

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, MAY 20, 2019 TIME: 6:00PM

- **6:00PM – WORK SESSION REGARDING COAKLEY LANDFILL – ERIC SPEAR, CHAIRMAN OF THE COAKLEY LANDFILL EXECUTIVE COMMITTEE**

I. CALL TO ORDER

II. ROLL CALL

III. INVOCATION

IV. PLEDGE OF ALLEGIANCE

V. ACCEPTANCE OF MINUTES – MAY 1, 2019 AND MAY 6, 2019

VI. PUBLIC COMMENT SESSION

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

A. Public Hearing on Resolution Re: Construction of Senior Center

Resolution Authorizing a Bond Issue and/or Notes of up to Two Million Five Hundred Thousand Dollars (\$2,500,000.00) for costs related to Construction of a Senior Center

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

B. Public Hearing – Billiards and Bowling Hours

Public Hearing and Second Reading of Ordinance amending Chapter 6, Article II, Section 6.202 – Billiards and Bowling Hours

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

C. Public Hearing on Resolution Re: Supplemental Appropriation for Greenland Well Source Water Protection Land Purchase

Resolution Authorizing a Supplemental Appropriation from Water Fund Net Position for Greenland Well Source Water Protection Land Purchase for the sum of up to Two Hundred Twenty Thousand Dollars (\$220,000.00)

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

D. Public Hearing on Resolution Re: Elementary School Facility Improvements

Resolution Authorizing a Bond Issue and/or Notes of up to Two Million Dollars (\$2,000,000.00) for costs related to Elementary School Facility Improvements

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

E. Third and Final Reading of Ordinance – Rezoning of 15 Middle Street

Third and Final Reading of Ordinance amending Chapter 10 – Zoning Map 10.5A21A by changing the property with the address of 15 Middle Street from Civic District to Character District 4 and amending Zoning Map 10.5A21B by changing the height requirement area for the property’s street frontages on Porter Street and Maplewood Avenue to 2-3 stories (40’)

VIII. APPROVAL OF GRANTS/DONATIONS

- A. *Acceptance of Donation from Micum Davis – Cornerstone Tree Care to the City Tree Trust - \$610.00 *(Sample motion – move to accept the donation of \$610.00 from Micum Davis of Cornerstone Tree Care for the City Tree Trust)*

IX. CONSENT AGENDA

(ANTICIPATED ACTION - MOVE TO ADOPT CONSENT AGENDA)

- A. Request for License to Install Projecting Sign for James McSharry & Joel Harris owner of Dos Amigos Burritos, LLC d/b/a Mr. Kim’s for property located at 107 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**

- B. Request for License to Install Projecting Sign for Lia Cote owner of Lia Gormley Fine Jewelry for property located at 18 Ladd 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**

- C. Letter from Chris Curtis, The Music Hall requesting permission to close Chestnut Street for the Telluride by the Sea Film Festival on Friday, September 20, 2019 through Sunday, September 22, 2019 (**Anticipated action – move to refer to the City Manager with power**)

- D. Letter from Mike Young, Portsmouth Babe Ruth requesting permission to place 15 outfield signs on the outer perimeter fencing facing inwards towards Leary Field beginning on June 1, 2019 through August 30, 2019 (**Anticipated action – move to refer to the City Manager with power**)

- E. Request from Girls on the Run New Hampshire to hold the Portsmouth 5k on Saturday, June 1, 2019 at the Pease Tradeport (**Anticipated action – move to refer to the City Manager with power**)

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Email Correspondence (**Sample motion – move to accept and place on file**)
- B. Letter from Ben Anderson, Prescott Park Arts Festival requesting permission to host a Food Truck Festival on Saturday, August 10, 2019 and temporarily closing Marcy Street between Court Street and Hancock Street (**Sample motion – move to refer to the City Manager with power**)
- C. Letter from Mark Puffer, PretiFlaherty regarding Gosling Road Fuel Line Crossing License Agreement (**Sample motion – move to refer to the City Manager power**)

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

City Manager's Items Which Require Action:

1. 145 Brewery Lane Easements and Deeds
2. Report Back Re: 27 Thaxter Road Involuntary Lot Merger
3. Proposed Charter Amendments

City Manager's Informational Items:

1. Upcoming FY20 Budget Work Sessions

B. MAYOR BLALOCK

1. Appointment to be Considered:
 - Reappointment of Cyrus Beer to the Historic District Commission
 - Reappointment of Martin Ryan to the Historic District Commission
2. Appointments to be Voted:
 - Appointment of Jeffrey Mattson as an Alternate to the Building Code Board of Appeals
 - Reappointment of Margot Doering as an Alternate to the Historic District Commission
 - Reappointment of Reagan Ruedig to the Historic District Commission
 - Reappointment of Jonathan Wyckoff to the Historic District Commission
 - Reappointment of Kory Sirmaian to the Recreation Board

C. COUNCILOR ROBERTS

1. Parking & Traffic Safety Committee Action Sheet and Minutes of the May 2, 2019 meeting (***Sample motion – move to approve and accept the May 2, 2019 Action Sheet and Minutes of the Parking & Traffic Safety Committee meeting***)

D. COUNCILOR PEARSON

1. *City Options to Obtain Carey Cottage

E. COUNCILOR DENTON

1. Proposed Rule Change – Rule 7 Order of Business (***Sample motion – move to accept the proposed attached Rule 7 Order of Business amendment to take effect at the June 17, 2019 City Council meeting***)
2. *Destination Electric Initiative

XII. MISCELLANEOUS/UNFINISHED BUSINESS

XIII. ADJOURNMENT

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

** Indicates verbal report*

MUNICIPAL COMPLEX
DATE: WEDNESDAY, MAY 1, 2019

PORTSMOUTH, NH
TIME: 6:30PM

I. CALL TO ORDER

Mayor Blalock called the meeting to order at 6:30 p.m.

II. ROLL CALL

Present: Assistant Mayor Lazenby, Councilors Roberts, Dwyer, Denton, Perkins, Raynolds and Becksted

Absent: Mayor Blalock and Councilor Pearson

III. PUBLIC HEARING

A. PROPOSED FY JULY 1, 2019 THROUGH JUNE 30, 2020 BUDGET

Assistant Mayor Lazenby read the legal notice regarding the public hearing on the budget.

IV. PRESENTATION – JOHN P. BOHENKO, CITY MANAGER

City Manager Bohenko said the City Council is no longer using the Joint Budget Committee and has created a Committee of the Whole for the budget process. He discussed the 4 Work Sessions that were held in the fall prior to this public hearing. City Manager Bohenko stated that the departments have outlined their needs and infrastructure needs as requested by the City Council. He reviewed the initiatives for the Police Department, Fire Department, School Department, General Government and Public Works Department:

Police Department

- *Two (2) Sworn Officers (partial year)*
- *Part-Time to full-time Animal Control Officer (partial year)*
- *Part-time Evidence Technician*

Fire Department

- *One (1) Firefighter and one (1) Fire Prevention Officer*
- *Two (2) Firefighters (partial year)*

School Department

- *One (1) Elementary World Language Teacher*
- *One (1) Math Interventionist at the Middle School*
- *Counseling and behavioral support – Elementary level*

General Government

- *Renewable Energy Credits*
- *Information Technology costs to protect the City's network systems*
- *Human Resource Assistant*

Public Works

- *Additional trees and expanded green space for Parks and Cemeteries*
- *Heavy Equipment Operator (partial year)*
- *Administrative Assistant (.25 FTE)*

Proposed FY20 Operating Budget

General Government = \$20,383,714.00

Police = \$11,699,799.00

Fire = \$9,263,571.00

School = \$49,750,427.00

FY20 City Manager Recommended Budget

Total Department = \$91,097,511.00

Change from FY19 = \$3,329,662.00

% Change from FY19 = 3.78%

Collective Bargaining Contingency = \$1,120,000.00

Transfer to Indoor Pool = \$150,000.00

Transfer to Prescott Park = \$89,000.00

Total Operating = \$92,456,511.00

Change from FY19 = \$4,468,662.00

% Change from FY19 = 5.08%

City Manager Bohenko informed the City Council that there are 12 unsettled contracts for FY20. He reported that the projected Cost of Living Adjustment (COLA) is 2%. He spoke to NH retirement rates which are at \$8,543,977.00 or a 2.17% change from FY19. He said prior to FY10 the State of NH contributed 35% of employer contributions for teachers, police and fire personnel but that was reduced to 30% in FY10, 25% in FY11 and 0% in FY12. He stated the loss of State contribution cost taxpayers approximately \$17 million over 10 years (FY10 – Est. FY20). City Manager Bohenko spoke to the health insurance stabilization fund and stated the GMR makes the 10-year average rate increase 4.63%.

Worker's Compensation – Increase due to Recent Legislation

SB 541 states: An ACT establishing a fund to reimburse costs associated with firefighters who have cancer.

HB 407: preventive medical treatment started after an identified critical exposure or unprotected exposure in order to prevent infection and the development of disease.

Total FY20 Proposed Budget = \$764,487.00 or a 5.4% increase.

Total Salaries and Benefits = \$77,179,695.00
Net Increase = \$3,678,148.00 for a 5% increase

City Manager Bohenko reported the recommended General Fund Budget for FY20 is \$120,039,950.00:

- ✓ Operating represents 77% of the total budget
- ✓ Non-Operating represents 23% of the total budget
- ✓ % Change from FY19 is 5.03%

City Manager Bohenko spoke to the Non-Operating Budget. He reported the FY20 proposed budget total is \$27,583,439.00 that represents a percentage change of 4.85%. He spoke to the Rockingham County tax, which Portsmouth is the highest contributor and the FY20 Proposed Funding is \$5,741,466.00. He addressed the Vehicles and Equipment Replacement Plan for FY20 is \$945,010.00 which is a 21.5% change from FY19. City Manager Bohenko said the IT Equipment Replacement Program for FY20 is \$1,013,428.00 with a 36.8% change for FY19.

Capital Outlay

City Manager Bohenko reported that the policy is to budget no more than 2% of the prior year's (FY19) appropriation for Capital Outlay. He said he is recommending an appropriation of \$1.8 million which is 1.58% of the FY19 Budget.

Revenues

City Manager Bohenko said the Fee Committee and Fire Department are recommending a Fire and Life Safety Code Inspector. He said the anticipated fees from this position are \$90,000.00 on the projected revenue side. He said if the position is not moved forward the City Council would need to remove the \$90,000.00 in the projected revenue side of the budget.

Additional Estimated Revenues for FY20

- \$400,000.00 Investment income due to rising interest rates
- \$145,000.00 Building permit fees
- \$380,000.00 Increase in motor vehicle registrations
- \$90,000.00 Fire and Life Safety Code Inspection Fees

City Manager Bohenko addressed the use of fund balance, which does affect our bond rating. He said we have an AAA bond rating for the last 6 years.

Parking Revenue Distribution

Estimated FY19 Revenues

➤ Parking Meter Fees	\$3,306,000.00
➤ Parking Facilities	\$2,775,875.00
➤ Parking Space Passes	\$2,193,000.00
➤ Parking Violations	\$715,000.00
➤ Other Revenues	\$221,500.00
TOTAL	\$9,211,375.00

Revenue Distribution:

Retained in the General Fund	\$2,412,305.00	26%
Parking & Transportation	\$6,799,070.00	74%

City Manager Bohenko reported for the median single family home valued at \$424,200.00 \$.76 equates to a tax offset of \$322.39.

Long – Term Financial Planning

City Manager Bohenko addressed stabilizing costs and long-term planning assists in keeping the annual budget and tax rate stable and predictable.

- ✓ Unassigned Fund Balance Ordinance
- ✓ Leave at Termination Stabilization Fund
- ✓ Health Insurance Stabilization Fund
- ✓ Debt Service Planning Policy
- ✓ Capital Improvement Plan
- ✓ Rolling Stock Replacement Program

City Manager Bohenko said if the proposed budget is adopted as presented, it will result in an estimated tax rate of \$16.58 which represents a \$.74 increase or 4.69%. He stated if the City Council chooses to reduce this proposed tax rate, it would require a reduction in expenditures, increase in revenue or a combination of both from the City Manager's recommended proposed budget keeping in mind that every \$.1 change in the tax rate equates to approximately \$55,000.00. He further stated that Portsmouth had the lowest equalized tax rate in Tax Year 2017 (Fiscal Year 2018) among New Hampshire's 13 Cities and the 37th lowest equalized tax rate in NH out of 232 communities.

V. PUBLIC COMMENT/INPUT

Mayor Blalock opened the public hearing and called for speakers to come forward.

Steve Little spoke to the conditions of streets and cracked sealing. He said utility companies come here cut our streets for their projects and do not repair them back to the state they found them in. He said funding needs to go towards repairing the roadways. Mr. Little said that Thornton and Dennett Streets need to be replaced.

Charlie Griffin complimented City Manager Bohenko for his budget message and presenting a budget that is thorough and easy to understand. He said a budget increase of 4.69% is simply too much. He said the Boston COLA is 3% but not 5%. He addressed the salaries and benefits that make up 63% of the budget. He advised the City Council that taxpayers do not want services to be cut. Mr. Griffin compared the City budget to Concord's budget. He said the City Council should contact their counterparts in Concord to see if there are efficiencies that could be put in place that would save money. He stated he would like the City Council take 30 days to review contracts and look at the COLA and see if it is appropriate to pay every person the same COLA.

Christina Lusky asked that the City Council do better with the budget and on the revenue and spending sides. She would like to see more effort with the cost of services. She feels that some school positions could be made part-time. Ms. Lusky said that the athletic fields will be used by other communities but paid by the City. She thanked Councilor Becksted and Councilor Perkins for trying to reduce the budget last year.

Mark Brighton said the increase to the budget is too high being at the rate of twice the inflation. He said the driver is the cost of living adjustments but there is no incentive to lowering it. He stated for the last 12 years the budget has increase the double rate of inflation. Mr. Brighton said the City cannot sustain these increases.

Brian LaChance thanked the City Council for their effort in transparency. He said he has a fixed retirement and pays the City over 20% of his retirement. Mr. LaChance said he does not receive the 2.8% cost of living adjustment and the City Council decisions affect his life.

Tom Nies thanked the City Council and City Manager for the budget preparation and the Finance Department for their transparency of information available on the website. He said this is a 6% increase from what the Council passed last year. He said we are facing a larger increase than what is being reported. Mr. Nies spoke to fund balance which has increased by \$4,000,000.00 to \$15,000,000.00 and said the City Council needs to consider how big they want that fund to be. He also addressed personnel costs and the need to take a stance on contracts. He asked that the City take a longer term approach and thought on dealing with budgets in the future. He stated residents can't afford a 5% increase time after time.

Erik Anderson spoke to the comprehensive budget and he would like to see the public process go forward during the work sessions. He would like the City Council to take a hard look at the budget and make some adjustments. Mr. Anderson stated the budget could stand a considerable amount of improvements. He spoke to the development in the City and that it has not sustained us on the revenue side and the increases are constant. He said the City Council needs to present more opportunity to allow for more public input.

Mary Lou McElwain said the sustainability issue is very difficult for many families. She said an increase of \$300.00 is a significant amount of money for families. She stated the City Council needs to look at the needs of the community because residents are looking at how they can stay in the City.

Jamie Beland said taxes increase and he understand that but with all the building downtown why is that not off-setting the taxes. He stated that a 5% increase is twice the rate of inflation. He said the development downtown was supposed to off-set taxes and it is not.

Assistant Mayor Lazenby called for additional speakers and with none, declared the public hearing closed.

Councilor Becksted said he would like to continue the public input for the work session and have cards available for individuals to write down questions to be answered by the Council or staff.

Assistant Mayor Lazenby said a motion like that would take place at a regular City Council meeting.

City Manager Bohenko said Mayor Blalock has indicated that he would follow the same process for public input with residents completing an index card with their questions to be answered by the City Council or staff.

Councilor Dwyer stated the public can also speak during Public Comment Session at regular meetings and not wait for just the work sessions.

Councilor Reynolds said he is supportive of public input on the budget. He said the City Council does accept emails as well with input on the budget or general thoughts.

VI. ADJOURNMENT

At 7:40 p.m., Councilor Perkins moved to adjourn. Seconded by Councilor Reynolds and voted.



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

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, MAY 6, 2019

PORTSMOUTH, NH
TIME: 6:15PM

At 6:15 p.m. a Public Dialogue Session was held.

Public Dialogue Session – One Group

PRESENT: Mayor Blalock, Assistant Mayor Lazenby, Councilors Roberts, Pearson, Dwyer, Denton, Perkins, Reynolds and Becksted (6:45 p.m.)

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

Bernard Mulligan asked what happen with his request for a Resolution from the City Council stating they would not close off Chestnut Street.

Councilor Pearson said the Council and staff are still gathering information from residents and businesses downtown.

Mr. Mulligan spoke regarding the need for two-way traffic on Congress Street.

Mayor Blalock said access would be allowed in and out of 18 Congress Street.

Mr. Mulligan said the City can't close the square without closing Daniel Street. He also indicated that he was unable to access information from the City's website and there are issues relating to printing of documents.

Councilor Pearson said the closure would be between Penhallow Street and Market Square.

Councilor Reynolds said the City Council would bring forward the request with staff recommendations. He said access to all buildings will exist and Porter Street will remain open.

Paige Trace spoke regarding our website and items that are available to the public.

Councilor Roberts said that there was an issue with the website over the weekend.

Ms. Trace expressed concern regarding the rezoning of 15 Middle Street and Mr. McSharry's proposal to have a hotel and restaurant at the location. She also spoke regarding the lack of parking at the site.

Planning Director Walker said parking is not required for an Inn at that location. She said if Mr. McSharry cannot meet the requirements of the ordinance he would be required to obtain a conditional use permit for parking.

Councilor Dwyer said the plan for 15 Middle Street is valet parking.

Linda Mulligan said that businesses downtown are not aware of the pedestrian event scheduled to take place with the closure of streets.

Mr. Mulligan once again spoke to the matter of printing issues with the City's website.

Councilor Roberts said documents in pdf version are easy to print but other software versions are more difficult.

David Noard spoke opposed to the increase in the budget and to collective bargaining agreements for employees.

Councilor Reynolds said in this budget there are unknowns because we are still in negotiations with 12 collective bargaining units.

Mr. Noard said he would like to know the reason why payroll keeps increasing. He said that City fees for permitting developments should increase.

Mayor Blalock said we will be having several work sessions this month on the budget and Mr. Noard should attend to hear more about the process and preparation of the budget.

Councilor Pearson said the Economic Development Commission is doing research on fees for buildings in the City. She said developers are paying fees and permits to get their buildings up to the strict codes. She spoke to the cost burden that has been placed on municipalities for health insurance and retirement costs.

Councilor Dwyer suggested Mr. Noard review the budget and the data. She explained that the Council can't have a fee that is seen as a tax.

Harold Whitehouse asked about the hotel fee being considered by the Legislature.

Assistant Mayor Lazenby spoke to the hearing held last week on the hotel bill. He said the Chamber of Commerce wrote a letter in support of the legislation and indicated that the hotels in the City are in favor of the fee. He said there is positive momentum for a formula for the meals and room tax which, has not been collected correctly by the State.

Ms. Trace spoke regarding her support of the meals and room tax. She said the City is not receiving what it should be from the State. City Manager Bohenko stated that the City only receives 29% of what is collected.

Mayor Blalock said the State has collected millions of dollars in meals and room tax from the City.

Ms. Trace said she does not understand how the State is getting away with the lack of distribution of fees to the City.

Councilor Perkins said that the Governor could place the tax in his budget but we have tried that and it did not work.

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

I. CALL TO ORDER

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

II. ROLL CALL

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

III. INVOCATION

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

IV. PLEDGE OF ALLEGIANCE

Mayor Blalock led the Pledge of Allegiance.

PROCLAMATIONS

1. Honoring the Civic Service of Nancy Beck

Mayor Blalock read the Proclamation honoring the civic service and many accomplishments of Nancy Beck.

2. Police Week – Peace Officers’ Memorial Day – May 15, 2019

Councilor Roberts read the Proclamation declaring the week of May 12th to May 18th as Police Week in Portsmouth and further called upon all citizens of Portsmouth to observe May 15, 2019 as Peace Officers’ Memorial Day. In addition, let us recognize and pay respect to the survivors of our fallen heroes by lowering all City, State and American flags in Portsmouth to half-staff on Wednesday, May 15, 2019. Police Chief Merner and members of the Portsmouth Police Department accepted the Proclamation with thanks and appreciation. Chief Merner announced that the department has earned the highest CALEA Accreditation.

3. Small Business Week – May 5th – May 11th, 2019

Mayor Blalock read the Proclamation declaring May 5th – May 11th as Small Business Week in Portsmouth. Nicole Gagliardi of The Spice & Tea Exchange of Portsmouth accepted the Proclamation with thanks and appreciation.

4. National Bike Month

Councilor Raynolds read the Proclamation declared May 2019 as Bike Month. Anne Rugg of COAST accepted the Proclamation with thanks and appreciation.

5. 100th Anniversary of Atlantic Heights Neighborhood

Mayor Blalock read the Proclamation wishing Happy 100th Anniversary to the Atlantic Heights. Kevin Lafond accepted the Proclamation with thanks and appreciation and informed the City Council he will be placing the 75th Anniversary and this 100th Anniversary Proclamations on display at the Portsmouth Athenaeum.

PRESENTATION

1. Senior Activity Center Re: Cottage Street Location f/k/a Paul A. Doble Army Reserve Center – Brinn Sullivan

Ms. Sullivan spoke to the Senior Subcommittee of the Recreation Board that has been working on the future Senior Activity Center. She informed the City Council the Subcommittee has met 22 times in 4 years with an average of 5 meetings a year to help the project move forward. She said there has been a great deal of community input on the Senior Center. She reviewed the various areas of the future Senior Center and pointed out the clear drop off for visitors and outdoor patio. Ms. Sullivan reviewed the goals for the present and future:

- *Inviting, inclusive & comfortable drop-in space for informal gathering*
- *Extensive array of programs for all interests and abilities*
- *Safe, well organized, fun space for activities both indoors and outside*
- *Programming to include Arts & Culture, Health & Fitness, Diversity, Educational, & Social*
- *Vibrant, modern hub for seniors and the community to gather*
- *The senior subcommittee supports a vision for a 50+ activity center serving both the current senior population and the soon-to-be senior. To continue to building membership and serve 5 decades of older adults. This innovative and inclusive philosophy encourages a multigenerational environment which offers layers of support and creates a dynamic atmosphere.*

Ms. Sullivan reviewed the timeline moving forward with the Council:

<i>February 2019:</i>	<i>Acquisition of 125 Cottage Street property</i>
<i>April 2019:</i>	<i>Asbestos Abatement completed</i>
<i>Spring 2019:</i>	<i>Bid documents publically noticed by the City</i>
<i>Summer 2019:</i>	<i>Commence construction</i>
<i>Spring/Summer 2020:</i>	<i>Completed construction</i>

Mayor Blalock thanked Councilor Becksted for his service as the City Council representative to the Recreation Board.

Councilor Denton moved to authorize the City Manager to request from the Trustees of the Trust Fund, \$1,525,200.00 from the Daniel Street Trust to be used for senior center construction costs. Seconded by Councilor Pearson.

Councilor Becksted said he supports the project and that this is one step of many to come forward.

Councilor Dwyer asked City Manager Bohenko to identify the Daniel Street Trust. City Manager Bohenko said it is from the sale of the Connie Bean Center. He stated the funds are to be used toward a recreational purpose. He indicated another \$500,000.00 in funding came from the CDBG. City Manager Bohenko said the next step is to hold a public hearing for the \$2.5 million bond.

Motion passed.

Councilor Pearson moved to establish a public hearing for May 20th to consider and recommend \$2.5 M bond to be used for senior center construction costs. Seconded by Assistant Mayor Lazenby and voted.

V. ACCEPTANCE OF MINUTES – APRIL 15, 2019

Councilor Dwyer moved to approve and accept the minutes of the April 15, 2019 City Council meeting. Seconded by Councilor Pearson and voted.

VI. PUBLIC DIALOGUE SUMMARY

Assistant Mayor Lazenby gave a brief summary of the topics discussed during Public Dialogue which included the Downtown Pedestrian Zone Experiment, Reuse of former Salvation Army building, City's website and the Budget.

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

A. Public Hearing – 15 Middle Street Zoning

Mayor Blalock read the legal notice for 15 Middle Street Zoning.

• PRESENTATION

Planning Director Walker said that this is a citizen request to rezone 15 Middle Street. She indicated the request is to rezone from Civic District to Character District 4. She reviewed the zoning map for the downtown area and stated there are four primary Character Districts in the downtown CD4-L, CD4-W, CD4, and CD5. She stated that the Character District Zoning was adopted in 2014 for the downtown. She said the districts downtown provide specific dimensional and development standards so that new buildings and re-development will fit in with the surrounding context. She outlined the current zoning – Civic District purpose is to preserve existing buildings and uses which are open to the general public and owned and operated by a not-for-profit organization other than the City of Portsmouth. She stated that if a property is owned by the City, it is zoned Municipal, not Civic. Planning Director Walker outlined permitted uses in the Civic District to the general public and dedicated to arts, culture, education, religion, recreation, government, transit, gardening, horticulture, public gathering, assembly or meeting. She reviewed the list of current properties zoned Civic:

1. Moffat Ladd House (154 Market St)
2. St. John's Church (100 Chapel St)
3. Warner House (150 Daniel St)
4. North Church (2 Congress St)
5. Temple Israel (200 State St)

6. Gov. John Langdon House (143 Pleasant St)
7. Unitarian Universalist Church (292 State St)
8. Salvation Army (15 Middle St)
9. Portsmouth Historical Society (43 Middle St)
10. Middle Street Baptist Church (16 Court St)

Planning Director Walker reviewed the purpose of Character District 4 Zoning which is to promote the development of walkable, mixed-use, human-scaled places by providing standards for building form and placement and related elements of development. She advised the City Council that this purpose statement is for all Character Districts. She said the description is for medium-to-high-density transitional areas with a mix of building types and residential, retail, and other commercial uses. She said there are shallow or no front yards and medium to no side yards, with variable private landscaping. She indicated streets have sidewalks and street trees or other pedestrian amenities, and define small to medium blocks. She spoke to building placement standards, building / lot occupation standards and building form.

Roof Types: flat, gable, hip, gambrel, mansard

Building Types: live/work building, small commercial building, large commercial building, mixed-use building, flex space building, community building

Façade Types: stoop, step, shopfront, officefront, recessed-entry, dooryard, gallery, arcade

Community Space Types: park, greenway, pedestrian alley, wide pedestrian sidewalk, square, plaza, pocket park, playground, recreation field or court, common or green community garden or farm, outdoor dining café, courtyard

Building Height: 2-3 Stories with Maximum building height 40'

Planning Director Walker outlined and reviewed land uses for the zoning whether they are permitted, conditional use permit or special exception.

Councilor Becksted asked what the existing height of the building is currently. Planning Director Walker said the building is 38 feet.

Attorney Phoenix spoke on behalf of Mr. McSharry and advised the Council that Mr. McSharry has entered into a contract with the Salvation Army. He indicated the building will be a 28 room hotel with a restaurant.

Wayne Semprini spoke to the history of the Salvation Army building. He advised the Council he was the realtor for the property and said two appraisals were completed on the building. He indicated that there needs to be a commercial component of the building for it to be successful.

• CITY COUNCIL QUESTIONS

Councilor Becksted said he is concerned that the building has no parking. Attorney Phoenix said the parking will be a valet service. Councilor Becksted said civic space is hard to get and he would have a hard time to allow the zoning change.

- **PUBLIC HEARING SPEAKERS**

Mayor Blalock opened the public hearing and called for speakers. With no speakers, Mayor Blalock closed the public hearing.

- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

Councilor Becksted asked City Attorney Sullivan whether this request is considered spot zoning because we are rezoning on specific property. City Attorney Sullivan said it was not and spoke to the definition of spot zoning.

Councilor Becksted asked Planning Director Walker how many CD4 properties line Middle Street. She indicated there are none on the south end.

Councilor Perkins moved to pass second reading and schedule third and final reading for the May 20, 2019 City Council meeting. Seconded by Assistant Mayor Lazenby.

Councilor Becksted said there are no CD4 on Middle Street. Planning Director Walker said there is a transition in this area where Porter Street and State Street which is where the downtown core is.

Councilor Dwyer said the building is already 38ft and will not get much higher. She said if anyone was to restore it could be an option to go back to civic. She stated that this is a pilot.

Councilor Becksted said he feels the usage will be intense and more than what is allowed today. He would recommended CD4-L and will not support the motion. He stated once this is approved the City will see more requests to come forward.

Councilor Denton said he lived a block from Middle Street for 6 years and feels the building should have been repurposed long ago and that the boards will address the concerns.

Motion passed. Councilor Becksted voted opposed.

- B. First Reading of Ordinance amending Chapter 6, Article II, Section 6.202 – BILLIARDS AND BOWLING HOURS

Councilor Perkins moved to pass first reading and schedule second reading and a public hearing for the May 20, 2019 City Council meeting. Seconded by Councilor Pearson.

Mayor Blalock passed the gavel to Assistant Mayor Lazenby.

Mayor Blalock said he received a letter from the new owner of Bowl-O-Rama stating bowling was not allowed on Sunday's before 1:00 p.m. He recommended the City Council pass the first reading of the ordinance, as this is a reasonable request.

Assistant Mayor Lazenby returned the gavel to Mayor Blalock.

Motion passed.

VIII. APPROVAL OF GRANTS/DONATIONS

A. Acceptance of Community Development Block Grant Funds

Councilor Perkins moved to accept and expend a Community Development Block Grant (CDBG) in the amount of \$526,934.00 from the U.S. Department of Housing and Urban Development. Seconded by Assistant Mayor Lazenby.

Councilor Becksted asked if some of this funding would be used towards the Senior Center. City Manager Bohenko said that funding was used from FY19 for the Senior Center and none of these funds would be going towards that project and reviewed the various requirements and restrictions for the use of CDBG funds. He indicated that he could have Elise from Community Development come and provide a presentation for the Council.

Motion passed.

Councilor Denton moved to suspend the rules in order to take up Item XI. A.3. – CIP Request Re: New Franklin Elementary School Facility Improvements. Seconded by Assistant Mayor Lazenby and voted.

XI. A.3. CIP Request Re: New Franklin Elementary School Facility Improvements

City Manager Bohenko said New Franklin School is the last elementary school to be rehabbed and the request for bonding is \$2,000,000.00. He said that construction is planned to take place over the summer.

Superintendent Zdravec said that this is the last stage of rehabbing elementary schools for the City. He spoke to the various upgrades and priorities for the school.

Councilor Denton asked if a dishwasher would be included as part of the rehab. Superintendent Zdravec said it is not included because they are looking at dishwashers across the district.

Councilor Becksted moved to establish a public hearing on Monday, May 20, 2019 for bonding of Two Million Dollars (\$2,000,000.00) for New Franklin Elementary School Improvements. Seconded by Councilor Pearson and voted.

IX. CONSENT AGENDA

Councilor Roberts removed Item B. 2019 Omnibus Sidewalk Obstruction Renewals from the Consent Agenda in order to take action separately.

- A. Letter from Donna Hepp, Granite State Wheelmen, Inc., requesting permission to hold the 46th annual Seacoast Century Bicycle Ride on Saturday, September 21, 2019 and Sunday, September 22, 2019 (***Anticipated action – move to refer to the City Manager with power***)

- C. Request for License to Install Projecting Sign for Simchik-McGovern III, LLC, Corene McGovern & Michael Simchik owner of The Chamfered Corner for property located at 140 Penhallow Street (***Anticipated action - move to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request***)

Planning Director's Stipulations

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

- D. Request for License to Install Projecting Sign for Albert Fleury owner of The Green Room for property located at 41 Vaughan Mall (***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 Perkins moved to adopt the Consent Agenda, as presented. Seconded by Councilor Denton and voted.

- B. 2019 Omnibus Sidewalk Obstruction Renewals (*See attached list*)

Councilor Roberts moved to approve and accept the 2019 Omnibus Sidewalk Obstruction Renewals. Seconded by Councilor Denton.

Councilor Roberts requested that City Manager Bohenko look into making the placement of flowers an exemption to the Sidewalk Obstruction License.

Councilor Raynolds requested that there be limitations developed to ensure that it is for the beautification of the City.

Councilor Raynolds suggested staff develop parking requirements and designate parking spaces for mopeds. City Manager Bohenko said he would have staff review this matter.

Motion passed.

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Email Correspondence

Councilor Dwyer moved to accept and place on file. Seconded by Councilor Pearson and voted.

- B. Letter from Margaret L. Riffe regarding Carey Cottage

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

- C. Letter from Debra Oliver, The Clip Joint Barbershop thanking the City Council for reconsidering date of the Pedestrian Zone Events

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

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

1. Approval of AFSCME Local A-1386 Re: Collective Bargaining Agreement

City Manager Bohenko stated that this was a 3 year contract and reviewed the highlights of the agreement with AFSCME Local A-1386.

Councilor Roberts moved to approve the tentative three year collective bargaining agreement with the Portsmouth City Employees – Local A-1386 (to expire on June 30, 2022). Seconded by Councilor Pearson.

Councilor Becksted said that these are important people and provided many services to the public.

Councilor Dwyer said there are good concessions in the agreement. She suggested holding a session with the public to inform them of the collective bargaining process. City Manager Bohenko said he will look at when we can fit a session in for the Council to hold with the public.

Councilor Denton would like to see if the unions are willing to swap out Columbus Day with Election Day.

Motion passed.

2. Proposed Longmeadow Road Extension Project

City Manager Bohenko said Public Works is proposing to extend Longmeadow Road to intersect with Lang Road near Route 1/Lafayette Road. He stated the proposed extension would pass over two lots owned by Service Credit Union. He informed the Council that this is part of a multi-phase process for State administration of Federal funding for infrastructure improvements. City Manager Bohenko said these Federal funds will finance the majority of this initiative. He indicated the project will require eight separate conveyances from Service Credit Union for the purpose of these conveyances, Lot 1 will refer to the lot at the corner of Lang Road and Route 1 containing the Service Credit Union offices, and Lot 2 refers to the adjacent, undeveloped lot. He reviewed the various easements with the Council.

Councilor Becksted moved to authorize the City Manager to negotiate, execute, deliver and record an necessary documents required to complete the extension of Longmeadow Road in accordance with the plans approved by the Planning Board; and further, that the City Manager be authorized to negotiate, discharge and extinguish any outstanding easements and covenants that may interfere with the extension of Longmeadow Road. Seconded by Assistant Mayor Lazenby.

Councilor Becksted said he would like to make sure the land use boards are aware of this change and that this will change the volume of cars and the intersection.

Motion passed.

4. Request to Establish a Work Session for May 20, 2019 Re: Update on Coakley Landfill

City Manager Bohenko advised the City Council that Eric Spear, Chairman of the Coakley Landfill Executive Committee would like to have a Work Session regarding Coakley on May 20, 2019 at 6:00 p.m.

Assistant Mayor Lazenby moved to schedule a work session for a report back presentation regarding Coakley Landfill at the May 20, 2019 City Council meeting at 6:00 p.m. Seconded by Councilor Pearson and voted.

5. Source Water Protection Re: Acquisition of 3.11 of Undeveloped Proposed Adjacent to the Greenland Well

City Manager Bohenko said that the City's Water Division has negotiated the purchase of a 3.11 acre parcel of undeveloped land that is located within the sanitary protective area (SPA) of the Greenland Well. He further stated grant funds from the New Hampshire Drinking Water & Groundwater Trust Fund has been awarded by the Governor and Council for this purchase. He reported the amount of 48% of the purchase cost, up to a maximum of \$90,000.00 has been awarded. He indicated the acceptance of these funds requires the addition of deed restrictions to prevent uses that could affect the groundwater quality. City Manager Bohenko said the parcel will also need to be surveyed and appraised, and a baseline report of the parcel conditions will need to be prepared.

Assistant Mayor Lazenby moved to approve the following:

- **Authorize the City Manager to execute a Purchase and Sale Agreement for the subject parcel for the total of \$220,000.00, with the understanding that reimbursement for up to \$90,000.00 from the New Hampshire Drinking Water & Groundwater Trust Fund will be requested;**
- **Establish a public hearing for May 20, 2019 to fund the purchase of land through a use of water enterprise fund net position;**
- **Enter into a Grant Agreement with the State of New Hampshire's Drinking Water and Groundwater Trust Fund to receive up to \$90,000.00 to partially reimburse costs of the purchase; and**
- **Refer this matter to the Planning Board for a report back**

Seconded by Councilor Perkins and voted.

6. 150 Route 1 Bypass Water Access Easement

City Manager Bohenko spoke to the water access easement and advised the City Council that the Planning Department and Legal Department recommend the easement.

Councilor Dwyer moved to accept an access easement to 150 Route 1 Bypass, as presented. Seconded by Assistant Mayor Lazenby and voted.

City Manager's Informational Items

1. Upcoming FY20 Budget Work Sessions

City Manager Bohenko announced that next week's FY 2020 Department Budget Work/Listening Sessions will be held on Wednesday, May 8th at 6:30 p.m. for the School Department, and Thursday, May 9th at 6:30 p.m. for the Public Safety/Police & Fire Departments

2. Report Back Re: Parking Principles

City Manager Bohenko said there is a report back regarding parking principles for Council review.

Planning Director Walker said the summary was provided and the staff is looking towards the City Council to adopt or advise what direction the Council would like to proceed.

City Manager Bohenko said he could bring these back after adoption of the budget.

Councilor Dwyer said the City Council need to take these up and have them put in place. She suggested that Boards/Commissions review the red line version and provide input to staff on what they would like to see moved forward.

3. *Portsmouth Receives Silver Walk Friendly Community Designation – April 16, 2019*

City Manager Bohenko presented Mayor Blalock with the Silver Level Walk Friendly accreditation the City received. He reported that Portsmouth is the smallest Silver Level Walk Friendly Community Designee in the nation, devoting more energy and staff time to pedestrian issues than many other larger communities.

At 8:55 p.m., Mayor Blalock declared a brief recess. At 9:00 p.m., Mayor Blalock called the meeting back to order.

B. MAYOR BLALOCK

1. Appointments to be Considered:
 - Jeffrey Mattson as an Alternate to the Building Code Board of Appeals
 - Margot Doering as an Alternate to the Historic District Commission
 - Reagan Ruedig to the Historic District Commission
 - Jonathan Wyckoff to the Historic District Commission
 - Kory Sirmaian to the Recreation Board

The City Council considered the appointment/reappointments listed above which will be acted upon at the May 20, 2019 City Council meeting.

2. Appointment to be Voted:
 - Reappointment of Robert Capone to the Cable Television & Communications Commission

Assistant Mayor Lazenby moved to reappoint Robert Capone to the Cable Television & Communications Commission until April 1, 2022. Seconded by Councilor Becksted and voted.

3. Resignation of Kelly Weinstein from the Citywide Neighborhood Committee

Assistant Mayor Lazenby moved to accept with regret the resignation of Kelly Weinstein and express our thanks and appreciation for her service to the City. Seconded by Councilor Roberts and voted.

4. The City Manager Search Subcommittee Report / RFP

Deputy City Manager Colbert Puff said your packets this evening have the RFP and we will have the firm help us design the process to move forward in finding a new City Manager. She said that final selection will be made by the City Council.

Councilor Becksted said this is a start of the process to find a firm.

Deputy City Manager Colbert Puff said this will recruit a firm to establish a process.

Councilor Pearson said the Committee said they did not want to put parameters on the process.

Councilor Becksted said he watched the meeting and he wanted to inform the public of what took place.

Assistant Mayor Lazenby moved to approve the RFP for executive recruitment consulting services related to the search for a City Manager. Seconded by Councilor Dwyer and voted.

5. Bike Ride with the Mayor – May 8th at Noon

Mayor Blalock invited individuals to join him, City Officials and staff on a bicycle tour of recent and planned bicycle and pedestrian improvements on Wednesday, May 8th leaving from City Hall at Noon.

C. COUNCILOR ROBERTS, COUNCILOR DWYER & COUNCILOR PERKINS

1. McIntyre Subcommittee Request to Establish Work Session with Financial Consultant

Councilor Roberts advised the City Council that Councilor Dwyer was voted as Chair of the McIntyre Subcommittee.

Councilor Dwyer said the subcommittee met with David Eaton who has been negotiating on our behalf. She said that the Subcommittee is ready to meet in a Work Session on May 15, 2019. She said the Work Session could be combined with the General Government Budget Work Session. She indicated that we expect to hear from the National Park Service on Thursday or Friday and then we will know whether this work session would move forward.

Councilor Dwyer moved to establish a Work Session on Wednesday, May 15, 2019 regarding the McIntyre Project Financial Plan and combine the Monday, May 13, 2019 General Government Budget Work Session with the Water & Sewer Departments Budget. Seconded by Councilor Perkins and voted.

D. COUNCILOR PEARSON

1. Letter regarding The Society for the Protection of New Hampshire Forests

Councilor Pearson said this is a revised version of the letter Portsmouth Advocates wanted from the City Council.

Councilor Pearson moved to send a letter to Jane Difley, President/Forester of The Society for the Protection of New Hampshire Forests regarding the Proposed Demolition of Carey Cottage. Seconded by Assistant Mayor Lazenby.

City Manager Bohenko said the letter will be sent if approved by the Council. He would discuss with staff and the City Council would weigh in if necessary. He reported that the demolition hearing is tomorrow.

Motion passed.

E. COUNCILOR DENTON

1. Proposed Rule Change – Rule 7 Order of Business

Councilor Denton moved the City Council to vote on May 20, 2019 on proposed change to Rule 7 of the Revised Rules and Order of the Portsmouth City Council and if amended it take effect on June 17, 2019. Seconded by Councilor Perkins.

Councilor Denton said the rule change would become effective after the passage of the budget. He said the order would move policy decisions forward and to have a set spot for City Council to move items forward. He also indicated Volunteer Committee Reports would be before any comments or public hearings.

Councilor Dwyer said that Approval of Grants/Donations, Consent Agenda and Presentation and Consideration of Written Communications and Petition should go at the end of the meeting. She said the City Manager brings policy items forward which should be before the end of the meeting.

Councilor Perkins said she would put the City Manager after the City Councilors. She said she does not like staff to stay until the end of the meetings.

City Manager Bohenko said you could make the changes and we will add them to the May 20, 2019 City Council Agenda.

Councilor Becksted said he would like to know if we could try it before we amend the rule.

Mayor Blalock passed the gavel to Assistant Mayor Lazenby.

Mayor Blalock said Public Dialogue and Public Comment Session will remain in its place on the Agenda.

Councilor Denton said that is correct.

Assistant Mayor Lazenby returned the gavel to Mayor Blalock.

Motion passed.

F. COUNCILOR RAYNOLDS

1. Our Working Port and Renewable Energy in New Hampshire

Councilor Raynolds reported that a large cargo ship is in port carrying large components of wind turbines that are going to Antrim, New Hampshire.

XII. MISCELLANEOUS/UNFINISHED BUSINESS

Councilor Perkins said she is looking for the City Council and Police Department to put forward a team for the Stiletto Race.

Councilor Dwyer said Mark Connelly sadly passed away and the services are Wednesday, May 8th at Noon.

Councilor Roberts said that Larry Cataldo wants a two week extension for the Islington Creek Neighborhood to present the signatures for the neighborhood parking pilot program. City Manager Bohenko said after the signatures are collected the City Clerk will check the signatures.

XIII. ADJOURNMENT

At 9:30 p.m., Assistant Mayor Lazenby moved to adjourn. Seconded by Councilor Perkins and voted.



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

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, May 20, 2019 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a Resolution Authorizing a Bond Issue and/or Notes of up to Two Million Five Hundred Thousand Dollars (\$2,500,000.00) for costs related to Construction of a Senior Center. The complete Resolution is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

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

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

PM00431044

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, May 20, 2019 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a proposed Ordinance amending Chapter 6, Article II, Section 6.202 – Billiards and Bowling Hours. The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

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

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

PM00431054

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 6, Article II, Section 6.202 – **BILLIARDS AND BOWLING, HOURS** of the Ordinances of the City of Portsmouth be amended as follows (deletions from existing language **stricken**; additions to existing language **bolded**; remaining language unchanged from existing):

ARTICLE II: BILLIARDS AND BOWLING

Section 6.201: LICENSE REQUIRED

No person shall open, keep, maintain, or continue any billiard room or place where the game of billiards is played or any bowling alley in this City or place wherein the game of nine pins or ten pins is played or keep any billiard table or bowling alley in this City for public use unless the City License Officer shall have granted a license therefor and said license is endorsed by the Chief of Police.

Such license is valid only until May 1 following the date of issue, and the fee to be determined in accordance with Chapter 1, Article XVI or similar wording. The penalty for keeping a billiard room and bowling alley without a license is \$20.00 for each billiard table, pool table, or bowling alley. (Amended 4/1/96) (Amended 3/18/2002).

Section 6.202: HOURS

- A. Any person who keeps a billiard room or billiard table as aforesaid or has the care or control thereof shall not allow or permit the same to be kept open or used between the hours of 1:00 a.m. and 5:00 a.m. (Adopted 9/25/89)
- B. Any person who keeps a bowling alley as aforesaid or has the care or control thereof shall not allow or permit the same to be kept or used between the hours of 1:00 a.m. and 5:00 a.m. (Adopted 9/25/89)
- ~~C. Billiards and bowling shall be permitted on Sunday, but not before the hour of 4:00 p.m.~~

Section 6.203: PENALTY FOR VIOLATION BY LICENSE

If the holder of such a license violates the provisions of Section 6.202 of this Ordinance, he shall be fined not less than \$1.00 nor more than \$100.00 for each offense.

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

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

This ordinance shall take effect upon its passage.

APPROVED:

Jack Blalock, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, May 20, 2019 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a Resolution Authorizing a Supplemental Appropriation for Greenland Well Source Water Protection Land Purchase for the sum of up to Two Hundred Twenty Thousand Dollars (\$220,000.00). The complete Resolution is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

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

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

79400421052

**CITY OF PORTSMOUTH, NEW HAMPSHIRE
SUPPLEMENTAL APPROPRIATION
FOR THE FISCAL YEAR ENDING JUNE 30, 2019**

RESOLUTION # -

**A RESOLUTION AUTHORIZING A SUPPLEMENTAL
APPROPRIATION FOR GREENLAND WELL SOURCE
WATER PROTECTION LAND PURCHASE.**

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

**THAT, the City Council has determined that the sum of up to Two
Hundred Twenty Thousand (\$220,000) Dollars is to be
appropriated using up to Ninety Thousand (\$90,000) Dollars from a
New Hampshire Drinking Water & Groundwater Trust Fund grant with
the remaining balance funded from Water Fund Unrestricted Net
Position to defray the expenditures related to purchase of the Greenland
Well Source Water Protection Land purchase for the Fiscal Year ending
in June 30, 2019.**

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

APPROVED BY:

**_____
JACK BLALOCK, MAYOR**

**ADOPTED BY CITY COUNCIL
DATE**

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

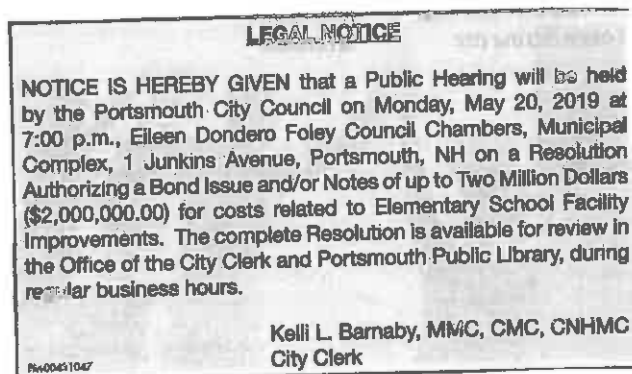
SECTION 7.14-AMENDMENTS TO BUDGET AFTER ADOPTION

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

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, May 20, 2019 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a Resolution Authorizing a Bond Issue and/or Notes of up to Two Million Dollars (\$2,000,000.00) for costs related to Elementary School Facility Improvements. The complete Resolution is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

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



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

RESOLUTION # – 2019

**A RESOLUTION AUTHORIZING A BOND ISSUE AND/OR
NOTES OF UP TO TWO MILLION DOLLARS (\$2,000,000) FOR
COSTS RELATED TO ELEMENTARY SCHOOL FACILITY
IMPROVEMENTS.**

RESOLVED:

THAT, the sum of up to **Two Million Dollars (\$2,000,000)** is appropriated for Elementary School Facility Improvements;

THAT, to meet this appropriation, the City Treasurer, with the approval of the City Manager, is authorized to borrow, on a competitive or negotiated basis, up to **Two Million Dollars (\$2,000,000)** through the issuance of bonds and/or notes of the City under the Municipal Finance Act;

THAT, the expected useful life of the projects is determined to be at least 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**

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That the Ordinances of the City of Portsmouth, Chapter 10 — Zoning Ordinance, be amended as follows:

-
- A. Amend the Zoning Map 10.5A21A by changing the property with the address of 15 Middle Street (Assessor Map 126 Lot 12) from Civic District to Character District 4.
 - B. Amend the Zoning Map 10.5A21B by changing the height requirement area for the property's street frontages on Porter Street and Maplewood Avenue to 2-3 stories (40').

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

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

This ordinance shall take effect upon its passage.

APPROVED:

Jack Blalock, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

Property Information
 Property ID 0126-0012-0000
 Location 15 MIDDLE ST
 Owner SALVATION ARMY



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

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

Geometry updated 11/30/2018
 Data updated 11/19/2018



MEMORANDUM

TO: John Bohenko, City Manager

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

DATE: May 1, 2019

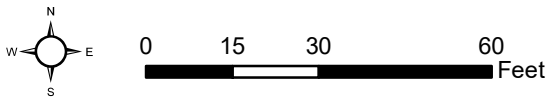
RE: City Council Referral – Projecting Sign
Address: 107 State Street
Business Name: Dos Amigos Burritos LLC dba Mr. Kim's
Business Owner: James McSharry & Joel Harris

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

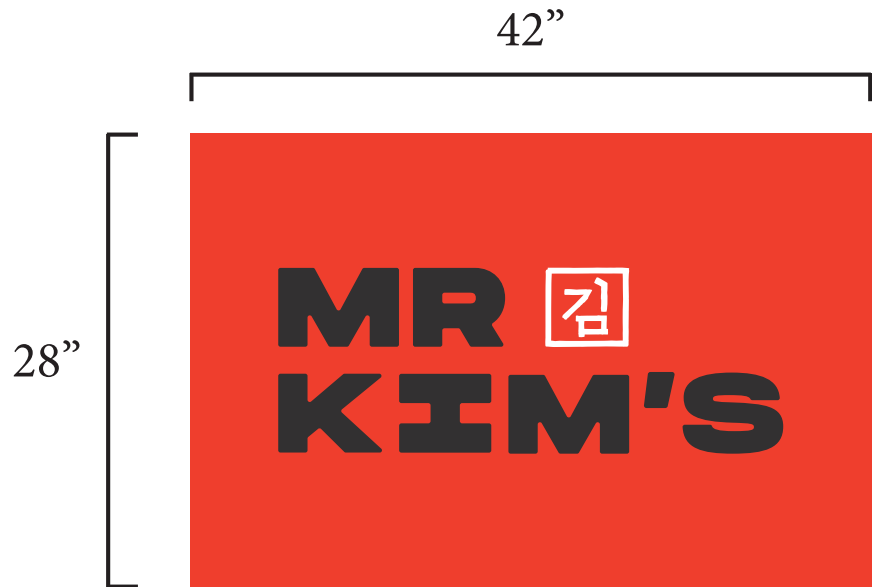
Sign dimensions: 28" x 42"
Sign area: 8 sq. ft.

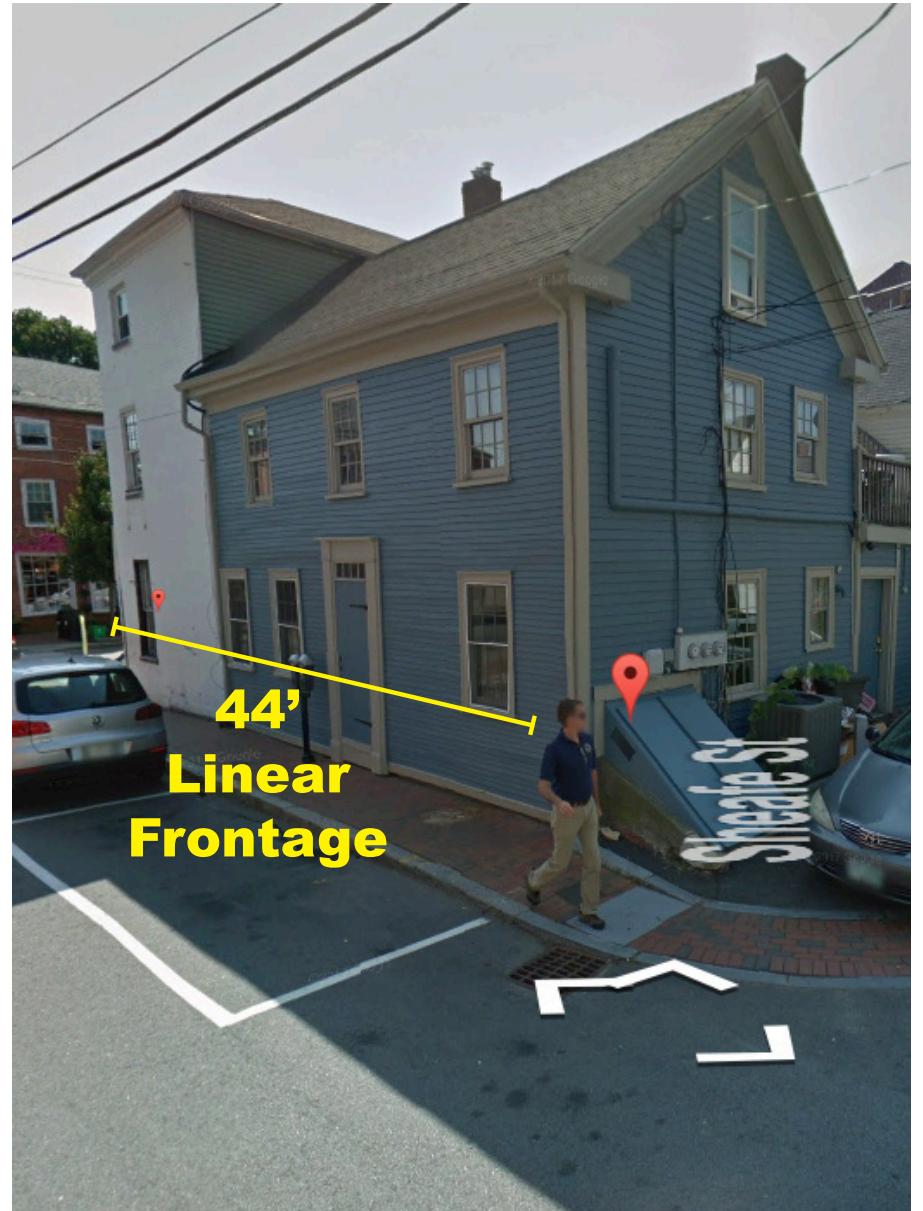
The proposed sign complies with zoning requirements. If a license is granted by the City Council, no other municipal approvals are needed. Therefore, I recommend approval of a revocable municipal license, subject to the following conditions:

1. The license shall be approved by the Legal Department as to content and form;
2. Any removal or relocation of the 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.



**Request for license
107 State Street**





M E M O R A N D U M

TO: John Bohenko, City Manager

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

DATE: May 14, 2019

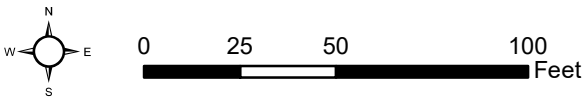
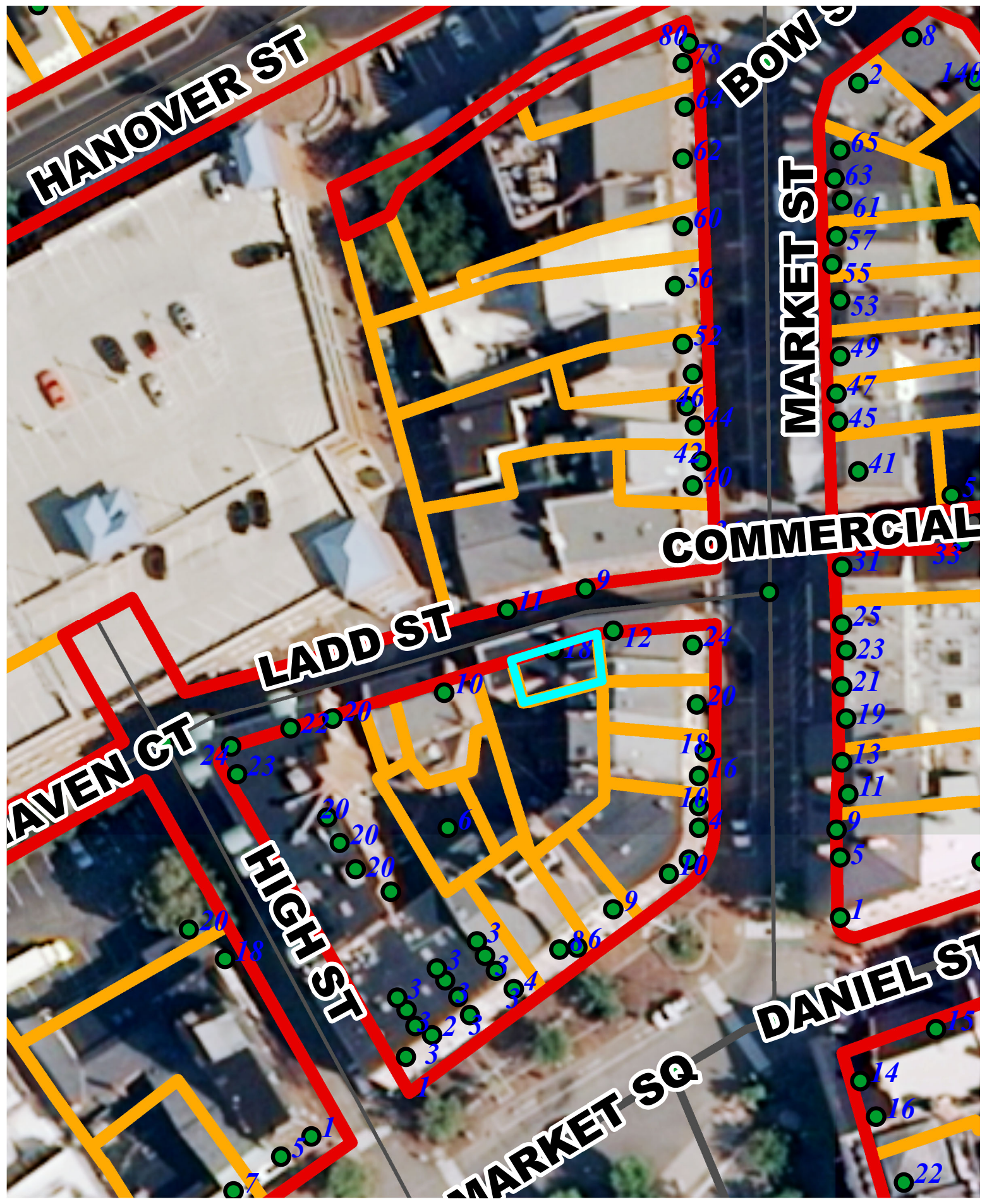
RE: City Council Referral – Projecting Sign
Address: 18 Ladd Street
Business Name: Lia Gormley Fine Jewelry
Business Owner: Lia Cote

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

Sign dimensions: 30" x 10"
Sign area: 2 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.



**Request for license
18 Ladd Street**

PROOF 01



Lia Gormley
FINE JEWELRY

30" x 10"

CLIENT
Lia Gormley
PROJECT
Vinyl Sign
DATE
04/30/19



C

18 Ladd

RETURNS
Massage &
Bodywork
Laytonville, OR

Hi John,

Once again, my yearly note to connect regarding our Telluride by the Sea film festival and the closing of Chestnut Street this year throughout the weekend of Sept. 20-22.

Nothing different this year, all the same. We generally are given barricades on the Friday morning (9/20 this year) and put them up and take them down ourselves (both ends - Congress and Porter), according to the movie and queue schedule.

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

Friday, 9/20:

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

7:30pm: Film at TMH

Saturday, 9/21:

10:30am: Film at Loft

1:30pm: Film at TMH

3:45pm: Film at Loft

6:15pm: Film at TMH

8:30pm: Film at TMH

Sunday, 9/22:

1:30pm: Film at TMH

4pm: Film at Loft

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

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

Thanks and best,

~Chris

Chris Curtis

Film and Outreach Manager

The Music Hall

28 Chestnut St.

Portsmouth, NH 03801

p 603.766.2199

ccurtis@themusichall.org

www.themusichall.org

Portsmouth, New Hampshire

Babe Ruth Baseball

John Bohenko
City Manager,
City of Portsmouth
1 Junkins Ave
Portsmouth, NH 03801

May 6, 2019

Dear Mr. Bohenko,

On behalf of the Portsmouth Babe Ruth, I wanted to thank you, the City Council, Rus Wilson, and members of the Recreation Department for your continued support allowing us to utilize Leary Field for our program.

By allowing us to call Leary Field our home, we have been able to provide an annual baseball program for approximately 75 players aged 13-16 from the greater Portsmouth area.

This letter serves to ask your permission to place 15 (fifteen) outfield signs, approximately 4' x 6' (dark green with white lettering) on the outer perimeter fencing facing inwards towards Leary Field.

Being able to provide this fundraising through advertising, allows us to keep our costs down, scholarship players that can't afford our annual registration fee, and to continue to make annual improvements to Leary Field in coordination with Rus Wilson and his staff.

We are proud to say that we have never turned away any player at Portsmouth Babe Ruth because of on field ability or inability to pay the fee.

These banners would be displayed beginning on or around June 1, 2019 and will be removed by August 30, 2019.

Thank you for your consideration.

Regards,



Mike Young
President

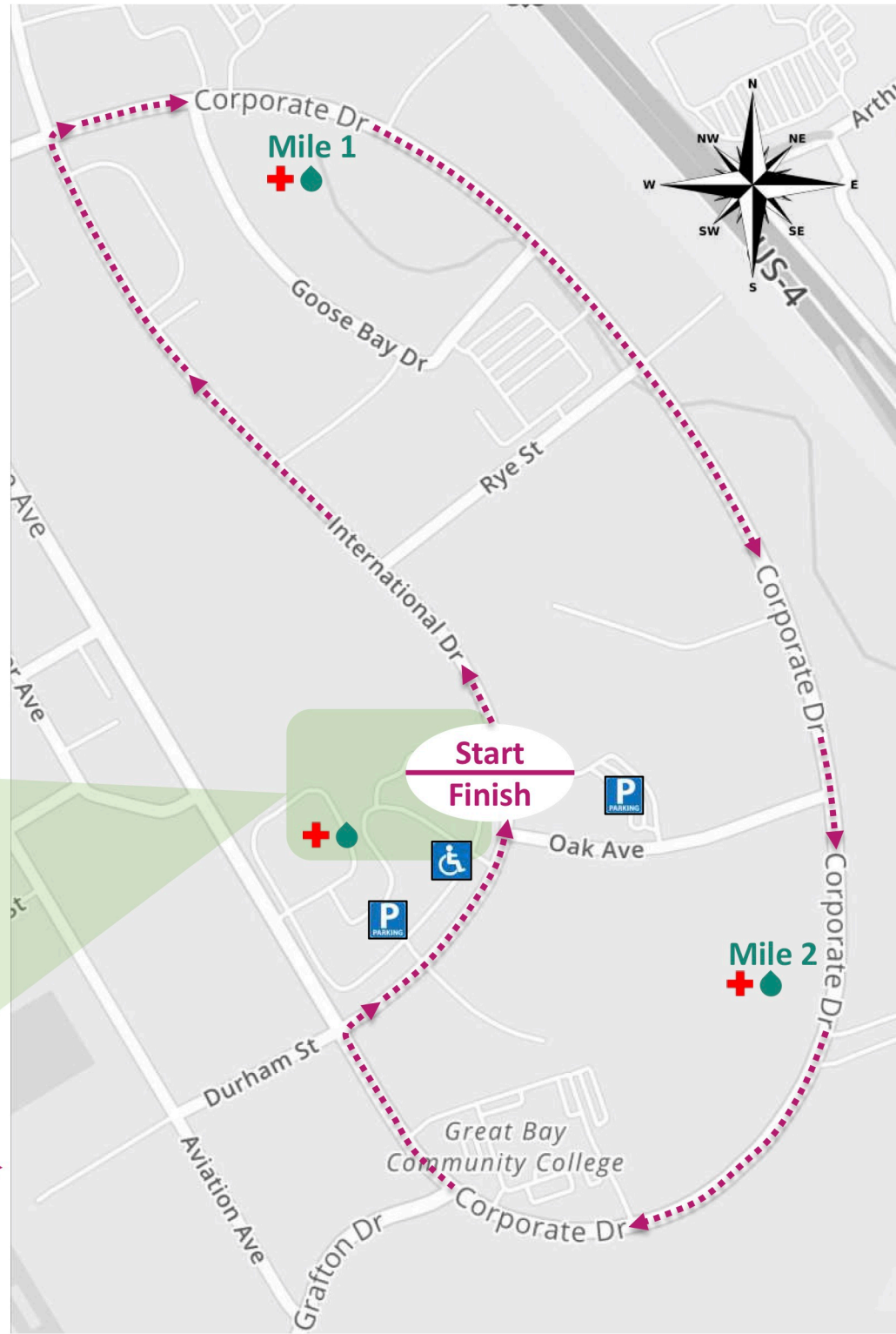
Portsmouth Babe Ruth
162 Orchard Street
Portsmouth NH, 03801

Course Map



Site Layout Portsmouth 5k

Medtronic | 180 International Dr. | Portsmouth, NH





CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

5/7/2019

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER NFP Corporate Services (SE), Inc. 1901 Roxborough Rd., Ste. 300 Charlotte NC 28211	CONTACT NAME: Debbie Chiappone	
	PHONE (A/C. No. Ext): 704-464-0847	FAX (A/C. No):
E-MAIL ADDRESS: debbie.chiappone@nfp.com		
INSURER(S) AFFORDING COVERAGE		NAIC #
INSURER A : Philadelphia Indemnity Insurance Company		18058
INSURER B : Allmerica Financial Benefit Insurance Company		41840
INSURER C :		
INSURER D :		
INSURER E :		
INSURER F :		

INSURED GIRLONT-59
 Girls on the Run New Hampshire
 137-1 Water Street
 Exeter NH 03833

COVERAGES

CERTIFICATE NUMBER: 700108891

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Abuse/Molestatio <input checked="" type="checkbox"/> Special Events GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input checked="" type="checkbox"/> LOC <input type="checkbox"/> OTHER:	Y		PHPK1923082	2/1/2019	2/1/2020	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 3,000,000 PRODUCTS - COMP/OP AGG \$ 3,000,000 \$
A	<input type="checkbox"/> AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY			PHPK1923082	2/1/2019	2/1/2020	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input checked="" type="checkbox"/> RETENTION \$ 10,000			PHUB659603	2/1/2019	2/1/2020	EACH OCCURRENCE \$ 10,000,000 AGGREGATE \$ 10,000,000 \$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N	N/A	WZ6D526130	4/9/2019	4/9/2020	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
A	Property Special Perils Form			PHPK1923082	2/1/2019	2/1/2020	Bus. Personal Prop. Deductible 100,000 500

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

RE: Girls on the Run 5k event: City of Portsmouth is included as an additional insured with respect to general liability for the operations of the named insured if required by written contract or permit.

CERTIFICATE HOLDER**CANCELLATION**

City of Portsmouth
 1 Junkins Ave.
 Portsmouth NH 03801

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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CITY COUNCIL E-MAILS

May 7, 2019 – May 16, 2019 (9:00 a.m.)

MAY 20, 2019 CITY COUNCIL MEETING

UPDATED 05/20/2019 THROUGH 3:00 PM

New content begins Page 4

Below is the result of your feedback form. It was submitted by Rhi Jeffrey (atlantisaquaticsnh@gmail.com) on Monday, May 13, 2019 at 08:14:24

address: 40 Forest Brook Drive

comments: Dear Mr. Chubrich,

I would first like to thank you and the city for carefully considering our concerns about the pool rental increase. While we appreciate your willingness to adjust the rental rate increase structure from what was originally proposed to this new \$3/year increase over the next three years, that still marks a 20% increase to our biggest expense in the first year, another 16.7% increase the next year, and a final 14.3% increase the last year. Although a \$3 per lane increase does not seem like a lot over a one lane rental, we rent our lanes in bulk and sign a contract for a year-long period, making this sort of an increase a very large burden to bear for our small programs.

FOR EXAMPLE:

ATLA averages between 40 to 70 swimmers per year depending on the season.

FY18: ATLA rental = \$26,912

FY19: ATLA rental = \$39,440 (w/ May/June projected) SIPP RAISE PROPOSAL JULY 2018 - JUNE 2019: \$39,440 JULY 2019 - JUNE 2020 @ \$18 rate: \$47,328 JULY 2020 - JUNE 2021 @ \$21 rate: \$55,231.78 JULY 2021 - JUNE 2022 @ \$24 rate: \$63,129.92 If you asked the city to raise their yearly contribution to the pool in the same fashion, that would bring their \$150,000 contribution to \$180,000 the first year, \$210,060 the second year, and \$240,100 the final year. Looking at it in terms like this, you can see just how big of a burden a request like that is in the time frame you are proposing.

In addition, you have made it very clear you are not willing to waive the requirement of all swim team members to have memberships to the pool, even though the swim teams carry their own insurance, their own staff, and often only use the pool during their own rental hours. This clearly amounts to additional revenue provided by the swim teams and shows the financial burden borne by the families of swim team members.

FOR EXAMPLE:

ATLA averages between 40 to 70 swimmers per year depending on the season.

FY18: ATLA memberships: ~\$12,000

FY19: ATLA memberships: ~\$12,000

*Aa you can see, Atlantis Aquatics (formerly Cannonball) contributed over \$50,000 to the Portsmouth Indoor Pool in the FY19 with memberships. That means about 55 swimmers under the age of 18 were responsible for over one third of what the city contributes.

We agree with you that cost of living has gone up and expenses in the city have increased, including salaries. You have taken a lot of time and effort to remind the swim teams that this pool is a community pool and your first priority is to that of the community. We are part of the community. While many are not, some members of our team ARE residents (around 16% of our team live in Portsmouth), and others are residents of adjoining communities, some with swimmers who end up at Portsmouth High School and on the PHS swim

team. We have tried to operate our businesses under the strict guidelines you have in place to ensure the community gets what they need, often at the expense of the swim teams own success. However, when it comes time to foot the bill, you look to the swim teams to cover the difference. This is an unfair burden shifting of a high proportion of the pool's operating costs onto a small proportion of pool users.

We are willing to step up and pay an increase of some sort since you are correct in saying the cost of things in Portsmouth have gone up, but we feel it would be more fair to ask us for a more reasonable increase (say 5-10%) the first year and another similar size increase the following year. We would request that it remain there for a couple year period to allow us to build our numbers while trying to cover the increasing costs our sport is demanding. We operate our rental in bulk numbers and we also sign yearly contracts with the city, you can always advertise the individual lane rentals as a higher rate and have a separate rate for swim teams or programs that sign into contracts with guaranteed revenue, most pools in the country operate in this fashion. We simply would like to be treated fairly and if there is in fact a need for the pool to generate more revenue, it would make more sense to ask the community as a whole to help out, not just a small portion of the pools patrons. Thank you for your consideration on this matter.

Sincerely,
Rhi Jeffrey, OLY
Head Coach/Owner
Atlantis Aquatics

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by Sampo Kaasila (skaasila@hotmail.com) on Tuesday, May 14, 2019 at 18:02:51

address: 265 Islington St.

comments: Dear Council Members,

Most people we have talked to are against the proposed neighborhood parking program pilot. Overall it seems the proposed medicine is worse than the disease. Most of the parking problem is in the area close to the new foundry place parking garage. It is painful to see all those empty spots in the garage, and simultaneously we are considering making it more difficult for residents to park on city streets. Why not simply use flexible demand-based pricing for the new city garage? Basically, keep the price low as long as there are a lot of empty spots in there, and when the garage starts filling up then start increasing the parking rates! This can probably be done without reducing the parking revenue, and it may actually increase the revenue. The pricing strategy could be money-balled fairly simply to both maximize garage utilization and city revenue at the same time. This is much better and more modern medicine, and this idea needs to be investigated before we consider any neighborhood parking program pilot program.

Here are some of our concerns with the proposed Neighborhood parking pilot program:

- It appears the Islington Creek neighborhood does not include residents and businesses that are on Islington Street. If this is true, then this is very unfair. Residents that live on Islington are today heavily reliant on parking on the side streets to Islington, since parking on Islington is limited to two hours. You must include Islington street residences between Salem to Bridge St. in the total household count, since today that is where they are parking due to time limits on Islington.
- Additionally, if the above about Islington St. is true, can Islington street residents get parking permits? If not, then our parking is taken away without any opportunity to vote. We did hear from the proponents that Islington St. residents cannot vote.
- We reviewed the validation of residency requirements and they will create problems for those residences that have live in children or live in mother in laws etc. with cars, due to the 3rd requirement: "provide either a current utility bill or a fully executed residential lease agreement." Live in children, or mother in laws have neither utility bills, nor lease agreements!

- There is no parking problem today once you get down to the area of Goodwin park, so why do we get dragged into the proposed parking program?
- On-demand pricing for the new foundry place parking garage has not been tried.

Here are some of our concerns with the voting process:

- Since the proponents started collecting no votes, they may attempt some funny business where they compare the yes votes to the no votes. This cannot be allowed to happen since it was publicly known that only yes voters needed to vote, and most people against it simply did not vote.
- Additionally, the proponents may arbitrarily qualify or disqualify certain households, so it is important the city check that all households in the area are part of the process.
- It appears the proponents of the parking program failed to collect the signatures in time for the deadline, so the goal post was moved to May 16th instead. We cannot change the rules in the middle of the process to try to get the desired outcome.
- A small group of proponents went door to door or stopped people on the street coming back from church, with both one-sided information and flawed information requesting signatures. Many residents received a knock on the door, or were stopped on the street, and were then pressured to quickly sign without having access to information about both pros and cons. They are touting for instance that the pilot is free, but fail to mention that after the pilot there would be a cost etc. No mention of issues with having many guests that need to park etc. How can a process that only distributes one sided and flawed information be fair? There should be information about pros and cons for anyone to be able to make an informed decision instead of just being scared into signing by one-sided information.
- Some of the flawed information was that for instance that the AC Hotel will impact the Islington Creek neighborhood. No mention that it is far away, and that it will have parking in the building! Also, perhaps with increased use of ridesharing services the parking situation will get better instead of worse in the future also.
- There were no discussions of alternative solutions to the proposed neighborhood parking program pilot. It was as if that was the only possible path forward, and that is far from the truth.
- The proponents asked residents to sign irrespective of if they were for or against the program, and there is something strange about this. It is like if one political party is responsible for collecting all the votes for both parties, as well as the same party is responsible for spreading all the propaganda. That simply does not work.

The whole flawed voting process should invalidate the results, and on-demand pricing in the foundry place parking garage should be pursued instead.

However, if the whole flawed voting process is not invalidated by the city council, and it appears the proponents managed to get over 75%, then it is essential that the city verify: (1) that each vote is from a resident, (2) that the same household did not vote multiple times (if they did that should invalidate that household), (3) and that they are in favor of the pilot program since they asked people against the program to also sign. Additionally, as mentioned above, the residences and businesses on Islington must be part of the total household count. Otherwise it is like taxation without representation. (4) Also, it is essential that the proponents did not arbitrarily decide which households get to vote or not.

Thank you for all the great work you do, and for listening to input from residents and your consideration of this matter.

Kind regards,

Sampo Kaasila at 265 Islington St.
 Mary Ellen Kaasila at 265 Islington St.
 Wendy Fillmore-Stevens at 43E Cornwall St.

includeInRecords: on
 Engage: Submit

New Content Begins:

Below is the result of your feedback form. It was submitted by Bill Blum (Blum.bill.blum@gmail.com) on Sunday, May 19, 2019 at 16:29:43

address: 236 Cate Street

comments: I attended the neighborhood meeting back on April, 2 and one of the things that came up was the idea that the city no longer wants to maintain the bridge over the Hodgdon Brook on Cate Street. While I use that bridge daily and it's removal or closure would be a major inconvenience to me, I recognize that the enormous expense needed to repair or replace it would unjustly punish Portsmouth's taxpayers. I am more than willing to drive an extra few blocks every day so that the city can save a few million dollars. I thank you for your willingness to consider adding the cost of the bridge to the CIP but I believe it is entirely unnecessary. So please just allow the to live out it's natural life and replace it with a pedestrian bridge at a much lower cost.

Regards,

Bill Blum

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by WENDY KESSLER (fagelbagel@aol.com) on Monday, May 20, 2019 at 07:09:04

address: 790 MCGEE DRIVE

comments: Hi there,

I want to voice my support for the bond to pay for construction for the new senior center.

We've lived in Portsmouth for 35 years, and are getting older. I can see that this center will be very useful to us and all the rest of the seniors at we age.

While I'm writing, I missed the recent meeting about the possibility of changing the traffic at the end of Cottage Street to make it right hand turn only. At a time when the Senior center is about to come online, and more and more senior housing is being built off the bypass and Lafayette Road, making seniors travel around the traffic circle to head southbound on Route 1 Bypass is a terrible idea. If I should write to someone in particular about this, please let me know.

Thank you.
Wendy Kessler

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by Mary Lou McElwain (MI259@comcast.net) on Monday, May 20, 2019 at 09:49:36

address: 259 South Street

comments: I would certainly hope that the request from PPAF spokesperson Ben Anderson for food trucks on Marcy Street will be denied. First of all I don't think the city should have food trucks in downtown or anywhere in the historic district. Should this request also be presented to the HDC? The area in mind is already very busy with pedestrian, bicycle and vehicle traffic for most months of the year. This is a charming part of the city and in my opinion food trucks don't add anything to the character of our city or the quality of life.

On the same subject I have emailed Nancy Colbert Puff several times for answers on the Food Network event in downtown in February and why the city food truck ordinance was not followed. Nancy shifted the questions to Peter Rice who gave me incomplete info.

Any answers?

Thank you. Mary Lou

includeInRecords: on

Engage: Submit



Ben Anderson
President

Jameson S. French
Chair

Ken Bellevue
Vice Chair

Bill Duncan
Treasurer

Chris Poulin
Secretary

Board of Directors

Mariah Morgan
Richard Burbine
Nancy Clayburgh
Tim Coughlin
Joel Harris
Amanda McSharry
Dan Plummer
Adam Vicinus

Prescott Park Arts Festival
P.O. Box 4370
Portsmouth, NH 03802
603.436.2848

May 13, 2019

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

Dear John,

I am writing you to follow up on your consideration of allowing Prescott Park Arts Festival to host a Food Truck Festival this summer, Saturday, August 10, 2019.

This event would feature a diverse array of food trucks, ideally 12, that would offer the general public an opportunity to enjoy a variety of food offerings in conjunction with regularly scheduled Festival events in Prescott Park.

We are requesting your permission to temporarily close Marcy Street, between Court and Hancock Street, allowing the food trucks to be park along one side of the street.

This would allow for free and immediate passage for any emergency vehicles, and pedestrian traffic safe from regular vehicular traffic.

The event would be held from noon to 9pm on a summer weekend day so as not to interfere with necessary Waste Water Treatment Plant construction traffic, and coincide with and compliment a musical matinee and evening concert offering in Prescott Park.

If you would consider this request, PPAF staff would work closely with all City departments to make sure that all rules, regulations and requirements are fulfilled.

Proceeds from this fundraising event would be used to support programming of quality arts & culture events in Prescott Park that are accessible and open for all members of our community to enjoy.

Thank you for your consideration,

Ben Anderson
President

May 15, 2019

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

RE: Gosling Road/License Agreement

Dear Mayor Blalock and City Councilors:

This office represents GSP Newington, LLC ("GSP") which in January 2018 purchased both Schiller Station in Portsmouth and Newington Station in Newington. There is an existing fuel line which crosses beneath Gosling Road to connect utility facilities located at Schiller Station and Newington Station. When GSP purchased the Stations, PSNH was unable to show that it had license or other agreements to maintain the fuel line within Gosling Road, though the fuel line has been there and in use for many years. Accordingly, we are now seeking to obtain license agreements from both municipalities. A letter similar to this one is being sent to the Newington Board of Selectmen.

Enclosed is a proposed License For Fuel Line Crossing. Your City Attorney Bob Sullivan has reviewed and given his approval for the form of the enclosed License. It is my understanding that he also consulted the City Engineer who had no objection to the License.

Attached to the proposed License is a copy of the plan which shows the fuel line crossing Gosling Road (highlighted in yellow).

We respectfully request that this matter be taken up by the City Council at your May 20, 2019 meeting. What we are requesting, specifically, is for the Council to approve the form of the License with GSP and to authorize the City Manager to sign same on the City's behalf.

We would be happy to provide any further information you may need. We would also be happy to have a GSP representative attend the meeting to answer any questions that may arise.

As you can see, I am also copying the City Manager and the City Attorney with this letter.

PRETI FLAHERTY

May 15, 2019
Page 2

Sincerely,



Mark H. Puffer

MHP:sas

Encl.

cc: John P. Bohenko, City Manager
Robert P. Sullivan, City Attorney

LICENSE FOR FUEL LINE CROSSING - PORTSMOUTH

WHEREAS, there is an existing fuel line which crosses Gosling Road in Portsmouth which connects facilities located on either side of Gosling Road located at Schiller Station in Portsmouth and Newington Station in Newington;

WHEREAS, GSP Newington, LLC ("GSP") has purchased both Schiller Station and Newington Station;

WHEREAS, the right of GSP to continue to maintain said fuel line is undetermined;

WHEREAS, the existence of the fuel line is shown on the plan attached hereto by Meridian Land Services, Inc. dated January 8, 2018 entitled "A.L.T.A. / N.S.P.S. AND TITLE SURVEY PLAN LAND OF, PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE D/B/A EVERSOURCE ENERGY NEWINGTON STATION." (See note 3.A on said plan); and

WHEREAS, the City of Portsmouth and GSP desire to memorialize GSP's right to continue to maintain said fuel line and to the parties' respective rights and obligations with respect thereto.

NOW, WHEREFORE, the City of Portsmouth hereby grants a license to GSP to maintain the aforementioned fuel line, subject to the following terms and conditions:

1. GSP may continue to maintain the fuel line beneath Gosling Road. GSP shall be solely responsible for the maintenance of said fuel line.
2. Should said fuel line need to be replaced, reconstructed or repaired, GSP shall have the right to replace, reconstruct or repair said fuel line, subject however to the following:
 - a. GSP shall notify the City of Portsmouth's Public Works Department as soon as reasonably possible when it discovers the need to replace, reconstruct or repair said fuel line;
 - b. GSP shall follow the instructions of the City's Public Works Department so as to minimize any disruption to traffic and ensure the public safety; and
 - c. The City shall, in good faith, work with GSP to enable GPS to replace, reconstruct or repair said fuel line as expeditiously as reasonably possible.
3. GSP agrees that it shall not endanger, or do anything constituting a nuisance to, persons or property at or in the vicinity of the fuel line, nor damage or destroy any portion of the Gosling Road, and shall repair any loss or damage caused by GSP (including, without limitation, GSP's employees, agents and independent contractors) to Gosling Road by reason of GSP's entry and/or the maintenance, repair or replacement of the fuel line. GSP shall indemnify, defend and hold harmless the City and the employees, representatives, agents, contractors and subcontractors from and against any and all

liability, loss, damage, cost or expense (including, without limitation, court costs and reasonable attorneys' fees), of whatever nature and by whomever asserted, arising out of, resulting from or in any way connected with the acts of GSP, its contractors, employees or agents, in connection with this License, except for injury or damage caused intentionally or by the gross negligence of the City, its employees, agents or contractors.

4. Whenever the City does any work to maintain, reconstruct or repair Gosling Road, it shall make all reasonable efforts to avoid damage to the said fuel line; as long as such reasonable efforts are made, it shall not be responsible for any damage to GSP's fuel line.

5. GSP shall obtain a similar license from the Town of Newington to maintain, replace, reconstruct and repair said fuel line in Gosling Road.

CITY OF PORTSMOUTH

Date: _____

By: City Manager, John P. Bohenko

ACCEPTANCE

GSP NEWINGTON, LLC

Date: _____


By:

**CITY OF PORTSMOUTH
PORTSMOUTH, NH 03801**

Office of the City Manager

Date: May 16, 2019

To: Honorable Mayor Jack Blalock and City Council Members

From: John P. Bohenko, City Manager 

Re: City Manager's Comments on May 20, 2019 City Council Agenda

Work Session 6:00 p.m.

1. **Work Session Re: – Coakley Landfill – Eric Spear, Chairman of the Coakley Landfill Executive Committee** The Chairman of the Coakley Landfill Group Executive Committee, Eric Spear, would like to present to the Portsmouth City Council. Eric will provide an update on the deep bedrock investigation, proposed legislation, and emerging contaminants and answer any questions the City Council has with regard to the remediation efforts of the Coakley Landfill Group.

Public Hearings & Votes on Ordinances &/or Resolutions

1. **Public Hearing on Resolution Authorizing a Bond Issue and/or Notes of Two Million Five Hundred Thousand Dollars (\$2,500,000) for Costs Related to the Construction of Senior Center** At its meeting on May 6, 2019, the City Council voted to bring forward this project for bonding at its May 20th meeting. Under Section VII of the Agenda, [attached is a Bond Resolution](#) of up to Two Million, Five Hundred Thousand Dollars (\$2,500,000). This funding will be combined with approximately One Million, Five Hundred Twenty Five Thousand, Two Hundred Dollars (\$1,525,200) from the Daniel Street Trust, which the City Council, at its May 6th meeting, approved the City Manager's authorization to request from the Trustees of the Trust. Together, a total of Four Million, Twenty Five Thousand, Two Hundred Dollars (\$4,025,200) will be available for construction completion of the Senior Center.

In February, 2019 the deed to the Paul A. Doble U.S. Army Reserve Center located at 125 Cottage Street was transferred to the City of Portsmouth after numerous years and efforts to acquire this property for the purpose of a new senior activity center.

Per the recommendations of the Mayor's Blue Ribbon Senior Committee Report in December, 2013 and Recreation Board's Senior Sub-Committee in May, 2015, City staff

have been making plans for an adaptive reuse and renovation of the property into the future home of the Portsmouth Senior Center. With funding support from the City's U.S. HUD Community Development Block Grant program, design and engineer plans have been completed by AECm from Newmarket, and architects, Mannypenny & Murphy from Portsmouth. Additionally, asbestos abatement was completed in April.

As the next phase of this project advances, the City is preparing to go out to bid for a construction contractor. The total project cost is \$4.5 M. Of this total, approximately \$400,000 has been expended to date and there is \$1.6 M currently available to spend. Those available funding sources are from the Daniel Street Trust and the FY 16 & FY 17 General Fund-CIP. Additional funds of \$2.5 M are needed to complete the new senior activity center as designed and envisioned.

I recommend the City Council move to adopt the Resolution, as presented. Two-thirds vote is required.

- 2. Public Hearing and Second Reading of Ordinance Amending Chapter 6, Article II, Section 6.202 – Billiards and Bowling Hours** At the City Council meeting on May 6, 2019, the Council voted to authorize the City Manager to bring back ordinance **Chapter 6, Article II Billiards and Bowling**, as amended, for a public hearing and second reading. [Attached is the referenced ordinance.](#)

I recommend the City Council move to pass second reading and schedule third and final reading for the June 3, 2019 City Council meeting.

- 3. Public Hearing on Resolution Authorizing Supplemental Appropriation from Water Fund Net Position in the Amount of Two Hundred Twenty Thousand Dollars (\$220,000) for Costs Related to Source Water Protection Project – Purchase of 3.11 Acres of Undeveloped Land Adjacent to the Greenland Well** At its meeting on May 6, 2019, the City Council voted to bring forward a supplemental appropriation from Water Fund Net Position at its May 20th meeting regarding costs related to Source Water Protection Project – Purchase of 3.11 Acres of Undeveloped Land Adjacent to the Greenland Well. Under Section VII of the Agenda, [attached is a Resolution](#) of up to Two Hundred Twenty Thousand Dollars (\$220,000) from Water Fund Net Position. This funding will be offset with approximately Ninety Thousand Dollars (\$90,000) from grant funds from the New Hampshire Drinking Water & Groundwater Trust Fund, which has been awarded by the Governor and Council for this purpose. Together, a total of Two Hundred Twenty Thousand Dollars will be available for purchase of the 3.11 acre parcel of land.

The City's Water Division has negotiated the purchase of a 3.11 acre parcel of undeveloped land that is located within the Sanitary Protective Area (SPA) of the Greenland Well ([see attached map](#)). The SPA is defined by the NH Department of Environmental Services as the area within a 400 foot radius from the well that should be maintained in natural conditions and under the control of the water system for the purpose of protecting the source water quality. The parcel was subdivided in 2003 and approved

by the Town of Greenland as a buildable lot. If a house was built on this lot, water quality of the Greenland Well would be threatened by potential septic system contamination or failure, impervious runoff loading, and land use activities such as vehicle maintenance and lawn treatments.

Since the Greenland Well was improved with a replacement well and new building in 2016, negotiations with the nearby property owner, Mr. John Chick, Jr., have been ongoing. A purchase and sale agreement between the property owner and the City of Portsmouth has been signed by the property owner. The proposed purchase price is \$220,000 for the parcel.

Grant funds from the New Hampshire Drinking Water & Groundwater Trust Fund have been awarded by the Governor and Council for this purchase. The amount of 48% of the purchase cost, up to a maximum of \$90,000 has been awarded. [A copy of that award letter is attached.](#) Acceptance of these funds requires the addition of deed restrictions to prevent uses that could affect the groundwater quality. The parcel will also need to be surveyed and appraised, and a baseline report of the parcel conditions will need to be prepared.

A separate two-thirds vote of the City Council following a public hearing will be needed in order to utilize water enterprise fund net position for this purchase (\$130,000 + \$90,000 = \$220,000).

I recommend the City Council move to adopt the Resolution, as presented. Two-thirds vote is required.

- 4. Public Hearing on Resolution Authorizing a Bond Issue and/or Notes of Two Million Dollars (\$2,000,000) for Costs Related to New Franklin Elementary School Facility Improvements** At its meeting on May 6, 2019, the City Council voted to bring forward project bonding at its May 20th meeting. Under Section VII of the Agenda, [attached is a Bond Resolution](#) of up to Two Million Dollars (\$2,000,000) for facility improvements of the New Franklin Elementary School, as it has been identified in the FY2020 Capital Improvement Plan.

I recommend the City Council move to adopt the Resolution, as presented. Two-thirds vote is required.

- 5. Third Reading of Ordinance amending Chapter 10 – Zoning Map 10.5A21A by changing the property with the address of 15 Middle Street from Civic District to Character District 4 and amending Zoning Map 10.5A21B by changing the height requirement for the property’s street frontages on Porter Street and Maplewood Avenue to 2-3 stories (40’):** On February 4, 2019, Attorney Phoenix submitted a letter to the City Council on behalf of his client, James McSharry, requesting that this property be re-zoned from CIVIC to Character District 4 (CD-4). At the February 19, 2019 City

Council meeting, the Council voted to refer this request to the Planning Board for a recommendation.

The Planning Board held a public hearing on this request at the March 21, 2019 meeting and voted 6 to 1 to recommend to the City Council that this property be re-zoned as follows:

1. From CIVIC District to Character District 4 (CD4)
2. From no height standard to 2-3 stories (40')

The City Council held a public hearing at the second reading of this zoning amendment on May 6, 2019. At that time, the Council voted to pass second reading and schedule third and final reading for May 20, 2019.

I recommend the City Council vote to pass third and final reading at the May 20, 2019 City Council meeting.

Consent Agenda:

1. **Request for License to Install Projecting Sign** Attached is a request for permission to install a projecting sign that extends over the public right of way for James McSharry and Joel Harris, owners of Dos Amigos Burritos, LLC d/b/a Mr. Kim's at 107 State Street, as follows:

Sign dimensions: 28" x 42"
Sign area: 8 sq. ft.

The proposed sign complies with zoning requirements. If a license is granted by the City Council, no other municipal approvals are needed.

I recommend the City Council move to approve 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.*

2. **Request for License to Install Projecting Sign** Attached is a request for permission to install a projecting sign that extends over the public right of way for Lia Cote, owner of Lia Gormley Fine Jewelry at 18 Ladd Street, as follows:

Sign dimensions: 30” x 10”

Sign area: 2 sq. ft.

The proposed sign complies with zoning requirements. If a license is granted by the City Council, no other municipal approvals are needed.

I recommend the City Council move to approve 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.*

City Manager’s Items Which Require Action:

1. **145 Brewery Lane Easements and Deeds** In an effort to promote more housing opportunities and community space in the West End, the Planning Board approved a multi-family project at 125 – 155 Brewery Lane on April 29, 2018. This development consists of a new 92-unit, 4 story apartment building on an 18,430 square foot footprint, and also includes two new pocket parks, a square, widened sidewalks, and the preservation of a natural park. Chinburg Properties (d/b/a Portsmouth West End Development, LLC) is the developer. This property is located within the *Character District 4-W* (West End), which allows for a wide range of mixed uses, however, there are height and footprint restrictions. In conformance with the *West End Incentive-Based Overlay District*, the developer agreed to construct publically-accessible, community space on the lot in exchange for exceeding the ordinary requirements in the West End. This proposal is contingent on City Council approval, and certain conveyances to and from the City, which are described in detail below.

In much of the West End, buildings may not exceed 3.5 stories or have a footprint in excess of 15,000 square feet. The West End Incentive Overlay District, listed under Section 10.5A46, allows the Planning Board to approve a development with a full four stories and a larger building footprint, provided at least 20% of the property is comprised of so-called “community space”. Under Section 10.5A45.10, community space includes,

but is not limited to, wide pedestrian sidewalks, pocket parks, squares, greenways and other public spaces. Such areas shall be designated at the full discretion of the Planning Board and include deeded public access.

The approved site plan at 125 – 155 Brewery Lane shows a 92-unit, 4-story residential apartment building with a building footprint of 18,430 square feet. The approved building contains 45 subsurface or basement parking spaces and an additional 128 surface parking spaces for a total of 173 spaces. This new construction will be in addition and adjacent to the two existing brick commercial buildings on the property. Additionally, the approved community spaces include wide pedestrian sidewalks, pocket parks, a square, and a natural park along Chevrolet Avenue. These public spaces comprise nearly 30% of the property area. The City already has permanent access to the natural park along Chevrolet Avenue via an easement conveyed to the City in 1999.

As part of the approval process, the applicant is required to submit new deed easements to the City for these community spaces. Furthermore, the developer must relocate the sewer line currently crossing the property, because its current location interferes with the proposed apartment building. Similarly, the drainage easement from Plaza 800, owned by the Griffin Family Corporation, must be relocated. Thus, the Legal Department requests authority from the City Manager to accept the following deed easements as listed below:

Easements for 125 – 155 Brewery Lane

1. [Community Spaces and Access \(see Exhibit 1\)](#)

Exhibit 1 – Easements for Public Access and Use of Parks, Community Space and Sidewalks.

The Public Access Easement ensures permanent public access to sidewalks, the two pocket parks, a square, and reaffirms public access to the natural park.

- Pocket Parks: conveying the permanent right for the public to use and enjoy two pocket parks, including 9,900 square feet (Area C) and 3,606 square feet (Area E).
- Square: conveying the permanent right for the public to use and enjoy this public space, including 13,351 square feet as indicated at Area D.
- Sidewalks: conveying the permanent right for the public to use and enjoy sidewalks at least 12 feet wide, and consisting of 2,110 square feet at Area A and 7,721 square feet at Area B.

Access Easements: conveying the unobstructed, permanent right for the public to access the above-described areas, via Proposed Access Easement 1, Proposed Access Easement 2, and Proposed Access Easement 3.

2. [Public Sewer Easement to the City and Drainage Easement to Plaza 800 \(see Exhibit 2A & 2B\)](#)

Exhibit 2A – Griffin Family Corporation (Plaza 800) Drainage Easement Deed

The Drainage Easement Deed conveys drainage rights to Plaza 800, and has been approved by the grantee, the Griffin Family Corporation. City Council approval will allow this drainage system to tie in to the existing City drainage system.

Exhibit 2B – Public Sewer Easement

The sewer line over this lot must be moved to prevent the line from passing under any building. This 8,456 square foot easement will ensure the public sewer line passing over this lot will not have any buildings or structures constructed over it in the future, and it grants the City the perpetual right to lay, construct and maintain the sewer line. The construction of the new line shall be completed at the sole expense of the developer. Further, this easement must be recorded, and the work completed, prior to the extinguishment of the existing sewer line easement described in Exhibit 4.

3. [Terminate all existing sidewalk easements along Plaza 800 & Chevrolet Avenue \(see Exhibit 3\)](#)

The Termination of Sidewalk Easement will extinguish the City's rights to the existing sidewalks, as these sidewalks will be replaced by the new, expanded sidewalks described in Exhibit 1.

4. [Partial Termination of Existing Utility Easement \(see Exhibit 4\)](#)

Exhibit 4 – Partial Termination of Permanent Utility Easement

This document serves to extinguish the existing public utility easement in favor of the public sewer easement described in Exhibit 2B. In 2017, Portsmouth West End Development, LLC purchased the subject property, subject to certain easements. Among these easements was a utility easement, which ensured the City's right to

maintain the existing sewer line. As described above, the developer, at its sole expense, shall move the sewer line. This easement deed completely terminates the existing utility easement, however, the document conveying these rights also conveyed certain rights of way, a conservation easement, a siren easement, and a sidewalk easement, none of which are addressed by Exhibit 4.

I recommend the City Council move to authorize the City Manager the authority to negotiate, discharge and extinguish the following:

Any outstanding easements which may interfere with the proposed development, as approved by the Planning Board;

Any easements that might be necessary to allow the development of 125 – 155 Brewery Lane as outlined in attachments 1 – 4 prepared by Portsmouth West End Development, LLC and as recommended by the Planning Board.

2. **27 Thaxter Road Involuntary Lot Merger**

On February 21, 2019, [Attorney Mulligan submitted a request \(attached\)](#) on behalf of his client, Chad Callihan to restore two involuntarily merged lots to their premerger status.

The parcel at 27 Thaxter Rd ([Assessor Map 166, Lot 39 – attached as Exhibit A](#)) appears to have been created from 3 previous existing lots (referred to as lots 44, 45, and 46), which the owner’s representative indicates were described in the City’s tax records as recently as 1971. According to the City Assessing records ([attached as Exhibits B – F](#)), in or around 1940 a garage was constructed that straddled two of the three lots (lots 44 and 45). Therefore, it would appear that those two lots were merged voluntarily through this overt action by the owner at the time. However, the third lot (46) has remained undeveloped. The owner is requesting that lot 46 be unmerged and restored to its premerger status measuring 2,580 square feet. The remainder of the lot (created by the merging of lots 44 and 45) will measure 10,000 square feet. This request is being made pursuant to RSA 674:39-aa, Restoration of Involuntarily Merged Lots.

Statutory Requirements

RSA 674:39-aa requires the City Council to vote to restore “to their premerger status” any lots or parcels that were “involuntarily merged” by municipal action for zoning, assessing, or taxation purposes without the consent of the owner. Unlike all other lot divisions, there is no statutory role for the Planning Board in this process, but the City Council refers such requests to the Board for its review and report back. The Planning Board also holds a public hearing after noticing abutters.

The statute defines “voluntary merger” and “voluntarily merged” to include “any overt action or conduct that indicates an owner regarded said lots as merged such as, but not limited to, abandoning a lot line” (RSA 674:39-aa, I). It is, therefore, the City Council’s responsibility to determine whether a merger was voluntary (i.e., requested by a lot

owner) or involuntary (implemented by the City without the owner's consent). If the merger was involuntary, the Council must vote to restore the lots to their premerger status. Following such a vote, the City GIS and Assessing staff will update zoning and tax maps accordingly. It will then be up to the owner to take any further action to confirm the restoration to premerger status, such as recording a plan at the Registry of Deeds.

It is important to note that the granting of a request to restore lots to their premerger status does not mean that the resulting lots will be buildable or, if already developed, will conform to zoning. The statute states that "The restoration of the lots to their premerger status shall not be deemed to cure any non-conformity with existing land use ordinances" (RSA 674:39-aa, V). For example, the restored lots may not comply with current zoning requirements for lot area, frontage and depth, and the re-establishment of a lot line between any two pre-merger lots may introduce a new nonconformity with respect to maximum allowed building coverage or a minimum required side yard where a building already exists on one of the premerger lots. In such cases, the owner(s) of the applicable lot(s) would have to apply to the Zoning Board of Adjustment for the necessary variances to restore zoning compliance or to allow future development.

Analysis

While no original subdivision plan has been provided by the owner, a cursory review of the Rockingham County Registry of Deeds records by the Planning Department found a recorded deed (Book 0943, Page 0498) dated August 10, 1938 that described these lots as lots 44, 45 and a part of 46 as shown on a plan entitled "Plan of part of Westfield Park, drawn by John W. Durgin, C.E., dated August, 1933 and recorded in Rockingham Records, Plat 25, Page 2". Further search of the County Records located the plan (#0782) dated August, 1933 which appears to show the lots referenced in the deed. The lots described on these two documents from the Registry are also consistent with the dimensions provided in the tax cards provided by the owner in his request to restore the lots to their premerger status. As there is evidence that a structure (garage) was constructed over the lot line of two of the lots, the Planning Department would agree that this constitutes an overt action to merge two of the lots in question. However, there is no evidence that any such action was taken to merge the third lot.

Planning Board Review

The City Council referred this request to the Planning Board at its March 4, 2019 meeting. The Planning Board held a public hearing on this request at its April 18, 2019 meeting. At that time, the Board voted to recommend that the City Council restore the lots to their premerger status with the stipulation that Planning Department Staff meet with one of the abutters to go over her concerns raised during the public hearing. After meeting with Ms. Jennings, the Planning Department staff is recommending restoring the lots to their premerger status of two distinct lots (after the garage was constructed in the 1940s.)

I recommend the City Council vote to restore the two involuntary merged lots at 27 Thaxter Road to their pre-merger status.

3. **Proposed Charter Amendments** The City Council has authorized the process to commence on placement of two proposed Charter amendments to be put on the ballot for referendum vote at the municipal election schedule for November 5, 2019. The authorizing determination and the proposed amendments are as follows:

Proposed Charter Amendment #1 - Compensation of City Councilors

At the City Council meeting on February 4, 2019, the Council voted to commence the Charter amendment process with respect to deleting from the Municipal Charter the last sentence in section 4.6, which reads “However, no City Councilor, except the Mayor, shall receive more than Fifteen Hundred (\$1,500) Dollars during any calendar year.”

Proposed Charter Amendment #2 - Police Commission Vacancies

On January 22, 2019, after voting to appoint Stefany Shaheen to fill a vacancy on the Police Commission, the City Council discussed the process for filling vacancies on the Commission. Apparently, without taking any formal vote, the Council then requested a proposed Charter amendment to reconcile the process of filling vacancies on the Police Commission with State law as opined by the Office of the Attorney General in 2015. The Attorney General opinion was based upon the provisions of [RSA 105-C:3 \(attached\)](#), a statute relating to statutory police commissions in towns. That opinion calls for vacancies on the Police Commission to be filled by vote of the Council, whereas the Charter looks to the last election to fill vacancies.

PROCEDURE

The process which governs the handling of the proposed amendments by the Council is described in state law RSA 49-B, relevant portions of which are attached ([RSA 49-B:4-a and RSA 49-B:5 I](#)). Briefly, the statute requires that if the Council wishes to proceed with these proposed amendments, it shall provide for notice and a public hearing. The notice must be published in the newspaper at least seven (7) days prior to the hearing. The notice must contain both the text of any proposed amendment and a brief explanation. Subsequent to the public hearing, if the Council wishes to proceed with any amendment, the City Clerk shall be so advised and she should report to the Attorney General, the Secretary of State, and the Commissioner of the Department of Revenue Administration under RSA 49-B:4-a. Within seven (7) days of receiving approval from the Secretary of State, the Attorney General and the Department of Revenue Administration under RSA 49-B:4-a (see below), the City Council may order the proposed amendment to be placed on the ballot at the next regular municipal election held not less than sixty (60) days after that order is passed.

STATE APPROVALS

After the City Clerk files a report with the Secretary of State, the Attorney General and the Commission of the Department of Revenue Administration, those officials “shall review the [proposed Charter Amendments] to ensure that [they are] consistent with the general laws of this state.” If any of those officials do not approve, the proposed Charter Amendment(s),

“shall not be placed on the municipal ballot.” However, “failure to specify objections to a proposed Charter or Charter Amendment within forty-five (45) days shall constitute approval by the Secretary of State, Attorney General or the Commissioner of the Department of Revenue Administration.”

TIMELINE

For Council guidance on the timing of its actions regarding Charter amendments, please be advised of the following:

<u>Action</u>	<u>Time Required</u>	
A. City Council vote to hold a public hearing	Seven (7) day notice required plus two (2) days to place advertisement in newspaper	9 days
B. Notice to State Agencies	Fourteen (14) days	14 days
C. State Agency Response	Forty-five (45) days	<u>45 days</u> 68 days

Given that the City Clerk must file her final ballot form for printing no later than September 10, 2019, the first step in the foregoing process must take place prior to July 4, 2019. Given the current schedule of City Council meetings it would appear that the last possible regular Council meeting date at which the Council must vote on a specific Charter Amendment in order to meet the foregoing timeline is June 17, 2019.

The foregoing assumes the minimum possible deadlines for achieving the various actions required by stature. It assumes, for example, that the City Clerk can get a notice of hearing published in two (2) days and not three (3). Thus, in order to allow sufficient time for every step to be taken and still have some time to accommodate procedural issues which might arise, it is recommended that the City Council vote on any proposed Charter Amendment no later than the Council meeting of June 17, 2019.

Attachments:

- (1) Proposed Charter Amendment #1
- (2) Proposed Charter Amendment #2
- (3) RSA 49-B:4-a
- (4) RSA 49-B:5 I
- (5) RSA 105-C:3

I recommend the City Council establish a public hearing on proposed Charter Amendments #1 Compensation of City Councilors and #2 Police Commission Vacancies on June 17, 2019 at the City Council meeting, and further, vote on each of the aforementioned Charter Amendments to be placed on the November, 2019 ballot no later than the June 17, 2019 City Council meeting.

Informational Items:

1. **Upcoming FY20 Budget Work Sessions** Next week's FY 2020 Department Budget Work Sessions will be held on Wednesday, May 22nd at 6:30 p.m. for the Budget Review, and Thursday, May 29th at 6:30 p.m. for the Budget Review Follow-up (if necessary).

***Exhibit 1 - Easements for Public Access and Use of Parks,
Community Space and Sidewalks.***

**EASEMENTS FOR PUBLIC ACCESS AND USE OF PARKS,
COMMUNITY SPACE AND SIDEWALKS**

THE EASEMENTS HEREIN ARE GRANTED this ____ day of March, 2019 by Portsmouth West End Development, LLC, a New Hampshire limited liability company having an address of 3 Penstock Way, Newmarket, New Hampshire 03857, (“Grantor”) unto the City of Portsmouth, New Hampshire (“City”) for public access to and use of certain pocket parks, use of community space and sidewalks as set forth herein.

WHEREAS, Grantor acquired a tract of land located at 125-155 Brewery Lane, Portsmouth, New Hampshire (the “Property”), by Warranty Deed of Saco Avenue Professional Building, Inc. dated December 21, 2017 and recorded at the Rockingham County Registry of Deeds at Book 5882, Page 0019, and depicted on a plan entitled "Public Works Facility, 700 Islington Street, Portsmouth, New Hampshire for City of Portsmouth" prepared by James Verra and Associates, Inc., dated 6/22/98, rev. 5/24/99, as Job No. 20941, and recorded at the Rockingham County Registry of Deeds as Plan D-27228 (the “Site Plan”); (See also, “Lot Line Relocation Plan Between: Tax Map 154-Lot 2, Owner: Portsmouth West End Development, LLC, Property Located at: 145 Brewery Lane and Tax Map 146-Lot 27, Owner: Malt House Exchange Realty Trust, Property Located at: 95 Brewery Lane, City of Portsmouth, County of Rockingham, State of New Hampshire, prepared by Ambit Engineering, Inc. dated March 2018 as revised and recorded at the Rockingham County Registry of Deeds on December 21, 2018 as Plan D-41238);

WHEREAS, reference is made to a plan entitled “Proposed Easement Plan, Tax Map 154-Lot 2, Owner: Portsmouth West End Development, LLC, 125-155 Brewery Lane, City of Portsmouth, County of Rockingham, State of New Hampshire” dated July, 2018, last revised 2/6/19, and prepared by Ambit Engineering, Inc. and recorded at the Rockingham County Registry of Deeds on _____ as Plan # _____ (the “Proposed Easement Plan”) for the Property;

WHEREAS, the Grantor, as provided herein, wishes to convey easements for public access to, and use of, the two pocket parks and use of community space and sidewalks, all as shown on the Proposed Easement Plan;

NOW THEREFORE, in consideration of the sum of One Dollar (\$1.00), to be paid by the City, and other good and valuable consideration, the receipt of which is hereby acknowledged by the Grantor, Grantor conveys the easements as follows:

1. Community Space Easement. The Grantor hereby grants to and declares for the benefit of the public a permanent right to use and enjoy as depicted, the two Pocket Parks consisting of areas of 9900 sq. ft. (Area C) and 3606 sq. ft. (Area E) and the Square, consisting of an area of 13,351 sq. ft. (Area D) all as shown on the Proposed Easement Plan.
2. Pocket Park Access Easement. The Grantor hereby grants to and declares for the benefit of the public a permanent right and easement upon, over and across the Proposed Access Easements to Pocket Parks identified on the Proposed Easement Plan as Proposed Access Easement Number 2 and Proposed Access Easement Number 3, in a manner that will permit free and unobstructed use by pedestrians and non-motorized vehicles for the purpose of obtaining access to the Pocket Parks.
3. Sidewalk Easement. The Grantor hereby grants to and declares for the benefit of the Public a permanent right and easement upon, over and across a sidewalk of at least 12' in width including approved landscaping therein consisting of 2110 sq. ft. (Area A as shown as two separate areas) and 7721 sq. ft. (Area B); and a sidewalk of less width identified as Proposed Access Easement Number 1, all as shown on the Proposed Easement Plan, in a manner that will permit free and unobstructed use by pedestrians and non-motorized vehicles for travel along the perimeter of the Property.
4. Natural Park (Area F). See Conservation Easement recorded at the Rockingham County Registry of Deeds on June 4, 1999 at Book 3396, Page 1709 and Plan D-27228 recorded therewith.

The Easements granted herein shall be subject to the following terms and conditions:

1. Terms of Public Use: The Public Use permitted by the Easements shall be limited to the hours of 8:00 a.m. through 10:00 p.m. City Ordinances shall govern the Public Use and shall include without limitation, Chapter 3, Public Health, Article IV Noise Control, Section 3.401 et seq.
2. Right of Use and Access: The public shall have the privilege of use of the Sidewalk and the Access Easements to Pocket Parks, applicable to the use of public walkways and public streets. The City of Portsmouth shall have the right of access from any point on the Sidewalk Area for the purpose of maintenance,

repair, replacement, or reconstruction, as reasonably determined by the City of Portsmouth.

3. Access and Control: Except as otherwise provided in this Easement, Grantor retains the right of access to and control over the Property. Nothing contained in this Easement shall be construed as affording the public a right of access to any portion of the Property other than access which is consistent with this Easement.
4. Maintenance and Repair: The maintenance of the Pocket Parks, Access Easements to Pocket Parks, the Community Space Areas and the Sidewalk shall be the sole responsibility of the Grantor, and its successors and assigns.
5. Costs and Liabilities. Grantor agrees to bear all costs and liabilities of any kind related to the operation, upkeep, and maintenance of the Property, and to defend, indemnify, hold harmless, and release the City of Portsmouth, from and against any and all actions, claims, damages, liabilities, or expenses that may be asserted by any person or entity, including Grantor, relating thereto. Without limiting the foregoing, the City of Portsmouth shall not be liable to Grantor or any other person or entity in connection with any entry upon the Property pursuant to this Easement, or on account of any claim, liability, damage, or expense suffered or incurred by or threatened against Grantor or any other person or entity, except as such claim, liability, damage, or expense is the result of the City of Portsmouth's, its agents or employee's negligence or willful misconduct.
6. Covenants Run with the Land: The Easements granted herein shall be perpetual in nature, shall run with the land and shall benefit and be binding upon the Grantor, its successors and assigns. This Easement shall be recorded in the Rockingham County Registry of Deeds.
7. City Ordinance Application: The use, public or private, of the Pocket Parks, the Pocket Park Access Easements, the Community Spaces and/or the Sidewalk, shall be subject to and comply with the City Ordinances of the City of Portsmouth.
8. Notices. Any notice, demand, request, or other communication that either party desires or is required to give to the other under this Easement shall be in writing and either served personally or sent by United States mail, postage prepaid, certified, return receipt requested, and shall be mailed to the parties at the following addresses:

To Grantor:

Portsmouth West End Development, LLC
3 Penstock Way
Newmarket, NH 03857

To City:

City of Portsmouth, New Hampshire
1 Junkins Avenue
Portsmouth, NH 03801

9. Amendment. Grantor and City may mutually agree to amend or modify this Easement, provided that any such amendment or modification is in writing and signed by both parties, and is consistent with the purpose of this Easement. No amendment or modification of this Easement shall take effect unless and until it is recorded in the Rockingham County Registry of Deeds.
10. Applicable Law. These Easements shall be construed and interpreted according to the substantive law of the State of New Hampshire.
11. Easement to Bind Successors. Throughout the term of this Easement, this Easement shall be a burden upon and shall continue as a restrictive covenant and equitable servitude running with the Property and shall be binding upon and inure to the benefit of Grantor, its successors and assigns.

Meaning and intending to convey an easement over a portion of the Property conveyed to the Grantor by Warranty Deed of Saco Avenue Professional Building, Inc. dated December 21, 2017 and recorded at the Rockingham County Registry of Deeds at Book 5882, Page 0019.

This is an exempt transfer pursuant to RSA 78-B:2(I)

IN WITNESS WHEREOF, Grantor and City have executed this Easement as set forth, below.

Grantor:

Portsmouth West End Development, LLC
By: Penstock Assets, LLC, Manager

By: _____
Eric J. Chinburg,
Manager of Penstock Assets, LLC

City:

City of Portsmouth, New Hampshire

By:

John P. Bohenko, City Manager

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

On this ___ day of March, 2019, before me, the undersigned notary public, personally appeared Eric J. Chinburg, Manager of Penstock Assets, LLC, Manager of Portsmouth West End Development, LLC, a New Hampshire limited liability company, proved to me through satisfactory evidence of identification, which was a valid driver's license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

Notary Public:

My Commission Expires:

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

On this ___ day of March, 2019, before me, the undersigned notary public, personally appeared John P. Bohenko, Manager of the City of Portsmouth New Hampshire, proved to me through satisfactory evidence of identification, which was a valid driver's license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it in his capacity as stated therein and voluntarily for its stated purpose.

Notary Public:

My Commission Expires:

***Exhibit 2A - Griffin Family Corporation (Plaza 800) Drainage
Easement Deed***

DRAINAGE EASEMENT DEED

Know all men by these presents that Portsmouth West End Development, LLC, a New Hampshire limited liability company with an address of 3 Penstock Way, Newmarket, New Hampshire 03857 ("Grantor") grants to the Griffin Family Corporation, a New Hampshire corporation, with a mailing address of P.O. Box 149, Portsmouth, New Hampshire 03802-0149 ("Grantee"), the following Drainage Easement upon Grantor's property located at 125-155 Brewery Lane, Portsmouth, New Hampshire and for the benefit of Grantee's property located at 738, 800, 848, and 874-876 Islington Street, which contains various buildings and improvements at a shopping center known as "Plaza 800."

Whereas, Grantor and Grantee own abutting properties on Islington Street and Brewery Lane in Portsmouth, New Hampshire; and

Whereas, Grantor is constructing a new development on its property, which development requires it to relocate an existing drainage line on its property which serves and benefits Grantee's property; and

Whereas, the parties have agreed, regarding the relocation of the drainage line, and construction of a new replacement line ("New Line"), that the Grantor shall construct the same in accordance with the plans approved by the City of Portsmouth as referenced herein, and when completed, switch the existing connection from the existing old line to the New Line, and have the New Line connected at the outlet end to the City of Portsmouth public drainage system, all at Grantor's sole expense.

NOW THEREFORE, Grantor and Grantee agree as follows:

CONSTRUCTION OF NEW LINE: Grantor shall construct the New Line and connect Grantee's drainage line to the New Line. Grantor shall construct the New Line upon obtaining and in accordance with all City of Portsmouth land use approvals, specifications, permits, and codes and complete the New Line so it is connected to the City drainage line on Grantor's property and functioning correctly to the benefit of Grantee's property.

AFTER COMPLETION OF NEW LINE: upon completion of the New Line as described above, Grantee shall have the benefit of the following easement upon Grantor's property.

EASEMENT RIGHTS:

(1) **DRAINAGE:** Grantor grants to Grantee the perpetual and non-exclusive right to use the New Line and subsequent to the New Line being constructed and put in to use an easement to lay, construct, operate, maintain, repair and replace the New Line as to drainage pipes and appurtenant drainage equipment within the Easement Area (defined below) for collection and transport of storm water, consistent with but no less than current levels not to exceed its current capacity, from any and all places on Grantee's property as determined by Grantee. Grantee's capacity (flow usage) shall be at all times maintained consistent with its current drainage flow levels. Grantor and Grantee shall each have its respective rights of reasonable usage for its respective property as developed or to be developed including any reasonable increase in the future, provided any such increase does not cause any adverse effect on the other party. Both Grantor and Grantee reserve the rights to upgrade the New Line if they determine there is a need to do so. If, in the future, the New Line qualifies to become a public utility of the City, Grantor shall act reasonably to transfer the New Line to the City and Grantee shall cooperate reasonably in the transfer.

(2) **ACCESS:** This conveyance includes with the easement rights the granting of the right of access to Grantee onto land of the Grantor, to and across the Easement Area for all purposes in connection with the exercise of the within granted rights and easements; the right to excavate, trench and backfill, by men or machines, and temporarily to place excavated earth and other material on the Easement Area provided that the Easement Area will be restored by the Grantee to the condition in which it was immediately prior to such access, excavation, trenching and backfilling; the right to trim, cut down and remove bushes, trees and other plant growth on the Easement Area as, and to such extent, in the reasonable judgment of the Grantee, is necessary for any of the above purposes; and the right to go upon the Easement Area when working on sidelines and associated equipment. Grantee agrees that all construction, reconstruction, operation, maintenance, removal and any other activities which disturb the Easement Area shall be coordinated with Grantor so as to minimize any disruption to Grantor's property.

(3) **CONNECTION TO CITY LINE:** This conveyance also includes for the benefit of Grantee, in conjunction with Grantor, the easement and right that the New Line shall connect to the City public drainage line that exists on Grantor's property as shown on Plan D-37968 and as granted to the City in the Permanent Utility Easement recorded at Book 5489 Page 0257, both said Plan and said deed on record at the Rockingham County Registry of Deeds.

Subsequent to the completion of the New Line and the New Line being put into use: (1) Grantee hereby agrees to indemnify, defend and hold harmless the Grantor, its agents and employees from any and all claims for personal injury or property damage arising in any way out of existence or use of or the costs of repair, replacement or maintenance of the New Line or appurtenant equipment; and (2) Grantor hereby agrees to indemnify, defend and hold harmless the Grantee, its agents and employees from any and all claims for personal injury or property damage arising in any way out of interference with, interruption with the use of, damage to, or the costs of repair,

replacement or maintenance of the New Line or appurtenant equipment caused by Grantor, or its agents and employees.

EASEMENT AREA: Beginning at a point on the southwesterly line of the Grantor and the northeasterly line of the Grantee, said point being S 39°49'45" E a distance of 120.57 feet from the westerly corner of land of the Grantor; thence running over and across land of the Grantor N 45°18'00" E a distance of 202.04 feet to the southwesterly side of an existing utility easement; thence turning and running over and across land of the Grantor and along the southwesterly line of said utility easement S 44°57'21" E a distance of 30.00 feet; thence turning and running over and across land of the Grantor S 45°18'00" W a distance of 180.32 feet; thence turning and running still over and across land of the Grantor S 44°59'09" E a distance of 83.81 feet; thence turning and running still over and across land of the Grantor S 44°57'19" W a distance of 31.98 feet to a point on the aforesaid southwesterly line of the Grantor and the northeasterly line of the Grantee, said point being N 39°49'45" W 298.31 feet from the southerly corner of land of the Grantor; thence turning and running along the line of the Grantor and Grantee N 39°49'45" W a distance of 114.41 feet to the point of beginning, the above described easement having an area of 8,456 square feet, more or less. Also included in the Easement Area is that portion of the aforesaid Permanent Utility Easement necessary to connect to, and maintain and repair for all purposes described herein, the New Lines into the City public lines.

The Easement Area and the New Line located consistently with the plans approved by the City of Portsmouth are shown on the "Proposed Easement Plan, Tax Map 154-Lot 2, Owner: Portsmouth West End Development, LLC, 125-155 Brewery Lane, City of Portsmouth, County of Rockingham, State of New Hampshire" dated July, 2018, last revised 2/6/19, and prepared by Ambit Engineering, Inc. and recorded at the Rockingham County Registry of Deeds on _____ as Plan D- _____ (the "Proposed Easement Plan").

The Easement Rights conveyed herein, together with the obligations undertaken by the Grantee, by recording this deed, shall be binding upon the Grantor and the Grantee and their successors and assigns.

Prior to exercising any right hereunder, Grantee shall give thirty (30) days written notice to Grantor of the intended work in the Easement Area, except in an emergency when immediate emergency notice shall be sufficient. Any such work shall be conducted so as to have the minimal effect on the operation of Grantor's business which includes, but is not necessarily limited to the completion of all work in a commercially reasonable time frame that is usual and customary in the industry. Grantee shall take reasonable steps to prevent blocking access to and from the Grantor's property or disrupting its parking. Grantee shall further be responsible for restoring any pavement, brickwork, concrete work and/or plantings that are disrupted during its exercise of rights hereunder. Any and all work performed by the Grantee in the Easement Area shall be at its sole costs and expense.

(See also, Partial Termination of Permanent Utility Easement recorded herewith which terminates that portion thereof replaced by this easement in the Rockingham County Registry of Deeds at Book _____, Page _____.)

Executed this ____ day of February, 2019.

Portsmouth West End Development, LLC
By: Penstock Assets, LLC, Manager

By _____
Eric J. Chinburg, duly authorized

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

On this ___ day of February, 2019, before me, the undersigned notary public, personally appeared Eric J. Chinburg, Manager of Penstock Assets, LLC, Manager of Portsmouth West End Development, LLC, a New Hampshire limited liability company, proved to me through satisfactory evidence of identification, which was a valid driver's license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

Notary Public:
My Commission Expires:

NOTE:

1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 154 AS LOT 2.

PROPOSED EASEMENTS:

COMMUNITY SPACES

- A. WIDE PEDESTRIAN SIDEWALK: 2,110 SF ALONG FRONT OF #125 BREWERY LANE BUILDING
- B. WIDE PEDESTRIAN SIDEWALK: 7,721 SF ALONG FRONT OF #155 BREWERY LANE AND BEHIND PROPOSED BUILDING
- C. POCKET PARK: 9,900 SF IN FRONT OF PROPOSED BUILDING
- D. SQUARE: 13,351 SF NORTH SIDE OF CHEVROLET AVENUE BEHIND PROPOSED BUILDING
- E. POCKET PARK: 3,606 SF BY CHEVROLET AVENUE ENTRANCE
- F. NATURAL PARK: 25,589 SF SOUTH SIDE OF CHEVROLET AVENUE

TOTAL COMMUNITY AREA: 82,287 SF

ACCESS EASEMENTS

- 1. 36 LF ALONG BREWERY LANE: 80 SF
- 2. 257 LF ALONG PROPOSED DRIVEWAY FROM BREWERY LANE TO POCKET PARK: 1475 SF
- 3. 113 LF ALONG PROPOSED DRIVEWAY CONNECTING POCKET PARK TO SQUARE: 668 SF

SEWER EASEMENT

- 1. PROPOSED SEWER EASEMENT TO THE CITY OF PORTSMOUTH. AREA: 6,456 SF

DRAINAGE EASEMENT

- 1. PROPOSED DRAINAGE EASEMENT TO PLAZA 800. AREA: 6,456 SF
- 2. DRAINAGE EASEMENT DEED TO PLAZA 800 TO ALLOW ACCESS TO CONNECT AND REPAIR THE DRAINAGE WITHIN THE CITY OF PORTSMOUTH UTILITY EASEMENT.

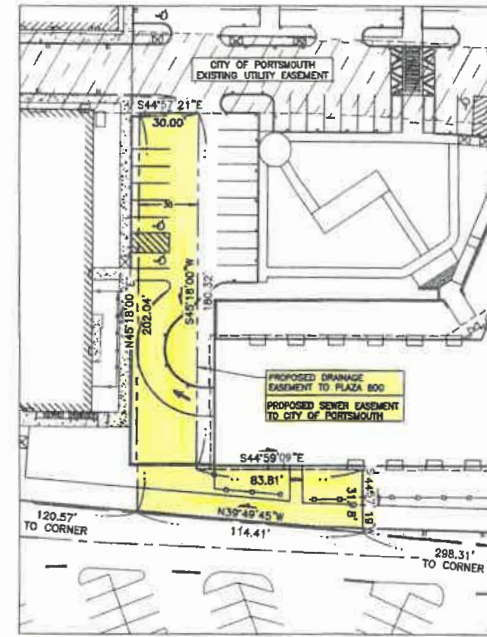
NO.	REVISIONS	DATE
5	PARK D LAYOUT/ EASEMENT DETAIL	2/6/19
4	SEWER EASEMENT/DRAIN LABEL	1/10/19
3	EASEMENT LABELS	12/13/18
2	REVISED LAYOUT	10/30/18
1	EASEMENT METES & BOUNDS	9/25/18
0	ISSUED FOR APPROVAL	9/10/18

PROPOSED EASEMENT PLAN
TAX MAP 154-LOT 2
 OWNER:
PORTSMOUTH WEST END DEVELOPMENT, LLC
 125-155 BREWERY LANE
 CITY OF PORTSMOUTH
 COUNTY OF ROCKINGHAM
 STATE OF NEW HAMPSHIRE

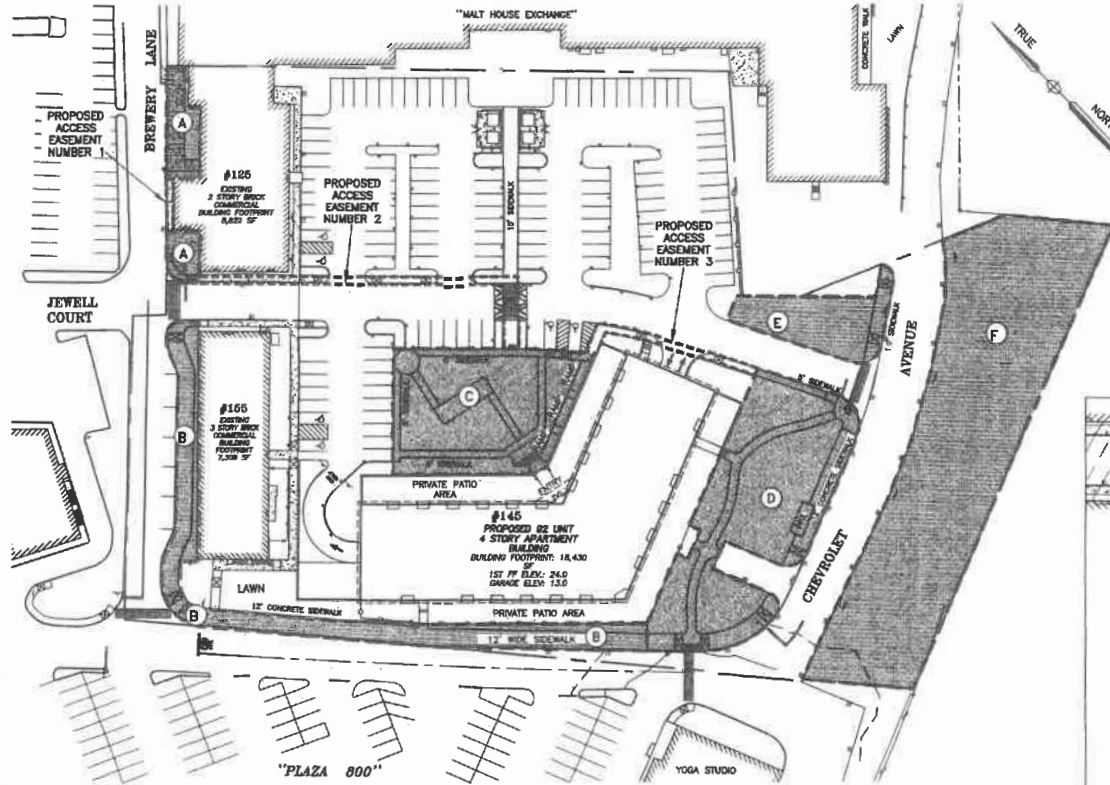
SCALE: AS SHOWN SHEET 2 OF 2 JULY 2018
 FB 1.08 PG 11 830.01

LEGEND

- COMMUNITY SPACE
- RETAINING WALL
- ACCESS EASEMENT
- COMMUNITY SPACE
- COMMUNITY SPACE A



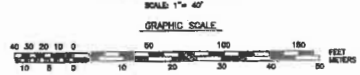
PROPOSED SEWER EASEMENT TO CITY OF PORTSMOUTH
PROPOSED DRAINAGE EASEMENT TO PLAZA 800
 SCALE: 1" = 30'
 GRAPHIC SCALE



COMMUNITY SPACES		
AREA	TYPE	SIZE (SF)
A	SIDEWALK	2,110
B	SIDEWALK	7,721
C	POCKET PARK	9,900
D	SQUARE	13,351
E	POCKET PARK	3,606*
F	NATURAL PARK	25,589

* NOTE: AREA EXPANDED DUE TO LOT LINE RELOCATION WITH ABUTTER

COMMUNITY AND ACCESS EASEMENTS



APPROVED BY THE PORTSMOUTH PLANNING BOARD

CHAIRMAN _____ DATE _____



A:\DATA\181803\181803\181803\181803.dwg Plotter: Caldwel/John & Sons\Plotter\181803.dwg 2018.dwg C:\181803.dwg

Exhibit 2B - Public Sewer Easement

PUBLIC SEWER EASEMENT

THE PUBLIC SEWER EASEMENT HEREIN IS GRANTED this ___ day of _____, 2019 by Portsmouth West End Development, LLC, a New Hampshire limited liability company having an address of 3 Penstock Way, Newmarket, New Hampshire 03857 (“Grantor”) unto the City of Portsmouth, New Hampshire, a municipal corporation, having an address of 1 Junkins Avenue, Portsmouth, New Hampshire 03801 (“Grantee”) as set forth herein.

WHEREAS, Grantor acquired a tract of land located at 125-155 Brewery Lane, Portsmouth, New Hampshire (the “Property”), by Warranty Deed of Saco Avenue Professional Building, Inc., dated December 21, 2017, and recorded at the Rockingham County Registry of Deeds at Book 5882, Page 0019, which is depicted on a plan entitled “Public Works Facility, 700 Islington Street, Portsmouth, New Hampshire for City of Portsmouth” prepared by James Verra and Associates, Inc., dated 6/22/98, rev. 5/24/99, as Job No. 20941, and recorded at the Rockingham County Registry of Deeds as Plan D-27228 (the “Plan”); (See also, “Lot Line Relocation Plan Between: Tax Map 154-Lot 2, Owner: Portsmouth West End Development, LLC, Property Located at: 145 Brewery Lane and Tax Map 146-Lot 27, Owner: Malt House Exchange Realty Trust, Property Located at: 95 Brewery Lane, City of Portsmouth, County of Rockingham, State of New Hampshire, prepared by Ambit Engineering, Inc. dated March 2018 as revised and recorded at the Rockingham County Registry of Deeds on December 21, 2018 as Plan D-41238);

WHEREAS, reference is made to that certain plan entitled “Proposed Easement Plan, Tax Map 154-Lot 2, Owner: Portsmouth West End Development, LLC, 125-155 Brewery Lane, City of Portsmouth, County of Rockingham, State of New Hampshire” dated July, 2018, last revised 2/6/19, and prepared by Ambit Engineering, Inc. and recorded at the Rockingham County Registry of Deeds on _____ as Plan D-_____ (the “Proposed Easement Plan”);

WHEREAS, the Grantor, as provided herein, wishes to convey a public sewer easement over a portion of the Property, as depicted on the Proposed Easement Plan;

NOW THEREFORE, in consideration of the sum of One Dollar (\$1.00), to be paid by the Grantee, and other good and valuable consideration, the receipt of which is hereby acknowledged by the Grantor, Grantor conveys the easements as follows:

1. **EASEMENT RIGHTS:** The perpetual right and easement to lay, construct, operate, maintain, repair and replace sewage and/or leachate pump or pumps, pump station housing, pipes, valves, manholes and any and all necessary or desirable appurtenant equipment within the Easement Area (defined below) for the collection and transport of sewage and/or leachate from any and all places as determined by Grantee.

This conveyance includes the right of access from land of the Grantor, to and across the Easement Area for all purposes in connection with the exercise of the within granted rights and easements; the right to excavate, trench and backfill, by men or machines, and temporarily to place excavated earth and other material on the Easement Area provided that the Easement Area will be restored by the Grantee to the condition in which it was immediately prior to such access, excavation, trenching and backfilling; the right to trim, cut down and remove bushes, trees and other plant growth on the Easement Area as, and to such extent, in the reasonable judgment of the Grantee, is necessary for any of the above purposes; the right to go upon the Easement Area when working on sidelines and associated equipment. Grantee agrees that all construction, reconstruction, operation, maintenance, removal and any other activities which disturb the Easement Area shall be coordinated with Grantor so as to minimize any disruption to Grantor's property.

Grantor hereby covenants and agrees to construct no temporary or permanent structures within the Easement Area as described below.

2. **EASEMENT AREA:** The Easement Area is depicted as "Proposed Sewer Easement to City of Portsmouth" on the Proposed Easement Plan, and is more particularly bounded and described on the Proposed Easement Plan as follows:

Beginning at a point on the southwesterly line of the Grantor at land now or formerly of the Griffin Family Corporation as shown on said Proposed Easement Plan, said point being S 39°49'45" E a distance of 120.57 feet from the westerly corner of land of the Grantor; thence running over and across land of the Grantor N 45°18'00" E a distance of 202.04 feet to the southwesterly side of an existing utility easement; thence turning and running over and across land of the Grantor and along the southwesterly line of said utility easement S 44°57'21" E a distance of 30.00 feet; thence turning and running over and across land of the Grantor S 45°18'00" W a distance of 180.32 feet; thence turning and running still over and across land of the Grantor S 44°59'09" E a distance of 83.81 feet; thence turning and running still over and across land of the Grantor S 44°57'19" W a distance of 31.98 feet to a point on the aforesaid

southwesterly line of the Grantor and the northeasterly line of land now or formerly of the Griffin Family Corporation as shown on said Proposed Easement Plan, said point being N 39°49'45" W 298.31 feet from the southerly corner of land of the Grantor; thence turning and running along the land of the Grantor and land now or formerly of the Griffin Family Corporation as shown on said Proposed Easement Plan N 39°49'45" W a distance of 114.41 feet to the point of beginning, the above described easement having an area of 8,456 square feet, more or less.

Prior to exercising any right hereunder, Grantee shall give reasonable written notice to Grantor of any intended work in the Easement Area. Any such work shall be conducted so as to have the minimal effect on the operation of Grantor's business which includes, but is not necessarily limited to the completion of all work in a commercially reasonable time frame that is usual and customary in the industry. Grantee shall take reasonable steps to prevent blocking access to and from the Property or disrupting its parking. Grantee shall further be responsible for restoring any pavement, brickwork, concrete work and/or plantings that are disrupted during its exercise of rights hereunder. Any and all work performed by the Grantee in the Easement Area shall be at its sole cost and expense.

- 3. NOTICES.** Any notice, demand, request, or other communication that either party desires or is required to give to the other under this Easement shall be in writing and either served personally or sent via Certified Mail, Return Receipt Requested, postage prepaid, and shall be mailed to the parties at the following addresses:

To Grantor:
Portsmouth West End Development, LLC
3 Penstock Way
Newmarket, NH 03857

To Grantee:
City of Portsmouth, New Hampshire
1 Junkins Avenue
Portsmouth, NH 03801

- 4. AMENDMENT.** Grantor and Grantee may mutually agree to amend or modify this Easement, provided that any such amendment or modification is in writing and signed by both parties, and is consistent with the purpose of this Easement. No amendment or modification of this Easement shall take effect unless and until it is recorded at the Rockingham County Registry of Deeds.
- 5. EASEMENT TO BIND SUCCESSORS.** This Easement shall be a burden upon and shall continue as a restrictive covenant and equitable servitude running with

the Property and shall be binding upon and inure to the benefit of Grantor and the Grantee, their successors and assigns.

6. APPLICABLE LAW. This Easement shall be construed and interpreted according to the substantive law of the State of New Hampshire.

(See also, Partial Termination of Permanent Utility Easement recorded herewith which terminates that portion thereof replaced by this easement in the Rockingham County Registry of Deeds at Book _____, Page _____.)

Meaning and intending to convey a public sewer easement over a portion of the Property conveyed to the Grantor by Warranty Deed of Saco Avenue Professional Building, Inc., dated December 21, 2017 and recorded at the Rockingham County Registry of Deeds at Book 5882, Page 0019.

This transfer is exempt from New Hampshire property transfer tax pursuant to RSA 78-B:2(I)

IN WITNESS WHEREOF, Grantor and Grantee have executed this Public Sewer Easement as set forth, below.

Grantor:

Portsmouth West End Development, LLC
By: Penstock Assets, LLC, Manager

By: _____
Eric J. Chinburg, Manager

Grantee:

City of Portsmouth, New Hampshire

By: _____
John P. Bohenko, City Manager

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

On this ___ day of March, 2019, before me, the undersigned notary public, personally appeared Eric J. Chinburg, Manager of Penstock Assets, LLC, Manager of Portsmouth West End Development, LLC, a New Hampshire limited liability company, proved to me through satisfactory evidence of identification, which was a valid driver's license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Notary Public:
My Commission Expires:

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

On this ___ day of March, 2019, before me, the undersigned notary public, personally appeared John P. Bohenko, Manager of the City of Portsmouth New Hampshire, proved to me through satisfactory evidence of identification, which was a valid driver's license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it in his capacity as stated therein and voluntarily for its stated purpose.

Notary Public:
My Commission Expires:

NOTE:
 1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 154 AS LOT 2.

- PROPOSED EASEMENTS:**
- COMMUNITY SPACES**
- A. WIDE PEDESTRIAN SIDEWALK: 2,110 SF ALONG FRONT OF #125 BREWERY LANE BUILDING
 - B. WIDE PEDESTRIAN SIDEWALK: 7,721 SF ALONG FRONT OF #155 BREWERY LANE AND BEHIND PROPOSED BUILDING
 - C. POCKET PARK: 9,900 SF IN FRONT OF PROPOSED BUILDING
 - D. SQUARE: 13,351 SF NORTH SIDE OF CHEVROLET AVENUE BEHIND PROPOSED BUILDING
 - E. POCKET PARK: 3,806 SF BY CHEVROLET AVENUE ENTRANCE
 - F. NATURAL PARK: 25,589 SF SOUTH SIDE OF CHEVROLET AVENUE
- TOTAL COMMUNITY AREA: 62,257 SF

- ACCESS EASEMENTS**
- 1. 36 LF ALONG BREWERY LANE: 80 SF
 - 2. 257 LF ALONG PROPOSED DRIVEWAY FROM BREWERY LANE TO POCKET PARK: 1475 SF
 - 3. 113 LF ALONG PROPOSED DRIVEWAY CONNECTING POCKET PARK TO SQUARE: 888 SF

- SEWER EASEMENT**
- 1. PROPOSED SEWER EASEMENT TO THE CITY OF PORTSMOUTH, AREA: 6,456 SF

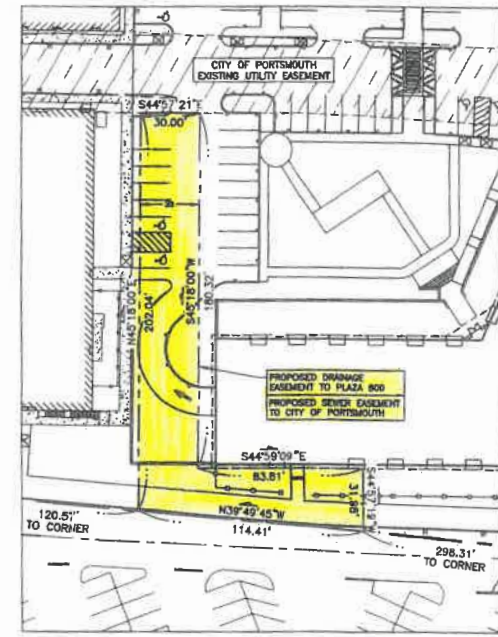
- DRAINAGE EASEMENT**
- 1. PROPOSED DRAINAGE EASEMENT TO PLAZA 800, AREA: 6,456 SF
 - 2. DRAINAGE EASEMENT DEED TO PLAZA 800 TO ALLOW ACCESS TO CONNECT AND REPAIR THE DRAINAGE WITHIN THE CITY OF PORTSMOUTH UTILITY EASEMENT.

NO.	DESCRIPTION	DATE
5	PARK D LAYOUT/ EASEMENT DETAIL	2/9/18
4	SEWER EASEMENT/ DRAIN LABEL	1/10/19
3	EASEMENT LABELS	12/13/18
2	REVISED LAYOUT	10/30/18
1	EASEMENT METES & BOUNDS	9/25/18
0	ISSUED FOR APPROVAL	9/10/18

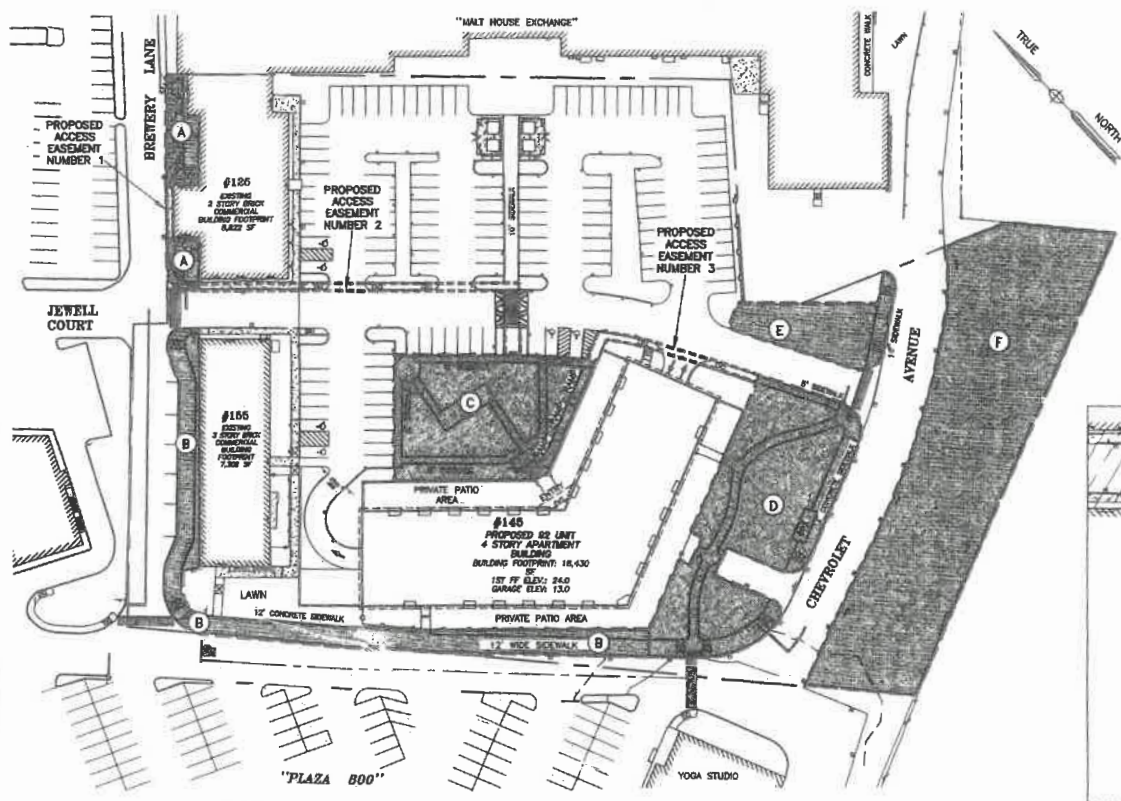
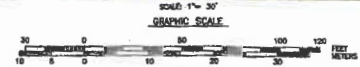
PROPOSED EASEMENT PLAN
TAX MAP 154-Lot 2
 OWNER:
PORTSMOUTH WEST END DEVELOPMENT, LLC
 125-155 BREWERY LANE
 CITY OF PORTSMOUTH
 COUNTY OF ROCKINGHAM
 STATE OF NEW HAMPSHIRE

LEGEND

- COMMUNITY SPACE
- RETAINING WALL
- ACCESS EASEMENT
- COMMUNITY SPACE
- COMMUNITY SPACE A (A)



PROPOSED SEWER EASEMENT TO CITY OF PORTSMOUTH
PROPOSED DRAINAGE EASEMENT TO PLAZA 800

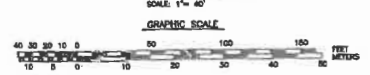


COMMUNITY SPACES

AREA	TYPE	SIZE (SF)
(A)	SIDEWALK	2,110
(B)	SIDEWALK	7,721
(C)	POCKET PARK	9,900
(D)	SQUARE	13,351
(E)	POCKET PARK	3,806*
(F)	NATURAL PARK	25,589

* NOTE: AREA EXPANDED DUE TO LOT LINE RELOCATION WITH ADJUTTER

COMMUNITY AND ACCESS EASEMENTS



APPROVED BY THE PORTSMOUTH PLANNING BOARD

CHAIRSMAN _____ DATE _____



J:\PROJECTS\154\154-155\154-155-157 2nd Floor Chikara\154-155-157.dwg, 01/18.dwg, C:\PROJ\154

Exhibit 3 - Termination of Sidewalk Easement

**TERMINATION OF
SIDEWALK EASEMENT**

The City of Portsmouth, New Hampshire, a municipal corporation, with an address of 1 Junkins Avenue, Portsmouth, New Hampshire 03801 ("Grantee"), and Portsmouth West End Development, LLC, a New Hampshire limited liability company, with an address of 3 Penstock Way, Newmarket, New Hampshire 03857 ("Owner") hereby agree to terminate a certain Sidewalk Easement over property located at 125-155 Brewery Lane, Portsmouth, New Hampshire. In furtherance of said agreement, the parties agree as follows:

1. On or about September 16, 2011, Saco Avenue Professional Building, Inc., Owner's predecessor in title granted to the Grantee, a certain Sidewalk Easement over a portion of 125 Brewery Lane, Portsmouth, New Hampshire (further described at Assessor's Map 154-2) (the "Sidewalk Easement"). The Sidewalk Easement is recorded at the Rockingham County Registry of Deeds at Book 5288, Page 0112, and is shown on a plan entitled "Sidewalk Easement Plan, Tax Map 154-Lot 2, Saco Avenue Professional Building, Inc. to the City of Portsmouth, 125 Brewery Lane, City of Portsmouth, County of Rockingham, State of New Hampshire" prepared by Ambit Engineering, Inc. dated July 2011 and recorded February 13, 2012 as Plan D-37118 (the "Sidewalk Easement Plan").
2. The parties hereto hereby terminate the Sidewalk Easement and all rights thereunder as of the date hereof without further rights or liabilities accruing to any of the parties in interest.
3. In exchange for the termination of the Sidewalk Easement, the parties hereto have agreed to an easement which in scope and in area benefits the parties hereto; this new easement is further described in the Easements For Public Access and Use of Parks, Community Space and Sidewalks of even date herewith and recorded at the Rockingham County Registry of Deeds at Book _____, Page _____, and depicted on a plan entitled "Proposed Easement Plan, Tax Map 154-Lot 2, Owner: Portsmouth West End Development, LLC, 125-155 Brewery Lane, City of Portsmouth, County of Rockingham, State of New Hampshire" dated July, 2018 and last revised 2/6/19, and prepared by Ambit Engineering, Inc. and recorded at the Rockingham County Registry of Deeds on _____ as Plan D-_____.

Meaning and intending to terminate a sidewalk easement granted over a portion of the premises conveyed to the Owner herein by Warranty Deed of Saco Avenue Professional Building, Inc. dated December 21, 2017 and recorded at the Rockingham County Registry of Deeds at Book 5882, Page 0019.

Executed this _____ day of March, 2019.

Grantee:
City of Portsmouth, New Hampshire

By: _____
John P. Bohenko, City Manager

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

On this ___ day of March, 2019, before me, the undersigned notary public, personally appeared John P. Bohenko, Manager of the City of Portsmouth New Hampshire, proved to me through satisfactory evidence of identification, which was a valid driver's license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it in his capacity as stated therein and voluntarily for its stated purpose.

Notary Public:
My Commission Expires:

Owner:
Portsmouth West End Development, LLC
By: Penstock Assets, LLC, Manager

By: _____
Eric J. Chinburg, duly authorized

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

On this ___ day of March, 2019, before me, the undersigned notary public, personally appeared Eric J. Chinburg, Manager of Penstock Assets, LLC, Manager of Portsmouth West End Development, LLC, a New Hampshire limited liability company, proved to me through satisfactory evidence of identification, which was a valid driver's license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

Notary Public:

My Commission Expires:

EASEMENTS OF RECORD:

- A POSSIBLE PARTY WALL AGREEMENT WITH THE OWNER OF LOT 40-46/27 (SHOWN ON THE SURVEY PLAN AS BEING OWNED BY GARY DESHA, TRUSTEE OF THE MALT HOUSE EXCHANGE REALTY TRUST.)
- RIGHTS, IF ANY, OF UNDERMINED PARCELS, FOR PARALLEL LINES AND/OR BARRIERS SHOWN, THE LOCATION OF THE TRUNK AND SPURS BEING SHOWN ON A PLAN ENTITLED "PROPERTY OF THE FRANK JAMES BURNING CO., LTD., PORTSMOUTH, NH DATED OCTOBER, 1928, PREPARED BY JOHN W. DANIEL, AND RECORDED IN THE ROCKINGHAM COUNTY REGISTRY OF DEEDS AS PLAN 8028.
- THE RIGHTS REPRESENTED IN PARAGRAPH TWO ARE CURRENTLY THE SUBJECT OF A PETITION TO OBTAIN TITLE AND/OR EASEMENT THROUGH PROCEEDINGS.
- RIGHTS TO BE RECEIVED BY THE CITY OF PORTSMOUTH TO OCCUPY THE PROPERTY PURSUANT TO THE TERMS OF A LEASE EXECUTED BY THE CITY AND THE SAID INDIVIDUAL PROFESSIONAL, REALTOR, INC.
- A RESERVATION TO THE CITY OF PORTSMOUTH OF A PERMANENT EASEMENT FOR FOOTING OR VEHICULAR ACCESS AS WELL AS THE PLACEMENT OF UTILITIES AND FOR ALL RELATED PURPOSES ACROSS THE FOLLOWING DESCRIBED PARCELS OF LAND, (SEE DEED SCHEDULE A & B) THE CITY RESERVES THE RIGHT, IN ITS SOLE DISCRETION, TO HAVE THE SAID DESCRIBED PARCELS DESIGNATED AND ACCEPTED AS PUBLIC STREETS.
- THE CITY OF PORTSMOUTH RESERVES A PERMANENT EASEMENT TO ENTER ONTO THE PROPERTY FOR MAINTENANCE OF THE WATER/SOIL MAINS, ABUTTING PROPERTIES THAT PRESENTLY FLUX BARRIERS OR STORM DRAINAGE ACROSS THE PROPERTY INTO THESE MAINS SHALL HAVE THE RIGHT TO CONTINUE TO DO SO, IT SHOULD PROMPT DEVELOPMENT RESOLVING THAT THE MAINS BE RELOCATED, THEN THIS EXPENSE SHALL BE BORNE SOLELY BY SAID INDIVIDUAL PROFESSIONAL, REALTOR, INC. AND THE RELATIONSHIP SHALL BE SUBJECT TO THE APPROVAL OF CITY OF PORTSMOUTH.
- SEVEN EASEMENT AGREEMENT RCRD 3010/104 TO FPL ENERGY SUBSTATION, LLC RIGHT TO INSTALL, MAINTAIN, REPAIR AND REMOVE SEVEN EQUIPMENT W/ASSOCIATED ELECTRICAL LINES AND EQUIPMENT ON THE WESTLY SIDE OF PROPERTY.
- UTILITY EASEMENT RCRD 3035/1150 TO WORTON NEW ENGLAND, INC. A 10' X 15' AREA ADJACENT TO WORTON MARSHLE #9043 FOR THE PURPOSE OF CONSTRUCTING A CONCRETE PAD AND RENOVATE CHIMNEY AND 15' WIDE STRIPS OF LAND FOR LANDSCAPING.
- TEMPORARY UTILITY EASEMENT 5044/1105
- AMENDMENT TO CONSERVATION EASEMENT 5154/542
- SEWERLY EASEMENT 5034/115 - D-37114

CONSERVATION EASEMENT NOTES:

- CONSERVATION PURPOSES**
 - THE PROPERTY WHICH IS THE SUBJECT OF THIS EASEMENT IS TO BE USED IN PERPETUITY EXCLUSIVELY FOR THE FOLLOWING CONSERVATION PURPOSES:
 - THE PROPERTY SHALL BE MAINTAINED IN ITS UNDERSTANDING, VEGETATIVE STATE AND OPEN SPACE CONDITION.
 - THE PREMISES IS DESIGNED TO ACT AS BOTH A WIND AND NOISE BUFFER BETWEEN PROPERTY TO BE ADJACENT TO SAID INDIVIDUAL PROFESSIONAL, REALTOR, INC. BY THE CITY OF PORTSMOUTH AND RESIDENTIAL PROPERTIES WHICH ABUT IT AND WHICH ARE LOCATED ON ALDRICH STREET AND ALDRICH COURT.
 - THE CONSERVATION RESTRICTIONS WHICH WILL DETERMINE THE PROPERTY USE AS FOLLOWS:
 - USE LIMITATIONS AND DATES
 - THE PROPERTY WHICH IS SUBJECT TO THIS EASEMENT SHALL BE MAINTAINED IN PERPETUITY AS OPEN SPACE WITHOUT THERE BEING CONDUCTED THEREON ANY INDUSTRIAL OR COMMERCIAL ACTIVITIES, BUSINESS ACTIVITIES, OR RECREATION, BUT NOT LIMITED TO PARKING OR STORAGE OF VEHICLES OR MATERIALS.
 - THE PROPERTY SHALL NOT BE SUBDIVIDED OR OTHERWISE DIVIDED INTO PARCELS OF SEPARATE DISTRICT COMPENSATION.
 - NO STRUCTURES OR IMPROVEMENTS SHALL BE CONSTRUCTED ON THE LAND.
 - NO REMOVAL, FILLING, OR OTHER DISTURBANCES OF SOIL SURFACE, NOR ANY CHANGES IN TOPOGRAPHY, SURFACE OR SUBSURFACE WITH EXISTING, VEGETATION, OR NATURAL FEATURES SHALL BE ALLOWED.
 - NO OUTDOOR AMUSEMENT STRUCTURES, SUCH AS SIGNS AND BILLBOARDS SHALL BE DISPLAYED ON THE PROPERTY.
 - THERE SHALL BE NO MINING, QUARRING, EXCAVATION OR EXTRACTION OF ROCKS, MINERALS, SAND, GRAVEL, TOPSOIL, OR OTHER SIMILAR MATERIALS ON THE PROPERTY.
 - THERE SHALL BE NO DAMPING, BARRIERS, OR BARRIS OF SAND OR MADE MATERIALS OR MATERIALS THEN KNOWN TO BE ENVIRONMENTALLY HAZARDOUS (INCLUDING HOUSEHOLD BATTERIES), NO NEW CEMETERIES OR BURIAL GROUNDS SHALL BE LOCATED ON THE PROPERTY.
 - THE USE OF ALL MOTOR VEHICLES SHALL BE PROHIBITED. IN ADDITION, ALL BILLBOARD, BILLBOARD AREAS, AND RESIDENTIAL AREAS SHALL BE PROHIBITED.
 - NO TREE CUTTING OR REMOVAL SHALL BE PERMITTED. AN APPROVAL FROM THE VEGETATION UNDERSTANDING BE REQUIRED, NOW SHALL THE TREE REMOVAL BE LIMITED TO AN TO FORM A CANOPY OF TREES. THE ONLY EXCEPTION TO THIS RULE IS FOR THE PURPOSE OF THE ADJACENT OF A QUALIFIED ARBORIST, A RECOMMENDATION BE MADE TO CUT DOWN TREES OR LIMIT IN ORDER TO PROTECT THE SAFETY OF THE PUBLIC. NO CUTTING SHALL BE MADE WITHOUT THE APPROVAL OF THE CITY OF PORTSMOUTH. ADDITIONAL PLANTS MAY BE INCORPORATED INTO THE EXISTING VEGETATIVE STATE, PROVIDED, THERE SHALL ONLY BE PERMITTED WITHIN THIRTY FEET OF THE AREA DESIGNATED AS CHEVROLET AVENUE.
 - THE CITY OF PORTSMOUTH SHALL MAINTAIN THE PREMISES SO AS TO KEEP IT REASONABLY CLEAR OF DEBRIS AND RUBBISH.
 - REMARKS AND REFERENCES**
 - THE BURDEN OF THE USE OF LIMITATIONS AND DATES CREATED HEREBY SHALL RUN WITH THE PROPERTY AND SHALL BE ENFORCEABLE AGAINST ALL FUTURE OWNERS, AND SUCCESSORS IN INTEREST. THE RESTRICTIONS SHALL BE ENFORCEABLE BY THE RESIDENTS OF ALDRICH STREET/ALDRICH COURT AND/OR THE CITY OF PORTSMOUTH THROUGH ITS CITY COUNCIL.
 - MISCELLANEOUS**
 - THE CITY OF PORTSMOUTH SHALL HAVE THE RIGHT TO INSPECT THE SUBJECT PROPERTY FROM TIME TO TIME TO ASCERTAIN COMPLIANCE WITH THE EASEMENT. REASONABLE NOTICE SHALL BE GIVEN TO THE SAID INDIVIDUAL PROFESSIONAL, REALTOR, INC. PRIOR TO CONDUCTING THE INSPECTION.

APPROVED BY THE PORTSMOUTH PLANNING BOARD

CHAIRMAN _____

DATE _____



RESTRICTIONS TO PROPERTY:

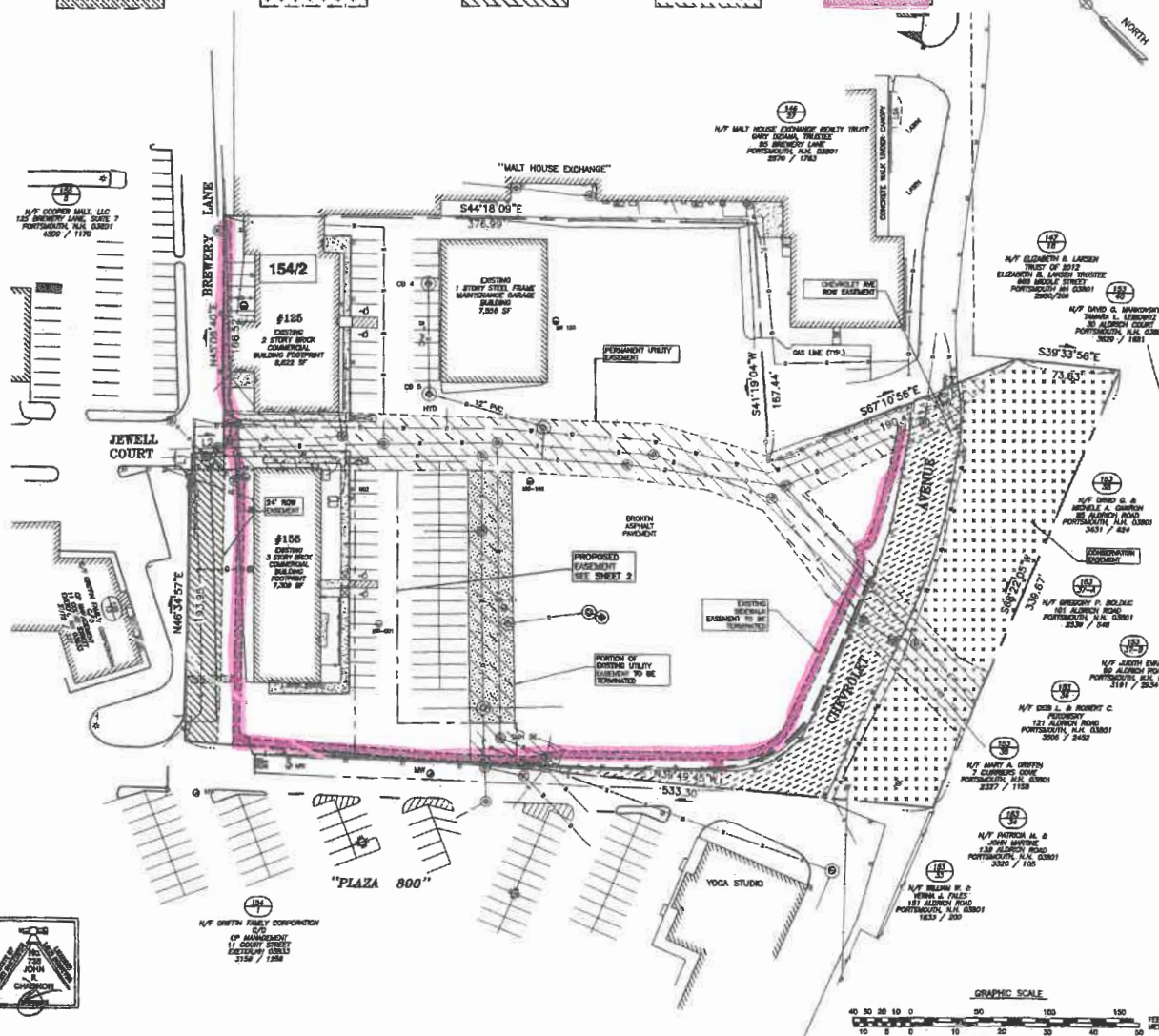
PERMANENT UTILITY EASEMENT
RCRD 5489/0257
D-37958

CONSERVATION EASEMENT
RCRD 3396/1709
D-27228

24' ROW EASEMENT
RCRD 3396/1704
SCHEDULE "B" D-27228

CHEVROLET AVENUE ROW
RCRD 3396/1704
SCHEDULE "A" D-27228

SIDEWALK EASEMENT
RCRD 5286/0112
D-37116



AMBIT ENGINEERING, INC.
Civil Engineers & Land Surveyors
800 Centre Road - Box 3
Portsmouth, N.H. 03801-7134
(603) 442-8266
Fax: (603) 442-8111

- NOTES:**
- PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 154 AS LOT 2.
 - OWNER OF RECORD/APPLICANT/PLANNING BOARD: PORTSMOUTH WEST END DEVELOPMENT, LLC, 3 PORTSMOUTH WAY, NEWHAMPSHIRE, NH 03807, 08/2/19.
 - PARCEL IS NOT WITHIN THE 100 YEAR FLOOD HAZARD ZONE AS SHOWN ON FEMA PANEL, 330102002G, EFFECTIVE DATE MAY 17, 2009.
 - EXISTING LOT AREA: 208,219 S.F. / 4.7364 ACRES
 - PARCEL IS LOCATED IN THE CHEVROLET DISTRICT 4-W (004-W) AND MUST ALSO RECEIVE DISPLAY DISTRICT (WD) OVERLAY.
 - BOUNDARY SHOWN HEREIN TAKEN FROM PLAN REFERENCE #2.
- PLAN REFERENCES:**
- PROPERTY OF THE FRANK JAMES BURNING CO., LTD., "B", 807, EIGHTH YEAR BY JOHN W. DANIEL, CIVIL ENGINEER, RCRD 0008.
 - PUBLIC WORKS FACILITY, 700 BELMONT STREET, PORTSMOUTH, NEW HAMPSHIRE, FOR CITY OF PORTSMOUTH, "1" = 40', 5/22/90, BY JAMES NEIRA AND ASSOCIATES, INC. RCRD 9-07208.
- RIGHT OF WAY RELEASES:**
(FORMER EXTENSION OF "JEWELL COURT")
RCRD: 3491/1800, 3495/1822, 4130/191, 4234/182
THE CITY COUNCIL VOTED ON JANUARY 23, 1999 TO DISCONTINUE THE AREA AS A PUBLIC STREET.

RIGHT OF WAY RELEASES:
(FORMER EXTENSION OF "JEWELL COURT")
RCRD: 3491/1800, 3495/1822, 4130/191, 4234/182
THE CITY COUNCIL VOTED ON JANUARY 23, 1999 TO DISCONTINUE THE AREA AS A PUBLIC STREET.

NO.	DESCRIPTION	DATE
3	ADDED PROP. EASEMENT	12/13/18
2	TITLE, EASEMENT LABELS	10/30/18
1	TITLE	9/25/18
0	ISSUED FOR APPROVAL	9/10/18

EXISTING EASEMENT PLAN
TAX MAP 154-Lot 2
OWNER:
PORTSMOUTH WEST END DEVELOPMENT, LLC
125-155 BREWERY LANE
CITY OF PORTSMOUTH
COUNTY OF ROCKINGHAM
STATE OF NEW HAMPSHIRE
SCALE: 1" = 40'
SHEET 1 OF 2
JULY 2018
FB 163 PD11

A:\PROJECTS\154\154\154_01\154_01.dwg, 4/18/2018 10:00:00 AM, John Chan, 17 County Street, Portsmouth, NH 03801

Exhibit 4 - Partial Termination of Permanent Utility Easement

**PARTIAL TERMINATION OF
PERMANENT UTILITY EASEMENT**

The City of Portsmouth, New Hampshire, a municipal corporation, with an address of 1 Junkins Avenue, Portsmouth, New Hampshire 03801 (“City”), Griffin Family Corporation, a New Hampshire corporation, with an address of P.O. Box 149, Portsmouth, New Hampshire 03802-0149 (“Party in Interest”) and Portsmouth West End Development, LLC, a New Hampshire limited liability company, with an address of 3 Penstock Way, Newmarket, New Hampshire 03857 (“Owner”) hereby agree to terminate a portion only of the Permanent Utility Easement granted to the City for property located at 125 Brewery Lane, Portsmouth, New Hampshire as shown on a plan entitled “Existing Easement Plan, Tax Map 154-Lot 2, Owner; Portsmouth West End Development, LLC, 125-155 Brewery Lane, City of Portsmouth, County of Rockingham, State of New Hampshire” dated July 2018, last revised on 2/6/19 and prepared by Ambit Engineering and recorded at the Rockingham County Registry of Deeds on _____ as Plan D-_____ (the “Existing Easement Plan”). In furtherance of said agreement, the parties agree as follows:

1. On or about September 17, 2013, Saco Avenue Professional Building, Inc., the Owner’s predecessor in title to the property at 125-155 Brewery Lane, Portsmouth, New Hampshire, granted to the City, a Permanent Utility Easement over property situate at 125 Brewery Lane, Portsmouth, New Hampshire (further described at Assessor’s Map 154-2). The Permanent Utility Easement granted an easement for drainage lines, sewer lines and water lines and is recorded at the Rockingham County Registry of Deeds at Book 5489, Page 0257 (the “Permanent Utility Easement”). The Permanent Utility Easement is also depicted on a plan entitled Sewer, Water & Storm Drain Easement Plan, 125 Brewery Lane, Portsmouth, New Hampshire, Assessor’s Parcel: 154-002, Easement Owner: City of Portsmouth” by James Verra and Associates, Inc. dated January 5, 2012 and recorded October 22, 2013 as Plan D-37968 at the Rockingham County Registry of Deeds.
2. The parties hereby terminate that portion of the Permanent Utility Easement depicted as “Portion of Existing Utility Easement To Be Terminated” on the Existing Easement Plan, without further rights or liabilities accruing to any of the parties in interest. The portions of the Permanent Utility Easement not specifically terminated herein shall remain in effect.
3. Griffin Family Corporation is made a party hereto as a user

and has no objection to the Termination of that portion of the Permanent Utility Easement as described herein.

Meaning and intending to terminate a portion only of the Permanent Utility Easement encumbering the property conveyed to Owner by Warranty Deed of Saco Avenue Professional Building, Inc., dated December 21, 2017 and recorded at the Rockingham County Registry of Deeds at Book 5882, Page 0019.

Executed this _____ day of March 2019.

City:
City of Portsmouth, New Hampshire

By: _____
John P. Bohenko, City Manager

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

On this ___ day of March, 2019, before me, the undersigned notary public, personally appeared John P. Bohenko, Manager of the City of Portsmouth New Hampshire, proved to me through satisfactory evidence of identification, which was a valid driver's license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it in his capacity as stated therein and voluntarily for its stated purpose.

Notary Public:
My Commission Expires:

Owner:
Portsmouth West End Development, LLC
By: Penstock Assets, LLC, Manager

By: _____
Eric J. Chinburg, duly authorized

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

On this ___ day of March, 2019, before me, the undersigned notary public, personally appeared Eric J. Chinburg, Manager of Penstock Assets, LLC, Manager of Portsmouth West End Development, LLC, a New Hampshire limited liability company, proved to me through satisfactory evidence of identification, which was a valid driver's license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Notary Public:
My Commission Expires:

Party in Interest:
Griffin Family Corporation

By: _____
Peter Griffin, President

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

On this ___ day of March, 2019, before me, the undersigned notary public, personally appeared Peter Griffin, President of the Griffin Family Corporation, proved to me through satisfactory evidence of identification, which was a valid driver's license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it in his capacity as stated therein and voluntarily for its stated purpose.

Notary Public:
My Commission Expires:

EASEMENTS OF RECORD:

- A POSSIBLE PARTIAL AGREEMENT WITH THE OWNER OF LOT 4-48/27 (FORMER ON THE SURVEY PLAN AS BEING OWNED BY GARY DEBKA, TRUSTEE OF THE MALT HOUSE EXCHANGE REALTY TRUST).
- RIGHTS, IF ANY, OF LANDOWNERS PARTIES, FOR RAILROAD LINES AND/OR RAILROAD SPUR TRACKS, THE LOCATION OF THE TRACKS AND SPURS BEING SHOWN ON A PLAN ENTITLED "PROPERTY OF THE FRANK JONES BREWING CO., LTD., PORTSMOUTH, NH DATED OCTOBER, 1928, PREPARED BY JOHN W. BURSON, AND RECORDED IN THE ROCKINGHAM COUNTY REGISTER OF DEEDS AS PLAN #0308.
- THE RIGHTS REFERENCED IN PARAGRAPH TWO ARE CURRENTLY THE SUBJECT OF A PETITION TO QUASH TITLE AND/OR EASEMENT PROCEEDINGS.
- RIGHTS TO BE RESERVED BY THE CITY OF PORTSMOUTH TO OCCUPY THE PROPERTY PURSUANT TO THE TERMS OF A LEASE EXECUTED BY THE CITY AND THE BIRD ANDERSON PROFESSIONAL BUILDING, INC.
- A RESERVATION TO THE CITY OF PORTSMOUTH OF A PERMANENT EASEMENT FOR PROVISIONAL OR TEMPORARY ACCESS AS WELL AS THE PLACEMENT OF UTILITIES AND FOR ALL RELATED PURPOSES ACROSS THE FOLLOWING DESCRIBED PARCELS OF LAND. (SEE DEED RECORDS A & B) THE CITY RESERVES THE RIGHT, AT ITS SOLE DISCRETION, TO HAVE THE ABOVE DESCRIBED PARCELS DEDICATED AND ACCEPTED AS PUBLIC STREETS.
- THE CITY OF PORTSMOUTH RESERVES A PERMANENT EASEMENT TO ENTER ONTO THE PROPERTY FOR MAINTENANCE OF THE NEIGHBORING WARE-ABOUTING PROPERTIES THAT PRESIDENTIALLY FLOW SANITARY OR STORM DRAINAGE ACROSS THE PROPERTY AND THESE MAINTENANCE SHALL HAVE THE RIGHT TO CONTINUE TO DO SO, SHOULD PROJECT DEVELOPMENT REQUIRE THAT THE MAINS BE RELOCATED, THEN THIS EASEMENT SHALL BE BORNE SOLELY BY SAID AGENCIES PROFESSIONAL BUILDING, INC. AND THE RESOLUTION SHALL BE SUBJECT TO THE APPROVAL OF CITY OF PORTSMOUTH.
- SEWER EASEMENT AGREEMENT: FROM 3010/1084 TO FPL ENERGY SEABROOK, LLC. RIGHT TO INSTALL, MAINTAIN, REPAIR AND REPLACE SEWER SCOURING W/ASSOCIATED ELECTRIC LINES AND EQUIPMENT ON THE WESTERN SIDE OF PROPERTY.
- UTILITY EASEMENT FROM 3228/1126 TO VERDUN NEW ENGLAND, INC. A 10' X 10' AREA ADJACENT TO VERDUN MANHOLE #1042 FOR THE PURPOSE OF CONSTRUCTING A CONCEALED PAD AND INTERFERENCE CORNER AND 15' WIDE STRIPS OF LAND FOR LAYING OF CONDUIT.
- TEMPORARY UTILITY EASEMENT 0044/1105
- AGREEMENT TO CONSIDERATION EASEMENT 1126/042
- SEWERAGE EASEMENT 0288/1113, 0-37118

CONSERVATION EASEMENT NOTES:

- CONSERVATION PURPOSES:**
 - THE PROPERTY WHICH IS THE SUBJECT OF THIS EASEMENT IS TO BE USED IN PERPETUITY EXCLUSIVELY FOR THE FOLLOWING CONSERVATION PURPOSES:
 - THE PROPERTY WILL BE MAINTAINED IN ITS UNDEVELOPED, NATURAL, VEGETATIVE STATE AND OPEN SPACE CONDITION.
 - THE PROPERTY IS TO BE MAINTAINED AS A BUFFER BETWEEN ADJACENT DEVELOPED PROPERTIES TO PREVENT INTERFERENCE WITH SUCH DEVELOPMENT WHICH ARE LOCATED ON ALDRICH STREET AND ALDRICH COURT.
- USE LIMITATIONS AND RESTRICTIONS:**
 - THE PROPERTY WHICH IS THE SUBJECT OF THIS EASEMENT SHALL BE MAINTAINED IN PERPETUITY AS OPEN SPACE WITHOUT THERE BEING CONDUCTED THEREON ANY INDUSTRIAL OR COMMERCIAL ACTIVITIES, SUCH ACTIVITIES SHALL INCLUDE BUT NOT BE LIMITED TO, PARKING OR STORAGE OF VEHICLES OR MATERIALS.
 - THE PROPERTY SHALL NOT BE SUBDIVIDED OR OTHERWISE DIVIDED INTO PARCELS OF SEPARATE ESTATE OWNERSHIP.
 - NO STRUCTURE OR IMPROVEMENT SHALL BE CONSTRUCTED ON THE LAND.
 - NO REMOVAL, FILLING, OR OTHER INTERFERENCES OF SOIL SURFACE, NOR ANY CHANGES IN PERMEABILITY, SURFACE OR SUBSURFACE WATER FLOW, WETLANDS, OR NATURAL HABITATS SHALL BE ALLOWED.
 - NO OUTDOOR AMUSEMENT STRUCTURES, SUCH AS SPONGS AND BELONGINGS SHALL BE DISPLAYED ON THE PROPERTY.
 - THERE SHALL BE NO MINING, QUARRYING, EXCAVATION OR EXTRACTION OF ROCKS, MINERALS, GRAVEL, SAND, TOPSOIL, OR OTHER SIMILAR MATERIALS ON THE PROPERTY, NOR ANY SUCH ROCKS, MINERALS, GRAVEL, SAND, TOPSOIL, OR OTHER SIMILAR MATERIALS SHALL BE REMOVED FROM THE PROPERTY.
 - THERE SHALL BE NO BURNING, BURNING OF RUBBER OR RUBBER OF ANY MAKE MATERIALS OR MATERIALS OTHER THAN PAPER TO BE ENVIRONMENTALLY HAZARDOUS INCLUDING VEHICLE DISCS OR PARTS. NO NEW CONCRETES OR BRICK PAVEMENTS SHALL BE LOCATED ON THE PROPERTY.
 - THE USE OF ALL MOTOR VEHICLES SHALL BE PROHIBITED. IN ADDITION, ALL WAREHOUSES, STORAGE AREAS, AND RECREATIONAL AREAS SHALL BE PROHIBITED.
 - NO TREE CUTTING OF ANY KIND SHALL TAKE PLACE, NOR SHALL THE VEGEATION UNDERPINNING BE REMOVED, NOR SHALL THE VEGETATION BE LAMED SO AS TO FORM A CANOPY OF TREES. THE SOLE EXCEPTION TO THIS RULE IS BRUSH PRUNING TO THE JOINTS OF A QUALIFIED ARBORIST. A RECOMMENDATION IS MADE TO CUT DEAD TREES OR LIMBS IN ORDER TO PROTECT THE SAFETY OF THE PUBLIC. NO CUTTING SHALL BE DONE WITHOUT THE APPROVAL OF THE CITY OF PORTSMOUTH. ADDITIONAL PLANTS MAY BE INCORPORATED INTO THE EXISTING VEGETATIVE STATE, HOWEVER, THESE SHALL ONLY BE PERMITTED WITHIN TWENTY FEET OF THE AREA DEPICTED AS CHEVROLET AVENUE.
 - THE CITY OF PORTSMOUTH SHALL WARRANT THE PREMISES SO AS TO KEEP IT REASONABLY CLEAR OF RUBBER AND RUBBER.
- RENTS AND EASEMENTS:**
 - THE BURDEN OF THE USE OF LIMITATIONS AND DUTIES CREATED HEREBY SHALL RUN WITH THE PROPERTY AND SHALL BE ENFORCEABLE AGAINST ALL PUBLIC OFFICERS AND TENANTS IN POSSESSION. THE ENFORCEMENT SHALL BE ENFORCEABLE BY THE RESIDENTS OF ALDRICH STREET/ALDRICH COURT AND/OR THE CITY OF PORTSMOUTH THROUGH ITS CITY COUNCIL.
- WARRANTY:**
 - THE CITY OF PORTSMOUTH SHALL HAVE THE RIGHT TO RESPECT THE SUBJECT PROPERTY FROM TIME TO TIME TO ASCERTAIN COMPLIANCE WITH THE EASEMENT. REASONABLE NOTICE SHALL BE GIVEN TO THE SAID AGENCIES PROFESSIONAL BUILDING, INC. PRIOR TO CONDUCTING THE INSPECTION.

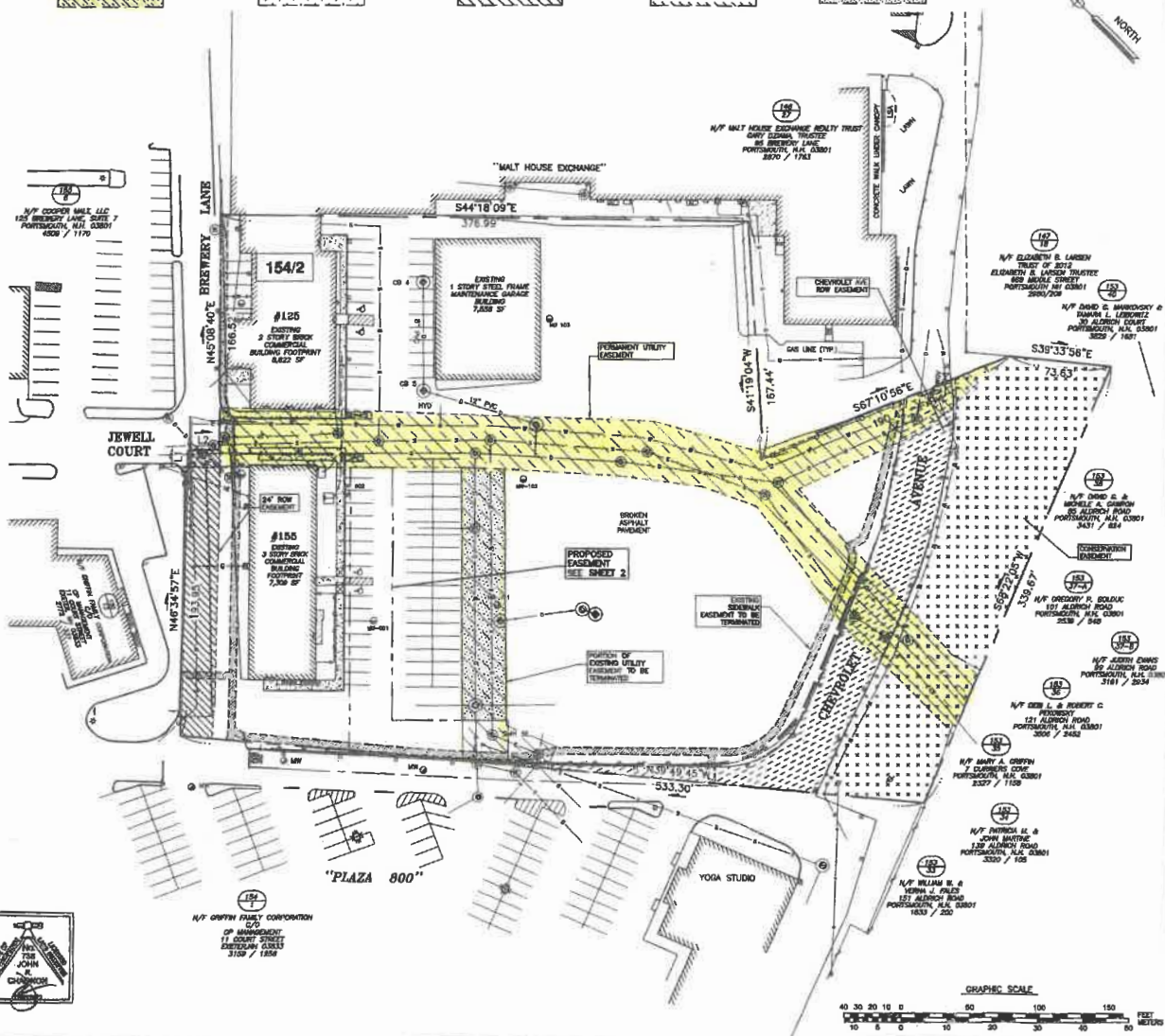
PERMANENT UTILITY EASEMENT
RCRD 5488/0257
D-37968

CONSERVATION EASEMENT
RCRD 3386/1709
D-27228

24' ROW EASEMENT
RCRD 3386/1704
SCHEDULE "B" D-27228

CHEVROLET AVENUE ROW
RCRD 3386/1704
SCHEDULE "A" D-27228

SIDEWALK EASEMENT
RCRD 5288/0112
D-37118



APPROVED BY THE PORTSMOUTH PLANNING BOARD



CHAIRMAN _____ DATE _____

RESTRICTIONS TO PROPERTY:

AMBIT ENGINEERING, INC.
Civil Engineers & Land Surveyors
800 Oyster Road - Dart 3
Portsmouth, N.H. 03801-7114
Tel (603) 436-8111
Fax (603) 436-8111

- NOTES:**
- PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 154 AS LOT 2.
 - OWNER OF RECORD/APPLICANT/BUILDER: PORTSMOUTH WEST END DEVELOPMENT, LLC
3 PEBODOCK WAY
NEWPORT, NH 03857
0882/18
 - PARCEL IS NOT WITHIN THE 100 YEAR FLOOD HAZARD ZONE AS SHOWN ON FIRM PANEL 3301802005E, EFFECTIVE DATE MAY 17, 2005.
 - EXISTING LOT AREA: 206,318 S.F. / 4,7304 ACRES
AND WEST END INCREASING OASLET DISTRICT (SEE OVERLAY).
 - BOUNDARY SHOWN HEREIN TAKEN FROM PLAN REFERENCE #2.
- PLAN REFERENCES:**
- PROPERTY OF THE FRANK JONES BREWING CO., LTD., 1' = 60', OCTOBER 1928 BY JOHN W. BURSON, CIVIL ENGINEER. RCRD 0308.
 - PUBLIC WORKS FACILITY, 700 ELIZABETH STREET, PORTSMOUTH, NEW HAMPSHIRE FOR CITY OF PORTSMOUTH, 1" = 40', 6/22/98 BY JAMES WORTH AND ASSOCIATES, INC. RCRD 0-37228.
- RIGHT OF WAY RELEASES:**
(FORMER EXTENSION OF "JEWELL COURT")
RCRD: 3405/1880
3405/1832
4126/1911
4126/1912
THE CITY COUNCIL VOTED ON JANUARY 25, 1999 TO DISCONTINUE THE AREA AS A PUBLIC STREET.

NO.	DESCRIPTION	DATE
3	ADDED PROP. EASEMENT	12/13/18
2	TITLE EASEMENT LABELS	10/30/18
1	TITLE	9/25/18
0	ISSUED FOR APPROVAL	9/10/18

EXISTING EASEMENT PLAN
TAX MAP 154-Lot 2
OWNER:
PORTSMOUTH WEST END DEVELOPMENT, LLC
125-155 BREWERY LANE
CITY OF PORTSMOUTH
COUNTY OF ROCKINGHAM
STATE OF NEW HAMPSHIRE

SCALE: 1" = 40' SHEET: 1 OF 2 JULY 2018
FB 168 7011 830.01

A:\PORTSMOUTH\Utility\154\2018\1017 218.dwg Plotting: 8/1/2018 10:15:00 AM

BOSEN & ASSOCIATES, P.L.L.C.
ATTORNEYS AT LAW

February 21, 2019

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

John K. Bosen
Admitted in NH & MA

Christopher P. Mulligan
Admitted in NH & ME

David M. Howard
Admitted in NH

Molly C. Ferrara
Admitted in NH & ME

Bernard Pelech
Admitted in NH & ME

**RE: Request for Restoration of Involuntarily Merged Lots Pursuant to RSA
674:39-aa (27 Thaxter Road / Tax Map 166, Lot 39)**

Dear Mr. Mayor:

This office represents the interest of Chad Callihan, owner of the above referenced property. Please consider this a formal request for the restoration of two involuntarily merged lots to their premerger status, pursuant under RSA 674:39-aa.

The City Assessor's present records indicate that Map 166, Lot 39 is a single lot measuring .289 acres, located at 27 Thaxter Road. See Exhibit A (current tax map). There are actually two separate lots, one measuring approximately 2,580 square feet, and the other measuring approximately 10,000 square feet, which have been involuntarily merged. The city's tax cards running from 1951 through 1971 actually identify the property as three separate parcels for taxation purposes, two parcels with 5000 square feet each, and a third with 2,580 square feet. See Exhibits B, C and D (Tax cards for Map 52, Lots 44, 45 and 46, respectively). According to current assessor records, the dwelling at 27 Thaxter Road was constructed in 1929 and the garage was constructed in 1940. See Exhibit E. The dwelling is entirely on former Lot 44, and the garage is on both former Lot 44 and 45.

It is the lot that is represented by Exhibit D, former Lot 46, that the applicant seeks to restore. In the 1988 tax card for the property recognizes the lot is comprised of a "primary site" and a "secondary site." See Exhibit F. Sometime between 1972 and 1988, therefore, the City involuntarily merged the lots into a single, unified lot for tax purposes.

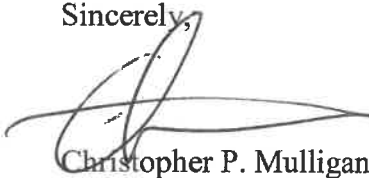
No owner in the chain of title voluntarily merged these lots. The fact the lots were conveyed to Mr. Callihan in a single deed is not legally sufficient to effect a voluntary

Jack Blalock, Mayor
February 22, 2019
Page Two

merger of the lots. *See Roberts v. Windham*, 165 NH 186, 192 (2013) (holding that the conveyance of multiple lots as one tract in a single deed does not support a finding of a voluntary merger). Therefore, pursuant to RSA 674:39-aa, I formally request that the lots be restored to their premerger status, and all zoning and tax maps be updated to identify the premerger boundaries of those lots.

I respectfully request that this matter be added to the agenda of the next City Council meeting. Thank you for your attention and please contact me if you have any questions or require additional information.

Sincerely,



Christopher P. Mulligan

CPM/mec

Enclosures

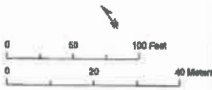
cc: Chad Callihan (w/ enclosures)
Juliet Walker, Planning Director (w/ enclosures)

BOSEN & ASSOCIATES, P.L.L.C.
ATTORNEYS AT LAW

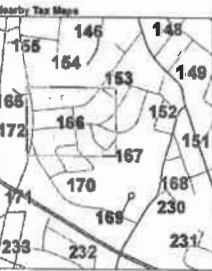
EXHIBIT
A



- Partial Legend**
See the cover sheet for the complete legend
- Lot** Lot or lot-unit number
 - Parcel** Parcel area in acres (ac) or square feet (sq)
 - Address** Address number
 - Parcel number** Parcel number from a neighboring map
 - Parcel line** Parcel line description
 - Street** Street name
- Parcel/Parcel boundary
 - Parcel/Parcel boundary
 - Water boundary
 - Boundary (1984 acts)
 - Parcel covered by this map
 - Parcel from a neighboring map (see other map for correct status)



This map is for assessment purposes only. It is not intended for legal descriptions or conveyance. Parcels are mapped as of April 1. Building footprints are 2002 data and may not represent current structures. Streets appearing on this map may be paper (unbuilt) streets. Lot numbers take precedence over address numbers. Address numbers shown on this map may not represent pooled or legal addresses.



Portsmouth, New Hampshire
2018
Tax Map 166

27 Thaxter Road



10-1-1150

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



PLAT NO.	52	NO.	45
ADDRESS	INDIAN ROAD		
DESCRIPTION	LOT ONLY LANDSCAPED		
DATE OF ASSESSMENT	5/1/50	DATE OF PREVIOUS ASSESSMENT	
LAND VALUE	500	LAND VALUE	500
LAND VALUE	1000	LAND VALUE	1000
LAND VALUE	1000	LAND VALUE	1000
LAND VALUE	2000	LAND VALUE	2000
LAND VALUE	2000	LAND VALUE	2000

ORIGINAL NB. PART SUBJECT 8/10/58

PROPERTY FACTORS		RURAL PROPERTY			
		LAND VALUE COMPUTATIONS AND SUMMARY		OWNERS PREVIOUS TO 1949	
		CLASSIFICATION	NO. OF ACRES	AREA	TOTAL
TOPOGRAPHY	LEVEL	VILLAGE			
	ROLLING	ADJUTANT			
	WINDY	WILDERNESS			
	CLAY	WATER LANDS			
	PAVE	TOTAL ACRES			
	GRAVEL	TOTAL VALUE LAND			
	ROCK	TOTAL VALUE BUILDINGS			
	SHALE	TOTAL VALUE LAND & BUILDINGS			
	SLATE				
	LOESS				
	GLACIAL				
	DEPOSIT				
	NO				
	YES				
	UNKNOWN				
	OTHER				
	LIST				
	LAST				

PROPERTY FACTORS		URBAN PROPERTY			
		LAND VALUE COMPUTATIONS AND SUMMARY		5000 S.P.D.	
		FRONTAGE	DEPTH	FRONT FT	PRICE
TOPOGRAPHY	LEVEL	50	100	10	500
	ROLLING				
	WINDY				
	CLAY				
	PAVE				
	GRAVEL				
	ROCK				
	SHALE				
	SLATE				
	LOESS				
	GLACIAL				
	DEPOSIT				
	NO				
	YES				
	UNKNOWN				
	OTHER				
	LIST				
	LAST				
	LAST				

TOTAL VALUE LAND & BUILDINGS

5000 S.P.D.

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

TAX MAP NO. 52 - 46
 ASSESSOR'S MAP NO. 217
 BOARD OF ESTIMATES
LOT ONLY - LANDSLAPED
 DATE OF REASSESSMENT
 MAP NO. 8-A-38 50. 500/408
 DATE 1979
 OWNER'S PREVIOUS TO 1985
CRUISE KUPPILL
WALTER A. GUYE
 RURAL PROPERTY



PROPERTY FACTORS		LAND VALUE COMPUTATIONS AND SUMMARY		OWNERS PREVIOUS TO 1985	
TEMPERATURE	LEVEL	CLASSIFICATION	NO. OF ACRES	RATE	AMOUNT
SOIL TYPE	WATER	WATER			
LAND CLASS	WATER	WATER			
ROADS	WATER	WATER			
WATER SUPPLY	WATER	WATER			
POWER	WATER	WATER			
ELECTRICITY	WATER	WATER			
TELEPHONE	WATER	WATER			
ROADS	WATER	WATER			
REMARKS	WATER	WATER			
TOTAL ACRES					
TOTAL VALUE LAND					
TOTAL VALUE BUILDINGS					
TOTAL VALUE LAND & BUILDINGS					
URBAN PROPERTY					
LAND VALUE COMPUTATIONS AND SUMMARY					
PROFITABLE	LAND	PROFITABLE	TOTAL		
LEVEL	86	70	93	9.30	275.
ROADS					
WATER					
POWER					
ELECTRICITY					
TELEPHONE					
ROADS					
REMARKS					
TOTAL VALUE LAND					250
TOTAL VALUE BUILDINGS					
TOTAL VALUE LAND & BUILDINGS					250

Property Location: 27 THAXTER RD
 Vision ID: 35172

Account # 35172

MAP ID: 0166/ 0039/ 0000/ /

Bldg #: 1 of 1

Bldg Name:

Sec #: 1 of 2 Card 1 of 2

State:

Print D:



CURRENT OWNER		TOPO.	UTILITIES	STRT./ROAD	LOCATION	CURRENT ASSESSMENT			
CALLIHAN CHAD		1 Level	0 AD Public	1 Paved		Description	Code	Appraised Value	Assessed Value
152 DENNETT ST APT B				8 2+ Off-St PKG		RESIDENTL	1010	228,300	228,300
PORTSMOUTH, NH 03801				11		RES LAND	1010	320,700	320,700
Additional Owners:						RESIDENTL	1010	6,600	6,600
SUPPLEMENTAL DATA						Total			
Other ID: 0166-0039-0000		CONDO CV							
OLDACTNUM 60690		INLAW Y/N							
PHOTO		LOT SPLIT							
WARD		2015 Reval V JM							
PREC.		ASSOC PID#							
1/2 HSE									
GIS ID: 35172									
						Total		555,600	555,600

PORTSMOUTH, NH

VISION

RECORD OF OWNERSHIP		BK-VOL/PAGE	SALE DATE	q/u	w/	SALE PRICE	V.C.	PREVIOUS ASSESSMENTS (HISTORY)								
CALLIHAN CHAD		5926/0768	06/29/2018	U	I	665,000		Yr.	Code	Assessed Value	Yr.	Code	Assessed Value	Yr.	Code	Assessed Value
TONG KIETH L		4918/0090	05/19/2008	Q	I	350,000	00	2018	1010	228,300	2017	1010	220,900	2017	1010	220,900
								2018	1010	320,700	2017	1010	276,000	2017	1010	276,000
								2018	1010	6,600	2017	1010	5,600	2017	1010	5,600
						Total:		555,600	Total:	502,500	Total:	502,500	Total:	502,500	Total:	502,500

EXEMPTIONS				OTHER ASSESSMENTS			
Year	Type	Description	Amount	Code	Description	Number	Amount
Total:							

This signature acknowledges a visit by a Data Collector or Assessor

ASSESSING NEIGHBORHOOD				
NBHD/SUB	NBHD Name	Street Index Name	Tracing	Batch
104/A				

APPAISED VALUE SUMMARY	
Appraised Bldg. Value (Card)	165,200
Appraised XF (B) Value (Bldg)	0
Appraised OB (L) Value (Bldg)	6,600
Appraised Land Value (Bldg)	320,700
Special Land Value	0
Total Appraised Parcel Value	555,600
Valuation Method:	C
Adjustment:	0
Net Total Appraised Parcel Value	555,600

NOTES	
08-MLS-INT AV TO GD COND., OLD KIT METAL	05/13- CHNG FOP TO CAN; REPL WINDS
CABS	
10-EXT-GD, REPL WINDOWS	
06/11-BP#11-051, OWNER SAID NOT STARTED	APPT LETTER 4/26/13
TILL AFTER APRIL 1, RECK 2012	
02/12 SOME ORIGINAL BUILT-INS	

BUILDING PERMIT RECORD								VISIT/ CHANGE HISTORY						
Permit ID	Issue Date	Type	Description	Amount	Insp. Date	% Comp.	Date Comp.	Comments	Date	Type	IS	ID	Cd.	Purpose/Result
11-51	03/21/2011			90,000	11/08/2011	100	06/23/2011	CONSTRUCT 2 ADDIT	07/30/2018	03	5	VS	ML	MLS Review
									07/04/2017			PM	FR	Field Review Stat Update
									04/15/2015			RT	FR	Field Review Stat Update
									05/14/2013			JM	10	Measu/LtrSnt Letter Se
									11/08/2011	01	1	JW	50	Building Permit

LAND LINE VALUATION SECTION																		
B #	Use Code	Use Description	Zone	D	Front	Depth	Units	Unit Price	I. Factor	% A.	C. Factor	ST. Idx	Adj.	Notes- Adj	Special Pricing	S Adj Fact	Adj. Unit Price	Land Value
1	1010	SINGLE FAM MDL-01	SRB	R			12,580	SF	11.86	1.0000	1	1.00	104	2.15		1.00	25.50	320,700

Total Card Land Units: 0.29 AC Parcel Total Land Area: 0.29 AC

Total Land Value: 320,700

Property Location: 27 THAXTER RD
 Vision ID: 35172

Account #35172

MAP ID: 0166/ 0039/ 0000/ 1

Bldg Name:

State Use: 1010

Bldg #: 1 of 1 Sec #: 1 of 2 Card 1 of 2

Print Date: 10/18/2018 02:15

CONSTRUCTION DETAIL			CONSTRUCTION DETAIL (CONTINUED)				
Element	Cd.	Ch.	Description	Element	Cd.	Ch.	Description
Style	05		Bungalow	Bsmt Garage			
Model	01		Residential				
Grade	C+		C+				
Stories	1						
Occupancy	1						
Exterior Wall 1	14		Wood Shingle				
Exterior Wall 2							
Roof Structure	03		Gable/Hip				
Roof Cover	03		Asph/F Gl/Cmp				
Interior Wall 1	03		Plastered				
Interior Wall 2	05		Drywall/Sheet				
Interior Flr 1	12		Hardwood				
Interior Flr 2	11		Ceram Clay Til				
Heat Fuel	03		Gas				
Heat Type	04		Hot Water				
AC Type	01		None				
Total Bedrooms	04		4 Bedrooms				
Total Bthrms							
Total Half Baths							
Total Xtra Fixtrs							
Total Rooms	7						
Bath Style			Avg Quality				
Kitchen Style	4		Good Quality				
Kitchen Gr	3						
WB Fireplaces	0						
Extra Openings	0						
Metal Fireplaces	0						
Extra Openings	0						

CAN Sec(2)		
EAF	54	
BAS		
UBM	10	
Sec(2)	24	
EAF		
BAS		
UBM		
BAS Sec(2)		
	16	
	36	3
	24	
FEP		
	22	8

OB-OUTBUILDING & YARD ITEMS(L) / XF-BUILDING EXTRA FEATURES(B)													
Code	Description	Sub	Sub Descript	L/B	Units	Unit Price	Yr	Gde	Dp	Rt	Cnd	%Cnd	Appr Value
FGRI	GARAGE-AVG	02	DETACHED	L	400	31.00	1940	D			A	50	5,600
PAT1	PATIO-AVG			L	288	7.00	2011	C			A	50	1,000

BUILDING SUB-AREA SUMMARY SECTION						
Code	Description	Living Area	Gross Area	Eff. Area	Unit Cost	Undeprec. Value
BAS	First Floor	864	864	864	143.03	123,577
EAF	Attic Expansion	302	864	302	49.99	43,195
FEP	Porch, Enclosed	0	176	123	99.96	17,593
UBM	Basement, Unfinished	0	864	173	28.64	24,744
Ttl. Gross Liv/Lease Area:		1,166	2,768	1,462		209,108



2019 PROPOSED CHARTER AMENDMENT #1

The Municipal Charter of the City of Portsmouth, Section 4.6 – Compensation of City Councilors is hereby amended as follows (deletions from existing language ~~stricken in red~~; additions to existing language **bolded in red**; remaining language unchanged from existing):

SECTION 4.6 - COMPENSATION OF CITY COUNCILORS

Each City Councilor shall be compensated at a rate of Seventy-Five (\$75.00) Dollars for each Council meeting in which that person is in actual attendance. ~~However, no City Councilor except the Mayor shall receive more than Fifteen Hundred (\$1,500) Dollars during any calendar year.~~

BRIEF EXPLANATION

In the Municipal Charter as it is currently written each City Councilor is limited to receiving a maximum of \$1,500.00 per calendar year for compensation due to attendance at Council meetings. Passage of this Charter Amendment would eliminate that limitation so that each Councilor would receive compensation at a rate of \$75.00 for each Council meeting in which that Councilor is in actual attendance, without limitation.

If authorized by referendum vote at the municipal election scheduled for November 5, 2019, this amendment to become effective on January 1, 2020.

2019 PROPOSED CHARTER AMENDMENT #2

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

AMENDMENT E – POLICE DEPARTMENT (POLICE COMMISSION)

APPOINTMENT/ELECTION TERMS

Should an elected Police Commission be approved on November 5, 1991, the Mayor of the City of Portsmouth shall appoint the first board of three Commissioners who shall assume office commencing on January 1, 1992 through January 1, 1994. In order to establish a legal and property cycle of election in accordance with New Hampshire law, hereinafter, the first elected Board of Police Commissioners shall be elected in November 1, 1993 as follows:

The two candidates receiving the highest and second highest number of votes shall assume terms of four years. The candidate receiving the third highest number of votes shall assume a term of two years.

Thereinafter, each Commissioner shall be elected for a term of four years. All Police Commissioners elected from 1993 and onwards shall be elected at large and without party affiliation and may be elected for more than one term of office. In the event that a vacancy should occur on the Board, ~~then the next runner-up candidate established out of the last, most recent Board election, shall assume the balance of the vacated term. In the event that the list of candidates from the last election available to fill vacancies becomes depleted, then the Mayor shall appoint any necessary Commissioners~~ **the vacancy shall be filled by appointment of the City Council until the next regular municipal election.**

BRIEF EXPLANATION

Since 2015, a conflict has existed between the language of the City Charter which requires that vacancies on the Police Commission be filled by “the next runner-up candidate established out of the last, most recent Board election, [who] shall assume the balance of the vacated term.” And, in an opinion issued by the Office of the Attorney General of the State of New Hampshire addressed to the Secretary of State, William Gardiner, which indicates that in the opinion of the Attorney General State law requires that “when a vacancy occurs on an elected Police Commission, the vacancy is filled by appointment of the municipality’s governing body until the next regular municipal election, R.S.A. 105-C(3); (l).” If adopted, this Charter Amendment would resolve that conflict in favor of the position taken by the Office of the Attorney General.

If authorized by referendum vote at the municipal election scheduled for November 5, 2019, this amendment to become effective on January 1, 2020.

TITLE III

TOWNS, CITIES, VILLAGE DISTRICTS, AND UNINCORPORATED PLACES

CHAPTER 49-B

HOME RULE-MUNICIPAL CHARTERS

Adoption of Municipal Charter

Section 49-B:4-a

49-B:4-a Review and Approval by State Departments. –

I. The chairman of the charter commission, if any, and otherwise the municipal clerk shall file a report, which shall include the name and address of the clerk and the chairman of the charter commission, with the secretary of state, the attorney general, and the commissioner of the department of revenue administration as follows:

(a) The chairman of the charter commission shall file a copy of the preliminary report relative to any new municipal charter or charter revision at the same time the preliminary report is filed with the municipal clerk pursuant to RSA 49-B:4, VI.

(b) Within 10 days after the filing of the report relative to any charter amendment, if initiated by the municipal officers, the municipal clerk shall file a certified copy of the report.

(c) Promptly after the filing of the petitioners' affidavit relative to a charter amendment, the municipal clerk shall file a certified report consisting of a copy of said affidavit.

(d) Within 14 days of receipt of such report, the secretary of state, the attorney general, and the commissioner of the department of revenue administration shall notify in writing the municipal clerk and the chairman of the charter commission, if any, of his or her receipt. Within 45 days after the receipt of the report the secretary of state, attorney general, and commissioner of the department of revenue administration shall review the proposed charter, charter revision, or charter amendment to insure that it is consistent with the general laws of this state, and shall give notice to the municipal clerk approving or disapproving the proposed charter.

II. If the secretary of state, the attorney general, or the commissioner of the department of revenue administration does not approve, the proposed charter question shall not be placed on the municipal ballot unless the objections to the proposed charter are resolved as provided in this section. If the proposed charter amendment was initiated by a petition, official petition forms shall not be provided. The secretary of state, attorney general, and commissioner of the department of revenue administration shall specify their objections in writing to the municipal clerk, and to the petitioners' committee if relative to a charter amendment initiated by such petitioners' committee, within the period of time allowed for review and shall offer recommendations for changes in language which would correct any inconsistencies they may find in the proposed charter to be voted upon. Failure to specify objections to a proposed charter within 45 days shall constitute approval by the secretary of state, attorney general, or the

commissioner of the department of revenue administration.

III. Upon receiving notice of such objections, the charter commission may make such changes as appear necessary and resubmit the proposed charter within 30 days to the official or officials who raised the objections. Such officials shall thereafter make reasonable efforts to review the changes and provide notice of approval or disapproval to the municipal clerk in time to enable the charter commission to file its final report by the deadline stated in RSA 49-B:4-b.

IV. The governing body of the municipality may seek judicial review of a decision of the secretary of state, attorney general, or the commissioner of the department of revenue administration by appeal in superior court, pursuant to RSA 49-B:10, IV.

Source. 2014, 292:2, eff. Sept. 30, 2014.

TITLE III

TOWNS, CITIES, VILLAGE DISTRICTS, AND UNINCORPORATED PLACES

CHAPTER 49-B

HOME RULE-MUNICIPAL CHARTERS

Amendment of Municipal Charter

Section 49-B:5

49-B:5 Charter Amendments, Procedure. –

I. The municipal officers may determine that one or more amendments to the municipal charter are necessary and shall, by order, provide for notice and hearing on them. The notice of the hearing shall be published in a newspaper having general circulation in the municipality at least 7 days prior to the hearing, and shall contain the text of the proposed amendment and a brief explanation. The hearing shall be conducted by the municipal officers or a committee appointed by them. If substantive changes are made to the proposed amendment, a hearing on the modified amendment shall be held. Notice of the hearing and the conduct thereof shall be as provided in this paragraph.

(a) Within 7 days after the last public hearing, the municipal officers or the committee appointed by them shall file with the municipal clerk a report containing the proposed amendment. In the case of a report of an appointed committee, a copy shall be filed with the municipal officers.

(b) Within 7 days after receiving approval from the secretary of state, the attorney general, and the commissioner of the department of revenue administration under RSA 49-B:4-a, the municipal officers may order the proposed amendment to be placed on a ballot at the next regular municipal election. In the case of municipalities with biennial elections, the municipal officers may order amendments to be placed on the ballot at either the next regular municipal election or at a special municipal election that occurs not less than 60 days after the order.

(c) Each amendment shall be limited to a single subject, but more than one section of the charter may be amended as long as it is germane to that subject.

TITLE VII

SHERIFFS, CONSTABLES, AND POLICE OFFICERS

CHAPTER 105-C

POLICE COMMISSIONS

Section 105-C:3

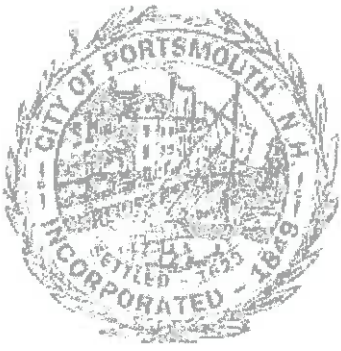
105-C:3 Establishment. –

I. If a majority of those voting in a town in any town election answer the question posed in RSA 105-C:2, I in the affirmative and select the method of establishment set out in RSA 105-C:2, II(a), the voters of such town shall, at the next succeeding annual town election, elect such a police commission. The term of office of each such commissioner shall be for 3 years, except that of the first commission elected under this chapter in any town, one member shall be elected to serve a term of one year and one member shall be elected to serve a term of 2 years. Any vacancy occurring on the commission shall be filled by appointment of the board of selectmen until the next regular annual town meeting.

II. If a majority of those voting in a town in any town election answer the question posed in RSA 105-C:2, I in the affirmative and select the method of establishment set out in RSA 105-C:2, II(b), the governor, with the consent of the council, shall promptly appoint such a commission. The term of office of each such commissioner shall be for 3 years, except that of the first commission appointed under this chapter in any town, one member shall be appointed to serve a term of one year and one member shall be appointed to serve a term of 2 years. Any vacancy occurring on the commission shall be filled by appointment of the governor, with the approval of the council, for the duration of the unexpired term.

III. No person holding office as a selectman, treasurer, collector of taxes, auditor, highway agent, or head of a police department shall be elected or appointed as a police commissioner under this section.

Source. 1981, 277:1, eff. June 16, 1981.



CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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



Committee: HDC

Name: Cyrus Beer Telephone: 617-276-6488

Could you be contacted at work? YES/NO If so, telephone #: _____

Street address: 64 Mt. Vernon St

Mailing address (if different): _____

Email address (for clerk's office communication): cyrusbeer@hotmail.com

How long have you been a resident of Portsmouth? 7 years

Occupational background:

Software Engineer. Previous job in Boston MA as a carpenter

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

Reasons for wishing to continue serving: I like being of service and giving something back to this town that has given me so much



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

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

(Portsmouth references preferred)

1) Eric Spear Mt. Vernon St
Name, address, telephone number

2) Brendan Cooney Mt. Vernon St.
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature:  Date: 5/3/19

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 06/01/2022
Annual Number of Meetings: 20 (2018) Number of Meetings Absent: 1
Date of Original Appointment: 11/20/2017

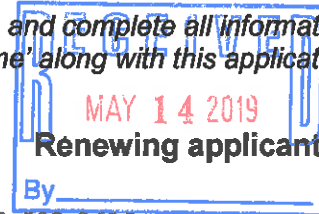
Please submit application to: City Clerk's Office, 1 Junkins Avenue, Portsmouth, NH 03801



CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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



Committee: Historic District Commission

Name: Martin Ryan Telephone: 603-502-8635

Could you be contacted at work? YES/NO - If so, telephone # 207-438-5537

Street address: 221 Woodbury Ave

Mailing address (if different): _____

Email address (for clerk's office communication): mlr_email@yahoo.com

How long have you been a resident of Portsmouth? 24 years

Occupational background:

I am a licensed Architect in the State of NH. I am currently working for the Portsmouth Naval Shipyard as the Architecture as an architect in the public works department. In the past, I have owned my own architectural practice in the City of Portsmouth serving several non-profit agencies in the region. Prior to my own practice I was employed by two different local architectural firms. I have spent the last 28 years working in the field of architecture and construction.

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

Reasons for wishing to continue serving: _____

I have been a resident and home owner in Portsmouth since 1995. I recognize that the City possess a wide and unique architectural heritage that needs to be properly preserved while the city needs to continue to grow and remain viable. I believe I have the experience, education and judgment necessary to serve on this commission.

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

I have served on the Portsmouth Listens Group.
I am a member of NCARB
A member of NICET
A former member of the AIA, Baltimore Chapter.

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

- 1) Vince Lombardi, 75 Aldrich Rd. Portsmouth, 603-828-2324
Name, address, telephone number
- 2) Eric Weinrieb, 9 Middle Road, Portsmouth 603-427-5105
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature: RYAN.MARTIN.L.1392571589 Date: 14 May 2019

Digitally signed by RYAN.MARTIN.L.1392571589
DN: c=US, o=U.S. Government, ou=DoD,
ou=PKI, ou=USN,
cn=RYAN.MARTIN.L.1392571589
Date: 2019.05.14 11:18:03 -0400'

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 06-01-2022
 Annual Number of Meetings: 20 (2018) Number of Meetings Absent: 1
 Date of Original Appointment: 12-5-2016

Please submit application to: City Clerk's Office, 1 Junkins Avenue, Portsmouth, NH 03801

ACTIONS

PARKING and TRAFFIC SAFETY COMMITTEE

8:00 A.M. – May 2, 2019
City Hall – Conference Room A

MEMBERS PRESENT: Chairman, Doug Roberts
Deputy City Manager, Nancy Colbert Puff
Public Works Director, Peter Rice
Police Captain, Frank Warchol
Interim Fire Chief, Todd Germain
Harold Whitehouse
Mary Lou McElwain
Ralph DiBernardo
Steve Pesci

MEMBER ABSENT: Shari Donnermeyer

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

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

None

Temporary Action Item requiring an ordinance during the annual omnibus:

- Install metered parking on Raynes Avenue and Vaughan Street. (VII.A.)
1. Accepted and placed on file meeting minutes from April 4, 2019.
 2. Accepted and placed on file financial report dated March 31, 2019.
 3. Public Comment Session: no speakers.
 4. Install metered parking on Raynes Avenue and Vaughan Street – **Voted** to approve metered parking on Raynes Avenue and Vaughan Street, to take effect after the opening of the AC Hotel.
 5. Request to renew valet parking license, by the One Hundred Club – **Voted** to renew the valet parking license for the One Hundred Club.
 6. Quarterly Accident Report by Police Captain Frank Warchol – No action required by Committee.
 7. Portsmouth receives Walk Friendly Community (WFC) designation – No action required by Committee.
 8. Notes from PS21 and PTS Committee Walking Tour with Chuck Marohn – No action required by Committee.
 9. Streetlight Request Process – No action required by Committee.

10. Market Square brick repair work on sidewalks – No action required by Committee.

11. PTS Open Action Items – No action required by Committee.

12. Discussion of Parking Principles Review Meeting – No action required by Committee.

Adjournment – At 8:58 a.m., **voted** to adjourn.

Respectfully submitted by:

Amy Chastain
Secretary to the Committee

MEETING MINUTES

PARKING and TRAFFIC SAFETY COMMITTEE

8:00 A.M. – May 2, 2019
City Hall – Conference Room A

I. CALL TO ORDER:

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

II. ROLL CALL:

Members Present:

Chairman, Doug Roberts
Deputy City Manager, Nancy Colbert Puff
Public Works Director, Peter Rice
Police Captain, Frank Warchol
Interim Fire Chief, Todd Germain
Member, Ralph DiBernardo
Member, Mary Lou McElwain
Member, Harold Whitehouse
Alternate Member, Steve Pesci

Member Absent:

Member, Shari Donnermeyer

Staff Advisors Present:

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

III. ACCEPTANCE OF THE MINUTES:

Steve Pesci requested that “the committee” in the second to last paragraph on page 6 be clarified to the “Ward 1 Neighborhood Committee”.

Harold Whitehouse moved to accept the meeting minutes of the April 2, 2019 meeting, seconded by Mary Lou McElwain. **Motion passed 9-0.**

IV. FINANCIAL REPORT:

Steve Pesci noted that the Foundry Place Transient Revenue was low and questioned what impacts that would have on the garage and parking system for the fiscal year. Public Works Director Peter Rice said the impact would be a reduction in revenue, so the City would reduce spending. There are several capital expenditures that have been deferred to the end of the year. At that point, the revenue will be evaluated to see if there is money for spending.

Mary Lou McElwain questioned when the Hanover Garage was closing for repair. Public Works Director Peter Rice responded that was scheduled for 2022.

Mary Lou McElwain suggested advertising \$1.00 an hour on the digital message board sign for Foundry Place Garage located on Market Street and Russell Street. Public Works Director Peter Rice responded that he would investigate.

Chairman Doug Roberts noted that they should look at making crossing Bridge Street at Deer Street easier. Public Works Director Peter Rice responded that Eric Eby has been studying that.

Harold Whitehouse questioned if there was a timeline for the proposed Deer Street Associates buildings going in near the Foundry Place Garage. Eric Eby responded that the development was based on land use approvals from the Planning Board. Their development is not related to the Foundry Place Garage. Public Works Director Peter Rice added that staff would investigate and report back.

Public Works Director Peter Rice said that the Foundry Place Garage is acting as additional parking capacity. The Hanover Garage is often full, and the City has not hit peak season yet. Foundry Place is serving its function. The garage was full 3 times on special events. Even though the revenue isn't where the City hoped it would be, it is providing the value necessary.

Harold Whitehouse questioned if the surrounding development would be mixed-use. Public Works Director Peter Rice confirmed that it would.

Public Works Director Peter Rice moved to accept the financial report dated March 31, 2019, seconded by Deputy City Manager Nancy Colbert Puff. **Motion passed 9-0.**

V. PUBLIC COMMENT:

No public comment.

VI. PRESENTATION:

No presentation.

VII. NEW BUSINESS:

A. Install metered parking on Raynes Avenue and Vaughn Street.

Mary Lou McElwain noted that there were several spots not metered on Maplewood Avenue and questioned if this would change. Eric Eby responded that this request was just for Raynes Avenue and Vaughn Street. Public Works Director Peter Rice responded that the businesses in the area asked them to remove those meters on Maplewood Avenue. Some businesses asked them to put some meters back. It would be appropriate to meter all spaces because the rest of the area is metered. Parking Director Ben Fletcher agreed.

Steve Pesci questioned if they should amend the motion to include the Maplewood Avenue spaces. Deputy City Manager Nancy Colbert Puff responded that the motion should not be amended: that change should be posted to allow for public comment.

Eric Eby noted that there would be some roadwork in the area soon. The existing free spaces on Vaughn Street will be removed during construction. A total of 10 spaces will be impacted for about 2 ½ months.

Ralph DiBernardo moved to approve metered parking on Raynes Avenue and Vaughn Street, to take effect after the opening of the AC Hotel, seconded by Harold Whitehouse. **Motion Passed 9-0.**

B. Request to renew valet parking license, by the One Hundred Club.

Steve Pesci requested clarification on item 2 of the 2018 agreement and questioned why valet services can't park in municipal garages. The Foundry Place Garage should give more space to allow for valet parking. He also requested clarification on how the \$500 fee was determined. He wanted to know if it should be increased or adjusted for annual inflation.

Public Works Director Peter Rice responded that the valet garage ban was a policy decision from past councils. The opinion may change with the new garage. This valet service is using a loading zone, not metered spaces for parking. He will investigate how the fee is determined. Steve Pesci noted that the policy about the garage ban should be reevaluated.

Chairman Doug Roberts questioned if the City's Fee Committee determined the cost and asked how long the contract would be valid. Public Works Director Peter Rice responded that the contract would be valid for one year. He stated he would report back on how the fee was determined.

Chairman Doug Roberts noted that the valet service might be able to use the Foundry Place Garage until it reaches capacity. This must end when the garage is full. Public Works Director Peter Rice added there were some concerns about having valet in the garage. There needs to be a discussion about how the valet in the garage would be handled.

Ralph DiBernardo commented that there was no difference between a customer parking in the garage and a customer having a valet take their car to the garage. It is all the same use.

Chairman Doug Roberts suggested tabling this discussion until after the summer season to understand how full the garage would get during peak season. Steve Pesci added that over the next year the Fee Committee should review the \$500 fee.

Harold Whitehouse moved to approve renewal of valet parking license for the One Hundred Club, seconded by Public Works Director Peter Rice. **Motion Passed 9-0.**

VIII. OLD BUSINESS:

No old business.

IX. INFORMATIONAL:

A. Quarterly Accident Report by Police Captain Frank Warchol.

Police Captain Frank Warchol thanked the Committee and noted that he had enjoyed working with everyone to help make Portsmouth safer. Captain Mark Newport would be taking over his role on the Committee beginning in June 2019.

Police Captain Frank Warchol commented that in the last quarter there were 3 pedestrian accidents. Two were in parking lots. One was on Islington Street. The vehicle was never located.

Mary Lou McElwain thanked Police Captain Frank Warchol for his service on the Committee. Steve Pesci concurred and commented that the quarterly reporting was very helpful, and he hoped it would continue.

B. Portsmouth receives Walk Friendly Community (WFC) designation.

Planning Director Juliet Walker commented that the City applied for and received a Walk Friendly Community designation. The City achieved silver status. The organization found that Portsmouth was a City with a small population and the staff does a lot with pedestrian initiatives. They felt that Portsmouth was an example of what smaller communities could do. This designation is good for 5 years, and Portsmouth will work to continue to improve in this area. The application was in the PTS packet to give members an idea of the criteria.

Chairman Doug Roberts noted that there was a sample application form that gave the reason for the questions and noted the link would be in the minutes. Here is the link: <https://tinyurl.com/wfcports>. This could help Portsmouth's policies going forward.

Public Works Director Peter Rice acknowledged that the City Council, Planning Director Juliet Walker and all the departments helped in the evolving process. It is a cultural change and takes time to build consensus. It has been a positive experience helping to build this program.

Chairman Doug Roberts commented that Steve Pesci forwarded a link on the reasons behind a nationwide increase in pedestrian deaths. It's a 2 ½ minute video that talks about different reasons, from cell phones to more traffic. It is very informative. Here is the link: <https://tinyurl.com/whymoredeaths>.

Steve Pesci supported Public Works Director Peter Rice's comments and thanked all the people involved. It is a big application process and a big accomplishment to achieve silver status on the first application. Mary Lou McElwain agreed and noted that the reason she moved to Portsmouth was because of the walkability. Ralph DiBernardo requested that these comments be brought to a Council meeting so the public could hear them.

C. Notes from PS21 and PTS Committee Walking Tour with Chuck Marohn

Chairman Doug Roberts commented that the notes from Emily Cabot from PS21 were in the packet for informational purposes.

D. Streetlight Request Process

Public Works Director Peter Rice commented that the City received a streetlight request for the corner of Junkins Avenue and Pleasant Street. There is a new crosswalk in the location with inadequate overhead lighting. The typical procedure is to install a streetlight in locations like those. The request was appropriate and submitted to Eversource. Eversource has final approval over the addition of streetlights to utility poles. It did not need the approval of the PTS Committee.

Harold Whitehouse commented that the blinking light at South Street and Bracket Lane was not visible coming down South Street. It needs to be updated. Eric Eby responded that the light is scheduled to be updated and should be installed soon.

E. Market Square brick repair work on sidewalks

Public Works Director Peter Rice commented that the project was a maintenance effort to resolve the trip hazards in the area. The goal is to complete this before summer. There is money identified for a full reconstruction of Market Square, but that is not what this effort is. This is purely a maintenance project. Some of the tree grates will be removed and replaced with a porous pavement. This was done on Porter Street. A level surface will protect the roots.

Ralph DiBernardo clarified that water would still get through to the trees. Public Works Director Peter Rice confirmed that was correct. Ralph DiBernardo questioned if the long-term redesign of Market Square would include removing the granite accent pieces. He stated they are the worst tripping hazards. Public Works Director Peter Rice responded that it was a good point to consider, but the City has not moved forward with the design for the complete rehabilitation of Market Square.

Harold Whitehouse questioned if the roots from the elm tree in front of the North Church were causing problems with the foundation of the building. Public Works Director Peter Rice responded that the Trees and Greenery committee addressed it three times. There is no evidence that the roots are causing damage to the foundation. The request to remove the tree has been denied all three times.

F. PTS Open Action Items. There was no Committee discussion.

X. MISCELLANEOUS:

A. Discussion on the Parking Principles review meeting.

Planning Director Juliet Walker commented on the Parking Principles review meeting. The City Council packet will have a summary of the small group discussions. Staff has drafted proposed revisions based on the discussions at that work session. The Council will decide how to proceed.

Mary Lou McElwain requested a report back on the middle school traffic change. She presented a traffic issue with the high school at the South Street and Summit Avenue intersection. Many vehicles go in and out of the school using South Street. This causes traffic issues. More people are driving to school instead of using school buses. Eric Eby responded that they were continuing to monitor the middle school traffic change. It appears to be working well. He stated that he would report back at the next meeting. The high school has hired a traffic consultant to do a study of their internal circulation. That study is under review. They will determine what measures to implement over the summer.

Public Works Director Peter Rice questioned if the new intersection at Andrew Jarvis Drive and Lafayette Road was a success. Eric Eby confirmed that it has been successful. Mary Lou McElwain noted that South Street was the bigger problem. Eric Eby responded it was because of the layout of the parking lots. Chairman Doug Roberts requested a report back at a future meeting about the high school changes.

Harold Whitehouse commented that he wanted the PTS Committee to take a stand and let the McIntyre Subcommittee know there isn't support for the parking allotment of 77 spaces for 77 condos for the McIntyre Building. He stated his opinion is based on safety and parking. He stated he wanted to go on record opposing the plan, but would not be

making a motion. He stated he hoped another member would make a motion. No motion was made.

Mary Lou McElwain noted that in the past, proposed developments have come before the PTS Committee. Recently they have not. She stated that the Portsmouth Housing Authority (PHA) development should have come before this Committee. She questioned why these applications are not referred to PTS. Public Works Director Peter Rice responded that if there were on-street parking impacts, then the project would come before this Committee. If there are not, then it would not. Mary Lou McElwain noted that the City is losing a lot of metered spaces with the PHA project. Public Works Director Peter Rice responded that those were the PHA spaces. They were not City spaces. The City had an agreement with PHA to use the spaces, but it is their property.

Harold Whitehouse did not think the McIntyre Building was providing enough spaces. Chairman Doug Roberts said there were no parking requirements for first floor retail in the downtown. They are proposing parking for the residential condos. Harold Whitehouse commented that it was a safety issue. Chairman Doug Roberts responded that he did not think it was a safety issue.

Deputy City Manager Nancy Colbert Puff commented that the Planning Board had jurisdiction over the number of parking spaces pursuant to the Ordinance. The developers will be doing a traffic study as part of the application. It will be reviewed by the Planning Board.

Steve Pesci said that more than just applications with parking impacts should come before this Committee. If traffic studies or designs for new projects impacted the streetscapes, pedestrian scape or traffic flow, it should come to PTS for member feedback.

Ralph DiBernardo agreed with some of the concerns Mary Lou McElwain expressed. He was disappointed that the Committee would not be participating in the proposed pedestrian street closures before presentation to the City Council. He understood that this is an advisory committee and it is the Council's choice to refer an item for review. However, that means the only members not included in this street closure discussion are the citizen appointed members. Closing streets for pedestrians is the beginning of a potential ongoing program. The Echo Avenue closure and Neighborhood Parking Program came before this Committee. The citizen members had good input for those projects.

Ralph DiBernardo moved that Chairman Doug Roberts request the City Council include the PTS Committee in the discussion about closing the streets for pedestrian use before implementation, seconded by Mary Lou McElwain.

Public Works Director Peter Rice commented that street closures are an event-related activity and handled by staff. This event is not a permanent closure. It is no different than Children's Day or Market Square Day. It's a managerial issue. If this was a permanent closure, then it should come to this Committee. Public Works Director Peter Rice did not support the motion: it is an event.

Harold Whitehouse questioned if Ralph DiBernardo knew that it was changed to two Sundays in September. Ralph DiBernardo responded that he was aware, but added that the proposal was not posted on the website. Deputy City Manager Nancy Colbert Puff said it was included in a City Council packet on the website.

Ralph DiBernardo noted that the original proposal would have made a serious impact to the City's parking and traffic. The foundation for this is evolving with the pilot trial, but it has potential to be a bigger program. He thought this Committee should have input. The pilot Neighborhood Parking Program came before PTS because they expected it to be permanent.

Police Captain Frank Warchol commented that the Police Chief had the authority to close streets for events or other reasons and not consult staff or committees. Deputy City Manager Nancy Colbert Puff added that this was not a proposal for a permanent closure of Market Square. It is an event proposal. City staff are working with the Council to ensure the event is successful and safe. Chairman Doug Roberts added the event would open streets to pedestrians. Other communities have been successful with this approach.

Ralph DiBernardo questioned if any permanent street closure would come before this Committee. Chairman Doug Roberts said yes but the Council can decide against it.

Steve Pesci commented that it would be a positive thing for the Committee to have some input on this event. He requested that a message be conveyed to Council saying that there is a Parking Traffic and Safety Committee that would like to play a role in these discussions. Chairman Doug Roberts responded that he would keep that in mind going forward and bring it to their attention.

Ralph DiBernardo withdrew his motion, and Mary Lou McElwain withdrew her second.

XI. ADJOURNMENT – at 8:58 a.m., VOTED to adjourn.

Respectfully submitted by:

Becky Frey
PTS Recording Secretary

RULE 7. ORDER OF BUSINESS

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

- I. Work Session
- II. Call to Order [7:00 p.m. or thereafter]
- III. Roll Call
- IV. Invocation
- V. Pledge of Allegiance
- ~~VI. Volunteer Committee Reports~~
- ~~VII.~~ VI. Acceptance of Minutes
- VII. Recognitions and Volunteer Committee Reports
- ~~VIII.~~ VIII. Public Comment Session or Public Dialogue Summary
- ~~IX.~~ IX. Public Hearings and Votes on Ordinances and/or Resolutions
- X. Mayor
- XI. City Council Members
(~~A single item of business per Council member unless further items are approved in advance by the Mayor~~ A City Councilor Member may either speak to their item(s) previously placed on the agenda in accordance with Rule 4 or bring a single item that appears later on the meeting's agenda forward to be acted upon at this point.)
- ~~X.~~ XII. Approval of Grants/Donations
- XIII. City Manager's Items Which Require Action
- ~~XI.~~ XIV. Consent Agenda
- ~~XII.~~ XV. Presentation and Consideration of Written Communications and Petitions
- ~~XIII.~~ ~~Reports and Communications from City Officials~~
- ~~A.~~ ~~CITY MANAGER~~

~~Items Which Require Action Under Other Sections of the Agenda
City Manager's Items Which Require Action~~

~~B. MAYOR~~

~~C. CITY COUNCIL MEMBERS~~

~~(A single item of business per Council member unless further items are approved in advance by the Mayor.)~~

XVI. City Manager's Informational Items

~~XIV.~~ XVII. Miscellaneous Business Including Business Remaining Unfinished at Previous Meeting

~~XV.~~ XVIII. Adjournment [at 10:00 p.m. or earlier]

(ADOPTED NEW ORDER OF BUSINESS 1/9/06; AMENDED 1/25/2016; AMENDED 08/21/2017)

RULE 4. COUNCIL MEETING AGENDA

All reports, communications, ordinances, resolutions, or other matters to be submitted to the Council shall, by 12:00 noon on Wednesday prior to each Council meeting be delivered to the City Clerk whereupon the City Clerk shall immediately arrange or cause to be arranged a list of such matters according to the Order of Business. Each member of the Council may place a single item of business under the name of that Councilor unless further items are approved in advance by the Mayor. The City Clerk shall furnish each member of the Council, City Manager, and City Attorney with a copy of the Agenda by 5:00 p.m. on Thursday prior to each Council meeting, and shall make copies of the Agenda available in the Office of City Clerk for the public by that time. (AMENDED 1/5/98) (AMENDED 1/25/2016)