

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, MARCH 19, 2018 TIME: 6:15PM

AGENDA

- 6:15PM – ROUND TABLE DISCUSSION RE: PFAS

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

PRESENTATION

1. Safe Harbor Recovery Center Program – Elizabeth Miller

- V. ACCEPTANCE OF MINUTES – MARCH 5, 2018

- VI. PUBLIC COMMENT SESSION

- VII. VOTES ON ORDINANCES AND/OR RESOLUTIONS

- A. THIRD AND FINAL READING OF ORDINANCE AMENDING CHAPTER 1, ARTICLE IX, SECTION 1.9 CONFLICT OF INTEREST/ELECTION CANDIDATE FINANCIAL DISCLOSURE – CHARTER AMENDMENT #1
- B. THIRD AND FINAL 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

(There are no items under this section of the agenda)

- IX. CONSENT AGENDA

(ANTICIPATED ACTION - MOVE TO ADOPT CONSENT AGENDA)

- A. Letter from Richard Mason, Veterans Count, requesting permission to hold the Pack & Boots 5k Road Race on Wednesday, July 4, 2018 at 8:30 a.m. ***(Anticipated action – move to refer to the City Manager with power)***
- B. Letter from Melissa Vetter, Vice President, Dondero PTA, requesting permission to hold a “fun-run” on Saturday, June 2, 2018 *(rain date Sunday, June 3, 2018)* ***(Anticipated action – move to refer to the City Manager with power)***

- C. Letter from Robert Sutherland, Jr., St. John's Lodge, requesting permission to hold the annual 5K on Saturday, April 14, 2018 at 8:00 a.m. (***Anticipated action – move to refer to the City Manager with power***)
- D. Request for License to Install Projecting Sign from Derrick Freeman, owner of Free State Bitcoin Shoppe for property located at 56 State Street (***Anticipated action – move to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request***)

Planning Director's Stipulations:

- ***The license shall be approved by the Legal Department as to content and form;***
 - ***Any removal or relocation of projecting sign, for any reason, shall be done at no cost to the City; and***
 - ***Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works***
- E. Request for License to Install Projecting Sign from Lindsay Rando, owner of Bobbles & Lace for property located at 111 Market Street (***Anticipated action – move to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request***)

Planning Director's Stipulations:

- ***The license shall be approved by the Legal Department as to content and form;***
 - ***Any removal or relocation of projecting sign, for any reason, shall be done at no cost to the City; and***
 - ***Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works***
- F. Police Department Grant – Children's Hospital at Dartmouth-Hitchcock - Safe and Active Grant (***Anticipated action – move to accept and approve the grant to the Portsmouth Police Department, as presented***)

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Email Correspondence (*Sample motion – move to accept and place on file*)
- B. Letter from Thomas J. Donovan, Director of Charitable Trusts, regarding Coakley Landfill Group

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

City Manager's Items Which Require Action:

- 1. Request for Public Hearing Re: Resolution Authorizing a Bond Issue of up to Seven Million Two Hundred Thousand Dollars (\$7,200,000) for Costs Related to Upgrades to the Pease Wastewater Treatment Facility
- 2. Report Back Re: City Purchase of Banfield Road/Ocean Road Ferrari Property
- 3. Easement Re: 142 Mill Pond Way

City Manager's Informational Items:

- 1. Events Listing
- 2. New Castle Water Line
- 3. Bicycle/Pedestrian Plan Progress Update
- 4. Public Works Department Construction Projects
- 5. Great Bay Coalition Update
- 6. FY19 Organic Weed Control and Turf Management Programs

B. MAYOR BLALOCK

- 1. Appointments to be Voted:
 - Appointment of Richard Blalock to the Recreation Board
 - Reappointment of MaryAnn Blanchard to the Conservation Commission
 - Reappointment of Samantha Collins to the Conservation Commission
 - Reappointment of Ruth Griffin to the Portsmouth Housing Authority

C. ASSISTANT MAYOR LAZENBY

- 1. New Draft of Response Letter to Hampton Re: Coakley

D. COUNCILOR ROBERTS

- 1. Parking and Traffic Safety Committee Action Sheet and Minutes of the March 1, 2018 meeting (*Sample motion – move to approve and accept the action sheet and minutes of the March 1, 2018 Parking and Traffic Safety Committee meeting*)

E. COUNCILOR DWYER

1. Draft McIntyre Framework – Consensus of the Council Prior to Stage 3 of Public Input

F. COUNCILOR DENTON

1. *Motion for City Staff to work with the Mayor’s Blue Ribbon Committee on Sustainable Practices to better display different sustainable, energy efficient, and renewable energy resources available to residents on the City of Portsmouth’s website

G. COUNCILOR PERKINS

1. Former City Council Rule #47 – Appointments to Boards and Commissions

XII. MISCELLANEOUS/UNFINISHED BUSINESS

XIII. ADJOURNMENT

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

**Indicates Verbal Report*

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, MARCH 5, 2018

PORTSMOUTH, NH
TIME: 6:15 PM

Public Dialogue Session Table A

There were two tables used for the Public Dialogue Session.

Assistant Mayor Lazenby, Councilors Pearson, Denton and Reynolds sat at this table.

The members of the public were asked to introduce themselves and begin discussing their concerns and/or questions related to their individual topics.

Mark Brighton spoke regarding commercialized development and if there is a benefit to the residents. Councilor Pearson said if we did not have development our taxes would be higher. Mark spoke regarding high taxes and feels he pays for commercial development. Councilor Pearson said 43% of the budget is covered by commercial development.

Assistant Mayor Lazenby said people outside of town come here and pay for goods and use commercial properties. Mark said the tax rate does not benefit the residents.

Sue Polidura spoke concern with security in schools. Councilor Denton said Police Chief Merner is holding a session regarding school safety on Tuesday, March 20th. He said we can only do what the State law allows. Ms. Polidura said there is not much you can do because of the federal laws. She said there are issues with mental illness and people getting access to guns. Assistant Mayor Lazenby said the School Department and Police Department are working together on steps to take on communications and what people should expect in our schools. Councilor Reynolds said that we are fortunate to be a smaller community. Ms. Polidura said there are terrorist cells in every State and will come into a community with fully automatic weapons that are used for mass casualties and said it could happen whether there is a law on the books or not.

Ann Miller, New Castle resident, said the rest of the neighborhood are at the New Castle Select Board meeting this evening and she is here to represent the Portsmouth rate payers of New Castle. She said there needs to be an update to the water line for New Castle. She indicated the water flows are a concern in the area and feels that issue could be moved along to repair the water line but Portsmouth chooses not to do it. She said the Wentworth line should be repaired and replaced. City Manager Bohenko spoke to the various investments made to the lines in New Castle and said the City has spent a great deal of funds. Deputy Public Works Director Goetz spoke regarding the updates that have been made by the City in the last 20 years. He indicated that the Wentworth line has been upgraded from an 8 inch to a 12 inch line. City Manager Bohenko said there has been very little investment by New Castle to make upgrades. Ms. Miller said that the line is not adequate and needs to be repaired. Deputy Public Works Director spoke to the increase in costs for hiring contractors. He said we are working towards the improvements. City Manager Bohenko said we have been working with the New Castle Select Board on this matter. Ms. Miller said you need to treat New Castle like rate payers. City Manager Bohenko said you are treated like every other rate payer. Deputy Public Works Director Goetz said we have done \$3-\$4 million dollars in work and 2 ½ miles of line.

Councilor Pearson said it is not New Castle versus Portsmouth.

Councilor Reynolds spoke to the CIP being a 6 year plan that includes some projects that we are not completing that might be in the plan.

Ms. Polidura spoke regarding the North Cemetery and asked about the status of the wall. Deputy City Attorney Woodland said it is still in the design phase of the Maplewood Avenue process and we are looking at the wall issue at the next stage of the project.

At 6:45 p.m., Mayor Blalock closed the Public Dialogue Session.

Public Dialogue Session – Table B

Councilors Roberts, Dwyer, Perkins and Becksted were seated at the table.

Councilor Roberts opened the floor for discussion:

Roy Hesel – stated that the School Department has 226 teachers and over 600 employees as of 2018 and wonders why so many. Secondly, he asked about security in the schools during off hour activities such as sports, stating the building is open and anyone can walk in with a backpack with explosives and leave it in the building and would like to see the doors be secured.

Councilor Becksted stated there is only one entrance open during these events, but agrees that there are people going in and out.

Mr. Hesel stated we need to secure the schools and should pay someone to be there at all times.

Councilor Roberts stated he was unaware of this issue but suggested talking to the Police Department.

Mr. Hesel stated that he doesn't want to see a tragedy occur.

Councilor Dwyer stated that the public will need to talk about the issue and determine the best way to secure the buildings such as metal detectors which are used in other cities. She stated there is a Resource Officer in the schools during the day.

Patricia Bagley – discussed the article on the Coakley Landfill issue stating she was dismayed.

Councilor Roberts stated that he spent some time reading the article and other information on the issue. He then reviewed the background as he understood it to be that in 1999 there was an order from the EPA allowing the city to not have an extension and would allow continued monitoring and isn't sure how much publicity that order received at the time. He stated it is misleading that the money had to be spent, but it may have to be paid back.

Ms. Bagley stated that we had money and it went into the till. She stated she was also dismayed about the City Manager's comment regarding the City Attorney in the article.

Councilor Dwyer stated we are the implementers of what the DES and EPA decide and at that time they decide it wasn't necessary.

Ms. Bagley asked what they thought would happen to the \$5 million.

Councilor Dwyer stated it has been in the Bank of America and agrees we do need to know more.

Peter Whelan stated that a forensic accountant should be hired separate from the city to see where the money went.

Councilor Roberts clarified that it was originally only \$2.5 million and the rest is accumulated interest.

Councilor Roberts stated that we can ask them if they are misrepresenting things and then follow up to see if what they are saying is true, and then go more in-depth if necessary.

Councilor Dwyer stated there should be categories for each year such as legal expenses, monitoring, etc.

Mr. Whelan stated that as taxpayers we have a right to know where the money went.

City Manager Bohenko stated that the money was not from the EPA but from the State Revolving Loan Fund back in 1991-92 which the State provided to the cities. He stated we borrowed \$4.9 million and then had to repay it after the work at the landfill was done at a reduced interest rate. He stated we have 2 fiscal years left to pay and then we will be done. He continued that there will only be monitoring costs at that point and anything else the DES and EPA require. He stated this was started 20 years ago, and now because of the recent publicity, it has cost us another \$500,000 in the last 2 years. He stated that when we got the SRF Loan all of the records were at the State and an application had to be filled out, etc. and we have paid this over the last 2 years.

Councilor Dwyer clarified that this is also in the budget document under debt service.

Paige Trace stated that the EPA also granted the city \$5 million to be used separate from the State Revolving Loan Fund which was Superfund money. She stated that the CLG said that a Trust wasn't needed at that time and \$2.5 million is what the City of Portsmouth is responsible for but the total was \$5 million.

City Attorney Sullivan stated that the contribution was made on behalf of the Air Force and Navy for them to be able to step away and be done.

Councilor Becksted asked if that was a part of the consent decree.

City Manager Bohenko stated when the consent decree came out the Dept. of Defense provided \$2.5 million so they could step away.

City Attorney Sullivan stated that now they have no responsibility in the current issues and at that time there may or may not be a WWTF built and if not, then the \$2.5 million would be returned to the Superfund money in the 2030's.

City Manager Bohenko stated we will be able to talk about using the money for other purposes such as mitigation.

Councilor Dwyer clarified that the money will be held until the certification is completed.

City Attorney Sullivan stated that it is in a Trust and the money needs to be spent on something but the WWTF wasn't required.

Councilor Dwyer asked what sets the outside date.

City Attorney Sullivan stated it keeps getting pushed back but with the emergent contaminants, the EPA won't certify until the 2030's.

Councilor Roberts stated that there are some notables who are advocating for pump and treat.

City Attorney Sullivan stated that the contaminants now are different than what the proposed WWTF in the 1990's would have handled.

Councilor Dwyer asked what the EPA is saying about contemporary treatment.

City Attorney Sullivan stated the EPA will not allow us to build it because of the federal reimbursement and if we build one before the remedy is completed and if it operates, then no there will be no reimbursement of federal money. He stated this is all explained on their website.

Harold Whitehouse stated that a lot of the contaminants came from the Naval Shipyard, so can't they be held responsible.

Mr. Whelan stated they bought their way out of it.

Councilor Becksted asked if it is just the federal government that we can't go back to, or any of the companies involved.

City Attorney Sullivan stated none of the federal government parties, but if the State Legislature orders building a WWTF, then only the City of Portsmouth will be responsible, but none of the other parties.

Ms. Trace stated that the State of New Hampshire is an administrative state, not regulatory, but there is legislation to make us a regulatory state.

City Attorney Sullivan stated he is not aware of that, but the Coakley Landfill is governed by a consent decree of 27 years ago and the Consent Decree states the State can't change it or it would be a violation.

Discussion ensued regarding the proposed legislation with Councilor Dwyer stating that anything requiring funding has basically been killed.

Discussion on this issue concluded with City Attorney Sullivan stating that the EPA has confirmed that they will attend the meeting on the Coakley Landfill when it is held in June.

Next, Mr. Whelan discussed resident parking stating he has volunteered to get the signatures that were said to be required at the recent neighborhood meeting.

Councilor Becksted stated that the Public Works Director indicated that a pilot program could not happen until October.

Mr. Whelan stated that they want it before summer and that the south end can't take another summer like last year.

Councilor Dwyer asked if it has gone to the Parking and Traffic Safety Committee yet.

Councilor Roberts who is also the Chair of the Parking and Traffic Safety Committee stated it has not because there needs to be a survey conducted first and then a petition from a certain percentage of residents who want to try the pilot program. He stated he doesn't know the status at this time, but suggested there could be interim "No event parking" signs.

Public Works Director Peter Rice stated the survey is in draft form and is being reviewed. He stated it should be finalized and sent out by the end of the week. He stated once that is completed, they will recommend a program but they want to wait until the new garage is online because we need an alternative for the displaced people.

Councilor Dwyer asked if we can do a trial program.

City Manager Bohenko stated that we want to do the survey first because we have tried this in the past, and found that people were against it.

Mr. Whelan stated that people are willing to pay for a sticker and stated that elderly people are afraid to move their cars because they won't find another space.

Ms. Bagley stated that the City is worried about displacing other people, but what about the neighbors.

Ms. Trace stated she sees what is going on at Gates Street and Hancock Street fills up before daylight and it's a daily frustration. She stated she understands that there is a methodical way to implement the program, but people are already at the end of their patience. She stated that the older people on Gates Street have only one handicap spot. She suggested a 3 week trial period.

Public Works Director Rice stated that the City Council is the policy maker and he will present a plan to the City Manager who will then bring it to the Council. He stated that a trial period is disruptive to staffing and equipment scheduling and budgeting. He would like to see this done methodically. He stated there are a lot of variables.

Mayor Blalock closed the Public Dialogue at 6:55 p.m.

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, MARCH 5, 2018

PORTSMOUTH, NH
TIME: 7:00 PM

I. CALL TO ORDER

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

II. ROLL CALL

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

ABSENT: None

III. INVOCATION

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

IV. PLEDGE OF ALLEGIANCE

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

Noam Baranovsky, Friends Forever, graduate of the Middle East Program spoke to her travels back to the United States. She said that the program headquarters is located in Durham, NH and expressed her support of the program. She said Portsmouth and Durham are a symbol of Peace to her.

PRESENTATION

1. 400th Anniversary Celebration – Susan Labrie

Ms. Labrie provided a Presentation on the City's 400th Anniversary Celebration that will be happening in 2023. She spoke to the various organizations that are involved with the celebration. She discussed the variety of the programs for the celebration. She said the first donation to the Anniversary Celebration is being accepted this evening from Harold Whitehouse. Mr. Whitehouse came forward and spoke regarding the City's 350th Anniversary and some of the activities that took place. Ms. Labrie thanked Mr. Whitehouse for the donation.

V. ACCEPTANCE OF MINUTES – FEBRUARY 20, 2018

Councilor Perkins moved to accept and approve the minutes of the February 20, 2018 City Council meeting. Seconded by Councilor Roberts. Councilor Perkins moved to amend page 8 of the minute's first paragraph under Additional Council Questions and Deliberations delete the word addition from the last sentence and replace with *instead of*. Also amend first sentence by the addition of the words *to trigger the reporting* at the end of the sentence. Seconded by Councilor Roberts. Main motion passed, as amended.

VI. PUBLIC DIALOGUE SESSIONS

Councilor Denton reported on Table A that had 4 topics of discussion: 1) Commercial Properties and Tax Rate, 2) School Safety, 3) New Castle Water Line, and 4) North Cemetery Wall.

Councilor Becksted reported on Table B which had 4 topics of discussion as well: 1) School Safety, Coakley Landfill Article in newspaper, 3) Resident Parking and moving it forward, and 4) Coakley Landfill meeting is estimated to take place in June.

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

- A. PUBLIC HEARING/ADOPTION OF RESOLUTION PURSUANT TO RSA 72:39-b THE CITY HEREBY AMENDS THE ELDERLY EXEMPTION FROM PROPERTY TAX, BASED ON ASSESSED VALUE FOR QUALIFIED TAXPAYERS, SUCH THAT THE EXEMPTIONS SHALL BE AVAILABLE ONLY WHEN THE QUALIFYING TAXPAYER(S) HAVE A NET INCOME OF NOT MORE THAN \$41,314.00 FOR A SINGLE TAXPAYER OF \$56,807.00 FOR A MARRIED TAXPAYERS, INCLUSIVE OF SOCIAL SECURITY PAYMENTS. THE ELDERLY EXEMPTION SHALL REMAIN UNCHANGED EXCEPT AS AMENDED HEREBY

- **PRESENTATION**

City Manager Bohenko informed the City Council that the exemption will increase by 2% which is equivalent to social security. He spoke to the comparison with other communities which was provided as a reference for the Council.

- **CITY COUNCIL QUESTIONS**

Councilor Dwyer said we are exempting about \$1,000,000.00 in taxes. City Manager Bohenko said each dollar represent \$5.4 million and the loss is less than ten cents on the tax rate.

- **PUBLIC HEARING SPEAKERS**

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

- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

Councilor Denton moved to adopt the Resolution for Elderly Exemption, as presented. Seconded by Assistant Mayor Lister.

Councilor Roberts said that this is a good expense.

Motion passed.

- B. PUBLIC HEARING/ADOPTION OF RESOLUTION PURSUANT TO RSA 72:37-b, CITY HEREBY AMENDS THE DISABLED EXEMPTION FROM PROPERTY TAX, BASED ON ASSESSED VALUE FOR QUALIFIED TAXPAYERS, SUCH THAT THE EXEMPTIONS SHALL BE AVAILABLE ONLY WHEN THE QUALIFYING TAXPAYER(S) HAVE A NET INCOME OF NOT MORE THAN \$41,314.00 FOR A SINGLE TAXPAYER OR \$56,807.00 FOR MARRIED TAXPAYERS, INCLUSIVE OF SOCIAL SECURITY. THE DISABLED EXEMPTION SHALL REMAIN UNCHANGED EXCEPT AS AMENDED HEREBY

- **PRESENTATION**

City Manager Bohenko said the disabled taxpayer's exemption is \$100,000.00 off the assessed value of property.

- **CITY COUNCIL QUESTIONS**

There were no questions by the City Council.

- **PUBLIC HEARING SPEAKERS**

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

- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

Councilor Reynolds moved to adopt the Resolution for the Disabled Exemptions, as presented. Seconded by Councilor Pearson and voted.

- C. PUBLIC HEARING/ADOPTION OF RESOLUTION AUTHORIZING THE COLLECTION OF AN ADDITIONAL MOTOR VEHICLE REGISTRATION FEE IN THE AMOUNT AUTHORIZED BY RSA 261:153 VI FOR THE PURPOSE OF SUPPORTING A MUNICIPAL AND TRANSPORTATION IMPROVEMENT FUND

- **PRESENTATION**

City Manager Bohenko said the State allowed 15 years ago for the additional \$5.00 fee for motor vehicle registrations. He said he would like to use the fees acquired from the additional \$5.00 to enhance senior transportation. He stated the services would be increased to go outside the City and shopping trips. He said we are thankful to the Wentworth for where we are today with senior transportation.

- **CITY COUNCIL QUESTIONS**

Councilor Dwyer asked if the services are available to any senior. Planning Director Walker said everyone benefits.

Councilor Denton said that this is a great idea and is pleased to see the electrical charging stations can have funds go towards that project.

Councilor Reynolds said he would like to see services expanded to all members of the public.

City Manager Bohenko said COAST has a very good transportation program and there is a service for door to door.

- **PUBLIC HEARING SPEAKERS**

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

- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

Assistant Mayor Lazenby said these fees will be paid by residents. He said he has concerns about putting this in place before increasing revenues in other manners that would not necessarily come from residents.

City Manager Bohenko said this was brought forward to augment revenues by Councilor Roberts. He said we have not brought this fee forward sooner because we wanted the support of the City Council.

Councilor Dwyer moved to adopt the proposed Resolution to add a \$5.00 Motor Vehicle Fee for the purpose of supporting a Municipal and Transportation Improvement Capital Reserve Fund. Seconded by Councilor Perkins.

Councilor Roberts said the fee is very reasonable.

Councilor Dwyer said we should support the fee because it is a user fee versus a tax.

Councilor Becksted said we are paying again as a resident. He said he would like to see alternate transportation.

Motion passed with Assistant Mayor Lazenby voting opposed.

VOTES ON ORDINANCES AND/OR RESOLUTIONS

- D. SECOND READING OF ORDINANCE AMENDING CHAPTER 1, ARTICLE IX, SECTION 1.9 CONFLICT OF INTEREST/ELECTION CANDIDATE FINANCIAL DISCLOSURE – CHARTER AMENDMENT #1

City Attorney Sullivan said you have a black lined document which is before you currently which is as second reading presently stands. He said the red lined versions are amendments submitted by Councilors Roberts, Dwyer, Denton, and Perkins.

Councilor Raynolds said rather than having three close versions we would benefit from having a matrix to do a side by side comparison.

Councilor Dwyer said we could do it by a process of elimination.

Councilor Denton moved to pass second reading of the ordinance. Seconded by Councilor Perkins.

Councilor Denton moved to amend ordinance in accordance with the proposal submitted by Councilor Denton. Seconded by Councilor Becksted and voted.

Councilor Perkins moved to amend Councilor Denton's proposal under Required Disclosures after the word expenditures to add *exceeding \$100.00*. Seconded by Councilor Denton.

Councilor Dwyer moved to amend the ordinance under Required Disclosures Other than City Council to add *Ballot Questions, Referendum Questions or Charter questions*. Further amend Required Disclosures City Council under Political Action Committee to add *Ballot Questions, Referendum Questions or Charter Questions*. Seconded by Councilor Raynolds and voted.

Councilor Perkins motion passed with Councilor Denton voting opposed.

Second reading passed, as amended.

Councilor Perkins moved to schedule third and final reading at the March 19, 2018 City Council meeting. Seconded by Councilor Pearson and voted.

- E. SECOND READING OF ORDINANCE AMENDING CHAPTER 1, ARTICLE IX, SECTION 1.901 – CONFLICT OF INTEREST/MUNICIPAL OFFICIALS DISCLOSURE – CHARTER AMENDMENT #2

Councilor Denton move to pass second reading, as presented. Seconded by Councilor Roberts and voted.

Councilor Denton moved to rescind the previous vote to pass second reading. Seconded by Councilor Roberts. On a unanimous roll call vote 9-0, motion passed.

Councilor Denton moved to pass second reading. Seconded by Councilor Roberts and voted.

Assistant Mayor Lazenby moved to amend ordinance in accordance with the proposals submitted by Councilor Dwyer. Seconded by Councilor Denton.

Councilor Roberts moved to amend ordinance in accordance with proposal submitted by him. Seconded by Councilor Denton and voted.

Motion passed amending ordinance with Councilor Dwyer's proposals as submitted.

Councilor Denton moved to pass second reading, as amended. Seconded by Assistant Mayor Lazenby and voted.

Assistant Mayor Lazenby moved to schedule third and final reading at the March 19, 2018 City Council meeting. Seconded by Councilor Denton and voted.

VIII. APPROVAL OF GRANT AND DONATIONS

(There are no items under this section of the agenda)

IX. CONSENT AGENDA

- A. Letter from Martin J. Wyman, Army National Guard, requesting permission to conduct the Best Warrior Competition on Sunday, April 15, 2018 ***(Anticipated action – move to refer to the City Manager with power)***
- B. Letter from Richard Wagner, AIDS Response Seacoast, requesting permission to hold the 22nd Annual Seacoast AIDS Walk and Dog Walk on Sunday, May 6, 2018 from 10:00 a.m. - 5:00 p.m. ***(Anticipated action – move to refer to the City Manager with power)***
- C. Letter from Bruce MacIntyre, Portsmouth Maritime Folk Festival, requesting permission to hold the 19th Annual Portsmouth Maritime Folk Festival on Saturday, September 29, 2018 and Sunday, September 30, 2018 ***(Anticipated action – move to refer to the City Manager with power)***

Councilor Reynolds requested to remove Item IX. D. – Request for License to Install Projecting Sign from Rebecca Earle, owner of Cotillion Bureau for property located at 65 Bow Street from the Consent Agenda.

Councilor Dwyer moved to adopt the Consent Agenda. Seconded by Assistant Mayor Lazenby and voted.

- D. Request for License to Install Projecting Sign from Rebecca Earle, owner of Cotillion Bureau for property located at 65 Bow Street ***(Anticipated action – move to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request)***

Planning Director's Stipulations:

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

Councilor Reynolds said the size of the square footage seems large. Planning Director Walker said it fits within the maximum allowed in the Zoning Ordinance.

Councilor Reynolds moved to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request. Seconded by Councilor Denton and voted.

Planning Director's Stipulations:

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

The Planning Stipulations are part of the motion, as voted.

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

A. Email Correspondence

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

B. Letter from James Splaine regarding Mandating an Independent Professional Audit and Financial Analysis of the Coakley Landfill Group records, dating back to its origination

Councilor Reynolds moved to accept and place the letter on file. Seconded by Councilor Becksted and voted.

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

1. Request for Approval of the One-Year Extension of the Current Collective Bargaining Agreement between the City of Portsmouth and the Portsmouth Management Association

City Manager Bohenko said this is a one year extension with a 2% increase.

Councilor Pearson moved to accept the proposed One-Year Agreement between the City of Portsmouth and the Professional Management Association, as presented. Seconded by Councilor Perkins and voted.

2. Request for Approval of the One-Year Extension of the Current Collective Bargaining Agreement between the Portsmouth School Board and the Custodial Supervisors Union

City Manager Bohenko said this is a one year extension seeking a 2% increase for Cost of Living Adjustment (COLA).

Assistant Mayor Lazenby moved to accept the proposed One-Year Agreement between the Portsmouth School Board and the Custodial Supervisors Union, as presented. Seconded by Councilor Perkins and voted.

3. Request for Approval of the One-Year Extension of the Current Collective Bargaining Agreement between the Portsmouth School Board and the School Association of Portsmouth School Administrators

City Manager said this is a one year agreement with a 2% increase.

Assistant Mayor Lazenby moved to accept the proposed One-Year Agreement between the City of Portsmouth and the Association of Portsmouth School Administrators, as presented.

4. Adoption of Proposed Capital Improvement Plan (CIP) FY2019-2024

City Manager Bohenko said the Cate Street Connector may be premature to do at this point. He said he would prefer to negotiate with the developer for the plan for the road extension. He stated more information will be coming as we move along and suggested no amendment take place. City Manager Bohenko said in May during the budget process an amendment can be made to the budget.

Councilor Denton moved to adopt the Capital Improvement Plan (CIP) FY2019-2024. Seconded by Councilor Perkins.

City Manager Bohenko said if anything is funded through the General Fund we wait until the budget adoption process. He said items in FY19 he would not amend tonight but at the budget adoption process.

Councilor Dwyer said she has only looked at FY19 for adjustments and not out years.

Councilor Becksted said looking at FY19 you are looking at what we are spending in the General Fund.

City Manager Bohenko said bonded items can be done here or at the budget process.

Assistant Mayor Lazenby said Cate Street Connector is a high priority item.

Councilor Perkins said she is focused on FY19 projects this evening as well. She said some projects are for information purposes to the City Council for the future. She stated the Islington Street changes she thought were approved at a past meeting and the amendment was not needed this evening. Councilor Perkins asked about the costs associated with moving the Parking Operations to the Foundry Garage. Public Works Director Rice said it would allow the people to pay their tickets in the downtown rather than going up to City Hall.

Councilor Dwyer said she was trying to get back to \$1.5 million for the CIP. She said we should use a lower total for the CIP and make capital investments.

City Manager Bohenko said we are in the process of building a budget and it is good to have a goal. He recommended the projects you want to use Fund Balance for we discuss them during the May Work Session on the budget.

Councilor Becksted asked if we could complete Phase II Islington Street project in FY2022 versus FY2024. Public Works Director Rice said from the General Fund side we could complete the project in 2022. Councilor Becksted asked about the Russell-Market Intersection Upgrades and the rail road improvements. Director Rice said the rail road is not included because that is a State project.

Councilor Becksted moved the Market Street Gateway Improvements and the Russell-Market Intersection Upgrades to have the work completed following Islington Street Improvements Phase II. Seconded by Councilor Denton. This will move up Islington Street Improvements by 2 years and move back the Market Street Gateway Improvements and the Russell-Market Intersection Upgrades by 2 years.

City Manager Bohenko stated this is a plan and no appropriation takes place until the budget process.

Councilor Roberts said you should divide the question by Councilor Becksted before a vote is taken. He said he has doubts about the Cate Street Connector and would like to see traffic data on the project. City Manager Bohenko said we would have the developer pay for some of the study we want done. He also stated that the Bartlett Street improvements will be a very expensive project.

Councilor Roberts moved to divide the question to take action of the Islington Street Improvements Phase II. Seconded by Councilor Denton and voted.

On a roll call vote 1-8, motion to move back the Market Street Gateway Improvements and the Russell-Market Intersection Upgrades by 2 years failed to pass. Councilor Becksted voted in favor. Assistant Mayor Lazenby, Councilors Roberts, Pearson, Dwyer, Denton, Perkins, Raynolds and Mayor Blalock voted opposed.

Assistant Mayor Lazenby moved Sagamore Avenue Sidewalk up by 1 year, the Recycling & Solid Waste Totes out by 1 year and Police New Facility-Land Acquisition out of the CIP as a TBD amount. Seconded by Councilor Perkins.

Public Works Director Rice spoke in support of keeping the funding for the Solid Waste Totes. He explained that the current totes are not working. City Manager Bohenko said that people are going out and purchasing different kinds of totes or bins which is creating problems. He said the idea was to sell the totes at cost to change over to the assigned issued totes.

Councilor Raynolds moved to amend the motion to remove the Recycling & Solid Waste Totes from the main motion and the funding to remain in FY19. Seconded by Councilor Denton and voted.

Assistant Mayor Lazenby motion passed, as amended.

Councilor Denton moved to add the Hodgson Brook project for identification purposes into the Capital Improvement Plan. Seconded by Councilor Perkins and voted.

Councilor Dwyer moved to remove Police Gym Equipment Replacement #48, Vaughan-Worth-Bridge Strategic Vision Development #69, Citywide Playground Improvements #67, Citywide Park Improvements #68, and Historic Cemetery Improvements #80 funding out of the FY19 CIP. Seconded by Councilor Perkins.

Councilor Perkins moved to leave the Vaughan-Worth-Bridge Strategic Vision Development #69 in the FY19 CIP. Seconded by Councilor Roberts and voted. Councilor Dwyer voted opposed.

Councilor Denton moved to keep the Police Gym Equipment Replacement in the FY19 CIP. Seconded by Assistant Mayor Lazenby. On a roll call 5-4 voted, to keep the Police Gym Equipment Replacement #48 in the FY19 CIP. Assistant Mayor Lazenby, Councilors Pearson, Denton, Becksted and Mayor Blalock voted in favor. Councilors Roberts, Dwyer, Perkins and Raynolds voted opposed. Voted to pass the main motion, as amended.

Councilor Dwyer remaining motion passed, as amended.

Main motion to adopt the CIP passed, as amended.

At 9:15 p.m., Mayor Blalock called for a brief recess. At 9:25 p.m., Mayor Blalock called the meeting back to order.

City Manager's Informational Items

4. *Report Back Re: Per- and polyfluoroalkyl Substances (PFAS)*

Deputy Public Works Director Goetz provided a brief PowerPoint Presentation regarding PFAS. He reported that 1 grain of sand in an Olympic-size swimming pool is what 1 Part-per-Trillion (ppt) equals. He addressed the Portsmouth and Pease regional water systems. He spoke to the Haven Well shutdown on May 12, 2014 and the sampling of water sources that took place following the closure of the well. He stated that all water sources sampled in May 2014 and in 2015 as part of the EPA's Unregulated Contaminant Monitoring Program showed the following:

- Surface Water – “non-detect”
- Madbury Wells – “non-detect”
- Portsmouth Well - “non-detect”
- Collins Well - “non-detect”
- Greenland Well - “non-detect”

He said when resampled using lower detection limits (same as Pease sampling), some sources show low levels of detections which reported limits 20 ppt – PFOA. He informed the Council that two-thirds of Portsmouth's water supply comes from the Madbury wells. Deputy Director Goetz reported that the Harrison/Smith Well has had activated carbon filtering since September 2016. He spoke to the website and water system updates that have been provided:

- Presentations to City Council and Other Groups
- Testing for Pease Group
- Haven Well Community Advisory Board – 14 public meetings in 2014
- Blood Testing – March 31, 2015 Public meeting where NHHS Announces protocol for Pease Blood Testing. Three public meetings announcing blood test results
- ATSDR Community Assistance Panel (CAP) – Formed in 2016 to address long-term health concerns
- Pease Restoration Advisory Board (RAB) – Reestablished in 2016 and meets every quarter

Deputy Director Goetz spoke to looking ahead the City's water operations staff will continue to address PFAS contamination issues by continuing to:

- Work with the Air Force and regulators to monitor PFAS compounds in the water sources in and around the Haven Well
- Design and construct drinking water treatment system to treat and remove PFAS compounds in the Pease Tradeport Drinking water system wells.
- Develop a long-term water quality monitoring plan (to include not only PFAS compounds but other water quality parameters) for the reactivation of the Haven Well
- Continue twice-a-year monitoring of all other Portsmouth water supply sources for PFAS compounds and respond appropriately should contaminant levels appear to be approaching HA levels
- Work with regulators and waterworks professionals to track and respond to the evolving water quality information, regulations and treatment technologies
- Provide public information on this and all other water quality parameters in our water systems

2. *Updates on Prescott Park*

Assistant City Manager Moore spoke to Prescott Park and the Master Plan and said we invite and encourage the history of the park. He said the Committee met for one year and held 19 meetings. He addressed the Licensing Agreements for the operation of the park for 2018 and stated Agreements will be brought forward soon. He spoke to the services provided in the park and the next step is to look at preliminary designs. He said the Committee concerned on finalizing its recommendations for the Events & Performances Schedule as recommended by the City Manager. Schedule parameters are recommended to include the following:

- Program Type and Mix
- Festival Season Start and End dates
- Program Times
- Weekly Schedule
- Intensity (audience size)

Councilor Becksted asked what we will be charging for Prescott Park. City Manager Bohenko said we are in the process of negotiating that right now. He said we will have a universal license system and would have the same structure. He stated the budget will be a Special Revenue Fund. He also stated whatever we need to make up for revenues will be coming from the General Fund. City Manager Bohenko said we will show revenues coming in and expenditures going out. He said there is not enough revenues from the Trust to operate the park and that there would be additional costs.

Councilor Denton said he would like to see the City making the park a carry in and carry out system or making the restaurant compost but do not make it a top priority today.

6. *Report Back Re: Veteran's Tax Credit*

City Manager Bohenko reported the following Veteran's Tax Credits. He stated to date, the following veteran's credits have been approved:

- \$500.00 – Standard & Optional Veterans' Tax Credit = 802
- \$500.00 – All Veterans' Tax Credit = 53
- \$2,000.00 – Surviving Spouse Veteran Died on Active Duty) = 1
- \$2,000.00 – Tax Credit for Service-Connected Total Disability = 48
- Exempt from Taxation – Certain Disabled Veterans = 0

He reported that April 15th is the filing deadline and the numbers may change.

B. MAYOR BLALOCK

1. Appointments to be Considered:

- Appointment of Richard Blalock to the Recreation Board
- Reappointment of MaryAnn Blanchard to the Conservation Commission
- Reappointment of Samantha Collins to the Conservation Commission
- Reappointment of Ruth Griffin to the Portsmouth Housing Authority

The City Council considered the appointments which will be acted upon at the March 19, 2018 City Council meeting.

2. Establish Round Table Conversation with Concerned Residents of PFAS

Mayor Blalock said there would be a Round Table Discussion prior to the next meeting at 6:15 p.m.

Councilor Dwyer said it feels like we have a great deal of information in the packet this evening on PFAS and feels it would be hard to have a meeting without people reviewing the information. She asked if it would be a question and answer session with people putting forward ideas. She said we need to make sure it is an effective meeting.

Mayor Blalock said it would be a presentation with a small group of people that have been following this matter. Councilor Dwyer said the questions have been answered in the presentation. Mayor Blalock said it would be an educational tool.

Assistant Mayor Lazenby said the concerned citizens have put in a great deal of time and it feels more like a work session but we came up with this idea. He said he doesn't know if we want to have time for the people to speak. Mayor Blalock said it is a follow up to questions and 45 minutes will be enough time.

Councilor Denton said he appreciates the idea of the meeting and he would need to do his homework beforehand.

Councilor Pearson said we do not need to start from zero. She said a high level overview can be fine.

Councilor Reynolds said the presentation by Deputy Public Works Director Goetz was very informative.

3. Working Group to organize a public meeting for the Coakley Landfill:

Mayor Blalock announced that the Working Group would be as follows:

- Assistant Mayor Lazenby
- Councilor Dwyer
- Councilor Perkins

He said the Charge of the Working Group would be:

To organize and establish a date and time for a comprehensive presentation on the Coakley Landfill. The group will be charged further with establishing an independent moderator and panel.

City Attorney Sullivan said on April 5th there will be an update by the EPA regarding the Coakley Landfill. Mayor Blalock said that Portsmouth is hosting the meeting only.

Councilor Dwyer said she feels that we should do more than host the meeting. She said she would like to play a role in clarifying information on the Coakley Landfill because we need to get a better grasp of what it is. She said we need to visualize and explain what has happened.

Mayor Blalock said we will be creating a webpage with Frequently Asked Questions (FAQ) on the Coakley Landfill for citizens to refer to.

Assistant Mayor Lazenby said the Working Group would help define the mission as well.

City Attorney Sullivan said he would work with the Working Group. He said he is expecting the meeting with everyone present to discuss Coakley Landfill will take place in June sometime. He also said the EPA would be part of the meeting.

Councilor Roberts said there have been a great deal of questions surrounding the finances. He said he would like to know how we would get a handle on those items and June is a long way away and feels it should take place sooner. Mayor Blalock said out of this meeting we could determine if an audit would need to be done. Councilor Dwyer said Councilor Roberts makes a good point of what an appropriate response may be, is it a press release.

City Manager Bohenko said we could frame the financial responses in differential. He said there is an importance to know that with Coakley Landfill we have two more years left on our debt service.

Councilor Dwyer said frame work is what the funds were spent on.

Councilor Pearson said we need to develop a FAQ's on the essential questions and place them on the website.

Councilor Roberts said we could ask for the last year or this year fiscal budget.

City Manager Bohenko said we could do the general cost centers and FAQ's. He said our exposure is debt service for two payments. He reported in the last two fiscal years we have spent \$500,000.00 due to the amount of testing being requested.

Assistant Mayor Lazenby asked if there is other information that would be made available on the website. City Manager Bohenko said there is a great deal of information.

Deputy City Manager Colbert Puff said she is working with the City Attorney and Peter Britz on developing a website focusing on the City of Portsmouth. She said if you went to the NHDES one-stop site and typed in Coakley Landfill you will find hundreds of pages of information. She said that we will have a link from the City website to the DES site.

Assistant Mayor Lazenby said he would like to see a press release on when the website will be up and running and when the informational meeting will be held.

Councilor Roberts said it is important to curate the information from the web site.

4. Response to Hampton Select Board Re: Coakley Landfill

Mayor Blalock said there is a response to the Town of Hampton in your packets. Councilor Dwyer said this should be done in conjunction with our partnering towns, Rye, Greenland, and North Hampton. City Manager Bohenko said this was in response to their letter and we are setting up a regional forum. He said would it be better if the Coakley Landfill Group responds to the letter. City Attorney Sullivan said the Coakley Landfill Group would be happy to prepare a letter.

Councilor Reynolds moved to adjourn. No second was received.

Councilor Perkins moved to suspend the rules to continue the meeting beyond 10:30 p.m. Seconded by Councilor Dwyer and voted. Councilor Reynolds abstained from voting.

C. COUNCILOR ROBERTS

1. Gun Safety

Councilor Roberts said he was very concerned with the incident at Atlantic Heights recently. He said we can do background checks and do more with people with mental illness. He said the Police Department's response was appropriate.

Mayor Blalock said he agrees with the concerns but it is frightening. He said we have a great Police Department who is on top of these issues.

Councilor Denton suggested writing letters to Walmart and Dicks Sporting Goods for no longer selling assault rifles. He also suggested sending a letter to Sig Sauer asking them to stop making that kind of weapon.

Councilor Dwyer said we could look to some standing legislative principles on background issues.

Assistant Mayor Lazenby said he supports that and would like a report back from our leaders of our schools on this matter.

Mayor Blalock said we could have the Police Commission and School Department report on this matter.

Councilor Roberts said we could urge the Governor for research on gun safety.

Councilor Reynolds left the meeting at 10:45 p.m.

D. COUNCILOR DWYER

1. McIntyre Update

Councilor Dwyer provided an update on the McIntyre. She announced the next meetings regarding the McIntyre will be held on Tuesday, March 6th at 6:30 p.m. and Saturday, March 10th from 9:00 a.m. to Noon.

E. COUNCILOR DENTON

1. Renewable Energy Policy for Adoption

Councilor Denton moved to adopt the Renewable Energy Policy, as presented. Seconded by Councilor Perkins.

Councilor Denton explained the three levels of the policy. He addressed the energy issues in the City. He said we strive to include all the Boards and Commissions to move Portsmouth towards becoming a net zero community. He stated the three levels are very difficult to get to and would be having all vehicles traveling through Portsmouth being net zero.

Motion passed.

F. COUNCILOR PERKINS

1. Former City Council Rule #47 – Appointments to Boards and Commissions

Councilor Perkins said this is the rule change that has been going around. She would like the City Council to adopt the amendment to the rules.

Councilor Perkins moved in accordance with City Council Rule 39 the proposed re-adoption and amendment of former Council Rule 47 be placed on the agenda for consideration at the Council meeting on March 19, 2018. Seconded by Councilor Denton.

Mayor Blalock passed the gavel to Assistant Mayor Lazenby.

Mayor Blalock said he feels the rule ties the hand of the Mayor. He also indicated that the wording does not prevent the Mayor from appointment of an existing member.

Assistant Mayor Lazenby returned the gavel to Mayor Blalock.

Councilor Roberts said two members from the Economic Development Commission and Historic District Commission would need to step down after the appointment is made.

City Attorney Sullivan said to adopt the rule this evening would require a suspension of the rules.

Councilor Becksted said he would not support the passage of the rule.

Motion passed with Councilor Becksted voting opposed.

XII. MISCELLANEOUS/UNFINISHED BUSINESS

Councilor Dwyer said she would like to know where the water line extensions meet for New Castle.

XIII. ADJOURNMENT

At 11:00 p.m., Councilor Perkins moved to adjourn. Seconded by Councilor Roberts and voted.

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

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

1 ORDINANCE #
2 THE CITY OF PORTSMOUTH ORDAINS

Ordinance as it currently stands before
the City Council at Third Reading

3
4 That Chapter 1, Article IX, Section 1.9 - CONFLICT OF INTEREST of the
5 ADMINISTRATIVE CODE of the Ordinances of the City of Portsmouth be amended to
6 read as follows:

7
8 ARTICLE IX CONFLICT OF INTEREST/ MANDATORY FINANCIAL DISCLOSURE

9
10
11 Section 1.902: ELECTION CANDIDATE FINANCIAL DISCLOSURE

12
13 A. Required Disclosures: Each candidate for City Council, School Board, Police or
14 Fire Commissions, and every Political Action Committee shall report
15 contributions and expenditures prior to Election Day, including the candidate's
16 total monetary expenditures of a cumulative total of \$100.00 or more for that
17 election and the total monetary expenditures for each candidate, slate of
18 candidates, or Charter Amendments by the Political Action Committee. The
19 report of monetary contributions to the candidate or to a Political Action
20 Committee shall identify each contributor by name, address, amount and date of
21 contribution.

22
23 1) Political Action Committee: The term "Political Action Committee"
24 (PAC) is any political committee raising and spending money to
25 elect or defeat candidates for City Council, School Board, Police
26 and Fire Commissions or pass or defeat Charter Amendments,
27 Ballot Questions or Referenda.

28
29 B. The report must be filed, or updated as appropriate, with the Office of the City
30 Clerk seven (7) days prior to any election at which that person is a candidate for
31 any of the foregoing offices. Any contributions which would otherwise require
32 reporting under this ordinance received within the seven days prior to the election
33 must be submitted in a final report to the Office of the City Clerk no later than two
34 weeks following the election.

35
36 C. Violations: For violation and enforcement purposes, complaints alleging violation
37 of the mandatory disclosure ordinance shall be administered in accordance with
38 the process and penalties available under the Municipal Code of Ethics,
39 Reference Chapter 1, Article VIII.

40
41 D. The City Clerk shall prepare forms which shall be utilized by all persons and
42 Political Action Committees subject to these disclosures.

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44 E. Public Records: All election candidate financial disclosures shall be public
45 records.

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

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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

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ORDINANCE #
THE CITY OF PORTSMOUTH ORDAINS

Ordinance as it currently stands before
the City Council at Third Reading

That Chapter 1, Article IX, Section 1.901: - CONFLICT OF INTEREST of the ADMINISTRATIVE CODE of the Ordinances of the City of Portsmouth be amended to read as follows:

ARTICLE IX CONFLICT OF INTEREST/ MANDATORY FINANCIAL DISCLOSURE

Section 1.901: MUNICIPAL OFFICIALS DISCLOSURES

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

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

Municipal Official: For the purpose of mandatory financial disclosure, the term "Municipal Official" in this provision shall include members of the City Council, School Board, Police Commission, Fire Commission, Planning Board, Zoning Board of Adjustment and Historic District Commission.

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

Capital Assets: The term 'capital assets' shall be defined to include interests and investments in Portsmouth-based businesses, businesses owned by Portsmouth residents and businesses which transact business with the City of Portsmouth. The term "capital assets" shall also be defined to include all real estate holdings and interests in real estate located in the City of Portsmouth.

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

- 1) Listing an individual's primary source of annual income and capital assets. However, in no instance shall disclosure be mandated of any capital asset whose value at the time of disclosure is below Ten Thousand (\$10,000) dollars nor shall the value of any source of income or the value of any capital asset be required for disclosure.

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

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

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

61 E. Public Records: Financial Disclosure Statements shall be public records.
62 (Amended 6/4/2007)
63

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

68 G. Penalties: Any violation of this article shall be subject to the penalties prescribed
69 for violation of the City Code of Ethics, Sec. 1.801 et seq.
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71 The City Clerk shall properly alphabetize and/or re-number the ordinance as
72 necessary in accordance with this amendment.
73

74 All ordinances or parts of ordinances inconsistent herewith are hereby deleted.
75

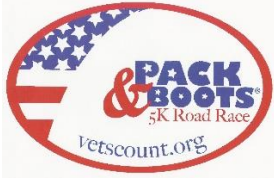
76 This ordinance shall take effect upon its passage.
77

78 APPROVED:

79 _____
80 Jack Blalock, Mayor
81

82 ADOPTED BY COUNCIL:

83 _____
84 Kelli L. Barnaby, City Clerk
85



Richard A. Mason, Logistic Chair
2018 Veterans Count 5K Road Race
3 Suzanne Drive, Portsmouth, New Hampshire 03801
Rmason55@comcast.net cell: 603-396-8604

March 1, 2018

Mr. John Bohenko, City Manager
City of Portsmouth
1 Junkins Avenue
Portsmouth, New Hampshire 03801

Dear Mr. Bohenko:

Veterans Count is seeking the appropriate approvals for our Pack & Boots 5K Road Race sponsored by the Seacoast Veterans Count, an affiliate of Easter Seals-NH. We offer the following information, just as we have for the past two years...hard to believe this is our 4th annual road race!

DATE/TIME: July 4, 2018 with an 8:30 am start with the 1-mile Pack & Boots race restricted to the immediate area of Strawberry Banke followed at 9:00 am with the 5K road race (times may be earlier).

LOCATION: The 5k portion's location will be the same as the Seacoast Rotary's Turkey Trot (Thanksgiving Day) which begins at Pierce Island, Marcy Street, South Street, Lafayette Road, Middle Street, Court Street and ending on Marcy Street near the Mombo Restaurant parking lot. The Seacoast Rotary has volunteered to assist us with the logistics as they have utilized this race route and venue for six previous years.

ATTENDEES: We are hoping for about 400 runners in the 5K and possibly 50 in the Pack & Boots race.

TIMEFRAME: We anticipate being cleaned and off premises at 11:00 am.

FOOD: As in the past we will have donated off-site prepared food, we will seek the appropriate permits and information.

SANITATION: We will have the appropriate number of porta-potties on site, working with the Portsmouth Health Officials.

POLICE: We will work with the Portsmouth Police Department to have details as required as we have previously.

PHOTOGRAPHY: We are looking into a photographer that has capability of photographing from a drone. Are there rule pertaining to this use of a drone?

Once again much of the information listed is a repeat of both previous years so we will be working again with the City to make this as seamless as possible.

I am available at the above contact information for further questions or if you wish me to attend a logistics meeting with the City Officials.

Thanks!

Richard Mason

CC: Greg Whalen
David Hampson

Dondero PTA
32 Van Buren Ave
Portsmouth NH 03801
603-436-2231

March 6, 2018

City of Portsmouth NH
Jack Blalock, Mayor
1 Junkins Ave
Portsmouth, NH 03801

The Honorable Mayor and City Council Members:

The Dondero PTA would like to request approval to host a "fun-run" fundraiser on June 2, 2018. Throughout the school year we have been raising funds in an effort to contribute toward a much needed new playground on school property, and feel that a race will be beneficial to our fundraising efforts. We have been researching ways to fundraise on a larger scale, and were introduced to the "my school Color Run". A race on this scale will promote both health and community awareness for the need of a new playground (which many of the community members use during non-school hours). Hosting the run using the tools given to us by the "my school Color Run" organization allows us to have a head start on a master plan for the run, including ways to raise funds (other than entry fees), ways to advertise, and overall assistance with planning the beginning to end of the event.

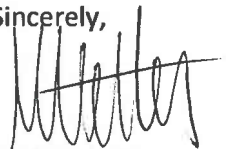
Enclosed is a map of the anticipated route of the walk/run as well as some basic information provided by the "my school Color Run" organization.

Details of the event:

- Race Day Saturday June 2, 2018, Rain Date Sunday June 3, 2018
- Start time 9:30 a.m. (on either day)
- The run will start and finish on the field located at the Dondero Elementary School (32 Van Buren Ave), a map of the anticipated route is enclosed
- We anticipate the run to be no longer than one hour start to finish

Thank you for your consideration and assistance. We look forward to working on this fundraiser!

Sincerely,



Melissa Vetter
Vice President, Dondero PTA

the
one and
only!
100% ORIGINAL

my
school
color
run.

fund raising®

MySchoolColorRun.com

the #1 fund run

my
school
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FUNDRAISING TODAY



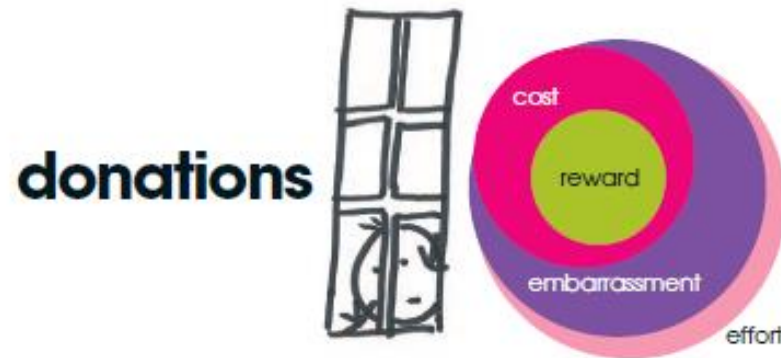
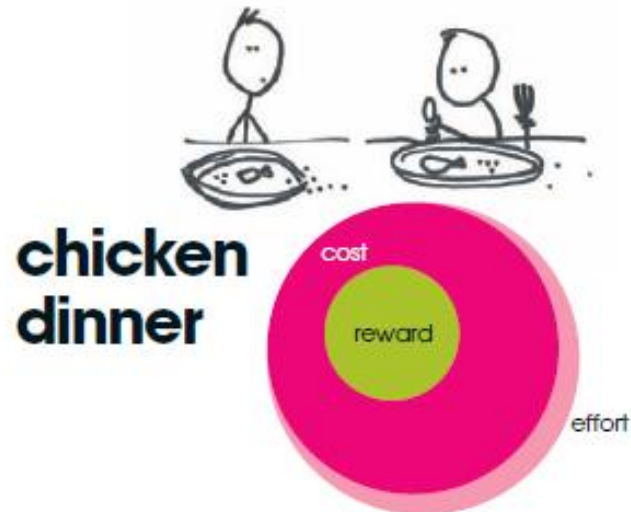
When evaluating your fundraiser event, you need to consider these 3 key variables...

Effort How much time and energy the initiative will require. All events require time and commitment, but if the effort far outweighs the gains, is it really worth it?

Cost Up-front costs can be a big challenge for schools and organizations, and also adds a lot of risk. What if you don't make goal? What if the costs outweigh the gains? It is important to choose a program that requires minimal to no money up front, and delivers a large return on your investment.

Reward This is what it is really all about! Your fundraiser must be rewarding financially. Additionally, you will find it rewarding to create an event that boosts school spirit and engages community involvement in a fun and positive way.

cost:effort:reward meter





fund raising[®]

with my school color run

What is My School Color Run?

We're the #1 FUNdraising© program in schools today!

We work well for
ALL ages and
organizations.

We provide all of the
product for your
event and ship it
directly to you!

YOU keep 100% of
all donations,
sponsorships, and
sales tied to the
event!

EVERYONE IS
ENCOURAGED TO
PARTICIPATE

FUN & HEALTHY
fundraising event
that boosts school
spirit!

Our Twice the Funds
system gives you
TWO ways to raise
significant funds.





My School Color Run **PLUS** MSCR Donor Mailer & Pledge Sheets = **Twice the Funds**

REGISTRATION

$\$35 \times 200 = \$7,000$
(\\$35 avg. fee x 200 participants)

PLUS+

$\$10 \times 750 = \$7,500$
(\$10 average pledge x 50% of 300 students x 5 addresses)

Twice the Funds
\$14,500

COST $\$12 \times 200 = \$2,400$
(\$12/participant x 200 participants)

PROFIT

$\$14,500$
 $- \$2,400$

 $\$12,100^*$

(*NOT including the additional boosters, corporate sponsors, and sales tied to the event. ALL additional funds raised are 100% yours to keep!)

WHAT YOU GET

The official program guide and fundraising sales system

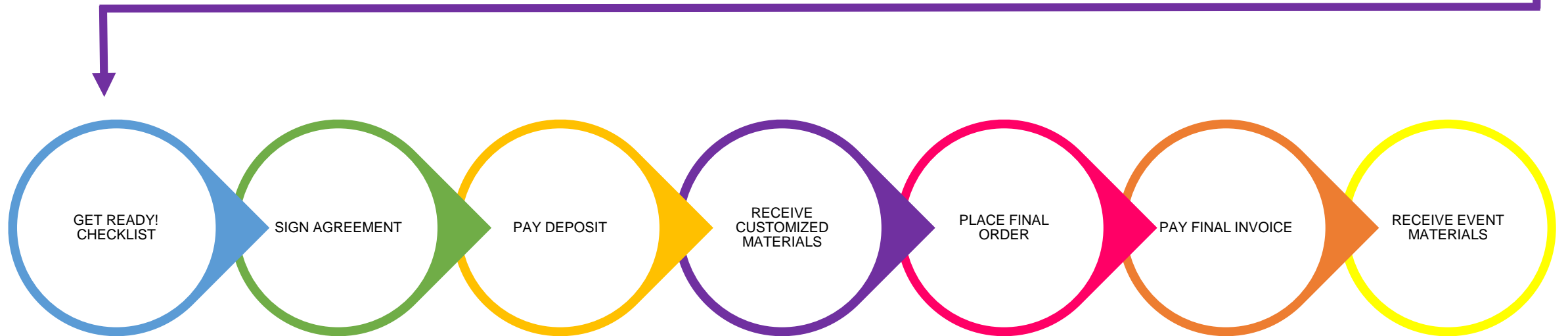
- + MSCR fundraising system
 - + marketing plan to promote your event
 - + direct customer support access (phone and email)
 - + comprehensive planning calendar
 - + permission slips
 - + program announcements
 - + newspaper press release template
 - + address collection
 - + pledge sheets
 - + business solicitation forms
 - + customizable electronic files
 - + custom online registration
 - + certificate of completion template
 - + promotional fliers for your school and town
 - + event day materials checklist and recommendations
 - + sample schematics illustrating various sample courses
 - + color packets
 - + color race bib
 - + and much more!
- + Included!** You will receive t-shirts for all participants.





READY TO HOST YOUR OWN EVENT?....

Contact us to receive your **Get Started! Checklist**. On this checklist you'll need to confirm your event date, event location, and have the necessary permissions from your school/organization. Once that information is collected you will receive a copy of our agreement form & deposit invoice. It's that easy!



News!

Eventbrite™

Event Management Made Easy

- ✓ MSCR will create and help you manage your EventBrite page. This online registration site allows your donors to pay with a credit card. It also integrates with Facebook, Twitter, and other social networking tools to help you promote your event!
- ✓ ALL funds brought in through EventBrite are sent directly to you via check or direct deposit and any fees associated with the site are covered by your participants!

FULLY
CUSTOMIZED
FOR YOU
BY US!

my school color run.

my
school
color
run.
fund raising

Prairie Elementary School's My School Color Run
Amanda Blanco
Saturday, September 19, 2015 from 8:00 AM to 11:30 AM (CDT)
Lafayette, LA


Registration Information

REGISTRATION TYPE	SALES END	PRICE	FEE	QUANTITY
DIRECT DONATION <small>If you're unable to make it to the event but still want to show your support you can make a direct donation. We appreciate your help in making this fundraiser a success.</small>	Sep 19, 2015		Enter donation (\$)	<input type="text"/>
EARLY REGISTRATION <small>Includes a race bib, color packet, and t-shirt</small>	Aug 15, 2015	\$20.00	\$2.09	0 ▼
REGULAR REGISTRATION <small>Includes a race bib, color packet, and t-shirt</small>	Not Started	\$25.00	\$2.37	N/A
LATE REGISTRATION <small>no promotional items are guaranteed</small>	Not Started	\$35.00	\$2.92	N/A

 [Register](#)

[Save This Event](#)

When & Where



Prairie Elementary School
2910 Ambassador Caffery Parkway
Lafayette, LA 70508

Saturday, September 19, 2015 from 8:00 AM to 11:30 AM (CDT)

[Add to my calendar](#)

Share Prairie Elementary School's My School Color Run

[Email](#) [Share](#) [Tweet](#) [Like](#) Be the first of your friends to like this.

Event Details



my school colorrun

Request your
GET READY!
Checklist
today!

CONTACT info@MySchoolColorRun.com | 772.207.1005



Click here!

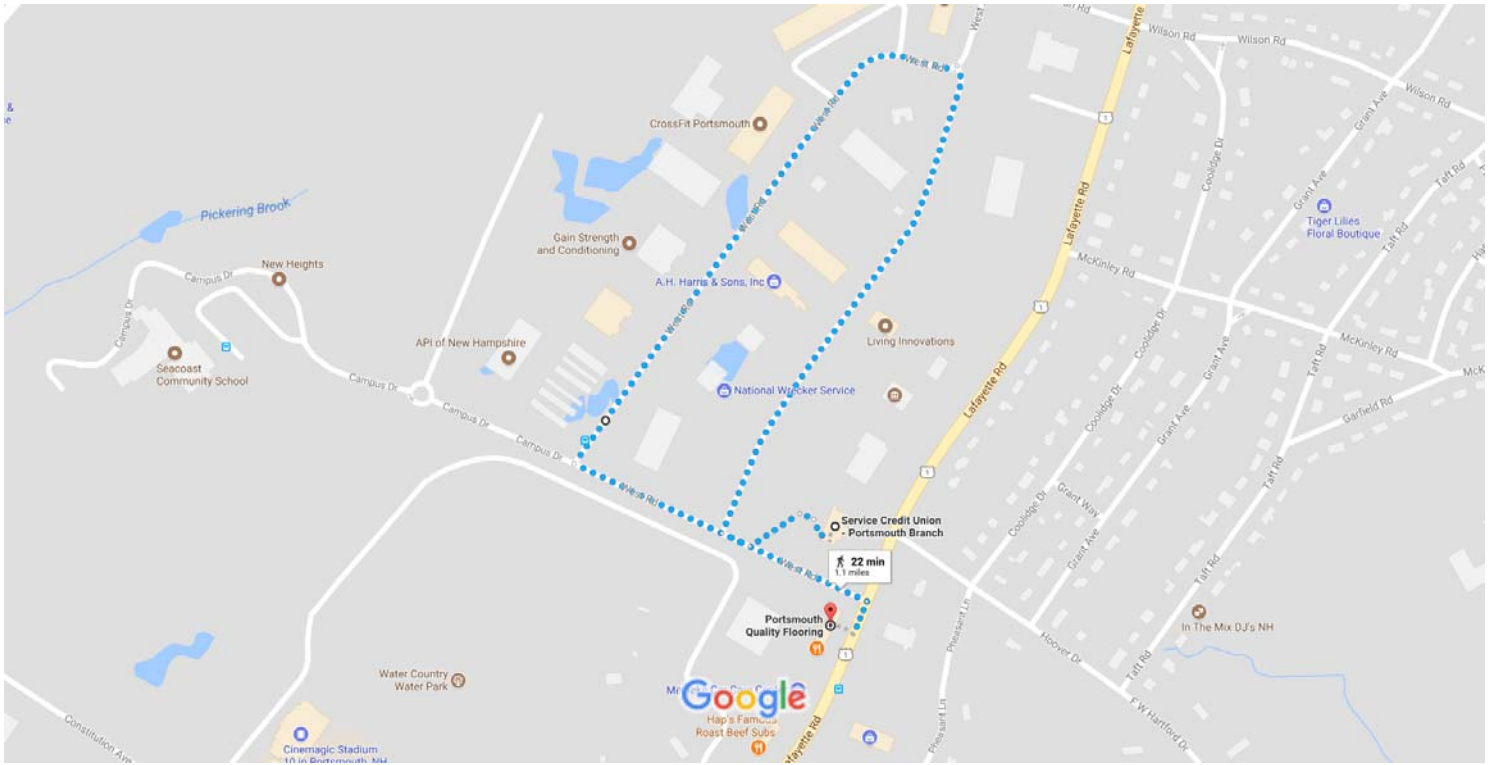


Follow, Like & Share [#myschoolcolorrun](https://www.instagram.com/myschoolcolorrun)



Service Credit Union - Portsmouth Branch to Portsmouth Quality Flooring

Walk 1.1 miles, 22 min



Map data ©2017 Google United States 200 ft





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

February 27, 2018
To: The City Manager
1 Junkins Ave.
Portsmouth, NH 03801

Dear Mr. Bohenko

The Worshipful Master of St. John's Lodge No. 1 Wor. Bro Rob Johnson request that we be allowed to hold our annual 5K again this year on April 14 at 8 AM using the same route as last year. We will have the usual insurance that is required and look forward to your response.

The funds from this year's race will be going to the Seacoast Food Pantry and other local charities .

Sincerely,

Robert L. Sutherland Jr.

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

M E M O R A N D U M

TO: John Bohenko, City Manager

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

DATE: March 8, 2018

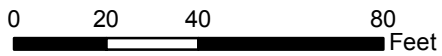
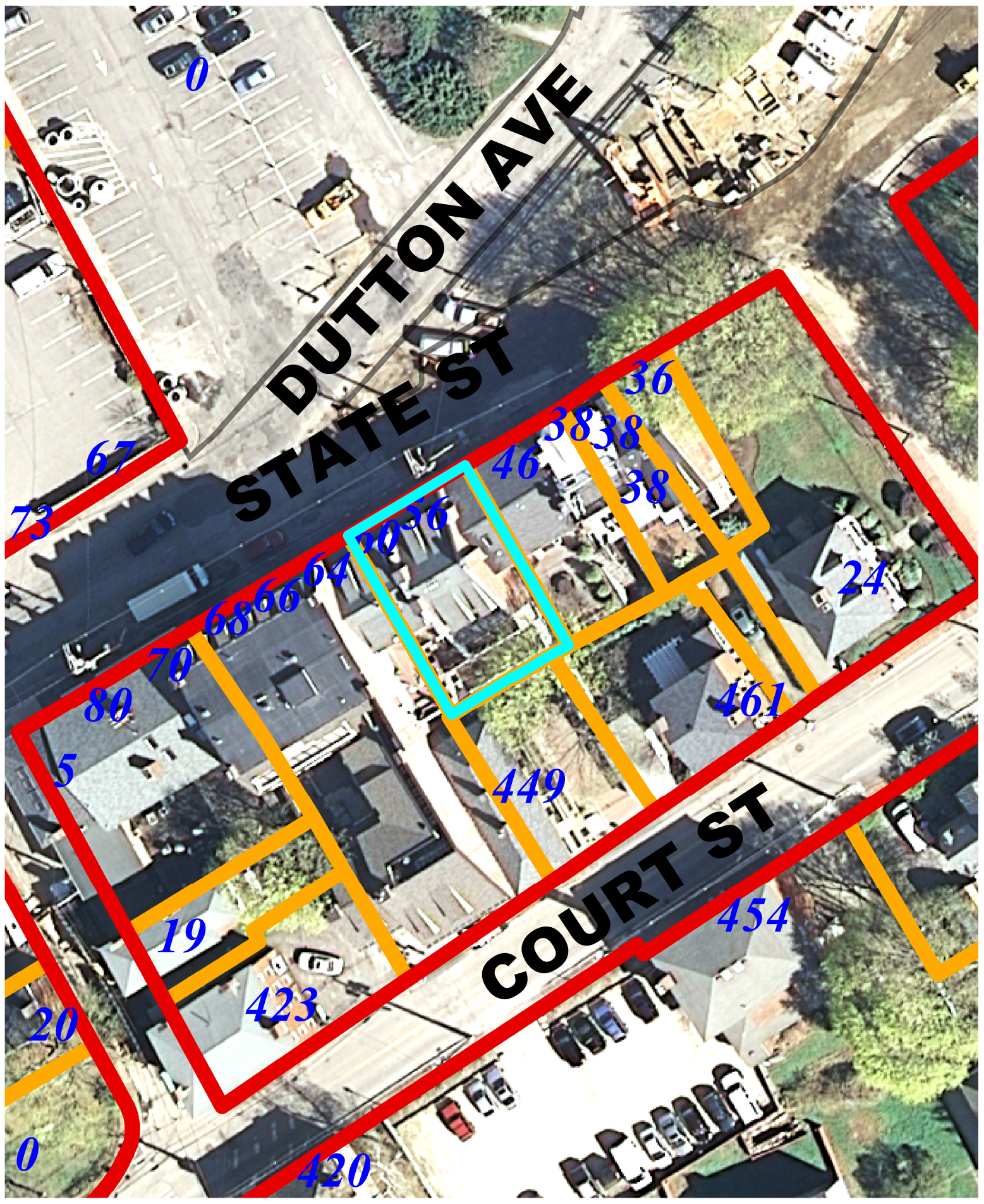
RE: City Council Referral – Projecting Sign
Address: 56 State Street
Business Name: Free State Bitcoin Shoppe
Business Owner: Derrick Freeman

Permission is being sought to install a projecting sign that extends over the public right of way, as follows:

Sign dimensions: 30" x 30"
Sign area: 6.25 sq. ft.

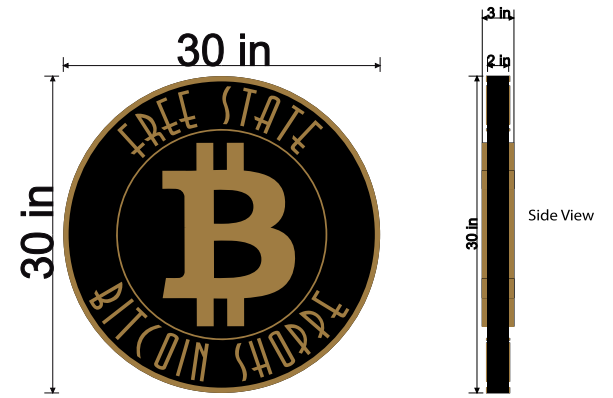
The proposed sign complies with zoning requirements. If a license is granted by the City Council, no other municipal approvals are needed. Therefore, I recommend approval of a revocable municipal license, subject to the following conditions:

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



Map produced by Planning Department 3-8-18

**Request for license
56 State Street**



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.

3/7/18

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: _____

Member of:

GREATER
DOVER
CHAMBER OF COMMERCE
& VISITOR CENTER

GREATER
PORTSMOUTH
CHAMBER OF COMMERCE

the **Greater**
York Region
Chamber of Commerce

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Shop Use Only	Qty:	Materials:	Background Color:	Vinyl Color:	Other:
	SS <input type="checkbox"/> DS <input type="checkbox"/>			HP <input type="checkbox"/> Int <input type="checkbox"/>	



M E M O R A N D U M

TO: John Bohenko, City Manager

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

DATE: March 12, 2018

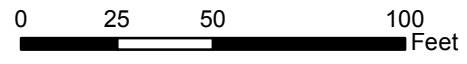
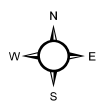
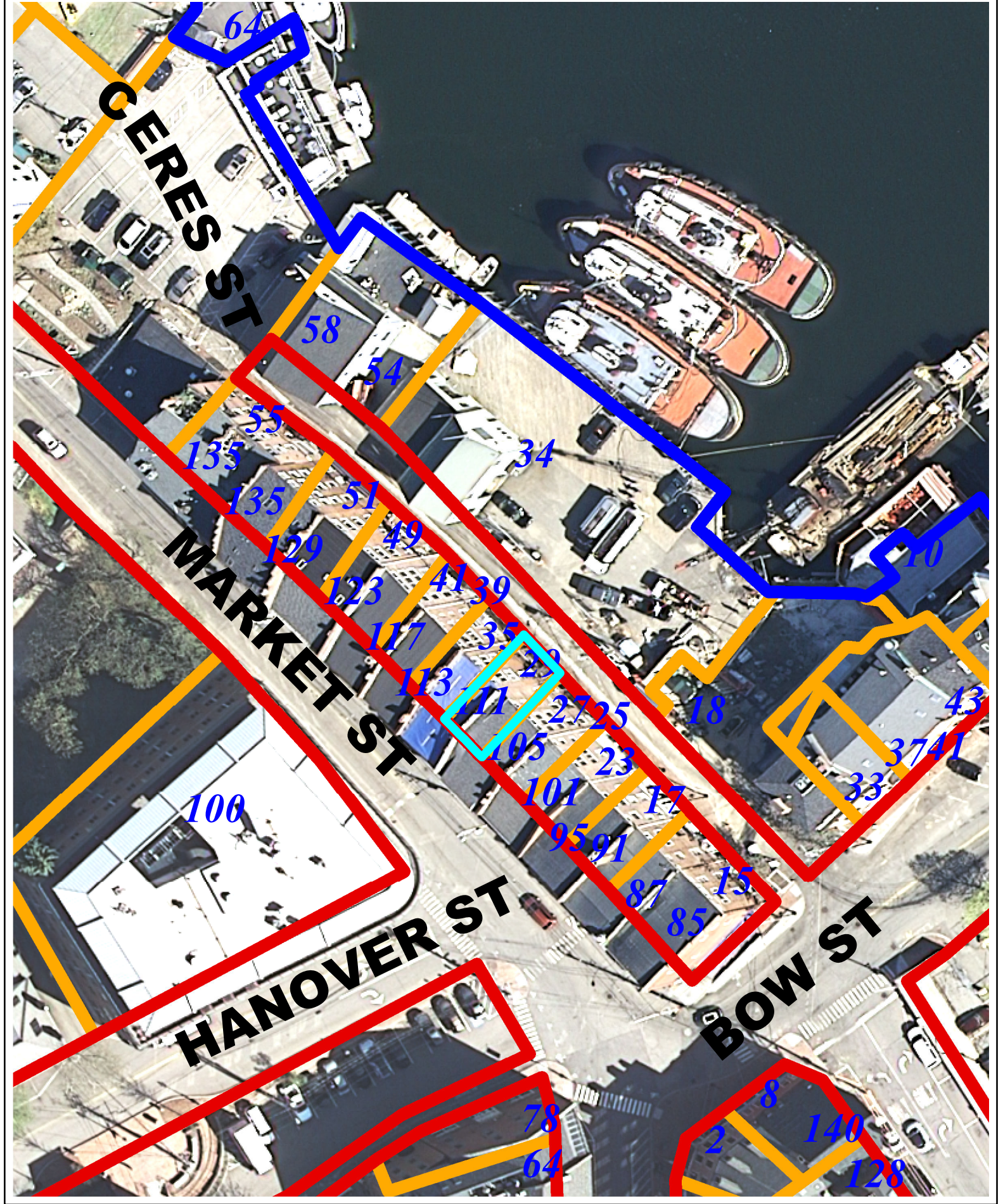
RE: City Council Referral – Projecting Sign
Address: 111 Market Street
Business Name: Bobbles & Lace
Business Owner: Lindsay Rando

Permission is being sought to install a projecting sign that extends over the public right of way, as follows:

Sign dimensions: 28" x 28"
Sign area: 5.4 sq. ft.

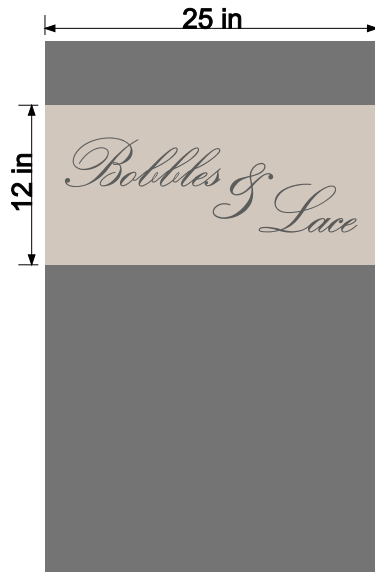
The proposed sign complies with zoning requirements. If a license is granted by the City Council, no other municipal approvals are needed. Therefore, I recommend approval of a revocable municipal license, subject to the following conditions:

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

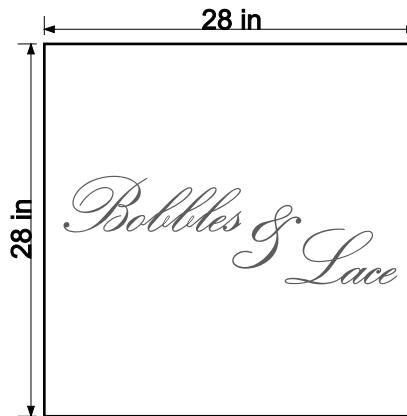


Map produced by Planning Department 3-12-18

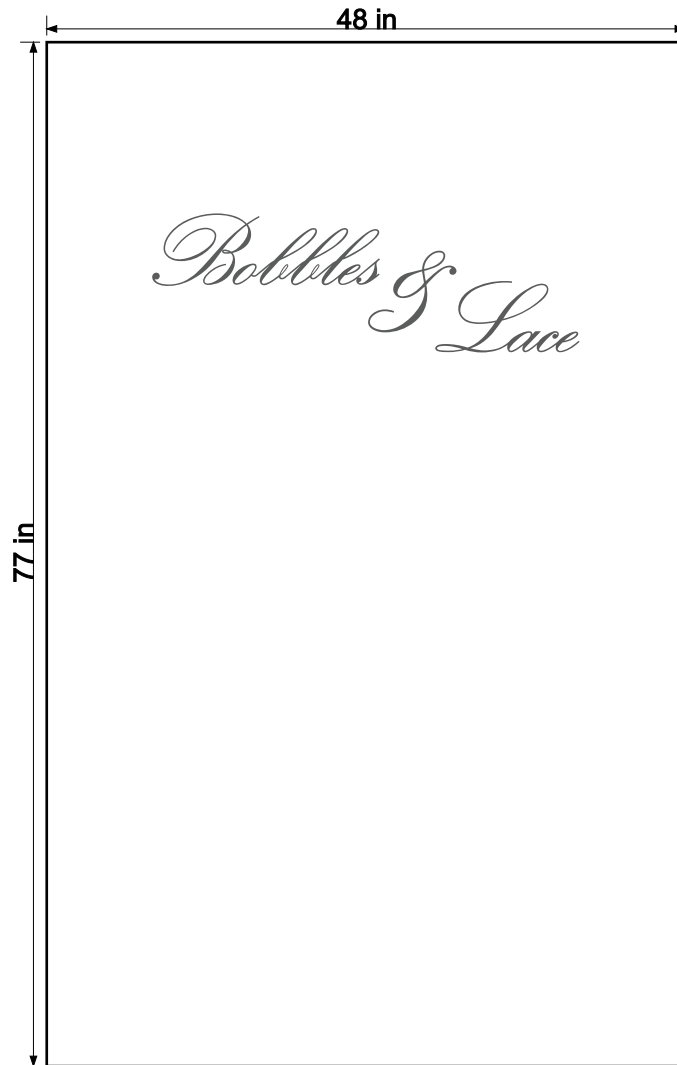
**Request for license
111 Market Street**




Frosted door decal
Reversed Text
Mirrored decal for interior application



Double-sided Projecting Sign
Modified bracket, side straps
3/4" PVC Sign with print




Wall Mounted interior sign
1/4" PVC with color print
Mounting blocks to stand off of wall 4 1/2"

 PortsmouthSign.com 603-436-0047	<p>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.</p> <p>PLEASE NOTE: Designs are NOT actual size and color may vary depending on printer and/or monitor.</p>	<p>03/02/18</p> <p>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.</p> <p>SIGNATURE: _____ Date: _____</p>	<p>RETURN SIGNED TO: service@portsmouthsign.com</p>
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Shop Use Only
 Qty: SS DS
 Materials: _____
 Background Color: _____
 Vinyl Color: HP Int
 Other: _____


Member of:




GREATER
PORTSMOUTH
CHAMBER OF COMMERCE



the Greater
York Region
Chamber of Commerce







 <p>PortsmouthSign.com 603-436-0047</p>	<p>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.</p> <p>PLEASE NOTE: Designs are NOT actual size and color may vary depending on printer and/or monitor.</p>	<p>03/02/18</p> <p>RETURN SIGNED TO: service@portsmouthsign.com</p> <p>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.</p> <p>SIGNATURE: _____ Date: _____</p>
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<p>Shop Use Only</p>	<p>Qty: SS <input type="checkbox"/> DS <input type="checkbox"/></p>	<p>Materials:</p>	<p>Background Color:</p>	<p>Vinyl Color: HP <input type="checkbox"/> Int <input type="checkbox"/></p>	<p>Other:</p>
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Member of:



GREATER PORTSMOUTH CHAMBER OF COMMERCE



the Greater York Region Chamber of Commerce




PORTSMOUTH POLICE DEPARTMENT

MEMORANDUM

RECEIVED

MAR 12 2018

CITY MANAGER
PORTS - 317074

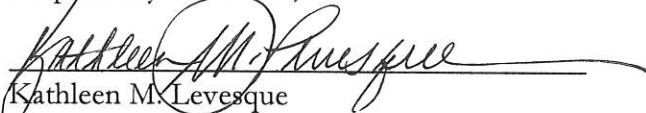
DATE: MARCH 12, 2018
TO: JOHN P. BOHENKO, CITY MANAGER
FROM: JOSEPH ONOSKO, PORTSMOUTH POLICE COMMISSION
ROBERT M. MERNER, CHIEF OF POLICE
RE: GRANT FROM DARTMOUTH-HITCHCOCK CHILDREN'S HOSPITAL

At the February 27th, 2018 Police Commission meeting, the Board of Police Commissioners approved and accepted the following grant:

A "Safe and Active" grant from Children's Hospital at Dartmouth, which awards the Porthmouth Police Department 25 multi-sport helmets, and a supply of reflective devices, literature, a banner and other materials to promote injury prevention among children.

We submit the information to you pursuant to City Policy Memorandum #94-36, for the City Council's consideration and approval at their next meeting. We respectfully request this item be placed on the City Council meeting agenda for the March 19th, 2018 regular City Council meeting.

Respectfully submitted,



Kathleen M. Levesque
Office of the Chief

Attachments: Grant Award Notice

copies: Board of Police Commissioners
Finance Director Judie Belanger

Admin. Mgr. Karen Senecal
Business Asst. Tammie Perez

Karen Senecal

From: Mike Maloney
Sent: Tuesday, February 06, 2018 12:19 PM
To: Karen Senecal
Subject: FW: Safe & Active grant

Grant award notice.

From: April T. Simonds [mailto:April.T.Simonds@hitchcock.org]
Sent: Monday, February 05, 2018 10:23 AM
To: Mike Maloney <MMaloney@cityofportsmouth.com>
Cc: David Keaveny <Dkeaveny@cityofportsmouth.com>
Subject: Safe & Active grant

Dear Lieutenant Maloney,

We are pleased to inform you that your organization will receive a Safe and Active grant from Children's Hospital at Dartmouth! Kohl's has graciously provided the Injury Prevention Center at CHaD with funding to provide New Hampshire communities with resources to help organize and hold events designed to promote safe and active living. In our first year with this project, we had hoped to support 30 towns and cities around New Hampshire. We are pleased to be able to support 49 organizations.

You will be receiving two deliveries. First, you will get 25 multi-sport helmets that we will ship to you at the address you provided. Second, we will be giving you a box that will have your reflective devices, literature, banner and other materials. Because of the awkward nature of the boxes, we may need to hand deliver that to you or arrange a pick-up at a location convenient to you rather than ship it.

Thank you for your interest in this project! We look forward to working with you and to getting your report at the end of the event! If you have any questions, please feel free to contact me via e-mail or by phone. Materials will be available for pick-up/delivery April 1, 2018. Your event must take place by August 1, 2018.

Jim Esdon
Program Coordinator
Injury Prevention Center, CHaD
603-308-2254
James.E.Esdon@Hitchcock.Org

 Children's Hospital at
Dartmouth-Hitchcock



IMPORTANT NOTICE REGARDING THIS ELECTRONIC MESSAGE:

This message is intended for the use of the person to whom it is addressed and may contain information that is privileged, confidential, and protected from disclosure under applicable law. If you are not the intended recipient, your use of this message for any purpose is strictly prohibited. If you have received this communication in error, please delete the message and notify the sender so that we may correct our records.



Safe and Active Community Grant Application

The Injury Prevention Center at CHaD would like to partner with you to provide program materials and health and safety information within your community. The NH Safe and Active Community Grant is designed to help promote outdoor activity for children and their families. This grant is possible through a donation from Kohl's.

Attached is a FAQ sheet for more information. All N.H. communities are eligible and the application can be filled out by a local police department, fire department, schools, community groups/clubs or town recreation programs.

Each community must organize at least one activity and complete a report after the successful completion of the event by August 1, 2018. Preference will be given to applications that exhibit collaboration between multiple community partners. We are always ready to answer any questions you may have. For additional information please call the Injury Prevention Center at (603) 308-2253 or contact Jim at James.E.Esdon@Hitchcock.Org.

Organization Name: Portsmouth NH Police Dept.

Contact: Lt. Michael Maloney /Sgt. Dave Keaveny

Organization Address: 3 Junkins Avenue, Portsmouth NH 03801

Contact E-mail: mmaloney@cityofportsmouth.com / dkeaveny@cityofportsmouth.com

Phone: 603-610-7546 / 603-610-7511

Brief Description of your activity idea (250 words or less): Each year at the end of the school year the police department partners with 3 elementary schools in Portsmouth to conduct what we call Cops and Kids. The event runs for 3 days, one day at each school. Total time spent at the school is roughly 3 hours. The police department goes to each school setting up stations ie. police cruiser, motorcycles, SWAT, K9 etc. The children then attend each station for about 10 minutes meeting officers and learning about the police department. We would incorporate a "bike safety" station where grant funded materials could be handed out.

Given there are several hundred children at each school and the possibility of limited grant funded "hand out materials" we would work with the school administrators to decide what would be the best method to make sure the kids most in need received bike helmets etc. We would also look at the opportunity for a presenter from your organization to assist or run the "station" since it is offered.

Are you able/willing to provide photos for social media publication? Yes

What other organizations will you be partnering with, if any? :

Organization Name: Portsmouth Public Schools

Contact/phone:

Organization Name: _____ Contact/phone: _____

Organization Name: _____ Contact/phone: _____

Shipping address if different than above:

Please submit applications no later than 1/2/2018. You can email or fax to 603-308-2255.

CITY COUNCIL E-MAILS

March 5, 2018 – March 15, 2018

MARCH 19, 2018 CITY COUNCIL MEETING

Below is the result of your feedback form. It was submitted by Lindsey G Carmichael (lindseycarmichael@comcast.net) on Monday, March 5, 2018 at 12:22:59

address: 85 PINEHURST RD

comments: I am writing to communicate my serious concern about the Coakley Landfill Group's lack of financial accounting records. As a taxpayer I hope to see the Council retain an independent accounting firm to perform an audit of the CLG's financial transactions from 1991 to the present day . Collectively we need answers to basic questions about how Portsmouth tax dollars have been spent by the group.

Thank you for your consideration.

Lindsey Carmichael

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by Kathleen Cavalaro (kathleencavalaro@gmail.com) on Tuesday, March 6, 2018 at 17:09:08

address: 40 Whidden St.

comments: Hello City Council,
I am writing in hopes you may be able to offer guidance over a certain issue I have encountered.

I am organizing a local walk out on March 14th. In the process in trying to get in touch with someone who could set up a table for the residents of Portsmouth to register to vote, I could not easily find information on who to contact.

Through various friends, I was finally put in touch with Barbara Ward, who was very kind and helpful, and is assisting me with this event.

During our conversation, it was mentioned that the City of Portsmouth has information and contact info about every elected official, except for the Registrar of Voters.

I'm hoping you will consider adding our elected officials with a way to contact them to your website. I'm sure this isn't necessarily a city council issue, but I am hoping you might be able to point me in the right direction and/or one or two of you might help me succeed in getting this accomplished. If you are interested in helping, please let me know.

Thank you for your time and consideration. - Kathleen

includeInRecords: on
Engage: Submit

From: Gerald M. Zelin [<mailto:GZelin@dwmlaw.com>]

Sent: Wednesday, March 14, 2018 5:27 PM

To: Robert P. Sullivan <rpsullivan@cityofportsmouth.com>

Subject: Proposed ordinance implementing the charter amendment on campaign finance disclosure

ISSUE ONE – the \$100 threshold.

Proposed Section 1.902-A requires that each candidate disclose total monetary expenditures only if they are \$100 or more, but compels a PAC to disclose total monetary expenditures regardless of the amount.

That discriminates against PACs relative to individuals. Such discrimination may be unconstitutional. See *Citizens United v. Federal Election Commission*, 558 U.S. 310, 340 (2010).

In addition, proposed Section 1.902-A eliminates the current ordinance's requirement that each candidate for elective office report all contributions of \$100 or more. Proposed Section 1.902-A requires that each candidate and PAC report **all** contributions, no matter how small they may be. Some candidates and civic organizations, such as the APT, fear this will discourage small donations from residents who prefer anonymity.

Lastly, if the Council agrees to restore the \$100 threshold for reportable contributions, we must clarify how that threshold is calculated. The current ordinance requires that each candidate disclose "a monetary contribution from any person or entity in the amount of a cumulative total of \$100.00 or more in any calendar year." (Emphasis added.) That seems reasonable. It clarifies that someone who contributes \$75 to a candidate for one election, and \$50 to the same candidate for an election 10 years later, shall not be deemed to have contributed a cumulative exceeding \$100.

I accordingly recommend amending proposed Section 1.902-A as follows. In line 16, delete "of a cumulative total of \$100.00 or more." At lines 20-21, strike "each contributor by name, address, amount and date of contribution" and insert in its place: ", for each person or entity that contributed a cumulative total of \$100.00 or more to that candidate or Political Action Committee during in any calendar year, the contributor's name and address and the amount and date of each contribution."

ISSUE TWO – when a PAC must disclose its finances.

Proposed Section 1.902-A-1 defines the term "PAC" broadly to include any political committee that raises and spends money for candidates or any ballot question, including charter amendments and other referenda.

However, proposed Section 1.902-A requires that a PAC report contributions received and total expenditures only for candidates and charter amendments, not for other sorts of ballot questions.

In that respect, the proposed ordinance is internally contradictory.

I recommend the following to eliminate that contradiction. At line 18, delete "or Charter Amendments" and insert in its place, "Charter Amendment, Ballot Question, or Referendum."

I'm attaching an annotated version of what the Council passed at second reading. The annotations show my proposed amendments.

Jerry

Gerald M. Zelin

Attorney

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

March 9, 2018

Honorable Robert Renny Cushing
Honorable Mindi Messmer
Honorable Philip Bean
Honorable Michael Edgar
State House
Concord, NH 03301

Re: Coakley Landfill Group

Dear Representatives:

This letter responds to yours of February 19 and March 5, 2018 concerning the Coakley Landfill Group and addressed to Attorney General Gordon J. MacDonald and me. Thank you for providing us with extensive materials to assist in our review. The following is the response of the Office of the Attorney General to the issues raised in your correspondence.

FACTUAL BACKGROUND

Some background concerning the Coakley Landfill is needed in order to provide better context for this letter.

Coakley Landfill – EPA Enforcement

According to the [Site Profile](#) appearing on the website of the United States Environmental Protection Agency (EPA), the Coakley Landfill was a privately owned and operated 27 acre facility located at 480 Breakfast Hill Road in North Hampton. It accepted municipal and industrial wastes from 1972 through 1985. Due to contamination emanating from the site, EPA began enforcement activity pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. §9601 et seq. The Coakley Landfill was added to the National Priorities List of Superfund Sites on June 10, 1986. The site has been administered by EPA's Boston office since that time, with assistance provided by the New Hampshire Department of Environmental Services (DES).

On June 28, 1990, EPA issued its Record of Decision (ROD) which encompassed the remedial action plan deemed necessary for the cleanup of the Coakley Landfill. The plan

included a requirement to pump and treat contaminated groundwater. The ROD became the basis for a consent decree with the potentially responsible parties (PRPs). The decree required them to administer and pay for the cleanup of the site, subject to EPA oversight. The consent decree was executed by all parties and approved by United States District Judge Shane Devine on May 4, 1992 (United States District Court for the District of New Hampshire No. 92-123-D). The cleanup activities pursuant to that decree became known as Operable Unit One.

After several years of cleanup under Operable Unit One, the same parties entered into a consent decree, which became known as Operable Unit Two. That consent decree did not require a pump and treat remedy, but rather a less costly cap and monitor remedy, whereby the Coakley Landfill would be capped and the parties would thereafter use monitoring wells to test for the level and migration of pollutants. The second consent decree was executed by all parties and approved by Judge Shane Devine on January 11, 1999 (United States District Court for the District of New Hampshire No. 98-cv-00600-D).

Coakley Landfill Group – Participation Agreements

Under the consent decrees, the settling PRPs each became jointly and severally liable for the entire performance of the cleanup activities at the Coakley Landfill and for the payment of those costs. The consent decrees did not allocate among the PRPs the responsibility for operations and for payment. The parties among themselves agreed to apportion their responsibility through a separate Coakley Landfill Group Participation Agreement dated September 27, 1991 (Participation Agreement). The signatories of the Participation Agreement became Members of what they labeled the Coakley Landfill Group. They allocated percentage payment responsibility for Shared Costs of cleanup and administration and divided the group into classes: Municipal Members, [Waste] Generator Members and Transporters.

Under the Participation Agreement, one representative from each class was chosen to serve on the Executive Committee. The Executive Committee was then delegated the authority to enter into contracts on behalf of the Group for remediation-related activities, to retain a project manager, to retain common legal counsel and consultants, to negotiate with EPA and others, and to enforce each Member's proportional obligation for payment of Shared Costs.

Under Attachment 3 of the Participation Agreement, the Municipal Members were assigned 63.077% responsibility among the PRPs. That allocation was divided among the City of Portsmouth (53.553%), Town of North Hampton (4.062%) and Town of Newington (5.462%).

The PRPs later entered into the Coakley Landfill Group OU-2 Participation Agreement (OU-2 Participation Agreement). The OU-2 Participation Agreement contained terms similar to the Participation Agreement and governed the allocation of the Members' cleanup activities under Operable Unit Two.

The Participation Agreements were entered into solely by the PRPs. Neither EPA nor the State of New Hampshire is a party. The Participation Agreements do not appear among the Site Documents included in the EPA's site profile for the Coakley Landfill.

Coakley Landfill Group - Trust Agreements

Article 7 of the Participation Agreement contemplated the establishment of a separate Coakley Landfill Superfund Site Trust Agreement (Trust Agreement). All Member payments pursuant to the consent decrees would then become payable to the Trustee.

As of February 7, 1991, the Members of the Group entered into the Trust Agreement. The Trustee was Fleet Bank-NH and the Grantors of the Trust Agreement were the PRPs that had entered into the Participation Agreement. Under the terms of the Trust Agreement, each Member was responsible to make payments to the Trustee as called for by the Participation Agreement. The Executive Committee of the Group then directed the Trustee concerning distributions to be made with respect to the activities of the Group. Upon the termination of the consent decree, any remaining funds held by the Trustee would be returned to the Members in proportion to their relative share.

In the consent decree for Operable Unit One, the PRPs agreed to undertake cleanup activities that exposed them to unspecified financial liability. Certain federal agencies also contributed waste to Coakley Landfill, but were not included among the PRPs. Instead, the United States government agreed to make a lump sum payment on their behalf of \$5.25 million, payable to the Trustee. The consent decree provided that up to \$2.75 million of that amount was refundable to the United States depending on the amount that the Group paid for a groundwater treatment or containment system.

As of October 6, 1998, the Members entered into the Coakley Landfill Superfund Site OU-2 Trust Agreement (OU-2 Trust Agreement). The OU-2 Trust Agreement contained terms similar to the Trust Agreement and governed the payments by Members to the Trustee and the distributions by the Trustee in furtherance of the activities of the Group. The Trustee was Piscataqua Savings Bank.

The Trust Agreements were entered into solely by the PRPs. Neither EPA nor the State of New Hampshire is a party. The Trust Agreements do not appear among the Site Documents included in the EPA's site profile for the Coakley Landfill.

Recent Activity

Groundwater monitoring at the Coakley Landfill has identified the presence of additional contaminants, including PFOA, PFOS, and 1,4-dioxane. Residents in area communities are concerned whether additional monitoring or treatment should be required at the site.

ISSUES RAISED

Your letters and related communications raise several issues that deserve careful consideration.

Charitable Trust

Your letters suggest that the Coakley Landfill Group is a charitable trust, and therefore is required to register with and report to the Director of Charitable Trusts pursuant to RSA 7:28, I and II. Entities that meet the definition of charitable trusts and charitable organizations have that responsibility. The reports include a financial statement, a list of directors and a disclosure of any conflict of interest transactions.

To determine whether the Coakley Landfill Group meets the definition of a charitable trust, some discussion is in order regarding the nature of charitable trusts. RSA 7:21, II(a) defines "charitable trust" to be a fiduciary relationship relating to assets "for any charitable, nonprofit, educational or community purpose." RSA 7:21, II(b) defines "charitable organization" to include any Internal Revenue Code §501(c)(3) organization; any entity holding itself out as having a "benevolent, philanthropic, patriotic, educational, humane, scientific, public health, environmental conservation, civic or other charitable purpose"; and any charitable appeal for solicitation of funds.

The statutory definitions leave room for interpretation. In considering whether a particular group is charitable, the CTU is guided by court decisions, treatises and Internal Revenue Service materials. There are several factors that the CTU considers in making determinations about whether or not an entity is charitable:

- The stated purpose falls within those of traditional charities or is a reasonable extension thereof;
- The charity benefits an indefinite class, and not identified members;
- The charity does not convey a private benefit to individuals;
- The charity's assets are not distributed to private persons upon dissolution.

In this case, the Coakley Landfill Group was established to facilitate the management of and payment for the cleanup of the site. The Coakley Landfill is a Superfund Site and is therefore among the most polluted hazardous waste sites in the United States. Its remediation is a public good, and potentially could fall within the "environmental conservation" purpose enumerated in RSA 7:21, II(b).

However, the Group was created to benefit a specific class: the municipalities, generators, and transporters responsible for the pollution at the Coakley Landfill. They were named as defendants and found legally liable for the cleanup of the landfill, as required by CERCLA. The Group has no choice but to clean up the site; they risk contempt of court orders for failing to do so. Therefore, the Group is unlike conservation groups in New Hampshire, such as Southeast Land Trust or the Society for the Protection of New Hampshire Forests. Those organizations are comprised of people and resources that come together voluntarily to promote a cleaner environment. There is nothing voluntary about the origins of the Coakley Landfill Group. It is a solution crafted to facilitate the performance of a legal obligation.

The Coakley Landfill Group was also created to provide private benefits to its members. By pooling resources, the Members can most economically satisfy their legal obligations. And the Group's members stand to benefit should any funds remain upon completion of the cleanup. The Trust Agreements provide that any funds held by the Trustee at the termination of the consent decrees will be returned to the Members in proportion to their relative share.

While not dispositive for the CTU, the Coakley Landfill Group also would not be eligible for treatment as a public charity under §501(c)(3). The federal limitations prohibit private inurement to those operating the organization and limit the amount of private benefit to designated persons. And the federal limitations require distribution of assets on dissolution solely to another §501(c)(3) organization.

The CTU therefore does not find that the Coakley Landfill Group meets the definition of a charitable trust, and it would decline to register the Group should it ever apply for such a status. Because the Coakley Landfill Group is not a charitable trust, the CTU has no authority to conduct an investigation into its activities.

If the Coakley Landfill Group is not a charitable trust, then what is it? The answer is twofold. The Participation Agreements create what could be called a joint venture, i.e. a contract among the Members to perform a designated set of tasks. The Trust Agreements create private trust relationships between the Members as the Grantors of the Trusts supplying the funds and the Trustee holding and paying out the funds in accordance with the Trust Agreements.

Right-to-Know

Your letter also touches on the fact that three of the Members of the Coakley Landfill Group are municipalities. As such, they are subject to New Hampshire's Right-to-Know Law, RSA Chapter 91-A. You submitted a letter request to the City of Portsmouth on January 31, 2018 for records relating to the Coakley Landfill Group. Portsmouth City Attorney Robert P. Sullivan wrote you on February 7, 2018 that the responsive records may fill 100 bankers boxes. We understand that the City's production of records is forthcoming.

Honorable Robert Renny Cushing, et al.
March 9, 2018
Page 6

The Office of the Attorney General does not provide legal advice either to municipalities or to members of the public with respect to Right-to-Know Law issues. While the Office issues a Right-to-Know Memorandum for the benefit of the public, the statute does not appoint the Attorney General as the counsel to members of the public seeking records from a government agency. Instead, RSA 91-A:7 and A:8 create procedures whereby those requesting public records can seek relief directly on their own behalf.

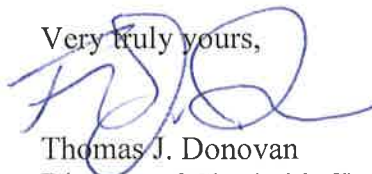
Cleanup Spending

Finally, your letter asks about funds advanced to the Group by the state and federal governments. You inquire whether any of the funds need to be repaid because the Group has not conducted a pump and treat remedy. That is a question best posed either to EPA or DES directly.

CONCLUSION

We appreciate your diligence in representing constituents concerned about the effects of groundwater contamination from the Coakley Landfill. To get the answers you seek, we first recommend you review the records produced by the City of Portsmouth. Much of the information relevant to your question, including information on loan amounts, repayment, and project performance, also appears to be publicly available at the relevant agencies and on public websites. You may consider engaging with staff at EPA and DES familiar with the site. We understand that Michael Wimsatt, Waste Division Director at DES is best able to provide you with the appropriate contacts for information held by DES. He can be reached at 29 Hazen Drive, Concord, 603-271-2925. They are most familiar with the contamination and related technical issues.

Very truly yours,




Thomas J. Donovan
Director of Charitable Trusts
(603) 271-3591
tom.donovan@doj.nh.gov

TJD/d

cc: Attorney General Gordon J. MacDonald
Hon. John T. O'Connor

**CITY OF PORTSMOUTH
PORTSMOUTH, NH 03801**

Office of the City Manager

Date: March 15, 2018
To: Honorable Mayor Jack Blalock and City Council Members
From: John P. Bohenko, City Manager 
Re: City Manager's Comments on March 19, 2018 City Council Agenda

6:15 p.m. **Round Table Discussion Re: PFAS.** On Monday evening, the City Council will hold a round table discussion with concerned citizens regarding Per- and polyfluoroalkyl substances (PFAS).

Presentations:

1. **Safe Harbor Recovery Center Program.** On Monday evening, Elizabeth Miller, Center Director of Safe Harbor Recovery Center, will make a presentation to the City Council regarding the programs of Safe Harbor Recovery Center (a program of Granite State Pathways).

As you will recall at the February 5, 2018 City Council meeting, the Council received a report back from Fire Chief Steve Achilles, regarding a Safe Station Model. The Fire Chief indicated to City Council in order to assess the Fire Department's capacity to be the center of such a model in Portsmouth, he reviewed programs and reached out to Elizabeth Miller of Safe Harbor Recovery Center.

Chief Achilles' opined to City Council that at this time the City and the Fire Department should not implement a Safe Station Program. He indicated that the current services delivered by the Fire and Police Departments, along with other key community resources such as Safe Harbor Recovery Center, provide what he believes as appropriate and safe opportunities for those seeking treatment or recovery.

Subsequent to the report back from Chief Achilles, the City Council requested to receive additional information regarding the Safe Harbor Recovery Program.

Votes on Ordinances and/or Resolutions:

1. **Third and Final Reading of Ordinances to Implement Charter Amendments.** As you will recall, at the March 5th City Council meeting, the Council voted to pass second reading for the attached [two proposed Ordinance amendments](#) regarding Article IX, Section 1.901 Conflict of Interest/ Election Candidate Financial Disclosure and Article IX, Section 1.902 relating to Mandatory Financial Disclosure, as amended, and further, to bring the Ordinances back for third and final reading at this evening's meeting.

I recommend the City Council move to pass third and final reading regarding the Ordinances, as amended at the March 5, 2018 City Council meeting.

Consent Agenda:

1. **Request for License to Install Projecting Sign.** [Attached under Section IX of the Agenda](#) is a request for two projecting sign licenses ([see attached memorandums from Juliet Walker, Planning Director](#)):

- Derrick Freeman, owner of Free State Bitcoin Shoppe for property located at 56 State Street
- Lindsay Rando, owner of Bobbles & Lace for property located at 111 Market Street

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

2. **Acceptance of Police Department Grant.** [Attached under Section IX of the Agenda is a memorandum](#), dated March 12, 2018, from Kathleen M. Levesque, Executive Assistant, Office of the Police Chief; at the February 27, 2018 Police Commission meeting, the Board of Police Commissioners approved and accepted the following grant:

1. A "Safe and Active" grant from Children's Hospital at Dartmouth, which awards the Portsmouth Police Department 25 multi-sport helmets, and a supply of reflective devices, literature, a banner and other materials to promote injury prevention among children.

The Police Commission submits the information to the City Council pursuant to City Policy Memorandum #94-36, for the City Council's consideration and approval at this evening's City Council meeting.

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

City Manager's Items Which Require Action:

1. **Request for Public Hearing Re: Resolution Authorizing a Bond Issue of up to Seven Million Two Hundred Thousand Dollars (\$7,200,000) for Costs Related to Upgrades to the Pease Wastewater Treatment Facility.** As you are aware, the City of Portsmouth funds the costs for ongoing improvements to the Pease Wastewater Treatment Facility through the Capital Improvement Program. The City is requesting authorization for a Seven Million Two Hundred Thousand Dollars (\$7,200,000) Bond necessary for implementing ongoing improvements at the facility to maintain the level of service. Facility upgrades are based on the Pease Wastewater Facilities Evaluation completed in 2014. This document provided a short-term and long-term list of projects requiring improvements at the treatment facility. The City has been moving forward with implementation of the most critical needs. The next project to be completed is the Headworks replacement and new odor control systems. The City recently received bids for this project and are in need of additional funding for the Headworks and for other near term projects.

The City Council has previously authorized \$4.5 Million toward Pease Wastewater Treatment Facility projects through authorizations in FY14 (\$3.5M) and FY15 (\$1.0M). Portions of those bond funds (~\$0.9M) were used to complete the Pease Regional Wastewater Evaluation, for construction of an aeration upgrade to both treatment basins, an emergency pump replacement, and design of the Headworks (screening, grit removal and raw sewage pumping) and odor control replacement project.

The City received bids for construction of the Headworks and odor control replacement project on February 27, 2018. The low bidder was Methuen Construction in the amount of \$5,940,969. There were 5 bidders and the bid spread was tight for this size project. Staff believe these were aggressive numbers that are consistent with current construction costs. Approximately \$3.4 Million of the proposed bond will be needed to complete the Headworks and odor control replacement project with construction engineering and contingency.

The remaining funds from this bond will be used toward additional facility improvements. The original Primary Clarifier mechanisms (~1950s) and structural improvements to one primary clarifier are in need or replacement at this time. Additional anticipated near term projects include improvements to the sludge handling operations and the chemical handling systems. The borrowing authorization request in the amount of \$7.2 million for the Pease Wastewater Treatment Facility will cover costs for planning, design and construction of treatment system upgrades as summarized. [See attached proposed Resolution](#). This is part of ongoing improvements to the aging treatment facility to maintain level of service and permit compliance.

I recommend the City Council move to authorize the City Manager to bring back a Borrowing Authorization in the amount of Seven Million Two Hundred Thousand Dollars (\$7,200,000) for a public hearing at the April 2, 2018 City Council meeting.

2. **Report Back Re: City Purchase of Banfield Road/Ocean Road Ferrari Property.** As you may recall, 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 LLC 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. The City entered into a purchase and sale agreement for the property in the amount of \$55,000 subject to certain conditions being met including approval of the City Council. [See attached Purchase and Sale Agreement.](#)

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 the New Hampshire Department of Environmental Services (NHDES) and the Army Corp 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.

By vote on February 5, 2018, the City Council referred this potential acquisition to the Planning Board for its recommendation. The Planning Board by vote on February 15, 2018 recommended that the property be acquired for wetlands mitigation or, in the alternative, for conservation if the Conservation Commission determined it was in the interest of the City to use Conservation funds for that purpose.

As of this writing, the City has not yet been advised by NHDES and the Army Corp if the City can use the property for mitigation. In light of that situation, and the fact that the seller is anxious to close by March 31, 2018, which is the date set forth in the purchase and sale agreement, the Conservation Commission was asked to weigh in as to whether to acquire the property with conservation funds if the property cannot be used for mitigation. The Conservation Commission by vote of March 14, 2018 has determined that the property has conservation value and supports the use of Conservation funds for acquisition purposes if the property cannot be used for mitigation for the Banfield project.

Staff will be available at the meeting to answer questions about this proposed acquisition.

I recommend the City Council move to acquire the property located off of Banfield Road owned by Ferrari Remodeling and Design LLC as set forth in a purchase and sale agreement entered into in January 2018.

3. **Easements Re: 142 Mill Pond Way.** On February 15, 2018, the Planning Board considered an application from Ethel V. Ross Trust, Owner, and Joseph Caldarola, Applicant, for property located at 142 Mill Pond Way, requesting Site Plan Review approval for the construction of a 2-story, three unit townhouse. Said property is shown on Assessor Map 140 as Lot 20 and lies within the General Residence A (GRA) District. The location of the proposed development is shown on the [attached site and layout plan.](#)

As approved, the site plan includes two easements to benefit the City as briefly described below:

[Snow Storage Easement Deed](#)

By this document, Mill Pond Way, LLC would convey to the City of Portsmouth an easement for the purpose of placement, storage, and removal of snow from the City right-of-way (Mill Pond Way).

[Access Easement for Water Services](#)

By this document, Mill Pond Way, LLC would convey to the City of Portsmouth an easement for the purpose of enabling the City to access private water infrastructure including mains, water shutoffs, and valves for the limited purpose of leak detection and similar inspection services and for the purpose of shutting off municipal water service.

All of the foregoing has been approved by the Planning Board and is recommended by the Planning Department.

If the City Council is in agreement with the recommendation, an appropriate motion would be:

Move that the City Manager be authorized to negotiate, execute, deliver and record the deeds regarding Mill Pond Way, LLC as presented.

Informational Items:

1. **Events Listing.** For your information, [attached is a copy of the updated Events Listing](#) from March 5th through 2018. In addition, this can be found on the City’s website.

2. **New Castle Water Line.** [Attached is a map](#) showing all the waterline improvements to pipes that serve New Castle by the City of Portsmouth. As you can see, we have been phasing this work in conjunction with other projects for a number of years. All of the lines, with the exception of the 8-inch line south of Wild Rose Lane, were upgraded to 12-inch ductile iron pipe, the most recent being the 1,666 feet of line adjacent to the Peirce Island Wastewater Treatment Facility that was just upgraded a few months ago. Here is a summary of that work as shown by section on the map:
 - 1) 1,454 feet of 12-inch line in 1980
 - 2) 4,333 feet of 12-inch line in 1995-1996
 - 3) 2,694 feet of 12-inch line under the bay from Portsmouth to New Castle in 2005
 - 4) 1,585 feet of 8-inch line in 2016
 - 5) 1,666 feet of 12-inch line in 2017

With the exception of #4, all of these water line improvements have replaced 8-inch water mains from Portsmouth to the island, improving the flows and integrity of the water infrastructure serving New Castle. These improvements total over 10,000 feet of 12-inch

water mains, or nearly two miles worth. I don't have a total amount of cost attributed to this work, however, based on Underwood Engineers estimate from their recent New Castle Water System Evaluation draft, the cost of installing this much pipe in today's dollars would be somewhere between \$3 to \$4 million.

Deputy Public Works Director Brian Goetz will be present to give a brief presentation regarding this matter.

3. **Bicycle/Pedestrian Plan Progress Update.** Attached is a memorandum from Planning Director Juliet Walker regarding the Bicycle/Pedestrian Plan Progress Update. Juliet will be present to give a brief presentation regarding this Plan.
4. **Public Works Department Construction Projects.** As you know, each year the Department of Public Works advertises a number of projects for bids for construction. This season the City will be bidding around 20 separate projects as shown on the [attached table](#). This represents an estimated construction cost of approximately \$38 Million.

The values shown are for construction only. In most cases there are additional costs associated with projects for construction administration and oversight and construction contingency. City staff review and evaluate project budgets and funding against available capital funds when awarding contracts.

The City has received a number of bids this season and more are forthcoming. With the number of available construction projects in our region, bidder costs have been higher than anticipated. The City will continue to update this list as bids are received and as we evaluate the ability to fund projects.

5. **Great Bay Coalition Update.** For your information, the Great Bay Coalition has not yet submitted to the Environmental Protection Agency (EPA) its package of scientific materials. The Legal Department has indicated that the packet of materials is expected to be submitted within the next two weeks. It is anticipated that we will be giving an update to the City Council at the April 2, 2018 City Council meeting.
6. **FY19 Organic Weed Control and Turf Management Programs.** In compliance with the City Council's Resolution, the Department of Public Works has prepared requests for proposals for both organic weed control and organic turf management. The City has received one proposal for organic weed control; and three responses to the organic turf management request.

The proposal received for curbside organic weed control is \$246,840. This cost is approximately \$160,000 higher than the traditional weed control the City has previously contracted. The organic turf management proposals received on March 14th ranged from \$100,000 to \$125,000. The final cost will be established once the proposals have been reviewed for completeness and verified to be in accordance with the proposal document. The additional cost beyond the Department's current turf management budget to provide organic turf management ranges from approximately \$75,000 to \$100,000.

The additional \$235,000 to \$260,000 for both organic weed control and turf management has a significant impact on the Public Works budget. If included, the Public Works budget increase would be over 7%. In order to stay within the Council mandated 3.25% budget increase cap, the additional cost for organic weed control and turf management will be carried as a separate line item for the City Council's review and approval. If no additional funds are approved, Public Works will be required to curtail the level of service in these program areas.

Prior to this Council directive, the City's contractor used standard synthetic products which are EPA certified and regulated and have been accepted throughout the State of New Hampshire. All previous vendors were licensed and the products used were approved by the New Hampshire Division of Pesticide Control. All pesticides sold and used in New Hampshire are registered with the Division. This process relies upon Federal EPA regulations for pesticide labeling which include: registration numbers, active ingredient descriptions, signal word requirements, personal protection statements, environmental concerns, first aid statements, and disposal statements.

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

RESOLUTION # – 2018

A RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF THE CITY UNDER THE MUNICIPAL FINANCE ACT AND/OR PARTICIPATION IN THE STATE REVOLVING FUND (SRF) LOAN OF UP TO SEVEN MILLION TWO HUNDRED THOUSAND DOLLARS (\$7,200,000) FOR COSTS RELATED TO UPGRADES TO THE PEASE WASTEWATER TREATMENT FACILITY.

RESOLVED:

THAT the sum of up to Seven Million Two Hundred Thousand Dollars (\$7,200,000) is appropriated for upgrades to the Pease Wastewater Treatment Plant, including the payment of costs incidental or related thereto;

To meet this appropriation, the City Treasurer, with the approval of the City Manager is authorized to borrow, on a competitive or negotiated basis, up to Seven Million Two Hundred Thousand Dollars (\$7,200,000) through the issuance of bonds and/or notes of the City under the Municipal Finance Act and/or a loan program offered through the State of New Hampshire Department of Environmental Services, identified as the State Revolving Fund Loan, such borrowing to be effected by the issuance of bonds and/or notes of the City under the Municipal Finance Act in connection with the upgrades of the Pease Wastewater Treatment Facility, including the payment of costs incidental or related thereto;

**That the expected useful life of the project is determined to be at least twenty (20) years,
and;**

That this Resolution shall take effect upon its passage.

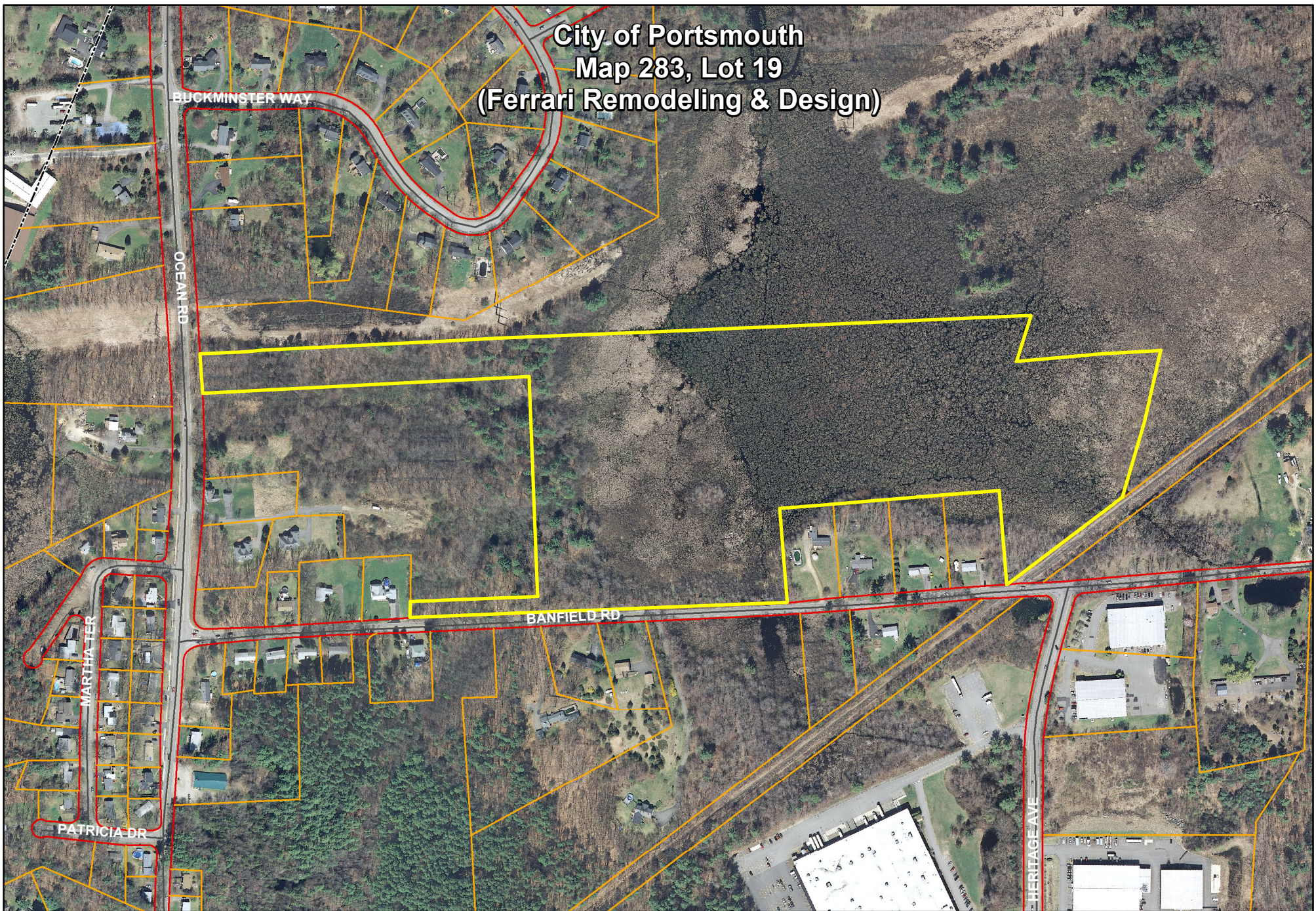
APPROVED:

JACK BLALOCK, MAYOR

ADOPTED BY CITY COUNCIL

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

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: 
Nancy Colbert Puff, Acting City Manager

Dated: 1/29/2018

FERRARI REMODLING & DESIGN, LLC

By: 
Print Name: Thomas Ferreri
Title: Owner

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

SNOW STORAGE EASEMENT DEED

MILL POND WAY, LLC a New Hampshire limited liability company having an address of P.O. Box 370, Portsmouth, County of Rockingham, State of New Hampshire, hereinafter "Grantor", for consideration paid, grants to the **CITY OF PORTSMOUTH**, a municipal body politic, having a mailing address of 1 Junkins Avenue, Portsmouth, County of Rockingham, New Hampshire 03801, hereinafter, "Grantee", with **QUITCLAIM COVENANTS**, the following easement rights with respect to the Grantor's property situate at 142 Mill Pond Way, Portsmouth, County of Rockingham New Hampshire (the "Premises") and identified as Portsmouth Tax Map 140, Lot 20 within the area described herein as the "Permanent Easement Area".

Permanent Easement Area: The Permanent Easement Area is bounded and described as follows:

PORTSMOUTH, NH

A snow storage easement located near the southwesterly corner of the Grantor's Lot known as 142 Mill Pond Way, Tax Map 140, Lot 20, as shown on Plan entitled, "Tax Map 140, Lot 20, Site and Layout Plan, Joseph Caldarola, 142 Mill Pond Way, Portsmouth, New Hampshire", prepared by TFM, MSC Civil Engineers, dated November 20, 2017, last revised 12/19/17, Sheet C-2, to be recorded herewith.

Meaning and intending to convey an easement over and upon a portion of land at the end of Mill Pond Way shown as Lot 20 on Tax Map 140.

1. Purpose and Rights. The Grantee shall have a perpetual, permanent, uninterrupted and unobstructed exclusive easement and right of way in, under, across and over the Permanent Easement Area for the purpose of the placement, storage and removal of snow. The Grantee shall have the right to remove trees, bushes, undergrowth and other obstructions interfering with the activities authorized herein and to take such other actions as may be necessary, useful or convenient for the enjoyment of the easement rights herein granted.

2. Grantor's Retained Rights. Grantor retains the right to freely use and enjoy its interest in the Permanent Easement Area insofar as the exercise thereof does not endanger or interfere with the purpose of this instrument. Grantor shall not, however, erect any building, shed, deck or other structure within the Permanent Easement Area, substantially change the grade or slope, install any pipes, or pave or asphalt the Permanent Easement Area other than shown on the Grantor's approved Site Plan without prior written consent of the Grantee.

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

MEANING AND INTENDING to convey an easement over a portion of the premises conveyed to the within Grantor by deed of The Ethel V. Ross Trust, Joseph A. Cleary, Trustee, dated _____, and recorded at Book _____, Page _____ in the Rockingham County Registry of Deeds.

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

DATED this _____ day of _____, 2018.

MILL POND WAY, LLC

By: _____
Joseph Caldarola, Sole Member

**STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM**

Personally appeared the above-named Joseph Caldarola, as Sole Member of **MILL POND WAY, LLC**, known to me or satisfactorily proven to be the person named herein and acknowledged the foregoing instrument to be his voluntary act and deed, executed for the purposes therein contained, in his said capacity.

Before me,

Notary Public/Justice of the Peace

My commission expires: _____

ACCESS EASEMENT FOR WATER SERVICES

KNOW ALL MEN BY THESE PRESENTS, that **MILL POND WAY, LLC**, a New Hampshire limited liability company with an address of P.O. Box 370, Portsmouth, County of Rockingham, State of New Hampshire, for consideration received, grants to the City of Portsmouth, a municipal body politic having a mailing address of 1 Junkins Avenue, Portsmouth, County of Rockingham and State of New Hampshire 03801, with **QUITCLAIM COVENANTS** an easement over, below, along, and across the premises described herein, located at 142 Mill Pond Way, Portsmouth, County of Rockingham, State of New Hampshire, (Tax Assessor's Map No. 140, Lot 20), and being more particularly described as follows:

Beginning at an iron rod on the northerly sideline of Mill Pond Way at the southwesterly corner of the herein described premises said point being a found iron rod; thence turning and running N 05° 26' 22" W by land now or formerly of 122 Mill Pond Way Condominium for a distance of 110.73' to a found iron rod; thence turning and running N 46° 20' 35" E by land of said 122 Mill Pond Way Condominium for a distance of 20.50' to an iron rod; thence turning and running N 82° 48' 55" E by land now or formerly of Mill Pond Way North Condominium for a distance of 101.50 feet to an iron rod with cap; thence turning and running S 58° 00' 09" E by land of said Mill Pond Way North Condominium, a distance of 98.99' to an iron rod; thence turning and running S 32° 00' 26" W by land now or formerly of Mill Pond Way South Condominium for a distance of 108.87' to an iron rod; thence turning and running S 84° 34' 25" W by land of said Mill Pond Way South Condominium for a distance of 99.63' to an iron rod at the easterly terminus of Mill Pond Way; thence turning and running N 05° 24' 31" W by said terminus of Mill Pond Way, a distance of 20.06' to an iron rod; thence turning and running S 84° 35' 29" W along the northerly sideline of said Mill Pond Way, a distance of 30.35' to the point of beginning.

Meaning and intending to convey an easement over the premises conveyed to the within grantor by Deed of the Ethel V. Ross Trust, Joseph A. Cleary, Trustee, dated _____ and recorded in the Rockingham County Registry of Deeds at Book _____, Page _____.

Purpose and Rights: The Grantee shall have a perpetual, permanent uninterrupted and unobstructed nonexclusive easement for the purpose of enabling the City of Portsmouth to access private water infrastructure including mains, water shutoffs, and valves for the limited purpose of leak detection and similar infrastructure inspection services and for access to valves for purposes of turning on and

shutting off municipal water service. Grantee shall have no responsibility for installation, maintenance, operation, or replacement of the water infrastructure.

Retained Rights: Grantor retains the right to freely use and enjoy its interest in the easement area insofar as the exercise thereof does not interfere with the purpose of this instrument.

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

This is an exempt transfer per R.S.A. 78-B:2(I).

IN WITNESS WHEREOF, the parties have executed this document on the ____ day of _____, 2018.

MILL POND WAY, LLC

Witness: _____

By: _____

Name: _____

Title: _____

STATE OF NEW HAMPSHIRE
COUNTY OF _____

Personally appeared the above-named _____, in his capacity of _____ and acknowledged the foregoing instrument to be his free act and deed executed for the purposes contained therein.

Notary Public/Justice of the Peace

My commission expires: _____

LEGEND

- UTILITY POLE PEDESTAL
- TRANSFORMER
- EXISTING UTILITY POLE
- EXISTING GUY WIRE
- EXISTING SEWER MANHOLE
- EXISTING WATER SHUTOFF
- EXISTING FIRE HYDRANT
- EXISTING WATER VALVE
- PROPOSED SEWER MANHOLE
- PROPOSED FIRE HYDRANT
- EDGE OF PAVEMENT
- PROPOSED BRICK PAVERS
- PROPOSED PATIO
- WETLANDS
- SNOW STORAGE EASEMENT
- EXISTING GRAVEL
- PROPERTY LINE
- EDGE OF WETLANDS
- 100' BUFFER LINE
- 250' PROTECTED SHORELAND BUFFER SETBACK LINE
- EXISTING TREELINE
- PROPOSED TREELINE
- PROPOSED STONEWALL
- BUILDING OVERHANG

A SPECIAL EXCEPTION WAS GRANTED BY THE ZONING BOARD OF ADJUSTMENT ON SEPTEMBER 26, 2017 FROM THE FOLLOWING SECTION OF THE CITY OF PORTSMOUTH ZONING ORDINANCE:

- SECTION 10.440 TABLE OF USES -- TO ALLOW A TOWNHOUSE (3 UNITS) IN THE GENERAL RESIDENCE A ZONE.

ZONING

ZONED: GENERAL RESIDENCE A (GRA)
 EXISTING USE: VACANT LOT
 PROPOSED USE: TOWNHOUSE (3 UNITS)

DIMENSIONAL REQUIREMENTS (CURRENT ZONING)

	REQUIRED:	PROVIDED:
MINIMUM LOT DIMENSIONS:		
LOT AREA	7,500 SF	22,614 SF
STREET FRONTAGE	100 FT	50.4 FT
DEPTH	70 FT	153 FT
MINIMUM YARD DIMENSIONS:		
FRONT	15 FT	31 FT
SIDE	10 FT	10 FT
REAR	20 FT	28 FT
MAXIMUM STRUCTURE DIMENSIONS:		
STRUCTURE HEIGHT	35 FT	<35 FT
BUILDING COVERAGE	25 %	<25 %
MINIMUM OPEN SPACE	30 %	56 %

PARKING CALCULATIONS

REQUIRED PARKING RATIO:
 TOWNHOUSE: 2 SPACES PER DWELLING UNIT
 TOTAL REQUIRED = 2 SPACES / UNIT * 3 UNITS = 6 SPACES
 TOTAL PROVIDED = 9 SPACES

DEEDS

- THE SITE PLAN SHALL BE RECORDED IN THE ROCKINGHAM COUNTY OF REGISTRY OF DEEDS.
- ALL IMPROVEMENTS SHOWN ON THE SITE PLAN SHALL BE CONSTRUCTED AND MAINTAINED IN ACCORDANCE WITH THE PLAN BY THE PROPERTY OWNER AND ALL FUTURE PROPERTY OWNERS. NO CHANGES SHALL BE MADE TO THIS SITE PLAN WITHOUT THE EXPRESS APPROVAL OF THE PORTSMOUTH PLANNING DIRECTOR.
- BASEMENTS FOR EACH UNIT ARE BELOW FLOOD ELEVATION AND SHALL BE USED FOR STORAGE ONLY, NOT FOR LIVING SPACE.
- THE CONDOMINIUM ASSOCIATION SHALL BE RESPONSIBLE FOR STORMWATER MAINTENANCE. THE CONDOMINIUM DOCUMENTS AND THE STORMWATER OPERATION AND MAINTENANCE MANUAL SHALL INDICATE THIS RESPONSIBILITY.

APPROVED BY THE PORTSMOUTH PLANNING BOARD

ON _____ AND
 CHAIRMAN: _____ SECRETARY: _____

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 48 Constitution Drive, Bedford, N.H. 03110

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 This plan is not effective unless signed by a duly authorized officer of Thomas F. Moran, Inc.



CONTACT DIG SAFE 72 BUSINESS HOURS PRIOR TO CONSTRUCTION

MILL POND WAY
 A/K/A DEARBORN STREET EXTENSION
 (PUBLIC RIGHT OF WAY)

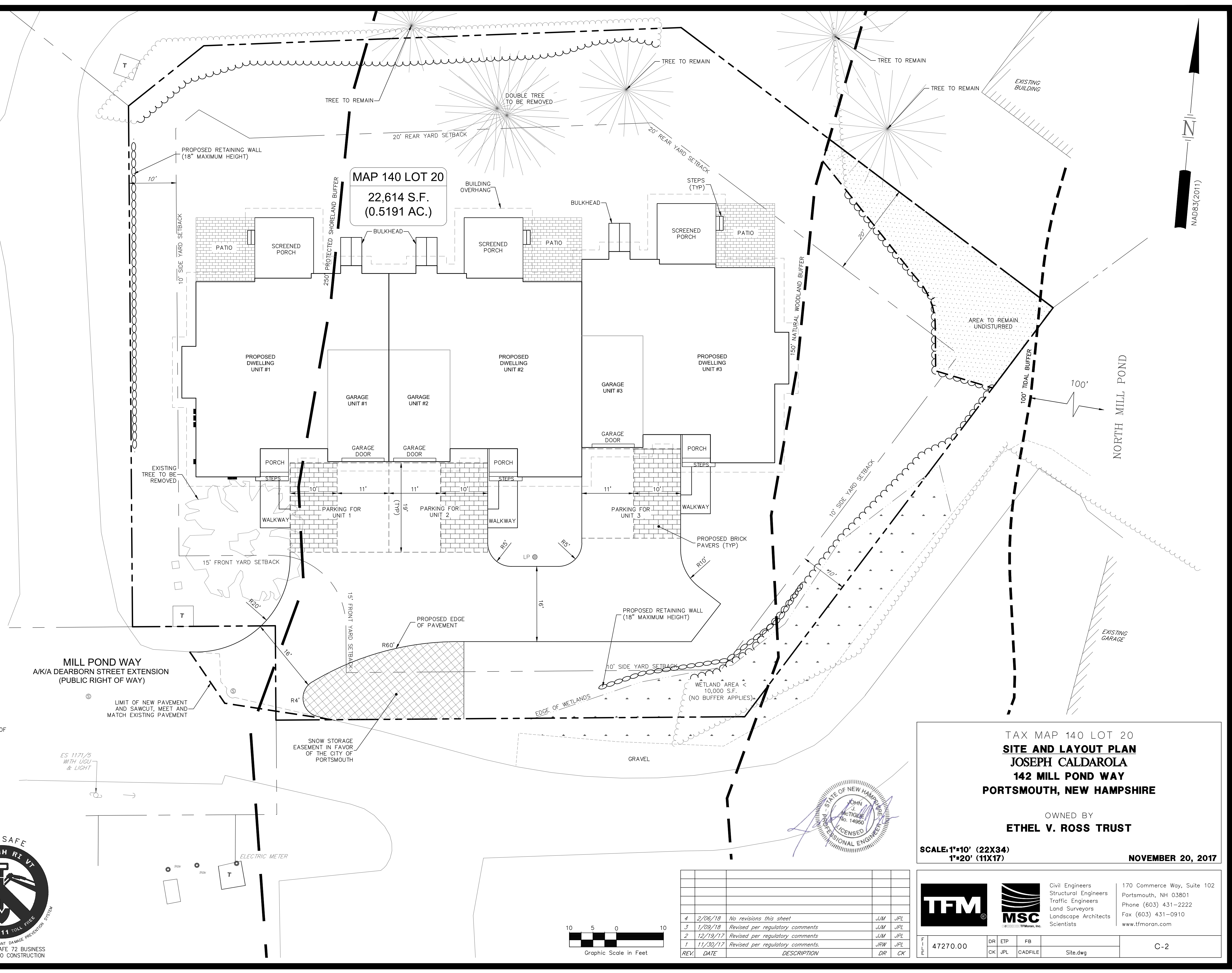
LIMIT OF NEW PAVEMENT AND SAWCUT, MEET AND MATCH EXISTING PAVEMENT

SNOW STORAGE EASEMENT IN FAVOR OF THE CITY OF PORTSMOUTH

ES 1171/5 WITH UGU & LIGHT

ELECTRIC METER

MAP 140 LOT 20
 22,614 S.F.
 (0.5191 AC.)



TAX MAP 140 LOT 20
SITE AND LAYOUT PLAN
JOSEPH CALDAROLA
142 MILL POND WAY
PORTSMOUTH, NEW HAMPSHIRE

OWNED BY
ETHEL V. ROSS TRUST

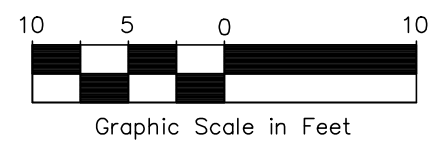
SCALE: 1"=10' (22X34)
 1"=20' (11X17)

NOVEMBER 20, 2017

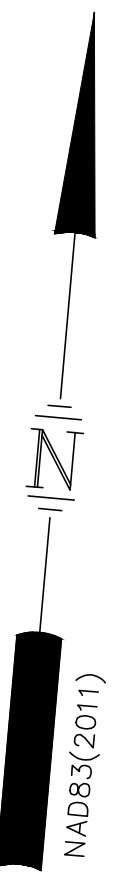


Civil Engineers
 Structural Engineers
 Traffic Engineers
 Land Surveyors
 Landscape Architects
 Scientists
 170 Commerce Way, Suite 102
 Portsmouth, NH 03801
 Phone (603) 431-2222
 Fax (603) 431-0910
 www.tfmoran.com

REV.	DATE	DESCRIPTION	DR	CK
4	2/06/18	No revisions this sheet	JJM	JPL
3	1/09/18	Revised per regulatory comments	JJM	JPL
2	12/19/17	Revised per regulatory comments	JJM	JPL
1	11/30/17	Revised per regulatory comments	JJM	JPL



FILE: 47270.00	DR: ETP	FB: JPL	CADFILE: Site.dwg	C-2
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NORTH MILL POND

EXISTING GARAGE

EXISTING BUILDING

LEGEND

- UTILITY POLE PEDESTAL
- TRANSFORMER
- EXISTING UTILITY POLE
- EXISTING GUY WIRE
- EXISTING SEWER MANHOLE
- EXISTING WATER SHUTOFF
- EXISTING FIRE HYDRANT
- EXISTING WATER VALVE
- PROPOSED SEWER MANHOLE
- PROPOSED FIRE HYDRANT
- TEST PIT
- EDGE OF PAVEMENT
- INVERT
- POLYVINYL CHLORIDE
- SEWER MANHOLE
- PROPOSED BRICK PAVERS
- PROPOSED ACCESS EASEMENT
- PROPERTY LINE
- EDGE OF WETLANDS
- SETBACK LINE
- EXISTING TREELINE
- PROPOSED TREELINE
- EXISTING UNDERGROUND UTILITIES
- EXISTING DRAIN LINE
- EXISTING OVERHEAD UTILITIES
- EXISTING SEWER LINE
- EXISTING FORCE MAIN
- EXISTING WATER LINE
- PROPOSED GAS LINE
- PROPOSED UNDERGROUND UTILITIES
- PROPOSED DRAIN LINE
- PROPOSED SEWER LINE
- PROPOSED WATER LINE

1. SEWER LINES BEYOND THE EASTERMOST SEWER MANHOLE IN MILL POND WAY ARE PRIVATE.

PROPOSED UNDERGROUND ELECTRIC & COMMUNICATION LINES WITH CONDUITS (COORDINATE WITH ELECTRIC COMPANY)

MILL POND WAY
AK/A DEARBORN STREET EXTENSION
(PUBLIC RIGHT OF WAY)

CONNECT TO EXISTING WATER LINE (COORDINATE WITH PORTSMOUTH DPW)

SMH#2
RIM=10.89
INV 8" PVC=3.89
INV 8" PVC=3.75
INV 8" PVC=1.40
INV 8" PVC=1.30

ES 1171/5 WITH UGU & LIGHT

CONNECT TO EXISTING SEWER MH AT EXISTING INV=4.15± (AM FOR OLD PENETRATION)

SMH#1
RIM=11.29
INV 8" PVC=4.15
INV 8" PVC=4.05

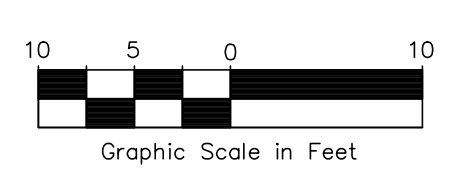
APPROVED BY THE PORTSMOUTH PLANNING BOARD

ON _____ AND
CHAIRMAN: _____ SECRETARY: _____

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This plan is not effective unless signed by a duly authorized officer of Thomas F. Moran, Inc.



REV.	DATE	DESCRIPTION	DR	CK
4	2/06/18	Revised per DFW Comments	JJM	JPL
3	1/09/18	Revised per regulatory comments	JJM	JPL
2	12/19/17	Revised per regulatory comments	JJM	JPL
1	11/30/17	Revised per regulatory comments.	JRW	JPL

TAX MAP 140 LOT 20
UTILITY PLAN
JOSEPH CALDAROLA
142 MILL POND WAY
PORTSMOUTH, NEW HAMPSHIRE

OWNED BY
ETHEL V. ROSS TRUST

SCALE: 1"=10' (22X34)
1"=20' (11X17)

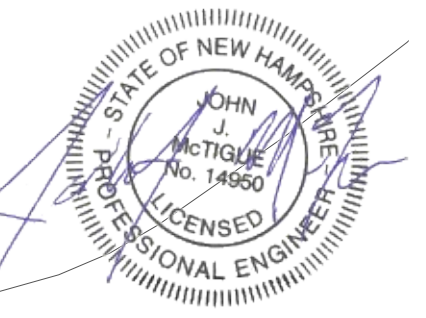
NOVEMBER 20, 2017

TFM **MSC**

Civil Engineers
Structural Engineers
Traffic Engineers
Land Surveyors
Landscape Architects
Scientists

170 Commerce Way, Suite 102
Portsmouth, NH 03801
Phone (603) 431-2222
Fax (603) 431-0910
www.tfmoran.com

47270.00 DR ETP FB
CK JPL CADFILE Utilities.dwg C-5



Event Listing by Date

Starting Date: 3/ 5/2018

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
4/15/2018 4/15/2018	FOOT MARCH SFC Martin J. Wyman, Army National Guard - Best Warrior Competition foot march from 9:30a.m. to 1:30 p.m.	Rte 1A, Rte. 1B and back to 1A	New Hampshire Army National Gu	3/ 5/2018
4/22/2018 4/22/2018	RACE This event travels north on Portsmouth Avenue from Greeland side to Rte. 33 and then goes right on Greenland road back to Greenland. There will be a coned lane all along Rte. 33.	Loco Sports Half Marathon Race	Portsmouth Half Marathon	2/ 5/2018
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/ 6/2018 5/ 6/2018	WALK Richard Wagner is the contact for this event. This event begins at 2:00 p.m. - ends approximately 5:00 p.m.	Lower Lot City Hall	AIDS Response Seacoast	3/ 5/2018
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

Event Listing by Date

Starting Date: 3/ 5/2018

Ending Date: 12/31/2018

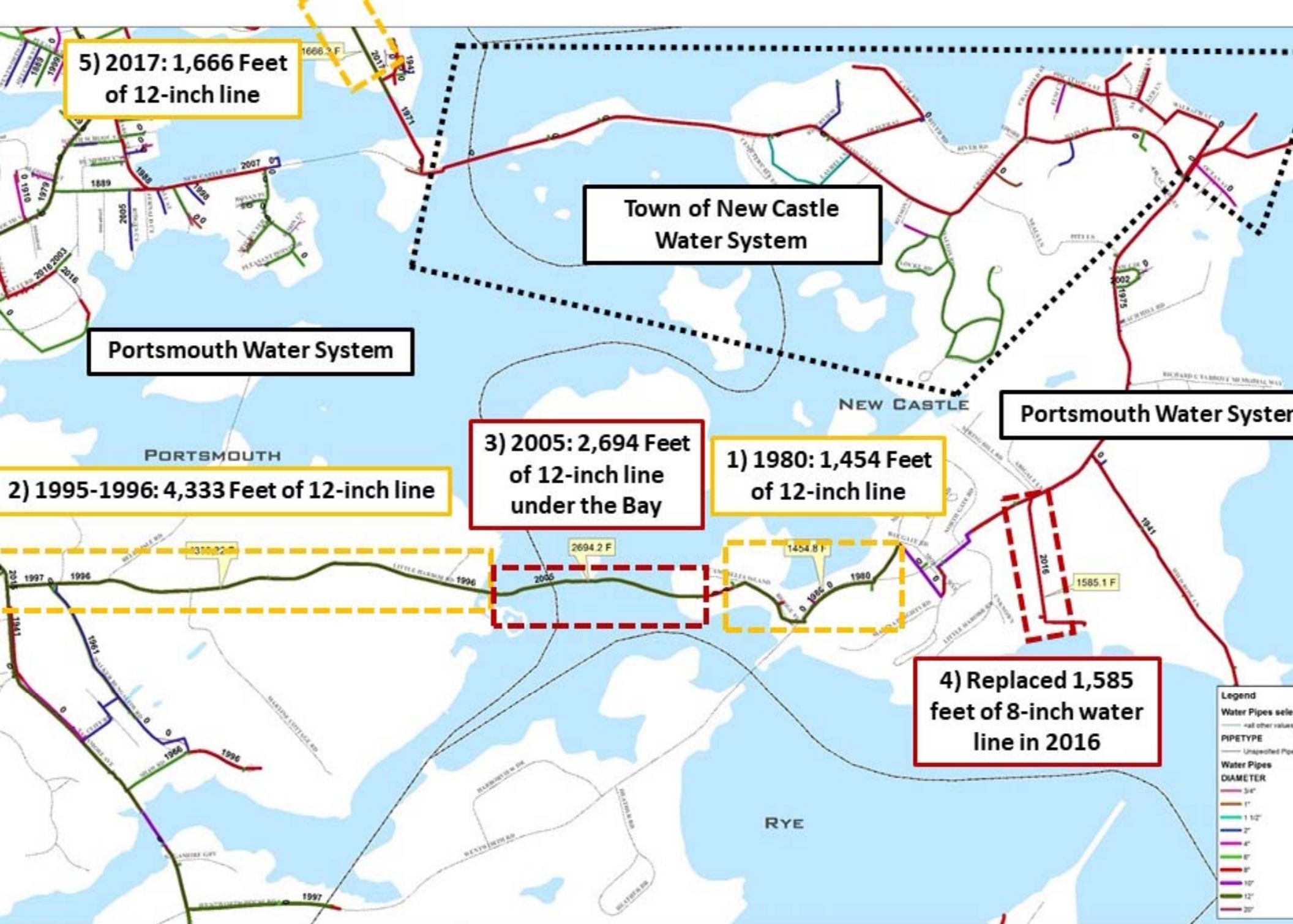
Start End	Type Description	Location	Requestor	Vote Date
6/16/2018 6/16/2018	RACE Kaity Stanton, Special Events Manager is the contact for this event. Raindate: June 17, 2018	Pleasant Street	Big Brothers Big Sisters of NH	9/18/2017
6/23/2018 6/23/2018	PRIDE This event begins at the Portsmouth Public Library 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
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	BIKE TOUR Chris Vlangas, Development Director is the contact. This event begins in Kittery, Maine and travels thru Portsmouth Event begins at 7:30 a.m. Contact Info: 800-757-0203	Shapleigh Middle School in Kittery, Maine	Cystic Fibrosis Foundation	2/ 5/2018
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
8/11/2018 8/11/2018	BOAT Molly Bolster of the Gundalow is the contact for this event. director@gundalow.org	Peirce Island Boat Launch	Round Island Regatta	2/ 5/2018
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

Event Listing by Date

Starting Date: 3/ 5/2018

Ending Date: 12/31/2018

Start End	Type Description	Location	Requestor	Vote Date
9/15/2018 9/15/2018	WALK Ken La Valley, Chair Registration begins at 8:30 a.m.	Little Harbour School - Begin and End	American Foundation for Suicid	2/ 5/2018
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
9/22/2018 9/23/2018	TOUR Caroline Piper is the contact for this event. Tel. (603) 686-4338 This is a two day event.	South End Neighborhood	Friends of the South End	2/ 5/2018
9/23/2018 9/23/2018	WALK Kate Corriveau is the contact for this event. Registration begins at 8:30 a.m. Walk Kicks Off at 10:00 a.m.	Little Harbour School - begin and end	Alzheimer's Association	2/ 5/2018
9/29/2018 9/30/2018	FESTIVAL Bruce MacIntyre is the contact for this event.	Market Square	Portsmouth Maritime Folk Festi	3/ 5/2018
10/ 7/2018 10/ 7/2018	RACE 6th Annual Memorial Bridge 5 K - Prescott Park Arts Festival and Seacoast Community School 10:00 a.m. to 11:30 a.m.	Memorial Bridge	Prescott Park Arts Festival	2/20/2018



Portsmouth and New Castle Water Systems



MEMORANDUM

TO: JOHN P. BOHENKO, CITY MANAGER
FROM: JULIET T.H. WALKER, PLANNING DIRECTOR *JTW*
SUBJECT: BICYCLE / PEDESTRIAN PLAN PROGRESS UPDATE
DATE: 3/13/2018

Background

In 2014, the City adopted the city-wide Bicycle Pedestrian Plan (BPP). The plan lays out a complete city-wide bicycle and pedestrian network, provides guidelines and standards for bicycle and pedestrian facilities, and includes a prioritized list of infrastructure improvements as well as non-infrastructure initiatives to improve connectivity and safety for bicyclists and pedestrians. Since the adoption of the BPP, the City has made significant progress on implementation of the plan's recommendation. This summary is provided to give the City Council and citizens an overview of progress to date. The Planning Department is the steward of the BPP and responsible for tracking progress and providing regular updates. Staff is currently working on a comprehensive update to the plan's list of recommendations, prioritization strategy, and related maps. These will be posted on the Planning Department web page in the near future.

Implementation Strategy

The BPP recommends that, wherever possible, bicycle and pedestrian infrastructure improvements should be incorporated into existing roadway construction and maintenance projects. In other cases, the infrastructure improvements will be pursued as standalone projects. In one way or another, most of the infrastructure improvements identified in the BPP will be added to the City's Capital Improvement Plan (either as a standalone project or as part of a larger roadway project). Exceptions would include road striping (e.g. bike lanes and crosswalks) that can be done as part of regular road maintenance and/or small investments such as bike racks.

Noninfrastructure recommendations in the BPP are the responsibility of individual City departments and any associated costs should be considered as part of the annual budgeting process.

The summary below is organized as follows:

1. Projects Completed Since Plan Adoption
2. Projects Under Construction
3. Projects Designed and Waiting Construction
4. Projects in Design
5. Projects Identified in the Capital Improvement Plan (grouped by Fiscal Year)

The project number corresponding to the Bicycle and Pedestrian Plan (BPP) project list and the priority level assigned by the BPP are listed in parentheses next to each project.

1. Projects Completed Since Plan Adoption

Sagamore Ave Complete Street Phase 1 (#12, High)

From South St to Little Harbor Rd, added bike lanes, widened and reconstructed sidewalks, updated traffic signal at South St intersection, added street trees and consistent landscaping strip, installed pedestrian activated signal, crosswalk and new pocket park at Little Harbor Rd.

Market St Gateway Phase 1 (#31, High)

From Sarah Long Bridge to Kearsarge Way, added on-road bike lanes on both sides and multi-use path on river side, added bus stop turnouts. [NOTE: Final road striping will be completed in the spring of 2018]

NonInfrastructure Items

- Continuing with Safe Routes to School Program Coordination
- Installed On-Street Bike Parking
- Implemented Bike Share Program
- Achieved Bike Friendly Community Designation (Bronze Level)
- Continue to offer Bicycle Safety Training and Maintenance for Adults (via CommuteSmart Seacoast, SABR, and She Rides Seacoast)
- Continue to offer Bicycle Safety Training for Kids (Little Harbor School)
- Continue to promote Commuter Choice Program (CommuteSmart Seacoast)
- Updated City Ordinances on Bicycles
- Added Bicycle Parking Requirements and Shared Parking Provisions to Zoning Ordinance
- Continue to use the BPP in capital projects and private development reviews
- Completed a city-wide sidewalk condition review
- Collected annual bicycle and pedestrian counts
- Developing Neighborhood Traffic Calming Program

2. Under Construction

Islington St Sidewalk (#113, Medium)

Add new sidewalk from Rutland St to Plains Ave.

Sarah Mildred Long Bridge bike lanes (#83, High)

Add bike lanes to new bridge. NHDOT and MaineDOT project.

Submarine Way (to Albacore) (#27, Low)

Add bike lanes, sidewalk to Albacore Park, upgrade signals at Market St and Route 1 Bypass.

Stark St Bridge Sidewalk Reconstruction (#126, Low)

Add sidewalks to both sides of Stark St Bridge. NHDOT project.

3. Designed and Waiting Construction

Russell St / Deer St Bicycle and Pedestrian Improvements (#69, Low)

Shared lane markings, bike lanes, widened sidewalks, enhanced pedestrian crossings, traffic calming measures to be implemented as part of the North End Development (Harborcorp) project.

Multi-use Path between Islington St and Borthwick Ave (#76, Medium)

Multi-use path for bike and pedestrian use only with connection to future Hampton Branch Rail Trail to be constructed as part of Borthwick Forest development project.

Middle St / Lafayette Rd Bike Lanes (#16 and #17, High)

Buffered and protected bike lanes, shared lanes, and related pedestrian crossing and intersection safety improvements between Andrew Jarvis Dr and State St.

4. In Design

Maplewood Ave Downtown Complete Street (#23 and #79, High)

Add bike lanes, widen sidewalks, improve streetscape.

Outer Maplewood Ave Road Rehabilitation (#24, High)

Add bike lanes, improve sidewalks and streetscape as part of roadway improvement and utility replacement project.

Islington Street Streetscape Improvements (#110, Medium)

Pedestrian safety improvements, sidewalk widening and reconstruction, improved streetscaping, and pedestrian scale lighting as part of roadway reconstruction project.

Edmond Ave Bike / Ped Connector (#66, Medium)

Share bike / pedestrian lanes to be added as part of road re-pavement and re-striping project.

5. Capital Improvement Plan

Bicycle and pedestrian projects that have been included in the CIP since the Bike Ped Plan was adopted are listed below along with the total City funding allocated for the project (General Fund, Bonding, and Special Revenues). The funding totals listed do not include any outside funds from state or federal grants or private contributions and only list the funding identified for each fiscal year. For projects that include bicycle and pedestrian improvements as one component of a complete roadway project, the funding listed is for the total project, not just the bicycle and pedestrian components.

Many projects are funded over multiple fiscal years and the year funded does not necessarily correspond to the project start. These projects are in varying stages of planning, design, and construction. For more information about the status of specific projects, please visit the Department of Public Works city-side projects web page -- <https://www.cityofportsmouth.com/publicworks/projects>.

Fiscal Year 2015 – TOTAL \$1.675M

- Market Square Upgrade (#70, Medium) -- \$50K
- Bicycle Infrastructure -- \$50K
- Middle St / Lafayette Rd Bicycle Route (#17 and #16, High) -- \$25K
- Hampton Branch Rail Trail (#1 and #82, High) -- \$150K
- Islington Street Streetscape Improvements (#110, Medium) -- \$100K
- Outer Maplewood Ave Rehabilitation (#24, High) -- \$1.3M

Fiscal Year 2016 – TOTAL \$3.448M

- Hampton Branch Rail Trail (#1 and #82, High) -- \$56K
- Maplewood Ave Downtown Complete Street (#23, High) -- \$167K
- Spinney Road Sidewalk (#45, Low) -- \$125K
- Bicycle / Pedestrian Plan Implementation -- \$1M
- City-wide Sidewalk Reconstruction -- \$800K
- Outer Islington St Sidewalks (#113, Medium) -- \$250K
- Market Street Gateway Corridor (#31, High) -- \$550K
- Islington Street Streetscape Improvements (#110, Medium) -- \$500K

Fiscal Year 2017 – TOTAL \$960K

- Chestnut Street Pedestrian Connector -- \$50K
- Hampton Branch Rail Trail (#1 and #82, High) -- \$113K
- North Mill Pond Multi-Use Path (#81, Low) -- \$100K
- Market Street Gateway Corridor (#31, High) -- \$117K
- Islington Street Streetscape Improvements (#110, Medium) -- \$200K
- Peverly Hill Road Complete Street (#10, High) -- \$300K
- Woodbury Ave / Franklin Dr Improvements (#64, #65, and #125, High and Med.) -- \$80K

Fiscal Year 2018 – \$6.064M

- Chestnut Street Pedestrian Connector -- \$50K
- Maplewood Ave Downtown Complete Street (#23, High) -- \$450K
- North Mill Pond Multi-Use Path (#81, Low) -- \$500K
- Hampton Branch Rail Trail (#1 and #82, High) -- \$225K
- Bicycle / Pedestrian Plan Implementation -- \$50K
- Elwyn Park Sidewalks (#8, Medium) -- \$20K
- City-wide Sidewalk Reconstruction -- \$800K
- Outer Woodbury Ave Intersection and Traffic Signal Upgrades (#60, High) -- \$219K
- Pleasant St Reconstruction (#71 and #216, Low and Medium) -- \$750K
- Woodbury Ave / Franklin Dr Improvements (#64, #65, #125, High and Med.) -- \$500K
- Islington Street Streetscape Improvements (#110, Medium) -- \$2.5M

Fiscal Year 2019 – TOTAL \$4.4M

- Bicycle / Pedestrian Plan Implementation -- \$30K
- Pedestrian Wayfinding System -- \$275K
- Spinney Rd Sidewalk (#45, Low) -- \$175K
- Elwyn Park Sidewalks (#8, Medium) -- \$20K
- Peverly Hill Road Complete Street (#10, High) -- \$2.2M
- Market St Gateway Corridor, Phase 2 (#31, High) -- \$1.7M

Projects in CIP for future Fiscal Years

- Junkins Ave (#73, High)
- South St (#72, High)
- Cate Street Connector (#49, High)
- Banfield Road (#77, Low)
- Elwyn Rd Side Path (#11, High)
- Sagamore Ave Sidewalks (#12, High)
- US Route 1 Side Path (#7, High)
- US Route 1 Crosswalks and Signals (#7, High)

Table 1: Summary of Projects for 2018 Construction Bids

Project	Bid Date	Status	Construction Cost
Andrew Jarvis Drive Reconstruction	Feb 15, 2018	Contract Awarded	\$1.1M
Pease Headworks and Odor Control	Feb 28, 2018	Bids Received	\$5.9M
Woodbury/Market Paving	Mar 2, 2018	Bids Received	\$0.8M
Maplewood Ave Reconstruction	Mar 6, 2018	Bids Received	\$5.9M Maplewood \$2.5 Side Streets \$8.4M Total
Annual Paving	Mar 12, 2018	Bids Received	\$1.9M
Osprey Landing Water Tank Remedial Implementation	Mar 15, 2018	Awaiting Bids	\$0.3M
Goose Bay Drive Sewer (Rebid)	Mar 16, 2018	Awaiting Bids	\$1.1M
Woodbury Signals (Rebid)	Mar 16, 2018	Awaiting Bids	\$0.8M
Newington Booster	Mar 20, 2018	Awaiting Bids	\$5.5M
Pleasant St Reconstruction	Mar 26, 2018	Awaiting Bids	\$2.5M
Route 33 Recreation Field	Apr 3, 2018	Awaiting Bids	\$2.0M
Spinney Sidewalks	April 2018	Document Prep	\$0.4M
Mechanic Street Wharf	April 2018	Document Prep	\$0.2M
Annual Sidewalks	April 2018	Document Prep	\$0.5M
DOT Newington Woodbury Ave Water Main Replacement	April 2018	Document Prep	\$0.5M
Islington Street Reconstruction Phase 1 (Route 1 Bypass to Dover St)	May 2018	Document Prep	\$6.0M
Hoover/Taft Drainage	May 2018	Document Prep	\$0.3M
Brewster Street Reconstruction Phase 4	July 2018	Document Prep	\$1.8M
Banfield Rd Culverts	August 2018	Document Prep	\$0.4M
Backwash Tank Madbury WTP	Sept 2018	Document Prep	\$1.0M
Corporate Drive Stormwater Phase 1	Sept 2018	Document Prep	\$0.1M



Hampton Board of Selectmen
100 Winnacunnet Road
Hampton, NH 03842

March 20, 2018

Dear Selectmen:

We are in receipt of your letter from January 29th, 2018 which makes statements about the operations and management of the Coakley Landfill Federal Superfund remediation action. This remediation effort has been underway for over twenty years and includes extensive work to protect public health and the environment in the region. The City of Portsmouth is supportive of efforts to work together to better understand this issue.

The City of Portsmouth is open to dialogue with representatives of all of the municipalities involved with or near the Coakley Landfill. To that end, we are organizing a public discussion forum involving the Executive Committee of the Coakley Landfill Group, representatives from the EPA and NH DES, and will invite town leaders from Hampton, North Hampton, Greenland, Newington and Rye. We will also invite State Legislators from the region and of course members of the public. We view this as an opportunity to share important scientific information and status of remediation efforts regarding the Coakley Landfill. Due to numerous schedules to coordinate, we expect this meeting to take place in late May or June. As soon as we have more details we will share with the Hampton Board of Selectmen and other concerned parties.

The City of Portsmouth is committed to open and clear information about human and environmental health and to following through on its responsibility relative to the Coakley Landfill. We have reviewed information made available from the Coakley Landfill Group at numerous public meetings regarding the fate and transport of PFAS at its site. The City is confident that the Coakley Landfill Group, under the direction of NHDES and EPA, is taking the appropriate measures to address the migration of contamination from the capped Coakley Landfill.

As result of regular testing and monitoring, the Coakley Landfill Group in conjunction with the EPA and NH DES has thus far determined that the contaminants have been following the path of other contaminants in accordance with the way groundwater flow has been modelled and mapped at the site for over twenty years. The CLG has sampled water supply wells, most of which are located in the deep bedrock, and has found that in none of these wells is the water at or even near the State contaminant limit for drinking water. Moving forward, and based on scientific findings and per direction from the EPA and NHDES, the CLG will continue to work on the deep bedrock study until that work is complete. The findings of that work and any future work will continue to be made available to the public as work progresses.

The City Council declines the Town of Hampton's request to assist in the Payment of engineer Dr. Ballestero. The Town's decision to hire Dr. Ballestero was a decision it made without contacting the Coakley Landfill Group or the City of Portsmouth.

If there are projects specifically involving the Coakley Landfill, we suggest that contacting the Coakley Landfill Group would be an appropriate first step as they represent all responsible parties.

Sincerely,

City of Portsmouth (City Manager, City Council, ...)

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

ACTION ITEMS

PARKING and TRAFFIC SAFETY COMMITTEE MEETING

8:00 A.M. – March 1, 2018
City Hall – Conference Room A

MEMBERS PRESENT: Chairman, Doug Roberts
Deputy Fire Chief, James Heinz
Police Captain, Frank Warchol
Members: Harold Whitehouse, Ronald Cypher,
Shari Donnermeyer, Mary Lou McElwain and
Ralph DiBernardo

MEMBERS ABSENT: City Manager, John Bohenko
Public Works Director, Peter Rice

CITY STAFF PRESENT: Parking and Transportation Engineer, Eric Eby
Planning Director, Juliet Walker
Parking Director, Ben Fletcher

Action Items requiring an immediate ordinance during the next Council meeting:

None

Temporary Action Items requiring an ordinance during the annual omnibus:

None

1. Accepted and placed on file meeting minutes from February 1, 2018.
2. Accepted and placed on file financial report dated January 31, 2018.
3. Public Comment: No public comment.
4. New Business: No new business.
5. (VII.A.) **Action Item:** Report back: Request to remove meters and parking spaces on north side of State Street between Middle Street and 487 State Street. – **VOTED** to make no changes at this time.
6. (VII.B.) **Action Item:** Report back: Request to modify parking spaces on Cornwall Street and Rockingham Street between Islington Street and McDonough Street. – **VOTED** to restripe parking spaces to add one additional space on Cornwall Street. **VOTED** to take no action on Rockingham Street.

7. (VII.C.) **Action Item:** Report back: Request for crosswalks on Lafayette Road at Robert Avenue, and on Ocean Road at Suzanne Drive. – No action required by the Committee.
8. Public Comment: One Speaker: Lenore Bronson
9. (IX.A.) **Action Item:** Public Meeting on potential Echo Avenue and Farm Lane closures to be held on Thursday, March 22, 2018. – No action required by Committee.
10. (IX.B.) **Action Item:** PTS open action items. – No action required by Committee.
11. Adjournment – At 8:56 a.m., **VOTED** to adjourn.

Respectfully submitted by:

Amy Chastain
Secretary to the Committee

MEETING MINUTES

PARKING and TRAFFIC SAFETY COMMITTEE MEETING

8:00 A.M. – March 1, 2018
City Hall – Conference Room A

I. CALL TO ORDER:

At 8:00 a.m., Chairman Roberts called the meeting to order.

II. ROLL CALL:

Members Present:

Chairman, Doug Roberts
Deputy Fire Chief, James Heinz
Police Captain, Frank Warchol
Member, Harold Whitehouse
Member, Ronald Cypher
Member, Shari Donnermeyer
Member, Mary Lou McElwain
Alternate Member, Ralph DiBernardo

Members Absent:

City Manager, John Bohenko
Public Works Director, Peter Rice

Staff Advisors Present:

Parking and Transportation Engineer, Eric Eby
Planning Director, Juliet Walker
Parking Director, Ben Fletcher

III. ACCEPTANCE OF THE MINUTES:

Harold Whitehouse moved to accept the meeting minutes of February 1, 2018.

Seconded by Ronald Cypher. **Motion passed 6-0.** Deputy Fire Chief Heinz was absent for the vote.

IV. FINANCIAL REPORT:

Harold Whitehouse moved to accept the financial report dated January 31, 2018. Seconded by Mary Lou McElwain. **Motion passed 6-0.** Deputy Fire Chief Heinz was absent for the vote. Harold Whitehouse commented on the positive revenues and budget.

V. PUBLIC COMMENT:

No public comment.

VI. NEW BUSINESS:

No new business.

VII. OLD BUSINESS:

A. Report back: Request to remove meters and parking spaces on north side of State Street between Middle Street and 487 State Street. Eric Eby recommended that the metered spaces remain unchanged. He based his recommendation on traffic video camera observations of the spaces and measurements taken of the area. He stated the spaces were not fully occupied during the day and the difficulty of turning in and out of the driveways between the spaces was not a constant occurrence. He stated the spaces may have been utilized more during construction last year on State Street and during the summertime, but based on the data he gathered, they are now occupied sporadically. He stated the action item could be revisited when the new parking garage is operational.

Mary Lou McElwain moved to accept the recommendation of the Parking and Transportation Engineer to make no changes at this time, and revisit the action item after the new parking garage is operational. Seconded by Shari Donnermeyer.

Chairman Roberts spoke to amending the motion to exclude the section on revisiting the action item after the new parking garage is operational. He stated he did not sense support for the change and did not want to foster an expectation that a change would be implemented after the new garage is operational. He mentioned the reduction in parking available at the Hanover garage due to planned improvements once the new garage is operational.

Harold Whitehouse agreed with Mr. Eby's statement: the issue of turning in and out of driveways can be difficult due to on-street parking, but that it is commonly found in the City.

Ralph DiBernardo clarified that the amended motion made by Chairman Roberts would be to make no changes at this time. The motion was seconded by Ronald Cypher. **Vote 7-0, to make no changes at this time.**

B. Report back: Request to modify parking spaces on Cornwall Street and Rockingham Street between Islington Street and McDonough Street. Eric Eby stated he measured the existing spaces on Cornwall Street and Rockingham Street. He stated it would be possible to restripe the existing 3 parking spaces to provide 4 parking spaces on Cornwall Street. The 2 middle spaces would be 20 feet long and the end spaces would be 18 feet long. Cornwall Street is a one-way street from Islington Street northbound to the intersection of McDonough Street and the condo driveway is one-way in. The one-way flows allow the area to be reconfigured for an additional space.

On Rockingham Street, the 2 parking spaces north of the condo driveway could be reconfigured for 3 spaces. However, Mr. Eby stated there could be potential problems restriping this area due to snow banks and vehicular access from the condo driveway to Rockingham Street. He recommended further investigation before moving forward on restriping the area.

Harold Whitehouse moved to restripe parking spaces to add one additional space on Cornwall Street and Rockingham Street. Seconded by Ronald Cypher. Harold Whitehouse stated a site visit was conducted and he was amazed at the development in the area.

The Committee discussed the original motion and decided to separate it into 2 motions. Ronald Cypher asked for clarification about parking near the driveway on Cornwall Street. Eric Eby stated a vehicle could park up to the edge of a driveway. He stated there would be approximately 5 feet between a parked vehicle and the edge of driveway. Mary Lou McElwain asked for clarification about allowing additional parking spaces that would make turning movements onto Cornwall Street or the condo driveway difficult. Eric Eby clarified that his recommendation did not include those areas. Shari Donnermeyer expressed support for adding an additional parking space.

Harold Whitehouse withdrew his motion to restripe parking spaces to add one additional space on Cornwall Street and Rockingham Street.

Mary Lou McElwain moved to restripe parking spaces to add one additional space on Cornwall Street. Seconded by Shari Donnermeyer. **Vote 7-0, to restripe parking spaces to add one additional space on Cornwall Street.**

The Committee requested Eric Eby restate his issue regarding restriping Rockingham Street. He stated if the 2 spaces were restriped to 3 spaces, it could make it very tight for vehicles exiting from the condo driveway to make a right turn onto Rockingham Street. This could be problematic in the winter time due to snow banks.

Mary Lou McElwain moved to take no action on Rockingham Street. Seconded by Ronald Cypher. **Vote 7-0, to take no action on Rockingham Street.**

C. Report back: Request for crosswalks on Lafayette Road at Robert Avenue and on Ocean Road at Suzanne Drive. Eric Eby stated the original requests were presented to City Council last year. The roadways are owned and maintained by the State of New Hampshire Department of Transportation (NHDOT). Therefore all decisions must be made by NHDOT regarding requests for crosswalks. A letter from NHDOT dated February 9, 2018 was provided in the packet. In the letter, NHDOT approved a crosswalk on Lafayette Road, but specified the City would be responsible for all costs associated with the project. Eric Eby stated the costs would be considerable. The project scope would include a crosswalk, sidewalk improvements, traffic signal equipment and drainage swales at the intersection.

In the letter, NHDOT denied the crosswalk request on Ocean Road at Suzanne Drive due to insignificant pedestrian traffic in the vicinity. Eric Eby spoke to the safety of students crossing Ocean Road at the school bus stop. The school bus creates a controlled situation with its flashing red lights, which allows students to cross Ocean Road safely.

Planning Director Juliet Walker spoke to the Lafayette Road crosswalk funding. She stated there is a Capital Improvement Project (CIP) that will be coordinated with NHDOT. It would create a walkable and bikeable connection along Route 1. It would also include the addition of crosswalks and actuated pedestrian signals on Lafayette Road at key intersections. She stated this specific crosswalk request at Robert Avenue could be included as part of the CIP. She stated the design phase of the project is anticipated in the future and would include public input.

No action required by the Committee on this action item.

VIII. PUBLIC COMMENT:

Lenore Bronson spoke about attending a PTS Committee meeting in October 2015. At that meeting, she expressed concern over the number of accidents occurring on Woodbury Avenue. She stated she never heard back from the Committee addressing her concerns. She expressed disappointment about not receiving notice of potential projects affecting her neighborhood. She spoke to the potential closures of Echo Avenue and Farm Lane. She is concerned about traffic flow if the streets are closed.

The Committee clarified that no action had been taken regarding the potential closure of Echo Avenue and Farm Lane. A public meeting is scheduled on Thursday, March 22, 2018. There was a discussion about how the public is notified of public meetings. Ms. Bronson stated she is on an email distribution list from the City, but has not received information by mail regarding this action item.

Eric Eby provided a brief overview of the Echo Avenue request and meetings that have transpired to date. He stated representatives from NHDOT would be present at the March 22nd meeting.

Ms. Bronson asked what actions had been taken regarding her request from October 2015. Eric Eby stated residential area signs had been posted at each end of Woodbury Avenue. Additionally, more speed limit signs have been posted. She reiterated her request for stop signs on Woodbury Avenue.

Mary Lou McElwain spoke to improving communication with neighborhoods. She requested a report back on how the City communicates with neighborhoods.

Harold Whitehouse stated he called Ms. Bronson before today's meeting to discuss this issue and encouraged her to attend the March 22nd meeting.

IX. INFORMATIONAL:

A. Public Meeting on potential Echo Avenue and Farm Lane closures to be held on Thursday, March 22, 2018. Eric Eby informed the Committee that the location of the meeting has been changed to the Department of Public Works (DPW) at 680 Peverly Hill Road. It will be held in the training room on the first floor.

The Committee discussed the methods of dissemination used by the City to notify the public. The Committee asked City Staff to research if public meeting notices could be mailed to residents. This is not standard practice now.

Ralph DiBernardo asked Eric Eby to discuss the Woodbury Avenue Bridge closure at the public meeting. He supports any changes made to the area, but only after construction has been completed on the Woodbury Avenue Bridge.

B. PTS open action items. The Committee thanked staff for the document. Eric Eby provided a brief explanation of the omnibus process as several action items are included in the 2018 Omnibus.

X. MISCELLANEOUS:

Harold Whitehouse spoke to signage at private parking lots. He is concerned about a large yellow sign in a bank parking lot and the location of a private pay kiosk on Hanover Street. He stated the kiosk is being used by people paying for on-street parking. It should only be used for patrons parking in the private parking lot. Eric Eby stated the program is new as of 2017. Applications for private parking lots are reviewed and approved through DPW. He stated the yellow signs are not allowed. The department is working with the applicant to resolve the issue. Mr. Eby will investigate the kiosk location on Hanover Street. Shari Donnermeyer stated she has heard from some private parking lot owners who are receiving complaints.

XI. ADJOURNMENT – at 8:56 a.m., VOTED to adjourn.

Respectfully submitted by:

Amy Chastain
Secretary to the Committee



DRAFT

McIntyre Project Public Input Process - ESSENTIAL FRAMEWORK –

A. PUBLIC REALM

- Include easily adaptable public realm spaces that accommodate modestly-sized indoor and outdoor gathering space and a variety of activities and programming options for all ages. The public realm of the McIntyre should complement existing and planned Portsmouth assets (e.g. Market Square, Prescott Park, Vaughn-Bridge-Worth, etc.).
- Establish a highly walkable project buildout that creates interesting and varied pedestrian experiences (including public art and views) along all property edges and throughout/within the property. Make edges active and inviting.
- Offer an opportunity for the public to access to the expansive elevated views of the downtown and waterfront. Preserve critical viewsheds from the street level experience.

B. DESIGN

- New architecture should reflect current design and sustainable construction technologies while respecting the historic characteristics and integrity of the site's varying surroundings. Do not overshadow the McIntyre building.
- Provide multiple points of access along all sides of the parcel to ensure permeability through the site (especially at/through the existing McIntyre Building).
- Design the site for maximum adaptability to future changes in markets and public benefit needs. For example, ground-floors of existing and proposed buildings shall be designed to ensure adaptability and evolution of use such that street life in and around the McIntyre site continues to be vibrant and brimming with activity.
- Advocate for interpretation of the Secretary of the Interior's Standards that will allow for appropriate modification to character-defining features to invite public use and connect the building and site with its surroundings.

C. TRANSPORTATION & PARKING

- Reduce the need for on-site parking. Provide transportation and parking options, both external and internal to the site, designed to reduce reliance on personal cars.
- Define the types of on-site, practical accommodations for arrival/departure integrated into the site development in support of alternative modes of transportation and new consumption and distribution patterns, planning for future trends in transportation.
- Minimize/eliminate surface (vs. covered) parking.
- Minimize vehicular traffic into the site – limit to deliveries, public safety, and very slow travel.
- Consider important nearby transportation connections when designing public walk and path alignments through the property.

D. PUBLIC/PRIVATE PARTNERSHIP

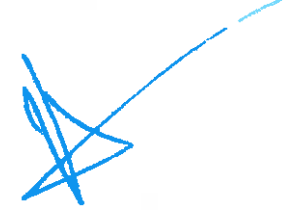
- Establish and maintain a market-based mix of uses/activities of interest to Portsmouth residents. Consider existing and planned amenities and uses located within walking distance.
- The City's ability to achieve desired public amenities and benefits (including ground rent and surplus income) depends on its private partners also achieving financial goals. Fairly balance this relationship to result in long-term success. For example, consider design options that create increased density if increased public benefit results.
- Explore tax credit programs and other financing tools (e.g. tax increment financing), to leverage private and public capital and enhance project viability.
- Establish the proper scale, mass, density and building configuration to allow economic viability for public benefits and quality development.
- Establish a public/private oversight entities to document and monitor the project and to ensure that public benefits are being met and that the project is proceeding in accordance with partnership terms. Revisit the framework when changes are proposed.

CITY OF PORTSMOUTH

LEGAL DEPARTMENT

MEMORANDUM

DATE: February 28, 2018
TO: JOHN P. BOHENKO, CITY MANAGER
FROM: ROBERT P. SULLIVAN, CITY ATTORNEY
RE: RULE 47 – APPOINTMENTS TO BOARDS AND COMMISSIONS



At the City Council meeting of January 16, 2018 Councilor Perkins requested that former City Council Rule 47 relating to Appointments to Board and Commissions be brought forward for consideration by the City Council. Subsequent to that date her request has been refined through further communication with this office. Below is the rule as now requested (deletions from prior rule #47 ~~stricken in red~~ and additions **bolded in red**) as well as a suggested motion to accomplish the result sought by Councilor Perkins.

RULE 47. APPOINTMENTS TO BOARDS AND COMMISSIONS

Unless otherwise required by statute or ordinance, the Mayor shall **only 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 **if such position shall have been publicly advertised** prior to the effective date of the requested reappointment.