coakley Landfill Group is spearheaded by the City of Portsmouth, because 1) the City Attorney chairs the Group's 3 person governance panel and casts half of its 4 votes, and 2) the City's Environmental Planner, a portion of whose salary is paid for by the Coakley Landfill Group, acts as the Group's administrator. According to the Coakley Landfill Group Participation Agreement that sets forth the workings of the Coakley Landfill Group, the City of Portsmouth bears a 53.55% share of financial responsibility for Coakley Landfill Group liabilities, but the Municipal Group whose votes are cast by City Attorney Sullivan also includes the Towns of North Hampton and Newington.

Hampton's concerns stem from the fact that significant PFC contamination has recently been found in several of the drinking water wells that serve Hampton and are owned by Aquarion Water Company of New Hampshire. This contamination has led to Aquarion to shut down Well #6 in its Mill Road well field. This well provides up to 5% of the Company's current overall production capacity, and Aquarion already has an insufficient margin of safety to meet the demands for water posed by the dramatically increased summer population in the seacoast area. Another Aquarion Well (#14) in North Hampton that lies closer to Route One has also been closed due to increasing levels of PFC contamination. Aquarion serves customers in Hampton, North Hampton, and the Rye Beach Water Districts.

As informed by the comments of Hampton's and North Hampton's expert, U.N.H. Professor and hydrologist Thomas P. Ballestero, we have reason to believe the Coakley Landfill can be a source of the PFC contamination found in Aquarion wells. See attached comments submitted to EPA and DES by Professor Ballestero dated December 1, 2017. Thus, one of our goals is to ensure that there is a thorough investigation, through installation of properly placed couplet monitoring wells that would evaluate both overburden and bedrock water, to determine if indeed the PFCs from Coakley Landfill are migrating to the South and the Southeast toward Aquarion's drinking water wells.

So far the Coakley Landfill Group appears to be resistant to installing and paying for the necessary monitoring wells to make these determinations. Portsmouth City Attorney Sullivan has made an effort, which we have appreciated, to appear at one of our public meetings in the company of Peter Britz and the Coakley Landfill Group's own hydrologist expert to try and assure Hampton of the good intentions of the Coakley Landfill Group, but that Group's apparent efforts with EPA and the State DES to avoid doing the monitoring necessary to rule out the Coakley Landfill as a PFC contaminant source speak louder to us as to what the Coakley Landfill Group will actually do in the face of the current threat to our drinking water.

Another indication of the Coakley Landfill Group's actual intentions is its hiring this past month of its first lobbyist (Glenn Wallace of Concord) to "monitor" legislation at the State had as to PFC's. We see nothing in the operating documents governing the Coakley Landfill Group that speaks to the hiring of a lobbyist to perform this function; again, Portsmouth taxpayers would pay almost 54% of this expense and, as pointed out at a recent City Council meeting, the Deputy City Attorney already performs monitoring of proposed legislation at the State level. Based upon Mr. Wallace's statements to State Representative Mindi Messmer, the Coakley Landfill Group will be seeking through this lobbyist to block her pending legislation designed to lower the current maximum contaminant level for PFC's deemed acceptable by the EPA and DES. We believe this hiring of an outside lobbyist to oppose legislation supported by State legislators who also serve Portsmouth is contrary to the public interest, and urge the Council to put a stop to it. We also ask that a copy of the contract with the lobbyist be provided to us, as it should be provided to you.

Finally, we believe it is a conflict for the Portsmouth City Attorney to be voting the two votes of all the municipal members of the Coakley Landfill Group to oppose necessary monitoring where the Town of North Hampton is one of those members, whose water supply from Aquarion, like Hampton's, may be under threat for contamination emanating from the Coakley Landfill.

We would like the City Council to assume a more active role in directing Portsmouth employees to focus the affairs of the Coakley Landfill Group in the interest of all of the seacoast public whose drinking water is threatened by PFC contamination.

We would like to open up a dialogue between our respective Managers to discuss problems of mutual concern relating to these interests, as suggested by the Council.

We would ask that the City reimburse the Town for Hampton's share (amounting to \$2,881 so far) of the expenses incurred with Professor Ballestero in dealing with the closure of Aquarion's wells and with the challenges to public health posed by the Coakley Landfill Group's approaches to its responsibilities.

Thank you for hearing our concerns.

Sincerely,

Hampton Board of Selectmen

James A. Waddell, Chairman

Regina M. Barnes, Vice Chairman

Richard P. Griffin, Selectman

Philip W. Bean, Selectman

Russell D. Bridle, Selectman

cc: Town of North Hampton Board of Selectmen



Jim Splaine <jimsplaineportsmouth@gmail.com>



**Letter to the Portsmouth City Council & City Attorney Robert Sullivan, re:
Coakley Landfill Presentation And Request For Information**

Jim Splaine <jimsplaineportsmouth@gmail.com>
To: Jim Splaine <jimsplaineportsmouth@gmail.com>

Wed, Jan 31, 2018 at 9:37 AM

Wednesday, January 31, 2018

The Portsmouth City Council
City Attorney Robert Sullivan
City Hall, 1 Junkins Avenue
Portsmouth, NH 03801

To the Portsmouth City Council and Attorney Robert Sullivan

I have agreed to join New Hampshire State Representatives Mindi Messmer, D-Rye, Renny Cushing, D-Hampton and Phil Bean, R-Hampton in their request for information, billings, and files about the Coakley Landfill matter and the Coakley Landfill Group, all of which should be publicly available under provisions of the N.H. Right-to-Know Law.

Additionally, I request to receive, under the N.H. Right-to-Know Law statute, and I believe it is imperative to have the following information. This information will be useful when the City Council receives a presentation at your meeting of Monday, February 5, 2018:

- 1. Invoices from any companies or individuals of work done that has been approved for payment by the Coakley Landfill Group.**
- 2. Copies of contracts issued, as well as any Requests for Proposals submitted, detailing work to be done or requested to be done.**
- 3. Names of companies, contractors, consultants, or individuals who have been paid for any of the work at the Coakley Landfill approved by the Coakley Landfill Group.**
- 4. A description of and any cost assigned to any in-kind work, whether paid or unpaid, that has been completed by the participating (responsible) parties of the consent degree contract, i.e. the municipalities of Portsmouth (53.6%), North Hampton (4%), Newington (5.5%), or any of the Generators (20%) or Transporters (16.9%). That**

should include any organizations or private businesses or persons being part of the responsible parties list.

I also believe it is imperative that when the Portsmouth City Council receives a presentation on Monday, February 5, 2018 about the Coakley Landfill and the Coakley Landfill Group, a part of that presentation should detail the process by which work is checked prior to payment being approved. I would assume there is some kind of a process that would usually entail a Clerk Of The Works, but apparently there is no staff connected with the Coakley Landfill Group -- so who does this task?

I also suggest that it is important for the Portsmouth City Council to join other members of the participating parties of the consent degree in contracting for a thorough audit of all monies paid through approval of the Coakley Landfill Group, an examination of the invoices submitted for payment, and an overview of the work actually accomplished. Not to do this would fail to provide a full accounting of the reported \$27 million paid to date, approximately \$13 million of which is from Portsmouth taxpayers.

I think the Portsmouth City Council must insist on full financial accountability as well as transparency. Much more will have to be done with the Coakley Landfill in years to come, and proper procedures need to be assured.

Lastly, another item that may be discussed at the Monday, February 5, 2018 City Council meeting is House Bill 1766, "relative to remediating the Coakley Landfill in Greenland, sponsored by New Hampshire State Representatives Mindi Messmer, D-Rye; Renny Cushing, D-Hampton; Phillip Bean, R-Hampton; Mike Edgar, D-Hampton; Tamara Le, D-North Hampton; Pamela Gordon, D-Portsmouth; and New Hampshire State Senator Martha Fuller Clark, D-Portsmouth.

That bill, as the formal "analysis" of the legislation states, "requires the Department of Environmental Services to order the parties responsible for dumping hazardous waste in the Coakley Landfill to undertake certain remedial actions." The bill specifically suggests that the parties responsible for placing hazardous waste into the Coakley Landfill examine the implementation of a "ground water extraction and treatment remedy" to more properly and environmentally remediate the impact of the residue into the water table.

By mismanagement and allowing waste to be placed, and buried, at the Coakley Landfill that should never have been there, we contributed to a problem. We have to take responsible action and clean it up. It will not

disappear, and the processes currently being used may well not be doing the job -- thus putting more money into work that is not effective.

I believe that we, as citizens and temporary caretakers of our Seacoast Area, have a responsibility to fulfill the goals of this legislation. We caused a problem that any logic even in the less-aware years of twenty, thirty, forty and fifty years ago should have told us not to: putting hazardous waste into the ground, then burying it, with a "Don't Worry, Be Happy" attitude, is bad practice.

The public hearing on that bill will be held by the House Environment and Agriculture Committee on Tuesday, February 20th at 10:00 AM in room 303 of the Legislative Office Building in Concord. Instead of merely opposing the bill, the Coakley Landfill Group and its newly-paid lobbyist should explore whether current remediation efforts are as successful as they should be, and how other remedial approaches may be more effective and perhaps more cost-effective.

I will add that I think we have a future problem to which we're not paying equal concern in another part of our community: the Jones Avenue Landfill. My warnings and questions about that fell seemed sidelined during the past two years. Residue from the capped Jones Avenue Landfill can affect the Sagamore Creek area and a large watershed affecting our community in decades to come unless significant remedial action is taken. The continued "Don't Worry, Be Happy" approach doesn't work forever.

Thank You,




Jim Splaine

Portsmouth Activist

cc
Paul McEachern
Attorneys at Law
Law Offices of
Shaines & McEachern, PA
Pease International Tradeport
282 Corporate Drive
P.O. Box 360
Portsmouth, NH 03802-0360

**CITY OF PORTSMOUTH
PORTSMOUTH, NH 03801**

Office of the City Manager

Date: February 1, 2018
To: Honorable Mayor Jack Blalock and City Council Members
From: John P. Bohenko, City Manager 
Re: City Manager's Comments on February 5, 2018 City Council Agenda

5:00 p.m. - Public Dialogue

Non-Public Session:

5:45 p.m. Non-Public Session Re: Strategy or Negotiations with Respect to Collective Bargaining – RSA 91-A:2, I (a) – Supervisory Management Alliance.

Work Session:

6:00 p.m.

1. **Residential Parking.** On Monday evening, Parking Director Ben Fletcher will make a presentation and lead the discussion regarding this matter.

Presentations:

1. **New England Water Works Association Award.** On Monday evening, Mayor Blalock will recognize Deputy Public Works Director Brian Goetz as a recipient of the 2017 Award of Merit from the New England Water Works Association.

2. **Report Back Re: Coakley Landfill.** As requested by the City Council, City Attorney Robert Sullivan, Environmental Planner Peter Britz, and Michael A. Deyling, Senior Project Manager/Hydrogeologist for the Coakley Landfill Group, will give an update to the City Council regarding the Coakley Landfill.

Public Hearing and Votes on Ordinances and/or Resolutions:

1. **Resolution Authorizing a Supplemental Appropriation from the Water Fund Unrestricted Net Position for Bellamy Reservoir Source Water Protection Land Conservation Easement for the Sum of Up To Two Hundred Twenty-Three Thousand, One Hundred Thirty (\$223,130.00).** As you will recall at the January 16, 2018 City Council meeting, the City Council voted to establish a public hearing for this Monday's meeting to utilize \$223,130 from the Water Enterprise Fund for the purchase of land for the Bellamy Reservoir Source Water Protection Land Conservation Easement. Under Section VII of the Agenda, I am bringing back for public hearing and adoption the [attached proposed Resolution](#) authorizing a Supplemental Appropriation from the Water Fund Unrestricted Net Position for the Bellamy Reservoir Source Water Protection Land Conservation Easement for the Sum of Up To Two Hundred Twenty-Three Thousand, One Hundred Thirty (\$223,130.00).

In addition, at the January 16, 2018 City Council meeting, the Council voted to enter into a Grant Agreement with the State of New Hampshire's Drinking Water and Groundwater Trust Fund to receive \$200,000 towards the purchase of the easement.

Further, at the January 16th City Council meeting, the Council voted to execute an Agreement with the Southeast Land Trust (SELT) to administer the transaction for a cost of \$33,130.

As you are aware, the value of the conservation easement was appraised as \$390,000.00 by McManus & Nault Appraisal Company, Inc. Mr. Olson agreed to that purchase price.

A two-thirds vote of the City Council is required to adopt this Resolution.

I recommend the City Council move to adopt the proposed Resolution to authorize a supplemental appropriation from the Water Fund Unrestricted Net Position for the Bellamy Reservoir Source Water Protection Land Conservation Easement for the Sum of Up To Two Hundred Twenty-Three Thousand, One Hundred Thirty (\$223,130.00), as presented.

2. **First Reading of Ordinances to Implement Charter Amendments.** Following the instructions of the City Council on January 16, 2018, [attached are two ordinances](#) which are being submitted for first reading at Monday's meeting. At that meeting, the City Council was provided with a copy of the [attached memorandum](#) from City Attorney Robert Sullivan and City Clerk Kelli Barnaby dated January 8, 2018 referring to the Ordinance charter amendments as Charter Amendment #1 (Election Candidate Financial Disclosure)

and Charter Amendment #2 (Municipal Officials Disclosures) that format shall be retained for purposes of the submission of these ordinances.

In each case the ordinances were produced with three concepts in mind:

1. As closely and narrowly as possible the ordinances follow the language of the Charter Amendments.
2. Whenever possible existing City ordinance language regarding candidate reporting and mandatory financial disclosure has been retained and utilized in the ordinance. This was done to avoid creating obligations on municipal officials which have not been either required by the City Charter or specifically authorized by the City Council.
3. These ordinances are for first reading purposes. The City Council retains significant latitude in altering or amending these ordinances at second reading. It is expected that once Councilors have a chance to see and analyze the form of the ordinances being presented for first reading, that modifications to those ordinances will be made by way of City Council initiated amendments to them. In particular, the definition of the term Political Action Committee in the ordinance intended to implement Charter Amendment #1 deserves Council consideration.

- a) **First Reading of Ordinance Amending Chapter 1, Article IX, Section 1.9: - Conflict of Interest/Election Candidate Financial Disclosure – Charter Amendment #1.** The [attached proposed Ordinance](#) amending Chapter 1, Article IX, Section 1.901: - Conflict of Interest/Election Candidate Financial Disclosure – Charter Amendment 1

If the City Council chooses, a motion may be moved to pass first reading and schedule a public hearing and second reading of the proposed Ordinance at the February 20, 2018 City Council meeting.

- b) **First Reading of Ordinance Amending Chapter 1, Article IX, Section 1.901: - Conflict of Interest/Municipal Officials Disclosure - Charter Amendment #2.** The [attached proposed Ordinance](#) amending Chapter 1, Article IX, Section 1.901: - Municipal Officials Disclosures is Charter Amendment 2.

If the City Council chooses, a motion may be moved to pass first reading and schedule a public hearing and second reading of the proposed Ordinance at the February 20, 2018 City Council meeting.

Acceptance of Grants and Donations:

1. **Acceptance of Fire Department Grant.** The Portsmouth Fire Department has received a donation in the amount of \$500.00 from Newburyport Five Cents Savings Bank.

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

2. **Acceptance of Wellness Reward.** City staff representing the Finance, Police, Fire and Public Works Departments attended a Wellness Coordinator training at HealthTrust in Concord, New Hampshire. As a reward for being returning Wellness Coordinators with HealthTrust, City staff each received \$500 for their departments to use towards wellness initiatives in 2018. The total amount received was \$2,000. This money will be used to promote wellness for employees.

The goal of the HealthTrust Wellness Program, Slice of Life, is to reduce health risk factors and create a healthier lifestyle for our employees. To realize this goal, the City, through its Wellness Programs, will provide health and safety initiatives, as well as education to its employees in an effort to improve the quality of their lives.

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

3. **Acceptance of a Grant from the Drinking Water and Groundwater Trust Fund (Trust Fund).** The Trust Fund Advisory Commission authorized the award of up to \$200,000 in grant funds to the City of Portsmouth for the Breakfast Hill Area Water Main Improvements project. The City of Portsmouth will use the grant funds to advance the design phase of a water main extension from the existing Portsmouth water system to the Breakfast Hill area of Breakfast Hill Road in Greenland.

This area has previously been identified in our water system master planning as an area of expansion for service. Past master plans have assessed that expansion in this area would improve system pipe looping and redundancy. The proposed study will provide the Town of Greenland and the City of Portsmouth's water system with a better understanding and scope, together with associated water demand needs and updated costs, as they relate to providing public water in this area of Greenland. The [attached January 18, 2017 memorandum](#) outlines the area of study together with a map of potential water line service locations.

The grant funds will be used for the tasks as outlined in the [attached "EXHIBIT A SCOPE OF SERVICES - City of Portsmouth Drinking Water and Groundwater Trust Fund – Grant"](#).

As with any identification of system improvements through our master plan process, this is not a commitment of the water system to proceed with construction of the infrastructure, just the next step toward refining the long-term cost estimate and infrastructure needs in the area.

I recommend the City Council take the following action:

Move to authorize the City Manager to enter into a Grant Agreement to accept \$200,000 from the State of New Hampshire's Drinking Water and Groundwater Trust Fund grant funds and to enter into a grant agreement with the Department of Environmental Services for the purposes of a water system improvement project.

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

City Manager's Items Which Require Action:

1. **Request for Approval of a One-Year Extension of the Current Collective Bargaining Agreement between the Portsmouth School Board and the Association of Portsmouth Teachers.** The Portsmouth School Board and the Association of Portsmouth Teachers have voted in favor of a one-year extension of the current collective bargaining Agreement. Under this extension, the terms of the current collective bargaining agreement would remain in place until June 30, 2019.

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

- A memorandum from Thomas Closson, City Negotiator, recommending this one-year extension;
- A memorandum from Stephen Bartlett, School Business Administrator, regarding the 2019 cost of this teacher contract extension, if approved;
- The Memorandum of Agreement between the Portsmouth School Board and the Association of Portsmouth Teachers; the only change is a 2% COLA.
- Copy of the contract showing the insertions and deletions to implement this Agreement, if approved.

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

<http://files.cityofportsmouth.com/hr/contracts/School/APTAGREEMENToneyearextension2019.pdf>

I recommend the City Council move to accept the proposed One-Year Agreement between the Portsmouth School Board and the Association of Portsmouth Teachers, as presented.

2. **Request to Extend Lease Agreement between the City of Portsmouth and the Creek Athletic Club Re: 251 Bartlett Street.** The City has received a request from the Creek Athletic Club requesting an eight-year extension of its lease with the City for the building at 251 Bartlett Street. As part of this request, the Creek Athletic Club would like to undertake this cost of replacing the current roof in exchange for this eight-year extension to the current lease term if the Club is allowed to take the cost of the new roof as an ongoing credit against the rent owed to the City.

Attached is a copy of the revised Lease Agreement, which includes Exhibit A outlining the capital improvements (replace existing roof and refurbish rooftop dormers) and the term of completion by the Creek Athletic Club.

The current Agreement is scheduled to expire on March 31, 2021. The request is for an eight-year extension effective March 31, 2021 through March 31, 2029.

I would recommend that the City Council move to extend the Lease Agreement with the Creek Athletic Club for 251 Bartlett Street for a period of eight years from March 31, 2021 through March 31, 2029, as presented.

3. **Woodlands Homeowners Association for License to Install Sign – FW Hartford Drive and Adams Avenue.** Attached is a memorandum from Juliet Walker, Planning Director regarding a request from Woodlands Homeowners Association, Inc. to install a sign within the public right of way at the corner of FW Hartford Drive and Adams Avenue. The proposed sign is replacing an existing sign.

I recommend the City Council move to approve the aforementioned revocable municipal license as recommended by the Planning Director in the memorandum dated January 17, 2018, and further, authorize the City Manager to execute this License Agreement for this request.

4. **Woodlands Homeowners Association for License to Install Sign – FW Hartford Drive and Taft Road.** Attached is a memorandum from Juliet Walker, Planning Director regarding a request from Woodlands Homeowners Association, Inc. to install a sign within the public right of way at the corner of FW Hartford Drive and Taft Road. The proposed sign is replacing an existing sign.

I recommend the City Council move to approve the aforementioned revocable municipal license as recommended by the Planning Director in the memorandum dated January 17, 2018, and further, authorize the City Manager to execute this License Agreement for this request.

5. **Easements Re: Islington Street Project.** Attached is a memorandum from Planning Director Juliet Walker along with a memorandum from Assistant City Attorney Suzanne Woodland regarding proposed easements for the Islington Street corridor improvements.

At the January 18, 2018 meeting, the Planning Board considered the proposed easements and voted to recommend that the City Council accept the easements identified.

I recommend the City Council move to accept the Planning Board's recommendation to approve the easements identified in the Memorandum from Deputy City Attorney Suzanne Woodland, dated January 11, 2018 to accomplish the Islington Street project.

6. **Purchase and Sale Agreement Re: Map 283, Lot 19 (Banfield Road)** The City seeks to construct improvements to Banfield Road in order to improve public safety and drainage. In order to undertake that construction, the City has been trying to obtain necessary easements from property owned by Ferrari Remodeling & Design Inc along the westerly side of Banfield Road. See attached aerial view of the property.

The property owner was not inclined to grant the easements for the road project but was interested in selling the entire 34.5 acre parcel which is substantially wet. Prior to the property being placed into current use, the property had an appraised value of \$103,700 (assessed value is only \$742 because it is in current use).

The City has entered into a purchase and sale agreement of the property in the amount of \$55,000 subject to certain conditions being met including approval of the City Council (see attached). Principally, the City hopes to be able to use this land to satisfy wetland impact mitigation requirements arising as a result of the Banfield Road project. If approved by NHDES and the Army Corps of Engineers, this acquisition would avoid the City having to pay an in-lieu of mitigation fee (\$56,607.13), or a portion of it. The City will be conducting a wetland delineation of the property soon and then follow up with NHDES and the Army Corps to see if this acquisition will satisfy the mitigation criteria. If the property cannot be used for mitigation, the City can terminate the purchase and sale agreement.

I recommend the City Council move to refer this potential acquisition of property located off of Banfield Road to the Planning Board for a recommendation.

Informational Items:

1. **Events Listing.** For your information, attached is a copy of the updated Events Listing from January 16, 2018 through 2018. In addition, this can be found on the City's website.
2. **Report Back Re: Safe Station.** As requested by the City Council at the January 16, 2018 meeting, attached is a memorandum from Fire Chief Steve Achilles regarding a safe station model.

3. **Report Back Re: Potential Revenue Sources.** As requested by Councilor Roberts, [attached is a memorandum from Finance Director Judie Belanger](#) regarding potential revenue sources.

4. **Community Development Block Grant Public Service Agency Grants Available.** The Portsmouth Community Development Department is now accepting applications for the FY 2019 Public Service Agency Grant program ([see attached announcement](#)). The funding for this program is provided by a Community Development Block Grant (CDBG) from the U.S. Department of Housing and Urban Development. This is a competitive grant program that makes grants generally ranging from \$5,000 up to \$15,000 available to non-profit public service agencies that serve Portsmouth individuals and families who earn very low, low or moderate-incomes. Funds may be used for operating expenses during the program year beginning July 1, 2018 and ending June 30, 2019.

Eligible agencies must have a 501(c)(3) tax exemption status and over 51% of their clients must earn very low, low or moderate incomes as defined by U.S. Housing and Urban Development. Eligible grant expenses include the cost of labor, supplies, and/or materials required for the provision of services to agency clientele. Agencies that have received funding in the previous year, must also be able to demonstrate that they can either increase the number of clients they assist or the services they provide in the coming year. The deadline for submission of applications to the City of Portsmouth Community Development Department is 1:00 p.m. on Friday, February 9, 2018. In order to be considered for funding, applications must be received by that date and time.

To request an application, or to obtain more information about the CDBG Public Service Agency Grant Program, please call Elise Annunziata, Community Development Coordinator, in the Portsmouth Community Development Department at (603) 610-7281.

5. **Legal Notice Re: Citizens Advisory Committee Public Hearing.** For your information, [attached is a legal notice of a Citizens Advisory Committee](#) regarding a public hearing scheduled for Thursday, February 15, 2018 at 6:00 p.m., in Conference Room A of City Hall, regarding the FY 2019 Annual Action Plan and Review of the FY 2018 CDBG Accomplishments.



Attorneys at Law

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Table listing office locations across various US cities including Albany, NY, Grand Rapids, MI, Morrystown, NJ, etc.

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To: City Manager John Bohenko and Members of the Portsmouth City Council
From: Thomas M. Closson
Date: January 9, 2018
Re: Extension of Collective Bargaining Agreement with the Association of Portsmouth Teachers

I am pleased to recommend a one year extension of the current collective bargaining agreement between the Association of Portsmouth Teachers ("the Union") and the City of Portsmouth/Portsmouth School District. Both the Union and the Portsmouth School Board have already voted in favor of this extension. Under this extension, the terms of the current collective bargaining agreement would remain in place until June 30, 2019. These contractual terms are not only fair and reasonable, they are also within the general parameters that both the City and the School District have strived to maintain with all of their bargaining units.

Portsmouth School Department
1 Junkins Avenue, Suite 402
Portsmouth, New Hampshire 03801

**Office of the
Superintendent of Schools**

**Telephone 603-431-5080
Fax 603-431-6753**

Date: January 9, 2018

To: Diana L. Fogarty, Human Resource Director

From: Stephen T. Bartlett, Business Administrator

Re: 2019 Cost of Teacher Contract Extension

2.0 % Increase on salary	\$ 409,541
7.65 % FICA	31,330
17.38 % Retirement	<u>71,178</u>
	\$ 512,049

MEMORANDUM OF AGREEMENT

**Portsmouth School Board
and
Association of Portsmouth Teachers**

WHEREAS, the Portsmouth School Board (“the Board”) and the Association of Portsmouth Teachers (“the Association”) are parties to a collective bargaining agreement (“CBA”) expiring June 30, 2018.

WHEREAS, the Parties desire to extend the term of this contract for one additional year.

THEREFORE, the Parties agree to the following terms:

1. The parties agree to add an additional year to the CBA, so that the CBA will now expire on June 30, 2019;
2. The parties agree that Article 52 of the CBA will be modified to include a two (2%) increase for 2018-2019.
3. The parties agree that all coaching, extracurricular, and special series compensation will increase by two percent (2.0%) in 2018-2019.
4. This agreement will be null and void unless approved by the Portsmouth City Council.
5. The terms of the Memorandum of Agreement are a one-time event, and do not set any binding precedent on either party.
6. With the exception of those changes outlined above, all of the remaining terms of the CBA will remain in place and will continue in full force and effect through June 30, 2019.

Dated: _____

Portsmouth School Board

Dated: 1/9/18

Linda A. Brislat

Association of Portsmouth Teachers

Dated: _____

Approved by the Portsmouth City Council

AGREEMENT

BETWEEN THE

PORTSMOUTH SCHOOL BOARD

AND

ASSOCIATION OF PORTSMOUTH TEACHERS

Effective from July 1, 2014 through June 30, 2018⁹

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SECTION I - BOARD AND ASSOCIATION

Article 1

RECOGNITION

For the purposes of collective negotiations pursuant to RSA 273-A, the BOARD recognizes the ASSOCIATION as the exclusive representative of all professional employees of the Portsmouth School System whether under contract, on leave or employed. Professional employees shall include any individual employed by the Portsmouth School System, the qualifications for whose positions are such as to require them to hold an appropriate credential issued by the State Board of Education under its regulations governing the certification of professional school personnel, EXCEPT that the term does not include members of the Superintendent's Advisory Council. This council consists of Principals, Directors, Coordinators, and Central Office Administrators. The ASSOCIATION agrees to negotiate for all professional employees without discrimination and without regard to membership in the ASSOCIATION.

Article 2

DUES DEDUCTION

The BOARD agrees to deduct from the salaries of its employees dues for the ASSOCIATION OF PORTSMOUTH TEACHERS, NEA-NH, and the National Education Association as said teachers authorize the BOARD to deduct. A check will be written to the ASSOCIATION equal to the amount deducted on a month-to-month basis.

Article 3

REPRESENTATION FEES

It is recognized that the negotiations for, and administration, of the AGREEMENT entails expenses which appropriately should be shared by all employees who are beneficiaries of this AGREEMENT. To this end, if an employee in the bargaining unit does not join the ASSOCIATION, such employee will, as a condition of employment by the BOARD, execute an authorization for the deduction of a "representation fee" which shall be a sum equivalent to membership dues and assessments required to be paid by members of the ASSOCIATION, which sum shall be retained for a scholarship fund. The committee to award the scholarship shall be made up of two administrators, two members of the ASSOCIATION, and one member of the "representation fee" group. The scholarship shall be given in the name of the ASSOCIATION OF PORTSMOUTH TEACHERS. The ASSOCIATION agrees to indemnify and defend the BOARD, the Portsmouth School District and SAU, the City of Portsmouth and any employee, official, agent, representative or attorney of any such entity from any claim arising out of or in any way connected with the "representation fee."

Article 4

PRESIDENT OF APT

The President of the ASSOCIATION OF PORTSMOUTH TEACHERS or his or her designee shall be released at full pay not to exceed the equivalent of three (3) days per year and the ASSOCIATION will reimburse substitute costs to the school system.

Article 5

EMERGENCY BOARD ACTION

The BOARD, subject only to the language of this AGREEMENT, reserves to itself full jurisdiction and authority over matters of policy and retains the right in accordance with applicable laws and regulations to direct and manage all activities of the school district. In an emergency affecting the health, safety, or welfare of the students of the schools, the BOARD may take whatever actions it deems necessary.

Article 6

ASSOCIATION MEETING

The first semi-annual meeting of the Teachers' Association will be between the hours of 8 a.m. and 3 p.m. on the workshop day that precedes the opening of school. This meeting will be approximately one (1) hour in length.

Article 7

USE OF SCHOOL BUILDINGS

The ASSOCIATION and its representatives shall have the right to use school buildings at all reasonable hours for meetings. This use must be within the hours when custodians are regularly employed and within accepted school policy.

Article 8

ASSOCIATION - USE OF FACILITIES AND EQUIPMENT

8.1 Representatives of the ASSOCIATION and their affiliates shall be permitted to transact ASSOCIATION business on school property at all reasonable times, provided that this shall not disrupt normal school operations.

8.2 The ASSOCIATION and its representatives shall have the right to use school facilities and office equipment. The ASSOCIATION shall pay for the costs of all materials and supplies incidental to such use.

Article 9

BULLETIN BOARDS AND MAILBOXES

9.1 The ASSOCIATION and its representatives shall have the right to put notices and matters of ASSOCIATION concern on teacher's bulletin boards; at least one shall be provided in each building.

9.2 The Executive Board of the ASSOCIATION shall have the right to place notices, circulars, and other material in the teachers' mailboxes, provided that such materials shall not relate to any State, local or national political matter of a non-educational nature, or any partisan political electioneering material. The ASSOCIATION shall take all reasonable steps to ensure that the material is not slanderous, libelous, or in any way flagrantly harmful to the school, its staff, or any other individual or group. Any materials will be in good taste. Copies of all materials distributed to the general membership, exclusive of material distributed to the Executive Board shall be given to building principals and the Superintendent, but their approval will not be required.

Article 10

SCHOOL BOARD MAILINGS

The Superintendent will send to the employee representative all materials provided for the School Board meetings in a timely manner.

Article 11

ASSOCIATION BUSINESS DURING THE SCHOOL DAY

Designated representatives of the ASSOCIATION shall be allowed to receive telephone calls and other communications concerning ASSOCIATION business at any time during school hours providing it does not disrupt the teacher's classroom assignment or interfere with the daily operation of the school.

Article 12

TEACHER/ADMINISTRATOR MEETINGS

The BOARD recognizes the right of all teachers to receive advice if they so desire. If a teacher meets with an administrator, the teacher, upon hearing the topic to be discussed, may request a representative from the ASSOCIATION to attend the meeting. This will apply in all cases except where the safety or welfare of a student is seriously threatened.

Article 13

NEGOTIATION PROCEDURE

13.1 Not later than October 1st of the year preceding the expiration of this AGREEMENT, the parties agree to enter into negotiations, in accordance with procedures set forth herein, in a good faith effort to reach agreement on all matters raised by either party concerning salaries and fringe benefits and other conditions of employment. Any agreement reached shall be reduced to writing and signed by the BOARD and ASSOCIATION. The BOARD shall make a good-faith effort to secure the funds necessary to implement said AGREEMENT. If such funds are not forthcoming, the BOARD and the ASSOCIATION shall resume negotiations regarding the matters affected thereby, in accordance with the provisions of the AGREEMENT.

13.2 The BOARD and the ASSOCIATION may, if they so desire, utilize the services of outside consultants, and may call upon professional representatives to assist in negotiations.

13.3 If, by December 1st, the parties fail to reach agreement on any matter or matters, which are the subject of negotiation, either party may declare impasse. In the event of an impasse, a mediator shall be appointed for the purpose of assisting the parties in reconciling their differences and resolving the controversy on terms, which are mutually acceptable.

13.4 A mediator shall be appointed by PELRB acting on its authority under RSA 273-A. The parties shall make selections in order of preference and return the list to PELRB for appointment. The mediator shall meet with the parties or their representatives, or both, as soon as possible, either jointly or separately, and shall take such other steps, as he/she may deem appropriate in order to persuade the parties to resolve their differences and effect a mutually acceptable agreement. If the dispute is not resolved prior to the thirty (30) days after the impasse is declared and the parties agree in advance, the mediator shall recommend terms of settlement regarding the disputed matters submitted. Said recommendations shall be made within thirty (30) days of his/her appointment. Either the BOARD or the ASSOCIATION may make such findings and recommendations public if no agreement is reached within ten (10) days after their receipt from the mediator.

13.5 The costs for the services of the mediator including per diem expenses, if any, and actual and necessary travel and subsistence expenses, will be shared equally by the BOARD and the ASSOCIATION.

Article 14

AGREEMENT PROVISIONS

14.1 This AGREEMENT shall be construed as a BOARD policy for the terms of said AGREEMENT, and the BOARD shall carry out the commitments contained herein, and give them full force and effect as though they were BOARD policy.

14.2 The BOARD agrees not to negotiate with any teachers' group or association, other than the designated unit in regard to any matter subject to negotiations under Article 13, Section 1 of this AGREEMENT as long as the ASSOCIATION shall represent a majority of the professional employees of Portsmouth, New Hampshire School System. This shall not prevent the BOARD from communicating or consulting with any individual teacher or group of teachers for any purpose the BOARD shall deem desirable in the discharge of responsibilities, nor shall it preclude any teacher from appearing before the BOARD in his/her own behalf on matters relating to employment by the BOARD.

14.3 This AGREEMENT may not be modified, in whole or in part, by the parties, except by an instrument in writing, duly executed by both parties.

14.4 Whenever any notice is required to be given by either party to this AGREEMENT to the other, pursuant to the provisions of this AGREEMENT, either party must do so by registered or certified mail, at the following addresses:

If by ASSOCIATION, to: School Administrative Unit 52
1 Junkins Ave, Suite 402
Portsmouth, NH 03801

If by BOARD, to: President of the Association, or
his/her designee, at the appropriate
address filed with the BOARD.

14.5 Except as this AGREEMENT shall hereinafter otherwise provide, all terms, conditions, of employment, and benefits in effect at the time this AGREEMENT is signed shall continue to be so applicable. Unless otherwise provided in this AGREEMENT, nothing contained herein shall be interpreted and/or applied so as to eliminate, reduce, or otherwise detract from any terms, conditions of employment, and benefits existing prior to its effective date.

14.6 If any provision of this AGREEMENT or any application of this AGREEMENT to any employee or group of employees shall be found contrary to law, then such provision or application shall not be deemed valid and subsisting, except to the extent permitted by law, but all other provisions or application shall continue in full force and effect.

14.7 If any article or part of this AGREEMENT is held to be invalid by operation of law, or by any tribunal of competent jurisdiction, or if compliance with or enforcement of any article or part should be restrained by such tribunal, the remainder of the AGREEMENT shall not be affected thereby and the parties shall enter into immediate negotiations for the purpose of arriving at a mutually satisfactory replacement for such article or part.

Article 15

CONTINUITY OF OPERATIONS

15.1 Both parties recognize the desirability of continuous and uninterrupted operation of the instructional program during the school year, and the avoidance of disputes, which threaten to interfere with such operation. The ASSOCIATION accordingly agrees, during the period of this AGREEMENT, that it will not, nor will any of its members acting in its behalf cause, authorize, or support, nor will any of its members take part in, a strike against the Portsmouth School System.

15.2 In the event that negotiations do not bring about an agreement by July 1 or a revised agreement by September 1, this contract remains in effect until an agreement is reached.

15.3 If negotiations are resumed due to a budget reduction and no revised agreement is reached by September 1, neither party shall take any action to impair the operation of the schools.

Article 16

RE-EMPLOYMENT NOTICE/JUST CAUSE

16.1 Teachers under a continuing contract who are not to be re-employed in the district shall be notified in writing no later than April 1. No teacher shall be non-renewed, suspended, disciplined, reprimanded, adversely evaluated, reduced in rank or compensation, or deprived of any professional advantage without just cause, except that the non-renewal or dismissal of teachers during their probationary period in the district will be dealt with according to RSA 189:13 and 14 and shall not be subject to the grievance procedure.

Effective 2008-09, a committee will be established by the Association and the administration to establish an evaluation process for athletic coaches. The current evaluation process will remain in place pending agreement on a new process.

16.2 It is understood by both parties, that a teacher who is re-employed off the RIF list and has never taught in that certified area, in a contracted capacity, will be placed in that position on a one-year trial basis. That teacher will demonstrate competency in that new position. The teacher will devote 40 of the next 50 staff development hours to the new teaching assignment. Further, it is expected that 15 of those 40 hours will be accumulated during that first year.

Said teacher's status for employment in other certified areas will NOT be affected by Article 16.2.

Teachers so re-employed will be observed at least two (2) times resulting in an evaluation prior to January 1. If as a result of evaluations, the teacher is not renewed, he/she will be notified in writing with reasons stated no later than April 1. He/she will return to RIF list in that certification and will not be rehired in that certification until he/she has demonstrated competence in a position in that certification.

Article 17

RIGHTS OF THE PARTIES

There shall be no reprisals taken against any teacher by reason of membership in the ASSOCIATION or participation in its lawful activities, nor shall action be taken against a teacher for processing a grievance.

Article 18

HEALTH AND SAFETY

- 18.1 The BOARD shall provide a safe and healthy classroom environment.
- 18.2 The BOARD will reimburse each teacher the fee for the criminal record check charged by the Department of Safety when teachers renew their state certificate.

SECTION II - RESPONSIBILITIES OF PROFESSIONAL EMPLOYEES

Article 19

WORK YEAR

- 19.1 The teacher work year shall be no more than 187 days except that teachers initially entering the Portsmouth School System will be expected to appear one additional day prior to the opening of school.
- 19.2 The Association shall be responsible for the development of the school calendar. The Association shall make a provision for staff, SAU #50 and parent input, and shall consult with the Superintendent. The Association shall provide a final draft of the calendar to the School Board for final approval by the first meeting in February.
- 19.3 Any member required by the School Department to work beyond his/her contracted days will be paid on a per diem based on position and current step for the fiscal year in which the extra work is performed, with the exceptions noted in 19.1.
- 19.4 Some teachers, specialists or librarians, may have work situations that require one (1) or more days in-school time at the beginning and/or at the end of the school year without normal student contact. These professionals shall have the number of student free days equal to the number of buildings in which they teach. This Section shall apply to elementary school teachers in Physical Education, Art, Music, English Second Language, Speech, Occupational Therapy, and Computer.

Article 20

TIME REQUIREMENT

- 20.1 An eight (8) hour "on-site" workday will be established with a duty free, uninterrupted lunch period of 25 minutes or the student lunchtime, whichever is greater. Teachers are expected to be available to:
- A. Aid students on an after-school basis as needed.
 - B. Attend department or other professional staff meetings designed to provide meaningful professional growth or to clarify school business in general.
 - C. Conduct parent conferences.
 - D. Participate in Student Evaluation/Placement Team meetings as necessary.
 - E. Participate in other school-related activities as scheduled by the administration, such as the distribution of report cards, parent-teacher group meetings, and school sponsored activities. Participation and attendance assignments will be distributed among all staff as equitably as possible.
 - F. Meetings shall be programmed and attended by those teachers and administrators involved. These meetings will not exceed an average of two (2) hours per week and shall not be held during teacher planning time unless mutually agreed upon between the teachers and the administrators involved.
- 20.2 The eight (8) hour day shall be spent on school site and may include classes, study halls, student

contact, planning, peer coaching, training, meeting in collegial groups, or other activities. As professionals, teachers need time in their schedule for other activities related to the educational process.

20.3 Elementary teachers will have planning time, including common team planning time, provided on a weekly basis within the confines of the eight (8) hour work day. The planning time will include special assignment blocks, such as art, music, physical education, computer and library period. Effective 2009-10, the administration, with Association input, may phase out the computer and library classes from planning time. However, this is not intended to lead to a decrease in planning time.

20.4 All part-time teachers will share classroom and duty assignments and responsibilities in proportion to their percentage of salary.

20.5 No more than two (2) periods per semester per subject certification may be filled with part-time employees unless special circumstances arise.

20.6 All teachers are expected to be in school a reasonable amount of time before and after school.

20.7 Work may be accomplished within the building or other appropriate setting. Before leaving the building, the teacher must inform the principal or supervisor of his/her destination, purpose and expected time of return.

20.8 The SAU will make every effort that is practical and possible to provide teachers with access to a telephone, which allows for confidential communications with parents.

Article 21

RELATIONSHIP OF PROFESSIONAL AND PARAPROFESSIONAL STAFF

21.1 A professional is defined as any person hired for a position for which professional certification is required and who bears the primary responsibility for the educational process in his/her area.

21.2 Professional and paraprofessional staff shall work together to provide quality education to the students in the Portsmouth Schools.

21.3 Professional staff may initiate and will participate in the process to determine the students to be assigned to the paraprofessional staff.

21.4 Professional staff shall participate in the selection of materials and preparation of the program to be implemented by the paraprofessional staff to plan lessons, implement lessons, diagnose, and/or evaluate.

Article 22

TEACHERS' HANDBOOK AND BOARD POLICIES

22.1 Each teacher shall be provided with one (1) copy of the appropriate school handbooks in September of each year. The Superintendent's office shall furnish the elementary teachers with the standard system-wide regulations and the individual building principals shall furnish respective building regulations.

22.2 The BOARD agrees to furnish each school in the district with at least one copy of the BOARD policies.

22.3 The BOARD agrees to furnish the ASSOCIATION with five (5) current copies of the staff directory.

22.4 The cost of printing this agreement will be shared equally between the BOARD and the ASSOCIATION.

Article 23
CLASS SIZE

23.1 The School Board recognizes the importance of establishing appropriate class size in order to meet the needs of all learners in the classroom. The school board will make every effort to keep class size at 20:1 or lower in grades K-5. Similarly, the school board is cognizant of class size at the middle and high school levels and desires appropriate class size in order to learn in small groups, have one on one interactions and permit teachers to craft different strategies for children in their classes and therefore will make every effort to keep class size at a 24-27:1 or lower in grades 6-12. The district will, by law, not exceed the standards set forth in Ed 306.17, Class Size:

- a. K-2, 25 students or fewer per educator, provided that each school strive to achieve the class size of 20 students or fewer per educator
- b. Grades 3-5, 30 students or fewer per educator, provided that each school strive to achieve the class size of 25 students or fewer per educator
- c. Middle and High School, 30 students or fewer per block/period per educator
- d. Class size requirements may be exceeded in study halls, band or chorus
- e. In the interest of safety, the maximum number of students in laboratory classes such as science or career and technical education shall be determined by the number of work stations designed for the area and in no case shall exceed 24 students.

23.2 The District recognizes that certain students require more attention from the classroom teacher than do others. Therefore, in determining class sizes, the varied needs of all students will be considered, whenever possible.

Article 24
PROFESSIONAL DEVELOPMENT

24.1 A statement of Professional Development credits will be issued to each teacher by October 1 of each year.

24.2 It is the responsibility of the employee to continually participate in Professional Development and other training, both within and outside the district, for the purpose of professional growth and re-certification requirements. Employees are responsible for obtaining the required number of professional development hours in their area(s) of certification to fulfill the three-year timelines as outlined by the Department of Education.

It is the responsibility of the employer to provide during the school year in-service training to all employees whose assignments require them to teach students who have individual educational programs. Such in-service training shall focus on P.L. 94-142, other relevant laws, regulations, and standards of a like nature, and shall address especially the technical aspects involved in developing individualized educational programs and satisfying the requirements of the law.

Article 25
TEACHER RESPONSIBILITIES

25.1 Teachers are expected to attend SEPT team and parent conferences at mutually agreeable times.

25.2 Teachers' attendance at open house or visitation times scheduled for parent participation is vitally important. Teachers who are unable to attend may be asked to submit in writing their reasons

to their principal.

Article 26

CONTINUOUS IMPROVEMENT PROCESS AND TEACHER EVALUATIONS

Article 26.1 It is understood that a key component to professional growth will involve a requirement that each teacher establish annual goals, which are measurable and ensure continuous improvement and achievement of student outcomes. These goals and their attainment shall be part of the evaluation process.

The parties agree and the BOARD delegates to the professional staff, through the establishment of a Teacher Quality Panel (TQP), the responsibility of organizing and implementing a system-wide self evaluation system. The evaluation system will be established in such a way as to coordinate teachers and administrators' efforts in achieving the goals of the district and a responsibility for achieving student outcomes. This panel will establish criteria for valid evidence to be used in demonstrating continuous growth and effective teaching.

The educational process is an extremely complex one and professional staff striving for excellence is the most important element in a sound educational program. Thus, evaluation of the educational process is essential and ongoing in order to ensure the retention of highly effective professionals.

Professional Staff Evaluations should serve the following purposes:

1. To aid the individuals to grow professionally.
2. To encourage high standards in the field of education.
3. To enhance the quality of educational services to the students' community.

Staff evaluations are designed to be positive in nature and to promote professional growth. There may be cause, as a result of the evaluation process which dictates that the BOARD dismiss, non-renew, or direct other appropriate action be taken in individual cases.

26.2 Since evaluations are designed to provide accurate feedback to staff on performance against set standards, Danielson's framework for effective teaching will serve as the basis of an evidence-driven process of evaluation. Staff may choose evidence beyond the administrator's observations to contribute to the evaluation according to Danielson's rubrics. This evidence may include, but is not limited to, parent and/or student feedback surveys, lesson or unit plans, videos of instruction, student assessments, and other professional contributions.

The evaluation, over time, should evidence a teacher's growth in performance toward distinguished according to Danielson's rubrics.

26.3 For the purpose of evaluations, the year will be considered from April 1 through March 31, except that first year teachers will be evaluated from September through June, unless stated otherwise in the continuous improvement plan.

26.4 Both parties must sign the formal written evaluation following a conference to discuss it. Such signatures indicate only that the evaluation has been completed and read by the staff member and not that he/she agrees with it.

26.5 If the staff wishes, he/she may submit comments for inclusion within five (5) school days.

26.6 In conformity with the intent of regulations and standards adopted for the implementation of P.L. 94-142, no employee shall be held accountable if a child does not achieve the growth projected in the Goals and Objectives of the child's Individualized Educational Plan.

26.7 The building administrator will send to the Superintendent a copy of the evaluation, which, after his/her review, will be placed in the employee's personnel file in the Superintendent's Office.

26.8 The administration shall make every effort to maximize class instruction time and minimize interruptions of the academic process due to non-academic activities.

Article 27

PERSONNEL FILES

27.1 Each teacher shall be entitled to knowledge of and access to supervisory records and reports of competence, personal character, and efficiency maintained in his/her personnel file with reference to evaluations of his/her performance in the Portsmouth School District. Any documents to be placed in a teacher's folder shall be photocopied and sent to the teacher at the same time they are placed in the folder. No document may be used against an individual if a copy has not been given to the individual.

27.2 In the event that the BOARD or its representative removes materials from an employee's file, a dated notation shall be placed in the file.

27.3 No information contained in the files of an employee will be released to an outside person or agency without prior approval of the employee, except to verify employment, duration of employment and confirmation of pay step.

27.4 Upon notice, each teacher shall have the right to review and reproduce material in his/her personnel file, and to have inserted his/her own written comments regarding the material.

27.5 The district agrees to protect the confidentiality of personal references, academic credentials, and other similar documents. No separate file, which is not available for the teacher's inspection, will be established.

Article 28

SENIORITY

28.1 Seniority shall be based on latest date of hire with continuous years of employment as members of the teachers' bargaining unit in the Portsmouth School System with the exception of part-time employees and employees who have taken LOAs or sabbaticals. The date of hire is defined as the meeting date that the BOARD approved the teacher's nomination. If the meeting date cannot be confirmed the date of hire would be September 1 of that year.

The following criteria will be used:

- A. Part-time teachers will receive the same seniority percentage as their salary percentage. Teachers who work less than a full year will receive seniority for each month worked and they will be placed on the seniority list consistent with years worked. If date of hire is earlier than placement on the list then the part-time teacher would be deemed to be more senior.
- B. Required military service will in no way prevent accumulation of seniority.
- C. When two members have the same date of hire, the one that has taken fewer leaves of absence LOA or sabbaticals is senior. A teacher who has more than one LOA or

sabbatical will be moved a seniority year down for each LOA or sabbatical with this teacher being more senior of that group.

- D. When two members are equal, the one with the greater number of years in the system is senior.
- E. There is NO break in service for any teacher on the RIF list.
- F. Professional employees in the system may maintain seniority in the bargaining unit by annually joining and paying dues to NEA and NEA-NH or by contributing the same amount to the APT Scholarship Fund.
- G. A full-time employee is defined as any employee working 187 days. For purposes of seniority, anyone working more than 187 days will not accrue additional seniority for that school year.

28.2 The BOARD will maintain a current seniority list based on seniority and areas of certification. This list will be updated and posted in every school by March 1st of each school year. A copy of this list shall be mailed to the APT President.

Article 29

ASSIGNMENT CHANGE

29.1 When either school administration or an employee desires a change in assignment, the party desiring such a change must notify the other in writing. If the transfer of assignment is at the request of the administration, then those teachers with five (5) years or less seniority may be transferred without regard to seniority. When teachers with more than five (5) year's seniority are involved then the least senior may be transferred first. When the transfer request is at the request of the teacher, the decision will be based on sound educational reasons.

29.2 Teachers transferred to another building at the request of the administration in Article 30.1 will be given two (2) days of non-school time with per diem pay to make the move.

29.3 No more than three percent (3%) of the staff may be transferred after August 1st.

29.4 Transfers, assignments or re-assignments within the school building will be excluded from this article except that all transfers will be for sound educational reasons and the person being transferred will be so notified in writing.

29.5 When enrollments necessitate the closing of a school, the administration will meet with the teachers involved to discuss the options available to them. A timeline and procedures (including procedures for the appropriate distribution of materials and equipment) will be developed as far in advance as possible. The administration will attempt to make placements that are compatible with the teachers' areas of strength, experience and preference.

29.6 Any teacher transferring into another teaching certification against his/her will shall be entitled to:

- A. Written reasons for the transfer.
- B. The right to a hearing before the Superintendent within ten (10) school days of the notice of the transfer.
- C. A program with material and guidance to assist the teacher in his/her new area of certification.

**Article 30
REDUCTION IN FORCE**

30.1 In the event the BOARD decides it is necessary to reduce the number of teachers due to reasons of financial exigency, declining enrollment, program elimination or reduction, or the consolidation or elimination of positions, such reduction in force will be made in accordance with the following procedures.

30.2 The Board will make every reasonable effort to minimize the effect of reduction in force. The Board will first examine if it can be accomplished through attrition (retirements, resignations.) The Superintendent shall send written notification to the President of the Association and all teachers whose positions are being reduced or eliminated.

30.3 The decision to implement a reduction in force in a certification area will be made at the discretion of the School Board after all information is received and carefully reviewed. The School Board wishes to retain those teacher who not only have proper certification, but who have relevant teaching experience as well as evidence of involvement in the district and shall consider the following factors (points) in total:

1. Experience, teaching in Portsmouth, in certified area; (1-4 years, 1 point; 5-9 years, 2 points; 10-14 years, 3 points; 15-19 years, 4 points; 20-24 years, 5 points, 25 or more, 6 points)
2. Track / Degree Status (Track A, 1 point; Track B, 1 .5 points; Track C, 2 points; Track D, 2.5 points; Track E, 3 points; Track F, 3.5 points; and Track G, 4 points)
3. Professional Responsibility: Each year teachers complete a narrative reflection highlighting their contributions to the district. Teachers will be awarded up three points, a point for every activity where they evidence service to children (co and extra-curricular activities) or participation in school or district committees or projects.
4. Seniority in district (1-4 years, 1 point; 5-9 years, 2 points, 10-14 years, 3 points; 15-19 years, 4 points; 20-24 years, 5 points, 25 or more, 6 points)

Relevant Teaching Experience	Points
<u>1-4 years</u> <u>5-9 years</u> <u>10-14 years</u> <u>15-19 years</u> <u>20-24 years</u> <u>25+years</u> 1 2 3 4 5 6	<i>Maximum of 6 points</i>
Track / Degree Status	Points
<u>Track A</u> <u>Track B</u> <u>Track C</u> <u>Track D</u> <u>Track E</u> <u>Track F</u> <u>Track G</u> 1 1.5 2 2.5 3 3.5 4	<i>Maximum of 4 points</i>
Professional Responsibility	Points
1 point per activity / committee / stipended or non-stipended co and extra-curricular activities during the prior three years	<i>Maximum of 3 points</i>
Seniority	Points
<u>1-4 years</u> <u>5-9 years</u> <u>10-14 years</u> <u>15-19 years</u> <u>20-24 years</u> <u>25+years</u> 1 2 3 4 5 6	<i>Maximum of 6 points</i>
TOTAL	19 Points

Bumping Rights: The right to bump a less senior teacher in another academic area may only occur if the teacher has taught within the endorsement for a period equal to the least senior teacher in the certified area.

If the Board determines all factors are equal, then seniority will prevail in making the final determination.

30.4 Any substitute work that is likely to result in employment as a permanent substitute will be offered to qualified and certified teachers on the re-employment list whenever possible.

30.5 Teachers so reduced will be re-employed in the inverse order in which they were reduced. Teachers hired before July 1, 1993 will be placed on a re-employment list for five (5) years. New teachers hired on or after July 1, 1993 will be placed on a re-employment list for three (3) years. This list will be updated and posted quarterly. If a re-called teacher accepts or refuses a part-time position, that teacher maintains his/her seniority in reduction in- force recall for any appropriate full-time position. However, if a teacher refuses an offer of full-time contracted re-employment, that teacher's name will be removed from the reemployment list, unless the opening occurs during the school year and/or if the teacher is under contract to another school district for that year. Nonetheless, a teacher may opt to be passed over one (1) time while on the RIF list without permanently being removed.

30.6 Teachers under a continuing contract who are not to be re-employed in the District shall be notified in writing no later than April 1. However, if the individual's position is included in the BOARD'S proposed budget, said individual will be notified of such and that individual would not be subject to RIF recall provisions until August 10, however they would be subject to Article 29 (Assignment Change) and in the case of said teachers, Article 29.3 will be waived.

Article 31

IMPROVEMENT PLANNING

31.1 The parties agree there will be educational, instructional, and organizational changes implemented in the future through the improvement planning process.

The ASSOCIATION and the BOARD will work cooperatively to implement improvement planning. Neither party will utilize the collective bargaining agreement to impede the implementation of improvement planning goals.

It is understood that the flexibility envisioned by this section does not include changes in seniority, wages, insurance, leave benefits, or length of work year unless specifically negotiated and approved by all appropriate parties.

31.2 Daily Schedules - Teachers will work eight (8) hours but teachers in the same school may work different hours. For example, a school could be open from 7:00 a.m. to 5:00 p.m. and with some teachers working from 7:00 a.m. until 3:00 p.m. and others working from 9:00 a.m. to 5:00 p.m. Teachers with less than full-time contracts will have on-site work days (or work weeks) proportionally reduced.

31.3 Instructional/Duty Time - Daily instructional/duty time shall not exceed six hours. Daily instructional/duty time shall include time assigned to study halls, skill centers, and other assigned student related duties.

31.4 Career Ladder. In 2016-2017 this agreement introduces a career ladder that uses the terms Developing, Professional and Model Teacher. Interval is a term used to describe movement on the pay scale. Achievement Units (AUs) describe the knowledge and skill necessary for an educator to evidence to move up on the new pay scale. When educators accumulate 3 AUs they move one interval along the pay scale. There shall be no limit on the number of teachers who achieve Model Teacher status.

31.5 Teacher Quality Panel (TQP). In 2015-2016, there shall be a joint panel composed of three teachers representing the three grade spans (PK-5; 6-8 and 9-12) and three administrators representing the three levels appointed by the union and the school board. The TQP will 1) Establish criteria for evidence used in self-evaluations on Danielson's framework; 2) establish staff training to strengthen peer feedback

SECTION III - GRIEVANCE PROCEDURE

Article 32

CONTRACT CLARIFICATION

32.1 Where a teacher or the ASSOCIATION questions an interpretation of the contract or conditions of employment implied but not necessarily stated in the written contract, he/she, or the ASSOCIATION may initiate a grievance, except that non-renewal or dismissal of probationary teachers will be dealt with according to State law.

A grievance to be considered under this procedure must be initiated by the employee or the ASSOCIATION within twenty (20) school days of when the employee should have reasonably known of its occurrence.

32.2 Failure at any step of this procedure to communicate the decision on a grievance within the specified time limits shall permit the aggrieved employee to proceed to the next step, except at the BOARD level. Failure at any step of this procedure to appeal a grievance to the next step within the specific time limits shall be deemed to be acceptance of the decision rendered at that step. A decision on the grievance at the BOARD level shall be rendered within the time limit set forth or the grievance shall be deemed favorable to the grievant.

32.3 Any employee who has a grievance shall discuss it first with his/her immediate supervisor, if applicable, in an attempt to resolve the matter informally at that level. If the action or inaction being grieved originated with the Superintendent or the BOARD, the grievance may be initiated at the Superintendent's level.

32.4 If, as a result of the discussion, the matter is not resolved to the satisfaction of the employee within seven (7) school days, he/she shall set forth his/her grievance in writing to his/her immediate supervisor or Superintendent, if appropriate, specifying: (a) The nature of the grievance and date occurred; (b) the nature and extent of the injury, loss, or inconvenience; (c) the results of previous discussions if any; (d) his/her dissatisfaction with decisions previously rendered; and (e) the remedy requested. The immediate supervisor or the Superintendent shall communicate his/her decision to the employee and ASSOCIATION within five (5) school days of receipt of the written grievance.

32.5 No later than ten (10) school days after receipt of the immediate supervisor's or Superintendent's decision, the employee and ASSOCIATION may appeal the decision to the Superintendent of Schools or BOARD, if appropriate.

The appeal must be made in writing, reciting the matter submitted to the immediate supervisor, as specified above, and his/her dissatisfaction with decisions previously rendered. The Superintendent shall meet with the employee and the ASSOCIATION to attempt to resolve the matter as quickly as possible, but within a period not to exceed five (5) school days, and the Superintendent shall communicate his decision in writing to the employee and the ASSOCIATION, and the immediate supervisor within ten (10) school days.

32.6 If the grievance is not resolved to the grievant's satisfaction, he/she and the ASSOCIATION, no later than five (5) school days after receipt of the Superintendent's decision, may request a review by the BOARD. The request shall be submitted in writing through the Superintendent of Schools, who shall attach all related papers and forward the request to the BOARD. The BOARD, or committee thereof, shall review the grievance and shall, at the option of the BOARD, or upon the request of the grievant, hold a hearing within thirty (30) school days. A decision in writing shall be communicated within thirty (30) calendar days of the hearing. A decision will be deemed communicated to the ASSOCIATION if it is postmarked, first class and return receipt requested, within the time limit.

32.7 If the decision of the BOARD does not resolve the grievance to the satisfaction of the grievant and he/she wishes a review by a third party, he/she shall so notify the ASSOCIATION within five (5) school days of receipt of the BOARD'S decision. If the ASSOCIATION determines that the matter should be reviewed further, it shall, in writing, so advise the BOARD through the Superintendent within ten (10) school days of receipt of the BOARD'S decision. The parties shall then initiate a request for arbitration under the procedure set forth herein.

32.8 A request shall be made to the American Arbitration Association to submit a roster of persons qualified to function as arbitrators in the dispute in question.

32.9 If the parties are unable to determine a mutually satisfactory arbitrator from the submitted list, they shall request the American Arbitration Association to submit a second roster of names.

32.10 If the parties are unable to determine, within ten (10) school days of the initial request for arbitration, a mutually satisfactory arbitrator from the second submitted list, the American Arbitration Association may be requested by either party to designate an arbitrator.

32.11 Neither the BOARD nor the ASSOCIATION will be permitted to assert any grounds or evidence before the arbitrator, which were not previously disclosed to the other party. The findings of the arbitrator shall be binding on the BOARD, ASSOCIATION, and grievant. Any of the parties may appeal to the courts the decision of the arbitrator, in accordance with RSA 542 upon the condition that the appealing party pays the reasonable attorneys' fees of both parties relating to the appeal.

32.12 The BOARD, the aggrieved, and the ASSOCIATION shall receive copies of the arbitrator's report. This shall be accomplished within thirty (30) calendar days of the completion of the arbitrator's hearing.

32.13 Should the grievant so elect, the aggrieved person shall be represented at all stages of the grievance procedure by his/herself, or by a representative selected or approved by the ASSOCIATION. The ASSOCIATION shall be notified at all levels and has the right to be present at all levels.

32.14 The parties participating in this involvement are guaranteed individual freedom from restraint, interference, coercion, discrimination, or reprisal in presenting an appeal with respect to a personal grievance.

32.15 The fees and expenses of the arbitrator shall be shared by the two parties equally.

32.16 If the parties disagree as to the meaning or interpretation of any of the provisions of this AGREEMENT, either party may utilize the clarification procedure set forth in Article 32 in order to resolve said dispute.

32.17 Judgment to process a grievance under this provision shall not indicate agreement as to the validity of the grievance, but only that the parties view the grievance procedure as an expeditious means of resolving grievances.

32.18 All documents, communication, and records dealing with the process of a grievance shall be filed separately from the personnel files of the parties of the participants and shall not be forwarded to any prospective employer of the grievant, nor shall such documents be revealed or the grievance(s) be alluded to in any communication between the administration and said prospective employer. A copy of all documents shall be given to the grievant.

SECTION IV - LEAVES AND BENEFITS

Article 33

SHORT TERM LEAVES AND ABSENCES

33.1 Each teacher will be granted seventeen (17) days per year for personal illness or illness in the immediate family. A maximum of three (3) days per year for personal business or emergency leave may be used from sick leave. For all employees hired prior to July 1, 2014, there is unlimited accumulation of such leave; all employees hired after July 1, 2014 will accumulate sick leave as set forth in this article to a maximum of one hundred and fifty (150) days. No more than fifteen (15) days per year of paid leave may be used for illness in the immediate family. Personal leave may not exceed three (3) days per year, unless approved by the Superintendent of Schools.

The teacher will provide twenty-four (24) hours advance notice. Taking a personal day preceding or subsequent to any school holiday or vacation shall require prior approval from the Superintendent.

These short term leave days will be earned at the rate of:

Seventeen (17) days - 1.7 per month

The BOARD will provide one (1) day of additional pay, at the teacher's current pay rate, to any employee who has used no sick days or personal days in a school year.

33.2 The BOARD agrees to pay 85% of the accumulated short term leaves of absence days to a maximum of 190 days, in a cash payment at the per diem rate which the teacher last earned to any teacher who retires from the system under N.H. State Retirement Laws or upon a teachers voluntary resignation so long as the teacher has worked ten (10) or more years in the system. (The exception to this voluntary resignation provision is that a teacher resigning in the face of dismissal or non-renewal based upon charges of serious criminal misconduct will not be paid for accumulated sick leave under this contract even if the employee voluntarily resigns). All employees hired after July 1, 1996 will earn and accumulate sick leave in accordance with the other provisions set forth in this article but shall receive no payout for accumulated short term leave of absent days either upon retirement or voluntary resignation.

33.3 In the event of prolonged absence as a result of accident or illness, the SCHOOL BOARD will consider circumstances that might warrant extension of full or partial sick pay.

33.4 A leave bank is hereby established which entitles an individual for reasons of personal illness to borrow, in advance, sick leave not yet accumulated, not to exceed 183 days.

33.5 When an individual who has borrowed from the sick bank returns to work in the system, he/she will repay the sick bank at the rate of 50% of sick days that he/she is accumulating after returning to work.

33.6 In the event that a teacher leaves the system owing time to the sick bank such time will be repaid in cash (days x the rate per day paid to the individual when the time was borrowed) over a period not to exceed three (3) years. This may be extended with BOARD approval.

33.7 Any teacher receiving sick bank or income protection benefits under Section IV, Article 34.4 shall be entitled to life insurance, retirement, disability insurance and health insurance for a period of two (2) years. After two (2) years, the teacher will have the option of continuing these benefits at his/her own expense. While the teacher is on disability, he/she will be deemed to be under contract to the school system.

33.8 Any person covered under this agreement shall be granted sick leave for the purpose of maternity. The duration of sick leave may be six (6) weeks, or longer as determined by her doctor. Upon return, the Superintendent will assign the teacher to her former position or an appropriate alternate position.

Article 34

OTHER SHORT TERM LEAVES OF ABSENCE

34.1 Members of the bargaining unit may be entitled to the following leaves of absence without loss of pay:

1. Professional days
 - a. Leave may be granted to a teacher for the purpose of school visitations, attending conferences, or professional meetings, subject to prior approval by the Superintendent.
 - b. Professional days will not be charged against accumulated leave.
2. Bereavement leave
 - a. Bereavement leave will be granted as follows:

<u>Not to exceed 10 days</u>	<u>Not to exceed 5 days</u>
Spouse	Parent
Child	Sister
	Brother
	Parent-in-law
 - b. Extensions may be granted by application to the Superintendent.
 - c. Leave may also be granted by application to the Superintendent of Schools for the following:

<u>Not to exceed 3 days</u>
Sibling-in-law
Grandparent
Aunt
Uncle
 - d. Bereavement days will not be charged against accumulated leave.
3. Civil Leave for Jury Duty or Witness Service

- a. Upon application to the Superintendent, leave will be granted to the teacher who is subpoenaed as a witness in a civil or criminal case, or is called for jury duty. Application will be made in advance with supporting documentation.
- b. The teacher shall forward to the BOARD all reimbursement for such service, except what is used for personal expenses, but not to exceed gross pay for the period of leave.

4. Religious Leave

Teachers may receive up to two (2) additional personal days each year for commonly accepted religious holidays, such as Rosh Hashanah and Yom Kippur, where the tenets of the teacher's religion prohibit work on such days and require their attendance at religious services. Teachers must give the Superintendent five (5) days advance notice. These days will not be charged against short-term leave days.

Article 35

OTHER LEAVES

35.1 If any individual is requested by the Superintendent of Schools to attend a function on behalf of the BOARD, such time shall not be charged to an individual's personal time.

36.2 Extensions of Article 34 may be granted by the Superintendent.

Article 36

SUBSTITUTE TEACHERS

36.1 The School Department agrees to fill any temporary absence of a teacher with a certified teacher in the subject area or grade level where possible. It is recognized that extreme circumstances may arise whereby a substitute cannot be located. Such circumstances will be stated in writing to the ASSOCIATION by the Superintendent if the ASSOCIATION so requests.

36.2 Substitute teachers will be provided for all classroom teachers including art, music and physical education teachers in any situation of a one-half or full day or days of absence.

36.3 Substitute teachers shall be informed of their duties and responsibilities including, but not limited to, following plans, grading and scoring written work.

36.4 Details concerning the duties and responsibilities will be supplied to all prospective substitutes by the administration.

36.5 In the event of an unscheduled absence, the teacher will notify the school administration as soon as possible prior to the absence. It will be the responsibility of the school administration to arrange for the substitute.

36.6 It is the teacher's responsibility to keep at least five (5) days of lesson plans available for a substitute. These plans will be kept current.

Article 37

EXTENDED LEAVES OF ABSENCE

37.1 With BOARD approval, a leave of absence for professional growth, without pay or any other benefits, up to two (2) years shall be granted to any teacher who joins the Peace Corps, VISTA, or National Teacher Corps, or any other educational professional development. Upon return from such leave, a teacher who while on leave served in a teaching capacity, shall be placed on the salary scheduled at the level which he/she would have achieved had he/she remained actively employed in the system during the period of his/her absence. Teachers may work in other school systems on an

exchange basis as long as a one-to-one exchange is maintained and there is prior approval by the Superintendent of Schools.

37.2 Each teacher will be granted leave for required annual military unit field training up to eleven (11) days duration when such required training falls within the school year, and when it cannot be scheduled during vacation periods.

Voluntary military activities will not be applicable under this section unless expressly approved by the BOARD.

37.3 Any teacher adopting or giving birth to a child shall be granted a leave of absence not to exceed two (2) years without pay or benefits. Such leave shall commence upon his/her receiving de facto custody of said child or upon completion of sick leave or as much time as is necessary to fulfill the requirements for the adoption.

37.4 A leave of absence without pay or any other benefits of up to one (1) year may be granted to any teacher for the purpose of caring for a sick member of the teacher's immediate family. Additional leave may be granted upon recommendation of the Superintendent.

37.5 Teachers who have been employed at least seven (7) years in the school department shall be entitled to a LEAVE OF ABSENCE of one full year, without pay or other benefits. These leaves will be limited to three percent (3%) of those eligible, based on seniority and will be granted only if a suitable replacement has been found.

37.6 Other requests for leaves of absence for special reasons may be granted by the BOARD upon recommendation of the Superintendent.

37.7 All benefits to which a teacher was entitled at the time of leave, including accumulated sick leave, shall be restored upon return, and he/she will be assigned within the scope of certification. The teacher may keep insurances in force while on leave by paying the cost of the benefits to the school department, if the carrier allows. These payments shall be made thirty (30) days prior to the due date.

37.8 Upon return from leave granted pursuant to Article 37.1 and 37.2, the teacher shall be placed on the salary schedule at the level he/she would have achieved if he/she had not been absent.

37.9 All extension, renewals, or modifications of leaves shall be requested in writing and granted in writing.

37.10 Extended leaves of absence will be granted only upon completion of five (5) years in the Portsmouth School System. Requests for leaves of absences after July 15 will only be granted if a suitable replacement can be found.

37.11 All leave of absence requests shall be forwarded to the School Board through the Superintendent. Leaves of absences will be granted on the condition of a January 5 notification of intent to return.

37.12 Any teacher returning from a leave of absence shall return only at the beginning of a school year, unless otherwise provided by the BOARD.

Article 38

SABBATICAL LEAVE

38.1 Upon recommendation of the Superintendent of Schools, sabbatical leaves may be granted to members of the bargaining unit by the BOARD. Should the Superintendent fail to recommend sabbatical leave(s), the teacher(s), involved may appeal the Superintendent's decision directly to the BOARD.

38.2 The BOARD will budget for three (3) sabbatical leaves annually. The BOARD may grant up to three (3) sabbaticals annually based on the merit of these requests. If denied, reasons in writing will be sent to the candidates.

38.3 No more than three (3) sabbatical leaves will be granted simultaneously.

38.4 The teacher must have completed five (5) consecutive years in the Portsmouth School System.

38.5 The teacher will be paid half salary with full benefits for a one-year leave or full pay and benefits for a half-year leave.

38.6 Requests for leave must be received by the Superintendent in writing no later than February 1, and action must be taken by the BOARD no later than March 15.

38.7 Teachers who have been granted a sabbatical in March recognize that the sabbatical may be delayed until a suitable teaching replacement can be found. A final determination will be made no less than three weeks before the sabbatical is scheduled to begin. Any determination to delay a sabbatical shall not be subject to the grievance procedure outlined in Article 32.

38.8 Requests for sabbatical leave may be granted by the BOARD for any reason; however, the leave must be of a significant nature and value.

38.9 Before leaving for sabbatical leave, the teacher will agree in writing to continue working in the system for at least two (2) years. Upon the teacher's return, he/she will be paid on the step he/she would have received if leave had not been taken. A report of the sabbatical will be made to the Superintendent and BOARD upon completion of the leave.

Article 39
INSURANCE

39.1a Each employee will be covered by BC/BS Comp 100 Managed Care or equal and comparable coverage for an individual, two person, or family plan. The District will also provide a medical rider to cover a maximum of one million dollars (\$1,000,000).

Should employees choose, they may participate in the BC/BS Blue Choice One (1) program rather than the Comp 100-Managed Care plan. Selection of the plan by the employee will be made prior to each plan year. An employee exercising this option to switch between Blue Choice One (1) and Comp 100-MC (or vice versa) shall provide written notice to the School Board and NHMA Insurance Trust by April 1 prior to the start of the plan year (July 1 through June 30). Effective July 1, 2008 or as practicable thereafter, the District may offer two (2) additional optional plans based upon Blue Choice One and Matthew Thornton plans with premium share as described below. Co-pay shall be twenty dollars (\$20.00) for office visits, fifty dollars (\$50.00) for emergency room visits, and \$10/\$20/\$30 for 30-day retail or 90-day mail order prescriptions.

The premium share for the Comp 100-MC, Blue Choice One, and the new Blue Choice optional plans shall be as follows:

Comp 100-MC and Blue Choice

Year	Employer Share	Employee Share
2014-2015	80%	20%

The School Board will offer employees the option of electing health insurance under the Matthew Thornton Plan and the new optional Matthew Thornton plan so long as it is offered by the NHMA Health Insurance Trust. The employee shall pay the following percentage of the cost of premiums so long as Matthew Thornton's cost remains at least 5% below the Blue Choice premium.

If the premium for Matthew Thornton is not at least 5% below the Blue Choice premiums the employee and employer's percentage cost of the premiums shall be the same as those for Comp 100-MC and Blue Choice as set forth above:

Matthew Thornton

Year	Employer Share	Employee Share
2014-2015	84.5%	15.5%

On March 13, 2015/Pay Period 13, the teachers shall move to two health care plans Blue Choice \$5.00 co-pay RX 10/20/45 (80%/20%) premium split and Matthew Thornton Blue \$5.00 co-pay RX 3/15/1 (84.5%/15.5%) premium split.

Beginning in year four (July 1, 2017), the Association shall move to the Consumer Driven Health Plan offered through SchoolCare ("the CDHP"). The District will pay 95% of the premium cost for single, two person or family coverage and employees will pay 5% of the premium cost.

In November 2016 if the CDHP* exceeds the threshold levels for the "Cadillac Tax" under the ACA the Employer and the Association will reopen Article 39-Insurance for negotiations with the express intent of identifying a healthcare plan that complies with the ACA and does not result in the imposition of the so called "Cadillac Tax". If the parties cannot agree on a proposed plan, the plans shall be submitted to binding arbitration no later than April 1, 2017. The parties shall mutually agree to the selection of the Arbitrator.

*The CBA defines CDHP as SchoolCare's high deductible plan currently known as the Consumer Driven Health Plan.

The Association agrees to participate in a City-wide committee to explore health insurance options.

39.1b Should the parties agree in writing to establish a cafeteria style plan dealing in insurance issues during the course of this three (3) year agreement - such plan would only become effective if ratified by the Association, approved by the School Board and approved by the City Council.

39.1c The BOARD will setup an IRS 125 Premium Conversion Plan which will allow each employee to choose to pay his/her portion of the health insurance premium with pretax dollars.

39.2 The District shall pay one hundred percent (100%) Delta Dental Plan Number 1, with no deductible, family plan. Effective July 1, 2017, the School Board shall enroll all eligible members in the SchoolCare – Plan 2 1500 Max (DPO2C).

39.3 The BOARD need not provide health insurance coverage if the employee is already covered under the same or a similar health plan. If an employee is found to have dual coverage, the employee must pay back to the BOARD an amount equal to the premiums paid by the BOARD during this time.

Article 40

DISABILITY INSURANCE

The School Board will self-insure or purchase income protection insurance for each teacher who works at least fifteen (15) hours or more per week to begin no sooner than the 91st day of disability. Payments shall equal 66 2/3% of the monthly salary of the teacher at the date of disability. Said insurance will

run until age 65 and shall be coordinated with social security benefits. It is understood that a teacher shall not accept benefits under the income protection plan and simultaneously borrow time from the sick bank.

The teacher and the school system shall be joint beneficiaries of this insurance. Should a disabled teacher owe days to the sick bank at the time he/she accepts payment under the income protection plan, it is agreed that these days will be repaid from the insurance proceeds, equally over five (5) years.

Article 41

LIFE INSURANCE

The School Board will purchase term life insurance for each teacher who works at least fifteen (15) hours or more per week in an amount equal to two (2) times the annual income of the teacher. In the event that a teacher dies while under contract to the school system, any sick leave borrowed from the sick bank will be repaid to the school system from the proceeds of the insurance. The balance of the proceeds will be turned over to the beneficiary named by the teacher. Additional life insurance may be purchased by the teacher. The teachers will pay for this insurance on a monthly basis through payroll deduction. It is understood that employees age 70 and over will have their benefits reduced in accordance with the certificate schedule attached as Attachment #1 to this Contract.

Article 42

POLICIES

The BOARD will provide the ASSOCIATION with copies of all insurance policies under which employees are covered.

Article 43

RETIREMENT PROVISIONS

43.1 The BOARD agrees to pay 85% of all short term leave of absence days, not to exceed one hundred and ninety (190) days for employees hired on or before June 30, 1996, in a cash payment at the per diem rate which the teacher last earned, to any teacher who retires from the system under N.H. State Retirement Laws or voluntarily resigns his or her employment if the teacher has completed ten (10) or more years in the system. It is understood that employees hired after July 1, 1996 will earn and accumulate sick leave in accordance with the other provisions set forth in this contract but shall receive no payout for accumulated short-term leave of absence days either upon retirement or voluntary resignation.

43.2 If a teacher wishes early payout of accrued leave in accordance with paragraph 43.1, the retiring or resigning teacher may notify the Superintendent by December 15th prior to the year of the first payment of accumulated sick leave. This will enable the employee at his/her discretion to receive this payment of accumulated sick leave over a one (1), two (2), or three (3) year period. It is understood that once a teacher accepts the first payment under the single/multi-year payout plan that he/she may no longer withdraw his/her notice of retirement or resignation.

Article 44

WORKERS' COMPENSATION

Workers' Compensation benefits will be provided as specified in the New Hampshire Statutes. The BOARD will pay the difference between Workers' Compensation and regular salary (gross, less FICA, withholding and retirement at the time of the injury).

Article 45

STUDENT APPROPRIATION

An appropriation equal to three dollars (\$3.00) per student in elementary schools shall be placed in the budget. The expenditure of this money will be decided jointly by the Principal and teachers in each school.

SECTION V - SALARIES

Article 46

PROFESSIONAL DEVELOPMENT AND ADVANCED DEGREE PAYMENT

46.1 The BOARD agrees to budget for professional growth each year. The amount will equal one-third (1/3) of the number of staff members times the cost of one four (4) credit graduate course in a matriculating program at the University of New Hampshire. These funds may be used for course reimbursement, conferences, workshops and enrichment programs that clearly and substantially support the teacher's specific job assignment, district-wide initiatives, or for re-training or cross-certification at the approval of the administration.

46.2 A committee, comprised of teachers and administrators will develop a schedule of deadline dates and how the disbursements will be allotted.

46.3 Only staff development hours in excess of those necessary to achieve certification will be counted toward the Advanced Degree Schedule, limited to five (5) credits every three (3) years. Such credits for advanced degree payments must be or directly related to the improvement or accomplishment of the teaching assignment. The Committee will approve and establish an expanding set of in-house professional development opportunities that will be credit-bearing on the advanced degree schedule. These opportunities will be extended courses on current topics for the purposes of increasing professional growth. The Committee will review proposals from staff to offer in-house courses. Teachers offering in-house courses will receive a \$50 per hour stipend.

Transfer requests must be made on or before September 1 in order to be credited to the current year's contract.

46.4 Course reimbursement will be paid within four (4) to six (6) weeks upon proof of payment with original receipts. If a teacher drops a course, he/she must notify Central Office immediately and must reimburse the District either through payroll deduction or cash payment within two (2) weeks of said notification. The teacher must provide official evidence, within two (2) weeks of receiving notification, of a minimum grade B or better. If said grade(s) is not obtained, the teacher must reimburse the District either through payroll deduction or cash payment within two (2) weeks.

46.5 Adjustments will be made to contracts for any course work completed prior to September when a transcript of official documentation of a minimum grade of B or its equivalent is received in Central Office on or before September 1.

It is the employee's responsibility to notify Central Office that an adjustment should be made. No adjustments will be made after September 1.

Adjustments will be made only for credits that clearly and substantially support the teacher's specific job assignment.

Credits that substantially duplicate other units will not receive salary credit. A teacher who has completed course work, but whose documentation will not be completed until after September 1, will be entitled to an appropriate adjustment if an appropriate official of the School the teacher is attending certifies that the course work has been completed by letter to the Superintendent delivered prior to September 1, in many cases, a certification from the Professor will be acceptable.

Article 47

HIRING HELP

The BOARD agrees to make every effort to hire those teachers who are fully and appropriately certified or certifiable. The BOARD may hire certified or certifiable personnel on a lower step than their level of experience.

Article 48

ADVANCED DEGREES

Effective July 1, 2003, all teachers are required to have a Bachelor's Degree from an accredited institution of higher education. The district will pay a stipend for teachers who have attained additional coursework as described in Appendix A.

Article 49

LONGEVITY AND INTERDISCIPLINARY COUNCIL

It is understood the School Board over time wishes to re-allocate monies traditionally dedicated to Longevity compensation to be available to reward highly effective teachers who achieve Model Teacher status. As such, 2014-15 will be the last year teachers will achieve one of the three levels outlined in the contract; those who have attained a level of longevity will continue to receive an annual stipend.

Teachers with more than 25 years of service in the District as of July 1, 2014 will continue to receive a stipend in the amount of \$4,544 for participation on the Interdisciplinary Council. All teachers who receive the Interdisciplinary Council stipend will continue to receive, annually, \$4,544 until the teacher retires or resigns. Similarly, teachers, after 13 years or after 16 years in the Portsmouth School, will continue to receive stipends of \$3,099 and \$3,722 respectively. It is further understood that a teacher receiving a longevity stipend is not precluded from achieving model teacher status; however, beginning July 1, 2015, no additional members of the bargaining unit will receive longevity.

Article 50

LEADERSHIP

50.1 The BOARD shall employ Department Heads, Team Leaders and Coordinators. Department Heads will be paid a stipend in addition to their teaching responsibilities. While these leadership positions include teaching responsibilities; assignments will be flexible based upon district needs and job assignment. These leadership positions will be evaluated by the Principal / or Administrator and will serve at the discretion on the Superintendent. These leadership positions may be required to work additional days as part of their overall responsibilities, but only upon prior approval of the Principal / Administrator.

50.2 Department heads, team leaders and coordinators in special education and performing arts will be paid accordingly.

50.3 Department Heads will be required to teach a full schedule of classes. Department Heads' duties will be teaching, curriculum, budget, schedule supervision, and aiding the classroom teacher in any way possible within his/her area.

Department Heads will be paid \$4,500 plus \$75.00 for each teacher under their supervision.

50.4 Team Leaders (Middle School) will be paid \$3,500.

50.5 Coordinators will be paid \$4,500 plus \$75.00 for each teacher under their supervision. Special Education and Performing Art will be included as Coordinators.

50.6 Model Teachers will be paid a stipend equal to 7.5% of the interval salary beginning in the 2017-18 school year.

50.7 Teacher Quality Panel will be paid a stipend of \$3,000 effective 2015/2016 School Year.

Article 51

SALARY PAYMENT SCHEDULE

Each teacher may choose to be paid in either twenty-one (21) or twenty-six (26) payments, biweekly, starting with the first School Department payday after the start of the school year in September. The Business Department must be notified by the end of the previous school year if the payment schedule for the following year is to change. Once a teacher requests either the twenty-one (21) or twenty-six (26) payments, no change may be made in this schedule until the following year.

Article 52

SALARY SCHEDULE

The Salary increases will be as follows:

2014-2015 – 2.9% (retroactive to July 1, 2014).

2015-2016 – 2.0%

2016-2017 – 2.25%

2017-2018 – 2.5%

2018-2019 - 2.0%

The Salary Schedule shall be changed as indicated in Appendix A.

52.1 Both parties agree that teachers will progress to the next successive salary step as in the past for the 2014-15 school year.

Commencing in 2016-17, both parties agree that teachers will advance in salary by attaining Achievement Units (AUs) that allow teachers to move up the Interval Scale as described below. The intent of the AUs is to ground the compensation system in clear measures of growth in teacher practice as well as strong contributions to a professional learning community.

52.2 Annual Achievement Units. In 2015-2016 annual achievement units will be started to be worked on. Three (3) prescribed AUs are required to move to the next interval. Two AU's associated with our professional learning community process are earned when SMART goals are approved and when results are reported. Awarding AUs for effective PLC work will not be dependent on a particular result in learning, but rather, submitting SMART goals and collecting evidence of student learning must suggest authentic implementation of PLC practice. The third AU is attained when the teacher completes

a self-evaluation addressing all of Danielson's domains. The District's Committee, consisting of teachers and administrators will serve as the quality review panel for the PLC process.

52.3 Additional Achievement Units: Beginning in the 2017-18 school year, it is understood that teachers may advance an additional interval (three intervals) every two years. The newly formed Teacher Quality Panel will determine, in 2015-16, the menu of AU's for educators in all content areas and grade levels including the following areas:

- Professional Development activities, in-district courses and additional coursework in one's content area or pedagogy provided such activities are not being used for credit under the provisions of Advance Degree in Article 48.
- Contributions to colleagues
- Overall contributions to students, the school and district.

52.4 Tracking and Awarding of Achievement Units: The District's Committee will determine attainment of PLC Achievement Units. The building administrator will track completion of annual self-evaluation. The teacher will be responsible for submitting all professional development and transcripts of a B or better for all external coursework.

54.5 Model Teacher. Beginning in 2017-18, any teacher with nine (9) or more years of successful teaching experience may provide evidence of highly effective teaching to the District's Teacher Quality Panel (TQP). The TQP will review evidence against Danielson's domains and make recommendations to Assistant Superintendent for any teacher judged "distinguished" in all of Danielson's domains will earn model teacher status. There is no limit to the number of teachers who may be achieve model teacher status. Model teachers will earn a stipend equal to 7.5% of their teacher interval salary.

Article 53

COACHING, EXTRA-CURRICULAR, AND SPECIAL SERVICES COMPENSATION

All coaching, extracurricular, and special services compensation will increase by two percent (2.0%) in 2014-15 and in 2016-2017 and in 2018-2019. Any Portsmouth teacher will receive the following additional stipend (non-cumulative) for coaching a middle or high school sport:

1 st and 2 nd year of coaching	\$255 per year
3 rd through 7 th year of coaching	\$510 per year
8 th and more years of coaching	\$765 per year

Any Portsmouth teacher coaching an elementary school sport for three or more years will receive a stipend of \$255 per year.

A Joint Labor Management Committee will be established to oversee the disbursement of Extra-curricular stipends with the goal to have equity within the district.

<u>HIGH SCHOOL</u>	<u>2014-2015 0 – 2 Years</u>	<u>2014-2015 3 –7 Years</u>	<u>2014-2015 Over 8 Years</u>
Football (boys)			
Head Coach	5,292	5,545	5,810
Assistants, 2	3,122	3,267	3,420
Junior Varsity	2,834	2,964	3,100
Freshman	2,401	2,509	2,622
Assistant	1,968	2,052	2,144
Basketball (boys)			
Head Coach	5,292	5,545	5,810
Junior Varsity	2,834	2,964	3,100
Freshman	1,968	2,052	2,144
Basketball (girls)			
Head Coach	5,292	5,545	5,810
Junior Varsity	2,834	2,964	3,100
Freshman	1,968	2,052	2,144
Baseball (boys)			
Head Coach	3,412	3,572	3,739
Junior Varsity	2,256	2,357	2,462
Freshman	1,677	1,749	1,826
Softball (girls)			
Head Coach	3,412	3,572	3,739
Junior Varsity	2,256	2,357	2,462
Freshman	1,677	1,749	1,826

0 – 2 Years**3 –7 Years****Over 8 Years****HIGH SCHOOL (Continued)**

Soccer (boys)

Head Coach	3,412	3,572	3,739
Junior Varsity	2,256	2,357	2,462
Freshman	1,677	1,749	1,826

Soccer (girls)

Head Coach	3,412	3,572	3,739
Junior Varsity	2,256	2,357	2,462
Freshman	1,677	1,749	1,826

Ice Hockey (boys)

Head Coach	3,412	3,572	3,739
Junior Varsity	2,256	2,357	2,462

Field Hockey (girls)

Head Coach	3,412	3,572	3,739
Assistant	2,256	2,357	2,462
Junior Varsity	2,256	2,357	2,462
Freshman	1,677	1,749	1,826

Spring Track (boys)

Head Coach	3,412	3,572	3,739
Junior Varsity	2,256	2,357	2,462
Freshman	1,677	1,749	1,826

	<u>0 – 2 Years</u>	<u>3 –7 Years</u>	<u>Over 8 Years</u>
<u>HIGH SCHOOL (Continued)</u>			
Spring Track (girls)			
Head Coach	3,412	3,572	3,739
Junior Varsity	2,256	2,357	2,462
Winter Track (boys)			
Head Coach	3,412	3,572	3,739
Junior Varsity	2,256	2,357	2,462
Freshman	1,677	1,749	1,826
Winter Track (girls)			
Head Coach	3,412	3,572	3,739
Junior Varsity	2,256	2,357	2,462
Volleyball (girls)			
Head Coach	2,834	2,964	3,100
Junior Varsity	1,968	2,052	2,462
Freshman	1,677	1,749	1,826
Swimming (boys/girls)			
Head Coach	2,834	2,964	3,100
Junior Varsity	1,677	1,749	1,826
Fall Cheerleaders (girls)			
Head Coach	2,834	2,964	3,100
Assistant	1,677	1,749	1,826

	<u>0 – 2 Years</u>	<u>3 –7 Years</u>	<u>Over 8 Years</u>
<u>HIGH SCHOOL (Continued)</u>			
Winter Cheerleaders			
Head Coach	2,834	2,964	3,100
Junior Varsity	1,677	1,749	1,826
Cross Country (boys)			
Head Coach	2,834	2,964	3,100
Junior Varsity	1,968	2,052	2,462
Cross Country (girls)			
Head Coach	2,834	2,964	3,100
Tennis (boys)			
Head Coach	2,401	2,509	2,622
Tennis (girls)			
Head Coach	2,401	2,509	2,622
Golf (boys)			
Head Coach	2,256	2,357	2,462
Lacrosse (boys)			
Head Coach	3,412	3,572	3,739
Junior Varsity	2,256	2,357	2,462
Lacrosse (girls)			
Head Coach	3,412	3,572	3,739
Junior Varsity	2,256	2,357	2,462

	<u>0 – 2 Years</u>	<u>3 –7 Years</u>	<u>Over 8 Years</u>
<u>HIGH SCHOOL (Continued)</u>			
Equipment Manager (fall)	2,111	2,205	2,304
Equipment Manager (winter)	2,111	2,205	2,304
Equipment Manager (spring)	2,111	2,205	2,304
<u>MIDDLE SCHOOL</u>			
	<u>0 – 2 Years</u>	<u>3 –7 Years</u>	<u>Over 8 Years</u>
Basketball (boys)			
Coach 2 @	1,532	1,597	1,665
Basketball (girls)			
Coach 2 @	1,532	1,597	1,665
Baseball			
Coach 2 @	1,244	1,295	1,349
Lacrosse			
Coach 2 @	1,244	1,295	1,349
Softball			
Coach 2 @	1,244	1,295	1,349
Soccer (boys/girls)			
Coach 4 @	1,244	1,295	1,349
Field Hockey (girls)			
Coach 2 @	1,244	1,295	1,349

<u>MIDDLE SCHOOL</u> (Continued)	<u>0 – 2 Years</u>	<u>3 – 7 Years</u>	<u>Over 8 Years</u>
Cross Country (boys/girls)			
Coach 1 @	1,244	1,295	1,349
Track (boys and girls)			
Coach 1 @	1,244	1,295	1,349
Volleyball			
Coach 2 @	1,244	1,295	1,349
<u>ELEMENTARY</u>			
Basketball (boys and girls)			
Director 2 @	1,159	1,159	1,159
Coach 9 @	579	579	579
Soccer (boys/girls)			
Director	638	638	638
Coach 4 @	405	405	405
Track (boys/girls)			
Director	636	636	636
Coach 3 @	318	318	318
<u>HIGH SCHOOL</u>			
Amigos (3)		1,655	
Chess Club		1,101	
Freshman Class Advisor (2)		1,390	
Granite State Challenge		956	
Junior Class Advisor (2)		1,681	

HIGH SCHOOL
(Continued)

Junior World Council Advisor	1,681
Literary Magazine Advisor	1,390
Math Team Advisor	1,101
National Honor Society (2)	1,101
Newspaper Advisor	1,101
Senior Class Advisor	2,260
Sophomore Class Advisor (2)	1,390
Student Council Advisor	1,681
Yearbook Advisor (2)	2,260

Music

Assistant Band Instructor	3,129
Color Guard	1,655
Concert Percussion Ensemble	3,311
Madrigal Singers	1,655
Marching Band Director	5,810
Fall Instrumental Instructor HS	2,649
Fall Instrumental Instructor MS	1,655
Fall Instrumental Instructor- Elem	662
PHS Vocal Ensemble	1,103
PHS Spring Instrumental Ensemble	1,655

HIGH School (Continued)

Voc

Audio Tech Advisor	1,655
FBLA Advisor	1,655
FCCLA Advisor	1,655
Skills Advisor	1,655

Drama

Drama -Coordinator Fall Musical	5,303
Drama - Spring Festival	1,655
Drama - Spring Show	1,655
Drama Musical Conductor	3,311

Enrichment

Destination Imagination Coaches	956
Destination Imagination Coordinator	1,101

Sped

Special Olympics Coaches (2)	1,972
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MIDDLE SCHOOL

Art Club	956
Bowling Club	956
Chess Club	956
Math Counts (2)	956
Newspaper Advisor	956
Ski and Snowboard Club (2)	1,390
Student Council Advisor (2)	956

MIDDLE SCHOOL (Continued)

Student Aspiration Advisor (2)	956
Yearbook Advisor	1,390

Music

Chamber Singers	956
Fall Instrumental Ens.	956
Spring Instrumental Ens.	956

ELEMENTARY

(Numbers vary per building)

Safety Patrol	956
Chess Club	956
Peer Leadership	956
Student Council	956
School Store	956
Yearbook Advisor	956

Music

Band Conductor (2)	1,682
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**Article 54
POSTINGS**

54.1 The Superintendent shall provide the President of the ASSOCIATION, and have posted in each school, a list of vacancies and/or openings within the Portsmouth School System as frequently as the openings arise. This is to include all openings, full or part-time, co- or extra-curricular, federal, or special programs.

54.2 All open co- or extra-curricular positions and coaching positions will be posted in each school within the system. All qualified candidates within the system at the time of the opening will be interviewed. It is desirable to employ certified personnel whenever possible.

Article 55

EXTRA PAYMENT SCHEDULE

55.1 Payments for extra-curricular assignments and travel will be made in two (2) installments; the first pay period in December and the last pay period in June.

55.2 Payment schedule for coaches (less any deductions for loss of time and other deductions mutually agreed upon by both parties and authorized in writing by the teacher) will be:

Fall sports	First pay period in October
Winter sports	First pay period in February
Spring sports	First pay period in May

Article 56
NEW POSITIONS

In the event the school department establishes an entirely new co-curricular position, the School Department shall establish the rate for said position after consultation with the Association. If the Association disagrees with the rate to be established by management, it may negotiate for higher/lower compensation. During the pendency of such negotiation, the rate as established by the department shall be used if the job is filled. If a higher compensation is ultimately negotiated, it shall be retroactive to the first date that the new position was filled (in the absence of an agreement to the contrary between both parties). It is understood that the new position will be included in the first subsequent collective bargaining agreement forwarded to the City Council for approval.

Article 57
NO CHILD LEFT BEHIND ACT

In the event any school in the School District is required under Title I of the NCLBA of 2001 to develop an improvement plan, the parties agree that the BOARD, notwithstanding any other provision in this agreement, may assign employees to and from that school and make reasonable modifications to the duties and/or hours of employees assigned to the school. The BOARD agrees to provide thirty (30)-days written notice before transferring any teacher and agrees to bargain the impact of any teacher affected by the NCLBA.

Article 58
DURATION

This Agreement shall be effective July 1, 2014 and shall expire on June 30, 2018~~9~~.

SIGNATURES

As Approved by the Portsmouth City Council, _____.

For the Portsmouth
School Board:

For the Association
of Portsmouth Teachers:

Chairperson

President

Superintendent of Schools

Chief Negotiator

City Negotiator

NEA/NH Representative

**APPENDIX A
SALARY SCHEDULE**

	<u>2014-15</u>	<u>2015-16</u>	<u>2016-17</u>	<u>2017-18</u>
Step 1	40,961	Interval (1) 41,783	Interval (1) 42,723	Interval (1) 43,791
Step 2	42,455	Interval (2) 43,141	Interval (2) 44,005	Interval (2) 45,105
Step 3	43,995	Interval (3) 44,543	Interval (3) 45,325	Interval (3) 46,458
Step 4	45,591	Interval (4) 45,990	Interval (4) 46,685	Interval (4) 47,852
Step 5	47,244	Interval (5) 47,485	Interval (5) 48,085	Interval (5) 49,287
Step 6	48,958	Interval (6) 49,028	Interval (6) 49,528	Interval (6) 50,766
Step 7	50,733	Interval (7) 50,622	Interval (7) 51,013	Interval (7) 52,289
Step 8	52,573	Interval (8) 52,266	Interval (8) 52,544	Interval (8) 53,857
Step 9	54,480	Interval (9) 53,965	Interval (9) 54,120	Interval (9) 55,473
Step 10	56,456	Interval (10) 55,719	Interval (10) 55,744	Interval (10) 57,137
Step 11	58,504	Interval (11) 57,589	Interval (11) 57,416	Interval (11) 58,852
Step 12	60,626	Interval (12) 59,678	Interval (12) 59,139	Interval (12) 60,617
Step 13	64,420	Interval (13) 61,843	Interval (13) 61,031	Interval (13) 62,436
		Interval (14) 63,852	Interval (14) 63,246	Interval (14) 64,309
		Interval (15) 65,713	Interval (15) 65,302	Interval (15) 66,238
		Interval (16)	Interval (16) 67,376	Interval (16) 68,225

Model Teacher*

Note: Teachers at Step 13 in 2014-15 will advance to Interval 15 in 2015-16. * Teachers who achieve model teacher status in 2017-18 will earn a stipend equal to 7.5% of their teacher interval. Teachers who do not earn AU's in 15-16 will be held harmless in FY 17 (same FY 16 salary).

ADVANCED DEGREE TRACK

	<u>2014-15</u>			<u>2015-16</u>			<u>2016-17</u>			<u>2017-18</u>		
	<u>0-12</u>	<u>13 (FY 16)</u>	<u>13 (FY 14)</u>	<u>0-12</u>	<u>13 (FY 16)</u>	<u>13 (FY 14)</u>	<u>0-12</u>	<u>13 (FY 16)</u>	<u>13 (FY 14)</u>	<u>0-12</u>	<u>13 (FY 16)</u>	<u>13 (FY 14)</u>
Track B	2,604	4,035	5,465	2,656	4,116	5,574	2,716	4,208	5,700	2,784	4,314	5,842
Track C	6,362	8,080	9,797	6,489	8,242	9,992	6,635	8,427	10,216	6,801	8,638	10,421
Track D	7,034	8,803	10,571	7,175	8,979	10,782	7,336	9,181	11,025	7,520	9,411	11,301
Track E	7,703	9,802	11,345	7,857	9,998	11,572	8,034	10,223	11,832	8,235	10,479	12,128
Track F	9,047	10,969	12,891	9,228	11,188	13,149	9,436	11,440	13,445	9,671	11,726	13,781
Track G	10,390	12,414	14,438	10,598	12,662	14,727	10,836	12,947	15,058	11,107	13,271	15,435

Note: Teachers who achieve Step 13 beginning in FY 16 and thereafter, will be paid in accordance with the (FY 16) schedule above.

LONGEVITY

	<u>2014-15</u>	<u>2015-16</u>	<u>2016-17</u>	<u>2017-18</u>
After 13 years	3,099	3,099	3,099	3,099
After 16 years	3,722	3,722	3,722	3,722
Interdisciplinary Council	4,544	4,544	4,544	4,544

Teachers who receive longevity in 14-15, will continue to receive it.

APPENDIX B

PROFESSIONAL LEARNING PROJECTS (PLP): THEORY INTO ACTION

Purpose: The Purpose of the Professional Learning Project (PLP) is to support the development of an engaged learning community through innovative strategies in responding to student learning needs and sharing promising practices among educators. The PLP proposal must contribute to progress on district/building goals/initiatives including, but not limited to literacy, personalization, technology, power standards and assessment. Projects should connect together as many aspects of our “5 area framework” as possible by including elements of curriculum, instruction, assessment, professional development, and community.

Inquiry Question: This question frames the project and guides the professional learning. The question should be framed to focus on a specific issue appropriate to the teaching assignment/role of the individual(s). The question should be specific enough to be answered through action research, including research of best practices and the collection of actual student work.

Some samples:

What are effective strategies in accelerating the growth of students who are more than two years below grade level in reading?

How can technology be integrated effectively to increase student learning in the content areas?

Teacher (s): The Professional Learning Project can be a proposal for an individual or a group. Collaboration is strongly encouraged as well as a team approach to meeting the needs of students across classrooms. This might include small study circles devoted to discussion of common readings tied to a project theme.

Proposed Timeline: The duration of the PLP can be for as little as a semester and as long as two years, but PLP credits will only be awarded upon successful completion of the project.

Proposals: The Professional Learning Project should outline the research to be completed, the actions to be taken, and the evidence of student learning expected in addressing the inquiry question. The proposal should be detailed with dates for key events. An inquiry journal will be used to reflect on the professional learning throughout the project. The proposal should contain reasonable estimates of the time necessary to complete each phase of the PLP. The ultimate success of the project will lie in many educators engaging in this process of life-long learning, reflecting on what they have learned and bringing that new understanding or insight into their everyday classroom planning and instruction. Project participants will also be required to make a public presentation of their work to the staff and/or community. Deadlines for proposals to begin in the Fall semester is May 1 for the Spring semester is November 1.

Committee: A Committee made up of three teachers appointed by the APT and three administrators appointed by the Superintendent will review PLP proposals and recommend to the Superintendent those proposals that the Committee deems appropriate along with an estimate of the credits that will be awarded upon the successful completion of the project. The Superintendent will make a final determination within 30-days of receipt of the proposal from the Committee. The Committee will also evaluate PLPs in progress and determine if the PLP has been satisfactorily completed and how many credits should be awarded. If the Committee is not unanimous in determining whether the PLP has been satisfactorily completed or how many credits to award, the matter shall be referred to the Superintendent for a final determination. If the teacher(s) disagree with the Superintendent’s final determination, the teacher(s) involved, accompanied by another member of the bargaining unit, shall be given the opportunity to discuss the PLP with the Superintendent.

Credits: PLP credits will be awarded after all requirements are met. PLP credits will be based upon a conversion table that roughly equates to the time commitment of university credits and degrees. For example, a three-credit university course normally requires 45 hours of class time plus 2 hours of travel/preparation for each hour of class time, or a total of 135 hours.

Staff Development Hours: Only staff development hours in excess of those necessary to achieve certification will be counted toward advancement on the Advanced Degree schedule, limited to 5 credits every 3 years.

Transition: No PLP or Profession Development credits will be awarded for professional activities conducted prior to the effective date of the CBA. No teacher will be placed higher on the new Advanced Degree schedule higher than his/her current track status.

Salary Adjustments: Salary adjustments based upon successful completion of the PLP shall be applied once a year in accordance with present contract language.

DRAFT

APPENDIX C
NEW METHODS FOR MOVING ACROSS SALARY TRACKS
Effective Fall 2009

Track A	Track B	Track C	Track D	Track E	Track F	Track G
Bachelors Degree	Bachelors Degree Plus 15 Credits	Masters Degree OR Bachelors Degree Plus 45 Credits	Masters Degree Plus 15 Credits OR Bachelors Degree Plus 60 Credits	Masters Degree Plus 30 Credits OR Bachelors Degree Plus 75 Credits	Two Masters Degrees OR CAGS Degree OR Masters Degree Plus 45 Credits OR Bachelors Degree Plus 90 Credits	PHD OR Two Masters Degrees Plus 15 Credits OR CAGS Degree Plus 15 Credits OR Masters Degree Plus 60 Credits OR Bachelors Degree Plus 105 Credits

Credits: Credits can be earned three ways:

1. Taking approved graduate courses- Number of credits is determined by course
2. Current PD hours conversion- Every three years 50 non-course/PLP/recertification PD hours can be converted into 5 credits
3. Completing a Professional Learning Project- Credits determined by PLP committee

APPENDIX D

	<u>2017-18</u>	<u>2018-2019</u>
Interval (1)	43,791	44,667
Interval (2)	45,105	46,007
Interval (3)	46,458	47,387
Interval (4)	47,852	48,809
Interval (5)	49,287	50,273
Interval (6)	50,766	51,781
Interval (7)	52,289	53,335
Interval (8)	53,857	54,934
Interval (9)	55,473	56,582
Interval (10)	57,137	58,280
Interval (11)	58,852	60,029
Interval (12)	60,617	61,829
Interval (13)	62,436	63,685
Interval (14)	64,309	65,595
Interval (15)	66,238	67,563
Interval (16)	68,225	69,590
Model Teacher*		

Note: Teachers at Step 13 in 2014-15 will advance to Interval 15 in 2015-16. * Teachers who achieve model teacher status in 2017-18 will earn a stipend equal to 7.5% of their teacher interval. Teachers who do not earn AU's in 15-16 will be held harmless in FY 17 (same FY 16 salary).

ADVANCED DEGREE TRACK

<u>2017-2018</u>			<u>2018-2019</u>		
0-12	13 (FY 16)	13 (FY 14)	0-12	13 (FY 16)	13 (FY 14)
2,784	4,314	5,842	2,840	4,400	5,959
6,801	8,638	10,421	6,937	8,811	10,629
7,520	9,411	11,301	7,670	9,599	11,527
8,235	10,479	12,128	8,400	10,689	12,371
9,671	11,726	13,781	9,864	11,961	14,057
11,107	13,271	15,435	11,329	13,536	15,744

LONGEVITY

<u>2017-18</u>	<u>2018-2019</u>
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	<u>After 13 years</u>	<u>3,099</u>	<u>3,099</u>	<u>Teachers who receive</u>
	<u>After 16 years</u>	<u>3,722</u>	<u>3,722</u>	<u>longevity in 14-15, will</u>
3.	<u>Interdisciplinary Council</u>	<u>4,544</u>	<u>4,544</u>	<u>continue to receive</u>

DRAFT

LEASE AMENDMENT

This lease amendment is made by and between the **City of Portsmouth**, a municipal corporation organized and existing under the laws of the State of New Hampshire and having a usual place of business at 1 Junkins Avenue in said Portsmouth, hereinafter LESSOR, and the **CREEK ATHLETIC CLUB** of 251 Bartlett Street, Portsmouth, New Hampshire, hereinafter LESSEE.

WHEREAS, the parties entered into a lease agreement dated March 23, 2011, for a certain building/area known as the Creek Athletic Club situated at 251 Bartlett Street in said Portsmouth, New Hampshire, for a term of ten years commencing on April 1, 2011, and ending on March 31, 2021 (hereinafter the "Lease");

WHEREAS, a material term of the Lease called for the LESSEE to compensate the LESSOR for the use of the leased premises by making certain capital improvements to the leased premises during the term of the Lease, as described in Schedule A of the Lease (hereinafter the "Capital Improvements");

WHEREAS, the intent of requiring the LESSEE to make the Capital Improvements was to preserve the building as a viable structure;

WHEREAS, at the commencement of the Lease, the roof of the leased premises was in serviceable condition and was not included in the list of Capital Improvements but has since significantly deteriorated and now requires replacement in order to prevent extensive water damage to the premises; and

WHEREAS, Lessee is willing to undertake replacement of the roof at this time at its sole cost and expense provided that it receives an extension of the Lease term consistent with the benefit provided.

NOW THEREFORE, the parties hereby amend the Lease as follows:

1. **EXTENSION OF LEASE TERM**

The parties hereby extend the term of the Lease from March 31, 2021, to **March 31, 2029**.

2. **LEASE EXTENSION PAYMENT**

The LESSEE shall compensate the LESSOR for the extension by maintaining strict compliance with a schedule of capital improvements to the premises as described in Schedule A attached hereto. In performing the capital improvements attached hereto on Schedule A the LESSEE shall comply with the following terms and conditions:

- A. All labor, material and other costs of every kind shall be solely borne by the LESSEE.

- B. The design, engineering and materials to be utilized in connection with the performance of the capital improvements shall all be approved in advance in writing by the Public Works Director of the City of Portsmouth.
- C. All capital improvements performed by LESSEE shall be performed to the reasonable satisfaction of the Public Works Director of the City.
- D. In any given calendar year commencing with 2018 the LESSEE shall expend no less on the performance of capital improvements to the premise than would otherwise be due to the City in real estate taxes with respect to building¹. LESSEE shall provide LESSOR with labor and material receipts demonstrating that the required amount has been paid by LESSEE. In the event that LESSEE fails to expend at least the amount which would have been due as real estate taxes², then LESSEE shall make up the difference by a cash payment to LESSOR on each anniversary date of this lease. In the event that LESSEE expends more than the amount which would have been due as real estate taxes in any one year, such excess expenditures may be carried over to future years and applied against future rent obligations under the Lease.

LESSEE begins the amended lease term in arrears to LESSOR under the lease prior to amendment in the amount of \$7,050.72. A like amount shall be deducted from any credit due to LESSEE under the terms of this provision after the completion of the roof (see Exhibit A).

- E. Notwithstanding any other provision of this lease, failure to maintain the capital improvement schedule attached as Exhibit A shall constitute grounds for termination of the lease by LESSOR.

3. **REMAINDER OF LEASE TERMS TO REMAIN EFFECTIVE**

Unless otherwise altered herein, all other terms and conditions of the parties' Lease Agreement shall continue to apply with full force and effect throughout the extended term of this Lease, as if fully set forth herein.

¹ See RSA 72:23.

² The City to provide the amount which would have been otherwise due in taxes on reasonable request of the Lessee.

IN WITNESS WHEREOF, the parties have executed this Lease at Portsmouth on
_____, 2018.

CITY OF PORTSMOUTH

Witness

John P. Bohenko
City Manager

Pursuant to vote of the City Council on
_____, **2018**

IN WITNESS WHEREOF, the parties have executed this Lease at Portsmouth on
_____, 2018.

CREEK ATHLETIC CLUB

Witness

Patrick Healy
President

EXHIBIT A

CAPITAL IMPROVEMENTS

COMPLETED NO LATER THAN

Replace Existing Roof and Refurbish
Rooftop Dormers

March 1, 2018

CREEK ATHLETIC CLUB
251 BARTLETT STREET
PORTSMOUTH, NH 03801

January 30, 2018

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

Re: 251 Bartlett Street / Lease Extension

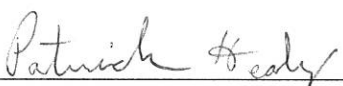
Dear John:

The Club is requesting an extension of its lease with the City for the building at 251 Bartlett Street, which lease will expire in 2021. As you may be aware, the current roof is in very bad shape and needs replacement, which represents an expenditure of \$16,755.00 according to one estimate that we received. The Club is willing to undertake this cost in exchange for an eight (8) year extension to the current lease term if the Club is allowed to take the cost of the new roof as an ongoing credit against the rent owed to the City. It is our understanding that the City has now entered into similar type arrangements with its other tenants.

It is our hope that this arrangement will be agreeable to the City. The Club has existed at this location since the early 1900's and wants to stay. For those who might not be familiar with the Club, I am enclosing some information about its history, its neighborhood involvement and its Scholarship Award. In addition, I am enclosing a copy of a photograph from the Club's 1932 basketball team, which features former Portsmouth City Councilor Bill Keefe in the front row, second from the left.

On behalf of the Club and its members, I thank you for your consideration of this request.

Very truly yours,



Patrick Healy, President

Attachments

CREEK ATHLETIC CLUB

BACKGROUND: The Creek Athletic Club is an independent, fraternal, social club that is registered with the State of New Hampshire as a nonprofit corporation. The Club has existed since the early 1900's and has occupied the building formally known as the Sagamore Fire Company and Ward Hall at 251 Bartlett Street since the early 1900's. The Club is located in the heart of the City's Creek neighborhood, which was settled in the late 1800's by Irish immigrants who came to work in the nearby breweries and factories of the City's industrial West End.

MEMBERSHIP: Membership in the Creek Athletic Club has historically been from the Irish-American families who settled the neighborhood and the Club continues to have a strong Irish-American identity. The Club's membership is limited to 70, the majority of whom are Portsmouth residents. Those members not living in Portsmouth typically grew up in the Creek neighborhood and now live in neighboring Towns.

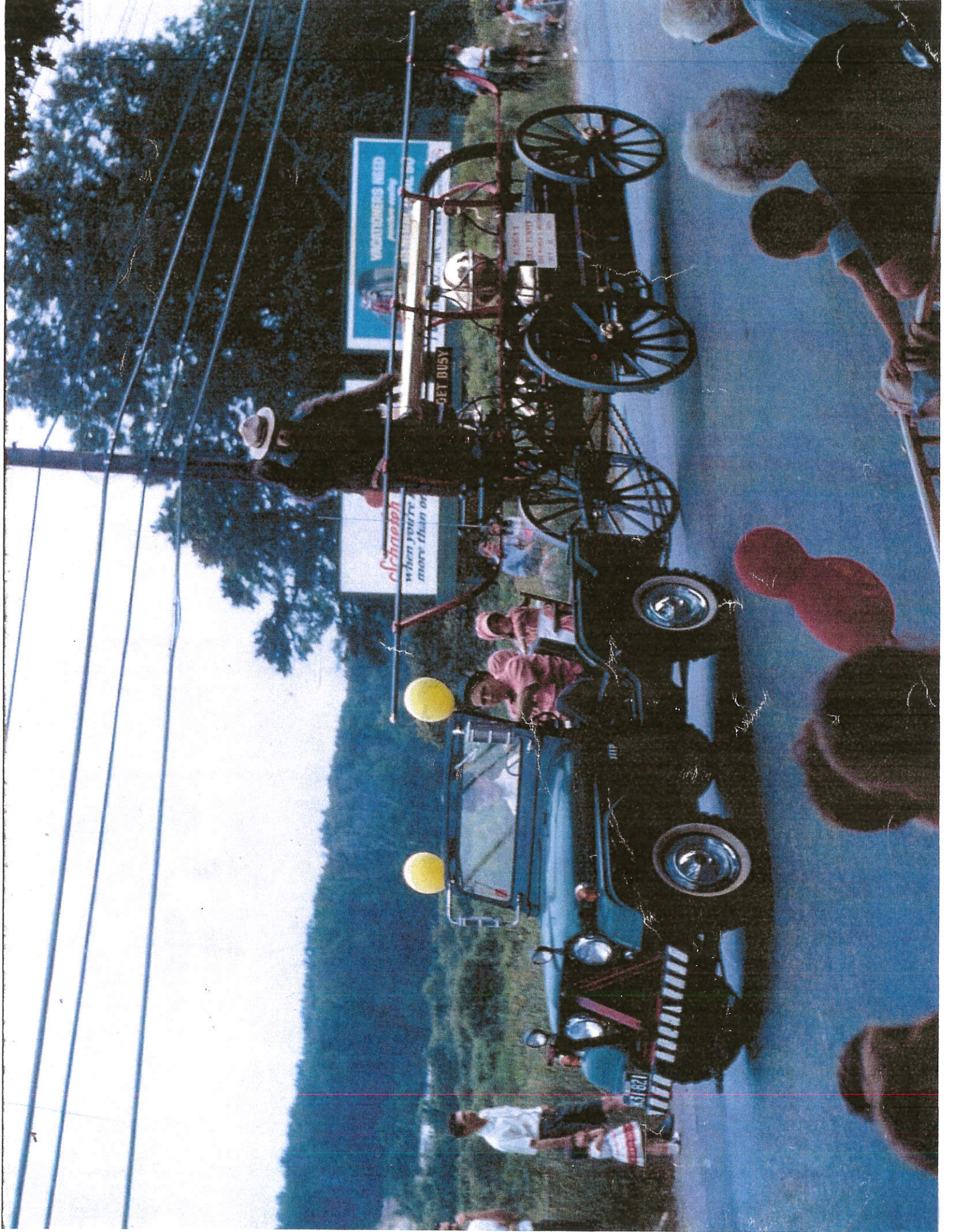
ACTIVITIES: Throughout the Club's existence, it has sponsored youth sports teams in the City of Portsmouth. For the past 30-40 years, the Club has sponsored a basketball team in the City Recreation Department's Youth League. The Club has also been an annual contributor to the Christian Shore-Creek Neighborhood Association "Night Out" celebration, with Club Members providing a cookout for the neighborhood. The Club has also contributed to other local organizations such as the Salvation Army, New Franklin Elementary School and St. Patrick's School. The Club's activities are supported by Member dues and fundraising activities such as raffles and golf tournaments.

SCHOLARSHIP AWARD: In 2003, the Club instituted a scholarship award through the Portsmouth School Department that has annually given \$1,000.00 to a Portsmouth High School student who attended New Franklin Elementary School and lettered in a varsity sport. The award winners to date have been Alicia Cayer (2003), Regan Bowlen (2004), Jeff Mattson (2005), Kate Hammer (2006) David Semprini (2007), Melissa Stanwood (2008), Kortney Dorow (2009) Hannah Leach (2010), Nicole Morash (2011), Richard S. Greeley (2012), Joselyn Regan (2013) Ian MacDonald (2014), Madelyn Chavez (2015), Liam Hanson (2016) and Molly Mickela (2017).

THE EUREKA: The Club is the owner of an antique, horse drawn fire fighting apparatus, known as "The Eureka," which it stores at 251 Bartlett Street. The Eureka was manufactured in 1872 by the L. Button & Son Company and was in service in the town of Hudson, MA before being acquired by the Franklin Pierce Veteran Firemen's Association ("FPVFA") of Portsmouth. The FPVFA was a fraternal social club that occupied the former Eureka fire house on Maplewood Avenue, adjacent to the old North Cemetery. When the Eureka fire house was demolished during the City's urban renewal program in the 1960's, the apparatus was transferred to the Creek A. C. The Club has restored the Eureka during its ownership and displays it at the neighborhood's annual "Night Out" celebration every August.



Creek A C
\$1,000⁰⁰
2017 Scholarship Award



VACATIONERS NEED
Schnitzler's
Produced by Schnitzler's

when you're
more than on
Schnitzler's
GET BUSY

WASHER
TUB
DISH
DRYER
STOVE
REF.

83 1821

MEMORANDUM

TO: John Bohenko, City Manager

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

DATE: January 17, 2018

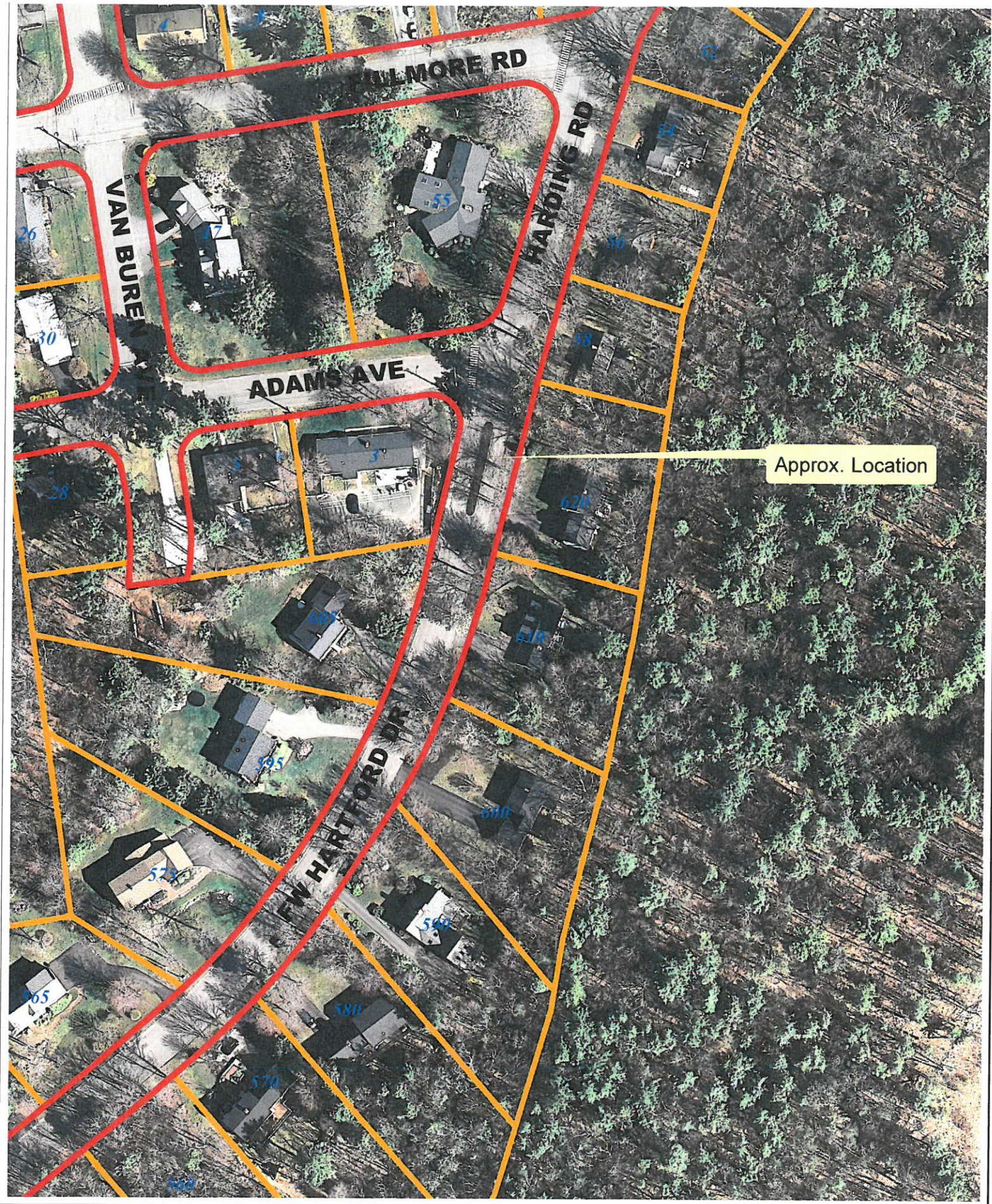
RE: City Council Referral – Sign located within a public right of way
Address: Corner of FW Hartford Dr. and Adams Ave.
Business Owner: Woodlands Homeowners Association, Inc.

Permission is being sought to install a sign within the public right of way, as follows:

Sign dimensions: 60" x 19"
Sign area: 14.66 sq. ft.

The proposed sign is completely within the city right of way so there are no applicable zoning requirements. The proposed sign is replacing an existing sign. 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 sign shall be retroreflective so it is visible day and night;
2. The license shall be approved by the Legal Department as to content and form;
3. Any removal or relocation of the sign, for any reason, shall be done at no cost to the City; and
4. Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the 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.



Approx. Location



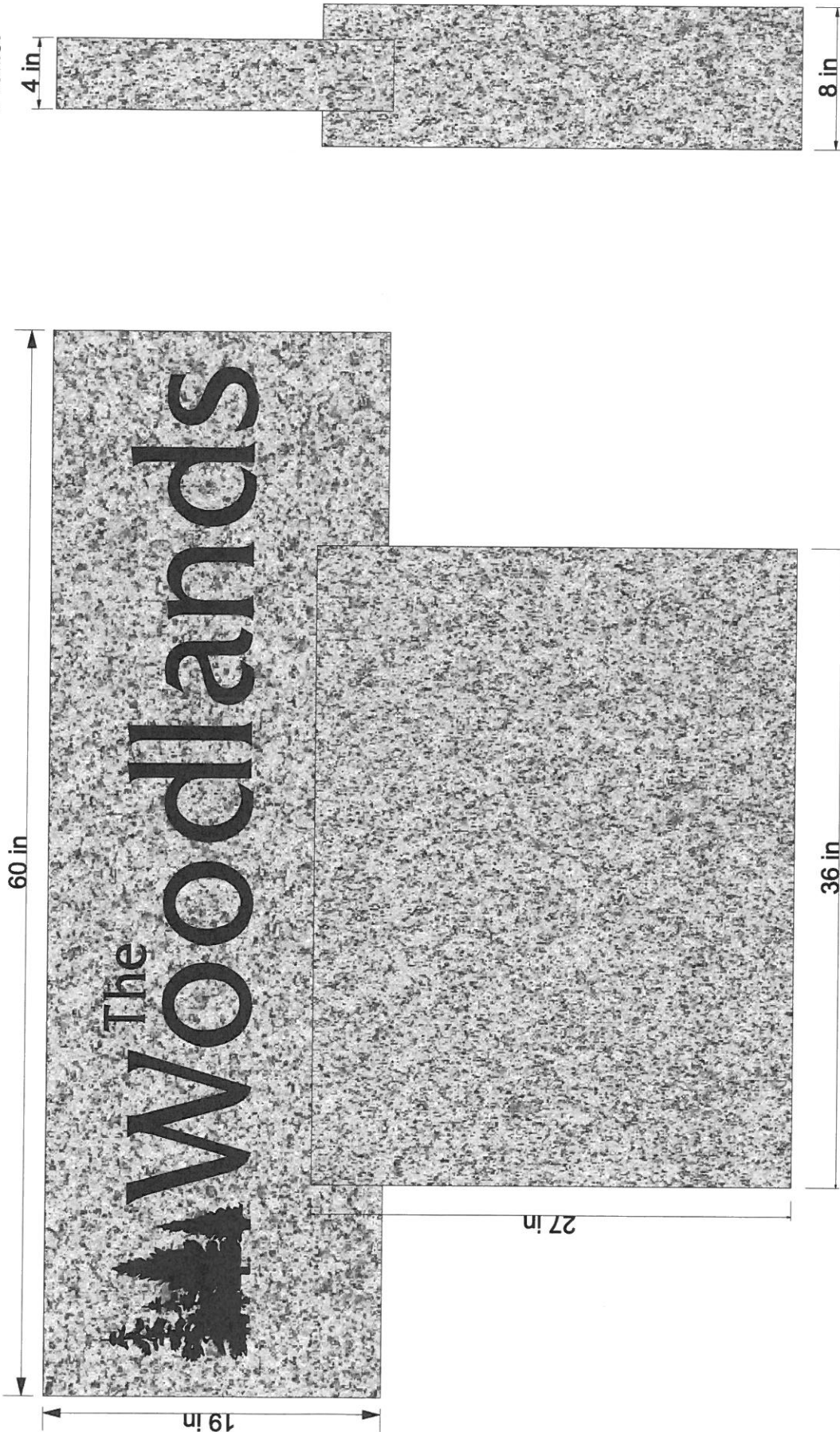
Map produced by Planning Department 1-10-18

Request for license FW Hartford Drive and Adams Avenue

Existing sign to be replaced.



Profile:



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.

10/16/17

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.

Materials: SS DS HP Int Other: _____

Background Color: _____ Vinyl Color: _____

Shop Use Only

MEMORANDUM

TO: John Bohenko, City Manager

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

DATE: January 17, 2018

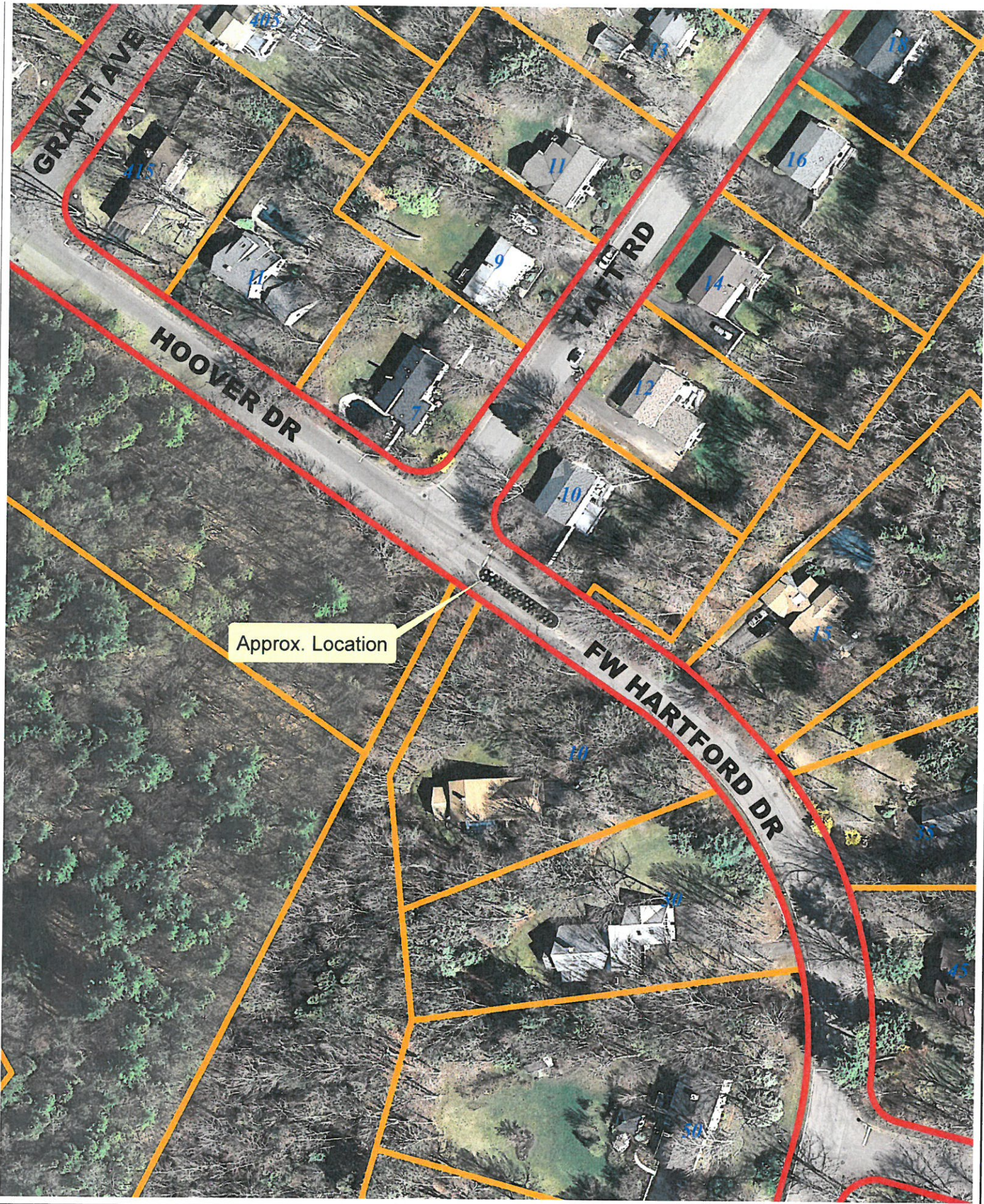
RE: City Council Referral – Sign located within a public right of way
Address: Corner of FW Hartford Dr. and Taft Road
Business Owner: Woodlands Homeowners Association, Inc.

Permission is being sought to install a sign within the public right of way, as follows:

Sign dimensions: 72" x 18"
Sign area: 9 sq. ft.

The proposed sign is completely within the city right of way so there are no applicable zoning requirements. The existing sign will be refaced with the proposed sign. 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 sign shall be retroreflective so it is visible day and night;
2. The license shall be approved by the Legal Department as to content and form;
3. Any removal or relocation of the sign, for any reason, shall be done at no cost to the City; and
4. Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the 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.



Approx. Location

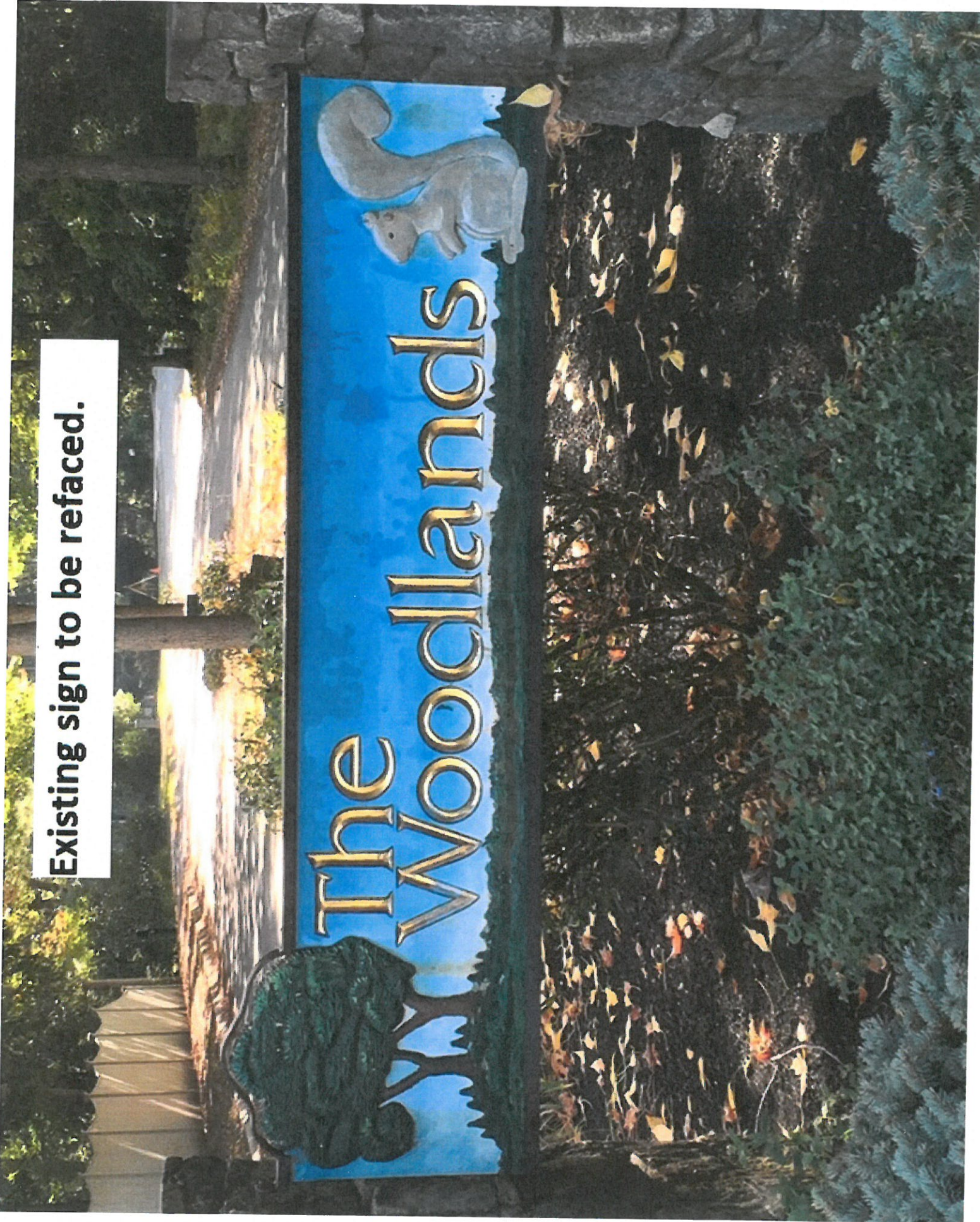


Map produced by Planning Department 1-10-18

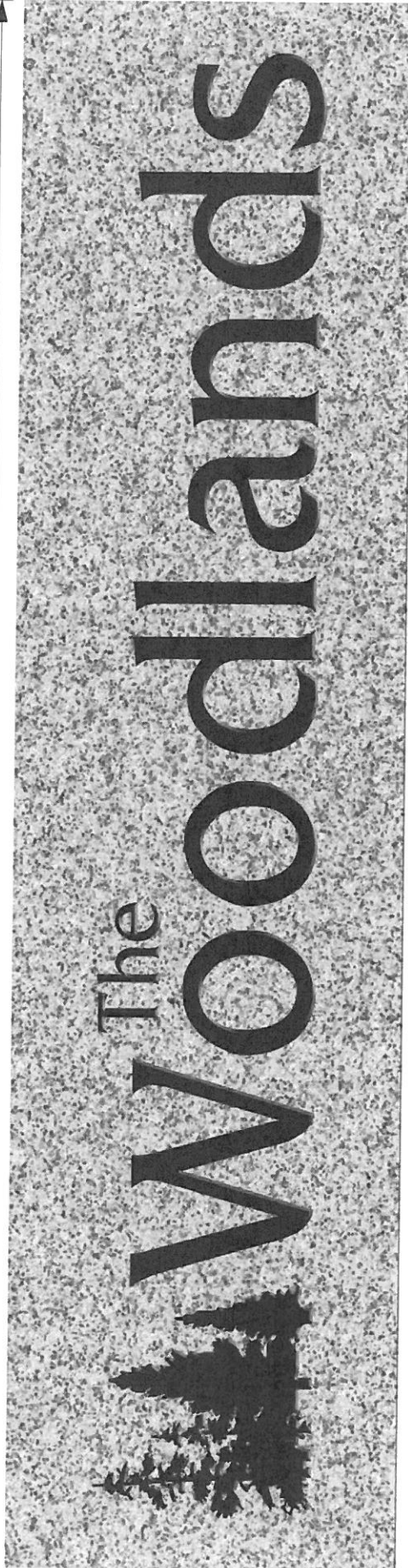
Request for license FW Hartford Drive and Taft Road

Existing sign to be refaced.

The Woodlands



72 in



18 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.

12/22/15

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:



MEMORANDUM

TO: JOHN P. BOHENKO, CITY MANAGER
FROM: JULIET T.H. WALKER, PLANNING DIRECTOR *JTW*
SUBJECT: EASEMENTS FOR ISLINGTON STREET PROJECT
DATE: 1/31/2018

The City is planning to construct improvements to the Islington Street corridor between Spinney Road and Dover Street. The project will include replacement of underground water, sewer and drain lines, replacement of the traffic signal at Bartlett Street, reconstruction of the street and widening of sidewalks. To accommodate the widened sidewalks and street reconstruction, the City requires easements from seven private parcels abutting Islington Street. At the January 18, 2018 Planning Board meeting, the Board considered the proposed easements and voted to recommend that the City Council accept the easements identified. A memorandum from Assistant City Attorney Suzanne Woodland is attached along with an exhibit showing the proposed easements.

Recommended Action

Vote to accept the easements identified in the Memorandum from Suzanne Woodland, dated January 11, 2018 to accomplish the Islington Street project.

**CITY OF PORTSMOUTH
LEGAL DEPARTMENT
MEMORANDUM**

DATE: January 11, 2018

TO: JULIET WALKER, PLANNING DIRECTOR

FROM: SUZANNE M. WOODLAND, DEPUTY CITY ATTORNEY
ERIC EBY, PARKING AND TRANSPORTATION ENGINEER

RE: ISLINGTON STREET PUBLIC WORKS PROJECT
EASEMENTS TO BE ACQUIRED

The City is planning to construct improvements to the Islington Street corridor between Spinney Road and Dover Street. The project will include replacement of underground water, sewer and drain lines, replacement of the traffic signal at Bartlett Street, reconstruction of the street and widening of sidewalks. To accommodate the widened sidewalks and street reconstruction, the City requires easements from seven parcels abutting Islington Street as listed below:

Owner	Map / Lot	Location Reference	Type of Easement
Griffin Family Corp.	154 / 1	Plaza 800	Sidewalk
Peas Property LLC	155 / 2	Pars Oriental Rug	Sidewalk
Islington Street LLC	155 / 3	CVS	Sidewalk
Northern Utilities	155 / 12	Substation	Sidewalk
Griffin Family Corp.	155 / 13	Sherwin Williams / Liquor Store Plaza	Sidewalk
531 Islington Street LLC	157 / 5	Dunkin Donuts	Sidewalk
1000 Islington Street LLC	171 / 10	Dr. Chase, DDS	Right-of-Way

Attached are plans prepared by VHB showing the easements the City seeks to acquire.

PROPOSED MOTION: That the Planning Board move to recommend the City Council accept the easements identified in this Memorandum to accomplish the Islington Street project.

attachments

PROPOSED TREES				
KEY	BOTANICAL NAME	COMMON NAME	QTY	COMMENTS
GB	GINKO BILOBA	GINKO	1	
GD	GYMNOCLADUS DIOICA	KENTUCKY COFFEETREE	1	
NS	NYSSA SYLVATICA	BLACK GUM	1	
SR	SYRINGA RETICULATA	JAPANESE TREE LILAC	1	
			TOTAL:	4

REVISIONS AFTER PROPOSAL

STATION

STATION

DATE

NUMBER

DATE

DATE

DATE

DATE

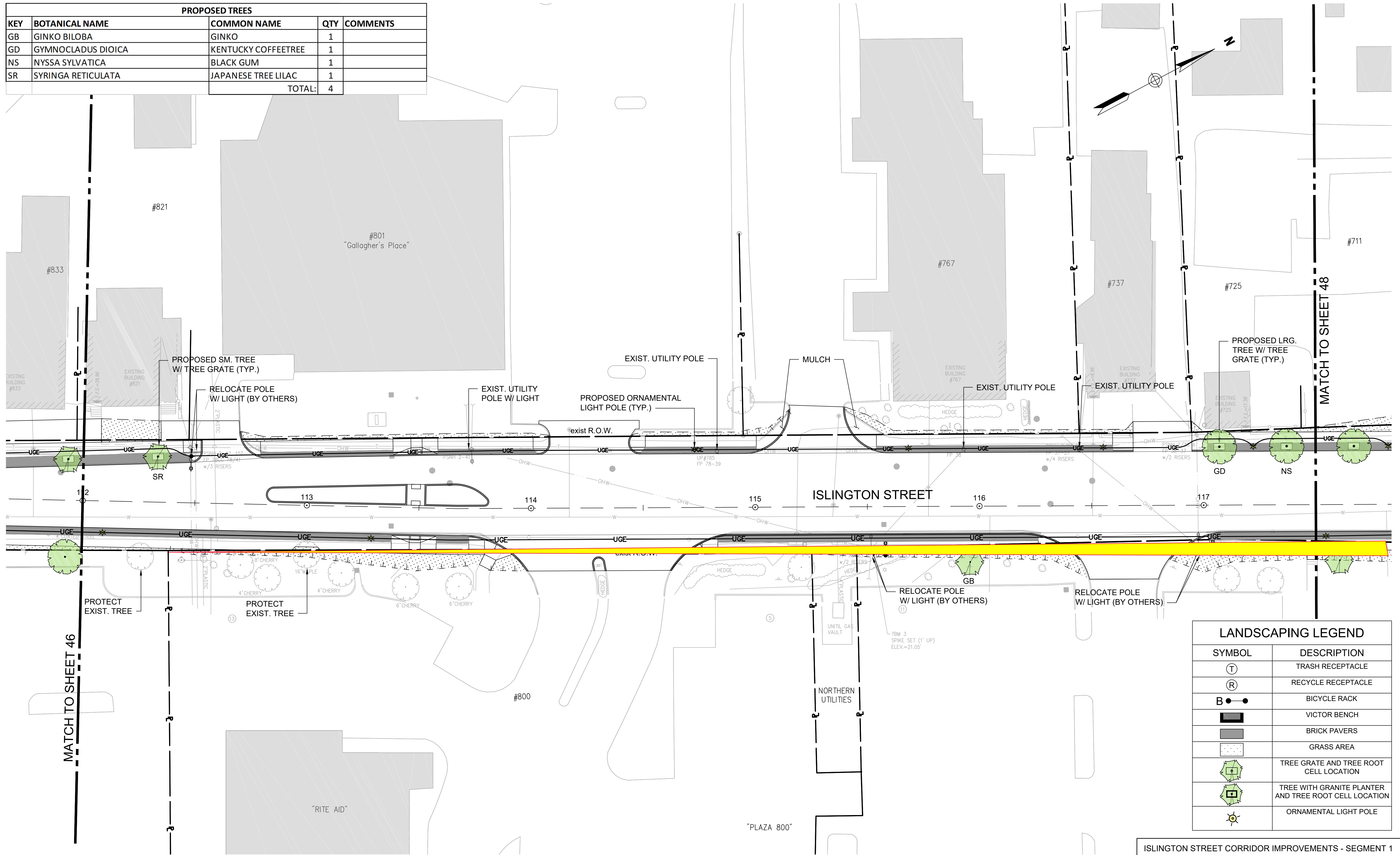
SDR PROCESSED

NEW DESIGN

SHEET CHECKED

AS BUILT DETAILS

90% SUBMISSION PLANS
SUBJECT TO CHANGE
DATE 1/8/2018

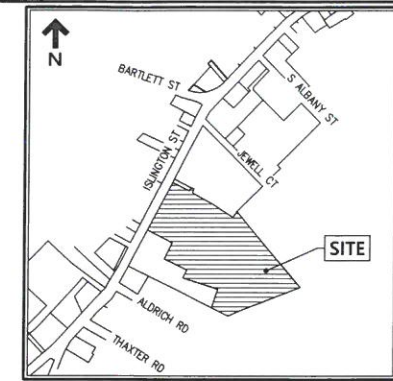
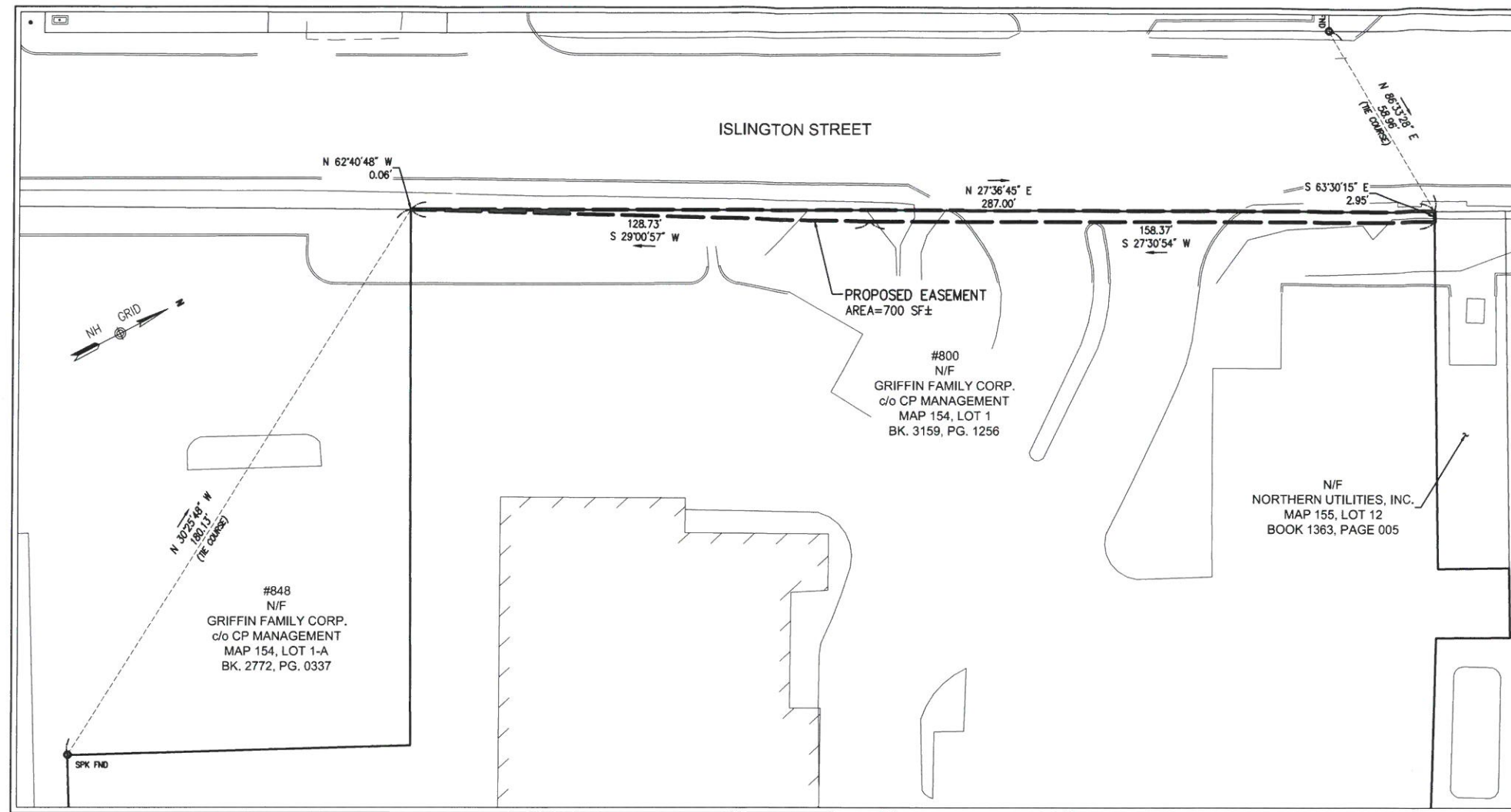


LANDSCAPING LEGEND	
SYMBOL	DESCRIPTION
(T)	TRASH RECEPTACLE
(R)	RECYCLE RECEPTACLE
B ● ●	BICYCLE RACK
■	VICTOR BENCH
■	BRICK PAVERS
■	GRASS AREA
⊕	TREE GRATE AND TREE ROOT CELL LOCATION
⊕	TREE WITH GRANITE PLANTER AND TREE ROOT CELL LOCATION
☼	ORNAMENTAL LIGHT POLE



DATE PLOTTED	VHB PROJECT NO.
8-Jan-18	52393.00

ISLINGTON STREET CORRIDOR IMPROVEMENTS - SEGMENT 1				
CITY OF PORTSMOUTH, NEW HAMPSHIRE				
<h2>LANDSCAPING & LIGHTING PLAN</h2>				
DRAWING	STATE PROJECT NO.	SHEET NO.	TOTAL SHEETS	
LD-Seg1	-	47	70	



Locus Map
(NOT TO SCALE)

General Notes

1. THE OWNER OF RECORD AT THE TIME OF THE SURVEY IS:
GRIFFIN FAMILY CORP.
c/o CP MANAGEMENT
BOOK 3159, PAGE 1256
2. THE PURPOSE OF THIS PLAN IS TO DEPICT THE LOCATION OF A PROPOSED EASEMENT TO THE CITY OF PORTSMOUTH.
3. HORIZONTAL DATUM IS N.A.D. 1983.
4. BUILDINGS AND FEATURES SHOWN ARE DERIVED FROM THE CITY OF PORTSMOUTH GIS.

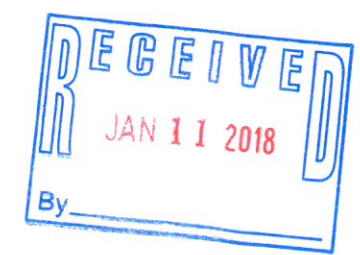
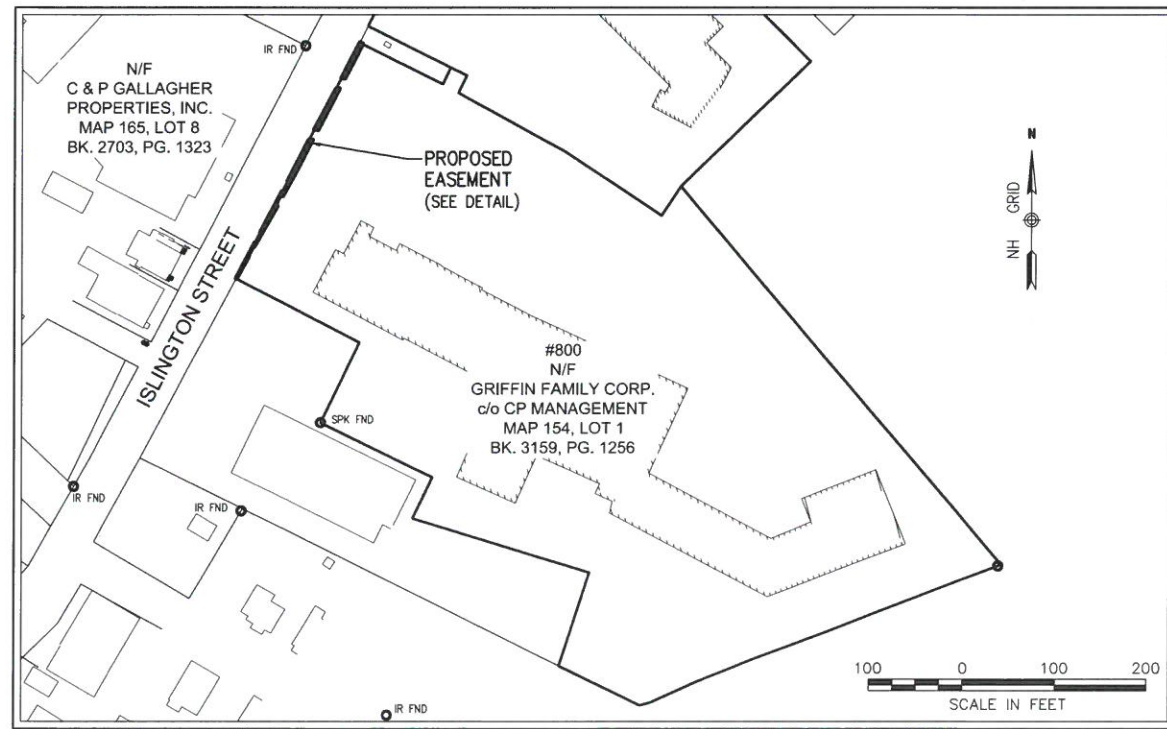
Plan References

1. SUBDIVISION OF LAND ENTITLED "PLAZA 800" DATED: 5/10/94 AND RECORDED AT THE R.C.R.D. AS PLAN #D-29396.

DETAIL 1
SCALE: 1" = 20'

Legend

IR FND ○	IRON ROD FOUND
SPK FND ○	RR SPIKE FOUND
---	EASEMENT



Certification

I CERTIFY THAT THIS PLAN WAS PREPARED FROM THE BOUNDARY INFORMATION SHOWN ON THE PLAN REFERENCED AND A FIELD SURVEY MADE ON THE GROUND IN DECEMBER, 2015, HAVING A MAXIMUM ERROR OF CLOSURE OF 1 IN 10,000.

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.

DATE _____ GLEN E. JOHNSON, L.L.S. #698

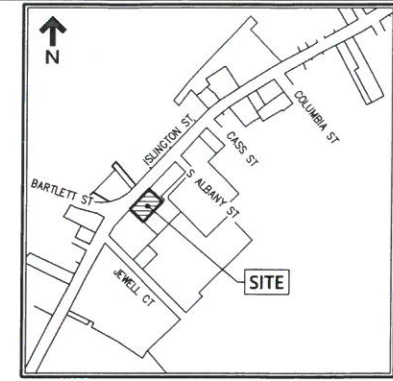
**EASEMENT PLAN OF LAND
MAP 154, LOT 1
IN
Portsmouth
NEW HAMPSHIRE**

RECORD OWNER: GRIFFIN FAMILY CORP.
c/o CP MANAGEMENT

PREPARED FOR: CITY OF PORTSMOUTH
1 JUNKINS AVENUE
PORTSMOUTH, NH 03801

PREPARED BY: Vanasse Hangen Brustlin, Inc.
2 Bedford Farms Drive, Suite 200
Bedford, New Hampshire 03110
603.391.3900 • FAX 603.518.7495

SCALE: 1 INCH = 100 FEET DATE: DEC. 28, 2017



Locus Map
(NOT TO SCALE)

General Notes

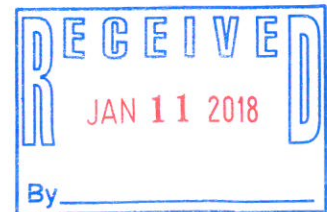
1. THE OWNER OF RECORD AT THE TIME OF THE SURVEY IS:
PEAS PROPERTIES LLC
BOOK 5839, PAGE 2533
2. THE PURPOSE OF THIS PLAN IS TO DEPICT THE LOCATION OF A PROPOSED EASEMENT TO THE CITY OF PORTSMOUTH.
3. HORIZONTAL DATUM IS N.A.D. 1927.
4. BUILDINGS AND FEATURES SHOWN ARE DERIVED FROM THE CITY OF PORTSMOUTH GIS.

Plan References

1. LOT LINE REVISION ENTITLED "PROPERTIES OF PAUL E. HARVEY AND ROBERT C. & MARILY H. RICKER" DATED: 1982 AND RECORDED AT THE R.C.R.D. AS PLAN #C-11132.

Legend

IR FND ○	IRON ROD FOUND
IP FND ○	IRON PIPE FOUND
---	EASEMENT



**EASEMENT PLAN OF LAND
MAP 155 LOT 2
IN**

**Portsmouth
NEW HAMPSHIRE**

RECORD OWNER: PEAS PROPERTY LLC

PREPARED FOR: CITY OF PORTSMOUTH
1 JUNKINS AVENUE
PORTSMOUTH, NH 03801

PREPARED BY: Vanasse Hangen Brustlin, Inc.
2 Bedford Farms Drive, Suite 200
Bedford, New Hampshire 03110
603.391.3900 • FAX 603.518.7495

SCALE: 1 INCH = 10 FEET DATE: DEC. 28, 2017

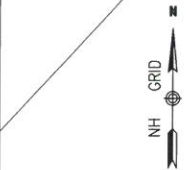
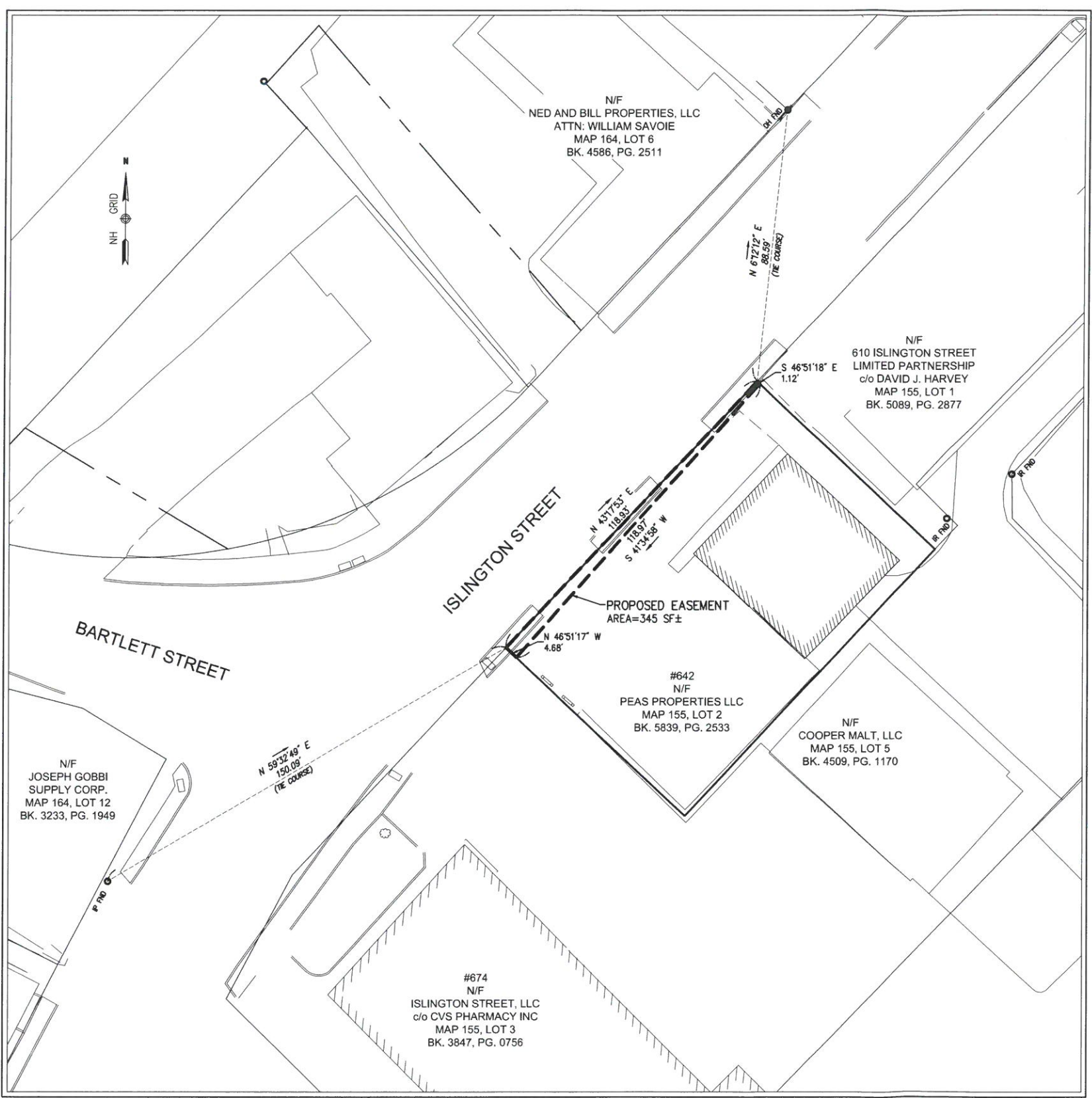
Certification

I CERTIFY THAT THIS PLAN WAS PREPARED FROM THE BOUNDARY INFORMATION SHOWN ON THE PLAN REFERENCED AND A FIELD SURVEY MADE ON THE GROUND IN DECEMBER, 2015, HAVING A MAXIMUM ERROR OF CLOSURE OF 1 IN 10,000.

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.

DATE _____ GLEN E. JOHNSON, L.L.S. #298

*Progress Print
For Review Only
1/10/2018*



N/F JOSEPH GOBBI SUPPLY CORP. MAP 164, LOT 12 BK. 3233, PG. 1949

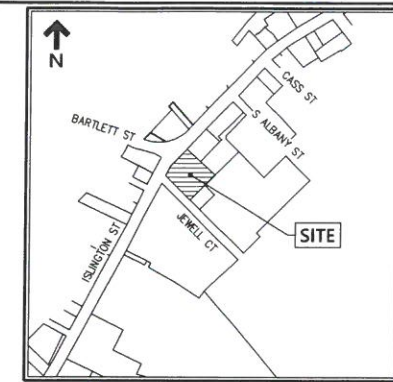
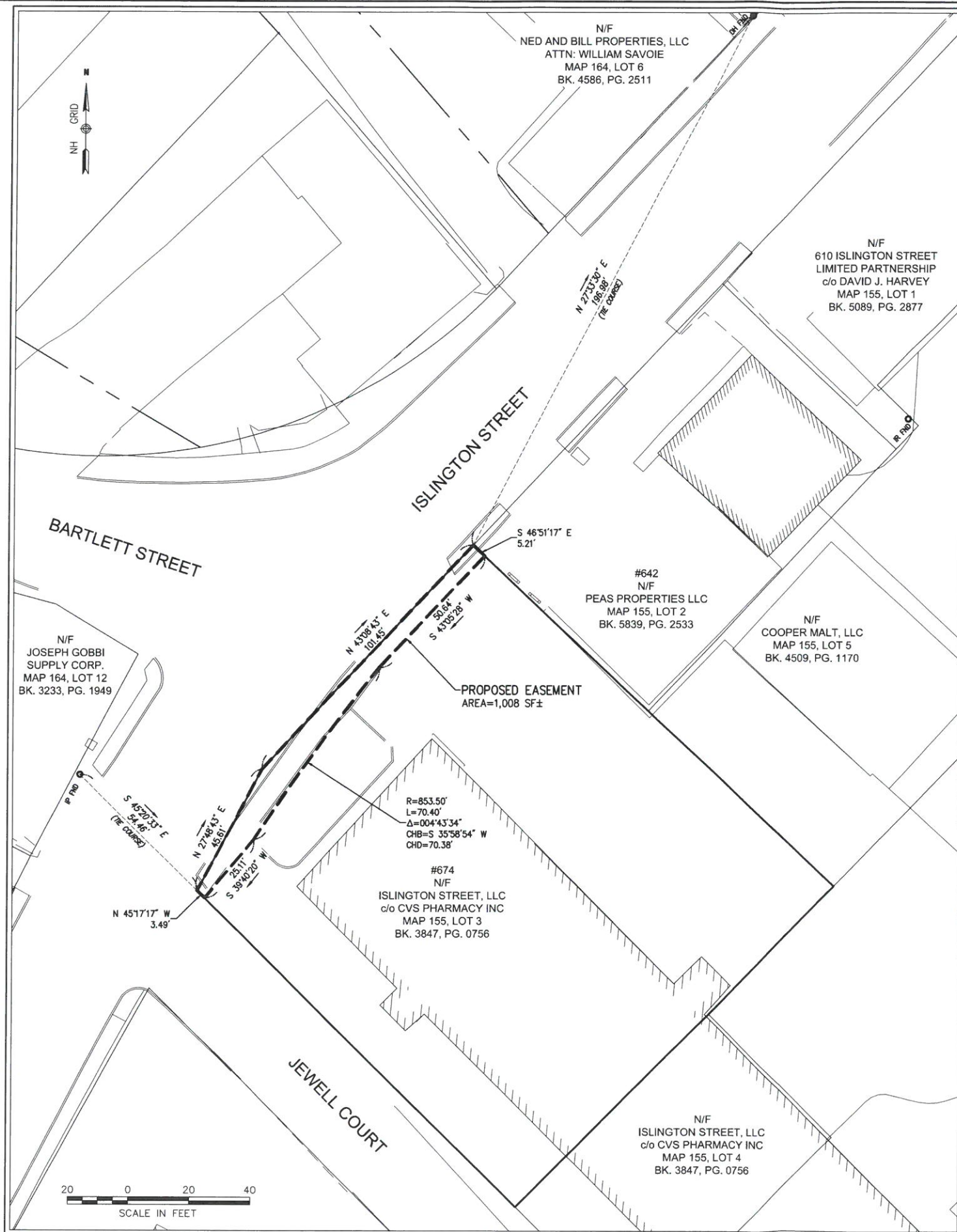
#674 N/F ISLINGTON STREET, LLC c/o CVS PHARMACY INC MAP 155, LOT 3 BK. 3847, PG. 0756

#642 N/F PEAS PROPERTIES LLC MAP 155, LOT 2 BK. 5839, PG. 2533

N/F COOPER MALT, LLC MAP 155, LOT 5 BK. 4509, PG. 1170

N/F 610 ISLINGTON STREET LIMITED PARTNERSHIP c/o DAVID J. HARVEY MAP 155, LOT 1 BK. 5089, PG. 2877

N/F NED AND BILL PROPERTIES, LLC ATTN: WILLIAM SAVOIE MAP 164, LOT 6 BK. 4586, PG. 2511



Locus Map
(NOT TO SCALE)

General Notes

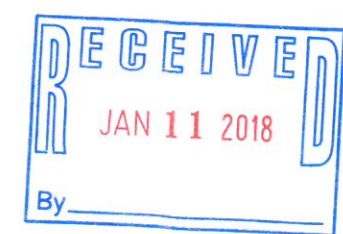
1. THE OWNER OF RECORD AT THE TIME OF THE SURVEY IS:
ISLINGTON STREET LLC
c/o CVS PHARMACY INC
BOOK 3847, PAGE 0756
2. THE PURPOSE OF THIS PLAN IS TO SHOW THE LOCATION OF A PROPOSED EASEMENT TO THE CITY OF PORTSMOUTH.
3. HORIZONTAL DATUM IS N.A.D. 1983.
4. BUILDINGS AND FEATURES SHOWN ARE DERIVED FROM THE CITY OF PORTSMOUTH GIS.

Plan References

1. PLAN OF LAND ENTITLED "FAIRLAWN PLAZA INC." DATED: 07/15/94 AND RECORDED AT THE R.C.R.D. AS PLAN #D-23048.

Legend

- IR FND ○ IRON ROD FOUND
- IP FND ○ IRON PIPE FOUND
- EASEMENT



EASEMENT PLAN OF LAND
MAP 155 LOT 3
IN

**Portsmouth
NEW HAMPSHIRE**

RECORD OWNER: ISLINGTON STREET, LLC.
c/o CVS PHARMACY INC.

PREPARED FOR: CITY OF PORTSMOUTH
1 JUNKINS AVENUE
PORTSMOUTH, NH 03801

PREPARED BY: Vanasse Hangen Brustlin, Inc.
2 Bedford Farms Drive, Suite 200
Bedford, New Hampshire 03110
603.391.3900 • FAX 603.518.7495

SCALE: 1 INCH = 20 FEET DATE: DEC. 28, 2017

Certification

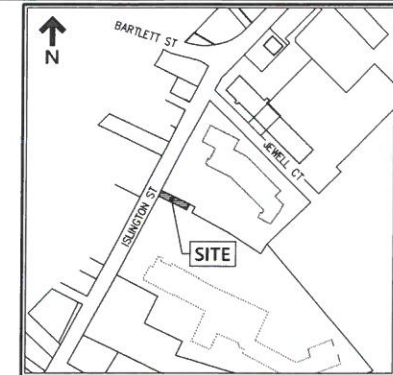
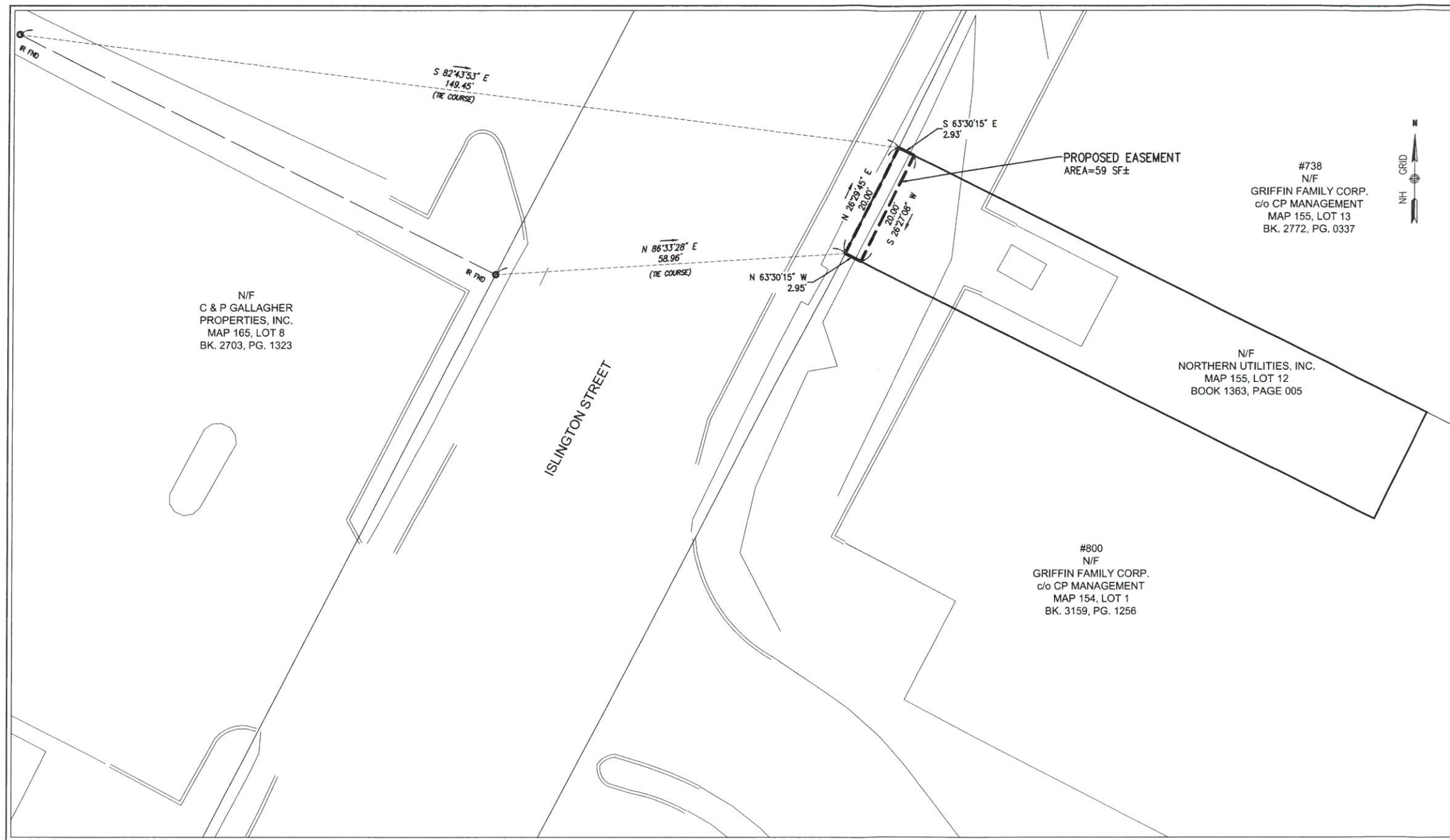
I CERTIFY THAT THIS PLAN WAS PREPARED FROM THE BOUNDARY INFORMATION SHOWN ON THE PLAN REFERENCED AND A FIELD SURVEY MADE ON THE GROUND IN DECEMBER, 2015, HAVING A MAXIMUM ERROR OF CLOSURE OF 1 IN 10,000.

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.

DATE _____ GLEN E. JOHNSON, L.L.S. #298

*Progress Print
For Review Only
1/10/2018*





Locus Map
(NOT TO SCALE)

General Notes

1. THE OWNER OF RECORD AT THE TIME OF THE SURVEY IS:
NORTHERN UTILITIES
BOOK 1363, PAGE 005
2. THE PURPOSE OF THIS PLAN IS TO DEPICT THE LOCATION OF
A PROPOSED EASEMENT TO THE CITY OF PORTSMOUTH.
3. HORIZONTAL DATUM IS N.A.D. 1983.
4. BUILDINGS AND FEATURES SHOWN ARE DERIVED FROM THE
CITY OF PORTSMOUTH GIS.

Legend

IR FND ○	IRON ROD FOUND
SPK FND ○	RR SPIKE FOUND
---	EASEMENT



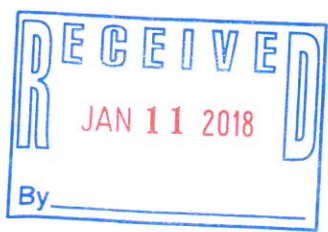
Plan References

1. SUBDIVISION OF LAND ENTITLED "PLAZA 800" DATED:5/10/94 AND RECORDED
AT THE R.C.R.D. AS PLAN #D-23176.
2. SUBDIVISION OF LAND ENTITLED "PLAZA 800" DATED 9/11/92 AND RECORDED
AT THE R.C.R.D. AS PLAN #D-21931.
3. ALTA/ACSM LAND TITLE SURVEY ENTITLED "PLAZA 800, 738, 800, 848 &
874-876 ISLINGTON STREET" DATED 10/24/01 AND RECORDED AT THE
R.C.R.D. AS PLAN #D-29396.

Certification

I CERTIFY THAT THIS PLAN WAS PREPARED FROM THE BOUNDARY INFORMATION SHOWN ON THE PLAN REFERENCED AND A FIELD SURVEY MADE ON THE GROUND IN DECEMBER, 2015, HAVING A MAXIMUM ERROR OF CLOSURE OF 1 IN 10,000.

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.



DATE _____ GLEN E. JOHNSON, L.L.S. #298

**EASEMENT PLAN OF LAND
MAP 155 LOT 12**

**Portsmouth
NEW HAMPSHIRE**

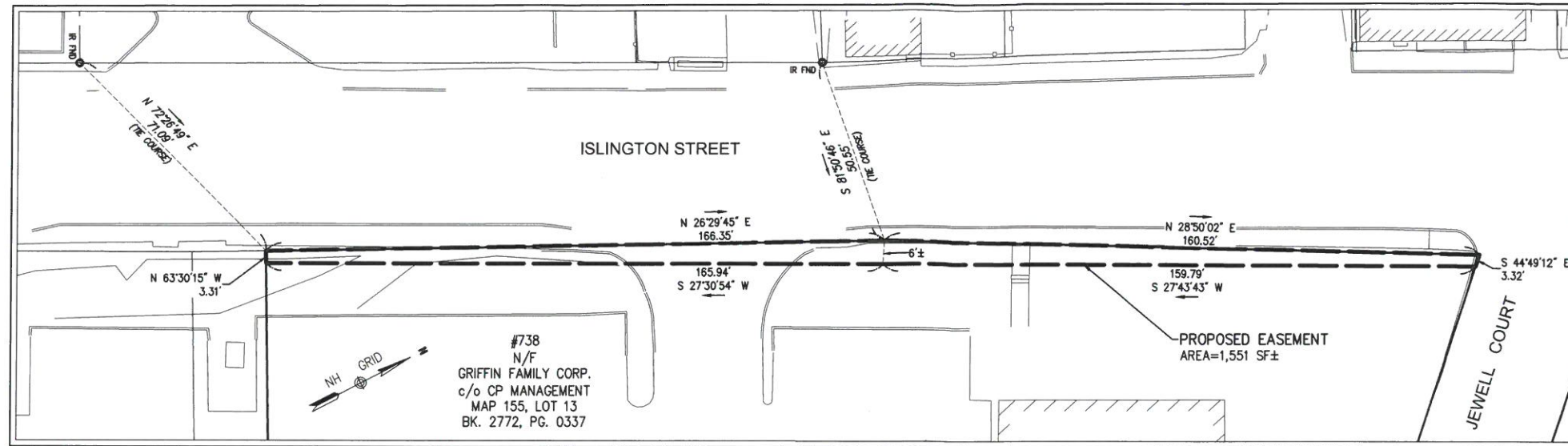
RECORD OWNER: NORTHERN UTILITIES

PREPARED FOR: CITY OF PORTSMOUTH
1 JUNKINS AVENUE
PORTSMOUTH, NH 03801

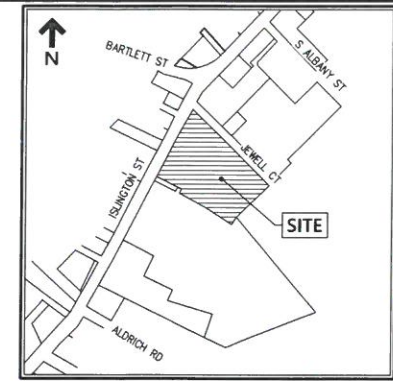
PREPARED BY: Vanasse Hangen Brustlin, Inc.
2 Bedford Farms Drive, Suite 200
Bedford, New Hampshire 03110
603.391.3900 • FAX 603.518.7495

SCALE: 1 INCH = 10 FEET DATE: DEC. 28 2017

Progress Print
For Review Only
1/10/2018



DETAIL 1
SCALE: 1" = 20'



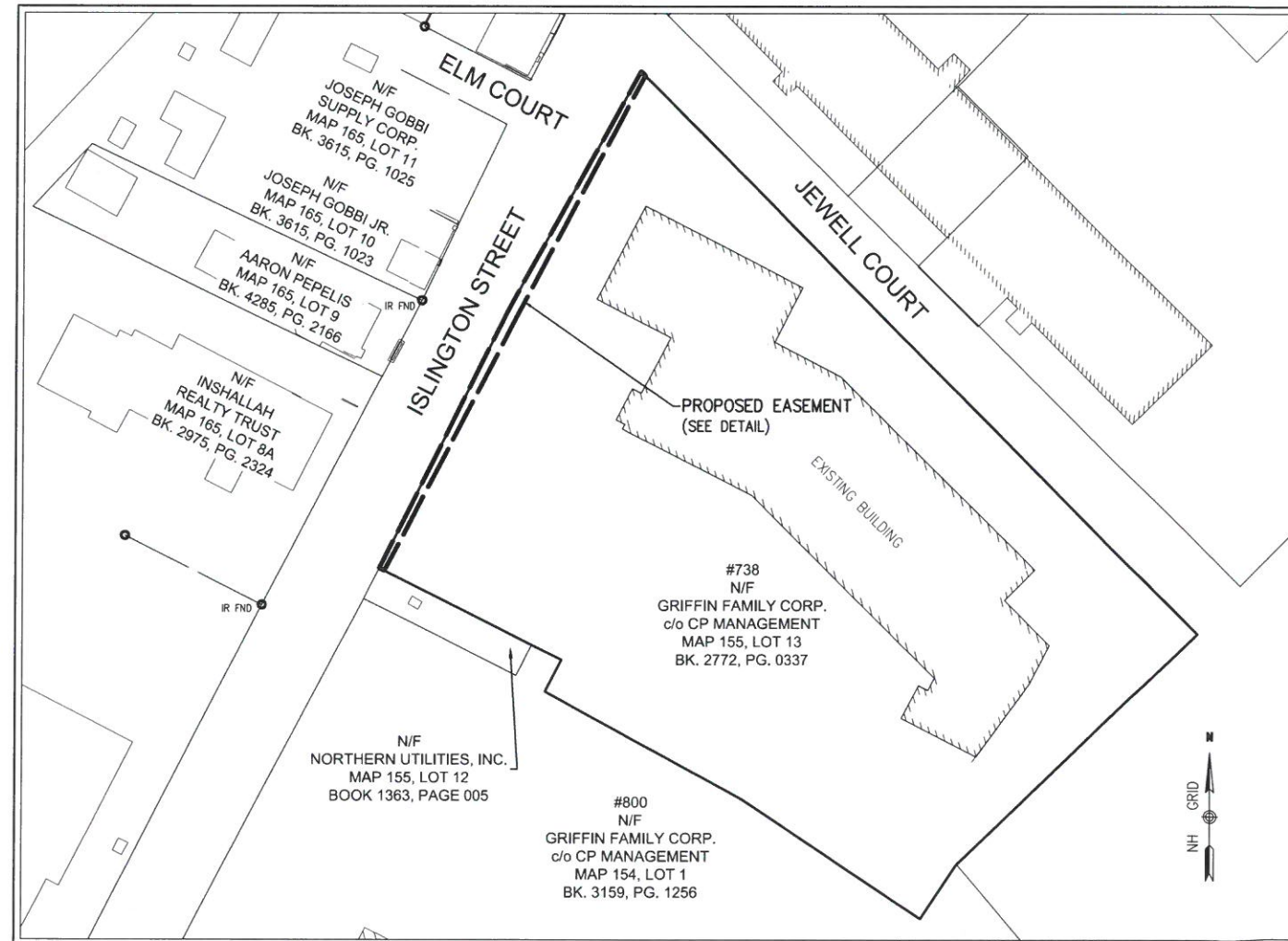
Locus Map
(NOT TO SCALE)

General Notes

1. THE OWNER OF RECORD AT THE TIME OF THE SURVEY IS:
GRIFFIN FAMILY CORP.
c/o CP MANAGEMENT
BOOK 2772, PAGE 0337
2. THE PURPOSE OF THIS PLAN IS TO DEPICT THE LOCATION OF A PROPOSED EASEMENT TO THE CITY OF PORTSMOUTH.
3. HORIZONTAL DATUM IS N.A.D. 1983.
4. BUILDINGS AND FEATURES SHOWN ARE DERIVED FROM THE CITY OF PORTSMOUTH GIS.

Plan References

1. ALTA/ACSM LAND TITLE SURVEY "PLAZA 800" DATED:10/24/01 AND RECORDED AT THE R.C.R.D. AS PLAN #D-29396.



Legend

IR FND ●	IRON ROD FOUND
SPK FND ●	RR SPIKE FOUND
---	EASEMENT



Certification

I CERTIFY THAT THIS PLAN WAS PREPARED FROM THE BOUNDARY INFORMATION SHOWN ON THE PLAN REFERENCED AND A FIELD SURVEY MADE ON THE GROUND IN DECEMBER, 2015, HAVING A MAXIMUM ERROR OF CLOSURE OF 1 IN 10,000.

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DATE _____ GLEN E. JOHNSON, L.L.S. #98

EASEMENT PLAN OF LAND
MAP 155 LOT 13

IN
**Portsmouth
NEW HAMPSHIRE**

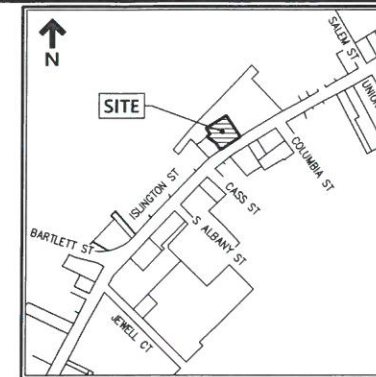
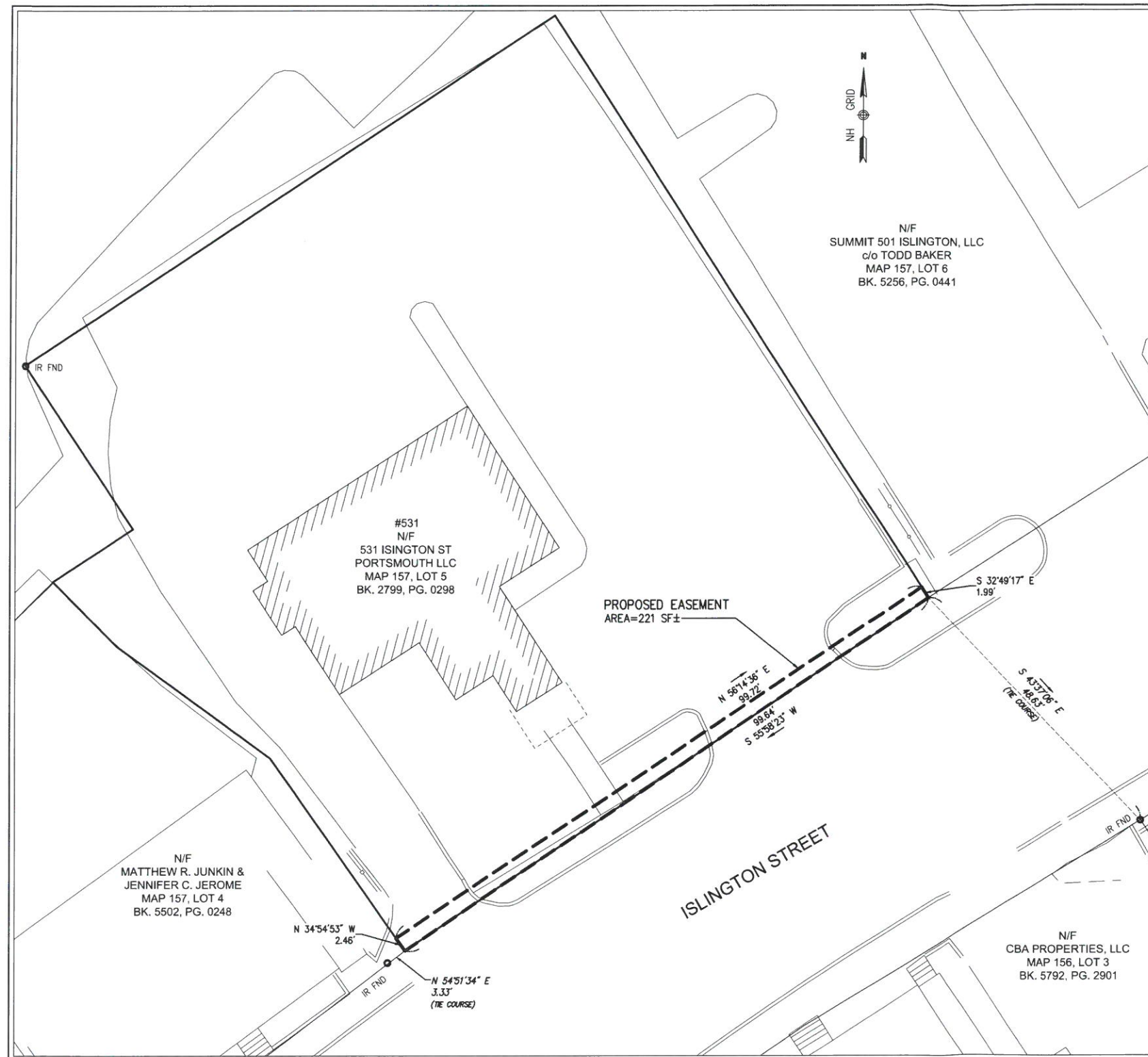
RECORD OWNER: GRIFFIN FAMILY CORP.
c/o CP MANAGEMENT

PREPARED FOR: CITY OF PORTSMOUTH
1 JUNKINS AVENUE
PORTSMOUTH, NH 03801

PREPARED BY: Vanasse Hangen Brustlin, Inc.
2 Bedford Farms Drive, Suite 200
Bedford, New Hampshire 03110
603.391.3900 • FAX 603.518.7495

SCALE: 1 INCH = 50 FEET DATE: DEC. 28, 2017

Progress Print
For Review Only
1/10/2018



Locus Map
(NOT TO SCALE)

General Notes

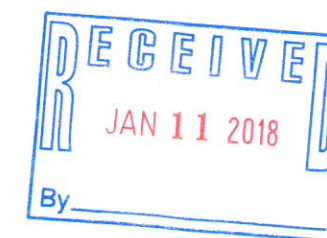
1. THE OWNER OF RECORD AT THE TIME OF THE SURVEY IS:
531 ISLINGTON ST
PORTSMOUTH LLC
BOOK 5690, PAGE 2834
2. THE PURPOSE OF THIS PLAN IS TO DEPICT THE LOCATION OF A PROPOSED EASEMENT TO THE CITY OF PORTSMOUTH.
3. HORIZONTAL DATUM IS N.A.D. 1983.
4. BUILDINGS AND FEATURES SHOWN ARE DERIVED FROM THE CITY OF PORTSMOUTH GIS.

Plan References

1. ALTA/ACSM LAND TITLE SURVEY ENTITLED "SUMMIT REALTY PARTNERS" DATED:10/12/11 AND RECORDED AT THE R.C.R.D. AS PLAN #D-38235. REVISION DATE OF 05-09-14.
2. CONDOMINIUM SITE PLAN FOR 537-539 ISLINGTON STREET CONDOMINIUM ASSOC. DATED:05/16/01 AND RECORDED AT THE R.C.R.D. AS PLAN #D-28960.

Legend

- IR FND ● IRON ROD FOUND
- IP FND ● IRON PIPE FOUND
- EASEMENT



**EASEMENT PLAN OF LAND
MAP 157 LOT 5
IN**

**Portsmouth
NEW HAMPSHIRE**

RECORD OWNER: 531 ISLINGTON ST
PORTSMOUTH LLC

PREPARED FOR: CITY OF PORTSMOUTH
1 JUNKINS AVENUE
PORTSMOUTH, NH 03801

PREPARED BY: Vanasse Hangen Brustlin, Inc.
2 Bedford Farms Drive, Suite 200
Bedford, New Hampshire 03110
603.391.3900 • FAX 603.518.7495

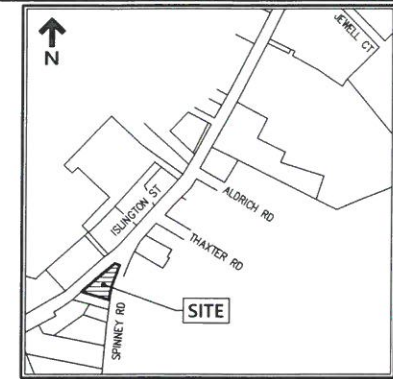
SCALE: 1 INCH = 10 FEET DATE: DEC. 28, 2017

Certification

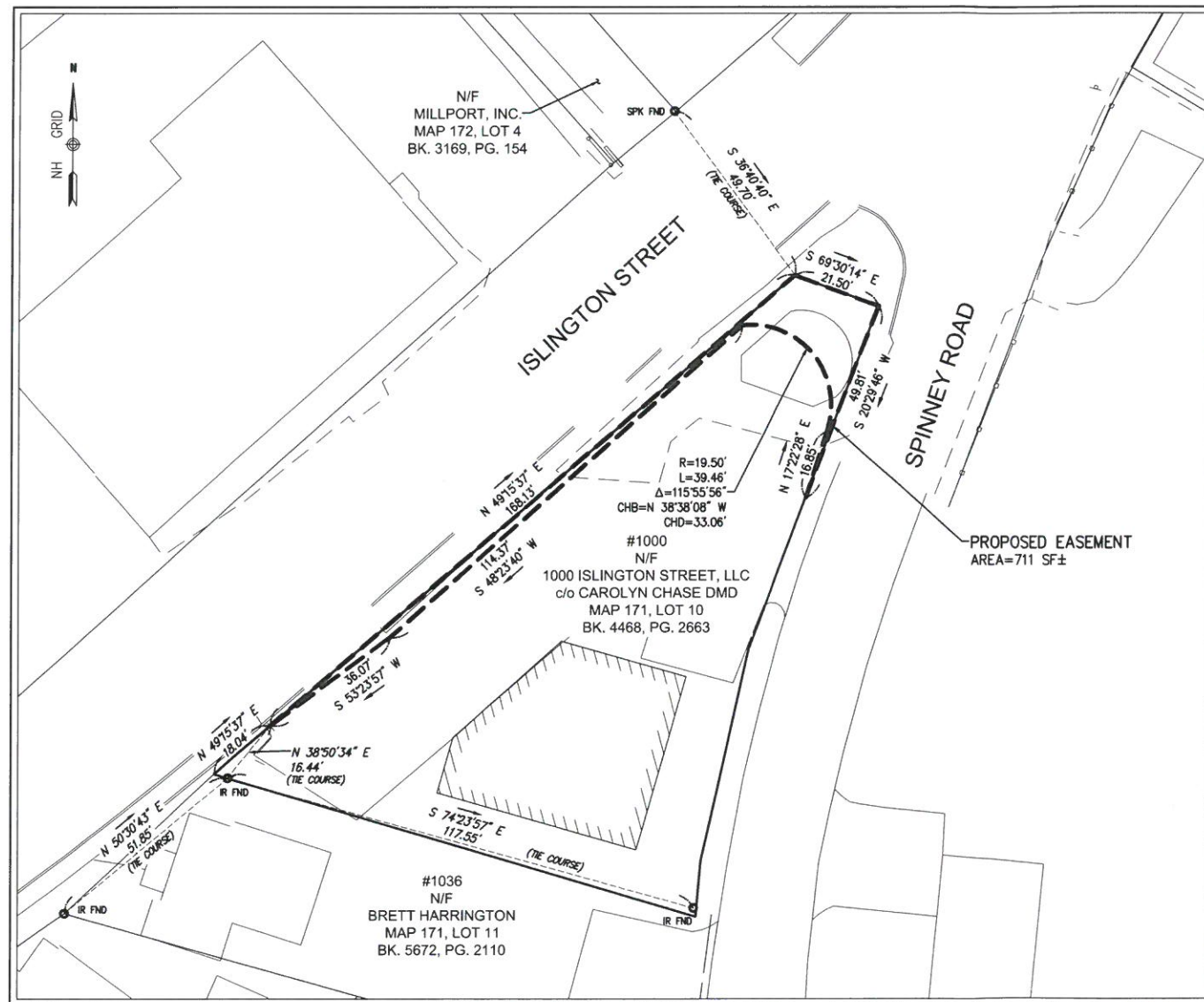
I CERTIFY THAT THIS PLAN WAS PREPARED FROM THE BOUNDARY INFORMATION SHOWN ON THE PLAN REFERENCED AND A FIELD SURVEY MADE ON THE GROUND IN DECEMBER, 2015, HAVING A MAXIMUM ERROR OF CLOSURE OF 1 IN 10,000.

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.

DATE _____ GLEN E. JOHNSON, L.L.S. #898



Locus Map
(NOT TO SCALE)



General Notes

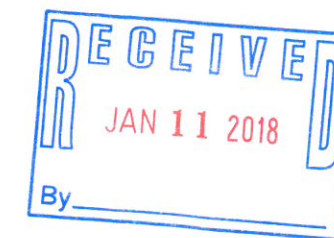
1. THE OWNER OF RECORD AT THE TIME OF THE SURVEY IS:
1000 ISLINGTON STREET LLC
c/o CAROLYN CHASE
BOOK 4468, PAGE 2663
2. THE PURPOSE OF THIS PLAN IS TO SHOW THE LOCATION OF A PROPOSED EASEMENT TO THE CITY OF PORTSMOUTH.
3. HORIZONTAL DATUM IS N.A.D. 1983.
4. BUILDINGS AND FEATURES SHOWN ARE DERIVED FROM THE CITY OF PORTSMOUTH GIS.

Plan References

1. SPINNEY/ISLINGTON INTERSECTION "REALIGNMENT PROJECT" BY DEPARTMENT OF PUBLIC WORKS, CITY OF PORTSMOUTH DATED: 01/10

Legend

- IR FND ● IRON ROD FOUND
- SPK FND ● RR SPIKE FOUND
- EASEMENT



EASEMENT PLAN OF LAND
MAP 171 LOT 10
IN

**Portsmouth
NEW HAMPSHIRE**

RECORD OWNER: 1000 ISLINGTON STREET, LLC.
c/o CAROLYN CHASE

PREPARED FOR: CITY OF PORTSMOUTH
1 JUNKINS AVENUE
PORTSMOUTH, NH 03801

PREPARED BY: Vanasse Hangen Brustlin, Inc.
2 Bedford Farms Drive, Suite 200
Bedford, New Hampshire 03110
603.391.3900 • FAX 603.518.7495

SCALE: 1 INCH = 20 FEET DATE: DEC. 28, 2017

Certification

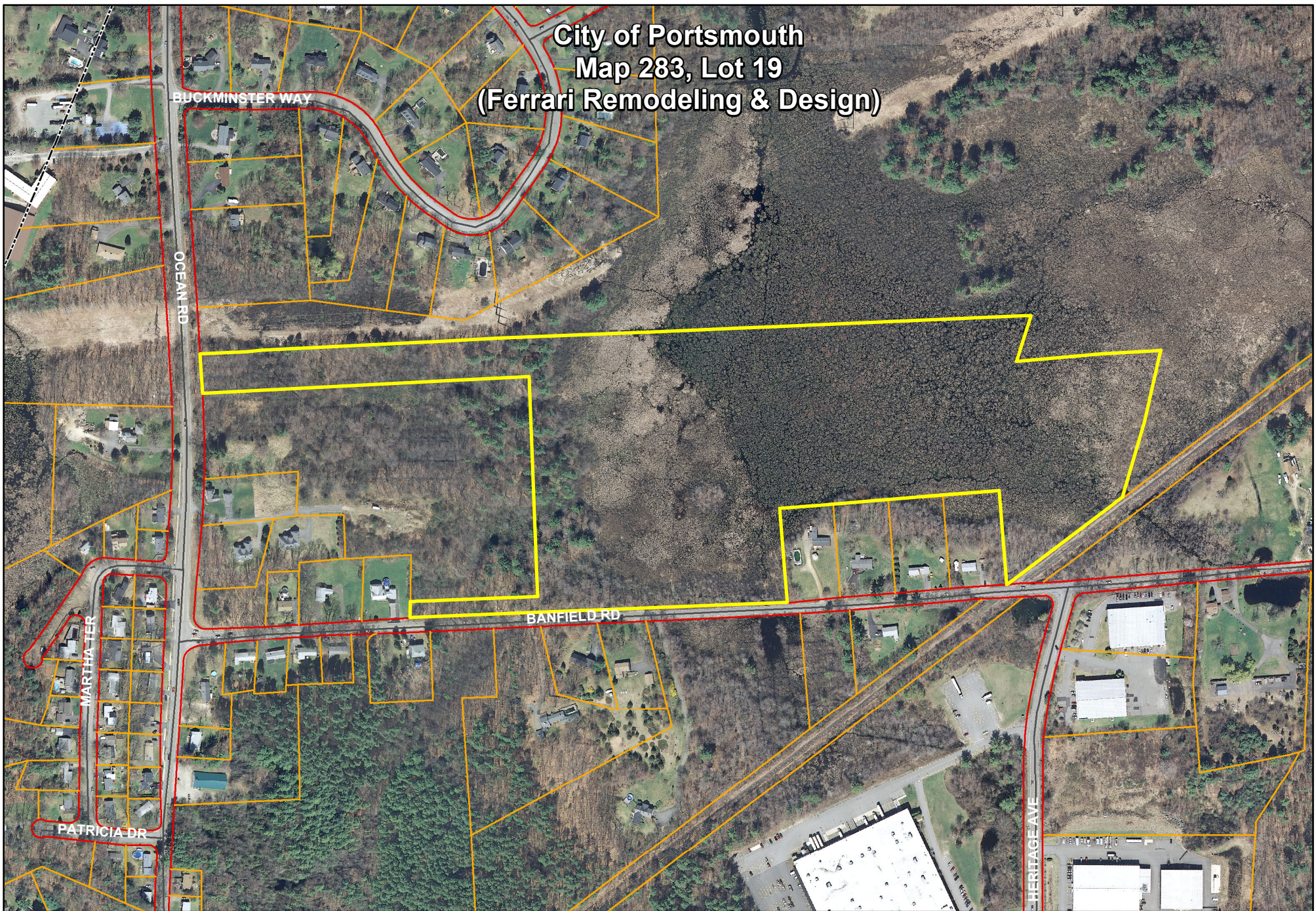
I CERTIFY THAT THIS PLAN WAS PREPARED FROM THE BOUNDARY INFORMATION SHOWN ON THE PLAN REFERENCED AND A FIELD SURVEY MADE ON THE GROUND IN DECEMBER, 2015, HAVING A MAXIMUM ERROR OF CLOSURE OF 1 IN 10,000.

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DATE _____ GLEN E. JOHNSON, L.L.S. #298

*Progress Print
For Review Only
1/10/2018*

City of Portsmouth
Map 283, Lot 19
(Ferrari Remodeling & Design)



The City of Portsmouth provides these Geographic Information System maps and data as a public information service. Every reasonable effort has been made to assure the accuracy of these maps and associated data. The maps and data being provided herein are intended for informational purposes only. No guarantee is made as to the accuracy of the maps and data and they should not be relied upon for any purpose other than general information.

0 50/100 Feet
1 inch = 400 feet



PURCHASE AND SALE AGREEMENT

The City of Portsmouth, a municipal corporation with a principal place of business at 1 Junkins Avenue, Portsmouth, Rockingham County and State of New Hampshire (hereinafter "City") and Ferrari Remodeling & Design, Inc. of ²⁹⁹²~~3005~~ Lafayette Road, ^{Unit D} Portsmouth, Rockingham County and State of New Hampshire (hereinafter "Seller") hereby enter into this Agreement for the sale and purchase of certain real estate (hereinafter "Agreement") under the terms and conditions described herein.

1. **Premises:** This Agreement addresses all of the real estate and every collateral and subsidiary interest of any kind owned by Seller in the property identified as City Tax Map 283, Lot 19 off of Banfield and Ocean Roads and consisting of 34.54 acres more or less (hereinafter "Premises"). The Premises consists of all land and every interest in real estate of any kind held by Seller in, around, under or adjacent to the premises.
2. **Purchase Price:** The total purchase price for the Premises shall be in the full amount of \$55,000.00 payable by the City to Seller at the time of closing.
3. **Title:** Seller shall convey the Premises to the City in fee simple with good and marketable title, free and clear of all defects and encumbrances at the closing, the date, time and location of which will be set by Agreement of the Parties (hereinafter "Closing").
4. **Deed:** Seller shall convey the premises to the City by Warranty Deed.
5. **Risk of Loss:** Until transfer of title to the City the risk of loss or damage to all or any part of the Premises by fire or otherwise shall remain with Seller.
6. **Taxes and Utilities:** At closing, taxes and utilities shall be pro-rated between Seller and the City as follows:
 - a. On the date of closing all unpaid taxes on the Premises shall be pro-rated by the Parties. Proration of taxes shall be calculated on the assumption that the tax bill due on or about December 1, 2017 and every subsequently due tax bill applies to a period of time beginning three months before its due date and running to a date three months after its due date.
 - b. All utilities, including municipal water and sewer, shall be pro-rated based upon the billing dates of the utilities through date of closing.
 - c. Seller shall not file for abatement or refund of ad valorem taxes assessed and/or paid regarding the Premises.

7. **Transfer and Recording Fees:** The City shall pay recording fees for the deed to the Premises and the transfer taxes shall be paid as required by State law.
8. **Inspections:** Prior to the transfer of title to the premises the City, including its employees and ~~shall~~ contractors, shall have complete and unimpeded right to enter the property to survey and inspect any aspect of the Premises for any purpose deemed appropriate by the City. Such inspection shall include but not be limited to inspections for all environmental purposes to specifically include a wetlands delineation. ~~The City shall have the right to flag the property for such purposes.~~ All inspections will be done by inspectors chosen and paid for by the City. If the result of any inspection is unsatisfactory to the City, the City may declare this Agreement null and void by notifying Seller in writing that the result of such inspection is deemed unsatisfactory. In the event that the City determines the result of an inspection to be unsatisfactory, Seller shall have a thirty (30) calendar day period to cure any unsatisfactory inspection result to meet the City's satisfaction.
9. **Renters, Leasees and Occupants of Any Kind:** At least fourteen (14) days prior to the transfer of title of the Premises to the City, Seller agrees to make the Premises free and clear of renters, leasees and occupants of any kind and the personal property of all such persons or entities. Seller agrees to satisfy this obligation by means which are in compliance with all applicable law. Seller shall provide written notification delivered to the Office of the City Manager of the City of Portsmouth certifying that its obligations under this provision have been satisfied.
10. **Contingencies:** The City's purchase of this property is contingent upon the following:
 - a. Approval of the Conservation Commission for any funding request. This contingency shall be met or waived no later than March 15, 2018.
 - b. Approval of the State of New Hampshire and Army Corp of Engineering for use of the Premises as mitigation property. This contingency shall be met or waived no later than February 28, 2018.
 - c. Approval of the acquisition by the City Council. This contingency shall be met by March 20, 2018.
11. **Coordination:** The City understands that Seller may seek the benefit of any tax credits or deductions relative to the difference between the fair market value of the premises and the purchase price. Consequently the City agrees to cooperate with the Seller with regard to any reasonably necessary tax filings and supporting documents.
12. **Prior statements:** This Agreement sets forth the entire Agreement between the City and Seller and the Parties agree and stipulate that there are no other representations, agreements or understandings with respect to this Agreement other than those expressly set forth herein.
13. **Heirs and Assigns:** This Agreement shall extend to and be binding upon the heirs, personal representatives, successors and assigns of the City and Seller.

14. **Counterparts:** This Agreement may be executed in duplicate original or counterparts, and a copy, facsimile or pdf of this agreement shall for all purposes be deemed an original.
15. **Closing Date:** The City and Seller shall each exercise their best efforts to bring about a closing of this transaction at which the Premises will be conveyed to the City and the purchase money paid to Seller no later than March 31, 2018 ~~July 31, 2017~~.
16. The parties agree to negotiate in good faith to resolve any issue which may arise with respect to the transfer of the property prior to closing.

Dated: 1/30/18

CITY OF PORTSMOUTH

By: [Signature]
Nancy Colbert Puff, Acting City Manager

Dated: 1/29/2018

FERRARI REMODLING & DESIGN, LLC

By: [Signature]
Print Name: Thomas Ferreri
Title: Owner

Event Listing by Date

Starting Date: 2/ 1/2018

Ending Date: 12/31/2018

Start End	Type Description	Location	Requestor	Vote Date
3/17/2018 3/17/2018	RACE Matt McFarland is the contact for this event mcfarland@rmdavis.com	St. Patrick's Academy - Banfield Road	St. Patrick School - Clover Ru	12/ 4/2017
3/25/2018 3/25/2018	ROAD RACE Donald Allison is the contact for this event.	Starts at Traip Academy in Kittery, ME thru town	Eastern States 20 Mile	12/ 4/2017
4/14/2018 4/14/2018	ROAD RACE Nick Diana is the contact for this event. This event begins and ends at New Castle Great Island Commons. The start is 9:00 a.m.	Starts and Ends at New Castle Commons	Nick Diana	6/19/2017
4/14/2018 4/14/2018	WALK Emily Christian is the contact for this event.	Little Harbour School - start and finish	National Multiple Sclerosis So	10/16/2017
5/ 6/2018 5/ 6/2018	FAIR Barbara Massar, Executive Director is the contact for this event. This event is Pleasant Street - State Street to Market Square; no parking on Market Street - Bow Street to Isle Shoals Steam Co. entrance. This event is from Noon to 4:00 p.m.	Downtown	Children's Day	8/21/2017
5/ 6/2018 5/ 6/2018	RIDE Contact: Melissa Walden, Associate of Development 207-624-0306 Cycle the Seacoast - First riders leaving Redhook Brewery at 7:00 a.m. and the last rider will be in around 3:00 p.m.		American Lung Association	8/21/2017
5/27/2018 5/27/2018	FUND Lilia-Potter-Schwartz is the contact for this event. This is a triathlon which begins at Portsmouth High School	Portsmouth High School	Education to All Children	11/20/2017
6/ 9/2018 6/ 9/2018	FESTIVAL Barbara Massar is the contact for this event. This event begins at 9:00 a.m. to 4:00 p.m.	Market Square	Market Square Day - Pro Portsm	8/21/2017
6/ 9/2018 6/ 9/2018	ROAD RACE Barbara Massar is the contact for this event. The road race starts at 9:00 a.m. in Market Square	Starts in Market Square	Market Square Road Race - Pro	8/21/2017
6/16/2018 6/16/2018	RACE Kaitly Stanton, Special Events Manager is the contact for this event. Raindate: June 17, 2018	Pleasant Street	Big Brothers Big Sisters of NH	9/18/2017
6/23/2018 6/23/2018	PRIDE This event begins at the Portsmouth Public Library and continues as one rainbow down the streets leading to Strawberry Banke.	Library to Strawberry Banke	Seacoast Outright	12/18/2017
6/23/2018 6/23/2018	ROAD RACE Contact: Stephanie Puls, Development Coordinator, Special Events spulis@komennewengland.org (774)-512-0403 This event begins and ends at Great Bay Community College	Great Bay Community College	Susan G. Komen New Hampshire R	10/ 2/2017

Event Listing by Date

Starting Date: 2/ 1/2018

Ending Date: 12/31/2018

Start End	Type Description	Location	Requestor	Vote Date
6/30/2018 6/30/2018	MUSIC Barbara Massar is the contact for this event. This event begins at 5:00 to 9:30 p.m.	Pleasant Street - Summer in the Street Music Serie	Pro Portsmouth	8/21/2017
7/ 7/2018 7/ 7/2018	FESTIVAL Barbara Massar is the contact for this event. This event is part of the Summer in Street Series. It begins at 5:00 p.m. to 9:30 p.m.	Downtown - Pleasant Street	Pro Portsmouth - Summer in the	8/21/2017
7/14/2018 7/14/2018	MUSIC Barbara Massar, Executive Director is the contact for this event. This event begins at 5:00 p.m. to 9:30 p.m.	Pleasant Street - Summer in the Street Music Serie	Pro Portsmouth	8/21/2017
7/21/2018 7/21/2018	MUSIC Barbara Massar is the contact for this event. The event begins at 5:00 p.,m. to 9:30 p.m.	Market Square - Pleasant Street	Summer in the Street Music Ser	8/21/2017
7/28/2018 7/28/2018	MUSIC Barbara Massar is the contact for this event. This event begins at 5:00 p.m. to 9:30 p.m.	Market Square - Pleasant Street	Summer in the Streets Music Se	8/21/2017
8/25/2018 8/25/2018	BIKE TOUR Emily Christian, Logistics Manager is the contact for this event.	Route 1A South	National Multiple Sclerosis So	11/20/2017
9/16/2018 9/16/2018	RACE Jennie Halstead, Executive Director is the contact. This race begins at 7:30 a.m. with registration Start of the race: 9:00 a.m.	Portsmouth Middle School	My Breast Cancer Support	12/18/2017



Portsmouth Fire Department

Administration

To: Mayor Jack Blalock

From: Fire Chief Steven Achilles

Date: 1/29/2018

Re: Report on Safe Station Model

Please accept this memo as my report as requested by City Council at the January 16, 2018 Meeting. The Safe Station approach has been used in our state in response to the dramatic increase in opioid-related addiction, overdoses, and deaths. The foundation of this model is to designate fire stations as safe environments for individuals to seek assistance in recovery or treatment. Both the cities of Manchester and Nashua have had recent success with Safe Stations. Each are slightly different, but at their core are on-duty firefighters providing medical assessment of an individual seeking help, and if required transport to the hospital by the city's third-party ambulance provider or a local treatment center. If ambulance transport is not required or a treatment center is unavailable, a certified recovery support worker or licensed alcohol and drug counselor will meet with the individual at the fire station to provide counseling and assistance. These program have been successful, due in large part to available on-duty fire personnel located at multiple fire stations, treatment centers in or close to each community, and numerous counseling resources.

In assessing our fire department's capacity to be the center of such a model in Portsmouth, I have reviewed programs, evaluated our staffing and demand for services, considered other critical resources required, and spoke to the director of Safe Harbor Recovery Center here in Portsmouth. After careful consideration it is my

Department Memorandum

opinion that at this time the city and fire department should not implement a Safe Station Program. The current services delivered by the fire and police departments, along with other key community resources such as Safe Harbor Recovery Center, provide what I believe as appropriate and safe opportunities for those seeking treatment or recovery. This includes opportunities for anyone experiencing a medical event or injury to stop into any of our fire stations to seek assistance.

We each play a unique and important role in this health emergency. I would hesitate to embark on a program that overlaps services or creates redundancy, detracts from other successful initiatives, fails to put the right resources in the right place, or is unsustainable. Our department will remain open to future opportunities that ensure the safety, health, and well-being of all members of our community. I welcome the chance to discuss this further.

FINANCE DEPARTMENT



MEMORANDUM

TO: John P. Bohenko, City Manager
FROM: Judie Belanger, Director of Finance & Administration
DATE: January 31, 2018

RE: Potential Revenue Sources

As a report back to the Council, I have listed the following as potential revenue sources for the City of Portsmouth

- **Municipal Transportation Improvements –RSA 261:153 VI**
This RSA allows, in addition to the motor vehicle registration fees collected, the legislative body of a municipality to vote to collect an additional fee for the purpose of supporting a municipal and *Transportation Improvement Fund*, which shall be a capital reserve fund. Of the amount collected, up to 10 percent, but not more than \$0.50 of each fee paid, may be retained by the local official designated by the municipal government or by the town or city clerk for administrative costs. The remaining amount shall be deposited into the municipal transportation improvement fund established to allow a community to fund, wholly or in part, improvements in the local or regional transportation system including roads, bridges, bicycle and pedestrian facilities, parking and intermodal facilities and public transportation. The funds may be used for engineering, right-of-way acquisition, and construction costs of transportation facilities, and for operating and capital costs of public transportation only. The funds may be used as matching funds for state or federal funds allocated for local or regional transportation improvements. Such funds shall not be used to offset any other non-transportation appropriations made by the municipality. The maximum fee charged under this paragraph shall be \$5.00. The municipality shall establish the required fee, up to the maximum amount allowable, based on anticipated funding needs for transportation improvements. *If the City votes to collect the full maximum fee of \$5.00, the projected revenue would raise approximately \$110,000.*
- **Pay As You Throw**
Pay as you throw (PAYT) is a unit based pricing model where users are charged based on the amount of solid waste they discard. Residents pay a per-unit fee for disposal of household solid waste while there is no fee for recycling. Most PAYT programs require residents to dispose of their trash only in the official trash bags which can be

purchased at local retail stores. The official trash bags are a distinctive color and usually cost \$1 to \$2.50 per bag to purchase depending on size.

There are usually two primary reasons PAYT bag programs are implemented. First, the revenue from selling the mandatory trash bags are designed to offset the cost of trash collection and disposal. Second, by not charging a fee for recycling it is the hope that people will be incentivized to increase their recycling rates.

Portsmouth Department of Public Works (DPW) collects approximately 4,800 tons of household solid waste per year. The solid waste tonnage equates to approximately 480,000 trash bags of 30 gallons in volume and 20 pounds in weight. If the City received \$2.00 of revenue for every bag sold, we would receive approximately \$960,000 annual revenue.

While a PAYT program will certainly increase revenue in Portsmouth, it may not result in increased recycling rates or improved diversion from the landfill. In 2016, DPW, along with the help of the UNH Sustainability Fellowship Program, conducted an extensive waste characterization study to determine our curbside recovery rate of single stream recyclables. That study concluded that Portsmouth residents are properly recycling over 95% of curbside material accepted at Material Recovery Facilities. Because Portsmouth's recycling recovery rate is exceptionally high (>80% is considered excellent by industry standards), PAYT could lead to more material in the recycling bin and increased contamination at a time when the global recycling industry is demanding cleaner recycling loads with less contamination.

- **Hotel Occupancy Surcharge – HB 1609**

The City of Portsmouth derives benefits from being a destination location and invests considerable resources annually to support visitorship. The City consistently works to provide a safe and attractive city for visitors, residents, workers and commuters who support not only Portsmouth businesses but our local and State economy. In the City of Portsmouth there are over 50 annual events, 307 food establishments and almost 2,000 hotel rooms. Visitors to these festivals, restaurants and hotels create a need for police, fire, ambulance and public work services. HB 1609 is enabling legislation that would allow the City to charge up to a 2\$ surcharge on hotel occupancy. If passed, this bill would be a way communities could raise funds to offset downshifting costs, support tourism and provide the much needed relief to property tax payers by providing an alternative sources of revenue. This is particularly true given the steady decrease in Meals and Rooms Tax net revenue distributed to New Hampshire communities, the State's failure to consistently apply the Meals and Rooms catch up formula and the downshifting of costs previously paid by the State and the County to the local communities.

An example of the potential revenue generated in the City of Portsmouth could be as follows:

$$\begin{array}{rcccccc} 1974 & \times & 365 & \times & .75 & \times & \$2 & = & \$1,441,021.50 \\ (\text{\#rooms}) & & (\text{days}) & & (\text{occupancy \%}) & & (\text{surcharge}) & & (\text{gross revenue}) \end{array}$$

The City of Portsmouth announces the FY 2019



Portsmouth CDBG Public Service Agency Grant Program

Program Description

Operating funds for non-profit public service agencies that assist Portsmouth individuals or families who earn very low, low or moderate incomes (as defined by U.S. Housing and Urban Development) are available through this program.

Eligible Agencies

Agencies must have a 501(c)(3) tax exemption status and over 51% of their clients must earn very low, low or moderate incomes. If an agency received CDBG funds in a previous fiscal year, the agency must be able to either increase the number of clients to be assisted or the services to be provided in the coming fiscal year. Agencies must have a place of business in Portsmouth, unless the program or service for which funding is sought is not currently available to Portsmouth residents who earn very low, low or moderate incomes. Only one application per agency will be accepted.

Eligible Expenses

The cost of labor, supplies, and/or materials required for the provision of services to agency clientele are eligible expenses. Grant funds may not be used for political activities or payments to individuals or families for food, clothing, rent, or utilities.

Project Beneficiaries

At least 51% of the individuals and/or families assisted by the program funded must earn very low, low or moderate incomes.

Grants Available

Grants generally ranging from \$5,000 up to \$15,000 are available to eligible agencies.

Application Process

Interested agencies are encouraged to contact Elise Annunziata, Community Development Coordinator, to discuss their proposal and request an application. Applications must be submitted to the Portsmouth Community Development Department by **1:00 p.m. on Friday, February 9, 2018**.

This is a competitive grant process. All applications are reviewed by the Citizens Advisory Committee, which makes funding recommendations. Organizations awarded grants receive reimbursement for approved expenses incurred between July 1, 2018 and June 30, 2019.

For more information

Contact Elise Annunziata, at 610-7281 at the Community Development Department, Portsmouth City Hall, 1 Junkins Avenue, Portsmouth, NH, 03801.

The CDBG Public Service Agency Grant Program is administered by the City's Community Development Department and financed by a Community Development Block Grant (CDBG) provided by U.S. Housing and Urban Development.

LEGAL NOTICE

**City of Portsmouth, NH
Citizens Advisory Committee Public Hearing**

**on the FY 2019 Annual Action Plan
and Review of FY 2018 CDBG Accomplishments**

The Portsmouth Citizens Advisory Committee will hold a public hearing on Thursday, February 15, 2018 at 6:00 p.m. in the Conference Room A, Portsmouth City Hall, 1 Junkins Avenue. The public hearing will be to solicit ideas for new activities for the next fiscal year of the Community Development Block Grant (CDBG) program that begins July 1, 2018. In addition to the public hearing described above, City staff will review the status and accomplishments of current fiscal year CDBG-funded projects and programs. The public is also invited to comment on the status of current year projects.

CDBG funds are provided to the City each year by the U.S. Department of Housing and Urban Development. The City must spend these funds to primarily 1) benefit individuals who earn very low, low or moderate incomes; 2) benefit areas of the City in which more than 51 % of the residents earn very low, low or moderate incomes; and 3) improve accessibility for individuals with disabilities.

For more information, or if you are unable to attend the hearings and would like to provide input, please contact Elise Annunziata, Community Development Coordinator (603) 610-7281, Portsmouth City Hall, 1 Junkins Avenue, Portsmouth, NH 03801.



CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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

Committee: Citizens Advisory Board **Initial applicant**

Name: Janet Phelps Telephone: 603-315-3231 (cell)

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

Street address: 32 Shearwater Drive

Mailing address (if different): _____

Email address (for clerk's office communication): jntp1978@gmail.com

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

Occupational background:

Industrial advertising manager; weekly newspaper reporter and editor; NH business
magazine editor, then associate publisher; community college director of communications

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

I had forecasting and budgetary responsibilities in all my management positions during my
professional life, and revenue generation responsibilities as associate publisher. I understand
how difficult it can be to balance competing requests for limited funding.

OVER
➔

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

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

Reasons for wishing to serve: Before moving to Portsmouth 10 years ago, I served on my local school board, on the high school budget committee, as an EMT on our volunteer service and on various town committees. Now that I'm retired, I'd like to be involved on some level with Portsmouth city government, and I like the idea of having some input into how we allocate CDBG funds.

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

UNH Marine Docents; Portsmouth Listens; Music Hall; Star Island docent;
Ward 1 selectman

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

1) Joanne Lindbom, Shearwater Driver, Portsmouth 603-828-8595
Name, address, telephone number

2) Lynne Langley, Atlantic Heights 603-343-3982
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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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: Janet M. Phelps Date: 1/22/2018

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

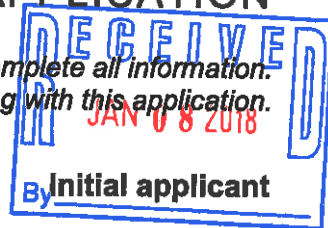
Please submit application to the City Clerks Office, 1 Junkins Avenue, Portsmouth, NH 03801



CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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



Committee: Economic Development Commission

Name: Thomas R. Watson Telephone: 603.431.0986

Could you be contacted at work? ~~YES/NO~~ ^{XXXX} If so, telephone # 603.433.3317

Street address: 200 New Castle Avenue, Portsmouth, NH 03801

Mailing address (if different): PO Box 1106, Portsmouth, NH 03802-1106

Email address (for clerk's office communication): twatson@dwmlaw.com

How long have you been a resident of Portsmouth? 1983-1994; 1998-present

Occupational background:

I have practiced law in the City of Portsmouth since 1979, shortly after graduating from law school. See attached curriculum vitae for listing of firms.

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

I have no experinece with respect to the Economic Development Commission. However, I have served on boards

whose missions invovled econocmic and community development such as the Portsmouth Planning Board,

Greater Portsmouth Chamber of Commerce and the New Hampshire Main Street Center. While I served as chair of the Board of Directors of the Chamber of Commerce, I helped create and served as chair of an Economic Development Advisory

Counsel of major seacoast employers to help address the economic fallout following the closing of Pease Air force Base. Moreover, throughout my career, I have represented business clients and worked with them in growing their businesses and overcoming obstacles to that growth.

6/27/2012



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

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

Reasons for wishing to serve: It is important to me to be able to give of my time, experinece and resources to professional and community organizations where i can make a difference. I am lucky that my career has allowed me to do so continuously. Most recently, I have very much enjoyed my current service as a Trustee of the Trust Funds and my recent service as a member of the Blue Ribbon Committee on Prescott Park Master Plan and as Chair of the Prescott Park Policy Advisory Committee. I would like to continue to serve the City of Portsmouth as a member of the Economic Development Commission.

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

Portsmouth Trustee of Trust Funds (Trustee);

New Hampshire Association for Justice (Member, Board of Governors);

American Association for Justice (Member, Board of Governors);

Strawbery Banke Museum (Member/National Council)

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

1) James G. Nocas, Jr., 64 Thatcher Road, Portsmouth, NH 03801 603.436.8378

Name, address, telephone number

2) Dana S. Levenson, 6 Currier's Cove, Portsmouth, NH 03801 603.498.9261

Name, address, telephone number

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5. Application will be kept on file for one year from date of receipt.

Signature:  Date: January 3, 2018

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

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

6/27/2012

Thomas R. Watson
200 Newcastle Avenue
P.O. Box 1106
Portsmouth, NH 03802-1106
603-431-0986 (home)
603-433-3317 (office)
603-433-5384 (fax)
twatson@dwmlaw.com

Education:

University of New Hampshire, Durham, New Hampshire; BA Political Science, *cum laude*, 1973
University of New Hampshire School of Law (formerly Franklin Pierce Law Center), Concord,
New Hampshire; JD 1978

Bar Admissions:

Admitted to the Bar of New Hampshire (1978) U.S. District Court, District of New Hampshire
(1978), U.S. Court of Appeals, First Circuit (1978), State of Maine (1982), U.S. District Court,
District of Maine (1982), U.S. Supreme Court (1986)

Professional Experience:

Currently a shareholder and director of Drummond Woodsum & MacMahon, P.A., Portsmouth and
Manchester, New Hampshire and Portland, Maine with practice concentration in the areas of civil
litigation, including commercial, personal injury and domestic litigation; general corporate and real
estate.

Previously formed partnership (Tybursky & Watson) in the practice of law in Portsmouth, New
Hampshire in 1979; expanded to Tybursky, Watson & Harman in 1987; merged to become Taylor,
Keane, Blanchard, Lyons, Tybursky & Watson, P.A., later Taylor, Keane, Blanchard, Lyons &
Watson, P.A. in 1988; formed Watson, Lyons & Bosen, P.A. (later Watson & Bosen, P.A., then
Watson & Lemire, P.A.) in 1994; merged firm with Wiggin & Nourie, P.A. in 2005; shareholder at
Wiggin & Nourie, P.A. from 2005-2012; joined Drummond Woodsum & MacMahon in 2012.

Professional Involvement:

New Hampshire Association for Justice
President 1995-1996
Member, Board of Governors, 1989-Present;

American Association for Justice
Member, Board of Governors, 2006-Present
State Delegate, 1996-2006; Chair 1998-1999

New Hampshire Bar Association
Member, Board of Governors, 1985-1990

New Hampshire Bar Foundation
Board of Directors, 1987-1990

Community Involvement:

University of New Hampshire School of Law
Member, Board of Trustees, 2010-2013

Portsmouth Athenaeum
President, 2012-2014
Member, Board of Directors, 2010-2016;
Proprietor, 1991-Present

Strawbery Banke Museum
Chair, Board of Trustees, 2002-2004
Member, Board of Trustees, 2000-2006,
Member, National Council, 2008-Present

Greater Portsmouth Chamber of Commerce
Chair, Board of Directors, 1990-1992
Member, Board of Directors 1988-1992;

Portsmouth Historical Society
President, 1995-1997
Member, Board of Trustees, 1994-1999

Leadership New Hampshire
Associate, Class of 1993-1994

Franklin Pierce Law Center Alumni Association
President, 1985-1986; Member, Alumni Council, 1990-1992

Treaty of Portsmouth Anniversary Committee
Member, 2002-2006

New Hampshire Main Street Center
Board of Directors, 1998-2002

New Hampshire Small Business Development Center
Member, Board of Advisors, "Project Self-Start" Entrepreneurship Training
Program, 1993 - 1995

Ballet New England
Advisory Board, 1996-2004

Greater Seacoast Economic Summit
Treasurer and Member of the Executive Committee 1990-1991

Public Service:

City of Portsmouth Trustees of the Trust Funds
Trustee, 2012 - Present

City of Portsmouth Prescott Park Policy Advisory Committee
Member and Chair, 2017

City of Portsmouth Blue Ribbon Committee on Prescott Park Master Plan
Member, 2016 - 2017

City of Portsmouth Planning Board
Member, 1992 - 1994

City of Portsmouth Historic District Commission
Member, 1992

New Hampshire Constitutional Convention
Delegate, 1974

Recognition:

Voted 1995 "Portsmouth Citizen of the Year" by the Greater Portsmouth
Chamber of Commerce

Elected a New Hampshire Bar Fellow in 1993 by New Hampshire Bar Foundation

Received President's Award from New Hampshire Association for Justice in 1993, 1997, 2007 and
2016 in appreciation of outstanding service to the Association

Received 1997 Outstanding State Delegate award from the American Association for Justice for
dedicated and outstanding service

Received Weideman-Wysocki Citation of Excellence in 1999, 2000, 2002 and 2010 from American
Association for Justice

Received Granite State Advocate Award from the New Hampshire Association for Justice
in 2000 for dedication to the civil justice system

Received Board of Governor's Award from New Hampshire Association for Justice in 2006
in appreciation of long term service to and support of the Association

Received inaugural Professionalism Award from the Rockingham County Bar Association
in 2001

Recognized in 2011 through 2015 *Benchmark Plaintiff Guide* as local litigation star in commercial
Litigation and personal injury.

Received President's Award for distinguished service from New Hampshire Bar Association as a member of the Special Committee on Rules of Civil Procedure in 1989.

Received 2013 E. Donald Dufresne Award for outstanding professionalism from the New Hampshire Bar Association

Inducted into the "Loyal Order of the Rock" in 2015 by the Rockingham County Bar Association in recognition of longstanding dedication to clients, colleagues and community



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: Civic Outreach Committee or
Civic Engagement Committee to be led by Cliff Hazenby



Name: Kathleen M. Boduch Telephone: 603-534-8962

Could you be contacted at work? YES ~~NO~~ If so, telephone# retired - use above #

Street address: 34 Hunking Street, Portsmouth

Mailing address (if different): Same

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

How long have you been a resident of Portsmouth? 11 1/2 years

Occupational background:

Secondary English teacher, grades 6-12, Kingston NY

Corporate facilitator/trainer, The Forum Corp., Boston, MA

Academic Advisor - School for New Learning, DePaul Univ., Chicago, IL

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

As a member of Friends of the South End (FOSE) I have been
a representative to the Citywide Neighborhood Committee for the
past two years and have worked with Cristy Cardoso and Cliff
Hazenby and Rick Becksted on that committee

I am a ballot inspector for the 5th Ward in Portsmouth



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

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

Reasons for wishing to serve: I moved to Portsmouth 11 years ago and have been interested in my neighborhoods (Downtown and now the South End.) Being on the Citywide Neighborhood Committee especially made me more aware of the personalities and needs of all of the city's residents. I would like to be a positive proactive voice for these residents and help them engage in the city's activities and processes.

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

Friends of the South End (FOSE) membership chair

Wentworth Gardner-Tobias Lear Historic Houses Assoc. - secretary

Portsmouth Athenaeum -

Gather - formerly Seacoast Food Pantry - volunteer, client assistant
5th Ward - Ballot Inspector

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

1) Mary Thomas, 303 Pleasant St., 603-969-3583
Name, address, telephone number

2) Judy Verbonne, 189 Gates St., 603-436-8439
Name, address, telephone number

3) Cliff Lazenby, Assistant Mayor, 603-978-4725

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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5. Application will be kept on file for one year from date of receipt.

Signature: Kathleen M. Boduch Date: 1-24-2017

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

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



CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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



Committee: Citywide Neighborhood Steering Committee

Name: Chase Hagaman Telephone: 603-498-5459

Could you be contacted at work? YES If so, telephone# 603-531-2645

Street address: 17 Staysail Way, Portsmouth, NH 03801

Mailing address (if different): _____

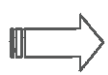
Email address (for clerk's office communication): chase.hagaman@gmail.com

How long have you been a resident of Portsmouth? Since 2015

Occupational background: I am a licensed attorney, and work for a nonpartisan, nonprofit organization in federal budget policy. My degrees are in law and finance.

Please list experience you have in respect to this Board/Commission: My vocation entails public education and outreach on sometimes contentious and complicated national issues. It also requires understanding the many sides of those issues and encouraging others to become civically engaged by attending and volunteering at events, interacting with elected leaders and the press, and more. Resident engagement in our local government and community is just as important, and it is vital to the future health and vibrancy of our City.

_____ OVER



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

Would you be able to commit to attending all meetings? **YES - To the best of my knowledge.**

Reasons for wishing to serve:

I have always been purposeful about public service and invested in the communities in which I live. In part, that prompted me to run for City Council in 2017, and encouraged me to step forward and apply for a position on a board or commission. My wife and I have made Portsmouth our home, and plan to raise our family here. I also believe my work experience, education, decision making ability and demeanor could be of value in a position serving the City.

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

Prior to running for City Council, I spent four years coaching with a high school rowing program in Concord, NH. I currently serve on the Portsmouth Herald Editorial Board as a Community Advisory Board Member, and I am exploring additional volunteering opportunities in Portsmouth, including in areas related to the arts.

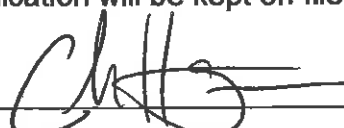
Please list two character references not related to you or city staff members:
(Portsmouth references preferred)

1) Jeff McLean, 975 Banfield Rd., Portsmouth, NH 03801, 603-817-1172 _____
Name, address, telephone number

2) John Formella, 939 Maplewood Ave., Portsmouth, NH 03801, 850-375-1707 ____
Name, address, telephone number

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5. Application will be kept on file for one year from date of receipt.

Signature:  Date: 01/16/18

If you do not receive the appointment you are requesting, would you be interested in serving on another board or commission? **Yes, with a preference for the ZBA, Planning Board or Economic Development Commission.**

Chase Hagaman

CHASE.HAGAMAN@GMAIL.COM

(603) 498-5459

[LINKEDIN.COM/IN/CHAGAMAN](https://www.linkedin.com/in/chagaman)

PUBLIC POLICY EXPERIENCE

The Concord Coalition, Portsmouth, NH
New England Regional Director

January 2014 – Present

- Expanding the network, impact and public awareness of a nonpartisan, grassroots organization
 - Fostering key relationships with dozens of state and national leaders and congressional staff
 - Developing partnerships with business, civic and educational organizations
- Performing public education and outreach through presentations, budget exercises, forums and media relations
 - Published more than a dozen articles and facilitated over 30 events to date, with as many as 300 attendees
- State Director of the *First Budget* campaign -- year-long project through the 2016 NH Primary
 - Managed daily activities of three interns, oversaw volunteers and organized a statewide speakers bureau
 - Interacted with candidates, campaign staff and press on fiscal policy issues at dozens of campaign events
- Coordinated the *Fiscal Fridays* interview series -- fifteen presidential and congressional candidates participated

City Council Campaign, Portsmouth, NH
Candidate for Portsmouth City Council

August – November 2017

- Campaigned for municipal office, managed volunteers, engaged media and designed website and literature

LEGAL EXPERIENCE

Independent Contractor, Concord, NH

August 2013 – June 2014

- Completed legal writing and research projects for area law firms, including a successful NH Supreme Court brief

Hillsborough County Superior Court South, Nashua, NH

January – April 2013

Legal Extern & Clerk

- Clerked for Judge Jacalyn Colburn and drafted court orders concerning motions and hearings on a variety of issues

City Solicitor's Office, Concord, NH

August – December 2012

Legal Extern

- Wrote research memoranda advising the City Solicitor on legal issues impacting the municipality

Department of Revenue Administration, Concord, NH

June – August 2012

Legal Extern

- Drafted Final Orders for open cases, and analyzed the veracity of legal arguments with Hearings Officer

Consumer and Commercial Law Clinic, Concord, NH

May – July 2011

Student Intern

- Crafted research memoranda, legal complaints and administrative rules for bankruptcy and foreclosure cases

COMMUNITY LEADERSHIP

The Portsmouth Herald, Portsmouth, NH
Editorial Board, Community Advisory Board Member

November 2017 – Present

Concord Crew, Concord, NH
High School Rowing Coach

August 2013 – June 2017

EDUCATION

University of New Hampshire School of Law, Concord, NH
Juris Doctor

May 2013

- President, Vice President and Governor of the Student Bar Association Board
- 2013 American Association for Justice Student Trial Advocacy Competition Participant

University of South Florida, Tampa, FL
Bachelor of Science, Business Finance

May 2010

- Graduated *cum laude* and received Florida Bright Futures Academic Scholars Award
- Vice President of External Affairs for the USF Ambassador Program

PROFESSIONAL LICENSES

- State of New Hampshire and United States District Court, D.N.H., November 2013; Inactive Status



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: Neighborhood Committee / CIVIC ENGAGEMENT

Name: Kelly Weinstein Telephone: 603-809-0102

Could you be contacted at work? YES / NO If so, telephone # 603-319-6141

Street address: 373 Lincoln Ave Portsmouth, NH 03801

Mailing address (if different): _____

Email address (for clerk's office communication): Kellyamweinstein@yahoo.com

How long have you been a resident of Portsmouth? 7 yrs

Occupational background:
Owner - shop - Sweet Pea - Portsmouth
UNIT Admissions

Please list experience you have in respect to this Board/Commission:
Was a member / steering committee
N 4 yrs ago



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

YES

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

YES - will try!

Reasons for wishing to serve: civic engagement,
vested interest in neighborhood/
city development

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

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

1) Jenny Bagan - 255 Wibird St - ~~605~~ 617-980-1241
Name, address, telephone number

2) Kris Scherr - 300 Rockland - 828-335-6206
Name, address, telephone number

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5. Application will be kept on file for one year from date of receipt.

Signature: Kelly Wendt Date: 1-19-18

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

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



CITY OF PORTSMOUTH, N.H.
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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



Committee: Citywide Neighborhood Committee

Name: Kathleen Bergeron Telephone: 603-502-7803

Could you be contacted at work? YES NO If so, telephone # 603-436-3009

Street address: 199 W. Bird St.

Mailing address (if different): _____

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

How long have you been a resident of Portsmouth? 24 years

Occupational background:

Commercial Real Estate Appraiser

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

Member of the committee for 10+ years
Steering committee member
vice chair past 2 years



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

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

Reasons for wishing to serve: Continue the work of the Committee

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

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

- 1) Cliff Lazenby 603-978-4725
Name, address, telephone number
- 2) Christy Cardoso
Jeanne Savelle 603-512-3634
Name, address, telephone number

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- 5. Application will be kept on file for one year from date of receipt.

Signature: Kathleen Bergern Date: 1/22/18

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

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



CITY OF PORTSMOUTH, N.H.
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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



Committee: Zoning Board of Adjustment

Name: Phyllis Eldridge Telephone: 431-1293 Cell 603-205-3579

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

Street address: 50 South School Street, #6

Mailing address (if different): _____

Email address (for clerk's office communication): phyllis917@gmail.com

How long have you been a resident of Portsmouth? since 1980 - 37+ years

Occupational background:

I have most recently worked at Portsmouth High with first generation, indigent, college-bound students. Also worked at a non-profit health center, bookstore, teaching at elementary & pre-schools.

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

No experience with ZBA, but many years on land use Boards - Historic District Commission and Planning Board.



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

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

Reasons for wishing to serve: I just finished serving 10 years as a trustee of Trust Funds. It was time for a change, but I was looking to stay involved in the city. Given my experience on land use boards, ZBA appealed to me as an interesting next challenge.

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

Currently involved with Families First of the Seacoast as volunteer and member of the Program and Policy Committee. (Please see Resume for complete list.)

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

1) Edmund Hibbard, 19 Whidden St., 433-5385
Name, address, telephone number

2) Alan Gold, 50 S. School St., 978-886-1910
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature: Phyllis Eldridge Date: 1/19/2018

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

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

John J. Pratt
520 FW Hartford Drive
Portsmouth, NH 03801

received
1/12/18

January 12, 2018

Mayor Jack Blalock
City Manager John Bohenko
Nancy Carmer, Economic Development Manager
Everett Eaton, EDC Chair

City of Portsmouth
1 Junkins Ave.
Portsmouth, NH 03801

Jack, John, Nancy and Everett

Given the amount of traveling that we are doing in retirement I will be missing many EDC meetings and feel that resigning at this time is appropriate.

I have enjoyed serving with such a great group of people and at such a pivotal time in our City's development.

Best wishes,



John J. Pratt

AMENDMENT TO CITY COUNCIL PRINCIPLES FOR LEGISLATIVE POSITIONS:

The Portsmouth City Council amends the City Council Principles for Legislative Positions as follows: (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing)

The City Council has adopted Principles for Legislative Positions listed below in order for the Mayor and City Staff to be able to offer testimony to the Legislature in a timely manner on bills of interest to the City. The Principles for Legislative Positions are as follows:

1. Advocate to maintain local authority
2. Authorize local options
3. Support revenue streams to aid municipalities, specifically those that name Portsmouth or will directly support Portsmouth
4. Advocate for municipal representation on state committees
5. Support incentives for regional cooperation
6. Support plans to fund/support infrastructure
7. Support incentives for sustainability **and increasing energy efficiency and increasing renewable energy production.**
8. Support directing revenues to the purposes for which they are raised
9. Support measures that increase the efficiency of local government operations
10. Maintain and improve health, life and safety issues including protecting the safety of our First Responders
11. Encourage citizens to vote and support eliminating barriers to voting
12. Rely on locally generated financial data for decisions relating to local taxes and assessments
13. Protect local decision making about local zoning
14. Require the State to honor existing financial commitments to communities before new financial commitments are awarded, e.g. infrastructure reimbursements
15. Support the civil rights of individuals and oppose discrimination against any individual because of age, sex, race, creed, color, marital status, familial status, physical or mental disability, national origin, sexual orientation or gender identity

16. Use expertise and research in decision making

17. Support incentives relative to the construction of affordable housing

As approved by vote of the City Council on March 20, 2017

TO: Council Colleagues

FROM Chris Dwyer

RE: Responsible Policy Making

DATE: May 20, 2017

This paper sets out a related set of ideas for discussion at the June retreat—all aimed at ways that as a Council we can make decisions that are well-informed and have the best possible outcomes for the citizens of Portsmouth. I look forward to discussing the possibilities.

The Challenge: Several trends have converged to make decision making about policies more difficult; this seems to be especially true for those decisions that are heavily dependent on scientific and mathematical reasoning. We are fortunate to live in an era of access to information; the Internet has provided anyone with a computer more information about most topics than is possible to digest. As we have repeatedly seen, on almost any topic the information available from the Internet can be a high-low mix of the reputable and the absurd—increasingly requiring skillful consumers. I think of it much the same as malware and viruses—you must become increasingly skilled at looking at messages to avoid clicking on garbage.

Further, because of scientific, technological and economic advances, the risks of danger from daily living have been reduced—naturally leading us to believe that there must be definitive risk-free solutions to all problems. Finally, we seem to be at one of those recurring periods in American history where populism is riding high, and with populism typically come both positive (e.g., engagement in civic activities) and negative trends, e.g., fear-mongering, disregard for any authority or expertise.

In this challenging context, we need to make good decisions to guide civic actions, including the allocation of public resources. Good decisions consider a full range of perspectives—the human effect, including emotional reactions; the accurate interpretation of the best available scientific information; the moment in time, unique history, and implications of place; the technical and legal framework surrounding options; and practical considerations including available resources.

Decision makers need to weigh all factors. It would be as much folly to assert that the scientific findings should always rule as it is to be influenced only by emotional reactions of constituents. As public decision makers, I believe we need to try harder to balance the factors. Yesterday, I heard a long-term selectman from a NH community despair that there are some topics (in this case, related to chemicals in water) where you just should give up and let the emotions rule—even when the focus is on the wrong risk.

How can we increase the chances the Portsmouth City Council (now and in the future) will make good policy decisions?

I have thought about four strategies that I'd like us to discuss, hoping that we might begin to act on one or more. They are:

- Expert Advice to Interpret Best Available Information
- Becoming more Deliberate in Decision Making Processes
- Providing Training for Councilors in Key Technical Areas
- Communicating Policy Decisions and Documenting Determinative Factors

Below I've started the discussion of each topic with a few ideas to get us started.

1. Expert Advice to Interpret Best Available Information

In an era of populism, it is hard to be an expert—the more you know, the less likely you are to be trusted in some quarters. We have seen the problem: experts are brought in to provide or interpret scientific, engineering, mathematical information and they are dismissed as “tainted” or somehow conflicted because they have special knowledge. The call for another expert arises—and the same thing occurs if the expert’s advice doesn’t agree with someone’s sentiment or anecdote. The same phenomenon happens without actual experts present when one information byte is pitted against another.

How do we get out of this loop?

One suggestion is to create a standing panel of research experts, volunteers from different disciplines who can review and advise on the same information that is provided to Council as background for policy decisions. The panel would provide their own review of the implications of available studies, evidence, data. Essentially, the Mayor would create a Blue-Ribbon Committee, drawing from experts that are available to us in the region, including through the University of New Hampshire. I have discussed this possibility with Dr. Jan Nisbet, the University’s director of research, who is a Portsmouth resident. Membership would rotate. The intention would not be to have researchers comment only in their fields but to review findings from a cross-disciplinary perspective—knowing that in many cases, research will not point to a definitive solution.

Many of the issues that such a panel would review would relate to the environment and health but could also encompass safety (e.g., why particular practices and regulations may/may not be essential), education, application of technologies, and social behaviors.

2. Becoming more Deliberate in Decision Making Processes

I have few answers here, other than to suggest that for at least some types of decisions we should follow a protocol to guide the full disclosure and consideration of the bases for individuals’ decisions to locate points of agreement and disagreement. For example, one Councilor might end up deciding that for a particular decision (e.g., deciding among artificial turf alternatives) the practical considerations outweigh competing claims provided by scientific study. Another Councilor might decide on the same issue that the public’s emotional concerns outweigh practical, technical, and scientific considerations.

Perhaps through use of a customized protocol, all Councilors would review and confront all aspects of a decision—and be clear in their own minds as well as publically what the reasons are for decisions. In this way, decisions based on emotional concerns could be valued without necessarily negating or disbelieving scientific evidence and vice versa.

It might be necessary to customize a protocol for major decisions, that is, specifying at the outset the various factors to be considered and weighed. A more systematic process could help Councilors not simply play to public media in providing reasons for decisions.

3. Providing Training for Councilors in Key Technical Areas: Study Interpretation, Judging Risk

As a Councilor, I have appreciated the opportunities afforded to me over time (often as a result of committee service) to learn more about particular sectors (i.e. operations, theories, "rules of thumb," innovations). When I was on the Planning Board, for example, I took advantage of the various planning conferences and workshops held in the state and nationally to learn to read plans, understand more about the legal framework in our state for land use regulations and learn about innovations in zoning. Obviously I did not become an expert planner but I felt that training helped to "level the playing field" for me as a non-engineer so that I could participate more fully in planning board decisions.

Could we create similar opportunities to "level the playing field" for all Councilors related to foundational knowledge required to interpret study findings and data summaries (such as those that underlie revaluation of properties or statistics about response times)?

For example, here are some of the technical underpinnings of studies or data reports that would seem useful for all of us to firmly grasp:

- Implications of study design features such as adequate sample size, types of comparison, attribution issues
- Levels of confidence
- Common features of data presentations, e.g., standard deviation/coefficients of dispersion, scales without equal intervals (logarithmic)
- Features of meta-analyses

Without at least some common background, Councilors would not be able to take advantage of expert advice or use a decision making protocol.

Portsmouth has probably passed the time when an elected official should rely only on instinct in the moment or the advice of a few constituents.

4. Communicating Policy Decisions and Documenting Determinative Factors

Finally, we need to put more energy into communicating complex information so that more citizens feel they have adequate information about major issues. I think the City has made great strides in the area but we will need to invest more resources in the future to keep ahead of the growing knowledge gap and proliferation of sources of distortion. I know we've all been disheartened after hearing what seems like a thorough presentation of material followed by public comments that demonstrate the key concepts were not grasped. Often our formal processes do not allow us to "try again" in the moment nor to untangle complexities in real time.

Addressing this goal includes use of a protocol as described above but also probably needs to include more attention to understanding dominant frames of reference, greater use of visuals, examples, demonstrations, metaphors, analogies, etc. We can't simply rely on repetition.

We are not alone. The National Academy of Sciences is working on the issues of communication of scientific findings and has set out a research agenda including looking at effective ways to communicate about consensus and degrees of uncertainty within the context of a widening knowledge gap. For years, I have followed the work of the Frameworks Institute which has tackled many topics through its method of understanding the dominant frames that Americans bring to a topic (e.g., public education, the value of early childhood education, immigration, incarceration, climate science, etc.) as a way to unpack knowledge gaps and belief systems that may impede acceptance of factual information.

Given the number of marketing professionals who live in our community, we could also consider a standing committee (parallel to the expert researchers) of expert communicators, volunteers who would provide their expertise to tackle some big topics. Wouldn't it be helpful, for example, if more citizens understood the bases for property valuation and the relationship to taxation? Or, understood which strategies and structures calm traffic and which exacerbate the problem?

Once an important policy decision has been made, we can always work more closely with the press to anticipate information gaps and potential misinterpretations and encourage full exploration of a story. This has always worked well when we've taken the time. There is a tendency to move on after one news cycle--while most folks haven't yet caught the information and are surprised later when they finally hear about a policy change. Our new website may afford a different way of providing essential information—documenting the record of essential reasons Councilors give for key decisions, as an example, along with distilled background information. Or, posting narrated graphics instead of FAQs to tackle persistent questions. Whatever we decide to do in this area, additional resources will be required.



CITY OF PORTSMOUTH

Municipal Complex
1 Junkins Avenue
Portsmouth, New Hampshire 03801
(603) 431-2000

January 29, 2018

Honorable Mayor Jack Blalock and City Council Members
City of Portsmouth
1 Junkins Avenue
Portsmouth, New Hampshire 03801

Re: Renewable Energy Policy and Renewable Energy Committee Final Report and Recommendations

Dear Mayor Blalock and City Councilors:

On behalf of the Mayor's Blue Ribbon Renewable Energy Committee, I am pleased to present for your consideration for adoption a Renewable Energy Policy along with the Committee's Final Report and Recommendations. Both documents were adopted on January 17, 2018, after seven public meetings that included expansive presentations from a wide range of local experts.

The Renewable Energy Policy is intended to be the local energy policy envisioned in the 2025 Master Plan to move Portsmouth towards becoming a 'Net Zero Energy' Community. The definition used for a Net Zero Energy Community is one where, on a source energy basis, the actual annual energy consumed is less than or equal to locally generated renewable energy. The Renewable Energy Policy sets up a concurrent three phased framework that focuses on Municipal Government Operations, the Portsmouth Community (including residences, business, and other non-municipal energy users such as the Pease Development Authority), and all vehicular travel through the City of Portsmouth each achieving Net Zero Energy.

The Final Report and Recommendations provide suggestions for guidance the City Manager can give City Boards, Committees, and Departments to obtain the 2025 Master Plan's vision. This document suggests the usage of the three distinct strategies of increasing residential & commercial building energy efficiency, increasing renewable energy production, and decreasing conventional automobile usage. The seventy five recommendations made throughout the document are also ordered by phase and strategy in the appendixes for the reader's convenience. These recommendations leave the flexibility through a combination of approaches to become a Net Zero Community and encourages the City Manager to pursue additional methods.

I would like to thank all the members of the Renewable Energy Committee which included the Pease Development Authority's Manager of Engineering, the Deputy City Manager, the Environmental Planner/Sustainability Coordinator, one School Board Member, two City Councilors, and especially the three resident experts whose insights were an indispensable resource throughout the process.

Sincerely,



Josh Denton
Renewable Energy Committee Chair

1 **CITY OF PORTSMOUTH**
2 **CITY COUNCIL POLICY No. 20XX-XX**

3
4 **RENEWABLE ENERGY POLICY**

5 **WHEREAS**, the goals of the City of Portsmouth, as expressed in its 2025 Master Plan, include a strong desire
6 for the City to be more proactive in reducing Greenhouse Gas Emissions and the development of a local energy
7 policy to move towards a 'net zero' carbon emissions goal to help mitigate the impacts of climate change for future
8 generations; and

9 **WHEREAS**, on June 19, 2017, the City Council voted unanimously to authorize the Mayor to sign a letter
10 promoting the Paris Climate Agreement's goals calling for increasing efforts to cut greenhouse gas emissions,
11 create a clean energy economy, and stand for environmental justice; and

12 **WHEREAS**, the City Council supports this objective and with guidance from the Renewable Energy Committee
13 supports actions and guidance to City Boards, Committees, and Departments to attain this goal;

14 **NOW THEREFORE**, the City Council adopts this Renewable Energy Policy to make Portsmouth a 'Net Zero
15 Energy' Community where, on a source energy basis, the actual energy consumed on an annual basis is less than
16 or equal to locally generated renewable energy. The following concurrent phases each rely on improving energy
17 efficiency, increasing renewable energy for electricity, and, over time, increasing renewable and clean energy for
18 both heat and transportation:

19 *Phase I* focuses on Municipal Government Operations achieving Net Zero Energy.

20 *Phase II* focuses on the Portsmouth Community, including residences, business, and other non-municipal users
21 such as the Pease Development Authority, achieving Net Zero Energy. Phase II will also seek to examine low-
22 income residents and environmental justice-related issues within the context of Portsmouth's Renewable Energy
23 Policy.

24 *Phase III* focuses first on all vehicles originating in and second on vehicles traveling through the City of
25 Portsmouth achieving Net Zero Energy. Phase III is distinct from Phase II as an acknowledgement of the amount
26 of time that may be required to accomplish this phase.

27 This phased Renewable Energy Policy leaves the flexibility required to become a Net Zero Energy Community
28 through a combination of approaches, such as those suggested in the Renewable Energy Committee Final Report
29 and Recommendations.

30 Adopted by the Portsmouth City Council on:_____.

31 _____
32 Kelli L. Barnaby, MMC, CMC, CNHMC
33 City Clerk

Renewable Energy Committee
A Mayor-Appointed Blue Ribbon Committee of the City of Portsmouth

Final Report and Recommendations

January 2018

Josh Denton, Chair

Peter Britz

Nancy Colbert Puff

Ben D'Antonio

Patrick Ellis

Joe Harrison

Rebecca Perkins

Stephen Roberson

Maria Stowell

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INTRODUCTION

The 2025 Master Plan included a strong desire for the City of Portsmouth to be more proactive in reducing Greenhouse Gas Emissions and for the development of a local energy policy to move towards a 'net zero' Carbon Dioxide Emissions goal to help mitigate the impacts of climate change for future generations. These local energy policy recommendations (the “Policy Recommendations”) accompany the Renewable Energy Policy (the “Policy”) to provide suggestions for guidance the City Manager can give City Boards, Committees, and Departments to attain the 2025 Master Plan’s vision.

The Policy adopted a ‘Net Zero Energy’ Community definition similar to the Department of Energy’s definition of a Zero Energy Community, which it defined as *an energy-efficient community where, on a source energy basis, the actual annual delivered energy is less than or equal to the on-site renewable exported energy.*¹ The ‘Net Zero Energy’ Community definition adopted by the City of Portsmouth is *where, on a source energy basis, the actual annual energy consumed is less than or equal to locally generated renewable energy.* The Policy went on to adopt the following concurrent phases that each rely on improving energy efficiency, increasing renewable energy for electricity, and, over time, increasing renewable and clean energy for both heat and transportation:

Phase I focuses on Municipal Government Operations achieving Net Zero Energy.

Phase II focuses on the Portsmouth Community, including residences, business, and other non-municipal energy users such as the Pease Development Authority (“PDA”) (collectively, the “Community”) achieving Net Zero Energy. Phase II will also seek to examine low-income residents and environmental justice-related issues within the context of the Policy. The scope of Phase II is commensurate with the Community’s electricity consumption.

Phase III focuses first on all vehicles originating in and second on vehicles traveling through the City of Portsmouth achieving Net Zero Energy. Phase III is distinct from Phase II as an acknowledgement of the amount of time that may be required to accomplish this phase.

The ultimate goal of the phased Policy is to reduce Greenhouse Gas Emissions, yet the Policy’s definition of Net Zero Energy Community deliberately measures the use of delivered energy against on-site renewable energy instead of focusing on Greenhouse Gas Emission targets. The National Renewable Energy Laboratory (“NREL”) has developed a hierarchy of preferences for such communities seeking to achieve Net Zero Energy.² First, the hierarchy recommends offsetting energy use from renewable energy sources available within the community’s built environment such as unusable brownfield sites. A brownfield site is a location where the redevelopment or reuse may be complicated by the presence, or potential presence, of a hazardous substance, pollutant, or contaminant. Next, the hierarchy recommends offsetting energy use from renewable energy sources on either green space within the community or

¹ A Common Definition for Zero Energy Buildings: Prepared for the U.S. Department of Energy by The National Institute of Building Sciences, September 2015

² Definition of a "Zero Net Energy" Community Nancy Carlisle, AIA Otto Van Geet, PE Shanti Pless Prepared under Task No. FE09.3410 Technical Report NREL/TP-7A2-46065 November 2009

located outside the community boundary, but within the region and brought into the community. Only then does the hierarchy recommend the purchase of Renewable Energy Certificates (“REC”) from off-site renewable energy sources outside of the region.

The phased Policy leaves the flexibility required to become a Net Zero Energy Community through a combination of approaches. Therefore, these Policy Recommendations concentrate on the following three strategies: increase residential & commercial building energy efficiency; increase renewable energy production; and decrease conventional automobile use. Each strategy is broken down into recommendations by Phase for the City of Portsmouth to consider like the following recommendations:

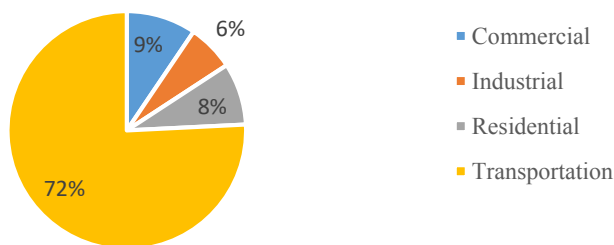
Phase I Recommendation:

Recommendation 1: The City of Portsmouth should consider adopting its own version of the NREL hierarchy such as first striving for renewables sited on the built environment within the Community and then seek to bring renewable energy into the Community from areas located outside of the Community boundary but within the region.

A. The Community’s Greenhouse Gas Emissions

In 2017, the Portsmouth City Council voted unanimously to authorize the Mayor to sign a letter promoting the Paris Climate Agreement’s goals calling for increasing efforts to cut Greenhouse Gas Emissions, create a clean energy economy, and stand for environmental justice. The 2015 Paris Climate Agreement is the most recent organized international effort to reduce Greenhouse Gas Emissions. Negotiators estimated that global Greenhouse Gas Emissions would have to reach net zero sometime in the second half of the century to keep global warming to less than two degrees Celsius by 2100 with a goal of limiting it to 1.5 degrees Celsius.

The Portsmouth Community's 2012 Greenhouse Gas Emissions: 1.6 million tons



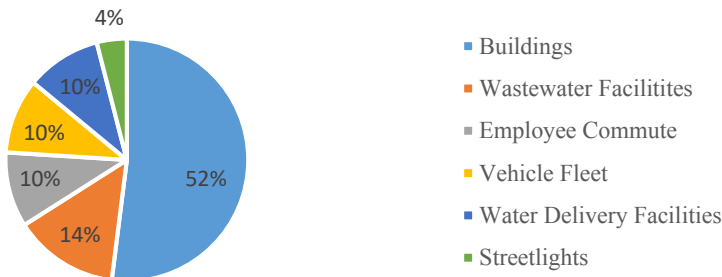
The City of Portsmouth has measured the Community’s Greenhouse Gas Emissions in 2006 and in 2012. However, the Policy Recommendations will only reference the most recent data because different metrics were used for each inventory. The 2012 Greenhouse Gas Inventory found that the City of Portsmouth generated

16,997 tons of Greenhouse Gas Emissions, or roughly one percent, of the total 1,571,947 tons of Greenhouse Gas Emissions generated by the Community.³ Of note, in 2017 the City of Portsmouth replaced all 1,610 High Pressure Sodium (HPS) streetlights with Light Emitting

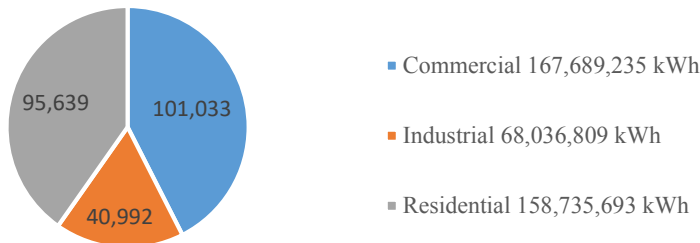
³ 2012 Greenhouse Gas Inventory, Portsmouth, NH by the City of Portsmouth, NH, August 2013

Diode (“LED”) lights saving \$120,000, 494,000 kilowatt-hours (“kWh”) of electricity, and 300 metric tons of Greenhouse Gas Emissions annually.

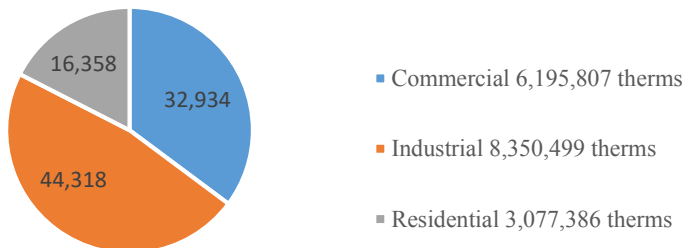
The City of Portsmouth's 2012 Greenhouse Gas Emissions: 16.9 thousand tons



The Portsmouth Community's 2012 Total Electricity Greenhouse Gas Emissions: 237,664 million tons



The Portsmouth Community's 2012 Natural Gas Greenhouse Gas Emissions: 17,623,692 million tons



The watt (W) is a derived unit of power in the International System of Units (“SI”) that expresses the rate of energy conversion with respect to time. Most energy usage is measured with the kWh which measures one of hour of using electricity at a rate of 1,000 watts. For example, a new energy-efficient refrigerator uses about 300-400 kWh of electricity per year.

In 2012, the Portsmouth Community’s combined commercial, industrial, & residential electric energy usage was 394,461,737 kWh of electricity that resulted in 237,664 tons of Greenhouse Gas Emissions. Meanwhile, in 2012, the Community’s combined commercial, industrial, and residential natural gas usage was 17,623,692 therms that resulted in 93,610 tons of Greenhouse Gas Emissions, the Community’s commercial & residential combined fuel oil use was 322,050 barrels that resulted in 3,525 tons of Greenhouse Gas Emissions, and the Community’s commercial &

residential combined propane use was 57,855 barrels that resulted in 13,718 tons of Greenhouse Gas Emissions.

In order to become a Net Zero Energy Community where on a source energy basis the actual annual delivered energy is less than or equal to the on-site renewable exported energy, the Community will have to increase energy efficiency and increase renewable production.

Phase I Recommendations:

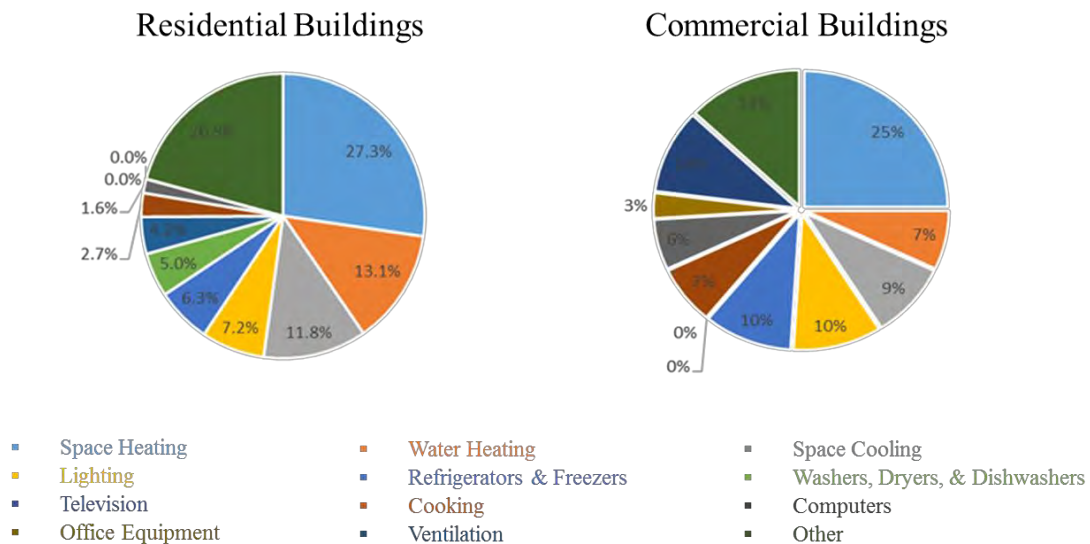
Recommendation 2: The City of Portsmouth should consider measuring Greenhouse Gas Emissions in 2018 and use similar or better metrics that the 2012 measurements can be converted into.

Recommendation 3: Using similar or better metrics that the previous data can be converted into, the City of Portsmouth should consider increasing the frequency of the Greenhouse Gas Emissions measurements.

STRATEGY 1: Increase Building Energy Efficiency

The total amount of energy used has to be reduced for renewable energy to be effective. In the United States, buildings and construction materials account for almost half of all energy used. Inside of residential buildings, heating and cooling use the most energy followed by electronics such as lighting, refrigerators, and washers/dryers. Energy usage in commercial buildings is similar, but the plug loads are worse, partially due to the heavy use of artificial lighting.⁴

2015 U.S. Energy Usage



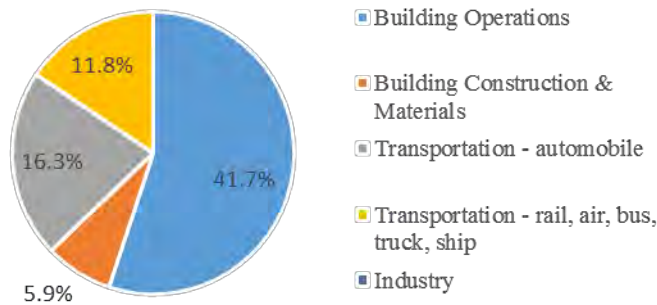
A. Existing Buildings

The biggest challenge for the Community to address when it comes to energy efficiency is reducing the energy load of the existing building stock. However, one of the most impactful ways to decrease energy usage are the least expensive beginning with simply changing occupant behaviors such as turning off electronics, being cognizant about temperature settings, and installing LED lights. Then the building should have an energy audit conducted and any areas that are losing energy to air leaks such as windows, doors, vent and piping penetrations, & walls with connections to floors and roofs should be sealed using membranes and caulking. As a next step, buildings should be retrofitted by adding insulation to roofs, walls, and floors, and

⁴ Energy Usage in the U.S. Residential Sector in 2015: U.S. Energy Information Administration (EIA), a sub-agency of the US Dept of Energy.

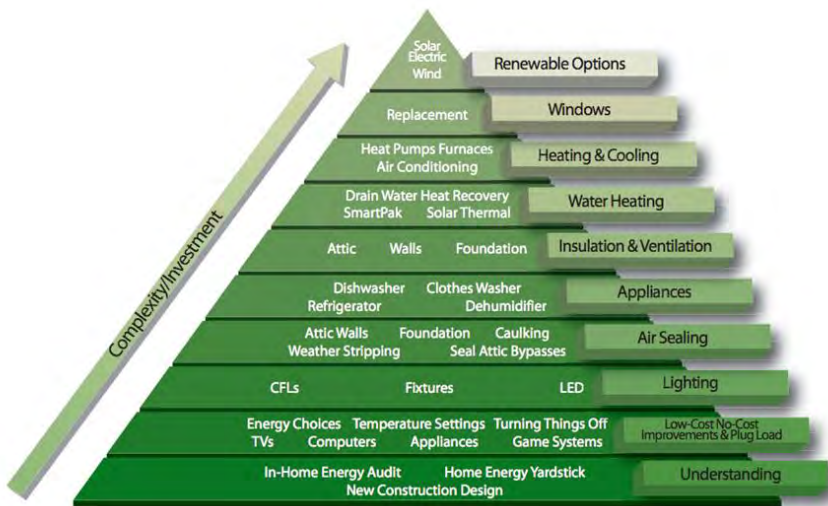
providing storm or replacement windows. Appliances, and then more expensive mechanical

2012 U.S. Energy Consumption by Sector



heating and cooling devices should all be replaced with more energy efficient models before options for renewable energy generation are considered.⁵

Comprehensive energy projects are infrequent today because they are rarely cash-positive due to lenders reducing their risk by requiring large down payments, short term loans, & high interest rates in order to account for building owners selling their properties every five to seven years. Property-Assessed Clean Energy (“PACE”) is an innovative and nationally recognized financing model that encourages investment in energy efficiency and renewable energy projects to reduce energy costs, address deferred maintenance, & increase property values. PACE programs offer loans that are tied to the property through a lien that is junior to existing mortgages, not tied to the property owner, so the



next owner makes subsequent payments. One requirement to qualify is that projects must be comprehensive enough for the energy cash savings to be greater than the PACE loan/lien repayment. Comprehensive projects often include any combination of air sealing to energy efficiency to biomass for heat to solar for hot water or electricity.⁶

New Hampshire does have an enabling statute that allows municipalities to create Commercial PACE (“C-PACE”) districts in which only private funds are allowed to finance projects. Commercial building owners of non-public buildings, such as office buildings, hotels, convention centers, retail, & apartment buildings with five or more units are allowed to participate if they are in a C-PACE district. Quality control steps are included before, during, and after each project, including an energy audit to determine baseline energy use and energy-project viability. The statute does not require a down payment and allows terms up to 30 year loans for

⁵ 2013 2030, Inc. / Architecture 2030. Data Source: U.S. Energy Information Administration (2012)

⁶ The Pyramid of Conservation, Minnesota Power, an ALLETE Company, 2017

qualifying projects. Unfortunately, due to a flaw in the legislation itself, New Hampshire municipalities are reluctant to adopt the enabling legislation. However NHSaves, a collaboration between the New Hampshire Public Utility Commission (“PUC”), utilities, & other interested parties, is a program that helps fund up to half of the energy efficiency initiatives of residential, commercial, industrial, & municipal customers. NHSaves is primarily funded by New Hampshire utility customers paying a monthly charge based on their use of electricity and natural gas.

Phase I Recommendations:

Recommendation 4: The City of Portsmouth should consider conducting an updated energy audit of all municipal facilities and implement energy conservation measures where needed, or implement a retro-commissioning program of facilities in which upgrades were enacted within the last five years.

Phase II Recommendations:

Recommendation 5: The City of Portsmouth should consider requiring / facilitating energy audits and encourage implementing energy conservation measures where needed.

Recommendation 6: The City of Portsmouth should consider engaging the public by having resources for residents who want to find out more about energy efficiency programs like NHSaves on the City’s website’s landing page.

Recommendation 7: The City of Portsmouth should consider supporting amendments that improve the C-PACE enabling statute, N.H. R.S.A. 53-F, and then adopt the enabling legislation to create C-PACE districts.

Recommendation 8: The City of Portsmouth should consider using its bond rating to explore offering financing options similar to PACE for retrofits or renewable energy distributed generation systems at a lower rate than individuals could obtain.

Recommendation 9: The City of Portsmouth should consider removing any barriers in the land use ordinances to enable the addition of exterior insulation and improve the efficiency in renovations to existing buildings while being sensitive to both historic preservation and fire & life safety.

B. New Buildings

Current land use regulations in the City of Portsmouth encourage, but do not require, the use of sustainable design practices or certifications. The better known national sustainable design certification standards are the Leadership in Energy and Environmental Design (“LEED”), Passive House Institute United States (“PHIUS”), Living Building Challenge, Sustainable SITES Initiative, and Energy Star. Each of these certifications uses modeling when it comes to energy efficiency. The 2025 Master Plan says the City of Portsmouth should consider land use regulations that mandate sites pursue such a certification or require that building and site measures be consistent with an equivalent level of sustainable development without having to

actually apply for the national rating standard. Of note, some certifications prohibit this practice claiming copyright infringement and it would be infeasible for City Staff to adequately review and verify equivalent applications. Further, the City of Portsmouth mandating national sustainable design certifications standards without enabling legislation may not be possible under New Hampshire law. However, New Hampshire municipalities are allowed to enact more stringent version of codes than the State requires and enacting a more stringent version of the International Energy Conservation Code (“IECC”) could meet the same energy efficiency objectives.

The State of New Hampshire has codified the 2009 family of codes written by the International Code Council (“ICC”), an association that releases every three years a single set of comprehensive and coordinated model construction codes that reference one another. The State is in the process of adopting all of the 2015 codes with the exception of the 2015 IECC. The IECC establishes prescriptive and performance related provisions in building regulations, is fully compatible with the ICC’s family of codes, and is used or adopted in 47 states, the District of Columbia, and several U.S. territories. The 2018 IECC addresses the design of energy efficient building envelopes and the installation of energy efficient mechanical, lighting, and power systems. One provision of the 2018 IECC would require commercial buildings to set aside roof space for future photovoltaic solar array installations and provide the connections & wiring to allow them to be integrated in the buildings systems. Another provision would require heating, ventilation, and air condition (“HVAC”) systems in hotel guest rooms to automatically adjust when the room is unoccupied. A third provision would require lighting controls such as occupant sensor, daylight response, and time based controls.

The City of Portsmouth has adopted the 2009 IECC, while since 2011, the Town of Durham has adopted the most stringent editions of the IEC available including the 2018 IECC last fall. Further, all of the IECCs offer a performance compliance option, in addition to a prescriptive compliance option. When performance compliance modeling is used, the results show that some building shapes are more energy efficient than others when factors such as solar orientation, wind exposure, and shading from nearby buildings are considered. Some of the most energy efficient shaped buildings, such as those shaped as a cylinder, are currently not allowed in portions of the City of Portsmouth. In addition, the Federal Emergency Management Agency’s flood insurance program penalizes participants for new construction that is not built to 2015 IECC standards, adding future costs to building owners within Portsmouth’s flood zone.

The 2025 Master Plan states that land use regulations could provide incentives for designing consistent with national sustainable design certification standards. For example, under N.H. R.S.A. 674:16 and 674:21 the City of Keene created a Sustainable Energy Efficient Development (“SEED”) Overlay Zoning District, which requires energy efficiency certifications from a list of four options as height, density, and use incentives. The City of Portsmouth’s land use regulations currently allow for both floor area ratio bonuses and building height relaxations as incentives for developers to provide public open space or affordable housing, but no such incentive exists for buildings that exceed energy efficiency requirements. Such requirements could be scaled by order of project magnitude, much like the building permit fees schedule &

land use review process are currently graded, and require minimum performance requirements such as Energy Star for smaller projects and actual certifications for larger projects. In addition to the national rating standards listed earlier, the ICC codes offer the International Green Construction Code (“IgCC”) for sustainable buildings which is modeled loosely on the LEED certification system and is predicted by some to replace LEED entirely in the future.

Another systematic approach to increase energy efficiency in new or renovated buildings and sites that are being developed or subdivided, is using mandatory checklists to encourage Planning Board members, developers, and applicants to use during site plan, subdivision, or building permit review. The Town of Durham uses such a checklist which causes an early discussion of mandatory or optional energy efficiency measures which can result in both energy and cost savings. Further, trees and greenery are a natural way to reduce Greenhouse Gas Emissions. The City of Portsmouth currently requires review by the Trees & Public Greenery Committee for input specific to trees and greenery on the public right-of-way or on public lands and the site plan approval process that primarily involves private property.

Phase I Recommendations:

Recommendation 10: The City of Portsmouth should consider adoption of a known national sustainable design certification standard as the design and construction minimum for the renovation or construction of all municipal facilities.

Phase II Recommendations:

Recommendation 11: The City of Portsmouth should consider adopting a more recent version of the IECC than required by state law.

Recommendation 12: The City of Portsmouth should consider supporting legislation that adopts the 2015 IECC, 2018 IECC, or any future IECC updates.

Recommendation 13: The City of Portsmouth should consider creating an Energy Efficiency Chapter in the Zoning Ordinance that either creates a SEED Overlay Zoning District that allows for floor area ratio bonuses and building height relaxations as incentives for new buildings that achieve a known national sustainable design certification or adds the same incentives to current Zoning Overlay Districts.

Recommendation 14: The City of Portsmouth should consider scaling any incentives for obtaining a national sustainable design certification standard by order of project magnitude.

Recommendation 15: The City of Portsmouth should consider providing for reductions in permit fees for projects that incorporate exceptional sustainable design standards.

Recommendation 16: The City of Portsmouth should consider allowing the approval of buildings that are less traditionally shaped for energy efficiency purposes due to performance compliance modeling.

Recommendation 17: The City of Portsmouth should consider developing a mandatory checklist to encourage Planning Board members, developers, and applicants to use during site

plan, subdivision, or building permit review to systematically encourage the energy efficiency of new or renovated buildings and sites that are being developed or subdivided.

Recommendation 18: The City of Portsmouth should consider strengthening landscaping requirements for new site plan, subdivision, or building permit review by the Trees & Public Greenery Committee to systematically encourage the planting of trees and greenery around new or renovated buildings and sites that are being developed or subdivided.

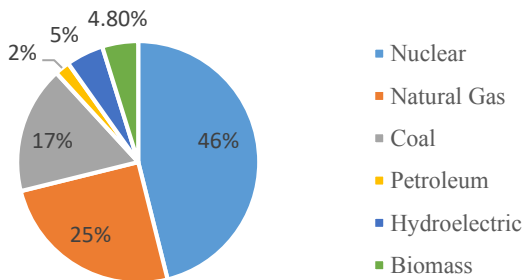
Recommendation 19: The City of Portsmouth should consider engaging the public by having resources for developers who want to find out more about national sustainable design certification standards on the City’s website’s landing page.

Recommendation 20: The City of Portsmouth should consider engaging the public by having resources for building owner, occupant, and developer energy efficiency education.

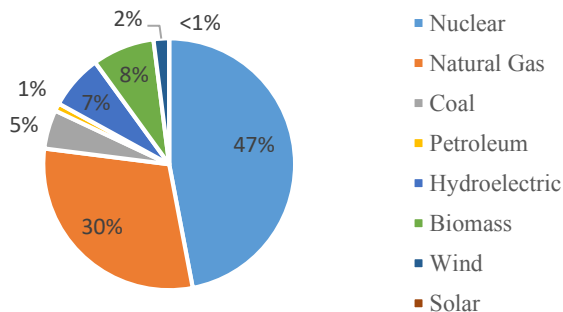
STRATEGY 2: Increase Renewable Energy Production

Renewable energy comes from an energy source that is rapidly replaced or renewed through a natural process. The United States Energy Information Administration (“EIA”) projects that energy generation from renewable and nuclear sources is likely to go from 13% in 2015 to 23% in 2025.⁷ New Hampshire generates more electricity from its generation facilities than it consumes from the wholesale electricity market that ISO New England (ISO-NE) administers. In 2007, approximately 10% of New Hampshire’s electricity generation came from renewable sources. In 2015, eight years after the enactment of New Hampshire’s Renewable Portfolio Standard (“RPS”), roughly 17% came from renewable energy sources, including large-scale projects that are not certified to participate in the Renewable Energy Certificate market.⁸ New Hampshire’s RPS currently requires 24.8% of energy generation to come from renewable energy sources by 2025.

New Hampshire’s 2007 Energy Generation Portfolio



New Hampshire’s 2015 Energy Generation Portfolio



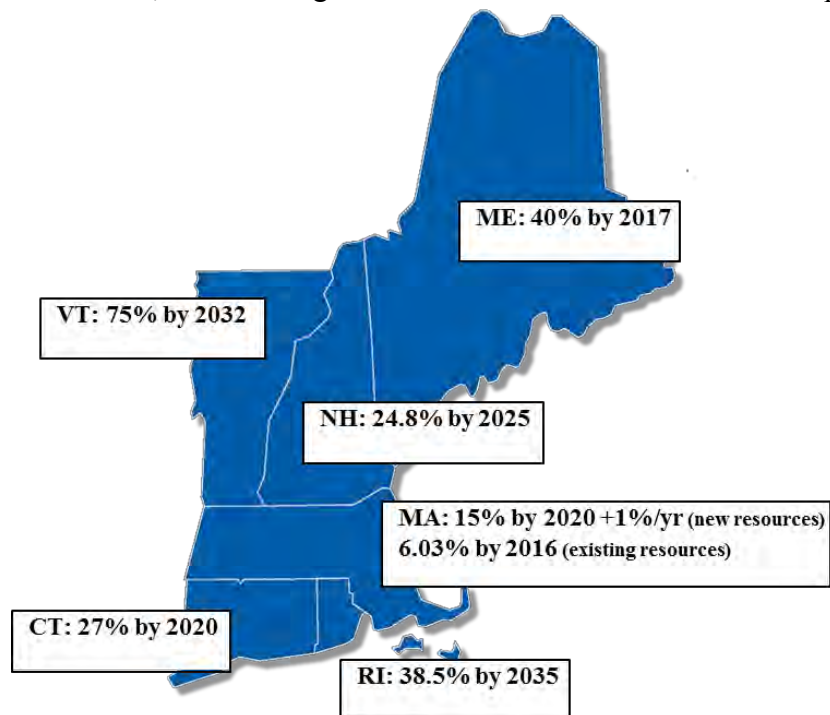
⁷ U.S. Energy Information Administration, Today in Energy, “Renewable Share of North America Electricity Mix Expected to Rise” (August 2, 2016).

⁸ U.S. Energy Information Administration, Electricity Data Browser

A. Utility Scale Renewable Energy Generation Facilities

On July 10, 2007, the New Hampshire legislature enacted the state's RPS that requires retail electricity providers to produce a minimum amount of electricity from renewable energy generation sources and increases the minimums gradually. The policy provides fuel diversity, lowers fossil fuel dependence, and stimulates investment in renewable energy generation. Electric service providers began complying with the RPS in 2008 with an obligation to obtain 4% of their annual electric load from qualified renewable sources. The minimum has been gradually increasing until it will reach 24.8% in 2025.

As of 2016, all New England states have enacted their own unique RPS.⁹ Compliance is verified



using an electronic record called a REC. Each REC shows that one megawatt-hour (MWh) of eligible renewable electricity generation, or an equivalent amount of thermal energy (3,412,000 Btu) generation, has been created from a qualified renewable source. New Hampshire distinguishes four classes of renewable energy technologies and under the RPS electricity providers are required to obtain RECs in varying percentages for each class.

Renewable energy facilities apply to the New Hampshire PUC to become RPS-certified and can register purchases or sales of RECs on the New England Power Pool Generation Information System ("NEPOOL GIS"). The New Hampshire PUC is an independent state body that has regulatory authority over utility providers. Electricity providers that do not produce or purchase sufficient RECs to comply with the RPS, are required to make an annual Alternative Compliance Payment ("ACP") on July 1 for the prior calendar year. ACP rates are defined by statute and adjusted annually in relation to the Consumer Price Index by the New Hampshire PUC. The ACP rate often functions as the REC's price ceiling because electric providers will not pay more than the ACP to be RPS compliant.

State-specific RPS obligations or ACP rates can cause REC price fluctuations in the regional market. Once RECs are purchased by an electric provider and the transaction is registered on NEPOOL GIS, they are retired. However, RECs produced in one state can be purchased by providers in another state to meet their obligations if the renewable energy provider acquired

⁹ Information from Database of State Incentives for Renewables & Efficiency (DSIRE)

proper certification from the respective state of purchase. In 2014, New Hampshire electric providers purchased roughly eight percent (8%) of the total RECs in the NEPOOL GIS, compared to Massachusetts electric providers who purchased the highest percentage of all RECs in the NEPOOL GIS at thirty-seven percent 37%.¹⁰ Examples of New Hampshire renewable energy utility scale facilities that have come online and can sell RECs are Groton Wind (48 MW), Lempster Wind (24 MW), and the Burgess BioPower plant (76.5 MW). Of note, there are currently no utility scale Photovoltaic (“PV”) Solar Arrays in New Hampshire, however in 2016, 72% of all solar capacity installed nationally was utility-scale, and numerous interconnected residential and commercial PV Solar Arrays installations do exist throughout the state.¹¹

RPS requirements only apply to investor- or cooperatively-owned retail electric supplying utilities and not to municipal utilities. However, municipal utilities with renewable energy generation facilities are eligible to sell RECs to help fulfill retail electricity provider RPS requirements. Therefore, if the City of Portsmouth formed a municipal utility and became a renewable energy generator to assist in becoming a Net Zero Energy Community, the ability to sell RECs would produce an extra revenue stream making the investments that much more economical. An example from 2014 of a municipal utility helping its community achieve 100% renewable energy is the municipal utility of the City of Burlington, Vermont, purchasing the 7.4 MW Winooski River hydropower facility.¹² Burlington’s energy portfolio now consists of hydropower (50%), biomass from wood chips (30%), and landfill methane, wind, & PV Solar Arrays (20%). As a retail choice state, New Hampshire residents are not required to purchase energy from vertically-integrated utilities like they are in traditionally regulated states like Vermont. Formation of a municipal or cooperative utility may lead a retail electricity provider to stop servicing the area making the municipal or cooperative utility the only available option for residents to purchase electricity from. Likewise, implementing a Community Choice Aggregation (“CCA”) program for renewable energy could have a similar impact as creating a municipal utility. A CCA program is when municipalities, counties, or other organizations purchase and/or generate electricity for residents and businesses located within the boundaries of their jurisdiction. Three utility scale renewable energy generation facilities the City of Portsmouth could consider pursuing as a municipal utility are a waste-to-energy Regional Anaerobic Digester, biomass at Schiller Station, and offshore wind.

Phase I Recommendations:

Recommendation 21: The City of Portsmouth should consider not just supporting, but strengthening the RPS during the statutory 2018 and 2025 reviews.

Recommendation 22: The City of Portsmouth should consider various options to procure or produce increasing amounts of RECs.

¹⁰ New Hampshire Renewable Portfolio Standard Retrospective 2007 – 2015, August 19, 2016, University of New Hampshire Sustainability Institute, Kristina Harrold, Fellow

¹¹ Solar Energy Industries Association: <https://www.seia.org/solar-industry-data>

¹² Cities are ready for 100% clean energy: 10 case studies, Sierra Club, 2017, page 4

Phase II Recommendations:

Recommendation 23: The City of Portsmouth should consider investigating and analyzing opportunities for the City of Portsmouth to develop, promote, or otherwise encourage the production of renewable electricity for use by the Community.

Recommendation 24: The City of Portsmouth should consider exploring for future study forming a municipal or joining a cooperative utility and becoming a utility scale renewable energy generator.

Recommendation 25: If the City of Portsmouth forms a municipal or cooperative utility and becomes a utility scale renewable energy generator, it should consider retaining and retiring or selling excess RECs to other entities through the NEPOOL GIS.

Recommendation 26: The City of Portsmouth should consider exploring Community Choice Aggregation to purchase and/or generate electricity.

1. Waste-to-Energy Regional Anaerobic Digester:

A waste-to-energy Regional Anaerobic Digester will help fulfill the City of Portsmouth's 2025 Master Plan's call for a reduction in landfill diversion rates for government, commercial, & residential users, increased recycling of resources, and increased production of renewable energy. Wastewater Treatment Facilities ("WWTF"), including both the City of Portsmouth's Pierce Island and Pease WWTFs, produce wastewater sludge ("sludge") as a byproduct. The majority of sludge in New England is disposed of in landfills or incinerators. The only WWTFs with anaerobic digestion facilities in New Hampshire are in Nashua, Hanover, and the New Hampshire Department of Environmental Services-run Winnepesaukee River Basin Treatment Plant in Franklin.

A waste-to-energy Regional Anaerobic Digester would reduce sewer operating costs for sludge disposal and potentially generate revenues through cogeneration of electricity and tipping fees. Waste organics are ingredients for a sustainable energy source with sludge containing 75 – 85% volatile solids ("VS") that has the biochemical methane potential of 180-220 mL Methane/gram. Further, Fats, Oils, & Grease ("FOG"), dairy waste, and food waste contain 200-600 mL Methane/gram. Such waste is abundant from the Community's restaurant industry, lodging industry, & residential households to help power a waste-to-energy Regional Anaerobic Digester. Further, such a facility may become necessary if the State of New Hampshire bans food wastes from disposal in landfills or incinerators like Vermont, Massachusetts, Connecticut, and Rhode Island have done. Of note, the waste from the City of Portsmouth's expanded food waste composting program that began a residential curbside composting pilot in June 2017, could also be a rich source of energy for a waste-to-energy Regional Anaerobic Digester.

The FY 2018 – 2023 City of Portsmouth Capital Improvement Plan ("CIP") calls for \$50,000 to be spent in FY18, \$1,500,000 in FY20, and \$16,500,000 in FY22 on a Regional Anaerobic Digester at the Pease WWTF. The purpose of the facility is to stabilize the Community's sludge, food wastes, & FOG. Any determination to place a Regional Anaerobic Digester at Pease would require Pease tenant input and approval of the PDA Board of Directors. Among the federal

regulations applicable to land development at Pease is a requirement that land acquired from the Air Force through the Public Benefit Transfer program be used for the sole purpose of supporting the Portsmouth International Airport (“Airport”). Any proposed use that does not bring an economic benefit to the Airport cannot be approved. The onsite generation of renewable energy and the production of excess steam/heat would both likely be an economic benefit to the Airport.

Brown and Caldwell Engineers did a biosolids projection study of twenty nearby entities that produced approximately 25,000 tons (5,280 dry tons of biosolids) in 2017 and could produce nearly 40,000 tons (7,356 dry tons) by 2030.¹³ However, significantly more tonnage of biosolids could be available from the region today from both government and private entities that are currently traveling further to have their sludge disposed of in landfills. These entities may be interested in traveling a shorter distance to have their sludge converted into energy instead. The FY18 CIP feasibility study requirement calls for a market assessment of feedstock materials for a Regional Anaerobic Digester at Pease to identify and estimate quantities and types of available organic waste. The FY18 CIP feasibility study requirement also calls for a determination of the sizing, regional participation, and development tipping fee estimates & long term contracts for a Regional Anaerobic Digester at Pease. Further, the FY18 CIP feasibility study requirement also says to consider a public private partnership to share the costs for the construction, operation, & maintenance of the facility.

Phase II Recommendations:

Recommendation 27: The City of Portsmouth should consider beginning discussions on the economic benefits of the generation of onsite renewable energy and the production of excess steam/heat to the Airport with the PDA Board of Directors and collaborate to gain input from Pease tenant units.

Recommendation 28: The City of Portsmouth should consider spending the CIP-allocated funds in FY18 to survey other feasibility studies on anaerobic digestion facilities in the public domain, and then on a feasibility study specifically for a Regional Anaerobic Digester at the Pease WWTF that could at a minimum: conduct a market assessment of feedstock materials to identify and estimate quantities and types of available organic waste; determine the sizing, regional participation, & development tipping fee estimates and long term contracts; and consider a public private partnership to share the costs for the construction, operation, & maintenance of the facility.

Recommendation 29: Staff from the City of Portsmouth should also consider visiting anaerobic / co-digestion facilities like those at the Greater Lawrence Sanitary District in Lawrence, MA, the Lewiston-Auburn Water Pollution Control Authority in Lewiston, ME, and the Village Green private/commercial digester in Brunswick, ME.

¹³ Renewable Energy Production from Wastewater Bio-solids - Anaerobic Digestion and Combined Heat and Power, Brown and Caldwell Engineers, August 15, 2017 Presentation to the Renewable Energy Committee

Recommendation 30: Using information from the FY18 feasibility study, the City of Portsmouth should consider spending the CIP allocated funds in FY20 to design the Regional Anaerobic Digester at the Pease WWTF with input from the PDA.

Recommendation 31: Using the FY20 designs, the City of Portsmouth should consider spending the CIP allocated funds in FY22 to begin construction of a Regional Anaerobic Digester at the Pease WWTF once it has been approved by the PDA.

Recommendation 32: The City of Portsmouth should consider continuing a curbside composting program pilot until it can either independently, or through a contract with an entity, provide curbside composting services to all residential households that receive Municipal Solid Waste and recycling services.

2. Biomass as Schiller Station:

A highly regulated public auction to divest energy generating assets has been ongoing throughout New Hampshire as a result of State legislative efforts in 1996 to restructure the State's electricity markets and become a restructured state. The divestiture process is being overseen by the New Hampshire PUC that regulates utility providers such as Eversource New Hampshire, formerly Public Service of New Hampshire ("PSNH") and the state's largest utility. The New Hampshire PUC recently approved Eversource New Hampshire's sale of its three large fossil fuel electric generation facilities and two remote combustion turbines to Granite Shore Power for \$175 million.

The sale included the Newington Station, which generates 416 MW through oil and natural gas, and Schiller Station in Portsmouth, which generates 171.1 MW through coal, oil, and biomass. The agreement requires the new owners to keep the plants in service for at least eighteen months, including Units 4 – 6 that are currently active at Schiller Station. Units 4 & 6 have dual residual oil and low sulfur coal capabilities and Unit 5 was retrofitted to burn wood chips, woody biomass, & wood waste products. PSNH had created a special entity for Unit 5 called Northern Wood Power that has been an operational and financial success for PSNH, producing about 50 MW of electricity, and for the local forest products industry, burning 400,000 tons of well-sourced greenhouse gas neutral wood annually.

Municipalities often enter into Power Purchase Agreements ("PPA") with energy providers to purchase energy for Municipal Government Operations. The City of Portsmouth previously met with a Schiller Station prequalified bidder to inquire about entering into a PPA, but specifics regarding the sale of biomass energy from Unit 5 were not discussed because most bidders were interested in the wholesale electricity market and not the retail electricity or REC markets. Further, it is possible that the new owner of Schiller Station may determine that the facility should be repurposed for a different use. However, keeping Schiller Station's existing infrastructure intact could be beneficial.

Phase I Recommendations:

Recommendation 33: The City of Portsmouth should consider entering into PPAs to purchase energy only from renewable sources.

Recommendation 34: The City of Portsmouth should consider entering into a PPA with the owners of Schiller Station to purchase biomass renewable electricity generated from Unit 5.

Phase II Recommendations:

Recommendation 35: The City of Portsmouth should consider for further study purchasing Schiller Station if it goes on the market again, converting Units 4 and/or 6 to biomass like Unit 5, and become a municipal utility that generates sustainably-sourced biomass renewable energy.

Recommendation 36: The City of Portsmouth should consider further studying rezoning the area to ensure that the existing power infrastructure remains capable of future beneficial uses such as energy storage.

3. The Piscataqua River and the Gulf of Maine:

The Piscataqua River and the Gulf of Maine are assets that could potentially produce renewable energy from various technologies such as tidal and offshore wind.

The Piscataqua River's tidal currents between Little Bay and the Gulf of Maine are almost three knots on the incoming tide and four on the ebb. The bipartisan New Hampshire Tidal Energy Commission was established in 2007 to study the feasibility of tidal power generation in the Piscataqua River specifically under the Little Bay & General Sullivan Bridges where there is a big difference between full moon current velocity and neap tide current velocity. In 2008, the commission determined that the technology was too new to install a commercial tidal energy project under the Little Bay & General Sullivan Bridges and that further research on their suitability for tidal rivers with multiple commercial and recreational uses was required.¹⁴ With assistance from the National Oceanic and Atmospheric Administration's ("NOAA") National Sea Grant College Program, the Tidal Power Team at the University of New Hampshire took the lead in researching the development of the first stage of a tidal power generation system for the Piscataqua River.¹⁵ Currently, the University of New Hampshire's Living Bridge Project on the Memorial Bridge is exploring tidal power generation.

NREL has determined that the Gulf of Maine has significant potential wind power capacity in excess of 50 GWs within fifty miles of the coasts of New Hampshire, Maine, & northeast Massachusetts. A bipartisan 2015 New Hampshire legislative study committee concluded that "the wind resource off of New Hampshire's coast has the potential to generate significant amounts of electricity," and that services supporting "offshore wind development has the potential to generate significant economic activity within Portsmouth Harbor."¹⁶ The same 2015 New Hampshire legislative study committee recommended that the Governor explore cooperative offshore wind industry development with Maine and Massachusetts, including regional long-term resource planning facilitated by the federal Bureau of Ocean Energy

¹⁴ Final Report of the NH Tidal Energy Commission, (HB 694, Chapter 222, Laws of 2007), November 2008

¹⁵ Tidal power generation in the Piscataqua River (2008). Zachary Annino, Brian Campelia, Lindsay Coppa, Susan Gagliardi, Sara Lincoln, Robert O'Meara Jr., Issam El Ayadi and Garrett Partridge. Advisors: Kenneth Baldwin and M. Robinson Swift.

¹⁶ Final Report of the Committee to Study Offshore Wind Energy and the Development of Other Ocean Power Technology, (HB 1312m Chapter 180, Laws of 2014), 2015

Management. Such federal involvement requires the Governor to request formation of an intergovernmental Task Force and stakeholder process to plan for regional offshore wind development. In October 2017, the City of Portsmouth passed a resolution supporting efforts to develop wind power off the New Hampshire coast and urged the Governor of New Hampshire to engage other regional leaders and make a formal request to the federal Bureau of Ocean Energy Management to form a Task Force and stakeholder process.

Renewable energy development from the Piscataqua River or the Gulf of Maine would be an economic development opportunity for the region, however it should be noted that environmental concerns are associated with each possible technology.

Phase I Recommendations:

Recommendation 37: The City of Portsmouth should consider encouraging organizations to explore all forms of renewable energy associated with the Piscataqua River or the Gulf of Maine.

Recommendation 38: Upon the establishment of a Task Force by the Bureau of Ocean Energy Management for regional long-term resource offshore wind planning, the City of Portsmouth should consider seeking to become or encouraging others to become a stakeholder and remain active throughout the process.

Phase II Recommendations:

Recommendation 39: Upon completion of the Task Force by the Bureau of Ocean Energy Management, the City of Portsmouth should consider for further study the use of renewable energy from the Piscataqua River or the Gulf of Maine through a PPA or as a municipal utility.

Recommendation 40: If any form of renewable energy associated with the Piscataqua River or the Gulf of Maine is pursued, the City of Portsmouth should also consider studying any related environmental impacts.

B. Commercial Scale Renewable Energy Distributed Generation

The number of commercial scale renewable energy distributed generation facilities in New Hampshire continues to increase and interconnect to the grid.

Revenue from the payment of the ACP in New Hampshire is the sole source of funding for the New Hampshire PUC-administered Renewable Energy Fund (“REF”) which offers grants and rebates for renewable energy projects. Since its inception in July 2009, this dedicated, non-lapsing fund’s annual competitive grant program has provided around \$8 million in grants for twenty-nine industrial or commercial renewable energy projects ranging from the City of Portsmouth receiving \$450,000 for the \$1,741,392 High School and Madbury Water Treatment Plant’s PV Solar Arrays to Berlin receiving \$1,000,000 for their \$20,048,000 Jericho Power LLC wind turbine project.¹⁷ Of note, the Portsmouth High School is currently just one of eighteen

¹⁷ New Hampshire Renewable Portfolio Standard Retrospective 2007 – 2015, August 19, 2016, University of New Hampshire Sustainability Institute, Kristina Harrold, Fellow

schools in New Hampshire with a PV Solar Array.¹⁸ When funds are available, the REF also offers varying rebates for the following categories: residential PV Solar Arrays or wind turbine for electrical renewable energy; residential PV Solar Arrays for hot water heating; residential central wood pellet boiler / furnace heating system; commercial & industrial PV Solar Array technologies; and commercial & industrial central wood pellet boiler / furnace heating systems.

Examples of commercial scale renewable energy distributed generation facilities include Solar PV at the Peterborough Wastewater Treatment facility, Plymouth Wastewater Treatment facility, & Durham Town Solar, as well as small scale hydro facilities such as Steels Pond Hydro in Antrim and Spaulding Avenue Industrial in Rochester.

Phase I Recommendations:

Recommendation 41: The City of Portsmouth should consider not just supporting, but strengthening the REF during the statutory 2018 and 2025 reviews.

Recommendation 42: The City of Portsmouth should consider continually having commercial scale renewable energy distributed generation facility applications ready for when ACP grant funds become available.

Recommendation 43: The City of Portsmouth should consider installation of additional renewable energy generating or energy storage technologies on public land and buildings.

Phase II Recommendations:

Recommendation 44: The City of Portsmouth should consider advertising the ACP rebates on the City's website's landing page.

C. Residential Scale Renewable Energy Distributed Generation

Solar PV is currently one of the most popular forms of renewable energy distributed generation and is growing at a record pace. According to the Solar Energy Industries Association ("SEIA"), installations in 2016 created 39% of all new electric generating capacity, more than any other technology for the first time, total Solar PV electrical generation in the United States has gone from just 0.1% in 2010 to 1.4% today, & by 2020 Solar PV is expected to surpass 3% of total electrical generation reach 5% by 2022. Further, one million PV Solar Arrays installations occurred in 2016, two million are anticipated to be achieved in 2018, and four million in 2022. Part of the reason for this is the cost to install PV Solar Arrays has become more competitive, dropping by more than 70% since 2010 and, depending on segment, from 3 - 11% over the last 12 months.¹⁹ New Hampshire is a viable market for PV Solar Arrays given that in the third quarter of 2017 neighboring Massachusetts received the sixth highest SEIA state ranking by producing 1,898 MW.

¹⁸ Solar Energy Industries Association: <https://www.seia.org/solar-industry-data>

¹⁹ Solar Energy Industries Association: <https://www.seia.org/solar-industry-data>

State	SEIA 2015 50 State Ranking	SEIA 2016 50 State Ranking	SEIA 2017 Q3 50 State Ranking
Massachusetts	3	8	6
Connecticut	14	21	15
New Hampshire	27	27	24
Vermont	16	24	25
Rhode Island	42	40	37

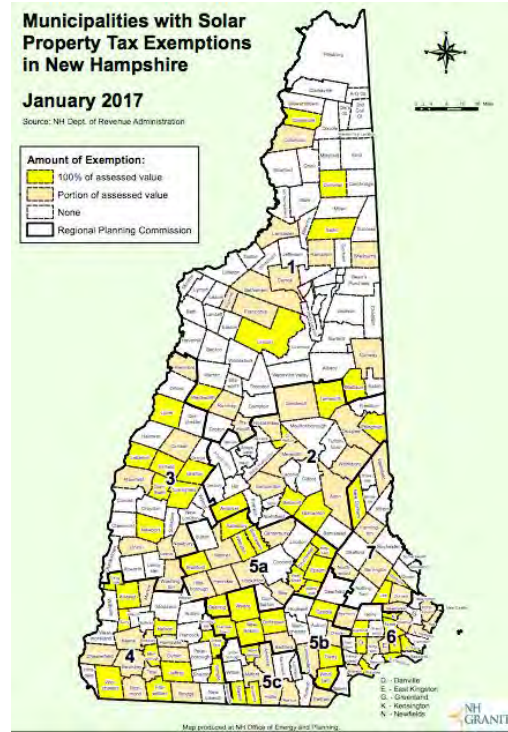
The typical payback for a Solar PV Array installation is around six years, for an individual or for-profit business. A non-profit has a longer payback if it cannot take advantage of the federal tax credit, however creative financing solutions such as PPAs are popular solutions for non-profits and municipalities. It is noteworthy that although there are currently no utility scale PV Solar Arrays in New Hampshire for a PPA, nationally utility scale PV Solar Array PPAs sell electricity from \$28 to \$45 per MWh. Of note, technology advancements have allowed three to five acres of Solar PV Arrays to be capable of generating 1 MW of electricity output and a single watt of Solar PV electricity now costs less than a dollar to generate.

Net metering is a popular benefit of being a renewable energy distributed generator connected to a public-utility power grid. Net metering is a term used for receiving credit for offsetting consumption and potentially transferring surplus electricity onto the public-utility grid. At the end of 2015, approximately 27 MW (over 3,400 customers) of net metered, distributed PV Solar Arrays was interconnected to New Hampshire distribution utilities.²⁰ The New Hampshire PUC recently stabilized the net metering market by eliminating New Hampshire’s 100 MW limit on PV Solar Arrays power eligible for net metering. Residential systems in New Hampshire still receive a monthly credit at one hundred percent of retail energy and transmission rates, but only twenty five percent of the distribution rates. Further, the New Hampshire PUC ruling grandfathered all existing net metering systems through 2040 at current rates. In addition to benefiting from traditional net metering electricity, residential renewable energy generators can install a group net metering system and sell excess net metered power to neighbors or anyone in the same utility. Further, residential renewable energy generators can also produce and sell RECs.

Under New Hampshire law, cities and municipalities can incentivize commercial and residential scale renewable energy distributed generation with property tax exemptions. The two current property tax exemptions are only for PV Solar Arrays and wind energy systems. Under each exemption, the city or municipality can exempt the assessed value of the system from the

²⁰ New Hampshire Renewable Portfolio Standard Retrospective 2007 – 2015, August 19, 2016, University of New Hampshire Sustainability Institute, Kristina Harrold, Fellow

property owner's property taxes. Some cities and municipalities chose to only exempt a portion of assessed value of the systems using various methodologies. The City of Portsmouth has currently only adopted the PV Solar Arrays exemption, but has limited the PV Solar Arrays exemption to an assessed value of \$25,000 and five years.



Under New Hampshire law, cities and municipalities can also adopt zoning ordinances to encourage the installation of renewable energy distributed generation systems. Such ordinances can protect access to energy sources by regulating building orientation, establishing maximum building heights, and encouraging PV Solar Arrays sky space easements. For example, the zoning ordinance of Hollis includes definitions, conditional use permits conditions, and standards of review. Further, the City of Portsmouth's Historic District Commission currently makes ad hoc Solar PV array decisions based on factors such as their visibility, profile, and color consistency, despite telephone poles, transformers, and power lines being allowed in Portsmouth's Historic

District. The NREL recommends the adoption of Historic District Solar Array policies that allow for more visible PV Solar Arrays in Historic Districts after other energy efficiency upgrades have been made.²¹

Phase I Recommendations:

Recommendation 45: The City of Portsmouth should consider investigating a routine load-sharing program whereby peak demand energy use is reduced and operational changes are instituted to lessen overall energy demand year-round.

Phase II Recommendations:

Recommendation 46: The City of Portsmouth should consider supporting legislation that both protects net metering and is more favorable to renewable energy distributed generation.

Recommendation 47: The City of Portsmouth should consider supporting group net metering.

Recommendation 48: The City of Portsmouth should consider expanding the Solar Energy Systems Exemption under N.H.R.S.A. 72:62 by eliminating the self-imposed five-year time limit and \$25,000 maximum deduction.

²¹ Implementing Solar PV Projects on Historic Buildings and in Historic Districts, National Renewable Energy Laboratory, A. Kandt, E. Hotchkiss, and A. Walker, September 2011

Recommendation 49: The City of Portsmouth should consider enacting the Wind-Powered Energy Systems Exemption under N.H. R.S.A. 72:66.

Recommendation 50: The City of Portsmouth should consider supporting legislation for similar exemptions for other sources of renewable energy distributed generation such as geothermal or wood pellets.

Recommendation 51: The City of Portsmouth should consider adopting a Renewable Energy System Zoning Ordinance under N.H. R.S.A. 674:17 to encourage and protect energy access.

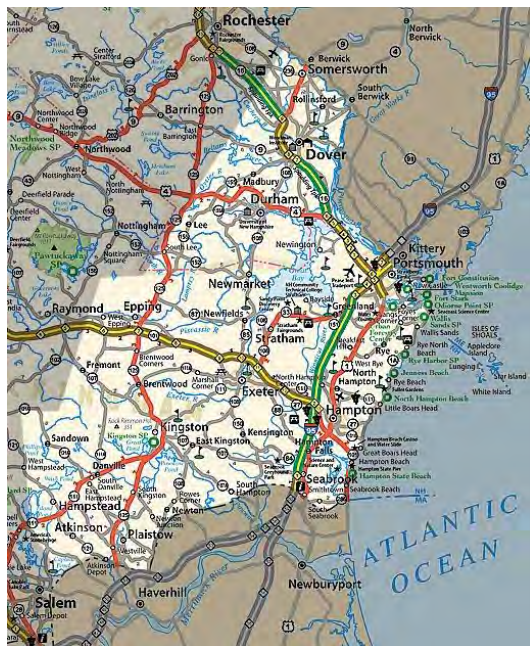
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Recommendation 54: The City of Portsmouth should consider adopting a policy that allows more visible PV Solar Arrays in the Historic District.

Recommendation 55: The City of Portsmouth should consider engaging the public by having resources for residents who want to install renewable energy distributed generation systems on the City website's landing page.

STRATEGY 3: Decrease Conventional Automobile Use



Portsmouth is located within a highly developed regional transportation network that is accessible by water, air, rail, and road. The City is home of the Port of New Hampshire, the Pease International Tradeport, and the Portsmouth International Airport. Further, Portsmouth has freight rail service on the 3.5-mile Newington Branch and the 10-mile Portsmouth Branch that connects the City to the main line in Newfields. Transportation options in Portsmouth however are predominantly automobile dependent with Interstate 95, US Route 1, and NH Route 16 making the City a gateway to New Hampshire's lakes, mountains, and coast. Private automobiles remain the primary mode of travel, although COAST, Wildcat Transit, C&J, and Greyhound all provide public access along primary corridors to Portsmouth, other Seacoast communities, and the wider region.

The City of Portsmouth encourages car-lite lifestyles with the adoption of the recent Gateway Mixed Use Zoning Districts, a bicycle share program, and the Complete Streets, Bicycle Friendly, & Walk Friendly Policies. However, the car-dependent lifestyle is unlikely to change in

the near future, making Electric Vehicles (“EV”) the best way to reduce Portsmouth’s Greenhouse Gas Emissions from transportation. As noted, Phase III focusing on all vehicles traveling in and through the City of Portsmouth achieving Net Zero Energy is distinct from Phase II as an acknowledgement of the amount of time that may be required to accomplish this goal. However, Massachusetts, Maine, and Vermont have all adopted California’s Low Emission Vehicle and Zero Emission Vehicle Regulations that are challenging automakers to produce hundreds of thousands of EVs by 2020 and Portsmouth relies on tourists from these states. Further, Massachusetts is aggressively pursuing these targets by offering an additional \$2,500 rebate to buyers at the time of purchase and Portsmouth is within ninety miles from most towns around Boston whose residents may soon start planning their vacations based around EV charging infrastructure.

Fuel efficiency gains in conventional automobiles have diminishing returns because only twenty percent of their energy expended powers their drivetrains. Meanwhile, EVs immediately lower Greenhouse Gas emissions and are significantly more energy efficient converting sixty percent of the energy expended towards powering their drivetrains. Current EVs on the market are reliable, require minimal associated maintenance, and can be affordable with the federal income tax credit of up to \$7,500. The traditional four door, five person, EV sedan is not for everyone and new EVs are coming to market to meet the unique demands of those that drive minivans, Sport Utility Vehicles, or light trucks. In addition to the Battery only EV (“BEV”), less expensive Plug in Hybrid EVs (“PHEV”) use their batteries for local transit and their fuel efficient gasoline engines for highway or long distance commutes. PHEVs have a very high miles per gallon rating for blended city/highway compared to traditional Hybrids. Consumer EV research can be time consuming and in response to EV buyers often reporting that automobile dealerships were often uninformed about their EVs, manufacturers are now beginning to require their dealerships designate, train, and certify specific agents to sell their new EV models. Anyone interested in EVs should be encouraged to attend events like National Drive Electric Week in September, which in 2017 Portsmouth joined over 260 similar events across the country to participate in.

Single family homeowners with off street parking are the best targets for early EV adoption. The 110 volt Level 1 charger that comes free with most EVs can plug into the typical alternating current (“AC”) three prong outlet, allows a PHEV to travel three to five miles per hour charged, and after ten hours will fully charge a PHEV parked overnight. Likewise, a Level 1 charger can fully charge overnight the battery of a BEV that only travels the national automobile average of thirty miles a day. However, a BEV that commutes between thirty and sixty miles on weekdays would require a \$500 Level 2 charger and require installation of a \$600, 240 volt AC circuit to a 200 amp garage service panel, eliminating the gasoline savings from the first year of EV ownership. Even more challenging is the common scenario in Portsmouth of a homeowner driving over sixty miles on weekdays to work or owning an old home with a minimal 100 amp service panel that could require \$1,600 – 3,000 of electrical work to upgrade. Level 3 480 volt direct current (“DC”) chargers, or DC Fast Chargers, can charge an EV in less than thirty minutes, but can cost \$40,000 – 90,000, require commercial installation, and are not compatible with all EVs. However, the greatest challenge in Portsmouth are homeowners that lack off street parking, those that live in condominiums, and tenants renting apartments.

Eighty percent of EV charging occurs at the home, but destination, workplace, and public EV charging stations will play an increasingly important role in expanding EV adoption. Many municipalities committed to increasing EV electrification have adopted building codes that require preinstalled circuits for EV chargers because the cost and effort is significantly reduced during construction or remodels. Incentives for the installation of EV charging stations, or at least the installation of wiring circuits, could encourage large hotels, retail stores, or employers to install EV charging stations for their guests, customers, or employees. Smaller businesses that do not have the means to install their own EV charging stations may be interested in sponsoring public EV charging stations. Municipal workplace EV charging stations are great for employee charging during the workday and the municipal fleet charging overnight, although dedicated stations that use some form of Radio-frequency identification (“RFID”) are also often needed for a municipal fleet. Finally, public EV charging stations both attract business and provide options for homeowners without off street parking, condominium owners, and apartment tenants.

Different types of public EV charging stations exist such as combinations of Level 1, Level 2,



and DC Fast Chargers being located in parking garages, easily accessible distributed parking lots, and highly visible on street parking locations near popular attractions. DC Fast Chargers stations are becoming common near major travel corridors that are collocated with suitable amenities such as food, rest rooms, & recreation options. Municipalities often use a phased installation approach to expand electrical capacity, collect utilization feedback, and accompany planned street

work, renovations, or new construction. Different payment options exist for the users of public EV charging stations such as free electricity on a first come first serve basis, free electricity coupled with parking rates like in the High Hanover Garage, or Durham’s network fee. Meanwhile, fee structures can charge by time, electricity usage, or a combination of both with costs rising when the charge is complete to incentivize sharing. Of note, the State of New Hampshire has filed to become a beneficiary for approximately \$31 million in environmental remediation from the Volkswagen emissions settlement that could potentially go towards public EV charging stations in Portsmouth given it is an automobile gateway.

Not all EV charging stations are the same with some characteristics being more desirable like cable-suspended systems that are much cleaner, easier to maintain, and provide a better user experience than the less expensive loose cable systems. Data monitoring is a feature that can help acquire critical information like how Durham’s Small Town EV Pilot obtained two years of information on utilization, return on investment, and the geographical characteristics of users. Arguably more important are communication and network discovery features for the EV charging station to be located by common smartphone apps including PlugShare and other EV network maps. Further, text and email capabilities can notify users when charging is complete and manage waitlists. Finally, web based, multi-user configuration helps identify station problems, while well designed web interfaces allow pricing and other tasks to be performed quickly. In addition, the installation of Solar PV arrays combined with battery storage or other renewable energy sources greatly improve the profile of electrification. A highly visible EV

charging station promotes EV adoption, offsets potential EV buyer concern about where they will be able to find public charging, and makes a statement that Portsmouth is committed to reducing Greenhouse Gases.

Phase I Recommendations:

Recommendation 56: The City of Portsmouth should consider adopting a green fleet policy for new and replacement municipal vehicle acquisition.

Recommendation 57: The City of Portsmouth should consider installing additional Level 1, Level 2, and DC Fast Charger stations for the green fleet.

Phase III Recommendations:

Recommendation 58: If needed, the City of Portsmouth should consider ways it could help C&J Bus Lines provide additional parking for commuters.

Recommendation 59: The City of Portsmouth should consider continuing the bicycle share program, expanding it to neighborhoods, and explore the possibility of expanding into Kittery, ME.

Recommendation 60: The City of Portsmouth should consider supporting increased passenger rail.

Recommendation 61: The City of Portsmouth should consider helping promote ride and drive events like National Drive Electric Week.

Recommendation 62: During vehicle registration, the City of Portsmouth should consider helping educate drivers about the EV federal income tax credit, especially to residents already driving compact fuel efficient automobiles to transition them to PHEVs.

Recommendation 63: The City of Portsmouth should consider engaging the public by having resources on the City vehicle registration web page that offers links that help explain the different types of EVs and charging stations.

Recommendation 64: The City of Portsmouth should consider reaching out to neighborhood groups to help educate single family homeowners with off street parking about home charging options.

Recommendation 65: The City of Portsmouth should consider forming a focus group comprising current EV owners to better understand what it will take to increase EV ownership in different use scenarios.

Recommendation 66: The City of Portsmouth could consider reaching out to local automobile dealerships and inform their management of Portsmouth's plan and encourage EV ownership.

Recommendation 67: The City of Portsmouth should consider ensuring that the EV charger installation permitting process is streamlined for electricians and communicated to homeowners and businesses.

Recommendation 68: The City of Portsmouth should consider incentivizing workplace EV charging stations consisting of Level 1, Level 2, and DC Fast Chargers or at least the installation of wiring circuits.

Recommendation 69: The City of Portsmouth should consider allowing businesses to sponsor public EV charging stations consisting of Level 1, Level 2, and DC Fast Chargers.

Recommendation 70: The City of Portsmouth should consider increasing the profile and wayfinding signage for existing and new EV charging stations.

Recommendation 71: The City of Portsmouth should consider installing the wiring of circuits for Level 1, Level 2, and DC Fast Chargers when maintenance is performed on public parking lots.

Recommendation 72: The City of Portsmouth should consider installing high visibility public EV charging stations consisting of Level 1, Level 2, and DC Fast Chargers with possible charging incentives for residents.

Recommendation 73: The City of Portsmouth should consider installing Solar PV arrays, other renewable energy sources, or battery storage at municipal EV charging stations to improve the profile of transportation electrification.

Recommendation 74: If the State of New Hampshire is certified as a beneficiary of the Volkswagen emissions settlement, the City of Portsmouth should consider requesting funding for EV charging stations.

CONCLUSION

These Policy Recommendations provide suggestions for guidance the City Manager can give City Boards, Committees, and Departments to obtain the 2025 Master Plan's vision of becoming a Net Zero Energy Community. The Policy Recommendations' three strategies of increasing residential & commercial building energy efficiency, increasing renewable energy production, and decreasing conventional automobile use leave the flexibility required to achieve the concurrent Policy phases that focus on Municipal Government Operations, the Community, and all vehicular travel through the City of Portsmouth each achieving Net Zero Energy. The City Manager is not limited by the Policy Recommendations and is encouraged to pursue additional means to achieve the Policy's vision.

Recommendation 75: The City of Portsmouth should consider updating the Policy Recommendations with new recommendations by a successor committee to the Renewable Energy Committee or at the direction of the City Manager.

APPENDIX A

RENEWABLE ENERGY POLICY RECOMMENDATIONS BY PHASE

PHASE I: Municipal Government Operations achieving Net Zero Energy

Recommendation 1: The City of Portsmouth should consider adopting its own version of the National Renewable Energy Laboratory’s (“NREL”) hierarchy such as first striving for renewables sited on the built environment within the Community and then seek to bring renewable energy into the Community from areas located outside of the Community boundary but within the region.

Recommendation 2: The City of Portsmouth should consider measuring Greenhouse Gas Emissions in 2018 and use similar or better metrics that the 2012 measurements can be converted into.

Recommendation 3: Using similar or better metrics that the previous data can be converted into, the City of Portsmouth should consider increasing the frequency of the Greenhouse Gas Emissions measurements.

Recommendation 4: The City of Portsmouth should consider conducting an updated energy audit of all municipal facilities and implement energy conservation measures where needed, or implement a retro-commissioning program of facilities in which upgrades were enacted within the last 5 years.

Recommendation 10: The City of Portsmouth should consider adoption of a known national sustainable design certification standard as the design and construction minimum for the renovation or construction of all municipal facilities.

Recommendation 21: The City of Portsmouth should consider not just supporting, but strengthening the Renewable Portfolio Standard (“RPS”) during the statutory 2018 and 2025 reviews.

Recommendation 22: The City of Portsmouth should consider various options to procure or produce increasing amounts of Renewable Energy Credits (“REC”).

Recommendation 33: The City of Portsmouth should consider only entering into Power Purchase Agreements (“PPA”) to purchase energy from renewable sources.

Recommendation 34: The City of Portsmouth should consider entering into a PPA with the owners of Schiller Station to purchase biomass renewable electricity generated from Unit 5.

Recommendation 37: The City of Portsmouth should consider encouraging organizations to explore all forms of renewable energy associated with the Piscataqua River or the Gulf of Maine.

Recommendation 38: Upon the establishment of a Task Force by the Bureau of Ocean Energy Management for regional long-term resource offshore wind planning, the City of Portsmouth

should consider seeking to become or encouraging others to become a stakeholder and remain active throughout the process.

Recommendation 41: The City of Portsmouth should consider not just supporting, but strengthening the Renewable Energy Fund (“REF”) during the statutory 2018 and 2025 reviews.

Recommendation 42: The City of Portsmouth should consider continually having commercial scale renewable energy distributed generation facility applications ready for when Alternative Compliance Payments (“ACP”) grant funds become available.

Recommendation 43: The City of Portsmouth should consider installation of additional renewable energy generating or energy storage technologies on public land and buildings.

Recommendation 45: The City of Portsmouth should consider investigating a routine load-sharing program whereby peak demand energy use is reduced and operational changes are instituted to lessen overall energy demand year-round.

Recommendation 56: The City of Portsmouth should consider adopting a green fleet policy for new and replacement municipal vehicle acquisition.

Recommendation 57: The City of Portsmouth should consider installing additional Level 1, Level 2, and DC Fast Charger stations for the green fleet.

Recommendation 75: The City of Portsmouth should consider updating the Policy Recommendations with new recommendations by a successor committee to the Renewable Energy Committee or at the direction of the City Manager.

PHASE II: the Portsmouth Community achieving Net Zero Energy

Recommendation 5: The City of Portsmouth should consider requiring / facilitating energy audits and encourage implementing energy conservation measures where needed.

Recommendation 6: The City of Portsmouth should consider engaging the public by having resources for residents who want to find out more about energy efficiency programs like NHSaves on the City website’s landing page.

Recommendation 7: The City of Portsmouth should consider supporting amendments that improve the Commercial PACE (“C-PACE”) enabling statute, N.H. R.S.A. 53-F, and then adopt the enabling legislation to create C-PACE districts.

Recommendation 8: The City of Portsmouth should consider using its bond rating to explore offering financing options similar to PACE for retrofits or renewable energy distributed generation systems at a lower rate than individuals could obtain.

Recommendation 9: The City of Portsmouth should consider removing any barriers in the land use ordinances to enable the addition of exterior insulation and improve the efficiency in renovations to existing buildings while being sensitive to both historic preservation and fire & life safety.

Recommendation 11: The City of Portsmouth should consider adopting a more recent version of the International Energy Conservation Code (“IECC”) than required by state law.

Recommendation 12: The City of Portsmouth should consider supporting legislation that adopts the 2015 IECC, 2018 IECC, or any future IECC updates.

Recommendation 13: The City of Portsmouth should consider creating an Energy Efficiency Chapter in the Zoning Ordinance that either creates a Sustainable Energy Efficient Development (“SEED”) Overlay Zoning District that allows for floor area ratio bonuses and building height relaxations as incentives for new buildings that achieve a known national sustainable design certification or adds the same incentives to current Zoning Overlay Districts.

Recommendation 14: The City of Portsmouth should consider scaling any incentives for obtaining a national sustainable design certification standard by order of project magnitude.

Recommendation 15: The City of Portsmouth should consider providing for reductions in permit fees for projects that incorporate exceptional sustainable design standards.

Recommendation 16: The City of Portsmouth should consider allowing the approval of buildings that are less traditionally shaped for energy efficiency purposes due to performance compliance modelling.

Recommendation 17: The City of Portsmouth should consider developing a mandatory checklist to encourage Planning Board members, developers, and applicants to use during site plan, subdivision, or building permit review to systematically encourage the energy efficiency of new or renovated buildings and sites that are being developed or subdivided.

Recommendation 18: The City of Portsmouth should consider strengthening landscaping requirements for new site plan, subdivision, or building permit review by the Trees & Public Greenery Committee to systematically encourage the planting of trees and greenery around new or renovated buildings and sites that are being developed or subdivided.

Recommendation 19: The City of Portsmouth should consider engaging the public by having resources for developers who want to find out more about national sustainable design certification standards on the City’s website’s landing page.

Recommendation 20: The City of Portsmouth should consider engaging the public by having resources for building owner, occupant, and developer energy efficiency education.

Recommendation 23: The City of Portsmouth should consider investigating and analyzing opportunities for the City of Portsmouth to develop, promote, or otherwise encourage the production of renewable electricity for use by the Community.

Recommendation 24: The City of Portsmouth should consider exploring for future study forming a municipal utility to become a utility scale renewable energy generator.

Recommendation 25: If the City of Portsmouth forms a municipal utility to become a utility scale renewable energy generator, it should consider selling excess RECs through the New England Power Pool Generation Information System (“NEPOOL GIS”).

Recommendation 26: The City of Portsmouth should consider exploring Community Choice Aggregation to purchase and/or generate electricity.

Recommendation 27: The City of Portsmouth should consider beginning discussions on the economic benefits of the generation of onsite renewable energy and the production of excess steam/heat to the Airport with the Pease Development Authority (“PDA”) Board of Directors and collaborate to gain input from Pease tenant units.

Recommendation 28: The City of Portsmouth should consider spending the Capital Improvement Plan (“CIP”) allocated funds in FY18 to survey other feasibility studies on anaerobic digestion facilities in the public domain, and then on a feasibility study specifically for a Regional Anaerobic Digester at the Pease Wastewater Treatment Facility (“WWTF”) that could at a minimum: conduct a market assessment of feedstock materials to identify and estimate quantities and types of available organic waste; determine the sizing, regional participation, & development tipping fee estimates and long term contracts; and consider a public private partnership to share the costs for the construction, operation, & maintenance of the facility.

Recommendation 29: Staff from the City of Portsmouth should also consider visiting anaerobic / co-digestion facilities like those at the Greater Lawrence Sanitary District in Lawrence, MA, the Lewiston-Auburn Water Pollution Control Authority in Lewiston, ME, and the Village Green private/commercial digester in Brunswick, ME.

Recommendation 30: Using information from the FY18 feasibility study, the City of Portsmouth should consider spending the CIP allocated funds in in FY20 to design the Regional Anaerobic Digester at the Pease WWTF with input from the PDA.

Recommendation 31: Using the FY20 designs, the City of Portsmouth should consider spending the CIP allocated funds in FY22 to begin construction of a Regional Anaerobic Digester at the Pease WWTF once it has been approved by the PDA.

Recommendation 32: The City of Portsmouth should consider continuing a curbside composting program pilot until it can either independently, or through a contract with an entity, provide curbside composting services to all residential households that receive Municipal Solid Waste and recycling services.

Recommendation 35: The City of Portsmouth should consider for further study purchasing Schiller Station if it goes on the market again, converting Units 4 and/or 6 to biomass like Unit 5, and become a municipal utility to generate biomass renewable energy.

Recommendation 36: The City of Portsmouth should consider further studying rezoning the area to ensure that the existing power infrastructure stays intact for a future uses such as energy storage.

Recommendation 39: Upon completion of the Task Force by the Bureau of Ocean Energy Management, the City of Portsmouth should consider for further study the use of renewable energy from the Piscataqua River or the Gulf of Maine through a PPA or as a municipal utility.

Recommendation 40: If any form of renewable energy associated with the Piscataqua River or the Gulf of Maine is pursued, the City of Portsmouth should also consider studying any related environmental impacts.

Recommendation 44: The City of Portsmouth should consider advertising the ACP rebates on the City's website's landing page.

Recommendation 46: The City of Portsmouth should consider supporting legislation that both protects net metering and is more favorable to renewable energy distributed generation.

Recommendation 47: The City of Portsmouth should consider supporting group net metering.

Recommendation 48: The City of Portsmouth should consider expanding the Solar Energy Systems Exemption under N.H. R.S.A. 72:62 by eliminating the self-imposed five-year time limit and \$25,000 maximum deduction.

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PHASE III: Vehicles originating in and traveling through the City of Portsmouth achieving Net Zero Energy

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Recommendation 74: If the State of New Hampshire is certified as a beneficiary of the Volkswagen emissions settlement, the City of Portsmouth should consider requesting funding for EV charging stations.

APPENDIX B

RENEWABLE ENERGY POLICY RECOMMENDATIONS BY STRATEGY

INTRODUCTION

Recommendation 1: The City of Portsmouth should consider adopting its own version of the National Renewable Energy Laboratory’s (“NREL”) hierarchy such as first striving for renewables sited on the built environment within the Community and then seek to bring renewable energy into the Community from areas located outside of the Community boundary but within the region.

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STRATEGY 1: Increase Building Energy Efficiency

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STRATEGY 2: Increase Renewable Energy Production

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Recommendation 34: The City of Portsmouth should consider entering into a PPA with the owners of Schiller Station to purchase biomass renewable electricity generated from Unit 5.

Recommendation 35: The City of Portsmouth should consider for further study purchasing Schiller Station if it goes on the market again, converting Units 4 and/or 6 to biomass like Unit 5, and become a municipal utility to generate biomass renewable energy.

Recommendation 36: The City of Portsmouth should consider further studying rezoning the area to ensure that the existing power infrastructure stays intact for a future uses such as energy storage.

Recommendation 37: The City of Portsmouth should consider encouraging organizations to explore all forms of renewable energy associated with the Piscataqua River or the Gulf of Maine.

Recommendation 38: Upon the establishment of a Task Force by the Bureau of Ocean Energy Management for regional long-term resource offshore wind planning, the City of Portsmouth should consider seeking to become or encouraging others to become a stakeholder and remain active throughout the process.

Recommendation 39: Upon completion of the Task Force by the Bureau of Ocean Energy Management, the City of Portsmouth should consider for further study the use of renewable energy from the Piscataqua River or the Gulf of Maine through a PPA or as a municipal utility.

Recommendation 40: If any form of renewable energy associated with the Piscataqua River or the Gulf of Maine is pursued, the City of Portsmouth should also consider studying any related environmental impacts.

Recommendation 41: The City of Portsmouth should consider not just supporting, but strengthening the Renewable Energy Fund (“REF”) during the statutory 2018 and 2025 reviews.

Recommendation 42: The City of Portsmouth should consider continually having commercial scale renewable energy distributed generation facility applications ready for when Alternative Compliance Payments (“ACP”) grant funds become available.

Recommendation 43: The City of Portsmouth should consider installation of additional renewable energy generating or energy storage technologies on public land and buildings.

Recommendation 44: The City of Portsmouth should consider advertising the ACP rebates on the City’s website’s landing page.

Recommendation 45: The City of Portsmouth should consider investigating a routine load-sharing program whereby peak demand energy use is reduced and operational changes are instituted to lessen overall energy demand year-round.

Recommendation 46: The City of Portsmouth should consider supporting legislation that both protects net metering and is more favorable to renewable energy distributed generation.

Recommendation 47: The City of Portsmouth should consider supporting group net metering.

Recommendation 48: The City of Portsmouth should consider expanding the Solar Energy Systems Exemption under N.H. R.S.A. 72:62 by eliminating the self-imposed five-year time limit and \$25,000 maximum deduction.

Recommendation 49: The City of Portsmouth should consider enacting the Wind-Powered Energy Systems Exemption under N.H. R.S.A. 72:66.

Recommendation 50: The City of Portsmouth should consider supporting legislation for similar exemptions for other sources of renewable energy distributed generation such as geothermal or wood pellets.

Recommendation 51: The City of Portsmouth should consider adopting a Renewable Energy System Zoning Ordinance under N.H. R.S.A. 674:17 to encourage and protect energy access.

Recommendation 52: The City of Portsmouth should consider revisiting recent limitations that were placed on rooftop solar arrays with the adoption of the 2015 International Fire Code in any Renewable Energy System Zoning Ordinance.

Recommendation 53: The City of Portsmouth should consider expediting the building permit and inspection process as well as lowering permitting fees for renewable energy distributed generation systems.

Recommendation 54: The City of Portsmouth should consider adopting a policy that allows more visible PV Solar Arrays in the Historic District.

Recommendation 55: The City of Portsmouth should consider engaging the public by having resources for residents who want to install renewable energy distributed generation systems on the City's website's landing page.

STRATEGY 3: Decrease Conventional Automobile Use

Recommendation 56: The City of Portsmouth should consider adopting a green fleet policy for new and replacement municipal vehicle acquisition.

Recommendation 57: The City of Portsmouth should consider installing additional Level 1, Level 2, and DC Fast Charger stations for the green fleet.

Recommendation 58: If needed, the City of Portsmouth should consider ways it could help C&J provide additional parking for commuters.

Recommendation 59: The City of Portsmouth should consider continuing the bicycle share program, expanding it to neighborhoods, and explore the possibility of expanding into Kittery, ME.

Recommendation 60: The City of Portsmouth should consider supporting increased passenger rail.

Recommendation 61: The City of Portsmouth should consider helping promote ride and drive events like National Drive Electric Week.

Recommendation 62: During vehicle registration, the City of Portsmouth should consider helping educate drivers about the Electric Vehicle (“EV”) federal income tax credit, especially to residents already driving compact fuel efficient automobiles to transition them to Plug in Hybrid EVs (“PHEV”).

Recommendation 63: The City of Portsmouth should consider engaging the public by having resources on the City vehicle registration page that offers links that help explain the different types of EVs and charging stations.

Recommendation 64: The City of Portsmouth should consider reaching out to neighborhood groups to help educate single family homeowners with off street parking about home charging options.

Recommendation 65: The City of Portsmouth should consider forming a focus group comprising current EV owners to better understand what it will take to increase EV ownership in different use scenarios.

Recommendation 66: The City of Portsmouth could consider reaching out to local automobile dealerships and inform their management of Portsmouth’s plan and encourage EV ownership.

Recommendation 67: The City of Portsmouth should consider ensuring that the EV charger installation permitting process is streamlined for electricians and communicated to homeowners and businesses.

Recommendation 68: The City of Portsmouth should consider incentivizing workplace EV charging stations consisting of Level 1, Level 2, and DC Fast Chargers or at least the installation of wiring circuits.

Recommendation 69: The City of Portsmouth should consider allowing businesses to sponsor public EV charging stations consisting of Level 1, Level 2, and DC Fast Chargers.

Recommendation 70: The City of Portsmouth should consider increasing the profile and wayfinding signage for existing and new EV charging stations.

Recommendation 71: The City of Portsmouth should consider installing the wiring of circuits for Level 1, Level 2, and DC Fast Chargers when maintenance is performed on public parking lots.

Recommendation 72: The City of Portsmouth should consider installing high visibility public EV charging stations consisting of Level 1, Level 2, and DC Fast Chargers with possible charging incentives for residents.

Recommendation 73: The City of Portsmouth should consider installing Solar PV arrays, other renewable energy sources, or battery storage at municipal EV charging stations to improve the profile of transportation electrification.

Recommendation 74: If the State of New Hampshire is certified as a beneficiary of the Volkswagen emissions settlement, the City of Portsmouth should consider requesting funding for EV charging stations.

CONCLUSION

Recommendation 75: The City of Portsmouth should consider updating the Policy Recommendations with new recommendations by a successor committee to the Renewable Energy Committee or at the direction of the City Manager.